

Village of Wimberley
City Hall, 13210 Ranch Road 12
Wimberley, Texas
Thursday, August 5, 2004

City Council Meeting Minutes

Mayor Steve Klepfer called the meeting to order at 6:30 p.m.

The invocation was given by Rev. Charles Youngson of St. Stephens Episcopal Church.

Mayor Klepfer led in the Pledge of Allegiance United States Flag; and Council Member Matt Manis led in the Pledge of Allegiance Texas Flag

Roll call was conducted by City Secretary Adelle Turpen. The following were present: Mayor Steve Klepfer; Council Members, Carroll Czichos, John Graddy, Carolyn Nichols, Matt Manis, and Marilee Wood.

Presentations of Citizens

Todd McKenzie, Administrator of Deer Creek of Wimberley, reported to Council that the facility has reduced its water consumption and has made significant progress in the reduction of their influent to the city's treatment plant, and will continue to work on decreasing consumption and lower the B.O.D. levels.

A. Consent Items.

- **Minutes of City Council Meeting of July 15 and 27, 2004.**
- **Resolution Adopting the Hays County Mitigation Action Plan.**

Council Member Manis made a motion that the Consent Items be approved as submitted. The motion was seconded by Council Member Graddy. The motion was carried by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

B. City Administrator Report

- **Progress on Emergency Lane Construction**
- **Status of Spoke Hollow Interlocal Agreement**
- **Budget Status Report for FY 2004/2005.**

City Administrator, Steve Harrison, reported that construction had commenced on Emergency Lane; and that there were additional lines to be moved by Verizon and Time-Warner before the final utility pole could be moved. This is causing some delay; however, the project should be completed by the end of September. The City is working with WISD to ease traffic during the weeks construction continues.

The Spoke Hollow Interlocal Agreement has been signed by Hays County and the construction of the new entrance onto Ranch Road 12 will give a direct "T" onto Ranch Road 12. Council Member Nichols suggested the need for reduced speed signs at the location. Actual construction should start in the near future.

Mr. Harrison said that budget meetings were held today prior to Council Meeting and that everyone was aware of the progress being made at the budget sessions. There will be three public hearings on the budget, and additional work sessions may be necessary before the final budget can be adopted before the end of September.

C. Reports from Boards/Committees/Staff:

- **Transportation Advisory Board**

Corwin Vansant spoke on behalf of the Transportation Advisory Board that their subcommittee was working on a long range plan. Some of the areas TAB was exploring would be changes to Mill Race Lane, Wayside, CR 1492, Ranch Road 12 at the intersection of CR 2325, King Feed, etc. TAB is working closely with the Economic Development Advisory Board concerning passage routes during construction. Other items they are looking into are crosswalks for pedestrians, and the need for traffic counters.

- **Parks & Recreation Board**

Malcolm Harris represented the Parks & Recreation Board. The design plans have been forwarded to Texas Parks & Wildlife and we are awaiting their approval. Mr. Harris introduced Joseph Waldschmidt who is donating the water feature to be placed on the nature trail project. He also informed Council that he had been meeting with the Blue Hole fundraising committee and they were making significant progress. His board is working on a regional park conceptual plan; and they are looking into hike and bike trails from Ranch Road 12, through the Square, to connect with the bypass route.

Horace Wilson advised that once Texas Parks & Wildlife approves the design plan, it will go out for bids. He anticipates that the nature trail construction process should take about six months to complete, and should be ready to open in the spring of 2005. Xeriscape plants might delay the opening until summer.

D. Consider & Act:

1. **Repeal Ordinance No. 2004-012—Amendment to 2000 International Building Code (Commercial), Section 903.2.1.3, Group A-3, adding Exemption for "...Churches, Gymnasiums, Skating Rinks, Swimming Pools, and Defined Areas of Enclosed and Unenclosed Stadiums and Arenas..." from Requirement for Sprinkler Systems, adopted May 20, 2004, to become Effective June 4, 2004; and Repeal Ordinance No. 2004-013, Adopted June 3, 2004, Extending Effective Date of Ordinance No. 2004-012 to July 2, 2004. (Council Member Carolyn Nichols).**

Steve Harrison advised Council that the Methodist Church construction original building permit had been amended and the church had been authorized to proceed with their project, which was within the authority of the City Administrator.

Council Member Nichols made a motion to "Repeal Ordinance No. 2004-012—Amendment to 2000 International Building Code (Commercial), Section 903.2.1.3, Group A-3, adding exemption for '...Churches, Gymnasiums, Skating Rinks, Swimming Pools, and Defined Areas of Enclosed and Unenclosed Stadiums and Arenas...' from requirement for sprinkler systems, adopted May 20, 2004, to become effective June 4, 2004; and repeal Ordinance No. 2004-013, adopted June 3, 2004, extending date of Ordinance No. 2004-012 to July 2, 2004." The motion was seconded by Council Member Graddy. The motion was passed by a 4 (Ayes) 0 (Nays) 1 (Abstain). Council Member Manis abstained.

2. **Authorize City Administrator to Transfer \$19,690.32 from the General Fund to the Community Center Construction Fund for Legal Fees (Continued from 7/15/04) (Council Member Matt Manis).**

Council Member Manis pointed out that since January 2004, the Community Center Construction Fund had paid out \$19,690.32 for legal expenses incurred in clearing the title concerning the reversionary interest of the McNeil Trust. Council Member Manis made a motion that "the City Administrator be authorized to transfer \$19,690.32 from the General Fund to the Community Center Construction Fund for legal fees paid." The motion was seconded by Council Member Czichos. The motion was passed by a vote of 5 (Ayes) 0 (Nays).

3. Appointment of Members of the Budget, Investment & Finance Advisory Board:

- Vicki Estey for a two-year term ending August 7, 2006 (Council Member Nichols, Place 1)
- Patricia Martin for a two-year term ending August 7, 2006 (Council Member Wood, Place 3)

Council Member Nichols recommended that Vicki Estey be reappointed to the Budget, Investment & Finance Advisory Board and stated that she had worked diligently for the Board; and Council Member Wood asked that Patricia Martin be reappointed. She pointed out that Ms. Martin had been in a recent accident but felt that she would be able to continue her work on this Board.

Council Member Manis made the following motion: "I move that Vicki Estey and Patricia Martin each be reappointed as members of the Budget, Investment & Finance Advisory Board for two-year terms ending August 7, 2006." The motion was seconded by Council Member Wood. The motion was carried by a vote of 5 (Ayes) 0 (Nays).

4. Appointment of Members to the Ethics Commission:

- Earl McArthur for a three-year term ending August 15, 2007 (Mayor Klepfer)

Mayor Klepfer advised Council that Earl McArthur had served well in his position on the Ethics Commission and was willing to continue serving.

Council Member Czichos made a motion "to appoint Earl McArthur for a three-year term ending August 15, 2007 to the Ethics Commission." The motion was seconded by Council Member Graddy. The motion passed by a vote of 5 (Ayes) 0 (Nays).

Council Member Nichols requested that the staff obtain a completed application form from Mr. McArthur.

5. Second Reading - Amendment to Zoning Ordinance No. 2001-010 (Public Hearing) (Recommended by P&Z Commission by a vote of 6 to 0):

- Section 13.8.A.2 – Add: "Architectural and design compatibility with adjacent uses and in Character and in scale with the historical development pattern of the Village."
- Sections 24-29 – Insert as first clause under Conditional Uses: "A drive-through or drive-in facility..."
- Sections 26-27 – Add under Conditional Uses: "Eating Establishments"
- Section 29 – Move from Permitted Uses to Conditional Uses.
- Section 49 – Add new Section 49.4 – Conditional Uses
- Section 42 – Insert Subsection 2 and re-number Subsequent Sections 422.2..A.2 –Uses are traditional 'Hill Country'
- Appendix A. Definitions – Add (nn) Drive-Through Sales Facilities; and (nn) Drive-In Sales Facilities.
- Appendix A. Definitions – Amend (66) Eating Establishments: Drive-in; and (68) Eating Establishments: Fast Food with Drive-Through Order Windows.

The public hearing was opened. Randy Falkenhagen spoke and suggested that council vote against this ordinance because he felt that the smaller lots with C-1 and C-2 zoning would encourage development that would add further congestion. Planning and Zoning Commissioner Glenn Fryer explained that the proposed amendment would be for "Conditional Use" only and that the City would have broad discretion in approving any such development. The public hearing was closed.

Council Member Graddy made a motion that: "the Amendment to Zoning Ordinance No. 2001-010 as recommended by P&Z Commission be adopted." The motion was seconded by Council Member Wood. The motion passed by a vote of 5 (Ayes) 0 (Nays).

6. Authorize Mayor to Execute Construction Change Order No. 1 in the Amount of \$1,296.53 to Dale Lowden Excavating to Remove and Install CMP (Corrugated Metal Pipe) in RR 12 Right-of-Way for Reconstruction of Emergency Lane.

City Engineer, Joel Wilkinson, spoke concerning a construction development on Emergency Lane. A portion of old storm water pipe had collapsed and it was necessary to purchase additional pipe and remove the old pipe. This was a safety consideration. This had not been included in the original contract. He stated that TxDOT had donated some pipe but additional had to be purchased. He further stated that another change order to be considered later will most likely offset this additional expenditure.

Council Member Graddy made a motion that the "Mayor be authorized to execute Construction Change Order No. 1 in the amount of \$1,296.53 to Dale Lowden Excavating to remove and install CMP (Corrugated Metal Pipe) in RR 12 right-of-way for reconstruction of Emergency Lane." The motion as passed by a vote of 4 (Ayes) 1 (Nays). Council Member Nichols voted (Nay).

7. Approve Community Center Design and Authorize City Administrator to Submit to Texas Parks & Wildlife Re: Grant (Recommended by Community Center Steering Committee).

This item was not ready and will be re-posted when it is.

8. Accept Proposal and Authorize City Administrator to Enter into Agreement with HBC Engineering or Amend Existing Agreement with Loomis-Austin (Re: Design/Build Oversight) to Conduct Required Testing in Relation to Construction of Community Center.

City Administrator Harrison stated that there was a requirement for testing of various items at the Community Center. He recommended that Council authorize him to either enter into an agreement with HBC Engineering or amend the existing contract with Loomis-Austin.

Council Member Czichos made a motion that Council "Accept Proposal and Authorize City Administrator to Enter into Agreement with HBC Engineering or Amend Existing Agreement with Loomis-Austin (Re: Design/Build Oversight) to Conduct Required Testing in Relation to Construction of Community Center." The motion was seconded by Council Member Manis. The motion was passed by a vote of 5 (Ayes) 0 (Nays).

9. Authorize City Administrator to Purchase a Lanier Color Printer for \$1,300.00.

City Administrator Harrison advised the Council that the HP printer used by the City Secretary was not longer repairable and needed to be replaced. He expressed the need for a good laser printer with high-quality color printing capability that could be used by all city personnel. The equipment had been extensively researched and it was determined that the Lanier LP 020c equipment would best suit our needs.

Council Member Czichos made a motion that the City Administrator be authorized to purchase a Lanier Color Printer for \$1300.00. The motion was seconded by Council Member Nichols. The motion passed by a vote of 5 (Ayes) 0 (Nays).

10. Accept Donation of Joseph Waldschmidt and Waterscape Design for \$20,000.00 Worth of Project Management, Labor, Consultation and Equipment Operation as Needed for Construction of the Water Feature in Cypress Creek Nature Trail & Preserve (Recommended by Parks Board).

City Administrator Harrison requested Council to accept donation made by Joseph Waldschmidt for the design and construction of a water feature at the nature trail entrance. Mr. Waldschmidt explained the design of the water feature and stated that native rock would be donated and brought in that would look the same as the rock presently on the site. The actual construction time would be approximately one month, and he personally would maintain the water feature, including maintaining the bacterial balance. He further stated that the liner he would use is guaranteed for 75 years; that the filtration system and pump would not be easily accessible to vandals; and that the auto-fill system is contained. He would personally supervise the construction and be on site on a daily basis during construction. He had worked closely with Janet Christian in the past and the Mermaid House would be furnishing the materials.

Council Member Graddy made a motion that the City accept the donation of Joseph Walschmidt for \$20,000 worth of project management, labor, consultation, and equipment operation as needed for construction of the water feature in Cypress Creek Nature Trail & Preserve. The motion was seconded by Council Member Nichols. The motion passed by a vote of 5 (Ayes) 0 (Nays).

11. Accept Proposal of Mermaid House to Furnish Materials & Labor in the Amount of \$24,999.00 Needed for the Water Feature in Cypress Creek Nature Trail & Preserve (Recommended by Parks Board).

- **Authorize City Administrator to Develop and Sign Contract for Same.**

Mr. Walschmidt introduced Janet Christian of Mermaid House who is the vendor who will be supplying the liner, pumps, etc. for the nature trail water feature. City Attorney Patty Akers expressed her concern that if the bid of \$24,999 must include workers compensation and the pay must be a fair wage. Both Mr. Waldschmidt and Ms. Christian expressed that they had \$1,000,000 insurance coverage. Mr. Harrison advised that the City would have to be named in their policy.

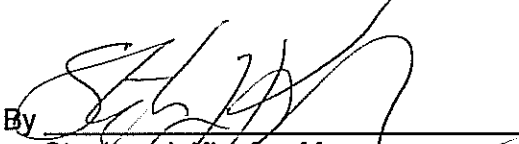
Council Member Nichols made a motion to "Accept the proposal of Mermaid House to furnish material and labor in the amount of \$24,999 needed for the water feature in Cypress Creek Nature Trail & Preserve and authorize the City Administrator to develop an agreement between Mermaid House and the City. The motion was passed by a vote of 5 (Ayes) 0 (Nays).

F. Announcements and Council Requests for Future Agenda Items.

- Budget Workshop on August 19, 2004 – 2:30 p.m.
- Special Called City Council Meeting on August 9, 2004 – 8:00 a.m. regarding the reversionary matter on the Community Center
- The Mayor expressed his opinion that the Mayor's Forum on Wednesday, August 4 had been very successful and he intended to hold another forum in a couple of months. He stated that everyone was invited.

G. Adjournment – 8:25 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer, Mayor


Adelle Turpen, City Secretary