

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
May 15, 2014 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, Councilmembers Mac McCullough, Matt Meeks, Steve Thurber, and John White. Councilmember Tom Talcott was absent.

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

Citizens Communications

M.F. Johnson thanked the current Council and incoming Council members for their service and various perspectives over the years.

Mayor Flocke thanked the citizens of Wimberley for entrusting him with the responsibility of serving as a member of Council and mayor for the last eight years. He also thanked current and former Council members and City staff for their hard work and assistance through both trying times and good times.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of May 1, 2014
- B. Approval of April 2014 Financial Statements for the City of Wimberley
- C. Approval of reappointment of David Garza as the Municipal Court Judge for the City of Wimberley

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

2. City Administrator Report

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

City Administrator Ferguson reported the May sales tax collections check, representing March collections, totaled \$76,399.50, up eight percent (8%) from the same period last year, attributed in part to increased sales activity and the reopening of Ace Hardware.

- Status report on the May 10, 2014 elections in the City of Wimberley

City Administrator Ferguson reported that there no operational problems with the elections and only a couple of minor voter registration issues related to residency. He noted only one provisional ballot was cast and thanked election judges and staff, as well as the candidates.

- Status report on development of a Central Wimberley Master Plan

City Administrator Ferguson reported that a 3-day charrette will be held during the second week of June (Wednesday – Friday) to receive input from the public, including citizens and stakeholders.

- Status report on central Wimberley water quality issues

City Administrator Ferguson reported that the permit for the Central Wimberley Wastewater System was filed with Texas Commission on Environmental Quality (TCEQ) earlier this week. He noted that copies are available for viewing at City Hall and soon to be available on the City's website. He reported favorably on the recently held EID public hearing, with input to be processed and forwarded to TCEQ and the Texas Water Development Board (TWDB) for review. He noted the start of seasonal water quality testing and results showing elevated bacteria levels in the downtown area, including significant increases upstream in Woodcreek. Water quality monitoring will continue on a weekly basis during the summer swimming season. He noted that discussions are underway among various testing entities to consolidate test data results, establish standard protocols, and provide a more comprehensive picture of water quality beyond bacteria levels to include other readings such as dissolved oxygen levels.

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

City Administrator Ferguson reported on May attendance and replacement of the deck washed away in the October 2013 flood event. He reported on the swimming area's summer season hours of operation from Memorial Day through Labor Day and noted increased camping rental activity. Due to concerns over crowds and scheduling flexibility, producers of a national advertising campaign withdrew their recent consideration of Blue Hole as a possible location.

In addition, City Administrator Ferguson commended Mayor Flocke for his dedication and commitment to public service and expressed appreciation to both Mayor Flocke and his wife, Jenelle.

Discussion clarified the charrette dates for the Central Wimberley Master Plan and efforts to help expedite Wimberley ISD's permitting, so that construction deadlines and fire flow/lighting requirements can be met. City Administrator Ferguson advised that the Building Code Board of Review is scheduled to meet to discuss and consider action on WISD's building permit issues within the next two weeks.

3. Election Matters

- A. Canvass returns of the General Election and Special Bond Election of May 10, 2014 (*City Administrator*)

City Administrator Ferguson presented the official results of both the General and Special Bond Election, which include Early Voting and Election Day totals as follows:

| POSITION | CANDIDATE | EARLY VOTING | ELECTION DAY | TOTAL VOTES |
|----------------------------|---------------------------|--------------|--------------|-------------|
| Mayor: | | | | |
| | Tom Talcott | 160 | 36 | 196 |
| | Steve Thurber | 308 | 103 | 411 |
| | Hershel "Mac" McCullough | 160 | 63 | 223 |
| Council Place Two: | | | | |
| | Mary Kathryn Brown | 259 | 84 | 343 |
| | Cindy Anderson | 319 | 104 | 423 |
| | Ed Foster | 34 | 10 | 44 |
| Council Place Four: | | | | |
| | Shannon Marlow du Plessis | 106 | 25 | 131 |
| | Pam Showalter | 388 | 125 | 513 |

| PROPOSITION NO. 1 | | | |
|---|--------------|--------------|-------------|
| This issuance of \$2,850,000 General Obligation Bonds for the repair and improvement of city streets and a drainage study, and the levy of a tax in payment thereof. | | | |
| | EARLY VOTING | ELECTION DAY | TOTAL VOTES |
| FOR | 152 | 57 | 209 |
| AGAINST | 474 | 142 | 616 |

Councilmember Thurber moved to accept the canvass of the returns of the General Election and Special Bond Election of May 10, 2014. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider approval of an ordinance of the City of Wimberley, Texas, declaring the canvasses and results of the May 10, 2014 Special Bond Election and General Election held for the purpose of electing a Mayor and Councilmembers for Place 2 and Place 4 of the City of Wimberley City Council, and all matters related to holding such elections; and providing for findings of fact, severability, conflicting provisions, governing law, proper notice and open meeting, and an effective date. (*City Administrator*)

City Administrator Ferguson presented the ordinance declaring the accepted canvasses and results of the May 10, 2014 General and Special Bond Elections. He explained that the City of Wimberley is a General Law Type A municipality, therefore, candidates with the highest number of votes win. He clarified that a majority of more than fifty percent (50%) of the total votes is not required.

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

- C. Complete and issue Certificates of Election to the Mayor-elect and the Place 2 and Place 4 Councilmembers-elect. (*City Administrator*)

Mayor Flocke presented the Certificates of Election to Mayor-elect Steve Thurber, Councilmember Place 2-elect Cindy Anderson, and Councilmember Place 4-elect Pam Showalter.

4. Public Hearings and Possible Action

- A. Hold a public hearing and consider approval of the second and final reading of an ordinance amending Chapter 155 (Zoning), Section 155.107 (Planning and Zoning Commission) of the City of Wimberley Code of Ordinances for requirements relating to attendance and the removal of commissioners, and providing findings of fact, repealing clause, a savings and severability clause, an effective date, and proper notice and meeting. (*Planning and Zoning Commission*)

City Administrator Ferguson highlighted current requirements and presented the following draft ordinance language resulting from Council's prior discussions:

- The Commission shall hold one (1) regular meeting per month on the second Thursday of the month. Special called Meetings of the Commission may be held when deemed necessary.
- Any Commission member who misses three (3) regular meetings or special called meetings, where his or her absence resulted in the cancellation of the meeting, within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission.
- When any Commission member has missed two (2) regular meetings or special called meetings, where his or her absence resulted in the cancellation of the meeting, in a twelve (12) month time period, the City Administrator shall notify the subject Commission member and City Council, in writing, about the subject Commission member's absences.
- It shall be considered a missed meeting for any member who misses a special called meeting where their absence resulted in cancellation of the meeting.
- It shall be considered a missed meeting for any Commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason than to avoid a potential conflict of interest.
- Any Commission member who automatically vacates his or her position on the Commission may be considered for reappointment to the Commission or appointment to another City Board in the future by City Council.
- Any Commission member who is tardy to a regular or special called meeting is prohibited from participating in the discussion and/or vote on the agenda item being discussed by the Commission at the time of the tardy Commission member's arrival.

No public comments were heard.

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

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, to approve an application for a conditional use permit to allow for the operation of a vacation rental facility on property zoned Scenic Corridor (SC), located at 12500 Ranch Road 12, Wimberley, Hays County, Texas. (*Michael & Meredith McClay, Applicants; this case was continued from the April 17, 2014 City Council meeting*)

City Administrator Ferguson advised that the applicants have submitted a written request to withdraw their application to allow the time needed to address septic system issues. The applicants expect to refile the application once septic issues have been resolved.

Councilmember Meeks moved to approve the withdrawal of the application from consideration, as presented. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

5. Ordinance

Consider approval of the first reading of an ordinance amending Title V (Public Works) Chapter 50 (Sewers and Water) of the City of Wimberley Code of Ordinances to prohibit the sale of certain detergents, and providing findings of fact, a repealing clause, a savings and severability clause, an effective date, and proper notice and meeting. (*Mayor Bob Flocke*)

City Administrator Ferguson presented the draft ordinance banning the sale of detergents containing more than 0.5% phosphorous and highlighted compliance and enforcement procedures.

Discussion addressed survey(s) of detergent products currently for sale locally and notification to retailers of the prohibition, should the ordinance be approved.

Councilmember White explained his vote against drafting of an ordinance at Council's May 1st meeting due to his belief that extreme caution should be exercised when interfering with the rights of business owners, which he feared could set a precedent for other types of future regulations.

Councilmember Thurber moved to approve the ordinance on first reading, as presented. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

6. Discussion and Possible Action

Discuss and consider possible action authorizing the *Wimberley 4H Club* to place directional signage in the right-of-way for the upcoming Memorial Day Open Pro Rodeo. (*City Administrator*)

City Administrator Ferguson recommended approval of the Club's request, provided that the signage will be installed one (1) week in advance, rather than the two (2) weeks in advance, as requested by the Club.

Discussion addressed the types of signs to be installed and length of time for advance posting of signage (one- versus two-weeks prior to event).

Councilmember Thurber moved to approve the placement of directional signage two (2) weeks in advance of the event, as requested by the *Wimberley 4H Club*. Councilmember White seconded. Motion carried on a vote 4-0.

7. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Thurber requested that Council submit nominations for board/commission appointments, particularly for the Planning and Zoning Commission.

Councilmember White requested a timeframe for parking signage installation on River Road. City Administrator Ferguson advised that the signs have been ordered and will be installed before Council's next meeting.

Councilmember Meeks thanked Mayor Flocke and Councilmember McCullough for their assistance and mentorship during his tenure on Council.

City Administrator Ferguson advised that Council's next agenda will contain an item regarding possible broadcasting of Council meeting audio by Wimberley Valley Radio.

City Administrator Ferguson expressed appreciation to outgoing Councilmember McCullough for his dedication and commitment to community service and looked forward to working with him and Mayor Flocke in the future.

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

Adjournment: Council meeting adjourned at 6:42 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 5th of June, 2014.



APPROVED:

A handwritten signature in cursive script, appearing to read "Steve Thurber".

Steve Thurber, Mayor