

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas
Thursday, July 15, 2004, 6:30 p.m.

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

Mary Frances Johnson 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: No public comments.
2. Pedernales Electric Cooperative (Russ Adamiak):

Mr. Adamiak said the Cooperative held its annual meeting on June 19 and elected directors. The Cooperative will offer a level building plan and a green power plan to its customers by the end of 2004. It now has full time telephone service available, all day every day of the year. Since the start of 2004 there have been 16 occasions when heavy equipment has contacted PEC power lines and caused power interruptions; PEC sees this as an alarming trend and will launch a broad publicity campaign, including mailings to construction firms and other businesses, about how to avoid such accidents. Council members discussed PEC upgrades in Wimberley, PEC policy on clearing rights of way, and visual screening of its Wimberley substation with Mr. Adamiak. Mr. Adamiak presented the City a check for \$15,446.96 as its franchise payment for April 1 through June 30, 2004.

A. Consent Items

Minutes of City Council Meeting of July 1, 2004:

Council member Graddy pulled the Minutes from Consent agenda for correction of the spelling of one name. Council member Graddy moved to accept the Minutes for July 1 Council meeting as amended. Council member Manis seconded. Motion approved 5 Ayes to 0 Nays.

B. City Administrator Report

City Public Works Director Rickey Wright said the low-water bridges will be opened from tomorrow morning (July 16).

C. Reports from Boards/Committees/Staff:

1. Report from Planning & Zoning Commission Re: Plan for Comprehensive Plan Review:

Planning & Zoning Commissioner Glenn Fryer referred Council to a letter from P&Z chair John Hyink giving the Commission's views on review of the Comprehensive Plan. He said Commissioners believe the process should be built around a series of public meetings to get citizen comments on revision of the Plan.

2. June 2004 Financial Report (Jack Clark, CPA):

Pulled from the agenda due to illness of Mr. Clark.

3. Economic Development Advisory Board:

Jean Ross, chair of EDAB, said the Board is working on an economic development plan for the Village which will cover a five-year period, will outline action items and implementation strategies for each of the four goals the Board has identified, and will include a budget and suggestions on how to fund the proposals.

Council members discussed the impact of the Ranch Road 12 widening project on local businesses with Ms. Ross, including designating a City contact person to work with TxDOT on any matters concerning the project.

4. Blue Hole Fundraising Committee:

Buddie Goddard, chair of the committee, reviewed the Committee's work on a fund-raising campaign for the Blue Hole project. A capital campaign plan is being written by the Trust for Public Land; a development concept plan has been written; a logo for the project has been selected; the committee has created a marketing subcommittee and is developing a donation/solicitation matrix, and it is working to identify major donors for the project.

Council members discussed the schedule for the campaign and whether an RV park should be included in materials for the fund-raising campaign.

5. New Issue of The Wimberley Way Newsletter (Council Member Marilee Wood):

Council member Wood said the next edition of the City's newsletter is near completion and asked Council members for additions and corrections for it. Council discussed cost of the newsletter and publication arrangements.

D. Consider & Act:

1. Repeal Ordinance No. 2004-012—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, adopted May 20, 2004, to become Effective June 4, 2004; and Repeal Ordinance No. 2004-013, Adopted June 3, 2004, Extending Effective Date of Ordinance No. 2004-012 to July 2, 2004. (Council Member Carolyn Nichols):

Mayor Klepfer opened the Public Hearing. Steve Thurber said that at previous Council meetings, all Council members agreed that creating an exemption from the Building Code was bad public policy and was not the way to go, but that at the last meeting Council went against the advice of its counsel and the Building Code Board of Review in creating the exemption. He said Council betrayed the community trust and asked Council to reconsider its action.

David Glenn read a statement (attached) saying the Wimberley United Methodist Church has tried to comply with City regulations in its building project for more than a year, and its members are now tired of paperwork and want to get the project under way. He asked Council not to repeal the exemption.

Council member Nichols moved to repeal Ordinance No. 2004-012—Amendment to 2000 International Building Code (Commercial), Section 903.2.1.3. Group A-3, and to Repeal Ordinance No. 2004-013, Adopted June 3, 2004, Extending Effective Date of Ordinance No. 2004-012 to July 2, 2004. Council member Wood seconded.

Council member Graddy said that although some may see the issue as a church issue, he sees it as an issue of fairness and of the procedure the City uses and believes a compromise can be reached with the Church.

Council members discussed with City attorney Patty Akers and Public Works Director Rickey Wright whether the Methodist Church application for a building permit was properly filed and would be vested under the exemption currently in effect. Counsel Akers said a valid application would be vested.

Mayor Klepfer asked for a roll call vote.

Yes: Council members Nichols and Wood;

No: Council members Czichos, Graddy, and Manis.

Motion failed 2 Ayes to 3 Nays.

Council member Graddy moved that the Ordinance be repealed effective after the Methodist Church receives its building permit. There was no second and the motion died.

2. Reimburse Wimberley Community Center Construction Account for Certain Legal Fees (Council Member Matt Manis):

Council member Manis said he believes it is fair and equitable for the City to reimburse the Wimberley Senior Citizens Activities, Inc. (WSCAI) for the cost of legal fees incurred as a result of the City acquiring the Community Center property, and moved that the City pay the legal fees associated with the Community Center. Council member Czichos seconded.

Council members discussed how much the City should pay; whether to set a specific amount of reimbursement or an upper limit, and whether the same procedure should apply to other City projects. Counsel Akers advised Council to table the item for the present because it will require a budget amendment to transfer funds from one account to another account, which must be approved by Council.

Council Member Nichols moved to continue the item. Council Member Wood seconded. Motion to continue approved 5 Ayes to 0 Nays.

3. First Reading - Amendment to Zoning Ordinance No. 2001-010 (Public Hearing):

- **Section 13.8.A.2 - Add: "Architectural and design compatibility with adjacent uses and in character and in scale with the historical development pattern of the Village"**
- **Sections 24-29 - Insert as first clause under Conditional Uses: "A drive-through or drive-in facility..."**
- **Sections 26-27 - Add under Conditional Uses: "Eating Establishments"**
- **Section 29 - Move from Permitted Uses to Conditional Uses.**
- **Section 49 - Add new Section 49.4 - Conditional Uses**
- **Section 42 - Insert Subsection 2 and re-number Subsequent Sections 42.2 A 2 -Uses are traditional 'Hill Country'**
- **Appendix A. Definitions - Add (nn) Drive-Through Sales Facilities; and (nn) Drive-In Sales Facilities.**
- **Appendix A. Definitions - Amend (66) Eating Establishments: Drive-in; and (68) Eating Establishments: Fast Food with Drive-Through Order Windows.**

Recommended by P&Z Commission by a vote of 6 to 0.

Mayor Klepfer opened the Public Hearing. No comment received.

P&Z Commissioner Fryer said the Commission had a case of a drive-through business requesting zoning in an area where such businesses are not allowed at present. The intent of the amendment is to allow such businesses as Conditional Uses in all three commercial Planning Areas. This will allow the Village to control issues such as design, traffic flow, and signage of national chain establishments.

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Council members discussed the amendment. Council member Czichos moved to accept the amendment on first reading. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

4. First Reading - Amendment to Subdivision Ordinance No. 2001-014 (Public Hearing):

- **Section 33010.A - Add language: "Arterial streets in residential Planning Areas A and B as described in the Comprehensive Plan of the Village, shall be designed as Parkways. "**
- **Section 33010.C - Add for clarification: "Table 33030-A."**
- **Section 33030.A - Add "Arterial streets in residential Planning Areas A and B shall be designed as Parkways.**
- **Section 33030.G.5 - Add: "Parkways shall be built in areas which are primarily residential in order to avoid unsightly buildings and roadside construction that might normally occur alongside Arterial streets. They will be built within substantially wider right of way to provide insulating land between the roadway and abutting properties. They will be placed in locations which bypass built up communities to avoid or relieve congestion. Major grade crossing will be minimized or eliminated and entrance/exit points shall be placed no closer than 1000 feet, preferably more distant."**
- **Definition - Add: "An arterial street with full or limited control of access usually located within a park or a park-like development or subdivision."**

Recommended by P&Z Commission by a vote of 6 to 0.

Mayor Klepfer opened the Public Hearing. No comment received.

Commissioner Fryer said the purpose of the amendment is to prepare the City for the time when a large residential development is planned which will generate traffic between the development and City roads.

Council member Czichos said he would like to have the amendment discussed by the Transportation Advisory Board (TAB) before Council action. Council member Czichos moved to continue the item and to send it to TAB for comment. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

5. Authorize City Administrator to Solicit Bids for Preliminary Design Options for the Directional Sign Program (Council Member Marilee Wood):

Council member Wood summarized the background to the item, noting the proposal for a directional sign program has been reviewed by the Planning & Zoning Commission, Transportation Advisory Board, and the Economic Development Advisory Board. The proposal will only seek suggestions for what a directional signage program could look like; it will not encumber City funds at present.

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Council members discussed the proposal, including TAB involvement, funding, ensuring Wimberley establishments can participate, and guidelines for design.

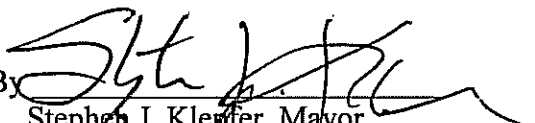
Council member Wood moved to authorize the City Administrator to solicit bids and to request proposals for preliminary design options for the directional sign program. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

F. Announcements and Council Requests for Future Agenda Items:

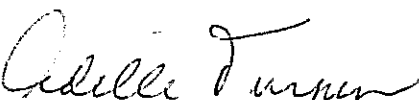
Mayor Klepfer said there will be a special called Council meeting at 10:00 a.m. on July 27 on the Wimberley Community Center.

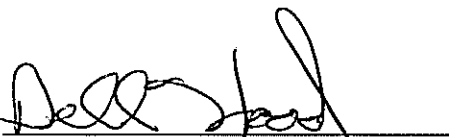
G. Adjournment: Council adjourned at 8:26 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Dell Hood, Recording Secretary

JK