

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, JULY 18, 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
	Megan Santee	Deputy City Attorney
	Kelly Schmidt	Parks Director
	Sandy Floyd	Planning & Development Coordinator/GIS Analyst

INVOCATION

Cypress Creek Church Pastor, Jose Abaroa, 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 no citizen's comments.

PROCLAMATION

Proclamation of the City of Wimberley, Texas recognizing the Hays County Master Naturalist Chapter on the occasion of its 20th anniversary. *(Place Three Council Member Christine Byrne)* Mayor Susan Jagers read aloud the proclamation and presented to a large group of the Hays County Master Naturalist, including Council Member Christine Byrne, who is a member of the organization.

PRESENTATION

Presentation and consider possible action to approve the City of Wimberley's Quarterly Investment Report for the third quarter of Fiscal Year 2019. (*City Administrator Shawn Cox*) City Administrator Shawn Cox presented the City's Quarterly Investment Report for April through June 2019. The report included investment portfolio summaries, cash summaries, TexPool summaries and CD summaries for each month. There was discussion regarding the City's finances.

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

CONSENT AGENDA

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

- A. Approval of minutes from the Regular City Council Meeting held June 20, 2019.
- B. Approval of minutes from the Special City Council Meeting held June 25, 2019.
- C. Approval of April 2019 and May 2019 Financial Statements for the City of Wimberley.

BOARD, COMMISSION, COMMITTEE REPORTS

- A. Report from the Planning and Zoning Commission
Planning and Zoning Commission Chairperson, Peter Lingamfelter, reported on recent activities of the Committee, including reviewing and amending zoning, Planned Use Developments (PUDs), Wimberley Planned Development Districts (WPDDs), Conditional Use Permits (CUPs) and review of the City's Comprehensive Plan. Furthermore, Mr. Lingamfelter complimented the recent public official training he attended in Fredericksburg earlier in the month.
- B. Report from the Short-Term Rental Review Committee
The Short-Term Rental Review Committee Chairperson, Albert Valera, sent an email to Council, declining the invite to present a report. The email was reviewed and discussed by the Mayor and Council members.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox provided an update regarding sales and mixed beverage taxes. Sales tax had increased 10.03% from July 2018 and a total of 6.1% year-to-date from Fiscal Year 2018. Mixed beverage tax revenues were likely to be double what was budgeted for Fiscal Year 2019. Additionally, Mr. Cox reported on the status of the Central Wimberley Wastewater Project. The Texas Water Development Board had received all requested information regarding the environmental findings from the City, and the 30-day public review period would begin soon. Furthermore, Council Member Rebecca Minnick, Council Member Gary Barchfeld and Mr. Cox had recently met with Aqua Texas to discuss the potential agreement and/or contract between the City and the company. Council Member Rebecca Minnick provided detailed information to Council and the public regarding the meeting with Aqua Texas, including a possible bore location at the narrowest part of the Cypress Creek, easement negotiation/s, contract length and compromise between interested parties. There was discussion among Council members pertaining to the Project.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-19-005, an application for a Conditional Use Permit to allow for the construction of a secondary residence on property zoned Rural Residential 1 (R-1) for property located at 164 Masonic Lodge 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. (*John & Shane Foster*)
Planning and Development Coordinator/GIS Analyst, Sandy Floyd, presented the application for a Conditional Use Permit (CUP). There had been one inquiry and no response to the application. The Planning and Zoning Commission had unanimously voted to recommend approval of the application at their July 11th meeting.
Mayor Susan Jagers opened the public hearing at 6:56 p.m.
Applicants John and Shane Foster addressed Council regarding the CUP.
Mayor Susan Jagers closed the public hearing at 6:57 p.m.
Motion to approve case CUP-19-005, an application for a Conditional Use Permit to allow for the construction of a secondary residence on property zoned Rural Residential 1 (R-1) for property located at 164 Masonic Lodge 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 Bo Bowman. Motion carried unanimously (5-0).

- B. Hold a public hearing and consider approval regarding case ZA-19-006, an application to change the zoning from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2) for The Oaks, Section 1, Lot 2, 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 and Development Coordinator/GIS Analyst, Sandy Floyd, presented the application for a zoning change. The lot had originally been improperly zoned. The Planning and Zoning Commission had unanimously voted to recommend approval of the application at their July 11th meeting.
Mayor Susan Jagers opened the public hearing at 6:59 p.m.
There were no public comments.
Mayor Susan Jagers closed the public hearing at 6:59 p.m.
Motion to approve case ZA-19-006, an application to change the zoning from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2) for The Oaks, Section 1, Lot 2, 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 Bo Bowman. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to waive application fees for the Wimberley Village Library. (*Dell Hood*)
President of the Board of Trustees for the Wimberley Village Library, Dell Hood, addressed Council requesting a waiver of application fees for a large expansion of the facility. The waiver would include fees for zoning, subdivision, variance, site development and building permit. There was discussion among Council members and Mr. Hood pertaining to the Library's budget and finances.

Motion to waive application fees for the Wimberley Village Library was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- B. Discuss and consider possible action to regarding Ordinance No. 2019-09, discussing the issuance of the "City of Wimberley, Texas Exchange Refunding Bonds, Series 2019." (*Norton Rose Fulbright Attorney Stephanie Leibe*)

Bond Counsel Attorney, Stephanie Leibe, advised Council regarding the issuance of exchange refunding bonds for the Central Wimberley Wastewater Project. City Council had chosen to adopt a resolution in April 2019, supporting the issuance of the bonds, instead of adopting the Ordinance No. 2019-09. The Ordinance would authorize the issuance of the exchange refunding bonds. The current revenue bonds would need to be exchanged as part of the four conditions set forth by the Texas Water Development Board for the approval of the change in scope to the Project. Additionally, Ms. Leibe advised on the stipulations for exchange refunding bonds, which are secured by a combination of revenues and ad valorem tax. The original revenue bonds were issued for Project design. No election would be required for the exchange refunding bonds. The was discussion among Council regarding ad valorem tax and the process and timeframe required to issue the new bonds.

No action was taken on this item.

- C. Discuss and consider possible action to approve an Excessive Force Policy as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

Motion to approve an Excessive Force Policy as required by the General Land Office for all Community Development Block Grant recipients was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- D. Discuss and consider possible action to approve Section 3 Policy as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

Motion to approve Section 3 Policy as required by the General Land Office for all Community Development Block Grant recipients was made by Council Member Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- E. Discuss and consider possible action to approve Section 504 Grievance Procedures as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

Motion to approve Section 504 Grievance Procedures as required by the General Land Office for all Community Development Block Grant recipients was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- F. Discuss and consider possible action to approve Citizen Participation Grievance Procedures as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

Motion to approve Citizen Participation Grievance Procedures as required by the General Land Office for all Community Development Block Grant recipients was made

by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- G. Discuss and consider possible action to approve Depository/Authorized Signatory Form as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
Motion to approve Depository/Authorized Signatory Form as required by the General Land Office for all Community Development Block Grant recipients was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).
- H. Discuss and consider possible action to approve Resolution No. 10-2019 – Affirmative Resolution (Signatories), as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
Motion to approve Resolution No. 10-2019 – Affirmative Resolution (Signatories), as required by the General Land Office for all Community Development Block Grant recipients, was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).
- I. Discuss and consider possible action to approve Resolution No. 11-2019 – Civil Rights Resolution, as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
Motion to approve Resolution No. 11-2019 – Civil Rights Resolution, as required by the General Land Office for all Community Development Block Grant recipients, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- J. Discuss and consider possible action to repeal or amend adopted Resolution No. 09-2019. *(Mayor Susan Jagers)*
There was discussion pertaining to the language for adopted Resolution No. 09-2019.
No action was taken on this item.

CITY COUNCIL REPORTS

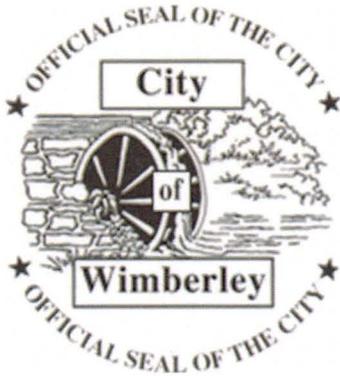
- A. Announcements – Council Member Bo Bowman complimented the city official training he attended in Fredericksburg on July 12th.
- B. Future agenda items – Council Member Gary Barchfeld requested a discussion on City boards, commissions and committees and agenda postings be placed on the August 1st agenda. Additionally, Council Member Rebecca Minnick requested a discussion item regarding the roles and responsibilities for City boards, commissions and committees be placed on the same agenda. Council Member Christine Byrne asked City staff to write a resolution of support for the Mount Edith property for the August 1st agenda. Mayor Susan Jagers requested an evaluation for the City Administrator be placed on the agenda.

ADJOURNMENT

Motion to adjourn the meeting at 7:44 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers
Susan Jagers, Mayor