



# City of Wimberley

221 Stillwater, Wimberley, Texas 78676

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**THURSDAY, FEBRUARY 16, 2023 - 6:00 PM**

## **MINUTES**

1. **CALL TO ORDER** February 16, 2023, at 6:00 PM

Mayor Gina Fulkerson called the Regular Meeting to order at 6:00 p.m.

2. **CALL OF ROLL**

Council Members Present:  
Gina Fulkerson, Mayor  
Rebecca Minnick, Place 1  
Teresa Shell, Place 2  
Chris Sheffield, Place 3  
Jim Chiles, Place 4  
David Cohen, Place 5

Staff Members Present:  
Tim Patek, City Administrator  
Tammy Cook, City Secretary  
Nathan Glaiser, Director of Planning & Public Works  
Richard Shaver, Parks Director  
Charlie Zech, City Attorney

3. **INVOCATION**

Reverend Anne Beall, Chapel in the Hills

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor Fulkerson led the pledges of allegiance.

5. **PROCLAMATIONS**

- 5.1. Proclamation of the City of Wimberley, Texas proclaiming February 22, 2023 as "President George Washington Day."

Mayor Fulkerson read a proclamation recognizing February 22, 2023 as President George Washington Day.

Joe Cox, with the Sons of the American Revolution (SAR) Hightower Chapter, provided information about SAR and the events and programs they sponsor.

6. **CITIZENS COMMUNICATIONS**

*The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council*

members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

Anita Collins, Executive Assistant to the Hays County Judge, introduced herself as the new community liaison. This position was created to better assist the community. She currently serves as the liaison for the Film Friendly Advisory Committee, a founding member of the Council of the Indigenous and Tejano Community, a member of the San Marcos Main Street and Downtown Association, and was recently appointed to the Hays County Historical Commission. She provided a contact sheet for all offices in Hays County.

Nelson Hensley, lives on Anderson Ridge and he spoke about potholes that can be a safety concern and cause damage to vehicles. He would like a concentrated effort on completing these road repairs.

## **7. CONSENT AGENDA**

A motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the consent agenda. The motion carried unanimously (5-0).

- 7.1. Consider approval of the following meeting minutes:
  - a. January 26, 2023 Town Hall Meeting
  - b. February 2, 2023 Regular Meeting Minutes
  - c. February 8, 2023 Special Emergency Meeting Minutes
  
- 7.2. Approval of the January 2023 Revenue and Expenditure Report for the City of Wimberley. *(Tim Patek, City Administrator)*

## **8. PRESENTATION AND POSSIBLE ACTION**

- 8.1. Receive an update from Hays County Constable, Don Montague. *(Don Montague, Constable)*

Don Montague, Hays County Constable, provided a brief update on the current initiatives of the constables' office and the day to day operations. Some activities include traffic control, school safety, the civil process, and take-back drug programs. He expressed his appreciation and how much he enjoys serving this community.

## **9. PUBLIC HEARINGS AND POSSIBLE ACTION**

- 9.1. Hold a public hearing and consider possible action on Ordinance 2023-03, an application, by Doyle Schulle, for a Zoning Amendment (ZA-22-004) to change the zoning for property located at 12333 Ranch Road 12, Wimberley, Texas, from Residential Acreage (RA) to Rural Residential 1 (R1). *(Nathan Glaiser, Director of Planning & Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on a zoning amendment request, by Doyle Schulle, located on a 10.5 acre lot at 12333 Ranch Road 12. The request is to go from Residential Acreage (RA) to Rural Residential (R1). Mr. Glaiser stated that Residential Acreage is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district and Rural

Residential is intended to provide for development of primarily detached, single-family residences on lots of not less than two acres.

The most notable differences between the two zoning districts are as follows:

- RA has a lot size minimum of 5 acres, R1 is 2 acres
- RA allows for two single-family residences per lot, a CUP is required for R1
- RA allows for commercial agriculture, R1 does not.

This property is within the Entrance Corridor overlay, which requires a front yard setback for all land fronting an entrance corridor road (RR 12) of 50'. Setback areas must be used for landscaping that emulates the natural form of the rural landscape. There are no plans to extend city sewer to this property. Any development would need to utilize on-site septic facilities.

Mayor Fulkerson opened the Public Hearing at 6:36 p.m. Those who spoke:

Casey Craig, spoke in opposition to this request and would like the Council to uphold the current zoning. She spoke of the zoning criteria that council should consider when making a zoning change and feels a precedence will be set if this request is approved.

Becky McCullough, spoke of the comprehensive plan and would like the comprehensive plan to be used as a guideline when considering this request. She stated her objection to this zoning request.

David Blausey, spoke in opposition to this request and asked the Council to uphold the current zoning.

Michael Murphy, spoke in opposition to the zoning request and wants to protect the scenic corridor and asked the council to deny this request.

Sharon Carter, spoke in opposition to this zoning request. She expressed her concern about water usage and asked that the council deny this request to limit density and to preserve the scenic corridor.

Doyle Schulle, the applicant, provided information on the intent of the property and addressed concerns raised by the citizens that previously spoke. He addressed questions from the council related to access to the property, fire suppression, and anticipated future plans.

There being no further comments, the Mayor closed the Public Hearing at 7:02 p.m.

Council discussed the zoning differences between RA and R1, comprehensive plan versus the zoning ordinance, and the impact on the scenic corridor and setbacks with different zoning. There was also discussion on the number of units that can be constructed using impervious cover requirements. There was discussion on the original zoning that was created when the city was incorporated. Final comments were made and upon completion of discussion a motion was made by Council Member Cohen, seconded by Council Member Chiles to approve Ordinance 2023-03, as presented. The motion to approve failed by a vote of 3-2 (as a super majority (4 affirmative votes) were required).

- 9.2.** Hold a public hearing and consider possible action on Ordinance 2023-04, an application, by Jon Thompson, for a Zoning Amendment (case ZA-23-001) to change the zoning for property located at 14800 Ranch Road 12, Wimberley, Texas, from Rural Residential 1 (R1) to Commercial - Low Impact (C-1). (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser provided a presentation on a zoning amendment request located at 14800 Ranch Road 12 from Rural Residential (R1) to Commercial - Low Impact (C-1).

Mayor Fulkerson opened the Public Hearing at 7:43 p.m.

John Thompson, representing the applicant, stated this property was inherited from a family member. The applicant is interested in rezoning, then placing this for sale.

There being no further speakers, the Mayor closed the Public Hearing at 7:46 p.m.

A motion was made by Council Member Sheffield, seconded by Council Member Cohen to approve Ordinance 2023-04, as presented. The motion to approve carried unanimously (5-0)

- 9.3.** Hold a public hearing and consider possible action on Ordinance 2023-05, an application, by Justice Quintana and Rachel Emry, for a Conditional Use Permit (case CUP-23-001) to allow for the operation of a Bed & Breakfast (STR1) on a property located at 110 Little Ranches Road - Unit A, Wimberley, Hays County, Texas. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser provided a presentation regarding an application for a conditional use permit for the operation of a Bed & Breakfast at 110 Little Ranches Road - Unit A.

Mayor Fulkerson opened the Public Hearing at 7:49 p.m.

Justice Quintana and Rachel Emry, applicants, spoke about the intended use of the property. The applicants will live on one side of the unit and the second unit will be utilized as a bed and breakfast. There was no opposition to this request.

There being no further comments, the Mayor closed the Public Hearing at 7:51 p.m.

A motion was made by Council Member Cohen seconded by Council Member Shell to approve Ordinance 2023-05, as presented. The motion carried unanimously.

## **10. DISCUSSION AND POSSIBLE ACTION**

- 10.1.** Discuss and consider possible action regarding a request, by Marcilia Bishop, for a Temporary Structure permit to construct a tent for a special event at 110 Oak Dr, Wimberley, Texas. (*Nathan Glaiser, Director of Planning and Public Works*)

Nathan Glaiser stated this is for the Wimberley Square Inn and they are requesting a 20' x 40' tent be erected behind the Inn located at 110 Oak Dr, Wimberley, Texas. The proposed tent will be used for special events between the dates of February 17, 2023 and May 22nd, 2023.

Marcilia Bishop stated they are putting on a benefit and all proceeds will go to benefit single mothers and they will be working with Barnabus. They will also host smaller intimate weddings until their permanent patio structure is completed.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve the temporary structure permit located at 110 Oak Drive, as presented. The motion carried unanimously (5-0).

- 10.2.** Discuss and consider possible action on a recommendation from the Parks and Recreation Advisory Board recognizing and naming the wetland feature at the Patsy Glenn Refuge, the "Jerry Lunow Wetlands." (*Richard Shaver, Parks Director*)

Richard Shaver, provided a brief overview of the recommendation made by the Parks and Recreation Board that would recognize and name the wetland feature at the Patsy Glenn Refuge, the "Jerry Lunow Wetlands" Mr. Shaver noted that David Glenn, Susan Evans, and Robert Curry were present at the February 8th Parks and Recreation Board Meeting to promote the naming of the Wetland Area at Patsy Glenn Refuge. The Parks Board unanimously voted on sending a recommendation to the City Council to name the wetland area of the Patsy Glenn Refuge the "Jerry Lunow Wetlands".

David Glenn spoke in support of the agenda item and the Wimberley Birding Society would provide for costs associated with the naming of the area.

A motion was made by Council Member Shell, seconded by Council Member Sheffield to approve the renaming of the Patsy Glenn Refuge, the "Jerry Lunow Wetlands". The motion carried unanimously (5-0).

- 10.3.** Discuss and consider possible action regarding a Recreation Team Member Instructor Packet. *(Richard Shaver, Parks Director)*

Richard Shaver provided a presentation related to an event contract for recreation team member instructors. This contract will provide the Parks and Recreation Department with an avenue to solicit contract instructors to complete and run programs and activities at the Wimberley Community Center, Blue Hole Regional Park, and other parks in our system. The contract includes an in-depth application, background check, and other information required for instructors. Payment for services provided will be a 70%-30% revenue split between the instructors and the City. 70% going to the instructors and 30% to the City.

Upon completion of discussion, a motion was made by Council Member Minnick seconded by Council Member Chiles to approve the recreation team instructor packet as presented. The motion carried unanimously (5-0).

- 10.4.** Discuss and consider an update to the Wimberley Community Center Fee schedule. *(Richard Shaver, Parks Director)*

Richard Shaver, provided an overview of the proposed fee schedule for the community schedule. Mr. Shaver noted that the Parks and Recreation Board met on February 8th and discussed the proposed fee structure. After discussion, they asked that the "local government entity" (lge) rate of zero dollars for space rental be included in the rate structures. The Parks Board unanimously approved a recommendation to Council approving this fee structure, with the proposed amendment.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the Wimberley Community Center Fee Schedule as proposed. The motion carried unanimously (5-0).

- 10.5.** Hold discussion and schedule a future town hall meeting related to transportation issues including, but not limited to, sidewalks, the cut-through, crosswalk safety, and parking in and around downtown. *(Rebecca Minnick, Place One)*

Council Member Minnick, discussed the idea of having a town hall meeting to discuss various transportation issues in and around downtown. Upon completion of discussion, direction was provided to review potential dates for a town hall meeting. The City Secretary will provide these to council and will get notice out to the public.

- 10.6.** Discuss and consider possible action related to the winter freeze.

Tim Patek provided an update regarding the contract with Waste Connections and the progress being made on limb/brush pick-up within the city. Currently, the City has a contract for 6 days of pick-up, but additional days would be necessary to continue moving through the city and making a larger impact.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve up to an additional \$20,000 for the City Administrator to utilize for limb/brush pick-up. The motion carried unanimously (5-0).

## **11. CITY COUNCIL REPORTS**

### **11.1. Announcements**

Council Member Sheffield expressed his appreciation to the Parks Department as they hosted the National Park Service last week. They chose two iconic parks in Texas that have received federal funds. The National Park Service manages land and conservation funds and we have received this in conjunction with the state sporting good sales tax. They went and visited Blue Hole Regional Park and then they went to Enchanted Rock.

Mayor Fulkerson noted that she attended a Texas Department of Emergency Management session regarding, planning, funding and the roles local government plays in an emergency.

**11.2. Future Agenda Items**

Future Agenda Items include:

A special meeting on Monday, February 20th, consideration of a possible meeting change of the March 16th council meeting due to Spring Break, and a future Historic Preservation townhall meeting will be scheduled in late April.

**12. ADJOURNMENT**

A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the meeting at 8:38 p.m. The motion carried unanimously (5-0).

**RECORDED BY:**

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**Tammy Cook, City Secretary**



**APPROVED BY:**

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**Gina V. Fulkerson, Mayor**