

# ***Village of Wimberley***

## **Minutes of City Council Meeting**

City Hall, 14500 RR 12, Suite 22  
Thursday, August 15, 2002, 7:00 p.m.

**Call Meeting to Order** - Mayor Tony McGee called the meeting to order at 7:00 p.m.

**Invocation** - Rev. Steven Sweet of Wimberley United Methodist Church offered the invocation.

**Pledge of Allegiance** - Mayor McGee led the Pledge of Allegiance.

**Roll Call** - Present were: Mayor McGee, Council Members Steve Klepfer, Martha Knies, Matt Manis, and Carolyn Nichols. Council Member John Graddy was excused.

### **Planning & Zoning Commission Award**

On behalf of Council, Mayor McGee acknowledged the award given the Planning & Zoning Commission by the Central Texas Chapter of the American Planning Association. He noted the "tremendous time and effort Commissioners expended to get their work done; and that the Commission is a real attribute to this Council and to the Village of Wimberley." He presented copies of a photograph of the award, which were presented to present and former Commission members and to former Commission consultant Dr. Sally Caldwell.

### **Swearing in of Transportation Advisory Board Appointee**

Mayor McGee swore in Bob Bullock as a new appointee to the Transportation Advisory Board.

Mayor McGee announced that on Tuesday, August 20, County Commissioners' Court will hold an action meeting at 9:00 a.m. on the proposed Wimberley by-pass, and encouraged residents to turn out to support the vote.

The Mayor announced that Texas Parks & Wildlife has awarded Wimberley a grant of nearly half a million dollars for development of the Cypress Creek Nature Trail. In the scoring of grant applications by TPW evaluators, Wimberley's application received the highest number of points ever given to a grant request in this category--145 points.

**Presentations of Citizens** - No comments were offered.

### **A. Consent Items**

Minutes of the regular Council meeting of August 1, 2002 were corrected (changes were as

follows: Paragraph C, 2 b. The words “recently” and “At its creation, all” were omitted to and approved as corrected, to now read: “Council discussed filling vacancies on the Transportation Advisory Board in accordance with adopted procedures that each member of Council be responsible for one appointee to each City board, commission and committee. Members of the TAB were appointed by consensus of all Council Members...”

## **B. Reports from Boards and Committees**

Planning & Zoning Commissioner Dr. Pamela Showalter gave Council a presentation on the new City zoning map, generated by a computerized geographic information system. The system allows layering of data in a variety of ways to produce many different maps. Dr. Showalter proposes to print the maps and make them available in book form for the public. The map software can also be available in read-only form on computers in City Hall and at the Village Library. Council agreed that Dr. Showalter should proceed to produce the paper copy of the maps.

## **C. Consider & Possible Action Items**

### **1. Applications for Zoning and Public Hearing**

- a. C211-02-087, Wagon Wheel Subdivision, City-initiated zoning, RA, R-2, & R-3 zoning in Planning Area A requested (P&Z recommends approval 5-0):

Presenting the case to Council, Planning & Zoning Commissioner Curt Busk said the subdivision homeowners’ association had decided to exclude from zoning the POA-owned lot designated as parkland when P&Z voted on this application. He said the RA and R-2 zoning districts allow private parkland, and recommended Council designate the subdivision park as RA (Rural Acreage). The homeowners agreed with this change. This zoning designation requires public notification.

Council Member Nichols pointed out there is a 0.42-acre lot owned by Glenn Garrett, between lots 7 and 8, which was not indicated in the ownership map P&Z used, and should be zoned R-3. This is a correction to P&Z action.

No comments were received in Public Hearing. Council Member Manis, a resident in the subdivision, recused himself. Council Member Nichols moved that Council accept RA zoning for the subdivision parkland, R-3 for the 0.42-acre Garrett lot, and R-2 for the rest of the subdivision, as corrected from P&Z zoning. Council Member Klepfer seconded the motion. The motion was approved 3-0, 1 recused.

- b. C211-02-094, Spoke Hill Subdivision, City-initiated zoning, RA, R-1, R-2 zoning in Planning Area A requested; P&Z recommends approval 5-0:

There were no comments at the Public Hearing. Council Member Knies recused herself as a resident of the subdivision. Council member Klepfer moved to approve the zoning as recommended by P&Z. Council member Manis seconded. The motion was approved 3-0, 1 recused.

- c. C211-02-105, Bruce Mayes, 221 Twilight Trail, C-1 zoning in Planning Area B, close to the border with Planning Area D (P&Z recommends approval 5-0):

P&Z Chairman Busk presented the case. He said the owner plans to put in housing for the elderly, and believes the use is benign and in keeping with surrounding uses. Council Member Klepfer Expressed concern about the wide range of uses allowed in the C-1 district and asked how this decision would affect neighboring properties. No comments were received in the Public Hearing. Council Member Nichols moved to approve the application; Council Member Knies seconded the motion. The motion was approved 3-1, 1 recused.

- d. C211-02-106, Paul Dunn, 201 CR 3237, at intersection of Old Kyle Road & CR 3237; C-2 zoning in Planning Area D requested (P&Z recommends approval 5-0):

Mr. Busk said Mr. Dunn does not have a specific use in mind. No comments were received in the Public Hearing. Council Member Manis moved to approve the requested zoning; Council Member Klepfer seconded the motion. The motion was approved 4-0.

### **Executive Session**

Council adjourned to Executive Session at 7:50 p.m. to consider personnel matters in accordance with Texas Government Code Section 551.074 (Personnel Matters).

### **Council resumed public session at 8:25 p.m.**

#### **2. Fiscal Year 2003 Budget Proposal**

Mayor McGee said Council would try to arrive at a consensus on a proposed budget, which will be available for public review. The first public hearing on the budget will be at the first Council meeting in September. City Administrator Steve Harrison reviewed items in the budget, which have been changed as a result of last week's budget workshop. Changes in expenditures were balanced by changes in revenue to keep the budget in balance. Council Member Knies moved to accept the budget as the proposed budget for Fiscal Year 2003; Council Member Klepfer seconded the motion. The motion was approved 4-0. Mayor McGee explained that this is only a proposed budget, as required by law. There will be a public hearing on the proposed budget before the Council will vote formally to adopt a budget.

#### **3. Approval to Hire Receptionist/Clerk**

Mr. Harrison said the proposed budget includes a position for a receptionist/clerk, and there is money in the current year personnel budget to pay for such a position. He said there is a need for the position and asked Council for authority to move forward to advertise the position, to interview candidates, and to hire for the position. It would take some of the workload off the City Secretary

and allow City Hall to be open for longer hours. Council Member Klepfer moved to authorize the City Administrator to hire a receptionist/clerk at the salary range indicated in the proposed budget for Fiscal Year 2003. Council Member Knies seconded the motion. The motion was approved 4-0.

**4. Approval of Lease of Office Space at 13210 RR 12 for use as City Hall**

Mr. Harrison said a Council subcommittee looked at four different locations for City Hall. He briefed Council on a proposed commercial lease, which has been reviewed by City Attorney, for space at the former Wimberley Land Company office at 13210 RR 12. He said the landlords, John and Paul Dunn, have begun renovations to the building to comply with ADA requirements. Under terms of the new lease, rent will be \$2,000 per month for the first year, October 1, 2002 to September 30, 2003; it will rise to \$2,500 per month for the next 24 months. Council Member Manis moved to authorize the Mayor to sign the lease; Council Member Knies seconded the motion. The motion was approved 4-0.

**5. Appointment of Board/Commission Members**

**a. Ethics Commission**

Council Member Nichols said that under the ordinance establishing the City's Ethics Commission, each Council member will appoint one member and there will be two consensus members. B. J. Kolenda has agreed to serve as a consensus appointment. Council Members Klepfer and Knies have not yet selected nominees, and one consensus appointment remains to be selected. Council Member Nichols moved that the Council appoint B. J. Kolenda as a consensus member of the Ethics Commission. Council Member Klepfer seconded the motion. The motion was approved 4-0. Mayor McGee expressed his appreciation to those who have agreed to serve on the Ethics Commission.

Council appointments to the Ethics Commission, effective August 15, 2002, are:

<u>Council Member</u>	<u>Ethics Commission Member</u>
John Graddy	Jenelle Flocke
Matt Manis	John Meyer
Tony McGee	Bishop Earl McArthur
Carolyn Nichols	Lynda Thornton Morgan
Consensus Candidate	B. J. Kolenda

**b. Board of Adjustment**

Mayor McGee said that under the Zoning Ordinance authorizing the Board of Adjustment, the Board must have five regular and two alternate members, to ensure a quorum of four members at any meeting and four votes to approve any decision. Alternate members must be available in case a regular member is absent. Council discussed methods to determine regular and alternate members. Council member Nichols moved that the members of the Board of Adjustment, selected under the

provisions of Section 10.2 of Zoning Ordinance No. 2001-010, shall in their first meeting determine which five members shall serve as regular members and which two shall serve as alternate members, and shall prepare operating procedures and/or by-laws on how the Board shall function. Council Member Knies seconded the motion. The motion was approved 4-0.

Council Member Klepfer moved that Council accept the appointment of Michael Stephens, Sue Johnson, Steve Gartside, Bob Flocke, Tevis Grinstead, Susan Thurber and Bill Cline, Jr. to the Board of Adjustment. Council Member Knies seconded the motion. The motion was approved 4-0.

Council appointments to the Board of Adjustment effective August 15, 2002:

<u>Council Member</u>	<u>Board of Adjustment Member</u>
John Graddy	Michael Stephens
Steve Klepfer	Sue Johnson
Martha Knies	Steve Gartside
Matt Manis	Bob Flocke
Mayor Tony McGee	Tevis Grinstead
Carolyn Nichols	Susan Thurber
Consensus Appointment	Bill Cline, Jr.

**6. Ordinance defining duties, responsibilities and makeup of Water/Wastewater Advisory Board**

Council Member Klepfer briefed Council on the background of the proposed ordinance, which will legally enable a body originally created by Council resolution. Councilman Klepfer proposed to add the following in Section 5 of the draft ordinance:

- A. *The City Council and Mayor shall each appoint one member to the Board. Three (3) additional members shall be appointed by consensus of the City Council. If a vacancy occurs on the Board, the City Council Member who originally appointed that member shall appoint a person, with the approval of a majority of the City Council, to fill the unexpired term. In the case of a vacancy occurring in one of the consensus positions on the Board, the City Council shall by majority vote appoint a person to fill that vacancy.*
- B. *Ex-officio membership shall be extended to Hays County Environmental Health Department, Wimberley Water Supply, Guadalupe-Blanco River Authority, Hays County Trinity Water Conservation District, Wimberley Valley Watershed Association, Wimberley Neighbors for Healthy Water, Texas Natural Resource Conservation Commission, and the City of Woodcreek.*

Council Member Klepfer moved that Ordinance No. 2002-007 of the proposed Village of Wimberley, Texas, establishing a Water and Wastewater Advisory Board and providing for the duties, appointment, and removal of Board members be adopted, with amendments as follows:

- (a) Under the third "Whereas" insert the Chapter as "402; and
- (b) Section V, add the following language: All members shall be appointed by consensus of the City Council consistent with the Village Council's appointment policy."

In discussion, Council Member Nichols expressed concern about language in Section IX. The second sentence provides for the Board to meet once a month. She proposed that sentence should read: *"The Board chair may call special meetings."*

Council Members Klepfer and Knies accepted the change as a friendly amendment. The motion as amended was approved 4-0.

**7. Appointment of City Attorney as City Prosecutor**

Mr. Harrison said David Sanders and his firm want to resign from the position of Assistant City Attorney and City Prosecutor. He said the law firm Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, LLP, has submitted a letter stating interest in being City prosecutor in addition to serving as City attorney, and he recommended they be appointed to that position. Council Member Klepfer Moved that the Bickerstaff firm be appointed as City Prosecutor, and that Council accept the resignation of David Sanders. Council Member Knies seconded the motion. The motion was approved 4-0.

**8. Ordinance adopting the Boundary Survey (metes & bounds) of Village of Wimberley and approval to record it with the deed records of Hays County**

The City Attorney has advised Mayor McGee that Council can file the metes and bounds description attached to City's petition for incorporation with Hays County and this would satisfy the requirement for a boundary survey. Corrections to the survey can be worked out in time. Council Member Knies moved for adoption of the ordinance adopting the metes and bounds boundary survey of the Village and giving approval to record it with Hays County. Council Member Nichols seconded the motion. The motion was approved 4-0.

**9. Drawing lots for assigning place numbers for Council Members in accordance with Ordinance No. 2002-005**

Council Member Klepfer suggested that those members whose terms expire in even-numbered years draw for even-numbered places, and those with terms expiring in odd-numbered years draw for odd-numbered places. Council agreed unanimously with this suggestion. As a result of the draw, Council members will run for election in the following ballot place numbers:

<u>Place Number</u>	<u>Council Member</u>
1	Carolyn Nichols
2	Matt Manis

3	Steve Klepfer
4	John Graddy
5	Martha Knies

**10. City Administrator Report**

A. Administrator Steve Harrison said the Town Hall meeting for the parking ordinance is set for August 29, 2002 at the Lone Star Theater of Wimberley High School. Council discussed the format and procedures for the meeting.

B. Mr. Harrison said TNRCC has confirmed verbally that it has no opposition to the City being granted a Certificate of Convenience and Necessity for wastewater treatment service in the city limits, excluding the area already granted to AquaSource. The City will look into getting approval for service in the ETJ. The certification will probably be made jointly with GBRA.

**11. Announcements, Future Agenda Items**

Council Member Nichols said there was one more applicant for the Board of Adjustment than there were positions, and that person is willing to accept an appointment to another committee, that the application should be referred to other committees.

**12. Adjournment - Council adjourned at 9:35 p.m.**

**VILLAGE OF WIMBERLEY**

By Tony McGee  
Tony McGee, Mayor

Adelle Turpen  
Adelle Turpen, City Secretary

Dell Hood  
Dell Hood, Recording Secretary