

## **Village of Wimberley City Council Meeting Minutes**

City Hall, 14500 RR 12, Suite 22  
Thursday, January 17, 2002, 7:00 p.m.

- I. Mayor Linda Hewlett called meeting to order at 7:00 p.m.  
Pastor Kent Singleton of Wimberley Church of Christ offered the Invocation.  
Mayor Hewlett led the Pledge of Allegiance.  
Roll Call: Present were Mayor Linda Hewlett, Council Members Walter Brown, Steve Klepfer, Martha Knies, Matt Manis, and Tony McGee.
  
- II. Presentations of Citizens:  
M. F. Johnson announced that Wimberley Senior Citizens Activities, Inc., has been awarded a grant of \$750,000 from Texas Parks & Wildlife for construction of a Wimberley Community Center.
  
- III. Consent Items:  
Minutes of January 3, 2002 Council meeting and Amendment to Lighting Ordinance to correct numbering errors adopted 5-0.
  
- IV. Reports from Boards/Committees
  - A. Transportation Advisory Board:  
Chairman John Graddy reported that the TAB has heard 40 complaints about roads and has been able to resolve most of them with Hays County. County officials said they would continue to support Wimberley with road maintenance, but not forever. Some time in the future the County will ask the Village for funds for some projects. The Board has tried to get the County to let contracts with more companies for routine road jobs. The Traffic subcommittee of TAB has met with TxDOT and asked for its input on Wimberley road issues, but TxDOT wants to do feasibility studies before committing itself to anything. One area the city can act on independently is renaming streets and roads. The subcommittee was successful in creating a public parking area behind Cypress Creek Café and drafted a Parking Ordinance, which has been sent to City attorneys for comment. The Board has created a database containing every road within the Village and its ETJ, including information on who owns it, its length, and some basic information about its condition. The TAB held a meeting last night (January 16) with WISD officials on traffic safety around schools; representatives from TxDOT, fire and sheriff's departments, and Durham Transportation were present, but not EMS. Everyone agreed the safety of school children is the primary concern, and a lot of ideas were discussed. Work on this area will continue.
  
  - B. Planning & Zoning Officers and Schedule of Meetings:  
P&Z Commission Chairman Glenn Fryer reported the election of officers for 2002 by the Planning & Zoning Commission: Curt Busk, Chairman; Glenn Fryer, Vice Chair; Betsy Markland, Secretary; and David Glenn, Parliamentarian. Commission meetings will continue

to be on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month, and the Commission will schedule its hearings on zoning cases so that they can be ten days in advance of Council meetings. The Commission will adjust its schedule for months with five Mondays to avoid scheduling difficulties with Council meetings.

C. Ethics Committee Status Report:

Ethics Committee chairwoman B. J. Kolenda introduced the Committee's report by saying that City Counsel Alan Bojorquez had made 28 suggestions for revisions to their draft for an Ethics Ordinance, to correct language which he believed conflicted with state law or would have consequences that cannot be foreseen at present. Ms. Kolenda said Counsel would have preferred a much shorter document. She then read the Committee report (copy attached). Councilman Klepfer said the Committee is responsible to Council and should not become bogged down in complex legal issues, which Council will deal with. The City's ethics code should be clearly written and avoid legalese. He suggested the Committee meet with Counsel Bojorquez to resolve as many differences as possible; where differences remain, they should be brought to Council for decision. Mayor Hewlett said City Administrator Steve Harrison should also be involved in the process. Council members thanked Ms. Kolenda and the Ethics Committee for their work.

V. Action Items

A. Amendments to Zoning Ordinance:

P&Z Chairman Glenn Fryer briefed Council on proposed amendments to the Zoning Ordinance (copy attached; note that Item 1 in attached P&Z document on Private Waster Water Treatment Permit was not considered for action because it was not included in the list posted for public notification):

1. Drainage of streets and roads;
2. Section 34 - Development regulations. Maximum height regulation for all districts. Increase size of structure under Small Project classification;
3. Section 47.8 - Steep slope regulations. Replace the Ridge Development regulation;
4. Section 47.8.1 - Definitions. Clarify and refine definition of a ridge;
5. Section 47.8.1 - Definitions. Provide simple explicit methods of determining slope of the land;
6. Section 26.2 - Permitted uses. Corrects error concerning "Cultural Services" as a use listed in District C-1;
7. Section 38 - Participant Recreation-High Impact (PR-2). Corrects error concerning required setbacks;
8. Building Footprint Modifications;
9. Section 49.0 - Village Center Overlay District. Purpose, limits of overlay, permitted uses, prohibited uses and zoning, building mass restrictions.

Items 1 (Drainage of streets and roads) and 10 (Village Center Overlay District) were pulled from consideration for voting for further discussion. Councilman Brown moved to approve all other amendments as presented by Planning & Zoning Commission, Councilman Klepfer seconded, motion approved 5-0.

Re: Item 1, Drainage of streets and roads: Councilman McGee was concerned that this rule would force a private property owner to accept water from a public roadway without prior permission and without adequate compensation, and is opposed to the rule as presently written. Councilman Brown suggested the Commission considers the issue again and try to match language with similar language in the Subdivision Ordinance. Councilman Manis moved to continue the item, Councilman Klepfer seconded, motion approved 5-0.

Re: Item 9, Village Center Overlay District: Councilman Brown moved to adopt the item, Councilman Klepfer excused himself from voting because he has property within the District; there was no second. Councilman Manis moved to continue and send item back to Planning & Zoning Commission, Councilman McGee seconded. Councilman McGee said his only objection to the District is the height limitation of 28 feet, which he thinks would discourage attractive buildings with gabled roofs on vacant lots near the Square. Motion to continue failed 1-3. Councilman Brown moved to adopt the Overlay District with a height limit of 28 feet or not more than two stories, or if the building has a gabled roof, a height of 35 feet or not more than two stories. Councilman McGee seconded, motion approved 5-0.

Public Forum: Frank Austin spoke on the general concept of zoning. He said zoning is a good concept but the procedure requires every property owner to come to the Planning & Zoning Commission and then to Council for approval. For the approximately 2,450 properties in the Village, which have not yet been zoned, the fees for zoning rise by 400% after April 6. He strongly urged an amendment to the Zoning Ordinance that would blanket zone all existing property as it currently is. Because the majority of zoning requests are now for existing uses, it would considerably reduce the workload of both the Commission and Council. Changes of use in property would require owners to request Commission and Council approval and trigger a zoning case.

#### B. Zoning Applications:

P&Z Chairman Fryer presented the following zoning cases to Council as recommended by Planning and Zoning Commission:

1. Lutheran Church, 101 Spoke Hill Dr. - R-1 zoning;
2. Retail businesses, 14004 through 14012 RR 12 - C-1 zoning;
3. 173 FM 3237 – O-1 zoning;
4. 306 Rocky Springs Drive - AG zoning;
5. 704 FM 2325 – C-1 zoning;
6. 320 Southriver – R-2 zoning;
7. 330 Southriver - R-2 zoning;
8. 450 Southriver - R-2 zoning.

No opposition comment to any case was presented in Public Forum. Councilman Brown moved to grant zoning as recommended by P&Z Commission, Councilman Klepfer seconded, motion approved 5-0.

## VI. Board of Adjustment Action

At 9:00 p.m., Mayor Hewlett convened the Wimberley Board of Adjustment to hear the following Variance requests, all of which are within the Protected Waterway Overlay District:

1. 320 Southriver;
2. 330 Southriver;
3. 450 Southriver.

Agent for owners of the three lots, Mr. James Thompson, said a Variance is needed because of the sizes of the lots. On each lot the building will be above the flood plain and there is sufficient space for both a residence and an engineered septic system. Councilman Brown moved to approve the Variance for each of the properties, Councilwoman Knies seconded, motion approved 5-0.

At 9:05 p.m. Mayor Hewlett reconvened the City Council.

## V. Continue Action Items

A. Resolution authorizing Mayor to sign grant request to Texas Parks & Wildlife for Nature Trail:

Mayor Hewlett reminded Council that it voted last June to defer a grant request for the Nature Trail in favor of supporting one for the Community Center and that tonight's session is a public hearing on this request. No one spoke in the Public Hearing. Councilwoman Knies moved to authorize the Mayor to sign the grant request, Councilman Klepfer seconded.

Councilman Brown offered a friendly amendment to motion to require a complete copy of the grant documents be distributed to each Council member not later than seven days prior to grant submission, and that prior to submission the grant documents will be reviewed by appropriate persons concerned with FEMA regulations and current Wimberley development regulations. Councilwoman Knies did not accept the amendment.

Grant writer Margaret Hardin said a large part of what will go to TPW will be the same as was submitted earlier to LCRA. She is working close to deadline to gather documents for the grant. Councilman Brown said he would not be comfortable having documents submitted that he had not seen, and Councilman Klepfer agreed with this. Mayor Hewlett said she would see all the documents when she signs them and will notify each Council member at that time and have them available at City Hall. Councilman Brown offered substitute motion that each member get a complete copy not later than three days prior to submission, motion not accepted. Ms. Hardin offered to bring a copy of the completed submission to Mr. Brown's office in Austin and to any other Council member. She said TPW requires compliance with FEMA floodplain regulations.

Councilman Manis said he had fought the Nature Trail for months, but that Council members had agreed last June when they postponed a grant application then for the Nature Trail that they would support such an application now. He called the motion. Motion to authorize the Mayor to sign necessary documents for TPW grant application passed 3-0, with Councilmen

Brown and Klepfer abstaining.

B. Resolution to prevent mining and drilling within the Nature Trail:

Councilman McGee moved the Council authorize the Mayor to sign Resolution 030-2002 preventing mining and drilling within the Cypress Creek Nature Trail, Councilman Klepfer seconded, motion passed 5-0.

C. Discussion on establishing a hotel/motel occupancy tax and delegation of responsibilities to Wimberley Chamber of Commerce:

Mayor Hewlett introduced Mr. Ed Wood, former president of Wimberley Chamber of Commerce, who gave Council a presentation in favor of a hotel/motel occupancy tax to finance a targeted tourism promotion campaign for Wimberley. Mr. Wood said this presentation comes after many meetings with many people in the tourism industry in Wimberley and much research and development planning. He said Texas ranks third in the nation, after California and Florida, in the amount of domestic travel spending it receives; since 1990, domestic travel spending in Texas has increased at an annual rate of 6.5%. Lodging represents more than half of all destination spending in Texas. Mr. Wood said Wimberley is falling behind similar communities in Central Texas in the income being derived from tourist lodging, and that most communities have seen gradual increases in the number of visitors and the income from tourist lodging activities. He said the factor that accounts for Wimberley's decline in this area is the lack of advertising and promotion of its attractions in appropriate national travel and related publications. This high-level and sophisticated advertising is far more expensive than the Chamber of Commerce can afford, but without it, the Wimberley tourism industry will continue to lose ground to those who do this kind of promotion. To get the money needed for such advertising, a consensus exists among lodging operators in Wimberley for a lodging tax of 4%, which will be paid only by those who stay in any hotel, motel, bed-and-breakfast, rooming house, or other temporary lodging facility. Funds collected through this tax would be used only in very restricted and defined activities that support tourism and convention business. The Chamber is proposing a broad outline for an organizational structure to implement the campaign to have the tax approved, and then to work with Council on how the revenue should be spent in compliance with law and to best promote Wimberley's tourism potential.

Council members agreed with the substance of Mr. Wood's presentation. Councilman McGee said a lot of detail needs to be worked out on the structure of the Chamber's Convention and Visitors Bureau (CVB), how it is staffed, its functions and duties in relation to the proposed tax. He proposed a working group of Council and Chamber to discuss such issues; Mr. Wood said the Chamber welcomes the opportunity to do so. Councilman Klepfer said he is concerned about having tax monies allocated to a body such as the CVB that is not directly accountable to elected officials. Mayor Hewlett suggested a posted meeting be held, in which all Council members could participate, with City Administrator Steve Harrison and representatives of the CVB and other interested parties to work out issues and come to consensus on how to move forward. Council members agreed with this proposal.

D. Consider adoption of a comprehensive parking ordinance:  
Item continued by request of Councilman Klepfer; no action.

E. Consider appointment of Cecil Gibson to Planning & Zoning Commission:  
Mayor Hewlett said the vacancy on the Commission had been publicly advertised and a committee of City officials had interviewed candidates and selected Mr. Cecil Gibson. Councilman Klepfer moved to appoint Mr. Gibson to the Planning & Zoning Commission, Councilman Manis seconded, motion approved 5-0.

F. Discussion about long term goals and Council focus for 2002:  
Councilman Klepfer said he wants to think forward and to recommit the community and Council to the hard work ahead of it. The community will face a huge influx of new residents over the next 20 years, with housing developments proliferating in the county which will run over into the Wimberley valley rapidly. The Council has to do all it can to protect the rural residential charm and nature of the Wimberley area. He cited findings from recent Planning Commission public meetings, in which very high percentages of respondents favored regulation of growth and development, maintaining a small village atmosphere, and protection of local water resources and the environment. Why have the vast majority of municipalities in the U.S., which accepted similar goals failed to prevent urban sprawl? Why are many city councils like Wimberley's not able to do the things, which Wimberley has said it, wants done? He identified four reasons:

1. We must be resolute and keep things in focus. Growth will happen, and the Council must keep focused on managing growth, while at the same time dealing with the minutiae of issues as it has done tonight.
2. Many councils have lacked courage to make hard choices and to keep faith in the democratic process. This process will work and will correct itself.
3. Councils have confused the burden of telling people what they can and cannot do in the community with their responsibility to the wishes of the community to limit and manage growth. Saying no to residents is difficult but must be done.
4. Too many cities have accepted the slogan, "If we don't do this, they won't come." This does not work; people will move here regardless of what infrastructure exists. He hopes the Council can re-invigorate the dedication it had toward these problems. He noted that Council has begun addressing some of them, but that issues such as long-term water issues, a central sewage system, and land use, are very big issues and will continue as issues for the community.

G. Consider and act on authorizing City Administrator to retain services of Foster Inspection Services as city building inspector:

City Administrator Steve Harrison said the City's previous building inspector had resigned from the position last week and he had to use Foster Inspections on an interim basis. The firm is certified in the codes the city has adopted, and is located nearby and can respond quickly

to City requests. Mr. Harrison will review the firm's fee schedule to be sure it is appropriate to the City's needs and will recommend Council action on it later. City Counsel has reviewed the service agreement. Mr. Harrison recommended Council approve his signing a contract with Foster Inspection Services. Councilman Manis moved to authorize the Administrator to sign the contract, Councilman Brown seconded, motion approved 5-0.

VII. City Administrator Report:

A. Mr. Harrison said he is preparing a memo to all committees, boards and commissions of the Council on administrative support they can receive from City staff. The memo will also discuss record management and expenditure of City funds, especially for photocopying.

B. Mr. Harrison reviewed the Council agenda formulation process. He aims to have Council members' packets available by noon on the Monday before Council meetings, but cautioned that occasionally documents relevant to an agenda item may become available later than that. He noted that in the past drafts of the agenda have been available on Friday. Councilman Klepfer said he wants a draft on Friday, other Council members agreed it is useful to give them an idea of what they will have to consider.


VIII. Announcements, Future Agenda Items:

Councilman Brown distributed to Council copies of his goals for 2002. Councilman Klepfer said the RFQ process for the wastewater master plan is under way; a committee interviewed five firms this morning. The firms will be rated in priority order, and presented to the Wastewater Advisory Board for concurrence.

Council adjourned at 10:35 p.m.

VILLAGE OF WIMBERLEY

By   
Linda Hewlett, Mayor

  
Dell Hood, Recording Secretary