

**Village of Wimberley**  
City Hall, 13210 Ranch Road 12  
Wimberley, Texas  
Thursday, April 21, 2005  
City Council Meeting Minutes

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

Pastor Cecilia Belvin of Cypress Creek Church gave the Invocation.

The Pledge of Allegiance to the U.S. Flag was led by Mayor Klepfer and Council Member Manis led the Pledge of Allegiance to the Texas Flag.

Present were: Mayor Stephen Klepfer and Council members Carroll Czichos, John Graddy, Matt Manis, Carolyn Nichols, and Marilee Wood.

**Presentations of Citizens:**

Mayor Klepfer administered the oath of office to Walter Brown as a member of the Economic Development Advisory Board.

Todd MacKenzie, administrator of Deer Creek Nursing Home, said he wants to resolve the issue of the fees charged the nursing home for wastewater treatment services, but so far discussions with the Village and Guadalupe-Blanco River Authority have not resulted in what he believes is a fair tariff structure.

**A. Consent Items**

Minutes of City Council meeting of April 7, 2005 were accepted as presented by unanimous consent.

**B. City Administrator Report**

1. City Administrator Steve Harrison said the county fire marshal's office is still waiting for advice from legal counsel on terms of the Inter-Local Agreement with the Village.
2. Mr. Harrison said the early voting process at City Hall has gone smoothly. The Randall Morris real estate office will allow use of its unused parking spaces for overflow parking on election day, and he expects arrangements to continue to go well.

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

1. Jack Clark presented the March financial report for the City, noting the City is right on target in both revenues and expenditures for this time of year. He and Lori Graham

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of his firm have been working with City staff to install the Quickbooks accounting program on the City computer.

2. Malcolm Harris, Parks & Recreation Board chair, reported that Starbucks in Austin and the Katherine Anne Porter school yesterday (April 20) provided approximately 120 volunteers who did a massive clean-up of the Cypress Creek Nature Preserve. Martha Knies of Keep Wimberley Beautiful helped with organization and management of the effort. She has a record of who worked for how many hours, so the City can get credit for the time contributed to count toward the Parks & Wildlife grant.

Mr. Harris reported the bids for the entry area of the Preserve were opened yesterday (April 20), and will be reviewed by staff and Board members.

Mr. Harris said there was no quorum for the Board meeting last night. He said the Board is pleased that the Lady Bird Johnson Wildflower Center may do the master plan for Blue Hole and that the Center is seeking funding for the master plan. The Board is concerned about the plans for wastewater treatment and the drain field on the Blue Hole property. The Board hopes the treatment plant will provide Type I effluent and use an underground seep arrangement for effluent disposal, so that the quality of Cypress Creek water can be protected and to allow putting soccer fields above the effluent disposal area.

3. Economic Development Advisory Board chair Jean Ross said the Board is looking forward to a joint meeting with Council to discuss the economic development plan. She distributed copies of an article in *Country Lifestyle* magazine which resulted from a visit to Wimberley by a journalist arranged by the Wimberley Tourism Association and the Wimberley Association for Preservation.

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

##### **1. Applications for Zoning (Public Hearing)**

a. **CUP-05-015**, 551 Mill Race Lane, Planning Area C, zoned C-1, application for Conditional Use Permit pursuant to Sec. 42.3 - Bed & Breakfast Lodging; recommended by Planning & Zoning Commission for CUP by vote of 5-0:

P&Z chair Tevis Grinstead presented the item, noting there was no opposition to the application. No comment was received in the Public Hearing. Council members discussed the septic system requirements for this property. Council member Graddy moved to approve Zoning Ordinance amendment No. ZA-05-202, approving the application for a Conditional Use Permit pursuant to Sec. 42.3. Council member Wood seconded. Motion approved by 5 Ayes to 0 Nays.

b. **C211-05-201**, 104 Wimberley Square, Planning Area E, proposed zoning C-2; recommended by P&Z for C-2 zoning by vote of 6-0:

P&Z chair Grinstead presented the item, noting there was no opposition to the requested zoning. In Public Hearing, Sam Davis supported the application. Council member Czichos moved to adopt Zoning Ordinance amendment No. ZA-05-201 and to approve C-2 zoning for 104 Wimberley Square. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

**2. Appointment of members to Economic Development Advisory Board for terms ending 04/03/07, and discussion on ordinance requirement for Board composition:**

- a. Re-appointment of Craig Calley
- b. Consensus appointments
  - Arts/Cultural
  - Non-business
  - Chamber of Commerce

In Public Hearing, Joe Day, member of EDAB, said there was a consensus at a recent Texas Municipal League meeting that an economic development board should have from fifteen to forty community stakeholders as its membership. In Wimberley there are important economic groups which are not now but should be represented on the Board - the real estate community, the school district, the Lions, and non-profit organizations. He urged Council to reconsider any plan to reduce the number of Board members.

Steve Thurber said he supported Mr. Day's position and that it is important for the Board to have continuity of membership. It is good for the Board to have a diversity of viewpoints and it would be unwise to have a smaller Board.

Council discussed the size of the Board, reappointment of members, the Board's by-laws, Council-Board relations, scheduling of discussions on the economic plan, and work the Board has done so far.

Council member Wood moved to reappoint Craig Calley as the Mayor's appointee to the Board. Council member Nichols seconded. Motion approved 5 Ayes to 0 Nays.

Council member Nichols moved to appoint by consensus the representatives for Arts/Cultural (Joe Day), Non-business (Ron Millard), and Chamber of Commerce (Gail Blatchly). Council member Wood seconded.

Council member Manis moved to divide the question. Council member Czichos seconded. Mayor Klepfer asked for a roll call vote on the motion to divide the question. Vote was:

Graddy - No; Czichos - Yes; Nichols - No; Manis - Yes; Wood - No. Motion failed by 2 Ayes to 3 Nays.

Mayor Klepfer asked for a roll call vote on the motion by Council member Nichols to adopt the three appointments by consensus. The vote was:

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Czichos - Yes; Nichols - Yes; Manis - No; Wood - Yes; Graddy - Yes. Motion approved by 4 Ayes to 1 Nay.

**3. Application for Variance from Sign Ordinance No. 2005-004, Sec. 10 (A)2.b(2), Commercial Complex Sign Requirements for Same Construction, Coloring, Design, and Style:**

**Commercial Complex Sign Located at Y Center, 14306 RR 12**

City Administrator Harrison presented the item. Applicant Robert Donnoyer, owner of Bonn Electronics, said he wants a more visible sign at this location to attract business. Council discussed the signage at the Y Center and applicant's request. Council member Nichols moved to deny the application for variance. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

**4. Application for Variance from Sign Ordinance No. 2005-004, Sec. 10 (A)1.b, relating to Size and Height of Sign and Aggregate of all Signs:**

**Sierra Classic Homes on FM3237 just North of intersection with Box Canyon Road**

Mr. Harrison presented the item, noting the Conditional Use Permit issued when a Neighborhood Services District zoning was approved for this property addressed signage. Applicant is now putting together a Site Plan and wants to exceed area and height limits of the Sign Ordinance in one sign.

In Public Hearing, Tim Thompson said that as a resident on Box Canyon Road, he would like to preserve the residential character of the neighborhood, and since there is no competition for attention by other commercial signage at this location, a large sign is unnecessary. He hoped the signage could be kept as unobtrusive as possible and conform in all ways to the Sign Ordinance.

Tevis Grinstead, Planning & Zoning Commission chairman, reviewed the Commission's deliberations when this property was zoned. He said the Commission views the signage restrictions in the CUP as a substantive issue between the neighbors who were there and the Commission. He said that as a procedural issue, if applicant wants a sign different from what was approved in the Conditional Use Permit, he should come to P&Z for amendment of the CUP, and not seek a variance from the Sign Ordinance. .

City Attorney Patty Akers reviewed the conditions for approval of a variance in the Sign Ordinance, noting Council must make affirmative findings for each of the conditions.

Jerry Langston said that with three signs on the property now, the applicant is in violation of the permit he was granted.

Mr. Harrison read into the record a letter addressed to Council dated April 21 from Harriet L. Thompson, Bejoy Buenger, and Skye Parker, in opposition to the request for

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a variance. (Copy filed with Minutes.)

Applicant Joe Smith, regional manager for Sierra Classic Homes, said he wants the larger sign because of the distance of the set-back on FM3237. The sign will be inside his property line.

Roberta Shoemaker-Beal said she believes applicant's signs are very visible from the road and does not think he needs a bigger sign.

Council member Nichols moved to deny the application for a Variance from Sign Ordinance No. 2005-004, Section 10 (A)1.b. relating to size and height of sign and aggregate of all signs. Council member Wood seconded.

Council discussed the application, focusing on the terms of the Conditional Use Permit. Mayor Klepfer noted that there were at least two conditions for a variance for which Council could not make affirmative findings.

Motion to deny the variance was approved by vote of 5 Ayes to 0 Nays.

**5. Authorize Mayor to Sign Settlement Documents Related to Conveyance of Blue Hole Property from Peter Way to the Village:**

Mayor Klepfer presented the item, saying he thinks all the pieces of this project have come together now and the Village is ready to close, and will thus save \$18,742 a month in interest charges. Council member Nichols moved that Council authorize the Mayor to sign settlement documents relating to the conveyance of the Blue Hole property from Peter Way to the Village. Council member Wood seconded. Motion approved 5 Ayes to 0 Nays.

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

Council member Manis said he would like P&Z Commission to consider having a workshop on B&B restrictions, instead of a regular meeting.

Mayor Klepfer read an announcement from Katherine Anne Porter school inviting Council members to an open meeting at the school on April 28, at 7:00 p.m.

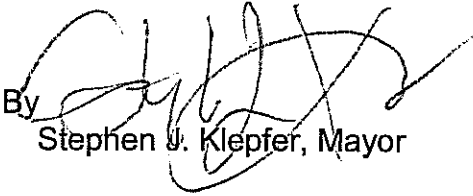
Council member Manis said this is Texas Independence Day.

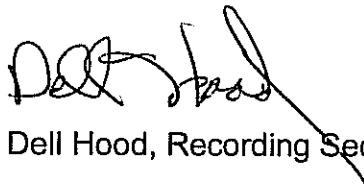
Council member Graddy asked for a detailed report on the codification of Village ordinances.

Mayor Klepfer said there will be a reception in honor of retiring Council member Nichols at 5:30 p.m. on May 5.

**F. Adjournment:** Council adjourned at 8:40 p.m.

VILLAGE OF WIMBERLEY

By   
Stephen J. Klepfer, Mayor

  
Dell Hood, Recording Secretary

**SANCTUARY**  
**A DIVISION OF SEMB-X™**  
**AN EDUCATIONAL FOUNDATION FOR WELLNESS**

April 21, 2005

Attention: City Council of Wimberley

Regarding: The requested variance of the signage regulations for Box Canyon Rd.

It has come to my attention that there has been a request for the change of regulations pertaining to signs at County Rd. 3237 and Box Canyon Rd.

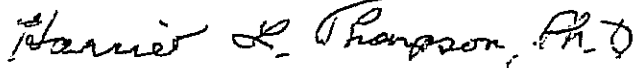
As Director-Owner of a small residential facility for environmentally compromised individuals, I am asking that serious consideration be given to the likely future requests should this variance be provided. It might be that the next request will be for enlargement of our lovely rural road to our quiet residences.

My personal concern is the established fact that more traffic on our road, from anticipated increased trucking of building supplies, may cause people to be stuck behind trucks with faulty exhausts and/or diesel fumes. Such exposures to the very ill individuals who often reside with me at Sanctuary (at end of Box Canyon Rd.) will further compromise their illnesses.

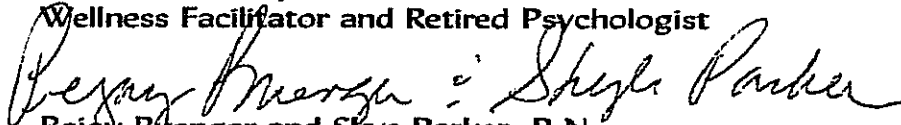
My property was purchased because of the clean air, primarily, as personally I have relatively severe respiratory difficulties. If you remember Chernobyl, the drift from that tragic condition was wide spread. Many residents of Box Canyon Rd., whose clean air may be compromised by future events, may find themselves less well.

I would appreciate it if the council would vote with consideration of what the increase of future petroleum by-products will do to this neighborhood.

With appreciation for the time and effort you put into helping your friends and neighbors in Wimberley, I am sincerely yours,



Harriet L. Thompson, Ph.D.  
Wellness Facilitator and Retired Psychologist

  
Bejoy Buenger and Skye Parker. R.N.  
Residents

# Public Sign-In (SPEAKERS ONLY)

Village of Wimberley, Texas

Purpose of Meeting City Council Date 4-21-05

**Public Hearing Speakers Policy:** Speakers must sign in prior to the beginning of the meeting. Speakers who wish to address a specific agenda item will be recognized when that item comes up on the agenda, provided they have signed in prior to the beginning of the meeting and indicated the item to be addressed. Each speaker will be limited to three (3) minutes.

Name of Speaker/Address (Please Print)

Agenda Item/Issue

Nakuta Shaeneff  
Sam Davis ✓  
TODD MACKENZIE ✓ ✓  
TEUTS GRINSTEAD ✓ ✓  
JOE DAY ✓  
TIM THOMPSON ✓  
STEVE THURSEL ✓

Sign Change Sierra (if necessary)  
Re-Zoning of Wimberley Sq property  
Waste Water Deer Creek  
Sign Sierra  
EDAB  
Sign variance on Box Canyon  
EDAB APPOINTMENTS - Item D-2