

Village of Wimberley
City Council Meeting Minutes
City Hall, 14500 RR 12, Suite 22
Thursday, March 15, 2001 – 7:00 PM

A REGULAR MEETING of the Village of Wimberley City Council was held on Thursday, March 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 7:05 p.m.
2. **Invocation** Reverend Ted Knies delivered the invocation.
3. **Pledge of Allegiance** was led by Mayor Linda Hewlett.
4. **Roll Call** Present were:
 - Mayor Linda Hewlett
 - Council Member Walter Brown
 - Council Member Steve Klepfer
 - Council Member Martha Knies
 - Council Member Matt Manis
 - Council Member Tony McGee
5. **Consent Items**
 - a. **Minutes** of the March 1, 2001 meeting were approved as presented.
6. **Presentations of Citizens**
 - a. **Ed Wood, Wimberley Chamber of Commerce President, made a presentation on B&B taxes.**

Mr. Wood informed Council that the Chamber is interested in presenting a plan to Council regarding an aggressive marketing approach aimed at attracting tourist trade to Wimberley. He presented a table of dollar facts about revenue that the B&B; room tax would bring more tourists to Wimberley and boost the Bed & Breakfast Business. The tax (up to a possible 7%) would be applicable only to persons staying at B&B's and could provide revenues to pay for the marketing as well as other city expenses related to tourism.

b. Presentation of franchise fee by Pedernales Electric Company.

Mr. Russ Adamiack, Pedernales Electric Company presented a check in the amount of \$40,700.61, representing the city's franchise fees from the date of incorporation, May 6th through December 31, 2000, in accordance with their agreement with the Village of Wimberley. He also introduced PEC representative Lodell McCallister who informed the Council that she would be available to answer any questions regarding utility de-regulation matters as well as to do community presentations on behalf of PEC.

c. A group of citizens who live near the Concrete Batch Plant . . .

expressed to Council their concern about the deteriorating quality of life that was being experienced by those residents living in and around the concrete plant. They are aware that the plant is in the ETJ and that the Council could not actually regulate do anything about the current plant operations. However, they were considerably concerned that the plant had intentions of doubling production there and asked Council to be aware of this and realize the future deleterious effects it might have on Wimberley citizens, particularly in the area of air quality.

7. Reports from Committees None.

8. Old Business There was no old business.

9. New Business

a. Discussion & Possible Action to authorize the Mayor to appoint a Governmental Ethics Committee.

Councilman Tony McGee made the motion that Council authorize the Mayor to appoint a Governmental Ethics Committee and that if was adopted by Council, he had names of persons who he would recommend for appointment to the committee. Seconded by Councilman Manis. He stated that, although Wimberley is a new city and does not have – nor anticipated having – any ethics problems, it was important to make provisions for that occurrence for the future. He opined that it would be good, to study (through this committee) the avenues available to adopt ordinances that relate to matters of ethics, and if they go into effect now, before practices start being built up in the way that Council operates and the way city officials operate, then we have adopted a standard, early on. He felt that if the city continues on, without polices or ordinances, customs and practices get built up that it would make it easy to just say, "well that's the way it has always been done, so why go about changing them." The committee would study sets of ordinances that have been suggested by the Common Cause Group of Texas that relate to matters of conduct (including financial disclosure), establish an Ethics Commission (independent of Council) that would be able to make decisions regarding violations and provide sanctions. For example, if someone came before the Planning and Zoning Commission, they would be required to disclose whether or not they had made any kind of contribution to anyone on the Commission. He outlined several other cases where ordinances would prevent ethical violations. This group would recommend to Council ordinances and policies to cover these extingencies. Names suggested were B.J. Kolenda Leslie Howe, Bob Gwynn, Barbara Jacobson and Jim Henderson. Other names of persons will be welcome. The motion was approved 5-0.

Councilwoman Martha Knies mentioned that several citizens had expressed their concern to her about the number of persons serving on various Village committees and commissions that did not live inside the city limits. She emphasized that it had nothing to do with the qualifications of anyone recommended, but thought the Council should take that into consideration.

Councilman Steve Klepfer moved that the Governmental Ethic Committee consist of seven members and that no more than two live outside the Wimberley city limits. Seconded by Tony McGee, the motion passed 5-0.

b. Discussion & Possible Action allowing Mayor to retain Walter Brown as Interim Building Official.

Mayor Hewlett stated that the city has been diligently working to put the zoning ordinance in place and have completed our building code. We still have a commercial moratorium in place, but none on residential building. The city permitting process is now in place and there are people wishing to move forward with their building. So, in order that no one would be delayed in building a residence, we have initiated an interviewing process for building inspector that is ongoing. However, until one is hired, Councilman Brown has agreed to be our "volunteer" building inspector for residential property until a building inspector is hired or – from March 15th to April 15th. His duties would be: to monitor intake and process of building permit applications, calculate building permit fees for residential building permit applications, respond to questions from residential building applicants about the code, approve permits for building construction within Wimberley jurisdiction, inspect or order the inspection of permitted residential construction site, and report to mayor and city council on his actions. He also would have authority to initiate case files on commercial applications for permits with the understanding that he would communicate to the applicants that those permits would not be processed until after April 7th, when the moratorium expires. Mayor Hewlett commended Councilman Brown for volunteering for this job – he has 30 years of experience in this field and is very qualified – but does not want to do this on a permanent basis. Councilman Martha Kries moved that the Council allow Mayor Hewlett to "appoint" Walter Brown as Interim Building Official. Seconded by Council Steve Klepfer, motion approved 5-0.

Councilman Brown reported we have issued our FIRST building permit #R-01-001 for a room addition in Wimberley Hills.

c. Discussion & Possible Action to enact an ordinance to repeal and replace Village of Wimberley Ordinance No. 2000-12, with Time-Warner Cable.

Councilman Tony McGee moved that the Council approve the specific ordinance he is presenting to them at this meeting. He stated that this matter had been going back and forth between attorneys and this last copy of the ordinance had been received at 4:47 this afternoon (and already had one correction pencilled in, emphasizing that any previous copies should be discounted). This ordinance grants a franchise to Time-Warner for a 15 year term wherein they will pay a 5% "pass through" fee on gross customer charges. The agreement also provides for a governmental channel for the city of Wimberley and is in the same general form of the PEC franchise in that there are no right-of-way management provisions. Those are covered in a separate right-of-way management ordinance that is applicable to both franchisees. This ordinance repeals the prior T-W ordinance, which was passed in December. Attorney Quintana, representing T-W was present and noted for the Council that the franchise is not exclusive and although this motion does repeal the earlier December agreement, the 5% customer "pass through" fee went into effect on the December date. In answer to Councilman Matt Manis' question, "Roadrunner" will be available under their franchise and is considered to be a cable "service" so the gross would be applicable for the 5% fee.

e. Discussion & Possible Action to set Special Council Meetings for March 22 and 29 to finalize Building Code Ordinances.

Councilman Walter Brown made the motion that two special meetings be held to expedite the ordinances. He believed that it would be expedient for Council to approve these two meetings to get these ordinances in place before the moratoriums expire. His recommendation was approved. There will be Special Council Meetings held on March 22 and 29 to finalize Building Code Ordinances.

d. Executive Session to discuss personnel matters as Texas Government 551.074 (Personnel Matters)

Council adjourned to an Executive Session at 8:50 p.m. and reconvened the regular meeting at 9:00 p.m. No action was taken in the Executive Session. Mayor Hewlett announced that the Council had discussed the salary of the office manager, Adelle Turpen. She said that those people who come into the office on a regular basis are aware that Adelle works many, many, more hours than she was hired to do -- that being 10 to 2 p.m. -- and that she is often there until 4 o'clock and has sometimes comes in on Saturday. And, to show our appreciation and to try and compensate her somewhat for what she does, Council agreed to increase her salary by \$250.00 per month, i.e., she will now be making \$1250.00 per month and increased her work day by one hour. Council agreed she is doing an excellent job and is a fine addition to Wimberley city government.

10. Agenda Items from Council

Councilman Matt Manis stated that he was considering presenting a recommendation to implement a purchase order system for the city in order to simplify the accounting and record keeping process. He announced that there would be a "first quarter financial report" of city finances at the end of March.

11. Announcements

Councilman Steve Klepfer announced that there will be a public meeting by TNRCC on April 9th at Danforth Jr. High School 7 p.m. regarding the discharge permit in the Blanco River. The purpose of this meeting is to allow citizens to ask questions of TNRCC and Aqua Source and in the second portion of the meeting to formally enter into the record questions or comments from the citizens of Wimberley about the discharge, which will be taken to the TNRCC Commissioners. Everyone is encouraged to attend.


Clint Frankmann stated that he noticed this past week the water stream flowing through his property looked very cloudy and upon investigation noted that someone "upstream" had put together a dirt and caliche dam that had no doubt produced the cloudiness. He was concerned because of the kind of dam it was would very likely "blow out" during heavy rains and cause debris and additional dirt/caliche to flow downstream.

12. Adjournment

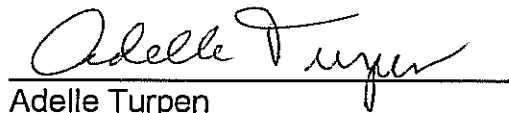
There being no further business, the meeting was adjourned at 9:05 p.m.



Jimmie Robinson
Recording Secretary



Linda Hewlett, Mayor



Adelle Turpen
City Secretary

The Next Council Meeting will be a Special Meeting/Public Hearing on Thursday, March 22nd and then there will be another Special Meeting/Public Hearing on Thursday, March 29, 2001. .