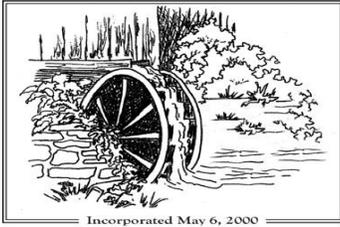


**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, July 18, 2019

6:00 p.m.



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, JULY 18, 2019 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** July 18, 2019 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 the general public 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. **PROCLAMATION**

Proclamation of the City of Wimberley, Texas recognizing the Hays County Master Naturalist Chapter on the occasion of its 20th anniversary. *(Place Three Council Member Christine Byrne)*

7. **PRESENTATION**

Presentation and consider possible action to approve the City of Wimberley's Quarterly Investment Report for the third quarter of Fiscal Year 2019. *(City Administrator Shawn Cox)*

8. **CONSENT AGENDA**

A. Approval of minutes from the Regular City Council Meeting held June 20, 2019.

B. Approval of minutes from the Special City Council Meeting held June 25, 2019.

C. Approval of April 2019 and May 2019 Financial Statements for the City of Wimberley.

9. BOARD, COMMISSION, COMMITTEE REPORTS

A. Report from the Planning and Zoning Commission

B. Report from the Short-Term Rental Review Committee

10. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project and sales tax (*City Administrator Shawn Cox*)

11. PUBLIC HEARINGS AND POSSIBLE ACTION

A. Hold a public hearing and consider approval regarding case CUP-19-005, an application for a Conditional Use Permit to allow for the construction of a secondary residence on property zoned Rural Residential 1 (R-1) for property located at 164 Masonic Lodge Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*John & Shane Foster*)

B. Hold a public hearing and consider approval regarding case ZA-19-006, an application to change the zoning from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2) for The Oaks, Section 1, Lot 2, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

12. DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to waive application fees for the Wimberley Village Library. (*Dell Hood*)

B. Discuss and consider possible action to regarding Ordinance No. 2019-09, discussing the issuance of the "City of Wimberley, Texas Exchange Refunding Bonds, Series 2019." (*Norton Rose Fulbright Attorney Stephanie Leibe*)

C. Discuss and consider possible action to approve an Excessive Force Policy as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

D. Discuss and consider possible action to approve Section 3 Policy as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

E. Discuss and consider possible action to approve Section 504 Grievance Procedures as required by the General Land Office for all Community Development Block Grant recipients. (*Langford Community Management Services*)

- F. Discuss and consider possible action to approve Citizen Participation Grievance Procedures as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
- G. Discuss and consider possible action to approve Depository/Authorized Signatory Form as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
- H. Discuss and consider possible action to approve Resolution No. 10-2019 – Affirmative Resolution (Signatories), as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
- I. Discuss and consider possible action to approve Resolution No. 11-2019 – Civil Rights Resolution, as required by the General Land Office for all Community Development Block Grant recipients. *(Langford Community Management Services)*
- J. Discuss and consider possible action to repeal or amend adopted Resolution No. 09-2019. *(Mayor Susan Jagers)*

13. CITY COUNCIL REPORTS

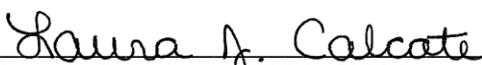
- A. Announcements
- B. Future agenda items

14. 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.

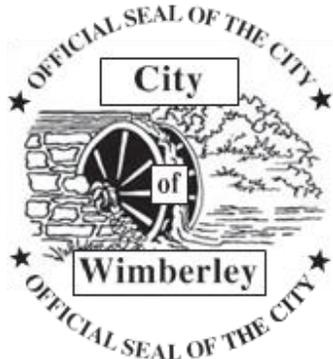
CERTIFICATION

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 Monday, July 15, 2019, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

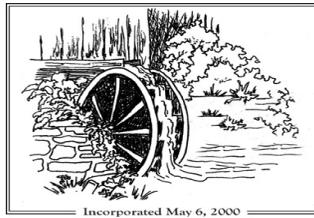


 Laura J. Calcote, MPA, TRMC
 City Secretary

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 two business days in advance of the meeting for appropriate arrangements.



City of Wimberley



Proclamation

THE STATE OF TEXAS §
COUNTY OF HAYS §
CITY OF WIMBERLEY §

WHEREAS, Wimberley is pleased to recognize the Hays County Master Naturalist Chapter on the occasion of its 20th anniversary, which is being celebrated at Dripping Springs Park Ranch on August 10, 2019; and

WHEREAS, Wimberley is known for its diversity of wildlife, plants, riparian areas, and beautiful landscape including the Edwards Plateau and blackland prairies ecoregions; and

WHEREAS, Wimberley acknowledges the importance of conserving, restoring, and protecting our natural resources for the benefit of generations to come; and

WHEREAS, the Hays County Master Naturalist Chapter is dedicated to the beneficial management of natural resources and natural areas within our communities through public education, outreach, service, cooperative efforts with land management organizations, universities, and government agencies; and

WHEREAS, the Hays County Master Naturalist Chapter's accomplishments over the past 20 years include:

- 684 individuals trained in the program, including 41 trainees in the 2019 class
- 210 currently active members
- 57 projects in Hays and adjacent counties
- 160,950 hours of volunteer service contributed, which the State of Texas currently values at \$25.43 per hour for a total of \$4,092,958; and

WHEREAS, the Hays County Master Naturalist Chapter is truly deserving of special recognition for its efforts in protecting and nurturing our central Texas landscape, watersheds, flora, and fauna; now, therefore, be it

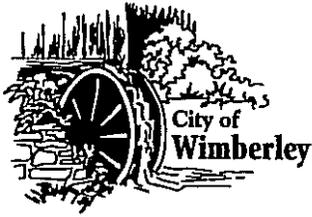
PROCLAIMED, That Wimberley hereby commends the Hays County Master Naturalist Chapter on its commitment to beneficial management of natural resources and natural areas throughout Hays County and extends to its members and supporters best wishes for a memorable 20th anniversary celebration; and, be it further

PROCLAIMED, that a copy of this Proclamation be prepared in honor of this special occasion.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Wimberley, Texas, this 18th day of July, 2019.

CITY OF WIMBERLEY

Susan B. Jagers, Mayor



AGENDA ITEM: Quarterly Investment Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City’s Investment Policy, most recently adopted on February 7, 2019, requires a Quarterly Investment Report be provided to the City Council.

For presentation and Consideration is the Quarterly Investment Report for the 3rd Quarter for FY 2019 (April – June).

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of the Quarterly Investment Report for the 3rd Quarter for FY 2019.

ATTACHMENTS:

- Quarterly Investment Report FY 2019 – 3rd Quarter

City of Wimberley Quarterly Investment Report
Third Quarter of FY 2019

	Fund	Investment Portfolio Summary				Cash Summary			TexPool Summary			CD Summary			
		Cash in Bank	TexPool	CD	Total	% of Total Investment	Yield Rate	MTD Interest Earned	YTD Interest Earned	Average Monthly Rate	MTD Interest Earned	YTD Interest Earned	Yield Rate	MTD Interest Earned	YTD Interest Earned
April 2019	General Fund	959,312.14	184,097.79	229,160.78	1,372,570.71	54%	0.05%	37.90	274.75	2.43%	367.63	2,465.33	0.10%	18.83	131.80
	Blue Hole Operating	393,041.00			393,041.00	15%	0.05%	16.25	138.55						
	Blue Hole Development	18,771.34			18,771.34	1%	0.15%	2.31	16.34						
	Municipal Court Bond Fees	76.00			76.00	0%			-						
	Municipal Court Fees	6,252.65			6,252.65	0%	0.15%	0.75	4.61						
	Wastewater Operations	54,644.19			54,644.19	2%	0.05%	1.94	15.08						
	Wastewater ISF	153,035.65			153,035.65	6%	0.05%	6.29	40.99						
	Wastewater Const.	406,101.59			406,101.59	16%	0.25%	101.53	831.65						
	Sidewalk	5,026.01			5,026.01	0%	0.05%	0.21	1.45						
	Hotel Occupancy Tax	142,217.49			142,217.49	6%	0.05%	5.84	41.41						
	Total	2,138,478.06	184,097.79	229,160.78	2,551,736.63			173.02	1,364.83						
	Portfolio Diversification Ratio	84%	7%	9%											
May 2019	General Fund	1,133,661.04	184,473.10	229,179.61	1,547,313.75	56%	0.05%	42.81	317.56	2.40%	375.31	2,840.64	0.10%	18.83	150.63
	Blue Hole Operating	410,953.22			410,953.22	15%	0.05%	16.70	155.25						
	Blue Hole Development	18,773.73			18,773.73	1%	0.15%	2.39	18.73						
	Municipal Court Bond Fees	76.00			76.00	0%			-						
	Municipal Court Fees	2,405.93			2,405.93	0%	0.15%	0.32	4.93						
	Wastewater Operations	64,369.80			64,369.80	2%	0.05%	2.37	17.45						
	Wastewater ISF	153,042.15			153,042.15	6%	0.05%	6.50	47.49						
	Wastewater Const.	406,187.82			406,187.82	15%	0.25%	86.23	917.88						
	Sidewalk	5,026.22			5,026.22	0%	0.05%	0.21	1.66						
	Hotel Occupancy Tax	141,905.25			141,905.25	5%	0.05%	6.03	47.44						
	Total	2,336,401.16	184,473.10	229,179.61	2,750,053.87			163.56	1,528.39						
	Portfolio Diversification Ratio	85%	7%	8%											
June 2019	General Fund	1,198,254.76	184,834.14	229,198.45	1,612,287.35	55%	0.05%	48.47	366.03	2.38%	361.04	3,201.68	0.10%	18.84	169.47
	Blue Hole Operating	505,721.98			505,721.98	17%	0.05%	19.31	174.56						
	Blue Hole Development	18,776.04			18,776.04	1%	0.15%	2.31	21.04						
	Municipal Court Bond Fees	76.00			76.00	0%			-						
	Municipal Court Fees	2,487.49			2,487.49	0%	0.15%	3.13	8.06						
	Wastewater Operations	63,992.43			63,992.43	2%	0.05%	2.55	20.00						
	Wastewater ISF	153,048.44			153,048.44	5%	0.05%	6.29	53.78						
	Wastewater Const.	406,271.28			406,271.28	14%	0.25%	83.46	1,001.34						
	Sidewalk	5,026.43			5,026.43	0%	0.05%	0.21	1.87						
	Hotel Occupancy Tax	141,911.08			141,911.08	5%	0.05%	5.83	53.27						
	Total	2,495,565.93	184,834.14	229,198.45	2,909,598.52			171.56	1,699.95						
	Portfolio Diversification Ratio	86%	6%	8%											

The attached information comprises the *Quarterly Investment Report* for the City of Wimberley, Texas for the quarter ended June 30, 2019. The undersigned acknowledges that the City's investment portfolio has been and is in compliance with the policies and strategies as contained in the City's Investment Policy and in compliance with the Public Funds Investment Act of the State of Texas. The annual review of the City's Investment Policy was approved by City Council on February 7, 2019.



Shawn Cox
City Administrator



AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- A. Approval of minutes from the Regular City Council Meeting held June 6, 2019.
- B. Approval of minutes from the Special City Council Meeting held June 25, 2019.
- C. Approval of April 2019 and May 2019 Financial Statements for the City of Wimberley. *The May 2019 Financial Statement will be provided separately from the packet for review.*

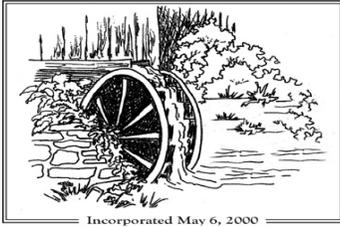
REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$
- Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, JUNE 20, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jaggars called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council Members Present:

Susan Jaggers	Mayor
Rebecca Minnick	Place One
Craig Fore	Place Two
Christine Byrne	Place Three
Gary Barchfeld	Place Four
Bo Bowman	Place Five

City Staff Present:

Shawn Cox	City Administrator
Laura Calcote	City Secretary
Sandy Floyd	Planning & Development Coordinator/GIS Analyst
Megan Santee	Deputy City Attorney

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Susan Jaggars led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were two citizen's comments. They were as follows:

1. Dan Sturdivant presented a letter he wrote regarding the low number of non-compliant short-term rentals (STRs) in the City, and how the statistics from the STR Software showed the original data presented on the number of non-compliant STRs was false. Mr. Sturdivant contended there was not a problem in the first place pertaining to the topic.
2. Dan Gauthier suggested the invocation at the beginning of City Council meetings be given by a diverse group of individuals to promote inclusion of all religions and spiritual beliefs.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:08 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 (Consultation with Attorney), regarding Cause No. 19-1203; Steve Thurber vs. The City of Wimberley.
- B. Section 551.074 (Personnel Matters), City Council will meet to deliberate the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee: Parks Director.

OPEN SESSION

Regular Session reconvened at 6:46 p.m.
No action was taken.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Christine Byrne. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

- A. Approval of minutes from the Regular City Council Meeting held June 6, 2019.
- B. Approval of Mayor Susan Jagger’s reappointment of Mike Stevens to the Parks and Recreation Board.
- C. Approval of Mayor Susan Jagger’s appointment of Gary Callon to the Transportation Advisory Board.
- D. Approval of Place One Council Member Rebecca Minnick’s appointment of Anthony Deringer to the Parks and Recreation Board.
- E. Approval of Place One Council Member Rebecca Minnick’s appointment of Chris Sheffield to the Transportation Advisory Board.
- F. Approval of Place Two Council Member Craig Fore’s reappointment of Matt Meeks to the Parks and Recreation Board.
- G. Approval of Place Two Council Member Craig Fore’s reappointment of Alex Villaret to the Transportation Advisory Board.
- H. Approval of Place Three Council Member Christine Byrne’s reappointment of Bex Hale to the Parks and Recreation Board.
- I. Approval of Place Three Council Member Christine Byrne’s reappointment of Bobby Dettmer to the Transportation Advisory Board.
- J. Approval of Place Four Council Member Gary Barchfeld’s appointment of Mark Bursiel to the Parks and Recreation Board.

- K. Approval of Place Four Council Member Gary Barchfeld's reappointment of Craig Reitz to the Planning and Zoning Commission.
- L. Approval of Place Five Council Member Bo Bowman's appointment of Trey Cooksey to the Parks and Recreation Board.
- M. Approval of Place Five Council Member Bo Bowman's appointment of Jim Chiles to the Transportation Advisory Board.
- N. Approval of Place Five Council Member Bo Bowman's appointment of Amy Crowell to the Comprehensive Plan Review Team.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council pertaining to the status of the Central Wimberley Wastewater Project and Workshop, which was held on June 17th at the Wimberley Community Center. Additionally, a letter received by the City from the Texas Water Development Board on June 18th was discussed, and Council Member Gary Barchfeld read the letter into the minutes, which is attached to these minutes. A response letter from the City to the TWDB was due by June 28th. Furthermore, City Council members discussed the potential easement with Sabino Ranch, the status of the Aqua Texas contract, the environmental study findings and the 30-day public comment period surrounding the Central Wimberley Wastewater Project.

Sales tax had an increase of 8.27% from the same timeframe in 2018, and an overall increase of 5.69% for year-to-date. The mixed beverage tax had significantly increased from 2018 to 2019.

Mr. Cox also presented Council with a preliminary budget calendar/scheduled for the Fiscal Year (FY) 2020 Budget, which would go into effect on October 1, 2019. The FY 2020 would be further discussed in July and August.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case ZA-19-002, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Moderate Impact (C-2) for property located at 151 Oldham Street, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Mike Oldmixon, Applicant)*

Council Member Rebecca Minnick recused herself from the discussion and vote.

Planning & Development Coordinator/GIS Analyst, Sandy Floyd, presented the item, which had been continued from the April 18th City Council Meeting. No public hearing was required at the current meeting, since it had already been satisfied on April 18th.

Motion to approve case ZA-19-002, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Moderate Impact (C-2) for property located at 151 Oldham Street, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- B. Hold a public hearing and consider approval regarding case ZA-19-004, an application to change the zoning from Single-Family Residential 2 (R-2) to Residential Acreage (RA) for property located at 2595 Flite Acres Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(City of Wimberley, Applicant)*

Planning & Development Coordinator/GIS Analyst, Sandy Floyd, presented the zoning change, which needed to be made to bring the property into compliance with the City's Zoning Ordinance. The Planning and Zoning Commission had unanimously recommended approval of the zoning change at their June 13th meeting.

Mayor Susan Jagers opened the public hearing at 7:07 p.m.

There were no public comments.

Mayor Susan Jagers closed the public hearing at 7:07 p.m.

Motion to approve case ZA-19-004, an application to change the zoning from Single-Family Residential 2 (R-2) to Residential Acreage (RA) for property located at 2595 Flite Acres Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- C. Hold a public hearing and consider approval regarding case ZA-19-005, proposing an ordinance amending Ordinance No. ZA-01-032, which designated real property located on Lot 1, Madrone Park, more commonly known as 706 FM 2325, Wimberley, Hays County, Texas, as a Planned Unit Development with a base zoning of Commercial-Low Impact (C-1), and imposed certain development regulations. This amendment proposes to allow structures to be rebuilt as they were at the time of the original PUD in the event of a fire or other accidental or natural means; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Madrone Office Park & Storage, LLC, Applicant)*

Planning & Development Coordinator/GIS Analyst, Sandy Floyd, presented the amendment to the Planned Unit Development (PUD), which had previously been granted to the property in 2001. Ms. Floyd stated she had received 34.32% opposition within the 200 feet notice area, and a super majority vote of City Council would be required to pass the application. The Planning and Zoning Commission had voted 4-2 at their June 13th meeting to recommend approval of the application.

Mayor Susan Jagers opened the public hearing at 7:11 p.m.

There were four public comments. They were as follows:

1. Lila McCall read aloud a letter from Pam Kirkland, opposing the PUD amendment, and stated no special treatment should be given to Steve Thurber, since he lost his property's grandfather status when the structure burned.
2. Steve Thurber, the applicant, addressed City Council stating he wanted to follow rules and procedures to rebuild the structure that had caught fire in September 2017. The new structure would be built of limestone and metal and could not be setback further because of a large tree on the back of the property. Mr. Thurber noted a variance had been granted in December 2017 to rebuild, but the variance was only for a year, and the structure had not been rebuilt in that timeframe. He urged City Council to follow the Planning and Zoning Commission's recommendation.
3. Susan Thurber, the applicant, refuted statements and accusation in some of the opposition letters received by the City, which were included in the meeting packet. Mrs. Thurber noted she wanted to set the record straight and address negative input from certain individuals.

4. Dan Sturdivant addressed Council regarding the Board of Adjustment's solution to offer a five-foot setback for the building.

Mayor Susan Jagers closed the public hearing at 7:33 p.m.

There was discussion among City Council members pertaining to Planned Unit Development and Wimberley Planned Development District ordinance language. Council Member Rebecca Minnick contended the Council should adhere to the law and be compassionate to neighbors when voting on the proposed application. Council Members Craig Fore and Gary Barchfeld had both met with Steve Thurber and offered the compromise of a five-foot setback for the building. Both Council members stated the importance of complying with existing regulations and code when rebuilding.

City Council adjourned into Executive Session at 7:54 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose: Section 551.071 (Consultation with Attorney) to discuss case ZA-19-005.

Regular Session reconvened at 8:12 p.m.

Motion to approve case ZA-19-005, proposing an ordinance amending Ordinance No. ZA-01-032, which designated real property located on Lot 1, Madrone Park, more commonly known as 706 FM 2325, Wimberley, Hays County, Texas, as a Planned Unit Development with a base zoning of Commercial-Low Impact (C-1), and imposed certain development regulations. This amendment proposes to allow structures to be rebuilt as they were at the time of the original PUD in the event of a fire or other accidental or natural means; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion failed a super majority vote as follows (3-2):

Rebecca Minnick	Aye
Christine Byrne	Aye
Bo Bowman	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

D. Hold a public hearing and first reading regarding an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3, (District Regulations) Section 9.03.083 (Commercial-Low Impact); Section 9.03.084 (Commercial-Moderate Impact); & Section 9.03.085 (Commercial-High Impact) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(Place Two Council Member Craig Fore)*

The Planning and Zoning Commission had recommended denying the code amendment at their June 13th meeting.

Mayor Susan Jagers opened the public hearing at 8:17 p.m.

There was one public comment. David Glenn spoke regarding hydrologic changes due to development and presented a diagram to show the issues created with too much impervious cover on the ground. Mr. Glenn also noted the Hill Country area is prone to drought and can flood easily due to the limestone and rocky soil, which can cause runoff issues. Area population growth concerns were highlighted as well.

Mayor Susan Jagers closed the public hearing at 8:30 p.m.

Council Member Craig Fore stated the ordinance presented only addressed commercial areas, and he wanted the impervious cover requirement of fifty percent (50%) for all City zoning areas to help minimize runoff issues. Council members discussed water quality concerns, as well as impervious cover throughout the City.
 No action was taken on this item.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to amend parking lot requirements within the City of Wimberley. *(Place Two Council Member Craig Fore)*

Council Member Craig Fore spoke regarding how most parking lots within the City are topped with either asphalt or concrete. Mr. Fore requested City staff find alternative paving methods for parking lots, which would limit impervious cover, by the first City Council meeting in September.

No action was taken on this item.

B. Discuss and consider possible action to appoint members to the Downtown District Committee. *(City Administrator Shawn Cox)*

City Council had approved Ordinance No. 2019-16, creating the Downtown District Committee, at their June 6th meeting. The Ordinance set guidelines for the composition of the Committee.

Motion to approve the following consensus members to the Downtown District Committee was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- Jen Bachman – Property/Business Owner**
- Buck Baccus – Property/Business Owner**
- Matthew Buchanan – Property/Business Owner**
- Clay Ewing – Chamber of Commerce Representative**
- Craig Calley – Merchants Association Representative**
- Matthew Dowd – Wimberley Resident**
- Teresa Shell – Wimberley Resident**

C. Discuss and consider possible action to schedule a joint workshop with the Short-Term Rental Review Committee. *(City Administrator Shawn Cox)*

There was discussion among Council Members regarding the Short-Term Rental Review Committee’s goals and accomplishments over the past 10 months, including the passage of the short-term rental ordinance. Council Member Christine Byrne thanked the Committee members for their service.

Motion to schedule a joint workshop with the City Council, the Planning and Zoning Commission and the Short-Term Rental Review Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion failed as follows (2-3):

Craig Fore	Aye
Gary Barchfeld	Aye
Rebecca Minnick	Nay
Christine Byrne	Nay
Bo Bowman	Nay

CITY COUNCIL REPORTS

A. Announcements – None.

- B. Future agenda items – Council Member Gary Barchfeld requested the Transportation Advisory Board look into a no left turn sign at the intersection of Ranch Road 12 and Old Kyle Road. Mayor Susan Jagers requested previously approved Resolution No. 09-2019 be placed on the July 18th agenda for discussion.

ADJOURNMENT

Motion to adjourn the meeting at 8:58 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers, Mayor



DRAFT

June 18, 2019

Mr. Shawn Cox, City Administrator
City of Wimberley
P.O. Box 2027
Wimberley, Texas 78676

Re: Clean Water State Revolving Fund Project

Mr. Cox:

On March 28, 2019, the Texas Water Development Board (TWDB) approved a request from the City of Wimberley to amend TWDB Resolution No. 16-032, changing the constructed project components for TWDB Project No. 73653. The Board's approval allowed for the modification of the project scope removing a centralized, City-owned wastewater treatment plant, and adding a connection to Aqua Texas for wastewater treatment services. The Board's approval also required the City to comply with all conditions of the final environmental finding and exchange refund its existing bonds held by the TWDB with a pledge of ad valorem taxes and net revenues of the proposed system.

The City has not provided documentation that it has complied with the requirements of the Board's approval. As stated at the March 28, 2019 meeting, our expectation is that the City will move decisively to execute the approved change of scope. Furthermore, Section 8.07 of City Ordinance No. 2017-015 requires the City to comply with federal regulations to timely and expeditiously pursue the project and expend its bond proceeds. It is imperative that the City move forward now to expend its bond proceeds. Please reach out to me by email at dain.larsen@twdb.texas.gov or by phone at (512) 463-1618 by June 28, 2019 with a timeline for final implementation of the change in project scope.

Sincerely,



Dain Larsen
Team Manager, Central Region

Our Mission

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas

Board Members

Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member
Jeff Walker, Executive Administrator



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
TUESDAY, JUNE 25, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Pro Tem Rebecca Minnick called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Rebecca Minnick	Place One
	Christine Byrne	Place Three
	Gary Barchfeld	Place Four
	Bo Bowman	Place Five
Council Members Absent:	Susan Jagers	Mayor
	Craig Fore	Place Two
City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	Terri Provost	Wimberley Community Center Director
	John Provost	Public Works Superintendent

DISCUSSION AND POSSIBLE ACTION

Discuss and consider possible action to hire Kelly Schmidt as the City of Wimberley Parks Director, as recommended by the City Administrator.

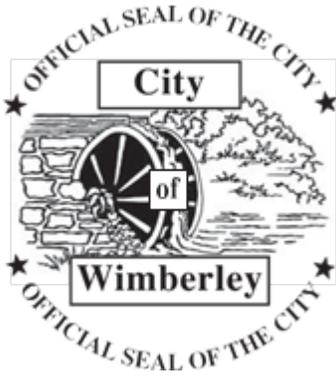
Motion to hire Kelly Schmidt as the City of Wimberley Parks Director, as recommended by the City Administrator, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

ADJOURNMENT

Motion to adjourn the meeting at 6:02 p.m. was made by Council Member Bo Bowman. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

RECORDED BY:

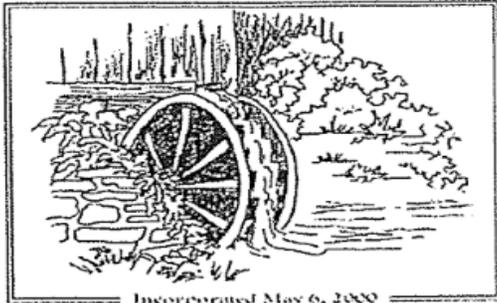
Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers, Mayor

DRAFT



CITY OF WIMBERLEY

Summary Financial Statements

Seven Months Ended April 30, 2019

City of Wimberley
Balance Sheets
April 20, 2019

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,370,931	391,922	141,899	54,644	2,603,963	5,844	18,771	5,026
Receivables and other	163,002	-	-	618	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	197,790	406,102	-	-	-
Net investment in fixed assets	-	-	-	816,913	2,021,785	-	-	-
Total Assets	\$ 1,533,933	391,922	141,899	1,069,965	5,031,850	5,844	18,771	5,026
Payables	\$ 149,040	9,321	-	48,277	68,742	1,303	-	-
Debt (old)	-	-	-	219,431	21,385	-	-	-
Debt - TWDB (new)	-	-	-	-	5,498,005	-	-	-
Total Liabilities	149,040	9,321	-	267,708	5,588,132	1,303	-	-
Fund Balance	1,384,944	382,602	141,899	802,258	(556,282)	4,541	18,771	5,026
Total Liabilities and Fund Balance	\$ 1,533,983	391,922	141,899	1,069,965	5,031,850	5,844	18,771	5,026

Note:

Wastewater Funds considered "proprietary funds", and thus includes investment in fixed assets, while other funds do not.

City of Wimberley
Revenues and Expenditures - General Fund

Seven Months Ended April 30, 2019

	4/30/2019	YTD	2019 Budget	YTD % Budget 58%
Revenues				
Sales taxes	\$ 76,354	555,108	860,000	65%
Mixed beverage tax	\$ 4,738	8,321	9,500	88%
Franchise tax	\$ 50,210	130,754	278,250	47%
Permit fees	\$ 3,832	41,693	55,750	75%
Grant funds	\$ -	-	-	-
Service fees	\$ 3,623	36,291	50,700	72%
Community Center rental fees	\$ 4,550	30,978	55,000	56%
Other income	\$ 23,022	34,138	4,000	853%
Total Revenues	\$ 166,328	837,284	1,313,200	64%
Expenditures				
Administration	24,042	340,481	806,047	42%
Administration - Legal	28,566	99,550	200,000	50%
Council/Board	1,837	27,913	65,575	43%
Building	3,505	28,490	39,000	73%
Public Safety	22,347	64,189	105,254	61%
Municipal Court	1,702	11,658	-	-
Public Works	10,111	80,508	161,131	50%
Roads	1,615	115,035	253,500	45%
Waste/Wastewater	3,609	19,365	34,000	57%
Community Center	8,552	67,350	136,819	49%
Nature Trail	919	7,838	10,300	76%
Total Expenditures	106,804	862,376	1,811,626	48%
Excess Revenues Over Expenditures	59,525	(25,092)	(498,426)	
	\$ 59,525	(25,092)	(498,426)	

City of Wimberley
Revenues and Expenditures - Blue Hole

Seven Months Ended April 30, 2019

	4/30/2019	YTD	2019 Budget	YTD % Budget 58%
<u>Revenues</u>				
Gate fees	\$ 14,514	25,793	341,680	8%
Other fees	4,080	19,900	51,500	39%
Miscellaneous	2,283	4,449	4,650	96%
Total Revenues	20,877	50,142	397,830	13%
<u>Expenditures</u>				
Wages and benefits	19,387	130,374	276,127	47%
Contract services	1,261	10,393	18,200	57%
Other	4,217	34,300	83,303	41%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	-	20,000	0%
Operating Transfer Out	-	50,000	200,000	25%
Total Expenditures	24,865	225,067	597,630	38%
Excess Revenues Over Expenditures	\$ (3,989)	(174,925)	(199,800)	
Transfer in from General Fund	-	-	101,572	
Net Change in Fund Balance	\$ (3,989)	(174,925)	(98,228)	

City of Wimberley

Revenues and Expenditures - Hotel Occupancy Tax

Seven Months Ended April 30, 2019

	4/30/2019	YTD	2019 Budget	YTD % Budget 58%
Revenues				
Hotel Occupancy Tax	\$ -	-	-	-
Interest income	6	41	-	-
Miscellaneous	-	-	-	-
Total Revenues	6	41	-	-
Expenditures				
Wages & Bennifits	-	-	-	-
Other	-	-	-	-
Contract Services	318	2,372	-	-
HOT Disbursements*	-	10,091	-	-
General Operating Supplies	-	-	-	-
Capital Outlay	-	-	-	-
Total Expenditures	318	12,463	-	-
Excess Revenues Over Expenditures	\$ (312)	(12,422)	-	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ (312)	(12,422)	-	

*\$10,091 included to reverse Journal Entry #6, Pre-Paid Ad. Expense, as requested by Auditors.

City of Wimberley

Revenues and Expenditures - Wastewater Utility Fund

Seven Months Ended April 30, 2019

	4/30/2019	YTD	2019 Budget	YTD % Budget 58%
<u>Revenues</u>				
Charges for utility services	\$ 9,280	68,668	117,286	59%
Reclaimed water revenues	-	-	-	
Interest	9	62	-	-
Total Revenues	9,289	68,730	117,286	59%
<u>Expenditures</u>				
Contract Services	-	95,476	268,020	36%
Utilities	543	4,585	7,500	61%
Project Manager	-	45,590	90,000	51%
Other Expenses	149	442	675	65%
Capital Outlay (debt repayment)	-	62,557	31,250	200%
Wastewater Debt Service - Principal	-	-	216,734	0%
Wastewater Debt Service - Interest	-	45,153	89,606	50%
Total Expenditures	692	253,802	703,785	36%
Excess Revenues Over Expenditures	8,596	(185,072)	(586,499)	
Transfer In	-	147,050	501,131	29%
Net Change in Fund Balance	\$ 8,596	(38,022)	(85,368)	

City of Wimberley

Revenues and Expenditures - Wastewater Collection and Treatment Plant

Seven Months Ended April 30, 2019

	4/30/2019	YTD	2019 Budget	YTD % Budget 58%
Revenues				
Interest revenues	\$ 102	832	-	-
Investment income	4,393	31,357	-	-
WW Bond Reserve Funds	-	-	-	-
Total Revenues	4,495	32,189	-	-
Expenditures				
Records management	-	(67,354)	-	-
Capital outlay	125,883	514,403	-	-
Other expenses	-	-	-	-
Total Expenditures	125,883	447,049	-	-
Excess Revenues Over Expenditures	(121,388)	(414,860)	-	-
Transfer in from General Fund	-	-	-	-
Net Change in Fund Balance	\$ (121,388)	(414,860)	-	-

City of Wimberley
Revenues and Expenditures - Nonmajor Funds

Seven Months Ended April 30, 2019

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	4/30/2019	YTD	2019 Budget	4/30/2019	YTD	2019 Budget	4/30/2019	YTD	2019 Budget
Total Revenues	\$ 241	1,605	-	\$ 2	16	18	\$ 0	1	2
Total Expenditures	485	485	-	-	-	-	-	-	-
Excess Revenues Over Expenditures	\$ (244)	1,120	-	\$ 2	16	18	\$ 0	1	2
Fund Transfers	-	-	-	-	-	-	-	-	-
Net Change in Fund Balance	\$ (244)	1,120	-	\$ 2	16	18	\$ 0	1	2

BALANCE SHEET

Page: 1

6/19/2019

12:22 pm

City of Wimberley

As of: 4/30/2019

Balances

Fund: 100 - General Fund

Assets

1011 Petty Cash	350.00
1020 General Checking - ONB	957,372.66
1021 Certificate of Deposit - Ozona	229,160.78
1030 Texpool	184,097.79
1050 Sales Tax Receivable	159,599.54
1052 Mixed Bev Taxes Receivable	0.00
1053 Franchise Taxes Receivable	0.00
1150 Accounts Receivable	2,431.01
1151 Allowance for Uncoll Acct Rec	0.00
1210 Prepaid Expenses	0.00
1302 Due from Municipal Court	971.40
1304 Due from BHP	0.00
1305 Due from OTHERS	0.00
1306 Due from WW	0.00
1307 Due from TML Claim Fund	0.00

Total Assets

1,533,983.18

Liabilities

2010 Accounts Payable	138,151.09
2015 WCC Security Deposits	4,200.00
2021 Accrued Wages Payable	0.00
2022 Payroll Deductions Payable	3,335.71
2023 TML IEBP Payable	1,152.79
2060 Payable to Hays County	0.00
2073 TWC Payable	0.00
2074 TMRS Payable	1,980.04
2075 TCEQ Payable to State	220.00
2081 Due to Others	0.00
2082 Due to BHP	0.00
2086 Due to Wastewater	0.00

Total Liabilities

149,039.63

Reserves/Balances

3310 Nonspendable Prepays	0.00
3410 Restricted Funds	17,844.43
3510 Committed FB - Public Works	559,053.00
3520 Committed FB - New City Hall	0.00
3530 Committed FB - W/W on Square	504,204.00
3540 Committed FB-Future Grant Matc	334,375.00
3600 Fund Balance - Uncommitted	-5,440.71
3601 Transfer	0.00
3602 Suspense	0.00
3650 Net Excess (Deficit)	-25,092.17

Total Reserves/Balances

1,384,943.55

Total Liabilities & Balances

1,533,983.18

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 100 - General Fund				
Revenues				
Dept: 15 ADMINISTRATION				
5120 General Sales & Use Tax	76,353.73	555,108.08	860,000.00	64.55
5131 Mixed Beverage Tax	4,737.98	8,321.07	9,500.00	87.59
5171 Franchise Tax	50,209.98	130,754.03	278,250.00	46.99
5211 Beer & Wine Permits	-175.00	915.00	2,250.00	40.67
5212 Food Permits	650.00	10,950.00	12,500.00	87.60
5213 Septic Permits	850.00	7,400.00	12,500.00	59.20
5219 Sign Permits	355.00	1,305.00	2,000.00	65.25
5221 Building Permits	2,151.60	21,123.42	26,500.00	79.71
5340 Grant Funds	0.00	0.00	0.00	0.00
5410 CC Convenience Fees	99.07	379.83	200.00	189.92
5411 Court Costs, Fees & Charges	184.00	971.40	0.00	0.00
5413 Zoning	1,585.00	12,267.75	8,500.00	144.33
5414 Subdivision Fees	0.00	510.00	2,500.00	20.40
5415 Copies, Maps, Misc.	0.00	0.00	0.00	0.00
5416 Building Inspections	1,430.00	12,370.00	22,000.00	56.23
5417 Bldg Plan Reviews	325.00	9,792.50	17,500.00	55.96
5475 WCC Facility Rentals	4,550.00	30,977.70	55,000.00	56.32
5611 Interest Revenues	424.36	2,871.88	1,000.00	287.19
5620 Parking Lot Lease	0.00	0.00	0.00	0.00
5630 Restroom Revenue	0.00	0.00	0.00	0.00
5701 Other/Misc	22,597.76	31,265.98	3,000.00	1,042.20
5799 Operating Transfer In	0.00	0.00	0.00	0.00
5900 Designated Funds	0.00	0.00	0.00	0.00
5901 FEMA Designated Funds	0.00	0.00	0.00	0.00
ADMINISTRATION	166,328.48	837,283.64	1,313,200.00	63.76
Revenues	166,328.48	837,283.64	1,313,200.00	63.76
Expenditures				
Dept: 15 ADMINISTRATION				
6110 Salaries & Wages- CityAdmin	7,307.70	52,980.82	95,000.00	55.77
6120 Salaries & Wages-CitySecretary	4,846.16	35,134.72	63,000.00	55.77
6130 Salaries & Wages-FinanceClerk	3,078.40	22,318.80	40,000.00	55.80
6210 Health Care	1,695.45	11,868.15	28,080.00	42.27

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 100 - General Fund				
Expenditures				
Dept: 15 ADMINISTRATION				
6220 Payroll Taxes	1,126.80	8,139.62	15,147.00	53.74
6230 TMRS Contributions	1,843.87	8,585.95	15,979.00	53.73
6250 Unemployment Compensation	27.00	27.00	487.00	5.54
6270 Annual/Assoc DUES	100.00	3,808.88	2,256.00	168.83
6320 Financial Mgmt Services	0.00	0.00	0.00	0.00
6340 Technician/Technology Consulta	0.00	831.25	2,000.00	41.56
6370 Contract Services	0.00	0.00	0.00	0.00
6371 Sanitarian (Contract Labor)	0.00	0.00	0.00	0.00
6410 Utilities	491.83	3,703.51	7,500.00	49.38
6411 Telephones	21.62	1,785.99	2,880.00	62.01
6420 Office Cleaning	0.00	2,500.00	5,300.00	47.17
6430 Bldg Repairs/Maintenance	0.00	845.99	3,000.00	28.20
6433 Equipment Maintenance	0.00	0.00	0.00	0.00
6441 Storage Rental	550.00	3,910.00	6,600.00	59.24
6442 Water Cooler	64.23	382.16	600.00	63.69
6443 Equipment Rent/Lease	699.57	4,807.50	8,000.00	60.09
6444 Parking Lot Lease	100.00	700.00	1,200.00	58.33
6520 Insurance	0.00	26,604.98	26,000.00	102.33
6521 Security System	170.64	511.92	853.00	60.01
6531 Public Notices	105.60	2,631.15	7,500.00	35.08
6532 Office Tech/Software	425.00	12,657.75	14,153.00	89.44
6540 Advertising	0.00	0.00	0.00	0.00
6551 Printing Services	0.00	0.00	500.00	0.00
6552 Copies/Misc	0.00	0.00	0.00	0.00
6562 CC Processing Fees	106.91	460.94	200.00	230.47
6569 Vehicle Allowance/Moving Exp	500.00	3,500.00	6,000.00	58.33
6570 Travel/Hospitality	14.00	785.04	2,109.00	37.22
6571 Mileage	86.19	852.25	1,350.00	63.13
6572 Training	0.00	528.00	900.00	58.67
6573 Tuition Reimbursement	0.00	0.00	0.00	0.00
6580 Pay Comparability Adj	0.00	0.00	0.00	0.00
6581 Refunds	246.50	2,091.30	500.00	418.26
6589 Records Management	32.52	3,276.43	0.00	0.00
6610 Operating Supplies	230.95	986.29	2,000.00	49.31
6651 Postage/Shipping	0.00	547.11	1,250.00	43.77

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 100 - General Fund				
Expenditures				
Dept: 15 ADMINISTRATION				
6660 Office Supplies	171.21	667.67	3,000.00	22.26
6700 Bad Debt Expense	0.00	0.00	0.00	0.00
6790 Capital Outlay - Furnishings	0.00	0.00	0.00	0.00
6791 Capital Outlay - Technology	0.00	0.00	0.00	0.00
6792 Capital Outlay - Other	0.00	25,000.00	40,000.00	62.50
6990 Operating Transfer Out	0.00	97,050.00	402,703.00	24.10
<hr/>				
ADMINISTRATION	24,042.15	340,481.17	806,047.00	42.24
Dept: 16 LEGAL				
6350 Legal	28,565.67	99,549.71	200,000.00	49.77
<hr/>				
LEGAL	28,565.67	99,549.71	200,000.00	49.77
Dept: 17 COUNCIL/BOARD				
6320 Financial Mgmt Services	1,350.00	8,100.00	16,200.00	50.00
6330 Audit Svs	0.00	15,375.00	18,875.00	81.46
6340 Technician/Technology Consulta	0.00	0.00	20,000.00	0.00
6382 Social Services Support	0.00	0.00	0.00	0.00
6533 Public Information	0.00	3,432.49	4,750.00	72.26
6541 Public Relations/Receptions	26.00	363.98	1,500.00	24.27
6572 Training	0.00	180.00	1,000.00	18.00
6590 Elections	461.10	461.10	3,250.00	14.19
6591 Planning	0.00	0.00	0.00	0.00
<hr/>				
COUNCIL/BOARD	1,837.10	27,912.57	65,575.00	42.57
Dept: 18 BUILDING				
6360 Contract Inspections	3,505.00	24,590.00	29,000.00	84.79
6582 Site Plan Reviews	0.00	3,900.00	10,000.00	39.00
<hr/>				
BUILDING	3,505.00	28,490.00	39,000.00	73.05
Dept: 21 PUBLIC SAFETY				
6220 Payroll Taxes	0.00	0.00	0.00	0.00
6230 TMRS Contributions	0.00	0.00	0.00	0.00
6250 Unemployment Compensation	0.00	0.00	0.00	0.00
6370 Contract Services	18,563.50	37,217.00	74,254.00	50.12
6371 Sanitarian (Contract Labor)	3,783.38	20,972.31	25,000.00	83.89
6373 Animal Control	0.00	6,000.00	6,000.00	100.00

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 100 - General Fund				
Expenditures				
Dept: 21 PUBLIC SAFETY				
6571 Mileage	0.00	0.00	0.00	0.00
6572 Training	0.00	0.00	0.00	0.00
6583 Fuel	0.00	0.00	0.00	0.00
6610 Operating Supplies	0.00	0.00	0.00	0.00
6794 Capital Outlay - Equipmt/Other	0.00	0.00	0.00	0.00
PUBLIC SAFETY	22,346.88	64,189.31	105,254.00	60.99
Dept: 25 MUNICIPAL COURT				
6270 Annual/Assoc DUES	0.00	0.00	0.00	0.00
6380 Municipal Court Judge	1,000.00	7,000.00	0.00	0.00
6381 City Prosecutor	702.00	4,657.72	0.00	0.00
6570 Travel/Hospitality	0.00	0.00	0.00	0.00
6572 Training	0.00	0.00	0.00	0.00
6610 Operating Supplies	0.00	0.00	0.00	0.00
6651 Postage/Shipping	0.00	0.00	0.00	0.00
MUNICIPAL COURT	1,702.00	11,657.72	0.00	0.00
Dept: 30 PUBLIC WORKS				
6150 Salaries & Wages-PW Code Enfor	3,076.80	22,306.81	40,000.00	55.77
6160 Salaries & Wages - GIS/PlanTec	4,443.20	30,268.90	57,750.00	52.41
6180 Salaries & Wages- Maintenance	0.00	7,230.01	15,000.00	48.20
6210 Health Care	862.07	6,034.49	18,720.00	32.24
6220 Payroll Taxes	575.28	4,575.14	8,625.00	53.05
6230 TMRS Contributions	887.89	4,068.19	9,099.00	44.71
6250 Unemployment Compensation	21.98	122.56	487.00	25.17
6270 Annual/Assoc DUES	0.00	200.00	500.00	40.00
6431 Vehicle Maint/Insurance	0.00	88.27	600.00	14.71
6532 Office Tech/Software	56.17	56.17	0.00	0.00
6570 Travel/Hospitality	21.00	21.00	1,250.00	1.68
6571 Mileage	69.60	69.60	200.00	34.80
6572 Training	0.00	350.00	350.00	100.00
6583 Fuel	96.70	816.28	2,000.00	40.81
6610 Operating Supplies	0.00	444.81	2,050.00	21.70
6612 Tools	0.00	6.30	500.00	1.26
6794 Capital Outlay - Equipmt/Other	0.00	3,849.00	4,000.00	96.23

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 100 - General Fund				
Expenditures				
Dept: 30 PUBLIC WORKS				
6795 Capital Outlay - Roads	0.00	0.00	0.00	0.00
<hr/>				
PUBLIC WORKS	10,110.69	80,507.53	161,131.00	49.96
Dept: 31 ROADS				
6370 Contract Services	0.00	30.00	0.00	0.00
6372 Survey Services	0.00	13,380.00	0.00	0.00
6432 Road Maintenance	1,415.00	42,951.35	80,000.00	53.69
6433 Equipment Maintenance	0.00	50.32	500.00	10.06
6470 Engineering - Roads	0.00	2,962.50	20,000.00	14.81
6584 Mowing/Trimming	200.00	200.00	10,000.00	2.00
6611 Signs/Barricades	0.00	878.75	3,000.00	29.29
6792 Capital Outlay - Other	0.00	0.00	0.00	0.00
6795 Capital Outlay - Roads	0.00	54,581.98	140,000.00	38.99
<hr/>				
ROADS	1,615.00	115,034.90	253,500.00	45.38
Dept: 33 WATER/WASTEWATER				
6561 State Sanitations Fees	0.00	0.00	500.00	0.00
6586 Quality Testing WW	489.00	1,934.00	5,000.00	38.68
6588 Public Restroom WW	3,119.70	17,431.07	28,500.00	61.16
6793 Capital Outlay - RR Trailer	0.00	0.00	0.00	0.00
<hr/>				
WATER/WASTEWATER	3,608.70	19,365.07	34,000.00	56.96
Dept: 51 COMMUNITY CENTER				
6140 Salaries & Wages- WCC Director	2,538.53	23,390.93	35,987.00	65.00
6180 Salaries & Wages- Maintenance	1,666.19	12,157.77	35,000.00	34.74
6210 Health Care	754.59	5,282.13	9,360.00	56.43
6220 Payroll Taxes	321.66	2,719.52	5,431.00	50.07
6230 TMRS Contributions	364.22	1,879.70	5,729.00	32.81
6250 Unemployment Compensation	14.35	174.03	487.00	35.74
6270 Annual/Assoc DUES	0.00	88.00	175.00	50.29
6370 Contract Services	39.00	78.00	0.00	0.00
6410 Utilities	1,130.16	11,520.37	21,000.00	54.86
6411 Telephones	0.00	559.48	2,700.00	20.72
6430 Bldg Repairs/Maintenance	509.31	2,922.79	5,000.00	58.46
6443 Equipment Rent/Lease	0.00	0.00	0.00	0.00

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 100 - General Fund				
Expenditures				
Dept: 51 COMMUNITY CENTER				
6521 Security System	161.55	1,088.57	2,000.00	54.43
6532 Office Tech/Software	530.00	1,349.90	1,000.00	134.99
6540 Advertising	110.80	1,472.12	2,500.00	58.88
6541 Public Relations/Receptions	0.00	0.00	250.00	0.00
6551 Printing Services	0.00	1.93	250.00	0.77
6610 Operating Supplies	394.36	1,361.38	4,500.00	30.25
6651 Postage/Shipping	0.00	0.00	100.00	0.00
6660 Office Supplies	16.96	132.59	500.00	26.52
6794 Capital Outlay - Equipmt/Other	0.00	1,170.35	4,850.00	24.13
6797 Capital Outlay - Facilities	0.00	0.00	0.00	0.00
COMMUNITY CENTER	8,551.68	67,349.56	136,819.00	49.23
Dept: 52 PARKS				
6585 NATURE TL / OLD BALDY	918.75	7,838.27	10,300.00	76.10
PARKS	918.75	7,838.27	10,300.00	76.10
Dept: 90 Prior Period Adjustment				
9000 Prior Period Adjustment	0.00	0.00	0.00	0.00
Prior Period Adjustment	0.00	0.00	0.00	0.00
Expenditures	106,803.62	862,375.81	1,811,626.00	47.60
Net Effect for General Fund	59,524.86	-25,092.17	-498,426.00	5.03
Change in Fund Balance:	59,524.86	-25,092.17		

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

BALANCE SHEET

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6/19/2019

12:22 pm

City of Wimberley

As of: 4/30/2019

Balances

Fund: 200 - Blue Hole Parkland

Assets

1011 Petty Cash	695.00
1022 BH Parkland - ONB	391,227.19
1301 Due from General	0.00

<u>Total Assets</u>	<u>391,922.19</u>
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Liabilities

2010 Accounts Payable	5,912.12
2016 BHP Security Deposits	900.00
2021 Accrued Wages Payable	0.00
2022 Payroll Deductions Payable	1,938.36
2071 Sales Tax Payable	0.00
2073 TWC Payable	0.00
2074 TMRS Payable	570.13
2080 Due to General	0.00
2081 Due to Others	0.00

<u>Total Liabilities</u>	<u>9,320.61</u>
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Reserves/Balances

3600 Fund Balance - Uncommitted	557,527.00
3601 Transfer	0.00
3650 Net Excess (Deficit)	-174,925.42

<u>Total Reserves/Balances</u>	<u>382,601.58</u>
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<u>Total Liabilities & Balances</u>	<u>391,922.19</u>
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REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 200 - Blue Hole Parkland				
Revenues				
Dept: 52 PARKS				
5472 Reservations/Gate Fees	14,514.00	25,792.50	341,680.00	7.55
5474 Facility Rentals	830.00	6,230.00	10,000.00	62.30
5476 Special Events	3,250.00	13,670.00	34,000.00	40.21
5479 Vending/Merchandise	813.60	1,021.89	7,500.00	13.63
5611 Interest Revenues	16.25	138.55	150.00	92.37
5701 Other/Misc	1,453.05	3,288.98	4,500.00	73.09
5799 Operating Transfer In	0.00	0.00	101,572.00	0.00
5900 Designated Funds	0.00	0.00	0.00	0.00
PARKS	20,876.90	50,141.92	499,402.00	10.04
Revenues	20,876.90	50,141.92	499,402.00	10.04
Expenditures				
Dept: 52 PARKS				
6141 Salaries & Wages- Park Manager	4,038.46	29,278.82	52,500.00	55.77
6180 Salaries & Wages- Maintenance	2,826.92	19,788.44	36,750.00	53.85
6181 Salaries & Wages - PT Seasonal	2,436.96	16,443.90	61,155.00	26.89
6182 Salaries & Wages - Laborer	2,153.60	15,613.60	28,000.00	55.76
6183 Salaries & Wages - Prog Coord.	2,384.00	14,304.00	31,000.00	46.14
6210 Health Care	3,067.25	20,708.44	37,440.00	55.31
6220 Payroll Taxes	1,058.76	7,300.68	16,019.00	45.58
6230 TMRS Contributions	1,380.33	5,956.72	11,964.00	49.79
6250 Unemployment Compensation	41.17	979.80	1,299.00	75.43
6374 Contract Services	1,261.40	10,393.35	18,200.00	57.11
6410 Utilities	1,130.76	7,804.19	16,253.00	48.02
6411 Telephones	224.38	1,572.23	2,300.00	68.36
6431 Vehicle Maint/Insurance	7.50	22.50	500.00	4.50
6433 Equipment Maintenance	0.00	10.00	800.00	1.25
6443 Equipment Rent/Lease	0.00	905.80	3,000.00	30.19
6532 Office Tech/Software	14.00	223.00	3,000.00	7.43
6562 CC Processing Fees	589.63	1,446.09	12,000.00	12.05
6570 Travel/Hospitality	0.00	859.74	800.00	107.47
6571 Mileage	0.00	663.52	400.00	165.88
6572 Training	0.00	610.00	3,000.00	20.33

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 200 - Blue Hole Parkland				
Expenditures				
Dept: 52 PARKS				
6581 Refunds	0.00	3,831.69	0.00	0.00
6583 Fuel	94.34	551.56	1,200.00	45.96
6584 Mowing/Trimming	0.00	0.00	2,000.00	0.00
6610 Operating Supplies	1,024.18	13,464.57	27,000.00	49.87
6613 Materials	858.00	2,052.43	6,000.00	34.21
6615 Bldg & Maint Supplies	0.00	0.00	4,500.00	0.00
6651 Postage/Shipping	0.00	0.00	50.00	0.00
6660 Office Supplies	273.78	282.27	500.00	56.45
6794 Capital Outlay - Equipmt/Other	0.00	0.00	20,000.00	0.00
6990 Operating Transfer Out	0.00	50,000.00	200,000.00	25.00
PARKS	24,865.42	225,067.34	597,630.00	37.66
Expenditures	24,865.42	225,067.34	597,630.00	37.66
Net Effect for Blue Hole Parkland	-3,988.52	-174,925.42	-98,228.00	178.08
Change in Fund Balance:	-3,988.52	-174,925.42		

BALANCE SHEET

City of Wimberley

As of: 4/30/2019

Balances

Fund: 201 - Municipal Court

Assets

1023 Municipal Court - ONB

5,767.65

1024 MC Bonds - ONB

76.00

Total Assets

5,843.65

Liabilities

2010 Accounts Payable

0.00

2076 MC Payable to State

331.54

2080 Due to General

971.40

Total Liabilities

1,302.94

Reserves/Balances

3600 Fund Balance - Uncommitted

3,420.82

3601 Transfer

0.00

3650 Net Excess (Deficit)

1,119.89

Total Reserves/Balances

4,540.71

Total Liabilities & Balances

5,843.65

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 201 - Municipal Court				
Revenues				
Dept: 00				
5410 CC Convenience Fees	0.00	0.00	0.00	0.00
5514 Court Technology	4.00	60.00	0.00	0.00
5515 Court Bldg Security	3.00	45.00	0.00	0.00
5516 Child Safety	0.00	50.00	0.00	0.00
5517 Judicial Efficiency	0.60	9.00	0.00	0.00
5611 Interest Revenues	0.75	4.61	0.00	0.00
5701 Other/Misc	232.58	1,436.28	0.00	0.00
Dept: 00	240.93	1,604.89	0.00	0.00
Revenues	240.93	1,604.89	0.00	0.00
Expenditures				
Dept: 00				
6532 Office Tech/Software	485.00	485.00	0.00	0.00
6551 Printing Services	0.00	0.00	0.00	0.00
6589 Records Management	0.00	0.00	0.00	0.00
6614 Signage	0.00	0.00	0.00	0.00
6660 Office Supplies	0.00	0.00	0.00	0.00
6790 Capital Outlay - Furnishings	0.00	0.00	0.00	0.00
6791 Capital Outlay - Technology	0.00	0.00	0.00	0.00
Dept: 00	485.00	485.00	0.00	0.00
Expenditures	485.00	485.00	0.00	0.00
Net Effect for Municipal Court	-244.07	1,119.89	0.00	0.00
Change in Fund Balance:	-244.07	1,119.89		

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

BALANCE SHEET

City of Wimberley

As of: 4/30/2019

Balances

Fund: 202 - Wastewater Fund

Assets

1027 Wastewater - ONB	54,644.19
1028 WW Construction Fund	12,970.07
1029 WW Int & Sinking Fund	153,035.65
1150 Accounts Receivable	618.00
1152 Tax Notes 2013-Restricted Cash	31,784.08
1301 Due from General	0.00
1310 Due from WW Project Fund	68,549.50
1729 WW Reclamation Facility	564,015.37
1730 Utility Plant - WW	223,970.00
1731 Accumulated Deprec.-Bldgs	-39,621.50

<u>Total Assets</u>	<u>1,069,965.36</u>
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Liabilities

2010 Accounts Payable	46,234.65
2080 Due to General	0.00
2140 Accrued Interest Payable	2,041.92
2240 Notes Payable - Current	124,431.00
2550 Notes Payable - Utility Plant	0.00
2551 Notes Payable-Tax Notes 2013	95,000.00

<u>Total Liabilities</u>	<u>267,707.57</u>
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Reserves/Balances

3600 Fund Balance - Uncommitted	325,465.24
3601 Transfer	0.00
3610 Net Invest in Capital Assets	514,814.52
3650 Net Excess (Deficit)	-38,021.97

<u>Total Reserves/Balances</u>	<u>802,257.79</u>
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<u>Total Liabilities & Balances</u>	<u>1,069,965.36</u>
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REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 202 - Wastewater Fund				
Revenues				
Dept: 04 WATER/WASTEWATER				
5340 Grant Funds	0.00	0.00	0.00	0.00
5400 WW Service Fees	9,280.00	68,668.00	117,286.00	58.55
5611 Interest Revenues	8.76	61.58	0.00	0.00
5789 Revenue Bond Transfer In	0.00	0.00	0.00	0.00
5799 Operating Transfer In	0.00	147,050.00	501,131.00	29.34
WATER/WASTEWATER	9,288.76	215,779.58	618,417.00	34.89
Revenues	9,288.76	215,779.58	618,417.00	34.89
Expenditures				
Dept: 04 WATER/WASTEWATER				
6374 Contract Services	0.00	95,475.93	268,020.00	35.62
6410 Utilities	543.26	4,584.90	7,500.00	61.13
6411 Telephones	149.21	441.70	675.00	65.44
6589 Records Management	0.00	0.00	0.00	0.00
6610 Operating Supplies	0.00	0.00	0.00	0.00
6660 Office Supplies	0.00	0.00	0.00	0.00
6792 Capital Outlay - Other	0.00	0.00	0.00	0.00
6797 Capital Outlay - Facilities	0.00	62,556.67	31,250.00	200.18
6799 Project Manager-WW Project	0.00	45,589.60	90,000.00	50.66
6800 Depreciation	0.00	0.00	0.00	0.00
6900 Wastewater Debt Service - Prin	0.00	0.00	216,734.00	0.00
6901 Wastewater Debt Service - Int	0.00	45,152.75	89,606.00	50.39
6990 Operating Transfer Out	0.00	0.00	0.00	0.00
WATER/WASTEWATER	692.47	253,801.55	703,785.00	36.06
Expenditures	692.47	253,801.55	703,785.00	36.06
Net Effect for Wastewater Fund	8,596.29	-38,021.97	-85,368.00	44.54
Change in Fund Balance:	8,596.29	-38,021.97		

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

BALANCE SHEET

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6/19/2019

12:22 pm

City of Wimberley

As of: 4/30/2019

Balances

Fund: 205 - Hotel Occupancy Tax

Assets

1019 Hotel Occupancy Tax	141,899.22
1055 Hotel Occupancy Receivable	0.00
1210 Prepaid Expenses	0.00

Total Assets 141,899.22

Liabilities

2010 Accounts Payable	0.00
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Total Liabilities 0.00

Reserves/Balances

3310 Nonspendable Prepaids	10,091.00
3560 FB Committed-Emergency Plan	5,000.00
3600 Fund Balance - Uncommitted	139,229.74
3650 Net Excess (Deficit)	-12,421.52

Total Reserves/Balances 141,899.22

Total Liabilities & Balances 141,899.22

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 205 - Hotel Occupancy Tax				
Revenues				
Dept: 15 ADMINISTRATION				
5132 Hotel Occupancy Tax	0.00	0.00	0.00	0.00
5611 Interest Revenues	5.84	41.38	0.00	0.00
ADMINISTRATION	5.84	41.38	0.00	0.00
Revenues	5.84	41.38	0.00	0.00
Expenditures				
Dept: 15 ADMINISTRATION				
6135 Salaries & Wages - HOT	0.00	0.00	0.00	0.00
6210 Health Care	0.00	0.00	0.00	0.00
6220 Payroll Taxes	0.00	0.00	0.00	0.00
6230 TMRS Contributions	0.00	0.00	0.00	0.00
6250 Unemployment Compensation	0.00	0.00	0.00	0.00
6270 Annual/Assoc DUES	0.00	0.00	0.00	0.00
6370 Contract Services	318.27	2,371.90	0.00	0.00
6551 Printing Services	0.00	0.00	0.00	0.00
6570 Travel/Hospitality	0.00	0.00	0.00	0.00
6572 Training	0.00	0.00	0.00	0.00
6592 HOT Disbursements	0.00	10,091.00	0.00	0.00
6610 Operating Supplies	0.00	0.00	0.00	0.00
6651 Postage/Shipping	0.00	0.00	0.00	0.00
6660 Office Supplies	0.00	0.00	0.00	0.00
6791 Capital Outlay - Technology	0.00	0.00	0.00	0.00
ADMINISTRATION	318.27	12,462.90	0.00	0.00
Expenditures	318.27	12,462.90	0.00	0.00
Net Effect for Hotel Occupancy Tax	-312.43	-12,421.52	0.00	0.00
Change in Fund Balance:	-312.43	-12,421.52		

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

BALANCE SHEET

City of Wimberley

As of: 4/30/2019

Balances

Fund: 600 - BHP Development Projects

Assets

1025 BH Development - ONB

18,771.34

Total Assets

18,771.34

Liabilities

2010 Accounts Payable

0.00

Total Liabilities

0.00

Reserves/Balances

3550 FB Committed - Soccer Fields

109,279.00

3600 Fund Balance - Uncommitted

-90,524.00

3650 Net Excess (Deficit)

16.34

Total Reserves/Balances

18,771.34

Total Liabilities & Balances

18,771.34

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 600 - BHP Development Projects				
Revenues				
Dept: 00				
5611 Interest Revenues	2.31	16.34	18.00	90.78
Dept: 00	2.31	16.34	18.00	90.78
Revenues	2.31	16.34	18.00	90.78
Expenditures				
Dept: 00				
6589 Records Management	0.00	0.00	0.00	0.00
6794 Capital Outlay - Equipmt/Other	0.00	0.00	0.00	0.00
6797 Capital Outlay - Facilities	0.00	0.00	0.00	0.00
6798 Capital Outlay-Development	0.00	0.00	0.00	0.00
Dept: 00	0.00	0.00	0.00	0.00
Expenditures	0.00	0.00	0.00	0.00
Net Effect for BHP Development Projects	2.31	16.34	18.00	90.78
Change in Fund Balance:	2.31	16.34		

BALANCE SHEET

City of Wimberley

As of: 4/30/2019

Balances

Fund: 602 - FM 2325 Sidewalk

Assets

1026 FM 2325 Sidewalks - ONB

5,026.01

Total Assets

5,026.01

Reserves/Balances

3600 Fund Balance - Uncommitted

5,024.56

3650 Net Excess (Deficit)

1.45

Total Reserves/Balances

5,026.01

Total Liabilities & Balances

5,026.01

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 602 - FM 2325 Sidewalk				
Revenues				
Dept: 00				
5611 Interest Revenues	0.21	1.45	2.00	72.50
Dept: 00	0.21	1.45	2.00	72.50
Revenues	0.21	1.45	2.00	72.50
Expenditures				
Dept: 00				
6589 Records Management	0.00	0.00	0.00	0.00
Dept: 00	0.00	0.00	0.00	0.00
Expenditures	0.00	0.00	0.00	0.00
Net Effect for FM 2325 Sidewalk	0.21	1.45	2.00	72.50
Change in Fund Balance:	0.21	1.45		

* Using Actual MTD, QTD and YTD Ammended & Original Budgets

BALANCE SHEET

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6/19/2019

12:22 pm

City of Wimberley

As of: 4/30/2019

Balances

Fund: 604 - WW Collection & Treatment Plan

Assets

1032 WW Bond Reserve Funds	406,101.59
1033 BOK Financial (82-2435-02-0)	247,886.88
1034 BOK Financial (82-2435-01-2)	2,356,076.12
1301 Due from General	0.00
1728 WW Project - Const in Progress	2,021,785.14

<u>Total Assets</u>	<u>5,031,849.73</u>
---------------------	---------------------

Liabilities

2010 Accounts Payable	192.50
2011 Debt Forgiveness Funds	243,005.00
2081 Due to Others	68,549.50
2140 Accrued Interest Payable	21,385.00
2560 N TX General Obligation	5,100,000.00
2561 Bonds - Current	155,000.00

<u>Total Liabilities</u>	<u>5,588,132.00</u>
--------------------------	---------------------

Reserves/Balances

3600 Fund Balance - Uncommitted	-45,969.97
3601 Transfer	0.00
3610 Net Invest in Capital Assets	-95,451.86
3650 Net Excess (Deficit)	-414,860.44

<u>Total Reserves/Balances</u>	<u>-556,282.27</u>
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<u>Total Liabilities & Balances</u>	<u>5,031,849.73</u>
---	---------------------

REVENUE/EXPENDITURE REPORT

City of Wimberley

CY MTD: 4/1/2019 to 4/30/2019 CY ATD: 10/1/2018 to 9/30/2019

	CY MTD Actual	CY YTD Actual	CY Amended Annual Budget	Current Year % of Budget
Fund: 604 - WW Collection & Treatment Plan				
Revenues				
Dept: 04 WATER/WASTEWATER				
5611 Interest Revenues	101.53	831.65	0.00	0.00
5612 Investment Income	4,393.47	31,356.90	0.00	0.00
5902 WW Bond Reserve Funds	0.00	0.00	0.00	0.00
WATER/WASTEWATER	4,495.00	32,188.55	0.00	0.00
Revenues	4,495.00	32,188.55	0.00	0.00
Expenditures				
Dept: 00				
6999 Contra Expense	0.00	-67,353.70	0.00	0.00
Dept: 00	0.00	-67,353.70	0.00	0.00
Dept: 04 WATER/WASTEWATER				
6589 Records Management	0.00	0.00	0.00	0.00
6792 Capital Outlay - Other	125,882.92	514,402.69	0.00	0.00
6901 Wastewater Debt Service - Int	0.00	0.00	0.00	0.00
6902 Bond Issue Costs	0.00	0.00	0.00	0.00
WATER/WASTEWATER	125,882.92	514,402.69	0.00	0.00
Expenditures	125,882.92	447,048.99	0.00	0.00
Net Effect for WW Collection & Treatment Plan	-121,387.92	-414,860.44	0.00	0.00
Change in Fund Balance:	-121,387.92	-414,860.44		
Grand Total Net Effect:	-57,809.27	-664,183.84	-682,002.00	97.39

* Using Actual MTD, QTD and YTD Ammended & Original Budgets



AGENDA ITEM: City Administrator’s Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update to Council on the progress of the Central Wimberley Wastewater Project, including construction progress, expenditures to date, and other updates related to the project. Additionally, updates Sales Tax will be presented.

REQUESTED ACTION

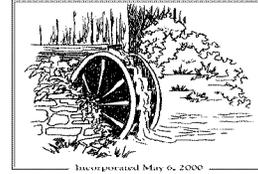
- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

Report for Zoning CUP-19-005



Summary:

A request to allow for the construction of a secondary residence at 164 Masonic Lodge Road

Applicant Information:

Applicant: John & Shane Foster
Property Owner: John & Shane Foster
 10615 Floral Park Dr.
 Austin, TX 78759

Subject Property:

Legal Description: Lot 2, Chula Vista
Location: 164 Masonic Lodge Road
Existing Use of Property: Residential
Existing Zoning: R-1
Proposed Use of Property: Residential
Proposed Zoning: CUP w/Secondary Residence
Planning Area: II
Overlay District: N/A

Surroundings:

Frontage On: Masonic Lodge Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SC	Commercial
S of Property	R2	Residential
E of Property	RA; R1	Residential
W of Property	R1; R2	Residential

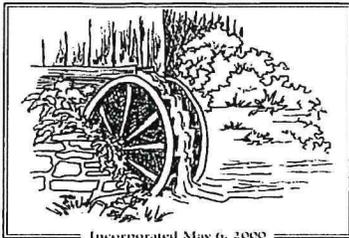
Legal Notice

200' Letters Published: 06/18/2019
Sign Placement Responses: 06/20/2019
 06/18/2019
 none

Comments:

The applicants, John & Shane Foster, have submitted an application to allow for the construction of a secondary residence at 164 Masonic Lodge Road. This property is currently zoned Rural Residential 1 (R-1) and a secondary residence is allowed with an approved Conditional Use Permit. The proposal is for a 950 square foot, 2 bedroom/1 bathroom home. The tract is currently vacant and both the primary residence and proposed secondary residence will be on an on-site sewage facility. The subject tract is approximately 3.47 acres in size. There has been one inquiry and no response to this application.

At the Planning & Zoning meeting on July 11th, the Commission voted 5-0-0 to recommend approval of the application as presented.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

www.cityofwimberley.com

RECEIVED
6-10-19

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19 - 005 Date: 6-10-2019 Staff Review SIF
 P&Z Hearing: ^{6 pm} 7-11-19 Council Hearing: ^{6 pm} 7-19-19 Fees Paid:

Applicant: SHANE & JOHN P. FOSTER
 Mailing address: 10615 FLORAL PARK DR City: AUSTIN State: TX Zip: 78759
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: SHANE & JOHN P. FOSTER
 Mailing address: 10615 FLORAL PARK DR City: AUSTIN State: TX Zip: 78759
 Phone: [REDACTED] Email: [REDACTED]

Project Site Address: 164 MASONIC LODGE ROAD
 Legal description: LOT 2, CHULA VISTA, HAYS COUNTY, TX
 Total Acreage or Square Footage: 3.47 ACRES Deed recorded in: VOL 14 PG 24-25
 Hays CAD Parcel ID R 125752 Planning Area: 2 Zoning: R-1
 Is property located in an overlay district? Yes No If Yes, type: _____
 Specific Conditional Use Requested: SECONDARY RESIDENCE
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: PEC
 Water provider or Private Well: WIMBERLEY WATER
 Wastewater Service or Septic Permit No. OSSF
 *If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

SUBMITTAL CHECKLIST

- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date:

6/10/19

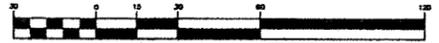
Applicant's Signature:

J.P. Fisher

THIS SURVEY DOCUMENT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES NAMED HEREIN. ADDITIONAL USE, OR USE BY PARTIES NOT NAMED HEREIN, IS PROHIBITED.



GRAPHIC SCALE

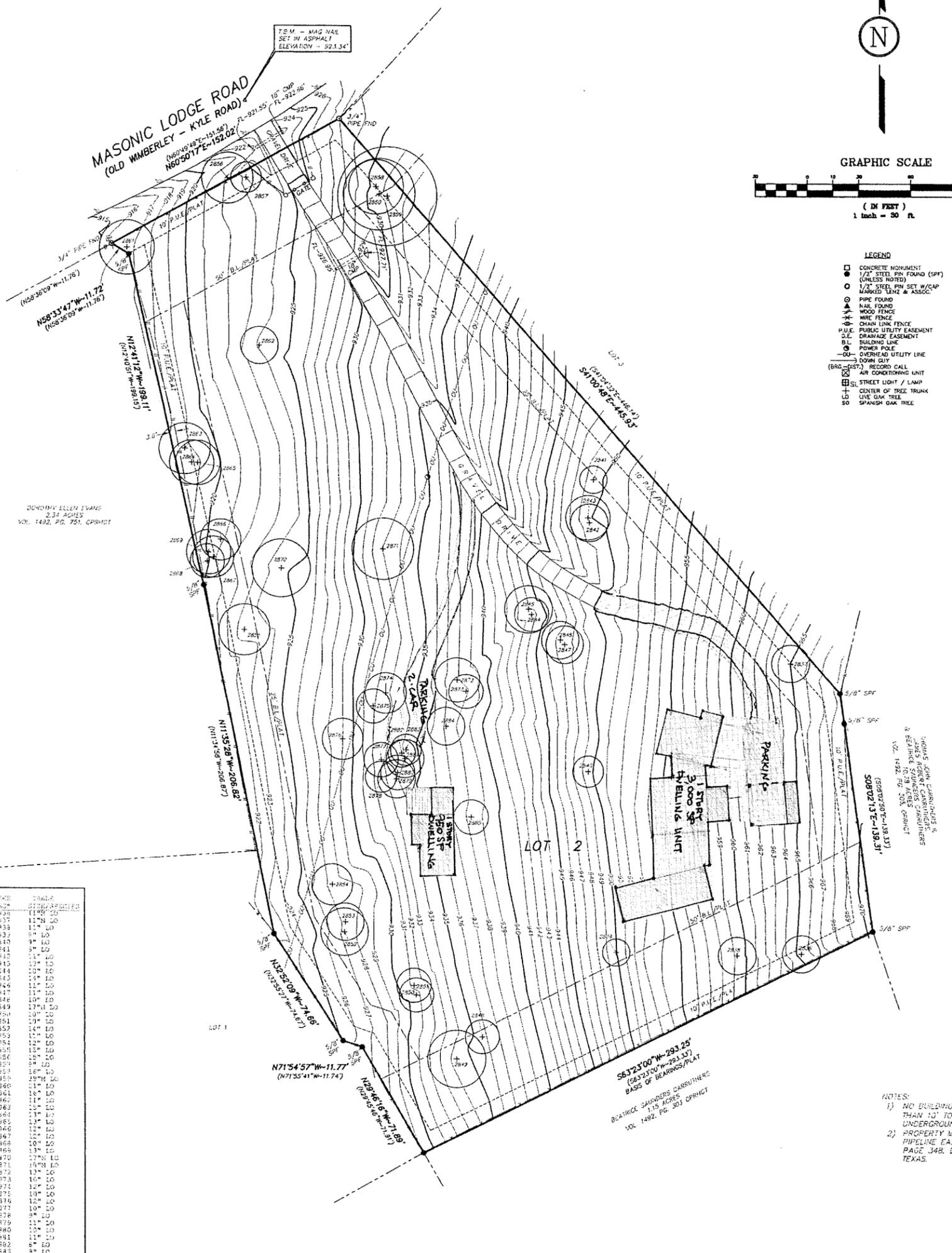


(IN FEET)
1 inch = 30 ft.

LEGEND

- CONCRETE MONUMENT
- 1/2" STEEL PIN FOUND (SPF) (UNLESS NOTED)
- 1/2" STEEL PIN SET W/CAP MARKED "LENZ & ASSOC."
- PIPE FOUND
- NAIL FOUND
- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- BUILDING LINE
- POWER POLE
- OVERHEAD UTILITY LINE
- DOWN GUT
- (BRG - DIST.) RECORD CALL
- AIR CONDITIONING UNIT
- STREET LIGHT / LAMP
- CENTER OF TREE TRUNK
- LIVE OAK TREE
- SPANISH OAK TREE

MASONIC LODGE ROAD
(OLD WIMBERLEY - KYLE ROAD)



DOROTHY ELLEN EVANS
2.34 ACRES
VOL. 1492, PG. 751, CRRPCT

HAYES JOHN CARROLL/CHARRIS &
JAMES RICHARDSON CARROLL/CHARRIS
2 BEARINGS TO .79 ACRES CRRPCT
VOL. 1492, PG. 303, CRRPCT

DEPTH	SPOT ELEVATION
2837	11.70
2838	11.70
2839	11.70
2840	11.70
2841	11.70
2842	11.70
2843	11.70
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2881	11.70
2882	11.70
2883	11.70
2884	11.70
2885	11.70

NOTES:
1) NO BUILDING SHALL BE LOCATED CLOSER THAN 10' TO THE NEAREST OVERHEAD OR UNDERGROUND ELECTRIC LINE PER PLAT.
2) PROPERTY MAY BE SUBJECT TO BLANKET PIPELINE EASEMENT PER VOLUME 96, PAGE 348, DEED RECORDS, HAYS COUNTY, TEXAS.

TO THE OWNER AND/OR LIENHOLDER AND TITLE RESOURCES GUARANTY COMPANY THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATES THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT VISIBLE AND APPARENT IMPROVEMENTS, UTILITIES, AND/OR ROADWAYS ARE SHOWN HEREON, AND THAT EXCEPT AS SHOWN HEREON, THIS PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY. THIS SURVEY IS IN COMPLIANCE WITH THE MINIMUM STANDARDS AS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

DATE OF SURVEY: AUGUST 25, 2015
ADDRESSED 1/2: JANUARY 29, 2019

Timothy A. Lenz
TIMOTHY A. LENZ, R.P.L.S. #4393



REFERENCE: FOSTER
G.F. No.: 1901463-WM
ADDRESS: 164 MASONIC LODGE ROAD

LEGAL DESC: LOT TWO (2), CHULA VISTA, A SUBDIVISION IN HAYS COUNTY TEXAS, AS RECORDED IN VOLUME 14, PAGES 24-25, PLAT RECORDS HAYS COUNTY, TEXAS.

LENZ & ASSOCIATES, INC.
FIRM No. 100290-00
COMPLETE PROFESSIONAL LAND SURVEYING SERVICES
(512) 443-1174
4150 FREIDRICH LANE SUITE A1
AUSTIN, TEXAS 78744
SURVEY # 2015-0483A F.B. 989/77

Sec. 9.03.072 Rural Residential 1; R-1

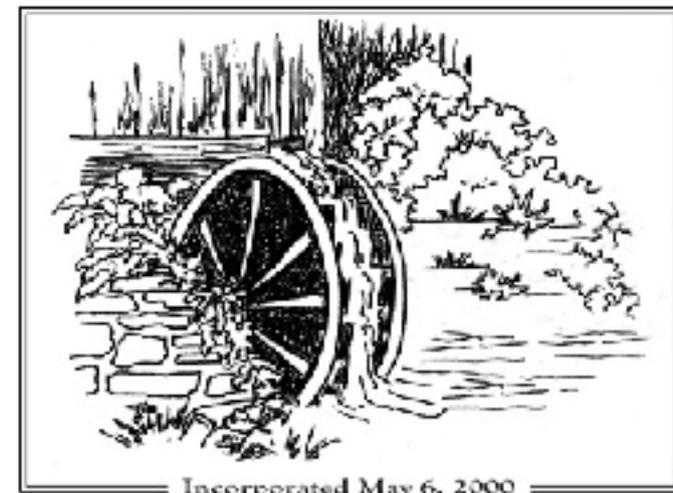
- (a) General purpose and description. The R-1 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 2 acres.
- (b) Permitted uses.
- (1) One residence including:
 - (A) One primary single-family residential building built on-site.
 - (2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith or on a contiguous lot under the same ownership that satisfies the requirements of section 9.03.182, but not involving the conduct of a retail business except as provided herein:
 - (A) The term “accessory use” shall include customary home occupations as herein defined;
 - (B) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See section 9.03.182 for additional accessory use requirements;
 - (C) A detached private garage used in conjunction with the main building;
 - (D) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes; and
 - (E) One accessory dwelling unit.
 - (3) Noncommercial row and field crops;
 - (4) Noncommercial livestock;
 - (5) Swimming pool (private);
 - (6) Utilities; and
 - (7) Religious assembly.
 - (c) Conditional uses.
 - (1) One secondary residential building built on-site;
 - (2) Bed and breakfast lodging which may be in the primary or secondary residential building or in cottages or cabins;
 - (3) Home day care;
 - (4) Home commercial crafts or hobbies;
 - (5) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulation;
 - (6) Two-family residential (duplex);
 - (7) One manufactured home installed on a permanent foundation, as the primary residence;
 - (8) Vacation rental; and
 - (9) Personal care home.
 - (d) Development regulations.
 - (1) Lot size: Minimum 2 acres but less than 5 acres.
 - (2) Maximum building height (as defined in section 9.03.005):
 - (A) Primary residential building: Not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (B) Secondary residential building: Not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (C) Accessory buildings: Not more than 18 feet and not more than one story; and
 - (D) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
 - (3) The minimum setbacks shall be the larger of ~~the~~ dimensions in section 9.03.184(a), table A, or the

following:

- (A) Dominant street: 50 feet;
- (B) Secondary street: 25 feet; and
- (C) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.
- (4) Minimum floor area of residential buildings:
 - (A) Primary residential building: 1,000 square feet;
 - (B) Secondary residential building: 600 square feet; and
 - (C) Bed and breakfast units: 200 square feet.
- (5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area.
- (6) The parking and trash collection ordinances will apply.
- (e) Special requirements.
 - (1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
 - (2) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, garden materials, and the like.
 - (3) Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- (f) Other regulations. As established in division 5 of this article, development standards.

(Ordinance 2001-010, sec. 15, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; 2006 Code, sec. 155.036; Ordinance 2006-014, sec. II(D), (E), adopted 2/1/07; Ordinance 2008-023, sec. II(B), adopted 7/17/08; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2017-023, sec. II(B), adopted 8/3/17)

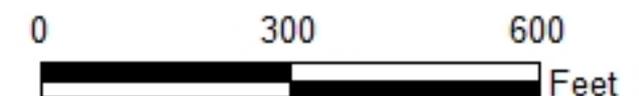
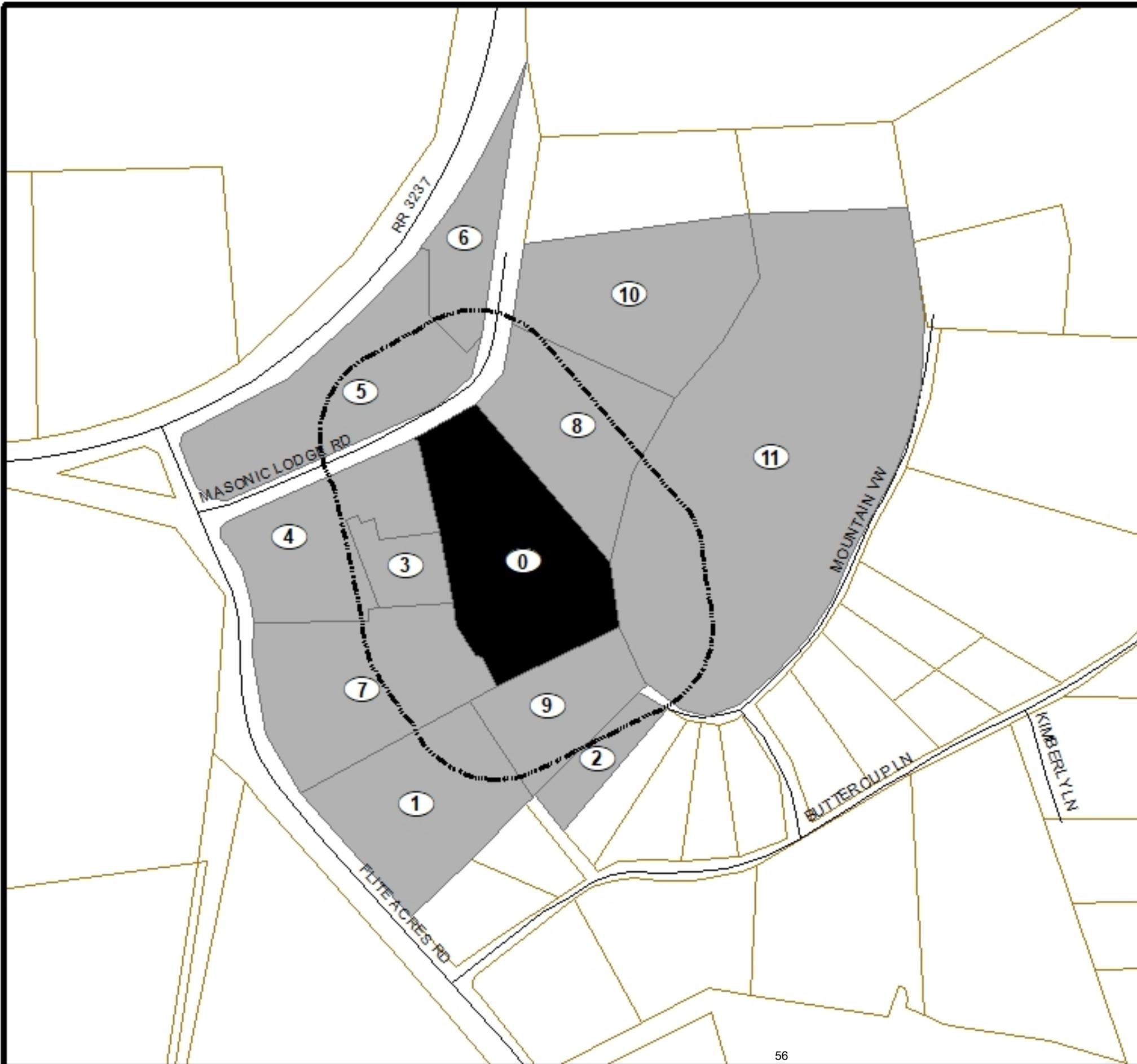
CUP-19-005 ~ 164 Masonic Lodge Road

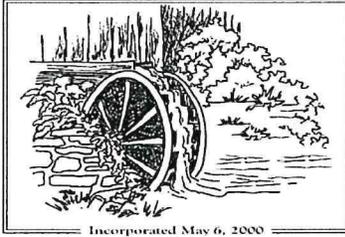


200' NOTIFICATION

Legend

- 200' Buffer
- ID. OWNER**
- 0. FOSTER SHANE S & FOSTER JOHN P
- 1. BILLINGSLEY BRUCE A & CLAIRE M
- 2. KENNEDY LISA TRUST # 2
- 3. EVANS, DOROTHY ELLEN
- 4. EVANS, DOROTHY ELLEN
- 5. LAUTERWEST LLC
- 6. MASONIC, LODGE WIMBERLEY
- 7. BOND RAYMOND W & LELA D
- 8. BERTRAND, DOLORES
- 9. JOHNSON PAUL R & LEE ANN
- 10. WIMBERLEY MED SPA LLC
- 11. DANZE SHERI & CHRISTOPHER





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

June 18, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-005

164 Masonic Lodge Road

A request for a Conditional Use Permit (CUP) to allow the construction of a secondary residence

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

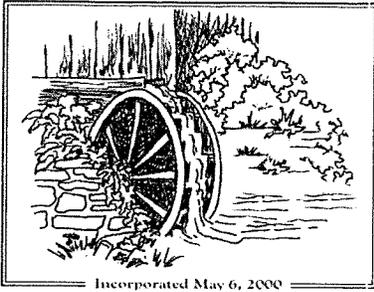
The applicants, John & Shane Foster, have requested a Conditional Use Permit (CUP) to allow for the construction of a secondary residence at 164 Masonic Lodge Road. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 11, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, July 18, 2019, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: June 18, 2019

ZONING NO: CUP-19-005

APPLICANT: John & Shane Foster

TO: CODE ENFORCEMENT/PUBLIC WORKS

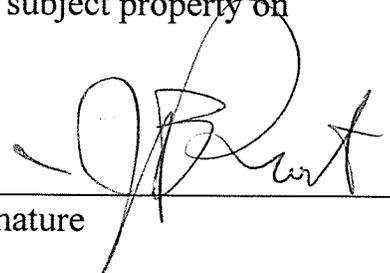
Please place a Proposed Zoning Sign on the following property:

Project Site Address: 164 Masonic Lodge Road

John Provost
Public Works/Code Enforcement

Note: The above referenced sign was placed on the subject property on

6/18 2019



Signature

The Wimberley View CLASSIFIED



**City of Dripping Springs
Public Notice of Approved Ordinance
Ordinance No. 2019-20**

AN ORDINANCE AMENDING APPENDIX A: ARTICLE A1.000 (GENERAL PROVISIONS) OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE DRIPPING SPRINGS RANCH PARK FEE SCHEDULE FOR BARN STALL RENTAL FEE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER, SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**City of Dripping Springs
Public Notice of Approved Ordinance
Ordinance No. 2019-21**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS AMENDING THE DRIPPING SPRINGS CODE OF ORDINANCES SECTION 2.04.064 PARKS AND RECREATION COMMISSION MEMBERS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

LEGAL NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a BG wine and beer retailers permit by Creekside Cookers BBQ LLC dba Creekside Cookers BBQ to be located at 500 River Road, Wimberley, Hays county, Texas. Officers of said corporation Robert Kelly Evers, Manager.

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, July 11, 2019, at 6:00 p.m.** to consider the following: **CUP-19-005**— an application for a Conditional Use Permit (CUP) to allow the construction of a secondary residence at 164 Masonic Lodge Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 18, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

**CITY-WIDE TRAILS PLAN – MAP
AMENDMENT**

The City of Dripping Springs will hold a series of Public Hearings to hear public comment and Consider a proposed amendment to the City's adopted City-Wide Trails Plan Map regarding a proposed route addition for the Transportation Alternatives Set-Aside Program Project proposed funding application, to be filed with the Texas Department of Transportation (TxDOT), for pedestrian improvements on Rob Shelton Boulevard from Sports Park Road to Founders Memorial Park. The City's Transportation Committee will consider the issue on June 24, 2019 at 3:30 p.m., the City's Planning and Zoning commission will consider the issue on June 25, 2019 at 6:30 p.m., the City's Parks Commission will consider the issue on July 1, 2019 at 6:00 p.m., and the Dripping Springs City Council will consider the issue on July 9, 2019 at 6:30 p.m. All public hearings will be held at Dripping Springs City Hall, 511 Mercer Street, Dripping Springs, Texas.

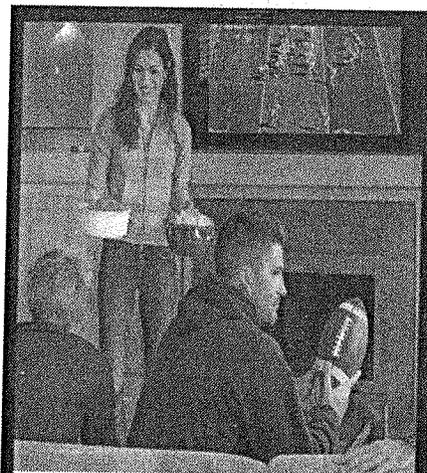
Further, household kitchen items, glassware, tools, linens, jewelry. In excellent condition.
Fri. June 28 & Sat. June 29 7:30-5:30;
Sun. June 30 8-1;
708 High Mesa Dr.
Wimberley, TX;
512-847-8634

Misc. Merchandise
NICE WASHERS
/dryers/stoves
\$250/up. Refrigerators \$200/up. **Guaranteed Appliances, Sales / Service.**
512-392-0373.

subdivision. If you have a special place that is appropriate for conservation, or already has conservation easement on it, please contact my conservation specialist/buyer's broker Carolyn Vogel, Ranch Connection, 512-633-4995. No properties in pipeline area, please.

Hill County
Blanco
Apart
525 J
Blanco
830-83

**Classifieds
Work!**



Set your sights high.

With house prices and interest rates down, there's never been a better time to buy a home and get more for your money.

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ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY JOHN & SHANE FOSTER TO PERMIT THE CONSTRUCTION OF A SECONDARY RESIDENCE ON PROPERTY LOCATED AT 164 MASONIC LODGE ROAD, WIMBERLEY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by John & Shane Foster (“Applicant”) requesting authorization to construct a secondary residence on real property described as Lot 2, Chula Vista, zoned Rural Residential 1 (R-1); and

WHEREAS, a secondary residence is an authorized use in areas zoned Rural Residential 1 (R-1) upon approval of a CUP;

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by John & Shane Foster (“Applicant”) for construction of a secondary residence on real property, described as Lot 2, Chula Vista, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Rural Residential 1 (R-1), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

City of Wimberley, Texas

ARTICLE IV. REPEALER

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.

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 18th day of July, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Calcote, City Secretary

City Attorney

Report for Zoning ZA-19-006



Summary:

A request to change the zoning of The Oaks, Lot 2, from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2)

Applicant Information:

Applicant: City of Wimberley
Property Owner: Wendy Phillips

Subject Property:

Legal Description: Lot 2, The Oaks
Location: Lot 2, The Oaks
Existing Use of Property: Residential
Existing Zoning: R-1
Proposed Use of Property: Residential
Proposed Zoning: R-2
Planning Area: I
Overlay District: N/A

Surroundings:

Frontage On: Mockingbird

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	RA	Residential
S of Property	RA	Residential
E of Property	R2	Residential
W of Property	R2	Residential

Legal Notice

200' Letters Published: 06/25/2019
Sign Placement: 06/20/2019
Responses: 06/25/2019
none

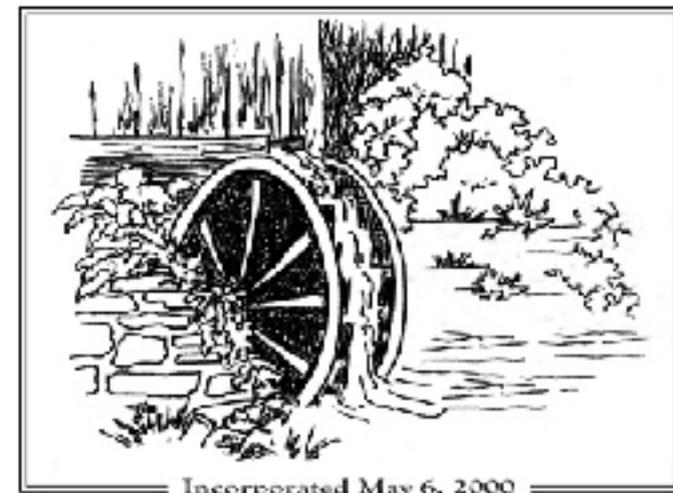
Comments:

The applicant, City of Wimberley, has submitted an application to change the zoning for a tract of land located at Lot 2, The Oaks, from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2). The requested zoning change is being made to bring the zoning designation for the subject property into compliance with the City's Zoning Ordinance.

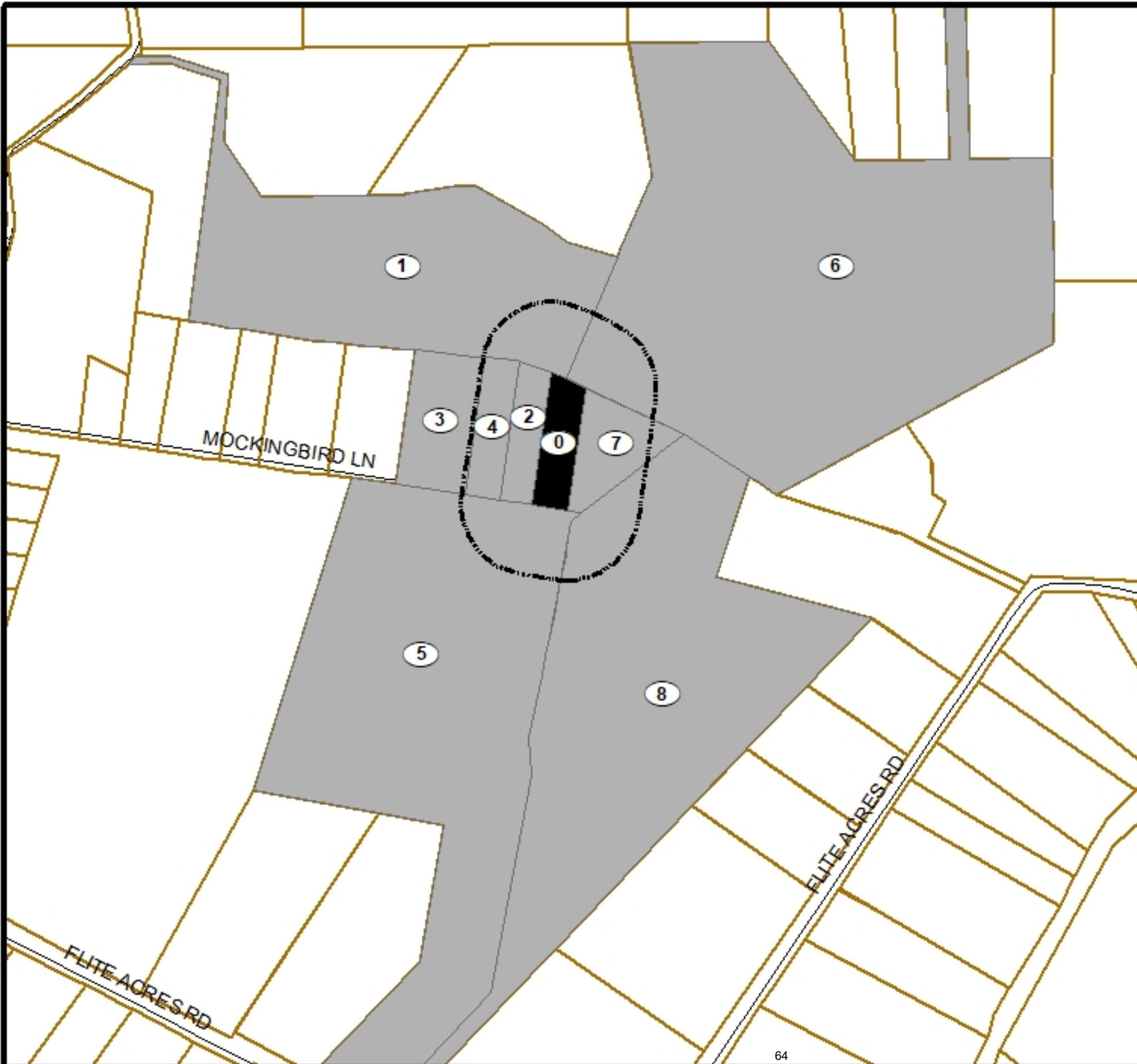
The subject tract is approximately 0.90 acres in size. The R-1 zoning category is designed for lots between 2-5 acres. The R-2 zoning category is designed for lots between 20,000 square ft and 2 acres. There has been no inquiry or response to this application.

At the Planning & Zoning meeting on July 11th, the Commission voted 5-0-0 to recommend approval of the application as presented.

ZA-19-005 ~ The Oaks, Sec.1, Lot 2

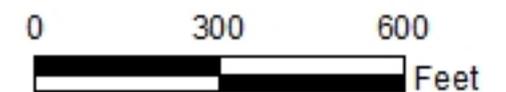


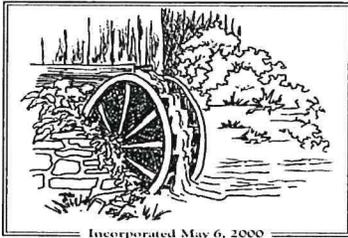
200' NOTIFICATION



Legend

- 200' Buffer
- ID. OWNER**
- 0. SUBJECT TRACT
- 1. MARTIN DELBERT L JR & BETTY B
- 2. GLASSCOCK CHLOE
- 3. WILLIAMS CHLOE GLASSCOCK
- 4. WILLIAMS CHRISTIAN & CHLOE
- 5. WENDY LYNN PHILLIPS
- 6. ROBERTS LINDSEY C & WILLIAMS CHRISTIE N
- 7. WENDY LYNN PHILLIPS
- 8. WENDY LYNN PHILLIPS





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

June 25, 2019

NOTICE OF PUBLIC HEARING

Re: File No. ZA-19-006
The Oaks, Sec. 1, Lot 2

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, the City of Wimberley, is proposing to change the zoning from **Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2)** for property described as The Oaks, Section 1, Lot 2. The zoning request will bring the zoning designation for the subject property into compliance with the City's Zoning Ordinance. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 11, 2019 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, July 18, 2019, at 6:00 p.m.**

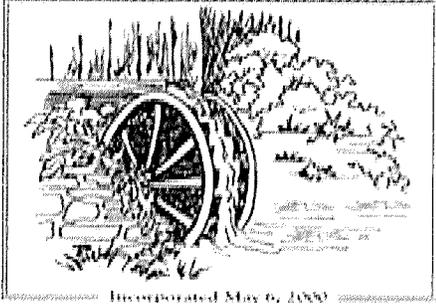
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025 x 25.

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
sfloyd@cityofwimberley.com

Pictures sent!



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: June 25, 2019

ZONING NO: ZA-19-006

APPLICANT: City of Wimberley

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: The Oaks, Section 1, Lot 2

John Provost
Public Works/Code Enforcement

Note: The above referenced sign was placed on the subject property on

JUNE 25 2019

Signature



The Wimberley View CLASSIFIED

P.O. Box 49 Wimberley, Texas 78676 512-8

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

Homes for Sale

Homes for Sale

**CITY OF DRIPPING SPRINGS, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2019,
IN THE AGGREGATE PRINCIPAL AMOUNT NOT
TO EXCEED \$23,500,000**

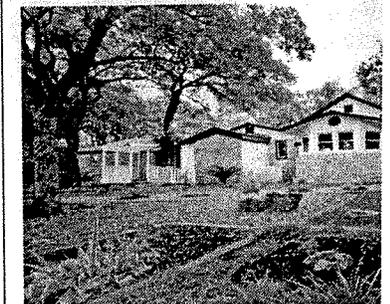
NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Dripping Springs, Texas. (the "City") to issue interest bearing certificates of obligation of the City entitled "City of Dripping Springs, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2019," for (i) financing the planning, acquisition, design and construction of improvements to the City's wastewater system, including constructing a new wastewater treatment plant, improving the City's existing wastewater treatment plant, expanding the existing wastewater collection system and constructing an effluent holding pond and pump station and related costs and the acquisition of any necessary easements or land and (ii) legal, fiscal and engineering fees in connection with such projects and the costs of issuance in connection with the certificates. The City Council tentatively proposes to authorize the issuance of such certificates of obligation at its regular meeting place in City Hall, 511 Mercer Street, Dripping Springs, Texas 78620, at a regular meeting to commence at 6:30 p.m., on the 13th day of August 2019. The maximum amount of such certificates of obligation that may be authorized for such purpose is \$23,500,000. The City Council presently proposes to provide for the payment of such certificates of obligation from the levy and collection of ad valorem taxes in the City as provided by law and is additionally secured by and payable from the surplus revenues of the City's wastewater system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) that are payable from all or part of said revenues.

CITY OF DRIPPING SPRINGS, TEXAS

**NOTICE OF PUBLIC HEARING
(Request for Zoning)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, July 11, 2019, at 6:00 p.m.** to consider the following:

ZA-19-006 – a request to change the zoning from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2) for The Oaks, Section 1, Lot 2. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 18, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



**For Sale – 5 BR/5 BATH
3 Car Garage, Work Shop
Room/Media Room, High Ceilings
on 4+/- private acres (100' frontage)
Remodeled in 2018. 2701 F
\$579K Call Mike at 714-231-1111**

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice



**HISTORIC MILL
RACE ROAD.
INVESTMENT
OPPORTUNITY 3.17
ACRES. LONG
OVERLOOKED
UNDEVELOPED**



**Homes
For Rent**
VERY NICE
1 full bath + 1/2
approx. 1254 sq ft

Did you know?
You can now view the
Legals and Public
Notices Online at
wimberleyview@gmail.com

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT THE OAKS, LOT 2, WIMBERLEY, HAYS COUNTY, TEXAS, FROM RURAL RESIDENTIAL 1 (R-1) TO SINGLE-FAMILY RESIDENTIAL 2 (R-2)

WHEREAS, Chapter 211 of Vernon’s Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment; and

WHEREAS, the regulations established by the Wimberley Code of Ordinances Section 155 (Zoning), as amended, (the “Code”) are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

WHEREAS, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning Lot 2, The Oaks, in Wimberley, Hays County, Texas, from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2) zoning classification.

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

ARTICLE I. REZONING

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning Lot 2, The Oaks, in Wimberley, Hays County, Texas, and more particularly described on the attached Exhibit “A”, incorporated by reference for all purposes, from Rural Residential 1 (R-1) to Single-Family Residential 2 (R-2) zoning classification.

ARTICLE II. SEVERABILITY

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

III. EFFECTIVE DATE

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

ARTICLE IV. 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 18th day of July 2019, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Susan Jagers, Mayor

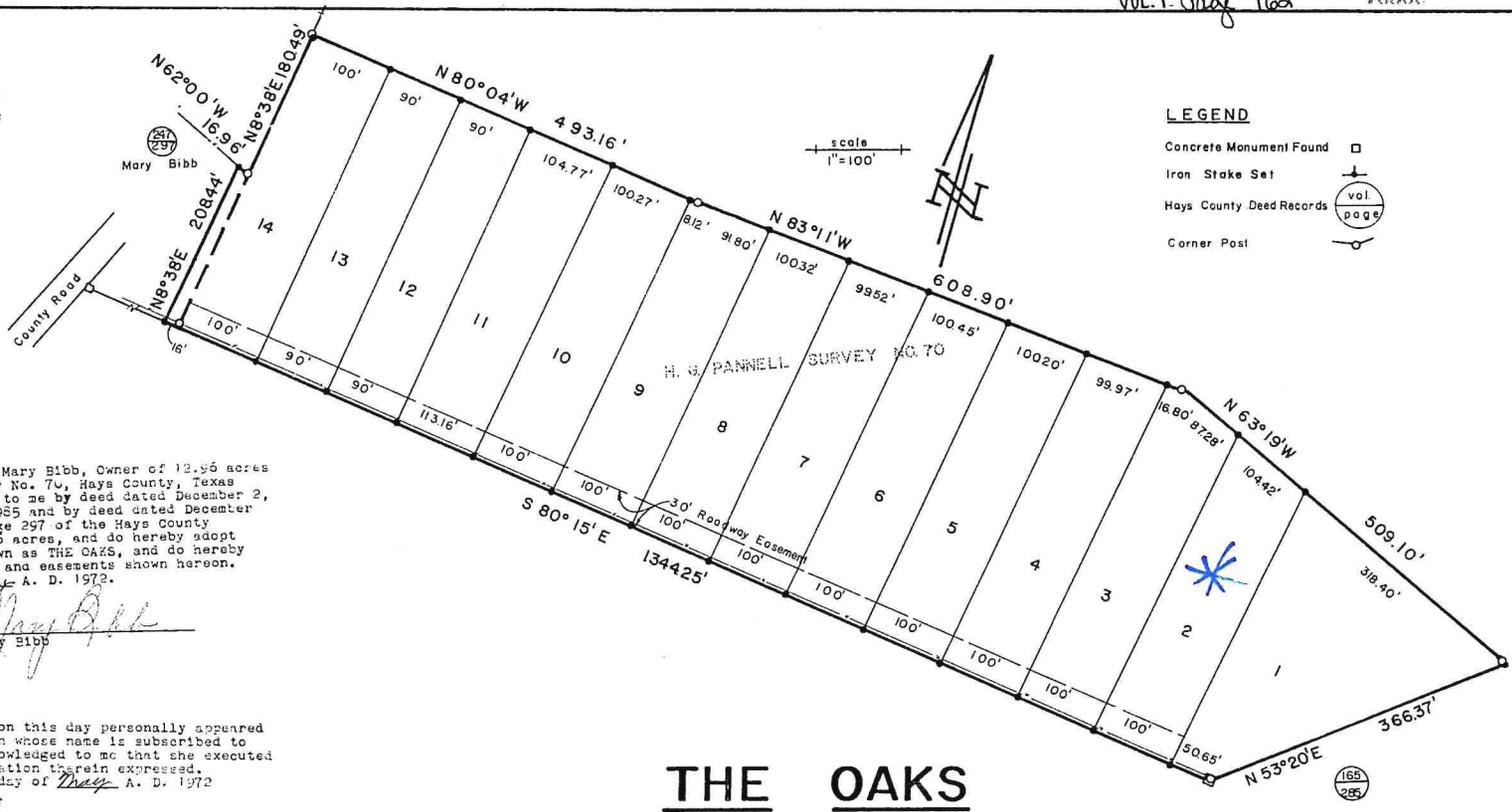
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

THIS PLAT prepared from surveys made on the ground during March 1972 and is true and correct to the best of my skill and knowledge.



LEGEND
Concrete Monument Found □
Iron Stake Set ↓
Hays County Deed Records (vol. / page)
Corner Post ○

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS: That I Mary Bibb, Owner of 12.96 acres of land out of the H. G. Pannell Survey No. 70, Hays County, Texas being a part of the same land conveyed to me by deed dated December 2, 1971 and recorded in Volume 246, Page 985 and by deed dated December 20, 1971 and recorded in Volume 247 Page 297 of the Hays County Deed Records, do hereby subdivide 12.96 acres, and do hereby adopt this plat as my subdivision, to be known as THE OAKS, and do hereby dedicate to the public, use all streets and easements shown hereon. Witness my hand this 4th day of May A. D. 1972.

Mary Bibb
Mary Bibb

STATE OF TEXAS
COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared Mary Bibb, known to me to be the person whose name is subscribed to the foregoing instrument, and she acknowledged to me that she executed the same for the purposes and consideration therein expressed. Witness my hand and seal this the 4th day of May A. D. 1972

Lydell B. Clayton
Lydell B. Clayton, County Clerk
County of Hays, Texas

"In approving this plat the Commissioners Court of Hays County, Texas, it is understood that the building of all streets, roads, or other public thoroughfares, or any bridges or culverts necessary to be placed in such streets, roads, or other public thoroughfares, shall be the responsibility of the Owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Hays County, Texas and said Court assumes no obligation to build and of the streets, roads or other public thoroughfares or any of the bridges or culverts in connection therewith."

I, Lydell B. Clayton, County Clerk of Hays County, Texas, do hereby certify that on the 4th day of May A. D. 1972 the Commissioners Court of Hays County, Texas passed an order authorizing the filing for record of this plat, and that said order has been duly entered in the minutes of said court in Book 1, Pages 161-163. Witness my hand and seal of office this the 4th day of May A. D. 1972.

Lydell B. Clayton, County Clerk, Hays County, Texas
Lydell B. Clayton
D. C. Brink
County Judge

THE OAKS SUBDIVISION-

THE STATE OF TEXAS
COUNTY OF HAYS

I, Lydell B. Clayton, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 4th day of May A. D. 1972 at 1:00 o'clock P. M. in the plat records of said county in Book 1, Pages 161-163. Witness my hand and seal of office this the 4th day of May A. D. 1972.

Lydell B. Clayton, County Clerk, Hays County, Texas
Lydell B. Clayton

70

EXHIBIT "A"



AGENDA ITEM: Library Fees
SUBMITTED BY: Sandy I. Floyd
DATE SUBMITTED: April 15, 2019
MEETING DATE: April 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Wimberley Library is requesting waiver of application fees for: zoning, subdivision, variance, site development, and building permit. The total cost for these applications is \$2,804. Pass through fees from site development and building permit reviews are not included in this request, nor is the actual building permit. City staff suggests that if Council approves this request the cost of public notification (newspaper ad & letters) be paid for by the applicant.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION



AGENDA ITEM: Ordinance No. 2019-09 Discussion
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The draft of Ordinance No. 2019-09 is attached, along with the minutes from the April 18th City Council Meeting, when the Ordinance was first discussed.

Norton Rose Fulbright Attorney, Stephanie Leibe, will provide an update to Council regarding the Ordinance.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

STAFF RECOMMENDATION

N/A

ORDINANCE NO. 2019-__

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019”; PROVIDING FOR THE PAYMENT OF SAID BONDS BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID BONDS BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS TO EFFECTUATE THE ISSUANCE OF THE BONDS; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE

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ORDINANCE NO. 2019-__

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019”; PROVIDING FOR THE PAYMENT OF SAID BONDS BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID BONDS BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS TO EFFECTUATE THE ISSUANCE OF THE BONDS; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *City Council*) of the City of Wimberley, Texas (the *City*) has heretofore issued, sold, and delivered, and there are currently outstanding obligations in the aggregate original principal amount of \$5,255,000, being the obligations set forth on Schedule I hereto which is incorporated by reference for all purposes to this ordinance (the *Exchanged Obligations*); and

WHEREAS, the Exchanged Obligations were issued for the purposes of funding: (i) the construction of a collection system to provide wastewater service to the central Wimberley area; (ii) the upgrading and expansion of the existing wastewater treatment plant; (iii) a reasonably required reserve fund for the Exchanged Obligations; and (iv) professional services and costs of issuance related to the Exchanged Obligations (items (i) and (ii) are, together, referred to herein as the *Original Project Scope*); and

WHEREAS, the Exchanged Obligations, which were delivered to and are currently held by the Texas Water Development Board (the *Board*), are payable and secured by an irrevocable first lien on and pledge of the Pledged Revenues (defined herein) of the System (defined herein) and an annual transfer of funds into the System’s revenue stream as designated in the Intradepartmental Agreement Regarding the Purchase of Reclaimed Water; and

WHEREAS, the City Council has requested of the Board that the Original Project Scope be amended to remove item (ii) of the Original Project Scope pertaining to the upgrading and expansion of the existing wastewater treatment plant; and

WHEREAS, the Board, through Resolution No. _____, dated March 28, 2019, agreed to the requested amendment to the Original Project Scope, on the condition that the City Council exchange the Exchanged Obligations with the Bonds (hereinafter defined), which will be secured by the proceeds of an annual ad valorem tax levied, within the limits prescribed by law, on all

taxable property in the City and additionally by a lien on and a pledge of the Pledged Revenues of the System; and

WHEREAS, the City Council intends to issue combination general obligation and revenue refunding bonds in an aggregate principal amount of \$5,255,000 which will be utilized to provide for the exchange of the Exchanged Obligations; and

WHEREAS, pursuant to the provisions of Chapter 1207, as amended, Texas Government Code (the *Act*), the City Council is authorized to issue refunding bonds to be exchanged for, and on the surrender and cancellation of, obligations to be refunded (which may be an issue of obligations in whole or, upon the City's demonstration of adequate resources to pay the un-refunded balance of the obligations, in part); and

WHEREAS, on the Closing Date (defined herein), the City will deliver to the Board and the Board will accept from the City the Bonds in exchange for, and the Board will surrender to the City and the City will accept from the Board and cancel, the bonds evidencing the Exchanged Obligations (which acceptance and cancellation will be accomplished by the Paying Agent/Registrar at the City's written direction); and

WHEREAS, the City Council hereby finds and determines that the issuance of combination general obligation and revenue refunding bonds for the purpose of refunding and exchanging the Exchanged Obligations is in the best interests of the residents of the City, now, therefore,

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

SECTION 1. Authorization - Designation - Principal Amount - Purpose. The combination general obligation and revenue refunding bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of FIVE MILLION TWO HUNDRED FIFTY FIVE THOUSAND AND NO/100 DOLLARS (\$5,255,000), to be designated and bear the title of "CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019" (the *Bonds*), for the purpose of providing for the exchange of the Exchanged Obligations, pursuant to the authority conferred by and in conformity with the laws of the State of Texas, particularly the Act. The Bonds will have substantially the same terms as the Exchanged Obligations, except for the actual security for the payment of the Bonds.

SECTION 2. Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Bond Date. The Bonds are issuable in fully registered form only; shall be dated April 1, 2019 (the *Bond Date*) and shall be issued in denominations of \$5,000 or any integral (within a Stated Maturity) thereof, shall be lettered "R-" and numbered consecutively from One (1) upward, and the Bonds shall become due and payable on August 1 in each of the years and in principal amounts (the *Stated Maturities*) and bear interest on the unpaid principal amounts as provided in Section 3, to the earlier of redemption or Stated Maturity, while Outstanding from the Closing Date (anticipated to occur on or about April __, 2019), from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for, to the earlier of redemption or Stated Maturity, at the per annum rates, while Outstanding, in accordance with the following schedule:

<u>Years of Stated Maturity</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
2019	155,000	0.070
2020	160,000	0.230
2021	160,000	0.370
2022	160,000	0.490
2023	160,000	0.710
2024	160,000	0.850
2025	165,000	1.030
2026	165,000	1.210
2027	165,000	1.390
2028	170,000	1.520
2029	170,000	1.620
2030	175,000	1.710
2031	175,000	1.780
2032	180,000	1.850
2033	185,000	1.910
2034	185,000	1.950
2035	190,000	1.980
2036	195,000	2.000
2037	200,000	2.010
2038	200,000	2.030
2039	205,000	2.050
2040	210,000	2.070
2041	215,000	2.090
2042	220,000	2.110
2043	225,000	2.120
2044	230,000	2.130
2045	235,000	2.140
2046	240,000	2.150

SECTION 3. Payment of Bonds - Paying Agent/Registrar. The principal of, premium, if any, and interest on the Bonds, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable, without exchange or collection charges to the registered owners of the Bonds (the *Holder* or *Holder*s), appearing on the Security Register (hereinafter defined) maintained by the Paying Agent/Registrar (hereinafter defined), in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and such payment of principal of and interest on the Bonds shall be without exchange or collection charges to the Holder (hereinafter defined) of the Bonds. Interest on each Bond issued and delivered to a Holder shall accrue from the latest Interest Payment Date that interest on such Bond (or its Predecessor Bond) has been paid that precedes the registration date appearing on such Bond in the “Registration Certificate of Paying Agent/Registrar” (Section 8D hereof), unless the registration date appearing thereon is an Interest Payment Date for which interest is being paid, in which case interest on such Bond shall accrue from the registration date appearing thereon and provided further that with respect to the initial payment of interest on a

Bond, such interest shall accrue from the date of initial delivery of the Bonds (or its Predecessor Bond) to the Purchasers (hereinafter defined).

The Bonds shall bear interest at the per annum rates shown above in Section 2, computed on the basis of a 360-day year of twelve 30-day months, and interest thereon shall be payable semiannually on February 1 and August 1 of each year (each an *Interest Payment Date*) commencing August 1, 2019, while the Bonds are Outstanding.

The selection and appointment of BOKF, NA, Dallas, Texas (the *Paying Agent/Registrar*), to serve as the initial Paying Agent/Registrar for the Bonds is hereby approved and confirmed, and the City agrees and covenants to cause to be kept and maintained at the corporate trust office of the Paying Agent/Registrar books and records (the *Security Register*) for the registration, payment and transfer of the Bonds, all as provided herein, in accordance with the terms and provisions of a Paying Agent/Registrar Agreement, attached, in substantially final form, as Exhibit A hereto, and such reasonable rules and regulations as the Paying Agent/Registrar and City may prescribe. The City covenants to maintain and provide a Paying Agent/Registrar at all times while the Bonds are Outstanding, and any successor Paying Agent/Registrar shall be (i) a national or state banking institution or (ii) an association or a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers. Such Paying Agent/Registrar shall be subject to supervision or examination by federal or state authority and authorized by law to serve as a Paying Agent/Registrar.

The City reserves the right to appoint a successor Paying Agent/Registrar upon providing the previous Paying Agent/Registrar with a certified copy of a resolution or ordinance terminating such agency. Additionally, the City agrees to promptly cause a written notice of this substitution to be sent to each Holder of the Bonds by United States mail, first-class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of, premium, if any, and interest on the Bonds, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable only to the registered owner of the Bonds appearing on the Security Register (the *Holder* or *Holder*s) maintained on behalf of the City by the Paying Agent/Registrar as hereinafter provided (i) on the Record Date (hereinafter defined) for purposes of payment of interest thereon, (ii) on the date of surrender of the Bonds for purposes of receiving payment of principal thereof upon redemption of the Bonds or at the Bonds' Stated Maturity, and (iii) on any other date for any other purpose. The City and the Paying Agent/Registrar, and any agent of either, shall treat the Holder as the owner of a Bond for purposes of receiving payment and all other purposes whatsoever, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

Principal of and premium, if any, on the Bonds shall be payable only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its corporate trust office. Interest on the Bonds shall be paid to the Holder whose name appears in the Security Register at the close of business on the fifteenth day of the month next preceding an Interest Payment Date for the Bonds (the *Record Date*) and shall be paid (i) by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, by the Paying Agent/Registrar, to the address of the Holder appearing in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested in writing by the Holder at the Holder's risk and expense. While the

Bonds are held by the Purchasers (as defined in Section 27 hereof), payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

If the date for the payment of the principal of, premium, if any, or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a day. The payment on such date shall have the same force and effect as if made on the original date any such payment on the Bonds was due.

In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a Special Record Date) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the *Special Payment Date* - which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. Redemption.

A. Optional Redemption. The Bonds having Stated Maturities on and after August 1, 2028, shall be subject to redemption prior to Stated Maturity, at the option of the City, in inverse order of Stated Maturity, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar), on August 1, 2027, or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

B. Special Mandatory Redemption. In the event that the Purchasers at such time remains the sole holder of the Bonds and the final accounting delivered by the City to the Purchasers in the form and manner specified in, and in compliance with the provisions of, Section 35 of this Ordinance evidences that the total cost of the project to be financed with Bond proceeds is less than the amount of Bond proceeds available for paying such costs, then the City shall, as soon as practicable (but in no event later than six months after the Purchasers' acceptance of the aforementioned accounting), at the direction of the City Administrator, and without the requirement of the approval of the City Council of the City, redeem Bonds in the amount of such excess to the nearest multiple of the authorized denomination for the Bonds. Bonds redeemed pursuant to this provision shall be redeemable on any date, in inverse order of Stated Maturity, as a whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity, selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

C. Exercise of Redemption Option. At least forty-five (45) days prior to a date set for the redemption of Bonds (unless a shorter notification period shall be satisfactory to the Paying

Agent/Registrar), the City shall notify the Paying Agent/Registrar of its decision to exercise the right to redeem Bonds, the principal amount of each Stated Maturity to be redeemed, and the date set for the redemption thereof. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

D. Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall select at random and by lot the Bonds to be redeemed, provided that if less than the entire principal amount of a Bond is to be redeemed, the Paying Agent/Registrar shall treat such Bond then subject to redemption as representing the number of Bonds Outstanding which is obtained by dividing the principal amount of such Bond by \$5,000.

E. Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States mail, first-class postage prepaid, in the name of the City and at the City's expense, by the Paying Agent/Registrar to each Holder of a Bond to be redeemed, in whole or in part, at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder. This notice may also be published once in a financial publication, journal, or reporter of general circulation among securities dealers in the City of New York, New York (including, but not limited to, The Bond Buyer and The Wall Street Journal), or in the State of Texas (including, but not limited to, The Texas Bond Reporter).

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the corporate trust office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder.

If a Bond is subject by its terms to redemption and has been called for redemption and notice of redemption thereof has been duly given or waived as herein provided, such Bond (or the principal amount thereof to be redeemed) so called for redemption shall become due and payable, and if money sufficient for the payment of such Bonds (or of the principal amount thereof to be redeemed) at the then applicable redemption price is held for the purpose of such payment by the Paying Agent/Registrar, then on the redemption date designated in such notice, interest on the Bonds (or the principal amount thereof to be redeemed) called for redemption shall cease to accrue and such Bonds shall not be deemed to be Outstanding in accordance with the provisions of this Ordinance.

F. Transfer/Exchange of Bonds. Neither the City nor the Paying Agent/Registrar shall be required (1) to transfer or exchange any Bond during a period beginning forty-five (45) days prior to the date fixed for redemption of the Bonds or (2) to transfer or exchange any Bond selected for redemption, provided, however, such limitation of transfer shall not be applicable to an

exchange by the Holder of the unredeemed balance of a Bond which is subject to redemption in part.

SECTION 5. Execution - Registration. The Bonds shall be executed on behalf of the City by its Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and attested by its City Secretary. The signature of either of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who were, at the time of the Bond Date, the proper officers of the City shall bind the City, notwithstanding that such individuals or either of them shall cease to hold such offices prior to the delivery of the Bonds to the Purchasers, all as authorized and provided in Chapter 1201, as amended, Texas Government Code.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 8C, executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent by manual signature, or a certificate of registration substantially in the form provided in Section 8D, executed by the Paying Agent/Registrar by manual signature, and either such certificate upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified or registered and delivered.

SECTION 6. Registration - Transfer - Exchange of Bonds - Predecessor Bonds. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of every owner of the Bonds, or if appropriate, the nominee thereof. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for transfer of any Bond at the corporate trust office of the Paying Agent/Registrar, the City shall execute and the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds of authorized denomination and having the same Stated Maturity and of a like interest rate and aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange upon surrender of the Bonds to be exchanged at the corporate trust office of the Paying Agent/Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute, and the Paying Agent/Registrar shall register and deliver, the Bonds to the Holder requesting the exchange.

All Bonds issued upon any transfer or exchange of Bonds shall be delivered at the corporate trust office of the Paying Agent/Registrar, or be sent by registered mail to the Holder at his request, risk, and expense, and upon the delivery thereof, the same shall be the valid and binding obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be Predecessor Bonds, evidencing all or a portion, as the case may be, of the same debt evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term Predecessor Bonds shall include any Bond registered and delivered pursuant to Section 26 in lieu of a mutilated, lost, destroyed, or stolen Bond which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

SECTION 7. Initial Bond. The Bonds herein authorized shall be issued initially either (i) as a single fully registered Bond in the total principal amount of \$5,255,000 with principal installments to become due and payable as provided in Section 2 and numbered T-1, or (ii) as one (1) fully registered Bond for each year of a Stated Maturity in the applicable principal amount and denomination purchased thereby and to be numbered consecutively from T-1 and upward (the *Initial Bonds*) and, in either case, the Initial Bonds shall be registered in the name of the Purchasers or the designee thereof. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Purchasers. Any time after the delivery of the Initial Bond to the Purchasers, the Paying Agent/Registrar, upon written instructions from the Purchasers or their designee, shall cancel the Initial Bond delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates, and shall be lettered "R" and numbered consecutively from one (1) upward for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the Purchasers, or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 8. Forms.

A. Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including insurance legends in the event the Bonds, or any Stated Maturities thereof, are insured, and any reproduction of an opinion of Bond Counsel) and identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of Bond Counsel (hereinafter referenced)) thereon as may, consistent herewith, be established by the City or determined by the officers executing the Bonds as evidenced by their execution thereof. Any portion of the text of any Bond may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds shall be typewritten, printed, lithographed, or engraved, produced by any combination of these methods, or produced in any other similar manner, all as determined by the officers executing the Bonds as evidenced by their execution thereof, but the Initial Bond submitted to the Attorney General of the State of Texas may be typewritten or photocopied or otherwise reproduced.

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B. Form of Definitive Bond.

REGISTERED
NO. _____

REGISTERED
PRINCIPAL AMOUNT
\$ _____

United States of America
State of Texas
County of Hays
CITY OF WIMBERLEY, TEXAS
EXCHANGE REFUNDING BONDS, SERIES 2019

Bond Date: April 1, 2019 Interest Rate: Stated Maturity: CUSIP No.

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____

The City of Wimberley, Texas (the *City*), a body corporate and municipal corporation in the County of Hays, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner specified above, or the registered assigns thereof, on the Stated Maturity date specified above, the Principal Amount specified above (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amount hereof from the Closing Date (anticipated to occur on or about April __, 2019), or from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for until such Principal Amount has become due and payment thereof has been made or duly provided for, to the earlier of redemption or Stated Maturity while Outstanding, at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year (each, an *Interest Payment Date*) commencing August 1, 2019.

Principal and premium, if any, of this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon presentation and surrender, at the corporate trust office of the Paying Agent/Registrar executing the registration certificate appearing hereon or a successor thereof. Interest shall be payable to the Holder of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the Security Register maintained by the Paying Agent/Registrar at the close of business on the Record Date, which is the fifteenth day of the month next preceding each Interest Payment Date. All payments of principal of and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest shall be paid by the Paying Agent/Registrar by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, to the Holder hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by the Holder hereof at the Holder's risk and expense. While the Bonds are held by the Purchasers payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds

wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$5,255,000 (the *Bonds*) pursuant to an Ordinance adopted by the governing body of the City (the *Ordinance*), for the purpose of providing for the exchange of the Exchanged Obligations, under and in strict conformity with the laws of the State of Texas, particularly Chapter 1207, as amended, Texas Government Code.

As set forth in the Ordinance, the Bonds stated to mature on and after August 1, 2028 may be redeemed prior to their Stated Maturities, at the option of the City, in inverse order of Stated Maturity, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar), on August 1, 2027, or on any date thereafter at the redemption price of par, together with accrued interest to the date of redemption and upon 30 days prior written notice being sent by United States Mail, first class postage prepaid, to the registered owners of the Bonds to be redeemed, and subject to the terms and provisions relating thereto contained in the Ordinance. If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In addition to the foregoing right to optional redemption, in the event that the Purchasers at such time remains the sole holder of the Bonds and the final accounting delivered by the City to the Purchasers in the form and manner specified in the Ordinance (and in compliance with the provisions of Section 35 of the Ordinance) evidences that the total cost of the project to be financed with Bond proceeds is less than the amount of Bond proceeds available for paying such costs, then the City shall, as soon as practicable (but in no event later than six months after the Purchasers' acceptance of the aforementioned accounting) redeem Bonds in the amount of such excess to the nearest multiple of the authorized denomination for the Bonds. Bonds redeemed pursuant to this provision shall be redeemable on any date, in inverse order of Stated Maturity, as a whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity, selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

In the event that the Purchasers at such time remains the sole holder of the Bonds and the final accounting delivered by the City to the Purchasers in the form and manner specified in the Ordinance (and in compliance with the provisions of Section 35 of the Ordinance) evidences that the total cost of the project to be financed with Bond proceeds is less than the amount of Bond proceeds available for paying such costs, then the City shall, as soon as practicable (but in no event later than six months after the Purchasers' acceptance of the aforementioned accounting), at the direction of the City Administrator without the requirement of the approval of the City Council of the City, redeem Bonds in the amount of such excess to the nearest multiple of the authorized denomination for the Bonds. Bonds redeemed pursuant to this provision shall be redeemable on any date, in inverse order of Stated Maturity, as a whole or in part, in principal amounts of \$5,000

or any integral multiple thereof (and if within a Stated Maturity, selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption has been duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and, if the money for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption is held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable hereon from and after the redemption date on the principal amount hereof to be redeemed. If this Bond is called for redemption, in whole or in part, the City or the Paying Agent/Registrar shall not be required to issue, transfer, or exchange this Bond within forty-five (45) days of the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the Holder of the unredeemed balance hereof in the event of its redemption in part.

The Bonds of this series are payable from the proceeds of an ad valorem tax levied upon all taxable property within the City, within the limitations prescribed by law, and are further payable from and secured by a first lien on and pledge of the Pledged Revenues (identified and defined in the Ordinance), which includes a first lien on and pledge of Net Revenues derived by the City from its ownership and operation of the City's wastewater and sewer utility system (the *System*), such lien on and pledge of Net Revenues being on parity with the lien on and pledge of such Net Revenues securing the payment of any Additional Prior Lien Obligations and superior to the lien on and pledge of such Net Revenues securing payment of any Junior Lien Obligations, or Limited Pledge Obligations hereafter issued by the City. In the Ordinance, the City reserves and retains the right to issue Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, and Limited Pledge Obligations (all as identified and defined in the Ordinance), while the Bonds are Outstanding, without limitation as to principal amount but subject to any terms, conditions or restrictions as may be applicable thereto under law or otherwise.

Reference is hereby made to the Ordinance, a copy of which is on file in the corporate trust office of the Paying Agent/Registrar, and to all of the provisions of which the Holder by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied and the revenues pledged for the payment of the Bonds; the terms and conditions under which the City may issue Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, and Limited Pledge Obligations; the terms and conditions relating to the transfer or exchange of the Bonds; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holder; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be redeemed or discharged at or prior to the Stated Maturity thereof, and deemed to be no longer Outstanding thereunder; and for the other terms and provisions specified in the Ordinance. Capitalized terms used herein have the same meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register upon presentation and surrender at the corporate trust office of the Paying Agent/Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form

satisfactory to the Paying Agent/Registrar duly executed by the Holder hereof, or his duly authorized agent, and thereupon one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the Holder hereof whose name appears on the Security Register (i) on the Record Date as the owner hereof for purposes of receiving payment of interest hereon, (ii) on the date of surrender of this Bond as the owner hereof for purposes of receiving payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner hereof for all other purposes, and neither the City nor the Paying Agent/Registrar, or any such agent of either, shall be affected by notice to the contrary. In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a Special Record Date) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the *Special Payment Date* - which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, covenanted, and represented that all acts, conditions, and things required to be performed, exist, and be done precedent to the issuance of this Bond in order to render the same a legal, valid, and binding obligation of the City have been performed, exist, and have been done, in regular and due time, form, and manner, as required by the laws of the State of Texas and the Ordinance, and that issuance of the Bonds does not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of, premium if any, and interest on the Bonds by the levy of a tax and collection of Pledged Revenues as aforestated. In case any provision in this Bond or any application thereof shall be deemed invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City has caused this Bond to be duly executed under its official seal.

CITY OF WIMBERLEY, TEXAS

By _____
Mayor

ATTEST:

City Secretary

(CITY SEAL)

C. *Form of Registration Certificate of Comptroller of Public Accounts to Appear on Initial Bond Only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER OF §
PUBLIC ACCOUNTS §
 § REGISTER NO. _____
THE STATE OF TEXAS §

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____

Comptroller of Public Accounts
of the State of Texas

(SEAL)

*NOTE TO PRINTER: Not to appear on printed Bonds.

D. Form of Certificate of Paying Agent/Registrar to Appear on Definitive Bonds Only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued under the provisions of the within-mentioned Ordinance; the Bond or Bonds of the above-entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

Registered this date: BOKF, NA, Dallas, Texas, as Paying Agent/Registrar

_____ By: _____
Authorized Signature

*NOTE TO PRINTER: Print on Definitive Bonds.

[The remainder of this page intentionally left blank.]

E. Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee): _____

(Social Security or other identifying number): _____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

Signature guaranteed:

F. The Initial Bond shall be in the form set forth in paragraph B of this Section, except that the form of a single fully registered Initial Bond shall be modified as follows:

- (i) immediately under the name of the Bond(s) the headings "Interest Rate" and "Stated Maturity" shall both be completed "As Shown Below";
- (ii) the first two paragraphs shall read as follows:

Registered Owner: _____

Principal Amount: _____

The City of Wimberley, Texas (the *City*), a body corporate and municipal corporation in the County of Hays, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, the Principal Amount specified above stated to mature on the first day of August each of the years and in principal amounts and bearing interest at per annum rates in accordance with the following schedule:

Years of
Stated Maturity

Principal
Amounts (\$)

Interest
Rates (%)

(Information to be inserted
from schedule in Section 2 hereof)

(or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amounts hereof from the Closing Date (anticipated to occur on or about April __, 2019), or from the most recent Interest Payment Date (defined below) to which interest has been paid or duly provided for, to the earlier of redemption or Stated Maturity, at the per annum rates of interest specified above, computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year (each, an *Interest Payment Date*), commencing August 1, 2019.

Principal of this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon its presentation and surrender to Stated Maturity or prior redemption, while Outstanding, at the corporate trust office of BOKF, NA, Dallas, Texas (the *Paying Agent/Registrar*). Interest shall be payable to the Holder of this Bond whose name appears on the Security Register maintained by the Paying Agent/Registrar at the close of business on the Record Date, which is the fifteenth day of the month next preceding each Interest Payment Date. All payments of principal of and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest shall be paid by the Paying Agent/Registrar by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, to the Holder hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder hereof.

G. Insurance Legend. If bond insurance is obtained by the City or the Purchasers for the Bonds, the Definitive Bonds and the Initial Bond shall bear an appropriate legend as provided by the insurer to appear under the following header:

[BOND INSURANCE]

SECTION 9. Definitions. For all purposes of this Ordinance (as defined below), except as otherwise expressly provided or unless the context otherwise requires: (i) the terms defined in this Section have the meanings assigned to them in this Section, and certain terms used in Sections 28 and 48 of this Ordinance have the meanings assigned to them in Sections 28 and 48 of this Ordinance, and all such terms, include the plural as well as the singular; (ii) all references in this Ordinance to designated “Sections” and other subdivisions are to the designated Sections and other subdivisions of this Ordinance as originally adopted; and (iii) the words “herein”, “hereof”, and “hereunder” and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision.

A. The term *Additional Prior Lien Obligations* shall mean (i) the Bonds and any bonds, notes, warrants, certificates of obligation, or other evidences of indebtedness which the City reserves the right to issue or enter into, as the case may be, in the future under the terms and conditions provided by the City Council and which are equally and ratably secured solely by a first

and prior lien on and pledge of the Pledged Revenues of the System and (ii) any obligations hereafter issued to refund any of the foregoing if issued in a manner so as to be payable from and secured by a first and prior lien on and pledge of the Pledged Revenues as determined by the City Council in accordance with applicable law

B. The term *Authorized Officials* shall mean the Mayor, the Mayor Pro Tem, the City Administrator, and/or the City Secretary.

C. The term *Bonds* shall mean the \$5,255,000 “CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019” authorized by this Ordinance.

D. The term *Bond Fund* shall mean the special Fund created and established by the provisions of Section 10 of this Ordinance.

E. The term *City* shall mean the City of Wimberley, located in Hays County, Texas and, where appropriate, the City Council of the City.

F. The term *Closing Date* shall mean the date of physical delivery of the Initial Bonds in exchange for the Exchanged Obligations.

G. The term *Collection Date* shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.

H. The term *Debt Service Requirements* shall mean, as of any particular date of computation, with respect to any obligations and with respect to any period, the aggregate of the amounts to be paid or set aside by the City as of such date or in such period for the payment of the principal of, premium, if any, and interest (to the extent not capitalized) on such obligations; assuming, in the case of obligations without a fixed numerical rate, that such obligations bear interest at the maximum rate permitted by the terms thereof and further assuming in the case of obligations required to be redeemed or prepaid as to principal prior to Stated Maturity, the principal amounts thereof will be redeemed prior to Stated Maturity in accordance with the mandatory redemption provisions applicable thereto.

I. The term *Depository* shall mean an official depository bank of the City.

J. The term *Fiscal Year* shall mean the annual financial accounting period for the System now ending on September 30th of each year; provided, however, the City Council may change such annual financial accounting period to end on another date if such change is found and determined to be necessary for accounting purposes or is required by applicable law.

K. The term *Government Securities*, as used herein, shall mean (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by, the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent;

(iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent, or (iv) any additional securities and obligations hereafter authorized by the laws of the State of Texas as eligible for use to accomplish the discharge of obligations such as the Obligations.

L. The term *Gross Revenues* shall mean all income, receipts, and revenues of every nature derived or received from the operation or ownership of the System, excluding refundable meter deposits, restricted gifts, and grants in aid of construction, but including earnings and income derived from the investment or deposit of money in any special fund or account (except the Bond Fund) created and established for the payment or security of the Bonds.

M. The term *Holder* or *Holder*s shall mean the registered owner, whose name appears in the Security Register, for any Bond.

N. The term *Interest Payment Date* shall mean the date semiannual interest is payable on the Bonds, being February 1 and August 1 of each year, commencing August 1, 2019, while any of the Bonds remain Outstanding.

O. The term *Junior Lien Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation or any similar obligations hereafter issued by the City that are payable wholly or in part from and equally and ratably secured by a lien on and pledge of the Net Revenues of the System, such pledge being junior and inferior to the lien on and pledge of the Net Revenues of the System that are pledged to the Bonds and any Additional Prior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the Net Revenues of the System that may be pledged to the payment of any Subordinate Lien Obligations or the Limited Pledge Obligations, all as further provided in Section 21 of this Ordinance and (ii) obligations hereafter issued to refund any of the foregoing that are payable from and equally and ratably secured by a junior and inferior lien on and pledge of the Net Revenues as determined by the City Council in accordance with any applicable law.

P. The term *Limited Pledge Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation, or other evidences of indebtedness hereafter issued by the City payable wholly or in part from a pledge of and lien on Net Revenues of the System which pledge of revenues is limited pursuant to Section 1502.052, as amended, Texas Government Code, all as further provided in Section 21 of this Ordinance, and (ii) any obligations hereafter issued to refund any of the foregoing as determined by the City Council in accordance with any applicable law.

Q. The term *Maintenance and Operating Expenses* shall mean all current expenses of operating and maintaining the System as authorized by the provisions of Chapter 1502, as amended, Texas Government Code, including, but not limited to, all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would

otherwise impair obligations payable from Net Revenues shall be deducted in determining Net Revenues. Depreciation, amortization, or other expenditures which, under standard accounting practice, should be charged to capital expenditures shall not constitute or be regarded as Maintenance and Operating Expenses of the System. Payments required to be made by the City for water supply or water facilities, sewer services or sewer facilities, or fuel supply which payments under law constitute operation and maintenance expenses of any part of the System, shall constitute and be regarded as Maintenance and Operating Expenses of the System under this Ordinance.

R. The term *Net Revenues* for any period shall mean the Gross Revenues of the System less the Maintenance and Operating Expenses of the System.

S. The term *Ordinance* shall mean this ordinance as finally passed and adopted by the City Council of the City.

T. The term *Outstanding* when used in this Ordinance with respect to Bonds shall mean, as of the date of determination, all Bonds issued and delivered under this Ordinance, except:

(1) those Bonds canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds for which payment has been duly provided by the City in accordance with the provisions of Section 30 of this Ordinance; and

(3) those Bonds that have been mutilated, destroyed, lost, or stolen and replacement Bonds have been registered and delivered in lieu thereof as provided in Section 26 of this Ordinance.

U. The term *Pledged Revenues* shall mean, while the Bonds remain Outstanding, (1) the Net Revenues plus (2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter are pledged by the City to the payment of the Bonds or any Additional Prior Lien Obligations hereafter issued by the City, and excluding those revenues excluded from Gross Revenues. The Pledged Revenues shall be deposited, allocated, and expended in accordance with Section 10 of this Ordinance.

V. The term *Purchasers* shall mean the initial purchaser or purchasers of the Bonds named in Section 27 of this Ordinance.

W. The term *Stated Maturity* shall mean the annual principal payments of the Bonds payable on August 1 of each year the Bonds are Outstanding as set forth in Section 2 of this Ordinance.

X. The term *Subordinate Lien Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation, or any similar obligations hereafter issued by the City that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Net Revenues of the System, such pledge being subordinate and inferior to the lien on and pledge of

the Net Revenues of the System that are or may be pledged to the payment of the Bonds or any Additional Prior Lien Obligations or Junior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the limited amount of the Net Revenues securing, in part, any Limited Pledge Obligations hereafter issued by the City, all as further provided in Section 21 of this Ordinance and (ii) obligations hereafter issued to refund any of the foregoing that are payable from and equally and ratably secured by a subordinate and inferior lien on and pledge of the Net Revenues as determined by the City Council in accordance with any applicable law.

Y. The term *System* shall mean the City's wastewater and sewer utility system and all land, buildings, structures, equipment, and facilities pertaining thereto, together with all future improvements, extensions, enlargements, and additions thereto, and replacements thereof, and all other wastewater and sewer utility facilities of the City acquired or constructed with funds from any source, including the issuance of the Bonds, and any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City; provided, however, that notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include facilities of any kind declared by the City Council not to be part of the System and which are acquired and constructed by or on behalf of the City with the proceeds from the issuance of *Special Facilities Bonds*, which are hereby defined to be special revenue obligations of the City which are not payable from a first lien on and pledge of any Net Revenues but which are payable from and secured by other liens on and pledges of any revenues, sources, lease or other payments, not pledged to the payment of the Bonds, or any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City including, but not limited to, special contract revenues or payments received from any other legal entity in connection with such facilities.

SECTION 10. Bond Fund, Investments. For the purpose of paying the interest on and to provide a sinking fund for the payment, redemption, and retirement of the Bonds, there shall be and is hereby created a special fund to be designated "CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019, INTEREST AND SINKING FUND" (the *Bond Fund*), which fund shall be kept and maintained at the Depository, and money deposited in such fund shall be used for no other purpose and shall be maintained as provided in Section 29. Authorized Officials of the City are hereby authorized and directed to make withdrawals from said fund sufficient to pay the purchase price or the amount of principal of and interest on the Bonds as the same become due and payable and shall cause to be transferred to the Paying Agent/Registrar from money on deposit in the Bond Fund an amount sufficient to pay the amount of principal and/or interest stated to mature on the Bonds, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Bonds.

Pending the transfer of funds to the Paying Agent/Registrar, money deposited in any fund created and established by this Ordinance may, at the option of the City, be placed in time deposits, certificates of deposit, guaranteed investment contracts, or similar contractual agreements, as permitted by the provisions of the Public Funds Investment Act, as amended, Chapter 2256, Texas Government Code, secured (to the extent not insured by the Federal Deposit Insurance Corporation) by obligations of the type hereinafter described, or be invested, as authorized by any law, including investments held in book-entry form, in securities, including, but not limited to,

direct obligations of the United States of America, obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or invested in indirect obligations of the United States of America, including, but not limited to, evidences of indebtedness issued, insured or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, Farmers Home Administration, Federal Home Loan Mortgage Association, or Federal Housing Association; provided that all such deposits and investments shall be made in such a manner that the money required to be expended from such fund will be available at the proper time or times. All interest and income derived from deposits and investments in any fund established pursuant to the provisions of this Ordinance shall be credited to, and any losses debited to, such fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Bonds.

SECTION 11. Tax Levy. To provide for the payment of the Debt Service Requirements on the Bonds being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at Stated Maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied for the current year and each succeeding year thereafter while the Bonds or any interest thereon shall remain Outstanding, a sufficient tax, within the limitations prescribed by law, on each one hundred dollars valuation of taxable property in the City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Bond Fund and are thereafter pledged to the payment of the Bonds. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay such Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness and other obligations of the City.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Bonds shall be determined and accomplished in the following manner:

A. Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the City Council shall determine:

(1) the amount of Debt Service Requirements to become due and payable on the Bonds between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year;

(2) the amount on deposit in the Bond Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Bonds prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Pledged Revenues to be appropriated and allocated during such year to pay such Debt Service Requirements, if any, prior to the Collection Date for the ad valorem taxes to be levied; and

(3) the amount of Pledged Revenues to be appropriated and to be set aside for the payment of the Debt Service Requirements on the Bonds between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding Fiscal Year.

B. The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Bonds shall be the amount established in paragraph (1) above less the sum total of the amounts established in paragraphs (2) and (3), after taking into consideration delinquencies and costs of collecting such annual taxes.

SECTION 12. Pledge of Pledged Revenues. (a) The City hereby covenants and agrees that, on parity with any lien on and pledge of the Net Revenues of the System to the payment and security of any Additional Prior Lien Obligations hereafter issued by the City and superior to any lien on and pledge of the Net Revenues of the System to the payment and security of (i) any Junior Lien Obligations or Subordinate Lien Obligations hereafter issued by the City or (ii) the lien on and pledge of a limited amount of the Net Revenues to the payment and security of any Limited Pledge Obligations hereafter issued by the City, the Pledged Revenues are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds, and the pledge of Pledged Revenues herein made for the payment of the Bonds shall constitute a lien on the Pledged Revenues in accordance with the terms and provisions hereof and be valid and binding without any physical delivery thereof or further act by the City.

(b) Chapter 1208, as amended, Texas Government Code, applies to the issuance of the Bonds and the pledge of Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Net Revenues granted by the City is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in this pledge, the City Council agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, as amended, Texas Business & Commerce Code and enable a filing to perfect the security interest in this pledge to occur.

SECTION 13. System Fund. The City hereby covenants and agrees that all Gross Revenues derived from the operation of the System shall be kept separate and apart from all other funds, accounts and money of the City and shall be deposited as collected into the "CITY OF WIMBERLEY, TEXAS WASTEWATER AND SEWER SYSTEM FUND" (the *System Fund*). All money deposited in the System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown:

- First: to the payment of the reasonable and proper Maintenance and Operating Expenses of the System required by statute or ordinances authorizing the issuance of any indebtedness of the City to be a first charge on and claim against the Gross Revenues of the System;
- Second: To the payment of the amounts that must be deposited in the special funds and accounts created and established for the payment, security, and benefit of the

Bonds, and any Additional Prior Lien Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance;

- Third: To the payment of the amounts that must be deposited in the special funds and accounts created and established for the payment, security, and benefit of any Junior Lien Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance;
- Fourth: To the payment of the amounts that must be deposited in the special funds and accounts created and established for the payment, security, and benefit of any Subordinate Lien Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance; and
- Fifth: To the payment of the amounts that may be deposited in the special funds and accounts established for the payment of any Limited Pledge Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment, security and benefit thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

SECTION 14. Deposits to Bond Fund; Surplus Bond Proceeds. The City hereby covenants and agrees to cause to be deposited in the Bond Fund prior to a principal and interest payment date for the Bonds, from the Net Revenues in the System Fund, any amounts budgeted to be paid therefrom in such Fiscal Year.

Accrued interest, if any, received from the Purchasers of the Bonds shall be deposited to the Bond Fund and ad valorem taxes levied and collected for the benefit of the Bonds shall be deposited to the Bond Fund. In addition, any surplus proceeds, including investment income therefrom, from the sale of the Bonds not expended for authorized purposes shall be deposited in the Bond Fund, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said fund from ad valorem taxes. As interest accrues from the date of initial delivery of the Bonds to the Purchasers, there will be no accrued interest.

SECTION 15. Reserve Fund. The City previously created, established, and currently maintains a separate and special fund or account known as the “City of Wimberley, Texas Sewer System Revenue Bond Reserve Fund” (the *Reserve Fund*), which fund or account is maintained at the Depository. Upon the issuance of the Exchanged Obligations, the City shall transfer all amounts on deposit in the Reserve Fund to the escrow account maintained pursuant to the terms of the Escrow Agreement (as defined herein) and the Reserve Fund shall be closed as soon as practicable thereafter.

SECTION 16. Security of Funds. All money on deposit in the funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested as provided herein) shall be secured in the manner and to the fullest extent required by the laws of

Texas for the security of public funds (including as required by and in accordance with the Texas Public Funds Collateral Act, codified at Chapter 2257, as amended, Texas Government Code), and money on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

SECTION 17. Maintenance of System - Insurance. The City covenants and agrees that while the Bonds remain Outstanding it will maintain and operate the System with all possible efficiency and maintain casualty and other insurance (including a system of self-insurance) on the properties of the System and its operations of a kind and in such amounts customarily carried by municipal corporations in the State of Texas engaged in a similar type of business and that it will faithfully and punctually perform all duties with reference to the System required by the laws of the State of Texas, but in no event shall the amount of insurance maintained on the projects financed with the proceeds of the Bonds be less than the amount necessary to protect the Purchasers' interest. All money received from losses under such insurance policies, other than public liability policies, are held for the benefit of the holders of the Bonds until and unless the proceeds are paid out in making good the loss or damage in respect of which such proceeds are received, either by replacing the property destroyed or repairing the property damaged, and adequate provision for making good such loss or damage must be made within ninety (90) days after the date of loss. The payment of premiums for all insurance policies required under the provisions hereof shall be considered Maintenance and Operating Expenses. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System but nothing herein shall be construed as preventing the City from doing so.

SECTION 18. Rates and Charges. The City hereby covenants and agrees with the Holders of the Bonds that rates and charges for utility services afforded by the System will be established and maintained to provide Gross Revenues sufficient at all times:

A. to pay, together with any other lawfully available funds, all operating, maintenance, depreciation, replacement, betterment, and other costs incurred in the maintenance and operation of the System, including, but not limited to, Maintenance and Operating Expenses; provided, however, that the City expressly reserves the right to utilize other lawfully available funds to pay the Maintenance and Operating Expenses;

B. to produce Net Revenues sufficient, together with any other lawfully available funds, to pay (i) the principal of and interest on the Bonds and any Additional Prior Lien Obligations hereafter issued by the City as the same becomes due and payable and the amounts required to be deposited in any special fund created and established for the payment, security, and benefit thereof; (ii) the interest on and principal of any Junior Lien Obligations hereafter issued by the City as the same becomes due and payable and the amounts required to be deposited in any special fund created and established for the payment, security, and benefit thereof; (iii) the interest on and principal of any Subordinate Lien Obligations hereafter issued by the City as the same becomes due and payable and the amounts required to be deposited in any special fund created and established for the payment, security, and benefit thereof; and (iv) the amounts that may be deposited in the special funds established for the payment of any Limited Pledge Obligations hereafter issued by the City; and

C. to pay other legally incurred indebtedness payable from the Net Revenues of the System and/or secured by a lien on the System or the Net Revenues thereof.

SECTION 19. Records and Accounts - Annual Audit. The City further covenants and agrees that so long as any of the Bonds remain Outstanding it will keep and maintain separate and complete records and accounts pertaining to the operations of the System in which complete and correct entries shall be made of all transactions relating thereto, as provided by Chapter 1502, as amended, Texas Government Code, or other applicable law. The Holders of the Bonds or any duly authorized agent or agents of the Holders shall have the right to inspect the System and all properties comprising the same. The City further agrees that, following the close of each Fiscal Year, it will cause an audit of such books and accounts to be made by an independent firm of certified public accountants, which annual audit shall be prepared in accordance with generally accepted auditing standards (as required by and in accordance with the provisions of 31 TAC § 375.91(a)(2)(L)). Copies of each annual audit shall be furnished within 180 days after the end of the City's fiscal year end, without charge, to (i) the Texas Water Development Board, Attention: Executive Administrator and (ii) upon written request, and at the expense of such Holder, to any subsequent Holder thereof. Expenses incurred in making the annual audit of the operations of the System are to be regarded as Maintenance and Operating Expenses.

SECTION 20. Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Bond Fund, or (b) defaults in the observance or performance of any other of the covenants, conditions, or obligations set forth in this Ordinance, the Holders of any of the Bonds shall be entitled to seek a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition, or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

For the avoidance of doubt, for so long as the Purchasers are Holders of the Bonds, the Purchasers may exercise all remedies available to it at law or in equity, and any provision of this Ordinance or the Bonds that attempts to restrict or limit this right to exercise remedies shall be of no force or effect.

SECTION 21. Issuance of Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, and Limited Pledge Obligations. The City hereby expressly reserves the right to hereafter issue bonds, notes, warrants, certificates of obligation, or similar obligations, payable, wholly or in part, as appropriate, from and secured by a pledge of and lien on the Net Revenues of the System with the following priorities, without limitation as to principal amount, but subject to any terms, conditions, or restrictions applicable thereto under existing ordinances, laws, or otherwise:

A. Additional Prior Lien Obligations payable from and equally and ratably secured by a first and prior lien on and pledge of the Pledged Revenues of the System;

B. Junior Lien Obligations payable from and equally and ratably secured by a lien on and pledge of the Net Revenues that is junior and inferior to the lien on and pledge thereof securing the payment of the Bonds and any Additional Prior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the Net Revenues securing the payment of any Subordinate Lien Obligations and any Limited Pledge Obligations hereafter issued by the City; and

C. Subordinate Lien Obligations payable from and equally and ratably secured by a lien on and pledge of the Net Revenues that is subordinate and inferior to the lien on and pledge thereof securing the payment of the Bonds and any Additional Prior Lien Obligations or Junior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the Net Revenues securing, in part, the payment of any Limited Pledge Obligations hereafter issued by the City; and

D. Limited Pledge Obligations secured by a lien on and pledge of a limited amount of the Net Revenues in accordance with the provisions of the following paragraph.

Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations, if issued, may be payable, in whole or in part, from Net Revenues upon such terms and conditions as the City Council may determine. Limited Pledge Obligations, if issued and payable, in whole or in part, from a limited pledge of available Net Revenues, shall not in any event be construed to be payable from the Pledged Revenues authorized by this Ordinance to be budgeted and appropriated for the payment of the Bonds. However, the lien on and pledge of the limited amount of Net Revenues securing, in part, the payment of any Limited Pledge Obligations shall be subordinate and inferior to the pledge of and lien on the Net Revenues securing the payment of the Bonds and any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City.

SECTION 22. Special Covenants. The City hereby further covenants that:

A. it has the lawful power to pledge the Pledged Revenues supporting the Bonds and has lawfully exercised said powers under the laws of the State of Texas, including power existing under Chapter 1502, as amended, Texas Government Code;

B. other than for the payment of the Bonds, the Net Revenues of the System have not in any manner been pledged to the payment of any debt or obligation of the City or of the System;

C. as long as any Bonds or any interest thereon remain Outstanding, the City will not sell, lease or encumber (except in the manner provided in Section 21 of this Ordinance) the System or any substantial part thereof, provided that this covenant shall not be construed to prohibit the sale of such machinery, or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System;

D. to the extent that it legally may, the City further covenants and agrees that, so long as any of the Bonds, or any interest thereon, are Outstanding, no franchise shall be granted for the

installation or operation of any competing utility systems other than those owned by the City, and the operation of any such systems by anyone other than the City is hereby prohibited; and

E. no free service of the System shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

SECTION 23. Application of the Covenants and Agreements of any Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, or Limited Pledge Obligations. It is the intention of the City Council and accordingly hereby recognized and stipulated that the provisions, agreements, and covenants contained herein bearing upon the management and operations of the System, and the administration and application of Gross Revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements, and covenants contained in the ordinances authorizing the issuance of the Bonds and any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City, and to the extent of any irreconcilable conflict between the provisions contained herein and in the ordinances authorizing the issuance of the Bonds and any Additional Prior Lien Obligations hereafter issued, the provisions, agreements and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance, especially the priority of rights and benefits conferred thereby to the holders of the Bonds and any Additional Prior Lien Obligations hereafter issued by the City. It is expressly recognized that prior to the issuance of any Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, or Limited Pledge Obligations, the City must comply with each of the conditions precedent contained in the ordinances authorizing the issuance of the Bonds and any Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, or Limited Pledge Obligations, as appropriate.

SECTION 24. Notices to Holders, Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first-class postage prepaid, to the address of each Holder as it appears in the Security Register.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Holders. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 25. Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or

registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be destroyed as directed by the City.

SECTION 26. Mutilated, Destroyed, Lost, and Stolen Bonds. If (1) any mutilated Bond is surrendered to the Paying Agent/Registrar, or the City and the Paying Agent/Registrar receive evidence to their satisfaction of the destruction, loss, or theft of any Bond, and (2) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required to save each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon its request, the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Bond, a new Bond of the same Stated Maturity and interest rate and of like tenor and principal amount, bearing a number not contemporaneously Outstanding.

In case any such mutilated, destroyed, lost, or stolen Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Bond, pay such Bond.

Upon the issuance of any new Bond or payment in lieu thereof, under this Section, the City may require payment by the Holder of a sum sufficient to cover any tax or other governmental charge imposed in relation thereto and any other expenses and charges (including attorney's fees and the fees and expenses of the Paying Agent/Registrar) connected therewith.

Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Bond shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Bond shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Bonds.

SECTION 27. Exchange of the Bonds. The Bonds will be delivered to the Texas Water Development Board (the *Purchasers* and having all the rights, benefits, and obligations of a Holder) in consideration for and the exchange and cancellation of the Exchanged Obligations. Delivery of the Bonds to the Purchasers shall occur as soon as practicable after the adoption of this Ordinance and in conjunction with the cancellation of the Exchanged Obligations.

SECTION 28. Covenants to Maintain Tax-Exempt Status.

A. Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers again in exchange for the Exchanged Obligations.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of

(1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

B. Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

C. No Private Use or Private Payments. Except to the extent that it will not cause the Bonds to become “private activity bonds” within the meaning of section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly

with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

D. No Private Loan. Except as would not cause the Bonds to become “private activity bonds” within the meaning of section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if- (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

E. Not to Invest at Higher Yield. Except as would not cause the Bonds to become “arbitrage bonds” within the meaning of section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment, if as a result of such investment the Yield of any Investment acquired with Gross Proceeds, whether then held or previously disposed of, materially exceeds the Yield of the Bonds.

F. Not Federally Guaranteed. Except to the extent permitted by section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

G. Information Report. The City shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

H. Rebate of Arbitrage Profits. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from

all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Bond Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

I. Not to Divert Arbitrage Profits. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection H of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

J. Bonds Not Hedge Bonds.

(1) The City reasonably expects to spend at least 85% of the spendable proceeds of the Bonds within three years after such Bonds are issued.

(2) Not more than 50% of the proceeds of the Bonds will be invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

K. Current Refunding of the Exchanged Obligations. The Bonds are being issued to refund the Exchanged Obligations, and the Bonds will be issued within 90 days after the Closing Date for the exchange of the Exchanged Obligations. The City has complied with the covenants, representations, and warranties contained in the documents executed in connection with the issuance of the Exchanged Obligations.

L. Elections. The City hereby directs and authorizes each Authorized Official, either individually or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document. Such elections shall be deemed to be made on the Closing Date.

M. Qualified Tax-Exempt Obligations. The City hereby designates the Bonds as *qualified tax-exempt obligations* for purposes of section 265(b) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) during the calendar year in which the Bonds are issued, the City (including any subordinate entities) has not designated nor will designate obligations, which when aggregated with the Bonds, will result in more than \$10,000,000 of “qualified tax-exempt obligations” being issued; (b) the City reasonably anticipates that the amount of tax-exempt obligations issued during the calendar year 2019 by the City (including any subordinate entities) will not exceed \$10,000,000; and (c) the City will take such action or refrain from such action as is necessary in order that the Bonds will not be considered “private activity bonds” within the meaning of section 141 of the Code.

SECTION 29. Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas and shall take and have charge and control of the Bonds pending their approval by the Attorney General of the State of Texas, the registration thereof by the Comptroller of Public Accounts of the State of Texas and the delivery of the Bonds to the Purchasers.

Furthermore, each Authorized Official, either individually or any combination of them, is hereby authorized and directed to furnish and execute such documents relating to the City and its financial affairs as may be necessary for the issuance of the Bonds, the approval of the Attorney General of the State of Texas and their registration by the Comptroller of Public Accounts of the State of Texas and, together with the City’s financial advisor, bond counsel, and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bond to the Purchasers and, when requested in writing by the Purchasers, the initial exchange thereof for definitive Bonds.

SECTION 30. Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied and the lien on and pledge of the Pledged Revenues under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds, or any principal amount(s) thereof, shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at Stated Maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, and/or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities shall mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any money deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. In the event of a defeasance of the Bonds, the City shall deliver a certificate from its financial advisor, the Paying Agent/Registrar, or another qualified third party concerning the sufficiency of the deposit of cash and/or Government Securities to pay, when due, the principal of, redemption premium (if any), and interest due on any defeased Bond. To the extent applicable, if at all, the City covenants that no deposit of money or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as arbitrage bonds within the meaning of section 148 of the Code (as defined in Section 28 hereof).

Any money so deposited with the Paying Agent/Registrar, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such money has been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Bonds, or applicable redemption date of the Bonds, such money was deposited and is held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor, subject to the unclaimed property laws of the State of Texas.

Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem defeased Bonds that is made in conjunction with the payment arrangements specified in subsection (i) or (ii) above shall not be irrevocable, provided that: (1) in the proceedings providing for such defeasance, the City expressly reserves the right to call the defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the defeased Bonds immediately following the defeasance; (3) directs that notice of the reservation be included in any redemption notices that it authorizes; and (4) at the time of the redemption, satisfies the conditions of (i) or (ii) above with respect to such defeased debt as though it was being defeased at the time of the exercise of the option to redeem the defeased Bonds, after taking the

redemption into account in determining the sufficiency of the provisions made for the payment of the defeased Bonds.

SECTION 31. Printed Opinion. The Purchasers' obligation to accept delivery of the Bonds is subject to their being furnished a final opinion of Norton Rose Fulbright US LLP, as Bond Counsel, approving certain legal matters as to the Bonds, this opinion to be dated and delivered as of the date of initial delivery or such Bonds. Printing of a true and correct copy of this opinion on the reverse side of each of the Bonds, with appropriate certificate pertaining thereto executed by facsimile signature of the City Secretary of the City is hereby approved and authorized.

SECTION 32. CUSIP Numbers. CUSIP numbers, if any, may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor Bond Counsel are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 33. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 34. Request for Scope Modification to Texas Water Development Board. The City Council ratifies and confirms its prior approval of the form and content of the Request for Scope Modification submitted to the Texas Water Development Board prepared in connection with the issuance of the Bonds and hereby approves the form and content of any addenda, supplement, or amendment thereto.

SECTION 35. Compliance with Purchasers' Rules and Regulations. The City will comply with all of the requirements contained in the resolution or resolutions adopted by the Purchasers with respect to the issuance of the Bonds. In addition, in compliance with the Purchasers' Clean Water State Revolving Fund Program Rules, the City agrees and covenants:

A. The City will comply with all applicable requirements contained in 31 TAC Chapter 375;

B. upon completion of the construction of the projects financed, in whole or in part, by the loan evidenced by the Exchanged Obligations, to provide a final accounting to the Purchasers of the total costs of the projects. Thereafter, the City shall submit a final accounting and a final funds registration form to the Executive Administrator, or her designee. Upon receipt of this information, the Purchasers shall within 60 days of receipt of this information provide written direction of the City of the course of action to be taken with respect to such surplus funds. If the projects as finally completed are built at a total cost less than the amount of available funds for building the projects, or if the Executive Administrator of the Purchasers disapproves construction of any portion of such projects as not being in accordance with the plans and specifications, the City agrees to immediately, with filing of the final accounting, return to the Purchasers the amount of any such excess and/or the cost determined by the Executive Administrator of the Purchasers relating to the parts of such projects not built in accordance with the plans and specifications, to the nearest multiple of the authorized denominations for the Bonds, by (i) the effectuation of a redemption of such amount of Bonds pursuant to Section 4.B hereof,

(ii) the deposit into the Bond Fund for the next scheduled payment of interest or principal on the Bonds, or (iii) spending such amount on other eligible project costs as authorized by the Executive Administrator. In determining the amount of available funds for building the project, the City agrees to account for all amounts deposited to the credit of the Construction Fund, including all loan funds extended by the Purchasers, all other funds available from the projects as described in the project engineer's or fiscal representative's sufficiency of funds statement and all interest earned by the City on money in the Construction Fund;

C. the Bonds must contain a provision that the Purchasers may exercise all remedies available to it in law or equity, and any provision of the Bonds that restricts or limits the Purchasers' full exercise of these remedies shall be of no force and effect;

D. loan proceeds are public funds and, as such, the proceeds of the Exchanged Obligations shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257;

E. loan proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the project site and the City also agrees, to the extent permitted by law, to indemnify, hold harmless and protect the Purchasers from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials, and employees as a result of activities relating to the project to the extent permitted by law;

F. the City acknowledges that the Exchanged Obligations included a provision stating that all laborers and mechanics employed by contractors and subcontractors for projects shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality in accordance with subchapter IV of chapter 31 of Title 40 of the United States Code (the *Davis-Bacon Act*), and the U.S. Department of Labor's implementing regulations. The City, all contractors, and all sub-contractors shall continue to ensure that all project contracts mandate compliance with the Davis-Bacon Act. All contracts and subcontracts for the construction of the project carried out in whole or in part with financial assistance made available as provided herein shall insert in full in any contract in excess of \$2,000 the contracts clauses as provided by the Purchasers;

G. to provide the Purchasers with all information required to be reported in accordance with the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282, as amended by Pub. L. 100-252. The City shall obtain a Data Universal Numbering System (*DUNS*) Number and shall register with the System for Award Management (*SAM*), and maintain current registration at all times during which the Bonds are outstanding;

H. all loan proceeds will be timely and expeditiously used, as required by federal statute (40 CFR §35.135(d)) and also shall provide that the City will adhere to an Executive Administrator-approved project schedule, which shall not be altered except for good cause shown and only with the written approval of the Executive Administrator;

I. the City acknowledges that the Exchanged Obligations included a covenant that the City will abide and the City will continue to abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines; and

J. the City acknowledges that the Exchanged Obligations included language detailing compliance with the requirements set forth in 33 U.S.C. §1382 et seq. related to maintaining project accounts containing financial assistance for planning, design, acquisition, or construction, as applicable, in accordance with generally accepted accounting principles (GAAP). These standards and principles also apply to the reporting of underlying infrastructure assets. The City agrees to continue to comply with these requirements.

SECTION 36. Authorization of Escrow Agreement. The escrow agreement authorized by the City Council pursuant to the ordinance authorizing the issuance of the Exchanged Obligations (the *Escrow Agreement*) remains in full force and effect and is attached hereto as Exhibit B. Any Authorized Official is authorized to execute any amendment to the Escrow Agreement to effectuate the issuance of the Bonds and the exchange of the Exchanged Obligations as the act and deed of the City Council.

SECTION 37. Ordinance a Contract, Amendments – Outstanding Bonds. The City acknowledges that the covenants and obligations of the City herein contained are a material inducement to the purchase of the Bonds. This Ordinance shall constitute a contract with the Holders from time to time, binding on the City and its successors and assigns, and it shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided, however, that without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of and interest on the Bonds, reduce the principal amount thereof or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, the redemption price therefor, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required for consent to any such amendment, addition, or rescission.

SECTION 38. Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, Bond Counsel, Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, Bond Counsel, the Paying Agent/Registrar, and the Holders.

SECTION 39. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to

the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 40. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 41. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 42. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 43. Incorporation of Preamble Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council of the City.

SECTION 44. Authorization of Paying Agent/Registrar Agreement. The City Council of the City hereby finds and determines that it is in the best interest of the City to authorize the execution of a Paying Agent/Registrar Agreement concerning the payment, exchange, registration, and transferability of the Bonds. A copy of the Paying Agent/Registrar Agreement is attached hereto, in substantially final form, as Exhibit A and is incorporated by reference to the provisions of this Ordinance.

SECTION 45. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 46. Unavailability of Authorized Publication. If, because of the temporary or permanent suspension of any newspaper, journal, or other publication, or, for any reason, publication of notice cannot be made meeting any requirements herein established, any notice required to be published by the provisions of this Ordinance shall be given in such other manner and at such time or times as in the judgment of the City or of the Paying Agent/Registrar shall most effectively approximate such required publication and the giving of such notice in such manner shall for all purposes of this Ordinance be deemed to be in compliance with the requirements for publication thereof.

SECTION 47. No Recourse Against City Officials. No recourse shall be had for the payment of principal of, premium, if any, or interest on any Bond or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bond.

SECTION 48. Continuing Disclosure Undertaking.

A. Definitions.

As used in this Section, the following terms have the meanings ascribed to such terms below:

EMMA means the MSRB's Electronic Municipal Market Access system, accessible by the general public, without charge, on the internet through the uniform resource locator (URL) <http://www.emma.msrb.org>.

Financial Obligation means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

MSRB means the Municipal Securities Rulemaking Board.

Rule means SEC Rule 15c2-12, as amended from time to time.

SEC means the United States Securities and Exchange Commission.

B. Annual Reports.

The City shall file annually with the MSRB, within six months after the end of each Fiscal Year ending in or after 2019, financial information and operating data with respect to the City of the general type included in the final application to the Texas Water Development Board authorized by the City in conjunction with the issuance of the Exchanged Obligations (the *Application*), being the information described in Exhibit E hereto. All such information must be filed with MSRB pursuant to its Electronic Municipal Access (EMMA) System. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit C hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall file unaudited financial statements within such period and audited financial statements for the applicable Fiscal Year with the MSRB, when and if the audit report on such statements becomes available. Under current Texas law, including, but not limited to, Chapter 103, as amended, Texas Local Government Code, the City must have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. The annual financial statement, including the auditor's opinion on the statement, shall be filed in the office of the City Secretary within 180 days after the last day of the City's Fiscal Year. Additionally, upon the filing of this financial statement and the annual audit, these documents are subject to the Texas Open Records Act, as amended, Texas Government Code, Chapter 552.

If the City changes its Fiscal Year, it will file notice thereof with the MSRB of such change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

C. Notice of Certain Events. The City shall file notice of any of the following events with respect to the Bonds, to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of Holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional paying agent/registrars or the change of name of a paying agent/registrars, if material;
- (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The City shall file notice with the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by this Section.

D. Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit that causes the Bonds to be no longer Outstanding.

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITH OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under the Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The City may also repeal or amend the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or any court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in either case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection B of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

E. Information Format – Incorporation by Reference.

The City information required under this Section shall be filed with the MSRB through EMMA in such format and accompanied by such identifying information as may be specified from time to time thereby. Under the current rules of the MSRB, continuing disclosure documents submitted to EMMA must be in word-searchable portable document format (PDF) files that permit the document to be saved, viewed, printed, and retransmitted by electronic means and the series of obligations to which such continuing disclosure documents relate must be identified by CUSIP number or numbers.

Financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public through EMMA or filed with the SEC.

F. General Policies and Procedures Concerning Compliance with Federal Securities Laws.

Because the issuance of the Bonds is subject to the provisions of the Rule and because the potential “underwriters” in a negotiated sale of the Bonds or the initial purchasers in a competitive sale of the Bonds may be subject to MSRB rules and regulations with respect to such sale (including certain due diligence and suitability requirements, among others), the City hereby adopts the General Policies and Procedures Concerning Compliance with the Rule (the *Policies and Procedures*), attached hereto as Exhibit E, with which the City shall follow to assure compliance with the Undertaking. The City has developed these Policies and Procedures for the purpose of meeting its requirements of the Undertaking and, in connection therewith, has sought the guidance from its internal staff charged with administering the City’s financial affairs, its municipal or financial advisors, its legal counsel (including its Bond Counsel), and its independent accountants (to the extent determined to be necessary or advisable). The Policies and Procedures can be amended at the sole discretion of the City and any such amendment will not be deemed to be an amendment to the Undertaking. Each Authorized Official is hereby authorized to amend the Policies and Procedures as a result of a change in law, a future issuance of indebtedness subject to the Rule, or another purpose determined by the Authorized Official to be necessary or desirable for or with respect to future compliance with the Undertaking.

SECTION 49. Book-Entry Only System.

It is intended that the Bonds will initially be registered so as to participate in a securities depository system (the *DTC System*) with the Depository Trust Company, New York, New York, or any successor entity thereto (*DTC*), as set forth herein. Each Stated Maturity of the Bonds shall be issued (following cancellation of the Initial Bond described in Section 7) in the form of a separate single definitive Bond. Upon issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as the nominee of DTC, and all of the Outstanding Bonds shall be registered in the name of Cede & Co., as the nominee of DTC. The City and the Paying Agent/Registrar are authorized to execute, deliver, and take the actions set forth in such letters to or agreements with DTC as shall be necessary to effectuate the DTC System, including the Letter of Representations attached hereto as Exhibit D (the *Representation Letter*).

With respect to the Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any broker-dealer, bank, or other financial institution for which DTC holds the Bonds from time to time as securities depository (a *Depository Participant*) or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds (an *Indirect Participant*). Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co., or any Depository Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Depository Participant or any other person, other than a registered owner of the Bonds, as shown on the Security Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the delivery to any Depository Participant or any Indirect Participant or any other Person, other than a Holder of a Bond, of any amount with respect to principal of, premium, if any, or interest on the Bonds. While in the DTC System, no person other than Cede & Co., or any successor thereto, as nominee for DTC, shall receive a bond certificate evidencing the

obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the Holder, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

In the event that (a) the City determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the Representation Letter shall be terminated for any reason, or (c) DTC or the City determines that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the City shall notify the Paying Agent/Registrar, DTC, and the Depository Participants of the availability within a reasonable period of time through DTC of bond certificates, and the Bonds shall no longer be restricted to being registered in the name of Cede & Co., as nominee of DTC. At that time, the City may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a securities depository system, as may be acceptable to the City, or such depository's agent or designee, and if the City and the Paying Agent/Registrar do not select such alternate securities depository system then the Bonds may be registered in whatever name or names the Holders of Bonds transferring or exchanging the Bonds shall designate, in accordance with the provisions hereof.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

SECTION 50. Further Procedures. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the initial sale and delivery of the Bonds, the Request for Scope Modification, and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Bonds, any Authorized Official and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance and as described in the Request for Scope Modification necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies, or (iii) obtain the approval of the Bonds by the Texas Attorney General's office. In case any officer of the City whose signature shall appear on any certificate shall cease to be such officer before the delivery of such certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 51. Effective Date. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

PASSED AND ADOPTED on the ____ day of April, 2019.

CITY OF WIMBERLEY, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

INDEX TO SCHEDULES AND EXHIBITS

Schedule I.....	Schedule of Exchanged Obligations
Exhibit A	Paying Agent/Registrar Agreement
Exhibit B	Escrow Agreement
Exhibit C	Description of Annual Financial Information
Exhibit D	DTC Letter of Representations
Exhibit E.....	General Policies and Procedures Concerning Compliance with the Rule

Schedule I

Exchanged Obligations

City of Wimberley, Texas Sewer System Revenue Bonds, Series 2017, dated July 15, 2017, in the original principal amount of \$5,255,000 (the *Exchanged Obligations*), purchased and currently held by the Texas Water Development Board, stated to mature on August 1 in each of the years 2019 through 2046 in the aggregate principal amount of \$5,255,000, to be exchanged for the Bonds with the Texas Water Development Board on the Closing Date.

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

SEE TAB NO. __

EXHIBIT B
ESCROW AGREEMENT

EXHIBIT C

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 48 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Application referred to) below:

The City's audited financial statements for the most recently concluded fiscal year or to the extent these audited financial statements are not available, the portions of the unaudited financial statements of the City referenced in the Application, but for the most recently concluded fiscal year.

Accounting Principles

The accounting principles referred to in such Section are generally accepted accounting principles for governmental units as prescribed by the Government Accounting Standards Board from time to time.

EXHIBIT D

DTC LETTER OF REPRESENTATIONS

SEE TAB NO. __

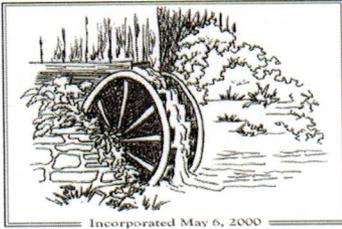
EXHIBIT E

General Policies and Procedures Concerning Compliance with the Rule

- I. Capitalized terms used in this Exhibit have the meanings ascribed thereto in Section 48 of the Ordinance. “Bonds” refers to the Bonds that are the subject of the Ordinance to which this Exhibit is attached.
- II. As a capital markets participant, the City is aware of its continuing disclosure requirements and obligations existing under the Rule prior to February 27, 2019, the effective date of the most recent amendment to the Rule (the *Effective Date*), and has implemented and maintained internal policies, processes, and procedures to ensure compliance therewith. Adherence to these internal policies, processes, and procedures has enabled underwriters in non-exempt negotiated sales and initial purchasers in non-exempt competitive sales to comply with their obligations arising under various MSRB rules and regulations concerning due diligence and findings of suitability, among other matters, regarding the City’s compliance with the Rule.
- III. The City is aware that the Rule was amended as of the Effective Date (the *Rule Amendment*) and has accommodated this amendment by adding subparagraphs (15) and (16) to Section 47 of the Ordinance, which provisions are a part of the Undertaking.
- IV. The City is aware that “participating underwriters” (as such term is defined in the Rule) of the Bonds must make inquiry and reasonably believe that the City is likely to comply with the Undertaking and that the standards for determining compliance have increased over time as a result of, among others, the United States Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation Initiative and regulatory commentary relating to the effectiveness of the Rule Amendment.
- V. The City now establishes the following general policies and procedures (the *Policies and Procedures*) for satisfying its obligations pursuant to the Undertaking, which policies and procedures have been developed based on the City’s informal policies, procedures, and processes utilized prior to the Effective Date for compliance with the City’s obligations under the Rule, the advice from and discussions with the City’s internal senior staff (including staff charged with administering the City’s financial affairs), its municipal or financial advisors, its legal counsel (including Bond Counsel), and its independent accountants, to the extent determined to be necessary or advisable (collectively, the *Compliance Team*):
 - a. City Administrator (the *Compliance Officer*) shall be responsible for satisfying the City’s obligations pursuant to the Undertaking through adherence to these Policies and Procedures;
 - b. the Compliance Officer shall establish reminder or “tickler” systems to identify and timely report to the MSRB, in the format thereby prescribed from time to time, the City’s information of the type described in Section 48 of the Ordinance;
 - c. the Compliance Officer shall promptly determine the occurrence of any of the events described in Section 48 of the Ordinance;
 - d. the Compliance Officer shall work with external consultants of the City, as and to the extent necessary, to timely prepare and file with the MSRB the annual information of the City and notice of the occurrence of any of the events referenced

in Clauses 2 and 3 above, respectfully, the foregoing being required to satisfy the terms of the Undertaking;

- e. the Compliance Officer shall establish a system for identifying and monitoring any Financial Obligations, whether now existing or hereafter entered into by the Issuer, and (upon identification) determining if such Financial Obligation has the potential to materially impact the security or source of repayment of the Bonds;
- f. upon identification of any Financial Obligation meeting the materiality standard identified in Clause 5 above, the Compliance Officer shall establish a process for identifying and monitoring any City agreement to covenants, events of default, remedies, priority rights, or other similar terms under such Financial Obligation;
- g. the Compliance Officer shall establish a process for identifying the occurrence of any default, event of acceleration, termination event, modification of terms, or other similar events under the terms of any Financial Obligation, the occurrence of any of which reflect financial difficulties of the City; and
- h. the Compliance Officer shall annually review these Policies and Procedures with the remainder of the Compliance Team, make any modifications on an internal document retained by the Compliance Officer and available to any “participating underwriter” (as defined in the Rule), if requested, and on the basis of this annual review (to the extent determined to be necessary or desirable), seek additional training for herself or himself, as well as other members of the City’s internal staff identified by the Compliance Officer to assist with the City’s satisfaction of the terms and provisions of the Undertaking.



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 78676
THURSDAY, APRIL 18, 2019 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:35 p.m.

CALL OF ROLL

Council Members Present: Susan Jagers Mayor
Mike McCullough Place One
Craig Fore Place Two
Gary Barchfeld Place Four
Erik Wollam Place Five

Council Members Absent: Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Charlie Zech City Attorney
Rebecca Manning Parks Director

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Susan Jagers led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

(Motion to move Item No. 12.D. – PEC Fence Variance to the next item on the agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

Discuss and consider possible action regarding a fence variance for Pedernales Electric Cooperative (PEC) for the PEC Wimberley Substation. *(City Administrator Shawn Cox)*
Motion to approve a fence variance for Pedernales Electric Cooperative for the PEC Wimberley Substation was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

PRESENTATION AND POSSIBLE ACTION

There were two citizen's comments. They were as follows:

1. Merry Gibson spoke regarding the potential special meeting that was to be held for adjacent property owners to the Cypress Creek Nature Trail and Preserve and asked to know when the meeting would be scheduled.
2. Ashley Gibson addressed Council regarding the draft Preserve Master Plan and requested protection for the Preserve due to signage removal in the area. She asked Council to take temporary measures to protect the area until a plan had been approved.

Wimberley Valley Watershed Association Executive Director David Baker presented an update regarding the draft Cypress Creek Nature Trail and Preserve Master Plan. Mr. Baker had sent Council a memo earlier in the day regarding the status of the planning efforts underway, including the need to extend the planning period to comply with the public engagement process. Mr. Baker stated the draft master plan was not ready and requested an additional 30 days to complete and submit to Council for review. There was discussion among Council members and Mr. Baker regarding the riparian area and habitat, as well as the Conservation Easement. City Council requested a riparian expert be brought in to assist in the planning process. No formal action was taken.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:02 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 (Consultation with Attorney) to receive legal advice regarding an Aqua Texas contract.
- B. Section 551.071 (Consultation with Attorney) to receive legal advice regarding the issuance of City of Wimberley Series 2019 bonds.
- C. Section 551.071 (Consultation with Attorney) to receive legal advice regarding the short-term rental/conditional use permit ordinance.

OPEN SESSION

Regular Session reconvened at 6:22 p.m.

Bond Counsel Attorney Stephanie Leibe advised Council regarding their options to adopt an ordinance exchanging the current revenue bonds for the Texas Water Development Board (TWDB) to exchange refunding bonds or to adopt a resolution for plan to finance the new bonds. The revenue bonds would need to be exchanged as part of the four conditions set forth by the TWDB for the approval of the change in scope to the Central Wimberley Wastewater Project. The resolution would support the issuance of the exchange refunding bonds but not authorize them, as the ordinance would. Additionally, Ms. Leibe advised on the stipulations for exchange refunding bonds, which are secured by a combination of revenues and ad valorem tax. The original revenue bonds were issued for Project design. No election would be required for the exchange refunding bonds. In conclusion, the resolution would be a lesser action of Council, until the other conditions could be met before reissuance of bonds. There was discussion among Council members regarding the bonds and the subsequent action that should be taken during this timeframe.

Motion to adopt a resolution approving the City's plan of finance pertaining to obligations to be designated as "City of Wimberley, Texas exchange refunding bonds, Series 2019"; and authorizing other matters related to the foregoing was made by Council Member Gary

Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

A. Approval of minutes from the Regular City Council Meeting held March 21, 2019.

B. Approval of minutes from the Regular City Council Meeting held April 4, 2019.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the Central Wimberley Wastewater Project. The City was actively working to adhere to the four conditions set forth by the Texas Water Development Board for the approval of the change in scope for the Project. Additionally, Mr. Cox noted the City's sales tax had increased nine percent from the same time last year. Lastly, the quote for the new Wimberley Community Center sign had come in higher than anticipated, and the increased cost would need to be brought back to City Council for consideration and approval at the next meeting.

PUBLIC HEARINGS AND POSSIBLE ACTION

A. Hold a public hearing and consider approval regarding case CUP-19-001, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 2 (R-2) for property located at 13301 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Mystic Hill, LLC, Applicant*)

Applicant Sibyl Burrows addressed Council regarding her request to operate a short-term/vacation rental on her property. The Planning and Zoning Commission had unanimously voted to approve the application, with one abstention, at their April 11th meeting.

Mayor Susan Jaggars opened the public hearing at 7:06 p.m.

There were no public comments.

Mayor Susan Jaggars closed the public hearing at 7:06 p.m.

Motion to approve the Conditional Use Permit was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

B. Hold a public hearing and consider approval regarding case ZA-19-002, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Moderate Impact (C-2) for property located at 151 Oldham Street, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Mike Oldmixon, Applicant*)

Mayor Susan Jaggars opened the public hearing at 7:07 p.m.

There were no public comments.

Mayor Susan Jaggars closed the public hearing at 7:07 p.m.

The Planning and Zoning Commission had voted to unanimously approve the application, with one abstention, at their April 11th meeting. Council Member Erik Wollam recused himself from the discussion. Applicant Mike Oldmixon addressed Council regarding the zoning change request. He stated once the sewer system was operational, it would allow for new development in the area, which was why he was requesting the zoning change. Mr. Oldmixon

was not sure what the property would be utilized for in the future, but the zoning change would allow for more flexibility. There was discussion among Council members pertaining to impervious cover and new commercial development. Council agreed details surrounding impervious cover in the City's zoning districts needed to be discussed further before approving the change.

Motion to postpone the item until the second Regular City Council Meeting in June was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

There was a recess at 7:19 p.m.

Mayor Susan Jagers left the meeting at 7:19 p.m. due to an emergency.

Regular Session reconvened at 7:27 p.m. with Mayor Pro Tem Gary Barchfeld presiding.

- C. Hold a public hearing and consider approval of the first reading of Ordinance No. 2019-08 of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 4, (Use Requirements and Restrictions) Section 9.03.141 (Bed and Breakfast Lodging Requirements) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting.

Mayor Pro Tem Gary Barchfeld opened the public hearing at 7:28 p.m.

There were three public comments. They were as follows:

1. Suzanne Davis, a Short-Term Rental Review Committee member, disagreed with the Planning and Zoning Commission's recommendation to remove the annual renewal fee for short-term rentals. Additionally, Ms. Davis called for a balance to be struck between short-term rental owners and residents of the community and noted the renewal process is important to those property owners who live by or near a short-term rental property.

2. Jenni Marino, a Short-Term Rental Review Committee member, also spoke on the importance of the annual renewal process, which the Planning and Zoning Commission had struck from the ordinance.

3. Phil Collins, a Short-Term Rental Review Committee member, addressed Council regarding the background of the short-term rental topic and the number of short-term rentals in Wimberley. He urged Council to reconsider the academic renewal process and not to cut the fees out of the ordinance, as the Planning and Zoning Commission had recommended. He stated the fees could be reduced, instead of eliminated.

City Attorney Charlie Zech advised the renewal fee was not a part of the current ordinance.

Mayor Pro Tem Gary Barchfeld closed the public hearing at 7:38 p.m.

There was lengthy discussion among Council members, the three STR Review Committee members and a couple of Planning and Zoning Commissioners regarding the renewal fees and process. Planning and Zoning Commissioner Rebecca Minnick addressed Council regarding the renewal fee for conditional use permits (CUPs). Ms. Minnick stated that this fee would only apply to short-term rental conditional use permits and no other CUPs. It appeared to set an unfair precedence for short-term rental operators. Tim Dodson, a Planning and Zoning Commissioner and Short-Term Rental Review Committee member, also addressed Council pertaining to short-term rental CUPs, and the STR software locating illegal operators within the City. Council Member Erik Wollam asked why the two groups were in opposition when it came to the renewal fee/process. Both groups advised regarding their standpoint on the issue. City Council discussed short-term rental compliance and the annual renewal cost. City Attorney Charlie Zech advised the ordinance being presented was not needed to make current illegal operators come into compliance.

Motion to approve of the first reading of Ordinance No. 2019-08 of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 4, (Use Requirements and Restrictions) Section 9.03.141 (Bed and Breakfast Lodging Requirements) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting, and furthermore to include the Short-Term Rental Review Committee's recommendation of an annual administrative renewal process was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to utilize Specialized Public Finance, Inc. as financial advisors for the City of Wimberley. *(City Administrator Shawn Cox)*
The City had utilized Specialized Public Finance, Inc. previously for the issuance of the City's Combination Tax and Surplus Revenue Anticipation Notes, Series 2013, and Sewer System Revenue Bonds, Series 2017. As a condition of the Texas Water Development Board (TWDB) approved change in scope for the Central Wimberley Wastewater Project, the City must exchange the City's Sewer System Revenue Bonds, Series 2017 for Exchange Refunding Bonds, Series 2019.
Motion to utilize Specialized Public Finance, Inc. as financial advisors for the City of Wimberley was made by Council Member Mike McCullough. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- B. Discuss and consider possible action to declare the items in the storage unit for surplus. *(City Administrator Shawn Cox)*
There was discussion among Council members regarding what items were in the storage unit.
Motion to declare the items in the storage unit for surplus, with the exception of the generators, was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).
- C. Discuss and consider possible action to approve Hays County's estimate in the amount of \$36,337 for the paving of and the replacement of a drainage culvert at Rocky Springs Road. *(City Administrator Shawn Cox)*
Motion to approve Hays County's estimate in the amount of \$36,337 for the paving of and the replacement of a drainage culvert at Rocky Springs Road as made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).
- D. Discuss and consider possible action to approve authorization of payment in the amount of \$13,380 to BEFCO for the Hazard Mitigation Grant Program (HMGP) surveys. *(City Administrator Shawn Cox)*
In September 2018, Council approved spending \$4,250 to have the required surveys completed for five properties affected by the 2015 Memorial Day Flood. The surveys had been completed, but the City was required by the HMGP project to pay the full invoice of \$13,380 to BEFCO. After payment, the City could seek reimbursement for seventy-five percent (75%) of the costs, equaling \$10,035.
Motion to approve authorization of payment in the amount of \$13,380 to BEFCO for the Hazard Mitigation Grant Program (HMGP) surveys and for the City to be reimbursed \$10,035 before the end of Fiscal Year 2019 was made by Council Member Gary

Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- E. Discuss and consider possible action to authorize an expenditure to the Texas General Land Office of an amount not to exceed \$2,350 for the application for and use of a State Miscellaneous Easement/Right-of-Way. *(Place Four Council Member Gary Barchfeld)*
The City was in the process of completing the General Land Office Application for State Land Use Lease. The filing fee for the application was \$2,350. The completion of this application is one of the conditions for a Favorable Finding from the Texas Water Development Board's Environmental Review for the Central Wimberley Wastewater Project. The application is for a ten-year easement/lease for the installation of the wastewater line under Cypress Creek.
Motion to authorize the expenditure to the Texas General Land Office of an amount not exceed \$2,350 for the application for State Land Use Lease was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- F. Discuss and consider possible action regarding an ordinance adding Article 4.12, Landscaping and Tree Preservation to Chapter 4, Building Regulations of the City of Wimberley Code of Ordinances. *(City Administrator Shawn Cox)*
There was discussion among Council members pertaining to the requirements for removal of trees for commercial properties. Council Member Craig Fore noted the ordinance would be more for development and the permitting process for site plan approval. City Council members agreed the ordinance needed to be revised once more, and members would provide feedback for the document.
Motion to postpone this item until the May 2nd City Council Meeting to allow time for feedback and editing of the ordinance was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- G. Discuss and consider possible action to support the completion of Friends of Blue Hole's playscape shade canopy project. *(City Administrator Shawn Cox and Parks Director Rebecca Manning)*
Motion to postpone this item until the May 2nd City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).
- H. Discuss and consider possible action to approve Ordinance No. 2019-10, disannexing an area of approximately 90 acres contiguous to the City Limits, generally known as 801 Wayside Drive, and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. *(City Administrator Shawn Cox)*
Motion to postpone this item until the May 2nd City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

CITY COUNCIL REPORTS

- A. Announcements – Council Member Mike McCullough commended the Wimberley High School athletic teams for a great spring season, especially the baseball team.

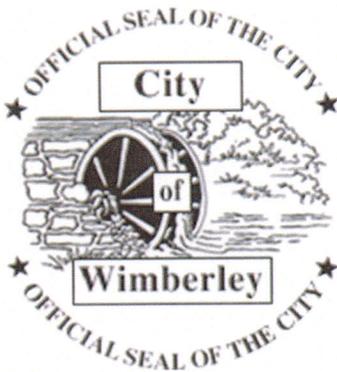
B. Future agenda items – Council Member Craig Fore requested to add the topic of impervious cover to all zoning areas. Council Member Gary Barchfeld requested funding for the General Land Office requirements be placed on the next agenda. Council Member Erik Wollam requested the removal of Bickerstaff Heath Delgado Acosta LLP as legal counsel for all on-going litigation for The City.

ADJOURNMENT

Mayor Pro Tem Gary Barchfeld adjourned the meeting at 8:56 p.m., without objection.

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:
[Signature]
~~Susan Jagers, Mayor~~
Gary Barchfeld, Mayor Pro Tem



AGENDA ITEM: CDBG – Excessive Force Policy
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document certifies that Grant Recipients will pass and enforce the following policies: A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and/or A policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of the Excessive Force Policy as required by the GLO.

ATTACHMENT(S):

- Excessive Force Policy

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Wimberley hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Wimberley to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Wimberley to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Wimberley will introduce and pass a resolution adopting this policy.

As officers and representatives of the City/County of Wimberley, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Susan Jagers

Mayor

Shawn Cox

City Administrator

Date



AGENDA ITEM: CDBG – Section 3 Policy
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document serves as a plan for the grant recipient and all other parties under contract. In addition to competitive bidding provisions, it will ensure employment and economic opportunities “to the greatest extent feasible” for low and very low income residents and businesses.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of the Section 3 Policy as required by the GLO.

ATTACHMENT(S):

- Section 3 Policy

Section 3 Policy

In accordance with 12 U.S.C. 1701u the City of Wimberley agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of City of Wimberley, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Shawn Cox _____
City Administrator Date



AGENDA ITEM: CDBG – Section 504 Grievance Procedures
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document states that any Grant Recipient that employs fifteen or more employees must notify all participants, applicants and employees, including those with impaired vision or hearing, and unions, or professional organizations holding collective bargaining or professional agreements with the Grant Recipient that it does not discriminate on the basis of handicap in violation of Section 504.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

STAFF RECOMMENDATION

The City Administrator recommends approval of the Section 504 Grievance Procedures as required by the GLO.

ATTACHMENT(S):

- Section 504 Grievance Procedures

Sample Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Wimberley hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Wimberley does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Wimberley's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Wimberley shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG program, City of Wimberley shall ensure that they are provided with the information necessary to understand and participate in the CDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Wimberley to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: Shawn Cox, City Administrator at 221 Stillwater, Wimberley, TX 78676; 512-847-0025, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.

- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Shawn Cox, City Administrator. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Shawn Cox, City Administrator, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of Wimberley relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Wimberley within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Wimberley complies with Section 504 and HUD regulations.

Shawn Cox, City Administrator

Date



AGENDA ITEM: CDBG – Citizen Participation Grievance Procedures
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document serves to encourage citizen participation at all stages of the community development project and to develop grievance procedures for citizens to submit complaints and grievances that include a timely written response (within 15 days) to complaints.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of the Citizen Participation Grievance Procedures as required by the GLO.

ATTACHMENT(S):

- Citizen Participation Grievance Procedures

THE CITY OF WIMBERLEY
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office Community Development Block Grant (CDBG-DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Wimberley, 221 Stillwater Rd, Texas 78676, or by calling 512-847-0025 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-DR project(s).

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-DR project, whether it is a proposed, ongoing, or completed CDBG-DR project, may during regular business hours submit such complaint or grievance, in writing to the City of Wimberley, 221 Stillwater Rd, Texas 78676, or may call 512-847-0025.
2. A copy of the complaint or grievance shall be transmitted by the City Administrator to the entity that is the subject of the complaint or grievance within five (5) working days after the date of the complaint or grievance was received.
3. The City Administrator shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the Texas General Land Office for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG-DR funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG-DR project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a CDBG-DR project:

1. Where practicable, the City will make every effort to hold at least one (1) public hearing to prior to submitting the application to the Texas General Land Office.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable CDBG-DR application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the CDBG-DR program, and the use of past CDBG-DR contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the CDBG-DR program:

1. The City shall initiate public comment concerning any substantial change, as determined by CDBG-DR, proposed to be made in the use of CDBG-DR funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the CDBG-DR project, the City shall hold a public hearing and review its program performance including the actual use of the CDBG-DR funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the CDBG-DR project or for the closeout of the CDBG-DR project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the CDBG-DR project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Susan Jagers, Mayor of Wimberley

Date

Shawn Cox, City Administrator

Date



AGENDA ITEM: CDBG – Depository/Authorized Signatory Form
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document states that the persons named on this form are authorized signatories for Contractual Documents for contract number 19-229-000-B673.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of the Depository/Authorized Signatory Form as required by the GLO.

ATTACHMENT(S):

- Depository/Authorized Signatory Form



COMMUNITY DEVELOPMENT & REVITALIZATION

The Texas General Land Office

Depository/Authorized Signatories Designation Form

Reset Form

Subrecipient: City of Wimberley Contract Number: 19-229-000-B673

The individuals below are designated by resolution as authorized signatories for contractual documents. At least two signatories required.

Susan Jagers Shawn Cox
Mayor City Administrator
Name Title

Reset Form

Subrecipient: City of Wimberley Contract Number: 19-229-000-B673

The individuals below are designated by resolution as authorized signatories for contractual documents. At least two signatories required.

Name Name
Title Title

Reset Form

Subrecipient: City of Wimberley Contract Number: 19-229-000-B673

The individuals below are designated by resolution as authorized signatories for contractual documents. At least two signatories required.

Name Name
Title Title

Reset Form

Subrecipient: City of Wimberley Contract Number: 19-229-000-B673

The individuals below are designated by resolution as authorized signatories for contractual documents. At least two signatories required.

Name Name
Title Title
Signature Signature

The financial lending institution listed here will serve as the depository for the Texas General Land Office-Disaster Recovery Program Community Development Block Grant (CDBG) funds:

Name of Lending Institution

Effective September 2018 152 Address



COMMUNITY DEVELOPMENT & REVITALIZATION

The Texas General Land Office

Depository/Authorized Signatories Designation Form

[Empty rectangular box for address information]

City, State, Zip Code

Fund Account Number:

[Empty rectangular box for Fund Account Number]

The individuals below are designated by resolution as authorized signatories for financial documents. At least two signatories required.

[Empty rectangular box for Name]

Name

[Empty rectangular box for Name]

Name

[Empty rectangular box for Title]

Title

[Empty rectangular box for Title]

Title

[Empty rectangular box for Signature]

Signature

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Signature

[Empty rectangular box for Name]

Name

[Empty rectangular box for Name]

Name

[Empty rectangular box for Title]

Title

[Empty rectangular box for Title]

Title

[Empty rectangular box for Signature]

Signature

[Empty rectangular box for Signature]

Signature

NOTE: A copy of a Resolution passed by the city council or county commissioner's court authorizing the signatories must be submitted along with this form.



AGENDA ITEM: CDBG – Resolution 10-2019
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document states that the person named on this form will be authorized to execute contractual documents between the General Land Office and the County for the 2015 Community Development Block Grant Disaster Recovery Program.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of Resolution 10-2019 as required by the GLO.

ATTACHMENT(S):

- Resolution 10-2019

RESOLUTION NO. 10-2019

A RESOLUTION BY THE CITY OF WIMBERLEY, TEXAS CITY COUNCIL, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM THROUGH THE GENERAL LAND OFFICE

WHEREAS, Wimberley, Texas has received a 2015 Community Development Block Grant Disaster Recovery award to provide infrastructure improvements that were damaged and/or failed to function during the 2015 Flooding events, and;

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for requesting funds from the General Land Office, and;

WHEREAS, an original signed copy of the *Depository/Authorized Signatories Designation Form* is to be submitted with a copy of this Resolution, and;

WHEREAS, Wimberley, Texas acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.), the City must provide the General Land Office with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised *Depository/ Authorized Signatories Designation Form*.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WIMBERLEY, TEXAS, AS FOLLOWS:

The City Mayor, Mayor Pro Tempore, and the City Administrator will be authorized to execute contractual documents between the General Land Office and the County for the 2015 Community Development Block Grant Disaster Recovery Program.

The City Mayor, Mayor Pro Tempore, City Administrator and City Secretary will be authorized to execute the *Request for Payment Form* documents required for requesting funds approved in the 2015 Community Development Block Grant Disaster Recovery Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF WIMBERLEY, TEXAS this 18th day of July, 2019.

CITY OF WIMBERLEY

ATTEST:

Shawn Cox, City Administrator

Susan Jagers, Mayor





AGENDA ITEM: CDBG – Resolution 11-2019
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas General Land Office (GLO) allocated \$311,217.39 to the City of Wimberley to be utilized for non-housing recovery efforts, including infrastructure needs, such as roads and bridges. As authorized by Resolution 20-2018, the City applied for these funds to be utilized to repair the crossing at Hoots Holler. The City’s application was approved, and we are beginning the project. Conditions of the grant require applicants to approve specific documents.

This document states that the City of Wimberley adopts/reaffirms the following: Citizen Participation Plan and Grievance Procedures; Section 3 Policy; Excessive Force Policy; Section 504 Policy and Grievance Procedures; and Fair Housing Policy.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

The City Administrator recommends approval of Resolution 11-2019 as required by the GLO.

ATTACHMENT(S):

- Resolution 11-2019

**RESOLUTION NO. 11-2019
REGARDING CIVIL RIGHTS – THE CITY OF WIMBERLEY, TEXAS**

WHEREAS, the City of Wimberley, Texas, (hereinafter referred to as “City of Wimberley”) has been awarded CDBG funding through a CDBG grant from the General Land Office (hereinafter referred to as “GLO”);

WHEREAS, the City of Wimberley, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

WHEREAS, City of Wimberley, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

WHEREAS, the City of Wimberley, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG project area;

WHEREAS, the City of Wimberley, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

WHEREAS, the City of Wimberley, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG project;

WHEREAS, the City of Wimberley, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, the City of Wimberley, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the CDBG contract, to affirmatively further fair housing;

Whereas, the City of Wimberley, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, THAT THE CITY OF WIMBERLEY ADOPTS/REAFFIRMS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;

- 4. Section 504 Policy and Grievance Procedures; and
- 5. Fair Housing Policy.

Passed and approved this 18th day of July, 2019.

Signature of Elected Official

Susan Jagers, Mayor

Printed Name of Elected Official

City of Wimberley _____

Date _____





AGENDA ITEM: **Adopted Resolution No. 09-2019**
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: July 15, 2019
MEETING DATE: July 18, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Mayor Susan Jagers requested this item be placed on the agenda at the June 20th City Council Meeting. Resolution No. 09-2019 passed by a unanimous vote (4-0) at the June 6th City Council Meeting. These minutes have been approved but have yet to be signed.

Also attached are executed Resolution Numbers 24-2018 and 09-2019 for reference. Legal counsel has advised the Mayor and City Administrator regarding the adopted Resolution.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | |
|--|--------------------------------|--|
| Budgeted Item <input type="checkbox"/> | Original Estimate/Budget: \$ | |
| Non-budgeted Item <input type="checkbox"/> | Current Estimate: \$ | |
| Not Applicable <input checked="" type="checkbox"/> | Amount Under/Over Budget: \$ | |

STAFF RECOMMENDATION

N/A

RESOLUTION NO. 09-2019

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS REPEALING THE MAYOR'S AUTHORITY RELATED TO THE CENTRAL WIMBERLEY WASTEWATER PROJECT INCLUDING AUTHORITY TO REVIEW AND INVESTIGATE COST SAVING INITIATIVES AND ALTERNATIVES AND APPOINTING THE CITY ADMINISTRATOR AS THE PRIMARY CONTACT WITH REGARDS TO THE CENTRAL WIMBERLEY WASTEWATER PROJECT

WHEREAS, Texas Local Government Code Chapter 22, Section 22.042 provides that the mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality; and

WHEREAS, the City Council of the City of Wimberley did previously approve Resolution No. 24-2018 on August 16, 2018 authorizing the Mayor to investigate cost saving initiatives and alternatives related to the Central Wimberley Wastewater Project; and

WHEREAS, the City Council now desires to repeal the Mayor's authority related to the Central Wimberley Wastewater Project including the authority to investigate cost saving initiatives and alternatives related to the Central Wimberley Wastewater Project; and

WHEREAS, the City Council on October 18, 2001 did adopt Ordinance No. 2001-026 creating the position of City Administrator; and

WHEREAS, the purpose of this position is to promote the public health, safety, morals, and general welfare within the city through the effective and efficient administration of city activities; and

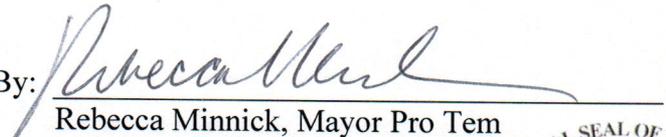
WHEREAS, the City Council desires to appoint the City Administrator as the primary contact for matters related to the Central Wimberley Wastewater Project including, but not limited to, ongoing discussion with various State and local agencies and current and future contracts.

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

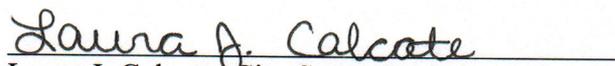
1. That any authority granted to the Mayor by the City Council via Resolution No. 24-2018 or other instrument and related to the Mayor's authority as to the Central Wimberley Wastewater Project is hereby repealed.
2. That the City Council hereby approves and specifically authorizes the City Administrator to serve as the primary contact for matters related to the Central Wimberley Wastewater Project including but not limited to ongoing discussion with various State and local agencies, and current and future contracts.

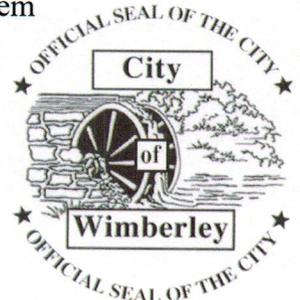
PASSED AND APPROVED this 6th day of June 2019.

THE CITY OF WIMBERLEY, TEXAS

By: 
Rebecca Minnick, Mayor Pro Tem

ATTEST:


Laura J. Calcote, City Secretary



RESOLUTION NO. 24-2018

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS
AUTHORIZING AND RATIFYING THE MAYOR'S INVESTIGATING
COST SAVINGS INITIATIVES AND ALTERNATIVE METHODS OF
BUSINESS FOR THE CITY OF WIMBERLEY INCLUDING THE
WASTEWATER TREATMENT PROJECT AND AUTHORIZING THE
MAYOR PRO TEMPORE TO ASSIST IN SAID INVESTIGATIONS**

WHEREAS, Texas Local Government Code (the "Code") Chapter 22, Section 22.042 provides that the Mayor of a general municipality is the chief executive officer of the municipality; and

WHEREAS, the Section 22.042 of the Code further provides that the Mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality; and

WHEREAS, the Section 22.037 of the Code further provides that if the Mayor is unable to act the Mayor Pro Tempore shall perform the Mayor's duties; and

WHEREAS, the Section 22.042 of the Code further provides that the Mayor shall perform the duties and exercise the powers prescribed by the governing bod of the municipality; and

WHEREAS, the Mayor, pursuant to her authority and obligations under the Code has been researching and investigating various measures to improve the finances, health, security, comfort and good government of the municipality, including alternatives to the current wastewater treatment plant project; and

WHEREAS, the Mayor has various obligations outside her role as Mayor which occasionally prevent her from being able to act; and

WHEREAS, the City Council supports the Mayor's obligations and actions taken with respect to the Mayor's investigations in the wastewater treatment alternatives; and

WHEREAS, the Mayor Pro Tempore is willing and able to assist when the Mayor is unable to act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS that the City Council specifically approves and authorizes the Mayor's past investigations and future efforts to review and investigate cost saving initiatives and alternative methods of business for the City of Wimberley, including alternatives to the wastewater treatment project and authorizes the Mayor Pro Tempore's efforts to assist the Mayor when, in her opinion, she is unable to act.

PASSED AND APPROVED this 16th day of August, 2018.

THE CITY OF WIMBERLEY, TEXAS

By: *Susan Jagers*
Susan Jagers, Mayor

ATTEST:

Laura J. Calcote
Laura Calcote, City Secretary

