



# 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, JUNE 20, 2019 – 6:00 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Susan Jagers called the meeting to order at 6:00 p.m.

### **CALL OF ROLL**

Council Members Present:

Susan Jagers	Mayor
Rebecca Minnick	Place One
Craig Fore	Place Two
Christine Byrne	Place Three
Gary Barchfeld	Place Four
Bo Bowman	Place Five

City Staff Present:

Shawn Cox	City Administrator
Laura Calcote	City Secretary
Sandy Floyd	Planning & Development Coordinator/GIS Analyst
Megan Santee	Deputy City Attorney

### **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.

### **CITIZENS COMMUNICATIONS**

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

1. Dan Sturdivant presented a letter he wrote regarding the low number of non-compliant short-term rentals (STRs) in the City, and how the statistics from the STR Software showed the original data presented on the number of non-compliant STRs was false. Mr. Sturdivant contended there was not a problem in the first place pertaining to the topic.
2. Dan Gauthier suggested the invocation at the beginning of City Council meetings be given by a diverse group of individuals to promote inclusion of all religions and spiritual beliefs.

## **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 6:08 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 (Consultation with Attorney), regarding Cause No. 19-1203; Steve Thurber vs. The City of Wimberley.
- B. Section 551.074 (Personnel Matters), City Council will meet to deliberate the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee: Parks Director.

## **OPEN SESSION**

Regular Session reconvened at 6:46 p.m.

No action was taken.

## **CONSENT AGENDA**

**Motion to approve the Consent Agenda was made by Council Member Christine Byrne. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).**

- A. Approval of minutes from the Regular City Council Meeting held June 6, 2019.
- B. Approval of Mayor Susan Jagger's reappointment of Mike Stevens to the Parks and Recreation Board.
- C. Approval of Mayor Susan Jagger's appointment of Gary Callon to the Transportation Advisory Board.
- D. Approval of Place One Council Member Rebecca Minnick's appointment of Anthony Deringer to the Parks and Recreation Board.
- E. Approval of Place One Council Member Rebecca Minnick's appointment of Chris Sheffield to the Transportation Advisory Board.
- F. Approval of Place Two Council Member Craig Fore's reappointment of Matt Meeks to the Parks and Recreation Board.
- G. Approval of Place Two Council Member Craig Fore's reappointment of Alex Villaret to the Transportation Advisory Board.
- H. Approval of Place Three Council Member Christine Byrne's reappointment of Bex Hale to the Parks and Recreation Board.
- I. Approval of Place Three Council Member Christine Byrne's reappointment of Bobby Dettmer to the Transportation Advisory Board.
- J. Approval of Place Four Council Member Gary Barchfeld's appointment of Mark Bursiel to the Parks and Recreation Board.

- K. Approval of Place Four Council Member Gary Barchfeld's reappointment of Craig Reitz to the Planning and Zoning Commission.
- L. Approval of Place Five Council Member Bo Bowman's appointment of Trey Cooksey to the Parks and Recreation Board.
- M. Approval of Place Five Council Member Bo Bowman's appointment of Jim Chiles to the Transportation Advisory Board.
- N. Approval of Place Five Council Member Bo Bowman's appointment of Amy Crowell to the Comprehensive Plan Review Team.

### **CITY ADMINISTRATOR REPORT**

City Administrator Shawn Cox updated Council pertaining to the status of the Central Wimberley Wastewater Project and Workshop, which was held on June 17<sup>th</sup> at the Wimberley Community Center. Additionally, a letter received by the City from the Texas Water Development Board on June 18<sup>th</sup> was discussed, and Council Member Gary Barchfeld read the letter into the minutes, which is attached to these minutes. A response letter from the City to the TWDB was due by June 28<sup>th</sup>. Furthermore, City Council members discussed the potential easement with Sabino Ranch, the status of the Aqua Texas contract, the environmental study findings and the 30-day public comment period surrounding the Central Wimberley Wastewater Project.

Sales tax had an increase of 8.27% from the same timeframe in 2018, and an overall increase of 5.69% for year-to-date. The mixed beverage tax had significantly increased from 2018 to 2019.

Mr. Cox also presented Council with a preliminary budget calendar/scheduled for the Fiscal Year (FY) 2020 Budget, which would go into effect on October 1, 2019. The FY 2020 would be further discussed in July and August.

### **PUBLIC HEARINGS AND POSSIBLE ACTION**

- A. Hold a public hearing and consider approval regarding case ZA-19-002, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Moderate Impact (C-2) for property located at 151 Oldham Street, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Mike Oldmixon, Applicant)*

Council Member Rebecca Minnick recused herself from the discussion and vote.

Planning & Development Coordinator/GIS Analyst, Sandy Floyd, presented the item, which had been continued from the April 18<sup>th</sup> City Council Meeting. No public hearing was required at the current meeting, since it had already been satisfied on April 18<sup>th</sup>.

**Motion to approve case ZA-19-002, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Moderate Impact (C-2) for property located at 151 Oldham Street, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**

- B. Hold a public hearing and consider approval regarding case ZA-19-004, an application to change the zoning from Single-Family Residential 2 (R-2) to Residential Acreage (RA) for property located at 2595 Flite Acres Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

Planning & Development Coordinator/GIS Analyst, Sandy Floyd, presented the zoning change, which needed to be made to bring the property into compliance with the City's Zoning Ordinance. The Planning and Zoning Commission had unanimously recommended approval of the zoning change at their June 13<sup>th</sup> meeting.

Mayor Susan Jagers opened the public hearing at 7:07 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 7:07 p.m.

**Motion to approve case ZA-19-004, an application to change the zoning from Single-Family Residential 2 (R-2) to Residential Acreage (RA) for property located at 2595 Flite Acres Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

- C. Hold a public hearing and consider approval regarding case ZA-19-005, proposing an ordinance amending Ordinance No. ZA-01-032, which designated real property located on Lot 1, Madrone Park, more commonly known as 706 FM 2325, Wimberley, Hays County, Texas, as a Planned Unit Development with a base zoning of Commercial-Low Impact (C-1), and imposed certain development regulations. This amendment proposes to allow structures to be rebuilt as they were at the time of the original PUD in the event of a fire or other accidental or natural means; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Madrone Office Park & Storage, LLC, Applicant*)

Planning & Development Coordinator/GIS Analyst, Sandy Floyd, presented the amendment to the Planned Unit Development (PUD), which had previously been granted to the property in 2001. Ms. Floyd stated she had received 34.32% opposition within the 200 foot notice area, and a super majority vote of City Council would be required to pass the application. The Planning and Zoning Commission had voted 4-2 at their June 13<sup>th</sup> meeting to recommend approval of the application.

Mayor Susan Jagers opened the public hearing at 7:11 p.m.

There were four public comments. They were as follows:

1. Lila McCall read aloud a letter from Pam Kirkland, opposing the PUD amendment, and stated no special treatment should be given to Steve Thurber, since he lost his property's grandfather status when the structure burned.

2. Steve Thurber, the applicant, addressed City Council stating he wanted to follow rules and procedures to rebuild the structure that had caught fire in September 2017. The new structure would be built of limestone and metal and could not be setback further because of a large tree on the back of the property. Mr. Thurber noted a variance had been granted in December 2017 to rebuild, but the variance was only for a year, and the structure had not been rebuilt in that timeframe. He urged City Council to follow the Planning and Zoning Commission's recommendation.

3. Susan Thurber, the applicant, refuted statements and accusation in some of the opposition letters received by the City, which were included in the meeting packet. Mrs. Thurber noted she wanted to set the record straight and address negative input from certain individuals.

4. Dan Sturdivant addressed Council regarding the Board of Adjustment's solution to offer a five-foot setback for the building.

Mayor Susan Jagers closed the public hearing at 7:33 p.m.

There was discussion among City Council members pertaining to Planned Unit Development and Wimberley Planned Development District ordinance language. Council Member Rebecca Minnick contended the Council should adhere to the law and be compassionate to neighbors when voting on the proposed application. Council Members Craig Fore and Gary Barchfeld had both met with Steve Thurber and offered the compromise of a five-foot setback for the building. Both Council members stated the importance of complying with existing regulations and code when rebuilding.

City Council adjourned into Executive Session at 7:54 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose: Section 551.071 (Consultation with Attorney) to discuss case ZA-19-005.

Regular Session reconvened at 8:12 p.m.

**Motion to approve case ZA-19-005, proposing an ordinance amending Ordinance No. ZA-01-032, which designated real property located on Lot 1, Madrone Park, more commonly known as 706 FM 2325, Wimberley, Hays County, Texas, as a Planned Unit Development with a base zoning of Commercial-Low Impact (C-1), and imposed certain development regulations. This amendment proposes to allow structures to be rebuilt as they were at the time of the original PUD in the event of a fire or other accidental or natural means; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion failed a super majority vote as follows (3-2):**

<b>Rebecca Minnick</b>	<b>Aye</b>
<b>Christine Byrne</b>	<b>Aye</b>
<b>Bo Bowman</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Nay</b>
<b>Gary Barchfeld</b>	<b>Nay</b>

- D. Hold a public hearing and first reading regarding an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3, (District Regulations) Section 9.03.083 (Commercial-Low Impact); Section 9.03.084 (Commercial-Moderate Impact); & Section 9.03.085 (Commercial-High Impact) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(Place Two Council Member Craig Fore)*

The Planning and Zoning Commission had recommended denying the code amendment at their June 13<sup>th</sup> meeting.

Mayor Susan Jagers opened the public hearing at 8:17 p.m.

There was one public comment. David Glenn spoke regarding hydrologic changes due to development and presented a diagram to show the issues created with too much impervious cover on the ground. Mr. Glenn also noted the Hill Country area is prone to drought and can flood easily due to the limestone and rocky soil, which can cause runoff issues. Area population growth concerns were highlighted as well.

Mayor Susan Jagers closed the public hearing at 8:30 p.m.

Council Member Craig Fore stated the ordinance presented only addressed commercial areas, and he wanted the impervious cover requirement of fifty percent (50%) for all City zoning areas to help minimize runoff issues. Council members discussed water quality concerns, as well as impervious cover throughout the City.

No action was taken on this item.

**DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action to amend parking lot requirements within the City of Wimberley. *(Place Two Council Member Craig Fore)*

Council Member Craig Fore spoke regarding how most parking lots within the City are topped with either asphalt or concrete. Mr. Fore requested City staff find alternative paving methods for parking lots, which would limit impervious cover, by the first City Council meeting in September.

No action was taken on this item.

- B. Discuss and consider possible action to appoint members to the Downtown District Committee. *(City Administrator Shawn Cox)*

City Council had approved Ordinance No. 2019-16, creating the Downtown District Committee, at their June 6<sup>th</sup> meeting. The Ordinance set guidelines for the composition of the Committee.

**Motion to approve the following consensus members to the Downtown District Committee was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).**

**Jen Bachman – Property/Business Owner  
Buck Baccus – Property/Business Owner  
Matthew Buchanan – Property/Business Owner  
Clay Ewing – Chamber of Commerce Representative  
Craig Calley – Merchants Association Representative  
Matthew Dowd – Wimberley Resident  
Teresa Shell – Wimberley Resident**

- C. Discuss and consider possible action to schedule a joint workshop with the Short-Term Rental Review Committee. *(City Administrator Shawn Cox)*

There was discussion among Council Members regarding the Short-Term Rental Review Committee’s goals and accomplishments over the past 10 months, including the passage of the short-term rental ordinance. Council Member Christine Byrne thanked the Committee members for their service.

**Motion to schedule a joint workshop with the City Council, the Planning and Zoning Commission and the Short-Term Rental Review Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion failed as follows (2-3):**

<b>Craig Fore</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Aye</b>
<b>Rebecca Minnick</b>	<b>Nay</b>
<b>Christine Byrne</b>	<b>Nay</b>
<b>Bo Bowman</b>	<b>Nay</b>

**CITY COUNCIL REPORTS**

- A. Announcements – None.

B. Future agenda items – Council Member Gary Barchfeld requested the Transportation Advisory Board look into a no left turn sign at the intersection of Ranch Road 12 and Old Kyle Road. Mayor Susan Jagers requested previously approved Resolution No. 09-2019 be placed on the July 18<sup>th</sup> agenda for discussion.

**ADJOURNMENT**

Motion to adjourn the meeting at 8:58 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:**

Rebecca Minnick  
Rebecca Minnick, Mayor Pro Tem

June 18, 2019

Mr. Shawn Cox, City Administrator  
City of Wimberley  
P.O. Box 2027  
Wimberley, Texas 78676

Re: Clean Water State Revolving Fund Project

Mr. Cox:

On March 28, 2019, the Texas Water Development Board (TWDB) approved a request from the City of Wimberley to amend TWDB Resolution No. 16-032, changing the constructed project components for TWDB Project No. 73653. The Board's approval allowed for the modification of the project scope removing a centralized, City-owned wastewater treatment plant, and adding a connection to Aqua Texas for wastewater treatment services. The Board's approval also required the City to comply with all conditions of the final environmental finding and exchange refund its existing bonds held by the TWDB with a pledge of ad valorem taxes and net revenues of the proposed system.

The City has not provided documentation that it has complied with the requirements of the Board's approval. As stated at the March 28, 2019 meeting, our expectation is that the City will move decisively to execute the approved change of scope. Furthermore, Section 8.07 of City Ordinance No. 2017-015 requires the City to comply with federal regulations to timely and expeditiously pursue the project and expend its bond proceeds. It is imperative that the City move forward now to expend its bond proceeds. Please reach out to me by email at [dain.larsen@twdb.texas.gov](mailto:dain.larsen@twdb.texas.gov) or by phone at (512) 463-1618 by June 28, 2019 with a timeline for final implementation of the change in project scope.

Sincerely,



Dain Larsen  
Team Manager, Central Region

**Our Mission** : **Board Members**

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas

Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member  
Jeff Walker, Executive Administrator