

Village of Wimberley
City Council Meeting Minutes
City Hall, 14500 RR 12, Suite 22
Thursday, November 1, 2001 – 7:00 PM



1. **Call to Order.** The meeting was called to order by Linda Hewlett, Mayor, at 7:00 p.m.
2. **Invocation** was delivered by Rev. Ted Knies, St. Stephens Episcopal Church
3. **Linda Hewlett, Mayor, led the pledge of Allegiance**
4. **Roll Call:** Present were -
 - Linda Hewlett, Mayor
 - Walter Brown, Council Member
 - Steve Klepfer, Council Member
 - Martha Knies, Council Member
 - Matt Manis, Council Member
 - Tony McGee, Council Member

Mayor Hewlett introduced Steve Harrison, the new City Administrator.

5. **Consent Items**
 - A. **Minutes:** The minutes of the October 18 meeting were approved with corrections.
 - B. **Excuse Council Member Tony McGee's absence from the Council Meeting of September 20, 2001** because he was attending a necessary meeting concerning the AquaSource Rate Case in Austin, Texas during the hours of the Council Meeting.

Councilman Matt Manis made a motion that both consent items be accepted. Councilwoman Martha Knies seconded the motion. The motion passed 5 to 0.

6. **Presentations of Citizens**
 - A. **Citizens' Comments.** None.
7. **Reports from Committees.** None.
8. **Items from Council.** None.
9. **Old Business**
 - A. **Discussion & Possible Action to enact an ordinance establishing fence regulations within the jurisdiction of the Village of Wimberley, as recommended by the Planning & Zoning Commission.**

Councilman Klepfer presented the fence ordinance, suggesting that the ordinance presented is a simple approach to regulating a few fences. Basically it regulates fences that are facing public roadways. There was a brief discussion concerning street setbacks, fence heights, and the structure of the fence surfaces. The typographical errors are to be corrected. Councilman Klepfer moved that the fence ordinance be adopted with the addition of the language to Section IV (A) that any fence in excess of four feet would require a building permit. Councilman Brown seconded the motion. The motion was passed 5 to 0.

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

Councilman Brown requested that the matter be continued to the November 15 Council Meeting.

10. Zoning & Subdivisions

A. Zoning Cases

Glenn Fryer, Chair
P&Z Commission

(1) Application No. C211-01-034

Applicant: David Anselmo

Agent: Roger Hopkins

Location: 224 Mary Stephenson Lane

Business Name: N/A

Proposed Use: Single-Family Residence

Planning Area: A

Zoning Requested: R-1

Zoning Recommended: R-2 (Changed from R-1 to R-2 because of lot size)

Council Action: Zoning of R-2

(2) Application No. C211-01-035

Applicant: Clara Clay & Leslie Hinson

Agent: N/A

Location: 535 Sierra Loma

Business Name: N/A

Proposed Use: Single-Family Residence

Planning Area: A

Zoning Requested: R-1

Zoning Recommended: R-1

Council Action: Zoning of R-1

(3) Application No. C211-01-036

Applicant: Frank & Pam Sullivan

Agent: N/A

Location: 2400 River Road

Business Name: N/A

Proposed Use: Single-Family Residence

Planning Area: A

(Sullivan – Continued)

**Zoning Requested: R-1
Zoning Recommended: R-1
Council Action: Zoning of R-1**

**(4) Application No. C211-01-038
Applicant: Dave & Lee Williams
Agent: N/A
Location: 200 Winn Valley Rd.
Business Name: N/A
Proposed Use: Single Family Residence
Planning Area: A
Requested Zoning: R-2
Zoning Recommended: R-2
Council Action: None (Continued)**

Planning & Zoning Commissioner Glenn Fryer presented each case on it's own merits. A roll call of Applicants for zoning was taken. All Applicants were present with the exception of Dave & Lee Williams, and no agent appeared on their behalf. The cases of Anselmo, Hinson & Sullivan were presented. The Wilson case was continued because the Applicant failed to appear. Councilman Brown moved that the zoning Applications be approved as presented and that the public hearing be closed. Councilwoman Knies seconded the motion. The motion was passed 5 to 0.

11. New Business

A. Financial Report for the Village of Wimberley

Councilman Matt Manis stated that there was a net gain for the month of October of \$44,000, and with the previous balance, there was now a balance of \$109,000 in the bank account at Balcones Bank. Council was given a breakdown of expenditures and income. It was pointed out that development fees--permits, etc.--were not coming in as strong as expected. Plumbing fees are an additional expense because the Village had to hire outside plumbing inspectors. There needs to be follow-up on inspections with a review of inspection fees. Councilman Manis stated that he was placing \$14,000 of road maintenance money into a money market fund so it won't be cycled off for other needs.

B. Discussion & Possible Action to authorize the Mayor to sign a parking lot lease with Calkins Interests, Ltd.

Councilman Klepfer presented the parking lot lease, stating that it was part of a traffic study taken out of sub-committees (Roads Advisory Board) and sent for approval to the Planning & Zoning Commission. This was an effort to divert the tourist traffic from Kyle or San Marcos to Blue Heron Road by the Burger Barn to the parking area behind Cypress Creek, thus causing less congestion in the Square and over the bridge. Councilman McGee pointed out that the last draft

had included a few corrections--the parking lot included 27,500 square feet; the insurance was covered under the Village's existing policy for \$10,000,000; the period of the lease is one year; fees are \$100 month; either party may terminate with 90 days' notice with no reason; the Village has the obligation to take care of the lot; the Village has no obligation to make further improvements. Basically, this is a temporary arrangement to see if the parking lease works--how it works without any major expenditures. There will be 75 parking spaces (can be expanded to 100 spaces). The lot is leased to be open 8:00 a.m. to 8:00 p.m. There will be no nighttime operation because of lighting problems. The \$100 monthly lease payment comes out of the road budget. The Village has no liability after 8:00 p.m. Carolyn Nichols commented that the committees have done a very good job on this project. Signs have been placed on the caliche lot behind Cypress Creek Café, on RR 12 South (near Blue Heron), Oak Drive and Wimberley Square, and two public parking signs at the entrance of the parking lot. Mayor Hewlett commended Councilman Klepfer and his committees for the work done on this project. Councilman McGee stated that Bruce Calkins had been very helpful in working out this lease; and, Gentry Carr did a lot of work. Councilman Klepfer made a motion that Mayor Hewlett be granted the authority to execute the parking lot lease between the Village of Wimberley and Calkins Interests, Ltd. Councilman McGee seconded the motion. The motion was passed 5 to 0.

C. Discussion & Possible Action concerning details of employment package of City Administrator.

Mayor Hewlett requested that the matter be continued.

D. Discussion & Possible Action to appoint new board members to the Water/Wastewater Advisory Board.

Councilman Klepfer advised that the Water/Wastewater Board had been expanded from 7 to 9 members, and 2 additional appointments need to be made. These 2 additional appointments are to be made from persons residing within the City limits. Councilman Klepfer made a motion that Liz Sumter be appointed as a member of the Water/Wastewater Advisory Board. It was noted that Councilwoman Knies is open for suggestions for nominees. The motion was seconded by Councilman Manis. The motion was passed 5 to 0.

E. Discussion & Possible Action to establish fees for the council initiated zoning case (Case No. C211-01-026).

Councilman Brown stated that this was the case of the First Baptist Church, and the Village initiated the zoning. Glenn Fryer, Chairman of the Planning & Zoning Commission, had no suggestion on fees. Chairman Fryer recommended that the property be zoned AG with a planned unit development. Planning & Zoning did request improvements be made for drainage and rainwater collection. There are conflicts between the church easement and that of Blue Hole Road. If Blue Hole is developed, that roadway will be an important road. The Planning & Zoning Commission recommended that the church grant an additional 15 feet of ease-

ment. Councilman Brown stated that the Village is not equipped to do the zoning properly and it would be necessary for the City to obtain a survey. Councilman Brown pointed out that, if a planner were paid, and if the city needed a survey, the cost would be several thousand dollars. It was his suggestion that there be no reduction in fees simply because the City initiated the zoning. There was no recommendation on fees for this case. Councilman Brown recommended that the Council be silent on this matter. The present fee schedule stands. Councilman Brown pointed out that some municipalities waive fees, but that is usually in towns where there is property tax and other income. No action was taken.

F. Discussion & Possible Action to approve certain amendments to the Wimberley Comprehensive Sign Ordinance (Ordinance No. 2001-002) and sign fee schedule, as recommended by the Sign Ordinance Executive Committee and the Planning & Zoning Commission, with possible additions and/or deletions from the Council.

Councilman Brown stated that these changes were the product of the stakeholder's meeting. These items went to the Executive Sign Committee and their recommendations were forwarded to the Planning & Zoning Commission, which were approved by them, and now to Council. Councilman Brown made a motion that the amendments, as presented by the Executive Sign Committee, to Ordinance No. 2001-002, be adopted as presented and that the fee schedule discussion be continued until the November 15th Council Meeting. Councilman Klepfer seconded the motion. The motion was passed 5 to 0.

G. Discussion & Possible Action to approve payment of the Nextel radio communication monthly invoice of the building inspector, at a cost of \$49 per month.

Councilman Brown stated that the building inspector had requested that his radio fees be paid as he uses his radio to contact builders. Councilman Brown moved that we pay Lance Powers' monthly Nextel bill. The motion was seconded by Councilman Klepfer. Councilman Manis stated that the building inspector position is contract labor. With contract labor, a set amount of money is paid to do the job. There are no benefits. You bring your own tools. Councilman Manis pointed out that City has to be very careful about separating contract labor from employees. The building inspector is required to do inspections 3 days a week but the City doesn't require specific hours. Councilman McGee felt the City is treading close to the building inspector being an employee rather than contract labor. Defining him as an employee would mean additional expense--half of social security, withholding, etc. Councilman McGee stated that he was not opposed to the amount of money because the building inspector uses the radio in his work, but it further confuses the problem of whether he's an employee or not. This expense would make his job more efficient. Councilman Brown suggested that the matter be continued to November 15th. No action was taken.

H. Discussion & Possible Action to approve responses to a questionnaire received by Mayor Hewlett from Hays County Commissioners Court Judge Powers, relating to the Village's position on the matter of jurisdiction and review authority over subdivisions in the ETJ, and including an Interim Annexation Plan.

Councilman Brown presented a proposed Interim Annexation Plan and he reviewed the responses to Judge Powers' questionnaire with Council. Councilman Klepfer concurred that a plan was needed. Councilman Brown added that, after he discussed the matter with Mayor Hewlett, he modified Item #4, page 1, where the goal is to provide an infrastructure and utility services in areas that are contiguous to existing city limits, and where such infrastructure and services are needed, and where doing so would be little or no additional financial burden to the Village. Councilman McGee stated that the Planning & Zoning Commission unanimously recommended the plan. Councilman Klepfer moved that the answers to the questionnaire be approved and that the proposed Interim Annexation Plan be forwarded to Alan Bojorquez, City Attorney, for review. Councilman Brown seconded the motion. The motion was passed 5 to 0.

I. Discussion & Possible Action to allow Drew Dunlap to obtain a building permit prior to completion of Pending Zoning Application.

Mayor Hewlett presented the appeal of Drew Dunlap to proceed with remodeling of his existing structure, adding a bedroom for living quarters under his existing roof, for his mother-in-law because of her extreme ill health and age. Council considered Mr. Dunlap's request and advised him that Council was bound to abide by the zoning ordinances and advised him to instruct his contractor that he could break the project into two phases. He was informed that his contractor, prior to zoning, could obtain a permit to do construction on his property only if the permit were for construction costs of less than \$10,000. There was no mechanism for the Council to allow a permit to be issued for the entire project. No vote was taken.

J. Statement by Councilman McGee concerning participation in future executive sessions held by the Village of Wimberley City Council.

Councilman Tony McGee made a brief statement before Council that he felt that, although there was a state law granting the right to disclose matters discussed in Executive Session outside the session, there is a risk that something vital to the City could be revealed that could be harmful to the City, and that he felt it would be in the best interest of the community if items discussed in Executive Committee were kept private. Councilman Brown stated that many items should be the subject of a full debate in public.

12. Announcements

Councilwoman Knies announced that the McCoy Foundation had contributed the sum of \$133,282 to the proposed Cypress Creek Nature Trail & Preserve, and that she was hopeful that the Village would receive matching funds from the Lower Colorado River Authority.

Councilwoman Knies announced that the new Parks Board would meet on November 4th.

Councilman Klepfer announced that David Baker would serve as Chair for the Water/Wastewater Board.

Councilman McGee announced that the volleyball team would be playing in San Antonio against a team that could well be in the State Championships. The Texans are playing Llano tomorrow night.

Councilman Brown announced that there would be a Comprehensive Plan workshop on November 17.

Mayor Hewlett announced that there would be a Veterans Day program at the High School on Friday, November 9th.

13 Adjournment

There being no further items, the meeting was dismissed by Mayor Hewlett, at 9:55 p.m.



Adelle Turpen, City Secretary



Linda Hewlett, Mayor

The next council meeting will be held on November 15, 2001, at 7:00 p.m.