

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
June 19, 2014 at 6:00 p.m.

City Council meeting called to order at 6:02 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, Matt Meeks, Pam Showalter, and John White. Councilmember Cindy Anderson was absent.

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

Citizens Communications

M.F. Johnson welcomed new City Council members and provided perspective on what makes Wimberley a good community, including therapeutic qualities sought by people who visit from bigger cities.

Keep Wimberley Beautiful President Martha Knies spoke on two specific billboard signs on Ranch Road 12 and questioned the “grandfathered” status of those signs. She asked for clarification of the City’s Sign Ordinance as it relates to use of existing posts to put up signs for new businesses and welcomed new Council members.

Gail Pigg spoke on the Central Wimberley Wastewater Project Stakeholder Committee recommendation to require water quality monitoring to establish baseline conditions for nutrient concentrations in the Blanco River and Cypress Creek. She asked that this monitoring begin well before the plant comes online to allow adequate time to establish baseline data and measure impact of the new plant on water quality. She thanked Council members for their service.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of June 5, 2014
- B. Approval of minutes of the Special City Council meeting of June 5, 2014
- C. Approval of minutes of the Special City Council meeting of June 11, 2014
- D. Approval of minutes of the Special City Council meeting of May 14, 2014
- E. Approval of the May 2014 Financial Statements for the City of Wimberley
- F. Approval of the reappointment of P. Jason Aldridge to the City of Wimberley Board of Adjustment. *(Place One Councilmember Tom Talcott’s nominee)*
- G. Approval of the reappointment of Horace Wilson to the City of Wimberley Building Code Board of Review. *(Place Four Councilmember Pam Showalter’s nominee)*

- H. Approval of the reappointment of Steve Gartside to the City of Wimberley Ethics Commission. *(Place Four Councilmember Pam Showalter's nominee)*
- I. Approval of the reappointment of Jan Fulkerson to the City of Wimberley Parks Board. *(Place Four Councilmember Pam Showalter's nominee)*
- J. Approval of the reappointment of Rick Burleson to the City of Wimberley Planning and Zoning Commission. *(Place Four Councilmember Pam Showalter's nominee)*
- K. Approval of the reappointment of Bert Ray to the City of Wimberley Transportation Advisory Board. *(Place Four Councilmember Pam Showalter's nominee)*
- L. Approval of the reappointment of Charles Jennett to the City of Wimberley Water Wastewater Advisory Board. *(Place Four Councilmember Pam Showalter's nominee)*
- M. Approval of the reappointment of Barry Tyler to the City of Wimberley Board of Adjustment. *(Place Four Councilmember Pam Showalter's nominee)*
- N. Approval of the reappointment of Mark Bursiel to the City of Wimberley Parks Advisory Board. *(Place One Councilmember Tom Talcott's nominee)*
- O. Approval of the appointment of Tracey Dugger to the City of Wimberley Ethics Commission. *(Place One Councilmember Tom Talcott's nominee)*
- P. Approval of the appointment of Pat Bruns to the City of Wimberley Transportation Advisory Board. *(Place Two Councilmember Cindy Anderson's nominee)*

At the request of City Administrator Ferguson, Mayor Thurber pulled Consent Agenda Item 1E.

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

2. City Administrator Report

In response to Ms. Pigg's earlier comments during Citizen Communications, City Administrator Ferguson advised that staff is developing a proposal for water quality testing services and will provide a status update to Council.

In response to Ms. Knies' earlier comments during Citizen Communications, City Administrator Ferguson clarified the City's ability to regulate existing signage and noted that the content of such signs may be changed from time to time without affecting the sign's "grandfathered" status. He noted that a sign inventory effort is underway to facilitate compliance.

City Administrator Ferguson reported that City Marshal Wayne Acton has submitted his resignation to pursue another employment opportunity closer to his anticipated residence.

City Marshal Acton thanked Council and citizens for the opportunity to serve and for making him feel part of the Wimberley community. Council thanked City Marshal Acton for his service.

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

City Administrator Ferguson reported that the City received a check for \$50,898 in sales tax revenue, representing April collections, which is up seventeen percent (17%) over the same period last year.

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

City Administrator Ferguson reported on a recent site visit by Texas Parks and Wildlife Department (TPWD) representative(s) and stated that permit issuance is expected within the next two (2) weeks. He noted specific project timelines, coordination with property owners along affected areas, and TPWD's position on gravel removal at certain upstream locations.

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

City Administrator Ferguson advised that Design Workshop representatives are preparing three (3) concept plans based on input received during the three-day charrette held July 11-13, 2014. He anticipated presentation of the plans to the Planning and Zoning Commission in August for consideration of a recommendation to Council. He noted that the concept plans will be posted on the City's website and encouraged public comments.

- Status report on central Wimberley water quality issues

City Administrator Ferguson reported that immediate post-Market Days weekend testing was slightly delayed due to heavy rains. He noted that results revealed lower bacteria levels, possibly due to the amount of rainfall received prior to testing.

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

City Administrator Ferguson reported that almost 7,000 people have visited the swimming area to date this season, generating approximately \$60,000-\$70,000 in revenue. He advised that former First Lady Laura Bush visited the swimming area this week, as well as Jacob's Well and other area attractions.

In addition, City Administrator Ferguson reported on preparations for Council's participation in the upcoming Fourth of July Parade.

3. Public Hearings 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 Jim and Andrea Jones to allow for the sale of beer and wine for off-premise consumption on a tract of land zoned Commercial - Moderate Impact (C-2), located at 13710 Ranch Road 12, Suite #4, 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. (*Jim & Andrea Jones, Applicants*)

City Administrator Ferguson reviewed the subject property's location in the El Dorado Shopping Center, current/proposed zoning, and use as a small retail business, known as *The Hog Pound*, which is open Thursdays-Saturdays from 10 a.m. to 6 p.m. and Sundays from 11 a.m. to 6 p.m.

It was noted that a conditional use permit (CUP) for the same purpose was granted several years ago for a wine shop that was located in a different suite in the same shopping center, which later moved to another downtown Wimberley location. Should Council choose to approve the CUP, City Administrator Ferguson stated that such approval needs to be contingent on the applicants obtaining a waiver from the City's distance requirements relating to the sale of beer and wine within three hundred (300) feet of a school, church, hospital, or day care facility (*See Agenda Item 4A*). Wimberley Christian Church is located adjacent to the subject property. No comments either for or against the requested CUP or distance waiver have been received by City staff.

City Administrator Ferguson reported that on June 12, 2014, the Planning and Zoning Commission unanimously recommended approval of the CUP, as presented.

Applicant Jim Jones stated that the reason for the CUP request was to meet customer demand and that no plans exist for expansion of the business's operating hours.

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

Councilmember Talcott moved to approve the ordinance, as presented, contingent upon Council's approval of a waiver from the City's distance requirements for sale of beer and wine within three hundred (300) feet of a school, church, hospital, or day care facility (*See Agenda Item 4A*). 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, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 210 Masonic Lodge Road, Wimberley, Hays County, Texas, designating such property from Residential Acreage (RA) to Neighborhood Services (NS); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Fish Out of Water, LP*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, existing vacant commercial building, and historic uses. He advised that the applicant is seeking to increase the marketability of the subject property by requesting Neighborhood Services (NS) zoning, which allows for limited low intensity retail and service facilities as conditional uses. He noted that NS-zoned business areas are intended to act as buffers between residential and more intense commercial areas. He advised that no comments have been received either for or against the requested zoning change. He stated that the Planning and Zoning Commission unanimously recommended approval at its June 12th meeting.

The applicant's representative, Ron Freeman, offered to answer any questions, if needed.

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

Discussion addressed the exact location/size of the subject property, existing structure, and historical/intended use(s).

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

- C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 600 Southriver, Wimberley, Hays County, Texas, designating such property from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Sherry and Dewayne Lancaster, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and intended use as a single family residence. He noted that the zoning change request is being made in conjunction with the recent replat consolidating Lots 14 and 15 into one 3.777 acre tract, making it necessary to change the zoning from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1), due to the size of the newly created lot.

Applicant Dewayne Lancaster offered to answer any questions, if needed.

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

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

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding a request to waive the distance requirements relating to the sale of alcohol within three hundred (300) feet of a church, school, day care or hospital, for a business located at 13710 Ranch Road 12, Suite #4, Wimberley, Hays County, Texas. (*Jim & Andrea Jones, Applicants*)

City Administrator Ferguson explained that currently the sale of beer and wine for off-premise consumption is prohibited within three hundred (300) feet of schools, churches, hospitals, and day care facilities; however, applicants may request a waiver from the distance requirement. He advised that notices were mailed to all property owners within 300 feet of the subject property and no public comments were received either for or against the requested waiver.

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

- B. Discuss and consider possible action regarding a proposed design concept for the Ranch Road 12/FM 3237 Intersection Improvement Project. (*City Administrator*)

City Administrator Ferguson cited current safety issues at the subject intersection and summarized basic and enhanced design options offered for consideration by Klotz Associates. He noted that the basic design creates a continuous turn lane for northbound traffic on Ranch Road 12 desiring to turn onto FM 3237, along with a lengthy acceleration lane on FM 3237 for that traffic. He advised that the enhanced design adds to the basic design by establishing designated left and right turn lanes for traffic turning onto Ranch Road 12 from FM 3237. He noted that the City's Transportation Advisory Board (TAB) recommended approval of the enhanced preliminary design concept at its June 11th meeting.

Klotz Associates Public Works Manager Tony Buonodono presented details on the joint Hays County-City of Wimberley project, including turn lane specifics, differences between the basic and enhanced design versions, and associated right-of-way acquisition issues.

Discussion addressed scope of improvements, minimizing impact on businesses, right-of-way/access issues, possible future sidewalk development, timeframe for anticipated sewer work, and possible project funding from Capital Area Metropolitan Planning Organization (CAMPO).

Councilmember White moved to approve the enhanced design concept, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- C. 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 transportation project funding allocations and advised that the TAB unanimously recommended the following projects, ranked according to priority, to CAMPO:

1. Ranch Road 12/FM 3237 Intersection Improvement Project (*Cost for engineering, design, right-of-way, utility relocation costs*)
2. Old Kyle Road Sidewalk Project (*Cost for design and construction of sidewalks from the Wimberley Square to Blue Hole Lane*)
3. FM 2325 Sidewalk Project (*Cost for design and development of sidewalks on FM 2325 from Emergency Lane to Wimberley High School*)

Discussion addressed various phasing options for funding requests, estimated project costs, and other projects considered. Discussion favored TAB's recommendation, as prioritized above.

Councilmember Talcott moved to approve the submission of three (3) project applications, as listed above, in accordance with TAB's recommendation. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action regarding a proposed outdoor lighting plan for the 2013 Wimberley ISD bond improvements planned for the Danforth Junior High School campus in Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson advised that Wimberley ISD (WISD) has revised lighting plans to comply with the 40,000 lumens per net acre requirement and recommended approval. He noted that in order to minimize the lighting's impact, WISD has committed to keeping certain lights turned off when not needed for events, public safety, and security.

Discussion addressed the need for lighting adequate to ensure public safety, mitigation of tennis court lighting, details of the lighting control system, remote administration of the system, and directional lighting features.

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

- 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 explained that the proposal to be presented by *Keep Wimberley Beautiful* President Martha Knies is for the painting of a faux stone finish on the existing concrete wall.

Martha Knies spoke of the offer made by lifelong painter and illustrator, Sharon Gwen Carter, to create a design and paint faux stone over the concrete wall, in order to enhance the appearance of the wall. She stated that there would be no cost to the City for the project, which will be funded by *Keep Wimberley Beautiful*.

Sharon Gwen Carter displayed examples of faux stone depictions for Council's consideration and highlighted her professional experience painting murals for other public and private projects.

Discussion addressed possible protective coatings, projected life of the painting, maintenance/vandalism issues, design choices, and possible integration of other objects into the painting.

Councilmember Talcott moved to authorize *Keep Wimberley Beautiful* to proceed with painting of the mural on the concrete wall, using the design described as "crazy quilt." Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- F. Discuss and consider possible action regarding the appointment process for consensus nominees to boards and commission of the City of Wimberley. (*Mayor Steve Thurber*)

Mayor Thurber stated the need to define what constitutes *consensus* as it relates to board/commission appointments.

Discussion provided various opinions about the definition of *consensus*; including group decision-making; consent agenda items generally; majority versus unanimity of Council; general agreement as a group; specific vote counts that might be constitute a *consensus*; process of appointing members to consensus board/commission positions; how to handle multiple

consensus position nominees; and examples of consensus-building on other boards/committees. Agreement was reached that Mayor Thurber and Councilmember Meeks would work on this agenda item for further discussion and possible action at Council's next regular meeting.

No vote was taken.

- G. Discuss and consider possible action regarding a proposal to request assistance from the Wimberley Valley Ministerial Alliance to provide the invocation at City Council meetings. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott favored having members of the Wimberley Valley Ministerial Alliance give the invocation at Council meetings and offered to provide scheduling services. Discussion addressed possible time limits, rotation schedule, and allowance for submission of written invocations when unable to appear in person.

Councilmember Meeks moved to approve the scheduling of Alliance members by Councilmember Talcott for the purpose of delivering the invocation at Council meetings. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- H. Discuss and consider possible action regarding the potential development of a tree protection ordinance for the City of Wimberley. (*Mayor Steve Thurber*)

Mayor Thurber referenced the request made by Oaks ALIVE representatives at Council's June 5th meeting for consideration of the City's adoption of a tree protection ordinance. He directed Council's attention to examples of tree protection ordinances from surrounding cities and asked for input.

Discussion addressed development of an ordinance that focuses on preservation of heritage trees, possible inclusion of provisions for replanting, removal of diseased trees, right-of-way maintenance, safety issues, encroachment of tree roots, identification of heritage trees (such as oak and cypress trees) and caution against over-regulation.

Agreement was reached to direct staff to prepare a draft ordinance based on tonight's discussion for future consideration. No vote was taken.

- I. Discuss and consider possible action regarding a proposal for the City of Wimberley to acquire, install and operate an electronic community message sign. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott cited the need for a community message sign to provide information and promotion of local events, particularly since the discontinuance of Pedernales Electric Cooperative's (PEC's) over-the-road banner program. He noted challenges with finding a suitable location(s) for such a sign. City Administrator Ferguson reviewed past discussions of this issue that included a joint City of Wimberley/WISD cooperative effort, which would have located sign(s) on school district property.

Discussion addressed possible locations and specific sign features, such as double-sided sign faces and placement angle. Agreement was reached to provide input to City Administrator Ferguson on possible sign locations for future Council consideration. No vote was taken.

- J. Discuss and consider possible action regarding a proposal to rebroadcast the audio from Wimberley City Council meeting on Wimberley Valley Radio. (*City Administrator*)

City Administrator Ferguson advised that copies of meeting audio files can be provided to Wimberley Valley Radio with minimal staff time and expense. Discussion addressed other means of delivery, file size issues, and challenges listeners may face in identifying speakers.

Councilmember Meeks moved to approve rebroadcast of City Council meeting audio on Wimberley Valley Radio. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- K. Discuss and consider possible action regarding the proposed revision of the City of Wimberley Flood Damage Prevention Ordinance. (*City Administrator*)

City Administrator Ferguson requested continuance of this item until Council's next regular meeting on July 17, 2014.

Councilmember Meeks moved to continue this item, as requested. Councilmember White seconded. Motion carried on a vote of 4-0.

- L. Discuss and consider possible action cancelling the Regular City Council Meeting scheduled for Thursday, July 3, 2014. (*Mayor Steve Thurber*)

Mayor Thurber noted that the Fourth of July holiday falls on a Friday this year and cited Council's past cancellation practices.

Councilmember Showalter moved to cancel the Regular Council meeting scheduled for Thursday, July 3, 2014. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Talcott requested that an option be added to the contract for development of a Central Wimberley Master Plan that includes planning of the entire City of Wimberley versus focus on the central business area. There was brief discussion of various approaches, such as reviewing and updating the existing Comprehensive Plan via an internal committee versus an outside contractor.

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

Adjournment: Council meeting adjourned at 8:08 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 17th of July, 2014.

APPROVED:



Steve Thurber, Mayor

