

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, APRIL 4, 2019 – 5:30 P.M.

MINUTES

CALL TO ORDER

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

CALL OF ROLL

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

Council Members Absent: Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Charlie Zech City Attorney
Rebecca Manning Parks Director

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS

Mayor Susan Jagggers read aloud the two proclamations and presented them to several representatives from the Hays-Caldwell Women's Center.

A. Proclamation of the City of Wimberley, Texas proclaiming April 2019 as Child Abuse Prevention and Awareness Month. (*Hays-Caldwell Women's Center*)

Motion to support the Proclamation was made by Council Member Gary Barchfeld.

Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

B. Proclamation of the City of Wimberley, Texas proclaiming April 2019 as Sexual Assault Awareness and Prevention Month. (*Hays-Caldwell Women's Center*)

Motion to support the Proclamation was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

CITIZENS COMMUNICATIONS

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

1. Steve Thurber addressed Council regarding the Mayor's Corner article published in the Wimberley View on April 4th. Mr. Thurber refuted statements made in the article concerning the Central Wimberley Wastewater Project, and noted the system would be working and online today, if a change in scope had not been requested. Furthermore, the Project would not be completed in 90 days, as the article stated.

2. Andrew Weber spoke regarding the Texas Water Development Board's recent approval of the change in scope for the Central Wimberley Wastewater Project, along with the four conditions that must be met to move forward with the Project. Mr. Weber stated a property/ad valorem tax would be required and the bonds must be changed to from revenue to refund exchanging bonds for the change to be fulfilled. Additionally, Mr. Weber questioned the move to Aqua Texas from the City's original plan.

3. Phil Van Ostrand thanked City Council for their hard work and dedication. Mr. Van Ostrand commented on the Texas Water Development Board's recent approval of the change in scope for the Central Wimberley Wastewater Project, and the issues raised by the Board for the change, including sightings of the Golden-cheeked warbler in Blue Hole Regional Park, which had previously been addressed. He suggested that Park activity should be reduced in general in order not to disturb the birds.

PRESENTATIONS

A. Presentation by the Wastewater Ad Hoc Advisory Committee regarding the study of the Wimberley Wastewater Collection System. (*Committee Chair Kirby Atwell*)
Wastewater Ad Hoc Committee Chairperson Kirby Atwell presented information pertaining to the Central Wimberley Wastewater Project, including the number of users, living unit equivalents (LUEs), potential billing systems and a comparison of a move to Aqua Texas versus the City's original plan. Mr. Atwell addressed potential issues with the change in scope to Aqua Texas, noting reserve funds, the cost of drilling under Cypress Creek, legal expenses, environmental concerns and a bond rate increase. There was discussion between members of the Committee, Mr. Atwell, Chris Oddo and Maridel Martinez, and City Council regarding the information presented.

B. Presentation and update regarding the Cypress Creek Nature Preserve Master Plan. (*Wimberley Valley Watershed Association Representative Daniel Alvarado*)
Daniel Alvarado of Alvarado Works addressed Council regarding the study and results of the Cypress Creek Nature Preserve to develop a Master Plan for the area. Mr. Alvarado, the Wimberley Valley Watershed Association and the City had been working together to survey the existing conditions of the area and suggest improvements for the future. There was discussion pertaining to the potential Master Plan, including proposed trail alignment, design and signage.

Mayor Susan Jagers questioned the Conservation Easement and public access to the Preserve, and suggested possibly terminating the Easement. A public meeting would be held on the topic at the Wimberley Community Center on April 11, 2019 before a draft of the Master Plan was presented to City Council at a future meeting.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:35 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 an Aqua Texas contract.
- B. Section 551.071 (Consultation with Attorney) to receive legal advice regarding the issuance of City of Wimberley Series 2019 bonds.
- C. Section 551.071 (Consultation with Attorney) to receive legal advice regarding litigation in Cause No. 19-0279-C; Madrone Office Park & Storage, LLC v. City of Wimberley Board of Adjustment.
- D. Section 551.071 (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.

OPEN SESSION

Regular Session reconvened at 7:53 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 (4-0).

Approval of Mayor Susan Jagger's appointment of Sara Dishman to the Planning and Zoning Commission.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including line locations, review of the lift station submittals, repaving of Ranch Road 12 and the Texas Water Development Board's approval of the change in scope for the Project, including the four conditions that must be met. Additionally, Mr. Cox provided an update regarding the status of the short-term rental ordinance.

PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval of the second and final reading regarding an ordinance amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3, (District Regulations) Section 9.03.098 (Planned Development District; WPDD) 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. *(Place Two Council Member Craig Fore)*

City Administrator Shawn Cox noted a second public hearing was not required for the ordinance. **Motion to approve the second and final reading regarding an ordinance amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3, (District Regulations) Section 9.03.098 (Planned Development District; WPDD) 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 regarding Friends of Blue Hole sponsoring a Yoga in the Park Program on the Blue Hole Swim Lawn. *(Parks Director Rebecca Manning)*
Parks Director Rebecca Manning presented the six-week yoga series sponsored by Friends of Blue Hole, which would take place on Fridays from April 12th until May 24th, if approved by Council. The spring yoga series would be at no cost to the City.
Motion to approve the Friends of Blue Hole sponsoring a Yoga in the Park Program on the Blue Hole Swim Lawn was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- B. Discuss and consider possible action to form a committee to write a new agreement with the City of Wimberley and Friends of Blue Hole. *(Parks Director Rebecca Manning and Board Chair Mark Bursiel)*
Parks Director Rebecca Manning presented the Parks and Recreation Board's motion to form an informal committee consisting of two members of City Council, members of the Parks Board, Parks Department staff and Friends of Blue Hole to write a new agreement with the City and Friends of Blue Hole. Mrs. Manning suggested she could write a draft agreement and submit it to the Parks Board and City Council for review. There was discussion between staff and Council regarding the drafting of the agreement. Council Member Gary Barchfeld volunteered to be the City Council representative for the committee.
Motion to create an informal committee, consisting of Council Member Gary Barchfeld, members of the Parks and Recreation Board, Parks Department staff and Friends of Blue Hole to draft a new agreement between the City of Wimberley and the Friends of Blue Hole was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).
- C. Discuss and consider possible action to utilize Specialized Public Finance, Inc. as financial advisors for the City of Wimberley. *(City Administrator Shawn Cox)*
Motion to postpone this item until the next City Council meeting 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 engage Zara Environmental, LLC to conduct a GCW analysis for the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*
There was one citizen comment. Lila McCall spoke regarding the potential Friends of Blue Hole agreement with the City, and cautioned Council to be careful with the group. Ms. McCall

also addressed the Golden-cheeked warbler issue and the associated costs to the City to conduct an analysis for the bird. Ms. McCall suggested the City consider selling Blue Hole Regional Park to Friends of Blue Hole and have them pay for the cost of the analysis.

City Administrator Shawn Cox presented Council with a cost estimate in the amount of \$9,884.00 from Zara Environmental, LLC for the Golden-cheeked warbler (GCW) habitat assessment and nest surveys in Blue Hole Regional Park. The timeline for the analysis would be within two weeks of receiving an executed contract. The GCW analysis was one of the environmental conditions set forth by the Texas Parks and Wildlife Department and the Texas Water Development Board for the approval of the change in scope to the Central Wimberley Wastewater Project.

Motion to contract with Zara Environmental, LLC in an amount not to exceed \$9,884, plus 10 percent contingency, to conduct a Golden-cheeked warbler analysis for the Central Wimberley Wastewater Project 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 approve Ordinance No. 2019-07, disannexation of approximately 22 acres contiguous to the City Limits, generally described as 100 Madrone Trail. *(City Administrator Shawn Cox)*

Rick Millinor addressed Council regarding his request to disannex from the City limits, as had been granted to Sabino Ranch at the previous City Council meeting. There was discussion among Council members pertaining to the request, the property's location and state disannexation regulations and laws.

Motion to approve Ordinance No. 2019-07, disannexing approximately 22 acres contiguous to the City Limits, generally described as 100 Madrone Trail was made by Council Member Mike McCullough. Motion was seconded by Council Member Erik Wollam. Motion carried as follows (3-2):

Mike McCullough	Aye
Erik Wollam	Aye
Susan Jagers	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

CITY COUNCIL REPORTS

A. Announcements – None.

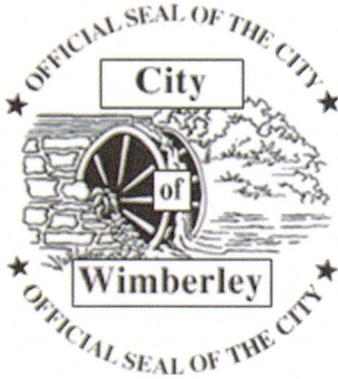
B. Future agenda items – None.

ADJOURNMENT

Motion to adjourn the meeting at 8:43 p.m. was made by Council Member Gary Barchfeld. 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:

Gary Barchfeld
Gary Barchfeld, Mayor Pro Tem