



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING **THURSDAY, APRIL 15, 2021 – 6:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 15, 2021, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 822 7082 8808 and using the password 687936.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting. **PLEASE IDENTIFY THE AGENDA ITEM ON WHICH YOU WOULD LIKE TO SPEAK AND WHETHER YOU ARE IN FAVOR OR IN OPPOSITION TO THE ITEM.** If you sign up for an agenda item, please sign in or call in at least ten (10) minutes prior to the start of the meeting and identify yourself to the City Secretary.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on April 15, 2021 at 6:00 p.m.

CALL OF ROLL

Council Members Present:

Gina Fulkerson	Mayor (<i>via teleconference</i>)
Rebecca Minnick	Place One (<i>via teleconference</i>)
Teresa Shell	Place Two (<i>via teleconference</i>)
Christine Byrne	Place Three (<i>via teleconference</i>)
Jim Chiles	Place Four (<i>via teleconference</i>)

City Staff Present:	Bo Bowman	Place Five (<i>via teleconference- arrived at 6:02 p.m.</i>)
	Mike Boese	City Administrator (<i>via teleconference</i>)
	Laura Calcote	City Secretary (<i>via teleconference</i>)
	Sarah Griffin	City Attorney (<i>via teleconference</i>)
	Nathan Glaiser	Planning & Development Coordinator (<i>via teleconference</i>)
	John Provost	Public Works Superintendent (<i>via teleconference</i>)

INVOCATION

Chapel in the Hills Reverend, Jim Denham, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor, Gina Fulkerson, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

TEMPORARY STRUCTURE PERMITS

6.1. Discuss and consider possible action to renew a Temporary Structure Permit for the Cactus Coffee food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Brooke Burnett*)

There were three citizen comments related to this item, including two that were read into the record. They were as follows:

1. Susan Evans voiced her support for the location of Cactus Coffee, noting it had increased business at the Tree House.
2. Jamie Pettit had written an email of support for the business in the current location.
3. David Weyman had also written an email of support for Cactus Coffee's permit to be renewed at the current location.

Council members discussed the request to renew the Temporary Structure Permit for Cactus Coffee for three months at the current operating location. Each Council member stated their support for local and small businesses within the community.

Motion to approve the renewal of a Temporary Structure Permit for the Cactus Coffee food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

6.2. Discuss and consider possible action to renew a Temporary Structure Permit for the Triforks food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Melissa Nance*)

Motion to approve the renewal of a Temporary Structure Permit for the Triforks food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

PROCLAMATION

Proclamation of the City of Wimberley, Texas proclaiming April 2021 as "Sexual Assault Awareness and Prevention Month." (*Hays-Caldwell Women's Center*)

Mayor, Gina Fulkerson, read aloud the proclamation. Hays-Caldwell Women's Center Counseling and Resource Program Director, Jennifer Abshire Wicker, thanked City Council for their continued support of the HCWC.

PRESENTATION AND POSSIBLE ACTION

Presentation and consider possible action related to the Greater San Marcos Partnership Alliance. (*Place Two Council Member, Teresa Shell*)

Greater San Marcos Partnership (GSMP) Representatives, Jason Giulietti and John David Carson, presented an overview of the GSMP, including the entity's economic development strategy, targeting practices and partnerships with local organizations and governments. There was discussion among Mr. Giulietti, Mr. Carson and Council concerning a potential partnership with the City.

No action was taken on this item.

CONSENT AGENDA

Motion to approve the Consent Agenda, as presented, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

9.1. Approval of minutes from the Regular City Council Meeting held April 1, 2021.

9.2. Approval of the February 2021 Financial Statements for the City of Wimberley.

BOARD, COMMISSION, COMMITTEE REPORT

Transportation Advisory Board Vice-Chairperson, Chris Sheffield, provided Council an overview of the Board's purpose and duties. Mr. Sheffield noted the Little Ranches Road bid package had recently been approved by the Board and would be recommended to Council at an upcoming meeting. Furthermore, Mr. Sheffield stated the Board's road budget was limited to one medium to large transportation project each year. The Board had been reviewing radar speed enforcement, Wimberley Valley Trails Project and pedestrian safety initiative throughout the City. Lastly, Mr. Sheffield presented photographs of the recently completed Hoots Holler bridge project.

CITY ADMINISTRATOR REPORT

City Administrator, Mike Boese, noted the City was doing well generating sales tax, and projected the revenue intake for Fiscal Year 2021 would exceed \$200,000 from what was originally budgeted. Mr. Boese also stated the repairs to City facilities were mostly complete, and the buildings would open at one hundred percent (100%) capacity at the beginning of May.

PUBLIC HEARINGS AND POSSIBLE ACTION

12.1. Hold a public hearing and consider possible action regarding case ZA-21-005, an application for a Zoning Amendment to change the zoning for the property located at 107 Henson, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). (*Applicant: Kristie Gaines*)

Mayor, Gina Fulkerson, opened the public hearing at 7:09 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the zoning amendment. The Planning and Zoning Commission had voted unanimously at their April 8th meeting to recommend approval of the application.

There were no public comments.

Mayor, Gina Fulkerson, closed the public hearing at 7:13 p.m.

There was discussion among Council related to C-1 versus C-3 zoning regulations and the location of the property.

Motion to approve case ZA-21-005, an application for a Zoning Amendment to change the zoning for the property located at 107 Henson, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3), was made by Council Member Teresa Shell. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 12.2. Hold a public hearing and consider possible action regarding case CUP-21-008, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 107 Henson, Wimberley, Hays County, Texas. (*Applicant: Kristie Gaines*)

Mayor, Gina Fulkerson, opened the public hearing at 7:21 p.m.

There were no public comments.

Mayor, Gina Fulkerson, closed the public hearing at 7:21 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the CUP, including the two conditions recommended by Planning and Zoning Commission at their April 8th meeting, to include the sale of beer and wine and connection to the wastewater system prior to operations.

Motion to approve case CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 107 Henson, Wimberley, Hays County, Texas, was made by Council Member Rebecca Minnick.

Motion was amended to case CUP-21-008 by Council Member Rebecca Minnick.

Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- 12.3. Hold a public hearing and consider possible action regarding case ZA-21-006, an application for a Zoning Amendment to change the zoning for the property located at 220 Old Kyle, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). (*Applicant: Suzanne Oliver*)

Mayor, Gina Fulkerson, opened the public hearing at 7:23 p.m.

Applicant, Suzanne Oliver, spoke in support of the zoning amendment for her property.

Mayor, Gina Fulkerson, closed the public hearing at 7:25 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the zoning amendment, and noted staff had received five letters of support for the change. The Planning and Zoning Commission had unanimously voted at their April 8th meeting to recommend approval of the application.

Motion to approve case ZA-21-006, an application for a Zoning Amendment to change the zoning for the property located at 220 Old Kyle, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3), was made by Council Member Jim Chiles. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 12.4. Hold a public hearing and consider possible action regarding case CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 220 Old Kyle Rd, Wimberley, Hays County, Texas. (*Applicant: Rodney Bursiel*)
Mayor, Gina Fulkerson, opened the public hearing at 7:28 p.m.
Applicant, Rodney Bursiel, spoke in support of the application.
Mayor, Gina Fulkerson, closed the public hearing at 7:30 p.m.
Planning and Development Coordinator, Nathan Glaiser, presented the CUP, including the four conditions recommended by the Planning and Zoning Commission at their April 8th meeting. The City had received several letters of support and none of opposition.
Motion to approve CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 220 Old Kyle Rd, Wimberley, Hays County, Texas, with the four conditions as presented, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- 12.5. Hold a public hearing and consider possible action regarding case CUP-21-007, an application for a Conditional Use Permit to allow for the construction of a Secondary Residential Building on a property located at 1920 River Rd, Wimberley, Hays County, Texas. (*Applicant: Carl & Sheila Johnson*)
Council Member, Bo Bowman, recused himself from this item.
Mayor, Gina Fulkerson, opened the public hearing at 7:34 p.m.
Applicant, Sheila Johnson, spoke in support of the permit.
Mayor, Gina Fulkerson, closed the public hearing at 7:36 p.m.
Motion to approve case CUP-21-007, an application for a Conditional Use Permit to allow for the construction of a Secondary Residential Building on a property located at 1920 River Rd, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (4-0).
- 12.6. Hold a public hearing and consider possible action regarding case CUP-21-009, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 131 Panorama Dr, Wimberley, Hays County, Texas. (*Applicant: Paige Rodriguez*)
Mayor, Gina Fulkerson, opened the public hearing at 7:38 p.m.
Applicants, Paige and Manny Rodriguez, addressed Council regarding the request, including a letter of opposition received by the City.
Mayor, Gina Fulkerson, closed the public hearing at 7:40 p.m.
Planning and Development Coordinator, Nathan Glaiser, presented the CUP for a vacation rental. The Planning and Zoning Commission had voted 4-2 to recommend denial of the application their April 8th meeting, due to multiple short-term rentals in the area. There was lengthy Council discussion pertaining to the number of vacation rentals and the background for the P&Z Commission's recommendation for application denial.
Motion to approve case CUP-21-009, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 131 Panorama Dr, Wimberley, Hays County, Texas, was made by Council Member

Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 12.7. Hold a public hearing and consider possible action regarding case CUP-21-011, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 109 Kingsway Dr, Wimberley, Hays County, Texas. (Applicant: Robert Blackwell)

Mayor, Gina Fulkerson, opened the public hearing at 7:54 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the CUP for a vacation rental. The Planning and Zoning Commission had unanimously recommended approval at their April 8th meeting.

Mayor, Gina Fulkerson, closed the public hearing at 7:55 p.m.

Motion to approve case CUP-21-011, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 109 Kingsway Dr, Wimberley, Hays County, Texas, was made by Council Member Teresa Shell. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 12.8. Hold a public hearing and consider possible action regarding case CUP-21-012, an application for a Conditional Use Permit to allow for the operation of a Drive Thru Eating Establishment on a property located at 9315 Ranch Road 12, Wimberley, Hays County, Texas. (Applicant: Janette Tarbell)

Mayor, Gina Fulkerson, opened the public hearing at 7:57 p.m.

Applicant, Janette Tarbell, spoke in support of the application.

Mayor, Gina Fulkerson, closed the public hearing at 7:59 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the CUP to operate a drive thru food establishment. The Planning and Zoning Commission had unanimously voted to recommend approval at their April 8th meeting. There was discussion among Council and City staff relating to the drive thru being attached to the property address or just the structure itself.

Mayor, Gina Fulkerson, reopened the public hearing at 8:05 p.m.

Brooke Burnett spoke in support of the application for the drive thru eating establishment.

Mayor, Gina Fulkerson, closed the public hearing at 8:08 p.m.

Motion to approve case CUP-21-012, an application for a Conditional Use Permit to allow for the operation of a Drive Thru Eating Establishment on a property located at 9315 Ranch Road 12, Wimberley, Hays County, Texas, with the condition that the drive thru eating establishment be permitted only for the temporary structure, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

- 13.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (Project Manager, Craig Fore)

Project Manager, Craig Fore, noted Change Order #6 was officially approved by the Texas Water Development Board late last week. The force main from the lift station that would cross the Cypress Creek bridge would be installed as soon as Capital Excavation was able to remobilize. Furthermore, Patriot Underground was issued the Notice to Proceed and would begin construction north of the Cypress Creek on April 19th.

No action was taken on this item.

- 13.2. Discuss and consider possible action regarding 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 and Tree Preservation) of the City of Wimberley Code of Ordinances. *(Place Five Council Member, Bo Bowman)*

Pedernales Electric Cooperative, Inc. Representative, Penny Whisenant, spoke regarding the proposed tree ordinance and the possible implications it may have on conducting vegetation maintenance and other provisions set forth in the ordinance.

There was discussion among Council members concerning the tree preservation section of the ordinance, including the percentage of trees that may be replaced by cash-in-lieu. The Planning and Zoning Commission had recommended approval of the ordinance, as presented, by a 5-0-1 vote on April 8th. There was further discussion between Council and Ms. Whisenant pertaining to PEC's concerns with the ordinance.

Motion to approve 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 and Tree Preservation) of the City of Wimberley Code of Ordinances, was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick.

Motion was amended to include set a limit of fifty percent (50%) of trees that may be replaced by cash-in-lieu in Section 9.02.391(c) by Council Member Bo Bowman.

Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 6.3. Discuss and consider potential direction for future amendments to Article 4.04 Temporary Structures requirements in relation to mobile food trucks. *(Mayor, Gina Fulkerson)*

There was brief discussion on this item. City Council did not wish to amend the ordinance relating to temporary structure requirements.

No action was taken on this item.

- 13.3. Discuss and consider possible action regarding the revised City of Wimberley Boards, Commissions and Committees Handbook. *(City Secretary, Laura Calcote)*

City Secretary, Laura Calcote, presented the revised handbook. City Council indicated they needed more time to review the changes before approving.

Motion to postpone this item until the first City Council meeting in June was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 8:53 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

Section 551.071 (Consultation with Legal Counsel) and Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third party: Parking Expansion.

OPEN SESSION

Regular Session reconvened at 9:33 p.m.

Motion to approve a purchase and/or a lease purchase agreement for a portion of the property located at 109 Oak Street for public parking and other public purposes with potential lease terms for up to 30 years and authorizing the City's purchase of the property at or before the third year of the agreement term, with the financing provisions and additional terms satisfactory to the seller and approved by the City Attorney, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

16.1. Announcements – Council Member, Christine Byrne, noted Keep Wimberley Beautiful would be cleaning up the downtown area on April 17th from 7:00 a.m. to 9:00 a.m.

16.2. Future agenda items – City Council's goals and objectives workshop for Fiscal Year 2022 would be held in June 2021.

ADJOURNMENT

Motion to adjourn the meeting at 9:37 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson
Gina V. Fulkerson, Mayor