



# City of Wimberley

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

**REGULAR CITY COUNCIL MEETING MINUTES**  
**WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS**  
**OCTOBER 5, 2017 – 6:00 P.M.**

**1. CALL TO ORDER**

Mayor McCullough called the meeting to order at 6:05 p.m.

**2. CALL OF ROLL**

Mayor McCullough called the roll:

Council Present: Mayor Mac McCullough, Mayor Pro Tem Steve Thurber, Councilmembers Craig Fore (Place Two), Allison Davis (Place Three), Gary Barchfeld (Place Four), and Roberta Holland (Place Five)

Council Absent: None

Staff Present: Interim City Administrator Paul Parker and Interim City Secretary Janet Rogers

**3. INVOCATION**

Councilmember Barchfeld gave the invocation.

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

**5. CITIZENS COMMUNICATIONS**

*THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING COUNCIL. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COUNCIL CONSIDERATION. COMMENTS FROM SPEAKERS SHOULD NOT BE DIRECTED TOWARDS ANY SPECIFIC MEMBER OF CITY COUNCIL OR CITY STAFF. COMMENTS SHOULD NOT BE ACCUSATORY, DEROGATORY OR THREATENING IN NATURE.*

**(Get list of speakers and attach to minutes)**

The following persons were present to speak:

- 1) Craig regarding vacation rentals and grandfather clause.
- 2) Peter signed up but was not present.
- 3) Vickie signed up but was not present.
- 4) Buck signed up but was not present.
- 5) Michael was present to speak on behalf of package store amendment. He asked Council to look at the heart of the original ordinance.

**6. EXECUTIVE SESSIONS**

*IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, SUBCHAPTER D, THE CITY COUNCIL MAY CONVENE IN A CLOSED SESSION. AFTER THE EXECUTIVE SESSION, DISCUSSION ON ANY OF THE FOLLOWING ITEMS, ANY FINAL ACTION OR VOTE TAKEN WILL BE IN PUBLIC.*

- 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.

None held.

**7. CONSENT AGENDA**

*THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COUNCIL MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.*

- A. APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 21, 2017.
- B. APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 26, 2017 (5:00 P.M.)

C. APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 26, 2017 (6:00 P.M.)

D. APPOINTMENT OF GREG DOUGLAS TO BOARD OF ADJUSTMENT. (PLACE FOUR COUNCILMEMBER GARY BARCHFELD)

Regarding Item 7A, Councilmember Davis requested that the word "empower" be changed to "direct".

Regarding Item 7D, Interim City Administrator Parker stated this item needed to be pulled and put back on the next agenda because the appointment was actually a Planning and Zoning Commission appointment and not a Board of Adjustment appointment.

REGARDING ITEM 7B, MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO APPROVE THE SEPTEMBER 26, 2017 (5:00 P.M.) MEETING MINUTES. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

REGARDING ITEM 7C, MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO APPROVE THE SEPTEMBER 26, 2017 (6:00 P.M.) MEETING MINUTES. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

REGARDING ITEM 7A, MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER DAVIS, TO APPROVE THE SEPTEMBER 21, 2017 MEETING MINUTES WITH CHANGE NOTED BY COUNCILMEMBER DAVIS. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

REGARDING ITEM 7D, MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO WITHDRAW ITEM 7D FROM AGENDA AND PLACE ON THE NEXT AGENDA WITH CORRECTED WORDING. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

**8. MAYOR/ PARKS DIRECTOR REPORTS**

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

B. STATUS REPORT ON CENTRAL WIMBERLEY WASTEWATER PROJECT.

C. STATUS REPORT ON BLUE HOLE REGIONAL PARK OPERATIONS.

Regarding Item 8A, Mayor McCullough said the Low Water Crossing Bridge reconstruction is done and looks good. He gave Councilmember Barchfeld credit for the photo. Councilmember Holland asked who would handle the signage and Mayor McCullough said the City would handle the signage; regarding the 40-year history lookback, Mayor McCullough said he would bring back to Council; regarding the FOIA updates, Mayor McCullough gave costs.

Regarding Item 8B, status report on wastewater project, Mayor McCullough said he would hold off till Council comes to Councilmember Barchfeld's item later on the agenda.

Regarding Item 8C, Parks Director Rebecca Manning stated that they want to do a Blue Hole Halloween event program that will include a Halloween contest, followed by movie Hocus Pocus with a maximum capacity of 250 persons which will be a free event on Saturday, October 28, 2017 at 6:00 p.m. with movie to start at 7:30 p.m.

Also planned is a cross country 5K event for Jr. High and High School statewide schools that are home schools, charter, or special schools. Last year this event brought in 3,000 people. It is scheduled for Saturday, October 21, 2017 from 7:00 a.m. to 3:00 p.m. Mayor McCullough said he would come out and talk to someone about making it better. Director Manning said it does present a maintenance strain on the park employees.

Director Manning said they are close to setting a date for a November event. For December there will be a movie series with the Elf movie and they will have the Blue Christmas event on December 15, 2017 from 5:00 p.m. to 8:00 p.m. similar to last year. She said this is the second year to have the event and that there will be blue lights everywhere and that a choir may be scheduled also.

Director Manning said yesterday the Parks Board held a workshop regarding a proposed reservation system for the park and will bring the proposal to Council on October 19, 2017.

Regarding Blue Hole, Interim City Administrator Parker has agreed to help with the inconsistent fee schedules and policies for the Community Center and the Blue Hole.

## 9. RESOLUTIONS

### 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. (TABLED ON 9/21/17.) (INTERIM CITY ADMINISTRATOR PARKER/MAYOR MAC MCCULLOUGH)

Interim City Administrator Parker said this item was talked about at the last Council meeting and Council had a couple of questions. He stated that October 13, 2017 is the last date to intervene and that by passing the resolution, the City would be just going on record supporting a route (yellow route). He asked Council if they wanted to support the existing route or take no action.

Council discussed the proposed route and gave their opinions along with a couple of citizens.

Mayor Pro Tem Thurber recommended that this item be left open and that Council come back to the item later this evening after redrafting the resolution.

(SEE ACTION TAKEN LATER IN THE MEETING NOTED AFTER ITEM 10D)

### B. DISCUSS AND CONSIDER POSSIBLE ACTION ON A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS SUPPORTING THE EFFORTS OF THE WIMBERLEY VALLEY DARK SKY COMMITTEE TO APPLY TO THE INTERNATIONAL DARK SKY ASSOCIATION FOR THE CITY'S DESIGNATION AS AN INTERNATIONAL DARK SKY COMMUNITY. (PLACE THREE COUNCILMEMBER ALLISON DAVIS)

Councilmember Davis asked Council to support the resolution for Wimberley Dark Sky. Vice Chair Lewis for the Wimberley Valley Dark Committee spoke saying it would be helpful for the City to have the international dark sky designation as an International Dark Sky Community.

Councilmember Fore said he was 100% in favor of the dark sky designation and thought the City already had this designation.

Vice Chair Lewis said this resolution would support the Wimberley Valley Dark Sky Committee and have official Council approval.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO APPROVE THE RESOLUTION. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

**10. PUBLIC HEARINGS AND POSSIBLE ACTION**

A. HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE CUP-17-007, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2), LOCATED AT 300 LANGE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS. (JIM & CHERYL TURNER, APPLICANTS)

Planning and Development Coordinator Sandy Floyd gave staff report on this item.

Mayor McCullough opened the Public Hearing.

Applicant Jim Turner said he appreciated the opportunity to use his property as a vacation rental.

Planning and Development Coordinator Floyd said there was one letter of opposition to this application because the letter indicated that person thought their property was going to be rezoned.

Mayor McCullough closed the Public Hearing.

COUNCILMEMBER FORE MADE A MOTION, SECONDED BY COUNCILMEMBER DAVIS, TO APPROVE CASE CUP-17-007 AS PRESENTED. MAYOR PRO TEM THURBER AMENDED THE MOTION TO APPROVE CASECUP 17-007 CONDITIONAL ON LIMITING THE OCCUPANCY AS RECOMMENDED BY CITY SANITARIAN. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

B. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF SECOND 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)

Planning and Development Coordinator Floyd said this is the second and final reading for this ordinance. She said Council is not voting on actual fees.

Mayor McCullough opened the Public Hearing.

Mayor McCullough closed the Public Hearing.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO APPROVE THE ORDINANCE AS PRESENTED. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

C. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE SECOND 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)

Councilmember Barchfeld said this is the second reading and a wrap up on a project where we had a moratorium on rentals. This ordinance was drafted by a joint session of the City Council and the Planning and Zoning Commission and it is time to formalize it. He said he is intrigued with Craig Reese’s talk about grandfathered property and asked City Attorney if we pass this ordinance tonight, can we amend it later on. City Attorney Brad Young said yes, you could amend the ordinance. He stated that most of this ordinance applies to CUP or grandfathered property.

Mayor McCullough opened the Public Hearing.

Mayor McCullough closed the Public Hearing.

COUNCILMEMBER BARCHFELD MADE A MOTION, SECONDED BY MAYOR PRO TEM THURBER, TO ACCEPT SECOND READING OF ORDINANCE AND APPROVE ORDINANCE. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

D. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE SECOND 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)

Planning and Development Coordinator Floyd said the ordinance refers to minimum lot size for subdivisions and while we have jurisdiction in the Edwards Aquifer Contributing Zone and the Edwards Aquifer Recharge Zone, we do not have City jurisdiction in the Barton Springs segment of the Edwards Aquifer Contributing Zone. Therefore, this amendment is taking out the confusing language.

Mayor McCullough opened the Public Hearing.

Mayor McCullough closed the Public Hearing.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO APPROVE THE ORDINANCE ON SECOND READING. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

At 7:18 p.m. Mayor McCullough recessed the meeting for a meeting break.

Mayor McCullough reconvened the meeting at 7:28 p.m.

Mayor McCullough then went back to agenda Item 9A.

City Attorney Young made changes to the PEC resolution to reflect Council discussion.

MAYOR PRO TEM THURBER MADE A MOTION TO APPROVE RESOLUTION WITH CHANGES MADE BY CITY ATTORNEY YOUNG. COUNCILMEMBER FORE SECONDED THE MOTION AND IT PASSED BY UNANIMOUS (5-0) VOTE.

## **11. DISCUSSION AND POSSIBLE ACTION**

Mayor McCullough said he would like to take up Items 11F, 11G, and 11H first.

### **F. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING AMENDING THE RULES AND SIGNAGE AT OLD BALDY PARK. (PARKS AND RECREATION BOARD MEMBER CHRISTINE BYRNE/BLUE HOLE REGIONAL PARK MANAGER REBECCA MANNING)**

Director Manning referenced the rules in Council's meeting packet and went over the proposed changes.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER HOLLAND, TO APPROVE THE AMENDED RULES AND SIGNAGE AS PRESENTED. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

### **G. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING ADOPTING A RECREATIONAL SPONSORSHIP BANNER PERMIT AT BLUE HOLE REGIONAL PARK. (PARKS AND RECREATION BOARD MEMBER CHRISTINE BYRNE/BLUE HOLE REGIONAL PARK MANAGER REBECCA MANNING)**

Director Manning gave out handouts of the recreational sponsorship banner permit form, saying that currently they don't have such a permit. The fee would be \$25 per banner per season. The banner would be put up two hours before the event and be taken down within two hours after the event. Chair Christine Byrne said it would only be for soccer league and for eight Saturdays

and only posted on soccer fields.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER BARCHFELD, TO APPROVE ADOPTION OF THE RECREATIONAL SPONSORSHIP BANNER PERMIT. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

H. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING AMENDING THE CAMPING POLICY AT BLUE HOLE REGIONAL PARK. (PARKS AND RECREATION BOARD MEMBER CHRISTINE BYRNE/BLUE HOLE REGIONAL PARK MANAGER REBECCA MANNING)

Director Manning said that they were having issues with implementation of the current camping regulations and went over the changes they would like to make.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER DAVIS, TO APPROVE THE AMENDED CAMPING POLICY AS DISCUSSED AND WRITTEN. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

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

Interim City Administrator Parker referenced two reports (Alan Plummer Associates, Inc., and TRC Report) on this item. The September 18, 2017 report by Alan Plummer Associates addressed the comments made by TRC in their June 13, 2017 report which reviewed the project bid documents for the Wimberley Wastewater Collection System Construction project prepared by Alan Plummer Associates, Inc.

Interim City Administrator Parker stated that most of the review comments were related to cleaning up of plan documents.

Pertaining to the TRC Report, he said there were three monetary changes noted in the TRC Report which were:

- 1) Estimated cost of \$300 - \$500 for a sign for the lift station with the name of the wastewater treatment facility and 24-hour emergency contact information. The sign must be posted at the lift station so that it is visible and legible; with block lettering that is at least 1.5 inches tall. (This was noted on Page 2 of 9, Item 2 of the June 13, 2017 TRC Report.)
- 2) Estimated cost of \$15,000 for three vents (\$5,000 per vent) to let air release. (This was noted on Page 5 of 9, Item 24 of the June 13, 2017 TRC Report.)
- 3) Estimated cost of \$15,000 - \$18,000 for tree protection since construction is within critical root zone of trees and protection is called out. (This was noted on Page 9 of 9, Item #65 of the June 13, 2017 TRC Report.)

Councilmember Barchfeld said the report lays a lot of this on the City to take care of these things. He said he saw some notes that referenced a study cost of about \$15,000 for the TRC Report. Interim City Administrator Parker said the initial bill was \$5,000.

Councilmember Barchfeld said this was money well spent and we learned a number of things from this. He thinks the engineering work by Alan Plummer was sloppy and remarked that he

wished we did a similar report on the sewer plant since this one has been valuable. He thanked Mayor McCullough for having the report done, saying he just would have liked to have seen the report sooner.

Councilmember Barchfeld said it looks like the report was made in June and the flood map had not been updated yet. He inquired how to change it and saying the lift station location might need to be moved over some.

Mayor Pro Tem Thurber stated that the report was good since it found some things that needed to be addressed.

B. DISCUSS AND CONSIDER POSSIBLE ACTION TO REVIEW AND POSSIBLY AMEND THE HOTEL OCCUPANCY TAX ORDINANCE. (MAYOR PRO TEM STEVE THURBER)

Mayor Pro Tem Thurber said the City Council met with the HOT Committee and he made the comment that he would like to see some of the funds be reallocated since they haven't been spent. He said we need to look at the committee and change the charge what all they do and talk about the committee itself and where it goes from here. He asked Council to think about this matter until the next meeting.

Councilmember Fore said his impression was that the Committee was willing to work together.

Councilmember Davis stated the Committee is trying to do too much and Council could clarify their focus, saying that other cities have more defined duties.

Discussed briefly was removing the ORI restriction.

Councilmember Barchfeld said he thought the meeting with the Committee was good and that Council should support the Committee on their list of 13 things they were eager to change since Council doesn't have the time to work on those items and can let the Committee do what they do well.

Councilmember Holland said she would like to see a neutral administrator handle the disbursement of funds.

Mayor McCullough asked Council to come back to the next Council meeting with their concept or vision on what changes need to be made. He said if we need to schedule a 5:00 p.m. meeting start time, we can do so on October 19, 2017.

Councilmember Barchfeld said he would like to involve a mediation group of people.

No action was taken and it was stated that the item will be put on the October 19, 2017 Council meeting agenda.

C. DISCUSS AND CONSIDER POSSIBLE ACTION ON PROPOSED WORK PLAN SUBMITTED BY CHRIS HARTUNG CONSULTING, LLC, TO ASSIST THE CITY OF WIMBERLEY IN THE RECRUITMENT AND SELECTION OF A NEW CITY ADMINISTRATOR. (INTERIM CITY ADMINISTRATOR PAUL PARKER)

Interim City Administrator Parker stated that at the last meeting, Council authorized him to find a

search firm in the recruitment of a City Administrator. He said Chris Hartung Consulting is a well known firm and briefly went over the process and timeline in Mr. Hartung's work plan. The cost would be \$15,000 plus expenses or not to exceed \$21,000. The timetable may need to be tweaked as the tentative schedule shows February/March 2018 as the time that the new City Administrator would be appointed and ready to work. Interim City Administrator Parker recommended that the City retain Chris and go with the reimbursables and fees not to exceed \$21,000.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCILMEMBER DAVIS, TO AUTHORIZE INTERIM CITY ADMINISTRATOR PARKER TO ENTER INTO CONTRACT WITH CHRIS HARTUNG CONSULTING, LLC, FOR \$15,000 PLUS EXPENSES NOT TO EXCEED \$21,000. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

D. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING DIRECTION TO STAFF FOR AMENDING THE CITY CENTER OVERLAY DISTRICT TO REMOVE LIQUOR STORE AND PACKAGE STORES OF BEER AND WINE AS PROHIBITED USES. (PLANNING & DEVELOPMENT COORDINATOR/GIS ANALYST SANDY I. FLOYD)

Planning and Development Coordinator Floyd stated this item was put on the agenda to provide for direction to staff. A potential tenant of 111 Old Kyle Road would like to open a store that has sales of liquor, beer and wine in addition to other boutique and gift shop items. The interested party has one store nearby and would like to open another in this downtown area. The store isn't just a liquor store. It operates as a boutique as well with items such as: kitchen towels, wine cups, games, t-shirts, hats, etc. This property is in the City Center Overlay District, Protected Waterway Overlay District, Planning Area V and zoned Commercial-High Impact (C-3). Liquor stores and package stores are allowed in the C-3 zoning district with an approved Conditional Use Permit (CUP) but are prohibited in the City Center Overlay District per Ordinance 2009-031.

Councilmember Barchfeld said he is against this request. The Planning and Zoning Commission have spent time on our regulations and the comprehensive plan should remain intact.

Councilmember Holland stated she was in favor and thinks it could be beneficial to the City.

Councilmember Davis said she sees reason to allow beer and wine and she is not for government overreach.

Councilmember Fore stated he does not think we should put a liquor store downtown and is against this request.

Mayor Pro Tem Thurber said if we open the door, we are compromising the hard work of persons who worked on our comprehensive plan which has gone through three reviews, and many public hearings and paid attention to what people want. If we want to pursue this, it should go through Planning and Zoning and the Comprehensive Review Committee. It is not our job to second guess them or override the work they have done. He said he cannot support this request.

COUNCILMEMBER BARCHFELD MADE A MOTION, SECONDED BY COUNCILMEMBER FORE, TO REJECT THIS REQUEST, REZONING THIS AREA IN LIQUOR STORE AND AREA DOWNTOWN. MOTION PASSED WITH A (4-1) VOTE WITH COUNCILMEMBER HOLLAND

VOTING IN OPPOSITION.

E. DISCUSS AND CONSIDER POSSIBLE ACTION INVOLVING THE PAVING OF THE HIDDEN VALLEY BRIDGE APPROACH DRIVES. (PLACE TWO COUNCILMEMBER CRAIG FORE)

Councilmember Fore said he is proposing we go out for contract bids to repave all four approach drives of the Hidden Valley Bridge.

Mayor McCullough said the engineer can write it up and stated that the insurance company might pay for some of it.

Mayor Pro Tem Thurber suggested Councilmember Fore work with Interim City Administrator Parker and Mayor McCullough on this matter.

Mayor McCullough suggested they all meet with Paul Parker and shoot for early next week.

No action was taken.

I. DISCUSS THE STATUS OF THE WASTEWATER LOAN FROM TEXAS WATER DEVELOPMENT BOARD. (PLACE FOUR COUNCILMEMBER BARCHFELD)

Councilmember Barchfeld stated "well you know that I am for sewer, I just think this isn't the affordable one. I just wanted to find out when we were going to know when we were closing on the 11th."

Mayor McCullough said "I would take exception to what you said-this would surprise you. I stood back here in May and I said I would not take you over a financial cliff. I am more convinced than ever that we are not going over a financial cliff."

Councilmember Barchfeld said "all I am asking is are we closing on October 11, 2017 - that is all I want to know."

Mayor McCullough said "I can't tell you for sure that we are."

Councilmember Barchfeld said "because the City people want to know what the status is and nobody has heard about it."

Mayor McCullough said "Paul if you have a newer date."

Interim City Administrator Parker said "October 11 is the target date but it is still floating between bond attorneys and Attorney General reports and different matters, but October 11 is the target date."

Councilmember Barchfeld asked "do you mind if I ask what the conditions are?"

Interim City Administrator Parker said "it's basically info between bond attorney and attorney for TWDB. TWDB said they wouldn't be surprised if the closing date is shifted and could go from October 11 to next week to October 14, but the target date is real. There is nothing major they are waiting on, they are just crossing there T's."

Councilmember Barchfeld said "I have no problem with that, but from FOIA request, we got this letter dated September 20 which says that the closing is October 11 and in a free and transparent organization we are supposed to have, the entire council should have had this and we should not have had to go through FOIA to get this information. This is my only reason for having this discussion here, so I am good Mr. Mayor."

Councilmember Fore said "can I ask one question - you got the votes to do anything you want to do and I don't understand why some of this stuff has happened without the full knowledge of the whole Council and you could have brought anything you wanted to before Council and you all could have voted on it and passed it but don't understand why we have to find out after-the-fact and we weren't included on any discussion don't understand it just wonder if you can tell me why you got the votes to do it why not be open about it."

Mayor McCullough asked Councilmember Barchfeld "what was the date in September?"

Councilmember Barchfeld said " 9/20/17 and it went to TWDB, City of Wimberley, City Administrator, City Secretary, and Bickerstaff."

Councilmember Barchfeld said "we want to be on board to make sure this thing it goes through smoothly as possible so we don't have any overages. Obviously the train has left the station. We want to help you manage the project so it becomes an affordable project and because management of this project is important to this City – the more overages we have the worse off we will be.

Mayor McCullough said "the letter was dated September 20, our next meeting was the next night and that night I was sick, writhing on the floor or I would have shared that (letter) with you then. I had been pressing them for answers - that is the long and short of it. There is not near the mystery there that a lot of people think there is."

Councilmember Fore said "we were never included in any of the discussions about the bids, the contractors, or anything - apparently it was all done and we never knew anything about it. You had the votes to do anything you wanted to do, don't know why you didn't bring it out and say this is the people we want to go with and you got the votes 3-2 or 4-1 to approve it to get it out there. We never saw any of that."

Mayor McCullough said "there have been no significant discussions with the contractors."  
Councilmember Fore asked "who is going to do the project?"

Mayor McCullough said "there was no discussion of any magnitude of anything dealing with pricing and have asked contractors to extend the deadlines. That has been the bulk of the discussion with the two contractors, short of an email."

Councilmember Fore said "was not included in that either - all the decisions on your own and were never brought before Council."

Mayor McCullough said "there was nothing to bring, you were here when the bid openings were done in April."

Councilmember Fore said "that was last thing I heard about the bids and they were never conditioned as far as I know."

City Attorney Brad said “though the item on agenda is the status of the TWDB, the Council will need to approve the bid at a future Council meeting.”

Mayor McCullough said “that is where I am going. You have mentioned repeatedly the term “conditioned” and I have asked everyone repeatedly and no one seems to know. There is nothing going on there.”

Mayor Pro Tem Thurber then moved to adjourn the City Council meeting.

**12. CITY COUNCIL REPORTS**

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

There were no announcement or future agenda items.

**13. ADJOURNMENT**

Mayor McCullough adjourned the meeting at 8:55 p.m.

Recorded by:

Janet Rogers, Interim City Secretary

These minutes were approved on the 19 day of October, 2017.



**APPROVED BY:**

A handwritten signature in black ink, appearing to be "Mac McCullough", written over a horizontal line.

**Mac McCullough, Mayor**