

Village of Wimberley
Minutes of City Council Meeting
City Hall, 13210 Ranch Road 12, Wimberley, Texas 78676
Thursday, January 16, 2003, 6:30 p.m.

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

Invocation - Rev. Otha Aishman of Trinity Chapel offered the Invocation.

Pledge of Allegiance to United States Flag - Mayor Tony McGee led the Pledge of Allegiance to the United States flag.

Pledge of Allegiance to Texas Flag - Mayor Pro Tem Matt Manis led the Pledge of Allegiance to the Texas flag.

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

Mayor McGee administered the Oath of Office to Ethics Commission members Jenelle Flocke and Patrick Fain, and thanked them for their willingness to serve.

Presentations of Citizens

1. Citizen Comments:

Richard Miller said he wants to build a cinder block wall at his residence, but there is no provision for this kind of wall in either the Fence Ordinance or the Zoning Ordinance, and asked if he could receive a variance to build such a wall. Mayor McGee said Council cannot discuss the issue because it is not an agenda item, and told Mr. Miller he should come to City Hall to discuss it with City staff.

City Administrator Steve Harrison said he and Mr. Miller have discussed the wall. He finds that the wall Mr. Miller wants to build is not allowed under the Fence Ordinance, and that that ordinance does not have a procedure for a variance. He has discussed the issue with City counsel and suggested Council may wish to make the issue an agenda item for a future meeting. He said City staff would continue to work with Mr. Miller on it.

2. PEC Presentation:

Russ Adamiak, District Manager for Pedernales Electric Cooperative, said PEC has more than 173,000 electric meters installed as of the end of 2002. Its annual growth over the past ten years was 6.3%. PEC will offer 25 scholarships for \$1,000 to 2003 high school graduates. PEC

will offer rebates of up to \$375 per unit to customers for the installation of more efficient heating, venting and air conditioning units. He presented a check to the City for \$14,058.91 as the franchise payment for the last three months of 2002.

3. Commendation of members of Comprehensive Plan Steering Committee:

Mayor McGee commended the members of the Comprehensive Plan Steering Committee for their "extraordinary work" over the past two years, noting the Plan has been adopted and published. He said the time, energy and intellect they put in "are very valuable to our community". The letter to Chairman Bert Ray said that while many communities pay thousands of dollars to have such plans written by outside consultants, "we in the Wimberley Valley are proud to say that our Comprehensive Plan was prepared in the true Wimberley tradition by the dedicated efforts of our local volunteers." He presented each member of the Committee with a Letter of Commendation and a copy of the ordinance that adopted the Plan. Members of the Comprehensive Plan Steering Committee receiving the letters were: Bert Ray, Chairman; John Hyink, Maggie Bains, Tevis Grinstead, Jim Thompson, Rita Anderson, Roger Burson, Kay Henderson-Leyh, Duke Moreland, Dody Spencer, and Nancy Odom.

Mayor McGee also read a letter of commendation to outgoing Planning & Zoning Commission chairman Curt Busk for his leadership of the Commission during the past year. The letter noted the Comprehensive Plan development process was brought to its conclusion during Mr. Busk's chairmanship, and thanked him and called his work a model for other citizens..

A. Consent Items

1. The following Consent Items were submitted for Council approval:

- a. Minutes of City Council meeting of December 19, 2002;
- b. Approval of hiring of Freemon, Shapard & Story accounting firm to continue as City auditor for FY 2003 finances.
- c. Approval of Zoning Ordinance Amendments (Second Reading).

Council member Graddy asked that approval of zoning ordinance amendments be withdrawn from Consent agenda. Mayor McGee declared the minutes of Council meeting of December 19, 2002, and the hiring of Freemon, Shapard & Story accounting firm approved.

Council member Graddy asked Mr. Busk what the term "sub urbanization" means as used in the Zoning Ordinance, and how comments on class intensity levels in Planning Areas asked at the previous meeting were being addressed. Mr. Busk said Commissioners would take up both issues in the next round of Ordinance amendments. Council member Nichols moved to accept the Zoning Ordinance amendments as compiled into a final ordinance on the second reading. Council member Klepfer seconded. Motion approved 5-0.

B. Reports from Boards/Committees/Staff**1. Council Subcommittee on City Hall Building Purchase:**

Mayor McGee said the subcommittee examined thoroughly the question of buying the City Hall building. The land on which City Hall stands is owned as part of a condominium complex; there is no fee ownership of the property. State law does not allow cities to enter into condo arrangements. Because it is extremely unlikely the owner would subdivide the property to meet City requirements, the subcommittee recommends that City not proceed further on this piece of property. The subcommittee will continue to serve and to keep looking for other appropriate sites.

2. Financial Report for December 2002:

Jack Clark reviewed the City financial report for December 2002. He said City is maintaining the projected pace on both revenues and budget expenditures, and noted that City is in good shape financially.

Council member Nichols asked if it is time to make a budget adjustment, for items such as road engineering and insurance costs, which are out of line with budget projections. Mr. Clark said he would work with Mr. Harrison on the adjustment.

Council member Klepfer left Council meeting at 7:05 p.m.

C. Consider & Act**1. Adoption of Ordinance Establishing Traffic Regulations for Village (Second Reading)**

Mayor McGee introduced the ordinance, noting there were minor textual changes suggested at the first reading. Council member Nichols asked about the language on damage to traffic signs caused by accidents, and the legal status of members of the volunteer fire department driving personal vehicles in response to an emergency. City attorney Patty Akers answered that language to clarify an exemption for such vehicles can be included.

Council member Knies moved that City adopt on second reading the revised ordinance establishing traffic regulations for the Village of Wimberley, with the provision that there will be in the Ordinance to be signed a parenthetical reference to non-emergency vehicles for volunteers. Council member Manis seconded. Motion passed 4-0.

2. Recommendation from Traffic Advisory Board on TxDOT Projects to Reconstruct and Improve Cypress Creek Bridge and RR 12:

Council member Graddy said the City has been working with TxDOT for two years on

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proposals to rebuild the Cypress Creek Bridge. He said that after it was discovered the first design TxDOT proposed did not meet floodplain requirements, TxDOT revised the design. About three weeks ago TxDOT presented the revised design to the Village, and proposed three options on what the Village could do. TAB considered the proposals and passed the following resolution:

Be it resolved, that the Transportation Advisory Board recommends to the Village of Wimberley City Council that Design Option 2 of the Cypress Creek bridge presented by the Texas Department of Transportation in December 2002, be adopted, but with the substructure aesthetics and design of Option 1, and that the Village be included in discussions regarding the following aesthetic features:

- a. railing finish and design;*
- b. inside guardrail height and safety to pedestrians and method of termination of the guardrails;*
- c. lighting;*
- d. sidewalk finish.*

He said this is the first time TxDOT has heard this response from TAB. He said the City wants to build a bridge, and it wants a say in the aesthetics of the bridge.

TxDOT District Engineer for South Travis and Hays Counties Don Nyland reviewed TxDOT involvement with the bridge and road widening projects, and TxDOT requirements for a bridge. He said a TxDOT review of the Cypress Creek Bridge found it is no longer sufficient for current loading standards, and the agency decided to tie its road-widening project with a proposal for a new bridge. He noted revised rules for protection of the Edwards Aquifer as they affect the Cypress Creek project. He said the pipes along the pedestrian walk of the present bridge are painted with lead paint. He referred to several design issues TxDOT engineers have to take into consideration, including crash testing of railings to ensure they meet design criteria for crash resistance, and developing safety lighting to overcome the fact the bridge is in a "sag" with poor available lighting. Engineers have figured out how to keep two lanes open during most of the construction, in response to needs of local business owners.

Mayor McGee urged TxDOT to find a way to keep two lanes open during daytime, because of heavy traffic congestion that already exists across the bridge when schools let out. Mr. Nyland said it should be possible to schedule use of the heavy crane that will be needed for nighttime and thus close down one lane only at night.

In response to a question from City Administrator Harrison about TxDOT reaction to the TAB resolution, Mr. Nyland said TxDOT would try to incorporate some of the design elements in the resolution. Council member Nichols asked if TxDOT would be willing to work with a citizens' group as it develops a final design, and said she is particularly concerned with lighting issues. Mr. Nyland said TxDOT is limited in what it can do, and is required to meet both floodplain and safety standards. Council member Graddy said the worst thing TxDOT could do

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is surprise the citizens of Wimberley, and that is what it did with the present design proposal.

Mark Taylor of TxDOT posted a rendering of the revised design for the bridge and said the TxDOT budget allows for one more rendering. He said it is an initial standard engineering design and does not include aesthetic work. Council members discussed design features and the proposed work schedule for the bridge and road widening with the TxDOT representatives.

Mayor McGee opened a Public Hearing on this item.

1. Marilee Wood said she was impressed by the first design she saw and by TxDOT's efforts to accommodate the Village's desires. She said she did not think the standard bridge is what most citizens want. She said a collaborative effort of TxDOT and local citizens should be able to work constructively to achieve a creative solution.
2. Bert Ray said he was startled to see the present drawing, which he called an engineering drawing and "an absolutely standard, unremarkable highway bridge". He said Wimberley does not deserve a standard bridge with galvanized metal railings. The bridge is in an historic area, and an elegant, appropriate bridge is possible. He asked TxDOT to work with the community.
3. Tevis Grinstead said the Village needs an attractive and unique bridge, and urged Council to follow Council member Nichols's suggestion to appoint a small committee of local residents to work with TxDOT to get a unique and attractive bridge design.
4. Malcolm Harris said it is important to consider the historic homes in the flood way and to get a bridge that does not harm the beauty of Cypress Creek and its surroundings.
5. Mike Bingham said he is concerned about the economic situation if there may be only one lane, or even none, across the bridge. He said it is important to get the Wimberley bypass built before the bridge.
6. Al Sander said he is pleased to see TAB and Council united with the citizens to create a bridge that is appropriate to Wimberley. He said the only place in Wimberley to see water is on the Cypress Creek Bridge, and hoped it would still be possible to drive across the bridge and see the water. He said there is a safety issue because there is no guardrail in the proposed design between the road and the sidewalk to protect pedestrians from vehicle traffic.

Mayor McGee closed the public hearing.

Council members discussed at length the language of a motion adopting the TAB resolution, including the relative importance of aesthetics and speed of construction; the importance of maintaining two lanes of traffic during construction; and the desire that TxDOT work with a small committee of citizens on final design of the bridge. Council member Graddy moved that Council adopt the Resolution of the Transportation Advisory Board with the following changes:

- a. remove the phrase "*but with the substructure aesthetics and design of Option One;*"
- b. add a fifth item at the bottom stating: "*the substructure aesthetics of Design Option One;*"
- c. add a phrase stating that TxDOT should discuss the possibility of maintaining two-way traffic at all times during the project.

Mayor McGee said the text of the Resolution required rewording:

Be it resolved that the Wimberley City Council recommends to TxDOT that Design Option 2 of the Cypress Creek Bridge presented at the meeting of December 2002 be adopted.

Council member Nichols seconded the motion. Motion approved 4-0.

Council member Graddy moved that Council establish a group to communicate with TxDOT on execution of the TAB Resolution approved above, and that the group consist of Craig Payne, Bert Ray, Steve Harrison, and himself, with Dee Ann Story as advisor. Council member Nichols seconded. Motion approved 4-0.

3. Recommendations from TAB to change traffic signage at several road intersections in Woodcreek 3 area:

Council member Graddy moved that Council approve the recommendations from TAB to change traffic signage at several road intersections in Woodcreek 3 area. Council member Knies seconded. Council member Nichols asked why the stop sign at DeLuna was changed to a yield sign in this proposal; she is concerned that the TAB committee making this recommendation discussed it with people living in the area giving the perception of personal interest involved. Council discussed the changes with TAB members Craig Payne and Kelly Kilber and City Engineer Joel Wilkinson. Motion to adopt the TAB recommendations approved 4-0.

4. Recommendations from TAB to authorize expenditure of funds to survey Emergency Lane:

Council member Graddy said Emergency Lane is a common thread in several studies now in progress on traffic management, and that there are issues of ownership along it to be resolved. He moved that Council approve up to \$2,500 to survey Emergency Lane. Council member Manis seconded. Council member Nichols commended City Code Enforcement Officer Rickey Wright for his good work with TAB on traffic issues. Motion approved 4-0.

5. Recommendation from TAB to authorize purchase of barricades:

Council member Graddy noted this issue came before Council several months ago but Council did not act on it. There is a contract out now for roadwork, and City needs to have some traffic control equipment. He moved that Council authorize the purchase of traffic barricades as proposed in the memo from Rickey Wright of January 10, 2003, for approximately \$5,300.

Council member Manis seconded. Council member Nichols asked about creating signs saying *Village of Wimberley Road Work in Progress* for contractor vehicles. Mr. Wright said it has been discussed, and City staff will look at what sizes and types of signs will be needed in the future. Such signs will be a different expenditure item from this. Motion approved 4-0.

6. Recommendation from TAB to issue invitation for bids for street repair and maintenance and public right-of-way/property maintenance:

Council member Graddy said TAB began discussions some time ago to develop a contract for road repair work. City Engineer Joel Wilkinson wrote specifications for a contract and TAB reviewed them. He moved that Council authorize the release of a request for bids for public works. Council member Nichols seconded.

City Engineer Wilkinson said he reviewed the proposed road works contract, and summarized key parts of it. Council members discussed with Mr. Wilkinson and City attorney Patty Akers issues of City liability for independent contractors' vehicles and the use of signs to identify work crews as independent contractors and not employees of the City. Mayor McGee asked City attorney to look at the question. Council member Nichols said there should be notification to residents in areas where street work is to be done. Mr. Wilkinson said Village employees, not the contractors, should do such notification. Motion approved 4-0.

7. Adoption of Resolution declaring Design-Build Method to be the construction method for construction of the Community Center:

Mayor McGee said it is a requirement of state law that City declare the design-build method as the best way to proceed, and that the Steering Committee for the Community Center recommends that Council do so.

Council member Nichols moved that Council adopt the Resolution for construction of the Community Center declaring the Design-Build method to be the construction method that will provide the best value for the Village of Wimberley in construction of the Community Center as recommended by the Steering Committee. Council member Knies seconded. Motion approved 4-0.

8. Authorize issuance of a Request for Qualifications for Engineer or Architect to represent the Village during Community Center project:

Mayor McGee said it is necessary for City to issue a Request for Qualifications to obtain the qualifications of those who will represent the City on the Community Center construction project. He said City attorney thinks there may have to be a few incidental changes to the document before it is issued publicly. Council members discussed probable changes with City attorney Patty Akers. Council member Nichols moved to adopt the Resolution authorizing City to issue a Request for Qualifications for an engineer to serve as the Village's representative in the Community Center design-build project. Council member Graddy seconded. Motion

approved 4-0.

9. Discussion, Possible Action on Creation of Advisory Board and Related Mission Statement on Economic Development:

Council member Nichols noted this item was tabled when it was on Council's agenda on December 19, 2002. She read the proposed Mission Statement and implementation plan for the board, including allotment of membership among business and economic interest segments in the community. The advisory board would have 13 members, seven appointed by consensus of Council, plus one appointed by each Council member and the Mayor. She said the business community has not been left behind in Council considerations, but needs to be more involved in offering advice to Council.

Council member Nichols moved that Council create an Economic Development Advisory Board to Council, adopt the proposed Mission Statement, and create the Board of thirteen people composed of seven members appointed by consensus of Council and one person appointed by each member of Council and the Mayor. Council member Graddy seconded.

In public hearing, Jim Thompson applauded Council's efforts, saying it was time for the business community to be embraced in the implementation of the Comprehensive Plan. He said the Cypress Creek Bridge is one matter where such a board could provide guidance to Council.

Mike Bingham said he wants the Board to emphasize ways the community wants to grow, noting the source of City government funding is sales tax revenue. He said the economic future of the Village would require creative thinking on interpretation of zoning.

Kay Henderson said it is of paramount importance the City be concerned about the economy of Wimberley, both in expanding and broadening the business market and developing a plan to strengthen growth for the future. She commended Council for considering development of the Board.

Motion approved 4-0.

10. Recommendation to Select Ozona Bank as City Depository and Authorize Mayor to Sign Bank Depository Agreement:

Council member Manis moved that Council accept the bid of Ozona National Bank as the City Depository and authorize the Mayor to sign the bank depository agreement. Council member Nichols seconded.

In public discussion, Kelly Murphy, Executive Vice President of Ozona National Bank in Wimberley, thanked Council for giving the bank the opportunity to serve the banking needs of the City and said the bank looks forward to making a smooth transition with City staff.

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Council member Manis thanked members of the Finance Committee for their work reviewing the bids. The Committee carefully reviewed each of the three bids it received and agreed that the proposal of Ozona National Bank was the best for the Village.

Council discussed who would be named as Designated Officers for the Village and took advice from City attorney Patty Akers. Council members Manis and Nichols accepted as a friendly amendment to their motion the suggestion that Council member Manis be named as Designated Officer.

Motion approved as amended 4-0.

11. Appointment of new member to Wimberley Parks and Recreation Board:

Council member Nichols said a vacancy exists on the Parks and Recreation Board as a result of the resignation of Kathleen Cline. She introduced Mr. Horace Wilson, an architect who has designed many sports and recreation facilities for schools and cities, as her appointment to the Board. Mr. Wilson thanked Council member Nichols for the appointment and said he appreciates the opportunity to serve and contribute his experience to the City.

Mayor McGee welcomed Mr. Wilson to the Parks and Recreation Board.

12. Authorization to Pay for Reception for President of Southwest Texas University:

Mayor McGee said he apologizes for his failure to bring the reception for the president of SWT, Dr. Denise Trauth, to Council's attention before the event. He said the mistake was not intentional but was still a failure on his part. Council had a right to have input and to vote on committing the City to the event before it happened. Council is left with being asked to approve payment for it. The City's cost for the reception was \$900, and he asked Council members to approve payment of whatever amount they would have felt comfortable with had they voted on it before the event. He said that since it was his error he would pay the remaining cost.

Council member Nichols moved that Council authorize a budget item be created under the accounts for special events for \$900 to pay for the cost of the reception for the President of SWT. Council member Knies seconded the motion.

Council member Nichols said she understood what happened during the holidays, and the event not getting on the agenda. She said members of a group called Friends of the Village of Wimberley bore part of the expense for the reception. She said the City may have gotten \$100,000 worth of services from SWT in the value of the Village limits survey, maps made for the land use part of the Comprehensive Plan, the value of the services of professors and interns who work for nothing, and she thinks \$900 is cheap for what the City has received. It was a nice to have a time for the President to get to know Council members and for Council members to make contacts. She recommended that Council consider doing such a reception yearly.

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Council member Knies said these thoughts were well said, and the public relations was excellent and worth the expense. She said she believes in partnering, and in saying thanks to people and establishing relationships.

Council member Graddy said he greatly appreciates what SWT has done for the City, but if the event had been presented to Council beforehand he would not have supported paying for the reception. He would have pushed for it to be held in City Hall with the community invited to hear what the university has done for the City and to thank them. He did not think the Mayor should have to pay the bill and would support a motion to pay for it with the understanding it would never be done again. He said it is an inappropriate use of tax money; he has given the City a check to reimburse it for one person's share of the cost.

Council member Manis said he praises all those involved with the reception, including the Mayor for inviting Dr. Trauth to visit Wimberley and to meet Council members; the hosts of the reception; City staff for their work for the event; professors and students of the university who provide services for the City; and all the citizens of Wimberley that offer opportunities to SWT professors and students to have a model to work with. But, he said, such an event cannot happen again unless Council approves it first and City budget procedures are followed. If City funds are used, citizens must be invited and the event must be held at City Hall or at a neutral site, and City staff must also be present. He said he did not think something illegal was done, but the average citizen may think so. It would be perceived that the City spent money frivolously that should be used for public services. He said he paid his share of the reception, \$15, and begged the Mayor not to pay if Council does not approve the expenditure.

Mayor McGee called for the vote. Council members Knies, Nichols and Graddy voted yes, Council member Manis abstained; motion approved 3-0-1. At conclusion of vote, Mayor McGee said he heard Council members' admonitions. Council member Graddy said he did not mean his comments as an admonition; he believed as a matter of principle that Council should not spend money this way, and did not think the Mayor should be saddled with the debt. He said his vote was "yes with objection."

Council member Knies suggested Council amend the budget to provide some funds for entertainment because the City has provided receptions for various events for which it might have paid part of the expenses.

Council member Manis interjected a point of information, saying an invitation list was made up but the private citizen was not invited and "that's where the rub comes in."

D. City Administrator Report

Mr. Harrison said he has begun the search for a Building Inspector, and has hired on an interim basis the firm ATS Engineering and Inspection Consultants. There is no formal contract but the firm has agreed verbally to do City inspections and plan reviews on an interim basis. The Building Code Board of Review will create a customer satisfaction survey at the end of each

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building inspection process, and the firm is willing to work with the Board on developing the survey.

E. Announcements, Future Agenda Items

Council member Knies said there will be joint City Council-Parks and Recreation Board workshop on Monday, January 20, at 1:00 p.m., and invited the public to attend.

Council member Graddy said City has paid the firm Gov.office for work on the City's web site, and he hopes to make a presentation on the site for Council soon.

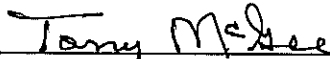
Mayor McGee stated that Council should appoint a record keeper for the traffic control ordinance.

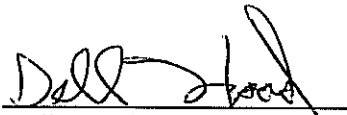
F. Council adjourned at 9:40 p.m.

VILLAGE OF WIMBERLEY



Adelle Turpen, City Secretary

By 
Tony McGee, Mayor



Dell Hood, Recording Secretary