



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, APRIL 4, 2024 - 6:00 PM

MINUTES

1. CALL TO ORDER

April 4, 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
Richard Shaver, Parks Director
Leanne Kirby, Tourism Director
Charlie Zech, City Attorney

3. INVOCATION

Jim Denham, Chapel in the Hills

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.

Andrew Weber, President of Friends of Wimberley Parks, spoke about decision-making processes for the parks. He expressed concern about three items: the Oak Park Shade Canopy, the Solar light pole in Martha Knies Park, and the amendment to the public alcohol consumption that will be considered this evening. He requested some clarification on these items and the possibility of creating some guidelines regarding regarding Parks Board review.

6. PROCLAMATIONS/RECOGNITIONS

- 6.1.** Proclamation of the City of Wimberley, Texas proclaiming April as "Sexual Assault Awareness and Prevention Month".

Mayor Fulkerson read a proclamation recognizing April as "Sexual Assault Awareness and Prevention Month".

Upon completion of the presentation, Veronica Medina, Community Development Coordinator at Hays Caldwell Women's Center, expressed her appreciation to the City Council. She highlighted the services that the center provides. In addition to Ms. Medina, the following were in attendance to accept the proclamation; Micaela Aranda, Andrea Chance, and Lydia Dobbins.

- 6.2.** Proclamation of the City of Wimberley, Texas proclaiming April as "Child Abuse Prevention and Awareness Month".

Mayor Fulkerson read a proclamation recognizing April as "Sexual Assault Awareness and Prevention Month".

Upon completion of the presentation, Julia Ramsay, Executive Director for the Greater San Marcos Youth Council, spoke about their program and how many individuals they serve. Betty Britton, board member, spoke about the many services they provide and stated a diaper drive would be held here in Wimberley.

Elizabeth Pena and Lonnette LaBorde, CASA reps, provided statistics and the services CASA provides to the community.

7. CONSENT AGENDA

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

- 7.1.** Consider approval of the March 21, 2024, Regular City Council Meeting Minutes and the March 21, 2024, Special Meeting - Mid-Year Goals Minutes. *(Tammy Heller, City Secretary)*

8. CITY STAFF REPORT

- 8.1.** Receive an update from Ted Gartner, regarding the 2024 Solar Eclipse Event. *(Leanne Kirby, Tourism Director)*

Leanne Kirby, Tourism Director, provided a map/handout to the Council that went to all downtown businesses. She introduced Ted Gartner to provide a final update on the eclipse events this weekend. He provided information on Emergency Management and how additional information would get out to the public. Information on when law enforcement will arrive and set up barriers was discussed along with road closures, employee parking for downtown businesses, signage, portable restrooms, table set-up, food trucks, road closure signage throughout Hays County and merchandise that is available for sale. He expressed his appreciation to the Bachman's for opening Marcos Restaurant for employees to utilize as a break room. The council expressed their appreciation for all of their work.

9. DISCUSSION AND POSSIBLE ACTION

- 9.1.** Discuss and consider possible action to select a bidder and/or bidders for the Hike and Bike Trail

Improvement Project. *(Richard Shaver, Parks Director)*

Council Member Sheffield recused himself from discussion and a vote on this item as he works for the Texas Parks and Wildlife Department, which is providing the grant for this project.

Richard Shaver, Parks Director, introduced Ryan Bell, City Engineer, to provide information on the project and the bid process that occurred. This project is to rehabilitate the Hike and Bike Trail with stabilized decomposed granite. Seven proposals were received and scored and Mr. Bell stated the top three scoring contractors were contacted and discussed and value engineering considerations, and the top scoring proposal was DigDug Construction. The Project Total is \$328,937.31 and this is based on the grant proposal from the Texas Parks and Wildlife. We will be responsible for paying the entire amount, but will be reimbursed. So the final out of pocket for the entire project would be \$65,787.46.

Upon completion of discussion, a motion was made by Council Member Minnick, seconded by Council Member Chiles to award the Hike and Bike Trails Improvement Project to DigDug. The motion carried by a vote of 4 in favor, 0 oppose, 1 recusal (Sheffield).

- 9.2.** Consider possible action on Resolution No. 03-2024, authorizing an amendment to the 2023/2024 operating budget (Budget Amendment No. 1), 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.

Richard Shaver, Parks Director, provided a presentation on the specific projects that require a budget amendment. This includes a shade canopy at Oak Park, signage in the park, and sand at the volleyball court.

A motion was made by Council Member Chiles, seconded by Council Member Cohen to approve Resolution No. 03-2024, authorizing a budget amendment to the 2023/2024 operating budget, as presented. The motion carried (5-0).

- 9.3.** Discuss and consider possible action to remove or replace the fence between Martha Knies Community Park and 107 Old Kyle Road.

Richard Shaver, Parks Director, introduced Russ Whisler. Mr. Whisler would like to replace the fence between Martha Knies and his property at his own cost. There will be an ADA walkway that goes from the sidewalk to the short-term rental at the back of the property. This will provide more visibility for the vendors and create walkability between the park and businesses downtown.

Questions were asked about the origin of the fence and potential safety concerns related to the playground in this park. All concerns were addressed and upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Shell to approve the removal of the fence, with direction to the Parks Director to come back with a suitably collaborated plan for a replacement. The motion carried unanimously (5-0).

- 9.4.** Discuss and consider possible action regarding an ADA walkway in Patsy Glenn Refuge.

This item was pulled up for discussion prior to item 9.1.

Richard Shaver, Parks Director, introduced Jerry Lunow to present a proposal for renovations in the Patsy Glenn Refuge. Some of these renovations include a walkway and boardwalk installation, which would assist in reducing erosion and help direct water flow. The proposed cost is around \$6,600. Discussion was held on the urgency of beginning this project, budget constraints, and the possibility of postponing it to next budget year or having a budget amendment brought back at a future date. Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve the Patsy Glenn Refuge Water Abatement project with consideration of a budget amendment at the next meeting. The motion carried unanimously (5-0).

- 9.5.** Discuss and consider possible action to approve a public art project at the Cypress Creek Nature Preserve.

Heather Carter and Jamie Petit of Project ART, provided a presentation regarding a public art project at the Cypress Creek Preserve. Ms. Carter provided concepts of natural gates into the preserve. These gates would utilize the trees, branches and other natural elements, creating portals or entries into the preserve. A grant was received from the Texas Commission on the Arts to assist with this project.

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Minnick to approve the art project as proposed. The motion carried unanimously (5-0).

- 9.6.** Discuss and consider possible action on a master bailment agreement for the Buck Winn's 280 Foot Mural titled "The History of Ranching." (*Gina Fulkerson, Mayor*)

Mayor Fulkerson stated this is a practical matter and stated the piece of art is in the Community Center. Tom Billups, of Wimberley Institute of Cultures (WIC), stated this is to formalize a handshake agreement in case anything happens so that WIC and the city are on record as to WIC's ownership of the Buck Winn Mural. It will also allow them to provide insurance on this piece.

A motion was made by Council Member Minnick, seconded by Council Member Cohen to approve the master bailment agreement of the Buck Winn 280 Foot Mural titled "The History of Ranching." The motion carried unanimously (5-0).

- 9.7.** Consider possible action on Ordinance 2024-10, amending Section 8.01.002 - Prohibiting consumption of alcohol beverages on public street, sidewalk or park of the City Code of Ordinances; and providing for findings of fact, savings, severability, repealers, effective date, and proper notice and meeting.

Tim Patek, City Administrator, and Richard Shaver, Parks Director, presented this Ordinance Amendment. The request is to remove the prohibition of alcoholic consumption on a public street or sidewalk, but to continue the prohibition in city parks. Discussion was held on enforcement and park rules related to special events.

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Sheffield to amend Ordinance 2024-10, to include the following language in section (b): *unless otherwise permitted by park rules*. The section now reads: (b) Prohibition. A person may not consume an alcoholic beverage in a city park, unless otherwise permitted by park rules. The motion carried unanimously (5-0).

- 9.8.** Consider possible action on Resolution 04-2024 authorizing an amendment to the 2023/2024 operating budget (Budget Amendment No. 2), providing for the transfer of funds to the General Tax Fund - Unobligated Fund Balance to Account Number 100-31-6432 (Roads - Roads Maintenance) and Account Number 300-30-6801 (Capital Project - Capital Outlay Oak Drive) and providing an effective date.

Tim Patek, City Administrator, stated this budget amendment is for the speed hump/stripping on CR 1492, the crosswalk on Old Kyle Road, and the restrooms at Oak Park.

A motion was made by Council Member Sheffield, seconded by Council Member Shell, to approve Resolution No. 04-2024, authorizing an amendment to the 2023/2024 operating budget as presented. The motion carried unanimously (5-0).

- 9.9.** Discuss and consider possible action regarding the City of Wimberley Investment Policy. (*Tim Patek, City Administrator*)

Tim Patek, City Administrator, stated the investment policy is required to be approved annually. There are no changes since the last approval.

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

- 9.10.** Discuss and consider cancelling the July 4, 2024 Regular City Council Meeting due to the Independence Day Holiday. *(Tammy Heller, City Secretary)*

Tammy Heller, City Secretary, stated that due to the July 4th holiday that falls on the first Thursday in July, staff is requesting that the Council consider canceling this meeting. Mrs. Heller stated a special meeting could be called if there are any items that need consideration.

A motion was made by Council Member Cohen, seconded by Council Member Sheffield to cancel the July 4, 2024, Regular City Council meeting. The motion carried unanimously (5-0).

10. CITY COUNCIL REPORTS

10.1. Announcements

The following announcements were made:

1. The City Administrator will be out of the office next week for the TML Leadership Academy.
2. Staff will be in the area for Eclipse Weekend.
3. Communications check will occur tomorrow with Hays County
4. Council Member Teresa Shell will not be at the meeting on April 18, 2024.

10.2. Future Agenda Items

No items discussed.

11. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Minnick to adjourn the regular meeting of the City Council at 8:16 p.m. The motion carried unanimously (5-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor



