

Village of Wimberley
City Hall, 13210 Ranch Road 12
Wimberley, Texas
Thursday, December 16, 2004
City Council Meeting Minutes

City Council Meeting was called to order at 6:30 p.m. by Mayor Stephen Klepfer.

Mayor Klepfer offered the invocation. The Pledge of Allegiance to the United States Flag was led by Mayor Klepfer; and Council Member Manis led in the Pledge of Allegiance to the Texas Flag.

The following were present: Mayor Stephen Klepfer, Council Member Carroll Czichos, Council Member John Graddy, Council Member Matt Manis, Council Member Carolyn Nichols, and Council Member Marilee Wood.

Presentations of Citizens

- **Citizen Comments:** Steve Thurber commented that City ordinances specifically require that EDAB review all ordinances that deal with the economic development of the community, and requested that this procedure be followed.

A. Consent Items.

- **Minutes of City Council Meeting of December 2, 2004:** Council Member Graddy made a motion to approve the minutes as presented. The motion was seconded by Council Member Manis. The minutes were approved by a vote of 5 (Ayes) 0 (Nays).

B. City Administrator Report.

- **Public Hearing by GBRA - December 21, 2004, 6:30 p.m.:** GBRA will be making a power point presentation re: the wastewater treatment plant and the land use assumptions for later consideration of impact fees. Their plan is on display at City Hall and available for public review.
- **Nature Trail Construction Status:** Flood Plain, FEMA, Texas accessibility, sidewalk and drainage issues have been resolved and the City Engineer is making a final review. With his approval, bids will be solicited and after the first of the year there will be a pre-bid meeting. In mid January, bids will be due. City then does a due-diligence process of selecting the best bid. A Construction period of 6 months is anticipated.
- **Community Center Construction Status:** The entrance road cut has been made. The foundation work and floor are slated this week and next week. At the next meeting Council will be provided with a timeline on the building itself. The anticipated completion is August 2005.
- **Blue Hole Summer Swimming Planning Status:** Planning for a possible opening of the swimming area of Blue Hole will be presented at the January 20 meeting.

C. Reports from Boards/Committees/Staff:

- **Budget, Investment & Finance Advisory Board:** Jenelle Flocke informed Council that in BIF's October meeting, new officers were elected; budget information was provided, and the Board wants to get involved in budget process. The Board's top priority is the solid waste franchise agreement. Steve Harrison has been requested to contact PEC re: third-party billing. Chuck Bursiel and Janelle Flocke will be attending the TML Investment Workshop on January 27 and 28. The Advisory Board is short one member. Council is urged to fill this position as soon as possible. The Board has briefly discussed an expense reimbursement policy for council and staff, which they intend to compare with cities with similar population and revenues; and they will also be discussing franchise fees.
- **November 2004 Financial Report:** Jack Clark, CPA presented the financial statement for November 2004. The revenue is going up. Budget proposals have been met for the first two months of FY. It was noted that construction on Ranch Road 12 has not adversely impacted merchants' sales to date.

D. Consider & Act:

1. Subdivision Application (Public Hearing):

- **C212-04-021 – Subdivide 5.98 acres, PENNINGTON ACRES**, located at the Northwest Corner of Ranch Road 12 and Oakwood Loop, Wimberley ETJ into two (2) lots. - Recommended by the Planning & Zoning Commission by a vote of 7 (Ayes) 0 (Nays).
 - **Special Exception – Section 350150-C**—requirement for water availability test—Recommended by the Planning & Zoning Commission by a vote of 7 (Ayes) 0 (Nays).

The application for a special exception was presented by Tevis Grinstead, Chair of Planning & Zoning Commission, requesting an exception to the requirement for a water availability test. P&Z's approval was based on Hays County and the City Engineer's recommendation that sufficient water is available, and that the plat include a pumpage limitation of 300 gal. per day.

Public Hearing regarding Special Exception: No comments.

The City Engineer identified the requirements in the ordinance for water availability testing. Proper notice was given; the property is under the Edwards Aquifer Authority; the anticipated use of the property is commercial and, therefore, the residential on-site sewage lot size requirement is not applicable; the requirement to meet TCEQ drinking water regulations is not applicable.

Applicant, Frank Pennington, spoke in favor of his application to subdivide.

Council Member Graddy made a motion to approve Case No. C212-04-021, Special Exception to the Water Availability Test, having considered Section 670070.B.1-8, and to include a plat note that no more than 300 gallons would be pumped from the well per day. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

Public Hearing regarding Subdivision: No comments.

Council Member Czichos made a motion that Council approve the Application to Subdivide, in Case No. C212-04-021. The motion was seconded by Council Member Graddy. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

- **C212-03-017 – Replat of 6.59 acres, Lot 46, HILLTOP PLACE, PHASE 1, into three (3) lots—Lots 46A, 46B and 46C.** -Recommended by the Planning & Zoning Commission by a vote of 7 (Ayes) 0 (Nays).

Tevis Grinstead presented application No. C212-03-017. This property was surveyed and divided into three lots before the city was created. This plat was taken to Commissioner's Court at that time; however, they did not act on it and no plats were ever recorded. The lots were subsequently sold to three individuals. The City engineer has determined that the application is administratively correct and the P&Z Commission recommends the replatting of this property.

Public Hearing: No comments.

The City Administrator commented that this action is taken to obtain clear title for property owners.

Council Member Nichols moved to adopt the replatting of Lot 46, Hilltop Place, Phase I, Case No. C212-03-917, into Lots 46A, 46B, and 46C. The motion was seconded by Council Member Graddy. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

2. Applications for Zoning (Public Hearing):

- **C211-04-190 – 325 FM 2325, Jon Long; Planning Area D; for C-1 zoning**—Recommended by the Planning & Zoning Commission by a vote of 7 (Ayes) 0 (Nays).

Commissioner Grinstead presented Case No. C211-04-190 for C-1 commercial zoning for an existing office building.

Public Hearing: No comments.

Council Member Nichols made a motion to accept the Planning & Zoning Commission recommendation, in Planning Area D, to zone as C-1, Case No. 211-04-190, 325 FM 2325. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

3. Designate and Authorize Village Fund from which to Transfer \$85,821.00 to Community Center Construction Account Re: Settlement of Legal Matter with Community Center Land.

Mr. Harrison said that the \$85,821.00 legal settlement had been paid out of the Community Center Construction fund. Jack Clark, CPA, presented options for moving funds to replenish the Community Center funds. Mr. Clark recommended that funds be transferred from the City's general funds to the Community Center fund by a transfer out, transfer in method.

Council Member Nichols made a motion to designate and authorize the Village operating funds as the account from which to transfer the \$85,821.00 to the Community Center Construction account; and take the recommendation of the City's CPA to use the operating transfer out, transfer in method. The motion was seconded by Council Member Czichos. The motion was carried by a vote of 5 (Ayes) 0 (Nays).

4. Budget Adjustments Needed to Close Out Financials for Fiscal Year 2003-2004 Budget.

Jack Clark presented the year end proposed adjustments for 2003-2004. Council Member Nichols made a motion to accept the budget amendments necessary to close out the financials for the 2003-2004 budget—Revenue increase of \$5,000.00 (Sales & Use Tax, \$3,000.00 and Plan Reviews, \$2,000.00) and Expenditures to be an equal -\$5,000.00 (Site Plan Reviews, -\$4,000.00, and Municipal Court Judge -\$1,000.00). The motion was seconded by Council Member Manis. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

5. Extension of Due Date for Recommendation from Budget, Investment & Finance Advisory Board Regarding the Policy for Reimbursement for Costs Incurred by Staff and Council Members on Official Business .

Council Member Manis stated that the Budget, Investment & Finance Advisory Board was attempting to come up with an equitable and fair plan for reimbursement but needed additional time. Mayor Klepfer informed Council that he had set no due date for the presentation of a policy. Council took no action on this matter.

6. Setting of Dates for Conducting Public Forums to Obtain Public Input Re: Proposed New Sign Ordinance (Recommended by Council Sign Subcommittee).

Council Member Manis stated that the Sign Ordinance Sub-committee has recommended that a public forum be held on the proposed new sign ordinance at the Wimberley City Hall on January 17 and 18 at 6:30 p.m. A power point presentation will be made at that time. There will also be a comparison of the existing ordinance with the proposed ordinance. The draft of the ordinance will be placed on the City's web site.

Council Member Manis made a motion to set the dates for a public forum on the proposed new sign ordinance on January 17 and 18, 2005, at 6:30 p.m., at City Hall. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

7. Transfer of Portion of Reversionary Interest Associated with WSCAI Lot #1 Located Adjacent to Community Center Property.

Mayor Klepfer commented that the City obtained the reversionary interest, not only on the land that the City owns but the land owned by WSCAI. The City now needs to release the City's reversionary interest in the WSCAI land to WSCAI.

Patty Akers, City Attorney, submitted a resolution authorizing the granting of the reversionary interest on the WSCAI owned property to WSCAI exempt from notice and bidding requirements under Sections 272.001 of the Texas Local Government Code, as amended, because the City as a municipality can exchange real property for other real property, which

exchange was accomplished between WSCAI and the City, within the allowed timeframe.

Council Member Nichols made a motion to adopt the resolution authorizing the Mayor of Wimberley to execute a Quit Claim Deed regarding a portion of a tract of land to the Wimberley Senior Citizens Activities, Inc., a Texas non-profit corporation, for Lot 1, as described in the Quit Claim Deed, Vol. 11, Pages 187/188, Hays County Deed Records. The motion was seconded by Council Member Czichos. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

Attorney Akers advised Council that it would be necessary for WSCAI to give the City a check for \$10.00 as consideration for the transfer.

E. Close Open Session and Convene Executive Session: There was no closed session.

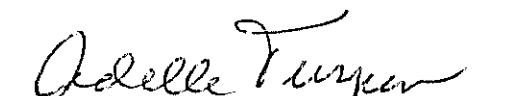
F. Announcements and Council Requests for Future Agenda Items.

- The next Council meeting will be on January 20, 2005, 6:30 p.m.;
- Council Member Graddy announced that there will be a Joint Workshop with the City Council and Parks & Recreation Board on January 20, 2005, 4:30 p.m., at City Hall;
- Council Member Manis announced that Jenelle Flocke, Chuck Bursiel, Steve Harrison, and Matt Manis will be attending a TML investment workshop on January 27 and 28 in Austin;
- Council Member Czichos requested a status report on the proposed Interlocal Agreement with the Fire Marshall.
- Council Member Nichols requested that the City Administrator provide an update on Spoke Hollow Road at the January 20, 2005 Council Meeting;
- Council Member Nichols commented that at a recent meeting between the Mayor and Bud Burnett, PEC's Director, Mr. Burnett expressed an interest in deeding the triangle piece of land at the "Y" to the City. She requested that the City Administrator look further into this.
- Mayor Klepfer said that he will be making assignments of liaisons at the January 20, 2005 meeting.

G. Adjournment: 8:35 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer, Mayor


Adelle Turpen, City Secretary