

# 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, DECEMBER 6, 2018 – 5:30 P.M.**

## MINUTES

### CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:33 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  
Richard Shaver Parks Programs and Operations Manager  
Will Rader Intern

### 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.

### PRESENTATION AND POSSIBLE ACTION

Lauren Higgins of the Wimberley Community Civic Club spoke regarding the upcoming 2019 Wimberley Wine Walk set for Thursday, April 4, 2019, at Blue Hole Regional Park. It was anticipated the event will be well attended by the public. There would be numerous vendors and wineries participating.

**Motion to approve the plans for the 2019 Wimberley Wine Walk was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).**

### CITIZENS COMMUNICATIONS

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

1. Barbara Hopson spoke regarding location concerns for the upcoming public hearing on January 8, 2019 at City Hall. Ms. Hopson requested the public hearing location be moved to the Wimberley Community Center in order to accommodate more of the citizenry.
2. David Brown addressed Council regarding short-term rentals within the City. Mr. Brown believed the some of the actions taken by Short-Term Rental Review Committee were unconstitutional and voiced his support for short-term rentals.
3. Bill Bowman spoke regarding the Wimberley View article on insanity, which he stated was doing the same thing over and over and expecting different results. Mr. Bowman noted the change in scope of the Central Wimberley Wastewater Project since June 2018, and how reused water to Blue Hole Regional Park was no longer in the plans, even though funds would be taken from the Park's budget to assist with paying for the Project. Additionally, Mr. Bowman requested the public hearing be moved to the Wimberley Community Center to accommodate more people and asked for transparency of documents relating to the Project to be placed on the City's website.
4. Bex Hale spoke regarding the Short-Term Rental Review Committee meeting held earlier in the day, and how some of the Committee members and public had had a positive, respectful, discussion after the meeting. Ms. Hale encourage more dialogues of a similar nature.

#### **EXECUTIVE SESSION**

*The City Council adjourned into Executive Session at 5:58 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:*

- A. 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: City Administrator Shawn Cox.
- B. Section 551.071 (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.
- C. Section 551.071 (Consultation with Attorney) to receive legal advice on disannexation.

#### **OPEN SESSION**

Regular Session reconvened at 7:25 p.m.

The City Council gave City Administrator Shawn Cox a vote of confidence. No other action was taken.

#### **CONSENT AGENDA**

**Motion to approve Items A-D on the Consent Agenda was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

- A. Approval of minutes from the Regular City Council Meeting held November 15, 2018.
- B. Approval of resignation of Ruth Mince from the Transportation Advisory Board.

- C. Approval of Place Two Council Member Craig Fore's appointment of Alex Villaret to the Transportation Advisory Board.
- D. Approval of Resolution No. 31-2018, authorizing the acceptance of an easement agreement for utilities to be located on a tract of land being Lot 30, Breezeway Subdivision, according to the map or plat therefore recorded in Volume 138, Page 160-A, Hays County Deed Records, a property owned by Jerome E Paisley (Life Estate), and Kent Paisley and Kimberley Paisley (Remaindermen).
- E. Approval of Resolution No. 32-2018, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.  
City Administrator Shawn Cox advised some changes had been made to the easement on the square footage of a surface area presented in the meeting packet.  
**Motion to approve Item E on the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).**

#### **CITY ADMINISTRATOR REPORT**

City Administrator Shawn Cox provided an update regarding the status of the Central Wimberley Wastewater Project. Paving on the Wimberley Square had been completed by Capital Excavation. Mr. Cox also provided expenditure information for the Project, including attorney fees and invoices from Capital Excavation. Additionally, a public hearing regarding the Project was set for Tuesday, January 8, 2019.

Mr. Cox reported on the removal of debris on the Hidden Valley bridge, and the review of City roads in need of repair/updating by the Public Works Department and Hays County. These roads would be discussed at the upcoming Transportation Advisory Board meeting.

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

- A. Discuss and consider possible action regarding a request to operate a food service trailer at 9595 RR 12 in Wimberley, Texas. (*Regina Rogers/Gigi's Food & Drinks, Applicant*)

Regina Rogers spoke regarding the request to move her food truck next door to Milagro's in the back parking area. Property owner Holly Collie spoke in support of the food trailer.

Mayor Susan Jagers opened the public hearing at 8:03 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 8:03 p.m.

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

- B. Discuss and consider possible action regarding a recommendation by the Planning & Zoning Commission to form a Comprehensive Plan Ad-Hoc Committee. (*Planning & Zoning Commission*)

Mayor Susan Jagers opened the public hearing at 8:04 p.m.

There were two public comments. First, Lila McCall spoke regarding long-term planning for the City, and how planning is needed for the City to function properly. Second, Phil Collins addressed Council on the City's current Comprehensive Plan and how that Plan should drive all activity by the City. Mr. Collins also volunteered to help update the Comprehensive Plan.

**(Motion to move Item 12.D. to be heard in conjunction with Item 11.B. was made by Council Member Allison Davis. Motion was seconded by Council Member Mike**

**McCullough. Motion carried unanimously (5-0).**

Discuss and consider possible action create a citizen planning committee, composed of members from various City boards, commissions and committees. *(Place Four Council Member Gary Barchfeld)*

There was discussion among Council on creating an ad hoc committee to review and update the City's Comprehensive Plan, which was last adopted in 2008 and amended in 2016. City Administrator Shawn Cox advised a comprehensive plan is usually done for a 20-year span and a strategic plan further breaks down the comprehensive plan into three to five-year increments.

**Motion to direct City staff to draft an ordinance creating an ad hoc committee for long-term planning and review and update of the City's Comprehensive Plan was made by Council Member Gary Barchfeld.**

**Council Member Allison Davis offered an amendment to the motion to allow each City Council member to nominate an individual to serve on the committee. The amendment was accepted.**

**Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).**

**DISCUSSION AND POSSIBLE ACTION**

A. Discuss and consider possible action to award a bid in the amount of \$1,720.60 to Wimberley Restoration for repair work to the playscape structure at the Cypress Creek Nature Trail and Preserve Park. *(Parks Director Rebecca Manning)*

**Motion to award the bid in the amount of \$1,720.60 to Wimberley Restoration for repair work to the playscape structure at the Cypress Creek Nature Trail and Preserve Park was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

B. Discuss and consider possible action regarding office locations for the City Secretary and the Mayor. *(City Administrator Shawn Cox and City Secretary Laura Calcote)*

There was discussion among City staff and Council regarding office locations for the City Secretary and the Mayor. Council Member Allison Davis called the question. Council Member Patricia Cantu Kelly requested her statement regarding the topic be placed in the minutes. The statement can be found attached.

**Motion to leave the offices as they are for the remainder of the mayoral term was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):**

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

C. Discuss and consider possible action to award the proposal to STR Helper in an amount not to exceed \$19,000. *(City Administrator Shawn Cox)*

The City had solicited Request for Proposals in October 2018 for short-term rental software. The City received four responses. The Short-Term Rental Review Committee had considered each proposal and recommended to award the bid to STR Helper.

**Motion to authorize the City Administrator to negotiate a contract with STR Helper in an amount not to exceed \$19,000 was made by Council Member Craig Fore. 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

D. Discuss and consider possible action regarding business permitting within the City. (*Place Four Council Member Gary Barchfeld*)

There was discussion on tracking sales tax within the City. The City was not allowed to permit businesses per state law.  
No action was taken on this item.

E. Discuss and consider possible action regarding an update from the Wastewater Ad Hoc Advisory Committee. (*Place Four Council Member Gary Barchfeld*)

Wastewater Ad Hoc Advisory Committee Member Maridel Martinez addressed Council on the Committee's status. Ms. Martinez noted the Committee had contacted most owners in the wastewater collection area in order to understand how many connections were needed and the number of customers for the system. There was discussion among Council members and Ms. Martinez regarding the rate structure and usage fees. The Committee would meet again on January 15, 2019.

No action was taken on this item.

### CITY COUNCIL REPORTS

A. Announcements – City Council decided to change the location of the January 8<sup>th</sup> public hearing from City Hall to the Wimberley Community Center.

Council Member Patricia Cantu Kelly announced her informal resignation from City Council.

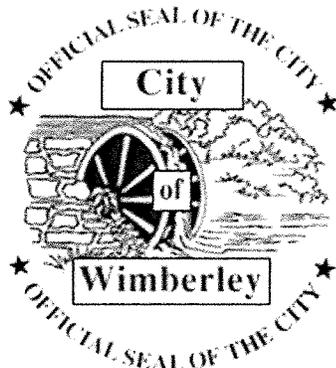
B. Future agenda items – None.

### ADJOURNMENT

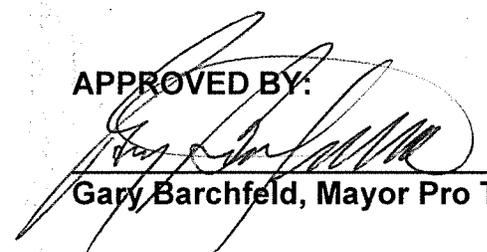
Mayor Susan Jagers adjourned the meeting at 9:00 p.m., without objection.

### RECORDED BY:

  
\_\_\_\_\_  
Laura J. Calcote, City Secretary



APPROVED BY:

  
\_\_\_\_\_  
Gary Barchfeld, Mayor Pro Tem

**From:** [Place5](#)  
**To:** [Laura Calcote](#); [Shawn Cox](#)  
**Subject:** Office location  
**Date:** Tuesday, December 4, 2018 1:09:02 PM

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I wanted to state my opinion on the office location situation, it is my opinion that the office needs to remain as is. Laura has been situated where she currently is since we took office as per the Mayors choice. I see no reason to disrupt the city's secretary office, because the Mayor decided otherwise. This has been a constant use of harassment for the past 6 months by the Mayor. The Monday after thanksgiving the staff came in to find the mayors office belongings in the Council Chambers with instructions of moving the office once again. This really bothered me, so I took it upon myself to move all of the items back into the Mayors office. I find this behavior rather bewildering and vindictive to say the least. I hope the entire council is supportive in finalizing this constant perplexing situation. I fully support Ms Calcote in this manner.

Thank you  
Patricia Cantu Kelly  
Place 5  
Wimberley City Council

Sent from my iPad