

City of Wimberley
Wimberley Community Center
14068 Ranch Road 12
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
June 16, 2016 at 6:00 p.m.

City Council meeting called to order at 6:14 p.m. by Mayor Mac McCullough.

Mayor McCullough gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfelt, and John White.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Proclamation

Presentation of proclamations recognizing individuals, businesses and organizations for their efforts in response to the floods of 2015 in Wimberley, Texas

Mayor McCullough thanked everyone in attendance for allowing him the opportunity to express deepest appreciation for their flood assistance efforts. He advised that each recipient will receive a proclamation in the mail from the City of Wimberley recognizing their service.

Citizens Communications

Madonna Kimball thanked Council for its support and spoke on the success of the first annual Wimberley Book Festival that featured over forty Texas authors. She noted the Festival benefited the local economy, as at least twenty attendees stayed overnight in the Wimberley area.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of June 2, 2016
- B. Approval of minutes of the Special City Council meeting of May 31, 2016
- C. Approval of the appointment of Natalie Meeks to the City of Wimberley Planning and Zoning Commission. (*Mayor Mac McCullough's consensus nominee*)
- D. Approval of the reappointment of Bert Ray to the City of Wimberley Transportation Advisory Board. (*Place Four Councilmember Gary Barchfeld's nominee*)
- E. Approval of the appointment of Gary Pigg to the City of Wimberley Parks Advisory Board. (*Place Three Councilmember Sally Trapp's nominee*)
- F. Approval of the appointment of Gail Pigg to the City of Wimberley Planning and Zoning Commission. (*Place Three Councilmember Sally Trapp's nominee*)

G. Approval of the appointment of Mary Kate Brown to the City of Wimberley Water/Wastewater Advisory Board. (*Place Three Councilmember Sally Trapp's nominee*)

Councilmember Dussler moved to approve Consent Agenda Items 1A - 1G, as presented. Councilmember Barchfeld seconded. Motion carried on a vote 5-0.

2. Presentation

Presentation of a grant from the Friends of Blue Hole and the Wimberley Civic Club to fund nature camp and program equipment for the Blue Hole Regional Park. (*Friends of Blue Hole*)

This item was heard after Consent Agenda Item 1I (*see Addendum*).

Friends of Blue Hole Director Susan Nenney spoke on the success and benefits of Blue Hole Park's summer camp programs and noted that such success brings with it the need for more equipment and materials. She presented a check to Mayor McCullough to help fund these programs and spoke highly of the Park's energetic staff.

Mayor McCullough thanked Ms. Nenney and Friends of Blue Hole for its generous donation.

Former Mayor Steve Thurber spoke on the history of Friends of Blue Hole as a major benefactor dedicated to the purpose of developing and sustaining the Park in accordance with the Parks Master Plan. Councilmember Dussler stated the Park is a great nationally recognized asset for the City. Mayor McCullough recognized the positive reception to the Park and thanked Ms. Nenney and former Mayor Thurber.

3. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the Ad Hoc Wastewater Review Committee has made good progress and is nearing the completion of its 30-day review in order to make a recommendation to Council. He anticipated signing of the City's TCEQ permit by June 22nd. City Administrator Ferguson reported that crews will begin geo-tech drilling in central Wimberley on Friday, June 17th to test ground quality in the area, which is part of the planning and design process for the wastewater project. He advised that crews will try to minimize impact to traffic flows.

- Status report on the River Road Bank Restoration Project

City Administrator Ferguson reported that the proposed gabion basket design was an effective, but not an aesthetic approach to fortify the River bank. He advised that engineers are looking at a pre-cast wall as an alternative design for the project and considering safety issues.

- Status report on sales tax collection for the City of Wimberley

City Administrator Ferguson reported that June's check, representing April sales tax collections, totaled approximately \$654,000, up fifteen percent (15%) from the same period last year, and running well ahead of budget.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported that the swimming area had no weather-related closures this week and expected a good weekend crowd. He noted camps are underway, with only a few vacancies left in late July camps. He advised that applications are being accepted for the recently vacated Parks Manager position. He noted that a recent Travel and Leisure magazine article named Blue Hole as one of America's best swimming holes.

- Status report on 2015 Flood Recovery

City Administrator Ferguson advised that the May 2015 Flood has been closed out with FEMA. He reported on the public meeting held last night to gather input on the City's efforts to develop a written emergency response plan. He noted that residents will receive regular updates on the status of the Hidden Valley low water crossing design and reconstruction. He spoke of a recent visit to the State Surplus store in San Antonio to look for generators to be used in the event of power outages, emergency training, and a State grant for a regional alert system. He reminded Council of a special meeting to be held Monday, June 20, 2015 that will include a training session with the City's legal counsel. Brief discussion addressed Blue Hole Regional Park as an asset to the City and cited attendance statistics from last year.

4. Resolution

Consider approval of a resolution of the City Council of the City of Wimberley, Texas declaring the City of Wimberley's intent to construct a wastewater system to serve the central Wimberley area. *(Mayor Mac McCullough)*

Mayor McCullough explained this resolution is needed for the City's application for an Economic Development Administration (EDA) grant in the amount of \$1,000,000 that could be used to spend on any aspect of the City's proposed central sewer system. City Administrator Ferguson noted that the City is currently in the application process for the grant.

Discussion addressed the grant's requirements, which do not specify any particular type of collection system, benefit of grant to reduce overall system cost and associated loan interest, and whether or not to wait on consideration of this resolution until the Ad Hoc Wastewater Review Committee has made its recommendation to Council. City Administrator Ferguson explained that a recent news article caused the EDA to be concerned about the City's commitment to constructing a wastewater system, and although Mayor McCullough sent a letter to EDA stating such a commitment, the EDA has asked for a resolution from the entire Council. He noted that Council must approve any acceptance of this federal grant, which does not specify a particular

type of wastewater system. Mayor McCullough felt that the time is now to show the community's resolve to get a wastewater system built.

Councilmember Dussler moved to approve the resolution, as presented. Councilmember White seconded.

Mayor McCullough called for a vote as follows: Councilmember Dussler, aye; Councilmember Fore, aye; Councilmember Trapp, aye; Councilmember Barchfeld, aye; and Councilmember White, aye. Motion carried on a vote of 5-0.

Councilmember White spoke of division on this issue and stated there has been no delay on proceeding with the sewer system. He said he wanted to see the Ad Hoc Wastewater Review Committee's recommendations and whether the City could save money by using a vacuum versus a gravity collection system. Mayor McCullough said we have got nothing but good choices.

5. Public Hearings and Consider Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Kelvin and Brenda Adams to permit a secondary single family residential structure on an 8 acre tract located at 406 Hoots Holler Road, Wimberley, Hays County, Texas, zoned Residential Acreage (RA), and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Kelvin and Brenda Adams, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and existing primary and secondary residences, which consist of a 2,785 square-foot main home and 754 square foot guest cabin. He advised that the aforementioned residences were constructed several years ago without obtaining the required conditional use permit (CUP) due to a staff oversight in the permitting process. He noted that CUP approval is needed to bring the subject property into compliance. He stated the applicants intend to use the guest cabin as a short-term rental. No responses were received by staff on the CUP request and the Planning and Zoning unanimously recommended approval at its June 9th meeting.

Discussion addressed the City's CUP condition for a landline telephone for waterfront properties and City Administrator Ferguson explained that condition is required for vacation rental/bed and breakfast CUPs and pointed out that this item is for consideration of a secondary residence CUP.

Councilmember Dussler stated he did not favor establishing commercial businesses in residential neighborhoods, which he felt changes the character of the neighborhood and impacts property values. He said he supported new businesses, but not in residential areas.

Mayor McCullough opened the public hearing.

Applicant Kelvin Adams provided ownership history and specific features of his large acreage property, including access.

Juniper Schneider spoke on keeping the “spirit of Wimberley,” cautioned against approving these types of CUPs for temporary rentals, and felt that they will change the character of Wimberley. He stated that the City should weigh such approvals against increased sales tax revenues and develop criteria for limits.

Kelvin Adams clarified that the guest cabin would only be rented on weekends when his grandchildren are not visiting.

Hearing no further comments, Mayor McCullough closed the public hearing.

Councilmember White moved to approve the ordinance, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Randall Smith to operate a vacation rental facility on property located at 261 Panther Crossing, Wimberley, Hays County, Texas, zoned Residential Acreage (RA), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Randall Smith, Applicant*)

City Administrator Ferguson reviewed the subject property’s location, current/proposed zoning, and existing residential structures, which the applicant is proposing to use as vacation rentals.

Mayor McCullough opened the public hearing.

Applicant’s representative, Darrin Anderson of Hill Country Premier Lodging, respected Councilmember Dussler’s position on short-term rentals, but felt that well-managed properties are positive for the community. He offered to answer any questions.

Hearing no further comments, Mayor McCullough closed the public hearing.

Discussion addressed the CUP process allowing for public input, Council’s ability to revoke CUPs for violation of CUP conditions, Council’s recently adopted procedure to allow recourse in the event of complaints, and maximum occupancy for both residences.

Councilmember Trapp moved to approve the ordinance, as presented. Councilmember White seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending Ordinance No. 2009-056, which granted an application for a conditional use permit to allow for the operation of a bar/tavern on property located at 314 Wimberley Square, Wimberley, Hays County, Texas, in order to amend the site plan; and

providing for the following: findings of fact; severability; effective date; and proper notice and meeting. (*Claims Processing Solutions/dba The Old Mill Store, Applicant*)

City Administrator Ferguson explained that the applicant is seeking to amend the site plan for the existing CUP to relocate the bar area near *The Old Mill Store* to *The Gallery on the Square*. He noted that the business would have to comply with all TABC regulations, including provision of adequate restroom facilities. He advised that this CUP has been dormant since its approval in 2009, but noted that State law does not prohibit such dormancy. He said that Council has the ability to impose time limits on future CUPs, if it chooses to do so. It was noted that CUPs for short-term rentals contain a condition requiring continuous use to remain in effect.

Mayor McCullough opened the public hearing. Hearing no comments, Mayor McCullough closed the public hearing.

Discussion addressed the property owner's possible business plans, permitting requirements, and favored future Council action to impose a review procedure and time limitation for dormant CUPs.

Councilmember White moved to approve the ordinance, as presented, including direction to staff to draft an ordinance that would impose the aforementioned review procedure and time limitation on CUPs that are dormant. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 703 FM 2325, Wimberley, Hays County, Texas, designating such property from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson explained that a recent change in planning area boundaries along FM 2325 now allows the property owner, Steve Weldon, to change the zoning to bring the pre-existing, non-conforming business known as Texan Car Wash into compliance with City Code. He noted that rezoning to C-2 will allow the applicant to apply for Conditional Use Permit (CUP) required for car wash facilities (see Agenda Item 5E).

Mayor McCullough opened the public hearing.

Steve Weldon offered to answer any questions and provided information on plans to change one of the wash bays to an automatic drive-through bay that utilizes a soft touch system. He detailed the importance of conserving water and keeping the car wash operation environmentally friendly.

Councilmember Fore moved to approve the ordinance, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

- E. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Texan Car Wash, LLC to allow for the operation of a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Hays County, Texas, zoned Commercial – Moderate Impact (C-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson explained this CUP application is the companion zoning case needed to bring the pre-existing, non-conforming car wash business into compliance.

Mayor McCullough opened the public hearing. Hearing no comments, Mayor McCullough closed the public hearing.

Discussion among Mr. Weldon and Council addressed specific features of the proposed automatic wash bay, vehicle entry/exit, and implementation of water conservation measures, including recycling of water.

Councilmember Trapp moved to approve the ordinance, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

6. Discussion and Possible Action

- A. Discuss and consider action regarding the proposed Fiscal Year 2017 Budget Preparation Calendar. (*City Administrator*)

City Administrator Ferguson stated that this item will be continued until Council's next meeting.

- B. Discuss and consider possible action regarding the proposed development of regulations relating to the operation of golf carts and neighborhood electric vehicles on City streets. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp stated that there are constituents who would like to drive to the Square in neighborhood electric vehicles (NEVs) and said that Constable Ray Helm has not expressed any safety concerns.

Discussion addressed possible adoption of certain regulations requiring brake/headlights, speed/operator age limitations, identification of specific streets where NEVs would be allowed, and liability insurance requirements. General consensus was reached to direct staff to draft an ordinance for Council consideration that addresses concerns per Council's discussion. No vote was taken.

- C. Discuss and consider possible action regarding a proposal to temporarily lease and operate a restroom trailer for a public restroom on the Wimberley Square and authorizing a budget amendment for such. (*Mayor Mac McCullough*)

Discussion established that the lease would be temporary until central wastewater service is provided to the Square, addressed various possible locations for placement of the trailer, possible shorter leasing periods, and maintenance/pumping responsibilities. City Administrator Ferguson confirmed that if the subject restroom trailer proposal is approved, the portable toilets currently leased for \$5,400 per year would no longer be needed and the resulting cost savings could help offset the cost of the temporary trailer. Discussion favored approval of the lease, with a review to be conducted in seven (7) months.

Councilmember White moved to approve temporarily leasing and operating a restroom trailer for a public restroom to be positioned on Oak Drive near the Wimberley Square for a period of one (1) year, with Council to review the restroom trailer lease/operations in seven (7) months. Councilmember Fore seconded. Motion carried on a vote of 5-0.

Addendum to Agenda

1. Consent Agenda

- H. Approval of the appointment of Rebecca Minnick to the City of Wimberley Board of Adjustment. *(Place Three Councilmember Sally Trapp's nominee)*
- I. Approval of the appointment of Leigh Peterson to the City of Wimberley Parks Advisory Board. *(Place Four Gary Barchfeld's nominee)*

These items were heard after Consent Agenda Items 1A – 1G.

Councilmember Barchfeld moved to approve Consent Agenda Items 1H – 1I, as presented. Councilmember Fore seconded. Motion carried on a vote of 5-0.

7. City Council Reports

- Announcements
- Future Agenda Items

For additions to the Council's upcoming goals workshop meeting, Mayor McCullough requested issues related to transparency; Councilmember Dussler requested issues related to PEC's transmission line upgrade; and Councilmember Barchfeld requested consideration of road improvements. Councilmember Barchfeld expressed support for continuing the City's participation in the prescription drug take-back program.

Hearing no further announcements or future agenda items, Mayor McCullough called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:15 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 7th of July, 2016.

APPROVED:



Mac McCullough, Mayor

