



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, DECEMBER 19, 2024 - 6:00 PM

MINUTES

1. **CALL TO ORDER** December 19, 2024, at 6:00 PM

Mayor Jim Chiles called the regular meeting of the City Council to order at 6:00 p.m.

2. **CALL OF ROLL**

Council Members Present:

Jim Chiles, Mayor
Rebecca Minnick, Place 1
Bo Bowman, Place 2
Chris Sheffield, Place 3
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Nathan Glaiser, Assistant City Administrator/Director
of Development Services
Tammy Heller, City Secretary
Megan Santee, City Attorney

Council Members Absent:

Bob Clark, Place 4

3. **INVOCATION**

John Beerman, Unity of Wimberley

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

Mayor Chiles led the pledges of allegiance.

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

Comments were made by Karen Turpen at the end of the meeting. Ms. Turpen spoke about an accident she had on River Road and expressed concern about the culverts on that road and the potholes on her street.

6. **CONSENT AGENDA**

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

6.1. Consider approval of Minutes from the December 5, 2024 Regular City Council Meeting. (*City Secretary, Tammy Heller*)

6.2. Approval of the October 2024 Revenue and Expenditure Report for the City of Wimberley. (*Tim Patek, City Administrator*)

7. PUBLIC HEARINGS AND POSSIBLE ACTION

7.1. Hold a public hearing and consider approval of Ordinance 2024-24, an application for a Conditional Use Permit (CUP-24-008), to operate a Short-Term Rental 2 (Vacation Rental) at a property located at 180 Oak Drive, Wimberley, TX. (*Nathan Glaiser, ACM/Director of Development Services*)

Nathan Glaiser, ACM/Director of Development Services, provided a presentation regarding a Conditional Use Permit to allow for the operation of a Short-Term Rental 2 (Vacation Rental) on a property located at 180 Oak Drive, Wimberley Texas. Mr. Glaiser provided the acreage, zoning, site plan and renderings of the proposed plan. The property is within the City Center Overlay, but not in the Historic District. There is one existing storage building on the property. The applicants are proposing to construct one main residence and one accessory dwelling unit (ADU) both to be used as Short-Term Rentals. They are requesting a maximum of 6 guests in the primary residence and 4 in the ADU. There is available parking on the property. The property is connected to the city sewer. Mr. Glaiser stated the request was properly notified and a letter of support was received. The Planning and Zoning Commission unanimously approved recommendation to City Council of this Conditional Use Permit.

Mayor Chiles opened the Public Hearing at 6:05 p.m. There being no comments, the Public Hearing was closed at 6:05 p.m.

Wayne Latchford, architect, answered questions posed by the City Council regarding parking access to the property, maximum occupancy, construction start date, and utilities to the property.

A motion was made by Council Member Sheffield, seconded by Council Member Cohen, to approve a Ordinance 2024-24 (CUP-24-008), an application for a Conditional Use Permit to operate a Short-Term Rental, as presented. The motion carried unanimously (4-0).

8. DISCUSSION AND POSSIBLE ACTION

8.1. Discuss and consider possible action on Ordinance 2024-25, amending section 9.03.225 - Historic Preservation Overlay District; HD (Historic District) HL (Historic Landmarks) of the Wimberley Code of Ordinances, providing for findings of fact, savings, severability, repeaters, effective date, and proper notice and meeting. (*Nathan Glaiser, ACM/Development Services Director*)

Nathan Glaiser, ACM/Director of Development Services, stated there are some discrepancies in the City's Code related to the process for demolition of historic landmarks within the Historic Preservation Overlay District. The process includes an application from the property owner for a certificate of appropriateness to demolish the structure. Next, the Planning and Zoning (P&Z) Commission meets to discuss and establish a stay period where alternatives to demolition can be explored. After the stay period, P&Z holds a public hearing to make a determination on the certificate of appropriateness for demolition. This includes whether to approve the demolition, approve the demolition with conditions, or deny the applicants request to demolish the structure.

The issue staff has found is a discrepancy in the required length of the stay period. One section states P&Z must establish a stay period, giving no guidance as to the length. One section states the stay period must be 60 days. One section alludes to a 180-day stay period. Staff would like City Council to provide direction on the length of the stay period, whether it be determined on a case by case basis by P&Z or whether we have a minimum such as 60 days. The current ordinance is written as between 60 and 180 days to reflect what was previously adopted, but this can be amended during discussion should the Council wish to do so.

Questions were posed by the council regarding public input during the stay period and the appeals process should an application be denied by P&Z. Mr. Glaiser stated the intention of the stay period is to notify the public and allow the opportunity for people to approach the owner to help identify other solutions to rehabilitate a landmark or building. This stay period also includes a public hearing during the Planning and Zoning Commission meeting. The appeals process would include a notification and public hearing with the City Council.

Upon completion of discussion, a motion was made by Council Member Minnick, seconded by Council Member Bowman, to approve Ordinance 2024-25, amending section 9.03.225 of the City Code, which includes a 60-day minimum stay period. The motion carried unanimously (4-0).

- 8.2.** Discuss and consider possible action on Ordinance 2024-26, amending Chapter 11, Traffic and Vehicles, of the Wimberley City Code, by adding Article 11.06 - Vehicles for Hire and Article 11.07 - Horse Drawn Carriages providing for findings of fact; providing for severability, proper notice and meeting; and providing an effective date. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, presented this item and stated this creates rules and policies to efficiently manage Vehicles for Hire and Horse Drawn Carriages within our City Limits. Mr. Patek presented the proposed Ordinance and stated there will be a fee associated with the application and permit process which is outlined.

A question was posed regarding Uber and Lyft services and if these are included within the Ground Transportation Services definition. City staff will review the need for adding additional language regarding Uber and Lyft services, after communication with the city attorney's office.

Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Bowman, to approve Ordinance 2024-26, amending Chapter 11, Traffic and Vehicles by adding Vehicles for Hire Articles, as presented. The motion carried unanimously (4-0).

- 8.3.** Discuss and consider action on Ordinance 2024-27, amending the City's Master Fee Schedule; repealing any ordinance or parts of ordinances in direct conflict with the master fee schedule ordinance; providing for severability, proper notice and meeting; and providing an effective date. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, presented this proposed fee schedule amendment. He noted the fees that were adjusted include a new fee for Vehicles for Hire Permit Application, a new fee for returned checks and a decrease in fees for the Blue Hole Nature Camp and Counselor-In-Training.

A motion was made by Council Member Minnick, seconded by Council Member Cohen, to approve Ordinance 2024-27, as presented. The motion carried unanimously (4-0).

- 8.4.** Discuss and consider possible action on a Professional Services Agreement with HDR for the design of the downtown sidewalk project. *(Nathan Glaiser, Director of Planning & Development Services)*

Nathan Glaiser, ACM/Director of Development Services, asked that the City Council push this item to the January 16, 2025, Regular Meeting. He stated an agreement for the scope and fee was not ready at this time. Our city engineer will be at that meeting to help

A question was posed regarding the timeline for the design of the sidewalk project. Mr. Glaiser stated this

agreement is necessary to start the work and since no agreement has been reached, the let date for this project will be pushed back to at least January 2026. The Texas Department of Transportation (TxDOT) requires a 30% plan submittal and they need at least six months for review.

A question was posed regarding HDR and the reason for the delay. Mr. Glaiser stated the numbers are higher than what we budgeted and the city is looking at ways to get these numbers down in order to proceed with the project.

8.5. Discussion and possible action related to funding mechanisms for road improvements within the City limits. *(Tim Patek, City Administrator)*

Discussion on this item will continue at future meetings, but comments were made about looking at additional funding sources and not a road bond. The city has a professionally engineered road study that can be utilized to create a reasonable timeline for repairs. There was concern from citizens during the townhall meeting about the amount of interest that would have to be paid on a road bond, so other funding sources will need to be reviewed. This could include low interest loans, USDA loans, or a property tax. With the professionally engineered road study we have, the most urgent needs can be addressed. All funding sources will be on the table and road discussions will continue at future meetings.

9. CITY COUNCIL REPORTS

9.1. Announcements

1. City Offices are closed December 24-26, 2024.
2. No City Council meeting on January 2, 2025. The next Regular City Council meeting will be held on January 16, 2025.
3. Mayor Pro Tem Minnick expressed her appreciation for the work on the square during this holiday season.
4. Mr. Patek attended the Homeless Coalition meeting today and provided handouts to the Council.

9.2. Future Agenda Items

Tammy Heller, City Secretary, noted the following agenda items will be placed on future agendas:

1. Discussions on funding mechanisms for road improvements
2. Presentation from Assistant Fire Chief
3. Update from City Engineer on TxDOT Transportation Alternative Grant
4. Professional Service Agreement regarding the design of the sidewalk project

10. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Sheffield to adjourn the regular meeting at 6:54 p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Jim Chiles, Mayor

