



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, MARCH 2, 2023 - 6:00 PM

AGENDA

1. **CALL TO ORDER** March 2, 2023, at 6:00 PM
2. **CALL OF ROLL**
3. **INVOCATION** Susan Rang - United Methodist Church
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
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.
6. **PROCLAMATIONS/RECOGNITIONS**
 - 6.1. Proclamation of the City of Wimberley, Texas Recognizing Spay & Neuter Awareness.
7. **CONSENT AGENDA**
 - 7.1. Consider approval of the following meeting minutes:
 - A. February 16, 2023 Workshop City Council Meeting
 - B. February 16, 2023 Regular City Council Meeting
 - C. February 20, 2023 Special City Council Meeting
8. **PRESENTATION AND POSSIBLE ACTION**
 - 8.1. Receive an update from the Hotel Occupancy Tax (HOT) Committee Chair, Helena Hauk.
9. **DISCUSSION AND POSSIBLE ACTION**
 - 9.1. Discuss and consider possible action regarding Ordinance No. 2023-06, declaring unopposed

candidates in the May 6, 2023 General Election elected to office; canceling the General Election; providing for severability, conflicting provisions, governing law, proper notice and open meetings, and an effective date. *(Nathan Glaiser, Director of Planning & Public Works)*

9.2. Discuss and consider rescheduling the March 16, 2023 Regular City Council Meeting, due to the Spring Break Holiday. *(Tim Patek, City Administrator)*

9.3. Discuss and consider possible action related to the Winter Freeze. *(Tim Patek, City Administrator)*

10. **CITY COUNCIL REPORTS**

10.1. Announcements

10.2. Future Agenda Items

11. **EXECUTIVE SESSION**

11.1. Executive Session pursuant to Texas Government Code, Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property.

12. **OPEN SESSION**

12.1. Discussion and possible action resulting from Executive Session.

13. **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 Friday, February 24, 2023, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said 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 the following meeting minutes: A. February 16, 2023 Workshop City Council Meeting B. February 16, 2023 Regular City Council Meeting C. February 20, 2023 Special City Council Meeting
SUBMITTED BY:	Tammy Cook
DATE SUBMITTED:	02/08/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Minutes from February 16th Workshop Meeting, February 16th Regular Meeting, and February 20th Special Meeting are attached for review and consideration by the Council.

REQUESTED ACTION

Motion

FINANCIAL

N/A

STAFF RECOMMENDATION

Approve Minutes as presented or amend as necessary.

ATTACHMENT/S

1. 02-16-2023 Workshop Minutes
2. 02-16-2023 Regular Meeting Minutes
3. 02-20-2023 Special Meeting Minutes



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

SPECIAL WORKSHOP CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, FEBRUARY 16, 2023 - 5:00 PM

MINUTES

1. **CALL TO ORDER** February 16, 2023, at 5:00 PM

Mayor Gina Fulkerson called the workshop meeting to order at 5:04 p.m.

2. **CALL OF ROLL**

Council Members Present:

Gina Fulkerson, Mayor
Rebecca Minnick, Place 1
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4

Staff Members Present:

Tim Patek, City Administrator
Tammy Cook, City Secretary
Nathan Glaiser, Planning & Public Works Director
Charlie Zech, City Attorney

Council Members Absent:

David Cohen, Place 5

3. **FY2023 Mid-Year Goals & Priorities Workshop**

- 3.1. Hold discussion, participate, and provide direction on the Fiscal Year 2023 Goals and Priorities mid-year review.

Tim Patek, City Administrator, led the presentation and began with the review of the FY2023 adopted goals and spoke on each:

1. Code Enforcement

A discussion was held about the process of code enforcement and Mr. Patek stated that enforcement is complaint based and City staff will work with the land owner to assist with compliance.

2. Tourism Director/HOT Implementation

A discussion was held on the position of Tourism Director and the current implementation of HOT funds, advertising initiatives, and the HOT application procedures.

3. Subdivision & Planning/Zoning Ordinance Review/Revision

A discussion was held on the timeline of the review and the current progress of this Ordinance Revision. The council would like to see the process started and allow staff to work on the customer side and allow legal counsel to continue working on the ordinance.

4. Historic District Establishment & Implementation

A discussion was held on the implementation of a Historic District in the downtown area of Wimberley and the steps that have been taken up to this point. The City is being as transparent as possible and will have an additional townhall to continue discussions.

5. Transportation/Traffic Plan

This plan was approved in December 2022. Nathan Glaiser, spoke on the recommendations by the Transportation Advisory Board and an item will come forward to the Council for further review.

6. Sidewalks from FM 3237 to Square

Staff applied for the Alternative Transportation preliminary grant and we will find out additional information later this month on the progress.

7. ADA & Fire Lane Compliance Review

Mr. Patek spoke of the meetings that were held with our city engineer and the Transportation Advisory Board (TAB). An agenda item will be placed on the next meeting regarding some of these concerns.

The council held a discussion and then, upon completion, thanked staff for their work and format on this mid-year review of goals.

4. **ADJOURNMENT**

Without objection, Mayor Fulkerson adjourned the workshop meeting at 5:44 p.m.

RECORDED BY:

Tammy Cook, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, FEBRUARY 16, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER**

February 16, 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, Place 1
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Staff Members Present:

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

3. **INVOCATION**

Reverend Anne Beall, Chapel in the Hills

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

Mayor Fulkerson led the pledges of allegiance.

5. **PROCLAMATIONS**

- 5.1. Proclamation of the City of Wimberley, Texas proclaiming February 22, 2023 as "President George Washington Day."

Mayor Fulkerson read a proclamation recognizing February 22, 2023 as President George Washington Day.

Joe Cox, with the Sons of the American Revolution (SAR) Hightower Chapter, provided information about SAR and the events and programs they sponsor.

6. **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.

Anita Collins, Executive Assistant to the Hays County Judge, introduced herself as the new community liaison. This position was created to better assist the community. She currently serves as the liaison for the Film Friendly Advisory Committee, a founding member of the Council of the Indigenous and Tejano Community, a member of the San Marcos Main Street and Downtown Association, and was recently appointed to the Hays County Historical Commission. She provided a contact sheet for all offices in Hays County.

Nelson Hensley, lives on Anderson Ridge and he spoke about potholes that can be a safety concern and cause damage to vehicles. He would like a concentrated effort on completing these road repairs.

7. CONSENT AGENDA

A motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the consent agenda. The motion carried unanimously (5-0).

- 7.1. Consider approval of the following meeting minutes:
 - a. January 26, 2023 Town Hall Meeting
 - b. February 2, 2023 Regular Meeting Minutes
 - c. February 8, 2023 Special Emergency Meeting Minutes
- 7.2. Approval of the January 2023 Revenue and Expenditure Report for the City of Wimberley. *(Tim Patek, City Administrator)*

8. PRESENTATION AND POSSIBLE ACTION

- 8.1. Receive an update from Hays County Constable, Don Montague. *(Don Montague, Constable)*

Don Montague, Hays County Constable, provided a brief update on the current initiatives of the constables' office and the day to day operations. Some activities include traffic control, school safety, the civil process, and take-back drug programs. He expressed his appreciation and how much he enjoys serving this community.

9. PUBLIC HEARINGS AND POSSIBLE ACTION

- 9.1. Hold a public hearing and consider possible action on Ordinance 2023-03, an application, by Doyle Schulle, for a Zoning Amendment (ZA-22-004) to change the zoning for property located at 12333 Ranch Road 12, Wimberley, Texas, from Residential Acreage (RA) to Rural Residential 1 (R1). *(Nathan Glaiser, Director of Planning & Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on a zoning amendment request, by Doyle Schulle, located on a 10.5 acre lot at 12333 Ranch Road 12. The request is to go from Residential Acreage (RA) to Rural Residential (R1). Mr. Glaiser stated that Residential Acreage is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district and Rural

Residential is intended to provide for development of primarily detached, single-family residences on lots of not less than two acres.

The most notable differences between the two zoning districts are as follows:

- RA has a lot size minimum of 5 acres, R1 is 2 acres
- RA allows for two single-family residences per lot, a CUP is required for R1
- RA allows for commercial agriculture, R1 does not.

This property is within the Entrance Corridor overlay, which requires a front yard setback for all land fronting an entrance corridor road (RR 12) of 50'. Setback areas must be used for landscaping that emulates the natural form of the rural landscape. There are no plans to extend city sewer to this property. Any development would need to utilize on-site septic facilities.

Mayor Fulkerson opened the Public Hearing at 6:36 p.m. Those who spoke:

Casey Craig, spoke in opposition to this request and would like the Council to uphold the current zoning. She spoke of the zoning criteria that council should consider when making a zoning change and feels a precedence will be set if this request is approved.

Becky McCullough, spoke of the comprehensive plan and would like the comprehensive plan to be used as a guideline when considering this request. She stated her objection to this zoning request.

David Blausey, spoke in opposition to this request and asked the Council to uphold the current zoning.

Michael Murphy, spoke in opposition to the zoning request and wants to protect the scenic corridor and asked the council to deny this request.

Sharon Carter, spoke in opposition to this zoning request. She expressed her concern about water usage and asked that the council deny this request to limit density and to preserve the scenic corridor.

Doyle Schulle, the applicant, provided information on the intent of the property and addressed concerns raised by the citizens that previously spoke. He addressed questions from the council related to access to the property, fire suppression, and anticipated future plans.

There being no further comments, the Mayor closed the Public Hearing at 7:02 p.m.

Council discussed the zoning differences between RA and R1, comprehensive plan versus the zoning ordinance, and the impact on the scenic corridor and setbacks with different zoning. There was also discussion on the number of units that can be constructed using impervious cover requirements. There was discussion on the original zoning that was created when the city was incorporated. Final comments were made and upon completion of discussion a motion was made by Council Member Cohen, seconded by Council Member Chiles to approve Ordinance 2023-03, as presented. The motion to approve failed by a vote of 3-2 (as a super majority (4 affirmative votes) were required).

- 9.2.** Hold a public hearing and consider possible action on Ordinance 2023-04, an application, by Jon Thompson, for a Zoning Amendment (case ZA-23-001) to change the zoning for property located at 14800 Ranch Road 12, Wimberley, Texas, from Rural Residential 1 (R1) to Commercial - Low Impact (C-1). (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser provided a presentation on a zoning amendment request located at 14800 Ranch Road 12 from Rural Residential (R1) to Commercial - Low Impact (C-1).

Mayor Fulkerson opened the Public Hearing at 7:43 p.m.

John Thompson, representing the applicant, stated this property was inherited from a family member. The applicant is interested in rezoning, then placing this for sale.

There being no further speakers, the Mayor closed the Public Hearing at 7:46 p.m.

A motion was made by Council Member Sheffield, seconded by Council Member Cohen to approve Ordinance 2023-04, as presented. The motion to approve carried unanimously (5-0)

- 9.3. Hold a public hearing and consider possible action on Ordinance 2023-05, an application, by Justice Quintana and Rachel Emry, for a Conditional Use Permit (case CUP-23-001) to allow for the operation of a Bed & Breakfast (STR1) on a property located at 110 Little Ranches Road - Unit A, Wimberley, Hays County, Texas. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser provided a presentation regarding an application for a conditional use permit for the operation of a Bed & Breakfast at 110 Little Ranches Road - Unit A.

Mayor Fulkerson opened the Public Hearing at 7:49 p.m.

Justice Quintana and Rachel Emry, applicants, spoke about the intended use of the property. The applicants will live on one side of the unit and the second unit will be utilized as a bed and breakfast. There was no opposition to this request.

There being no further comments, the Mayor closed the Public Hearing at 7:51 p.m.

A motion was made by Council Member Cohen seconded by Council Member Shell to approve Ordinance 2023-05, as presented. The motion carried unanimously.

10. **DISCUSSION AND POSSIBLE ACTION**

- 10.1. Discuss and consider possible action regarding a request, by Marcilia Bishop, for a Temporary Structure permit to construct a tent for a special event at 110 Oak Dr, Wimberley, Texas. (*Nathan Glaiser, Director of Planning and Public Works*)

Nathan Glaiser stated this is for the Wimberley Square Inn and they are requesting a 20' x 40' tent be erected behind the Inn located at 110 Oak Dr, Wimberley, Texas. The proposed tent will be used for special events between the dates of February 17, 2023 and May 22nd, 2023.

Marcilia Bishop stated they are putting on a benefit and all proceeds will go to benefit single mothers and they will be working with Barnabus. They will also host smaller intimate weddings until their permanent patio structure is completed.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve the temporary structure permit located at 110 Oak Drive, as presented. The motion carried unanimously (5-0).

- 10.2. Discuss and consider possible action on a recommendation from the Parks and Recreation Advisory Board recognizing and naming the wetland feature at the Patsy Glenn Refuge, the "Jerry Lunow Wetlands." (*Richard Shaver, Parks Director*)

Richard Shaver, provided a brief overview of the recommendation made by the Parks and Recreation Board that would recognize and name the wetland feature at the Patsy Glenn Refuge, the "Jerry Lunow Wetlands" Mr. Shaver noted that David Glenn, Susan Evans, and Robert Curry were present at the February 8th Parks and Recreation Board Meeting to promote the naming of the Wetland Area at Patsy Glenn Refuge. The Parks Board unanimously voted on sending a recommendation to the City Council to name the wetland area of the Patsy Glenn Refuge the "Jerry Lunow Wetlands".

David Glenn spoke in support of the agenda item and the Wimberley Birding Society would provide for costs associated with the naming of the area.

A motion was made by Council Member Shell, seconded by Council Member Sheffield to approve the renaming of the Patsy Glenn Refuge, the "Jerry Lunow Wetlands". The motion carried unanimously (5-0).

- 10.3.** Discuss and consider possible action regarding a Recreation Team Member Instructor Packet. *(Richard Shaver, Parks Director)*

Richard Shaver provided a presentation related to an event contract for recreation team member instructors. This contract will provide the Parks and Recreation Department with an avenue to solicit contract instructors to complete and run programs and activities at the Wimberley Community Center, Blue Hole Regional Park, and other parks in our system. The contract includes an in-depth application, background check, and other information required for instructors. Payment for services provided will be a 70%-30% revenue split between the instructors and the City. 70% going to the instructors and 30% to the City.

Upon completion of discussion, a motion was made by Council Member Minnick seconded by Council Member Chiles to approve the recreation team instructor packet as presented. The motion carried unanimously (5-0).

- 10.4.** Discuss and consider an update to the Wimberley Community Center Fee schedule. *(Richard Shaver, Parks Director)*

Richard Shaver, provided an overview of the proposed fee schedule for the community schedule. Mr. Shaver noted that the Parks and Recreation Board met on February 8th and discussed the proposed fee structure. After discussion, they asked that the "local government entity" (lge) rate of zero dollars for space rental be included in the rate structures. The Parks Board unanimously approved a recommendation to Council approving this fee structure, with the proposed amendment.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the Wimberley Community Center Fee Schedule as proposed. The motion carried unanimously (5-0).

- 10.5.** Hold discussion and schedule a future town hall meeting related to transportation issues including, but not limited to, sidewalks, the cut-through, crosswalk safety, and parking in and around downtown. *(Rebecca Minnick, Place One)*

Council Member Minnick, discussed the idea of having a town hall meeting to discuss various transportation issues in and around downtown. Upon completion of discussion, direction was provided to review potential dates for a town hall meeting. The City Secretary will provide these to council and will get notice out to the public.

- 10.6.** Discuss and consider possible action related to the winter freeze.

Tim Patek provided an update regarding the contract with Waste Connections and the progress being made on limb/brush pick-up within the city. Currently, the City has a contract for 6 days of pick-up, but additional days would be necessary to continue moving through the city and making a larger impact.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve up to an additional \$20,000 for the City Administrator to utilize for limb/brush pick-up. The motion carried unanimously (5-0).

11. CITY COUNCIL REPORTS

11.1. Announcements

Council Member Sheffield expressed his appreciation to the Parks Department as they hosted the National Park Service last week. They chose two iconic parks in Texas that have received federal funds. The National Park Service manages land and conservation funds and we have received this in conjunction with the state sporting good sales tax. They went and visited Blue Hole Regional Park and then they went to Enchanted Rock.

Mayor Fulkerson noted that she attended a Texas Department of Emergency Management session regarding, planning, funding and the roles local government plays in an emergency.

11.2. Future Agenda Items

Future Agenda Items include:

A special meeting on Monday, February 20th, consideration of a possible meeting change of the March 16th council meeting due to Spring Break, and a future Historic Preservation townhall meeting will be scheduled in late April.

12. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the meeting at 8:38 p.m. The motion carried unanimously (5-0).

RECORDED BY:

Tammy Cook, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
MONDAY, FEBRUARY 20, 2023 - 12:30 PM

MINUTES

1. CALL TO ORDER

Mayor Gina Fulkerson called the special meeting to order at 12:30 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

Council Member(s) Absent:

Chris Sheffield, Place 3

Staff Present: Tim Patek, City Administrator and Tammy Cook, City Secretary

3. EXECUTIVE SESSION

- 3.1.** Executive Session pursuant to Texas Government Code, Section 551.072 - deliberation regarding purchase, exchange, lease, or value of real property.

Mayor Fulkerson adjourned into executive session at 12:32 p.m.

4. ADJOURNMENT

The Council reconvened into open session at 1:30 p.m. A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the meeting at 1:31p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Cook, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor





AGENDA ITEM:	1. Receive an update from the Hotel Occupancy Tax (HOT) Committee Chair, Helena Hauk.
SUBMITTED BY:	
DATE SUBMITTED:	02/08/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Helena Hauk, Chair of the Hotel Occupancy Tax (HOT) Committee will provide an update on the activities of the HOT committee.

REQUESTED ACTION

FINANCIAL

N/A

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Discuss and consider possible action regarding Ordinance No. 2023-06, declaring unopposed candidates in the May 6, 2023 General Election elected to office; canceling the General Election; providing for severability, conflicting provisions, governing law, proper notice and open meetings, and an effective date. <i>(Nathan Glaiser, Director of Planning & Public Works)</i>
SUBMITTED BY:	Tammy Cook
DATE SUBMITTED:	02/20/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The May 6, 2023 General Election for the City of Wimberley can be cancelled as all three candidates for office are unopposed. The candidates are as follows:

Rebecca Minnick - Place One
Chris Sheffield - Place Three
David Cohen - Place Five

The Certification of Unopposed Candidates for Wimberley City Council was submitted by City Secretary, Tammy Cook, to the Mayor, City Council and the election candidates on Wednesday, February 22, 2023, and is included in the packet. After the declaration of unopposed candidates is delivered, the governing body (City Council) must meet and vote to cancel the election and certify the unopposed candidates "elected." Ordinance No. 2023-06, declares the unopposed candidates in the 2023 General Election elected to office and cancels the 2023 General Election. A copy of the Ordinance must be posted on Election Day, Saturday, May 7, 2022, at the Wimberley Community Center. Cancelling the election saves the City \$6,500.00, which was budgeted for Fiscal Year 2023.

The three candidates cannot assume office before the regular canvassing period that would have taken place for the General Election. For Type A, General Law city, the first date a candidate can take the oath of office is Tuesday, May 9th.

REQUESTED ACTION

Motion
Discussion
Ordinance

FINANCIAL

N/A
\$6,500 was budgeted for the 2023 Election.

STAFF RECOMMENDATION

Approval of Ordinance No. 2023-06.

ATTACHMENT/S

1. Ordinance No. 2023-06 - Cancelling the 2023 General Election
2. Unopposed Candidate Certification - 02-22-2023

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 6, 2023 GENERAL ELECTION ELECTED TO OFFICE; CANCELLING THE GENERAL ELECTION; PROVIDING FOR SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the General Election was called and ordered for Saturday, May 6, 2023, by Ordinance No. 2023-01 for the purpose of electing at-large Three (3) City Council Members for Place One, Place Three, and Place Five to the Wimberley City Council; and

WHEREAS, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of write-in candidacy have passed; and

WHEREAS, under these circumstances, Subchapter C of Chapter 2 of the Election Code authorizes the City Council to declare the unopposed candidates elected to office and cancel the election;

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

I. The following candidates who are unopposed in the May 6, 2023 General Election are declared elected to office, and shall be issued a certificate of election following the time the election would have been canvassed:

General Election

City Council, Place One
City Council, Place Three
City Council, Place Five

Rebecca Minnick
Chris Sheffield
David Cohen

II. The May 6, 2023 General Election is cancelled, and the City Secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place that would have been used in the election.

III. Severability. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance and the application of such provision to other persons and circumstances shall remain valid and in full force and effect, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

VII. Conflicting Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

VIII. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

IX. Proper Notice and Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was acted upon 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.

X. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

XI. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED, APPROVED AND ADOPTED this 2nd day of March, 2023, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Gina V. Fulkerson, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
WIMBERLEY CITY COUNCIL
(CERTIFICACIÓN DE CANDIDATOS NO OPUESTOS PARA
EL CONCEJO CIUDAD WIMBERLEY)**

To: Mayor Gina Fulkerson
Al: Alcalde Gina Fulkerson

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 6, 2023.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 6 de mayo de 2023.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Council Member, Place 1
(Miembro del consejo, Lugar 1)

Council Member, Place 3
(Miembro del consejo, Lugar 3)

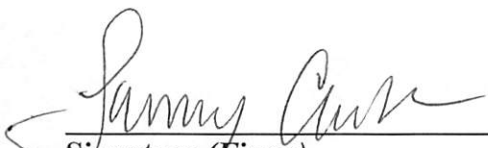
Council Member, Place 5
(Miembro del consejo, Lugar 5)

Candidate(s) Candidato(s)

Rebecca Minnick

Chris Sheffield

David Cohen



Signature (Firma)

Tammy Cook

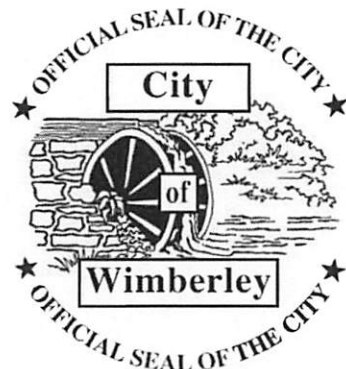
Printed name (Nombre en letra de molde)

City Secretary

Title (Puesto)

02/22/2023

Date of signing (Fecha de firma)





AGENDA ITEM:	2. Discuss and consider rescheduling the March 16, 2023 Regular City Council Meeting, due to the Spring Break Holiday. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	Tammy Cook
DATE SUBMITTED:	02/22/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Due to the WISD Spring Break Holiday, March 13-17, there may be a need to push the regular meeting that is scheduled on March 16th to a later date. There are five Thursdays in the month of March, so there is an opportunity to reschedule this meeting for March 23rd or March 30th.

REQUESTED ACTION

Discussion

FINANCIAL

N/A

STAFF RECOMMENDATION

If necessary to move, March 23rd is the preferred date.

ATTACHMENT/S

None



AGENDA ITEM:	3. Discuss and consider possible action related to the Winter Freeze. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	
DATE SUBMITTED:	02/22/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This will be an update on the progress being made by the City on limb/branch pick-up. It will also be an opportunity for the Council to provide additional feedback to the City Administrator.

REQUESTED ACTION

Discussion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Announcements
SUBMITTED BY:	
DATE SUBMITTED:	02/22/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Future Agenda Items
SUBMITTED BY:	
DATE SUBMITTED:	02/22/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Executive Session pursuant to Texas Government Code, Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property.
SUBMITTED BY:	
DATE SUBMITTED:	02/22/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Discussion and possible action resulting from Executive Session.
SUBMITTED BY:	
DATE SUBMITTED:	02/22/2023
MEETING DATE:	March 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None