

THE VILLAGE OF WIMBERLEY
City Council Meeting
Wednesday, September 20, 2000
Senior Citizens Center
7:00 p.m.

***** MINUTES *****

A regular meeting of the Village of Wimberley City Council was held on Wednesday, September 20, 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.

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

Reverend Bill Sweet of the United Methodist Church delivered the invocation.

- 3. PLEDGE OF ALLEGIANCE** was led by Mayor Linda Hewlett.
- 4. ROLL CALL:** All Council members were present.

Minutes of the September 6th and 11th meetings were approved.

5. CONSENT (AUTOMATIC APPROVAL) Items:

- A. Appointment of Gail Hamrick-Pigg to the Water/Waste Water Advisory Board.
- B. Designation of the *Wimberley View* as the official newspaper of the Village for notifications and announcements as required by Article 52.004 of the Texas Local Govt. Code.

There being no objections, the Consent Items were approved 5-0.

6. PRESENTATIONS OF CITIZENS

- A. Fire Chief Carroll Czichos was scheduled to address the Council. Mayor Hewlett informed the council he would be unable to attend.
- B. Tim Thompson, President of the Wimberley Independent School District gave a very informative talk regarding the Public Open Meeting Act. He defined the intent of the act as that of keeping decisions regarding public business in the open so citizens may know how their representatives vote on critical issues and to allow citizens to participate in the decision-making process before final action is taken.

Several things are necessary to fulfill the requirements of the Open Meeting Act:

1. The law requires public notice of what is to be discussed, where, and when the discussion will take place.
2. Closed meetings are permitted only when specifically authorized by law.
And -- in order to enforce the Law -- civil and criminal penalties can result.

The next question that arises is: does the public have the right to participate in the meetings? If citizens are allowed to address the council during a public comment or open forum session of the meeting, they may address any topic regardless of whether or not it is on the posted public agenda. However, this gets "sticky" sometimes because even though they may address any issue to the council; the council is limited in what they can do about an item not posted. Council members may provide existing facts pertaining to the issue or make statements regarding current policies but they may not discuss or deliberate that question.

The posted notice of the public meeting must contain: 1. meeting place, 2. meeting hour, and 3. meeting agenda. The posting must take place 72 hours prior to the meeting in a place accessible to the public at all times. The agenda should be specific enough that any reasonable person can understand the topics to be discussed during the meeting.

How much information must be included in the minutes? The Act requires that the minutes state the subject matter of each deliberation and indicate each vote of the governing body. Minutes of the open meeting are public record and should reflect accurately what occurred during the meeting. Closed meeting minutes are not accessible to the general public. Likewise, the tape recording or certified agenda of the closed meeting is not available to the public.

What constitutes a meeting – or a deliberation – or a quorum? The Texas Open Meeting Act applies to any meeting of a governmental body and defines the term "meeting" by several different criteria. There must be 1. discussion between, 2) a quorum, 3) of a governmental body (or a quorum of a governmental body) during which, 4) public business or public policy over which the governmental body has supervision or control, is discussed, considered, or acted upon. There really aren't any manageable manner by which to judge informal discussions by members and there really is not a law prohibiting any member from talking with each other outside of meetings. Violations of the act can occur if members, smaller than quorum, meet with the intent to circumvent the Texas Open Meeting Act. To avoid any appearance of wrongdoing, it is prudent for all committee meetings to be posted and open to the public (especially those where Council members will be present). To hold a closed meetings for specific purposes: a quorum must initially convene in open session for which proper notice has been given, regardless of whether the subject is identified in the posted notice as one that would be discussed in closed sessions, the notice must include all subjects that will be discussed in both open and closed meetings. After the quorum has convened, the presiding officer must announce that a closed meeting will be held and identify the section of the Texas Open Meeting Act that authorizes the private discussion. (Section 551 deals with closed sessions.) No

votes may be taken in the closed meeting – all decisions must be made at a public meeting. What happens in a closed meeting is confidential and tapes and copies of minutes are available only by court order. No new business can be discussed or voted upon unless it is on the agenda, both for open and closed meetings.

In response to a question by Glenn Fryer, Mr. Thompson stated that if a citizen approached him, as a school board member, regarding a matter that might come before the board, that he might discuss the matter with the citizen but if that same matter came before the school board for action, he would recuse himself. However, members of public bodies certainly can discuss any matter with citizens wishing to do so.

Mayor Hewlett stated that agendas are being posted at the Senior Center, Chamber of Commerce, Brookshire Bros., and at the city office, they are e-mailed to the Wimberley View, and will be placed at the Village Library and on the Wimberley website when it is up and running.

C. Village of Wimberley Logo Contest

Curt Busk, Chairman of the Logo Contest, informed the Council and audience that logo rules had been distributed to the Art League Newsletter and the Art Department for the schools. The rules are simple, it should be symbolic of Wimberley, suitable for both large and small format for use on a large sign, and one that might be used for letterhead. For judging purposes, entries should be submitted in two sizes: large - minimum six inches on longest side -- and small, letterhead size longest side maximum to be one and one-half inches. Black and white or monotone. All submissions must be turned in to the Chamber Office by October 15th.

7. OLD BUSINESS

A. Discussion and Possible Action on PEC Franchise Agreement.

Councilman McGee stated that PEC had not sent us an agreement, so there will be no action on this item.

8. NEW BUSINESS

A. Discussion and Possible Action on whether to open the depository bid process to banks that do not do business within Wimberley.

Councilman Manis reported that he has a bid form to be sent out after Council approval. He stated that "location" within the Wimberley area was of prime concern, especially for convenience. Councilman McGee noted that the Council must vote to advertise only in Wimberley newspapers to confine the bids to the Wimberley area. Councilman Manis made the motion that we only accept bids from banks located in Wimberley and to publish the notice only in the Wimberley View. Seconded by Councilman McGee, the motion carried 5-0.

- B. Discussion and Possible Appointment of seven (7) members to the Sign Ordinance Committee to recommend to the Council a Permanent Sign Ordinance.

Councilman Brown stated that we have a good solid committee, subject to Council approval, ready to go to work. The following persons were appointed:

Ricky Wright nominated by Councilman Walter Brown as a consensus choice.

Tevis Grinstead nominated by Mayor Hewlett.

Marshall Sonberg nominated by Councilwoman Martha Knies.

Jim Gillock nominated by Councilman Klepfer.

Sandy Levine nominated by Councilman McGee.

Randy/Cathy Falkenhagen nominated by Councilman Matt Manis,

Other persons chosen to be sources to the committee Tim DeJong, Mr. Scott Vaughan and Mr. Al Sander. Councilman Brown stated he would try to get this committee to work immediately and planned to schedule a meeting for Tuesday, the 26th.

- C. Public Hearing and Possible Action on the adoption of an Interim Sign Ordinance in the Village of Wimberley.

Councilman Brown introduced a proposed interim sign ordinance for the purpose of "keeping a lid on things" until the permanent sign ordinance is formulated. Establishing the ordinance requires a lot of findings of fact and those are expressed as "whereas-es" (about 20). The full text will be published in the View for public notice of the ordinance enactment. (Attachment).

The ordinance carries a penalty which will be enforceable when the public is noticed by publication in the Wimberley View. Councilman Walter Brown moved the ordinance be adopted. Councilman Manis seconded the motion which was approved, 5-0.

Although the sign ordinance is enforceable immediately upon passage, until it is published in the newspaper to inform the citizenry, no penalties can be assessed. It was noted that a permit process would be implemented. Temporary signs and banners regarding community events will be allowed.

- D. Discussion and Possible Appointment of members of the Wimberley Planning Commission.

Councilmember Brown submitted the Council's recommendations for the Wimberley Planning Commission, which is a mandated committee according to state law and one that has considerable authority for community planning. This committee will make recommendations to the Council on land development, zoning, codes, ordinances and annexations.

Mayor Hewlett's appointee is Marilee Wood
Councilman Brown 's appointee is Dr. Pam Showalter
Councilman Manis' appointee is Glenn Fryer
Councilwoman Knies' appointee is David Glenn
Councilman McGee's appointee is Betty Markland
Councilman Klepfer's appointee is B.J. Kolenda
Curt Busk will be the Council's consensus appointee.

Councilman Brown stated that the committee's first meeting is scheduled for Saturday, October 7th. and made the motion that these commission appointees be approved. Seconded by Councilman Klepfer. Motion carried 5-0.

Members' terms will be two and three year staggered terms to maintain continuity not affected by politics or elections

- E. Discussion and Possible Action to authorize the Mayor to appoint an advisory committee to recommend action to the Council on requests for exemptions from the Village moratoriums.

Councilmember McGee stated that originally he had felt this move would enable the Council to consider specific exemptions to the moratoriums as previously enacted by the Council. After considerable discussion, the majority of the Council felt that the ordinances and moratoria previously approved by Council should be enforced until final rules and regulations are put into place. In acquiescence to the will of the majority of the Council, Councilman Tony McGee pulled this item from Council agenda.

- F. Discussion and Possible Appointments of members of the Roads Advisory Board.

Councilman Steve Klepfer stated the first meeting of the Road Advisory Committee would be on October 18th at 10 a.m. The following appointments were made:

Frank Austin
Parker Bergen
John Graddy
Bill Johnson
Carolyn Nichols
Dwayne Patlyek
Al Sander

- G. Discussion and Possible Action on erecting "No Parking" signs on RR 2325 along WISD property line between Emergency Lane and the Village Library.

Councilman Steve Klepfer informed the Council that the Texas Department of Transportation had asked the city to consider no-parking areas along RR 2325 where trailers and trucks have been parking and traffic congestion has been impeding school bus operations. Councilman Steve Klepfer moved that the Council authorize the mayor to write a letter to TXDOT requesting that "No Parking" signs be placed on the state high RR 2325 between Emergency Lane and the Village Library. Seconded by Matt Manis, the motion carried 5-0.

- H. Discussion and Possible Action to set date for Public Hearing on three-way stop signs at Wayside Dr. and River Road.

Councilman Steve Klepfer made the motion that a public hearing be held in conjunction with the Roads Advisory Committee on October 18th in order to give the public an opportunity to comment on this recommendation. He stated the general complaint is that the concrete abutment at the intersection of Wayside and River Road obstructs the visibility of driver, making this a fairly dangerous intersection. Seconded by Councilman Matt Manis. Motion carried 5-0. The notice of this hearing would be put into the Wimberley View.

The Council was in agreement that at times when Council actions were anticipated regarding items that have the potential to affect the entire community, that notice would be placed in the newspaper so as to allow citizens to attend meetings and voice their opinion before final council decisions. Councilman Klepfer pointed out that this was one of the complaints of the general citizenry in that they often found out "after the fact" about arbitrary governmental decisions that affected the entire community – often without citizen input.

- I. Discussion and Possible Action to appoint members to the Hays County Issues and Common Grounds Committees.

Frank Austin will be our representative regarding Water Issues.
There are openings for representative on the other two issues.
The Mayor asked for volunteers.

- J. Discussion and Possible Action on Resolution to transfer membership in the Texas Municipal League from Region 7 (San Antonio) to Region 10 (Austin.)

Mayor Hewlett stated she has received a call from the mayor of San Marcos asking that Wimberley join with them in seeking transference from Region 7 (the Alamo Region) to the Region 10 (Austin Region) which would facilitate attending Texas Municipal League Meetings and Training Workshops. The resolution passed 5-0.

- K. Discussion and Possible Action to terminate lease agreement on Office #5 in Wimberley Mountain Plaza and enter into lease agreement on Office #22 in Wimberley Mountain Plaza for Village of Wimberley City Hall.

The Mayor outlined the various reasons to reconsider leasing the previously approved #5 space in the Mountain Plaza. Prime factors being extensive modifications necessary to meet ADA requirements as well as the overall limits imposed by the total space area. Mayor Hewlett informed the Council that the Travel Agency Space in the Wimberley Mountain Plaza will become available soon. It has a very large room large enough to accommodate about 75 chairs making it feasible for Council and committee meeting use. The bathroom can be made ADA accessible with very little modification. The cost of this space is \$748 per month. The lessor will allow the city to defer rental payments until sales tax revenue is available. The general consensus was that this space would be large enough for a wide variety of city operations for quite a while – as well as allow for record keeping space. It was also noted that in times of an overflow crowd, speakers for outside use might be utilized to allow more people to attend. Councilman Matt Manis made the motion that the Mayor be authorized to finalize this lease. Seconded by Councilwoman Martha Knies. The motion carried 5-0.

Councilman Manis stated that because of the number of committees the city has appointed and the space required for these meetings, that he felt increase in rent was justified. We will be asking for community donations to outfit the office. The Council re-stated their commitment to frugal government but reiterated the fact there would be unavoidable expenses in order to conduct city business.

9. ITEMS FROM COUNCIL

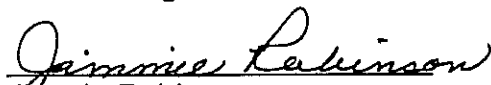
Councilman Walter Brown asked that the Council set a regular meeting date. Wednesday was determined to be the most feasible day for all Council members, with an every other week frequency. This item will be on the next agenda for action.

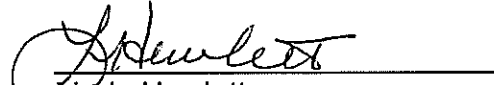
Councilman Matt Manis informed the Council that they must have franchise rates for Wimberley turned in to PEC by the end of this month. Rates will vary between private, business, and residences. PEC (Verizon) will set the rates at whatever the City determines. The city must also set the rate for Warner Cable. Our rates will be set between 0-5 percent. This will be on the agenda next week.

Councilman Manis also informed the Council that the banking bid process is underway. The Wimberley View public notice will request bids from "Wimberley Only" banks.

10. ADJOURNMENT.

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


Jimmie Robinson
Acting City Secretary


Linda Hewlett
Mayor

Next Regular Council Meeting Dates: Wednesday, October 11th, 7 p.m.
Wednesday, October 25th, 7 p.m.
