

# 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, NOVEMBER 21, 2019 – 6:00 P.M.**

## MINUTES

### CALL TO ORDER

Mayor Pro Tem, Rebecca Minnick, called the meeting to order at 6:02 p.m.

### CALL OF ROLL

Council Members Present: Rebecca Minnick Place One  
Craig Fore Place Two  
Bo Bowman Place Five

Council Members Absent: Susan Jagers Mayor  
Christine Byrne Place Three  
Gary Barchfeld Place Four

City Staff Present: Shawn Cox City Administrator  
Laura Calcote City Secretary  
Sarah Griffin Deputy City Attorney  
Richard Shaver Parks Operations & Programs Manager  
Terri Provost Wimberley Community Center Director  
John Provost Public Works Superintendent

### INVOCATION

The invocation was not given.

### 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

Craig Calley, President of the Wimberley Merchants Association, addressed Council regarding the upcoming Winter’s Eve Event, set for Saturday, December 14, 2019, from 5:00 p.m. until 9:00 p.m. Mr. Calley requested the City’s assistance and support for the following items: barricades for closing entrances to the Wimberley Square, temporary lighting, event security, public restroom cleaning and restocking. City Council asked Mr. Calley to coordinate with the City Administrator for help with the aforementioned items for the event.

## **CONSENT AGENDA**

**Motion to approve the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**

- 6.1. Approval of minutes from the Regular City Council Meeting held November 7, 2019.
- 6.2. Approval of Place One Council Member Rebecca Minnick's appointment of Rebecca (Beckie) Reisberg to the Ethics Commission.
- 6.3. Approval of Place Three Council Member Christine Byrne's appointment of John Dunn to the Ethics Commission.
- 6.4. Approval of Place Four Council Member Gary Barchfeld's appointment of Jennifer Marino to the Ethics Commission.
- 6.5. Approval of Place Five Council Member Bo Bowman's appointment of David Cohen to the Ethics Commission.
- 6.6. Approval of Edmond Moreland as the consensus appointment to the Ethics Commission.

## **BOARD, COMMISSION, COMMITTEE REPORT**

Report from the Tourism Management and Development Committee (*Committee Chairperson Natalie Meeks*)

The report was not given, due to Ms. Meeks not being present.

## **CITY ADMINISTRATOR REPORT**

City Administrator, Shawn Cox, updated Council regarding completed and upcoming road projects, communication efforts by the City and upcoming City events, including the Blue Hole Polar Bear Plunge and Fun Run and Cypress Creek Nature Trail and Preserve Tours.

***Motion to move Discussion and Possible Action Items 10.1, 10.3 and 10.4 after the City Administrator Report was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (3-0).***

## **DISCUSSION AND POSSIBLE ACTION**

- 10.1. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-37, amending Chapter 3 "Animal Control"; Article 3.02 "Sale of Animals, Animal Protection, and Other Restrictions"; by adding a new section 3.02.009 "Animal Nuisances"; providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting. (City Administrator Shawn Cox)  
There was discussion among Council regarding the City of Wimberley and Hays County Animal Control Interlocal Agreement. The Agreement addressed some of the animal nuisance concerns outlined in the ordinance. Deputy City Attorney, Sarah Griffin, advised Council to table the ordinance, until further information was obtained pertaining to the interlocal agreement.

There was one citizen comment. Sara Dishman addressed Council regarding the potential ordinance, and cautioned Council not to create ordinances to address every complaint received. Ms. Dishman stated quiet hours were reasonable but asked for Council to proceed forward with due diligence, if the ordinance was passed.

**Motion to table Ordinance No. 2019-37 was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (3-0).**

10.3. Discuss and consider possible action to approve a bid in the amount of \$13,600.00 from Ball Brothers for painting of the Wimberley Community Center. (Community Center Director Terri Provost)

**Motion to approve a bid in the amount of \$13,600.00 from Ball Brothers for painting of the Wimberley Community Center was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (3-0).**

10.4. Discuss and consider possible action to approve a bid in the amount of \$5,125.00 from Hays County for guardrail replacement and repair on County Road 1492. (Public Works Superintendent John Provost)

**Motion to approve a bid in the amount of \$5,125.00 from Hays County for guardrail replacement and repair on County Road 1492 was made by Council Member Bo Bowman. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

***Motion to move Discussion and Possible Action Item 10.2. to next on the agenda was made by Council Member Bo Bowman. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).***

10.2. Discuss and consider possible action to approve the donation of swag bags for the Polar Bear Plunge Event. (Park Operations and Programs Manager Richard Shaver)

**Motion to approve the donation of swag bags for the Polar Bear Plunge Event was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (3-0).**

## **PUBLIC HEARINGS AND POSSIBLE ACTION**

9.1. Hold a public hearing and consider approval regarding case ZA-19-008, an application to change the zoning from Commercial-Low Impact (C-1) to Office-Low Impact (O-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. (*Andervant Enterprises*)

City Administrator, Shawn Cox, presented the zoning change. The property had been zoned C-1 at a previous meeting in 2019, and the applicant had agreed to change the zoning once the property was purchased. The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:36 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:36 p.m.

**Motion to approve case ZA-19-008, an application to change the zoning from Commercial-Low Impact (C-1) to Office-Low Impact (O-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 Bo Bowman. Motion carried unanimously (3-0).**

- 9.2. Hold a public hearing and consider approval regarding case CUP-19-014, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Neighborhood Services (NS) located at 106 Sierra Loma, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Greg & Lisa Weeks*)

City Administrator, Shawn Cox, presented the CUP for operation of a vacation rental (STR2). The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:38 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:39 p.m.

Council Member, Craig Fore, noted he had spoken to the applicant's neighbors about the proposed vacation rental and none had any objections to the CUP.

**Motion to approve case CUP-19-014, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Neighborhood Services (NS) located at 106 Sierra Loma, 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 Rebecca Minnick. Motion carried unanimously (3-0).**

- 9.3. Hold a public hearing and consider approval regarding case ZA-19-009, an application to change the zoning from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) for property located at 400 Lange 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. (*Jonathan Polhemus*)

City Administrator, Shawn Cox, presented the zoning change. The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:41 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:41 p.m.

**Motion to approve regarding case ZA-19-009, an application to change the zoning from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) for property located at 400 Lange 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 (3-0).**

- 9.4. Hold a public hearing and consider approval regarding case CUP-19-015, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 400 Lange 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. (*Jonathan Polhemus*)

City Administrator, Shawn Cox, presented the CUP for operation of a vacation rental (STR2). The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:43 p.m.

Applicant, J.J. Polhemus, addressed Council regarding the application. Mr. Polhemus noted he had lived in the City for a number of years and had seen it evolve. He stated he had been previously disappointed in the lack of consistency in City government.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:47 p.m.

**Motion to approve case CUP-19-015, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 400 Lange 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 (3-0).**

- 9.5. Hold a public hearing and consider approval regarding case CUP-19-016, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Moderate Impact (C-2) located at 111 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. (*Jeanne Ann Cope*)

City Administrator, Shawn Cox, presented the CUP for operation of a vacation rental (STR2). The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:48 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:48 p.m.

**Motion to approve case CUP-19-016, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Moderate Impact (C-2) located at 111 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 Bo Bowman. Motion carried unanimously (3-0).**

- 9.6. Hold a public hearing and consider approval regarding case ZA-19-010, proposing an ordinance amending Ordinance No. 2018-042, which designated real property located on 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas, as a Wimberley Planned Development District (WPDD) with a base zoning of Neighborhood Services (NS), and imposed certain development regulations. This amendment proposes to revise the site plan; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Ken & Yvette Strange*)

City Administrator, Shawn Cox, presented the amendment to the existing WPDD to revise the site plan. The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 6:51 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 6:52 p.m.

Applicant, Ken Strange, addressed Council regarding the site plan amendment for operating glamping vacation rentals with accessory structures. The addition to the Med Spa would be omitted from the original site plan.

**Motion to approve case ZA-19-010, proposing an ordinance amending Ordinance No. 2018-042, which designated real property located on 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas, as a Wimberley Planned Development District (WPDD) with a base zoning of Neighborhood Services (NS), and imposed certain development regulations. This amendment proposes to revise the site plan; 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 (3-0).**

*There was a recess at 6:57 p.m. Regular Session reconvened at 7:02 p.m.*

- 9.7. Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 12 (Utilities) Article 12.03 (On-Site Sewage Facilities), Section 12.03.007 (Local Rules) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. (*City of Wimberley*) City Administrator, Shawn Cox, presented the proposed code amendment, which would allow City staff to approve minor plat amendments that do not increase density. The Planning and Zoning Commission had unanimously voted to recommend approval at their November 14<sup>th</sup> meeting.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 7:04 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 7:04 p.m.

**Motion to approve the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 12 (Utilities) Article 12.03 (On-Site Sewage Facilities), Section 12.03.007 (Local Rules) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting was made by Council Member Bo Bowman. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

- 9.8. Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.04 (Water Quality Protection), of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. (*City of Wimberley*) City Engineer, Chad Gilpin, presented the proposed ordinance, which would address updates to water quality protection in the area. There was discussion regarding the effective date of the ordinance.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 7:12 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 7:12 p.m.

**Motion to approve the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.04 (Water Quality Protection), of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting was made by Council Member Bo Bowman. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

Council Member, Rebecca Minnick, read an email from Council Member, Christine Byrne, into the record, thanking those parties involved in the drafting of the water quality protection ordinance and also the proposed tree ordinance, which would be reviewed once more by the Planning and Zoning Commission. A copy of the email is attached to these minutes.

9.9. Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping & Tree Preservation) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(City of Wimberley)*

**Motion to postpone this item until the December 5<sup>th</sup> meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**

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

10.5. Discuss and consider possible action regarding a City of Wimberley Oak Wilt Policy. *(Place Four Council Member Gary Barchfeld)*

**Motion to postpone this item until the December 5<sup>th</sup> meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**

10.6. Discuss and consider possible action to award a contract in the amount of \$29,009.00 from to the Hays County Transportation Department for the installation of a grate over the Hidden Valley Low-Water Crossing fish weir. *(City Administrator Shawn Cox)*  
There was discussion among Council regarding the cost associated with the installation of a grate over the fish weir, and what budget and line item the funds should be expended from. Furthermore, there was discussion on possible cost savings and a budget amendment.

**Motion to award a contract in the amount of \$29,009.00 from to the Hays County Transportation Department for the installation of a grate over the Hidden Valley Low-Water Crossing fish weir was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**

10.7. Discuss and consider possible action regarding the response to the Texas Wildlife Department Letter concerning the Hidden Valley Bridge fish weir. *(City Administrator Shawn Cox)*

The City had received a letter in October 2019 from Texas Parks and Wildlife (TPWD) regarding the Hidden Valley fish weir not being built according to permitted plans and was not in compliance with the issued Sand and Gravel General Permit. The letter urged the City to comply with its permit obligations and implement corrective measures to address

safety concerns. There was discussion among Council regarding the timeframe and steps needed to bring the City into compliance.  
No action was taken on this item.

10.8. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*  
City Administrator, Shawn Cox, provided an update regarding the Central Wimberley Wastewater Project. A contract amendment with Plummer Association, Inc. had been approved by City Council earlier in the week, and the additional assessments and evaluations would take around four weeks to complete. The General Land Office site survey had been provided to Plummer for review. Additionally, Capital Excavation was preparing a change order, and there had been continued progress in obtaining necessary easements for crossing the Cypress Creek. Upcoming items for the Project included a potential Town Hall meeting, development of user rates and communication efforts by the City. The proposed Project completed date was June 2020.  
No action was taken on this item.

**CITY COUNCIL REPORTS**

11.1. Announcements – City Administrator, Shawn Cox, announced that City Offices would be closed from Wednesday, November 27<sup>th</sup> through Friday, November 29<sup>th</sup>, for the Thanksgiving Holiday. Council Member, Rebecca Minnick, mentioned the Homes for Our Troops Community Kickoff Event set for Saturday, November 23<sup>rd</sup>, at the Wimberley VFW. Council Member, Craig Fore, noted “Stuff the Turkey” fundraiser for the Wimberley Crisis Bread Basket, and Ozona Bank’s pledge to match donations up to \$7,500.

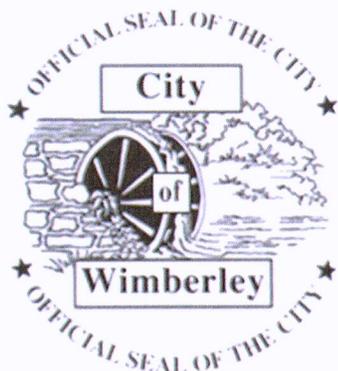
11.2. Future agenda items – None.

**ADJOURNMENT**

**Motion to adjourn the meeting at 7:43 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (3-0).**

**RECORDED BY:**

*Laura J. Calcote*  
Laura J. Calcote, City Secretary



**APPROVED BY:**

*Susan Jagers*  
Susan Jagers, Mayor

## Shawn Cox

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**From:** Christine Byrne <texasbyrnes@yahoo.com>  
**Sent:** Thursday, November 21, 2019 12:09 PM  
**To:** Shawn Cox  
**Subject:** 11/21/19 meeting

Shawn,

I will be absent for tonight's City Council meeting. It is OK to let the mayor and other council members know that it is for my son's graduation from Naval Nuclear Power School.

Regarding the update to the Water Quality Ordinance...please thank both Tom and Chad for their hard work. I hope council supports the changes.

Regarding the Tree Ordinance... I am committed to working with P&Z at the upcoming scheduled workshop to develop an ordinance that works for Wimberley. I am hopeful that we can come to a consensus on how best to preserve and protect our natural landscape and trees.

Thanks,

Christine  
Sent from my iPhone