

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, May 20, 2004, 6:30 p.m.

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

Invocation - Gary Fine of Wimberley Christian 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:

1. Citizen Comments:

M. F. Johnson distributed invitations to the ground breaking ceremony on June 10 for the new Wimberley Community Center to Council members and City staff.

2. Oath of Office Administered to New Appointees to Boards:

Mayor Klepfer administered the Oath of Office to Mark Bursiel, new member of the Parks & Recreation Board, and to Craig Calley, new member of the Economic Development Advisory Board.

A. Consent Items.

1. Minutes of City Council Meeting of May 6, 2004
2. Resolution Authorizing Wimberley Chamber of Commerce to Conduct a 4th of July Parade
3. Call Special Meeting to Canvas Election Results, 10:00 a.m., May 24, 2004
4. Resolution Expressing Support for the Texas Heritage Trails Program

Council member Graddy pulled the Minutes of May 6, 2004 from the Consent agenda, and Council member Nichols pulled the Resolution for the July 4th parade.

Council member Graddy moved to adopt items 3 and 4 on the Consent agenda. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

Council member Graddy questioned the interpretation of a passage in the May 10 Council minutes. Council members discussed the sentences. Council member Graddy moved to adopt the minutes for Council meeting of May 10. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

Council member Nichols asked about arrangements for the July 4 parade. Council members discussed arrangements for traffic control, erection of barriers, and City liability for the parade. Council member Graddy moved to adopt Resolution R73-2004 authorizing the Chamber of Commerce to conduct the July 4th parade. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

B. City Administrator Report

1. Responses from Boards/Commissions on Need for a Special Events Ordinance:

City Administrator Steve Harrison said the Planning & Zoning Commission, the Economic Development Advisory Board, and the Transportation Advisory Board have considered a draft of a Special Events Ordinance, and all agreed that such an ordinance would be helpful but that the draft they reviewed was not the appropriate one for the Village. The three agencies await further guidance from Council and legal counsel. Council members discussed the need for a Special Events Ordinance.

2. Budget Calendar FY 2005:

The calendar for preparation of the next fiscal year budget will be similar to last year's. Mr. Harrison proposed the first budget work session for June 3, which will be open to the public. The goal is to adopt a budget in September.

3. Telecommunications Rate Increase:

Mr. Harrison referred Council members to a document explaining the rate increase. Council members discussed the problem of ensuring the local utilities are using correct information on which addresses are within City limits and for which they should be paying franchise fees to the Village.

4. Election Update:

Mr. Harrison reported final figures for the May 15 election. Canvassing of results will be done on May 24 at 10:00 a.m.

C. Reports from Boards/Committees/Staff:

1. Financial Report for April 2004 (Jack Clark, C.P.A.):

Mr. Harrison presented the April financial report in the absence of Mr. Clark. Council members pointed out Social Security numbers should not appear in the report and agreed the payroll summary is not necessary in the monthly report. Council members discussed expenses related to the Blue Hole project in the report.

2. Board of Adjustment (Sue Johnson):

Dr. Johnson reported the Board considered one request for a variance since the last report, and

Wimberley City Council Minutes, May 20, 2004

granted it.

3. Transportation Advisory Board (Corwin Vansant):

Mr. Vansant said the Board has begun work on a long-range transportation plan. The Board has recommended areas for traffic control studies; reviewed several low water crossings; developed a checklist of criteria to be met for road improvement projects; rejected some requests for roads to be included in the City road inventory; met with property owners along Mill Race Lane on improvements to that road; and met with Texas Department of Transportation officials on the RR 12 and Cypress Creek bridge projects.

Council members discussed expenses for carcass removal in the TAB budget and the Mill Race Lane situation.

Economic Development Advisory Board (Jean Ross):

Ms. Ross said she is the new chair of EDAB. The Board has begun work on an economic development plan. The Board has met with members of the Merchants Association on the RR 12 and bridge projects, and is working with the Creekside Christmas Committee on the Wimberley Christmas lighting display.

D. Consider & Act:

1. Applications for Zoning (Public Hearing):

- **CUP-04-004, Conditional Use Permit— FM 3237 at Box Canyon; Proposed Use: Office and Custom Home Sales; Planning Area A, Zoning NS; Recommended by Planning & Zoning Commission by a vote of 7-0:**

Planning & Zoning Commissioner Tevis Grinstead presented the item. He noted Council had approved NS zoning for this property at its previous meeting, but at that time P&Z Commissioners still had questions about the Conditional Use Permit. At its last meeting, P&Z Commission approved the Conditional Use Permit, but with the stipulation that wherever the requirements of the RA zoning district are stricter than those for R-1, the RA requirements must be satisfied.

No comment received in Public Hearing.

Council members discussed the Conditional Use Permit with City Attorney Patty Akers, who suggested changes in the CUP to avoid confusion on how the site may be used. Those changes are:

- a. On Page 2 of 5, paragraph 3 is changed to read:
 3. *This Permit only authorizes development of the subject property as a single model home and sales facility with office in accordance with the scale drawing attached hereto as Exhibit "A". No other uses of the property are authorized by this Permit.*
- b. On page 3 of 5, under "Land Use:", first paragraph changed to:

The purpose of this permit is to outline the conditions associated with using this property for a single custom model home with sales office contained within the single custom model home.

Wimberley City Council Minutes, May 20, 2004

Council member Czichos moved to approve the Conditional Use Permit 04-004 with the changes proposed by counsel. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

2. Wimberley Planned Development District Applications (Public Hearing):

- **C211-03-108-A, Saddleridge Business Park, RR 12 at FM 32;" Planning Area A, for WPDD Zoning;**
Recommended by Planning & Zoning Commission by a vote of 7 to 0:

Commissioner Grinstead presented the item. Page 20 of the WPDD application was removed from the application. Commissioner Grinstead stressed the importance of the Village's Zoning Ordinance in creating the WPDD process which allowed the owner of the Saddleridge Business Park, Charles Patterson, and Saddleridge home owners to work out mutually satisfactory development terms, and he congratulated Council, City staff, Mr. Patterson, and residents for their efforts. Mayor Klepfer complimented all who worked on the WPDD. Council members discussed aspects of the WPDD. No comment in Public Hearing. Council member Graddy moved to approve the WPDD as recommended by P&Z, with page 20 removed. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

3. First Reading and Public Hearing - Amendment to Zoning Ordinance No. 2001-010

- **CONDITIONS REQUIRED FOR VARIANCE - SECTION 10.6**
 - o Delete Sections 10.6.C, 10.6.D, and 10.6.E
 - o Re-designate Sections 10.6.F and 10.6.G as Sections 10.6.D and 10.6.E
 - o Add new conditions for variance.

Recommended by Planning & Zoning Commission by a vote of 6 to 1; and by the Board of Adjustment by a vote of 5 to 0.

Commissioner Grinstead presented the item, saying it is an attempt to simplify the conditions that must be satisfied for granting a variance without changing the substance of the variance process. The amendment has been reviewed by City legal counsel. No comment received in Public Hearing.

Council member Wood moved to accept the amendment to the Zoning Ordinance as presented on first reading. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

4. Second Reading and Public Hearing - Amendment to 2000 International Building Code (Commercial), Section 903.2.1.3, Group A-3

adding Exemption for "...Churches, Gymnasiums, Skating Rinks, Swimming Pools, and Defined Areas of Enclosed and Unenclosed Stadiums and Arenas..." from Requirement for Sprinkler Systems; Amendment to Zoning Ordinance No. 2001-010 (Carroll Czichos).

Mayor Klepfer opened the Public Hearing. Walter Brown, former Council member and liaison to the Building Code Board of Review (BCBR), said the Board had lengthy discussions on which code to adopt and when it did decide to adopt the 2000 IBC, the Board tried to go through it in detail to customize it for Wimberley. The Board was not able to finish this process before the IBC was adopted, so it did not cover fire protection. He said blanket exemption from requirements for fire protection provisions of the International Building Code is not the way to

Wimberley City Council Minutes, May 20, 2004

go; he suggested development and use of a variance process. He gave three reasons for not creating an exemption: 1) life safety issues; 2) selective application of codes; and 3) the liability it could create for the City or an exempted entity. He encouraged Council to instruct the Board to create a variance procedure. Public Hearing closed.

Council member Wood said she has discussed the matter with members of the BCBR and believes they would agree to developing a variance procedure, and moved that the amendment be continued with instructions to City staff to provide Council a variance procedure that can be added to the Building Code. Council member Nichols seconded.

Council members discussed the amendment with City attorney Patty Akers, City Administrator Harrison, and BCBR chair Herschel McCullough. Mr. Harrison referred to the situation of the two churches currently undertaking building programs and said he strongly recommends a variance procedure which can be fast-tracked.

Mayor Klepfer closed the Council Open Meeting at 8:37 p.m. to go into Executive Session for consultation with City attorney as authorized by Texas Government Code Sections 551.071 (consultation with attorney).

Council resumed Open Meeting at 8:42 p.m.

Council member Wood withdrew her motion; Council member Nichols agreed to this.

Council member Czichos moved to approve the amendment on second reading with an effective date of June 4. Council member Manis seconded. Council member Graddy proposed a friendly amendment to add "*and direct the Building Code Board of Review to develop a variance procedure and that City staff should fast-track this procedure.*" Council member Manis declined to accept the friendly amendment.

Mayor Klepfer asked for a role call vote. Council members Manis, Wood, Graddy, and Czichos voted Aye; Council member Nichols voted Nay. Motion approved 4 Ayes to 1 Nay.

Council member Wood said she has not changed her mind about the importance of a variance procedure and that although she voted Nay on the previous vote on this amendment, she voted for the amendment now because a variance procedure would be developed.

Mayor Klepfer directed staff, the City attorney, and the BCBR to have a variance procedure on the agenda for the Council meeting on June 3.

5. Accept \$68,126.68 Bid of Dale Lowden Excavating for the Reconstruction of Emergency Lane:

City Engineer Joel Wilkinson said six bids were submitted; Lowden Excavating was the low bidder. He reviewed his comments on Mr. Lowden's bid. Council members discussed the bid, the time frame for completion of the work, and how it would be affected by work on RR 12. Council member Czichos moved to accept the bid of Dale Lowden Excavating for \$68,126.68. Council member Graddy seconded. Motion approved 4 Ayes to 1 Nay (Council member Nichols).

6. Approve Surveying of the Northern and Eastern Boundaries of Wimberley Square up to the Eastern Property Line of the Nature Trail and Preserve:

Recommended by Transportation Advisory Board by a Vote of 9 to 0.

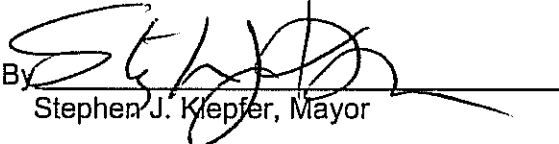
TAB chairman Corwin Vansant presented the item, noting the City does not know where the north side of the Square is and thus where it can put sidewalks. Council members discussed the project with Mr. Vansant and Mr. Harrison. Council member Nichols moved to approve a survey of the northern and eastern boundaries of the Wimberley Square to the eastern property line of the Cypress Creek Nature Trail up to a maximum amount of \$15,000. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

E. Announcements and Council Requests for Future Agenda Items:

Council member Nichols asked for cancellation of the July 1 Council meeting, and she asked to have Agenda items involving staff at the head of the Agenda so the staff would not have to stay so late.

F. Adjournment: Council adjourned at 9:10 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Dell Hood, Recording Secretary