


Village of Wimberley City Council Meeting Minutes

City Hall, 14500 RR 12, Suite 22
Thursday, April 18, 2002, 7:00 p.m.

- I. Mayor Linda Hewlett called meeting to order at 7:00 p.m.
Rev. Otha Aishman of Trinity Chapel offered the Invocation.
Mayor Hewlett led the Pledge of Allegiance.
Roll Call: Present were Mayor Hewlett, Council members Walter Brown, Steve Klepfer, Martha Knies, and Matt Manis. Councilman Tony McGee was excused.
- II. Presentations of Citizens
No presentations offered.
- III. Consent Items
Minutes of Council meeting of April 4, 2002 were approved as submitted.
- IV. Reports from Boards/Committees/Staff
 1. Finance Report (Jack Clark, CPA)
Mr. Clark gave Council the monthly City financial report for March, with current period and year-to-date statements. He noted this statement is more detailed than earlier reports, as Council members had requested, but he will revise and expand the list of accounts to include more budget line items for future reports. He said the City is in good financial shape, with more than \$283,000 in its cash account, and both revenue and expenditure figures are in line with projected amounts.
 2. Investment Committee Report
Mr. Clark said FDIC coverage of City accounts is limited to \$100,000 in each account. The City has \$283,000 in its checking account as of this statement. The committee recommends this amount be divided among a checking account and a money market account in the current bank, and another money market account in another bank. The committee also recommends funds budgeted for road repair and maintenance be put into a special revenue fund, with monthly deposits to it as income is received and set aside for this expense. Council and public will be able to see that money allocated for roads is actually used for the designated purpose. Administrator Harrison said creation of a special revenue fund will be an agenda item for Council on May 2.
- V. Consider and Act

 1. Zoning Applications, Public Hearing
 - A. C211-02-066, Arthur Neve, 100 Leach Lane, R-1 zoning in Planning Area A;
 - B. C211-02-074, Wilma Mae Pellerin, 12900 RR 12, AG zoning in Planning Area A;
 - C. C211-01-037, Community Center, 14068 RR 12, PR-2 PUD zoning in Planning Area

Planning & Zoning Commission Chairman Curt Busk said Commission approved these three

zoning requests by votes of 6-0, because one commissioner was absent, not 7-0 as stated in agenda. The two residential properties were all consistent with the zoning ordinance. The PUD for the Community Center property covers the entire seven-acre tract, not just the parcel occupied by the Center. In Public Hearing, M.F. Johnson thanked Council and said Council members have accomplished much in two years; she and other members of the groups that created the Center look forward to working with Council beyond the May 4 election.

Councilman Brown moved to approve applications A and B, Councilman Klepfer seconded, motion approved 4-0.

Councilman Brown asked for clarification of two statements in the Community Center PUD application. In response Mr. Busk said zoning as a PUD will apply to all parcels of the seven acres; uses of the separate tracts will be considered as a subdivision matter. On the building footprint, the figure 20,000 square feet is used in the PUD to allow for expansion by addition; the first phase footprint will be 10,560 sq. ft. Site details will be provided as part of the subdivision application. Councilwoman Knies asked if parking space on the Brookshire Brothers side will go to the lot line; Mr. Busk said the original design had a road along that edge, but the road may be moved in the final site plan allowing some green space there. Councilman Klepfer moved to accept the PUD, Councilman Brown seconded, motion approved 4-0.

2. Amendments to Zoning Ordinance No. 2001-010

A. Section 6 - Compliance Required - Sec. 6.1, 6.2; and Sec. 12.1.B

Commissioner Busk said this amendment deals with the section of the ordinance that triggers zoning. After applying the ordinance in actual zoning cases, commissioners realized this section was not appropriately worded; it required people to apply for zoning for small projects, which really should not have triggered zoning. The amendment is to make this section reflect the rest of ordinance. In response to a question from Councilman Manis, Section 6.2.A.3.c was amended to read:

- c. Decks: Not more than twelve (12) feet above grade, including a railing only or eighteen (18) feet including a roof.*

Commissioner Busk and Mr. Harrison said this amendment will eliminate the occasions when zoning would be coupled to a building permit for projects which do not require zoning, such as small projects or restoring a flooded residence to its original condition. The amended section does not have a value or size trigger. The amendment to Section 12.1.B and definitions eliminate references to small projects.

Councilman Brown pointed out that Section 6.2.C, Administrative exceptions, allows the City Administrator to cause a building permit to be issued if there has been an error or omission by the Village in processing a zoning application while the application proceeds.

Councilman Brown moved to adopt Section 6.1, Section 6.2 as amended, and Section 12.1.B, Councilwoman Knies seconded, motion approved 4-0.

3. Memorandum of Understanding with Blue Hole Management, Ltd., and GBRA on waste water service Master Plan

Administrator Harrison gave Council a new version of a draft MOU with changes suggested today by City attorney. He said Blue Hole Management, Ltd., has agreed to the changes. The MOU

is a document that states areas of agreement among the three entities; it does not have the legal status of a contract. This MOU is important for the Village in view of the Village's recent decisions and actions on wastewater issues. The Village's request to TNRCC for a Certificate of Convenience and Necessity (CCN) to provide waste water service has been protested by Aqua Source; TNRCC will hold hearings on the issue in June. The MOU will help the Village establish its ability to provide the service. Blue Hole Management has its own CCN for a small system; the property is under contract to be sold and developed. Both present and potential owners of Blue Hole agree to the arrangements outlined in the MOU, as does GBRA. Councilman Klepfer gave Council background to the MOU and the present situation of Blue Hole. Blue Hole Management will make available to Black and Veatch, the firm preparing a wastewater master plan for the Village, the engineering information on its current system.

Councilman Brown suggested adding the words, "and City Council" after "the Wimberley Planning and Zoning Commission" in action paragraph four on page three of the Memorandum. Council agreed to the change by consensus.

Council discussed with public members the problem of odor from the Blue Hole drain field, noting that if the proposals go forward as planned, complaints about the smell will be addressed to and handled by the Council in Wimberley, not TNRCC or Hays County, and that the City will now have a say in how effluent from the system is handled.

Councilman Brown moved to accept the Memorandum of Understanding as amended, Councilwoman Knies seconded, motion approved 4-0.

4. Appointment of Councilman Klepfer to testify on behalf of Village at TNRCC on CCN application

Administrator Harrison said the City has to identify someone to testify on its behalf at TNRCC hearings on its wastewater CCN application. Councilman Klepfer has been extensively involved in these issues for a long time, and has worked with attorneys and GBRA on the CCN. Councilwoman Knies moved to appoint Councilman Klepfer to testify for the Village, Councilman Brown seconded, motion approved 4-0.

5. Road Maintenance Project Funding Approval Process

Administrator Harrison gave Council a paper outlining funding requests from the Transportation Advisory Board (TAB) and asked Council to give him authority to approve spending for road repairs. He outlined two projects the Board thinks need immediate attention. Councilman Klepfer said he would prefer that Council authorize specific amounts from the road funds in the budget and allow Mr. Harrison and TAB to decide how the money should be spent on specific projects, rather than have Council approve individual projects. This will avoid creating unnecessary restrictions on use of the funds by having Council action limit that use. Councilman Klepfer moved to authorize up to \$5,000 for road repair, motion seconded by Councilman Manis, motion approved 4-0.

Mr. Harrison briefed Council on a proposal for repair of the low-water bridge culverts on CR 1492. He asked Council for authority to spend up to \$6,000 to clean the culverts and replace grates on them. If the cost is higher, TAB will request additional authority to complete the work. Councilman Klepfer moved to authorize up to \$6,000 for the requested purpose, Councilman Manis seconded. Council discussed with Bill Johnson and other public members problems created by

flooding at this bridge, and earlier attempts to clear the blockages. Motion approved 4-0.

6. Establish date to begin discussions on appointment of a Charter Committee to draft a Home Rule Charter

Councilman Brown said that as candidates for election to Council, all Council members had said they would like Wimberley to have a home rule government, and he thinks it is time for Council to start the discussions needed to move to a home rule charter. He wants to wait until the Comprehensive Plan is completed and allow for summer vacations; he suggests that by the first meeting in September Council could be ready to start the formal process of moving to a charter. The City Administrator can begin collecting information on the process and discuss it with City attorney, who has agreed to help. Councilman Brown moved that Council post for its first meeting in September discussion on appointment of a home rule charter committee, Councilman Klepfer seconded. In discussion it was noted that the process of forming a committee, drafting a charter, holding public meetings, and voting on the charter could take a year to 18 months. In Hays County, San Marcos and Kyle are home rule cities; Dripping Springs is too small to qualify for home rule. Motion approved 4-0.

VI. City Administrator Report

1. City Initiated Zoning

Mr. Harrison said River Meadows subdivision will be the first case of City-initiated zoning (CIZ); Planning & Zoning Commission will discuss the application at its next meeting. After this application is decided, the City may have meetings with other property owners' associations to discuss setting up a mechanism to do CIZ in a systematic manner. He emphasized that CIZ does not affect deed restrictions on properties, which remain in force, and explained ways zoning can protect property owners.

2. Growth Issues


Mr. Harrison said he spends a lot of time with people wanting to develop properties, many of them commercial developers who want to know what is possible under City ordinances. Other issues he spends time on are roads and infrastructure. The City is trying to post its ordinances on-line for general public access.

VII. Announcements

Councilwoman Knies said she walked the Cypress Creek Nature Preserve today with an official from Texas Parks & Wildlife; this was at least the fourth TPW official who has come to see this property. All have been awe-struck with its beauty and said it should be maintained for the public, and that it should benefit the community economically.

VIII. Council adjourned at 8:30 p.m.

VILLAGE OF WIMBERLEY

By 
Linda Hewlett, Mayor


Dell Hood, Recording Secretary