



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

**MINUTES  
WIMBERLEY CITY COUNCIL  
221 STILLWATER, WIMBERLEY, TEXAS  
SEPTEMBER 21, 2017**

**1. CALL TO ORDER**

Mayor Pro Tem Thurber called the meeting to order at 6:02 p.m.

**2. CALL OF ROLL**

Mayor Pro Tem Thurber called the roll. Mayor McCullough and Councilmember Holland were absent.

**3. INVOCATION**

Councilmember Barchfeld gave the invocation.

**4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

**5. CITIZENS COMMUNICATIONS**

Deborah Koeck addressed the Council regarding the sewer system.

**6. PROCLAMATION**

- A. PROCLAMATION PROCLAIMING THE WEEK OF SEPTEMBER 17 THROUGH 23 AS CONSTITUTION WEEK IN WIMBERLEY. (REGENT CINDY DAWSON, JACOB'S WELL CHAPTER, NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION)
- B. PROCLAMATION PROCLAIMING THE MONTH OF OCTOBER 2017 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IN WIMBERLEY. (REPRESENTATIVE VERONICA MEDINA)
- C. PROCLAMATION PROCLAIMING TUESDAY, OCTOBER 3, 2017 AS NATIONAL NIGHT OUT. (HAYS COUNTY SHERIFF'S DEPARTMENT REPRESENTATIVE)

Mayor Pro Tem Thurber presented and read all Proclamations.

**7. EXECUTIVE SESSIONS:**

- A. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE FOR CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE ABOUT LITIGATION IN CAUSE NO. 16-2419; RISOLI V. CITY OF WIMBERLEY AND WIMBERLEY BOARD OF ADJUSTMENT; 207<sup>TH</sup> DISTRICT COURT, HAYS COUNTY, TEXAS.
- B. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE FOR CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE ABOUT LITIGATION IN CAUSE NO. D-1-GN-17-003757; EX PARTE CITY OF WIMBERLEY; 419<sup>TH</sup> DISTRICT COURT, TRAVIS COUNTY, TEXAS AND RELATED MATTERS.
- C. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE FOR CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE ABOUT LITIGATION IN CAUSE NO. 17-1397; CEDAR STUMP, L.P. AND JOAN BYRNE VS. CITY OF WIMBERLEY IN THE 428<sup>TH</sup> DISTRICT COURT, HAYS COUNTY, TEXAS AND RELATED MATTERS.

The City Council did not convene into Executive Session as there was no update on any of the items.

**8. CONSENT AGENDA**

- A. APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF AUGUST 24, 2017.
- B. APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF AUGUST 30, 2017.
- C. APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 7, 2017.
- D. APPROVAL OF THE JULY 2017 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY.

Councilmember Fore moved to approve the consent agenda as presented. Councilmember Davis seconded the motion and it passed 4-0.

**9. MAYOR/INTERIM CITY ADMINISTRATOR/PARKS DIRECTOR REPORTS**

- A. STATUS REPORT ON LAWSUITS, ETHICS COMPLAINTS, HIDDEN VALLEY LOW WATER CROSSING RECONSTRUCTION PROJECT, 40-YEAR HISTORY LOOKBACK, FOIA UPDATES.

Interim City Administrator Paul Parker gave an update on low water crossing with more information to come.

B. STATUS REPORT ON CENTRAL WIMBERLEY WASTEWATER PROJECT

No update was provided.

C. STATUS REPORT ON BLUE HOLE REGIONAL PARK OPERATIONS

Parks Director Rebecca Manning provided the status report.

**10. RESOLUTION**

- A. RESOLUTION BY THE CITY OF WIMBERLEY, TEXAS; SUPPORTING A CERTAIN TRANSMISSION-LINE PATH PROPOSED BY THE PEDERNALES ELECTRIC COOPERATIVE, INC.; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE. (INTERIM CITY ADMINISTRATOR PARKER/MAYOR MAC MCCULLOUGH)

Councilmember Barchfeld moved to table this item to a future date after the Council has received more information from PEC. Councilmember Davis seconded the motion and it passed 4-0 to table. The Council requested that staff contact PEC's representative and ask them to brief the Council at a future meeting.

**11. PUBLIC HEARINGS AND POSSIBLE ACTION**

- A. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL REGARDING CASE CUP-17-006, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST FACILITY ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2), LOCATED AT 2214 FLITE ACRES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS. (GARY & GAIL PIGG, APPLICANTS)

Mayor Pro Tem Thurber opened the public hearing at 6:58 pm and closed it at 6:58 pm with no comments. Councilmember Barchfeld moved to approve and Councilmember Davis seconded the motion. It passed 4-0.

- B. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING TITLE III (ADMINISTRATION), CHAPTER 35 (FEE SCHEDULE), SECTION 35.01 (FEE SCHEDULE) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; PROVIDING FOR A GENERAL SCHEDULE OF FEES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. (PLANNING & DEVELOPMENT COORDINATOR/GIS ANALYST SANDY I. FLOYD)

Mayor Pro Tem Thurber opened the public hearing at 7:02 pm and closed it at 7:02 pm with no comments. Councilmember Barchfeld moved to approve and Councilmember Fore seconded the motion. It passed 4-0.

- C. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS), CHAPTER 112 (REGULATION OF VACATION RENTALS AND BED AND BREAKFAST LODGINGS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SECTION 155.065 (VACATION RENTAL LODGING REQUIREMENTS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*PLACE FOUR COUNCILMEMBER BARCHFELD*)

Mayor Pro Tem Thurber opened the public hearing at 7:06 pm and closed it at 7:06 pm. Councilmember Barchfeld moved to approve with the addition of an overlay GIS map to indicate which rentals obtained permits. Councilmember Fore seconded the motion and it passed 4-0.

- D. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SECTION 155.107 (PLANNING AND ZONING COMMISSION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES FOR REQUIREMENTS RELATING TO ATTENDANCE AND THE REMOVAL OF COMMISSIONERS, AND PROVIDING FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*MAYOR MAC MCCULLOUGH*)

Mayor Pro Tem Thurber opened the public hearing at 7:10 pm and closed it at 7:10 pm. No action was taken since Mayor McCullough was absent.

- E. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING TITLE IX (GENERAL REGULATIONS), CHAPTER 95 (ON-SITE SEWAGE FACILITIES REGULATIONS), SECTION 95.02 (DEFINITIONS) AND TABLES 1.1(A), 1.1(B), AND 1.1(C); OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. (*PLANNING & DEVELOPMENT COORDINATOR/GIS ANALYST SANDY I. FLOYD*)

Mayor Pro Tem Thurber opened the public hearing at 7:12 pm and closed it at 7:12 pm. Councilmember Barchfeld moved to approve and Councilmember Davis seconded the motion. It passed 4-0.

## **12. DISCUSSION AND POSSIBLE ACTION**

- A. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED F Y 2018 BUDGET BEGINNING OCTOBER 1, 2017 AND ENDING

SEPTEMBER 30, 2018 AND CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL ADOPTING THE CITY OF WIMBERLEY BUDGET FOR FY 2017-2018. (MAYOR PRO TEM STEVE THURBER)

Mayor Pro Tem Thurber opened the public hearing for citizen comments. Tom Keyser and Casey Craig both spoke in opposition to some budget line items. Mayor Pro Tem Thurber announced his office received extensive damage from a fire over the weekend and his notes/files were destroyed; therefore he asked the Council to provide their feedback on the budget. After some discussion, Mayor Pro Tem Thurber moved to hold a Special Meeting to further discuss and possible adoption of the budget on September 26, 2017 at 5 p.m. and to hold an Executive Session to discuss city administrator and city secretary applicants. The motion was seconded and it passed 4-0.

- B. DISCUSS AND CONSIDER POSSIBLE ACTION RELATED TO TRC REPORT. (MAYOR MCCULLOUGH)

No action was taken since Mayor McCullough was absent.

- C. DISCUSS AND CONSIDER POSSIBLE ACTION RELATED TO HOT TAX ADVISORY COMMITTEE PERFORMANCE TO DATE AND POSSIBLE FUTURE DIRECTION TO BE DETERMINED. (MAYOR MCCULLOUGH)

The Council agreed to set a meeting with the HOT Committee on October 3, 2017 at 3 p.m.

- D. DISCUSS AND CONSIDER POSSIBLE ACTION TO PURCHASE STORAGE CONTAINERS FOR EMERGENCY EQUIPMENT NEEDED AT THE COMMUNITY CENTER. (PLACE TWO COUNCILMEMBER FORE)

No formal action was taken.

- E. DISCUSS AND CONSIDER POSSIBLE ACTION RELATED TO PROVIDING DIRECTION TO P & Z REGARDING A CITY TREE ORDINANCE. (COUNCILMEMBER PLACE THREE ALLISON DAVIS)

Councilmember Davis moved to direct the Planning & Zoning Commission to finish their proposed tree ordinance. Councilmember Fore seconded the motion and it passed 4-0.

- F. DISCUSS AND CONSIDER ACTION INVOLVING A RESOLUTION REGARDING AN AD VALOREM TAX FOR THE CITY OF WIMBERLEY. (PLACE TWO COUNCILMEMBER FORE)

After some discussion, Councilmember Fore moved to not support an ad valorem tax as long as he is in office and asked the rest of the Council to join in not supporting an ad valorem tax. Councilmember Barchfeld seconded the motion. Councilmember Fore called for the question. The motion failed 2-2 with Mayor Pro Tem Thurber and Councilmember Davis both in opposition.

- G. DISCUSS HURRICANE HARVEY'S EFFECT ON THE CITY BIDS AND THE AVAILABILITY OF MATERIALS AND PERSONNEL TO BE USED IN THE CITY OF WIMBERLEY WASTEWATER PROJECT. (PLACE FOUR

COUNCILMEMBER BARCHFELD)

No formal action was taken.

- H. DISCUSS AND CONSIDER POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2017-9-1, (2<sup>ND</sup> READING) AMENDING CHAPTER 70 (TRAFFIC REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY IN ORDER TO PROHIBIT THROUGH TRUCK TRAFFIC THROUGH RESIDENTIAL STREETS OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING; SEVERABILITY AND REPEALER.

Councilmember Fore moved to approve and Mayor Pro Tem Thurber seconded the motion. It passed 4-0.

**13. CITY COUNCIL REPORTS**

- A. ANNOUNCEMENTS – None.
- B. FUTURE AGENDA ITEMS – Councilmember Davis would like to discuss hiring Constables for the Halloween event and a Resolution for the International Dark Sky.

**14. ADJOURNMENT**

Mayor Pro Tem Thurber adjourned the meeting at 9:16 p.m.

Recorded by:

Joy Hart

These minutes approved on the 5 day of October, 2017.

**APPROVED:**



**Mac McCullough, Mayor**