

Wimberley City Council Minutes, October 17, 2002

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

City Hall, 13210 Ranch Road 12, Wimberley, Texas 78676

Thursday, October 17, 2002, 6:30 p.m.

**Call Meeting to Order** - Mayor Tony McGee called meeting to order at 6:30 p.m.

**Invocation** - Francis Savage offered the Invocation.

**Pledge of Allegiance** - Mayor McGee led the Pledge of Allegiance to the United States Flag and to the Texas flag.

**Roll Call** - Present were Mayor Tony McGee and Council members John Graddy, Steve Klepfer, Matt Manis, and Carolyn Nichols. Council member Martha Knies was excused.

**Presentations of Citizens** - No citizens had comments.

### **A. Consent Items**

Minutes of Council meeting of October 3, 2002, accepted as submitted.

### **B. Reports from Boards/Committees/Staff**

#### **1. Finance Report for September 2002**

Mr. Josh Stewart of Freemon, Shapard & Story, filling in for Jack Clark, reviewed the Village financial statement for September and for the year ending September 30, 2002. Council member Klepfer asked for future reports to have a figure showing for each expenditure line item the percentage of total expenditure that item represents, to help show how actual expenditures relate to budgeted amounts. He also asked for month-to-month comparisons of sales and use tax revenue so Council can compare current revenues with the amounts for the same month in previous years. Council members noted that the annual budget report does not seem to include all the adjustments approved in the September 19 Council meeting. Council member Nichols asked City Administrator Harrison to check that the budget adjustments approved last month are included and get a new end-of-year statement.

#### **2. Report on Flood Damage Assessment from FEMA**

Rickey Wright said the City applied to the Federal Emergency Management Agency for reimbursement of costs incurred as a result of the July floods for repair of four low-water bridges. FEMA approved reimbursement for two of them - Spoke Pile Creek on Spoke Hollow Road, and the Pierce Creek crossing on Valley Drive in Paradise Hills. The FEMA-approved total of slightly more than \$7,000 is for expenses to bring the two bridges back to their original

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condition. This is 75% of the amount FEMA determined to be eligible for reimbursement. FEMA experts came to Wimberley on two occasions in response to the City's application. To improve the condition of the bridges requires City to apply for funds under flood mitigation, which staff is investigating.

### **C. Consider and Act**

#### **1. Applications for Zoning, Public Hearing:**

a. **C211-02-122**, G. H. Robbins, 105 Hinson Road, Planning Area E, proposed zoning C-1 (approval recommended by P&Z vote 6-0):

City Administrator Steve Harrison presented the case. The property is on the Square, behind the Woodshed Treasures shop, and is now in commercial use. No comment received in public hearing. Council member Graddy moved to accept the zoning application as requested. Council member Nichols seconded. Motion approved 4-0.

b. **C211-02-123**, Walker Duffie, 1402 E. Spoke Hill Drive, Planning Area A, proposed zoning RA (approval recommended by P&Z 6-0):

Mr. Harrison presented the case. The property is 30 acres and is being subdivided into three smaller lots, each of which will still qualify for RA zoning. In public hearing, Mr. Harrison said a neighboring property owner, Mr. Peterson, had written a letter in which he expressed concern about use of the road in this area and easements after the property is subdivided. He said some Paradise Hills residents use the road for access to their homes if the main Paradise Hills road is flooded. Mr. Peterson did not object to the requested zoning.

Council discussed the access issue. Mr. Jim Henderson, agent for Mr. Duffie, described how access to the three subdivided lots will be provided.

Council member Klepfer moved to adopt the requested zoning for this case. Council member Graddy seconded. Motion approved 4-0.

#### **2. Recommendation from Transportation Advisory Board to authorize preparation of bid documents for repair of two low-water crossings:**

Mr. Harrison briefed Council on a report on four low-water crossings that need repair, submitted by City Engineer Joel Wilkinson to the TAB. TAB discussed Mr. Wilkinson's report and decided two crossings (Pierce Creek on Valley Drive and Spoke Pile Creek on Spoke Hollow Road) are significantly damaged and need immediate attention. The Board voted unanimously to approve the work. Mr. Wilkinson's estimate for the total cost is less than \$25,000. The county road department is not interested in doing the work, so Mr. Harrison wants to issue public bid documents. Some of the FEMA money will go to these projects.

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Council questioned Mr. Harrison on Mr. Wilkinson's report. He said the TAB reviewed it and the cost estimates carefully. TAB will review the entire scope of road projects that need work and prioritize them, because the total cost for all will exceed the money in City's road budget. Council member Klepfer said he wants the cost estimates to be realistic and not subject to inflation with each review.

Council member Graddy moved to authorize Mr. Harrison to prepare bid documents for repair work on the two crossings. Council member Nichols seconded. Motion approved 4-0.

**3. Authorize City Administrator to dispose of excess furniture:**

Mr. Harrison said the furniture disposal has been taken care of. State law allows the City to transfer property to qualified non-profit organizations. He canvassed all non-profit groups he could contact in Wimberley. All but one piece of the furniture was given to Katherine Anne Porter School, and the remaining one piece to Wimberley Visitors' Center.

**4. Approval of Board & Commission database designating terms and Council appointment responsibility:**

Council reviewed the lists of members of City Boards, Commissions, and Committees, with names of Council appointers and terms of office. Corrections were noted. Information is still needed for some people; Council member Graddy and City staff will continue working on the list. Council member Klepfer moved to approve the database with corrections; Council member Manis seconded. Motion approved 4-0.

**5. Discussion and possible action on appointment of legal counsel:**

Mr. Harrison referred Council members to a letter from Alan Bojorquez informing that he has become partner in a new law firm and is no longer with Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.

Mayor McGee said City's options are to remain with Bickerstaff for all legal work including that of City Attorney; to give routine work to Mr. Bojorquez and continue with Bickerstaff for more complex issues; or to start anew and ask for résumés from law firms. Council could decide tonight, or appoint a committee to make a recommendation.

Council member Graddy said he would prefer to keep the attorneys working on the jobs they have been working on, for sake of continuity. Council members Klepfer and Nichols agreed with this position.

Mr. Bruce Wasinger of Bickerstaff said Mr. Bojorquez was not the only attorney in the firm working on Wimberley matters. Mrs. Patty Akers, who is a partner in the firm and was senior to Mr. Bojorquez, would take over as point contact for Wimberley. He described her expertise as environmental issues, water, power plant and utility matters. She is currently City

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Attorney for several other small cities, and would take on Wimberley's work at the same rate Mr. Bojorquez charged. Christy Drake-Adams would continue to work on Wimberley issues also. Mayor and Council members discussed Mrs. Akers and how Bickerstaff attorneys divide workload with Mr. Wasinger.

Council members agreed they would like to have Mrs. Akers attend a Council meeting and to have personal conversations with her and Mr. Bojorquez before making a decision. No action.

#### **D. City Administrator Report**

1. Mr. Harrison reported that Mrs. Katherine L. Ross of Houston and Wimberley donated several items of office furniture from her deceased husband James's law office. He has thanked Mrs. Ross verbally and will write her an official letter expressing Council's thanks. A press release announcing the donation is being prepared.

2. City has bought new computers, receiving a good price from Dell Computers for a package that includes software. The purchase saved the City approximately \$2,000 below what was budgeted for this item. Staff is assessing what printers to buy now. Council member Nichols suggested staff consider a wide-paper color printer large enough for the maps City needs to print in connection with zoning and other matters.

3. Although the date October 22 was set for a session of Municipal Court, City has postponed that date because not all the legal work needed will have been done in time. No new date has been set yet.

#### **E. Announcements, Future Agenda Items**

1. Council member Klepfer said everyone should to be aware that counterfeit \$100 bills have been passed in several shops in Wimberley in the past two weeks.

2. Council member Nichols asked about the meeting schedule for the Board of Adjustment, and an update on the filing of the necessary federal documents in connection with implementation of the place system for Council seats.

3. Council member Manis said he likes the earlier Council meeting time of 6:30 p.m. and suggested Council consider making an even earlier time an Agenda item. Council member Nichols suggested getting citizen input on the question.

4. Mayor McGee reminded everyone of the Open House for the new City Hall at 6:00 p.m. on November 7.

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**F. Adjournment** - Council adjourned at 8:15 p.m.

VILLAGE OF WIMBERLEY

By Tony McGee  
Tony McGee, Mayor

Adelle Turpen  
Adelle Turpen, City Secretary

Dell Hood  
Dell Hood, Recording Secretary