

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
February 3, 2011 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Bob Flocke.

Mayor Flocke gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Bob Flocke and Councilmembers Marilee Wood, Mac McCullough, Steve Thurber, and John White. Councilmember Bill Appleman was absent.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Attorney Cindy Crosby.

Citizens Communications

Eagle Rock resident Clint Frankmann asked that Council consider both the majority and minority views of the Planning & Zoning Commission when deliberating on the Commission's recommendations. In addition to the Commission vice chair's presentation to Council, Mr. Frankmann felt that a designated Commission member should present any alternative minority views.

1. Consent Agenda

- A. Approval of the minutes of the Special City Council meeting of January 19, 2011
- B. Approval of the minutes of the Special City Council meeting of January 20, 2011
- C. Approval of the minutes of the Regular City Council meeting of January 20, 2011

City Administrator Ferguson requested an amendment to the regular minutes of January 20, 2011 (relating to Agenda Item 5C on page 10) reflecting Council's direction to staff to discuss future development plans affecting sidewalk construction, rather than proceeding with the proposed sidewalk plan. After reviewing Council's discussion, the minutes were amended as follows: "It was agreed to direct staff to discuss future development plans with W.C. Carson and Ozona National Bank, before taking any action."

Councilmember Thurber moved to approve Consent Agenda Items 1A and 1B as presented, and Consent Agenda Item 1C, as amended. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

2. City Administrator Report

- Status report on the efforts underway to secure federal funding for the downtown wastewater project

City Administrator Ferguson reported that staff is continuing to work with legal counsel on this issue.

- Status report on the *Ranch Road 12 Improvement Project*

City Administrator Ferguson reported on a recent meeting to review the preliminary schematic design concept. Before finalization of project designs, the importance of public meetings to gather input was stressed to Hays County Precinct Three Commissioner Will Conley. Reasons given at the recent meeting for design changes were provided to Council.

- Status report on the development of probable costs for the *2011 City of Wimberley Street Improvement Program*

City Administrator Ferguson listed probable costs for individual street improvements, including Cliffview, Hinson, Malone, Rockwall, Smith Creek, Twilight Trail, and Mill Race Lane. He noted that staff is continuing discussions with Mill Race Lane residents about improvements. Probable costs for the designated priority street projects were estimated at \$231,730. Discussion of the *2011 City of Wimberley Street Improvement Program* will be on Council's next regular meeting agenda.

- Status report on the Wimberley Community Center (WCC) operations

Due to the resignation of the current WCC director, who plans to depart in April, City Administrator Ferguson reported on beginning the search for a new part-time director. He stated that the Parks and Recreation Board will be reviewing a plan to increase small group use at the WCC for community educational/recreational activities, as well as a draft Request for Proposal (RFP) to privatize WCC operations.

- Status report on the development of the Blue Hole Regional Park

City Administrator Ferguson reported on the completion of asbestos abatement, the scheduled grand opening date, delays in Texas Commission on Environmental Quality (TCEQ) permitting, construction-related trail closings, effect of construction on Park access, specific public notification measures, and the search for a Park manager. Discussion addressed the effect of the delayed TCEQ permitting on the completion deadline and any costs associated with the delay.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning) of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a tract approximately 3.295 acres located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, rezoning such real property from Single-Family Residential 2 (R-2) to a Wimberley Planned Development District (WPDD) with a base zoning district of Commercial Low Impact (C-1), and adding conditions; and providing for the following: delineation on zoning

map; findings of fact; severability; effective date and proper notice and meeting. (*Sibyl Burrows, Applicant*)

This item was heard after Agenda Item 4A.

Mayor Flocke read Agenda Item 3A.

Referencing Agenda Items 3A and 3B, City Administrator Ferguson recommended that Council vote to formally accept the applicants' requests to withdraw their WPDD applications.

Discussion addressed the need for Council action on the withdrawal requests, agenda item postings, and public notice requirements.

Councilmember White stated that the withdrawal of the aforementioned WPDD applications was not entirely voluntary. In response to Councilmember White's question relating to the status of applicants in City-initiated zoning cases, City Administrator Ferguson replied that the applicant (Natalie Meeks for Rio Bonito), may exercise the following options: apply for a WPDD that is not City-initiated; proceed with the existing application; or request rezoning from the current zoning designation. He stated that both applicants for Agenda Items 3A and 3B did not favor proceeding at this time, in order to allow for development of a master plan.

Councilmember White commented: "This has the appearance to me that a few people have managed to stop someone from doing business on their land. Our regulations have reached a point that a very few can tell someone else – no you're not going to do that, if you go broke, tough."

Discussion addressed the State's so-called "twenty-percent rule," requiring a super majority Council vote to approve regulations opposed in writing by twenty percent (20%) or more of the notified area. Mayor Flocke entertained a motion on Agenda Items 3A and 3B. Councilmember White felt that "a disservice has been done to two landowners." Mayor Flocke suggested that Councilmember White request discussion of his concerns as a future agenda item.

Mayor Flocke read Agenda Item 3B, and entertained a motion to accept the withdrawal of the WPDD applications as stated in Agenda Items 3A and 3B.

Councilmember Thurber moved to accept the withdrawal of applications for Agenda Items 3A and 3B. Councilmember Wood seconded. Motion carried on a vote of 3-1. Councilmember White voted against.

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning) of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a tract approximately 34.11 acres located at 13401 Ranch Road 12, Wimberley, Hays County, Texas, rezoning such real property from Residential Acreage (RA), Rural Residential 1 (R-1), Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to a Wimberley Planned Development District (WPDD) with a base zoning district of Residential

Acreage (RA), and adding conditions; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*City of Wimberley & Natalie Meeks for Rio Bonito, Applicants*)

See action taken under Agenda Item 3A.

4. Discussion and Possible Action

- A. Discuss and consider possible action on the proposed development of an ordinance requiring the reimbursement of certain expenses incurred by the City of Wimberley in City Election recounts and contested City Elections. (*Place Two Councilmember Mac McCullough*)

This item was heard after Agenda Item 4F.

Eagle Rock resident Clint Frankmann expressed his view that in the event of contested election results, it does not seem equitable for the party contesting the result to bear the expense any governmental entity incurs to ensure a fair and equitable election. He stated: "Government by nature is charged with that responsibility." Mr. Frankmann made the following comment relating to close elections where no fraud is alleged: "In a case where a close numerical count between candidates is challenged, and where no fraud is alleged or in evidence, the contesting candidate, who feels an honest oversight by responsible parties has cost him an election, certainly bears some expense, if he so desires, and if he feels that a recount would be in his benefit."

Councilmember McCullough stated that he has consulted attorney Buck Wood (at his own expense) to find an equitable resolution to this matter. Due to Mr. Wood's full schedule, Councilmember McCullough asked to continue this item until Council's meeting on March 3, 2011. Council agreed to continue this item until March 3, 2011. No vote was taken.

- B. Discuss and consider possible action on plans for the 2011 Wimberley Arts Fest on the Wimberley Square on Saturday, April 30, 2011. (*City Administrator*)

City Administrator Ferguson provided details on the event, including date/times, right-of-way use, and vehicle access. Discussion established that no alcohol will be served as part of the event.

An event representative and City Administrator Ferguson answered Councilmember McCullough's questions about specific areas where alcohol may be sold by merchants as part of their normal business operations and addressed concerns about placement of Hays County Constable's vehicles. City Administrator Ferguson stated that permission has been given to event organizers to borrow some tables and barricades from the City for the event.

Councilmember Thurber moved to approve the item as presented. Councilmember Wood seconded. Motion carried on a vote of 4-0.

- C. Discuss and consider possible action on plans for a proposed *Community Shred Day* on Saturday, May 7, 2011. (*City Administrator*)

City Administrator Ferguson provided details on the first-ever event giving residents a free opportunity to safely dispose of sensitive documents.

Councilmember Thurber moved to approve the item as presented. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action providing City staff with direction regarding alternative irrigation plans for the soccer fields at the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson presented five (5) options and associated cost estimates.

After discussion of each option and its cost, Council preferred Option #4, as highlighted below:

- Chlorinate the Type II effluent currently produced by the existing treatment plant and irrigate the soccer fields with the treated effluent utilizing a subsurface drip irrigation system at a cost of \$388,746.00

Discussion addressed specific funding options, ways to offset irrigation expenses, the City's commitment to provide soccer field irrigation, and Guadalupe Blanco River Authority's (GBRA's) role in helping to find funding alternatives.

Councilmember Thurber moved to authorize staff to pursue negotiations with GBRA in line with Option #4, as presented. Councilmember Wood seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action on a recommendation from the Wimberley Transportation Advisory Board (TAB) relating to the Hays County-City of Wimberley Regional Hike and Bike Trail. (*Wimberley Transportation Advisory Board*)

In light of recent erosion after a moderate rainfall event, City Administrator Ferguson stated TAB's recommendation to encourage Hays County to utilize remaining project funds to improve the durability of the trail surface by either adding an asphalt surface or by adding concrete curbs to control the spreading and erosion of the current crushed granite surface. In addition, TAB is recommending the use of large limestone blocks and native vegetation alongside the trail and/or the installation of properly spaced bollards across the trail to discourage ATV use of the trail. As part of its recommendation, the TAB urged the City and County to hold the trail designer and/or trail contractor responsible for repairing and correcting the causes of recent significant erosion and silting reported on the trail.

Discussion addressed various options to improve durability and security of the trail, cost to repair recent damage to the trail, holding responsible parties accountable for repair costs, types of materials, and the priority need for immediate and long-term stabilization of the trail surface.

Councilmember Wood moved to authorize City Administrator Ferguson to work with Hays County to come up with a method for stabilizing the trail for long-term durability and use that would meet with Council's approval. Councilmember Thurber seconded and requested a friendly amendment stating that as secondary to stabilization of the trail surface, recommendations for security improvements along the trail also need to be addressed, with use of excess grant funds and possible recovery of repair costs. Councilmember Wood accepted Councilmember Thurber's friendly amendment. Motion carried on a vote of 4-0.

City Administrator Ferguson advised that a letter to Hays County will be drafted, expressing Council's strong primary concerns over immediate stabilization of the trail surface, the need to take steps to hold the design engineer accountable for correcting the erosion problem; and, secondarily, the addressing of security issues along the trail, in accordance with TAB's recommendations.

F. Discuss and consider possible action on amendments to the boundary map for the City of Wimberley. (*City Administrator*)

This item was heard after Agenda Item 2.

City Administrator Ferguson introduced Jack Avis of Baker-Aicklen & Associates, who distributed a handout (*attached to these minutes*) to Council and presented reasoning for the requested revisions.

Discussion addressed:

- Lack of recordation of document(s)
- Revised city limits to include a specific property that runs along the south side of a portion of Wayside Drive
- Two (2) specific properties on the western boundary of River Meadows and associated recorded grantings of ingress/egress with restrictions; and, information presented by those individual property owners, subsequent to completion of the original survey
- Transfer of properties via plat amendments
- Hays Central Appraisal District's records and identification of properties
- Accuracy of the original survey by Baker-Aicklen, which was based on information available to the City at the time of production
- Unrecorded plats
- Deed research on Inwood Forest East properties adjacent to River Meadows
- Removal of four (4) properties (shown on page 2 of handout) from the City of Wimberley ETJ, in order to add same to the City of Woodcreek ETJ, as requested by the subject properties' owners

City Administrator Ferguson recommended approval of the requested revisions to the map, as presented in Mr. Avis's handout:

- To modify the city limits as shown on the boundary map where they run along the edge of River Meadows Subdivision and Inwood Forest East Subdivision

- To modify the city limits as shown on the boundary map where they run along a portion of Wayside Drive
- To correct the map in the area of Eagle Rock Ranchitos to accurately reflect those properties located in the City of Woodcreek's ETJ and the City of Wimberley's ETJ

Councilmember White moved to approve the item as presented. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

- G. Discuss and consider possible action regarding the schematic designs for two (2) entry gates at the Blue Hole Regional Park. (*City Administrator*)

This item was heard after Agenda Item 4E.

City Administrator Ferguson showed Council examples of both custom metal gate designs by artist Benge Elliot, Jr., who is donating his services to the project. Details on each design were provided, including types of materials used. In response to Clint Frankmann, who spoke highly of Mr. Elliot, City Administrator Ferguson provided details on the gates' designs, finishes, and sizes. Citing remarks by Design Workshop's Steven Spears, Councilmember Wood commented on the special nature of the custom-designed gates and their benefit to the Park.

Councilmember Thurber moved to approve the item as presented. Councilmember Wood seconded. Motion carried on a vote of 4-0.

5. City Council Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Mayor Flocke called the meeting adjourned at 7:30 p.m.

Adjournment: Council meeting adjourned at 7:30 p.m.

Recorded by:

Cara McPartland
Cara McPartland

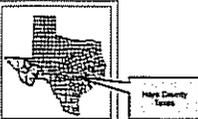
These minutes approved on the 17th of February, 2011.

APPROVED:

Bob Flocke

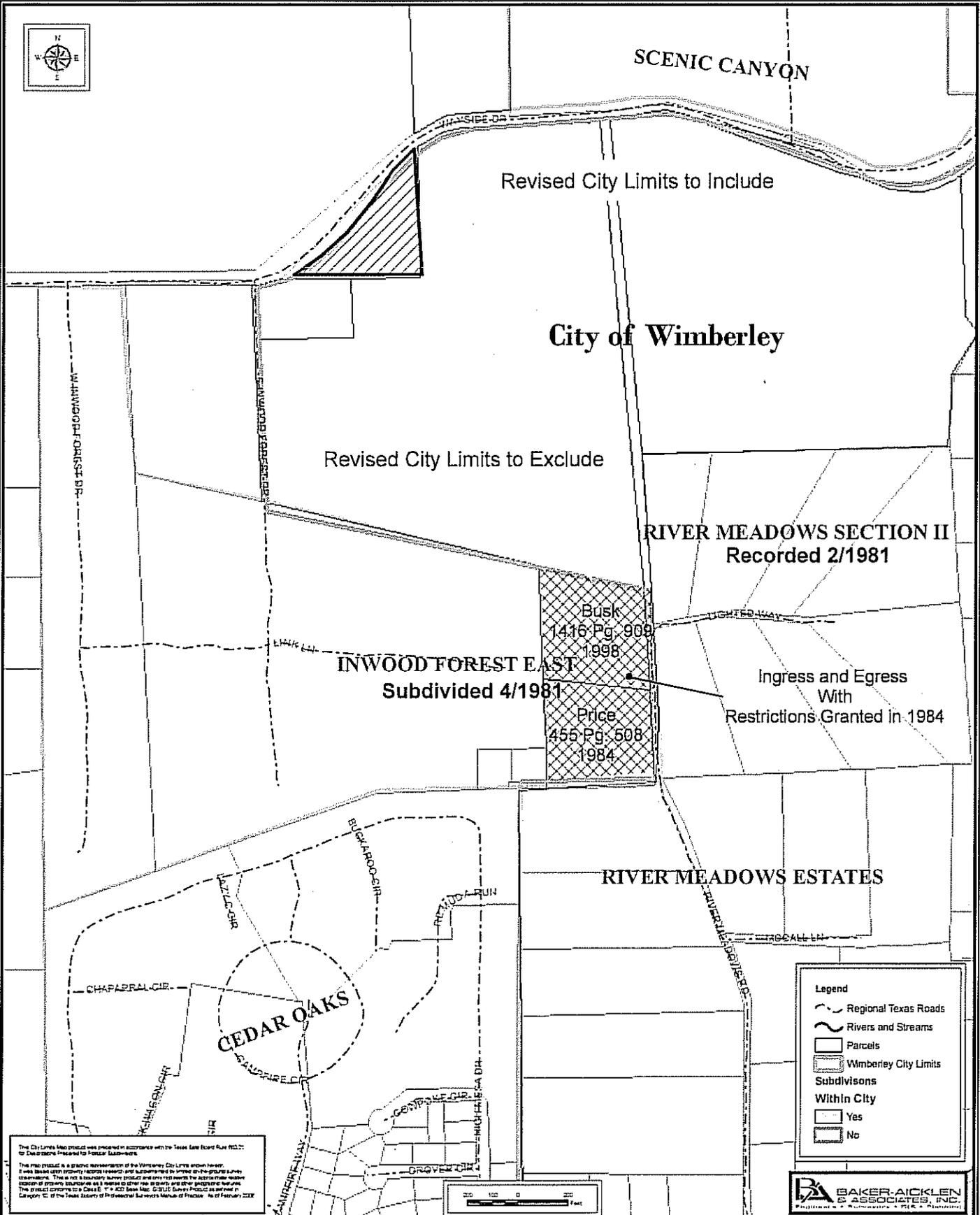
Bob Flocke, Mayor





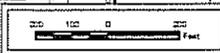
Wimberley City Limits

Hays County, Texas - Revisions February, 2011



The City Limits Map product was prepared in accordance with the Texas Land Record Rule 103.21 or Determinations Presented to Public Authorities.

This map product is a graphic representation of the Wimberley City Limits and is not a boundary survey product and does not meet the accuracy standards of a boundary survey product as defined in the Texas Surveying Act. The product is not a boundary survey product and does not meet the accuracy standards of a boundary survey product as defined in the Texas Surveying Act. The product is not a boundary survey product and does not meet the accuracy standards of a boundary survey product as defined in the Texas Surveying Act.



Legend

- Regional Texas Roads
- Rivers and Streams
- Parcels
- Wimberley City Limits
- Subdivisions**
- Within City
- Yes
- No



