



# 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, NOVEMBER 15, 2018 – 5:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Susan Jagers called the meeting to order at 5:30 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

Council Members Absent: Patricia Cantu Kelly Place Five

City Staff Present: Shawn Cox City Administrator  
Laura Calcote City Secretary  
Terri Provost Community Center Director  
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.

### **CITIZENS COMMUNICATIONS**

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

1. Cyndi Jackson, a Woodcreek City Council Member, spoke in support of a tree ordinance for Wimberley, and cited the City of Austin's tree ordinance as a good example to follow.
2. Shelly Buse addressed Council regarding the Planning and Zoning Commission's actions to cancel the tree ordinance at their October meeting. Ms. Buse had conducted a Facebook poll concerning the tree ordinance, and around ninety percent (90%) of the responses were in favor of implementing a tree ordinance within the City.

3. Stephanie Nestlerode invited Council and the audience to an upcoming event, "Unsticking Conversations," at the Wimberley Community Center on Sunday, November 18<sup>th</sup>. Ms. Nestlerode also spoke regarding the conversation surrounding the Central Wimberley Wastewater Project, and how strategic planning is essential to success of the Project.
4. Brian Ferrar spoke regarding the silence surrounding the Central Wimberley Wastewater Project and moving to Aqua Texas. Mr. Ferrar requested for Council to be more transparent in their actions and decisions concerning the Project.
5. Al Sander addressed the e. coli levels in the Cypress Creek being extremely high, and not safe for humans to encounter. Mr. Sander also noted the delays in the building the treatment plant, and questioned the status of the requested change in scope to the Central Wimberley Wastewater Project by the Texas Water Development Board.
6. Marc Haygood spoke regarding the divisiveness in the nation and in the Wimberley community. He noted City Council's lack of response to the citizenry, and a need for transparency by Council members. Mr. Haygood asked if the Mayor would still have her Town Hall meeting as promised. The Mayor responded by saying she would hold a Town Hall meeting in January 2019 to address the state of the City.
7. Suzanne White addressed Council concerning the divisiveness within the community over Aqua Texas. Ms. White cautioned Council that decisions determine destiny, and what they choose to do at this critical time surrounding the Central Wimberley Wastewater Project will shape Wimberley's future.
8. Dwain York spoke regarding traffic issues on Carney Lane around the Wimberley High School and Junior High. Mr. York noted he had been working with the City to identify areas where crosswalks could be placed in order to make this a safer area for students and faculty.

### **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 5:54 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose: Section 551.071 (Consultation with Attorney) regarding the Black Castle contract.

Regular Session reconvened at 6:36 p.m.

No action was taken.

### **CONSENT AGENDA**

**Motion to approve the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).**

- A. Approval of minutes from the Regular City Council Meeting held October 18, 2018.
- B. Approval of minutes from the Regular City Council Meeting held November 1, 2018.

## CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council on the status of the Central Wimberley Wastewater Project. Capital Excavation was making progress in the Wimberley Square area and had been working at nighttime. Mr. Cox also provided Texas Water Development Board and Economic Development Administration updates pertaining to the Project. There was discussion among Council members and Mr. Cox regarding the Project's status. Additionally, Mr. Cox noted the debris at the bridge had been removed, and three roads in need of repair/maintenance had been identified by the Transportation Advisory Board at their November 14<sup>th</sup> meeting to send to Hays County.

## PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case ZA-18-009, an application for a Wimberley Planned Development District with base zoning of Neighborhood Services to allow for the operation of glamping vacation rentals and expansion of the existing Med Spa for property located at 210 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. (*Yvette & Ken Strange, Applicants*)

Planning & Development Coordinator/GIS Analyst Sandy Floyd presented the Wimberley Planned Development District (WPDD). The Planning and Zoning Commission had voted unanimously at their November 8<sup>th</sup> meeting to approve the application.

Applicants Yvette and Ken Strange presented their plans for glamping vacation rentals and expansion of the Med Spa business at 210 Masonic Lodge Road. City Council members had a lengthy discussion with the applicants regarding the WPDD, including neighboring properties, hiking and land concerns.

Mayor Susan Jagers opened the public hearing at 7:24 p.m.

There were two public comments. Vicky Cox spoke in support of the application for glamping vacation rentals. Shelly Buse also spoke in support of the application and noted the business would be good for the community.

Mayor Susan Jagers closed the public hearing at 7:27 p.m.

**Motion to approve the WPDD was made by Council Member Allison Davis. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (3-1):**

<b>Mike McCullough</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Nay</b>

- B. Hold a public hearing and consider approval regarding case CUP-18-014, an application for a Conditional Use Permit to allow for the sale of beer, wine and alcohol for on-premise consumption with an eating establishment for property located at 110 Old Kyle 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. (*Rancho Queso, Raquel Gottsch, Applicant*)

Planning & Development Coordinator/GIS Analyst Sandy Floyd presented the Conditional Use Permit (CUP). The Planning and Zoning Commission had voted unanimously at their November 8<sup>th</sup> meeting to approve the application.

Applicants Raquel and Sean Gottsch addressed Council regarding the CUP to allow for the sale of beer, wine and alcohol on-premise at Rancho Queso.

Mayor Susan Jagers opened the public hearing at 7:30 p.m.

Vicky Cox spoke in support of the application.

Mayor Susan Jagers closed the public hearing at 7:30 p.m.

**Motion to approve the CUP was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).**

- C. Hold a public hearing and consider approval regarding case CUP-18-015, an application for a Conditional Use Permit to allow for the operation of a package store for the sale of beer and wine for off-premise consumption for property located at 110 Old Kyle 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. (*Rancho Queso, Raquel Gottsch, Applicant*)

Planning & Development Coordinator/GIS Analyst Sandy Floyd presented the Conditional Use Permit (CUP). The Planning and Zoning Commission had voted unanimously at their November 8<sup>th</sup> meeting to approve the application.

Applicants Raquel and Sean Gottsch addressed Council once more, but this time for a CUP to allow for the sale of beer and wine for off-premise consumption.

Mayor Susan Jagers opened the public hearing at 7:32 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 7:32 pm.

**Motion to approve the CUP was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**

- D. Hold a public hearing and consider approval regarding case S-18-003, an application for an amending plat of Lot 48 & Lot 49, South River, Unit One, Wimberley, Hays County, Texas, to establish Lot 49A, and related variance request from the City subdivision code requirements relating to minimum lot size. (*Sonora Bank, Applicant*)

Planning & Development Coordinator/GIS Analyst Sandy Floyd presented the request for a variance from Ordinance No. 2009-053 related the minimum lot size. The Planning and Zoning Commission had voted unanimously at their November 8<sup>th</sup> meeting to approve the application.

Mayor Susan Jagers opened the public hearing at 7:34 pm.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 7:34 pm.

**Motion to approve the application was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).**

#### **DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action to approve the purchase of a replacement projection screen for the Wimberley Community Center in an amount not to exceed \$1,170.35 from Media Cottage.

Wimberley Community Center Director Terri Provost presented the quote for a replacement projection screen at the WCC. This item had been budgeted for Fiscal Year 2019, and the quote had come in under budget for a cost savings.

**Motion to approve the purchase of a replacement projection screen for the Wimberley Community Center in an amount not to exceed \$1,170.35 from Media Cottage was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).**

- B. Discuss and consider possible action on proposed preservation tree ordinance for new commercial development.

Council Member Allison Davis presented this item.

There was one citizen comment. Rebecca Minnick spoke regarding the background of the potential tree ordinance that had been discussed and drafted by the Planning and Zoning Commission. Ms. Minnick also stated she did not agree with the Planning and Zoning Commission's decision to scrap the ordinance after time and effort had gone into drafting the document. Furthermore, Ms. Minnick noted realtors and developers are in favor of such an ordinance.

Former City employee, Aaron Reed, presented information pertaining to trees and why preservation tree ordinances were favorable to assist in commercial development.

There was lengthy discussion among City Council members regarding the drafting and implementation of a proposed tree ordinance.

**Motion to direct staff to develop a draft tree ordinance to bring back to City Council in March 2019 was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-1):**

<b>Mike McCullough</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Nay</b>

- C. Discuss and consider possible action regarding issues related to the Texas Water Development Board (TWDB) including, but not limited to, status of TWDB approval of change of scope of the Wimberley Wastewater project, discussion of meeting(s) with TWDB, by the mayor, and/or city council members, and/or staff and/or citizens.

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

1. Christine Byrne addressed Council regarding the lack of transparency surrounding the Central Wimberley Wastewater Project. Additionally, Ms. Byrne requested to know the statuses of the cancelled Black Castle contract, the agreement between the City and Aqua Texas and the requested change in scope from the Texas Water Development Board (TWDB).
2. Andrew Weber spoke regarding the lack of information and transparency being provided by elected officials pertaining to the Central Wimberley Wastewater Project. Mr. Weber cited the Texas Public Information Act, and how the citizenry has the right to know what is taking place within government. Mr. Weber advised Council they should find a practical mechanism to make information known to constituents regarding the Project and in general.

Council members discussed the current status of the Central Wimberley Wastewater Project, and the requested change in scope from the TWDB. Council Member Allison Davis noted she had received some information pertaining to the potential change but was once again requesting all documentation that had been submitted to the TWDB for the Project. City Administrator Shawn Cox stated the TWDB was still waiting on the environmental assessment from the City.

No action was taken on this item.

- D. Discuss and consider possible action to schedule training sessions regarding Roberts Rules of Order and the scope and responsibilities for the Board of Adjustment, the Planning and Zoning Commission and the Ethics Commission.

Council Member Mike McCullough presented this item. There was discussion on having annual training sessions for all City boards, commissions and committees at the beginning of each calendar year.

No action was taken on this item.

- E. Discuss and consider possible action on an agreement with the Wimberley Valley Arts League (WVAL).

Council Member Mike McCullough suggested creating a citizen committee to draft an agreement between the City and the Wimberley Valley Arts League, and to develop a plan for the WVAL to have a sign in front of the Wimberley Community Center.

**Motion to create a citizen committee consisting of members Deborah Elliott, Becky McCullough, Jan Fitzhugh, Terri Provost and Jennifer Morris to draft an agreement between the City and the Wimberley Valley Arts League and to develop a signage plan for the WVAL was made by Council Member Mike McCullough. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**

- F. Discuss and consider possible action regarding Short-Term Rental Review Committee recommendations.

City Administrator Shawn Cox provided an updated on the Short-Term Rental Committee's status, including the short-term rental software Request for Proposals that had been recently received by the City and the review of the Conditional Use Permit process.

No action was taken on this item.

- G. Discuss and consider possible action regarding Texas Disposal Systems contract renewal.

The City had entered into a contract with Texas Disposal Systems (TDS) in 2014, which would expire on February 7, 2019. The City had the option of renewing the contract for three additional five-year terms. The City needed to provide at least 60 days written notice before the current contract expired if it wished to renew the contract.

**Motion for the City to provide TDS a 60-day written notice of its intent to renew the contract for solid waste and recycling services in Wimberley was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**

- H. Discuss and consider possible action to approve Resolution No. 30-2018, authorizing the acceptance of an easement agreement for utilities to be located on a tract of land being Lot 30, Breezeway Subdivision, according to the map or plat therefore recorded in Volume 138, Page 160-A, Hays County Deed Records, a property owned by Paisley Jerome E (Life Estate). The easement for utilities would save the City 500 feet of trenching and around \$60,000 in cost savings. The property was currently vacant.

**Motion to approve Resolution No. 30-2018, authorizing the acceptance of an easement agreement for utilities to be located on a tract of land being Lot 30, Breezeway**

Subdivision, according to the map or plat therefore recorded in Volume 138, Page 160-A, Hays County Deed Records, a property owned by Paisley Jerome E (Life Estate), was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).

**CITY COUNCIL REPORTS**

- A. Announcements – Council Member Allison Davis announced the Artisan Fair that was going to occur prior to the November 17<sup>th</sup> Star Party at Blue Hole Regional Park had been cancelled.
- B. Future agenda items – Council Member Gary Barchfeld had several future agenda items, including the creation of a planning committee, an update from the Wastewater Ad Hoc Advisory Committee and business permitting within the City.

**ADJOURNMENT**

Motion to adjourn the meeting at 8:48 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (4-0).

**RECORDED BY:**

Laura J. Calcote  
Laura J. Calcote, City Secretary



**APPROVED BY:**

Susan Jagers  
Susan Jagers, Mayor