

Village of Wimberley

City Hall, 14500 RR 12, Suite 22

Wimberley, Tx 78676

Thursday, June 20, 2002

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A Reception in Appreciation to Walter Brown's Service as Councilman from 2000 to 2002 was held at City Hall from 6:00 – 7:00 p.m.

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City Council Meeting Minutes

A. Call Meeting to Order

- Mayor Tony McGee called the meeting to order at 7:00 p.m.
- Invocation was given by Rev. Ann Beall, Wimberley Presbyterian Church
- Mayor McGee conducted the Pledge of Allegiance
- Adelle Turpen, City Secretary, conducted the Roll Call. The following were present: Mayor Tony McGee; Council Members, Steve Klepfer, Martha Knies, Matt Manis, John Graddy, and Carolyn Nichols.

B. Presentations of Citizens

- **Citizen Comments** - None

C. Consent Items

- Minutes of City Council Meeting of June 6, 2002 were approved with two minor corrections—Jim Gillock's name was misspelled. Jimmy Lee's report was given at the May 16th meeting. Mayor McGee presented former Council Member Walter Brown with a Declaration of Appreciation for his services to the community; and Councilman Klepfer presented Mr. Brown with a key to the city. Mr. Brown commented that his work with the City had been the second most important thing he has done, the first being his marriage to Sue Johnson.

D. Reports from Boards and Committees

- Finance Report (Jack Clark, C.P.A.)

City Administrator Steve Harrison presented the corrected Financial Statement for the April 2000 Financial Statement.

The May 2002 Financial Statement was presented by Jack Clark, C.P.A./Accountant for the Village. This was the first report that presented all of the line items. Mr. Clark informed council that the finances were "on target," based on the 2002 budget, and that he anticipated that Village would end the present fiscal year with a surplus of over \$200,000.00. There is \$75,282.71 in the balance reserve. \$389,000.00 total revenue

has been collected to date. There have been \$160,438.00 in total expenditures to date, giving excess revenue of \$228,904.00. In discussing the 2003 Budget Categories, Mr. Clark suggested that the Village adopt a budget based on categories rather than a line item budget

Mr. Clark informed Council that if the City accepted any Federal Grant monies, because of the change in Federal Law as a result of the ENRON litigation, (OMB133) he would not be able to do both the accounting for the City and the auditing.

E. Consider & Possible Action Items.

ZONING - The following Applications for Zoning were presented by Mr. Curt Busk, Chairman of the Planning and Zoning Commission:

- 1. C211-02-080; Tracey B. Dean dba Dean Properties; Planning Area C; Zoning requested is C-1. Recommended approval by P&Z by a vote of 7 to 0.**

Mayor McGee called for a Public Hearing on the Application. Following the Public Hearing, Councilwoman Martha Knies made a motion that the C-1 zoning be approved. Carolyn Nichols seconded the motion. The motion was passed by a vote of 5 to 0.

- 2. C211-02-082; Raymond and Jeanne Worrell, 860 Southriver, Planning Area B; Zoning Requested is R-2. Recommended approval by P&Z by a vote of 7 to 0.**

Mayor McGee called for a Public Hearing on the Application. Following the Public Hearing, Councilman Steve Klepfer made a motion that the R-2 zoning be approved. Councilman John Graddy seconded the motion. The motion was passed by a vote of 5 to 0.

F. Appoint Council as Temporary Board of Appeals called for in Sec. R112 of Residential Building Code, and Ordinance No. 2001-004.

Mayor McGee pulled this item from the Agenda.

H. Board of Adjustment--Consider and Possible Action to approve a Request for Variance:

- C211-02-086; George Davenport; 131 Sierra Loma; Setback.**

Mr. David Estes, on behalf of Mr. George Davenport, addressed the Board of Adjustment concerning a request for a variance for setbacks to an existing, non-conforming structure. He present artist sketches of the proposed completion of the structure, pointing out that by

allowing the setback variance, the structure would be completed in a manner that would improve the subdivision and remove an eyesore that had existed for many years. He stated that there would be no footprint change.

The Board of Adjustment conducted a public hearing of the matter and accepted letters of support for granting the variance. Steve Klepfer moved that the requested variance be granted on the basis of Zoning Ordinance No. 2001-010, Section 10.6-D, Paragraphs 1-4 (Copy attached). The motion was seconded by Martha Knies. The motion was passed by a vote of 5 to 0.

E. Consider & Possible Action Items (Continued).

3. First Reading of Ordinance Outlining Policy for Enacting Ordinances.

Mayor McGee pulled this item from the agenda.

4. Second Reading of Ethics Ordinance.

Mayor McGee called on Leslie Howe, a member of the Ethics Committee to present the Ethics Ordinance. Ms. Howe named the committee members—Chair, B.J. Kolenda, Leslie Howe, Jack Massengale, Bob Gwynn, Jim Henderson, Barbara Jacobson, and John Meyer.

Ms. Howe then asked for any questions concerning the contents of the Ordinance.

There was considerable discussion as to why the Ethics Ordinance was needed, and after the discussion of the various aspects of solicitation of gifts or acceptance of gifts, it was the consensus that the intent of the Ordinance is that no gift should be solicited for or by a council member or employee that would directly influence the council member or employee for their benefit. Placing this ordinance would help avoid any perception of impropriety by the citizens. Ms. Howe stated: "We were very careful in writing the ordinance not to discourage volunteers...." Elected officials have to file financial disclosure of property with a value in excess of \$2500 or more. Mayor McGee noted that citizens have right to know council's ownership interests in city. City Administrator, Steve Harrison, commented that each change to the ordinance as it had been presented tonight would have to be passed by a motion. The following actions were taken:

Councilman Klepfer made the following motion: "I move that we amend the Ethics Ordinance on Page 8 of 14, Paragraph J (2) to read as follows. Upon receipt of the commission's report and upon conclusion of an appeal, if any, the city council shall determine by a majority vote what, if any action is appropriate pursuant to the Ordinance. Any disciplinary action shall require the affirmative vote of the super majority of the city council without the participation of an affected member. No final action decision or vote with regard to the matter shall be made except in an open meeting that complies with the Open Meetings Act." The motion was seconded by Councilwoman Knies. The motion passed by a vote of 5 to 0.

Councilwoman Nichols, referring to Page 6 of 14, Paragraph H (3), made a motion to strike the first sentence, "The persons charged in the complaint shall be notified by the City Secretary within 2 business days after the complaint was filed, and replace with "Within two (2) business days after a complaint has been filed, the City Secretary will send by U.S. certified mail and regular U.S. mail notice of the complaint to the person(s) charged with the complaint." The motion was seconded by Councilman Klepfer. The motion was passed by a vote of 5 to 0.

Councilman Graddy made a motion, referring to page 6-14, Paragraph H (1), where it says "complaint must specify grounds for the alleged violation" should be changed to read: "The complaint must specify grounds for the allegation of a violation of this Ordinance in plain and intelligible language and must cite specific details of the alleged violation..." Councilman Manis seconded the motion. The motion passed by a vote of 5 to 0.

Councilman Klepfer, referring to Page 9 of 14, moved to amend Paragraphs A and B to strike word "solicit" on any occasion it appears, and then insert a new Paragraph (7) to read: "solicit any gift favor or service that might reasonably tend to influence the officer or employee in the discharge of official duties of that officer or employee." The motion was seconded by Councilman Graddy. The motion passed by a vote of 5 to 0.

Councilwoman Knies made a motion that the Ethics Ordinance, as presented, and with the above amendments be approved. Councilwoman Nichols seconded the motion. The motion passed by a vote of 5- 0

5. First Reading of Parking Ordinance.

Mayor McGee called upon Transportation Advisory Board's Interim Chairman, Frank Austin, to present the Parking Ordinance. Mr. Austin went through the Ordinance discussing in detail the reasons for the proposed ordinance. The main focus on the Parking Ordinance was the congestion on the Village Square. It was noted that delivery trucks during the hours of 10:00 a.m. to 2 p.m. caused a great deal of the congestion. He also pointed out the merchants should be encouraged to use off-site parking and that their employees should do the same.

Councilwoman Nichols moved that the matter be continued indefinitely. The motion was seconded by Councilman Klepfer. The motion passed by a vote of 5 to 0.

6. Mayor Pro\Temp Election.

Mayor McGee pulled this item from the agenda.

7. Appoint Initial Members of the Village Information Committee and authorization of expenditure for additional phone line to serve as Citizens' Action Line.

City Administrator Harrison pointed out that this was not a committee by ordinance, and that they could set up their own procedures. He further commented that the telephone expenditure was under \$500, including monthly charges through this fiscal year, and no authorization was needed by council.

Councilman Klepfer moved that Marilee Wood, Jerry Xiques, Bob Flocke, and Dan Williams, along with Councilwomen Knies and Nichols serve as the initial members of the Village Information Committee. The motion was seconded by Councilwoman Nichols. The motion was passed by a vote of 5 to 0.

8. Proposal for Round Table Discussions with Public.

Mayor McGee pulled this item from the agenda.

9. Appointments to fill existing vacancies on Traffic Advisory Board.

Mayor McGee pulled this item from the agenda.

10. Zoning Fee Policy for Village Initiated Zoning.

Mayor McGee pulled this item from the agenda.

11. Appoint Council Committee to consider and recommend a policy in re: requests for waivers of Village fees by governmental and 501C(3) organizations.

Mayor McGee pulled this item from the agenda.

12. Franchise fee increase permitted by PUC on Verizon telephone service in Village.

Councilman Manis presented the Public Utility Commissioner’s recommendation that the franchise fees for Verizon telephone service be increased to the following:

Category 1 Residential and Burglar Alarms	Category 2 Non- Residential	Category 3 Point-to-Point
\$1.40	\$3.20	\$4.87

Councilman Manis made a motion that the increase be adopted. Councilman Klepfer seconded the motion. The motion was passed by a vote of 5 to 0.

13. Adoption of Information Request Policy & Procedures (Dealing with Freedom of Information Requests).

Mayor McGee pulled this item from the agenda.

14. Action, if necessary, based upon legal advice concerning pending Wastewater/CCN Application.

Council Adjourned into Executive Session to consult with attorney re: Wastewater/CCN Matters as authorized by Section 551.071 Texas Open Meetings Act. Council then reconvened and Councilman Klepfer made a motion that the Mayor be authorized to sign the settlement agreement with AquaSource as presented by Attorney Bruce Wasinger. Councilman Graddy seconded the motion. The motion was passed by a vote of 5 to 0.

I. Reports

• City Administrator--Technology Upgrades for City Hall

Mayor McGee pulled this item from the agenda.

J. Announcements

The next Council Meeting will be held on July 3, 2002 due to the 4th of July holiday.

K. Adjournment

The meeting was adjourned at 11:15 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee
Tony McGee, Mayor

Adelle Turpen
Adelle Turpen, City Secretary