

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 17, 2022 - 6:00 PM

MINUTES

1. **CALL TO ORDER** March 17, 2022, at 6:00 PM

2. **CALL OF ROLL**

Council Members Present:

Mayor Gina Fulkerson
Place 1 Rebecca Minnick
Place 2 Teresa Shell
Place 3 Christine Byrne
Place 4 Jim Chiles
Place 5 David Cohen (arrived 6:02 p.m.)

Staff Present:

City Administrator Mike Boese
City Attorney Charles Zech
Interim City Secretary Nathan Glaiser

3. **INVOCATION** Church of Christ Minister, Nathan Hill

Invocation given by Scott Tidwell from Wimberley 1st Baptist Church

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

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from the general public on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.

There were no citizen's communications.

6. **CONSENT AGENDA**

Motion to approve the consent agenda was made by Council Member Jim Chiles. Council Member Teresa Shell seconded the motion. Motion carried unanimously (5-0).

- 6.1. Confirmation of the appointment of Nathan Glaiser as Interim City Secretary.
- 6.2. Approval of minutes from the Regular City Council Meeting held March 3, 2022.
- 6.3. Approval of minutes from the Special City Council Meeting held March 4, 2022.
- 6.4. Approval of minutes from the Special Joint City Council and Transportation Advisory Board Meeting held March 5, 2022.

7. **PROCLAMATION**

- 7.1. Proclamation of the City of Wimberley, Texas proclaiming the March 1 – June 15 and August 15 – November 30 as "Lights Out for Bird Safety". (*Parks Director, Richard Shaver, Wimberley Parks and Recreation and Wimberley Valley Dark Sky Committee*)

Parks Director, Richard Shaver, presented the item. Laura Legett and Louise Parks, members of the Wimberley Birding Society, gave their thanks.

8. **PUBLIC HEARINGS AND POSSIBLE ACTION**

- 8.1. Hold a public hearing and consider possible action regarding case CUP-22-002, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 13510 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Beer Ranch Project, LLC*)

Council Members Rebecca Minnick and Teresa Shell recused themselves from the discussion and vote. The owners, Kathryn and Max Saballett, spoke in favor of the application and answered questions from the Council members. **Council Member David Cohen made a motion to approve the application with the added condition that the property be limited to a maximum of seven STR2 units. The motion was seconded by Council Member Christine Byrne. The motion carried unanimously (3-0).**

9. **DISCUSSION AND POSSIBLE ACTION**

- 9.1. Discuss and consider possible action regarding Ordinance No. 2022-05, amending Division 3. Hotel Occupancy Tax of Article 2.10, taxation of the Codified Ordinances of the City of Wimberley, Texas; and providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting. (*City Administrator, Mike Boese*)

Motion to approve Ordinance No. 2022-05, amending Division 3. Hotel Occupancy Tax of Article 2.10, taxation of the Codified Ordinances of the City of Wimberley, Texas; and providing for findings of

fact, savings, severability, repealer, an effective date, and proper notice and meeting, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 9.2. Discuss and consider possible action regarding Resolution No. 03-2022, authorizing an amendment to the 2021/2022 Operating Budget (Budget Amendment No. 6), authorizing the expenditures from the American Rescue Plan Fund 6571 (Outlay - Projects) and providing an effective date. *(City Administrator, Mike Boese)*

A Motion to approve Resolution No. 03-2022, authorizing an amendment to the 2021/2022 Operating Budget (Budget Amendment No. 5), authorizing the expenditures from the American Rescue Plan fund 6571 (Outlay - Projects) and providing an effective date, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member David Cohen. Motion carried unanimously (5-0).

- 9.4. Discuss and consider possible action regarding Resolution No. 05-2022, authorizing an amendment to the 2021/2022 Operating Budget (Budget Amendment No.7), authorizing expenditures from the Donations Fund 6796 (Outlay-Capital) and providing an effective date. *(City Administrator, Mike Boese)*

Motion to approve Resolution No. 05-2022, authorizing an amendment to the 2021/2022 Operating Budget (Budget Amendment No. 6), authorizing was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 9.5. Discuss and consider possible action regarding Resolution No. 06-2022, authorizing an amendment to the 2021/2022 Operation Budget (Budget Amendment No.8), providing for the transfer of funds within the General Tax Fund - unobligated fund balance to the Capital Projects Fund account number 6801 (Oak Street Parkling Lot) and providing an effective date. *(City Administrator, Mike Boese)*

Motion to approve Resolution No. 06-2022 was made by Council Member Jim Chiles. Motion was seconded by Council Member David Cohen. Motion carried unanimously (5-0).

- 9.6. Discuss and consider possible action regarding Resolution No. 07-2022, amending the authorization and consolidation of certain bank accounts; and the continuation of banking services with Ozona Bank; providing for repeal of resolutions in conflict herewith; providing a savings clause; and providing for effective date. *(City Administrator, Mike Boese)*

Motion to approve Resolution No. 07-2022, amending the authorization and consolidation of certain bank accounts; and the continuation of banking services with Ozona Bank; providing for repeal of resolutions in conflict herewith; providing a savings clause; and providing for effective date, was made by Council Member David Cohen. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 9.7. Discuss and consider possible action regarding Resolution No. 08-2022, a resolution opposing TCEQ Air Quality Standard Permit #167888 which requests authorization to construct permanent rock and concrete crushers on Fulton Ranch Road. *(Council Member, Christine Byrne)*

Motion to approve Resolution No. 08-2022, a resolution opposing TCEQ Air Quality Standard Permit #167888 which requests authorization to construct permanent rock and concrete crushers on Fulton Ranch Road, with an amendment requesting TCEQ hold a public hearing, was made by Council Member Christine Byrne. Motion was seconded by Council Member David Cohen. Motion carried unanimously (5-0).

- 9.8. Discuss and consider possible action regarding Resolution No. 09-2022, a resolution to support the Pristine Streams Petition for rule making to TCEQ to adopt new rules for protected watersheds (subchapter K) for pristine stream segments from degradation caused by treated domestic

wastewater effluent. *(Mayor, Gina Fulkerson)*

Andrew Weber spoke in support of the resolution. Ray Don Tilly spoke regarding the details of the petition and answered questions from Council members. **Motion to approve Resolution No. 09-2022, a resolution to support the Pristine Streams Petition for rule making to TCEQ to adopt new rules for protected watersheds (subchapter K) for pristine stream segments from degradation caused by treated domestic wastewater effluent, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

- 9.9. Discuss and consider possible action regarding a proposal from LCRA for radio communications equipment for the City Marshal and Emergency Management. *(City Administrator, Mike Boese)*

City Administrator, Mike Boese, presented the item and explained the need for new radio equipment for the City Marshal and our potential partnership with the City of Woodcreek for emergency management. **Motion to approve the proposal from LCRA for radio communications equipment was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).**

10. CITY STAFF REPORT

10.1. City Administrator Report

- City Sales Tax
- Engagement of Financial Consultant

City Administrator, Mike Boese, presented the financial sales tax report, noting a 14.01% increase from sales tax collected in March of 2021 and an overall increase for FY 2022 of 14.96%. The City has engaged with Peacock and Associates, a financial consultant that specializes in the "Fund View" financial software that the City currently utilizes.

11. **EXECUTIVE SESSION** In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session.

City Council adjourned into Executive Session at 7:28 p.m., in accordance with Texas Government Code, chapter 551, Subchapter D, to consult with attorney on item 9.3 and the following item 11.1:

- 11.1. Executive Session pursuant to Texas Government Code, Section 551.074 (Personnel Matters) City Council will meet for the annual salary and performance review of City Administrator, Mike Boese.

12. OPEN SESSION

Regular Session reconvened at 8:10 p.m.

- 9.3. Discuss and consider possible action regarding Resolution No. 04-2022, authorizing an amendment to the 2021/2022 Operating Budget (Budget Amendment No.6), authorizing expenditures from the Hotel Occupancy Tax Fund 6796 (Outlay-Capital) and providing an effective date. *(City Administrator, Mike Boese)*

This item was moved from "Discussion and Possible Action" item 9.3. **Motion to adopt resolution No. 04-2022, authorizing an amendment to the 2021/2022 Operating Budget (Budget Amendment No. 6), authorizing expenditures from the Hotel Occupancy Tax Fund 6796 (Outlay-Capital) and providing an effective date, with the added affirmation that the expenditure is permitted under the state statute,**

was made by David Cohen. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

12.1. Discussion and possible action resulting from Executive Session.

Mayor Gina Fulkerson spoke on the accomplishments of City Administrator, Mike Boese. Motion to increase the City Administrator salary to \$136,000 annually, extend the contract by one year so that it is a three-year agreement extending to 2025, and authorizing the mayor to execute the changes made to the existing contract after the attorney has amended them, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

13. CITY COUNCIL REPORTS

13.1. Announcements

City Administrator, Mike Boese, announced the community and roadside cleanup was taking place on Saturday March 19th at Lion's Field.

13.2. Future Agenda Items

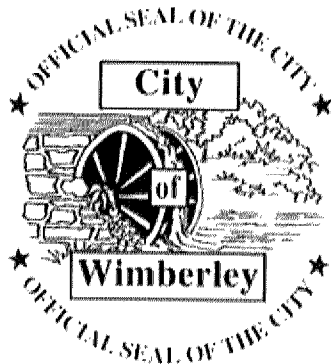
Council Member Teresa Shell, commented about focusing on Historical Preservation within the City and proposed having an item on the next agenda.

14. ADJOURNMENT

Motion to adjourn the meeting at 8:18 p.m. was made by Council Member David Cohen. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

RECORDED BY:


Nathan Glaiser, Interim City Secretary



APPROVED BY:


Gina V. Fulkerson, Mayor