

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 April 7, 2016 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Steve Thurber.

Mayor Thurber gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Steve Thurber, Councilmembers Bob Dussler, Cindy Anderson, Mac McCullough, Pam Showalter, and John White.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Proclamations

- A. Proclamation of the City Council of the City of Wimberley, Texas proclaiming National Service Recognition Day in Wimberley, Texas and encouraging residents to recognize the positive impact of national service in the City.

Representatives of the St. Bernard Project were present to accept the proclamation and spoke on their organization's disaster recovery efforts, including rebuilding of flood-damaged homes. Mayor Thurber commended the entire group for being an instrumental part of Wimberley's flood recovery.

- B. Proclamation of the City Council of the City of Wimberley, Texas proclaiming the month of April 2016 as Child Abuse Prevention and Awareness Month in the City of Wimberley.

Prevention Educator Jemm Corona-Morris of Hays Caldwell Women's Center and Julia Ramsay New of San Marcos Greater Youth Council spoke on their organizations' services and community needs. Mayor Thurber presented the proclamation and expressed appreciation to both organizations.

- C. Proclamation of the City Council of the City of Wimberley, Texas proclaiming the month of April 2016 as Sexual Assault Awareness and Prevention Month in the City of Wimberley.

Mayor Thurber presented the proclamation to Jemm Corona-Morris of Hays Caldwell Women's Center, who spoke on free counseling services, advocacy, and other resources that his organization provides.

Citizens Communications

Craig Reitz expressed opposition to Council's approval of a "grandfather" policy for short-term rentals at its March 3rd meeting. Mr. Reitz said this change in policy directly affects him and will have a devastating consequence on his subdivision and residential communities in Wimberley. He referenced the Planning and Zoning Commission's recommendations of denial relating to conditional use permit (CUP) applications for vacation rentals at two Rocky Springs Subdivision properties (401 and 505 Rocky Springs). Mr. Reitz requested that Council accept the Commission's recommendations. He said that the Boatners have now asked to withdraw their CUP application and have been granted grandfather status by City Administrator Ferguson after submitting an affidavit. He stated that the Boatners submitted an affidavit to City Administrator Ferguson with no supporting documentation. Mr. Reitz felt that he should be able to file a conflicting affidavit that denies the truth of the Boatners' affidavit. He said the change in grandfather status policy will make our communities in Wimberley subject to home and land speculators. He said vacation rentals provide no economic benefit to the residents of the community. Mr. Reitz stated that the change in policy has created a back door for illegally operating properties to become permitted without any objections from the neighbors and requested that Council reconsider this item on its next agenda.

Mayor Thurber advised that Council cannot comment on Mr. Reitz's remarks, as this item is not on tonight's agenda.

Robbie Walker applauded Council for its action to amend the grandfather policy and noted that the Boatners' rental has already been operating in the neighborhood for five years with no damage. He said everything has functioned properly in this neighborhood and said short-term rentals have a positive impact on the economy as they bring in tourists who support local businesses. He noted that everyone who is coming forward is trying to be compliant.

Rocky Springs resident Sandy Wall said that there should be proof beyond an affidavit that carries no weight and expressed opposition.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of March 17, 2016
- B. Approval of minutes of the Special City Council meeting of March 12, 2016

Councilmember White moved to approve the Consent Agenda, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the City's loan application to the Texas Water Development Board (TWDB) is expected to be considered at the Board's April 11th meeting. He reminded that updated project information and timeframe is available on the City's website. If approved, he stressed that system revenue will be used and there is no proposed property tax in conjunction with repayment of loan debt. He stated a grant proposal was submitted to the U.S.

Economic Development Administration last week for \$1,000,000 and noted that any grant funds received could be used to lessen costs associated with the project and loan repayment.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported the 2016 Concert in the Park series is underway and reminded that the 5th Anniversary Concert in the Park will be held May 1st from 12 – 5 p.m. and highlighted scheduled performances for an admission ticket price of only \$5. He provided information on Park camps and advised that the City of Buda Parks Board will be touring the Park on Saturday, April 17, 2016.

- Status report on Short-term Rental Compliance Project

City Administrator Ferguson explained procedures in place to appeal determinations made related to grandfathered status. He stated that more short-term rental facilities are being identified as project efforts continue. He clarified types of documentation considered when reviewing submitted affidavits of pre-existing, non-conforming (grandfathered) use.

- Status report on upcoming prescription drug take-back program

City Administrator Ferguson reported that the City Marshal's office has been working with the Drug Enforcement Administration and the Wimberley ISD Drug Education Committee to offer the opportunity to safely dispose of any unused or unwanted prescription medications. He noted the drug take-back event is scheduled for Saturday, April 30th from 10 a.m. to 2 p.m. at City Hall.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported that FEMA continues preparations for its new flood map and clarified there is not a preliminary map out at this time. He said a preliminary map is anticipated to be distributed internally in late summer. He noted that the new flood map is expected to be presented in a public process to take place in the late fall/early winter of this year and include community briefings and workshops. He expected to see a significant increase in the flows that are used to classify a 100-year flood. Following a thorough public process, Council will need to take action on the proposed map.

City Administrator Ferguson reported that the Private Property Debris Removal Program (PPDR) continues working its way downriver. He said another debris removal project is in the planning stage right now involving the GBRA, NRCS, and local communities, and will focus more on river clean-up (as opposed to bank clean-up). Planning continues for the commemorative event in remembrance of the 2015 Memorial Day Weekend Flood, which is scheduled for May 21, 2016 from 10 a.m. to 2 p.m. at Blue Hole Regional Park. He also noted that Keep Wimberley Beautiful will be holding a river clean-up on May 21st in the morning.

3. Public Hearings and Consider Action

- A. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Herschel “Mac” McCullough to allow for the operation of a bed and breakfast facility on property located at 1415 E. Spoke Hill Drive, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Herschel “Mac” McCullough, Applicant*)

As he is the applicant, Councilmember McCullough recused himself from the meeting at this time

City Administrator Ferguson reported on the subject property’s location, current/proposed zoning and uses, existing primary and secondary residences, and applicant’s intent to use the secondary residence as a bed and breakfast with a maximum occupancy of two (2) people. He noted there is a properly functioning and permitted septic system serving both residences and based on a review of the septic system, City staff recommends a maximum occupancy of two (2) people. He noted that the applicant has met requirements to limit the total water usage between both residences. Guests would be required to park on the subject property.

City Administrator Ferguson read a list of conditions to be made part of the requested conditional use permit (CUP), should Council approve the application. He noted one phone call was received from a property owner on the east side of the subject property expressing opposition, however, no written opposition was submitted by the caller. He said one neighborhood resident spoke at the Planning and Zoning Commission’s public hearing on March 24th to comment on vacation rentals/bed and breakfasts operating in her neighborhood. After the public hearing, the Commission voted unanimously to recommend approval of the CUP, as requested.

Subject property owner Robin McCullough stated the 3-plus acre property is situated on a dead-end street with more than enough space for parking. She said her property is not subject to any homeowners association or deed restrictions. She advised the proposed short-term rental is a one-bedroom two-person apartment and offered to answer any questions.

Mayor Thurber opened the public hearing. Hearing no comments, Mayor Thurber closed the public hearing.

Councilmember Dussler commented he is not in favor of establishing commercial businesses in a private residential neighborhood. He said the neighbors and property owners bought their properties and homes with the understanding that it was a private residential neighborhood and would remain that way while they live there. He stated that when a commercial business is established it changes the character of the neighborhood and encourages other residents to seek approval to establish more commercial businesses. He said it is no longer a private residential neighborhood, it is now a neighborhood with private homes and commercial businesses interspersed. He stated this is unfair to all residents of the neighborhood, not just those within two-hundred feet of the business. He said all residents are impacted by the change in character and property values. Councilmember Dussler stated that more than fifty short-term rental

applications are anticipated to be submitted within the next few months. He pointed out that later in this meeting's agenda Council will hold discussion regarding how to manage and punish business owners for unruly behavior on the part of their renters. Councilmember Dussler noted that he is a supporter of new business formation in the entrepreneurial spirit and has been throughout his business career, but does not support this activity in private residential neighborhoods.

Councilmember Anderson expressed the same concerns previously stated by Councilmember Dussler and said with many more applications anticipated there is a need to re-think commercial businesses in residential neighborhoods and how the City issues short-term rental CUPs.

Councilmember Showalter recognized concerns but found some comfort in providing recourse to surrounding property owners to control their neighborhoods appropriately, if there were issues caused by rentals. She noted that there are a lot of rentals interspersed throughout our neighborhoods right now and many of them were not known to be operating. She felt that short-term rentals could be actually somewhat representative of Wimberley, and said Council needs more public input and a chance to talk more about how it might want to control short-term rentals.

Councilmember White said this is a personal property rights issue and said there is no reason to oppose it, if there are no violations of neighborhood restrictions. He said remedies can be put in place for rowdy renters and did not believe that people would not comply when asked to do so.

Councilmember Showalter noted the lack of deed restrictions on the subject property and said that if properties are subject to existing deed restrictions and City regulations, the more restrictive of the two would apply. She stated that property owners have recourse to form property owners associations (POAs) if they want deed restrictions.

Councilmember Anderson said that it can be an extremely expensive process to form a POA and enforce deed restrictions. She felt vacation rentals without an owner present are more problematic and said more community input is needed on the impact of short-term rentals. She said it is becoming clear this type of rental business is growing within residential communities and questioned whether this is the direction the community wants to go in. She felt that the subject property's lack of deed restrictions and large acreage make the proposed bed and breakfast less prone to issues.

Subject property owner Robin McCullough stated that all restrictions will be conformed to and said if Council denies their application, then it would have to deny them all, which would change the culture of Wimberley, as "we don't want hotels and motels that are chain-operations." She said we like small-town independent operations.

Mayor Thurber spoke on the weight historically given to neighborhood opposition and concerns regarding commercializing neighborhoods. He thanked all those who have come forward in an attempt to come into compliance with City regulations and entertained a motion.

Councilmember Showalter moved to approve the ordinance, as presented. Councilmember White seconded.

Mayor Thurber called for a vote as follows: Councilmember Dussler, nay; Councilmember Anderson, aye; Councilmember Showalter, aye; and Councilmember White, aye. Motion carried on a vote of 3-1.

Councilmember McCullough returned to the meeting at this time.

- B. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Lisa Risoli to allow for the operation of a vacation rental on property located at 310 Summit Loop, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Lisa Risoli, Applicant*)

City Administrator Ferguson explained the applicant has submitted a sworn affidavit stating that her vacation rental is a pre-existing, non-conforming use. Having received grandfathered status from the City, the applicant has withdrawn her CUP application.

Councilmember Showalter moved to accept the applicant's withdrawal of her CUP application. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Bruce and Carole Boatner to allow for the operation of a vacation rental on property located at 401 Rocky Springs, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Bruce and Carole Boatner, Applicants*)

City Administrator Ferguson explained that after the Planning and Zoning Commission held its public hearing on March 24th, the applicants have since submitted a sworn affidavit and received grandfathered status from the City. Therefore, the applicants are requesting to withdraw their CUP application, as a CUP is no longer needed.

Rocky Springs resident Craig Reitz spoke of opposition expressed at the Planning and Zoning Commission's public hearing and noted the Commission's 6-1 vote to recommend denial of the CUP application. He referred to Council's action on March 3rd relating to approval of a policy on short-term rental compliance procedures as a back door to eliminate all due process and all objections by neighbors. He said that residents are without recourse and not allowed to object to submitted affidavits in order to claim that they are false. He said the city administrator approves the affidavits and questioned the appointment of someone to negate City rules without proof. He felt it was not right that applicants received grandfathered status without neighbors having the opportunity to object and said there is no proof the subject property's owners have met the

criteria for grandfathering. He asked that Council reconsider its March 3rd action and said a fully residential community is being turned into a commercial business area. He said that the subject property owners live in Houston and did not help clean up after the flood. He advised that there are restrictive covenants in his neighborhood and cautioned there will be more rentals throughout the entire community. Mr. Reitz spoke negatively of his experience in Florida with a community that became inundated with rentals.

Mayor Thurber corrected Mr. Reitz's assertion that property owners are without recourse and noted that appeals may be heard by the Board of Adjustment, if neighbors feel that grandfathered status should not have been granted. He noted that neighbors also have the recourse to make complaints and Council can take action. City Administrator Ferguson clarified that grandfathered status can be removed under certain circumstances and trigger the need to apply for a CUP.

Kathy McClain of 301 Rocky Springs questioned whether grandfathered status can be granted when neighbors have expressed opposition. City Administrator Ferguson provided further clarification on grandfathering as recognition of those operations that have been in existence prior to adoption of regulations and the grandfathering policy that is applicable to the short-term rental compliance project. Ms. McClain said she chose to buy property with zoning restrictions and did not want the Boatners grandfathered, as she did not want a vacation home in her neighborhood. She hoped to retire in a few years and said she would never rent out her own property.

Sandy Wall of 395 Rocky Springs questioned the evidence supporting the Boatners' affidavit and said he knew of no evidence of five years of rental activity. City Administrator Ferguson cited the types of evidence submitted by the Boatners in support of the affidavit.

Aaron Scott of SkyRun Vacation Rentals stated during the time his company has represented the Boatners there have been no calls or complaints to the City or law enforcement regarding problems with renters. He pointed out that previous speaker Craig Reitz emailed the Boatners in 2014 requesting that his family use the Boatners' vacation rental. He cited changes made to accommodate Mr. Reitz's concerns about the location of trash cans and noted that trash cans are removed promptly from view after trash pick-up. He stated that cameras are being installed to monitor parking and vehicle limits and neighbors have been given his business card should he need to be contacted. Mr. Scott felt that a part-time occupied vacation rental is preferable to a vacant house.

Robbie Walker said this is a complicated issue, but noted that vacation rentals have been a part of Wimberley for a long time, as people come from all over to stay in homes, with some choosing to return and purchase properties here. He said a positive aspect of the Hotel Occupancy Tax is that it has brought to light the number of vacation rentals in operation. He noted that the Rocky Springs subdivision is located next to the Kytes' Prow'd House facility that is a commercial business. Several Rocky Springs residents disagreed.

Hearing no further comments, Mayor Thurber entertained a motion.

Councilmember Showalter moved to approve withdrawal of the application. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Aaron and Angela Scott to allow for the operation of a vacation rental on property located at 1851 Flite Acres Road, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Aaron and Angela Scott, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing five-bedroom residence that the applicant intends to use as a vacation rental with a maximum occupancy of twelve (12) people. He noted there is a properly functioning and permitted septic system that serves the residence. Based on a review of the septic system, City staff recommends a maximum occupancy of four (4) people for the proposed vacation rental facility. The applicant, Aaron Scott, has submitted plans from a registered sanitarian that would upgrade the existing septic system to meet the requirements for a maximum occupancy of twelve (12) persons. Should the CUP be granted with a maximum occupancy of twelve (12) persons, the applicant understands that he must submit an On-site Sewage Facility (OSSF) permit application and pay any applicable fees before commencing construction of the proposed system. The applicant would be required to limit maximum occupancy to four (4) guests until the newly installed septic system has been issued a City permit.

In addition to the applicant's house rules, City Administrator Ferguson read a list of conditions to be made part of the CUP, should Council desire to approve the application.

Mayor Thurber opened the public hearing.

Applicant Aaron Scott stated that cameras will be installed to monitor parking and the four (4) vehicle limit. He noted that the subject property is on the other side of Flite Acres Road and not directly fronting the Blanco River. He stated that during the May 2015 flood water was approximately one-hundred seventy feet from the residence and he had no problems with the requirement related to providing a landline phone. Mr. Scott explained the maximum occupancy of twelve (12) is requested because one of the five (5) bedrooms has two (2) sets of built-in bunk beds. Mr. Scott said the proposed septic system design for the planned upgrade has been approved by the City's sanitarian. He offered to answer any questions.

Hearing no further comments, Mayor Thurber closed the public hearing.

Discussion addressed response times; maximum occupancy; age requirement for renters to be at least 25 years of age (except for children accompanied by parents); square footage of residence; total acreage; and lack of objections from neighbors.

Councilmember White moved to approve the ordinance, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- E. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Carl and Brynn Anderson to allow for the operation of a vacation rental on property located at 505 Rocky Springs, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Carl and Brynn Anderson, Applicants*)

City Administrator Ferguson advised that the applicants have requested that Council continue consideration of their CUP application until April 21, 2016 to allow them time to meet with those residents opposing the CUP to try to resolve their concerns. It was noted that the Planning and Zoning Commission held a public hearing and recommended denial at its March 24, 2016 meeting.

Craig Reitz stated he has the same objections to this application as with the Boatners (of 401 Rocky Springs), however, he said the Andersons are from Austin and friends of the previous owner that he has known for some time. He felt the Andersons followed suit after the Boatners started renting their property. He noted that friendly conversations have been held with the applicants, but hoped Council will act in accordance with the Planning and Zoning Commission's recommendation. He stated the Andersons are in the long-term rental business in Florida and hoped that will be the choice they take. Mr. Reitz stated he wants to eliminate the constant turnover of people in his residential community.

Councilmember White moved to continue this item until Council's meeting on April 21, 2016, as requested. Councilmember Showalter seconded. Motion carried on a vote of 5-0.

- F. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Christopher Cureton to allow for the operation of a vacation rental on property located at 101 Arowlake Road, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Christopher Cureton, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing four-bedroom residence. The applicant wishes to bring his existing vacation rental into compliance. Based on a review of the properly functioning and permitted septic system, City staff recommends a maximum occupancy of five (5) persons. Guests would be required to park on the subject property.

City Administrator Ferguson read a list of conditions to be made part of the CUP, should Council desire to approve the application. He advised that one (1) written comment was received from a property owner upstream from the subject property who was concerned that the application was for a recreational facility. It was noted that the CUP contains a condition that access to the creek adjacent to the subject property shall be gained only from the subject property. He stated that the

Planning and Zoning Commission held a public hearing on March 24th and recommended approval on a vote of 6-1.

Mayor Thurber opened the public hearing. Hearing no comments, Mayor Thurber closed the public hearing.

Councilmember White moved to approve the ordinance, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- G. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Nancy Sallaberry to allow for the sale of wine for off-premise consumption on property located at 14015 Ranch Road 12, No. 7, Wimberley, Hays County, Texas, zoned Commercial – Low Impact (C-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Nancy Sallaberry, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and applicant's plans to sell wine for off-premise consumption. The applicant is proposing to rent an approximately 650 square-foot space from the Wimberley Quarter LLC for the purpose of opening a wine shop. The applicant intends to hold periodic wine tastings in accordance with TABC regulations. The wine shop would be open Tuesdays-Saturdays from 11 a.m. to 6 p.m. and on Sundays from 12 p.m. to 6 p.m. He noted that the proposed wine shop will not require a variance from distance requirements relating to the sale of beer and wine, as the subject property is not located within 300 feet of a school, church, hospital, or day care. No responses either for or against the CUP request have been received by City staff. He advised that the Planning and Zoning Commission held a public hearing on March 24th and unanimously recommended approval.

Mayor Thurber opened the public hearing. Hearing no comments, Mayor Thurber closed the public hearing.

Discussion established that there are no issues with septic system capacity at the subject property.

Councilmember McCullough moved to approve the ordinance, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

Mayor Thurber called a brief recess at 7: 25 p.m. and reconvened the meeting at 7:30 p.m.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposed joint election agreement with the Wimberley ISD for the May 7, 2016 General Election. (*City Administrator*)

City Administrator Ferguson presented the proposed joint election agreement to allow the City and the Wimberley ISD to share the following: polling places for the May election; election officials; and election expenses charged by the Hays County Elections Administrator, with costs to be shared equally.

Councilmember White moved to approve the joint election agreement, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

B. Discuss and consider possible action regarding the proposed creation of Hays County Emergency Services District No. 9. (*City Administrator*)

City Administrator Ferguson provided a historical overview of ESD services and noted certain area(s) that are outside the boundaries of any ESD, specifically, one portion that falls within the city limits and its ETJ, which is largely south of Ranch Road 12, including the Junction and Summer Mountain Ranch. Currently, Wimberley EMS provides services to this uncovered area with no taxation and simply charges for services. He said that Wimberley ESD is interested in expanding its boundaries to the uncovered area, rather than including it in the proposed ESD No. 9. City Administrator Ferguson stated there is no conflict between Wimberley ESD and proposed ESD No. 9 and said it makes sense for Wimberley EMS to continue serving the subject area.

Wimberley EMS Director Ken Strange explained that Hays County ESDs have taxing authority and ESD No. 7 contracts with Wimberley EMS. He noted the large uncovered area and the need for creation of ESD No. 9. He felt that boundaries need to be redrawn to include areas that receive coverage without taxation. He noted that ESDs were originally conceived by a group of local citizens, including Czichos family members, who successfully sought legislation for creation of ESDs statewide. He offered to answer any questions regarding existing boundaries and uncovered areas. He spoke of the long-standing agreements between ESDs to make sure no one goes without ESD services.

Discussion addressed boundary clean-up needed for emergency services and possible future inclusion of fire services in a similar effort. Jim Swisher of Hays County San Marcos EMS stated that ESD boundary lines are drawn with the purpose of trying to cover all areas.

City Administrator Ferguson cited possible ways to resolve boundary questions and said the goal is to make it less confusing to voters at the poll so everyone understands who is going to be served. Director Strange concurred that this matter does have to go to a vote of the people who must have a clear understanding that their taxes will go up and there must be an associated public education effort, including stakeholder meetings.

Discussion addressed possible timeframes for an election, need for Council workshop(s), stakeholder meetings, current ESD boundaries, and need to redraw boundaries. There was general agreement that expanding ESD No. 7's boundaries to the uncovered area made sense, as that area is already serviced by Wimberley EMS. Mayor Thurber thanked both speakers and asked that Council be kept informed on the status of this issue.

No action was taken on this item.

- C. Discuss and consider possible action authorizing the city administrator to enter into a contract with real estate appraiser James J. Jeffries to prepare a yellow book appraisal for a parkland conversion required for the Central Wimberley Wastewater Project. (*City Administrator*)

City Administrator Ferguson explained parkland conversion process requirements and noted the need for obtaining a yellow book appraisal as part of obtaining the required approval. He advised that James Jeffries has extensive experience preparing yellow book appraisals and recommended approval.

Discussion established that the appraisal costs would not be covered by loan proceeds, that Mr. Jeffries has extensive experience working with Texas Parks and Wildlife on parkland conversions, and that there will be capital outlay for decommissioning the old drain field.

Councilmember McCullough moved to approve authorizing the city administrator to enter into a contract with real estate appraiser James J. Jeffries to prepare a yellow book appraisal for a parkland conversion required for the Central Wimberley Wastewater Project. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a proposed rate increase for commercial solid waste collection and recycling. (*City Administrator*)

City Administrator Ferguson requested that this item be continued until Council's next meeting on April 21st, to allow Texas Disposal System representatives to be present.

Councilmember Dussler moved to continue this item, as requested. Councilmember White seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding the proposed development of reporting and enforcement procedures for citizen complaints regarding short-term rental facilities in Wimberley. (*Place Three Councilmember Mac McCullough*)

Councilmember McCullough said there is not a rich history of violations associated with bed and breakfast/vacation rental operations, but felt there is a need to show good faith to homeowners that they have some means to control rental activities. He noted that some rental operations may be subjected to punitive calls from neighbors and recognized that Council is the final authority on short-term rental complaints. He favored instructing homeowners to call the City first, then the rental agent (if applicable) or owner, with any complaints, and to impose a threshold of two (2) complaints that would mandate an appearance before Council.

Discussion addressed the City's recording of complaints; issues with requiring complaint calls be placed to the City first (for example, as opposed to law enforcement's dispatcher); flexibility on the concept of "mandating" a phone call to the City first; resolution of complaints among neighbors without City intervention, if residents so desire; public education on complaint

procedures; possible CUP revocation if rental facility owner does not respond to Council; possible draft ordinance language; Council's authority to assess validity of complaints; and the threshold for number of complaints.

Dan Sturdivant of Hill Country Premier Lodging stated in his 15-year experience managing Wimberley rental properties, police have been called only three times, with one of those calls made by a guest. He said short-term rentals should not be everywhere, but recognized them as the livelihood of Wimberley. He felt that a police report should be required for a formal complaint and supported an annual license that could be pulled for violations.

Discussion addressed the existing number of short-term rentals and anticipated number of CUP applications.

No action was taken on this item.

- F. Discuss and consider possible action regarding modifications to the City of Wimberley website. *(Place Four Councilmember Pam Showalter)*

Councilmember Showalter stated that the City's website needs redesigning and updating and cited problems with signing onto the Community Notification System. She asked for input on improving the website, including looking at other sites to help in the redesign process. City Administrator Ferguson asked Council for input so that preparations can be made when the budget allows for modifications to proceed.

Discussion addressed various options for citizens to receive emails from the City and current framework of the City's website.

No action was taken on this item.

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Dussler requested that a task force be formed to address concerns of citizens relating to PEC transmission lines.

Hearing no further announcements or future agenda items, Mayor Thurber called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:24 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 21st of April, 2016.

APPROVED:

Steve Thurber
Steve Thurber, Mayor

