

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
February 5, 2009 at 6:30 p.m.

City Council meeting called to order at 6:30 p.m. by Mayor Tom Haley.

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

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bob Flocke, Jeri Xiques, Steve Thurber, and Dick Larson.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and Assistant City Attorney Brad Young.

Presentations of Citizens:

- Citizen Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the regular City Council meeting of January 15, 2009.
- B. Approval of minutes of the special City Council meeting of January 28, 2009.

Councilmember Flocke moved to approve Consent Agenda items as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on efforts underway to secure state and federal funding for the Downtown Wastewater Project

City Administrator Ferguson thanked Council for its attendance at last week's public meeting held at the Wimberley Community Center. He reported on recent productive meetings with State officials on efforts relating to possible stimulus package funding for projects submitted to the Texas Water Development Board. Mr. Ferguson advised of positive feedback on the City's submitted application for stimulus package funding and reported on a meeting held with U.S. Department of Agriculture (USDA) officials relating to long-term financing for projects. Constant contact and monitoring will continue as the City aggressively pursues funding.

- Status report on the Texas Parks and Wildlife grant application for the development of the Blue Hole Regional Park

City Administrator Ferguson reported that the grant application for approximately \$500,000 in funds has been submitted and anticipated a four to five month review cycle. He reported on the time deadlines and responses to the City's published Request for Qualifications (RFQ) for Blue Hole Regional Park development. Mr. Ferguson advised that a broadly representative stakeholder group will make a recommendation to Council upon review of submitted RFQs. He cautioned Council members against any communications with respondents to the RFQ.

- Status report on the coordinated compliance review of septic systems in downtown Wimberley

City Administrator Ferguson reported on the door-to-door courtesy review underway with downtown property owners by City and Hays County representatives, which will take approximately six to seven weeks to complete. In response to Councilmember Flocke's inquiry, Mr. Ferguson noted that a proactive compliance process is in place should some systems be found non-compliant and outlined various alternatives for property owners.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported on that February's court docket reflected very light activity.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on continuing speed enforcement and assistance provided to Hays County Sheriff's Office on burglary cases.

City Administrator Ferguson closed his remarks by noting that the City has received notice of a rate increase from Texas Disposal Systems.

3. Presentations

- A. Presentation by the Chairman of the Transportation Advisory Board (TAB) of the Board's quarterly activities report.

This item was heard after Agenda Item No. 7A. TAB Chairman Corwin Vansant presented information on the following TAB activities:

- TAB's progress on design and engineering of downtown sidewalks
- Ranch Road 12 parkway design from the Junction to San Marcos and its related bond issue
- Alternate routing for downtown storm sewer line under Ranch Road 12
- Analyzed existing downtown sidewalks and requested restriping/signage currently underway by Texas Department of Transportation (TxDOT)

- TxDOT agreement on the reconfiguration of Ranch Road 12 and FM 32 with possible City acquisition of approximately 3.5 acres of land tentatively planned as a “Welcome to Wimberley” park

Chairman Vansant reported on the following activities of TAB’s Transportation Master Plan (TMP) Subcommittee:

- Identification of locations with limited emergency vehicle access in coordination with Wimberley Fire Department/EMS
- Developed future locations for sidewalks, trails, downtown parking areas
- Developed plans for new streets or extensions of existing streets to provide connectivity
- Possible planned conversion of Las Flores and La Buena Vista into a multi-lane continuation of Winters Mill Parkway
- Completed and distributed the TMP Phase 1 Report, with Phase 2 in progress

Chairman Vansant reported on the following activities of TAB’s Square Improvement Subcommittee:

- Held productive public meeting in June 2008 to present current plans
- Met with major trucking representatives to help resolve loading/unloading issues downtown
- Constructed two prototype planters on the north side of the square in front of River House
- Completed preliminary design to install deck/seating at two large oak trees at Ranch Road 12 and Old Kyle Road
- Created a comprehensive list of downtown business owners
- Analyzed low water crossings and proposed engineering/administrative solutions for each location
- Noted reduced speeding complaints from citizens due to City Marshal enforcement efforts

Chairman Vansant reported on notice from Capital Area Metropolitan Planning Organization (CAMPO) regarding receipt of grant funding for hike, bike, and pedestrian paths on the bypass. He noted that Hays County is currently working on right-of-way issues for this project. He reported that the traffic control study is presently on hold and that plans are being reviewed to integrate private roads into the City’s road system.

Discussion among staff, Council, and Chairman Vansant acknowledged the diligent efforts and hard work by TAB/subcommittee members and addressed specific questions relating to connectivity, ongoing maintenance of downtown business owners list, newly installed downtown planters, regular quarterly reports, downtown traffic control, and the need for more funding such as an ad valorem tax.

B. Presentation by the City staff on the citywide zoning project

This item was heard after Agenda Item No. 7H. City Administrator Ferguson reported on the current/upcoming public meeting/notification process and advised additional meetings may be

scheduled as needed. He noted major proposed zoning changes (particularly those concentrated along entry corridors), feedback to date, and map locations for public viewing.

Discussion among Council and Mr. Ferguson addressed possible deficiencies in the bulk mailing process, pending consideration of an ordinance reflecting Comprehensive Plan updates, concerns regarding the effect of proposed zoning on property tax appraisals/exemptions and existing uses, compatibility with the Comprehensive Plan, positive aspects to citywide zoning, and ability to address individual property owners' concerns over proposed zoning.

4. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of the second and final reading of an ordinance amending Subsection 155.107(B)(1) (Planning and Zoning Commission), of the Code of Ordinances of the City of Wimberley, Texas, in order to revise the membership requirements; providing for an effective date; proper notice and meeting, severability and repealer (*Place Five Councilmember Dick Larson*).

Because this ordinance is currently being rewritten, Mayor Haley pulled this item for consideration at Council's next regularly scheduled meeting as a first reading.

- B. Hold a public hearing and consider approval of an application for an amending plat of Lots 5 and 6, Flite Acres/Little Ranches located off Hoots Holler Road, Wimberley, Hays County, Texas along with a requested exception to the City Code requirements relating to minimum width/maximum depth lot ratios (*Lon Breitenbach, Applicant*).

City Administrator Ferguson reviewed the application including repartitioned lot sizes/acreages, explained the reasoning for the applicant's requested exceptions to minimum width/maximum depth requirements, and advised of staff's recommendation for approval. He noted that Planning and Zoning Commission unanimously voted for approval and that no negative public comments were received.

Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing and opened Council discussion. Councilmember Thurber moved to approve the item as presented. Councilmember Larson seconded. Motion carried on a vote of 5-0.

5. Resolution

- Consider approval of a resolution of the City of Wimberley, Texas in support of the creation and implementation of a wastewater system (*City Administrator*).

Mayor Haley introduced the item and Wimberley property owner Phil Collins spoke in full support of the resolution and complimented Hays County Environmental Health Department for its help in researching area septic systems permitting. Discussion addressed the purpose and usefulness of this resolution in helping property owners to obtain wastewater service by alternate methods provided

that no City legal/property rights are violated. Agreement was reached that approval of this item expressing general support without specific references to any particular property may offer some positive benefits. Hearing no further discussion, Mayor Haley entertained a motion. Councilmember Thurber moved to approve the item as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

6. Ordinances

- A. Consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas amending Title V (Public Works) by creating Chapter 51 (Water Conservation) of the Code of Ordinances in order to establish regulations to conserve water; providing for a penalty for violations of the ordinance; findings of fact; repealer; severability; effective date; and proper notice and meeting (*Place Four Councilmember Steve Thurber*).

Mayor Haley introduced the item and opened the public hearing. Hearing no comments, Mayor Haley closed the public hearing and opened Council discussion. Councilmember Thurber read an excerpt from a letter to the editor printed in the January 17, 2009 edition of the Wimberley View (written by Becky T. Lane) expressing concern over Hays County Commissioners Court proceedings that referenced Wimberley's lack of water conservation regulations. City Administrator Ferguson reviewed past discussions of this proposed ordinance and outlined current revisions based on those discussions relating to allowed watering times and restructuring of language in §51.29 (Access to Premises). City Administrator Ferguson recommended changing references to March 1, 2009 in the proposed ordinance to April 1, 2009.

Councilmember Roccaforte moved to approve the item as presented. Councilmember Thurber offered a friendly amendment to change any stated deadlines of March 1, 2009 to read April 1, 2009. Councilmember Roccaforte accepted the friendly amendment and restated his motion to approve the ordinance as presented with the previously stated date changes. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- B. Consider approval of an ordinance of the City of Wimberley, Texas, ordering a General Election on May 9, 2009, for the purpose of electing City Council members for Places One, Three, and Five of the City of Wimberley City Council, such election to be held jointly with Hays County and Wimberley ISD; establishing early voting locations and polling places for the election; making other provisions for the conduct of the election; and providing for findings of fact, severability, conflicting provisions, governing law, proper notice and open meeting, and an effective date (*City Administrator*).

City Administrator Ferguson explained the need for this ordinance to call the election and outlined eligible electors, voting/early voting days/hours, participating joint election entities, and election officers. He noted that there is a need for qualified election workers.

Councilmember Flocke moved to approve the item as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

7. Discussion and Possible Action

- A. Discuss and consider approval of the City of Wimberley Annual Financial Report for the Fiscal Year ended September 30, 2008 (*City Administrator*).

This item was heard after Agenda Item No. 2. Preston Singleton of Singleton, Moore & Company, LLP presented the City's Annual Financial and Compliance Report. He summarized the report, provided an overview of financial statements, and highlighted the City's revenues/expenditures in various fund balances. He noted the City's dependence on sales tax revenue which is subject to fluctuations in the overall economy, with the suggestion of a nominal property tax as a future option to help even out revenues.

Mr. Singleton reviewed net changes in fund balances and reported that the City has approximately eight months of expenditures in its unreserved General Fund balance. Favorable comments were made regarding the City's fund balance, with very little variation noted between budgeted and actual amounts. All expenditures were within budgeted amounts.

Mr. Singleton concluded his presentation by summarizing the following four sections of the Fiscal Year 2007/2008 Audit Reporting Package: required communications with the governing body, including internal control related matters; summary of audit adjustments; summary of proposed, but unrecorded journal entries; and management representation letter.

Council thanked Mr. Singleton for his presentation and Mayor Haley entertained a motion. Councilmember Thurber moved to approve the item as presented. Councilmember Larson seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider approval of an agreement with the Hays County Election Division to conduct the May 9, 2009 election for the City of Wimberley (*City Administrator*).

This item was heard after Agenda Item No. 6B. Mayor Haley introduced the item and entertained a motion. Councilmember Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding a proposed joint election agreement with the Wimberley ISD for the May 9, 2009 election (*City Administrator*).

Mayor Haley introduced the item and entertained a motion. Councilmember Xiques moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a proposed joint election agreement with

Hays County for the May 9, 2009 election (*City Administrator*).

Mayor Haley introduced the item and entertained a motion. Councilmember Xiques moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider action approving a variance to the City of Wimberley sign regulations for a business located at 12605 Ranch Road 12 (*City Administrator*).

City Administrator Ferguson stated that legal review has determined that prior concerns relating to prohibited "off-premise" signage have been resolved and that staff recommends approval. Discussion among staff and Council addressed status of signage should the business expand or relocate. Councilmember Flocke moved to approve the variance in accordance with the following standards:

- The variance will not authorize a type of sign which is specifically prohibited
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan
- The variance is not contrary to the public interest
- Due to special conditions, a literal enforcement of the sign ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Councilmember Xiques seconded. Councilmember Larson abstained. Motion carried on a vote of 4-0.

- F. Discuss and consider action approving a variance to the City of Wimberley sign regulations for a business located at 14201 Ranch Road 12 (*City Administrator*).

City Administrator Ferguson explained this variance request to allow the owner to use State Farm's business logo colors (red and white) on the existing free standing sign located in front of the office complex. Councilmember Thurber felt that the City Sign Ordinance is in place to preserve the character and charm of Wimberley and that granting variances serves to detract from Wimberley's unique atmosphere. In response to Councilmember Larson, City Administrator Ferguson replied that no complaints had been received relating to this variance request. Councilmember Xiques felt that allowing the variance would give the business a better chance at success and did not feel that the use of business logo colors would harm Wimberley's aesthetic appeal. Councilmember Roccaforte concurred with Councilmember Xiques. Councilmember Flocke agreed with Councilmember Xiques that signs do not all have to be of the same limited color schemes and likened such sameness to signs on a military base.

Mayor Haley entertained a motion. Councilmember Roccaforte moved to approve the item as presented and in accordance with the following conditions:

- The variance will not authorize a type of sign which is specifically prohibited
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan
- The variance is not contrary to the public interest
- Due to special conditions, a literal enforcement of the sign ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Councilmember Larson seconded. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Xiques, aye; Councilmember Thurber, nay; Councilmember Larson aye. Motion carried on a vote of 4-1.

G. Discuss and consider approval of a commercial lease agreement for the existing City of Wimberley City Hall office space and storage space (*City Administrator*).

City Administrator Ferguson stated that negotiations have reduced the amount of rent increase from 5 percent to 3.5 percent. Councilmember Thurber stated that the lease should not contain any rent increase given that in the current economy there is an abundance of empty commercial space.

Councilmember Flocke moved to approve the item as presented. Councilmember Roccaforte seconded. Mayor Haley called for a vote as follows: Councilmember Larson, aye; Councilmember Thurber, nay; Councilmember Xiques, aye; Councilmember Flocke, aye; Councilmember Roccaforte, aye. Motion carried on a vote of 4-1.

H. Discuss and consider possible action regarding the duties and responsibilities of the City of Wimberley Advisory Boards and Commissions (*Mayor Pro tem Bob Flocke*).

This item was heard after Agenda Item No. 3A. Council discussion addressed traditional roles of boards/commissions, reinstatement of quarterly reporting, routine receipt by Council of all boards/commissions agendas/minutes, more effective use/design of website, and underutilization of talents of boards/commissions, with suggested corrective actions. General agreement was reached to direct staff to implement previously stated suggestions to distribute all board/commission agendas/minutes to Council, reinstate quarterly reporting, and more fully utilize available talent of board/commission members for various projects/tasks. City Administrator Ferguson also suggested the possibility of considering annual joint workshops with Council and various boards/commissions.

I. Discuss and consider action to establish a process that will be used to determine the use of

the property recently donated to the City of Wimberley by Pedernales Electric Cooperative (*City Administrator*).

City Administrator Ferguson requested direction from Council on the possibility of forming a task force to receive input and make a recommendation on the use of the donated property. Mayor Haley suggested that each member of Council make an appointment. Discussion generally agreed on appointment of a five-member group consisting of representatives from Parks and Recreation Board, Transportation Advisory Board, Wimberley Chamber of Commerce, and Keep Wimberley Beautiful. Mayor Haley withdrew his previously stated recommendation.

Councilmember Flocke moved to approve the formation of an ad hoc committee with representation (selected by Board chairs) from Parks and Recreation Board and Transportation Advisory Board, as well as representation from the Wimberley Chamber of Commerce and Keep Wimberley Beautiful, in order to recommend uses for the recently donated property. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider possible action relating to the annual performance review of the City Administrator (*Mayor Tom Haley*).

Mayor Haley requested that this item be pulled and placed on Council's next regular meeting.

8. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Roccaforte requested discussion of slope requirements as a future agenda item.

Councilmember Flocke requested discussion on possible implementation of a City business permit (with a nominal fee) to better track business activity as a future agenda item.

Hearing no further comments, Mayor Haley entertained a motion. Councilmember Larson moved to adjourn. Mayor Haley called the meeting adjourned.

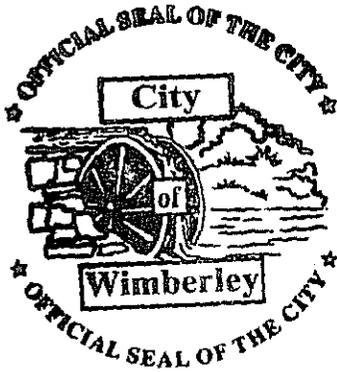
Adjournment: Council meeting adjourned at 8:11 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 19th of February, 2009.



APPROVED:

Tom Haley
Tom Haley, Mayor