

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, April 3, 2003, 6:30 p.m.

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

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

Mayor Tony McGee led the Pledge of Allegiance to the United States 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:

Russ Adamiak of Pedernales Electric Coop said the PEC annual meeting will be held at the PEC office in Johnson City on June 21, and encouraged members to vote either in person or by proxy. He announced that PEC and LCRA have jointly awarded a grant of \$20,000 to Wimberley Senior Citizens Activities, Inc., to be used for an outdoor patio at the Community Center. He presented Council a check for \$16,772.06 as the PEC franchise payment for the first quarter of 2003. Council members thanked Mr. Adamiak and PEC for the grant to the Community Center and the franchise payment.

No comments received from the public.

Council member Knies announced that Silverleaf Nursery and Keep Wimberley Beautiful are working with PEC to beautify the PEC triangle lot at the Y. She said work is due to begin soon by TxDOT on landscaping the right-of-way along FM 2325 in front of Lions Field, under the Governor's Community Achievement Award grant of \$70,000 won by Keep Wimberley Beautiful in 2000.

Mayor McGee read a letter of appreciation to Alan Tacquard for his donation of mounting and framing service for the Comprehensive Plan and zoning maps of the City in City Hall.

A. Consent Items

Minutes of City Council Meeting of March 20, 2003:

Council member Nichols corrected three statements in the zoning case C211-02-135 in the minutes of Council meeting of March 20, 2003. Council member Klepfer moved to accept the minutes as corrected. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

B. Reports from Boards/Committees/Staff

1. Public Works Director Rickey Wright said he has been working on a possible agreement with Hays County on maintenance of county roads that are continuous through City corporate limits and its ETJ. Rather than trying to split maintenance responsibility at the City limit line for each road, this agreement would result in an arrangement under which the City would be responsible for portions of roads that go into the County, and the County would likewise be responsible for portions that enter the City. This would enable the two jurisdictions to use the same contractor on longer maintenance jobs. The Transportation Advisory Board agreed to the draft agreement on March 26. He has identified 14 roads that would be covered under this agreement, and said City and County did not have any disagreements on where the demarcation lines are on them. He said the County assumes responsibility for about two-thirds of the identified roads and the City is responsible for one third. Council members expressed concern about Flite Acres, Hidden Valley, River Road, and Saddle Ridge Road. Mr. Wright said he would continue to work on the agreement.

2. Mr. Wright said the walkway in the center island of River Road between RR 12 and Lange Road is in terrible shape and needs repair. City Engineer Joel Wilkinson examined it and estimated that restoring it to its original condition would not satisfy building code or ADA requirements, and he would not recommend this action. Mr. Wright said that to remove a potential liability problem for the City, the walkway should be removed and smoothed out. Later the City could consider alternatives. Council members Klepfer and Knies said they did not like to see such decisions driven by liability concerns and want a solution that provides pedestrian access along the road. City Administrator Steve Harrison noted this walkway could be included in the study of a trails system being done by Bosse, Compton and Turner. Council discussed the matter, noting that TxDOT plans for sidewalks along RR 12 and a crosswalk at the RR 12-River Road intersection will also have to be considered in the solution.

3. Mr. Wright recalled that Council did not award two contracts for roadwork at its last meeting. For seal coating and overlaying to resurface roads, he will use the list prepared by the Transportation Advisory Board of four priority roads needing resurfacing this year and will try to find one contractor who will be able to do all of them. Mr. Wilkinson will determine specs for these four road projects, and staff will get bids to submit for Council approval.

4. Mr. Wright noted that only one bid was received for mowing City roads and it was rejected as not reasonable. He is now trying to determine how much mowing the City needs to do and is looking into hiring someone on an as-needed basis at a price below the rejected estimate.

C. Consider and Act

1. Applications for Zoning, Public Hearing, Recommendations from P&Z:

a. **C211-03-146**; City-initiated zoning of Crown Estates and certain other properties, in Planning Area B; proposed zoning RA, R-1, R-2, R-3, & R-4; approval recommended with minor changes by P&Z 7-0:



P & Z Chair Pamela Showalter presented the case.

No comment received in Public Hearing.

Council member Nichols moved to adopt this case for zoning as presented with the exception of lot R18535, owned by Dale Hood, which was removed from zoning as a legal non-conforming use. Council member Klepfer seconded. Motion approved 5 Ayes to 0 Nays.

b. **C211-03-145**, City-initiated zoning, Cliffside Subdivision, Sections I, II, and III, in Planning Area B; proposed zoning R-2 and R-3, recommended with minor changes by P&Z Commission by 7-0:

P&Z Chair Showalter presented the case.

No comment received in Public hearing.

Council member Knies moved to adopt City-initiated zoning for this case. Council member Graddy seconded the motion. Motion approved 5 Ayes, 0 Nays.

2. Approve Designation of Terms of Office for Board of Adjustment:

City Administrator Steve Harrison noted the ordinance creating the Board of Adjustment provides for two-year terms, with membership staggered to provide overlap. City Attorney Patty Akers said the state law on boards of adjustment specifies two-year terms and does not allow for staggering membership.

Council discussed with Ms. Akers the question of filling vacated or uncompleted seats on the board and providing continuity of membership. She said a strict interpretation of state law requires a new ordinance for each BOA appointment.

Council member Klepfer moved to adopt the Ordinance on Appointing Regular and Alternate Members to the Board of Adjustment, Providing for Terms of Office, and Naming Officers as presented to Council. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

3. Discussion with City Attorney on Fence Ordinance:

City Attorney Akers referred Council members to her January memo on the current Fence Ordinance. The main issue was how to provide for appeal from its requirements. Council members discussed with Ms. Akers whether to keep the Ordinance as a stand-alone ordinance or to include it as a part of the Zoning Ordinance, and how the appeal process works in each situation. She noted that an advantage to having it in the Zoning Ordinance is that this avoids a vesting rights issue, keeping the appeal process simpler.

4. Adoption of Amendment to Building Code Board of Review Ordinance:

Mayor McGee said Council is being asked tonight to put the handling of Fence Ordinance variances with the Building Code Board of Review on a temporary basis, until a final decision can be made. City Attorney Akers summarized the three activities of the Building Code Board of Review as being an advisory board to Council, as a board of review for building code matters, and as the board of appeal from decisions by the City building officials.

Council member Klepfer moved to adopt the Ordinance amending the Building Code Board of Review Ordinance No. 2001-021 as presented to Council. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

5. Appointment of Members of Economic Development Advisory Board:

Council member Nichols said notices seeking volunteers for the Economic Development Advisory Board were posted and printed in the newspaper. A Council subcommittee reviewed the applications and put all applicants into one of seven categories according to their jobs or business types and location. Frank Austin asked to be withdrawn from consideration because of the press of other obligations.

Council members approved the following seven members by categories as consensus appointments by votes of 5 Ayes to 0 Nays:

1. Business in Village Center - Madonna Kimbell, Owner/Publisher, Hill Country Sun - City;
2. Business not in Village Center - Steve Thurber, CPA - City;
3. Real Estate Company in City - Jim Thompson, Builder/Consultant - City;
4. Lodging - Jean Ross, Blanco River House Lodging/Chef - City;
5. Arts/Cultural - Joe Day, Owner/Operator, Lookout Mountain - Outside ETJ;
6. Non-Business - Mac McCullough, Retired - City;
7. Chamber of Commerce - Kay Henderson-Leyh, Chamber of Commerce - Outside ETJ.

For positions named by individual Council members, Council accepted the following appointees:

8. Mayor (McGee) - Camille Cook, Wimberley Lodge, Lone Man Creek - ETJ;
9. Place 1 (Nichols) - Mike Bingham, Commercial real estate broker/developer - City;
10. Place 2 (Manis) - Terrie Bursiel, All Wimberley Lodging - City;
11. Place 3 (Klepfer) Council member Klepfer reserved his appointment until a later date.
12. Place 4 (Graddy) - David Estey, business owner/consultant - City;
13. Place 5 (Knies) - Roberta Holland, consultant - City.

D. City Administrator Report

1. Mr. Harrison said filing time for the May election has expired and announced the following candidates for City offices:

- Mayor - Jon Clayton, Steve Klepfer, and Bill Whitten
- Council Place 1 - Carolyn Nichols and Jim Lee
- Council Place 3 - Marilee Wood
- Council Place 5 - Carroll Czichos and John Hyink.

All the candidates have been informed of the laws concerning filing financial documents and naming treasurers. The election will be held at the school district office, and the cost will be shared with the Hays Trinity Groundwater Conservation District, which is also having an election.

2. He will schedule a budget work session for Council after the election.

E. Announcements, Council Requests for Agenda Items:

Council member Graddy said he will schedule a workshop on the new City website for Council members so they can become familiar with it and decide what to include on it.

F. Adjournment - Council adjourned at 8:00 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee
Tony McGee, Mayor

Adelle Turpen
Adelle Turpen, City Secretary

Dell Hood
Dell Hood, Recording Secretary