

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
THURSDAY, FEBRUARY 15, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Mac McCullough called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council members Present:	Mac McCullough	Mayor
	Steve Thurber	Place One
	Craig Fore	Place Two
	Allison Davis	Place Three
	Gary Barchfeld	Place Four
	Roberta Holland	Place Five

INVOCATION

Council member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Mac McCullough led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen comments at this time.

PROCLAMATION

Mayor Mac McCullough read aloud the Proclamation of the City Council of the City of Wimberley, Texas declaring Monday, February 22, 2018, as President George Washington Day in Wimberley, Texas. Stu Hoyt, a representative of the William Hightower Chapter of the Sons of the American Revolution, addressed Council and the audience thanking them for their support.

(Item No. 11.A. Agreement for Judicial Appointment was heard next.)

Discuss and consider possible action regarding the Agreement for Judicial Appointment between the City of Wimberley and Daniel M. Burns and ceremonial Oath of Office for Judge Burns. *(Interim City Administrator Paul Parker)*

Interim City Administrator introduced Daniel M. Burns. Judge Burns addressed Council regarding his duties and responsibilities as the Municipal Court Judge. The City's

Municipal Court would hopefully be active once more in April 2018.

Motion to approve the Agreement for Judicial Appointment between the City of Wimberley and Daniel M. Burns was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

Mayor Mac McCullough administered the Oath of Office for Judge Burns.

PRESENTATIONS AND POSSIBLE ACTION

- A. Presentation and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2017. (*Armstrong, Vaughn & Associates, P.C.*)

Brian Magness of Armstrong, Vaughn & Associates, P.C. presented the Fiscal Year 2017 audit for the City. Mr. Magness stated the City had a clean audit and discussed recommendations for improvement in the future. There was some discussion among Council members and Mr. Magness regarding certain sections of the audit report.

Motion to approve the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2017 was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

- B. Presentation and consider possible action regarding the proposed Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park on May 19, 2018. (*Wimberley Valley Radio*)

Wimberley Valley Radio staff Mike Crusham and John Brown presented the proposed Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park. Parks Director Rebecca Manning spoke in support of the event and had been working with Radio staff regarding the details of the festival. There was discussion on the economic benefit the event would present for the City and the exposure the event would bring to Blue Hole Regional Park. City Council voiced their support for the festival and requested a follow-up report after the event is held.

Motion to approve the Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park on May 19, 2018 was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:43 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Executive Session pursuant Section 551.074 of the Texas Government Code for Personnel Matters regarding continuation of responsibilities for Interim City Administrator Paul Parker.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; *Risoli v. City of Wimberley* and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.

- C. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

Regular Session reconvened at 7:01 p.m.

Motion to continue the responsibilities of Interim City Administrator Paul Parker was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

CONSENT AGENDA

Motion to approve the consent agenda was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

- A. Approval of minutes from the Special Called City Council Meeting held January 29, 2018.
- B. Approval of minutes from the Regular City Council Meeting held February 1, 2018.
- C. Approval of the appointment of Bobby Dettmer to the City of Wimberley Transportation Advisory Board. *(Place One Council member Steve Thurber)*

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-18-001, an application for a Conditional Use Permit to allow for the operation of a Package Store for the sale of beer on property zoned Commercial-High Impact (C-3) for property located at 14015 RR 12, No. 1, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Tiffany Paul, Applicant)*

Tiffany Paul addressed Council regarding the Conditional Use Permit to operate a package store for the sale of beer on a property zoned Commercial-High Impact. Ms. Paul stated there was no TABC licensed required for the store to sell beer for off-premise consumption.

Mayor Mac McCullough opened the public hearing at 7:07 p.m.

There was one citizen comment from Vicky Cox regarding the wording of a package store per the City's zoning code.

Mayor Mac McCullough closed the public hearing at 7:09 p.m.

Motion to approve was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

- B. Hold a public hearing and consider approval regarding case ZA-18-001, an application to change the zoning from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) for property located at 419 FM 2325, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Matthew Horvath, Applicant)*

Mayor Mac McCullough opened the public hearing at 7:10 p.m.

There was one citizen comment from Steven Dunks regarding the opening of a plant

nursery at the location, which was currently not zoned for such use.

Mayor Mac McCullough closed the public hearing at 7:11 p.m.

Motion to approve was made by Council member Gary Barchfeld. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

- C. Hold a public hearing and consider approval of the second and final reading of an ordinance amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.091 (City Center Overlay) of the City of Wimberley Code of Ordinances; and providing for the following: delineation on zoning map; findings of fact; a savings clause; a repealing clause; severability; effective date and proper notice and meeting. *(Place Three Council member Allison Davis)*

This was the second reading of a proposed ordinance, which would amend the City Center Overlay district to remove liquor stores as a prohibited use.

Mayor Mac McCullough opened the public hearing at 7:15 p.m.

There were no citizen comments.

Mayor Mac McCullough closed the public hearing at 7:15 p.m.

Motion to approve the ordinance was made by Council member Allison Davis.

Motion was seconded by Council member Steve Thurber. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding Resolution No. 08-2018 appointing the law firm of Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services as City Attorney, and designating a City Attorney and Assistant City Attorneys for the City of Wimberley. *(Interim City Administrator Paul Parker)*

Interim City Administrator Paul Parker provided background information on the hiring of a new law firm for the City of Wimberley. Council had interviewed three firms and chose Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services for the City.

Motion to approve Resolution No. 08-2018 appointing the law firm of Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services as City Attorney, and designating a City Attorney and Assistant City Attorneys for the City of Wimberley was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).

- B. Discuss and consider possible action to add City Administrator Shawn Cox as signatory to City of Wimberley bank accounts, effective immediately. *(Interim City Administrator Paul Parker)*

Motion to add City Administrator Shawn Cox as signatory to City of Wimberley bank accounts, effective February 20, 2018, was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried

unanimously (5-0).

- C. Discuss and consider possible action to remove Interim City Administrator Paul Parker as signatory to the City of Wimberley bank accounts, effective March 1, 2018. (*Interim City Administrator Paul Parker*)

Motion to remove Interim City Administrator Paul Parker as signatory to the City of Wimberley bank accounts, effective March 1, 2018, was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

- D. Discuss and consider possible action regarding the creation of a twenty hour part-time Public Works Assistant position for the City of Wimberley. (*Interim City Administrator Paul Parker*)

Interim City Administrator Paul Parker provided background information pertaining to the creation of part-time Public Works Assistant position. The City would be able to cancel certain contracted work and save funds by having a part-time employee to perform the same tasks, such as maintaining the beds in the Wimberley Square, restroom maintenance on the weekends and mowing the nature trail. The employee would work under the supervision of Aaron Reed.

Motion to approve the creation of a twenty hour part-time Public Works Assistant position for the City of Wimberley was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

- E. Discuss and consider possible action regarding Resolution No. 09-2018 adopting 2018 Hays County, Texas Hazard Mitigation Plan 2017. (*Interim City Administrator Paul Parker*)

Motion to approve Resolution No. 09-2018 adopting the 2018 Hays County, Texas Hazard Mitigation Plan 2017 was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

- F. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Deanna Ayres/The Salty German, Applicant*)

Motion to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council member Craig Fore. Motion was seconded by Council member Steve Thurber. Motion carried unanimously (5-0).

HOTEL OCCUPANCY TAX

- A. Consider approval of the first reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective April 1, 2018. (*Place One Council member Steve Thurber*)

There was lengthy discussion regarding Ordinance No. 2018-02 to increase the hotel occupancy tax rate from zero percent (0%) to five percent (5%). Council member

Allison Davis provided information regarding the Hotel Occupancy Tax (HOT) Advisory Committee's meetings and unanimous recommendation of adopting a five percent tax rate. There was discussion among Council members on changing the effective date to June 1, 2018, instead of April 1, 2018, for all hotel bookings after that date. Council member Steve Thurber stated he thought this would be a fair compromise.

Mayor Mac McCullough opened a public hearing at 7:31 p.m.

There were two citizen comments. First, Dan Sturdivyant, a previous HOT Advisory Committee member, spoke regarding concerns on booking issues for the public, who had already made reservations after June 1, 2018. Mr. Sturdivyant also commented there should be more representation by lodging owners on the current HOT Advisory Committee. Second, Buck Baccus addressed Council in support of moving forward with the hotel occupancy tax at five percent.

Mayor Mac McCullough closed the public hearing at 7:37 p.m.

Council member Gary Barchfeld voiced concern on the rush to raise the hotel occupancy tax rate and receiving legal advice.

Council member Steve Thurber called the question.

Motion to approve the first reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%) was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Gary Barchfeld	Nay
Craig Fore	Nay

- B. Discuss and consider possible action regarding the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation. *(Place One Council member Steve Thurber)*

There was also lengthy discussion regarding the Visitor Center Operations Agreement. Council member Allison Davis debriefed Council on the HOT Advisory Committee's recommendation to approve a one-time payment for the operational costs and renovation of the front office for a total of \$23,000. Council member Gary Barchfeld spoke regarding Exhibit A of the Agreement, and the associated costs for funding the Visitor's Center for five years. Council member Steve Thurber noted the Agreement, as presented, does not allocate funding for the Center. There was also discussion pertaining to the length of the Agreement and shortening the timeframe from five years to three years.

Motion to approve the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation, with no commitment of funds and a three-year timeframe, was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye

Roberta Holland	Aye
Gary Barchfeld	Nay
Craig Fore	Nay

- C. Consideration and action regarding Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund. *(Interim City Administrator Paul Parker)*

Interim City Administrator Paul Parker presented Resolution No. 06-2018. This budget amendment would allow for the hiring of a Tourism Director for the City. The HOT Advisory Committee had recommended Council approve the creation of the new position. Council member Gary Barchfeld stated the City needed a tourism plan before hiring a Tourism Director.

Motion to approve Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried as follows (4-1):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Aye
Gary Barchfeld	Nay

- D. Discuss and consider possible action to award the proposal to MindEcology for the destination and advertising campaign for the City of Wimberley. *(Interim City Administrator Paul Parker)*

The City received two responses to its Request for Proposals (RFPs) for a destination and advertising campaign. One of the proposals was from MindEcology and the other was from Imaginuity. After interviewing both firms and considering the project cost, staff recommended awarding the proposal to MindEcology. There was discussion among Council members regarding the proposals.

Motion to award the proposal to MindEcology for the destination and advertising campaign for the City of Wimberley was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried as follows (4-1):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Aye
Gary Barchfeld	Nay

CITY COUNCIL REPORTS

- A. Announcements – Interim City Administrator Paul Parker updated City Council regarding the Central Wastewater Project. Mr. Parker noted the contract with Capital Excavation had been signed, and preconstruction meetings with Black

Castle and Capital Excavation would be set sometime soon. Mayor Mac McCullough thanked Mr. Parker on behalf of Council for assisting the City until a permanent administrator was hired.

Council member Gary Barchfeld requested the pre-construction meeting for the Wimberley Wastewater Project be posted as public notice, in order for the citizenry to be in attendance.

B. Future agenda items – There were no future agenda items.

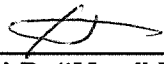
ADJOURNMENT

Mayor Mac McCullough adjourned the meeting at 8:24 p.m., without objection.

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary

APPROVED BY:


Herschel P. "Mac" McCullough, Mayor

