

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, NOVEMBER 1, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:36 p.m.

CALL OF ROLL

Council Members Present: Susan Jagers Mayor
 Craig Fore Place Two
 Allison Davis Place Three
 Gary Barchfeld Place Four
 Patricia Cantu Kelly Place Five

Council Members Absent: Mike McCullough Place One

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.

PRESENTATIONS AND POSSIBLE ACTION

- A. Presentation and City Council training on the Texas Open Meetings Act, including discussion regarding the City Council’s obligations under and compliance with the Texas Open Meetings Act.
City Attorney Charlie Zech provided training to City Council members and City staff regarding the Texas Open Meetings Act. There was discussion regarding an inadvertent violation of the Act at the October 4th City Council Meeting, where a section of the Texas Local Government Code was not read aloud before adjourning into Executive Session.
- B. Presentation and consider possible action regarding a letter of support as a Cypress Creek Project partner for sustainable “One Water” water management practices at the new Wimberley ISD elementary campus.
This item was discussed by Council, but no action was taken.

CITIZENS COMMUNICATIONS

William Bowman addressed Council regarding the Central Wimberley Wastewater Project, and the potential consequences of changing the Project, including increased costs, loss of grant money and scheduling issues. Mr. Bowman requested to know if the Texas Water Development Board's questions to the City regarding the Project's change in scope had been answered by the October 31st deadline.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-0-1):

Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Abstain

- A. Approval of minutes from the Regular City Council Meeting held October 4, 2018.
- B. Approval of minutes from the Special City Council Meeting held October 16, 2018.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project. Construction on Old Kyle Road would be completed within the next week, and then work on Ranch Road 12 would begin. Capital Excavation would work in the Wimberley Square in the evening time. Additionally, the City was now handling the Texas Water Development Board outlay requests. Council Member Allison Davis formally requested information relating to the status of the Project's change in scope from the Texas Water Development Board, the status of the Black Castle contract and attorney fees relating to the Project.

City Administrator Shawn Cox also updated Council on City road projects and Texas Disposal Systems re-route schedule within the City.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to deliberate the duties and roles of the City Attorney. **Motion to adjourn into Executive Session under Texas Government Code, Chapter 551, Subchapter D, Section 551.071 (Consultation with Attorney) was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).**

The City Council adjourned into Executive Session at 6:55 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose: Section 551.071 (Consultation with Attorney) regarding the duties and roles of the City Attorney.

Council Member Allison Davis left Executive Session and the meeting at 7:17 p.m.

Regular Session reconvened at 7:22 p.m.

No action was taken.

B. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2018-41, adopting and enacting a new Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof not exceeding \$500 generally or exceeding \$2,000 for violations relating to fire safety, zoning or public health and sanitation or exceeding \$4,000 for violations relating to dumping of refuse;

providing for the amendment of such code; and providing when such code and this ordinance shall become effective.

Motion to approve the second and final reading of Ordinance No. 2018-41, adopting and enacting a new Code of Ordinances, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).

- C. Discuss and consider possible action to adopt a Purchasing Policy for the City of Wimberley.
Motion to adopt a Purchasing Policy for the City of Wimberley was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).
- D. Discuss and consider possible action to approve a bid in an amount not to exceed \$4,200 from Keith's Welding Service for the installation of handrails at Old Baldy Park.
Motion to approve a bid in an amount not to exceed \$4,200 from Keith's Welding Service for the installation of handrails at Old Baldy Park was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).
- E. Discuss and consider possible action regarding a request to temporarily install a tent for retail purposes at 111 Old Kyle Road in Wimberley, Texas.
Applicant, Chris Vaughn, addressed Council regarding the installation of a 10-foot by 20-foot tent on a concrete pad at 111 Old Kyle Road for retail sales for a limited duration from November 7th through January 31st.
Motion to approve the request to temporarily install a tent from November 7, 2018 until January 31, 2019 for retail purposes at 111 Old Kyle Road in Wimberley, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).
- F. Discuss and consider possible action regarding a use agreement between the Wimberley Café and the City for use of the restroom trailer after hours.
City Administrator Shawn Cox presented information regarding a potential agreement between the Wimberley Café and the City for use of the restroom trailer after hours. There was discussion among Council members on restroom signage and maintenance in the Wimberley Square.
Motion to direct City staff to develop and enter into an agreement between the Wimberley Café and the City for use of the restroom trailer after hours was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).
- G. Discuss and consider possible action regarding development of a policy for the naming of City owned property.
City Administrator Shawn Cox noted the City had been approached regarding the naming of City owned property after individuals, but the City did not currently have a policy in place pertaining to this topic.
Motion to task City staff to develop a policy for naming City property to bring back to City Council for discussion and consideration in the future was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).

- H. Discuss and consider possible action regarding the sale of municipal property by public auction.
Motion to approve the sale of municipal property by public action in the near future was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).
- I. Discuss and consider possible action to appoint members to the Tourism Management and Development Committee.
Motion to appoint Dean Miller as the Merchants Representative and Stan Allen as the Arts Representative to the Tourism Management and Development Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).
Stan Allen addressed Council regarding his nomination and appointment to the Tourism Management and Development Committee.
- J. Discuss and consider possible action regarding the status of the collection notice sent to the Wimberley Convention and Visitors Bureau Foundation in the amount of \$38,590, due to breach of services contract.
There was discussion among Council members regarding the collection notice sent to the Wimberley Convention and Visitors Bureau Foundation. Council Member Patricia Cantu Kelly and Council Member Gary Barchfeld contended the public funds given to the organization were wrongfully used, and therefore, caused a breach of contract. Council Member Craig Fore did not think the City needed to take further action regarding this matter.
Motion to for the City Attorney to send a demand letter for \$38,590 to the Wimberley Convention and Visitors Bureau Foundation no later than November 16, 2018 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).
- K. Discuss and consider possible action regarding MindEcology contract findings.
Motion to postpone this item until the November 15th City Council Meeting was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).
- L. Discuss and consider possible action on proposed preservation tree ordinance for new commercial development.
Motion to postpone this item until the November 15th City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).
- M. 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.
Motion to postpone this item until the November 15th City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).

CITY COUNCIL REPORTS

A. Announcements – None.

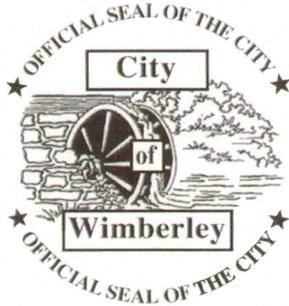
B. Future agenda items – None.

ADJOURNMENT

Motion to adjourn the meeting at 8:02 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers
Susan Jagers, Mayor