



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, MARCH 7, 2019 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Pro Tem Gary Barchfeld called the meeting to order at 5:30 p.m.

CALL OF ROLL

Council Members Present: Mike McCullough Place One
Craig Fore Place Two
Gary Barchfeld Place Four
Erik Wollam Place Five

Council Members Absent: Susan Jagers Mayor
Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Richard Shaver Parks Program and Operations Manager

INVOCATION

Mayor Pro Tem Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Pro Tem Gary Barchfeld led the pledges to the United States and Texas Flags.

CITIZENS COMMUNICATIONS

There were 10 citizen's comments. They were as follows:

1. Bo Bowman spoke regarding his father's employment with Shell for four decades, and how the oil industry provided for the family. However, he noted pipelines in the Hill Country are not beneficial and can raise environmental and economic concerns. He urged Council to vote to oppose the pipeline route through the area.
2. Larry Becker addressed Council regarding the economic and environmental impacts of the pipeline. He noted Kinder Morgan was doing the bare minimum when it came to environmental assessments for property owners, and negotiations with the company were not an open forum. Mr. Becker urged Council to pass a resolution opposing the pipeline.
3. Kathy Marcus spoke regarding the pipeline route being in the pathway of her home. She presented information from the Pipeline and Hazardous Materials Safety Administration pertaining to issues surrounding Kinder Morgan, including hazardous wastewater being released. Ms.

Marcus stated the City needed to protect its natural resources and keep the pipeline from going under the Blanco River.

4. David Banal addressed Council pertaining to pipeline compression concerns, and health issues previously caused by pipeline emissions. Furthermore, Mr. Banal stated pipeline leaks can cause explosions and affect air quality.

5. Jimmy Alan Hall spoke regarding pipeline leakage and urged Council to pass a resolution opposing the route of the potential pipeline. Additionally, Mr. Hall stated the messages being received from state agencies pertaining to the change in scope for the Central Wimberley Wastewater Project indicated the Texas Water Development Board would not approve the change, and an ad valorem tax would be inevitable moving forward unless the original plan was implemented once more.

6. Steve Klepfer addressed Council regarding their past ten months in office, and the outrageous spending of the City and the poor management of the Central Wimberley Wastewater Project. Mr. Klepfer noted the change in scope for the Project would require an ad valorem tax, and implored Council members to stop spending funds with little to no results.

7. Bob Dussler stated he strongly opposed a change in scope and utilizing Aqua Texas for the Central Wimberley Wastewater Project. Mr. Dussler contended the Project was a financial disaster, and the low interest rate received by the Texas Water Development Board for Project funding would be removed with a change in scope to Aqua Texas.

8. Janice Mullenax read aloud parts of her email to City Council regarding the Central Wimberley Wastewater Project, and the Council's inability to heed the concerns of the Wimberley Valley. She urged Council to pause forward actions on the change in scope for the Project and to take a step back. Ms. Mullenax called for a transparent public forum.

9. Louis Parks addressed Council regarding the February 25th Texas Water Development Board meeting, and the Executive Administrator's recommendation for no action to be taken on the change in scope for the Central Wimberley Wastewater Project. Mr. Parks also highlighted the Board's environmental concerns and noted there is to be no further construction until a change in scope is approved.

10. Heather Carter spoke regarding the Texas Water Development Board's recommendation to take no action on the change in scope for the Central Wimberley Wastewater Project, and that the hiring of bond counsel was premature and irresponsible. She stated City Council is personally responsible for overreaching and for financial burdens placed on the City.

(Motion to move Item No. 11.D. – Resolution No. 04-2019 to be included in Item No. 6 – Presentation and Possible Action on the Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).

PRESENTATION AND POSSIBLE ACTION

Presentation and consider possible action to approve Resolution No. 02-2019, opposing the routing of the proposed Permian Highway Pipeline through the Wimberley Valley and requesting immediate action from the State Legislature. *(Wimberley Valley Watershed Association Executive Director David Baker and Place Three Council Member Allison Davis)*

Discuss and consider possible action to approve Resolution No. 04-2019, opposing the routing of the proposed Permian Highway Pipeline through Hays County and request for legislative/administrative changes. *(Place Two Council Member Craig Fore and Place Four Council Member Gary Barchfeld)*

Wimberley Valley Watershed Association Executive Director David Baker and Wimberley Valley Watershed Association Managing Director Ashley Waymouth presented information pertaining to the proposed Permian Highway Pipeline through the Wimberley Valley and surrounding areas. This item had been presented and tabled at the February 21st City Council Meeting.

There was discussion among Council members regarding the pipeline, and the two proposed Resolutions in opposition to the routing, including the differences in the two documents. Council Member Gary Barchfeld noted the City and surrounding governmental entities should negotiate with Kinder Morgan to find a solution to the routing issue. Council Member Craig Fore read aloud Resolution No. 04-2019, which eliminated accusatory statements against Kinder Morgan.

Motion to approve Resolution No. 04-2019, opposing the routing of the proposed Permian Highway Pipeline through Hays County and request for legislative/administrative changes was made by Council Member Craig Fore. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:31 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

Section 551.071 (Consultation with Attorney) to receive legal advice regarding review of a potential Aqua Texas contract.

OPEN SESSION

Regular Session reconvened at 7:04 p.m.
No action was taken from Executive Session.

(Motion to move Item No. 11.A. – BHRP Soccer Field Agreement to Item No. 9 on the Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

Discuss and consider possible action regarding an updated agreement for usage of Blue Hole Regional Park soccer fields. *(Parks Director Rebecca Manning)*

Parks Program and Operation Manager Richard Shaver addressed Council regarding the updated agreement for usage of the Blue Hole Regional Park soccer fields. The agreement included specific rules and regulations to better maintain and regulate field usage.

Motion to approve an updated agreement for usage of Blue Hole Regional Park soccer fields was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).

A. Approval of minutes from the Regular City Council Meeting held February 7, 2019.

B. Approval of minutes from the Regular City Council Meeting held February 21, 2019.

C. Approval of December 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, including an Economic Development Administration (EDA) reimbursement that would be brought before Council at their next meeting. Furthermore, Mr. Cox noted the Texas Water Development Board's (TWDB) request for additional information from the January 8th Public Hearing on the change in scope for the Project. The information would be provided to the TWDB by the end of the week.

Mr. Cox also discussed the bollards being installed on Hidden Valley Road and the issues surrounding the Hidden Valley Low Water Crossing. The fish weir at the Crossing was not built as planned. There was discussion among Council members on how to remedy the situation. The topic would be brought back to Council at a later date. Lastly, Mr. Cox advised on short-term rentals within the City. The Host Compliance contract had been signed, and the company was in the discovery phase of the project.

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2018. (*Armstrong, Vaughan & Associates, P.C.*)

The Fiscal Year 2018 Audit had been presented at the February 21st City Council Meeting by Brian Magness of Armstrong, Vaughan and Associates, P.C.

Motion to approve the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2018 was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

- B. Discuss and consider possible action to approve Resolution No. 03-2019, supporting inclusion into the Texas Countywide Polling Place Program. (*City Secretary Laura Calcote*)

City Secretary Laura Calcote presented Resolution No. 03-2019, supporting Hays County's application for inclusion in the Texas Countywide Polling Place Program, which would allow voters to cast their ballots at any polling location on Election Day. The Resolution would be included in the County's application to the Secretary of State.

Motion to approve Resolution No. 03-2019, supporting inclusion into the Texas Countywide Polling Place Program 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 amend the City of Wimberley Governance Policy and Rules of Procedure regarding the length of presentations at City Council meetings and protocol for thanking outgoing citizen volunteers. (*Place Four Council Member Gary Barchfeld*)

Council Member Gary Barchfeld presented two proposed changes to the City's Governance Policy and Rules of Procedure. There was discussion among Council members regarding the length of presentations.

Motion to amend the City of Wimberley Governance Policy and Rules of Procedure regarding the length of presentations at City Council meetings and protocol for thanking outgoing citizen volunteers 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 regarding agenda language for citizen's comments at all public meetings. *(Place Four Council Member Gary Barchfeld)*
 Council Member Gary Barchfeld noted agenda language pertaining to citizen's comments for all boards, committees and committees should be uniform.
Motion to amend citizen's communication language on board, commission or committee agendas to be the same as City Council's agenda language was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- E. Discuss and consider possible action to plan a joint workshop with City Council and the Short-Term Rental Review Committee to discuss all aspects of the Committee's work. *(Place Four Council Member Gary Barchfeld)*
Motion to direct the City Administrator to schedule a workshop with the Short-Term Rental Review Committee and the City Council as soon as possible, excluding next week, but before the next City Council meeting, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).
- F. Discuss and consider possible action to approve the engagement letter of Norton Rose Fulbright US LLP as bond counsel for the City of Wimberley. *(Place Four Council Member Gary Barchfeld)*
Motion to approve the engagement letter of Norton Rose Fulbright US LLP as bond counsel for the City of Wimberley was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- G. Discuss and consider possible action regarding the Central Wimberley Wastewater Project and the Texas Water Development Board. *(Place Four Council Member Gary Barchfeld)*
 This item was not discussed, and no action was taken.
- H. Discuss and consider possible action regarding the appointment of a consensus member to the Board of Adjustment. *(Place Four Council Member Gary Barchfeld)*
 There was discussion for City Council members to submit names for a consensus member to the Board of Adjustment at the next City Council meeting for consideration and approval.
 No action was taken on this item.

CITY COUNCIL REPORTS

- A. Announcements – Council Member Erik Wollam noted his grandfather Robert Raney had recently passed away, and that Mr. Raney had once been given a “Key to the City.” He thanked the City for the honor on behalf of his grandfather and stated he would return the key.
- B. Future agenda items – None.

ADJOURNMENT

Motion to adjourn the meeting at 7:49 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers
Susan Jagers, Mayor