

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, JUNE 21, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jaggars called the meeting to order at 6:03 p.m.

CALL OF ROLL

Council Members Present: Susan Jaggars 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
Sandy Floyd Planning & Development Coordinator/GIS Analyst
Aaron Reed Public Works Director
Rebecca Manning Parks Director

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Jaggars led the pledges to the United States and Texas flags.

PROCLAMATION

Proclamation of the City of Wimberley, Texas proclaiming June 2017 to be Revive Civility Month in this community.

This item was postponed until next month.

PRESENTATIONS AND POSSIBLE ACTION

- A. Presentation and consider possible action to accept a check from Friends of Blue Hole to provide funding for Blue Hole Camp Scholarships.
Friends of Blue Hole Executive Director, Susan Neeney, presented a check in the amount of \$1,500 to City Council for funding of Blue Hole Camp Scholarships for ten children ages 6-12 to attend environmental nature camps at the Park during the summer. No action was taken on this item.

- B. Presentation and consider possible action regarding Charlie Price's Hilltop Park Eagle Scout Project.

Public Works Director Aaron Reed provided an introduction for Boy Scout Charlie Price and background on the potential project. Mr. Price presented information pertaining to his Hilltop Park Eagle Scout Project.

Motion to approve Charlie Price's Hilltop Eagle Scout Project was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

- C. Presentation and consider possible action regarding Nathan Lipinski's Eagle Scout Project at Blue Hole Regional Park.

Nathan Lipinski presented his Eagle Scout Project at Blue Hole Regional Park.

Motion to approve Nathan Lipinski's Eagle Scout Project at Blue Hole Regional Park was made by Council Member Allison Davis. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

CITIZENS COMMUNICATIONS

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

1. William "Bill" Bowman noted photographs recovered from the 2015 flood had been categorized and catalogued and were available for review at the Wimberley Library.
2. Susan Jagers, speaking as a Wimberley citizen, stated there was no corruption occurring on City Council pertaining to the Central Wimberley Wastewater Project.
3. Jenni Marino spoke opposing items 10.B. and 10.C., under public hearings and possible action.
4. Malcom Harris, President of the Wimberley Valley Watershed Association, addressed Council regarding the history of the Parks and Recreation Board, and the trail system in the Wimberley community.
5. David Baker also spoke regarding the trail system in Wimberley, and the Central Wimberley Wastewater Project being kept in local control and not going to Aqua Texas.
6. Chris Oddo addressed Council regarding environmental and fiscal issues with the Central Wimberley Wastewater Project. Mr. Oddo requested to see further detail regarding the cost of the Project and advised the City will not save money if it goes to Aqua Texas.
7. Christine Middleton provided a history of Aqua Texas's reputation in the area, including issues with the City of Kyle, and the unauthorized discharges the company had made into various waterways.
8. Andrew Weber, President of Friends of Blue Hole, spoke regarding the Intradepartmental Agreement Regarding the Purchase of Reclaimed Water and how the City should consider financial fairness to Blue Hole Park. Mr. Weber also stated his support for Type 1 effluent, and that he was not in favor of increasing fees at the Park.

9. Lee Ann Bower spoke opposing items 10.B. and 10.C. under public hearings and possible action. Ms. Bower also noted she was opposed to affluent being dumped in the river and creek.
10. Charles Wilten addressed Council pertaining to the Central Wimberley Wastewater Project and stated the City would be in a relationship with either itself or Aqua Texas moving forward. He contended that he was not in favor of Aqua Texas.
11. Diana Gonzales invited the public to the Pedernales Electric Cooperative Districts 1,6 and 7 elections on June 23rd at Smithson Valley High School.
12. Claudia Hanes invited the public to visit the new Los Olivos Market in Wimberley, which was the previous location of Taste Buds.

CONSENT AGENDA

Motion to approve the Consent Agenda, with Council Member Davis notating one correction to the June 12, 2018 minutes, 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 May 17, 2018.
- B. Approval of minutes from the Special City Council Meeting held May 21, 2018.
- C. Approval of minutes from the Special City Council Meeting held May 22, 2018.
- D. Approval of minutes from the Special City Council Meeting held May 29, 2018.
- E. Approval of minutes from the Special City Council Meeting held June 12, 2018.
- F. Approval of minutes from the Special City Council Meeting held June 14, 2018.
- G. Approval of March 2018 and April 2018 Financial Statements for the City of Wimberley.
- H. Approval of resignation of Jenelle Flocke from the Ethics Commission.
- I. Approval of resignation of Pam Showalter from the Board of Adjustment.
- J. Approval of resignation of Bert Ray from the Transportation Advisory Board.
- K. Approval of Mayor Susan Jagger's appointment of Scott Way to the Board of Adjustment.
- L. Approval of Place 5 Council Member Patricia Cantu Kelly's appointment of Edward Davis to the Board of Adjustment.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox provided a presentation regarding the status of the Central Wimberley Wastewater Project, including the current financial standing for the Project. There was discussion between Mr. Cox and Council members regarding the Project and the associated costs. Additionally, Mr. Cox noted Public Works Director Aaron Reed had accepted

a new position at another city, and John Provost had been hired to fill the Public Works position.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case ZA-18-004, proposing an ordinance amending Ordinance No. 2011-017, which designated real property located on approximately 131.896 acres, more commonly known as 333 Wayside Dr., Wimberley, Hays County, Texas, as a Wimberley Planned Development District with a base zoning of Residential Acreage (RA), and imposed certain development regulations. This amendment proposes to include beer, wine and alcohol for on-premise consumption; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Wimberley Seven A Land, LLC, Applicant*)
- Planning & Development Coordinator/GIS Analyst Sandy Floyd presented the item. The Planning & Zoning Commission had recommended approval of the request by a 5-2 vote on June 14th. Applicant Scott Way addressed Council regarding the proposed amendment. Mr. Way answered Council's questions regarding the sale beer, wine and alcohol for on-premise consumption at the property. Furthermore, Council discussed the support and opposition responses the City had received regarding the amendment. There had been more responses in support of the proposed change than opposition.
- Mayor Jagers opened the public hearing at 7:31 p.m.
- There were two comments. David Glenn spoke in support of the amendment for 7A. William "Bill" Bowman also voiced his support for the amendment for the property, stating it would bring sales tax funds to the City.
- Mayor Jagers closed the public hearing at 7:37 p.m.
- Motion to approve was made by Council Member Allison Davis. Motion was seconded Council Member Craig Fore. Motion carried unanimously (5-0).**
- B. Hold a public hearing and consider approval regarding case ZA-18-006, an application to change the zoning from Residential Acreage (RA) to Rural Residential 1 (R-1) for Lots 4A1B, 4A2A, 4A2B and 4A2C, Flite Acres Little Ranches, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)
- Ms. Floyd presented the zoning change. The four tracts of land were not originally zoned properly after they were a part of a resubdivision in 2015. The Planning & Zoning Commission had recommended approval by a 6-0-1 vote on June 14th.
- Mayor Jagers opened the public hearing at 7:41 p.m.
- There were no public comments.
- Mayor Jagers closed the public hearing at 7:41 p.m.
- Motion to approve was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).**
- C. Hold a public hearing and consider approval regarding case CUP-18-008, an application for a Conditional Use Permit to allow for a vacation rental for property located at 2645 Flite Acres Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*2625 Flite Acres LLC, Applicant*)
- Ms. Floyd presented the CUP to allow for a vacation rental at 2645 Flite Acres Road. The Planning & Zoning Commission had recommended approval by a 6-1 vote on June 14th. Phil Collins addressed Council on behalf of the property owner, Tomas Palm, regarding the CUP and presented comprehensive plans for the new vacation rental. There was discussion among

Council members pertaining to the opposition received by the City on the application, along with the commercialization of the Flite Acres neighborhood.

Mayor Jagers opened the public hearing at 7:51 p.m.

Jenni Marino spoke in opposition to the CUP.

Mayor Jagers closed the public hearing at 7:52 p.m.

Motion to deny was made by Council Member Allison Davis. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

Mayor Susan Jagers requested a recess at 7:58 p.m.

Regular Session reconvened at 8:08 p.m.

DISCUSSION AND POSSIBLE ACTION

(Motion to move Item No. 11.M. Alternatives to the Wastewater Treatment Facility to Item No. 11.A. was made by Council Member Mike McCullough. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).)

- A. Discuss and consider possible action regarding options and alternatives to the wastewater treatment facility.

Council Member Allison Davis had requested this item be placed on the agenda, and felt this item needed to be discussed since the collection side of the Central Wimberley Wastewater Project was moving forward without delay.

Project Manager Jim Schoonover provided an update to Council regarding the status of the plant and the collection lines. Mr. Schoonover noted some of the easements and permits had not been acquired for the Project to move forward. There was lengthy discussion among Council members and Mr. Schoonover regarding the easements and permits, along with the potential location of the lift station needing to change, due to power lines being overhead.

Council Member Davis raised some concerns pertaining to the Project, including a shift towards Aqua Texas and owing the citizens a discussion regarding the topic. Additionally, Council Member Davis was concerned on losing the trust of the public and being transparent. Mayor Susan Jagers stated all the information had not yet been given to the public regarding the future of the Project, but that it would be coming soon. There was also discussion on the Black Castle pause and extending the pause for an additional 30 days.

There were several citizen's comments on the Project. First, Lila McCall spoke regarding the financial status of the City, and how it would be unable to pay the loan. She also provided a history of the City of Kyle and Aqua Texas, and stated she was in favor of using the company for the completion of the Project. William "Bill" Bowman spoke regarding the Mayor's Town Hall meeting in June, and how changing the course could cost the City a significant amount and that there should be no major changes to the two contracts now that the Project is underway. Additionally, Mr. Bowman stated Aqua Texas has a bad reputation, and there have historically been issues with the entity. Next, Peter Lingamfelter addressed Council on moving forward with the Project as is and that change orders on a project this large are normal and part of the course. He asked Council to listen to the younger generation's voice when it came to the Project, since they will incur the bill. Lastly, Dorothy Knight stated there have been attempts made to undermine the Project and cause delays. Ms. Knight contended the

infrastructure is needed in the Square, and the loan cannot be paid back with an ad valorem tax.

There was additional discussion among Council members regarding meetings with the Texas Water Development Board about Aqua Texas and the Project as a whole. No action was taken on this item.

Council Member Allison Davis left the meeting at 9:08 p.m. due to family obligations.

- B. Discuss and consider possible action to appoint Sandy Floyd as Floodplain Administrator for the City of Wimberley.

Motion to appoint Sandy Floyd as Floodplain Administrator for the City of Wimberley was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

- C. Discuss and consider possible action to award the bid to Myer's Concrete Construction in the amount of \$49,200 for the Hidden Valley Crossing Roadway Improvements.

Public Works Director Aaron Reed presented the bid proposal from Myer's Concrete Construction for roadway improvements at the Hidden Valley low water crossing.

Motion to award the bid to Myer's Concrete Construction in the amount of \$49,200 for the Hidden Valley Crossing Roadway Improvements was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (4-0).

- D. Discuss and consider possible action to award a road maintenance contract to Pendleton Excavation in an amount not to exceed \$8,500.

Public Works Director Aaron Reed presented the item for pothole and shoulder repair within the City of Wimberley. There was discussion regarding the road maintenance budget for Fiscal Year 2018.

Motion to award a road maintenance contract to Pendleton Excavation in an amount not to exceed \$8,500 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- E. Discuss and consider possible action to approve Ordinance No. 2018-22, amending Ordinance No. 2014-010, for a variance process to Section 2 (B) 508.3.1.1 Inadequate Water Supplies.

Motion to approve Ordinance No. 2018-22, amending Ordinance No. 2014-010, for a variance process to Section 2 (B) 508.3.1.1 Inadequate Water Supplies was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

- F. Discuss and consider possible action to approve Ordinance No. 2018-23, amending appointment and re-appointment terms for the Parks and Recreation Board.

Council Member Gary Barchfeld spoke regarding City board, commission and committee appointment process and term limits, with the exception of the Planning & Zoning Commission. Mr. Barchfeld also provided a list of potential amendments to the composition of the City's boards, committees and commissions, aside from the ones presented in Ordinance No. 2018-23 and Ordinance No. 2018-24.

Christine Byrne addressed Council regarding the June 12th City Council Meeting, where action was taken to modify the term limits and number of members for City boards, commissions and

committees. Ms. Byrne stated she believed a uniform start date was a good idea, but that one-year term limits for members were problematic and would cause turnover.

Motion to table Ordinance No. 2018-23 until the next City Council meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (4-0).

- G. Discuss and consider possible action to approve the appointments and re-appointments of Mike Stevens, Merry Gibson, Matt Meeks, Gary Pigg, Mark Bursiel and Marilee Wood to the Parks and Recreation Board.

Motion to approve the appointments and re-appointments of Mike Stevens, Merry Gibson, Matt Meeks, Gary Pigg, Mark Bursiel and Marilee Wood to the Parks and Recreation Board was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

- H. Discuss and consider possible action to approve Ordinance No. 2018-24, amending appointment and re-appointment terms for the Transportation Advisory Board.

Motion to table Ordinance No. 2018-24 until the next City Council meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (4-0).

- I. Discuss and consider possible action to approve the appointments and re-appointments of Mike Moeller, Mike Murphy, Ruth Mince, Bobby Dettmer, Mike Crowley, Gary Callon and Rachel Emry to the Transportation Advisory Board.

Motion to approve the appointments and re-appointments of Mike Moeller, Mike Murphy, Ruth Mince, Bobby Dettmer, Mike Crowley, Gary Callon and Rachel Emry to the Transportation Advisory Board was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

- J. Discuss and consider possible action regarding the nomination and appointment process of the Hotel Occupancy Tax Committee members.

Motion to table the nomination and appointment process of the Hotel Occupancy Tax Advisory Committee members until the next City Council meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (4-0).

- K. Discuss and consider possible action regarding the audit proposal from Armstrong, Vaughn & Associates, P.C. for the Hotel Occupancy Tax Fund.

City Administrator Shawn Cox presented the audit proposal for the Hotel Occupancy Tax Fund. There was discussion among Council members regarding the proposal cost for the audit. No action was taken on this item.

- L. Discuss and consider possible action regarding a proposal from Langford Community Management Services, Inc. for the provision of grant/loan management services related to the Central Wimberley Wastewater Project.

This item was postponed.

- M. Discuss and consider possible action regarding Resolution No. 18-2018, amending the

2017/2018 Operating Budget (Budget Amendment No. 11) providing for increased appropriations in the General Fund for contract and audit services.

This item was postponed.

- N. Discuss and consider possible action regarding City Council meeting schedules.

No action was taken on this item.

- O. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure pertaining to City Council regular and special meeting days and times.

There was discussion among Council members pertaining to changing the time of Regular City Council meetings on the first and third Thursdays of the month to 5:30 p.m., instead of 6:00 p.m., and having Special City Council meetings on Tuesdays at 5:30 p.m.

Motion to amend the City of Wimberley Governance Policy and Rules of Procedure pertaining to City Council regular and special meeting days and times was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

- P. Discuss and consider possible action regarding the Water Wastewater Advisory Board.

Council Member Gary Barchfeld presented this item. Mr. Barchfeld suggested reinstating the Water Wastewater Advisory Committee as an ad hoc committee to aid with the Central Wimberley Wastewater Project. The Committee would consist of five (5) members for one-year terms.

Motion to amend the ordinance creating the Water Wastewater Advisory Board and to bring the ordinance to the next City Council meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

CITY COUNCIL REPORTS

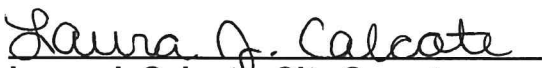
- A. Announcements – The Regular City Council Meeting on Thursday, July 5th would be cancelled, due to the Fourth of July Holiday, and a Special City Council Meeting would be held on Tuesday, July 10th instead.

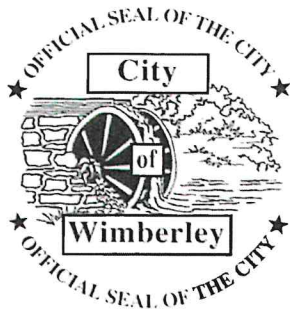
- B. Future agenda items – None.

ADJOURNMENT

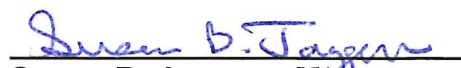
Mayor Susan Jagers adjourned the meeting at 10:02 p.m., without objection.

RECORDED BY:


Laura J. Calcote, City Secretary



APPROVED BY:


Susan B. Jagers, Mayor