

Village of Wimberley

Village Council Meeting Agenda - Minutes

City Hall, 14500 RR 12, Suite 22

Thursday, February 15, 2001 - 7:00 PM

A REGULAR MEETING of the Village of Wimberley City Council was held on Thursday, February 15, 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 Dr. David Schaller, Wimberley Presbyterian Church.
- 3. **Pledge of Allegiance** Led by Mayor Hewlett .
- 4. **Roll Call** Present were: Mayor Linda Hewlett
 Council Member Walter Brown
 Council Member Steve Klepfer
 Council Member Martha Knies
 Council Member Tony McGee
 Council Member Matt Manis
- 5. **Consent Items.** Minutes of the February 8, 2001 meeting were approved as submitted.
- 6. **Presentations of Citizens**
 - a. **Introduction of SWT students who are assisting with the Wimberley Comprehensive Plan/Steering Committee.**

Dr. Sally Caldwell introduced several students from SW Texas Departments of Sociology and Geology that have been working with Dr. Pam Showalter and herself on the mapping and planning for the Village of Wimberley. The Mayor thanked the students for their efforts on behalf of the Village.

Citizen Frank Austin commented that he noticed several small signs in the community advertising local businesses that may or may not be exempt from the sign ordinance regulations. But, he pointed out that it was tough enough to make a living in Wimberley business wise and that it would probably be prohibitive financially for these business owners to get a permit and pay \$25.00 for a sign that can only stay up two weeks and then have to get another one at the end of that two weeks. So, he asked that the city take it easy on the small business owners when it came to enforcing the sign ordinance and that the city not be a sign speed trap for local businesses.

- 7. **Reports from Committees.** Glenn Fryer, Chairman of the Planning and Zoning Commissioner
 Glenn reported that he thought it appropriate to bring a report to the council today because the commission is running out of time to get ordinances enacted before the expiration of the

moratorium. He gave the council a description on the work that the Commission has been doing and presented a report pertaining to the Zoning Ordinance. (The report is attached to and is hereby made a part of the official minutes of this meeting.)

8. Old 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.

Council Member McGee stated that our city attorney, Alan Bojorquez, had been working with the attorney for PEC and he presented the ordinance that would be recommended for passage by the council. Alan stated that when he was able to talk to their attorney, many clarifications were made. He stated that the delay in completing the agreement was due primarily to some misunderstandings in that Wimberley's method of regulation is not the standard PEC is accustomed to. The applicable rate for the franchise will be 2% of gross receipts until January 1, 2002. At that time, as per state law, we will convert over to kw hour fees based the rate that PEC collected from the citizens of Wimberley in the year 1998.

Council Member Manis stated that we should have around 2,000 customers in the city limits, so we should receive around \$60,000 or so per year.

The district manager for PEC was present and stated that the check should be ready for presentation for the next council meeting.

Council Member Tony McGee moved that the council adopt the ordinance granting an electrictrical distribuion franchise to Perdernales Electric, Inc. which will be amended to include specific information recommended by the city attorney. Seconded by Councilman Manis, the motion was adopted 5-0.

b. Discussion & Possible Action to approve Ordinance No. 2001-003 regulating antenna facilities within The Village of Wimberley.

Council Member Water Brown stated that he would request that this item be continued because the ordinance had not been completed, however, council should start hearing public opinion on the matter as it will require more than one public hearing.

Citizen James Beal, retired aerospace engineer, commented on the antenna ordinance which he believes is very well done and remarked that he did not see anything in the ordinance about fees for antennas in the city. He stated he could provide information about other municipal hearings regarding tower placements and usage. He made several general comments regarding certain sections of the ordinance and pointed some areas he felt needed clarification as well as the health ramifications of a proliferation of antenna towers in Wimberley. Council Member Brown asked Mr. Beal to sit down with the planning committee and give them the benefit of his expertise on this matter.

Citizens Frank and Pam Sullivan, amateur radio operators, requested that Mayor Hewlett read into the official minutes their letter pertaining to the antenna ordinance. They wrote:

"As an amateur radio operator and land owner, and subscriber to the Wimberley View, I respectfully request this be entered into the minutes of the public hearing of February 15, 2001. I applaud the efforts of Glenn Fryer and the Planning and Zoning Commission in drafting regulations designed to progress with the Village's growth while preserving the beauty of Wimberley and maintaining a harmonious place to reside. This is not an easy job. Guiding the drafting of initial regulations requires prudence and fairness to the majority of the community's members. I would like my comments to be considered among your board members.

1. The placement of commercial communication towers, some 400 ft. in height, placed one mile apart, seems exceptionally close. Given the layout of the Village area, it is a possibility under that regulation that a majority of the citizens affected by the placement would always be in clear view of a commercial tower from anywhere on their property.
2. It would benefit the Village and Planning and Zoning Commission to study structures – not just antennas – when defining limitations on amateur radio operators. A tower may or may not be a part of an antenna. The antenna may be a rod, beam disk or wire. A crank-up tower with support cable may be an antenna. A thin horizontal wire supported by trees and run continuously in a square, circle, diagonal, or rectangle can be considered an antenna. The massive structure supporting various metal devices and guide wires accompanying them can be much more visibly obtrusive and yet comply with the draft. Whereas, a single thin wire running at 60 to 70 feet presenting a more harmonious appearance to the countryside may not be in compliance.

In conclusion, I hope the few amateur radio operators in Wimberley will not suffer the brunt of the current ordinance draft while commercial towers continue to have greater leeway in erecting massive structures around town. I wish to request the Planning and Zoning Commission to consider stricter commercial tower regulation and ensure amateur radio operators has the opportunity to use a use a wire rhombic antenna. Thank you for your consideration on these issues. Sincerely, Frank and Pam Sullivan."

Council Member Brown made the motion that this item be continued to the March 1st council meeting. Seconded by Council Member Klepfer, the motion carried 5 – 0.

9. New Business

a. Discussion & possible Action to enact a Resolution of the Village of Wimberley establishing Village terminology for the municipality.

Alan Bojorquez addressed the council stating that even though we are the "Village of Wimberley", we have used several different ways to refer to ourselves. He recommended that the council decide the terminology with which they would like to be addressed and be consistent. General consensus was that Wimberley was incorporated as the "Village of Wimberley" but that the council should be addressed as "city council" and the city hall is addressed as the "city hall".

Councilman McGee stated that we should make a motion to adopt the resolution as written then move to amend it. Councilman McGee moved that the resolution be adopted as written. Councilman Klepfer seconded the motion. Motion passed 5-0. Councilman Brown moved that the resolution be amended to read that the city would be formally called the "Village of

Wimberley" but the municipal officers should be addressed as "city" council, "city" secretary, "city" attorney the meeting place will be the "city" hall. The resolution passed as amended 4-1, Councilman McGee opposing the amendment to the resolution.

b. Discussion & Possible Action to extend Moratorium on Commercial Construction (Ordinance No. 2000-013) by 90-days.

Councilman Brown moved that that Ordinance No. 2000-013 be extended for 30 days. Seconded by Councilman Manis. Councilman Brown stated that because of the number of public hearings necessary, it would take that long to be ready to enact a permanent ordinance.

Councilman Klepfer asked that the commission start doing some parallel readings so that council members would be informed and thus, be able to have input into the process without delaying enactment. He pointed out that he did not want to inconvenience or delay any person who is ready to move forward with their projects. He also suggested that project planners submit a one-page summary with information regarding development in the Village and that when the ordinance was enacted, they would be in line for timely action by the P&Z Committee. The motion was approved 5 – 0.

c. Discussion & Possible Action on an Ordinance extending the temporary suspension of acceptance of applications for subdivisions within Wimberley's jurisdiction.

Councilman Tony McGee moved that the council approve the extension of the subdivision application suspension for a period of 45 days, from February 23rd.

Attorney Alan Bojorquez stated that it would take effect immediately upon passage and publication, effective February 23rd.

Councilman Klepfer asked what effect this will have on the agreement with the county in that both Wimberley and the county agreed not to accept any subdivision applications during the agreed upon moratorium, especially as it regards the ETJ. Mayor Hewlett stated she has spoken to the county attorney and with Commissioner Bill Burnett and also with Alan Walter and was assured by all three that the county would not accept any subdivision requests in our ETJ without our permission. They do not want to nor do they believe it to be legal, The county attorney even thought that council could extend the moratorium with only a vote, but the Mayor Hewlett feels it is more important to have a new ordinance to extend it. The motion was approved 5 – 0.

d. Discussion & Possible Action on the adoption of Residential Building Code Ordinance for the Village of Wimberley.

Councilman Brown remarked that as was stated earlier, the building code committee has been diligently working on this matter since October And, in the adopt of the International Building Code, which is a result of the combining of the two major code organizations, Southern Building Code and the Uniform Building Code – into one – Wimberley will be one of the first cities to adopt the new code. A few have done it – but we are certainly one of the first. This ordinance adopts that code, with certain amendments that customizes it for

Wimberley. It also includes a permit fee schedule. The fees were arrived at by reviewing fees in use in surrounding cities and striking a middle ground. Fees were set to support the process instead of making money for the city. Councilman Brown moved that the ordinance adopting the residential building code ordinance for the Village be adopted. Seconded by Councilman Tony McGee, the motion passed 5 – 0.

e. Discussion & Possible Action on the adoption of a Commercial Building Code Ordinance for the Council Member Village of Wimberley.

Councilman Brown stated that this was the same issue as Item "d" except that it pertains to the "commercial" building code in Wimberley. It exempts certain small-scale commercial buildings that are no more than two stories and 30,000 sq. ft. The fees are included and it also includes the miscellaneous fees for demolition and moving, temporary structure permit fees. It also sets up a building department, which will temporarily be defined when enacted. There has been no response to the ads for a building official. It was pointed out that the International Code would eventually be the ONLY one available in the United States, amended to suit city requirements and in Wimberley's case, it was primarily administrative in nature.

Mayor Hewlett remarked that to the casual observer of Council enactment of ordinances that will impact the Village, it might appear that they had acted hastily, but she wished to assure citizens of Wimberley that many, many hours of study has been done by reputable people, knowledgeable in the areas of concern. And, that all the information has been passed on to Council members who review it thoroughly before voting to accept their recommendations. Council members cannot be experts on every item brought before them, but that they do have competent persons to help them prepare these ordinances. Councilman Steve Klepfer moved that Council adopt the resolution enacting a building code ordinance for Wimberley. Seconded by Councilman McGee, the motion passed 5 – 0. Councilman Brown thanked the committee for all their hard work, meeting all through the winter months, to get the ordinance details in place.

f. Discussion & Possible Action to authorize Mayor to sign an Election Services Contract with Hays County Election Administrator for services for May 5, 2001 Village of Wimberley Council Election.

Councilman McGee moved that the Council authorize the Mayor to sign the contract with Hays County Election Administrator Joyce Cowan, to conduct the May 5th Wimberley Council Election. The costs will be the actual cost to Ms. Cowan in conducting the election plus 10% administrative fees of the total cost. She will take care of everything preparatory to the election. Adelle will handle the election applications. He reminded everyone there would be three vacancies coming up on May 5th and that the first day for filing applications would be Monday, February 19th. This election contract will provide guidance to Adelle on matters she needs to take care of here but the overall arranging for the election will be done by Ms. Cowan. Seconded by Councilman Matt Manis, the motion passed 5-0.

Mayor Hewlett reiterated that anyone wishing to file for the offices would do so in Wimberley at the City Hall. Early voting will be held at the WISD Administrative Offices, and the election will be held at St. Mary's Church.

g. Discussion & Possible Action to enact a right-of-way Management Ordinance which repeals and replaces Ordinance No. 2000-010.

Councilman McGee stated this ordinance is not ready to present at this time. It should be ready in advance of the March 15th meeting. Councilman McGee made the motion that this item be continued. Seconded by Councilman Water Brown, the motion passed 5 – 0.

10. Items from Council

Councilman Klepfer stated that the AquaSource rate case has moved forward. Seven questions included in the Petition were certified. There are a lot of issues that Woodcreek, Wimberley, Houston and Ingram are involved in as well as all the customers outside of municipalities. He said there was also a house bill coming up – HB 1281, submitted by the head of the Natural Resources Committee Representative Counts, that will basically pass a law prohibiting statewide rates and consolidation of tariffs for disjointed systems even though they are being provided by the same sponsor. Both of these issues are at a point that grass roots interested persons should inform their representatives that they are in favor of this house bill and urge that it be passed.

He also informed Council that the Roads Advisory Committee is busy on about ten different projects and they hope by the next two meetings to bring recommendations to the council on traffic and parking issues. Also, some issues relating to citizen complaints that have gone through the process of the Roads Advisory Board will be brought to the Council.

Mayor Hewlett remarked that she had spoken with the Director of TNRCC who informed her he has received thousands of complaints about AquaSource and he is looking into these complaints personally.

Councilman Matt Manis stated there would be a budget update the end of March.

Mayor Hewlett attended a meeting with the county to discuss the roadwork that will be done outside the Village in terms of a "loop" around Wimberley. Both the county and TXDOT is involved in the planning and hopefully, someday, there will indeed be a loop around Wimberley.

Mayor Hewlett reminded committee members who hold meeting at the city hall to please remember to turn the heat down to 60 degrees and turn off the lights when they leave.

The Mayor stated that the city now has e-fax which will cost a phone call. The old fax machine is still operable even if it is an old one.

11. Announcements

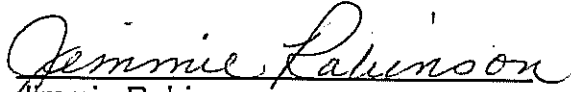
- a. Provide City Secretary with a new list of Committee Members' phone numbers, e-mail addresses, and mailing addresses.**

Mayor Hewlett asked all committee chairs to turn in their list of members to Adell Turpen because the members are changing and she want to keep the list updated.

b. Turn down heat to 60• when leaving building, and turn off lights.

The Mayor thanked Dan Williams and Jack Mynier for implementing the new website, which will be operable within one to four weeks. It is a universal website for cities beginning with "ci" and the city's name.

There being no further business, the meeting was adjourned at 8:45 p.m.


Jimmie Robinson
Assistant City Secretary


Mayor Linda Hewlett

Next Council Meeting will be held on Thursday, March 1, 2001.