

**Village of Wimberley**  
City Hall, 13210 Ranch Road 12  
Wimberley, Texas  
**Minutes of City Council Meeting**  
**Thursday, September 1, 2005**

City Council called to order at 6:30 p.m. by Mayor Stephen Klepfer.

Mayor Klepfer gave the Invocation.

Mayor Klepfer led the Pledge of Allegiance to the U.S. Flag and Council member Manis led the Pledge of Allegiance to the Texas Flag.

Present were: Mayor Klepfer and Council members Curt Busk, Carroll Czichos, John Graddy, Matt Manis, and Marilee Wood.

Mayor Klepfer announced he will hold a Mayor's Forum on September 8 at the Senior Citizen's Center, where the public may ask questions on any issues of concern.

**Presentations of Citizens**

1. Citizen Comments: David Bynum distributed a handout and said there is a serious alcohol problem in Wimberley schools and children are dying from drink. He wants the Village of Wimberley to take a stand and address the problem.
2. Oath of Office: Mayor Klepfer administered the Oath of Office to John Hyink as a new member of the Village Ethics Commission.

**A. Consent Items:**

Council member Busk pulled the Minutes of August 18 from the Consent Agenda. He corrected a statement by Todd MacKenzie in item D.1.a concerning an alternative provider of wastewater treatment for Deer Creek. Mayor Klepfer said the minutes should show Mayor Pro Tem Czichos as voting on all items.

Council member Graddy moved to accept the minutes of the August 18, 2005, Council meeting as amended. Council member Wood seconded. Motion approved by 5 Ayes to 0 Nays.

**B. City Administrator Report**

City Administrator Steve Harrison reported Moira Martin has been hired as new City Secretary and will begin the job on September 12.

**C. Reports from Boards/Commissions/Staff:** No reports were made.

**D. Consider & Act**

**1. First Reading & Public Hearing - Adoption of Village of Wimberley Budget for FY 2005/2006 beginning October 1, 2005:**

Mayor Klepfer said the version dated August 16 has the correct figures for cost-of-living increases for all staff.

In Public Hearing, Marla Johnson, Executive Director of the Hays-Caldwell Women's Center, asked Council members to designate \$2,280 for support of the Center, to help make up for reductions in state and federal grants.

Council member Graddy moved to adopt the Village budget for 2005/2006 on first reading as presented. Council member Wood seconded. Motion approved by 5 Ayes to 0 Nays.

**2. Appointment of Members to Water/Wastewater Advisory Board (Three-year terms expiring September 9, 2008):**

Place 3 - Council member Wood: Council member Graddy moved to reappoint Gail Pigg to the Board. Council member Wood seconded. Motion approved by 5 Ayes to 0 Nays.

Place 4 - Council member Graddy: Council member Czichos moved to reappoint Amy Frederick as Council member Graddy's appointee. Council member Wood seconded. Motion approved by 5 Ayes to 0 Nays.

Consensus: Council member Manis moved to reappoint John Estopp as the consensus appointee. Council member Graddy seconded. Motion approved by 5 Ayes to 0 Nays.

**3. Appointment of Members to Building Code Board of Review (Two-year terms expiring September 10, 2007):**

Place 1 - Council member Busk: Continued.

Place 5 - Council member Czichos: Continued.

Mayor: Continued.

**4. Appointment of Member to Building Code Board of Review for Completion of term ending September 10, 2006:**

Council member Wood moved to name Wimberley architect Neel Morton to fill the

unexpired term of Mr. Cooper. Council member Graddy seconded. Motion approved by 5 Ayes to 0 Nays.

**5. Appointment of Member to Budget, Investment & Finance Board (Two-year term expiring August 7, 2007):**

Council member Manis moved to appoint Rodger Parker to the Board. Council member Czichos seconded. Motion approved by 5 Ayes to 0 Nays.

**6. Appointment of Member to Ethics Commission (Three-year term expiring August 15, 2008):**

Continued.

**7. Second Reading and Public Hearing: Amendment to Zoning Ordinance No. 2001-010**

**Section 13.88, to remove Districts O-2 (Office - High Impact) and C-2 (Commercial Moderate Impact) as zoning districts allowed in Planning Area C (Recommended by P&Z):**

P&Z Chairman Tevis Grinstead presented the item. No comment was received in Public Hearing. Council member Busk moved to approve Ordinance No. 2005-010 as presented. Council member Graddy seconded. Motion approved by 5 Ayes to 0 Nays.

**8. First Reading and Public Hearing: Ordinance No. 2005-011, Amendment to Zoning Ordinance No. 2001-010, to add Health and Fitness and Exercise Facilities, Limited, as a Conditional Use in Districts C-1 (Commercial - Low Impact) and NS (Neighborhood Services), and creating the following definition to Appendix A:**

*Health, Fitness and Exercise Facilities - Limited:*

*Facilities on a Small Scale Limited to a Maximum Occupancy of Fifty (50) or Fewer Participants.*

**(Recommended by P&Z)**

P&Z Chairman Grinstead presented the item. No comment was received in Public Hearing. Council member Czichos moved to accept Ordinance No. 2005-011 on first reading. Council member Busk seconded. Motion approved by 5 Ayes to 0 Nays.

**9. Adopt Rate for Customers of current Wimberley Wastewater Treatment Plant (Recommended by Water/Wastewater Advisory Board by vote of 8-0):**

Mayor Klepfer presented the item. The following people spoke in the Public Hearing:

a. John Taylor said he represented a resident of Deer Creek. He objected to any increases in wastewater treatment costs for Deer Creek.

- b. Todd MacKenzie, administrator of Deer Creek, said each private patient currently pays \$185 per month for wastewater services, which will increase to at least \$235 per month under the proposed rate increase. He urged Council to vote no on Ordinance No. 2005-008.
- c. Randy Worden of Guadalupe-Blanco River Authority (GBRA), reviewed GBRA's role in its region. He said budgeted costs for operation of the Blue Hole wastewater plant have been reduced by 32% over the 2004 rate.
- d. John Smith of GBRA referred Council members to the budget comparison information in their packets and noted the reductions in wastewater flow the Authority has worked with Deer Creek to achieve. He said the GBRA Board approved the rate proposed in the Ordinance.
- e. Darell Ball of GBRA outlined the cost savings to Deer Creek the Authority has produced.
- f. Amy Frederick, chair of the Water/Wastewater Advisory Board, reviewed the Board's deliberations on this issue. She noted the Board has several members with relevant professional expertise and experience and that the Board vote was unanimous to adopt the rate for wastewater service currently in place.
- g. Gail Pigg, member of the Water/Wastewater Advisory Board, referred to the fine the Texas Council on Environmental Quality (TCEQ) could levy against the Village for wastewater discharge violations and suggested the Village work to get grants to help pay for the new wastewater plant. She said private corporations operating wastewater plants do not always provide better service than GBRA can. She urged the Council to approve the rate as presented.
- h. Jack Hollon, member of the Water/Wastewater Advisory Board, said GBRA has done an excellent job working with the Village and Deer Creek and urged Council to vote for the Ordinance.
- i. Emily Rogers, attorney with City's legal counsel, spoke of the relationship between the Village and GBRA and the TCEQ fines for wastewater violations. She said Council should not compare the GBRA rate with the rate nursing homes pay in other cities, which subsidize wastewater service through various means.

Public Hearing ended.

Mayor Klepfer reviewed the history of wastewater issues in Wimberley. Council member Busk moved to accept Ordinance No. 2005-008. Council member Wood seconded.

Council members questioned GBRA representatives and Mr. MacKenzie about their

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statements and the proposed GBRA rate. In response to a question from Council, GBRA representatives said they would work with the Village to seek grants to help pay for a new wastewater plant.

On a roll call vote Council members voted for the motion by 4 Ayes, 0 Nays, and 1 Abstention (Council member Manis).

**10. Approve Agreement to Lease Property for City Hall Space:**

City Administrator Steve Harrison presented the item. Council members discussed the two lease options proposed by Mr. Estey with City attorney Patty Akers and Mr. Estey. Council member Graddy moved that Council accept lease option no. 2 as offered by Mr. Estey (in his letter dated July 30, 2005), and to authorize the Mayor to sign the lease agreement after it has been reviewed by City counsel, and with the understanding that each year after 2006 will be considered as an option renewal year. Council member Busk seconded. Motion approved by 5 Ayes to 0 Nays.

**11. Approve Automatic Transfer Authorization of Monthly Rent to Account of David and Vicki Estey.**

Mayor Klepfer presented the item. Council member Manis moved to approve automatic transfer authorization of the monthly rent to the account of David and Vicki Estey starting October 2005 and ending on September 30, 2006. Council member Graddy seconded. Motion approved by 5 Ayes to 0 Nays.

**12. Second Reading and Public Hearing: Ordinance No. 2005-009, to Adopt the 2000 Editions of the International Plumbing Code, the International Mechanical Code, the International Fire Code, the International Electrical (Administrative Provisions) Code, and the 2002 National Electric Code. (Recommended by Building Code Board of Review):**

Mayor Klepfer presented the item. No comment received in Public Hearing. Council member Czichos warned Council should look at each Code and the amendments to each one before adopting them. City attorney Akers said Council could amend the codes to fit Village ordinances, but the substantive aspects of Village versions cannot be less stringent than the codes themselves.

Council member Busk moved to adopt Ordinance No. 2005-009 on second reading. Council member Wood seconded. Motion approved by 4 Ayes to 0 Nays, Council member Czichos being absent.

**13. Reject All Proposals Submitted in Response to Village's Request for Proposals for Provision of Residential and Commercial Solid Waste Management and Recycling Services (Recommended by Budget, Investment & Finance Advisory Board)**

Provide rationale for rejecting all proposals;

Direct Budget, Investment & Finance Advisory Board to begin process of

**negotiation with potential vendor(s) of solid waste management and recycling services:**

Board chair Jenelle Flocke presented the item and explained that the reason for rejecting the proposals received in response to the first bid process was the inclusion of a clause mandating all residences in the Village must use the service.

Council member Busk moved to reject the bids submitted for residential and commercial solid waste management and recycling services and to direct a Board subcommittee to conduct negotiations with potential vendors for such services. Council member Manis seconded. Motion approved by 4 Ayes to 0 Nays and Council member Czichos abstaining.

**E. Work Session****1. Agenda Format and Content for Council Meetings:**

Council member Graddy proposed that Council change the format of its second meeting each month to have a limited time for the business session at the start of the meeting and make the second part a public discussion session. Council members discussed the proposal, noting that public discussion can be held on any Agenda item.

**2. Website Format and Content:**

Council member Graddy said the City website was being used in the past but that nothing new has been put on it and it is not being visited. Its content must be kept up to date for the public. Council member Busk suggested the City seek interns from the high school to work on the website.

**F. Announcements, Requests for Future Agenda Items: None.****G. Adjournment:** Council adjourned at 9:12 p.m.

VILLAGE OF WIMBERLEY

By  
Stephen J. Klepfer, Mayor

Respectfully submitted by:

Dell J. Hood, Recording Secretary

# Public Sign-In (SPEAKERS ONLY)

Village of Wimberley, Texas

Purpose of Meeting CITY COUNCIL Date 9/1/05

**Public Hearing Speakers Policy:** Speakers must sign in prior to the beginning of the meeting. Speakers who wish to address a specific agenda item will be recognized when that item comes up on the agenda, provided they have signed in prior to the beginning of the meeting and indicated the item to be addressed. Each speaker will be limited to three (3) minutes.

Name of Speaker/Address (Please Print)

~~★~~ DAVE BYNUM

GAIL PIGG ✓

~~★~~ Marla Johnson PO Box 234 San Marcos

Jojo Mackenzie ✓

John Taylor ✓ *County Clerk*

Jackie Hollow ✓

Agenda Item/Issue

Citizen Comment

WW RATE #8

Hays-Caldwell Women's Center *Budget*

LW #8

WWS

WU #8