

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
April 16, 2015 at 6:00 p.m.

City Council meeting called to order at 6:24 p.m. by Mayor Steve Thurber.

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

Councilmembers Present: Mayor Steve Thurber, Councilmembers Tom Talcott, Cindy Anderson, Matt Meeks, Pam Showalter, and John White.

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

Proclamation

Proclamation of the City Council of the City of Wimberley, Texas, proclaiming the week of April 19-25, 2015 as National Crime Victims Rights Week

Mayor Thurber presented the proclamation to Hays County Sheriff's Department representative Georgiana Sekula and San Marcos Police Department Victims Services Coordinator Roya Williamson, who thanked Council for its support and spoke in honor of their recently slain colleague, Samantha Dean of the Kyle Police Department.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of April 2, 2015
- B. Approval of March 2015 Financial Statements for the City of Wimberley

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

2. Presentations

- A. Presentation by Eagle Scout candidate Ian Byrne regarding his Eagle Scout project at the Blue Hole Regional Park. (*Ian Byrne, Eagle Scout Candidate*)

Eagle Scout candidate Ian Byrne presented one of the benches made as part of his project and provided details on various stages of the project, which also included custom-made trash

receptacles. He thanked Scout Master Gary McFarland for his help and support throughout this project. Mayor Thurber and City Administrator Ferguson expressed appreciation to Mr. Byrne and fellow Eagle Scouts for their contributions to the community.

B. Presentation of a status report from the Wimberley Comprehensive Plan Review Committee. (*Marilee Wood, Committee Vice Chair*)

Vice Chair Marilee Wood spoke highly of fellow Committee members and their contributions to a successful consensus-based effort to update the City's Comprehensive Plan (the Plan). She reported on the Committee's decision to repeat a survey much like the one undertaken in the original Comprehensive Plan's development. She noted that one significant change in the new survey will be the inclusion of an open-ended question asking citizens to name top priorities for the City moving forward. She cited Texas State University's involvement and role in the survey and associated survey-related costs.

Vice Chair Wood noted that the Committee has decided not to meet again until survey results are in, at which time the Committee will revisit the Plan and assess what changes to recommend. She anticipated completion of Committee work by early June 2015. She stressed that the Plan is the City's vision upon which all of Wimberley's ordinances are based and read three examples reflective of the Committee's goal to amend and/or omit language that had become outdated by actions the City has taken since original Plan adoption. Vice Chair Wood said it meant a lot to have people of different perspectives, backgrounds, ages, and experiences come together as a Committee and looked forward to presenting its finalized work to Council.

Mayor Thurber and Council thanked Vice Chair Wood and especially appreciated the Committee's successful consensus approach in its review process.

3. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that design work continues on the project and anticipated contacting property owners next week on possible lift station sites. The City's deferral letter has been submitted to Texas Commission on Environmental Quality (TCEQ) and TCEQ is expected to respond shortly on the next step in the contested case hearing process.

- Status report on the H-E-B Development Project

City Administrator Ferguson reported that the store opening is anticipated for September 2015 due to weather-related construction delays. City Administrator Ferguson met with H-E-B project managers this week, who conveyed examples of Wimberley's community spirit and welcoming gestures extended to construction workers. He noted H-E-B's building philosophy to put up steel framework before the slab is poured and the importance to H-E-B of building a store with unique building features. He reported on excavation work underway for a drainage detention pond water quality feature and plans to install a secondary fence behind the store to create some buffering for the adjacent church property.

- Status report on the search for a new city marshal

City Administrator Ferguson reported that applicant interviews are tentatively scheduled during the next two weeks.

- Status report on May 9, 2015 City of Wimberley General Election

City Administrator Ferguson reported on early voting dates/ times at the Wimberley Community Center, which are also available on the City's website, and encouraged citizens to vote.

- Status report on efforts to stop Electro Purification (EP) from developing and operating water well fields in Hays County

City Administrator Ferguson reported on the status of legislative bill(s) filed to date, filing of a lawsuit by Trinity Edwards Springs Protection Association (TESPA), and options such as possible extension of City boundaries or incorporation by residents of the well field area. He anticipated meeting with TESPAs representatives on the possibility of an informational mail-out to residents in the well field area on options that may help delay or prevent EP from proceeding with its planned well fields.

In addition, City Administrator Ferguson reported that the City's sales tax collections check (representing February collections) in the amount of approximately \$42,000 has been received. He noted that this check reflects a five percent (5%) decrease from last year's collections for the same period, partially due to certain adjustments made by the State.

4. Public Hearings and Consider Action

- A. Hold a public hearing and consider approval of an ordinance approving an application by Michele McCullough to allow for the sale of beer and wine for on-premise consumption at a sit-down eating establishment located on property zoned Commercial - Low Impact (C-1), located at 101-C Wimberley Square, Hays County, Texas, and imposing certain conditions; providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Michele McCullough, Applicant*)

This item was heard after Agenda Item 5A.

City Administrator Ferguson reviewed the subject property's location, current zoning/uses, and the applicant's request for a conditional use permit (CUP) to allow for a sit-down eating establishment that sells beer and wine for on-premise consumption. He advised that the applicant intends to sell beer and wine for on-premise consumption, along with prepackaged foods, as part of the existing coffee shop operation. He noted that the Planning and Zoning Commission unanimously recommended approval at its meeting on April 9, 2015. No comments were received from the public on the CUP request.

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

Councilmember Meeks moved to approve the ordinance, as presented. Councilmember Showalter seconded. 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 amending Ordinance No. ZA-06-013, which designated the geographic boundaries for a Wimberley Planned Development District (WPDD) zoning district classification for real property located at 14100 Ranch Road 12, Wimberley, Hays County, Texas, in order to permit the sale of alcoholic beverages for on-premise and off-premise consumption for Parcel One; and providing for the following: findings of fact; severability; effective date; and proper notice and meeting. (*Brookshire Brothers, Ltd., Applicant*)

City Administrator Ferguson reviewed original WPDD conditions, subsequent amendments, and current restrictions on the sale of beer and wine for on- and off-premise consumption on Parcel One of the subject property. He advised the applicant is seeking to amend the existing WPDD to remove restrictions such that the WPDD simply shows alcoholic beverage sales (off- and on-premises consumption) as a permitted use on Parcel One on the subject property. He noted that similar language related to alcoholic beverage sales exists in H-E-B's WPDD agreement. He advised the Planning and Zoning Commission unanimously recommended approval of the requested WPDD amendment at its April 9, 2015 meeting.

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

Discussion among Council and Brookshire Brothers representatives addressed specifics of the store's policy on filling of "growlers."

Councilmember White moved to approve the ordinance, as presented, to allow for alcoholic beverage sales (off- and on-premises consumption) as a permitted use on Parcel One of the subject property. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposal to formally name the public park located on 4.36 acres of land recently purchased by the City of Wimberley. (*Wimberley Parks Advisory Board*)

This item was heard after Agenda Item 5D.

City Administrator Ferguson reviewed the Parks Board's previous recommendation to name the park land *Mount Baldy Park* at its March 18th meeting. He advised that after receiving new information, the Parks Board revisited this issue at its April 15th meeting and changed its naming recommendation to from *Mount Baldy Park* to *Old Baldy Park*. Parks Board member Marilee Wood spoke on historical data showing a number of names commonly used to reference the

subject landmark and stated the Board felt that *Old Baldy* was an appropriate name. City Administrator Ferguson stated that a plaque can be placed at the Park to provide historical perspective on the different names used over time.

Councilmember Showalter moved to approve formally naming the public park *Old Baldy Park*, as recommended unanimously by the Wimberley Parks Advisory Board. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding a proposed future design concept for Old Kyle Road. (*Wimberley Transportation Advisory Board*)

This item was heard after Agenda Item 4B.

City Administrator Ferguson presented the Transportation Advisory Board's (TAB's) recommendation to approve a future design concept for Old Kyle Road to provide guidance for engineers designing the Central Wimberley Wastewater System, so that they can determine the proper location of the sewer main, effluent reuse main, and power line sleeve to be installed beneath the asphalt road when the system is constructed. He advised that the future design concept calls for a two-lane roadway, with curb and gutter, along the northern edge of the existing right-of-way. On the southern edge of the roadway, there would be a five (5) foot meandering sidewalk with benches, street lights, trees, and landscaping (irrigated with recycled water). He noted that the proposed concept utilizes the existing right-of-way, which is about forty (40) feet wide, and does not necessitate the acquisition of any private property.

Discussion addressed tree preservation, possible addition of an overlook, slope stability along bluff edges, and generally favored the design concept.

Councilmember Talcott moved to approve the future design concept for Old Kyle Road, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding the possible future development of public roadway between Carney Lane and Green Acres Road. (*Wimberley Transportation Advisory Board*)

City Administrator Ferguson presented the Transportation Advisory Board's (TAB) recommendation to authorize staff to initiate discussions with Wimberley Independent School District (WISD) representatives in order to provide an alternate route that would reduce school traffic on Green Acres Drive, Carney Lane, and FM 2325.

TAB representative Bob Bullock felt the proposed roadway would benefit those traveling between campuses and eliminate the need to re-enter FM 2325. City Administrator Ferguson displayed the existing drive and noted other improvements that might be included in the project, if approved. Discussion addressed the issue of adequate width for a two-lane roadway and associated pedestrian traffic safety issues.

Councilmember Showalter moved to approve authorizing City staff to initiate discussions with Wimberley ISD representatives about the possible future development of a public roadway between Carney Lane and Green Acres Road. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a request to install a promotional banner at 13900 Ranch Road 12 for the upcoming *Wimberley Live Arts Festival* on October 23-25, 2015. (*City Administrator*)

This item was heard after Agenda Item 3.

City Administrator Ferguson reviewed the request to install a banner above an existing free-standing sign by Dan Moore, owner of *Santa Fe Connection* at 13900 Ranch Road 12. He noted that the banner would be taller than allowed under the City's Sign Ordinance and that Mr. Moore has also requested to have the banner in place for thirty (30) days in advance of the event, rather than the typical two-week period for temporary special event signage.

Dan Moore provided details on *Wimberley Live* activities and the two-sided banner's placement on his existing store sign, as well as possible placement at the Cypress Creek Café. He stressed that the banner will not be advertising businesses, but will specifically promote the event, which will include multiple stage locations that will not block businesses and hopefully increase sales by allowing for greater circulation of event visitors to stores.

Discussion addressed reasoning for the thirty (30) day timeframe for banner placement, number of anticipated out-of-town visitors, and Council's concerns regarding setting a precedent for similar future requests. Variance procedures and differences in temporary special event signage versus permanent business signage were discussed, including problematic aspects of defining "special" events. Discussion included possible amendment of the City's sign regulations to allow for signage similar to that requested by Mr. Moore, without the need for Council action. City Administrator Ferguson advised that such ordinance language can be drafted for future Council consideration.

Councilmember Talcott moved to approve the request, as presented, and direct staff to draft Sign Ordinance language that would define "special events" signage. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding a proposed amendment to the City of Wimberley's Community Notification System Operating Policy. (*City Administrator*)

This item was heard after Agenda Item 5G.

City Administrator Ferguson explained the proposed amendment, which would expand the current use of email notification for local emergencies to include the use of email to distribute information regarding Council/board/commission meetings, City projects of special interest, City services, City surveys, and City-sponsored community events.

Discussion clarified the scope of the types of notifications to be sent via phone versus email, the ability of citizens to opt-in or unsubscribe to email notifications, and mailing/emailing notification of this new expanded email notification policy, if approved.

Councilmember Meeks moved to direct staff to amend the City of Wimberley's Community Notification System Operating Policy, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

F. Discuss and consider possible action regarding feral hog concerns within the city limits of the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson cited problems with feral hogs and noted certain remedies utilized in other jurisdictions. He displayed pictures of local damages caused by feral hogs and noted limited success of tracking, trapping, and hunting efforts by property owners. He recommended the development and implementation of educational efforts, with assistance from the State Soil and Water Conservation Board, to include informational community meetings and use of various means of public notification. He spoke on possible means of funding sources for programs to help control the feral hog population.

Discussion addressed types of deterrents, problems with trapping and hunting, and importance of managing feral hog populations.

Councilmember Talcott moved to direct staff to initiate development of a plan to address feral hog concerns within Wimberley city limits. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

G. Discuss and consider possible action regarding the future development of sidewalks on Ranch Road 12 in central Wimberley. (*Place Two Councilmember Cindy Anderson*)

This item was heard after Agenda Item 5C.

Councilmember Anderson spoke of a meeting with Hays County Precinct Three Commissioner Will Conley that included discussion of the need for sidewalks to enhance pedestrian mobility and safety and the possibility of obtaining funding from Capital Area Metropolitan Planning Organization (CAMPO). She cited contact with business owners who expressed support for sidewalks and pursuit of CAMPO funds to help with financing.

Business owner Melinda Einhaus spoke of her professional background and current success with *The Tree House*. She expressed support for sidewalks as beneficial for businesses and cited her generous financial contributions to local community events and charities. She felt that sidewalks and lighting would greatly enhance pedestrian safety and mobility, particularly along Ranch Road 12 between the Square and FM 3237.

City Administrator Ferguson stated the importance of having a plan in place in advance of other potential construction projects such as the proposed wastewater system. Mayor Thurber advised that the City will continue to explore efforts to develop sidewalks on Ranch Road 12.

No action was taken on this item.

6. City Council Reports

- Announcements
- Future Agenda Items

This item was heard after Agenda Item 5F.

City Administrator Ferguson reminded the following events are to be held this weekend: the Wimberley 2015 Arts Fest at Blue Hole Regional Park, the BBQ Battle of Texas in the downtown area, and the Butterfly Festival at the EmilyAnn Theatre.

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

Adjournment: Council meeting adjourned at 8:20 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 7th of May, 2015.

APPROVED:


Steve Thurber, Mayor