

Village of Wimberley

City Council Meeting Minutes

City Hall, 14500 RR 12, Suite 22
Thursday, May 17, 2001 – 7:00 PM

1. **Call to Order:** Mayor Linda Hewlett called the meeting to order at 7 p.m.
2. **Invocation** The invocation was delivered by Rev. Gary Fine, Wimberley Christian Church.
3. **Pledge of Allegiance** was led by Mayor Linda Hewlett.
4. **Roll Call - Present were:**
 - Mayor Linda Hewlett
 - Council Member Martha Knies
 - Council Member Matt Manis
 - Council Member Tony McGee
 - Council Member Steve Klepfer

Absent: Council Member Walter Brown (out of the country)

5. **New Business**

Mayor Hewlett announced that San Marcos was celebrating their Sesquicentennial (150 year) Anniversary Celebration. As part of that celebration, they are sending a Pony Express rider to Wimberley next Saturday morning arriving at the Winters-Wimberley House at 9:00 a.m. bringing a congratulatory proclamation to the Village of Wimberley on its one year anniversary as a city. And, at the same time (if passed by Council) The Village of Wimberley will give the rider a return resolution from Council, extending our congratulations to San Marcos on their 150th year as a city. There are ten Pony Express Riders who make the trip in one hour. Council Member Martha Knies moved that the congratulatory resolution be adopted. The motion was seconded by Council Member Tony McGee, and the motion was approved 4-0. Mayor Hewlett invited all citizens to be present.

a. **Minutes** of the special Called Meeting of May 10, 2001 were approved as presented.

6. **Presentations of Citizens**

Court Johnson addressed the Council regarding the septic system that is currently in place and operated by Blue Hole Management to serve the Deer Creek Nursing Center. In the next ten days TNRCC is going to approve their license to operate for the next five years. They have operated this system since 1988 when they first received their license. The application provides for two phases: 1) an interim permit, under which they have been operating, and, 2) a final phase permit which will commence with the approval by TNRCC in ten days. The system is a 50,000-gallon open top tank – that goes into their septic field. The final phase of this three-stage system is that when the water comes out, it is represented as being pure. This is not the case with this system. Unfortunately, it does not work properly and raw sewage drains out into the field which drifts downwind to his house all during the summer months. Mr. Court stated he would like the Council to be

aware that within the next ten days, TNRCC is going to make their determination as to whether or not to let them continue operating this system. According to TNRCC they do not have to go through this phase. Mr. Johnson informed the Council that apparently his protests were not significant enough and that the only way to get them to do what they need to do to correct the situation is for a "political solution" to occur, i.e., the City to require conformance. He said his main concern was to let Council know about the situation and the time limit within which it must be resolved. He further stated that for many years there had been rumors regarding the sale of the property and that recently it had come up again with the information that when it is sold, the land would be used for high density housing or an apartment building. At which time they will have to deal with the sewage problem that continues to allow raw sewage to flow to their drain field as it has for many years. He stated he was merely there to inform the Council as to the facts and ask that they try and remedy the situation.

Council Member Steve Klepfer stated that although it could not be discussed at this time because it was not on the current agenda, he could state that the issue is with the Water/Wastewater Board and they are looking into it.

Tom Campbell appeared to express his concern about two issues regarding property in his River Road subdivision. One being that a potential builder had not followed procedure regarding a county permit as far as adhering to area deed restrictions and having the proper county permit. Issue two concerned the possible rezoning of the area around his property as "residential" since it is currently zoned as "rural/residential." His concern was that it might be rezoned as "residential" since a recent permit was issued for that purpose – and that the rezoning would possibly endanger his AG exemption.

Reports from Committees: None

7. **Old Business: None**

8. **New Business**

a. Discussion & Possible Action to add two new members to the Village of Wimberley Roads Advisory Board and define lengths of terms.

Council Member Klepfer presented a resolution that would amend the original ordinance passed by Council creating a seven member Roads Advisory Board. After operating for almost a year, the Board had recommended the number of members be increased to nine because, since Wimberley is an all-volunteer government, it would give more citizens an opportunity to serve. This resolution will authorize Council to appoint two more members (by consensus of the Council) to the Roads Advisory Board and they will serve a three-year, staggered term. Some persons had been recommended to him as potential members, but he felt it would be preferable for other Council members to make recommendations also. Council Member Klepfer made the motion that Council pass a resolution to appoint two new members to the Road Advisory Board. Seconded by Councilman McGee, the motion was approved 4-0

a. Discussion of Little Arkansas road changes and the impact of these changes on the Village of Wimberley; and Hays County/Village of Wimberley communication regarding road changes.

Councilman Klepfer recommended that this item be continued until the next Council meeting since Commissioner Burnett was unable to attend due to a previous appointment.

Mayor Hewlett stated that Items "c" and "d" were interconnected and that Council would like to adjourn to an Executive Session (as per Section 551.071 of the Local Government Code) to discuss these items with the city attorney.

Council adjourned to the Executive Session at 7:20 p.m.

Mayor Hewlett reconvened the Village Council meeting at 8:10 p.m.

b. Discussion & Possible Action to consider the terms of an agreement between the Village of Wimberley and Wimberley Senior Citizens Activities, Inc. (WSCAI) for the operation by WSCAI of the Wimberley Community Center if a grant from the Texas Parks & Wildlife places the title to the property of WSCAI upon which the Center is located in the Village of Wimberley.

Council Member Tony McGee moved that this item be continued until the next Council meeting. Seconded by Councilman Klepfer, the motion was approved 4-0.

c. Discussion & Possible Action to enact a resolution appointing M. F. Johnson as the Village of Wimberley Community Center Coordinator and authorizing Her to act for the Village in dealing with the Texas Parks & Wildlife Department for the purposes of making Application to the Department under the Texas Recreation & Parks Account Program for a grant for the Wimberley Community Center.

Council Member Tony McGee moved that this item be continued. Seconded by Council Member Martha Knies, the motion was approved 4-0.

Council Member Tony McGee made the motion that the Mayor appoint two of its members to meet with representatives from WSCAI to discuss terms of an agreement to be entered into by the two parties regarding the operation of the center by WSCAI. Seconded by Council Member Martha Knies. Councilman Klepfer stated that as he understands the general discussions, Council is in favor of submitting an application for the grant and in favor of the community center. Further, that Council will be taking care of the legal responsibilities of the Village to put the details in place. The motion was approved 4-0.

The Mayor stated that Council had been asked to enter into an agreement with WSCAI on a community center for this Village. Council feels strongly that this center is needed in the Village and is very anxious to proceed in the right way. The Mayor appointed Council Members Klepfer and McGee to enter into discussions with WSCAI.

d. Discussion & Possible Action to enact an ordinance regulating the firing of weapons, including firearms, within the Village of Wimberley on property owned or utilized by gun clubs, camps for young people and similar organizations

Council Member McGee: The Village currently has a firearms ordinance in place that prohibits the firing of weapons within the city limits of Wimberley -- with some very narrow exceptions. After that ordinance was put into place, Council became aware that Rocky River Ranch has for many years (in a canyon on their property) had a supervised target range, and the Village's ordinance, as written, would prohibit this range even though it is supervised very well. The city attorney was asked to draw up an ordinance that would permit, under controlled circumstances, this supervised target shooting. He presented the proposed ordinance that would govern target ranges, in that they would make application to the city for the activity along with a very detailed report of who would be operating it, and it would only operate between the hours of 8:00 a.m. and 8:00 p.m. The Village will require registration and proof that the range is properly fitted and arranged to permit the discharging of firearms so there is no danger to adjoining properties. No discharge of weapons at a target range can occur unless it is under the direction of an instructor certified by the Texas Commission on Law Enforcement Standards and Education, or the National Rifle Assn. or a military reserve or junior reserve training corps program. And, every discharge of a firearm at a range must be made within - and confined within - a "bullet trap" with the general provision that the target range must take precautions to protect life and property around it. In other words, it is to be done extremely safely and under strict supervision. Council Member McGee moved that this resolution (with corrections to the written document as submitted) be approved by Council. Seconded by Council Member Steve Klepfer, the motion was approved 3-1, with Council Member Martha Knies voting "no". It was pointed out that there were no restrictions in the ETJ.

f. Discussion & Possible Action to enact a resolution to enter into a service agreement with the Texas Environmental Health Department for the inspection of restaurants within the Village of Wimberley.

Council Member McGee stated that Hays County Environmental Health Group had furnished the Village Council with a form contract and said that they had been performing past inspection of the restaurants in Wimberley and that this group proposed to continue enforcing the same regulations in compliance with the State laws. In doing so, they will collect fees they are currently charging and there will be no further cost to the city. He asked that Council authorize the Mayor to sign an interlocal agreement with the county so they will continue to do this inspection at no cost to the city. Otherwise, the Village will have to hire a food inspector to do these inspections every six months which would be costly to the city. Seconded by Council Member Klepfer, the motion was approved 4-0.

g. Discussion & Possible Action to enact an ordinance regulating the use of the Village of Wimberley streets and roads rights of way.

Councilman McGee stated that previously the Village had passed a right of way ordinance but by its terms limited it to an application by only one of the type of carriers that use our right of ways and it is necessary to go back and prepare an ordinance to cover all those who chose to use public rights of way in Wimberley for purposes of such as water lines, etc. and to charge them for this use. This ordinance will repeal the ordinance now on the books and will protect the city's interest. Council Member McGee moved that this ordinance be enacted. Seconded by Council Member Steve Klepfer, the motion was approved 4-0.

h. Report on Village of Wimberley finances.

Council Member Matt Manis distributed the Village financial report to the Council, and answered questions from members regarding franchise fee collection start from PEC. He informed the Council that a surprise check in Sales Tax for mixed drinks had come in – almost \$3700, excluding beer. Up to the 17th, we were running in the red for the month, but had received another check today from telephone line use for \$17,000. Discussion was held regarding methods to authorize line item adjustments in the budget for categories that overspent their budgeted amounts, as well as a time schedule for Council to approve these changes on a periodic schedule. The city attorney pointed out that it was general practice to make changes from line item to line item but that large expenditures over the budgeted amount might need to be brought before council. Further, even though there are some rules governing these changes, they are very loose and Council should determine its own policies.

Council Member Manis pointed out that line items have been added under currently established budget categories, as they became necessary. It was suggested that Council might have already established a procedure to cover this matter and the minutes would be checked to verify it.

i. Discussion & Possible Action to amend the Village of Wimberley Ordinance to permit 01 Initial Zoning of a tract located at 12589 RR 12 – Case No. 02-110-01-006. (Item posted 5/14/01, 7:50 p.m.)

Public Hearing in conjunction with the approval of this application. Zoning Chairperson Glenn Fryer reported that the Zoning Committee heard six application cases at their last meeting and that these six had been continued until the 29th because of defects in the applications. The Planning and Zoning Commission approved this application presented to Council on the current agenda unanimously (with one absentee). It concerns a low-intensity office permit for a building with setback of 25 ft. comprising 6,000-sq. ft. of office space.

Citizen Jean Morris spoke to the Council, stating that she did not oppose the approval of the permit but had concern about commercial site inspections. Chairperson Fryer stated that the building inspector would see that the setbacks and other requirements would be adhered to. That the building permit as approved called for no metal building material for the facade facing the streets and would have a more natural look. Ms. Morris also had some concerns about water drainage issues wherein Chairperson Fryer noted that the natural movement of water would make it go down hill and that there should possibly be an ordinance that might be called "watershed". She also stated that, in her opinion, if site plans were required, the city would have more control. A spokesperson for the agent was present and stated that if they had a site plan they certainly would have submitted it.

Councilman Klepfer asked Chairperson Fryer just what the designated "01" use was – Chairperson Fryer stated that it was an office district – no impact, compatible with adjacent residential areas, no more than two stories high along with other requirements. There being no other public comment, the public hearing closed. Council Member Tony

made the motion that Council approve the zoning request as presented and enact an ordinance amending our ordinance to allow this use of the land. Seconded by Council Member Steve Klepfer, the motion was approved 4-0.

9. Items from Council

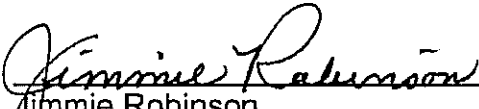
11. Announcements

Council Member Klepfer announced that on May 30th there will be a public meeting at 7 p.m. at the city hall to take public input and look at a comprehensive plan for sewage treatment for the entire valley – Everyone was encouraged to attend. There will be a presentation from the GBRA and Water/Wastewater Board of the Village.


On June 11th, there will be a public forum held by TNRCC – at Danforth School - regarding Aqua Source's renewal of their permit for the new plant that just became operational.

Mayor Hewlett invited everyone to come to the Pony Express Event at the Winters House. Also, she asked everyone to attend the meeting to be held on Thursday (May 24th) at 7:30 at city hall when a public forum will be held to familiarize all Wimberley citizens about the proposed park acquisition on Cypress Creek.

Adjournment. There being no further business, the meeting was adjourned at 9:15 p.m.



Jimmie Robinson
Asst. City Secretary



Linda Hewlett
Mayor

Next Regular Council Meeting to be held on Thursday, June 7th, 7 p.m. at City Hall.