

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
April 19, 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, and John White. Councilmember Steve Thurber was absent.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Attorney Emily Rogers.

### **Citizens Communications**

Eagle Rock resident Clint Frankmann questioned the City's recent well permit application and favored pumping water from Cypress Creek for use in fire protection and landscape irrigation at the Blue Hole Regional Park. He did not feel that the cost of activating the well and projected water usage was an efficient use of taxpayer money, which he believed should be used for downtown wastewater service. Mr. Frankmann cited his conversation with Fire Chief Carroll Czichos, who was quoted as stating that water for firefighting purposes would come from existing fire hydrants or pumped from Cypress Creek, rather than well water.

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

- A. Approval of the minutes of the Regular City Council meeting of April 5, 2012
- B. Approval of the minutes of the Special City Council meeting of April 11, 2012

This item was heard after Agenda Item 4D.

Councilmember Meeks moved to approve all Consent Agenda items, as presented [including Item 1C (Approval of the March 2012 City of Wimberley Financial Statements) listed in **Addenda to the Regular Agenda** (page 6 of these minutes)]. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

#### **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 soccer field irrigation/planting, as well as plans for the

ribbon-cutting ceremony for Phase II's opening and "Plant the Park" Day scheduled for April 28, 2012. He also reported on the successful Concert in the Park Series, season pass/merchandise sales, and issuance of a Request for Proposals (RFP) for mowing at the Park. He displayed a video clip on the Park by a local videographer.

- Status report on the employment of a city marshal

City Administrator Ferguson reported that Wayne A. Acton has accepted the position to start on May 1, 2012, and provided information on his law enforcement background/qualifications. He reported on upcoming vehicle and technology purchases. He anticipated holding a reception/swearing-in ceremony for City Marshal Acton, Municipal Court Judge David Garza, and City Prosecutor Brad Young on May 3, 2012.

- Status report on preparations for the May 12<sup>th</sup> City Election

City Administrator Ferguson reported on the Department of Justice preclearance submission, ballot approval, voting equipment testing, voting/early voting dates/times, and polling location.

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

City Administrator Ferguson reported on the recent inspection by Texas Commission on Environmental Quality (TCEQ) and Deer Creek Nursing Center's usage levels. He noted that plans are underway for fencing around the drain field.

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

City Administrator Ferguson reported on the City's April sales tax check (representing February sales) totaling slightly over \$37,000, up twenty-eight percent (28%) from last year.

- Status report on the selection of a date, time, and place for the Wimberley City Council photograph

City Administrator Ferguson reported on possible dates, times, and locations. Discussion agreed on Saturday, April 28, 2012 at 8 a.m. at the entrance to Blue Hole Regional Park.

City Administrator Ferguson also reported on the forwarding of recent Las Flores Drive traffic study results to Council and completion of traffic-related construction along FM 3237.

### **3. Ordinance**

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 advised of the applicant's request to continue consideration of this item to allow the applicant time to meet with area property owners. As a result of the Planning and Zoning Commission's action to continue its consideration until May 10, 2012, City Administrator Ferguson recommended that Council vote to continue this item until its meeting on May 17, 2012.

Councilmember White moved to continue this item until Council's meeting on May 17, 2012. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

#### **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 that the following names have been submitted for consideration:

- Bruce Collie (Brewster's Pizza/Wimberley)
- Scott Vaughan (Sign Crafters/Wimberley)
- Beth Mitchell (Hill Country Wine Shoppe/Wimberley)
- Gary Callon (Pecan Acres Bed & Breakfast/Wimberley)
- Trey Austin (Water Technology LLC/Wimberley)
- Steve Dunks (Miss Mae's Barbecue/Wimberley)

City Administrator Ferguson advised that pending the submission of an appointment from Councilmember Thurber, the task force will commence its meeting schedule, to span a ninety (90) day review period.

No vote was taken.

- B. Discuss and consider action regarding the proposed modification of the City of Wimberley water restrictions to make them consistent with those of the Wimberley Water Supply Corporation. (*Mayor Bob Flocke*)

Mayor Flocke provided reasoning for consistent water restrictions, including reducing confusion among citizens and helping conserve water usage. Discussion addressed recent efforts to develop regional drought management standards among area entities, including City of Woodcreek, Wimberley Water Supply Corporation (WWSC), Aqua Texas, and Hays Trinity Groundwater Conservation District. City Administrator Ferguson advised that a comparison of the City of Wimberley and WWSC watering restrictions, along with a draft ordinance will be provided to Council.

Councilmember Talcott moved to accept WWSC water conservation rules and to direct staff to draft an ordinance consistent with Wimberley Water Supply Corporation's water restrictions. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

C. Discuss and consider action regarding alternatives to the Pedernales Electric Cooperative/City of Wimberley Over-the Road Banner Program. (*City Administrator*)

City Administrator Ferguson spoke of growing safety concerns and presented two (2) proposed alternatives to the existing program, which has been extended by Pedernales Electric Cooperative (PEC) until January 1, 2013:

1. PEC will contribute toward the purchase of an LED sign to be located on City property, at a location of the City's choice, and used to display public notices.
2. PEC will equip two (2) poles on City property, at a single location of the City's choice, with a pulley system, so City staff can raise and lower banners.

The City would be responsible for any ongoing costs associated with either alternative.

Discussion addressed possible locations, LED versus pulley system banner, cost estimates, citizen input, and sample sign designs.

Councilmember Meeks moved to direct staff to develop a proposal for an electronic LED sign, including cost estimates (minimum of three quotes) and visual depictions/samples, with sign location to be determined at a later date. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

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

This item was heard after Citizens Communications.

Mayor Flocke adjourned Open Session and convened Executive Session at 6:08 p.m. pursuant to §551.071 of the Texas Government Code for consultation with legal counsel.

Mayor Flocke adjourned Executive Session and reconvened Open Session at 6:20 p.m.

Councilmember McCullough did not participate in the Executive Session.

No action was taken in Executive Session.

Councilmember McCullough felt that the City should work jointly with the subject property owner to solve drainage problems. He stated that the City has an obligation to address drainage up to the property line and that the property owner should be willing to work with the City.

Discussion addressed historical flows, liability issues, prior drainage work performed by Hays County, existing culvert/drainage channel, and responsibilities of the property owner to deal with drainage.

Councilmember McCullough moved to have the City Engineer look at the subject culvert and assess what actions the City should take “to act responsibly to get that water under control and under the road.” He clarified that he did not favor the City doing any work at this point, and restated his belief that the City has an obligation to have the problem assessed by the City Engineer.

Discussion between Councilmember McCullough and City Administrator Ferguson established that the City Engineer has looked at the subject drainage area and verbally informed the City that the area in question is not the City’s easement and that the property owner was also informed of such determination.

Mayor Flocke called for a second to Councilmember McCullough’s motion. Hearing none, the motion died for lack of a second.

- E. Discuss and consider action on a proposed program to address the issue of unpermitted construction in the City of Wimberley. (*City Administrator*)

City Administrator Ferguson advised that the City would continue its policy of issuing a Stop Work Order (SWO) until the proper permit is issued and stressed that the City does not patrol in search of unpermitted construction, but responds to complaints. He proposed the following policy:

- \$25 surcharge added for issuance of a building permit after a SWO has been issued
- City would maintain a master list of violators
- No charges filed for first violation (other than the abovementioned \$25 surcharge)
- Charges filed in municipal court for second violation (fine range \$0 - \$2,000)
- Charges filed in municipal court for third violation (fine range \$500 - \$2,000)
- Charges filed in municipal court for fourth violation (fine range \$750 - \$2,000)

Discussion addressed possible City licensing of contractors, which would allow the City to prohibit repeat offenders from pulling permits, public education on the permitting process, complaint-based enforcement, and contractors’ responsibilities to acquire proper permits.

Councilmember White moved to direct staff to draft an ordinance in accordance with City Administrator Ferguson’s proposed policy, as presented, including the addition of a grace period to allow time for public education on permitting procedures. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

- F. Discuss and consider possible action regarding Change Order No. 30 (*Landscaping; Biofiltration Ponds; Play Area*) relating to the development of the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson explained the following change order:

- *Change Order No. 30 Children's Play Area/Biofiltration Ponds (\$8,159.51)*  
This change order reflects the cost for additional landscaping and a sand table RPZ in the Children's Play Area and the remobilization cost associated with a delay in the delivery and installation of TCEQ-required material for biofiltration ponds.

Discussion established that funding for this change order comes from the Blue Hole Park Fund, not from the City's General Fund.

Councilmember Talcott moved to approve the item, as presented. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

### **Addenda to the Regular Agenda**

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

- C. Approval of the March 2012 City of Wimberley Financial Statements

See Item 1 (Consent Agenda).

#### **4. Discussion and Possible Action**

- G. Discuss and consider possible action regarding a request from the *Friends of Blue Hole* to hold a fund raising reception on Saturday, May 19, 2012, and a fund raising concert on Saturday, June 9, 2012, at the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson reviewed plan details for the May reception and June concert, including temporary swimming area closure for the June concert, food/beverages, event insurance, security, and use of proceeds to help fund development and maintenance of the Park.

Councilmember Talcott moved to approve the item, as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

#### **5. City Council Reports**

- Announcements
- Future Agenda Items

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

**Adjournment:** Council meeting adjourned at 7:19 p.m.

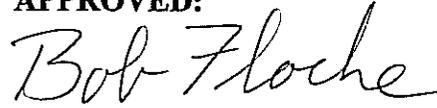
Recorded by:



Cara McPartland

These minutes approved on the 3<sup>rd</sup> of May, 2012.

**APPROVED:**



**Bob Floche, Mayor**

