

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

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

Invocation - Rev. Steven Sweet of United Methodist 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

Citizen Comments:

M.F. Johnson thanked those who worked on the City newsletter, saying she appreciated learning about City officials and that she has distributed a number of them.

Oath of Office for New Appointees to City Commissions, Boards and Committees:
Mayor Klepfer administered the Oath of Office to the following appointees:

Bill Appleman	Planning and Zoning Commission
Jan Fulkerson	Parks and Recreation Board
Tom Keyser	Parks and Recreation Board
John Stefanowicz	Transportation Advisory Board
David Kates	Building Code Board of Review.

A. Consent Items

1. Resolution naming November as National Hospice Month in Wimberley:
Mayor Klepfer read a City Proclamation designating November as National Hospice Month in Wimberley and presented a copy of it to members of Hope Hospice.

2. Minutes of City Council Meeting of October 16, 2003:
Council member Graddy corrected two items in the October 16 Minutes which were then approved as amended.

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B. Reports from Boards/Committees/Staff

1. Parks and Recreation Board:

Board Chair Malcolm Harris said the Board has been very busy with several projects. It is currently working on design proposals for the Cypress Creek Nature Trail; a summer recreation program; and locating sites for sports and athletic facilities. He said acquisition by the City of the Blue Hole property will help meet many community needs and commended the Council for its vision on this proposal.

2. Building Code Board of Review:

No report was given.

C. Consider and Act:

1. Applications for Zoning (Public Hearing):

a. **C211-03-166**, Ideals Well Managed, 1110 FM 2325, Planning Area C, requested zoning of C-1 recommended by Planning & Zoning Commission by vote 6-0: City Administrator Steve Harrison presented the item. No comment received in Public Hearing. Council member Czichos moved to accept the zoning as recommended for this case. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

b. **C211-03-174**, David Welp, 12810 RR 12, Planning Area C, requested zoning C-1 recommended by P&Z by 6-0: Mr. Harrison presented the item. No comment received in Public Hearing. Council member Graddy moved to approve the zoning as requested. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

2. Accept Petition of Methodist Church Requesting Annexation of 2.75 acre vacant tract at southwest corner of CR 1492 and RR 12:

Mayor Klepfer noted this is the first time the City has been asked to approve voluntary annexation. Mr. Harrison presented the case, saying the Methodist Church plans to do a building project for which it has submitted a Wimberley Planned Development District application. Part of its property is outside the City limits; annexation will bring the entire Church property inside the City. He said the City's duty is to see that the annexed property is serviced in the same manner as property inside the City limits. In this case that would not be a problem.

City Attorney Patty Akers said annexation procedures are strictly governed by statute. The City must conduct two public hearings on the application not less than 20 days and not more than 40 days prior to the date the City decides on the annexation request.

Council members discussed dates for the public hearings.

Council member Nichols moved to accept the petition of the Methodist Church for annexation of the 2.75 acre tract and to schedule public hearings on December 11 and December 18. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

3. Accept Report of Economic Development Advisory Board on Changes to Sign Ordinance No. 2001-002, and Appoint Council Subcommittee to Finalize Recommendations:

Board Chair David Estey said the Board reviewed the Sign Ordinance as requested by Council with the goal of making the Ordinance more user-friendly so as to improve economic conditions of the Village. The Board received a lot of advice and suggestions from the community. In addition to suggesting changes in the Ordinance's language, the Board produced a five-page summary of it, a "Sign Matrix" designed to help people understand its requirements. The Board found the Ordinance confusing and ambiguous and that it does not promote economic growth in the community. He suggested that a list of people knowledgeable about its technical requirements be available along with the summary to help people understand and comply with it. He said the Board found that a majority of citizens want some control over signs, that signs be tasteful, and that the grandfathering clause be phased out as soon as possible. The Board's recommendation is that a committee of Council and Board members be formed to hear advice from the community on the changes and then draft recommendations to Council for revising the Ordinance. The City Attorney has not reviewed the Board's proposal.

Mayor Klepfer opened a Public Hearing. Raeann Altwater, representing the Wimberley Merchants' Association, said the association polled its members. Of those who responded, 78% said Wimberley needs a sign ordinance, and 83% said there had been no negative impact on their businesses from the Ordinance. Fifty percent recommended some modification to the Ordinance. She said it is not true that all merchants oppose the Ordinance.

Bryn Kershbaum, of Kiss the Cook, said she brought a large neon sign with her when she moved here and intended to put it u on her new business. After consulting a local sign company which helped her on the Ordinances, requirements, she said she is glad Wimberley had the foresight to put it into effect and she is grateful for the Ordinance.

Council discussed the proposals, especially those affecting businesses off Ranch Road 12 and off-premises signs. Council member Manis said the Board's report was supposed to be the final one and he did not think it appropriate for the Board to spend more time on the Ordinance. He proposed a six-person committee, composed of two Council members, two Board members and two public members be created to look at off-premises signs only.

Council member Wood moved that Council accept the report from the Board regarding changes to Sign Ordinance No. 2001-002, and appoint a joint Council-Board committee to finalize recommendations for changes in form and substance, and that members be Council members Manis and Wood, and four Board members including David Estey, Jean Ross, and two other Board members. Council member Nichols seconded.

Council member Manis said he wanted two members on the committee who are not on the Board, and proposed Lisa Kieffer and Bob Flocke be added. Council discussed this proposal at length, including a review of location of businesses of Board members and use of off-premises signs.

Vote on the motion was 2 Ayes (Council members Nichols and Wood) to 3 Nays (Council members Czichos, Graddy and Manis).

Council member Manis moved that the Council accept the report from the Board and name a committee composed of Council members Manis and Wood, Board members Estey and Jean Ross, and Lisa Kieffer and Bob Flocke. Council member Czichos seconded. Council member Graddy asked for clarification on the purpose for creation of the committee. Motion approved by vote 5 Ayes to 0 Nays.

4. Adopt Inter-local Agreement with Wimberley Independent School District on use of school property by the City in exchange for reduction of Building Fees:

Mr. Harrison said cities and school districts are not able to exchange something of value without an inter-local agreement between them, and the proposed ILA is a normal arrangement used by cities and school districts.

WISD Superintendent Marian Strauss said the District wants to have a supportive relationship with the City and does not see the agreement as a free ride, and that it was on the Board's agenda for its meeting on November 10.

Council members discussed the ILA, focusing on the value of what each entity would gain or lose under it. Mayor Klepfer said the relationship between the City and the District needs to be better and the Wimberley way, and that the agreement was not about being equal but was an issue of cooperation between the two bodies.

In Public Hearing, Curt Busk said Council members were missing the point, because both the school district and Council are funded by residents, either through property taxes for the school or sales taxes and franchise fees for the City.

Council member Czichos moved that Council accept the Inter-local Agreement with Wimberley Independent School District. Council member Graddy seconded. Motion approved 4 Ayes to 1 Nay (Council member Manis).



5. Accept Resignation of Linda Hewlett as Member of Parks and Recreation Board:

Council member Wood moved that Council accept the letter of resignation. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

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

Council member Czichos moved to name Jimmie Lee as his appointee to TAB, for the remainder of a three-year term expiring September 19, 2005. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

7. Appointment of Member to Building Code Board of Review:

Council member Graddy moved to name Linda Jennett as his appointee to the Board. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

8. Appointment of Member to Parks & Recreation Board:

Council member Graddy continued this item.

9. Appointment of Members to Planning and Zoning Commission:

Council member Manis moved to nominate Paul Xiques as his nominee to the Commission. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays. Mayor Klepfer named Glenn Fryer as his nominee to the Commission. Council member Graddy moved to accept Glenn Fryer as the Mayor's nominee to the Commission. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

10. Accept Recommendation of Transportation Advisory Board (TAB) re Entries on Village of Wimberley's Official Road List:

- a. Add Songbird Lane as Private Road
- b. Change of name: From Blue Hole Road to Blue Hole Lane
- c. Designate Maintenance Responsibility: Mountain View
- d. Designate Maintenance Responsibility: Summit Loop

TAB member Craig Payne presented the item, saying it was an effort to clean up the list of City-maintained roads.

a. **Songbird Lane:** Council member Nichols moved to add Songbird Lane to the list as a privately maintained road. Council member Czichos seconded. Motion

approved 5 Ayes to 0 Nays.

b. Blue Hole Road: Council member Nichols moved to amend the City road list to rename Blue Hole Road as Blue Hole Lane and that the entire road be identified as a public road on the City's road inventory list. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

c. Mountain View: Mr. Payne said it is difficult to find accurate records on Mountain View. Hays County maintained it through 1997 and there is a dedication to public use for it in the plat records and record of continuous County maintenance that make it a public road.

Earl McArthur said he was told when he bought his property on Mountain View in 1972 that it was a public road, and it was maintained by the County during Mr. Payne's time as a County Commissioner. Leo Seguin said he was there when the County paved Mountain View and that it is a publicly-maintained road.

Council member Nichols cited evidence she considers shows it is not a publicly-maintained road, including its omission from the County road list, the use by the County of a sign used for private roads, and County-issued road maps which do not show it as a County road. She suggested that before the City take on financial responsibility for a road, it develop clear criteria for deciding to do so. She asked to have the City Engineer look at the condition of Mountain View and Summit Loop, and to have City staff look at a list of criteria and how it can be implemented.

Council members discussed whether they should act on the testimony of residents, whether they are obligated to maintain roads inherited from the County, and what roads the City did take over from the County. In response to a question from Mayor Klepfer, City Attorney Akers said the City is not required to take over responsibility for a private road paved by the County.

Council member Nichols moved to continue consideration of Mountain View and Summit Loop until TAB and staff provide evidence criteria for the City to accept responsibility for maintenance of roads. Council member Wood seconded. Council member Graddy offered a friendly amendment to set the date for such a report from TAB for the Council meeting after the next. Council members Nichols and Wood accepted the amendment.

Council member Manis moved to divide the motion. Vote to divide the motion approved 3 Ayes (Council members Czichos, Graddy and Manis) to 2 (Council members Nichols and Wood).

Council member Graddy amended the motion to continue until the second Council meeting in January, to allow TAB to meet and discuss the criteria. Council members Nichols and Wood accepted the amendment. On the motion to continue consideration of Mountain View until the second Council meeting in January, vote was 4 Ayes to 1 Nay (Council member Czichos).

d. Summit Loop: Mr. Payne cited evidence from County documents for the status of Summit Loop as a publicly maintained road.

Council member Nichols moved to continue consideration of Summit Loop until criteria can be presented to Council by TAB at the second Council meeting in January, with special consideration of the road by the City Engineer. Council member Wood seconded. Motion approved 3 Ayes (Council members Graddy, Nichols and Wood) to 2 Nays (Council members Czichos and Manis).

11. Resolution Establishing Inter-Jurisdictional Emergency Management Program:

Mr. Harrison said the City is under state mandate to adopt an emergency management program before December 1. The Wimberley area has been covered under the Hays County disaster plan by the County Fire Marshall. He recommended City adopt the Hays County EM plan as its own, but that passage of the Resolution be continued until a corrected copy is available.

Council member Nichols moved that consideration of the Joint Resolution be continued. Council member Graddy seconded. Motion to continue approved 5 Ayes to 0 Nays.

12. First Reading of Ordinance Creating Emergency Management Program:

Mr. Harrison said the draft of this Ordinance was marked up by City staff to correct inaccurate terms and spelling mistakes, and by City Attorney. Council member Czichos moved that Council adopt on first reading the Ordinance as amended. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

D. Close Public Session, Reconvene in Executive Session:

Council adjourned to Executive Session at 9:24 p.m. to consider:

1. Personnel Matter to Discuss Hiring Assistant to City Administrator (Texas Government Code Section 551.074);
2. Regarding Real Property for Community Center (Texas Government Code Sec. 551.072);
3. Real Property for Wastewater Treatment Facility (Texas Government Code Sec. 551.072).

E. Reconvene in Open Session

Council reconvened in Open Session at 10:35 p.m.

1. Authorize City Administrator to hire an Assistant to the City Administrator:

Council member Graddy moved to authorize the City Administrator to hire Kay Wilkins as Assistant to the City Administrator. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

2. Authorize Mayor to make written offer to McNeil Trust & Wimberley Senior Citizens Activities, Inc., for acquisition of Community Center property and associated reversionary interest in the Community Center property:

No discussion or action.

3. Set date for joint work session with WSCAI Board and public on design of Community Center:

Council member Nichols moved to set 5:00 p.m. on November 20 as the time for a joint work session with WSCAI. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

4. Authorize Mayor to execute contract to purchase land and wastewater treatment plant:

No discussion or action.

5. Authorize Mayor to execute option contract on property adjacent to wastewater treatment plant site:

No discussion or action.

F. City Administrator Report:

Mr. Harrison reported the City sent out about 1,500 copies of the City newsletter, *The Wimberley Way*, with minimal staff time. Council discussed the effectiveness of the method of distribution and the costs. Council member Graddy said in future the newsletter will be available on the City website within one day of its publication.

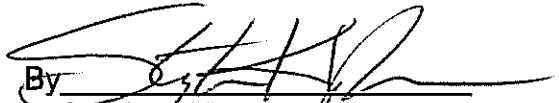
G. Announcements, Future Agenda Items:

Council member Czichos congratulated Council member Manis as the newest Council

member certified for the CERT. Council member Graddy asked Mr. Harrison for a status report on fees collected by the City.

H. Adjourn: Council adjourned at 10:45 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Dell Hood, Recording Secretary