

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
THURSDAY, MARCH 1, 2018 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** March 1, 2018 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens on issues and items of concern, not on this agenda. Those wishing to speak must sign in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. 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.

6. **PRESENTATION**
Presentation regarding the May 5, 2018 Bond Election. (Wimberley ISD Superintendent Dwain York)

7. **EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

- A. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.

- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

8. CONSENT AGENDA

The following item/s may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council member or citizen, in which event those items will be pulled from the consent agenda for separate consideration.

- A. Approval of minutes from the Special Called City Council Meeting held February 9, 2018.
- B. Approval of minutes from the Regular City Council Meeting held February 15, 2018.

9. CITY ADMINISTRATOR REPORT

Update regarding the status of the Wimberley Wastewater Project and other pertinent topics

10. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action approving the proposed route for the 2018 Wimberley Fourth of July Parade. *(City Administrator Shawn Cox)*
- B. Discuss and consider possible action regarding cost saving measures for the plant portion of the Wimberley Wastewater Project. *(Place Two Council member Craig Fore)*
- C. Discuss and consider possible action regarding all future sewer construction meetings posted for public observation. *(Place Four Council member Gary Barchfeld)*

11. HOTEL OCCUPANCY TAX

- A. Consider approval of the second and final reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective June 1, 2018. *(Place One Council member Steve Thurber)*
- B. Discuss and consider possible action regarding the revised Wimberley Hotel Occupancy Tax (HOT) Application. *(City Administrator Shawn Cox)*

12. CITY COUNCIL REPORTS

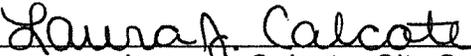
- A. Announcements
- B. Future agenda items

13. ADJOURNMENT

The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

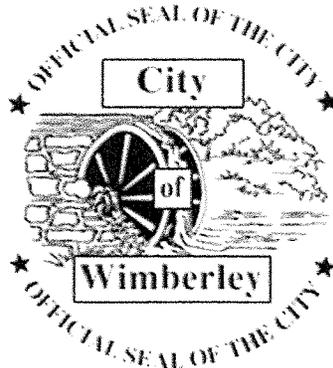
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on Monday, February 26, 2018, by 5:00 p.m.



Laura J. Calcote, City Secretary

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



City Council Agenda Form



Date Submitted: February 27, 2018

Agenda Date Requested: March 1, 2018

Project/Proposal Title: PRESENTATION

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Wimberley ISD Superintendent Dwain York will present the May 5, 2018 Bond Election.

City Council Agenda Form



Date Submitted: February 27, 2018

Agenda Date Requested: March 1, 2018

Project/Proposal Title: CONSENT AGENDA

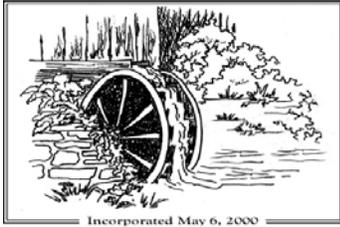
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Please see attached minutes from two City Council meetings:

- Special Called held February 9, 2018
- Regular held February 15, 2018



City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
FRIDAY, FEBRUARY 9, 2018 – 10:00 A.M.

MINUTES

CALL TO ORDER

Mayor Mac McCullough called the meeting to order 10:05 a.m.

CALL OF ROLL

Council members Present:

Mac McCullough Mayor
Steve Thurber Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Roberta Holland Place Five

HOT Advisory Committee members Present:

Bob Cook Chairperson
Traci Ferguson Vice-Chairperson
Buck Baccus
Clay Ewing
Jennifer Ober
Chris Oddo

CITIZEN COMMENTS

There were two citizens comments from previous HOT Advisory Committee members Dan Sturdivyant and Albert Valera regarding hotel occupancy tax funds and how to disperse the funds.

DISCUSSION ITEMS

There was discussion between City Council and the Hotel Occupancy Tax Advisory Committee regarding the following items:

- A. Operations and procedures related to the hotel occupancy tax and the role of the Hotel Occupancy Tax Advisory Committee
- B. Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective April 1, 2018.
- C. Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation
- D. Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy

Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund

No action was taken on any of the items. City Council directed the HOT Advisory Committee to hold a meeting before the next City Council meeting set for February 15th, to make recommendations to Council concerning Ordinance No. 2018-02, the Visitors Center Operations Agreement and Resolution No. 06-2018. The HOT Advisory Committee decided to meet on February 12, 2018 at 3:30 p.m.

ADJOURNMENT

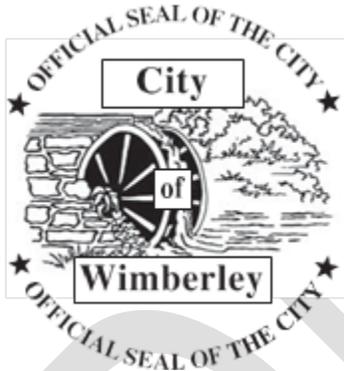
Mayor Mac McCullough adjourned the meeting at 11:21 a.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

**Herschel P. "Mac" McCullough,
Mayor**





City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
THURSDAY, FEBRUARY 15, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Mac McCullough called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council members Present: Mac McCullough Mayor
Steve Thurber Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Roberta Holland Place Five

INVOCATION

Council member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Mac McCullough led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen comments at this time.

PROCLAMATION

Mayor Mac McCullough read aloud the Proclamation of the City Council of the City of Wimberley, Texas declaring Monday, February 22, 2018, as President George Washington Day in Wimberley, Texas. Stu Hoyt, a representative of the William Hightower Chapter of the Sons of the American Revolution, addressed Council and the audience thanking them for their support.

(Item No. 11.A. Agreement for Judicial Appointment was heard next.)

Discuss and consider possible action regarding the Agreement for Judicial Appointment between the City of Wimberley and Daniel M. Burns and ceremonial Oath of Office for Judge Burns. *(Interim City Administrator Paul Parker)*

Interim City Administrator introduced Daniel M. Burns. Judge Burns addressed Council regarding his duties and responsibilities as the Municipal Court Judge. The City's

Municipal Court would hopefully be active once more in April 2018.

Motion to approve the Agreement for Judicial Appointment between the City of Wimberley and Daniel M. Burns was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

Mayor Mac McCullough administered the Oath of Office for Judge Burns.

PRESENTATIONS AND POSSIBLE ACTION

- A. Presentation and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2017. (*Armstrong, Vaughn & Associates, P.C.*)

Brian Magness of Armstrong, Vaughn & Associates, P.C. presented the Fiscal Year 2017 audit for the City. Mr. Magness stated the City had a clean audit and discussed recommendations for improvement in the future. There was some discussion among Council members and Mr. Magness regarding certain sections of the audit report.

Motion to approve the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2017 was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

- B. Presentation and consider possible action regarding the proposed Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park on May 19, 2018. (*Wimberley Valley Radio*)

Wimberley Valley Radio staff Mike Crusham and John Brown presented the proposed Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park. Parks Director Rebecca Manning spoke in support of the event and had been working with Radio staff regarding the details of the festival. There was discussion on the economic benefit the event would present for the City and the exposure the event would bring to Blue Hole Regional Park. City Council voiced their support for the festival and requested a follow-up report after the event is held.

Motion to approve the Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park on May 19, 2018 was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:43 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Executive Session pursuant Section 551.074 of the Texas Government Code for Personnel Matters regarding continuation of responsibilities for Interim City Administrator Paul Parker.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; *Risoli v. City of Wimberley* and *Wimberley Board of Adjustment*; 207th District Court, Hays County, Texas.

- C. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

Regular Session reconvened at 7:01 p.m.

Motion to continue the responsibilities of Interim City Administrator Paul Parker was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

CONSENT AGENDA

Motion to approve the consent agenda was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

- A. Approval of minutes from the Special Called City Council Meeting held January 29, 2018.
- B. Approval of minutes from the Regular City Council Meeting held February 1, 2018.
- C. Approval of the appointment of Bobby Dettmer to the City of Wimberley Transportation Advisory Board. *(Place One Council member Steve Thurber)*

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-18-001, an application for a Conditional Use Permit to allow for the operation of a Package Store for the sale of beer on property zoned Commercial-High Impact (C-3) for property located at 14015 RR 12, No. 1, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Tiffany Paul, Applicant)*

Tiffany Paul addressed Council regarding the Conditional Use Permit to operate a package store for the sale of beer on a property zoned Commercial-High Impact. Ms. Paul stated there was no TABC licensed required for the store to sell beer for off-premise consumption.

Mayor Mac McCullough opened the public hearing at 7:07 p.m.

There was one citizen comment from Vicky Cox regarding the wording of a package store per the City's zoning code.

Mayor Mac McCullough closed the public hearing at 7:09 p.m.

Motion to approve was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

- B. Hold a public hearing and consider approval regarding case ZA-18-001, an application to change the zoning from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) for property located at 419 FM 2325, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Matthew Horvath, Applicant)*

Mayor Mac McCullough opened the public hearing at 7:10 p.m.

There was one citizen comment from Steven Dunks regarding the opening of a plant

nursery at the location, which was currently not zoned for such use.
Mayor Mac McCullough closed the public hearing at 7:11 p.m.

Motion to approve was made by Council member Gary Barchfeld. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

- C. Hold a public hearing and consider approval of the second and final reading of an ordinance amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.091 (City Center Overlay) of the City of Wimberley Code of Ordinances; and providing for the following: delineation on zoning map; findings of fact; a savings clause; a repealing clause; severability; effective date and proper notice and meeting. *(Place Three Council member Allison Davis)*

This was the second reading of a proposed ordinance, which would amend the City Center Overlay district to remove liquor stores as a prohibited use.

Mayor Mac McCullough opened the public hearing at 7:15 p.m.

There were no citizen comments.

Mayor Mac McCullough closed the public hearing at 7:15 p.m.

Motion to approve the ordinance was made by Council member Allison Davis. Motion was seconded by Council member Steve Thurber. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding Resolution No. 08-2018 appointing the law firm of Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services as City Attorney, and designating a City Attorney and Assistant City Attorneys for the City of Wimberley. *(Interim City Administrator Paul Parker)*

Interim City Administrator Paul Parker provided background information on the hiring of a new law firm for the City of Wimberley. Council had interviewed three firms and chose Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services for the City.

Motion to approve Resolution No. 08-2018 appointing the law firm of Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services as City Attorney, and designating a City Attorney and Assistant City Attorneys for the City of Wimberley was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).

- B. Discuss and consider possible action to add City Administrator Shawn Cox as signatory to City of Wimberley bank accounts, effective immediately. *(Interim City Administrator Paul Parker)*

Motion to add City Administrator Shawn Cox as signatory to City of Wimberley bank accounts, effective February 20, 2018, was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried

unanimously (5-0).

- C. Discuss and consider possible action to remove Interim City Administrator Paul Parker as signatory to the City of Wimberley bank accounts, effective March 1, 2018. (*Interim City Administrator Paul Parker*)

Motion to remove Interim City Administrator Paul Parker as signatory to the City of Wimberley bank accounts, effective March 1, 2018, was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).

- D. Discuss and consider possible action regarding the creation of a twenty hour part-time Public Works Assistant position for the City of Wimberley. (*Interim City Administrator Paul Parker*)

Interim City Administrator Paul Parker provided background information pertaining to the creation of part-time Public Works Assistant position. The City would be able to cancel certain contracted work and save funds by having a part-time employee to perform the same tasks, such as maintaining the beds in the Wimberley Square, restroom maintenance on the weekends and mowing the nature trail. The employee would work under the supervision of Aaron Reed.

Motion to approve the creation of a twenty hour part-time Public Works Assistant position for the City of Wimberley was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried unanimously (5-0).

- E. Discuss and consider possible action regarding Resolution No. 09-2018 adopting 2018 Hays County, Texas Hazard Mitigation Plan 2017. (*Interim City Administrator Paul Parker*)

Motion to approve Resolution No. 09-2018 adopting the 2018 Hays County, Texas Hazard Mitigation Plan 2017 was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried unanimously (5-0).

- F. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Deanna Ayres/The Salty German, Applicant*)

Motion to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council member Craig Fore. Motion was seconded by Council member Steve Thurber. Motion carried unanimously (5-0).

HOTEL OCCUPANCY TAX

- A. Consider approval of the first reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective April 1, 2018. (*Place One Council member Steve Thurber*)

There was lengthy discussion regarding Ordinance No. 2018-02 to increase the hotel occupancy tax rate from zero percent (0%) to five percent (5%). Council member

Allison Davis provided information regarding the Hotel Occupancy Tax (HOT) Advisory Committee's meetings and unanimous recommendation of adopting a five percent tax rate. There was discussion among Council members on changing the effective date to June 1, 2018, instead of April 1, 2018, for all hotel bookings after that date. Council member Steve Thurber stated he thought this would be a fair compromise.

Mayor Mac McCullough opened a public hearing at 7:31 p.m.

There were two citizen comments. First, Dan Sturdivyant, a previous HOT Advisory Committee member, spoke regarding concerns on booking issues for the public, who had already made reservations after June 1, 2018. Mr. Sturdivyant also commented there should be more representation by lodging owners on the current HOT Advisory Committee. Second, Buck Baccus addressed Council in support of moving forward with the hotel occupancy tax at five percent.

Mayor Mac McCullough closed the public hearing at 7:37 p.m.

Council member Gary Barchfeld voiced concern on the rush to raise the hotel occupancy tax rate and receiving legal advice.

Council member Steve Thurber called the question.

Motion to approve the first reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%) was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Gary Barchfeld	Nay
Craig Fore	Nay

- B. Discuss and consider possible action regarding the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation. *(Place One Council member Steve Thurber)*

There was also lengthy discussion regarding the Visitor Center Operations Agreement. Council member Allison Davis debriefed Council on the HOT Advisory Committee's recommendation to approve a one-time payment for the operational costs and renovation of the front office for a total of \$23,000. Council member Gary Barchfeld spoke regarding Exhibit A of the Agreement, and the associated costs for funding the Visitor's Center for five years. Council member Steve Thurber noted the Agreement, as presented, does not allocate funding for the Center. There was also discussion pertaining to the length of the Agreement and shortening the timeframe from five years to three years.

Motion to approve the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation, with no commitment of funds and a three-year timeframe, was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye

Roberta Holland	Aye
Gary Barchfeld	Nay
Craig Fore	Nay

C. Consideration and action regarding Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund. *(Interim City Administrator Paul Parker)*

Interim City Administrator Paul Parker presented Resolution No. 06-2018. This budget amendment would allow for the hiring of a Tourism Director for the City. The HOT Advisory Committee had recommended Council approve the creation of the new position. Council member Gary Barchfeld stated the City needed a tourism plan before hiring a Tourism Director.

Motion to approve Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried as follows (4-1):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Aye
Gary Barchfeld	Nay

D. Discuss and consider possible action to award the proposal to MindEcology for the destination and advertising campaign for the City of Wimberley. *(Interim City Administrator Paul Parker)*

The City received two responses to its Request for Proposals (RFPs) for a destination and advertising campaign. One of the proposals was from MindEcology and the other was from Imaginuity. After interviewing both firms and considering the project cost, staff recommended awarding the proposal to MindEcology. There was discussion among Council members regarding the proposals.

Motion to award the proposal to MindEcology for the destination and advertising campaign for the City of Wimberley was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried as follows (4-1):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Aye
Gary Barchfeld	Nay

CITY COUNCIL REPORTS

A. Announcements – Interim City Administrator Paul Parker updated City Council regarding the Central Wastewater Project. Mr. Parker noted the contract with Capital Excavation had been signed, and preconstruction meetings with Black

Castle and Capital Excavation would be set sometime soon. Mayor Mac McCullough thanked Mr. Parker on behalf of Council for assisting the City until a permanent administrator was hired.

B. Future agenda items – There were no future agenda items.

ADJOURNMENT

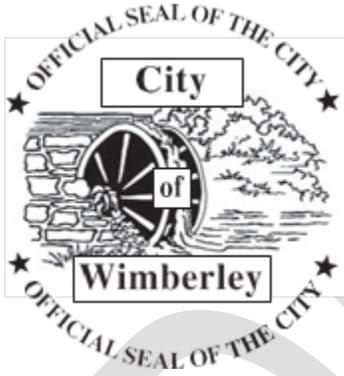
Mayor Mac McCullough adjourned the meeting at 8:24 p.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Herschel P. “Mac” McCullough, Mayor



City Council Agenda Form



Date Submitted: February 27, 2018

Agenda Date Requested: March 1, 2018

Project/Proposal Title: CITY ADMINISTRATOR
REPORT

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

City Administrator Shawn Cox will provide an update to City Council regarding the Wimberley Wastewater Project status and answer questions related to the Project.

City Council Agenda Form



Date Submitted: February 27, 2018

Agenda Date Requested: March 1, 2018

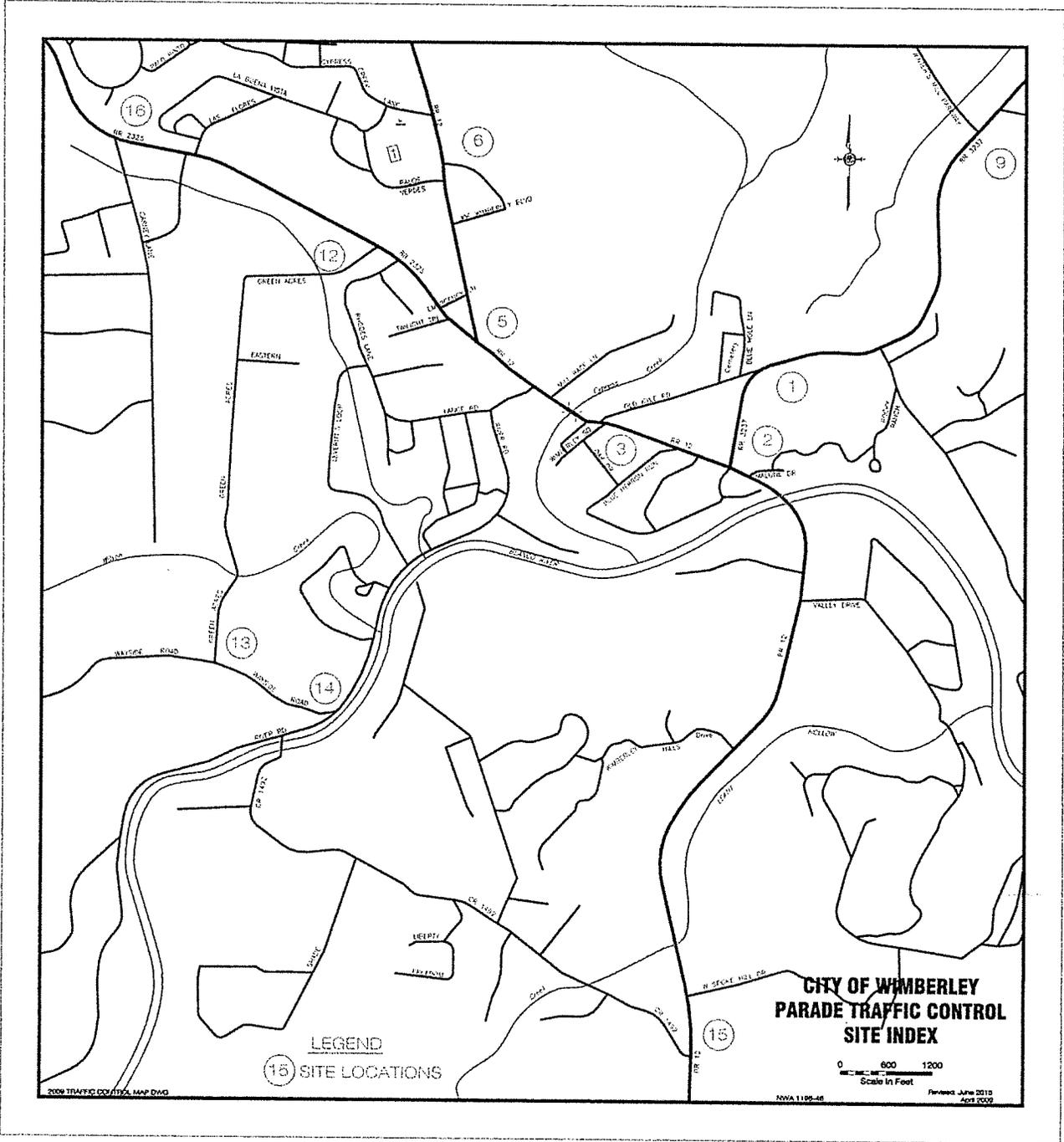
Project/Proposal Title: DISCUSSION AND
POSSIBLE ACTION - Proposed Route for 2018
Fourth of July Parade

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Please see attached the proposed route for the 2018 Wimberley Fourth of July Parade.

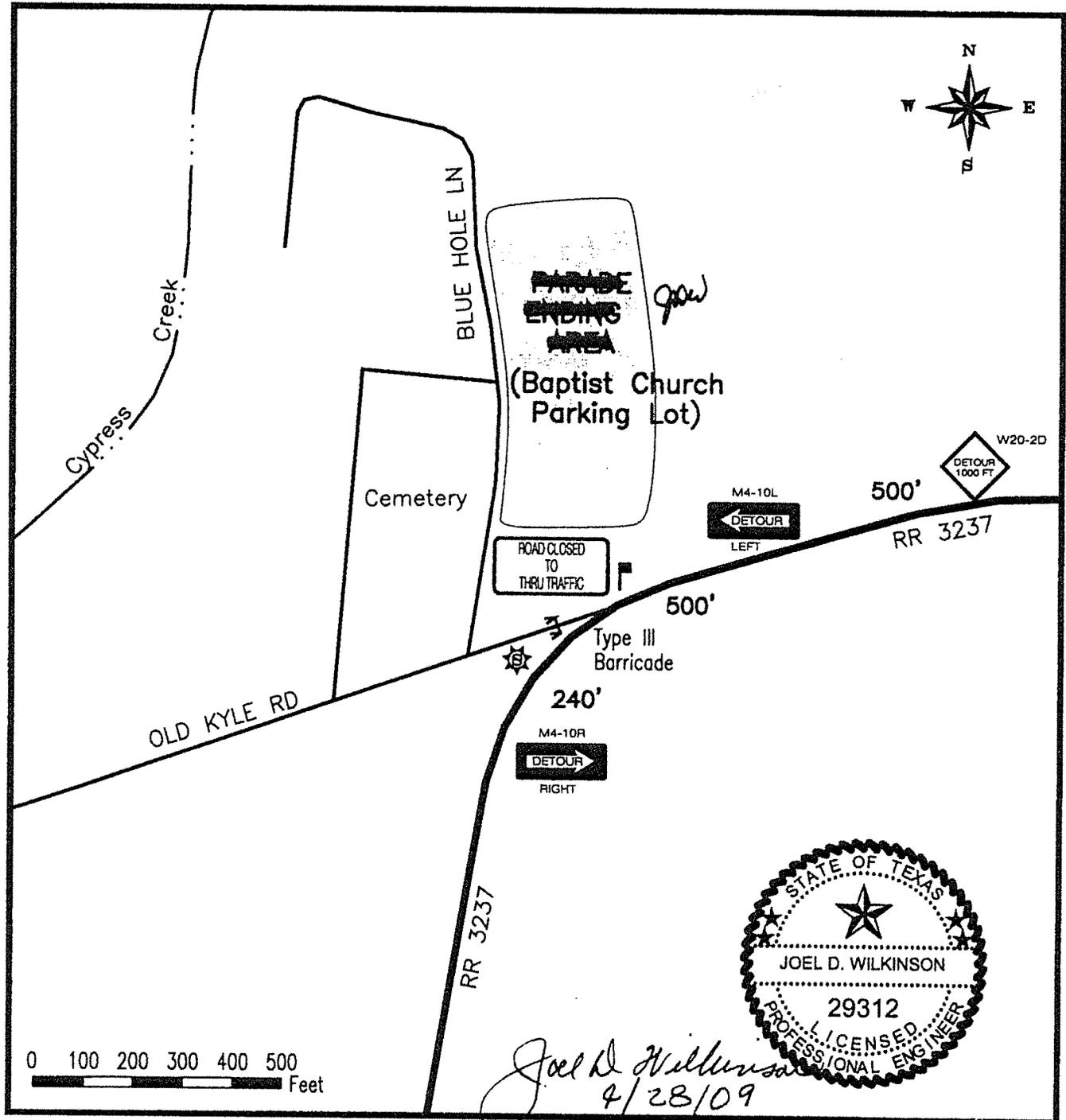


Wimberley Parade

SITE 1

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

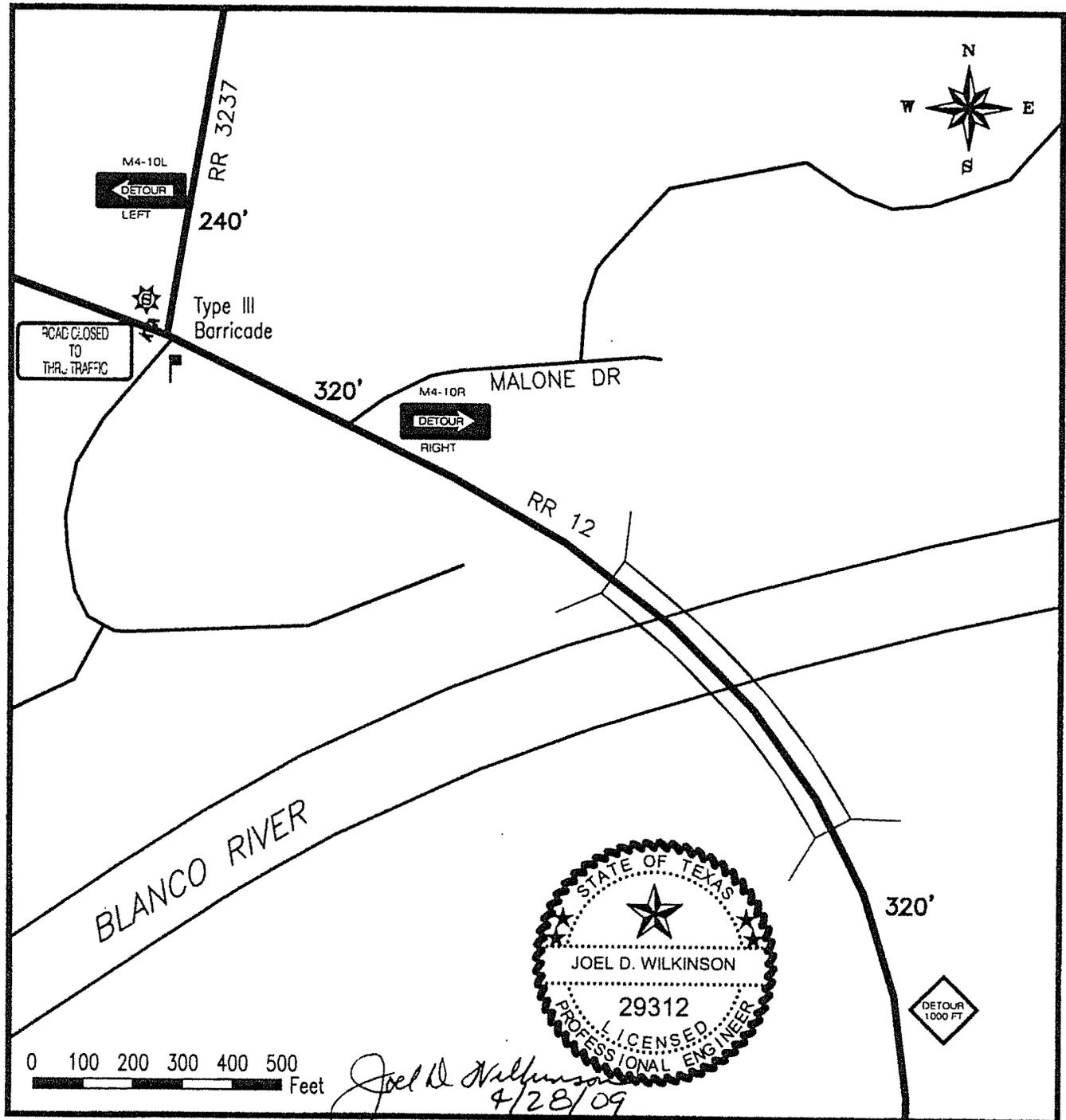


Wimberley Parade

SITE 2

Legend
Wimberley Parade Signs

Code	
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

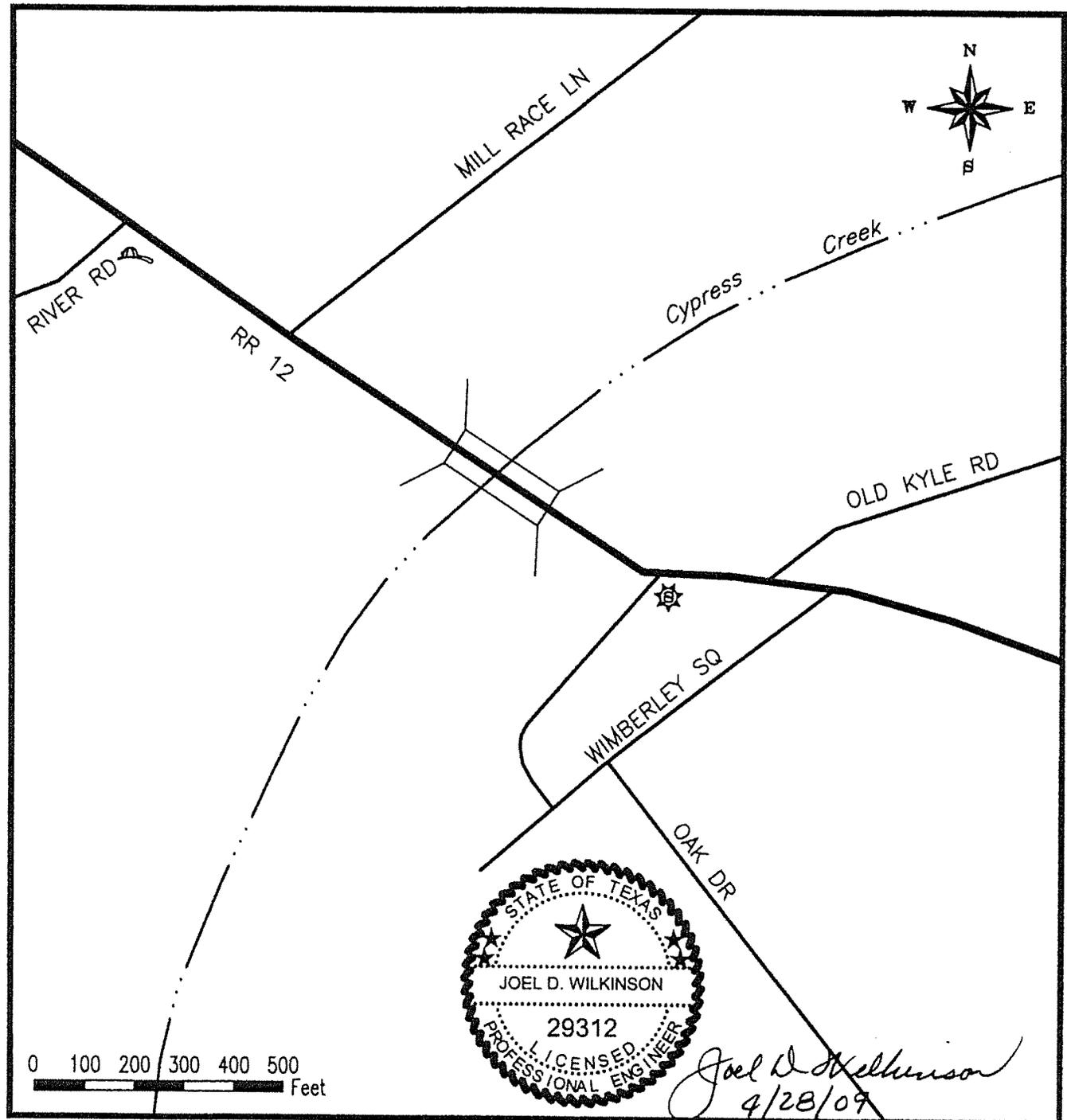


Wimberley Parade

SITE 3

Legend
Wimberley Parade Signs

	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



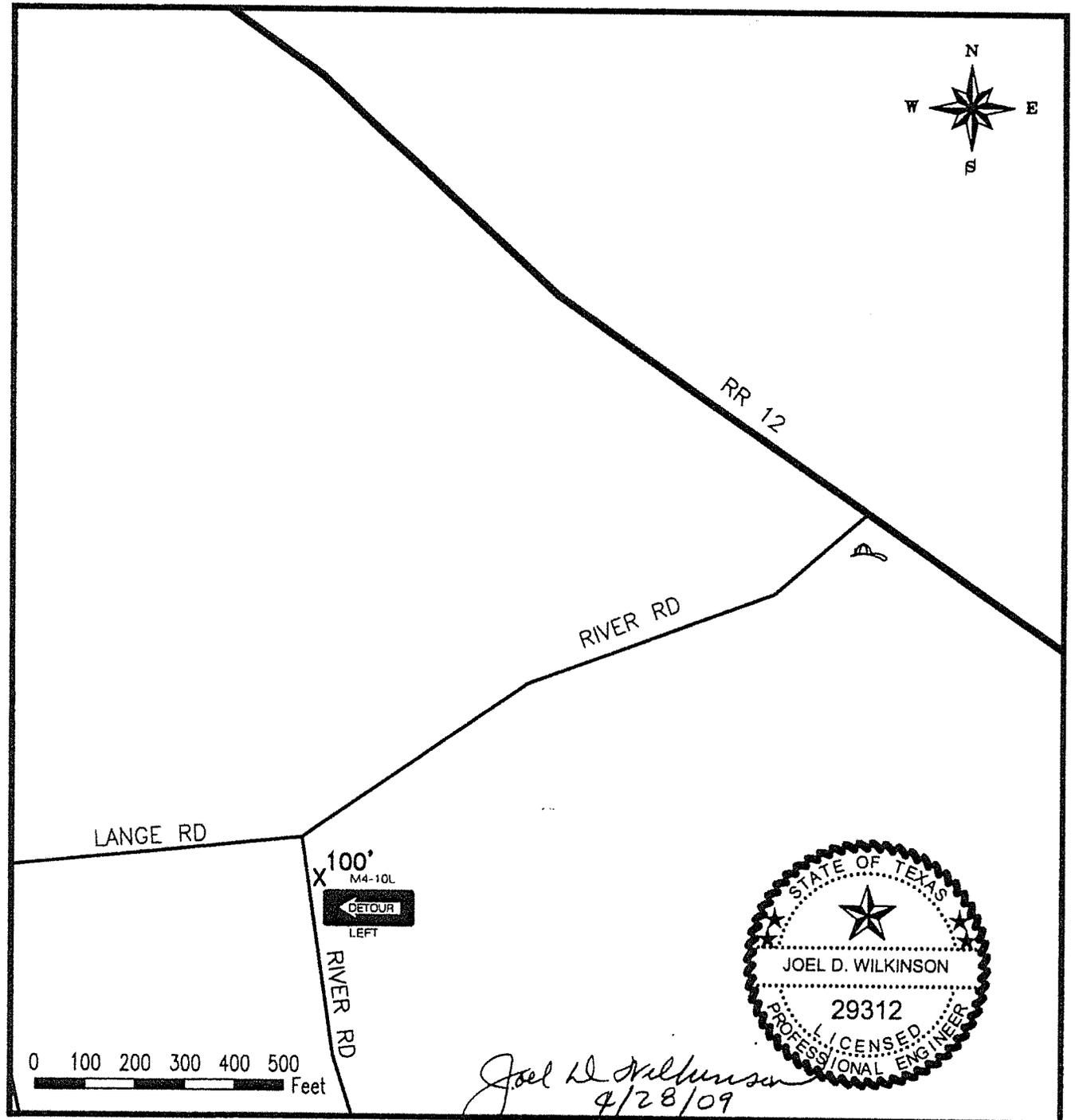
Wimberley Parade

SITE 4

Legend
Wimberley Parade Signs

Code

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



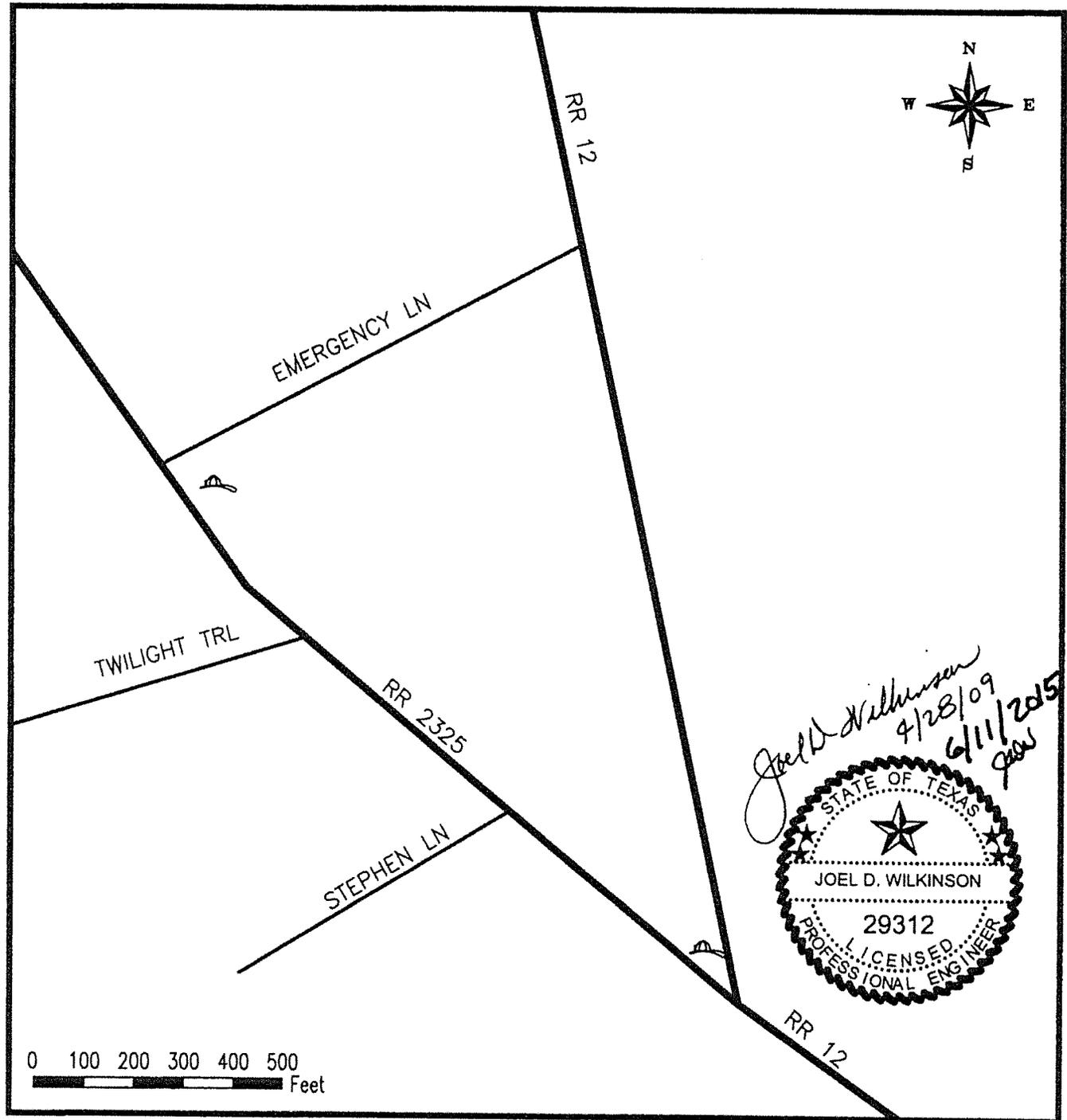
Wimberley Parade

SITE 5

Legend
Wimberley Parade Signs

Code

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



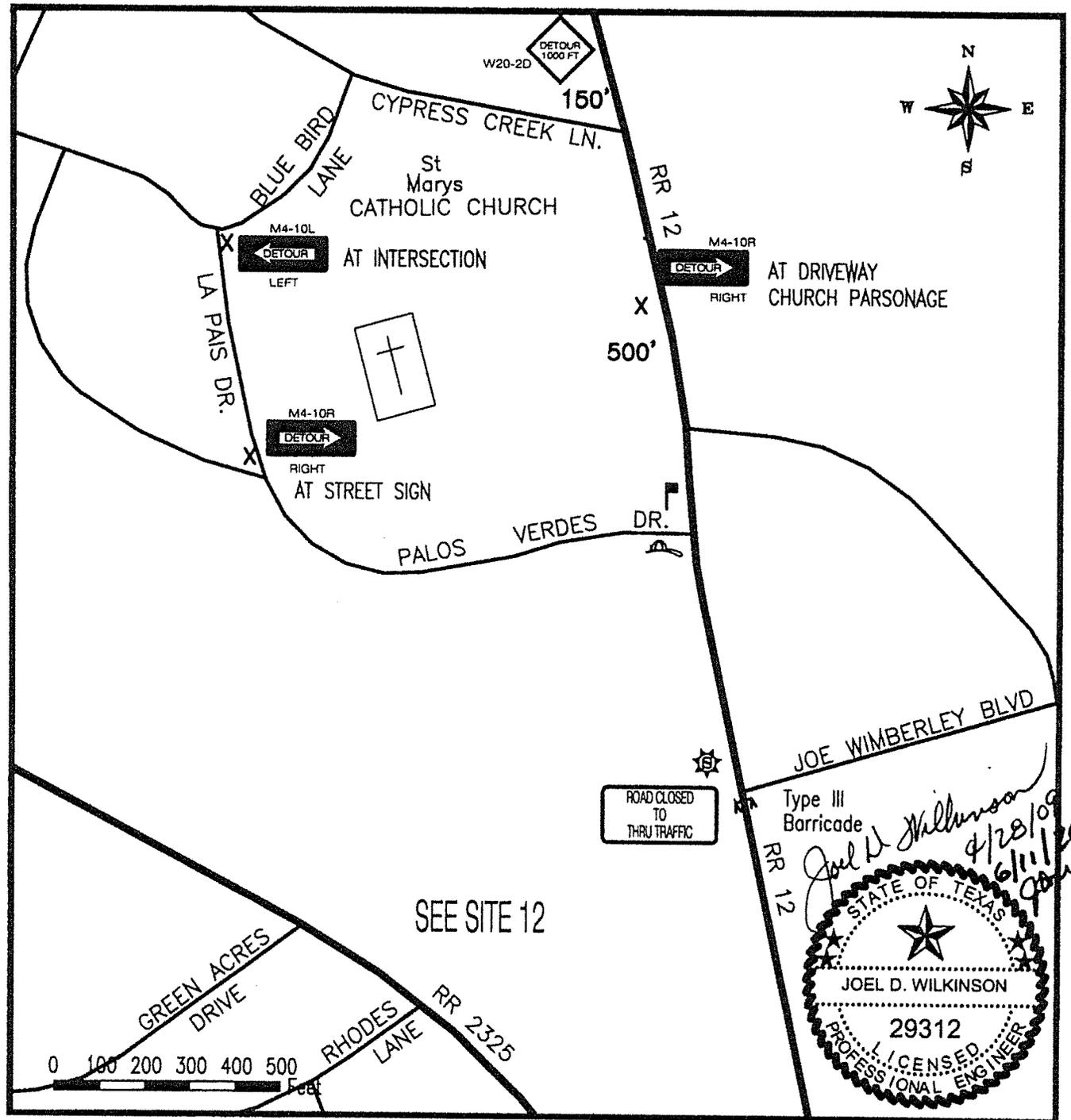
Wimberley Parade

SITE 6

Legend
Wimberley Parade Signs

Code

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  ROAD CLOSED TO THRU TRAFFIC R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road

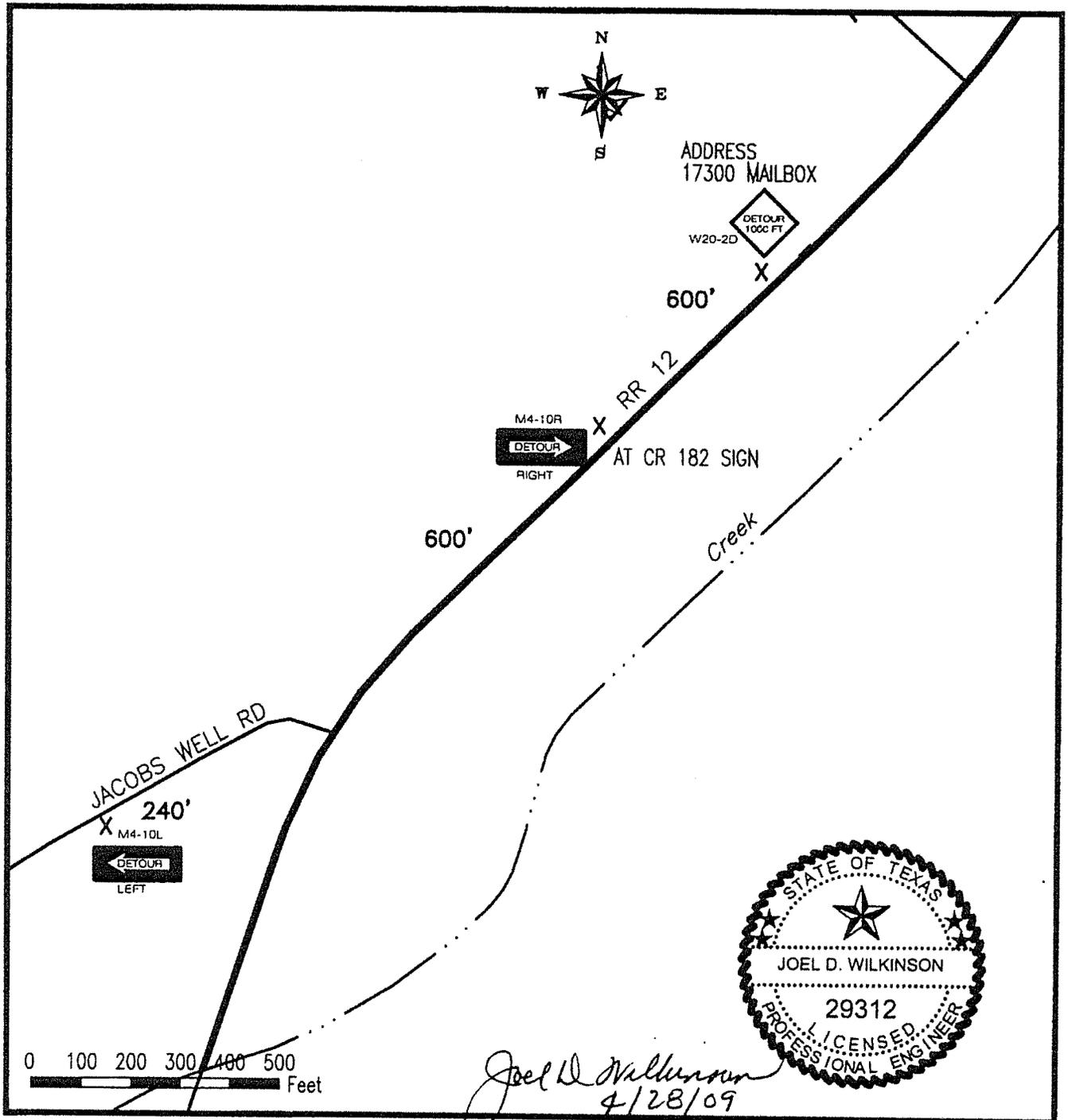


Wimberley Parade

SITE 7

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



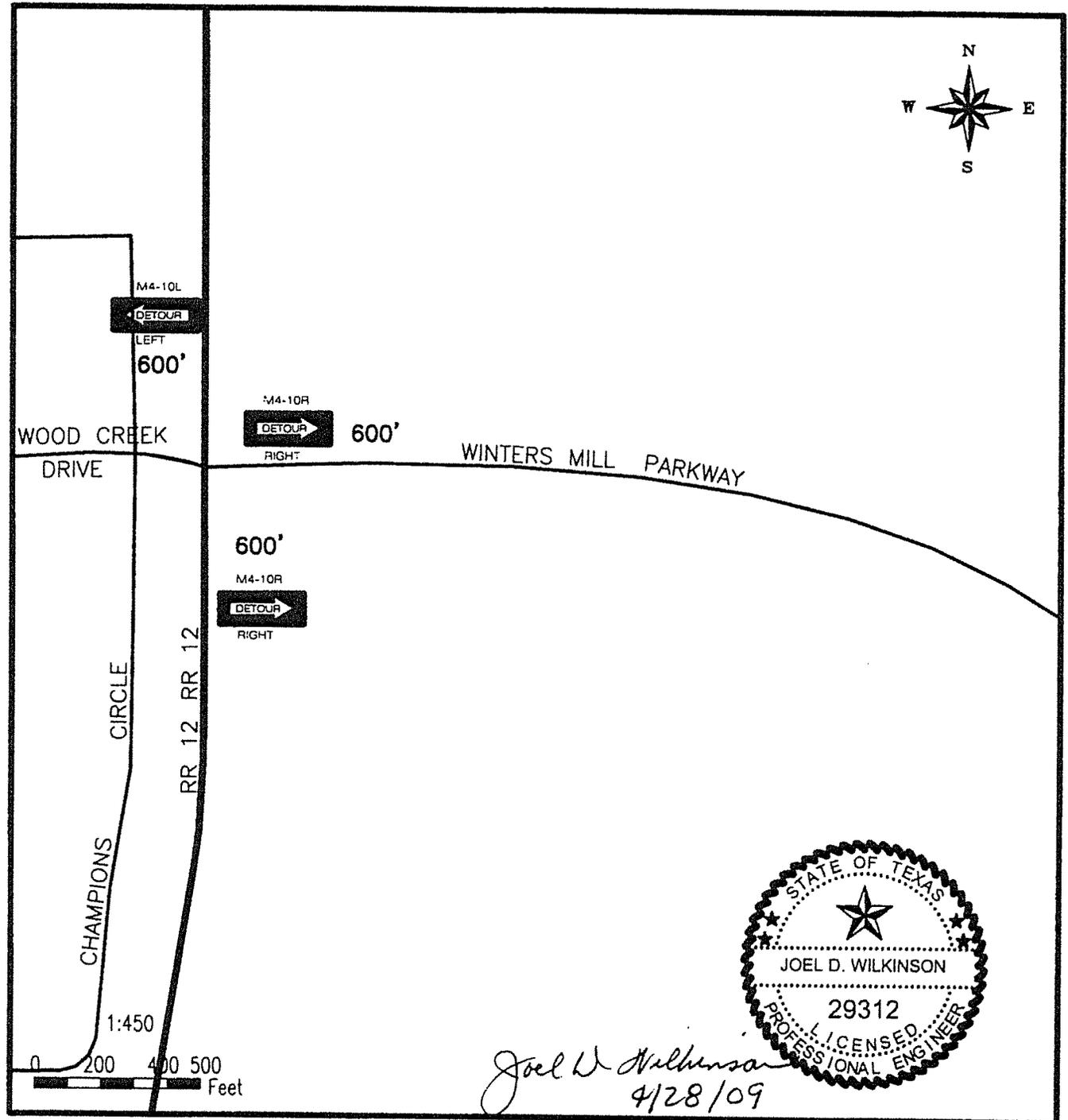
Wimberley Parade

SITE 8

Legend
Wimberley Parade Signs

Code

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



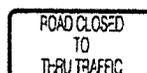
Joel D. Wilkinson
4/28/09
6/11/2015 *JDW*

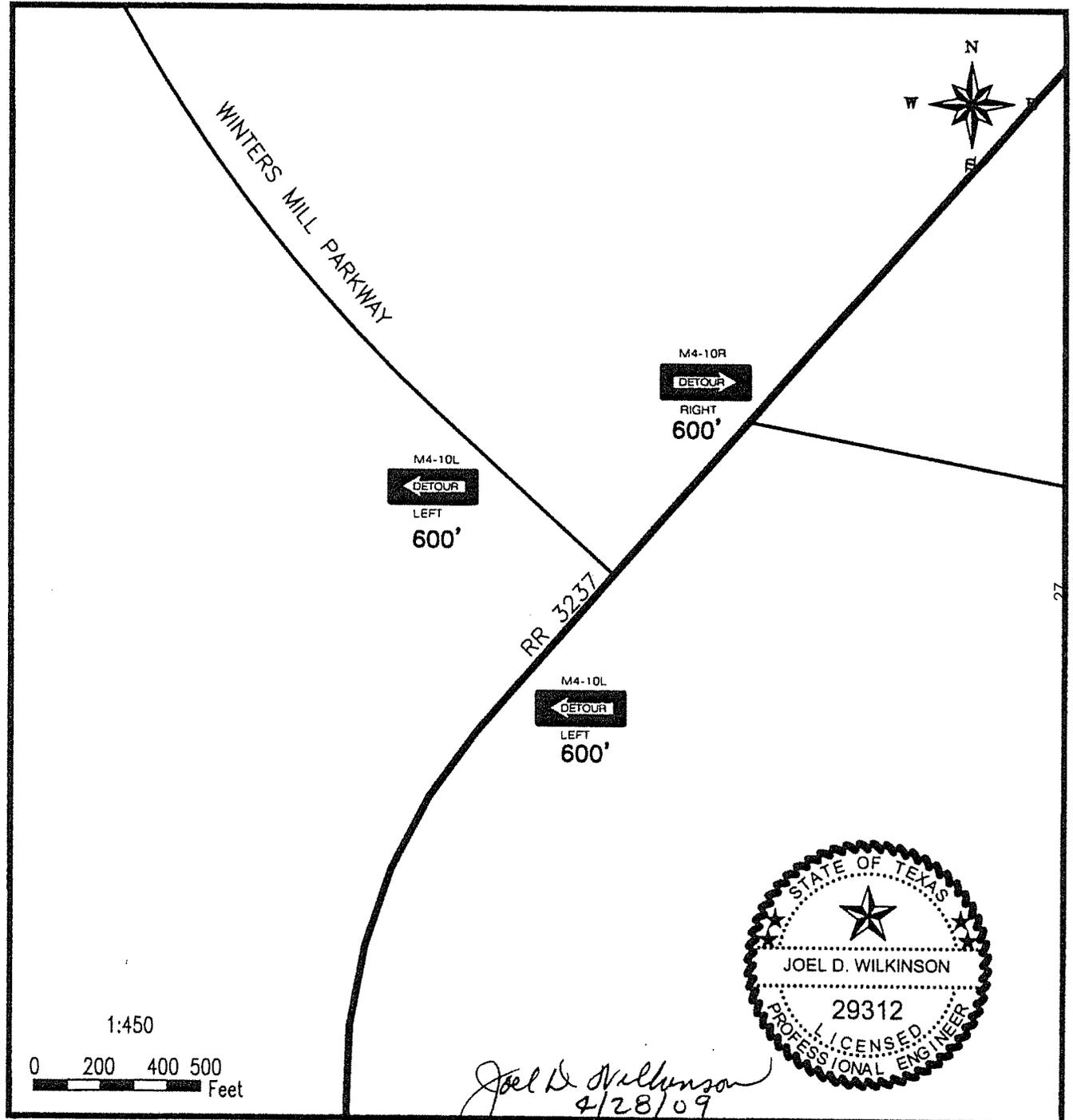
Wimberley Parade

SITE 9

Legend
Wimberley Parade Signs

Code

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road

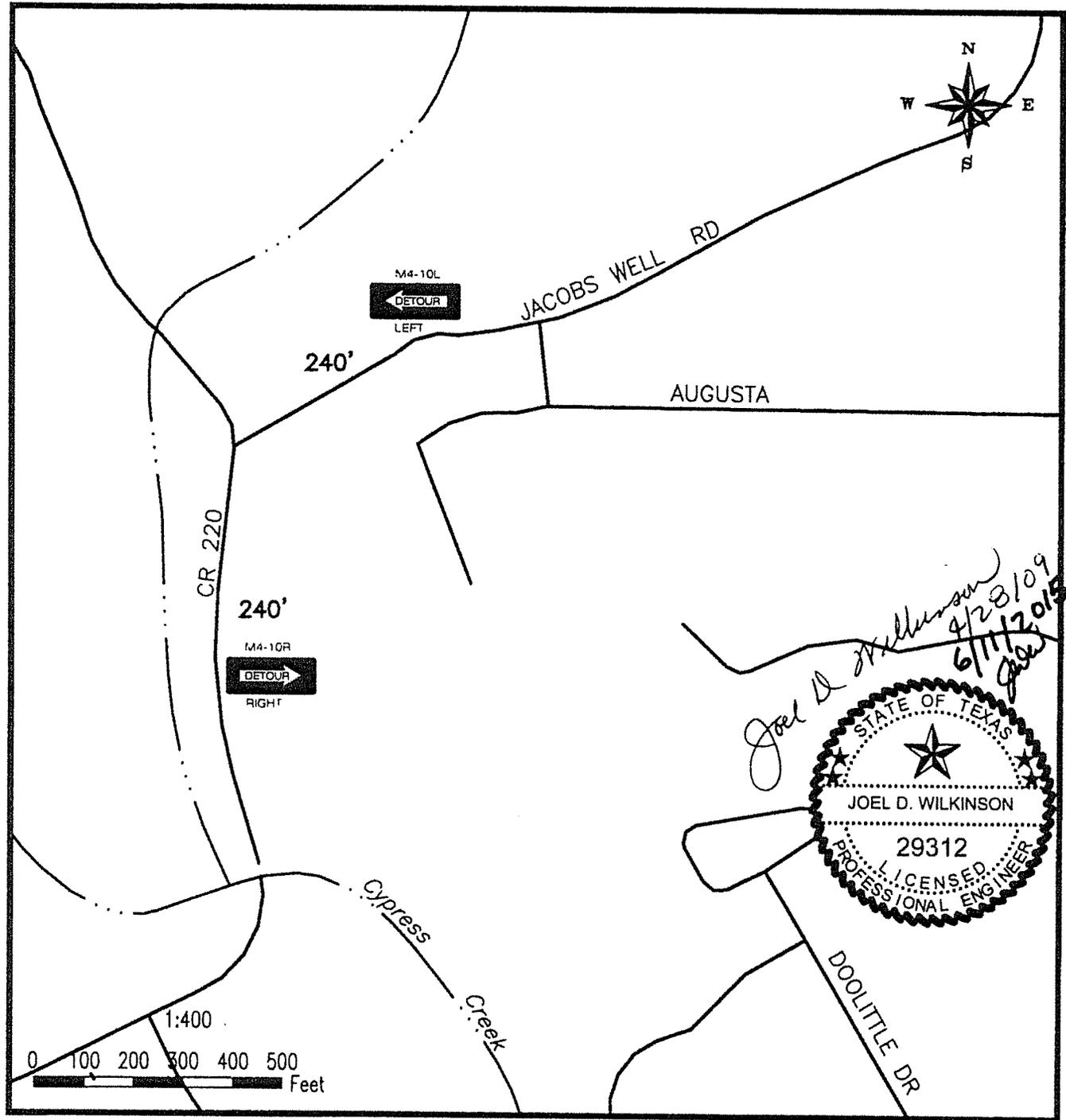


Wimberley Parade

SITE 10

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

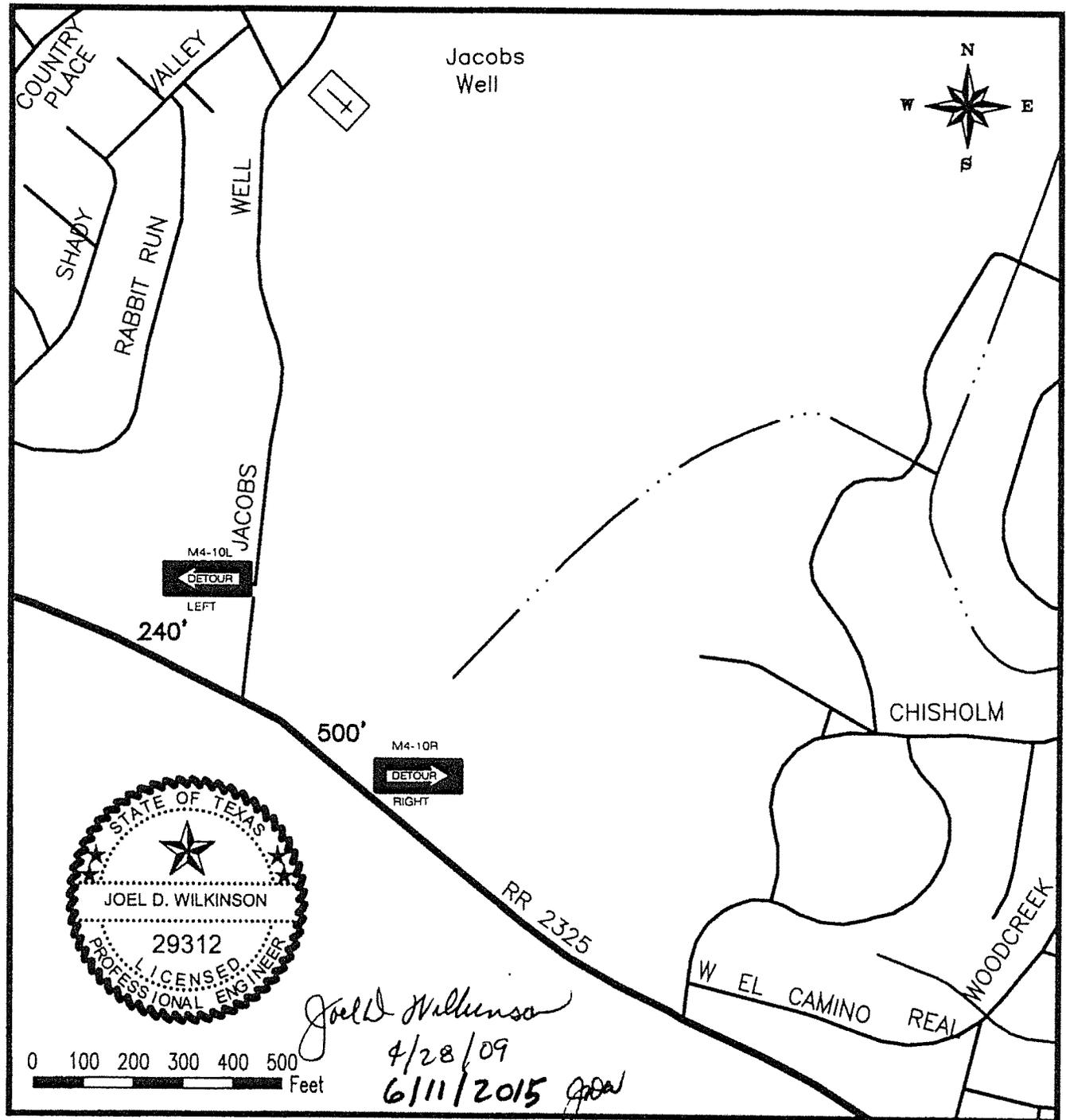


Wimberley Parade

SITE 11

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

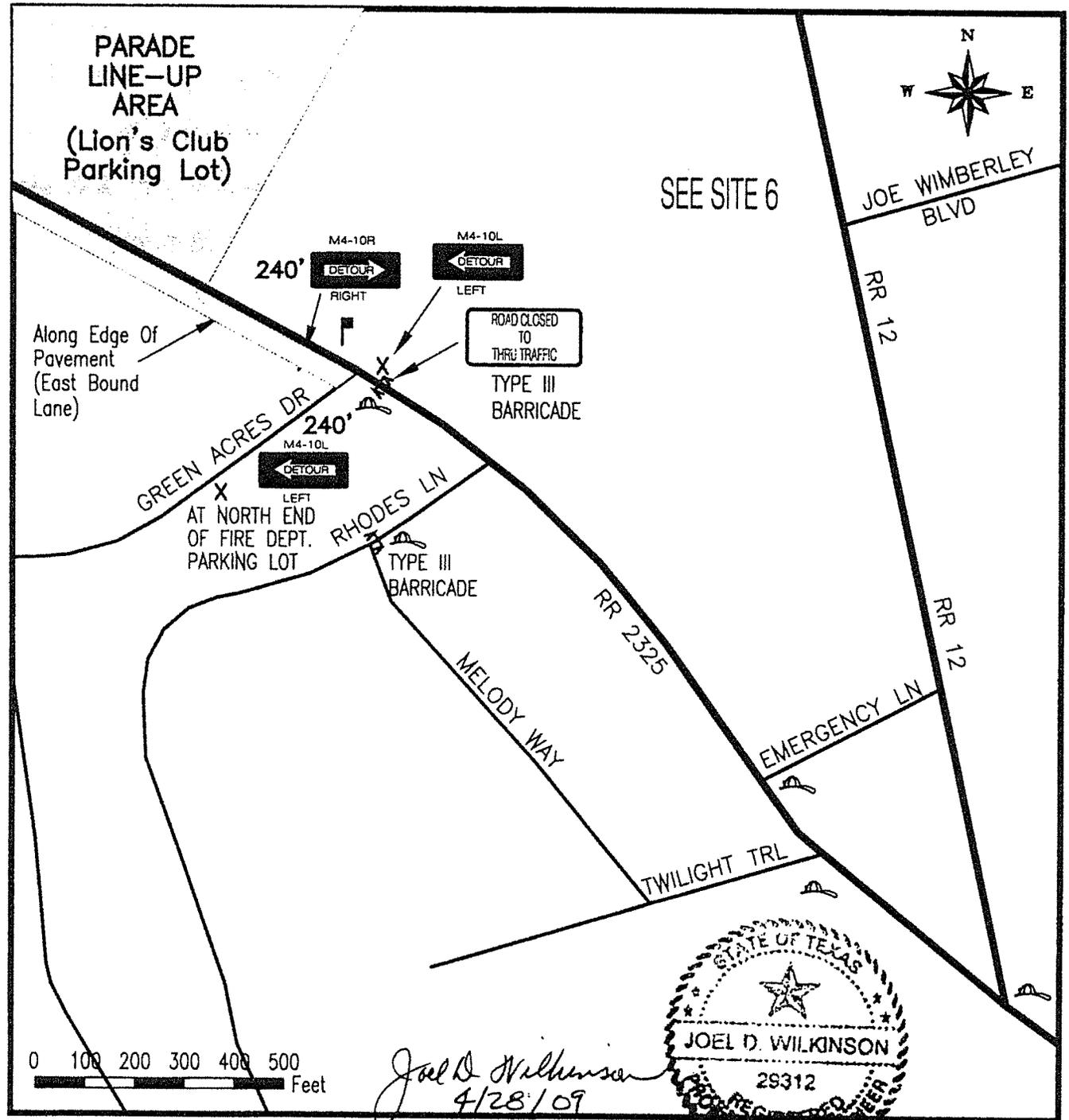


Wimberley Parade

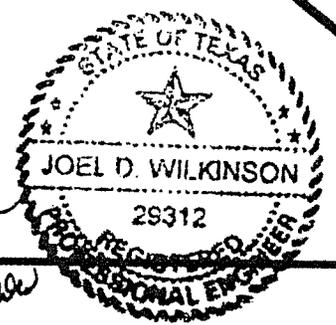
SITE 12

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



Joel D. Wilkinson
4/28/09
6/11/2015 *Joel*

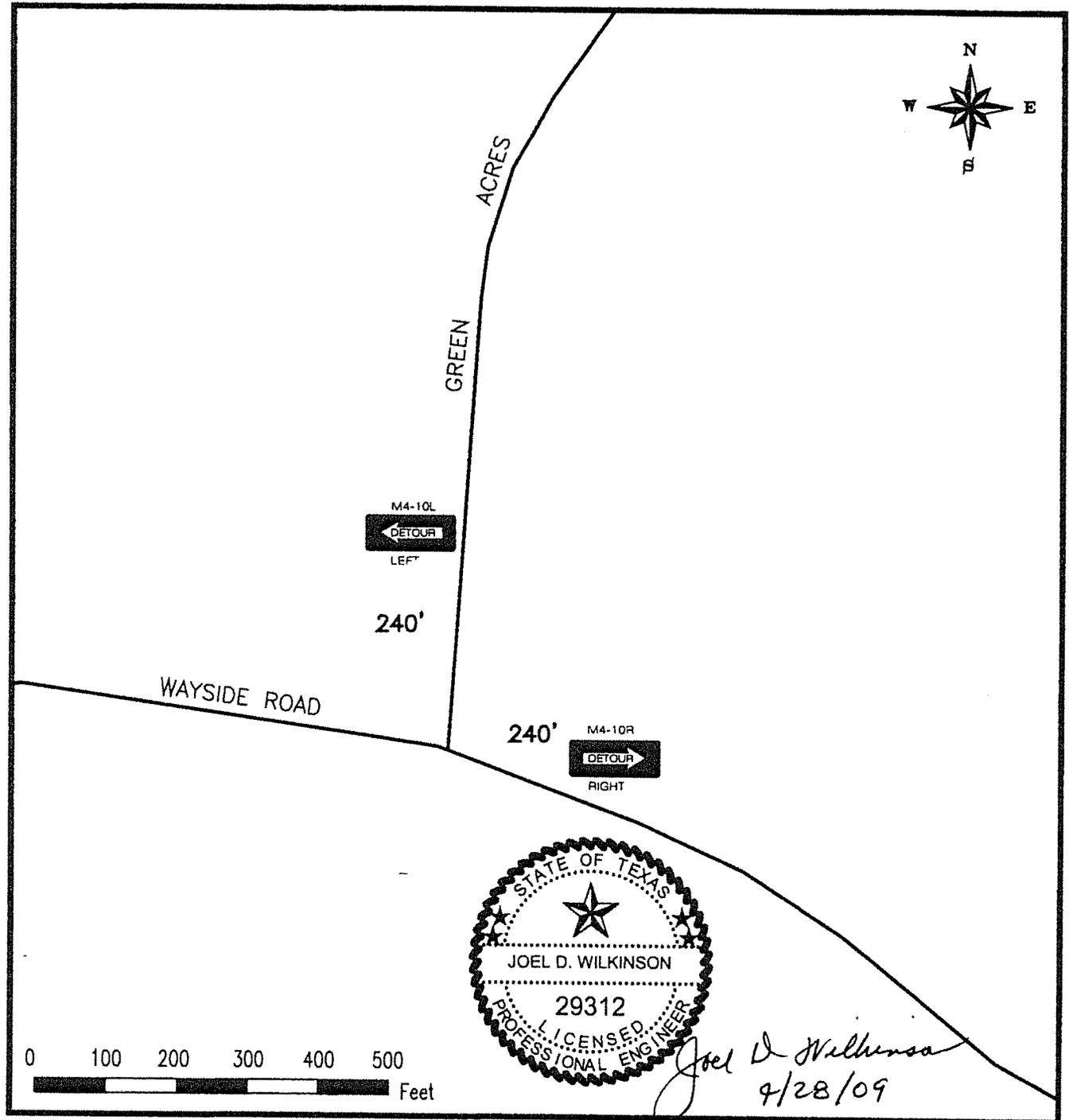


Wimberley Parade

SITE 13

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flogger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

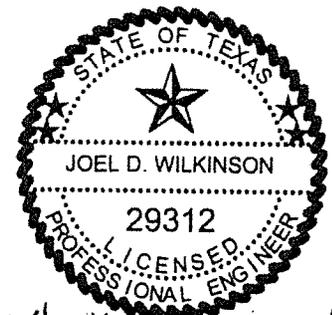
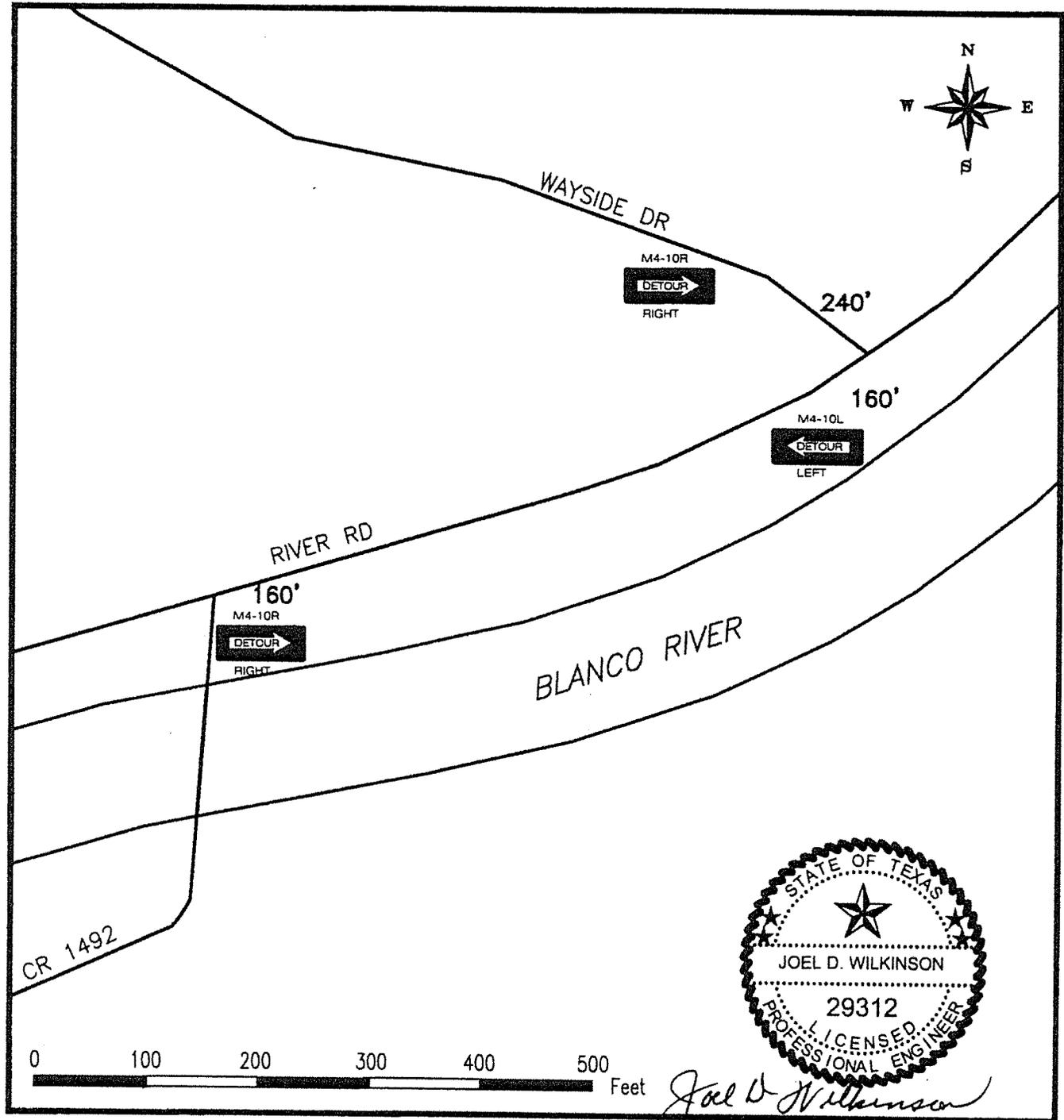


Wimberley Parade

SITE 14

Legend
Wimberley Parade Signs

Code	
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



Joel D. Wilkinson
4/28/09
2/11/2015 *AW*

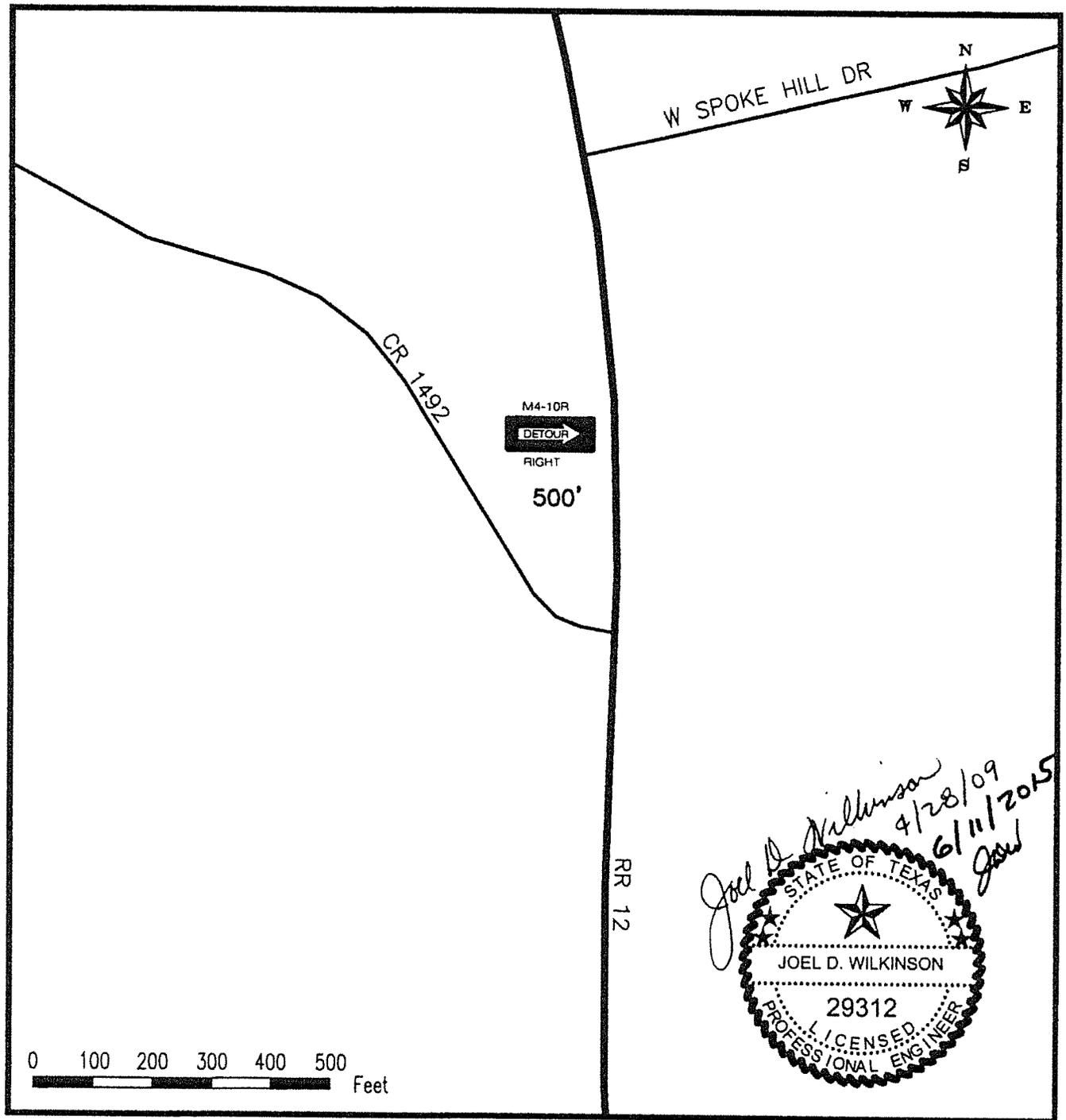
Wimberley Parade

SITE 15

Legend
Wimberley Parade Signs

Code

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  ROAD CLOSED TO THRU TRAFFIC R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road

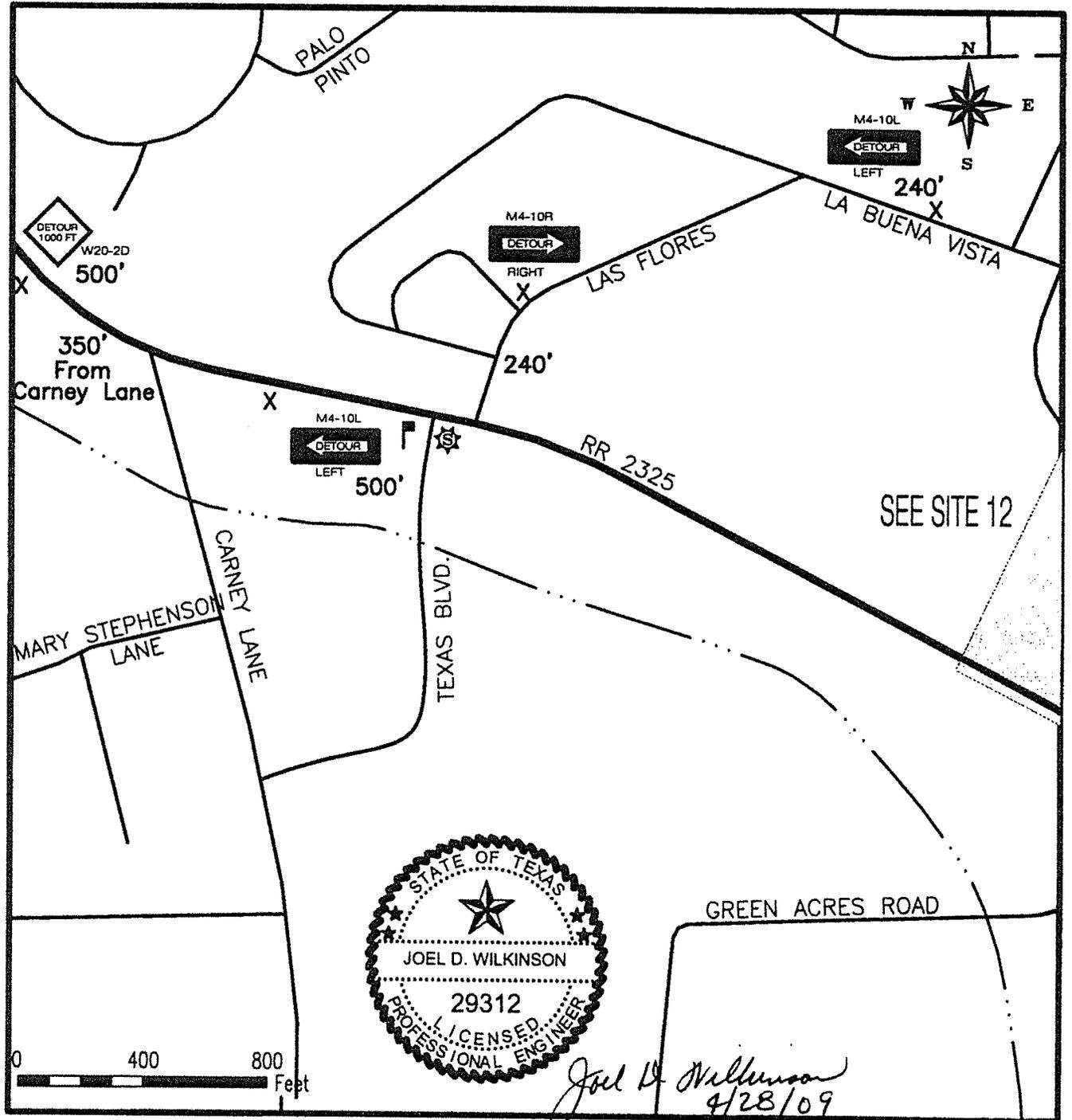


Wimberley Parade

SITE 16

Legend
Wimberley Parade Signs

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



City Council Agenda Form



Date Submitted: February 27, 2018
Agenda Date Requested: March 1, 2018

Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION - Cost Saving Measures for Plant Portion of the Wimberley Wastewater Project

Council Action Requested:
 Ordinance
 Resolution
 Motion
 Discussion

Project/Proposal Summary:
Place Two Council member Craig Fore requested this item be placed on the agenda for discussion and possible action.

City Council Agenda Form



Date Submitted: February 27, 2018
Agenda Date Requested: March 1, 2018

Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION - Future Sewer Construction Meetings

Council Action Requested:
 Ordinance
 Resolution
 Motion
 Discussion

Project/Proposal Summary:
Place Four Council member Gary Barchfeld requested this item be placed on the agenda for discussion and possible action.

City Council Agenda Form



Date Submitted: February 27, 2018

Agenda Date Requested: March 1, 2018

Project/Proposal Title: ORDINANCE NO. 2018-02

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

On January 19, 2017 the City Council reduced the hotel occupancy tax from five percent (5%) to zero percent (0%). The Council minutes reflect this action was due to the fact that a fund balance over \$300,000 had accumulated, and the Council suspended the tax until a plan was developed to better allocate funds.

If the Council desires to enter into contract with the Visitor's Center, hire a Tourism Director, and fund tourism projects a stream of revenue must be reestablished.

The proposed reestablishment of a hotel occupancy tax would raise the tax rate from zero percent (0%) to five percent (5%), effective June 1, 2018. This would allow time to contact the hotel related facilities within the City.

The Hotel Occupancy Tax Advisory Committee recommended City Council adopt a 5% hotel occupancy tax rate from their meeting held on February 12, 2018. The first reading of this Ordinance was February 15, 2018 and passed by a 3-2 vote of Council. This will be the second and final reading of the Ordinance for approval.

ORDINANCE NO. 2018-02

“HOTEL OCCUPANCY TAX”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO INCREASE THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; 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;

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. AMENDMENT

Ordinance No. 2015-017, Section II (Hotel Occupancy Tax), Subsection D (Tax Rate; Exemptions), Subparagraph (1), is hereby amended as follows:

“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.”

SECTION III. 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 IV. 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 V. 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, including, but not limited to, City of Wimberley Ordinance No. 2017-004, 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 VI. EFFECTIVE DATE

This Ordinance shall take effect June 1, 2018.

SECTION VII. 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.

PASSED AND APPROVED this 1st day of March, 2018.

Herschel P. "Mac" McCullough,
Mayor

ATTEST:

Laura J. Calcote,
City Secretary

APPROVED AS TO FORM:

City Attorney

City Council Agenda Form



Date Submitted: February 27, 2018

Agenda Date Requested: March 1, 2018

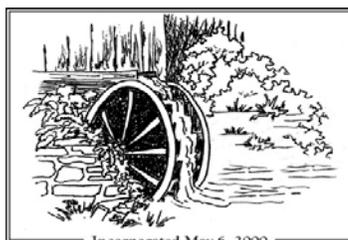
Project/Proposal Title: HOTEL OCCUPANCY TAX (HOT) APPLICATION

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Please see attached a draft of the revised Wimberley Hotel Occupancy Tax Application from the Hotel Occupancy Tax Advisory Committee. The Committee will meet on Wednesday, February 28, 2018, and present the application to City Council for discussion and possible action.



City of Wimberley
Hotel Occupancy Tax Funding Information & Application
Wimberley, Texas

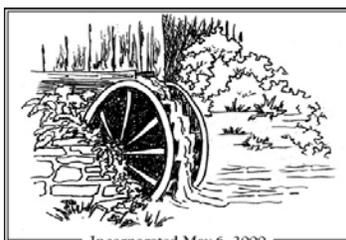
Hotel Occupancy Tax

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

1. **Convention Centers and Visitor Centers:** the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation and maintenance of convention center facilities or visitor information centers or both.
2. **Registration of Convention Delegates:** the furnishing of facilities, personnel and materials for the registration of convention delegates or registrants.
3. **Advertising, Solicitation and Promotions:** advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
4. **Promotion of the Arts:** the encouragement, promotion, improvement and application of the arts; including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures,

radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibitions of these major art forms.

5. **Historical Restoration and Preservation:** historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites, museums or exhibits.
6. **Sporting Event Expense:** funding certain expenses, including promotional expenses, directly related to a sporting event within counties with a population under 1 million.
7. **Sporting Facilities:** enhancement or upgrading of existing sports facilities or sports fields for certain municipalities.
8. **Transportation of Tourists:** funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:
 - a. the commercial center of the city
 - b. a convention center in the city
 - c. other hotels in or near the city
 - d. tourist attractions in or near the city
9. **Directional Signage:** signage directing the public to sights and attractions that are frequently visited within the municipality.



Application for City of Wimberley HOT Funds

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

Tell Us About You	
Your Name:	
Your Phone Number:	
Your Email:	
Organization Name:	
Organization Type:	<input type="checkbox"/> Individual: <input type="checkbox"/> Non-Profit: <input type="checkbox"/> For-Profit:
Brief organization purpose and creation date if less than one year old	Date: Purpose
Employer tax ID Number:	
Mailing Address:	Street or PO Box:
	City: State: TX Zip:
Website:	

Tell Us About Your Proposal	
Proposal Name:	
Type of Proposal (check one):	<input type="checkbox"/> Recurring Expenditure (such as advertising): <input type="checkbox"/> Individual Event:
Which of the eight categories of permissible expenditures does the proposal fall under (more than one category can be selected). Explain how the proposal fits into the selected category(s).	Category #:
Will your proposal attract visitors from 51 or more miles away?	Yes: No:

Is this the first instance of your proposal or has it operated in prior years?	First Instance:	Operated in prior years:
Discuss the risks of your proposal being effective and how you are planning for mitigation of such risks.	Risks:	
For recurring expenditure projects only: Fully describe the recurring expenditure project. Add additional sheet(s) if needed.	Description:	
For an event, describe the event in full detail including, but not limited to, number of anticipated participants, number of anticipated days of the event, location of the event etc. Note that events which yield increased off season and especially weekday lodging occupancy are prioritized for approval because our area lodges and vacation rentals have more vacancies during these times. Off season is considered quarters 1 and 4, not counting holidays. Add additional sheet(s) if needed.	Description:	
Tell Us About Your Funding Request		
How much HOT funding are you requesting?	Funding request \$:	
Total funding needed for the event or one year recurring expenditure	Total Funding \$:	
If HOT funding is not fully paying for your proposal, explain your additional funding sources	Additional funding discussion:	
Timing of funds disbursement required	Timing:	
Tell Us About Your Marketing Plans		
What type of tourism are you targeting?	Leisure: Business: Event:	
List the Marketing vehicles you will be using including timing. Attach additional sheets if necessary.	List:	
How much of the HOT Funding requested will be spent on advertising?	Advertising \$:	
When will your marketing efforts start and end?	Marketing start date: Marketing end date:	

Describe how you will you work with lodging owners to promote your event?

Describe:

Review the applicable state regulations (at the end of this application). Explain how the project meets the statutory test of promoting overnight occupancy in the City of Wimberley and/or the associated Extraterritorial Jurisdiction.

The City of Wimberley collects a Hotel Occupancy Tax (HOT) from hotels, B&B's, and other lodging facilities. Under state law, the revenue from HOT funds may be used only to directly promote tourism and the hotel and convention industry.

Chapter 351 of the Tax Code states that the use of HOT funds is limited to:

- a) Convention Centers and Visitor Information Centers: the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing operation and maintenance of convention center facilities or visitor information centers, or both;
- b) Registration of Convention Delegates: the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- c) Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry: advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- d) Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry: the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry.

(The impact may be that the art facility or event can show hotel nights that are booked due to their event or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.)

- e) Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry: historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.

f) Sporting Event Expenses that Substantially Increase Economic Activity at Hotels: Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the city or its vicinity.

g) Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations: 1. the commercial center of the city; 2. a convention center in the city; 3. other hotels in or near the city; or 4. tourist attractions in or near the city. (The law specifically prohibits the use of the local hotel tax to cover the costs for general city transit costs to transport the general public.)

h) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.

Funding approved expenditures: The most important aspect of funding is to make sure that all funds are properly spent on the approved project or program. The successful applicant must collect and maintain receipts of all spending. Initially, the applicant will receive up to half of the approved amount and when the applicant can evidence that these funds have been properly disbursed, the remainder of the funds will be disbursed. If the applicant believes owing to timing or other issues, funds must be made available on a different time schedule, the special circumstance must be explained below.

Any funds which were disbursed to the applicant but were not spent on the project must be returned to the City.

City of Wimberley HOTEL OCCUPANCY TAX Final report form

Date:

Applicant/Organization Name:

Contact Person Name/Phone/Email:

Amount Received:

Any amount returned to the City because of it not having been spent.

Specify how the funds were used to meet the criteria described in the Texas State Law. Describe the effects on lodging occupancy as it can best be estimated. Make any other comments about the project or program that will help in evaluating similar or future projects and attach supporting documents such as receipts, examples/locations of the advertisements, visitor counts at the event, etc.

DRAFT