



# City of Wimberley

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

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**THURSDAY, JANUARY 17, 2019 – 5:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Susan Jagers called the meeting to order at 5:30 p.m.

### **CALL OF ROLL**

Council Members Present:	Susan Jagers	Mayor
	Mike McCullough	Place One
	Craig Fore	Place Two
	Gary Barchfeld	Place Four
Council Members Absent:	Allison Davis	Place Three
City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	Terri Provost	Community Center Director
	John Provost	Public Works Superintendent

### **INVOCATION**

Council Member Gary Barchfeld gave the invocation.

### **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor Susan Jagers led the pledges to the United States and Texas flags.

### **PRESENTATION AND POSSIBLE ACTION**

Becky McCullough presented information regarding an agreement between the City of Wimberley and the Wimberley Valley Art League (WVAL) for signage at the Wimberley Community Center. There was discussion among Council members pertaining to the cost estimate and bids for the new signage. It was decided the Wimberley Valley Art League would supervise the funding and installation of the signage at the Wimberley Community Center. **Motion to approve the signage for the Wimberley Community Center, as presented at the higher level, and to waive all City permit fees for the project was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**

### **CITIZENS COMMUNICATIONS**

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

1. William Bowman spoke regarding his recommendation not to move forward with a change in scope to the the Central Wimberley Wastewater Project until the change had been approved and the details sorted out. Mr. Bowman noted the projected cost with the change in scope would exceed the original cost, and the City still had not received approval from the Texas Water Development Board to change the Project.

Mayor Susan Jagers responded to Mr. Bowman's comments, stating she thought he had a good suggestion, and that citizens had waited a long time for the sewer system and the Council did not want to delay the Project further.

2. Janette Barlow addressed Council regarding their campaign promises during the 2018 election. Ms. Barlow stated the Voices of Wimberley (VOW) had supported them as candidates and noted the guiding principles of VOW, including transparency in government, efficiency in systems and unification of community through consideration and involvement of all within the Wimberley Valley area. She urged Council to uphold these principles. Ms. Barlow also stated she was dismayed at the manipulative strategies used by the Mayor and some Council members at the January 8<sup>th</sup> Public Hearing to undermine the majority.

Mayor Susan Jagers responded regarding the guiding principles and agreed they needed to be followed. Mayor Jagers also stated that during the 2018 campaign she stated Aqua Texas was not on the agenda during that time, but she did not say she would never support Aqua Texas. Additionally, Mayor Jagers noted that roughly two percent (2%) of the January 8<sup>th</sup> Public Hearing attendees would be paying for the sewer service, and disputed the allegation that speakers were cherry-picked.

### **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 5:57 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 (Consultation with Attorney) to receive legal advice regarding review of a potential Aqua Texas contract.
- B. Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee: City Administrator Shawn Cox. *(This item was not read into the record, nor discussed in Executive Session.)*

### **OPEN SESSION**

Regular Session reconvened at 6:09 p.m.

No action was taken.

### **CONSENT AGENDA**

**Motion to approve the Consent Agenda was made by Council Member Gary Barchfeld.**

**Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

- A. Approval of minutes from the Regular City Council Meeting held January 3, 2019.
- B. Approval of Place One Council Member Mike McCullough's appointment of Tracey Dean to the Board of Adjustment.
- C. Approval of Place Four Council Member Gary Barchfeld's appointment of Travis Brown to the Board of Adjustment.

- D. Approval of Place Three Council Member Allison Davis's appointment of Peter Lingamfelter to the Planning and Zoning Commission.

### **CITY ADMINISTRATOR REPORT**

City Administrator Shawn Cox provided an update regarding the status of the Central Wimberley Wastewater Project. Mr. Cox noted public comments to the Texas Water Development Board (TWDB) pertaining to the change in scope of the Project were due to the agency by the end of January. Additionally, Mr. Cox updated Council on sales tax for the City.

### **PUBLIC HEARINGS AND POSSIBLE ACTION**

- A. Hold a public hearing and consider approval of the first reading of an ordinance amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3 (District Regulations), Sections 9.03.090 & 9.03.091 (Lodging District Regulations) 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; effective date and proper notice and meeting.

City Administrator Shawn Cox presented the ordinance, which would allow for the sale of beer, wine and alcohol for in room consumption for both Lodging Districts (L-1 and L-2) as a permitted use, eating establishments: sit-down, including the sale of beer, wine, or alcohol for on-premise consumption as a conditional use for L-1 and include bars/taverns as conditional use for L-2. The Planning and Zoning Commission had recommended approval at their January 10<sup>th</sup> meeting by a 5-0-1 vote.

Mayor Susan Jagers opened the public hearing at 6:20 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 6:21 p.m.

There was discussion among Council regarding the proposed changes.

**Motion to approve the first reading of an ordinance amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3 (District Regulations), Sections 9.03.090 & 9.03.091 (Lodging District Regulations) 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; effective date and proper notice and meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**

- B. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Brooke Burnett/Cactus Coffee, Applicant*)

Cactus Coffee owner Brooke Burnett addressed Council regarding her request to move her food service trailer to Odie's Food Court.

**Motion to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

### **DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action to approve a bid in the amount of \$13,203.04 from Roadway Striping Company for the restriping of Carney Lane school zones and crosswalks. (*Public Works Superintendent John Provost*)

**Motion to approve a bid in the amount of \$13,203.04 from Roadway Striping Company for the restriping of Carney Lane school zones and crosswalks was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).**

- B. Discuss and consider possible action to approve a bid in the amount of \$12,401.00 from Hays County for road repair to River Road and Blue Hole Lane. *(Public Works Superintendent John Provost)*

Public Works Superintendent John Provost stated the road repair to River Road was an emergency situation, and the Transportation Advisory Board had recommended to move forward with both road repairs at their January 13<sup>th</sup> meeting.

**Motion to approve a bid in the amount of \$12,401.00 from Hays County for road repair to River Road and Blue Hole Lane was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

- C. Discuss and consider possible action to approve Ordinance No. 2019-02, ordering the General Election on Saturday, May 4, 2019, for the purpose of electing at-large three Council members for Place One, Place Three and Place Five for the City of Wimberley City Council. *(City Secretary Laura Calcote)*

**Motion to approve Ordinance No. 2019-02, ordering the General Election on Saturday, May 4, 2019, for the purpose of electing at-large three Council members for Place One, Place Three and Place Five for the City of Wimberley City Council was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

- D. Discuss and consider possible action to approve a proposed Election Services Contract with the Hays County Elections Administrator to conduct the May 4, 2019 General Election for the City of Wimberley. *(City Secretary Laura Calcote)*

**Motion to approve the proposed Election Services Contract with the Hays County Elections Administrator to conduct the May 4, 2019 General Election for the City of Wimberley was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**

- E. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-03, granting Texas Disposal Systems, Inc. its successors and assigns certain rights to operate and maintain solid waste and recycling collection and disposal routes and services within the City of Wimberley for a period of ten (10) years, providing an exclusive franchise, prohibiting the operation of any other residential or commercial solid waste and recycling collection business or entity, providing for certain rights, duties, terms, and conditions, providing for payment of franchise fees of twelve (12) percent of grantee's gross revenues, civil and criminal penalties not to exceed \$2,000, effective dates, severability and other provisions related to the grant of a solid waste and recycling franchise. *(City Administrator Shawn Cox)*

Texas Disposal Systems Representative Ray Bryant addressed Council regarding the proposed TDS contract. There was discussion among Council members pertaining to the contract and the services provided by the entity.

**Motion to approve the first reading of Ordinance No. 2019-03, granting Texas Disposal Systems, Inc. its successors and assigns certain rights to operate and maintain solid waste and recycling collection and disposal routes and services within the City of**

Wimberley for a period of ten (10) years, providing an exclusive franchise, prohibiting the operation of any other residential or commercial solid waste and recycling collection business or entity, providing for certain rights, duties, terms, and conditions, providing for payment of franchise fees of twelve (12) percent of grantee's gross revenues, civil and criminal penalties not to exceed \$2,000, effective dates, severability and other provisions related to the grant of a solid waste and recycling franchise was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

- F. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure. *(Place Two Council Member Craig Fore)*  
There was some discussion among Council members regarding this item. It was decided to postpone until all members of Council were present.  
**Motion to postpone the item until the next Regular City Council Meeting on February 7<sup>th</sup> was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**
- G. Discuss and consider possible action to appoint members to the Comprehensive Review Plan Committee. *(Place Four Council Member Gary Barchfeld)*  
**Motion to appoint Craig Reitz, Jo Kathryn Quinn, David Glenn, Phil Collins and Jim Thompson to the Comprehensive Review Plan Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**
- H. Discuss and consider possible action concerning the reuse of reclaimed water from the Central Wimberley Wastewater Project at Blue Hole Regional Park, and its inclusion in the change of scope application to the Texas Water Development Board (TWDB) and the associated costs in the change of scope application to the TWDB. *(Place Three Council Member Allison Davis)*  
**Motion to postpone the item until the next Regular City Council Meeting on February 7<sup>th</sup> was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**
- I. Discuss and consider possible action on legal expenditures. *(Place Three Council Member Allison Davis)*  
**Motion to postpone the item until the next Regular City Council Meeting on February 7<sup>th</sup> was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**
- J. Discuss and consider possible action concerning Central Wimberley Wastewater Project change of scope plan costs. *(Place Three Council Member Allison Davis)*  
**Motion to postpone the item until the next Regular City Council Meeting on February 7<sup>th</sup> was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**
- K. Discuss and consider possible action to fill a vacancy for Place Five on the Wimberley City Council by appointment until the next General Election in May 2019.  
**Motion to nominate and appoint Patrick Rehmet to fill the Place Five vacancy on the Wimberley City Council was made by Council Member Mike McCullough. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).**

**CITY COUNCIL REPORTS**

A. Announcements – None.

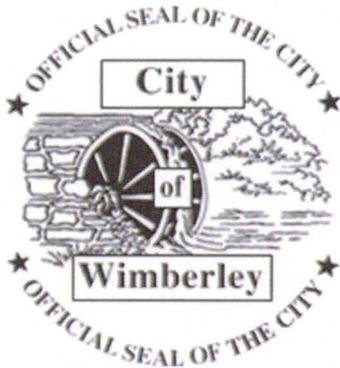
B. Future agenda items – None.

**ADJOURNMENT**

Motion to adjourn the meeting at 6:55 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

**RECORDED BY:**

Laura J. Calcote  
Laura J. Calcote, City Secretary



**APPROVED BY:**

Susan Jagers  
Susan Jagers, Mayor