

Village of Wimberley **City Council Meeting Minutes**

City Hall, 14500 RR 12, Suite 22

Thursday, October 18, 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 Reverend Everett Trebtoke, St. Mary's Catholic 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 of the October 4th meeting were approved as presented.
- B. **Proclamation recognizing the Wimberley Chamber of Commerce, and proclaiming October 22-26, 2001 as "Chamber of Commerce Week."**

Mayor Hewlett proclaimed the week of October 22-26, 2001 as "Chamber of Commerce Week" and expressed the appreciation of the council for all the good work done by the Chamber of Commerce.

6. **Presentation of citizens.**

Presentation was made by Bert Johansen and a representative of the Anvil Communications. regarding the options available for broadband access to a community network.

7. **Reports from Committees.**

Bert Ray, Chairman of the Comprehensive Steering Committee informed those present that there would be a very important public meeting – the first of two that will be held for citizen input - regarding the Village Comprehensive Plan. The meeting will be held in the Chapel in the Hills on Saturday, October 20, 2001. Dr. Sally Caldwell will present a slide show and presentation regarding land use in and around Wimberley. Other topics of concern will be presented and citizens will be asked for input to formulate community priorities for preparation of the final Comprehensive Plan for the Village of Wimberley. At the close of the meeting, a summary of the Wimberley Survey that was mailed out will be available for anyone who wishes to review the results.

8. **Items from Council.**

9. **Old Business.** None.

10. **Zoning & Subdivisions**

Mayor Hewlett announced that in the future, zoning cases that have been approved by the P&Z Commission, they will be handled as "consent items" at council meetings.

A. Zoning Cases

**Glenn Fryer, Chair
P&Z Commission**

(1) Application No. C211-0-032

Applicant: Jeanne Cabler

Agent: Susan Thurber (Wimberley Land Co.)

Location: 706 FM 2325 (includes a portion of adjoining property—704 FM 2325)

Business Name: Madrone Office Park & Storage

Proposed Use: Public Storage—mixed use

Planning Area: C

Requested Zoning: From Unzoned to PUD

Council Action: C1 - PUD Vote 5 - 0

(2) Application No. C211-01-033

Applicant: Blake Johnson

Agent: N/A

Location: 240 Know Way – end of Sabino Ranch Road

Business Name: N/A

Proposed Use: Double wide pre-mfg. single-family residence

Planning Area: A

Requested Zoning: From Unzoned to R-1

Council Action: A Vote 5 to 0

(3) Application No. C211-01-037

Applicant: Community Center/Winters-Wimberley House

Agent: Bobbie Fryer

Location: RR12 at River Road

Business Name: Wimberley Community Center & Winters-Wimberley House

Proposed Use: Community Recreation

Planning Area: D/E

Requested Zoning: PR-2 (Participant Recreation)

Zoning Recommended: No zoning required (early start)

Council Action: No Action

Discussion was held regarding development of guidelines that would clearly outline the point in time that a "grand-fathered" project might restart and be subject to zoning action, i.e., when a dormant project restarts and exceeds the benchmark level that triggers zoning (\$10,000) – versus those continuation projects that are part of an 'early start' project but cost less than the Benchmark and not requiring a zoning application but merely a building permit.

B. Report on Concept Plan Review:

(1) Application No. C211-01-011

Applicant: First Baptist Church

Agent: John Graddy

Business Name: N/A

Proposed Use: Improvements to parking lot

Planning Area: A

Requested Zoning: None

Recommendation: Early start – Not subject to ordinance

Council Action: See below motion passed by council. Vote _____ to _____

Chairman Fryer stated that this project is similar to the previous application in that it also is an "early start" project that has high impervious cover on the property and the same questions arise as were discussed in the previous application. John Graddy, Agent, stated that it was his understanding (as well as the pastor's) that their site plan would be reviewed and approved so they could start up a contract and move forward with their project and it that this was not a zoning issue. In addition, he commented that he had thought they would be notified when their item was going to be considered by council. The First Baptist Church Pastor stated that the church was trying to work with the city to get a road to Blue Hole. He stated the site plan had been adopted and re-affirmed by the church several times. In a short while they will be starting on a new auditorium and that they would apply for zoning when it starts. Plans that have been drawn are for an impervious cover which had previously been thought to be about 80% but is actually 75% which is a little over the limit but the church is taking action to mitigate any problem associated with this overage, i.e., additional drainage provisions, etc.

After considerable discussion between John Graddy, the church pastor, and council members, Councilman Brown moved that council initiate a zoning case for the appropriate designation for the church property expeditiously to get it on the P&Z schedule. Seconded by Councilmember Klepfer, the motion passed 5-0.

(1) Application No. C212-01-003

Applicant: Jeanne Cabler

Agent: Susan Thurber (Wimberley Land Co.)

Location: 704 FM 2325 (includes a portion of adjoining property—706 FM 2325)

Business Name: N/A

Proposed Use: convey enough acreage to bring 706 FM 2325 to 1.01 acres and allowing it to become a PUD

Planning Area: C

Request: Subdivision

Recommendation: Subdivision

Council Action: C PUD Vote 5 to 0

Steve Thurber stated that the pre-planning and application process for this project had moved forward very quickly and satisfactorily from beginning to end. He commended the Planning and Zoning Commission and the council for their expeditious handling of the project.

New Business

A. Discussion & Possible Action to accept the wood carving of Doran Teague as City Seal.

Councilmember Knies stated that Doran Teague had agreed to carve an adapted version of the Wimberley Village seal model which she presented for their viewing. The completed carving that will be larger than the model and with whatever date that is determined to be the nearest documented time of the Village's founding. She said that Doran will carve one that will be about two ft. in diameter, Mayor Hewlett commented that at the last meeting, a founding date of 1874 was mentioned and that date had come off of an early deed. However, it has been suggested that Wimberley use the date that the *Community of Wimberley* was established, taken from the Handbook of Texas, which says that Wimberley was established in 1848 when Wm. Winters built a saw and gristmill on the Blanco River. Another possible date would be the date of incorporation. Dr. DeeAnn Story stated that she felt the 1874 was an artificial date and that the time of the building of the mill would be more accurate. Councilmember Klepfer made the motion that this wood carving of the seal be accepted and recommended that the decision regarding the date that Wimberley was established be made by the Historic Preservation Commission at a later time. Seconded by Councilmember Brown, the motion passed 5-0.

B. Discussion & Possible Action relating to protocol and procedure for comprehensive plan community meetings.

This item was pulled from the agenda by Councilmember Steve Klepfer.

C. Discussion & Possible Action to call for an annual audit of Village of Wimberley.

Councilmember Matt Manis made the motion that an annual audit of the Village of Wimberley be conducted – after posting in the newspaper for bids. Seconded by Councilmember Knies, the motion was approved 5-0.

D. Discussion & Possible Action to approve a Fence Ordinance as recommended by the Planning & Zoning Commission.

Glenn Fryer, Chairman of the P&Z Commission said that the proposed fence ordinance was very simple, i.e., if you want to build a fence facing a Village street or road and it is more than four feet high, it cannot be solid, it have some transparency, and that the deed restriction or the city ordinance (whichever is most restrictive would prevail) to determine the ruling in each individual case. Councilmember Steve Klepfer moved that the item be continued and referred to the city attorney. Seconded by Councilmember Tony Brown, the motion passed 5-0.

Citizen Comment: Frank Austin had asked to speak to this issue and even though it will be continued, he commented that although it was not a particularly offensive ordinance one way or another that he feels it is an intrusion because this matter has always been in the domain of homeowners associations or property owners associations. He suggested that council continue or drop this item completely and that this action would send a message to Wimberley constituents that the council respects their ability to decide these issues themselves.

E. Discussion & Possible Action to adopt a Procurement and Procedures Manual for the Village Council Member of Wimberley.

This item was continued.

F. Discussion & Possible Action to adopt an amendment to the Village of Wimberley Commercial Building Code relating to site development activity, the start of construction, and fees.

Councilman Brown stated that amendments to the Code heretofore made by council were to properties that have zoning classifications and these two amendments - F and G - places similar requirements in the commercial and residential codes about the start construction. Essentially what these amendments say, is that on new commercial projects, construction activity on the site requires a site development permit from the Village and then defines "construction activity" as including anything above simple clearing of property lines to survey the tract. Anything beyond that - means that something has started on the site and that requires a site development permit. There is an exception for minor clearing to accommodate boundary surveys – or - for the purpose of connecting a utility or cable connection to an existing building. Since there are two codes, there must be two separate motions. Councilman Walter Brown made the motion that this be added to Section 105.2 of the Commercial Building Code. Seconded by Councilmember Klepfer, the motion passed 5-0.

G. Discussion & Possible Actions to adopt an amendment to the Village of Wimberley Residential Building code relating to site development activity, the start of construction and the fees.

Councilman Brown stated this is the same as Item F but has a second paragraph in it that pertains only to residential and says: "in addition to construction, activities shall not include minor clearing to accommodate building boundaries surveys or for the purpose of connecting utility cable to existing structure. The term 'construction activities' shall also not include residential property's minor trimming and clearing of trees, brush, or vegetation for the purpose of property maintenance or site planning provided the spoils of such trimming/clearing are disposed of within thirty days by shredding and/or removal from the site, or by burning where or when permissible under the regulations of Hays County. You can clear the lots but cannot clear and pile it up. The revisions to the fee schedule for inspections were recommended by the Building Code Committee and were brought on by the September 1 change in the law requiring that all plumbing permit inspections to be accomplished by a state licensed plumbing inspector. We are now hiring that out – the inspector charges us \$40 and the city fee is \$45. The same is true of the mechanical inspection, they charge \$30 and we are charging \$35 and our building inspection fee schedules are being adjusted accordingly. Permit fees remain the same, and actually a couple of them have been lowered. Councilman Brown made the motion that the above clauses be enacted and the fees schedule for both item F and G be enacted. Item G is to be inserted in the residential code, Section 108.4, and that the revised fee schedule be adopted for permits and inspections for commercial and residential. Seconded by Councilmember Kries, the motion was approved 5-0.

H. Discussion & Possible Action to adopt an amendment to the Village of Wimberley Sign Ordinance No. 2001-002 relating to signs except from Ordinance and notification only for small signs.

Councilman Walter Brown continued this item because he wanted someone from the Committee to be present at the council meeting when it was discussed.

I. Discussion & Possible Action to adopt certain amendments to the Village of Wimberley Zoning Ordinance (No. 2001-010) as recommended by the Planning and Zoning Commission.

Councilmember Brown asked that this item be continued until November 1st.

J. Discussion & Possible Action to adopt an Historic Preservation Ordinance for The Village of Wimberley, including the establishment of a Historic Preservation Board.

Councilmember Knies stated that the agenda item should be corrected to state that a "Historic Preservation **Commission**" would be established (not a board). Dr. DeeAnn Story commented on various items that needed to be included in the ordinance setting up legal basis for this commission's responsibilities and duties and the main purpose of historic preservation - that of continuing to maintain, preserve, to foster the individuality of an area. Each area has its own unique history and much of this history is expressed in terms of its buildings. Ordinances like this one are to encourage this activity (preservation) and once things are so designated, penalizes to a certain extent, the violations to the integrity of these buildings. The Historic Preservation Commission, comprised of nine members will be appointed by the Mayor and City Council, each to appoint a member and the remainder by consensus. There are certain specialized knowledge necessary that certain categories be considered, recognizing that you may not always be able to fill these categories, but the goal is to get people on this commission that bring to the table certain skills, including interest, i.e., landowners, business people, etc Members would serve for two years, except for the first year to set up staggered terms. This commission would prepare rules and procedures to carry out the duties of the commission, ratified by the council, and make recommendations to the council for the criteria to designate historic architectural, cultural, and archeological landmarks. Criteria must be specific and guidelines must be developed, i.e., determining there will be no high-rise buildings that would destroy the general character of the area and businesses. The commission will receive applications, make recommendations to council, conduct surveys, and maintain inventories of landmarks located within Wimberley, not the ETJ. They will establish committees as needed, maintain minutes and records, and many more duties that will be outlined in the ordinance or assigned to them by city council.

City Attorney Alan Bojorquez stated the ordinance is not ready for approval. He emphasized the importance of the criteria for member selection in the makeup of the commission.

Councilmember Knies requested that this item be continued, thanking Dr. DeeAnn Story for her work on this matter as well as those serving on that committee with her were Bruce Calkins, Della Broderick, Cathy Gillock, Ray Williamson, Gary Weeks, Dorothy Kerbow and Trish McWaters. The attorney classifies this ordinance as a zoning type requiring public notice and hearing on the matter.

Council agreed that there should be five members will be appointed by council members, one by the mayor, and three by the council.

K. Discussion & Possible Action to increase the size of the Water/Wastewater Board from 7 to 9 and possible appointment of new board members.

Councilman Walter Brown made the motion that this agenda item be adopted as presented. Seconded by Councilman Tony McGee, the motion was approved 5-0.

L. Discussion & Possible Action to appoint members to the Wimberley Parks and Recreation Board.

Mayor Hewlett reminded council members that at the last meeting, they decided to accept all of the current members of the Parks and Recreation Committee as members of the Recreation Board and also approved an ordinance that addresses the composition of the board; it says in the ordinance item 4: The board shall be comprised of nine registered voters, with no more than four members being residents of outside of the city limits and no more than two of those being outside of the city limits and the extra-territorial jurisdiction. She gave council members a worksheet listing the six members who are willing to serve on the board. The motion was made by Councilman Klepfer to accept all six committee members to the board: Seconded by Councilman McGee, motion passed 5-0. There were six additional nominations and resumes were presented to the Board, i.e., Malcolm Harris, Jerry Valladao, Paul Xiques, Mike Cox, Lance Cawley, and Jan Fulkerson. Council will vote on three additional members to the recreation board, two of which must live within the city limits, which would include Malcolm Harris, Jerry Valadao, and Paul Xiques. By vote, the following three members were elected: Malcolm Harris , Paul Xiques and Jan Fulkerson.

Councilman Brown made the motion that this board be affirmed by the council and that their first meeting will be on Monday, November 5, at 7 p.m., after which they will determine their regular meeting day, as long as it is not on a Sunday. Seconded by Councilmember Knies, the motion was approved 5-0.

M. EXECUTIVE SESSION to discuss Personnel Matters with the City Attorney pursuant to Texas Govt. Code sections 551.071 and 551.074.

The council adjourned to Executive Session at 9:15 p.m. and reconvened at 10:40 p.m.

N. Discussion & Possible Action to hire a City Administrator.

Councilmember Tony McGee made the motion that the Village offer the position of City Administrator to Stephen Harrison at a salary of \$55,000 per year. Seconded by Councilman Matt Manis, the motion was approved 5-0.

12. Announcements

The fence ordinance will not be addressed tonight because the ordinance is not ready but will be taken up at a special called meeting on Tuesday, October 23rd, at 7 p.m.

Councilman Manis announced that the city now has \$117,800 in the bank.

Councilwoman Knies announced that three persons have volunteered their services to make a video of the 7.24 acres that the city may be acquiring for a nature trail.

There being no further business, the meeting was adjourned at 10:45 p.m.



Jimmie Robinson
Assistant City Secretary



Mayor Linda Hewlett

The next council meeting will be a special Called Meeting Tuesday, October 23, 7 p.m.
The next regular council meeting will take place on Thursday, November 1, 2001.