



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 17, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER August 17, 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
Rebecca Minnick, Mayor Pro Tem
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Planning & Public Works Director
Richard Shaver, Parks Director
Leanne Kirby, Tourism Director
Charlie Zech, City Attorney

Council Members Absent:

David Cohen, Place 5

3. INVOCATION

Scott Tidwell, Fellowship of the Crossroads

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 Chiles, seconded by Council Member Minnick to approve the consent agenda. The motion carried unanimously (4-0).

6.1. Consider approval of the following minutes:

- a. August 3, 2023 Budget Workshop Meeting
- b. August 3, 2023 Regular City Council Meeting.

- 6.2.** Approval of the July 2023 Revenue and Expenditure Report for the City of Wimberley. (*Tim Patek, City Administrator*)

7. PRESENTATION AND POSSIBLE ACTION

- 7.1.** Receive an update from the General Manager of Wimberley Water Supply Corporation including, but not limited to, water conservation and current drought restrictions. (*Tim Patek, City Administrator*)

Garrett Allen, General Manager for Wimberley Water Supply Corporation, provided an update on water conservation efforts and current drought restrictions. He spoke about the steps that contributed to the need to go from Stage 3 to Stage 4 watering restrictions. He provided an illustration of current well pumping levels and the history of well levels in Wimberley. He spoke about the drought contingency plan and the requirement to adopt this plan. He stated this document is updated on a regular basis and includes conditions, triggers, restrictions, and violations. He expressed concern about the lack of rain and increased development and the impact this has on recharge. In closing, he asked that citizens follow the drought contingency plan and to implement conservation efforts to decrease water usage.

- 7.2.** Presentation from Wimberley Valley Arts and Cultural Alliance (WVACA) regarding a mural on the silo at the Oak Drive Welcome Center. (*Leanne Kirby, Tourism Director*)

Don Minnick, Wimberley Valley Arts and Cultural Alliance (WVACA) Board Member, presented a proposal to the City, in partnership with WVACA for a mural on the Silo at the Oak Park & Welcome Center. He explained the proposed cost, call for artists, and responsibility of both entities. If the City approves the proposal, WVACA would begin the process.

The council expressed support of this concept. Upon completion of discussion, a motion was made by Council Member Shell, seconded by Council Member Chiles, to allow WVACA to obtain an artist and mural and appoint Leanne Kirby, Tourism Director, as the point of contact for the City. The motion carried unanimously (4-0).

8. PUBLIC HEARINGS AND POSSIBLE ACTION

- 8.1.** Hold a Public Hearing and consider action on Ordinance 2023-18, amending Chapter 9, Section 9.02 Subdivision Control, providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting. (*Nathan Glaiser, Planning & Public Works Director*)

Nathan Glaiser, Director of Planning and Public Works, provided a brief update on the subdivision ordinance and stated that council received this presentation in the past, but staff was awaiting final information from the legislation in order to finalize it. Mr. Glaiser introduced Bryce Cox of Rampage Law to provide a refresher and answer any questions. He stated the update is on procedure improvements, plat waiver process, and revisions to the Parkland dedication and improvement.

Upon completion of the presentation, Mayor Fulkerson opened the Public Hearing at 7:03 p.m. There being no comments, the Mayor closed the Public Hearing at 7:03 p.m.

The mayor inquired about the process for parkland dedication and if it would be at the discretion of staff or council. Mr. Cox stated this would begin administratively and then it would come forward to the Planning and Zoning Commission for their approval. A brief discussion was held on road construction and complying with city standards. Discussion was held on water and if an entity has to show they have the capability to serve that area. Mr. Cox stated that the City has a requirement to connect to public water unless there are provisions otherwise. The applicant would submit preliminary plans and this would indicate where the applicant is connected and who would be providing water.

Upon completion of discussion, a motion was made by Council Member Minnick, seconded by Council Member Sheffield to approve Ordinance 2023-18, as presented. The motion carried unanimously (4-0).

- 8.2.** Hold a public hearing and consider action on Ordinance 2023-19, an application, submitted by Ronald & Julie Bauer, for a Conditional Use Permit (CUP-23-008) to allow for the operation of a Vacation Rental (STR2) on a property located at 270 Sierra Loma, Wimberley, TX. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on case CUP-23-008, a Conditional Use Permit application for the operation of a Vacation Rental at 270 Sierra Loma, Wimberley, Texas.

Ronald Bauer, the applicant, spoke in support of the request.

Mayor Fulkerson opened the Public Hearing at 7:16 p.m. One letter of opposition, from Belinda Givens, was received and read aloud. There being no further comments, the Mayor closed the Public Hearing at 7:18 p.m.

Discussion was held on other conditional use permits in proximity to this property and the visibility of the house in opposition to this request. Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Shell to approve Ordinance 2023-19, as presented. The motion carried unanimously (4-0).

- 8.3.** Hold a public hearing and consider action on Ordinance 2023-20, an application, submitted by Willis Rothelle, for a zoning amendment (ZA-23-003), to change the zoning for a property located at 14000 Ranch Road 12, Wimberley, TX, from Commercial Low Impact (C-1) to Commercial High Impact (C-3). (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case (ZA-23-003), a zoning amendment application requesting a change from Commercial Low Impact (C-1) to Commercial High Impact (C-3) at 14000 Ranch Road 12, Wimberley. Mr. Glaiser explained the differences in Low Impact (C-1) and High Impact (C-3) usages.

Mayor Fulkerson opened the Public Hearing at 7:29 p.m.

Will Rothelle, applicant, spoke in favor of the request and stated there is no change to the current usage of the property requested at this time. There being no further comments, the Mayor closed the Public Hearing at 7:32 p.m.

Council Member Minnick stated this property should be zoned to be consistent with the downtown overlay and this would be appropriate. Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Shell to approve Ordinance 2023-20 as presented. The motion carried unanimously (4-0).

- 8.4.** Hold a public hearing and consider action on Ordinance 2023-21, an application, submitted by Huband Ranch Services LLC, for a Conditional Use Permit (CUP-23-009) to allow for the following

uses at 151 Las Flores, Wimberley, Texas: Administrative and Professional Offices, Repair Services: Consumer, and Retail Sales and Services: Limited. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-009, a Conditional Use Permit application that would allow for the operation of Administrative and Professional Offices, Repair Services, and limited Retail Sales and Services on a property located at 151 Las Flores, Wimberley, Texas in an effort to capture what the current uses are at this location. He stated proper notification was provided and the Planning and Zoning Commission recommended approval of denial at this time and for a traffic study to be conducted in this area.

Mayor Fulkerson opened the Public Hearing at 7:38 p.m.

Those who spoke in favor:

Josh Burr, representative for the applicant, explained this request would update the zoning to be compatible with the current uses of this property. He stated drainage, screening and vegetation improvements would be made by this request. He stated that traffic studies had been conducted through the Transportation Master Plan process and the proposed change would not cause a substantial increase in traffic.

Discussion was held on the uses of the property, potential zoning change as opposed to a conditional use permit request, that ability to put restrictions on the request

Those who spoke in opposition:

Sharon Uhlaender, a property owner on Las Flores Drive, spoke in opposition and spoke about drainage to nearby properties and traffic concerns in the neighborhood.

Judy Bradbury, spoke in opposition and expressed concern about the traffic in this area. She stated if a traffic study is to be completed, to please do it during school and market days. She also expressed concern about drainage and noise.

Letters of opposition were received by Daniel Verhoolen, Vance Hobbs, David DiTraglia, John Blais, and Anne McFaden and read aloud.

There being no further comments, Mayor Fulkerson closed the Public Hearing at 8:04 p.m.

Discussion continued on the concerns that were presented by citizens, including traffic, drainage, and noise. Upon completion of discussion, a motion was made by Council Member Minnick to approve Ordinance 2023-21, as presented. The motion failed to obtain a second.

A motion was made by Council Member Sheffield, seconded by Council Member Chiles to deny Ordinance 2023-21, as presented. The motion to deny carried unanimously (4-0).

- 8.5.** Hold a public hearing and consider action on Ordinance 2023-22, an application, submitted by Jody Doss, for a Conditional Use Permit (CUP-23-011) to allow for the operation of a Vacation Rental (STR2) at 13300 Ranch Road 12 Wimberley, Texas. (*Nathan Glaiser, Director of Planning & Public Works*)

Mayor Fulkerson recused herself from discussion due to the proximity of her office to this request.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-011, an application for a Conditional Use Permit for the operation of a Vacation Rental on a property located at 13300 Ranch Road 12, Wimberley. The property is .229 acres and zoned Commercial Low Impact 1. On the property is a one-story two-bedroom log cabin. It had been previously used as an office. The applicants are requesting a maximum occupancy of 4 guests. It is on a septic system that is adequate for the request. There were no letters of support or opposition received.

Mayor Pro Tem Minnick opened the Public Hearing at 8:28 p.m. There being no comments, Mayor Pro Tem Minnick closed the Public Hearing at 8:28 p.m.

There being no discussion, a motion was made by Council Member Sheffield, seconded by Council Member

Minnick to approve Ordinance 2023-22, as presented. The motion carried unanimously (4-0).

- 8.6.** Hold a public hearing and consider action on Ordinance 2023-23, an application, submitted by Tyler Brewer, for a Conditional Use Permit (CUP-23-012) to allow for the operation of a Vacation Rental (STR2) on a property located at 13201 Ranch Road 12, Wimberley, Hays County, Texas. (Nathan Glaiser, Director of Planning & Public Works)

Mayor Fulkerson recused herself from discussion due to the proximity of her office to this request.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-012, a Conditional Use Permit application for the operation of a Vacation Rental on a property located at 13201 Ranch Road 12, Wimberley. The property is 1.19 acres and zoned Single-family Residential 2. It is on the Blanco River near the RR 12 Blanco River bridge. It has a four-bedroom home. The applicants are requesting a maximum occupancy of 10 guests. It is on a septic system that is adequate for the request.

Mayor Pro Tem Minnick opened the Public Hearing at 8:30 p.m.

Tyler Brewer, the applicant, spoke in favor of this request.

There being no further comments, Mayor Pro Tem Minnick closed the Public Hearing at 8:32 p.m.

Upon completion of discussion a motion was made by Council Member Chiles, seconded by Council Shell to approve Ordinance 2023-23, as presented. The motion carried unanimously (4-0).

- 8.7.** Hold a Public Hearing and consider action on Ordinance 2023-24, amending Chapter 9, Section 9.02.008, definitions and interpretations of the Wimberley City Code; providing for findings of fact, savings, severability, repealer, and effective date, and proper notice and meeting. (Nathan Glaiser, Director of Planning and Public Works)

Nathan Glaiser, Director of Planning and Public Works, explained the change in the definition of Historic District in the enabling ordinance that was approved on June 1, 2023. Upon a recommendation of the Texas Historic Commission to extend the definition, staff is requesting this change. The reason for this change is to make sure the city clarifies the difference between the National Historic District and an Overlay District that is designated by the City.

Mayor Fulkerson opened the Public Hearing at 8:34 p.m. There being no comments, Mayor Fulkerson closed the Public Hearing at 8:35 p.m.

A motion was made by Council Member Minnick, seconded by Council Member Chiles to approve Ordinance 2023-24, as presented. The motion carried unanimously (4-0).

9. DISCUSSION AND POSSIBLE ACTION

- 9.1.** Discuss and consider possible action regarding a professional services agreement with ATS for Fire Inspections and Plan Review Services. (Nathan Glaiser, Director of Planning & Public Works)

This item was discussed after item 9.7 of the agenda. Nathan Glasier, Director of Planning and Public Works, stated the City contracts with ATS for building plan reviews and inspections. They have recently added fire plan review and inspections to the list of services that they offer. Staff is requesting approval to add these services to our current contract.

A motion was made by Council Member Minnick, seconded by Council Member Sheffield to approve the service agreement with ATS, as presented. The motion carried unanimously (4-0).

- 9.2.** Discuss and consider action regarding a professional services agreement with Granicus for Hotel Occupancy Tax Collections. (Leanne Kirby, Tourism Director)

Leanne Kirby, Director of Tourism, presented a request regarding a professional services agreement with Granicus for Hotel Occupancy Tax Collections. Ms. Kirby stated this new provider would be more cost efficient and will provide better services for our customers than our current provider.

A motion was made by Council Member Chiles, seconded by Council Member Sheffield to approve an agreement with Granicus or Hotel Occupancy Tax Collections, as presented. The motion carried unanimously (4-0).

- 9.3.** Discuss and consider possible action to authorize a request for proposal (RFP) for the Welcome Center located at 280 Old Kyle Road. (*Leanne Kirby, Tourism Director*)

Leanne Kirby, Director of Tourism, requested authorization to go out for a request for proposal for the Welcome Center located at 280 Old Kyle Road. She explained the construction components that would be included in the RFP. This includes exterior work related to the front deck, porch, steps, ADA ramp to deck, ADA compliant entry, and parking. Included in the interior is modification to create an ADA compliant restroom, relocation of the fridge, partial repaint of the interior, refinishing the wood floors, and replacing an interior storage door and hardware.

Upon completion of discussion, a motion was made by Council Member Shell, seconded by Council Member Minnick to authorize a request for proposal, as presented. The motion carried unanimously (4-0).

- 9.4.** Discuss and consider possible action to authorize a request for proposal (RFP) for a temporary Public Relations & Community Liaison Services position to assist with services related, but not limited to, the Solar Eclipse events in Wimberley. (*Tim Patek, City Administrator*)

Tim Patek, City Administrator, is seeking direction regarding a temporary Public Relations & Community Liaison Services Coordinator for the eclipse event in April 2024. The council expressed support of this position.

A motion was made by Council Member Minnick, seconded by Council Member Chiles to authorize a request for proposal (rfp) and/or job posting for a Public Relations & Community Liaison Services position to assist with services related to, but not limited to the Solar Eclipse, as presented. The motion carried unanimously (4-0).

- 9.5.** Discuss and consider possible action on a naming gift agreement for the Cypress Creek Preserve. (*Richard Shaver, Director of Parks*)

Andrew Weber, President of Friends of Wimberley Parks, provided an update on item 9.5 and 9.6 regarding donation agreements. One is for the naming of the Cypress Creek Preserve Trail and the other is for a drinking/water station at Martha Knies Park.

Upon completion of discussion, a motion was made by Council Member Minnick, seconded by Council Member Shell to accept the naming gift agreement of the Cypress Creek Preserver Trail, as presented. The motion carried unanimously (4-0).

- 9.6.** Discuss and consider possible action on a naming gift agreement for a drinking/water station at Martha Knies Park. (*Richard Shaver, Director of Parks*)

Andrew Weber, President of the Friends of Wimberley Parks, provided information in the previous item. Richard Shaver, stated this would be an agreement for goods and services of the water feature at Martha Knies Park.

Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Chiles to accept the monetary donation for the drinking/water station at Martha Knies Park. The motion carried unanimously (4-0).

- 9.7.** Hold a discussion related to a memorial in honor of Marilee Wood at the Blue Hole Regional Park,

as proposed by the Friends of Wimberley Parks. (*Richard Shaver, Director of Parks*)

Richard Shaver, stated the Parks Board reviewed this item and it was approved unanimously. If the Council approved this evening, it would be for the concept and not the completion of the project. Mr. Weber stated this would be a memorial garden in honor of Marilee Wood. She was a member of Friends of Blue Hole, was an integral part of creating Blue Hole Regional Park, was an advocate for the community, and this would celebrate her legacy. He provided a concept of the plan and is requesting the support of the Council.

The council expressed support in honoring Marilee Wood, but want to make sure a plan is in place that is sustainable with our current water conditions. Upon completion of discussion, Mr. Shaver stated no action is needed this evening, but further discussion and possible action will be brought forward for council consideration at a later date.

- 9.8.** Hold a discussion regarding the preliminary Fiscal Year 2023-2024 Budget and Proposed Fee Schedule. (*Tim Patek, City Administrator*)

This item was discussed after item 8.7.

Jenna Walker, Director of Watershed Services at the Meadows Center at Texas State University and current coordinator of the Cypress Creek Watershed Protection Plan, provided a brief background of the Watershed Protection Plan. She emphasized the importance of the plan and support from local entities and organizations is important. They are requesting funding from the City of Wimberley in the amount of \$20,000 annually for the next three years. This funding will help fund a watershed coordinator to assist with special studies, community outreach, and ensure sustainable water management for the future.

The Council expressed support of this funding request and directed the City Manager to utilize \$10K from the Hotel Occupancy Tax Fund and \$10K from the Parks Budget to support this position. An Interlocal Agreement will be brought back for Council consideration.

Mayor Fulkerson tabled this item until later in the meeting.

This item was removed from the table and discussed after item 9.4. The consensus was to add funds for the watershed coordinator position and the Public Relations & Community Liaison services position.

10. CITY COUNCIL REPORTS

10.1. Announcements

No announcements this evening.

10.2. Future Agenda Items

No agenda items were requested.

11. ADJOURNMENT

A motion was made by Council Member Minnick, seconded by Council Member Sheffield to adjourn the regular meeting at 9:55 p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor

