

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

City Council called to order at 6:37 p.m. by Mayor Stephen Klepfer.

Roger Parker 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: none

A. Consent Items

Council Member Manis moved to approve the Minutes from the November 3, 2005 City Council meeting; Council Member John Graddy seconded, with the following changes:

In City Administrator Report, last line should read: *The final completion date depends upon construction decisions; however, he feels the end of January to be a reasonable completion time frame.*

Page 2:...*the handicapped ramp is being poured this week and the Playscape area is being framed.*

Page 2: *Steve Harrison spoke with Joe Waldschmidt this week and discussed...*

Item C, Reports from Boards/Committees/Staff, last line should be: *All things look positive and will be in place soon.*

Addition to Item C, Report: *List of Policy Committee Members: Dan Williams, Pat Davis, Marion Strauss, Dorey Schmidt, Valerie Meek, Gina McClure, Mayor Stephen Klepfer, Malcolm Harris and President of Wimberley Senior Citizens, M. F. Johnson.*

Item D, Second paragraph, last sentence:...*from the appraiser regarding paying the 50% of the appraised value could not be substantiated.*

Item D, Motion to adopt Ordinance #2005-014 with the following stipulation, the final "Whereas" to read: *WHEREAS, The Council has determined the sale and conveyance of the subject property for 50% of the market value in the amount of \$1,018.00.*

Motion to approve the Minutes with noted changes passed by unanimous vote.

B. City Administrator Report

1. Dr. Harrison reported the hiring process is still underway for Assistant to City Administrator/Roads, Code Enforcement, Emergency Planning and Building Permits. Dr. Harrison is hopeful he will be able to introduce the new person at the next City Council meeting.

C. Reports from Boards/Committees/Staff

Jack Clark presented the financial report for the month of October.

Council Member Graddy reported to Council: Village of Wimberley will host the Yule Log Celebration on the evening of December 22, 2005, from dusk to 8: 30 p.m., at the Emily Ann Theatre (Trail of Lights Celebration).

D. Consider & Act

1. Consider and Act on Amendments to the 2004/2005 Fiscal Year General Fund Budget.

Jack Clark presented the amendments and explained how he was able to move funds from additional revenue to achieve balanced end of year budget.

Council Member Wood moved to approve Amendments to the 2005/2005 Fiscal Year General Fund Budget as noted (in Attachment A). Motion seconded by Council Member Manis. Motion passed by 5-0 vote.



2. 2nd 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

This amendment was re-introduced by Planning and Zoning former Chair Grinstead. Legal Counsel (Patty Akers) recommended an additional footnote be added to the chart to clarify the columns which do not apply to subdivisions in the ETJ. (Attachment B)

Public Hearing opened at 7:00p.m. No comments. Public Hearing closed at 7:00 p.m.

Motion made by Council Member Busk to approve on 2nd Reading: C-212-05-041: Amendment to Subdivision Ordinance Replacing Table 34020 (Design Standards for Lots), including the additional wording for footnotes as noted in Attachment B. Motion was seconded by Council Member Czichos. Motion passed by vote of 5-0.

3. **ZA-05-211:** 350 Barber Drive, Re-Zoning of Property Due to Recently Approved Plat Amendment Resulting in a new lot size consistent with Residential 2 (R-2) Zoning Requirements. (Recommended by P&Z for Approval by unanimous vote)

This case was presented by Planning and Zoning former Chair Grinstead.

Public Hearing opened 7:02 p.m. No comments. Public Hearing closed at 7:02 p.m.

Motion made by Council Member Graddy to approve ZA-05-211: 350 Barber Drive, Re-Zoning of Property Due to Recently Approved Plat Amendment. Motion seconded by Council Member Busk. Motion passed by vote of 5-0.

4. Approval of Interlocal Agreement with Hays County Outlining Fire Marshal Duties and Fire Safety.

Dr. Harrison presented a synopsis of this collaborative effort between the Village of Wimberley and Hays County. Dr. Harrison indicated this agreement recognizes authority and provides specifics in law enforcement powers. This agreement also provides a resource for public education. The Fire Marshall and County Commissioner are awaiting Council's action.

Council Member Czichos moved to approve the Interlocal Agreement with Hays County Outlining Fire Marshal Duties and Fire Safety, with the noted changes. Motion seconded by Council Member Graddy. Motion passed 5-0 vote.

Mayor took the opportunity to express his gratitude to Fire Marshall Chambers, Commissioner Conley, Council Member Czichos and the City Attorney for all their help in working on this agreement.

5. Authorize City Administrator to Retain the Services of Pro Tech Engineering Firm to conduct a boundary and topographical survey of Mill Race Lane in order to establish limits of public ownership and related maintenance responsibility. (Recommended by TAB)

City Administrator Harrison presented this item and informed council of the previous history with regard to the confusion about boundaries on Mill Race Lane. Transportation Advisory Board recommends (by a unanimous vote with 2 abstentions) going forward with the topographical survey and the boundary survey.

Discussion about the first step in doing any work on property is to identify the legal boundaries of the property.

City Administrator Harrison informed council of the letters he had received from citizens regarding the issue of Mill Race Lane. He believed council had already seen the email correspondence and also provided a packet of such letters for council members.

Public Speakers:

Mary Gibson, 310 Mill Race Lane, Wimberley

Addressed council and city staff expressing her gratitude for getting the entrance to Mill Race Lane widened. She also read a personal narrative and opinion regarding the proposed survey of Mill Race Lane. She spoke against the survey and would rather see the money spent on other local funding needs.

Bill Johnson, Wimberley

Spoke to council saying he believes Mill Race Lane belongs to the public. He wanted to encourage the council to consider the charm of Mill Race Lane and to keep that in perspective in making any decision.

Malcolm Harris, Mill Race Lane Resident

Spoke to council and also commended city for enlarging the entrance to Mill Race Lane. He respectfully suggested that the land survey is an unnecessary expense and the information could be gained by direct measurement and other means.

Bill Appleman, 400 Mill Race Lane, Wimberley

Addressed council stating this issue is not about a boundary dispute; it is about the 25' right of way. He indicated he believes this is a very complex and multifaceted issue and he is hopeful it can be resolved.

M. F. Johnson, Wimberley

Informed council the Mill Race which is adjacent to the roadway is a historical landmark and thus is protected under the Texas Historical Archeological Act.

Discussion included a synopsis of the Transportation Advisory Board Meeting which resulted in their vote and subsequent recommendation of this survey. Council Member Wood indicated TAB focused on several objectives in making their decision:

The community misunderstands the Village ownership of Mill Race Lane; and subsequently the information relating to the 25 feet. The only way to finally decide would be the survey. Council Member Wood indicated at no time in the TAB meeting was there discussion of widening the road or taking property. There was talk about the safety of the road considering the lodging facilities at the end of the road. Additionally, there was conversation about the road being less than 25 feet in some places. Council Member Wood indicated the topographical survey was recommended because of the previous issues of drainage and safety. She indicated the money for this survey would come from the roads portion of the budget, and would not deter money from low water crossing issues.

Judy Thompson, Mill Race Lane Resident

Spoke to council saying she is against the survey, indicating she would rather have money spent looking at low water crossing issues.

Council Member Wood moved to recommend Council Authorize City Administrator to Retain the Services of Pro Tech Engineering Firm to conduct a boundary and topographical survey of Mill Race Lane. The survey amount is not to exceed the \$23,000. Additional language to be inserted by City Administrator with specifics about decision points as survey progresses.

Motion was seconded by Council Member Busk. Motion carried by 4-1 vote.

6. Authorize the City Administrator to Develop the Specifics of an Agreement with the Lady Bird Johnson Wildflower Center for Master Planning of the Blue Hole Regional Parkland

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(Recommended for Approval by the Parks Board)

Malcolm Harris, spoke as former Chairman of Parks Board, notifying them of new officers, as follows: Jan Fulkerson, elected Chair; Horace Wilson, Vice Chair; Dell Hood, Recording Secretary

Mr. Harris stated the Parks Board had met with representatives of the Lady Bird Foundation and believed they represent the right expertise and environmental outlook to complete a wonderful master plan.

Mayor Klepfer thanked Mr. Harris for his service and contribution to Parks Board.

Discussion about the benefits of the Lady Bird Johnson Center involvement and the Parks Board enthusiastic endorsement of the Wildflower Center. Next steps include a good plan for fundraising along with the development of an action plan.

Council Member Wood moved to authorize City Administrator Harrison to develop specific RFP's for Blue Hole master planning. Council Member Busk seconded. Motion passed by 5-0 vote.

7. 1st Reading: Possible Amendment to Sign Ordinance Providing for Provisions for Small Directional Signs (Council Member Wood)

Council Member Wood presented this item with reference to the last council meeting at which the sign ordinance was discussed. She believes the Village needs to allow small, on-site directional signs. She noted that the previous Ordinance included a provision for directional signing.

Discussion about 4 square feet being too large; the need to allow for directional signage could be even smaller perhaps 3 square feet.

Council Member Wood moved to accept on 1st Reading: Possible Amendment to Sign Ordinance Providing for Provisions for Small Directional Signs. Motion seconded by Council Member Czichos. Motion passed 5-0.

Mayor takes Items out of order:

10. Sign Variance: St. Mary's Church, 14711 RR 12:

- Section 10(A) (1.b) Signs Shall Be Permitted As Follows:
 - b. (1) One Freestanding Sign Not Larger Than 24 Square Feet or Taller
Thank 10 Feet

Dr. Harrison speaks to Council, indicating after review of the Sign Ordinance, a variance is not required for this item. This is due to the fact that it is considered a sign including constitutionally protected speech.

8. Sign Variance: Ace Hardware, 14307 RR 12:

- Section 10 (A) (4a): Signs Which Are Internally Illuminated May Not Exceed 18 Square Feet
- Section 10 (A) (1d): Aggregate of All Signs May Not Exceed 80 Square Feet

Dr. Harrison presented this item, indicating a Citizen Comment brought this to the City's attention and subsequently began conversations with Ace Hardware about their signs.

Richard Kilcrease, owner of Ace Hardware, spoke to Council indicating the 50-year old Ace Hardware location underwent a facelift, at which time he contacted the City to obtain the necessary permits. He believes he was not informed of this particular signage issue. He expressed the need for signage on the back of the building and described the unique location of his business - that of being at the intersection of 3 main roads. He mentioned that presently he is unable to market certain products requiring separate signage, (e.g., Echo Power Tools) due to the requirements of those companies that he display their signage and the city code which prevents it. He expressed the importance of signage and the significant impact of such signage on his business.

Discussion included comments about illuminated signage requirements and the requirements of the Ordinance to determine special circumstances prior to granting a variance.

Council Member Busk moved to direct City Administrator to propose written language within a variance to include at the next City Council meeting. Motion was seconded by Council Member Czichos. Motion passed 5-0.

9. Sign Variance: Bob Lawson Lube, 453 Old Kyle Road:
- Section 10 (A) (4a): Signs Which Are Internally Illuminated May Not Exceed 18 Square Feet

Dr. Harrison presented this item which began with a Citizen Comment. Since the applicant was not present, the Council was not able to successfully complete the process. Council Member Czichos moved to continue this item. Motion was seconded by Council Member Grady. Motion approved 5-0 vote.

11. Authorize Change to Building Code Board of Review By-Laws Section A:
Changing the Month for Selection of Officers from January of Each Year to October of each Year. (Recommended for Approval by BCBOR)

Dr. Harrison indicated the last meeting election of officers: Gary Brim, Chairman; Tracy Dean, Vice Chairman; Horace Wilson, Secretary, and that they recommended changing the Board's By Laws relating to the month dedicated to election of Officers.

Council Member Graddy moved to authorize the change to Building Code Board of Review By Laws Section A, and a change in Paragraph E, in order to clarify language. Motion seconded by Council Member Czichos. Motion passed 5-0 vote.

(Item E. Attendance: to read: "Unexcused absences from three consecutive meetings of the Board or one-third of all regular meetings within a calendar year will result in the automatic resignation of the member of the Board.")

12. Authorize Change Orders to Design/Build Contract with G. Creek Construction for Construction of the Community Center (Recommended by Community Center Steering Committee)

Dr. Harrison provided information about the three change orders which were needed to complete the construction of the Community Center. The change orders result from cost increases in metal costs due to a past unexpected work delay. Other costs were necessitated by unforeseen construction costs (e.g. waterline extension; additional floor plugs; and kitchen equipment installation (hood, gas line, etc.).

Motion by Council Member Czichos to Authorize Three(3) Change Orders to Design/Build Contract with G. Creek Construction for Construction of the Community Center, as presented by G Creek. Motion seconded by Council Member Busk. Motion passed 5-0 vote.

13. Authorize Transfer of Funds from City Account(s) to the Community Center Account in Order to Complete Construction of Community Center. (Recommended by Community Center Steering Committee).

David Glenn, representing the Community Center Steering Committee, led the council through the past and projected budget and cash flow for the Community Center. He explained the various transfers of donated money held by WSCAI as well as the purchase of kitchen appliances (that will be donated to the city). He further explained that in order for the Community Center project to be completed, the funds needed were approximately \$39,000 short. He stated that the Steering Committee and the WSCAI Board request \$38,964.91 be paid by the Village into the Community Center Fund to reimburse the project for the legal expenses. Mr. Glenn noted that the City had done this before, in the amount of \$19,690.32.

Council Member Czichos moved to transfer \$38,964.91 from General Fund to Community Center Fund. Motion seconded by Council Member Wood. Motion passed 5-0 vote.

E. Work session:

1. Discussion with City Attorney Regarding Ability of Village to Adopt Amendments to the Building Code (Including the Associated Adopted Building Codes e.g. The Fire Code, etc.) and the need to Adopt Authorizing Ordinances for the Sale of Fireworks and Open Burning within the city limits.

Tonya Cisneros, owner of Cubby's Fireworks - Spoke to council and indicated her request to consider the amendment to the Fire Code to allow for Fireworks for the upcoming holidays.

Legal Counsel Akers briefed the council about recent legislative actions related to the adoption

of building codes. She led the council through opinions about the city's ability to amend the codes. She further stated that the associated codes (e.g. Fire Code) do not have the same restrictions as the building codes for amendments.

Council Member Czichos discussed his research into what other cities have done related to amending the fire code. He was particularly interested in the city addressing sales of fireworks and open burning.

The City Attorney was requested to prepare appropriate ordinances on both subjects for the December 1, 2005 Council Meeting. This item continued to allow City Attorney time to draft 2 new Ordinances concerning these issues.

F. Future Agenda Items

Appointment of members to Zoning Board of Adjustment by Council Member Czichos

Reception for retiring Council Member Matt Manis at 5:00 p.m. on December 1, 2005

City Attorney Akers recommended the Council schedule a joint work session with Planning and Zoning Commission in the near future

G. Adjournment

Council Meeting was adjourned at 9:23 p.m.

Respectfully submitted by:

Moira Martin, Recording Secretary