

# **Village of Wimberley**

## **Minutes of City Council Meeting**

City Hall, 13210 Ranch Road 12, Wimberley, Texas 78676

Thursday, November 7, 2002, 7:00 p.m.

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

**Invocation** - Dr. Bill Jones, Pastor of 1<sup>st</sup> Baptist Church of Wimberley, offered the Invocation.

**Pledge of Allegiance to United States Flag** - Mayor McGee led the Pledge of Allegiance to the United States Flag.

**Pledge of Allegiance to Texas Flag** - Mayor Pro Tem Matt Manis led the Pledge of Allegiance to the Texas Flag.

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

**Presentations of Citizens** - No citizens had comments.

### **A. Consent Items**

Minutes of Regular Council meeting of October 17, 2002, were accepted as submitted.

### **B. Reports from Boards/Committees/Staff**

- **Public Works Director on TxDOT "Safe Routes to School" proposal:**

City Public Works Director Rickey Wright introduced Jimmie Robinson, consultant to Wimberley Independent School District, who briefed Council on a new program by Texas Department of Transportation (TxDOT), "Safe Routes to School", to improve safety in and around school areas by addressing safety construction improvements. Ms. Robinson described three projects WISD would like funded: creating a new entry into Bowen School from RR 2325 and a new loading area for buses off Ranch Road 12; a sidewalk from Danforth School northward to the High School, a pedestrian-activated traffic signal on Carney Lane, and extend the sidewalk to RR 2325; and widening and improving the entrance to High School auxiliary buildings near the Emily Ann Theater area. Applications for this program must be submitted by political subdivisions of the state, and therefore WISD asks the City to agree to an Inter-local Agreement to do so, and to share local costs. TxDOT requires 20% local cost sharing but will fund that match itself for projects on system roads; for non-system roads, the local share is 10%. An initial estimate of the total cost for the three projects is approximately \$116,000. Deadline for applications is December 6, 2002.

City Administrator Steve Harrison said the Transportation Advisory Board will discuss this proposal at its next meeting and will have a recommendation for Council.

Council members discussed the proposal, noting the projects fit in with traffic improvement recommendations already proposed by the TAB.

### **C. Consider & Act**

#### **1. Applications for Zoning, Public Hearing:**

a. **C211-02-125**, Lee and Kathy Buse, 2411 Spoke Hollow, Planning Area A, requested zoning R-2; approval recommended by P&Z vote 7-0:

Planning & Zoning Commission Chairman Curt Busk presented the case. Mr. Buse wants to put an addition on his current residence; with the addition the house will straddle the line between the two lots he owns. He asks that both lots be zoned R-2 as one property. No comment received in public hearing. Council member Klepfer moved to adopt R-2 zoning as requested; Council member Knies seconded. Motion approved 5-0.

b. **C211-02-096**, City-initiated Zoning, Keller Estates Subdivision, Planning Area A, proposed zoning R-1 and R-2 according to lot size; approval recommended by P&Z 7-0:

P&Z Chairman Busk presented the case. No comment received in public hearing. Council member Knies moved to adopt the requested zoning; Council member Graddy seconded. Motion approved 5-0.

c. **C211-02-118**, City-initiated Zoning, Pavillion Park Subdivision and adjacent properties, in Planning Area A; proposed zoning RA, R-1, and R-2 according to lot size; approval recommended by P&Z 7-0:

Council member Klepfer recused himself from this case as a property owner in the subdivision. P&Z Chairman Busk presented the case. No comment received in public hearing. Council member Nichols noted that properties adjoining Pavillion Park Subdivision are included in this case which are between it and other subdivisions already zoned, because City wants to complete zoning in the area. She also noted changes to the list of subdivision property owners. Council member Graddy moved to approve the zoning with the corrections noted. Council member Knies seconded. Motion approved 4-0.

d. **C211-02-119**, City-initiated Zoning, Kingsway Subdivision, Planning Area A, proposed zoning R-2; approval recommended by P&Z 7-0:

P&Z Chairman Busk presented the case. No comment received in public hearing. Council member Manis moved to accept the zoning as requested. Council member Klepfer seconded. Motion approved 5-0.

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e. **C211-02-120, City-initiated Zoning, Cedar Springs Subdivision, Planning Area A, proposed zoning R-2; approval recommended by P&Z 7-0:**

P&Z Chairman Busk presented the case. No comment received in public hearing. Council member Knies moved to adopt R-2 zoning as requested. Council member Klepfer seconded. Motion approved 5-0.

**2. Public Hearing on proposed replat of lots 25A-25B, Green Acres Subdivision (C212-02-006):**

City Administrator Harrison said this replat of a lot in City's ETJ has not been heard by Planning & Zoning Commission. He reviewed Subdivision Ordinance Section 29.030 on "Short Form" approval for subdivision in the ETJ, for which this request qualifies. City Engineer Joel Wilkinson is reviewing the plat; if either he or a citizen, in a public hearing, objects to the request, the issue goes back to the normal process and will be submitted to Planning & Zoning. The public hearing was put on this Council meeting agenda to keep the process within the time period allowed by law for completion of City consideration and action.

In public hearing, Gerin Hood said her parents bought the part of Lot 25 identified as 25-A in 1970, which was further subdivided in 1976 but remained in her family's ownership. She does not object to this subdivision request but asked that the record be clear on which parcel this proposal affects. In addition, she hopes there is no intention to interrupt the flow of a wet-weather creek which crosses her property and enters the subject lot.

Council member Nichols said she investigated the platting records and noted the confusion between surveyor maps and county records in identifying parcels of Lot 25. She asked that some way to unambiguously identify the lot be used and that applicant, surveyor and county tax office be informed of the situation.

Mark Roden, speaking for applicant, said there is an easement along the creek which will protect it from disruption of its flow.

Mayor McGee closed the public hearing. No action by Council.

**3. Appointment of Ethics Commission member:**

Council member Knies named Patrick Fain as her nominee to the Ethics Commission, and reviewed his experience and background. There being no objection to the nomination, Mayor McGee declared Mr. Fain appointed to the Ethics Commission.

**4. Appointment of City Attorney and City Prosecutor:**

At 7:55 p.m., Mayor McGee adjourned Council to Executive Session to discuss personnel matters as authorized by Texas Government Code Section 551.074.

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Council resumed public session at 8:30 p.m.

Council member Knies moved that the Village of Wimberley continue to retain the firm of Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P., as City Attorney and Prosecutor, and that Council review the decision at some future time. Council member Klepfer seconded. Motion approved 5-0.

Mayor McGee said the choice of City Attorney was a very difficult decision for Council. He said Alan Bojorquez had done a great job for the City, and Council was sad to have to make the choice.

**5. First Reading of proposed amendment to Section V (d) of Ordinance 2000-009, Firearms:**

Council member Manis moved to continue the item; Council member Klepfer seconded. Motion to continue approved 5-0.

**6. Change of Time for City Council meetings:**

Council member Klepfer moved to make 6:30 p.m. the official time for start of Council meetings; Council member Nichols seconded. In discussion, Council member Klepfer asked City Administrator to publicize the change as widely as possible. Motion approved 5-0.

**7. Consider Appointment of Economic Vitality Committee:**

Council member Nichols said there has been discussion in the community of the need for an advisory body on economic issues and how they affect the Wimberley area. Such a body could study how the Village is affected by various economic factors, including road development and state and county policies. It could provide information and advice on how City government can help the local business community, and help the community apply for development grants. Council members discussed creating such a body. Council member Klepfer moved to name a subcommittee composed of Council members Nichols and Graddy and Mayor McGee to advise Council on the issue. Council member Manis seconded. Motion approved 5-0.

**8. First Reading of Parking Ordinance:**

Council member Klepfer recused himself from this discussion. Council member Graddy said the issue of parking was passed to the Transportation Advisory Board two years ago; TAB drafted an ordinance which is ready for Council action. He has not found community support for an ordinance and thinks Council should wait until it has some indication of such support before acting. Mayor McGee asked for a motion. No motion was offered; Mayor McGee declared the matter taken off the agenda.

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**9. Authorize request of Planning & Zoning Commission to consider a means to allow limited expansion of non-residential properties, including camps/resorts that existed prior to April 5, 2001:**

Mayor McGee noted that under the interim Comprehensive Plan and its planning map, existing resorts are in Planning Areas that do not allow that activity; they are considered Non-Conforming Uses. If owners seek to expand or improve their facilities, there could be legal issues and complications. He suggests Council needs to ask P&Z to study the situation.

Council member Nichols moved to authorize Planning & Zoning Commission to look at camps, resorts and other non-residential properties and to provide Council suggestions and alternatives on how to settle the issue, and also provide a history of how the Commission has been dealing with these properties. Council member Klepfer seconded. Motion approved 5-0.

**10. Set date for Council and P&Z Workshop on Zoning Amendments:**

Council discussed possible times for a joint workshop of Council and Planning & Zoning Commission members to review proposed zoning amendments. Council member Nichols moved to set the meeting for 2:30 p.m. on November 13; Council member Graddy seconded. Motion approved 5-0.

**11. Review, Make final Budget Amendments for Fiscal Year 2002:**

City Administrator Harrison said the recommendations from City Auditor Jack Clark are proposed to balance the budget at the end of FY 2002. Figures are adjusted so that the revenue side shows enough funds available for each expense line item and no expense item shows a negative balance. There are no changes to actual revenues or expenses.

Council member Klepfer expressed dissatisfaction with the form of the document, saying it was a faxed copy of a worksheet, with no explanations, and some of the figures were not legible. He said the document should have cover notes to explain adjustments and should be typed and clearly legible. He noted that since the fiscal year is over, there should be no time pressures to act tonight. Other Council members agreed. Council member Klepfer moved for continuance of the item and asked for better information. Council member Graddy seconded. Motion approved 5-0.

**D. City Administrator Report**

**1. Public Works Bid Process:**

Mr. Harrison said the document is a draft version clarifying procedures to be followed in letting bids for public works for the City. Transportation Advisory Board is reviewing it. He asked Council members for any comments or questions about it.

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**2. Mapping Software:**

The City has bought GIS software to make the zoning map developed by Southwest Texas State University usable in City Hall. A work station with the map program should be available for public use in the near future.

**3. Status of Federal Pre-clearance Process for May 2003 Election:**

City will soon submit to the U.S. Department of Justice the pre-clearance documents required by the change to a place system for the next Council elections.

**4. Status of Municipal Court Hearings:**

The municipal court judge will soon set a new date for the complaint case that was postponed earlier.

**5. Financial Disclosure Forms:**

Mr. Harrison distributed financial disclosure forms for 2002 to Council members and asked to have them completed as soon as possible.

**E. Announcements, Future Agenda Items:**

Council members thanked Adelle Turpen, Rickey Wright, and Cindy who arranged the Open House for the new City Hall this evening.

Council member Graddy said he will have a proposal on contracting for software for the City's web-site for the next Council meeting.

Council member Nichols said the next Agenda should include setting a date for the first public hearing on the Comprehensive Plan, and a presentation by P&Z Commissioners on their presentation at the Texas Planning Association conference in El Paso.

Council member Klepfer said City was awarded Certificate of Convenience and Necessity No. 20936 on October 30 by the Texas Commission on Environmental Quality, to provide wastewater service in Wimberley.

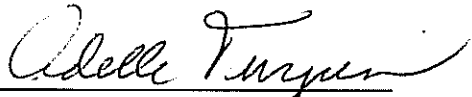
**F. Adjournment:** Council adjourned at 9:20 p.m.

VILLAGE OF WIMBERLEY



By \_\_\_\_\_  
Tony McGee, Mayor

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\_\_\_\_\_  
Adelle Turpen, City Secretary

  
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Dell Hood, Recording Secretary