

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas
Minutes of Special Meeting of City Council
May 22, 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

Discussion and Possible Action

- A. Discuss and consider possible action regarding issues relating to the search for a new city administrator and the transition of the city administrator's duties and responsibilities.
(*Mayor Mac McCullough*)

Mayor McCullough favored filling the city administrator position as soon as possible. He reported that the new hire for the Planning Tech position will start on June 1, 2017, which will help reassign some of the former city administrator duties that are currently being handled by the interim city administrator.

- B. Discuss and consider possible action on the hiring of a new city administrator. (*Mayor Mac McCullough*)

Councilmember Thurber favored hiring a city administrator and re-posting the job. Councilmember Barchfeld questioned whether this should be discussed in open session. Assistant City Administrator McPartland advised that it is discussion of specific individuals that would require Council to retire to executive (closed) session. Councilmember Thurber stated he wants to talk about planning and procedures to move forward. Councilmember Barchfeld said Council had narrowed the search down and wanted to proceed with selection from the remaining candidates, but advised action was postponed until after the election. Councilmember Davis asked for reasoning for delaying the selection until after the election, then not allowing input from incoming Council on the search process and candidate selection. Councilmember Barchfeld said the initial influx of candidates were reviewed and felt that re-posting the job would not yield a lot of new applicants. He favored looking at the remaining two or three candidates. Councilmember Thurber appreciated Council's work to date on the search, but wanted to see a new set of candidates. He was not opposed to hiring a professional search firm to find the most qualified candidate with the best fit for the City. Councilmember Davis said to have real input she favored new faces and felt the hiring should be overseen by a search committee or firm to de-politicize the process. Councilmember Barchfeld did not favor a search team and said there are two candidates that the new Council members can interview. Councilmember Thurber said a search by Council politicizes the process and did not work in the first round of interviews. Councilmember Barchfeld said it did work and we could have hired

someone had we not waited. Discussion addressed how to speed up the process and take politics out of it. Councilmember Barchfeld said Council discussion indicated that this job will probably be a 2-3 year position “based on the political stature” in this community. Councilmember Thurber favored taking the politics out of the search process and Councilmember Barchfeld said it is not any more politicized than anything else in this community. Councilmember Barchfeld did not want to use a search firm, but felt Council should resume weekly meetings to interview new candidates, as long as the two remaining candidates from the first round remain under consideration. Councilmember Davis asked if former mayors could be asked to help with the search, as they have the experience of dealing with city administrators. Councilmember Barchfeld said right now we are the Council that will have to be working with people for next year. Councilmember Thurber reminded that Council makes the final decision on who is hired and Councilmember Barchfeld thought using former mayors would be too political. Mayor McCullough felt that former mayors would bring a balance.

Councilmember Barchfeld moved to re-post the position on TML and have Council interview new candidates for this position. Councilmember Fore seconded. Discussion addressed wording in the ad posting that places more emphasis on direct experience as a city administrator. Motion carried on a vote of 3-2, with Councilmember Thurber and Davis voting against.

Councilmember Barchfeld offered to re-write the ad with input from Councilmember Thurber before re-posting. It was agreed to re-post the ad by Wednesday, May 24, 2017.

C. Discuss and consider possible action to seek engineering services for the Central Wimberley Wastewater Project Collection System. (*Mayor Mac McCullough*)

Mayor McCullough stated legal counsel has advised that Council does not need to issue an Request for Proposal (RFP) to hire an engineer to explore a vacuum collection system.

After some discussion of Agenda Item D, Mayor McCullough resumed discussion of this item. He asked that Council pursue this option in tandem with any action that may be taken on Agenda Item D. Councilmember Davis and Mayor McCullough discussed the hiring of a specific engineer to develop a preliminary cost estimate on a vacuum system and getting written verification from TCEQ/TWDB on how changing the collection system from gravity to vacuum impacts the permitting/financing timeframe.

Councilmember Thurber spoke on the need to proceed with the system as it has been designed, funded, and permitted, as the last election spoke loud and clear on that message. He did not want Council to put all of the funding in jeopardy and favored listening to the will of the people and trying to heal the divisiveness in the community. He spoke of past investigations of a vacuum system that did not prove viable and hoped Council can work together as a team. Mayor McCullough spoke of his interpretation of the election as a repudiation of using an outside processor, but not a mandate on the City system, and did not feel exploring a vacuum system will put our permit or loan in jeopardy. Councilmember Davis noted the stakeholder group looked at the vacuum system and dismissed it as an option and was concerned that no action has been taken since the bids were opened on finding cost savings. Councilmember Thurber stated the majority of downtown customers have signed off on affordable rates. Councilmember White

was concerned about change orders not in the bids and asked where the money would come from and how much the City could subsidize. He favored getting figures on the vacuum system and feared legal challenges to the land swap to move the treatment plant and put in a storage tank.

Councilmember Barchfeld felt there was not a mandate for the City plan and said most people he talks to consider it a failed plan. He said it is not affordable and feared a tax would be needed to pay for it. He said he wants to fix this in the next year and hoped to move forward and get this done without a tax rate or polluting the river. He agreed with Mayor McCullough and Councilmember White's statements.

Councilmember Fore spoke of his research showing that a vacuum system was not explored as it was not the plan favored by Plummer. He cited prior discussions on going with the Aqua Texas option if bids came in ten percent higher than expected. He did not feel the City plan is affordable without a tax, which no one wants. He said the original estimate from Airvac was \$1,500,000 to put in a complete collection system for downtown and favored exploring the vacuum system.

Councilmember Thurber spoke of the recent referendum on Aqua Texas and said the people have spoken on that issue. He stressed no one has ever suggested that there be an ad valorem tax to pay for the current system. He said the idea that this is an \$11,000,000 plant is not accurate and net cost to the City is at \$5,500,000. Councilmember Barchfeld said he has no information on Peter Way's \$1,000,000 grant "or bribe." Councilmember Thurber hoped Councilmember Barchfeld would apologize for that and Councilmember Barchfeld said that is what people are saying. Mayor McCullough said to consider the \$1,000,000 in the form of a grant from Peter Way. Councilmember Thurber posed an assumption that with \$1,000,000 Peter Way grant and the \$1,000,000 EDA grant used toward the low bid, and with the purple pipe taken out, that the project would be at \$5,500,000. Councilmember Fore disagreed and Councilmember Thurber asked if Council was in recess, as Mayor McCullough stepped away from the dais. Mayor Pro tem White called for a recess at 11:02 a.m. and reconvened at 11:05 a.m. upon Mayor McCullough's return, at which time he resumed duties as Presiding Officer.

Mayor McCullough called for a motion on Agenda Item C.

Councilmember Barchfeld moved to take action to seek engineering services to look at an alternative collection system for the City of Wimberley. Councilmember White seconded. Motion carried on a vote of 4-1. Councilmember Thurber voted against.

- D. Discuss and consider possible action on 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 Agenda Item A.

Councilmember Barchfeld said he wants to get the sewer done as quickly and as affordably as possible and handle the problem in the tourist section. He felt that it is incumbent on Plummer to

help us fix the problems and cited certain language in the Plummer contract. He presented a letter he drafted requesting certain actions from Plummer.

Discussion was resumed on this item after the vote on Agenda Item C.

Councilmember Barchfeld favored visiting with Alan Plummer Associates, Inc. (APAI) to assist in revising the project scope and quality to reduce construction cost. He read from the APAI contract and felt that there may be a possible claim under APAI's errors and omissions coverage due to the discrepancy in the estimated versus actual bids. He said he drafted the letter and suggested a legal review of the letter before sending it. Mayor McCullough said Steve Coonan was receptive to speaking to Council. Discussion addressed the intent of the letter and advisability of having legal counsel review the letter. Mayor McCullough said he has asked the project manager to review the entire bid package and report back to Council by June 1st.

Councilmember Thurber called the question.

Councilmember Barchfeld moved to submit this letter to Alan Plummer on issues related to the Central Wimberley Wastewater Project, pending legal review. Councilmember Thurber requested a friendly amendment to add "and after a briefing to Council by legal counsel" Councilmember Barchfeld agreed to the friendly amendment. Councilmember Fore seconded. Motion carried on a vote of 5-0.

Councilmember Thurber requested a status report on the City's minor permit amendment application to TCEQ.

Adjourn

Mayor McCullough called the meeting adjourned at 11:20 a.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved on the 1st of June, 2017.



APPROVED:

[Signature]

Mac McCullough, Mayor