



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, SEPTEMBER 19, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Pro-Tem, Rebecca Minnick, called the meeting to order at 6:01 p.m.

CALL OF ROLL

Council Members Present:	Rebecca Minnick	Place One
	Craig Fore	Place Two
	Christine Byrne	Place Three
	Bo Bowman	Place Five
Council Members Absent:	Susan Jagers	Mayor
	Gary Barchfeld	Place Four
City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	Sarah Griffin	Deputy City Attorney
	John Provost	Public Works Superintendent
	Kelly Schmidt	Parks Director
	Richard Shaver	Parks Programs and Operations Manager

INVOCATION

Chapel in the Hills Reverend, Jim Denham, 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

Presentation and consider possible action regarding the Cypress Creek Nature Preserve and Trail Master Plan.

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

1. Merry Gibson stated she was disheartened by the presented Master Plan and contended the Plan does not align with the Conservation Easement for the Cypress Creek Nature Preserve.

Ms. Gibson noted the Parks and Recreation Board had delayed voting on the Plan until a later date.

2. Christine Middleton spoke in favor of the Master Plan, and noted the Plan addressed storm water management, riparian areas, and a way to manage public access to the area.
3. Dan Gauthier addressed Council regarding the intimate nature and profound benefits of the Cypress Creek Nature Preserve. Mr. Gauthier stated the area provides a way for humans to collaborate with nature and encouraged City Council to vote for approval of the Master Plan.
4. Jamie Pettit spoke in support of the Master Plan, and noted the Preserve was one of the only public access points to water in Wimberley.
5. Shelly Buse spoke in favor of the Master Plan, and contended the Plan was a fair compromise between all interested parties.
6. Elizabeth Craig, President of the Blanco River Academy, addressed Council regarding the benefits students and teacher derive from the Preserve. She stated the Master Plan will assist in preserving greenspace and was in support of the Plan.
7. Martha Knies spoke in support of the Master Plan, and noted the Preserve is a treasure for the Wimberley Valley.

Daniel Alvarado presented the Cypress Creek Nature Preserve Master Plan, including the community engagement process, surveys, existing conditions, stormwater mitigation, roadway conditions, proposed trail alignment and design, signage and wayfinding and maintenance schedule. There was discussion among Mr. Alvarado and Council members pertaining to stormwater mitigation, maintenance concerns and public access to the Cypress Creek. Mr. Alvarado stated the Master Plan could aid in obtaining grants for the City, and the Plan provides a framework for the area.

Motion to approve the Cypress Creek Nature Preserve Master Plan was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (3-1):

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

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 (4-0).

- A. Approval of minutes from the Regular City Council Meeting held September 5, 2019.
- B. Approval of minutes from the Special Joint City Council, Comprehensive Plan Review Team and Downtown District Committee Meeting held September 10, 2019.
- C. Approval of Place Two Council Member Craig Fore's reappointment of Charles Savino to the Planning and Zoning Commission.

BOARD, COMMISSION, COMMITTEE REPORTS

- A. Report from the Transportation Advisory Board (*TAB Chairperson Bobby Dettmer*)
This item was postponed until the next meeting.
- B. Report from the Downtown District Committee (*Committee Chairperson Teresa Shell*)
Committee Chairperson, Teresa Shell, addressed Council regarding the Committee's current focus of the downtown area, including pedestrian safety, parking and sidewalks, trash management, lighting concerns and signage.

There was a recess at 7:12 p.m.

Regular Session reconvened at 7:20 p.m.

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, updated City Council regarding the 5.68% increase in sales tax from September 2018, for a year-to-date increase of 6.07% from 2018. Additionally, Mr. Cox stated the City had recently created a Facebook page and an Instagram account, in accordance with the Social Media Policy that was previously passed. Hays County Precinct 3 Constable, Ray Helm, addressed Council pertaining to the August 2019 patrol report for the department, along with the recently high volume of thru truck traffic within the City.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-19-003, an application for a Conditional Use Permit to allow for the operation of a bed & breakfast on property zoned Residential Acreage (RA) 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. (*Wendy Phillips*)
The application was for the operation of a bed and breakfast (STR1), which would include two cabins. The Planning and Zoning Commission had unanimously voted to recommend approval of the application at their September 12th meeting.
Mayor Pro-Tem, Rebecca Minnick, opened the public hearing at 7:21 p.m.
Suzanne Davis spoke in support of the application and stated the short-term rental would fit nicely into the neighborhood. Ms. Davis also noted short-term rental properties can be beneficial for the community, if the owners go through the proper procedure in obtaining the operation permit.
Mayor Pro-Term Rebecca Minnick, closed the public hearing at 7:25 p.m.
Motion to approve case CUP-19-003, an application for a Conditional Use Permit to allow for the operation of a bed & breakfast on property zoned Residential Acreage (RA) 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 Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).
- B. Hold a public hearing and consider approval regarding case CUP-19-010, an application for a Conditional Use Permit to allow for the operation of a bed & breakfast on property zoned Single-Family Residential 2 (R-2) located at 3020 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. (*Mike & LeeAnn Bower*)
The application was for the operation of a bed and breakfast (STR1), which would include one structure. Two letters of support had been received. The Planning and Zoning Commission

had unanimously voted to recommend approval of the application at their September 12th meeting.

Mayor Pro-Tem, Rebecca Minnick, opened the public hearing at 7:27 p.m.

Suzanne Davis spoke in support of the application.

Mayor Pro-Tem, Rebecca Minnick, closed the public hearing at 7:28 p.m.

Motion to approve case CUP-19-010, an application for a Conditional Use Permit to allow for the operation of a bed & breakfast on property zoned Single-Family Residential 2 (R-2) located at 3020 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 Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

- C. Hold a public hearing and consider approval regarding case CUP-19-012, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) located at 216 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. (*Charles Duggan*)

The application was to operate a vacation rental (STR2). Numerous letters of support had been received from property owners within the 200 feet notice area, and no opposition notices had been received. The Planning and Zoning Commission had unanimously voted to recommend approval of the application at their September 12th meeting.

Mayor Pro-Tem, Rebecca Minnick, opened the public hearing at 7:30 p.m.

There were no public comments.

Mayor Pro-Tem, Rebecca Minnick, closed the public hearing at 7:30 p.m.

Motion to approve case CUP-19-012, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) located at 216 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 Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

- D. Hold a public hearing and consider approval regarding case ZA-19-007, an application to change the zoning from Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to Commercial-Low Impact (C-1) for property located at 3 Palos Verdes Drive, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Amber Busboom*)

The City Council adjourned into Executive Session at 7:32 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, Section 551.071 (Consultation with Attorney) to discuss case ZA-19-007.

Regular Session reconvened at 7:41 p.m.

The application was to change the zoning from R-2 and R-3 to C-1. There had been opposition to the application at the September 12th Planning and Zoning Commission Meeting, and the Commission had voted 3-3-0 to recommend approval.

Mayor Pro-Tem, Rebecca Minnick, opened the public hearing at 7:41 p.m.

There were two public comments. Michael Floreani had spoken against the application at the September 12th Planning and Zoning Commission Meeting but had since met with the prospective owners of the property and had come to a written compromise on the potential usage of the property. The new owners would reapply for a different zoning designation within 30 days of closing on the property from C1 to either O1 or O2. Mr. Floreani was no longer in

opposition to the application, per the agreement to reapply for zoning.

April Anderson, the potential future property owner, spoke regarding the intent to reapply for a different zoning designation after closing on the property.

Mayor Pro-Tem, Rebecca Minnick, closed the public hearing at 7:45 p.m.

There was discussion among Council regarding the zoning application.

Motion to approve case ZA-19-007, an application to change the zoning from Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to Commercial-Low Impact (C-1) for property located at 3 Palos Verdes Drive, 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 Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding a request to install a tent for the Wimberley Knights of Columbus annual fundraiser at 14711 RR 12 in Wimberley, Texas. (*Wimberley Knights of Columbus*)

Wimberley Knights of Columbus Representative, Bill Kammerer, addressed Council regarding the request to install a tent from October 12th until October 24th for the annual fundraising event at St. Mary Catholic Church.

Motion to approve the request to install a tent for the Wimberley Knights of Columbus annual fundraiser at 14711 RR 12 in Wimberley, Texas was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- B. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-27, amending Chapter 4, Article 4.02, Division 2, Residential Building Code. (*City Administrator Shawn Cox*)

Motion to approve the second and final reading of Ordinance No. 2019-27, amending Chapter 4, Article 4.02, Division 2, Residential Building Code was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- C. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-28, amending Chapter 4, Article 4.02, Division 3, Commercial Building Code. (*City Administrator Shawn Cox*)

Motion to approve the second and final reading of Ordinance No. 2019-28, amending Chapter 4, Article 4.02, Division 3, Commercial Building Code was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- D. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-29, amending Chapter 4, Article 4.02, Division 4, Other Construction Codes. (*City Administrator Shawn Cox*)

Motion to approve the second and final reading of Ordinance No. 2019-29, amending Chapter 4, Article 4.02, Division 4, Other Construction Codes was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- E. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-30, enacting regulatory guidelines for filming within the City limits; empowering the City Administrator to issue film permits pursuant to those guidelines; providing for: enactment; repealer; severability; and proper notice and meeting. *(Place Three Council Member Christine Byrne)*
Motion to approve the second and final reading of Ordinance No. 2019-30, enacting regulatory guidelines for filming within the City limits; empowering the City Administrator to issue film permits pursuant to those guidelines; providing for: enactment; repealer; severability; and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).
- F. Discuss and consider possible action to approve Ordinance No. 2019-31, amending Article 2.05 City Officers, Division 1. Generally, to add Section 2.05.001 Mayor; Powers and Duties. *(Place One Council Member Rebecca Minnick)*
Council Member, Rebecca Minnick, presented Ordinance No. 2019-31, which would add a section to the City's Code of Ordinances regarding the Mayor's powers, duties and authority. There was discussion among Council members regarding the City's governmental structure, and communication among members of the governing body.
Motion to approve the first reading of Ordinance No. 2019-31, amending Article 2.05 City Officers, Division 1. Generally, to add Section 2.05.001 Mayor; Powers and Duties was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).
- 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 Member, Christine Byrne, spoke regarding the tree survey results. There was discussion among Council pertaining to tree preservation, fines associated with violating the tree ordinance and residential versus commercial properties. It was decided the draft tree ordinance would once again be revised and submitted to the Planning and Zoning Commission for consideration and then to City Council.
No action was taken on this item.
- H. Discuss and consider possible action to approve Resolution No. 16-2019, supporting the extension of the Hays County/City of Wimberley hike and bike trail down Blue Hole Road and Old Kyle Road to downtown. *(Place Three Council Member Christine Byrne)*
Council Member, Christine Byrne, presented Resolution No. 16-2019, which would support extending the hike and bike trail with a multi-modal path down Blue Hole Road and Old Kyle Road to downtown to assist with pedestrian safety and connectivity.
Motion to approve Resolution No. 16-2019, supporting the extension of the Hays County/City of Wimberley hike and bike trail down Blue Hole Road and Old Kyle Road to downtown was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).
- I. Discuss and consider possible action regarding the Hidden Valley Bridge fish weir. *(Mayor Susan Jagers)*

City Administrator, Shawn Cox, and Public Works Superintendent, John Provost, had been in contact with the Texas Parks and Wildlife Department to discuss the options available to correct the fish weir. Council and staff discussed staying in compliance with the sand and gravel permit for the option chosen. The City, county and state would continue talks to select the best option for all vested parties.

No action was taken on this item.

- J. Discuss and consider possible action to approve the JustFOIA Contract with MCCi in the amount of \$4,950.00, beginning October 1, 2019. *(City Secretary Laura Calcote)*

City Secretary, Laura Calcote, presented the JustFOIA software, which would assist the City in complying with open records requests. The item had been budgeted for the upcoming Fiscal Year 2020 Budget, beginning October 1st.

Motion to approve the JustFOIA Contract with MCCi in the amount of \$4,950.00, beginning October 1, 2019, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- K. Discuss and consider possible action to approve the GovOffice Website Contract in the amount of \$6,700.00, beginning October 1, 2019. *(City Administrator Shawn Cox)*

City Administrator, Shawn Cox, presented the GovOffice Website Contract, which would update and redesign the City's current website. The item had been budgeted for the upcoming Fiscal Year 2020 Budget, beginning October 1st.

Motion to approve the GovOffice Website Contract in the amount of \$6,700.00, beginning October 1, 2019, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

- L. Discuss and consider possible action to approve the storage container purchase from Pac-Van in the amount of \$3,420.00, beginning October 1, 2019. *(City Administrator Shawn Cox)*

Motion to approve the storage container purchase from Pac-Van in the amount of \$3,420.00, beginning October 1, 2019, was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- M. Discuss and consider possible action regarding the Auditor Engagement Letter. *(City Administrator Shawn Cox)*

Armstrong, Vaughan, and Associates had offered auditing services to the City for Fiscal Years 2016, 2017 and 2018. The three-year engagement letter could be extended on a year-to-year basis for Fiscal Years 2019 and 2020.

Motion to approve the Auditor Engagement Letter from Armstrong, Vaughan, and Associates, P.C. for Fiscal Year 2019 was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).

- N. Discuss and consider possible action to adopt a City of Wimberley Naming Policy. *(City Administrator Shawn Cox)*

Motion to postpone this item until the October 3rd City Council Meeting was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

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

City Administrator, Shawn Cox, updated Council regarding the status of the Central Wimberley Wastewater Project. Capital Excavation and Plummer were working on the designs needed to order the lift station's wet well, and gathering the information requested by the Texas Department of Transportation (TxDOT) regarding the approved manhole locations. Additionally, negotiations pertaining the potential Aqua Texas contract were still being conducted. Four bore locations were being explored and the cost savings associated with each option. Easements for the bore locations were also being discussed with property owners.

No action was taken on this item.

P. Discuss and consider possible action regarding City Council's proposed priorities for Fiscal Year 2020. *(City Administrator Shawn Cox)*

Motion to approve the City Council's proposed priorities for Fiscal Year 2020 was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 9:02 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose:

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

Regular Session reconvened at 9:47 p.m.

Motion to extend City Administrator Shawn Cox's contract for six months from the current expiration date of February 1, 2020, for legal counsel to draft the language for the contract extension and for an evaluation of the City Administrator to be conducted within 60 days of the amended contract agreement was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

CITY COUNCIL REPORTS

A. Announcements – Council Member, Rebecca Minnick, announced the Wimberley Pride March to be held on September 21st at 7:00 p.m.

B. Future agenda items – None.

ADJOURNMENT

Motion to adjourn the meeting at 9:49 p.m. was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Rebecca Minnick
Rebecca Minnick, Mayor Pro-Tem