

Village of Wimberley

Specially Called City Council Meeting Minutes

City Hall, 14500 RR 12, Suite 22
Thursday, September 27, 2001 – 7:00 p.m.

1. **Call to Order:** Mayor Linda Hewlett called the meeting to order at 7 p.m.

2. **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

3. **New Business**

A. Discussion & Possible Action to authorize the Mayor to sign an agreement that settles the AquaSource Utility, Inc. Texas rate case.

Councilman Klepfer made the motion that the Village Council accept the settlement offer of September 25th proffered in the AquaSource Utility Rate Case. Seconded by Council Member McGee. Councilman Klepfer reminded Council that the Village had, in November, denied the AquaSource rate tariff increase and set our own rate which AquaSource then appealed to TNRCC. Councilman Klepfer presented the settlement details agreed upon by all the parties in the rate case. He spoke about the background of the AquaSource rate increase attempt, wherein they sought to set a statewide rate increase and that they had spent *approximately* a million dollars in legal fees to back up their case for the increase and had determined that the rate increase was not going to be forthcoming. The settlement document was presented to council by Councilman Klepfer wherein the terms were detailed that allowed the four cities involved in the case, Ingram, Woodcreek, Wimberley and Houston, to retain their own *original* jurisdictions and sets a rate for *each of* those municipalities, then sets a regional rate for the other state regions, that have their own rates and covers areas outside of the four city boundaries, which would include Woodcreek North.

The settlement sets water and sewer rates. However, it does set rates for Ingram, Woodcreek, Wimberley, and Houston, and then divides the rest of the state into four regions (which do not include these cities) and then sets a separate rate for those four regions. Their rates are calculated according to the systems providing service. Other issues are outlined in the document regarding billing and tracking complaints. Customers will be sent apology letters for past processing abuses. Rate expenses will be spread among the customers at about 60 cents per month per customer. Wimberley and Woodcreek customers will be charged \$32 flat rate monthly for this year, \$32 in 2003, and \$34 in 2004. Non-residential users will be charged \$40 base rate and \$1.52 per gallon dependent on water meter size. AquaSource will have to recalculate refunds and surcharges for entities, like Woodcreek North whose rates

will have to be rolled back *retroactively* until last July, with possible refunds to customers, along with an apology for past processes. In 2005, rates will be reassessed again.

The motion was approved 5-0.

4. Discussion and possible action to adopt an Ordinance establishing the Village of Wimberley Parks and Recreation Board.

Councilman Brown made the motion that council adopt the ordinance stating this action will help to round out the planned boards and commissions that council had in mind for city operations. Seconded by Councilman McGee. Councilman Brown informed council that this ordinance was modeled on the building code ordinance and has been reviewed by the parks committee and by the city attorney. The premise of the ordinance outlines the purpose of the board, i.e., to provide for the orderly and safe development of parks and recreation facilities for the community. Duties include developing and updating the Master Park Plan, to make recommendations to the planning commission and the council concerning procurement opportunities, facilities planning, construction and maintenance of parks and recreation facilities in keeping with that adopted plan. The Parks and Recreation Board would be an independent board reporting recommendations directly to the council.

The nine-member board residency requirements would allow for no more than four members to live outside the Wimberley city limits and no more than two of those to live outside of the ETJ and city limits. Currently, membership is determined by an appointment from each member of the council and the mayor, with three additional consensus members. If there were a vacancy on the board, the councilperson that appointed that person would appoint another one and if it was a consensus appointment, the council (in agreement) would then appoint another member.

Councilman Brown proposed that the ordinance be adopted tonight and that council take a week or two to finalize the appointments. Council members discussed the possibility of official city business by statutorily required boards and commissions, to be conducted primarily during the week as a general rule in order not to interfere with Sunday activities. It was decided that this matter be addressed by council as a separate issue at another time.

Considerable discussion was held regarding whether or not all of the current parks committee membership (7) would transfer to the board in its entirety. Council Member Knies stated that about six of the members had expressed a willingness to serve. Council discussed various methods for appointing members to the board during which it was determined that in addition to the qualified members currently serving on the parks committee, there were community members with specialized expertise that might be helpful to the city in parks and recreation facility acquisition and operations.

Councilwoman Knies pointed out that the Parks Master Plan had addressed the issue of when a Parks Board would be formed, i.e., "after the city acquired parks

and facilities...and would replace the parks committee." She felt it was premature to appoint a Parks Board since the Village had not yet acquired any park property. Councilman Klepfer stated he felt that provision might have been short-sighted and that since the city is currently in the important process of acquiring park property it was important to have an official Parks Board appointed to deal with these issues. Councilman Brown emphasized the additional importance of having a board to deal with the planning issues whenever park areas are set-aside in new developments and that are brought to the planning commission and the council for approval.

The motion to approve the ordinance as drafted (with amendments) was approved 5-0.

Councilman McGee made the motion that the Parks and Recreation Board be comprised of those members of the current Parks and Recreation Committee who desire to serve on the board (after council acceptance) and any remaining vacancies be appointed by council consensus vote. The motion was approved 3-1-1 with Council Member Manis voting no and Council Member Knies abstaining. In response to a question from the audience, Councilman Brown defined a "committee" as an informal ad hoc committee to the council, a "board" is a formally established advisory board to the council, and a "commission" is a statutorily required advisory board and in some cases, they are the "last word". Councilman Klepfer added that "committees" generally end when they complete their job and that "boards and commissions" are permanent.


Announcements:


Councilman Manis announced that the city will have approximately \$75,000 in carryover at the close of the fiscal year after bills are paid.

Councilman Brown informed council that the authorized negotiations with the sign enforcement officer was almost completed and he was ready to start to work next week.

Mayor Hewlett stated that the Village had received several applications for the position of city administrator and that the Personnel Committee has chosen two for personal interviews that will be conducted in executive session at an early date.

5. There being no further business, the meeting was adjourned at 8:10 p.m.


Jimmie Robinson
Assistant City Secretary


Linda Hewlett
Mayor

Next regular meeting will be held at 7 p.m. Thursday, October 4, 2001.