

Village of Wimberley
Minutes of City Council Meeting
City Hall, 14500 RR 12, Suite 22
Thursday, September 5, 2002, 7:00 p.m.

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

Invocation - Bishop Earl McArthur, retired, offered the Invocation.

Pledge of Allegiance - Mayor McGee led the Pledge of Allegiance. He then asked all present to observe one minute of silent meditation for the losses the nation suffered on September 11, 2001.

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

Swearing in of Board of Adjustment - Mayor McGee administered the oath of office to the following appointees to the Village of Wimberley Board of Adjustment:
Robert Flocke, Steve Gartside, Sue Johnson, and Susan Thurber.

Swearing in of Ethics Commission - Mayor McGee administered the oath of office to the following appointees of the Village of Wimberley Ethics Commission:
B. J. Kolenda, Jenelle Flocke, Earl McArthur, John Meyer, and Lynda Thornton Morgan.

Mayor McGee recognized the Wimberley Planning and Zoning Commission by reading a letter from the president of the Texas Chapter of the American Planning Association announcing that the Chapter has selected the Wimberley Planning and Zoning Commission as recipient of the Chapter's 2002 Committee Special Recognition Award.

Presentations of Citizens:

The following residents of SaddleRidge spoke in opposition to the application by Brendy Kilber for commercial zoning of her property on Ranch Road 12, Application C211-02-112. Mayor McGee announced the case has been continued and there would be no separate Public Hearing or Council consideration of the zoning request at this meeting.

SaddleRidge residents speaking in opposition to Zoning Application C211-02-12:
Diane Snyder, Barbara Vansant, Susan Baker, Wayne Underwood, Francis Savage, Jr., Lynn and Alan Adelson, Donna and Lou Marczynski. Each said the proposed zoning would affect the quality of life of SaddleRidge residents and asked Council to deny the request. Mr. Underwood submitted the following written comments which he requested be entered in the Minutes:

"I am a resident of SaddleRidge and attended two meetings recently regarding the zoning request changes affecting SaddleRidge. I, along with other SaddleRidge residents, voiced our total opposition against the request for zoning changes. I believe the Wimberley

City Council should follow their own planning guidelines that dictate that no commercial businesses shall be zoned or allowed next to residential areas. I spoke at the Council meeting and stated that I am very much opposed to the zoning change requests."

Brendy Kilber spoke for the property rights and real estate interests of the owner.

A. Consent Items

Minutes of the regular Council meeting of August 15, 2002 were corrected. Changes were as follows: Item C 1.a - Final sentence ("The zoning designation requires public notification.") was deleted.

Item C 5.a, Ethics Commission: First sentence corrected to state, "...and there will be one consensus member." Third sentence corrected to read: *Council Members Klepfer and Knies have not yet selected nominees.*

Item C 5.b, Board of Adjustment: First sentence corrected to state: *Mayor McGee said that under the Zoning Ordinance authorizing the Board of Adjustment, the Board must have five regular and two alternate members.* Second sentence ("Alternate members must be available in case a regular member is absent.") deleted.

Item C 6, Water/Wastewater Advisory Board: Second narrative paragraph corrected to state "...and removal of Board members be adopted. Subsections (a) and (b) deleted entirely. Third narrative paragraph corrected to state: *Council Member Nichols proposed that the sentence, "The Board shall meet at least once a month," be added in Section 9 of the Ordinance, under Board Meetings.*

Minutes accepted as corrected.

B. Reports from Boards/Committees/Staff

1. Status Report on Comprehensive Plan:

Comprehensive Plan Steering Committee (CPSC) Chairman Bert Ray said a first draft of the Plan was completed on June 24 and copies were distributed to four City agencies for review and comments. A second draft incorporating their comments was completed on August 15 and sent to City Attorney for review. The third draft will be reviewed by a joint committee of Council, the CPSC and Planning and Zoning Commission.

A fourth draft incorporating the joint committees' ideas will be sent to Planning and Zoning Commission for hearings and approval. A joint subcommittee of CPSC and P&Z is currently working on a land use map to accompany the Plan. Mayor McGee thanked Mr. Ray and the Steering Committee for their hard work.

2. Investment Committee Report:

Council Member Klepfer reported he and Council Member Manis and City Administrator Steve Harrison attended a two-day class given by Texas Municipal League on investment of public funds.

3. Financial Report for July 2002:

Jack Clark reviewed the City's July financial statement. Council Member Nichols asked that a monthly revenue report be included with the financial report, to enable

Council to compare revenue on a month-by-month basis. Mr. Clark agreed to do so. Council discussed items in the report with Mr. Clark.

C. Consider & Act

1. Adoption of Village of Wimberley Investment Policy:

Mr. Harrison and Mr. Clark briefed Council on the proposed investment policy recommended by the Investment Committee. City Attorney and City Accountant have reviewed it. Mr. Clark considers the recommendations to be conservative, especially in the limitations on diversification of investments. Council members agreed they want to stay conservative in investments for the present. They agreed the document is important and complicated and asked for time to study it before adoption. Council member Manis moved to continue the item to the September 19 Council meeting. Council member Knies seconded. Motion approved 5-0.

2. Authorize Investments of Village Funds with TXPOOL:

Council member Klepfer moved to continue this item until the Investment Policy is adopted. Council member Manis seconded. Motion approved 5-0.

3. Proposed Amendments to Zoning Ordinance No. 2001-010, Public Hearing

A. Section 52, Entrance Corridor Overlay District (ECOD):

P&Z Chairman Curt Busk briefed Council on the history, purpose and goals of the ECOD. It addresses specifically the environmental elements that attract everyone to Wimberley and to preserving those features. He noted this concern has been very high on the desire lists of Village residents as expressed in a 1996 Charette and in recent opinion surveys. The ECOD requires additional setbacks to allow buffering and landscaping of properties along the four principal highways leading into Wimberley.

Marilee Wood spoke in favor of the Entrance Corridor Overlay District.

Planning Commissioner Glenn Fryer read a statement supporting the ECOD (attached).

Mayor McGee suggested changing the wording of Section D on page 2, to:

Special parking provisions for the Overlay District are as follows:

Commissioner Busk agreed to the changed language. Council member Nichols moved to adopt the Entrance Corridor Overlay District as presented and with the change proposed by Mayor McGee. Council member Knies seconded. Motion approved 5-0.

B. Section 47.15 of Zoning Ordinance No 2001-010, Commercial Landscape Regulations:

Commissioner Busk reviewed the development of the Commercial Landscape Regulations (CLR), noting they do not apply to residences. He said the CLR are not very demanding and are more in the nature of recommendations.

Council members discussed specific language in several sections of the regulations.

Council member Klepfer moved to adopt Section 47.15, Commercial Landscape Regulations, with the following changes:

In Section 2., Applicability, the final sentence is changed to:

The requirements and standards set forth herein shall not apply to existing improved property as it may exist on the date of this enactment, but shall apply to any such structures in which 50% or more of the building is reconstructed, or the footprint is expanded by 20% or more.

In Section 4, Required Site Landscaping, paragraph A., Minimum Coverage, is changed to the following:

A. Minimum Coverage: *An area equal to the following percentages of impervious cover on the developed site shall be dedicated to meet the minimum area dedicated to landscaping:*

30% in the case of Multifamily Residential development;

22% in the case of Office and Professional Building development;

15% in the case of Institutional, Commercial or Industrial use.

In Section 5, Parking Lot Landscaping, paragraph C, Parking Lot Screening, "should" be changed to "shall."

Council member Nichols seconded the motion.

Council member Manis asked to have the motion divided; to separate the proposed change in Section 5 of *should* to "*shall*."

Council member Nichols called a Point of Order.

Mayor McGee called for the vote. Motion approved 3-2, Council members Graddy and Manis opposing.

4. Applications for Zoning, Public Hearing

A. C211-02-110, Steve Vaughn, 120 Jewel Lane, R-3 zoning requested in Planning Area B (P&Z recommends approval 7-0):

Chairman Busk presented the case to Council. No comment for or against in Public Hearing. Council member Nichols moved to approve the requested zoning; Council member Graddy seconded. Motion approved 5-0.

B. C211-02-115, Tracey Dean, 101 Stillwater, 192 Flat Rock, 210 Flat Rock, 215 Flat Rock, 205 Flat Rock, 179 Flat Rock, 151 Flat Rock; C-1 zoning requested for each of the lots, in Planning Area C (P&Z recommends approval 7-0):

Chairman Busk presented the case. In Public Hearing, Amy Frederick, agent for Tracey Dean, said C-1 zoning is requested for each of the seven lots, which are being developed in South River. No other comments received. Council member Graddy moved to approve the requested zoning; Council member Nichols seconded. Motion approved 5-0.

C. C211-02-112, Brendy Kilber, 10300, 10330, 10400 RR 12, C-2 zoning requested in Planning Area A; properties currently zoned RA (P&Z recommended denial of zoning change by vote of 5-0, with one abstention and one recusal):

Mr. Harrison said applicant has asked for continuance of the case until no later than the October 3, 2002 Council meeting. Council member Klepfer moved to continue the

case, Council member Graddy seconded. In discussion, Council member Klepfer said he received numerous calls from people who wanted to speak on this application, and Council needs to give citizens a definite time for the next hearing. He said he would prefer to hear the case on October 17; applicant agreed verbally with this date. Council members Klepfer and Graddy agreed to amend their motion to hear the case at the October 17 Council meeting. Amended motion approved 4-0-1, Council member Nichols abstaining.

D. C211-02-109, James Sheffield (Wimberley Log Homes Motel), 712 FM 2325, L-1 zoning with a PUD requested in Planning Area C (zoning and Site Plan recommended for approval by P&Z by 7-0):

Commissioner Busk presented the case. No comment received in Public Hearing. Council member Graddy moved to approve the requested zoning; Council member Knies seconded. Motion passed 5-0.

E. C211-02-111, Villas of Wimberley Hills, 251A,B, C, D Wimberley Hills Drive, City-initiated zoning, Proposed zoning MF-1 in Planning Area C (recommended by P&Z, 7-0):

Commissioner Busk presented the case. No comment received in Public Hearing. Council member Nichols moved to approve the application, Council member Knies seconded. Motion approved 5-0.

F. C211-02-113, River Meadows Estates, City-initiated zoning, proposed zoning RA and R-1 in Planning Area A (recommended 7-0 by P&Z):

G. C211-02-114, Lazy "L" Estates, Section 1, City-initiated zoning, proposed zoning R-1 in Planning Area A (recommended 7-0 by P&Z):

Commissioner Busk presented these two zoning applications and said they are being processed together because one owner owns property in both subdivisions and would like to have all that property zoned RA. Council member Klepfer recused himself because he owns property within the 200-foot perimeter zone. No comment received in Public Hearing. Council member Knies moved to approve zoning as submitted for the two subdivisions. Council member Graddy seconded. Motion approved 4-0.

H. C211-02-099, SaddleRidge Subdivision, City-initiated zoning, RA and R-1 zoning in Planning Area A (recommended 6-0, with one recusal, by P&Z):

Commissioner Busk presented the case. No comment received in Public Hearing. Council member Graddy moved to approve the zoning as submitted, Council member Nichols seconded. Motion approved 5-0.

Council members Graddy and Nichols commended Planning & Zoning Commissioners on their work, and all Council members thanked City Secretary Adelle Turpen for her work on handling zoning cases.

5. Adoption of FY 2003 Budget

A. Mayor McGee opened a Public Hearing on the proposed 2003 budget. No comments received. Mr. Harrison said this budget is for the general fund; City will receive funds specifically for the Community Center and the Cypress Creek Nature Trail, which will

have their own budgets. Council member Knies moved to adopt the fiscal year 2003 budget as presented, Council member Klepfer seconded. Motion approved 5-0.

B. Council adjourned to Executive Session from 9:45 to 10:00 p.m. to consider personnel matters in accordance with Texas Government Code Section 551.074.

C. Adoption of job performance evaluation of City Administrator:

Council member Klepfer moved to adopt the job performance evaluation for City Administrator Dr. Steve Harrison, with a change of date to August 31, 2002. Council member Manis seconded. Mayor McGee noted the evaluation was done by all members of Council and that on the vast majority of tasks, Dr. Harrison was rated "Superior". Motion approved 5-0.

6. Ordinance Establishing Duties and Responsibilities for Transportation Advisory Board (recommended by TAB 8-0):

Mr. Harrison said there is a question concerning minutes of the last TAB meeting and suggested continuance until the question is cleared up. Council member Graddy moved to continue consideration of the ordinance until the next Council meeting, Council member Knies seconded. Motion approved 5-0.

7. Adoption of Interlocal Agreement with Hays County on coordination of responsibilities for 911 street name and address system:

Mr. Harrison said the Hays County coordinator for the 911 emergency system wants an interlocal agreement on coordination of the process for creating street names and addresses. The agreement specifies the responsibilities of Hays County 911 Addressing and the Village of Wimberley. Council member Nichols moved to adopt the Interlocal Agreement, Council member Klepfer seconded. Council member Graddy offered a friendly amendment to insert the word **new** in sentence A, Section 1, to read: Assign *an address for each new addressable structure vacant or not*. Council member Nichols did not accept the amendment. In discussion, Council members Graddy and Nichols discussed the history of assigning 911 addresses in Wimberley Hills. Mayor McGee noted that if the Village found the agreement was not working, it could be renegotiated. Council member Graddy withdrew his amendment. Motion was approved 4-0-1, Council member Graddy abstaining.

8. Approval of Amendment No. 1 to contract for engineering services for wastewater master plan:

Mr. Harrison said the proposed amendment would become Attachment A to the contract for engineering services with Black & Veatch for development of a wastewater master plan. The amendment sets out the scope of work under the contract, and has been approved by GBRA. Council member Klepfer moved to adopt the amendment, Council member Manis seconded. Motion approved 5-0.

9. Community Center Design and Construction Issues:

Mr. Harrison said Council members have a rough draft of a design and construction agreement with Wimberley Senior Citizens Activities, Inc. (WSCAI), and related documents, which are being reviewed by City Counsel. He suggested the item be continued. Council member Klepfer moved to continue the item, Council member Graddy seconded. Motion approved 5-0.

10. Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election:

Council member Klepfer moved to authorize the Mayor to vote on behalf of the Village Council. Council member Graddy seconded. Motion approved 5-0.

11. Joint work session with Comprehensive Plan Steering Committee and P&Z on land use mapping issues:

Council members discussed dates for a joint work session of Council, P&Z, the Comprehensive Plan Steering Committee, and City Attorney, on land use planning for the Comprehensive Plan. By consensus, members agreed on Monday, September 16, from 9:00 a.m. to noon, at the Visitor Center.

12. Approval of purchase of telephone system for new City Hall:

Mr. Harrison briefed Council on proposals by three companies for a telephone system for the new City Hall. He recommended Council accept the bid from DLS Services, at \$4,910, and take the funds from the current year budget. Council member Manis moved to accept the bid from DLS Services. Council member Klepfer seconded and added the provision that the funds come from this year's budget and that a budget adjustment be made to account for the expense. Council member Manis accepted the provision. Motion approved 5-0.

D. City Administrator Report

Mr. Harrison had no new items to report on.

E. Announcements, Future Agenda Items - None

F. Adjournment - Council adjourned at 10:45 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee
Tony McGee, Mayor



Adelle Turpen, City Secretary



Dell Hood, Recording Secretary