
Village of Wimberley
City Council Meeting Minutes
City Hall, 14500 RR 12, Suite 22
Thursday, March 7, 2002, 7:00 p.m.

- I. Mayor Linda Hewlett called meeting to order at 7:00 p.m.
Bishop Earl McArthur offered the Invocation.
Mayor Hewlett led the Pledge of Allegiance.
Roll Call: Present were Mayor Hewlett, Council Members Walter Brown, Steve Klepfer, Matt Manis, and Tony McGee.
Council Member Martha Knies was excused.

II Presentations of Citizens

Mac McClure of The Wimberley View newspaper introduced Tess Mallory as a new reporter for the newspaper who will cover City Hall from time to time.

III. Consent Items:

Minutes of February 21 Council meeting approved as presented.

IV. Reports from Boards/Committees/Staff:

Josh Stewart, acting in place of Jack Clark who could not be present, gave the monthly Finance Report for January, 2002. As of January 31 the City had \$212,000 in cash in its regular checking account and \$11,500 in the fund for the Cypress Creek Nature Trail. Revenue in January totaled \$66,600; for the four months of the current budget year revenue totaled \$464,600. Expenditures in January were \$14,900, and for the first four months of the budget year, \$315,000.

Councilman Klepfer asked that in future reports amounts pertaining to the Cypress Creek Nature Trail be reported separately from other budget and expense items so that Council can see what expenses and income germane to regular Council operations are.

V. Old Business

1. Proposed Amendment to Zoning Ordinance No. 2001-010
Section 47.10 - Private Wastewater Treatment Permit

Planning and Zoning Commission Chair Curt Busk presented a proposed amendment to require a current Hays County wastewater permit for zoning. In response to a question by Councilman McGee about the term "current", Mr. Busk said Commissioners decided to leave the definition open; he assumes it would mean a permit currently on file with Hays County. He said Commissioners discussed using various time limits for validity of the permit but were

advised by City Counsel that using the language as proposed in the amendment as it is would assure that the City was not getting into an area of County authority. Councilman Klepfer said the motivation for the requirement was a long-standing discussion in the Water and Wastewater Advisory Committee about properties with old or paved-over septic systems and the potential for pollution these systems represent. Councilman Klepfer moved to accept the proposed amendment, Councilman Brown seconded. Councilman Brown noted that in the previous Council meeting the Public Hearing on this amendment had been left open. Mayor Hewlett asked for any public comment; hearing none, she closed the Public Hearing. In discussion, Councilman McGee said that although he understands the concern about old septic systems, he is troubled that the requirement for a current permit may make some properties around the Square unsaleable. The County grandfathered these properties as it changed rules on septic systems. The County knows of these old systems and has chosen not to enforce its rules; some of these properties do not have the land needed to comply with current permitting requirements. He proposed changing the amendment to state:

“For any property on which habitable buildings exist, and which has no connection to a State licensed wastewater treatment utility, a current Hays County private wastewater treatment permit for the proposed use and discharge rate shall be required as a condition for initial zoning or re-zoning *if the proposed use will increase the wastewater discharge rate that existed on the date of the application for zoning or re-zoning* (Added language in italics). Councilman Klepfer said he is not opposed to this language but that there should be an alternative between these options, such as an engineered septic system; the wording should say that if there is no alternative to bring the system up to current health and safety standards and if there is no change in flow, the system would be allowed. He said that not requiring a permit is in essence permitting to pollute. Councilman McGee asked if the matter could be delayed until Council gets an opinion from City attorney. With consent of Councilmen Klepfer and Brown, item continued to allow time for further advice from City attorney and Water & Wastewater Advisory Committee.

2. Agenda format:

Councilman Brown distributed to Council members some of his thoughts on the format of Council Agenda, noting that some of the problems he perceives are being worked out. He wants a discussion on how items get on the Agenda and how the source of items is identified. He believes an item should be listed as continued unless it has been made obsolete or unnecessary. Councilman McGee noted Council members may say they want to discuss the need for an ordinance and agree to put it on the next Agenda; this complies with requirements of the Open Meetings Act and allows Council to discuss an issue in general to see if it wants to go forward without having an actual ordinance before it. Council discussed the Agenda process. Mayor Hewlett said Council members should continue to think through the process; no action taken.

VI. New Business

1. Zoning applications

- A. C211-02-058, Village Store, 300 River Road, C-1 zoning in Planning Area C;
- B. C211-02-059, Joe Holland, 1838 Flite Acres Rd., R-2 zoning in Planning Area A;
- C. C211-02-060, Lilian Groesbeeck, 109 & 111 Mill Race Lane, C-2 zoning in Planning Area E (Corner of Areas C, D, & E);
- D. C211-02-061, Peter Kessler, 140 Summer Breeze, R-1 zoning in Planning Area A;
- E. C211-02-062, Bill J. Eakin, 232 Blanco Drive, R-2 zoning in Planning Area A;

Mayor Hewlett noted that all five zoning applications were approved by unanimous votes by Planning & Zoning Commission. She opened Public Hearing and asked for comment for or against any of the applications; no comments received. Councilman Brown moved to approve all the zoning applications, Councilman Klepfer seconded, motion approved 4-0.

2. City-Initiated Zoning:

Planning & Zoning Commission chairman Curt Busk reviewed for Council a program recommendation the Commission agreed on at its last meeting. He said Commission members have done pre-zoning property inspections on each zoning request; several if not all of the Commissioners have looked at each property and talked with the property owner. They have taken on the role of teaching property owners about requirements of the Zoning Ordinance.

Commissioners believe this is a valuable service; in 25% to 30% of cases there is an educational dialog that helps the property owner avoid mistakes such as pouring a slab too close to a property line or building inappropriately on a steep slope. Commissioners believe it is essential to retain this component of education; he noted all Commissioners volunteered to continue to do that. Commissioners would like to have the policy for City-initiated zoning (CIZ) address this specifically. He said this activity does not belong in zoning, but could be included in the building permit process. Someone familiar with building permit requirements and zoning restrictions should do it. Although Commissioners and Council talked about CIZ for subdivisions only, Commissioners recommend it should apply to all existing residential properties in the Village, and cover all undeveloped lots in Planning Areas A and B, which are zoned only for residential use. Mr. Busk said CIZ should have a priority system so those applicants who supply the most information, thereby requiring less work by City officials, should be given priority.

Council discussed requirements and procedures for issuing public notice of zoning in subdivisions and to neighboring properties within 200 feet, including those bordering subdivisions, and difficulties in identifying property owners. Councilman Brown said he wants to get the City in a dialogue with property owners associations on zoning requirements and limitations so that owners understand what the City is doing. Mayor Hewlett said she is for moving forward with the plan and wants some way to provide relief for people who only

want to add a patio or similar small project and are confronted with the need to go through zoning. She asked the City Administrator and Planning & Zoning Commission to work on this.

Mr. Busk said Commissioners would first like to have Council approval of the idea of CIZ, and then have the City Administrator flesh out the concept with an implementation program that can be presented to homeowners' associations. In response to question from Councilman McGee on whether the Commission is convinced there is no other way to do blanket zoning that is less cumbersome, Commissioner Busk said the City's law firm said state law requires it be done this way. Councilman Manis asked what a property owner could do who does not want zoning; Commissioner Busk said they get their property zoned whether they want it or not. Councilman Brown moved to have Council declare that because it deems it desirable to apply City-initiated residential zoning where feasible within the corporate limits of Wimberley, Council asks Planning & Zoning Commission Chair Busk and City Administrator to work on a plan to accomplish it and bring it to Council at the next meeting; Councilman Klepfer seconded, motion approved 4-0.

3. Request for sign variance for Scudder Primary School:

Tamara King of the Scudder Parent-Teacher Organization said the school wants to put a marquee sign at the corner of RR 2325 and Green Acres Drive to enable the school to announce school events. The sign will be on property of Trinity Chapel, which has agreed to allow it and to allow access for changing information on the sign. The sign will be 84 inches high and 74 inches wide and unlighted. City Administrator Harrison said the sign complies with all provisions of the Sign Ordinance except for being off premises; under the Ordinance it will be a Changeable Copy Monument Sign. Councilman Klepfer moved to grant the variance, Councilman McGee seconded, motion approved 4-0.

4. Transportation Advisory Committee Recommendation:

John Graddy, committee chair, said the committee asked Chuck Holes, Inc., a road repair company, to come to Wimberley to demonstrate its work. He said it worked on a bad section of Palos Verdes and at the corner of Palos Verdes and Buena Vista, using a quick-setting slurry mix of dolomite and oil which can be sprayed into pot holes. The company finished the first job in 30 minutes, the second in 15 minutes. He thinks the work was of a very high quality; the cost of doing it would have been about \$200 if the City had paid for it. The company charges \$1,000 for a load of ten tons of mix, which can cover a bed of about 2,400 square feet depending on depth of pot holes. He said this is the only company in central Texas doing this type of road repair work and he likes their work. The committee also wants to invite a company named Pot Holes, Inc., in San Antonio, to demonstrate its work before deciding on a road repair contract. He asked Council for authority to spend up to \$5,000 to have up to five loads of material from Chuck Holes, Inc. for repair on high-priority streets,

specifically Sunrise Drive in Paradise Hills, Hill View Road and Mesa Drive on Spoke Hill, Loma Vista, and Blue Hole Road (he said that if the City will fill the pot holes and make it a good base, the Baptist Church will pave the road). He said Hays County is still repairing roads for the City but he does not know how it decides what work to do or when to do it; the County will continue to fix roads for the City at no cost, but at some point it will stop doing so. Mayor Hewlett said the City would continue to accept County road service as long as it will do it; Mr. Graddy said he wants the County to be a bidder on City projects. Councilman Manis said the City has approximately \$100,000 in its road fund, and moved to grant the Committee authority to spend up to \$5,000 for road repair as proposed by Mr. Graddy; Councilman Klepfer seconded, motion approved 4-0.

Mr. Graddy said the Committee has other projects it believes need attention and he will bring those to Council in the next several meetings. The culverts under the low-water crossing on CR 1492 at River Road are blocked and need to be opened to lower the water level on the road. He has consulted the fire department and the County on this problem, and the only way to open the tunnels is to go to a sewer cleaning company with high-pressure drills that bore through the blockage. This job can be done for \$1,300. During the last flood the grates over the culverts were washed away; these need to be replaced to prevent children from swimming through them. He said this is a high priority project for the committee also. In four weeks he will come to Council with a plan to redo the intersection of Palos Verdes and RR 12 and put in a culvert there.

5. Selection of Black & Veatch Engineering to develop wastewater master plan:

City Administrator Harrison said the committee to select a firm to develop a wastewater master plan for the City chose Black & Veatch as best qualified applicant. He said the City is under some time pressure to get a wastewater master plan completed as part of the CCN application process. He recommended Council approve an engineering service agreement with the firm. Councilman Manis asked if there is a budget line item for this contract; Mr. Harrison said there is not. At next Council meeting he will present for approval an agreement with Guadalupe-Blanco River Authority under which GBRA will fully fund the cost of the master plan contract. Councilman Klepfer moved to accept the proposed engineering services agreement with Black & Veatch, Councilman Manis seconded, motion approved 4-0.

6. Selection of "Best Qualified" for City Engineer and authorize City Administrator to negotiate contract terms: On request of City Administrator this item was continued for future discussion.

7. Selection of Council members to serve on Investment Committee: City Administrator Harrison recommended Council appoint members to the Committee, which should include two or three Council members, himself, and City Finance Officer Jack Clark. Mayor Hewlett asked for Council volunteers; Councilmen Manis and Klepfer did so. Councilman McGee

moved to select Administrator Harrison, Council members Manis and Klepfer, and Jack Clark (CPA) to serve on the Investment Committee. The motion was approved 4-0.

VII. City Administrator Report

1. Hotel/Motel Occupancy Tax public meeting:

Administrator Harrison said the public meeting on February 28 at the Senior Center had an excellent turnout, and 19 people signed up to speak. The Chamber of Commerce asked the City not to pursue the issue now because of missing data and information on how the tax would be collected and used. He suggested the City not schedule another public hearing on the tax; Council agreed by consent.

2. Status Report on Election Filings:

March 20 is the deadline for filing for candidacy for the City Council election in May for mayor and two Council positions. Any qualified resident may file for candidacy. Council suggested giving copies of sections of the Sign Ordinance pertaining to political signs to those who file for these positions.

3. Rumor Control & Factual Information:

Administrator Harrison noted there are rumors about the City government and not all of them are factual. To give correct information, he did a Q & A article for the Wimberley View on City issues, and the newspaper is willing to make space available for similar use on a continuing basis. He is also working on getting the City's web site up with correct information and more information; Council agendas will be posted on the web site. He hopes to have the site available in a week or so. Dan Williams has been working on the web site and will continue to volunteer as web master. He said the City might have to look at other options for public information as various technologies permits.


VIII. Announcements, Future Agenda Items:

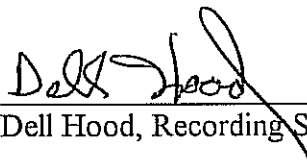
1. Mayor Linda Hewlett announced she would not be a candidate for Mayor in May. She said it has been an honor to serve as Wimberley's first Mayor and to work with the Council. She thanked all who have helped her. She said to date Councilman McGee has filed for Mayor, and Council members Brown and Manis and John Graddy have filed for Council positions. Council members expressed their regrets the Mayor will not run for re-election and thanked her for her leadership of the Council.
2. Councilman Brown noted the many negative statements in recent days about City government preventing people from doing what they want with their property. He gave a brief report of the Council's activity over the past 10-11 months since the relevant

ordinances were enacted: 104 building permits were granted, of which 35 were residential, 28 commercial, and 41 were in the small project category. The average turn-around time for granting building permits was two-and-a-half days. In the ten months the Zoning Ordinance has been in effect, 71 cases were processed; five more were approved tonight, and nine requests are in process. Fifty-six zoning requests have been granted, and only one was denied, which was for an industrial use in a residential area.

IX. Council adjourned at 8:50 p.m.

VILLAGE OF WIMBERLEY

By 
Linda Hewlett, Mayor


Dell Hood, Recording Secretary