

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas 78676
Thursday, February 6, 2003

Call Meeting to Order - Mayor Tony McGee called Council to order at 6:30 p.m.

Invocation - Rev. Ted Knies offered the Invocation.

Pledge of Allegiance to United States Flag - Mayor Tony 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

1. Citizen Comments - Mike Jones, 303 County Road 1492, said his neighbor, Sam Dunlap, has created an inherent danger with obstructions on his property very close to the road; some intrude into the road and create a visibility problem. He showed Council photographs of Mr. Dunlap's property and said he hopes some agency can do something about the problem. He has called county health officials many times but no action has been taken. He asked if City officials could do something. City Administrator Steve Harrison said he would talk to Mr. Jones to see what can be done.

2. Mayor McGee said the Wimberley High School girls and boys' basketball teams are both doing very well this season. The boys have already clinched the District championship; the girl's team will be in a bi-district play-off. He said both teams have done exceptionally well and the community can be proud of them.

3. Mayor McGee read a proclamation he has signed at the request of the Sons of the American Revolution and the Daughters of the American Revolution, declaring February 17, 2003, as President George Washington Day.

A. Consent Items

1. Minutes of City Council meeting of January 16, 2003
2. Resolution urging the Texas Congressional delegation to support funding for President Bush's \$3.5 billion First Responder Initiative during the 108th session of

Congress.

3. Re-appointment of Don Campbell to serve as Municipal Court Judge
4. Re-appointment of Adelle Turpen to serve as Municipal Court Clerk
5. Authorize Mayor to enter into a contract with Hays County election officer for election services for the General Election of May 3, 2003

Council member Graddy pulled item #1, Council minutes of January 16, from Consent Agenda. Council member Klepfer pulled item #5, contract with Hays County for election services, from Consent Agenda.

Council member Graddy moved to accept items 2, 3, and 4 of the Consent Agenda. Council member Knies seconded. Motion to accept approved 5-0.

Council member Graddy corrected one sentence in item #12 of January 16 minutes. Council member Nichols corrected one mistake in the same item.

Council member Graddy moved to accept minutes of January 16, 2003 Council meeting as corrected. Council member Manis seconded. Motion to accept approved 5-0.

Council member Klepfer said City had difficulties with some ballots being improperly printed in the last election and he wants City to have a procedure to approve both early voting and regular voting ballots before proceeding with the contract for election services. He asked City Administrator Steve Harrison to check on ballots.

Council member Klepfer moved to authorize the Mayor to enter into a contract with the Hays County election officer for election services for the General Election of May 3, 2003, and that the City Administrator approve the ballot. Council member Graddy seconded. Motion approved 5-0.

B. Reports from Boards/Committee/Staff

City Administrator Steve Harrison introduced City intern David Cancialosi who reported on status of City-initiated zoning. Approximately 50% to 60% of the City's neighborhoods have now been zoned. He expects to finish the current list of neighborhoods and residential properties by mid- to late April.

Council member Nichols complimented David for his work on zoning matters.

Citizen Volunteer Dr. Julie Tuason described her work on the City zoning map. She said most of the mapping is now done in-house and City is almost self-sufficient. Her goals are to increase accuracy of the maps; to have on-line versions of maps

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available for public use; and to improve printing capability so that a mapping book can always be available in City Hall for public use. Zoning maps will be updated every three months or more frequently if necessary.

Council members and Mayor McGee expressed appreciation and thanks to David and Dr. Tuason for their work, noting how useful and valuable it is for planning and zoning decisions.

C. Consider and Act

1. Accept Recommendation of Water & Wastewater Advisory Board to formalize partnership with GBRA and Wimberley Valley Watershed Association (WVWA) to test and report water quality:

Council member Klepfer summarized the status of water quality monitoring in Wimberley, then introduced Liz Sumter of the Water & Wastewater Board. Mrs. Sumter described the Board's proposal to begin more intensive study to establish baseline data on Cypress Creek and Blanco River water. The information will help City determine land use policies and indicate what to watch out for. The study is a partnership of GBRA, Wimberley Valley Watershed Association, and the City. Total cost of the study will be approximately \$75,000, but the City will have to pay only \$30,000, half of it accounted for by the purchase of equipment from last year's budget, with the other \$15,000 being the already-budgeted item in this year's budget, which will pay part of the cost of the testing procedures.

Debbie Magin, director of water quality services for GBRA, explained what water quality factors will be tested for, and how the data will be stored and made available. Council member Klepfer emphasized the importance of collecting scientifically valid data that would stand up in legal proceedings.

Council member Klepfer moved to accept the partnership with GBRA and the Wimberley Valley Watershed Association to begin the water quality-testing program as outlined for Council. Council member Nichols seconded. Motion approved 5-0.

2. Accept Commitment Letter from Peter Way to donate funds to the Village to engage professional services for creation of a Wimberley trails master plan; and Authorize Mayor to enter into agreement for professional services with Bosse Compton & Turner Associates, Inc., for creation of a Wimberley trails master plan:

Council member Knies introduced Scott Way. Mr. Way described his family's proposal to pay for professional services of the Austin design firm of Bosse Compton & Turner to conduct a two-stage design process for a trail system for Wimberley. The first stage would be a preliminary survey and design for the system, with public meetings; if the Village accepts the preliminary design, the Way family would pay for a trail system

master plan.

Don Bosse, president of Bosse Compton & Turner, outlined the services he proposed to do for the Village. He said he has no preconceived ideas on trails; he will use town hall meetings, charettes, and other information-gathering tools to collect the public's ideas and suggestions.

Council members questioned Mr. Bosse about the proposal. Council members Graddy and Manis expressed reservations about the plan. Council member Klepfer said many people are fearful of an attempt by the City to take land for public use.

Council member Manis moved to continue the item. Council member Graddy seconded.

In discussion Council member Knies said the Parks and Recreation Board discussed Mr. Way's proposal and voted unanimously to accept and recommend it to Council. Mr. Way and Mr. Bosse said the first phase would focus on collecting public views on a trail system, without making any commitment to create it or any decision about where trails would be. Council would have to approve proceeding to the second phase, in which a master plan would be developed and possible routes would be proposed.

Motion to continue failed by vote of 2 (Graddy, Manis) to 3 (Klepfer, Knies, Nichols).

Council member Klepfer moved to accept the commitment letter from Peter Way to donate funds to the Village for the creation of a Wimberley trails master plan, and to authorize the Mayor to enter into an agreement with Bosse Compton & Turner Associates for creation of the plan. Council member Knies seconded. Motion approved 3 (Klepfer, Knies, Nichols) to 2 (Graddy, Manis).

3. Applications for Subdividing/Re-platting of Properties (Public Hearing):

A. **C211-02-009**, Re-plat lots 60, 61, 85, 86 of South River Subdivision; recommended for approval by P&Z contingent on corrections recommended by City Engineer by vote 6-0:

Mr. Harrison presented the case. Mayor McGee opened the Public Hearing and asked City Engineer Joel Wilkinson for his comments. Mr. Wilkinson reviewed his concerns and said he is satisfied with the plat as it is now. No comments received in public hearing and no written comments were submitted. Council member Klepfer said it would be helpful to Council in such cases to have a memo from City Administrator confirming that all issues raised by City Engineer have been taken care, so that Council knows the issues have been addressed.

Council member Klepfer moved to adopt the re-plat of lots 60, 61, 85, and 86 of South River subdivision. Council member Knies seconded. Motion approved 5-0.

B. **C211-02-010**, Subdivision of four lots and one common area on 5.258 acres (lots 18, 19 and 20 of Harrison Resort Subdivision, Section One); recommended by P&Z contingent on corrections per recommendation of City Engineer including granting of variances for existing buildings in setback area, by vote 6-0:

Council member Nichols recused herself as an independent contractor with applicant Randall Morris.

City Engineer Joel Wilkinson said he reviewed the application and finds the plat in compliance and administratively complete. Variances are needed for encroachment of a building into a lot line.

Mayor McGee opened the Public Hearing; no comment received. Mr. Harrison said a letter was received from Charles Boatright concerning drainage issues, and City staff is in touch with Mr. Boatright. Mr. Wilkinson and Mr. Harrison explained the need for a variance.

Council member Graddy moved to accept case C211-02-010 as described. Council member Klepfer seconded. Motion approved 4-0.

Council member Klepfer moved to accept both variances recommended by Planning & Zoning Commission for case C211-02-010. Council member Graddy seconded. Motion approved 4-0.

Council member Nichols resumed her place.

4. City-initiated Zoning per Zoning Ordinance No 2001-010, and Public Hearing:

A. **C211-03-138**, Woodcreek Ranches and Summer Hills Subdivisions, Planning Area A, proposed zoning RA, R-1; approval recommended by P&Z vote 5-0, with 1 recusal:

P & Z Chair Pamela Showalter presented the case. No comment received in public hearing. Council member Knies moved to adopt zoning for C211-03-138 as submitted. Council member Graddy seconded. Motion approved 5-0.

B. **C211-03-140**, Woodcreek III Subdivision, and adjoining property, Planning Area B/C, proposed zoning R-1 and R-2; approval recommended by P&Z by vote of 6-0:

P & Z Chair Showalter presented the case. P & Z Commission had to estimate

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the size of lots because that information was not available from county records. In public hearing, Jean Veriato asked what would happen to the common area on Las Flores. Council members explained that common areas owned by homeowners' associations are not affected by City-initiated zoning.

Council member Knies moved to adopt zoning for C211-03-140 as presented. Council member Graddy seconded. Motion approved 5-0.

C. C211-03-141, Eagle Rock Subdivision, Planning Area B, proposed zoning R-2; approval recommended by P&Z 6-0:

P & Z Chair Showalter presented the case. No information was available on lot sizes so Commission applied R-2 zoning by estimation.

No comment received in public hearing. Council member Graddy moved to approve zoning for C211-03-140. Council member Manis seconded. Motion approved 5-0.

D. C211-03-142, Olson Acres Subdivision, Planning Area B, proposed zoning R-2; approval recommended by P&Z 6-0:

P & Z Chair Showalter presented the case. No comment received in Council public hearing. Council member Klepfer moved to adopt zoning for C211-03-142 as recommended. Council member Knies seconded. Motion approved 5-0.

4. Proposal to Review Sign Ordinance No. 2001-002:

Council member Manis said Council members said last May they would review City ordinances to be sure they are not imposing burdens on property owners. He said he has heard many requests from merchants to review the Sign Ordinance. He said the Ordinance, at more than 40 pages, is cumbersome and restrictive, and he would like a committee to review it.

Council member Nichols asserted a Point of Order, saying this item was not on the draft Agenda. Council member Manis said it was submitted 76 hours before Council meeting and met the legal requirement for public posting.

Council members Klepfer and Nichols expressed concern about items being submitted for the Agenda on Monday afternoon as the Agenda is being posted. They said this would create an impossible situation for staff to review and post the Agenda in time. They were not opposed to a review of the Sign Ordinance but did not want to create a precedent for Agenda items being submitted at the last minute.

Council member Klepfer moved to continue the item. There was no second.

In public hearing, Richard Allen said the Sign Ordinance is a good thing but there were problems with it. He said there is a problem for groups who want to have banners for a short period without having to pay a fine. He asked for help from Council.

Bob Flocke said one purpose of a review committee would be to see what is enforceable. He favors the ordinance and does not like many of the signs around Wimberley. Council member Nichols noted there are many signs grandfathered under the ordinance, and there is confusion in the business community over what is acceptable under the ordinance. She suggested this is an issue that could be discussed by the economic development board she has proposed.

Council member Knies moved to table this item until Council has considered the ordinance creating an economic development advisory board. Council member Klepfer seconded. Motion to table approved 3 to 2 (Council members Graddy and Manis).

5. Ordinance establishing Economic Development Advisory Board (First Reading)

Council member Nichols introduced the Ordinance and read the mission statement of the proposed board. Council member Nichols moved to adopt the ordinance establishing the Economic Development Advisory Board. Council member Knies seconded.

Council members discussed the proposal, noting that the impact of many City ordinances falls primarily on merchants and that providing a means for them to communicate directly with Council could improve relations between the business community and Council. Council member Manis said he at first thought the board was a good idea, but believes a group of 13 people can get bogged down. Motion to approve ordinance approved 4-1 (Council member Manis opposed).

6. Proposal to review Sign Ordinance No. 2001-002:

Council member Manis moved to create a study committee to review the Sign Ordinance. Council member Graddy seconded. Council member Klepfer asked if Council member Manis would accept a friendly amendment to send the review to the Economic Development Advisory Board (EDAB); Council member Manis declined.

In public hearing, Bob Flocke said the EDAB will have a lot to do and suggested Council form a special committee that could do legwork for the EDAB. He suggested Council create a sundown proviso in the Sign Ordinance to limit the time grandfathered signs may continue in violation of the ordinance. Council member Nichols said the Board could be directed to take up review of the Sign Ordinance as its first business.

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Motion to create a study committee to review the sign ordinance failed by vote 2-3 (Council members Klepfer, Knies, and Nichols opposed).

Council member Klepfer moved to begin a review of Sign Ordinance No. 2001-002, and to direct that it be the first priority of the Economic Development Advisory Board. Council member Graddy seconded. Mayor McGee suggested that Council ask Mr. Harrison and Council members Klepfer and Manis report at the next Council meeting on the Sign Ordinance fee schedule. Council members Klepfer and Graddy accepted this proposal as a friendly amendment.

Motion to review Sign Ordinance No. 2001-002, that it be the first priority of the Economic Development Advisory Board, and that a Council subcommittee composed of Council members Klepfer and Manis and City Administrator Harrison report to Council on Sign Ordinance fees, passed 4-1 (Council member Manis opposed).

7. Retain services of Langford Community Management Associates to administer Texas Parks & Wildlife grant for Village Nature Trail (Recommended by Parks & Recreation Board)

Council member Knies moved that Council retain the services of Langford Community Management Associates to administer the TPW grant for the Cypress Creek Nature Trail. Council member Klepfer seconded. Mr. Harrison said City attorney Patty Akers has reviewed the contract with Langford Associates and approved it.

Council member Klepfer asked that in the first paragraph under "Scope of Services" in the contract the wording be revised to "*in cooperation with all applicable state and federal statutes and local ordinances.*" Council member Knies accepted this as a friendly amendment.

Council member Graddy asked that the terms "bi-monthly" and "semi-monthly" in the contract be changed to "*every other month*". Council members Knies and Klepfer accepted this as a friendly amendment.

Council member Manis suggested that a City employee or intern be involved with Langford in the administration process so that City people can learn how to administer grants. He said this could save the City some money in the future. Council discussed the suggestion and agreed it would be good to do so.

Motion approved 4-0-1 (Council member Manis abstaining).

8. Authorize City Administrator to enter into agreement to lease a copy machine:

Mr. Harrison said City needs a new lease for a photocopying machine and he found a machine with scanning and faxing capabilities and larger collation capacity.

Mayor McGee said Council needs to designate a record keeper for traffic signs and other traffic management devices.

Council member Knies said Parks & Recreation Board would meet February 11 at 6:30 p.m. She asked for everyone's help in promoting the Cypress Creek Nature Trail as an economic asset for Wimberley.

Council member Manis reminded everyone of the jazz festival this weekend (Feb. 7-9). He has received a bill for \$12,000 for legal expenses and said City needs to look at its costs for attorney services.

F. Adjournment - Council adjourned at 9:55 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee
Tony McGee, Mayor

Adelle Turpen
Adelle Turpen, City Secretary

Dell Hood
Dell Hood, Recording Secretary