

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 16, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:31 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
	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 Jagers led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were twelve citizens comments. They were as follows:

1. Tony Seale spoke in support of repealing Ordinance No. 2016-003, which prohibited the possession of certain firearms and handguns on City property.
2. M.F. Johnson thanked Mayor Jagers.
3. Christine Byrne voiced concern regarding the direction of the City Council and the Central Wimberley Wastewater Project and the proposed raw sewage line boring under the Cypress Creek. Ms. Byrne also noted how citizen comments had been stifled during public meetings and how there had been a shift by Council to change the duties of the City Administrator.

4. John Espinoza spoke against moving forward with Aqua Texas for the Central Wimberley Wastewater Project, and the lack of back-up information provided by the Mayor during her presentation on August 14th for the Aqua Texas option.

5. Natalie Dettmer addressed Council regarding the Mayor's Corner articles published in the Wimberley View over the past couple of months, and the Town Hall meeting pertaining to the Central Wimberley Wastewater Project the Mayor had promised in one of the articles. Ms. Dettmer asked when the Town Hall meeting would take place.

6. Bobby Dettmer addressed the annual operating budget regarding the Central Wimberley Wastewater Project, and the numbers presented by the Mayor during the August 14th meeting being inaccurate and not taking all information into account.

7. Bex Hale spoke regarding the losses if the City moved forward with the Aqua Texas option, including the difference between Type 1 enhance effluent and Type 1 effluent, water quality testing and financial concerns.

8. Chris Cureton spoke regarding the vacation rental permit that was set for the public hearing portion of the meeting. Mr. Cureton noted the benefits of tourism and vacation rentals within the community and stated he had withdrawn his conditional use permit.

9. Al Sander addressed Council regarding the current Central Wimberley Wastewater Project, and the problematic e. coli levels in the Cypress Creek. Mr. Sander stated he saw several problems with the new plan to move to Aqua Texas presented by the Mayor on August 14th.

10. Bob Dussler voiced concern over the Aqua Texas option for the Central Wimberley Wastewater Project and stated the Council had received nothing in writing for a change in scope from the Texas Water Development Board. Mr. Dussler noted that without all of the information in place, this was recipe for disaster to change the Project.

11. Peter Lingamfelter spoke regarding the Mayor leaving the citizens in the dark when it came to the potential change in scope for the Central Wimberley Wastewater Project, and the data she presented on August 14th was not verifiable. Mr. Lingamefelter said he was not in favor in moving forward with the Aqua Texas option.

12. Craig Reitz addressed Council noting current Council members had inherited a number of issues and problems caused by previous City Councils, and the current members had endured hateful and hurtful comments due to the Central Wimberley Wastewater Project and potential change in scope. Mr. Reitz noted the current Project did not have adequate funding to be completed as is.

CONSENT AGENDA

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

A. Approval of minutes from the Regular City Council Meeting held July 19, 2018.

B. Approval of minutes from the Regular City Council Meeting held August 2, 2018.

C. Approval of May 2018 and June 2018 Financial Statements for the City of Wimberley.

PARKS DIRECTOR UPDATE

Parks Director Rebecca Manning provided an update on Blue Hole Regional Park operations, including rising admissions, increased revenue, successful nature camps and upcoming programs for the Park.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project. Mr. Cox noted the Wimberley Square main line was almost complete, and that Capital Excavation would be laying the pipe on Old Kyle Road next. Additionally, Mr. Cox stated all of Capital Excavation's invoices had been paid to date. There was discussion among Council members regarding Black Castle's two unpaid invoices.

PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval regarding case CUP-18-012, an application for a Conditional Use Permit to allow for a vacation rental for property located at 2710 FM 3237, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Christopher Cureton, Applicant*)

This item was not heard, as the applicant had withdrawn the conditional use permit before the meeting.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to modify the Central Wimberley Wastewater Project.

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

1. Dwain York spoke regarding the premature Wimberley ISD, City and Aqua Texas plan that had been mentioned in the Mayor's presentation on August 14th. Mr. York noted the May 2018 bond that was passed did not include funding for effluent. Mr. York also addressed the timeline of correspondence between himself, the Mayor and Bob Laughlin of Aqua Texas.

2. Steve Thurber voiced concern regarding Aqua Texas and the issues surrounding the company. Mr. Thurber advised Council to move forward with the current Central Wimberley Wastewater Project as designed and funded.

3. Jimmy Alan Hall addressed Council requesting the members put politics aside, and do what is in the best interest of the community regarding the Central Wimberley Wastewater Project. Mr. Hall added that the delay in the Project is costing time and funding. He cautioned the City's bond rating could be affected negatively due to these issues.

4. Steve Klepfer spoke regarding the potential environmental and economic consequences of a change in scope to the Central Wimberley Wastewater Project. Mr. Klepfer also noted the Texas Water Development Board had not approved the change in scope to move to the Aqua Texas option.

5. Dorothy Knight addressed Council regarding environmentally sound wastewater plans that the current Project adhered to. Ms. Knight stated the Aqua Texas plan was not environmentally friendly and outlined potential problems with allowing the company to handle

the City's wastewater.

6. William Bowman voiced concern over the change in scope for the Central Wimberley Wastewater Project, including engineering plans, a quick turnaround to vote for the change in scope and additional questions by the citizenry that had yet to be answered by Council.

7. Rebecca Reisberg voiced concern regarding the Aqua Texas option and stated she believed the numbers had been skewed to work in the company's favor. Additionally, Ms. Reisberg asked when the Town Hall meeting that had been promised by the Mayor in one of her Mayor's Corner articles was going to occur for the citizens to have input on the proposed change to the Project.

There was discussion among Council members pertaining to the Peter Way Grant, Texas Water Development Board funding and Economic Development Administration funding for the Central Wimberley Wastewater Project.

Motion to postpone the vote to modify the Central Wimberley Wastewater Project was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. 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 possible action regarding request for proposals for grant administration for the Central Wimberley Wastewater Project.

Motion to approve Langford Community Management Services for grant administration for the Central Wimberley Wastewater Project was made by Council Member Allison Davis. There was no second. Motion failed.

Motion for the City Administrator to acquire request for proposals for grant administration for the Central Wimberley Wastewater Project was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

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

C. Discuss and consider possible action to award the bid to Meyer's Concrete Construction in the amount of \$8,626 for the Las Flores speed hump.

Motion to award the bid to Meyer's Concrete Construction in the amount of \$8,626 for the Las Flores speed hump was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

There was a recess at 7:28 p.m. Regular Session reconvened at 7:43 p.m.

D. Discuss and consider possible action to approve the first reading of Ordinance No. 2018-30, repealing Ordinance No. 2016-003, prohibiting the possession of certain firearms and

handguns on City property.

A correction was noted that there would only need to be one reading of Ordinance No. 2018-30.

Motion to approve Ordinance No. 2018-30, repealing Ordinance No. 2016-003, prohibiting the possession of certain firearms and handguns on City property was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (4-1):

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

- E. Discuss and consider possible action to approve Ordinance No. 2018-31, amending Chapter 30, Subsection 30.32 (A), for the Office of the City Administrator.

Motion to postpone this item was made by Council Member Mike McCullough. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

- F. Discuss and consider possible action to approve Resolution No. 24-2018, allowing the Mayor of the City of Wimberley and the Mayor Pro Tem to review and investigate cost saving initiatives and alternative methods of business for the City of Wimberley, including the Wastewater Treatment Project and ways to efficiently and economically run the City.

Motion to approve Resolution No. 24-2018, allowing the Mayor of the City of Wimberley and the Mayor Pro Tem to review and investigate cost saving initiatives and alternative methods of business for the City of Wimberley, including the Wastewater Treatment Project and ways to efficiently and economically run the City was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

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

- G. Discuss and consider possible action to acknowledge and accept the Notice of Termination for the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation.

Motion to acknowledge and accept the Notice of Termination for the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- H. Discuss and consider possible action regarding the MindEcology contracts/services.

Motion to not renew the MindEcology contracts/services was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

Motion to remove the "Stay" tab on the www.visitwimberleytexas.com was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary

Barchfeld. Motion carried unanimously (5-0).

- I. Discuss and consider possible action to approve Ordinance No. 2018-32, amending Ordinance No. 2018-26, for the Hotel Occupancy Tax Advisory Committee.

Motion to approve Ordinance No. 2018-32, amending Ordinance No. 2018-26, for the Hotel Occupancy Tax Advisory Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (4-1):

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

- J. Discuss and consider possible action to approve Ordinance No. 2018-33, amending Ordinance No. 2018-28, for the Short-Term Rental Review Committee.

Motion to approve Ordinance No. 2018-33, amending Ordinance No. 2018-28, for the Short-Term Rental Review Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- K. Discuss and consider possible action regarding appointments to the Short-Term Rental Review Committee.

Motion to appoint Jenny Marino, Suzanne Davis and Tim Dodson to the Short-Term Rental Review Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

- L. Discuss and consider possible action to continue with the current Central Wimberley Wastewater Project, as funded, including immediately removing the pause on the Black Castle General Contractor contract.

This item was not heard by Council, nor any action taken, even though Council Member Allison Davis requested the item be heard.

- M. Discuss and consider possible action regarding issues related to the current Central 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.

This item was not heard by Council, nor any action taken, even though Council Member Allison Davis requested the item be heard and for legal consultation on the item.

- N. 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 the Mayor and/or staff, and/or City Council members and the EDA.

This item was not heard by Council, nor any action taken, even though Council Member Allison Davis requested the item be heard and for legal consultation on the item.

- O. 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.

This item was discussed by Council members. Council Member Allison Davis requested an Executive Session, which was not granted. No action was taken on this item.

CITY COUNCIL REPORTS

A. Announcements – None.

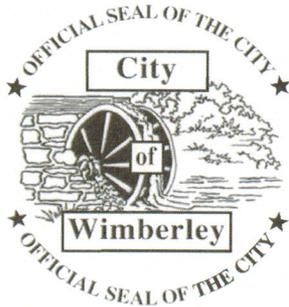
B. Future agenda items – Council Member Allison Davis requested a resolution for the “No Kill” Hays County be placed on the next agenda.

ADJOURNMENT

Motion to adjourn the meeting at 9:17 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers
Susan B. Jagers, Mayor