



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 7, 2024 - 6:00 PM

MINUTES

1. CALL TO ORDER

March 7, 2024, at 6:00 PM

Mayor Gina Fulkerson called the regular meeting of the City Council to order at 6:00 p.m.

2. CALL OF ROLL

City Council Present:

Gina Fulkerson, Mayor
Rebecca Minnick, Place 1
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

City Staff Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning & Public Works
Leanne Kirby, Tourism Director
Cynthia Trevino, City Attorney

3. INVOCATION

Scott Tidwell, Fellowship of the Crossroads

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Gina Fulkerson led the pledges of allegiance.

5. CITIZENS COMMUNICATIONS

No citizen comments this evening.

6. PROCLAMATIONS/RECOGNITIONS

6.1. Proclamation proclaiming March 25 - March 31, 2024, as "Wimberley High School Band Week".

Mayor Fulkerson read a proclamation proclaiming March 25-31, 2024 as "Wimberley Band Week".

Avery Knight, a member of the Wimberley High school band, expressed her appreciation for the support and recognition.

Jon Winebrinner, Band Director, expressed his excitement and is looking forward to representing the entire Wimberley Valley. He stated the band would be wearing shirts with the names of all of our local Vietnam Veterans listed. Mr. Winebrinner introduced the members of the band and band booster members that were

in attendance.

6.2. Proclamation proclaiming "Lights Out for Bird Safety" Month" .

Mayor Fulkerson read a proclamation proclaiming "Lights out for Bird Safety Month."

7. CONSENT AGENDA

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

7.1. Consider approval of minutes from the February 15, 2024 Regular City Council Meeting. (*Tammy Heller, City Secretary*)

8. PRESENTATION AND POSSIBLE ACTION

8.1. Receive an update from Langford Community Management Services (LCMS) on the Comprehensive Master Plan. (*Tim Patek, City Administrator*)

Jerri Conrado, of Langford Community Management Services (LCMS), introduced her staff and the key stakeholders that will make up the Comprehensive Master Plan Committee.

Ms. Conrado provided an overview of the grant which is to write/update a comprehensive plan for the City focused on resiliency. She noted that this plan must meet the following deliverables:

1. Hazards and Risk Assessment
2. Population Study with a 20-year projection
3. Housing Study
4. Land Use Plan
5. Capital Improvement Plan
6. Optional Chapters
7. Zoning Ordinance

Next, a 24-month schedule overview was presented, including the milestones, public meeting dates and a final plan adoption that is required by December 31, 2025.

Dennis Ku, Senior Engineer, provided the process for data collection and how the city could use the GIS layers that will be created. These include critical infrastructure, future land use/zoning, building codes, risk data and structure inventory.

The Comprehensive Plan Key Stakeholder Committee will meet bi-monthly for the first six months and then quarterly for the remainder of the project. Additional information will be shared to the public through online sources, such as the city's Facebook page, website, newspaper, emergency listserv and through events in the community, such as concerts in the park. There will also be a community engagement marketing portal housed on the City's Website.

Ms. Conrado discussed the potential chapters that can be included and noted that this project could identify possible grant opportunities for the city. Meetings of the Comprehensive Plan Stakeholder Committee meetings will start no later than May 2024.

9. DISCUSSION AND POSSIBLE ACTION

9.1. Discuss and consider possible action on Ordinance 2024-09, amending Chapter 2, Article 2.03 of the Wimberley City Code, amending the number of readings for adoption of an ordinance. (*Tammy Heller, City Secretary*)

Tammy Heller, City Secretary, presented this item and stated the City's current ordinance requires two readings for any ordinance that imposes a fine, penalty or forfeiture unless deemed an emergency. The Local Government code does not implement this requirement. For efficiency purposes, while still complying with state law, the City can require just one reading for adoption of an ordinance.

A motion was made by Council Member Chiles, seconded by Council Member Minnick to approve Ordinance 2024-09, as presented. The motion carried unanimously (5-0).

- 9.2. Discuss and consider possible action on Resolution 01-2024, authorizing execution of an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for a Transportation Alternatives Set-Aside (TASA) Project; and declaring an effective date.

Tim Patek, City Administrator, presented this resolution and stated approval would authorize the execution of an advanced funding agreement with the Texas Department of Transportation for the Ranch Road 12 Sidewalk Project.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve Resolution 01-2024, as presented. The motion carried unanimously (5-0).

- 9.3. Discuss and consider possible action to select a bidder and or bidders for the Old Kyle Road Welcome Center renovations. *(Leanne Kirby, Tourism Director)*

Dax Morton, of Office of the Architect, he reminded the council of some of the features that were added to the scope, including rain water features, gutters, exterior fixtures, and parking paving. Paving was changed to something less permanent due to the Old Kyle Road construction that is coming up. He also noted that infrastructure for the Electric Vehicle charging station will be installed, but not constructed until improvements on Old Kyle Road are complete.

Mr. Morton stated there were three bidders actively engaged throughout the bid process. They included UpRight Builders, Timberwise Construction, and Percheron Construction.

UpRight withdrew from bidding on the bid due date. Timberwise is the low bidder and has the best proposed schedule. However, they missed the mandatory pre-bid conference. Furthermore, after closer review of the bids, it was noted that Timberwise did not include a bid bond or information confirming their capacity to obtain the required P&P bonds or to provide the necessary insurance for the project – all of which are requirements of the Bidder Qualifications. Percheron followed all instructions and was also determined to have the better qualifications, although Timberwise's qualifications were found to be acceptable. Percheron also provided additional information supporting their bid including a breakdown of costs, insurance information, a bid bond, and P&P bond capacity letter.

The recommendation from Mr. Morton, based on the information, is to award the bid to Percheron Construction as they were close behind the low bidder, their qualifications were sound, and they followed all instructions in bidding the project.

He also noted that the project manual does include some language that states the Owner reserves the right to waive requirements stated in the bid docs. So, the mandatory pre-bid and other missing items from Timberwise's bid could be waived by the City.

Council provided comments related to each bid and inquired about construction dates, bond and insurance information. Upon completion of discussion a motion was made by Council Member Minnick, seconded by Council Member Sheffield to award the Bid to Percheron for the Old Kyle Road Welcome Center renovations. The motion carried unanimously (5-0).

- 9.4. Discuss and consider possible participation in a Texas Water Development Board (TWDB) Flood Infrastructure Fund (FIF) Grant application for a City-Wide Drainage Master Plan and consider hiring Scheibe Consulting, LLC to assist with the Grant Application and provide engineering services if awarded. *(Tim Patek, City Administrator)*

Eric Schiebe, of Schiebe Consulting, provided background information related to the funding for flood mitigation projects in the state. The Flood Infrastructure Fund (FIF) was created in 2018-2019. Regional flood plans were created and since the City of Wimberley proposed a drainage master plan project, the City is eligible for grant funding through the Texas Water Development Board.

Mr. Schiebe provided two options. Option 1 is a detailed study of 77 miles of streams located throughout Hays County and Option 2 is a detailed study of 24 miles of streams inside Wimberley City Limits. Option 1 was a total of \$974,380 with the local cost to the City of Wimberley in the amount of \$102,310. The second option was a total of \$767,800 with the local cost to the City of Wimberley in the amount of \$253,374.

The council inquired about the benefits of each option. Mr. Schiebe stated there are fixed costs, and he stated the majority of the study for option 1 is in Hays County. Council Member Minnick stated there is more value to the city and our downtown than it does to the county outside the city limits.

David Baker, of the Watershed Association, spoke about the watershed protection plan and stated this is to protect the quantity and quality of the water in the Wimberley Valley. He stated the Watershed Association would assist the city in matching funds to help with this grant. He expressed how this would be helpful to both the County and the City.

Mayor expressed the importance of this project and how important it would be for the City to protect loss of life and property.

Upon completion of discussion a motion was made by Council Member Cohen seconded by Council Member Chiles to go with option 1, as presented. The motion carried unanimously (5-0)

A separate motion was then made by Council Member Sheffield, seconded by Council Member Cohen to direct the City Administrator to work with Schiebe Consulting LLC to assist with the grant application at no financial risk to the City. A resolution will be brought back at the next meeting to ratify this agreement. The motion carried unanimously (5-0).

- 9.5.** Discuss and consider action on an Interlocal Agreement between Hays County and the City of Wimberley regarding 9-1-1 addressing and street name services. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, stated this is an updated Interlocal Agreement with Hays County for addressing and street name services.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve the ILA with Hays County and the City of Wimberley regarding the 9-1-1 addressing and street name services. The motion carried unanimously (5-0).

- 9.6.** Discuss and consider action on amendments to the Personnel Policy *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, provided information regarding an update to the personnel policy. This request is to add a section to the policy on leave donation. This would allow an employee to donate twenty-four hours per donor per year. Those that donate must maintain a minimum balance of forty (40) hours after the donation is made.

A motion was made by Council Member Sheffield, seconded by Council Member Chiles, to approve the amendments to the personnel policy as presented. The motion carried unanimously (5-0).

10. CITY STAFF REPORT

- 10.1.** City Administrator report, including but not limited to, the Transportation Alternative Grant, Downtown Square Project, Crosswalk and Fish Weir. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, provided an update on the Transportation Alternative Grant, the Downtown Square Project, the Crosswalk on Old Kyle and the Fish Weir at Hidden Valley Low Water Crossing. The complete report is attached as Exhibit A to these minutes.

11. EXECUTIVE SESSION

- 11.1. Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) to receive legal advice regarding enforcement of substandard structure regulations in the downtown area.

Mayor Fulkerson adjourned into Executive Session at 8:03 p.m.

12. OPEN SESSION

- 12.1. Discussion and possible action resulting from Executive Session.

Mayor Fulkerson reconvened into regular session at 8:33 p.m. No information came out of Executive Session.

13. CITY COUNCIL REPORTS

- 13.1. Announcements

Council Member Minnick provided the following announcements:

1. Update on Bob Harla's wife, Allison, after the accident that occurred on CR1492. She is recouping well.
2. The Civic Club will have an eclipse update at their meeting tomorrow, presented by Leanne and Ted.

Tim Patek, City Administrator, provided the following announcements:

1. TML Mid-year Conference next week
2. Community Cleanup is scheduled for April 13th at Lions Club Parking Lot (8AM-12PM).
3. The Emergency Preparedness Fair is scheduled for March 23rd at the VFW Fairgrounds (10AM-1:00PM).

Tammy Heller, City Secretary, reminded the Council about the 1st responders luncheon. She also noted that on March 21st at 5:00 p.m. a meeting will be held for a mid-year goals review.

- 13.2. Future Agenda Items

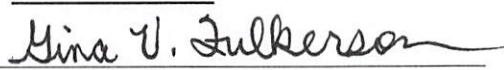
14. ADJOURNMENT

A motion was made by Council Member Sheffield, seconded by Council Member Shell, to adjourn the regular meeting at 8:36 p.m. The motion carried unanimously (5-0).

RECORDED BY:


Tammy Heller, City Secretary

APPROVED BY:


Gina V. Fulkerson, Mayor

