

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
May 3, 2012 at 6:00 p.m.

City Council meeting called to order at 6:08 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.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of April 19, 2012
- B. Approval of the minutes of the Special City Council meeting of April 28, 2012

Councilmember Talcott moved to approve Consent Agenda items, as presented. Councilmember White seconded. Motion carried on a vote of 4-0. Councilmember Thurber abstained.

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 2 construction, plans for the May 19th ribbon-cutting ceremony for Phase II's opening, "Plant the Park" Day held on April 28th, Concert in the Park Series attendance, and a planned June concert in the Park.

- Status report on the update of the City of Wimberley Flood Prevention Ordinance

City Administrator Ferguson reported on the FEMA-required update of the City's Flood Prevention Ordinance and improvements to help streamline the development process.

- Status report on the Sign Ordinance Task Force

City Administrator Ferguson reported on moving forward with plans to schedule the Task Force's first meeting within the next two weeks.

- Status report on the review of the City Subdivision Ordinance

City Administrator Ferguson reported on the Planning & Zoning Commission's ongoing review of the City's Subdivision Ordinance, including completion of initial review process and submission criteria.

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

City Administrator Ferguson reported on early voting/voting dates/times and polling location.

- Status report on Wimberley Community Center operations

City Administrator Ferguson commended Wimberley Community Center (WCC) Director Tracy Calamari's successful efforts to expand the types of events/activities offered, including use of WCC facilities by schools/non-profits for fundraising events, various educational programs/activities for all ages, jazz concert series, summer camps, and art, camping, and cooking classes. He noted that offering hourly rates for smaller room rentals has helped in filling those spaces (as opposed to requiring a minimum number of hours). Options are being considered for the possible installation of a solar roof.

- 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 prior to the opening of Blue Hole Regional Park.

- Status report on the City of Wimberley's insurance coverage on roads and bridges

City Administrator Ferguson detailed coverage, including estimated replacement values, coverage limits, premiums, and deductibles. He stressed the need to maintain an adequate fund balance in the event of a catastrophic event to cover certain costs not covered by insurance.

Also, City Administrator Ferguson advised that Councilmember Talcott has suggested that staff work on alternative approaches to deal with Blanco River trespassing/parking along Flite Acres. City Administrator Ferguson spoke highly of the City's newly sworn-in City Marshal Wayne Acton and Municipal Court Judge David Garza. In response to Councilmember Thurber's inquiry, City Administrator Ferguson replied that Deer Creek Nursing Center's usage levels are down to an acceptable range and efforts continue to improve those levels.

3. Public Hearing and Possible Action

- 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 Beth Mitchell to operate a vacation rental facility on an approximate 1.7 acre tract located at 2300 Flite Acres Road, Wimberley, Texas, zoned Single Family Residential 2 (R-2), 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. (*Beth Mitchell, Applicant*)

City Administrator Ferguson reported on the subject property's location, current/proposed zoning and uses, existing structures, the applicant's vacation rental house rules, and the staff-recommended list of conditions. He noted that the permit issued by Hays County for the on-site septic system placed a restriction on use of the converted garage as a residence due to the limited capacity of the septic system. In an attempt to meet the intent of the aforementioned restriction, the applicant has agreed to limit the total number of persons on the subject property to no more than four (4) persons, guests and residents included. He stated that a current inspection report has been provided for the septic system and the City Sanitarian finds the four-person limit acceptable. City Administrator Ferguson advised that inquiries were received about the application at the Planning and Zoning Commission's meeting on April 26, 2012, but no opposition was expressed. He noted that the Commission unanimously recommended approval of the conditional use permit (CUP) with the staff-recommended conditions, as presented, including limiting the total number of persons (guests and residents) to no more than four (4).

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

Councilmember Thurber moved to approve the item, as presented, which includes the additional requirement that the total number of persons (guests and residents) be limited to no more than four (4) persons. Councilmember Talcott 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 approving an application for a conditional use permit submitted by Steve Dunks and Audrea Buster to operate a drive-in ice vending machine on an approximate .90 acre tract of land, zoned Commercial – Low Impact (C-1), located at 419 FM 2325, Wimberley, 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. (*Steve Dunks and Audrea Buster, Applicants*)

City Administrator Ferguson reported on the subject property's current/proposed zoning, uses, and structures. The applicants are proposing to add a 196 square-foot ice vending machine where customers can drive up and purchase bags of ice. He detailed the vending machine's proposed location, parking, and access off Rhodes Lane. It was noted that water for the machine will be supplied by Wimberley Water Supply Corporation and will be constructed in compliance with all applicable City codes. No responses were received either for or against the CUP application. He advised that the Planning and Zoning Commission voted unanimously to recommend approval of the CUP at its April 26, 2012 meeting, with the condition that the ice vending machine unit complies with all applicable City codes.

Mayor Flocke opened the public hearing.

Applicant Audrea Buster-Gibson provided information on the vending machine, including customer convenience and low product pricing.

Discussion addressed methods of payment, signage, and lighting.

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

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

4. Ordinances

- A. Consider approval of an ordinance of the City of Wimberley, Texas, amending Title IX (General Regulations), Chapter 92 (Open Burning) of the City of Wimberley's Code of Ordinances to add new Section 92.05 (Exceptions) to clarify that fire pits, campfires, and open flame grills used for cooking food are permitted unless prohibited by a state statute or regulation or by a City or county-wide burn 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 explained the following proposed amendment, which the Code Review Task Force recommended in order to clarify existing ordinance language:

“§92.05 Exceptions

This Chapter does not prohibit the use of fire pits, camp fires, or open flame grills used for cooking food within the city limits unless such burning is otherwise prohibited by state statute or regulation or by an existing city or county-wide burn ban.”

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

- B. Consider approval of an ordinance of the City of Wimberley, Texas, amending Title XIII (General Offenses), Chapter 130 (General Offenses) of the City of Wimberley's Code of Ordinances to amend Section 130.03 (Discharge of Firearms Prohibited; Exceptions) to revise Paragraph (C)(4) to expand the exception to include destruction of animals posing a safety risk to individuals or to property; and providing findings of fact, a repealing clause, a savings and severability clause; providing for an effective date; and proper notice and meeting. (*Code Review Task Force*)

City Administrator Ferguson cited current ordinance language, which allows an individual to discharge a firearm to destroy predatory animals on one's own property. He explained the following proposed amendment and provided examples of certain types of animals, such as feral hogs, that may pose a threat to personal safety or property:

“Section 130.03 Discharge of Firearms Prohibited; Exceptions

(C) This section shall not apply to:

(4) Destroying predatory animals on one's own property or with the written permission of the owner of the property or destroying any other animal on one's own property if the animal poses a risk to the safety of an individual or is causing property damage so long as any shot discharged does not cross property lines and is discharged in conformance with all applicable federal, state, and local laws pertaining to the discharge of firearms; and/or"

Discussion addressed concerns relating to interpretation and clarification of specific terms. Mayor Flocke made a suggestion to add language (see italics) such as “. . . poses a risk to the safety of an individual, *domestic animal* or is. . .” to the draft ordinance.

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

- C. Consider approval of the first 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 detailed the proposed ordinance, as follows:

- First offense - \$25 surcharge on each building permit issued for work that was found being done without the necessary permit
- Second offense – Violation shall be punished by a fine of \$500 to \$2,000
- Third offense – Violation shall be punished by a fine of \$750 to \$2,000
- Fourth offense or more – Violation shall be punished by a fine of \$1,000 to \$2,000

He explained that first time offenders will receive a written warning from the City. It was noted that a public education campaign will be launched to help educate residents and contractors about when permits are needed and how to obtain them. Discussion addressed issues associated with possible contractor licensing by the City.

Councilmember White moved to approve the item on first reading, as presented. Discussion addressed Councilmember Talcott's request that the proposed amendment include the specific term “contractor” as the party responsible for obtaining proper permitting.

Councilmember White seconded Councilmember White's motion to approve the item on first reading, as presented. Motion carried on a vote of 5-0.

5. Discussion and Possible Action

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

City Administrator Ferguson recommended continuance of this item until Council's next regular meeting on May 17, 2012.

Councilmember Thurber moved to continue the item, in accordance with City Administrator Ferguson's recommendation. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider action regarding a proposal to install stop signs at various intersections on Valley Drive, Climbing Way, and Blanco Drive. *(City Administrator)*

City Administrator Ferguson proposed the following proposed stop sign installations based on recent traffic studies and the Transportation Advisory Board's March 28, 2012 recommendation:

- The three-way intersection where Blanco Drive intersects Valley Drive *(Traffic would be stopped in all directions at the intersection)*
- The "T" intersection where Blanco Drive intersects Climbing Way *(The existing yield sign on Climbing Way would be taken down and a stop sign would be installed on Blanco Drive)*

Paradise Valley resident David Wilson felt that the two intersections (as listed above) are very dangerous, and suggested two (2) stop signs at the intersection of Blanco Drive and Climbing Way. He cited speeding concerns along Valley Drive, and felt an additional stop sign is needed at Climbing Way and Songbird Lane.

Discussion addressed use of stop signs for speed control and specific problems with the current signage, which appears to conflict with normal yield patterns.

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

- C. Discuss and consider action regarding a proposal to install truck route signage at the intersection of Brinkley Drive and Climbing Way. *(City Administrator)*

City Administrator Ferguson explained the long-standing need for rerouting of heavy truck traffic and cited a recent incident involving a fully loaded dump truck, which slid off the roadway into the backyard of a home on Climbing Way. He proposed designating Brinkley Drive as the route for heavy truck traffic with destinations in the upper section of the subdivision. If approved, signage would be installed at the intersection of Climbing Way and Brinkley Drive directing traffic onto Brinkley Drive and contractors doing work in the upper portion of the subdivision will be advised to route material delivery vehicles onto Brinkley Drive.

Councilmember McCullough felt that notice should be given to contractors about the designated truck route during the building permitting process.

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

D. Discuss and consider action regarding proposed operating procedures for the City of Wimberley public notification system. (*City Administrator*)

City Administrator Ferguson presented a draft policy for the public notification system and projected a timeframe for activation (May 10) and testing (May 16). He highlighted specific examples of the system's capabilities and details of policies and procedures.

Discussion addressed confirmation of callouts, web portal, call register, number of connections made, and designation of certain areas for localized notifications within certain geographical areas.

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

City Administrator Ferguson provided information on upcoming activation of a web portal that will allow citizens to sign up for notifications.

E. Discuss and consider action regarding a proposed interlocal contract for cooperative purchasing with the Houston-Galveston Area Council. (*City Administrator*)

City Administrator Ferguson recommended approval of the interlocal agreement in order for the City to participate in the cooperative purchasing program. Discussion addressed specific purchases that may be made through the program, such as the city marshal's vehicle lease or purchase. Councilmember Talcott requested that Council be provided information on cost savings realized by purchasing through the cooperative versus local businesses. City Administrator Ferguson clarified that action on this item simply allows the City to join and participate in the cooperative purchasing program at no cost, but does not obligate the City to make any purchases.

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

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Talcott requested discussion of Code Review Task Force super majority voting requirements. He also requested a copy of the city administrator evaluation form previously approved by Council, as well as business cards with a specific design. Councilmember Thurber moved to adjourn. Discussion continued about ordering of

business cards. Councilmember Talcott asked for Transportation Advisory Board/staff recommendations on safety improvements at Mill Race Lane and the Wimberley Senior Citizen Thrift Store parking lot ingress/egress.

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

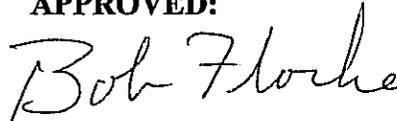
Adjournment: Council meeting adjourned at 7:30 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 17th of May, 2012.

APPROVED:



Bob Flocke, Mayor

