

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
JUNE 2, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER JUNE 2, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATION

PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS
RECOGNIZING THE 30TH ANNIVERSARY OF THE SENIOR CITIZENS CRAFT SHOP OF
WIMBERLEY

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 MAY 19, 2016

- (B) APPROVAL OF THE APPOINTMENT OF REBECCA MCCULLOUGH TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. *(PLACE FOUR COUNCIL MEMBER GARY BARCHFELD'S NOMINEE)*
- (C) APPROVAL OF THE APPOINTMENT OF JOHN ESPINOZA TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. *(MAYOR MAC MCCULLOUGH'S NOMINEE)*
- (D) APPROVAL OF THE APPOINTMENT OF ONE (1) CONSENSUS MEMBER TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. *(MAYOR MAC MCCULLOUGH)*

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON PROPOSED CHANGES TO THE TERM LENGTHS FOR MEMBERS OF THE PLANNING AND ZONING COMMISSION
- STATUS REPORT ON THE UPCOMING MEETING REGARDING THE PLANNED RECONSTRUCTION OF THE HIDDEN VALLEY LOW WATER CROSSING
- STATUS REPORT ON HOTEL OCCUPANCY TAX COLLECTIONS FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON PLANS FOR A RECOGNITION CEREMONY FOR 2015 FLOOD VOLUNTEERS
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON 2015 FLOOD RECOVERY

3. PUBLIC HEARING AND CONSIDER ACTION

HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE PROPOSED PRELIMINARY PLAT OF 11.29 ACRES ESTABLISHING LOTS 1, 2, 3 AND 4 OF THE *HACIENDA DEL CIELO SUBDIVISION* LOCATED OFF WEST SPOKE HILL ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, AND RELATED VARIANCE REQUESTS FROM THE CITY SUBDIVISION CODE REQUIREMENTS RELATING TO LOT SHAPE AND LOT WIDTH AND DEPTH. *(CITY ADMINISTRATOR)*

4. ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 33 (BOARDS AND COMMISSIONS), BY ADDING SECTION 33.05 (BUDGET ADVISORY BOARD) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ESTABLISH THE BUDGET ADVISORY BOARD AND PROVIDE FOR THE DUTIES, APPOINTMENT, AND REMOVAL OF BOARD MEMBERS; AND PROVIDING FOR FINDINGS OF FACT; AN EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND SEVERABILITY. *(MAYOR MAC MCCULLOUGH)*

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED HOTEL OCCUPANCY TAX FUNDING APPLICATION FORM ALONG WITH PROPOSED REVISIONS TO THE *HOTEL OCCUPANCY TAX COMMITTEE*

*RESPONSIBILITIES, ACCOUNTABILITIES, AUTHORITIES AND GUIDELINES.
(HOTEL OCCUPANCY TAX ADVISORY COMMITTEE)*

- (B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED DEVELOPMENT OF REGULATIONS RELATING TO THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CITY STREETS. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP)*
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING PROPOSED MODIFICATIONS TO THE CITY OF WIMBERLEY'S REQUIREMENTS RELATING TO THE KEEPING OF CHICKENS. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP)*
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING PROPOSED CHANGES IN THE POSTING DATES FOR CITY COUNCIL MEETINGS. *(PLACE TWO COUNCIL MEMBER CRAIG FORE)*
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO LEASE AND OPERATE A RESTROOM TRAILER FOR A PUBLIC RESTROOM ON THE WIMBERLEY SQUARE AND AUTHORIZING A BUDGET AMENDMENT SUCH. *(MAYOR MAC MCCULLOUGH)*
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION SETTING THE DATE, TIME AND PLACE FOR A CITY COUNCIL GOALS AND PRIORITIES WORKSHOP. *(CITY ADMINISTRATOR)*
- (G) DISCUSS AND CONSIDER POSSIBLE ACTION APPOINTING MEMBERS TO THE CITY OF WIMBERLEY BUDGET ADVISORY BOARD *(CITY ADMINISTRATOR)*
- (H) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO ESTABLISH A RECOGNITION PROCESS FOR OUTGOING MEMBERS OF CITY BOARDS AND COMMISSIONS. *(PLACE TWO COUNCIL MEMBER CRAIG FORE)*
- (I) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A REQUEST TO REDUCE OR WAIVE THE WIMBERLEY COMMUNITY CENTER RENTAL FEES FOR THE UPCOMING *WIMBERLEY BOOK FESTIVAL* ON JUNE 11, 2016. *(CITY ADMINISTRATOR)*
- (J) DISCUSS AND CONSIDER ISSUES RELATING TO ALL CURRENT CITY PROJECTS AND EFFORTS. *(MAYOR MAC MCCULLOUGH; NO ACTION TO BE TAKEN)*
- (K) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO AUTHORIZE AN INDIVIDUAL ASSISTANT FOR THE MAYOR AND CITY ADMINISTRATOR AT NO COST TO THE CITY. *(MAYOR MAC MCCULLOUGH)*
- (L) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE CITY OF WIMBERLEY BUILDING PERMIT PROCESS. *(MAYOR MAC MCCULLOUGH)*

6. 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

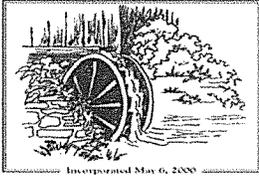
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on May 30, 2016 at 5:30 p.m.



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 Council Agenda Form



Date Submitted: May 27, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: APPROVAL OF MAY 19, 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 May 19, 2016 Regular City Council Meeting.

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
May 19, 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 Gibson Trapp, and John White. Councilmember Gary Barchfeld was absent.

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

Citizens Communications

Mike Crowley of 413 Hidden Valley requested an in-depth review of progress on the completion of the Hidden Valley low water crossing. He recognized the City's efforts toward reconstruction, but said having to use an alternate route adds about forty miles per day to his travel. He expressed disappointment regarding the lack of conversation on this matter and asked if the project contractor could attend a Council meeting in order to address concerned residents. He said with the right amount of focus and attention by the people spending the money any project could be expedited. He recognized City Administrator Ferguson's help on getting this project completed and offered to provide support for the project review.

Pedernales Electric Cooperative (PEC) representative Diana Gonzalez provided information on PEC's annual membership meeting to be held Saturday, June 18, 2016 at 10:30 a.m. in Dripping Springs. She highlighted the schedule of events, including Board election voting, food/refreshments, family-friendly activities, and door prizes.

1. Consent Agenda

- A. Approval of minutes of the Special City Council meeting of May 3, 2016
- B. Approval of minutes of the Regular City Council meeting of May 5, 2016
- C. Approval of minutes of the Special City Council meeting of May 13, 2016
- D. Approval of minutes of the Special City Council meeting of May 13, 2016 (*Second Meeting*)
- E. Approval of April 2016 Financial Statements for the City of Wimberley
- F. Approval of a resolution designating Mayor Mac McCullough and City Administrator Don Ferguson as the City of Wimberley's authorized representatives for matters relating to the Texas Local Government Investment Pool ("Texpool/Texpool *Prime*")

Councilmember White moved to approve all Consent Agenda items, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

2. Discussion and Action on Election Related Matters

- A. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Cindy Anderson as Mayor Pro Tempore and a City Councilmember of the City of Wimberley, Texas. *(Mayor Mac McCullough)*
- B. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Pam Showalter as a City Councilmember of the City of Wimberley, Texas. *(Mayor Mac McCullough)*
- C. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Steve Thurber as Mayor, Mayor Pro Tempore and a City Councilmember of the City of Wimberley, Texas. *(Mayor Mac McCullough)*

Councilmembers Cindy Anderson and Pam Showalter were not present.

Mayor McCullough commended former Mayor Steve Thurber and presented him with the resolution. Mayor Thurber accepted the resolution and said it has been an honor and pleasure to serve for the last eight years.

Councilmember Fore moved to approve the resolutions (Agenda Items 2A, 2B, and 2C), as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

- D. Consider approval of an appointment of Mayor Pro Tempore for a term of one (1) year. *(Mayor Mac McCullough)*

Mayor McCullough explained the requirement that Council appoint a Mayor Pro Tempore.

Councilmember Trapp moved to appoint John White as Mayor Pro Tempore for a term of one (1) year. Councilmember Dussler seconded. Motion carried on a vote of 3-0, with Councilmember White abstaining.

3. City Administrator Report

City Administrator Ferguson thanked former Mayor Thurber for all he has done for the community and for City staff.

City Administrator Ferguson introduced City Marshal/City Sanitarian Kyle DeHart and Assistant City Administrator/City Secretary/Municipal Court Clerk Cara McPartland and provided information on their professional/educational backgrounds and duties.

City Administrator Ferguson reported on challenges encountered with reconstruction of the Hidden Valley low water crossing, specifically bidding/re-bidding of the project, the lack of

plans for the destroyed bridge necessitating engineering studies, and some minor right-of-entry issues. He anticipated completion of construction in late summer/early fall of this year and said the contractor will be present at Council's next meeting. He noted that there will be a meeting with Hidden Valley residents before project design is finalized.

City Administrator Ferguson reported that there will be a meeting scheduled with affected property owners regarding the River Road restoration project. He provided design details and anticipated bidding on the project to occur within the next thirty days.

Addressing Mike Crowley's earlier comments, Mayor McCullough offered to have City Council meet with Hidden Valley residents at a to-be-determined location in their neighborhood on the low water crossing reconstruction project. Mr. Crowley said he would be glad to facilitate such a meeting.

- Status report on correspondence with the Texas Attorney General relating to the Twin Mountain Manor litigation

City Administrator Ferguson read the full text of the letter that was sent by Mayor McCullough to Texas Attorney General Paxton encouraging his office's involvement in the referenced litigation and recognizing the importance of Twin Mountain Manor as matter of public interest and its role as a senior housing option for the community. City Administrator Ferguson replied affirmatively to Mayor McCullough's request that the subject letter be placed on the City's website.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson reported that this month's check, representing March collections, totaled \$89,962, down two percent (2%) from the same period last year. Year-to-date collections are up sixteen percent (16%) and running well ahead of budget.

- Status report on Merritt Starlight Senior Housing Project

City Administrator Ferguson reported that developers have submitted an amendment to the existing Wimberley Planned Development District (WPDD), which is anticipated to be heard by the Planning and Zoning Commission and City Council in June. He advised that the review and ratings process is underway with Texas Department of Housing and Community Affairs (TDHCA) regarding possible tax credits for the project.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported on May and summer season dates/hours of operation and on seasonal staffing efforts.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported on the community-wide commemorative event to be held Saturday, May 21st at EmilyAnn Theatre, thanked event sponsors, and encouraged attendance at the event, which will include a ceremony hosted by Mayor McCullough, a free community picnic, music, and fellowship.

City Administrator Ferguson reported on the status and location of River Road closure(s) due to water over the road from recent rains and provided peak flow data.

Brief discussion addressed food and volunteering opportunities for the May 21st commemorative flood event.

4. Presentation

Presentation by Dean Ouellette of Airvac Systems regarding wastewater vacuum collection systems. (*Mayor Mac McCullough*)

Mayor McCullough said this is an item he has pushed for and wants to see it given a fair shot. He noted an agenda item later in this meeting to appoint an ad hoc wastewater review committee, which he said will be tasked with looking at issues such as the cost of a vacuum collection system versus a gravity collection system. He introduced Dean Ouellette of Airvac Systems, said no cost estimates have been requested at this time, and asked that people remain neutral in their judgments on this issue.

Airvac Systems representative Dean Ouellette thanked Council and gave a presentation on the following: early vacuum systems; vacuum applications; main vacuum system components; valve pit packages; vacuum main pipe materials; vacuum system layout; liquid transport variations; vacuum main profile/installation compared to gravity systems; vacuum main testing; vacuum station design details; and Airvac construction advantages and services, including system start-up, operations, and operator training.

Mayor McCullough asked that Council members attend a meeting with Alan Plummer Associates, Inc. in order to be informed about conventional gravity collection systems.

Discussion among Mr. Ouellette, Council, City Administrator Ferguson, and audience members included:

- Amount and processing of sludge
- Typical failure points at valves
- Owner of collection point and gravity line
- Location(s) of existing Airvac vacuum system operating in closest proximity to Wimberley
- How to maintain the integrity of the vacuum system; leak repair procedures
- Noise and odor control
- Previous presentations to Council on conventional gravity systems
- Comparison of gravity versus vacuum collection systems, including differences in construction, maintenance, operation, and associated costs

- Concerns regarding disruption of businesses during system construction
- Ability to shut down system in flood events

After Agenda Item No. 5, Mr. Ouellette continued by concluding his presentation with a video on vacuum collection systems.

5. Ordinance

Consider approval of an ordinance of the City of Wimberley, Texas, repealing Ordinance No. 2016-006; amending City of Wimberley Ordinance No. 2006-010, "Code of Ethics"; and providing findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. (*Mayor Mac McCullough*)

Mayor McCullough stated he voted against the subject ordinance because he felt it unnecessary given that the City's Ethics Commission has the ability to accept and act upon complaints. He questioned whether there has ever been any material or financial harm done to the City from not having this ordinance in place and asked Council to consider its repeal.

Councilmember White said he voted against approving Ordinance No. 2016-006, which he felt was unnecessary due to the Ethic Commission's ability to take care of ethics complaints and moved to approve repealing Ordinance No. 2016-006. Brief discussion between Mayor McCullough and Councilmember White addressed procedural questions on the timing of motions and Council discussion. Mayor McCullough opened Council discussion.

Councilmember Trapp asked if Council is already prohibited from disclosing information from Executive Sessions, regardless of Ordinance No. 2016-006. Mayor McCullough replied affirmatively and stated as a general policy it is safest not to say anything.

Councilmember White asked what exactly the proposed ordinance is amending and City Administrator Ferguson advised that the proposed ordinance repeals Ordinance No. 2016-006 in its entirety. Councilmember White did not see the need for Ordinance No. 2016-006, as ethics complaints and violations are already covered by the Ethics Commission.

Councilmember Dussler said he voted in favor of Ordinance No. 2016-006 due to the importance of understanding that information discussed in Executive Session is not to be disclosed and said his feelings are unchanged.

Councilmember Fore stated he had no opinion, but felt there is no need for an extra layer of protection. Councilmember Trapp concurred with Councilmember Fore.

Mayor McCullough agreed with comments from Councilmembers White, Trapp, and Fore, said there will be an in-depth briefing held in June by the City's attorneys that will include information on this issue, and entertained a motion.

Councilmember White moved to approve the ordinance repealing Ordinance No. 2016-006, as presented. Councilmember Fore seconded.

Mayor McCullough called for a vote as follows: Councilmember Dussler, nay; Councilmember Fore, aye; Councilmember Trapp, aye; and Councilmember White, aye. Motion carried on a vote of 3-1.

6. Discussion and Possible Action

- A. Discuss and consider action regarding a proposal to temporarily stop work on the *Central Wimberley Wastewater Project*. (Mayor Mac McCullough)

This item was heard after the conclusion of Agenda Item No. 4 (video presentation by Airvac representative Dean Ouellette).

Mayor McCullough entertained a motion to pull this item and table until Council's meeting on July 7, 2016.

Councilmember White moved to table this item until Council's meeting on July 7, 2016. Councilmember Trapp seconded. Motion carried on a vote of 3-1. Councilmember Dussler voted against.

- B. Discuss and consider action regarding a proposal to create an ad hoc wastewater review committee. (Mayor Mac McCullough)

Mayor McCullough stated he ran on the promise to review the cost of the wastewater system and asked that Council members not share the contents of a letter received regarding intent to sue. He explained his intent in tabling Agenda Item 6A was not to "pause" the sewer system, but to have the ad hoc committee conduct its review concurrently while Alan Plummer Associates continues its work already underway. He stressed the ad hoc committee will have no more than thirty (30) days to complete its review. Mayor McCullough stated he is not ready to release the names of committee appointments tonight, but said those names will include some Water Wastewater Advisory Board members, as well as other responsible individuals who are well-known to the community. In response to Mayor McCullough's inquiry on how to proceed with committee formation and appointments, City Administrator Ferguson replied that a motion could be made to form the ad hoc committee, with appointments of members to be made at a later date.

Councilmember Dussler read from prepared comments reviewing the lengthy public process undertaken by the City to date toward achieving a central wastewater system. He expressed concerns that continuing review of the project carries significant risks to the project's timeframe and financing. He felt that tonight's request to form an ad hoc committee is ill-conceived. He stressed four areas that pose significant time and financial risks and issues: the permit process, financing, project engineering, and the City's application for a U.S. Economic Development Administration (EDA) grant. He stated that delaying the project could incur substantial additional costs to be borne on the back of system users. Councilmember Dussler believed that the City needs to proceed with the gravity system that has been recommended and approved several times and get underway now.

Mayor McCullough suggested a 45-day timeframe for the ad hoc committee to meet, make recommendations, and for Council to act on those recommendations.

Councilmember Trapp moved to create an ad hoc wastewater review committee with members to be appointed by Mayor McCullough. Councilmember White seconded. Motion carried on a vote of 3-1. Councilmember Dussler voted against.

- C. Discuss and consider regarding a proposal to create a Budget Advisory Board. (*Mayor Mac McCullough*)

Mayor McCullough stated he wanted to re-establish a Budget Advisory Board comprised of four to five people from the community to look at the budget from a different perspective.

City Administrator Ferguson stated that tonight's action would be to create the Budget Advisory Board with appointments to be made at Council's next meeting.

Councilmember Dussler moved to approve creation of a Budget Advisory Board. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider action regarding a proposal to increase the length of the term for members of the City of Wimberley Planning and Zoning Commission from two (2) years to three (3) years. (*Mayor Mac McCullough*)

Mayor McCullough stated that the Planning and Zoning Commission is the City's most complex, important commission, and hoped to de-politicize appointments and ensure stability with the proposed increased term length.

Discussion addressed how to deal with existing terms, rotation schedule, and staggering of terms.

City Administrator Ferguson explained that a change to the Commission's term length requires a revision of the City's Zoning Code, which triggers the need to draft an ordinance subject to public notification and for public hearings to be held by the Planning and Zoning Commission and by City Council.

Councilmember Fore moved to approve direction to staff to draft an ordinance to increase the length of the term for members of the City of Wimberley Planning and Zoning Commission from two (2) to three (3) years. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

Mayor McCullough said he favored similar action for the City's other boards and commissions.

- E. Discuss and consider action regarding a proposal to request the transfer of the Capital Area Metropolitan Planning Organization's funding commitment for the planning and design of improvements at the intersection of FM 33237 and Ranch Road 12 from the City of Wimberley to the County of Hays. (*City Administrator*)

City Administrator Ferguson provided background information on the project's design and financing, and stated this proposal would lessen the up-front financial burden on the City. He said Council authorization is needed to request Capital Area Metropolitan Planning Organization (CAMPO) to transfer the City's funding allocation to Hays County, which in turn would enter into the required advance funding agreement with TxDOT. The City would then enter into an interlocal agreement with Hays County relating to project management and any required matching funds.

Discussion established that the City's Transportation Advisory Board (TAB) will maintain an active voice in the project's final design and is supportive of this proposal and addressed certain specific design features such as turn/acceleration lanes and sidewalks.

Councilmember White moved to approve the proposal to request the transfer of the Capital Area Metropolitan Planning Organization's funding commitment for the planning and design of improvements at the intersection of FM 33237 and Ranch Road 12 from the City of Wimberley to the County of Hays, as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

Mayor McCullough called a recess at 8:37 p.m.

Mayor McCullough reconvened the meeting at 8:40 p.m.

- F. Discuss and consider action regarding a proposal to lease a restroom trailer for a public restroom on the Wimberley Square. (*Mayor Mac McCullough*)

Mayor McCullough favored an additional restroom trailer until there is a central sewer system in place. He felt that it should be placed on the Oak Drive side of the Square.

City Administrator Ferguson presented the following information:

- 12-month lease for a two-toilet trailer at approximately \$1,250 per month, with the City responsible for pumping at least once per week at a cost of \$150 per pumping
- Total annual cost of approximately \$35,000 for trailer lease, pumping, utilities, and labor
- Maintenance would be provided by City park staff
- Purchase price for a new trailer approximately \$25,000 (not including pumping costs)

Discussion addressed "buy-in" from downtown merchants, timeframe for delivery, utilities hook-up, and buying versus renting the trailer.

Councilmember White moved to proceed with the proposal to lease a restroom trailer for use as a public restroom on the Wimberley Square, with formal authorization to be placed on Council's next agenda. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

- G. Discuss and consider approval of the Blue Hole Regional Park Improvement Naming Agreement with Marianne Payne. (*City Administrator*)

City Administrator Ferguson recommended approval of the naming agreement, which would change the name of the Buckeye Trail to the “Marianne Payne Family Buckeye Trail,” in return for a \$20,000 donation to the Friends of Blue Hole.

Councilmember Fore moved to approve the naming agreement, as presented. Councilmember Dussler seconded. Motion carried on a vote of 4-0.

H. Discuss and consider possible action regarding a request to operate a food service trailer at 14306 Ranch Road 12 in Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson stated the applicant is proposing to serve roasted corn out of a specially equipped mobile food service trailer to be placed at 14306 Ranch Road 12. He noted the applicant plans to use existing on-site restrooms and parking.

Councilmember White moved to approve the request to operate a food service trailer at 14306 Ranch Road 12, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

I. Discuss and consider possible action designating the Mayor, Mayor Pro Tempore and City Administrator as authorized signatories on the City of Wimberley depository bank accounts. (*City Administrator*)

City Administrator Ferguson recommended approval of this item to designate the Mayor, Mayor Pro Tempore and City Administrator as authorized signatories on the City of Wimberley depository bank accounts.

Councilmember Trapp moved to approve designating the Mayor, Mayor Pro Tempore and City Administrator as authorized signatories on the City of Wimberley depository bank accounts, as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

7. **City Council Reports**

- Announcements
- Future Agenda Items

Mayor McCullough gave reminders about Council’s upcoming meeting at Alan Plummer Associates, Inc. and the flood commemorative and community clean-up events to be held this Saturday, May 21, 2016.

City Administrator Ferguson pointed out that Councilmember Barchfeld stressed for the record that his absence tonight was due to a previous obligation to attend a very important family event that he promised would not be missed.

As future agenda item requests: Councilmember Fore asked for consideration of earlier agenda postings and Councilmember Trapp requested future consideration of the keeping of hens.

Discussion established that Council typically holds an annual workshop on goals and objectives in early summer. Mayor McCullough offered possible workshop timeframe/locations and highlighted workshop procedures.

Councilmember Fore requested future consideration of recognition for those who serve on City boards and commissions.

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

Adjournment: Council meeting adjourned at 9:00 p.m.

Recorded by:

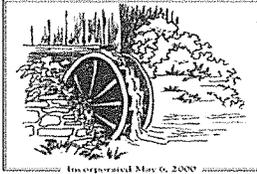
Cara McPartland

These minutes approved on the ____ of June, 2016.

APPROVED:

Herschel "Mac" McCullough, Mayor

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF REBECCA MCCULLOUGH TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION

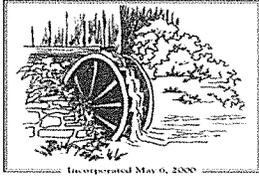
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Gary Barchfeld to allow City Council to discuss and consider approval of the appointment of Rebecca McCullough to the City of Wimberley Planning and Zoning Commission. Ms. McCullough is Council Member Barchfeld's nominee to the Commission.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF JOHN ESPINOZA TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION

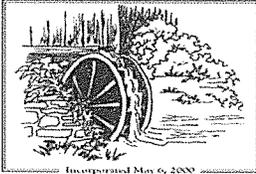
Council Action Requested:

- 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 approval of the appointment of John Espinoza to the City of Wimberley Planning and Zoning Commission. Mr. Espinoza is Mayor McCullough's nominee to the Commission.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF ONE (1) CONSENSUS APPOINTMENT TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION

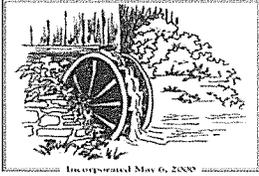
Council Action Requested:

- 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 approval of the appointment of one (1) consensus appointment to the City of Wimberley Planning and Zoning Commission. Mayor McCullough will present his nominee for Council consideration at the meeting.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

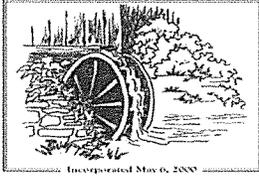
- Ordinance
- Resolution
- Motion
- Discussion

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 proposed changes to the term lengths for members of the Planning and Zoning Commission
- Status report on the upcoming meeting regarding the reconstruction of the Hidden Valley Low Water Crossing
- Status report on hotel occupancy tax collections for the City of Wimberley
- Status report on plans for a recognition ceremony for 2015 Flood volunteers
- Status report on operation of Blue Hole Regional Park
- Status report on 2015 flood recovery

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING THE PROPOSED PRELIMINARY PLAT OF *HACIENDA DEL CIELO SUBDIVISION* AND VARIANCES RELATING TO LOT SHAPE, WIDTH AND DEPTH

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to hold a public hearing and consider approval of the proposed preliminary plat of the *Hacienda Del Cielo Subdivision* and associated variance requests.

The plat proposes to subdivide an 11.29 acre tract located off West Spoke Hill Road into four (4) lots, two (2) of which are flag shaped lots. The area of the proposed lots is as follows: Lot 1 - 2.06 acres, Lot 2 – 4.57 acres, Lot 3 – 2.64 acres and Lot 4 – 2.02 acres. Each lot has frontage along a fifty (50) foot road easement. The property is located within the corporate boundaries of the City of Wimberley.

The proposed use of the lots is residential. The subject property is currently zoned Residential Acreage (RA). The proposed subdivision will require the four (4) newly created lots to be rezoned Rural Residential 1 (R-1).

The lots created by the proposed subdivision will obtain water supply from on-site groundwater water wells. Wastewater service for the lot will be provided by on-site sewerage facilities.

Lots 2 and 3 have a flag lot configuration. Lot 2 has 51.42 feet of road easement frontage and Lot 3 has less than 90 feet of road easement frontage. As a result, the applicant is seeking a variance from Section 154.063 (C) of the City Code, relating to lot shape, and Section 154.063 (F) relating to lot width and depth. The applicant is unable to meet the referenced Code requirements because of the existing size and slope of the parent tract.

On May 26, 2016, the Planning and Zoning Commission held a public hearing on the proposed subdivision. Afterwards, the Commission voted to recommend approval of the plat and associated variances along with a restrictive covenant allowing access to Lot 2 from the driveway of Lot 3 in the proposed subdivision.

City staff recommends approval of the Commission's recommendation.

HAYS COUNTY, TEXAS

known to me to be the person whose name is the same for the purposes and consideration therein

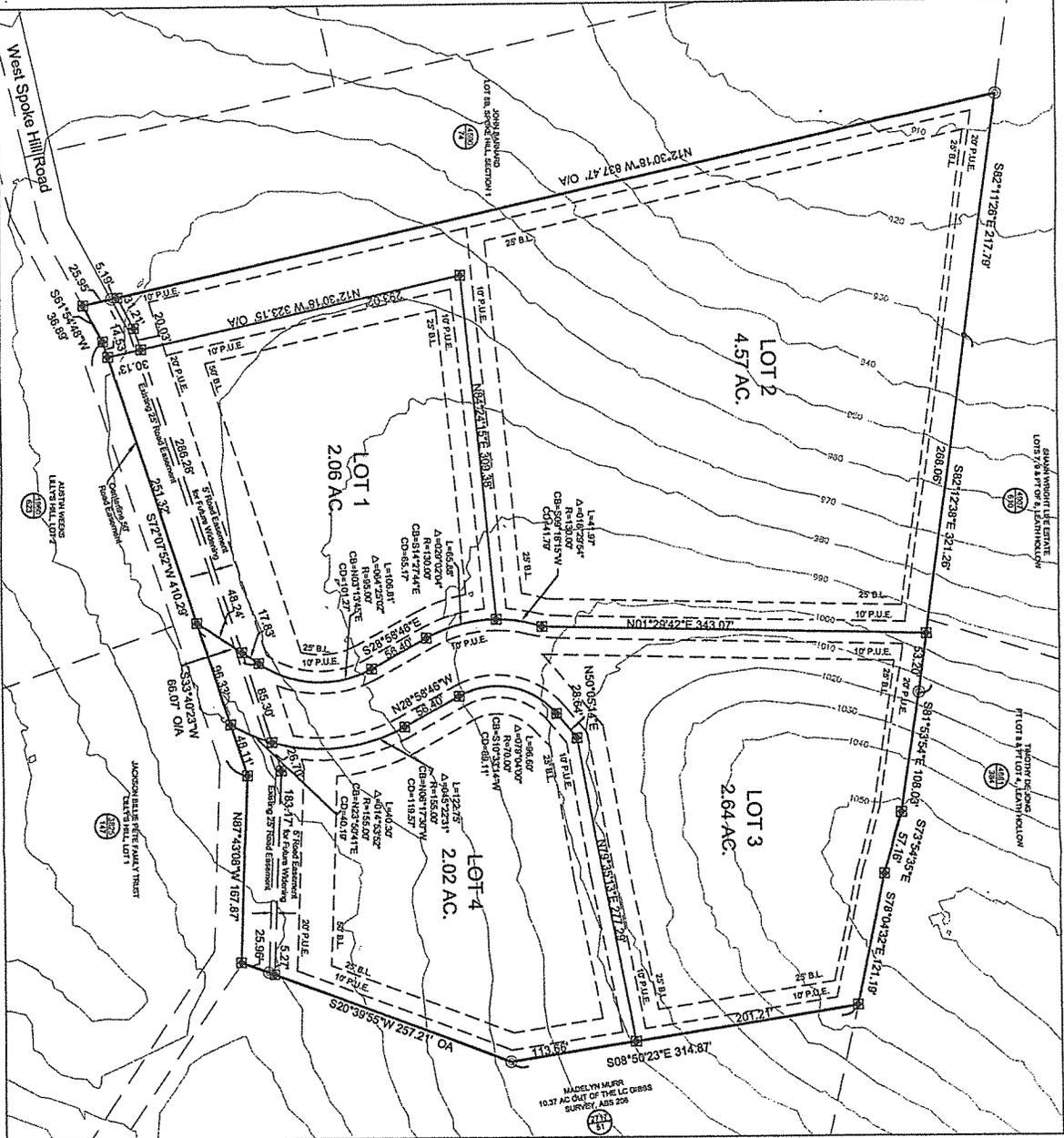
hereof, and after a review of the plat as items of the City of Wimberley. This verifications of the facts alleged. The City of fications of the representation, factual or

It this subdivision plat conforms to all

It this subdivision plat conforms to all

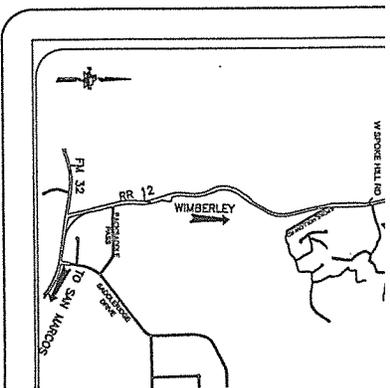
foregoing instrument in writing, with its A.D. 20, at O'clock, M. and ds of Hays County, Texas, in Plat Book No.

day of A.D. 20,



STATE OF TEXAS
COUNTY OF HAYS

LEGEND

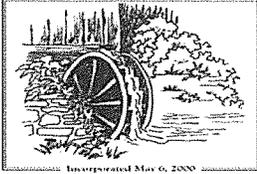


VICINITY MAP
(NOT TO SCALE)
ZIP CODE: 78676

PLAT NOTES

1. No portion of this subdivision lies within the boundaries of the Segment of the Edwards Aquifer Contributing Zone.
2. This subdivision lies within the boundaries of the Edwards Aquifer Zone.
3. No portion of this subdivision lies within the boundaries of the as delineated on Hays County F.R.M. Parcel #48209C 0355 F 2, 2005.
4. This subdivision lies within the Wimberley Independent School Water supply for this subdivision is provided by private on-site Rainwater collection is encouraged and in some areas may off renewable water resources.
5. Electricity for this subdivision is provided by Pedernales Electric facilities.
6. There is hereby established a ten (10) foot easement centered facilities.
7. Telephone service for this subdivision is provided by Verizon.
8. This subdivision lies within the City Limits of The City of Wimberley to its ordinances.
9. When required, lots shall have a minimum driveway culvert size 12. This subdivision has an average slope of more than 15%.
10. Wastewater treatment for this subdivision is to be private, in-kind sewerage facilities as approved by the City of Wimberley. No subdivision shall be occupied until connected to a public sewer on-site wastewater system which has been approved and part Wimberley.
11. Improvements exist on Lot 3, which are not shown by this Plat Provisions of the City of Wimberley Comprehensive Plan shall subdivision.
12. No object, including buildings, fencing or landscaping which w conveyance of stormwater, shall be placed or erected within a Easement. The owner(s) of any lot(s) upon which drainage fa

City Council Agenda Form



Date Submitted: May 27, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER APPROVAL OF AN ORDINANCE CREATING A BUDGET ADVISORY BOARD

Funds Required:
Funds Available:

Council 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 approval of an ordinance creating a Budget Advisory Board. The purpose of the Board is to give members of the public a chance to offer feedback and recommendations in the preparation of the annual City budget. Specifically, the Board will be tasked with helping City Council determine budget priorities and funding alternatives to help meet the City's growing budget needs.

According to the proposed ordinance, the Board will consist of five (5) members, all of whom must reside within the city limits of Wimberley. The City Council will appoint the members whose term will be two (2) years.

City staff recommends approval of the ordinance creating the Wimberley Budget Advisory Board.

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING CHAPTER 33 (BOARDS AND COMMISSIONS), BY ADDING SECTION 33.05 (BUDGET ADVISORY BOARD) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO ESTABLISH THE BUDGET ADVISORY BOARD AND PROVIDE FOR THE DUTIES, APPOINTMENT, AND REMOVAL OF BOARD MEMBERS; AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY.

WHEREAS, the City of Wimberley (“City”) is authorized to establish boards and commissions to receive public input and provide recommendations to the City Council; and,

WHEREAS, the City Council of the City of Wimberley, County of Hays, State of Texas has certain duties and responsibilities relating to budgetary, investment and financial matters; and

WHEREAS, the City Council finds it to be in the best interest of the City of Wimberley, to seek advice from a committee of citizens with respect to these matters.

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

I. FINDINGS OF FACT

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.

II. AMENDMENTS

THAT Chapter 33 (Boards and Commissions) of the Code of Ordinances of the City of Wimberley, Texas is hereby amended to section 33.05 (Budget Advisory Board) to read as follows:

“§ 33.05 Budget Advisory Board

(A) *Purpose.* The purpose of the Budget Advisory Board (the “Board”) is to provide advice to the City Council with respect to budgetary matters. This ordinance is adopted so that the Budget Advisory Board (the “Board”) created hereby may advise the City Council with respect to these matters.

(B) *Duties.* The Board shall advise the Council with respect to: (1) a fiscally sound and responsible budget process, (2) long term budgetary goals, (3) achieving budgetary goals, (4) informing the citizens of the City about the information contained in the annual budget, (5) exploring funding alternatives and (6) such other matters as Council from time to time by resolution may request.

(C) Composition of the Board.

(1) The Board created by this ordinance, shall be an independent advisory board to the City Council, and shall be comprised exclusively of volunteer members appointed by the Council.

(2) The Board shall be comprised of five (5) members, all of whom shall be residents of the City.

(D) Appointment of Board Members; Terms; Vacancies

(1) All members of the Board shall be nominated by consensus of the City Council. Nominations for consensus Board positions shall be presented at the second regular City Council meeting in October, every two (2) years. At the same meeting in October, City Council shall consider those nominations for appointment. Once appointed by a majority vote of City Council, the appointed Board members shall serve until their successor is appointed. Each Board member shall be eligible for reappointment.

(2) The term for each Board member shall be for two (2) years from date of appointment.

(E) Removal of Board members. The City Council may by majority vote remove a Board member for, incompetence, corruption, misconduct, malfeasance, or for any other reason stated in such vote. Any Board member who misses three (3) consecutive meetings, or one-third (1/3) of all regular meetings within a twelve (12) month time period, shall be deemed to have automatically vacated his/her position on the Board. This provision shall not apply to a Board member who applied for and received an excused absence from the Board chairperson the meeting(s) at issue. If any member of the Board changes his/her residence or voter registration with the result that fewer than five (5) members of the Board are residents of and registered to vote in the City, then such member of the Board is deemed to have automatically vacated his/her position on the Board.

(F) Board officers. The Board shall elect officers from among its members. The officers shall be the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The Board chairperson shall preside over all meetings and may vote. If the chairperson is absent, or fails or refuses to act, the Vice-Chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or fail or refuse to act then any Board member may be appointed by the Board to preside over the meeting. The secretary shall keep the minutes of the meetings of the Board. If the secretary is absent or fails or refuses to act then any Board member may be appointed by the Board to take the minutes of the meeting. The officers of the Board shall have such other duties as the Board may determine.

(G) Board meetings. The Board shall conduct regular meetings no less frequently than once a month at a time and place determined by resolution adopted by the Board. The initial meeting of the Board shall be called by the City Council. Special meetings may be called by the

Board chairperson or by three Board members. A majority of the Board shall constitute a quorum.”

Except as provided herein, of the Code of Ordinances of the City of Wimberley shall remain in full force and effect.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

IV. EFFECTIVE DATE

This Ordinance shall take effect following its passage and publication as may be required by governing law.

V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was 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 Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this 2nd day of June, 2016, by a ___ (Ayes) ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

Mac McCullough, Mayor

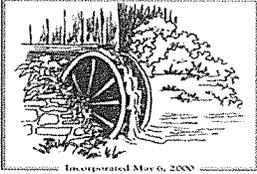
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING PROPOSED HOTEL OCCUPANCY TAX FUNDING APPLICATION ALONG WITH REVISIONS TO THE HOTEL OCCUPANCY TAX COMMITTEE RESPONSIBILITIES, ACCOUNTABILITES, AUTHORITIES AND GUIDELINES

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 possible action regarding a proposed hotel occupancy tax funding application form along with proposed revisions to the *Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities and Guidelines (the "RAAG")*.

The proposed application form, drafted by the City's Hotel Occupancy Tax Committee, is to be used by individuals and organizations requesting hotel occupancy tax funding from the City. Minor modifications to the previously approved *Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities and Guidelines* are also proposed to make the RAAG and funding application consistent.

Attached is a copy of the proposed funding application and revised RAAG for review and consideration.

Members of the Committee will be present at the City Council meeting to present their proposal and answer questions.

Hotel Occupancy Tax Funding Request Wimberley, Texas

Hotel Occupancy Tax

Under the laws of the State of Texas the City of Wimberley collects a hotel occupancy tax (HOT) from all lodging facilities located within the city limits and its extraterritorial jurisdiction (ETJ). Revenue from city HOT may be used only to promote tourism and the lodging industry, and that use is limited to the following:

1. **Convention Centers and Visitor Centers:** the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation and maintenance of convention center facilities or visitor information centers or both.
2. **Registration of Convention Delegates:** the furnishing of facilities, personnel and materials for the registration of convention delegates or registrants.
3. **Advertising, Solicitation and Promotions:** advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
4. **Promotion of the Arts:** the encouragement, promotion, improvement and application of the arts; including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibitions of these major art forms.
5. **Historical Restoration and Preservation:** historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites, museums or exhibits.
6. **Sporting Event Expense:** funding certain expenses, including promotional expenses, directly related to a sporting event within counties with a population under 1 million.
7. **Sporting Facilities:** enhancement or upgrading of existing sports facilities or sports fields for certain municipalities.
8. **Transportation of Tourists:** funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:
 - a. the commercial center of the city
 - b. a convention center in the city
 - c. other hotels in or near the city
 - d. tourist attractions in or near the city
9. **Directional Signage:** signage directing the public to sights and attractions that are frequently visited within the municipality.

Eligibility and Priority for HOT Funds

Priority will be given to those entities and/or special events based on their ability to directly promote overnight tourism and the hotel industry in Wimberley during the first and fourth quarters of the calendar year, Sunday through Thursday, off peak season; in other words, the ability to generate overnight visitors to the city. If an event will not generate hotel activity, it is not eligible for receipt of HOT funds. In addition, all funding must be approved by the Wimberley City Council. Entities must complete this application and provide documentation proving the ability to generate overnight visitors. Such documentation can include:

1. Providing historical information on the number of room nights used during previous years of the same event/activity/facility;

2. Providing historical information on the number of guests at hotels or other lodging facilities that attended the funded event/activity/facility; and/or
3. Providing examples of marketing of programs and activities likely to generate or encourage overnight visitors to local lodging properties.

Proposed events/activities/facilities must have a 30 percent or greater financial equity stake by the sponsor/submitter. The financial equity stake must be verifiable. There will be no 100 percent funding of proposals using HOT grants. Sweat equity is not applicable toward the 30 percent. The maximum grant is \$20,000 or 70 percent, whichever is less. HOT funding is limited to seed or startup capital.

Proposals are evaluated and awarded based on a pro-forma positive return on investment (ROI). A Primary ROI minimum of \$2 returned for every \$1 of grant funding is required for HOT grant approval. Primary ROI is calculated as the anticipated overnight revenue generated divided by the HOT grant dollars requested. The standard room rate of \$130 is used for all Primary ROI calculations.

Secondary ROI calculations are applied only if the primary ROI hurdle is met or exceeded. A Secondary ROI minimum of \$3 returned for every \$1 of grant funding is required. Secondary ROI is calculated as the anticipated non-lodging related revenue generated divided by the HOT grant dollars requested.

All recipients of HOT funds are required to submit a post-event form, report and analysis within thirty (30) days after an event or program cycle, which documents the expenditure of the HOT funds and verifies the direct promotion of Wimberley tourism and the lodging industry. Recipients who do not submit post-event information may not be eligible for future funding, and will forfeit any undistributed funds.

Application Overview and Process

The City of Wimberley accepts applications for funding from individuals, businesses, and organizations in the city or its ETJ whose programs or events fit into one or more of the listed categories and which take place within the Wimberley city limits. Timelines for the submission of applications and HOT Committee and City Council action are as follows:

Fund requests for:	Must be submitted by:
October – December 2016	July 31, 2016
January – March 2017	September 30, 2016
April – June 2017	December 31, 2016
July – September	March 31, 2017

Applications will be reviewed by the HOT Committee which will then make recommendations to the City Council. Applicants will be notified prior to the meeting and are encouraged to attend to provide information to the Council. The City Council will make the final decision on the applicant’s request.

Up to 50 percent of the approved funding will be made available prior to the event upon request from the organizer. When the event is complete and receipts that reflect actual and appropriate monies for approved expenditures are submitted with the post event report, the remaining one-half of the approved funding will be distributed to the organization. Unspent funds or unapproved expenditures will not be distributed. Any unspent funds will be returned to the city.

Incomplete applications will not be accepted.

Questions regarding the application should be directed to City Hall at (512) 847-0025 or (Insert Email Address)

Application for City of Wimberley HOT Funds

Instructions: Type or print clearly. If not enough space is provided please attach additional pages.

Organization/Group/Facility Information

Organization/Group/Facility Name:

Address:

City: _____ State: _____ Zip: _____

Contact Name: _____ Contact Phone: _____

Contact Email:

Website Address for Event or Organization:

Non-Profit or For-Profit Status: _____

Federal Employer Identification Number (FEIN) (If available) _____

Purpose/Mission of Organization: _____

General Event/Program Information

Name of event/program to be funded:

Primary location of event/program:

Date of event/program: _____ Expected attendance:

How many times have you held this event/program? _____

If the funding requested is for a permanent facility rather than a specific event (e.g. museum, visitor center, convention facility), please complete this section:

Anticipated number of visitors/attendance monthly/annually: _____

Number of those visitors/attendance who are staying in Wimberley lodging: _____

For each of the last three times the event/program has been held, list the year held, the number of attendees and the method of determining attendance (crowd estimates, ticket sales, sign-in sheet, etc.

Year Held	Number of Attendees	Methodology
_____	_____	_____
_____	_____	_____
_____	_____	_____

Identify the HOT category for which the event/program will benefit (refer to Page 1): _____

What is the primary purpose of the event/program for which this application applies? _____

Funding Request

Total Event/Program Budget: \$ _____ Total Amount Requested: \$ _____

Percentage of total event or program cost to be covered by the requested HOT funds: _____%

How will the funds be used? _____

Advertising and Promotional Activities

Please indicate all the promotional efforts your organization is coordinating:

_____ Newspaper _____ Radio _____ TV
_____ Internet _____ Social Media _____ Email
_____ Other

Will you submit press releases about the event/program? _____ Yes _____ No

If so, list the number of releases plus targeted media outlets. _____

What geographic area does your advertising and promotion reach? _____

Projected Promotions and Tourism Benefits

Over the last three times your event/program was held, how much HOT fund assistance did your organization receive and how many hotel rooms were occupied as a result?

Month/Year	Assistance Amount	Number of Occupied Rooms
_____	_____	_____
_____	_____	_____
_____	_____	_____

How many people attending this event/program are expected to stay in Wimberley hotels? _____

How many nights will they stay? _____

What is the estimated Primary ROI for this event/program? _____

What is the estimated Secondary ROI for this event/program? _____

How will you measure the impact of this event on Wimberley hotel activity? _____

Please list other organizations, government entities and grants that have offered financial support to your

event/program. _____

REQUIRED Supplemental Information and Documentation

Please attach the following to the application prior to submission:

- Proposed marketing plan for the event/program for which funds are being requested.
- Schedule of activities relating to the event/program.
- Current budget for the event/program.
- Documentation demonstrating the potential to generate overnight guests such as historical information or surveys on the number of hotel rooms resulted from previous years of the same event/program.
- Source and verification of the 30 percent of funding you are contributing toward the event/program.

Please sign and initial where indicated below acknowledging that the information provided in this application is true and correct. By signing below, you also agree that you and your organization will be held responsible for compliance with all HOT funding guidelines, requirements and remedies.

I fully understand the HOT funding application process, rules governing the application and the process established by the city council. I intend to use this grant for the aforementioned event to forward the efforts of the City of Wimberley in directly enhancing and promoting tourism and the hotel industry by attracting visitors from outside Wimberley into the city.

_____ Initial

I have read the HOT Funding Application process including the rules governing the application and the reimbursement process.

_____ Initial

I understand that if I am awarded HOT funding by the city, any deviation from the approved project or from the rules governing the application may result in the partial or total withdrawal of HOT grant funds.

_____ Initial

I understand that all the records that relate to the use of HOT funds shall be kept by _____ (Organization), subject to Chapter 351 of the Texas Tax Code as amended and Chapter 552 of the Texas Government Code as amended. Records of _____ (Organization) concerning HOT funds

are public and the city shall, upon written request, have the right to inspect and or obtain all books and records pertaining to the fulfillment of this Agreement.

_____ Initial

I understand that the city may terminate this Agreement by giving the other party notice in writing of such termination sixty days in advance. Any municipal hotel occupancy tax proceeds, not used, shall revert to the city upon the termination of this Agreement.

_____ Initial

Authorized Signature

Date

Print Name

Title and Organization

Applications may be submitted by mail, email or in person to:

City of Wimberley
P.O. Box 2027
Wimberley, Texas 78676

Email: dferguson@cityofwimberley.com

Post Event/Program Form and Report for City of Wimberley HOT Funds

Instructions: This report must be filed with the City of Wimberley no later than 30 days following your event. Failure to do so may negatively affect future funding requests and will result in forfeiture of approved balance due. Type of print clearly. If not enough space is provided please attach additional pages.

Organization/Group Information

Organization/Group Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Name: _____ Phone: _____

Contact Email: _____

Website Address for Event or Organization: _____

Event/Program Information

Event Date: _____ Number of Attendees: _____

Describe the event/program. Did it meet planners' expectations? What were the challenges faced? Was attendance up or down compared to previous years?

Advertising and Promotional Activities

Please indicate media used to promote the event/program:

___ Newspaper ___ Radio ___ TV ___ Internet

___ Social Media ___ Email ___ Other _____

Please describe advertising and promotional efforts for each medium checked above. List specific publication, websites and direct mailing numbers.

Newspaper: _____

Radio: _____

TV: _____

Internet: _____

Social Media: _____

Email: _____

Other: _____

Promotion and Tourism Benefits

List the number of hotel rooms and nights attendees stayed in Wimberley Hotels.

Hotel	Rooms Occupied	Nights Stayed
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

What was the actual primary return on investment (ROI) for this event/program?

What was the actual secondary ROI for this event/program? _____

Indicate the methodology used to calculate primary and secondary ROI. _____

Required Supplemental Information and Documentation

Please attach the following to this report:

- Marketing plan analysis: report on the success or failure of the marketing plan.
- Advertising samples: graphics, ads, website, TV spots, radio spots, etc.
- Final budget for the event/program showing projected and actual revenue and expenditures.
- Hotel Occupancy report and/or survey. Please provide documentation from local lodging detailing the number of rooms occupied during the event/program.
- Please tell us what worked well, what didn't work well and what would you do differently.
- Final profit and loss statement.
- Invoices/receipts including proof of payment, for each expenditure noted in the budget where HOT funds will be applied.

Please sign below acknowledging that the information provided in this report is true and correct. Submit by mail, in person or via email.

Authorized Signature _____ Date _____

Print Name _____

Title and Organization _____

Applications may be submitted by mail, email or in person to:

City of Wimberley
P.O. Box _____
Wimberley, Texas 78676

Email: _____

HOTEL OCCUPANCY TAX COMMITTEE RESPONSIBILITIES, ACCOUNTABILITIES, AUTHORITIES, & GUIDELINES

I. PURPOSE

This document sets forth the responsibilities, accountabilities, authorities, and funding guidelines for the City of Wimberley Hotel Occupancy Tax Committee.

A. Definitions

1. Hotel Occupancy Tax (HOT) – A tax enacted by the city and collected by hotel owners. The tax is levied on a building or buildings in which the public may obtain sleeping accommodations for a cost of 2 dollars or more each day for a consecutive duration of 30 days or less. This includes, without limitation, hotels, motels, tourist homes, vacation rentals by owner, houses or courts, lodging houses, inns, hostels, rooming houses, bed and breakfasts, short-term vacation rentals or other buildings where rooms are furnished for consideration. It does not include hospitals, sanitariums or nursing homes.
2. HOT Committee – A seven-member committee responsible for overseeing the communication, implementation, collection, use, and evaluation of the Hotel Occupancy Tax.
3. HOT Funding Request – A proposal from any individual, business, association, and/or organization in the city or its ETJ requesting funding from Hotel Occupancy Tax funds. Requests from outside the city or its ETJ should consult with a local individual, business, association and/or organization.
4. HOT Proposals – Recommendations from the HOT Committee to City Council to approve and disburse money to fund a HOT Funding Request. Proposals are limited to maximum amount of \$20,000 per request and must meet HOT Committee funding guidelines for approval.
5. Off-Peak Tourism – Overnight tourism primarily on Sunday through Thursday during the first and fourth quarter of the calendar year.

6. Primary ROI – Primary Return on investment (PROI) is calculated as the HOT Grant dollars requested divided by the anticipated overnight revenue generated.

Secondary ROI – Secondary return on Investment (SROI) is calculated as the HOT Grant dollars requested divided by the anticipated non-lodging related revenue generated.

B. References

1. Hotel Occupancy Tax Ordinance – Ordinance number 2015-017
2. Memorandum of Consensus – between Wimberley Valley Chamber of Commerce and Wimberley Valley Tourism and Lodging Association signed and dated August 11, 2015.
3. Public records: City Council Workshop meeting minutes and audio recording August 12, 2015.
4. Attorney General’s Economic Development Handbook, pages 134 – 148

II. HOTEL OCCUPANCY TAX COMMITTEE RESPONSIBILITIES

A. The HOT committee is responsible for overseeing the communication, implementation, collection, use, and evaluation of the Hotel Occupancy Tax.

B. Specific HOT Committee responsibilities are as follows:

1. Working with individuals, associations, and organizations to determine and broadly communicate the nature, magnitude, and direction of the city’s overnight tourism opportunity and the required focus of HOT Funding Requests.
2. Setting and broadly communicating multi-year overnight tourism goals and targets.
3. Creating HOT Funding Request guidelines and evaluation criteria.
4. Securing approval of HOT Funding Request guidelines and evaluation criteria from the City Council.
5. Submitting an annual operating plan that includes: overnight tourism goals, HOT Funding guidelines, and budget for City Council approval.
6. Communicating City Council approved HOT Funding Request guidelines and evaluation criteria to individuals, businesses, associations, and organizations located within the city limits or ETJ.
7. Encouraging submission of proposals for HOT Funding requests.

- ~~8.~~ Reviewing and evaluating the relative merits of HOT Funding Request proposals submitted on a timely basis.
9. Recommending HOT Committee approved funding requests to the City Council for consideration, final approval, and funding.
10. Communicating status and final disposition of HOT Funding Request to proposal submitters.
11. Providing feedback to submitters on denied HOT Funding Request.
12. Working with approved HOT Funding Request submitters to track and report actual HOT Grant results, variances, and impact.
13. Monitoring, tracking, reporting, and evaluating overall HOT program and HOT Grant effectiveness and efficiency including, but not limited to results and impact on overnight tourism goals.
14. Annually, or more frequently if needed, reviewing HOT program effectiveness and efficiency and improving program policies and guidelines as required.
15. Maintaining HOT transparency and accountability for administration, results and impact.
16. Recommending HOT rate adjustments and program changes to City Council.
17. Adhering to Texas HOT legislative requirements.
18. Evaluating any HOT Funding Request proposal for compliance with state and local funding guidelines and forwarding request with recommendations to City Council for approval/disapproval

The HOT Committee is NOT responsible for:

19. Creating a City of Wimberley Tourism Plan.
20. Final approval of HOT Funding Request.
21. Disbursement of HOT Funds.
22. Reviewing day trip or non-overnight tourism proposals.
23. Creating, promotion, and/or managing programs, events, or activities to promote tourism.
24. Collection of HOT payments from hotel owners.
25. Consulting or providing expert advice to individuals, associations, and/or organizations on proposals for HOT Funding Requests.
26. Hiring, managing, or overseeing any tourism, marketing, PR and/or consulting firm and/or individual to promote any aspect of proposals or efforts to stimulate increased tourism.

27. Approving any HOT Funding Requests initially approved by the HOT Committee but modified by the City Council in any way, shape, or form without re-evaluating the modified proposal for adherence to HOT Committee Funding guidelines.

III. HOTEL OCCUPANCY TAX ACCOUNTABILITIES

- A. The HOT Committee is accountable to the City Council for the ongoing communication, implementation, use, and evaluation of the Hotel Occupancy Tax.
- B. The HOT Committee is accountable for following the open records act and ensuring transparency in the administration and ongoing management of the HOT program.
- C. The HOT Committee is accountable for developing, publishing, and adhering to the HOT Funding Guidelines.

IV. HOTEL OCCUPANCY TAX AUTHORITIES

- A. The HOT Committee authority is derived from the Hotel Occupancy Tax Ordinance – 2015-017, the delegated authority from the City Council, and the 2013 Attorney General’s Economic Development Handbook, pages 134 – 148.
- B. The HOT Committee has the authority to create, change, communicate, and enforce HOT Funding Guidelines.
- C. The HOT Committee has the authority to set the overnight tourism goal for the HOT program.
- D. The HOT Committee has the authority to work with individuals, associations, and/or organizations, in setting overnight tourism goals.
- E. The HOT Committee has the authority to accept requests for funding but cannot approve and/or disburse funding without City Council approval of the request.
- F. Any proposal forwarded to City Council that is not recommended by the HOT Committee may be returned to the HOT Committee for a second vote and final recommendation.
- G. The HOT Committee has the authority to recommend HOT rate changes to the City Council.
- H. The HOT Committee has the authority to recommend the repeal and/or sunset of the Hotel Occupancy Ordinance to City Council.

- I. The HOT Committee has the authority to recommend to council to cancel, postpone, suspend, and/or recover HOT Grants.
- J. The HOT Committee has the authority to require additional documentation and information from HOT funds proposal submitters.
- K. The HOT Committee has the authority to develop its own orientation and education programs to inform, educate, and/or instruct City Council, HOT Committee members, individuals, associations, and organizations on the most effective and efficient use of HOT funds.
- L. The HOT Committee has the authority to receive monthly, quarterly and annual HOT collections reports from the City Administrator.
- M. The HOT Committee has the authority to request ad-hoc HOT reports from the City Administrator.

V. HOTEL OCCUPANCY TAX COMMITTEE FUNDING GUIDELINES

- A. Proposals are welcome from any individual, business, group, and/or organization within the city limits or ETJ.
- B. Proposals must at minimum include all of the forms required by the HOT Committee to be eligible for consideration.
- C. Proposal presentations to the HOT Committee are limited to 5 minutes.
- D. Proposals must directly and primarily benefit overnight night tourism in the city limits.
- E. Proposals should target “off peak” tourism periods to be eligible for consideration.
- F. Proposals targeting “off peak” overnight tourism on Sunday – Thursday in the second and third quarters of the calendar year will be considered less attractive than proposals targeting overnight tourism on Sunday – Thursday in the first and fourth quarters of the calendar year.
- G. Multiple overnight stay proposals are favored over one-night stay proposals.
- H. Proposals must have a 30% or more financial equity stake by the proposal sponsor/submitter. The financial equity stake must be verifiable.
- I. There will be no 100% funding of proposals using HOT Grants. The maximum grant is 70% or \$20,000, whichever is less.
- J. Proposals are evaluated and awarded based on pro-forma positive ROI.

1. A Primary ROI (PROI) minimum of \$2 returned for every \$1 of grant funding is required for HOT Grant recommendation and approval consideration by the City Council.
2. Secondary ROI (SROI) calculations are applied only if the principal ROI (PROI) hurdle is met or exceeded
3. A Secondary ROI (SROI) minimum of \$3 returned for every \$1 of grant funding is required for HOT Grant recommendation
4. If a proposal does not pass the principal ROI (PROI) hurdle it will not be approved even if it exceeds the secondary ROI (SROI) hurdle.
5. The standard room rate of \$130 is used for all primary ROI (PROI) calculations. The standard room rate is revised yearly by the HOT Committee with input from the Wimberley Valley Tourism and Lodging Association.

~~K.~~ Maximum HOT Grant allocation is the lesser of \$20,000 per instance or 70% of total funding requested.

L. Proposal submission must at minimum include: 1) Completed application form, 2) Pro-forma budget, 3) Pro-forma profit and loss statement, 4) ROI calculations and justification, 5) Comprehensive marketing plan – messages, audiences, channels, Comprehensive vendor/subcontractor plans, 6) Contingency plans, 7) List accountable individuals with contact details, and 8) Post program/activity/event follow-up plan.

M. Within 30 days after the program/project/activity/event a post program/activity/event follow-up report is due by the submitter and must include: 1) Actual versus expected budget and variance analysis, 2) Actual versus expected P&L and variance analysis, 3) Actual versus expected ROI and variance analysis, 4) Actual invoices, receipts, and contracts.

N. Recipients who fail to submit a post program/activity/event follow-up report on or before the due date may not be eligible for future funding and will forfeit any undistributed funds.

O. HOT Grant recipients who do not achieve 80% of proposed plans as submitted in their proposals will be deemed ineligible for funding during the next 12 month period or longer.

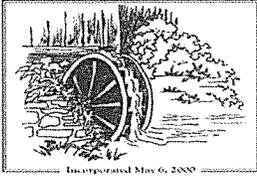
P. HOT Grants are considered “seed” or “startup” funding. All proposals should strive to become self funding within a 12 to 36 months. Proposal submitters are discouraged from relying on recurring HOT Grants.

Q. Payout on funding will be determined on a case by case basis. Up to 50% of the approved funding will be made available prior to the event upon request of the organizer. Upon receipt and approval of the post event form, the remaining one half of the approved funding will be distributed to the organization. Any unspent funds or unapproved expenditures will not be distributed.

VI. CITY COUNCIL RESPONSIBILITIES

- A. Encourage the creation and administration of a “model city” HOT process.
- B. Approve HOT Committee guidelines, operating procedures, and application submission forms.
- C. Ensure HOT fund applications and grants comply with HOT Committee guidelines.
- D. Discourage use of HOT funds to promote tourism related activities that do not meet primary RIO guidelines.
- E. Encourage use of HOT funds as “start-up capital” to fund “off peak” proposals that meet primary RIO and lead to overnight tourism.
- F. Consider HOT Committee recommendations for approved and declined funding proposals.
- G. If a HOT Committee recommendations is not accepted as proposed to City Council, ask the HOT Committee to reconsider the proposal, or a revision thereof and present a final recommendation to City Council for disposition.
- H. Have the HOT Committee annually review and propose improvements to HOT effectiveness, efficiency, impacts, ROI, tax rate and administration.
- I. Encourage individuals, organizations, and associations approved for HOT funding to be self sustaining and self funding within 12-36 month of initial funds receipts, thereby discourage use of HOT money as an ongoing source of funding.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED DEVELOPMENT OF REGULATIONS RELATING TO THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CITY STREETS

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 possible action regarding the proposed development of regulations relating to the operation of golf carts and neighborhood electric vehicles (the "NEV") on city streets.

A golf cart is a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and has an attainable top speed not greater than 25 miles per hour on a paved, level surface and is in compliance with federal motor vehicle safety standards for low-speed vehicles.

A NEV is a vehicle that can attain a maximum speed of 35 miles per hour on a paved, level surface.

Currently, State law allows for the limited operation of golf carts and NEVs on public roadways and authorizes cities to further regulate the operation of such vehicles to ensure public safety. Such regulation can include, but is not limited to, prohibiting the operation of such vehicles on certain roadways, requiring additional safety equipment and operator age limits. Attached is a copy of the State Transportation Code regulating golf carts and NEVs.

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

SUBCHAPTER A. APPLICATION OF CHAPTER

Sec. 551.001. PERSONS AFFECTED. Except as provided by Subchapter C, this chapter applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.

Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:

- (1) a moped, other than a provision that by its nature cannot apply to a moped; and
- (2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER B. REGULATION OF OPERATION

Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:

- (1) a provision of this chapter alters a right or duty; or
 - (2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.
- (b) A parent of a child or a guardian of a ward may not

knowingly permit the child or ward to violate this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.

(b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.

(c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.

(d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

(1) the person is passing another vehicle moving in the same direction;

(2) the person is preparing to turn left at an intersection or onto a private road or driveway;

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or

(4) the person is operating a bicycle in an outside lane that is:

(A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

(B) too narrow for a bicycle and a motor vehicle to safely travel side by side.

(b) A person operating a bicycle on a one-way roadway with two

or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle at nighttime unless the bicycle is equipped with:

(1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) on the rear of the bicycle:

(A) a red reflector that is:

(i) of a type approved by the department; and

(ii) visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or

(B) a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 11, eff. Sept. 1, 2001.

Sec. 551.105. COMPETITIVE RACING. (a) In this section, "bicycle" means a nonmotorized vehicle propelled by human power.

(b) A sponsoring organization may hold a competitive bicycle race on a public road only with the approval of the appropriate local

law enforcement agencies.

(c) The local law enforcement agencies and the sponsoring organization may agree on safety regulations governing the movement of bicycles during a competitive race or during training for a competitive race, including the permission for bicycle operators to ride abreast.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.106. REGULATION OF ELECTRIC BICYCLES. (a) The department or a local authority may not prohibit the use of an electric bicycle on a highway that is used primarily by motor vehicles. The department or a local authority may prohibit the use of an electric bicycle on a highway used primarily by pedestrians.

(b) The department shall establish rules for the administration of this section.

Added by Acts 2001, 77th Leg., ch. 1085, Sec. 12, eff. Sept. 1, 2001.

SUBCHAPTER C. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec. 551.201. DEFINITION. In this subchapter, "electric personal assistive mobility device" means a two non-tandem wheeled device designed for transporting one person that is:

- (1) self-balancing; and
- (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.202. OPERATION ON ROADWAY. (a) A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:

- (1) while making a direct crossing of a highway in a marked or unmarked crosswalk;
- (2) where no sidewalk is available; or
- (3) when so directed by a traffic control device or by a law enforcement officer.

(b) A person may operate an electric personal assistive mobility device on a path set aside for the exclusive operation of bicycles.

(c) Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.

(d) Except as otherwise provided by this section, provisions of this title applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.203. SIDEWALKS. A person may operate an electric personal assistive mobility device on a sidewalk.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 551.301. DEFINITION. In this subchapter, "neighborhood electric vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281 (H.B. 2702), Sec. 2.86, eff. June 14, 2005.

Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 2, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. 129), Sec. 1, eff. September 1, 2009.

Reenacted by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.014, eff. September 1, 2011.

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. 3097), Sec. 2I.01, eff. September 1, 2009.

Sec. 551.303. OPERATION ON ROADWAYS. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of:

- (1) the posted speed limit; or
- (2) 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The Texas Department of Transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. 129), Sec. 2, eff. September 1, 2009.

Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:

- (1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

- (2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle

is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 94, eff. September 1, 2013.

SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITIONS. In this subchapter:

(1) "Motor-assisted scooter":

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include a pocket bike or a minimotorbike.

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle or motor-driven cycle, as defined by Section 541.201;

(C) a motorized mobility device, as defined by Section

542.009;

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

(E) a neighborhood electric vehicle, as defined by Section 551.301.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 3, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.015, eff. September 1, 2011.

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The motor-assisted scooter may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

(e) A provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 3, eff. June 18, 2005.

Sec. 551.353. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the

operation of a pocket bike or minimotorbike on any:

- (1) highway, road, or street;
- (2) path set aside for the exclusive operation of bicycles;

or

- (3) sidewalk.

Transferred and redesignated from Transportation Code, Section 551.304 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(64), eff. September 1, 2011.

SUBCHAPTER F. GOLF CARTS AND UTILITY VEHICLES

Sec. 551.401. DEFINITIONS. In this subchapter:

(1) "Golf cart" and "public highway" have the meanings assigned by Section 502.001.

(2) "Utility vehicle" means a motor vehicle that is not a golf cart or lawn mower and is:

(A) equipped with side-by-side seating for the use of the operator and a passenger;

(B) designed to propel itself with at least four tires in contact with the ground;

(C) designed by the manufacturer for off-highway use only; and

(D) designed by the manufacturer primarily for utility work and not for recreational purposes.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. 2357), Sec. 239, eff. January 1, 2012.

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles may issue license plates for a golf cart as authorized by Subsection (c).

(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.

(d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. 719), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 95, eff. September 1, 2013.

Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Sec. 551.404. OPERATION IN MUNICIPALITIES AND CERTAIN COUNTIES.

(a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per

hour.

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

- (1) borders or contains a portion of the Red River;
- (2) borders or contains a portion of the Guadalupe River and

contains a part of a barrier island that borders the Gulf of Mexico;
or

- (3) is adjacent to a county described by Subdivision (2)

and:

- (A) has a population of less than 30,000; and
- (B) contains a part of a barrier island that borders the

Gulf of Mexico.

(b) A golf cart or utility vehicle operated under this section must have the following equipment:

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. 2357), Sec. 240, eff. January 1, 2012.

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. 2357), Sec. 241, eff. January 1, 2012.

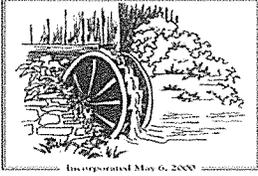
Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. 719), Sec. 2, eff. June

14, 2013.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING PROPOSED MODIFICATIONS TO THE CITY OF
WIMBERLEY'S REQUIREMENTS RELATING TO THE
KEEPING OF CHICKENS

Commission Action Requested:

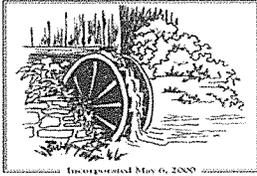
- Ordinance
- Resolution
- Motion
- Discussion

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 possible action regarding proposed modifications to the City of Wimberley's requirements relating to the keeping of chickens.

No further background information was provided on this agenda item.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING PROPOSED CHANGES IN THE POSTING DATES
FOR CITY COUNCIL MEETINGS

Commission Action Requested:

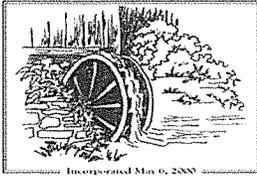
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Craig Fore to allow the City Council to discuss and consider possible action regarding proposed changes in the posting dates for City Council meetings.

No further background information was provided on this agenda item.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO TEMPORARILY LEASE AND OPERATE A RESTROOM TRAILER TO SERVE AS A PUBLIC RESTROOM ON THE WIMBERLEY SQUARE

Council 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 possible action regarding a proposal to temporarily lease and operate a restroom trailer to serve as a public restroom on the Wimberley Square.

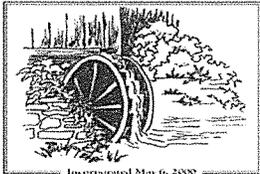
The proposal calls for the leased trailer, which contains two (2) custom restrooms, to be positioned on Oak Drive near the Wimberley Square. The City would fund and maintain the trailer until such time as construction of the central Wimberley wastewater system is complete. Below is a cost breakdown of the proposal:

	<i>Monthly Cost</i>	<i>Annual Cost</i>
Restroom Trailer Lease	\$1,250.00	\$15,000.00
Pumping Cost	\$750.00	\$9000.00
Utilities	\$30.00	\$360.00
Maintenance	\$50.00	\$600.00
Total	\$2,080.00	\$24,960.00

Currently, the City spends \$450 a month or \$5,400 a year for the lease and maintenance of three (3) port-a-cans in the downtown area. If the subject restroom trailer proposal is approved, the portable toilets would no longer be leased and the resulting cost savings could help offset the cost of the temporary trailer.

Should City Council desire to proceed with the proposed restroom trailer proposal, City Council action will be needed to direct City staff to execute the lease and amend the FY 2016 General Fund Budget accordingly to fund the project.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION
SETTING THE DATE, TIME AND PLACE FOR THE
*FISCAL YEAR 2017 CITY OF WIMBERLEY GOALS AND
PRIORITIES WORKSHOP*

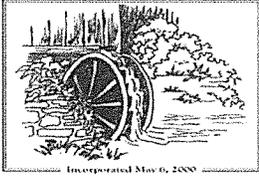
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action setting the date, time and place for the *Fiscal Year 2017 City of Wimberley Goals and Priorities Workshop*.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER APPOINTMENT OF FIVE (5) MEMBERS TO THE CITY OF WIMBERLEY BUDGET ADVISORY BOARD

Funds Required:

Funds Available:

Council Action Requested:

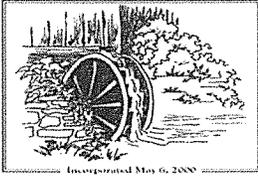
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider the appointment of five (5) members to the City of Wimberley Budget Advisory Board.

At the meeting, City Council Members will be asked to present nominations for Council consideration.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION ON A PROPOSAL TO ESTABLISH A RECOGNITION PROCESS FOR OUTGOING MEMBERS OF CITY BOARDS AND COMMISSIONS

Funds Required:

Funds Available:

Council Action Requested:

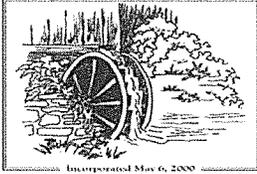
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Craig Fore to allow City Council to discuss consider action regarding a proposal to establish a recognition process for outgoing members of City boards and commissions.

No background information was provided on this item.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION ON A REQUEST TO REDUCE OR WAIVE THE WIMBERLEY COMMUNITY CENTER RENTAL FEES FOR THE UPCOMING *WIMBERLEY BOOK FESTIVAL*

Council Action Requested:

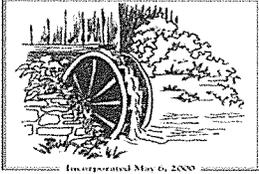
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss consider action regarding a request to reduce or waive the Wimberley Community Center rental fees for the upcoming *Wimberley Book Festival* on June 11, 2016.

Background information on this agenda item will be presented to City Council under separate cover for review and consideration.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

**Project/Proposal Title: CONSIDER ISSUES
RELATING TO ALL CURRENT CITY PROJECTS AND
EFFORTS**

Council Action Requested:

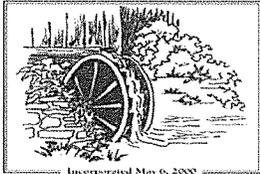
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss consider issues relating to all current City projects and efforts.

No background information was provided on this item. No action be taken on this item.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO AUTHORIZE AN INDIVIDUAL ASSISTANT FOR THE MAYOR AND CITY ADMINISTRATOR, AT NO COST TO THE CITY

Council Action Requested:

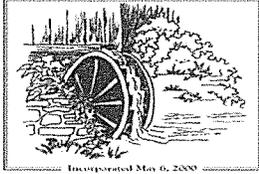
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss consider action regarding a proposal to authorize an individual assistant for the Mayor and City Administrator, at no cost to the City.

No background information was provided on this item.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING THE CITY OF WIMBERLEY BUILDING
PERMIT PROCESS

Council Action Requested:

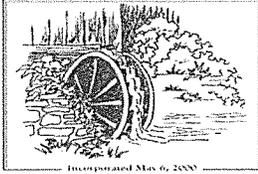
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss consider action regarding the City of Wimberley building permit process.

No background information was provided on this item.

City Council Agenda Form



Date Submitted: May 30, 2016

Agenda Date Requested: June 2, 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.