



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, JULY 19, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 6:01 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
	Patricia Cantu Kelly	Place Five
City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	Sandy Floyd	Planning & Development Coordinator/GIS Analyst

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.

PRESENTATION AND POSSIBLE ACTION

Carl Owens gave a presentation regarding the proposed “Wimberley 4” race event, scheduled for October 20, 2018. Mr. Owens requested Council’s approval for the event.

Motion to approve the “Wimberley 4” race event was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

CITIZENS COMMUNICATIONS

There were six citizen’s comments. They were as follows:

1. Celeste Browning requested Council resume the process on the wastewater system, and noted she was opposed to a pipe in the creek at Blue Hole Regional Park. Ms. Browning also voiced concerns regarding Aqua Texas being a publicly traded company.

2. Roberta Shoemaker-Beal spoke regarding the low audio at public meetings, and also made two announcements about upcoming events within the community.
3. Claudette Law addressed Council regarding Aqua Texas, and stated the company is expensive and dangerous.
4. Henry Ott spoke regarding the long-standing sewer issue within the City, and noted he was opposed to Aqua Texas causing the City additional funds and legal fees.
5. Ed Foster stated Aqua Texas's base charge is expensive and was against moving forward with the company for the wastewater project.
6. Brian Ferrick addressed Council regarding profits motivating corporations, such as Aqua Texas. He also noted the problems Woodcreek and Kyle have experienced with Aqua Texas.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

Approval of minutes from the Special City Council Meeting held July 10, 2018.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including easements, invoices and the progress of laying the pipes. Mr. Cox also noted the City's Public Works Department's pothole and shoulder repair efforts over the past couple of weeks and mentioned upcoming road projects for the City.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-18-010, an application for a Conditional Use Permit to allow for a vacation rental for property located at 310 Summit Loop, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Lisa Risoli, Applicant*)

Planning and Development Coordinator/GIS Analyst Sandy Floyd presented an application for a Conditional Use Permit to allow for the operation of a vacation rental at 310 Summit Loop. Mrs. Floyd noted the City had received 58.06% opposition for the CUP, which would require a super majority vote by City Council. Additionally, the Planning & Zoning Commission had recommended denial of the CUP at their July 12th meeting by a 6-0-1 vote.

Mayor Jagers opened the public hearing at 6:47 p.m.

Jennifer Zinkgraf spoke in opposition to the CUP.

Mayor Jagers closed the public hearing at 6:49 p.m.

Motion for denial was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- B. Hold a public hearing and consider approval regarding case CUP-18-011, an application for a Conditional Use Permit to allow for a vacation rental for property located at 350 W. Spoke Hill Dr., Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Constantino & Teresa Taccogna, Applicant*)

The applicant requested this item be postponed until a later date.

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider approval of the first reading of an ordinance amending Title XV (Land Usage) Chapter 154 (Subdivision Control) Section 154.063 (Lots), Subsection (C) "Lot Shape", of the City of Wimberley Code of Ordinances in order to except minor alterations to interior lot lines that do not increase the number of lots; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting.

Motion to approve the first reading of an ordinance amending Title XV (Land Usage) Chapter 154 (Subdivision Control) Section 154.063 (Lots), Subsection (C) "Lot Shape", of the City of Wimberley Code of Ordinances in order to except minor alterations to interior lot lines that do not increase the number of lots; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

- B. Discuss and consider possible action to approve Ordinance No. 2018-23, amending Chapter 33, Subsection 33.04 (C)(2), (D), (E), (F), (G) and (H) for the Parks and Recreation Board. There was discussion regarding one or two-year appointments terms, as well as term limits for the Board.

Motion to approve Ordinance No. 2018-23, amending Chapter 33, Subsection 33.04 (C)(2), (D), (E), (F), (G) and (H) for the Parks and Recreation Board, with the amendment of a limit of four consecutive terms, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows: (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

- C. Discuss and consider possible action to reverse previous appointments to the Parks and Recreation Board, prior to the adoption of Ordinance No. 2018-23, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-23.

The previous appointments/reappointments to the Board on June 21, 2018 needed to be reversed until the passage of Ordinance No. 2018-23, and then the appointments/reappointments could be finalized after the passage of the Ordinance.

Motion to reverse previous appointments to the Parks and Recreation Board, prior to the adoption of Ordinance No. 2018-23, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-23 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
Patricia Cantu Kelly	Aye
Allison Davis	Nay

D. Discuss and consider possible action to approve Ordinance No. 2018-24, amending Chapter 33, Subsection 33.02 (C), (D), (E), (F), (G) and (H) for the Transportation Advisory Board.
Motion to approve Ordinance No. 2018-24, amending Chapter 33, Subsection 33.02 (C), (D), (E), (F), (G) and (H) for the Transportation Advisory Board, with the amendment of a limit of four consecutive terms, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

E. Discuss and consider possible action to reverse previous appointments to the Transportation Advisory Board, prior to the adoption Ordinance No. 2018-24, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-24.
Motion to reverse previous appointments to the Transportation Advisory Board, prior to the adoption Ordinance No. 2018-24, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-24 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

F. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2018-26, amending Ordinance No. 2015-017, regarding the Hotel Occupancy Tax Advisory Committee.
Motion to approve the second and final reading of Ordinance No. 2018-26, amending Ordinance No. 2015-017, regarding the Hotel Occupancy Tax Advisory Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

G. Discuss and consider possible to reverse previous appointments to the Hotel Occupancy Tax Advisory Committee, prior to the adoption and final reading of Ordinance No. 2018-26, and approve appointment or re-appointment of Committee members, after adoption and final reading of Ordinance No. 2018-26.
Motion to reverse previous appointments to the Hotel Occupancy Tax Advisory Committee, prior to the adoption and final reading of Ordinance No. 2018-26, and approve appointment or re-appointment of Committee members, after adoption and final reading of Ordinance No. 2018-26 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

H. Discuss and consider possible action to approve Ordinance No. 2018-27, creating a Wastewater Ad Hoc Advisory Committee.
Motion to approve Ordinance No. 2018-27, creating a Wastewater Ad Hoc Advisory Committee, with the addition of the word “invoices” under Section II: Purpose, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

I. Discuss and consider possible action regarding appointments to the Wastewater Ad Hoc Advisory Committee.

Motion to appoint Maridel Martinez, Chris Oddo, Tom Keyser, Phil Collins, Kirby Attwell and Deborah Koeck to the Wastewater Ad Hoc Advisory Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

J. Discuss and consider possible action to approve Ordinance No. 2018-28, creating a Short-Term Rental Review Committee.

Motion to approve Ordinance No. 2018-28, creating a Short-Term Rental Review Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

K. Discuss and consider possible action to approve Ordinance No. 2018-29, amending Chapter 152, Subsection 152.11 (Community Electronic Message Display Sign).

Wimberley ISD Superintendent Dwain York presented the amendment to allow WISD to install a digital marque sign at the administration building located at 951 FM 2325. There was discussion among Council members regarding the lighting and size of the sign.

Motion to approve Ordinance No. 2018-29, amending Chapter 152, Subsection 152.11 (Community Electronic Message Display Signs) was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

L. Discuss and consider possible action to approve Resolution No. 22-2018, authorizing acceptance of a temporary construction easement for construction of utilities to be located on Hays CAD Property ID R18405, on property owned by CARSON DIVERSIFIED LAND 2 LLC. There was discussion regarding the acceptance of a 20-foot temporary construction easement for construction of utilities along Henson Road. There would be no cost to the City, except for easement filing fees with the County. There was also discussion on the redesign and cost of the wastewater project.

Motion to approve Resolution No. 22-2018, authorizing acceptance of a temporary construction easement for construction of utilities to be located on Hays CAD Property ID R18405, on property owned by CARSON DIVERSIFIED LAND 2 LLC was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Allison Davis. Motion carried as follows (3-2):

Mike McCullough	Aye
Craig Fore	Aye
Allison Davis	Aye
Patricia Cantu Kelly	Nay
Craig Fore	Nay

M. Discuss and consider possible action to approve Resolution No. 23-2018, amending the 2017/2018 Operating Budget (Budget Amendment No. 12) providing for the transfer of funds in the Blue Hole Parkland Fund to the Wastewater Fund.

Motion to approve Resolution No. 23-2018, amending the 2017/2018 Operating Budget (Budget Amendment No. 12) providing for the transfer of funds in the Blue Hole Parkland Fund to the Wastewater Fund 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
Patricia Cantu Kelly	Aye
Allison Davis	Nay

N. Discuss and consider possible action to extend the pause on Black Castle for an additional 30 days.

Motion to extend the pause on Black Castle for an additional 30 days was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

O. Discuss and consider possible action regarding the City of Wimberley Partnership Agreement with The Friends of Blue Hole, Inc.

Andrew Weber, President of Friends of Blue Hole, addressed Council regarding the Partnership Agreement. Mr. Weber indicated this was only a partial document, since no signatures were included.

There was discussion regarding the Partnership Agreement, including the Friends of Blue Hole as a supporting organization for Blue Hole Regional Park.

Motion to table this item was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

A. Announcements – None.

B. Future agenda items – Council Member Gary Barchfeld indicated he would like to discuss the Fiscal Year 2019 budget at the next meeting on August 2nd. Council Member Allison Davis stated she would like for City Council to have a goals workshop in August.

ADJOURNMENT

Mayor Jagers adjourned the meeting at 7:47 p.m., without objection.

RECORDED BY:

Laura J. Calcote

 Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers

 Susan Jagers, Mayor

