
Village of Wimberley
City Council Meeting Minutes
City Hall, 14500 RR 12, Suite 22
Thursday, February 1, 2001 – 7:00 PM

A REGULAR MEETING of the Village of Wimberley City Council was held on Thursday, February 1, 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 Linda Hewlett called the meeting to order at 7 p.m.
2. **Invocation** was delivered by Father Everett Trebtoske, St Mary's Catholic Church.
3. **Pledge of Allegiance** 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.** Minutes of the January 25th meeting were approved as submitted.
6. **Presentations of Citizens.** None
7. **Reports from Committees:** None
8. **Old Business.** None
9. **New Business**
 - A. **Discussion & Possible Action to enact an ordinance granting an electrical distribution franchise to Pedernales Electric which repeals and replaces Ordinance No. 2000-016.**

Councilman Tony McGee reported he had met with the PEC representative on Monday and discussed the draft of the city's franchise agreement and was told their officials would not sign the franchise document because of its length. Currently, the matter is being handled between the city attorney and their lawyer to try and work out the differences of opinion in the document. The PEC lawyer requested that he be given until Monday to review the document, at which time he will contact our attorney. Councilman McGee said that the document did not have to be agreed upon by PEC since the utilities are regulated by the legislature.

However, it is customary for a city and a utility to reach an accommodation, to avoid problems. He further stated that, in his opinion, unless PEC and the Village can come to an some sort of mutually agreed upon franchise document, it would be his recommendation that the Village pass the ordinance and then inform PEC of the action. They would then have the option to accept it or not. However, the city would then have "rights-of-way" management rules in effect calling for a criminal penalty for use of our rights-of-way without an agreement, providing a fine of \$2,000 per day for every day they are in our rights-of- way without an agreement. It will give us a bargaining tool finally work it out. He moved that we continue this matter until the February 15th meeting. Seconded by Councilman Manis, the motion was approved 5-0. In addition, Councilman McGee said that, while Alan, our city attorney, was working on this agreement, he had come across some law that requires a utility that is collecting funds from which franchise fees are paid, the utility is obligated to make those payments from the date of the city's incorporation. So, PEC has been approaching us as if they were giving us a gift by going back to May 6th, when in effect, they are merely complying with the law.

B. Discussion and possible action to approve Amendments to the Village of Wimberley Sign Ordinance #2001-002.

The sign ordinance, first permanent legislative action by the council, was passed at the last meeting and some members of the community felt the city was being too hard on the non-profits in the community regarding payment of fees. We are proposing that we amend Appendix A – which is the sign permit process sheet and application - and whereas, it now states that non-profit organizations would pay a \$25.00 application fee and 50 cents a day for temporary signs, It now says that non-profit organizations will not be charged application fees or permit fees. However, these organizations are required to complete a sign permit and if the sign is temporary, to state the date it will be removed. No non-profit organization will be immune from penalties for violation of this ordinance and the organization shall bring proof of its 501©3 status. Seconded by Councilman McGee. It was noted that the Chamber of Commerce will continue their work with community signs and that sign permits be obtained prior to the Chamber putting up the signs. In the event that the community service provided by PEC in taking down signs within the time limits is delayed, a notification of such delay be presented to the city. Motion was approved 5-0.

**C. Discussion and possible action to approve Ordinance #2001-003
regulating antenna
facilities within the Village of Wimberley.**

Planning Commission Chair Glenn Fryer presented the antenna ordinance for council review. The ordinance divides into two categories the kinds of regulated antennas, i.e., commercial antennas (including those for private business purposes) and the amateur radio antennas. This ordinance limits the number of antennas on one tower to one and limits antenna heights to 45 feet, unless the tower is extendable. In which case, it can be extended to 90 feet when it is in

operation - only. One other category is the satellite antennas that we see on homes – small ones. Councilman Brown pointed out that persons wanting to erect towers will have to get a permit from the Village. The ordinance provides that anyone wanting to put up an antenna in the Village and ETJ will have to investigate to see if there is an existing antenna on which they can piggyback their antenna. Councilman Brown moved that this matter be continued to a public hearing and action on February 15th and will come back to Council after final review by the city attorney. Seconded by Councilman McGee, motion passed 5-0.

D. Discussion and possible action to authorize the posting of the position and the hiring of a Building Inspector for the Village of Wimberley.

Councilman Brown stated that it was imperative that the Village have someone performing in the position of a building official or code enforcement officer at the time we implement our building code and zoning ordinance. He presented a proposed ad copy that is in conformance with ads in building journals and internet ads. This would be a contract-based position without benefits, except for mileage reimbursement. With a salary range of \$16.25 to \$19.50 per hour. Position is one-half to three-quarter time with possibility of full-time in the future. The person must be a licensed inspector, with other job requirements and at least five years experience as a licensed building inspector. Councilman Brown stated that he believes that 30 – 40 houses being built would bring in \$23,000 in fees and be adequate to pay for this part-time position. Councilman Brown stated they envisioned someone already employed doing this work would contract with Wimberley to do the work on a part-time basis. Councilman Brown made a motion that the Village place appropriate ads for this position and the Mayor, himself, and Councilman McGee would interview and do the hiring. A job description is on hand. Seconded by Councilman Manis, the motion passed 5-0.

E. Discussion and possible action to authorize the Mayor to enter into a contract with the “Community Map and Newsletter Co.” to develop a Community Information Guide for the Village of Wimberley.

Mayor Hewlett informed Council that she had been contacted by the “Community Map and Newsletter Co.” representative who had outlined a proposal for a Wimberley map to be drawn up by the company who would solicit ads from business owners in the Village. The person who makes the map, gets all the money from advertisements. They will mail the map out to each citizens in Wimberley, approximately 2000 households. The city would have the discretion to put any city data on the map they wished at no cost. It requires a letter from the Mayor to the business. Takes about six to eight months to gather the business information. and would require a volunteer from the government to decide what data about the city would be put in it. After considerable discussion, the mayor felt there was really no positive comments in favor of the project, therefore, the city would not participate.

F. Discussion and possible action to authorize Mayor to sign Proposed Acceptance Form for Texas Municipal League Intergovernmental Risk Pool Coverage of personal property in City Hall.

Councilman McGee made the motion to authorize the Mayor to sign the proposed acceptance form for Texas Municipal League Intergovernmental Risk Pool coverage of personal property in the City Hall. This \$7,000 policy would cover replacement costs of the personal property in the city hall in case of fire, theft, damage, etc. The premium is \$100 – not an amount that requires a bid. Councilman McGee said he felt it would be prudent for Council to approve this coverage. Seconded by Councilman Matt Manis. Motion passed 5-0.

10. Items from Council.

Councilman Brown announced that two graduate students at SW Texas University had been put into contract with him by Dr. Pam Showalter (one of our Planning Commissioners) and who are doing an independent study to create a global positioning map pinpointing every off-premises sign on all the roadways in our jurisdiction with the attributes of those signs, locations, size, height, color, indexed to a color photograph and provide that to us.

The Mayor presented an information folder prepared by Councilman Brown outlining sign permitting rules. This folder will be available at city hall. Others will be forthcoming for public dissemination.

11. Announcements

Councilman Brown informed the Council that the reduction of the city attorney per hour fee as announced at the last meeting would be reduced from \$120 to \$115.


Mayor Hewlett announced that we now have a map of the Village of Wimberley, thanks to Carolyn Nichols and Cynthia Castle, who is a graduate student who created the map. It will be for sale – in color – probably would be in the \$40. range. There will also be a black and white map, which will be more affordable and more conducive to citizen use. We thank her for the beautiful job on the map.

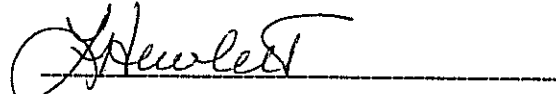
We need to be thinking about whether we want to decide whether we are the Village Council and if this is the Village Hall or the City Council and the City Hall.

Councilman Knies stated there would be a presentation on the City Hall at the next meeting.

12. Adjournment

There being no further business, the meeting was adjourned.


Jimmie Robinson
Assistant City Secretary


Mayor Linda Hewlett

Next Council Meeting will be held on Thursday, February 15th, 2001.