

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 78676
TUESDAY, JUNE 12, 2018 – 4:00 P.M.

AGENDA
(AMENDED)

1. **CALL TO ORDER** June 12, 2018 at 4:00 p.m.

2. **CALL OF ROLL**

3. **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.

4. **RECOGNITION**

Recognition of past and present board, commission and committee members for their service

5. **DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action regarding the filling or re-appointment of board, commission and committee members.
- B. Discuss and consider possible action regarding guidelines for boards, commissions and committees.
- C. Discuss and consider possible action on the creation of new City board to aid in long-term planning for the City of Wimberley.
- D. Discuss and consider possible action regarding the relocation of the restroom trailer on the Wimberley Square.

6. HOTEL OCCUPANCY TAX

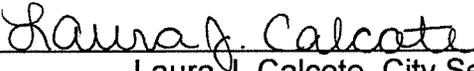
- A. Discuss and consider possible action regarding the mediated agreement between the Wimberley Chamber of Commerce and the Wimberley Lodging Association.
- B. Discuss and consider possible action regarding an amendment to Ordinance No. 2017-020 pertaining to the Hotel Occupancy Tax Committee.
- C. Discuss and consider possible action regarding appointments to the Hotel Occupancy Tax Committee.
- D. Discuss and consider possible action regarding the Hotel Occupancy Tax Committee's scope of work.
- E. Discuss and consider possible action regarding the Hotel Occupancy Tax Fund.

7. 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.

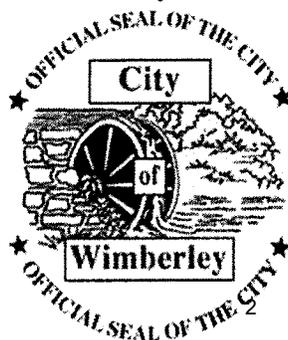
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Friday, June 8, 2018, by 6:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



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 City Secretary Laura Calcote 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 of Wimberley 2018	Mayor	Place 1	Place 2	Place 3	Place 4	Place 5	Consensus
Planning & Zoning Commision	John Espinoza	Rebecca Minnick	Charles Savino	Gail Pigg	Greg Douglas	Austin Weeks	Natalie Meeks
Parks & Recreation Board	Christine Byrne	Lin Weber	Matt Meeks	Gary Pigg	Leigh Peterson	Toni Jenkins	Marline Woods
Transportation Advisry Board	Mike Moller	Bobby Dettmer	Ruth Mince	Gary Callon	Bert Ray	Buck Baccus	Rachel Emry
Comprehensive Plan Review	Marline Woods	Bert Ray	David Conway	Mac McCullogh	Camelo Colca	Bob Floke	Judy Dunn
Building Code Review Board	Jesse Brown	Camlo Colca	Jim Lee	Matt Buchanan	Horace Wilson	Richard Hentges	Bob Bullock
Board of Adjustments	Vacant	Jason Aldridge	Becky McCullough	Pam Tise	Barry Tyler	Pam Showalter	Bill Cline
Ethics Commission	Vacant	Dick Adams	Lee Ann Bower	John Dunn	Jennifer Marino	John Meyer	Michael Floreani
Water Wastewater Advisory Board	Steve White	Tevis Grinstead	John Estep	Noland Martin	Charles Jennett	Jim Alan Hall	Carolyn Harper

Hotel Occupancy Tax Committee	Name	Term
Lodging Representative	Chris Oddo	1 year
Lodging Representative	Jennifer Ober	2 years
Chamber of Commerce Representative	Clay Ewing	2 years
Arts/Historical Representative	Julie Ray	1 year
Merchants Association Representative	Traci Ferguson	1 year
At-Large Representative	Buck Baccus	2 years
Council Member Representative	Allison Davis	No limit

**Bob Cook was originally appointed January 4, 2018, but resigned March 30, 2018 and was replaced by Julie Ray on April 5, 2018*

Legend
📍 Wimberley

Nature Trail Park

OLD KYLE ROAD

950 ft.

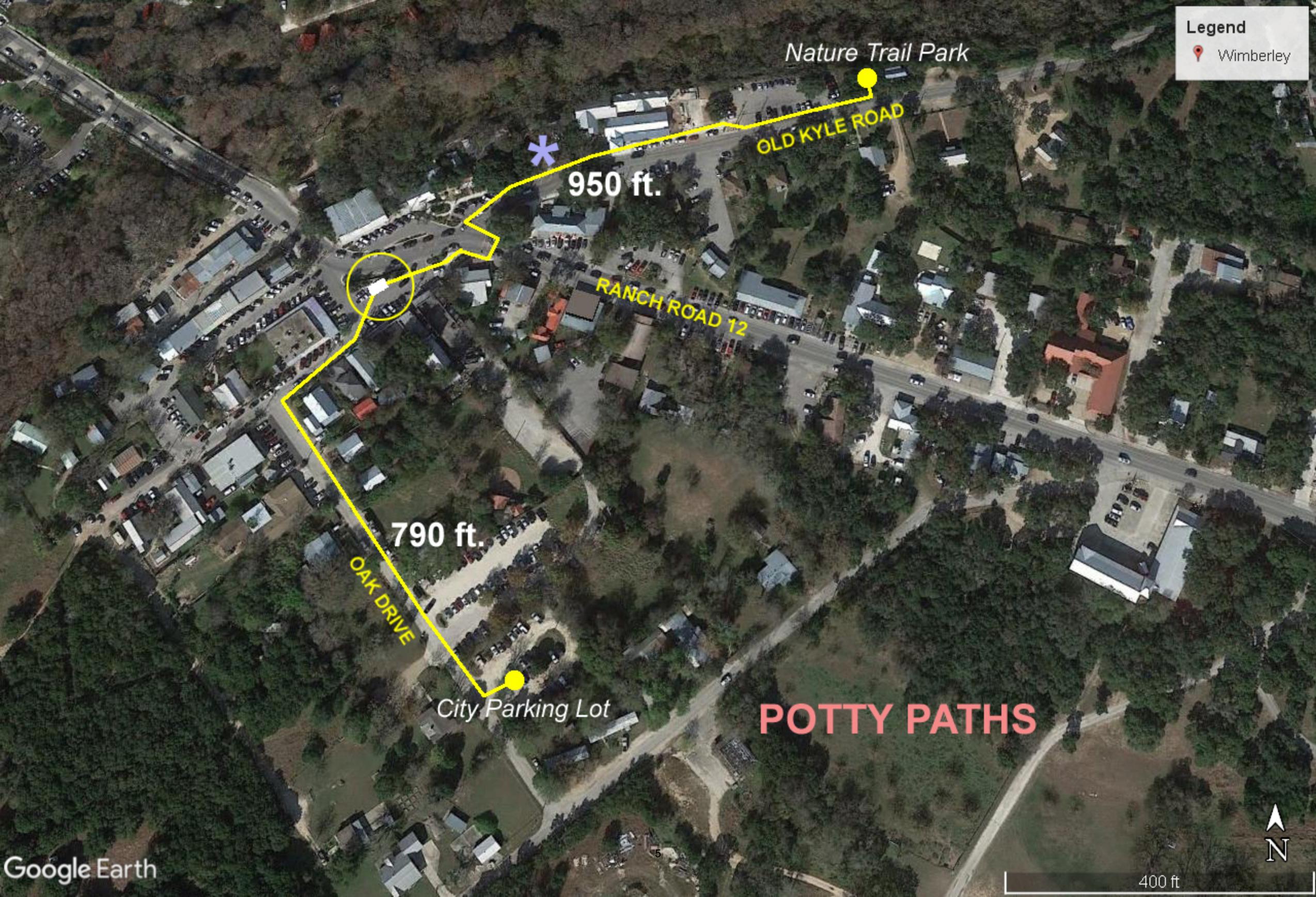
RANCH ROAD 12

790 ft.

OAK DRIVE

City Parking Lot

POTTY PATHS



Memorandum of Consensus

A facilitated meeting was held by the Texas Hotel & Lodging Association on Thursday, August 6th between leaders of the Wimberley Valley Chamber of Commerce and leaders of the Wimberley Valley Tourism and Lodging Association. The intent of the meeting was to negotiate areas of agreement between the two groups regarding a potential local hotel occupancy tax. The groups did not address whether the City of Wimberley should adopt a local hotel occupancy tax or whether other options should be considered for promotion of the area. They confined their discussion to the following issue: if it is the will of the Wimberley City Council to adopt a local hotel occupancy tax, what areas of agreement could the two groups jointly recommend to the City Council on how such a tax should be administered. Immediately noted below are the areas of agreement:

1. **Composition of a Hotel Tax Advisory Committee:** Any implementation of a local hotel occupancy tax would be best served if it is overseen by a seven member Hotel Tax Advisory Committee with the following composition:
 - a. Four Lodging Operators
 - 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 and under \$250,000 in annual lodging revenue).

- iii. One lodging reservation booking representative.
 - iv. These nominations would be made by the Wimberley Valley Tourism & Lodging Association Board.
 - 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 Valley Merchants Association.
2. The advisory committee members should each have two-year terms with a maximum of three terms. After a third term, a board member must sit out one term to be eligible for reappointment.
 3. Lodging and chamber leaders agree the initial advisory committee nominations will not include Albert Valera or Brent Pulley.
 4. All nominees to the hotel tax advisory committee must be committed to working together to effectively administer and oversee the expenditures of the hotel tax. They must work cooperatively to make it a successful resource for enhancing lodging and tourism activity through investment in the statutory authorized categories for hotel tax expenditures.
 5. All nominees must be representatives of a business or entity that is located within the City Limits or ETJ of the City of Wimberley.
 6. It is understood that all nominees to the Hotel Tax Advisory Committee are subject to the approval of a majority vote of the

Wimberley City Council and serve at the pleasure of the City Council.

2. Expenditures of the Local Hotel Tax

a. There is agreement that the actual expenses related to operating and maintaining a visitor center should be covered by the local hotel occupancy tax based on an annual operating budget submission to the Hotel Tax Advisory Committee in accordance with item 2. b. as outlined immediately below. Any additional necessary expenses will be submitted as required by this agreement.

b. All proposed expenditures of the local hotel tax will be evaluated by the Hotel Tax Advisory Committee and prioritized for recommendation based on the relative merit of submitted plans and budgets in meeting the following criteria:

1. Providing positive return on investment (ROI) in overnight tourism (“heads in beds”) during off peak times – defined generally as Sunday through Thursday and during the winter months.

2. Fitting within one of the statutory authorized categories for use of the local hotel occupancy tax.

c. There was not a desire to cap any individual category for hotel tax expenditure beyond what is provided under state law. Each proposed program should be evaluated based on its potential/actual impact on tourism and lodging activity within the City of Wimberley and its ETJ.

d. It is understood that all recommendations of the Hotel Tax Advisory Committee are subject to approval of the Wimberley City Council.

3. Support for a Cultural District

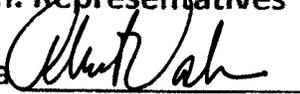
Wimberley Valley Tourism and Lodging Association leaders have agreed to write a letter of support to the Texas Commission on the Arts regarding designation of a Cultural District within the City of Wimberley. They consider arts and cultural programs that promote tourism and lodging activity to be an eligible and beneficial use of the local hotel occupancy tax in accordance with item 2. b. as outlined above.

The Chamber of Commerce as the primary entity representing business to business relations in the Wimberley area and the Wimberley Valley Tourism and Lodging Association as the primary entity representing tourism and local lodging entities, ask that the Wimberley City Council support and implement the above noted areas of agreement into any hotel occupancy tax ordinance if one is adopted.

The below noted individuals confirm their agreement with the above noted items:

Lodging Assn. Representatives

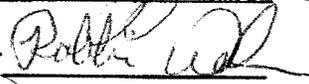
Albert Valera



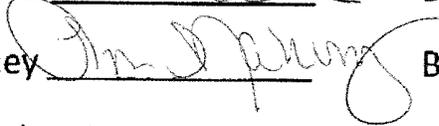
Bill Appleman



Robbie Walker

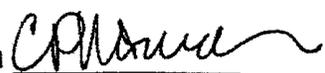


Lois Mahoney

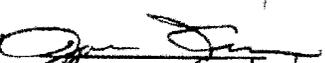


Chamber Representatives

Cathy Moreman



John Kimbrew



Byron Eckols



Brent Pulley



Signed Monday, August 11, 2015

CC: Mayor Steve Thurber and Members of the Wimberley City Council and Wimberley City Administrator

Ordinance No. 2017-020

“Amend Hotel Occupancy Tax Committee”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO AMEND THE HOTEL OCCUPANCY TAX COMMITTEE; PROVIDE FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley (“City”), Texas has established a Hotel Occupancy Tax Committee; and

WHEREAS, the City Council of the City of Wimberley, Texas strives to consider qualified individuals who represent a broad sampling of the community when appointing members to City boards and commissions; and

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the formal appointment process for the Hotel Occupancy Tax Committee and finds that the procedures herein will enhance the membership of the Committee;

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

SECTION 1. 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 III, Hotel Occupancy Tax Advisory Committee, is hereby amended as follows:

~~“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.~~ **Establishment and Purpose.** *In order to generate maximum hotel/motel occupancy within the City by attracting and securing overnight visitors in accordance with Texas Tax Code Section 351.001 as stated in the Texas Attorney General’s “Texas Tax Code Section 351.001”, a Hotel Occupancy Tax Advisory Committee (HOT Committee) is established.*

B. Membership and Terms.

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

a. ~~Four Two 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.~~

e. *One At Large Representative*

f. *One Councilmember Representative*

2. Each Committee member shall be appointed to a two-year term and may be reappointed by the Council for ~~two~~ *one* additional consecutive two-year terms. After serving a ~~third~~ *second* 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 other than the Councilmember Representative (one ~~large~~ lodging facility representative, ~~one small lodging facility representative,~~ one Chamber representative, *and one At Large Representative*) shall be for two-years. *The one member that is a Councilmember Representative shall serve without term limits.*

~~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.~~

3. All nominees must be representatives of a business, ~~or~~ *entity or individual* that is located within the city limits or extraterritorial jurisdiction of the City of Wimberley.

4. *Application. Applicants shall submit an application to serve as a Committee Member to the Council and shall specify in their application which position of the representative groups they are applying for.*

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 Council regarding appropriate expenditures.~~

~~2.1.~~ 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.

~~3.2.~~ 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.

~~4.3.~~ *To foster cooperative efforts with tourism-related organization/businesses;*

4. *To further the promotion of tourism and publicity for the area;*

5. *To raise public visibility of local features and activities throughout the state, regionally, nationally and internationally; and*

6. *To enhance special events and local features by assisting with advertising.*

4.7. *To review and recommend grant awards to the Council. 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."*

SECTION III. DISSOLUTION OF PRIOR HOTEL OCCUPANCY TAX ADVOSORY COMMITTEE

The HOT Committee that was in existence prior to the adoption of this Ordinance is hereby dissolved. A member of the prior HOT Committee shall be eligible to apply for a position on the re-constituted HOT Committee for which that person is qualified, as described by this Ordinance.

SECTION IV. 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 V. 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 VI. 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 VII. EFFECTIVE DATE

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

SECTION VIII. PROPER NOTICE AND MEETING

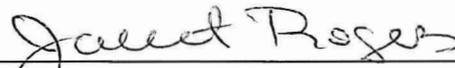
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 2nd day of November, 2017.



Herschel "Mac" McCullough
Mayor

ATTEST:



Janet Rogers
Interim City Secretary

APPROVED AS TO FORM:



City Attorney
Deputy



Hotel Occupancy Tax Advisory Committee Guidelines

The Hotel Occupancy Tax (HOT) Advisory Committee is a recommending committee only. Our job is to receive applications, to hear proposals and to recommend funding or no funding for Hotel Occupancy Tax (HOT) Applications to the City Council. The Committee's responsibilities include:

- Establish a budget and timeline for the HOT application process
- Communicate with the local community on the HOT process and timeline
- Encourage application submissions from the local community
- Review and evaluate HOT applications submitted in a timely manner
- Communicate with HOT applicants on application status and process
- Adhere to all legislative requirements for HOT funding expenditure recommendations
- Advise the City Council on application recommendations

HOT Funding Guidelines

- Applications must target overnight tourism (i.e. "heads in beds")
- Applications will be accepted from individuals, businesses, groups or organizations that reside within the Wimberley City limits or the Extraterritorial Jurisdiction (ETJ)
- Proposals must have a completed application form to be considered by the Committee
- Presentations will be limited to five (5) minutes
- Proposals are encouraged to target "off-peak" times. Off-peak is identified as the period of time post Labor Day until pre-Memorial Day weekend (excluding Thanksgiving, Christmas through New Years and Spring Break)
- Proposals that favor Sunday through Thursday tourism are encouraged
- Projects that bring in multiple night stays will be favored over one-night stays

Application Submission

- Applications that are not filled out completely will not be reviewed by the committee
- A post event form is required to be submitted within 30 days of end of the event
- Failure to fill out a post event form may disqualify organizers from future funding