

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
November 17, 2011 at 6:00 p.m.

City Council meeting called to order at 6:21 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

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of November 3, 2011
- B. Approval of the October 2011 City of Wimberley Financial Statements

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

2. City Administrator Report

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

City Administrator Ferguson reported that Phase II construction is continuing on remaining Park elements and detailed progress on specific amenities, including pavilion and playground areas, and anticipated a March completion date. He advised that a Request for Proposals (RFP) will be issued for a shaved ice vendor for the upcoming season.

- Status report on the comprehensive review of the City of Wimberley Code of Ordinances

City Administrator Ferguson reported on a well-attended, productive public meeting last week, with residents discussing certain areas of the Code such as outdoor burning, regulation of firearms, and bed and breakfast regulations. He advised that the Code Review Task Force will meet regularly every two weeks on Tuesday mornings at 9 a.m. at City Hall, with its first regular meeting scheduled for Tuesday, November 22, 2011. The Task Force will hold additional public hearings as needed and hopes to gain as much public input as possible. The Planning and Zoning

Commission will start its review of the City's Subdivision and Zoning Codes at its next regular meeting on Thursday, December 8, 2011, beginning with the platting section of the Subdivision Code.

- Status report on the deer roadkill problem in the City of Wimberley

City Administrator Ferguson reported on current costs of picking up dead deer and advised that a RFP will be issued at the end of November for contractors to provide this service. He noted locations with the most instances of deer roadkill.

- Status report on the implementation of the City Marshal Program

City Administrator Ferguson reported on the receipt of over forty applications for the city marshal position and noted interviews will be held the week after Thanksgiving. He anticipated bringing consideration of Municipal Court judge candidates to Council in the near future.

- Status report on the planned road maintenance for Climbing Way Drive

City Administrator Ferguson reported on the deterioration of a stretch of Climbing Way Drive and the need to chip seal the road surface, given recent incidents and complaints.

In addition, City Administrator Ferguson thanked all those involved in making the citywide clean-up held on November 12th a successful event. He advised that another community shred day is planned for early January 2012. He noted that Friday, November 18th, at 3 p.m. is the deadline for submission of proposals for operation and management of the municipal wastewater plant. He thanked Councilmember McCullough for his help in putting up the City Christmas tree earlier today.

3. Public Hearing and Possible Action

Hold a public hearing and consider possible action regarding an application for a replat of Lot 16 of the Green Acres Subdivision, located at Wayside Drive and Green Acres Drive in the City of Wimberley's extraterritorial jurisdiction (ETJ), Hays County, Texas, creating two (2) lots, Lot 16A (3.373 acres) and Lot 16B (2.00 acres), along with variance requests relating to the City's lot configuration and lot line location requirements. (*Robert & Karen Webster, Applicants*)

City Administrator Ferguson reviewed the proposed replat and noted that both lots are within the service area of Wimberley Water Supply Corporation and that wastewater service will be on-site sewerage facilities. As the lots are located in the ETJ, the tracts are not zoned. Because neither lot meets the required 1:5 average depth to average width ratio, variances are being sought from the City's lot depth/width requirements [Sec. 154.063(C)] Also, the applicant is seeking a variance from Code Sec. 154.063(D)(2) relating to location of lot lines. Specifically, the facing of Lot 16B on Wayside Drive results in the rear lot line of Lot 16B being the side lot line of Lot 16A, which does not comply with City Code. He advised that the Planning & Zoning

Commission unanimously recommended approval of the replat and associated variances at its November 10, 2011 meeting.

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

Discussion addressed the applicants' reasoning for the proposed replat, possible future uses of the subject property, and the City's subdivision authority in its ETJ.

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

4. Ordinance

Consider the first reading of an ordinance of the City of Wimberley, Texas, amending Title IX (General Regulations) to add Chapter 97 (Animal Regulations) to provide for regulations relating to the intentional feeding, confinement in vehicles, tethering and sale of dogs and cats in the City of Wimberley; providing a penalty, findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson reviewed the existing Hays County interlocal animal control agreement and key provisions of the proposed ordinance, including prohibition of roadside animal sales, disclosure requirements, limits on tethering, and intentional feeding of animals on public and private property. It was noted that in conjunction with development of the proposed ordinance, staff is working with volunteers to establish a feral cat program.

PAWS Shelter and Humane Society Board officer and Wimberley Adoption Group and Rescue (WAG) volunteer Marcia Sanderson spoke in support of the proposed ordinance and read from her letter, which was distributed to Council. She expressed certain concerns about specific ordinance language that would make it unlawful to feed "uncaptured wild living creatures or animals not owned or in the possession of the person or makes food available for consumption by animals on public property within the territorial limits of the city." She raised questions about what is considered public versus private property, particularly in the Square area, where some shopkeepers take care of outside cats. She supported appropriate feeding of animals, rather than eliminating all feeding. She spoke of local animal organizations' joint planning efforts to start a trap-neuter-release (TNR) program and expressed appreciation to Council for its continued work on development of important guidelines. Following Ms. Sanderson's comments, there was discussion about cat-feeding on the Square and feeding on private versus public property.

Prevent a Litter of Central Texas (PALS) Board Trustee Dale Nave provided information on his organization, grant-funded programs, and services, including the TNR and adoption programs and mobile surgical services. He spoke of the importance of controlling the fertility of the animals in stabilizing populations, the advantages of spaying and neutering, and the beneficial effects of cats. He added that the City of San Marcos has adopted a feral cat ordinance addressing cat colonies that allows PALS and other groups to intervene in the event of

complaints and for other matters. He spoke of his personal background as a Wimberley resident and Wimberley's image as a humane place. Mr. Nave felt that this is a non-partisan issue and suggested that we find a way to maintain Wimberley cats with humane solutions. He spoke on the need for more funding for animal welfare organizations to bring services to Wimberley.

WAG representative Debbie Nordyke spoke of her organization's successful experience using PALS services to stabilize the stray cat population in the area of WAG's resale shop. She expressed concerns about specific transient sellers of dogs, lack of medical records, spread of disease, inadequate shelter for animals up for sale, and traffic issues in parking lot sales. She felt that lack of regulations does not promote reputable breeders and results in overpopulation and euthanization. She opposed tethering of animals and cited examples of unsafe tethering practices. Ms. Nordyke provided information on upcoming events and encouraged more public education.

Merry Gibson spoke on behalf of her daughter, Sally Trapp, who could not be in attendance. She read a letter from Ms. Trapp thanking Council and City Administrator Ferguson for their support and encouragement on this issue, including the addition of anti-tethering ordinance language. She felt that the proposed ordinance is a great beginning and supported pursuit of a feral cat program in Wimberley. She thanked Council for helping to make Wimberley an animal-friendly community.

Council discussion included:

- Specifics on PALS' mobile surgical unit and grant funding
- Wimberley Lions Club grant funding for PAWS
- Cooperation/coordination among local animal welfare organizations
- Public education
- Dogs in the back of vehicles (such as pick-up trucks)
- Services provided under the existing Hays County animal control interlocal agreement
- Pursuit of grant funding for animal-related programs
- Recommendation to amend language in §97.06 as follows: "No person shall, at any time, fasten, tether, chain or tie any dog or cause such dog to be fastened, chained or tied ~~while such animal is on the property where it is normally kept or resides~~ *to a fixed object.*"
- Giving away animals, such as "free kittens" (not allowed under proposed ordinance)
- Enforcement of the proposed ordinance
- Possible consequences of regulations relating to giving away animals, including increased abandonment of animals
- Recommendation to include language in §97.06 to broaden tethering restrictions to include prohibition of tethering to a moving vehicle or a bicycle

Councilmember Thurber moved to approve the item, as presented, with the inclusion of the abovementioned recommended amendments. Councilmember McCullough seconded.

Councilmember Talcott requested clarification and discussion of tethering specifically related to animals in moving vehicles, particularly in the bed of pick-up trucks. City Administrator Ferguson suggested that an exception could be made for dogs in the beds of pick-up trucks.

Councilmember Thurber agreed to City Administrator Ferguson's suggested exception. Motion carried on a vote of 5-0.

5. Discussion and Possible Action

- A. Discuss and consider possible action authorizing the city administrator to execute a contract with *Blackboard Connect* to provide mass communication services for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson provided details on *Blackboard Connect's* multi-faceted notification system services and costs and recommended approval of contract execution. While the contract covers residential notifications, he noted that businesses may be added in the future at an additional cost.

Discussion addressed the need for better community communications and future budget amendment(s) to allow for the slightly higher than anticipated system cost (approximately \$2,000 more).

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

- B. Discuss and consider possible action regarding plans to enhance communications with the citizens regarding various issues relating to the City of Wimberley. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott suggested posting of meeting agendas in various public places (besides City Hall) and private businesses. Discussion included effectiveness of past agenda-posting practices, email distributions, public information about availability of agendas/packets on the City's website, posting of agenda-only versus entire agenda packet, agenda publication in *Wimberley View*, possible quarterly informational public meetings, personal accountability of citizens to stay informed and involved, and status of implementation of a community message board.

No vote was taken on this item.

- C. Discuss and consider possible action regarding plans for the upcoming *2011 Rudolph in Deer Creek 5K Fun Run/2K Family Walk* on Saturday, December 3, 2011. (*City Administrator*)

City Administrator Ferguson provided information about the event, which will take place on the Regional Hike and Bike Trail from 9 a.m. to noon on December 3, 2011.

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

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember McCullough requested clarification on funding for various improvement projects.

In recognition of Veterans Day on November 11th, Councilmember Meeks thanked veterans for service to their country.

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

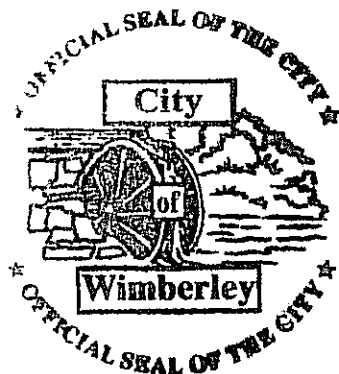
Adjournment: Council meeting adjourned at 7:50 p.m.

Recorded by:

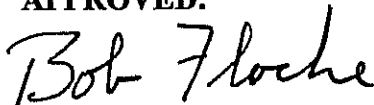


Cara McPartland

These minutes approved on the 1st of December, 2011.



APPROVED:



Bob Flocke, Mayor