



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, OCTOBER 20, 2022 - 6:00 PM

MINUTES

1. **CALL TO ORDER** October 20, 2022, at 6:00 PM

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

2. **CALL OF ROLL**

Council Members Present:

Gina Fulkerson, Mayor
Rebecca Minnick, Place 1
Teresa Shell, Place 2
Jim Chiles, Place 4
David Cohen, Place 5

Staff Present:

Tim Patek, City Administrator
Tammy Cook, City Secretary
Charles Zech, City Attorney
Richard Shaver, Director of Parks and Recreation
Nathan Glaiser, Director of Planning and Public Works

Council Members Absent:

Christine Byrne, Place 3

3. **INVOCATION**

Scott Tidwell with First Baptist Church provided the invocation this evening.

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

Mayor Fulkerson led the pledges of allegiance.

5. **CITIZENS COMMUNICATIONS**

Tim Patek, expressed his appreciation to the council, staff and the community for the opportunity to serve as the new City Administrator.

Suzanne Gordon, informed the council about the harvest dance at Fisher Hall. This event is sponsored by the Wimberley Institute of Cultures and will be held on November 6th from 6-10 p.m.

6. **PROCLAMATIONS/RECOGNITIONS**

- 6.1. Community Excellence Award recognition presented by the Wimberley Mayor and City Council.

Mayor Pro Tem Minnick honored Cade Wright and Frank Curtis and the entire Wimberley Strong Now

organization and presented them with the Community Excellence Award. Mayor Pro Tem Minnick listed the MANY non-profit organizations that Cade and Frank brought together in an effort to make sure no important causes or events within the community were missed. In an effort to minimize schedule conflicts, maximize the time of volunteers, and optimize community outcomes, they connected with many community leaders and created Non-profit Organizations of Wimberley, called Wimberley Strong NOW. Council Member Minnick thanked them for having a vision of bringing non-profits together for communication, connection and progress.

- 6.2. Proclamation of the City of Wimberley, Texas proclaiming October 2022 as "Domestic Violence Awareness Month".

Mayor Fulkerson read a proclamation that recognizes October 2022 as Domestic Violence Awareness Month.

Jennifer Asher-Wicker and Deana Flores thanked the council and community for their support.

- 6.3. Proclamation of the City of Wimberley, Texas proclaiming the week of October 16-22, 2022 as "Native Plant Week".

Mayor Fulkerson read a proclamation and proclaimed the week of October 16-22, 2022 as "Texas Native Plant Week".

Laura Legett, President of the Hill Country Chapter of the Native Plant Society of Texas, thanked the council for their support and stated the recognition helps promote their educational outreach.

7. **CONSENT AGENDA**

A motion was made by Council Member Chiles, seconded by Mayor Pro Tem Minnick to approve the consent agenda items. The motion carried unanimously (4-0).

- 7.1. Consider approval of minutes from the September 29, 2022 Regular City Council Meeting. (*Tammy Cook, City Secretary*)
- 7.2. Approval of Mayor Pro Tem Minnick's appointment of Aaron Reed to the Transportation Advisory Board. (*Council Member Rebecca Minnick*)

8. **PUBLIC HEARINGS AND POSSIBLE ACTION**

- 8.1. Hold a public hearing and consider possible action on Ordinance 2022-20 regarding an application for a Conditional Use Permit (CUP-22-010) to allow for the operation of a Vacation Rental (STR2) on a property located at 443 Lomax Ln, Wimberley, Hays County, Texas. (*Applicant: Sally Lomax*)

Mayor Fulkerson opened the Public Hearing at 6:26 p.m.

Holly Miller, spoke on behalf of her mother, Sally Lomax and expressed her support for this request. There being no further comments, Mayor Fulkerson closed the Public Hearing at 6:27 p.m.

Nathan Glaiser, Director of Planning and Public Works, provided a brief update and stated the applicant is requesting a conditional use permit to operate a vacation rental on property located at 443 Lomax Lane. There will be an occupancy of 5 people, the septic system is adequately sized and there is adequate off-street parking.

A motion was made by Council Member Minnick, seconded by Council Member Shell to approve Ordinance

2022-20 that approves a conditional use permit allowing the operation of a vacation rental at 443 Lomax Lane. The motion carried unanimously (4-0).

- 8.2.** Hold a public hearing and consider possible action on Ordinance 2022-21 regarding an application for a Conditional use Permit (CUP-22-011) to allow for the operation of a Vacation Rental (STR2) at 235 Smith Creek Rd, Wimberley, Hays County, Texas. (*Applicant: Laura Hopkins*)

Mayor Fulkerson opened the Public Hearing at 6:30 p.m.

Nathan Glaiser, Director of Planning and Public Works, stated the applicant, Laura Hopkins, is requesting a Conditional Use Permit to operate a Vacation Rental (STR2) on property located at 235 Smith Creek, Wimberley, TX. He stated this request is for a maximum occupancy of 6 people, the septic system is adequately sized for this request and this property has adequate space for off-street parking.

Those who spoke:

Laura Hopkins and Phil Trietsch, applicants, spoke in support of this conditional use permit. Ms. Hopkins stated this is their primary residence and they will continue to live there but want the ability to rent their house during occasional travel. She stated her intent is to remain and retire in Wimberley. She addressed the concerns that were mentioned in the letters of opposition. She stated there would be rules set in place for any renters.

Alex and Yvette Jimenez, spoke in support of this conditional use permit.

Aaron Mitchmoore, spoke in support of this conditional use permit.

There being no further comments, the Mayor closed the public hearing at 6:46 p.m.

Upon completion of council discussion, a motion was made by Council Member Minnick, seconded by Council Member Chiles to approve Ordinance 2022-21, approving a Conditional Use Permit that would allow for the operation of a Vacation Rental (STR2) at 235 Smith Creek Road. The motion carried with a vote of (3-0-1) with Council Members Minnick, Shell, and Chiles voting in support and Council Member Cohen abstaining.

- 8.3.** Hold a public hearing and consider possible action on Ordinance 2022-22 regarding an application for a Zoning Amendment Change (ZA-22-003) to change the zoning from Commercial - Low Impact 1 (C-1) to Commercial - Moderate Impact 2 (C-2) for a property located at 13619 Ranch Road 12, Wimberley, Hays County, Texas.

Mayor Fulkerson opened the public hearing at 7:04 p.m.

Nathan Glaiser, Director of Planning and Public Works, stated the applicant, Ranch Brand Wine & Spirits, is requesting a zoning change from Commercial – Low Impact (C-1) to Commercial – Moderate (C-2) for 0.34 acres of property located at 13619 Ranch Road 12. Mr. Glaiser stated Commercial – Low Impact (C-1) is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, freestanding retail structures, and personal service establishments. Commercial – Moderate Impact (C-2) is established to provide areas for shopping and service facilities for the retail sales of goods and services.

This zoning change would allow for liquor to be sold only with a Conditional Use Permit. This is in Planning Area III, where C-2 is not an appropriate zoning district according to the comprehensive plan. This property is in the City Center Overlay.

Those who spoke:

West Stone, co-owner of Ranch Brand Wine & Spirits, spoke on the request and explained what is allowed in this zoning category regarding alcohol sales.

There being no further comments, the Mayor closed the public hearing at 7:12 p.m.

Upon completion of discussion, a motion was made by Council Member Shell, seconded by Council Member Cohen to approve Ordinance 2022-22, approving a zoning change from Commercial – Low Impact (C-1) to Commercial – Moderate (C-2). The motion carried unanimously (4-0).

- 8.4.** Hold a public hearing and consider possible action on Ordinance 2022-24, amending Ordinance 2022-23, which permitted the sale of alcohol for on-premise consumption and beer and wine for off-premise consumption on a property located at 13619 Ranch Road 12, Wimberley, Texas, in order to allow for the sale of liquor for off-premise consumption. (*Ranch Brand Wine & Spirits*)

Mayor Fulkerson opened the public hearing at 7:18 p.m.

Nathan Glaiser, Director of Planning and Public Works, stated the applicants, Ranch Brand Wine and Spirits, are seeking to amend an existing Conditional Use Permit (CUP) to allow for the sale of alcohol at 13619 Ranch Road 12. The business utilizes the “Tasting Room” business model and is currently approved for sale of beer and wine for off-premises consumption. This CUP amendment would extend that use to also include liquor.

There being no comments, the Mayor closed the public hearing at 7:20 p.m.

A motion was made by Mayor Pro Tem Minnick, seconded by Council Member Chiles to approve Ordinance 2022-24, that would amend Ordinance 2022-23 and allow for the sale of liquor for off-premise consumption at 13619 Ranch Road 12. The motion carried unanimously (4-0).

9. DISCUSSION AND POSSIBLE ACTION

- 9.1.** Discuss and consider approval of Resolution No. 18-2022, designating the Wimberley View the official newspaper for the City of Wimberley, Texas for Fiscal Year 2023 - per Local Government Code Section 52.004. (*City Secretary, Tammy Cook*)

Tammy Cook, City Secretary, presented this item and noted that Local Government Code Section 52.00 states an official newspaper should be designated as soon as practicable after the beginning of each municipal year. The Wimberley View currently serves, and will continue to serve as our designated official newspaper for the City of Wimberley, with the passage of this Resolution.

A motion was made by Council Member Chiles, seconded by Council Member Minnick to approve Resolution No. 18-2022, designating the Wimberley View the official newspaper for the City of Wimberley for Fiscal Year 2023. The motion carried unanimously (4-0).

- 9.2.** Discuss and Consider possible action of a Resolution authorizing the City of Wimberley to join as a party in the Texas Opioid Settlement agreements secured by the Texas Attorney General; authorizing signatories; and establishing an effective date.

Tammy Cook, City Secretary, stated that passage of this Resolution would allow the City to join as a party in the Texas Opioid Settlement agreements secured by the Texas Attorney General and opting-in would allow us to receive funds from the litigation settlement proceeds.

A motion was made by Council Member Minnick, seconded by Council Member Shell to approve a Resolution authorizing the City of Wimberley to join in as a party in the Texas Opioid Settlement agreements. The motion carried unanimously (4-0).

- 9.3.** Discuss and consider possible action regarding an agreement between the City of Wimberley and TreeFolks(501c3) for a tree planting project at Blue Hole Regional Park.

Richard Shaver, Director of Parks and Recreation, provided a brief update on the agreement with TreeFolks related to the tree planting project at Blue Hole Regional Park.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Mayor Pro Tem Minnick to approve the agreement with TreeFolks (501c3). The motion carried unanimously (4-0).

- 9.4.** Discuss and consider possible action regarding the placement of removable speed bumps along River Road and 1492.

Council Member Cohen, provided a brief update related to the reasoning for bringing this item forward. He stated a resident on River Road reached out to the Council after being struck by a speeding car. Council Member Cohen believes something needs to be done to slow down traffic on River Road. He provided images of potential speed cushions/speed bumps that are movable that could be used on River Road and 1492 in order to slow down traffic in this area. Since these are city roads, there may be additional steps that need to be taken in order to get them installed.

The City Administrator provided some recommendations and stated citizen outreach would be required, along with communication with the sheriff's office and the fire department. He stated this could be brought back at a future meeting, once staff has had time to discuss.

The consensus of the Council is to allow staff to work with citizens, law enforcement, and the fire department and bring back a future meeting.

- 9.5.** Discuss and consider the resignation of Council Member Place 3, Christine Byrne, effective October 20, 2022.

Mayor Fulkerson, Mayor Pro Tem Minnick and all of the council expressed their deep appreciation for the service Council Member Byrne provided during her time in service.

A motion was made by Council Member Cohen, seconded by Council Member Chiles to accept the resignation of Council Member Byrne. The motion carried unanimously (4-0).

10. CITY COUNCIL REPORTS

10.1. Announcements

October 22nd - Roadside Clean Up and Large item Disposal Event from 8 a.m. to 12:00 p.m. at the Lions Field

October 23rd - Grand Opening of Oak Park and Welcome Center from 3:00 - 5:00 p.m.

October 24th - Road closure at FM 3237 and RR 12 for water line repairs from 10 p.m. to 6 a.m.

October 27th - Meet and Greet with Tim Patek, City Administrator at the Leaning Pear from 5:30 - 7:00 p.m.

October 29th - Boo! Hole 2022! event will be held at the Blue Hole Regional Park from 4:00 - 10:00 p.m

10.2. Future agenda items

The Economic Support Development Committee Report will be held at the next City Council Meeting.

Discussion and possible action related to speed cushions will be brought forward at a future meeting.

11. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Minnick to adjourn the Regular City Council meeting at 7:49 p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Cook, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor