



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING THURSDAY, SEPTEMBER 17, 2020 – 6:00 P.M.

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, September 17, 2020, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 841 3755 1850 and using the password 848348.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on September 17, 2020 at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Gina Fulkerson	Mayor (<i>via teleconference</i>)
	Rebecca Minnick	Place One (<i>via teleconference</i>)
	Teresa Shell	Place Two (<i>via teleconference</i>)
	Christine Byrne	Place Three (<i>via teleconference</i>)
	Jim Chiles	Place Four (<i>via teleconference</i>)
	Bo Bowman	Place Five (<i>via teleconference</i>)
City Staff Present:	Paul Parker	Interim City Administrator (<i>via teleconference</i>)
	Laura Calcote	City Secretary (<i>via teleconference</i>)

Sarah Griffin City Attorney (*via teleconference*)
Richard Shaver Parks Operations & Programs Manager
(*via teleconference*)

INVOCATION

Chapel in the Hills Reverend, Jim Denham, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor, Gina Fulkerson, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

PROCLAMATION

Proclamation of the City of Wimberley, Texas, proclaiming October 2020 as "Hill Country Night Sky Month." (*Parks Department*)

Mayor, Gina Fulkerson, read aloud the proclamation. Parks Operations and Programs Manager, Richard Shaver, thanked Council for their support.

PRESENTATION AND POSSIBLE ACTION

Presentation and consider possible action to support the Wimberley Birding Society in their grant application to Texas Parks and Wildlife Department for the funding of design, engineering and construction of an enhanced wetland/wildlife area at the Patsy Glenn Refuge. (*Council Member Christine Byrne, Nathan Glaiser and David Glenn*)

David Glenn, of Wimberley Birding Society, presented information and updates regarding the Patsy Glenn Refuge drainage challenges, planning and the application to pursue Texas Parks Wildlife Department Great Texas Bird Classic Conservation grant by the October 1st deadline. Mr. Glenn thanked those involved with the project and requested Council's support to move forward with the application process.

Motion to support the Wimberley Birding Society in their grant application to TPWD for the funding of design, engineering and construction of an enhanced wetland/wildlife area at the Patsy Glenn Refuge, and that the City permitting fees be waived, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

CONSENT AGENDA

Motion to approve the Consent Agenda, as presented, was made by Council Member Christine Byrne. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

8.1. Approval of minutes from the Special City Council Meeting held September 2, 2020.

8.2. Approval of minutes from the Regular City Council Meeting held September 3, 2020.

8.3. Approval of Fiscal Year 2021 City of Wimberley Holiday Schedule.

8.4. Approval of Mayor Gina Fulkerson's reappointment of Gary Callon to the Transportation Advisory Board.

- 8.5. Approval of second and final reading of an ordinance amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3, (District Regulations) Section 9.03.085 (Commercial-High Impact) of the City of Wimberley Code of Ordinances to add Flea Market/Market Day; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, and effective date, and proper notice and meeting.

ETHICS REVIEW COMMISSION REPORT

Ethics Review Commission Chairperson, Edmond Moreland, reported on the Commission's annual September meeting, where officers were elected. Mr. Moreland also discussed the Commission's desire to review the procedural requirements for filing an ethics complaint and requested Council feedback on the task. The process would be reviewed, and the topic would be brought back to Council at a later date.

DISCUSSION AND POSSIBLE ACTION

- 10.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(Project Manager, Craig Fore)*
Project Manager, Craig Fore, provided an overview of the status of the Central Wimberley Wastewater Project, which included construction updates, coordination with state agencies, communication with system users and the Project's schedule. The electrical installation of the lift station was still in progress, and the force main from the lift station that would cross the Cypress Creek bridge would be installed as soon as the environmental review was completed by the Texas Water Development Board. Mr. Fore stated the Project would be on pause for a bit, while the bidding for the north side of the Cypress Creek took place. No action was taken on this item.
- 10.2. Discuss and consider possible action to accept Capital Excavation's Change Order No. 07 in the amount of \$11,258.26. *(Interim City Administrator, Paul Parker)*
Interim City Administrator, Paul Parker, presented the change order and explained the need for the modification to the Project.
Motion to accept Capital Excavation's Change Order No. 07 in the amount of \$11,258.26 was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).
- 10.3. Discuss and consider possible action to deny Capital Excavation's Change Order No. 08 in the amount of \$18,634.80. *(Interim City Administrator, Paul Parker)*
Interim City Administrator, Paul Parker, presented the change order and explained that state law prohibits issuing change orders that exceed twenty-five percent of the original contract amount, which is why the City should not approve the change order. The privacy fence would be bid separately from the contract.
Motion to deny Capital Excavation's Change Order No. 08 in the amount of \$18,634.80 was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).
- 10.4. Discuss and consider possible action regarding the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. *(Mayor, Gina Fulkerson)*
There was discussion among Council and staff regarding the election candidates and selection process for TML's Intergovernmental Risk Pool Board of Trustees.

Motion for the City of Wimberley to vote for Robert T. Herrera, John W. (Buzz) Fullen, Jeffrey Snyder and Robert S. Hauck for TML’s Intergovernmental Risk Pool Board of Trustees was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

10.5. Discuss and consider possible action to remove previous City Administrator, Shawn Cox, as signatory to City of Wimberley bank accounts, effective immediately.

Motion to remove previous City Administrator, Shawn Cox, as signatory to City of Wimberley bank accounts, effective immediately, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

10.6. Discuss and consider possible action to add Interim City Administrator, Paul Parker, as signatory to the City of Wimberley bank accounts, effective immediately.

Motion to add Interim City Administrator, Paul Parker, as signatory to the City of Wimberley bank accounts, effective immediately, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

10.7. Discuss and consider possible action regarding the first reading of Ordinance No. 2020-25, amending Chapter 8 (Offenses and Additional Provisions), Article 8.03 (Weapons) of the City of Wimberley’s Code of Ordinances to add a new Division 3, “Firearms on City Property”; providing findings of fact, a repealing clause, a savings and severability clause; providing for an effective date; providing penalties and proper notice and meeting. *(Place One Council Member, Rebecca Minnick)*

City Council adjourned into Executive Session at 7:03 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose:

Section 551.071 (Consultation with Legal Counsel) in relation to the municipal authority over the regulation of firearms on municipal property.

Regular Session reconvened at 7:52 p.m.

There was discussion regarding the proposed ordinance and concerns pertaining to weapons during the election season at the Wimberley Community Center and City Hall in general. City Attorney, Sarah Griffin, advised that weapons in polling places were illegal, per state law. Ms. Griffin also informed Council about weapons at open meetings and court offices. Council agreed that the ordinance was not necessary, due to state laws concerning weapons, and a City policy would be preferred instead. Council directed Ms. Griffin to draft a weapons policy for City property for the next meeting on October 1st.

No action was taken on this item.

CITY COUNCIL REPORTS

11.1. Announcements – Interim City Administrator, Paul Parker, stated City Hall would reopen to the public on September 28th and a protocol would be drafted and implemented to keep all staff and the citizenry safe.

City Secretary, Laura Calcote, read Gary Barchfeld’s comment into the record regarding Ordinance No. 2020-25, relating to firearms on City property. Mr. Barchfeld indicated he was not in favor of the ordinance, due to state law regulations about multipurpose buildings and a 2016 Attorney General opinion.

11.2. Future agenda items – Council’s priorities and goals for Fiscal Year 2021 would be considered at the October 1st meeting. Council Member, Christine Byrne, requested a proclamation acknowledging Indigenous Peoples’ Day at the October 1st meeting.

ADJOURNMENT

Motion to adjourn the meeting at 8:18 p.m. was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary

APPROVED BY:

Gina V. Fulkerson
Gina V. Fulkerson, Mayor

