

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
June 1, 2017 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Mayor Pro tem White gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Steve Thurber, Craig Fore, Allison Davis, Councilmember Barchfeld, and Mayor Pro tem John White.

Staff Present: Assistant City Administrator/City Secretary Cara McPartland, City Attorneys Brad Young and Emily Rogers

Mayor McCullough thanked every person, organization, and business involved in helping during and after the Cypress Creek Café fire for working together in a remarkable collaborative effort.

Citizens Communications

This item was heard after Agenda Item 3B.

Carl Lamb said he cares about Wimberley, spoke of his history here, and favored keeping Wimberley as a rural village. He said there is no clear evidence to assure citizens taking on debt that pollution is coming from human sources. He favored more governance and less politics.

Brooke Lamb said the whole sewer issue has been going on a long time and acknowledged it is frustrating trying to find a solution. She felt that there is a lot of fear-based misinformation that the average voter is not aware of. She said there is no proof that anyone's septic system in the Square is leaking and contributing to pollution. She questioned why Square businesses are being targeted. She questioned having a sewage treatment system in Blue Hole Park with a discharge permit that discharges into the river. She said there is no way the discharge permit will not be used. She asked why citizens are being asked to take on the expense when figures do not add up. She did not trust that there would not be an ad valorem tax. She feared disruption to businesses in the Square from construction and asked why the system on the north side of the creek is demonized. She asked "Do we even need a new sewer system?" She said facts and transparency are needed in order to have the citizens' trust.

Casey Craig spoke on the parkland conversion and cited certain Texas Parks and Wildlife Code provisions. She said there are many feasible alternatives to having a sewer plant at Blue Hole. She stated with bids coming in high, it is the only option that is not feasible. She said all those who spoke at the Chapter 26 public hearing were strongly against the conversion. She said under this Code the taking of public parkland for a sewer plant is legally prohibited and Council is obligated to pick from options that do not involve taking of land from Blue Hole Park. Speaking

on the “intent to sue” letter, Ms. Craig said she could not imagine Council considering accepting funds of any kind from an individual who threatens our community. She cautioned against entering into any agreement with Mr. Way and said his penchant for litigation makes his offers unacceptable to a Council committed to workable solutions.

Judy Thompson asked how we ever pay back a huge loan benefitting such a small group. She said we have argued for ten years about these select 80 users and this “crazy sewer idea.” She questioned who started it and why. She said most of us were not even near the creek. She cited business fires and floods and asked “what about us?” She said many have lost everything and had to get septic permits when rebuilding after the flood so as not to pollute. She said we did not ask the City to pay for us or whine about not being able to sell our properties for full value. She spoke of personal responsibility and said the City should not even be thinking about taking on such huge debt. She spoke of Square business owners maintaining their own septic systems and stated “Randy and Trish” never once asked us to pay for their sewer. Ms. Thompson said only a couple of businesses say they do not have room. She said “make room like the rest of us.” She suggested building a mini septic plant for 4 or 5 common restrooms on the city-owned parking lot. She requested to enter into the record: “there are two new Council members and our mayor who have emphatically stated that there will be no property tax to do this sewer system” and said this makes her very happy. She asked if those who are paying – the 80 to 100 users – do they know that \$8,000,000 is going to be divided among them at \$50,000 to \$100,000 apiece.

Pam Kirkland said it is clear not all of you (Council) feel we can afford the City-owned wastewater plant. She thanked those who seek to lower the cost. She said voters may have voiced a “no Aqua Texas” sentiment, but they did not vote to build a system at any cost or to invoke an ad valorem tax. She said many seek more transparency in public discussions, which she said did not happen tonight. She stated that since pollution is driving the need for a wastewater system, then the City should not be providing relief for septic systems that are paved over, unable to be relocated, insufficient for their current use, or old and in need of replacement. She said the City should not compel all of us who live in Wimberley to help pay for a system to replace these non-compliant septic systems, because that is the owner’s responsibility, not ours. She finally asked to show us the money and itemize all costs, including a hefty reserve for unanticipated expenses. Ms. Kirkland asked Council to show how we expect to pay for it. She questioned whether there would be no taxes for sewer, or for roads, or city services, considering the City is to provide a \$200,000 per year subsidy from City funds. She said it is common sense, if you can’t afford something, you don’t buy it. She cautioned about taking the City over a financial cliff that all would have to pay for.

Merry Gibson said her family received two of the “intent to sue” letters sent by Peter Way to force the City to move forward with a failed plan. She spoke of Mill Race Lane residents’ efforts to bring a sewer service line from Aqua Texas down Mill Race Lane. She said her property owners association has worked with Aqua Texas to do this project. She stated that “on our own we will be paying for a solution for our future.” She said we do not expect others to solve our problems for us or to pay for it. She stated we are doing our part for our community and the longevity of Cypress Creek. Ms. Gibson was encouraged by recent discussions of finding similar solutions for the downtown area that users alone can pay for and alleviate downstream

pollution. She urged Council to be leaders to pursue alternatives that are right financially and environmentally and don't rush to meet artificial deadlines.

Sally Trapp spoke of her trips to the TWDB and meetings with gracious, willing-to-help people who have nothing but good intentions for Wimberley by offering numerous solutions to our problems. She spoke of cooperation, ideas, and brainstorming. She said she spoke to a team leader about the loan closing deadline extension and was given the message that TWDB is a willing partner for Wimberley. She said that TWDB told her that if Wimberley comes to them this summer with a viable, different plan, that TWDB would do everything in their power to help. She did not understand the message tonight and asked for clarification. She said the burden Council faces is great and thanked them for their leadership and steadfastness in the face of controversy and for recognizing a failed plan that will bankrupt our city and force us into an ad valorem tax and pollute our neighbors. She said Council has recognized the need for a new plan and is steering us to new paths. She said there were fantastic discussions two weeks ago and urged Council to stay the course and not be pushed to take parkland we don't need or close a loan without knowing how much you need to borrow. She said not to be the Council that leads us into financial distress. She said be a group that will carefully analyze the data, rely on experts, verify information, and create a solution we can all be proud of.

Tom Keyser said he received an "intent to sue" letter this year and a similar letter last year. He said it was interesting to see who did and didn't get those letters. He found it odd that certain supporters of Mr. Way were not on that list. He said the sewer has proven to be full of holes. He said Council is being told to make a decision now or everything is going to go away, the sky is falling, and we have got to fix this problem right now. He said Council has worked itself into a deadline and asked it to stop this project and walk away from it. Mr. Keyser stated nobody but the mayor wants a sewer more than he (Mr. Keyser) does. He did not expect everyone to agree, but said it doesn't take a scientist to figure out this doesn't work. He noted the location of the lift station and said users are "on the other end" and asked "how far of a feed is that from one end to the other - 4,500 feet." He spoke of grease generated by restaurants and said restaurants on a municipal water system do not maintain grease traps like those on septic, because it costs \$500 to pump every time. He said grease in water floats and coagulates and said this is a design flaw no one has ever talked about. He questioned Plummer's vetting of design and costs. He asked Council to say "no" to this whole project.

Gail Pigg spoke in favor of the restrictive covenant (Item 4E) revisions that added strengthening language on limiting the plant's capacity in accordance with the BRCCWA settlement agreement. She preferred not to have a plant in the park or one that discharges, but does support the restrictive covenant that limits the capacity of the plant in the park in perpetuity to 75,000 gallons per day. She also spoke of the lift station to be located near the Blanco River, which she said is in the floodplain. She stated drawings do not show a generator that would kick on in case of electrical outage or acknowledge the lift station's location in the floodplain or show the electrical raised above the floodplain. She said this is a flaw in the plan and a danger to the environment. She cited a recent storm and the need for back-up generators to keep the lift station going. She asked that this be addressed for environmental purposes.

Bruce P. Grether said it is vitally important to employ common sense and cautioned against hesitating to create our own Wimberley wastewater treatment plant. He said the city plan is entirely affordable as long as we do not make the mistake of missing the deadlines in order to accept the \$2,000,000 in help granted to the city and the long-term low-interest loans provided. He said the financial information is publicly available to verify this can be done without an ad valorem tax, funded with customer fees and a designated portion of the City's annual sales tax income. He stated further delay would prove disastrous to the environment and the community. He said the option of a vacuum system was long ago considered and eliminated as problematic and unreliable and should not be used as an excuse for further delay. He stated the recent election showed a strong majority voted for candidates who favor moving forward with the long-discussed, long-planned, exemplary Wimberley wastewater treatment plant that is crucially needed for a number of good reasons: a) to halt the pollution of Cypress Creek, as well as the Blanco River; b) to recycle and reuse precious water resources; c) to support our priceless Blue Hole Regional Park to irrigate fields/landscaping with quality recycled water suitable for human contact; d) to keep the expansion of hook-ups to the system under local control; e) to help restore trust in the fact that some government is necessary to protect quality of life and to accomplish this by cooperating on this worthy, crucial project; f) we must proceed immediately with the Wimberley wastewater treatment plant to help us move on in order to also address other important matters; g) Wimberley can set an example of environmental responsibility and sustainable water reuse for all of Texas and beyond with the plant as it has been designed.

Linda Busby spoke of her surprise at the contention in Council's last meeting from what she read in the paper. She thought voting for candidates would give her an idea of where we are supposed to go on the sewer and downtown. She said that is not the case and was persuaded by tonight's speakers who were affected by disasters. She felt the election did not produce the results she expected and wants Wimberley to remain the bucolic place it is. She spoke of her long voting record and did not consider herself a casual voter.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of May 4, 2017
- B. Approval of minutes of the Special City Council meeting of May 4, 2017
- C. Approval of minutes of the Special City Council meeting of May 1, 2017
- D. Approval of minutes of the Special City Council meeting of May 2, 2017
- E. Approval of minutes of the Special City Council meeting of May 11, 2017
- F. Approval of minutes of the Special City Council meeting of May 12, 2017
- G. Approval of the March 2017 Financial Statements for the City of Wimberley
- H. Approval of the April 2017 Financial Statements for the City of Wimberley

This item was heard before Citizens Communications.

Councilmember Barchfeld moved to approve all Consent Agenda Items, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

2. Mayor/ Assistant City Administrator / Park Manager Reports

This item was heard after Agenda Item 3A.

- Status report on the Central Wimberley Wastewater Project

Mayor McCullough stated he has nothing new to report since Council's earlier briefing.

- Status report Hidden Valley Low Water Crossing Reconstruction Project

Mayor McCullough reported that Myers Concrete Construction is making good progress and advised there are a couple of change orders that will need Council approval.

- Status report on Blue Hole Regional Park operations

Blue Hole Regional Park Manager Rebecca Manning reported on Memorial Day weekend attendance statistics and noted 2,423 total visitors to date. She advised Wimberley Nights are still on Tuesday and Wednesday, but attendance was impacted by inclement weather. She stated ½-price punch passes have been highly successful and will be available for purchase through June 9, 2017. She reported that Nature Camp registration is at about 80 percent capacity. She welcomed a new full-time Park employee.

- Status report on Little Ranches Street Improvement Project

Assistant City Administrator McPartland reported the City's engineer has indicated that he will be unable to undertake this project. Names of prospective engineers will be brought to Council's next meeting.

3. Public Hearings and Possible Action

- A. Hold a public hearing and consider approval of an ordinance amending Ordinance No. 2012-029, which amended Ordinance No. ZA-06-013, which designated real property located on approximately 15.4 acres, more commonly known as 14100 Ranch Road 12, Wimberley, Hays County, Texas, as a Wimberley Planned Development District (WPDD) with a base zoning district of Commercial-Moderate Impact (C-2), and imposed certain conditions, in order to revise the Concept Plan and certain development regulations relating to maximum building floor area, maximum building footprint, required parking spaces, side yard setbacks, impervious cover and development standards; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*David Ferrette, Trepex Construction, LLC, Applicant; this item was continued from City Council's meeting on May 18, 2017*)

This item was heard after Agenda Items 4B and 4C.

Assistant City Administrator McPartland reported on the proposed amendment to allow for development of senior housing that includes 41,000 square feet of assisted living space (45 units); 12,000 square feet of memory care living space (16 units); and 15,000 square feet of independent living cottage space (10 units). She noted all of these structures will be developed on Parcel 3, will be one-story, and designed to reflect predominant building styles and materials found in the Wimberley Valley. She provided details on drainage, including redesign of the existing detention pond. She stated there will be an access drive located on Ranch Road 12, which the applicant is proposing to expand to a width of thirty (30) feet to help address concerns regarding the removal of the second entry from the project. She noted comments received on the developments that are included in Council's packet. She explained that after the Planning and Zoning Commission's May 11th public hearing, the Commission voted 3-1, with one (1) abstention to recommend approval of the WPDD amendment request, with the following conditions:

- Addition of rainwater harvesting
- Consider, but not require, compliance with any future tree ordinance that may be adopted by Council, should such an ordinance be approved before the commencement of construction
- Maintain the natural vegetative buffer zone between the proposed development and the Patsy Glenn Refuge; maintain maximum vegetation around detention pond area
- The height of the storage tank shall not exceed the highest point of any roof line

The Planning and Zoning Commission also requested that project engineers provide the total amount of impervious cover on the entire 15-plus acre tract. It was noted that City Council voted unanimously to continue this item until tonight's meeting to allow the applicant the opportunity to address previously expressed concerns.

Mayor McCullough opened the public hearing.

Lila McCall asked Council to seriously consider this request and stressed that TCEQ will not approve water reuse for an assisted living/memory care facility. She noted that market studies show Wimberley needs more units than this development provides and there is plenty of room for other facilities in the community.

Wimberley EMS Director Ken Strange stated he can live with the 30-foot gate, which would be hard to completely block and sufficient to provide a way in and out. He asked that the developers carefully think through accommodations for emergency medical personnel.

Wimberley Volunteer Fire Department Chief Carroll Czichos stated he personally favored the development and the wider proposed entrance. He said the second entry was not required by Code and felt having sufficient turn-around space would be fine. He noted that the building will probably be one of the safer structures in town and said his department would not be burdened by this development.

Mayor McCullough closed the public hearing.

David Ferrette of Trepex Construction presented information on the following:

- Trepex’s proposal to collect rooftop rainwater in an on-site storage tank to irrigate all new non-native landscaping and trees
- An extra-wide 30-foot two-way drive aisle entry off Ranch Road 12 that will service two EMS or firefighting vehicles simultaneously, as well as required turnarounds, fire alarms/sprinklers, and trained staff
- Ranch Road 12 point of entry and TxDOT-required Traffic Impact Analysis
- Deceleration lanes cannot be provided, as the land required for such lanes is not owned by the land seller
- Relocation of a couple of parking stalls to preserve a 40-inch diameter tree
- No heritage trees will be removed or relocated due to construction
- Goal to save as many trees as possible on the site
- Impervious cover calculations for Parcel One, Two and Three that result in 66 percent impervious cover, which does not exceed the impervious cover limit of 70 percent

Mayor McCullough cited correspondence received, Mr. Ferrette’s responses addressing those concerns, site plan review, inclusion of rainwater harvesting, definitions of pervious/impervious cover, inability to reuse non-potable water in health care facilities, and development of a more efficient detention pond that currently exists.

Mayor McCullough entertained a motion.

Councilmember Thurber moved to approve the WPDD amendment, as presented, which includes revisions since Council’s May 18th meeting. Councilmember Davis seconded. Motion carried on a vote of 5-0.

Mayor McCullough called a brief recess at 8:07 p.m. and reconvened at 8:16 p.m.

- B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Thomas Peden to operate a vacation rental facility on property located at 111 Sierra Loma, Wimberley, Hays County, Texas, zoned Residential Acreage (RA); and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Thomas Peden, Applicant*)

This item was heard after Agenda Item 2.

Assistant City Administrator McPartland reviewed the subject property’s location, current/proposed zoning and uses, and intended use as a vacation rental with a maximum occupancy of four (4) people. She read a list of conditions to be made part of the requested CUP, should Council vote to approve the CUP. She noted that the Commission unanimously recommended approval, but included a recommendation to delete the following language from standard CUP condition #11, based on concerns that inclusion of such language would allow the City to trespass on private property. (“The property shall be subject to inspection at any time by

designated City representatives, if compliance is in question, with proper notice provided, if feasible.”

Mayor McCullough opened the public hearing. Hearing no comments, Mayor McCullough closed the public hearing.

Councilmember Fore moved to approve the CUP, as presented. Councilmember Davis seconded. Referencing the Commission’s motion to recommend approval with the additional aforementioned change to standard condition #11, Councilmember Thurber said the language should be left as stated in the City’s bed and breakfast/vacation rental ordinance. Assistant City Administrator McPartland advised that revising the language as recommended by the Planning and Zoning Commission would require an amendment to the Zoning Code and is a separate issue from this applicant’s zoning case before Council. She stated that an amendment to the City’s Zoning Code could be placed on a future agenda for Council’s consideration. Discussion clarified that the previously stated motion to approve did not include the aforementioned change to standard CUP condition #11. Motion carried on a vote of 5-0.

4. Discussion and Possible Action

- A. Discuss and consider possible action on the submission of a letter to Alan Plummer Associates, Inc. on issues related to the Central Wimberley Wastewater Project. *(Place Four Councilmember Gary Barchfeld)*

This item was heard after Citizen Communications.

Councilmember Barchfeld pulled this item at the advice of legal counsel.

- B. Discuss and consider possible action on the timeline for certain deadlines related to the City of Wimberley’s Central Wimberley Wastewater Project. *(Place One Councilmember Steve Thurber)*

This item was heard after Agenda Item 6.

Speaking to Agenda items 4B and 4C, City Attorney Emily Rogers spoke on how recent discussions of changing the collection system from a gravity system to a vacuum system and utilizing a detention pond versus a storage tank, and how those changes would impact the financing timeline. She said after consulting with the City’s bond counsel and financial advisor there is no time to consider these changes. She spoke of challenges associated with obtaining major and/or minor permit amendments from TCEQ, especially given that the Texas Water Development Board (TWDB) will not grant the City another extension on the loan closing. Although the collection system changes would require a TCEQ permit amendment, it would require the City to go through a plans and specs review and re-engineer and re-bid the project. She spoke of the time needed by TWDB to review the City’s financial documents and obtain Attorney General approval, before the bid is awarded. She detailed the timeline of events submitted by Jennifer Douglas of Specialized Public Finance, Inc., who requested Council’s direction to proceed. Discussion addressed the need for the City’s financial advisor to work

through issues such as escrowing of additional grant funding, bid amounts, TWDB's position on utilizing Aqua Texas, and EDA grant terms.

- C. Discuss and consider possible action regarding compliance with requirements and deadlines associated with the City of Wimberley's Texas Water Development Board loan. (*Place One Councilmember Steve Thurber*)

See Agenda Item 4B.

Councilmember Thurber did not request further discussion on this item.

- D. Discuss and consider possible action on a *Notice of Intent to Sue for Violations of the Clean Water Act* received by the City of Wimberley. (*Place One Councilmember Steve Thurber*)

No discussion was held and no action taken.

- E. Discuss and consider possible action regarding a proposed restrictive covenant relating to the Wimberley Wastewater Treatment Plant (WWTP) property. (*Assistant City Administrator*)

Assistant City Administrator McPartland reviewed the revised language, agreed upon by all parties, to the settlement agreement, that states "the wastewater treatment capacity will not be expanded beyond 75,000 gallons per day (gpd). Notwithstanding any merger or subdivision of any of the tracts comprising the property, now or in the future, in no event shall there be more than one (1) wastewater treatment facility on any portion or tract of the property."

Councilmember Thurber moved to approve the restrictive covenant, as presented. Councilmember Davis seconded. Councilmember White asked for clarification and Councilmember Thurber explained this language in the restrictive covenant reiterates the 75,000 gpd limitation on capacity, but adds that there cannot be more than one plant on the property. Councilmember Barchfeld favored the agreement which is amenable to the parties. Councilmember White felt this might be too restrictive as it eliminates the possibility of finding a way to expand the plant with no discharge at some future point. Councilmember Thurber said the issue was in that location there will not be more than one 75,000 gpd plant and if another plant was built it would have to go on another piece of property. Mayor McCullough stated his understanding that there could be more than one module provided they do not total more than 75,000 gpd. Councilmember Barchfeld said all attorneys and interested parties are agreeable to this restrictive covenant. Motion carried on a vote of 4-1, with Councilmember White voting against.

- F. Discuss and consider possible action regarding issues related to the City's parkland conversion process and associated deadlines. (*Place One Councilmember Steve Thurber*)

Councilmember Thurber moved to authorize the mayor to sign documents necessary to proceed

with the parkland conversion process. Councilmember Davis seconded. Motion carried on a vote of 3-2. Councilmembers Barchfeld and Fore voted against.

- G. Discuss and consider possible action on the status of the City's minor permit amendment to the City of Wimberley wastewater permit requesting to extend the June 2017 deadline to cease use of the existing drain field at Blue Hole Regional Park. *(Place One Councilmember Steve Thurber)*

Councilmember Thurber stated no discussion or action was needed on this item.

- H. Discuss and consider possible action approving Change Orders No. 1 and No. 2 for the City of Wimberley's Hidden Valley Low Water Crossing Reconstruction Project due to additional costs. *(Mayor Mac McCullough; Randy Myers, Myers Concrete Construction, LP)*

After discussion of procedural issues, Mayor McCullough pulled this item from consideration.

- I. Discuss and consider possible action regarding approval of an interlocal agreement with Hays County for floodplain administration services. *(Assistant City Administrator)*

Assistant City Administrator McPartland explained this agreement formalizes the City's previously discussed arrangement with Hays County Development and Community Service Department to provide flood administration services.

Councilmember Thurber moved to approve the agreement, as presented. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider possible action regarding development of a proposed ordinance to amend the Zoning Code to allow accessory buildings or other improvements on tracts that do not contain a primary residence. *(Assistant City Administrator)*

Assistant City Administrator McPartland reviewed the proposed ordinance that would allow *all* accessory buildings, including accessory dwellings, to be located on a contiguous lot with the same ownership. She explained that this was more inclusive than the version presented to Council on May 4th, and asked for Council's direction on the more inclusive language, before initiating the public hearing process to amend the Zoning Code.

Councilmember Thurber moved to approve proceeding with the public hearing and approval process necessary to adopt the proposed ordinance. Councilmember White seconded. Motion carried on a vote of 5-0.

- K. Discuss and consider possible action regarding changing the speed limit on River Road. *(Place Two Councilmember Craig Fore)*

This item was heard after Agenda Item 40.

Councilmember Fore referred to Council's previous discussion of this issue. Discussion addressed the advisability of having a consistent 25 mph speed limit for the entire stretch of River Road within city limits.

Councilmember Fore moved to approve changing the speed limit on River Road to 25 mph. Councilmember White seconded. Motion carried on a vote of 5-0.

- L. Discuss and consider possible action regarding designating a Council member to act as a liaison between central Wimberley property/business owners and City Council on issues related to the Central Wimberley Wastewater System. (*Place Three Councilmember Allison Davis*)

Councilmember Davis said this topic was brought up at the recent Town Hall meeting as a way for affected businesses and property owners to have a voice during the planned wastewater construction process. Discussion supported this proposal.

Councilmember Thurber moved to approve designating Councilmember Davis as the liaison between central Wimberley property/business owners and City Council, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- M. Discuss and consider possible action authorizing the interim city administrator to negotiate a professional services agreement for grant administration services relating to the City's U.S. EDA grant for the Central Wimberley Wastewater Project. (*Assistant City Administrator; Mayor Mac McCullough*)

Assistant City Administrator McPartland and Mayor McCullough reviewed the responses submitted, but noted that one firm scored higher, as it was a HUB-certified vendor. She recommended Langford Community Management Services and noted the City's positive relationship with Langford on other grants. Mayor McCullough concurred and noted Langford's exhaustive experience and qualifications with similar grant projects.

Councilmember Thurber moved to authorize negotiating a professional services agreement with Langford Community Management Services for grant administration services relating to the City's U.S. EDA grant for the Central Wimberley Wastewater Project. Councilmember Davis seconded. Motion carried on a vote of 5-0.

- N. Discuss and consider possible action regarding attendance issues with Planning and Zoning Commission members. (*Place One Councilmember Steve Thurber*)

Councilmember Thurber said it appears there are attendance issues with a lot of our boards and noted that all but two Planning and Zoning Commission members have missed three (3) or more regular and/or special meetings within a 12-month period. He said it is especially important for Planning and Zoning Commission members to be diligent in attending meetings. He cited ordinance provisions on automatic vacations and issuance of a written warning after two (2) missed meetings. He proposed asking the Assistant City Administrator to notify all those who

have missed at least two (2) meetings in writing and provide them with a copy of the ordinance section regarding removal of Commission members. He proposed that three (3) absences would be cause for automatic removal from the Commission. Councilmember White spoke of the importance of the Commission and its responsibilities and favored sending notices to all members stating that beginning this day forward, two (2) missed meetings would be cause for removal. Councilmember Thurber also noted that items get continued because commissioners want to delay in-depth discussion until the full membership is in attendance. Councilmember Barchfeld felt that some absences, such as the special meetings on short-term rental regulations, were more casual than regular meetings. He felt we should adhere to our ordinances, but suggested three (3) strikes and “you’re out” but start enforcement from right now. Mayor McCullough spoke of his conversations with former City Administrator Ferguson about attendance problems and the original intent of changing the ordinance last year to 3-year terms. Councilmember Barchfeld felt the 3-year terms were a good idea. Councilmember Thurber agreed that 3-year terms help provide stability and spoke of fairness and consistency in enforcement. Mayor McCullough did not favor “restarting the clock” on three (3) missed meetings. Councilmember Barchfeld favored starting with a clean slate across all boards.

Councilmember Barchfeld moved to start enforcing our ordinance for Planning and Zoning and to start with a clean slate, send out a letter after two (2) absences in a 12-month period, and caution the person that the third absence results in removal. Mayor McCullough felt this too lenient and Councilmember Barchfeld felt it is just. Councilmember Thurber also felt this might be too lenient and suggested resetting the clock, but starting everyone at two (2) missed meetings. Councilmember Barchfeld said he liked his motion as originally stated. Councilmember White seconded. Motion carried on a vote of 5-0.

- O. Discuss and consider possible action on a request to reduce the facility rental rate for the *We Believe Women’s Conference* to be held on September 16, 2017 at the Wimberley Community Center. (*Assistant City Administrator*)

This item was heard after Agenda Item 4J.

Event organizer Denise Jackson provided information on the conference, its goals, themes, and inspirational speakers. She said 300 women are expected to attend and noted that 10 percent of the event’s tickets will be donated to women in need who cannot afford them. She spoke of working with other area organizations that help women. She asked that the City consider reducing or waiving the approximate \$1,500 facility rental fee for the conference. She spoke of the single-day event as helping to bring in overnight guests to Wimberley. Councilmember Barchfeld said he has been briefed on this project and felt it will be great for the community.

Councilmember Barchfeld moved to waive Community Center rental fees for the conference in an amount not to exceed \$1,500. Councilmember Barchfeld stated this event is of benefit to the community. Discussion addressed collaborative efforts among social service organizations to make this event a success and offered the opportunity to attend to women who are in need. Councilmember White compared this request to Council’s waiver for last year’s first-ever annual Book Festival, with the understanding that the request was to be for one-time only to help the event become established. Councilmember White seconded. Councilmember Thurber liked the

event as a great fit, but spoke of the precedent set in granting fee waivers. He encouraged organizers to apply for Hotel Occupancy Tax funds for next year's event. Motion carried on a vote of 5-0.

- P. Discuss and consider possible action regarding development of a City of Wimberley sick leave pool policy. (*Assistant City Administrator*)

Assistant City Administrator McPartland proposed establishing a sick leave pool to provide a benefit to all eligible employees who have exhausted accrued vacation and sick leave by virtue of a catastrophic injury or illness. She spoke of the relatively broad discretion of cities to establish such policies. Council discussion favored pursuing establishment of a sick leave pool policy to be presented to Council at its next meeting.

- Q. Discuss and consider possible action regarding scheduling a workshop on issues relating to the roles and responsibilities of City Council members. (*Place Three Councilmember Allison Davis*)

Councilmember Davis suggested scheduling a training workshop with legal counsel for Council members. Discussion favored holding the workshop. Councilmember Davis moved to proceed with scheduling the referenced workshop. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

5. City Council Reports

- Announcements
- Future Agenda Items

Mayor McCullough requested a special meeting on Monday, June 5, 2017 at 10 a.m. to discuss wastewater issues.

Hearing no further announcements or future agenda items, Mayor McCullough called the meeting adjourned.

Addendum to Agenda

6. Executive Session

Executive Session pursuant to Section 551.071 of the Texas Government Code for consultation with attorney to receive legal advice about pending litigation in Cause No. 16-2419; *Risoli v. City of Wimberley and Wimberley Board of Adjustment*; 207th District Court, Hays County, Texas.

This item was heard after Agenda Item 1 (Consent Agenda).

Mayor McCullough adjourned Open Session at 6:13 p.m. and convened Executive Session for the purpose of consultation with legal counsel pursuant to Section 551.071 of the Texas

Government Code to discuss and receive legal advice on Agenda Item 6, and also Agenda Items 4A through 4G.

Mayor McCullough adjourned Executive Session and reconvened Open Session at 7:25 p.m. No action was taken in Executive Session.

City Attorney Brad Young left the meeting at this time.

Adjournment: Council meeting adjourned at 10:17 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 15th of June, 2017.

APPROVED:



Mac McCullough, Mayor

