



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, AUGUST 15, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Pro Tem, Rebecca Minnick, called the meeting to order at 6:04 p.m.

CALL OF ROLL

Council Members Present: Rebecca Minnick Place One
Craig Fore Place Two
Christine Byrne Place Three
Gary Barchfeld Place Four
Bo Bowman Place Five

Council Members Absent: Susan Jagers Mayor (*arrived at 6:22 p.m.*)

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Sarah Griffin Deputy City Attorney
John Provost Public Works Superintendent

INVOCATION

Trinity Church of Austin Lay Leader and Chancellor, Jimmy Alan Hall, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Pro Tem, Rebecca Minnick, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

PRESENTATION AND POSSIBLE ACTION

- A. Presentation and consider possible action to draft a policy in order to designate Wimberley as a Film Friendly Certified Community. (*Place Three Council Member Christine Byrne and Carroll Wilson*)

Council Member Christine Byrne and Carroll Wilson presented information regarding Film Friendly Certified Communities in Texas, and what three steps are required to become certified, including adoption of enforceable filming guidelines, attending a Film Friendly Texas training workshop and submitting photographs of filming locations within the community.

Motion for City staff to draft a policy by September 5th in order to designate Wimberley as a Film Friendly Certified Community was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

Mayor Susan Jagers began presiding over the meeting at 6:22 p.m.

- B. Presentation and consider possible action regarding the Comprehensive Plan Review Team's recommendations. *(Team Member Jo Kathryn Quinn)*
Comprehensive Plan Review Team Chairperson, Phil Collins, addressed City Council regarding the Team's findings and future suggestions for the City's Comprehensive Plan. Mr. Collins stated there were three critical items that needed immediate attention, which were wastewater, traffic congestion and finance. There was discussion pertaining to hiring a professional consulting firm to draft a new Comprehensive Plan for 2020 to 2040, and the costs associated with hiring such an entity.
Motion to call for a joint workshop with the City Council and the Comprehensive Plan Review Team as soon as possible was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

There was a recess at 6:46 p.m.

Regular Session reconvened at 6:53 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-19-006, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) for property located at 700 FM 2325, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Casbar Properties, LLC)*
Council Member, Craig Fore, recused himself from the discussion and vote.
Applicant, Merylyn Barney, addressed Council regarding the application for a CUP to operate a vacation rental. The proposal would incorporate lodging with associated quilting lessons and Tai-Chi retreats. The Planning and Zoning Commission had recommended approval by a unanimous vote at their August 8th meeting.
Mayor, Susan Jagers, opened the public hearing at 6:57 p.m.
There were two public comments. They were as follows:
1. Candy Fore spoke in support of the application and stated the applicant had made a gesture of good will to the property's surrounding neighbors before applying for the CUP.
2. Sylvia Banks spoke in support of the application.
Mayor, Susan Jagers, closed the public hearing at 7:03 p.m.
Motion to approve CUP-19-006, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) for property located at 700 FM 2325, 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 Gary Barchfeld. Motion carried unanimously (4-0).
- B. Hold a public hearing and consider approval regarding case CUP-19-007, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-

Family Residential 3 (R-3) for property located at 119 Jewel Lane, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Kelly Fulkerson*)

Mayor, Susan Jagers, opened the public hearing at 7:04 p.m.

Applicant, Kelly Fulkerson, addressed Council regarding the application for a CUP to operate a vacation rental. The rental could accommodate up to four individuals, and a noise curfew of 10:00 p.m. would be strictly enforced.

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

Motion to approve CUP-19-007, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 3 (R-3) for property located at 119 Jewel Lane, 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 Rebecca Minnick. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- C. Hold a public hearing and consider approval regarding case CUP-19-008, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Rural Residential 1 (R-1) for property located at 310 Mill Race Lane, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Merry Gibson*)

Mayor, Susan Jagers, opened the public hearing at 7:08 p.m.

Applicant, Merry Gibson, addressed Council regarding the application for a CUP to operate a vacation rental.

Mayor, Susan Jagers, closed the public hearing at 7:10 p.m.

Motion to approve CUP-19-008, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Rural Residential 1 (R-1) for property located at 310 Mill Race Lane, 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).

- D. Hold a public hearing and consider approval regarding case CUP-19-009, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Residential Acreage (RA) for property located at 10300 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. (*Sonja Nagy*)

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

Applicant, Sonja Nagy, addressed Council regarding the application for a CUP to operate a vacation rental.

Mayor, Susan Jagers, closed the public hearing at 7:14 p.m.

Motion to approve CUP-19-009, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Residential Acreage (RA) for property located at 10300 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, 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 approve Ordinance No. 2019-09, authorizing the issuance of “City of Wimberley, Texas exchange refunding bonds, Series 2019”; providing for the payment of said bonds by the levy of an ad valorem tax upon all taxable property within the City and further securing said bonds by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said bonds; authorizing the execution of a paying agent/registrar agreement; authorizing the execution of any necessary documents to effectuate the issuance of the bonds; complying with the requirements of the letter of representations on file with the depository trust company; and providing an effective date. *(Norton Rose Fulbright Attorney Stephanie Leibe)* Norton Rose Fulbright Attorney, Stephanie Leibe, advised Council regarding Ordinance No. 2019-09, which would authorize the issuance of exchange refunding bonds for the Central Wimberley Wastewater Project. The issuance of the bonds was one of the four conditions set forth by the Texas Water Development Board for the approval of the change in scope to the Project. Ms. Leibe informed Council regarding the difference between revenue bonds and combination tax and revenue bonds. She noted a tax could be levied after the passage of the Ordinance, and the tax would only be used to repay the bonds, but that the bonds could be repaid by any revenue source. There was discussion among Council members pertaining to the bonds’ interest rate and ad valorem tax.

Motion to approve Ordinance No. 2019-09, authorizing the issuance of “City of Wimberley, Texas exchange refunding bonds, Series 2019”; providing for the payment of said bonds by the levy of an ad valorem tax upon all taxable property within the City and further securing said bonds by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said bonds; authorizing the execution of a paying agent/registrar agreement; authorizing the execution of any necessary documents to effectuate the issuance of the bonds; complying with the requirements of the letter of representations on file with the depository trust company; and providing an effective date, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- B. Discuss and consider possible action to approve Ordinance No. 2019-22, establishing a new prima facie speed limit of twenty-five (25) miles per hour along Old Kyle Road pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 454.351; and repealing the prima facie speed limit of thirty (30) miles per hour along Old Kyle Road; making certain findings; authorizing the placement of speed limit signs along such street; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability. *(Public Works Superintendent John Provost)*

Public Works Superintendent, John Provost, presented Ordinance No. 2019-22, which would reduce the speed limit along Old Kyle Road from thirty (30) miles per hour to twenty-five (25) miles per hour. Business owners along the Road and local law enforcement were supportive of the speed limit change.

Motion to approve the first reading of Ordinance No. 2019-22, establishing a new prima facie speed limit of twenty-five (25) miles per hour along Old Kyle Road pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 454.351; and repealing the prima

facie speed limit of thirty (30) miles per hour along Old Kyle Road; making certain findings; authorizing the placement of speed limit signs along such street; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- C. Discuss and consider possible action regarding the Texas Commission on Environmental Quality (TCEQ) application renewal. *(Mayor Susan Jagggers)*

Mayor, Susan Jagggers, stated the TCEQ application, which had been submitted earlier in August and was signed by Mayor Pro Tem Rebecca Minnick, was incomplete and would need to be resubmitted. Mayor Jagggers contended Mayor Pro Tem Minnick should not have signed the TCEQ application for renewal. There was lengthy discussion among Council members and the Mayor regarding the application and submittal process of the document.

Motion to deny authorization to the Mayor to resubmit the TCEQ application was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (3-1-1):

Rebecca Minnick	Aye
Christine Byrne	Aye
Bo Bowman	Aye
Gary Barchfeld	Nay
Craig Fore	Abstain

- D. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*

City Administrator, Shawn Cox, advised on the schedule surrounding the Central Wimberley Wastewater Project, and the Texas Water Development Board's conditions for the approval of the change in scope. Additionally, Mr. Cox spoke regarding easement conditions being discussed with property owners across the Cypress Creek for the potential bore location. There was discussion among Council members pertaining to the hiring of a new Project Manager.

No action was taken on this item.

- E. Discuss and consider possible action to extend the Short-Term Rental Review Committee's term for another year. *(Mayor Susan Jagggers)*

Mayor, Susan Jagggers, contended the Short-Term Rental Review Committee's renewal term should be revisited from the previous meeting because of a Council member's potential conflict of interest regarding STRs. There was discussion on the topic, and attorney/client privilege being violated by forwarding emails to private residents.

No action was taken on this item.

Motion to recess at 7:57 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

Mayor, Susan Jagggers, left the meeting at 7:57 p.m.

Regular Session reconvened at 8:03 p.m., with Mayor Pro Tem, Rebecca Minnick, presiding.

CITY ADMINISTRATOR REPORT

Hays County Precinct 3 Constable, Ray Helm, addressed Council regarding traffic enforcement within the City, and reviewed the July 2019 patrol report. Deputy Constable, Keith Tomlin, was

recognized for his service by Constable Helm.

City Administrator, Shawn Cox, updated Council regarding the increase in sales tax for Fiscal Year (FY) 2019, the upcoming Fiscal Year 2020 Budget and upcoming road projects for FY 2020.

CONSENT AGENDA

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

A. Approval of minutes from the Regular City Council Meeting held August 1, 2019.

B. Approval of minutes from the Special City Council Meeting held August 8, 2019.

BOARD, COMMISSION, COMMITTEE REPORTS

Report from the Transportation Advisory Board

This item was postponed until the September 5th City Council Meeting.

DISCUSSION AND POSSIBLE ACTION

F. Discuss and consider possible to approve Resolution No. 13-2019, regarding a regulatory process for pipeline routing. *(Place Three Council Member Christine Byrne)*

Council Member, Christine Byrne, presented Resolution No. 13-2019, which would be submitted to the Texas Municipal League for their annual conference in October 2019, proposing reasonable changes regarding pipelines to protect the citizenry's health and safety. There was discussion among Council members pertaining to pipelines in the state and being in sync with other municipalities on the topic.

Motion to approve Resolution No. 13-2019, regarding a regulatory process for pipeline routing, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (3-2):

Rebecca Minnick	Aye
Christine Byrne	Aye
Bo Bowman	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

G. 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. *(Place Three Council Member Christine Byrne and Place Five Council Member Bo Bowman)*

Council Members, Christine Byrne and Bo Bowman, presented a tree ordinance evaluation form to assist Council in drafting a tree ordinance specific to Wimberley. The evaluation form needed to be submitted to City staff by August 30th, at 4:00 p.m., to be tallied in time for the next City Council Meeting on September 5th.

No action was taken on this item.

H. Discuss and consider possible action to adopt the City of Wimberley Social Media Policy. *(City Secretary Laura Calcote)*

City Secretary, Laura Calcote, presented the draft Social Media Policy for the City. There was discussion on the length of the Policy, along with the section addressing social media violations by City Council, agency, board, commission or committee members.

Motion to postpone the item until the September 5th City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- I. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure regarding email access. *(City Administrator Shawn Cox)*
There was discussion pertaining to City Council's right of special access to City email addresses. The proposed change to the Governance Policy and Rules of Procedure would allow Council members and the Mayor to request copies of any email sent from a City email address, in accordance with the Texas Public Information Act.
Motion to amend the City of Wimberley Governance Policy and Rules of Procedure regarding email access 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 to schedule a City Council Strategic Planning Session and Goals Workshop. *(City Administrator Shawn Cox)*
Council members discussed a potential workshop to finalize their goals and priorities for Fiscal Year 2020. It was decided there would not be a workshop, but instead, Council members would email the information to the City Administrator by August 30th.
No action was taken on this item.
- K. Discuss and consider possible action to cancel the second Regular City Council Meeting set for December 19, 2019 and the first Regular City Council Meeting set for January 2, 2020. *(Place Four City Council Member Gary Barchfeld)*
Motion to cancel the second Regular City Council Meeting set for December 19, 2019 and the first Regular City Council Meeting set for January 2, 2020 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- Motion to eliminate and not consider the remaining agenda items under Discussion and Possible Action (L and M), Executive Session and Open Session was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).***
- L. Discuss and consider possible action to review the process of filing an ethics complaint. *(Mayor Susan Jagers)*
- M. Discuss and consider possible action to finalize the purchase of "Phase II" services outlined in Section 4.3 of the City contract with Host Compliance. *(Mayor Susan Jagers)*

EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

Executive Session pursuant to Texas Government Code, 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: City Administrator Shawn Cox.

OPEN SESSION

Discussion and possible action resulting from Executive Session.

CITY COUNCIL REPORTS

A. Announcements – None.

B. Future agenda items – Council Member, Christine Byrne, requested the Film Friendly Policy, tree ordinance and City of Wimberley Governance Policy and Rules of Procedure be placed on the next agenda. Council Member, Craig Fore, requested a discussion on parking lot surface requirements and impervious cover on the next agenda.

ADJOURNMENT

Motion to adjourn the meeting at 9:03 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers
Susan Jagers, Mayor

