

City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, MAY 16, 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
Rebecca Minnick	Place One
Craig Fore	Place Two
Christine Byrne	Place Three
Gary Barchfeld	Place Four
Bo Bowman	Place Five

City Staff Present:

Shawn Cox	City Administrator
Laura Calcote	City Secretary
Charlie Zech	City Attorney
Rebecca Manning	Parks Director
Terri Provost	Wimberley Community Center Director
John Provost	Public Works Superintendent
Sandy Floyd	Planning & Development Coordinator/GIS Analyst

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.

CITIZENS COMMUNICATIONS

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

1. Steve Thurber thanked the election candidates who ran for City Council during the 2019 General Election and congratulated the three new Council members.
2. Phil Collins addressed Council regarding the ongoing litigation expenses and utilized resources for the Risoli v. Wimberley Board of Adjustment case. Mr. Collins recommended the City immediately end all legal expenditures associated with the case and focus on more important issues facing the City.

3. Donna Gary and several children invited to City Council and the audience to the Imagine the Wimberley Valley event on Sunday, May 19, 2019, from 2:00 p.m. to 5:00 p.m. at the Wimberley Community Center.

4. Lila McCall spoke regarding the City's ongoing problems, including several lawsuits, which reflected poor leadership for the City's form of government. Ms. McCall noted the turnover occurring on City Council each May, and the lack of continuity the variation in Council members was creating.

PRESENTATIONS AND POSSIBLE ACTION

A. Presentation and consider possible action regarding the draft Cypress Creek Nature Trail and Preserve Master Plan. (*Wimberley Valley Watershed Association Executive Director David Baker*)

Wimberley Valley Watershed Association Executive Director David Baker presented Council a memo regarding the status of the draft Cypress Creek Nature Preserve Master Plan. Mr. Baker noted additional time was needed to complete the draft, due to the expanding scope of the Plan, the high public engagement process and stakeholder involvement. He requested an additional 30 to 45 days to bring a draft Master Plan to City Council.

Motion to allow an additional 60 days to complete the draft Cypress Creek Nature Trail and Preserve Master Plan to present to the Parks and Recreation Board and then to City Council was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

Motion to move Item 6.B. – GLO Projects to after Executive Session was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

B. Presentation and consider possible action regarding the City of Wimberley's guidelines for General Land Office (GLO) projects. (*City of Wimberley*)

EXECUTIVE SESSION

City Council adjourned into Executive Session at 5:52 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

A. Section 551.071 for Consultation with Attorney to receive legal advice regarding litigation in Cause No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.

B. Section 551.071 for Consultation with Attorney to receive legal advice regarding litigation in Cause No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

C. Section 551.071 for 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 for Consultation with Attorney to receive legal advice regarding an Aqua Texas contract.

OPEN SESSION

Regular Session reconvened at 6:07 p.m.

Council Member Craig Fore left the meeting at 6:07 p.m.

City Attorney Charlie Zech informed Council the three ongoing lawsuits are against the City of Wimberley Board of Adjustment (BOA) and advised that City Council does not have the authority to settle without BOA, since the Board is a quasi-judicial body. Mr. Zech noted the Madrone Office Park & Storage case would be abated, if the plaintiff was able to obtain an amendment to the current Wimberley Planned Development District for the property.

Dwayne Patlyek was allowed to speak after Open Session. Mr. Patlyek stated City ordinances were not being enforced by City staff and noted several issues, including groundwater pollution by rainwater runoff, non-livable mobile homes, and variances being improperly granted.

He contended City Council was responsible for action to address these issues.

CONSENT AGENDA

City Secretary Laura Calcote advised Item D was cancelled due to a lack of a quorum for the Special City Council Meeting on May 14, 2019 at 2:15 p.m.

Motion to approve the Consent Agenda, excluding Item D, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).

- A. Approval of minutes from the Regular City Council Meeting held May 2, 2019.
- B. Approval of minutes from the Special City Council Meeting held May 8, 2019.
- C. Approval of minutes from the Special City Council Meeting held May 14, 2019 at 2:00 p.m.
- D. Approval of minutes from the Special City Council Meeting held May 14, 2019 at 2:15 p.m.
- E. Approval of the March 2019 Financial Statements of the City of Wimberley.
- F. Approval of Place One Council Member Rebecca Minnick's appointment of Teresa Shell to the Planning and Zoning Commission.
- G. Approval of Place Three Council Member Christine Byrne's reappointment of Peter Lingamfelter to the Planning and Zoning Commission.
- H. Approval of Austin Weeks as the consensus member to the Planning and Zoning Commission.

Presentation and consider possible action regarding the City of Wimberley's guidelines for General Land Office (GLO) projects. (*City of Wimberley*)

Judy Langford, of Langford Community Management Services, Inc., addressed Council regarding the Texas General Land Office Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Guidelines for the 2015 Flood Events. The guidelines had been posted on the City's website since January 2019 for public comment. The grant was to aid low to moderate households in the City of Wimberley. There was discussion among Council and Ms. Langford regarding the expiration of the funds and the application process.

Motion to postpone this item until the June 6th City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including lift station submittals, chip sealing of Blue Herron and Oak Drive and Texas Water Development Board approval status for the change in scope. Mr. Cox also addressed code compliance within the City pertaining to septic systems, mobile/manufactured homes, fencing and gutters. Additionally, Mr. Cox noted sales tax was higher than last year at the same time and provided an update on the impact of recent weather events on City roads and bridges. The Blackboard system would be utilized to notify residents in the event of a weather emergency.

DISCUSSION AND POSSIBLE ACTION

Motion to Move Item No. 11.J. – Comprehensive Plan Review Committee to 11.A. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

A. Discuss and consider possible action to approve the change in scope to the Comprehensive Plan Review Committee. *(Committee Chair Phil Collins)*

Comprehensive Plan Review Committee Chair Phil Collins presented the proposed change in scope and support for the Committee's mission. Mr. Collins provided a general timeline for review of the Comprehensive Plan. There was discussion among Council members and Mr. Collins regarding the gathering of information and the yearly review of the Plan. City Council's responsibility would be to approve the revised Comprehensive Plan.

Motion to approve the change in scope to the Comprehensive Plan Review Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

B. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-12, amending Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required by adding provisions authorizing interim pump and haul service for existing and new businesses; providing an effective date; providing for severability; providing for a penalty not to exceed two thousand dollars. *(City Administrator Shawn Cox)*

Motion to approve the first reading of Ordinance No. 2019-12, amending Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required by adding provisions authorizing interim pump and haul service for existing and new businesses; providing an effective date; providing for severability; providing for a penalty not to exceed two thousand dollars was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

C. Discuss and consider possible action regarding the addition of a \$200 refundable deposit to all seasonal Field Usage Agreements at Blue Hole Regional Park. *(Parks Director Rebecca Manning)*

Motion to add a \$200 refundable deposit to all seasonal Field Usage Agreements at Blue Hole Regional Park was made by Council Member Christine Byrne. Motion was

seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- D. Discuss and consider possible action to approve \$2,500 to replace an inoperative grinder pump at the Blue Hole Regional Park playscape restroom facility. *(Parks Director Rebecca Manning)*

Motion to approve \$2,500 to replace an inoperative grinder pump at the Blue Hole Regional Park playscape restroom facility was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

- E. Discuss and consider possible action to relocate the existing Pedernales Electric Cooperative easement along Preston Road. *(City of Wimberley)*

Items E and F were heard together, since they both pertained to Preston Road. Pedernales Electric Cooperative (PEC) Vice President of Engineering, Brian Gedrich, addressed Council regarding PEC's offer to purchase an electric utility easement along Preston Road. The value for the easement would be \$29,386.87, plus an incentive of 35%, for a total of \$39,685.77. The easement value was offered to help expedite the easement acquisition process for the Project.

Motion to authorize the relocation of the existing Pedernales Electric Cooperative easement along Preston Road, in the amount of \$39,685.77, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).

- F. Discuss and consider possible action for the vacation, abandonment and conveyance of Preston Road, Wimberley, Hays County, Texas. *(City of Wimberley)*

Cristen Carey Daniel addressed Council. The Carey's and associated families lost family members in the 2015 Memorial Day Flood in Wimberley. The Carey family was now seeking to rebuild on the property but needed additional land to do so for a more elevated location out of the flood zone.

There was discussion among Council members regarding the City's ownership of Preston Road, and the conveyance of public property to private.

Motion to approve the vacation, abandonment and conveyance of Preston Road, Wimberley, Hays County, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- G. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure regarding City Council meetings and speakers. *(Place Five Council Member Bo Bowman)*

Council Member Bo Bowman presented an amendment to Section 5.1 of the Governance Policy and Rules of Procedure for Regular City Council meetings to begin at 6:00 p.m., to strike Section 5.2 regarding Special City Council meeting dates and times and to strike the first sentence of the citizen communications language on City Council agendas to be replaced with previous language.

Motion to amend the City of Wimberley Governance Policy and Rules of Procedure regarding Sections 5.1 and 5.2 and citizen communication language on City Council agendas was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).

H. Discuss and consider possible action to schedule a workshop pertaining to the Rules of Decorum and meeting procedures. *(Place One Council Member Rebecca Minnick)* Council Member Rebecca Minnick contended a workshop regarding parliamentary procedure and rules of decorum for City Council meetings would be beneficial to the body in order to conduct more productive and business-like meetings. No date and time were set for the workshop.

Motion to schedule a future workshop pertaining to the Rules of Decorum and meeting procedures was made Council Member Rebecca Minnick. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

I. Discuss and consider possible action regarding the development of an ordinance to form a Downtown District Improvement Task Force. *(Place One Council Member Rebecca Minnick)* Council Member Rebecca Minnick stated the Wimberley Downtown District suffers from insufficient infrastructure, such as sidewalks, street lighting, adequate signage and traffic congestion. Council Member Minnick noted establishing a task force composed of key constituents and local representatives from interested entities and parties could aid in identifying the infrastructure needs in the downtown area.

Motion to direct the City Administrator to develop an ordinance to form a Downtown District Improvement Task Force was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

J. Discuss and consider possible action to schedule a workshop regarding the Central Wimberley Wastewater Project. *(Place Three Council Member Christine Byrne)*

Motion to direct the City Administrator to schedule a town hall meeting to discuss the status of the Central Wimberley Wastewater Project was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

CITY COUNCIL REPORTS

A. Announcements – Public Works Superintendent John Provost reminded Council and the audience about the Blues and BBQ Cook Off on Saturday, May 18, 2019, from 11:00 a.m. until 7:00 p.m.

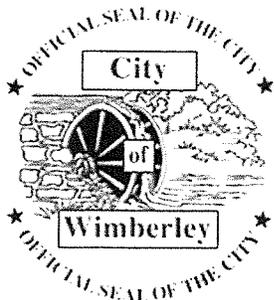
B. Future agenda items – A Special City Council Meeting had been requested by three members of Council for Tuesday, May 21, 2019, at 5:00 p.m.

ADJOURNMENT

Mayor Susan Jagers adjourned the meeting at 7:54 p.m., without objection.

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers
Susan Jagers, Mayor