

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

City Council called to order at 3:30 p.m. by Mayor Stephen Klepfer.

Matt Manis gave the Invocation.

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

Present were: Mayor Klepfer and Council Members Curt Busk, Matt Manis, Marilee Wood, John Graddy, and Carroll Czichos.

## **Presentations of Citizens**

### **A. Consent Items**

Council Member John Graddy moved to approve the Minutes from the October 20, City Council meeting; Council Member Marilee Wood seconded, with the following changes:

Proclamation notes should include the language "*Former Council Member*" in front of Walter Brown's name.

As Minutes read: In Section D 7:

***Appointment of members to Parks and Recreation Board for terms ending October 17, 2007:***  
*Mayor: Mayor Klepfer appointed Malcolm Harris. Council Member Wood moved to approve; Council Member Graddy seconded. Motion approved by 5 Ayes to 0 Nays.*

Should read: *Council Member Wood moved to approve Malcolm Harris to Parks and Recreation Board for term ending October 17, 2007; Council Member Graddy seconded. Motion approved by 5 Ayes to 0 Nays.*

### **B. City Administrator Report**

1. With regard to last Council meeting, Steve Harrison introduced John Harrelson with G Creek who was to provide a time line and answer questions about the status of the Community Center. Mr. Harrelson indicated that the drywall is 90% complete, with painter's next job to tape and float; only the kitchen remains incomplete. With regard to the exterior, the entrance is currently in process and the parking lot and asphalt are to arrive next week. The final completion date depends upon construction decisions; however, he feels the end of the year to be a reasonable completion time frame.

City Administrator introduced Matt Harrelson, also with G Creek, to discuss the status of the Nature Trail. Mr. Harrelson informed Council that the Pavilion is framed, roofing is on order and should be here next week; the handicapped ramp is being poured this week and the Playscape area is forming. The sidewalks, curb and gutters are being poured with the exception of the middle area to allow for heavy equipment. With regard to the water feature, the equipment is installed, the pad is poured and the spray lining is there along with the breaker box.

Steve Harrison spoke with Joe Waldschmidt this week, discussing the need for volunteer activity to complete the landscaping and the trail. Horace Wilson will coordinate the plantings and landscaping along with Keep Wimberley Beautiful who will donate time and efforts. More plantings will happen in the spring.

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

Report from Community Center Policy Committee: M. F. Johnson reported on the plans of the Community Center and indicated the policy board is up and running and members are working hard on getting policies formulated. For comparison sake, they have been looking at other cities such as San Marcos, Blanco, Smithville and the Wildflower Center. Another committee needs to be formed which would deal with Operations. M.F. reported that it is in process and some people have already been appointed. The committees should be up and running soon. All things look positive and soon be in place soon.

The Mayor requested items be taken out of order.

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

7. Adoption of Ordinance #2005-014: Abandoning 1627.8 Square Feet of Unused Right-Of-Way on Masonic Lodge Road and Authorizing the Sale and Conveyance of Same; Authorizing Mayor to Sign Quit Claim Deed for Same Property.

Steve Harrison introduced by way of synopsis: The previous owner built a fence line which encroached upon property and into the City's right of way. There are no utilities in this section; it is along a narrow strip along a right-of-way. City Administrator recommends to Council the City take the entire amount, indicating the information presented from the appraiser regarding the 50% could not be substantiated.

Citizen Comments: Sam Davis spoke in favor of this Ordinance.

Legal counsel was consulted regarding the sale of public property and the statute that governs along with possible exceptions.

Council Member Manis put forth a Motion to adopt Ordinance #2005-014, with the following stipulation: the final "Whereas" will be changed to read:

*WHEREAS, The Council has determined that the sale and conveyance of the subject property for the fair market value amount of \$2,034.75*

be changed to:

*WHEREAS, The Council has determined that the sale and conveyance of the subject property for the fair market value amount of \$1,018.00.*

(This is the amount of the check already submitted by client to Village of Wimberley) . Motion was seconded by Council Member Czichos.

Council Member Wood commented she believed the City should heed the advice of legal counsel and not accept less than the full amount. Council Member Busk agreed that the City should not set a precedent for selling property for less than market value. Motion carried with vote of 3-2.

1. C-212-05-037 South River Section II, Public Review Final Plat 10 Lots on 11.932 Acres Adjoining South River

Chairman of Planning and Zoning Commission, Tevis Grinstead presented this item as a Plat approval processed through Planning and Zoning and passed by a vote of 5-0. Mr. Grinstead indicated that the information came to P&Z as administratively complete by City Engineer and that P&Z had questioned the requirements of sidewalks. Commissioner Grinstead believed those requirements would be covered in the site review and the parties would either comply or seek relief via variances.

Discussion including "special exceptions" and the process for approval by P&Z and Council. This consideration is one of a private street and the City's Ordinance does not have requirements regarding sidewalks on private streets.

Chairman Grinstead indicated that since the Ordinance does not speak to sidewalks on private roads, it cannot be determined; and therefore, a Special Exception is recommended by P&Z.

City Administrator Steve Harrison indicated that if a Special Exception is needed then the matter should not be heard by Council until Planning and Zoning acts on a Special Exception.

Motion made by Council Member Manis to continue Item D1, C-212-05-037, for this item to be returned to the Planning and Zoning Commission. Council Member Wood seconded. Motion passed by 5-0 vote.

2. 1<sup>st</sup> Reading: C-212-05-041 Amendment to Subdivision Ordinance Replacing Table 34020 (Design Standards for Lots) Recommended by Planning and Zoning Commission 5-0 Public Hearing

Chairman Grinstead informed Council this Design Standard reflects what is currently in the Zoning Ordinance.

**Public Hearing opened at 4:17 p.m. No comments. Public Hearing closed at 4:17 p.m.**

Motion made by Council Member Czichos to approve the 1<sup>st</sup> Reading: C-212-05-041:

Amendment to Subdivision Ordinance Replacing Table 34020 (Design Standards for Lots), Motion was seconded by Council Member Busk. Motion passed by vote of 5-0.

3. Approval of Agreement with Texas Disposal System for the Exclusive Provision of Solid Waste Services for Residential and Commercial Customers in Wimberley (Continued from October 6, 2005)

This item had been returned to the Budget and Finance Committee for clarifications and changes with regard to "Termination for Convenience Clause" language and "Termination for Cause" language.

This document includes the "Termination for Cause" language with benchmarks to be set by agreement between company and City Administrator. This document remains a 5-year contract.

Discussion regarding the inclusion or exclusion of recycling for customers and the varied rates for either/both; the requirements for 'condo' designation; varied rates in the City by other waste providers.

Budget and Finance Committee agreed that Bulk Pick up on demand rate of \$12.00 per cubic yard was acceptable rate.

Motion made by Council Member Busk to approve Item D3, Approval of Agreement with Texas Disposal System for the Exclusive Provision of Solid Waste Services for Residential and Commercial Customers in Wimberley. Motion was seconded by Council Member Wood. Motion passed by vote of 5-0.

4. 2<sup>nd</sup> Reading: Adoption of Ordinance No. 2005-007 Providing the Exclusive Franchise Rights for Operating Solid Waste Services within the Village. **Public Hearing**

**Public Hearing opened at 4:35 p.m. No comments. Public Hearing closed at 4:35 p.m.**

Council Member Busk moved to Adopt Ordinance No. 2005-007, Providing the Exclusive Franchise Rights for Operating Solid Waste Services within the Village, as Amended Since 1<sup>st</sup> Reading, with Attachment B. Council Member Graddy seconded. Motion Passed 5-0.

5. Set Time and Date for Council Work Session to Discuss Transportation Master Plan Status and Village Square Enhancement Planning

Steve Harrison informed Council that the Transportation Advisory Board reviewed Master Plan and Square Enhancement at their last meeting. TAB suggested a joint work session with Council on 11/10/05. Mayor prefers the work session items to occur before the council meetings and requested this to happen at the next scheduled Council meeting date of November 17, 2005 at 4 p.m.

Motion by Council Member Busk to have Work session on November 17, 2005 at 4:00 p.m. was seconded by Council Member Czichos. Motion passed 5-0.

**6. Sign Variance: Broadway Bank, 14710 RR 12**

City Administrator presented this variance. Balcones Bank has been sold to Broadway Bank, in the same location. They have presented application for several signs. The City has approved the use of the same sign if they use the same box, same base with corrections of their name/logo. They want a variance, to have different sign and the sign they want is larger than allowed by our sign ordinance. Additionally, they want a number of free-standing signs for direction and ATM location. The Sign Ordinance only makes allowance for 1 free-standing sign. Because they want more than 1 sign, they have requested the second variance.

Barry Ivey, Vice President – Safety Officer, Broadway Bank was present to inform Council that November 4, 2005 Broadway Bank and Balcones Bank officially merge.

**4:49 p.m. Council Member Czichos leaves the Council table and Council chambers.**

Bob Flocke, citizen, speaks urging Council to approve the main sign variance, suggesting the sign Broadway Bank intends to erect is more attractive and more subdued than the current sign.

Paul Rolfes with Budget Signs speaks to Council about the particulars of the sign and indicates there is no change of cabinet size. Discussion about the 'look' of the sign and the relevant signs in other areas, other Broadway Bank locations and other banks in the Wimberley area.

**Council Member Czichos returns to Council chamber and Council table at 4:52 p.m.**

Council Member Wood offers a Motion to Deny the Variance from Sign Ordinance Section 10(A) 4a – Illuminated Signs Permitted Size not to Exceed 18 square feet. Motion is seconded by Council Member Busk. Motion carries by 4-0 vote; Council Member Czichos abstains.

Discussion regarding Section B, freestanding signs. The ATM sign had been approved, they are asking for a variance for other signs.

Discussion about other directional measures including arrows. Legal counsel points out there is a provision for auxiliary signs in the Ordinance.

Council Member Busk offers a Motion to deny Variance #2, Section A (1.b), Seconded by Council Member Graddy.

Place 1 Council Member Busk: AYE  
 Place 2 Council Member Manis: NO  
 Place 3 Council Member Wood: AYE  
 Place 4 Council Member Graddy: AYE  
 Place 5 Council Member Czichos: NO

Motion carries by 3-2. Variance is denied.

**8. Appointment of members to Zoning Board of Adjustment for terms ending November 1, 2007:**

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Council Member Graddy nominated Barry Tyler. Motion by Council Member Graddy was seconded by Council Member Manis. Motion passed 5-0.

Item 2: Place 5 Council Member Czichos was continued.

**E. Work session - None**

**F. Future Agenda Items**

Public was reminded of reception immediately following City Council Meeting for Sheriff Alan Bridges.

**G. Adjournment**

Council Meeting was adjourned at 5:24 p.m.

Respectfully submitted by:

Moira Martin, Recording Secretary