

Village of Wimberley **City Council Meeting Minutes**



City Hall, 14500 RR 12, Suite 22
Thursday, September 6, 2001 – 7:00 PM

1. **Call to Order:** The meeting was called to order by Mayor Linda Hewlett at 7 p.m.
2. **Invocation** was delivered by Bishop Earl McArthur, Episcopal Church
3. **Pledge of Allegiance** was led by Mayor Hewlett.
4. **Roll Call** Present were: Mayor Linda Hewlett
Councilmember Walter Brown
Councilmember Steve Klepfer
Councilmember Martha Knies
Councilmember Matt Manis
Councilmember Tony McGee
5. **Consent Items:**
 - A. **Minutes:** The minutes were approved as submitted for
August 16, 2001 Regular Meeting
August 20, 2001 Special Meeting
August 26, 2001 Executive Meeting
6. **Presentations of Citizens**
 - A. **Citizens' Comments**

Mayor Hewlett read a letter from Jacquelyn DeBoer, owner of the Wimberley Inn, who asked that the letter be read to council. Ms. DeBoer outlined the problems they are having due to their signs that were on Ranch Road 12 were removed, and as a result this was having a detrimental effect because their patrons could not locate the Inn. She stated that there were numerous signs at the Junction of Ranch Road 12 and RR 3237 that indicate directions and information, including a sign for camping, and there are five difference signs in front of their business on RR 3237. Those signs are uniform, simple, and clear - and are noticed. She requested that the city council consider offering city approved uniform signs for sale – or lease – for businesses that are located off the main artery through town. She feels this is to everybody's best interest allowing them to inform visitors to our Village of the existence and location of those businesses. At the very least, the simple indication of "hotel", underscored with an arrow at the junctions of RR12 and 3237 and on the other side at 3237 and Old Kyle Road would be helpful.
7. **Reports from Committees** None.

- 8. Items from Council:** Councilmember Brown read into the minutes a letter to the Village Building Inspector Lance Powers from Molly Porter, of the Katherine Ann Porter School, that thanked Lance for meeting with them and making their facility safe for their students and commended him for the good job he is doing that benefits the entire community.

Councilmember Knies announced that at the last meeting there was discussion about payment to Mr. Charles Roccaforte for his design of the entrance area to the proposed nature trail and preserve and she wanted to let everyone know that Mr. Roccaforte and his associates have donated their services to the Village. Also, in an effort to disseminate the council agenda to the community, the City Office Manager has taped a plastic envelope on the city hall window containing reduced size agendas that will be available after the posting time, prior to each meeting.

Councilmember Manis stated that the council has been busy on the budget, having two work sessions, and the budget is posted on the window. A public forum will be held Tuesday, September 11th, at 7 p.m. and the public is invited to attend.

- 9. Old Business** None

- 10. Zoning & Subdivision Cases**

A. Zoning Cases

**Glenn Fryer, Chair
Planning & Zoning**

- (1) App. No. C211-01-023**
Applicant – Michael L. Schneider (A Yellow Rose)
Agent – N/A
Location – 100 Spoke Hill Drive
Business Name - Blair House Inn
Proposed Use – PUD
Requested Zoning - From Unzoned to PUD
Zoning Recommended: PUD
Council Action: PUD 5 to 0

- (2) App. No. C211-01-024**
Applicant – Tracy Dean
Agent – Trigg Forister
Location – 221 Stillwater (corner Southriver & Stillwater)
Business Name – Forister Office
Proposed Use = Offices for Trigg Forister
Requested Zoning – From Unzoned to 0-1
Zoning Recommended by P&Z Commission: 0-1
Council Action: 0-1 5 to 0

- 11. New Business**

A. Financial Report for the Village of Wimberley.

Councilmember Manis informed council he was very pleased to report that the city had stayed within the estimated budget of \$294,000 for the first year of government operation. And, it also appears that the Village, that began with no money at all, would be able to carry forward about \$75,000 into its second year, with all bills paid.

B. Discussion & Possible Action to appoint Mr. Kelly Kilber to the Transportation Advisory Board.

Councilmember Steve Klepfer made the motion that council approve the appointment of the ninth – and final – member of the Transportation Advisory Board. He said Kelly was a pseudo-retired surveyor and he has a tremendous knowledge of roads and roads zoning and the process of budgeting for roads, contracts, etc. and has already been an asset to the board merely by attending meetings. .

C. Discussion & Possible Action to adopt amendments to the Comprehensive Zoning Ordinance (Ordinance No. 2001-010, Amended 7/19/01) as recommended by the Planning & Zoning Commission.

Councilmember Brown stated that this process started immediately after the last amendment was done and does not contain any sweeping changes, but are specific and contain additions of sections for fencing and lighting; a clarification of site plan review, and what can take place on a new commercial building site prior to zoning and permits because that was not really covered in the ordinance as originally approved.

Chairman Fryer outlined the two amendments related to 1) Section 47.5 – Open Storage Areas: – and - Section 47.9 - Fence Regulations. Section 47.10 – Lighting – would have an addition to existing Clause A that would be amended to regulate light pollution. Another clause prohibits mercury lighting and provides for the re-aiming of lights in the Village to reduce light pollution. There are some provisions for "grandfathering (with a ten year limit) and noted that public entities – such as ballfields, etc. are exempted because the cost would be prohibitive. Councilman Klepfer stated that while no one really wants to regulate lighting, we now see less and less of the night sky because of light pollution. Other amendments were cited, i.e., small projects remodeling job amendment and Section 46, Site Plan Review.

Chairman Fryer stated there was an addition to the site plan review which was recommended by the city attorney which clearly defines the conditions under which construction activity starts on a property.

Councilmember Brown made the motion that the proposed amendments to the Comprehensive Zoning Ordinance as recommended by the Planning & zoning Commission be adopted by council. Seconded by Councilman Klepfer, the motion passed 5-0.

Further discussion determined that the duty of the Planning and Zoning Commission will be to bring back a compact lighting ordinance for council consideration.

D. Discussion & Possible Action to adopt an ordinance establishing the position of City Administrator for the Village of Wimberley (Ordinance No. _____).

Councilmember Brown referred to the copy of the proposed ordinance, edited by the city attorney, which includes job description items that were addressed and determined, including:

1. The city administrator will be appointed (employed) with a simple majority of the council.
2. That the city administrator does not have to reside within the city limits but near enough to allow for a 30-minute emergency response.
3. Automatic spending power of the city administrator will be limited to \$1,000 if the item is in the budget.
4. Maintaining the zoning and subdivision records and helping out with the comprehensive plan Miscellaneous duties that will be assigned to the city administrator were discussed and will be included in the employment agreement.

Councilman Brown made the motion that the ordinance establish the position of City Administrator for the Village of Wimberley be adopted with the above mentioned clarifications.

Seconded by Councilmember McGee, the motion was approved 5-0.

E. Discussion & Possible Action to establish a policy of waiving fees for building permits and inspections on projects of the Wimberley Independent School District, with the understanding that the District would still be required to secure building permits and permit Village of Wimberley inspections of all construction projects, in accordance with the International Building Code.

Councilman Brown stated that because the school district is another taxing entity in the Village and that revenue is used for the education of our children, he felt it would be inappropriate to charge building permit fees. After council discussion, Councilman Brown made the motion that building permit fees would be waived by the Village on projects costing \$100,000 or less, but still requiring the district to secure building permits, and permit inspections on all construction projects, in accordance with the International Building Code, with the proviso that over that amount would be considered on a case by case basis. Seconded by Councilman McGee, the motion was approved 5-0.

F. Discussion & Possible Action to adopt a motion that a conservation easement, containing the terms and provisions of the easement to be attached to the minutes of the meeting of the Council, shall be placed upon the 7.24 acre tract in the Amasa Turner Survey along Cypress Creek by the Village of Wimberley at the time of the purchase of said tract, if Blanco Ranches LP, the Sellers of said tract to the City, have not previously placed such easement upon said tract.

Councilman McGee made the motion that the above agenda item be adopted by council and that the following be added to the last sentence..... ***“at the time of closing of the purchase of said tract if Blanco Ranches LP, the sellers of said tract to the city, have not previously placed such easement upon said tract at the time of closing and that the council may amend the terms and provisions of the easement prior to closing.”***

He requested that Malcolm Harris speak to the issue prior to council taking public comment on the item.

Malcolm Harris stated that the easement document has evolved from several meetings between citizens and the Village leaders who have recognized that this tract has only one area that is out of the flood plain area but that area is large enough to permit ambiances to allow the public access to the nature trail along the creek. The easement document contemplates that the only man-made structure in the easement area will be the nature trail in an area that has never been changed by any actions of Wimberley citizens because it is flooded numerous times during the year. Mr. Harris informed council that there is a possibility that an agreement will be decided upon that will allow the owner of the property to lower the price on the property and take an allowance on his tax return for the difference.

David Tate expressed his opinion that the Village would be better served to acquire a park that will allow more public use.

Joe Day stated he felt the property is worth preserving and that it would be good for tourism.

Methods for providing additional parking in the back of the Cypress Creek Café was outlined by Councilmember McGee as well as the possibility of parking at the old lumber company on Old Kyle Road which would be charged for. Councilman Klepfer stated that arrangements have been discussed with TxDot for ways to get pedestrians across RR 12 safely.

Councilmember McGee stated that city attorney Alan Bojorquez reviewed the easement document and he suggested the addition of the following language be included in the document: ***“nothing in this agreement shall be construed as providing public access or grants a right of use to the public”***; language that the document does not, in of itself, create any legal rights in the public. It is a document that grants rights, and the owners of the easement and the property are the ones who control the property. He stated that this easement document (if not amended pre-closing) would be the one that would be placed on the property upon closing and would be included in the September 16th grant application to LCRA. Councilmembers Brown and Manis stated that they felt this action was premature. Further discussion and clarification by the grant writer determined that although it was acceptable for the mayor to include a letter - with a resolution that would state that council intended to place a conservation easement on the property upon closing - it could also be done only by a letter from the mayor stating this is the intent of the city once closing is accomplished.

The motion by Councilman McGee was amended to read ***“it is the intent of the council to place a conservation easement on the property”***. Councilmember Tony McGee moved

that council adopt the motion as amended and included in the above item F. Seconded by Councilmember Klepfer, the motion was approved by a vote of 4 – 1. Councilmember Manis voting no.

G. Discussion & Possible Action to authorize the Mayor to request, Blanco Ranches L. P., the Sellers of the 7.24 acre Cypress Creek Tract, to consider imposing a conservation easement upon such tract and reducing the selling price of such tract to the City.

Councilmember McGee made the motion that council authorize the mayor to carry out the actions as outlined in the above agenda item. Seconded by Councilmember Martha Knies. Councilmember Brown offered an alternate proposal that the mayor deliver a resolution from the council making such a request and presented a written resolution for this purpose. Councilmember Steve Klepfer seconded this as an alternate motion and Councilmember McGee agreed. The motion was approved 5-0.

H. Discussion & Possible Action to consider a motion that the City continue to do those things necessary to obtain matching funds for and to make application for grants from the Texas Parks & Wildlife Department and the Lower Colorado River Authority to be used for the purchase and development of a 7.24 acre tract on Cypress Creek as a nature area.

Councilmember McGee moved that the city continue to pursue matching funds from private foundations, business and civic organizations and individuals to accompany the application for grants from the Texas Parks & Wildlife Department and the Lower Colorado River Authority to be used for the purchase and development of the 7.24 acres tract on Cypress Creek as a nature area. Seconded by Councilmember Klepfer. Councilmember Knies stated that persons asking for these funds would be the mayor, members of the Parks and Recreation Committee, and council members. Mayor Hewlett stated she had been asked by the Parks & Recreation Committee to sign a letter going out to request support from various entities in Wimberley such as support letters or a financial contribution, or in-kind for volunteer hours. Councilman Manis and Brown asked to be informed as to what these efforts constituted, content of letter, etc. In response to a question asked, Councilmember Manis stated there was no line item for this purpose in the budget. The motion was approved 3-0-2 with Councilmembers Brown and Manis abstaining.

I. Discussion & Possible Action to enact a resolution designating the Mayor as the City official responsible for acting for the City in dealing with the LCRA for the purpose of participating in the Partnerships In Parks (PIP) program of the LCRA and certifying that matching funds are available.

Councilmember McGee made the motion that council approve the resolution as attached to the minutes which designates the mayor as the city official responsible for acting for the city in dealing with the LCRA in participating in the PIP program and certifying that matching funds are pledged. Seconded by Councilwoman Martha Knies, the motion was approved 5-0.

J. Discussion & Possible Action to express that it is the council's understanding that the application for LCRA PIP Funds will list only those matching funds that are readily available at the time the Application is signed.

Councilmember McGee stated that he would propose that this motion be amended to read **"It is the council's understanding that the application for LCRA PIP Funds will list only those matching funds that are pledged at the time the application is signed."**

Seconded by Councilmember Kries. Councilmember McGee explained that the resolutions in Section II says that the applicant certifies that the matching share for this application is pledged at this time. He said that while council is acting on this tonight, there may well be more funds pledged before the application is filed and he wanted to express the council's intent that there are no funds listed on that application except those that had been pledged as of that date. The motion was approved 4-1 with Councilman Manis abstaining..

K. Discussion & Possible Action to approve a resolution to transfer Hays County towns, villages and cities from Texas Municipal League (TML) Region 7 to Region 10.

Mayor Hewlett reminded council this item has been approved before but because not all the cities responded on time, it was postponed. This will allow Hays County elected officials to attend regional meetings in Austin instead of San Antonio. Council Klepfer moved that this motion be approved. Seconded by Councilmember Walter Brown, the motion was approved 5-0.

L. Demonstration of glare reduction in outdoor lighting.

Glenn Fryer gave the council and attendees a very informative demonstration of how to reduce glare from various kinds of lighting. He informed the group about methods to shield several small lumen rated bulbs that would provide the same lighting that would be available from one high lumen rated bulb. He outlined the cooperative efforts that have resulted in low intensity glare from the Brookshire Bros.' Conoco Station related to the intensive glare that comes from the Diamond Shamrock facility at the Junction. He stated that the high intensity lighting is used to attract customers and that while it was necessary in a city where two or more stations might be vying for the same customer, it was not necessary in an area such as Wimberley. He outlined future efforts that will be undertaken in the Village to educate citizens as to how this might be done and lighting regulations put into effect that would reduce glare in outdoor lighting without jeopardizing public safety and business lighting protection. In response to a question, Glenn informed the group that a lumen is the unit of light that is emitted by a bulb; a foot candle is the unit of illumination on an object, such as a table, i.e., you can specify how much light is coming out of a bulb in a lamp by the number of lumens that are specified. Typically, a normal incandescent bulb would use 12 lumens per watt of electricity, so a 100 watt bulb placed in a lamp would have 1200 lumens of light. And, the foot candle is the intensity of the light as one would see it on the table – or in a space at approximately one lumen per square ft.

In response to a question by David Tate, it was brought out that the proposal would regulate outside lighting to within three foot candles and no stipulation regarding inside

lighting. Glenn said that “many times, people think that high contrast lighting is better for security purposes, but it often causes darker shadows, therefore it is more difficult to adjust your eyesight to see in the shadows.” Clint Frankemann said he had replaced his mercury lights with sodium lights and even though they are somewhat higher in cost, last quite some time and he had been very pleased with the results. Mr. Fryer pointed out that regulation might affect sign lighting in that the maximum illumination of a sign that comes from any source would be addressed.

After considerable discussion, it was decided that the lighting regulations would stand within the ordinance enacted previously until a public hearing can be held to inform the public regarding proposed new regulations.

Councilmember Brown made a motion that the amendments to the Comprehensive Zoning Ordinance (Ordinance No. 2001-010, Amended 7/19/01) as recommended by the Planning & Zoning Commission be adopted by council. Seconded by Councilmember Klepfer, the motion was approved 5-0.

M. Discussion & Possible Action to approve the conceptual drawings of the proposed drawings of the proposed nature area.

Mayor Hewlett outlined the various ambiances in the conceptual drawings by local architect, Charles Roccaforte and Associates. She stated that it would be preferable to have this drawing approved as a conceptual drawing for submission with the LCRA grant application and for submission to the Planning and Zoning Commission.

Chairman Fryer informed council that zoning ordinances prohibited building in the flood plain zone as determined by the FEMA map and it appears it crosses the Old Kyle Road. He further stated that the Protected Waterway Overlay District, a section of the Zoning Ordinance, strictly limits development in this area, and that the P&Z Commission will define the points to be considered in its development.

Councilman Klepfer made the motion that this item be sent to the Planning Commission for their input and it will be brought up again at the Tuesday meeting. Seconded by Councilmember Matt Manis. The motion was approved 5-0.

H. Discussion & Possible Action on citizen’s request for release of Village of Wimberley ETJ land for a proposed Jacob’s Well incorporation effort.

Councilmember Brown moved that this item be continued until Tuesday night in order to present it to the Transportation Committee.

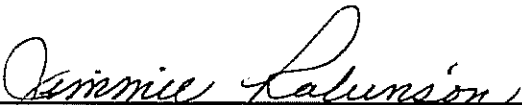
13. Announcements

Councilmember Brown announced he would be ready soon to start looking at a Procurement Policy and Procedure Manual for the Village and then would like to talk to Councilmember Knies to get concurrence to look at appointing the Historic Preservation Board and the Parks and Recreation Board, to officialize them and get them up and running.

Councilmember Knies would like to see the recommendation by the Off-premise Sign Committee put on the agenda for council consideration.

Mayor Hewlett informed everyone that the Southwest Texas Geography Dept. is going to present a hydrology study at the next regular council meeting on September 20th that was conducted regarding Wimberley. It will be interesting and everyone is invited.

14. **Adjournment:** there being no further business, the meeting was adjourned at 10:35 p.m.



Jimmie Robinson
Assistant City Secretary



Mayor Linda Hewlett

Next meeting: Special Meeting on Tuesday, September 11, 2001.

Next regular meeting on Thursday, September 20, 2001