

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, June 5, 2003

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

Invocation - Brother Young of the First Baptist Church offered the Invocation.

Mayor Steve Klepfer led the Pledge of Allegiance to the United States flag.

Council Member Matt Manis led the Pledge of Allegiance to the Texas flag.

Roll Call: Present were Mayor Steve Klepfer and Council members Carroll Czichos, John Graddy, Matt Manis, Carolyn Nichols, and Marilee Wood.

Presentations of Citizens:

John Davison referred Council to a memo he submitted and said that if it decides to put on a fireworks display at any time he would like to do it. He has looked at four possible sites to hold a display and considers the soccer field the safest location; he has discussed using it with the owner, Tracey Dean. He said the cost to the City will be the cost of fireworks plus a \$200 shooters fee. He asked Council for suggestions for other sites. Council members discussed the proposal with Mr. Davison and thanked him for the information.

A. Consent Items

Minutes for May 15, 2003 Council meeting accepted as submitted.

B. Reports from Boards/Committees/Staff

Mayor Klepfer said he wants City agencies to report to Council on their activities on a regular basis, and has asked the following two for their reports.

1. John Meyer, chairman of the Ethics Commission, said the Commission drafted and approved its by-laws and discussed the Open Meetings Act in its first two meetings. The Commission will meet four times a year on a regular basis, and will hold special meetings if an ethics question needing immediate attention is brought to it.

2. Dr. Sue Johnson, chair of the Board of Adjustment, said the Board was created in August 2002, and has held five meetings on organization and procedures, and two public hearings on variance issues. The Board has adopted by-laws and an order of procedure for its meetings.

C. Consider and Act

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

C211-03-157, 400 Mill Race Lane, William Appleman, owner; proposed zoning as Wimberley Planned Development District (WPDD) on a base district of L-1, includes Site Plan; approval recommended by P&Z:

P&Z Chair Showalter presented the case. P&Z held one regular and two special meetings on this case after Council referred it back to the Commission. Issues of major concern were the septic system, how flood situations would be handled, and keeping Mill Race Lane open for emergency access. She said a correction is needed in the WPDD document, on page 5, under Section H. Development Regulations, item 6, Minimum Required Setbacks - the second sentence should read:

The proposed new *construction of* grease trap, septic tank, and pump tanks, may be placed within the setbacks as long as they do not encroach beyond the nearest existing building. (Inserting italicized text.)

Planning & Zoning approved the WPDD by unanimous votes at both the special meetings.

No comment received in Public Hearing.

Mr. Appleman thanked City Administrator Steve Harrison and the P&Z Commission for working with him on this application, but asked to have the following items in the WPDD corrected.

1. Item B.3, Waste Water Treatment, paragraph b - He asked that the final sentence of this paragraph be removed because he has his own contract for maintenance and inspection of his septic system, which has been approved by Hays County officials; the system is inspected three times a year. Mr. Appleman objected to having to respond to repeated requests from Village officials for documentation that is available from Hays County Environmental Health Department.

2. Page 3 - Under C. Permitted Uses, paragraph 2.a. on retail sales: Mr. Appleman objected to the requirement that retail sales would be restricted to currently existing buildings. He said he did not want to be prohibited from selling art displayed outside in his yard.

P&Z Chair Showalter said she had no problem with a change in the statement on retail sales, but was not certain what recourse the City would have if Mr. Appleman's contract for inspection and maintenance of his septic system should lapse.

Council member Nichols moved to accept this case for zoning as a WPDD, including the Site Plan, as recommended by Planning & Zoning Commission. Council member Czichos seconded.

Council members discussed Mr. Appleman's requests for language changes at length.

Council member Manis offered a friendly amendment to the motion to strike the second sentence in paragraph 2.a under Permitted Uses, on page 3, so that the corrected paragraph reads:

a. Retail sales of goods customarily associated with Bed and Breakfast facilities.

Council member Nichols accepted the friendly amendment, and proposed to add the words *construction of* in the second sentence of paragraph 6 of Development Regulations on page 5 as stated by P&Z Chair Showalter, so it would read:

The proposed new construction of grease trap, septic tank, and pump tanks, may be placed within the setbacks as long as they do not encroach beyond the nearest existing building.

Council member Czichos accepted the friendly amendment and the addition of *construction of* in Development Regulations.

Council member Graddy offered a friendly amendment to strike the second sentence of paragraph b under item 3 on page 3, Waste Water Treatment, and replace it with: *The owner shall maintain the septic systems in accordance with Hays County Environmental Health regulations.*

Council members Nichols and Czichos accepted this friendly amendment.

Motion to approve WPDD Case No. C211-03-157 as amended by Council approved 4 Ayes to 1 Nay (Council member Wood).

2. Appointment to Transportation Advisory Board and Oath of Office:

Council member Wood introduced Corwin Vansant as her nominee to the Transportation Advisory Board, and moved that Council accept him for that position. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays. Mayor Klepfer administered the Oath of Office to Mr. Vansant.

3. Appointment to Board of Adjustment and Oath of Office:

Mayor Klepfer introduced Barbara Vansant as his nominee for a position as alternate member of the Board of Adjustment. Council member Graddy moved to accept Mrs. Vansant for an alternate position on the BOA. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays. Mayor Klepfer administered the Oath of Office to Mrs. Vansant.

4. Confirm Appointments for Council Subcommittees:

- Community Center: Carroll Czichos, Steve Klepfer, Tony McGee
- Wastewater Treatment Plant: Steve Klepfer, Matt Manis, Carolyn Nichols
- Public Relations: John Graddy, Steve Klepfer, Marilee Wood

- RR12 Project: John Graddy, Craig Payne, Bert Ray, Marilee Wood

Council member Graddy moved to accept the appointments to Council subcommittees as presented. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

5. First Reading of Amendments to Zoning Ordinance and Public Hearing:

- a. Section 46.4.G.n - Requirements for Storm Water Retention/Detention
- b. Section 9.2.B - Correction to Terms of Office of P&Z Commissioners

a. City Administrator Steve Harrison introduced the item. He said the section on storm water had inadvertently been left out when P&Z had worked on re-organization of the Zoning Ordinance. P&Z held hearings on this amendment and recommends Council approval.

Amy Frederick, member of the Water and Wastewater Advisory Board, said the Board discussed this issue and had suggested some changes. The Board will revisit this part of the Ordinance because there are issues of water quality it is interested in.

P&Z Chair Showalter said the following changes should be made to the language presently before Council and asked Council to consider them:

In the second sentence of Sec. 46.4.G.n;, 1) delete *any necessary* ; 2) replace *and filtration*; 3) with *show 100-year conveyance* .

In the last sentence of the bottom paragraph: 1) add *and* after *Detention* 2) delete *and filtration* .

No comment received in Public Hearing.

Council member Nichols moved to adopt on first reading the proposed amendment for Section 46.4.G.n as written and with the changes recommended by Dr. Showalter. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

b. City attorney Patty Akers said the language proposed for Section 9.2.B on terms of office of Commissioners needs work. Council member Nichols moved to table the first reading of the amendment to Section 9.2.B pending advice from City attorney. Council member Manis seconded. Motion to table approved 5 Ayes to 0 Nays.

6. First Reading and Public Hearing of Amendment to Subdivision Ordinance moving Section 16020(H) to a new Section 16021(A), Clarifying Exemption for Village Property:

P&Z Chair Showalter presented the item, noting it is a change of numbering in the Subdivision Ordinance, providing for exemptions for City property. City Attorney Akers said this amendment does make a substantial change to the Ordinance. When the Community Center was platted, there were problems for the City in meeting all requirements of the Ordinance. Her

recommendation was to exempt subdivision of public property from the entire Ordinance rather than just single out sections of the Ordinance for exemption. She said this is fairly common practice for cities, and is designed to protect them on issues concerning public property.

Council member Nichols moved that Council accept on first reading the amendment as presented. Council member Graddy seconded.

Council members discussed the proposed change.

Motion approved 5 Ayes to 0 Nays.

7. Adopt Recommended Rankings of Design-Build Firms for Community Center Project, and Authorize Negotiations with the #1 Ranked Firm:

City Administrator Harrison said City received three responses to its RFQ for design-build services for the Community Center. Two of the responses were joint proposals by an architectural firm and a construction firm, and one was by a construction company alone. The City selection committee interviewed the three firms, checked their references, and ranked them as follows by unanimous decision:

1st place - G. Creek Construction, Inc./Fatter & Evans Architects, Inc.

2nd place - F. T. Woods Construction/Elsasser Architectural Inc.

3rd place - Stokes Construction Co.

Council member Graddy moved to accept the recommended ranking and to authorize City staff to begin negotiations with the number one ranked firm. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

8. Acceptance of Plan for Design and Placement of Signage to Provide Direction to/from Downtown Public Parking:

City Code Enforcement Officer Rickey Wright presented the item. The proposal includes location and color of signs and recommends Professional Graffiti as vendor to provide the signs. The estimated cost is \$2,000, and the request to Council is to authorize \$2,250 to provide for contingencies.

Council member Manis moved that Council accept the recommendation on design and placement of signs. Council member Wood seconded.

Council discussed the proposal in detail, focusing on color of the signs, development of a coordinated color scheme for all City signs, and the desirability of a unified look for City signage. Council member Nichols offered a friendly amendment to have Council member Wood work with Mr. Wright on the colors. Council member Manis said he would like to approve the final color selection, but accepted the friendly amendment. Council member Wood accepted the amendment, saying she would come back to Council at the next meeting for approval of the final color scheme. Motion approved as amended by 5 Ayes to 0 Nays.

9. Authorization to Name a Private Street in Paradise Valley area "Songbird Lane":

Mr. Wright presented the item, noting the request came from a part-time resident of Paradise Valley who lives on an un-named street and is concerned that emergency vehicles will not be able to find her house. He used Hays County's methodology for selecting a name and checked with the county 911 coordinator on it. He said health and safety reasons justify the City putting up the sign.

Council member Czichos moved that Council approve the authorization. Council member Graddy seconded.

Council member Nichols asked staff to add the street name to the master list of City streets. In public discussion, Mike Bingham of 206 Valley Drive said the western half of this road is owned by the Paradise Valley property owners' association and questioned the authority of one property owner to make such a request. He said the POA is researching what type of road it is - a dedicated road, a private road, an easement, or some other kind. Council member Graddy responded that the City's research indicates it is a dedicated easement.

Motion approved 5 Ayes to 0 Nays.

10. Authorize Recommendation from Transportation Advisory Board for improvements to Emergency Lane:

Transportation Advisory Board member Frank Austin presented the item and reviewed the background to the proposal. He said Emergency Lane has the heaviest traffic load of any Village road; TxDOT counted 2,400 trips per day in 2002. It is becoming a safety hazard because of traffic into and out of Bowen School and the school district has expressed concern about the situation. TAB proposes to widen Emergency Lane by adding a turning lane from RR 12 halfway down to the entry to the WISD lot.

Council members discussed the proposal, including how the widening would affect property owners on Emergency Lane, alternatives such as widening the road its full length or making it a one-way road, and the responsibility of the school district.

Council member Czichos moved to return the proposal to the Transportation Advisory Board for further consideration. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

11. Authorize Solicitation of Bids for Street/Road Overlay Paving for Segments of Village Roads:

Climbing Way, Brinkley Drive, Blue Hole Lane, Smith Creek Road, Mill Race Lane

Rickey Wright presented the item, noting this project is on the priority list approved by TAB and Council in February for repairs and maintenance. City Engineer Joel Wilkinson said the contract will be on a unit-price basis, with a set price per volume of material, rather than a lump sum bid.

The intent is to have one contractor do all the work, to realize an economy of scale.

Council member Nichols asked what criteria TAB uses to put a road on a priority repair list, and if there had been public hearings on these projects. Council members discussed the proposal at length.

Council member Graddy moved that Council accept the recommendation of TAB to authorize solicitation of bids for the listed road projects. Council member Czichos seconded. Mayor Klepfer called for a roll call vote. Council members Czichos, Graddy and Manis voted Aye, Council members Nichols and Wood voted Nay; motion approved 3-2.

D. City Administrator Report:

Mr. Harrison announced there will be workshop with the City's legal firm for Council members, from 10:00 a.m. to 2:00 p.m. on June 21. Topics to be covered include a legislative update and zoning and land use issues.

He reminded Council of the TxDOT public meeting on the Ranch Road 12 and Cypress Creek bridge project at 6:00 p.m. on July 24 at the VFW Hall.

There was a meeting of chairs of City committees this morning, to discuss committee structure and responsibilities.

Copies of proposals for regulations on nuisances, unsafe buildings, and special events will be given to Council members and to the respective committees which have to consider them.

E. Announcements, Council Requests for future Agenda Items:

Council member Nichols asked for an update on the joint road maintenance agreement with Hays County.

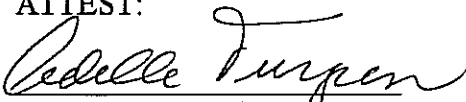
F. Adjournment - Council adjourned at 10:10 p.m.


VILLAGE OF WIMBERLEY

By 

Stephen Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Dell Hood, Recording Secretary