

**THE VILLAGE OF WIMBERLEY
City Council Meeting
Wednesday, September 6, 2000
Senior Citizens Center
7:00 P.M.**

***** MINUTES *****

A regular meeting of the Village of Wimberley City Council was held on Wednesday, September 6, 2000, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Linda Hewlett called the meeting to order at 7:00 p.m. in the Senior Citizens Center, 14050 RR 12. Councilmembers Walter Brown, Steve Klepfer, Martha Knies, Matt Manis and Tony McGee were present.

- 1. CALL TO ORDER.**
- 2. INVOCATION**

Reverend Jim Denham of the Chapel in the Hills gave the invocation.

- 3. PLEDGE OF ALLEGIANCE** was led by Mayor Hewlett

- 4. APPROVAL OF MINUTES:**

The minutes of the August 31, 2000 were approved as presented.

- 5. CONSENT (AUTOMATIC APPROVAL) ITEMS:**

- Approval of electric service at City Hall in Wimberley Mountain Plaza and Acceptance of a loan from Council Member Tony McGee of \$175.00 for deposit.
- Approval of telephone service with Verizon: 2 lines: 847-8158
847-8198
Cost to be: \$73.60 per month
Service to begin: September 6, 2000
- Approval of loan from Councilmember Walter Brown for payment of \$49.99 to Radio Shack for a tape recorder used to record minutes of the City Council.

There being no objections by councilmembers, Mayor Hewlett asked for a voice vote. The vote was unanimous.

6. PRESENTATION OF CITIZENS

Larry Daniel, President of the Wimberley Valley Soccer Association, informed the council that he was concerned about the lack of youth recreation fields in Wimberley. He stated that the soccer association had a six or seven year association with Camp Young Judaea in Woodcreek and it has been good, but recently Camp Judaea organization has undergone leadership changes and they are reviewing all programs. As part of their program changes, they want to limit the Wimberley soccer use of their fields because there have been some complaints about soccer on the Jewish Sabbath and some complaints from the Woodcreek community about increased traffic and noise. The Association had been reduced to five (out of 12) weekends this Fall for use of the fields. Mr. Daniel stated that the association is looking for a short-term solution for fields to house the organization soccer activities. As a personal comment, Mr. Daniels remarked that his family had lived several different places in the U.S. and his observation is that those communities that had strong youth programs and public parks for their kids often benefit in ways that cannot be achieved any other way. He asked for council help in locating public fields that make youth activities a priority and possibly help them identify available options. The Mayor asked that anyone knowing of a "flat field" that could be used for a couple of years for the soccer program, to please contact Larry at 842-4000 or at 847-3434.

B. CITIZENS FORUM

A number of citizens who signed up to speak asked to be able to address the council when specific items come up on the agenda.

OLD BUSINESS

- A. Discussion and possible action on appointments to the Water/Waste Water Advisory Board.

Councilmember Steve Klepfer stated the following persons are appointed to the Water/Waste Water Advisory Board in accordance with the procedure outlined at last weeks Council meeting, i.e., each council member and the mayor would make one appointment each with one council consensus member being appointed for a total of seven. Councilmember appointments are as follows: Knies appointed John Persohn, McGee appointed Eddie Gumbert, Brown appointed Mike Moore, Manis appointed David Baker, and Mayor Hewlett appointed Pete Anderson, with the council consensus choice being Jack Hollan. Councilmember Klepfer stated he had not been able to contact his appointment choice and wanted to confirm before making it final. He will make his appointment at the next council meeting. Councilmember Steve Klepfer moved that these appointments be approved. Seconded by Councilmember Walter Brown, the motion was approved 5-0.

B. Discussion and possible action on appointment to the Roads Advisory Board.

Councilmember Steve Klepfer stated that appointment choices to this board had been pre-empted by the appointments to the Water/Waste Water Advisory Board and moved that this item be continued until the next week and remarked that the Council was still seeking volunteers to serve on this board and asked that interested persons contact a council member or the mayor. Seconded by Councilmember Matt Manis. The motion was approved 5-0.

C. Discussion and possible action to call for a survey of the boundaries of the Village and to create a committee to study the options.

Councilmember Steve Klepfer moved to continue Item C, Seconded by Councilmember Tony McGee, the motion was approved 5-0.

D. 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.

Councilman Tony McGee stated he wished to make known an opinion of our legal counsel who has been in discussion with Bob Elliott's counsel – so everyone will know where that matter stands after Mr. Elliott's request last week that council not pass the moratorium ordinance. Tom Buckle, the city's attorney that drafted the ordinance, had discussions with Mr. Galinda (Mr. Elliott's attorney), and in those conversations, no legal theory was suggested that would cause him (Buckle) to give us any advice other than what he gave when he presented the ordinance, that advice being that the ordinance complies with the laws of the State of Texas; is a defensible ordinance and there is no reason for him to change his opinion. Hence, council vote would be to the merits and those citizens wishing to speak on the ordinance can do so on the merits, recognizing the legal opinion that has been given to the city by our attorney

Mr. Bob Elliott expressed his thanks to Councilmember Tony McGee for his patience and tolerance in addressing this issue as well as the consideration given the matter by the council. He also stated that he did not feel there was a necessity for this ordinance, but would respect the opinion of the council.

Tim Thompson stated that he lived in the ETJ of the city and would like to state that he believed that the primary reason the incorporation vote passed was because the people of this valley wish to have some control over the destiny of this community, and that zoning and land use and building permits are integral to that process. He thinks the moratorium is a good idea, well within the city's governmental rights to enter into and as such, does in fact, accomplish things that are necessary to hold down uncontrolled growth until the council can come up with good, solid, land use ordinances.

Councilmember Walter Brown made the motion that an ordinance be approved by council to establish the moratorium outlined in Item D. Seconded by Councilmember Martha Knies, the motion passed 5-0.

Councilman Walter Brown asked that the full text of the moratorium be published in the Wimberley View so everyone in the community will have the complete wording and a clear understanding of the ordinance.

All councilmembers were of the opinion that this ordinance reflects the view of Wimberley citizens as spoken through the incorporation vote. It being the will of the majority of the community, it should be passed.

7. NEW BUSINESS

A. Discussion and possible action on a request to exempt the sale of 15 acres at the corner of Box Canyon and RR 3237 from the joint order of the Hays County Commissioners Court and the City Council of Wimberley, declaring a moratorium on sub-division plat approval.

Councilmember Tony McGee stated that this item was placed on the agenda for action in the event that the motion regarding Item D had been voted down.

Susan Prince spoke on behalf of a number of Wimberley citizens who wished to express their concern regarding the possibility this exemption might be granted. On behalf of her neighbors she thanked the council for passing the 90 day moratorium in order for plans to be put in place that would keep Wimberley beautiful as well as address zoning and water problems.

Tim Thompson stated that he felt that – having just passed a moratorium – that it would be a mistake to start making exceptions to it for any purpose – and the moratorium was absolutely necessary to prevent the kind of chaos that could happen in even 90 days as people try to beat council action to place controls on sub-division and land use development.

Mavis Woolsey, owner of the ranch across the road from the referenced project on RR 3237 told the council how glad she was they took a little time to think about the zoning plans. She expressed the opinion she was sure they would come up with something good that would please everyone.

Councilmember Tony McGee moved that the exemption of the sale of 15 acres at the corner of Box Canyon and RR 3237 from the joint order of the Hays County Commissioners Court and the City Council of Wimberley, declaring a moratorium on sub-division plat approval, not be approved. Seconded by Walter Brown, motion passed 5-0.

Councilmember Matt Manis made the motion that items B and C be continued due to some steps that need to be taken to make sure these two actions were done in exactly the right way.

- B. Discussion and possible action authorizing the Mayor and Council Member Matt Manis to sign all documents necessary to establish Ozona National Bank, Wimberley Branch, as the Village Depository Bank.
- C. Discussion and possible action authorizing the Mayor and Council Member Matt Manis to sign all documents necessary to create a line of credit, not to exceed \$50,000, from Ozona National Bank for the Village of Wimberley.

Seconded by Councilman Walter Brown, the motion carried 5-0.

- D. Discussion and possible action on an ordinance calling for and authorizing a vote by qualified voters of the Village of Wimberley on a ballot item imposing a Village Sales and Use tax within Village boundaries. Such vote to occur on the date of the general election – Nov. 7, 2000.

Councilmember Tony McGee informed the council that the attorneys are drafting this ordinance. Councilmember Matt Manis moved that Item D be continued and to be placed on the agenda of the meeting scheduled for September 11th. Seconded by Councilmember Walter Brown. Motion carried 5-0.

Councilmember Tony McGee moved that the Village of Wimberley accept the offer of Hays County Election Administrator Joyce Cowen to hold the General Election and the City of Wimberley's Sales Tax Election jointly on November 7th, 2000. Seconded by Councilman Steve Klepfer. Motion carried 5-0.

- E. Discussion and possible action to authorize Council Member Walter Brown to appoint a *Building Code Committee* to 1) develop a building code, and 2) recommend to the City Council the adoption of the code, within 45 days.

Councilman Walter Brown informed the Council that he was very pleased with the qualified persons who had expressed interest in serving on this committee. This will be a five member committee, with another person acting as a "stand-by" member, who is also knowledgeable about building codes. These persons are: Sam S. White, a structural engineer who lives in Wimberley), K.W. Allen (retired building inspector in three Texas cities) Charles Roccaforte (an architectural designer), Craig Massouh (who is a commercial construction executive and lives -- and has a business -- in Wimberley, Gary Brim (a builder in Wimberley) and the "stand-by" member is another local builder, Bill Dunn. The motion was made by Councilman Brown that we proceed with the appointment of this committee and permit him to coordinate the efforts and get the meetings going.

The motion was seconded by Councilmember Steve Klepfer who urged the Council to make this a "user friendly" building code process designed not to punish the 90% of the builders who do a good job but to take care of the other 10% of builders who do not. In that way, the good builders are not slowed down in their construction. Motion was approved 5-0.

- F. Discussion and possible action to set Thurs. Sept. 14, 2000, as a date for a public hearing on an Interim Ordinance regulating on and off premises signs, billboards, banners, canopies and awnings within the jurisdiction of the Village of Wimberley, to expire no later than 90 days from its enactment.

Councilmember Brown stated that the attorney was working on this ordinance and we needed it "in front of us" before enacting it. Councilmember Brown moved to hold a public hearing at the next regular meeting on the 20th for enactment of a temporary sign ordinance. A committee will be developed within the *Wimberley Planning Commission* to design our permanent sign ordinance, and they will be utilizing information from similar cities in the Texas Hill Country. Seconded by Councilmember Matt Manis, motion carried 5-0.

- G. Discussion and possible action on a resolution to appoint a *Sign Ordinance Advisory Committee* consisting of seven citizens of the community for the purpose of recommending to the City Council a Permanent Sign Ordinance for The Village.

Councilmember Brown stated he did not have confirmation of all persons who would serve on this committee, that the six member committee will be appointed one each by individual council members and the mayor, and that one will be a council consensus appointment. Councilmember Brown moved that the Council adopt a resolution establishing this committee – which was read by the Mayor (attachment). Seconded by Councilmember Martha Knies, the resolution was adopted, 5-0.

Councilmember Knies commented that this was also another mandate from our citizens who felt that signage in the community had gotten out-of-hand and this ordinance, when adopted, would be another tool the Council can use to improve this situation.

Mayor Hewlett commented she hoped that community members would not be daunted by the number of committees the council was setting up, that it was part of the Council's intent to involve community members in what the Council is doing and in order to do that and is asking Wimberley citizens to get involved. The Mayor asked those citizens who wanted to get involved to make this wish known to a Council member.

- H. Discussion and possible action on an ordinance creating the *Wimberley Planning Commission*.

Councilmember Walter Brown stated that this ordinance is being proposed under the authority given to cities in accordance with Texas Standard Zoning Enabling Act, Local Government Code, Chapter 212, to adopt zoning regulations and appoint a Zoning and

Planning Commission. The proposed ordinance was read by Councilmember Walter Brown and is attached to and made a part of these minutes.

Councilmember Brown stated that these committee members will be appointed under the same procedure observed in appointing other city committees. They will have three year staggered terms, according to the ordinance. He informed those present that the history of zoning commissions dates back to the time when Rendering plants and other undesirable industries were proliferating around the country without regard to what was around them in the neighborhoods. The federal government came up with the concept of a citizens board, appointed from each community, to keep land use decisions as non-political as possible. This commission will make recommendations to the council and approve sub-divisions according to the state law. Only if there is a protest against their interpretation of our sub-division code, can a sub-division be appealed to the city council. State law says that the municipality will approve an application for a sub-division within 30 days of its being submitted. It does not say "it will look at it", it says, "it will approve it". So, the only control we have is our Sub-division Code and the law says that if a sub-division complies with all of the city's code, the Planning Commission must approve it.

Councilmember Brown made the motion that this ordinance be adopted. Councilmember Klepfer seconded the motion and it passed 5-0.

The mayor and council stressed the importance of citizen education to foster understanding in the community about what the city ordinances mean to the individual citizen and the community as a whole. To that end, the Mayor stated that this was the reason that the Council was going into a great detail in explaining their decisions, so that it can be a learning process for all concerned.

- I. Discussion and possible action to authorize the Mayor to respond to the request from Hays County Commissioners Court for a letter indicating that the Wimberley City Council is aware of the Court's final approval of an amendment to a plat in Peach Tree Park to relocate the dividing line between two lots.

Councilmember McGee stated that final approval had already been given by the county before the moratorium was approved, but the county wanted to be assured that Wimberley knew about and approved this action. He moved that the Mayor be authorized to send the appropriate letter. Seconded by Matt Manis, motion passed 5-0.

ITEMS FROM THE COUNCIL

Councilmember Matt Manis stated he wanted to clear up meeting dates for the month. Special Water/Wastewater Workshop meeting on September 11th, regular meeting on Wednesday, September 20th, and the public hearing on the budget set for Thursday, September 28th.

The Mayor commended the council in working so hard to get their agenda items in to her in time for posting 72 hours before a meeting and announced that the September 11th meeting (Water and Waste Water Public Workshop) will be at St. Mary's Catholic

Church, 7 p.m. due to scheduling conflicts at the Senior Center as well as the large crowd expected to attend the special meeting.

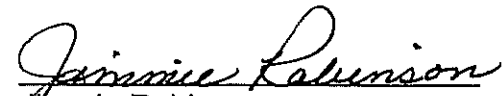
Councilmember Klepfer informed those present that this will be a workshop on the mediation with TNRCC on the AquaSource permit approval. Five organizations have signed up to make presentations: AquaSource, Wimberley Valley Watershed Association, Wimberley Neighbors for Health Water, the Hays-Trinity Water Conservation District, and not confirmed, but possibly TNRCC. They will be allowed 15 minute presentations, following that, five additional minutes for them to address other presentations. Following that will be a question and answer period from Council members to any of these groups and questions from the public to any of these groups. Everyone was encouraged to attend to learn what is going on in the Valley regarding water and sewer issues. **7 p.m. at St. Mary's Catholic Church.**

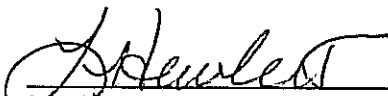
Mayor Hewlett expressed thanks to Bill and M.F. Johnson for setting up the Senior Citizen Center for use as a Council meeting place.

Councilmember Knies once again reminded citizens that we have asked for a 10% reduction in water use. Many people have seen oscillating sprinklers going in the middle of the day and she asked that we do better. The water conservation flag will soon be ready, so it will be a visible reminder to the community to cut back on water.

Councilmember Tony McGee asked that Council schedule a public information date for Tim Thompson to educate the council regarding the "open meetings" act in order to avoid inadvertent violations of this law. It was agreed that this would be done at the September 20th meeting since Tim Thompson stated he would be available.

There being no objections, the meeting adjourned.


Jimmie Robinson
Acting City Secretary


Linda Hewlett
Mayor

Next Meeting:

September 11, 2000
Public Workshop – 7 p.m.- St. Mary's Catholic Church,

September 20, 2000
Regular Council Meeting – 7 p.m. – Senior Citizen Center

September 28, 2000
Public Budget Hearing – 7 p.m. – Senior Citizen Center

ATTACHMENTS
SEPTEMBER 6, 2000
COUNCIL MEETING

1. Ordinance Establishing 90 Day Moratorium
2. Resolution to Create Sign Ordinance
Committee
3. Ordinance Creating the *Wimberley Planning
Commission*