



City of Wimberley

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

MINUTES OF REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
NOVEMBER 2, 2017 – 6:00 P.M.

1. CALL TO ORDER

Mayor McCullough called the meeting to order at 6:00 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

For the record, the items in these minutes are listed in order addressed and may not be in agenda order.

3. INVOCATION

Councilmember Barchfeld gave the invocation.

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

5. CITIZENS COMMUNICATIONS

The following persons were present to speak regarding issues they were having with their landlord at Twin Mountain Manor, an apartment complex for persons over 65, disabled, and low income, located at 200 Twin Mountain.

- 1) Michael Gill, Apartment A-2, said his landlord tried to charge him \$2,600 to be paid by April 1st or be evicted. He said the Court Order in Hays County states that no one in lawsuit can be evicted for not paying rent. He said the landlord is harassing everyone and only did inspections of those who were in the lawsuit.

- 2) Roberta Bullington, Apartment D-4, said she has been living there six years. She said the landlord attempted to raise rent and allowed younger people to move in. Roberta said she received three letters in one day asking for \$3,300. The letters said she tampered with the heater and smoke alarm and listed issues that were pet related.
- 3) Robert Jeffers, Apartment 3-A, has lived there three years. When he moved in, there was a heater in the bathroom and when he turned it on sparks came out. Now, the landlord says no more heaters in the bathroom. He said she has never taken care of anything he has asked for. He needs a new thermostat and she won't replace it. He said the landlord says his dog walkers can't walk his dogs unless he (the tenant) is with the dog walker. He thinks his dog is also a tenant.
- 4) Tom Keyser, 341 Tomasina, said he doesn't live at Twin Manor. His question is wastewater related. Now that the City has closed on the wastewater loan, he wants the City to think about how the wastewater construction will affect the people who operate businesses in the City.
- 5) India Vance, Apartment K-3, said the landlord called her a liar and has trumped up charges against her.
- 6) Dorthia Dare, Apartment A-5, said the landlord is harassing the tenants but since it is not illegal to do that, what can anyone do? She asked for ideas.

Mayor McCullough then went to item 8.

8. MAYOR/ PARKS DIRECTOR REPORTS

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

Parks Director Manning said the annual Halloween event was very successful, they expected about 100 participants but got 206 in attendance. She said they learned a lot that will be good for planning next year's event. The Cross Country event was also successful and was only one-third the size from last year but was more manageable. The soccer season wraps up on November 2nd. There will be a Lady Bird Johnson Wildflower Training event on November 17th. Then on December 16th, they will have the Blue Christmas event which is free and they already have a couple hundred people interested in attending.

Mayor McCullough gave cost updates on the lawsuits.

Mayor McCullough then went to Item 7.

7. CONSENT AGENDA

THE FOLLOWING ITEM/S 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

OCTOBER 19, 2017.

MAYOR PRO TEM THURBER MADE A MOTION TO APPROVE BUT MOTION DIED FOR LACK OF A SECOND. NO OTHER ACTION WAS TAKEN ON THIS ITEM.

Mayor McCullough then went to Item 6.

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; 207TH 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. 13-0895-C, CREEKHAVEN, LLC AND WILLIAM D. APPLEMAN V. CITY OF WIMBERLEY BOARD OF ADJUSTMENT, IN THE COUNTY COURT AT LAW NO. 2, HAYS COUNTY, TEXAS.

C. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE FOR CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE ON HOTEL MOTEL TAX AND OPEN RECORDS REQUEST AND RELATED ISSUES.

Mayor McCullough recessed the meeting at 6:37 p.m. to go into Executive Session.

Mayor McCullough reconvened the meeting at 7:35 p.m.

No action was taken..

9. PRESENTATIONS

PRESENTATION BY TREEFOLKS REGARDING THEIR ONGOING REFORESTATION OF RECENT FLOOD DAMAGE AREA (TREES FOR THE BLANCO PROJECT UPDATE, NOVEMBER 2017). (EXECUTIVE DIRECTOR THAIS PERKINS / MATT MEARS, REFORESTATION MANAGER, TREEFOLKS)

Matt Mears gave an update report on the Trees for the Blanco.

10. DISCUSSION AND POSSIBLE ACTION

A. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING HOT TAX AWARD FOR THE WVTLA/THLA HOT FUNDING APPLICATION. (HOT COMMITTEE CHAIR MARK BURSIEL)

Chair Bursiel stated that HOT Committee recommended approval of the above referenced application.

COUNCILMEMBER BARCHFELD MADE A MOTION TO FUND THE \$11,760 TO WVTLA/THLA AS RECOMMENDED BY HOT COMMITTEE. COUNCILMEMBER FORE SECONDED THE MOTION. MAYOR PRO TEM THURBER ASKED WHAT THE MONEY WAS GOING FOR AND WHO THEY WERE GOING TO ADVERTISE, SAYING HE WOULD LIKE TO TABLE THIS ITEM UNTIL AFTER ITEMS 10B, 10C, AND 10D. THE MOTION FAILED WITH A (2-3) VOTE WITH COUNCILMEMBERS DAVIS, HOLLAND, AND MAYOR PRO TEM THURBER VOTING AGAINST.

B. DISCUSS AND CONSIDER POSSIBLE ACTION TO REVIEW AND POSSIBLY AMEND THE HOTEL OCCUPANCY TAX ORDINANCE INCLUDING USE OF FUNDS, HOT COMMITTEE, AND ANY OTHER MATTER CONCERNING THE TAX. (MAYOR PRO TEM STEVE THURBER)

Mayor Pro Tem Thurber briefly went over the proposed ordinance changes.

When Councilmember Barchfeld questioned why the ordinance needed to be changed, Mayor Pro Tem Thurber stated that he did not feel the committee was working out. Councilmember Barchfeld said he was not sure if having a Councilmember on the board was legal. When Mayor Pro Tem Thurber said we can ask City Attorney, City Attorney said there is no prohibition. Councilmember Fore said he is concerned about redoing the ordinance if you have the mediation agreement and it is not working, then redo the agreement. Mayor Pro Tem Thurber said the City was not part of that agreement. Councilmember Holland said she feels some changes need to be made, that the committee has become politicized. Councilmember Davis said we have worked on this for a couple of months and had workshops to work on this but feels the application process discourages people from applying. She likes having an at-large representative and thinks that the decision of where to spend the money needs community representation.

Mayor Pro Tem Thurber thanked Chair Bursiel and the other HOT Committee Members for their work.

MAYOR PRO TEM THURBER MOVED TO ACCEPT THE AMENDMENT TO THE HOTEL OCCUPANCY TAX ORDINANCE AS PRESENTED. COUNCILMEMBER DAVIS SECONDED THE MOTION AND THE MOTION PASSED WITH A (3-2) VOTE, WITH COUNCIL MEMBERS FORE AND BARCHFELD VOTING AGAINST.

C. DISCUSS AND CONSIDER POSSIBLE ACTION TO AUTHORIZE THE CITY ADMINISTRATOR TO HIRE A TOURISM DIRECTOR AND SOLICITATE AND HIRE A TOURISM MARKETING FIRM TO PROMOTE TOURISM. (MAYOR PRO TEM STEVE THURBER)

Mayor Pro Tem Thurber said the City needs a Tourism Director to promote the City and hopefully act as a Community Center Director. He would like to authorize City Administrator to seek applicants for the position and come back to Council with a budget cost amount to hire that person

as well as an RFP for a marketing person to help us market the City while we are in the phase of wastewater construction.

Councilmember Davis asked what the role of the Tourism Director would be saying she would like to have more detailed information and role responsibility for that person. Mayor Pro Tem Thurber said they would office at the Community Center and be the Director there as well and be independent from the Visitors Center (they would be a City employee).

Councilmember Holland said she thought that would be too much for one person to be the Tourism Director and the Community Director.

Mayor Pro Tem Thurber said the job description would evolve when we start the process of hiring someone.

Councilmember Barchfeld said he thought this was putting the wagon before the horse. He said he had a great description of a Tourism Director from DMO and will email it to Councilmember Davis and Interim City Administrator Parker. He said we have no plan of what tourism we want and referenced his sheet of questions.

Councilmember Fore said he laid out his idea at the last meeting how he thought this could work and said we need to separate the Visitors Center from the Chamber of Commerce.

Mayor Pro Tem Thurber said the Tourism Director will not have control but will be a City employee.

Councilmember Barchfeld asked Mayor Pro Tem Thurber how we would pay for this when we passed a budget without anything regarding a tourism person.

Mayor Pro Tem Thurber said we have a line item in the budget for a Community Center Director and HOTAX funds could be used.

When Councilmember Barchfeld said we might have to go back to having a hotel occupancy tax, Mayor Pro Tem Thurber said we might have to.

MAYOR PRO TEM THURBER MADE A MOTION TO AUTHORIZE THE CITY ADMINISTRATOR TO HIRE A TOURISM DIRECTOR AND BRING FORTH THE BUDGET COST TO CITY COUNCIL. COUNCIL MEMBER DAVIS SECONDED THE MOTION AND THE MOTION PASSED WITH A (3-2) VOTE WITH COUNCILMEMBERS FORE AND BARCHFELD VOTING AGAINST.

MAYOR PRO TEM THURBER MADE A MOTION TO AUTHORIZE THE CITY ADMINISTRATOR TO SOLICIT TO HIRE A TOURISM MARKETING FIRM TO PROMOTE TOURISM PRIMARILY FOR THE WASTEWATER PROJECT AND BRING BACK QUALIFIED CANDIDATES FOR BUDGET APPROVAL. COUNCILMEMBER DAVIS SECONDED THE MOTION AND IT PASSED WITH A (3-2) VOTE WITH COUNCILMEMBERS FORE AND BARCHFELD VOTING AGAINST.

Mayor McCullough recessed the meeting at 8:25 p.m. for a short break.

Mayor McCullough reconvened the meeting at 8:29 p.m.

D. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING PROPOSED

OPERATIONS AGREEMENT BETWEEN THE CITY AND THE VISITORS CENTER.
(MAYOR PRO TEM STEVE THURBER)

Mayor Pro Tem Thurber said last time we talked, we agreed we needed to help fund the Visitors Center and one of the reasons for the difficulty is the deed on the building and the provision they operate together with the Chamber. He said he wants to proceed with separating the two physically and come up with an agreement between the City and the Visitors Center for partial funding of Visitors Center and recommends a seven year contract. He said he is not asking for commitment tonight, just guidance. Mayor McCullough said he liked the idea but wanted to make sure they are protected if they leave and aren't left high and dry after election. City Attorney said you would put terms in contract you are comfortable with. Discussion ensued regarding staffing and costs and handout sheet with expenses for 2016. Councilmember Fore said his vision is to separate the two entities (and ultimately physically too) and to remove the Chamber from the financial responsibility of the Visitors Center. Councilmember Barchfeld said he did not think this matter had been well thought out.

MAYOR PRO TEM THURBER MADE A MOTION TO AUTHORIZE STAFF TO PREPARE AGREEMENT BETWEEN THE CITY AND THE VISITORS CENTER AND TO INCLUDE ANY OPERATIONAL REPORTING REQUIREMENTS WE WANT THE VISITORS CENTER TO PROVIDE AS WELL AS EQUAL OPPORTUNITIES FOR ALL LODGING FACILITIES TO BE REFERRED TO IN SAME MANNER AS EVERYONE ELSE. MOTION WAS SECONDED BY COUNCILMEMBER HOLLAND AND PASSED WITH A (4-1) VOTE WITH COUNCILMEMBER BARCHFELD VOTING AGAINST.

E. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING CREATING A BANK ACCOUNT (WASTEWATER COLLECTION AND TREATMENT PLANT CONSTRUCTION FUND) FOR SEWER PROJECT. (INTERIM CITY ADMINISTRATOR PAUL PARKER)

Interim City Administrator Parker said as we go through the sewer project, we need to account for all sewer related into one account and transfer money out to that account.

MAYOR PRO TEM THURBER MADE A MOTION, SECONDED BY COUNCIL MEMBER DAVIS, TO APPROVE THE CREATION OF A BANK ACCOUNT FOR THE SEWER PROJECT AS PRESENTED. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

Mayor McCullough then went to Item 10H.

H. DISCUSS AND CONSIDER POSSIBLE ACTION TO AMEND CITY OF WIMBERLEY GOVERNANCE POLICY AND RULES OF PROCEDURE PERTAINING TO COUNCIL AGENDA AND THE ADDITION OF A DEADLINE FOR SUBMITTAL OF COUNCIL AGENDA ITEMS. (PLACE FOUR COUNCILMEMBER GARY BARCHFELD)

COUNCILMEMBER BARCHFELD MADE A MOTION, SECONDED BY MAYOR PRO TEM THURBER, TO APPROVE AMENDING THE CITY OF WIMBERLEY GOVERNANCE POLICY AND RULES OF PROCEDURE TO ADD ADDITIONAL LANGUAGE THAT THE DEADLINE TO SUBMIT AN ITEM FOR THE AGENDA IS SEVEN DAYS PRIOR TO THE REQUESTED COUNCIL MEETING DATE. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

Mayor McCullough then went to Item G.

G. DISCUSSION AND CONSIDER POSSIBLE ACTION ON UPDATE STATUS OF THE WASTEWATER SEWER PLANT AND COLLECTION SYSTEM. (PLACE FOUR COUNCILMEMBER GARY BARCHFELD.)

Councilmember Barchfeld handed out copies of the Settlement Agreement between the City and the Blanco River Cypress Creek Water Assoc., KKP3237, Paradise Valley Property Owners Assoc, and Rocky River Ranch, Inc., saying that he wanted each Council Member, the City Administrator, and the public to know of this agreement. He then said he wants to know the status of the wastewater project.

City Administrator Parker said he has the numbers to show regarding the budget and can make that information available to anyone that wants those numbers. He said we are in the process of talking with the contractor. The water department has done their part and we will sit down with them and determine the contract and bring forth to you and any changes if necessary.

F. DISCUSSION AND CONSIDER POSSIBLE ACTION REGARDING AUTHORIZATION OF AN ENGINEERING STUDY FOR DRAINAGE IMPROVEMENTS ON LITTLE RANCHES AND HOOTS HOLLER ROADS. (PLACE FOUR COUNCILMEMBER GARY BARCHFELD)

Councilmember Barchfeld gave a slide show presentation which showed drainage areas and trees clogging up culverts, saying citizens go down there and clear it out themselves.

COUNCILMEMBER BARCHFELD MADE A MOTION TO AUTHORIZE STAFF TO GET A COST ESTIMATE FOR AN ENGINEERING STUDY FOR DRAINAGE IMPROVEMENTS ON LITTLE RANCHES AND HOOTS HOLLER ROADS. COUNCILMEMBER FORE SECONDED THE MOTION AND IT PASSED BY UNANIMOUS (5-0) VOTE.

11. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

None.

12. ADJOURNMENT

Mayor McCullough adjourned the meeting at approximately 9:13 p.m.

Recorded by:

By Gaura Calcote - City Secretary
Janet Rogers
Interim City Secretary



APPROVED BY:



Mac McCullough, Mayor