

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, FEBRUARY 7, 2019 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:35 p.m.

CALL OF ROLL

Council Members Present: Susan Jagers Mayor
Mike McCullough Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
John Provost Public Works Superintendent
Rebecca Manning Parks Director
Richard Shaver Parks Program and Operations Manager

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.

PROCLAMATION

Mayor Susan Jagers read aloud a proclamation of the City of Wimberley, Texas proclaiming February 2019 as Dating Violence Awareness and Prevention Month.

CITIZENS COMMUNICATIONS

Roger Gonzales invited City Council and the audience to “The Hot Rod Showdown” on Saturday, February 23rd, at 7A Ranch/Pioneer Town.

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 (4-0).

A. Approval of minutes from the Special City Council Meeting held January 8, 2019 at 5:30 p.m.

B. Approval of minutes from the Special City Council Meeting held January 8, 2019 at 7:30 p.m.

- C. Approval of minutes from the Regular City Council Meeting held January 17, 2019.
- D. Approval of the October 2018 and November 2018 Financial Statements for the City of Wimberley.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project. Mr. Cox noted Capital Excavation had completed the installation of all collection lines that they design for to date. Additionally, the January 8th Public Hearing documents had been submitted to the Texas Water Development Board (TWDB) by the end of January, and the TWDB had tentatively placed the City on their February 25th agenda to consider approval of the change in scope for the Project.

Mr. Cox also stated the repaving of River Road and Blue Hole Lane had been completed, and provided an update on other on-going City topics, including the short-term rental ordinance, the short-term rental software contract and sales tax.

PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval of the second and final 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 10th meeting by a 5-0-1 vote. City Council had approved the first reading of the ordinance by a unanimous vote at the January 17th meeting.

Mayor Susan Jagers opened the public hearing at 5:57 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 5:58 p.m.

Motion to approve the second and final 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 (4-0).

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to approve a quote in the amount of \$1,403.00 from Event Wristbands for the purchase of swim season wristbands. (*Parks Director Rebecca Manning*)

Motion to approve a quote in the amount of \$1,403.00 from Event Wristbands for the purchase of swim season wristbands was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- B. Discuss and consider possible action to approve a bid in the amount of \$1,150.00 from Drippin' Irrigation for repair of the downtown irrigation system. (*Public Works Superintendent John Provost*)

Motion to approve a bid in the amount of \$1,150.00 from Drippin' Irrigation for repair of the downtown irrigation system was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- C. Discuss and consider possible action to approve the second and final 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*)

City Administrator Shawn Cox advised the effective date of the agreement would begin on March 1, 2019, and the addition of compactors would be added to Attachment C of the agreement. City Council had approved the first reading of the Ordinance by a unanimous vote at the January 17th meeting.

Motion to approve the second and final 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 Craig Fore. Motion carried unanimously (4-0).

- D. Discuss and consider possible action to approve Ordinance No. 2019-04, regarding attorney/client privilege, waiver of attorney/client privilege, and required action by City Council membership to waive attorney/client privilege. (*City Attorney Charlie Zech*)

City Attorney Charlie Zech advised Council that it is common practice to adopt a measure relating to attorney/client privilege and is in the best interest of the governing body to do so. There was some discussion among Council and Mr. Zech relating to attorney/client privilege.

Motion to approve Ordinance No. 2019-04, regarding attorney/client privilege, waiver of attorney/client privilege, and required action by City Council membership to waive attorney/client privilege was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- E. Discuss and consider possible action regarding the City of Wimberley Investment Policy. (*City Administrator Shawn Cox*)

City Administrator Shawn Cox noted the City is required by State Law to annually review and adopt its Investment Policy. No changes to the Policy were recommended.

Motion to approve the City of Wimberley Investment Policy was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).

- 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 discussion relating to Council member's access the City Attorney and how to control legal costs in allowing leeway for Council members to speak with the attorneys.
No action was taken on this item.

(Motion to Move Item No. I (Legal Expenditures) to Item No. G on the agenda was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- G. Discuss and consider possible action regarding legal expenditures. *(Place Three Council Member Allison Davis)*
There was discussion among Council and City Attorney Charlie Zech regarding legal cost concerns and how to track the amount each Council member is spending on attorney's fees. City Attorney Zech advised the firm could assist in tracking these costs.
No action was taken on this item.

- 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)*
There was lengthy discussion regarding the reuse of reclaimed water at Blue Hole Regional Park, and the Park's budget in paying for the reused water without receiving the benefits of irrigation. There was also discussion on the potential Aqua Texas and City of Wimberley contract, as well as loan forgiveness from the Texas Water Development Board.
There was one citizen comment. Steve Thurber addressed Council regarding the January 22nd Texas Parks and Wildlife Department letter, which was included in the meeting packet. Mr. Thurber highlighted that the City's requested change in scope from the Texas Water Development Board and the TPWD letter did not coincide, and there were substantial differences in the recommendations.
Mayor Susan Jagers responded to Mr. Thurber regarding the TPWD letter.
No action was taken on this item.

- I. Discuss and consider possible action concerning Central Wimberley Wastewater Project change of scope plan costs. *(Place Three Council Member Allison Davis)*
There was discussion among Council and City Administrator Shawn Cox regarding the setback and boring cost associated with the Cypress Creek for the Project and the recommendations from the Texas Parks and Wildlife Department (TPWD) pertaining to the topic. Council Member Allison Davis requested clarification on the Creek boring location, and stated the Council needed to protect the environment at the highest possible level and prioritize the costs. The Mayor stated the TPWD letter was only a recommendation, not a requirement.
No action was taken on this item.

- J. Discuss and consider possible action regarding the purchase of supplies for the patio kitchen area. *(Mayor Susan Jagers)*
This item was not discussed, and no action was taken.
- K. Discuss and consider possible action regarding engineering for the Hidden Valley Low Water Crossing. *(Mayor Susan Jagers)*
There were two citizen's comments. They were as follows:
1. Cindy McShurley spoke regarding the grates at the Hidden Valley Low Water Crossing creating problems for wildlife and water levels.
2. Chris Webre addressed Council relating to fluctuating water levels and the fish weir at the Hidden Valley Low Water Crossing. Mr. Webre noted the weir does not work properly and the grates are a safety concern.
There was discussion on the Hidden Valley Low Water Crossing's original design and the needed steps to correct the problems with the grates/fish weir.
Motion to direct the City Administrator to speak with Stantec Engineering and the Texas Parks and Wildlife Department regarding the issues surrounding the Hidden Valley Low Water Crossing and report back to City Council in March 2019 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- L. Discuss and consider possible action regarding the Cypress Creek Nature Preserve Trail. *(Mayor Susan Jagers)*
There were eight citizen's comments. They were as follows:
1. Susan Neeney spoke regarding the history of the Cypress Creek Nature Preserve and the Parks Master Plan. Ms. Neeney also offered rebuttals to the February 7th Mayor's Corner article in the Wimberley View relating to the Preserve. She stated the area belongs to the City and the Wimberley community, and encouraged a master plan be drafted for the Preserve.
2. Bex Hale addressed Council regarding the Special Parks Board Meeting held January 16th, where Board members walked the Preserve Trail, and no action was taken on the matter. Ms. Hale spoke of the actions the following week to barricade the trail from public access. She also called for a comprehensive/master plan for the Preserve.
3. Martha Knies spoke regarding the Cypress Creek Nature Preservers group. Ms. Knies also refuted statements made in the February 7th Mayor's Corner article and requested to see documentation of the false claims made in the article. She encouraged the Preserve continue to be publicly accessible.
4. Merry Gibson addressed Council regarding the history of the Cypress Creek Nature Preservers group, and the Conservation Easement between the City and the Wimberley Valley Watershed Association. Additionally, Ms. Gibson noted vandalism occurring regularly at the Preserve, and requested the restoration of a gate at the entry point nearest the Wimberley Square.
5. Ashley Gibson thanked Keep Wimberley Beautiful and the Constable's Office for their efforts in helping to maintain the Preserve. Ms. Gibson stated the area had become hazardous and called for the restoration of a gate at the entry point as permitted in the Conservation Easement.
6. Christine Byrne cited various observations and quotes regarding the Cypress Creek Nature Preserve from residents and visitors over the years and encouraged Council to keep the area open to the public for continued enjoyment. Furthermore, Ms. Byrne called for a master plan for the Preserve.

7. Malcom Harris, President of the Wimberley Valley Watershed Association, addressed Council and stated David Baker, Council Member Gary Barchfeld and himself had met to discuss the Preserve, and had come to an understanding and solution for the topic.

8. Davis Baker, Executive Director of the Wimberley Valley Watershed Association, encouraged all Preserve stakeholders to take a step back and work together moving forward to draft a master plan for the Cypress Creek Nature Preserve. Mr. Baker encouraged seeking the services of a professional planner to aid in drafting the master plan, and that the Watershed Association would allocate funds for the planning. He requested 60 days to complete the draft and then bring the plan back to City Council for review and possible action.

There was discussion among Council regarding the Preserve and the Conservation Easement.

Motion to accept the Wimberley Valley Watershed Association's offer to begin a 60-day professional planning process with all stakeholders for the Cypress Creek Nature Preserve was made by Council Member Allison Davis. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

M. Discuss and consider possible action regarding a reimbursement to Mayor Jagggers for the purchase of a desktop computer. *(Mayor Susan Jagggers)*

Mayor Susan Jagggers recused herself from the discussion.

Council members discussed reimbursing Mayor for an unbudgeted purchase of a desktop computer. Council Members Craig Fore and Allison Davis were against the reimbursement, due to the purchase being unauthorized and not budgeted.

Motion to deny the reimbursement to Mayor Jagggers for the purchase of a desktop computer was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion failed as follows (2-2):

Allison Davis	Aye
Craig Fore	Aye
Mike McCullough	Nay
Gary Barchfeld	Nay

(There was a recess at 8:16 p.m. Council Member Allison Davis left the meeting at 8:16 p.m. The meeting reconvened at 8:24 p.m.)

Mayor Susan Jagggers rejoined the meeting and continued discussion on reimbursement for the desktop computer after a vote had been taken by Council. Council members discouraged further discussion.

Motion to move from Item No. M to Item No. N was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

N. Discuss and consider possible action to receive direction regarding Fiscal Year 2019 budget amendment. *(City Administrator Shawn Cox)*

This item was not discussed, and no action was taken.

O. Discuss and consider possible action regarding the regular City Council meeting schedule. *(Mayor Susan Jagggers)*

There was discussion on moving the regular City Council meetings to the first and third Tuesdays of the month and holding special meetings any other day.

No action was taken on this item.

P. 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 Erik Wollam to fill the Place Five vacancy on the Wimberley City Council was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

CITY COUNCIL REPORTS

A. Announcements – None.

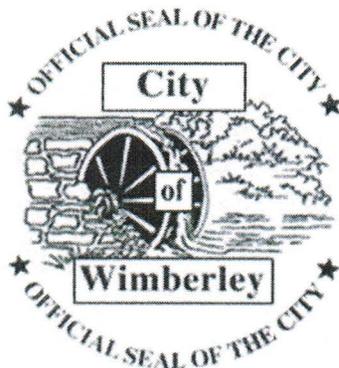
B. Future agenda items – None.

ADJOURNMENT

Motion to adjourn the meeting at 8:39 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Gary Barchfeld
Gary Barchfeld, Mayor Pro Tem