

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
May 1, 2014 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, Councilmembers Tom Talcott, Mac McCullough (arrived at 6:02 p.m.), Matt Meeks, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland

### **Citizens Communications**

Mary Kathryn Brown of 250 Cedar Hollow spoke on the upcoming Energy Star Sales Tax Holiday, provided details on qualifying items and types of sales, and distributed an informational handout for sellers from the State of Texas website.

#### **1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of April 17, 2014
- B. Approval of minutes of the Special City Council meeting of April 23, 2014

Councilmember Thurber moved to approve both Consent Agenda items, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

#### **2. City Administrator Report**

- Status report on the proposed development of a cell tower facility on the site of the Wimberley Post Office

City Administrator Ferguson reported on the recent public meeting hosted by American Tower and notice from AT & T that alternative tower sites are being explored as a result of that meeting. Upon further review, he advised that American Tower has been notified of the need to comply with applicable City zoning and building permit requirements before construction of a tower inside city limits.

- Status report on permitting processes for the proposed *Central Wimberley Wastewater Treatment Plant*

City Administrator Ferguson reported that the permit application will be filed with TCEQ in the next few days for an ultimate build-out capacity never to exceed 100,000 gallons per day. It was noted that the proposed plant will be built for a 75,000 gallons per day capacity, as recommended by the Central Wimberley Wastewater Stakeholder Committee.

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

City Administrator Ferguson reported on the May operating schedule (weekends only until the beginning of daily operations on Memorial Day weekend through Labor Day) and summer staffing efforts. He noted that 996 people attended April's Concert in the Park series, generating almost \$2,400 in proceeds to Friends of Blue Hole for ongoing support of the Park.

In addition, City Administrator Ferguson advised that FEMA has released flood assistance funds to local governments, including the City of Wimberley. He stated efforts continue to leverage as much federal funding as possible. He noted that gravel removal projects are scheduled to begin in the coming weeks.

- Status report on issues relating to use of Ranch Road 12 by oversized vehicles

City Administrator Ferguson reported on a recent incident involving damaged trees/power lines illustrative of problems the City has encountered from oversized vehicle traffic. Partially as result of this incident, he advised that TxDOT has issued a directive to prohibit such oversized vehicles/loads through town, and if unavoidable, require notification of proper authorities, in order to make the necessary preparations.

- Status report on the May 10, 2014 City of Wimberley General and Special Elections

City Administrator Ferguson reported on voting/early voting dates/times at the Wimberley Community Center, encouraged voter participation, and clarified the City's policy on election-related signs. He stressed that the City has not picked up or stored any campaign signs.

In addition, City Administrator Ferguson reported that new replacement trees have been planted in the Square at a cost of approximately \$5,000-6,000. He explained details of work performed by the State's contractor that contributed to the failing health of the original trees and displayed a diseased portion of tree trunk from one of the originally planted trees.

### **3. Public Hearing and Possible Action**

Hold a public hearing and consider approval of the first reading of an ordinance amending Chapter 155 (Zoning), Section 155.107 (Planning and Zoning Commission) of the City of Wimberley Code of Ordinances for requirements relating to attendance and the removal of commissioners, and providing findings of fact, repealing clause, savings and severability clause, an effective date, and proper notice and meeting. (*Planning and Zoning Commission*)

City Administrator Ferguson highlighted current requirements and presented the following draft ordinance language resulting from Council discussion on April 17, 2014:

- The Commission shall hold one (1) regular meeting per month on the second Thursday of the month. Special called Meetings of the Commission may be held when deemed necessary.
- Any Commission member who misses three (3) regular meetings or special called meetings, where his or her absence resulted in the cancellation of the meeting, within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission.
- When any Commission member has missed two (2) regular meetings or special called meetings, where his or her absence resulted in the cancellation of the meeting, in a twelve (12) month time period, the City Administrator shall notify the subject Commission member and City Council, in writing, about the subject Commission member's absences.
- It shall be considered a missed meeting for any member who misses a special called meeting where their absence resulted in cancellation of the meeting.
- It shall be considered a missed meeting for any Commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason than to avoid a potential conflict of interest.
- Any Commission member who automatically vacates his or her position on the Commission may be considered for reappointment to the Commission or appointment to another City Board in the future by City Council.

Mayor Flocke opened the public hearing. Hearing no comments, Mayor Flocke closed the public hearing.

Discussion addressed dealing with tardiness and prohibiting Commission members from voting on items if they are not present when the subject agenda item is introduced.

Councilmember Thurber moved to approve the draft ordinance on first reading, as presented, with the following additional requirement: If a Commission member enters a meeting after an item has been introduced, then that member cannot participate in discussion or vote on the subject item. Councilmember White seconded. Motion carried on a vote of 5-0.

#### **4. Ordinance**

Consider approval of an ordinance amending Title XV (Land Usage) of the City of Wimberley Code of Ordinances and supplementing the standards of the Fire Code as adopted by the City in its building regulations, and providing findings of fact, a repealing clause, a savings and severability clause, an effective date, and proper notice and meeting.  
(*City Administrator*)

City Administrator Ferguson explained the proposed amendment would modify the Code to allow the City to accept reduced fire flows when it can be proven that the public water supply is unable to supply provide fire flows sufficient to meet the standards set forth in the Code. He noted that the reduced flows would be required to meet the minimum standards on water supplies

for suburban and rural fire fighting in accordance with the National Fire Protection Act (NFPA) 1142. He stated that Wimberley Fire Chief Carroll Czichos and Gib Watt, the City's Fire Plan Review Specialist, are in agreement with the subject amendment, and recommended approval. Discussion addressed reasonable alternatives to allow for compliance given existing infrastructure constraints and protecting safety while allowing flexibility (including secondary water supplies) to meet fire flow requirements.

Councilmember White moved to approve the item, as presented. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

## **5. Discussion and Possible Action**

- A. Discuss and consider possible action regarding the proposed development of regulations relating to carryout plastic bags within the city limits of Wimberley. (*City Administrator*)

City Administrator Ferguson stated that City staff has received several calls from residents regarding a possible ban on plastic bags. He presented information reflective of various perspectives, enforcement, legal opinions on bans and associated fees, and requested Council direction on this issue.

Mary Kathryn Brown spoke on plastic bag reuse fees, average use of plastic bags as trash bags that end up in landfills, average amount of time for plastic bags to degrade, problems associated with enforceability, fair and equal application of plastic bag bans, exemptions for certain commercial entities, and legal challenges to regulations. Due to concerns expressed, she cautioned against the City's implementation of a plastic bag ban.

Discussion addressed how cities such as Austin and San Antonio have handled the use/prohibition of plastic bags, proper disposal/recycling of plastic bags, and lack of support among Council for action on this matter at this time.

No action was taken.

- B. Discuss and consider possible action regarding the proposed development of regulations relating to the sale of phosphorous-laden detergents within the city limits. (*Mayor Bob Flocke*)

City Administrator Ferguson requested Council direction regarding the possible ban on the sale of detergents containing more than 0.5% phosphorous within city limits, which is one of the numerous recommendations from the Central Wimberley Wastewater Stakeholder Committee. He explained environmental concerns resulting from use of phosphorous-laden detergents, which can pollute local waterways.

Mayor Flocke stressed that public education is needed on the use of phosphates and supported use of gray water systems for water conservation. Discussion addressed local water test results, detected phosphorous levels, and products containing phosphorous.

Councilmember Thurber moved to direct staff to present a draft ordinance for future Council consideration. Councilmember Talcott seconded. Motion carried on a vote of 4-1. Councilmember White voted against.

- C. Discuss and consider possible action authorizing the mayor to enter into a professional services agreement with *Singleton, Clark & Company* relating to the preparation of the City of Wimberley Annual Financial Report for the Fiscal Year ending September 30, 2014. (*City Administrator*)

City Administrator Ferguson recommended approval of the agreement at an estimated cost of \$14,200.

Councilmember Thurber moved to approve the item, as presented. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

## 6. City Council Reports

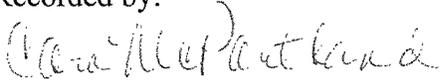
- Announcements
- Future Agenda Items

City Administrator Ferguson reminded that the public hearing on the Central Wimberley Wastewater Project Draft Environmental Information Document (EID) is scheduled for Monday, May 5<sup>th</sup> at 6 p.m. at the Wimberley Community Center. He provided the timeframe for canvass of the May 10<sup>th</sup> election and assumption of duties by Councilmembers-elect.

Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 7:03 p.m.

Recorded by:

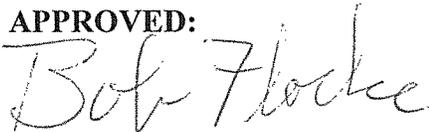


Cara McPartland

These minutes approved on the 15<sup>th</sup> of May, 2014.



**APPROVED:**



**Bob Flocke, Mayor**