

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, MAY 2, 2019 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:31 p.m.

CALL OF ROLL

Council Members Present: Susan Jagers Mayor
Mike McCullough Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Erik Wollam Place Five

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Rebecca Manning Parks Director
Terri Provost Wimberley Community Center Director

INVOCATION

Gary Barchfeld gave the invocation as a citizen.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

CITIZENS COMMUNICATIONS

Dwayne Patlyek spoke regarding code violations throughout the City, including notable ones on Rockwall Road and Rhodes Lane. Mr. Patlyek stated City employees were not properly handling ordinance violations and requested an audit of building and septic permits by a third party. There was discussion among City Council members and Mr. Patlyek regarding the potential code violations.

PRESENTATIONS AND POSSIBLE ACTION

A. Presentation and consider possible action to approve the Blues and BBQ Cook Off on Saturday, May 18, 2019. (*Wimberley Merchants Association President Craig Calley*)
Wimberley Merchants Association President, Craig Calley, presented information regarding the upcoming Blues and BBQ Cook Off, scheduled for Saturday, May 18, 2019, from 11:00 a.m. until 7:00 p.m. Mr. Calley requested the City's ongoing support of the event by providing

barricades, restroom maintenance and trash service. There was discussion pertaining to closures on the Wimberley Square and shuttle service for the event.

Motion to support and help sponsor the Blues and BBQ Cook Off on Saturday, May 18, 2019 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

B. Presentation and consider possible action to approve the City of Wimberley’s Quarterly Investment Report for the second quarter of Fiscal Year 2019. *(City Administrator Shawn Cox)* City Administrator Shawn Cox presented the City’s Quarterly Investment Report for January through March 2019. The report included investment portfolio summaries, cash summaries, TexPool summaries and CD summaries for each month. Additionally, there was discussion regarding the certificate of deposit.

Motion to approve the City of Wimberley’s Quarterly Investment Report for the second quarter of Fiscal Year 2019 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

CONSENT AGENDA

Motion to vote separately on Consent Agenda Items A and B was made by Council Member Allison Davis. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

A. Approval of minutes from the Regular City Council Meeting held April 18, 2019.

Motion to approve the minutes from the Regular City Council Meeting held April 18, 2019 was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (4-0-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Erik Wollam	Aye
Allison Davis	Abstain

B. Approval of the February 2019 Financial Statements for the City of Wimberley.

Motion to approve the February 2019 Financial Statements for the City of Wimberley was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including line locations, lift station submittals to Alan Plummer Associates, Inc., and Capital Excavation chip seal paving to occur in May. Additionally, there was discussion on the Golden-cheeked Warbler analysis and a Project manager. The current Project Manager, Jim Schoonover, had suffered a heart attack in early March, and would be unable to return to work soon.

Furthermore, Council members and Mr. Cox discussed Mr. Patlyek’s concerns on code violations, the poor road condition at the intersection of Flite Acres and Little Ranches. Council requested the Transportation Advisory Board prioritize the road projects for the remainder of Fiscal Year 2019 and present their recommendations to Council.

PUBLIC HEARINGS AND POSSIBLE ACTION

Hold a public hearing and consider approval of the second and final reading of Ordinance No.

2019-08, amending Chapter 9, Planning and Development Regulations, Article 9.03, Zoning, of the City of Wimberley Code of Ordinances related to bed and breakfast and vacation rental lodging requirements; requiring an annual conditional use permit renewal; amending certain regulations; providing for a penalty not to exceed two thousand dollars (\$2,000.00); providing for a forfeiture of conditional use permit for failure to renew; providing findings of fact; a repealing clause; a savings and severability clause; an effective date; and proper notice of meeting.

There was one citizen comment. Molly Bowen, a current Conditional Use Permit holder for a vacation rental, spoke regarding City Council's actions to "smoke out" short-term rentals (STRs). Ms. Bowen contended the previous short-term rental numbers provided were inaccurate, and the software had shown there were few non-compliant STRs within the City and surrounding area. Ms. Bowen urged Council to table the topic until after the 86th Legislative Session was over later in the month, since the issue had been addressed with several bills filed.

Furthermore, Ms. Bowen addressed the recent disannexation of properties in the City.

Motion to approve the second and final reading of Ordinance No. 2019-08, amending Chapter 9, Planning and Development Regulations, Article 9.03, Zoning, of the City of Wimberley Code of Ordinances related to bed and breakfast and vacation rental lodging requirements; requiring an annual conditional use permit renewal; amending certain regulations; providing for a penalty not to exceed two thousand dollars (\$2,000.00); providing for a forfeiture of conditional use permit for failure to renew; providing findings of fact; a repealing clause; a savings and severability clause; an effective date; and proper notice of meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

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

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding the fee structure and amount for administrative renewal of conditional use permits. (*Short-Term Rental Review Committee Members Phil Collins and Tomas Palm*)

Short-Term Rental Review Committee Member Phil Collins addressed Council regarding the annual renewal component associated with Ordinance No. 2019-08, and how much the STR software would cost per quarter. There was lengthy discussion among Mr. Collins, Council members and City Administrator Shawn Cox pertaining to the formation and scope of the STR Review Committee, the current non-compliant numbers produced by the software and the annual renewal fee for Conditional Use Permits for STRs. Council Member Craig Fore was not in agreeance with the proposed fee of \$50 per person, not to exceed \$500 annually, and suggested Council wait to set the fee amount until budget season. Council Member Erik Wollam noted he had a compliance concern and was reluctant to ask for an annual renewal fee for STRs.

Motion to postpone setting the fee structure and amount for administrative renewal of Conditional Use Permits for short-term rentals until Fiscal Year 2020 budget season was made by Council Member Allison Davis. Motion was seconded by Council Member Erik Wollam. Motion carried as follows (3-2):

Craig Fore	Aye
Allison Davis	Aye

Erik Wollam	Aye
Mike McCullough	Nay
Gary Barchfeld	Nay

- B. Discuss and consider possible action regarding an ordinance adding Article 4.12, Landscaping and Tree Preservation to Chapter 4, Building Regulations of the City of Wimberley Code of Ordinances. *(City Administrator Shawn Cox)*

There was discussion regarding penalty and enforcement for violations to the proposed tree ordinance, as well as landscaping plans for site development. Several Council members agreed the proposed ordinance still needed revising.

No action was taken on this item.

- C. Discuss and consider possible action to support the completion of Friends of Blue Hole's playscape shade canopy project. *(City Administrator Shawn Cox and Parks Director Rebecca Manning)*

Parks Director Rebecca Manning presented the Friends of Blue Hole's (FOBH) playscape shade canopy project. FOBH had received a \$5,000 grant for the project and would pay the contractor directly for the completion of the project. FOBH requested the City waive all permit fees, accept the contractor, design and project proposal.

Motion to support the completion of Friends of Blue Hole's playscape shade canopy project and to waive all City permit fees associated with the project was made by Council Member Erik Wollam. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- D. Discuss and consider possible action regarding the removal of Bickerstaff Heath Delgado Acosta LLP as legal counsel for the City of Wimberley. *(Place Five Council Member Erik Wollam)*

Motion to remove Bickerstaff Heath Delgado Acosta LLP as legal counsel for the City of Wimberley was made by Council Member Erik Wollam. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-0-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Erik Wollam	Aye
Allison Davis	Abstain

- E. Discuss and consider possible action to engage Denton Navarro Rocha Bernal and Zech, P.C. to handle all on-going litigation for the City of Wimberley. *(Place Five Council Member Erik Wollam)*

Motion to engage Denton Navarro Rocha Bernal and Zech, P.C. to handle all on-going litigation for the City of Wimberley was made by Council Member Erik Wollam. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-0-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Erik Wollam	Aye
Allison Davis	Abstain

- F. Discuss and consider possible action to authorize the expenditure of \$3,500 with Byrn and Associates to complete the General Land Office survey requirements *(City Administrator Shawn Cox)*

The City would need to complete a General Land Office Application for State Land Use Lease as one of the four conditions for a favorable finding from the Texas Water Development Board's Environmental Review for the Central Wimberley Wastewater Project. The application would be for a ten-year easement/lease for the installation of the wastewater line under Cypress Creek.

Motion to authorize the expenditure of \$3,500 with Byrn and Associates to complete the General Land Office survey requirements was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

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

- G. Discuss and consider possible action to approve Ordinance No. 2019-12, extending the timeframe for existing and new businesses to pump, haul and properly dispose of wastewater effluent prior to the installation of a sanitary sewer system. *(City Administrator Shawn Cox)*

Motion to postpone this item until the next Regular City Council Meeting on May 16th was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- H. Discuss and consider possible action to approve Resolution No. 06-2019, authorizing the Mayor to sign a Franchise Agreement with Wimberley Water Supply Corporation for a non-exclusive franchise to construct, operate and maintain a retail water utility system within the rights-of-way of the City of Wimberley for a term of ten years. *(City Administrator Shawn Cox)*

Motion to approve Resolution No. 06-2019, authorizing the Mayor to sign a Franchise Agreement with Wimberley Water Supply Corporation for a non-exclusive franchise to construct, operate and maintain a retail water utility system within the rights-of-way of the City of Wimberley for a term of ten years was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- I. Discuss and consider possible action to approve Resolution No. 07-2019, authorizing the Mayor to sign a Franchise Agreement with Aqua Utilities, Inc. DBA Aqua Texas, Inc. for a non-exclusive franchise to construct, operate and maintain a retail wastewater utility system within the rights-of-way of the City of Wimberley for a term of ten years. *(City Administrator Shawn Cox)*

Motion to approve Resolution No. 07-2019, authorizing the Mayor to sign a Franchise Agreement with Aqua Utilities, Inc. DBA Aqua Texas, Inc. for a non-exclusive franchise to construct, operate and maintain a retail wastewater utility system within the rights-of-way of the City of Wimberley for a term of ten years was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

J. Discuss and consider possible action regarding the City's contribution of \$6,017.32 for the construction of a new sign at the Wimberley Community Center. *(City Administrator Shawn Cox)*

The City had previously approved contributing one-third of the cost, in the amount of \$4,666, for the construction of a new sign at the Wimberley Community Center. The bids came in higher than expected, and the City would need to contribute additional funds for signage construction.

Motion to approve the City's contribution of \$6,017.32 for the construction of a new sign at the Wimberley Community Center was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

K. Discuss and consider possible action to approve \$4,800 for a new air conditioning unit at the Wimberley Community Center. *(City Administrator Shawn Cox)*

Motion to approve \$4,800 for a new air conditioning unit at the Wimberley Community Center was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

L. Discuss and consider possible action regarding the Golden-cheeked Warbler assessment provided by Zara Environmental, LLC. *(City Administrator Shawn Cox)*

There was discussion regarding the draft Golden-cheeked Warbler habitat assessment, but no action was taken on this item.

M. Discuss and consider possible action to reschedule the first Regular City Council Meeting in July. *(City Administrator Shawn Cox)*

Motion to cancel the first Regular City Council Meeting in July was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

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

CITY COUNCIL REPORTS

A. Announcements – Outgoing Council Members Allison Davis and Mike McCullough were recognized by City Council for their tenure on Council. Both Council members received a plaque for their service to the community.

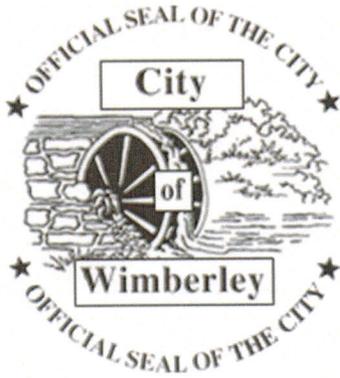
B. Future agenda items – The Special City Council Meeting for May 8th was discussed. Two items would be placed on the agenda – a Wimberley Planned Development District application and the proposed tree ordinance.

ADJOURNMENT

Motion to adjourn the meeting at 7:51 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

[Signature]
~~Susan Jagers, Mayor~~
Gary Barchfeld, mayor Pro Tem