

**The Village of Wimberley
Called City Council Meeting
14500 RR 12 – Suite 22
Thursday, January 25, 2001**

A CALLED MEETING of the Village of Wimberley City Council was held on Thursday, January 25, 2001, a notice of said meeting having been posted at least 72 hours in advance and in accordance with Section 551, Texas Government Code, 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 Dr. Jones of the First Baptist Church delivered the invocation.
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 18th, Council meeting were approved as submitted.
6. **Presentations of Citizens**

David Wilson asked for information about when the city would begin receiving sales tax revenue for the operating budget. He expressed concern because that sales tax income amounts to 25% of the yearly city budget. Mayor Hewlett explained that Council had expected the collection of the taxes to begin in January, however, it will not start to be collected until April. Councilman Manis explained that the state ruling is that once the city had passed the sales tax initiative, a full quarter must elapse before collection would commence. Hence, since the tax initiative was approved in November, it would be April before the start of tax collection and the first check will come to the Village in June and monthly thereafter. The Mayor explained that this time was required because there was quite a bit of work to be done to verify the businesses that are within the city limits and then to notify them so they can begin collection.

Mayor Hewlett explained that this meeting was a "called" meeting for Wimberley citizens to find out what is going on in the Village since incorporation. The Mayor expressed thanks to the chairpersons of the various committees who were there to speak to those in attendance.

7. **Reports from Committees**
 - A. **Planning Commission**

Glenn Fryer, Chairman of the Planning Commission. The Planning Commission has met once a week since it was formed and has been holding public meetings at other times as well as doing research and homework in between times. The principal work of the commission has been to

formulate a zoning ordinance. He stated that, without the support of Walter Brown, Council liaison, and Sally Caldwell, who is the commission's "dollar-a-year" consultant, the commission would not have made as much progress as they have so far. The zoning ordinance is currently at an impasse because our city attorney is not completely happy with the form our work has taken and we have to find a way to modify his views as well as our views. The commission has tried to get a district, which provides extraordinary ability for individual property owners to decide how their own property should develop. That is contrary to the usual way it is done in Texas. Therefore, it has showed things down somewhat in finalizing the ordinance.

The commission appointed a Comprehensive Planning Steering Committee that is beginning some serious work. The commission took a couple of weeks to review and strengthen the sign ordinance, which was approved by Council and now comes down to a matter of enforcement. Glenn expressed his opinion that there is one very large issue that needs to be addressed, in that it will be difficult to enforce the ordinance unless the city takes on the Diamond Shamrock Sign at the Junction. This business has more than 16 incidental signs and banners as well as 30 or more pennants, most of which will not be in accordance with the ordinance and were put up during the moratorium. The commission has been working on an antennae ordinance that will be considered Monday and then be ready to pass to the council after that meeting. They are now working on an urgently necessary subdivision ordinance. He stated he has been counseling with a lot of citizens who had questions concerning ordinances and he will continue to do that on ordinances that have not yet been passed, but will not do that on ordinances that have already been passed by Council.

Sam White, Building Code Commission Chairman. The Building Code Commission has been working since the last week of September, under the direction of Walter Brown, to come up with a building code. The timing was good to do this because the commission only had one option. The year 2000 happened to be the culmination of a four-year process by building people all over the country wherein the three major building codes in the country were merged into one document, the International Building Code, which Wimberley will adopt. There are two code books kept in the City Hall. The International Building Code 2000 and the International Residential Code. The primary difference between the two is the building code is for commercial building whereby it contains the technical section of the code that is more like an engineering code, i.e., what requirements you have to meet to design certain things. The residential code is a prescriptive code that will tell you what to do under certain conditions; it has already been designed for you. The committee has aimed at developing Wimberley's own ordinance, and in so doing they reviewed the administrative codes of those two documents (which are similar) and amended them to fit Wimberley references, like the Hays County Flood Ordinance and the Texas Plumbing Code. There are smaller books in the city hall library that refer to other specific topics, like electrical, fire and zoning codes. The document, including amendments, has been passed to Councilman Walter Brown for presentation to the attorneys. One last item that will need fine-tuning is the setting up of a fee schedule. Then, the city must begin to find and hire a building official qualified to perform the necessary duties to interpret and carry out the code enforcement.

Councilman Brown stated that the goal of the committee was to make the operations of the Building Committee self-supporting, not to make a large profit. However, everyone knows that an application for a large commercial project, not to mention a subdivision, is very complex and the Village must have someone knowledgeable and this will require money in order to furnish that expertise. The city has every intention of going as easy as possible on residential but for large

commercial projects there will be larger fees involved. We will try to hit a balance for what is right for Wimberley.

C. Sign Ordinance Committee

Councilman Walter Brown The Sign Ordinance Committee is no longer functioning since their work has been completed. The work of this committee was the first product of a perfect example of citizen participation in action. They worked from October until ten days ago, came up with sign ordinance based on all the research, recommended it to the Planning Commission, who then held further public hearings, and the Council passed it last week. The permanent Wimberley Sign Ordinance is now in force and in the enforcement stage. There have been some community members which sign violations who voluntarily corrected them. However, now that the ordinance is on the books and we must administer it. At some point, we will have to make a decision about what to do when people appeal a decision by the building committee and to decide where it will be appealed i.e., Planning Commission, etc.

D. Water/Wastewater

Councilman Steve Klepfer. The Water/Wastewater Advisory Board meets twice a month and has divided projects by time scale. Immediate, medium and long-term issues are being addressed by that group. The immediate ones are inspection of on-site, improvement of on-site wastewater facilities and inspection of all wastewater treatment of facilities in the incorporated area and its jurisdiction, the AquaSource rate case appeal, and the AquaSource CCN appeal, as well as spills and other citizen complaints that come up. On the "medium term", they re dealing with AquaSource appeal of the discharge permit as well as the Wimberley Village CCN which is being sent to TNRCC next week. And, medium term, looking at working with the Planning Commission to have impact on water and wastewater infrastructure and subdivision regulations. In the long-term, one of the most important things the committee does is to look at water availability and long-term wastewater treatment in the Valley for the next 50 years or more.

E. Roads/Traffic

John Graddy. The Roads/Traffic Advisory Committee met for the first time on October 18th of last year, under the oversight responsibility area leadership of Councilman Klepfer. Some of the major things the advisory board has looked at are: traffic control at Mesa on Wayside at River Road, recommendations about how people request maintenance and road work requests, doing a survey on the Square, road assessment, and setting up a liaison with TDOT on plans for reconstructing RR 12.

Subcommittees, such as the one working on the Square, are looking at things like parking, how much traffic comes into an area, signs, and traffic flow, trying to help determine ownership of the right-of-way. In the Square. TDOT only shows one road coming into the square and one exiting the square. They are looking into pedestrian crossing and appropriateness of locations. The job has been broken into segments, starting with County Road 1492, working to Blanco River, then to the Square, which is a segment itself, Cypress Creek Bridge to River Road, River Road to Emergency, and Emergency Lane to Joe Wimberley Blvd. The board will have a set of recommendations for each of those categories. First set will be reviewed at their next meeting February 7th, after which it will be sent to Councilman Klepfer. for Council review.

The Road Assessment Committee has put together a map done by Carolyn Nichols, with grids, with a database that lists all the roads within the Wimberley corporate limits. It has the road names, or numbers, road co-ordinates for "in" or "transit" – some have multiple squares. It shows sub-divisions the road is in, owner of the road to the best of present determination, asphalt or caliche, and width of roads. Carolyn and some of the committee members have been riding the roads and assessing the condition of them, culverts, conditions of same, bridges; almost anything you need to know about roads. They are categorized by numbers, the lower the number, the better condition of the road. Now, they are ready to gather all other information that is not in the database. The current estimate is that we currently have 35 to 40 miles of road; the map is color-coded as to Village, county, or state roads. It will be computerized for future use. The county has been very responsive in helping to fix potholes or other maintenance problems and have said they will continue that for now – the relationship is very good so far. Carolyn Nichols stated that this information is 97% is correct, but the committee is still reconciling our data with the county's – since they have four different lists of roads and none of them agree. There is a long-range planning sub-committee that is being formed that intends to coordinate closely with the Planning and Zoning Commission because there are some very common issues. The other major issue addressing the committee is the work being done by TXDOT. Don Nyland, with TXDOT talked to the committee outlining their plans for RR 12 and the reconstruction through Wimberley. Bill Johnson visited with TXDOT about their plans and we are striving to maintain a good working arrangement with them. Some problems have arisen that have been brought to the committee; reports will be given to the Council on problems that have been identified by citizens or committee members.

The board talked to the Sheriff's Department recently about having the ability to ask for some concentrated traffic enforcement in problem areas. They said they would be willing to work with us. We will have some recommendations for the Council soon. In the future, the advisory board will probably ask Council to hire a road engineer on a contract basis and will recommend that the Council establish a substantial road maintenance fund; putting a certain percentage of the yearly budget into a road fund.

The outer loop for bypassing Wimberley is still on TXDOT's books and this board will be taking part in this – looking at it very closely, making sure we are involved. And, the board has also been asked to look into a "parking ordinance".

F. Finance

Councilman Matt Manis. The city is short of money at the present time, but we will have operating funds within the next few months. We have spent about \$34,000 paying bills as of this date. We also owe about \$19,000, mainly legal fees, which puts us into the hole by about \$53,000. If we borrowed \$35,00 and still have \$15,00 credit line; if we can get PEC to pay our franchise fees – which they have promised to pay us starting May (when we incorporated), that should make us well. Negotiations are underway with PEC; we want to go with 2% of the bill and PEC wants to go with a certain cent on kwh. Based on 1998 numbers, it would be about the same, but as kw hours go up, we will stay the same, however, as your light bill goes up - and if the cost of electricity goes up – the city will lose if we cannot keep that 2%. However, Councilmen Manis and McGee have found out that in about two years, it will go to the kwh anyway. So, we will pick up about \$10,000 on the 2% and they believe PEC will cooperate with the Village. Income should be around \$50,000 on a full year. Verizon residential rates will be \$1.38, businesses will be \$3.17, and straight lines will be \$4.83. Based on that and the number of lines we have, we should have about \$70,000 per

year revenue from that source. That rate was approved at 4% by Council, which should give the city about \$20,000 per year. We are still waiting on the check from PEC. Verizon started collecting in January and we will get a check in June, Warner, the same. Our largest source of revenue will be the sales tax, that should bring in about \$25,000 per month average. Summer months will be higher, but the annual total should be around \$300,000. Based on our original budget expectations (\$360,000), we should have a projected operating income of \$430,000. Hopefully, there will be no unexpected and exorbitant legal bills. So far, we have incurred large legal bills during the first part of our administration. However, these have been necessary to make sure we are doing it right – to avoid the possibility of other legal bills later on.

G. Legal

Councilman Tony McGee. We have one attorney in Wimberley who has tacitly volunteered to act for us on a volunteer basis, but his name will not be mentioned until we determine – with finality – that it is without cost. There is an experienced real estate lawyer who is looking into making a determination of what governmental units if any have had authority to deal with what we refer to as the “public Square”, that is, the area that we normally think of as parking. And also, the loop road, so that the people of the roads committee can act with more certainty when they make projections as to plans for that land and that we are hopeful that will be done fairly quickly.

The latest matters relating to PEC is that a draft of our ordinance had been submitted to them and they had apparently found reason to have complaints about it – but neglected to tell us about them – so we were just sitting here in a dead spot. Councilman McGee stated he has been able to communicate with someone above that level of command and have now received regular phone calls addressing the matter. Those suggestions and changes requested by PEC were passed on to our city attorney, who then made those changes, e-mailed the document back and a phone call was received from Russ Adamack today who said “lets meet Monday and get this thing all worked out –” Therefore, I think it may well have just slipped through the cracks and now I think it will be taken care of quickly.

In looking ahead, I think a matter that will become important will be ordinance enforcement. We have in place a municipal court, with Judge Don Campbell and prosecutor, David Sander, who are ready to go so that as these violations happen, we will have a method to enforce them and apply fines or other remedies that seem appropriate to the court. That will give us a backbone with which to face those who violate ordinances – so that they know there is a consequence to be paid for that infraction. It is our hope that the municipal court be self-supporting but it is not meant to be a moneymaker; our traffic fines are enforced through the county courts.

Councilman Manis noted that Councilman Brown had assured him that the building inspections would be self-supporting also. Councilman Brown stated that it is standard procedure anywhere in the State of Texas, that, if you start a building without a permit or put up a sign without a permit, that when you do come in, the fees will be doubled. If you never go in and then get caught, it becomes the problem of the municipal court.

G. Parks and Recreation

Chairperson Kris Cusack reported that their committee had met three times. The committee was formed because of the many expressions of interest from the citizens of Wimberley in having local Parks and Recreation facilities for the community and visitors. Their mission is to develop, build

and promote the implementation of an adequate parks, recreation and open spaces system for the Village of Wimberley and the citizens on an on-going basis.

Part of their strategy is to investigate the availability of grants available for developing a parks and recreation system. Information has been acquired from the Texas Parks and Wildlife Department, Lower Colorado River Authority, and the Austin-San Antonio Corridor Council on the economic benefits of parks and open spaces.

The committee has started an inventory of parks and recreation facilities within the village and ETJ, in order to know what we have before we determine where we want to go. In taking the inventory, the committee has solicited persons in the community who may have private recreation facilities in order to build coalitions working together to accomplish a comprehensive community parks and recreation plan. The work of the committee is now in the "information gathering" process so as to help the committee get ideas and directions so as to make recommendations for future actions by the Village.

H. Historic Preservation

Chairperson Dee Ann Story. The committee, while getting off a late start, is sensing direction and is enthusiastic about the possibilities. One of the first questions they asked was whether or not there were enough buildings left to be preserved in order to justify a historic preservation program, and the decision was an enthusiastic "yes". We have been very fortunate of having the assistance and advice of two very knowledgeable persons, Kate Johnson, who is Chairman of Hays County Historical Commission, and Lila Ethridge, who is a professional – an architectural historian – working with cities in Texas on preservation, workshops, and developing preservation plans. The State of Texas has three programs: the Recorded Texas Landmark, the Official Texas Subject Markers, and many archeological landmarks. After looking at these three programs, we find they really do not meet the local needs. As you know, when you see one MacDonald or one BurgerKing, you know you are bound to see more. But you will only see one drugstore, aka, the Dinner Bell, aka the Cypress Creek. It is unique to Wimberley, there is no other building like it. That is what our committee sees as their charge: "how can we go about preserving what is distinctiveness and what is charm. Local preservation efforts give us the opportunity to decide what is unique, what is distinctive, what is Wimberley. Step one is to develop an ordinance. The essential ingredients in the ordinance are the setting up of criteria and probate for designating landmarks and historic districts. Then, the second step is to move forward to actually designating – all the time with public input - relative to the content of the ordinance. The committee has moved well, considering they have only met twice and is collecting data on historic structure. We are fortunate in that Hays County Historical Commission did a survey for Precinct 3 in 1992 that included Wimberley. After review, we find that the survey was a casual drive- through – but it is a beginning. The next meeting will be Tuesday of next week.

The Mayor thanked all the chairpersons for an outstanding job that validates the volunteer spirit of Wimberley.

Councilman Matt Manis stated he would like to thank all the committee chairs and their members, stating that, when the City officials began their work, they knew it could not be done alone. And, it is very gratifying to see the numbers of persons who have stepped forward and helped the Council fulfill its obligations to the citizens of Wimberley. He stated that he had received a call from a Port Venture official who is working starting their new government and believes that our beginnings in putting a government in place has set a good example.

Councilman McGee commented that the law firm we are associated with in Austin is a large firm that is very experienced in municipal matters. After dealing with us for some time, they – as a group - sat down and decided that it has been extremely rewarding to work with a small community who is interested in getting it right the first time and putting a government in place for the “long haul”. In so doing, the city has given their firm a lot of work. For that reason, they are lowering their hourly fee for our city attorney.

8. Old Business

A. Discussion and possible action to appoint David Sander to serve as a Deputy City Attorney when he is serving as the Prosecutor of Wimberley Municipal Court of Precinct No. 1.

Councilman McGee made the motion that the City Council of the Village of Wimberley appoint David Sander to serve as a Deputy City Attorney when he serves as the prosecutor of Wimberley Court of Record for Precinct No. 1. The reason for this being that the Texas statutes require that the prosecuting attorney in a municipal court be designated either as a city attorney or a deputy city attorney. David is not associated with our city's firm and in order to meet the statute, we must designate him as a deputy city attorney. He will only serve as a deputy when he serves as our prosecutor, therefore it does not interfere with the activity of our city attorney. Seconded by Councilman Matt Manis, the motion passed 5-0.

B. Discussion and possible action to appoint Adelle Turpen to serve as City Secretary to the Village of Wimberley.

Councilman Tony McGee made the motion that City Council of the Village of Wimberley appoint Adelle Turpen to serve as the City Secretary of the Village of Wimberley. Seconded by Council Manis. Councilman Tony McGee stated that the statutory requirement of the duties of the City Secretary included indexing and maintaining city records. Jimmie has been helping us in handling that matter and she agrees that it would be better and easier for Adelle to take care of these duties. The motion passed 5-0.

C. Discussion and possible action to appoint Jimmie Robinson to serve as Assistant City Secretary of the Village of Wimberley.

Councilman McGee made the motion that the City Council of the Village of Wimberley appoint Jimmie Robinson to serve as Assistant City Secretary of the Village of Wimberley for the reasons mentioned above. Seconded by Councilman Brown. Motion was approved 5-0.

D. Discussion and possible action to appoint Adelle Turpen to serve as Clerk of the Wimberley Municipal court of Precinct No. 1.

Councilman McGee made the motion that the City Council of the Village of Wimberley appoint Adelle Turpen to serve as the Clerk of the Municipal Court of Precinct No. 1. He stated that our Municipal Judge, Don Campbell, recognized that she was the appropriate person to serve in that position. So, the day after he was appointed, he sent the forms off to the Secretary of State and he swore her in.

She has statutorily prescribed duties as the clerk, and – in that capacity - serves under the direction of the judge – not the City Council. She is the clerk of his court, keeps records, and has to have a locked file cabinet in for privacy purposes. She will also maintain separate records for funds that come into the court from fines and court costs, etc. So, she is the obvious person to do that. Seconded by Councilman Klepfer, the motion passed 5-0.

D. Discussion and possible action to authorize the Mayor to sign the Fire Protection Agreement with South Hays County Emergency Services.

Councilman McGee made the motion that the City Council of the Village of Wimberley authorize the Mayor to sign the Fire Protection Agreement with the South Hays County Emergency Services. Seconded by Councilman Brown. Councilman McGee stated that this was the agreement that was patterned after the one entered into with the Wimberley Fire Department. It is necessary because of the jurisdictions laid out a long time ago that covers the junction and a portion of Saddleridge Subdivision. As he understands from conversation with the two fire departments that, although we must enter into the agreement, in fact, when a fire call comes in to them from that area – it is referred to our fire department and it is answered by them. The contract does not cost us anything. At one time, there was some talk about the withdrawal of that jurisdiction but it was not carried out. The motion passed 5-0.

10 Items from Council


Councilman McGee stated that he is continuing to work with perspective city marshals that would serve as an adjunct to the municipal court. There is a bill before legislature now that would arrange for the immediate re-certification of retired law officials and those in our community who might interested in this proposition are waiting to see what the action will be on that bill. They prefer to do that rather than be re-tested and an officer must have this certification before he can serve as city marshal – by statute.

Councilman Brown stated he was looking at resources for a possible building official for the city, but if anyone has names of someone who is qualified and might be interested, please call him. There are some websites where people advertise but our community no doubt has some persons who could serve. This item will be on the agenda for the next meeting.

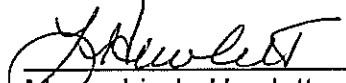
Councilman Knies again thanked committee members and also, thanked those citizens who turned out for the meeting.

Mayor Hewlett reminded everyone that there would be a Council Meeting next Thursday at 7 p.m.

There being no further business, the meeting was adjourned at 8:20 p.m.



Jimmie Robinson
Assistant City Secretary



Mayor Linda Hewlett

Next Council Meeting: Thursday, February 1, 2001 at 7 p.m. at City Hall.

Wimberley City Council

Parks, Recreation & Open Spaces Committee

Committee Members

Martha Knies - City Council Representative

Kris Cusack - Chairperson

Kathleen Cline

Fred Franz

Dell Hood - Secretary

Jane Morton

Thad Nance

Bob Shearer

The Parks & Recreation Committee was formed because of the many expressions of interest from the citizens of Wimberley in having local Parks & Recreation facilities for the community and visitors.

Mission Statement

To develop, build and promote the implementation of an adequate Parks, Recreation and Open Spaces System for the village of Wimberley and the citizens on an on-going basis.

Plans & Strategies to Date

1. Investigate grants available from the Texas Parks & Wildlife Department for the development of community parks.
2. Research the development of a comprehensive master plan for Parks, Recreation and Open Spaces in order to gather data to meet grant requirements.
3. Start developing an inventory of Parks and Recreation facilities within the village and ETJ, i.e. number of public facilities vs. private.
4. Work on developing local coalitions/partnerships with citizens/organizations in the community in order to work together to accomplish the mission of the Parks & Recreation Committee.
5. Have guest speakers from the community partners come to the committee meetings and exchange ideas to enhance the directions of the committee.