

Wimberley City Council Minutes, October 2, 2003

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, October 2, 2003, 6:30 p.m.

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

Invocation - Bishop Earl McArthur 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

1. Citizen Comments:

Steve Thurber reported the Economic Development Advisory Board is making progress in its review of the Sign Ordinance. The Board believes the Ordinance itself is not a problem, but rather that the administration of it has caused misunderstandings about what is required for a sign permit. The Board has formed a subcommittee to digest and summarize main points of the ordinance in a few pages for the public.

2. Oath of Office:

Mayor Klepfer administered the Oath of Office to Bert Ray as a new member of the Transportation Advisory Board and to Dr. Charles Jennett as a new member of the Water/Wastewater Advisory Board.

A. Consent Items

Minutes of September 18, 2003 City Council meeting were corrected and accepted as corrected.

B. Reports from Boards/Committees/Staff

1. Franchisee, Time-Warner Cable:

Patty Gonzales reported on Time-Warner's services and said the company has paid a total of \$46,875.63 in franchise fees to the Village of Wimberley so far, and has spent more than one million dollars to upgrade its facility in Wimberley. Time-Warner has more than 2,000 video subscribers in Wimberley. Cable Channel 10 is available to the City for local programming and for emergency or disaster service information. Council members discussed Time-Warner's services in Wimberley with Ms. Gonzales, including its requirements for connecting new customers, response to customer requests or complaints, and internet access through its Road Runner service.

2. Franchisee, Pedernales Electric Cooperative:

Rusty Dunham presented a payment to the City of \$19,229.59 as the PEC franchise payment

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for July 1 to September 30, 2003. He outlined PEC support to national and local public service activities, including Rural Crime Watch, Amber Alert, a national child identification program, and scholarships for school students. Mayor Klepfer thanked PEC for removing unneeded utility poles from the Square.

3. Ethics Commission:

Commission chair John Meyer reported the Commission meets four times a year; has drafted and approved by-laws; and has not had any ethics problems presented formally since its creation. Council members discussed with Mr. Meyer procedures for handling a citizen complaint of an ethics issue.

C. Consider and Act

1. City-initiated Zoning (Public Hearing):

C211-03-171, City-initiated zoning of Lots 13, 30, 32, 33, 45, 54, 61, 64 and 65 of Cliffside Subdivision, Planning Area B, proposed zoning R-3, recommended by P&Z Commission by vote 7-0:

P&Z Chair Pamela Showalter presented the case, noting it is a cleaning-up of residential zoning for lots which had been omitted in earlier City-initiated zoning. No comment received in Public Hearing. Council member Graddy moved to approve zoning for this case as recommended by P&Z. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

2. Application for Zoning (Public Hearing):

C211-03-173, Herschel P. McCullough, 216 Mill Race Lane, Planning Area C, C-1 zoning requested, recommended by P&Z by 7-0:

P&Z Chair Showalter presented the case. She said City received a letter from an attorney for Scott Sypult, owner of 220 Mill Race Lane, opposing both C-1 zoning and Mr. McCullough's plan to erect a radio antenna on his property. (Copy filed with Minutes.) In Public Hearing, Mr. McCullough said his application for C-1 zoning is not tied to his plan to put up an amateur radio antenna, which is permitted in residential zoning districts. Public Hearing closed. Council member Nichols moved that Council adopt zoning for this case as recommended by P&Z. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

3. Applications for Amendments to Zoning Ordinance No. 2001-010 (Public Hearing):

Section 13.9.B - First Reading

P&Z Chair Showalter briefed Council on the background for this proposed amendment, noting the original restriction to one step change in intensity gradation between adjoining properties was adopted to reduce the possibility of inappropriate land uses occurring next to each other, such as a fast-food restaurant next to residential property. As the Commission has gathered experience with several zoning cases, however, the one-level limit has been a hindrance to effective zoning, particularly at the borders of Planning Areas where intensity levels change.

Council members discussed the amendment with Dr. Showalter and City attorney Patty Akers.

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Council member Graddy moved to adopt the proposed amendment on first reading with the following change:

In the second sentence of the Note to Sec.13.9.B, strike the phrase, *on the environment*, and replace it with: *on adjacent properties*.

Council member Czichos seconded. Council member Nichols offered as a friendly amendment the wording: *Their external effects on the environment and on adjacent properties are evaluated*. After discussion with Council member Graddy, Council member Nichols withdrew her friendly amendment. Motion to adopt with Council member Graddy's language adopted 5 Ayes to 0 Nays.

4. Appointment of Member to Transportation Advisory Board (TAB):

Council member Graddy moved to continue this item to next meeting. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

5. Accept Resignation of K. W. Allen as Member of Building Code Board of Review:

Council member Nichols moved to accept the resignation of Ken W. Allen as a member of the Building Code Board of Review. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

6. Appointment of Members to Building Code Board of Review:

Council member Czichos proposed Tracey Dean, a Wimberley building contractor, as member of the Building Code Board of Review. Council member Graddy moved to appoint Mr. Dean to the Board. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

Mayor Klepfer asked if Council members have a consensus nominee to the Board. Council member Nichols said the position has been posted for only a week and she would like to keep it open for a few weeks; she moved to continue the consensus appointment. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

7. Appointment of Member to Water/Wastewater Advisory Board:

Council member Czichos proposed David DiTraglia as his appointee to the Water/Wastewater Advisory Board. Council member Graddy moved to approve David DiTraglia as a member of the Board. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

8. Appointment of Members to Parks & Recreation Board:

Council member Graddy nominated Jan Fulkerson for a second term on the Parks Board. Council member Czichos moved to appoint Jan Fulkerson to the Board. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

Mayor Klepfer said he would like to re-appoint Malcolm Harris as the Mayor's appointee to the Board. Council member Graddy moved to re-appoint Mr. Harris as the Mayor's appointee. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

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Council member Wood named Tim Thompson as her appointee to the Board and moved to appoint him. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

Council member Manis will name his appointee later.

9. Adopt Recommendation of Council's Public Information Subcommittee to Publish and Distribute a City Newsletter:

Mr. Harrison presented the item, noting a Council subcommittee (Mayor Klepfer and Council members Wood and Graddy) has been working on communications issues for the City. He referred Council members to the second draft of a proposed newsletter and cost estimates for its distribution. Council member Wood asked Council members to review their biographic sketches and to make any corrections or suggestions. She discussed other information and articles to be included in the Fall 2003 edition. Council members discussed contents and distribution of the newsletter. Council member Nichols moved to adopt the recommendation of the Public Information Subcommittee to publish and distribute a City newsletter, with any changes given to Council member Wood in the next few days. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

D. City Administrator Report:

Mr. Harrison said City is continuing negotiations with RVI on professional services for design of the Cypress Creek Nature Trail, and may have another meeting with the firm next week.

He called Council's attention to the annual conference of the Texas Municipal League (TML) in San Antonio in November and asked Council members to let him know soon if they want to attend it.

He said Austin television channel 36, KXAN-TV, interviewed him on October 1 on the decision by Hays County Commissioners no longer to provide animal control services for the Village. He is continuing discussions with the County Sheriff on options for animal control services for Wimberley.

C. Consider and Act, cont.

10. Executive Session Regarding Real Property for Community Center and for Wastewater Treatment Facility (Texas Local Government Code Sec. 551.072); and

11. Executive Session Regarding Personnel Evaluation for City Administrator (Texas Local Government Code Sec. 551.074):

Council adjourned to Executive Session at 8:16 p.m.

Mayor Pro-Tem Graddy reconvened Council in Public Session at 9:32 p.m., Mayor Klepfer having departed City Hall during the Executive Session.

E. Announcements, Requests for Future Agenda Items:

Council member Czichos said he has been trying to put discussion of a road list on the Agenda

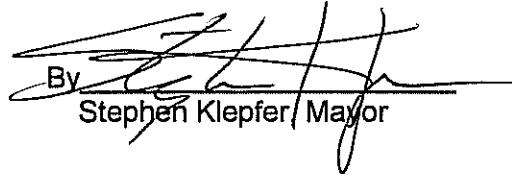
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for several weeks, and it has not appeared. Mr. Harrison said he will look into the matter.


Council member Wood asked to have another report from the Economic Development Advisory Board.

E. **Adjournment** - Council adjourned at 9:35 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Dell Hood, Recording Secretary