

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
May 17, 2012 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 Tom Talcott, Mac McCullough, Matt Meeks, Steve Thurber, and John White.

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

Citizens Communications

No citizen comments were heard.

Proclamation

Mayor Flocke presented a proclamation to Curves owner, Nora Turner, in recognition of National Curves Day on May 17, 2012.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of May 3, 2012
- B. Approval of the minutes of the Special City Council meeting of May 3, 2012
- C. Approval of April 2012 City of Wimberley Financial Statements

Councilmember Thurber pulled Consent Agenda Item 1A. Councilmember Thurber moved to approve Consent Agenda Items 1B and 1C, as presented. Councilmember White seconded. Motion carried on a vote of 5-0. Relating to Consent Agenda Item 1A, Councilmember Thurber requested that the minutes reflect his abstention from voting for approval of the minutes of April 19, 2012. Councilmember Thurber moved to approve Consent Agenda Item 1A, as amended. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

2. Discussion and Action on Election Related Matters

- A. Canvass returns of General Election of May 12, 2012

The official results from Hays County Elections Office canvass reports were presented (attached to these minutes). City Administrator Ferguson explained over/under votes and reported on voter turnout.

Councilmember Thurber moved to declare the canvass of returns of the General Election of May 12, 2012, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider approval of an ordinance of the City Council of the City of Wimberley, Texas, declaring the canvass and result of a General Election held on May 12, 2012, to elect a mayor and council members for Place 2 and Place 4; containing a savings clause; and declaring an effective date.

City Administrator Ferguson recommended approval. Councilmember Thurber moved to approve the item, as presented. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

- C. Complete and issue Certificates of Election to the mayor-elect and the Place 2 and Place 4 council members-elect

Mayor Flocke issued the completed Certificates of Election for each council member-elect.

3. City Administrator Report

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

City Administrator Ferguson reported on delays in the swimming area opening and Phase 2 construction due to recent rainfall, plans for the Saturday, May 19th Phase 2 grand opening ceremony, and rescheduling of a Friends of Blue Hole event from May 19th to Sunday, June 24, 2012. The recreation area is scheduled to open June 9, 2012. Discussion addressed notification of changes to the Park's operating schedule.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson reported that the May check (representing March sales) is the largest in the City's history.

- Status report on the operation of the Wimberley Municipal Wastewater Treatment Plant

City Administrator Ferguson reported that the Texas Commission on Environmental Quality audit is in its final review stage and anticipated favorable results. He noted that the drain field fencing will be completed in the next two to three weeks. There will be an upcoming briefing on Wimberley Central Improvement Area, Inc. (WCIA) meetings on the downtown wastewater project and the City's funding pre-application submitted to the Texas Water Development Board. Discussion addressed financial consulting for the project and Councilmember McCullough inquired about the posting of WCIA meetings for a possible quorum of City Council.

4. Public Hearing and Possible Action

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas approving an application for a conditional use permit submitted by Robert Mueller

to operate a vacation rental facility on two (2) tracts of land, each zoned Rural Residential 1 (R-1), totaling 5.58 acres, located at 106 River Bluff Lane, Wimberley, Hays County, Texas, and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Robert Mueller, Applicant*)

City Administrator Ferguson reported that the applicant withdrew his conditional use permit (CUP) application via email dated May 1, 2012 and noted that the Planning and Zoning Commission voted unanimously to accept the withdrawal of the application at its meeting on May 10, 2012.

Councilmember Talcott moved to accept applicant's withdrawal of the CUP application. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

5. Ordinances

- A. Consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title XV (Land Usage), Chapter 151 (Building Regulations; Construction), creating a new Section 151.03 (Surcharge; Fines) of the Code of Ordinances to impose a surcharge and fines for failure to comply with the City's Residential Building Code (§151.01) and the City's Commercial Building Code (§151.02) requiring permits for construction of residential and commercial properties within the city limits; and providing findings of fact, a repealing clause, to provide a savings and severability clause, proper notice and meeting, and providing for an effective date. (*City Administrator*)

City Administrator Ferguson presented the second and final reading of the proposed ordinance, which would enhance the penalties for individuals found to be performing construction work without first having obtained the necessary permits.

Councilmember Talcott moved to approve the item on second and final reading, as presented. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- B. Consider approval of an ordinance amending Title IX (General Regulations), Chapter 93 (Fireworks) of the City of Wimberley's Code of Ordinances to amend Section 93.04 (Exceptions) to add a provision allowing the possession and discharge of certain non-aerial fireworks within the city limits unless prohibited by a state statute or regulation or by a city or county-wide ban imposed for a designated period; and providing findings of fact, a repealing clause, a savings and severability clause, and effective date, and proper notice and meeting. (Code Review Task Force)

City Administrator Ferguson reviewed current/proposed ordinance provisions, reasoning for the Code Review Task Force's recommendation, and clarified that the proposed ordinance prohibits the possession or discharge of skyrocket with sticks and missiles with fins, as well as the sale of fireworks within city limits. Discussion addressed the designation of possible "safe zones" as suggested by Wimberley Fire Chief Carroll Czichos, who expressed concerns about "ground"

fireworks. City Administrator Ferguson advised that more input could be gathered on a “safe zone” program, should Council decide to delay action on this item. Discussion addressed past City-sponsored fireworks displays.

Councilmember McCullough moved to approve the item, as presented. Councilmember Talcott seconded. Councilmember Thurber requested further discussion of “safe zones” and agreed with Fire Chief Czichos’ statements on ground fireworks, particularly during dry periods. City Administrator Ferguson explained Fire Chief Czichos’ concerns about specific types of fireworks in greater detail. Discussion addressed possible liability issues associated with “safe zones”, examples of how other cities implement such zones, and whether Council should delay action pending further research on use of “safe zones.”

Councilmember Talcott called for the vote. Mayor Flocke requested a roll call vote, as follows: Councilmember Talcott, aye; Councilmember McCullough, aye; Councilmember Meeks, aye; Councilmember Thurber, nay; Councilmember White, aye. Motion carried on a vote of 4-1.

Mayor Flocke clarified that Council would like staff to research, for future consideration, specific areas for designation as possible “safe zones.”

6. Discussion and Possible Action

- A. Discuss and consider action regarding proposed street improvement plans for Mill Race Lane. (*City Administrator*)

Discussion addressed Council’s options for action on this item, including not taking action and/or proceeding with the bidding process. Councilmember Thurber moved to authorize staff to proceed with the bidding process for Mill Race Lane street improvements and direct staff to prepare a newsbrief on the City’s position (the City's desired intent to work with Mill Race Lane property owners on a resolution to the road improvement issue) and proposed actions. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider action authorizing the acquisition of a Ford F-150 pickup truck and assorted equipment for the vehicle for use by the Wimberley city marshal. (*City Administrator*)

City Administrator Ferguson provided background information on various options for lease/purchase of a city marshal’s vehicle. He recommended the cash purchase of a Ford F-150 fleet cab pickup truck from Griffith Ford of San Marcos, at a cost of \$27,039.38. He noted that once the pickup truck has reached its life expectancy as a patrol vehicle, it can be used as a replacement for the public works vehicle. Efforts are ongoing to acquire used equipment for the vehicle, if possible.

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

- C. Discuss and consider action regarding a proposal to change the required voting procedure for the City of Wimberley Code Review Task Force. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott favored changing the vote requirement for the Code Review Task Force from 4-1 to 3-2. Mayor Flocke reviewed prior reasoning given for the super majority vote requirement, which he felt helped to build consensus among task force members. To get a clearer understanding of task force issues, Council requested that the Code Review Task Force members present their viewpoints at Council's next regular meeting. No vote was taken.

In response to Councilmember Talcott's inquiries, City Administrator Ferguson advised that the Planning and Zoning Commission has made significant progress reviewing the City's Subdivision Code and noted the status of the Sign Ordinance Committee, which lacks one appointment from Council.

7. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda items, Councilmember Thurber requested discussion of the Sign Ordinance Committee, including its composition and operation. Councilmember Talcott requested discussion related to voting requirements of the Sign Ordinance Committee.

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

Adjournment: Council meeting adjourned at 6:57 p.m.

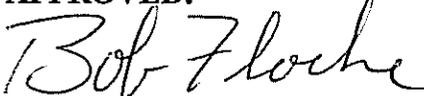
Recorded by:


Cara McPartland

These minutes approved on the 7th of June, 2012.



APPROVED:



Bob Flocke, Mayor

**City of Wimberley Cumulative — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 12, 2012**

Total Number of Voters : 4,479 of 89,471 = 5.01%
 Number of District Voters: 608 of 2,130 = 28.54%

Party	Candidate	Absentee	Early	Election	Total
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Bob Flocke

MAYOR CITY OF WIMBERLEY, Vote For 1		7	100.00%	312	100.00%	131	100.00%	450	100.00%
Cast Votes:		7	70.00%	312	72.39%	131	78.44%	450	74.01%
Over Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:		3	30.00%	119	27.61%	36	21.56%	158	25.99%

COUNCIL MEMBER, PLACE 2 CITY OF WIMBERLEY, Vote For 1

Tom A. Haley
 Mac McCullough

MAYOR CITY OF WIMBERLEY, Vote For 1		4	40.00%	152	36.29%	59	37.58%	215	36.69%
Cast Votes:		6	60.00%	257	63.72%	98	62.42%	371	63.31%
Over Votes:		10	100.00%	419	97.22%	157	94.01%	586	96.39%
Under Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
COUNCIL MEMBER, PLACE 4 CITY OF WIMBERLEY, Vote For 1		0	0.00%	12	2.78%	10	5.99%	22	3.62%

Lance Cawley
 Steve Thurber

MAYOR CITY OF WIMBERLEY, Vote For 1		7	70.00%	195	46.32%	73	43.71%	275	45.99%
Cast Votes:		3	30.00%	226	53.68%	94	55.29%	323	54.01%
Over Votes:		10	100.00%	421	97.69%	167	100.00%	598	98.36%
Under Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
COUNCIL MEMBER, PLACE 2 CITY OF WIMBERLEY, Vote For 1		0	0.00%	10	2.32%	0	0.00%	10	1.64%

**City of Wimberley Canvass — Total Voters — Official
 HAYS COUNTY, TEXAS — GENERAL ELECTION — May 12, 2012**

Total Number of Voters : 4,479 of 89,471 = 5.01%
 Number of District Voters: 608 of 2,130 = 28.54%

05/15/2012 02:46 PM
 Precincts Reporting 21 of 21 = 100.00%
 District Precincts Reporting 1 of 1 = 100.00%

COUNCIL MEMBER, PLACE 2 CITY OF WIMBERLEY

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Tom A. Haley	Mac McCullough	Totals
W01	10	431	187	608	2130	28.54%	215	371	586
Totals	10	431	187	608	2130	28.54%	215	371	586

City of Wimberley Canvass -- Total Voters -- Official
 HAYS COUNTY, TEXAS -- GENERAL ELECTION -- May 12, 2012

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05/15/2012 02:46 PM
 Precincts Reporting 21 of 21 = 100.00%
 District Precincts Reporting 1 of 1 = 100.00%

COUNCIL MEMBER, PLACE 4 CITY OF WIMBERLEY

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout			
WI	10	431	167	608	2130	28.54%	Lance Cawley	275	323
				608	2130		Steve Thurber		598
							Totals		

WI 10 431 167 608 2130 28.54% 275 323 598