

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas
Minutes of Special Meeting of City Council
June 5, 2017 at 10:00 a.m.

City Council meeting called to order at 10:00 a.m. by Mayor McCullough.

Councilmembers Present: Mayor McCullough and Councilmembers Steve Thurber, Craig Fore, Allison Davis, Gary Barchfeld, and John White.

Staff Present: Assistant City Administrator/City Secretary Cara McPartland and City Attorney Emily Rogers

Mayor McCullough allowed public comments.

Bruce P. Grether, speaking for himself only, said he does not see our situation as “them and us.” He was concerned that despite emphasis on transparency, every meeting lately includes long, private executive sessions. He questioned what Council is discussing that the public cannot know about. He said citizens must know that private communications with City officials will not be publicly shared unless both parties clearly agree to that sharing. He quoted an historian on political leadership and said “it is not easy for leaders to do much good, but it is easy to do a lot of harm and damage.” He asked Council and audience members to look beyond local political squabbles, personal issues, and stubborn opinions. He said there is scientific evidence of problems and fact-based solutions to the crisis we face. He asked that we put historical divisions of opinion behind us and simply do the right thing – that which the voters have clearly asked for. He asked that Council proceed immediately with our own City-planned Wimberley wastewater treatment plant. Mr. Grether said only in this manner can our multiple challenges begin to be effectively addressed and we can shift focus to other important issues we face together. He stated this is the kind of good we can accomplish if we choose to do it now.

Jo Kathryn Quinn thanked Council and said this last election was a clear message to City Council that the community is ready to move forward without distraction on a City-owned and controlled wastewater treatment facility. She asked Council to do that.

Brooke Lamb read text from a recent ad on the City-owned wastewater project and felt that a lot of people voted based on fear of outsiders coming in and taking control. She spoke of her research and said this has nothing to do with the creek. She said she would not mention names, but anyone who is sending out frivolous lawsuit threats and “we are even considering accepting their grant - we are better than that.” She believed there is another agenda after looking at all the information with an open mind. She said if your septic system is leaking, fix it. If you can’t because it’s old and don’t have the land to make it right, hook into Aqua Texas. She said citizens should not be paying and it’s not about the creek or the environment. She spoke of her environmental work and of wealthy people, some of whom have great hearts who aren’t wielding their power to take over communities. She cited Aspen and Austin as places people have had to leave because they could not afford to live there. Ms. Lamb expected Council to see this is not

just about the creek.

Discussion and Possible Action

- A. 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*)

Councilmember Thurber spoke on Council's direction to the City's financial advisor to prepare documents needed by TWDB to proceed with loan closing. Mayor McCullough advised that City Attorney Emily Rogers is present to answer any questions on this issue. Councilmember Barchfeld stated that at his December meeting with TWDB officials they were willing to help the City and were good about trying to help. He wanted to "trust, but verify" the timetable prepared by our financial advisor with the TWDB before taking any action. Mayor McCullough noted that subsequent to the December meeting, the City requested a one-year extension on the loan closing. Mayor McCullough stressed that the TWDB officials recommended only a six-month extension and made it clear that the City could not come back again in six months unless we are ready to begin work. He said it was telling that the TWDB only granted a six-month extension, rather than full one-year extension. Councilmember Fore asked where we are supposed to get the rest of the money if we are short and how we are going to pay it back. Councilmember Fore said he would not vote to close the loan until we talk about costs.

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

Councilmember Thurber spoke of Council's previous discussions to continue with the process. Councilmember Barchfeld said "compliance is that we have a good plan in place and the plan that we have in place is a flawed plan." He stated "we can't pay it back," it's way over budget, and cited numbers that indicate the City could not pay the loan back. He felt we should review the flawed plan, as the community could not afford it and 1,500 people would have to pay an ad valorem tax for 40 people on the Square. Mayor McCullough told Councilmember Barchfeld as a public official to use real numbers and questioned his statement regarding the number of users. Mayor McCullough and Councilmember Barchfeld talked about temporarily losing specific businesses on the Square as relevant to long-term sewer operations. Councilmember Barchfeld contended that the City plan was devised to solve the water problem at Blue Hole and to solve the sewer problem in the City and felt each problem should be solved independently. He said we could have been trucking water to Blue Hole for free as reuse water. Mayor McCullough said it was understood at the outset of the formation of Blue Hole Park that they would rely on water from a future central sewer system for landscape irrigation. Discussion included direction to the City's financial advisor to draft financial documents for the TWDB to begin the review process; redesign needed to change from a gravity to vacuum collection system; redesign triggering the need for more engineering work, more plan review by TWDB, and possibly re-bidding of the project.

Councilmember Thurber stressed that this item is not about closing today, but to not miss deadlines that may cause us to lose the opportunity to get available funds. Mayor McCullough agreed and stated preliminary numbers for the alternative collection (vacuum) system may not be economically advisable or workable within the funding/bid award deadlines. Councilmember Barchfeld spoke of saving on the City's annual debt payments on the loan and cautioned that with a gravity system, construction could cause some businesses to close on the Square. He said the vacuum system would save money and time in putting the system in and it is incumbent on Council to consider the payback and existing merchants. Mayor McCullough did not know that we can continue exploring the vacuum system. Councilmember Barchfeld said a vacuum system can save us money and be constructed faster with less disruption. Mayor McCullough said he cannot prove the vacuum system can be brought in for a million dollars less. Councilmember Barchfeld agreed with moving forward on the loan to cover our bases, but not to abandon exploring the vacuum system. Councilmember Barchfeld said new numbers need to be run for users due to higher than expected bids. Councilmember Barchfeld posed putting in a gravity system and connecting to Aqua Texas so the City could save on the treatment plant. Mayor McCullough said that option was explored at the EDA meeting and the clear message was that EDA grant money could not be used toward an Aqua Texas option, nor would the Way grant. Councilmember Barchfeld stated it would cost one million dollars to go across the creek, they (Aqua Texas) would give us all of the reuse water back, we polish it up to Type I effluent to water Blue Hole, and everybody is happy. Councilmember Thurber said there are a lot of "what ifs" here and there was a resounding referendum in May that this community is not for Aqua Texas in any fashion or form and to bring the water back from Aqua Texas and treat it and then reuse it is not an inexpensive process, and costs and financing for such a project are unknowns. He said when we get ready for closing we will have all the numbers, accept the bids, and modify/reduce the bids as needed. He stated there are a lot of difficult decisions that will have to be made on this project between now and the time any money is committed. Councilmember Barchfeld said there is too much guessing and the engineer is using 3-year old data and we are 86 percent over that. Mayor McCullough favored moving forward with the process for our bond counsel and TWDB, as TWDB money is needed regardless of which option is used. He anticipated a report on June 9th from TRC Engineering giving a detailed review of the bid documents and favored moving forward with the TWDB loan. Mayor McCullough asked how we get around losing the \$1,000,000 grant if we go with any Aqua Texas option. Councilmember Barchfeld said if we lose the \$1,000,000 grant and we are saving \$2,500,000 "isn't that a bargain?" He said one of today's speakers stated that the election was about fear and that fear was about Aqua Texas retail. Mayor McCullough stated we have two opposing thoughts and Councilmember Barchfeld said the point is we don't have to be in the sewer business. Mayor McCullough and Councilmember Barchfeld exchanged comments about points of order and who had the floor. Mayor McCullough said we are not going to go back and debate the May 6th election.

Councilmember Thurber felt that no further discussion or action is needed at this point and favored moving to the next agenda item. Mayor McCullough said bond counsel is proceeding and in response to Councilmember Barchfeld's question about using updated numbers, Mayor McCullough said he will follow advice from the City's financial advisor and bond counsel.

- C. 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*)

Councilmember Thurber did not feel that any further discussion is required and City Attorney Emily Rogers stated that there is not a lawsuit yet. Mayor McCullough stated his understanding that this kind of notice is required under federal law to be sent out 60 days in advance.

- D. Discuss and consider possible action on issues related to the Central Wimberley Wastewater Project. (*Mayor Mac McCullough*)

Mayor McCullough said Council is pretty polarized on this and stated his commitment to building a sewer. No further discussion was held.

Adjourn

Mayor McCullough called the meeting adjourned at 10:55 a.m.

Recorded by:

Cara McPartland

Cara McPartland

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



APPROVED:

[Signature]

Mac McCullough, Mayor