

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
THURSDAY, JANUARY 18, 2018- 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Pro Tem Steve Thurber called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council members Present: Mac McCullough Mayor
Steve Thurber Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Roberta Holland Place Five

INVOCATION

Wimberley First Baptist Church Pastor Scott Weatherford led the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Mac McCullough led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

Steve Thurber commented on the new Council Chamber configuration, and thanked all who contributed to reorganizing the room, including fellow Council member Craig Fore and City staff.

Sara Dishman spoke to Council regarding two issues: potholes on City streets and the upcoming Wimberley Square sewer system impact on elderly citizens. Ms. Dishman voiced concern on the safety issues presented by the numerous potholes on City streets and roads. Additionally, Ms. Dishman noted information is not being adequately disseminated regarding the Wimberley Square Wastewater Project. She stated the citizenry who do not use social media are not aware or have limited knowledge of the impact/s the project may have on them.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:14 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 of the Texas Government Code for Consultation with

Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.

- B. Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.
- C. Section 551.074 of the Texas Government Code for Personnel Matters regarding the hiring of a City Attorney. (*Interim City Administrator Paul Parker*)
- D. Section 551.071 of the Texas Government Code for consultation with attorney to receive legal advice regarding reimbursement to Mayor Mac McCullough for legal expenses incurred during the ethics hearing/case.

Mayor Mac McCullough left Executive Session at 7:00 p.m.

Regular Session reconvened at 7:15 p.m.

No action was taken.

CONSENT AGENDA

Motion to approve the consent agenda was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).

- A. Approval of minutes from the Special Called City Council Meeting held January 4, 2018.
- B. Approval of minutes from the Regular City Council Meeting held January 4, 2018.
- C. Approval of minutes from the Special Called City Council Meeting held January 10, 2018.
- D. Approval of minutes from the Special Called City Council Meeting held January 11, 2018.

PRESENTATION AND POSSIBLE ACTION

Anne Gilford of the Wimberley Community Civic Club spoke regarding the upcoming 2018 Wimberley Wine Walk set for Thursday, April 5, 2018. It was anticipated the event will be well attended by the public this year. There would be numerous vendors and wineries participating.

Motion to approve the plans for the 2018 Wimberley Wine Walk was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider possible action regarding case CUP-17-010, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental on property zoned Commercial-Low Impact (C-1) for property located at

13510 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Sherry Macha, Applicant*)

Planning and Development Coordinator/GIS Analyst Sandy Floyd presented the CUP to allow for the operation of a two bedroom, two bathroom vacation rental. The Planning and Zoning Commission had unanimously recommended Council approval.

(*A public hearing was not held when this item was originally discussed.*)

(*Therefore, City Council had to backtrack during the meeting in order to hold the public hearing.*)

Mayor Mac McCullough opened the public hearing at 7:45 p.m.

There were no citizen comments.

Mayor Mac McCullough closed the public hearing at 7:45 p.m.

Motion to approve was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).

- B. Hold a public hearing and consider possible action regarding case CUP-17-011, an application for a Conditional Use Permit to allow for the operation of a drive-in eating establishment on property zoned Commercial-High Impact (C-3) for property located at 14015 Ranch Road 12, Ste. 100, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Tiffany Paul, Applicant*)

Ms. Floyd presented the CUP to allow for the establishment of a grab n' go business. The business would provide sandwiches, salads and smoothies on a carryout basis. The Planning and Zoning Commission had unanimously recommended Council approval.

Mayor Mac McCullough opened the public hearing at 7:27 p.m.

There were four citizen comments. First, Jeanne Ann Cope spoke regarding traffic and parking issues in the area where the business would be located. Next, Brooke Burnett spoke in support of the new business, and stated it would be another eatery option around the Wimberley Square. Third, Bex Hale offered her support for the business. Lastly, the business owners Tiffany Paul and Jeff Jacobson addressed Council regarding noted concerns on parking and traffic in the area, along with not having restroom facilities in the business. The owners stated the concept is to have lunch counter, where the public can quickly grab a bite to eat and be on their way.

Mayor Mac McCullough closed the public hearing at 7:44 p.m.

Motion to approve was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

- C. Hold a public hearing and consider approval of the second and final reading of an ordinance amending Title IX (General Regulations), Chapter 95 (On-Site Sewage Facilities Regulations), and Section 95.02 (Definitions) of the City of Wimberley

Code of Ordinances; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Planning & Development Coordinator/GIS Analyst Sandy I. Floyd*)

This was the second reading of a proposed ordinance amending the City Code requirements for on-site sewage facility regulations.

Mayor Mac McCullough opened the public hearing at 7:46 p.m.

There were no citizen comments.

Mayor Mac McCullough closed the public hearing at 7:46 p.m.

Motion to approve was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

RESOLUTIONS

- A. Consideration and action regarding Resolution No. 03-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 4) providing for increased revenue in the General Fund Court Costs, Fees and Charges and to increase expenses in the Municipal Court Operation Funds. (*Interim City Administrator Paul Parker*)

Interim City Administrator Paul Parker updated Council regarding Municipal Court operations. The Court had not been active since mid-2017, and allowing for increased revenue in the budget would help the Court effectively and efficiently operate once more.

Motion to approve Resolution No. 03-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 4) providing for increased revenue in the General Fund Court Costs, Fees and Charges and to increase expenses in the Municipal Court Operation Funds was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

- B. Consideration and action regarding Resolution No. 04-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 5) providing for the transfer of funds in the General Fund Unobligated Fund Balance to the Administration Department. (*Interim City Administrator Paul Parker*)

Interim City Administrator Paul Parker presented Resolution No. 04-2018, which would allow for technology improvements in the City Council Chambers. The lowest quote for the improvements was greater than the funds that had been allocated for the project in the 2017/2018 Operating Budget.

Motion to approve Resolution No. 04-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 5) providing for the transfer of funds in the General Fund Unobligated Fund Balance to the Administration Department was made by Council member Craig Fore. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

Council member Steve Thurber recognized Boy Scouts Troop 127 of Wimberley. The young gentleman attended the Council meeting to earn badges for their Boy Scout program.

HOTEL OCCUPANCY TAX

Motion to table Hotel Occupancy Tax Items A-D was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

- A. Consider approval of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective April 1, 2018. *(Interim City Administrator Paul Parker)*
- B. Discuss and consider possible action regarding the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation. *(Place One Councilmember Steve Thurber)*
- C. Consideration and action regarding Resolution No. 05-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 6) providing for the transfer of funds in the Hotel Occupancy Tax Unobligated Fund Balance to the Hotel Occupancy Tax Operation Fund. *(Interim City Administrator Paul Parker)*
- D. Consideration and action regarding Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund. *(Interim City Administrator Paul Parker)*

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding the City of Wimberley Investment Policy. *(Interim City Administrator Paul Parker)*
Interim City Administrator Paul Parker presented the City of Wimberley Investment Policy and noted the City Council must adopted the Policy by state law on an annual basis.
Motion to approve the City of Wimberley Investment Policy was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).
- B. Discuss and consider possible action to approve the contract between the City of Wimberley and Jim Schoonover for project management services for the Central Wimberley Wastewater Project. *(Interim City Administrator Paul Parker)*
Interim City Administrator Paul Parker spoke regarding the contract to hire Jim Schoonover for professional management services for the Central Wimberley Wastewater Project. The proposal for project management services had previously been discussed at a prior Council meeting. The presented contract had been reviewed by the City and Mr. Schoonover, who agreed to the terms.

Council member Craig Fore noted there was no limit for mileage reimbursement in the contract, which he would prefer. Mr. Parker responded that a mileage rate was provided instead of a mileage limit, in case other traveling expenses were incurred throughout the project.

Motion to approve the contract between the City of Wimberley and Jim Schoonover for project management services for the Central Wimberley Wastewater Project was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

SEWER COLLECTION SYSTEM

Edward Davis addressed Council and provided reports/results regarding Cypress Creek E. coli levels. Mr. Davis stated he believed the wastewater collection system would only solve ten percent of the problem regarding the E. coli levels. He suggested the Council consider alternate solutions for the problem and offered some suggestions.

- A. Discuss and consider possible action regarding alternate solutions to the City's existing Wastewater Collection System. *(Place Four Council member Gary Barchfeld)*

Council member Gary Barchfeld provided an overview and background information regarding the City's wastewater project. Mr. Barchfeld stated he had environmental and financial concerns when it came to the project. He noted the collection system plans were poorly drawn, and Council should consider rethinking the project. Mr. Barchfeld suggested alternate solutions should be explored before moving forward with the project.

- B. Discuss and consider possible action regarding options to save funds on the Sewer Treatment Plant bid. *(Place Two Council member Craig Fore)*

Council member Craig Fore also spoke on the wastewater project. Mr. Fore stated he would like the City to investigate downsizing the wastewater treatment plant from 75,000 to 50,000 gallons to save money. Mr. Fore also noted the plant would not reach capacity during its life expectancy at 75,000 gallons. Furthermore, Council member Fore said there would be significant cost savings if a pond was dug in Blue Hole Regional Park for wastewater collection, instead of having a plant. Council member Steve Thurber agreed cost savings could be explored, but the treatment plant had already been awarded to Black Castle. Council member Allison Davis added the City Administrator could explore options regarding the size of the plant. Council member Gary Barchfeld suggested the topic be brought back to the next regularly scheduled City Council meeting on February 1st.

- C. Discuss and consider possible action to award the Sewer Collection System Contract to Capital Excavation. *(Interim City Administrator Paul Parker)*

Interim City Administrator Paul Parker discussed the bidding process that occurred in April 2017 for the sewer collection system. Persons Service Company, LLC was the original low bidder for the project. However, after several months of negotiations between the company and the City, Persons withdrew

their bid for the project, leaving Capital Excavation as the next lowest bidder. After time had passed, Capital Excavation would not honor their original bid without a change order, due to increased prices in supplies, fuel and labor caused by Hurricane Harvey. There was discussion among Council members regarding the increased cost of the collection system portion of the wastewater project. Council member Gary Barchfeld noted he supported the sewer project, but the City needed to explore other ways to fund it. Council member Craig Fore also stated he was in favor of the project but wanted it to be affordable. Council member Allison Davis contended that delays in the project have cost the City money over time and supported awarding the contract to Capital Excavation to get the project moving.

Motion to award the Sewer Collection System Contract to Capital Excavation was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

- D. Discuss and consider possible action to amend the original contract with Capital Excavation to allow for the approval of Change Order No. 1. (*Interim City Administrator Paul Parker*)

Interim City Administrator Paul Parker advised that once the original contract with Capital Excavation was awarded in the previous motion, then the next step was to approve Change Order No. 1 for the increased cost of the contract. There was once again discussion among Council members on the cost of the project.

Motion to amend the original contract with Capital Excavation to allow for the approval of Change Order No. 1 was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

CITY COUNCIL REPORTS

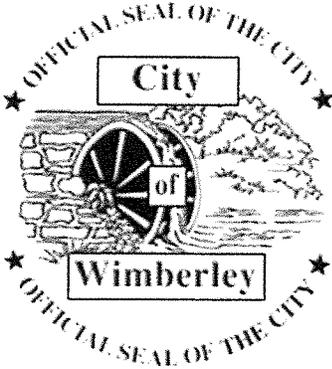
- Announcements – There were no announcements.
- Future agenda items – Council member Steve Thurber announced the Special Called Council Meetings to be held Monday, January 22nd, and Wednesday, January 24th, at the Wimberley Community Center to discuss the Wastewater System.

ADJOURNMENT

Mayor Mac McCullough adjourned the meeting at 8:35 p.m., without objection.

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

H
Herschel P. "Mac" McCullough,
Mayor