

**Village of Wimberley**  
**City Hall, 13210 Ranch Road 12**  
**Wimberley, Texas**  
**Thursday, March 3, 2005**  
**City Council Meeting Minutes**

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

Mary Francis Johnson gave 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 Marilee Wood. Council Member Carolyn Nichols was absent.

**Presentations of Citizens:**

Citizen Comments - None

**A. Consent Items.**

- Minutes of City Council Meeting of February 17, 2005.
- Adoption of Budget Calendar for FY 2005-2006.

The minutes were pulled from the consent items.

On consent item "Adoption of Budget Calendar for FY 2005-2006", Council Member Graddy made a motion that the budget calendar be adopted. The motion was seconded by Council Member Wood. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

Council Member Graddy corrected the minutes of February 17, 2005, Item D.1, paragraph 3: Delete "David Joiner"; and in paragraph 5, correct to read: "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.'"

Council Member Wood suggested a correction to the last paragraph of D.1 on page 2 to read: "The Application was approved."

Council Member Graddy made a motion to adopt the minutes as amended. The motion was seconded by Council Member Wood. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

**B. City Administrator Report.**

- The City Administrator, said that a job announcement for the City Secretary position is posted at city hall, in the public newspapers and on a web site maintained by City Secretary's Association. Applications will be received through March 11.

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

- Water/Wastewater Advisory Board--Amy Frederick, Chair, said the Board has been meeting with GBRA concerning the development of the proposed wastewater treatment plant. Two Board members are on the Capital Improvements Plan Sub-Committee, and the Board has been reviewing the Wastewater Master Plan including the engineering parts, and impact fees. They are helping GBRA as needed. Bert Ray of the Transportation Master Plan Subcommittee made a presentation from TAB to keep the WWAB aware of what they are doing and to assist with the master plan. The Board continues to monitor the existing wastewater plant and said that GBRA has been doing a great job keeping that plant functioning. The Board recently formed a Customer Connection Ordinance Sub-Committee that would outline the requirements for hooking into the new system. They also formed an Industrial Wastewater Ordinance sub-committee, involving

- Budget, Investment & Finance Advisory Board Chair, Jenelle Flocke said that she, Council Member Manis, and Chuck Bursiel attended the Public Fund Investment Workshop on January 26 and 27, which was very helpful in informing the City about investments of City funds. The Board is finalizing its work on a possible franchise for solid waste pickup and disposal within the City. Legal Council is reviewing the proposed agreement. They propose that the contractor use outside billing. The chair met with Council Member Carolyn Nichols, new liaison, and Mrs. Flocke expressed the Board's appreciation of the past assistance of Council Member Manis.

#### **D. Consider & Act:**

##### **1. Zoning Application (Public Hearing):**

- C211-05-195 – Lots 7A and 7B, Hilltop Place Subdivision, Planning Area A, Zoned RA. Re-zone each lot as R-1 (Recommended by Planning & Zoning Commission by a vote of 5 to 0).

P&Z Chair, Tevis Grinstead, reviewed the application stating that the recent replatting of the lot into two lots required rezoning because of the reduction in lot size. P&Z recommended approval of the Application.

Public Hearing: Open and closed with no public comments.

Council Member John Graddy made a motion that Application No. C211-05-195 -Lots 7A and 7B, Hilltop Place Subdivision, Planning Area A, Zoned RA, each be re-zoned as R-1. The motion was seconded by Council Member Manis. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

- CUP-05-007 – 745 Sunset Drive (Lot 3, Paradise Hills); Planning Area A; Zoned RA, Application for Conditional Use Permit for Bed & Breakfast Lodging Facility (Recommended by Planning & Zoning Commission by a vote of 6 to 0)

Tevis Grinstead, reviewed the application and the conditional use permit as approved by P&Z. There were no objections by the public at the P&Z Meeting. P&Z recommended approval of the Application.

Public Hearing: The City Administrator presented three letters in support of this CUP. The letters were from Jim and Pam Kirkland, Terry Ford, and JoAnn and Val K. Hatley. Charles Coe, a Paradise Hills resident, spoke in opposition to the granting of the CUP. Charlotte St. Germain, spoke in favor of granting the CUP.

Council Member Graddy asked Applicant if he had a valid septic permit, and Applicant answered in the affirmative. Council Member Manis confirmed that the owners were on-premises and could abide by the conditions of the P&Z. Council Member Wood called attention to the paragraph stating: "...should owners no longer occupy the property as a personal residence, owners agree to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging." She recommended that the CUP be granted specifying that it is owner-occupied.

After discussion, Council Member Wood made a motion that the CUP Application 05-007, 745 Sunset Drive, Lot 3, Paradise Hills, Planning Area A, Zoned RA, Application for Conditional Use Permit for Bed & Breakfast Lodging Facility be granted with the added language that "the Conditional Use Permit is expressly made contingent upon owner-occupancy of the bed and breakfast lodging facility; and striking the Property Management Paragraph of the Conditions." The motion was seconded by Council Member Graddy. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

- CUP-05-012 – 450 Deer Crossing Lane (Lot 14, Riverledge Estates Subdivision); Planning Area A; Zoned R-2; Application for Conditional Use Permit for Bed & Breakfast Lodging Facility (Recommended DENIAL by Planning & Zoning Commission by a vote of 1 to 5).

The City Administrator said that on March 1, 2005, the City had received a letter stating that because of the recommendation of the Planning & Zoning Commission that the Application be denied, the Applicants do not wish to pursue this matter at this time.

- CUP-05-013 – 300, 310 and 320 Little Ranches (Lots 1A, 1B, 1C K's Subdivision); Planning Area A, Zoned R-2, Application for Conditional Use Permit to provide conditions for allowing 3 duplex units (Recommended by Planning & Zoning Commission vote by a vote of 6 to 0).

Mr. Grinstead reviewed the application and the proposed Conditional Use Permit. In public hearing no one spoke either for or against the permit.

Public Hearing: Mr. Harrison presented one letter received in opposition from Robert Zook.

Mayor Klepfer questioned why it was necessary for Mr. Sones to come back in for a CUP when he had previously applied for zoning. Mr. Grinstead said that the original application was for R-5 zoning which was not allowed in that planning area and that the property was zoned R-2, which required a conditional use permit for duplexes. Mr. Sones is now coming back for permission to build duplexes.

Council Member Graddy made a motion that CUP-05-013—300, 310 and 320 Little Ranches (Lots 1A, 1B, 1C, K's Subdivision, Planning Area A, Zoned R-2, be approved to allow construction of 3 duplex units. The motion was seconded by Council Member Wood. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

## **2. Consider for Approval Grant Agreement with the Trust for Public Land Related to Blue Hole Property Acquisition**

Mayor Klepfer stated that the Trust for Public Land offered to put up \$250,000 toward the purchase of the Blue Hole property, and this document contains their agreement. This will allow the City to close on the property and that way no more interest will be accrued. TPL has agreed to supply the City with a list of the entities the City has received fundraising from. Mayor Klepfer clarified that money specifically earmarked for a specific purpose would be excluded from TPL's fundraising. Mayor Klepfer said that Agreement received by Council in their packets had the date of March 31, 2006 inserted, and some of the language regarding the date and which funds are eligible had been changed on the final copy handed out tonight.

After a brief discussion concerning the exact amount to be advanced by TPL—the exact amount will be computed at closing—Council Member Wood made a motion to approve the Grant Agreement with the Trust for Public Land Related to Blue Hole Acquisition. The motion was seconded by Council Member Graddy. The motion was carried by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

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

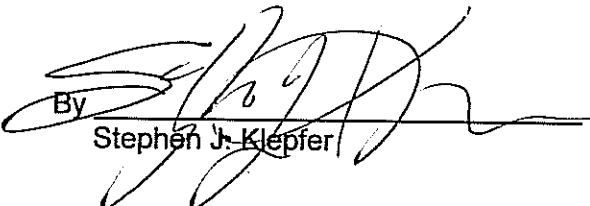
This matter was continued at the request of Council Member Graddy.

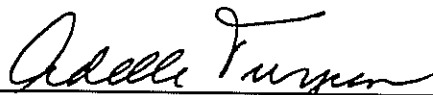
### **E. Announcements and Council Requests for Future Agenda Items.**

- Mayor's appointment to Budget, Investment & Finance Advisory Board.

### **F. Adjournment: 7:15 p.m.**

VILLAGE OF WIMBERLEY

By   
Stephen J. Klepfer

  
Adelle Turpen, City Secretary

March 3, 2005

The Mayor, City Manager, and  
Members of the City Council  
Wimberley, Texas

RE: Sturdivant CUP application/Paradise Hills meeting set for Friday, March 4.

Ladies and Gentlemen:

We have been residents of Paradise Hills for two years and feel compelled to share a few comments with you regarding the current B&B discussions.

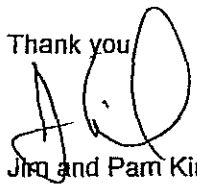
First, we would like those of you who have received or read the petition signed "Paradise Hills Residents" to know that while it has some 52 signatures, this petition represents approximately 32 home/property owners in Paradise Hills due to the fact that several couples signed but represent only one household. Although it is difficult for us to determine exactly how many homes/property owners there are, the most current directory and existing plats suggest the number is approximately 100 to 110. Therefore this petition, which we were not asked to sign, represents less than one third of the home/property owners. It certainly does not speak for us or for a majority of the remaining owners.


From the beginning we have felt that the existing B&B establishments do not create any more traffic, and probably less, than a full time homeowner with several vehicles would. Actually we consider them a part of the "charm" of Wimberley. We have no problem with unoccupied B&B's as long as they are well maintained and managed which the CUP ordinance helps to enforce. Nor do we feel that there is any proof that property values have been adversely compromised in that our neighborhood continues to be very desirable and, indeed, you would never even know that many of these homes were B&B's as you drive by. Sadly, there are some owner occupied homes that are not as attractive or well maintained as the unoccupied B&B's. Future deed restriction revisions may help to address many of the neighborhood concerns.

We have attended meetings required for the CUP process and feel the decisions made were fair based on current regulations and further feel that homeowner's property rights must be preserved for the future by not eliminating any owner's ability to apply for a CUP. Regarding the Sturdivant application (which was already approved without any difficulty at Planning and Zoning), the present CUP ordinance under which they applied should be the sole consideration in granting their application. Any delay in their due process would be unfair. If future modifications are made to the CUP ordinance, then applications made after those changes are finalized should be required to meet those new restrictions. Grandfathered CUP owners should be held to the same standards through a recertification process for all CUP holders every two or three years.

Finally, we must say how sad we are that the current atmosphere is so divided. Hopefully all parties can proceed through proper, productive channels to relieve the tension that now exists. We greatly appreciate the efforts put forth by all city officials to that end.

Thank you

  
Jim and Pam Kirkland  
5 Meridian Drive



Terrence S. Ford & Jerry L. Ford  
8052 Cavell Ct.  
Houston, TX 77025-6658

March 3, 2005

Mr. Stephen J. Harrison  
City Administrator  
Village of Wimberley  
13210 RR 12  
Wimberley, TX 78676

Dear Mr. Harrison:

My wife Jerry and I own the property at 950 Climbing Way, located at the entrance to the Paradise Hills subdivision.

I am very sorry we cannot be present at tonight's City Council meeting to speak in favor of the CUP for Josey and Dan Sturdivant at 745 Sunset, but we would like to go on record with the Mayor and Council stating that we support the Sturdivant's property rights and their decision to operate a bed and breakfast at that address.

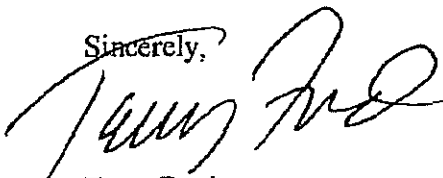
There are several permitted or grandfathered B&B's operating in Paradise Hills. I believe the number is five with two permits requested for a total of seven. That is not a significant number in a community of over 70 homes, possibly as many as 90 - 95.

The B&B's are not the cause of any perceived traffic issues. Repair and delivery people, teenagers and those who drive through with a CofC map cause far more traffic than all the B&B's combined.

Ms. Sturdivant is known to us as a professional property manager well qualified to operate a B&B and to manage properties for others.

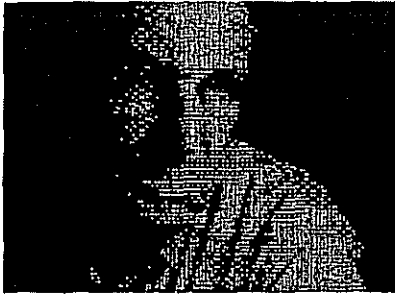
Thank you for this opportunity to state our views.

Sincerely,



Terry Ford

# a FAX from...



**Terry Ford, CRS, GRI**

Keller Williams Realty Memorial  
10497 Town & Country Way, Suite 120  
Houston, Texas 77024

To: MS. TURPEN  
Fax: 512-847-0422

Date: 3/03/05  
Pages: 2

Please find attached a letter supporting the Sturdivant's for tonight's City Council meeting.

Thank you.

Terry Ford


**713-461-9393 Office**  
**713-470-2091 Private Fax**  
**713-467-2477 Home**  
**713-467-6226 Office Fax**  
**713-410-5100 Mobile**  
**terry@terryford.com**

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200 feet

December 13, 2004

Village of Wimberley  
ATTN: Planning and Zoning Commission  
P. O. Box 2027  
Wimberley, TX 78676

01-25-05 PM 7:33 RCVD 

Dear Sir or Madam:

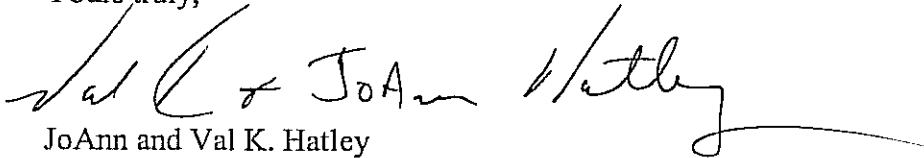
**RE: NOTICE OF ZONING; CUP-05-007**

This is in response to your letter dated January 5, 2005, regarding an application by Josephine J. Sturdivant for a conditional use permit for 745 Sunset Drive in Wimberley. Since we own a residence at 755 Sunset Drive (adjacent to the Sturdivants), we were sent an informational letter from the Village of Wimberley.

Mr. and Mrs. Sturdivant are good neighbors. Accordingly, we support their application for a permit and encourage the Village to approve it.

If you would like to discuss this further, please contact us at one of the phone numbers shown below.

Yours truly,



JoAnn and Val K. Hatley  
6611 Springcrest Drive  
Sugar Land, TX 77479-6103

713/241-6673 (Val); 713/428-3226 (JoAnn) (days)  
281/343-8261 (Sugar Land home); 512/847-3274 (Wimberley)