

Village of Wimberley

City Council Meeting Minutes

City Hall, 14500 RR 12, Suite 22

Thursday, April 19, 2001 – 7:00 PM

Reception Honoring Larry Prellop Artworks – 6:30 PM

1. **Call to Order** The meeting was called to order by Mayor Linda Hewlett at 7:10 p.m.
2. **Invocation** The invocation was delivered by Jason Bollinger, Youth Minister
First Baptist Church
3. **Pledge of Allegiance** was led by Mayor Linda Hewlett.
4. **Roll Call** Present were: Mayor Linda Hewlett
Councilmember Walter Brown
Councilmember Martha Knies
Councilmember Matt Manis
Councilmember Tony McGee
Councilmember Steve Klepfer was out of town.
 - a. **Minutes** The minutes were approved as presented, with one correction noted.
5. **Presentations of Citizens**
 - a. **Presentation of Artwork Created by Larry Prellop in honor of “Keep Wimberley Beautiful” and “Keep Texas Beautiful.”**

Councilwoman Martha Knies introduced Rosemary and James Barta, who moved permanently to Wimberley about a year ago from Lake Jackson, having had a second home here for over 30 years. Rosemary stated that through the “Keep Texas Beautiful” program she had heard about a very talented artist who does outstanding Texas art and who had made significant contributions to the KTB. James and Rosemary presented one of the artist’s paintings to the City and introduced the artist who was present at the Council meeting. Councilwoman Knies introduced the artist, Larry Prellop, one of Texas’ premier artists, whose studio is located in Salado, Texas, and informed those present that the original of this painting had been donated to “Keep Texas Beautiful” and that KTB will be auctioning off the original painting over a period of two months. He also gave KTB the reproduction rights to that painting (each reproduction costing \$250 each) and the one that is being presented to the Village tonight by James and Rosemary Barta is number 17. The artist spoke to the group, informing them he had been a professional artist for 31 years and that the painting was inspired by his love for the state of Texas. He said that he was also inspired by other Hill Country painters, is self-taught and is honored to be in Wimberley representing “Keep Texas Beautiful” campaign. Councilwoman Knies introduced “Keep Texas Beautiful” representative Laura Cortes who also spoke to the group.

Mayor Hewlett thanked Rosemary and James for remembering Wimberley in this way and they would always be remembered by their donation of this beautiful painting.

Roger Burson read a request from the Wimberley Senior Citizens Activities, Inc. requesting that the Council schedule a public hearing with possible council action at a regular council meeting to authorize WSCAI to make application to the Texas Parks & Wildlife Indoor Recreation Grants Program July 31st funding cycle for matching grant funds in the amount of \$750,000 for the purpose of building the Village community center. If the council approves the resolution and the funds are granted, WSCAI will at that time deed the property upon which the center will be built (approximately 1-2 acres) to the city and both will execute a joint-use agreement whereby WSCAI will operate and manage the center for public use. There is no liability on the part of the city. WSCAI has sought and received information regarding this practice and has determined that it is a commonly used form of interlocal agreement between not-for-profit organizations and city governments whereby the entire community can benefit. These funds come from a portion of the sales tax on designated sporting goods in Texas. A 50-50 match makes these funds available between the state and the local sponsor. WSCAI will be responsible for the matching funds and in-kind contributions. If approved by TP&W, this \$750,000 matching grant will enable construction to begin by early fall on the proposed community center. We appreciate your consideration of our request and attach for your review a sample resolution authorizing this application.

Mr. Burson displayed a site drawing of the proposed facility to be built on property owned by WSCAI near the Winters House. Mayor Hewlett clarified that the Center and its property would be jointly owned by the city and the rest of the property at that site would belong to the WSCAI.

Clinton Frankmann expressed some concern about the upcoming bond election and the proposed by-pass for Wimberley. He asked that citizens take a good look at what is included in it and realize that if the east loop in San Marcos is voted down, the Wimberley by-pass would be out also.

6. **Reports from Committees** There were none.

7. **Old Business**

a. **Discussion & Possible Action to appoint members of the Noise Ordinance Committee.**

Councilman McGee noted that at the meeting before last, Council created a Noise Ordinance Committee and, that each councilperson was to nominate a candidate for that committee and one would be voted by council consensus. He asked for those names. Councilman Manis recommended Bruce Calkins for the committee, noting he had spoke to him, Councilwoman Knies did not, as yet, have a name, nor did Councilman Brown recommended Herman Leyh, an electrical engineer, and who served with the FFA in running radar sites and had experience controlling prohibited noise around airport sites. And, his other nominee is Rupert Neve, who is a world renowned sound engineer who has lived in Wimberley for a number of years. He is employed to create sound systems for recordings and business institutions. He also has some familiarity with what should be included in noise ordinances. Councilman McGee moved that these three persons be

appointed and that this matter will be brought up again at the next meeting for more possible appointments to the committee. Seconded by Matt Manis. The motion passed 4-0.

8. New Business

a. Introduction of Mr. Lance Powers, Building Inspector for the Village of Wimberley.

Mayor Hewlett stated that Mr. Lance Powers had been scheduled for introduction, he has been hired and is doing an excellent job, but is only in Wimberley three days each week. He lives in Arlington, is transitioning here, and he will be scheduled for the next meeting.

b. Discussion & Possible Action to establish a correlation between the authorized Zoning District names listed in the Comprehensive Zoning Ordinance and those used to identify Interim Planning Areas in Attachment "A" of the Interim Comprehensive Plan.

Chairperson Glenn Fryer displayed a map that is an attachment to the Interim Comprehensive Plan that shows planning areas – it is not a zoning map – and each of the planning areas has an allocated number of zoning districts in each (there are many overlaps). Some of these planning areas include the same zoning districts that are in some of the other planning areas. It is merely a way to make a smooth transition from one part of the Village to the next – as zoning districts are applied to the land. This map was published with the zoning district's name and the level of the intensity of use – that means "how much traffic, how much lighting, how much pedestrian traffic, how much the activity on one property would intrude on the neighboring property". These zones were defined by different levels of intensity. Today, we want to apply the actual descriptions of the zoning districts that are in the zoning ordinances to these areas on the map. The map is approved and recommended by the Zoning Commission.

Councilman Walter Brown made the motion that Council accept this attachment to the Interim Comprehensive Plan which refers to the Zoning Ordinance which was passed at the last meeting. Seconded by Councilman McGee, the motion passed 4-0. Councilman Brown clarified once more that this is not a zoning map. It does not attach zoning to any property. The lines had to be drawn somewhere and we have hard lines on the paper, but they are in fact, fuzzy lines, open to interpretation by the Planning Commission and the City Council on properties that are in the neighborhood of those transition zones in between one of the planning area and another. In response to an inquiry by Councilman Manis, it was determined that any subdivision that decides it wants to declare the entire subdivision as residential, the City will initiate the case and they will not have to pay any fees.

Councilman Manis recommended that, in order to get a "head start" on the zoning in a lot of areas, it would be good if the city sent notices to all of the POA's since many of them will be meeting this summer.

In the event that all of the subdivision, excepting one or two of the owners, wanted to be zoned residential, the Council would have to decide whether or not to leave those two or three out - or override the request. It would be highly unlikely those left out would be able to achieve any other kind of zoning in that subdivision other than residential. The motion passed 4-0.

b. Discussion of building permit and initial zoning application activity in the Village, including the requirements of the State of Texas and the Wimberley Zoning Ordinance, and possible action on City Council policy regarding the processing of initial zoning requests for “grandfathered” properties.

Councilman Brown noted that the city had been receiving a large number of requests for building permits, i.e., between March 3rd and April 18th, building permits for 1.6 million dollars of construction. The overwhelming majority being residential. Part of that attributable to one – half million-dollar house. The way our zoning ordinances are written, Section Six, paragraph two, says that “no building permit shall be issued, no site plan reviewed, no plat approved, unless the subject property is located within a zoning district authorizing the requested use.” In other words, no building permit will be issued unless the property gets zoned. An exception was inserted for very small projects under \$10,000 - and those requiring no structural revision or expansion of the property. We are obviously in a state of transition wherein new requirements might work hardships on contractors, as well as the owner, so our lawyers were asked to draft an amendment to the building code ordinance – for commercial and residential – the crux of the change applies to section 105-1A - Zoning: applications for building permits for property within the city’s jurisdiction must demonstrate compliance with applicable zoning district regulations. For property located within the city limits but not located within a zoning district boundary at the time of application for a building permit, this requirement can be satisfied by filing an application for “initial designation of zoning boundaries.” In other words, the owner can fill out an application for zoning and the city will grant the building permit and process the zoning – both commercial and residential.

Councilman Brown made the motion that Council adopt these revisions – and include in the motion that Council review these revisions on the 1st of April of next year. It was amended to apply **ONLY to residential** – not commercial. Seconded by Councilman Matt Manis, the motion passed 4-0.

c. Village of Wimberley financial report.

Councilman Matt Manis presented the financial report. The city currently has a balance in the bank of \$40,765.45. He stated that he planned to pay the rent three months at a time until the rent is caught up – which should be in September. He also informed Council that there may not a necessity to borrow any more money from the bank – but that there was some roadwork that needed to be done – and then the city would try to pay back the loan. Mayor Hewlett asked that copies of the financial report be made available for those present at the council meetings.

9. Items from Council

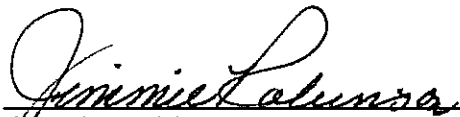
Councilman Brown stated that he would have agenda items on subdivisions, antennas and appointment of four people to the Building Code Committee.

10. Announcements

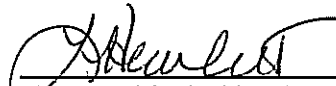
Councilman Manis reminded anyone who made purchases for the city - and expected to be reimbursed – that the city is not subject to the sales tax and those reimbursements will not include sales tax. He also asked that these purchases be cleared with the City Secretary.

Mayor Hewlett reminded everyone that an election was underway and everyone was encouraged to be sure and vote.

11. There being no further business, the meeting was adjourned at 8:30 p.m.



Jimmie Robinson
Assistant City Secretary



Mayor Linda Hewlett