



# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676**  
**THURSDAY, FEBRUARY 20, 2020 – 6:00 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Pro Tem, Rebecca Minnick, called the meeting to order on February 20, 2020 at 6:00 p.m.

### **CALL OF ROLL**

Council Members Present:	Rebecca Minnick	Place One
	Craig Fore	Place Two
	Christine Byrne	Place Three
	Gary Barchfeld	Place Four
	Bo Bowman	Place Five
Council Members Absent:	Susan Jagers	Mayor
City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	Sarah Griffin	Deputy City Attorney
	John Provost	Public Works Superintendent
	Terri Provost	Wimberley Community Center Director
	Nathan Glaiser	Parks Natural Resource and Maintenance Manager
	Richard Shaver	Parks Operations and Programs Manager

### **INVOCATION**

St. Mary's Catholic Church Reverend, Jason Bonifazi, gave the invocation.

### **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor Pro Tem, Rebecca Minnick, led the pledges to the United States and Texas flags.

### **PROCLAMATION**

Proclamation of the City of Wimberley, Texas, proclaiming the month of February 2020 as Dating Violence Awareness and Prevention Month for teens and young adults.

*(Hays-Caldwell Women's Center)*

Mayor Pro Tem, Rebecca Minnick, read aloud the proclamation. Hays-Caldwell Women's Center Representative, Zoe O'Balle, accepted the proclamation.

## **CITIZENS COMMUNICATIONS**

There were no citizen's comments.

## **PRESENTATION AND POSSIBLE ACTION**

Presentation and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2019. (*Armstrong, Vaughan & Associates, P.C.*)

Brian Magness of Armstrong, Vaughan & Associates, P.C. presented the Fiscal Year 2019 audit for the City. Mr. Magness stated the City's general fund was healthy and showed favorable variances throughout FY 2019. Mr. Magness highlighted certain sections of the audit report for Council's review and discussion was had among Council members and Mr. Magness pertaining to the City's revenues and expenditures.

**Motion to approve the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2019 was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).**

## **CONSENT AGENDA**

**Motion to approve the Consent Agenda, as presented, was made by Council Member Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).**

- 8.1. Approval of minutes from the Regular City Council Meeting held February 6, 2020.
- 8.2. Approval of Place Two Council Member Craig Fore's appointment of Larry Ellis to the Ethics Review Commission.
- 8.3. Approval of the second and final reading of Ordinance No. 2020-02, amending Chapter 11 (Traffic and Vehicles), Article 11.05 (Through Truck Traffic) of the Code of Ordinances of the City in order to prohibit through truck traffic through residential streets of the City; providing for an effective date; proper notice and meeting, severability and repealer.

## **CITY ADMINISTRATOR REPORT**

City Administrator, Shawn Cox, provided an update regarding sales tax for February 2020 increasing by 15.76% from February 2019, for a total year-to-date increase of 9.62% compared to 2019. Mr. Cox also spoke regarding completed and on-going road projects, including the installation of the Hidden Valley weir grate, the Old Kyle Road mobility/connectivity project and wayfinding signage. Additionally, several upcoming City events were highlighted. City Secretary, Laura Calcote, updated Council concerning the cancellation of the 2020 General Election for the City.

## **PUBLIC HEARINGS AND POSSIBLE ACTION**

Hold a public hearing and consider approval regarding case CUP-19-017, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Residential Acreage (RA) located at 355 Smith Creek, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Applicants Stacie Otten & Aaron Mitchamooore*) City Administrator, Shawn Cox, presented the CUP for the operation of a vacation rental (STR2) at 355 Smith Creek. The Planning and Zoning Commission had voted 4 to 3 to recommend denial of the application at their February 13<sup>th</sup> meeting.

The City had received two notices of opposition from property owners within the 200-foot notification area.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:31 p.m.

1. Clement Alaniz spoke on behalf of his sister-in-law, Loretta Derrick, in opposition to the application, due to the increased noise, pollution and vehicle traffic a vacation rental would bring to Smith Creek.

2. Rodger Marion had written a letter to the Planning and Zoning Commission outlining his objections to the application, which included increased noise and unintentional trespassing. Applicant, Aaron Michamooore, addressed Council regarding the aforementioned concerns from neighbors, and stated a member of the Planning and Zoning Commission should have recused himself from the vote on February 13<sup>th</sup>, due to a conflict of interest.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:37 p.m.

A super majority vote of Council would be required for application approval because of the opposition received within the 200-foot notification area. There was discussion among Council members pertaining to the neighbor's concerns with the vacation rental.

**Motion to deny case CUP-19-017, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Residential Acreage (RA) located at 355 Smith Creek, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting, due to the use being unharmonious and incompatible with surrounding existing uses or proposed uses, and more adversely affecting an adjoining site than would be a permitted use, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

#### **DISCUSSION AND POSSIBLE ACTION**

11.1. Discuss and consider possible action regarding a request to operate a food service trailer at 101 Rhodes Lane in Wimberley, Texas. (*Applicant Alison Schwabe/ Wimberley Shave Ice*)

Applicant, Alison Schwabe, presented the request to relocate the food service trailer. There was discussion among Ms. Schwabe and Council pertaining to the new location and restroom facilities.

**Motion to approve a request to operate a food service trailer at 101 Rhodes Lane in Wimberley, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).**

11.2. Discuss and consider possible action to approve a quote in the amount of \$1,894.75 from 413 Strengthgear for Blue Hole Nature Camp t-shirts. (*Parks Operations and Programs Manager Richard Shaver*)

**Motion to approve a quote in the amount of \$1,894.75 from 413 Strengthgear for Blue Hole Nature Camp t-shirts was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

11.3. Discuss and consider possible action to approve a bid in the amount of \$2,731.00 from Percheron Construction to cut a doorway into the empty cistern at the Community Pavilion in Blue Hole Regional Park. (*Parks Department*)

**Motion to approve a bid in the amount of \$2,731.00 from Percheron Construction to cut a doorway into the empty cistern at the Community Pavilion in Blue Hole**

**Regional Park was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).**

- 11.4. Discuss and consider possible action regarding the City of Wimberley Investment Policy. *(City Administrator Shawn Cox)*

There was discussion among Council members and City Administrator, Shawn Cox, regarding the proposed change to the City of Wimberley's Investment Policy to remove the investment training requirement for the Mayor in Section VI.D. Council decided to place a ninety-day deadline for the Mayor to complete the 10-hour required investment training into his/her term in office, every two years.

**Motion to accept the City of Wimberley Investment Policy, with the added change to require the Mayor to complete the mandatory investment training within ninety-days into his/her term in office, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

- 11.5. Discuss and consider possible action regarding a City policy to waive rental fees at City facilities. *(City Administrator Shawn Cox)*

There was lengthy discussion among City staff members and Council pertaining to the waiver of rental fees at the Wimberley Community Center, Blue Hole Regional Park and the proposed City policy. Non-profit organizations were already receiving a fifty-percent reduction in fees to rent rooms at the Wimberley Community Center. The policy would need to be further revised after additional research on the non-profit rate and the City as a co-sponsor of events. The topic would be brought back to Council at the second regular meeting in March.

No action was taken on this item.

- 11.6. Discuss and consider possible action regarding the status of an animal nuisance ordinance. *(City Administrator Shawn Cox)*

There was discussion to negotiate and update the City's interlocal agreement with Hays County to remove the barking dog component and allow the City jurisdiction over the issue. City staff would coordinate with the County on revising the agreement and bring the subject back to Council at a future date.

No action was taken on this item.

- 11.7. Discuss and consider possible action to approve the first reading of Ordinance No. 2020-05, establishing a new prima facie speed limit of twenty-five (25) miles per hour for all roadways within the City limits of Wimberley which are not an officially designated or marked highway or road of the State Highway System; pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 545.356; and repealing the prima facie speed limit of thirty (30) miles per hour on such roadways; making certain findings; authorizing the placement of speed limit signs along such streets; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability. *(City Administrator Shawn Cox)*

There was lengthy discussion among Council members and City staff regarding the proposed speed limit change on residential City streets. The cost of new signage and what streets/roads needed to be included in the ordinance was discussed. There was a consensus the ordinance needed to be amended, sent to the Transportation Advisory

Board for discussion and recommendation and then brought back to City Council for consideration at a later date.

No action was taken on this item.

- 11.8. Discuss and consider possible action regarding Ordinance No. 2020-06, amending Chapter 4 Building Regulations, Article 4.01 General Provisions, adding Section 4.01.004 waiver of permit fees for rainfall collection system installation providing an effective date; and providing for severability. *(Place Four Council Member Gary Barchfeld)*

The topic of waiving permit fees for the installation of rainfall collection systems for residential and commercial properties had previously been discussed in January 2020. The ordinance was drafted in response to the previous conversation and recommendations. There was discussion pertaining to the definition of rainfall collection system within the ordinance and further clarifying the definition.

**Motion to approve Ordinance No. 2020-06, amending Chapter 4 Building Regulations, Article 4.01 General Provisions, adding Section 4.01.004 waiver of permit fees for rainfall collection system installation providing an effective date; and providing for severability, with the amended definition for rainfall collection system, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

- 11.9. Discuss and consider possible action regarding oak wilt within the City. *(Place Four Council Member Gary Barchfeld)*

Council Member, Gary Barchfeld, discussed surrounding cities' oak wilt policies and permitting procedures. Council members agreed that an educational program was needed to provide information to the citizenry regarding oak wilt. Council Member, Gary Barchfeld, volunteered to work with City staff on drafting an education-based policy for Council consideration at a later date.

No action was taken on this item.

- 11.10. Discuss and consider possible action regarding the cleared wastewater treatment plant site at Blue Hole Regional Park. *(Place Four Council Member Gary Barchfeld)*

There was discussion among Council members concerning the wastewater treatment plant site. The site had been cleared in the spring of 2018 for the Central Wimberley Wastewater Project treatment plant and was currently unused City land. Council members discussed the possible options the land could be utilized for, including parking space or the addition of a storage building for the City. Council decided to leave the land as is until a proposed plan could be formulated and implemented for the site.

No action was taken on this item.

- 11.11. Discuss and consider possible action regarding Board of Adjustment variance methodology and rulings. *(Place Four Council Member Gary Barchfeld)*

There was discussion regarding the Board of Adjustment's previous order granting a variance to the Quarter Shops, LLC in 2018. The specific conditions of the variance were discussed. Council decided formal training for City boards and commissions was necessary.

No action was taken on this item.

11.12. Discuss and consider possible action regarding a contract amendment with Plummer Associates, Inc. for the redesign of the Central Wimberley Wastewater Project's force main route, coordination and construction bidding assistance for an amount not to exceed \$83,815.00. (City Administrator Shawn Cox)

The proposed contract amendment would be for the redesign of the Central Wimberley Wastewater Project to connect the City's collection system to Aqua Texas's treatment facility.

**Motion to approve the contract amendment with Plummer Associates, Inc. for the redesign of the Central Wimberley Wastewater Project's force main route, coordination and construction bidding assistance for an amount not to exceed \$83,815.00 was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

11.13. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (City Administrator Shawn Cox)

City Administrator, Shawn Cox, provided an update regarding the lift station location, gravity line, force main line and force main line from Deer Creek. Capital Excavation was set to remobilize on Monday, February 24<sup>th</sup>, and a line installation schedule had been provided. A draft of the Aqua Texas contract had been received by the City and discussions on a rate schedule were occurring between the two entities.

No action was taken on this item.

#### **CITY COUNCIL REPORTS**

12.1. Announcements – Council Member, Christine Byrne, reminded everyone of the Wimberley Valley roadside clean-up day set for Saturday, February 29<sup>th</sup>.

12.2. Future agenda items – Council Member, Christine Byrne, stated she would be bringing forward two resolutions in May 2020 in celebration of the 20<sup>th</sup> Anniversary of the Patsy Glenn Birding Refuge.

#### **ADJOURNMENT**

**Motion to adjourn the meeting at 8:46 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).**

#### **RECORDED BY:**

Laura J. Calcote  
Laura J. Calcote, City Secretary

#### **APPROVED BY:**

Susan Jagers  
Susan Jagers, Mayor

