

**City of Wimberley**  
 City Hall  
 221 Stillwater  
 Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
 October 16, 2014 at 6:00 p.m.

City Council meeting called to order at 6:15 p.m. by Mayor Steve Thurber.

Reverend Jim Denham of Chapel in the Hills gave the Invocation.

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

**Proclamation**

A proclamation of the City of Wimberley, Texas declaring October 2014 as *Turkeys Tackling Hunger Month*.

Hays County Food Bank/Crisis Bread Basket representatives accepted the proclamation and thanked Mayor Thurber and Council for their support. Mayor Thurber commended both organizations for their service to the community.

Mayor Thurber and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

**Citizens Communications**

No citizen comments were heard.

**1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of October 2, 2014
- B. Approval of minutes of the Special City Council meeting of October 6, 2014
- C. Approval of the reappointment of Neel Morton to the City of Wimberley Building Code Board of Review. (*Mayor Pro-tem Matt Meeks' appointee*)
- D. Approval of the reappointment of Donald Black to the City of Wimberley Transportation Advisory Board. (*Mayor Pro-tem Matt Meeks' appointee*)
- E. Approval of the reappointment of John Dunn to the City of Wimberley Ethics Commission. (*Mayor Pro-tem Matt Meeks' appointee*)

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

## 2. City Administrator Report

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

City Administrator Ferguson reported that the City received its October check (representing August collections) in the amount of \$50,608, up ten percent (10%) from the same period last year. He reported that collections for June-August 2014 were up thirteen percent (13%) from the same period last year. He advised that the November check is typically one of the City's largest checks and anticipated that it would also show an increase over last year's check for the same period.

- Status report on the Transportation Advisory Board's (TAB's) Community Outreach Program regarding future street improvements

City Administrator Ferguson reported that ten (10) meetings have been scheduled over the next nine (9) months, with the first meeting to be held on Thursday, October 30, 2014 at 6 p.m. at the Saddleridge Club House, in order for the TAB to gather input from property owners residing in Saddleridge, the Junction area, and Hilltop Place, Section 1.

- Status report on Cypress Creek water quality issues

City Administrator Ferguson reported that test results continue to show elevated levels in the downtown area. Other locations, such as Blue Hole, tested in the low range; however, further upstream in Woodcreek and Jacob's Well, numbers were quite high.

- Status report on the operation of the City of Wimberley wastewater treatment plant

City Administrator Ferguson reported the plant continues to run well below capacity. He also reported on a recent meeting with a Texas Commission on Environmental Quality (TCEQ) inspector regarding a complaint about possible seepage from the drain field onto an adjacent property. Although no proof of seepage was found, he advised that monitoring will continue.

- Status report on the proposed development of an electronic community message sign and alternatives to such a sign

City Administrator Ferguson presented the following two (2) possible locations: the "Y" intersection at Ranch Road 12/FM 2325 and at the Wimberley Community Center. He favored the Community Center over the "Y" location due to problems with visibility and potential safety concerns. He offered an alternative fixed-pole, ground-mounted banner program as an option, should Council not wish to pursue an electronic sign, and asked for Council input and direction.

Mayor Thurber requested that this issue be placed on Council's next agenda for discussion and possible action.

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

City Administrator Ferguson reported record season totals for attendance/revenue and advised that the Park's swimming area is now closed for the off-season. It was noted that July was the peak month for swimming area attendance, while limited operations in the months of May and September had the lowest number of visitors. Specific sources of revenue were detailed, as well as upcoming rental activity.

- Status report on *The Central Wimberley Wastewater Project*

City Administrator Ferguson reported the resolution regarding discharge conditions was delivered to Texas Commission on Environmental Quality (TCEQ) and a meeting with TCEQ staff discussed the resolution language and expedition of the public hearing process for issuance of the draft permit. He advised that TCEQ did not favor inclusion of the resolution language in the permit, as discharge conditions were deemed to be a local issue. However, TCEQ had no objections to such provisions as part of a separate agreement between parties. He anticipated feedback in the coming week from the Texas Water Development Board (TWDB) on the City's loan application for wastewater system construction, which is now administratively complete.

In addition, City Administrator Ferguson reported that the FEMA-authorized flood debris removal near the Climbing Way low-water crossing is nearing completion and noted the timeframe for future debris removal at the Blanco River/Cypress Creek confluence.

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

Hold a public hearing and consider approval of the proposed Central Wimberley Master Plan. (*Planning & Zoning Commission; this item was continued from the October 2, 2014 City Council meeting*)

City Administrator Ferguson explained the Plan's purpose as a vision to guide Wimberley's future that is not driven by outside developers, City staff, or consultants. He stressed the Plan was drafted after considerable public input and dispelled recent comments that the City is marketing downtown area properties. He noted that City staff is obligated to provide information to developers and the public in general about development regulations and emphasized that the City is not in the real estate business. He reviewed the Plan's scope and goals and introduced Design Workshop Principal and Project Lead Rebecca Leonard, whose presentation included the following topics:

- Modifications to the Plan that show "existing and proposed" streets, sidewalks, and trails using best available County parcel data, including an additional disclaimer stating that implementation of any proposed improvements would be based on up-to-date surveys
- Addition of floodplain overlays to maps
- Short-term recommendations, including those related to parking lots/shuttle routes, pedestrian mobility/pathways, policy amendments, and formation of a Main Street program
- Mid-term recommendations (some in conjunction with wastewater system construction) such as street/pedestrian improvements and exploring funding opportunities for a nature center

- Use of existing facilities such as the Wimberley Community Center for services/training for business owners
- Long-term recommendations, including a detailed small area study of Square and possible leveraging of private investment by way of a Sales Tax Increment Financing District (TIF) to feed money back into the subject area to help balance land use types
- Acquisition of Ranch Road 12 from Texas Department of Transportation (TxDOT)
- Plan goals vetted at community charrettes, with the primary goal as preservation of Wimberley's unique character
- Low-impact development techniques
- Use of native landscaping and expansion of tree canopy
- Enhancing visual quality through appealing streetscapes, wayfinding signage, and architectural designs/materials
- Strengthen ongoing initiatives to manage growth
- Improving street network and increasing amount of sidewalks to enhance safety and connectivity
- Encourage public/private partnerships to facilitate Plan implementation
- Diversify amenities/services and promote mixed uses and infill residential/commercial development where it makes sense (out of the floodplain and near the Square)
- Protection of low-lying flood-prone areas
- Maximizing views to water and the landscape such as trails, overlooks, and nature center

City Administrator Ferguson explained the importance of having a Plan in place, whether or not funding currently exists to implement certain Plan elements. He stressed that the Plan is a concept to guide growth and future development and that no plans exist to impose a property tax to fund Plan recommendations.

Mayor Thurber opened the public hearing.

Wimberley resident and downtown business owner, Jacque Mason, stated her personal outlook that the Plan is not needed and felt it is Wimberley's "death sentence." She said people like Wimberley the way it is and believed that they do not want a "formatted" town such as New Braunfels or Fredericksburg. Ms. Mason felt she had no input and questioned why she has double sidewalks in front of her shop, which she said has taken away thirty percent of her business. She stated that this plan is not Wimberley and objected to streets and sidewalks going through people's private properties.

Wimberley resident and downtown business owner, Frank "Butch" Watts, agreed with Ms. Mason's comments and stated only "stay at home moms and dads" could attend the public meetings to provide input on the Plan. He said that people who work regular business hours could not attend and he would have lost business and profits had he attended. Mr. Watts expressed concerns about the proposed sidewalk and parking lot, respectively located in front of and behind his auto repair shop, and feared a potential exists for vandalism of his business. He objected to the street pattern and cited existing left turn lanes as "suicide lanes" which he strictly avoids. Mr. Watts stated that if the Plan included streets/sidewalks cutting through private properties, those affected owners should have been contacted personally.

Wimberley resident Sally Wilcox read from a letter submitted to Council and City Administrator Ferguson at the October 6<sup>th</sup> meeting expressing a number of concerns. She believed the idea of a master plan was conceived and presented with the best of intentions, but felt it does not meet the City's needs. Ms. Wilcox stated the proposed Plan goes far beyond what the City's needs for sidewalks, lighting, signage regulations, and parking and raises the following serious concerns: roads/paths crossing private properties; possible use of eminent domain powers by the City; negative effect on property values; future development and negative impact on existing businesses; availability and acquisition of land for proposed sidewalks; amount of water needed for landscape irrigation; and future maintenance responsibilities for Ranch Road 12 and associated funding issues.

Wimberley resident and business owner, Cindy Meeks, acknowledged that Council cares deeply for Wimberley and that we all love Wimberley. She stressed the word "keep" in "*Keep Wimberley Beautiful*" and agreed with others who believe Wimberley is already beautiful. She felt it is wonderful to have a vision as Wimberley changes and grows, but said a "yes" vote for the Plan would mean it would never go away. She cited a street proposed in the Plan that cuts through her property as one that Hays County Commissioners Court closed in the 1950's. She said that many trees would be lost due to construction of proposed streets, which would change the whole complexion of her property. She stated the Plan is not something that current and future generations of her family would want and said they would be opposed to it. Mrs. Meeks was concerned about actions of future Councils and location of sidewalks in the proposed Plan. She said no one personally contacted her about the Plan, felt her property was targeted, and thought Council's approval of the Plan would be detrimental to Wimberley.

Wimberley resident Natalie Meeks agreed with prior speakers and asked Council to vote in line with its constituents. She did not favor discarding the entire Plan, but felt that the Plan caters to developers and tourists. She said her family is not willing to sacrifice its land and homes now or in the future for developers and tourists. She acknowledged the difficulty of pleasing everyone, but asked that Council not approve the Plan, given the amount of opposition. She stated that moving the Blanco River walking trail approximately four hundred feet inland still shows it cutting through her family's property, which is not acceptable and "not a compromise for us."

Wimberley resident Alice Wightman felt that the proposed Plan is a plan to gentrify Wimberley, which gives a picture to developers to bring in something "fancy and shiny and slick" and will raise everybody's property values and taxes. Ms. Wightman said that she has seen property owners driven out by growth when it invades their communities and replaces what is already there with something more expensive. She stated that the proposed wastewater plant will dump into her backyard and facilitate dense development. She said it is not fair to create waterfront properties with residential estates and objected to effluent discharge from a wastewater plant intended to clean up Cypress Creek. She asked that Council not act on this item tonight and revisit it at another time.

Wimberley resident Courtney Hoffman, representing Harrison Resort Subdivision, expressed concerns regarding the location of a walking trail and strongly opposed the Plan. She stated people love Wimberley the way it is, appreciated its unique qualities, and felt that the Plan contains an excessive number of sidewalks. As she lives in Houston, Ms. Hoffman advised that

she did not know of many of the meetings and therefore did not attend, but conveyed her strong objections to the Plan. Ms. Hoffman also objected to any effluent discharge from the proposed wastewater plant into the Blanco River.

Wimberley resident Dody Spencer asked the question: “Why are we trying to make Wimberley into a big city?” She said there is no room to expand or annex and asked whether the City is trying to accommodate the outsiders “we are taking care of all the time.” Ms. Spencer stated that as a lodging owner, she loves visitors, but said they don’t complain about Wimberley being too small or lacking in amenities. She asked that Council take another look at the Plan before taking action.

Wimberley resident Janette Barlow spoke of her examination of the Plan’s goals and vetting, and referred to it as a rather ambitious conceptual plan. Ms. Barlow stated that she did not like to stand in the way of progress; however, she said Wimberley is unique, has its own identity, and stands at a crossroads right now. She asked: “Is more better for this area?” She encouraged Council to take a step back and make decisions that generate sustainability of our character, reject over-commercialization, and pay keen attention to our natural resources, particularly water. She cautioned that the future may not hold a Blue Hole, a Cypress Creek, a Blanco River, or a Jacob’s Well, as we know it today. Ms. Barlow asked Council to think about our legacy when making its decision.

Skyline resident Julie Ray thanked Council for thinking about a plan, as she felt that hoping Wimberley will not grow or change is short-sighted and unrealistic. She stated there has been a lot of growth since her arrival in 1997 and said unless there is planning, growth will simply happen. She agrees with many comments about caring for Wimberley’s character and resources, but believed that lack of planning will not keep people from coming.

Wimberley resident Mary Kate Brown, whose mother owns property in the Plan’s subject area, expressed opposition to the Plan and particularly its roads overview, which she feared would change the feel of downtown and a lot of peoples’ lifestyles and livelihoods. She objected to walking trails cutting through her mother’s property and questioned why the Plan is needed, given healthy sales tax collections generated by downtown businesses. Although she felt that some planning is needed, Ms. Brown did not favor the Plan as proposed, and stated that other businesses north of downtown need to have a chance at tourist-generated revenue. She did not see the purpose of a street cutting through a seven-acre property and taking someone’s private property to put crosswalks in an area that is solely residential.

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

Mayor Thurber thanked everyone for coming to tonight’s meeting and stressed that roads and sidewalks shown in the Plan are simply a concept for mobility and serve as a guideline for what may or may not eventually be there, should re-development occur. Using Rio Bonito Resort as an example, Mayor Thurber advised that if the property were sold for re-development, the City would use the Plan only as a guide, with its intent to preserve Wimberley’s as it is, and that specific features such as roads/sidewalks may be developed elsewhere than shown in the Plan.

He acknowledged that growth will happen at some point, but stressed the Plan recognizes importance of preserving Wimberley's uniqueness and resources.

Mayor Thurber recommended scheduling of a Council workshop to discuss the Plan further, in light of modifications to the Plan since Council's last hearing and comments received in tonight's meeting.

Councilmember Showalter moved to continue this item to allow Council to hold a workshop meeting at a date and time to be determined. Councilmember Anderson seconded.

Discussion included continuance of this item, concerns related to the Plan's effect on property values, with possible tax increases; need for planning to manage growth; use of master plans as roadblocks to development; unlikely scenarios for large-scale developments due to lack of land and infrastructure; difficulty in executing the proposed Plan; importance of planning to preserve and protect Wimberley; and tailoring the Plan to address concerns voiced to date.

Motion to continue carried on a vote of 5-0.

Tentative workshop meeting dates were discussed with a date to be finalized later.

Mayor Thurber called a recess at 7:47 p.m. and reconvened at 7:55 p.m.

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

- A. Discuss and consider possible action regarding proposed changes in the dates of operation for the swimming area at the Blue Hole Regional Park. (*Parks Advisory Board*)

This item was heard after Agenda Item 4D.

City Administrator Ferguson presented the Parks Advisory Board's October 8<sup>th</sup> unanimous recommendation to make Labor Day the final day of the summer season, based on evaluation of historical attendance figures.

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 regarding proposed rules relating to horses and unmanned aircraft in the Blue Hole Regional Park. (*Parks Advisory Board*)

City Administrator Ferguson explained that recent use of unmanned aircraft (such as remote controlled model aircraft and private drones) and horseback-riding in the Park have raised concerns about public safety and nuisance issues. He concurred with the Parks Advisory Board's unanimous October 8<sup>th</sup> recommendation to approve prohibition of unmanned aircraft and horses in the Park.

Discussion addressed signage, enforcement issues, and alternate locations where unmanned aircraft may be flown.

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

- C. Discuss and consider possible action regarding a proposed Preferred Vendor Program for the Wimberley Community Center and the Blue Hole Regional Park. (*Parks Advisory Board*)

City Administrator Ferguson presented details on the proposed program and stressed that the preferred vendor list is only a reference list and facility users would not be required to use the participating vendors, who would pay the City a listing fee of \$50 for the first year and \$25 per year for subsequent years. He anticipated the preferred vendor list would include businesses such as catering, lodging, printing, equipment rental, DJs, and florists, with no limit to the number of businesses that may participate in the program. He noted that vendors may be removed from the list for violating facility use rules while providing services. He emphasized that complaints about services provided by vendors are to be addressed by the service provider, not the City.

Discussion addressed role of the Chamber of Commerce in making vendor recommendations as limited to its member businesses; clearly communicating that the City is recommending, and not endorsing vendors; use of listed vendors as optional, not mandatory; and preference for titling the vendor list as a “resource” list rather than “preferred” vendor list.

Councilmember White moved to approve the item, as presented, including the abovementioned deletion of the term “preferred” in the program’s title. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a request for a Letter of Support for the application of *Communicare Health Centers* to expand its service area into the City of Wimberley. (*City Administrator*)

This item was heard after Agenda Item 3.

City Administrator Ferguson explained that Letters of Support are required from city, state, and federal entities as part of *Communicare’s* application to the Health Resources Service Administration as it seeks federal funding assistance to expand operations into Wimberley. He noted that San Antonio-based *Communicare* currently provides affordable medical, dental, and behavioral health care to low income and un- and under-insured residents in numerous Bexar and Hays County communities.

City Administrator Ferguson introduced *Communicare* CEO Paul Nguyen, who spoke on his organization’s background, partnership with Seton Healthcare, existing clinic services/locations, and need for federal funding assistance to help offset the cost of care to un- and under-insured patients. He noted that addition of a Wimberley location will make care easier to access for

Wimberley patients currently driving to San Marcos or Kyle clinic locations. He advised that the proposed 2,200 square-foot clinic to be located in South River Business Park will provide services such as pediatrics and family medicine, with possible future expansion to include other specialties. He thanked Council and looked forward to providing services to Wimberley.

Discussion addressed provision of care regardless of a patient's residency/immigration status in the interest of public health and keeping health care costs down (as opposed to delayed treatment in an emergency room setting) and the proposed clinic's specific location.

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

- E. Discuss and consider possible action authorizing the use of City of Wimberley right-of-way for the placement of directional signage for the Wimberley Civic Club's *Home Tour* on November 7<sup>th</sup> and 8<sup>th</sup>. (*City Administrator*)

This item was heard after Agenda Item 4C.

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

## 5. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Talcott conveyed positive feedback on Reverend Denham's invocation and planned to schedule future invocations by area clergy. He asked whether a Chamber of Commerce representative may be invited to speak at Council meetings on a regular basis and Mayor Thurber responded affirmatively.

Councilmember Showalter reminded that a music festival fundraising event will be held on November 8, 2014 from 12 to 8 p.m. at Cypress Creek Café supporting the Save Old Baldy Foundation.

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

**Adjournment:** Council meeting adjourned at 8:20 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 6<sup>th</sup> of November, 2014.



**APPROVED:**

A handwritten signature in black ink, appearing to read "Steve Thurber".

**Steve Thurber, Mayor**