



City of Wimberley

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

POSTPONED REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, SEPTEMBER 11, 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
Gary Barchfeld Place Four
Patricia Cantu Kelly Place Five

Council Members Absent: Craig Fore Place Two
Allison Davis Place Three

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

PROCLAMATION

Mayor Susan Jagers read aloud a Proclamation of the City of Wimberley, Texas proclaiming the month of September 2018 as Hunger Action Month in Wimberley. Hays County Food Bank Board President Jamie Lee Case accepted the proclamation on the organization's behalf.

PRESENTATION AND POSSIBLE ACTION

Fix Hays County Representative Kate Shaw presented Council information regarding a 90% "No Kill" policy for the San Marcos Regional Animal Shelter. Ms. Shaw asked for Council's support for the initiative. There were several citizen's comments in support of the policy, which are attached to these minutes for the record.

Motion to approve Resolution No. 25-2018, supporting a "No Kill" policy for the San Marcos Regional Animal Shelter, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

CITIZENS COMMUNICATIONS

William Bowman addressed Council regarding the consequences of the Central Wimberley Wastewater Project, and how a move to the Aqua Texas plan would not allow for reused wastewater at Blue Hole Regional Park.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:06 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

- A. Executive Session pursuant Section 551.071 of the Texas Government Code for 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.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

Regular Session reconvened at 6:56 p.m.

No action was taken.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

- A. Approval of minutes from the Special City Council Meeting held August 7, 2018.
- B. Approval of minutes from the Special City Council Meeting held August 14, 2018.
- C. Approval of minutes from the Regular City Council Meeting held August 16, 2018.
- D. Approval of minutes from the Special City Council Meeting held August 21, 2018.
- E. Approval of the resignation of Traci Ferguson from the Hotel Occupancy Tax Advisory Committee.
- F. Approval of the appointment of Craig Calley as the Merchants Association Representative to the Hotel Occupancy Tax Advisory Committee.
- G. Approval of Place Two Council Member Craig Fore's appointment of John Urban to Wastewater Ad Hoc Advisory Committee.
- H. Approval of the Chapman Firm, PLLC provide legal services to the City of Wimberley.
- I. Approval of Fiscal Year 2019 City of Wimberley Holiday Schedule.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated regarding the status of the Central Wimberley Wastewater Project and City road projects. Mr. Cox noted the signage that had been placed near Old Kyle Road for construction of the Project during the next couple of weeks, as well as financials for the Project.

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding revisions to the City of Wimberley Parks Master Plan.

Parks Director Rebecca Manning presented the revisions to the City of Wimberley Parks Master Plan. The main changes were grammatical in nature, but other notable changes were updated census information, five-year revisions to the Plan, rearrangement of goals and building a dog park. There was discussion on the potential dog park for the community.

Motion to approve the revisions to the City of Wimberley Parks Master Plan was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

- B. Discuss and consider possible action regarding local Scout troops camping access to the swim lawn at Blue Hole Regional Park.

Parks Director Rebecca Manning advised Council on the local Scout troops' request to utilize the Blue Hole Regional Park swim lawn as a location for an annual camping trip.

Motion to approve local Scout troops camping access to the swim lawn at Blue Hole Regional Park once a year was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).

- C. Discuss and consider possible acting regarding a request to operate a food trailer at 411 FM 2325 in Wimberley, Texas.

Henry and Lisa Hosey, owners of Enrico's Blaze, addressed Council regarding their request to operate a food trailer at 411 FM 2325 at Odie's Place. Council Member Patricia Cantu Kelly recused herself from the discussion and motion.

Motion to approve the request to operate a food trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (2-0-1):

Mike McCullough	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Recused

- D. Discuss and consider possible action regarding the Hotel Occupancy Tax Advisory Committee's sunset review process.

Council Member Patricia Cantu Kelly reviewed the sunset review process and recommendation from the Hotel Occupancy Tax Advisory Committee. The Committee's consensus was that the hotel occupancy tax had not been effective, and therefore, should be repealed and a new Tourism Management and Development Committee should be created. Council directed staff to draft ordinances to repeal the hotel occupancy tax, dissolve the Hotel Occupancy Tax Advisory Committee and create the new Tourism Management and Development Committee.

No formal action was taken.

- E. Discuss and consider possible action regarding the hotel occupancy tax.

Motion for staff to draft an ordinance repealing the hotel occupancy tax was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

F. Discuss and consider possible action regarding the Hotel Occupancy Tax Advisory Committee's Tourism Plan.

Motion to approve the Hotel Occupancy Tax Advisory Committee's Tourism Plan was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

G. Discuss and consider possible action to consider Chamber of Commerce/Visitor Center contract performance.

Council Member Patricia Cantu Kelly presented background information regarding the Visitor Center Operations Agreement with the City of Wimberley. The Agreement had been terminated by the Chamber in July 2018 and accepted by the City in August 2018. Mrs. Kelly noted only Chamber members in the lodging sector had been represented in Fiscal Year (FY) 2017, and consequently, all funds for FY 2017 given to the Wimberley Valley Chamber of Commerce by the City should be returned by October 1, 2018. There was discussion among Council members on the Agreement and subsequent funding for the Visitor Center. Council also discussed how some of the funds had been used to pay Chamber staff's salaries.

Motion to direct the City Administrator to work with the City Attorney to send a collection letter to the Wimberley Valley Chamber of Commerce by Friday, September 14, 2018, requesting \$38,590 be returned to the City by October 1, 2018 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

H. Discuss and consider possible action regarding Hazard Mitigation Grant Program (HMGP) surveys.

City Administrator Shawn Cox presented information on FEMA's Hazard Mitigation Grant Program elevation surveys after the 2015 flood. Five properties still qualified for the Program; four for elevation and one for buyout. The next step in the Program was to have elevation certificates or surveys conducted for the five properties. City Council needed to decide whether to cover twenty-five percent (25%) cost associated with conducting the surveys, which would not exceed \$4,250. There was discussion on splitting the cost and negotiations with the property owners for the surveys.

Motion to expend a max of \$4,250 for FEMA's Hazard Mitigation Grant Program elevation surveys for five properties was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

CITY COUNCIL REPORTS

A. Announcements – None.

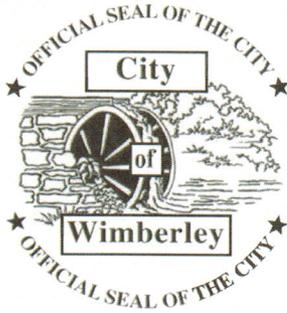
B. Future agenda items – Council Member Gary Barchfeld requested the second City Council Member in December 2018 be cancelled on the next agenda. Also, the upcoming City Council meetings were announced as follows: September 18th – Budget Workshop, September 20th – Regular City Council Meeting and September 25th – Public Hearing to Adopt the FY 2019 Budget.

ADJOURNMENT

Motion to adjourn the meeting at 8:08 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers
Susan B. Jagers, Mayor

I'm Marcia Sanderson, speaking on behalf of trap-neuter-return-maintain for community cats, a proven way to decrease the kill rate for cats in municipal shelters. Last year, 69% of the cats taken in by the San Marcos shelter were destroyed. TNRM is high on the list of strategies that can be employed to significantly reduce this number. Here in Wimberley, we have an active program to address the problem of overpopulation of community and feral cats. Since 2011 the PAWS Wimberley TNR program has spayed and neutered over 700 outside cats at the request of those who feed them. These cats can be found at businesses, governmental offices, civic groups and homes and are looked after by those groups. All have the notched left ear that demonstrates that they have been neutered, vaccinated and treated for any evident medical conditions. There are also cats that have been through the program that are maintained by our group in colonies in locations approved by the land and business owners. By actively addressing the problems of overpopulation, fewer cats end up in shelters and can live out their lives in the communities where they were born. They are healthier, maintain stable groups and are less likely to be aggressive toward each other. And, if a cat that has been through TNR is taken to the shelter, they are readily identifiable and can be released to the location where they were found rather than be destroyed, knowing that they will not be a part of the reproductive cycle and that it is highly likely that the cat is being looked after.

We are appreciative of the support shown to this program by Wimberley civic groups, businesses and individuals. And, we ask that Wimberley, as a part of the area served by the San Marcos shelter, encourage the shelter to develop and fund these kinds of programs here as well as in other locations in Hays County. Our Hays Country cats would be well served through such efforts.

Thank you Mayor Jagers and City Council for this opportunity to comment on the “Fix Hays County” “No Kill” resolution before council today.

My name is Barbara Foss, and I am the current President of the all-volunteer Wimberley Adoption Group and Rescue organization. Most of you probably know us simply as WAG Rescue, and have seen us around town from time to time as we work every day, to rescue, rehabilitate and rehome found and unwanted dogs in Wimberley and the surrounding valley.

Let me say this up front: WAG Rescue is a NO KILL rescue, and we absolutely endorse the resolution proposed by “Fix Hays County” before Council today. We believe that every healthy or treatable animal should be saved.

Make no mistake: Euthanasia as a public policy tool is the “pet murder” of helpless animals who are our companions, our friends, and, for many, members of the family whose only crime is to have somehow become separated from “their people.” To simply treat and discard these animals as having no value diminishes all of us as a community.

As I mentioned earlier, WAG Rescue is “No Kill”, and has been since its inception in 2009. Over that time, we have rehomed over 1,040 dogs of all sizes, shapes and breeds through adoption. When you include dogs that were transferred to other rescues or reunited with their owners through our ongoing publicity and lost and found efforts, WAG Rescue can claim an over 90% “live outcome” rate for all dogs that we have come into our program.

The goal of “Fix Hays County” is a 90% rate, and this has been shown to be achievable by over 1600 communities in the US.

So, how does WAG Rescue do it?

By not simply saying that we are “No Kill”, but by “walking the talk”; housing, fostering, rehabilitating and providing needed medical treatment and preventative care for ALL dogs that come into our custody. We couple this with community outreach, offering free spay/neuter, and continuous visibility in the community; all executed through a combination of sweat, tears and plain hard work by compassionate and caring volunteers, many of whom you see in this room today.

All of these are key components of the broader “No Kill Equation” outlined in the “Fix Hay County” proposal that has been proven, time and time again, to be a cost-effective and humane alternative to the outdated “catch and kill” model. And our real-world experience with it over the last nine years affirms those results.

In closing, I want to reiterate the unwavering support WAG Rescue has for the “Fix Hays County” “No Kill” proposal, and implore the Wimberley City Council to add its voice to protect those who have none.

I thank you for your time and this opportunity to speak.