

3. Merry Gibson spoke to voice her support not to renew the discharge permit with the Texas Commission on Environmental Quality, which was an item heard later in the meeting. Ms. Gibson also stated she supported the Council's plan to connect to Aqua Texas for the Central Wimberley Wastewater Project.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 5:41 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

Section 551.071 (Consultation with Attorney) regarding the Black Castle contract

OPEN SESSION

Regular Session reconvened at 6:21 p.m.

Mayor Pro Tem Gary Barchfeld provided a brief history of the contract between Black Castle GC and the City, and the current status since Council cancelled the building of the wastewater treatment plant and the contract with the entity in August 2018. Mr. Barchfeld stated the City had been in litigation regarding the termination of the Black Castle contract for several months, and that both parties had finally reached an agreement. There was discussion among Council members pertaining to the funds spent with the company for the Central Wimberley Wastewater Project. Council Member Allison Davis noted her opposition for prematurely approving the settlement agreement with Black Castle without another solid plan in place for the Project.

Motion to approve the termination of the contract with Black Castle GC for convenience in the amount of \$200,000 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

CONSENT AGENDA

City Administrator Shawn Cox advised a few amendments had been made to the easement agreement and presented Council with a revised copy of the agreement.

Motion to approve the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- A. Approval of minutes from the Regular City Council Meeting held December 6, 2018.
- B. Approval of September 2018 Financial Statements for the City of Wimberley.
- C. Approval of Resolution No. 01-2019, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, sales tax for the City and the recent Blue Hole Polar Bear Plunge.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure. *(Place Three Council Member Allison Davis)*

Council Member Allison Davis presented this item. Ms. Davis advocated to add previous language regarding the Mayor having no administrative duties back into the Policy, which been removed in August 2018 by a vote of Council. There was discussion among Council members regarding this section of the Policy. Furthermore, Council Member Craig Fore noted Section 8.5, which allowed the Mayor and the City Administrator to have direct contact with the City Attorney. Mr. Fore stated all Council members should have an opportunity to speak with the City Attorney, without going through the Mayor or City Administrator, and this contact could be limited to a certain number of hours.

Motion to amend the City of Wimberley Governance Policy and Rules of Procedure to add Section 4.2 was made by Council Member Allison Davis.

Council Member Craig Fore offered an amendment to the motion to remove Section 8.5 from the Policy. Council Member Davis accepted the amendment.

Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-2):

Craig Fore	Aye
Allison Davis	Aye
Patricia Cantu Kelly	Aye
Mike McCullough	Nay
Gary Barchfeld	Nay

B. Discuss and consider possible action to approve Ordinance No. 2019-01, amending Division 2, City Administrator, of Article 2.05, City Officers, of Chapter 2, Administration and Personnel of the City of Wimberley Code of Ordinances. *(Place Two Council Member Craig Fore)*

Council Member Craig Fore presented this item. Mr. Fore stated there were discrepancies between the ordinance establishing the City Administrator position in 2001 and current state law. The proposed ordinance cleared-up ambiguity pertaining to the City Administrator position. Council members discussed the City Administrator position and City personnel in general.

Motion to approve Ordinance No. 2019-01, amending Division 2, City Administrator, of Article 2.05, City Officers, of Chapter 2, Administration and Personnel of the City of Wimberley Code of Ordinances was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (3-2):

Craig Fore	Aye
Allison Davis	Aye
Patricia Cantu Kelly	Aye
Mike McCullough	Nay
Gary Barchfeld	Nay

C. Discuss and consider possible action to update the Texas Commission on Environmental Quality (TCEQ) on the City's desire to not renew TPDES Permit No. WQ0013321001. *(Place Two Council Member Craig Fore)*

There were two citizen's comments. They were as follows:

1. Jimmy Alan Hall addressed Council regarding the proposed action to not renew the TPDES permit with TCEQ. Mr. Hall stated that the City should wait to make this decision until a solid plan is in place for the Central Wimberley Wastewater Project.

2. Andrew Weber stated the notice of intent not to renew the TPDES permit was not due until July 2019, and there should be no rush to make the decision right now. Furthermore, Mr. Weber noted the proposed contract with Aqua Texas is not finalized, and the non-renewal letter to TCEQ would be premature before any formal action has been taken regarding the proposed contract.

Council Member Craig Fore presented this item. Mr. Fore stated the letter does not have to be sent anytime soon, but he would prefer the letter be ready to go before July 2019. Council Member Allison Davis noted the discharge permit took numerous years to obtain and requested a clearer timeframe on when the letter would be sent to the TCEQ.

Motion to draft a non-renewal letter to the Texas Commission on Environmental Quality for TPDES Permit No. WQ0013321001 and to be sent when appropriate was made by Council Member Craig Fore.

Council Member Allison Davis offered an amendment to the motion stating the letter would not be sent until the contract with Aqua Texas is finalized. The amendment was not accepted.

Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

D. Discuss and consider possible action to approve the establishment of a Comprehensive Review Plan Committee. *(Place Four Council Member Gary Barchfeld)*

Council Member Gary Barchfeld presented this item. There was discussion among Council members regarding growth in Hays County and how proper planning is important to address the increase in population within the County and Central Texas. There was also discussion on the type of Committee members that would best aid in the task of reviewing the Comprehensive Plan, such as financial experts, zoning experts and individuals that have institutional knowledge of the City.

Motion to approve the establishment of a Comprehensive Review Plan Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

E. Discuss and consider possible action to amend the City of Wimberley Purchasing Policy. *(Place Four Council Member Gary Barchfeld)*

Council Member Gary Barchfeld presented this item. Mr. Barchfeld stated there was a void in the Policy that Council adopted in November 2018 pertaining to cash withdrawals. A section was added to the Policy regarding cash withdrawals.

Motion to amend the City of Wimberley Purchasing Policy was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

F. Discuss and consider possible action regarding the procedure to receive an update from the Wastewater Ad Hoc Advisory Committee. *(Place Four Council Member Gary Barchfeld)*

Council Member Gary Barchfeld presented this item. There was discussion among Council members on a possible workshop between the City Council and the Wastewater Ad Hoc Advisory Committee.

Motion to authorize the City Administrator to coordinate a workshop with the City Council and the Wastewater Ad Hoc Advisory Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- G. Discuss and consider possible action to accept the resignation of Patricia Cantu Kelly from Place Five on the Wimberley City Council.

Mayor Pro Tem Gary Barchfeld read aloud Place Five Council Member Patricia Cantu Kelly's formal resignation letter from the Wimberley City Council. Council members thanked Ms. Kelly for her service to the City.

Motion to accept the resignation of Patricia Cantu Kelly from Place Five on the Wimberley City Council was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- H. Discuss and consider possible action to fill a vacancy for Place Five on the Wimberley City Council either by appointment or by special election until the next General Election in May 2019.

Lila McCall addressed Council and cautioned the members not to fill the vacancy too quickly and to perhaps leave the vacancy until the May 2019 General Election.

There was discussion on how to fill the vacancy created by Council Member Kelly's resignation.

Motion to fill the vacancy for Place Five on the Wimberley City Council by appointment until the next General Election in May 2019 was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

A. Announcements – None.

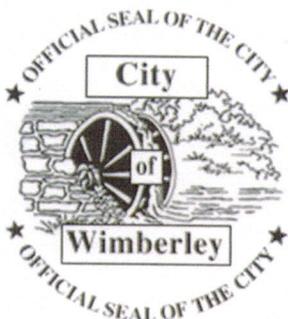
- B. Future agenda items – Council members requested several future agenda items, including amending the Governance Policy and Rules of Procedure, Wimberley Valley Art League signage at the Wimberley Community Center, site development of the City's extraterritorial jurisdiction and approval of the agreement between the City and Texas Disposal Systems.

ADJOURNMENT

Motion to adjourn the meeting at 8:04 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Gary Barchfeld
Gary Barchfeld, Mayor Pro Tem