



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, AUGUST 2, 2018 – 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
Mike McCullough Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Patricia Cantu Kelly Place Five

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary

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 two citizen's comments. They were as follows:

1. Andrew Weber spoke as counsel to Dr. Pam Showalter regarding a recent open records request submitted by Dr. Showalter, and the City's delay in responding to the request by involving the City's Attorneys and the Attorney General's Office. City Attorney Charlie Zech responded to Mr. Weber's concerns stating a letter had been sent to the Attorney General's Office in case an opinion from the entity would be requested once the information was gathered for review.
2. Tom Keyser, a member of the City's Wastewater Ad Hoc Committee, spoke regarding the ongoing wastewater project, and the Committee's plans to communicate with Wimberley Square business owners and the citizenry pertaining to the project.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

Approval of Clay Ewing's resignation from the Hotel Occupancy Tax Advisory Committee.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 5:43 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Executive Session pursuant to Section 551.072 (Real Estate Acquisition) to deliberate the purchase of real property.
- B. Executive Session pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Evaluation of City Administrator.

Regular Session reconvened at 5:59 p.m.

No action was taken.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox provided Council with an update regarding the status of the Central Wimberley Wastewater Project.

DISCUSSION AND POSSIBLE ACTION

(Motion to move 9.J. to 9.A. was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- A. Discuss and consider possible action regarding Ordinance No. 2016-003, prohibiting the possession of certain firearms and handguns on City property.

Mike Cox spoke regarding open and concealed carry laws within the state. He asked City Council to repeal Ordinance No. 2016-003.

Rachel Malone also spoke regarding open and concealed carry laws within the state, and requested the Ordinance be repealed.

City Council adjourned into Executive Session at 6:21 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose: Section 551.071 (Consultation with Legal Counsel).

Regular Session reconvened at 6:41 p.m.

There was discussion among Council members regarding possession of certain firearms and handguns on City property.

Motion to table the item until the next City Council meeting was made by Council Member Allison Davis. There was no second. Motion failed.

Motion to instruct staff to write an ordinance repealing Ordinance No. 2016-003 was made by Council Member Mike McCullough. Motion was seconded by Council Member Patricia Cantu Kelly.

Council Member Allison Davis noted she was concerned about the safety of staff if the public can carry handguns and firearms at City Hall, including the Court Clerk's office.

Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye

Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

- B. Discuss and consider approval of the second and final reading of an ordinance amending Title XV (Land Usage) Chapter 154 (Subdivision Control) Section 154.063 (Lots), Subsection (C) "Lot Shape", of the City of Wimberley Code of Ordinances in order to except minor alterations to interior lot lines that do not increase the number of lots; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting.

Motion to approve the second and final reading of an ordinance amending Title XV (Land Usage) Chapter 154 (Subdivision Control) Section 154.063 (Lots), Subsection (C) "Lot Shape", of the City of Wimberley Code of Ordinances in order to except minor alterations to interior lot lines that do not increase the number of lots; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- C. Discuss and consider possible action designating a bank depository for the City of Wimberley and authorizing the City Administrator to execute the Bank Depository Agreement.

In July, the City had posted a Request for Proposal (RFP) for firms interested in providing depository services for the City's bank accounts. Three proposals were received in response to the request. Ozona Bank provided the most competitive application.

Motion to designate Ozona Bank as the bank depository for the City of Wimberley and authorizing the City Administrator to execute the Bank Depository Agreement between the City and Ozona Bank was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

- D. Discuss and consider possible action regarding issues related to the Economic Development Administration (EDA) grant amendment status including, but not limited to, meetings, email and telephone correspondence between staff, City Council and the EDA.

Steve Thurber spoke regarding recent email correspondence between the Mayor and the EDA, and the Mayor questioning the validity of the grant application and funding.

Council member Allison Davis voiced concern regarding EDA meetings and the City Administrator being secluded from the meetings. Additionally, Council Member Davis noted she had legal concerns with the current City proceedings involving the agency. There was discussion among Council members regarding the EDA and correspondence with the organization.

Motion to request the City Administrator be involved in future EDA meetings was made by Council Member Allison Davis. There was no second. Motion failed.

- E. Discuss and consider possible action regarding issues related to the Texas Water Development Board (TWDB) including, but not limited to, status of TWDB approval of change of scope of the Wimberley Wastewater Project, discussion of meeting(s) with TWDB, by the Mayor, and/or City Council members, and/or staff and/or citizens.

Council Member Allison Davis asked Council members and the Mayor questions relating to issues surrounding the TWDB and requested to be kept in the loop concerning potential changes in scope to the Central Wimberley Wastewater Project. The Mayor stated the public

would be given updated information and an analysis comparing plans at a work session in a couple of weeks.

Motion to move forward to the next item on the agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly.

- F. Discuss and consider possible action regarding issues relating to the current Wimberley Wastewater Project including, but not limited to, status of outstanding invoices to Black Castle General Contractor, meeting(s) with Aqua Texas, by the Mayor, and/or City Council members, and/or staff and/or citizens.

Council Member Allison Davis asked Council members and the Mayor questions relating to the pause and outstanding invoices for Black Castle General Contractor and the shift towards Aqua Texas for completion of the Central Wimberley Wastewater Project. The pause on Black Castle would expire on August 21st. The Mayor stated once more that an analysis regarding the Project would be provided in the next couple of weeks.

No action was taken.

- G. Discuss and consider possible action regarding issues relating the status of the City removing certain citizen signs.

There was discussion among Council pertaining to the "no Aqua Texas signs" around the town and the City's sign ordinance.

The City Council adjourned into Executive Session at 7:25 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose: Section 551.071 (Consultation with Legal Counsel).

Regular Session reconvened at 7:37 p.m.

No action was taken.

Motion to table the item was made by Council Member Allison Davis. There was no second. Motion failed.

- H. Discuss and consider possible action to contact Bubba's Got Gas to have the company replace the propane or reimburse the City for the propane they removed from the Wimberley Community Center tanks.

Council Member Patricia Cantu Kelly stated Bubba's Got Gas owed the City around 680 gallons of propane and the City owed Bubba's around \$2,000 for repair work. However, Council Member Kelly and Council Member Gary Barchfeld spoke with Bubba's Got Gas and the two parties decided to call it even, without either entity owing the other any money.

Motion that Bubba's Got Gas forego the \$2,264.18 owed by the City for repairs with the \$1,074.41 Bubba's owed to the City for propane was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- I. Discuss and consider possible action regarding the removal of the Bubba's Got Gas propane tanks from the Wimberley Community Center.

Motion to authorize the City staff to send a letter to Bubba's Got Gas to remove their propane tank from the Wimberley Community Center was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

- J. Discuss and consider possible action to prepare and review the City of Wimberley 2018-2019 Budget and schedule associated budget workshops.

There was discussion on the upcoming budget schedule and subsequent workshops. Council members decided to hold budget workshops on Tuesday, August 21st, and Tuesday, August 28th. A goal session workshop for Council members was also discussed, but no date was set.

K. Discuss and consider possible action regarding the City of Wimberley Governance Policy and Rules of Procedure.

The Mayor presented three amendments to the City's Governance Policy and Rules of Procedure for Sections 4.1 (Roles – Mayor), 5.9 (Agenda) and to add 5.15 (Security). Council members discussed amending the powers and duties of the Mayor, as well as the Mayor's authority to approve and schedule City Council agenda items.

The City Council adjourned into Executive Session at 7:55 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose: Section 551.071 (Consultation with Legal Counsel).

Regular Session reconvened at 8:11 p.m.

There was further discussion on the proposed amendments.

Motion to amend Section 4.1 (Roles – Mayor) with language from the Texas Local Government Code, Section 22.042 (Powers and Duties of Mayor) and add Section 5.15 (Security) to the City of Wimberley Governance Policy and Rules of Procedure was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows:

Mike McCullough	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay
Craig Fore	Abstain

CITY COUNCIL REPORTS

A. Announcements – None.

B. Future agenda items – None.

ADJOURNMENT

Mayor Susan Jagers adjourned the meeting at 8:19 p.m., without objection.

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers
Susan Jagers, Mayor

