

Village of Wimberley ***Special Called*** **City Council Meeting Minutes**

City Hall, 14500 RR 12, Suite 22
Thursday, March 29, 2001 – 7:00 PM

A SPECIAL MEETING of the Village of Wimberley City Council was held on Thursday, March 29, 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 7:10 p.m.
2. **Invocation** Rev. Ted Knies delivered the invocation.
3. **Pledge of Allegiance** was led by Mayor Linda Hewlett.
4. **Roll Call** Present were:
 - Mayor Linda Hewlett
 - Council Walter Brown
 - Council Member Steve Klepfer
 - Council Member Martha Knies
 - Council Member Matt Manis
 - Council Member Tony McGee
5. **Consent Items**
 - a. **Minutes** were approved with two corrections so noted.
6. **Presentations of Citizens**

Bill Johnson spoke regarding the Chamber of Commerce occupancy tax. He stated that he thought the presentation was very impressive. He said he asked three people what they thought of the idea of this tax and their answers were: "horrifying", "appalling" and another said, "unbelievable". He quoted Ed Wood as saying, "what is good for business, is good for the city, and what is good for the city, is good for business." He asked that the Council consider what is good for the residents who are not in business. He commended the Council on their progress so far in working for the good of the community, for business, merchants, citizens, and developers - trying to be fair to everyone. It's a hard balance. We must move from aggressively selling Wimberley to aggressively marketing our community and its offerings. He wondered that if we have been possibly marketing Wimberley for all these past years, if we can stand aggressive marketing of our community. As a businessman, people might say, yes, we need more business, but we need to think about this tax. It would go for many things that sounds much like the Hays County Bond Issue. Once more, he stated that the presentation was excellent and he wished other towns would do just that. He stated that the Community Center was conceived for community affairs use and not for out-of-town conventions – but used like the Senior Center is used now; as the cheapest place in town to meet. He stated that currently, the Visitor's Center is rented to the Chamber for \$10.00 a year, but if it was marketed aggressively, no telling what it would bring in. In summary, he stated he had no quarrel with Ed and the Chamber because it has been very useful in solving a lot of early problems, much like the Council is doing now. While he thought the occupancy tax might be good for the bed and breakfast business, the Chamber of Commerce and

tourism but, in the long run, he thinks it might hurt the residents as well as overburden our environment.

Mayor Hewlett introduced and welcomed City Attorney Alan Borjquez

7. Reports from Committees

a. Village of Wimberley finance report. Councilman Manis passed out a written financial report to Council. He stated the city is getting most of its money from three places, PEC paid us \$40,700, and sign permits have brought in almost \$1,000; the bank has supplied 50% (the city owes the bank \$45,000). The city's number one expense is for legal fees. Paid \$38,200 which is 52%, second is "contract labor" and #3, is the city office manager. #4 is the office furniture \$2684, next is public notices include publishing of all ordinance and other ads. He stated he would give Council a report each month so they will know where the money is going. Only a few bills are outstanding against the balance of \$23,600. He noted the electric bill was not as high as it has been and that committee members are being careful to keep the thermostat at a reasonable level.

8. Old Business

a. Public Hearing, Discussion & Possible Action on the adoption of the Interim Comprehensive Plan, as recommended by the Wimberley Planning Commission.

Councilman Brown introduced Glenn Fryer, Chair of the Planning Commission, who commented that the Plan was outlined and presented at the last meeting and that no further comment was needed; that the Interim Plan is an essential prefix for the final ordinance. Councilman Brown once again reiterated that the Plan was just that, a plan. He also noted that the map that is with the Plan is not a "zoning map", it is a concept map to develop the plan about the ideal development pattern. The lines of different colors are not distinct boundaries, but - are "fuzzy" boundaries. The "fuzzy" boundaries represent general areas for types of development that seem appropriate.

Mayor Hewlett stated the document was well thought out and preserves the magic of Wimberley. Councilman Brown moved the Public Hearing be closed Seconded by Councilman Klepfer, the motion passed 5 – 0.

Councilman Walter Brown then made the motion that the Council adopt the proposed Interim Plan as recommended by the Planning Commission until such time as the Comprehensive Plan is completed and adopted by the Council. Seconded by Councilman Tony McGee. The motion was approved 5 – 0.

b. Discussion & Possible Action to appoint John Meyers as a member of the Ethics Committee.

Councilman Steve Klepfer moved that John Meyers be appointed to the Ethics Committee. Seconded by Councilman Tony McGee, the motion passed 5 - 0. Other members of that

committee are B.J. Kolenda, Barbara Jacobson, Leslie Howe, Jim Henderson, Bob Gwyn, and Bob Massengale. .

9. New Business

a. Public Hearing, Discussion & Possible Action on the Planning and Zoning Commission's Final Report on the Proposed Wimberley Zoning Ordinance.

Councilman Brown asked Attorney Bojorquez to make a few statements since this ordinance is very much connected with state law and legal requirements. Alan stated that the Texas Zoning Enabling Act is a statute that allows cities like Wimberley to do its own zoning and Council cannot take final action on a Zoning Ordinance until the Final Report is submitted to the Zoning Commission and then passed by Council. This report is the single most important part of the legislative action that supports the final report from the Zoning Commission. Zoning in Texas must be done in accordance with the Comprehensive Plan. If the ordinance is ever challenged in court, this will be the first document the judge will ask to look at.

Councilman Brown stated the document contains ten items and is called "Understanding Wimberley Zoning" and will be available in the City Hall. He commented that ordinances from 14 cities were examined until one was found that – with adjustment - more suited Wimberley. He moved that Council accept the report that the Planning Commission has offered towards the production of the zoning ordinance. Seconded by Councilwoman Knies. Mayor Hewlett stated she would like the people of Wimberley to be aware of what this document contains and that although many city ordinances were looked at as resources, this document was prepared especially for Wimberley. She commended the group for the endless hours they contributed to this document. The motion carried 5 – 0.

b. Public Hearing & Discussion on the Proposed Wimberley Zoning Ordinance.

Councilman Brown stated this was a "historic occasion", that in leading up to our incorporation, this was what the people had in mind, having control over what happens to this town, that the members of this committee have done an outstanding job.

Glenn Fryer, Chair of the Commission, stated that while few citizens availed themselves of the opportunity to attend the public hearings, the community needs to know that that many a great deal of hours of work went into the document and citizens should make take the opportunity to study what is in the ordinance. He presented the Mayor with a ceremonial letter of transmittal and the records of the Commission meetings.

Attorney Bojorquez stated that this was one of the most open processes he had ever seen and that while it was a complex legal document, it was easy to read and could be easily understood.

Councilman Brown suggested that Council have a work session to go through the document before the next public hearing. Mayor Hewlett stated that this was the first public hearing on the Zoning Ordinance and there would be a second public hearing next Thursday at the regular Council meeting and at that point, if Council is in agreement, the Ordinance will be passed. Citizens should come into the City Hall and review the document.

***Item 10a. was taken out of order to hold an Executive Session.**

- 10. a. Discussion of matters relating to AquaSource permit protest litigation. Steve Klepfer Council Member**

Council adjourned at 8:45 to an Executive Session to consult with the City Attorney regarding Item and reconvened at 9:45 p.m. No action was taken.

- 9. c. Discussion & Possible Action to enact an Ordinance or to take other action to establish controls over the permitting, construction and maintenance of dams within the jurisdiction of the Village of Wimberley.**

Councilman Tony McGee presented a moratorium for council to consider that would give the city 90 days to make an investigation into what regulation – if any – the city should establish over dams within our jurisdiction. Patterned on other moratoriums related to commercial construction, etc. it calls for an initial period of 90 days and is subject to renewal of another 90 days. during which studies will be underway to determine what the Village should do. During that time, we will be completing our application to become the Floodplain Administrator for the City of Wimberley as required for the flood plain insurance program. He made the motion that the Village of Wimberley adopt this moratorium relating to the construction and maintenance of dams, and that permits would be required – but that permitting would be suspended during the 90-day period (with another 90 days possible). Seconded by Councilman Walter Brown, the motion passed 5 – 0.

- d. Consideration of whether or not to appoint a committee to study and recommend to the City Council an appropriate ordinance to establish noise controls within the Village of Wimberley.**

Councilman McGee stated that this had been brought to his attention by persons who were concerned about the noise pollution in the Village. Councilman McGee made the motion that the Council, appoint a committee at the next Council to study and recommend to the Council an appropriate ordinance to establish noise control within the Village of Wimberley and that such committee would be composed of seven members, no more of two of which will be members living outside of the Village boundaries. Seconded by Councilman Klepfer, the motion passed 5 – 0.

- e. Discussion & Possible Action to approve the map and letter regarding Village of Wimberley roads as submitted by the Village of Wimberley Roads Commission.**

Councilman Steve Klepfer stated the committee has worked long and hard since last October on the map. Carolyn Nichols reported that the first priority was to identify all the roads in the city limits and in the ETJ. All of the roads are identified – and are color coded as to county, city, state, etc. The final move will be to create a map that someone could buy to use in moving around the city. The created database has all of the road identified as to where there are and details what type of service is on each road and how it changes at difference sections of each road. They are rated on condition, from one to four. It will be updated regularly. On March 21st, it was presented out of their board and is now being presented to Council. A file on each road will be kept at City Hall. Subdivisions have been cross-filed for

easy reference. The Mayor thanked Carolyn for a phenomenal job, remarking that even the County does not have this kind of information on Hays County Roads.

Councilman Steve Klepfer made the motion that Council approve and accept the Roads Advisory Board Roads Map and Road Inventory. Seconded by Councilwoman Knies, the motion passed 5 – 0.

f. Discussion & Possible Action to adopt a resolution Pursuant to Texas Water Code subchapter H authorizing the exercise of the enforcement power authorized by the Texas Water Code and Texas Health and Safety Code.

Councilman Klepfer stated that this resolution relates to the exercise of authority by the Village as it relates to certain sections (as indicated in the resolution) of the Texas Water Code and Texas Health and Safety Code and moved that Council approve the resolution to be effective as of the date of passing. Enactment would be turned over to the Water Advisory Board and a team of inspectors would carry out the provisions of these sections of the Code. Seconded by Councilman Walter Brown, the ordinance passed 5-0.


11. Items from Council

Councilman Manis stated he would have another financial report next meeting. Councilman Brown stated that the public hearing would be continued and that a hearing on the antennae ordinance may need to be put on the next agenda.

12. Announcements

Councilman Brown announced the Village had two building permits working and the New Building inspector will be started April 15th

13. Adjournment. There being no future business, the meeting adjourned at 10:10 p.m.



Jimmie Robinson
Asst. City Secretary



Linda Hewlett, Mayor

Next Council Meeting April 5, 2001.