

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, February 5, 2004, 6:30 p.m.

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

Invocation - Dan Stephens, Minister of Music at Wimberley First Baptist Church, offered the Invocation.

Mayor 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, and Carolyn Nichols. Council member Marilee Wood was excused.

Presentations of Citizens

Citizen Comments: No comments were offered.

A. Consent Items.

Minutes of City Council Meeting of January 15, 2004.

Minutes of January 15, 2004 Council meeting were pulled from the Consent Agenda, corrected, and accepted as corrected.

Mayor Klepfer brought Agenda item F. forward for the benefit of all present.

F. City Administrator Report:

City Administrator Steve Harrison said the City closed on the contract for acquisition of the wastewater treatment plant on the Blue Hole property earlier today, and the City is now in the wastewater treatment business. GBRA is operating the plant at no cost to the City and is conducting a study of the plant's needs. City Public Works Director Rickey Wright is the contact person for matters concerning the plant.

Mr. Harrison said the Cypress Creek Nature Trail Steering Committee met with Roy Mann, who will give Council a presentation soon on his design work for the Trail.

Mr. Harrison said he expects the deed for the Community Center property to be cleared up in March, and then construction can begin. The Center Steering Committee has

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reviewed the Loomis Austin engineering plan for the Center, and it working with Wimberley Water Supply Corporation and AquaSource on supply of water and wastewater services respectively.

The City has hired a computer specialist to improve computer service in City Hall, including installing needed security features and rationalization of the computer system.

B. Reports from Boards/Committees/Staff.

1. December 2003 Financial Report (Jack Clark, CPA):

Mr. Clark reviewed the City financial report for December 2003. He created a separate Community Center financial report to handle the special reporting needs for that activity.

2. Planning & Zoning Commission:

P&Z Commissioner Curt Busk said the Commission finished most of the residential zoning in the past year. For this year the Commission expects to have a few business zoning cases at each meeting, and will work on improving the Zoning Ordinance. The Commission will also work on bringing the Subdivision Ordinance into compliance with recent changes in state and county regulations and to remove inconsistencies in it.

3. Ethics Commission: No report given.

C. Consider & Act:

1. Application for Zoning (Public Hearing):

C211-03-178; Russell Gregorczyk, 201 FM 2325; Planning Area D; C-2 Zoning recommended by P&Z Commission by a vote of 5 to 0:

P&Z Commissioner Busk presented the case, noting the applicant had asked for C-3 zoning so he could operate a drive-through donut shop. The C-3 zoning district is not allowed in Planning Area D, so Commissioners voted to recommend C-2 zoning and will see if they can create a conditional use for drive-through operations that is compatible with the goal of restricting the location of large-volume drive-through operators such as McDonalds.

In Public Hearing, the applicant said he understands the City's dilemma in this case. The tenant who will operate the donut shop is ready to operate under C-2 zoning and will have a walk-up window. No other comment received in Public Hearing.

Council member Nichols moved to adopt C-2 zoning for this case. Council member Graddy seconded. Motion approved 4 Ayes to 0 Nays.

C211-03-179; James Donaldson, 13900 Ranch Road 12, Planning Area E; proposed zoning C-2; C-2 zoning recommended by P&Z Commission by a vote of 7 to 0; Conditional Use Permit for a Bed & Breakfast Lodging recommended by P&Z Commission by a vote of 5 to 0:

Commissioner Busk presented the case. No comment received in Public Hearing. Upon advice from City Counsel, the item was divided into two motions.

Council member Nichols moved to adopt C-2 zoning for this case. Council member Czichos seconded. Motion approved 4 Ayes to 0 Nays.

Council member Graddy moved to accept the Conditional Use Permit for operation of a bed and breakfast lodging facility on this site. Council member Manis seconded. Motion approved 4 Ayes to 0 Nays.

2. Adopt Antenna Facilities Ordinance No. 2004-003 (Amends and Supplants Ordinance No. 2001-019) (Second Reading).

Council member Graddy moved to adopt Antenna Facilities Ordinance No. 2004-003 on second reading. Council member Manis seconded. Motion approved 4 Ayes to 0 Nays.

3. Adopt Ordinance No. 2004-002 Amending Zoning Ordinance No. 2001-010 (First Reading) (Public Hearing):

- Amendment Creating New Section 40, Neighborhood Services Zoning District to Article III;
- Amendment of Appendix A Relating to Definition of the Terms "Retail Sales and Service: Limited" and "Repair Services: Consumer";
- Amendment of Section 13.1 to Add Neighborhood Services as an Authorized District;
- Amendment of Section 13.8(B) to Allow the Neighborhood Services District in Planning Areas A and B;
- Amendment of Section 13.9(A) Establishing the Land Use Intensity Gradation Ranking for the Neighborhood Services District:

Recommended by P&Z Commission by a vote of 5 to 0.

Commissioner Busk said the goal of these amendments is to make the Ordinance fit the Comprehensive Plan better, and to accommodate the eclectic pattern of Wimberley development with local service businesses scattered in residential areas. He noted a correction is needed on page 3 of 11, under Section 40.2.C, to make the reference read Section 45.1 and Section 45.2, instead of 54.1 and 54.2.

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In Public Hearing, Douglas Ogden asked how the new rules would affect his property which has buildings being used for multiple light industrial uses. In discussion it was determined the current item does not apply and Mr. Ogden was referred to City staff for further discussion of his situation.

Pat Davis asked how the new rules would apply to the property behind Mr. Ogden's which is for sale and where a Montessori school is being considered. In discussion it was agreed the Commission would look at adding schools to the Neighborhood Services district.

Cecil Gibson said it seems that Planning Area A keeps getting bigger and that zoning districts are being pushed up. He said the trend seems to be making the Ordinance more general rather than specific and asked if this is what Council really wants to do.

Public Hearing closed.

Council members discussed the amendments, noting other grammatical and numbering corrections needed.

Council member Graddy moved to adopt Ordinance No 2004-002 on first reading. Council member Nichols seconded. Motion approved 4 Ayes to 0 Nays.

4. Accept Financial Audit Report for Fiscal Year Ending September 30, 2003 (Brett Wolff, CPA):

Mr. Wolff reviewed the main points of his audit report. He noted the City's fund balances are climbing rapidly. Council member Manis moved to accept the Financial Audit Report for Fiscal Year 2003. Council member Graddy seconded. Motion approved 4 Ayes to 0 Nays.

5. Adopt Ordinance No. 2004-004 Repealing Ordinance No. 2000-002 Establishing the General Election Date for the Election of the Mayor and City Council Members; Establishing General Election Date to Conform to Changes in State Uniform Election Date (2004 on Third Saturday of May; 2005 on First Saturday in May):

Council member Czichos moved to adopt Ordinance No. 2004-004. Council member Graddy seconded. Motion approved 4 Ayes to 0 Nays.

6. Adopt Ordinance No. 2004-005 Ordering a General Election of a Mayor to Serve a Two-Year Term and Electing Two Village of Wimberley City Council Members to Serve Two-Year Terms and Setting Date for Places Two (2) and Four (4); Establishing Early Voting Locations and Polling Places for the Election:

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Council member Czichos moved to adopt Ordinance No. 2004-005. Council member Nichols seconded. Motion approved 4 Ayes to 0 Nays.

7. Authorize Mayor to Enter into Interlocal Agreement with Wimberley Independent School District to Share Expenses of May 15, 2004 General Election:

Council member Graddy moved to authorize the Mayor to enter into an Interlocal Agreement with the school district to share election expenses. Council member Nichols seconded. Motion approved 4 Ayes to 0 Nays.

8. Authorize Mayor to Enter into Contract with Hays County Elections Administrator to Conduct the General Election on May 15, 2004:

Council member Graddy moved to authorize the Mayor to enter a contract with Hays County election officials for the May 2004 General Election. Council member Manis seconded. Motion approved 4 Ayes to 0 Nays.

9. Authorize Mayor to Enter into Professional Services Agreement with The Trust for Public Land for Fundraising Activities for the Blue Hole Property:

Item continued by consensus of Council.

10. Approve a Special Called City Council Meeting for February 12, 2004, 5:00 p.m. to Consider Possible Action on Application No. C211-03-177, by David Bagley, 450 Old Kyle Road, for PR-2 Zoning:

Council member Graddy moved to approve the calling of a special Council meeting at 5:00 p.m. on February 12, 2004. Council member Manis seconded. Motion approved 4 Ayes to 0 Nays.

11. Approve Professional Services Agreement with CRA Solutions, Inc. for Computer System Maintenance & Technical Expertise:

Mr. Harrison presented the item, noting the firm is a Wimberley business and that it was recommended by a committee of City officials who reviewed candidates. Council member Nichols suggested that Section 2.A of the agreement specify that it is for one fiscal year. Council member Czichos moved to approve the professional services agreement with CRA Solutions. Council member Graddy seconded. Motion approved 4 Ayes to 0 Nays.

12. Appointment of Member to Budget, Investment & Finance Advisory Board (Mayor Klepfer):

Item continued at request of Mayor Klepfer.

13. Amend 2004 Budget

Create a Line Item #730 Under the Public Safety/Court Expenditures for Animal Control; Move \$6,000 from Line Item #755 (Summer Recreation Program) to Line Item # 730 (Animal Control):

Mr. Harrison explained the budget amendment is needed to provide for the City's payment to Hays County for animal control services. Funds are available from the Parks and Recreation line item for a summer recreation program, which the Parks Board decided not to attempt this year.

Council member Graddy moved to amend the 2004 budget as proposed by the City Administrator. Council member Nichols seconded. Motion approved 4 Ayes to 0 Nays.

14. Ordinance to Set Rate for Wimberley Wastewater Service (First Reading):

City Counsel Patty Akers explained the City is required to set a rate for the wastewater services it is now providing to the Deer Creek facility. The Ordinance incorporates the terms and conditions which Deer Creek is already operating under, which were filed with state authorities in 1988. By adopting this Ordinance the City will have enforcement authority. GBRA will collect the fees for the City.

Council member Nichols moved to adopt the Ordinance setting rates for City wastewater services on first reading. Council member Czichos seconded. Motion approved 4 Ayes to 0 Nays.

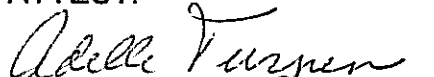
G. Announcements and Council Requests for Future Agenda Items: None.

H. Adjournment: Council adjourned at 8:25 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Dell Hood, Recording Secretary