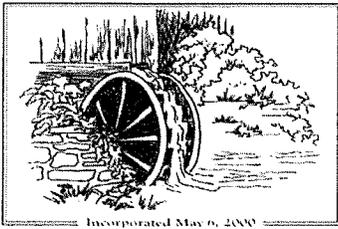


**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, August 16, 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 16, 2018 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** August 16, 2018 at 5:30 p.m.

2. **CALL OF ROLL**

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.

A. Approval of minutes from the Regular City Council Meeting held July 19, 2018.

B. Approval of minutes from the Regular City Council Meeting held August 2, 2018.

C. Approval of May 2018 and June 2018 Financial Statements for the City of Wimberley.

7. **PARKS DIRECTOR UPDATE**

Update on Blue Hole Regional Park Operations

8. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project

9. PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval regarding case CUP-18-012, an application for a Conditional Use Permit to allow for a vacation rental for property located at 2710 FM 3237, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Christopher Cureton, Applicant*)

10. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to modify the Central Wimberley Wastewater Project.
- B. Discuss and consider possible action regarding request for proposals for grant administration for the Central Wimberley Wastewater Project.
- C. Discuss and consider possible action to award the bid to Meyer’s Concrete Construction in the amount of \$8,626 for the Las Flores speed hump.
- D. Discuss and consider possible action to approve the first reading of Ordinance No. 2018-30, repealing Ordinance No. 2016-003, prohibiting the possession of certain firearms and handguns on City property.
- E. Discuss and consider possible action to approve Ordinance No. 2018-31, amending Chapter 30, Subsection 30.32 (A), for the Office of the City Administrator.
- F. Discuss and consider possible action to approve Resolution No. 24-2018, allowing the Mayor of the City of Wimberley and the Mayor Pro Tem to review and investigate cost saving initiatives and alternative methods of business for the City of Wimberley, including the Wastewater Treatment Project and ways to efficiently and economically run the City.
- G. Discuss and consider possible action to acknowledge and accept the Notice of Termination for the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation.
- H. Discuss and consider possible action regarding the MindEcology contracts/services.
- I. Discuss and consider possible action to approve Ordinance No. 2018-32, amending Ordinance No. 2018-26, for the Hotel Occupancy Tax Advisory Committee.
- J. Discuss and consider possible action to approve Ordinance No. 2018-33, amending Ordinance No. 2018-28, for the Short-Term Rental Review Committee.
- K. Discuss and consider possible action regarding appointments to the Short-Term Rental Review Committee.
- L. Discuss and consider possible action to continue with the current Central Wimberley Wastewater Project, as funded, including immediately removing the pause on the Black Castle General Contractor contract.

- M. Discuss and consider possible action regarding issues related to the current Central 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.
- N. 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 the Mayor and/or staff, and/or City Council members and the EDA.
- O. 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.

11. CITY COUNCIL REPORTS

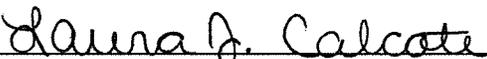
- A. Announcements
- B. Future agenda items

12. 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.

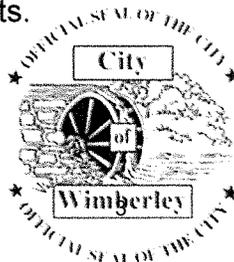
CERTIFICATION

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, August 13, 2018, by 5:00 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 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- Approval of minutes from the Regular City Council Meeting held July 19, 2018. (included in packet)
- Approval of minutes from the Regular City Council Meeting held August 2, 2018. (will be sent before the meeting for review)
- Approval of May 2018 and June 2018 Financial Statements

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION



City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, JULY 19, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 6:01 p.m.

CALL OF ROLL

Council Members Present: Susan Jagers Mayor
Mike McCullough Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Patricia Cantu Kelly Place Five

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Sandy Floyd Planning & Development Coordinator/GIS Analyst

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PRESENTATION AND POSSIBLE ACTION

Carl Owens gave a presentation regarding the proposed “Wimberley 4” race event, scheduled for October 20, 2018. Mr. Owens requested Council’s approval for the event.

Motion to approve the “Wimberley 4” race event was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

CITIZENS COMMUNICATIONS

There were six citizen’s comments. They were as follows:

1. Celeste Browning requested Council resume the process on the wastewater system, and noted she was opposed to a pipe in the creek at Blue Hole Regional Park. Ms. Browning also voiced concerns regarding Aqua Texas being a publicly traded company.

2. Roberta Shoemaker-Beal spoke regarding the low audio at public meetings, and also made two announcements about upcoming events within the community.
3. Claudette Law addressed Council regarding Aqua Texas, and stated the company is expensive and dangerous.
4. Henry Ott spoke regarding the long-standing sewer issue within the City, and noted he was opposed to Aqua Texas causing the City additional funds and legal fees.
5. Ed Foster stated Aqua Texas's base charge is expensive and was against moving forward with the company for the wastewater project.
6. Brian Ferrick addressed Council regarding profits motivating corporations, such as Aqua Texas. He also noted the problems Woodcreek and Kyle have experienced with Aqua Texas.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

Approval of minutes from the Special City Council Meeting held July 10, 2018.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including easements, invoices and the progress of laying the pipes. Mr. Cox also noted the City's Public Works Department's pothole and shoulder repair efforts over the past couple of weeks and mentioned upcoming road projects for the City.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-18-010, an application for a Conditional Use Permit to allow for a vacation rental for property located at 310 Summit Loop, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Lisa Risoli, Applicant*)
Planning and Development Coordinator/GIS Analyst Sandy Floyd presented an application for a Conditional Use Permit to allow for the operation of a vacation rental at 310 Summit Loop. Mrs. Floyd noted the City had received 58.06% opposition for the CUP, which would require a super majority vote by City Council. Additionally, the Planning & Zoning Commission had recommended denial of the CUP at their July 12th meeting by a 6-0-1 vote.
Mayor Jagers opened the public hearing at 6:47 p.m.
Jennifer Zinkgraf spoke in opposition to the CUP.
Mayor Jagers closed the public hearing at 6:49 p.m.
Motion for denial was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).
- B. Hold a public hearing and consider approval regarding case CUP-18-011, an application for a Conditional Use Permit to allow for a vacation rental for property located at 350 W. Spoke Hill Dr., Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Constantino & Teresa Taccogna, Applicant*)

The applicant requested this item be postponed until a later date.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider approval of the first 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.

Motion to approve the first 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 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

B. Discuss and consider possible action to approve Ordinance No. 2018-23, amending Chapter 33, Subsection 33.04 (C)(2), (D), (E), (F), (G) and (H) for the Parks and Recreation Board. There was discussion regarding one or two-year appointments terms, as well as term limits for the Board.

Motion to approve Ordinance No. 2018-23, amending Chapter 33, Subsection 33.04 (C)(2), (D), (E), (F), (G) and (H) for the Parks and Recreation Board, with the amendment of a limit of four consecutive terms, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows: (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

C. Discuss and consider possible action to reverse previous appointments to the Parks and Recreation Board, prior to the adoption of Ordinance No. 2018-23, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-23.

The previous appointments/reappointments to the Board on June 21, 2018 needed to be reversed until the passage of Ordinance No. 2018-23, and then the appointments/reappointments could be finalized after the passage of the Ordinance.

Motion to reverse previous appointments to the Parks and Recreation Board, prior to the adoption of Ordinance No. 2018-23, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-23 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

D. Discuss and consider possible action to approve Ordinance No. 2018-24, amending Chapter 33, Subsection 33.02 (C), (D), (E), (F), (G) and (H) for the Transportation Advisory Board.

Motion to approve Ordinance No. 2018-24, amending Chapter 33, Subsection 33.02 (C), (D), (E), (F), (G) and (H) for the Transportation Advisory Board, with the amendment of a limit of four consecutive terms, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

E. Discuss and consider possible action to reverse previous appointments to the Transportation Advisory Board, prior to the adoption Ordinance No. 2018-24, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-24.

Motion to reverse previous appointments to the Transportation Advisory Board, prior to the adoption Ordinance No. 2018-24, and approve appointment or re-appointment of Board members, after adoption of Ordinance No. 2018-24 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

F. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2018-26, amending Ordinance No. 2015-017, regarding the Hotel Occupancy Tax Advisory Committee.

Motion to approve the second and final reading of Ordinance No. 2018-26, amending Ordinance No. 2015-017, regarding the Hotel Occupancy Tax Advisory Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

G. Discuss and consider possible to reverse previous appointments to the Hotel Occupancy Tax Advisory Committee, prior to the adoption and final reading of Ordinance No. 2018-26, and approve appointment or re-appointment of Committee members, after adoption and final reading of Ordinance No. 2018-26.

Motion to reverse previous appointments to the Hotel Occupancy Tax Advisory Committee, prior to the adoption and final reading of Ordinance No. 2018-26, and approve appointment or re-appointment of Committee members, after adoption and final reading of Ordinance No. 2018-26 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

H. Discuss and consider possible action to approve Ordinance No. 2018-27, creating a Wastewater Ad Hoc Advisory Committee.

Motion to approve Ordinance No. 2018-27, creating a Wastewater Ad Hoc Advisory Committee, with the addition of the word “invoices” under Section II: Purpose, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

I. Discuss and consider possible action regarding appointments to the Wastewater Ad Hoc Advisory Committee.

Motion to appoint Maridel Martinez, Chris Oddo, Tom Keyser, Phil Collins, Kirby Attwell and Deborah Koeck to the Wastewater Ad Hoc Advisory Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

J. Discuss and consider possible action to approve Ordinance No. 2018-28, creating a Short-Term Rental Review Committee.

Motion to approve Ordinance No. 2018-28, creating a Short-Term Rental Review Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

K. Discuss and consider possible action to approve Ordinance No. 2018-29, amending Chapter 152, Subsection 152.11 (Community Electronic Message Display Sign).

Wimberley ISD Superintendent Dwain York presented the amendment to allow WISD to install a digital marque sign at the administration building located at 951 FM 2325. There was discussion among Council members regarding the lighting and size of the sign.

Motion to approve Ordinance No. 2018-29, amending Chapter 152, Subsection 152.11 (Community Electronic Message Display Signs) was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

L. Discuss and consider possible action to approve Resolution No. 22-2018, authorizing acceptance of a temporary construction easement for construction of utilities to be located on Hays CAD Property ID R18405, on property owned by CARSON DIVERSIFIED LAND 2 LLC. There was discussion regarding the acceptance of a 20-foot temporary construction easement for construction of utilities along Henson Road. There would be no cost to the City, except for easement filing fees with the County. There was also discussion on the redesign and cost of the wastewater project.

Motion to approve Resolution No. 22-2018, authorizing acceptance of a temporary construction easement for construction of utilities to be located on Hays CAD Property ID R18405, on property owned by CARSON DIVERSIFIED LAND 2 LLC was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Allison Davis. Motion carried as follows (3-2):

Mike McCullough	Aye
Craig Fore	Aye
Allison Davis	Aye
Patricia Cantu Kelly	Nay
Craig Fore	Nay

M. Discuss and consider possible action to approve Resolution No. 23-2018, amending the 2017/2018 Operating Budget (Budget Amendment No. 12) providing for the transfer of funds in the Blue Hole Parkland Fund to the Wastewater Fund.

Motion to approve Resolution No. 23-2018, amending the 2017/2018 Operating Budget (Budget Amendment No. 12) providing for the transfer of funds in the Blue Hole Parkland Fund to the Wastewater Fund was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

N. Discuss and consider possible action to extend the pause on Black Castle for an additional 30 days.

Motion to extend the pause on Black Castle for an additional 30 days was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

O. Discuss and consider possible action regarding the City of Wimberley Partnership Agreement with The Friends of Blue Hole, Inc.

Andrew Weber, President of Friends of Blue Hole, addressed Council regarding the Partnership Agreement. Mr. Weber indicated this was only a partial document, since no signatures were included.

There was discussion regarding the Partnership Agreement, including the Friends of Blue Hole as a supporting organization for Blue Hole Regional Park.

Motion to table this item was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

A. Announcements – None.

B. Future agenda items – Council Member Gary Barchfeld indicated he would like to discuss the Fiscal Year 2019 budget at the next meeting on August 2nd. Council Member Allison Davis stated she would like for City Council to have a goals workshop in August.

ADJOURNMENT

Mayor Jagers adjourned the meeting at 7:47 p.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers, Mayor





AGENDA ITEM: May & June 2018 Financial Statements
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Attached for review are the Financial Statements for the months of May and June 2018.

REQUESTED ACTION

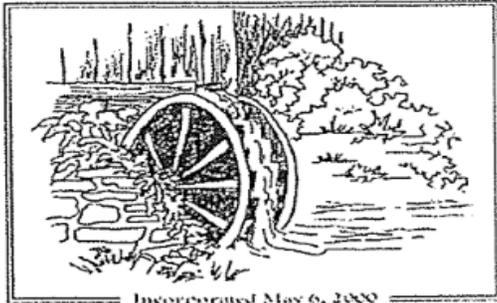
- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

The City Administrator recommends approval of the May and June 2018 Financial Statements.



CITY OF WIMBERLEY

Summary Financial Statements

Eight Months Ended May 31, 2018

City of Wimberley
Balance Sheets
May 31, 2018

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,575,303	383,987	177,094	19,080	4,842,036	10,308	18,747	5,024
Receivables and other	75,198	-	-	9,898	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	186,480	238,012	-	-	-
Net investment in fixed assets	-	-	-	754,460	-	-	-	-
Total Assets	\$ 1,650,501	383,987	177,094	969,917	5,080,048	10,308	18,747	5,024
Payables	\$ 73,519	12,509	3,900	17,610	193	7,142	-	-
Debt (old)	-	-	-	342,148	-	-	-	-
Debt - TWDB (new)	-	-	-	-	5,255,000	-	-	-
Total Liabilities	<u>73,519</u>	<u>12,509</u>	<u>3,900</u>	<u>359,758</u>	<u>5,255,193</u>	<u>7,142</u>	<u>-</u>	<u>-</u>
Fund Balance	<u>1,576,982</u>	<u>371,469</u>	<u>173,194</u>	<u>610,160</u>	<u>(175,145)</u>	<u>3,166</u>	<u>18,747</u>	<u>5,024</u>
Total Liabilities and Fund Balance	\$ 1,650,501	383,978	177,094	969,917	5,080,048	10,308	18,747	5,024

Note:

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

City of Wimberley
Revenues and Expenditures - General Fund

Eight Months Ended May 31, 2018

	5/31/2018	YTD	2018 Budget	YTD % Budget 67%
Revenues				
Sales taxes	\$ 70,516	515,843	848,918	61%
Mixed beverage tax	-	4,528	15,750	29%
Franchise tax	39,590	152,689	278,250	55%
Permit fees	3,697	38,790	55,000	71%
Grant funds	-	-	-	-
Service fees	10,695	38,247	73,500	52%
Community Center rental fees	6,447	33,632	50,000	67%
Other income	(2,521)	13,193	5,200	254%
Total Revenues	128,424	796,921	1,326,618	60%
Expenditures				
Administration	26,333	304,539	696,335	44%
Administration - Legal	19,950	135,683	105,000	129%
Council/Board	4,810	30,943	42,325	73%
Building	1,455	22,688	42,500	53%
Public Safety	21,447	80,125	94,010	85%
Municipal Court	1,000	3,268	16,200	20%
Public Works	11,248	85,805	118,308	73%
Roads	3,629	37,710	225,000	17%
Waste/Wastewater	252	59,216	64,000	93%
Community Center	7,630	62,859	94,690	66%
Nature Trail	728	1,881	2,500	75%
Total Expenditures	98,480	824,718	1,500,868	55%
Excess Revenues Over Expenditures	29,944	(27,797)	(174,250)	
Transfer Out to Wastewater Fund	-	-	(306,760)	-
Transfer Out to Blue Hole Fund	-	-	-	-
	\$ 29,944	(27,797)	(481,010)	

City of Wimberley
Revenues and Expenditures - Blue Hole

Eight Months Ended May 31, 2018

	5/31/2018	YTD	2018 Budget	YTD % Budget 67%
<u>Revenues</u>				
Gate fees	\$ 57,303	70,380	271,047	26%
Other fees	7,706	28,852	42,500	68%
Miscellaneous	237	5,916	1,150	514%
Total Revenues	65,246	105,148	314,697	33%
<u>Expenditures</u>				
Wages and benefits	15,482	126,052	227,994	55%
Contract services	2,759	31,061	32,200	96%
Other	6,364	46,478	68,003	68%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	6,000	6,500	92%
Total Expenditures	24,605	209,590	334,697	63%
Excess Revenues Over Expenditures	\$ 40,641	(104,442)	(20,000)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ 40,641	(104,442)	(20,000)	

City of Wimberley

Revenues and Expenditures - Hotel Occupancy Tax

Eight Months Ended May 31, 2018

	5/31/2018	YTD	2018 Budget	YTD % Budget 67%
Revenues				
Hotel Occupancy Tax	\$ -	-	156,000	0%
Interest income	8	94	-	-
Miscellaneous	-	-	-	-
Total Revenues	8	94	156,000	0%
Expenditures				
Wages & Bennifits	-	-	68,520	0%
Other	-	-	9,000	0%
Contract Services	68,222	68,222	193,507	35%
HOT Disbursements	(50,580)	59,634	20,000	298%
General Operating Supplies	-	521	-	-
Capital Outlay	-	-	6,000	0%
Total Expenditures	17,642	128,377	297,027	43%
Excess Revenues Over Expenditures	\$ (17,634)	(128,283)	(141,027)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ (17,634)	(128,283)	(141,027)	

City of Wimberley

Revenues and Expenditures - Wastewater Utility Fund

Eight Months Ended May 31, 2018

	5/31/2018	YTD	2018 Budget	YTD % Budget 67%
Revenues				
Charges for utility services	\$ 9,280	77,948	118,776	66%
Reclaimed water revenues	-	-	-	
Interest	8	78	130	60%
Total Revenues	9,288	78,026	118,906	66%
Expenditures				
Contract Services	6,800	144,386	245,125	59%
Utilities	605	4,849	10,000	48%
Project Manager	13,968	27,968	175,000	16%
Other Expenses	143	573	-	-
Capital Outlay (debt repayment)	-	31,250	31,250	100%
Wastewater Debt Service - Principal	-	-	100,510	0%
Wastewater Debt Service - Interest	-	2,905	-	-
Total Expenditures	21,516	211,932	561,885	38%
Excess Revenues Over Expenditures	(12,228)	(133,906)	(442,979)	
Transfer in from General Fund	-	-	388,973	0%
Net Change in Fund Balance	\$ (12,228)	(133,906)	(54,006)	

City of Wimberley

Revenues and Expenditures - Wastewater Collection and Treatment Plant

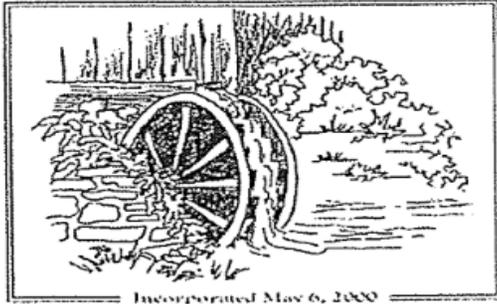
Eight Months Ended May 31, 2018

	5/31/2018	YTD	2018 Budget	YTD % Budget 67%
Revenues				
Interest revenues	\$ 22	110	-	-
Investment income	5,264	23,657	-	-
WW Bond Reserve Funds	-	243,005	-	-
Total Revenues	5,286	266,772	-	-
Expenditures				
Records management	-	96,845	-	-
Capital outlay	-	345,072	-	-
Other expenses	-	-	-	-
Total Expenditures	-	441,916	-	-
Excess Revenues Over Expenditures	5,286	(175,145)	-	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ 5,286	(175,145)	-	

City of Wimberley
Revenues and Expenditures - Nonmajor Funds

Eight Months Ended May 31, 2018

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	5/31/2018	YTD	2018 Budget	5/31/2018	YTD	2018 Budget	5/31/2018	YTD	2018 Budget
Total Revenues	\$ 1	7	3,050	\$ 2	12	40	\$ 0	2	2
Total Expenditures	6,900	6,900	11,550	-	-	-	-	-	-
Excess Revenues Over Expenditures	\$ (6,899)	(6,893)	(8,500)	\$ 2	12	40	\$ 0	2	2
Fund Transfers	-	-	-	-	-	-	-	-	-
Net Change in Fund Balance	\$ (6,899)	(6,893)	(8,500)	\$ 2	12	40	\$ 0	2	2



CITY OF WIMBERLEY

Summary Financial Statements

Nine Months Ended June 30, 2018

City of Wimberley
Balance Sheets
June 30, 2018

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,564,240	487,230	166,753	10,822	4,480,474	3,674	18,747	5,024
Receivables and other	86,206	-	-	11,752	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	186,486	604,899	-	-	-
Net investment in fixed assets	-	-	-	754,460	-	-	-	-
Total Assets	\$ 1,650,446	487,230	166,753	963,520	5,085,373	3,674	18,747	5,024
Payables	\$ 50,028	4,282	7,800	23,177	193	242	-	-
Debt (old)	-	-	-	342,148	-	-	-	-
Debt - TWDB (new)	-	-	-	-	5,255,000	-	-	-
Total Liabilities	<u>50,028</u>	<u>4,282</u>	<u>7,800</u>	<u>365,325</u>	<u>5,255,193</u>	<u>242</u>	<u>-</u>	<u>-</u>
Fund Balance	<u>1,600,418</u>	<u>482,949</u>	<u>158,953</u>	<u>598,195</u>	<u>(169,819)</u>	<u>3,432</u>	<u>18,747</u>	<u>5,024</u>
Total Liabilities and Fund Balance	\$ 1,650,446	487,230	166,753	963,520	5,085,373	3,674	18,747	5,024

Note:

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

City of Wimberley
Revenues and Expenditures - General Fund

Nine Months Ended June 30, 2018

	6/30/2018	YTD	2018 Budget	YTD % Budget 75%
Revenues				
Sales taxes	\$ 69,166	585,008	848,918	69%
Mixed beverage tax	-	4,528	15,750	29%
Franchise tax	7,267	159,956	278,250	57%
Permit fees	13,344	52,134	55,000	95%
Grant funds	-	-	-	-
Service fees	8,323	46,570	73,500	63%
Community Center rental fees	2,100	35,732	50,000	71%
Other income	558	13,750	5,200	264%
Total Revenues	100,757	897,678	1,326,618	68%
Expenditures				
Administration	27,558	332,405	696,335	48%
Administration - Legal	7,527	148,045	105,000	141%
Council/Board	1,754	32,697	42,325	77%
Building	4,625	28,163	42,500	66%
Public Safety	2,954	83,079	94,010	88%
Municipal Court	1,000	4,268	18,200	23%
Public Works	10,924	96,729	118,308	82%
Roads	6,296	44,006	225,000	20%
Waste/Wastewater	548	62,539	64,000	98%
Community Center	8,478	71,338	94,690	75%
Nature Trail	120	2,002	2,500	80%
Total Expenditures	71,785	905,272	1,502,868	60%
Excess Revenues Over Expenditures	28,972	(7,593)	(176,250)	
Transfer Out to Wastewater Fund	-	-	(306,760)	-
Transfer Out to Blue Hole Fund	-	-	-	-
\$	28,972	(7,593)	(483,010)	

City of Wimberley
Revenues and Expenditures - Blue Hole

Nine Months Ended June 30, 2018

	6/30/2018	YTD	2018 Budget	YTD % Budget 75%
<u>Revenues</u>				
Gate fees	\$ 132,159	202,538	271,047	75%
Other fees	12,197	41,049	42,500	97%
Miscellaneous	1,985	7,901	1,150	687%
Total Revenues	146,340	251,488	314,697	80%
<u>Expenditures</u>				
Wages and benefits	25,177	151,229	227,994	66%
Contract services	260	31,324	32,200	97%
Other	9,181	55,899	68,003	82%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	6,000	6,500	92%
Total Expenditures	34,618	244,451	334,697	73%
Excess Revenues Over Expenditures	\$ 111,722	7,037	(20,000)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ 111,722	7,037	(20,000)	

City of Wimberley

Revenues and Expenditures - Hotel Occupancy Tax

Nine Months Ended June 30, 2018

	6/30/2018	YTD	2018 Budget	YTD % Budget 75%
Revenues				
Hotel Occupancy Tax	\$ -	-	156,000	0%
Interest income	7	101	-	-
Miscellaneous	-	-	-	-
Total Revenues	7	101	156,000	0%
Expenditures				
Wages & Bennifits	-	-	68,520	0%
Other	-	-	9,000	0%
Contract Services	6,449	74,672	193,507	39%
HOT Disbursements	7,800	67,434	20,000	337%
General Operating Supplies	-	521	-	-
Capital Outlay	-	-	6,000	0%
Total Expenditures	14,249	142,626	297,027	48%
Excess Revenues Over Expenditures	\$ (14,242)	(142,525)	(141,027)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ (14,242)	(142,525)	(141,027)	

City of Wimberley

Revenues and Expenditures - Wastewater Utility Fund

Nine Months Ended June 30, 2018

	6/30/2018	YTD	2018 Budget	YTD % Budget 75%
Revenues				
Charges for utility services	\$ 11,134	89,082	118,776	75%
Reclaimed water revenues	-	-	-	
Interest	7	85	130	65%
Total Revenues	11,141	89,167	118,906	75%
Expenditures				
Contract Services	5,071	149,457	245,125	61%
Utilities	582	5,431	10,000	54%
Project Manager	17,310	45,278	175,000	26%
Other Expenses	143	716	-	-
Capital Outlay (debt repayment)	-	31,250	31,250	100%
Wastewater Debt Service - Principal	-	-	100,510	0%
Wastewater Debt Service - Interest	-	2,905	-	-
Total Expenditures	23,106	235,037	561,885	42%
Excess Revenues Over Expenditures	(11,964)	(145,870)	(442,979)	
Transfer in from General Fund	-	-	388,973	0%
Net Change in Fund Balance	\$ (11,964)	(145,870)	(54,006)	

City of Wimberley

Revenues and Expenditures - Wastewater Collection and Treatment Plant

Nine Months Ended June 30, 2018

	6/30/2018	YTD	2018 Budget	YTD % Budget 75%
Revenues				
Interest revenues	\$ 31	140	-	-
Investment income	5,295	28,952	-	-
WW Bond Reserve Funds	-	243,005	-	-
Total Revenues	5,325	272,097	-	-
Expenditures				
Records management	-	96,845	-	-
Capital outlay	-	345,072	-	-
Other expenses	-	-	-	-
Total Expenditures	-	441,916	-	-
Excess Revenues Over Expenditures	5,325	(169,819)	-	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ 5,325	(169,819)	-	

City of Wimberley
Revenues and Expenditures - Nonmajor Funds

Nine Months Ended June 30, 2018

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	6/30/2018	YTD	2018 Budget	6/30/2018	YTD	2018 Budget	6/30/2018	YTD	2018 Budget
Total Revenues	\$ 266	274	3,050	\$ 2	14	40	\$ 0	2	2
Total Expenditures	-	6,900	2,550	-	-	-	-	-	-
Excess Revenues Over Expenditures	\$ 266	(6,626)	500	\$ 2	14	40	\$ 0	2	2
Fund Transfers	-	-	-	-	-	-	-	-	-
Net Change in Fund Balance	\$ 266	(6,626)	500	\$ 2	14	40	\$ 0	2	2



AGENDA ITEM: Parks Director Update

SUBMITTED BY: Rebecca Manning

DATE SUBMITTED: 8/8/18

MEETING DATE: 8/16/18

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Parks Director update regarding most recent revenue intake, scheduled upcoming programs, and recent progress made on the Cypress Creek project at Blue Hole Regional Park.

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: City Administrator's Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 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

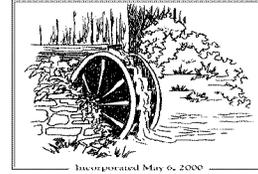
- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

Report for CUP-18-012



Summary: An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 2710 FM 3237

Applicant Information:

Applicant: Christopher Cureton
101 Arowlake Rd
Wimberley, TX 78676

Property Owner: Christopher Cureton

Subject Property:

Legal Description: Arrow Lake Acres, Lot 17
Location: 2710 FM 3237
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R-2)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: I
Overlay District: Protected Waterway, Entrance Corridor

Surroundings:

Frontage On: FM 3237

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters: 6/23/2018
Published: 7/19/2018
Sign Placement: 7/20/2018
Responses: 1 property owner w/in 200' against

Comments:

The applicant, Christopher Cureton, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental for property located at 2710 FM 3237.

The proposed Vacation Rental consists of three (3) bedrooms. The City Sanitarian has reviewed this request and stated a maximum occupancy of four (4) people per septic regulations.

City staff is recommending the following conditions be made part of the requested CUP, should the City Council recommend approval:

1. No organized outside activities shall be allowed on the property after 10 p.m.

2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire, no later than thirty (30) days of such change.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property: the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives if compliance is in question, with proper notice provided if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part of the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. A property address sign is required and shall be installed on the property no more than ten (10) feet from the street, with the address numbers at least four (4) inches high and two (2) inches wide.
14. One (1) freestanding business sign shall be allowed, but not required, on the property. Such sign shall not exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
15. The maximum occupancy for the property shall be four (4) people.

16. The owner of the property or the owner's agent shall not advertise a maximum occupancy for the vacation rental that is greater than the maximum occupancy established by the City based on septic capacity.
17. The owner of the property or the owner's agent, which may be an agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
18. The owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

To date, there has been 2 property owners within the 200' notice area in opposition of the request. This equals 18.67%. At the Planning & Zoning Commission meeting August 9th, the Committee voted recommending denial of the application 4-2-0.

§ 155.037 SINGLE-FAMILY RESIDENTIAL 2; R-2.

(A) *General purpose and description.* The R-2 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 20,000 square feet.

(B) *Permitted uses.*

- (1) One residence, including:
 - (a) Single-family detached dwellings; or
- (2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - (a) The term accessory use shall include customary home occupations as herein defined;
 - (b) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See § 155.076 for additional accessory use requirements;
 - (c) A detached private garage used in conjunction with the main building;
 - (d) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes; and
 - (e) One accessory dwelling unit.
- (3) Swimming pool (private);
- (4) Utilities (public); and
- (5) Religious assembly.

(C) *Conditional uses.*

- (1) Bed and breakfast lodging or vacation rental located only in the residential building;
- (2) Home day care;
- (3) Home commercial crafts or hobbies;
- (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;
- (5) Two-family residential (duplex); and
- (6) One secondary single-family residential building built onsite.
- (7) Mobile or manufactured homes installed on permanent foundations.

(D) *Development regulations.*

- (1) Lot size: minimum 20,000 square feet but less than 2 acres.

- (2) Maximum building height (as defined in § 155.005):
- (a) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (b) Secondary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (c) Accessory buildings: not more than 18 feet and not more than 1 story; and
 - (d) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setback, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

- (a) Dominant street: 40 feet;
- (b) Secondary street: 15 feet;
- (c) Interior side yard: 10 feet; and
- (d) Rear yard: 20 feet.

(4) Minimum floor area:

- (a) Primary residential building: 600 square feet.

(5) Maximum impervious cover: 35%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

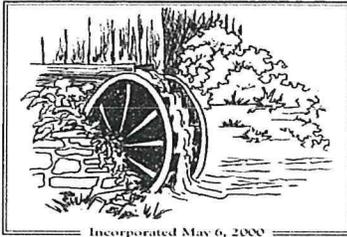
(E) *Special requirements.*

(1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

(2) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.

(3) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 16, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999



City of Wimberley

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

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

www.cityofwimberley.com

RECEIVED
6-22-18

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 18 - 012 Date: 7-11-2018 Staff Review Sandy I. Floyd
 P&Z Hearing: 8/9/2018 Council Hearing: 8/16/2018 Fees Paid: Application Public Notice
6 PM 5:30 PM

Applicant: CHRISTOPHER CURETON
 Mailing address: 101 ARROWLAKE RD City: WIMBERLEY State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: SAME
 Mailing address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Project Site Address: 2710 RR 3237, WIMBERLEY TX 78676
 Legal description: ARROWLAKE ACRES LOT 17
 Total Acreage or Square Footage: .99 ACRES Deed recorded in: HAYS
 Hays CAD Parcel ID R 20537 Planning Area: 1 Zoning: R2
 Is property located in an overlay district? Yes No If Yes, type: ENTRANCE CORRIDOR
 Specific Conditional Use Requested: VACATION RENTAL
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: PEC
 Water provider or Private Well: PRIVATE RAIN WATER, WELL BACK UP
 Wastewater Service or Septic Permit No. OSSF# 2000-148
 *If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

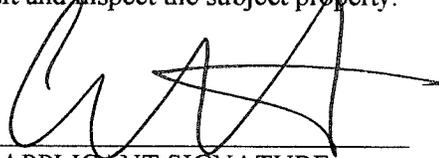
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and/or a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- Payment of Application fee \$400.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

6-22-18
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: CHRIS CURETON

LOCATION OF PROPERTY: 2710 RR 3237

LEGAL DESCRIPTION: ARROWAKE ACRES LOT 17

PLANNING AREA: 1

PRESENT ZONING: R2

EXISTING USE: _____

USE TO BE GRANTED: _____ Bed & Breakfast OR Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. 4 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 or what city allows guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 3 42.3 B.

MAXIMUM OCCUPANCY: 4 guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the 108 ft Smith River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

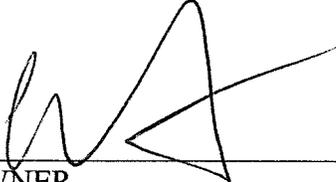
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCAATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

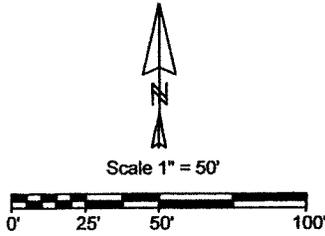
6-23-18
DATE


OWNER

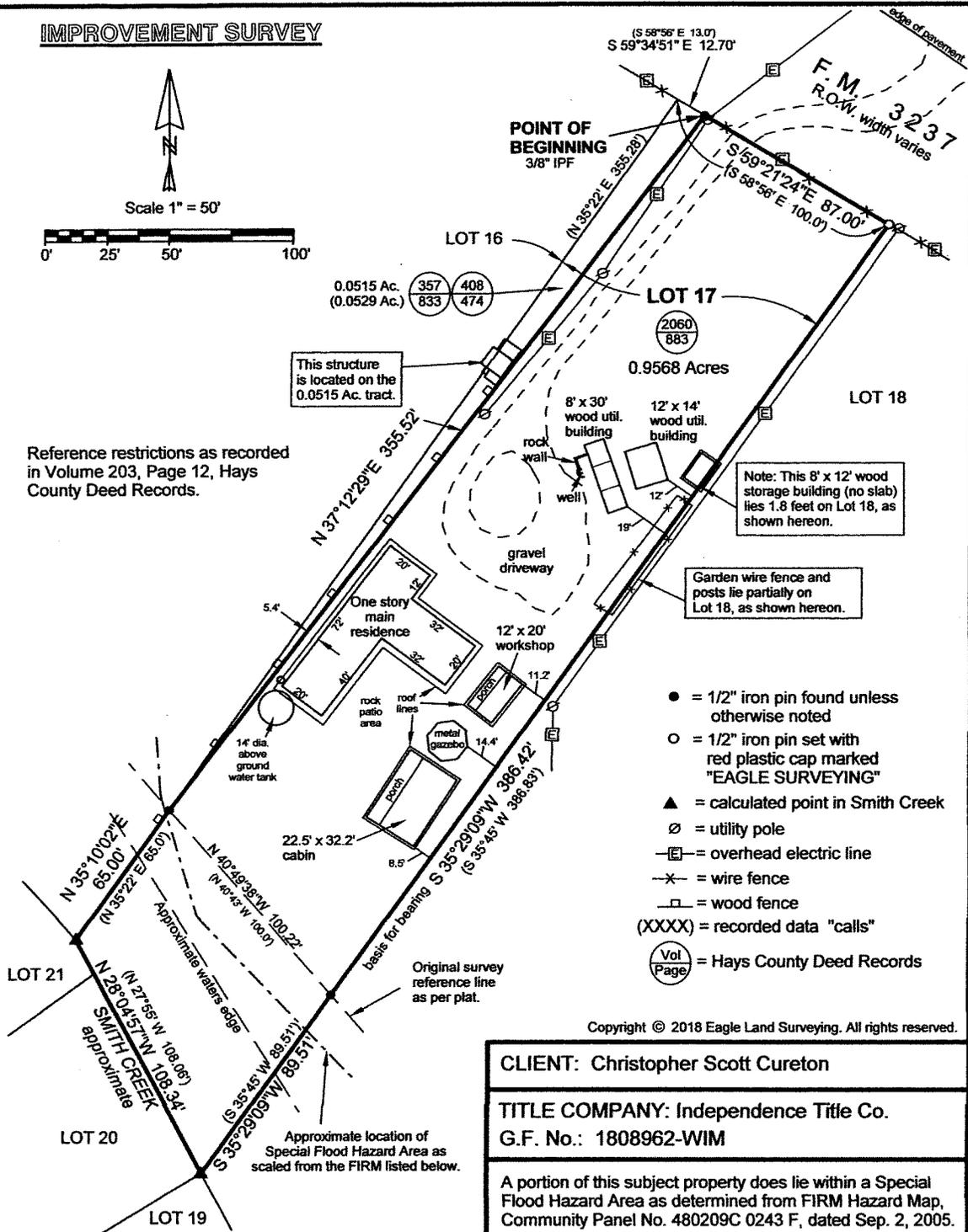
DATE

OWNER

IMPROVEMENT SURVEY



Reference restrictions as recorded in Volume 203, Page 12, Hays County Deed Records.



- = 1/2" iron pin found unless otherwise noted
- = 1/2" iron pin set with red plastic cap marked "EAGLE SURVEYING"
- ▲ = calculated point in Smith Creek
- ∅ = utility pole
- = overhead electric line
- x— = wire fence
- = wood fence
- (XXXX) = recorded data "calls"
- Vol Page = Hays County Deed Records

Copyright © 2018 Eagle Land Surveying. All rights reserved.

CLIENT: Christopher Scott Cureton

TITLE COMPANY: Independence Title Co.
G.F. No.: 1808962-WIM

A portion of this subject property does lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480209C 0243 F, dated Sep. 2, 2005.

LEGAL DESCRIPTION: Being 0.9568 acres of land, more or less, out of Lot 17, ARROW LAKE ACRES, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 53, Plat Records of Hays County, Texas.

ADDRESS: 2710 F.M. 3237, Wimberley, Texas 78676

I hereby certify that this plat represents a survey made upon the ground under my supervision, on March 30, 2018, and that there are no visible or apparent encroachments upon this property except as shown hereon.

Clyde Barroso, R.P.L.S. #5404, State of Texas, Firm #10079300.



TARROW, ZAK

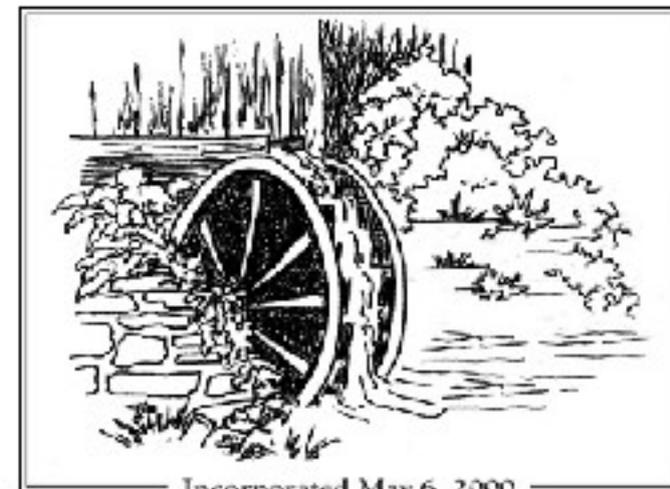
EAGLE LAND SURVEYING
(512) 847-1079
P.O. Box 2264 Wimberley, TX. 78676

Scale:	1" = 50'
Date:	March 30, 2018

Job No. 18-034 cb

2K16

CUP-18-012 ~ 2710 FM 3237

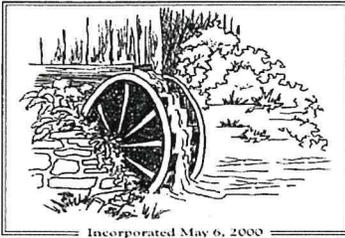


200' NOTIFICATION

Legend

- 200' Buffer
- ID. OWNER**
- 0. CURETON, CHRISTOPHER
- 1. ENGEMOEN, RANDY
- 2. GRUSEN JOHANNES GEERT & EVANS SHARLINE
- 3. GRUSEN JOHANNES GEERT & EVANS SHARLINE
- 4. NO INFO
- 5. CURETON, CHRISTOPHER
- 6. LANE MICHAEL & TAMARA
- 7. TYBOR, KAROLYN
- 8. WORTHAM MARSHAL R & SUE C
- 9. YOUNGBLOOD, JERRY
- 10. YEATES, R K





City of Wimberley

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

July 23, 2018

NOTICE OF PUBLIC HEARING

Re: File No. CUP-18-012

2710 FM 3237

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

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

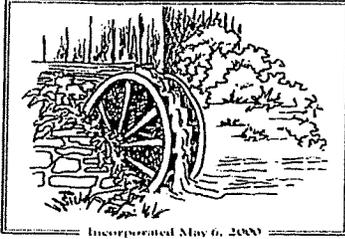
The applicant, Christopher Cureton, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 2710 FM 3237. The current zoning for this property is Single-Family Residential 2 (R-2). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 9, 2018, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 16, 2018, at 5:30 p.m.**

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

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

Thank you,

Sandy I. Floyd
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

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

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

www.cityofwimberley.com

NOTICE BY SIGN POSTING

Date: 7/20/18

Zoning No: CUP-18-012 Owner _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 2710 FM 3277

located on FM 3277

Aaron Reed
Public Works/ Code Enforcement

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

7/20, 2018

D. Bower
Signature

The Wimberley CLASSIFIED



NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, August 9, 2018, at 6:00 p.m.** to consider the following: **CUP-18-012**— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 2710 FM 3237. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 16, 2018, at 5:30 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

TO DO YARD MAINTENANCE
Tend flower beds, yard, mowing ect.
Must be an American Citizen, English only.
Starting pay \$16 HR
#979-240-4976

FULL TIME PERSONAL GARDENER
/Landscape wanted.
Call Ben
512-923-7445



General Help Wanted



JOHNSON CITY DQ NOW HIRING

NIGHT MANAGERS TEAM MEMBERS
Competitive Pay.

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Day, Night and Weekend Shifts Available.

Why Work At Dairy Queen:
Committed to 49 years of Excellence.

What We Offer:
Competitive Pay, Medical, Dental and Vision Benefits, Paid Holidays and Vacation, Incentive Pay Potential and Career Advancement.

Positions for Management and Team Members available in other locations

Apply Online
www.richesonline.com

Donate a boat or car today to Boat Angel. 2-Night Free Vacation. Sponsored by Boat Angel Outreach Centers to stop crimes against children. 800-700-BOAT, www.boatangel.com.

CAREER TRAINING

Airline Mechanic Training - Get FAA certification. Approved for military benefits. Financial Aid if qualified. Job placement assistance. Call Aviation Institute of Maintenance 800-475-4102.

OIL AND GAS RIGHTS

Oil producer with successful track record is looking for leases to drill for oil in your area. We recently struck oil in Wilson County. For more information email land@shaleteam.com or call 985-246-3026.

We buy oil, gas & mineral rights. Both non-producing and producing including non-Participating Royalty Interest (NPRI). Provide us your desired price for an offer evaluation. 806-620-1422, LoboMineralsLLC@gmail.com. Lobo Minerals, LLC, PO Box 1800, Lubbock, TX 79408-1800.

SAWMILLS

Sawmills from only \$4,397.00 – Make & Save Money with your own bandmill – Cut lumber any dimension. In stock ready to ship! Free info/DVD: www.NorwoodSawmills.com. 800-567-0404, Ext.300N.

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General Help Wanted

General Help Wanted



Hill Country Mental Health and Developmental Disabilities Centers Now Hiring

Medical Records Clerk - Administrative Tech I

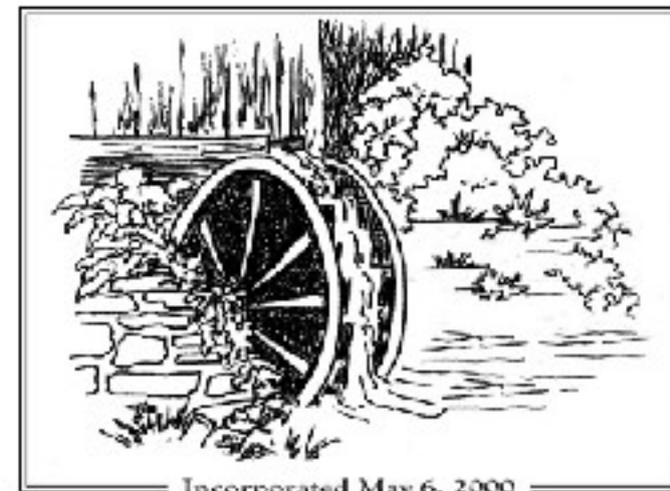
Expanding Non-Profit Provider of Behavioral Health Services is looking for a **Full-Time Medical Records Clerk** for their Outpatient Mental Health Clinic located at 1200 N. Bishop St., San Marcos, TX. Qualified candidates must have a H.S. Diploma / GED and have 2 years of administrative duties related 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 Live Insurance, Short/Long Term Disability, Vision, Dental and Retirement offered. \$10.95 / \$22,776 Annual.

Apply online at www.hillcountry.org

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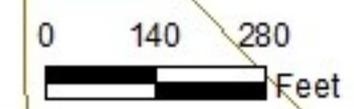
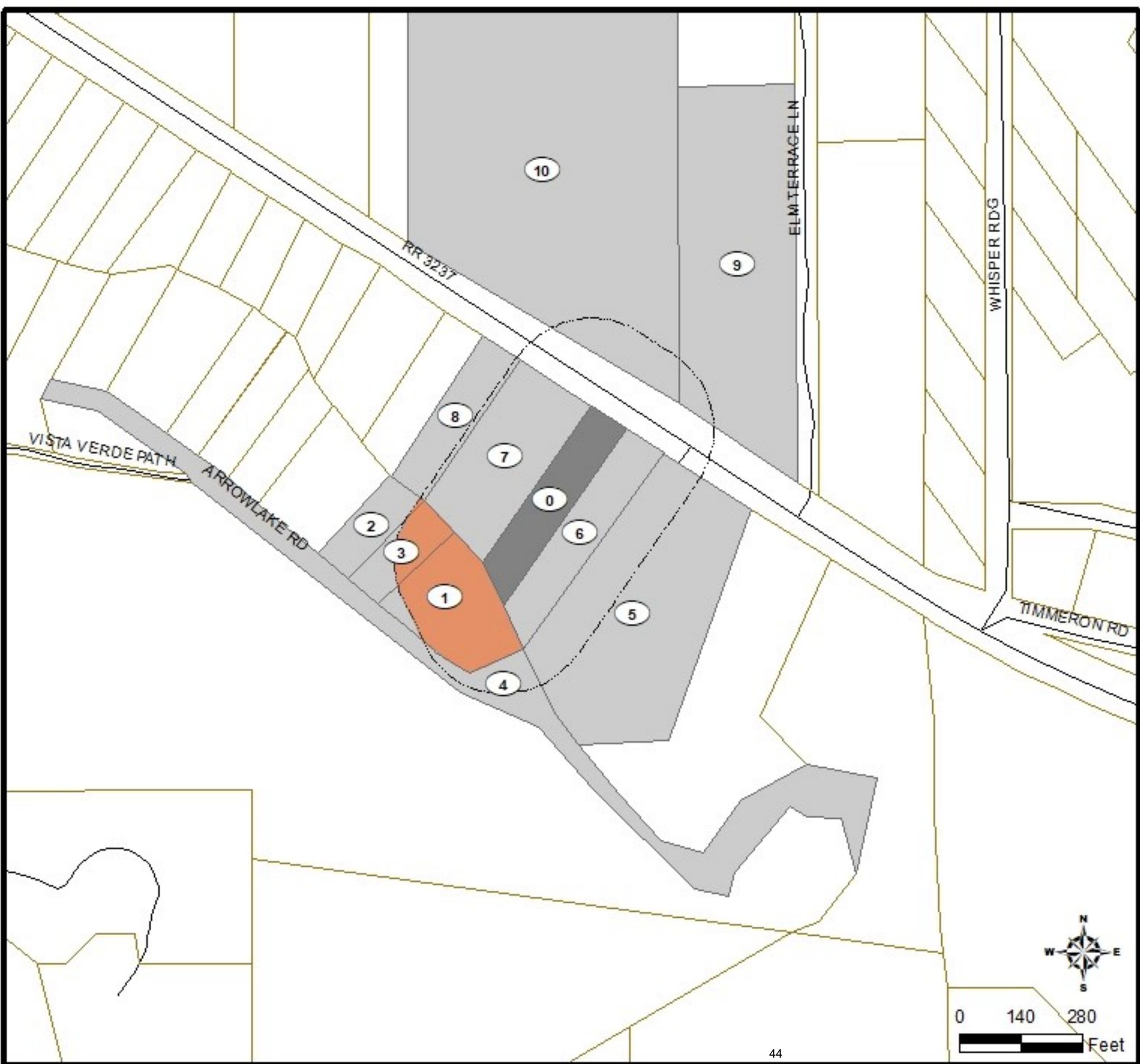
CUP-18-012 ~ 2710 FM 3237



200' NOTIFICATION

Legend

- Opposition
- 200' Buffer
- ID. OWNER**
- 0. CURETON, CHRISTOPHER
- 1. ENGEMOEN, RANDY
- 2. GRUSEN JOHANNES GEERT & EVANS SHARLINE
- 3. GRUSEN JOHANNES GEERT & EVANS SHARLINE
- 4. NO INFO
- 5. CURETON, CHRISTOPHER
- 6. LANE MICHAEL & TAMARA
- 7. TYBOR, KAROLYN
- 8. WORTHAM MARSHAL R & SUE C
- 9. YOUNGBLOOD, JERRY
- 10. YEATES, R K



RECEIVED
8-1-18

To: Planning & Zoning Commission Wimberley
Through: Ms. S.I. Floyd, Planning & Dev. Coordinator
City Hall, 221 Stillwater, Wimberley, Texas 78676

Date: July 30, 2018

Subject: Objection to the application CUP-18-012 for operating the home at 2710 FM 3237 as vacation rental

Dear Members of the Planning & Zoning Commission,

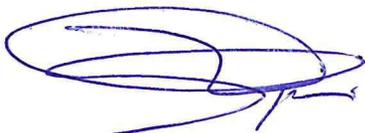
This is with reference to the hearing of the Planning & Zoning Commission scheduled for August 9, 2018 concerning the captioned request under case CUP-18-012. We, Sharline Evans and Johannes G. Grijzen are the owners of the property on 230 Arrowlake Road, located on the South side of Smith Creek, within 200 feet of the above-referenced location.

Firstly, we have purchased our property in 2012 because of its idyllic location on Smith Creek, and the peace and tranquility it generously provides. Therefore, we object profoundly to activities which may change this precious situation. Typically the planned vacation rental would attract city people, who would like to swim and/or fish and/or entertain boating/peddling activities in Smith Creek, which is nearly always full of water. Parties with loud music and/or noisy behavior may occur as well, despite any limiting conditions from your side to the contrary. As such, we may expect that such neighboring vacation rental will reduce the value of our property and take away some of the peace and privacy of our property.

Secondly, we refer to a previous application CUP-16-016 for operating the home at 2660 FM 3237 as vacation rental, which was rejected both by the P&Z Commission and by the City Council in July 2016, for similar reasons.

Thirdly, the deed for our property states that "no business of any kind shall be carried on upon any residence" in Arrow Lake Acres. We understand that the City does in principle not have to honor such deed requirements as binding for its decision, and could leave it instead up to the residents to pursue the implementation of such restrictions in civil court, undoubtedly at high cost. Nonetheless, we request that the P&Z Commission and subsequently the City Council do not grant the requested permission for CUP-18-012, in order that we and other residents shall not be required to spend our precious financial resources on pursuing this matter in civil court.

Thanking You,



Johan Grijzen, 230 Arrowlake Road



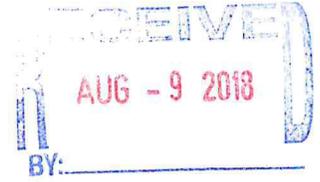
Sharline Evans

Randy Engemoen and Rhonda Matthews

August 8th, 2018

200 Arrowlake

Wimberley, Texas 78676



The Planning and Zoning Commission of Wimberley

C/O Ms. S.I. Floyd, Planning and Development Coordinator

City Hall, 221 Stillwater, Wimberley, Texas 78676

Re: Objection to application CUP-18-012 for operating the home at 2710 FM 3237 as a vacation rental

Dear Members of the Planning and Zoning Commission,

Our property is directly across Smith Creek from the referenced property owned by Christopher Cureton who has applied for a CUP to operate that property as a vacation rental and we adamantly object to that request. We have reviewed Johan Grijsen's letter to you regarding this matter and whole heartedly support all 3 of his arguments.

Since we purchased our house which is intended to be the last house that we will ever live in, we have already been exposed to the ramifications of another vacation rental that is up the hill behind us; we routinely find strangers (renters) trespassing on our property and our neighbor's property hanging out by the creek loitering and fishing from the bridge, all of which is illegal. We see this application for a vacation rental as potential to further exasperate and undermine the peace, privacy, and tranquility of our property and neighborhood.

We rely on your good judgement to help us keep our neighborhood as it was originally intended and not approve the referenced application.

As I am in New York this week, Rhonda will speak on my behalf at your meeting.

Yours truly,

Randy Engemoen & Rhonda Matthews



AGENDA ITEM: Modification of the Central Wimberley Wastewater Project
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This item was placed on the agenda by Mayor Susan Jagers.

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

N/A



AGENDA ITEM: RFP for Grant Administration
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

In December 2017, the City of Wimberley issued a Request for Proposal (RFP) for Administration/Professional Services related grant applications and administration. Included in the proposal was administration of funds received from the Texas Water Development Board (TWDB) related to the City's Central Wimberley Wastewater Project. Langford Community Management Services was the only response received by the City.

The TWDB funding requires the Central Wimberley Wastewater Project to comply with multiple Federal requirements, including Davis/Bacon Labor standards and American Iron & Steel (AIS) requirements. These Federal guidelines require regular review of contractors pay stubs, in-field interviews with laborers and verification of compliance with AIS standards.

Council at its last meeting requested an item be placed on this agenda to review the Request for Proposals.

Attached is a copy of the RFP the City issued.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Non-budgeted Item

Not Applicable

Original Estimate/Budget: \$

Current Estimate: \$

Amount Under/Over Budget: \$

STAFF RECOMMENDATION

RFP for Administration/Professional Services

The City of Wimberley (the City) is soliciting a request for proposals (RFP) from interested qualified professionals to provide consultant/management services for grant writing services and with subsequent funding, administration. The City reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interests of the City.

The City of Wimberley has received and/or will be applying for grant and/or loan funds from the Texas Water Development Board, FEMA Hazard Mitigation Assistance Grant Program (HMGP) and/or the Community Development Block Grant Program through the General Land Office. The City wishes to contract with a grant writing/administration firm to assist with the applications and with subsequent or existing funding, administration of those contracts and grant application development.

Any contract or contracts awarded under this Request for Proposals (RFP) are expected to be funded by grants/loans from the Texas Water Development Board (TWDB), City funds or private lenders. Services will also be required to assist with the FEMA Hazard Mitigation Assistance Grant Program (HMGP) and/or Community Development Block Grant Program through the General Land Office. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFP, or any resulting contract. This RFP is issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and Title 40 CFR Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

This procurement is subject to the Environmental Protection Agency's (EPA) "fair share policy," which includes EPA-approved "fair share goals" for Minority Business Enterprise (MBE) & Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to SMWBEs. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps. The current fair share goals for the State of Texas are as follows:

MBE: CONSTRUCTION 12.94%; SUPPLIES 9.68%; EQUIPMENT 7.12%; SERVICES 10.8%.
WBE: CONSTRUCTION 8.72%; SUPPLIES 9.34%; EQUIPMENT 5.39%; SERVICES 5.72%.

Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60. Small, minority, and women-owned business enterprises are encouraged to respond. The City of Wimberley is an Affirmative Action/Equal Opportunity Employer and strives to attain the goals for Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) as amended.

The following outlines the request for proposals.

I. General Scope of Work - The professional administration/management firm/consultant to be hired will provide application and contract-related management services to the City including but not limited to the following areas:

- Application preparation assistance
- Plan development
- Project Management
- Financial Management
- Environmental Review
- Real Property Acquisition / URA
- Construction Management
- Fair Housing/Equal Opportunity
- Housing rehabilitation/affordable housing (if applicable)
- Audit/Contract Close-out Assistance

II. Statement of Qualifications - The City is seeking to contract with a competent professional administration/management firm/consultant that has had experience in grants/contracts application and administration. Specifically, it is seeking those consultant(s) or firm(s) with the following qualifications:

- Related experience in applying for and managing federally-funded local public works construction projects and housing buyouts/elevations.
- Related Experience / Background with specific project(s) type
- Consultant/Firm is not debarred or suspended from the Excluded Parties List System (EPLS) in the System for Award Management (SAM).

As such, please provide within your proposal a list of referrals from past local government clients, as well as resumes of all employees who will or may be assigned to provide technical assistance to the city on this project if your firm is awarded this management services contract.

III. Proposed Cost of Services - Please provide your cost proposal for each type of project to accomplish the scope of work by category outlined in the specific Scope of Work and for any additional activities required as identified in the attached Scope of Work document. The proposed budget must include all costs that are necessary to successfully complete this project. Please note that the City will not use lowest/best bid as the sole basis for entering into this contract.

As each funded project will be contracted individually, if the cost of either of the proposed professional administration services will exceed \$ 50,000 per project, then profit (either % / actual cost) must be identified and negotiated as a separate element of the price of the contract. To comply, the bidder must disclose and certify in its proposal the percentage of profit being used.

IV. Evaluation Criteria – The proposing firm may submit one proposal to include all types of projects listed. The City at its sole discretion may award one or more contracts to one or more firms. The proposals received will be evaluated and ranked as outlined in the following score sheet .

Three (3) copies of the Proposal Package should be submitted by 4:30 P.M. (Local Time), December 27, 2017 in a sealed envelope to the following address and clearly labeled accordingly:

CONFIDENTIAL: PROPOSAL ENCLOSED
GRANT WRITER/ADMINISTRATIVE SERVICES
ATTENTION: MR. PAUL PARKER, INTERIM CITY ADMINISTRATOR
CITY OF WIMBERLEY
221 STILLWATER
P.O. BOX 2027
WIMBERLEY TX 78676

The City does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or provision of services, programs or activities. Small Minority and Women's Business Enterprises are encouraged to submit RFPs. The City is an Equal Opportunity Employer. For additional information or to receive the RFP, please contact Mr. Paul Parker, City Administrator, at (512) 847-0025

Administration/Professional Services Rating Sheet

Grant Recipient _____

Name of Respondent _____

Date of Rating _____

Evaluator's Name _____

Experience -- Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent.

Experience

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Related Experience / Background with federally funded projects	10	_____
2. Related Experience / Background with specific project type (housing rehabilitation, acquisition of property, coordination with regulatory agency, etc.)	5	_____
4. Certified Administrator of CDBG Program	5	_____
5. References from current/past clients	10	_____
Subtotal, Experience	30	_____

Work Performance

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Submits requests to client/TDA/FEMA/GLO in a timely manner	5	_____
2. Responds to client/TDA/FEMA/GLO requests in a timely manner	5	_____
3. Past client/TDA/FEMA/GLO projects completed on schedule	5	_____
4. Work product is consistently of high quality with low level of errors	5	_____
5. Past client/TDA/FEMA/GLO projects have low level of monitoring findings/concerns	5	_____
6. Manages projects within budgetary constraints	5	_____
Subtotal, Performance	30	_____

Capacity to Perform

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Qualifications of Professional Administrators / Experience of Staff	5	_____
2. Present and Projected Workloads	5	_____
3. Quality of Proposal/Work Plan	5	_____
4. Demonstrated understanding of scope of the CDBG Project	5	_____
Subtotal, Capacity to Perform	20	_____

Proposed Cost

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
A = Lowest Proposal \$ _____		
B = Bidder's Proposal \$ _____		
A ÷ B X 20 equals Respondent's Score	20	_____

TOTAL SCORE

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
<input type="checkbox"/> Experience	30	_____
<input type="checkbox"/> Work Performance	30	_____
<input type="checkbox"/> Capacity to Perform	20	_____
<input type="checkbox"/> Proposed Cost	20	_____
Total Score	100	_____

SAMPLE PROGRAM ADMINISTRATION AND MANAGEMENT SERVICES CONTRACT

PART I AGREEMENT

THIS AGREEMENT, entered into this ___th day of _____, 2018 by and between the CITY OF WIMBERLEY, hereinafter called the "City", acting herein by _____, hereunto duly authorized, and _____ hereinafter called "the Contractor", acting herein by _____.

WITNESSETH THAT:

WHEREAS, the CITY OF WIMBERLEY has submitted and been funded for a Texas Water Development Board Project (hereinafter called "TWDB") For a Drinking Water State Revolving Loan Fund (DWSRF) funding for water system improvements.

WHEREAS, the City desires to engage _____render certain professional program administrative and management services in connection with the application preparation, program administration, environmental clearance, record keeping, outlay requests, periodical reporting, preparation of asset management plan and training, audit assistance, and project close-out relating to the project.

NOW THEREFORE, the parties do mutually agree as follows:

1. Scope of Services

The Contractor will perform the services set out in Part II, Scope of Services.

2. Time of Performance - The services of the Contractor shall commence on _____. In any event, all of the services required and performed hereunder shall be completed no later than two years after the contractual obligation for the funds from TWDB or final close-out documentation received from the TWDB.

3. Local Program Liaison - For purposes of this Contract, the City Manager or equivalent authorized person will serve as the Local Program Liaison and primary point of contact for the Contractor. All required progress reports and communication regarding the project shall be directed to this liaison and other local personnel as appropriate.

4. Access to Information - The U.S. Department of Environmental Protection Agency (EPA), Inspectors General, the Comptroller General of the United States, the Texas Water Development Board (TWDB), Texas State Comptroller, and the City, or any of their authorized representatives, shall have access to any documents, papers, or other records of the Contractor which are pertinent to the DWSRF award, in order to make audits, examinations, excerpts, and transcripts, and to close-out the City DWSRF contract with TWDB.

5. Retention of Records – The Contractor shall retain all required records for three years after the City makes its final payment and all pending matters are closed.

6. Compensation and Method of Payment - The maximum amount of compensation and reimbursement to be paid hereunder **with funding of the project** an amount not to exceed \$_____ for the program administration and management of the project. Payment to the Contractor shall be based on satisfactory completion of identified milestones in Part III - Payment Schedule of this Agreement.

7. Indemnification – The Contractor shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the City and its agency members from and against any and all claims, costs, suits, and damages, including attorneys’ fees, arising out of the Contractor’s performance or nonperformance of the activities, services or subject matter called for in this agreement or in connection with the management and program administration of the DWSRF contract, and shall assume full responsibility for payments of Federal, State and local taxes on contributions imposed or required under the Social Security, worker's compensation and income tax laws.
8. Miscellaneous Provisions
 - a. This Agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Eastland County, Texas.
 - b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
 - c. In any case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
 - d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.
 - e. This Agreement may be amended by mutual agreement of the parties hereto and a writing to be attached to and incorporated into this Agreement.

9. Extent of Agreement

This Agreement, which includes Parts I-IV, represents the entire and integrated agreement between the City and the Contractor and supersedes all prior negotiations, representations or agreements, either written or oral for this project. This Agreement may be amended only by written instrument signed by authorized representatives of both City and Contractor.

IN WITNESSETH WHEREOF, the parties have executed this Agreement by causing the same to be signed on the day and year first above written.

CITY OF WIMBERLEY

BY: _____
 (Local City Official)

 (Printed Name)

 City Manager

 (Title)

BY: _____
 (Contractor’s Authorized Representative)

 (Printed Name)

 (Title)

PART II

SCOPE OF SERVICES

The Contractor shall provide the following scope of services:

Scope 1 - Application Preparation and Submission:

Coordinate development Project Information Form and full application preparation and submission to the Texas Water Development Board in conformance with the TWDDDB guidelines.

Scope 2 – Program Management and administration of Project with the Receipt of Funding:

A. Project Management

1. Develop a recordkeeping system consistent with program guidelines, including the establishment of a filing system.
2. Maintenance of filing system.
3. Provide general advice and technical assistance to the City personnel on implementation of project and regulatory matters.
4. Assist in the DBE clearance of professional services and construction contractors through the TWDB.
5. Furnish City with necessary forms and procedures required for implementation of project.
6. Assist the City in meeting all special condition requirements that may be stipulated in the contract between the City and TWDB.
7. Prepare and submit to TWDB documentation necessary for amending the DWSRF contract.
8. Conduct re-assessment of environmental clearance for any program amendments.
9. Prepare and submit monthly and quarterly reports.
10. Prepare and submit Financial Interest Reports (FIR) for City.
11. Establish procedures to document expenditures associated with local administration of the project.
12. Provide guidance and assistance to City regarding acquisition of property:
 - Submit required reports concerning acquisition activities to TWDB;
 - Establish a separate acquisition file for each parcel of real property acquired;
 - Determine necessary method(s) for acquiring real property;
 - Prepare correspondence to the property owners for the City's signature to acquire the property or to secure an easement; and
 - Assist the City in negotiation with property owner(s).
13. Maintain Property Management register for any property/equipment purchased or leased.
14. Serve as liaison for the City during any monitoring visit by staff representatives from either TWDB or the U.S. Environmental Protection Agency (USEPA).

B. Financial Management

1. Assist the City in proving its ability to manage the grant funds to the state's audit division.
2. Assist the City in establishing and maintaining a bank account (Direct Deposit account) and/or separate local bank account, journals and ledgers.
3. Assist the City in submitting the required Accounting System Certification letter, Direct Deposit Authorization Form (if applicable), and/or Depository/Authorized Signatory form to TWDB.
4. Prepare all fund drawdowns on behalf of the City in order to ensure orderly, timely payments to all contracting parties within the allotted time period.
5. Review invoices received for payment and file back-up documentation.
6. Provide general advice and technical assistance to City personnel on implementation of project and regulatory matters.

C. Environmental Review

1. Prepare environmental assessment.
2. Coordinate environmental clearance procedures with other federal or state agencies and interested parties responsible for implementing applicable laws.
3. Document consideration of any public comments.
4. Prepare any required re-assessment of environmental assessment.
5. Prepare Request for Release of Funds and certifications to be sent to TWDB.

D. Acquisition

1. Prepare required acquisition reports(s).
2. Obtain documentation of ownership for City-owned property and/or Right of Way (ROWs).
3. Maintain a separate file for each parcel of real property acquired.
4. Determine necessary method(s) for acquiring real property.
5. Prepare correspondence with property owners.
6. Assist City in negotiations with property owner(s).
7. Prepare required acquisition reports and submit to TWDB.

E. Construction Management

1. Establish procedures to document expenditures associated with local construction of the project (if force account is applicable).
 - Assist City in determining whether and/or what DWSRF contract activities will be carried out in whole or in part via force account labor.
 - Assist City in determining whether or not it will be necessary to hire temporary employees to specifically carry out DWSRF contract activities.
 - Assist City in maintaining adequate documentation of personnel, equipment and materials expended/used and their costs.
2. Assist City in documenting compliance with all federal and state requirements related to equal employment opportunity.
3. Assist City in documenting compliance with all federal and state requirements related to minimum wage and overtime pay requirements.
4. Provide assistance to or act as local labor standards officer to comply with Davis Bacon Wage Rate monitoring.
5. Get rates from U.S. DOL website.
6. Provide sample DWSRF contract documents to engineer.
7. Advertise for bids.
8. Verify construction contractor eligibility with SAMS.gov.
9. Review construction contract and bond documents.
10. Conduct pre-construction conference and prepare minutes.
11. Submit any reports of additional classification and rates.
12. Issue Labor Standards Record to TWDB.
13. Review weekly payrolls, including compliance follow-ups. Conduct employee interviews.
14. Process change orders approved by City and the project engineer and submit to TWDB prior to execution with the construction contractor.
15. Obtain Certificate of Construction Completion/Final Wage Compliance Report.
16. Provide general advice and technical assistance to City personnel on implementation of project and regulatory matters.
17. Prepare contract close-out resolution for approval by City Commission.

F. Audit / Close-out Procedures

1. Prepare the final Project Completion Report and Certificate of Completion.
2. Assist City in resolving any monitoring and audit findings.
3. Assist City in resolving any third-party claims.
4. Provide auditor with TWDB-DWSRF audit guidelines.

**PART III
PAYMENT SCHEDULE**

The City shall reimburse Contractor for management/administrative services provided for completion of the following project milestones per the following percentages of the maximum contract amount: TBD.

**PART IV
TERMS AND CONDITIONS**

1. Termination for Cause. If the Contractor fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Contractor violates any of the covenants, conditions, agreements, or stipulations of this Agreement, the City shall have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof, which shall be at least five days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Contractor pursuant to this Agreement shall, at the option of the City, be turned over to the City and become the property of the City. In the event of termination for cause, the Contractor shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.

Notwithstanding the above, the Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of contract by the Contractor, and the City may set-off the damages it incurred as a result of the Contractor's breach of contract from any amounts it might otherwise owe the Contractor.

2. Termination for Convenience of the City. The City may terminate this Agreement at any time by giving at least ten (10) days' notice in writing to the Contractor. If this Contract is terminated for convenience, the City will pay the Contractor for actual services rendered up to the termination date, based on the charges for time, labor, expenses and other items specified in the Agreement.
3. Changes. The City may, from time to time, request changes in the services the Contractor will perform under this Agreement. Such changes, including any increase or decrease in the amount of the Contractor's compensation, must be agreed to by all parties and finalized through a signed, written amendment to this Agreement.
4. Resolution of Program Non-Compliance and Disallowed Costs. If the TWDB program imposes a reduction in administrative grant funds due to non-compliance and/or disallowed costs as stipulated by the agency, the contracting parties will negotiate an agreement of payment. If the non-compliance and/or disallowed costs is (are) not the fault or in control of the consulting firm, the City will be responsible for the difference in grant funds. If the negotiation phase between the contracting entities does not reach an agreement, executives of the contracting entities, with decision-making authority, will enter into mediation to facilitate a settlement by employing a skilled neutral, not to impose a solution, but to assist the parties in reaching agreement. A final binding Arbitration Phase will occur in case the non-binding phase produces no settlement.

5. Personnel.
 - a. The Contractor represents that he/she/it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.
 - b. All of the services required hereunder will be performed by the Contractor or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
 - c. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.

6. Assignability. The Contractor shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the City thereto; Provided, however, that claims for money by the Contractor from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the City.

7. Reports and Information. The Contractor, at such times and in such forms as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.

8. Records and Audits. The Contractor shall insure that the City maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner that conforms to 2 CFR 200.300-.309, 24 CFR 570.490, and this Agreement. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Agreement. City shall retain such records, and any supporting documentation, for the greater of three years from closeout of the Agreement or the period required by other applicable laws and regulations.

9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Contractor under this contract are confidential and the Contractor agrees that they shall not be made available to any individual or organization without the prior written approval of the City.

10. Copyright. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Contractor.

11. Compliance with Local Laws. The Contractor shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Contractor shall save the City harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Agreement.

12. Conflicts of interest.
 - a. Governing Body. No member of the governing body of the City and no other officer, employee, or agent of the City, who exercises any functions or responsibilities in connection with administration, construction, engineering, or implementation of the TWDB award between the agency and the City shall have any

personal financial interest, direct or indirect, in the Contractor or this Agreement; and the Contractor shall take appropriate steps to assure compliance.

- b. Other Local Public Officials. No other public official who exercises any functions or responsibilities in connection with the planning and carrying out of administration, construction, engineering or implementation of the TWDB award between the agency and the City shall have any personal financial interest, direct or indirect, in the Contractor or this Agreement; and the Contractor shall take appropriate steps to assure compliance.
- c. Contractor and Employees. The Contractor warrants and represents that it has no conflict of interest associated with the TWDB award between the agency and the City or this Agreement. The Contractor further warrants and represents that it shall not acquire an interest, direct or indirect, in any geographic area that may benefit from the TWDB award between the agency and the City or in any business, entity, organization or person that may benefit from the award. The Contractor further agrees that it will not employ an individual with a conflict of interest as described herein.

13. Debarment and Suspension (Executive Orders 12549 and 12689). The Contractor certifies, by entering into this Agreement, that neither it nor its principals are presently debarred, suspended, or otherwise excluded from or ineligible for participation in federally-assisted programs under Executive Orders 12549 (1986) and 12689 (1989). The term "principal" for purposes of this Agreement is defined as an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control over the operations of the Contractor. The Contractor understands that it must not make any award or permit any award (or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

14. Equal Opportunity Clause (applicable to contracts and subcontracts over \$10,000).

During the performance of this contract, the Contractor agrees as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. The Contractor will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an

- investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- d. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - e. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, "Equal Employment Opportunity," and of the rules, regulations, and relevant orders of the Secretary of Labor.
 - f. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - g. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - h. The Contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (h) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request the United States to enter into such litigation to protect the interests of the United States.
15. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
 16. Section 109 of the Housing and Community Development Act of 1974. The Contractor shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.
 17. Section 504 Rehabilitation Act of 1973, as amended. The Contractor agrees that no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be denied the benefits of, or be subjected to discrimination, including discrimination in employment, under any program or activity receiving federal financial assistance.
 18. Age Discrimination Act of 1975. The Contractor shall comply with the Age Discrimination Act of 1975 which provides that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.



AGENDA ITEM: Las Flores Speed Hump Bid Award
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Public Works Department, working with the City Engineer identified work needing to be completed on the Las Flores speed hump. Currently, a rubber speed hump, which is anchored into the asphalt is being utilized. Over the years, the sub-bas has continued to deteriorate, and the anchored speed hump has begun to come loose.

The City Engineer developed plans to replace the existing anchored speed hump with an integrated asphalt speed hump, and requested quotes from five (5) different companies. Of those that responded, Meyer’s Concrete Construction submitted the lowest bid at \$8,626.00.

The FY 2018 Adopted budget included \$100,000.00 for road repairs. Previously Council approved a project for \$49,200. Included the \$8,626.00 for Las Flores, there will still be \$42,174.00 for major road work.

Attached is a copy of the City Engineer’s Letter of Recommendation, Bid Tabulation, & Bid Proposal from Meyer’s.

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

The City Administrator recommends awarding the Las Flores speed hump to project to the low bidder Meyer's Concrete Construction.



T.B.P.E. Firm # F-9266

August 3, 2018

TO: Shawn Cox
City Administrator
City of Wimberley

FROM: Chad Gilpin, PE
City Engineer
City of Wimberley

RE: Las Flores Drive Speed Hump – Roadway Improvements
Recommendation of Award

It is my recommendation to award the construction contract for the *Las Flores Drive Speed Hump, Roadway Improvements* to **Myers Concrete Construction, LP** (Myers) based on evaluation of the bids submitted to the City Engineer. Myers was the low bidder for this project and their bid was determined to be responsive.

Please feel free to contact me at chad.gilpin@gilpinengineering.com or by phone 512.587.1160 if would like to discuss further.

Enclosures:
Bid Tabulation

CONTRACTOR'S PROPOSAL FORM

Proposing Firm's Name: Myers Concrete Construction, LP

Address: 2301 FM 3237

City, State, Zip: Wimberley, TX 78676

Project Title: Las Flores Speed Hump - Roadway Improvements

Owner: City of Wimberley

Project Location: Las Flores Drive

Having carefully examined the solicitation documents, drawings and specifications for the referenced project, as prepared by Gilpin Engineering Company, as well as the premises and conditions affecting the work, we hereby propose to furnish all labor, materials, and equipment necessary to complete the work for the following amounts and times.

I. BASE PRICE

Roadway Improvements, Erosion Control, Traffic Control Dollars \$8,625.00

(Insert amount in Words and Numbers)

Eight Thousand Six Hundred and Twenty Five Dollars and No Cents

II. UNIT PRICES

Respondents shall submit unit pricing on the Unit Pricing form, or a similar format that includes all listed items and quantities. The Unit Pricing shall be attached immediately following this form.

III. CONTRACT TIME

The Respondent, by the signature of their authorized representative below, further agrees that, if awarded the contract, the work will be substantially complete in the calendar day time indicated herein following the date of a Notice to Proceed.

Base Time 5 calendar days

Notes:

- 1) *Respondent will be required to provide material, labor and applicable sales tax breakdown on all prices prior to award.*

IV. ADDENDA:

Respondent acknowledges receipt of the following Addenda:

Number:	Dated:	Date Received:
N/A		

RESPECTFULLY SUBMITTED:

Authorized Signature:



Printed Name and Title:

_____ Randy Myers, VP _____

Telephone:

_____ 512-847-8000 _____

Respondent's Corporate Charter No.:

_____ 33-1107017 _____

If a Corporation, attach a corporation resolution or other official corporate documentation, which states that person signing this proposal is an authorized person to sign for and legally bind the corporation.

Unit Pricing Form

Item	Description	Unit of Measure	Approx. Quantities	Unit Price	Extended Price
105	REMOVE ASPHALT PAVEMENT	SY	112	\$8.00	\$896.00
251	REWORK STABILIZED BASE	SY	112	\$10.00	\$1,120.00
340	HMAC (2-IN)(TY D)	SY	80	\$24.50	\$1,960.00
340	SPEED HUMP (HMAC)(TY D)	LS	1	\$3,850.00	\$3,850.00
502	TRAFFIC CONTROL	LS	1	\$500.00	\$500.00
506	EROSION CONTROL LOG	LF	60	\$5.00	\$300.00
					\$8,625.00

Notes:

- 1) Unit Prices are for installed items, and includes all costs of materials, equipment, labor, profit, overhead and subsidiary costs.
- 2) The price for Mobilization/Demobilization shall be inclusive for the entire project (i.e., for the base bid and any additive/alternate bid(s) that the Contractor elect to submit).
- 3) The Contractor is responsible for the total Base Price submitted with this proposal. The Quantities provided are estimates and need to be verified by the Contractor. Units of Measure may be modified by Contractor for industry standards, but line items need to be summarized as shown for work necessary to achieve the proposed improvements. The Contractor will notify the City Engineer of any major discrepancies they believe are shown on the Unit Pricing breakdown to provide an Addendum for equal pricing.

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Myers Concrete Construction, LP.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	
<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>	
5 Address (number, street, and apt. or suite no.) See instructions. PO Box 2928	Requester's name and address (optional)
6 City, state, and ZIP code Wimberley, TX 78676	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
[] [] [] - [] [] - [] [] [] []	
or	
Employer identification number	
3 3 - 1 1 0 7 0 1 7	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <i>Bobby Beatty</i>	Date ▶ <i>01-01-2018</i>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

**Las Flores Speed Bump
BID TABULATION**

					Myers Concrete Construction		Lonestar Sitework		Pendletter Excavation LLC.	
SPEC NO.	ITEM No.	ITEM DESCRIPTION	UNITS	QTY	UNIT PRICE BID	AMOUNT BID	UNIT PRICE BID	AMOUNT BID	UNIT PRICE BID	AMOUNT BID
105	1	REMOVE ASPHALT PAVEMENT	SY	112	\$8.00	\$896.00	\$16.00	\$1,792.00	\$8.00	\$896.00
251	2	REWORK STABILIZED BASE	SY	112	\$10.00	\$1,120.00	\$27.50	\$3,080.00	\$18.00	\$2,016.00
340	3	HMAC (2-IN)(TYPE D)	SY	80	\$24.50	\$1,960.00	\$40.00	\$3,200.00	\$87.50	\$7,000.00
340	4	SPEED HUMP-HMAC (2-IN)(TYPE D)	LS	1	\$3,850.00	\$3,850.00	\$3,871.00	\$3,871.00	\$15,800.00	\$15,800.00
502	5	TRAFFIC CONTROL	LS	1	\$500.00	\$500.00	\$3,636.00	\$3,636.00	\$3,000.00	\$3,000.00
506	6	EROSION CONTROL LOG	LF	60	\$5.00	\$300.00	\$23.00	\$1,380.00	\$20.00	\$1,200.00
TOTAL BASE BID AMOUNT						\$8,626.00		\$16,959.00		\$29,912.00

Notes:

The following organizations were invited to submit a proposal but they have provided no response.

1. Hays County Maintenance Dept. Contact: Aaron Jones
2. Central Texas Road, Inc. Contact: Clay Harris

Prepared By:



Date: Aug 2, 2018



AGENDA ITEM: Ordinance No. 2018-30 – Firearms & Handguns
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This item was placed on the agenda by Mayor Susan Jagers.
 Ordinance No. 2018-30, repealing Ordinance No. 2016-003, prohibiting the possession of certain firearms and handguns on City property is attached. This Ordinance will only need to be read once, not twice, as indicated on the agenda.

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 type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

N/A

ORDINANCE NO. 2018-30
“Repealing Ordinance No. 2016-003”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, REPEALING ORDINANCE NO. 2016-003 PROHIBITING THE POSSESSION OF CERTAIN FIREARMS ON CITY PROPERTY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council ("Council") of the City of Wimberley ("City") finds that it is appropriate to repeal Ordinance No. 2016-003; and

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

SECTION I. FINDINGS OF FACT

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

SECTION II. REPEAL

Ordinance No. 2016-003 is hereby repealed in its entirety.

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided,

however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

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

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

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Ordinance No. 2018-31 – Amending the Office of the City Administrator
SUBMITTED BY: Place 1 Mike McCullough
DATE SUBMITTED: 8/13/2018
MEETING DATE: 8/16/2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Amend City of Wimberley code as follows:

30.32 (A) The office of City Administrator is hereby created and shall report directly to the Mayor for supervision and guidance.

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

ORDNANCE NO. 2018-31

AN ORDINANCE AMENDING CHAPTER 30 (CITY GOVERNMENT), SUBSECTION 30.32(A) (OFFICE OF THE CITY ADMINISTRATOR) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley seeks to provide for professional administration of municipal services for the citizens of Wimberley; and

WHEREAS, it is customary and reasonable for a municipality the size and complexity of the City of Wimberley to employ administrative staff for the purposes of managing daily activities under the direction and supervision of the Mayor and City Council; and

WHEREAS, pursuant to the laws of the State of Texas, including Chapter 22 of the Texas Local Government Code, the City Council may establish such municipal officers and agents deemed necessary.

NOW THEREFORE, be it ordained by the City Council of the City of Wimberley, County of Hays, State of Texas:

SECTION I. FINDINGS OF FACT

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

**SECTION II. AMENDMENT
OFFICE ESTABLISHED**

- A. The office of "City Administrator" is hereby created and shall report directly to the Mayor for supervision and guidance.
- B. The Administrator shall be appointed by majority vote of the City Council for an indefinite term. The Administrator shall serve at the will of the City Council. The Administrator shall be chosen by the City Council on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office hereinafter set forth.
- C. The City Council may remove the Administrator at any time by a majority vote of its Members with or without cause.
- D. The Administrator shall receive compensation as the Council shall fix from time to time.
- E. The City Council hereby reserves unto the Mayor and Council all the authority and powers of the city not clearly delegated to the Administrator. Except to the extent

specifically authorized by state law, the Administrator shall never have any authority to take any action whatsoever to overturn, offset, defeat, veto, or nullify any action by or vote of the Mayor or Council.

- F. The Administrator must reside within the city limits or have a 20-minute response time in cases of emergency within the city that require the Administrator’s physical presence.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

SECTION V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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 16th day of August, 2018.

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Resolution No. 24-2018
SUBMITTED BY: Gary Barchfeld
DATE SUBMITTED: August 9, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and Consider a resolution that allows the Mayor of the City of Wimberley and the Mayor Pro Tem to review and investigate Cost saving initiatives and alternative methods of business for the City of Wimberley including the wastewater treatment project. This resolution empowers the Mayor to continue in the tasks she has been doing but provides the Mayor Pro Tem the ability to assist her as she proceeds in her quest to find ways to efficiently and economically run the City.

REQUESTED ACTION

Motion	<input checked="" type="checkbox"/>
Discussion	<input checked="" type="checkbox"/>
Ordinance	<input type="checkbox"/>
Resolution	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

FINANCIAL

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

STAFF RECOMMENDATION

RESOLUTION NO. 24-2018

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

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

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

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

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

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

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

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

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

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

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

THE CITY OF WIMBERLEY, TEXAS

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary





AGENDA ITEM: Visitor Center Operations Agreement
SUBMITTED BY: Patricia Cantu Kelly
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Acknowledge and accept the Notice of Termination for the Visitor Center Operations Agreement between the City of Wimberley and Wimberley Convention and Visitors Bureau Foundation. The termination letter is attached.

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 type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION



P.O. Box 12
Wimberley, Texas 78676
(512) 847-2201
info@wimberley.org
www.wimberley.org

BOARD OF DIRECTORS

July 23, 2018

Executive Committee

Shawn Cox
Wimberley City Hall
HAND DELIVERED

Brent Pulley
Chair

Jerri Roberts
Vice Chair

Michael Scott
Treasurer

Judy Roach
Secretary

NOTICE OF TERMINATION

Dear Shawn,

The following is an excerpt from the minutes of a special meeting to the Board of Directors of the Wimberley Valley Chamber of Commerce and the Wimberley Convention and Visitors Bureau Foundation held via email on Monday July 23, 2018:

Directors

April Anderson

Peggy Crakes

LD Hansen

Zoe Hudson

Greg Howard

Michael Harthcock

Karen Poe

Josh Smith

Linda Webb

A motion was made to the Board as follows:

1. The contract between the City of Wimberley and the Wimberley Convention and Visitor Bureau Foundation, dated February 15, 2018 the "Contract", be formally terminated by this Board as of today.
2. All monies received by the Visitor Center which were intended to compensate the Visitor Center for future expenses related to the terms of our agreement (\$12,250) be returned to the city today with no further actions to be taken by the Visitor Center related to our contract.
3. Any and all involvement with the City of Wimberley, and any committee's thereof, by the Wimberley Valley Chamber of Commerce or the Wimberley Convention and Visitor Bureau Foundation in any capacity regarding or related to the collection and/or disbursement of hotel tax funds be terminated effective immediately.

Executive Director
Cathy Moreman

Finance Director
John Palumbo

With unanimous carry, the above motion was approved.

Therefore, the Contract is hereby TERMINATED in accordance with the Motion, our previous letter of June 22, 2018, and the terms of the Contract. A check for the aforementioned \$12,250.00 is enclosed.

Michael Scott
Treasurer

Wimberley Convention and Visitors Bureau Foundation

Hotel Tax Funding Request for:

Actual Expenses for the Fiscal Year Ended 9/30/17
 And Certain Projected Expenses for the Fiscal Year
 ending 9/30/18

	Actual Fiscal Yr Ended 9/30/2017	City HOT Share	City Funding Amount
Operating Expenses			
* Annual Audit	3,500	100%	3,500
Hospitality	1,587	75%	1,190
Copier Lease	2,282	75%	1,712
Insurance	1,202	75%	902
Office Supplies	1,491	75%	1,118
Postage	746	75%	560
Cleaning	2,616	75%	1,962
Repairs/Maintenance*	1,150	75%	863
Utilities - Electric	2,091	75%	1,568
Utilities - Water	454	75%	341
Utilities - Trash	834	75%	626
Telephone	1,858	75%	1,394
** Staff Wages (New Part-time Position Non-management)	23,400	100%	-
** Staff Payroll Taxes (Non-management)	1,790	100%	-
Salaries - Management	97,924	25%	24,481
Payroll Tax Management	7,491	25%	1,873
Total	150,416		42,087
 Furniture, Fixtures and Equipment			
* Lobby Renovation (To accommodate lodging, tourism)	5,000	100%	5,000
* Furniture/Fixtures	2,500	100%	2,500
* Computers	750	100%	750
* Computer Maintenance	500	100%	500
	8,750		8,750
Rounding			3
	159,166		50,840

* These are projected expenses for the Fiscal Year ending 9/30/18

** This is a permanent, part-time clerical level position we would like to add at 30/hr per week, \$15/hr. We are projecting a hire date of 7/1/18.

AS APPROVED 3/29/18



AGENDA ITEM: MindEcology Contracts/Services
SUBMITTED BY: Patricia Cantu Kelly
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding the MindEcology contracts/services.
 The Hotel Occupancy Tax Advisory Committee voted unanimously on August 9th that the “Stay” tab on the website <https://visitwimberleytexas.com/> be removed until the site can be properly populated with hotel lodging facilitators in the City and ETJ that have paid the hotel occupancy tax.

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 type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION



AGENDA ITEM: Ordinance No. 2018-32 – HOT Advisory Committee
SUBMITTED BY: Patricia Cantu Kelly
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Attached is Ordinance No. 2018-32, amending Ordinance No. 2018-26, for the Hotel Occupancy Tax Advisory Committee. The changes are redlined in the Ordinance.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

ORDINANCE NO. 2018-32

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

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

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

~~**WHEREAS**, the City Council of the City of Wimberley, Texas desires to amend the formal appointment process for the Hotel Occupancy Tax Advisory Committee by formally recognizing the Memorandum of Consensus between the Wimberley Valley Chamber of Commerce and the Wimberley Valley Lodging and Tourism Association and finds that the procedures herein will enhance the membership of the Committee;~~

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENT

Ordinance No. ~~2017-020~~2018-26, Section II, Hotel Occupancy Tax Advisory Committee, is hereby amended as follows:

- A. **Purpose.** There is hereby established a ~~seven-six (7)(6)~~ member Hotel Occupancy Tax Advisory Committee (Committee), which shall oversee the implementation, collection, and use of hotel occupancy tax dollars.
- B. **Membership.**
 - 1. The ~~seven~~six (6) members of the Committee shall be selected from the following representative groups:
 - a. Four Lodging Operator representatives nominated by the Wimberley Valley Tourism and Lodging Association Board, which shall include:
 - i. Two large lodging facility representatives (over \$250,000 in annual lodging revenue)

- ii. One small lodging facility representative (operator with less than three lodging rooms or less than \$ 250,000 in annual lodging revenue).
- iii. One lodging reservation booking representative.

~~b. One Chamber Representative nominated by the Chamber of Commerce Board.~~

~~e.b.~~ One Arts/Historical Attraction Representative nominated by the Wimberley Valley Arts and Cultural Alliance.

~~d.c.~~ One Merchants Association Representative nominated by the Wimberley Merchants Association.

2. Each Committee member shall be appointed to a two (2) year term and may be reappointed by the Council for two additional consecutive two-year terms. After serving a third consecutive two-year term, an individual is not eligible for reappointment for two-years. The initial terms for one of the two large lodging facility representatives, the lodging reservation booking representative, the Merchants Association Representative and the Arts/Historical Attraction Representative shall be for one-year. The initial term for the remaining members (one large lodging facility representative, one small lodging facility representative, ~~one Chamber representative~~) shall be for two-years.
3. Each Responsible Organization (Wimberley Valley Tourism and Lodging Association Board, ~~Chamber of Commerce Board~~, Wimberley Valley Arts and Cultural Alliance, and Wimberley Merchants Association) shall provide its slate of nominees to the City Council no later than thirty (30) days from the effective date of this Ordinance; otherwise, the Council may nominate ~~committee~~ Committee members of its own choosing.
4. All nominees must be representatives of a business or entity that is located within the city limits or extraterritorial jurisdiction of the City of Wimberley.
5. Appointment to the Committee is subject to the approval of a majority vote of the Council. Members shall serve at the pleasure of the Council, and any member may be removed by majority vote of the Council at any time. In the event of removal, the Responsible Organization shall provide a replacement nominee no later than thirty (30) days from the date of the vacancy; otherwise, the Council will nominate a person of its own choosing to fill the vacant position.

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

1. The Committee shall review revenue received by the City through the Hotel Occupancy Tax and shall make recommendations to the City Council regarding appropriate expenditures.
2. The Committee shall formulate a plan for expenditures of Hotel Occupancy Tax revenue by the City and shall update the plan as requested by Council.
3. The Committee shall submit an annual report to the Council that identifies approved expenditures by the City for the preceding year, discusses approved and proposed expenditures in the context of compliance with state law regarding the use of Hotel Occupancy Tax funds, and evaluates the effectiveness of approved Hotel Occupancy Tax expenditures and programs.
4. All recommendations of the Committee are subject to approval of the Council. The Committee shall not spend any money or authorize the expenditure of any money.

D. **Procedures.**

1. All meetings of the Committee shall satisfy the requirements of the Texas Open Meetings Act.
2. The Committee shall elect a Chairperson, Vice-Chairperson, and Secretary on an annual basis.
3. All Committee recommendations to the City Council shall require a majority vote of the members. an affirmative vote of three-fourths of all members of the Committee (a "Super-Majority" vote).

~~SECTION III. DISSOLUTION OF PRIOR HOTEL OCCUPANCY TAX ADVOSORY COMMITTEE~~

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

~~SECTION III~~IV. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or

as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION IV. SEVERABILITY

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

SECTION VI. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VII. EFFECTIVE DATE

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

SECTION VIII. PROPER NOTICE AND MEETING

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

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

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Ordinance No. 2018-33 – Short-Term Rental Review Committee
SUBMITTED BY: Patricia Cantu Kelly
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Attached is Ordinance No. 2018-33, amending Ordinance No. 2018-28, for the Short-Term Rental Review Committee. The changes are redlined in the Ordinance.

Also, three new appointments will be made to the Committee, after passage of the Ordinance. They are as follows:

- Suzanne Davis
- Jenni Marino
- Tim Dodson

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

ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, ESTABLISHING A NEW SHORT-TERM RENTAL REVIEW COMMITTEE; SETTING FORTH THE CHARGE OF THE COMMITTEE; PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY.

WHEREAS, the City of Wimberley, after the adoption of the City's Zoning Code in 2001, requires properties wishing to operate short-term rentals apply for and acquire a Conditional Use Permit (CUP); and

WHEREAS, properties operating as short-term rental prior to the Zoning Code in 2001 have been grandfathered; and

WHEREAS, City Council wishes to ensure all short-term rentals are in compliance with the City's Code of Ordinances;

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

SECTION I. FINDINGS OF FACT

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

SECTION II. PURPOSE

A new Short-Term Rental Review Committee is hereby established to serve in an advisory capacity to: 1) review the City's Conditional Use Permit process, 2) identify non-compliant short-term rentals, and 3) outlining a procedure for bringing identified properties into compliance, and 4) make actionable recommendations to City Council. The foregoing shall be said Committee's sole charge, but City Council may by future action add to the charge and may extend the Committee's term up to a total period of less than one (1) year.

III. COMPOSITION

The newly established Short-Term Rental Review Committee shall be composed of ~~four~~ seven (4 7) persons and two (2) City Council liaisons who are appointed by action of the City Council of the City of Wimberley, Texas, for a one (1) year term commencing on August 1, 2018.

IV. DUTIES OF COMMITTEE

The Committee shall hold public meetings, conduct work sessions and advise City Council regarding short-term rentals within the corporate limits and the extraterritorial jurisdiction.

V. SEVERABILITY

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

VI. EFFECTIVE DATE

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

VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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 16th day of August, 2018.

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Current Central Wimberley Wastewater Project
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to continue with the current Central Wimberley Wastewater Project, as funded, including immediately removing the pause on the Black Castle General Contractor contract.

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



AGENDA ITEM: Issues Related to Central Wimberley WW Project
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding issues relating to the current Central 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: Economic Development Administration (EDA)
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 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



AGENDA ITEM: Texas Water Development Board (TWDB)
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: August 13, 2018
MEETING DATE: August 16, 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 | <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