

# ***Village of Wimberley*** **City Council Meeting Minutes**

City Hall, 14500 RR 12, Suite 22  
Thursday, June 6, 2002, 7:00 p.m.

**I. Call Meeting to Order** – Mayor Tony McGee called meeting to order at 7:00 p.m.

**Invocation** – Pastor Eddie Blakely of Onion Creek Church offered the Invocation.

**Pledge of Allegiance** - Mayor McGee led the Pledge of Allegiance.

**Roll Call** - Present were Mayor McGee, and Council Members John Graddy, Steve Klepfer, Martha Knies, Matt Manis, and Carolyn Nichols.

**II. Presentations of Citizens** - No citizens offered comments. However, City Administrator Steve Harrison responded to comments made in citizen comment period by Jimmy Lee at last Council meeting. Mr. Lee said City had failed to meet requirements of Chapter 216 of Local Government Code by not creating a municipal sign control board. Rickey Wright, City Code Enforcement Officer, checked into the issue. Chapter 216 of Local Government Code creates a mechanism for reimbursement of sign owners who are required to remove existing signs when a sign ordinance is passed. Wimberley's Sign Ordinance did not require removal of non-complying signs at the time the ordinance was approved, so there is no requirement to have such a board. The Advice City received from the Village attorney was sound.

**III. Consent Items** – Minutes of City Council meeting of May 16 were approved as submitted.

## **IV. Reports from Boards and Committees**

### **A. Financial Report (Jack Clark, CPA)**

Mr. Harrison presented the report of revenues, expenditures, and assets through April 30 in the absence of Mr. Clark. Mr. Clark will be at the next meeting and will present the end-of-May report. Council Member Klepfer pointed out an error in the first statement of revenues and expenditures for general operations; there is no revenue shown from sales and use taxes for April, when in fact there was revenue of \$20,470.18. Instead, this amount is shown in the Fund Balance; this should be corrected. Mr. Harrison said he would report this to Mr. Clark.

### **B. Transportation Advisory Board**

There is no report from the Board this month. Board has changed its meeting date from the day before Council meeting to the Wednesday of the week before Council, so that it can prepare its reports and agenda items in time for Council.

**V. Consider and Action Items**

**A. Applications for Zoning, Public Hearing**

1. C211-02-077, The Ridge at Box Canyon, R-1 zoning requested in Planning Area A (P&Z approved 6-0):

Mr. Harrison presented the applications to Council. No comment received from public in Public Hearing. Kelly Kilber spoke as representative for owner David Kelihor. Councilman Klepfer asked if the land across RR 3237 was included in the noticing of property owners within the 200-foot limit. Mr. Kilber did not know if it was or not. Mayor McGee noted that it is the obligation of the applicant to supply City with the list of owners to be notified; City's obligation is to notify those people on the list and then to proceed with action on the application. If an owner was not included in the list, that owner has a right to contest the action at a later date.

Councilwoman Nichols asked if the tract would be further subdivided, and about driveways. Mr. Kilber said it could be divided into up to four lots, although it could remain as one lot. Owner may do one common access or multiple ones; if it is divided into four lots, there may be two common access points, with two drives off each. This is one of the matters that would have to be submitted for City approval under a request for subdivision.

Councilman Klepfer moved to approve this zoning application, Councilman Graddy seconded, motion passed 5-0.

2. C211-02-078, John Stark and Jan Ramsay, 1100 Chaparral Drive, RA zoning in Planning Area A requested (P&Z approved 6-0):

No comment received in public hearing. Council asked Mr. Stark about the septic system; it will be an engineered system. Councilwoman Nichols moved to approve this application, Councilman Klepfer seconded, motion passed 5-0.

3. C211-02-081, Don and Ann Cooper, 150 Loma Vista, R-2 zoning in Planning Area C requested (P&Z approved 6-0):

No comment received in public hearing. Council asked about the part of the house that will be in the flood plain and about the septic system. Mr. Cooper said the house will be on a pier and beam foundation and the septic tank will be under the structure and out of the flood plain. Location of the drain field is still to be determined by the engineer, and may require a request for variance under the Protected Waterway Overlay District. Councilman Klepfer moved to approve the requested zoning. Councilwoman Knies seconded, motion passed 5-0.

**C. Request for waiver of fees by Emily Ann Theatre:**

Mayor McGee read part of a letter from Ann Rolling of Emily Ann Theatre for waiver of fees for building permit and inspections fees for construction of rest rooms and a concession stand. The request is based on the theater's role as an educational program carried out under the aegis of Wimberley school district and on the \$100,000 exemption from fees agreed by Council with the district.

Councilman Manis asked how much the total fees would be; Mr. Harrison estimated them at a maximum of \$500. Councilman Manis asked what is the total budget of the Theatre; Jimmie Robinson said it is approximately \$30,000 a year. Councilman Klepfer said he is reluctant to create a precedent for other non-profit groups in waiving inspection fees, which City would then have to pay from tax dollars. He would agree to waive building fee. Councilwoman Knies said the theater attracts a lot of economic assets to the community and provides valuable programs for the schools; the City should grant a waiver of the fees to show support to education and young people.

Council discussed the Theatre's role as a non-profit organization, and whether it is appropriate for City to create waivers for non-profits. Councilman Manis cautioned that there could be many non-profits with building projects that would request waivers, and said he thinks the school district already takes in enough tax revenues to warrant the Council reconsidering its waiver to the district.

Councilman Klepfer moved the Council waive the building permit fee only for construction of rest rooms and concession stand for the Emily Ann Theatre; Councilman Graddy seconded. Motion passed 3-2 (Councilwomen Knies and Nichols opposed).

**C. Resolution authorizing Chamber of Commerce to conduct July 4<sup>th</sup> parade:**

Mayor McGee said this resolution is the same as that used last year to authorize the Chamber of Commerce to organize and conduct a parade on July 4. There is also an agreement with Texas Department of Transportation to close RR 12 for the parade, which the City will not receive until just before July 4<sup>th</sup>.

Councilman Klepfer moved to authorize the Mayor to sign both the resolution allowing the parade and the agreement with TxDOT, Councilman Graddy seconded. In discussion, Mayor McGee said City has already written its insurer, which in turn will inform TxDOT what insurance coverage the City has for such events. There is no additional premium for this coverage. Kay Henderson of the Chamber explained TxDOT's requirements for use of barricades and traffic diversion. Motion approved 5-0.

Mayor McGee said the Chamber has also requested City spend \$1,000 for rental of barricades. Councilman Manis moved to authorize City to spend up to \$1,200 for rental of barricades,

Councilwoman Knies seconded, Motion approved 5-0.

Councilman Klepfer asked Mr. Harrison to find out how City could buy barricades for use next year, and their cost. Councilman Graddy said the Transportation Advisory Board has already begun inquiries into this. Councilwoman Knies suggested looking into arrangements to share purchase cost and use of barricades with other municipalities in Hays County.

Mayor McGee asked for thoughts on having a City float in the parade. One alternative to a Council float could be to have a youth group which has a presentation of some sort which Council could designate as a City float, and help with renting a flatbed truck for it. No formal action taken.

#### **D. Procedures for enacting ordinances**

Mayor McGee said a proposal has been made to have two hearings on a proposed ordinance, a first one for general discussion with no action being decided, followed by a second regular meeting at which discussion could continue and then have action. Councilman Klepfer agrees, particularly for ordinances, which have civil penalties in them, should have more time devoted to them by having two readings. He thinks such ordinances should be voted on two times, before they enter into effect. This gives Council and public more time to scrutinize ordinances and consider what is being enacted. Mr. Harrison said City attorney Alan Bojorquez's answer on this issue is that the City can determine its own rules, including how it wants to pass ordinances.

Councilman Klepfer moved that all ordinances that include a civil penalty require two readings at two different Council meetings in order to be adopted, and that the City attorney begin writing an ordinance to encompass this provision. Councilwoman Knies seconded; motion approved 5-0.

Mr. Harrison said Council should be clear that it can have legislative action at both readings, and could make changes at second reading which would not then require another reading.

#### **E. Procedures for filling vacancies on commissions, boards and committees**

Mayor McGee said Council agrees it wants to open up membership on City bodies to broader participation. Councilwoman Nichols has drawn up an application form citizens could complete for positions on these bodies. Mayor McGee noted that previous procedure has been to have each Council member name one member to these bodies and Council names others by consensus. He thinks it is possible to wrap the two processes together by having a system in which interested citizens can fill out application forms, and when a position is vacant, the Council member responsible for that position picks a nominee from among the applications on file. Council discussed this process, noting it gives Council members a pool of people who have expressed interest in working for the City, and that having Council members make appointments gives the bodies diversity. Council discussed ways to advertise vacancies, and using interviews with candidates to help select people. Mayor McGee asked for a subcommittee to write something on the process and including the ideas discussed tonight. Councilmen Manis and Graddy volunteered to do this.

Mayor McGee noted that previous Council liaison assignments will continue, and that new Council members Nichols and Graddy have agreed to take responsibility for land use issues and roads, respectively.

Mayor McGee referred to City Administrator Harrison's role as the person through whom matters come from the commissions, boards and committees to Council. This will relieve individual Council members of the responsibility for paper work flow and other routine matters. Councilman Graddy agreed but said that if there is a substantive difference of opinion between the committee and Mr. Harrison, the committee has the right to go directly to Council.

**F. Memorandum of Understanding between Lions Club, Wimberley Senior Citizens Activity, Inc., and Village of Wimberley on Community Center:**

Mayor McGee withdrew this item.

**G. Designate subcommittee to advise on Village communications strategy:**

Mayor McGee said the City government needs to communicate with its citizens, and to receive communications from citizens. Mr. Harrison said Jim Gillock prepared a "Preliminary Community Relations Plan", an outline to focus Council attention on some issues. Council member Nichols has also submitted some ideas on communications, and there is a sample of an outreach survey the City of San Marcos uses. He suggested a subcommittee of Council, to consider such issues as budget, workload, and evaluation. Council members Nichols and Knies agreed to serve as the subcommittee. Mayor McGee noted it would be only a temporary subcommittee and would not run the operation, but would only prepare a basic plan for Council consideration. Councilman Klepfer moved that Councilwomen Knies and Nichols and Mayor McGee form the subcommittee, Councilwoman Knies seconded, motion approved 5-0. Citizen participation in the subcommittee is welcome and invited.

**H. Establish date for July Council meeting:**

Because of the July 4<sup>th</sup> holiday on Thursday, Council needs to set another date for its first July meeting. Councilwoman Nichols moved to set the meeting for July 3, Councilman Klepfer seconded, motion passed 5-0.

**I. Ethics Ordinance:**

Mayor McGee noted that under the just-passed motion requiring two readings of ordinances, this will be the first hearing on the proposed Ethics Ordinance. Mr. Harrison reviewed the requirement in the draft (Section J.2) for a two-thirds vote of the full Council for a disciplinary action against a Council member. City attorney said this means four of five votes, but Council has flexibility in what it sets as the requirement. Mayor McGee reviewed the main provisions of the Ordinance, and

said Council could defer action or take an initial vote tonight.

Councilwoman Nichols asked about the prohibition against a Council member representing a private person before any body of the City. She asked for clarification of this language. Council discussed interpretation of this provision.

Councilman Klepfer noted that Council created the Ethics Committee in March 2001, and Council has had the draft for more than three months. He thinks it is time to get the ordinance on the books. Councilman Klepfer moved for adoption at first reading of the Ordinance creating a Code of Government Ethics, Councilman Manis seconded. In discussion, Councilwoman Knies said she thinks the definition of a substantial interest, as anything above \$2,500 is too low; she noted that every Council member owns a house worth much more than that. Council members discussed how financial interests could influence a vote and what is included in defining financial interest. Councilman Manis moved the question. Motion passed 5-0.

**J. Council moved into Executive Session at 9:00 p.m.** for consultations with City Attorney on legal issues related to the City's application for a Certificate of Convenience and Necessity for wastewater treatment.

**Council reassembled in open session at 10:00 p.m.**

#### **4. Reports**

##### **A. Mayor**

- Celebrate Wimberley event - Mayor passed over this item, noting that all Council members were there and there is no need for a report.

##### **B. City Administrator Report**

1. Village-initiated zoning meeting - Mr. Harrison said letters were sent to about 30 property owners associations inviting them to a meeting on May 22; representatives from several POAs did attend. Information on the Village-initiated zoning process was distributed.
2. Village Communications Strategy – Already discussed.
3. Bids for work on Palos Verdes and RR 12 – After the City put out notice for bids for the work, the County road engineer advised that the County Road Crews would complete the work at no cost to the Village. The notice for bids was canceled.
4. CAPCO training session, June 14 – Although the session is designed for new Council members, any member may attend.
5. Special Council Session with Transportation Advisory Board – This joint session will be on June 18, at 10:00 a.m. It will be a preliminary presentation by TxDOT's on its plans for construction on the Cypress Creek Bridge and Ranch Road 12. It will not be a decision meeting, and no other matters will be on the agenda. Public

meetings will be scheduled later when plans are clearer.

**Announcements:**

Parks and Recreation Board will meet at 7:00 p.m. on June 11.

Councilman Graddy said the City should set up a mechanism to gather specific information from the public on problems with some of the ordinances. He hopes this issue has been taken care of by the creation of a communications subcommittee. Councilman Klepfer has scheduled a reception for Walter Brown before the next Council meeting, at 6:00 p.m. He also said he has never, nor ever will, post comments, anonymous or otherwise through a public forum on the Internet. He disclaims any statements now floating around that have been attributed to him.

**Adjournment – Council adjourned at 10:15 p.m.**

By Tony McGee  
Tony McGee, Mayor

Dell Hood  
Dell Hood, Recording Secretary