

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – WIMBERLEY CITY HALL
221 STILLWATER, WIMBERLEY, TEXAS
OCTOBER 20, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER OCTOBER 20, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING COUNCIL. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COUNCIL CONSIDERATION.

1. CONSENT AGENDA

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 6, 2016.
- (B) APPROVAL OF MINUTES OF SPECIAL CITY COUNCIL MEETING OF OCTOBER 7, 2016.

- (C) APPROVAL OF MINUTES OF THE SPECIAL JOINT CITY COUNCIL-PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 4, 2016.
- (D) APPROVAL OF THE REAPPOINTMENT OF JIMMY LEE TO THE CITY OF WIMBERLEY BUILDING CODE BOARD OF REVIEW. *(PLACE TWO COUNCIL MEMBER CRAIG FORE'S NOMINEE)*
- (E) APPROVAL OF THE REAPPOINTMENT OF CHARLES SAVINO TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. *(PLACE TWO COUNCIL MEMBER CRAIG FORE'S NOMINEE)*
- (F) APPROVAL OF THE REAPPOINTMENT OF JOHN DUNN TO THE CITY OF WIMBERLEY ETHICS COMMISSION. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP'S NOMINEE)*

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON SALES TAX COLLECTIONS FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON THE COMMUNITY ELECTRONIC MESSAGE BOARD PROJECT
- STATUS REPORT ON THE HIDDEN VALLEY LOW WATER CROSSING RECONSTRUCTION PROJECT
- STATUS REPORT ON CDBG FLOOD RECOVERY FUNDING

3. PRESENTATION

PRESENTATION BY AQUA TEXAS PRESIDENT ROBERT LAUGHMAN REGARDING POSSIBLE OPTIONS FOR THE PROVISION OF WASTEWATER SERVICE TO CENTRAL WIMBERLEY. *(AQUA TEXAS PRESIDENT ROBERT LAUGHMAN)*

4. PUBLIC HEARING AND POSSIBLE ACTION

HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SECTIONS 155.005 (DEFINITIONS), AND S155.059 (PARTICIPANT RECREATION – HIGH IMPACT; PR-2) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO ADD A CONDITIONAL USE FOR LIMITED DURATION/ON-PREMISE ALCOHOL SALES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR)*

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE A SERVICE AGREEMENT WITH AQUA TEXAS RELATING TO THE ACCEPTANCE OF EFFLUENT FROM THE CITY OF WIMBERLEY WASTEWATER TREATMENT PLANT TO REDUCE THE POTENTIAL OF EFFLUENT DISCHARGE. *(CITY ADMINISTRATOR)*

- (B) DISCUSS AND CONSIDER POSSIBLE ACTION APPROVING THE TERMS AND CONDITIONS RELATING TO THE FORMAL ACCEPTANCE OF FUNDING ASSISTANCE AWARDED TO THE CITY OF WIMBERLEY FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE DEVELOPMENT OF THE CENTRAL WIMBERLEY WASTEWATER SYSTEM. (CITY ADMINISTRATOR)
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION AWARDED A CONTRACT FOR WASTEWATER IMPACT FEE PREPARATION SERVICES. (CITY ADMINISTRATOR)
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION AWARDED A CONTRACT FOR PROJECT MANAGEMENT RELATING TO THE CONSTRUCTION OF THE CENTRAL WIMBERLEY WASTEWATER SYSTEM. (CITY ADMINISTRATOR)
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED AMENDMENT OF THE WIMBERLEY CITY COUNCIL GOVERNANCE POLICY TO INCLUDE REQUIREMENTS RELATING TO THE CHANGE OF CITY COUNCIL MEETING DATES, TIMES AND PLACES. (CITY ADMINISTRATOR)

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

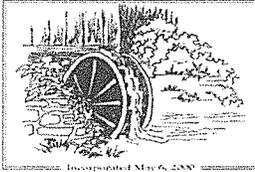
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on October 13, 2016 at 10:00 p.m.



Cara McPartland, Assistant City Administrator/City Secretary

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

City Council Agenda Form



Date Submitted: October 13, 2016
Agenda Date Requested: October 20, 2016

Project/Proposal Title: APPROVAL OF OCTOBER 6, 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 October 6, 2016 Regular City Council Meeting.

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

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

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

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

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

Proclamation

Proclamation of the City Council of the City of Wimberley, Texas, honoring Hays County Precinct Three Deputy Constable Travis Brown for his recent recognition as the 2016 Patriot of the Year.

Mayor McCullough presented the proclamation to Hays County Sheriff's Department Deputy Constable Travis Brown.

Remarks by Mayor Mac McCullough

This item was heard after Agenda Item 3A.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of September 15, 2016.
- B. Approval of minutes of the Special City Council meeting of September 21, 2016.
- C. Approval of minutes of the Special City Council meeting of September 26, 2016.
- D. Approval of the reappointment of Neel Morton to the City of Wimberley Building Code Board of Review. (*Place Three Councilmember Sally Trapp's nominee*)
- E. Approval of the appointment of Linda Webb to the City of Wimberley Hotel Occupancy Tax Advisory Committee. (*Wimberley Valley Chamber of Commerce*)
- F. Approval of the Fiscal Year 2017 City of Wimberley Holiday Schedule.

Councilmember White moved to approve all Consent Agenda items, as presented. Councilmember Barchfeld seconded. Motion carried on a vote 5-0.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson anticipated the consultant's presentation of proposed wastewater rates at Council's next meeting. He advised that Councilmember Trapp will speak later in the meeting on the second meeting with Aqua Texas representatives. He stated TCEQ is reviewing the City's Chapter 210 permit application (for irrigation) and TWDB's review continues on the City's collection system/treatment plant design. He noted there is one remaining interview to be conducted on project management and anticipated a recommendation to Council on October 20, 2016. City Administrator Ferguson said the water balance study has been completed by Alan Plummer Associates, which found additional runoff from irrigation would not occur until than 100,000 gallons of irrigation water was applied. He stated that the Park is fully capable of handling all of the effluent that comes from the plant, noted that plant capacity is 75,000 gallons, and reminded that effluent can also be sent to other areas, if desired.

City Administrator Ferguson said the City has been notified that the U.S. EDA has awarded the City a \$1,000,000 grant to help fund development of the Central Wimberley Wastewater Project, with terms and conditions of the grant award to be presented to Council on October 20, 2016. He thanked all public officials involved in the City's efforts to secure the grant. He advised that water quality test results following Market Days indicated a spike of about 700-800 in E. coli levels downtown.

- Status report on La Buena Vista Roadway Improvement Project

City Administrator Ferguson reported the project has been completed on time and within budget, at a total cost of \$68,597.

- Status report on Deer Crossing Drainage and Road Improvement Project

City Administrator Ferguson reported on the scope of the project as set by FEMA and noted work remaining to be done, including additional needed pavement/drainage improvements. He displayed photos of portions of the road in need of scarification/base/resurfacing work and noted significant drainage issues.

- Status report on Scudder Elementary School traffic concerns

No report was given on this item.

- Status report River Road Riverbank Restoration Project

City Administrator Ferguson reported on project scope involving 190 feet of reinforced concrete retaining wall and approximately 2,700 feet of reinforced concrete rip-rap. He noted the deadline for project bids is Tuesday, October 25, 2016. He anticipated completion within the projected 90-day timeframe.

Mayor McCullough commended all those who originated the process of securing the U.S. EDA grant. In response to Councilmember Trapp's inquiry regarding unrepaired flood-damaged homes, City Administrator Ferguson replied that work continues on completing the inventory of said homes.

3. Presentations

- A. Presentation regarding the various emergency phone notification systems available to residents of Hays County. (*Hays County Emergency Management Coordinator Kharley Smith*)

This item was heard after presentation of the abovementioned proclamation.

Hays County Emergency Management Coordinator Kharley Smith provided an overview of emergency alert systems, including Code Red and IPAWS, as well as additional sources of information such as www.haysinformed.com and local media such as FM radio-based messaging. She provided details on each system, criteria for activating alerts, registration information, and improvements in data collection and tools for analyzing such data. City Administrator Ferguson advised the goal of coordinating Hays County/City of Wimberley notifications is to get the word out to as many people as possible. Code Red registration forms were distributed to audience members. Mayor McCullough thanked Ms. Smith for her presentation.

- B. Presentation of Hotel Occupancy Tax funding recommendations for the period from October 2016 through December 2016. (*City of Wimberley Hotel Occupancy Tax Advisory Committee Chair Tomas Palm*)

This item was heard after Agenda Item 2.

Hotel Occupancy Tax (HOT) Advisory Committee Chair Tomas Palm provided background on the Committee's work to date developing Council-approved guidelines and goals, including criteria for consideration of funding request proposals. Committee member Mark Bursiel displayed information on various statistics, funding focus and prioritization, and specific criteria used to make decisions on funding proposals and recommendations.

HOT Advisory Committee member Bob Cook explained specific reasoning and approval/denial criteria for each of the Committee's funding proposal applications and presented the following recommendations, which he said must include an increase in "heads in beds."

Texas Property Masters (Phil Collins)

Total project proposal cost: \$10,000

HOT funds requested: \$5,000

The Committee recommended funding this application with the requirement that advertising be expanded to include Dallas and/or Houston per the state legislature guidelines that "a visitor travels 50+ miles."

Wimberley Valley Arts and Cultural Alliance (WVACA) (for Wimberley ALIVE Music and Arts Festival)

Total project proposal cost: \$32,000

HOT funds requested: \$20,000

The Committee recommended funding the advertising budget only of this plan.

Wimberley Valley Tourism & Lodging Association (WVTLA)

Total project proposal cost: \$205,000 (first year)

HOT funds requested: \$80,000 (first year)

The Committee recommended funding the full 3-year request, which includes an \$80,000 line of credit for the first year.

EmilyAnne Theatre and Gardens

Total project proposal cost: \$16,315

HOT funds requested: \$3,000

The Committee recommended not funding this proposal.

Wimberley Valley Convention and Visitors Bureau Foundation

Total project proposal cost: \$18,600

HOT funds requested: \$13,020

The Committee recommended not funding this proposal.

HOT Advisory Committee members Tomas Palm and Mark Bursiel spoke on approval requirements related to Return on Investment (ROI) and high/low points of the Committee's work over the past year, including favorable remarks on the functioning of the Committee and acknowledgement of some contentiousness surrounding certain issues. Mr. Bursiel also spoke on HOT collections to date, number of funding proposals received, and upcoming review of future proposals. Citing the amount of HOT collections and number of funding proposals, Mr. Palm recommended that Council consider reducing the HOT tax rate to zero percent (0%), which he said was based on informal Committee discussion. Councilmember Trapp thanked Mr. Palm and the Committee for outstanding work.

Wimberley Visitor's Center volunteer Patti Morgan spoke of her eleven years serving visitors and recounted a 2005 influx of visitors triggered by a Houston hurricane evacuation and said she would be more comfortable to have all lodging industry members available to handle the next crisis. She said she supports the Visitor's Center as a humanitarian who "looks at people as people, and not commodities." She referenced a book on Wimberley's history and cited the Visitor's Center as a valuable institution with a long record to stand on.

WVTLA Chair Albert Valera felt very excited about his organization's proposed Destination Marketing Organization (DMO), which he said represents a quantum leap "in what we think about tourism." He described the DMO as a "three-legged stool," requiring funding, part of which are HOT funds that he sees as a "credit line." He noted that the DMO would require hiring of an executive director and welcomed partnering with the Chamber of Commerce to either absorb the existing Visitor's Center or potentially work with them in the current location as part of the DMO. He said the focus is on responsible tourism and increasing first/fourth

quarter tourism and questioned the ability of the City's infrastructure to handle increased visitors, which he said begs the question of whether a HOT tax is needed to bring in more visitors. Mr. Valera believed the DMO is a great idea, but suggested proceeding with caution, and favored working together with the community, including merchants, venue operators, artists, etc.

WVTLA Board member Robbie Walker expressed appreciation to the Chamber of Commerce/Visitor's Center volunteers and said there is no desire to conflict or interrupt its work and hoped for an expanded role for the Visitor's Center. At meetings, Mr. Walker said the Chamber has rebuffed attempts to work together.

Wimberley Chamber of Commerce/Visitor's Center Board member Brent Pulley distributed a handout to Council and expressed agreement with some of the HOT Committee's analysis, but disagreed with its solutions. He reminded the Committee is an advisory body and of the need for due diligence by Council. Mr. Pulley referenced his handout and noted there is no legislative requirement for ROI. He pointed to the proposed DMO's lack of ROI for its first year of operation, despite its request for \$80,000 as a line of credit. He noted challenges in projecting ROI and cited problems associated with certain types of funding requests (such as for building AC repair/replacement) when funding criteria makes it very difficult to project numbers of overnight visitors. Mr. Pulley questioned certain projections made in the DMO proposal and said the DMO would lose \$129,000 without HOT funds. He was concerned that the DMO would rely on external money generated from sale of bonds/stocks and noted the WVTLA website. He said there is no financial information in WVTLA's application (such as P&L, tax returns, etc.) which should be in its funding request proposal. He questioned WVTLA's membership numbers. Mr. Pulley said he loved this community and wanted to work together, but said due diligence and action based on fact is needed.

Wimberley Visitor's Center volunteer Mike Scott referenced WVTLA's application asking for \$180,000 in funding over a three-year period and a previously submitted handout. He directed attention to possible errors in WVTLA's DMO Financials (Line 9 and Total Recurring Revenue) that may have doubled the amount of income listed and referred to a spreadsheet correcting the referenced possible error, which would result in a significant loss. He also questioned the column labeled "Year 0" in the DMO Financials and cited criteria to be used for "Year 1" projections. He noted that during "Year 0" the DMO would not be operating as a business, but for organizational purposes. He said in an organizational year, the types of expected costs are start-up costs, filing fees, furniture, and equipment. Mr. Scott concluded that we really do not know what WVTLA is projecting and needs more clarification. He closed by stating that if WVTLA's funding request is really a line of credit, then it would need to be repaid, and there is no repayment schedule in its proposal. He said it needs to be evaluated as a funding request on the same basis as others submitted and asked that Council makes sure it understands what is in it before approving it.

Wimberley Valley Chamber of Commerce/Visitor's Center Director Cathy Moreman took personal offense, as do her twelve volunteers present at tonight's meeting, at the Committee's recommendation to deny funding. She said her volunteers are there to promote not only "heads in beds" but to promote Wimberley as a tourist destination. She said they do a great job, are well-trained, and are offended by this decision, as the Center puts "heads in beds" on a daily

basis. She thanked Patti Morgan and her husband for their generous donation of time and money to the Visitor's Center and recounted a story of an Iowa couple who were inspired to come to Wimberley by a USA Today article. She spoke of volunteer Morgan's interaction with the couple, who remain in contact and spread positive comments about Wimberley and will continue to visit Wimberley in the future. She estimated that six percent (6%) of people who come to the Visitor's Center decide to stay in Wimberley. Ms. Moreman pointed out the following: WVACA requested \$20,000, but was recommended to receive only \$5,000; she re-submitted her organization's funding request by the next quarter's September 30th deadline; and stated there is no need for Wimberley to have two visitor's centers when we have one excellent, beautifully functioning visitor's center. Ms. Moreman closed by encouraging attendance at the upcoming Wimberley ALIVE Music and Arts Festival and noted the need for volunteers.

Mayor McCullough thanked all those who serve at the Visitor's Center.

Chamber of Commerce and WVTLA member Dan Sturdivant expressed disappointment regarding the negativity surrounding this issue, recognized the Visitor's Center's worth, but said times are changing and all need to work together to determine what we want for Wimberley.

Chair Tomas Palm said he thought the Committee was supposed to discuss and analyze the pros/cons of each proposal and stated that the DMO proposal includes a "big chunk of at-risk money up-front." He noted that \$125,000 will all be spent before any of the HOT money is going to be given for the DMO. WVTLA President Albert Valera offered to address any financial concerns Council may have.

Hearing no further speakers, Mayor McCullough closed public comments.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding Hotel Occupancy Tax funding proposals for the period from October 2016 through December 2016. *(Mayor Mac McCullough)*

Mayor McCullough opened discussion and requested Council input.

Councilmember Dussler was surprised and disappointed on the Committee's recommendation to decline the \$3,000 funding request from EmilyAnne Theatre for advertising, which he said expects to attract 28,000 guests for the Trail of Lights event. He stated the EmilyAnne Theatre's ROI calculations are significantly over the required amount and found it difficult to understand why funding would be denied for this organization and asked that this request be reconsidered. He was also opposed to denial of funding for the Wimberley Valley Convention and Visitors Bureau Foundation, which receives and helps 15,000 visitors each year, providing them with information regarding activities, events, and recommendations for dining and lodging. He noted the difficulty of tying a specific lodging recommendation with a booked room and the problematic nature of calculating a primary/secondary ROI. He stated that HOT tax legislation enables cities to fund visitor's centers without an ROI calculation. He said the all-volunteer Visitor's Center staff gets high marks from the community for its efforts and his review of financial statements shows a profit for each year. He was concerned about the decision to deny

funding to a key player in Wimberley's tourism effort, questioned whether it was logical, and hoped the request can be reconsidered. He expressed concerns regarding the \$180,000 funding request from WVTLA for DMO development, however, said the basic premise to establish Wimberley as a destination getaway for business travelers to host management retreats and the like was not a topic discussed by Council. He felt that Council needs to be in agreement on moving in this direction before funding a start-up. He noted the success of other types of travelers to Wimberley, and said focus on business travelers might be a logical addition, but felt Wimberley first needs to decide on what it wants to be. He cited Bastrop's decision to close its visitor's center in favor of a DMO, but reminded that Bastrop has a 490-room resort, a golf course, spa, bars, and restaurants. He stated Wimberley would need the infrastructure necessary to accommodate business groups and offer amenities. He said golf outings would likely be at Woodcreek where golfers would be walking around in Type II effluent, which is not very appealing. He said the DMO financing proposal is questionable and not appropriate for Wimberley or for funding a start-up and did not favor committing for a large amount over a long period due to the risk of failure and no way to recoup capital. Councilmember Dussler questioned what the City would get for its contribution, which would fund the bulk of the capital and asked who would own the equity in any profits interests. He recommended freezing consideration of all requests until Council is in agreement on Wimberley's direction.

Councilmember Fore appreciated everyone's comments and work and expressed support for the HOT Advisory Committee. He expected that fighting over who receives money would become an issue and agreed with Councilmember Dussler to defer action, as he was not comfortable in moving forward at this time.

Councilmember Trapp thanked the Committee for working together in a divisive climate and reminded one of her goals is to empower the City's committees. She recommended following the Committee's recommendations.

Councilmember Barchfeld expressed disappointment in the lack of partnership shown tonight and thanked the Committee. He said we have to play together and live with the HOT tax. He liked supporting the Committee, noted Councilmember Dussler's questioning of EmilyAnne Theatre's funding request denial, but understood that EmilyAnne Theatre received a grant of \$20,000, which he said improved their position. He pointed to the Committee's list of nine rules and the primary focus as putting "heads in beds." He felt that there are good proposals, but was not ready to fund the DMO proposal without further study. He said we need to decide what we want as a community and stated without tourism, Wimberley would have a property tax. Councilmember Barchfeld said Council is trying hard to do a good job, but noted the Committee has developed rules approved by Council, and those rules must be met. He said the Visitor's Center application did not meet some of the Committee's criteria such as the ROI requirement. He stated Council has to take the spirit of anxiety out of this issue and make adult decisions.

Councilmember White felt that the involved parties have not played well together and cautioned against the DMO proposal as overly complicated and creating a lot of paper/accounting work. He said we already have a place to handle what we need to do (the Visitor's Center) and said we are lacking a vision for targeting the problematic slow quarters. He stated Wimberley is just not ready for business tourists or conferences, citing lack of adequate facilities. He felt that there

needs to be more indoor events to increase winter tourism. Councilmember White stated there has to be a way for these two entities to work out of the Visitor's Center building and favored funding maintenance/operation of the Visitor's Center, if it includes the tourists association and all hoteliers, bed and breakfasts, and everyone else.

Mayor McCullough spoke of the need for involved players to work well together. He said long-time resentment must be overcome and liked Council's comments on this matter. Discussion addressed pursuing a vision for Wimberley and postponing action on some Committee recommendations, with the exception of time-critical funding proposals. City Administrator Ferguson noted that there may be a legal issue with extending public funds as a line of credit. Discussion addressed considering approval of funding requests for Wimberley Valley Arts and Cultural Alliance (for Wimberley ALIVE Music and Arts Festival) and Texas Property Masters (Phil Collins), and reconsideration of funding requests from Wimberley Valley Tourism & Lodging Association (WVTLA) and Wimberley Valley Convention and Visitors Bureau Foundation, which has submitted funding request for the next quarter.

Councilmember Trapp moved to approve the funding requests from Texas Property Masters and Wimberley Valley Arts and Cultural Alliance, as recommended by the Committee, and to hold action and study the DMO funding proposal for the next thirty (30) days.

Councilmember White suggested a two-week timeframe, rather than the aforementioned thirty (3) day period. Councilmember Dussler hoped to reconsider the Visitor's Center's funding proposal and felt recommending denial is a mistake. Councilmember Trapp felt the HOT Committee should reconsider the proposals and come back to Council. Councilmember Barchfeld agreed with Councilmember Trapp that the Committee has worked for over a year on this and has said that the Visitor's Center did not come up with an appropriate proposal.

Councilmember Trapp restated her motion to approve the funding requests from Texas Property Masters and Wimberley Valley Arts and Cultural Alliance, as recommended by the Committee, and that the DMO funding request go back to the Committee, as well as discussion of a vision for Wimberley. Chairman Palm said the Commission would need several months to develop a vision and asked if Council wants the Committee to change its guidelines.

Councilmember Trapp restated her motion to approve the funding requests from Texas Property Masters and Wimberley Valley Arts and Cultural Alliance, as recommended by the Committee and to send the DMO and Visitor's Centers funding proposals back to the HOT Advisory Committee for further study. Mayor McCullough said he would like inclusion of language that would require the parties to work together ("play nice").

Councilmember Barchfeld said the guidelines are there to be followed and if the Visitor's Center submits another fully completed application, then that is the way it is supposed to be done to avoid being political.

Councilmember Trapp restated her motion to approve the funding requests from Texas Property Masters and Wimberley Valley Arts and Cultural Alliance, as recommended by the Committee. Councilmember White seconded. Motion carried on a vote of 5-0.

Councilmember Dussler moved to hold action on the DMO funding proposal until such time a proper vision has been developed for Wimberley, to allow the Visitor's Center to resubmit its funding proposal, and to begin meetings among the two groups (WVTLA and Chamber of Commerce/Visitor's Center) to hopefully result in a positive outcome.

Chairman Palm said the Committee would need more time to come back with a vision.

After discussion of various items to include in a motion that would address denied funding requests, resolving differences among parties, and following Committee guidelines, Council reached clarification and simplification of intended motion language.

Councilmember Trapp moved to deny the funding proposals that were not recommended by the HOT Advisory Committee and the DMO proposal, which would require those proposals to be sent back to the Committee, and to hold a Council workshop on development of a vision for Wimberley as guidance for the Committee. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

Mayor McCullough asked for a motion to call for the parties to work together ("play nice"). Councilmember White stated that his understanding of the DMO proposal to hire an executive director well-versed in advertising and the Chamber's goal to promote Wimberley "business-to-business." He said the DMO executive director could work in conjunction with the Chamber toward its stated goals, and share information to reach the goal of promoting lodging. He saw no reason to create a DMO or sell bonds that duplicates efforts that Cathy Moreman does well, but said the Visitor's Center could be funded by rent from the WVTLA director, with each entity left to focus on its own primary purposes.

Discussion addressed a joint Council/Committee workshop to talk about long-term vision development. Mayor McCullough asked for a motion to hold a joint workshop.

Councilmember Trapp moved to schedule a joint workshop of City Council and the HOT Advisory Committee to establish the beginnings of a vision for Wimberley's tourism. Councilmember White seconded. Motion carried on a vote of 4-1. Councilmember Fore voted against.

Mayor McCullough called for a recess at 8:34 p.m.

Mayor McCullough reconvened the meeting at 8:41 p.m.

- B. Discuss and consider possible action on issues regarding the City of Wimberley Hotel Occupancy Tax rate. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp commended the HOT Advisory Committee for a fantastic job and recognized the emotions and divisiveness of this issue. She stated the lodging community has accepted the tax and collected approximately \$200,000, which she said is a ten-year balance

given the funding proposals received to date. She said at the current rate of spending there is no reason to keep collecting the tax or to increase it.

Councilmember Trapp moved to reduce the City of Wimberley Hotel Occupancy tax rate to zero percent (0%). Councilmember Fore seconded.

Councilmember Dussler expressed opposition to reducing the tax rate while considering various HOT tax issues. He said the HOT tax is building a pool of capital as intended to promote tourism and recognized Council's struggles with spending the revenue. He said there is no reason to needlessly penalize our efforts in building this pool while considering the best way to deploy capital. He analogized it to suspending the City's sales tax while working on the budget. He said any underlying agenda to kill the HOT tax is a different discussion and Council should have that discussion and vote on it.

Councilmember Trapp said her motion is just to adjust the rate and review it on an annual basis and right now there are excess funds. Councilmember Fore said the 0% rate was recommended by the Committee and \$200,000 is a sizeable amount of money. He saw no sense in building up a big pool of money and keep collecting at the current rate.

Councilmember Barchfeld spoke on having a reserve or emergency fund in case of another disaster like the recent flood events. He felt that the 5% rate is a good number and shows we can raise a lot of money, as well as be better able to track short-term rentals. He did not favor taking the rate down to 0% and offered 2.5% as a possible option.

Councilmember White said he is extremely torn as he opposed the HOT tax from the beginning. He stated his understanding that the HOT tax program would be given two years to work and was willing to go down to 2% tax rate.

Mayor McCullough asked Council to reflect on everything heard tonight and favored leaving the tax rate at 5%. He recalled how merchants were worried about lack of business after the flood and the need to promote that Wimberley is open for business. He said as more funding request applications are received, the \$200,000 could be absorbed quickly, and did not feel there are significant differences in tax rates of 5%, 4%, or 3%. He favored leaving the tax rate at 5% as funding may be needed for a possible future building addition or for events, particularly when only one quarter's funding period of proposals have been received, and no money has been allocated to date. Mayor McCullough felt it short-sighted and too soon to reduce the rate and sends the wrong signal. Councilmember White agreed and asked that action be postponed pending attempts to resolve issues. Councilmember Trapp pointed to the discord that \$200,000 has caused among groups that cannot get along. She said \$200,000 represents ten years of funds and being flexible with the rate does not kill the HOT tax.

Mayor McCullough said action to reduce the rate sends a signal that Council will kill the HOT tax. Councilmember Fore stressed Council is not doing away with the HOT tax, but adjusting the rate as recommended by the Committee. He said the rate can be changed later. Councilmember Barchfeld recalled that Chair Tomas Palm recommended reducing the rate to 0% and clarification was provided by City Administrator Ferguson that the Committee did not

take a public vote on such action. He advised of one Committee member, who is not present at tonight's meeting, whose position was not in favor of reducing the tax rate. With no formal public action taken, City Administrator Ferguson cautioned that the Committee cannot poll its members outside of a public meeting without violating the Open Meetings Act.

Mayor McCullough questioned the urgency of reducing the rate, given there are upcoming efforts to create a vision.

Councilmember Trapp questioned why there is a tax without a purpose and after one year we are still arguing over how to spend this money. She stated although the guest pays the tax, the lodging owner's bottom line is affected, and said she has statistics showing that lodging is down twenty percent. She asked why we are being greedy when we have \$200,000.

Mayor McCullough stated the \$200,000 collected to date exceeded expectations. Councilmember Trapp questioned who would administer funds in a disaster situation and without such a vision, purpose or marketing plan, we are just taxing.

Councilmember Barchfeld favored keeping the rate as-is and revisiting this issue in 90 days to allow for a cooling-off period after tonight's meeting.

Councilmember Fore agreed with Councilmember Barchfeld's comments to wait 90 days before taking action, as only the first round of funding request applications have been received. Chairman Palm stated the Committee will be looking at three newly submitted proposals at its October 11th meeting.

Discussion addressed whether or not to postpone action, the initial two-year trial period for the HOT tax program, and concerns that Hays County could enact a HOT tax at the maximum rate. Councilmember Barchfeld suggested that the HOT Advisory Committee should be allowed to take a formal vote on this issue before Council takes action.

HOT Advisory Committee member Dan Sturdivant recalled then fellow Committee member Bob Flocke's support for holding off on spending any HOT revenues until \$250,000 has been collected, which was not included in Chairman Palm's statements. Chairman Palm said he does not remember Mr. Flocke's statement or a specific amount mentioned. City Administrator Ferguson recalled that Committee discussion favored having a fund balance for emergencies, as opposed to spending money as it comes in.

Mayor McCullough called for a vote on Councilmember Trapp's motion to reduce the Hotel Occupancy tax rate to 0%, which was seconded by Councilmember Fore, as follows: Councilmember White, nay; Councilmember Barchfeld, nay; Councilmember Trapp, aye; Councilmember Fore, nay; and Councilmember Dussler, nay. Motion failed on a vote of 1-4.

- C. Discuss and consider possible action regarding plans for the 2016 Guy Fawkes Festival on November 5, 2016. (*City Administrator*)

Councilmember Trapp recused herself from the meeting at this time.

City Administrator Ferguson reported on event plans, including date/time, outdoor music, toilet facilities, and security. He advised that this year will mark the 17th year that Mr. Hall has hosted this festival and noted that there have been noise complaints from neighborhood residents in recent years. He stated that outdoor concerts are prohibited, unless approved by Council.

Applicant Steven Hall said the event brings in visitors, who use lodging facilities and bring revenue to Wimberley.

Merry Gibson of 310 Mill Race Lane opposed the event as inappropriate for her one-lane street, cited lack of parking, nature of event goes as anti-government/establishment, and said there are more appropriate locations for an event attended by hundreds of people.

Mayor McCullough added that for the past two years residents have complained about problems with the event being loud, which included calls to local law enforcement.

Jean Ann Cope of 109 Mill Race Lane recalled past festival experiences with loud music late at night (past 10 p.m.), lack of parking causing people to walk up and down Mill Race Lane all night, lack of restroom facilities causing people to use her property, and having her gate opened by an event goer who let her dogs out. She said the event included fireworks, which were not allowed, and the location is inappropriate, as it is a small piece of property that is not owned by Mr. Hall. She questioned whether event insurance has been secured and if the subject property's (115 Mill Race Lane) owner allows such an event in the property's lease. Ms. Cope said the event impacts neighbors every year and felt that Council should not approve the event as the location is inappropriate, tents were set up all over the property, and restroom facilities did not exist.

Discussion addressed the number of people in attendance last year (75 people per Mr. Hall), consideration of alternate locations with adequate facilities, provision of porta-potties, problems with previous years festivals, need for Council approval for outdoor music events, and complaints from the last two years related to noise and public urination. Mr. Hall said he would consider moving the festival to an alternate location next year and asked for Council's approval of this festival as the last one to be held at its current location. Mr. Hall offered to shorten the length of the event to address concerns about late-night noise and said that there is plenty of public parking for visitors. City Administrator Ferguson said there have been past issues with guests parking at the Wimberley Community Center and climbing over the fence to access the festival.

Councilmember White moved to deny the plans for the 2016 Guy Fawkes Festival on November 5, 2016. Councilmember Fore seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action awarding a contract for wastewater impact fee preparation services. (*City Administrator*)

Councilmember Trapp returned to the meeting at this time.

After reviewing a total of two Requests for Qualifications (RFQ) responses, City Administrator Ferguson recommended awarding a contract to HDR, Inc. at a cost of \$7,194.00. Councilmember Fore asked if Council could be included in the vetting process before Council takes action and requested such inclusion in future review processes. City Administrator Ferguson replied affirmatively. Councilmember Trapp stated her understanding that Council would participate in the vetting process. City Administrator Ferguson said respondents could be brought before Council for interviews or a subcommittee could be formed to review responses. Councilmember Fore stated a Council member could be selected to help staff with the review process and City Administrator Ferguson welcomed Council's participation. Discussion favored Council's participation in reviewing RFQ responses and clarified scope of services to be provided.

Councilmember Trapp moved to continue action on Agenda Items 4D and 4E until Council's October 20, 2016 meeting to allow Councilmember Fore to participate in vetting respondents to the City's RFQ issued for wastewater impact fee preparation services and to allow Mayor McCullough to participate in vetting respondents to the City's RFQ for project management (see next Agenda Item 4E). Councilmember White seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action awarding a contract for project management relating to the construction of the Central Wimberley Wastewater System. (*City Administrator*)

See action taken on previous Agenda Item 4D.

- F. Discuss and consider possible action on issues stemming from a second meeting between representatives of the City of Wimberley and Aqua Texas relating to the provision of wastewater to central Wimberley. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp reported that the second Aqua Texas meeting focused on the retail option and said Aqua Texas President Bob Laughman will be speaking at Council's meeting on October 20, 2016.

Discussion addressed allowing Mr. Laughman the opportunity to speak directly to Council and the public and effect of exercising the retail option on the project timeframe. City Administrator Ferguson stated that legal counsels for both the City and Aqua Texas have been authorized to communicate with each other. Discussion established that exercising the Aqua Texas retail option would kill the City's TWDB loan and U.S. EDA grant, as money cannot be loaned or granted, unless for a public system. Discussion addressed money already spent on system planning and design and the need to know options before spending more on construction. Councilmember Dussler was concerned about giving up loan and grant money and questioned where money would come from for a collection system without such funding.

Councilmember Trapp moved to invite Aqua Texas's Bob Laughman to speak at Council's meeting on October 20, 2016. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

- G. Discuss and consider possible action regarding a proposal to waive building permit fees for the construction of residential and commercial rainwater collection systems. *(Place Four Councilmember Gary Barchfeld)*

Councilmember Barchfeld spoke of the Council's long-term goal to look at alternative water sources. He said water is a critical issue and favored a pro-active approach for rainwater collection. He suggested waiving the building permit fees for those wishing to install a rainwater collection system for their home or business, with possible future consideration of similar incentives for other types of environmentally responsible building options such as solar energy.

Discussion addressed nominal budgetary impact of the proposed fee waiver, typical rainwater collection system cost and average fee amount, and limited options for incentives.

Councilmember Trapp moved to approve waiving building permit fees for the construction of residential and commercial rainwater collection systems. Councilmember Dussler seconded. Motion carried on a vote of 5-0.

- H. Discuss and consider possible action regarding the proposed amendment of the Wimberley City Council Governance Policy to include requirements relating to the change of City Council meeting dates, times and place. *(Place Two Councilmember Craig Fore)*

Councilmember Fore referenced a recent time change for a scheduled meeting requested by Mayor McCullough that conflicted with other Council members' schedules. He spoke of the need to confer with everyone before such changes are made. Mayor McCullough apologized for changing the meeting time and City Administrator Ferguson recommended amending the policy to notify all Council members of any proposed changes in meeting dates, times, or places, prior to the meeting being re-posted.

Councilmember Fore moved to proceed with amending Council's Governance Policy, as recommended by City Administrator Ferguson. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

- I. Discuss and consider possible action regarding a proposal to cancel the December 15, 2016 Regular City Council meeting. *(Place Three Councilmember Sally Trapp)*

Councilmember Trapp favored cancelling the December 15th meeting as a needed break for everyone (Council, staff, and the public) to better enjoy the holiday season. Mayor McCullough said he was fine with holding the meeting. Councilmember Barchfeld agreed with Councilmember Trapp and City Administrator Ferguson noted that staff concerns are not a reason for the request.

Councilmember Trapp moved to cancel Council's meeting on December 15, 2016. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider possible action regarding a request from the County of Hays for the City of Wimberley to waive a portion of the City's building permit fees for the planned construction of the Hays County Precinct Three offices at 200 Stillwater. (*City Administrator*)

City Administrator Ferguson highlighted project plans and stated that in the past Council has waived the City's portion of the building permit fees on at least one previous County building project. He noted that should Council desire to grant the fee waiver request, the motion should state that waiving the fees serves a valid municipal purpose.

Councilmember White moved to approve waiving a portion of the City's building permit fees for the planned construction of the Hays County Precinct Three offices at 200 Stillwater and such waiver serves a valid municipal purpose. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- K. Discuss and consider possible action authorizing the city administrator to enter into negotiations regarding the possible development of a license agreement relating to use of a City-owned 0.158 acre tract of property located at the intersection of Ranch Road 12 and FM 2325. (*City Administrator*)

City Administrator Ferguson stated the subject property is currently vacant and Ace Hardware owners have expressed interest in beautifying the small triangular piece of property. He said the license agreement would be similar to the City's agreement with TxDOT to maintain the rest area on Ranch Road 12. He noted Council authorization is needed in order to enter into negotiations regarding agreement development.

Discussion addressed possible terms to include in the license agreement (such as authorizing Christmas trees), and willingness of Ace Hardware to donate time and effort to beautify the space.

Councilmember Fore said that Ace Hardware owners are interested in purchasing the City-owned property and City Administrator Ferguson advised there is a public process for disposition of public property and recommended not selling City property, as it is in a location critical to transportation planning.

Councilmember White moved to authorize City Administrator to contact Ace Hardware owner Christy Degenhart regarding possible development of a license agreement.

Councilmember Barchfeld moved to authorize City Administrator Ferguson to enter into negotiations with Ace Hardware owner Christy Degenhart to see what she would like to do with the property.

After discussion of both motions, Councilmember Barchfeld withdrew his motion.

Councilmember White moved to authorize the city administrator to contact Christy Degenhart about possible development of a license agreement.

Councilmember Trapp asked if the motion could include discussion of a possible sale and City Administrator Ferguson reminded there is a state-mandated legal process that must be followed to pursue sale of public property.

Councilmember Barchfeld seconded Councilmember White's motion. Motion carried on a vote of 5-0.

Addendum to Agenda

4. Discussion and Possible Action

- L. Discuss and consider possible action regarding a proposed \$750 settlement fee for the early cancellation of the lease for the Oak Drive restroom trailer. (*City Administrator*)

City Administrator Ferguson recommended approval of the settlement fee for early cancellation of the Oak Drive restroom trailer lease.

Councilmember Barchfeld moved to approve payment of the \$750 settlement fee, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- M. Discuss and consider possible action regarding a proposed professional services agreement for financial services with *Lori I. Graham, CPA, P.C. (City Administrator)*

City Administrator Ferguson recommended approval of the proposed agreement, highlighted services provided, and noted the renewal agreement calls for an increase in monthly fees from \$1,200 to \$1,350.

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

5. City Council Reports

- Announcements
- Future Agenda Items

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

Adjournment: Council meeting adjourned at 10:10 p.m.

Recorded by:

Cara McPartland

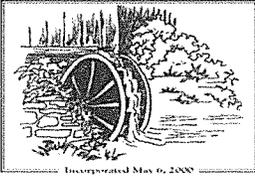
These minutes approved on the ____ of October, 2016.

APPROVED:

Mac McCullough, Mayor

DRAFT

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: APPROVAL OF
OCTOBER 7, 2016 MINUTES OF SPECIAL CITY
COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the October 7, 2016 Special City Council Meeting.

MINUTES
SPECIAL CITY COUNCIL MEETING
THE HOME OF BECKY AND MIKE MCCULLOUGH
821 STILLWATER, WIMBERLEY, TEXAS
OCTOBER 7, 2016 – 6:00 P.M.

The City Council of the City of Wimberley, Texas met for the purpose of participating in an American Red Cross reception at the home of Becky and Mike McCullough, located at 821 Stillwater, Wimberley, Hays County, Texas on Saturday, October 7, 2016.

Those present were: Mayor Mac McCullough, Place Two Councilmember Craig Fore, Place Three Councilmember Sally Trapp, and Place Four Councilmember Gary Barchfeld.

Members of the City of Wimberley City Council attended the special meeting for the purpose of participating in an American Red Cross reception. No action was taken during the meeting that began at 6:00 p.m. and ended at 8:00 p.m.

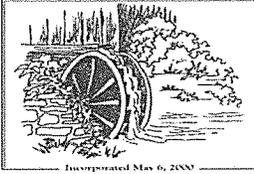
DATE APPROVED: October ____, 2016

Mac McCullough, Mayor

ATTEST:

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: APPROVAL OF MINUTES
OF THE SPECIAL JOINT CITY COUNCIL-PLANNING &
ZONING COMMISSION MEETING ON OCTOBER 4,
2016

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 Special Joint City Council/Planning and Zoning Commission meeting on October 4, 2016.

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
**Minutes of Joint Special Meeting of the City Council and
Planning and Zoning Commission**
October 4, 2016 at 5:00 p.m.

City Council and Planning and Zoning Commission joint meeting called to order at 5:00 p.m. by Mayor Mac McCullough.

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

Planning & Zoning Commission Members Present: Chair John Urban, Commissioners Austin Weeks, Natalie Meeks (arrived at 5:05 p.m.), Charles Savino, Rebecca McCullough, and John Espinoza. Commissioner Gail Pigg was absent.

Staff Present: City Administrator Don Ferguson

1. Discussion and Possible Action

Discuss and consider possible action awarding a contract for the construction of the Hidden Valley Low Water Crossing. *(City Administrator)*

City Administrator Ferguson reported that review of bids received resulted in the primarily cost-based recommendation from project engineers to award the contract to Myers Concrete Construction. He advised of staff's recommendation to award the contract to Capitol Excavation based on experience with the specific type of project.

Discussion addressed penalty/bonus contract clauses, desire to avoid cost overruns, scope of work, project timeframe, and need for positive interaction with neighborhood residents.

Councilmember Trapp moved to approve awarding the contract for the construction of the Hidden Valley Low Water Crossing to Myers Concrete Construction. Councilmember Dussler seconded. Motion carried on a vote of 5-0.

2. Workshop Session

Discussion between City Council and Planning and Zoning Commission regarding short-term rental regulatory review project.

Councilmember Barchfeld spoke on the purpose of the moratorium, concerns leading to the moratorium, and team-oriented goals to gather input from involved parties in order to resolve short-term rental issues and resolve those issues in the most efficient manner.

City Administrator Ferguson reported on the public meeting/workshop calendar and procedures, Joint City Council/P & Z Special Meeting Minutes – October 4, 2016

including the schedule for specific groups to comment on their positions regarding short-term rentals.

Discussion addressed collection of data from all concerned groups, lack of time limits for speakers, ability of each stakeholder to state their positions on short-term rentals, and acceptance of written comments in lieu of attendance at meetings. City Administrator Ferguson reminded that there will also be public hearings held on any proposed zoning changes allowing for further public comments and advised of public notification procedures. Discussion included identification of resident versus non-resident property owners and differences between vacation rentals and bed and breakfast facilities.

Councilmember Barchfeld felt this is a serious issue that will have a good outcome for all involved and noted positive feedback. City Administrator Ferguson highlighted the meeting schedule and agreement was reached to move the Tuesday, November 8th joint Council/Planning and Zoning Commission workshop to Wednesday, November 9, 2016.

Adjournment: Joint City Council/Planning & Zoning Commission joint meeting adjourned at 5:35 p.m.

Recorded by:

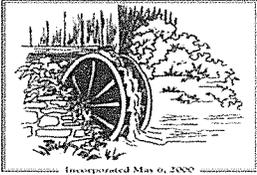
Cara McPartland

These minutes approved on the ____ of October, 2016.

APPROVED:

Mac McCullough, Mayor

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: APPROVAL OF THE REAPPOINTMENT OF JIMMY LEE TO THE CITY OF WIMBERLEY BUILDING CODE BOARD OF REVIEW

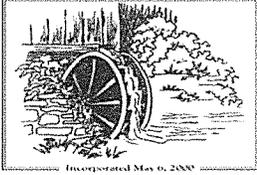
Council Action Requested:

- 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 and consider approval of the reappointment of Jimmy Lee to the City of Wimberley Building Code Board of Review.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: APPROVAL OF THE REAPPOINTMENT OF CHARLES SAVINO TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION

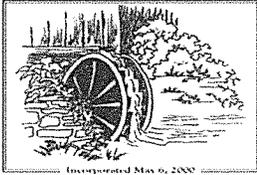
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Craig Fore to allow City Council to discuss and consider approval of the reappointment of Charles Savino to the City of Wimberley Planning and Zoning Commission.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: APPROVAL OF THE REAPPOINTMENT OF JOHN DUNN TO THE CITY OF WIMBERLEY ETHICS COMMISSION

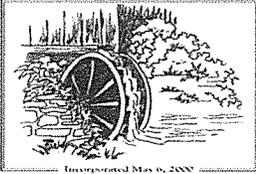
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider approval of the reappointment of John Dunn to the City of Wimberley Ethics Commission.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

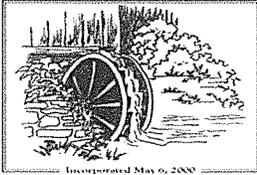
- Ordinance
- Resolution
- Motion
- Discussion

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 sales tax collections for the City of Wimberley
- Status report on the Community Electronic Message Board Project
- Status report on Hidden Valley Low Water Crossing Reconstruction Project
- Status report on CDBG flood recovery funding

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: PRESENTATION BY
AQUA TEXAS REGARDING POSSIBLE OPTIONS
FOR THE PROVISION OF WASTEWATER
SERVICE TO CENTRAL WIMBERLEY

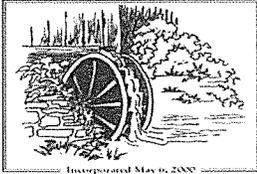
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow Aqua Texas President Bob Laughman to present information regarding possible options for the provision of wastewater service to central Wimberley.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF A PROPOSED ORDINANCE ESTABLISHING A CONDITIONAL USE PERMIT TO ALLOW FOR THE LIMITED ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE PR-2 (HIGH IMPACT) ZONING DISTRICT

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 first reading of a proposed amendment to the City's Zoning Code (the "Code") establishing a Conditional Use Permit (the "CUP") that would allow for the limited on-premise sale and consumption of alcohol on properties zoned Participant Recreation-High Impact (the "PR-2").

The City recently received an inquiry from the operators of the *Wimberley Players Theatre* seeking permission to serve alcoholic beverages in conjunction with their performances. The subject property is zoned PR-2 and the on-premise sale and consumption of alcoholic beverages is not a permitted or conditional use in the subject zoning district.

Currently, the City Zoning Code allows the on-premise sale and consumption of alcohol on commercially zoned properties with a CUP, in conjunction with certain uses such as sit-down restaurants, tasting rooms, package stores and bars.

The attached ordinance would amend the Code to add the limited on-premise sale and consumption of alcohol as a conditional use in the PR-2 zoning district. Such alcohol sales would have to occur in conjunction with a recreation event, cultural exhibit, musical or theatrical performance. Alcohol sales would be limited to the duration of the event and shall not occur more than one hour before and after the event. Establishments in the zoning district could not derive more than seventy-five (75) percent of their gross revenue from the on-premise sale of alcoholic beverages.

On October 13, 2016, the Planning and Zoning Commission held a public hearing on the proposed ordinance. Afterwards, the Commission voted unanimously to recommend approval ordinance.

Ordinance No. 2016-_____

“Limited Duration/On-Premise Alcohol Sales”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SECTIONS 155.005 (DEFINITIONS), AND SECTION 155.059 (PARTICIPANT RECREATION – HIGH IMPACT; PR-2) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO ADD A CONDITIONAL USE FOR LIMITED DURATION/ON-PREMISE ALCOHOL SALES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and

WHEREAS, on May 9, 2009, a majority of the voters of Hays County voted to allow the public to purchase alcohol in stores and to purchase and consume alcoholic drinks at restaurants and bars in Justice of the Peace Precinct Three of Hays County; and

WHEREAS, amendments to the City’s Zoning Code are necessary to allow certain sales and on-premise consumption of beer, wine, and liquor in order to permit such uses in the City’s various zoning districts; and

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities, and infrastructure, and

WHEREAS, the Planning and Zoning Commission and City Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses, with a view toward conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade, and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based on the City’s statutory regulatory authority, including, but not limited to, Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals, and general welfare; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City's official newspaper before the 15th day before the first public hearing, and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearings;

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENTS

A. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.005 (Definitions), is hereby amended to add the following:

“LIMITED DURATION/ON-PREMISE ALCOHOL SALES AND CONSUMPTION. Establishment located within another permitted land use that derives 75% or less of the establishment's gross revenue from the on-premise sale of alcoholic beverages and that is open to the public only in conjunction with a recreation and entertainment event, cultural exhibit, or musical or theatrical performance, during the time that the event is in progress and no more than one hour before and after the event.”

B. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.059 (Participant Recreation – High Impact; PR-2), Subsection C (Conditional Uses), is hereby amended as follows:

“(C) Conditional uses.

- (1) Campgrounds without facilities; ~~and~~
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and
- (3) Limited duration/on-premise alcohol sales and consumption.”

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Article shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Article.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Article shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Article are hereby expressly repealed to the extent that such inconsistency is apparent. This Article shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This Article shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Article was passed was open to the public as required 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this ____ day of _____, 2016.

Herschel "Mac" McCullough
Mayor

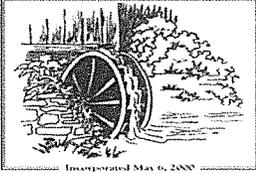
ATTEST:

Cara McPartland,
City Secretary

APPROVED AS TO FORM:

Catherine Fryer,
City Attorney

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: CONSIDER ACTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE A SERVICE AGREEMENT WITH AQUA TEXAS RELATING TO THE ACCEPTANCE OF TREATED WASTEWATER EFFLUENT FROM THE CITY

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider authorizing the City Administrator to negotiate a service agreement with Aqua Texas relating to the acceptance of effluent from the City of Wimberley wastewater treatment plant to reduce the potential of effluent discharge.

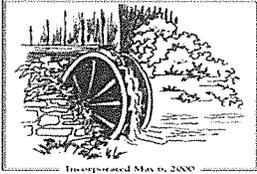
Current plans for the wastewater project call for there to be one (1) 500,000 gallon effluent storage tank where effluent would be stored when the City is unable to irrigate designated areas in the Blue Hole Regional Park. When the storage tank is full and it's still too wet to irrigate, the City would discharge effluent.

In recent months, City Council has discussed the possibility for using tanker trucks to haul effluent from the treatment plant to designated disposal locations in the area to reduce the potential of effluent discharge in times where the effluent storage tank is nearing capacity and it's too wet to irrigate.

Aqua Texas President Robert Laughman has indicated a willingness to accept treated effluent hauled from the City's plant, as needed, at the Aqua Texas Plant off FM 2325. Laughman indicated Aqua Texas would charge the City a fee per one thousand gallons of effluent delivered. TCEQ approval for such an arrangement might be necessary.

City staff is seeking authorization from City Council to negotiate a service agreement with Aqua Texas relating to the acceptance of treated effluent from the City. City Council approval is required for any agreement that is negotiated.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: CONSIDER APPROVAL OF THE TERMS AND CONDITIONS RELATING TO FORMAL ACCEPTANCE OF FUNDING ASSISTANCE AWARDED TO THE CITY OF WIMBERLEY BY THE ECONOMIC DEVELOPMENT ADMINISTRATION

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the terms and conditions relating to the formal acceptance of a \$1 million grant awarded to the City of Wimberley from the U.S. Economic Development Administration ("EDA") to help fund the development of the Central Wimberley Wastewater System.

In a letter dated September 29, 2016, the City of Wimberley was notified that its application for a \$1 million grant from the EDA was approved. The grant funding is intended to help fund construction of the Central Wimberley Wastewater System. Proceeds from the construction loan secured from the Texas Water Development Board will serve as the required one million dollar match required for the grant. The funds will not be release until the City provides evidence of the closure of the loan.

To accept the grant, the City is required to approve the attached terms and conditions within thirty (30) days from the date of the letter of award. If the conditions are not signed and returned to the EDA within the required timeframe, the EDA may declare the grant null and void.



U.S. DEPARTMENT OF COMMERCE
Economic Development Administration
Austin Regional Office
903 San Jacinto, Suite 206
Austin, TX 78701

9-29-16

In Reply to
Investment No.: 08-01-05136

City Administrator, Paul Ferguson
City of Wimberley
P.O. Box 2027
Wimberley, TX, 78676-2028

Dear Paul Ferguson:

I am pleased to inform you that the Department Of Commerce's Economic Development Administration (EDA) has approved your application for a \$1,000,000 EDA investment to Wastewater collection system and central treatment facility to serve the City of Wimberley, Texas.

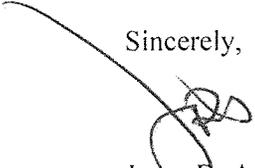
Enclosed are three signed copies of the Financial Assistance Award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on each of the signed copies of the Financial Assistance Award. Two of the executed copies should be returned to Corey Dunn, Project Officer, Economic Development Administration, 903 San Jacinto, Suite 206, Austin, TX 78701. If not signed and returned within 30 days from the date the Grants Officer signs the agreement, EDA may declare the Award null and void.

Please do not make any commitments in reliance on this award until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining the approval of EDA in accordance with its regulations and requirements will be at your own risk.

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most economically distressed regions that encourage private sector collaboration and the creation of jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship and regional development.

I share your expectations regarding the impact of this investment and look forward to working with you to meet the economic development needs of your community.

Sincerely,



Jorge D. Ayala
Regional Director
Enclosures

GRANT COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER
08-01-05136

RECIPIENT NAME
City of Wimberley

PERIOD OF PERFORMANCE
Five years from the date of project award

STREET ADDRESS
P.O. Box 2027

FEDERAL SHARE OF COST
\$1,000,000

CITY, STATE, ZIP CODE
Wimberley, TX, 78676-2028

RECIPIENT SHARE OF COST
\$3,409,100

AUTHORITY
Public Works and Economic Development Act of 1965(42 U.S.C. § 3121 et seq.)as amended including the comprehensive amendments made by the Economic Development Administration Reauthorization Act of 2004 (P.L. 108-373)

TOTAL ESTIMATED COST
\$4,409,100

CFDA NO. AND NAME
11.3 - Public Works - Wastewater System

PROJECT TITLE
Wastewater System

This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.

- Department of Commerce Financial Assistance Standard Terms and Conditions (December 2014)
- R & D Award
- Federal-Wide Research Terms and Conditions, As Adopted by The Dept. Of Commerce
- Special Award Conditions
- Line Item Budget
- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements, as Adopted Pursuant to 2 CFR § 1327.101
- 48 CFR Part 31, Contract Cost Principles and Procedures
- Multi-Year Award. Please See The Multi-Year Special Award Condition.
- Other(s): EDA Standard Terms and Conditions for Construction Project

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Jorge D. Ayala, Regional Director

DATE

9-29-16

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Donald Paul Ferguson, City Administrator

DATE

GRANT COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER
08-01-05136

RECIPIENT NAME
City of Wimberley

PERIOD OF PERFORMANCE
Five years from the date of project award

STREET ADDRESS
P.O. Box 2027

FEDERAL SHARE OF COST
\$1,000,000

CITY, STATE, ZIP CODE
Wimberley, TX, 78676-2028

RECIPIENT SHARE OF COST
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SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

DATE

Jorge D. Ayala, Regional Director

9-29-16

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Donald Paul Ferguson, City Administrator

GRANT COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER
08-01-05136

RECIPIENT NAME
City of Wimberley

PERIOD OF PERFORMANCE
Five years from the date of project award

STREET ADDRESS
P.O. Box 2027

FEDERAL SHARE OF COST
\$1,000,000

CITY, STATE, ZIP CODE
Wimberley, TX, 78676-2028

RECIPIENT SHARE OF COST
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TOTAL ESTIMATED COST
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SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Jorge D. Ayala, Regional Director

DATE

9-29-16

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Donald Paul Ferguson, City Administrator

DATE

SPECIAL AWARD CONDITIONS
U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

CONSTRUCTION PROJECTS: Public Works and Economic Adjustment Assistance under
Section 201 and 209 of PWEDA Programs

Public Works and Economic Adjustment Assistance Programs

Project Title: Wastewater System

Recipient Name: City of Wimberley

Project Number: 08-01-05136

1. The Recipient Contact's name, title, address, and telephone number are:

Donald Paul Ferguson	City Administrator
City of Wimberley	P.O. Box 2027
Phone: 512-847-0025	Wimberley, TX, 78676-2028
Email: dferguson@cityofwemberley.com	

2. The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

Jorge D. Ayala	Economic Development Administration
Regional Director	Austin Regional Office
Fax: 512-381-8177	903 San Jacinto, Suite 206
	Austin, TX 78701

3. The Federal Program Officer (Area Director) oversees the programmatic aspects of this Award. The Federal Program Officer is:

Matthew Giannini	Economic Development Administration
Phone: 512-381-8171	Austin Regional Office
Fax: 512-381-8177	903 San Jacinto, Suite 206
Email: mgiannini@eda.gov	Austin, TX 78701

4. The Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

Corey Dunn,	Economic Development Administration
Phone: 512-381-8144	Austin Regional Office
Fax: 512-381-8177	903 San Jacinto, Suite 206
Email: cdunn@eda.gov	Austin, TX 78701

5. **SCOPE OF WORK:** This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the Authorized Scope of Work. All work on this project should be consistent with this Authorized Scope of Work, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized through execution of a Form CD-451.

Wastewater collection system and central treatment facility to serve the City of Wimberley, Texas.

6. **ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined at the conclusion of the award period in accordance with 2 C.F.R. Part 200, after Final Financial Documents are submitted.

Except as otherwise expressly provided for within these Special Award Conditions, the Investment Rate for the award (see 13 C.F.R. §§ 300.3 and 301.4) shall apply to allowable costs incurred by the Recipient in connection with the project. The Federal share in the allowable costs shall be based upon the Investment Rate (see 2 C.F.R. § 200.43). In the event of an under run in total allowable costs for this project, the Federal share of allowable costs shall be determined by the Investment Rate established in the Form CD-450, or previously executed Form CD-451. The Federal share of total allowable costs shall not exceed the dollar amount of the original Award and subsequent amendments, if any, absent a determination by the Assistant Secretary (see 13 C.F.R § 308.1).

Line Item Budget:

A. Under the terms of the Award, the total approved authorized budget is:

Federal Share (EDA Amount)	\$	1,000,000
Non-Federal Matching Share	\$	3,409,100
Total Project Cost	\$	4,409,100

B. Under the terms of this Award, the total approved line item budget is:

Cost Classification	Proposed (\$)	Approved (\$)
Administrative and legal expenses	30,000	0.00
Land, structures, rights-of-way, etc.	0.00	0.00
Relocation expenses and payments	0.00	0.00
Architectural and engineering fees	0.00	0.00
Other architectural and engineering fees	0.00	0.00
Project inspection fees	0.00	0.00
Site work	0.00	0.00
Demolition and removal	0.00	0.00
Construction	4,379,100	4,379,100
Equipment	0.00	0.00
Contingencies	0.00	0.00
Miscellaneous	0.00	0.00
Total Project Costs	\$4,409,100	\$4,409,100

Explanation of Changes:

7. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project development time schedule:

Return of Executed Financial Assistance Award.....	30 calendar days after receipt of Form CD-450/CD-451
Start of Construction.....	24 Months from Date of Award
Construction Completed.....	36 Months from Date of Award
Authorized Award End Date.....	60 Months from Date of Award
Submission of Final Financial Documents (SF-425)	No later than 90 calendar days from Award End Date
Useful Life.....	20 Years

The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event that could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA's taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. § 200.339.

Construction Completion - In keeping with prudent grants management policy, EDA construction projects must be completed within five (5) years from the date the Form CD-450 is signed by the Recipient accepting the Award. If construction is not completed by this date and the Grants Officer determines, after consultation with the Grant Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously, the grant may be terminated. Extensions beyond the five-year project period are exceedingly rare and can only be authorized by the Assistant Secretary. Nothing in this paragraph is intended to alter the Project Development Time Schedule set forth above.

Project Closeout – All Project closeout documents, including final financial reports (Form SF-425) and any required program reports, shall be submitted to EDA not more than 90 calendar days after the date the Recipient accepts the completed project from the contractor(s).

8. **FINANCIAL ASSISTANCE AWARD:** This Financial Assistance Award, subject to the other Special Award Conditions and the EDA Standard Terms and Conditions - Construction Program, dated March 12, 2013, shall constitute an obligation to make such Award. If the Recipient fails to affirm its intention to use the Award in accordance with the terms and conditions of this Special Award Conditions of this Financial Assistance Award, it will be terminated without further cause. By signing and returning two of the three original Financial Assistance Award documents within 30 calendar days from receipt, the Recipient hereby affirms that it intends to use the Award in accordance with the and conditions as above-referenced

9. **REAFFIRMATION OF APPLICATION:** The Recipient acknowledges that the Recipient's application for this Award may have been submitted to the Government and signed by the Recipient, or by an authorized representative of the Recipient, electronically. Regardless of the means by which the Recipient submitted its application to the Government or whether the Recipient, or an authorized representative of the Recipient, submitted its application to the Government, the Recipient hereby reaffirms and states that:

- a. all data in said application and documents submitted with the application are true and correct as of the date of this Award and were true and correct as of the date of said submission;
- b. said application was, as of the date of this Award and as of the date of said application, duly authorized as required by local law by the governing body of the Recipient; and
- c. the Recipient confirms that it will comply with the Assurances and Certifications submitted with or attached to said application.

The term “application” includes all documentation and any information provided to the Government as part of, and in furtherance to, the request for funding, including submissions made in response to information requested by the Government after submission of the initial application.

10. **EVIDENCE OF GOOD TITLE:** In accordance with Section L of the U.S. Department of Commerce Standard Terms and Conditions, prior to the initial disbursement of funds by EDA, the Recipient shall provide opinion of counsel, satisfactory to the Government, that the Recipient has acquired good and marketable title to land, free of all encumbrances, as well as rights-of-way, and easements necessary for the completion of the project, or of a long-term leasehold interest in accordance with 13 C.F.R. § 314.
11. **MATCHING SHARE:** The Recipient agrees to provide the Recipient’s non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. (See 13 C.F.R. § 300.3) The Recipient also certifies that, in accepting the Financial Assistance Award, the Recipient’s Matching Share of the project costs is committed and unencumbered, from authorized sources, and shall be available as needed for the project. The Recipient further acknowledges that, prior to award of any construction contracts, it will be required to provide evidence satisfactory to the Government that all funds necessary to complete the Project are available. Any substitution of the non-Federal share shall be submitted in writing and approved by EDA.
12. **AWARD DISBURSEMENTS - REIMBURSABLE BASIS ONLY:** EDA will make disbursements under this Award on a reimbursement basis only, based on actual costs when specific milestones have been met. The EDA Project Engineer will provide these milestones.
 - a. The “Request for Reimbursement” (Form SF-271) is used to request a disbursement, which shall be approved in writing by the Post Approval Engineer.
 - b. Please note that prior to the initial disbursement, Recipients must complete the attached Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form” and submit it to the Austin Regional Office Project Engineer. The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.
13. **REFUND CHECKS, INTEREST, OR UNUSED FUNDS:** Treasury has given the EDA two options for having payments deposited to EDA’s account:
 - a. The first one is Pay.Gov. This option allows the payee to pay EDA through the Internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.
 - b. The second option is Paper Check conversion. All checks must identify on their face the name of the DOC agency funding the award, award number, and no more than a two-word description to identify the reason for the refund or check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA’s Accounting Office, who processes EDA’s accounting functions at the following address:

*U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard, Germantown, MD 20874*

The accounting staff will scan the checks in to an encrypted file and transfer to the Federal Reserve Bank, where the funds will be deposited in EDA’s account. While this process will not be an issue

with most payees, there are occasionally issues for entities remitting funds to EDA via check. If you are remitting funds to EDA via check, please make note of the following:

If a check is sent to EDA, it will be converted into an electronic funds transfer by copying the check and using the account information to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will appear on your regular account statement.

EDA will not return your original check; the original will be destroyed and a copy will be maintained in our office. If the Electronic Funds Transfer (EFT) cannot be processed for technical reasons, the copy will be processed in place of the original check. If the EFT cannot be completed because of insufficient funds, EDA will charge you a one-time fee of \$25.00, which will be collected by EFT.

14. **REPORTING UNLIQUATED OBLIGATIONS:** All Recipients of an EDA Grant Award of more than \$100,000 whose grant has not been fully disbursed as of the end of each reporting period are required to submit a financial report to EDA annually on the status of unreimbursed obligations. The report will provide information on the amount of allowable Project expenses that have been incurred by the Recipient but not claimed for reimbursement as of the end of the reporting period. The report will be as of September 30 of each year and must be submitted annually until the final grant payment is made to EDA. The report shall be submitted to EDA no later than October 30 of each year. Noncompliance with this requirement may result in the suspension of EDA grant disbursements. Standard Form SF-425 (“Federal Financial Report”) or Standard Form SF-425A (“Federal Financial Report Attachment” for reporting multiple grants), whichever is applicable, will be used for this purpose.
15. **PERFORMANCE MEASURES:** The Recipient agrees to report on program performance measures and program outcomes in such a form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993, and the Government Performance and Results Modernization Act of 2010.

At this time, all Awards for construction assistance require Recipients to report actual job creation/retention and private investment leverage three (3), six (6), and nine (9) years after an EDA investment. Recipients are to retain sufficient documentation so that they can submit these required reports. Failure to submit this required report can adversely impact the ability of the Recipient to secure future funding from EDA.

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact Recipients in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted. Recipients should ensure adequate and sufficient records are kept to support the methodology for computing initial job and private investment estimates and all subsequent actual performance data calculations so that this information can be made available to EDA in the event of an audits or performance site visits.

16. **REPORTS:**
- a. **Project Progress Reports:** The Recipient shall submit project progress reports to the Project Officer on a quarterly basis for the periods ending January 31, April 30, July 31, and October 30, or any portion thereof until the final grant payment is made by EDA. Reports should be submitted using the approved EDA template, which will be provided

by the Project Officer and discussed during the project kick-off meeting. Reports are due no later than 1 month following the end of the quarterly period.

- b. **Financial Reports:** The Recipient shall submit a "Federal Financial Report" (Form SF-425) on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, for the entire project period. Form SF-425 (and instructions for completing this form) is available at:

http://www.whitehouse.gov/omb/grants/grants_forms.html.

- c. **Form SF-425:** A final Form SF-425 must be submitted no more than 90 calendar days after the expiration date of the Award (e.g., the Award end date specified on the Form CD-450 or Form CD-451). Final Financial reports should follow the guidance outlined by the form instructions for submitting mid-term financial reports, but should ensure that all fields accurately reflect the total outlays for the entire project period, and that all matching and program income (if applicable) is fully reported. Final grant rate and determinations of final balances owed to the government will be determined by the information on the final Form SF-425, so it is imperative that this final financial form is submitted in a timely and accurate manner.

17. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with Regulations at 2 C.F.R. §§ 200.317-200.326, as applicable.
18. **NONRELOCATION:** In signing this award of financial assistance, the Recipient(s) attests that the EDA funded project will not be used to induce the relocation or the movement of existing jobs from one Region to another Region by a primary beneficiary of the Award. (See 13 C.F.R. § 300.3) In the event that EDA determines that its assistance was used for such relocation purposes, EDA reserves the right to pursue all rights and remedies, including suspension of disbursements and termination of the award for convenience or cause, and disallowance of any costs attributable, directly or indirectly, to the relocation and the recovery of the Federal share thereof.

For purposes of ensuring that EDA assistance will not be used for relocation purposes, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA considers an employer to be a "primary beneficiary" if, in seeking EDA assistance, the applicant estimates that such employer will create or save 100 or more permanent jobs as a result of the investment assistance and specifically names the employer in its application to EDA to make the Award. In smaller communities, EDA may consider a primary beneficiary to be an employer of 50 or more jobs permanent jobs so identified.

19. **GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth in 41 C.F.R. § 60-4 establishes goals and timetables for participation of minorities and women in the construction industry. These regulations apply to all federally assisted construction contracts in excess of \$10,000. The Recipient shall comply with these regulations and shall obtain compliance with 41 C.F.R. § 60-4 from contractors and subcontractors employed in the completion of the Project by including such notices, clauses and provisions in the Solicitations for Offers or Bids as required by 41 C.F.R. § 60-4. The goal for the participation of women in each trade area shall be as follows: From April 1, 1981, until further notice: 6.9 percent.

All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 C.F.R. § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Special Award Conditions.

Goals for minority participation shall be as prescribed by Appendix B-80, Federal Register, Volume 45, No. 194, October 3, 1980, or subsequent publications. The Recipient shall include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6. The minority participation goal for this project is 24.2 percent.

20. **RECORDED STATEMENT:** The Recipient expressly agrees to grant to the Government, prior to initial grant disbursement, a first priority unsubordinated lien against, covenant or other statement of EDA's interest in the property acquired or improved in whole or in part with the funds made available under this Award. The statement shall specify in years the estimated useful life of the Project and shall include, but not be limited to disposition, encumbrance, and compensation of Federal share requirements of 13 CFR Part 314. The statement shall be satisfactory in form and substance to EDA. The statement of EDA's interest must be perfected and placed of record in the real property records of the jurisdiction in which the property is located, all in accordance with local law. EDA will in its own discretion determine whether the lien, covenant or statement of interest is satisfactory, and EDA may require an opinion of counsel for the Recipient that it is valid and enforceable according to its terms, and has been properly recorded. Facilities, in which the EDA investment is only a small part of a large project, as determined by EDA, may be exempted from the requirements of this section.

The Recipient further agrees that:

- a. except as provided in 13 CFR 314.3(b), (c) or (d), whenever, during the expected useful life of the Project, any property acquired or improved in whole or in part with grant assistance is disposed of, or no longer used for the authorized purpose of the Project, the Federal Government must be compensated by the Recipient for the Federal share of the value of the property; provided that for equipment and supplies, the standards of Regulations at 2 C.F.R. §§ 200.310-200.316 shall apply, as applicable.
- b. if the property is disposed or encumbered without EDA approval, EDA may assert its interest in the property to recover the Federal share of the value of the property for the Federal Government. EDA may pursue its rights under both paragraphs (a) and (b) of this section to recover the Federal share, plus costs and interest.
- c. The Federal share of the value of the property is that percentage of the current fair market value of the property attributable to the EDA participation in the Project (after deducting actual and reasonable selling and fix-up expenses, if any, incurred to put the property into condition for sale). The Federal share excludes that value of property attributable to acquisition or improvements before or after EDA's participation in the property and not included in the Project costs.
- d. The lien, covenant or other statement of EDA's interest must remain in effect throughout the useful life of the Project which is determined to be 20 years.

Where the Recipient's interest in property is a leaseholder for a term of years less than the depreciable remaining life of the property, that factor will be considered in determining the percentage of the Federal share.

This Award agreement may contemplate leases, by the Recipient, of space in the facility to be constructed or renovated in this Project. The making of such leases, consistent with the authorized purpose of the Award and applicable EDA requirements concerning, but not limited to, adequate consideration, nondiscrimination and environmental compliance, is an authorized use of the Project property, provided that the lease is pursuant to a lease agreement that is approved by EDA.

21. **Loan Closing:** Prior to initial disbursement of EDA funds the Recipient shall provide documentation to EDA confirming the loan closing for the loan funds to be used as marching share for the EDA grant.

22. **National Pollutant Discharge Elimination System (NPDES) Permit:** Prior to EDA's approval of bid documents for construction, the Recipient shall provide documentation satisfactory to EDA that the National Pollutant Discharge Elimination System permit has been obtained or that the bid documents include language requiring the contractor to obtain the permit prior to initial disbursement of any construction costs, the Recipient shall provide EDA with satisfactory documentation that the permit has been obtained.

23. **Requirements for compliance with Section 404:** Prior to advertisement for bids, the Recipient shall provide evidence satisfactory to EDA that all project elements, subject to water damage are flood-proofed or elevated above the 100-year floodplain, including manholes, roads, lift stations, and all other applicable elements. Furthermore, the finished floor elevation of new businesses must be elevated one foot above the base flood level. Additionally, prior to the advertisement for bids, the Recipient shall provide evidence satisfactory to EDA that the U.S. Army Corps of Engineers has issued the nationwide or Section 404 permit becomes part of the EDA Project conditions to be completed prior to final disbursement of funds.

24. **Migratory Birds:** Prior to construction bid, the recipient shall provide evidence to EDA that the plans and specifications include migratory bird mitigation measures satisfactory to the U.S. Fish and Wildlife Migratory Bird Office and the Texas Department of Fish and Game.

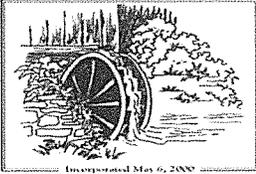
25. **Historic Preservation:** Prior to ground disturbance or construction, the Recipient shall provide evidence satisfactory to EDA that the State Historic Preservation Office has issued final approval of the design plans and specifications for the historic preservation project. The Recipient shall comply with any and all stipulations of the final SHPO as required by this Special Condition, Recipient agrees, at the discretion of EDA, to terminate this award.

Additionally, Recipient agrees to and shall cause the following to be placed in the project plans and specifications: "If Archeological Materials are encountered during construction, the procedures codified at 33 C.F.R. 800.13(b) will apply and the Recipient shall contact EDA and the Texas State Historic Preservation Office. Archeological Materials consist of any items, fifty years or older which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal or glass objects, and human skeletal remains."

26. **Public Comments:** Recipients are expected to provide sufficient notification to the public on proposed projects. The public comment period for this project is at least 30 calendar days. EDA will consider comments received in its environmental assessment. The Recipient acknowledges

that, depending on the environmental assessment, it may have to implement environmental mitigation measures as determined by EDA.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: CONSIDER ACTION
AWARDING A CONTRACT FOR WASTEWATER IMPACT FEE
PREPARATION SERVICES

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

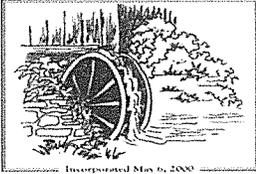
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action awarding a contract for wastewater impact fee preparation services.

In mid-August, the City of Wimberley issued a Request for Qualifications ("RPQ") for the purpose of entering into a consulting services agreement to provide professional services for the process of developing wastewater impact fees. The Consultant will take the lead role in all public forums, workshops, meetings, and hearings. City Staff will provide a support role during this period. The Consultant will be expected to produce a capital improvement plan and to assist in the calculation of, notice of, and public hearings on wastewater impact fees.

At the time of production of the agenda packet, the proposals received were being evaluated in anticipation of recommending a vendor for contract award at the Council meeting.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: CONSIDER ACTION
AWARDING A CONTRACT FOR PROJECT MANAGEMENT
FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

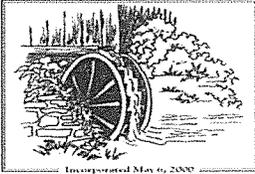
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action awarding a contract for project management services relating to construction of the Central Wimberley Wastewater System.

In late-August, the City of Wimberley issued a Request for Qualifications ("RFQ") for the purpose of entering into a consulting services agreement to provide professional project management services for the Central Wimberley Wastewater Project. Seven (7) firms submitted Statements of Qualifications in response to the RFQ.

At the time of production of the agenda packet, the proposals received were being evaluated in anticipation of recommending a vendor for contract award at the Council meeting.

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO AMEND THE *CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE* TO ESTABLISH PROCEDURES RELATING TO THE CHANGE OF CITY COUNCIL MEETING DATES, TIMES AND CHANGES

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding a proposal to amend the *City Council Governance Policy and Rules of Procedure* to establish procedures relating to the change of City Council meeting dates, times and places.

The proposed amendment reads as follows.

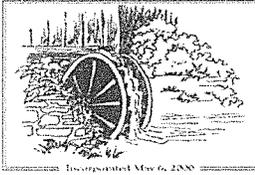
5.1 Regular Meetings

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

5.2 Special Meetings

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

City Council Agenda Form



Date Submitted: October 13, 2016

Agenda Date Requested: October 20, 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.