

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

City Council called to order at 6:31 p.m. by Mayor Stephen Klepfer.

Mayor Klepfer gave the Invocation and led the Pledge of Allegiance to the U.S. Flag. Council Members led the Pledge of Allegiance to the Texas Flag.

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

Mayor Klepfer read Proclamation R99-2005 proclaiming the first week of December as Wimberley Community Chorus Week.

Presentations of Citizens: none

A. Consent Items

Mayor Klepfer indicated he read Resolution R-98-2005 - Resolution of Appreciation for Matt Manis Who Served the Village of Wimberley as City Council Member From 2000 to 2005, at the Farewell Reception for Council Member Manis

Council Member Busk moved to approve the Minutes from the November 17, 2005 City Council meeting; Council Member Wood seconded, with the following changes:

Page 1: Add: Then, Motion was made by Council Member Busk to approve amended Minutes and Council Member Wood seconded. Motion passed unanimously.

Page 5 Item 7, includes: Discussion about 4 square feet being too large; after friendly amendment Council agreed to change to maximum of 3 square feet.

Page 5, Item 10: Change Thank to Than

Page 6, Item 9: Correct Spelling of Council Member Graddy

Motion to approve the Minutes with noted changes passed by unanimous vote.

B. City Administrator Report

Dr. Harrison reported the hiring process is still underway for Assistant to City Administrator/Roads, Code Enforcement, Emergency Planning and Building Permits.

C. Reports from Boards/Committees/Staff

1. Economic Development Advisory Board:

Craig Calley, Chairman of Economic Development Advisory Board presented report to Council regarding the phases along with funding options for the plan. Chairman Calley indicated EDAB is working on an idea relating to the membership of the Board.

Chair Calley also reminded Council of the 4 open positions. These are the positions previously held by: Jean Ross, Jim Thompson, Walter Brown and Roberta Holland.

Mayor Klepfer urged Council to fill these positions as soon as possible.

2. Parks Board: None

D. Consider & Act

1. Accept Resignation of Council Member Manis

Council Member Graddy introduced a Motion to Accept the Resignation of Council Member Manis; Motion was seconded by Council Member Czichos. Motion carries with 4-0 vote.

2. Discuss Process for Filling Vacant Council Seat

Council members discussed options for filling the vacant council seat and heard report from legal counsel on the legal options. This item will be on the next agenda as an opportunity to fill Place 2 Council seat.

3. 2nd Reading: Ordinance # 2005-021; Possible Amendment to Sign Ordinance Providing for Provisions for Small Directional Signs (Council Member Wood)

Council Member Wood moved to approve Ordinance #2005-021, Amendment to Village of Wimberley Sign Ordinance No. 2005-004, which includes addition of provision for directional signs; Council Member Busk seconded. Motion passed by 4-0 vote.

4. Sign Variance: Bob Lawson Lube, 453 Old Kyle Road: Section 10 (A) (4a): Signs Which Are Internally Illuminated May Not Exceed 18 Square Feet

City Administrator Harrison presented this item that was continued from last meeting because the applicant was not present. Dr. Harrison indicated the applicant was present this evening and described the nature of the request for variance to Council. Dr. Harrison also mentioned a citizen memo which had been distributed to Council prior to the meeting. This memo indicated lighting issues needed to be addressed with regard to this property.

Applicant addressed Council with the comments he had about understanding the requirements for signage. He indicated the sign on the front of the building was installed after

the old sign was taken down. He believes that the improvements he has made to the building and the area around it have been considerable, and of benefit to the entire City.

Discussion resolved with the owner of property, as the main concern was illuminated signs. Discussion included whether he was to turn off the illumination on the signs, if that would qualify under the sign ordinance and therefore be legitimate. Considerable discussion about the interpretation of Section 11G promotional signs; the intent of 11G Section concluding that the signs with brand names are in fact prohibited signs. The owner said he had taken down those signs. He was advised to get the proper permitting for signs and go through the regular process with city administration to obtain those permits.

Council Member Busk moved to deny the Sign Variance at Bob Lawson Lube, 453 Old Kyle Road; Council Member Wood seconded. Motion passed 4-0. Variance was denied.

5. Sign Variance: Ace Hardware, 14307 RR 12:

- **Section 10 (A) (4a): Signs Which Are Internally Illuminated May Not Exceed 18 Square Feet**
- **Section 10 (A) (1d): Aggregate of All Signs May Not Exceed 80 Square Feet**

Council members discussed the Variance findings and the special exception as applied. Changes were noted as attached in Attachment A

Council Member Czichos moved to accept the variance as corrected by legal counsel; Motion was seconded by Council Member Busk. Motion passes 4-0.

6. C212-05-037 South River Section II; Consider Special Exception From Subdivision Ordinance, Section 33030-A, Requiring Sidewalks on One Side of Local Street (Recommended by Planning and Zoning by vote of 6 to 0)

Dr. Harrison re-introduced this item, informing Council this item was sent back to P&Z Commission to deal with the issue of sidewalks and the final plat.

This file has now been returned from Planning and Zoning's last meeting with their unanimous recommendation to grant the special exception. The rationale for not requiring sidewalks was stated in that due to the road being private and its connection to another private road that does not have sidewalks – sidewalks would be out of place in this location.

Motion by Council Member Busk to grant a Special Exception from the Subdivision Ordinance, Section 33030-A, Requiring Sidewalks on One Side of the Local Street; Council Member Graddy seconded. Motion passes by 4-0 vote.

7. C212-05-037 South River Section II; Approval of Public Review Final Plat (Recommended by Planning and Zoning by vote of 6 to 0)

Dr. Harrison presented to Council and said the City Engineer has reviewed and approved and all design standards have been included.

Motion by Council Member Czichos to accept the final plat of C212-05-037 South River Section II; Motion was seconded by Council Member Graddy. Motion passes 4-0 vote.


Council takes 5 minute break.

8. 1st Reading: Ordinance # 2005-020; Amending Ordinance 2001-004, Building Permit Approval

Legal Counsel, Patty Akers indicated this Ordinance will bring the Village of Wimberley into compliance with the new state law. It sets time limits on municipalities for processing of building permits.

Motion to approve Ordinance #2005-020 Building Permit Ordinance; Amending Ordinance 2001-004 was put forth by Council Member Wood; Council Member Graddy seconded. Motion passes 4-0.

9. 1st Reading: Ordinance # 2005-01 : Ordinance Authorizing the Sale of Fireworks Within City Limits

Legal Counsel Akers introduced this item.  Attorney Akers indicated she drafted this document and would be including any changes made here tonight before the 2nd reading at the next Council Meeting.

Discussion about aspects of the Ordinance; how the date and time blocks would apply; whether or not the burn ban applies and how; burn ban restrictions for people who sell fireworks vs. people who use/have fireworks; 100' boundary for the selling of fireworks.

There was also discussion about the existing Interlocal Agreement with the County and the enforcement of violations. The language in the Interlocal Agreement, with regard to the Fire Marshall should be on the next agenda; along with the agreement with the Fire Department.

Council Member Busk moved to accept the 1st Reading of Ordinance # 2005-019; Ordinance Authorizing the Sale of Fireworks Within the City Limits; Council Member Graddy seconded. Motion passes by vote of 4-0.

10. 1st Reading: Ordinance# 2005-018; Ordinance Authorizing Open Burning Within the City Limits

Discussion about open burning of yard waste, trash, brush upon certain circumstances as related to the TCEQ regulations for burning.

Council Member Czichos moved to accept the 1st Reading of Ordinance #2005-018; Ordinance Authorizing Open Burning Within the City Limits. Motion seconded by Council Member Busk. Motion passes by 4-0 vote.

11. 1st Reading: Ordinance # 2005-017: Ordinance Establishing Requirements for Extending Wastewater Service to Qualified Service Applicants, Establishing Connection Requirements, and Establishing Requirements for Disconnection and Discontinuance of Sewer Service

Rick Burleson, Co-Chair of the Water/Waste Water Board addressed Council indicating the Board has worked extensively on this document and has made changes from a previous document. The Board recommends by a unanimous vote that this Ordinance be approved.

Legal Counsel Akers walked Council members through the document, explaining and answering questions about different sections of the Ordinance. Additional discussion related to service in the ETJ and it was explained that the Ordinance covers all areas covered in the Village's certificate of convenience and necessity (CCN).

The Mayor noted the quality of this first draft and commended a job well done.

Council Member Busk moved to accept on 1st Reading: Ordinance #2005-017; Establishing Requirements for Wastewater Service to Qualified Service Applicants, Establishing Connection Requirements, and Establishing Requirements for Disconnection and Discontinuance of Sewer Service; Council Member Wood seconded. Motion passes by 4-0 vote.

12. 1st Reading: Ordinance # 2005-016; Establishing Procedure for Evaluating and Considering Rate Change Requests Filed by Investor-Owned Utilities

Legal Counsel identified this Ordinance as one which sets the process in our jurisdiction for privately owned utilities requesting rate changes.

Council Member Busk moved to approve on 1st Reading: Ordinance 2005-016: Establishing Procedure for Evaluating and Considering Rate Change Requests Filed by Investor-Owned Utilities. Motion was seconded by Council Member Wood. Motion passes by 4-0 vote.

13. 1st Reading: Ordinance # 2005-015; Establishing Requirements Related to Discharges of Fats, Oil, Grease into the Wastewater System, and Prohibiting Certain Other Types of Discharges into the Wastewater System

This item had not been addressed by the Waste Water Board as of yet; so until they have an opportunity to review it will be continued.

Motion by Council Member Graddy to continue this 1st Reading of Ordinance #2005-015; Motion was seconded by Council Member Busk. Motion passes with 4-0 vote.

14. Request by landowner for wastewater service from Village of Wimberley and consideration of possible connection by landowner to Aqua Texas.

City Administrator Harrison introduced this item giving the background on a request from a landowner who wanted to be allowed to be removed from Wimberley CCN and to connect with Aqua Texas. The City Administrator noted Council members had information in their packet.

The Mayor indicated this matter needed to be discussed with the City Attorney in Executive Session and closed Open Session.

Council adjourned into Executive Session at 8:53 p.m., under Section 551.071 of the Texas Government Code (consultation with City Attorney regarding legal issues associated with Wastewater Line Extension)

Executive Session was closed at 9:29 p.m.

The Council re-convened into Open Regular Session at 9:30 p.m.

Applicant spoke to Council addressing the issues of his ownership of 8 cottages and his need for wastewater service.

Council Member Czichos moved to authorize City Administrator to send a letter to applicant outlining the 2 options as discussed in the Executive Session; Motion was seconded by Council Member Wood. Motion passes by 4-0 vote.

15. Agreement with the Firm of Stovall, Glandey and Whatley, LLP to Conduct Annual Audit of City Funds

Dr. Harrison informed Council of importance of securing a firm to conduct an annual audit for the Village of Wimberley. Dr. Harrison indicated that Brett Wolfe was the primary auditor the Village used last year and Brett has been involved with the Village for the last 3 years with his previous employer. He has now changed firms to the firm of Stovall, Glandey and Whatley, LLP. City Administrator Harrison recommended that due to the time urgency in completing the 2004-05 audit period, we should retain Mr. Wolfe for this audit. This audit would be conducted within the \$11,000 amount, already budgeted.

Council Member Busk moved to authorize the City Administrator to enter into an agreement with the Firm of Stovall Glandey and Whatley, LLP to Conduct the Annual Audit of City Funds, for an amount not to exceed \$11,000; and to ask Budget, Investment and Finance to conduct a search for an audit for the next budget term; Motion seconded by Council Member Wood. Motion passes by 4-0 vote.

16. Appointment of member to Zoning Board of Adjustment for term ending November 11, 2007 (Place 5 Council Member Czichos)

Council Member Czichos moved to re-appoint Steve Gartside to the Zoning Board of Adjustment for the term ending November 11, 2007; Motion was seconded by Council Member Wood. Motion passes by 4-0 vote.

17. Consider Scheduling Joint Work Session with Planning and Zoning Commission for Discussion of Legal Issues Associated with Zoning.

Council Member Wood moved to have Joint Work Session with Planning and Zoning Commission and City Council for Discussion of Legal Issues Associated with Zoning on January 19th at 4:00 p.m., before regular City Council Meeting; Motion was seconded by Council Member Graddy. Motion passes 4-0.

E. Announcements/Future Agenda Items

Mayor expressed his gratitude for receipt of \$25,000 hand delivered by legal counsel from collection of attorney's fees in Aqua Texas rate case.

Council Member Busk would like to have the issue of alcohol sales on the next agenda for discussion.

F. Adjournment

Council Meeting was adjourned at 9:47 p.m.

Respectfully submitted by:

Moira Martin, Recording Secretary