

***Village of Wimberley***  
**City Hall, 13210 Ranch Road 12**  
**Wimberley, Texas**  
**Thursday, February 3, 2005**  
**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 U.S. 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, and Council Member Carolyn Nichols, and Council Member Marilee Wood.

**Presentations of Citizens:**

Citizen Comments - None

**A. Consent Items.**

Council Member Czichos made a motion to accept the minutes of City Council Meeting of January 20, 2005 as presented. The motion was seconded by Council Member Manis. The motion was accepted by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**B. City Administrator Report.**

City Administrator Steve Harrison said that the City would hold a May 7, 2005 General Election to elect three (3) members of the City Council to serve for a two (2) year term. He said that after researching polling places it was determined that the best option would be to hold both the early voting and Election Day at City Hall. Concerns about parking were expressed. Applicants applying for a position on the ballot can file beginning on February 7, 2005.

**C. Reports from Boards/Committees/Staff:**

Economic Development Advisory Board Chair, Jean Ross, said that her Advisory Board had been working hard on developing an Economic Development Plan and they expected to have the Draft Plan finalized by March 17, 2005, so the Council could consider its adoption.

Parks & Recreation Board Chair, Malcolm Harris, said the Park Board had met in a work session with Council and supported the idea to open the swimming area at Blue Hole on selected occasions this summer. He said that the Lady Bird Foundation would like to become involved in the Master Plan and he urged the City to hire a master planner and adopt a Conceptual Plan. Regarding the Nature Trail, Mr. Harris said that volunteers have been active clearing the trail portion of the project. Further, he advised that the construction bids were still being evaluated by the Sub-Committee. Mayor Klepfer urged that everything possible be done to complete this project.

**D. Consider & Act:**

**1. Application for Special Exception (Public Hearing):**

C212-04-027 – Lot 7A, 3.782 Acres; Lot 7B, 3.00 Acres, Hilltop Place Subdivision. Special Exception to Subdivision Ordinance No. 2001-014, Sec. 35015-d – Water Availability Testing. (Recommended by P&Z by a vote of 5 to 0).

Mr. Harrison presented the application to grant a special exception to the requirement in the Subdivision Ordinance for water availability testing. Joel Wilkinson, City Engineer, said that there were two wells in the area—one on Lot 7A and one across the street. He said that plat should contain a note that limits each lot to one well, and that the production capacity not exceed 800 gallons per day for single family use. He further stated that he believed that there was sufficient water to approve this special exception and that there would be no adverse affect on the surrounding properties.

Public Hearing: A public hearing was opened and closed with no public comments.

Council Member Nichols made a motion to approve the recommendation of the Planning & Zoning Commission on Application No. C212-04-027, Lot 7A (3.7828 acres) and Lot 7B (3.00 acres) for a Special Exception to Subdivision Ordinance No. 2001-014, Sec. 35015.d, Water Availability Testing, with the following additions: "That lot 7B of this lot is restricted to one well, having a pumping capacity not exceeding 800 gallons per day, for a single-family dwelling unit equivalent. That this exception be granted with the requirement that on the plat of Lot 7B there is a plat note stating this fact. The motion was seconded by Council Member Graddy. The motion was carried by a vote of 5 (Ayes) 0 (Nays) (0) Abstain.

**2. Adoption of Ordinance No. 2005-002, Amending Ordinance No. 2001-010, (First Reading)**  
(Recommended by P&Z by a vote of 4 to 0)(Continued from 1/20/05).

- Section 41: Wimberley Planned Development District—Clarify language and process needed for zoning designation of WPDD.
- Section 46: Site Development Plans—Redefining process and requirements for site development plan.

Tevis Grinstead, P&Z Chair, introduced the amendments, stating that in a WPDD Concept Plan (Section 41), these amendments would simplify the application process, and permit a WPDD for a project that is not in the formal planning state; and that Sec. 46, required amendments to make it consistent with the amendment proposed in Section to Sec. 41. These amendments are now recommended for approval by P&Z Commission.

The public hearing was continued from January 24, 2005. There were no public comments.

After discussion by Council, Council Member Nichols made a motion to adopt on first reading Ordinance No. 2005-002, Amendment to Zoning Ordinance No. 2001-010, recommended by Planning & Zoning by a vote of 4 (Ayes) to 0 (Nays), Sec. 41 Wimberley Planned Development District to clarify language of process needed for Zoning District WPDD's; and Sec. 46, Site Development Plan, redefining the process and requirements for site development plans. The Motion was seconded by Council Member Graddy. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain). The item will be set for a second reading on February 17, 2005.

**3. Adopt Amendment to Zoning Ordinance No. 2001-010 (Second Reading):** (Recommended by P&Z by a vote of 4 to 0).

- Section 47.8.C: Lot Size Multiplier – Apply lot multiplier to maximum lot size

Tevis Grinstead said that it was necessary to add the word "maximum" to the lot size multiplier because the slope of the lot adjustment was incorrect.

The public hearing was continued from the January 24, 2005 Council Meeting. There were no public comments.

Council Member Graddy made a motion to adopt Ordinance No. 2005-003, Lot Size Multiplier, amending Zoning Ordinance No. 2001-010, as recommended by the Planning & Zoning Commission by a vote of 4 (Ayes) to 0 (Nays). The motion was seconded by Council Member Nichols. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**4. Application for Sign Variance:**

- SV-05-004 – Amkon General Store, 9316 RR 12 – Variance to Allow Applicant to Maintain a 94 sq. ft. Wall Sign.

Rickey Wright, Sign Ordinance Administrator, stated that Amkon General Store at 9316 RR 12, has requested a sign variance to Sign Ordinance No. 2001-002. Section 8.BB.3.b - Wall Signs, which allows a wall sign which is 10% of the area of the wall to which it is attached OR a maximum of 30 square feet, whichever is less, in a non-residential zone. Mr. Marbach, the owner, requests a variance to maintain a

94 sq. ft. sign in place on a 960 sq. ft. wall. The sign had been placed without a permit and the size exceeded the allowed size pursuant to the ordinance.

Mr. Marbach said that when he started his business at this location he was not aware that the property was in the Village of Wimberley. He said the sign was already in place when he was informed he was not in compliance. The sign is very permanently attached, and he asks for the variance.

**Public Hearing:** A public hearing was opened. Glenn Fryer and Al Sander, Wimberley residents, spoke against allowing the variance, saying that compliance with the ordinance needs to be administered fairly and evenly. Mayor Klepfer commented that this property was not only in the City but well within the ETJ. Boundary and the sign ordinance applies there also. Council Members Graddy, Wood and Manis stressed the need for equitable enforcement. The public hearing was closed.

After discussion by the Council, Council Member Wood made a motion to deny approval of Application No. SV-05-004 – Amkon General Store, 9316 RR 12 – for a sign variance to allow applicant to maintain a 94 sq. ft. Wall Sign. The motion was seconded by Council Member Nichols. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 1 (Abstain). Council Member Czichos abstained.

**5. Accept Resignation of Vicki Estey as a Member of the Budget, Investment, & Finance Advisory Board.**

Mayor Klepfer accepted the resignation of Vicki Estey, and offered praise for her willingness to serve.

**6. Appointment of Member to the Budget, Investment & Finance Advisory Board (Term Ending July 7, 2006)**

Council Member Nichols named her appointment as Sally Covington, who resides outside the city limits. Ms. Nichols made a motion to appoint Sally Covington to serve as a member of the Budget, Investment & Finance Advisory Board, with a term ending July 7, 2006. The motion was seconded by Council Member Wood. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**7. Consider Approval of Contract with Trust for Public Land for \$250,000 Grant for Blue Hole Project (Continued from 1/20/05).**

Council Member Nichols said that the changes to the contract with TPL could not be approved until the TPL Representative returns from her vacation; therefore, she requested that this item be continued to February 17, 2005.

**8. Consider for Adoption Ordinance No. 2005-004 Amending Sign Regulations in Ordinance No. 2001-002 (First Reading – Public Hearing). (Recommended by Sign Review Sub-Committee).**

Council Member Manis said that the Sign Review Sub-Committee had spent a lot of time on the ordinance and, although there may be a need for some changes at a later date, the ordinance in its present form represents the wishes of the community and many suggestions made from the citizens had been taken into consideration. The City Attorney stated that it was necessary to add a "savings clause" to the ordinance in order to clarify the local transition from the terms of the proposed ordinance from the terms of the previous ordinance, which will be added at the second reading.

**Public Hearing:** Glenn Fryer, City Resident, expressed that there were still some problems with the new ordinance, but suggested that the ordinance be adopted, and pointed out suggestions for later revisions. There were no further public comments.

After discussion by Council, and suggestions by Council Member Nichols that the City Attorney further review the ordinance, Council Member Czichos made a motion to approve Ordinance No. 2005-004, Amending Sign Regulations in Ordinance No. 2001-002, with the recommendations of the City Attorney. The motion was seconded by Council Member Manis. The motion was carried by a vote of 5 (Ayes) 0 (Nays).

**9. Adopt Ordinance No. 2005-005 Ordering a General Election on May 7, 2005, for the Election of Three Village of Wimberley City Council Members, Places One (1), Three (3) and Five (5), to Serve Two-Year Terms; and Establishing Poling Places.**

Mr. Harrison presented the Ordinance calling for the requirement to call the May 7, 2005 general election. After a brief discussion, Council Member Nichols made a motion to adopt Ordinance No. 2005-005 Ordering a General Election on May 7, 2005, for the Election of Three Village of Wimberley City Council Members, Places One (1), Three (3) and Five (5), to Serve Two-Year Terms; and Establishing Poling Places, with the amendment to Section 6, replacing "Wimberley Independent School District" with "Hays County," and eliminating the phrase: "...Attached as 'Exhibit B' and incorporated herein for all purposes." The motion was seconded by Council Member Wood. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**10. Authorize Mayor to Enter Into Contract with Hays County Elections Administrator to Conduct the General Election on May 7, 2005.**

Mr. Harrison presented a contract between the Hays County Elections Administrator and the City, for Hays County to conduct the City's May 7, 2005 General Election.

Council Member Manis made a motion to authorize the Mayor to enter Into a Contract with the Hays County Elections Administrator to conduct the General Election of the Village of Wimberley on May 7, 2005. The motion was seconded by Council Member Wood. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**E. Announcements and Council Requests for Future Agenda Items.**

- Council Member Nichols requested a report on Ordinance Codification
- Council Member Nichols and Council Member Graddy requested an update on GIS Mapping
- Council Member Nichols announced that there would be a Capital Improvement Plan & Impact Fee Meeting on February 16, 2005, at 6:30 p.m. to receive public comment on potential impact fees for the proposed wastewater system.
- Council Member Czichos requested an update on the proposed Interlocal Agreement with Hays County Fire Marshall.
- Council Member Graddy suggested that a joint session be set with EDAB to review their Master Plan.
- Council Member Wood asked that the adoption of the Blue Hole Concept Plan be placed on the next agenda.

**F. Adjournment: 8:45 p.m.**

VILLAGE OF WIMBERLEY

By   
Stephen J. Klepfer, Mayor

  
Adelle Turpen, City Secretary

