

Village of Wimberley
City Hall, 14500 RR 12, Suite 22
Wimberley, Texas 78676
City Council Meeting Minutes
Thursday, July 18, 2002, 7:00 p.m.

Call Meeting to Order

Mayor Tony McGee called meeting to order at 7:00 p.m.

Rev. Odis O. Ervin of 1st Baptist Church offered the Invocation.

Mayor McGee led the Pledge of Allegiance.

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

Presentations of Citizens:

Jim Lee said he was not aware of Council action on the question he asked on May 16 about a municipal sign control board as provided for in Chapter 216 of the Texas Local Government Code. Mayor McGee said City had addressed that question and suggested Mr. Lee talk to Administrator Steve Harrison.

Clint Frankman cautioned Council that some ordinances are unreasonable and oppressive, and that some citizens are prepared to make a test case of some ordinances.

Pedernales Electric Cooperative: Rusty Dunham, District Engineering Supervisor for PEC, briefed Council on the reason for the power interruption PEC had to carry out during the night of July 6-7. PEC had to replace a high-power transmission line threatened by rising water at Canyon Dam. He also presented Council a check for \$14,439.82 as franchise payment for the April 1-June 30 period.

A. Consent Items:

Council Member Nichols corrected the spelling of the name Brendy Kilber, and the Minutes of July 3, 2002 Council meeting were accepted as corrected.

B. Reports from Boards and Committees

- Community Information Subcommittee:

Council member Nichols reported on work of the Village Information Subcommittee, composed of Mayor McGee, Council members Knies and Nichols and several public members. She reviewed its recommendations on how better to inform citizens of what City government is doing and how to get comments and information from citizens. Major recommendations include: a citizens' action telephone line, which will operate from noon to 2:00 p.m., Monday through Friday, at 847-WCAN; four bulletin boards around town where agenda and notices will be posted; upgrading the City's website; a quarterly newsletter; more public opinion surveys; and adding a City staff position to handle public information. Council discussed these and other actions, including developing a tracking system for responses to citizen requests or complaints, and preparation of an annual report summarizing Council accomplishments, challenges, budget, and other information.

Dan Williams gave a presentation on the City's website which he developed at no charge to the City. The website is *vil.wimberley.tx.us*. He discussed features that could be included on it, two possible ways to configure the system, and cost estimates from two possible contractors for operation of the website for an initial two-year period.

Council members Nichols and Knies will continue to work on cost estimates and budget recommendations for Council to consider.

Mayor McGee named public members of the subcommittee - Bob Flocke, Marilee Wood, Jeri Xiques, and Dan Williams - and thanked them for their participation and efforts.

- Financial Report for June 2002:

Administrator Steve Harrison reviewed the June financial report. He reported that assets as of June 30, 2002 were \$347,622. Council discussed the report.

C. Consider and Possible Action

1. Applications for Zoning per Zoning Ordinance No. 2001-010:

C211-02-090, Wimberley Hills Subdivision, one mile south of Square at intersection of RR 12 and Wimberley Hill Drive; R-1, R-2, and PR-1 zoning in Planning Areas A & C; recommended for approval by Planning & Zoning Commission 7-0:

Administrator Harrison presented the City-initiated zoning application. Two lots owned by the property owners' association will be zoned PR-1, all other lots will be zoned residential according to size. Councilman Manis asked about the zoning designation for private parkland; Mr. Harrison explained that the PR district is "Participant Recreation" and is used for both publicly owned and privately owned land. Councilman Manis said he would prefer to have a different zoning designation for privately owned parkland to avoid misunderstanding. Planning and Zoning Commissioner Fryer said the Commission would take up the question.

Councilman Graddy recused himself as a property owner and resident of the subdivision. Councilman Klepfer moved to approve the application as per the lot-by-lot description; Councilwoman Nichols seconded. Motion passed 4-0.

2. Amendment to Zoning Ordinance No. 2001-010 – Section 52 – Entrance Corridor Overlay District (EC).

Planning Commissioner Glenn Fryer said the general purpose of the proposed ECOD is to preserve and enhance the visual quality of the principal gateways to the Village and to reduce congestion, facilitate traffic flow, and to provide for the safety of motorists, cyclists, and pedestrians. He described the area to be covered by the District.

Council discussed provisions for landscaping and for setbacks in the ECOD, noting the reference to other landscaping provisions that have not been considered by Council. Councilman Klepfer moved to continue the item, Councilwoman Knies seconded, motion approved 5-0.

D. Convene as Board of Adjustment

BA-002-003, Michael Sullivan, 1842 Flite Acres Road; request for Setback Variance on dominant street and interior side yard; Zone R-2 in Planning Area A:

Mayor McGee adjourned Council at 8:10 p.m. and reconvened members as Board of Adjustment to consider application BA-002-003. See Minutes of Board of Adjustment meeting.

Mayor McGee reconvened Council at 9:00 p.m. and resumed Action Items.

C. Consider and Possible Action, continued

3. Status Report on Committee Assignments

Council Member Nichols advised the Council of the advertisements placed in the Wimberley View seeking applications from individuals to serve on various committees/boards, i.e. Ethics Commission, Board of Adjustment, Transportation Advisory Board and Water/Wastewater Advisory Board. Applications are available at City Hall and some applications have already been received. Council Member Graddy requested that the Council consider appointments to the Transportation Advisory Board on August 1, 2002, as there are several vacancies.

4. Consider setting date for Town Hall Meeting on proposed Parking Ordinance:

Mayor McGee said Council is not able to discuss the Ordinance itself tonight; the Agenda item is only to set a date for a public meeting on it. Council had a detailed discussion on it at a previous meeting (June 20) and continued the item without taking a first vote.

In Public Hearing, Rae Ann Altwater, a business owner, said the proposed ordinance would significantly affect her business and strongly recommended Council hold a public hearing. She said the ordinance has the potential to impact businesses so much that City revenues would be threatened. Richard Allen said he has a business downtown and that for the active merchants of Wimberley, having a No Parking sign in front of their businesses cannot be allowed to happen. Sarah Barlow, owner of the property at 13915 RR 12, the old Texaco station, said the ordinance is not right for Wimberley. As a business owner she has no control over when a delivery truck comes to her shop.

Council members discussed dates for the Town Hall meeting and where to hold it. Council member Klepfer moved to hold a public meeting on Thursday, August 29, at 7:00 p.m., as a joint session of the Transportation Advisory Board and City Council to take public comment on the proposed Parking Ordinance. Council member Manis seconded. Site will be determined later. Motion approved 5-0.

5. Ordinance creating a Place System for Council Elections:

Mayor McGee referred Council members to a memo from City attorney and a draft ordinance to establish a place system for Council elections. If enacted, it would become effective with

the May 3, 2003 Council election. Mr. Harrison explained operation of a place system. Council member Manis moved to adopt the draft ordinance, Council Member Graddy seconded. Mayor McGee asked if they would accept an amendment to make the date at top of page 3 of 4 read May 3, 2003. Both Council members accepted the amendment. In public comment Sally Caldwell said a place system gives an eight-point advantage to an incumbent over a non-place system. Paul Xiques said the issue affects every voter and should have more public comment. Council discussed pros and cons of a place system and need for more public comment.

Mayor McGee asked Council members Manis and Graddy if they would accept an amendment to the motion that the matter be continued for consideration at the next Council meeting. Both accepted the amendment. Amended motion passed 5-0.

6. Approve Expenditure of \$20,000 for Road Maintenance:

Frank Austin of Transportation Advisory Board asked Council to approve \$20,000 for repair of road and shoulder on various Village streets. Requests for repairs are coming in as shoulders and road surfaces deteriorate. Council discussed use of the funds for other matters such as clearing side ditches, culverts, and related maintenance. Council member Knies moved that Council approve the request for \$20,000 for routine maintenance, Council member Klepfer seconded. After discussion of procedures for expenditure and record keeping of the funds and use of contractors, Council member Knies amended her motion to state that the TAB request for \$20,000 be granted with supervision and approval of the City Administrator. Council member Klepfer accepted the amended motion. Amended motion approved 5-0.

7. Approve Expenditure of \$10,000 for purchase and storage of road barricades & signs:

Frank Austin said City paid \$1,100 for rental of road barricades for use during parades last year and said City needs barricades to close roads during flooding. He explained what the funds would buy; including a trailer to store barricades and signs. Council declined to act on the request.

8. Discussion of Zoning Ordinance Sections 11.5 and 13.10 - Failure to Appear for Zoning Matters before Council:

Mayor McGee said the proposed policy on appearance by property owners when their request for zoning is considered by Council will be that if a property owner or his representative does not appear at Council, and Council raises questions that cannot be answered by those present, the zoning request will be continued. The owner's absence does not mean Council must refuse to consider the matter or is forced to deny it. He noted that a number of zoning requests come to Council with unanimous recommendations by Planning & Zoning Commission to approve, but the owner may not live in Wimberley and must appear at Council simply for Council to consider it. Current policy has been that if an owner does not appear, the request will not be considered. This puts an imposition on owner. The new policy will provide that the owner will be advised at the time of making the application that if questions Council asks are not answered the matter can be continued, so that the owner knows at the time that there is a risk in not being present.

Council member Steve Klepfer moved that Council allow the property owner to waive in writing his right to appear before Council for zoning matters and that the written waiver be available to Council at the time it considers the zoning request. Council member Manis seconded. In discussion Council suggested that a form letter on appearing at Council be included in the application for zoning that applicant can sign as desired. Motion approved 5-0.

9. Authorize Mayor to sign Award Contract with LCRA for Nature Trail Grant:

Mayor McGee said the contract has to be signed before LCRA will send its grant money to City. The contract has been faxed to City attorney for approval. Council member Klepfer moved that after approval by the attorney the Mayor is authorized to sign the Inter-local Cooperation Contract with LCRA for the Nature Trail grant for \$200,000. Council member Manis seconded. Council member Nichols offered an amendment to attach the Field Notes for the property to the contract. Council members Klepfer and Manis accepted the amendment. Amended motion approved 5-0.

10. Authorize negotiations for lease of office space:

Administrator Harrison said City has been looking at sites for expansion of City office space. He asked for authorization to continue negotiations with potential landlords. Council member Manis moved to authorize Mr. Harrison to continue negotiations, Council member Klepfer seconded. Motion approved 5-0.

E. Report on Committee Assignments & Vacancies:

Council member Graddy said an application has been developed for people to fill out if they want to be members of City boards and committees, and newspaper advertisements soliciting applicants have been written. He moved that Council establish a policy of only filling vacancies on committees, boards, and commissions from applications that have been submitted by volunteers and that those vacancies be advertised in local media. Council member Klepfer seconded. Council discussed procedures for filling positions on City committees and boards, and advertising for volunteers for those positions. Full policy attached. Motion approved 5-0.

F. City Administrator Report

- Mr. Harrison reported on the status of City's application for a wastewater CCN. He, Mayor McGee and Council member Klepfer will appear at a TNRCC hearing next week. Work will continue on updating the wastewater master plan with GBRA and Black & Veatch.
- A special budget work session is scheduled for 5:00 p.m. on July 25.

G. Announcements

City will participate in the Labor Day parade being planned by Chamber of Commerce; details to be worked out.

H. Adjournment: Council adjourned at 10: 37 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee
Tony McGee, Mayor

Dell Hood
Dell Hood, Recording Secretary