

Village of Wimberley
City Hall, 13210 Ranch Road 12
Wimberley, Texas
Minutes of City Council Meeting
Thursday, October 20, 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, Matt Manis, Marilee Wood, John Graddy, and Carroll Czichos.

Presentations of Citizens

Citizen Comments: Sam Davis spoke to Council asking for their help with regard to the encroachment issue involving Pace Fitness Center and Old Kyle Road.

PROCLAMATION:

Mayor Klepfer presented the family of deceased Walter Brown with a Proclamation from the City, expressing gratitude for Mr. Brown's diligent service. A flag that has flown over City Hall was ceremonially given to the family in recognition of Walter Brown.

A. Consent Items

Council Member Marilee Wood moved to approve the Minutes from the October 6, City Council meeting; Council Member Busk seconded, with the following change: *Re-appointment of Corwin Vansant to Transportation Advisory Board*. Motion approved by 5 Ayes to 0 Nays.

B. City Administrator Report

1. City Administrator Steve Harrison notified Council of the official posting of the position previously held by Rickey Wright in the Wimberley View newspaper as well as with Texas State University. Dr. Harrison indicated the job function has been realigned and renamed as "Assistant to City Administrator for Street, Building Code and Sign Enforcement. Bill Bowers is filling in and doing a lot of the jobs that Rickey Wright performed; after the new person is on board, Bill will likely do more of the outside duties. The job advertisement includes language about the need to go through the standard Village of Wimberley background check. This positions closes on November 4th, in an effort to have this position filled by the middle of November.

2. Dr. Harrison indicated that his report on Codification Status would not be presented this

evening.

C. Reports from Boards/Committees/Staff

1. Mr. Rick Burluson, new Co-Chair of Water/Wastewater Advisory Board reported that the Wastewater Line Extension policy was presented last week and the group decided to have a special work session on this matter. They will present recommendations to Council in December.

They are working on an Ordinance for sewer system and have made some progress. They have looked at other cities and GBRA and have isolated relevant criteria. The next step is to employ a code consultant and legal counsel to craft the Ordinance.

Capital Improvement plan relating to WW system requires an additional meeting to review and establish recommendations, and it should occur soon.

They are working on modifying their By-Laws to allow for Co-Chairs, this will facilitate more consistent coverage. When completed they will present to Council for approval. Pete Anderson remains their Secretary and they are now meeting on the 4th Tuesday of the month. They will have their Special Meeting next Tuesday, October 25th at 5:30; dealing with WW Extension Policy.

2. Mr. Jack Clark presented the Financial Report. He indicated that September reflects Accounts Payable through the last time checks were paid. Lori will be here on October 28th. Certain areas indicate an over-budget amount: Administration; Legal; Building; and Public Safety and Court. Jack advised Council that The Community Center, Blue Hole, Nature Trail are standard and as expected. Jack advised Council that he will present appropriate Budget Amendments to the Council as soon as all of the bills are paid. He anticipates this occurring at the November meeting.

The Mayor instructed Council that he'd like to move to Agenda Item D10, out of order to accommodate the time schedule of the attorney.

D10. Consider Settlement Offer from Aqua Texas, Inc., Concerning Sewer Rates

The Mayor closed the Open Session at 7:00 p.m. and the Council convened the Executive Session.

Mayor Klepfer announced that the Executive Session was completed at 7:20 p.m. and the Open Session was reconvened at 7:21 p.m.

The Mayor provided a summary of the proposed settlement agreement with Aqua Texas, Inc. He provided the historical context of the rate case. It was noted that ATI has agreed to reimburse the Village for legal costs in the amount of \$29,500.00 as a part of the settlement. In addition, the rate structure is now set through the year 2011.

Council Member Busk moved to adopt Ordinance No. 2005,-013 Establishing the rates

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of Aqua Utilities, Inc., and Aquasource Development Company, DBA Aqua Texas, Inc. for Residential and Commercial Customers. The motion was seconded by Council Member Wood. The Motion was passed by a vote of 5-0.

1. ZA-05-210, Application for Zoning for Lots Located at 228 Flite Acres: (PUBLIC HEARING) Lot 1A as Residential Acreage (RA) - Lot 5A as Rural Residential (R-1) (Recommended by P&Z by vote of 6 - 0)

Mr. Tevis Grinstead, Chairman of the Planning and Zoning Commission presented a re-zoning tract that was originally 5 tracts combined into 2 and each of these two tracts need to be zoned. Planning and Zoning Commission recommended approval due the change in lot size.

Open Public Hearing at 7:30p.m.; No comments. Closed at 7:30 p.m.

Council Member Czichos moved to approve the item and it was seconded by Council Member Busk. Motion passed 5-0.

2. Approval of agreement with Texas Disposal System for the exclusive provision of solid waste services for residential and commercial customers in Wimberley (Continued from October 6, 2005)

This item had been continued from the last City Council meeting. Jenelle Flocke was present represented the Budget, Investment and Finance Board and deferred to legal counsel, Patty Akers to make presentation to Council. Ms. Akers presented 'red-line' copies to Council indicating her suggested changes in wording along with some substantive changes.

There was a recess called at 7:30 p.m. in order for City Staff to make copies of Ms. Akers' "red-line" documents. The Council reconvened at 7:40 p.m., and moved to Item #6.

6. Appointment of members to Zoning Board of Adjustment for terms ending November 1, 2007:

Place 3: Council Member Marilee Wood moved to appoint Sue Johnson, John Graddy seconded. Motion carried with 5-0 vote.

Place 4: Council Member John Graddy was continued.

Place 5: Council Member Carroll Czichos was continued

7. Appointment of members to Parks and Recreation Board for terms ending October 17, 2007:

Mayor: Mayor Klepfer appointed Malcolm Harris. Council Member Wood moved to approve; Council Member Graddy seconded.

Place 2: Council Member Matt Manis appointed Mark Bursiel. Council Member Wood moved to approve; Council Member Manis seconded.

Place 3: Council Member Marilee Wood appointed Tim Thompson and moved to approve Mr. Thompson. Council Member Manis seconded.

Place 4: Council Member John Graddy moved to approve Jan Fulkerson. Council Member Czichos seconded.

All motions carried with 5-0 vote.

8. Appointment of members to Planning and Zoning Commission for terms ending November 1, 2007:

Mayor: Mayor Klepfer appointed Glenn Fryer and Council Member Busk seconded.

Place 4: Council Member John Graddy moved to appoint Bill Appleman I Member Manis seconded.

Place 2: Council Member Matt Manis moved to appoint Paul Xiques and Council Member Czichos seconded.

All motions carried with 5-0 vote.

2. (Resumed) Approval of agreement with Texas Disposal System for the exclusive provision solid waste services for the residential and commercial customers in Wimberley (Recommended by Budget, Investment and Finance Advisory Board by vote: 6 Ayes to 0 Nays)

Discussion with City Attorney Patty Akers about the suggested language and substantive changes to agreement.

3. 2nd Reading: Adoption of Ordinance No. 2005-007 providing the exclusive franchise rights for operating solid waste services within the Village.

Discussion about the BIF recommendation to accept with exclusion of 'bulky items' and language in the agreement about termination of services clause.

Attorney Patty Akers discussed suggested language and substantive changes to agreement and the Ordinance. She further alerted the Council to a disagreement with TDS over the inclusion of a "Termination for Convenience" clause.

Ralph Wueller, of Texas Disposal System, spoke indicating that TDS does not have such a clause in any of their other annual contracts. He further stated that inclusion of this clause would be a "deal" breaker, since it essentially renders the term of the Contract to 180 days as far their bank is concerned. He offered that TDS was very willing to add several items to the termination for cause that should alleviate concerns about under what circumstances the City could terminate the Contract. Mr. Wueller said the termination for convenience clause is

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not in any other TDS contracts/agreements and they cannot endorse the clause.

Mayor Klepfer stated this document has been viewed by both sides and most importantly from Texas Disposal System attorneys. This language has been in the contract from the inception, and Mayor Klepfer was concerned as to why this issue had not been previously resolved.

By consensus of the Council, both of these items were continued to allow Budget and Finance Committee and legal counsel time to work on acceptable language.

4. Adoption of travel reimbursement policy recommended by Budget, Investment and Finance Advisory Board by vote 6 Ayes to 0 Nays.

Dr. Harrison presented this item and has had discussion with Chair of BIF and Jenelle Flocke about it. He stated that he can administer this policy with noted changes.

Council Member Busk suggested : Pg 2 Draft : Change Item C3.."BIF Board are to advise Council" and the item regarding "*Transportation in personal vehicles with no car allowance*" is confusing. Footnotes are scattered and Footnotes 5 and 7 are missing, they just need to be omitted. Item #3, reword to say: "*transportation to and from /for entertainment.*" On the final page "*meal*" maximum cost up to....

Patty Akers indicated the language "*per diem*" should be omitted through entire document.

Council Member Busk moved to adopt the amended Travel Reimbursement Policy. Motion was seconded by Council Member Czichos. Motion passed 5-0.

9. Discussion and possible action on the extent of City participation in Trail of Lights (Council Member Graddy)

Council Member Manis moved to approve \$100 for the City's participation in the Trail of Lights, with Council Member Graddy being Santa Claus. Motion was seconded by Council Member Czichos and passed with 5-0 vote.

E. Worksession:

1. Discussion regarding plans for official opening of the Community Center and the Cypress Creek Nature Trail and Preserve (Council Member Wood)

Council Member Wood informed Council the Nature Trail Opening (from her meeting with Parks Board previous night) would be pushed past October. Council Member Wood would like to have a report to Council regarding the status. Dr. Harrison said he would look into the matter and report back. Mayor wants to know when the contract expires.

F. Announcements and Council Requests for Future Agenda Items.

Council Member Wood would like a report on Community Center. Dr. Harrison will receive names and Council needs report and projected date. (Next agenda) Council Member Wood made an announcement about Blue Hole being selected by the Texas Parks and Wildlife as a featured park this year.

Council Member Czichos would like to discuss the new fire code ramifications with New Year's holidays approaching. These would affect fireworks and the Open Burn Ban.

Council Member Wood would like the minutes to reflect a correction of the Minutes of Council Meeting October 6, 2005 in which the Parks Board are not requesting Blue Hole to be open every weekend; but instead every weekend from Memorial Day to Labor Day .

G. **Adjournment:** Council meeting adjourned at 8:43 p.m.

VILLAGE OF WIMBERLEY

By
Stephen J. Klepfer, Mayor

Respectfully submitted by:

Maira Martin, Recording Secretary