

Wimberley City Council Minutes, September 16, 2004

**Village of Wimberley**  
**Minutes of City Council Meeting**  
City Hall, 13210 Ranch Road 12, Wimberley, Texas  
Thursday, September 16, 2004, 6:30 p.m.

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

Rev. Jim Denham of Chapel of the Hills offered the Invocation.

Mayor Steve Klepfer led the Pledge of Allegiance to the United States flag.

Council Member Matt Manis led the Pledge of Allegiance to the Texas flag.

**Roll Call:** Present were Mayor Steve Klepfer and Council Members John Graddy, Matt Manis, Carolyn Nichols and Marilee Wood. Council Member Carroll Czichos was absent.

**Presentations of Citizens**

**1. Citizen Comments:**

Council Member Manis brought to Council's attention that Nancy Britner, owner of Goodies N Stuff on the Square, expressed displeasure with the lack of provision in the Sign Ordinance for holiday decorations.

**2. Commendation of Sam White for Outstanding Service on Building Code Board of Review:**

Mayor Klepfer continued this item until Mr. White could be present.

**3. Oath of Office Administered to New Appointee to Commission:**

Mayor Klepfer administered the oath of office to Bill Cooper, Building Code Board of Review member.

**A. Consent Items.**

Mayor Klepfer pulled the News 8 Austin 5<sup>th</sup> Anniversary Proclamation from the Agenda; the consent item to "Cancel Council Meeting Scheduled for January 6, 2005" was pulled from the agenda by Council Member Nichols. After discussion of the schedule for Council meetings in January, Council Member Nichols moved to cancel the meeting on January 6, 2005. Council Member Graddy seconded. The Motion to cancel the January 6, 2005 Council Meeting was approved by a vote of 4 Ayes to 0 Nays. Minutes of September 2, 2004 Council meeting were approved as written by 4 Ayes to 0 Nays.

**B. City Administrator Report**

**1. Affidavit Providing Notice of Potential Conflict of Interest:**

City Administrator Steve Harrison directed Council attention to the affidavit the City will use in potential conflict of interest situations. He referred also to the City's Ethics Ordinance and the deliberations of the Ethics Commission.

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**2. Ranch Road 12/Cypress Creek Bridge Construction Process Status:**

Mr. Harrison said TxDOT is now reviewing contract documents for this project. He estimates a pre-construction meeting with the contractor will be held at the TxDOT regional office in Austin in approximately four to six weeks and construction could begin in November.

**3. Emergency Lane Construction Status:**

Barring weather-related delays, the widening of Emergency Lane should be finished by the end of September.

**C. Reports from Boards/Committees/Staff:**

**1. Financial Statement for August 2004 (Jack Clark, CPA):**

Mr. Clark reviewed the City financial statement for August. Council discussed the report. Mr. Clark concluded: "The financial condition of the Village of Wimberley continues to be good; you've done a great job."

**2. Water/Wastewater Advisory Board:**

Gail Pigg said the Board has investigated the Aqua Texas rate increase request and provided a recommendation for Council; the firm Black & Veatch is updating the City's wastewater master plan; and the Board has reviewed operation reports for the Blue Hole wastewater plant, which is still not meeting permitted effluent limits.

**D. Consider & Act:**

**1. FY 2003/2004 Budget Amendments:**

Mayor Klepfer introduced the item. The City Accountant and City Administrator have proposed an amendment adjusting both income levels and expenditures, which created a net \$1,000 difference. Council Member Graddy noted Line 708 should be titled "Road Engineering". Mr. Clark suggested that to have a zero-balance budget, the \$1,000 difference could be allocated to legal expenses. Council Member Manis moved to make the budget amendments as proposed and discussed at this meeting. Council Member Nichols seconded. Motion approved 4 Ayes to 0 Nays.

**2. (Public Hearing) Adoption of FY 2004/2005 Budget Effective October 1, 2004**

Mayor Klepfer opened the Public Hearing. No comment received and public hearing was closed.

Council Member Manis moved to remove insurance increases for City employees from the budget, reducing Line 630.2 to \$1,500, Line 631.1 to \$4,200, and Line 717.1 to \$1,200. Council Member Graddy seconded. In discussion Council Member Manis said he made the proposal because the City is on a tight budget for next year and he believes the employees' COLA increases will cover increased insurance costs. Council Member Graddy said he seconded the motion because the City needs to find funding for the two public facilities the City plans to open in the coming year.

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Roll call vote:	Council Member Graddy (Place 4)	Yes
	Council Member Manis (Place 2)	Yes
	Council Member Nichols (Place 1)	No
	Council Member Wood (Place 3)	No

resulting in a tie vote. Mayor Klepfer voted "No." The motion failed 2 (Ayes) to 3 (Nays).

Council Member Nichols moved to adopt the FY 2004/2005 budget as presented. Council Member Wood seconded. On roll call vote, all Council Members present voted Aye; motion approved 4 Ayes to 0 Nays.

**3. Public Hearing: Proposed Request for Rate Increase by Aqua Texas:**

- **Adopt Ordinance Outlining Village Position on Request for Rate Increase by Aqua Texas:**

Mayor Klepfer opened the Public Hearing. Frank Byrne, representing the City of Woodcreek, noted Woodcreek has opposed the rate increase and he recommended Council decline the rate increase.

Gail Pigg said the Water and Wastewater Advisory Board discussed the rate increase at some length and voted 3-2 to recommend that Council approve it. The Board based its recommendation on the fact that only two of the 15 affected rate payers within the Village have protested the increase, and that the legal costs of fighting it in 2001 were more than \$100,000. She said Board members would have preferred to fight the increase but decided it is not worth the risk given the high legal costs.

Council discussed the Board recommendation with Ms. Pigg and City attorney Patty Akers.

Mayor Klepfer closed the Public Hearing and adjourned the Open Session at 7:42 p.m. to go into Executive Session as authorized by Texas Government Code Section 551.071 (consultation with attorney).

Mayor Klepfer reconvened Council in Open Session at 7:56 p.m.

Council Member Nichols moved to adopt the ordinance before Council denying the Aqua Texas rate increase proposal. Council Member Wood seconded. Motion approved 4 Ayes to 0 Nays.

**4. Appointment of Members to the Water/Wastewater Board:**

No action.

**5. Appointment of Members to the Building Code Board of Review:**

Council Member Graddy moved to appoint Horace Wilson as to the Building Code Board of Review. Council Member Manis seconded. Motion approved 4 Ayes to 0 Nays.

Council Member Graddy continued the naming of a consensus appointment.

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## **6. Appointment of Members to the Transportation Advisory Board:**

Council Member Nichols moved to appoint Mark Roden to the Transportation Advisory Board for a three-year term ending Sept. 19, 2007. Council Member Wood seconded. Motion approved 4 Ayes to 0 Nays.

Council discussed whether to consider the nominees of Council Member Czichos in his absence. They agreed there was no impediment to doing so, and that not acting now would create two vacancies at the Board's next meeting. Council Member Nichols moved to appoint Kelly Kilber and Gene Woodruff to the Board for three-year terms as consensus members. Council Member Manis seconded. Motion approved 4 Ayes to 0 Nays.

## **7. Public Hearing: Adopt Village Budget for Fiscal Year 2004/2005:**

The City Administrator apologized for this item showing up twice on the agenda.

### **E. Close Open Session and Convene Executive Session**

1. Performance Appraisal of City Administrator, Texas Government Code Section 551.074 (Personnel Matters);
2. Consultation with Attorney Regarding Pending Litigation and Potential Litigation Relating to Community Center Project, Related Settlement Offers, Related Purchase and Value of Certain Property Interests, Texas Government Code Section 551.071 (Consultation with Attorney); and Section 551.072 (Deliberations about Real Property):

Mayor Klepfer closed Open Session at 8:07 p.m. and convened Council in Executive Session.

### **D. Reconvene Open Session:**

Mayor Klepfer reconvened Council in Open Session at 9:06 p.m.

#### **1. Approve Performance Appraisal of City Administrator:**

Council Member Nichols moved to approve the Performance Appraisal of the City Administrator. Council Member Wood seconded. Motion approved 3 Ayes to 0 Nays, with one abstention (Council Member Manis).

#### **2. Approve Settlement Agreement, closing, transfer, and conveyance from litigant in Cause No. 04-0013, in the District Court of Hays County, Texas and from other alleged interest owners, regarding the purchase and value of certain real property interests related to the Community Center Project.**

Council Member Nichols moved to authorize the Mayor to sign the settlement agreement according to the terms discussed in Executive Session. Council Member Graddy seconded. Motion approved 4 Ayes to 0 Nays.

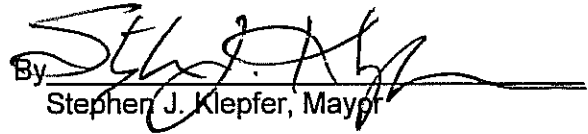
### **F. Announcements and Council Requests for Future Agenda Items.**

Council Member Nichols said Hays County has given the City the check for \$700,000 for purchase of the Blue Hole property.

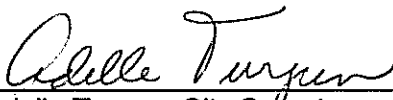
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**G. Adjournment:** Council adjourned at 9:10 p.m.

VILLAGE OF WIMBERLEY

By   
Stephen J. Klepfer, Mayor

ATTEST:

  
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Adelle Turpen, City Secretary

  
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Dell Hood, Recording Secretary