

**THE VILLAGE OF WIMBERLEY
City Council Meeting
Thursday, August 31, 2000
Senior Citizens Center
7:00 P.M.**

***** MINUTES *****

1. CALL TO ORDER The Village of Wimberley City Council meeting of August 31, 2000 was called to order by Mayor Linda Hewlett at 7:00 p.m.
2. INVOCATION The invocation was offered by Reverend Everett Trebtoske, St. Mary's Catholic Church.
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL The following City Council members were present:

 Alderman Walter Brown
 Alderman Steve Klepfer
 Alderwoman Martha Knies
 Alderman Matt Manis
 Alderman Tony McGee

Mayor Hewlett welcomed the citizens attending the meeting and stated that information sheets were at the entrance table regarding the current meeting agenda as well as outlining methods of agenda preparation and meeting decorum.

Alderman Steve Klepfer made the motion to accept the minutes of the August 24, 2000 meeting with two minor corrections, names, etc., Seconded by Alderman Matt Manis, they were approved 5-0 .

5. CONSENT ITEM AGENDA:

- A. Change title of council members from "Aldermen" to "Council Members".
- B. Proclamation by Mayor to designate Dorothy Wimberley Kerbow, "Village Historian."
- C. Proclamation by Mayor, on behalf of the Jacobs Well Chapter of D.A.R. to designate September 17-23 as Constitution Week.
- D. Set date for Public Information meeting on Wastewater Issue.

Regarding Consent Item D, Mayor Hewlett stated that this meeting has been set for September 11th at 7 p.m. at the Senior Citizen Center. Councilman Brown stated that this would be an official meeting of the council which would be posted, and recorded in the normal way; the public is invited. Councilman Klepfer also stated that anyone wishing to make a presentation should contact one of the council members or mayor and they would be allowed 15 minutes of speaking time. Proposed agendas items must be posted 72 hours in advance. All Consent Items were approved 5-0.

PRESENTATION BY CITIZENS:

In response to the Mayor's question, two citizens (R.G. Elliott, III and Gary Weeks) stated that they wished to speak to the Council during the Action Agenda period for Item 8C and Item 8A, respectively, because their concerns were related to these items.

Dorothy Wimberley Kerbow was informed by Mayor Hewlett that the Council had just proclaimed her "Village Historian." Ms. Kerbow stated that the council "has just done something that seldom can be done, - you have rendered me speechless. But I accept".

7. OLD BUSINESS

A. Discussion and possible action on Franchise Agreement with PEC.

Councilman Tony McGee informed the council that the agreement from PEC had not been received, so there is no action to be taken at this meeting.

B. Review and possible approval of Council 90-day Work Plan schedule.

Councilman Walter Brown presented copy of 90-day timeline, some of which will be "temporary", but encompasses a space of time for the city to work out its ordinances and that optimistically, it would be within the next 90 days. (See Attachment I)

After review and discussion by council, Councilman Matt Manis moved that the 90-day Plan be approved. Seconded by Councilman Walter Brown, the motion was approved 5-0.

C. Establishment of Water/Wastewater Advisory Board.

Councilman Steve Klepfer presented to the council a resolution to establish a Water and Wastewater Advisory Board consisting of seven members. (See Attachment II)

The motion was made by Councilman Steve Klepfer that the resolution be adopted. Seconded by Council Tony McGee. Motion was approved 5-0.

D. Establishment of a Finance Committee.

Councilman Matt Manis made a motion that the Village set up a Finance Committee. Appointment recommendations will be asked for from council members and all will be brought before the Council for approval before the appointment is made. The motion was seconded by Councilman Walter Brown and approved 5-0.

E. Consideration of resumes of Municipal Attorneys to provide legal service to the Village and possible action to authorize the Mayor or her designate to negotiate agreements with those attorneys selected by the Council.

Councilman Tony McGee informed the council that after considering what the Council had discussed last week, he had changed his mind and now believed that the Village would be better served by employing one firm and that one member of that firm would be our city attorney and other members of the firm would be the support group for what specialized problems we might encounter. In that way, the city's problems would be known among other members of the firm who had specific expertise in municipal matters, and thus they would be handled better and more economically. The search was narrowed down to two firms, Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, LLP. and Scanlan, Buckle and Young, PC, both specializing in municipal law, and are recommended highly by those who have dealt with them. His preference would be for the larger firm, in that Scanlan, Buckle & Young would sometimes have to go outside of that firm. He stated he was impressed with Alan Bojorquez, who is extremely well regarded in the cities he served and would be the Village's City Attorney. The firm itself is extremely knowledgeable in administrative law and is involved now in matters that involve the TNRCC and Aqua Source so they have some expertise in that area.

The attorney would only come to the meetings when necessary or demanded, in order to keep fees at a minimum. There is no retainer fee and the Village would be billed in six minute increments. Bill will be itemized and the Village would have an excellent way of monitoring the costs of legal services which must be stringently controlled by the the Village to keep down legal costs. Hourly rate quotes from the firms indicated that fee ranges were from \$100-150 per hour. Bickerstaff was in mid range - \$125.00 per hr.

Mayor Hewlett stated that she had been called by Woodcreek Mayor Ken Jacobs and asked to attend a meeting at the Bickerstaff office at which time the sewer rate increase by AquaSource would be discussed. Bickerstaff represents several cities who are joining in to protest this increase.

Councilman Tony McGee moved that Council pass a resolution authorizing the Mayor or her designate to negotiate an agreement with Bickerstaff, Heath, Smiley, Pollan, Kever and McDaniel, LLP, Seconded by Councilman Matt Manis, the motion passed 5-0.

- F. Appointment by the Mayor of Steve Klepfer, Councilman Tony McGee and Mayor Linda Hewlett to serve as representatives from the Village in the mediation hearings at TNRCC on the wastewater issue with AquaSource.

The motion was made by Councilman Walter Brown that this item be accepted. Councilwoman Martha Knies seconded the motion and it was approved 5-0.

8. NEW BUSINESS

- A. Discussion and possible approval of an ordinance establishing rules for on-site sewage facilities.

Gary Weeks addressed the council regarding his - already under construction - on-site wastewater system and as he went to the County to get the permit was told it could not be issued without city approval. Since construction had started, he was not covered under the moratorium and all he needs is to have someone from council call the county and tell them it is okay.

Councilman Steve Klepfer read the ordinance adopting on-site sewage facilities rules establishing an effective date and moved that it be passed. (Attachment III)
Seconded by Councilwoman Martha Knies and approved 5-0.

8A.1 ADOPTING RULE FOR ADMINISTRATIVE OVERSIGHT OF ITEM 8A

Councilman Steve Klepfer moved that the Mayor appoint a member of Council to have administrative oversight over the septic permitting process. Seconded by Councilman Tony McGee. Motion approved 5-0.

- B. Discussion and possible approval of an ordinance establishing regulatory rules and permit requirements for cell phone communication towers and similarly constructed towers in the Village.

Councilwoman Martha Knies stated that she had not found ordinances that she thought would be appropriate for Wimberley and would move to continue this item until such time as she develops an ordinance. Seconded by Councilman Manis.
Approved 5-0.

- C. Discussion and possible approval of an ordinance establishing a moratorium on non-residential new construction or expansion of existing structures to enable the Village to adopt zoning, building code and other land use ordinances. The ordinance to last no longer than 90 days.

R.G. Elliott addressed the Council regarding the problem he has that directly affects the sale of a portion of his property. The date of the sale was July 1st with closing scheduled for September 1st. The purchaser advised him that he was backing out of the contract because of the effects of the moratorium which might prohibit him from building on a piece of that land with a 900 ft. frontage on Highway 3237. Further, that the purchaser planned to build between six to eight houses on part of the ten acres in addition to a commercial tile business - which he feared would be affected by the rules adopted by the Village instead of the county rules that were in place at the time of the purchase contract. The purchaser already has a loan in effect for the purchase. Mr. Elliott requested that his contract be exempted from this moratorium and that the council defer passing this ordinance (8C which is on the current agenda for action) until his attorney can talk to the Village's attorney regarding this matter. He stated he would lose \$120,000 and had two other alternate prospects that backed out because his property is located in the incorporated area of the Village. He said his attorney informed him he would be entitled to be compensated by the city because he had been deprived of income. His attorney felt that there was precedent for this exemption.

Councilman Walter Brown made the motion that Item 8C which, would include the following ordinance, be approved, with the proviso that there could possibly be some changes after discussion. Seconded by Steve Klepfer. Councilman Brown read the recommended ordinance:

"Be it ordained by the City Council of Wimberley, Texas that the Village of Wimberley imposes the following:

ARTICLE 1. NINETY DAY MORATORIUM

A moratorium is placed on commencing commercial construction or development of - or the expansion of - any building or site intended for commercial use within the Village of Wimberley for a period of 90 days from the effective date hereof, and no permits or other site development approvals for the same shall be issued during the moratorium. For purposes of this article, "commercial use" shall include the sale, rental, servicing, or distribution of goods and the provision of services. "Commencing construction" means any site clearing, excavation, or grading preparatory to construction of improvements on the land. "Development" means any proposed material change in the use or character of the land, including, but not limited to land clearing or the placement of any structure or site improvement on the land. "Expansion" means the addition of any square footage of impervious cover regardless of whether such addition be covered or uncovered. This moratorium does not apply to sites where construction has commenced prior to the effective date."

Councilman Brown suggested that the words "site clearing" be changed to "commencing construction" means any foundation, or building pad excavation, or in-place construction improvements", which means that you have to have it begun, concrete poured and well on your way, to be considered "under construction". These are his recommended changes. Councilman McGee raised the question regarding "vesting" and that the changes might defeat the purpose of the ordinance. Councilman Brown also stated that he would suggest that if there were some way to exclude Mr. Elliott's property from this juncture in exchange for Mr. Elliott and his buyer agreeing to let our Planning Commission review that subdivision and our city council review that application for commercial zoning, he would say "no problem" but doubted whether or not the buyer would agree to this stipulation. But there are a lot more people involved and to grant one exemption could possibly mean that anyone could go out and scrape up the land and request the same exemption. He expressed the wish that this ordinance be passed as soon as possible.

Councilman Klepfer recommended that a "procedural motion" be made and passed to continue this until next week and drop the previous motion.

Councilman Brown stated that if some exception is made on Mr. Elliott's property what we will have is a totally unregulated sub-division within our city limits, and that's what happens when these things fall on the "cusp." If that's the pill we have to swallow, we will have to swallow it and say "thank God, it was only one.

Councilman Matt Manis made the motion that Item 8C be continued to next week when the Council (after receiving legal advice) will act on the item. Seconded by Councilman Tony McGee. The motion was passed 3 yes - 1 abstention - 1 no.

- D. Discussion and possible action on an ordinance under which Village Council Members will, in future elections, be elected under a place system.

Councilman Tony McGee made a motion that an ordinance be passed that the election of Village Council Members of the Village of Wimberley shall be held and conducted at large under a place system as provided by Section 21.001 of the Texas Local Government Code. The places shall be numbered 1 through 5. (Attachment IV)

It was the general opinion of Council members that the structure for electing city officials should not be changed from the system currently in place at this point in time. The motion failed 3 - 2.

- E. Discussion and possible action on a resolution that assigns a place number to the office of each Village council Member.

The Mayor struck this item from the agenda since it will not now be needed.

- F. Discussion and possible action on an ordinance which sets the date for future elections of Village Council Members and Mayor on the first Saturday in May of each year.

Councilman Tony McGee moved that the ordinance be adopted. Seconded by Councilman Walter Brown. Motion was approved 5-0. Mayor stated that the city could possibly share election expenses with the School Board since they will have their elections at the same time.

- G. Discussion and possible action to decide the length of the terms of the Council Members presently serving on the Village Council.

Council Members Martha Knies, Tony McGee and Steve Klepfer volunteered to serve for the short term which will end at the May election in the year 2001.

Councilman Tony McGee offered the following resolution to support the one year terms as volunteered by the above listed Council members. (Attachment IV).

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WIMBERLEY, TEXAS:

That the length of the first terms of the offices of the Village Council Members of the Village of Wimberley shall be as follows:

Walter Brown	Two years
Steve Klepfer	One year
Martha Knies	One year
Matt Manis	Two years
Tony McGee	One year

Motion was seconded by Councilman Steve Klepfer and was approved 5-0.

- H. Discussion of alternative methods of making a survey of Village boundaries, required by law, and possible decisions as to the method to be used. Presentation of information by Mark Rodent, RPLS.

Councilman Klepfer stated that we must, by law, conduct a survey of our boundaries but we have no definite deadline for accomplishing this. The Council is undertaking research as to the best method of complying with this requirement.

Mr. Rodent outlined to the Council the various methods for conducting the survey of the Village boundaries and the costs associated with it.. He gave the Council a "hand-out" that included survey definitions of terminology. He stated that the information acquired regarding boundaries when the incorporation move began was a good start and the Village could build upon it to generate the Geographic Information System (spatial orientation of things in relation to each other - a discipline or a way of using things for cities, counties, and school districts). The basis on which all GIS is built is by a survey, which provides the skeleton for future mapping and planning purposes.

Councilman Walter Brown asked Dr. Pamela Showalter, who was present and is an expert in geography and a professor at SW Texas, to comment on this issue from her knowledge and who stated that there were other possible options to explore as to how the survey could be done over a period of time and that possibly her students could assist in the mapping process.

Mayor Hewlett stated there was no definite period of time within which the survey had to be done, after "calling" for the survey by the Council.. There being no motion to proceed on this, it was postponed to enable further study.

I. Establishment of a Roads Committee.

Councilman Steve Klepfer introduced a resolution to create a Roads Committee. and made a motion that it be accepted. Seconded by Councilwoman Knies, the motion was approved unanimously. (Attachment VIII)

J. Discussion and possible action on a contest to select a Village of Wimberley logo.

Mayor Hewlett stated she would like for the Council to approve the development of a contest, open to all the citizens of Wimberley, to select a logo for the Village of Wimberley, and stipulating that it would: 1) be appropriate for letterheads and, 2) be symbolic of Wimberley. The entries to be turned in to the Chamber of Commerce by October 1st and judged by Council. Council Martha Knies made the motion that Council authorize this contest and a committee be appointed by the Mayor to define the contest and make sure it was publicized in the community. Council Walter Brown seconded. The Motion was approved 5-0.

K. Review and consideration of a proposed Village budget and establishment of a date and place for public hearing on the proposed budget.

Mayor Hewlett stated that previous information given her that the County might possibly lend the Village money to begin city operations, was incorrect.

Commissioner Burnett has now told her that the County legal department has informed him that the County is not a lending institution. The Mayor and Councilman Manis had visited local banks to request a \$50,000 line of credit for the city.

She cautioned that the city must be extremely frugal in administering a city budget, and that it is imperative that we pass a sales tax initiative in November to run this Village.

Councilman Matt Manis stated that he has proposed a very tight budget since the first months are crucial in that the budget, even when approved by the citizens, will not be backed by sales tax revenue until next June, if the sales tax initiative is passed by the citizens of Wimberley. If passed, the estimated sales tax revenue will be about \$20,000 per month. PEC has tentatively agreed to backdate their franchise

agreement the date of incorporation, and this income is estimated at approximately \$4,000 per month. All other franchise fees would add up to about \$3,500 per month. With the six month moratorium on subdivisions, those fees will likely begin next March.

Wells Fargo, Balcones, and Ozona banks have all agreed to give the Village a \$50,000 line of credit for a year, with interest, to be repaid within the year. Council must make a decision as to which bank to choose based on the best interest rate. Consideration of a city administrator must be postponed for awhile, but the city secretary's job will be posted soon. Other expenses were outlined. Fiscal year will start October 1 and end September 31st of next year.

The Mayor thanked Bill Johnson and Mike Dickey for furniture donations for the office and Councilman Klepfer has offered to help get the office ready for use. P.O. Box 2027 will be the Village's mailing address.

The proposed budget will be posted tomorrow, September 1, 2000 at office in Mountain Plaza City Office between "Sudden Image" and Mike Dickey's office as well as other places in the community . Then, a public hearing will be held and the Council will pass the budget.

Public Budget Hearing is scheduled for Thursday, September 28, 2000.

8. ITEMS FROM COUNCIL

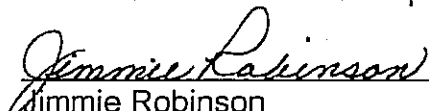
Councilman Walter Brown will submit the following at the next council meeting:

- 1: a proposed ordinance regulating on-premise and off- premise signs, canopies, and awnings and setting an expiration date of no longer than 90 days,
- 2) discussion and possible action on appointing a "Sign Ordinance Advisory Committee" consisting of up six citizens with the purpose of drafting and submitting to the Council for approval a sign ordinance, and discussion and approval of an ordinance creating the "Wimberley Planning Commission."

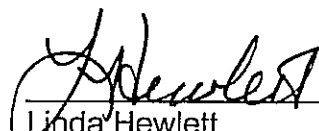
Councilman Tony McGee will submit a proposed resolution that the Village take necessary steps to initiate a Sales Tax referendum during the November election.

There being no further business, the Mayor adjourned the meeting at 9:30 p.m.

Next Council Meeting
Wednesday, September 6, 2000
Senior Citizen Center 7:00 p.m.



Jimmie Robinson
Acting City Secretary
Village of Wimberley



Linda Hewlett
Mayor
Village of Wimberley