

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 April 5, 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

Proclamations

- A. Proclamation recognizing the month of April 2012 as “Child Abuse Prevention and Awareness Month” in Wimberley, Texas
- B. Proclamation recognizing the month of April 2012 as “Sexual Assault Awareness and Prevention Month” in Wimberley, Texas

Court Appointed Special Advocates of Central Texas (CASA) Community Relations Coordinator Eloise Hudson accepted the proclamations and thanked Council for its recognition of these important issues.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of March 15, 2012
- B. Approval of the minutes of the Special City Council meeting of March 22, 2012

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

2. City Administrator Report

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

City Administrator Ferguson reported on nearly completed Phase II construction, including roadway paving, overlook area, and the soccer field planting schedule, as well as plans for the

ribbon-cutting ceremony for Phase II's opening. He also reported on the Concert in the Park Series, park staffing/training efforts, and season passes.

- Status report on the future of the Pedernales Electric Cooperative/City of Wimberley Over-the Road Banner Program

Due in part to last year's collapse of a utility pole, City Administrator Ferguson reported that Pedernales Electric Cooperative (PEC) will discontinue its over-the-road banner program effective August 1, 2012. Recognizing the banner program's importance to the community, PEC and the City will be jointly exploring other options, such as an electronic community message board.

- Status report on the employment of a city marshal

City Administrator Ferguson reported on completion of the background check and selection of a well-qualified applicant. A special meeting will be held next week in order for Council to formally appoint the new city marshal, who is a veteran law enforcement officer.

- Status report on preparations for the May 12th City Election

City Administrator Ferguson reported on voting/early voting dates/times, polling location, ballot preparation, and election workers.

- Status report on the Las Flores Traffic Project

City Administrator Ferguson reported on recent vandalism involving signage and specific traffic count data related to speeding, number of vehicles, and the new one-way traffic pattern. He noted certain concerns regarding placement of stop signs, particularly the stop sign on Las Flores that is closest to FM 2325 and stressed that theft of traffic safety signs will be aggressively prosecuted.

Related to City Administrator Ferguson's earlier report on Blue Hole Regional Park operations, Councilmember McCullough expressed concerns about Council's previous approval of the April 2012 Concert in the Park Series at no cost to the public.

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

City Administrator Ferguson reported on Deer Creek Nursing Center's improved usage levels and an upcoming inspection by Texas Commission on Environmental Quality (TCEQ). It was noted that the plant is running at permit levels.

- Status report on the development of a City of Wimberley *Firewise* Program

City Administrator Ferguson reported on the *Firewise* committee's first meeting and its progress toward developing a *Firewise* program.

3. Ordinances

- A. 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 Gregory Dunham to operate a vacation rental facility on an approximate 10.53 acre tract located at 3100 FM 3237, Wimberley, Texas, zoned Residential Acreage (RA), 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. (*Gregory Dunham, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, existing residential structures, maximum occupancy, access, parking, and septic system. The applicant has provided a current inspection report verifying that the septic system is functioning properly. He noted the applicant's list of house rules and staff's recommended list of conditions, consistent with recently adopted regulations for vacation rental facilities. Although no opposition was expressed at the Planning and Zoning Commission's hearing on March 22, 2012, staff has since received correspondence from Shana and Rick Walker, 3050 FM 3237, expressing concerns about trespassing and making certain requests for additional conditional use permit (CUP) conditions, including a request for an annual review by the City. In response to the Walker's request for an annual review, City Administrator Ferguson informed them of the CUP revocation process, in case of non-compliance with CUP conditions. Later correspondence was received by staff indicating that the Walkers are working directly with the applicant to solve any trespassing issues. Email correspondence was also received by staff from two (2) surrounding property owners in support of the CUP request.

City Administrator Ferguson explained the Planning and Zoning's unanimous recommendation to approve the CUP, with the following amendments to the list of staff-recommended conditions:

- Amendment of No. 16 to allow for signage in accordance with the City's Sign Ordinance
- Deletion of No. 19 in its entirety

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

Councilmember McCullough moved to approve the item, as presented, which includes the abovementioned amendments in accordance with Planning and Zoning's recommendation. Councilmember Thurber seconded. Mayor Flocke commended neighbors for working together to address any potential concerns. Motion carried on a vote of 5-0.

- B. 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 Gregory Dunham to operate a vacation rental facility on an approximate 1.52 acre tract located at 3150 FM 3237, Wimberley, Texas, zoned Rural Residential 1 (R-1), 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. (*Gregory Dunham, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, existing residential structure, maximum occupancy, access, parking, and septic system. The applicant has provided a current inspection report verifying that the septic system is functioning properly. He noted the applicant's list of house rules and staff's recommended list of conditions, consistent with recently adopted regulations for vacation rental facilities. No opposition has been received by staff. The Planning and Zoning Commission unanimously recommended approval, with the inclusion of the same amendments to the list of staff-recommended conditions as specified in Agenda Item 3A.

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

Councilmember McCullough moved to approve the item, as presented, which includes the abovementioned amendments (same as listed in Agenda Item 3A) in accordance with Planning and Zoning's recommendation. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending City of Wimberley Ordinance No. 2009-036, approved on September 3, 2009, which granted a conditional use permit to allow a sit-down eating establishment including the sale of beer, wine and alcohol for on-premise consumption on a 1.367 acre tract located at 600 FM 2325, Wimberley, Hays County, Texas, to modify the restrictions relating to outdoor music; and providing for findings of fact; repealer; severability; effective date; proper notice and meeting, and providing for certain conditions. (*Kate Tilton, Applicant*)

City Administrator Ferguson provided background information on the subject property's location/uses, past issues with the outdoor music venue, and lack of complaints related to the current operation as *Kate's Place*. He explained reasoning for current music restrictions and the applicant's contention that outdoor music restrictions are not consistent with restrictions placed on similar establishments in close proximity to *Kate's Place*. He noted that one written response in opposition to the application was received from David Davila of 616 FM 2325 prior to the Planning and Zoning Commission's hearing on March 22, 2012, which was submitted to the Commission for consideration. After hearing from the applicant and two (2) other adjacent property owners who expressed concerns regarding the request, the Commission voted unanimously to recommend the outdoor music provisions of the CUP be amended to read as follows:

"All restaurant operations shall cease no later than midnight, and outdoor music shall be allowed only on Friday *and Saturday* nights, and such outdoor music shall cease no later than *11 p.m.; on Sundays until 4 p.m.; and on remaining weekdays until 9 p.m., provided that during weekdays, the music venue is located between the subject property's restaurant/bar and FM 2325; and such outdoor music shall be acoustic with no electrical amplification.*"

City Administrator Ferguson suggested making the wording more concise, including deletion of the word "only" in the abovementioned recommendation.

Mayor Flocke opened the public hearing.

The applicant's husband, Ron Tilton, requested that Council consider removing the condition relating to the amplification of music. He stated that the applicant, Kate Tilton, is willing to abide by all other conditions, as recommended by the Planning and Zoning Commission. He spoke of the restaurant's successful and complaint-free operations for the past two years and cited various beneficial effects on the local economy, including generation of sales tax revenues and local job creation. He pointed out measures already taken to buffer the surrounding residential area from commercial activity, as well as additional measures planned to help minimize the impact of such activity on neighbors. Mr. Tilton felt it unfair to impose an "acoustic-only" restriction on *Kate's Place* and stressed that amplification would be slight.

Discussion addressed current CUP conditions, fairness of restrictions on *Kate's Place*, when compared with other similar establishments; inclusion of holiday hours; and removal of amplification restrictions.

Brent Pulley spoke in support of the applicant and asked that Council allow *Kate's Place* to operate under the same regulations imposed on its neighboring business. He noted that there are existing statutes to deal with noise issues.

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

Discussion addressed the necessity of low-level amplification, noise ordinance enforcement, past complaints on prior owners/uses, comparison of the applicant's current music restrictions to those imposed on similar businesses, concerns that possible future owners may not be as responsible as the current owners, ability to revoke CUPs for non-compliance, and concerns regarding over-regulation of businesses.

Councilmember Talcott moved that the CUP be amended to remove all restrictions on outdoor music, specifically restrictions related to dates/times that music is allowed, as well as removal of restrictions on the amplification of music. Councilmember McCullough seconded.

In response to Councilmember Meeks, discussion clarified that the motion included removal of the restriction on the location of the music venue during weekdays.

Motion carried on a vote of 4-1. Councilmember Thurber voted against.

- D. Hold a public hearing and consider approval of a variance request to the City of Wimberley parking space dimension requirements relating to a proposed commercial development at 111 River Road, Wimberley, Hays County, Texas. (*Carson Diversified Land 2 LLC, Applicant*)

City Administrator Ferguson detailed the applicant's design, which is intended to be more pedestrian-friendly and preserve more green space. He noted that the smaller 9' x 18' stalls (instead of 9.5' x 20' stalls) have been approved for other developments in the City, including

Blue Hole Regional Park. He advised that the Planning and Zoning Commission voted unanimously to recommend approval at its March 22, 2012 hearing.

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

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

Plans were displayed to help Council visualize the proposed development's design, including access, sidewalks, pedestrian mobility, and rainwater collection. Planning and Zoning Commission Vice Chair Tom Haley noted that the smaller parking space dimensions will result in increased green space.

4. Discussion and Possible Action

- A. Discuss and consider action regarding the appointment of members to serve on a citizen task force to review the City Sign Ordinance. (*Mayor Bob Flocke*)

City Administrator Ferguson reported on two (2) applications received from local business owners, Bruce Collie (consensus nominee) and Scott Vaughn (Mayor Flocke's nominee). Councilmembers Talcott and Meeks named Beth Mitchell and Gary Callon, respectively, as possible appointments. Mayor Flocke asked Council to submit appointments to City Administrator Ferguson for consideration at Council's next meeting on April 19, 2012.

Discussion clarified residency and business ownership requirements.

No vote was taken.

- B. Discuss and consider action regarding drainage issues at 444 Blue Heron Road. (*Place Two Councilmember Mac McCullough*)

Councilmember McCullough felt that the City has a serious obligation to immediately address drainage issues at the subject property. Discussion addressed problems associated with specific water flows; direction/impact of flows; need for legal advice before Council takes any action on this matter; historic flows; legal responsibility; liability issues; duties of private property owners; and past drainage-related work performed by Hays County.

Agreement was reached to obtain advice from legal counsel on this item. No vote was taken.

- C. Discuss and consider action regarding a proposed wayfinding signage program for the City of Wimberley. (*Transportation Advisory Board*)

City Administrator Ferguson presented the Transportation Advisory Board's (TAB's) recommendation that Council approve the proposed elements of the *Wimberley Wayfinding Sign Program* (attached to these minutes), as presented, and authorize the implementation of Phase I

in the upcoming fiscal year. Details were provided on sign locations, design, content, and estimated costs.

Discussion among Council, City Administrator Ferguson and TAB representative Bob Bullock addressed specific aspects of the program, including sign design, colors, locations, and Phase III kiosks.

Councilmember Thurber moved to approve the item, as presented, in accordance with TAB's recommendation. Councilmember White seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider action regarding the proposed route for the City of Wimberley Fourth of July Parade on Wednesday, July 4, 1012. (*City Administrator*)

City Administrator Ferguson advised that the Wimberley Chamber of Commerce is utilizing the same route used in the last three (3) years and recommended approval.

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

- E. Discuss and consider action regarding a request to place directional signage in the City right-of-way for *The Wimberley Garden Club Tour* on Saturday, May 19, 2012. (*City Administrator*)

City Administrator Ferguson recommended approval of the request and noted that the small, temporary signs will be put in place the day before the event and removed the next day, at the conclusion of the tour.

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

5. City Council Reports

- Announcements
- Future Agenda Items

As future agenda items:

Councilmember Thurber requested discussion of CUP application/amendment procedures.

Councilmember McCullough requested discussion of duties assigned to the city marshal. It was agreed that Council will forward any issues or concerns to City Administrator Ferguson.

Mayor Flocke requested discussion of the City's watering restrictions, which he felt should reflect Wimberley Water Supply Corporation's (WWSC) newly adopted restrictions. City Administrator Ferguson noted that efforts continue toward development of regional drought management standards among various entities, including the WWSC.

In response to Councilmember McCullough's inquiry regarding implementation of the emergency notification system, City Administrator Ferguson advised that the call list verification process is ongoing and anticipated testing by the end of April.

Commenting on the Deer Creek Nursing Center's annual Easter Egg Hunt, Councilmember Meeks felt that the new flashing traffic signals at FM 3237 and Flite Acres have improved safety, but observed that dangerous conditions still exist. He stated that he has received multiple requests for signs/signals on Ranch Road 12 that would warn of CR 1492 low water crossing closures. City Administrator Ferguson advised of possible improvements to existing signage. Councilmember Thurber stated that placement of CR 1492 bridge closure notification would be helpful near Ranch Road 12 and River Road.

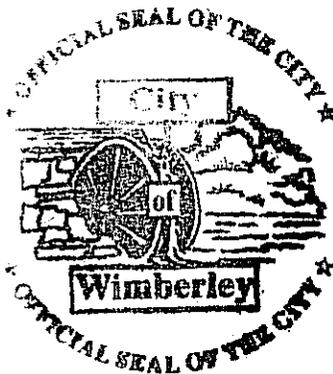
Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

Adjournment: Council meeting adjourned at 7:52 p.m.

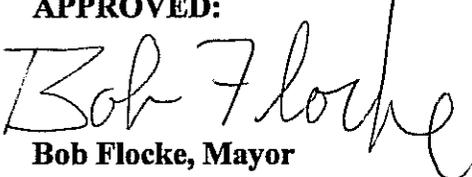
Recorded by:


Cara McPartland

These minutes approved on the 19th of April, 2012.



APPROVED:


Bob Flocke, Mayor

Memo

To: Mayor Bob Flocke & Members of City Council
From: Transportation Advisory Board
CC: File
Date: 4/5/2012
Re: Wimberley Wayfinding Signage Program

After numerous public meetings, a public hearing and City Council workshops, the Wimberley Transportation Advisory Board met on March 14, 2012 and voted to forward to City Council, for review and consideration, the following proposed *Wimberley Wayfinding Signage Program*.

PROJECT OVERVIEW

The *Wimberley Wayfinding Signage Program* consists of three (3) phases and is designed to be implemented over a period of years. The program is intended to help those who live, work and visit the community to more easily locate key destinations. Below is a detailed breakdown of each phase of the program.

Phase I

A total of seven (7) directional signs will be installed at the following intersections: two (2) signs at FM 3237 and Ranch Road 12; one (1) sign at Old Kyle Road and FM 3237; two (2) signs at Old Kyle Road at Ranch Road 12; and two (2) signs at Ranch Road 12 at FM 2325.

The estimated cost of each sign is \$1,200. The estimated total cost of Phase I signage is \$9,000, as some signs will be double sided.

Phase I signage will have to be approved by the Texas Department of Transportation (TxDOT), as the signs will be located in TxDOT right-of-way.

Phase II

A total of ten (10) directional signs will be installed at additional locations on FM 2325, FM 3237, and Ranch Road 12.

The estimated cost of each sign is \$1,200. The estimated total cost of Phase II signage is \$12,000.

Phase II signage will have to be approved by the Texas Department of Transportation (TxDOT), as the signs will be located in TxDOT right-of-way.

Phase III

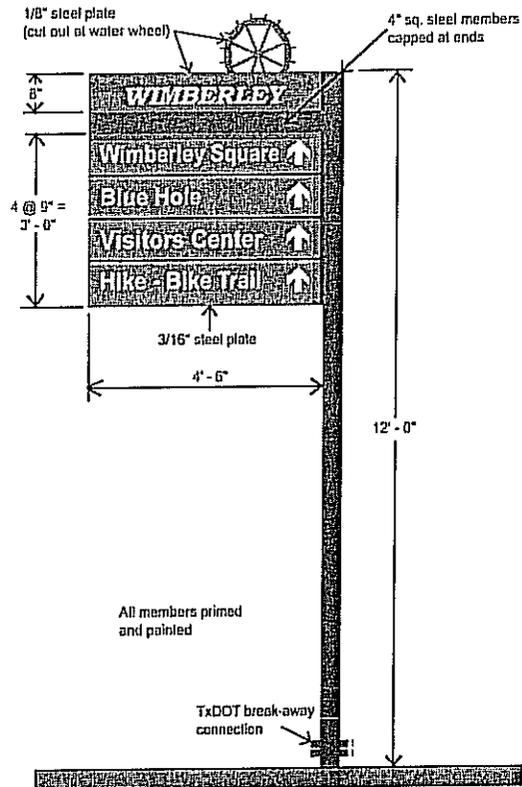
Kiosks will be installed at key pedestrian access points on both sides of the Wimberley Square to provide direction to pedestrians. These signs will direct pedestrians to various merchant locations and public restrooms. Details of this phase are still to be developed. TxDOT approval is not needed for the kiosks, as they will not be located in State right-of-way.

SIGN DESIGN

Signs are used along most roads and highways to inform drivers of traffic regulations, dangerous conditions, and to mark upcoming destinations. To enable drivers to read signs, the signs are shaped and sized for maximum visibility.

For the *Wimberley Wayfinding Sign Program*, the Wimberley Transportation Advisory Board has designed a "simple" roadside sign, consistent with the unique character of Wimberley. The sign is a cantilever sign structure, shaped like a "7", that is designed to hold the actual sign closer to one side of the road. The face of sign has a blue/green "water mark" at the top with a brown background below. Text and arrows on the sign are white in color. Rising from the top of the sign is a depiction of a water wheel. The post holding the sign will be brown with a break-away base, per (TxDOT) standards. Below is a rendering of the subject roadway sign.





In addition to the roadside signs, the *Wimberley Wayfinding Sign Program* will utilize several kiosks to help guide pedestrians to various merchant locations and public restrooms in the area of the Wimberley Square. The design of the kiosk has not yet been determined.

SIGN CONTENT

Each roadway sign will list no more than four (4) destinations and provide direction with arrows to those destinations. The destinations on each sign will vary depending on the sign location.

The roadside signs will be used to provide direction to the following destinations: Wimberley Cemetery; Katherine Anne Porter School (KAPS); Market Days; Blue Hole Park; Nature Trail; Hike & Bike Trail; Wimberley Square; Community Center; High School; Emily Ann Theatre; and Wimberley Playhouse.

The kiosks will provide direction to various business locations in the area of the Wimberley Square – similar to the directional kiosks you would find in large shopping centers.

RECOMMENDATION

The Wimberley Transportation Advisory Board is asking the City Council to approve the proposed elements of the *Wimberley Wayfinding Sign Program*, as presented, and authorize the implementation of Phase I of the program in the upcoming fiscal year.