

Village of Wimberley
City Hall, 13210 Ranch Road 12
Wimberley, Texas
Thursday, February 17, 2005
City Council Meeting Minutes

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

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.

Mayor Klepfer led in a silent prayer.

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.

- Minutes of City Council Meeting of February 3, 2005.
- Authorize Utility Easement for Wimberley Water Supply Corp on City Property at the Community Center for Water.
- Authorize Utility Easement to the AquaTexas, Inc. on City Property at the Community Center for Wastewater.

All three items were pulled from the consent agenda.

- Minutes of City Council Meeting of February 3, 2005

Council Member Wood said that she was not present at the February 3 meeting and that the vote should be 4 (Ayes) 0 (Nays) 1 (Abstain). Council Member Wood made a motion to accept the minutes of City Council Meeting of February 3, 2005 as presented with the one correction. The motion was seconded by Council Member Nichols. The motion was passed by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

- Authorize Utility Easement for Wimberley Water Supply Corp on City Property at the Community Center for Water.
- Authorize Utility Easement to the AquaTexas, Inc. on City Property at the Community Center for Wastewater.

Council Member Nichols inquired as to who paid for the surveys at the Community Center. Mayor Klepfer informed her that Loomis-Austin had paid for them. Council Member Nichols made a motion to authorize the Utility Easements of Wimberley Water Supply Corp on City Property at the Community Center for Water; and the Utility Easement to the AquaTexas Inc. on City Property at the Community Center for Wastewater. The Motion was seconded by Council Member Graddy. The motion was adopted by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

B. City Administrator Report.

- Ordinance Codification Status
- Interlocal Agreement with Hays County Fire Marshall Status
- Cypress Creek Nature Trail & Preserve Bid Status

In the absence of Steve Harrison, City Administrator, Mayor Klepfer gave the City Administrator Report, and asked Attorney Patty Akers the status of the Codification. She said that she needed about

four more hours to complete her review of the draft codification, and that the changes would then be forwarded to American Legal Publishing.

Mayor Klepfer presented Council with a "Draft" of the Interlocal Agreement with Hays County Fire Marshall for Council's review.

C. Reports from Boards/Committees/Staff:

- Board of Adjustment – Susan Thurber expressed the appreciation of the Board of Adjustment members for the leadership provided by Sue Johnson during her term as Chair. She reported to Council that since the Board's last report to Council, the Board had granted two setback variances. At their November 16 meeting, new officers were elected; and an amendment was made to their by-laws to coordinate the appointment of officers with the term expiration date.
- Planning & Zoning Commission - Tevis Grinstead said that the Commission was making general progress; that there had been an increase in Applications for Conditional Use Permits; the Commission was in the process of reviewing the water availability test requirement in small subdivisions; and they were giving consideration to allowing residences in all commercial areas.
- Financial Report for January 2005 - Jack Clark, CPA reported that the 3 year side by side comparison of revenues shows an increase each year. Expenditures year-to-date have been less than budgeted.

D. Consider & Act:

1. Zoning Application (Public Hearing):

- CUP-05-008 – 950 Climbing Way, Planning Area A, Zoned R-2; Application for Conditional Use Permit for Bed & Breakfast Lodging Facility). (Recommended by Planning & Zoning Commission by a vote of 7 to 0).

Tevis Grinstead, P&Z Chair, introduced the Application stating that several citizens had spoken at P&Z meeting on February 7, 2005 against Bed & Breakfast Lodging facilities that were not owner occupied. Those who spoke in favor saw no problem with it. Applicant intends to retire there and has only had one complaint from neighbors, and that concerned lighting. P&Z Commission recommended that the CUP be granted with minor changes as recommended by Commissioner Grinstead.

The public hearing was opened at 7:00 p.m.

Tex Call, Jeff Immel, Jeff Bue and Barry Tyler expressed concerns including, but not limited to, the property was not owner-occupied; deed restrictions may prevent such a business; increased traffic; lack of parking, increased noise level and the area was becoming saturated with bed and breakfast facilities; Judy Thompson and Barbara Alexander spoke in favor of granting the CUP.

Mayor Klepfer said that deed restrictions were a civil matter between property owners and did not involve the City.

David Joiner, President of the Paradise Hills Homeowners Association, stated that: "David Joiner, President of the Paradise Hills Area Residents' Association stated that 'I wish to go on record that the Board of Directors of the Paradise Hills Area Residents' Association and the Association itself have taken no position on this matter.'"

Terry Ford, Applicant, said the property had been purchased approximately one and one-half years ago. The purpose of the bed and breakfast was to help defray expenses until they could retire and move to Wimberley. They had received no complaints from neighbors except for a lighting problem, which was promptly corrected.

The public hearing was closed at 7:20 p.m.

In discussion by Council, City Attorney Akers informed Council that they could approve, reject, amend, or refer the Application back to the Planning & Zoning Commission. For Council to deny the CUP would require a super majority. Attorney Akers said that the deed restrictions had absolutely no affect on the Council's ruling. Practically, however, she said that Council can take the deed restrictions into consideration in their decision.

Council Member Manis made a motion to approve Application No. CUP-05-008 with the addition of a condition that the owner must live on the premises. The motion was seconded by Council Member Graddy. Mayor Klepfer called for a roll-call vote: Council Member Manis—Aye; Council Member Wood—Nay; Council Member Graddy—Abstain; Council Member Czichos—Nay; Council Member Nichols—Nay. The motion failed.

Council Member Nichols made a motion to approve Application CUP-05-008 – 950 Climbing Way, Planning Area A, Zoned R-2; Application for Conditional Use Permit for Bed & Breakfast Lodging Facility, recommended by Planning & Zoning Commission by a vote of 7 to 0 with the conditions in the packet. Mayor Klepfer called for a roll call vote: Council Member Wood—Aye; Council Member Graddy—Abstain; Council Member Czichos—Aye; Council Member Nichols—Aye; Council Member Manis—Nay. The Application was approved.

2. Adoption of Ordinance No. 2005-002, Amending Ordinance No. 2001-010, (Second Reading)
(Recommended by P&Z by a vote of 4 to 0)

- 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.

Mayor Klepfer stated that this was the second reading of this ordinance. Council Member Czichos made a motion to adopt Ordinance No. 2005-002, Amending Ordinance No. 2001-010 on its 2nd reading as recommended by the Planning & Zoning Commission. The motion was seconded by Council Member Graddy. The motion was approved by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain).

3. Amend Fundraising Contract with Trust for Public Land to Provide Procedure for Handling \$250,000 Grant (Continued from 2/3/05).

Mayor Klepfer pulled this item from the agenda.

4. Consider for Adoption Ordinance No. 2005-004 Amending Sign Regulations in Ordinance No. 2001-002 (Second Reading—Public Hearing) (Council Member Manis) (Recommended by Sign Review Sub-Committee).

Mayor Klepfer presented Ordinance No. 2005-004, second reading, and opened a public hearing at 8:32 p.m. No one spoke concerning the ordinance and the public hearing was closed at 8:33 p.m.

Executive Session: At 8:34 p.m., Mayor Klepfer called for an Executive Session pursuant to Texas Government Code Sections 551.071 (consultation with attorney), in reference to the adoption of Ordinance No. 2005-00, Amending Sign Regulations in Ordinance No. 2001-002 (Second Reading).

Open Session was reconvened at 9:13 p.m.

Mayor Klepfer said that there are suggested changes to this ordinance on advice of Legal Council.

Council Member Czichos made a motion to Adopt Ordinance No. 2005-004 Amending Sign Regulations in Ordinance No. 2001-002, second reading, adopting the February 14, 2005 revision as presented by Legal Council. The motion was seconded by Council Member Manis.

In discussion it was suggested to add back in Section 14-C of the red line version. Council Member Wood made a friendly amendment to add back Section 14-C. The friendly amendment was seconded by Council Member Manis.

Also it was suggested that the Community Services Signs in Section 10-C be moved to the non-permitting section to avoid the constitutional issue of dealing with community and commercial signs differently. Council Member Matt Manis made a friendly amendment to move Section 10-C to the non-permitting section of the ordinance. The motion was accepted. During discussion, Mayor Klepfer reminded Council that by making the changes to the section on abandoned signs, council is changing the section from 45 days to one year and two years. Mayor Klepfer expressed his appreciation for the work of Council Members Manis and Wood and the sign subcommittee. Mayor Klepfer called for a

vote, and the motion was carried by a vote of 4 (Ayes) to 1 (Nays—Council Member Nichols), 0 (Abstain).

5. Authorize Mayor to Enter Into Agreement to Conduct Joint Elections Between the Village of Wimberley and Hays County, Texas.

Council Member Nichols made a motion to authorize the Mayor to enter into an agreement to conduct joint elections between the Village of Wimberley and Hays County, Texas. The motion was seconded by Council Member Graddy. The motion was approved by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain).

6. Consider Adoption of Parks Board Concept Plan (Council Member Wood) (Recommended by Parks Board by a vote of 7 to 0)

There was a discussion concerning the Parks Board Blue Hole Concept Plan and it was noted that the implementation of the time frames need to be adjusted. Council Member Wood moved to adopt the Parks Board Blue Hole Concept Plan, removing Section 3 from the Plan. The motion was seconded by Council Member Nichols. The motion was approved by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain).

7. Request for Sign Variance to Sign Ordinance No. 2001-002 – Sierra Classic Homes, 1530 FM 3237 (Rickey Wright)

This item was pulled from the agenda at the request of Sierra Classic Homes.

8. Consider Scheduling a Joint Work Session with the Economic Development Advisory Board Regarding Master Plan (Council Member Graddy).

This matter was continued at the request of Council Member Graddy.

9. Consider Bids Received for Construction of the Cypress Creek Nature Trail & Preserve and Take Action to Direct the City Administrator to Prepare Necessary Documents for Re-Bidding the Project with a Reduced Scope.

Mayor Klepfer said that all of the bids for the nature trail construction were in excess of the 25% threshold for changing the bids. Council Member Wood made a motion to reject the bids, and authorize the City Administrator to go out for a second bid. The motion was seconded by Council Member Manis. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

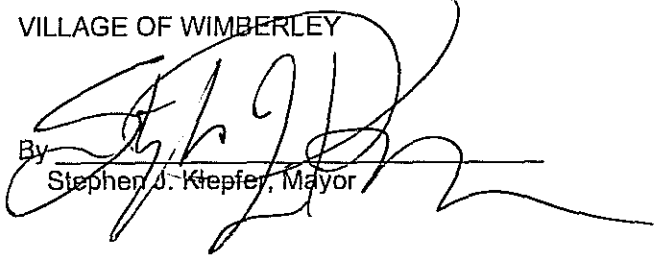
E. Announcements and Council Requests for Future Agenda Items.

There were no announcements or requests for future agenda items.

F. Adjournment: 9:25 p.m.


Adelle Turpen, City Secretary

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer, Mayor