

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
October 20, 2011 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 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**

Wimberley High School teacher Denise Jackson provided information on a proposed project to include participation by the Wimberley Garden Club, the Wimberley Village Library, and her engineering class students. She detailed all aspects of the team project to build a rainwater harvesting system for irrigation at the Wimberley Village Library grounds, with completion anticipated in April 2012.

#### **1. Consent Agenda**

- A. Approval of the minutes of the Regular City Council meeting of October 6, 2011
- B. Approval of the appointment of Steve Gartside to the City of Wimberley Ethics Commission. (*Mayor Pro-tem Steve Thurber's nominee*)

Councilmember Thurber moved to approve all Consent Agenda Items, as presented. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

#### **2. City Administrator Report**

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

City Administrator Ferguson reported on the City's largest ever October sales tax check (representing August sales) in excess of \$39,000, up sixteen percent (16%) from the same period last year. He provided reasoning for remaining cautiously optimistic about collections, given overall economic conditions and the City's reliance on sales tax revenues.

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

City Administrator Ferguson reported that the swimming area is officially closed for the season. He noted that trail access to the swimming area of the Park will be blocked during the off season. Phase II construction is underway on remaining Park elements and fundraising efforts continue for construction of the tennis courts. Project Phase II completion is anticipated in March 2012. He thanked all who attended and supported the successful October 8<sup>th</sup> Friends of Blue Hole *Party for Blue Hole Park* fundraising event.

- Status report on *The Burning Love Benefit*

City Administrator Ferguson reported on benefit events, which raised approximately \$25,000 in proceeds for recent wildfire victims, and were presented to various Bastrop/Smithville/Heart of Pines area entities on October 10, 2011 by Mayor Flocke and event organizers. He noted that Smithville Fire Department representatives plan to thank the community at the Wimberley High School football game's halftime ceremony tomorrow night.

- Status report on preparations for the 2011 holiday season in Wimberley

City Administrator Ferguson reported that the community Christmas tree lighting and arrival of Santa at the Cypress Creek Nature Trail will be on Friday, November 25, 2011. The lighted Christmas parade will take place on Saturday, December 3, 2011 in the early evening. *Breakfast with Santa* and *Winter's Eve on the Square* events are scheduled for Saturday, December 10, 2011. Mayor Flocke reminded that the Trail of Lights at EmilyAnn Theatre opens on Saturday, November 26, 2011 and runs through December 31, 2011.

- Status report on preparations for the May 2012 City of Wimberley General Election

City Administrator Ferguson reported that the City of Woodcreek and Wimberley ISD have opted to move their elections to November, therefore, neither entity will participate in a joint election with the City of Wimberley in even-numbered years. He advised that the City will be contracting with Election Systems & Software for voting machines and services at a cost of almost \$15,000.

- Status report on the 2011 City of Wimberley Street Improvement Program

City Administrator Ferguson reported that Twilight Trail, Malone Drive, Smith Creek Road, and Cliffview Drive have been resurfaced. He noted that change orders for additional costs will be presented to Council in November due to unforeseen drainage issues, along with associated budget amendments.

- Status report on the Wimberley transportation projects under consideration by the Capital Area Metropolitan Planning Organization (CAMPO)

City Administrator Ferguson reported that CAMPO's Board has delayed its decision on the allocation of available funding for Wimberley projects, including FM 2325 sidewalks, completion of the Hays County-City of Wimberley Regional Hike and Bike Trail, and Ranch Road 12 shoulders. The Board approved full funding for the Wimberley Square Improvement

Project and the Ranch Road 12/Old Kyle Road Project, and the designation of Wimberley as a “Small Center” in CAMPO’s 2035 Transportation Plan. He provided details on Wimberley’s rankings for certain projects and funds acquired for the Ranch Road 12/Old Kyle Road Project.

- Status report on development of a Request for Proposals (RFP) for the operation of the recently acquired wastewater treatment plant at the Blue Hole Regional Park

City Administrator Ferguson reported that an RFP was issued earlier this week in order to secure a firm to operate the plant for the City. Details were provided on key RFP deadlines.

City Administrator Ferguson added that the City Marshal position has been posted, resulting in a significant number of applicants. He stated that a hiring committee will be involved in the interview process, followed by a transition period, upon hiring. Brief discussion followed on the RFP process.

### **3. Presentations**

- A. Presentation of the 2011 Summer Recreation Season Report for the Blue Hole Regional Park. (*Blue Hole Regional Park Manager Doug Carter*)

Information was presented on the following:

- Season attendance of 23,008 visitors, up 54% from last year, despite the late season opening, which was after Memorial Day weekend
- Two busiest days of the season (both of which were on Market Days weekends)
- Approximately \$128,000 in total season revenues
- Part-time staff costs totaling approximately \$26,000
- Excellent employee performance
- For the season, 74 season passes were sold and 80 ten-punch passes were sold
- Park rental revenues totaling \$3,250
- T-shirt sales, with expanded inventory anticipated for next year to include items such as hats/caps, visors, etc.
- Acceptance of credit card payments and increase in number of credit card payments
- Post-Labor Day attendance/revenue statistics

City Administrator Ferguson commended Park staff and Park Manager Carter, who is developing a marketing plan for the Park. Councilmember Thurber conveyed thanks from Friends of Blue Hole to Park Manager Carter and City staff for their contribution to a successful fundraising event at the Park on October 8, 2011.

- B. Presentation of the FY 2011 Development Activity Report for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson presented information on the following:

- 38 % decline in commercial building permits issued

- 8% decline in residential building permits issued
- Comparison of residential/commercial construction values with prior year statistics
- Decline in housing starts
- Increase in subdivision activity
- Types of zoning actions, including conditional use permits and Wimberley Planned Development District (WPDD) amendments

City Administrator Ferguson and Councilmember Talcott briefly discussed sources of sales tax revenues (money spent by local residents versus visitors).

- C. Presentation on issues relating to the implementation of a rainwater collection program.  
(*City Administrator*)

City Administrator Ferguson advised that this presentation will be placed on Council's next agenda to accommodate the speaker's schedule.

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

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending Ordinance No. 2009-042 which amended the development regulations for a designated Planned Unit Development located on a 5.3443 acre tract more commonly known as 14835 Ranch Road 12, Wimberley, Hays County, Texas, in order to revise certain development regulations relating to the maximum building square footage, the total project square footage, and parking; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*John McCrocklin, Applicant; this case was continued from the October 6, 2011 meeting of the City Council*)

City Administrator Ferguson reviewed the original PUD, 2009 amendments, and most recently requested amendments received from the applicant's architectural firm. Requested amendments to the concept plan include specific reductions in building footprints and square footage, total maximum building footprint, total project square footage, and total number of parking spaces. The applicant has indicated that overall impervious cover for the development will not exceed seventy percent (70%). Centralized wastewater treatment and water will be provided by Aqua Texas and Wimberley Water Supply Corporation, respectively. Wimberley Fire Department has found no issues of concern and only slight modifications in location were made relating to drainage. No changes were made to traffic access points, setbacks, landscaping, drainage, or sign requirements.

Planning and Zoning Commission Vice Chair Tom Haley stated that the Commission voted unanimously to recommend approval and noted that the amended concept plan downsized the development and did not increase impervious cover.

Discussion addressed locations/uses of specific buildings, building footprints/square footage, reduction of parking spaces, property access issues, and unchanged rainwater collection requirements.

Mayor Flocke opened the public hearing.

Former Wimberley Councilmember Jeri Xiques spoke of the need for assisted living facilities in Wimberley and encouraged Council's support and approval of the project.

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

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

- B. Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending portions of Sections 155.107 (Planning and Zoning Commission) and 155.108 (Board of Adjustment; Variances and Appeals) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the removal process for board members appointed to the above referenced boards; providing for findings of fact, an effective date; proper notice and meeting; and severability. (*City Administrator*)

City Administrator Ferguson explained differences between the current and proposed ordinance language and noted that the Planning and Zoning Commission voted unanimously to recommend approval of the proposed ordinance at its September 22, 2011 meeting and that Council voted 3-1 to approve first reading of the ordinance on October 6, 2011.

Planning and Zoning Commission Vice Chair Tom Haley provided reasoning for the Commission's recommendation to require positive action to remove a member versus automatic removal due to attendance problems.

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

Discussion addressed:

- Recommended policy statement on staff's process to notify the appropriate board member(s) and the rest of the subject Commission/Board members and City Council when attendance problems arise, in order to allow opportunity for corrective action or voluntary resignation, if attendance cannot be improved
- Volunteer nature of board/commission service
- Automatic removal as a way to de-politicize the removal process
- Past problems with meeting quorum requirements
- Need to conduct Planning and Zoning Commission business in a timely manner
- Council's ability to remove board/commission members

Councilmember Talcott moved to approve the item, as presented, along with the recommended policy statement. Councilmember Meeks seconded.

Mayor Flocke called for a vote as follows: Councilmember Talcott, aye; Councilmember McCullough, nay; Councilmember Meeks, aye; Councilmember Thurber, nay; Councilmember White, aye. Motion carried on a vote of 3-2.

## 5. Ordinance

Consider approval of an ordinance of the City Council of Wimberley, Texas amending Title V (Public Works), Chapter 51 (Water Conservation), of the Code of Ordinances in order to prohibit watering of lawns or landscaping of any type and to impose other supplemental water restrictions in response to recent drought conditions, providing for certain exceptions to such prohibition; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Mayor Pro-tem Steve Thurber*)

Councilmember Thurber spoke in favor of the proposed ordinance, which would apply regardless of the water source/provider and prohibit certain methods of landscape irrigation. He noted that the draft ordinance has incorporated Council's input from its October 6, 2011 discussion. He highlighted key revisions, including allowed watering times consistent with Wimberley Water Supply Corporation, specific types of irrigation, drought tolerant landscaping, and mandatory 90-day review by Council to determine ordinance continuation or modification, depending on drought conditions. City Administrator Ferguson noted that the draft ordinance allows wash-down of certain hard-surfaced areas, if required for public safety; and provides an exception for commercial car washes.

Denise Jackson expressed concerns about prohibiting watering of landscaping and felt that education was preferable to adopting and enforcing ordinances. She stated that plant life is needed to prevent erosion and inhibit runoff into the aquifer. She supported conservation, but believed that watering restrictions violate property rights.

Discussion addressed:

- Restrictions applicable regardless of water provider and current lack of restrictions on property owners with private wells
- Protection of the aquifer
- Complaint-drive enforcement
- 90-day review of the ordinance ("sunset provision")
- Need for public education on conservation

Wimberley resident Glenn Baldwin questioned Council's right to approve the revised draft ordinance and felt that there needs to be more public notice before action is taken.

Councilmember Talcott agreed with Denise Jackson and Glenn Baldwin, opposed mandating watering restrictions, and favored public education. He stated that Wimberley Water Supply Corporation already has enforceable restrictions in place and felt it best to wait until a regional drought management plan can be implemented.

Councilmember McCullough supported public education and peer pressure and stressed that more needs to be done to promote water conservation.

Councilmember Meeks favored waiting until a regional drought management plan is developed and implemented before Council enacts its own interim regulations, which he felt may infringe on personal property rights. He preferred increasing water conservation education efforts.

Councilmember White expressed strong feelings against legislation restricting property rights, but noted that what one property owner pumps out of the aquifer affects everyone. Because the proposed ordinance will be reviewed in ninety (90) days, he favored approval and felt that the ordinance could be used as an educational tool. He did not anticipate major enforcement issues.

Councilmember Thurber stressed that he strongly supports education, but stated that Council will still need to pass an ordinance for enforcement purposes, even if a regional plan is developed and adopted. He favored the proposed ordinance because it puts everyone “on the same playing field.”

Councilmember Talcott felt that the City of Wimberley does not have to adopt Wimberley Water Supply Corporation regulations and stated that it is better to educate than legislate.

Discussion clarified that Wimberley Water Supply Corporation is a separate entity that can only regulate its customers, not all Wimberley residents.

Councilmember Thurber moved to approve the item, as presented. Councilmember White seconded.

Mayor Flocke called for a vote as follows: Councilmember White, aye; Councilmember Thurber, aye; Councilmember Meeks, nay; Councilmember McCullough, aye; Councilmember Talcott, nay. Motion carried on a vote of 3-2.

## **6. Discussion and Possible Action**

- A. Discuss and consider possible action regarding a recommendation to amend the City of Wimberley Transportation Master Plan (TMP) to include a future extension of Green Acres Drive between FM 2325 and Ranch Road 12. (*Wimberley Transportation Advisory Board; this item was continued from the October 6, 2011 meeting of the City Council*)

City Administrator Ferguson reviewed past discussions of the Transportation Advisory Board, the Planning and Zoning Commission, and Council on this issue. He stressed that the TMP is a long-term planning tool that indicates general proximity rather than an exact location, and is subject to change at any time.

Discussion addressed:

- Long-term nature of the TMP
- Public notices/hearings held before TMP adoption

- Specific properties along the proposed extension and possible future impact on property owners
- Need for planning, rather than allowing haphazard development/redevelopment
- Reasoning for proposed extension and sidewalk, including enhancement of traffic mobility and discouragement of cut-through traffic
- Reiteration that TMP locations are not exact and subject to change by Council at any time
- Need for potentially affected property owners to be aware of the City's TMP

Councilmember Thurber moved to approve the proposed extension, as presented, which includes sidewalk(s). Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding a recommendation to request the Texas Department of Transportation install a traffic signal at the intersection of FM 3237 and Flite Acres Road. (*Wimberley Transportation Advisory Board*)

City Administrator Ferguson provided information on TAB's discussion and recommendation to install a flashing signal light (*not* a stop light).

Councilmember Talcott moved to approve the item, as presented. Councilmember Thurber seconded.

Discussion clarified that the proposed traffic signal will not be a stop light, but will be a flashing red light on Flite Acres and a flashing yellow light on FM 3237.

Councilmember White offered a friendly amendment to Councilmember Talcott's motion to change the term "traffic signal" to "flashing light" in the recommendation. Councilmembers Thurber and Talcott accepted Councilmember White's friendly amendment. Council voted 5-0 to approve the wording change as stated in the friendly amendment.

Mayor Flocke called for a vote on the original motion. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding the selection of Fiscal Year 2012 street improvement projects for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson advised that with the new fiscal year under way, there is a need for Council to identify street improvements it would like to see completed over the next twelve months. He estimated costs for improvements to specific streets, including Mill Race Lane, Twin Mountain Road, Rockwood Drive, and Blue Heron Run, which far exceed the \$50,000 allocated for capital outlay improvements. He advised that Council's recent commitment to reconstruct the intersection of Las Flores and La Buena Vista Drives is estimated to cost approximately \$30,000.

Former Wimberley Councilmember Bill Appleman favored going forward with Mill Race Lane improvements, which he felt are long overdue.

Discussion addressed:

- Grading of specific street conditions
- Prioritization of Mill Race Lane, which received the lowest road condition grade in prior assessments
- Lack of funds for completing improvements on Mill Race Lane *and* reconstruction of the Las Flores/La Buena Vista Drives intersection
- Finding funds that would allow for completion of both Mill Race Lane and Las Flores/La Buena Vista improvements from other budget funds, besides capital outlay street improvements

Councilmember White moved to direct City Administrator Ferguson to proceed with completion of improvements to Mill Race Lane and delaying Las Flores/La Buena Vista Drives improvements until such time that funds become available. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action accepting the donation of a used riding lawn mower and tow-behind trailer to the City of Wimberley. (*Mayor Bob Flocke*)

Mayor Flocke recused himself from the meeting at this time. Mayor Pro-tem Thurber assumed duties as presiding officer.

City Administrator Ferguson stated that the donated equipment will be used to help maintain the lawn at City Hall and other City owned properties.

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

Mayor Flocke rejoined the meeting at this time and reassumed duties as presiding officer.

- E. Discuss and consider possible action regarding the Wimberley Community Civic Club request to place signs in the City right-of-way. (*City Administrator*)

City Administrator Ferguson recommended approval of the request to place directional signage in the City right-of-way for the upcoming Hill Country Home Tour on November 11-12, 2011. He noted that the signs would be placed on the morning of November 11<sup>th</sup> and removed at the event's conclusion.

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

- F. Discuss and consider possible action designating Veterans Day, Friday, November 11, 2011 as a holiday for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson explained that the approved schedule contained a typographical error relating to the date of the Veterans Day holiday for City employees. The correct date for the subject holiday is Friday, November 11, 2011.

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

G. Discuss and consider possible action regarding plans for the annual *Wimberley Christmas Parade* scheduled for Saturday, December 3, 2011. (*City Administrator*)

City Administrator Ferguson recommended approval of the route for this second annual lighted parade, which will start at 6 p.m. at Brookshire Brothers parking lot and proceed south on Ranch Road 12 to Blue Heron Drive where the parade will end.

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

## 7. City Council Reports

- Announcements
- Future Agenda Items

As future agenda items, Councilmember Thurber requested discussion of Council procedures/decorum and the WPDD amendment process.

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

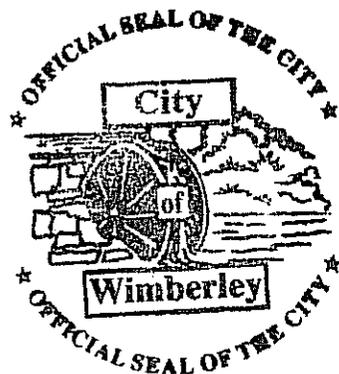
**Adjournment:** Council meeting adjourned at 8:03 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 3rd of November, 2011.



**APPROVED:**



**Bob Flocke, Mayor**