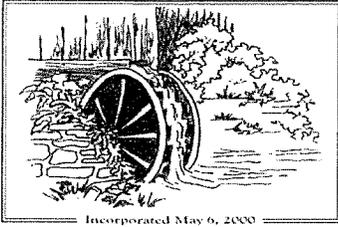


**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, August 2, 2018

5:30 p.m.



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, AUGUST 2, 2018 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** August 2, 2018 at 5:30 p.m.

2. **CALL OF ROLL** City Secretary

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens who have a direct stake in the business of the city, such as a landowner, resident, vendor or business owner 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. **CONSENT AGENDA**

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

Approval of Clay Ewing's resignation from the Hotel Occupancy Tax Advisory Committee.

7. **EXECUTIVE SESSION**

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

A. Executive Session pursuant to Section 551.072 (Real Estate Acquisition) to deliberate the purchase of real property.

- B. Executive Session pursuant to 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: Evaluation of City Administrator.

8. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project

9. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider approval of the second and final reading of an ordinance amending Title XV (Land Usage) Chapter 154 (Subdivision Control) Section 154.063 (Lots), Subsection (C) "Lot Shape", of the City of Wimberley Code of Ordinances in order to except minor alterations to interior lot lines that do not increase the number of lots; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting.
- B. Discuss and consider possible action designating a bank depository for the City of Wimberley and authorizing the City Administrator to execute the Bank Depository Agreement.
- C. Discuss and consider possible action regarding issues related to the Economic Development Administration (EDA) grant amendment status including, but not limited to, meetings, email and telephone correspondence between staff, City Council and the EDA.
- D. Discuss and consider possible action regarding issues related to the Texas Water Development Board (TWDB) including, but not limited to, status of TWDB approval of change of scope of the Wimberley Wastewater Project, discussion of meeting(s) with TWDB, by the Mayor, and/or City Council members, and/or staff and/or citizens.
- E. Discuss and consider possible action regarding issues relating to the current Wimberley Wastewater Project including, but not limited to, status of outstanding invoices to Black Castle General Contractor, meeting(s) with Aqua Texas, by the Mayor, and/or City Council members, and/or staff and/or citizens.
- F. Discuss and consider possible action regarding issues relating the status of the City removing certain citizen signs.
- G. Discuss and consider possible action to contact Bubba's Got Gas to have the company replace the propane, or reimburse the City for the propane they removed from the Wimberley Community Center tanks.
- H. Discuss and consider possible action regarding the removal of the Bubba's Got Gas propane tanks from the Wimberley Community Center.
- I. Discuss and consider possible action to prepare and review the City of Wimberley 2018-2019 Budget and schedule associated budget workshops.

- J. Discuss and consider possible action regarding Ordinance No. 2016-003, prohibiting the possession of certain firearms and handguns on City property.
- K. Discuss and consider possible action regarding the City of Wimberley Governance Policy and Rules of Procedure.

10. CITY COUNCIL REPORTS

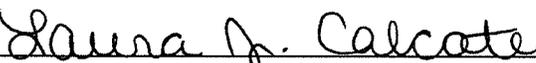
- A. Announcements
- B. Future agenda items

11. 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.

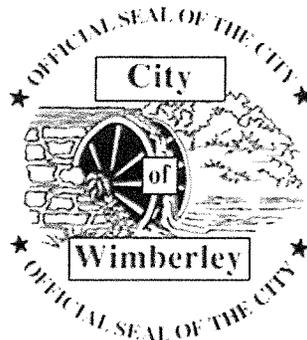
CERTIFICATION

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 30, 2018, by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Laura J. Calcote, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 for information.





AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote
DATE SUBMITTED: July 30, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Chamber of Commerce Representative Clay Ewing resigned from the Hotel Occupancy Tax Advisory Committee on Monday, July 23, 2018. The resignation email is attached.

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

From: Clay Ewing
To: [Shawn Cox](#); [Laura Calcote](#); [Traci Ferguson](#); [Mayor](#)
Cc: [Brent H Pulley](#); [Cathy Moreman](#); [Mike Scott](#)
Subject: HOT Committee Resignation
Date: Monday, July 23, 2018 3:06:04 PM

Hi, Shawn and Laura,

The termination of the agreement between the City of Wimberley and the Wimberley Chamber of Commerce, effectively eliminates my position on the HOT Committee, making my resignation little more than a formality.

But, as formal as always, please accept my resignation as a member of the HOT Committee effective immediately.

HOTC 2 was a remarkably effective group, and I hope the Committee going forward will have the same camaraderie and focus to make things work as we proved can be done.

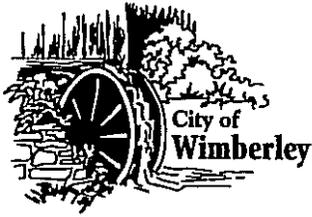
Thank you,

Clay E. Ewing

Clay Ewing
Associated Broker/Realtor
Century 21 Randall Morris & Associates
Investors Property Management
512-922-7475

Wimberley, Texas

ClayEEwing@Gmail.Com
WWW.ClayEwing.Com



AGENDA ITEM: City Administrator Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 31, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update to Council on the progress of the Central Wimberley Wastewater Project. Updates will include construction progress, expenditures to date, and other updates related to the project.

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: Subdivision Code Amendment
SUBMITTED BY: Sandy I. Floyd
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider approval of the second and final reading of an ordinance amendment that would allow for administrative approval of minor plat amendments for lots that would typically have a variance for lot configuration and require public notice and approval through P&Z and Council. The exception would be available for amendments that are not increasing density. At the Planning & Zoning meeting July 12th, the Commission voted 7-0-0 to recommend approval of the code amendment. At the July 19th Council meeting, the vote to approve was 5-0-0.

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

Staff recommends approval.

ORDINANCE NO. 2018-29

AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 154, (SUBDIVISION CONTROL), SECTION 154.063 (LOTS), SUBSECTION (C) “LOT SHAPE”, OF THE CITY OF WIMBERLEY CODE OF ORDINANCES, TO EXCEPT MINOR ALTERATIONS TO INTERIOR LOT LINES THAT DO NOT INCREASE THE NUMBER OF LOTS; AND PROVIDING FINDINGS OF FACT; A PENALTY PROVISION; A REPEALING CLAUSE; A SAVINGS AND SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

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

WHEREAS, the City Council of the City of Wimberley (“City Council”) enacted Chapter 154 of the City of Wimberley Code of Ordinances regarding subdivision regulations, design standards, and improvement requirements for land development pursuant to the authority of the Constitution and laws of the state, including particularly Texas Local Government Code, Chapter 212, Municipal Regulation of Subdivision and Property Development; and

WHEREAS, the City Council has enumerated the purpose of such regulations in Section 154.003 of that Chapter; and

WHEREAS, after recommendation of the City of Wimberley Planning and Zoning Commission of the below changes to Chapter 154, Section 154.063 “Lots”, the City Council hereby determines that it is in the best interests of the citizens of the City to amend such regulations not inconsistent with the stated purpose as shown in Chapter 154, Section 154.003.

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

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

Section 2. Title XV (Land Usage), Chapter 154, Section 154.063 “Lots”, Subsection (C) “Lot shape”, is hereby amended to add language that reads as follows:

(C) *Lot shape.* All lots shall be rectangular except when the street alignment is curved in order to conform with other provisions of this chapter or configuration of the parent tract does not permit. No lot shall have a corner intersection of less than 45 degrees. The ratio of average depth to average width shall not exceed 2.5 to 1 (2.5:1) nor be less than 1.5 to 1 (1.5:1) unless the lot is at least 1.5 times the required lot size, both the depth and width of the lot exceed the minimums required in these regulations, and the Director finds that the proposed lot dimensions are consistent with surrounding development and the Comprehensive Plan. This subsection shall not apply to any amendment to a subdivision that does not increase the number of

lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect, including the penalty provision of Chapter 154, Section 154.999.

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

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

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.

Section 7. 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.

PASSED AND APPROVED this the _____ day of _____, 2018.

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

The Wimberley View CLASSIFIED

P.O. Box 49 Wimberley, Texas 78676 512



Public Notice

LEGAL NOTICE

Notice is hereby given that Premier Wimberly Biz, Inc. d/b/a AZ Food Mart is applying with the Texas Alcoholic Beverage Commission for Wine and Beer Retailer's Off-Premise Permit at 321 FM 2325, Wimberley, Hays County, Texas. Parvez Badarpura - Pres/Sec

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY SUBDIVISION CODE

Notice is hereby given that the City Council of the City of Wimberley will hold a discussion and take possible action for a first reading at the Wimberley City Hall on Thursday, July 19, 2018 at 6:00 p.m. on AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 154, (SUBDIVISION CONTROL), SECTION 154.063 (LOTS), SUBSECTION (C) "LOT SHAPE", OF THE CITY OF WIMBERLEY CODE OF ORDINANCES, TO EXCEPT MINOR ALTERATIONS TO INTERIOR LOT LINES THAT DO NOT INCREASE THE NUMBER OF LOTS; AND PROVIDING FINDINGS OF FACT; A PENALTY PROVISION; A REPEALING CLAUSE; A SAVINGS AND SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

A second reading will be held on Thursday, August 2, 2018 at 5:30 p.m. at City Hall to consider the ordinance referred to herein. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

Public Notice

General Help Wanted

Hill Country Mental Health and Developmental Disabilities Centers
Now Hiring
Medical Records Clerk - Administrative Tech I

Expanding Non-Profit Provider of Behavioral Health Services is looking for a Full-Time Medical Records Clerk for their Outpatient Mental Health Clinic located at 1200 N. Bishop St., San Marcos, TX. Qualified candidates must have a H.S. Diploma / GED and have 2 years of administrative duties related to the position. One semester of college may substitute for each 6 months of experience. MHDD Centers offers a competitive compensation plan - Paid Health and Life Insurance, Short/Long Term Disability, Vision, Dental and Retirement offered. \$10.95 / \$22,776 Annual.
Apply online at www.hillcountry.org

HCMHDDC Centers is an EOE

General Help Wanted

General Help Wanted

Hill Country MHDD Centers - Local Mental Health Authority - Now Hiring
Children's Mental Health Recovery Coach

Expanding Non-Profit Provider of Behavioral Health Services is looking for a Qualified Mental Health Professional for their Outpatient Mental Health Clinic located at 1200 N. Bishop St., San Marcos, TX. Qualified candidates must possess a Bachelor's Degree in Psychology or other Human Services Related Field. Hill Country MHDD Centers offers a competitive compensation plan - Paid Health and Life Insurance, Short/Long Term Disability, Vision, Dental and Retirement offered. \$16.34 / \$34,000 Annual.
Apply online @ www.hillcountry.org
Refer to Position #272

Hill Country MHDD Centers is an EOE

General Help Wanted

Job Wanted

EMPLOYMENT WANTED
Retired gentleman seeking part - or full-time - employment in the Wimberley/San Marcos area. Please reach me at 512-722-3686 (Wimberley)



Garage Sales

THE LAST GREAT MOVING SALE!
Saturday July 21st from 8 AM to 3 PM
110 Hillsedge Road, Wimberley.
Furniture, Antiques China, Household Lots of clothes, Inside so rain or shine.



Garage Sales

97 RIDGEWOOD CR Wimberley
Furniture, kitchenware, home decor, lamps, bedding, clothes, ping-pong table, china cabinet and much more.
All must go!
July 13 8:00 - 2:00
July 14 8:00 - 1:00

Pets & Free Pets

ARF HAS PRECIOUS KITTENS
Lost cat in Woodcreek: young black and white from Wildwood Circle (microchipped) & friendly. Call ARF 512 847-2878



Est. Sale



General Help Wanted

General Help Wanted

General Help Wanted

General Help W

NOW HIRING
Employment
General Help Wanted

TEXAS STATEWIDE CLASSIFIED ADV
10
Toy

Did you know?
You can now view the



AGENDA ITEM: City of Wimberley Bank Depository
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: July 31, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On July 11, 2018 the City of Wimberley posted a Request for Proposal (RFP) for firms interested in providing depository services for the City's accounts (bank accounts). Interested firms were given until July 13, 2018 to submit their applications. The City received three (3) applications from Ozona National Bank, Sonora Bank, and Texas Regional Bank.

Ozona National Bank and Sonora Bank provided the most competitive applications. Both firms only charged fees for Charge Back Services, however Ozona's fee was lower. Additionally, Sonora Bank currently does not have a banking location in Wimberley. Their proposal did include remote deposits for checks, however arrangements would still need to be made to deposit cash at their nearest branch in Bulverde, TX.

The City originally entered into a depository bank agreement with Ozona National Bank in 2009 and again in 2014. Each agreement was for three years, with the ability to renew for two (2) succession one (1) year terms. The current agreement still had the option to renew for an additional year, when council took action to advertise an RFP for Depository Services.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Non-budgeted Item

Not Applicable

Current Estimate: \$

Original Estimate/Budget: \$

Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Based on the provided proposals the City Administrator recommends designating Ozona National Bank as the Depository Bank for the City of Wimberley and authorizing the City Administrator to execute the required agreement with Ozona National Bank.

The Wimberley View CLASSIFIEDS



P.O. Box 49 Wimberley, Texas 78676 512-847-2202

Public Notice

General Help Wanted

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT AMENDMENT

PERMIT NO. WQ0014488001

APPLICATION. City of Dripping Springs, P.O. Box 384, Dripping Springs, Texas 78620, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Texas Land Application Permit (TLAP) No. WQ0014488001 to authorize: the addition of a subsurface drip irrigation site of 13.8 acres with a flow volume not to exceed a daily average flow of 60,000 gallons per day in the final phase; the addition of a surface irrigation site of 17 acres with a flow volume not to exceed a daily average flow of 50,000 gallons per day in the final phase; an increase in the total wastewater treatment facility flow volume in the final phase to a volume not to exceed a daily average flow of 458,500 gallons per day; and an increase in the total land application acreage to 151.23 acres. The wastewater treatment facility and on-site subsurface disposal site are located approximately 0.55 miles east of the intersection of Ranch Road 12 and Farm-to-Market Road 150, as measured along Farm-to-Market Road 150, and from that point, approximately 1,110 feet south of Farm-to-Market Road 150, in Hays County. An existing offsite subsurface disposal area is located approximately 0.44 mile south of the intersection of U.S. Highway 290 and Ranch Road 12, as measured along Ranch Road 12, and from that point, approximately 1,280 feet east of Ranch Road 12, in Hays County. Another existing offsite surface disposal area is located approximately 1.5 miles south of the intersection of U.S. Highway 290 and Ranch Road 12, and from that point approximately 1,000 feet west of Ranch Road 12 in Hays County. The proposed subsurface disposal area will be located approximately 0.31 mile north of the intersection of U.S. Highway 290 and Ranch Road 12, along Ranch Road 12, and, from that point, approximately 0.26 mile west of Ranch Road 12, in Hays County. The proposed surface disposal site will be located approximately 1.65 miles west and 0.65 mile south of the intersection of U.S. Highway 290 and Ranch Road 12, in Hays County. The wastewater treatment facility and on-site subsurface disposal site are located in Hays County, Texas 78619. All other disposal sites are located in Hays County, Texas 78620. TCEQ received this application on February 16, 2018. The permit application is available for viewing and copying at Dripping Springs City Hall, 511 Mercer Street, Dripping Springs, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.154166&lng=-98.080277&zoom=13&type=1>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been filed with Hays County to subdivide 57.625 acres of land located in Reunion Ranch Phase Three Section Three. The site is located at Reunion Blvd. at Jacsksdaw Drive, in Hays County TX.

Reunion Ranch Phase Three Section Three is in the ETJ of the City of Dripping Springs and within the Dripping Springs ISD boundary. Reunion Ranch Phase Three Section Three contains fifty six (56) Single Family Lots and two (2) DE, PUE lots planned for the development. Electric service will be provided by PEC, water and wastewater Service is provided by Reunion Ranch WCID, and Emergency Services are provided by Hays County ESD # 6 and North Hays County ESD #1.

Information regarding the application may be obtained from Hays County Development Services (512) 393-2150. Tracking number: Sub-1027.

NOTICE OF HTGCD OPERATING PERMIT APPLICATION: HHS, Corporate Campus

The Hays Trinity Groundwater Conservation District (HTGCD) received an operating permit application from HHS, Corporate Campus, 12945 Silver Creek Road, Dripping Springs. The applicant requested an annual maximum production amount of 7.2 acre feet. The intended well's non-exempt use is for a public water supply. The application has been reviewed and is administratively complete. District staff recommendation: one-year renewable operating permit for 7.2 acre feet, monthly meter production recording with quarterly reporting to HTGCD, and mandatory drought cut-back curtailments. The twenty-day deadline date for the District to accept formal contested case letters concerning this application is July 03, 2018. The application is available for review on the District's

City of Wimberley Bank Depository Request for Proposals

The City of Wimberley is requesting proposals for a Bank Depository for the City from qualified and interested firms.

A full description of the Request for Proposals (RFPs) and submission requirements can be found on the City's website www.cityofwimberley.com. Deadline for submittal is Friday, July 13, 2018, at 2:00 p.m. at the City of Wimberley, 221 Stillwater, Wimberley, Texas 78676. RFPs received after this date and time will not be considered. No facsimile or emailed qualifications will be accepted. RFPs shall be submitted by mail or in person as follows:

City of Wimberley
ATTN: Laura Calcote, City Secretary
221 Stillwater (physical)
P.O. Box 2027 (mailing)
Wimberley, Texas 78676
Re: Depository Applications

If you have any questions or need additional information, please email City Administrator Shawn Cox (scox@cityofwimberley.com) or City Secretary Laura Calcote (lcalcote@cityofwimberley.com) by Monday, June 25, 2018, at 10:00 a.m.

BRAND NEW SENIOR COMMUNITY

in Dripping Springs is looking for a Part Time Porter/ Maintenance Tech. Looking for someone to do janitorial work, take out trash, pick up grounds, help with work orders, etc. Must have a clean driving record w/ insurance and able to lift 50+lbs.

THE CITY OF WIMBERLEY IS NOW HIRING

Public Works/Code Enforcement
The City of Wimberley is currently taking applications for the following position: Public Works / Code Enforcement Superintendent, whose primary responsibilities include maintenance of the public parks, roads, and streets, assist with maintenance and duties around City Hall. Under the supervision of the City Administrator, he addresses street repairs, including street signs, low water crossings, potholes, tree trimming, and traffic counters. Major responsibility is to serve as Building Official and Code Enforcement of the sign ordinance, building code violations, and issues stop work orders, handles citizen comments/complaints. May be sub-

General Help Wanted

General Help Wanted

LAUREN CONCRETE HELP WANTED

• Loader • Mixer Driver

Looking to hire in Spicewood

Call 830-201-1800



AGENDA ITEM: EDA Grant Amendment Status
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding issues related to the Economic Development Administration (EDA) grant amendment status including, but not limited to, meetings, email and telephone correspondence between staff, city council and EDA.

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

From: [Place3](#)
To: [Laura Calcote](#)
Subject: Attachment for Agenda Item (1)
Date: Thursday, July 26, 2018 3:26:59 PM
Attachments: [image001.png](#)

Begin forwarded message:

From: Mayor <mayor@cityofwimberley.com>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley
Date: July 24, 2018 at 9:17:33 AM CDT
To: Shawn Cox <Scox@cityofwimberley.com>
Cc: Cameron Cox <cameron.cox@rampage-aus.com>, "charles.zech@rampage-sa.com" <charles.zech@rampage-sa.com>, "sarah.griffin@rampage-aus.com" <sarah.griffin@rampage-aus.com>

Shawn,

I was specifically referring to the Bond Council, of course our City Councilors should be informed. I have copied them all on this email.

Respectfully,

Susan Jagers

Mayor

City of Wimberley

221 Stillwater

P.O. Box 2027 (Mailing Address)

Wimberley, TX 78676

Cell: (512) 648-1632 best option

Office: (512) 847-0025

Fax: (512) 847-0422

Website: cityofwimberley.com



Please consider the environment before printing this e-mail.

From: Shawn Cox

Sent: Tuesday, July 24, 2018 8:46 AM
To: Mayor <mayor@cityofwimberley.com>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley

Mayor,

As this was in response to an action taken by Council, I will need to let them know.
Happy to include any information you have, but I will be forwarding this email today.

From: Mayor
Sent: Monday, July 23, 2018 4:17 PM
To: Shawn Cox <Scox@cityofwimberley.com>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley

Shawn,

I am discussing this with our Attorney at this time. Take no action until further notice.

Respectfully,

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com



Please consider the environment before printing this e-mail.

From: Shawn Cox
Sent: Monday, July 23, 2018 4:15 PM
To: Mayor <mayor@cityofwimberley.com>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley

When would you like Council to be informed of the email?

From: Mayor

Sent: Monday, July 23, 2018 3:01 PM

To: Shawn Cox <Scox@cityofwimberley.com>

Subject: Re: Resolution and Letter, EDA 1M Grant to City of Wimberley

Shawn.

No need I have already taken care of this. Will fill you in when I return.

Sent from Susan's iPhone

On Jul 23, 2018, at 2:21 PM, Shawn Cox <Scox@cityofwimberley.com> wrote:

Will do. Would you like me to provide this information to the City Attorney? I can also start contacting potential Bond Counsel firms for the Council to talk to.

Let me know what you need.

Sincerely,
Shawn

From: Mayor

Sent: Monday, July 23, 2018 12:53 PM

To: Shawn Cox <Scox@cityofwimberley.com>

Subject: FW: Resolution and Letter, EDA 1M Grant to City of Wimberley

Shawn,

Do not disseminate this email without FIRST discussing with me.

Respectfully,

Susan Jagers

Mayor

City of Wimberley

221 Stillwater

P.O. Box 2027 (Mailing Address)

Wimberley, TX 78676

Cell: (512) 648-1632 best option

Office: (512) 847-0025

Fax: (512) 847-0422

Website: cityofwimberley.com

<image001.png>



Please consider the environment before printing this e-mail.

From: Giannini, Matthew (Federal) <MGiannini@eda.gov>
Sent: Monday, July 23, 2018 12:34 PM
To: Mayor <mayor@cityofwimberley.com>
Cc: Ayala, Jorge (Federal) <JAyala@eda.gov>; Rahman, Happy (Federal) <HRahman@eda.gov>; Shawn Cox <Scox@cityofwimberley.com>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley

Mayor:

We received the attached letter alleging numerous potential legal issues related to the Aqua Texas Plan. Please work with your legal counsel to provide us with a written explanation of how the issues raised in the letter potentially impact your requested change in scope for the EDA project. We are unable to proceed with the review of your grant amendment request until we receive this information. At this time we are unable to provide a sufficiency of funds letter from EDA.

Thank you,

Matthew P. Giannini

Area Director

Department of Commerce:

Economic Development Administration

[903 San Jacinto, Suite 206](#)

[Austin, Texas 78701](#)

Mobile: [\(512\) 516-1878](#)

From: Mayor <mayor@cityofwimberley.com>
Sent: Thursday, July 19, 2018 8:06 AM
To: Giannini, Matthew (Federal) <MGiannini@eda.gov>
Cc: Ayala, Jorge (Federal) <JAyala@eda.gov>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley

Gentlemen,

Please advise the status of our request. We meet with the TWDB and we will need to provide a sufficiency of funds statement to them prior to proceeding.

Respectfully,

Susan Jagers
Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com
<image001.png>



Please consider the environment before printing this e-mail.

From: Mayor
Sent: Wednesday, July 11, 2018 5:11 PM
To: Giannini, Matthew (Federal) <MGiannini@eda.gov>
Cc: Ayala, Jorge (Federal) <JAyala@eda.gov>; Shawn Cox
<Scox@cityofwimberley.com>
Subject: RE: Resolution and Letter, EDA 1M Grant to City of Wimberley

Mr. Giannini,

Attached are the revised Resolution and Letter, replacing the “authorizing/es an amendment” changed to “authorizing/es a request for an amendment”.

Respectfully,

Susan Jagers
Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com
<image001.png>



Please consider the environment before printing this e-mail.

From: Mayor
Sent: Wednesday, July 11, 2018 3:17 PM
To: Giannini, Matthew (Federal) <MGiannini@eda.gov>
Cc: Ayala, Jorge (Federal) <JAyala@eda.gov>
Subject: Resolution and Letter, EDA 1M Grant to City of Wimberley

Mr. Giannini,

Attached is the Resolution made by the City of Wimberley. I've also attached a separate letter with the justification and request for the amendment to the EDA Project No. 08-01-05136.

We have a formal meeting scheduled with the Texas Water Development Board at 11:00 am Tuesday, June 17 and are asking for your approval of our request for the amendment before our meeting.

Respectfully,

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com
<image001.png>



Please consider the environment before printing this e-mail.



AGENDA ITEM: Texas Water Development Board
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding issues related to the Texas Water Development Board (TWDB) including, but not limited to, status of TWDB approval of change of scope of the Wimberley Wastewater Project, discussion of meeting(s) with TWDB, by the mayor, and/or city council members, and/or staff and/or citizens.

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

KELLY HART

ANDREW WEBER
andrew.weber@kellyhart.com

TELEPHONE: (512) 495-6451
FAX: (512) 495-6401

July 12, 2018

Mr. Jerry Walker
Executive Administrator
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

Re: City of Wimberley Modifications to Scope and Schedule of Waste Water Treatment Plant

Mr. Walker:

On behalf of my clients, Wimberley citizens, I write to insure your agency is aware of an imminent vote in Wimberley regarding proposed changes to 50% of the waste water project—for which your agency has a significant loan agreement in place. See CITY OF WIMBERLEY, TEXAS SEWER SYSTEM REVENUE BONDS, SERIES 2017, \$5,255,000 (the “Loan Agreement”). Full disclosure: my clients oppose the proposed change (the “Mayor’s Plan”).

While the Mayor’s Plan is fluid (to be kind), and so far not reduced to writing except vaguely as she has described to the EDA (Attachment A, page 79, from July 10 City Council meeting packet), she has remained true to one north star—stop construction on the city-owned treatment plant and contract with Aqua Texas for treatment of the waste water at issue. To that end, she has the City barreling toward terminating the Black Castle contract to construct the City plant. She proposes instead to contract with Aqua Texas for treatment.¹ **July 19** is the vote date.

My review of the Loan Agreement makes clear the City must obtain your agency’s written consent for any schedule or scope modifications. Multiple documents in the Loan Agreement evidence that scope includes, at least, the city 1) owning and constructing a collection system, and 2) upgrading and expanding, then owning and operating its own treatment plant.² Also integral to the plan is that Blue Hole Regional Park will receive and pay for reclaimed Type 1-enhanced water from the plant. The schedule is also straightforward: Construction was to start on or before October 1, 2017 and be completed by January 1, 2019.

¹ The mayor has recently claimed her plan to stop treatment plant construction and start again within five years—only contracting with Aqua Texas temporarily.

² The City’s own ordinances covenant and promise timely and expeditious implementation of the project, and no alteration of schedule or scope without TWDB consent.

Mr. Jerry Walker
July 12, 2018
Page 2

I am not an expert on your agency's consent procedures. But I know that given the public nature of your agency, and because public funds are involved, with multiple covenants between TWDB and its bondholders, and similarly between the City and TWDB, any consent would be internally vetted and placed on a public agenda for a public hearing—before a vote to consent or not.

And please forgive this preemptive alarm, but the mayor is calling for a vote on **July 19** without, to date, your agency's written consent. And I can't see a path to the City providing you a written modification proposal that you can analyze and put up for your boards consideration before the City vote.

Scope.

In considering a change in scope, surely you would need at least some very basic documentation: A contract proposal from Aqua Texas, including all its obligations regarding plant upgrade (to produce Type 1-enhanced effluent), and to provide the many things the mayor projects it will provide at no cost to the City, its rates, for how long it is bound, and the like; engineering and contracts for the proposed new purple pipe along Winters Mill Pkwy (estimate cost of \$1M +/-)³; evidence from the EDA that it has considered and approved the requested amendment to its \$1M grant⁴; and evidence that the Way grant of \$1M has been modified as needed to comport with the Aqua Texas plan.

I would expect you to need to review a new Bond Counsel opinion, given that the existing opinion relied on a number of propositions that will not, or may not hold true under the mayor's Aqua Texas plan. Does the mayor's plan cause any IRS tax issues described in Bond Counsel's opinion? For instance, recently but perhaps only briefly, the mayor's plan included the City paying \$300,000.00 to upgrade Aqua Texas' plant. Does Bond Counsel need to amend its statement that the bonds are payable from revenues generated from 1) "operation and ownership" of the City's sewer system and 2) the Blue Hole park intradepartmental agreement?

I would expect you would also need an amended ordinance, given that the current ordinances related to this Loan Agreement provide that the project to be funded, and which will general repayment revenues is the "City's System," and that "Gross Revenues" will come from the City "owning and operating" the system (and from payments for the reclaimed water).

Illustratively but not exhaustively, the Federal Tax Certificate for the Loan Agreement provides that the Project consists of the 1) collection system and 2) upgrading and expanding the city's treatment plant, collectively, the Project Facilities. The latter is not in the mayor's proposal—though it is not clear whether it is temporarily or permanently jettisoned.

³ See Attachment C at highlighted item.

⁴ See Attachment B, the letter from the EDA describing the information it needs in order to consider the requested amendment, and Attachment A at p. 79, the council's response thereto.

Mr. Jerry Walker
July 12, 2018
Page 3

To strip out the city-owned treatment plant from the Project would seem to require approval of multiple stakeholders to whom the City (and TWDB via the City) have made multiple representations and covenants—that would no longer be accurate.

Schedule.

And a change in schedule, which the mayor asserts will not happen despite Aqua Texas' need to upgrade its plant, and the need to lay hundreds of feet of pipe to get the waste to an Aqua Texas connection line and to get reclaimed water to Blue Hole Park—and despite all the bidding and engineering and permitting that would entail, would also require your approval. Additionally, it could easily breach federal requirement for expeditious use of the bond funds.

The current project, like all construction projects, is not perfect. But as evidenced by the Loan Agreement, it has been vetted and approved by TCEQ and your agency, and the bonds were approved by the Attorney General's office. Along the way, the City made multiple representations and covenants, including that the proceeds would be used for two main purposes: construct, *own and operate* a collection system, and construct/enhance/upgrade, *own and operate* a treatment plant. The mayor's Aqua Texas plan abandons half the project—both on the asset side and the revenue-generation side.

Given the rocket docket the mayor has put her plan on; I felt you and your board deserved this heads up.

Sincerely,



Andrew Weber

cc: Cameron Cox, *via* Email.

ATTACHMENT A

Laura Calcote

From: Shawn Cox
Sent: Friday, July 6, 2018 10:25 AM
To: Laura Calcote
Subject: FW: EDA 1M Grant to City of Wimberley
Attachments: Wimberley Letter Request.pdf

From: Mayor
Sent: Thursday, July 5, 2018 9:47 AM
To: Shawn Cox <Scox@cityofwimberley.com>
Subject: FW: EDA 1M Grant to City of Wimberley

fyi

Respectfully,

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com



Please consider the environment before printing this e-mail.

From: Giannini, Matthew (Federal) <MGiannini@eda.gov>
Sent: Monday, July 02, 2018 11:24 AM
To: Mayor <mayor@cityofwimberley.com>
Cc: Place1 <place1@cityofwimberley.com>; Place2 <place2@cityofwimberley.com>; Place3 <Place3@cityofwimberley.com>; Place4 <Place4@cityofwimberley.com>; Place5 <Place5@cityofwimberley.com>; Larsen, Lisa (Federal) <LLarsen@eda.gov>; Ayala, Jorge (Federal) <JAyala@eda.gov>; Rahman, Happy (Federal) <HRahman@eda.gov>
Subject: FW: EDA 1M Grant to City of Wimberley

Mayor Jagers:

Please see the attached formal request letter from EDA outlining what we will need to fully address your desire to change the scope of the project. The Austin Regional Office (AURO) is unable to make a determination of a modification to your current grant without the desired change spelled out in its entirety in a formal request. We hope we can all work together to reach a decision that is satisfactory to all.

Thank you,

Matthew P. Giannini

Area Director
Department of Commerce:
Economic Development Administration
903 San Jacinto, Suite 206
Austin, Texas 78701
Mobile: (512) 516-1878

From: Mayor <mayor@cityofwimberley.com>
Sent: Wednesday, June 27, 2018 9:43 AM
To: Larsen, Lisa (Federal) <LLarsen@eda.gov>
Subject: RE: EDA 1M Grant to City of Wimberley

Ms. Larsen,

Checking on the status of the decision from the EDA.

Respectfully,

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com



 Please consider the environment before printing this e-mail.

From: Mayor
Sent: Friday, June 22, 2018 9:59 PM
To: Larsen, Lisa (Federal) <LLarsen@eda.gov>
Subject: Re: EDA 1M Grant to City of Wimberley

Lisa

Again my apology for just now catching up on emails.

You may have everything you need by now. I drove up a few days ago and brought hard copies of everything. Please let me know if you still prefer to have electronic copies.

Respectfully

Mayor Jagers.

We need to be able to get a decision within the next week or so.

Sent from Susan's iPhone

On Jun 18, 2018, at 9:55 AM, Larsen, Lisa (Federal) <LLarsen@eda.gov> wrote:

Ms. Jagers,

I just left you a message on your office phone number (the cell number listed did not work). You can send the documentation through email or through our secured link (if they are fairly large) and that will save you all a trip to our office. Here are some of the documentation you should send for the collection system project:

1. Executed contract (entire document)
2. Preconstruction meeting information
3. Notice to Proceed/Award of contract
4. All information regarding change order(s) executed
5. Bid Bond, Payment Bond, Performance Bond
6. Contractors Insurance
7. Certification Regarding Lobbying
8. [Sam.gov](http://sam.gov) Registration

If you feel it's necessary for further discussion on these items we can meet today but will depend on everyone's schedules today.

I will send you a secured link to our site if you choose to send them through that avenue. Please look for it as it will not come from my work email address but Accellion, EDA's secured server.

It was nice meeting you on Thursday and hopefully we can resolve the project/grant issues.

Sincerely,

Lisa Larsen
Civil Engineer/Project Officer
U.S. Department of Commerce
Economic Development Administration
Austin Regional Office
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701
Phone: (512) 381-8156

From: Mayor [<mailto:mayor@cityofwimberley.com>]
Sent: Friday, June 15, 2018 3:29 PM
To: Ayala, Jorge (Federal) <JAyala@eda.gov>
Cc: Larsen, Lisa (Federal) <LLarsen@eda.gov>
Subject: FW: EDA 1M Grant to City of Wimberley

Mr. Ayala,

Thank you for the meeting and open discussion. I will be bringing in further documentation Monday after to Ms. Larsen and would look forward to meeting with you at 3:00pm

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com
<image001.png>



Please consider the environment before printing this e-mail.

From: Mayor
Sent: Friday, June 15, 2018 3:23 PM
To: 'Larsen, Lisa (Federal)' <LLarsen@eda.gov>
Subject: RE: EDA 1M Grant to City of Wimberley

Lisa,

I would like to meet with you Monday afternoon to continue our discussion and deliver documentation. What time is convenient for you?

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Office: (512) 847-0025
Cell: (512) 648-6132 best way to reach me
Fax: (512) 847-0422
Website: cityofwimberley.com
<image001.png>



Please consider the environment before printing this e-mail.

From: Larsen, Lisa (Federal) <LLarsen@eda.gov>
Sent: Monday, June 11, 2018 3:51 PM
To: Mayor <mayor@cityofwimberley.com>
Cc: Gary Barchfeld <gbarch@austin.rr.com>; Place1 <place1@cityofwimberley.com>; Ayala, Jorge

(Federal) <JAYala@eda.gov>; Giannini, Matthew (Federal) <MGiannini@eda.gov>; Rahman, Happy (Federal) <HRahman@eda.gov>

Subject: RE: EDA 1M Grant to City of Wimberley

Ms. Jagers,

Thanks for your phone call this morning and subsequent email. The Regional Director and Area Director will be available this Thursday (June 14, 2018) to meet with you regarding the EDA grant. We are available to meet at 10:30 am and hope that works for you as well. The address to our office is listed below my contact.

Let me know and I will send an appointment to you all.

Sincerely,

Lisa Larsen

*Civil Engineer/Project Officer
U.S. Department of Commerce
Economic Development Administration
Austin Regional Office
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701
Phone: (512) 381-8156*

From: Mayor [<mailto:mayor@cityofwimberley.com>]

Sent: Monday, June 11, 2018 3:38 PM

To: Larsen, Lisa (Federal) <LLarsen@eda.gov>

Cc: Gary Barchfeld <gbarch@austin.rr.com>; Place1 <place1@cityofwimberley.com>

Subject: EDA 1M Grant to City of Wimberley

Ms. Larsen,

I look forward to meeting with you tomorrow along with Mr. Gianinni and hopefully Mr. Ayala. I will be bringing 2 Council members, Mr. Barchfeld and Mr. McCullough, along with me for our meeting. I have concerns with regards to having met the Federal Grant eligibility and requirements.

I am sure that upon further review we do not meet the Regional Eligibility for Public Works and Economic Adjustment assistance projects. Wimberley's Per capita income per STATSAMERICA reporting application is well above the 80 percent threshold of the national average. I've attached the most recent report specifically for Wimberley Tract 0108.04 Hays, TX and for Hays County at large. Wimberley's Per Capita Money Income (5-Year ACS) is at 134.74% of the nation at large, Hay's County PCMI is 95.2%.

Unfortunately, the tracts that were submitted with the application included areas that were less relevant with respect to Wimberley's economic development.

Furthermore, with regards to the estimated jobs created (140) and or retained (400) which was simply based on discussions with merchants is unsubstantiated.

Never-the-less, if the EDA Grant remains awarded, per our discussion, I understand that we cannot apply it towards the Capital Excavation expenses. Please clarify if this restriction would also apply to the Black Castle contract of the project.

Susan Jagers

Mayor

City of Wimberley

221 Stillwater

P.O. Box 2027 (Mailing Address)

Wimberley, TX 78676

Office: (512) 847-0025

Fax: (512) 847-0422

Website: cityofwimberley.com

<image001.png>



Please consider the environment before printing this e-mail.

In Amendment 1, the grant scope was downsized so that the EDA would fund the wastewater plant only, and the City would separately fund the wastewater collection system portion of the project. This Amendment 2 changes the request so that EDA will fund only the wastewater collection system portion of the project and that the City will separately fund the remainder of the project.

The reason for this amendment is that due to significant cost overruns and additional review of economics of the original project plan, the City is considering alternatives regarding the treatment of the wastewater. Considerations include continuing with the plan to build a new wastewater plant or to contract the treatment of the wastewater by an existing company that serves the area.

Regardless, the City will build, own and operate the wastewater collection system for the benefit of properties within the central Wimberley business district.

The collection system contract will have only minor changes if an alternative wastewater treatment option is chosen. Under the contract, the physical location of collection system construction terminated before the wastewater plant, and thus would only be modified to provide a tap connection to an alternative provider of treatment at that location. Depending on the financial analysis and option selected, the wastewater plant will either be built as contracted or the contract terminated.

This reduction from the original grant (and minor increase from Amendment 1) does not affect the original intent of the grant and its intended economic outcomes, as the project remains intact with regard to providing wastewater services to Wimberley. The grant terms remain in effect and no change in the grant termination date.

ATTACHMENT B



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
AUSTIN REGIONAL OFFICE
903 San Jacinto Blvd., Suite 206
Austin, TX 78701

July 2, 2018

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

Re: EDA Project No. 08-01-05136

Dear Mayor Jagers:

We have received the contract documents for the Wimberley Wastewater Collection System project. For EDA to provide a decision on what modifications can be made to the grant at this time cannot be assessed without further clarification from the City. Various options have been expressed recently by the City and will need to be further clearly expressed (the exact scope modification) to EDA in order to perform a thorough assessment on the changes.

We request the City to provide a formal letter for a grant modification outlining specifically what the City is wishing to do with the current project/grant. At a minimum, indicate what the project scope change is. When addressing the scope change please highlight exactly what the intent of changing the scope for the second time will include. Additionally, EDA will require a concise explanation for the change, impacts to funding, what the overall intention/goal is as a result of this change, and the exact economic impacts of the modification. Furthermore, we need a full understanding, in writing of the contracts currently in place and what, if any changes will have on said contracts. Since the grant is made up of two separate construction contracts, please address how this modification will affect both projects.

In addition, EDA request that the City provide a Council Resolution regarding this modification. Please provide by no later than July 11, 2018.

If you have any questions, you may contact me at (512) 381-8171.

Sincerely,

MATTHEW
GIANNINI

Mathew Giannini
Area Director
Austin Regional Office

Digitally signed by MATTHEW GIANNINI
DN: c=US, o=U.S. Government, ou=Department
of Commerce, ou=Economic Development
Administration, cn=MATTHEW GIANNINI,
0.9.2342.19200300.100.1.1=13001001265282
Date: 2018.07.02 11:13:08 -05'00'

ATTACHMENT C

COSTS TO GO WITH AQUA TEXAS ix	TOTAL CITY OWNED SYSTEM	TOTAL AQUA TEX
AVAILABLE FUNDS		
TWDB Loan	5,255,000	4,155,000
Reserve for water pipe & tank to Blue Hole (3)	included (3)	1,100,000
EDA Grant Free Money	1,000,000 {4}	
Way Foundation Grant Free Money	1,000,000	
Principal Forgiveness Funds Free Money	243,005 (2)	243,005
TOTAL AVAILABLE FUNDS	7,498,005	5,498,005
COSTS		
Black Castle contract incl. alt. 1	(3,222,300) (1)	(849,000)
Capital Excavaton Contract	(3,616,230)	(3,616,230)
Fees and Bond Reserve	(194,488)	(194,488)
Contengency for possible change orders	(464,987)	(464,987)
Cost for purple pipe & tank to Blue Hole	(3)	(1,100,000)
Design costs		(150,000)
Cost to construct pipe under Creek		(250,000)
new pump and force main through town to A.T.		(350,000)
Cost to upgrade A.T. plant to type I		(300,000)
CIAC fees quoted by Aqua Texas		(367,000)
New lift station and force main from Deer Creek		(300,000)
Required loan payback during 3 year delay		(759,801)
TOTAL COSTS	(7,498,005)	(8,701,506)
COSTS GREATER THAN AVAILABLE FUNDS	EVEN	(3,203,501)
		<u>ADDITIONAL DOLLARS TO GO TO AQUA TEXAS</u>
		(3,203,501)

- (1) Black Castle has spent \$749,000 through May. There will be addn. costs to shut down construction. The City will have wasted almost a million dollars
- (2) City must notify TWDB before they delay or change scope of contract
They did not notify them and have put this in jepordy.
- (3) The TWDB loan requires re-use water to be delivered to the Park
- (4) EDA has not approved their grant being used in a new design



AGENDA ITEM: Wimberley Wastewater Project Concerns
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding issues relating to the current Wimberley Wastewater Project including, but not limited to, status of outstanding invoices to Black Castle General Contractor, meeting(s) with Aqua Texas, by the Mayor, and/or City Council members, and/or staff and/or citizens.

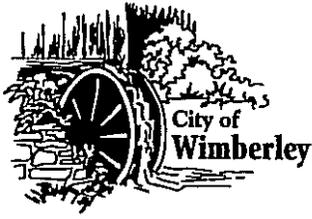
REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION



AGENDA ITEM: Citizen Signs
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding issues relating the status of the city removing certain citizen signs.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

From: [Place3](#)
To: [Laura Calcote](#)
Subject: Attachment for Agenda Item (4)
Date: Thursday, July 26, 2018 3:35:48 PM
Attachments: [image003.png](#)

Begin forwarded message:

From: Mayor <mayor@cityofwimberley.com>
Subject: RE: Political Sign
Date: July 21, 2018 at 1:26:10 PM CDT
To: Shawn Cox <Scox@cityofwimberley.com>
Cc: Laura Calcote <lcalcote@cityofwimberley.com>, Cameron Cox <cameron.cox@rampage-aus.com>, Sarah Griffin <Sarah.Griffin@rampage-aus.com>, Charles Zech <charles.zech@rampage-sa.com>

Shawn,

The "NO AT" sign does not fall under the category of being a "political" sign. At best it may be described as "that which contains primarily a political message. Therefore Subsection (b) of Sec. 216.903. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY, does not apply.

It actually falls under the category of a "Billboard" which includes any sign which advertises or calls attention to any business, product, service, or other activity which is not located on the same premises as the sign. Therefore according to our own Ordinance 152.10 it is a **Prohibited Sign Types**.

Please inform all those in violation of the civil and criminal penalties and to immediately remove the signs. If the signs are not down within 72 ours after being notified then assign our public works superintendent, Mr Provost to impound the sign.

Respectfully,

Susan Jagers

Mayor
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Cell: (512) 648-1632 best option
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com



Please consider the environment before printing this e-mail.

From: Shawn Cox
Sent: Friday, July 20, 2018 5:12 PM
Cc: Laura Calcote <lcalcote@cityofwimberley.com>; Cameron Cox <cameron.cox@rampage-aus.com>; Sarah Griffin <Sarah.Griffin@rampage-aus.com>; Charles Zech <charles.zech@rampage-sa.com>
Subject: FW: Political Sign

Mayor & Council,

We have received some questions concerning the "No Aqua" signs being put out. In review Ordinance No. 2013-07, it appears portions of our sign ordinance are not in compliance with Texas Local Government Code. We will work to bring our ordinances into compliance and ensure any signs not meeting the requirements are brought into compliance as well.

Sincerely,
Shawn

From: Cameron Cox <cameron.cox@rampage-aus.com>
Sent: Friday, July 20, 2018 4:43 PM
To: Shawn Cox <Scox@cityofwimberley.com>; Sarah Griffin <Sarah.Griffin@rampage-aus.com>
Cc: Mayor <mayor@cityofwimberley.com>; Laura Calcote <lcalcote@cityofwimberley.com>; Charlie Zech <charles.zech@rampage-sa.com>
Subject: RE: Political Sign

Mr. Cox,

The City's current ordinance has portions that are unenforceable and not in compliance with Chapter 216.903 regarding signs on private real property. Here is the Texas Local Government Code statute governing political signs and how the City's ordinance should read:

Sec. 216.903. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY.

(a) In this section, "private real property" does not include real property

subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:

- (1) prohibit the sign from being placed;
- (2) require a permit or approval of the municipality or impose a fee for the sign to be placed;
- (3) restrict the size of the sign; or
- (4) provide for a charge for the removal of a **political sign** that is greater than the charge for removal of other signs regulated by ordinance.

(c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(d) Subsection (b) does not apply to a sign that:

- (1) has an effective area greater than 36 feet;
- (2) is more than eight feet high;
- (3) is illuminated; or
- (4) has any moving elements.

From: Shawn Cox [<mailto:Scox@cityofwimberley.com>]

Sent: Friday, July 20, 2018 3:28 PM

To: Cameron Cox <cameron.cox@rampage-aus.com>; Sarah Griffin <Sarah.Griffin@rampage-aus.com>

Cc: Mayor <mayor@cityofwimberley.com>; Laura Calcote <lcalcote@cityofwimberley.com>

Subject: Political Sign

Importance: High

Cameron/Sarah,

Attached is an image of a sign residents have placed in their yards or on their property. My question is, does this constitute a "political sign" as defined by our Ordinance 2013-17 (whole ordinance attached, Political Signs section below).

1) Political signs.

A political sign is a sign that is primarily political in nature or that supports or opposes

any candidate for public office or any proposition to be voted upon at an election, or that makes a political statement in the nature of constitutionally protected non-commercial free speech.

1. A political sign that contains primarily a political message and that is located on private real property shall not have an area greater than thirty-six (36) square feet, shall not be more than eight (8) feet in height, shall not be a lighted sign and shall not have any moving elements.
2. Political signs may be placed on property only with the consent of the property owner.
3. No political sign may be placed in, on or over any street or publicly owned land.

A political sign that refers to a candidate or issue on the ballot in an election shall not be placed at a location more than forty-five (45) days prior to the date of the election and shall be removed by the responsible party within three (3) days after the election.

Shawn Cox
City Administrator
City of Wimberley

P: 512-847-0025



AGENDA ITEM: Community Center Propane
SUBMITTED BY: Gary Barchfeld
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible actions to reach-out to Bubba's Got Gas to have them replace the Gas or reimburse the City for the Gas they removed from the Community Center tanks.

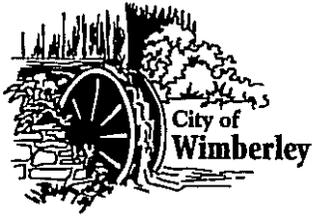
REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION



AGENDA ITEM: Removal of extra propane tank at the Community Center
SUBMITTED BY: Gary Barchfeld
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible actions to have the Bubba's Got Gas tanks removed from the Community Center.

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

Laura Calcote

From: rr TWC <gbarch@austin.rr.com>
Sent: Monday, July 30, 2018 3:45 PM
To: Laura Calcote
Subject: Bubba's got gas tank behind Community Center



Sent from my iPhone



AGENDA ITEM: 2018-2019 City of Wimberley Budget
SUBMITTED BY: Gary Barchfeld
DATE SUBMITTED: July 26, 2018
MEETING DATE: August 2, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to prepare and review the City of Wimberley 2018-2019 Budget and schedule associated workshops to work on this budget. This agenda item should also allow discussion of the 2017-2018 Budget to date and projection of Fiscal year-end budget totals.

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

ORDINANCE NO. 2016-003

AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES), CHAPTER 130 (GENERAL OFFENSES) OF THE CITY OF WIMBERLEY'S CODE OF ORDINANCES TO ADD A NEW SECTION 130.21, PROHIBITING THE POSSESSION OF CERTAIN FIREARMS ON CITY PROPERTY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the State of Texas has recently enacted an "open carry law" allowing an individual to openly carry a firearm in a shoulder or belt holster as defined by statute (HB 910, 2015). Said law eliminates the concealed/open carry distinction and creates a "license to carry a handgun." Said bill is to take effect on January 1, 2016; and

WHEREAS, it is the purpose and intent of the City of Wimberley to provide a safe environment for the transaction of municipal business. It is right and proper that the City of Wimberley take reasonable steps to reduce the likelihood of threatening or potentially dangerous behavior at municipal facilities where it has the ability by law to prohibit firearms; and

WHEREAS, by law the premises of any government court, the offices utilized by the court, and anywhere that public meetings are held subject to the Texas Open Meetings Act are places the City of Wimberley can prohibit firearms and handguns; and

WHEREAS, the possession of weapons in these places is contrary the safety of citizens and city employees; and

WHEREAS, based on a careful evaluation of the relevant facts and law, the City of Wimberley makes the determination that this restriction is in compliance with the Constitutions of Texas and the United States, as well as applicable law, and that this restriction is reasonable, necessary and appropriate under these circumstances;

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

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

Section 2. Amendments.

A. Title XIII (General Offenses), chapter 130 (General Offenses), section 130.02 (Definitions) is hereby amended to add the following definitions:

“HANDGUN. Any firearm that is designed, made, or adapted to be fired with one hand.

FIREARM. Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.”

- B. Title XIII (General Offenses), chapter 130 (General Offenses), is hereby amended to add a new section 130.21 (Prohibition: Exceptions) of the Wimberley Code of Ordinances as follows:

“FIREARMS ON CITY PROPERTY

“§ 130.21 PROHIBITION.

- (A) A license holder authorized to carry a handgun under Texas Government Code, Chapter 411, Subchapter H, is hereby prohibited from intentionally, knowing, or recklessly carrying a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, into any public meeting of the City of Wimberley that is subject to the Texas Open Meetings Act, Chapter 551, Government Code. The city administrator or the city administrator’s designee is hereby authorized to erect the appropriate signs in compliance with the regulations contained in Texas Penal Code §§ 30.06 and 30.07, in both the English and Spanish languages.
- (B) A license holder under Texas Government Code, Chapter 411, Subchapter H, is hereby prohibited from carrying a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of a polling place on the day of an election or while early voting is in progress.
- (C) A license holder under Texas Government Code, Chapter 411, Subchapter H, is hereby prohibited from carrying a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of any city building in which municipal court and/or an office used by the court is situated, including, but not limited to, Wimberley City Hall.
- (D) All persons are hereby prohibited from carrying a firearm in a city park unless specifically allowed under state or federal law.”

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

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

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect

the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

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

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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 Meeting Act, Capt. 551, Loc. Gov't. Code.

FIRST READING OF ORDINANCE PASSED AND APPROVED this 7th day of January, 2016, by 3 (Ayes) to 2 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING OF ORDINANCE PASSED AND APPROVED this 21st day of January, 2016, by 3 (Ayes) to 2 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS



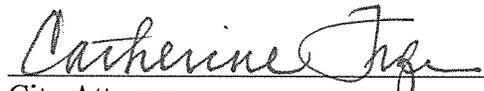
Steve Thurber, Mayor

ATTEST:

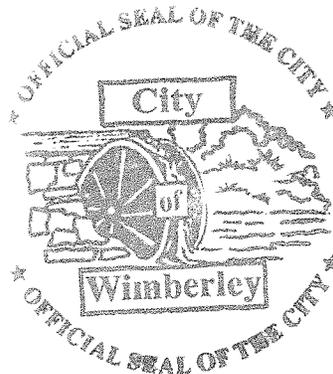


Cara McPartland, City Secretary

APPROVED AS TO FORM:



Catherine J. [unclear]
City Attorney



San Marcos Publishing, LP
Wimberley View • Century News
P.O. Box 49, Wimberley, Texas 78676
(512) 847-2202

State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Don Moore, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the General Manager, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 week on the following dates:

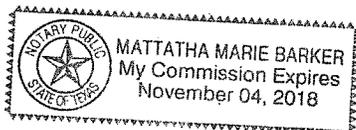
January 28, 2016
_____ 2016
_____ 2016
_____ 2016

The said Publisher, Don Moore further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

D. Sweat
Signature of Affiant

Subscribed and Sworn to me, by the said Publisher Don Moore this 27th day of January, 2016 to certify which witness my hand and seal of office.

Mattatha Marie Barker
NOTARY PUBLIC in and for
Hays County, Texas



ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.

4. 8.119 acres (approx. 353,664 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 9.008 acre tract conveyed to Mickey Davidson Kroll, Nelson M. Davidson, Jr., and wife Barbara Watkins Davidson by warranty deed with vendors lien dated November 7, 2002 and recorded in Volume 2102, Page 453 of the official public records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.

5. 1.878 acres (approx. 73,006 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed records of Hays County, Texas.

This notice was posted on January 28, 2016.

Public Notice

Public Notice

NOTICE OF ENACTMENT OF ORDINANCE NO. 2016-002

An ordinance of the City of Wimberley, Texas, amending Title XI (Business Regulations) of the City of Wimberley's Code of Ordinances to add a new Chapter 114, providing hours for door-to-door sales and "No Soliciting" properties; and providing findings of fact, savings, severability, repealer, effective date, and proper notice and meeting.

Public Notice

Public Notice

NOTICE OF ENACTMENT OF ORDINANCE NO. 2016-003

An ordinance of the City of Wimberley, Texas, amending Title XIII (General Offenses), Chapter 130 (General Offenses) of the City of Wimberley's Code of Ordinances to add a new Section 130.21, prohibiting the possession of certain firearms on City property; and providing findings of fact, a repealing clause, a savings and severability clause; providing for an effective date; and proper notice and meeting.

OFFICE ASST. NEEDED TO PACKAGE ORDERS. PT/FLEX SCHEDULE. FOR RIGHT PERSON; CAN GROW TO FT. CALL MELISSA @ 512-844-8730

ELECTRICIANS NEEDED
For growing Solar Electric Company Journeyman,
\$20 - 30/hr depending on experience
Call 512-914-1706

HIRING SITE MANAGER:
Meals on Wheels of Wimberley will be hiring a site manager for 3 days a week for 3 hours a day.
Will train. Call Helen at 979-540-2991



General Help Wanted

General Help Wanted

General Help Wanted

CLEANING PT:
Clean classrooms & bathrooms for busy preschools. Sun - Thur. 6:00pm - 9:00pm, 15-20 hours weekly. Must pass criminal background check. Hard working, team player. Sanitize & deep cleaning required nightly.
Rocking Horse Academy. Kyle.
512-405-3700.
Fax 512-405-3701

NAIL TECH & HAIRSTYLIST NEEDED
to take over existing clientele. Opening available now. Call 512-847-9214 or 512-656-2278 ask for Carolyn.

ers, dryers, stoves: 10yrs and newer.
Cash paid. Text photo to (512) 757-1500 or call (512) 392-0373



Homes For Rent

FOR RENT:
3 BR/ 2 Bathroom home with w/d hookups, covered deck, carport, quiet family cul-de-sac. Close to Wimberley schools. No pets.
\$995.00/mo includes water, garbage pick up and lawn services.
512-738-9033 for appointment.

Classifieds Work!

Oak Grove
For pics and Inform
www.lifechange
Come See
LifeChanges

Comm/Bus. For Rent

1 OFFICE RETAIL
800 sq feet at 900 per month
ONE - 960 sq. ft.
Warehouse/Office \$600 per month/each
ONE 2200 sq. ft.
Office/Retail \$2000
Plaza Del Sol Wimberley. Call Clay at 512-796-3956 or 512-452-8633

WAREHOUSES FOR LEASE
No Automotive Please!
1500 sq ft \$700/mo.
2000 sq. ft. w/offices \$1200/mo
1/2 bath in units
C21 Randall Morris & Associates
Mary Ann Adkisson
512-923-0703

FOR RENT
Small shop on FM 2325. Utilities paid. Approximately 400 sf. \$500.00 per month.
1st and last as deposit. Available March 1.
490 FM 2325.
512-847-5464

Duplex For Rent

FOR LEASE
Duplex on Little Ranches Rd.
2 BR 1&1/2 Bath, \$900/mo
available Feb. 1
Call Sam @ 512-838-2151

DI For YOU THESE FULL BUILT RATE BEDR PLEXE PING THE VAULTINGS, DRA WOOD FIREPLA GARAFENCE LOT. W MAINTA CLUDI WORK. WELCO ARE MC HOME 1 PLEX. C 512-89 512-4

RV/CA For SMALL For All b \$550/m 512-8

All rec which m on race. tion, to n includes women. s The n in violatk in this ne To compl 1-800-62 The toll-f 1-800-8

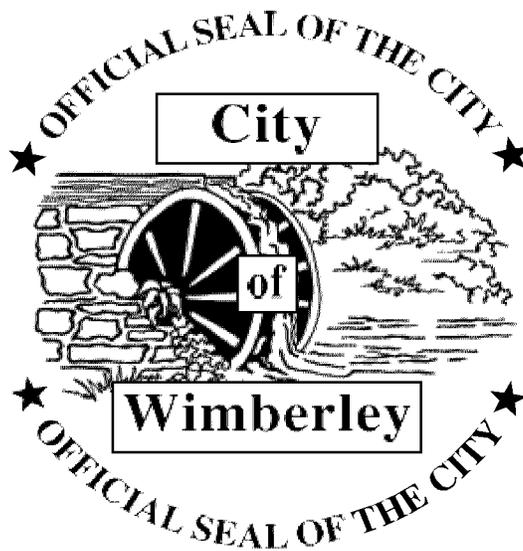
Is now Hiring Housekeepers

- Up to \$14/hour plus tips
- Paid travel & benefits
- No nights or weekends
- Service area includes Dripping Springs and Wimberley

Call: **512.582.7550** x3, apply in person at our Dripping Springs office, or apply online at jobs.maidpro.com

City of Wimberley

City Council Governance Policy and Rules of Procedure



Amended July 2018

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION I INTRODUCTION

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

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

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

This policy will be reviewed and adopted on an annual basis.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION II MISSION

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION III INFORMATION

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION IV ROLES

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION V MEETINGS

5.1 Regular Meetings

The Council shall meet regularly, on the first and third Thursdays of the month, and the regular meetings will begin at 5:30 p.m., unless postponed or canceled for valid reasons. If there is a need to change the date, time or place of a regular meeting, an attempt shall be made to contact all members of the City Council about the proposed change prior to the change being made. *(Amended 06-21-18)*

5.2 Special Meetings

Special meetings will be held on Tuesdays at 5:30 p.m. to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the Mayor. If there is a need to change the date, time or place of a special meeting, an attempt shall be made to contact all members of the City Council about the proposed change prior to the change being made. *(Amended 06-21-18)*

5.3 Executive Sessions

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

5.4 Public Notice

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

5.5 Attendance

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

5.6 Conflict of Interest

A City Council member prevented from voting due to a conflict of interest shall leave the meeting during the debate, shall not vote on the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an executive session item shall not confer with City staff, the City Attorney, Council members or the Mayor regarding the item.

5.7 City Council Members

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

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

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

5.7 Administrative Staff

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

5.8 Citizens and Visitors

- (a) Citizens and visitors are welcome to attend all public meetings of the City Council and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.
- (b) Everyone attending the meeting will refrain from private conversations while the City Council is in session.
- (c) Citizens and visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.
- (d) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the removal of offenders from the room. In case the

presiding officer shall fail to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.

- (e) No placards, banners or signs will be permitted in the City Council Chamber or in any other room in which the City Council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted.
- (f) The City Administrator or his designee shall act as sergeant at arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

5.9 Agenda

- (a) Any City Council member may request an item be placed on a future agenda during the item on the agenda for that purpose. The City Administrator must place an item on the agenda if the item is requested by the Mayor or a member of the City Council. *The deadline to submit an item for the agenda is seven days prior to the requested Council Meeting date. (Amended 07-10-18)*

5.10 Speakers

- (a) A person wishing to address the City Council must first sign the Speaker Registration Form. The following information must be provided on the form:
 - Name
 - Residence Address
 - The subject matter to be addressed
- (b) Speakers must address their comments to the presiding officer rather than to individual City Council members or staff.
- (c) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the City Council under Citizens Communications, the speaker may address any item not slated for discussion on the agenda. Comments from speakers and/or members of City Council should not be directed towards another person, including a member of City Council or City staff in a manner that is derogatory or threatening in nature. These guidelines for speaker decorum shall be posted on each City Council agenda and on Speaker sign-in sheets for all City Council meetings.

- (d) A person who registers to speak on an item listed on the agenda will be called on after the chair gains agreement to do so by the City Council. A person who registers to speak under Citizens Communications will be called on at that time. The chair may determine the order in which speakers are called.
- (e) All speakers will have a maximum of three (3) minutes to address the Council. A majority vote of the Council will be required to extend the time limit. The chair may impose more restrictive time limits if a large number of persons register to speak. Guidelines relating to time allotment for speakers shall be posted on each City Council agenda and on Speaker sign-in sheets for all City Council meetings.
- (f) For called public hearings, the applicant will be allowed a maximum of ten (10) minutes to make a presentation.
- (g) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during Citizens Communications. City Council members will not interact with the public during the time allotted to speakers unless a non-debatable motion approved by the City Council allots a specific amount of time.
- (h) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Council.

5.11 Motions

- (a) No motion may be moved or suggested until all City Council member discussion is complete and the Mayor calls for the motion. A motion made and seconded will be considered the main motion. Any City Council member may move to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.
- (b) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modifies the motion, the City Council member who seconded the motion may withdraw the second.
- (c) At any time after a motion has been made and seconded, a City Council member may call the question which will have the affect of stopping the debate and requiring the City Council to immediately proceed to vote on the motion to call the question.

(d) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a City Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

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

5.12 Suspension of Rules

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

5.13 Amendment of Rules

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

5.14 Failure to Comply

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VI PUBLIC CONTACT MEDIA RELATIONS

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

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

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VII PLANNING

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

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VIII COUNCIL STAFF RELATIONS

- 8.1 The role of the City Administrator and the relationship of staff with City Council is addressed in City ordinance.
- 8.2 The City Council shall direct comments, correspondence and concerns about City services to the City Administrator. Citizens concerns, comments and correspondence regarding City services received by City Council members shall be forwarded to the City Administrator for appropriate staff action and a timely response.
- 8.3 Documents provided to one (1) City Council member shall also be distributed to all other members of the elected body. The City Administrator shall prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year. The City Administrator shall keep the City Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.
- 8.4 In order to ensure proper presentation of agenda items by City staff, questions arising from City Council members, after receiving their information packet, should be, whenever possible, presented to the City Administrator or the Administrator's designated assistant for City staff consideration prior to the City Council meeting. This allows time for City staff to address the City Council member's concerns and provide all Council members with the additional information.
- 8.5 In order to control the City's legal costs, Council members shall direct to the City Administrator or Mayor all communications or questions for the City Attorney and shall not contact the City Attorney directly. Council members shall observe the same policy for all other vendors or contractors with the City, including, but not limited to, the City's engineer, information technology vendor, and Code inspectors.