

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
June 5, 2014 at 6:00 p.m.

City Council meeting called to order at 6:28 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

### **Citizens Communications**

*Oaks ALIVE* representative Heather Carter spoke on her organization's mission and the need to protect heritage oaks. She spoke in support of a city ordinance to protect trees with historical significance and value from demolition. She noted a recent letter-writing campaign and placement of posters to those parties who have the power to stop further demolition of our historical and essential trees. She delivered fifty-plus letters to Council and requested consideration of adoption of an ordinance similar to one adopted by the City of Austin pertaining to preservation/replanting of certain trees. Ms. Carter, Sarah Cook, Emily Cook, and Rachel Kimball-Jack read letters from local children supporting the mission and goals of *Oaks ALIVE*. Ms. Carter questioned the destruction of part of Wimberley's history for a building that might not stand for fifty to sixty more years and offered her assistance in drafting ordinance language and presented letters to Council written by children from the Wimberley Montessori School.

Mayor Thurber thanked all those present on behalf of *Oaks ALIVE* advised that this issue can be placed on a future agenda for consideration.

Pedernales Electric Cooperative (PEC) representative Diana Gonzales invited Council and PEC members to attend the upcoming annual meeting on June 21, 2014 in Cedar Park, and encouraged members to vote in the Board of Directors (District 2 and District 3 positions) election, as well as a referendum on the ballot to change the Board election process from at-large to single-district. She highlighted events and activities scheduled for the annual meeting, including door prizes.

Regarding Agenda Item 6E, Marilee Wood spoke on art in public spaces and recalled Parks Board discussions on this matter. She suggested that Council explore policy development before taking any action.

## 1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of May 15, 2014
- B. Approval of the reappointment of Terrie Bursiel to the City of Wimberley Economic Development Commission. *(Place Five Councilmember John White's nominee)*
- C. Approval of the appointment of Charles Roccaforte to the City of Wimberley Ethics Commission. *(Place Five Councilmember John White's nominee)*
- D. Approval of the reappointment of Tom Haley to the City of Wimberley Planning and Zoning Commission. *(Place Five Councilmember John White's nominee)*
- E. Approval of the reappointment of Bob Bullock to the City of Wimberley Transportation Advisory Board. *(Place Five Councilmember John White's nominee)*
- F. Approval of the appointment of Mac McCullough to the City of Wimberley Water Wastewater Advisory Board. *(Place Five Councilmember John White's nominee)*
- G. Approval of the reappointment of Steve Gartside to the City of Wimberley Zoning Board of Adjustment. *(Place Five Councilmember John White's nominee)*
- H. Approval of the appointment of Austin Weeks to the City of Wimberley Parks Advisory Board. *(Place Two Councilmember Cindy Anderson's nominee)*
- I. Approval of the appointment of Steve White to the City of Wimberley Water Wastewater Advisory Board. *(Mayor Steve Thurber's nominee)*
- J. Approval of the appointment of Zack Ezer to the City of Wimberley Parks Advisory Board. *(Place Three Councilmember Matt Meeks' nominee)*
- K. Approval of the appointment of Charles Savino to the City of Wimberley Planning and Zoning Commission. *(Place Two Councilmember Cindy Anderson's nominee)*
- L. Approval of the appointment of Pat Bruns to the City of Wimberley Ethics Commission. *(Place Two Councilmember Cindy Anderson's nominee)*
- M. Approval of the appointment of Mary Kathryn Brown to the City of Wimberley Planning and Zoning Commission. *(Place One Councilmember Tom Talcott's and Place Three Councilmember Matt Meeks' consensus nominee)*
- N. Approval of the appointment of Thad Nance to the City of Wimberley Planning and Zoning Commission. *(Mayor Steve Thurber's consensus nominee)*
- O. Approval of the reappointment of Christine Byrne to the City of Wimberley Parks Advisory Board. *(Mayor Steve Thurber's nominee)*
- P. Approval of the reappointment of John Estep to the City of Wimberley Water Wastewater Advisory Board. *(Place Two Councilmember Cindy Anderson's nominee)*
- Q. Approval of the reappointment of Tracey Dean to the City of Wimberley Planning and Zoning Commission. *(Place Three Councilmember Matt Meeks' nominee)*
- R. Approval of the reappointment of Jimmy Lee to the City of Wimberley Building Code Board of Review. *(Place Two Councilmember Cindy Anderson's nominee)*
- S. Approval of the reappointment of Charles Lancaster to the City of Wimberley Planning and Zoning Commission. *(Place One Councilmember Tom Talcott's nominee)*
- T. Approval of the reappointment of Thad Nance to the City of Wimberley Parks Advisory Board. *(Place Five Councilmember John White's nominee)*

Mayor Thurber pulled Consent Agenda Items 1M and 1N.

Councilmember White moved to approve all remaining Consent Agenda items, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

Mayor Thurber noted consensus appointments generally and possible need for discussion of current consensus appointment procedures.

Councilmember Talcott requested that Consent Agenda Item 1M be continued until Council's next meeting due to communication with nominee Mary Kathryn Brown indicating that she would be unable to serve on the Planning and Zoning Commission due to schedule conflicts. He asked to submit a replacement consensus nominee for consideration on Council's next agenda.

Referencing Consent Agenda Item 1N, Mayor Thurber stated that consensus nominee for the Planning and Zoning Commission, Thad Nance, is present to address Council. Mr. Nance spoke of his personal and professional background and experience, his service as chair of the City of Wimberley Parks Board, sense of civic duty, and his desire to serve on the Planning and Zoning Commission.

Mayor Thurber spoke of Mr. Nance's long history of service, broad-based support, and favored his appointment to the Planning and Zoning Commission.

Councilmember Showalter moved to approve Consent Agenda Item 1N to appoint Thad Nance to the Planning and Zoning Commission. Councilmember Anderson seconded.

Councilmember Talcott felt that this item should be continued until Council's next meeting. Discussion addressed reasoning for the continuance and Councilmember Talcott's desire to bring his replacement nominee before Council before taking action.

Mayor Thurber explained current Planning and Zoning membership requirements and effect of one vacant position on the Commission's meeting schedule.

Councilmember Talcott requested an amendment to Councilmember Showalter's motion to continue this item until Council's next meeting. Councilmember Meeks seconded. Councilmember Anderson did not agree to Councilmember Talcott's requested amendment.

Mayor Thurber called for a vote as follows on the original motion, as stated by Councilmember Showalter and seconded by Councilmember Anderson, to approve the appointment of Thad Nance to the consensus position on the Planning and Zoning Commission: Councilmember White, nay; Councilmember Showalter, aye; Councilmember Meeks, nay; Councilmember Anderson, aye; and Councilmember Talcott, nay. Motion failed on a vote of 2-3.

## **2. City Administrator Report**

- Status report on plans to remove gravel deposits from the Cypress Creek and Pierce Creek

City Administrator Ferguson reported on partial funding received from FEMA for specific projects, the state permitting process, an upcoming site visit by Texas Parks and Wildlife representative(s), and contracting for the projects.

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

City Administrator Ferguson reported that updating is needed, particularly in light of the October 2013 flood event, to ensure that floodplain regulations are consistent with FEMA and effectively address development issues.

- Status report on the possible consolidation of certain city services with the City of Woodcreek

City Administrator Ferguson reported on areas where consolidation might be feasible to improve efficiency and cost effectiveness, and compared services provided. Meetings with the City of Woodcreek's City Manager John Sone and City Administrator Ferguson concluded that consolidation might be beneficial to both entities at some future point, particularly related to law enforcement.

Brief discussion between City Administrator Ferguson and Councilmember Talcott established that the City's Code Review Task Force looked at the City of Wimberley Flood Damage Prevention Ordinance; however, the ordinance was not updated as part of its review. City Administrator Ferguson explained the process for updating flood maps, most recent updates, coordination with other governmental entities, identification of problem areas, efforts to establish correct baseline elevation/drainage data, and approximate costs of gathering such data. Concerns were expressed by Councilmember White regarding map revisions that might cause restrictions to be placed on properties.

- Status report on the City of Wimberley wastewater permit application

City Administrator Ferguson reported that the application has been submitted to Texas Commission on Environmental Quality (TCEQ) in accordance with the Council-approved Central Wimberley Wastewater Project Stakeholder Committee recommendations and that the review process is underway. He advised a copy of the application is available for viewing at City Hall and on the City's website.

- Status report on the development of a Central Wimberley Master Plan

City Administrator Ferguson advised that Design Workshop is preparing data for the public charrettes to be held June 11-13, 2014. He provided information on meeting dates/times and encouraged attendance by stakeholders, officials, and the public. He advised that three (3) draft plans will be presented by Design Workshop based on data research/analysis and input received.

- Status report on central Wimberley water quality issues

City Administrator Ferguson reported that testing will be conducted this coming week following Market Days weekend.

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

City Administrator Ferguson reported that the deck washed away in the October 2013 flood event has been replaced. He noted that almost 3,000 people have visited the swimming area in May, generating approximately \$29,000 in revenue. He advised the swimming area will be open daily through Labor Day and that there have been no capacity issues to date. Minor trail damage was noted due to recent heavy rains, as well as strong reservation activity. Discussion addressed design features/materials of the newly replaced deck that should help mitigate deck damage.

In addition, City Administrator Ferguson reported on law enforcement activity that resulted in the apprehension of a murder suspect this afternoon in the vicinity of Mount Sharp Road.

### **3. Discussion and Action on Election-Related Matters**

- A. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Bob Flocke as Mayor, Mayor Pro-tem and City Councilmember of the City of Wimberley, Texas. (*Mayor Steve Thurber*)
- B. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Mac McCullough as a City Councilmember of the City of Wimberley, Texas. (*Mayor Steve Thurber*)

Agenda Items 3A and 3B were heard after Citizen Communications.

Mayor Thurber spoke highly of Mayor Flocke's service, read the subject resolution, and presented it to Mayor Flocke, who felt honored and expressed appreciation for the opportunity to serve.

Mayor Thurber spoke highly of former Councilmember McCullough's service, read the subject resolution, and presented it to former Councilmember McCullough, who said it has been a pleasure to serve and was proud of accomplishments during his tenure.

Councilmember White moved to approve Agenda Item 3A, as presented. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

Councilmember Talcott moved to approve Agenda Item 3B, as presented. Councilmember White seconded. Motion carried on a vote of 5-0. (Votes on Agenda Items 3A and 3B were taken after Agenda Item 3C.)

After the vote was taken on Agenda Items 3A and 3B, Councilmember McCullough added to his earlier comments by expressing appreciation to City staff.

- C. Consider approval of an appointment of mayor pro-tempore for a term of one (1) year.  
(*Mayor Steve Thurber*)

This item was heard after Agenda Item 2.

Councilmember White moved to appoint Councilmember Matt Meeks to the position of mayor pro-tempore for a term of one (1) year. Councilmember Showalter seconded. Motion carried on a vote of 5-0.

#### **4. Public Hearing and Possible Action**

Hold a public hearing and consider approval of a request from the Wimberley Independent School District (the "WISD") to utilize a water supply compliant with standards set forth in NFPA 1142 to provide the required fire flows for the Field Hose and related improvements to be constructed at 200 Texan Boulevard and the WISD Administration Building to be constructed at 951 FM 2325 in Wimberley, Hays County, Texas. (*Wimberley Independent School District*)

City Administrator Ferguson provided background information on Wimberley Independent School District's (WISD's) construction projects for its new Administration Building and Field House. He advised that during the building plan review process, it was determined that adequate water flows from the local water supply corporation do not currently exist to meet the fire flow requirements for new construction set forth in the International Fire Code (IFC). He advised that City Code allows a developer to seek authorization from the City to utilize alternate methods, as set forth in NFPA 1142, to provide required fire flows for a development. He reported that on May 28, 2014, the City of Wimberley Building Code Board of Review voted unanimously to recommend the WISD be authorized to utilize the provisions of NFPA 1142 due to the inadequacy of the existing local water system to meet IFC flow requirements and the impracticality of upgrading the system at this time. In addition, he advised that the Board recommended at least two (2) working fire hydrants be provided for each of the subject facilities, with the hydrants being no more than four hundred (400) feet from any portion of the facility it is intended to protect; the subject facilities be equipped with automatic fire alarm systems; and the WISD shall ensure that the protection of its students shall be paramount in the design and construction of the subject facilities. Should Council approve WISD's request, City Administrator Ferguson stressed that WISD will work with the City's Fire Official to arrive at an acceptable alternate method, under NFPA 1142, to provide adequate fire flows for the planned construction.

O'Connell Robertson Project Manager Kurt Schwerdtfeger gave a presentation detailing applicable regulations, appendices used for flow calculations, specifics of building plans for subject facilities, impracticality of upgrading lines for increased flows, alternate systems to provide adequate flows and associated costs, and use of NFPA standards to address infrastructure issues.

Discussion addressed water supply system valve locations, adjustments to valves for firefighting purposes, and verification of flow data.

Fire Official Gib Watt stated that he is comfortable with the utilization of NFPA 1142 and the recommendations of the City of Wimberley Building Code Board of Review.

Mayor Thurber recognized Building Code Board of Review members present at tonight's meeting and thanked them for their recommendations.

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

Discussion addressed consolidation of efforts by all entities involved to identify areas where adequate fire flows do not exist, associated concerns related to development of a long term capital plan for system upgrades, and the need to enhance fire flows in the Wimberley Valley. Discussion recognized the City's regulatory limitations and favored initiating efforts to identify problem fire flow areas so that work can begin on providing adequate flows. Discussion did not favor development of a long term capital plan for system upgrades at this time due to concerns related to the City's regulatory authority over various entities. Discussion established that utilization of NFPA 1142 allows for acceptable alternative(s) without exposing the City to liability issues and that fire officials are comfortable using alternate methods under NFPA 1142 without compromising safety. Specifics of flow operation, fire protections measures to be taken in each building's construction, and modern firefighting methods were also discussed.

Building Code Board of Review Chair Neel Morton explained reasoning for the Board's position that the City should initiate efforts to identify areas where fire flows are inadequate and work with other entities in the Wimberley Valley to develop a long term plan to upgrade local water supplies.

Relating to the Board's recommendation language, discussion favored encouraging dialogue among interested parties on addressing inadequate flows, without mandating specifics such as timeframes, and changing the term "capital plan" to simply "plan."

Councilmember Talcott moved to approve the request from WISD to utilize the provisions of NFPA 1142 in order to provide required fire flows to the subject facilities, including the Building Code Board of Review's aforementioned recommendations, with the following changes: "The City of Wimberley shall initiate an effort to identify those areas in the Wimberley Valley where adequate fire flows do not exist and ~~work with~~ *encourage* local water suppliers and other entities in the Valley to develop a long term ~~capital~~ plan to upgrade the local water supply." Councilmember Showalter seconded. Motion carried on a vote of 5-0.

## **5. Ordinance**

Consider approval of the second and final 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 an severability clause, an effective date, and proper notice and meeting. (*City Administrator*)

City Administrator Ferguson noted there are no changes to the draft ordinance from Council's first reading and brief discussion addressed enforcement procedures.

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

## 6. Discussion and Possible Action

- A. Discuss and consider possible action designating mayor, mayor pro-tem and city administrator as authorized signatories on the City of Wimberley depository bank accounts. (*City Administrator*)

City Administrator Ferguson explained the need for post-election designation of signatories.

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

- B. Discuss and consider possible action setting a date for a workshop to establish City Council goals and objectives. (*City Administrator*)

City Administrator Ferguson presented a comprehensive list of previously adopted goals and priorities and requested direction from Council on possible workshop dates and locations.

Discussion established Council's preference for a location other than City Hall and a tentative date of July 12, 2014. Mayor Thurber offered to explore options for alternative meeting locations.

No vote was taken.

- C. Discuss and consider possible action on a request from the Wimberley Village Library for complimentary daily admission passes to the Blue Hole Regional Park for a summer reading program. (*City Administrator*)

Councilmember White left the dais at this time.

City Administrator Ferguson recommended approval of ten (10) one-day only admission passes.

Councilmember Talcott moved to approve the item, as presented. Councilmember Meeks seconded. Motion carried on a vote of 4-0. (Councilmember White was not present for the vote on this item due to his brief departure from the dais.)

- D. Discuss and consider possible action approving the calendar for preparation of the Fiscal Year 2015 City of Wimberley Budget. (*City Administrator*)

Councilmember White returned to the meeting at this time.

City Administrator Ferguson presented the draft calendar and advised that the Budget Advisory Board will meet in order to provide recommendations to Council before budget adoption, which is tentatively scheduled for September 18, 2014. He noted that the statutory deadline for budget adoption is September 30, 2014.

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

- E. Discuss and consider possible action regarding the proposed development of a mural on the landscaped concrete wall on Ranch Road 12 in front of the Senior Thrift Shop. (*City Administrator*)

City Administrator Ferguson requested continuance of this item until Council's meeting on June 19<sup>th</sup> to allow *Keep Wimberley Beautiful* President Martha Knies the opportunity to brief Council on the proposal.

Councilmember Meeks moved to approve the continuance, as requested. Councilmember White seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider possible action regarding the upcoming call for transportation projects to be funded by the Capital Area Metropolitan Planning Organization (CAMPO). (*City Administrator*)

City Administrator Ferguson outlined the process for funding allocations and requested input from Council on possible projects. He noted that each jurisdiction may submit up to three (3) project applications, listed according to priority. He advised that the Transportation Advisory Board will submit a recommendation for Council for consideration. Possible projects to submit for funding include: a continuous turn lane at Ranch Road 12 at FM 3237; completion of the Regional Hike and Bike Trail; and development of sidewalks along FM 2325 and/or Old Kyle Road. Discussion addressed safety improvements for pedestrian crosswalks in the Square and the need for sidewalks, particularly for children walking to school(s).

Mayor Thurber recommended the following prioritized projects per Council discussion: (1) Continuous turn lane at Ranch Road 12 and FM 3237; (2) Old Kyle Road sidewalks; and (3) FM 2325 sidewalks.

Further discussion addressed the possibility of a bike lane as an alternative to sidewalks.

No vote was taken.

## **7. City Council Reports**

- Announcements
- Future Agenda Items

As future agenda items, Mayor Thurber requested discussion and possible action on drafting of a tree protection ordinance and procedures for nominating board/commission members to consensus positions.

Councilmember Talcott requested discussion and possible action on a community message board and scheduling of guests to give the invocation at Council meetings on a rotating basis. He also requested a future agenda item on Council's participation in the upcoming Fourth of July Parade. City Administrator Ferguson advised that arrangements can be made for a City Council parade float.

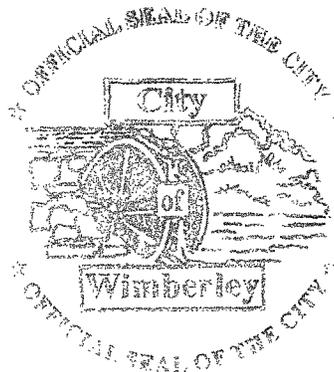
Hearing no further announcements or future agenda items, Mayor Thurber called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 8:34 p.m.

Recorded by:

  
Cara McPartland

These minutes approved on the 19<sup>th</sup> of June, 2014.



**APPROVED:**

  
Steve Thurber, Mayor