

**The Village of Wimberley
Regular City Council Meeting
145—RR 12, Suite 22
Wimberley, TX 78676
Thursday, November 30, 2000**

A REGULAR MEETING of the Village of Wimberley City Council was held on Thursday, November 30, 2000, a notice of said meeting having been posted at least 72 hours in advance and in accordance with Section 551, Texas Government Code. Mayor Linda Hewlett called the meeting to order at 7:00 p.m. in the Wimberley City Hall, *Wimberley Mountain Plaza #22*.

1. **Call to Order.** Mayor Hewlett called the meeting to order at 7 p.m.
2. **Invocation** was delivered by Pastor Otha Aisman, Trinity Chapel.
3. **Mayor Hewlett led Pledge of Allegiance.**
4. **Roll Call.** Present were: Mayor Linda Hewlett
Councilman Walter Brown
Councilman Steve Klepfer
Councilwoman Martha Knies
Councilman Tony McGee
Councilman Matt Manis
5. **Consent Items.** The minutes of the November 8th, and the 13th Council Meetings were approved as submitted.
6. **Presentation of Citizens** Clint Frankemann will speak on an agenda item.
7. **Old Business.** There was no old business.
8. **New Business.**
 - A. Public Forum & Discussion and possible action on a 90 day moratorium on Non-Residential Construction.

Glenn Fryer, Chairman of the Planning Commission, informed the Council that the Commission unanimously recommended that the moratorium on Non-Residential Construction, currently in force and due to expire on December 7th, be extended for another 90 days with a possible extension of another 30 days. He told the Council he was not happy to have to make this recommendation because it meant the Commission was unable to accomplish all the tasks necessary to complete their work within the time constraints of the original moratorium. One reason being that the Commission was only formed after the

moratorium was in effect. At the start of the Commission's deliberations, it was thought that ordinances already formulated by cities of like size as Wimberley might be tailored to fit our city. However, the Commission decided against this and decided to formulate ordinances that were unique to Wimberley.

Betsy Markland, Planning Commissioner, addressed Council, as follows: Council was reminded that the Planning Commission only began six weeks ago - on October 14th to learn their job and begin their work. The Commission has done a lot of research and previously presented to Council their two foundational documents, the Vision Statement and the supporting Planning Guidelines. They are now making progress on the city's hearing for ordinances, - that from the start - will be with us forever. In spite of asking publicly that citizens come to the meetings, the Commission is disappointed to report that they have had only very slight public input. The public has been invited to come to all of their meetings on Monday nights at 6 p.m. and give them the Commission benefit of their input. "We take our work very, very seriously, because we understand the impact of it and what it will mean to the life in this valley, in the year 2001 - 2050 - 2075 and on and on into the far distant future. Buildings constructed now - will be with us then. Experience tells us that haste is not a friend when planning for many years to come. In fact, prudent people know the value of making haste slowly and thoroughly. Recently, our neighbors in the City of Bee Cave had a one and one-half year moratorium on construction and during that time they carefully formed their ordinances and came up with wonderful ordinances and an outstanding, well thought out, city. With respect to Council's need to proceed, we respectfully ask that you use your discretion by granting, at least, a 90-day extension of this moratorium so that we may have strong, useful, well thought out ordinances to help manage our city. This modest extension will save much time and anguish attendant to redoing ordinances in the future.

Curt Busk, Planning Commissioner, addressed the Council as follows: The Council was given an overview as to how the Commission arrived at their decision that everything had to be written especially for Wimberley because, on the surface, the rule is that every town must have Planning and Zoning, so why would Wimberley have to have anything different from the others, and that the Commission could take key points from the Vision Statement (submitted by the Commission), and, by adjusting other cities' ordinances, make them fit Wimberley's needs. Between them, the seven members of this Commission read over 50 ordinances (in fine detail) from different cities all over the United States through mail, internet, and telephone. And, as an example, they range from Roundrock, Texas, with 343 pages, large print, double spaced, and when you get to the end, it basically says, "you tell us where your property is, you give us the money to buy the permits, and you can build anything you please". This is not going to create the Wimberley of the future that we want.

And on the other end of the scale, Boerne, Texas; 85 pages of very fine print, that basically says, you tell us where your property is, and we will tell you the two or three things you can do there. That's not good for Wimberley either.

Therefore, the Commission decided that the only thing that is going to well represent Wimberley is something that is created in Wimberley. So, the Commission members dedicate themselves to weekly meetings, sometimes bi-weekly meetings, Saturdays, as well as between meetings, to try and get this job done as quickly as possible. Unfortunately, the Commission will be unable to do the job within the timeframe they are currently given. Therefore, the Commission has put together a viable timeline which is presented tonight that they feel will be necessary for them to complete their work, and for the lawyers to review it and, then for Council to pass it. Therefore, it will take the full 60 – 90 days that the Commission is asking Council to allow them.

Councilman Matt Manis asked if someone who does this professionally could come in and help the Commission draft this ordinance, Glenn Fryer stated it would be good to have professional help, and that one of ordinance reviewed by the Commission and that they liked best was formulated by Coffman, Texas (a city about the same size of Wimberley), that had a professional planner from Dallas to assist them. Curt Busk stated that BeeCaves cost for a professional planner was \$140,000 and the entire process took a year and a half. Councilman Manis stated that if it would be possible to move the project along faster, the city might have to somehow find the money to do it, not necessarily, that amount but something in a smaller way to help get them started.

Mayor Hewlett stated that a group of Wimberley folks had visited with an international planner, here visiting, and that he stated that it would probably take a professional planner about three or four months to research community background to prepare a comprehensive plan, then a week to two weeks of intense work to complete the work. She pointed out that since the Commission is currently laying the groundwork tasks, she had asked the planner what the cost would be of doing a smaller version of the work he had outlined. He stated that he would have to determine the cost, but it could probably be done for around \$30,000 and he would offer the city a proposal as to scope and cost. Mayor Hewlett further stated that while it might not necessarily be him, but someone that did that kind of work might do it for around the same cost.

Councilman Walter Brown stated he thought it was important to make a distinction between writing a "zoning ordinance" and doing a "comprehensive plan and that the paid consultant services would be more apropos for writing a comprehensive plan". Further, he stated that zoning ordinances are kind of "dime a dozen", the Commission has friendships with planning directors in about six towns in the area and has an excellent consultant in Dr. Sally Caldwell, who is a professional planner. In addition, the Commission has a couple of other planners on it, and this group has progressed to the point that the zoning districts for the town are already roughly outlined. Now, they are in the process of further defining those districts and the site development rules to go with those districts so that, within the time proposed, they will have something to bring to the Council in the form of zoning laws. The Comprehensive Plan Committee is just beginning its organizational meeting (tomorrow) and their efforts will involve the whole community and that would be the area where a consultant would be very useful.

Curt Busk stated that the deadline set for completion of the Comprehensive Plan was next June.

Clint Frankmann read the Council a letter that Dorothy Kerbow had asked him to deliver on her behalf since she could not be present.

"To the Honorable Mayor Linda Hewlett and the Council Members of the Village of Wimberley:

I wish to thank you for the efficient and progressive management of our Village. It is gratifying to see the qualified people you have drawn to your boards and committees. Please continue the moratorium on commercial development for as long as it takes to organize regulations that will prevent further invasive desecration of the beauty of our town.

The construction addition to the building at the West End of the square which was put into motion before you put controls in place, is a prime example of something you must prepare to prevent. The protrusion of that building and its consequent extension of parking, in addition to unbalancing the square create an obvious pedestrian and vehicular traffic safety hazard and dangerously restricts passage for fire and EMS vehicles if needed.

Sincerely yours,
/s/ Dorothy Kerbow"

As a post script, Mr. Frankmann stated that, in his opinion, another example of the need for regulations exists across from the library. He stated that, in his opinion, it should be addressed before it gets much worse – and before controls can be put into place. He also noted that he had attended a Commission meeting and from his experience in planning, he believed they are doing a very conscientious job, and they certainly would need to have a good set of plans and specifications to guide them.

Councilman Walter Brown asked that this agenda item be continued, leaving the public hearing open, until the Council meeting next week, at which time, the Council may consider taking action. In this way, after sufficient notice about the hearing, everyone who has an opinion about the ordinance will have an opportunity to be heard. He also noted that anyone having questions regarding this matter should contact one of the Commissioners or come by the city hall between 10 a.m. and 2 p.m. to discuss their concerns.

There was considerable discussion as to how Council might meet the needs of citizens in the interim period - between now and the end of the moratorium extension. Glenn Fryer stated that he felt they could come in by January 18th with the core of the zoning ordinance ready to be fleshed out by the lawyers.

Councilman Brown stated that further efforts to obtain public input regarding the ordinance would be made by having an Open House at the City Hall on Thursday December 7th, between 9 and 11 a.m. He urged anyone, who had any objections to any part of the zoning ordinance to come forth and make their opinions known to the Council.

Information regarding this Open House will be put into the Wimberley View and special outreach will be extended to known developers. Council members will be on hand also to answer questions.

Mayor Hewlett asked everyone present to be sure to inform anyone they knew that was opposed to this ordinance so they might attend the coffee on Thursday and make their views known to Council.

B. Discussion and possible action to establish a municipal court of record.

Councilman Tony McGee stated that the city attorney had not completed the ordinance necessary to establish a municipal court of record and asked that this item be continued to the next meeting.

C. Discussion and possible action to authorize the Mayor to hire Don Campbell as the Village of Wimberley Municipal Court Judge and David Sander as the Village of Wimberley Municipal Court Prosecutor.

Councilman Tony McGee requested that this item be continued because the legal work on the ordinance has not been completed and the ordinance to establish the court would not be taken up until the next meeting. Hence, it would be premature to hire the persons. However, he stated that the matter had been discussed with both of them and both parties indicated that they would be agreeable to taking the positions if they were so asked.

Mayor Hewlett asked Councilman McGee to please bring background information on both of the candidates for the positions, to which he agreed.

D. Discussion and possible appointment of members of the Village of Wimberley Historical Preservation District Committee.

Councilwoman Knies officially presented the names of appointees who are willing to serve on the Historical Preservation District Committee. This committee was authorized at the last Council meeting and members are as follows: Della Brodrick, Bruce Calkins, Kathy Gillock, Dorothy Kerbow, Trish McWaters, Dr. Dee Ann Story, and Gary Weeks. She moved they be appointed to that Committee, seconded by Tony McGee, motion passed unanimously.

E. Discussion and possible appointment of members of the Village of Wimberley Parks and Recreation Committee.

After noting that the establishment of this committee was also approved by Council at the November 13th meeting, Councilwoman Knies submitted the following recommended appointees who have agreed to serve our community on the Parks and Recreation Committee: Kathleen Cline, Chris Cusack, Fred Franz, Karen or Thad Nance, Bob Shearer, Rick Stephan, and Jane Goodman and made a motion that they be approved. Seconded by Council Steve Klepfer, the motion passed 5-0.

9. Items From Council

Councilman Klepfer stated that by Christmas, all the construction items at the City Hall would be complete.

Councilman McGee stated that he had been approached by more than one citizen asking that Council consider a noise ordinance that relates particularly to certain outdoor places in town where the noise volume from music rendition late at night is troublesome to residential areas within the community. So, he will be bringing something to the Council at a later date.

Councilman McGee also stated that at a later time, Council might want to consider a dog ordinance, since the county's dog ordinance is no longer in effect, although they will answer animal complaints.

10. Announcements

Councilwoman Knies stated that she had received a call from a reporter from the *Baltimore Sun* and that while she was in Austin, she had learned that Wimberley citizens had began a new city. This reporter was curious as to how a new city was formed and Councilwoman Knies took her on a tour of Wimberley and she was very impressed. So, sometime in the spring there may be an article regarding Wimberley in the *Baltimore Sun*.

Councilman Klepfer also stated he had received an article from a San Jose newspaper that favorably mentioned Wimberley.

Councilman Manis stated he had approached the Lions Club regarding having all the vendors at the Lions Market reminded of their obligation to have a sales tax permit from the State Controller's office. The Lions Club plans to mail out their vendor kit with a letter from the Mayor, co-signed by the President of Lions Club, asking them to apply for a permit number. The city should begin to receive sales tax revenues in June of 2001.

Councilman Manis expressed thanks -- on behalf of the city -- to the Lions club for their donation of a fax machine.

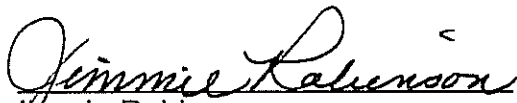
Mayor Hewlett thanked Buddy Goddard for donating a printer for the city's computer. And, Glenn Fryer for his generous donation of time and software for the city's computer.

Councilman Matt Manis reported that the franchise agreement with Time-Warner and PEC should be ready for review by the Council at the next City attorney has not finished review and it will & PEC should be ready by next Council meeting.

Mayor Hewlett announced that the city now has an office manager (Adelle Turpin) who will be in the city hall each day Monday through Friday from 10 a.m. to 2 p.m. She has already been hard at work and will be a great asset to the city. In addition, Jimmie Robinson will continue as City Secretary.

The next Council meeting will be at December 7, 2000 at 7 p.m. to start the Council's new schedule of regular meetings that will be on the first and third Thursdays of each month; therefore, the one after will be on Thursday, December 21st.

11. Adjournment The meeting adjourned at 8:05 p.m.


Jimmie Robinson
City Secretary


Mayor Linda Hewlett

Next Council Meeting on November 20, 2000, 7 p.m.