

# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

**SPECIAL CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**TUESDAY, AUGUST 28, 2018 – 4:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Susan Jagers called the meeting to order at 4:32 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  
Cameron Cox Deputy City Attorney

### **CITIZENS COMMUNICATIONS**

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

1. Bob Dussler spoke against moving forward with Aqua Texas for the Central Wimberley Wastewater Project and noted how honesty is important for elected officials.
2. Lila McCall urged City Council to make a contingency vote regarding the Black Castle contract and the potential contract with Aqua Texas for the Central Wimberley Wastewater Project.
3. Steve Thurber spoke about his previous meeting with Council Member Craig Fore, and how a compromise could be reached regarding the options for the Central Wimberley Wastewater Project. Mr. Thurber also acknowledged Senator John McCain's passing, and how public officials should follow his example of leadership and honor.
4. David Glenn stated the current Central Wimberley Wastewater Project was too much money for too few users. Mr. Glenn also contended that City Council had inherited a huge problem with the Project, and that Aqua Texas would be a cheaper option moving forward.

5. Henry Ault stated a sewer is needed for the downtown area, but Aqua Texas had a poor reputation in the cities of Kyle and Woodcreek and should not be considered as an option for the Central Wimberley Wastewater Project.

6. Bryan Burke addressed Council regarding the Meadow's Center letter on the Project, which urged the City to move forward with the current plan. Mr. Burke stated that a clean Cypress Creek needed to be ensured, and also noted Scott Johnson's letter the day after the May 2018 Election, directing the current planned Project be stopped immediately.

7. Scott Price spoke in opposition to the Aqua Texas plan, due to financial and environmental concerns. Mr. Price noted local control should be kept for the Project, and that the sovereignty of the community was important.

The following individuals also signed-up to speak during citizen's communications, but did not get called during the 30-minute time allotment for citizen's comments:

1. William Bowman
2. Laura Haygood
3. Rebecca Reisberg
4. Lynne Flocke
5. Bren Isgitt
6. GiGi Benno
7. Dorothy Knight
8. Jamie Pettit
9. Steve Klepfer
10. Heather Carter
11. Brian Ferrar
12. Candace Bowman
13. Linda Webb
14. Jimmy Alan Hall

### **DISCUSSION AND POSSIBLE ACTION**

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

Mayor Susan Jaggars presented the current plan costs and maintenance projections, with a comparison of moving to Aqua Texas for the Project. Mayor Jaggars spoke regarding environmental risks and financial costs for both options.

City Council adjourned into Executive Session at 5:25 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

Executive Session pursuant to Section 551.071 for consultation with legal counsel.

Regular Session reconvened at 6:27 p.m.

There was lengthy discussion among Council members regarding a change in scope to the Central Wimberley Wastewater Project. Council Member Craig Fore contended he saw issues with both plans, and noted he was struggling with a decision. Mr. Fore also stated that

affordability and discharge were two important factors in making the decision, and that he was ready to get the Project completed and move forward. Council Member Mike McCullough noted three points of concern for the Project: 1. Environmental, 2. Financial, and 3. User rates, and gave examples of all three points. Mr. McCullough stated he was not in favor of continuation of the Black Castle contract. Council Member Allison Davis voiced concern over the Mayor's plan to move to Aqua Texas, including reuse water for Blue Hole Regional Park being removed from the potential plan. Ms. Davis also noted she still had other concerns regarding the Project, which included an updated rate study, Certificate of Convenience and Necessity (CCN) ownership, capacity concerns, growth and the unexpected consequences of a vote to move to Aqua Texas. She did not believe Aqua Texas was a more environmentally or fiscally responsible choice for the City. Council Member Gary Barchfeld contended the City would forever pollute the Blanco River and Cypress Creek if it continued forward with the current plan for the Project, which allowed discharging into public waterways. Mr. Barchfeld stated the wastewater project had been discussed for years within the community; causing time and money. Mr. Barchfeld noted if the City continued forward with the current plan, there would be overages in cost and maintenance and high utility bills for users. He believed Aqua Texas would provide a cost savings and would not allow for discharge into public waterways. Council Member Patricia Cantu Kelly stated she was in favor of no wastewater discharge and no ad valorem tax. Ms. Kelly also noted the current plan was not fully vetted and shovel ready, with unknown costs, change orders and easements. She stated Aqua Texas is already on the other side of the Cypress Creek, and that Type 1 effluent would benefit all of the Wimberley Valley.

**Motion to change the scope of the Central Wimberley Wastewater Project to remove the wastewater treatment plant (WWTP) from the Project was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):**

<b>Mike McCullough</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Aye</b>
<b>Patricia Cantu Kelly</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Nay</b>

B. Discuss and consider possible action to cancel the contract with Black Castle General Contractor.

Attorney Jeff Chapman of the Chapman Firm, who had been working with the City Attorney, advised Council the City had expressed its intent and desire to terminate Black Castle from the Central Wimberley Wastewater Project during Executive Session and the previous action taken to modify the scope of the Project. Mr. Chapman, as legal counsel, recommended the City move to terminate Black Castle, with respect to its continued performance at the wastewater treatment plant project, and further and to that end, the City instruct its legal counsel to pursue discussions with Black Castle and to draft any documentation necessary to effect termination of the contract, in accordance with the contract and contract terms, and in the manner that is most advantageous to the City.

**Motion accept the advice of legal counsel for termination of the Black Castle contract was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):**

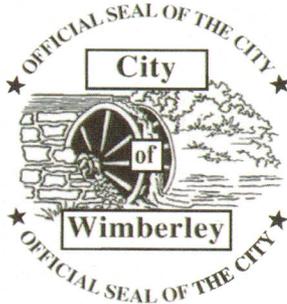
Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

**ADJOURNMENT**

Motion to adjourn the meeting at 7:04 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

**RECORDED BY:**

Laura J. Calcote  
Laura J. Calcote, City Secretary



**APPROVED BY:**

Susan B. Jagers  
Susan B. Jagers, Mayor