

Village of Wimberley
City Hall, 13210 Ranch Road 12
Wimberley, Texas
Thursday, May 5, 2005
City Council Meeting Minutes

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

Rev. Ted Knies 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
Citizen Comments:

Lucille Kirkham of Paradise Hills thanked Council and Planning & Zoning Commission members for their volunteer time for the community and for listening to the concerns of Paradise Hills residents on Conditional Use Permits. She urged Council to make the CUP process more user-friendly, saying the issue has recently pitted Paradise Hills residents against their neighbors. Because enforcement of the CUPs is by complaint, it requires residents to squeal on their neighbors.

A. Consent Items

1. Minutes of City Council meeting of April 21, 2005
2. Call Special Meeting to Canvass Election Results, 10:00 a.m., May 16, 2005

Consent items adopted by vote of 5 Ayes to 0 Nays.

B. City Administrator Report: None.

C. Reports from Boards/Commissions/Staff:

Planning & Zoning Commission chairman Tevis Grinstead briefed Council on matters the Commission is currently working on. Council members discussed convening a public workshop including Council and the Commission to discuss Conditional Use Permits for bed and breakfast establishments.

D. Consider & Act

1. Application for Subdivision (Public Hearing):

- a. **C212-04-030** - Preliminary Plan: Subdivide 11.932 acres, Myers Addition, within

South River, into ten (10) lots; recommended for approval by P&Z vote of 7-0:

b. **C212-04-030** - Special Exceptions, Myers Addition, within South River:

§ Section 33030-B Requirement for extension of existing streets

§ Section 33030-N-2 Maximum length of dead-end street exceeding 500 ft.

§ Section 33030-R Prohibition for private streets in new subdivisions

Each Special Exception recommended for approval by P&Z Commission by 7-0 vote

P&Z Chairman Grinstead presented the items. He said everyone concerned with this application - the developer, neighboring property owners, and the Commission - favors granting the Special Exceptions. In their hearing of the application Commissioners made the required findings of fact under Section 60070.B of the Subdivision Ordinance.

Mayor Klepfer opened a Public Hearing; no comment was received. Council member Graddy said the second Special Exception should be under Section 33030-O-2. Council discussed the Special Exceptions and the Myers subdivision with applicant Myers and Commissioner Grinstead. Council received advice from City Attorney Patty Akers on the form of the motion.

Council member Nichols read the following extract from Section 60070.B of the Subdivision Ordinance:

All other special exceptions shall require the approval of the Council. In granting approval of a request for variance the Commission and Council shall conclude that the special exception is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and that the variance observes the spirit of the ordinance and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with all of the provisions of these regulations, and all applicable elements of the Comprehensive Plan. The Commission shall consider the following criteria when considering the granting of a special exception:

- 1. The public convenience and welfare will be substantially served; and*
- 2. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished; and*
- 3. The applicant has not created the hardship from which relief is sought; and*
- 4. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property; and*
- 5. The hardship from which relief is sought is not solely of an economic nature; and*
- 6. The variance is not contrary to the public interest; and*
- 7. Due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship; and*
- 8. In granting the special exception, the spirit of the ordinance is observed and substantial justice is done.*

Council member Nichols moved that Council accept the Special Exceptions for the

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Myers Addition within South River, C212-04-030 (Section 33030-B, Requirement for extension of existing streets; Section 33030-O-2, Maximum length of dead-end street exceeding 500 feet; and Section 33030-R, Prohibition for private streets in new subdivisions), and with the requirement that there be a written statement from the property owners association of South River and a note on the Final Plat, that the South River property owners association, which includes these lots, would be responsible for the maintenance of the private road. Council member Czichos seconded. Motion approved by 5 Ayes to 0 Nays.

Council member Wood moved to accept the Preliminary Plan for application no. C212-04-030. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

2. Application for Zoning (Public Hearing)

C211-04-191, Re-zoning of 11.932 acres presently zoned as RA, as ten (10) residential lots as R-2 for each lot, in Myers Addition within South River; recommended for approval by P&Z Commission by vote of 7-0:

Commissioner Grinstead said Commissioners approved the zoning based on the Preliminary Plat, and that the Final Plat must not vary substantially from it.

No comment was received in the Public Hearing. Council member Nichols moved that Council accept case no. C211-04-191, re-zoning of 11.932 acres presently zoned as RA, as ten (10) residential lots zoned R-2 for each lot, in Myers Addition within South River, based on the Preliminary Plat approved by Council this date. Council member Graddy seconded. Motion approved 5 Ayes to 0 Nays.

3. Consider and Accept the Low and Best Bid from G. Creek, Inc., for construction of Cypress Creek Nature Trail & Preserve, and Authorize City Administrator to Sign Contract:

- § Consider & accept Bid Alternate 1 - Stormwater Drainage
- § Consider & accept Bid Alternate 2 - Sidewalk and Curb and Gutter
- § Consider & accept Bid Alternate 3 - Arbor-Kiosk

Parks and Recreation Board member Horace Wilson presented the item and reviewed the bid submissions. The Board recommended approval of the base bid and alternate bids one and two by G. Creek, but did not recommend approval of alternate bid 3 for the arbor and kiosk, which the Board believes can be built with volunteer effort.

Council discussed the bid proposals with Mr. Wilson and City Attorney Akers. Ms. Akers said Council cannot revise a bid once it has been opened; any proposals for changes must be done through Change Orders after a bid has been accepted. Council members expressed their desire to have local contractors involved as much as possible in the work and discussed creation of a "Friends of the Nature Trail" group to do upkeep and maintenance.

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Council member Wood moved that Council accept the low and best bid from G. Creek, Inc., for construction of Cypress Creek Nature Trail & Preserve, with a base bid of \$305,000, the alternate 1 stormwater bid at \$7,500 and the curb and gutter alternate 2 bid at \$8,000, and omission of the arbor and kiosk bid at Alternate 3, and authorize the City Administrator to sign the contract. Council member Czichos seconded. Motion approved 5 Ayes to 0 Nays.

4. Appointment of member to Economic Development Advisory Board for term ending 04/03/07:

Item continued.

5. Appointment of member to Transportation Advisory Board for remainder of a term ending 09/19/05:

Item continued.

6. Authorize City Administrator to Develop and Execute a contract with CADImages, Inc., to produce a layered mapping system for multiple planning purposes (Recommended by Transportation Advisory Board):

Transportation Advisory Board (TAB) chairman Corwin Vansant presented the item and said TAB wants to hire someone to create the base map the Board has discussed for the past two years. CADImages is a local firm with the capability to provide all the mapping services TAB and other City agencies may need. He estimated the work would cost no more than \$2,500 and said TAB has an unspent line item of \$10,000 in its budget for such services.

Council members discussed the proposal, including what mapping features would be provided and City access to the information.

Council member Wood moved to authorize the City Administrator to develop and execute a contract not to exceed \$2,500 with CADImages, Inc., to produce a layered mapping system for multiple planning purposes. Council member Nichols seconded. Motion approved by 5 Ayes to 0 Nays.

E. Announcements and Council Requests for Future Agenda Items

Status Report on Ordinance Codification at May 18, 2005 meeting:

Mayor Klepfer said Council is asking again for the report on codification and on the inter-local agreement with the County Fire Marshall.

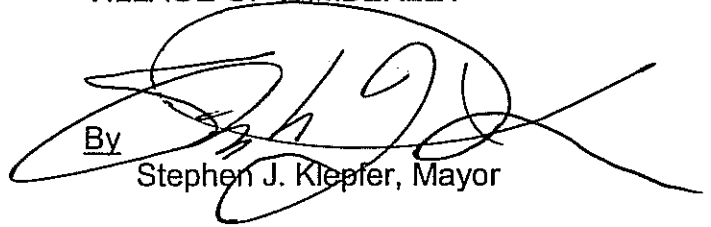
Council member Nichols noted the office of City Attorney Patty Akers donated legal services for the closing on the deed for the Blue Hole property. Council members

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thanked Ms. Akers for this contribution.

F. Adjournment: Council adjourned at 8:00 p.m.

VILLAGE OF WIMBERLEY


By
Stephen J. Klepfer, Mayor


Dell J. Hood, Recording Secretary