

**The Village of Wimberley
Regular City Council Meeting
14500 RR 12 – Suite 22
Thursday, January 18, 2001**

A REGULAR MEETING of the Village of Wimberley City Council was held on Thursday, January 18, 2001, 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** was delivered by Father Mac Keeble, St. Stephen's Episcopal Church.
3. **Pledge of Allegiance** was led by Mayor Hewlett.
4. **Roll Call.** Present were:
 - Mayor Linda Hewlett
 - Councilman Walter Brown
 - Councilman Steve Klepfer
 - Councilwoman Martha Knies
 - Councilman Tony McGee
 - Councilman Matt Manis
5. **Consent Items.** The minutes of the January 4th, Council meeting were approved as submitted.
6. **Presentations of Citizens.** Craig Sherwood, AquaSource representative. (Please see attached transcript of presentation, hereby attached and made a part of the minutes of this meeting.)
7. **Reports from Committees: None**
8. **Old Business**
 - a. **Discussion and possible action to amend the PEC Franchise Ordinance for Village of Wimberley.**

Councilman McGee reported that the agreement with PEC has not been signed. They seem to have a difference in interpretation of the legislative action passed during the last session regarding utility franchise rates. Our attorney, Alan Bojorquez, has not been successful in his attempts to contact them but will continue to do so. He moved that this item be continued. Seconded by Matt Manis, motion passed 5-0.

Mayor Hewlett introduced Alan Bojorquez, City Attorney.
9. **New Business**
 - a. **Discussion and Possible Action to support the Hays County Resolution on Rainwater Collection within the Village of Wimberley.**

Councilman Steve Klepfer informed the Council that there has been a request that Wimberley Council express support for the county's rainwater collection incentive program. This is a resolution supporting their program. Since we do not have any property taxes, it has no impact on Wimberley citizens in regard to those taxes, but the resolution says the city believes in and encourages these incentives and hopes the county will be successful in getting legislative action in support of the incentive plan. Councilman Klepfer moved that Resolution R001-2001 be adopted by the Village. Seconded by Councilman McGee, the motion passed 5-0.

Councilman Brown asked if the county was making any overtures to any other taxing authorities to get them to do the same thing, i.e., school districts, EMS, etc. Councilman Klepfer stated he did not know for sure but that he thought most of their efforts were being directed towards the legislature at the present time.

Councilman Brown stated he had heard of a case where a couple added this enhancement to their property but ended up paying more taxes than before. It was pointed out in the discussion that you do add to your property value when you put in this system and that everyone should encourage other taxing entities to emulate the county's incentive plan as well as encourage legislative action that will result in appropriate tax relief for those citizens who install rainwater collection systems. The motion passed 5-0.

b. Public hearing, discussion and possible action on the Village of Wimberley Sign moratorium and the proposed Village of Wimberley Sign Ordinance.

Councilmember Brown stated that after much hard work, the sign committee had formulated an ordinance and forwarded it to the Planning Commission, who then worked very hard, to get it ready for Council action. He introduced the Planning Commission Chair Glenn Fryer who presented their recommendation to the Council. Glenn made the statement that the whole purpose of the sign ordinance is to restore and maintain some order in the way signs are used in the corporate limits of the Village. In the two public meetings, there was considerable support from the citizens who attended. At the last Planning Commission meeting, members voted to pass the second revision of the Sign Ordinance (as revised) to the city council for action. The Planning Commission substantially increased the severity of the sign ordinance in their revisions because they felt that in order to get closer to what the vision statement called for, there needed to be some additional tightening of the regulations. One of the things added was some lighting regulations aimed at reducing the glare from night sky illumination that comes from the lit signs. The proposed ordinance was turned over to the Council for their suggestions for revision and/or Council action.

Mayor Hewlett commended the sign ordinance committee, recognizing Jim Gillock, chairman. Ricky Wright and Clint Frankemann, committee members, who were introduced and thanked. The mayor also commended the Planning Commission on an outstanding job in producing a fine document. Mayor Hewlett stated that when the council members took office, they felt their mandate from the citizens, more than anything, was to maintain and protect the integrity and beauty of this community. She observed that one of the major ways you assess a community is when you drive into that community, you see whether or not the roadway is covered with signs. The Council felt it was important to make a statement immediately on the use of signage in the community.

So, the Council is very proud that our first permanent ordinance is a sign ordinance that will go far towards protecting the beauty of this community. She thanked everyone very much for his or her work. At that point, she stated the meeting would be turned over to a public hearing on the sign ordinance, and opened it for any objections the public might have. No one spoke in objection to the ordinance.

The Mayor stated that a sign committee will be organized to formulate a plan for signage that will allay the fear of merchants who fear their businesses might not be easily located. Discussion was held regarding ways to do this. Recommendations will be passed on to the sign committee for possible solutions. There was considerable discussion regarding the various ways that this might be addressed.

Councilman Walter Brown moved to close the public hearing. Seconded by Councilwoman Knies, the motion passed 5-0.

Councilman Walter Brown moved that the Council adopt Ordinance Number 2001-002, including Appendix A regulating signs in the Village of Wimberley jurisdiction, subject to the following conditions: The changes, additions, and deletions to be approved by this Council tonight will be incorporated into the ordinance and the city council will direct the Wimberley Planning and Zoning Commission to produce and recommend a plan to implement a uniform directional signs program in the Village. Seconded by Councilman Tony McGee.

Councilman Klepfer commented that, although It's already been said, this is an incredibly well done document. There was expertise, community input, hard work, a variety of views that were heard and sifted out. I believe it is what Wimberley is looking for. I would like to comment on signs at River Road. One thing that has to be talked about is that these are businesses advertising on public right of way which is generally not good business practice; signs should not be put on property that does not belong to you. Business use of the private right of way has been abused and has gotten out of hand.

Councilman Steve Klepfer moved to change page 16, section B. to read "Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, historical society or religious organization to commemorate a person, event or other matter of historical interest." Seconded by Councilman Walter Brown, the motion passed 5-0.

Councilman Klepfer made a motion that Section 8A read as follows: "Attached Signs cannot, in aggregate, exceed the lesser of 1) 10% of the area of the wall to which they are related, including windows and doors, or, 2) exceed 30 square feet – in the non-residential zone." The residential will stay the same. Seconded by Matt Manis. Discussion brought out that on page 25, BB Item 3b would read the same way by changing the 15 to 10 and adding the 30 sq. ft. maximum. The motion passed 5-0.

It was clarified that illuminated signs that existed before the ordinance was adopted would be "grandfathered" for a period of five years.

Councilman Klepfer moved that Z-4 under Self-Supported Signs be changed to read, "The height of a self-supported sign may not exceed 10 feet in a non-residential zone and 12 ft. for a commercial complex in a non-residential zone or 4 feet in a residential zone" Seconded by Councilwoman Knies, the motion passed 5-0.

The city attorney made a clarification regarding a "legal non-conforming sign" p. 30, in that if the ordinance is designed so that when anyone modifies, reconstructs, or expands a non-conforming sign – it must be brought into full compliance with the ordinance at that point in time. The ordinance, as designed right now, is not anticipating retiring or ending a grandfather period for an existing non-conforming sign absent any changes.

Councilman McGee offered the comment that in view of the length of discussions taking place at this meeting on just a few of the items covered in the ordinance, that the sign committee should certainly be commended for their time spent in producing this fine ordinance. He had no suggestions for changes.

Councilman Brown moved that Section 5A – 19 "*Residential Zone*" be amended to read "200 feet" instead of 100 feet . Seconded by Councilman Manis, the motion passed 5-0..

Councilman Brown: Suggested fees. Appendix A. Permit process and providing an application for a sign permit is what will be voted on tonight. Fees are mid-range of cities in Texas. However, he moved that sign review charge be raised from \$15.00 to \$25.00 to cover administrative, office, inspector times, etc. These fees will have to pay for the costs of the service. Permanent sign fees, of non-illuminated signs will be 75 cents per sq. ft. of sign, minimum fee \$20.00. So, basically, all of our signs will be less than \$25.00. So, it would cost a fee of \$25.00 to turn in application for a permit and then the permit will cost \$20.00. Even the largest sign we permit would not cost more than \$40.00. He moved that the application fee be changed to \$25.00. Seconded by Matt Manis. Councilman Brown stated that when we had someone who would be a code enforcement officer, the city would leave it up to that person to revise the application as needed from time to time to make it more effective and to make it more accurately reflect changing community needs in all aspects except for fees, that being in the authority of Council.

Councilwoman Knies had no changes to suggest but wanted to commend the committee for their work and stated that this ordinance will no doubt be the single most important factor in restoring the beauty back to this Valley in a period of time.

Councilman Manis commended the committee and stated that, upon looking back on the community issues during election time, this was the one most important to the community.

Mayor Hewlett also recognized Curt Busk and Sally Caldwell, members of the committee. The motion passed 5-0.

c. Set date for public hearing and possible action on the Village of Wimberley Sub-division Ordinance.

Councilman Brown reminded everyone that the County and the Village moratorium on sub-divisions expires on February 7th. Because of the volume of work being done by the Planning Commission, it is very unlikely that they will have formulated and received Council approval on a sub-division ordinance. It is hoped that by the end of February, the Commission will be ready to present it. He asked to have it on the agenda for February 1st meeting.

d. Discussion and possible action to post advertisement for the position of Village of Wimberley Building Official.

Councilman Brown stated he had been researching the issue of building permit fees and he had determined there would be enough to pay a part-time building official. Within the next 30 days, he felt the Village would have to get serious about finding someone to handle the building code issues on a part-time or contract basis. He has made contact with the Building Code Enforcement Assn. of Texas, an organization of those persons, some of whom are looking for jobs. Also have contact with websites who advertisement for comparison purposes. He also stated he would contact Woodcreek for information as to the person they use. This item will be continued so that Councilman Brown can research it further.

e. Discussion and possible action on a request to TNRCC for a Village of Wimberley Wastewater Certificate of Convenience and Necessity.

Councilman Steve Klepfer read the content of the resolution aloud:

"RESOLUTION APPROVING THE FILING OF AN APPLICATION BY THE VILLAGE OF WIMBERLEY FOR A CERTIFICATE OF NECESSITY WITH THE TEXAS NATURAL RESOURCES COMMISSION FOR WASTEWATER SERVICES WITHIN THE DESIGNATED CORPORATE LIMITS OF THE VILLAGE OF WIMBERLEY AND ITS EXTRATERRITORIAL JURISDICTION.

WHEREAS, the Village of Wimberley desires to protect the area streams and groundwater resources through proper treatment management operation of wastewater services for the citizens of the Village of Wimberley,

WHEREAS, a CCN is required by the TNRCC for wastewater services within the designated corporate limits of the Village of Wimberley and its ETJ, and

WHEREAS, such action will provide a means of protecting area streams, and

WHEREAS, this action is built on the cooperative effort among area residents and the Guadalupe-Blanco River Authority which resulted in the completion of the Wimberley Regional Wastewater Planning Study,

WHEREAS, through the incorporation of the Village of Wimberley, the council is better prepared to directly manage the protection of our natural resources to assure high quality and reliable wastewater services,

WHEREAS, while the Village of Wimberley does not, presently, have operating resources to develop and manage the proposed wastewater system, and

WHEREAS, Wimberley has requested and will receive assistance from the Guadalupe-Blanco River Authority to manage and operate the proposed wastewater Wimberley is presently engaged in discussion regarding the construction and operation of the system.

BE IT RESOLVED BY THE VILLAGE OF WIMBERLEY CITY COUNCIL, that the Mayor, or her designee, take all action necessary to file an application by the Village of Wimberley for a Certificate of Convenience and Necessity with the Texas Natural Resources Conservation Commission to provide wastewater services within the designated corporate limits of the Village of Wimberley and its extraterritorial jurisdiction.

This is the recommendation of the Water/Wastewater Advisory Board and that application will go in next week.

Mayor Hewlett recognized Craig Sherwood, representative of AquaSource who requested permission to speak on this item.

Craig Sherwood (AquaSource representative) addressed the council: "This was news to us that you were going to file and I would like to comment that we do have a current CCN here in two different places within the Village and we do have an amendment pending for service to Brookshire Bros. and the 2325 corridor as requested by several al business in that area so we will be actively participating in the process, obviously."

Councilman Klepfer moved that the resolution be adopted by Council. Seconded by Councilman Walter Brown/McGee. The motion passed 5-0.

f. Discussion and possible action to add Dell Hood to the Village of Wimberley Parks and Recreation Committee.

Councilwoman Knies stated that the Village has a good Parks and Recreation Committee and that Dell Hood had been serving as recording secretary, plus he has some experience in that field, and adds a lot to the committee. Councilwoman Knies moved that he be made an official member of the committee. Seconded by Councilman Manis, the motion passed 5-0.

10. Items from Council

Councilman Manis stated that he hoped that he and Councilman McGee would be able to get the lawyers between the Village and PEC to resolve the legislative misconceptions. He stressed that all of the programs that require expenditures of funds will have to generate enough revenue to be a "wash" because of the budget impact.

Councilwoman Martha Knies pointed out that while everyone had commended the sign committee and the Planning Commission for their work on the sign ordinance, she wanted to publicly thank Water Brown for his efforts in effecting the final ordinance that was approved by Council.

Presentation and Council Discussion on Spillage at Brookshire Bros. Lift Station

Craig Sherwood: After receiving a letter from the Mayor, requesting a response in regard to the incident that occurred at the Brookshire Bros. lift station almost two weeks ago, David Byers, President of AquaSource asked him to be present to respond to the city's request (and that a written response is in the mail.) The problem was corrected the same day and, at the request of the mayor, a copy of the report that was sent into the state, with all the details, was faxed to the city as a courtesy. It was an electrical problem that caused the failure and as with anything mechanical, it can happen, but does not typically happen on a regular basis. We have several lift stations in Woodcreek and throughout the area and it is not normal for this to happen but about once every few years. I have confirmed that their staff checks the lift station seven days a week and they have hour meters that calculate the time the pumps run every day that gives them a method of checking (it is not required by the state.) As far as the state requirements, there are procedures in place to notify them as required by the rules and we have not heard anything back from TNRCC. The station is operated in accordance with the state rules. But since it is a mechanical operation, it is possible for it to happen. There is one additional thing that can be done to address the problem in the future, and that is to install an "auto-dialer" however, it also could fail, but typically does not, but gives us a call when there is a higher than normal flow going on which tells us that something unusual is going on. AquaSource is looking into installing that and we would like to talk to the city further about it.

Mayor Hewlett: When you install that, does it send a warning to your office, or does it just turn the light on at the station.

Craig Sherwood: An auto-dialer (four channel) would call four different telephone numbers which are programmed in and automatically rolls over to all four numbers (which are answered 24 hours per day). Third or fourth number calls me direct and it is pretty fail-safe, except since it is electronic, it can conceivably fail. It can be called into electronically and it will respond as to what is going on at the lift-station. It is not required – but it is an option.

Mayor Hewlett: So, you are going to put that in at that lift station?

Craig Sherwood: We're looking into it. We would like to talk to the city about that. Even though it is not required by the rules, it is an extra precaution. It does have batteries, so in case of a power failure it will still call and you can check that daily and we can dial into it and find out if the electricity is on the pumps are working. Part of this is, that as you are aware, this lift station is part of a pending CCN amendment application and AquaSource has already invested a substantial amount putting this in at the request of the county and other people that asked us to run the line down here. We are looking for a commitment that we will be allowed to use that service if we are going to make any further investments.

Mayor Hewlett: How many lift stations do you have in the jurisdiction of the Village of Wimberley and where they are?

Craig Sherwood: Aqua Source has four lift stations in Wimberley: one at Brookshire Bros., one at Wimberley Administration building, one behind Scudder Elementary and one by the High School. Some of the positive things about the lift stations, when there is a failure, it is visible – when septic tanks fail, you don't know about it until it finally surfaces, which can be years, and at that point there has been a lot of pollution.

Mayor Hewlett: Are you looking into putting those auto-dialers into the other lift stations in Wimberley?

Craig Sherwood: Correct. They are also looking into putting the auto-dialers into place on all four and it would be encouraging for the Village to be in support of that and see that one of the needs of us making the thousands of dollars needed to put this equipment in, not to mention the several hundred of dollars to run these systems. No business would make this investment like this with any assurance they were going to get a return on their money.

Councilman Steve Klepfer: No, but a city would - if it were worried about it flowing into our creek.

Craig Sherwood: That is true.

Councilman Tony McGee: Do you keep a business record where the person who maintains the lift station daily signs a form – or initials it -- where they indicate that on that day, an inspection was made?

Craig Sherwood: We typically have checklists. Since I am not here on a day-to-day basis, I have no knowledge I had in the past when we only had Woodcreek, but I do know that the operators are working seven days a week and that they check it and they keep notes but as far as how specific they are, that's something we are to make sure is in place because of this problem and we gonna make sure what type of records are being kept, and that they check it and that they keep notes on what they do.

Councilman Tony McGee: By appearance, that spill looked as if it had run longer than just one day – just lay people looking at it. The volume was discharged, if it was done in less than one day, in the event of a major break, I take it the lift station is capable of putting out a lot of sewage on the ground, is that correct? If the amount that was there (as is in the pictures) and that volume went out in less than one day, what kind of volume can that lift station put out onto the ground in one day?

Craig Sherwood: Do you mean if the pumps were running and there were some pipe breakage? I'll have to get that number, our engineers have the pumping volume that the pumps can put out.

Councilman Tony McGee: On the type of occurrence that happened up there the other day – that type of failure – what kind of volume could that lift station put on the ground during a one day failure?

Craig Sherwood: It can put the volume of water that can flow through the meters of all of the customers that tied on the system, minus the storage volume in the piping and in the storage tank itself. I don't know the specific numbers.

Councilman Tony McGee: Is AquaSource certain that that spill lasted less than one day?

Craig Sherwood: That's our knowledge.

Councilman Tony McGee: What is that based on?

Craig Sherwood: Based on our operator representation that they checked the system the day before and that there was no spillage.

Mayor Hewlett: They checked it the day before – or that morning?

Craig Sherwood: The day before, we check it each day, I know that we were there on Friday. Some days we check it in the morning, and some days, it's in the afternoon. It depends on which route we're on that day – they check several systems in the area and sometimes they come by in the mornings - sometimes in the afternoon. And, it is our knowledge, from our operator, that they had checked it was less than ... that they had checked it there the day before and that everything was fine.

Councilman Tony McGee: Did he fill out a routine form that's maintained by the company that indicates he made that check.

Craig Sherwood: I don't know specifically what forms we have (I just got this today – the letter went to Houston), I got called about this meeting at 3 o'clock, that's when I found out about it. I'm not prepared to answer that question, but I will find out and get back to Council.

Mayor Hewlett: I think what Tony's referring to is "some sort of log" they check off daily that shows they inspect it.

Craig Sherwood: Right, we typically have that, but I don't want to misrepresent anything to Council and I want to be sure, I haven't seen the paper, but I have talked to the operator I believe that you all saw the operator when he came out, Tim Hamm, he's been with us (through the prior company) now for almost 15 years.

Councilman Steve Klepfer: Is everything on that line - the whole line – does it go down to the lift station at Brookshire Bros lift station and then pump back up? Or does it go to the first station?

Craig Sherwood: No, the way its currently configured, there is a manhole where gravity starts on the east side of the road – across from the Administration building – everything from that manhole flows south to this lift station at Brookshire Bros. and then is pumped back up to the lift station behind the administration building and from there, it is pumped to the high school lift station and from there, its pumped to the plant.

Steve Klepfer: So, the only other person that's hooked up now is Sheffield's

Craig Sherwood: Sheffield is north of the school - so his goes to the high school station since he is tied in on the line thats going back. There are two pipes installed, so they can come down to the lift station and then go back.

Councilman Steve Klepfer: On lift stations in other municipalities, what is the range of precautionary redundancy for emergencies on these lift stations?

Craig Sherwood: I would say that most of them do not have auto-dialers, less than 10%, because it is so expensive and because of the device itself and because you are checking it daily, the storage volume of the unit itself is almost a day's flow (several hours), So, the odds of having a spill is minimal. Two pumps, part of the backup, two sets of electrical components, if one fails, the other one is designed to take care of what ever comes into there.

Councilman Klepfer: Even when this red light goes on, if I were to see it, I wouldn't know who to call – I see your phone numbers on signs around town.

Craig Sherwood: We do have some signs around – but we need to put the last number on there and put them around because we need to have signs around.

Councilman Klepfer: There is a lot of water that flows down from that parking lot at Brookshire Bros. towards the lift station and the water misses the collection pond and goes right past the lift-station. So, the failure the same time as a rain event is gonna be bad news. I don't know if that is a design problem of AquaSource or Brookshire Bros. or both.

Craig Sherwood: We don't have any control over storm drainage, that's the city.

Councilman Klepfer: I understand that, but nonetheless, you have a problem if it fails, due to rainwater.

Craig Sherwood: I believe that TNRCC regulates that and that's why it was built. I would think Brookshire Bros. might want to address that if its not working properly.

Mayor Hewlett: There's a great deal of erosion right past your manholes where he is talking about – above your lift station.

Councilman Klepfer: To my way of thinking you are going to get water in your lift station.

Councilman Walter Brown: It looks like it will go over the top past your foundation.

Craig Sherwood: We're certainly gonna take a look at it. We don't have any authority to tell them what to do that's up to the city and TNRCC.

M.F. Johnson: I read in the paper that chlorine powder had been spread over the spill. Can you tell us what percentage of chlorine that is in it and exactly what that powder is and the effect it might have on plants and trees.

Craig Sherwood: I cannot tell you the specific calculations of that but it is done as a standard procedure to disinfect and to my knowledge, there should be no impact on environmental plants or large animals.

Mayor Hewlett: Thank you.