City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, JUNE 1, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER June 1, 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 Heller, City Secretary
Nathan Glaiser, Director of Planning and Public Works
Richard Shaver, Director of Parks
Charlie Zech, City Attorney

3. INVOCATION Susan Rang, United Methodist

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Fulkerson led the pledges of allegiance.

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.

There were no citizen comments this evening.

6. 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), with the exception of item 6.1 (approval of meeting minutes), which carried by a vote of 4-0-1, with Council Member Minnick abstaining due to her absence at the last meeting.

6.1. Consider approval of the following City Council Meeting Minutes:
A. May 12, 2023 Special Meeting
B. May 18, 2023 Regular Meeting

6.2. Consider approval of the following appointments to the Board of Adjustments:
JoKathryn Quinn - appointed by Place one Council Member Rebecca Minnick
Pam Tise - appointed by Place Three Council Member Chris Sheffield

6.3. Consider approval of the following appointments to the Ethics Review Commission:
Arthur Valentine - appointed by Place one Council Member Rebecca Minnick
John Dunn - appointed by Place Three Council Member Chris Sheffield
Mary Espinoza - appointed by Place Five Council Member David Cohen
Nancy Bowman - appointed by a consensus of Council

6.4. Consider approval of the following appointments to the Hotel Occupancy Tax Advisory Committee:
Brian Konradi - appointed by Place one Council Member Rebecca Minnick
Helena Hauk - appointed by Place Three Council Member Chris Sheffield
Mac McCullough - appointed by Place Five Council Member David Cohen

6.5. Consider approval of the following appointments to the Parks and Recreation Board:
Anthony Deringer - appointed by Place one Council Member Rebecca Minnick
Kelley Shand - appointed by Place Three Council Member Chris Sheffield
Amy Crowell - appointed by Place Five Council Member David Cohen

6.6. Consider approval of the following appointments to the Planning and Zoning Commission
Bob Clark - appointed by Place One Council Member Rebecca Minnick
Vance McCracken - appointed by Place Three Council Member Chris Sheffield
Michael Rambo - appointed by Place Five Council Member David Cohen

6.7. Consider approval of the following appointments to the Transportation Advisory Board:
Aaron Reed - appointed by Place One Council Member Rebecca Minnick
Paul Stuffel - appointed by Place Three Council Member Chris Sheffield
Ben O'Kane - appointed by Place Five Council Member David Cohen

7. DISCUSSION AND POSSIBLE ACTION

7.1. Hold discussion and consider action on Ordinance 2023-11, on the second of two readings, to amend Chapter 9, Planning and Development Regulations of the City of Wimberley Code of Ordinances, by amending the regulation of Historic Properties and Districts and creating a procedure for the designation of Historic Landmarks and Historic Districts; repealing all ordinances or sections of ordinances in conflict; providing for severability, and providing an effective date. *(Nathan Glaiser, Director of Planning and Public Works)*

Nathan Glaiser, Director of Planning and Public Works, reminded council that at their May 18th meeting, the approval of the first reading was on the condition that the definition of *Adverse Effect* be included for the second reading. He noted that this definition has been added.

A motion was made by Council Member Shell, seconded by Council Member Minnick to approve Ordinance 2023-11, on the second of two readings, as presented. The motion carried 5-0.

7.2. Consider action on Ordinance 2023-16, amending Chapter 2, Article 2.04 – Boards, Commissions and Committees, of the Wimberley City Code by amending Section 2.04.004 (section D and G) by updating the composition of the Economic Support and Development Committee and amend wording; and providing for findings of fact, savings, severability, repealers, an effective date, and proper notice and meeting. *(Tammy Heller, City Secretary)*

Tammy Heller, City Secretary, informed the City Council of the Economic Support and Development Committee's (ESDC) intent to change the composition of their committee from nine (9) to seven (7) members. The committee unanimously approved this recommendation. Mrs. Heller stated the remaining members with expiring terms are interested in continuing service and appointments will be brought forward at the next City Council Meeting.

Another amendment was suggested by the committee, that would amend wording in section (G) of the code of ordnances by changing the word "Strategic Plan" to "Strategic Initiatives". This was unanimously approved by the committee.

Council Member Minnick, stated that she would like to see the committee meet consistently. Mrs. Heller stated they have set their schedule and the committee chair has shared with the committee.

Mayor Fulkerson, wants to ensure specific topics that are requested by council to be relayed to the committee and wants to receive input on those topics in a timely manner. Mrs. Heller recommended the council inform the staff liaison of any issues they would like to task the committee with and they will relay that information so the committee chair can add to their agenda.

Mayor Fulkerson would like to see the committee meet at City Hall if possible.

Council Member Cohen asked who appoints the committee chair? Mrs. Heller stated, the current amendment, if approved, would give the committee the authority to appoint their chair and vice-chair. However, the wording could be amended for clarification. The new revision would read as follows: The committee will have seven members, one of whom will be the committee chair and one of whom will be the committee vice-chair, <u>both</u> appointed by the committee. Mrs. Heller confirmed this revision will be made upon approval by the Council.

Council Member Minnick, would like to include a discussion about the ESDC at the upcoming goal and priority workshop.

With no further discussion, a motion was made by Council Member Minnick, seconded by Council Member Cohen to approve Ordinance 2023-16, as presented. The motion carried unanimously (5-0).

7.3. Discuss and consider possible action regarding Council Member David Cohen's request to, potentially, miss three consecutive Regular City Council Meetings in August and September 2023. *(Place Five - Council Member David Cohen)*

Council Member Cohen recused himself from discussion. Mayor Fulkerson inquired about special meetings during this time and wanted to ensure there would be a quorum available. Upon completion of discussion, it was confirmed all meetings would have a quorum present. Council Member Cohen, stated, that depending on flight availability, he may be able to fly back for one of these meetings.

With no further discussion, a motion was made by Council Member Shell, seconded by Council Member Sheffield to approve Council Member Cohen's request to, potentially, miss three consecutive meetings in

August and September. The motion carried (4-0-1) with Council Member Cohen recusing himself from a vote.

7.4. Discuss and consider possible action regarding a contract between the City of Wimberley and Friends of Blue Hole. *(Richard Shaver, Parks Director)*

Richard Shaver, Director of Parks, stated this is a request to approve the renegotiation of a contract between the City of Wimberley and Friends of Blue Hole (Friends of Wimberley Parks) for the annual Concert in the Park series. The contract was signed June 11th, 2018 and after the initial 5-year term, there is an option to renegotiate. The Parks Board voted unanimously to recommend that the City Council terminate the agreement and enter into a new agreement concerning the name of the concert series to allow additional sponsorships for the event. The current contract names the Friends of Blue Hole as the sole sponsor for the concert series. The request is to change the wording of the Concert Series to "Friends of Wimberley Parks Concert Series" and it will be presented by other sponsors, which will be discussed in the subsequent agenda item. Mr. Shaver stated that if approved, the current agreement would be terminated and a new contract would come forward at a future date, after legal review.

Upon completion of discussion related to contract terms, naming, and language within the current contract, a motion was made by Council Member Minnick, seconded by Council Member Chiles to terminate the current agreement with the Friends of Blue Hole and enter into a new agreement with Friends of Blue Hole or Friends of Wimberley Parks. The motion carried by a vote of 5-0.

7.5. Discuss and consider possible action regarding an annual sponsorship policy. *(Richard Shaver, Parks Director)*

Richard Shaver, Director of Parks, stated the staff is proposing moving from event-specific sponsors to an annual sponsorship policy to significantly increase benefits for their sponsors and the Department. Mr. Shaver provided attachments which included the sponsorship policy, 4 proposed contract templates, and the sponsorship packet. The Parks Board voted unanimously to recommend approval of the sponsorship packet and they also tasked staff with presenting an alternative program for recognizing our non-profits and volunteers.

Discussion was held on permissible sponsorships and Mr. Shaver stated the Parks Board did speak about organizations/businesses that serve alcoholic beverages at events and they would like to see this language amended within the agreement.

The consensus from council was to remove this language from the agreement. No action is necessary this evening, but direction provided to staff is to bring back the agreement at a future date after legal review.

7.6. Discuss and consider possible action regarding special-use agreements with the Wimberley Community Center. *(Richard Shaver, Parks Director)*

Richard Shaver, Director of Parks, provided a presentation regarding the recommendations made by the Parks Board on the following special use agreements:

- Wimberley Community Civic Club: Contract null and void. The signatory did not have approval from the City Council to enter into said agreement.
- Wimberley Lions Club: Honor existing contract.
- Wimberley Senior Citizens Activities, INC: Honor existing contract.
- Wimberley Valley Art League: Enter into an agreement for the free use of the Art Gallery.
- Wimberley Valley Chamber of Commerce: Recommended not entering into an agreement and offering non-profit rates for meetings and special events.

Mr. Shaver provided the recommendations made by the Parks Board and upon completion of discussion, the City Council proposed the following:

- Wimberley Senior Citizens Activities Inc.: No action needed and no change to existing agreement

- The Wimberley Community Civic Club: The contract is null and void. There was discussion about treating all non-profits the same. Richard stated there are two options, which is the use of the facility for free, utilizing the instructor packet, or utilization of the Wimberley Community Center at the non-profit rate. The consensus is to treat them like other non-profit organizations. No action was needed by the council, but staff would speak with the Wimberley Community Civic Club to inform them of these revisions.
- Wimberley Lions Club: No action needed and no change to existing agreement
- Wimberley Valley Art League: Allow use of the Art Gallery and a contract will be brought back at a future date.
- Wimberley Valley Chamber of Commerce - The consensus is to treat them as other non-profit organizations. No action was needed by the council at this time, but staff would speak with the Chamber informing them of these revisions.

7.7. Discuss, consider, and select a bidder for the Blue Heron Run Roadway Rehabilitation Project (MAINT-2023-0001). *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, provided an update regarding the Blue Heron Run Roadway Rehabilitation Project Bid. The Transportation Advisory Board (TAB) listed this and Spoke Hollow as their top priority road projects for the year. Mr. Patek stated Ryan Bell of Gilpin Engineering is here to answer questions.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the low bidder for the Blue Heron Run Roadway Rehabilitation Project, as presented. The motion carried unanimously (5-0).

7.8. Discuss, consider, and select a bidder for the Spoke Hollow Roadway Rehabilitation Project (MAINT-2023-0002). *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, provided an update regarding the Spoke Hollow Rehabilitation Project Bid, and this included a base bid and an alternate.

Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Chiles to approve the low bidder for the Spoke Hollow Rehabilitation Project as presented. The motion carried unanimously (5-0).

7.9. Consider possible action on Resolution No. 08-2023, amending the 2022/2023 Operating Budget (Budget Amendment #8) that authorizes expenditures from the American Rescue Plan Fund 6751 (Outlay-Projects) and Road Maintenance Fund Account 100-31-6432 and providing an effective date. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, stated this budget amendment is for the previously approved bid selection for the Blue Heron and Spoke Hollow Road Projects.

A motion was made by Council Member Sheffield, seconded by Council Member Minnick to approve Resolution No. 08-2023, that amends the operating budget and authorized expenditures from the American Rescue Plan Fund and Road Maintenance Fund Account for the Blue Heron and Spoke Hollow Road Rehabilitation Projects. The motion carried unanimously (5-0).

8. <u>CITY COUNCIL REPORTS</u>

8.1. Announcements

Tim Patek, City Administrator, provided the following announcements:

- June 20: Goal/Priority Workshop
- The report from PGMS for the months of March-May was sent to the Council.

- Provided update regarding the damage to the wall at the Wimberley square

Charlie Zech, City Attorney, reminded everyone of the upcoming Hog Wild Conference that will be held on July 28th.

8.2. Future Agenda Items

Council Member Cohen, inquired about a possible annexation request from some Woodcreek residents. Staff and legal will work together and will look at possible future dates, if necessary.

9. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the regular meeting at 7:08 p.m. The motion carried unanimously (5-0).

RECORDED BY:

____

Tammy Heller, City Secretary

APPROVED BY:

____

Gina V. Fulkerson, Mayor