



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

NOTICE OF EMERGENCY CITY COUNCIL MEETING CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
WEDNESDAY, FEBRUARY 8, 2023 - 12:00 PM

AGENDA

1. **CALL TO ORDER** February 8, 2023, at 12:00 PM
2. **CALL OF ROLL**
3. **PRESENTATION AND POSSIBLE ACTION**
 - 3.1. Consider approval of Ordinance 2023-02, to extend the severe freeze and winter weather event local disaster declaration.
 - 3.2. Discuss and consider possible action related to the winter freeze.
4. **ADJOURNMENT**

EXECUTIVE SESSION NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday February 6, by 6:00 p.m, which posting was done less than seventy-two (72) hours and more than two (2) hours before the date and time of fixed meeting.



Tammy Cook, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Interim City Secretary Tammy Cook at (512) 648-2403 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	1. Consider approval of Ordinance 2023-02, to extend the severe freeze and winter weather event local disaster declaration.
SUBMITTED BY:	Tammy Cook
DATE SUBMITTED:	02/06/2023
MEETING DATE:	February 8, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

In accordance with Section 418.108 of the Texas Government Code and the Texas Disaster Act of 1975, the Mayor has the authority to declare a local disaster, but it can only remain in effect for a period of seven days and can only be extended with Council approval. On Friday, February 3rd, Mayor Fulkerson signed the disaster declaration for the recent ice storm and weather event and is now seeking Council approval for an extension of this declaration.

Subsequently, on Saturday, February 4, 2023, Governor Abbott declared a state of disaster so the extension of our current local disaster will be in effect concurrently with the office of the Governor.

REQUESTED ACTION

Motion

FINANCIAL

N/A

STAFF RECOMMENDATION

Approve Ordinance declaration extension as presented

ATTACHMENT/S

1. Extended Local Disaster_Jan 29 2023 Freeze and Falling Trees 1
2. Declaration of Local Disaster_City of Wimberley
3. DISASTER Proclamation Governor's Office_02.04.2023

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY COUNCIL OF WIMBERLEY, TEXAS EXTENDING DECLARATION OF LOCAL DISASTER DUE TO SEVERE WINTER WEATHER EVENT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, on the 3rd day of February 2023, Gina Fulkerson, Mayor for the City of Wimberley, declared a state of local disaster due severe freeze and winter weather event that caused severe damage to property resulting from excessive icing, freezing precipitation, falling trees and extended freezing temperatures in Wimberley; and

WHEREAS, there currently still exists a declaration of local disaster in Hays County as declared by Texas Governor Greg Abbott, on the 4th day of February 2023, and by continuing the Mayor's disaster declaration, the City of Wimberley City Council authorized the Mayor to take actions and measures necessary to alleviate the suffering of people and protect or rehabilitate property by the issuance of executive orders as necessary; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the declaration will continue to be in effect concurrently with that of the Office of the Governor; and

WHEREAS, the City Council authorizes the Mayor to continue to exercise powers granted by the Texas Disaster Act of 1975 for a period that is concurrent with that of the Office of the Governor or as continued or extended by City Council action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, THAT:

1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
2. That the local state of disaster and public health emergency is hereby continued and extended pursuant to §418.108(b) of the Texas Government Code and hereby continued and extended to remain in effect concurrent with the February 4, 2023, disaster declaration of Texas Governor Greg Abbott, unless repealed or extended by action of this City Council.
3. Pursuant to §418.108(c) of the Government Code, this Declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Government Code, this Declaration of a local state of disaster activates the City of Wimberley's emergency management plan.
5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision

thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

7. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.
8. This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.
9. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.
- 10.

PASSED, APPROVED AND ADOPTED on this 8th day of February 2023.

Gina V. Fulkerson, Mayor

ATTEST:

Tammy Cook, City Secretary



APPROVED AS TO FORM:

City Attorney

**CITY OF WIMBERLEY, TEXAS
DECLARATION OF LOCAL DISASTER
SEVERE FREEZE AND WINTER WEATHER EVENT**

WHEREAS, the City of Wimberley, on this 3rd day of February 2023 is, and has been since January 30, 2023 under imminent threat of widespread or severe damage, injury, or loss of life or property resulting from excessive icing, freezing precipitation, falling trees and extended freezing temperatures in Wimberley; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Wimberley; and

WHEREAS, I, Gina Fulkerson, the Mayor of the City of Wimberley, have determined that extraordinary measures must be taken to alleviate the suffering of people and protect or rehabilitate property; and

WHEREAS, pursuant to the authority granted to me under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, THAT:

1. That a local state of disaster and public health emergency is hereby declared for the City of Wimberley pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.108(b) of the Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this Declaration unless continued or renewed by the City Commission.
3. Pursuant to §418.108(c) of the Government Code, this Declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Government Code, this Declaration of a local state of disaster activates the City of Wimberley's emergency management plan.
5. This Declaration shall take effect immediately from and after its issuance.

It is hereby ordered on this 3rd day of February 2023.


Gina V. Fulkerson, Mayor

ATTEST:


Tammy Cook, City Secretary



PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that severe winter weather and heavy rain pose a threat of imminent disaster, including widespread and severe property damage, injury, and loss of life, due to significant ice accumulations, sub-freezing temperatures, freezing rain and sleet, hazardous travel disruptions, power outages, and heavy rains in Denton, Hays, Henderson, Milam, Smith, Travis, and Williamson Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties based on the existence of such threat.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 4th day of February, 2023.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Jane Nelson".

JANE NELSON
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11AM O'CLOCK

FEB 04 2023



AGENDA ITEM:	2. Discuss and consider possible action related to the winter freeze.
SUBMITTED BY:	Tammy Cook
DATE SUBMITTED:	02/06/2023
MEETING DATE:	February 8, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This is an opportunity for staff and council to discuss the recent ice storm and for council to approve any expenditures related to this event.

Attached is the information sent out by the City earlier this week.

REQUESTED ACTION

Discussion
Motion

FINANCIAL

TBD

STAFF RECOMMENDATION

ATTACHMENT/S

1. City ice storm fact sheet



Post-Ice Storm information from The City of Wimberley

- **The City of Wimberley is working to clear debris from city road easements.** We ask that you please be patient: We have limited staff and equipment resources so the cleanup will take several weeks. Safety on our roads is our TOP PRIORITY. Those areas where there are dangerous situations are being addressed first. Thank you for understanding!
- **Extension of the City of Wimberley's Local Disaster Declaration will be discussed at a specially called meeting at noon, this Wednesday, Feb. 8.** Additional action related to the winter freeze, if needed, is also on the agenda.
- **City of Wimberley residents: There will be limited curbside pick-up of ice storm tree debris by Texas Disposal Systems.** Branches must be bundled and tied into 4-foot lengths, not to exceed 35 pounds per bundle, no more than 4 limbs per bundle and no more than 3 cubic yards per pick-up. (This is basically the size of a washer and dryer.). These items may be picked up over the next weeks, due to high volumes throughout the area. Smaller sticks and branches can be included in garbage bins.
- **Wimberley Baptist Church will NOT have a wood chipper available Feb. 7 & 8 (Tuesday and Wednesday) due to expected weather conditions.** Operations will resume from 9 am to 3 pm Thursday and Friday, Feb. 9 & 10. VOLUNTEERS NEEDED to ensure operations. Just show up with your gloves and gear. Please be considerate and do not dump debris onsite at the Church.
- **PLEASE HELP! It is VERY IMPORTANT that Wimberley area residents report ice storm damage online** at <https://damage.tdem.texas.gov/>. This information will be compiled by the state emergency management teams and will count toward disaster fund threshold.
- **As we cope with downed branches and limbs resulting from the recent ice storm, remember that these items can play an important role in our ecosystems.** If you have more rustic acreage, downed trees and limbs can provide wildlife habitat and nutrients. They can also aid plant regeneration, help decrease erosion, and influence drainage and soil moisture and more! In addition, this organic material can be chipped into mulch and used for firewood.