

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas  
**Minutes of Special Meeting of City Council**  
May 11, 2017 at 2:00 p.m.

City Council meeting called to order at 2:00 p.m. by Mayor Mac McCullough.

Councilmembers Present: Mayor Mac McCullough; Councilmembers Bob Dussler, Craig Fore, Gary Barchfeld, and John White. Councilmember Sally Trapp was absent.

**1. Election Matters**

- A. Canvass returns of the City of Wimberley General Election of May 6, 2017. (*Assistant City Administrator*)
- B. Discuss and consider approval of an ordinance of the City of Wimberley, Texas declaring the canvass of the May 6, 2017 General Election held for the purpose of electing Council members for Place 1, Place 3, and Place 5 of the City of Wimberley City Council, and all matters related to holding such election; and providing for findings of fact, severability, conflicting provisions, governing law, proper notice and open meeting, and an effective date. (*Assistant City Administrator*)
- C. Complete and issue Certificates of Election to the Place 1, Place 3, and Place 5 Council members-elect. (*Mayor Mac McCullough*)

Mayor McCullough advised that Agenda Items 1A, 1B, and 1C will be continued until Monday, May 15, 2017 to allow for receipt of all overseas ballots by the Hays County Elections Administrator. It was agreed that the meeting time will be 12:00 p.m.

Councilmember Barchfeld moved to continue Agenda Items 1A-C until Monday, May 15, 2017 at 12:00 p.m. Councilmember White seconded. Motion carried on a vote of 4-0.

**2. Discussion and Possible Action**

Discuss and consider possible action regarding entering into negotiations with the two lowest bidders for the Central Wimberley Wastewater Collection System and Treatment Plant Projects. (*Mayor Mac McCullough*)

Mayor McCullough spoke on the intent of this agenda item, specifically to talk to the two lowest bidders about their respective bids.

Councilmember Dussler moved to authorize the mayor and the City's wastewater engineer, Alan Plummer Associates, to immediately begin negotiations with the low bidders for the City's plant and gathering system for the purpose of achieving the best and final costs for both the gathering system and plant construction. Councilmember White asked if Councilmember Dussler's motion

needed to include a date. Mayor McCullough said the bids are good for 90 days. Councilmember White seconded.

Mayor McCullough invited public comments.

Citizens for Responsible Development (CARD) representative Louis Parks respectfully asked Council to not delay or obstruct a solution to our downtown pollution problem. He asked Council to vote to enter into negotiations with the system bidders to help avoid the City missing deadlines and to move forward. He said Cypress Creek downtown is polluted and needs to be cleaned up as soon as possible for human health and the City's long-term financial health. He said a city with tourism largely based on natural beauty cannot afford a reputation for unsanitary water running through downtown. He stated the attempt to have Aqua Texas take over Wimberley's downtown wastewater was the primary issue in the recent City Council election. He noted the results strongly indicate the majority of citizens do not want Aqua Texas. He spoke of the City's planned wastewater system as a means of producing clean, safe, reusable water which will not pollute our local environment. He said it will enhance and beautify Blue Hole Park, one of the City's primary tourist attractions. He stated the reuse of that water will save millions of gallons from our declining aquifer and comes with an exceptionally low interest long-term loan. Plus, he said there are up to \$2,000,000 of grants to cover the costs. He noted that bids will expire if the City does not act and that the wastewater system has been discussed for more than 30 years and with great intensity over the last 4 years. He said it has divided a peaceful community. He stated the pollution continues and favored moving forward.

Former Mayor Steve Klepfer urged Council to take definitive steps forward, as this community has waited and worked on getting this project designed, permitted, mediated, funded through TWDB/grants, and received bids. He favored "getting on with it."

Stan Starrett of 110 CR 1492 urged Council to move on this issue as soon as possible and offered his time to help. He asked Council to take a hard look at all bidders and to perform an item-by-item analysis before making a decision. He appreciated all the time and effort on this project.

Mayor McCullough said there is great regional interest in the City's progress and called for a vote.

Councilmember Barchfeld objected to Councilmember Dussler's motion and pointed out Council's lack of confidence in the City's engineers, whom he said missed this bid by 86 percent. He favored asking the engineers to come before Council and questioned the accuracy of operating and maintenance expenses.

Councilmember Fore said he favored negotiating with the lowest bidder, but believed we should go back to the engineers to condition the bids. Councilmember Fore raised questions about "negotiating" with bidders. He conveyed legal counsel's advice regarding Council having a discussion with the lowest bidder (as opposed to "negotiating" with the two lowest bidders) and was not in favor of proceeding due to concerns about legality of Council's action.

Mayor McCullough said we can talk to the two lowest bidders and both would not be present during any discussions or negotiations. He offered to get clarification from legal counsel and did not want the meeting with engineers to be used to block talking to bidders. He said he will set up a meeting with Steve Coonan of Alan Plummer Associates. Councilmember Fore spoke of the need for the engineer to “condition” the bids as part of the contract. Mayor McCullough asked what “condition” the bids meant. Councilmember Fore said it is when each bidder is asked to go over the bid line by line to verify that the numbers that they presented are in line with what they said they would be, or to see if anything was left out or could be removed. Councilmember Fore felt there are some things that may have been left out. He expressed concerns about negotiating with all these bidders as interfering with the bidding process. Councilmember Barchfeld had similar concerns regarding the use of the term “negotiating” and the fairness to other bidders (other than the two lowest).

Mayor McCullough said if Council desired a revised bid or a change to the project, the bidding process would have to be re-started. Discussion addressed “negotiations” versus “discussions” and the number of bidders who should be included.

Mayor McCullough called for the vote. Motion carried on a vote of 2-1, with Councilmember Fore abstaining. (Councilmembers Dussler and White voted in favor of the motion. Councilmember Barchfeld voted against.) Mayor McCullough said he did not accept Councilmember Fore’s abstention and they discussed Councilmember Fore’s reasoning for the abstention. Assistant City Administrator McPartland reiterated legal counsel’s advice on “negotiating” with the two lowest bidders and asked for clarification from Councilmember Fore on his vote, which was confirmed as an abstention. Mayor McCullough left briefly to leave a phone message for legal counsel and upon his return adjourned the meeting.

### Adjourn

Mayor McCullough called the meeting adjourned at 2:26 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 18<sup>th</sup> of May, 2017.



APPROVED:



Mac McCullough, Mayor