

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, OCTOBER 4, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:30 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
	John Provost	Public Works Superintendent

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.

PROCLAMATION

Mayor Susan Jagers read aloud a proclamation of the City of Wimberley, Texas proclaiming the month of October 2018 as National Domestic Violence Awareness Month.

CITIZENS COMMUNICATIONS

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

1. Candace Bowman spoke regarding the Central Wimberley Wastewater Project. Mrs. Bowman spoke of Council Member Craig Fore's potential plan, before the vote was taken in August 2018, which would have been less expensive and ensured no discharge. She urged Council to further explore this option that would allow for City control once more.
2. William Bowman addressed Council regarding his previous statements and questions pertaining to the Texas Water Development Board loan. He asked when the Town Hall that the Mayor had promised would occur. Mr. Bowman suggested having the Town Hall meeting on

October 15th, following The League of Women Voters' Hays County Candidates Debate event.

3. Maridel Martinez, a local business owner, spoke regarding the STR Presentation on September 20th, and how it was a good example on fairness. Mrs. Martinez also addressed Rancho Queso's request from the September 20th meeting, and how she was concerned about the requested parking agreement with the business's neighbor.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

A. Approval of minutes from the Special City Council Meeting held September 18, 2018.

B. Approval of minutes from the Regular City Council Meeting held September 20, 2018.

C. Approval of minutes from the Special City Council Meeting held September 25, 2018.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council on the status of the Central Wimberley Wastewater Project. Mr. Cox noted Capital Excavation was currently working on Old Kyle Road, and that work on the Road should be completed by the end of October. Next, Capital Excavation would begin work on Ranch Road 12 and would try to dig in the evening time and at night as much as possible. Additionally, the financial standings for the Project were provided. Mr. Cox also spoke regarding ongoing City road projects, including the paving of Hidden Valley Road and the clearing of brush and debris at one of the Blanco River bridges. Code compliance issues regarding fences within the City were discussed among Council members and Mr. Cox. This topic would be brought back to Council at the next regular meeting.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas.

Jeremy Feagin, owner of Gratton's Cajun Kitchen, addressed Council regarding his request to operate a food service trailer at Odie's Food Court. Council Member Patricia Cantu Kelly recused herself from the discussion and motion.

Motion to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Allison Davis. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (4-0-1):

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

B. Discuss and consider possible action regarding plans for a Family Halloween night on October 31st on private property along Old Kyle Road.

Motion to approve plans, including activities such as pumpkin painting, music, a dunking booth, bounce house and movie screen, for a Family Halloween night on October 31st from 4:00 p.m. to 8:00 p.m. on private property along Old Kyle Road was made by Council Member Allison Davis. Motion was seconded by Council Member Gary

Barchfeld. Motion carried unanimously (5-0).

- C. Discuss and consider possible action regarding to approve two bids from Mow Town Lawn Service in an amount not to exceed \$9,350 for tree trimming.
There was discussion regarding tree trimming on City roads and the bidding process in general. The Mayor claimed she had received a cheaper bid for the tree trimming, but City staff had not been given, nor reviewed, the bid. Council decided this item would be brought back to a future meeting.
No action was taken.
- D. Discuss and consider possible action to approve Capital Excavation's amended Contractor's Modification Request No. 1 for materials testing.
Motion to approve Capital Excavation's amended Contractor's Modification Request No. 1 for materials testing was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).
- E. Discuss and consider possible action to approve Capital Excavation's Contractor's Modification Request No. 2 for cement stabilized backfill.
Motion to approve Capital Excavation's Contractor's Modification Request No. 2 for cement stabilized backfill was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).
- F. Discuss and consider possible action regarding issues related to the Texas Water Development Board (TWDB) including, but not limited to, status of TWDB approval of change of scope of the Wimberley Wastewater project, discussion of meeting(s) with TWDB, by the Mayor, and/or City Council members, and/or staff and/or citizens.
Council Member Allison Davis requested an update regarding the status of the Texas Water Development Board's approval of a change in scope to the Central Wimberley Wastewater Project, as well as previously held meetings with the entity. There was discussion among Council members regarding the TWDB. Council Member Gary Barchfeld stated he had met with the TWDB, and information pertaining to the budget, mapping and a potential contract with Aqua Texas had been submitted to the organization in September 2018. Mr. Barchfeld noted that the City had not heard back from the TWDB to date, and that the entity may ask for additional information before issuing a decision on a change in scope. Council Member Allison Davis requested copies of what had been submitted to the TWDB for review. City Administrator Shawn Cox also spoke regarding the acquisition of property for the location of the lift station for the Project and advised the topic would be brought back to Council for discussion and action in the future.
No action was taken on this item.
- G. Discuss and consider possible action to appoint members to the Tourism Management and Development Committee.
The Tourism Management and Development Committee had been established on September 20th. Several individuals had submitted applications for the Committee.
Motion to appoint the following members to the Tourism Management and Development Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0):
- | | |
|---------------|------------------|
| Lois Mahoney | Lodging Operator |
| Natalie Meeks | Lodging Operator |

Mark Bursiel	Lodging Operator
Dan Sturdivant	Lodging Operator
Madonna Kimball	Citizen Representative

Five of the seven members were appointed. The Merchants Association Representative and the Arts/Historical Representative would be appointed at a later date.

- H. Discuss and consider possible action regarding the MindEcology contracts, services and performance.

There was discussion regarding the MindEcology's performance results over the course of the contracts. Council Member Patricia Cantu Kelly questioned if tourism and sales tax had risen due to the marketing campaign. There was discussion on the funds generated by the campaign in conjunction with the money spent on the campaign.

Motion to allow Council Member Kelly and Council Member McCullough to review MindEcology's performance and bring the findings to City Council by the first regular November meeting was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

- I. Discuss and consider possible action regarding the status of the collection notice sent to the Wimberley Convention and Visitors Bureau Foundation in the amount of \$38,590, due to breach of services contract.

There was discussion regarding the status of the collection notice sent to the Wimberley Convention and Visitors Bureau Foundation. The organization had responded to the City on October 1st, stating they declined the demand to return the funds, which is included in the minutes as part of the record. There was also discussion on the entity's performance, as well as the rhetoric used against the organization being inflammatory. Council Member Gary Barchfeld cautioned Council on filing suit against the Foundation.

Motion to turn the matter over to the City Attorney to initiate collection and assess penalties, interest and legal fees until such time as the money is returned to the City was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. The motion carried as follows (4-1):

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

CITY COUNCIL REPORTS

- A. Announcements – None.

- B. Future agenda items – Council Member Gary Barchfeld requested the incurred cost for freedom of information requests be placed on a future agenda, as well as fence issues within the City.

(City Council took a recess from 6:51 p.m. until 7:08 p.m.)

EXECUTIVE SESSION

(Executive Session was moved from Item No. 7 on the Agenda to Item No. 11, and heard at the end of the meeting)

The City Council adjourned into Executive Session at 7:10 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

- A. Executive Session pursuant to Texas Government Code, Section 551.071(Consultation with Attorney) City Council will seek advice from the City Attorney on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Act.

Regular Session reconvened at 8:13 p.m.
No action was taken.

(Section 551. 074 was not read into the record as a purpose for Executive Session)

- B. Executive Session pursuant to Texas Government Code, 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.

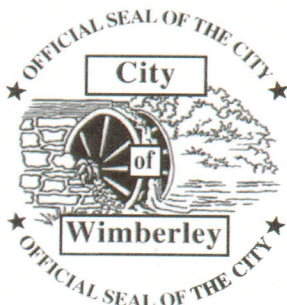
Motion to postpone this item until Tuesday, October 9th, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

ADJOURNMENT

Motion to adjourn the meeting at 8:13 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers
Susan Jagers, Mayor