



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 19, 2021 – 6:00 P.M.

MINUTES

In accordance with the order of the Office of the Governor issued March 16, 2020, in relation to COVID-19, some members of the City Council and/or staff may appear via teleconference/video conference.

The public may participate in this meeting either in person or via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 874 8330 7433 and using the passcode 489346.

The public will be permitted to offer public comments and participate in any public hearing either in person pursuant to City Council rules or 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 **remotely** must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two (2) hours before the meeting.

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 August 19, 2021, at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Gina Fulkerson	Mayor (<i>in person</i>)
	Rebecca Minnick	Place One (<i>in person</i>)
	Teresa Shell	Place Two (<i>via teleconference</i>)
	Christine Byrne	Place Three (<i>in person</i>)
	Jim Chiles	Place Four (<i>in person</i>)
	David Cohen	Place Five (<i>via teleconference</i>)
City Staff Present:	Mike Boese	City Administrator (<i>in person</i>)
	Laura Calcote	City Secretary (<i>in person</i>)
	Megan Santee	City Attorney (<i>in person</i>)
	Nathan Glaiser	Planning & Development Coordinator (<i>in person</i>)

INVOCATION

Chapel in the Hills Representative, Dick Adams, 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

City Secretary, Laura Calcote, read David Lowe's comment into the record pertaining to the Central Wimberley Wastewater Project and the system users on Blue Hole Lane.

PRESENTATIONS

6.1. Presentation regarding a vehicle lease program. *(D&M Commercial General Manager, Jerry Haddad)*

D&M Leasing Commercial General Manager, Jerry Haddad, presented information to Council relating to a potential vehicle lease program for the City. Mr. Haddad highlighted the summary of services for the company and program. There was discussion between Council and Mr. Haddad regarding mileage restrictions and vehicle depreciation. Vehicle leasing had been included in the projected Fiscal Year 2021-2022 Budget.

No action was taken on this item.

6.2. Presentation regarding a community project at Brookshire Brothers. *(Alexis Pointe Representative, Katy Starr)*

Alexis Pointe Community Relations Director, Katy Starr, presented information regarding a potential community project, "Making a Community Mural," which be located on the side of Brookshire Brothers. Ms. Starr spoke of the benefits the project would have for the Alexis Pointe residents, as well as the Wimberley community as a whole. She also presented a project timeline. There was discussion between Council and Ms. Starr concerning murals and the City's sign ordinance. Overall, Council voiced excitement and support for the project.

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 Jim Chiles. Motion carried unanimously (5-0).

7.1. Approval of minutes from the Regular City Council Meeting held August 5, 2021.

7.2. Approval of the second and final reading of Ordinance No. 2021-27, repealing and replacing Chapter 12, Utilities, Article 12.02, Water and Sewer, Division 4, Sewer Utility Protection, Sec. 12.02.106 Grease Traps and Grease Interceptors of the City of Wimberley Code of Ordinances; providing for a savings clause; providing for severability; providing for penalties; and providing findings regarding compliance with the Texas Open Meetings Act.

CITY STAFF REPORT

City Administrator, Mike Boese, reported on the current status and projected timeline for the Oak Drive Improvements Project. City Secretary, Laura Calcote, reported on the upcoming

launch of the City's new notification system, CivicReady, and the efforts that would be undertaken to encourage residents to sign up for notifications.

PUBLIC HEARINGS AND POSSIBLE ACTION

- 9.1. Hold a public hearing and consider possible action regarding case CUP-21-016, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 700 Little Ranches, Wimberley, Hays County, Texas.
(Applicant: Ryan & Molly Galbraith)

Planning and Development Coordinator, Nathan Glaiser, presented the application for a vacation rental. The Planning and Zoning Commission had voted unanimously to recommend approval of the CUP at their August 12th Meeting. Mr. Glaiser also noted the 15 conditions presented in the ordinance.

Mayor, Gina Fulkerson, opened the public hearing at 6:57 p.m.

Applicant, Ryan Galbraith, spoke in support of the CUP.

Mayor, Gina Fulkerson, closed the public hearing at 7:00 p.m.

Motion to approve case CUP-21-016, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 700 Little Ranches, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 9.2. Hold a public hearing and consider possible action regarding case CUP-21-018, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 213 Leveritts Loop, Wimberley, Hays County, Texas.
(Applicant: Steve Crossland)

Mayor, Gina Fulkerson, opened the public hearing at 7:01 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the application for a vacation rental. The City had received nine letters of opposition to date for the CUP. The Planning and Zoning Commission had also voted unanimously to recommend denial of the CUP at their August 12th Meeting.

There were five public comments, which were as follows:

1. Applicant, Steve Crossland, addressed Council and outlined his reasoning why the CUP should be approved, which included a question-and-answer session with Council.
2. Neighbor, Allen Mecklenburg, spoke in opposition of the CUP.
3. Neighbor, Dawn Hernandez, spoke in opposition of the CUP.
4. Neighbor, Ed Cooper, spoke in opposition of the CUP.
5. Neighbor, Steve Vest, spoke in opposition of the CUP.

Mayor, Gina Fulkerson, closed the public hearing at 7:32 p.m.

There was discussion among Council regarding the three reasons the P&Z Commission had recommended denying the request, as well as almost fifty percent (50%) of the neighborhood being in opposition of the vacation rental. A super majority vote of Council would be required to approve the application, due to the twenty percent (20%) rule being triggered because of neighbor opposition.

City Council recessed at 7:48 p.m.

City Council reconvened at 7:58 p.m., with all members present.

Motion to deny case CUP-21-018, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 213 Leveritts

Loop, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. The motion was not seconded. Therefore, the motion died for lack of a second.

Motion to approve case CUP-21-018, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 213 Leveritts Loop, Wimberley, Hays County, Texas, was made by Council Member David Cohen. The motion was not seconded. Therefore, the motion died for lack of a second.

Motion to send the case back to the Planning and Zoning Commission for clarification for their rational for unanimously recommending denial of the CUP was made by Council Member David Cohen. Motion was seconded by Council Member Teresa Shell. Motion failed as follows (2-3):

Rebecca Minnick	Nay
Teresa Shell	Aye
Christine Byrne	Nay
Jim Chiles	Nay
David Cohen	Aye

CUP-21-018 was not approved or granted.

- 9.3. Hold a public hearing and consider possible action regarding the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development), Article 9.03 (Zoning), Division 5 (Development Standards), Section 9.03.181 (Off-Street Parking and Loading Requirements) to add Section (G) City Center Overlay Parking; and amending article 9.05, Development Fees to add section Fee-in-Lieu of Parking Spaces and providing for savings, severability, repeater, effective date, and proper notice and meeting. *(Planning & Development Coordinator, Nathan Glaiser)*

Mayor, Gina Fulkerson, opened the public hearing at 8:18 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the proposed fee-in-lieu parking ordinance, including the Planning and Zoning Commission's recommended language addition. There was discussion pertaining to properties being grandfathered, urban planning and the potential impact the ordinance may have on small businesses. Outdoor seating needed to be addressed within the ordinance. A change in use to the business would trigger the ordinance.

Mayor, Gina Fulkerson, closed the public hearing at 8:38 p.m.

Motion to approve the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development), Article 9.03 (Zoning), Division 5 (Development Standards), Section 9.03.181 (Off-Street Parking and Loading Requirements) to add Section (G) City Center Overlay Parking; and amending article 9.05, Development Fees to add section Fee-in-Lieu of Parking Spaces and providing for savings, severability, repeater, effective date, and proper notice and meeting, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

- 10.1. Discuss and consider possible action regarding a wetland maintenance renovation at the Patsy Glenn Refuge. *(The Wimberley Birding Society and Parks Director, Richard Shaver)* City Council had previously voted to support a Wimberley Birding Society grant application to raise funds and to include monetary support for any required permitting and technical studies necessary for plan approval. The grant had been obtained by the organization for the project.
Motion to approve a wetland maintenance renovation at the Patsy Glenn Refuge, with the City Engineer to conduct the hydrological study needed for the project, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).
- 10.2. Discuss and consider possible action regarding a TexPool Resolution Amending Authorized Representatives for the City of Wimberley. *(City Secretary, Laura Calcote)*
Motion to approve the TexPool Resolution Amending Authorized Representatives for the City of Wimberley was made by Council Member Teresa Shell. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).
- 10.3. Discuss and consider possible action regarding Ordinance No. 2021-28, approving an amendment to the City of Wimberley, Texas Code of Ordinances, Chapter 2 Administration and Personnel, Article 2.03 Ordinances, Section 2.03.001 Two Readings Required; Exceptions; and providing for the following: findings of fact, savings, repealer, severability, effective date and proper notice and meeting. *City Secretary, Laura Calcote)*
Motion to approve Ordinance No. 2021-28, approving an amendment to the City of Wimberley, Texas Code of Ordinances, Chapter 2 Administration and Personnel, Article 2.03 Ordinances, Section 2.03.001 Two Readings Required; Exceptions; and providing for the following: findings of fact, savings, repealer, severability, effective date and proper notice and meeting, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).
- 10.4. Discuss and consider possible action regarding the second and final reading of Ordinance No. 2021-02, concerning the extension of sewer utilities and providing for the following: jurisdiction; purpose and scope; sewer service application requirements; disconnection and discontinuance of sewer service; requirements for connecting to sewer services; establishing wastewater utility system rates and fees; findings of fact; establishing a rate schedule; relation to other ordinances; effective date; severability; proper notice and meeting. *(City Administrator, Mike Boese)*
City Administrator, Mike Boese, highlighted a few amendments that had been made to the Ordinance since its first reading but nothing major was changed.
Motion to approve the second and final reading of Ordinance No. 2021-02, concerning the extension of sewer utilities and providing for the following: jurisdiction; purpose and scope; sewer service application requirements; disconnection and discontinuance of sewer service; requirements for connecting to sewer services; establishing wastewater utility system rates and fees; findings of fact; establishing a rate schedule; relation to other ordinances; effective date; severability; proper notice and meeting, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

10.5. Discuss and consider possible action regarding the proposed Fiscal Year (FY) 2021-2022 Budget. (*City Administrator, Mike Boese*)
There was minor discussion on the proposed Fiscal Year 2021-2022 Budget, including a few line-item changes since the last budget workshop.
No action was taken on this item.

10.6. Discuss and consider possible action regarding the October 7th Regular City Council Meeting, due to City participation in the Texas Municipal League Annual Conference. (*Mayor, Gina Fulkerson*)
Motion to cancel the October 7th Regular City Council Meeting, and schedule a Special City Council Meeting for Thursday, September 30th, at 6:00 p.m. was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

11.1. Announcements – City Council would have a Special City Council Meeting on Friday, August 27th, at 12:00 p.m.

11.2. Future agenda items – None.

ADJOURNMENT

Motion to adjourn the meeting at 9:14 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