



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS

221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, JANUARY 19, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER** January 19, 2023, at 6:00 PM

Mayor Gina Fulkerson called the meeting to order at 6:02 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, Director of Parks
Cynthia Trevino, Acting City Attorney

3. **INVOCATION**

Mayor Fulkerson informed everyone of the passing of former City Council Member Patricia Cantu Kelly and thanked her for her service to the Community. A moment of silence was observed in her honor.

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 January 16, 2023 as "Martin Luther King, Jr. Day."

Mayor Fulkerson read a proclamation in honor of Dr. Martin Luther King Jr. Day.

6. **CITIZENS COMMUNICATIONS**

Louis Parks, representative of the Dark Sky committee, expressed his appreciation to the council and the support they have provided to the committee. He provided a comment related to the Dollar General being proposed at the junction. He requested that council ensure this development follows the dark sky initiatives and they also do anything they can to mitigate any negative effects on the surrounding neighbors.

7. CONSENT AGENDA

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

7.1. Consider approval of Minutes from the January 5, 2023 Regular City Council Meeting.

7.2. Approval of the December 2022 Revenue and Expenditure Report for the City of Wimberley.

8. PRESENTATION AND POSSIBLE ACTION

8.1. Receive a presentation and consider possible action regarding the City of Wimberley's Quarterly Investment Report for the first quarter of Fiscal Year 2023. (*City Administrator, Tim Patek*)

Tim Patek, City Administrator, presented the 1st Quarter Investment Report for Fiscal Year 2023. A motion was made by Council Member Shell, seconded by Council Member Cohen to approve the quarterly investment report as presented. The motion carried unanimously (5-0).

9. CITY STAFF REPORT

9.1. Parks Director Report regarding, but not limited to, programs/events and maintenance projects. (*Richard Shaver, Parks and Recreation Director*)

Richard Shaver, Director of Parks and Recreation, provided an update on the events and maintenance projects going on within the parks department. All information on upcoming events and programs can be found on the City's website.

10. DISCUSSION AND POSSIBLE ACTION

10.1. Consider approval of Resolution No. 03-2023, authorizing an amendment to the 2022/2023 Operating Budget (Budget Amendment No. 5), authorizing expenditures from the American Rescue Plan Fund 6751 (Outlay-Projects) and providing an effective date. (*Tim Patek, City Administrator*)

Tim Patek, City Administrator, presented a budget amendment to council related to the Blue Hole Lift Station. He stated this was previously approved, but the project was not completed and the funds were never expended last budget year. A motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve Resolution No. 03-2023 as presented. The motion carried unanimously (5-0).

10.2. Consider approval of Resolution No. 04-2023, authorizing an amendment to the 2022/2023 Operating Budget ((Budget Amendment No. 6), authorizing expenditures from the American Rescue Plan Fund 6751 (Outlay-Projects) and providing an effective date. (Tim Patek, City Administrator)

Tim Patek, City Administrator, presented a budget amendment to council related to the Blue Hole Lift Station generator and stairwell, that was reviewed and approved in June 2021. This replacement was not completed until this Fiscal Year, so funds were not expended in the 2020/2021 operating budget. Therefore, a need to amend this year's budget is necessary to reflect this expenditure. A motion was made by Council Member Cohen, seconded by Council Member Chiles to approve Resolution No. 04-2023 as presented. The motion carried unanimously (5-0).

10.3. Consider approval of Resolution No. 05-2023, authorizing an amendment to the 2022/2023 Operating Budget (Budget Amendment No. 7), providing for the transfer of funds within the Blue Hole - Unobligated Fund Balance to the Capital Outlay and Improvements Fund (Account Number 200-52-6794) and providing an effective date. (Tim Patek, City Administrator)

Tim Patek, City Administrator, presented a budget amendment to council related to turf installation at Oak Park in conjunction with the Welcome Center facility, office work at Blue Hole, an Eagle Scout Project and laptops for staff. The total amount requested is \$78,701.13. He stated the turf was not invoiced and installed until October 2022, so funds were approved but not expended. Mayor clarified these funds are from within the Blue Hole account from revenue generated. A motion was made by Council Member Sheffield, seconded by Council Member Cohen to approve Resolution No. 05-2023 as presented. The motion carried unanimously (5-0).

- 10.5.** Discuss and consider possible action to grant a variance to allow the removal of a heritage tree at a property located on the south side of Ranch Road 12 at its intersection with Saddleridge Drive (Hays CAD# R12666) (*Berry Engineers*)

Mayor Fulkerson asked that this item be discussed prior to item 10.4. Council concurred. Nathan Glaiser, Director of Planning and Public Works, provided a brief update to council related to the City's Tree Ordinance in relation to the proposed Dollar General on the south side of Ranch Road 12 at its intersection with Saddleridge Drive. This development, as proposed, would remove the heritage tree that is currently on the property, but would require council approval.

Rick Hanna of DG Holdings, provided a brief presentation on the proposed development and spoke on the request for the removal of the heritage tree. He stated they looked at reconfiguring, but based on the current two acre tract, they would be unable to keep this tree. He did state this is a heavily treed lot and any adjustment to boundaries could cause the removal of more trees, but not any of this size.

The council held a discussion and asked questions related to the proposed development in relation to the heritage tree. The mayor noted that numerous citizens sent written comments expressing their concerns about this project.

Mayor Fulkerson, opened the floor for citizen comments. John Crusham, a resident of Sadleridge, provided comments and stated he was unaware of the proposed development until recently and would like to see, at minimum, the entrance of this development be moved so it is not directly in line with the subdivision entrance. He commented on the cosmetic change this development will create with the removal of the many trees in the front of this property.

Mr. Hanna, addressed the concern that Mr. Crusham stated regarding the alignment with Saddleridge and this was the preferred design due to safety concerns. He stated a de-acceleration lane would also be created.

Tom Campbell, resident of Saddleridge, and asked why we have an Ordinance if it isn't going to be enforced?

Council continued discussion and asked questions related to parking, reconfiguring the proposed building, signage, dark sky compliance, sewage, and the concern about the heritage tree. Mr. Hanna, did state the developer decided on this certain portion of property for economic reasons.

Council Member Minnick stated that Dollar General does provide a service to communities and it is a convenience. However, the tree ordinance was discussed for many years and she would like to see Dollar General come up with a different solution.

A motion was made by Council Minnick, seconded by Council Member Sheffield to deny the variance to allow the removal of a heritage tree at a property located on the south side of Ranch Road 12 at its intersection with Saddleridge Drive, as presented. The motion carried unanimously (5-0).

- 10.4.** Discuss and consider possible action to approve a sewage disposal plan for a proposed Dollar General located on two acres of property on the south side of Ranch Road 12 at its intersection with Saddleridge Drive (Hays CAD# R12666) (*Berry Engineers*)

Bucky Smith, Smith Septic Designs, stated this current design is based on the two acre tract and if this changes, this design will also be amended.

A motion was made by Council Member Cohen, seconded by Council Member Chiles to postpone action related to a sewage disposal plan for a proposed Dollar General located on two acres of property on the south side of Ranch Road 12 at its intersection with Saddleridge Drive. The motion carried unanimously (5-0).

- 10.6.** Discuss and consider possible action regarding a Contract for Election Services with the Hays County Elections Administrator to conduct the May 6, 2023 General Election for the City of Wimberley. (*City Secretary, Tammy Cook*)

Tammy Cook, City Secretary, provided a brief update to the City Council and stated this agreement is similar to the election services contract that had been approved in the past and was reviewed by legal counsel. A motion was made by Council Member Cohen, seconded by Council Member Chiles to approve a contract for election services with the Hays County Elections Administrator to conduct the May 6, 2023 General Election for the City of Wimberley. The motion carried unanimously (5-0).

- 10.7.** Discuss and consider possible action regarding a Joint Election Agreement between Hays County and the City of Wimberley. (*City Secretary, Tammy Cook*)

Tammy Cook, City Secretary, stated this joint election agreement is required in addition to the contract for election services and is similar to what has been presented in the past. This joint agreement does allow for cost sharing among entities and this formula is included within the agreement. Ms. Cook also stated that Hays County is part of the Texas Countywide Polling Place Program which allows citizens of Wimberley to vote at any polling location within the County. A motion was made by council Member Cohen, seconded by Council Member Chiles to approve the joint election agreement between the City of Wimberley and Hays County. The motion carried unanimously (5-0).

11. CITY COUNCIL REPORTS

11.1. Announcements

Tammy Cook, City Secretary, provided the following announcements:

1. The Historic Preservation Townhall Meeting will be held on Thursday, January 26th at 12:00 p.m. here at City Hall and it is open and welcome to all
2. A Board and Volunteer Recognition ceremony will be held in April with additional information to be shared at a future time.

Tim Patek, City Administrator, provided the following announcements:

1. TCMA, Region 7 meeting will be tomorrow and he will be attending
2. The RR12 and FM3237 Intersection project will start in March and should be finalized within 6 months.
3. He provided an update on the design of Old Kyle Road and more information will come forward as it is finalized
4. Oldham Road discussions continue and more information will come forward in the future.

Mayor Fulkerson stated she attended an Emergency Management session hosted by Hays County this morning.

11.2. Future Agenda Items

Tammy Cook, City Secretary, stated the following items will be on future agendas:

1. Mid-Year Goal Review on February 16th
2. The HOT Committee Chair will provide an update on February 16th.
3. The ESDC Committee Chair will provide an update at a meeting in March or April.

12. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Minnick to adjourn the meeting at 7:13 p.m. The motion carried unanimously (5-0).

RECORDED BY:

APPROVED BY:

Tammy Cook, City Secretary

Gina V. Fulkerson, Mayor

