



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING **TUESDAY, FEBRUARY 23, 2021 – 6:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Tuesday, February 23, 2021, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 893 4666 9262 and using the password 216678.

The public will be permitted to offer public comments and participate in any public hearing 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 must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two 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 February 23, 2021 at 6:05 p.m.

CALL OF ROLL

Council Members Present:

Gina Fulkerson	Mayor (<i>via teleconference</i>)
Rebecca Minnick	Place One (<i>via teleconference</i>)
Teresa Shell	Place Two (<i>via teleconference</i>)
Christine Byrne	Place Three (<i>via teleconference</i>)
Jim Chiles	Place Four (<i>via teleconference</i>)
Bo Bowman	Place Five (<i>via teleconference</i>)

City Staff Present:

Paul Parker	Interim City Administrator (<i>via teleconference</i>)
Laura Calcote	City Secretary (<i>via teleconference</i>)

Sarah Griffin	City Attorney <i>(via teleconference)</i>
Nathan Glaiser	Planning & Development Coordinator <i>(via teleconference)</i>
John Provost	Public Works Superintendent <i>(via teleconference)</i>
Terri Provost	Wimberley Community Center Director <i>(via teleconference)</i>
Richard Shaver	Parks Director <i>(via teleconference)</i>

INVOCATION

St. Stephens Episcopal Church Reverend, Kevin Schubert, 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

There were no citizen's comments.

PROCLAMATION

Proclamation of the City of Wimberley, Texas proclaiming the month of February 2021 as Dating Violence Awareness and Prevention Month for teens and young adults. *(Hays-Caldwell Women's Center)*

Mayor, Gina Fulkerson, read aloud the proclamation.

Hays-Caldwell Women's Center Representative, Zoe O'Balle, addressed Council thanking them for their continued support.

PRESENTATIONS AND POSSIBLE ACTION

7.1. Presentation and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2020. *(Armstrong, Vaughan & Associates, P.C.)*

Brian Magness of Armstrong, Vaughan & Associates, P.C. presented the Fiscal Year (FY) 2020 Audit for the City. Mr. Magness stated the City's general fund was healthy and showed favorable variances throughout FY 2020. Mr. Magness highlighted certain sections of the report, including the need for a single audit, due to the City receiving over \$750,000 in federal and state grant funds for the year. Additionally, Mr. Magness noted recommendations for the City found within the Audit, which had already been rectified prior to the presentation.

Motion to accept, receive and have on file, the City of Wimberley's Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2020, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

7.2. Presentation and consider possible action regarding the City of Wimberley's Quarterly Investment Report for the first quarter of Fiscal Year 2021. *(Interim City Administrator, Paul Parker)*

Motion to accept the City of Wimberley's Quarterly Investment Report for the first quarter of Fiscal Year 2021 was made by Council Member Jim Chiles. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

DECLARATION OF DISASTER

Discuss and consider ratification and continuation of Declaration of Disaster in relation to the February 2021 Weather Winter Event. *(Mayor, Gina Fulkerson)*

There was discussion regarding the recent winter weather events, and the impact they had upon the City and City facilities, which experienced water damage from the extreme cold. Council wanted the declaration to be concurrent with the state government's declaration.

Motion to approve Ordinance No. 2021-05, extending the Declaration of Local Disaster and Public Health Emergency; providing a savings clause; providing a severability clause; providing an effective date, was made by Council Member Rebecca Minnick.

Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

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).

9.1. Approval of minutes from the Regular City Council Meeting held February 4, 2021.

9.2. Approval of the second and final reading of Ordinance No. 2021-03, repealing and replacing portions of Chapter 12 (Utilities), Article 12.02 Water and Sewers, Division 2. "Rates and Charges", Sec. 12.02.034 "Rates and Charges Established" of the City of Wimberley Code of Ordinances; establishing a rate schedule; providing for: findings of fact; relation to other ordinances; conflicts; effective date; severability; proper notice and meeting.

CITY ADMINISTRATOR REPORT

Interim City Administrator, Paul Parker, stated sales tax had increasingly been higher for every month of Fiscal Year 2021, than the previous year, leaving the City in excellent financial condition. Mr. Parker also requested Council's guidance to resume traffic control in the Wimberley Square on the weekends and coming months. Council agreed officers were needed on Market Day Saturday for the remainder of 2021, and throughout Spring Break from March 12th to the 21st. Furthermore, Mr. Parker updated Council on the City facility damage from the recent winter storm. City Secretary, Laura Calcote, provided information relating to the 2021 General Election, which was uncontested. An ordinance cancelling the election would be brought to Council at the next regular meeting. There would be a cost savings of around \$6,000 for cancelling the election.

DISCUSSION AND POSSIBLE ACTION

11.1. Discuss and consider possible action regarding a request to operate a food service trailer at 14004 Ranch Road 12 in Wimberley, Texas. *(Planning and Development Coordinator, Nathan Glaiser)*

Planning and Development Coordinator, Nathan Glaiser, presented the request for Inoz to operate a food service trailer. The trailer would act as an extension of Inoz's indoor kitchen to better serve guest dining outside. There was discussion among Council and the applicants, Chase and Courtney Philmon, relating to the trailer being located in a flood plain, as well as the size of the trailer, which would be 8 ½ feet by 20 feet.

Motion to approve the request to operate a food service trailer at 14004 Ranch Road 12 in Wimberley, Texas was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- 11.2. Discuss and consider possible action regarding Resolution No. 03-2021, on the matter of Wimberley City Council support for legislative approval of changes in the enabling legislation of the Hays Trinity Groundwater Conservation District. *(Place Three Council Member, Christine Byrne)*
Motion to postpone this item until the first regular meeting in March was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- 11.3. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(Project Manager, Craig Fore)*
Project Manager, Craig Fore, reported the Project continued to be at a standstill, due to the City waiting on the Texas Water Development Board for approval of Change Order No. 6 and the notice to proceed with Phase II of the Project. There was discussion among Mr. Fore and Council relating to communication efforts to keep the citizenry informed on the status of the Project, along with the timeframe to tie into the system.
No action was taken on this item.
- 11.4. Discuss and consider possible action to approve an expenditure in the amount of \$33,465.00 from Myers Concrete Construction, LP for the Central Wimberley Wastewater Project lift station enclosure wall at the corner of FM 3237 and Ranch Road 12. *(Project Manager, Craig Fore)*
Project Manager, Craig Fore, presented three quotes for the lift station enclosure wall for the Central Wimberley Wastewater Project. City Council had budgeted funds for the project in the Fiscal Year 2021 Budget. However, the received quotes had been higher than the original budgeted amount. Mr. Fore recommended Council accept the lowest quote from Myers Concrete Construction, LP.
Motion to approve an expenditure in the amount of \$33,465.00 from Myers Concrete Construction, LP, and to include the authority for the Mayor to enter into an agreement with the company, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).
- 11.5. Discuss and consider possible action regarding the City of Wimberley Investment Policy. *(Interim City Administrator, Paul Parker)*
Interim City Administrator, Paul Parker, presented the Investment Policy, with the recommended change that the Policy remove the requirement for the Mayor to receive 10 hours of investment training every two years.
Motion to adopt the City of Wimberley Investment Policy, with the amended change to remove the requirement for the Mayor to complete 10 hours of investment training every two years, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).
- 11.6. Discuss and consider possible action regarding City facilities affected by the winter storm. *(Mayor, Gina Fulkerson)*
There was discussion on the remediation process to repair City facilities impacted by the winter storm.
No action was taken on this item.

- 11.7. Discuss and consider possible action regarding the progress of the downtown improvements project on Oak Drive and approve a revised architectural contract and fees. *(Mayor, Gina Fulkerson)*
There was discussion among City Council and City Attorney, Sarah Griffin, relating to the Professional Services Agreement from Neel Morton Architecture, Inc. to design and construct a restroom facility on city-owned property located on Oak Drive, including the term of the contract.
Motion to accept the Professional Services Agreement from Neel Morton Architecture, Inc., as presented, with the amendment to include the Agreement beginning on February 18, 2021 and continuing through the completion of the project, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).
- 11.8. Discuss and consider possible action regarding an expenditure in the amount of \$5,150.00 for a topographic design survey. *(Interim City Administrator, Paul Parker)*
Interim City Administrator, Paul Parker, presented the item, in conjunction with the previous item, for a topographic survey for proposed sidewalks, parking lot improvements, restroom facilities and drainage on Oak Drive. There was discussion concerning a tree survey, which the proposal did not include.
Motion to consider the expenditure in the amount of \$5,150.00 from Tri-Tech Surveying Co., LP, for a topographic design survey was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion was amended to authorize the expenditure of \$5,150.00 for a topographic design survey, as presented, was made by Council Member Teresa Shell. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- 11.9. Discuss and consider possible action regarding the status of the previously proposed tree ordinance. *(Place Five Council Member, Bo Bowman)*
There was lengthy discussion among Council and City staff relating to the previously proposed tree ordinance, including the Planning and Zoning (P&Z) Commission's recommendations from November 14th, 2019, enforcement and penalties. Council desired to move forward with a tree ordinance but needed additional time to study the proposed ordinance. Council Member, Bo Bowman, volunteered to review P&Z's recommendations for the ordinance, and establish a timetable relating to the ordinance to bring back to Council for further discussion and consideration in the next couple of months.
No action was taken on this item.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 8:12 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose:

Section 551.071 (Consultation with Legal Counsel) and 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Administrator.

OPEN SESSION

Regular Session reconvened at 8:54 p.m.

Discuss and consider possible action to approve the City Administrator Employment Contract.
(Interim City Administrator, Paul Parker)

Motion to hire Michael Boese as City Administrator, at a salary of \$122,000, with a car allowance of \$500 per month, and other similar benefits as afforded to the previous City Administrator, and to authorize the Mayor to enter into the contract and for the contract to be available to the public after final execution was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

14.1. Announcements – None.

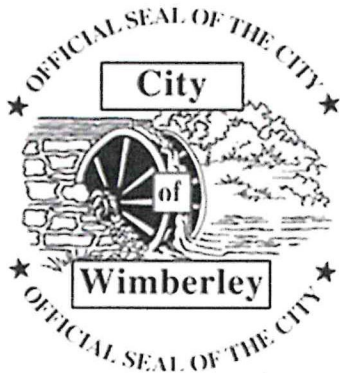
14.2. Future agenda items – Council would review their Fiscal Year 2021 goals and priorities at a workshop in mid-to-late April.

ADJOURNMENT

Motion to adjourn the meeting at 9:00 p.m. was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson
Gina V. Fulkerson, Mayor