

Village of Wimberley
City Council Meeting Minutes
City Hall, 14500 RR 12, Suite 22
Thursday, March 21, 2002, 7:00 p.m.

I. Mayor Linda Hewlett called meeting to order at 7:00 p.m.

Rev. Jim Denham of Chapel of the Hills offered the Invocation.

Mayor Hewlett led the Pledge of Allegiance.

Roll Call: Present were Mayor Hewlett, Council members Walter Brown, Steve Klepfer, Martha Knies, Matt Manis, and Tony McGee.

II. Presentations of Citizens

Bert Ray, Chairman of the Comprehensive Plan Committee, reviewed the Committee's work to date. It has been tabulating results from the opinion survey it did last fall; about 900 responses were received. The first part of the survey asked people to check boxes giving their opinions on issues; results of this part were given to Council as a statistical analysis. The second part asked for written opinions and is harder to reduce to a few statements; Mr. Ray expects to be able to give these results to Council at its next meeting. He will also have a draft statement of goals and objectives for the Comprehensive Plan for Council at the next meeting, and a draft of the Plan itself in the near future.

III. Consent Items

Minutes of Council meeting of March 7, 2002 were approved as submitted.

IV. Reports from Boards/Committees/Staff

1. Finance Report (Jack Clark, CPA)

Mr. Clark gave Council the City financial report for the budget year through February 28 and reviewed its main items. The report divides accounts between General Funds and the Cypress Creek Nature Trail Fund. The City has a cash balance of \$273,000 as of February 28. Operating fund expenditures are broken down according to budget line items. Mr. Clark was asked about the \$13,590 listed as Contract Labor; this amount may in fact include some of the payment for salaried City staff. Asked about the \$9,500 for Capital Outlay, Mr. Clark said he would have to check on it and get back to Council; it may be for furniture and equipment.

Councilman Klepfer said he would like to have the finance report in the same form and format as the approved budget, so that it will be easier to compare budgeted amounts to actual expenditures.

Mr. Clark said he could adjust the finance report to do that. Councilman Manis asked Mr. Clark to break down the amounts listed as Professional Fees to show how much the City is paying its lawyers; Mr. Clark agreed to do so.

2. Ethics Committee

Leslie Howe reported for Committee chair B. J. Kolenda who could not be present. Ms. Howe said the consensus of the Committee is that it has completed its assigned task of drafting an Ethics Ordinance, which she presented to Council. Committee tried to keep its draft as brief as

possible. City Counsel Alan Bojorquez was much involved in the process, reviewing Committee language several times and reworking the draft. He has approved the final draft. Councilman Klepfer noted that in Section III.J.2, the draft says disciplinary action by Council shall be decided by a two-thirds majority of the full Council. He sees a problem if the person being disciplined is a Council member, since that person will have to be recused from the vote, and two-thirds of the full Council will mean the vote of the remaining four Council members. He suggested this provision be reworded.

Administrator Steve Harrison said he will ask Counsel for guidance. Councilman Manis asked about the requirement that a financial disclosure statement include a list of "any substantial interests" of the concerned person. Ms. Howe said Committee discussed this provision at length; it did not want to discourage anyone interested in working for the City by automatically excluding someone with property or business on the basis of that interest alone. Councilman Klepfer suggested a public hearing be scheduled for the Ordinance; Ms. Howe noted the Committee never had any public members in any of its meetings. Mayor Hewlett said the Ordinance would be on Council's agenda for a public hearing.

V. New Business

1. Proposed Amendments to Zoning Ordinance No. 2001-010:

Adding Supplemental Regulations: Section 47.10 - Private Wastewater Treatment Permit

Councilman Klepfer moved to adopt the proposed amendment to Section 47 as reworded by Councilman McGee, as follows:

A current Hays County private wastewater treatment permit shall be required as a condition for the initial zoning or re-zoning of any property that meets the following conditions:

- a habitable building or buildings exist on the property; and*
- the property has no connection to a State licensed wastewater treatment utility; and*
- the proposed use of the property increases the wastewater discharge flow rate of that from the existing use of the property.*

Councilman McGee seconded, and offered as a friendly amendment to insert the word "substantially" before the word "increases" in the last clause. Councilman Klepfer accepted the friendly amendment. Asked by Councilman Brown what constitutes a substantial increase, Councilman Klepfer offered as example a change of use from retail to restaurant. In discussion it was noted the amendment would affect commercial zoning requests more than it will residential zoning. Motion approved 5-0.

In Public Comment, Nancy Odum said that as a businessperson and owner of several properties, she wants the small businesses in the Square to survive, and she greatly appreciates the cooperation of Council in this matter and is pleased with its efforts and the results.

2. Selection of City Engineer

City Administrator Steve Harrison stated that the selection committee, which reviewed applicants for the position of City Engineer, unanimously agreed to recommend for Council approval Joel Wilkinson of the firm of Neptune Wilkinson. Councilman Manis moved to authorize Mr. Harrison to negotiate terms for the City Engineer position with Neptune Wilkinson, Councilwoman Knies seconded. In discussion, Councilman Brown said that in cases such as this, in the future he

would like to have presentations to Council by the top two or three candidates for any City service contract. Motion approved 5-0.

VI. New Business

1. Zoning Applications, Public Hearing:

- A. C211-02-064, Charles Dolezal, 293 Hill Country Trail, R-2 zoning in Planning Area A;
- B. C211-02-065, Bill Horton, 239 Blanco Drive, R-2 zoning in Planning Area A;
- C. C211-02-069, Richard Brushaber, 150 Rockwood, R-2 zoning in Planning Area B;

Administrator Harrison said Planning & Zoning Commission spoke with each of the applicants and recommended approval of each of these three cases by unanimous vote. Councilman Klepfer moved to approve all three applications, Councilman Brown seconded, motion approved 5-0.

2. Receive Auditor's Report for Village Finances for Fiscal Year 2001:

Mr. Jack Clark presented to Council his Audited Financial Report for the year ended September 30, 2001. He noted that the City's finances, and thus this report, are not complicated yet. Mr. Clark recommended the City maintain three months of operating expenses as a fund balance. He said the City is now in good financial shape, with a fund balance of \$138,000, or approximately 60% of total expenditures. He said the City has no debt. He noted the City's cash account may be over the FDIC limit of coverage and suggested Council consider moving some of its funds out of the bank and into one of several possible municipal investment pools; he recommended the Texas Pool as one most cities use. Mr. Clark and Council discussed investment pools; he urged Council be conservative in its investments. Mr. Harrison noted the City Investment Committee would meet in the near future. Council thanked Mr. Clark for his work.

3. Extension of Initial Zoning Fee incentive rate:

Mayor Hewlett said Council voted in April 2001 to reduce the zoning fee by 75% for all existing and grandfathered uses, and she recommends continuing this discounted rate. Administrator Harrison said the fee for a Variance is now \$300, and recommended it be reduced by half to \$150. Mayor Hewlett said the fee zoning applicants pay for notifying neighboring property owners is now \$4 per property, and she does not recommend reducing it. Councilman Brown noted the fee charged for new development on undeveloped land is the full regular amount, \$300. Councilman Brown moved to continue the discounted fee rate for existing and grandfathered uses for one additional year, to reduce the Variance fee to \$150, and to review all fees after six months; Councilman Manis seconded. Motion approved 5-0.

4. Interlocal Agreement with Guadalupe-Blanco River Authority

Administrator Harrison reviewed main provisions of a draft Interlocal Agreement between Guadalupe-Blanco River Authority and the Village of Wimberley. He said the Village has applied to TNRCC for a Certificate of Convenience and Necessity to provide wastewater service, and TNRCC wants some indication the Village is capable of, and has the means to provide the service. GBRA has been very helpful to the Village in this regard; City's attorney has reviewed the draft agreement. He introduced David Welsch of GBRA. Mr. Welsch said this agreement is a milestone in Wimberley's history, as the city needs to act to protect water quality in the area. He referred to the CCN and said GBRA has the ability and experience to operate a wastewater collection and treatment facility. The City can contract for this service with GBRA; GBRA will build and operate

the facility in accord with the City; when GBRA's cost has been paid, the City can buy the facility at a depreciated cost. GBRA's Board has approved the agreement in its draft form.

Councilman Klepfer moved to adopt the Interlocal Agreement with GBRA as presented; Councilman Brown seconded; motion approved 5-0.

5. Operating Agreement with GBRA

Mr. Welsch of GBRA reviewed terms of this draft agreement. The agreement calls for a revenue bond issue, which pledges the revenue paid for operation of the wastewater facility to repay the debt. Anytime after the debt is paid, the City can buy the facility; prior to repayment, the City can elect to pay off the outstanding debt and own the facility. If the City terminates the agreement, GBRA's operating staff may remain at the facility for five years, to give them time to relocate. He called Council attention to Article II, Section 2.4, Project Management Committee, in which the City will participate equally with GBRA on questions of preliminary design, cost estimates, and policy matters. Rates charged to users of the system will be on a cost-of-service basis and the facility will not earn money for the City. Councilwoman Knies called attention to the following paragraph in Article III, Section 3.3:

"Nothing in this Operating Agreement shall require a user of an onsite wastewater treatment system which is in existence prior to the date that wastewater service is available or an onsite wastewater treatment system that complies with ordinances and regulations of Wimberley and which is approved by Wimberley to connect to the Wastewater Project."

Councilman Manis asked about the time frame for events under the agreement. Hearing of the Village's application for a CCN will begin in mid-June; construction of a wastewater facility will take approximately two years, including permits and arranging financing. Councilman McGee pointed out the stipulation in the Agreement--that GBRA cannot discharge any effluent from the facility into any waterway in the area without approval of the City.

Councilman Klepfer moved to adopt the Operating Agreement with GBRA in substantial conformance; Councilman Brown seconded, motion approved 5-0.

VII. Executive Session

At 9:00 p.m. Mayor Hewlett moved Council into Executive Session under Texas Government Code Section 551.071, Consultation with Attorney.

At 9:25 p.m. Council resumed its public meeting.

VIII. City Administrator Report


1. Administrator Steve Harrison reported the petition calling for a vote to abolish the Village government has been certified and Mayor Hewlett has ordered its inclusion on the ballot in May. The City has issued a press release on the facts of the situation. He thanked Joyce Cowan of Hays County for her help in certifying the petition signatures.

2. Mr. Harrison has spoken to members of several emergency service providers to discuss services in Wimberley. He talked with the Hays County Sheriff on organizing a meeting of all such services to talk about how to handle a flood, weather emergency, or other emergency in the Wimberley area. He wants to be sure the City can be in position to call on these services and coordinate with all of them effectively.

3. Mr. Harrison is working on enhancements to the City's web site. Council agendas are now posted on the site, and the press release on the abolition petition is there. Mr. Harrison stated that Council would need to consider software improvements and upgrades if it wants to have ordinances posted on the web site. Mr. Harrison will provide additional information in the future.

IX. Council adjourned at 9:34 p.m.

VILLAGE OF WIMBERLEY

By 
Linda Hewlett, Mayor


Dell Hood, Recording Secretary