

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – WIMBERLEY CITY HALL
221 STILLWATER, WIMBERLEY, TEXAS
DECEMBER 1, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER DECEMBER 1, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS 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.

1. CONSENT AGENDA

THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COUNCIL MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 17, 2016.
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF NOVEMBER 3, 2016
- (C) APPROVAL OF MINUTES OF SPECIAL JOINT CITY COUNCIL-PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 9, 2016

- (D) APPROVAL OF MINUTES OF SPECIAL JOINT CITY COUNCIL-PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 15, 2016

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON RIVER ROAD RIVERBANK RESTORATION PROJECT
- STATUS REPORT ON HIDDEN VALLEY LOW WATER CROSSING RECONSTRUCTION PROJECT
- STATUS REPORT ON CITY OF WIMBERLEY BUYOUT/ELEVATION FUNDING APPLICATION
- STATUS REPORT ON LAW ENFORCEMENT RELATED ISSUES
- STATUS REPORT ON WIMBERLEY CITY COUNCIL PARLIAMENTARIAN PROJECT
- STATUS REPORT ON 2016 BLUE HOLE CHRISTMAS

3. ORDINANCE

CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE VII (TRAFFIC CODE), CHAPTER 70 (TRAFFIC REGULATIONS) TO ADD A NEW SECTION 70.06 (LOW WATER CROSSINGS); PROVIDING FOR FINDINGS OF FACT, REPEALER, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE. *(THIS ITEM WAS CONTINUED FROM NOVEMBER 17, 2016, CITY COUNCIL MEETING; CITY ADMINISTRATOR)*

4. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED 2015 FLOODS CDBG-DISASTER RECOVERY FUND ALLOCATION PLAN FOR HAYS COUNTY. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED TERM SHEET RELATING TO THE POSSIBLE PROVISION OF WASTEWATER SERVICE TO CENTRAL WIMBERLEY BY AQUA TEXAS AND AUTHORIZING THE CITY COUNCIL SUBCOMMITTEE ON AQUA TEXAS TO REQUEST ADDITIONAL INFORMATION FROM AND CONTINUE DISCUSSIONS WITH AQUA TEXAS. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP)*
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO DEVELOP A MULTI-FACETED APPROACH TOWARDS THE MANAGEMENT AND ALLOCATION OF HOTEL OCCUPANCY TAX PROCEEDS TO REPLACE THE CITY OF WIMBERLEY HOTEL OCCUPANCY TAX ADVISORY COMMITTEE. *(MAYOR MAC MCCULLOUGH)*
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE APPOINTMENT OF MEMBERS TO THE NEWLY CREATED CITY OF WIMBERLEY TECHNOLOGY ADVISORY COMMITTEE. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP)*

- (E) DISCUSS AND CONSIDER POSSIBLE ACTION AUTHORIZING CONSTRUCTION OF A PROPOSED MAINTENANCE BUILDING AT THE BLUE HOLE REGIONAL PARK. (CITY ADMINISTRATOR)
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO APPROACH ORGANIZERS OF THE WIMBERLEY FARMERS MARKET ABOUT THE POSSIBILITY OF MOVING THE FARMERS MARKET TO THE WIMBERLEY COMMUNITY CENTER PARKING LOT OR TO THE BLUE HOLE REGIONAL PARK. (PLACE THREE COUNCIL MEMBER SALLY TRAPP)
- (G) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO AMEND THE CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE RELATING TO DECORUM AND TIME ALLOTMENT GUIDELINES FOR CITIZEN COMMENTS AT CITY COUNCIL MEETINGS. (THIS ITEM WAS CONTINUED FROM THE NOVEMBER 17, 2016 CITY COUNCIL MEETING; PLACE FOUR COUNCIL MEMBER GARY BARCHFELD)

5. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

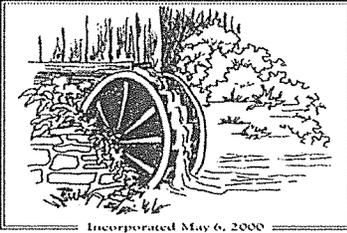
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on November 23, 2016 at 10:00 p.m.



Cara McPartland, Assistant City Administrator/City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
DECEMBER 1, 2016 – 6:00 P.M.

ADDENDUM TO AGENDA

4. DISCUSSION AND POSSIBLE ACTION

- (H) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED PROFESSIONAL SERVICES CONTRACT WITH TRC ENGINEERS, INC. FOR PROJECT MANAGEMENT SERVICES RELATING TO CONSTRUCTION OF THE CENTRAL WIMBERLEY WASTEWATER SYSTEM. *(CITY ADMINISTRATOR)*

CERTIFICATION

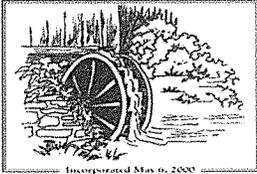
I hereby certify the above Addendum to Agenda was posted on the Bulletin Board at the City of Wimberley City Hall on November 28, 2016 at 5:45 p.m.

A handwritten signature in cursive script, reading "Cara McPartland".

Cara McPartland, Assistant City Administrator/City Secretary

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City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: APPROVAL OF
NOVEMBER 17, 2016 MINUTES OF REGULAR
CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the November 17, 2016 Regular City Council Meeting.

of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 November 17, 2016 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Mayor McCullough gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld, and John White.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Citizens Communications

Mayor McCullough explained that speakers will be given three minutes and that one speaker may not cede time to another speaker. He said Council members will rotate as timers, with Councilmember Barchfeld to time tonight's speakers. He noted that a signal will be given when speakers have one minute left to finish speaking. He said that if a speaker is asked to stop and does not do so, he will recess the meeting, law enforcement will be called to remove the non-complying speaker, and upon removal the meeting will be resumed.

Deborah Koeck read the following statement: "Good evening, City Council, Mr. Mayor. Thomas Paine tells us that what we obtain too cheap, we esteem too lightly. It is dearness only that gives everything its value. In a time of civil unrest, it's correct to celebrate public service and the thoughtful people that we have chosen to serve us on the Wimberley City Council. The citizen public servant symbolizes what is good and decent about Wimberley and reminds us what to value in our world today. That dearness that Thomas Paine speaks of is the time and effort and thoughtful deliberation that you have made in service to Wimberley today and for the months to come. I thank you for your service and encourage you to continue in spite of the difficulties because service to others that think differently from you is perhaps the greatest service of all. Thank you all very much."

Christine Middleton, who writes a column for the *Wimberley View*, spoke of her love for the Blanco River and firmly believed in working with nature, rather than against it. She said that is the lens through which she views the question: "Who should operate the City's proposed sewer system?" She spoke of a recent workshop that included study results indicating that soil is a good filter of effluent, but only if it is adequate in terms of depth and quality, which can change over time. She questioned the differences between Type I and Type II effluent, which she said are much more nuanced. Ms. Middleton asked: "What if we find out something has gone wrong?" If pollution is detected in our waterways, she said Aqua Texas is subject to TCEQ rules, but TCEQ's track record for enforcement is anything but stellar. She distributed a handout to Council on a recent KXAN-TV news story reporting on lax enforcement and reduced fines for

companies, including Aqua Texas, which often results in companies finding the least expensive way to get TCEQ off of the companies' backs, rather than what is best for the community. She reminded everyone that slightly over a year ago, representatives of landowners along the Blanco River signed a settlement agreement with the City which put strict limits on what the City can and can't do. She said some still think it doesn't go far enough, but reminded the agreement was reached based on citizen advocacy and it took a lot of work on the part of dedicated people who felt strongly about the issues. Ms. Middleton said to think how much more difficult it would have been to accomplish, if rather than the City, you had gone up against a large for-profit corporation, more beholden to its shareholders than the citizens of Wimberley. She felt there are likely to be future concerns, regardless of who provides the sewer system, and asked Council to think about dealing with people who you can talk to face-to-face, then think about dealing with a faceless executive with deep pockets who isn't even sure where Wimberley is on the map. Ms. Middleton closed by saying "I know which one I would choose."

Ed Foster said he counted eleven Hays County Sheriff's cars on the way to Kyle today that were headed toward Wimberley. He asked if there was anything going on that he needs to be aware of. Mayor McCullough and City Administrator Ferguson advised they did not know of anything.

Mill Race Lane resident Haidar Khazen read the following statement: "I am mostly up here to say thank you. Thank you for asking questions, any questions. Thank you for asking all kinds of questions. Hard questions, easy questions, scary questions, silly questions. Thank for asking the questions that everyone else thinks, but is afraid to ask. Thank you for asking questions that no one else has thought of. Thank you for knowing that questions are not statements of fact or positions, nor are they accusations. Questions are not attempts to skew, persuade, intimidate, or bully. Questions are merely the way we as humans attempt to enter into meaningful dialogue with one another. Questions form the very basis of our everyday lives. Hi, how are you? Where have you been? Where are you going? I myself felt more than a bit daunted reading over tonight's agenda. I cannot begin to imagine how you all must feel. There are so many questions before you in black and white, so many more that aren't written down. But they all need to be asked and I thank you for continuing to ask them every day in meeting after meeting. Thank you for keeping the dialogue going for our community. Thank you for saying 'Hi Wimberley.' Thank you for asking 'How are you, Wimberley? Where have you been and where are you going?' Thank you."

Blanco River Cypress Creek Water Association (BRCCWA) President Gail Pigg of 2212 Flite Acres thanked the previous speaker's acknowledgement of the aforementioned legally binding settlement agreement. She referenced No. 3 of the agreement which states: "Wastewater capacity in the Blue Hole Regional Park: The City agrees not to expand the wastewater treatment capacity within Blue Hole Regional Park beyond 75,000 gallons per day." She said this applies forever, as long as there is a plant in Blue Hole Park. She stated the BRCCWA and the three other entities in this legal agreement take their responsibilities very seriously as far as enforcement is concerned and will enforce it in perpetuity – "whatever it takes." She noted other terms of the agreement such as inclusion of the 75,000 gallon per day limit in the property's deed restrictions. She asked for updates on the status of this inclusion and the parkland conversion process, which is necessary in order to have a new plant that is not on parkland. Mrs. Pigg referenced a required Chapter 26 hearing that has not been held, according to Texas Parks and

Wildlife Department. She hoped this hearing will be scheduled soon and the abovementioned capacity limits will be included in the property's deed restrictions. She said if the capacity is not limited "I can guarantee you there will be a lot of people - concerned citizens - there." She thanked Council for its service and the City for this agreement.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of November 3, 2016.
- B. Approval of minutes of the Special Joint City Council-Planning and Zoning Commission meeting of October 25, 2016.
- C. Approval of minutes of the Special City Council meeting of November 1, 2016.
- D. Approval of the appointment of Albert Valera to the City of Wimberley Hotel Occupancy Tax Advisory Committee. (*Wimberley Valley Tourism and Lodging Association's nominee*)
- E. Approval of the September 2016 Financial Statements for the City of Wimberley
- F. Approval of the October 2016 Financial Statements for the City of Wimberley

Mayor McCullough pulled Consent Agenda Item 1D to be considered at a later date. Discussion addressed reasoning for pulling this item.

Councilmember Trapp moved to approve all Consent Agenda items, *except for Item 1D*, as presented. Councilmember White seconded. Motion carried on a vote 5-0.

Discussion on Consent Agenda Item 1D addressed acceptance of WVTLA's nominees by Council in accordance with existing appointment procedures; tonight's Committee-related Agenda Item 4D; qualifications of the nominee; and Council's authority to approve nominees.

Councilmember Trapp moved to approve the appointment of Albert Valera to the City of Wimberley Hotel Occupancy Tax Advisory Committee. Councilmember White seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported contract negotiations are underway with TRC Engineers and anticipated presentation of the agreement to Council in early December. He reported right-of-way permitting for the project is also underway. He anticipated receipt of TWDB final sign-off on the collection system and treatment plant design in several days. He noted plans to install moisture monitors on the drain field. He advised that a public meeting on wastewater rates is scheduled for the week of November 28, 2016. He said the City anticipates a response in the near future from Texas Parks and Wildlife Department on the parkland conversion process and addition of deed restrictions to the grant agreement. City Administrator Ferguson thanked Gail Pigg and the BRCCWA for their efforts in working together to develop the negotiated settlement regarding the TCEQ permit. Discussion between City Administrator Ferguson and Councilmember Fore addressed the status/timeframe of easement acquisition.

- Status report Hidden Valley Low Water Crossing Reconstruction Project

City Administrator Ferguson reported that Texas Parks and Wildlife is expected to finalize sand and gravel permitting by the end of the month, with construction anticipated to start by late November/early December. He said the project will be paid through incremental releases of insurance proceeds. He anticipated project completion in about 120 days from the beginning of December 2016 and noted that property owners receive regular project status updates. Discussion addressed reasons why the Texas Parks and Wildlife is requiring the City to obtain a sand and gravel permit.

- Status report on River Road Riverbank Restoration Project

City Administrator Ferguson reported the first concrete pour is anticipated for this Monday and provided details on specific retaining wall/curb sections. He recognized that closure of River Road is an inconvenience, but such closure allows work to progress on both sections simultaneously, which should expedite project completion. He noted installation of informational signage on River Road's closure.

Councilmember Trapp requested discussion of possible hiring of additional law enforcement to help with the flow of vehicle traffic. City Administrator Ferguson advised the City could consider hiring an off-duty constable to supplement the city marshal's efforts, particularly for afternoon school-related traffic.

In addition, City Administrator Ferguson reported that the City's November sales tax collections check totaled \$94,269, which is a slight decrease from the same period last year. He noted that this is the second largest November check in the City's history. He stated fiscal year-to-date collections are running ahead of budget.

City Administrator Ferguson reported on the Wimberley Shred Day event held at City Hall last Saturday. He said the City partnered with Keep Wimberley Beautiful for the event, which was very successful, with over 5,000 pounds of documents shredded. Additionally, as part of the event, donations to Crisis Breadbasket yielded two full car loads of food. He thanked the local Boy/Girl Scout troops and Keep Wimberley Beautiful for their volunteer efforts and for the community's involvement.

- Status report on Blue Hole Regional Park operations

City Administrator Ferguson reported almost 3,000 visitors to the Park during the day on Saturday, November 12th for the state cross-country meet for Texas charter schools. He said no problems were reported, extra restroom facilities/overflow parking spaces were made available, and trash was effectively managed. He advised this is one of the largest turnouts ever for this event. He reported on a successful Friends of Blue Hole event on Sunday, November 13th which included a crowd of approximately 145 people who enjoyed hearing a special guest speaker. He advised that Blue Hole Christmas is scheduled for Saturday, December 3rd from 5 to 8 p.m., and highlighted event activities. He noted an important milestone marking the sixth anniversary of the Park's groundbreaking.

3. Ordinance

Consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title VII (Traffic Code), Chapter 70 (Traffic Regulations) to add a new Section 70.06 (Low Water Crossings); providing for findings of fact, repealer, savings, severability, proper notice and meeting, and an effective date. (*City Administrator*)

This item was heard after Agenda Item 4K.

City Administrator Ferguson recommended approval second and final reading of the ordinance, as the City has received numerous complaints from residents about vehicles parking on and pedestrians walking, sitting, etc. on the Blanco River low water crossings. He stressed that the ordinance's purpose is to improve public safety with the goal of achieving compliance. He noted that low water crossings are roadway structures meant to move traffic safely and are not for river access.

Cindy McShirley spoke of her family's long ownership history and memories of many family gatherings. She supported the proposed ordinance and was surprised at Council's comments at the ordinance's first reading on November 3, 2016, as she did not feel a lot of thought was given to property owners' feelings. Ms. McShirley could not understand why anyone would have a problem with the ordinance due to the history of problems at low water crossings. She felt that with the new bridge (Hidden Valley), the public will want to park there for river access. She asked how Council would feel about living with carloads of people coming with grills and dogs and trash left everywhere. She expressed concerns regarding trespassers parking on the road leading down to the bridge and hanging out on the structure, which she said is a public safety issue, and very displeasing to residents who have to deal with trespassing. She said without protection in place and a plan for enforcement the property owners' rights will be infringed upon. Ms. McShirley stated the passing of the ordinance is important for the safety of the public, liability to the City, and will help protect the rights of the property owners.

Discussion addressed discretion of law enforcement regarding the passage of people crossing the bridges on foot, reasoning for an ordinance versus use of signage as a deterrent, possible additional language that would specify that the ordinance is not intended to prohibit river users from going up/downstream or bank to bank. City Administrator Ferguson recommended that "portage" language be added to the ordinance.

Councilmember Trapp moved to continue this item until the additional recommended language has been drafted to allow for Council's reconsideration of the final reading of the proposed ordinance. Councilmember Dussler seconded. Motion carried on a vote of 5-0.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposed interlocal agreement between the Guadalupe Blanco River Authority (GBRA) and the City of Wimberley relating to the completion of a flood feasibility study of the Guadalupe River below Canyon Dam,

including the Blanco and San Marcos Rivers. (*Charles Hickman, Guadalupe Blanco River Authority*)

City Administrator Ferguson explained the need for GBRA to complete the flood feasibility study in order to secure federal funding for the mitigation projects. He noted that several possible flood mitigation projects have been identified that could possibly benefit communities in the study area, including Wimberley. As Wimberley would be a beneficiary of a mitigation project, City Administrator Ferguson stated that GBRA has approached the City and other entities in the study area for help in meeting the local funding match needed to complete the study. He advised the proposed interlocal agreement would require the City to contribute \$20,000 for three consecutive years, which would come from the City's General Fund Balance, with the \$20,000 annual allocation included in the budgets for Fiscal Years 2018 and 2019.

GBRA representative Charles Hickman provided details on the scope of the study, timeframe for completion, criteria that must be met to qualify for federal funding, and examples of the types of mitigation projects that might be feasible.

Discussion addressed calculation of cost shares contributed by various participating entities; types/possible locations of mitigation projects; benefits to the City of Wimberley; the City's local share contribution contingent on approval of federal funding; and designating a local representative to work with GBRA.

Mayor McCullough asked if any audience members would like to speak on this item.

Ed Foster spoke in favor of the proposed interlocal agreement, as he felt it would be helpful to the City of Wimberley.

Suzanne Davis of 3000 Flite Acres expressed concerns about the environmental impact and Mr. Hickman advised that the U.S. Army Corps of Engineers staff of biologists would look at environmental impact and include measures to mitigate any possible negative impact.

Councilmember White moved to approve the interlocal agreement, as presented. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action accepting the dedication of right-of-way and easements relating to the Hidden Valley Low Water Crossing Reconstruction Project.
(*City Administrator*)

City Administrator Ferguson explained the need to accept the proposed dedication of several right-of-way parcels and permanent easements required for the Hidden Valley Low Water Crossing Reconstruction Project.

Councilmember Barchfeld moved to approve accepting the dedication of right-of-way and easements relating to the Hidden Valley Low Water Crossing Reconstruction Project, contingent on execution of the associated documents. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action approving a proposed change order to the City of Wimberley's professional services agreement with Stantec to increase the number of site inspections during the reconstruction of the Hidden Valley Low Water Crossing. *(City Administrator)*

City Administrator Ferguson explained that with the expedited timeline for the project, additional site inspections would be in the best interest of the City to ensure the project is being built according to design. He noted that the estimated cost of the additional inspections is \$19,575, which would be rolled into the overall project cost to be funded with insurance proceeds.

Discussion addressed construction management for the project; 120-day timeframe for completion; experience level of contractor; fast-paced project with incentives for early completion; weekly (rather than monthly) inspections to ensure bridge safety; additional inspections would not cause project delays; benefit to contractor of more frequent inspections to avoid possibility of having to tear out and re-do work; possible fewer number of additional inspections (for example, addition of "not to exceed" language); potential for project delays should construction not meet design checks; regular engineering updates; issues with Stantec's performance; support for contractor; and lack of support for approval of change order.

Councilmember Trapp moved to deny the proposed change order to the City of Wimberley's professional services agreement with Stantec to increase the number of site inspections during the reconstruction of the Hidden Valley Low Water Crossing. Councilmember Fore seconded. Motion carried on a vote of 4-1. Councilmember White voted against.

- D. Discuss and consider possible action awarding a proposal to modify the membership requirements and appointment process for the City of Wimberley Hotel Occupancy Tax Advisory Committee. *(Place Four Councilmember Gary Barchfeld)*

Mayor McCullough pulled this item from consideration. No action was taken.

- E. Discuss and consider possible action authorizing a meeting of the City Council Subcommittee on Aqua Texas for the purpose of obtaining a term sheet from Aqua Texas relating to the Aqua Texas retail wastewater service proposal for central Wimberley. *(Place Four Councilmember Gary Barchfeld)*

Councilmember Barchfeld stated this proposal is strictly to develop a term sheet which would allow Council to find out exactly what Aqua Texas is going to give to or want from the City. He said the same committee who has met previously with Aqua Texas could come back with data for Council. City Administrator Ferguson asked if Councilmember Barchfeld would prefer submission of a written proposal, as opposed to a term sheet, in order to get more comprehensive information and expedite Council's review and consideration. Councilmember Barchfeld stated he does not have enough knowledge in this area and his goal is to set the term sheet, and once terms are set, he said we could start the negotiation process. Councilmember Fore said this is the perfect start and favored the term sheet.

Councilmember Dussler referenced his comments at Council's October 20th meeting, when he expressed strong support for Wimberley developing its own wastewater treatment plant and strong opposition to turning over the entire project to Aqua Texas. He made the following statement: "Without going back over those comments, I did want to mention that the conclusion was that this is all about the CCN. As you follow the trail, it leads to the CCN. This week the city administrator sent around a memo following discussions he had with Robert Laughman regarding the Aqua Texas retail wastewater service proposal for Wimberley. There's some new and troubling information in this memo and I would encourage all of you to read it. As you review the 13 points in the memo, more than half relate to the CCN, which confirms our conclusion in October. Perhaps the most egregious point is the one in which Aqua Texas insists that Wimberley must limit any restrictions on future growth within the City's jurisdiction, because must depend on additional growth within the CCN area, from downtown along Ranch Road 12 to the Junction. This is certainly in keeping with Aqua's business model, which is to expand its business as rapidly as possible, driving revenue to increase its share price to please its shareholders. However, it could result in changing the character of Wimberley such that we become another Dripping Springs or Kyle. Why would Wimberley agree to this? Another requirement is that any cost overruns on the collection system above ten percent are to be paid by the City or Aqua will not agree to hold its rates firm for a period of time. Why would Wimberley agree to this? Keep in mind that the City is required to give the CCN to Aqua. We believe the value of the CCN is \$5,000,000 or more. So this is a substantial gift to Aqua Texas. Why would Wimberley agree to this? The memo concludes that we need a detailed comprehensive written retail service proposal, as well as a detailed written short-term financing proposal from Aqua Texas. I agree with this. If we want to do the term sheet first, then go into the agreement, that's fine. But my observation is there are a lot of people looking out for Aqua Texas, but who's looking out for Wimberley. Thank you."

Councilmember White said that before he could even consider an Aqua Texas option, it would have to be in writing. He expressed concerns about financing construction costs and questioned where Wimberley would get the money because the City would be giving up its loan and the grant. He stated: "It's the whole litany that Councilmember Dussler just went through." Councilmember White reiterated the need to have the proposal in writing.

Councilmember Fore said he did not want a memo from the city administrator and that he wanted a contract from Aqua Texas, but said you have got to do it one step at a time.

Councilmember Trapp agreed with many of Councilmember Dussler's earlier comments and said this is the first step, with the term sheet as the beginning of negotiations. She said Council is looking out for Wimberley, noted the subcommittee team was developed to talk to Aqua Texas, and felt from this point "communications happen within the subcommittee, because we don't know what conversation Mr. Ferguson had with Mr. Laughman."

Councilmember Dussler thought that Aqua Texas could provide a very detailed proposal in short order, as they know what they are going to charge. He said if Council wants a term sheet that is fine, but he felt it would not take Aqua Texas long to provide a detailed agreement.

Councilmember Fore said “in the long range, short-term, or whatever it’s going to be, there’s going to be some things that they’re going to want and there’s going to be some things that the City would want. That’s what the negotiating would take care of. I just think start with the term sheet and go from there.”

Councilmember White asked if Aqua Texas’s corporate office has even approved (or even been told about) financing of the sewer system.

Councilmember Barchfeld stated that all he wants is “to get the ball rolling” so we have numbers on both sides and can make an educated decision. He said he never thought we would get this far, but said it would behoove us to look at both sides of the equation monetarily, ecologically, “study the whole thing,” and have full data.

Mayor McCullough advocated sending Attorney Emily Rogers to Aqua Texas meetings to provide counsel on any potential legal obstacles. Councilmember Barchfeld and City Administrator Ferguson felt this was a good suggestion.

Councilmember Trapp moved to authorize a meeting of the City Council Subcommittee on Aqua Texas for the purpose of obtaining a term sheet from Aqua Texas relating to the Aqua Texas retail wastewater service proposal, and added that the subcommittee be present for all communications, as well as Attorney Emily Rogers. Councilmember Fore seconded. Motion carried on a vote of 5-0.

City Administrator Ferguson requested input from Council on possible meeting dates, as coordination among all meeting participants is needed for effective scheduling.

- F. Discuss and consider possible action regarding a proposal to have the city attorney attend Council meetings. *(Place Three Councilmember Sally Trapp)*

City Administrator Ferguson stated interest has been expressed by some to have attorneys present at Council meetings, which he said was the case many years ago. He noted that the City’s attorneys charge a range of hourly fees. He stated that attendance by attorney(s) could be on an as-needed basis to help control costs.

Councilmember White did not favor requiring attendance at meetings and said if Council needs a legal question answered, we can always call and get an opinion. He noted that at one time the City was spending \$90,000 per year to have attorneys sit in on meetings, when they were not needed. He said if there is a legal question (for instance, on ordinance wording), it can always be postponed until Council’s next meeting to allow for further legal review and response.

Councilmember Barchfeld agreed with Councilmember White’s comments.

Councilmember Dussler agreed with Councilmember White’s comments and said he has never seen an issue when we had the immediate need to have an attorney sitting in the front row. He felt the costs would escalate and those costs have not been funded, therefore, did not favor attendance at meetings.

Councilmember Trapp agreed with all these comments, but said “I recently asked for legal and didn’t get it, and then when we did get it, it was a phone call. So if we’re all clear that if somebody asks for it, that they actually do show up in person, then I’m fine, because I don’t want to spend the money that they come every time.”

Councilmember Fore agreed with Councilmember Trapp and said “if we can foresee it, fine – have them here. If not, but I don’t want it by phone call.” He stated “if it comes up, a contentious item, we delay the item until we can get them here in person.”

Mayor McCullough referred to the time period around 2004 when then City Attorney Patty Akers attended all meetings of Council and Planning and Zoning. He noted during that period, the City was paving new ground at almost all of these meetings, which was far beyond the capabilities of the city administrator at that time, and significantly ran up the City’s legal expenses. He felt that now the City has adequate resources to either act or postpone action, pending inquiries to legal counsel for advice and answers, without requiring attendance.

Councilmember Fore did not favor having legal counsel present in person at every meeting, but felt “we need to have something that says if we need counsel we can get them there.”

City Administrator Ferguson stated his understanding that when legal counsel is needed, if there is advanced desire for that, Council will let him know as soon as possible, and if legal counsel is needed in the middle of a meeting, action can be delayed until an attorney can be present in person.

Mayor McCullough stated that Council members can raise any concerns or questions upon receipt of the draft agenda to allow for answers to be provided by legal counsel on an individual basis outside of the meeting or request to have the attorney present at the meeting. As she may be reviewing the agenda on the same afternoon as the meeting, Councilmember Trapp said she would like to reserve the right to be able to ask for legal assistance at the meeting. Councilmember Barchfeld pointed out that an item in question could be postponed.

No vote was taken.

- G. Discuss and consider possible action regarding the proposed creation of a City of Wimberley Technology Advisory Committee. *(Place Three Councilmember Sally Trapp)*

Councilmember Trapp proposed appointing a technology oversight committee to meet more frequently in the beginning and later on a quarterly basis. She proposed that the committee identify needs, including technological needs of citizen/staff, and prioritization of those needs.

Councilmember Dussler spoke in favor and said Councilmember Trapp would have to head up the effort, as she has more knowledge than anyone in the room.

Councilmember Trapp said she did not have that knowledge, but knew where to go to get it. Discussion addressed the need to keep up with evolving technology, including social media; call

for volunteers and interested parties; and the proposed committee's role, composition, and scope of duties.

Councilmember White moved to approve the creation of a City of Wimberley Technology Advisory Committee composed of five members, with names of nominees to be presented at Council's next meeting. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- H. Discuss and consider possible action regarding a proposal to amend the *City Council Governance Policy and Rules of Procedure* relating to decorum and time allotment guidelines for citizen comments at City Council meetings. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld stated he has gotten good comments on his "Forum of Decorum," and felt tonight's meeting has been a good meeting.

City Administrator Ferguson presented the proposed additional underlined language to Sec. 5.10 (Speakers) of the City's *Governance Policy and Rules of Procedure* as follows:

5.10 Speakers

- c) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the City Council under Citizens Communications, the speaker may address any item not slated for discussion on the agenda. 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. These guidelines for speaker decorum shall be posted on each City Council agenda and on Speaker Sign-In Sheets for all City Council meetings.
- e) All speakers will have a maximum of three (3) minutes to address the Council. A majority vote of the Council will be required to extend the time limit. The chair may impose more restrictive time limits if a large number of persons register to speak. Guidelines relating to time allotment for speakers shall be posted on each City Council agenda and on Speaker Sign-In Sheets for all City Council meetings.

Discussion addressed possibly increasing the current time limit of 3 minutes to 4 minutes; need to establish speaker procedures at the beginning of each meeting; and need for consistency and flexibility in implementing rules.

Deborah Koeck of 1 Spalding Circle urged Council to look at the proposed language and ask if it follows the principles of the Texas Open Meetings Act and "the verbiage of what is allowed for speech." She felt the verbiage in the proposed amendment may be more restrictive than in the Texas Open Meetings Act and asked Council to check that.

Councilmember White asked what verbiage Ms. Koeck was referring to.

Ms. Koeck stated: “The verbiage talks about different types of speech that’s allowed and not allowed. I don’t have that information in front of me right now at this moment from Texas Open Meetings, but I think you’ve been more restrictive in some of the statements that you put in there about directions, so rather than address anything specifically, I would simply ask you to do a general review.”

City Administrator Ferguson advised that legal counsel can review the language.

Councilmember Barchfeld felt Council should table this item until for further review.

Mayor McCullough spoke of the “sticking point” as being the “personal” aspect of having comments directed to Council or staff. He noted that historically those types of comments have not been allowed. He felt that public officials may give up some rights to privacy and are exposed to being called just about anything someone wants to call you, but “not in this forum right here.”

City Administrator Ferguson said this is a decorum policy direction chosen by Council, not a mandate, and noted we are not re-writing State law. He said the proposed amendment can be reviewed by legal counsel.

Audience member Casey Craig requested clarification and understood “body” versus “individual” and “attacking” as decorum issues, but asked if the community is allowed to reference or quote Council members’ statements. She said she wanted to play by the rules and needed to know what the rules are.

Mayor McCullough said that references do not have to be made to individual persons in order for speakers to make true and accurate statements.

Councilmember White said statements can be referenced or quoted without adding anything derogatory about the person being referred to.

Councilmember Barchfeld also pointed out that speakers have turned around while speaking and picked on audience members, which he said is not the right way to handle things.

Councilmember White cautioned about being careful when bringing up individual names.

Audience member Gary Callon asked if it would be a problem for speakers to say “We’ll sue you.” He said if someone told him he would be sued for not acting as told to do, “I think I’d tell them they’re out of order.”

Audience member Gail Pigg stated that two individuals were criticized at tonight’s meeting, Albert Valera and a Stantec engineer, and felt it should work both ways. She said there should not be criticism of professionals or other community members by Council on the dais and maybe that could be added.

Councilmember Barchfeld stated it is hard to cite your opinion on a particular firm if you do not state who they are and favored taking this amendment back to legal counsel to review the proposed wording.

Since this is a code of conduct, Councilmember Trapp asked “Why don’t we agree and pledge to do the same things in our code of governance?”

Audience member Roberta Shoemaker-Beal stated her understanding that Council is under Robert’s Rules of Order, so at any time they can choose to go into executive session and discuss personalities, or personal or professional performance and decide to not discuss that before the public.

City Administrator Ferguson corrected Ms. Beals’ understanding of executive sessions and cited specific topics and circumstances that are allowed to be discussed, and said it is important not to create the impression that Council can go into executive session anytime it wants to.

Discussion favored further review by legal counsel and Mayor McCullough asked City Administrator Ferguson if he had sufficient instruction from Council on how to proceed with this item. City Administrator Ferguson answered affirmatively. No vote was taken.

- I. Discuss and consider possible action regarding the proposed creation of a City Council Subcommittee to meet with the Precinct Three Constable and County Commissioner regarding the possibility of expanding the scope of law enforcement services provided for the City of Wimberley. *(Place Three Councilmember Sally Trapp)*

Councilmember Trapp said this is a result of many discussions (at H-E-B, at Shamrock, on Facebook, all around) that indicates that our city marshal position does not cover enough of our needs of our community, and not meant to attack Mr. DeHart in any way. She proposed that two Council members talk to Hays County Precinct Three officials (Commissioner Will Conley and Constable-elect Ray Helm) and possibly to the Hays County Sheriff’s office to see what could be worked out for more coverage. Mayor McCullough expressed interest in attending the proposed discussions and Councilmember Trapp said she would be happy to go or to send someone else. City Administrator Ferguson stated that discussions with the Constable’s office could include a possible amendment to the existing interlocal agreement to include some City Code enforcement. Councilmember Trapp offered that Councilmember Fore could attend in her place.

Councilmember Trapp moved to send Mayor McCullough and Councilmember Fore to meet with the Hays County Precinct Three Constable’s office, Commissioner Will Conley, possibly the Hays County Sheriff’s office, and City staff regarding the possibility of expanding the scope of law enforcement services provided for the City of Wimberley. Councilmember White seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider possible action regarding a proposal to hire legal counsel or a consultant to serve as a parliamentarian for City Council meetings. *(Place Three Councilmember Sally Trapp)*

Councilmember Trapp said she did not know audience member Roberta Shoemaker-Beal, but said she brought up some good points. She felt that Council often has questions on procedures and has attempted to read Robert's Rules of Order, but said she often gets lost and would appreciate someone who could volunteer as a parliamentarian. Councilmember Trapp stated her goal is not to pay someone, but to find a volunteer.

City Administrator Ferguson spoke of options, including the option to pay someone to act as parliamentarian; assign a Council member to attend parliamentary procedure training; or pick from local people to serve.

Councilmember Fore agreed with sending someone to training, but felt it should not be "one of us," because it might cause consternation among Council members or "make us look stupid, for lack of a better term."

City Administrator Ferguson and Councilmember White spoke of TML training on Robert's Rules of Order, which Councilmember White has attended. Councilmember White felt he could not be a parliamentarian due to amount of information covered and short length of the course. City Administrator Ferguson stated the importance of familiarity with Robert's Rules of Order to better understand concepts and what the parliamentarian is talking about. He said he could provide some names to Council and also do some research on training.

Councilmember Barchfeld spoke of his attendance at TML's newly elected officials training and said TML provides parliamentary procedure training and can send someone here to give us a basic lesson. Mayor McCullough asked about the availability of Dell Hood.

City Administrator Ferguson offered to provide some prospective names of people who might want to volunteer.

Councilmember White moved to authorize City staff to investigate and find someone who could either instruct Council or act as parliamentarian at Council meetings in an unpaid position. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

- K. Discuss and consider possible action regarding the proposed plans for *Winters Eve – A Christmas Festival on the Wimberley Square* scheduled for Saturday, December 10, 2016. (City Administrator)

This item was heard after Agenda Item 2.

Wimberley Merchants Association representative Traci Ferguson provided details on this ninth annual *Winter's Eve* event, including activities, entertainment, advertising, lighting, trash collection/clean-up, security, and liquor licensing. She asked if the City could provide an additional ADA-accessible restroom trailer due to the anticipated large number of attendees. She also asked if the City could make sure all street lights are working and the possible addition of a light cart placed at the back of the Square.

Discussion addressed use of a street light versus a light cart; focused lighting; and restroom servicing with possible help from Park employees.

Councilmember Barchfeld moved to approve plans for the *Winters Eve – A Christmas Festival on the Wimberley Square*, as presented, including the additional lighting and additional restroom/restroom servicing. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Trapp requested discussion of the possibility of the City's hosting of the Farmers Market at a more spacious location, such as the Community Center or Blue Hole Park, given the recent tragic accident in the Market's current parking lot. City Administrator Ferguson stated the City has never been approached to host Farmer's Market, as there was interest in having a site visible from the street, but said it could be certainly be considered.

As a future agenda item, Councilmember Barchfeld requested a briefing on FEMA money available for land acquisition purposes.

City Administrator Ferguson requested input from Council on possible dates for scheduling the wastewater rate workshop meeting during the week of November 28, 2016. In response to an audience member's question, City Administrator Ferguson provided clarification on the meeting's agenda/location and its status as a meeting that is open to the public.

Hearing no further announcements or future agenda items, Mayor McCullough called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:36 p.m.

Recorded by:

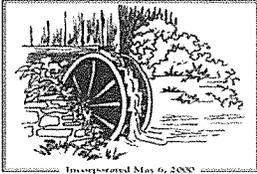
Cara McPartland

These minutes approved on the ____ of December, 2016.

APPROVED:

Mac McCullough, Mayor

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: APPROVAL OF
NOVEMBER 3, 2016 MINUTES OF SPECIAL
CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the November 3, 2016 Special City Council Meeting.

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Special Meeting of City Council
November 3, 2016 at 4:30 p.m.

City Council meeting called to order at 4:33 p.m. by Mayor Mac McCullough.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld, and John White.

Staff Present: City Administrator Don Ferguson and City Attorney Brad Young

Executive Session

After it convenes in Open Session, the City Council will recess into an Executive (closed) Session for the following:

- A. Consultation with attorney regarding legal issues relating to the City of Wimberley's grant application to the U.S. Economic Development Administration relating to the Central Wimberley Wastewater System.
- B. Discussion regarding the possible action regarding the possible acquisition of right-of-way for the Hidden Valley Low Water Crossing Reconstruction Project.

Upon completion of the Executive Session, the City Council will reconvene in Open Session before taking action, if necessary.

Mayor McCullough adjourned Open Session and convened Executive Session at 4:35 p.m., pursuant to §551.071 of the Texas Government Code for consultation with legal counsel.

Mayor McCullough adjourned Executive Session and reconvened Open Session at 5:22 p.m.

No action was taken in Executive Session.

Discussion and Action

Discuss and consider possible action regarding the possible acquisition of right-of-way for the Hidden Valley Low Water Crossing Reconstruction Project.

Councilmember Barchfeld moved to proceed with matters, as discussed in Executive Session. Councilmember White seconded. Motion carried on a vote of 5-0.

Adjourn

Mayor McCullough called the meeting adjourned at 5:23 p.m.

Recorded by:

Cara McPartland

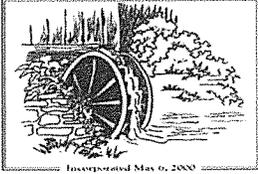
These minutes approved on the ____ of December, 2016.

APPROVED:

Mac McCullough, Mayor

DRAFT

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: APPROVAL OF
NOVEMBER 9, 2016 MINUTES OF SPECIAL
JOINT CITY COUNCIL-PLANNING AND ZONING
COMMISSION MEETING

Funds Required:

Funds Available:

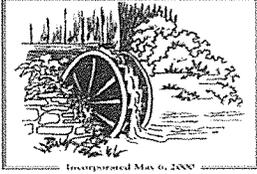
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the November 9, 2016 Special Joint City Council-Planning and Zoning Commission Meeting. These minutes were being prepared at the time of production of the agenda packet and will be presented under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: APPROVAL OF
NOVEMBER 15, 2016 MINUTES OF SPECIAL
JOINT CITY COUNCIL-PLANNING AND ZONING
COMMISSION MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the November 15, 2016 Special Joint City Council-Planning and Zoning Commission Meeting.

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
**Minutes of Joint Special Meeting of the City Council and
 Planning and Zoning Commission**
 November 15, 2016 at 6:00 p.m.

City Council and Planning and Zoning Commission joint meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Council Members Present: Mayor Mac McCullough and Councilmembers Craig Fore, Sally Trapp, Gary Barchfeld, and John White. Councilmember Dussler was absent.

Planning & Zoning Commission Members Present: Chair John Urban, Commissioners Austin Weeks, Natalie Meeks, Charles Savino (arrived at 6:20 p.m.), Rebecca McCullough, Gail Pigg (arrived at 6:05 p.m.), and John Espinoza

Staff Present: City Administrator Don Ferguson

Discussion and Possible Action

Discuss and consider possible action regarding proposed modifications to the City of Wimberley's regulations relating to short term rental facilities.

Councilmember Barchfeld read a statement regarding the need to make minor modifications, without being cumbersome, and without intent to eliminate short-term rentals. He outlined key discussion points and procedures for tonight's meeting.

Discussion included:

- Individual members' positions on short-term rental issues and possible regulatory modifications from individual Commission/Council members to better assess consensus on specific topics
- Dealing with complaint reporting and enforcement of Conditional Use Permit (CUP) and/or licensing requirements
- Establishing a uniform maximum occupancy limit that applies 24 hours per day
- Importance of notification of neighbors of short-term rentals due to possible problems with shared roads and infrastructure
- Creation of a database to track all short-term rentals within city limits, including contact information for complaint reporting
- Possible expansion of the notification area
- Councilmember Barchfeld's reading of a statement from Councilmember Dussler reiterating his previously expressed personal position on short-term rentals

General consensus was reached on the following:

- Licenses/license renewals issued to property owners as an enforcement tool and means to conduct regular reviews that help keep the City informed of issues such as changes in ownership, complaints, etc.
- License fees to cover costs of licensing program and establishing a standard review process for CUPs
- Proceed with drafting of a biannual, non-transferrable, information-based license/review program for future consideration
- To *not* modify the CUP application to include requiring signatures from adjacent owners that they have been informed of the intended short-term rental use
- To require that applicants confirm that they have researched deed restrictions relating to short-term rentals
- Provide tips to applicants of CUP conditions such as checking deed restrictions, off-street only parking, requiring smoke detectors, maximum occupancy (as determined by septic system capacity)
- To *not* increase the current \$400 CUP application fee
- To reimburse all but \$100 of the CUP application fee if the applicant chooses to withdraw his/her application from consideration prior to posting/publishing public notice of the CUP application
- To send 200-foot notification letters via certified mail at least two weeks prior to first public hearing
- To create and maintain an online database of properly authorized short-term rentals within city limits that includes property owner/booking/management agency information, and contacts for complaint reporting
- To send a letter (via regular mail) to notified neighbors that a CUP has been approved (or denied) and explain the process for reporting complaints
- To *not* require a super majority vote of Council to overturn a Planning and Zoning recommendation
- To *not* hold joint Planning and Zoning/City Council public hearings
- To allow Planning and Zoning to make recommendations of denial based on the so-called "Twenty-percent Rule," with City Council as the final decision-making body that is required to invoke the "Twenty-percent Rule"
- To conduct biannual performance reviews for each short-term rental (with a CUP or grandfathered) as part of licensing agreement
- To establish signage requirements to help guests locate short-term rentals
- To *not* require fencing or vegetative barriers on sides or rear of short-term rental properties and preference for provision of property maps to guests that clearly identify property lines to minimize trespassing issues
- To *not* require minimum lot size requirements for short-term rentals
- To include a prohibition on advertising for more guests than septic systems will accommodate in the list of CUP conditions
- To leave in place the condition that emergency contacts should be able to respond to complaints within 30 minutes
- To establish a system for reporting complaints, whether via email and/or phone answering service

- Enforcement to allow two warnings for verified violations before filing an ordinance violation charge in municipal court
- Council as the governing body to decide on CUP revocation for violation of CUP conditions
- To include information on the “Twenty-percent Rule” in the CUP application to promote communication among applicants and neighbors in order to try and resolve issues before the application is submitted

Councilmember Barchfeld thanked everyone and City Administrator Ferguson highlighted the upcoming Commission/Council public hearing schedule on proposed modifications.

Adjournment: Joint City Council/Planning & Zoning Commission joint meeting adjourned at 8:15 p.m.

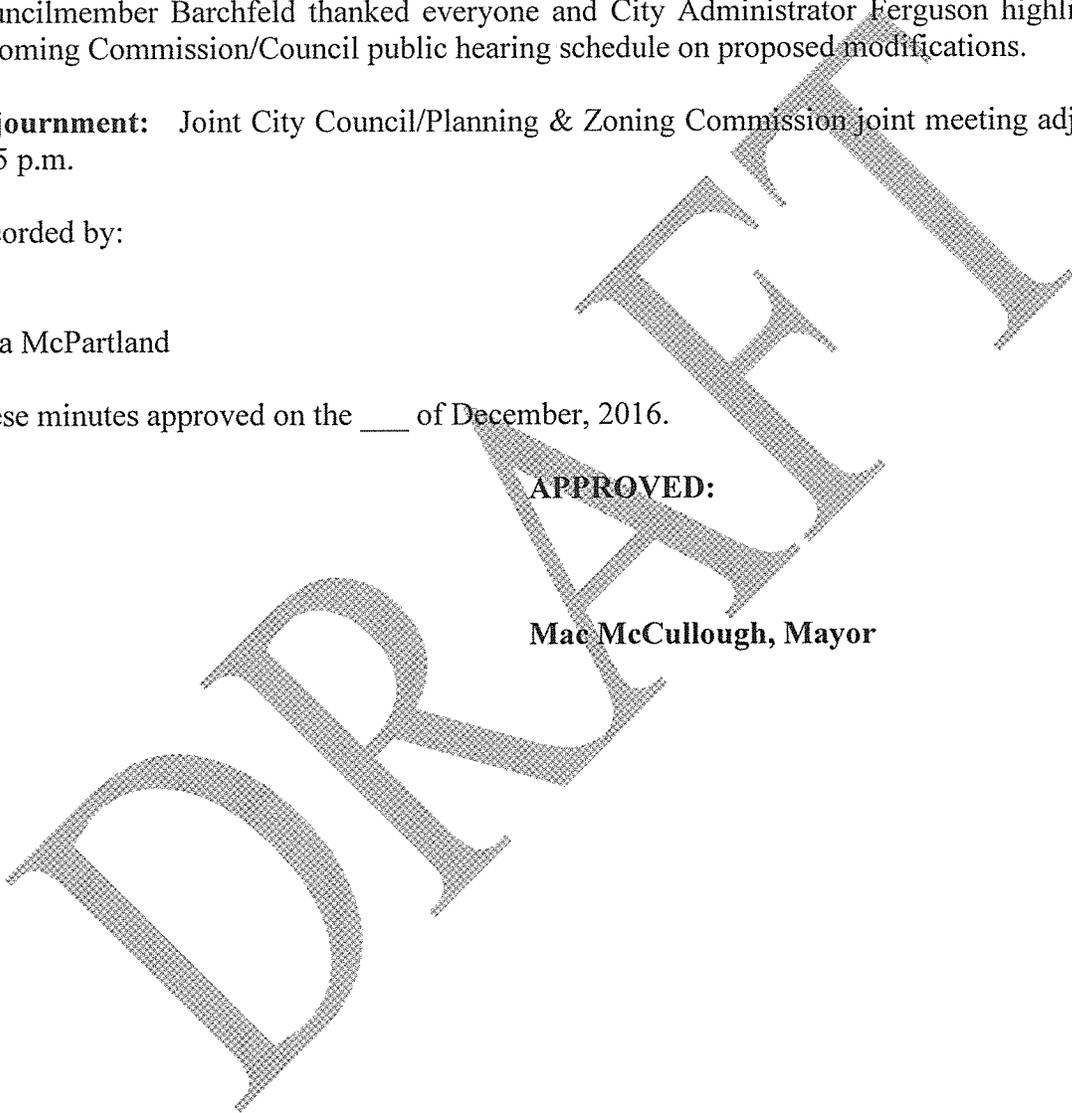
Recorded by:

Cara McPartland

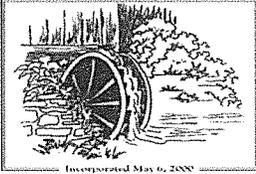
These minutes approved on the ___ of December, 2016.

APPROVED:

Mac McCullough, Mayor



City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

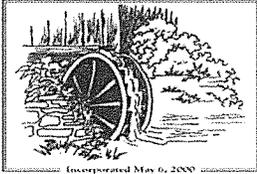
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City Administrator will present a report on the following items:

- Status report on the Central Wimberley Wastewater Project
- Status report on River Road Riverbank Restoration Project
- Status report on Hidden Valley Low Water Crossing Reconstruction Project
- Status report on City of Wimberley Buyout/Elevation Funding Application
- Status report on law enforcement related issues
- Status report on Wimberley City Council Parliamentarian Project
- Status report on 2016 Blue Hole Christmas

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE SECOND AND FINAL READING OF A PROPOSED ORDINANCE PROHIBITING RECREATIONAL ACTIVITY ON THE CITY'S LOW WATER CROSSINGS OVER THE BLANCO RIVER

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the second and final reading of a proposed ordinance prohibiting recreational activity on the City's three (3) low water crossings over the Blanco River.

The proposed ordinance prohibits stopping, standing, parking, fishing or recreating upon the low water crossings at CR 1492, Hidden Valley and Little Arkansas. The prohibition is intended to enhance public safety.

In recent years, the City has received numerous complaints from residents about vehicles parking on and pedestrians walking, sitting, laying and fishing on the Blanco River low water crossings. Such activity creates a public safety hazard.

On November 3, 2016, City Council approved the first reading of the proposed ordinance. The second reading of the ordinance was tabled by City Council on November 17, 2016, to allow City staff to add language allowing for portaging a watercraft or otherwise crossing a low water crossing from one portion of the river to another, so long as that person does not stop, stand, or park upon the low water crossing.

Attached is a copy of the proposed ordinance with the requested additional language.

City staff is recommending approval of the proposed ordinance, a copy of which is attached for review and consideration. If approved, visible regulatory signage will be placed on approaches to the crossings.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE VII (TRAFFIC CODE), CHAPTER 70 (TRAFFIC REGULATIONS) TO ADD A NEW SECTION 70.06 (LOW WATER CROSSINGS); PROVIDING FOR FINDINGS OF FACT, REPEALER, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley (Council) seeks to provide for the health, safety, and welfare of its citizens; and

WHEREAS, the Council finds that stopping, standing, parking, fishing, or otherwise recreating on low water crossings creates a hazard to public health and safety;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment.

The City of Wimberley Code of Ordinances, Title VII (Traffic Code), Chapter 70 (Traffic Regulations) is hereby amended to create a new Section 70.06 (Low Water Crossings) as follows:

“§ 70.06 **LOW WATER CROSSINGS**

(A) *Stopping, Standing, or Parking.* A person may not stop, stand, or park a vehicle upon a low water crossing.

(B) *Activities Prohibited.* A person may not fish from or otherwise recreate upon a low water crossing.

(C) *Exception.* The prohibitions in this section do not apply to a person who is portaging a watercraft or otherwise crossing a low water crossing from one portion of the river to another, so long as that person does not stop, stand, or park upon the low water crossing.

(D) *Low Water Crossings Affected.* The prohibitions under this section shall apply to the following low water crossings:

- (1) County Road 1492 over the Blanco River;

- (2) Hidden Valley Road over the Blanco River; and
- (3) Little Arkansas Road over the Blanco River.”

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases may provide.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

FIRST READING PASSED AND APPROVED this ___ day of _____, 2016, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) of the City Council of the City of Wimberley, Texas.

SECOND READING PASSED AND APPROVED this ___ day of _____, 2016, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Herschel “Mac” McCullough, Mayor

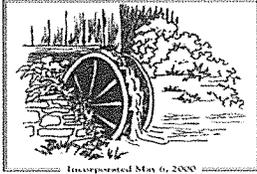
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING PROPOSED 2015 FLOODS CDBG-DISASTER
RECOVERY FUND ALLOCATION PLAN FOR HAYS COUNTY

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action regarding the proposed *2015 Floods CDBG-Disaster Recovery Fund Allocation Plan* for Hays County.

Hays County has been allocated \$7,405,319 in Community Development Block Grant ("CDBG") Disaster Recovery Funds to fund housing and infrastructure needs resulting from the May and October floods in 2015. Residents and communities were asked to submit projects for possible funding. Based on the program guidelines and input received, Hays County developed a proposed allocation plan for the funding.

In the development of the plan, Hays County took into account areas most severely damaged by flooding and those persons least likely to have the resources to provide long-term repairs and resiliency. The proposed plan requires projects funded to target low to moderate-income households and areas.

Under the proposed funding allocation plan, the City of Wimberley would receive \$199,136.12 for non-housing related projects and \$866,188.47 for housing-related projects.

Examples of Wimberley projects that could be funded with the above-mentioned allocation include drainage, low water crossing and roadway improvements that benefit low to moderate-income neighborhoods located in flood prone areas. In addition, the CDBG funding can be used to help match flood mitigation grants awarded to the City for property buy out or elevation, provided the property to be acquired or elevated meets the low to moderate income requirements.

The purpose of this agenda item is to allow City Council the opportunity to provide input to Hays County regarding the proposed allocation plan and whether the City feels it will utilize all or just a portion of the funds allocated under the plan.



**County Method of Distribution for
2015 Floods CDBG-Disaster Recovery Allocation**

Summary Information

Contact Information

County: **Hays County**

Principal Contact Name, Title: **Bert Cobb, M.D., Hays County Judge**

Principal Contact Telephone: **512-393-2205**

Principal Contact Email: **Bert.Cobb@co.hays.tx.us**

Principal Contact Address: **111 E. San Antonio St., Ste. 300**

City, State, Zip: **San Marcos, Texas, 78666**

Allocation Summary

County Allocation for All Activities: **\$7,405,319**

Housing Activities Total: **\$2,369,702**

Non-Housing Activities Total: **\$5,035,617**

Citizen Participation

Below is a description addressing how the County complied with the Citizen Participation Plan regarding citizen and non-governmental organization outreach, and any efforts exceeding GLO minimum public participation requirements:

Residents were requested to submit their views, suggestions and comments regarding infrastructure and housing needs resulting from the disasters in Hays County through the County website, public notices, press releases, use of the Hays County presence on Facebook and Twitter, and through comments at the scheduled public hearing. Citizens were encouraged to submit comments in writing to Hays County via written letter and email or comment cards distributed at meetings. Notices were posted at Hays County Government offices in San Marcos as well as precinct offices throughout the County. Accommodations were provided to non-English speaking residents through preparation of notices in Spanish - the predominant non-English language in the County - and were distributed to the above County offices and organizations that serve the Hispanic community. The County conducted a Webinar on October 6, 2016 to solicit input from potentially eligible recipient jurisdictions on possible projects that would also address requirements of the CDBG-DR program, and both webinar slides and project worksheets were sent to the respective jurisdictions for review and completion before return to the County. Four communities provided input through project sheets on potential projects by the October 21, 2016 deadline. An initial presentation was given at a regular meeting of the Hays County Commissioners Court on Tuesday, November 15, 2016 for adoption of the draft proposed Method of Distribution, which was posted on the Hays County Commissioners Court Agenda available for public viewing on Thursday, November 10, 2016. The proposed draft Method of Distribution was made available after approval by the Commissioners Court on the Hays County website and a public hearing will be scheduled in conjunction with a regular Commissioners Court meeting to receive further public comment on November 29, 2016.

First Public Hearing Information

Date/Time: Dec. 6, 2016 – 10:00am Location: Hays Co. Courthouse, 111 E. San Antonio St., Rm. 301, San Marcos, TX 78666
 Attendance: TBD

Personal Notice. As required, personal notice was sent to eligible entities at least **five** days in advance of the public hearing using the following method(s) (at least one must be selected):

	Method	Date Sent	Documentation
<input checked="" type="checkbox"/>	Electronic Mail		
<input type="checkbox"/>	Fax		
<input type="checkbox"/>	Hand Delivery		
<input type="checkbox"/>	Certified Mail		

Internet Notice. As required, public notice was distributed on the Internet at least **five** days in advance using the following method:

	Method	Date Published	Documentation
<input checked="" type="checkbox"/>	County Website		

Published Notice. As required, notice of the public hearing was published in at least one regional newspaper at least **three** days in advance. Notice of public hearing was published in the following regional newspaper(s):

	Newspaper Name	Date Published	Documentation
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			

Citizen Comment Documentation

<input checked="" type="checkbox"/>	The required copy of a sign-in sheet from the public hearing is attached.
<input checked="" type="checkbox"/>	A summary of the citizen comments and meeting discussion is attached.
Describe any efforts to notify and accommodate those with modified communication needs, such as posting information and providing interpretive services for other languages.	

Long-Term Planning and Recovery

Below is an explanation of how the region’s method of distribution fosters long-term community recovery that is forward-looking and focused on permanent restoration of infrastructure, housing and the local economy.

In 2015, Hays County was impacted by two extreme weather events that caused extensive flooding, property damage, and loss of life. The first of the disasters was experienced on May 23 – 24 and is known as the Memorial Weekend Flood, which caused catastrophic flooding along the Blanco River in southern Hays County and 12 confirmed deaths attributed to the event. Hays County was subsequently included in a Presidentially-declared disaster DR-4223. The second event occurred on October 30-31, 2016, is known as the All Saints Flood, and caused widespread flooding throughout both southern and eastern Hays County. This event was included under Presidential disaster declaration DR-4245.

The factors considered in the proposed Method of Distribution take into account those areas most severely damaged during the two events and also those persons least likely to have the resources to provide long-term repairs and resiliency – those of the low to moderate income group. It is anticipated that funding will provide opportunities for drainage and housing-related projects, as well as harden public infrastructure and increase emergency response potential to provide more resiliency to similar future events.

Hays County and its partner communities, along with the U.S. Army Corps of Engineers, Texas Water Development Board, and both the Lower Colorado River Authority and Guadalupe-Blanco River Authority, has led an effort to conduct comprehensive flood protection planning studies for the entirety of the County, including refining flood plain boundaries, identification of roadway low water crossing hazard frequency, dam breach analyses, and subsequent potential projects to minimize/mitigate flood hazards. The County also leads the effort with its partner communities to develop and maintain the Hays County Hazard Mitigation Plan that identifies potential natural hazards and proposes strategies to minimize/mitigate impacts from these events. Participation in these studies will help to inform decision making for the long term recovery and restoration made possible through the CDBG-DR funding.

Non-Housing Method of Distribution Detail

The County is required to prepare a method of distribution for non-housing activity funds between the eligible entities. The GLO has directed the County to use a direct allocation technique based on objective, verifiable data. The Method of Distribution will identify how it meets benefiting 70% low-to-moderate persons requirement, the entities eligible to serve as grantees and contract with the GLO, supports minimum allocation amounts that help ensure project feasibility, and provides an explanation of the distribution factors selected.

Distribution Factors

The County has selected the following distribution factors:

Distribution Factor*	Weight	Documentation Source	Explanation of Factor Selection and Weighting
Non-Housing FEMA Damage Assessment		GLO Reports DR-4223 & DR-4245 of FEMA PA Projected Project Amounts updated 9/15/2016	Total projected amounts of FEMA public assistance (PA) to local jurisdictions. The amounts are an indicator of damages sustained in each jurisdiction for non-housing needs and the factor is weighted heavily because it reflects areas most impacted by the disasters.
Number of Low to Moderate Income Individuals		FY2016 LMISD Data, 2006-2010 American Community Survey (Hays County data) found on HUDexchange website at: https://www.hudexchange.info/management-program/acs-low-mod-summary-data	The number of low to moderate income individuals within each jurisdiction as defined by the U.S. Department of Housing & Urban Development. The factor was included as it is a requirement that

	block-groups-places/ & https://www.hudexchange.info/management/a-program/acs-low-mod-summary-data-local-government/	the majority of the CDBG-DR funding be provided to those within this group who would benefit. The factor is weighted less heavily than that above as it not directly tied to flood-impacted areas but rather reflects a subset of population characteristics for individual jurisdictions.
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*Add more rows if needed

All allocations must meet or exceed a floor of \$100,000 to help ensure sufficient funds for at least one eligible project.

Eligible Activities

Grantee activities must be specifically related to 2015 disaster(s), and must meet the following criteria:

- Activity must be a CDBG-eligible project;
- Activity must be in response to a 2015 disaster(s)related impact in one of the following ways:
 - Direct verifiable damage from the disaster(s) that requires improvement of conditions, or
 - The facilities must have failed to function in the normal capacity as a result of the disaster(s).

The County has addressed prioritization of eligible activities as follows:

<input checked="" type="checkbox"/>	The County has chosen not to limit Grantees in the region to projects meeting regional priority activities.	
	The County recommends that projects be prioritized to emphasize benefits to low to moderate income areas rather than urgent need in order to accommodate the 70% LMI requirements of the program. All subgrantees and/or subrecipients will certify that they will affirmatively further fair housing (“AFFH”) in their grant agreements, and will receive GLO training and technical assistance in meeting their AFFH obligations. Additionally, all project applications will undergo AFFH review by GLO before approval. Such review will include assessment of a proposed project’s area demography, socioeconomic characteristics, housing configuration and needs, educational, transportation, and health care opportunities, environmental hazards or concerns, and all other factors material to the AFFH determination. Applications should show that projects are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard-related impacts.	
-OR-		
<input type="checkbox"/>	The County has limited Grantees in the region to selecting projects meeting the following regional priority activities:	
<input type="checkbox"/>	Water Facilities	<input type="checkbox"/> Specially Authorized Public Facilities & Improvements
<input type="checkbox"/>	Sewer Facilities	<input type="checkbox"/> Public Services
<input type="checkbox"/>	Other Public Utilities (gas, et al)	<input type="checkbox"/> Clearance & Demolition Activities
<input type="checkbox"/>	Street Improvements	<input type="checkbox"/> Code Enforcement
<input type="checkbox"/>	Flood and Drainage Improvements	<input type="checkbox"/> Specially Authorized Assistance to Private Utilities
<input type="checkbox"/>	Debris Removal	<input type="checkbox"/> Economic Development
<input type="checkbox"/>	Community Centers & Emergency Shelters (Existing)	<input type="checkbox"/> Planning and Urban Environmental Design
<input type="checkbox"/>	Senior Centers	<input type="checkbox"/> Fire Protection Facilities and Equipment
<input type="checkbox"/>	Parks, Playgrounds and other Recreational Facilities	

Housing Method of Distribution Detail

The County is required to prepare a method of distribution for housing activity funds between the eligible entities. The GLO has directed the County to use a direct allocation technique based on objective, verifiable data, including Needs

Assessment data provided by the GLO. The Method of Distribution will identify how it meets benefiting 70% low-to-moderate persons requirement, the entities eligible to serve as grantees and contract with the GLO, supports minimum allocation amounts that help ensure project feasibility, and provides an explanation of the distribution factors selected.

Distribution Factors

The County has selected the following distribution factors:

Distribution Factor*	Weight	Documentation Source	Explanation of Factor Selection and Weighting
FEMA Verified Loss	70	GLO FEMA FIDA_24549_4224_4225_ Unmet_Needs_Hays_County-IHP Unmet Needs as of 10/6/16	Total value of FEMA Verified Loss aggregated by jurisdiction through ArcGIS. Viewed to be representative of housing needs and weighted heavily to reflect damages incurred by jurisdiction.
Number of Low to Moderate Income (LMI) Individuals in Jurisdiction	30	FY2016 LMISD Data, 2006-2010 American Community Survey (Hays County data) found on HUDexchange website at: https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-block-groups-places/ & https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-local-government/	The LMI factor was included as it is a requirement that the majority of the CDBG-DR funding be provided to those within this group who would benefit. The factor is weighted less heavily than that above as it not directly tied to flood-impacted areas but rather reflects a subset of population characteristics for individual jurisdictions.

*Add more rows if needed

All allocations must meet or exceed a floor of \$500,000 to help ensure sufficient funds for at least one feasible housing program.

Eligible Activities

Grantee activities must be specifically related to 2015 disaster(s), and must meet the following criteria:

- Activity must be a CDBG-eligible project;
- Activity must be in response to a 2015 disaster(s) related impact in one of the following ways:
 - Direct verifiable damage from the disaster(s) that requires improvement of conditions, or
 - The housing replaces units lost or damaged by the disaster(s).

The County has addressed prioritization of eligible activities as follows:

<input checked="" type="checkbox"/>	The County has chosen not to limit Grantees in the county to projects meeting regional priority activities.
	The County recommends that projects under the Housing category target low to moderate income households exclusively. Per GLO requirements, all allocations must meet or exceed a floor of \$500,000 to help ensure sufficient funds for at least one feasible housing program. The calculated allocations for those jurisdictions who did not meet the required program minimum will be rolled into the available County amount and the County may serve as the applicant for projects. All subgrantees and/or subrecipients will certify that they will affirmatively further fair housing (“AFFH”) in their grant agreements, and will receive GLO training and technical assistance in meeting their AFFH obligations. Additionally, all project applications will undergo AFFH review by GLO before approval. Such review will include assessment of a proposed project’s area demography, socioeconomic characteristics, housing configuration and needs, educational, transportation, and health care opportunities, environmental hazards or concerns, and all other factors material to the AFFH

determination. Applications should show that projects are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard-related impacts.

-OR-

The County has limited Grantees in the region to selecting projects meeting the following regional priority activities:

Single-family repair and rehabilitation

Multi-family repair and rehabilitation

Single-family replacement

Multi-family replacement

Single-family elevation of homes in flood plains

New Multi-family to replace multi-family stock

Single family relocation from flood plains or identified environmental hazards

Buyouts

Approval and Signatory Authority

A Resolution of the County is attached approving the method of distribution and authorizing its submittal to the Texas General Land Office. I certify that the contents of this document and all related attachments are complete and accurate.

Signature

Date

Bert Cobb, M.D.

Hays County Judge

Printed Name

Title

Bert.Cobb@co.hays.tx.us

512-393-2205

Email Address

Telephone Number

Non-Housing Allocation

City, County or Eligible Entity	First Distribution Factor: Disaster Impact as Reflected by FEMA PA Total Projected Amount for DR4223 & DR4245 on 9/15/16										Second Distribution Factor: LMI Population Count										Entity Weighted Factor Total (EWFtot)	Weighted Factor Total (WFtot)	Proportional Weighted Factor (PWF)	Proportional Allocation for Formulaic Distribution (NHA)	Meets GLO Required Threshold of \$500,000?	Final Allocation (Sub \$100,000 Rolled-Up into Hays County)	
	Factor Measure: \$3,418,475.00					Factor Measure: \$3,418,475.00					Maximum Factor: 18835					Maximum Factor: 18835											
	Factor Measure (FM)		Factor Measure Maximum (FMmax)		Weight (W)	Weighted Factor Wx(FM)/FM max		Factor Measure (FM)		Factor Measure Maximum (FMmax)		Weight (W)	Weighted Factor Wx(FM)/FM max		Factor Measure (FM)		Factor Measure Maximum (FMmax)		Weight (W)	Weighted Factor Wx(FM)/FM max							
	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)							Weight (W)
Hays County Unincorporated	\$3,418,475.00	34,184,750.00	70	70	0	0	18835	18835	30	30	0.079639	175.1275502	175.1275502	0.571012384	\$5,035,617.00	\$5,035,617.00	30	30	\$2,875,389.67	\$2,875,389.67	Yes	\$2,912,333.84					
Bear Creek Village	\$0.00	34,184,750.00	70	70	0	0	18835	18835	30	30	0.079639	175.1275502	175.1275502	0.000454748	\$5,035,617.00	\$5,035,617.00	30	30	\$2,289.94	\$2,289.94	No	\$0.00					
Buda	\$340,139.00	34,184,750.00	70	70	6.9650151	0	1640	18835	30	30	2.612158	175.1275502	175.1275502	0.054686846	\$5,035,617.00	\$5,035,617.00	30	30	\$275,382.01	\$275,382.01	No	\$275,382.01					
Dripping Springs	\$426,489.00	34,184,750.00	70	70	8.732012	0	825	18835	30	30	1.314043	175.1275502	175.1275502	0.057371009	\$5,035,617.00	\$5,035,617.00	30	30	\$288,899.43	\$288,899.43	No	\$288,899.43					
Hays City	\$0.00	34,184,750.00	70	70	0	0	18835	18835	30	30	0.111495	175.1275502	175.1275502	0.000636648	\$5,035,617.00	\$5,035,617.00	30	30	\$3,205.91	\$3,205.91	No	\$0.00					
Kyle	\$1,451,975.00	34,184,750.00	70	70	29.732044	0	7150	18835	30	30	11.38837	175.1275502	175.1275502	0.234802673	\$5,035,617.00	\$5,035,617.00	30	30	\$1,182,376.33	\$1,182,376.33	No	\$1,182,376.33					
Mountain City	\$0.00	34,184,750.00	70	70	0	0	55	18835	30	30	0.087603	175.1275502	175.1275502	0.000500223	\$5,035,617.00	\$5,035,617.00	30	30	\$2,518.93	\$2,518.93	No	\$0.00					
Niederwald	\$252,054.00	34,184,750.00	70	70	5.1613015	0	170	18835	30	30	0.270772	175.1275502	175.1275502	0.001546144	\$5,035,617.00	\$5,035,617.00	30	30	\$7,785.79	\$7,785.79	No	\$0.00					
Uthland	\$279,094.00	34,184,750.00	70	70	5.7149986	0	635	18835	30	30	1.011415	175.1275502	175.1275502	0.035246975	\$5,035,617.00	\$5,035,617.00	30	30	\$177,490.27	\$177,490.27	No	\$177,490.27					
Wimberley	\$6,724.00	34,184,750.00	70	70	0.1376871	0	375	18835	30	30	0.597292	175.1275502	175.1275502	0.004196823	\$5,035,617.00	\$5,035,617.00	30	30	\$21,133.60	\$21,133.60	No	\$0.00					
Woodcreek	\$0.00	34,184,750.00	70	70	0	0	18835	18835	30	30	0.079639	175.1275502	175.1275502	0.004196823	\$5,035,617.00	\$5,035,617.00	30	30	\$21,133.60	\$21,133.60	No	\$0.00					
												175.1275502	175.1275502	1.00								\$5,035,617.00	\$5,035,617.00				

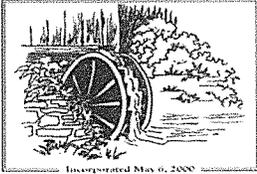
Housing Allocation

City, County or Housing Authority	First Distribution Factor: FEMA Verified Loss										Second Distribution Factor: LMI Population										Entity Weighted Factor Total (EWFtot)	Weighted Factor Total (WFtot)	Proportional Weighted Factor (PWF)	Housing Allocation for Formulaic Distribution (HA)	Proportional Distribution PWF x HA	Meets GLO Required Threshold of \$500,000?	Final Allocation (Sub \$500,000 Rolled-Up into Hays County)	
	Factor Measure: \$5,248,065.96					Factor Measure: \$5,248,065.96					Maximum Factor: 18835					Maximum Factor: 18835												
	Factor Measure (FM)		Factor Measure Maximum (FMmax)		Weight (W)	Weighted Factor Wx(FM)/FM max		Factor Measure (FM)		Factor Measure Maximum (FMmax)		Weight (W)	Weighted Factor Wx(FM)/FM max		Factor Measure (FM)		Factor Measure Maximum (FMmax)		Weight (W)	Weighted Factor Wx(FM)/FM max								
	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM)/FM max	Factor Measure (FM)	Factor Measure Maximum (FMmax)								Weight (W)
Hays County Unincorporated	\$4,664,366.08	\$5,248,065.96	70	70	62.2144668	0	18,835	18835.00	30	30	0.079639	194.8163709	194.8163709	0.473340441	\$2,369,702.00	\$2,369,702.00	30	30	\$1,121,675.79	\$1,121,675.79	Yes	\$1,503,513.53						
Bear Creek Village	\$0.00	\$5,248,065.96	70	70	0	0	50	18835.00	30	30	0.079639	194.8163709	194.8163709	0.00040879	\$2,369,702.00	\$2,369,702.00	30	30	\$968.71	\$968.71	No	\$0.00						
Buda	\$189,191.52	\$5,248,065.96	70	70	2.52348322	0	1,640	18835.00	30	30	1.312158	194.8163709	194.8163709	0.026361447	\$2,369,702.00	\$2,369,702.00	30	30	\$62,468.77	\$62,468.77	No	\$0.00						
Dripping Springs	\$4,837.32	\$5,248,065.96	70	70	0.06452137	0	825	18835.00	30	30	1.314043	194.8163709	194.8163709	0.007076224	\$2,369,702.00	\$2,369,702.00	30	30	\$16,768.54	\$16,768.54	No	\$0.00						
Hays City	\$0.00	\$5,248,065.96	70	70	0	0	18835.00	18835.00	30	30	0.111495	194.8163709	194.8163709	0.000572306	\$2,369,702.00	\$2,369,702.00	30	30	\$1,356.19	\$1,356.19	No	\$0.00						
Kyle	\$813,373.58	\$5,248,065.96	70	70	10.8489777	0	7,150	18835.00	30	30	11.38837	194.8163709	194.8163709	0.114145184	\$2,369,702.00	\$2,369,702.00	30	30	\$270,490.07	\$270,490.07	No	\$0.00						
Mountain City	\$1,770.25	\$5,248,065.96	70	70	0.02361203	0	55	18835.00	30	30	0.087603	194.8163709	194.8163709	0.00057087	\$2,369,702.00	\$2,369,702.00	30	30	\$1,352.79	\$1,352.79	No	\$0.00						
Niederwald	\$3,554.31	\$5,248,065.96	70	70	0.04740826	0	170	18835.00	30	30	0.270772	194.8163709	194.8163709	0.001633234	\$2,369,702.00	\$2,369,702.00	30	30	\$3,870.28	\$3,870.28	No	\$0.00						
Uthland	\$15,135.62	\$5,248,065.96	70	70	0.20188264	0	635	18835.00	30	30	1.011415	194.8163709	194.8163709	0.006227903	\$2,369,702.00	\$2,369,702.00	30	30	\$44,758.28	\$44,758.28	No	\$0.00						
Wimberley	\$5,248,065.96	\$5,248,065.96	70	70	0	0	760	18835.00	30	30	1.210512	194.8163709	194.8163709	0.365526326	\$2,369,702.00	\$2,369,702.00	30	30	\$866,188.47	\$866,188.47	Yes	\$866,188.47						
Woodcreek	\$15,647.97	\$5,248,065.96	70	70	0.20871649	0	375	18835.00	30	30	0.597292	194.8163709	194.8163709	0.004137274	\$2,369,702.00	\$2,369,702.00	30	30	\$9,804.11	\$9,804.11	No	\$0.00						
												194.8163709	194.8163709	1.00								\$2,369,702.00	\$2,369,702.00					

County: Hays County

Required City, County or Public Housing Authority	Non-Housing Required	Housing Required	\$ 5,035,617 Required		\$ 2,369,702 Required		\$ 7,405,319 Required	
	Non-Housing	Housing	Percentage of County Non-Housing Allocation	Percentage of County Housing Allocation	Total Allocation	Percentage of Total Regional Allocation	70% Low-to- Moderate Income Benefit Requirement	
Hays County Unincorporated	\$2,912,334	\$ 1,503,514	57.83%	63.45%	\$4,415,847	59.63%	\$3,091,093	
Bear Creek Village	\$0	\$ -	0.00%	0.00%	\$0	0.00%	\$0	
Buda	\$275,382	\$ -	5.47%	0.00%	\$275,382	3.72%	\$192,767	
Dripping Springs	\$288,898	\$ -	5.74%	0.00%	\$288,898	3.90%	\$202,229	
Hays City	\$0	\$ -	0.00%	0.00%	\$0	0.00%	\$0	
Kyle	\$1,182,376	\$ -	23.48%	0.00%	\$1,182,376	15.97%	\$827,663	
Mountain City	\$0	\$ -	0.00%	0.00%	\$0	0.00%	\$0	
Niederwald	\$0	\$ -	0.00%	0.00%	\$0	0.00%	\$0	
Uhlard	\$177,490	\$ -	3.52%	0.00%	\$177,490	2.40%	\$124,243	
Wimberley	\$199,136	\$866,188	3.95%	36.55%	\$1,065,325	14.39%	\$745,727	
Woodcreek	\$0	\$ -	0.00%	0.00%	\$0	0.00%	\$0	
	\$5,035,617	\$2,369,702	100.00%	100.00%	\$7,405,319	100.00%	\$5,183,723	
	Non-Housing Percentage of Total Allocation:		68.00%	32.00%	Low-to-Moderate Income Benefit Requirement	70%	\$5,183,723	

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION ON ISSUES RELATING TO THE POTENTIAL PROVISION OF WASTEWATER SERVICE TO CENTRAL WIMBERLEY BY AQUA TEXAS

Commission Action Requested:

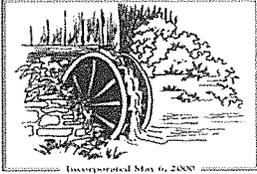
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider action regarding a proposed term sheet relating to the possible provision of wastewater service to central Wimberley by Aqua Texas and to authorize the City Council Sub-Committee on Aqua Texas to request additional information from and continue discussions with Aqua Texas.

The City Council Sub-Committee on Aqua Texas is expected to meet with Aqua Texas representatives in advance of the December 1st City Council meeting to finalize a term sheet that will be presented at the Council meeting.

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION ON A PROPOSAL TO DEVELOP A MULTI-FACETED APPROACH TOWARDS MANAGEMENT AND ALLOCATION OF HOTEL OCCUPANCY TAX PROCEEDS TO REPLACE THE CITY HOTEL OCCUPANCY TAX ADVISORY COMMITTEE

Commission Action Requested:

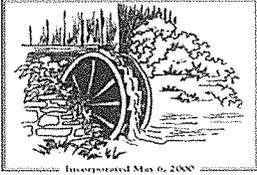
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss and consider action regarding a proposal to develop a multi-faceted approach towards the management and allocation of hotel occupancy tax proceeds to replace the City's Hotel Occupancy Tax Advisory Committee.

No background information was provided on this item.

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE APPOINTMENT OF MEMBERS TO THE NEWLY CREATED CITY OF WIMBERLEY TECHNOLOGY ADVISORY COMMITTEE

Commission Action Requested:

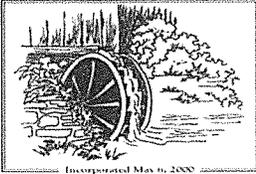
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to consider action appointing members to the newly created City of Wimberley Technology Advisory Committee.

Members of City Council are asked to bring the names of potential appointees to the meeting for consideration.

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION
AUTHORIZING CONSTRUCTION OF A PROPOSED
MAINTENANCE BUILDING AT THE BLUE HOLE REGIONAL
PARK

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

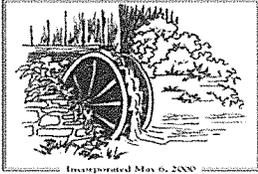
This item was placed on the agenda to allow City Council to discuss and consider action authorizing construction of a proposed maintenance building at the Blue Hole Regional Park.

In the FY 2017 City Budget, \$25,000 is allocated for the construction of a 24' x 30' x 11' maintenance building at the Blue Hole Regional Park. The *Mueller* building will feature an engineered concrete foundation, a 12' x 10' roll-up door along with a metal walkthrough door. The following construction bids were received.

- Rafter J. Rustic, Wimberley \$23,032.21
- TX Steel Solutions, Wimberley \$25,950.00
- T.F. Harper, Austin \$29,218.00

City staff is recommending City Council authorize construction of the maintenance building by Rafter J. Rustic, the low bidder, at a cost of \$23,032.21

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO APPROACH ORGANIZERS OF THE WIMBERLEY FARMERS MARKET ABOUT POSSIBLY MOVING THE MARKET TO THE COMMUNITY CENTER PARKING LOT OR TO BLUE HOLE REGIONAL PARK

Commission Action Requested:

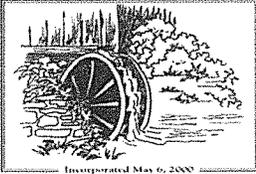
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to discuss and consider action regarding a proposal to approach organizers of the Wimberley Farmers Market about the possibility of moving the Farms Market to the Wimberley Community Center parking lot or to the Blue Hole Regional Park.

No background was provided on this agenda item.

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO AMEND THE *CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE* RELATING TO DECORUM AND TIME ALLOTMENT GUIDELINES FOR CITIZEN COMMENTS AT CITY COUNCIL MEETINGS

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding a proposal to amend the *City Council Governance Policy and Rules of Procedure* to relating to decorum and time allotment guidelines for citizen comments at City Council meetings.

The proposed amendment reads as follows.

5.10 Speakers

- (c) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the City Council under Citizens Communications, the speaker may address any item not slated for discussion on the agenda. 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. These guidelines for speaker decorum shall be posted on each City Council agenda and on Speaker Sign-In Sheets for all City Council meetings.
- (e) All speakers will have a maximum of three (3) minutes to address the Council. A majority vote of the Council will be required to extend the time limit. The chair may impose more restrictive time limits if a large number of persons register to speak. Guidelines relating to time allotment for speakers shall be posted on each City Council agenda and on Speaker Sign-In Sheets for all City Council meetings.

Attached is a copy of the current *City Council Governance Policy and Rules of Procedure* for review and reference.

On November 17, 2016, City Council tabled this item until the December 1, 2016 meeting to allow the City's legal counsel to review the proposed language. Attached are comments received from the City Attorney which indicate he has no issue with the wording. He did offer some alternative language should City Council not be comfortable with the language proposed.

Subject: Proposed amendment to rules of decorum

Date: Tuesday, November 22, 2016 10:39:17 AM Central Standard Time

From: Brad Young

To: Don Ferguson

Don,

You asked me to review the following proposed language that the City Council is considering as an amendment to its rules of decorum:

“Comments from speakers should not be directed towards any specific member of the City Council or City Staff. Comments should not be accusatory, derogatory, or threatening in nature.”

The first question you asked was whether the proposed language would violate the Texas Open Meetings Act (TOMA). Although the TOMA requires that the public be allowed to attend all meetings of the city’s governing body, the Act itself does not include a right to public comment. The Council may place reasonable restrictions on the time, place, manner, and length of public comments at its meetings.

The second question was whether the proposed language raises any First Amendment / Constitutional freedom of speech concerns. The courts have held that a city may place reasonable time and place restrictions on public speech and may enact rules to preserve public decorum. As I read the proposed language, it appears that the intent is to preserve decorum by prohibiting derogatory or threatening comments directed at particular individuals. Such restrictions are permissible. However, another possible reading of the proposed language is that commenters would be prohibited from speaking to or referencing any specific member of the City Council or City Staff in their comments. Although I do not think this is a reasonable reading of the proposed language (nor do I think that the council would attempt to enforce the amended rules in that way), in order to avoid confusion, the City Council might consider the following alternative:

“Comments from speakers should not be directed towards another person, including a member of the City Council or City Staff, in a manner that is derogatory or threatening in nature.”

Please do not hesitate to call me if you would like to discuss.

Thanks,
Brad

Bradley B. Young
Attorney
Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expy | Building One | Suite 300 | Austin, TX 78746
Phone 512.472.8021 | Fax 512.320.5638 | www.bickerstaff.com

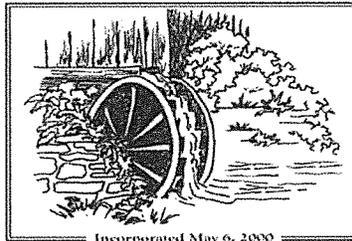


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City of Wimberley

Governance Policy and Rules of Procedure



Amended October 2016

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION I INTRODUCTION

The City of Wimberley City Council is the governing body for the City of Wimberley, Texas. Therefore, it must bear the initial responsibility for the integrity of governance.

The Council shall determine its own rules and order of business. The Council is responsible for its own discipline and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy addresses Mayor and Council relations, Council and City staff relations, Council and media relations, roles and meetings. By adopting these guidelines, we, as members of the City Council acknowledge our responsibility to each other to our professional staff and to the public.

This policy will be reviewed and adopted on an annual basis

AND RULES OF PROCEDURE

SECTION II MISSION

In order to ensure proper discharge of duties for the improvement of democratic local government, members of the Wimberley City Council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Wimberley and each other in their relationships.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION III INFORMATION

On major policy issues, the City Administrator shall provide briefing material to the Council in advance of Council consideration of the policy alternatives. Whenever possible, the management report shall be distributed more than a week in advance of Council policy consideration.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION IV ROLES

- 4.1 The Mayor shall preside at meetings of the City Council and shall be recognized as head of City government for all ceremonial purposes and by the Governor for purpose of military law but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Council shall elect, from among the Council members, a Mayor Pro-tem who shall act as Mayor during the absence or disability of the Mayor.
- 4.2 As head of City government for ceremonial purposes, the Mayor may issue and present proclamations and recognitions and attend other ceremonial functions on behalf of the City of Wimberley. City Council members may initiate, through the Mayor, or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.
- 4.3 The Mayor shall preserve order and decorum and shall require City Council members engaged in debate to limit discussion to the question under consideration.
- 4.4 The Mayor is the spokesperson on all official positions taken by the City Council. The Mayor Pro-tem or alternate City Council designee will assume that role in the Mayor's absence. *(Amended 6-4-09)*
- 4.5 The Mayor will encourage all City Council members to participate in Council discussion and give each member an opportunity to speak before any member can speak again on the same subject

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION V MEETINGS

5.1 Regular Meetings

The Council shall meet regularly, at such times, as prescribed by ordinance but no less frequently than once each month and the regular meetings will begin at 6:00 p.m., unless postponed or canceled for valid reasons. If there is a need to change the date, time or place of a regular meeting, an attempt shall be made to contact all members of the City Council about the proposed change prior to the change being made.

5.2 Special Meetings

Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the Mayor. If there is a need to change the date, time or place of a special meeting, an attempt shall be made to contact all members of the City Council about the proposed change prior to the change being made.

5.3 Executive Sessions

The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential.

5.4 Public Notice

The agenda for all regular meetings, special meetings and the notice listing items to be considered shall be posted on the City's official bulletin board, in accordance with the Texas Open Meetings Act, and on the City's website.

5.5 Attendance

City Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

5.6 Conflict of Interest

A City Council member prevented from voting due to a conflict of interest shall leave the meeting during the debate, shall not vote on the matter, and shall

otherwise comply with the state law and City ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an executive session item shall not confer with City staff, the City Attorney, Council members or the Mayor regarding the item.

5.7 City Council Members

- (a) During City Council meetings and work sessions, Council members shall assist in preserving order and decorum and shall, neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the City Council.
- (b) A City Council member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities, and in appropriate language and refrain from personal attacks and verbal abuse.
- (c) A City Council member, once recognized by the chair, shall not be interrupted while speaking except for the following reasons:
 - Called to order by the presiding officer
 - A point of order is raised by another member
 - The speaker chooses to yield to questions from another member

If a City Council member is called to order while speaking, that Council member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with the rules of the City Council

- (d) When there is more than one speaker on the same subject, City Council members shall delay their comments until after all speakers on the subject have been heard.
- (e) The chair shall state all questions submitted for a vote and announce the result. If the vote is not unanimous, the chair shall announce the names of members voting in favor and in opposition to the motion.

5.7 Administrative Staff

- (a) Members of the administrative staff and employees of the City shall observe the same rules and decorum applicable to members of the City Council.

- (b) Although the presiding officer has the authority to preserve decorum in meetings, the City Administrator is responsible for the orderly conduct and decorum of all City employees under the City Administrator's direction and control.
- (c) The City Administrator shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by City employees in meetings.
- (d) All persons addressing the City Council, including the City Administrator, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.
- (e) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

5.8 Citizens and Visitors

- (a) Citizens and visitors are welcome to attend all public meetings of the City Council and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.
- (b) Everyone attending the meeting will refrain from private conversations while the City Council is in session.
- (c) Citizens and visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.
- (d) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- (e) No placards, banners or signs will be permitted in the City Council Chamber or in any other room in which the City Council is meeting.

Exhibits, displays and visual aids used in connection with presentations, however, are permitted.

- (f) The City Administrator or his designee shall act as sergeant at arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

5.9 Agenda

- (a) Any City Council member may request an item be placed on a future agenda during the item on the agenda for that purpose. The City Administrator must place an item on the agenda if the item is requested by the Mayor or a member of the City Council.

5.10 Speakers

- (a) A person wishing to address the City Council must first sign the Speaker Registration Form. The following information must be provided on the form:
 - Name
 - Residence Address
 - The subject matter to be addressed
- (b) Speakers must address their comments to the presiding officer rather than to individual City Council members or staff.
- (c) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the City Council under Citizens Communications, the speaker may address any item not slated for discussion on the agenda.
- (d) A person who registers to speak on an item listed on the agenda will be called on after the chair gains agreement to do so by the City Council. A person who registers to speak under Citizens Communications will be called on at that time. The chair may determine the order in which speakers are called.
- (e) All speakers will have a maximum of three(3) minutes to address the Council. A majority vote of the Council will be required to extend the time limit. The chair may impose more restrictive time limits if a large number of persons register to speak.
- (f) For called public hearings, the applicant will be allowed a maximum of ten (10) minutes to make a presentation.

- (g) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during Citizens Communications. City Council members will not interact with the public during the time allotted to speakers unless a non-debatable motion approved by the City Council allots a specific amount of time.
- (h) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Council.

5.11 Motions

- (a) No motion may be moved or suggested until all City Council member discussion is complete and the Mayor calls for the motion. A motion made and seconded will be considered the main motion. Any City Council member may move to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.
- (b) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modifies the motion, the City Council member who seconded the motion may withdraw the second.
- (c) At any time after a motion has been made and seconded, a City Council member may call the question which will have the affect of stopping the debate and requiring the City Council to immediately proceed to vote on the motion to call the question.
- (d) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a City Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.
 - (i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter but it shall be placed on the next available agenda for deliberation.

5.12 Suspension of Rules

Any provision of these rules not governed by City ordinance, State or Federal law may be temporarily suspended by a majority vote of the members of the City Council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

5.13 Amendment of Rules

These rules may be amended or new rules adopted by a majority vote of the members of the City Council

5.14 Failure to Comply

A failure to comply with these rules does not invalidate any otherwise lawful act of the City Council.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VI PUBLIC CONTACT MEDIA RELATIONS

Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality. Consequently, it is imperative that the media play an important role in the Council-Administrator-Media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents.

These guidelines are designed to help ensure positive relationships with print, radio and television reporters. The Mayor, City Council and the City Administrator recognize that the news media provide an important link between the City Council and the public. It is the City Council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.

- 6.1 During the conduct of official business, the City shall designate adequate space for the news media.
- 6.2 All reporters will receive an agenda in advance and will be furnished support material needed for clarification, if requested.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VII PLANNING

The Mayor and Council are responsible for establishing a vision for the City of Wimberley and planning for its future.

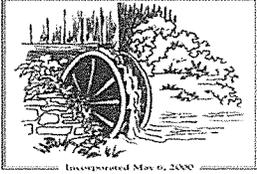
- 7.1 On an annual basis, the Mayor and City Council shall hold a minimum of one (1) strategic planning session wherein they set priorities goals and objectives. The goals and objectives shall address short term and long term needs of the City.
- 7.2 Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long term vision.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VIII COUNCILSTAFF RELATIONS

- 8.1 The role of the City Administrator and the relationship of staff with City Council is addressed in City ordinance.
- 8.2 The City Council shall direct comments, correspondence and concerns about City services to the City Administrator. Citizens concerns, comments and correspondence regarding City services received by City Council members shall be forwarded to the City Administrator for appropriate staff action and a timely response.
- 8.3 Documents provided to one (1) City Council member shall also be distributed to all other members of the elected body. The City Administrator shall prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year. The City Administrator shall keep the City Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.
- 8.4 In order to ensure proper presentation of agenda items by City staff, questions arising from City Council members, after receiving their information packet, should be, whenever possible, presented to the City Administrator or the Administrator's designated assistant for City staff consideration prior to the City Council meeting. This allows time for City staff to address the City Council member's concerns and provide all Council members with the additional information.

City Council Agenda Form



Date Submitted: November 28, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSED CONTRACT FOR PROFESSIONAL PROJECT MANAGEMENT SERVICES RELATING TO CONSTRUCTION OF THE CENTRAL WIMBERLEY WASTEWATER SYSTEM

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider possible action regarding a proposed contract for professional project management services relating to the upcoming construction of the central Wimberley wastewater system.

Per the direction of City Council, the City Administrator and Wastewater Ad Hoc Committee Member John Urban recently entered into contract negotiations with TRC Engineers, Inc. ("Consultant") for the provision of construction project management services. The result of the negotiation process is the attached draft professional services agreement presented for review and consideration.

Under the agreement, the Consultant will provide a project manager, dedicated to the City of Wimberley, who will be physically on-site any time the general contractor is working on-site during construction of the subject wastewater system. In addition, the Consultant will provide support personnel for the project manager as needed. In addition to overseeing construction activities daily, the Consultant will provide regular construction updates to City staff and City Council, communicate and coordinate with downtown property owners, and review bid documents, change orders and payment requests.

The proposed contract calls for the Consultant to be paid on a time and materials basis, with the project manager costing \$80 per hour and the in-house project coordinator costing \$120 per hour. Travel mileage would be based on the IRS rate, which currently is \$0.54/mile.

Funding for the project management services will come from the City's General Fund Balance.

City staff recommends approval of the proposed contract.

**PROFESSIONAL PROJECT MANAGEMENT SERVICES CONTRACT
BETWEEN THE CITY OF WIMBERLEY
AND
TRC ENGINEERS , INC.**

This Agreement is made by and between the City of Wimberley, having offices at 221 Stillwater/P.O. Box 2027, Wimberley, Texas 78676, hereinafter referred to by name, or as the "OWNER", and TRC ENGINEERS, a Texas corporation having offices at 505 East Huntland Drive, Suite 250, Austin, Texas 78752, hereinafter referred to by name, or as the "CONSULTANT", collectively referred to as the "Parties." The Project is defined as follows: - Central Wimberley Wastewater Project.

WHEREAS, the OWNER desires to contract with the CONSULTANT to provide professional project management services relating to the construction of the Central Wimberley Wastewater System ("Project"); and

WHEREAS, the CONSULTANT is willing to provide such professional services on a nonexclusive basis; and

WHEREAS, this Agreement does not obligate OWNER to order work from CONSULTANT, nor does it obligate CONSULTANT to accept orders for work, but it shall control and govern all work accepted by CONSULTANT under written task orders and shall define the rights, obligations, and liabilities of OWNER and CONSULTANT during the term hereof with respect to the matters covered herein; and

NOW THEREFORE, in consideration of the faithful performance of the terms and conditions set forth herein, the parties hereto agree as follows:

1. RECITALS

The CONSULTANT shall be the OWNER's representative in providing the services described in this Agreement. The CONSULTANT and the OWNER shall perform all duties as stated in this Agreement. In respect to such work or services, the Parties agree as follows:

2. TERM OF AGREEMENT

This Agreement shall be effective upon execution of this document by the Parties and ends upon May 31, 2018 or upon the date of final payment to the CONSULTANT, whichever occurs first. This Agreement may be extended for additional time periods subject to mutual approval by both Parties. This Agreement shall remain in full force and effect during the above referenced time period unless properly terminated by either party, as provided by this Agreement. It is anticipated that the term of this Agreement will end on May 31, 2018.

3. MAJOR RESPONSIBILITIES AND DUTIES

3.1. Work Schedule

The CONSULTANT shall provide personnel to assist in the oversight of the construction process. The CONSULTANT will act as an extension of the OWNER's staff to facilitate and assist in the management of various aspects of the Project. The CONSULTANT will report directly to and work under the direction of the OWNER's Designated Representative (ODR), to be identified to CONSULTANT in writing by OWNER.

- 3.2. The CONSULTANT shall assist the OWNER in the project management for the City of Wimberley Central Wastewater Project identified in the respective RFQ, from and after the date of this Agreement.

The CONSULTANT shall provide one (1) Project Manager, with at least three (3) years of experience in the field, who will be dedicated to the City of Wimberley and will be physically on-site anytime the General Contractor is working on-site. In addition, the CONSULTANT shall provide support personnel for the Project Manager, as needed.

The CONSULTANT's primary responsibilities will be to assist the OWNER in managing the construction phases of the Project, as set forth in the Services Required, attached hereto and made a part hereof for all purposes as **Exhibit A**.

The CONSULTANT will not be responsible for, nor does the CONSULTANT control, the means, methods, techniques, sequences and procedures of construction for the Project. It is understood that the CONSULTANT's action in providing quality review under this Agreement is a service of the CONSULTANT for the sole benefit of the OWNER. No action taken by the CONSULTANT shall relieve the Engineers or General Contractors for the Project from their obligation to perform the work in strict conformity with the requirements of the Contract Documents, and in strict conformity with all other applicable laws, codes, rules and regulations.

The CONSULTANT will perform on-site observation of work and materials as allowed within the confines of the contract terms. The CONSULTANT shall endeavor to ensure substantial conformity of the construction with plans and specifications. The CONSULTANT shall utilize this information to create reports generated from on-site observations.

The CONSULTANT will endeavor to assure that all Operation and Maintenance ("O&M") manuals, as-built drawings, warranties and appropriate certifications have been received, assembled by Project, and delivered to the OWNER, while remaining under contract with the City of Wimberley.

The CONSULTANT shall report to the OWNER in writing any decisions it is aware of concerning disputes between any interested party and the General Contractor relating to the acceptability of the work, or the interpretation of the requirements of the Contract Documents pertaining to the furnishing and performing of the work.

The OWNER will provide the CONSULTANT access to all areas where construction activities relating to the Project are planned or underway.

- 3.3 OWNER will furnish to CONSULTANT all existing studies, reports, data and other information available to OWNER necessary for performance of the work and authorize CONSULTANT to obtain additional data as required. CONSULTANT will be entitled to use and rely upon all such information and services.

Where necessary to performance of the work, OWNER shall arrange access for CONSULTANT to any site or property related to the project.

In the event scheduled, prearranged or mandated events, meetings, access to sites, delivery of documentation or other obligations, the responsibility of which the OWNER has agreed to and upon which the CONSULTANT relied, and which events, meetings, access to sites, delivery of documentation or other obligations, could not or did not take place, or were required to be rescheduled because of the failure of the OWNER in the discharge of the OWNER's obligations, CONSULTANT may be granted an extension of time as specified by OWNER.

- 3.4. The General Contractor will provide CONSULTANT with office space on the construction site, complete with access to internet, so duties and communication may be carried out efficiently.

4. COMPENSATION

- 4.1 CONSULTANT bills for its services on a time-and-materials basis using the Rate Schedules included as Attachment "B". The CONSULTANT will be responsible for providing all necessary equipment including but not limited to computer, software, digital camera and cell phone as part of their overhead and without separate reimbursement. The CONSULTANT's pricing, unless otherwise stated, shall not include any present or future federal, state, or local property, license, privilege, sales, use, excise, gross receipts or other like taxes or assessments which may be applicable to, measured by, imposed upon, or resulting from the performance of the Work, and such taxes, if any, will be extra.

- 4.2 CONSULTANT will submit monthly invoices for Services rendered. Payment terms are net thirty (30) days from date of invoice. If OWNER objects to all or any portion of an invoice, it will notify the CONSULTANT of the same within fifteen (15) days from the date of receipt of the invoice and will pay that portion of the invoice not in dispute, and the parties shall immediately make good faith efforts to settle the disputed portion of the invoice.

4.3 If OWNER fails to make any payment due the CONSULTANT within thirty (30) days after receipt of an invoice, other than a disputed invoice as described by Paragraph 4.2, then the amount due the CONSULTANT will increase at the rate of 1.5 percent per month after the 30th day. In addition, the CONSULTANT may, after giving seven (7) days' written notice to the OWNER, suspend its Services and any deliverables until the CONSULTANT has been paid in full for all amounts outstanding more than thirty (30) days other than amounts owed under a disputed invoice as described by Paragraph 4.2. In the event that payment in full is not received, the CONSULTANT reserves the right to have collection handled by the CONSULTANT's attorneys and any and all costs of collection, including reasonable attorney's fees, shall be paid by the OWNER.

5. INDEPENDENT CONTRACTOR RELATIONSHIP

In the performance of the services hereby contemplated, the CONSULTANT is an independent contractor, and neither the CONSULTANT nor the principals, partners, employees or subcontractors of the CONSULTANT shall be deemed employees of the OWNER. Nothing herein shall be construed to create a partnership, joint venture or employment arrangement between the OWNER and CONSULTANT.

6. INSURANCE

CONSULTANT will procure and maintain insurance as required by law. At a minimum, the CONSULTANT will have the following coverage:

- (a) Worker's compensation and occupational disease insurance in statutory amounts.

- (c) Automobile liability in the amount of \$1,000,000.
- (d) General comprehensive liability insurance for bodily injury, death or loss of or damage to property of third persons in the amount of \$2,000,000 per occurrence, \$4,000,000 in the aggregate.
- (e) Professional liability coverage in the amount of \$5,000,000.

Each of the above insurance policies shall name the City as an additional insured.

7. WARRANTY

- 7.1** In performing services, the CONSULTANT agrees to exercise professional judgment, made on the basis of the information available to the CONSULTANT, and to use the same degree of care and skill ordinarily exercised in similar circumstances by reputable consultants performing comparable services.
- 7.2** If any failure to meet the foregoing Warranty appears within six (6) months from the date of completion of the Services and CONSULTANT is promptly notified thereof in writing, CONSULTANT will at OWNER'S option and CONSULTANT'S expense either perform the work in a manner that conforms to the Warranty or refund the amount of compensation paid to the CONSULTANT for such non-conforming services.

8. TERMINATION

Either party may terminate this Agreement should the other party fail substantially to perform in accordance with the terms hereof through no fault of the terminating party by giving the other party a minimum of ten (10) days written notice of such termination. Notice of termination of this Agreement before the end of its term shall not relieve either party of its obligation to perform under the Agreement, or respective liabilities under the Agreement, until termination occurs.

The OWNER may terminate this Agreement for its convenience with a minimum of ten (10) days written notice of termination. In the event of termination of this Agreement, CONSULTANT shall only be paid for work performed through the date of termination.

9. DISPUTE RESOLUTION

In the event that the OWNER or the CONSULTANT shall contend that the other has committed a material breach of this Agreement, the party alleging such breach shall, as a condition precedent to filing any lawsuit, notify the breaching party describing the breach and demanding corrective action. The breaching party has five (5) business days from its receipt of the notice to correct the breach, or to begin and continue with reasonable diligence and in good faith to correct the breach. If the breach cannot be corrected within a reasonable time, despite the breaching party's reasonable diligence and good faith effort to do so, either party may invoke the dispute resolution process by requesting mediation with a neutral third-party mediator. Request for mediation shall be in writing, and shall request that the mediation commence not less than thirty (30) or more than ninety (90) days following the date of the request, except upon agreement of both parties. In the event the OWNER and the CONSULTANT are unable to agree to a date for the mediation or to the identity of the mediator or mediators within thirty (30) days following the date of the request for mediation, all conditions precedent in this article shall be deemed to have occurred.

10. INTENTIONALLY LEFT BLANK

11. ASSIGNMENT

Neither this Agreement nor any duties or obligations hereunder shall be assignable by the CONSULTANT or OWNER without prior written consent of the other. In the event of an assignment by the CONSULTANT to which the OWNER has consented, the assignment will not become effective unless and until the assignee or its legal representative shall have agreed in writing with the OWNER to personally assume, perform and be bound by the covenants, obligations, and agreements contained herein. In the event the CONSULTANT assigns sublets, subcontracts, or assigns without written consent by the OWNER, this Agreement may be terminated at the option of the OWNER, and all financial obligations shall cease as well

12. SUCCESSORS AND ASSIGNS

Subject to the provisions regarding assignment, this Agreement shall be binding on the heirs, executors, administrators, legal representatives, successors, and assigns of the respective Parties.

13. GOVERNING LAW AND VENUE

The validity of this Agreement and of its terms or provisions, as well as the rights and duties of the Parties hereunder, shall be governed by the laws of the State of Texas. The exclusive venue for any legal action shall lie in a court of competent jurisdiction in Hays County, Texas.

14. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties and supersedes any and all other agreements, either oral or written, between the Parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter that is not contained herein shall be valid or binding.

15. AMENDMENT

This Agreement may be amended only by the mutual agreement of the Parties hereto in writing and incorporated into this Agreement. The duly appointed representative of each party must sign any such amendment.

16. INDEMNIFICATION

To the fullest extent permitted by law, the CONSULTANT shall indemnify and hold harmless the OWNER, its elected officials, employees, officers, directors and partners from and against damages arising from third party claims for bodily injury or property damage, including payment of reasonable attorneys' fees incurred by the OWNER, but only to the extent solely caused by the intentional or negligent act, error or omission of the CONSULTANT, or the CONSULTANT's consultants or agents, in performance of services under this Agreement.

17. NOTICES

All written notices provided to the Parties pursuant to this Agreement shall be forwarded to each party at the address indicated below. Such notices shall be considered duly and properly given when delivered in person or

18. APPROPRIATIONS

Notwithstanding any provision contained herein, the financial obligations of the OWNER contained herein are subject to and contingent upon appropriations by the OWNER's Governing Body of such funds or other revenues being available, received and appropriated by the OWNER in amounts sufficient to satisfy said obligations. In no event shall this instrument be construed to be a debt of the OWNER.

19. GOVERNMENTAL IMMUNITY

Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity, including, but not limited to, governmental immunity, to either the OWNER or its elected officials, officers and employees. Neither the OWNER, nor its officers and employees waives, modifies or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.

20. SEVERABILITY

If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

21. NO WAIVER OF ANY CONTRACTUAL RIGHT

The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

22. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument. A signature transmitted by facsimile or similar equipment shall be deemed an original signature.

23. NO THIRD PARTY BENEFICIARY

This Agreement inures to the benefit of and obligates only the Parties executing it. No term or provision of this Agreement shall benefit or obligate any person or entity not a party to it. The Parties hereto shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, protection, release or other consideration under this Agreement.

24. HEADINGS

The description headings used in this Agreement are inserted for reference only and do not and shall not be deemed to modify the construction of any of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year set forth in this Agreement.

CONSULTANT

TRC ENGINEERS, INC.

By: _____

Printed Name: _____

Title: _____

Date: _____

OWNER

CITY OF WIMBERLEY
P.O. BOX 2027
WIMBERLEY, TX 78676

By: _____

Printed Name: _____

Title: _____

Date: _____

EXHIBIT A

| Services Required:

Project Management Services shall consist of providing Project Management support personnel to work under the direct supervision of City of Wimberley staff to provide construction support for the Project. The CONSULTANT will be responsible for providing all necessary equipment including but not limited to computer, software, digital camera and cell phone as part of their overhead and without separate reimbursement. Activities for which CONSULTANT and support personnel will be required include any or all of the following:

Bid Phase

1. Assist OWNER and Project Engineer in formulation of contractor procurement, review and selection.
2. Assist with establishing a program schedule.

Construction Phase

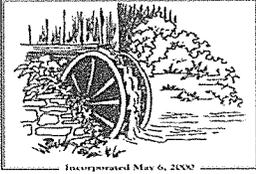
- Observing and documenting daily construction progress.
- Serve as OWNER's liaison to Engineer and Contractor.
- Coordinate tests and special inspections with Contractor and Construction Materials Testing firm, Engineer and OWNER.
- Review and monitor project schedule and submittals and verify progress of the work to the Contractor's established schedule.
- Facilitate and document interpretation of Contract Documents by handling Requests for Information from Contractor and responses from Engineer and OWNER.
- Facilitate and document submittal review by receiving submittals from Contractor, reviewing for completeness and distributing to Engineer and OWNER for technical review.
- Review work and reject defective work that does not comply with Contract Documents.
- Schedule with Contractor, Engineer, and OWNER tests, inspections, training and other activities needing coordination between the parties.
- Preparation of periodic reports of construction progress and status of all RFI's, submittals, change proposals, change orders, field orders, etc.
- Conduct wage rate interviews with contractor's personnel and complete Davis-Bacon forms.
- Review and recommend action on American Iron & Steel.
- Maintain a set of as-built drawings.
- Receive and review Contractor pay requests and make recommendation to OWNER for payment.
- Participate in the close-out inspections.
- Coordinate with the engineer and contractors to verify that final punch list items have been addressed.
- Monitor construction logistics between the General Contractor and the OWNER.
- Provide monthly written and oral progress reports to City Council
- Attend, arrange and conduct a variety of meetings, as required.
- Generate weekly site visit reports describing general events, noting problems and unusual events.
- Monitor preparation of the punch-list and manage punch-list process.
- Monitor close-out procedures, including transfer of complete Project record drawings to the OWNER.
- Assist in development of value engineering options, as requested.
- Other services as needed to facilitate administration, coordination, and documentation of the project.

Exhibit B

Time & Materials Basis

Project Manager	\$80 per hour
In-House Coordinator	\$120 per hour
Travel Mileage Reimbursement (IRS Rate)	\$0.54 per mile

City Council Agenda Form



Date Submitted: November 23, 2016

Agenda Date Requested: December 1, 2016

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by the Mayor and members of City Council and for future agenda item requests.