

Village of Wimberley
City Hall, 13210 Ranch Road 12
Wimberley, Texas
Thursday, October 21, 2004
City Council Meeting Minutes

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

The Invocation was given by Rev. Ted Knies of St. Stephens Episcopal Church.

Mayor Stephen Klepfer led the Pledge of Allegiance to the United States flag; and Council Member Manis led in the Pledge of Allegiance to the Texas flag.

Roll Call: Present were Mayor Stephen Klepfer and Council Members Carroll Czichos, John Graddy, Matt Manis, Carolyn Nichols, and Marilee Wood.

Presentations of Citizens

1. Citizen Comments: Mayor Klepfer called on Clint Frankman, who had asked for an opportunity to speak. Mr. Frankman requested he be given the rails from the old bridge to use on the low water crossing at Paradise Hills. Mayor Klepfer advised him that the railings did not belong to the City.
2. The Oath of Office was administered to Marty Walker by Mayor Klepfer as a New Appointee to the Building Code Board of Review.
3. The Oath of Office Administered to Rick Burleson by Mayor Klepfer as a New Appointee to the Water/Waste-water Advisory Board.

A. Consent Items.

1. The Minutes of City Council Meeting of October 7, 2004 were adopted as presented.

B. City Administrator Report.

Ranch Road 12 & Cypress Creek Bridge Project.

1. Steve Harrison reported that the construction on Ranch Road 12 was well under way. TxDOT has commenced grading, signs have been posted, and equipment has been moved to the site. The City will make maximum effort to see that affected business is informed of the construction progress. The City has developed a strategy for notices by compiling a list of businesses along Ranch Road 12, as well as churches, Wimberley merchants, Chamber of Commerce, etc. TxDOT has a temporary building at the intersection of CR 1492 and RR 12 as its staging area. The City will have weekly communication meetings with the contractor and TxDOT's on-site director, Russell Morganroth, and Rickey Wright or Steve Harrison will be attending those meetings. The west lane of Cypress Creek Bridge will be closed tonight from 8:00 p.m. to 6:00 a.m. tomorrow morning. They will be removing the rail and sidewalk so they can begin construction of the temporary bridge. Once the temporary bridge is constructed, the southbound traffic will be moved to that lane and what is now northbound will be moved to what is presently the southbound lane. TxDOT will then be able to start construction on the permanent bridge. At some point the two lanes of traffic will be divided, but every effort will be made by TxDOT to keep two lanes open at all times. It is expected that the entire project will take from eighteen months to two years.

C. Reports from Boards/Committees/Staff:

1. Jack Clark, Certified Public Accountant, presented the 2003-2004 year end report, noting that there would be one final adjustment. Additionally, he stated that there had been a consistent increase in sales tax revenue at a rate of 6-9%. He also felt that the City would see a stabilization of the franchise fees, and that 2004 would be more representative of future franchise fees. He complimented Council on the City's strong financial statement. Mr. Clark also agreed to make a study of franchise fees before the end of the 2004 calendar year.

2. Blue Hole Fundraising Committee: Buddy Goddard presented Council with marketing brochures and then showed a Blue Hole Promotional DVD in 3rd rendition. He advised council that the donor matrix is relatively complete and prospects include approximately 38 foundations, 39 corporations and 60 individual donors. Events have been planned for Memorial Day weekend, a gala event at Old Glory Ranch on May 27, 2005, and a "Welcome Back Blue Hole" 10:00 a.m. to dusk event on May 28, 2005. Council Member Graddy is working to obtain local musical talent and Bruce Calkins is making arrangements for the food. Sheriff Montague will provide officers for crowd control, and the committee is working on transportation.

3. Ethics Commission (John Meyer): No Report.

4. Building Code Board of Review. Mac McCullough, Chair, stated that the Board had been working on the possible adoption of family codes. He further stated that an orientation meeting for new members is planned. He advised that he had cancelled two meetings as he did not feel it would be useful for the outgoing members to get heavily involved in some new projects and then leave the Board. The Mayor expressed concern that the implementing ordinance should be observed in regards to the frequency of meetings or the Board should recommend a change to the ordinance.

5. Pedernales Electric Cooperative representative Sandra Cunningham advised Council that Pedernales had many resources to enhance municipalities—to make them a better place to live. Examples of assistance were to public libraries, fire departments, meals on wheels. She suggested that she would be willing to assist Wimberley in obtaining sources for development. Ms. Cunningham presented the City with a check for \$22,957.61, representing franchise fees for July, August, and September 2004.

Mr. Harrison stated that Russ Adamiak had contacted him earlier this date and advised that he would not be present at the meeting. He stated that PEC's Board did not believe that this was the proper format for engaging in a discussion with property owners regarding PEC plans. He further provided a letter to each Council Member describing that this particular project of citizen concern is not going to occur.

Jeanette Worlow spoke in opposition to the placement of additional electrical lines, and encouraged Council to take an active part in working with Pedernales in future development of power line expansion.

D. Consider & Act:

1. Public Hearing - Application for Zoning:

Zoning Application No. C211-04-189 filed by property owner Mason Bass, for rezoning of Lot 17A (410 Summit Loop) as R-2; and re-zoning of Lot 18A (500 Summit Loop) for R-1 was presented by the City Administrator. These two lots are presently zoned R-1. They are required to be re-zoned due to the lot sizes being changed by a recent re-platting of the lots by the owner. The Planning & Zoning Commission recommended approval of the zoning requested. City Engineer Joel Wilkinson was present and stated that the plat now meets the requirements for the requested zoning.

Council Member Nichols made a motion to zone Zoning Application No. C211-04-189, Mason Bass, Lot 17A (410 Summit Loop) as R-2; and Lot 18A (500 Summit Loop) as R-1. The motion was seconded by Council Member Graddy. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

2. Appointment of Members to the Planning & Zoning Commission:

Council Member Nichols made a motion to appoint Tevis Grinstead to the Planning & Zoning Commission for a two-year term ending November 1, 2006. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

Council Member Graddy stated that there were two applicants for the consensus position, Curt Busk and Mac McCullough. Council Member Graddy made a motion to appoint Mac McCullough to the Planning & Zoning Commission for a two year term ending November 1, 2006. The motion was seconded by Council Member Manis. The motion was adopted by a vote of 3 (Ayes) to 2 (Nays). Council Members Nichols and Wood voted "Nay."

3. Appointment of Members to the Board of Adjustment:

Council Member Graddy made a motion to appoint Barbara Vansant to the Board of Adjustment for a two-year term ending November 1, 2006. The motion was seconded by Council Member Czichos. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

Council Member Nichols made a motion to appoint Susan Thurber to the Board of Adjustment for a two-year term ending November 1, 2006. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

Council Member Manis made a motion to appoint Bob Flocke to the Board of Adjustment for a two-year term ending November 1, 2006. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

Council Member Nichols made a motion to appoint Bill Cline to the Board of Adjustment for a two-year term ending November 1, 2006. The motion was seconded by Council Member Graddy. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

4. Sign Variance Request for Property at 104 Wimberley Square (Ordinance No. 2001-002):

- **Section 8BB (b): Requirement that Delineates Allowable Size for Wall Sign.**

Rickey Wright presented the Application for a Sign Variance. Property owner Jimmy Wise requested a variance to allow an existing 48 square foot sign to remain on the front side of his building at 104 Wimberley Square. The maximum allowable size under Sign Ordinance 2001-002, Section 8BB(b) is 30 square feet. Since there is no writing on the sign at this time, council was unable to determine if the variance could be allowed. Council Member Nichols made a motion to continue this item until the next Council Meeting on November 4, 2004. The motion was seconded by Council Member Wood. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

5. Authorize City Administrator to Enter into Agreement with Joe Williams to Provide Services to Conduct Traffic Counts on Various Village.

The City Administrator stated that the Transportation Advisory Board was recommending that the City contract with Joe Williams to place traffic counters and analyze the results. Mr. Harrison presented Joe Williams' biography. Council requested that TAB provide them with a prioritized list of streets where counters will be placed.

Council Member Czichos made a motion to authorize the City Administrator to enter into an agreement with Joe Williams to conduct traffic counts on various Village streets. The motion was seconded by Council Member Graddy. The motion was adopted by a vote of 5 (Ayes) 0 (Nays).

6. Acquisition of Tax Notes.

Council Member Nichols stated that the City is faced with settlement of a lawsuit regarding a reversionary interest on the Community Center property, which could result in an unbudgeted expense of approximately \$100,000. She suggested that the Village should consider borrowing the money rather than taking it from road reserves. She explained that State Law allows Municipalities to issue Tax Notes as a way to secure such funds. Council Member Nichols suggested that Council consider borrowing this money from the bank with a Tax Note. This option would allow the reserves to remain intact and the debt could be spread over several years. Should the City be unable to meet the payments, the City would have committed to impose an ad valorem tax to satisfy the debt. Tom Pollan of Bickerstaff, Heath, Smiley, Pollan, and Keiver & McDaniel explained the process of obtaining a Tax Note and stated that this is a practice commonly used in both small and large municipalities. There was considerable discussion about various concerns and costs associated with the Tax Note concept.

Council Member Manis made a motion to table this item. The motion was seconded by Council Member Czichos. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

7. Request for Waiver of Building Permit Fees for Two Wimberley Water Supply Corporation Construction Projects.

Council Member Czichos stated that Wimberley Water Supply Corporation (WWSC) had been presented bills from the City for construction permits and inspections for moving lines on the right-of-way at two locations and requested Council consider waiving the City's fees. Tom Haley, Chairman of the Wimberley Water Supply Corporation, addressed the Council and requested the fees be waived since neither of the projects were the idea of the WWSC. They had been required to move the lines to accommodate State and City road projects. The City Administrator advised Council that the fees presented to WWSC were imposed by City Ordinance and that to be exempt from fees the City would require that WWSC enter into a franchise agreement with the City. Mr. Harrison briefed the Council on the reason for the right-of-way ordinance and how these matters could be addressed in a franchise agreement. After additional discussion about the franchise agreement and subsequent fees that might be required, Council Member Czichos made a motion to table this item. The motion was seconded by Council Member Manis. The motion was adopted by a vote of 5 (Ayes) to 0 (Nays).

Mayor Klepfer directed the City Administrator to meet with Mr. Haley and work out the details of a franchise agreement.

8. Set Dates for Public Meetings to Receive Community Comments Re: Proposed New Sign Ordinance.

On the motion of Council Member Manis, seconded by Council Member Wood, this item was continued by a vote of 5 (Ayes) to 0 (Nays).

E. Close Open Session and Convene Executive Session

Mayor Klepfer closed the Open Session and convened into Executive Session at 9:05 p.m. to consult with the City Attorney regarding pending litigation and potential litigation in relation to the Community Center Project, related settlement offers, related purchase and value of certain property interests, pursuant to *Texas Government Code Section 551.071 (Consultation with Attorney); and Section 551.072 (Deliberations about Real Property)*.

D. Reconvene Open Session

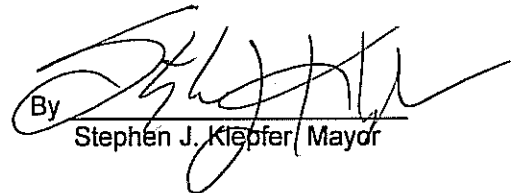
Mayor Klepfer reconvened Open Session at 9:22 p.m. No action was taken.

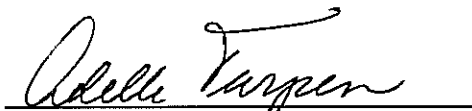
F. Announcements and Council Requests for Future Agenda Items.

- Council Member Manis stated that Budget, Investment & Finance Committee would be asked to work on an expense policy for Staff and Council.
- Council Member Graddy stated that he and Council Member Wood are planning for the City's participation in the Trail of Lights and would like an item on the agenda.
- Council Member Czichos requested that Council review the necessity of Council Liaisons serving on the Committees.
- Council Member Nichols requested that the City Administrator brief the Council on the Ethics Committee procedure for referring a matter to them.

G. The meeting was adjourned at 9:28 p.m.

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer Mayor


Adelle Turpen, City Secretary

