

Village of Wimberley **City Council Meeting Minutes**

City Hall, 14500 RR 12, Suite 22
Thursday, July 5, 2001 – 7:00 PM



1. **Call to Order:** Mayor Linda Hewlett called the meeting to order at 7 p.m.
2. **Invocation** was delivered by Reverend Will Douglas, Episcopalian Priest, Ret.
3. **Pledge of Allegiance** was led by Mayor Hewlett.
4. **Roll Call** Present: 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** The minutes of the June 21st meeting were approved as presented.

6. **Presentation of Citizens:**

- a. **Pedernales Electric update on the Cooperative's activities in the Wimberley Area.**

Russ Adamiak, PEC representative presented a check in the amount of \$14,333.25 - 2% of gross revenue received from the sale of electric power and energy for the second billing period of the year 2001. He stated that although we are approaching the peak time of the year for consumption, PEC did not anticipate any shortage of power during the coming summer months.

Mayor Hewlett thanked Councilman Walter Brown for obtaining the council lectern which was made by Gary Weeks out of Wimberley wood over 100 years old.

- b. **Citizens' Forum.**

Jim Turner spoke to the council regarding his appreciation for zoning and other ordinances and that he will make more effort to attend council meeting and be aware of what is going on. Glenn Fryer spoke to the council regarding misunderstandings about the Wimberley Zoning Ordinance.

5. **Reports from Committees**

- a. **Report from Parks & Recreation Committee on Petition delivered to Council by Malcolm Harris at June 7, 2001 Council Meeting.**

- b. COUNCIL MEMBER Martha Knies commented on inaccuracies in the petition.**

Malcolm Harris commented that Mayor Hewlett had met with the group in favor of a nature preserve and the meetings had been productive and he hoped that COUNCIL MEMBER Knies' comments did not indicate a regression in the progress they felt had been made.

- c. Report from committee drafting proposed Village Code of Ethics.**

Leslie Howe, Secretary of the Ethics Committee, stated that council has received a copy of the Code of Ethics that the committee drafted after looking at several different models. The council will review the document for later action on adoption. Councilman McGee commended the committee for their work. The meetings were open to the public, however, no one came to them. Mayor Hewlett said the council would address this at the meeting on the 19th.

6. Old Business

- a. Public Hearing, Discussion & Possible Action on the Adoption of the Wimberley Antenna Ordinance, as recommended by the Planning & Zoning Commission.**

Councilman Brown asked city attorney Alan Borquez to comment about the type of ordinance this is. Attorney Alan Borquez explained the levels of enforcement of the antenna rules and that the new ordinance is directed to other areas besides those covered by the ordinance that has been in effect for several months. He stated the new ordinance has many provisions for variances. The city received virtually no feedback regarding commercial bias against the ordinance. Councilman Brown made the motion that council adopt the Wimberley Antenna Ordinance as presented. Seconded by Councilman Steve Klepfer the motion was approved 5-0.

- b. Discussion, public testimony and action on amendments and corrections to the Wimberley Comprehensive Zoning Ordinance, and including Items from Council.**

Curt Busk spoke to the amendments before council for consideration, "d", "e" and "f". In speaking about item "f", he stated that at least four of the seven commissioners had not seen this item covering "impervious coverage, building coverage, building size limitations on the most intense districts" He urged that "f" not be passed until the entire commission had seen what had been put together. Marilee Wood addressed the council and thanked them for their confidence during the time she was not able to attend meetings. She stated that she agreed with Dr. Busk and would like a little more time to look at the documents. Councilmen Brown stated that some items "a" through C2 were adopted by council on June 21st, so they are now in the zoning ordinance. The partially completed Village center overlay and the final proposed changes to site impervious cover, building coverage, and building size limitations, were not adopted June 21st; these are contained in Section "d". and because of absences and lack of complete consensus at the last planning meeting, there is no recommendation on "e" which they decided not to discuss. Section "e" is an enumeration of small changes, which streamline and liberalize the zoning ordinance – much the same stuff that was in section C2

that was already adopted. Councilman Klepfer moved that “d” and “e” be adopted. The motion was approved 4-1.

c. Discussion & Possible Action to establish Village liability insurance policy limits for the coverage to be requested from Texas Municipal League Risk Pool Carrier.

Discussion by council centered around raising the liability limits of insurance coverage. Council Matt Manis made the motion that the insurance liability coverage be raised to ten million. Seconded by Councilman Brown, the motion was approved 5-0. This increase also applies to city employees using private cars for city business with a one million dollar limit. Mayor Hewlett requested that the minutes specifically state that this insurance coverage voted on by council only covers liability and errors and omissions insurance.

7. Zoning

**Planning & Zoning
Commission**

- a. Application No. C211-01-010
Applicant: McCrocklin, et al
Agent: N/A
Location of Property: 14835 RR 12
Business Name:
Proposed Use: Office Complex
Requested Zoning—From -0- to C-2
Zoning Recommended by P&Z: C-1
Council Action: Withdrawn

- a. Application No. C211-01-011
Applicant: Kathleen Watson
Agent: N/A
Location of Property: 110 Old Kyle Rd.
Business Name:
Proposed Use: B&B
Requested Zoning—From -0- to C-1
Zoning Recommended by P&Z: C-1
Council Action: Passed 5-0

- b. Application No. C211-01-012
Applicant: Kurt Jentsch
Agent: N/A
Location of Property: 601 River Road
Business Name:
Proposed Use: Single Family Residence
Requested Zoning—From -0- to R-3
Zoning Recommended by P&Z: R-3
Council Action: Passed 5-0

- d. Application No. C211-01-013
Applicant: Randy Falkenhagen

Business Name: Radio Shack
Proposed Use: Commercial
Requested Zoning—From –0- to C-3
Zoning Recommended by P&Z: C-3
Council Action: Passed 5-0

e. **Application No. C211-01-014**
Applicant: Crown Castle GT Co.
Agent: N/A
Location of Property: 1171-B CR1492
Business Name:
Proposed Use: Addition to Antenna Tower
Requested Zoning—From –0- to AG
Zoning Recommended by P&Z: C-2 (Conditional Use)
Council Action: Passed 5-0

f. **Application No. C211-01-015**
Applicant: Glenn Garrett (Lumberyard)
Agent: N/A
Location of Property: 111 Old Kyle Rd.
Business Name:
Proposed Use: Commercial Complex
Requested Zoning—From –0- to C-3
Zoning Recommended by P&Z: C-3
Council Action: Passed 5-0

8. Subdividing

**Planning & Zoning
Commission**

a. **Application No. C212-01-001**
Applicant: Suzanne & Mark Smith
Agent: N/A
Location of Property: 300 Rhodes Ln
Business Name:
Proposed Use:
Request for Subdividing
P&Z Recommended: Approval of Short Form Subdivision Concept Plan
Subdivision Request to Proceed: Passed 5-0

9. New Business

a. **Village of Wimberley Financial Report.**

Councilman Manis gave council the budget accounting for June. He stated that legal fees were current, and that the Village has one more payment in July to the bank and the note will be paid. At that point, the city will be current in their bills. Expenses for June 42,104.57. Did not take in that much money. Income was \$22,720.97; there was a net loss of \$19,383.60; a carry forward balance of \$42,476.85; the current balance is \$23,093.23 in the bank, with \$15,000 due to pay off the bank loan. Sales tax for April was \$18,250.82 (our first payment).

An adjusted budget for the remainder of the year was presented to council. Councilman Klepfer moved that the item be continued to the next meeting. Seconded by COUNCIL MEMBER Knies. The motion passed 4-1.

b. Discussion & Possible Action on a Resolution to institute a process for periodic Stakeholder Comment Sessions having to do with the adopted development-related and other Ordinances of the Village of Wimberley.

Councilman Brown informed those present that the "Stakeholder Comment Process" sought to allow individuals impacted by new city regulations to state their concerns regarding them. He outlined the method by which this process would be implemented. About three sessions would be held in July and August.

Frank Austin addressed the issue of the "Certificate of Occupancy" and asked the council to slow down implementation of regulations and remember their campaign promises. Brendy Kilber stated that as a voter, who was for incorporation, she had been disappointed in the things that were taking place. Amanda Maxell asked that a permanent committee be established to be an "oversight" committee to examine all the ordinances every two years be forms to consider restrictions enacted by council, utilizing an economist.

Councilman Brown made the motion that council approve the "stakeholder" process. Seconded by Tony McGee, the motion passed 5-0.

c. Discussion & Possible Action to appoint a Planning and Zoning Commission Member to replace resigning member.

Councilman Klepfer stated that B.J. Kolenda, his appointee to the P&Z Commission, had submitted her resignation as a member of the P&Z Commission. He asked that her service and dedication to the committee be noted and that he wished to appoint Cheryl Turner to replace B.J. Councilman Klepfer made the motion that Cheryl Turner be accepted as replacement for B.J. Kolenda. Seconded by Councilman Brown, the motion passed 5-0.

c. Discussion & Possible Action to authorize Council Members Steve Klepfer and Matt Manis to begin Preliminary discussions with AquaSource, Inc. on the purchase of assets.

Councilman Klepfer reminded those present that the Village council had previously voted to seek TNRCC permission for a CCN and thus, become a city owned water/wastewater provider. Since that time, AquaSource has put its assets on the market and he felt the Village need to contact them and see what is going on. He asked permission for he and Councilman Manis to initiate some preliminary discussions regarding what they might have for sale that would be assets for this community. This motion would only authorize them to discuss – not make any decisions – and bring information back to council. Seconded by Councilman Brown, the motion passed 5-0.

d. Discussion & Possible Action to establish a personnel Committee, composed of Mayor Linda Hewlett, and Council Members Matt Manis and Walter Brown to write A job description for a Village Administrator and to set a salary range.

Councilman Klepfer made the motion that council approve the establishing of a Personnel Committee made up of Mayor Linda Hewlett, Council Members Brown and Manis to write a job description for a Village Administrator and to set a salary. Seconded by Councilman Brown, the motion passed 5-0.

f. Discussion & Possible Action to change the rate established for Verizon as a franchise fee.

Councilman Manis stated that Wimberley's rates were changed from the time they were first set because there had been a mistake made in the number of business lines in the Village and instead of 1706, we only had 706, which means our rate category is different. Our rate will be lowered which means the Village will receive about \$6300 less each year. He stated that it will have to be done eventually because it is a statewide rate set by PUC according to our size and the number of lines we have. He moved that we accept the original rates and rescind the rates that are in effect now. Seconded by Councilman Brown, the motion passed 5-0.


12. Items from Council

13. Announcements

COUNCIL MEMBER Knies announced that there would be a meeting of the Parks & Recreation Committee at 5:30 Tuesday, July 10th, and that there would be a Public Hearing at 7 p.m. on the submission of the Community Center application to Texas Parks & Wildlife. Thursday, July 12th, there will be Public Hearing on the Master Park Plan.

COUNCIL MEMBER Knies recommended that Council send a vote of thanks to the Chamber of Commerce for the wonderful Fourth of July Jubilee.

14. Adjournment There being no further business, the meeting was adjourned at 10:05 p.m.



Jimmie Robinson
Assistant City Secretary



Mayor Linda Hewlett