

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, April 17, 2003, 6:30 p.m.

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

Invocation - Jason Bollinger of First Baptist 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.

Mayor McGee announced that the Wimberley High School Lady Texans track team had won the District 25AAA track meet yesterday.

Council member Klepfer said Hays County is now the fastest growing county in central Texas, having surpassed Williamson County in growth rate. He also said Wimberley has been voted one of the ten best small towns in the nation by *Travel Holiday* magazine.

Presentations of Citizens:

No comments received from the public.

A. Consent Items

Minutes of City Council Meeting of April 3, 2003 were approved as submitted.

B. Reports from Boards/Committees/Staff

1. County Sheriff:

Hays County Deputy Sheriff Sergeant Alan Bridges reviewed for Council a report on crime statistics for 2001-2002. He noted a decline in crime reports for the Wimberley area over the two years. He briefed Council on creation of the Wimberley Community Emergency Response Team, the first such team in Hays County. This is a group of citizen volunteers being trained to provide back up to first responders in a community emergency. It has applied for a grant from FEMA that will be used for educational materials or support equipment and supplies. Sgt. Bridges encouraged the public to refer to the Sheriff's office website which offers a family guide of basic information on how to respond in any type of disaster.

2. Park Board on Summer Recreation Program:

Council member Knies reported the Park Board voted at its last meeting not to proceed with a summer recreation program this year, because of a state law requiring that a community adopt an ordinance on standards of care before it can carry out the program. The Board noted there was not enough time to draft, review, and hold the required public hearings on the ordinance, or to recruit the proposed staff from Southwest Texas State University. The Board will continue to plan for and work toward a summer program for next year.

3. Financial Report:

City Administrator Steve Harrison reviewed the City financial report in the absence of City accountant Jack Clark. He said revenues are still good and continue to run ahead of previous year figures. The low figure on franchise fee collections resulted from mistaken assumptions by Verizon about the number of lines and instruments and where City limits are that are being revised; Verizon will give the City the information it used in its revised analysis and City staff will review this information.

C. Consider and Act

1. Acceptance of Audit Report for FY 2002:

City Auditor Brett Wolff reviewed his audit report for the City for fiscal year 2002. He said several items that needed action had been taken care of, including collateralization of funds, keeping copies of checks with the invoices to which they apply, indicating approval of invoices before payment, and making sure personnel files are complete. He noted the City is in strong financial position, with high liquidity and a high fund balance.

Council member Manis moved to accept the audit report for FY 2002 as presented. Council member Klepfer seconded. Motion approved 5 Ayes to 0 Nays.

2. 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; zoned on April 3, 2003 with the exception of lot R18535 owned by Dale Hood; Rescind action concerning lot R18535, and resubmit for zoning as R-1 (3.01 acres) as recommended by P&Z 7-0 on March 24, 2003:

P & Z Chair Pamela Showalter presented the case. She explained that when this case was presented to Council for action on April 3, the lot owned by Dale Hood was mistakenly excluded from the list of properties being zoned. P&Z now asks Council to rescind its exclusion of Mr. Hood's property and zone such property as R-1.

No comment received in Public Hearing.

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Council member Nichols moved to rescind the action of the previous Council meeting and include property no. R18535, owned by Dale Hood, in case no. C211-03-146, and zone such property as R-1. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

b. **C211-03-149**, City-initiated zoning, 111 and 111-B Deer Crossing Lane, in Planning Area A; proposed zoning RA and R-1, recommended by P&Z Commission by 6-0:

P&Z Chair Showalter presented the case.

No comment received in Public Hearing.

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

c. **C211-03-150**, City-initiated zoning, 1091 CR 1492, Planning Area A, proposed zoning R-1; recommended by P&Z Commission by 6-0:

P&Z Chair Showalter presented the case.

No comment received in Public Hearing.

Council member Graddy moved to adopt zoning as proposed for this case. Council member Klepfer seconded. Motion approved 5 Ayes to 0 Nays.

d. **C211-03-151**, City-initiated zoning, Idlewhile Estates, Wilson Creek Subdivision, and certain adjoining properties; Planning Area B, proposed zoning RA, R-1, R-2, R-3, and R-4; recommended by P&Z by vote 6-0:

P&Z Chair Showalter presented the case.

No comment received in Public Hearing.

Council member Knies moved to adopt zoning as proposed for this case. Council member Nichols seconded.

Council member Nichols noted there was no tax identification number for the Myers property when P&Z considered the case. She said the property tax number is R-70444. Council member Nichols asked if Council member Knies would accept a friendly amendment to include the number R-70444 for the Myers property. Council member Knies accepted the amendment. Amended motion approved 5 Ayes to 0 Nays.

3. Authorize City Administrator to issue Request for Qualifications for Professional Services to Design/Build the Community Center:

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3. Authorize City Administrator to issue Request for Qualifications for Professional Services to Design/Build the Community Center:

City Administrator Steve Harrison recommended Council continue this item so that information requested by the Community Center Steering Committee and the City Engineer could be supplied.

Council member Klepfer moved to continue the item. Council member Manis seconded. Motion to continue approved 5 Ayes to 0 Nays.

4. Recommendation of Building Code Board of Review regarding Fence Ordinance Variance Request from Richard Miller, 950 Climbing Way; Variances requested from Fence Ordinance No. 2001-028, Article IV (Fence Construction Standards) Section A (1) - Solid to Void Ratio and Section B - Setbacks along Street:

City Administrator Steve Harrison reviewed the facts of this item. Mr. Miller started building a fence in front of his property in Paradise Hills without getting a building permit. He stopped construction when asked to do so by City staff. City denied a building permit because the fence was too close to the street and because it violated the solid to void ratio in the ordinance. Mr. Miller asked for a variance, but the Fence Ordinance did not include a variance procedure. Council acted to give the Building Code Board of Review authority to hear Fence Ordinance variance requests, and Mr. Miller applied to the Board for a variance. The Board found several issues with his fence and denied a variance by unanimous vote. Mr. Miller did not file an appeal from the Board's decision.

In Public Hearing, Jim Thompson said he agrees with the findings of the Building Code Board of Review.

Linda Hudson, President of the Paradise Hills Property Owners' Association, said she also agrees with the Board's findings.

Public Hearing closed.

Council members noted that the fence is a solid concrete wall very close to the roadway and on a curve, limiting sight lines for drivers and creating a public safety issue.

Mayor McGee asked Council members to answer the questions on the Variance Approval Work Sheet, noting that the first question requires a verbal answer while the others are Yes/No questions.

Following are the unanimous responses of Council members to the Variance Request criteria:

- The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community

The proposed fence would create a safety hazard by creating a diminished line of sight for traffic in the vicinity.

- That the surrounding property will not be substantially or permanently impaired or diminished - No
- That the variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding properties - No
- That the applicant has not created the hardship from which relief is sought - No
- That the hardship from which relief is sought is not solely of an economic nature - Yes
- That the variance is not contrary to the public interest - No
- That due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship - No
- That in granting the special exception, the spirit of the Fence Ordinance is observed and substantial justice is done - No.

Council member Klepfer moved that Council accept the recommendations of the Building Code Board of Review based on the findings in the record. Council member Knies seconded. Motion approved by 5 Ayes to 0 Nays.

5. Resolution on the Proposed Wimberley By-Pass County Road:

Council member Graddy introduced for Council consideration the following Resolution No. R-45-2003 passed by the Transportation Advisory Board.

Resolution of the Village of Wimberley Texas Recommending to the Hays County Commissioners Court the Adoption of Option "C" of Proposed Bypass Highway (Northern Terminus Connection of RR 12 at Woodcreek Drive Intersection).

Whereas: Public safety should be the paramount factor in the decision as to where the Wimberley bypass intersection with Ranch Road 12 should be located; and

Whereas: Neither of the Skyline Ranch Estates alignments (Options A and B) will work well due to the dangerously inadequate sight lines, grade problems, and other roads in the immediate proximity, i.e., Brookmeadow, Mountain Crest and Eagles Nest Dr.; and

Whereas: Option D has the maximum environmental impact and creates a dangerous "dogleg" intersection with Ranch Road 12; and

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Whereas: Making the wrong decision will increase the liability of the Hays County from injuries and deaths and has the potential of costing the taxpayers millions of dollars in litigation; and

Whereas: We all want the county to use public funds responsibly and to stay within the allotted amount approved by the voters in the bond issue; and

Whereas: In light of the increased traffic on all of our roads, we know the importance of placing the intersection at the point where it will encourage maximum usage; and

Whereas: We want our county representatives to make a judicious decision based on facts, and not on emotions; and

Whereas: We have elected our county officials to show wisdom and moral strength to make a reasoned decision. Their decision should be based on the paramount criteria of protecting the public safety and avoiding unnecessary expense; and

Now, therefore: Be it resolved that the City Council of the Village of Wimberley, based in part on the unanimous recommendation of the Traffic Advisory Board of the Village of Wimberley recommends that the northern terminus of the Wimberley bypass connect with Ranch Road 12 at the Woodcreek Drive intersection (Option C).

Council member Graddy moved to adopt the Resolution. Council member Manis seconded.

In Public Hearing, H. B. Martin said he supported the TAB resolution 100% because the other options would bring road traffic to within less than 100 feet from his bedroom and would affect his property values.

Eldridge Eason said he prefers Option C because of complications the other options would create in crossing Plum Creek, and the problems of speeding traffic close to Cypress Creek Acres properties.

Jennifer Colvin, a member of the board of directors of Cypress Creek Acres Property Owners' Association, said their neighborhood is under attack by a proposed car wash and the bypass. She opposes Option D and read the following petition signed by more than 50 members of the subdivision:

As a property owner in or resident of Cypress Creek Acres, Wimberley, Texas, I strongly oppose the construction of a county road (bolded in original) adjacent to our subdivision for the following reasons:

- It would create additional intersections on RR12 and create a dangerous dogleg for the large number of vehicles coming out of Woodcreek and turning onto the bypass road.*

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- *The use of the 100 foot strip connecting with Woodcreek is a much more logical site since there are no adjacent homes affected, there is less splitting of open space property, and it would serve the Woodcreek residents directly.*
- *The noise this road would bring will definitely be offensive to the adjacent property owners who live in this area primarily because it is quiet.*
- *Our water quality will be threatened if a road is constructed over Plum Creek, a major tributary of Cypress Creek. Since this creek is regulated by FEMA, the additional cost of crossing it is not warranted.*

Sara Barlow, 832 East Summit Drive, said she does not want to hear traffic noise overnight, and noted there are environmental issues to consider as well. She said Option C is the right way for the bypass and encouraged Council to support it.

Dorothy Gumbert said she has found no Woodcreek residents who can present a good case opposing the terminus being at the Woodcreek entrance.

Wendy Gumbert said Plum Creek is an environmentally sensitive area, with golden-cheeked warblers nesting in the area. She said Option D has the most important habitat elements for this species - year-round water, and old cedar brakes on a slope, and would therefore be more expensive to build because of the environmental regulations that would have to be complied with before construction. Option C does not have year-round water, old cedar brakes or slopes necessary for the golden-cheeked warblers.

Mayor McGee said County Commissioner Bill Burnett told him the County would not make a decision until it has studied a final engineering report, which will include environmental issues, and a TxDOT safety report. Mayor McGee suggested Council consider waiting until it gets those reports as well and suggested the item be continued.

Council members discussed whether to continue the item.

TAB chairman Craig Payne said he believes Option C is the best choice but acknowledged the value of waiting for the engineering and safety reports, which he believes will support Option C.

Council member Manis moved to continue consideration of the Resolution. Council member Klepfer seconded. Motion to continue approved 4 Ayes to 0 Nays to 1 (Abstain).

6. Appointment of Additional Member of Economic Development Advisory Board:

Council member Klepfer named Janet Galloway, co-owner of "Kiss the Cook", as his appointee to the Economic Development Advisory Board.

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D. City Administrator Report

1. Mr. Harrison asked Council for guidance on how to proceed on an ordinance dealing with nuisance lots. Work is continuing on wastewater issues. GBRA has drafted and sent to Blue Hole Properties a draft legal agreement on the wastewater treatment plant, and is waiting for a response from Blue Hole.
2. There will be a meeting next week with realtors on zoning and related issues.

E. Announcements, Council Requests for Agenda Items:

Council member Klepfer said a review of the Sign Ordinance variance granted for Charles Christian should be on the next Agenda.

Council member Knies said the Parks Board would look into sponsoring a fireworks program this summer. With the \$5,000 in the budget, a 30-minute fireworks program could be put on.

Council member Manis suggested the City should have another meeting with builders and developers, on zoning and building issues, similar to the one being held with realtors.

F. Adjournment - Council adjourned at 8:15 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee
Tony McGee, Mayor

Adelle Turpen
Adelle Turpen, City Secretary

Dell Hood
Dell Hood, Recording Secretary