

THE VILLAGE OF WIMBERLEY
City Council Meeting
Wednesday, October 25, 2000
City Hall
7:00 p.m.

***** MINUTES *****

A REGULAR MEETING of the Village of Wimberley City Council was held on Wednesday, October 11, 2000, a notice of said meeting having been posted at least 72 hours in advance and in accordance with Section 551, Texas Government Code. Mayor Linda Hewlett called the meeting to order at 7:00 p.m. in the Wimberley City Hall, *Wimberley Mountain Plaza Office #22*.

1. CALL TO ORDER

2. INVOCATION

Reverend James Bouzzard, Lutheran Church of the Resurrection, delivered the invocation.

3. PLEDGE OF ALLEGIANCE This item was passed since flags were not in place.

4. ROLL CALL

All Council members were present.

5. CONSENT ITEMS

A. Approval of Minutes

There being no objection, the minutes were approved.

6. PRESENTATION OF CITIZENS

A. David Wilson spoke to the Council regarding pedestrian and bicycle paths. Mr. Wilson presented the Council with several documents he had obtained from the Texas Department of Transportation.

B. Citizens Forum. In response to a question by Curt Busk regarding access to minutes, ordinances and resolutions passed by the City Council, Mayor Hewlett stated that all the official documents of the Village will be accessible at the City Hall, and if desired, copies will be available for citizens. The office will not be open eight hours each day, but when a secretary is employed; the hours will be posted.

The Mayor also stated that the city was publishing only the abstract of ordinances in the newspapers. Copies of the enacted ordinances will be available at City Hall.

7. OLD BUSINESS None

8. NEW BUSINESS

- A. Discussion and possible action on Hays County Commissioners Court's request for consideration of it's Proposed Legislative Agenda.

Citizen Liz Sumpter suggested that the Council not endorse any legislative agenda they had not had the opportunity to review. She informed Council that generally around the start of the year, The Texas Municipal League notifies cities about any proposed legislation in committees and that they believe will benefit cities, asking at that time municipal support in backing certain legislation. Further, she stated that some legislation might benefit the county – but not the city – hence, it was important that the Village examine the wording of each piece of legislation before endorsing any of them.

Councilman McGee verbally reviewed each of the items listed on the proposed resolution brought to the Council on October 11th by Commissioner Bill Burnett. He stated that all of the items were related to growth control in unincorporated area. If Council chooses to vote on each item for endorsement, any one of them not approved can be redacted from the resolution. Councilman McGee moved that the Village of Wimberley adopt the resolution in support of Hays County Commissioners Court's Proposed Legislative Agenda. Seconded by Councilwoman Martha Knies. Discussion followed.

Councilman Klepfer stated that he was certainly in favor of supporting the general concept of the county asking for more authority in the area of growth management but had some difficulty in that the specific content of this legislation was not available to them for review. Councilmember Knies stated that she felt Council approval would be a symbolic support for the County's efforts to seek authority from the state to handle these items. Councilman Tony McGee asked about wording that said "'that the Village of Wimberley formally supports the action by Hays County to accomplish the proposals set forth below through legislative action.' What that says is that we are not endorsing any particular phrasing but are supporting their action in seeking legislative action to cover these points." Councilman Walter Brown stated he felt that there were many good things being proposed but is uncomfortable about endorsing a bill without knowing what it says and he was definitely against the bracketed items (500,000 pop.).

Commissioner Burnett stated that he would ask the Council to resolve to support the county's efforts to gain land use authority. He stated this resolution would be very helpful to the county.

Councilman McGee asked to amend his motion that Council enact and adopt a resolution to reads as follows:

Whereas, the City of Wimberley recognizes that Hays County is rapidly urbanizing and that much of that growth is occurring outside corporate limits, and
Whereas, Hays County, as well as other rapidly growing counties struggle with growth issues but lack the regulatory tools necessary to deal with growth, and,
Whereas, since urbanized areas usually become part of established cities over time, a structured transition from county to city authority consistent with city needs is critical for both.

NOW, THEREFORE BE IT RESOLVED, THAT THE City of Wimberley on this the 25th day of October, 2000 formally endorses and supports proposed action of Hays County to obtain legislative action to increase the authority of Texas counties to obtain additional land use authority.

Items would not be listed. Councilwoman Martha Knies approved and seconded the amended resolution as presented for vote. Motion carried 5-0.

B. Discussion and possible action on Hays County Commissioners Court's request for consideration of it's Resolution Forming the Rainwater Collection Incentive Program.

Citizen Elizabeth Sumpter stated that while everyone in Wimberley certainly should be in favor of rainwater collections, there was one minor point in this proposition that she would recommend that Council take a look at and that would be the wording use of an "ad valorem tax" exemption since the city does not have an ad valorem tax. She stated that, in her opinion, passing of an exemption to a tax that does not exist might place a burden on future city council members having to consider taxing issues and they should have the ability to decide what should be exempted. Also, the current process of passing a sales tax initiative might be jeopardized by the publishing of information that the Council was considering exempting an ad valorem tax they did not have, thus fostering the fear by citizens that this tax might be under consideration. She asked the Council to continue this resolution or remove reference to this tax.

Councilman Steve Klepfer stated he felt this proposed resolution would not impact any council taxation authority now or in the future; it is not a formal ordinance, only a resolution in support of rainwater conservation and made the motion that the Village of Wimberley City Council endorse Hays County Commissioners Court's Resolution Forming the Rainwater Collection Incentive Program. Seconded by Councilwoman Martha Knies. Discussion followed.

Councillman Walter Brown stated he would like to see the references to a property tax omitted. While noting that water harvesting is an excellent idea, he would like to see a notation in the resolution that we believe that more can be done in that there are ways and means to procure money for more direct cost-sharing in solar installations and water harvesting and no language making a judgement about tax abatements because we ourselves have no property taxes. Councilman Matt Manis asked if Councilman Klepfer would accept a request for continuance of this item. Councilman Klepfer acquiesced and seconded the motion, stating he would come up with some appropriate wording for the resolution. Voice vote was as follows:

Councilman Klepfer – Yes
Councilman McGee - No
Councilman Brown – Yes
Councilman Manis – Yes
Councilwoman Knies – No

The continuance passed 3-2. The item will be put on the next Council Agenda for consideration.

- C. Review and discussion of a draft of a Proposed Ordinance regulating telecommunications and other towers, and possible action to refer such draft to the Planning Commission for review and recommendations to the council.

Councilman McGee stated that the City Attorney was not able to forward a draft of this proposed ordinance in time to prepare copies for council members to consider, as well as an alternate proposed ordinance which accomplishes the same purpose but uses a different approach to the matter. And, that when the other draft is received, council members as well as members of the Planning Commission will be given a copy of these drafts and that the Council will request the Planning Commission to review these documents, hold public hearings, and to make recommendations to the Council. Councilman Tony McGee made the motion that this procedure be followed to enact a radio antenna ordinance. Seconded by Councilman Walter Brown.

Citizen Reece Whitney spoke to the Council regarding the beneficial services that Ham Radio Operators provide during times of emergencies, i.e., floods, hurricanes, and other disasters as well as their ability to work with the Red Cross and Coast Guard during crisis times. He stated that Amateur Radio Operators only wanted the rights that are afforded to them by law.

Citizen Hershel McCullough addressed the Council regarding his opinion that the radio operators may have been inappropriately swept up in an ordinance regulating antennas and asked that public input be considered in enacting a final ordinance.

The motion was passed unanimously.

- D. Discussion and possible action on a Resolution authorizing the Wimberley Planning Commission to appoint a Steering Committee of seven citizens of Wimberley and the Wimberley area to receive input and to draft and recommend to the Planning Commission a Comprehensive Plan for the Village of Wimberley.

Councilman Walter Brown stated that originally, he had planned to recommend that the Steering Committee consist of only seven members, however, he had received a list of ten persons interested in serving on this committee. Hence, he would like to request that the number of persons be increased to "up" to 12. Councilman Walter Brown so moved. Councilman Tony McGee seconded the motion. Motion passed 5-0.

E. Discussion and possible action on an Ordinance on Right of Way Management.

Councilman Steve Klepfer read the proposed Ordinance on Right of Way. After discussion, Councilman Klepfer moved that the ordinance be adopted. Seconded by Councilwoman Martha Knies, the motion carried 5-0.

F. Discussion and possible approval of a bank as the Village of Wimberley depository bank.

Councilman Matt Manis informed the Council that all rules and regulations pertaining to the selection of a bank depository for Village of Wimberley funds had been adhered to and that the Finance Committee recommended the Council authorize the selection of Balcones Bank as its fund depository for a period of two years. He also stated that all three banks located within the corporate boundaries of the Village were given the opportunity to bid on the city's business in that the notice was posted twice and they had 30 days to respond (they all made bids). The Finance Committee felt that Balcones appeared to be the most advantageous for this purpose, i.e., interest rates, etc. Councilman Manis moved that the Council accept the recommendation of the Finance Committee and that Balcones Bank be chosen as the Village of Wimberley Bank Depository. Seconded by Councilman Walter Brown, the motion passed 5-0.

G. Discussion and possible approval of franchise rates for Verizon.

Councilman Matt Manis stated that the Village Finance Committee had reviewed the rates set by the Public Utility Commission for Verizon (formerly PEC) and recommended adoption of a monthly fee of, 1) \$1.38 for each residential line and 2) \$3.17 for each business line and 3) for "point to point" lines (business network lines) \$4.82 per month. He stated this would bring in around \$50,000 for the city budget during the upcoming fiscal year.

In response to a question as to why the committee had opted for the maximum rate, Councilman Manis stated that since the city has no definite idea of what the city's operating fund revenues will be, the committee thought it wiser to enact the maximum rates. Councilman Manis moved that the Council approve the rates as recommended by the Finance Committee. Councilman Walter Brown seconded the motion and it was passed 5-0.

H. Discussion and possible approval of franchise rates for Warner Cable.

Councilman Matt Manis stated that by virtue of an ordinance, drafted by the city attorney, the Village had the authority to set rates for all utilities within the city at a ratio of anywhere between 0 – 5%. He stated that the Finance Committee recommended a rate of 3% be charged for Warner Cable, which would amount to approximately \$1.00 per month per customer.

In response to a question as to why the rate for Warner Cable was less than that set for Verizon, it was pointed out by Councilman Manis that cable is an optional service while most families consider the telephone as an indispensable service. However, it was pointed out that the Council could amend these rates on an annual basis.

Councilman Manis moved that the rate of 3% for Warner Cable be approved. Seconded by Councilwoman Martha Knies, the motion passed 5-0.

- I. Councilman Matt Manis informed the Council that the city had borrowed \$18,000 from the bank and had spent \$15,400 so far, being current in payment of bills. Mayor Hewlett stated that most of these expenditures were related to "start up" costs for the Village and that they should be "in budget" within a few months.
- J. Review of Village of Wimberley Logo Contest entries and possible selection of official logo for the Village.

Mayor Linda Hewlett stated that, after careful consideration of all the entries in the city logo contest, the Council had selected the one submitted by Bernice Brown to be the official Village of Wimberley logo. A few minor revisions regarding lettering, etc. will be made. Curt Busk, Mayor Hewlett and Bernice Brown will work together to finalize the logo for use by the Village. The Mayor thanked everyone who had submitted entries for the contest.

- K. Discussion and possible action to set permanent council meeting dates and times.

The Mayor reviewed the various meeting date options to be considered and discussion was held regarding the setting permanent regular council meeting dates. After discussion, a consensus of the council members agreed upon the first and third Thursday of the month with an exception being made for November because of Thanksgiving. The two meetings in November will be on the 8th and the 30th.

ITEMS FROM COUNCIL

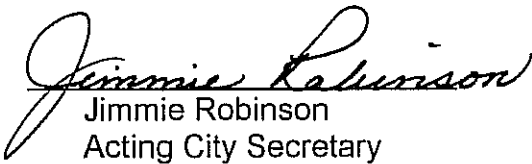
1. Councilman Walter Brown asked for a volunteer to act as secretary to the Planning Commission that is currently meeting every Monday night.
2. Council Steve Klepfer informed the Council that the Village must set a water rate for AquaSource and that the Water/Wastewater Advisory Board had received the rate packet and would be meeting to make their recommendations to the Council. All members of the committee - but one - have denied the rate requested by AquaSource preferring the rate set by Woodcreek. However, he noted that AquaSource has the option to appeal to TNRCC if their rate request is declined.

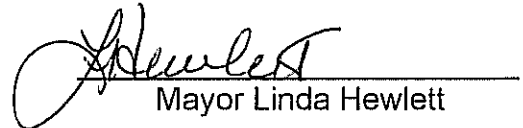
Mayor Hewlett asked that the various committees prepare reports for submission to the Council and thanked them for all their hard work. Since all committee meetings are currently being held in the city hall, committee chairpersons were asked to check the committee schedules of meetings at the city hall to avoid date/timing conflicts.

The Mayor thanked Bill and M.F. Johnson for their donation of a table for the city hall and Councilman Manis for his efforts in getting the chairs for the city hall. Mayor Hewlett called attention to the new coffeepot, remarking that coffee was available for visitors with a 25 cent donation and soft drinks would be available for a 50 cent donation.

Frank Austin reminded everyone about the Chamber of Commerce Political Forum to be held on the 26th at the Lone Star Theatre and Councilman Martha Knies reminded everyone of the Rainwater Harvesting Workshop at the VFW Hall on Saturday, the 28th.

There being no further business, the meeting was adjourned.


Jimmie Robinson
Acting City Secretary


Mayor Linda Hewlett

Next Village Council Meeting
Wednesday, November 8, 2000
City Hall