

VILLAGE OF WIMBERLEY
City Council Meeting
City Hall, 14500 RR 12, Suite 22
Thursday, December 7, 2000 – 7:00 p.m.

A REGULAR MEETING of the Village of Wimberley City Council was held on Thursday, December 7, 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 #22*.

1. **Call to Order.** Mayor Hewlett called the meeting to order at 7 p.m.
2. **Invocation,** Reverend Steven Sweet, United Methodist Church, delivered the invocation.
3. **Mayor Hewlett led the Pledge of Allegiance.**
4. **Roll Call.** Present were: Mayor Linda Hewlett
Councilman Walter Brown
Councilman Steve Klepfer
Councilwoman Martha Knies
Councilman Tony McGee
Councilman Matt Manis
- Mayor Hewlett introduced and welcomed Wimberley City Attorney Alan Borjorquez, also present.
5. **Consent Items.** The minutes of the November 30th Council Meeting were approved as submitted.
6. **Presentations of Citizens.** None.
7. **Old Business.** None.
8. **New Business**
 - A. Executive Session will be moved to last item on the agenda.
 - B. Discussion and Possible Action on Time-Warner right-of-way permit.

Councilman Klepfer presented the ordinance granting a cable television franchise to Time-Warner Entertainment Partnership for the use of Village right-of-way and explained that municipalities control the use of their right-of-way as public domain and have both the right and the responsibility to get some kind of compensation and set some standards for those right-of-ways. The main issue addressed by the ordinance

is to grant Time-Warner the use of our right-of-way for distribution and hardware needed for them to supply their cable television service to Wimberley citizens. The territory involved includes the boundaries of the Village. It is a ten year non-exclusive franchise so it allows for competition from like servers. Many community concern issues are addressed by the ordinance, such as standards of care in the right-of-way, how they need to leave the right-of-ways, how they need to inform the municipality about the impending use of their right-of-way, the process for obtaining permits and liability protection for the city as they perform their work. The franchise fee will be 4% (instead of the originally proposed 3%). The 4% rate seems to be the standard for area communities and it will be locked in for ten years. The ordinance will be presented to Time-Warner for their review, understanding that some minor changes might be mutually agreed upon. Councilman Klepfer moved that the franchise agreement ordinance be approved at the 4% rate. Seconded by Councilman Brown, the motion passed 5-0.

Councilman Klepfer noted that the City Hall gets free service with a channel designated for broadcast of the Village council meetings if desired.

Councilman Brown expressed some concern about erosion control as well as the permitting process since Time-Warner is already at work in the community. He emphasized the need for the city to carefully review the provisions in the agreement that pertain to restoration of right-way and erosion control as Time Warner is working on service installation. Preferably, prior to them beginning work. However, they seem to already be moving rapidly through the community without this being done. Councilman Klepfer stated it was true that they were currently pulling cable through the city's right-of-way without a permit, and that he plans to discuss several things with them next week, including placement of the company's power boxes (12). Time-Warner has already agreed to right-of-way restoration when they are through since much of the work was done during the time of the recent heavy rains.

Councilwoman Knies noted that there were some Wimberley neighborhoods that would not be served by Time-Warner because these areas were not dense enough. However, there are some neighborhoods that might be sufficiently populated and could be served if Time-Warner was informed as to their whereabouts.

Councilman Manis stated that he was told the reason for Time-Warner's haste was because the company had a deadline of December 31 for a timely provision of this service to Wimberley or it might possibly be delayed for a considerable period of time.

C. Public Forum, Discussion and Action, extending 90 day moratorium on non-residential construction.

Councilman Brown stated that, nobody is thrilled about having to request this extension. However, the reason for the request is that the Commission was a little too optimistic about the timeline for completion of the permanent ordinance .He explained that Commission work on this project was not started until about six weeks after the original 90-day moratorium was put into effect. Hence, even though they worked as fast as possible to submit this ordinance, they were unable to complete it before the

ordinance expired. Councilman Brown explained that this is not an extension of the old ordinance, although it includes all the terms that were in both the original moratorium ordinance as well as the amendment to that ordinance which dealt with the "changes of use" of commercial usage. The new ordinance has provisions to require a permit for any commercial construction and suspend the issuance of those permits during the moratorium. There is a process for applying for the change of use of a commercial property (which has to be approved by the city council) and there are standards for reviewing those applications. Applications will be required, there will be a fee, and there will standards for review of these applications. Those standards have been previously presented and can be read in the new ordinance. Councilman Brown made the motion that Council approve this new ordinance asking for a 90-day moratorium on non-residential construction with another 30-day extension if necessary. He added that the Commission might not need the full 90 days.

The Mayor clarified that construction begun before the commencement of the first moratorium was not affected by this new ordinance. The original ordinance was enacted on September 7th with expiration today, December 7th. The proposed ordinance would commence tonight and be good until March 6th, with possible extension of 30 days if needed. Seconded by Councilwoman Knies, the motion passed 5-0.

D. Report by Chairman of Sign Committee on progress of permanent sign Ordinance and discussion of final review procedure.

Jim Gillock, the Chairman of the Sign Committee reported there were three things to discuss with the Council regarding the status of the new sign ordinance. By way of background, he said that the committee's first meeting was held on October 2nd. The 90-day moratorium we are operating under now was published on October 7th and this ordinance is still in effect. He also wished to discuss the timeline for accomplishing their goal, vis-à-vis where we are now and where we want to be in the future as far as getting the permanent ordinance in place. He expressed that the Sign Committee presents a very diverse cross-section of knowledgeable community people in that it is a seven-person committee with three small business owners: two are sign company owners, two are realtors, and a commercial real estate development person and a retired attorney. The committee has had six formal workshop meetings since they started. The last one being held last Friday at which time they finished a draft for Alan (city attorney) that the committee considers almost final, depending on the committee reaction to possible changes to the draft after the attorney reviews it. The committee's third draft was 38 pages. Alan is committed to having the re-draft back by December 15th. The timeline is based on assumptions, and is as follows:

- December 15th – re draft back from attorney
 - December 19th – final sign-off meeting by the committee
 - Approved copy back to the attorney
 - December 27th – back from the attorney
 - December 28th – back to the Committee for review
 - January 3rd – to P&Z Commission for review
 - January 4th – back to attorney if there are any changes
- The committee will be asking for the 30-day extension at this time.

January 7th - highlighted as end of 90 day moratorium
January 9th - revised copy back from attorney
Copy to P&Z and Council for review
January 18th - presentation to the Council

Jim mentioned the recent article in the View regarding the ordinance. He stated there were only two positive and one no positive calls after that article. The committee has identified over 15 sign violations in the Village. These are ready for a letter to be sent to the owners notifying them their signs are in violation of the moratorium. Several sign owners have called to ask what they can do to be in compliance with the city rules.

Councilman Klepfer remarked that he thought maybe some of the things necessary to get it reviewed and back to the Council might go on simultaneously and move it forward sooner. It was agreed that the ordinance draft could be completed and sent back to the attorney only once in the process. Councilman Brown suggested that when it comes in its final form to Council, there be a joint presentation by P&Z, with the committee for background information, as needed. Also, he informed the Council that we have a volunteer Sign Administrator.

The Mayor outlined the procedure to be followed by the city for each sign violation. A file will be established for each sign identified as a violating sign. That file will contain all of the pertinent information, i.e., name of sign, name of person owning sign, person who owns the property (if different), copy of the letter to the owner of the sign signed by the Mayor stating that we believe that sign is in violation of our moratorium and that they will have ten days to rectify that violation. The Sign Administrator will take a picture of the sign which will be attached to the sheet so that when someone comes in to the City Hall, the Office Manager will be able to show that person a picture of the sign and the related information.

Citizens can call City Hall to report signs that are in violation. There is currently no e-mail address to report sign violations but as soon as the city gets an e-mail address, it will be publicized.

- E. Discussion and Possible Action to Establish Municipal Court of Record.
- F. Discussion and Possible Authorization for Mayor to hire Don Campbell as Village of Wimberley Municipal Court Judge and David Sander as Village of Wimberley Municipal Court Prosecutor.

Councilman Tony McGee requested that agenda items E and F be continued to the next Council meeting because the necessary proposed ordinance has not been prepared and that it will be on the agenda for the next meeting.

- G. Discussion and Possible Approval of 2-year sub-lease of Konica Copier at \$120 per month, plus 2-1/2 cents per copy over 2,000 copies per month.

Councilwoman Knies informed Council that the copier the city has been using was on a 3 year lease to Omni Properties and since they have moved their office operations to Marble

Falls, they have offered the city the opportunity to sub-lease the copier. After examining other lease agreements, it was decided that the offer would be beneficial to Wimberley. Councilwoman Knies moved that the city sub-lease the copier for \$120 per month and a small charge (less than a penny) for copies over 2000 per month. The contract includes maintenance and the option to purchase the machine. Seconded by Councilman Matt Manis.

Dick Larson volunteered to either donate or sell a copier to the city, it being one he had replaced – but is in good working condition. Councilwoman Knies stated that it would be good to have both machines since many copies are being made and it would cut down on the number of copies over 2,000 that would have to be paid for by the city. Councilwoman Knies reported that the Cable's are picking up the difference in cost between \$120 and \$170 per month. The motion passed 5-0.

Council adjourned at 7:47 p.m. to Executive Session to discuss Item A. "AquaSource permit litigation", with attorney Alan Borjorquez present, and reconvened to the regular meeting at 8:30 p.m.

9. Items from Council

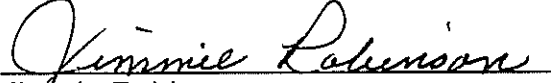
Councilman McGee reminded Council that some time ago, they had discussed a rainwater resolution without taking any action. He requested that Council revisit this issue because of the tendency to dismiss drought concerns once the drought is over. His point being that bringing up the resolution again would call attention to the inherent problems we have during times of drought and the need to try and seek solutions.

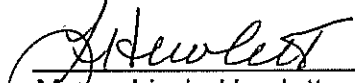
Councilman Brown noted that the city has progressed far enough that it would be a good idea to have – as a regular agenda item – a report from one of the committees, boards, or commissions. Councilman Klepfer stated that he would like to see the chairpersons of the various committees interact with Council on a regular basis so as to share information as well as coordinate all city findings related to enacting ordinances.

Councilwoman Knies said she is working on getting the Historical Preservation District committee to a meeting and also the Parks and Recreation Committee. She stated that she and Chris Cusak attended an all-way workshop that was very good; that they had received a lot of useful material to review.

Mayor Hewlett stated that Dan Williams is working on a web site for the Village and it should be ready soon.

10. Adjournment. The meeting adjourned at 9:20 p.m.


Jimmie Robinson
Acting City Secretary


Mayor Linda Hewlett

Next Council Meeting: Thursday, December 21, 2000.