



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, MAY 18, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER** May 18, 2023, at 6:00 PM

Mayor Gina Fulkerson called the Regular Meeting to order at 6:00 p.m.

2. **CALL OF ROLL**

Council Members Present:

Gina Fulkerson, Mayor
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning and Public Works
Kenneth LaVergne, City Attorney

Council Members Absent:

Rebecca Minnick, Place 1

3. **INVOCATION** Kevin Schubert, Saint Stephen's Episcopal

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor Fulkerson led the pledges of allegiance.

5. **CITIZENS COMMUNICATIONS**

There were no citizen comments this evening.

6. **CONSENT AGENDA**

A motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve the consent agenda. The motion carried unanimously (4-0).

- 6.1. Consider approval of minutes from the May 4, 2023 Regular City Council Meeting. *(Tammy Heller, City Secretary)*

7. **PUBLIC HEARINGS AND POSSIBLE ACTION**

- 7.1.** Hold a Public Hearing and consider action on Ordinance 2023-11, on the first of two readings, to amend Chapter 9, Planning and Development Regulations of the City of Wimberley Code of Ordinances, by amending the regulation of Historic Properties and Districts and creating a procedure for the designation of Historic Landmarks and Historic Districts; repealing all ordinances or sections of ordinances in conflict; providing for severability, and providing an effective date. *(Nathan Glaiser, Director of Planning and Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a brief update on the amendment to the Code regarding historical properties. He stated this Ordinance creates the framework for creating a historic district within the City. The Planning and Zoning Commission reviewed this Ordinance at their last meeting and recommended approval.

Mayor Fulkerson opened the Public Hearing at 6:16 p.m.

Suzanne Oliver, spoke about the process she went through to get historical designation on her property located on Old Kyle Road. She stated standards within a historic district are regulated by the Department of Interiors and stated they have very specific guidelines to maintain architectural guidelines.

There being no further comments, the mayor closed the Public Hearing at 6:18 p.m.

Upon completion of discussion, a motion was made by Council Member Shell to approve 2023-11, as presented, with the addition of a definition of Adverse Effect to be included for second reading. The motion carried unanimously (4-0).

- 7.2.** Hold a public hearing and consider action on Ordinance 2023-12, regarding a request to change zoning (case ZA-23-002) for a property located at 110 Old Kyle Rd, Wimberley, TX, from Commercial Moderate Impact (C-2) to Commercial High Impact (C-3) . *(Nathan Glaiser, Director of Planning and Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a presentation related to a request to change zoning for a property located at 110 Old Kyle Road from Commercial Moderate Impact (C-2) to Commercial High Impact (C-3). The C-2, commercial 2 district is established to provide areas for shopping and service facilities for the retail sales of goods and services. The C-3, commercial 3 district is established to provide areas for more intense and concentrated shopping and service facilities for the retail sales of goods and services. These shopping areas shall utilize established landscape and buffering requirements. The C-3 district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

Mayor Fulkerson opened the Public Hearing at 6:32 p.m.

Connie Glasscox, applicant and owner of Lucky Kidd, LLC, spoke in support of this request. She spoke about the parking at this location, the outsourcing of food as they will not have a full kitchen, and their intent of making this a community area. They also spoke in the letter of opposition from the church and they are willing to cooperate and work with them to ensure their hours do not interfere with the church in any way.

Suzanne Oliver stated she is not in opposition to the zoning change but expressed concern about the parking and higher impact in this area.

There being no further comments, the mayor closed the Public Hearing at 6:38 p.m.

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve Ordinance 2023-12, as presented. The motion carried unanimously (4-0).

- 7.3.** Hold a public hearing and consider action on Ordinance 2023-13, regarding an application for a

Conditional Use Permit (CUP-23-004) to allow for the operation of a bar/tavern at 110 Old Kyle Rd, Wimberley, TX. *(Nathan Glaiser, Director of Planning and Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a presentation related to an application for a Conditional Use Permit that would allow for the operation of a bar/tavern at 110 Old Kyle Road. He provided previous use of the property, request for future use and construction plans for a patio deck. He stated the applicants do intend to construct a stage that is not in the current application.

Mayor Fulkerson opened the Public Hearing at 6:53 p.m.

Suzanne Oliver, inquired about the use and construction of a stage with regards to bands and noise and she wants to ensure this venue would comply with the city's noise ordinance.

Greg McBride, co-applicant, stated this application was submitted without the structure and at this time a structure will not be constructed.

There being no further comments, the mayor closed the Public Hearing at 6:58 p.m.

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Chiles, to approve Ordinance 2023-13, as presented. The motion carried unanimously (4-0).

- 7.4.** Hold a public hearing and consider action on Ordinance 2023-14, regarding an application for a Conditional Use Permit (CUP-23-006) to allow for the operation of a Vacation Rental (STR2) on a property located at 13500 Ranch Road 12, STE A, Wimberley, TX. *(Nathan Glaiser, Director of Planning and Public Works)*

Council Member Teresa Shell recused herself, and completed a disclosure form, as she is the applicant for this conditional use permit request.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding a request for a Conditional Use Permit to allow for the operation of a vacation rental on property located at 13500 Ranch Road 12. The property is 0.39 acres and zoned Commercial – Low Impact (C-1). The applicants are requesting a maximum occupancy of six guests. This property is connected to the city sewer.

Mayor Fulkerson opened the Public Hearing at 7:07 p.m. There being no comments, the mayor closed the Public Hearing at 7:07 p.m.

A motion was made by Council Member Sheffield, seconded by Council Member Cohen, to approve Ordinance 2023-14, as presented. The motion carried by a vote of 3-0-1, with Council Member Shell recusing.

- 7.5.** Hold a public hearing and consider action on Ordinance 2023-15, regarding an application for a Conditional Use Permit (CUP-23-007) to allow for the operation of a Vacation Rental (STR2) on a property located at 13310 Ranch Road 12, Wimberley, TX. *(Nathan Glaiser, Director of Planning and Public Works)*

Council Member Teresa Shell recused herself, and completed a disclosure form, as she is the applicant for this conditional use permit request.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation related to an application for a Conditional Use Permit that would allow for the operation of a vacation rental at 13310 Ranch Road 12. The property is 0.84 acres and zoned Commercial – Low Impact (C-1). The applicants are requesting a maximum occupancy of 8 guests. This property is connected to city sewer.

Mayor Fulkerson opened the Public Hearing at 7:10 p.m. There being no comments, the mayor closed the Public Hearing at 7:10 p.m.

A motion was made by Council Member Chiles, seconded by Council Member Sheffield, to approve Ordinance 2023-15, as presented. The motion carried by a vote of 3-0-1, with Council Member Shell recusing.

8. DISCUSSION AND POSSIBLE ACTION

- 8.1.** Discuss and consider possible action regarding a request to permit a temporary structure located at 101 Rhodes Lane, Wimberley, Texas. (*Nathan Glaiser*)

Nathan Glaiser, Director of Planning and Public Works, presented a request by applicant Allison Schwabe, Lucky 4 Shamrock, to place a food truck at 101 Rhodes Lane. The business is Wimberley Shaved Ice. This business is currently operating out of a small building in the same location. The applicants plan is to move operations to the food truck. Per City of Wimberley ordinance Article 4.04, all temporary structures must have prior approval by City Council.

A motion was made by Council Member Sheffield, seconded by Council Member Chiles, to approve the request to permit a temporary structure at 101 Rhodes Lane. The motion carried unanimously (4-0).

- 8.2.** Discuss and consider possible action regarding a contract between the City of Wimberley and Friends of Blue Hole. (*Richard Shaver, Parks Director*)

A motion was made by Council Member Chiles, seconded by Council Member Cohen to postpone item 8.2 to the next City Council meeting. The motion carried unanimously (4-0).

- 8.3.** Discuss and consider possible action regarding an annual sponsorship policy. (*Richard Shaver, Parks Director*)

A motion was made by Council Member Chiles, seconded by Council Member Cohen to postpone item 8.3 to the next City Council meeting. The motion carried unanimously (4-0).

- 8.4.** Discuss and consider possible action regarding special-use agreements with the Wimberley Community Center. (*Richard Shaver, Parks Director*)

A motion was made by Council Member Chiles, seconded by Council Member Cohen to postpone item 8.4 to the next City Council meeting. The motion carried unanimously (4-0).

- 8.5.** Discuss and consider a date, location and, if necessary, a consultant for the City of Wimberley Fiscal Year 2024 Goals and Priorities Workshop.

Tammy Heller, City Secretary, stated the staff is seeking guidance on the annual goal/priority workshop regarding the date, location, and possible consultant. Upon completion of discussion, the council consensus was to utilize a consultant and to send out a poll to identify any dates that could accommodate schedules. Mrs. Heller stated an email would be sent out to identify possible dates and would reach out to consultants.

9. CITY COUNCIL REPORTS

- 9.1.** Announcements

Tim Patek, City Administrator, stated he would be attending the following:

- A. Greater San Marcos Partnership (GSMP) panel tomorrow morning
- B. Wimberley Valley Arts and Cultural Alliance (WVACA) annual event this Sunday

Tammy Heller, City Secretary mentioned the upcoming Budget Workshops. Further discussion will be held to determine best dates.

- 9.2.** Future Agenda Items

No future agenda items discussed.

10. **ADJOURNMENT**

A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the regular meeting at 7:27 p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor

