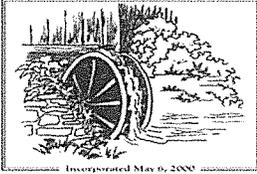


City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

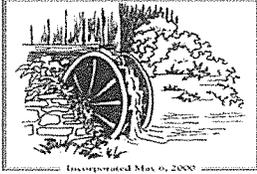
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the Central Wimberley Wastewater Project
- Status report on River Road Riverbank Restoration Project
- Status report on Hidden Valley Low Water Crossing Reconstruction Project
- Status report on Blue Hole Regional Park operations

City Council Agenda Form



Date Submitted: November 8, 2016

Agenda Date Requested: November 17, 2016

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

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

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

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

On November 3, 2016, City Council approved the first reading of the proposed ordinance.

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

ORDINANCE NO. _____

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

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

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

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

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

Section 2. Amendment.

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

“§ 70.06 LOW WATER CROSSINGS

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

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

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

- (1) County Road 1492 over the Blanco River;
- (2) Hidden Valley Road over the Blanco River; and
- (3) Little Arkansas Road over the Blanco River.”

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

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

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

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

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

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

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

CITY OF WIMBERLEY, TEXAS

Herschel "Mac" McCullough, Mayor

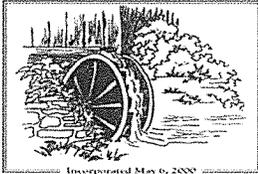
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSED INTERLOCAL AGREEMENT BETWEEN THE GBRA AND CITY RELATING TO COMPLETION OF A FLOOD FEASIBILITY STUDY

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action regarding a proposed interlocal agreement between the Guadalupe Blanco River Authority ("GBRA") and the City of Wimberley ("City") relating to the completion of a flood feasibility study.

In September 2011, the GBRA partnered with the United States Army Corps of Engineers ("USACE") to develop a flood feasibility study ("Study") of the Guadalupe River below Canyon Dam, including the Blanco and San Marcos Rivers. The Study has identified possible flood mitigation projects that could potentially benefit communities in the study area, which includes the City of Wimberley. However, further analysis of the flood mitigation projects is needed to determine their feasibility. To complete this analysis, additional funding is needed.

The GBRA has approached entities in the study area about the possibility of contributing funds to help meet the local funding match of approximately \$800,000 needed to complete the Study. The City of Wimberley's proposed cost share is \$20,000 per year, for three (3) consecutive years.

Once completed, the Study will be used to hopefully secure federal funding for the mitigation projects.

Should City Council desire to help fund completion of the Study, approval of the attached interlocal agreement is required. For FY 2017, funds would come from the General Fund Balance. In FY 2018 and 2019, the City's allocation would be budgeted annually.

INTERLOCAL AGREEMENT BETWEEN
THE GUADALUPE-BLANCO RIVER AUTHORITY
AND
THE CITY OF WIMBERLEY

THIS AGREEMENT is made and entered into pursuant to the Interlocal Cooperation Act, TEX GOV'T CODE ANN., ch. 791, by and among the Guadalupe-Blanco River Authority (GBRA), a body corporate and politic under the laws of the State of Texas, and the City of Wimberley ("Local Participant"), a body corporate and politic under the laws of the State of Texas.

WITNESSETH:

WHEREAS, GBRA has partnered with the United States Army Corps of Engineers (USACE) to develop a Flood Feasibility Study of the Guadalupe River below Canyon Dam including the Blanco and San Marcos Rivers (the Project); and

WHEREAS, flood mitigation strategies with potential benefit to Local Participant have been identified under the project and further analysis is warranted to determine feasibility; and

WHEREAS, GBRA wishes to develop information to improve understanding of regional flooding issues within the Guadalupe River basin and it is beneficial for Local Participant to participate in the Project; and

WHEREAS, GBRA and Local Participant and the parties are willing to commit to participating in the Project, subject to the terms and conditions set forth herein; and

WHEREAS, the parties understand that entering into this Agreement in no way obligates any of the parties to implement any improvements identified by the Project or recommendations for floodplain management regulations made therein and that whether a party subsequently supports improvements identified by the Project or regulation recommendation made therein and budgets it for implementation depends upon, among other things, the outcome and conclusions of the Project, whether any improvement identified or regulation recommendation is within the legal authority of the party, and the particular budget priorities and limitations of the parties.

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements, and benefits to the parties herein named, the parties agree as follows:

Section 1. ADMINISTRATION OF STUDY.

- A. Local Participant understands that it shall designate, within sixty (60) days after the execution of this Agreement, one representative who shall work with GBRA to provide oversight for the preparation of the Project parameters. GBRA will host meetings quarterly or more frequently to update Local Participant on progress of Study.
- B. GBRA shall serve as the lead sponsor for the purpose of this Agreement in which capacity it shall perform all administrative duties associated with Project including, but not limited to executing an amendment to the Feasibility Cost Sharing Agreement with USACE, entering into contract(s) with consultants(s), and contract administration necessary for the Project.

Section 2. FISCAL PROVISIONS. The total cost for the remaining tasks of the Project is \$1,631,500. A 50% federal contribution from USACE is anticipated and the remaining 50% local cost share of \$815,750 will be allocated among the participating communities. Local Participant's portion of the local cost share shall be an amount not to exceed \$60,000.00. Any data, studies or information existing prior to the effective date of this agreement shall be considered existing information and cannot be counted as payment or in-kind services.

Local Participant shall contribute an amount not to exceed \$60,000.00 to GBRA for Local Participant's portion of the 50% local cost share cost to perform the tasks required to complete the Project as outlined in Attachment A. Local Participant shall make an initial payment of \$20,000.00 to GBRA on or before December 1, 2016. Local Participant shall make its remaining payments to GBRA of \$20,000.00 on or before October 1, 2017 and \$20,000.00 on or before October 1, 2018.

Nothing in this agreement should be construed as creating any obligation on the part of Local Participant to compile new data, studies, or information that did not exist on the effective date of the agreement.

Nothing in this agreement shall be construed as creating a debt on the part of the Local Participant and its obligation to make payments is contingent on the continuing availability of funds for use under this agreement. However, Local Participant agrees to make its best efforts to include funds in future budgets to fulfill its obligations under this Agreement.

Section 3. TERM OF AGREEMENT. This Agreement shall become effective when executed by all parties hereto and shall remain in effect until completed, or until December 31, 2019, unless earlier terminated as provided herein.

Section 4. NOTICES. All notices or communications provided herein shall be delivered by certified mail, return receipt requested to Local Participant and GBRA at their respective addresses. For the purposes of notice, the addresses

of the parties, until changed by written notice, as provided above, shall be as follows:

City of Wimberley
Don Ferguson, City Administrator
P.O. Box 2027
Wimberley TX 78676

Guadalupe Blanco River Authority
Kevin Patteson, General Manager/CEO
933 East Court Street
Seguin, TX 78155

Section 5. FUNDING. It is expressly understood and agreed by the parties, such understanding and agreement being of the absolute essence to the Agreement, GBRA will not financially contribute toward completion the Project, but will manage the project. When GBRA has expended the total contribution actually paid by Local Participant to meet its obligations hereunder, GBRA shall have no further obligation of duty under the terms of this Agreement, notwithstanding any word, statement, or thing contained in or inferred from the provisions hereof, which might in any light by any person be construed to the contrary.

Participation by the parties in the Project shall in no way commit a party to financial participation in implementation of any solution to problems which may be identified by the Project, or the adoption of floodplain management regulations which may be recommended in the Project.

It is expressly understood and agreed by the parties that once Local Participant has provided payment, they shall have fully met their obligations hereunder, and shall have no further obligations, financial or otherwise, under the terms of this Agreement.

Section 6. TERMINATION. This Agreement may be terminated by either party by thirty (30) days advance written notice to the other party to this Agreement. In the event of termination under this provision, GBRA shall have no further obligation to Local Participant for any respective contribution at the time of termination. In the event of termination by Local Participant under this provision, Local Participant shall be responsible for any cost incurred for its respective portion of the project up to the date of termination.

Section 7. IMMUNITY. It is expressly understood and agreed that in the execution of this Agreement, no party waives nor shall be deemed to waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

Section 8. NOT A JOINT ENTERPRISE. This Agreement is not intended to and shall not create a joint enterprise among any party to this Agreement. The parties are undertaking governmental functions or services under this Agreement and the purpose hereof is solely for the public good, rather than any pecuniary purpose. A party undertaking work under this Agreement shall have a superior right to control the direction and management of such work, except as may otherwise expressly be provided herein.

Section 9. MISCELLANEOUS.

- A. No party hereto shall make, in whole or in part, any assignment of this Agreement without the advance written consent of the other parties.
- B. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties hereunder, shall be governed by the laws of the State of Texas.
- C. This Agreement may only be amended by written instrument duly executed on behalf of each party subject to this Agreement.
- D. This Agreement may be executed in multiple counter parts.

IN WITNESS WHEREOF, the parties' action under authority of their respective governing bodies has caused this Agreement to be duly executed in multiple counterparts, each of which shall be deemed to be an original.

Kevin Patteson, General Manager/CEO
Guadalupe Blanco River Authority

Date: _____

Mac McCullough, Mayor
City of Wimberley

Date: _____

Lower Guadalupe Flood Risk Management Interim Feasibility Study Project Management Plan

A Partnership of
the U.S. Army Corps of Engineers and
the Guadalupe-Blanco River Authority

XX October 2016

*This Template was developed for
The SMART Planning Guide*

Purpose:

The Project Management Plan (PMP) provides a summary of tasks required to complete the feasibility study and includes schedule and cost information, as well as documents revisions / updates to the PMP over the course of the study.

The scope and scale of tasks within the PMP are developed based on the decisions to be made during the study and the Project Delivery Team's (PDT's) use of available management and decision-making tools, such as Decision Management Plans (DMPs) and Risk Registers (RRs).

The PMP is a living document, revised as key study decisions are made that shape the tasks and level of detail of the study, no less frequently than each milestone in the study. The developed PMP will, by necessity, have less detail on tasks to be completed after initial decision points and milestones, including the selection of a tentatively selected plan / recommended plan. As the PMP is revised, it will provide updates of tasks that have been completed to date and additional tasks required to complete the feasibility study analysis and report.

Guadalupe-Blanco River Authority and U.S. Army Corps of Engineers (USACE) acceptance of the task descriptions, and time and cost estimates addressed in this PMP constitute agreement of the PMP overall, with the understanding that more detail will be provided for future tasks and milestones as the study progresses.

The information contained in this PMP will also be used to update appropriate budgetary and other related documents for the feasibility study.

Study Authority:

The Lower Guadalupe Feasibility Study is being conducted under the Guadalupe and San Antonio Rivers and Tributaries, Texas, resolution adopted by the Committee on Transportation and Infrastructure, U.S. House of Representatives, House Resolution docket 2547 dated 11 March 1998, which reads as follows:

“Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army is requested to review the report of the Chief of Engineers on the Guadalupe and San Antonio Rivers, Texas, published as House Document 344, 83rd Congress, 2nd Session, and other pertinent reports, with a view to determining whether any modifications to the recommendations contained therein are advisable at the present time, with particular reference to providing improvements in the interest of flood control, environmental restoration and protection, water quality, water supply, and allied purposes on the Guadalupe and San Antonio Rivers in Texas.”

Non-Federal Sponsor (NFS)

Guadalupe-Blanco River Authority (GBRA) is the non-Federal Project Sponsor. The feasibility phase is cost-shared equally between the Project Sponsor and the Federal government through the General Treasury with the exception of the Independent External Peer Review (IEPR). Work performed on the project will either be cost-shared with the NFS or performed and awarded cash equivalent credit in the form of Work-in-Kind (WIK). Therefore, the current Feasibility Cost Sharing Agreement (FCSA) will need to be amended executed between the Federal government and the GBRA detailing the amount of WIK estimated for the project duration. It is anticipated that the FCSA will be amended in December 2016.

The Project Sponsor will review and assist in the development of all scopes of work for studies associated with the Feasibility phase. The Project Sponsor, concurrently with the USACE, will perform periodic reviews. The reviews will focus on the study schedule, engineering analyses, cost estimates, economic analyses, and environmental analyses. The Project Sponsor will participate on the PDT and provide several agreed upon study activities.

Study Scope:

The Guadalupe-Blanco River Basin drains approximately 6,000 square miles and touches portions of fourteen counties in the south-central region of Texas, seven of which are in the GBRA service area: Comal, Hays, Caldwell, Guadalupe, Gonzales, De Witt, and Victoria. The major communities in the proposed study area include Martindale, Luling, New Braunfels, Seguin, Gonzales, Cuero and Victoria, City of San Marcos and the City of Wimberley.

This area of south-central Texas lies between the Edwards Plateau and the southern Black Prairie region. Elevation ranges from 60 to 1500 feet above sea level. Rainfall averages 33.75 inches per year compared to the Texas average of 21 inches per year.

This flood damage reduction study seeks to assess and reduce flood risks to life, property and the environment in a comprehensive manner for the watershed. As such, there are multiple entities participating in the study with GBRA.

This Project Management Plan is the scope of the study to focus on three damage centers in the Basin and the final array of alternative plans and will consist of the various viable combinations of the structural and non-structural measures; all structural measures would be stand-alone alternatives as well as utilized in combination with other measures.

Within the structural measures, there are 9 possible stand-alone and combination alternatives (Table 1). Each of these alternatives would also be analyzed individually and in combination with the array of non-structural measures

**Table 1
Final Array of Plans**

Alternative	Description (Combination of Measures)	Damage areas benefited
Lower Guadalupe River		
A	Bear Creek Detention	New Braunfels/Seguin
B	Permanent Floodplain Evacuation	New Braunfels/Seguin
Blanco River		
C	Blanco River Detention	Wimberley, San Marcos
D	San Marcos Bypass Creek Diversion	San Marcos
E	San Marcos Channel Modification	San Marcos
F	Blanco River Detention and Bypass Creek Diversion	Wimberley, San Marcos
G	Blanco River Detention and Channel Modification	Wimberley, San Marcos
H	Blanco River Detention, Channel Modification, and Bypass Creek Diversion	Wimberley, San Marcos
I	Permanent Floodplain Evacuation	Wimberley, San Marcos

Project Management Plan Deliverables and Tasks:

Rescoping to Alternative Milestone (AMM) – General Scope (3-4 months)

The PDT will formulate a focused array of alternatives and will have identified the criteria that will be used to evaluate and compare alternatives to reach the Tentatively Selected Plan milestone, PDT is currently ready for the Alternatives Milestone Meeting. In Corps parlance, this meeting is an In-Progress Review (IPR), and can be conducted virtually or in person.

The PDT has continued strategic interactions with the vertical team (including the RIT, ATR lead and OWPR lead) during in-progress reviews (IPRs) with SWD and informal communication, as needed. District Quality Control will be engaged in this earliest phase of the study.

Read-aheads and Deliverables:

1. Draft Report Synopsis
2. Risk Register
3. Decision Management Plan

Overall Team Tasks:

- PDT Meetings
- Public Scoping/NEPA Scoping Meeting
- Existing Conditions Analysis
- Initial Plan Formulation Activities
- Input into Report Synopsis, Risk Register, and DMP
- Preparation for the AMM
- AMM

- Initiate any Planning Model Approvals, if required (to be identified in review plan)

AMM to Tentatively Selected Plan Milestone (TSP) – General Scope (13-14 months)

During this phase of the feasibility study, the PDT develops conceptual designs and parametric cost estimates for the focused array of alternatives. Economic and environmental evaluations will be completed to inform selection of a final array of alternatives leading to the TSP. The TSP Milestone meeting ensures Vertical Team concurrence on the TSP that will be released as part of the EIS for public and agency review. The EIS will be close to complete, and District Quality Control (DQC) will be conducted prior to the TSP milestone.

Read-aheads and Deliverables:

1. Draft Report Synopsis
2. Risk Register
3. Decision Management Plan
4. Biological Assessment (BA)(Draft)
5. Draft Fish & Wildlife Coordination Act Report (FWCAR)/Planning Aid Letters (PAL)

Overall Team Tasks:

- PDT Meetings
- Stakeholder/Agency Outreach Meetings
- Evaluation and comparison of FRM alternatives
- Conceptual cost estimate
- Conceptual design, including mitigation plan
- Select TSP
- Planning Tools: Report Synopsis, Decision Log, Risk Register, and DMP
- Preparations for TSP Milestone Meeting (multiple IPRs)
- TSP Milestone Meeting

TSP to Agency Decision Milestone (ADM) (4-5 Months)

This phase of the study includes finalizing the draft Integrated FR/EIS for concurrent ATR, Independent External Peer Review (IEPR), Policy, and reviews. There will be a 45-day public review period for the FR/EIS. The PDT is responsible for responses to review comments, and any revisions made to the FR/EIS based on review comments (report revisions are not required before the ADM, but can be in-progress). At this milestone the PDT will discuss and get concurrence from the Vertical Team on significant review

comments, how they were resolved, and path forward for completion of feasibility level designs. PDT will participate and assist with preparation of ADM meeting.

Read-aheads and Deliverables:

1. Draft Integrated FR/EIS, including appendices
2. Updated Report Synopsis
3. Risk Register
4. Decision Log
5. Decision Management Plan
6. Concurrent Review Summary (public, technical, policy, legal and IEPR)

Overall Team Tasks:

- PDT Meetings
- Write Sections of DFR/EIS + Appendices
- DQC of DFR/EIS + Appendices
- Response to DQC comments; revise DFR/EIS
- ATR, IEPR, Southwestern Division (SWD), Headquarters (HQ) Policy, and Public Reviews (response to comments + report revisions)
- Public Meeting; 45-day public review period
- Update Planning Tools: Report Synopsis, Decision Log, Risk Register, and DMP
- Prep for ADM Meeting (including IPRs)
- Participate in ADM Meeting

ADM to Final Report (Division Engineers Transmittal) (8-9 months)

This phase of the study allows for additional feasibility level (35%) design of the recommended plan to reduce risk and uncertainty with cost data, engineering effectiveness, environmental impacts and economic benefits. The PDT will finalize the Integrated FR/EIS as well for MSC review. This phase includes a 30-day MSC review.

Read-aheads and Deliverables:

1. Detailed Engineering Analyses
2. Final Integrated FR/EIS, with final appendices
3. Draft Record of Decision (ROD)
4. Biological Opinion(s) (BO) must be submitted with final FR/EIS
5. Report Summary, Decision Log, Risk Register, DMP, draft Chief's Report, draft Chief's Responses to IEPR, and other submittal requirements for final report per Engineer Regulation (ER) 1105-2-100, Appendix H, Exhibit H7.

Overall Team Tasks:

- PDT Meetings
- Feasibility-level design, cost estimate, real estate,
- DQC of Final FR/EIS + comment response + report revisions

- ATR of Final FR/EIS + comment response + report revisions
- Preparation of draft ROD
- Collectively prepare Chief's responses to IEPR comments

Final Report (DE Transmittal) to Chief's Report Milestone (5 months)

Once the MSC has cleared the Final FR/EIS for submittal to HQUSACE, a Division Engineers Transmittal will provide the submittal package to HQUSACE for policy review. The submittal package will include a draft Chief's Report, draft Chief's Responses to IEPR, draft ROD and any other submittal requirement per ER 1105-2-100, Appendix H, Exhibit H-7. A Civil Works Review Board (CWRB) will be held no less than 6 weeks after the DE Transmittal. PDT members will be required to participate in the CWRB in-person or virtually. A successful CWRB will trigger release of final FR/EIS for a 30-day supervision and administrative (S&A) review and NEPA review. PDT members may be required to address any significant comments from S&A and NEPA review.

Read-aheads and Deliverables:

1. Final FR/EIS to HQUSACE , including supplemental documentation
2. Signed Chief's Report

Overall Team Tasks:

- Update FR/EIS submittal package documentation, if required
- Preparations for CWRB
- Participate in CWRB meeting (designate PDT members for notes)

Measures of Progress:

Overall progress of the study will be measured through progress on products identified in this PMP. A series of technical review meetings will occur during the study process with representatives from the District, GBRA, HQ, SWD, and other agencies to identify any changes to the resources designated for any portion of the study. Any changes will be analyzed for their impact upon other critical functions as well as the completion date of the project. Significant impacts to the project cost and/or schedule will be elevated to higher administrative levels to ensure minimal disruption to the study. The P2 upward reporting system will be utilized as an upward reporting tool. The USACE Project Manager (PM) will utilize the USACE P2 reporting system on a monthly basis to reflect project status, upcoming milestones, and any significant changes in the approved project schedule and/or budget. Likewise, the P2 reporting system will contain an explanation and the justification for any feasibility study cost and/or schedule impacts. P2 will also be utilized to track WIK submissions by GBRA quarterly.

Progress reports will be made monthly to the District Project Review Board (PRB). Early decisions on competing resources and priorities will be addressed in this forum as well as upward reporting through established USACE procedures and those required by the GBRA.

Quality assurance/quality control (QA/QC) review procedures will also be adhered to as required by HQ guidance on the implementation of new technical review policies and procedures. Each technical element will be required to comply with the approved QA/QC plan. Each identifiable product will be thoroughly reviewed by the District's technical review group and the Project Sponsor before submittal to HQ for policy review. Checklists, at a minimum, will be utilized to assure that a complete technical review has been accomplished.

Project and Programs Management:

Project Management (PM-C) will oversee the project scope, schedule, resources, costs, and quality with the goal of delivering a quality product, on time, and within cost. Management of the potential project will be accomplished under ER 5-1-11, "*Programs and Project Management*," Department of the Army, U.S. Army USACE of Engineers. The management of the feasibility study and the preparation of the feasibility report will be the responsibility of the Planning Lead (PL); however, the PM will maintain an awareness of the details and commitments during the feasibility phase to establish the needed continuity through completion of the project.

During the feasibility study phase, the duties of the PM and other staff in the Programs and Project Management Division will include the following:

- Monitor actual obligations and expenditures to ensure compliance with the study funding schedule, proper distribution of obligations and expenditures among the standard code of accounts, and effective use of Federal and non-Federal funds.
- Work with PDT members and the Project Sponsor to assure early identification of issues, which may impact study scope, quality, cost, budget, and schedule, and either facilitate resolution of the issues or elevate them to the appropriate decision-making level.
- Prepare required upward reporting documents and those required by the Project Sponsor.
- Conduct monthly updates at the PRB meetings.
- Review all project documents for consistency with the FCSA prior to formal submission to the Project Sponsor, higher authorities, or outside agencies.
- Prepare and review annual budgeting and programming documents.
- Coordinate with the Project Sponsor to ensure their understanding of local cost-sharing requirements, to update them on the study progress, to review and monitor

their compliance with commitments, and to participate in resolution of technical issues with them.

- Lead in the preparation of the draft Design Agreement for Pre-Construction, Engineering and Design (PED, and the Project Partnership Agreement (PPA) for project construction.
- Participate in the all SMART Planning Milestone Meetings and other technical review conferences.
- Develop the PMP, which will guide post-feasibility studies and project construction.
- Develop a critical path network, which displays the interrelationships between feasibility and post-feasibility tasks and activities, milestones, durations, and costs.
- Prepare project correspondence, which may or may not be directly related to the execution or completion of the feasibility study phase.
- Track WIK from the NFS quarterly.

During the feasibility study phase, PM-C will update the monthly funds utilization report and provide it to the PM. A report will also be produced which compares actual costs to the current year schedule. This report reflects expenditures for each task for the current Federal fiscal year (FY). At the end of each FY, a final funds report will be issued reflecting effectiveness of expenditures and obligations for the FY as compared to the scheduled. PM-C will provide inflation factors for task midpoints in coordination with the PM. PM-C will provide the oversight for preparing Congressional budget submissions and development of the manpower resources required for future years.

Planning:

Planning management includes periodic meetings with technical elements to review progress; preparation of study-related correspondence; government and Project Sponsor participation in all PDT meetings and Executive Committee meetings; and providing guidance and support as required to ensure all questions have been answered and all problems have been addressed from the start of the study to the submittal of the final Feasibility Report to the Office of Management and Budget (OMB).

Overall study management will include preparation of study-related correspondence. This shall include assisting the PM in response to all public, government, special interest groups, Congressional, or other inquiries directly or indirectly relating to study activities or the study area.

During the study period, the PDT, of which the NFS is a member, shall conduct periodic meetings to review and discuss progress, problems, and related issues. Work conferences will be held at the Fort Worth District Office or at a location mutually agreed upon by USACE and the Project Sponsor as the need so arises. A written record of all conferences, meetings, discussions, verbal decisions, telephone conversation on matters

relevant to the work shall be made by the members of the PDT. These records shall be dated and shall fully identify persons participating, subjects discussed, and conclusions reached, if any. Copies of these records shall be submitted to the Project Sponsor for review and confirmation.

Coordination will be maintained with all Federal, State, and local agencies to ensure that their input has been considered during the development of all proposed plans of improvement and to keep them informed on the progress of the study. Coordination with other agencies may require on-site visits and/or correspondence with Federal, State, and local government agencies, institutions, businesses or groups with expertise, responsibilities, or resources related to Flood Risk Management, environmental resources, or other areas of interest in the study area.

Plan Formulation and Evaluation:

The PL shall ensure that the feasibility study accomplishes the established goals at the anticipated rate, and that all items in the PMP are followed. The PL will lead the PDT toward complete plan formulation. Plan formulation is the process whereby project measures (specific project features) are conceived, developed, and evaluated to satisfy specific objectives, and then combinations of measures are evaluated to develop comprehensive alternative plans. Once the TSP has been identified, and approved at the ADM, additional design of the TSP will be done to reduce risk and uncertainty with cost data, engineering effectiveness, environmental impacts and economic benefits.

The alternative plans shall be formulated in a systematic manner to ensure that all reasonable alternatives have been addressed and that the optimum plan has been identified. Each alternative plan shall include environmentally compatible design measures to mitigate any adverse effects on fish and wildlife resources. The alternative plan, which reasonably maximizes NED benefits, shall be identified as the NED plan.

Report Preparation:

Report preparation will include preparation of internal draft reports, advance draft report, draft report, and final report. The report submittal package will consist of the final Feasibility Report with EIS and Appendices, Supporting Documentation, draft Division Engineer's Public Notice, Draft Chief of Engineer's Report, and Authorization Fact Sheet and slides.

The PL will be responsible for report writing comprised of original text and text provided by other study elements. The Feasibility Report shall consist of the main report and an integrated EIS, and Appendices, and will be prepared in compliance with the requirements of ER 1105-2-100. The report shall be a complete decision making document and as such shall include a complete presentation of plan formulation. The report will be drafted with SMART Planning concepts in accordance with 3-inch binder

rule of thumb. The main report shall be succinct in capturing the plan formulation story, and summarizing the supporting appendices. The appendices will contain materials required for coordination of the Integrated Feasibility Report and EIS. These appendices generally contain discussions on the following subjects if too lengthy for the main report: Detailed Plan Formulation, Threatened and Endangered Species Survey, Section 404(b)(1) Evaluation, Public Involvement, Interagency Correspondence, and Public-Views and Responses. The Supporting Documentation shall contain technical reports written for technical reviewers. The length and detail of each technical report shall be sufficient to cover all aspects of the subject. Graphics and other illustrations shall be used to facilitate the presentation. The supporting documentation will generally contain sections on: Problem Identification; Engineering Investigations, Designs, and Cost Estimates; Natural Resources; Cultural Resources; and Social and Economic Profile and Impact Assessment.

Plan Formulation Task by Major Planning Milestones:

AMM to TSP

- **Plan Formulation:**
 - Prepare for and attend TSP Milestone meeting, including at least two IPRs with the Vertical Team
 - Prepare for and attend PDT meetings
 - General coordination/meetings with GBRA, resource agencies, key stakeholder groups
 - Provide ancillary support to conceptual design team, cost estimating, real estate, and economics lead; general coordination during design activities
 - Facilitate screening/identification of final array of alternatives and associated documentation
 - Facilitate and document evaluation, comparison, and trade-offs for final array of alternatives
 - Facilitate identification and documentation of TSP
 - Update report synopsis, decision log, DMP, and risk register
 - Develop DFR/EIS; coordinate with appropriate disciplines for development of DFR/EIS appendices
 - DQC responses and report revisions
 - General ATR coordination

TSP to ADM

- **Plan Formulation:**
 - Prepare for and attend ADM Milestone meeting, including one IPR with the Vertical Team
 - Prepare for and attend PDT meetings

- General coordination/meetings with GBRA, resource agencies, key stakeholder groups
- Update report synopsis, decision log, DMP, and risk register
- Develop ADM read-ahead material
- Respond to ATR, IEPR, SWD, HQ Policy, Public comments + report revisions

ADM to Final Report (DE Transmittal)

- **Plan Formulation:**
 - Prepare for and attend at least two IPRs with the Vertical Team
 - Prepare for and attend PDT meetings
 - General coordination/meetings with GBRA, resource agencies, key stakeholder groups
 - Provide ancillary support to design team, cost estimating, and real estate; general coordination during design activities
 - Update Final FR/EIS (ensure other discipline appendices are updated)
 - ATR responses and report revisions, if necessary
 - Begin developing supplemental information and CWRB documentation for HQUSACE

Final Report to Chief's Report

- **Plan Formulation:**
 - General coordination with SWD/HQ/ASA(CW)
 - Input/review of Chief's Report and other final documentation
 - Prepare for and attend CWRB
 - Prepare CWRB Memorandum for Record (MFR) (to be posted on USACE webpage)
 - Assist with S&A review, NEPA EIS Notice of Availability (NOA) in Federal Register
 - Ensure Chief's final responses to IEPR are posted to internet

District Quality Control (DQC):

A team of corresponding functional sections will be formed to review the PMP before it is sent out for DQC. Each discipline involved in the Feasibility study will have a coordinating counterpart on the review team. The review team will meet with PDT members on a quarterly basis or as needed. These meetings will be documented as required by ER 1165-2-203. Coordination throughout the study will be accomplished through individual contact between the PDT and the review team.

Economics:

Existing and Future Without Project Conditions

The scope of work is to complete a detailed structure file within the 500 year floodplain along the mainstem of the Lower Guadalupe River from the confluence with Bear Creek south to just downstream of Sequin. This limit matches the downstream extent of the current H&H model. Work already completed includes creating a point shape file of structure locations in the study area and assigning ground elevations to those structure points. Remaining work includes assigning more accurate stationing to structures (with support from H&H), conducting a windshield survey to collect detailed information on structures including finished floor elevations, construction characteristics to determine depreciated replacement value, and occupancy types (single family, number of stories, multi-family, and commercial/industrial use). Following collection of field data, information will need to be reviewed and cleaned up, depreciated replacement values estimated, and data recorded into the structure file.

Complete the socio-economic analysis writeup for the study area.

Alternatives Analysis

Coordinate with H&H for developing with project HEC-FDA models for the New Bruenfels/Sequin, Wimberley and San Marcos damage centers. Once models are developed, HEC-FDA runs would be made and results summarized and compared to without project results to estimated benefits. Additionally, HEC-FDA runs will be made to identify any potential non-structural opportunities, especially in areas with residual damages. Coordination with real estate and cost estimating to develop alternative first costs and OMRR&R costs in order to estimate annual costs for comparisons to annual benefits for identification of the NED plan. Following TSP meeting, work with relevant PDT members for any refinements to modeling or costs and prepare revised economic analysis as necessary.

Environmental and Cultural:

This task involves assessing and documenting the existing project conditions, the Future Without Project Condition and the environmental impacts of identified alternatives in an Environmental Impact Statement (EIS) or other NEPA document. The Environmental Studies team would conduct necessary site visits to gather existing conditions and evaluate potential alternatives. The team would also conduct field work necessary to inventory, describe, and evaluate environmental elements identified as significant or important and warranting protection. The documentation will be coordinated with state and Federal environmental agencies and the public.

All tasks would be completed by the Regional Planning and Environmental Center (RPEC) in the Fort Worth District, or its contractor.

Public Involvement

A minimum of two scoping meetings (one will be held to identify the public's issues and concerns relating to the project. Resource agencies will be invited to join as a cooperating agency, during which time several meetings will be held to identify existing resources, impacts of alternatives, and attempt to resolve issues. A formal record will be made of discussions with the public and resource agencies. Letters, meeting records, or other forms of documentation will be prepared that document the correspondence and dialogue between agencies regarding the proposed project.

Existing Conditions

A literature search will be performed to gather information for the report by reviewing published and unpublished sources and by consulting with universities, state and federal agencies, tribes, private organizations, individuals, and other sources. Field reconnaissance studies may be performed to acquire additional information for development of the environmental inventory. All existing conditions will be described in the EIS.

The natural resource elements to be addressed shall consists of the following:

- A general description or statement of the existing climate and air quality conditions in the immediate project area shall be prepared. Any significant problems associated with existing air quality or noise level sources in the project area shall be provided.
- A hazardous, toxic and radioactive waste (HTRW) initial assessment (survey) will be conducted to determine the potential for any hazardous, toxic or radioactive waste contamination in the proposed project area. The assessment will include a review of existing and past uses of the property, including: 1) a review of current and historical aerial photographs to identify potential sites; research of title/deed histories; and/or interviews with long-time local residents; 2) a determination of potential impacts from any known HTRW sites on adjacent lands; and 3) coordination with State regulatory agencies regarding permit actions or violations and a visual site survey to determine the potential for HTRW.
- The existing water and sediment quality shall be described for the study area and downstream areas that may be affected by the project based on available data. Available data shall be interpreted and discussion prepared on principle sources of municipal, agricultural, or industrial pollution in the project area to be affected. The discussion shall include the results of any previous analysis that may have been performed. If specific data is unavailable, water quality will be discussed in general terms based on stream and watershed conditions.
- An assessment of prime and unique farmlands will be conducted in accordance with Public Law 97-98, Farmland Protection Policy Act and will be coordinated with the Natural Resource Conservation Service.

The biological elements to be addressed shall consist of the following:

- Major habitat types (e.g. brushlands, rangelands, woodlands, wetlands, etc.) within the project area shall be included. Cover or habitat types shall be listed for future analysis, if needed. A generalized discussion of habitat types shall be provided and a discussion of important habitats shall be incorporated. This task does not include habitat evaluation procedures or development of habitat units.
- Based on aerial photography, literature search, or other means, a discussion of any rare, remnant, or unique species, specimens, stands, or communities; threatened or endangered species; virgin stands; climax communities; vegetation types unusual to the region; and habitats of important native plants shall be provided. Any floral

resources that should be preserved, protected or approached with care shall be indicated. A listing of plants officially recognized or proposed by the Department of Interior (DOI), U.S. Fish and Wildlife Service (USFWS), and Texas Parks and Wildlife (TPWD), as threatened and endangered reported for the area shall be provided.

- The major mammal, bird, reptile and amphibian species groups, which may be characterized through a literature review for each habitat type shall be described. Species of commercial and recreational importance shall be described, and their economic value shall be quantified utilizing TPWD and/or USFWS available data and other available information.
- Wildlife resources identified that should be protected or approached with care shall be discussed. Threatened and endangered species classified under the Endangered Species Act of 1973 (ESA) or under state law with actual or potential occurrence in the study area shall be discussed. The ESA and state law will be strictly adhered to if any threatened or endangered species, or their habitat, are found to exist in the project area.
- Aquatic resources that will be affected by the project shall be described. Fisheries and vegetation resources of the project area shall be discussed, as well as fish and macro-invertebrate species. Available data from existing literature and TPWD and USFWS survey reports on fisheries shall be presented.

The social elements to be addressed shall consists of the following:

- A general description or statement of the existing noise and aesthetic conditions, transportation systems, and environmental justice populations in the immediate project area shall be prepared. Any significant problems associated with existing noise level sources and important aesthetic values, transportation systems, or environmental justice populations that need protection in the project area shall be provided.

Future Without Project Condition and Future With Project Condition

After coordination with the public, tribes and resource agencies, an evaluation of the overall impact of the no action and alternatives will be completed. Information will be used to prepare a technical appendix in accordance with guidelines set forth in 33 CFR, Parts 230 and 325. The assessment will discuss the impacts of the project, including impacts on water quality, vegetation, wildlife, fisheries, cultural resources, and other significant considerations. A discussion of potential measures to mitigate losses to fish and wildlife and other environmental resources in the area will be investigated and included in the assessment. Modeling for habitat changes through time (e.g. HEC-EFM) at a minimum would be completed; however, additional modeling may be required after the existing conditions and issues are determined.

Supervision and Administration

This task includes all duties required for supervision and administration such as processing time, budgeting, scheduling of work, conflict resolution and supervisory review for the FSM submittal.

Fish and Wildlife Coordination

The U.S. Fish and Wildlife Service (USFWS) will participate in the quantification of existing fish and wildlife habitat and threatened and endangered species within the study area to meet requirements for Civil Works studies under the Fish and Wildlife Coordination Act (FWCA). USFWS tasks include:

- Attend meetings, conduct site visits, and conduct field surveys as needed to determine existing conditions.
- Participate in identifying projecting, and forecasting future without project conditions and problems and opportunities to improve fish and wildlife habitat
- Investigate predicted benefits to environmental resources in the area based on the range of alternatives
- Prepare a Draft FWCA Report documenting results of their studies, including habitat descriptions, species present, threatened and/or endangered species, wetlands present, etc., with assistance from RPEC to determine the analysis method and anticipated future conditions of the project area
- Prepare FWCA Report for a public comment period; respond to comments; finalize FWCA Report, which will be included as an Appendix in the Final Study/EA; provide a letter of concurrence from Oklahoma Department of Wildlife Conservation (ODWC).

The FWCA tasks will be funded through project dollars. In addition to the above tasks, RPEC and USFWS will also need to conduct informal Section 7 consultation to identify, avoid, minimize, and mitigate potential impacts to federally protected species and their habitat. RPEC will prepare a draft Biological Assessment (BA) for review by USFWS to initiate informal Section 7 consultation and a final BA for formal Section 7 consultation. If informal Section 7 consultation is needed, USFWS will prepare a concurrence letter; however, if formal Section 7 consultation is needed, USFWS will prepare a Biological Opinion (BO) to document findings. USFWS will perform Section 7 consultation activities which will not be funded through project dollars.

Cultural Resources:

Section 106 of the Historic Preservation Act of 1966 requires Federal agencies or project sponsors seeking Federal funding and/or permits to conduct cultural resource surveys to locate, identify, and evaluate historic and prehistoric resources in advance of project approval. It is anticipated that the following tasks, identified by Phase, will be accomplished by the Corps (or its Contractor).

Conduct an overview assessment of known cultural resource investigations within the study area. A detailed literature search and review of background material will be

conducted, and will include both published and unpublished sources available through public libraries, museums, universities, private organizations, and other government agencies. The historic and archaeological site files of the Texas Archaeological Research Laboratory, pertinent USACE Lake offices and the Texas Historical Commission will be carefully reviewed to identify all sites previously recorded in the study area. The existing conditions information will have a restricted distribution in order to protect site location information. This information can be utilized as a planning tool in project alternative screening. No field data collection or ground-truthing shall be conducted as part of this phase of the study. The literature search, development of a predictive model and preparation of a draft summary report (ID of potential constraints based on the information reviewed and the predictive model results) will be conducted by Government Contractor. In-house work efforts shall include preparation of the Task Order package for CT, contract oversight, S&A, review/QA/QC of products, etc.

Engineering Branch:

Engineering Branch will provide preliminary designs for the study alternatives and mitigation features and other appurtenant features considered in the feasibility study. Consequent to the design efforts, the Branch will only conduct sufficient analysis and studies as needed to define the recommended/selected plan with sufficient detail to prepare the required MCACES baseline cost estimate.

The engineering studies and design work conducted for the selected plan will be presented in an Engineering Appendix to the main feasibility study report. The extent, to which the engineering studies are conducted, including level of detail, will be enough to proceed directly into a PED phase soon after the feasibility study phase has concluded. The only plan that will be documented in the Engineering Appendix will be the selected plan. None of the alternative plans considered during plan formulation will be developed or designed beyond a preliminary analysis stage. The Engineering Appendix is structured following guidance found in Appendix C of ER 1110-2-1150 – “*Engineering and Design – Engineering and Design for Civil Works Projects.*” The Chief of Engineering will forward the compiled Engineering Appendix with funds to the District conducting the ATR. Once approved by Engineering Branch, the Engineering Appendix will be submitted to the Planning Branch for its use as support documentation for the main feasibility study report.

Screening of the improvements will be accomplished by comparing a preliminary monetary benefit calculated for each improvement in the economic analysis to a preliminary cost for the construction of the improvement. For the Final Plan Formulation Phase of the study, only one plan will be developed in enough detail to estimate the baseline construction cost and the operations and maintenance cost in MCACES format. The plan ultimately developed will be the plan selected by the PDT for implementation. Design of the improvement’s features will only be carried to the extent necessary to

prepare the MCACES cost estimate. This means that at least a modest amount of PED effort after feasibility is expected to further develop the design of the project features. The cost to administer a PED phase is not included for the feasibility study but will be considered in all Construction Cost estimates in the future.

Hydrology and Hydraulics:

Hydrology – Existing conditions

Subdivide the 6 Blanco River sub-basins at locations of interest for additional detail of peak flows and hydrograph timing. Add Bypass Creek and San Marcos subareas downstream through Martindale development. Input updated Mod Puls routing data into HEC-HMS model. Develop Muskingham-Cunge 8-point routing for basins not encompassed by the hydraulic model. Calibrate HEC-HMS model to the May 2015 event with updated NWS rainfall and re-calibrate to previous historic storms. Reconcile hydrologic models to ensure Blanco and San Marcos River flows correlate with adopted FEMA flood recovery frequency flows at Wimberley and Kyle. Perform 8 standard frequency runs to develop standard frequency discharges.

Hydraulics – Existing conditions

Update hydraulic model. Clean up the multiple Blanco River geometries in the area of San Marcos (steady, unsteady, 3 overflow areas). Develop new existing conditions RAS geometry for Bypass Creek, using the City of San Marcos Model as a base. Extend RAS model downstream through Martindale and the Bypass Creek confluence. Develop updated Modified PULS routing sections, where possible, to correspond with revised Blanco sub-basin. Calibrate model to May 2015 event high water marks in both the Wimberley area as well as San Marcos area with flow splits. Develop 8 standard frequency flow runs, using unsteady to determine flow splits and timing.

Alternatives Analysis

Optimize Bear Creek detention sizing to significantly reduce flood damage and loss of life along the Guadalupe River in New Braunfels. Includes testing spillway sizes for multiple dam heights and preparing data for economics. Optimize Blanco 2 detention sizing to significantly reduce flooding and loss of life along the Blanco River and analyze impacts in Wimberley and San Marcos. Includes testing spillway sizes for multiple dam heights and preparing data for economics. Analyze and size a diversion structure to divert enough flow from the Blanco River to reduce flooding within San Marcos. This analysis will also investigate and mitigate upstream impacts. May include sizing a levee upstream. Model Bypass Creek channelization to determine channel size necessary to convey diverted flow. Analyze confluence of San Marcos River and Blanco River to determine extent of flooding due to San Marcos River only. Develop a calibrated 2D HEC-RAS model of the San Marcos/Blanco River area to evaluate flooding and

determine bypass creek diversion location and size. Use information to refine 1D model. Analyze bypass channel along Bypass Creek in San Marcos. Create “with project” HEC-RAS model for one or more channel sizes. Run frequency profiles with unsteady flow splits. Prepare “with project” H&H data for Economics for Bypass Creek alternatives.

Real Estate:

The Real Estate effort required for the Project will consist of the preparation of a Real Estate Plan (REP) and a Gross Appraisal for the recommended plan (if applicable). The REP will contain information in sufficient detail to authorize acquisition of the real property required for the project. The Gross Appraisal will identify the cost of the lands required for the recommended plan. Real Estate investigations and estimates of value will be provided as needed for alternative plans prior to the selection of the recommended plan. Real Estate personnel will provide the real estate portion of the base line cost estimate, prepare status reports on assigned activities, be involved in preparing, modifying and revising the PPA with the NFS, PL, PM and other affiliated or concerned agencies and attend study team meetings.

Independent External Peer Review:

A group of professionals that are familiar with specific project related type activities will be assembled for review the proposed the final draft document. This review is being performed in accordance with EC 1105-2-408 “Peer Review of Decision Documents.” This peer group will provide a review of the proposed draft final Feasibility Study to improve project safety and quality of the products provided to the American people. IEPR panels will accomplish a concurrent review that covers the entire decisions document. This panel will address all the underlying engineering, economic, and environmental work, accordingly. The PM is responsible for IEPR coordination with the DDNPCX.

Summary Cost Estimates:

The table below shows the estimated funds to complete the study to Chief’s Report to be \$1.8M.

Rescoping to AMM	\$45,500
AMM to TSP	\$718,500
TSP to ADM	\$453,500
ADM to CWRB	\$265,800
CWRB to Chief’s Report	\$148,300
Cost Share Total Project Costs	\$1,631,500
IEPR (Federal Only)	\$200,000
Total Project Cost	\$1,831,500

Anticipated funding stream needed to meet FCSA/Schedule:

The following table specifies the estimated funding needs by FY. Funds needed for FY17 are estimated at \$800 thousand, \$417.5 thousand for FY18, and \$414 thousand for FY19.

Estimated Funds by FY	Fed Amount	Non-Fed
2017	\$400,000	\$400,000
2018	\$208,750	\$208,750
2019	\$207,000	207,000
IEPR	\$200,000	\$
TOTAL	\$1,015,750	\$815,750

Current Study Cost Estimate and Need for Additional Funds:

The current total project cost estimate to complete the Chief's report is approximately \$1.83 million. Around \$ 1.3 (federal) million has been expended to date. The estimates are broken down in the following table.

	Costs
Total Study Costs (new)	\$4,403.2
Expenditures To Date	\$2,282.7
Estimated Costs to Complete	\$1,831.5
Work-In-Kind	\$289.0
Total Fed Funds Available after Balancing	\$592.5
Estimated Federal Allocation Needed to Complete	\$707.5
Federal Share of Cost to Complete to include IEPR	\$1,015.7

Key Uncertainties:

At this point in the study process, there are a number of items that must be addressed following the AMM and prior to selection of the TSP in order to reduce the largest uncertainties. These include the following:

- Refinement of the structure databases to include more accurate stream stationing, floor elevations, and structure values.
- Refinement of the Hydrology model for a more detailed determination of the effects associated with the detention alternatives.
- On-site investigation of potential detention sites on both the lower Guadalupe watershed above New Braunfels (Bear Creek area), and upstream of Wimberley. This may impact geotechnical and environmental considerations, in particular.
- Development of preliminary channel modification plans in San Marcos. While preliminary costs and benefits have been developed for the other three structural measures, the channel modification measure remains fully untested at this point in time.

Schedule:

The study schedule will include – and will remain current – for (1) the key milestones required by the annual Execution Engineering Circulars (ECs) to be locked and to remain current, and (2) milestones subject to the notification requirements documented in the Implementation Guidance for Section 1002 of WRRDA 2014 (Consolidation of Studies), including (but not limited to):

SMART Milestone Code	Milestone	Date
CW261	Alternatives Milestone	16-Nov-16
CW262	TSP Milestone	06-Dec-17
CW250	Public Review Period Start	30-Jan-18
CW263	Agency Decision Milestone	25-May-18
CW160	Submit Final Report (Division Engineer's Notice)	24-Dec-18
CW245	Conduct CWRB	22-Feb-19
CW270	Chief Signs Report of the Chief of Engineers	07-Jun-19
CW230	ASA(CW) Signs Record of Decision if Not Authorized	21-Jun-19
CW180	Feasibility Report to Congress	13-Dec-19

See the attached P2 Schedules (P2# 326395) dated 11 October 2016. Two views attached: Date View and WBS View.

Risk Management Plan:

Safety and health risks are considered very low since most activities will be accomplished within the office environment.

Changes in scope, schedule, and costs are the biggest risks of failing to meet the project on time within the existing budget. If any of the project assumptions are inaccurate, then

scope, schedule, and budget must be renegotiated and could result in delays. This risk is managed by utilizing the developed risk register.

Periodic coordination meetings will be held at least quarterly to discuss study scope, schedule and costs, and their impacts on quality. Changes to this PMP can be incorporated at any time and at either party's request.

Knowledge Management Plan

See attached Knowledge Management Plan Appendix A.

Communication Plan:

A Public Involvement (PI) Team consisting of GBRA representatives, the PM, PL, Public Affairs Specialist, and the NEPA coordinator will produce and then oversee implementation of a Communication Plan. The plan will be closely coordinated with the NEPA public involvement process. When possible, the timing of public involvement activities, such as comment periods, meetings and workshops will be coincide with both NEPA and civil works planning processes. Close communication between technical staff, other organizations and the PI Team will be required to ensure the release of accurate, timely information about study activities to the local community, property owners, interest groups, local officials, and the media. Of particular importance will be the communication of consistent information associated with the interim study. The team's activities include preparing for and conducting public workshops and coordination meetings with other agencies and interested persons.

The PI Team will designate a spokesperson for the Corps who will be the person of choice to answer inquiries from the press. Key messages, talking points, and Questions and Answers will be developed and kept current. The spokesperson and any other Corps representative in a position of speaking on this investigation will familiarize themselves with these communication tools.

The PI Team will maintain a contact list of interested persons, media, agencies, or groups for notification of study events. The team will develop and distribute letters, notices, news articles, or media announcements to inform the public of meetings and workshops. They will also maintain memoranda of the public meetings and prepare a brief summary of the comments received during and after the workshops and how they were addressed.

The PI Team will also provide a response to public and agency comment and document how those responses were communicated to the public. The results of the public involvement activities will be documented in a Report appendix on coordination activities.

Value Management Plan

Quality is planned for, built into, and monitored throughout the planning process, which provides structure to the study. An integral part of such quality management is the management of the projects associated values. Value management is a process to facilitate and encourage the understanding, consideration, and integration of the needs of all customers, team members, sponsors/partners, and stakeholders. Value Management seeks the highest value for a project by balancing resources and quality.

Public Law and OMB directive require value engineering during planning and design of water resources projects

Quality Control/Quality Assurance:

A collaborative planning process involving multiple organizations will be required. It is the policy of USACE that all of its technical, engineering and scientific work will undergo an open, dynamic and vigorous review process. In accordance with Engineering Circular (EC) 1165-2-214, the Sulphur River Basin Feasibility Report and associated support analyses will undergo DQC and ATR. This study is also expected to undertake an IEPR, which will be presented as final at the CWRB.

DQC is the review of basic science and engineering work products focused on fulfilling the project quality requirements defined in this PMP. DQC will be managed and conducted by staff in SWF and the RPEC. As part of this process the PDT will be responsible for a complete reading of the Sulphur River Basin Feasibility Report to assure the overall integrity of the Report, technical appendices and the recommendations before approval by the District Commander.

ATR is an in-depth review, managed with the Corps, and conducted by a qualified team outside SWG that is not involved in the day-to-day activities associated with the Sulphur River Basin Feasibility Report. The purpose of ATR is to ensure the proper application of clearly established criteria, regulations, laws, codes, principles and professional practices.

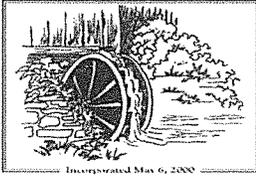
The IEPR will be managed and conducted independently of the USACE. The PCX will contract with an outside eligible organization (OEO). The OEO will select panel members consisting of recognized independent experts outside of USACE.

Guidance on policy compliance review and approval of decision documents is provided by ER 1105-2-100, Appendix H. SWD performs quality assurance and will be responsible for vertical and horizontal coordination and provide the on-going technical, policy and legal compliance support to SWF. HQ reviews products at various points in the planning phase to confirm policy and legal compliance, and ensure nationwide consistency. Key coordination points during the planning process are shown in the project schedule attached to this PMP.

Project Delivery Team

Resource Org	Technical Lead	Expertise	E-Mail Address	Phone Number
Fort Worth District Office and Regional Planning and Environmental Center (RPEC)				
PM-C	Nova Robbins	Project Manager	Nova.robbins@usace.army.mil	817-886-1858
	Ryan Patton	Programs Scheduler	Ryan.M.Patton@usace.army.mil	817-886-1409
	Renee Hancock	Program Analyst	Renee.hancock@usace.army.mil	817-886-1223
RPEC	Kathy Skalbeck	Lead Planner	Kathy.a.skalbeck@usace.army.mil	918-669-7001
	Melinda Fisher	Environmental	Melinda.fisher@usace.army.mil	918-669-7502
	Rebekah Sease	Archaeologist	Rebekah.sease@usace.army.mil	817-886-1470
	Norman Lewis	Economist	Norman.Lewis@usace.army.mil	817-886-1798
EC-DC	James Stitzel	Civil Engineer	james.d.stitzel@usace.army.mil	817-886-1997
EC-H	Brett Higginbotham	Hydraulic Engineer	Bret.w.higginbotham@usace.army.mil	817-886-1542
EC-AC	Ninfa Taggart	Cost Engineer	Ninfa.e.taggart@usace.army.mil	817-886-1816
RE	James Miller	Realty Specialist	james.b.miller@usace.army.mil	817-886-1136
OC	Katharine Talbot	Attorney	Katharine.S.talbot@usace.army.mil	817-886-1142
EC-G	Ramanuja Kannan	Geotechnical Engineer	ramanuja.kannan@usace.army.mil	817-886-1631
PAO	Clay Church	Public Affairs	Clayton.a.church@usace.army.mil	817-886-1314
Headquarters Office				
HQ		SWD Regional Integration Team		202-761-5237
HQ	Kathleen Williams	SWD RIT	Kathleen.A.Williams@usace.army.mil	202-761-0315
Southwestern Division Office				
SWD	Becky Moyer	Chief, Planning & Policy Division SWD	Rebecca.J.Moyer@usace.army.mil	469-487-7038
	Ray Russo	Chief, Civil Works & Integration Division	Ray.s.russo@usace.army.mil	469-487-7054
Planning Center of Expertise Sulphur River Basin Authority				
GBRA	Charlie Hickman			

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION
ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND
PERMANENT EASEMENTS FOR THE HIDDEN VALLEY LOW
WATER CROSSING RECONSTRUCTION PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action accepting the proposed dedication of several right-of-way parcels and permanent easements required for the Hidden Valley Low Water Crossing Reconstruction Project. Below is a detailed breakdown of the proposed dedications:

- 3,945 square feet of right-of-way and permanent utility easement
(Keith & Mary Bardin, dedicating parties)
- 3,162 square feet of right-of-way
2,031 square feet of permanent drainage/maintenance easement
(Dorothy Anne Watson, dedicating party)
- 6,258 square feet of right-of-way and permanent utility easement
(William Lee Buse, dedicating party)
- 1,374 square feet of permanent drainage/maintenance easement
(William & Mary Brown, dedicating parties)

Portions of the low water crossing will be located on the proposed right-of-way parcels while the proposed drainage/maintenance and utility easements, in large part, will be located adjacent to the new crossing.

City staff recommends approval of the proposed right-of-way and easement dedications.

EXHIBIT "A"



0.091 ACRES
(3,945 SQ. FT.)
2223-10116_PERM BARDIN.dwg

FN NO. 2223-10116-9
October 31,2016
JOB NO. 222310116

**FIELDNOTE DESCRIPTION
OF A VARIABLE WIDTH PERMANENT RIGHT-OF-WAY & UTILITY EASEMENT
DEDICATION**

Being 0.091 acres of land situated in the city of Wimberley, Hays County, Texas, being a portion of that certain 1.384 acres (called 1.301) of land conveyed to Keith & Mary Bardin by deed of record in Volume 5214, Page 483 of the Official Public Records of Hays County, Texas; further being a portion of Lot 18, Eagle Cave View, according to the plat thereof recorded in Volume 143, Page 516-517 of the Official Public Records of Hays County, Texas; said 0.295 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Commencing, at a found 1/2 inch iron rod marking the northeast corner of the said 1.384 acre tract of land;

Thence, with the easterly line of the said 1.384 acres, S 12° 01' 11" E, 302.24 feet, to the **Point of Beginning** and the northeast corner of the herein described easement;

Thence, continuing with said easterly line, S 12° 01' 11" E, 112.64 feet to an angle point in the easterly line of the said 1.384 acres;

Thence, S 00° 48' 15" E, 23.46 feet to a point in the centerline of the Blanco River and the southeast corner of the said 1.384 acres;

Thence, S 89° 59' 09" W, with the southerly line of the said 1.384 acres and the centerline of said Blanco River, 30.89 feet to an angle point;

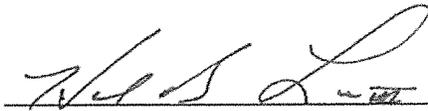
Thence, into and crossing the said Bardin tract, the following courses:

N 07° 35' 47" W, 131.53 feet to an angle point;

N 82° 24' 26" E, 24.70 feet to the **Point of Beginning**, containing 0.091 acres (3,945 square feet) of land, more or less.

Note:

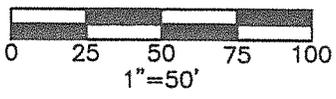
Survey sketch of even date to accompany this Field Note Description. (Sheet 3 of 3)



Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228

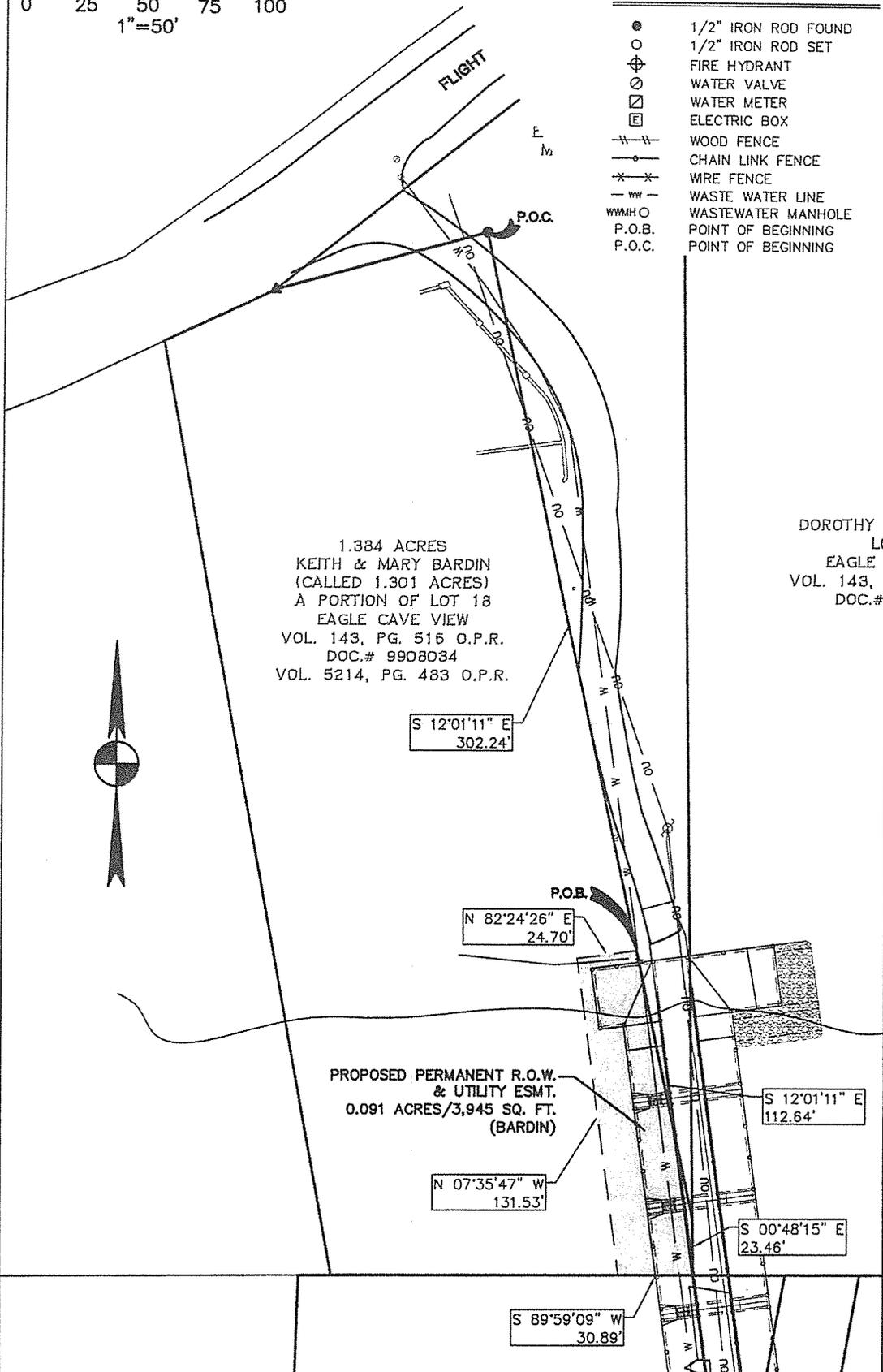
10/31/16
DATE





LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ FIRE HYDRANT
- ⊗ WATER VALVE
- ⊠ WATER METER
- ⊞ ELECTRIC BOX
- |—|— WOOD FENCE
- CHAIN LINK FENCE
- x—x— WIRE FENCE
- ww— WASTE WATER LINE
- WWMHO WASTEWATER MANHOLE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF BEGINNING



1.384 ACRES
 KEITH & MARY BARDIN
 (CALLED 1.301 ACRES)
 A PORTION OF LOT 18
 EAGLE CAVE VIEW
 VOL. 143, PG. 516 O.P.R.
 DOC.# 9908034
 VOL. 5214, PG. 483 O.P.R.

DOROTHY L.
 EAGLE
 VOL. 143,
 DOC.#

S 12°01'11" E
 302.24'

P.O.B.
 N 82°24'26" E
 24.70'

PROPOSED PERMANENT R.O.W.
 & UTILITY ESMT.
 0.091 ACRES/3,945 SQ. FT.
 (BARDIN)

N 07°35'47" W
 131.53'

S 12°01'11" E
 112.64'

S 00°48'15" E
 23.46'

S 89°59'09" W
 30.89'

70 NE Loop 410, Suite 1100
 San Antonio, TX 78216
 Tel. (210) 525-9090 Fax (210) 525-0529
 TBPLS # F-10194228
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SKETCH TO ACCOMPANY DESCRIPTION OF
 A PERMANENT RIGHT-OF-WAY AND UTILITY EASEMENT DEDICATION TO THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO KEITH & MARY BARDIN BY DEED OF RECORD IN VOLUME 5214, PAGE 483 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; FURTHER BEING A PORTION OF LOT 18 OF EAGLE CAVE VIEW ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 143, PAGES 516-517 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

KEITH & MARY BARDIN
 EXHIBIT "A"
 SHEET 3 OF 3

EXHIBIT "A"



0.073 ACRES
(3,162 SQ. FT.)
2223-10116_PERM WATSON.dwg

FN NO. 2223-10116-11
October 31,2016
JOB NO. 222310116

**FIELDNOTE DESCRIPTION
OF A VARIABLE WIDTH PERMANENT RIGHT-OF-WAY
DEDICATION**

Being 0.073 acres of land situated in the city of Wimberley, Hays County, Texas, being a portion of Lot 19, Eagle Cave View, according to the plat thereof recorded in Volume 143, Page 516-517 of the Official Public Records of Hays County, Texas; said 0.073 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Commencing, at the northwest corner of Lot 19, from which a found concrete nail in asphalt in the southerly right-of way line of Flight Acres Road marking an angle point in the northerly line of Lot 18 bears S 51° 35' 18" W, 212.27 feet;

Thence, with the common line between said Lots 18 & 19, S 00° 48' 15" E, 359.38 feet, to the **Point of Beginning** and the most northerly corner of the herein described easement;

Thence, into and crossing the said Lot 19, the following courses:

S 12° 01' 11" E, 40.97 feet, to an angle point;

N 82° 24' 10" E, 5.57 feet, to an angle point;

S 07° 35' 50" E, 139.56 feet, to point in the centerline of the Blanco River; said point being in the southerly line of said Lot 19 and the southeast corner of the herein described easement;

Thence, S 89° 59' 09" W, with the southerly line of said Lot 19, 30.02 feet to an angle point and the southwest corner of said Lot 19;

Thence, N 00° 48' 15" W, with the common line between Lots 18 & 19, 177.70 feet to the **Point of Beginning**, containing 0.073 acres (3,162 square feet) of land, more or less.

Note:

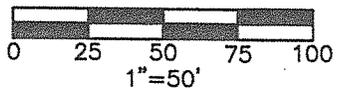
Survey sketch of even date to accompany this Field Note Description. (Sheet 3 of 3)

Hal B. Lane III 10/31/16 _____ DATE
Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228



S 51°35'18" W
212.27'

P.O.C.



REMAINING
PORTION OF
LOT 18
EAGLE CAVE VIEW
MILAM JOHNSON
ET AL

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊠ WATER METER
- ⊞ ELECTRIC BOX
- |—|— WOOD FENCE
- CHAIN LINK FENCE
- x—x— WIRE FENCE
- ww— WASTE WATER LINE
- WMMHO WASTEWATER MANHOLE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF BEGINNING

S 00°48'15" E 359.35'

DOROTHY ANNE WATSON
LOT 19
EAGLE CAVE VIEW
VOL. 143, PG. 516 O.P.R.
DOC.# 9721070

P.O.B.

S 12°01'11" E
40.97'

N 82°24'10" E
5.57'

S 07°35'50" E
139.56'

N 00°48'15" W
177.70'

PROPOSED PERMANENT
R.O.W.
0.073 ACRES/3,162 SQ. FT.
(WATSON)

S 89°59'09" W
30.02'

70 NE Loop 410, Suite 1100
San Antonio, TX 78216
Tel. (210) 525-8090 Fax (210) 525-0529
TBPLS # F-10194228
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SKETCH TO ACCOMPANY DESCRIPTION OF

DOROTHY ANNE WATSON

A PERMANENT RIGHT-OF-WAY AND UTILITY EASEMENT DEDICATION TO THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO DOROTHY ANNE WATSON BY DEED OF RECORD IN DOCUMENT No. 9721070 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; FURTHER BEING A PORTION OF LOT 19 OF EAGLE CAVE VIEW ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 143, PAGES 516-517 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

EXHIBIT "A"
SHEET 3 OF 3

EXHIBIT "A"



0.047 ACRES
(2,031 SQ. FT.)
2223-10116_PERM WATSON 2.dwg

FN NO. 2223-10116-12
October 31, 2016
JOB NO. 222310116

**FIELDNOTE DESCRIPTION
OF A PERMANENT DRAINAGE & MAINTENANCE EASEMENT DEDICATION**

Being 0.047 acres of land situated in the city of Wimberley, Hays County, Texas, being a portion of Lot 19, Eagle Cave View, according to the plat thereof recorded in Volume 143, Page 516-517 of the Official Public Records of Hays County, Texas; said 0.047 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Commencing, at the northwest corner of Lot 19, from which a found concrete nail in asphalt in the southerly right-of way line of Flight Acres Road marking an angle point in the northerly line of Lot 18 bears S 51° 35' 18" W, 212.27 feet;

Thence, with the common line between said Lots 18 & 19, S 00° 48' 15" E, 398.91 feet, to a point;

Thence, N 89° 11' 45" E, 13.50 feet, to the **Point of Beginning** and the northwest corner of the herein described easement;

Thence, continuing into the said Lot 19, the following courses:

N 82° 24' 28" E, 40.63 feet, to an angle point;

S 07° 35' 34" E, 49.99 feet, to an angle point;

S 82° 24' 10" W, 40.63 feet, to an angle point;

N 07° 35' 50" W, 50.00 feet to the **Point of Beginning**, containing 0.047 acres (2,031 square feet) of land, more or less.

Note:

Survey sketch of even date to accompany this Field Note Description. (Sheet 3 of 3)

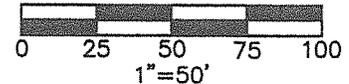
Hal B. Lane III 10/31/16
DATE

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228



S 51°35'18" W
212.27'

P.O.C.



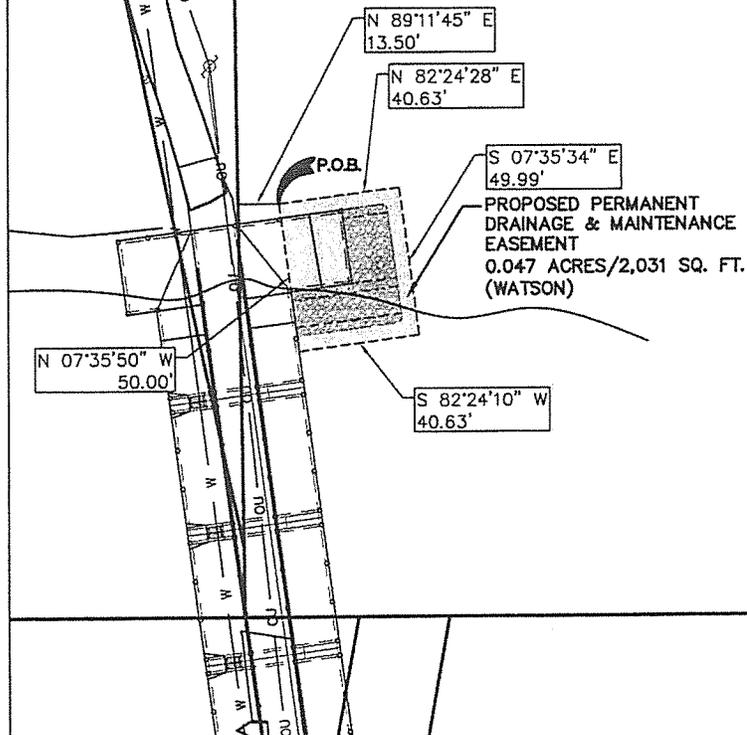
REMAINING
PORTION OF
LOT 18
EAGLE CAVE VIEW
MILAM JOHNSON
ET AL

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊠ WATER METER
- ⊞ ELECTRIC BOX
- - - WOOD FENCE
- - - CHAIN LINK FENCE
- x - WIRE FENCE
- ww - WASTE WATER LINE
- wwmho WASTEWATER MANHOLE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF BEGINNING

S 00°48'15" E
398.91'

DOROTHY ANNE WATSON
LOT 19
EAGLE CAVE VIEW
VOL. 143, PG. 516 O.P.R.
DOC.# 9721070



Stantec
70 NE Loop 410, Suite 1100
San Antonio, TX 78216
Tel. (210) 525-9090 Fax (210) 525-0529
TBPLS # F-10194228
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SKETCH TO ACCOMPANY DESCRIPTION OF
A PERMANENT DRAINAGE AND MAINTENANCE EASEMENT DEDICATION TO THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO DOROTHY ANNE WATSON BY DEED OF RECORD IN DOCUMENT No. 9721070 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; FURTHER BEING A PORTION OF LOT 19 OF EAGLE CAVE VIEW ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 143, PAGES 516-517 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

DOROTHY ANNE WATSON
EXHIBIT "A"
SHEET 3 OF 3

EXHIBIT "A"



0.144 ACRES
(6,258 SQ. FT.)
2223-10116_PERM BUSE.dwg

FN NO. 2223-10116-8
October 31,2016
JOB NO. 222310116

**FIELDNOTE DESCRIPTION
OF A VARIABLE WIDTH PERMANENT RIGHT-OF-WAY & UTILITY EASEMENT
DEDICATION**

Being 0.144 acres of land situated in the city of Wimberley, Hays County, Texas, being a portion of that certain tract of land conveyed to William Lee Buse by deed of record in Document No. 200880011117 of the Official Public Records of Hays County, Texas; further being a portion of Lot 13 of Hidden Valley Estates according to the plat thereof recorded in Volume 151, Pages 199-200 of the Official Public Records of Hays County, Texas; said 0.144 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Commencing, at a found 1/2 inch iron rod in the southerly right-of way line of Spoke Hollow Road, a 30' right-of-way by platted easement in said Volume 151, Pages 199-200 of the Official Public Records of Hays County, Texas, marking the southeast corner of Lot 13 of Hidden Valley Estates, being the southeast corner of the said Buse tract and the southwest corner of a 30' strip of land "save & excepted" from Lot 14 dedicated as public roadway;

Thence, N 10° 16' 15" E, with the common line between said 30' strip and the Buse tract, 249.04 feet to a point on said common line for the **Point of Beginning** and the most southerly corner of the herein described dedication;

Thence, into and crossing the said Buse tract, the following courses:

N 07° 35' 40" W, 50.00 feet, to an angle point;

N 55° 20' 24" W, 20.87 feet, to an angle point;

N 07° 35' 47" W, 108.47 feet, to a point in the centerline of the Blanco River in the northerly line of the Buse tract for an angle point;

Thence, N 89° 59' 09" E, with the centerline of the river and the northerly line of the Buse tract, 68.73 feet to an angle point and the northeast corner of said Lot 13 and the Buse tract;

Thence, with the easterly line of said Lot 13, S 10° 16' 15" W, 171.72 feet, to the Point of Beginning, containing 0.144 acres (6,258 square feet) of land, more or less.

Note:

Survey sketch of even date to accompany this Field Note Description. (Sheet 3 of 3)



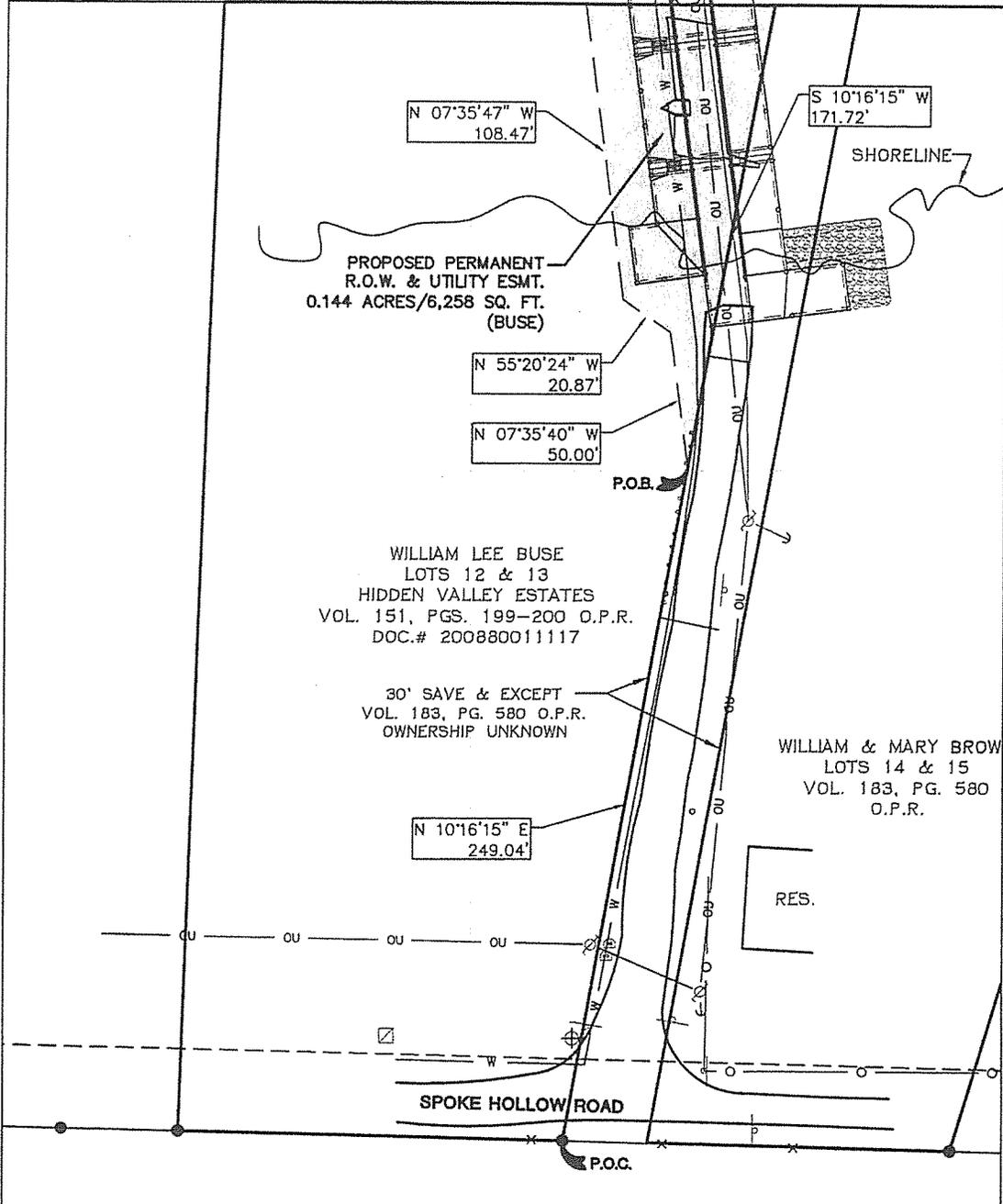
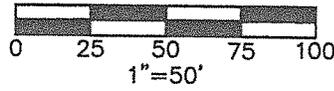
Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228

10/31/16
DATE



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊠ WATER METER
- ⊞ ELECTRIC BOX
- //— WOOD FENCE
- o— CHAIN LINK FENCE
- x— WIRE FENCE
- w— WASTE WATER LINE
- WWMHO WASTEWATER MANHOLE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF BEGINNING



PROPOSED PERMANENT
R.O.W. & UTILITY ESMT.
0.144 ACRES/6,258 SQ. FT.
(BUSE)

WILLIAM LEE BUSE
LOTS 12 & 13
HIDDEN VALLEY ESTATES
VOL. 151, PGS. 199-200 O.P.R.
DOC.# 200880011117

30' SAVE & EXCEPT
VOL. 183, PG. 580 O.P.R.
OWNERSHIP UNKNOWN

WILLIAM & MARY BROW
LOTS 14 & 15
VOL. 183, PG. 580
O.P.R.

SPOKE HOLLOW ROAD

70 NE Loop 410, Suite 1100
San Antonio, TX 78216
Tel (210) 525-9090 Fax (210) 525-0529
TBPLS # F-10194228
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SKETCH TO ACCOMPANY DESCRIPTION OF
A 0.144 ACRE PERMANENT RIGHT-OF-WAY AND UTILITY EASEMENT DEDICATION,
SITUATED IN THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS BEING A PORTION
OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILLIAM LEE BUSE BY DEED OF
RECORD IN DOCUMENT No. 20088011117 OF THE OFFICIAL PUBLIC RECORDS OF
HAYS COUNTY, TEXAS; FURTHER BEING A PORTION OF LOT 13 OF HIDDEN VALLEY
ESTATES ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 151, PAGES
199-200 136 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

WILLIAM LEE BUSE
EXHIBIT "A"
SHEET 3 OF 3

EXHIBIT "A"



0.032 ACRES
(1,374 SQ. FT.)
2223-10116_PERM BROWN.dwg

FN NO. 2223-10116-7
October 31,2016
JOB NO. 222310116

**FIELDNOTE DESCRIPTION
OF A VARIABLE WIDTH PERMANENT DRAINAGE & MAINTENANCE EASEMENT**

Being 0.032 acres of land situated in the city of Wimberley, Hays County, Texas, being a portion of that certain tract of land conveyed to William and Mary Brown by deed of record in Volume 183, Page 580 of the Official Public Records of Hays County, Texas; further being a portion of Lot 14 of Hidden Valley Estates according to the plat thereof recorded in Volume 151, Pages 199-200 of the Official Public Records of Hays County, Texas; said 0.032 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Commencing, at a found 1/2 inch iron rod in the southerly right-of-way line of Spoke Hollow Road marking the southwest corner of said Lot 14 of Hidden Valley Estates;

Thence, S 88° 43' 08" E, with said southerly right-of-way line of Spoke Hollow Road, 30.65 feet to the southwest corner of said tract of land conveyed in Volume 183, Page 580 of the Official Public Records of Hays County, Texas, also being the southeast corner of a 30' strip of land dedicated as public roadway and "save & excepted" from said Lot 14;

Thence, N 10° 13' 57" E, with the common line between said 30' strip and the remaining portion of said Lot 14, 301.23 feet, to a point in the westerly line of said Volume 151, Pages 199-200 of the Official Public Records of Hays County, Texas and the **Point of Beginning** and the southwest corner of the herein described easement;

Thence, continuing N 10° 13' 57" E, with the westerly line of the said Brown Tract, 44.16 feet to an angle point for the northwest corner of the herein described dedication;

Thence, into and crossing the said Brown tract, the following courses:

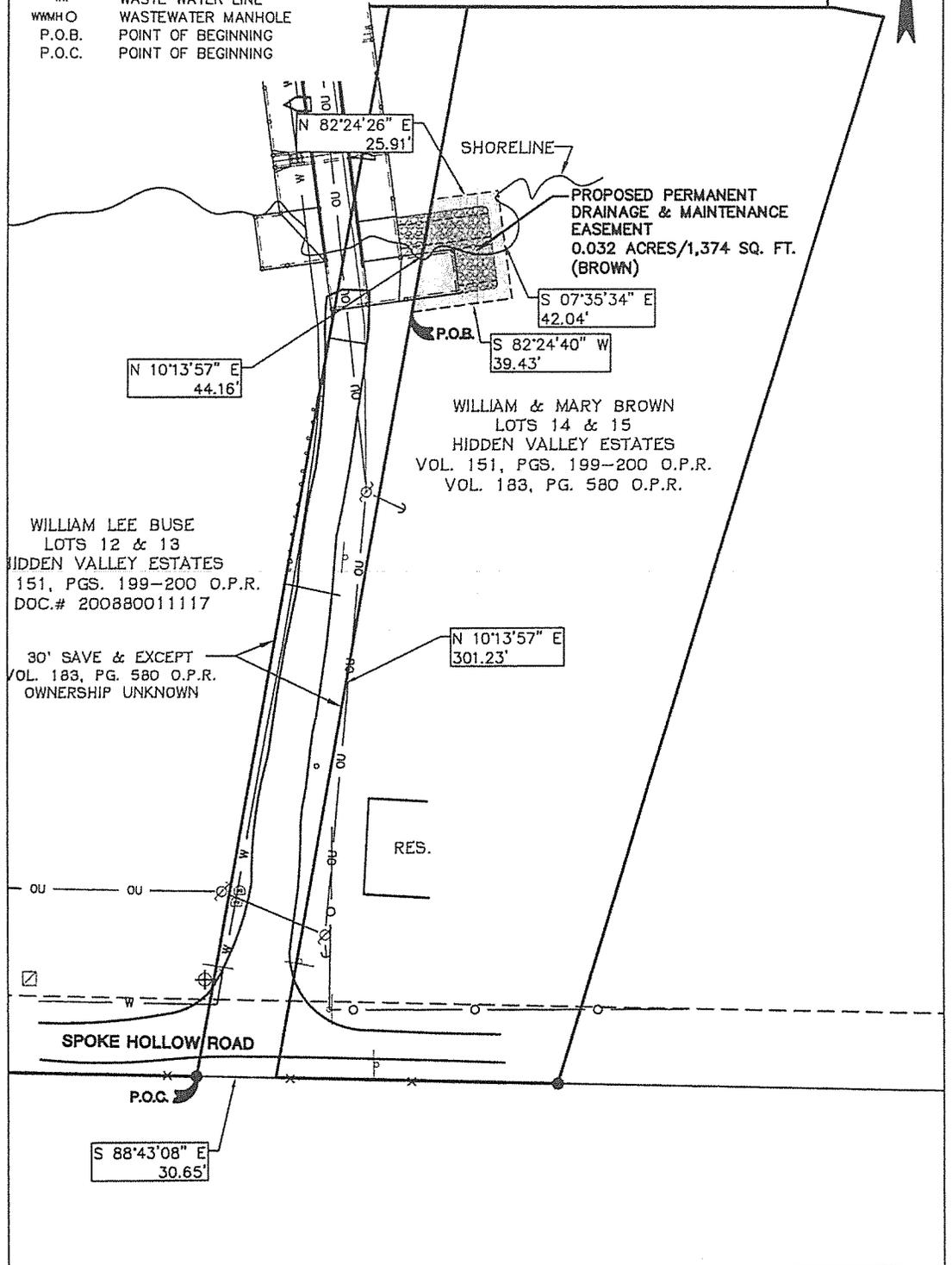
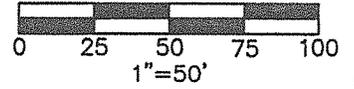
N 82° 24' 26" E, 25.91 feet, to an angle point;

S 07° 35' 34" E, 42.04 feet, to an angle point;

S 82° 24' 40" W, 39.43 feet, to the **Point of Beginning**, containing 0.032 acres (1,374 square feet) of land, more or less.

LEGEND

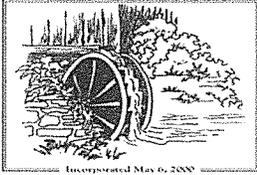
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊠ WATER METER
- ⊞ ELECTRIC BOX
- W — WOOD FENCE
- C — CHAIN LINK FENCE
- X — WIRE FENCE
- WW — WASTE WATER LINE
- WWMHO WASTEWATER MANHOLE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF BEGINNING



SKETCH TO ACCOMPANY DESCRIPTION OF
 OF A 0.032 ACRE PERMANENT DRAINAGE & MAINTENANCE EASEMENT DEDICATED TO THE CITY OF WMBERLEY, HAYS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILLIAM AND MARY BROWN BY DEED OF RECORD IN VOLUME 183, PAGE 580 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; FURTHER BEING A PORTION OF LOT 14 OF HIDDEN VALLEY ESTATES ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 151, PAGES 199-200 136 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

WILLIAM & MARY BROWN
 EXHIBIT "A"
 SHEET 3 OF 3

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2015

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSED CHANGE ORDER TO THE STANTEC PROFESSIONAL SERVICES AGREEMENT RELATING TO INSPECTION SERVICES FOR THE HIDDEN VALLEY LOW WATER CROSSING RECONSTRUCTION PROJECT

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action regarding a proposed change order to the professional services agreement with Stantec for additional site inspection services relating to the construction phase of the Hidden Valley Low Water Crossing Reconstruction Project.

As you are aware, reconstruction of the Hidden Valley Low Water Crossing is about to begin. The City's agreement with Stantec for design and construction management services relating to the project includes three (3) site visits during construction by the design engineer.

With the short construction timeline established for the project, City staff, Stantec and the contractor chosen to rebuild the low water crossing feel it would be in the best interest of the City to increase the number of site visits from three (3) to eighteen (18) to ensure the project is being built to design.

The estimated cost of the additional inspections is \$19,575. The additional inspection cost will be rolled into the overall project cost to be funded with insurance proceeds.

City staff recommends approval of the proposed change order for additional inspection services.



PROFESSIONAL SERVICES AGREEMENT CHANGE ORDER

Change Order # 1 Date 17 October 2016

"STANTEC" STANTEC CONSULTING SERVICES INC.
STANTEC Project # 222310116
70 NE Loop 410, San Antonio, Texas 78216
Ph: (210) 525-9090 Fx: (210) 525-0529
email: Maryjane.Phillips@Stantec.com

CLIENT CITY OF WIMBERLEY, TX
Client Project #
221 Stillwater, Wimberley, TX 78676
Ph: (512) 847-0025 Fx:
email: dferguson@cityofwimberley.com

Project Name and Location: Hidden Valley Low Water Crossing

In accordance with the original Professional Services Agreement dated 10 March 2016 and Change Orders thereto, the Agreement changes as detailed below are hereby authorized.

1. Additional Construction Observation

To include construction observation in order to help ensure contractor compliance with the approved construction plans and specifications. Consultant responsibilities will remain in accordance with Section 00700 of the Hidden Valley LWC Project Manual. Please see attached level of effort for fee breakdown.

This service will be provided for the lump sum fee of \$19,575 and charged to Stantec Task No. 402.

Effect on Schedule: No change in schedule.

Payments shall be made in accordance with the original agreement terms. All other items and conditions of the original Agreement shall remain in full force and effect.

STANTEC CONSULTING SERVICES INC.

CITY OF WIMBERLEY, TX

Mary Jane Phillips, PE
Senior Project Manager/Senior Associate

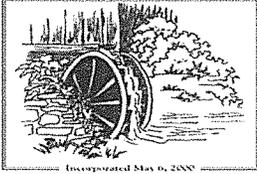
Signature: [Handwritten Signature]
Date Signed: 10/17/2016

Signature: _____
Date Signed: _____

**CHANGE ORDER #1
HIDDEN VALLEY LWC RECONSTRUCTION - WIMBERLEY, TX
ESTIMATED LEVEL OF EFFORT**

POSITION DESCRIPTION	ST. PROJECT MANAGER	PROJECT ENGINEER	EIT	QA/QC ENGINEER	GIS/ ENR. TECH	CADD TECH. S	CLERICAL (EM)	STRUCTURAL PM	STRUCTURAL ENGINEER	RPLS	ST. SURVEY TECH	2-MAN CREW	3-MAN CREW	4-MAN CREW	CLERICAL (SURV)	TOTAL LABOR HRS.	COST
BUILDABLE LABOR VALUES	\$193,500	\$173,500	\$130,000	\$193,500	\$173,500	\$193,500	\$80,000	\$193,500	\$173,500	\$160,000	\$120,000	\$160,000	\$185,000	\$235,000	\$80,000		\$1,937,000
DETAILED DESIGN PHASE SERVICES																	
1) Engineering Services																	
A) CONSTRUCTION INSPECTION																	
1) Inspection		3	6													9	\$1,305.00
Total Vials																	15
HOURS SUB-TOTALS	0	3	6	0	0	0	0	0	0	0	0	0	0	0	0		-
BUILDABLE RATE PER HOUR (LARGE BUDGET & OVERHEAD)	\$190.00	\$172.00	\$130.00	\$190.00	\$172.00	\$190.00	\$80.00	\$190.00	\$172.00	\$160.00	\$120.00	\$160.00	\$185.00	\$235.00	\$80.00		\$1,937,000
TOTAL	\$0.00	\$516.00	\$780.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$1,937,000
TOTAL Construction Phase Additional Inspection																	\$1,937,000

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO MODIFY THE MEMBERSHIP REQUIREMENTS AND APPOINTMENT PROCESS FOR THE CITY OF WIMBERLEY HOTEL OCCUPANCT TAX ADVISORY COMMITTEE

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Gary Barchfeld to allow the City Council to discuss and consider action regarding a proposal to modify the membership requirements and appointment process for the City of Wimberley Hotel Occupancy Tax Advisory Committee.

Attached is a copy of the ordinance that originally established the subject advisory committee.

No background information was provided on this agenda item.

Ordinance No. 2015-017

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO SET FORTH THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; SETTING FORTH THE DUTIES OF PERSONS RESPONSIBLE FOR COLLECTION OF THE TAX; PROVIDING FOR CRIMINAL PENALTIES AND FINES; CREATING A HOTEL OCCUPANCY TAX ADVISORY COMMITTEE; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and further for the general purposes of convention center facilities or visitor information centers; advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity; the encouragement, promotion, improvement, and application of the arts, historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums; for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality; and

WHEREAS, as further authorized by Section 351.0025, a municipality with a U.S. Census population of less than 35,000, may impose a hotel occupancy tax in the municipality's extraterritorial jurisdiction; and the U.S. Census population of the City of Wimberley is less than 35,000 people; and

WHEREAS, in order to continue and promote the growth and fulfill the purposes cited above, it is necessary to impose a hotel occupancy tax within the corporate and extraterritorial limits of the City; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic;

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 ordinance as if copied in their entirety.

SECTION II. HOTEL OCCUPANCY TAX

A. **Short Title.** This Ordinance will be known and may be cited as the Hotel Occupancy Tax Ordinance.

B. **Authorization.** Under the authorization provided by the Texas Tax Code Chapter 351, the City of Wimberley, Texas levies a Hotel Occupancy Tax as described herein.

C. **Definitions.** For purposes of this Ordinance, and in accordance with Chapter 351 of the Texas Tax Code, the terms used will have the meanings set forth below. Words that are not defined will have their ordinarily accepted meanings unless defined elsewhere in this Ordinance.

Consideration. The price of a room that is ordinarily used for sleeping in a hotel, but does not include the cost of food served by the hotel or the cost of personal services performed by the hotel except those services related to cleaning and readying the room for use or possession.

Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn or rooming house, vacation rental, and bed and breakfast, but does not include a hospital, sanitarium or nursing home.

Occupancy. The use or possession or the right to use or possession of a room or space for less than thirty consecutive days in a hotel costing two dollars or more each day.

Person. Any individual, company, corporation or association.

D. **Tax Rate; Exemptions.**

1. A tax of five percent (5%) of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs two dollars or more each day and is ordinarily used for sleeping.

2. This Ordinance does not impose a tax on:

- a. A person who has the right to use or possess a hotel room for at least 30 consecutive days, so long as there is no interruption of payment for the period; or
- b. The United States, a governmental entity of the United States, or an officer or employee of the United States; or
- c. A person who made a hotel reservation on or before the approval date of the second and final reading of this ordinance; or
- d. Any other person entitled to an exemption under Chapter 356 of the Texas Tax Code.

3. Except as otherwise provided in Section 156.103 (Exception-State and Federal Government) of the Texas Tax Code, the State of Texas, or an agency, institution, board, or commission of the State of Texas other than an institution of higher education, as that term is defined by Section 61.003 (Definitions) of the Texas Education Code, shall pay the tax imposed by this subchapter and is entitled to a refund of the amount of tax paid.

4. A person entitled to a refund of tax paid under this section shall make an application for a refund according to the rules prescribed by the City in the form prescribed by the City.

E. Collection by Operator.

1. A person who owns, operates, manages, or controls a hotel or collects payment for the use or possession or for the right to the use or possession of a hotel room within the corporate limits or the extraterritorial jurisdiction of the City shall collect the tax levied by this Ordinance for the City.

2. A person who collects the tax shall keep and maintain for such hotel good, adequate and accurate records for the hotel, sufficient to show and establish the consideration paid to and received by the hotel, the true and correct amount of taxes due and payable by the hotel pursuant to this Ordinance, and the applicable exemptions if any.

3. A person who is required to collect the tax under this section is hereby authorized to retain no more than one (1) percent of the tax collected to reimburse that person's costs in collecting the tax for the City. The reimbursement permitted by this paragraph shall be forfeited if the person collecting the tax fails to timely pay the tax to the City or fails to timely file the reports required by this Ordinance.

F. Reports and remittances.

1. On or before the same day that a person is required to file a report and remit hotel occupancy taxes to the State of Texas, that person shall also:

a. File a written report with the City for the same period, with a copy of the report for state hotel occupancy taxes required by Section 156.151 (Report and Payment) of the Texas Tax Code for the same period; and

b. Pay the tax due for that period.

2. A report under this section shall be in the form prescribed by the City and shall include:

a. The total consideration paid for rooms subject to the tax in the reporting period;

b. The total amount of tax collected; and

c. The total amount of tax exemptions granted.

3. If requested by the City, a person responsible for collecting the tax shall provide the City with:

a. The names, addresses, and identification relied upon to grant an exemption from the tax; and

b. Any other information the City may reasonably require.

4. The City may request, and a person required to collect the tax shall provide within a reasonable time, additional documentation verifying the information contained in the report to the City.

G. Collection Procedure on Purchase of a Hotel.

1. If a hotel owner sells a hotel, the purchaser or his assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides:

a. A receipt issued by the City showing that the amount of tax due has been paid; or

b. A certificate issued by the City showing that no tax is due.

2. A purchaser of a hotel who fails to withhold the amount of the purchase price as required by this section is liable for the unpaid tax required to be withheld to the extent of the value of the purchase price.

3. The purchaser of a hotel may file a written request with the City for the issuance of a certificate stating that no tax is due or for a statement of the amount required to be paid before a certificate may be issued. The City shall issue the certificate or statement not later than the 60th day after the date that the City receives the request.

4. If the City fails to issue the certificate or statement within the period provided by Subsection (3), the purchaser is released from the obligation to withhold the amount of tax from the purchase price or pay the amount of tax due.

H. Rules and Regulations--Record Inspection Authority.

1. The City shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to books and records necessary to enable the City to determine the correctness of any report filed as required by this subchapter and the amount of taxes due under the provisions of this subchapter.

2. Whenever necessary to make an inspection of books and records to enforce any of the provisions of this subchapter, the City may enter such building or premises at all reasonable times to inspect the books and records or to perform any duty imposed upon the City by this subchapter; provided, that if such building or premises be occupied, the City official shall first present proper credentials and request entry; and if such building or premises be unoccupied, the City shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the City shall have recourse to every remedy provided by law to secure entry.

3. When the City shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the City for the purpose of inspection and examination pursuant to this subchapter.

I. Offenses.

1. A person commits an offense if the person violates or fails to perform an act required by this Ordinance, or files a report containing false information. Each instance of a violation of this Ordinance is a separate offense, and each day that a person remains in violation constitutes a separate offense.

2. An offense under this subchapter is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

J. Penalty and Interest on Unpaid Tax.

1. In addition to the tax imposed under this subchapter, a person shall pay a penalty of five percent (5%) of the tax due if the person:

- a. Fails to file a report on or before the due date;
- b. Fails to pay the tax imposed on or before the due date; or
- c. Files a report containing false information.

2. A person who fails to pay any amount of the tax and penalty due under Subsection (1) on or before the 60th day after the tax is due shall pay an additional five percent (5%) penalty on the unpaid tax. A delinquency penalty shall not be less than one dollar.

3. Beginning on the 61st day after the due date, delinquent taxes shall draw interest at a rate of ten percent (10%) per annum.

K. Additional Enforcement Authority. The City may take the following actions against a person who has failed to file a required report, failed to collect the tax imposed, failed to pay the taxes over to the City when due, or filed a false report:

1. Bring suit to collect the unpaid tax or to enjoin the person from operating a hotel in the corporate limits or extraterritorial jurisdiction of the City until the tax is paid or the report filed, as applicable, as provided by the court's order; and

2. Any other remedy provided under state law.

SECTION III. HOTEL OCCUPANCY TAX ADVISORY COMMITTEE

A. Purpose. There is hereby established a seven-member Hotel Occupancy Tax Advisory Committee (Committee), which shall oversee the implementation, collection, and use of hotel occupancy tax dollars.

B. Membership.

1. The seven members of the Committee shall be selected from the following representative groups:

a. Four Lodging Operator representatives nominated by the Wimberley Valley Tourism and Lodging Association Board, which shall include:

i. Two large lodging facility representatives (over \$250,000 in annual lodging revenue).

- ii. One small lodging facility representative (operator with less than three lodging rooms or less than \$250,000 in annual lodging revenue).
- iii. One lodging reservation booking representative.
- b. One Chamber Representative nominated by the Chamber of Commerce Board.
- c. One Arts/Historical Attraction Representative nominated by the Wimberley Valley Arts and Cultural Alliance.
- d. One Merchants Association Representative nominated by the Wimberley Merchants Association.

2. Each Committee member shall be appointed to a two-year term and may be reappointed by the Council for two additional consecutive two-year terms. After serving a third consecutive two-year term, an individual is not eligible for reappointment for two-years. The initial terms for one of the two large lodging facility representatives, the lodging reservation booking representative, the Merchants Association Representative and the Arts/Historical Attraction Representative shall be for one-year. The initial term for the remaining members (one large lodging facility representative, one small lodging facility representative, one Chamber representative) shall be for two-years.

3. Each Responsible Organization (Wimberley Valley Tourism and Lodging Association Board, Chamber of Commerce Board, Wimberley Valley Arts and Cultural Alliance, and Wimberley Merchants Association) shall provide its slate of nominees to the City Council no later than 30 days from the effective date of this Ordinance; otherwise, the Council may nominate committee members of its own choosing.

4. All nominees must be representatives of a business or entity that is located within the city limits or extraterritorial jurisdiction of the City of Wimberley.

5. Appointment to the Committee is subject to the approval of a majority vote of the Council. Members shall serve at the pleasure of the Council, and any member may be removed by majority vote of the Council at any time. In the event of removal, the Responsible Organization shall provide a replacement nominee no later than 30 days from the date of the vacancy; otherwise, the Council will nominate a person of its own choosing to fill the vacant position.

C. **Responsibilities.** The Committee is responsible for the following:

1. The Committee shall review revenue received by the City through the Hotel Occupancy Tax and shall make recommendations to the City Council regarding appropriate expenditures.

2. The Committee shall formulate a plan for expenditures of Hotel Occupancy Tax revenue by the City and shall update the plan as requested by Council.

3. The Committee shall submit an annual report to the Council that identifies approved expenditures by the City for the preceding year, discusses approved and proposed expenditures in the context of compliance with state law regarding the use of Hotel Occupancy Tax funds, and evaluates the effectiveness of approved Hotel Occupancy Tax expenditures and programs.

4. All recommendations of the Committee are subject to approval of the Council. The Committee shall not spend any money or authorize the expenditure of any money.

D. Procedures.

1. All meetings of the Committee shall satisfy the requirements of the Texas Open Meetings Act.

2. The Committee shall elect a Chair, Vice Chair, and Secretary on an annual basis.

3. All Committee recommendations to the Council shall require an affirmative vote of three-fourths of all members of the Committee (a "Super-Majority" vote").

SECTION IV. SUNSET REVIEW

A. Frequency of Review. On or after three (3) years from the effective date of this Ordinance, the Council shall conduct a sunset review of the Hotel Occupancy Tax and the work of the Committee. The Council shall thereafter conduct periodic reviews of the tax and the work of the Committee every two (2) years.

B. Review Criteria. The purpose of the sunset review shall be to determine whether a public need exists for the continuation of the Hotel Occupancy Tax and/or the Committee. The Council may consider the following criteria as part of its review:

1. The benefit(s) enjoyed by the City and the City's tourism industry as a result of the Hotel Occupancy Tax;

2. Performance and compliance with applicable statutes and regulations;

3. The efficiency with which the Committee operates;

4. The extent to which the Hotel Occupancy Tax and/or the Committee is needed or used;

5. The extent to which the Committee has encouraged participation by the public in making its decisions, as opposed to participation solely by an occupation, a business or an

institution, and the extent to which the public participation has resulted in decisions compatible with the objectives established by the Council for the Committee;

6. The extent to which the Committee has complied with the Open Meetings Act;
and
7. Any other criteria identified by the Council.

SECTION V. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance 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 Ordinance.

SECTION VI. SEVERABILITY

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

SECTION VII. REPEALER

The provisions of this Ordinance 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 Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law. The Hotel Occupancy Tax created by this ordinance shall not take effect until October 1, 2015.

SECTION IX. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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.

FIRST READING PASSED AND APPROVED this 20th day of August, 2015, by a vote of 3 (Ayes) to 1 (Nays) 1 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING PASSED AND APPROVED this 3rd day of September, 2015, by a vote of 3 (Ayes) to 1 (Nays) 1 (Abstain) vote of the City Council of the City of Wimberley, Texas.

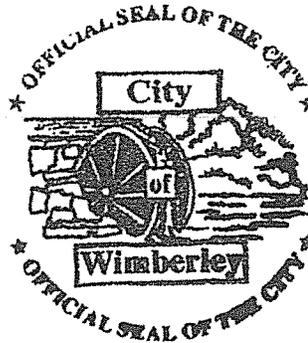


Steve Thurber
Mayor

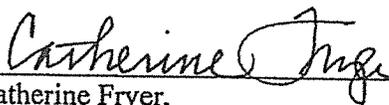
ATTEST:



Cara McPartland,
City Secretary

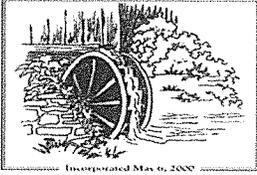


APPROVED AS TO FORM:



Catherine Fryer,
City Attorney

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION AUTHORIZING THE CITY COUNCIL SUBCOMMITTEE ON AQUA TEXAS TO MEET WITH AQUA TEXAS REPRESENTATIVES RELATING TO THE AQUA TEXAS RETAIL WASTEWATER SERVICE PROPOSAL FOR CENTRAL WIMBERLEY

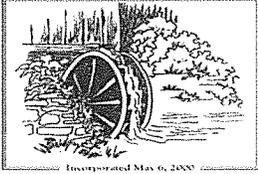
Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Gary Barchfeld to allow City Council to discuss and consider action authorizing the City Council Subcommittee on Aqua Texas to meet for the purpose of obtaining a term sheet from Aqua Texas relating to the Aqua Texas retail wastewater service proposal for central Wimberley.

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING A PROPOSAL TO HAVE THE CITY ATTORNEY
ATTEND CITY COUNCIL MEETINGS

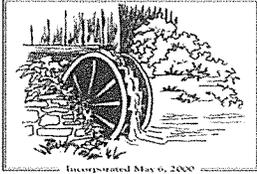
Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action regarding a proposal to have the City Attorney attend City Council meetings.

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING THE PROPOSED CREATION OF A CITY OF
WIMBERLEY TECHNOLOGY ADVISORY COMMITTEE

Commission Action Requested:

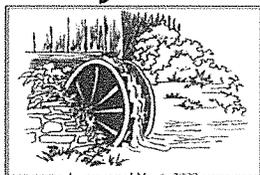
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to discuss and consider action regarding the proposed creation of a City of Wimberley Technology Advisory Committee.

Council Member Trapp distributed background information on the agenda item at the November 3rd Council meeting.

City Council Agenda Form



Date Submitted: November 9, 2016

Agenda Date Requested: November 17, 2016

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

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

The proposed amendment reads as follows.

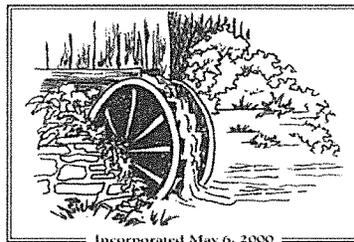
5.10 Speakers

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

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

City of Wimberley

Governance Policy and Rules of Procedure



Amended October 2016

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION I INTRODUCTION

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

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

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

This policy will be reviewed and adopted on an annual basis

AND RULES OF PROCEDURE

SECTION II MISSION

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION III INFORMATION

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION IV ROLES

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION V MEETINGS

5.1 Regular Meetings

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

5.2 Special Meetings

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

5.3 Executive Sessions

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

5.4 Public Notice

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

5.5 Attendance

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

5.6 Conflict of Interest

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

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

5.7 City Council Members

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

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

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

5.7 Administrative Staff

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

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

5.8 Citizens and Visitors

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

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

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

5.9 Agenda

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

5.10 Speakers

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

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

5.11 Motions

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

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

5.12 Suspension of Rules

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

5.13 Amendment of Rules

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

5.14 Failure to Comply

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VI PUBLIC CONTACT MEDIA RELATIONS

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

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

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VII PLANNING

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

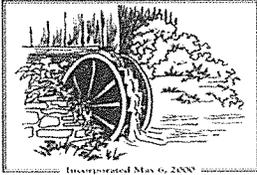
- 7.1 On an annual basis, the Mayor and City Council shall hold a minimum of one (1) strategic planning session wherein they set priorities goals and objectives. The goals and objectives shall address short term and long term needs of the City.
- 7.2 Policy direction shall be consistent with the strategic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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VIII COUNCILSTAFF RELATIONS

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

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO CREATE A CITY COUNCIL SUBCOMMITTEE TO MEET WITH THE PRECINCT THREE CONSTABLE AND COUNTY COMMISSIONER REGARDING LAW ENFORCEMENT SERVICES

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider action regarding a proposal to create a City Council subcommittee to meet with the Precinct Three Constable and County Commissioner regarding the possibility of expanding the scope of law enforcement services provided for the City of Wimberley.

Attached is a copy of the City's current interlocal agreement with the Precinct Three Constable relating to law enforcement services.

Article 2. City's Rights and Duties. The City hereby designates the Constable and his deputies as traffic officers and agents of the City when enforcing traffic regulations within the City limits. The City agrees to allow the County to retain any fees collected by the Justice Court. The City further agrees to cooperate and lend such assistance of equipment and personnel to the Constable's employees as may be reasonably required from time to time to carry out the purposes of this Agreement. In addition, the City shall provide the County with updated copies of the Village's ordinances related to vehicles and traffic as such ordinances may be updated from time to time.

Article 3. Administration. The Constable will be responsible for administering this Agreement and providing supervisory control and command over all agents, officers, dispatchers, and other personnel performing services pursuant to this Agreement. The contact person and representative for the County is the Constable, or his designee, and the contact person and representative for the City is the City Administrator.

Article 4. Term of Agreement and Renewal. This Agreement shall become effective upon the approval of the Hays County Commissioners Court and the Wimberley City Council as evidenced by the signatures below and shall become effective the date of the last signature as set forth below. This Agreement may be terminated, with or without cause, by either party hereto by giving thirty (30) days written notice of termination to the other party. This Agreement may be renewed annually and, absent notice otherwise by any other party, shall automatically be renewed each year. However, each party paying for the performance of governmental functions under this Agreement shall make those payments from current revenues available to the paying party.

Article 5. Insurance and Liability. The relationship of the County, the City and the Constable is that of independent contractors. The County shall have no liability whatsoever for the actions of, or the failure to act by, any employee, agent or officer of the City, and the City shall be responsible, as between the County, the City and the Sheriff, for and with respect to claims or causes arising out of or with respect to any act, omission or failure to act by the City. The City will obtain and maintain in full force and effect during this Agreement a policy or policies of insurance, or risk pool coverage, in amounts sufficient to save, protect and insure the City, the County, the Constable and their respective agents, officers and employees from and against any claim, cause of action or liability arising from any action, omission or failure to act by the City, its agents, officers and employees.

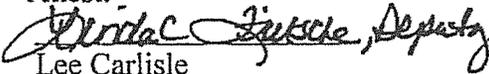
Article 2. Miscellaneous. The County and the Constable shall have exclusive control, supervision and policy-making authority for and with respect to the services to be provided under this Agreement, and nothing in this Agreement is intended nor shall be deemed to establish any requirement for, or any specific or implied standard or quality for, any level of service to be provided pursuant to this Agreement. Nothing in this Agreement shall be deemed to waive, modify or amend any legal defenses available at law or in equity to the City, the County or the Constable, or to create any legal rights or claim on behalf of any third party. Neither the County, the City nor the Constable waives any defenses whatsoever, including, but not limited to, governmental immunity.

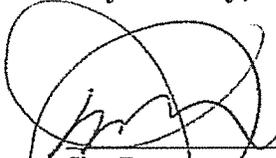
Article 7. **NOTICE.** Any notice provided for under this Agreement shall be forwarded to the following addresses:

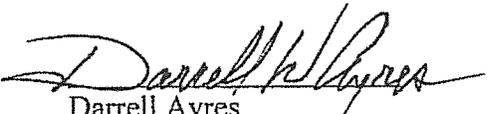
Hays County
County Judge
111. E. San Antonio
San Marcos, TX 78666

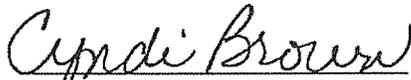
Village of Wimberley
Mayor
13210 Ranch Rd 12
Wimberley, TX 78676

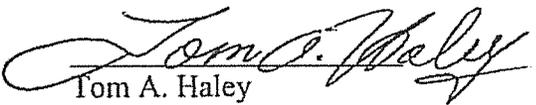
IN WITNESS WHEREOF, The parties hereby execute in duplicate and attest this Agreement to be in full force and effect of the date of the last signature as set forth below.

Attest:

Lee Carlisle
Hays County Clerk
Date: 10-29-06

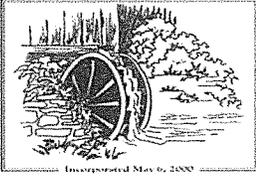
Hays County, Texas

Jim Powers
Hays County Judge
Date: 10-29-06


Darrell Ayres
Constable Precinct 3
Date: 10/24/06


Cyndi Brown
Acting City Secretary
Date: 10/24/06

Village of Wimberley

Tom A. Haley
Mayor of Wimberley
Date: 10-24-06

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: November 17, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO HIRE LEGAL COUNSEL OR A CONSULTANT TO SERVE AS A PARLIAMENTARIAN FOR CITY COUNCIL MEETINGS

Commission Action Requested:

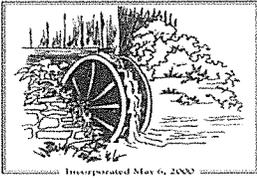
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider action regarding a proposal to hire legal counsel or a consultant to serve as a parliamentarian for City Council meetings.

No background information was provided on this agenda item.

City Council Agenda Form



Date Submitted: November 10, 2016

Agenda Date Requested: December 17, 2014

Project/Proposal Title: CONSIDER APPROVAL OF PLANS FOR *WINTERS EVE - A CHRISTMAS FESTIVAL ON THE WIMBERLEY SQUARE* ON DECEMBER 10, 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 discuss and consider approval of plans for the seventh annual *Winters Eve – A Christmas Festival on the Wimberley Square* scheduled for Saturday, December 10, 2016.

Plans call for the closure of the large parking lot in front of the Wimberley Cafe and Cypress Creek Café, on the north side of the Square, from 2 p.m. to 10 p.m. on the day of the event. In addition, Oak Drive will be closed near the Square the evening of the event. Event organizers are in the process of securing the approval of those business operators who will be impacted by the closure.

The event will feature food and beverage vendors along with music. As alcohol will be served, off-duty law enforcement officers will provide on-site security. Event organizers will secure the required event insurance with the City named on the policy.

The City has been requested to provide a second restroom trailer, as it has done in the past. In addition, the City has been requested to provide a light trailer.

City staff recommends approval of the plans for *Winters Eve – A Christmas Festival on the Wimberley Square*.