



# 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 78676**  
**THURSDAY, FEBRUARY 21, 2019 – 5:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Susan Jagers called the meeting to order at 5:30 p.m.

### **CALL OF ROLL**

Council Members Present:	Susan Jagers	Mayor
	Craig Fore	Place Two
	Allison Davis	Place Three
	Gary Barchfeld	Place Four
	Erik Wollam	Place Five
Council Members Absent:	Mike McCullough	Place One
City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	John Provost	Public Works Superintendent

### **INVOCATION**

Council Member Gary Barchfeld gave the invocation.

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

Mayor Susan Jagers led the pledges to the United States and Texas flags.

***(Motion to move Item No. 6. Citizens Communications to Item No. 5 on the agenda was made by Council Member Allison Davis. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).***

### **CITIZENS COMMUNICATIONS**

There were two citizen's comments. They were as follows:

1. Sylvia Dinsmore addressed Council regarding the Conditional Use Permit (CUP) for 309 Lange Road, which had been heard by the Planning and Zoning Commission at their February 14<sup>th</sup> meeting. Ms. Dinsmore presented the City with a petition and accompanying photographs against the CUP and stated the neighborhood did not want another manufactured home in the area.

2. Greg Neal spoke regarding proposed Resolution No. 02-2019 in opposition to the Permian Highway Pipeline. Mr. Neal stated the Resolution was lacking, and that the City should speak directly with Kinder Morgan and other interested parties before taking any action on the pipeline topic.

### **PRESENTATIONS AND POSSIBLE ACTION**

A. Presentation and consider possible action to approve Resolution No. 02-2019, opposing the routing of the proposed Permian Highway Pipeline through the Wimberley Valley and requesting immediate action from the State Legislature. *(Wimberley Valley Watershed Association Executive Director David Baker and Place Three Council Member Allison Davis)* Wimberley Valley Watershed Executive Director David Baker presented information pertaining to the proposed Permian Highway Pipeline through the Wimberley Valley and surround areas. Mr. Baker stated the pipeline route is unsustainable and there are a plethora of environmental and property rights concerns surrounding the issue as well. He noted the WWA had been discussing these concerns with Kinder Morgan to try to find a reasonable solution. Mr. Baker encouraged City Council to pass the Resolution in accordance with other cities in Hays County.

There was lengthy discussion among Council members regarding the Resolution, and the City's purview in passing the measure. Some Council members had concerns with the Resolution language, and supporting the document as presented.

There were three citizen's comments. They were as follows:

1. Alan Munde spoke in support of the Resolution and encouraged City Council to support the item as well by taking a stand.
2. Larry Becker addressed Council regarding the negative environmental effects the pipeline could have on the area, such as water quality, trees, wildlife and health and safety of residents. Mr. Becker also noted the explosion risk that comes with a pipeline in a heavily populated area. He also encouraged City Council to pass the Resolution.
3. Lila McCall spoke on the history of other pipelines in the state and area and noted the proposed pipeline would not hurt the environment. She urged Council not to pass the Resolution, as presented, and to follow the County's stance on the topic once known.

**Motion to approve Resolution No. 02-2019, opposing the routing of the proposed Permian Highway Pipeline through the Wimberley Valley and requesting immediate action from the State Legislature was made by Council Member Allison Davis. The motion was not seconded. Motion fell to the floor.**

**Motion to table the item until the March 7<sup>th</sup> City Council Meeting was made by Council Member Allison Davis. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).**

B. Presentation from Langford Community Management Services, Inc. regarding an update on HMGP/GLO projects. *(Judy Langford)* Judy Langford presented information regarding the status 2015 flood recovery efforts within the City. Ms. Langford discussed the Hazard Mitigation Grant Program through FEMA and General Land Office funding for housing elevations and buyouts for several property owners in the City. There was discussion among Ms. Langford and Council members on the expected completion dates of these projects.

*(There was a recess at 6:57 p.m. The meeting reconvened at 7:07 p.m.)*

## **CITY ADMINISTRATOR REPORT**

Update regarding the status of the Central Wimberley Wastewater Project and investment updates for the first quarter of FY 2019. *(City Administrator Shawn Cox)*

Brian Magness of Armstrong, Vaughan & Associates, P.C. presented the Fiscal Year 2018 Audit for the City. Mr. Magness highlighted certain sections of the audit report, and there was discussion among Council. The audit would be brought back to Council at their next meeting for discussion and approval.

City Administrator Shawn Cox provided an update of the Central Wimberley Wastewater Project and presented investment information for the first quarter of Fiscal Year 2019, which included October through December 2018. Council Member Craig Fore asked Mr. Cox a couple of questions, including how to handle crowd control at public meetings and how to keep track of attorney legal fees. Mr. Cox advised how other cities address these matters.

## **PUBLIC HEARING AND POSSIBLE ACTION**

Hold a public hearing and consider approval regarding case ZA-19-001, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) for property located at 13301 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Mystic Hill, LLC, Sibyl Burrows, Applicant)*

City Administrator Shawn Cox presented the requested zoning change. The Planning and Zoning Commission had recommended approval by a 5-0-1 vote at their February 14<sup>th</sup> meeting.

Mayor Susan Jagers opened the public hearing at 7:37 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 7:37 p.m.

There was discussion among Council members regarding the difference between R2 and C1 zoning and water pollution by impervious cover.

**Motion to approve the zoning change was made by Council Member Gary Barchfeld. The motion was not seconded. Motion fell to the floor.**

## **DISCUSSION AND POSSIBLE ACTION**

A. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. *(Angie Henderson, Applicant)*

Stan Allen spoke on behalf of his daughter, Angie Henderson, regarding the request to operate a food service trailer at Odie's Food Court.

**Motion to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Allison Davis. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).**

B. Discuss and consider possible action to approve a bid in the amount of \$4,700.00 from The Fence Guy to install bollards and cable along Spoke Hollow Road. *(Public Works Superintendent John Provost)*

**Motion to approve a bid in the amount of \$4,700.00 from The Fence Guy to install bollards and cable along Spoke Hollow Road was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (3-1):**

Craig Fore	Aye
Gary Barchfeld	Aye
Erik Wollam	Aye
Allison Davis	Nay

- C. Discuss and consider possible action to enter into a contract with Host Compliance for the provision of STR software for an amount not to exceed \$19,000. *(City Administrator Shawn Cox)*

There were three citizen's comments. They were as follows:

1. Ned Murphy encouraged City Council to decline the purchase of the STR software until after the proposed joint workshop between the Short-Term Rental Review Committee and the Planning and Zoning Commission. Mr. Murphy stated the software would be divisive for the community and asked for the item to be tabled.
2. Maridel Martinez addressed Council and asked for the STR software purchase to be declined, due to inaccurate information being circulated regarding short-term rentals. Ms. Martinez noted STRs are not a problem within the City or surrounding areas.
3. Molly Bowen stated the short-term rental data provided to City Council did not exist and urged Council to table the item until after the joint workshop. Ms. Bowen also noted the Short-Term Rental Review Committee had self-serving members, who's lodging businesses would benefit from short-term rentals being shutdown within the City and extraterritorial jurisdiction.

There was discussion among Council pertaining to the software being a budgeted expenditure, data provided and the contract language.

**Motion to enter into a contract with Host Compliance for the provision of STR software for an amount not to exceed \$19,000, subject to City Administrator Cox and Council Member Wollam review of contract language, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-2):**

<b>Craig Fore</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Aye</b>
<b>Susan Jagers</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Nay</b>
<b>Erik Wollam</b>	<b>Nay</b>

- D. Discuss and consider possible action regarding the City's protocol to thank citizen volunteers for their efforts at the end of their service term. *(Place Four Council Member Gary Barchfeld)*  
Council Member Gary Barchfeld noted this item had come before Council previously, and the City needed to implement a better procedure moving forward to thank citizen volunteers.

**Motion to place an item addressing the procedure to thank citizen volunteers for their time and effort in the City of Wimberley Governance Policy and Rules of Procedure to be considered at the next City Council meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).**

- E. Discuss and consider possible action to plan a joint workshop with City Council and the Wastewater Ad Hoc Advisory Committee. *(Place Four Council Member Gary Barchfeld)*  
There was discussion to schedule a joint workshop with the City Council and the Wastewater Ad Hoc Advisory Committee on February 26<sup>th</sup> at 6:00 p.m. No action was taken.

- F. Discuss and consider possible action regarding Division 2, City Administrator, of Article 2.05, City Officers, of Chapter 2, Administration and Personnel. *(Mayor Susan Jagers)*  
This item was not discussed, and no action was taken.

- G. Discuss and consider possible action regarding Division 2, Article 2.02.013, Relationship with City Staff. (*Mayor Susan Jagers*)  
This item was not discussed, and no action was taken.

**CITY COUNCIL REPORTS**

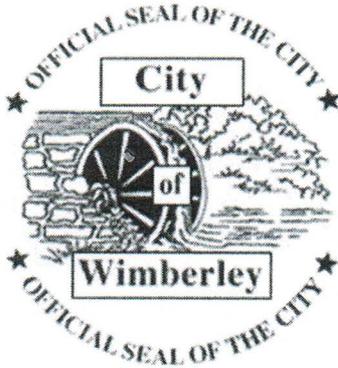
- A. Announcements – None.  
B. Future agenda items – None.

**ADJOURNMENT**

Motion to adjourn the meeting at 8:26 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

**RECORDED BY:**

Laura J. Calcote  
Laura J. Calcote, City Secretary



**APPROVED BY:**  
[Signature]  
Gary Barchfeld, Mayor Pro Tem