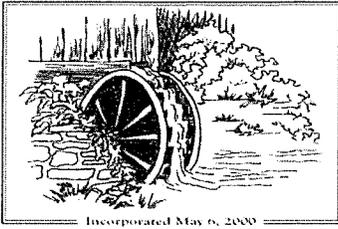


**SPECIAL CITY
COUNCIL MEETING
PACKET**

Tuesday, September 11, 2018

5:30 p.m.



City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, SEPTEMBER 11, 2018 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** September 11, 2018 at 5:30 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **PROCLAMATION**
Proclamation of the City of Wimberley, Texas proclaiming the month of September 2018 as Hunger Action Month in Wimberley.
6. **PRESENTATION AND POSSIBLE ACTION**
Presentation and consider possible action to approve Resolution No. 25-2018, supporting a “No Kill” policy for the San Marcos Regional Animal Shelter.
7. **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.
8. **EXECUTIVE SESSION**
In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

- A. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

9. CONSENT AGENDA

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

- A. Approval of minutes from the Special City Council Meeting held August 7, 2018.
- B. Approval of minutes from the Special City Council Meeting held August 14, 2018.
- C. Approval of minutes from the Regular City Council Meeting held August 16, 2018.
- D. Approval of minutes from the Special City Council Meeting held August 21, 2018.
- E. Approval of the resignation of Traci Ferguson from the Hotel Occupancy Tax Advisory Committee.
- F. Approval of the appointment of Craig Calley as the Merchants Association Representative to the Hotel Occupancy Tax Advisory Committee.
- G. Approval of Place Two Council Member Craig Fore's appointment of John Urban to Wastewater Ad Hoc Advisory Committee.
- H. Approval of the Chapman Firm, PLLC provide legal services to the City of Wimberley.
- I. Approval of Fiscal Year 2019 City of Wimberley Holiday Schedule.

10. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project and City road projects

11. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding revisions to the City of Wimberley Parks Master Plan.
- B. Discuss and consider possible action regarding local Scout troops camping access to the swim lawn at Blue Hole Regional Park.
- C. Discuss and consider possible acting regarding a request to operate a food trailer at 411 FM 2325 in Wimberley, Texas.

- D. Discuss and consider possible action regarding the Hotel Occupancy Tax Advisory Committee's sunset review process.
- E. Discuss and consider possible action regarding the Hotel Occupancy Tax Advisory Committee's Tourism Plan.
- F. Discuss and consider possible action to consider Chamber of Commerce/Visitor Center contract performance.
- G. Discuss and consider possible action regarding the hotel occupancy tax.
- H. Discuss and consider possible action regarding Hazard Mitigation Grant Program (HMGP) surveys.

12. CITY COUNCIL REPORTS

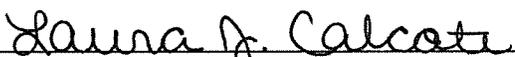
- A. Announcements
- B. Future agenda items

13. ADJOURNMENT

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

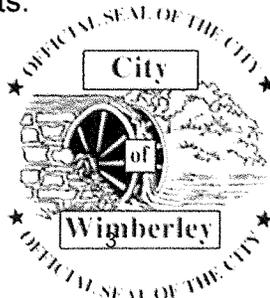
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Friday, September 7, 2018, by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

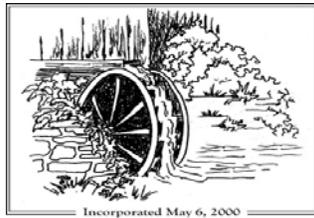


 Laura J. Calcote, City Secretary

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.



City of Wimberley



Proclamation

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

WHEREAS, hunger remains a significant problem in Texas, with approximately 4.3 million people suffering from food insecurity in our state; and

WHEREAS, over 1.6 million Texas children live in households that have difficulty providing enough food and hardworking families must make difficult choices between necessities, such as rent, food, utilities and/or medicine; and

WHEREAS, over 2,000 Wimberley residents potentially qualify to receive SNAP benefits but only 27% of them are actually receiving these benefits; and

WHEREAS, Hays County Food Bank represents a county-wide effort to feed and provide nutrition education to the hungry, made possible by the generous contributions of individuals, civic organizations, local government, and businesses, including the more than 21,000 volunteer hours donated in 2017; and

WHEREAS, Hays County Food Bank distributed over 700,000 pounds of food via its 7 public food distributions, multiple partner agencies, and to students through their backpack program, as well as provided a traditional holiday meal for over 6,000 individuals, nearly 150 of which reside in Wimberley; and

WHEREAS, a \$25 donation can provide 100 meals through the buying power of the food bank, and \$30 provides a family with a turkey and traditional sides for a holiday meal; and

WHEREAS, National Hunger Action Month is a Feeding America effort to raise awareness about the hunger epidemic in the United States and to encourage individuals to take action in some form against hunger;

NOW THEREFORE, I, Susan Jagers, by virtue of the authority vested in me as Mayor of the City of Wimberley, Texas do hereby proclaim the Month of September 2018 as

HUNGER ACTION MONTH IN WIMBERLEY

And call upon the people of Wimberley to pledge to take action against hunger in our community, whether it be by fund or food donation, volunteering, or advocacy.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the City of Wimberley, Texas to be affixed this 11st of September, 2018.

CITY OF WIMBERLEY

Susan B. Jagers, Mayor



AGENDA ITEM: Resolution No. 25-2018 – “No Kill” Policy
SUBMITTED BY: Allison Davis, Place 3
DATE SUBMITTED: July 30, 2018
MEETING DATE: August 16, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding issues related to the San Marcos Regional Animal Shelter and the work of concerned citizen group Fix Hays County, including but not limited to, a presentation from Fix Hays County representative, a resolution to support a shelter commitment to a 90 percent live-outcome rate through rigorous implementation of the No-Kill Equation, and the possible assignment of a councilmember or other official representative to a Inter-local Task Force to supervise the (renamed) Hays County Regional Animal Center.

The City of Wimberley, whose jurisdiction is served by Hays County ACO’s and whose portion of the shelter’s funding entitles Wimberley citizens a voice at the table, could select an official to serve on the proposed Inter-local Task force to supervise the (renamed) Hays County Regional Animal Center to oversee implementation of No Kill. Council members from San Marcos, Kyle, and Buda are already on board with this reform.

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

RESOLUTION NO. 25-2018

A RESOLUTION OF THE CITY COUNCIL OF WIMBERLEY, TEXAS, STATING THE CITY'S SUPPORT AND AGENCY FOR THE ADOPTION OF A "NO KILL" POLICY FOR THE SAN MARCOS REGIONAL ANIMAL SHELTER, AND DIRECTING THE NEWLY-CREATED INTER-LOCAL TASK FORCE TO IMPLEMENT STEPS NECESSARY TO ACHIEVE "NO KILL" STATUS OF NINETY PERCENT (90%) LIVE OUTCOME FOR THE SAN MARCOS REGIONAL ANIMAL SHELTER.

WHEREAS, a "No Kill" animal shelter is identified as saving all healthy and medically treatable dogs and cats that enter the animal shelter system; and

WHEREAS, the Cities of San Marcos, Kyle, Buda, Wimberley, Dripping Springs, along with the County of Hays (heretofore known as Partners) desire to invest time and resources toward the goal of saving the lives of 90% or more of the dogs and cats placed in the San Marcos Regional Animal Shelter; and

WHEREAS, the Partners deem it necessary and proper and in the best interests of the city, county, its citizens, and dogs and cats to have a "No Kill" policy for the San Marcos Regional Animal Shelter; and

WHEREAS, the Partners further desire to make every effort available to improve equipment and facilities, offer expanded support and training opportunities for the SMRAS staff, and strengthen relationships with partner entities to ensure success of a "No Kill" policy for the region's animal shelter; now, therefore,

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

Section 1. The San Marcos Regional Animal Shelter Partners hereby establish a target of fully implementing a "No Kill" animal shelter policy by January 1, 2019.

Section 2. The Partners hereby direct the Animal Shelter to implement and recommend all actions necessary to achieve said goal on or before the target date and to provide timely updates and recommendations to the Partners and Inter-Local Task Force for consideration.

Section 3. The Partners hereby direct the City of Wimberley City Administrator to provide a monthly report on the progress for implementation of said "No Kill" policy to be published to the City's website.

PASSED, APPROVED AND RESOLVED this 11th day of September, 2018.

THE CITY OF WIMBERLEY, TEXAS

Susan Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary



FIX HAYS COUNTY



SAVE THEM ALL

Photo by Jennifer Hayes

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Who We Are - Our Mission

Fix Hays County is an alliance of concerned citizens dedicated to achieving a 90 percent live outcome rate at the San Marcos Regional Animal Shelter.

We ask that the SMRAS:

1. Commit to a 90 percent live-outcome rate through rigorous implementation of the No-Kill Equation;
2. Pledge to become transparent – beginning with posting pictures and locations of 100 percent of animals upon intake;
3. Implement low-cost and no-cost spay/neuter programs for companion animals and community cats.

Resources for Local No-Kill information:

- HaysAnimalAdvocates.org/government
- <https://www.facebook.com/groups/hayscountyanimaladvocates/>

Resources for nationwide information:

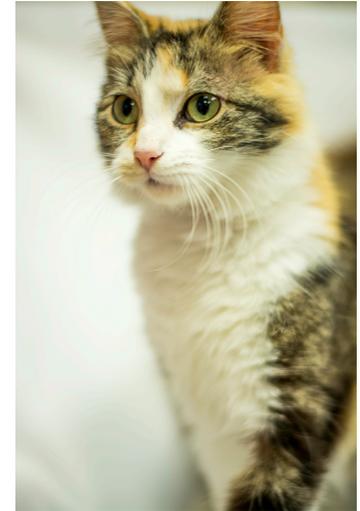
- www.target-zero.org
- <https://bestfriends.org/2025-goal>
- <http://www.nokilladvocacycenter.org/>

High Kill Rate

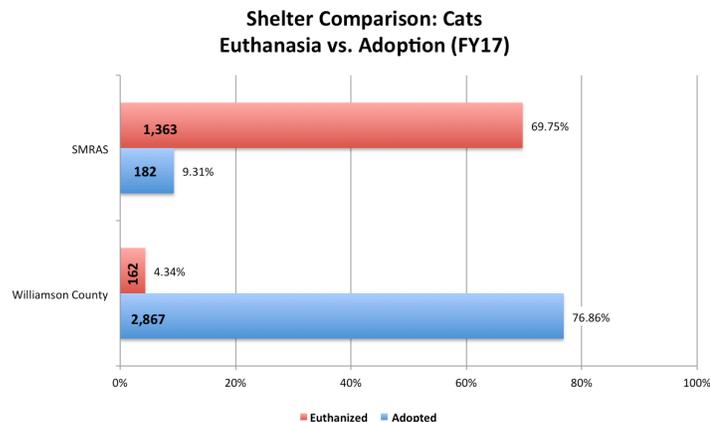
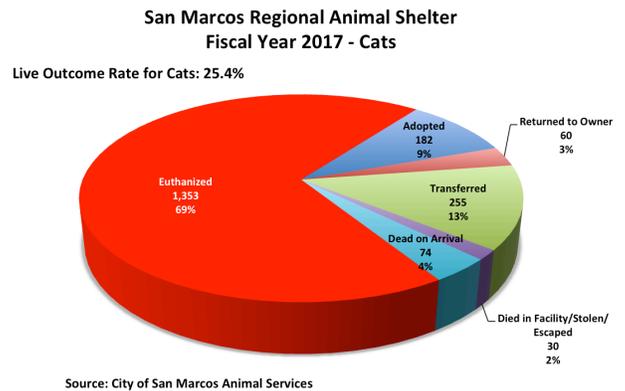
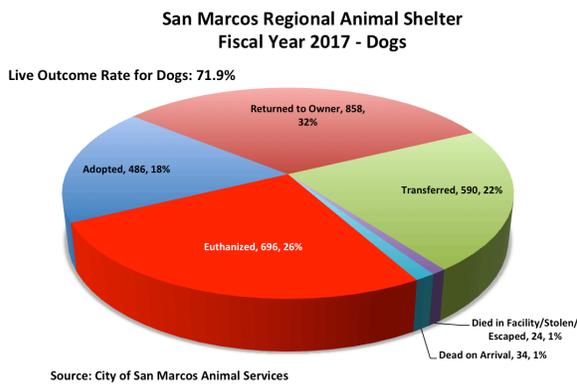
In Fiscal 2017, 4,642 cats and dogs were brought into the San Marcos Regional Animal Shelter. Of these, 2,049 animals were killed – 1,353 cats and 696 dogs.

Two-thirds of the cats brought into the shelter were killed, while one-third of the incoming dogs suffered that fate.

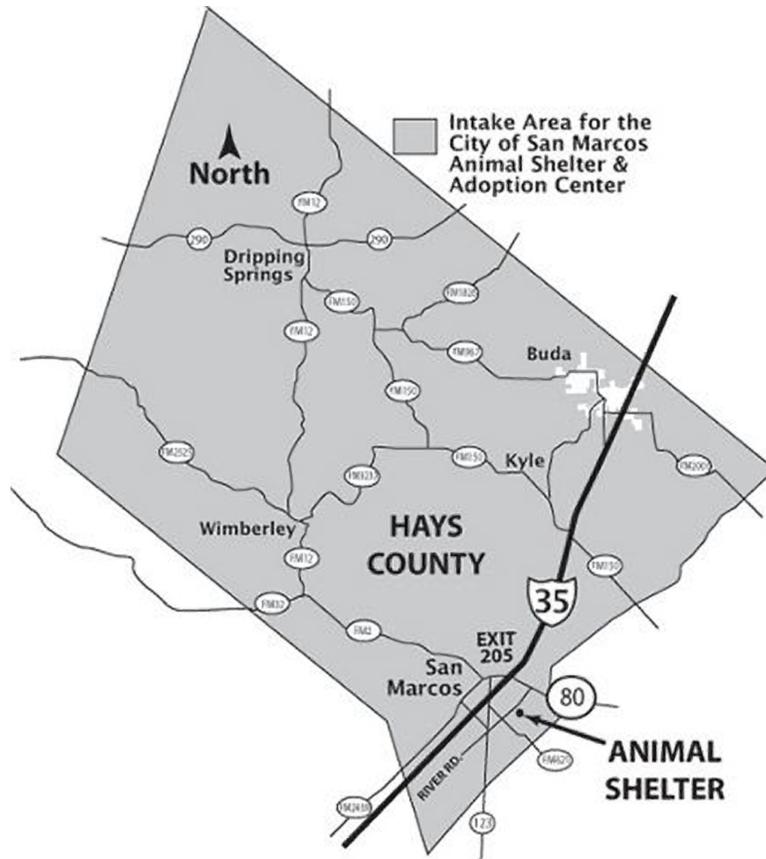
Source: San Marcos Regional Animal Shelter 2017 Annual Report.



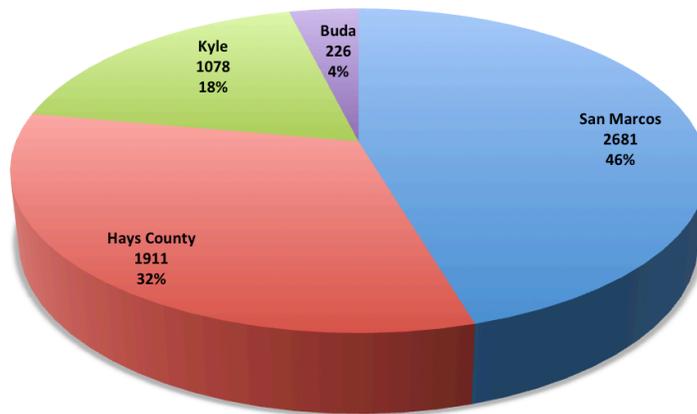
Photos by Greg Mitchum



Source of Shelter Animals



**Animal Intake by Jurisdiction
Fiscal Year 2017**



Source: City of San Marcos Animal Services

There Is a Better Way

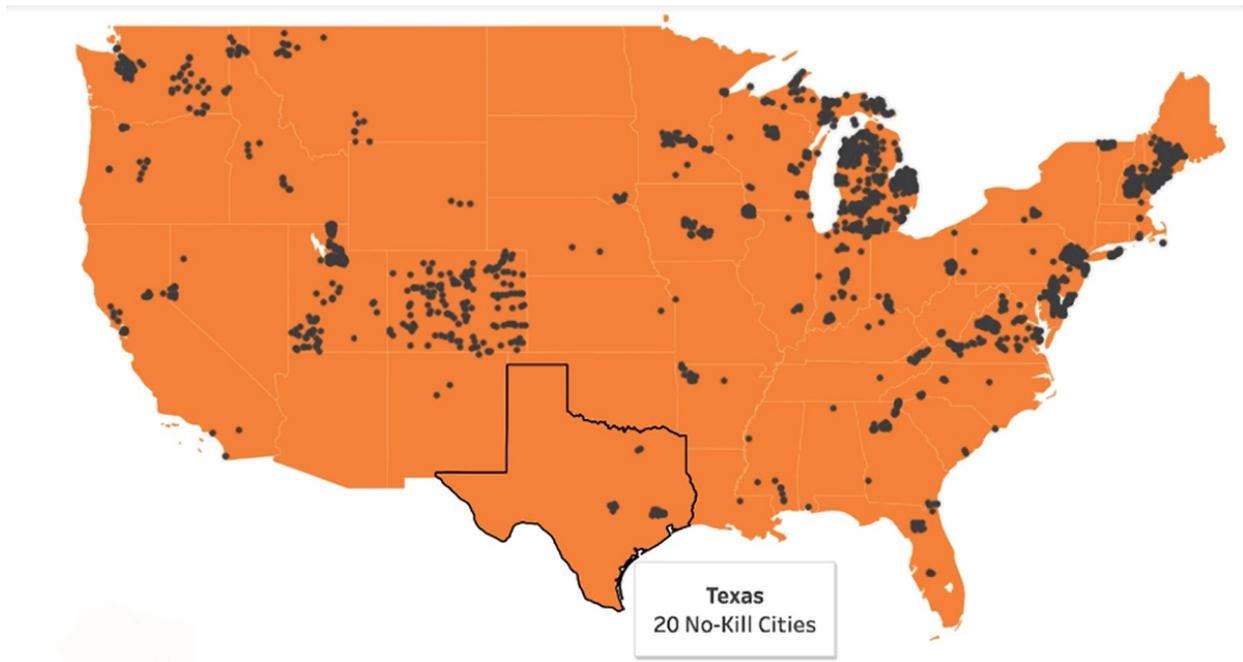
A no-kill community is one whose animal shelters work collectively to save at least **90 percent** of their animals. Its shelters operate under the tenet that **every healthy or treatable animal should be saved**.

Communities across the U.S. with open-intake shelters like the San Marcos Regional Animal Shelter are adopting No Kill policies that SAVE lives.

More than 1,650 communities across the U.S. have achieved 90 percent live outcome rates, in places such as:

- Huntsville, Alabama;
- Fayetteville, Arkansas;
- Williamson County, Texas;
- Rosenberg, Texas;
- and Waco, Texas.

San Antonio and El Paso are working towards No-Kill status, too.



Source: [BestFriends.org](https://www.bestfriends.org)

A note on the term euthanasia vs killing: Euthanasia is a term reserved for an act of mercy, to end the life of an animal that's suffering an irremediable medical condition. We consider it killing when a dog or cat's life is ended to make space for incoming animals, or for some other consideration, such as treatable medical conditions, age, or because it might be a special-needs adoption.

The No Kill Equation

The Hays County No Kill Equation

Goal = 90%+ Live Outcome Rate

- 1 High-Volume, Low-Cost Spay/Neuter
- 2 TNR (Trap, Neuter, Return) for Community Cats
- 3 Working with Rescue Groups
- 4 A Robust Foster Program
- 5 Comprehensive Adoption Programs
- 6 Pet Retention Efforts
- 7 Medical and Behavioral Rehab
- 8 Public Relations & Community Outreach
- 9 Working with Volunteers
- 10 Progressive Field Services & Proactive Redemptions
- 11 Compassionate Leadership

haysanimaladvocates.org

powered by
PIKTOCHART

A Case for Cats

WAYS TO SAVE CATS

Last year, the San Marcos Regional Animal Shelter took in approximately **1,954** cats from all over Hays County.*



69%

of the cats were **killed**

Why?



- too young
- illness
- medical/injured
- aggression/behavior/feral
- lack of space

Proven Solutions

- volunteer **fosters** for kittens
- volunteer **fosters and vet care** for cats with illness & injuries
- **trained staff and more time** to evaluate cats with behavior issues
- **TNRM-positive** staff and volunteers to fix and return feral cats



HOW YOU CAN HELP

- Let your elected officials and shelter staff know you care about cats
- Volunteer with the shelter to foster cats & kittens



*Numbers from the San Marcos Regional Animal Shelter FY 2017 report.

Save the Cats of Hays County

No-Kill Benefits

Benefits of transitioning to a No-Kill Shelter

- It attracts grant funding and donations for the shelter
- It attracts more volunteers – people want to support a shelter that is saving lives and doing good work
- It's a better use of tax dollars than outdated catch-and-kill methods
- It aligns with community values
- It's the right thing to do
- It's good PR

Supporting No-Kill Initiatives is a Good Investment

According to a University of Denver study, Austin's no-kill policy has a \$157 million economic impact – from increased employment in animal services to the increased use of pet care and pet retail services.

An additional benefit appears to be the positive contribution of Austin's progressive animal welfare policies to its brand equity. This impact is important as municipalities compete to attract employee demographics that in turn draw new business and new economic growth to their area.

Sources:

- KXAN news, "New study: Austin's 'No Kill' policy has \$157 million economic impact"
- No Kill Advocacy Center, "Dollars and Sense: The Economic Benefits of No Kill Animal Control"



Photos by Jennifer Hayes

The Savings and Cost of No Kill

Free Life-saving Strategies

1. Utilize more fosters and volunteers
2. Reduce intakes via progressive field services. Penalize ACO's who bring microchipped or tagged dogs to the shelter rather than returning them to their owners.
3. Proactive redemption services. Counsel owners who surrender their pets, helping them with behavior problems, spay/neuter surgery or resources so they can keep their pets in their homes.
4. TNR-friendly procedures. Don't trap feral cats and bring them to the shelter unless it's to sterilize them and return them from where they came. Educate the public on TNR and how they can help feral/community cats.
5. Advise people who surrender dogs and cats of the likelihood that they will be killed. Give people info on how to properly re-home their pets if they so choose.
6. Seek grants from PetCo, Maddie's Fund and Best Friends to fund spay/neuter and life-saving initiatives.

Saving Money

For every animal that is kept OUT of the shelter, SMRAS saves approximately \$215.

That calculation is based on total SMRAS budget for FY 2017

budget for shelter and animal control: \$1,272,335
minus 21% of animals that are 'other' 4,642 dogs and cats / 5,896
equals budget for dogs and cats: \$1,001,726
divided by total intake for dogs and cats: 4,642
equals \$215 per animal

For every shelter day that a FOSTER cares for an animal, **the savings is approximately \$8-9 per cat and \$14-15 per dog (per day)**. Based on data from Cheryl Schneider, Animal Services Director of the Williamson County Animal Shelter

For every animal that is STERILIZED, you can expect to save approximately \$1,020 on future impounds. See *Spay/neuter savings calculator* here: <https://goo.gl/hKbMLg>

You can expect to pay more for things like extra vet care needed to treat sick and injured animals. **The increase in community donations, grant funding and volunteers can offset costs.**

A note on staffing: The shelter should be staffed up enough to manage the facility when every cage is full. If they're not, then adding staff is a staffing issue, not an issue related to No Kill.

Mandatory Spay/Neuter Laws

The Animal Shelter Advisory Committee proposed a mandatory spay/neuter ordinance at their meetings on June 6 and July 10, 2018 that reads, “all dogs or cats in the corporate city limits shall be spayed/neutered.” At first glance, this may seem like a good idea, but when the community lacks resources for free and low-cost surgeries and there’s not adequate community outreach, those laws punish those most in need of help and result in a higher rate of shelter intake and killing. Several humane organizations back up this claim with data, beginning with the ASPCA.

The ASPCA

<https://www.asPCA.org/position-statement-mandatory-spayneuter-laws>

The ASPCA does not support laws that mandate spay/neuter of all owned animals within a community; however, based on currently available scientific information, the ASPCA strongly supports spay/neuter as an effective means to reduce shelter intake. In particular, the ASPCA supports voluntary, affordable, accessible spay/neuter programs for owned pets, Trap-NeuterReturn (TNR) programs for feral cats and the mandatory sterilization of shelter animals and dogs and cats prior to sale by pet stores. For all of the reasons articulated here, the ASPCA does not support laws that mandate spay/neuter of owned animals that come to shelters as strays as a prerequisite of returning them to their owners. However, provisions that incentivize spay/ neuter in these situations can be an effective strategy that does not create unintended negative consequences, such as preventing low income owners from reclaiming pets due to inability to pay applicable fees. For example, localities and shelters may consider waiving redemption fees if owners opt to spay or neuter their pets (at no or low cost) to incentivize spay/neuter, ensure it is not cost prohibitive to pet owners, and reunite more pets with their families.

Best Friends

<https://bestfriends.org/about-best-friends/policies-and-position-statements>

Underfunded mandatory spay neuter laws punish pet owners and ultimately lead to higher shelter intake numbers and more pets killed. Best Friends stands firmly against mandatory spay and neuter unless three critical conditions can be met and adequately funded:

1. Affordability of surgery, up to and including free options (for low-income pet owners).
2. Surgery centers that are easily accessible for all residents.
3. Appropriate communication about the available options for surgeries before any ordinance enforcement takes place.

The Humane Society of the United States

<https://www.animalsheltering.org/page/advocate-spayneuter-laws>

Contact Information

Fix Hays County

Kate Shaw: kate.h.shaw@gmail.com; cell 512.619.3610

Sharri Levine Boyett: sharriboyett@gmail.com; cell 512.216.7131

San Marcos Regional Animal Shelter

Kara Montiel, Animal Services Manager

Address: 750 River Rd, San Marcos, TX 78666 / Phone: 512.805.2650

City of San Marcos

Jeff Caldwell, Director of Neighborhood Services Email: jcaldwell@sanmarcostx.gov

Steve Parker, Assistant City Manager 512-393-8106

Bert Lumbreras, City Manager 512-393-8100

Hays County Entities that Partner with SMRAS

Kyle: Kyle Police Department 512-268-3232 / 1-2 Animal Control Officers

Buda: Buda Police Department, Bill Kuykendall, 512.312.1001

Hays County: Sheriff Gary Cutler, 512-393-7800 / 4 Animal Control Officers, 512-393-7896

Wimberley, Dripping Springs, and other towns not listed are covered by Hays County

Animal Shelter Advisory Committee

- Gail Ann Sharp, Citizen at Large
- Kara Montiel, City of San Marcos Official Representative
- Bill Kuykendall, City of Buda Official Representative, Buda Police Department 512.312.1001
- Steven Heath, Animal Shelter Operations Representative
- Patricia Shaffer, Animal Welfare Organization Representative
- Jeff Jorgensen, Veterinarian 512.754.6333
- Debbi Jackson, Hays County Official
- Brianna Brecher, City of Kyle Official Representative, Kyle Animal Control Officer 512.268.3232

The Animal Shelter Advisory Committee consists of 8 members; 1 licensed veterinarian, 1 city official, 1 person whose duties include the daily organization of the shelter, 1 animal welfare organization and 1 City or ETJ resident; 1 representative of City of Kyle; 1 representative from the City of Buda, and 1 Hays County representative.

Responsibilities: This board provides advice regarding the animal shelter and animal welfare.



OFFICE OF THE COUNTY AUDITOR

712 S. Stagecoach Trail, Suite 1071
San Marcos, Texas 78666

Marisol Villarreal-Alonzo, CPA

512-393-2283

County Auditor

marisol.alonzo@co.hays.tx.us

www.co.hays.tx.us

Vickie G. Dorsett

Assistant County Auditor

vickie.dorsett@co.hays.tx.us

October 30, 2017

Mayor
City of Wimberley
PO Box 2027
Wimberley, TX 78676

Dear Mayor,

Please submit payment of \$6,000.00 for Fiscal Year 2018 (October 1, 2017 to September 30, 2018) Animal Control services per the Interlocal Agreement between Hays County and the Village of Wimberley. Please forward your payment to:

Hays County Auditor's Office
712 S. Stagecoach Trail
Suite 1071
San Marcos, TX 78666

Please feel free to contact our office if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

Vickie G. Dorsett
First Assistant County Auditor

VGD/as

NOV - 7 2017

RESOLUTION NO. R-71-2004

INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE VILLAGE OF WIMBERLEY RELATING TO ANIMAL CONTROL

STATE OF TEXAS §
§
COUNTY OF HAYS §

This Interlocal Cooperation Agreement ("Agreement" is made by and between Hays County, a political subdivision of the State of Texas ("County"), represented by County Judge Jim Powers, and the Village of Wimberley, a municipal corporation ("City"), represented by Mayor Stephen J. Klepfer.

RECITALS:

WHEREAS, the County and City are Authorized to enter into this Agreement pursuant to the provisions of the Interlocal Cooperation Act, Texas Government Code, Section 791.001 et seq; and,

WHEREAS, the County has enacted Ordinance No. 17901, the Hays County Animal Control Ordinance, pursuant to Chapters 822 and 826 of the Texas Health and Safety Code; and

WHEREAS, the County and City have determined that it is in the best interest of the citizens of Hays County to provide animal control services to protect the public health and safety; and

WHEREAS, the County has in the past and is currently providing animal control services within the corporate limits of the City:

NOW THEREFORE the County and City agree as follows:

I. OBLIGATION OF THE COUNTY

The County shall continue to provide animal control services to the City pursuant to the County's Animal Control Ordinance, and according to the terms and conditions described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II. OBLIGATIONS OF THE CITY

The City shall pay to the County the sum of \$6,000.00 annually for the animal control services to be provided by the County. The City shall pay for the performance of the services provided by the Country from current revenues available to the City.

III. TERM

The term of this agreement will commence on the effective date as evidenced by the last signature provided below and subsequent to approval by the governing bodies of both parties and will continue until September 30, 2004.

IV. COOPERATION

The County and the City agree to cooperate with each other in good faith at all times during the term of this agreement in order to achieve the purposes and intent of this agreement.

V. ENTIRE AGREEMENT

This agreement contains the entire agreement between the parties respecting the subject matter hereof, and supersedes all prior understandings and agreements between the parties regarding this subject. This agreement may not be modified or amended except by written agreement duly executed by the parties.

VI. INTERPRETATION

The parties acknowledge and confirm that this agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act. All terms and provisions hereof are to be construed and interpreted consistently with that Act.

VII. SEVERABILITY

Any clause, sentence, paragraph or article of this agreement which is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect shall not be deemed to impair, invalidate, or nullify the remainder of this agreement if the agreement can be given effect without the invalid portion.

VIII. APPLICABLE LAWS

This agreement shall be construed in accordance with the laws of the State of Texas. All obligations hereunder are performable in Hays County, Texas, and venue for any action arising hereunder shall be in Hays County, Texas.

IX. AUTHORIZATION

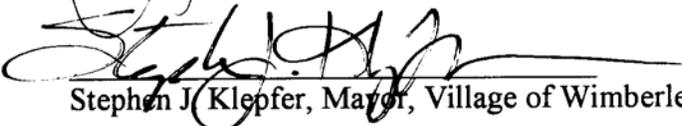
Each party hereto acknowledges and represents that this agreement has been duly authorized by its respective governing body.

PASSED AND APPROVED at a meeting of the Commissioners' Court of Hays County, Texas on the 3 day of February, 2004, and the City Council of the Village of Wimberley, Texas on the 15th day of January, 2004.



Jim Powers, Hays County Judge

Date: 2-3-04



Stephen J. Klepfer, Mayor, Village of Wimberley

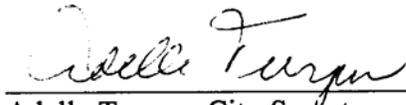
Date: 1/19/4

ATTEST:



Lee Carlisle, Hays County Clerk

ATTEST:



Adelle Turpen, City Secretary
Village of Wimberley



FOURTH AMENDED
HAYS COUNTY ANIMAL CONTROL ORDINANCE
NO. 20893

AN ORDINANCE OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, TO ESTABLISH A RABIES CONTROL PROGRAM, REQUIRE THE LICENSING AND RESTRAINT OF CERTAIN ANIMALS, DESIGNATE A LOCAL ANIMAL CONTROL AUTHORITY, REGULATE DANGEROUS DOGS, DECLARE A PUBLIC NUISANCE AND PROVIDE PENALTIES PURSUANT TO CHAPTERS 822 AND 826 OF THE TEXAS HEALTH & SAFETY CODE.

WHEREAS, the Commissioners' Court of Hays County is authorized by Chapter 822 of the Texas Health & Safety Code to enact a local ordinance to regulate the registration and restraint of animals; and

WHEREAS, the Commissioners' Court of Hays County is authorized by Chapter 826 of the Texas Health & Safety Code to enact a local ordinance to require rabies vaccinations and other measures as a means to prevent the dangerous spread of rabies; and

WHEREAS, it is the intent of the Commissioners' Court to enact this animal control ordinance in an effort to protect the public health and safety of Hays County residents and encourage the humane treatment of animals;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, THAT: The following provisions were adopted the 18th day of **MARCH, 2003.**

SECTION 1. INTENT AND AUTHORITY

Section 1.1. Authority. These regulations are adopted by the Commissioners' Court of Hays County, Texas, acting in its capacity as the governing body of Hays County, Texas as authorized by Chapters 822 and 826 of the Texas Health & Safety Code.

Section 1.2. Intent. It is the intent of the Commissioners' Court of Hays County, Texas, to enact this ordinance in order to protect the public health and safety of the citizens of Hays County and the Commissioner's Court hereby declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety. This ordinance is further intended to encourage the humane treatment of animals and prevent cruelty to animals.

Section 1.3. *Strict Liability.* Unless otherwise indicated, any person who violates a section of this ordinance shall be strictly liable for such violation and shall be subject to the penalties herein established.

Section 1.4. *Municipal Ordinances to Supersede.* This ordinance shall not prevent a corporate municipality within the county from establishing any rules and regulations to control animals within its corporate limits. Any such ordinance established by said corporate municipalities shall supersede this ordinance thereby preventing dual enforcement. In such cases, this ordinance will not be enforced within the corporate limits of any municipality.

SECTION 2. DEFINITIONS

As used in this ordinance, the following words and phrases shall have the following meanings:

Section 2.1. *Animal Control Officer.* Any person designated by the Hays County Sheriff or his designee to perform the duties outlined in this ordinance.

Section 2.2. *Animal Owner.* Any person who owns, keeps, or has custody or control of an animal for a period of ten (10) days or more.

Section 2.3. *Bite.* Any puncturing, tearing, or scratching of the skin caused by an animal's teeth.

Section 2.4. *Cat.* Felis Catus.

Section 2.5. *Dangerous Dog.* A dog is dangerous if it:

- a) makes an unprovoked attack on a person causing bodily injury and the attack occurs in a place other than an enclosure in which the dog is being kept; or
- b) commits unprovoked acts in a place other than an enclosure in which the dog is being kept and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Section 2.6. *Dog.* Canis Familiaris.

Section 2.7. *Domestic Animal.* Any animal that is owned, kept or controlled by a person.

Section 2.8. *Holiday.* Those days designated as official holidays by the Hays County Commissioners' Court.

Section 2.9. *Inhumane Treatment.* Any treatment of an animal which deprives the animal of necessary sustenance, including necessary food, clean water and adequate shelter for protection from weather, or any treatment which constitutes torment, physical abuse, mutilation, or lack of proper veterinary care.

Section 2.10. Public Nuisance. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term public nuisance shall mean and include, but not be limited to, any animal that:

- a) repeatedly is at large or stray;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrians or passersby;
- d) chases vehicles or bicycles;
- e) excessively and repeatedly makes unprovoked disturbing noises including, but not limited to, continuous and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to the neighbors or others in close proximity to the premises where the animal is kept or harbored;
- f) attacks other domestic animals;

Section 2.11. Restraint. An animal shall be deemed to be under restraint if it is:

- a) tied in such a way as to prevent it from leaving the owner's premises and from being within ten (10) feet of any public right-of-way;
- b) totally enclosed in a fence constructed in such a way as to prevent it from leaving the owner's premises. The use of a wireless fence which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint; or
- c) accompanied by a responsible person who is able to control it with a leash.

Section 2.12. Running At Large. Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal except when a dog subject to these regulations is under the direct supervision of the owner and is:

- a) on a leash;
- b) held in the hands/arms of the owner or within the limits of the owner's private property and is obedient to that owner's verbal commands;
- c) within an automobile or vehicle of its owners and properly restrained; or
- d) participating in a field trial, dog show, or obedience classes.

Section 2.13. Secure Enclosure. A fenced area or structure that is:

- a) locked;
- b) capable of preventing the entry of the general public including children;
- c) capable of preventing the escape or release of a dangerous dog;
- d) clearly marked as containing a dangerous dog; and
- e) conforms to the requirements for enclosures established by the Animal Control Authority.

Section 2.14. Serious Bodily Injury. An injury characterized by severe bite wounds or severe ripping and tearing of muscle or tissue that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Section 2.15. Stray. Any animal subject to these regulations that is roaming without physical restraint and whose ownership is not readily ascertainable shall be deemed a stray and a nuisance. Absence of a current rabies tab and/or a tag identifying the owner on any animal subject to these regulations is evidence of its status as a stray.

Section 2.16. Vaccinated. An animal which has been currently and properly injected with a rabies vaccine, licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Texas.

Section 2.17. Wild Animal. All species of animals that naturally exist in an unconfined state and are usually not domesticated shall be deemed wild. This definition shall apply whether or not the wild animal has been confined for any duration in any fashion.

SECTION 3. **LOCAL ANIMAL CONTROL AUTHORITY**

Section 3.1. Designation of Animal Control Officer. The Commissioners' Court of Hays County, Texas, hereby designates the Hays County Sheriff as the local health authority and creates the position of Animal Control Officer within the Sheriff's Department to assist with the following:

- a) formulation of rules and procedures to be approved by Commissioners' Court for the enforcement of this ordinance;
- b) supervising the implementation, administration and enforcement of this ordinance.

Section 3.2. Duties of Animal Control Officer. The Animal Control Officer or his authorized designee will be responsible for, but not limited to, the following duties as set forth in this ordinance and to carry out provisions of the State laws pertaining to control and eradication of rabies.

- a) Animal bites – receive and investigate reports or animal bites within Hays County in a timely manner. Bites occurring within municipalities having animal control ordinances will be referred to the proper municipal authority.
- b) Quarantine – perform immediate and proper quarantine procedures for animals suspected of having rabies. Animals may be placed in approved animal shelters, approved veterinary hospitals or owners' approved premises.
- c) Impoundment – the Animal Control Officer or his authorized designee will humanely capture and transport an animal to the County's designated animal shelter or kennel for violations set forth in this ordinance.
- d) Destruction – perform immediate, if warranted, proper and humane destruction of certain animals described in this ordinance.
- e) Citations – Issuance of citations for various violations and offenses set forth.
- f) Records – Provide necessary data and reports on a periodic basis as required by the Commissioners' Court.

Section 3.3. *Interference with the Animal Control Officer and Penalty.* It shall be unlawful for any person to intentionally or knowingly, by act or omission, physically interfere with, molest, hinder, or prevent the Animal Control Officer from the official discharge of the duties herein prescribed. Any person who violates a provision of Section 3 shall be guilty of a Class C misdemeanor.

SECTION 4. **LICENSING AND REGISTRATION**

Section 4.1 *Animals Required to be Licensed.* All dogs older than three (3) months which are kept, possessed, or controlled within Hays County shall be licensed at a rate of \$7.50 per year. If the animal has been spayed or neutered the owner shall be required to pay a one-time license fee of \$7.50. No person may use a license for any dog other than the dog for which it was issued.

Section 4.2 *Cooperation with Local Veterinarians.* In an effort to encourage the registration of dogs, licenses veterinarians who register any Hays County animal are authorized to retain \$2.50 for every \$7.50 collected in an effort to offset any expense incurred in registering the animal. Any fees collected by the County relating to the registration of dogs shall be used to administer the animal control program for the County.

Section 4.3 *Exceptions.* Owners of the following categories of dogs are not required to obtain a license.

- a) dogs possessed by animal breeders operating under a business name and possessing a sales tax permit.
- b) sheltered and impounded animals housed by licensed veterinarians.
- c) dogs certified and trained to assist the physically handicapped.
- d) dogs trained to assist law enforcement.
- e) dogs with a valid license from a municipality within Hays County in which the animal resides.
- f) Non-resident dogs remaining within Hays County for less than sixty (60) days.

Section 4.4. *Penalty.* Any person who violates a provision of Section 4 shall be guilty of a Class C misdemeanor.

SECTION 5. **RABIES CONTROL PROGRAM**

Section 5.1. *Rabies Vaccination.* No person shall own, keep, or harbor within the county any dog or cat over the age of three (3) months unless such dog or cat has a current rabies vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years. Any person moving into the county shall comply with this section within ten (10) days after having moved into the county.

Section 5.2. *Certificate of Vaccination.* Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat a certificate using a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information.

- a) the name, address and telephone number of the owner of the vaccinated dog or cat;
- b) the date of vaccination;
- c) the type of rabies vaccine used;
- d) the year and number of rabies tag; and
- e) the breed, age, color, and sex of the vaccinated dog or cat.

Section 5.3. Rabies Tag. Concurrent with the issuance and delivery of the certificate of vaccination, the veterinarian shall furnish to the owner of the vaccinated dog or cat a metal tag. The owner of the dog or cat shall attach the metal tag to the collar or harness of the vaccinated dog or cat, serial numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his/her address. The owner shall have the collar or harness, with the metal tag attached, on his/her dog or cat at all times. Any other methodology approved and accepted by the Texas Department of Health for identification purposes will be considered by the Animal Control Officer.

Section 5.4. Duplicate Tags. In the event of loss or destruction of the original tag provided in Section 5.3, the owner of the animal shall obtain a duplicate tag. Vaccination certificates and tags shall be valid only for the animal for which it was originally issued. Duplicate tags may be purchased from any practicing veterinarian in Hays County.

Section 5.5. Proof. It shall be unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this order.

Section 5.6. Unvaccinated Animal. It shall be unlawful for any person to own a dog or cat which has not been vaccinated against rabies, as provided herein, which cannot be identified as having a current vaccination certificate.

Section 5.7. Animals Exposed to Rabies.

- a) Any person who has reason to believe that any animal, whether or not currently vaccinated, has been exposed to rabies must immediately report the incident to the Animal Control Authority.
- b) Any such animal shall be impounded and placed in isolation in a facility approved by the Animal Control Authority, for such time as is necessary, depending upon all relevant circumstances, for a licensed veterinarian to determine that the animal has not contracted rabies.
- c) If the owner of the animal cannot provide an approved isolation facility or does not agree to pay for the facility, the animal shall be humanely destroyed at the owner's expense.
- d) If the animal's owner cannot be identified or located within seventy-two (72) hours from the time of impoundment, not counting weekends and holidays, the animal shall be humanely destroyed.
- e) In addition to any impound fees, any costs directly associated with the examination, treatment, and/or vaccination of the animal shall be due prior to release of the animal.

Section 5.8. Penalty for Violation.

- a) Any person who violates a provision of Section 5 shall be guilty of a Class C misdemeanor.
- b) It is a defense to prosecution under this section that the person charged produces proof of vaccination that was valid at the time the offense is alleged to have occurred.

SECTION 6.
REPORTING BITES FROM ANIMALS SUSCEPTIBLE TO RABIES

Section 6.1. Report Required. Any person having knowledge of a bite to a human by any warm-blooded animal shall report the incident to the Animal Control Officer as soon as possible.

Section 6.2. Quarantine Required. The owner, if any, of the biting animal shall place the animal in quarantine as prescribed in Section 7 under the supervision of the Animal Control Officer.

Section 6.3. Investigation. The Animal Control Officer shall investigate each bite incident reported.

SECTION 7.
QUARANTINE PROCEDURES

Section 7.1. Rabies Quarantine.

- a) When an Animal Control Officer has probable cause to believe that the owner of an animal that has bitten a human has been identified, the owner, if any, will be required to produce the animal for ten (10) days confinement at the owner's expense.
- b) Refusal to produce said animal constitutes a violation of this section.
- c) The ten (10) day observation period begins on the day the animal is produced for quarantine.
- d) The animal must be placed in an animal control facility or a veterinary hospital approved for that purpose by the Texas Department of Health.

Section 7.2. Owner Refuses Quarantine. If the biting animal cannot be maintained in a secure quarantine or if the owner chooses not to pay for the quarantine, the animal shall be humanely destroyed, and the brain shall be submitted to a Texas Department of Health (TDH) certified laboratory for rabies diagnosis, at the owner's expense.

Section 7.3. Wild Animals. No wild animals will be placed in quarantine. All wild animals involved in biting incidents shall be humanely killed in such a manner that the brain is not mutilated and the brain shall be submitted to a TDH-certified laboratory for rabies diagnosis.

Section 7.4. Penalty for Violation.

- a) Any person who violates a provision of Section 7 shall be guilty of a Class C misdemeanor.
- b) If it is shown on trial that a person has been previously convicted under this section, no portion of a fine imposed for subsequent violations may be deferred, suspended or probated.
- c) Each day an animal is not produced for quarantine shall constitute a separate offense.

SECTION 8.
PROHIBITION OF A NUISANCE

Section 8.1. Dogs Prohibited from Running at Large.

- a) When the owner of a dog running at large is determined and the owner can be located, the animal shall be returned to its owner and the owner shall be cited for violation of this order.
- b) If ownership is in question or if the animal is a stray, the animal shall be impounded for seventy-two (72) hours, not counting weekends and holidays.
- c) An owner may claim the animal within this time period after paying all incurred costs and impoundment fees.
- d) Upon failure of the owner to claim the animal during that period, the Animal Control Officer may order the animal destroyed without compensation to the owner.

Section 8.2. Elimination of Stray Animals.

- a) When practical, the Animal Control Officer shall impound any animal subject to these regulations which is found to be a stray.
- b) The animal may be impounded for seventy-two (72) hours, not counting weekends and holidays.
- c) Subject to citation for violation of this order, an owner may claim the animal within this time period after paying all incurred costs and impoundment fees.
- d) Upon failure of the owner to claim the animal during that period, the Animal Control Officer may order the animal destroyed without compensation to the owner.

Section 8.3. Prohibition of Inhumane Treatment.

- a) Any inhumane treatment of any type of animal shall be deemed a nuisance.
- b) It shall be unlawful for a person to intentionally, knowingly, recklessly or with criminal negligence, by act or omission, treat an animal inhumanely.

Section 8.4. Animals Creating a Public Nuisance.

- a) In addition to the items contained in Section 2.10 hereof, It shall be a public nuisance and unlawful for an owner to intentionally, knowingly or recklessly keep, possess, or control any animal that:

- 1) Excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- 2) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- 3) Causes unsanitary conditions in enclosures or surroundings in which the animal is kept or harbored.
- 4) Damages the personal or real property of anyone other than its owner.
- 5) Attacks or worries other domestic animals.
- b) Any animal that is a public nuisance may be confiscated and impounded by the Animal Control Officer for seventy-two (72) hours, not counting weekends and holiday.
- c) Subject to citation for violation of this order and approval by the Animal Control Officer of a plan to eliminate the public nuisance caused by the animal, an owner may claim the animal within the 72 hour time period after paying in full all incurred costs and impoundment fees.
- d) Upon failure of the owner to contact the Animal Control Officer during the 72 hour time period, the Animal Control Officer may order the animal destroyed without compensation to the owner.
- e) Upon contact with the Animal Control Officer within the 72 hour time period, reasonable arrangements may be made to continue to impound the animal, at the owner's sole expense, while a plan to eliminate the public nuisance caused by the animal is devised by the owner and approved by the Animal Control Officer.
- f) If a plan to eliminate the public nuisance caused by the animal is not submitted within the 72 hour time period, or once submitted, is not approved by the Animal Control Officer, the Animal Control Officer may order the animal destroyed without compensation to the owner.

Section 8.5. Penalty for Violation. Any person who violates a provision of Section 8 shall be guilty of a Class C misdemeanor.

SECTION 9. **OWNERSHIP OF DANGEROUS DOGS**

Section 9.1. Requirements for Ownership of a Dangerous Dog. An owner of a dangerous dog must:

- a) Register the dangerous dog with the Hays County Animal Control Officer for the area in which the dog is kept.
- b) Pay an annual fee of \$100.00 to the Animal Control Officer.
- c) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure which has been approved by the Animal Control Officer.
- d) Post a sign on his/her premises warning that there is a dangerous dog on the property. This sign shall be visible and be capable of being read from a public street or highway.
- e) Spay or neuter the dangerous dog.

- f) Obtain necessary insurance or show financial responsibility in the amount of at least \$100,000 to cover damages to persons and property resulting from a dog attack.

Section 9.2. Limitation of Ownership of Dangerous Dogs.

- a) Only one dangerous dog may be owned per household.
- b) No more than two dangerous dogs may remain at any residence for more than seven days.

Section 9.3. Declaration of a Dangerous Dog.

- a) Animal Control may find and declare a dog to be dangerous or potentially dangerous if Animal Control has probable cause to believe that a dog committed any acts described in the definition of Dangerous Dog (Section 2.5) or that the dog repeatedly bit or vigorously shook its victim and the victim, or a person intervening, had difficulty terminating the attack; or
- b) Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements or made at the Animal Control Office, setting forth the nature and the date of the act, the location of the event, the name of the owner of the dog, the address of the owner, and the description of the dog doing such act, Animal Control shall investigate the complaint and determine if a dog is dangerous.

Section 9.4. Notification of Declaration of Dangerous Dog.

- a) Within five (5) working days of declaring any dog dangerous or potentially dangerous, Animal Control will notify, by regular mail and by certified mail, return-receipt requested, the owner of the dog(s) designated as a dangerous dog. Animal Control shall also post a written notice at the entrance of the premises where the dog is harbored.
- b) Receipt of said notice shall be presumed upon proof of either of the following occurrences:
 - 1) Return of an executed return-receipt;
 - 2) Affidavit by Animal Control of deposit of a correctly addressed notice into United States mail; or
 - 3) Affidavit by Animal Control of posting of the notice at the premises where the dog was harbored.
- c) An owner may appeal this declaration to a justice court of competent jurisdiction. If the dog is declared to be dangerous, the notice shall inform the owner of the dog that a determination hearing may be requested to contest the declaration. The request for a determination hearing must be in writing and must be received by the appropriate Justice of the Peace no later than ten (10) working days from receipt of notice by the owner of the dog. Failure to appeal the declaration within ten (10) working days shall result in Animal control's decision becoming final.

Section 9.5. Determination Hearing.

- a) Upon written request for a determination hearing by the owner of a dog declared dangerous, the dog in question will be subject to any behavior assessment test or any other means available to Animal Control. The results of any tests will be presented at the determination hearing and be taken into consideration for the final determination. The owner shall be responsible for any costs incurred for the test or tests to be conducted and fees of the animal behaviorist to analyze the video test or tests.
- b) The owner shall be notified of the hearing by placing the notice in the United States mail addressed to the owner. Failure of the owner of the dog to appear at the determination hearing shall result in the Animal Control's declaration becoming final. Pending the outcome of the determination hearing, the dog must be securely confined in a humane manner at a licensed veterinarian facility or in an animal shelter. The costs of securing the dog pending the determination hearing shall be borne by the owner.
- c) The court shall determine by a preponderance of the evidence whether the declaration that the dog is dangerous is proper based upon the evidence, affidavits, and testimony presented at the hearing.

Section 9.6. Defense to Declaration of Dangerous Dog. It is a defense to the determination of any dog as dangerous and to the prosecution of the owner of the dog:

- a) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
- b) If the person was teasing, tormenting, abusing, or assaulting the dog;
- c) If the person was committing or attempting to commit a crime;
- d) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or
- e) If the dog was injured and responding to pain.

Section 9.7. Exemptions. It is a defense to prosecution that a person is:

- a) A veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the state or a political subdivision of the State to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position;
- b) An employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; or
- c) A dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies, Tex. Rev. Civ. Stat. Art. 4412 (29BB).

Section 9.8. Confiscation.

- a) Until the owner of a dog determined to be dangerous has met the requirements placed on that owner by Section 822.042, Texas Health & Safety Code and this order, the Animal

- Control Officer or his designee shall confiscate the dog whether it be found on public or private property.
- b) The Animal Control Officer shall have no authority to confiscate any dog unless he has first delivered to the owner of the dog, a written notice of the determination that the dog is a dangerous dog. The notice may be delivered either in person or by certified mail, return receipt requested, directed to the last known mailing address of the owner.
 - c) The Animal Control Officer shall be required to obtain a search and seizure warrant only if the dangerous dog is located within a residence.
 - d) If an attempt is made by the Animal Control Officer to impound a dangerous dog and the impoundment cannot be made safely, the owner shall be notified and given twenty-four (24) hours to surrender the dog to the Animal Control Officer. The notice shall include a warning that failure to surrender the dog may result in destruction of the dog if it cannot be safely impounded on any subsequent attempt;
 - e) The dog thus confiscated shall be ordered sheltered by the Animal Control Officer for a period of seventh-two (72) hours, not counting weekends and holidays, to allow the owner to claim the dog upon satisfaction of the provisions of Section 822.042 and 822.042 of the Texas Health & Safety code and this ordinance. Upon failure of the owner to reclaim the dog during that period, the Animal Control Officer may humanely destroy the dog without compensation to the owner.
 - f) In addition to the fees required for registration of the dog, the owner must prior to the dog's release, satisfy all above-referenced provisions.

Section 9.9. Penalty for Violation.

- a) Any person who violates a provision of Section 9 shall be guilty of a Class C misdemeanor.
- b) If it is shown on trial that a person has been previously convicted under this Section, no portion of a fine imposed for subsequent violations may be deferred, suspended or probated.
- c) Each day that a person owns a dangerous dog in violation of this section shall constitute a separate offense.
- d) An offense under this section is a Class B misdemeanor if the defendant has previously been convicted under this section.
- e) If a person is found guilty of an offense under this section, and the offending dog caused death or serious bodily injury, the Court may order the dangerous dog destroyed by Animal Control in a humane manner.
- f) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. The Hays County Criminal District Attorney or Special Counsel to the Hays County Commissioners' Court under the direction of the Hays County Criminal District Attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county to be used to defray the cost of administering this ordinance.

SECTION 10.
ATTACKING DOMESTIC ANIMALS

Section 10.1 Dogs That Attack Domestic Animals.

- a) A dog that is attacking, is about to attack, or has recently attacked sheeps, goats, calves, or other domestic animals or fowls may be killed by any person witnessing or having knowledge of the attack.
- b) A person who kills a dog as provided by this section is not liable for damages to the Owner of the dog.
- c) A dog known or suspected of having killed sheep, goats, calves, or other domestic animals or fowls is a public nuisance. Any person may detain or impound the dog until the dog's owner is notified and all damage done by the dog has been determined and paid to the property persons.
- d) The owner of a dog that is known to have attacked sheep, goats, calves, or other domestic animals or fowls shall kill the dog. A sheriff, deputy sheriff, constable, police officer or magistrate may enter the premises of the owner of the dog and kill the dog if the owner fails to do so.

Section 10.2 Protection of Domestic Animals.

- a) The owner of any sheep, goats, calves, or other domestic animals that are subject to the ravages of sheep-killing dogs may place poison on the premises where the animals are kept.
- b) The owner must post notice of the poison at each entrance to the premises before placing the poison.

Section 10.3 Criminal Penalty

- a) A person commits an offense if the person intentionally:
 - (1) fails or refuses to allow a dog to be killed when ordered by the proper authorities to do so, under Section 10.
- b) An offense under the above Section 10 is a class B misdemeanor punishable by a fine of not more than \$100, confinement in the county jail for not more than 30 days, or both.

SECTION 11.
IMPOUNDMENT FACILITIES AND FEES

Section 11.1. Animal Facilities. The Hays County Commissioners' Court may enter into contracts or agreements with public, private entities, or animal shelters to provide for the impoundment of animals under this ordinance or to carry out other activities required or authorized by this ordinance. Any animal adopted from an animal facility that has entered into a contract with Hays County shall require that all animals adopted be spayed or neutered within forty-five (45) days of the adoption.

Section 11.2 Impoundment Fees. An owner of an animal that has been impounded under any section of this ordinance shall pay all applicable impoundment fees, as established by the animal facility and approved by the Animal Control Officer, before retrieving the animal.

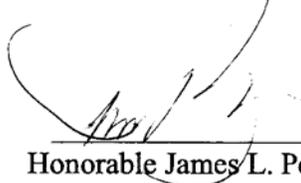
Section 11.3 Severance Clause. If any section, sentence, or clause of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 11.4 Repealer. This ordinance is intended to repeal and replace Animal Control Ordinance No. 10429 enacted by the Hays County Commissioners' Court on September 24, 1990 and all other orders and ordinances in conflict with this ordinance are hereby repealed.

Section 11.5 Effective Date. This ordinance shall become effective upon passage by a majority vote of the Hays County Commissioners' Court.

PASSED AND APPROVED this the 18TH day of MARCH, 2003.

HAYS COUNTY COMMISSIONERS' COURT

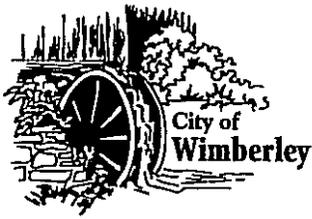


Honorable James L. Powers, Hays County Judge

ATTEST:



Lee Carlisle, Hays County Clerk



AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote
DATE SUBMITTED: September 7, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- Approval of minutes from the Special City Council Meeting held August 7, 2018.
- Approval of minutes from the Special City Council Meeting held August 14, 2018.
- Approval of minutes from the Regular City Council Meeting held August 16, 2018.
- Approval of minutes from the Special City Council Meeting held August 21, 2018.
- Approval of the resignation of Traci Ferguson from the Hotel Occupancy Tax Advisory Committee.
- Approval of the appointment of Craig Calley as the Merchants Association Representative to the Hotel Occupancy Tax Advisory Committee.
- Approval of Place Two Council Member Craig Fore's appointment of John Urban to Wastewater Ad Hoc Advisory Committee.
- Approval of the Chapman Firm, PLLC provide legal services to the City of Wimberley.
- Approval of Fiscal Year 2019 City of Wimberley Holiday Schedule.

REQUESTED ACTION

- | | |
|------------|-------------------------------------|
| Motion | <input checked="" type="checkbox"/> |
| Discussion | <input type="checkbox"/> |
| Ordinance | <input type="checkbox"/> |
| Resolution | <input 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 checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

Approval of Items A-I.



City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, AUGUST 7, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jaggars called the meeting to order at 5:30 p.m.

CALL OF ROLL

Council Members Present:

Susan Jaggars	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
Rebecca Manning	Parks Director
John Provost	Public Works/Code Enforcement Superintendent
Terri Provost	Wimberley Community Center Director

EXECUTIVE SESSION

City Council adjourned into Executive Session at 5:32 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:
Executive Session pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Evaluation of City Administrator.
Regular Session reconvened at 7:21 p.m.

DISCUSSION AND POSSIBLE ACTION

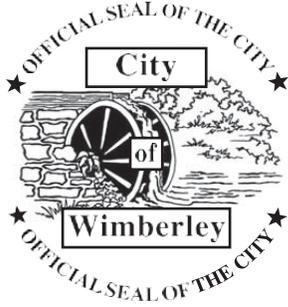
Discuss and consider possible action regarding the evaluation of the City Administrator.
No action was taken on this item.

ADJOURNMENT

Mayor Susan Jaggars adjourned the meeting at 7:22 p.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers, Mayor

DRAFT



City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, AUGUST 14, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:33 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

WORKSHOP

Mayor Jagers gave a PowerPoint presentation regarding the Central Wimberley Wastewater Project, and the options moving forward with the Project. There was lengthy discussion among Council members regarding entities and items related to the Project, such as the Texas Water Development Board, the Economic Development Administration, the City's Certificate of Convenience and Necessity (CCN), Aqua Texas, Black Castle General Contractor, Capital Excavation Company, bond counsel, legal expenses, easements, permits, settlements and agreements.

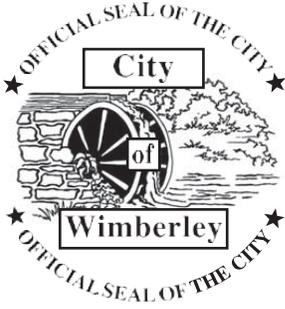
No action was taken.

ADJOURNMENT

Motion to adjourn the meeting at 7:33 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

RECORDED BY:

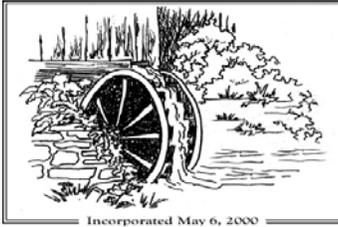
Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers, Mayor

DRAFT



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.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:31 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
Charlie Zech	City Attorney
Rebecca Manning	Parks Director

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

CITIZENS COMMUNICATIONS

There were twelve citizens comments. They were as follows:

1. Tony Seale spoke in support of repealing Ordinance No. 2016-003, which prohibited the possession of certain firearms and handguns on City property.
2. M.F. Johnson thanked Mayor Jagers.
3. Christine Byrne voiced concern regarding the direction of the City Council and the Central Wimberley Wastewater Project and the proposed raw sewage line boring under the Cypress Creek. Ms. Byrne also noted how citizen comments had been stifled during public meetings and how there had been a shift by Council to change the duties of the City Administrator.

4. John Espinoza spoke against moving forward with Aqua Texas for the Central Wimberley Wastewater Project, and the lack of back-up information provided by the Mayor during her presentation on August 14th for the Aqua Texas option.
5. Natalie Dettmer addressed Council regarding the Mayor's Corner articles published in the Wimberley View over the past couple of months, and the Town Hall meeting pertaining to the Central Wimberley Wastewater Project the Mayor had promised in one of the articles. Ms. Dettmer asked when the Town Hall meeting would take place.
6. Bobby Dettmer addressed the annual operating budget regarding the Central Wimberley Wastewater Project, and the numbers presented by the Mayor during the August 14th meeting being inaccurate and not taking all information into account.
7. Bex Hale spoke regarding the losses if the City moved forward with the Aqua Texas option, including the difference between Type 1 enhance effluent and Type 1 effluent, water quality testing and financial concerns.
8. Chris Cureton spoke regarding the vacation rental permit that was set for the public hearing portion of the meeting. Mr. Cureton noted the benefits of tourism and vacation rentals within the community and stated he had withdrawn his conditional use permit.
9. Al Sander addressed Council regarding the current Central Wimberley Wastewater Project, and the problematic e. coli levels in the Cypress Creek. Mr. Sander stated he saw several problems with the new plan to move to Aqua Texas presented by the Mayor on August 14th.
10. Bob Dussler voiced concern over the Aqua Texas option for the Central Wimberley Wastewater Project and stated the Council had received nothing in writing for a change in scope from the Texas Water Development Board. Mr. Dussler noted that without all of the information in place, this was recipe for disaster to change the Project.
11. Peter Lingamfelter spoke regarding the Mayor leaving the citizens in the dark when it came to the potential change in scope for the Central Wimberley Wastewater Project, and the data she presented on August 14th was not verifiable. Mr. Lingamefelter said he was not in favor in moving forward with the Aqua Texas option.
12. Craig Reitz addressed Council noting current Council members had inherited a number of issues and problems caused by previous City Councils, and the current members had endured hateful and hurtful comments due to the Central Wimberley Wastewater Project and potential change in scope. Mr. Reitz noted the current Project did not have adequate funding to be completed as is.

CONSENT AGENDA

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

- 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.

PARKS DIRECTOR UPDATE

Parks Director Rebecca Manning provided an update on Blue Hole Regional Park operations, including rising admissions, increased revenue, successful nature camps and upcoming programs for the Park.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project. Mr. Cox noted the Wimberley Square main line was almost complete, and that Capital Excavation would be laying the pipe on Old Kyle Road next. Additionally, Mr. Cox stated all of Capital Excavation's invoices had been paid to date. There was discussion among Council members regarding Black Castle's two unpaid invoices.

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*)

This item was not heard, as the applicant had withdrawn the conditional use permit before the meeting.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to modify the Central Wimberley Wastewater Project.

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

1. Dwain York spoke regarding the premature Wimberley ISD, City and Aqua Texas plan that had been mentioned in the Mayor's presentation on August 14th. Mr. York noted the May 2018 bond that was passed did not include funding for effluent. Mr. York also addressed the timeline of correspondence between himself, the Mayor and Bob Laughlin of Aqua Texas.

2. Steve Thurber voiced concern regarding Aqua Texas and the issues surrounding the company. Mr. Thurber advised Council to move forward with the current Central Wimberley Wastewater Project as designed and funded.

3. Jimmy Alan Hall addressed Council requesting the members put politics aside, and do what is in the best interest of the community regarding the Central Wimberley Wastewater Project. Mr. Hall added that the delay in the Project is costing time and funding. He cautioned the City's bond rating could be affected negatively due to these issues.

4. Steve Klepfer spoke regarding the potential environmental and economic consequences of a change in scope to the Central Wimberley Wastewater Project. Mr. Klepfer also noted the Texas Water Development Board had not approved the change in scope to move to the Aqua Texas option.

5. Dorothy Knight addressed Council regarding environmentally sound wastewater plans that the current Project adhered to. Ms. Knight stated the Aqua Texas plan was not environmentally friendly and outlined potential problems with allowing the company to handle

the City's wastewater.

6. William Bowman voiced concern over the change in scope for the Central Wimberley Wastewater Project, including engineering plans, a quick turnaround to vote for the change in scope and additional questions by the citizenry that had yet to be answered by Council.

7. Rebecca Reisberg voiced concern regarding the Aqua Texas option and stated she believed the numbers had been skewed to work in the company's favor. Additionally, Ms. Reisberg asked when the Town Hall meeting that had been promised by the Mayor in one of her Mayor's Corner articles was going to occur for the citizens to have input on the proposed change to the Project.

There was discussion among Council members pertaining to the Peter Way Grant, Texas Water Development Board funding and Economic Development Administration funding for the Central Wimberley Wastewater Project.

Motion to postpone the vote to modify the Central Wimberley Wastewater Project was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

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

B. Discuss and consider possible action regarding request for proposals for grant administration for the Central Wimberley Wastewater Project.

Motion to approve Langford Community Management Services for grant administration for the Central Wimberley Wastewater Project was made by Council Member Allison Davis. There was no second. Motion failed.

Motion for the City Administrator to acquire request for proposals for grant administration for the Central Wimberley Wastewater Project 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

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.

Motion to award the bid to Meyer's Concrete Construction in the amount of \$8,626 for the Las Flores speed hump was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

There was a recess at 7:28 p.m. Regular Session reconvened at 7:43 p.m.

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.

A correction was noted that there would only need to be one reading of Ordinance No. 2018-30.

Motion to approve Ordinance No. 2018-30, repealing Ordinance No. 2016-003, prohibiting the possession of certain firearms and handguns on City property 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 approve Ordinance No. 2018-31, amending Chapter 30, Subsection 30.32 (A), for the Office of the City Administrator.

Motion to postpone this item was made by Council Member Mike McCullough. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).

- 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.

Motion 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 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

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

- 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.

Motion 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 was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- H. Discuss and consider possible action regarding the MindEcology contracts/services.

Motion to not renew the MindEcology contracts/services was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

Motion to remove the “Stay” tab on the www.visitwimberleytexas.com was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary

Barchfeld. Motion carried unanimously (5-0).

- I. Discuss and consider possible action to approve Ordinance No. 2018-32, amending Ordinance No. 2018-26, for the Hotel Occupancy Tax Advisory Committee.

Motion to approve Ordinance No. 2018-32, amending Ordinance No. 2018-26, for the Hotel Occupancy Tax Advisory Committee was made by Council Member Patricia Cantu Kelly. 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

- J. Discuss and consider possible action to approve Ordinance No. 2018-33, amending Ordinance No. 2018-28, for the Short-Term Rental Review Committee.

Motion to approve Ordinance No. 2018-33, amending Ordinance No. 2018-28, for the Short-Term Rental Review Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- K. Discuss and consider possible action regarding appointments to the Short-Term Rental Review Committee.

Motion to appoint Jenny Marino, Suzanne Davis and Tim Dodson to the Short-Term Rental Review Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

- 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.

This item was not heard by Council, nor any action taken, even though Council Member Allison Davis requested the item be heard.

- 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.

This item was not heard by Council, nor any action taken, even though Council Member Allison Davis requested the item be heard and for legal consultation on the item.

- 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.

This item was not heard by Council, nor any action taken, even though Council Member Allison Davis requested the item be heard and for legal consultation on the item.

- 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.
This item was discussed by Council members. Council Member Allison Davis requested an Executive Session, which was not granted. No action was taken on this item.

CITY COUNCIL REPORTS

A. Announcements – None.

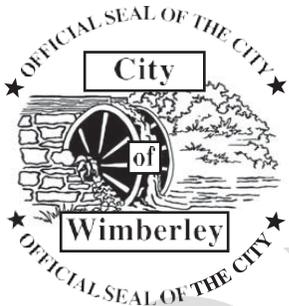
B. Future agenda items – Council Member Allison Davis requested a resolution for the “No Kill” Hays County be placed on the next agenda.

ADJOURNMENT

Motion to adjourn the meeting at 9:17 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers, Mayor



City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, AUGUST 21, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:30 p.m.

CALL OF ROLL

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

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Rebecca Manning Parks Director
John Provost Public Works/Code Enforcement Superintendent
Terri Provost Wimberley Community Center Director

BUDGET WORKSHOP

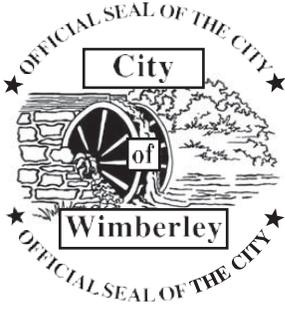
City Administrator Shawn Cox presented Council the Fiscal Year (FY) 2019 Budget, with the General Fund and Blue Hole Parkland Fund being the focus. There would be another workshop held to review the Wastewater Fund and General Fund further.
No action was taken.

ADJOURNMENT

Motion to adjourn the meeting at 7:19 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers, Mayor

DRAFT

From: Traci Ferguson
To: [Shawn Cox](#); [Laura Calcote](#); [Mayor](#); [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#)
Cc: [Calley's Jewelry](#)
Subject: HOT Committee
Date: Friday, August 17, 2018 4:52:41 PM

Mayor and City Council:

Thank you for allowing me the opportunity to serve on the City of Wimberley HOT Committee for the past several years.

Please accept this letter as my formal resignation from the HOT Committee. I've had the pleasure of meeting and working with several community members that I would not have otherwise and for that I am grateful. Thank you for that opportunity.

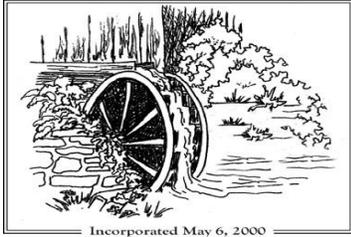
Craig Calley, the current president of the Wimberley Merchants Association will provide the City Council with a representative to fill this vacancy prior to the next scheduled meeting.

Traci Ferguson

We have a new address!

On A Branch
14011 Ranch Road 12
Wimberley, TX 78676
512.722.3668

Like us on Facebook!
www.facebook.com/onabbranch
www.onabbranch.com



City of Wimberley

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

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Hotel Occupancy Tax Advisory Committee

Full Name: _____

Phone Number: _____

E-mail Address: _____

Physical Address: _____

Mailing Address
(If different than physical address): _____

Please select a position from the following representative groups:

- Arts/Historical Attraction Representative
- Chamber of Commerce Representative
- Large Lodging Facility Representative (over \$250,000 in annual lodging revenue)
- Lodging Reservation Booking Representative
- Merchants Association Representative
- Small Lodging Facility Representative (less than three (3) lodging rooms and under \$250,000 in annual lodging revenue)

Business or Entity Name: _____

Business or Entity Phone Number: _____

Business or Entity: () Inside Wimberley's City Limits () Wimberley's ETJ

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? () Yes () No

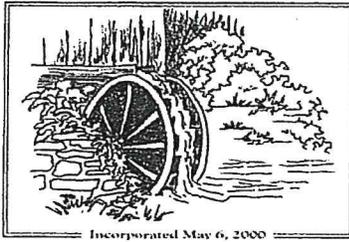
If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to serve on this Committee and to attend all regularly scheduled meetings? () Yes () No

Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment:

Signature: _____ Date: _____

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676



City of Wimberley

RECEIVED
SEP - 6 2018
BY:

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

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Commission / Board / Committee

Name of Commission/Board/Committee: waste water cul hoc

Nominated By: Craig Fore

Name: John Urban Phone: 832-729-1999 E-mail: JURBAN778306MAIL.COM

Physical Address: 115 River Bend Rd, Wimberley, TX 78676

Mailing Address (If different than physical address): _____

Employer: Retired Position/Occupation: _____

Business Number: NA Fax: _____

I reside: () Inside Wimberley's City Limits () Wimberley's ETJ () Outside ETJ

I am a registered voter in: () City of Wimberley () Hays County () Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? () Yes () No

If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to service on this Commission/Board/Committee and to attend all regularly scheduled meetings? () Yes () No

Would you consider serving on a different Commission/Board/Committee? () Yes () No

Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Commission/Board/Committee that you would prefer to serve on.
Worked 31 years in administrative/leadership positions in Petrochemical industry. Knowledgeable of city management/business. Served on the City Financial Advisory Committee for 2 years; Served on the P&Z including chairperson for over 2 years

Signature: John Urban Date: 9/6/1954

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676



AGENDA ITEM: Engagement of The Chapman Firm, PLLC
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 6, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

At the August 28, 2018 meeting, Council voted to terminate the contract with Black Castle Construction Group. The City Attorney, Denton, Navarro, Rocha, Bernal & Zech, P.C. have recommended the City engage the services of the Chapman Firm, PLLC to represent its interests with regards to the Black Castle Contract.

Attached for review is the Engagement Letter and fee schedule from The Chapman Firm.

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



The Chapman Firm PLLC
3410 Far West Boulevard
Suite 210
Austin, Texas 78731
PHONE: 512.872.3840
FAX: 512.879.9033
chapmanfirmtx.com

August 29, 2018

Via e-mail: scox@cityofwimberley.com
City of Wimberley
c/o Shawn Cox, City Administrator
P.O. Box 2027
221 Stillwater
Wimberley, Texas 78676

Re: Engagement Letter

Dear Mr. Cox:

This letter sets out the general agreement by which The Chapman Firm, PLLC (the “Firm”) will be compensated for legal services performed at the request of City of Wimberley (“Client”). It further provides information regarding the Firm’s billing policies and procedures in connection with this representation. The terms of this engagement between the Firm and Client are set forth below.

By execution of this agreement, Client is engaging the Firm to represent Client’s interests with regard to the following specific matter:

- a) Black Castle General Contractor

For any future representations regarding other specific matters, the Firm will coordinate with Client to open specific matters for invoicing and accounting purposes as needed. In such a case, this Agreement will be extended to cover such representation, and the Firm will be compensated for services performed as set forth herein. The Firm may, in its sole discretion, decline representation of Client in other matters for any reason, and representation is contingent upon verification that the Firm does not have a conflict of interest.

For any representation undertaken in accordance with this agreement, the Firm will be compensated at its standard hourly rates for actual time spent by the Firm’s attorneys and paralegals, plus expenses incurred in the representation. The Firm’s current rate schedule, adjusted annually, and a copy of our Standard Billing and Retention Policy are attached and incorporated as part of this agreement. The Firm’s billing rates are evaluated and adjusted each January. Should a rate adjustment be made during the course of this representation, the Firm will notify Client in writing prior to any adjustment. Any matters for which Client seeks an alternative billing arrangement for the provision of legal services such as monthly retention agreements, flat fees, contingency, or the like, will be governed under separate written agreement between Client and the Firm.

Billings will be rendered on a monthly basis and are due and payable upon receipt. Time billings will include a narrative description of the services by timekeepers and the time spent to the

nearest 1/10th of an hour. Expenses smaller than \$250 will be itemized and include filing fees, delivery charges, travel costs, document production costs, secretarial overtime, expert witness fees and costs, court reporter fees, or any other reasonable out-of-pocket expenses incurred in connection with the representation. For all expenses in excess of \$250, the Firm will transmit invoices reflecting said charges to Client to be paid directly.

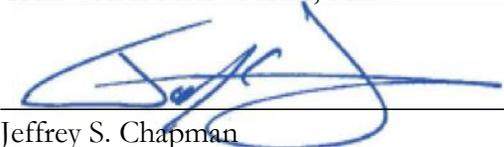
The Firm shall have the right to withdraw from representation (including representation in litigation) in the event the Clients fail to honor the terms of this engagement agreement. Client further acknowledges that this agreement covers only services relating to the above referenced matter and the firm is not undertaking to represent Client in any other matters.

Finally, I have attached hereto a copy of the Texas Lawyers Creed, which has been promulgated by the Texas Supreme Court. By executing this Agreement, Client commits to supporting our Firm and abiding by this Agreement. Upon execution, please return a copy to my office for our files.

Sincerely,

THE CHAPMAN FIRM, PLLC

BY:


Jeffrey S. Chapman

JSC:sal
Enclosures

AGREED:

City of Wimberly

(Signature)

(Printed name and title)

THE CHAPMAN FIRM, PLLC

**2018 FEE SCHEDULE
Reduced Billing Rates**

PARTNERS

Jeffrey S. Chapman	\$360.00
Erik G. Moskowitz	\$340.00
William L. Erwin	\$295.00

ASSOCIATES

Jerry Negrete	\$275.00
Rebecca Moss	\$265.00

OTHER

Senior Paralegal	\$160.00
Paralegal	\$100.00



BILLING/FILE RETENTION POLICIES

We are pleased to have the opportunity to be of service to you. The following is a brief explanation of our standard billing and file retention policies. Any deviation from these standard policies should be confirmed by a separate engagement letter.

FEES: Our fees will be based primarily on the amount of time spent by lawyers and legal assistants, and in some instances, by law and document clerks, subject to certain adjustments. Each lawyer and legal assistant in our firm has an hourly rate, and the rate multiplied by the number of hours spent on a project is the initial basis for determining our fee. Our standard rates for lawyers currently range from \$270.00 to \$395.00 per hour, depending primarily on the particular lawyer's experience and expertise. Our standard rate for Legal Assistants or Paralegals is currently \$160.00 per hour. We review and adjust our general schedule of rates on a periodic basis.

DISBURSEMENTS: We will bill for disbursements and charges made on your account. The disbursements and charges include items incurred and paid by us on your behalf, such as postage, filing fees, delivery charges, telex or telecopy charges, travel, photocopying, secretarial overtime, if necessary, and use of other service providers such as printers or experts, if needed. In litigation matters we also include payments made by us for process servers, court reporters, witness fees and so on. Charges for materials or services provided by third parties will be charged to you at the actual cost without any mark up. If these charges exceed \$250, the third-party invoice will be forwarded to you for direct payment.

BILLING: Generally, our bills will cover services through the end of the month and all disbursements recorded as of the date of the fee statement. We will bill on a monthly basis unless other arrangements are made. Bills are due and payable upon receipt. We reserve the right to suspend our services and/or withdraw from representation in the event we are not timely paid. On litigation matters we may require you to pay a security deposit to secure payment of our fees and disbursements.

FILE RETENTION POLICY: Our office strives to maintain all documents in digital (paperless) format. During our representation of you, we will be sending you copies of contracts, pleadings, letters, notices, and other material which we believe you should review. These copies shall be sent to you in digital format, for ease of retention and portability.

During the course of your case or representation, you may be required to provide to us original documents such as tax records, expense records, bank records, computer records, deeds, etc. We will copy and return the original to you within sixty (60) days of receipt, unless the original documents are necessary for purposes of litigation, arbitration or other similar type matter. In such event, we will hold these records for you during the pendency of your case, not to exceed six (6) months after conclusion of the matter. At the conclusion of the case, we will contact you and make arrangements for the return of all original records you provided. It is your responsibility to secure the return of your records. If arrangements are not made for the return of your records within six (6) months following the conclusion of your case, they may be stored with the closed file. Subject to the Firm's guidelines for file retention, the balance of your file, those materials created and compiled by the Firm during the Firm's representation of you/your company, may be retained for a period of six (6) years from the date of file closure. After the file has been closed for six (6) years, all documents in the file will then be destroyed.

If you want a copy of your file at any time, we shall deliver it to you in the same format in which the file is maintained in our office. If you desire paper copies of files or data which we have solely maintained in digital format, we will either provide you the digital copies as well as making you the paper copies at an additional expense, or cooperate in delivering your digital file to a copy or printing service of your choice so that your selected copies may be made at your expense.

Again, we at The Chapman Firm, PLLC, thank you for the opportunity to represent you. Please do not hesitate to contact us if you have any questions about our policies.

**THE TEXAS LAWYER'S CREED
A MANDATE FOR PROFESSIONALISM**

**Promulgated by The Supreme Court of Texas and
the Court of Criminal Appeals November 7, 1989**

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.
5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional

conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.
5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are cancelled.
6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.
7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.
8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.
9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.
10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.
11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.
12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I Will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.
13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.
14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.
15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.
16. I will refrain from excessive and abusive discovery.
17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.
18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.
19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

IV. LAWYER AND JUDGE

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.
3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.
4. I will be punctual.
5. I will not engage in any conduct which offends the dignity and decorum of proceedings.
6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.
7. I will respect the rulings of the Court.
8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.
9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

ORDER OF THE SUPREME COURT OF TEXAS AND THE COURT OF CRIMINAL APPEALS

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

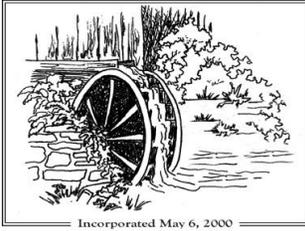
The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct. These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon re-enforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.



City of Wimberley

221 Stillwater, PO Box 2027, Wimberley, Texas 78676

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

www.cityofwimberley.com

2018/2019 CITY HALL OBSERVED HOLIDAYS

Columbus Day	Monday	October 8, 2018
Veterans Day	Monday	November 12, 2018
Thanksgiving	Thursday & Friday	November 22 & 23, 2018
Christmas	Monday & Tuesday	December 24 & 25, 2018
New Year's Day	Tuesday	January 1, 2019
Martin Luther King Day	Monday	January 21, 2019
President's Day	Monday	February 18, 2019
Good Friday	Friday	April 19, 2019
Memorial Day	Monday	May 27, 2019
Independence Day	Thursday	July 4, 2019
Labor Day	Monday	September 2, 2019



AGENDA ITEM: City Administrator’s Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 7, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update to Council on the progress of the Central Wimberley Wastewater Project, including construction progress, expenditures to date, and other updates related to the project. Additionally, the City Administrator will provide an update on completed, ongoing, and future City road projects.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION



AGENDA ITEM: City of Wimberley Parks Master Plan
SUBMITTED BY: Rebecca Manning
DATE SUBMITTED: 09/04/2018
MEETING DATE: 09/11/2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Parks Board began working on revisions of the City of Wimberley Parks Master Plan late 2017. In June of 2018, new members joined the Parks Board. The original Master Plan and revisions made by the board between December 2017 – June 2018 were revised by the new members, and a final edition is ready to submit to City Council. A copy of the original and revised City of Wimberley Parks Master Plan can be found in the agenda packet.

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

To approve the recommended revisions of the City of Wimberley Parks Master Plan made by the City of Wimberley Parks Board.



CITY OF WIMBERLEY PARKS AND RECREATION MASTER PLAN

REVISED NOVEMBER 2008

CITY OF WIMBERLEY PARKS AND RECREATION MASTER PLAN

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Section 6	Prioritization of Needs <i>Youth Sports & General Use Facilities</i> <i>Open Space & Water Access</i> <i>Funding</i>	Page 13
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SECTION 1

INTRODUCTION

This Master Plan outlines the needs for parks and recreation facilities in Wimberley, Texas along with the proposals adopted by the City Council of the City of Wimberley to meet those needs. Wimberley, an incorporated municipality of approximately nine square miles, is located in south central Hays County and lies in a valley formed by the Blanco River and Cypress Creek.

Transportation to and from Wimberley is achieved via several roadway systems which service the community. The primary highway system through Wimberley is Ranch Road 12, which runs in a ~~northwest-southwest~~ to ~~southeast-northwest~~ direction from San Marcos to Dripping Springs. In addition, Ranch Road 3237 runs in a ~~northeast-southwest~~ to ~~southwest-northeast~~ direction from Wimberley to FM 150, which leads to Kyle. A secondary roadway system serving the community is FM 2325 which runs from Wimberley to Blanco. It also is important to note that Interstate 35 is approximately 15 miles from Wimberley.

History

European settlement in the Wimberley area began in the 1840s near the confluence of Cypress Creek and the Blanco River. One of the earliest known land purchases was by William Winters, who in 1856 acquired a tract of land along Cypress Creek, where he built a mill and rock home. Pleasant Wimberley bought the mill and home in 1874, and the settlement soon took his name. The mill remained the focus of economic, social and cultural life in the community into the early decades of the 20th century. The rugged landscape, lack of suitable farming land, and remoteness from major roadways produced slow growth and low population densities for many decades. Narrow, winding roads converging on a village-like square created the focus for a rural community that valued its rustic heritage and naturally beautiful environment.

In the early 1900s, Wimberley was home to a small permanent population along with a group of weekend visitors who often owned second homes but did not make unmanageable demands on the community's infrastructure. Some landowners turned their waterfront properties along Cypress Creek and the Blanco River into campgrounds and youth camps, creating a new revenue source for the community.

Soon after World War II, more families began moving to the area as permanent residents, the subdivision of small ranches in the area began, and people who first came to the area for weekends or summer camps began to build modern homes on tracts of one to ten acres. This movement of urban refugees and retirees accelerated sharply in the last quarter of the 20th century, creating a landscape of thousands of small tracts of less than one acre which dotted the hills and valleys of the area. Along with the population growth came ~~degradation of~~ significant change to the traditional lifestyle and character of the community as unregulated subdivision and building accelerated. The land

along the community's two watersheds, the Cypress Creek and Blanco River, as well as along the four main roads into Wimberley, was sold for housing, retail development, schools, churches or other private use. The unavoidable consequence of this growth was the development of rural traffic jams, as thousands of vehicles a day, including many large tractor-trailer rigs, tried to negotiate the dog-leg bends of the two-lane road through the Square in Downtown Wimberley and across Cypress Creek.

Wimberley residents began to recognize that these trends threatened the community's unique natural beauty and unhurried pace. In May 2000, residents voted to incorporate as a general law municipality for the purpose of protecting the environment, ambiance and traditions of the community. As stated in the City's Comprehensive Plan: *"The future growth and development of Wimberley will be guided by the dominant principles of retaining the unique and traditional character of the city and ensuring that the city becomes a better place for its citizens to live and work....Wimberley chooses to preserve its rural character within a rapidly urbanizing county."*

Among the many tasks facing the new municipal government was that of creating public green space, parks, and recreation facilities suitable for a ~~divergent~~ diverse population. In 2000, the only—public facility in Wimberley was a State-owned roadside park on Ranch Road 12, just south of the city. All access to streams, creeks and the river was privately owned. Attempts to create resting areas under trees and walking areas through the commercial center relied entirely on the willingness of private landowners to make space available, and on volunteer workers to put in and maintain amenities or infrastructure. Suitable indoor or outdoor recreation opportunities for all population groups were extremely limited.

Population

~~At the time of incorporation in May 2000, the estimated population of the nine square mile area now known as the City of Wimberley was approximately 5,000 people. That compares to an estimated population of less than 750 people in 1990. The rapid growth is expected to continue with some experts projecting the population of Wimberley almost doubling by the year 2050. When the City of Wimberley incorporated in May 2000, the population of the 78676 zip code was 9,164. By 2010, it had increased by 37.5% to 12,602. This rapid growth is expected to continue, with some experts projecting that the population of Wimberley will almost double by the year 2050.~~

~~Gross figures from the 2000 Census for census tracts in the Wimberley area show that the population identifies itself as approximately 94 percent white, approximately 7 percent Hispanic or Latino, and less than half a percent African American. As of the last quarter of 2008, there has been no significant change in these percentages despite the growth in population. An important demographic group in the Wimberley area is older retired/semi-retired people. A 1997 study commissioned by the Wimberley Independent School District (WISD) showed that the area had a significantly higher percentage of its population in the 45 to 64 and 65+ age groups than did both Hays County and the State of Texas. Figures from the 2010 U.S. Census show that Wimberley identifies itself as 93.5% white, 1.5% American Indian or Alaskan Native, and 0.5% African American. 11.2% of the total population identify as Hispanic or Latino of any race. An important demographic group in the Wimberley Area is the retired or semi-retired group. 36.6% of the population are 60 or older, compared to 13.1% in Hays County and 15.1% statewide.~~

The City of Wimberley is located in the heart of one of the fastest growing areas of Hays

County. Projections show the population of western Hays County, which includes the cities of Wimberley, Dripping Springs and Woodcreek, could increase from approximately 21,000 people to almost 85,700 people by the year 2030-

Growth is not unique to Wimberley. The population of Hays County, as a whole, is projected to increase from its 2010 population of 157,107 to 824,070 in 2050, and increase of 424.50%. ~~an estimated 97,000 people in the year 2000 to almost 440,000 people in the year 2050.~~

The Hays County growth figures are important in planning for Wimberley because, currently, the largest single piece of public parkland in the county is the Blue Hole Regional Park owned by the City of Wimberley. The purchase of this property was funded in large part by grants from Hays County, Texas Parks and Wildlife and other regional entities. Users of this park come not only from communities in Hays and neighboring counties but from all over Texas.

Tourism

Understanding Wimberley's permanent resident population is only one element of the parks and recreation planning effort. Wimberley undergoes substantial increases in population every year, with the arrival of vacation residents (who may spend from one to six months in summer residences), seasonal tourists and weekend shoppers. Bed and breakfast operations are the single largest economic activity registered with the local Chamber of Commerce, with more than 100 hundreds of such operations known in the area. Wimberley is becoming a popular wedding and event destination. In addition to the population added by short-to-medium stay tourism, several local organizations host special events that draw from hundreds to thousands of people to the area for periods from a weekend to a week. The largest of these events is the Lions Club Market Days on the first Saturday of each month from April-March through December. This large open-air market usually attracts from 6,000 to 10,000 people each weekend. Other events include the annual Fourth of July Parade, ~~an annual jazz festival in February,~~ the Butterfly Festival and Wimbeley Arts Festival in April, a crawfish festival in May, ~~and~~ the VFW Rodeo in July, and the Trail of Lights in December which, together, attract several thousand participants and visitors. Wimberley was granted a formal designation as a Texas Cultural District from the Texas Commission of the Arts. This designation includes cultural organizations, performing arts venues, and visual arts groups.

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SECTION 2

PURPOSE

Increased development and the rapid population increase since the 1990s are placing pressure on Wimberley for quality City services. This need creates a demand for new and expanded park facilities, recreation programs, and open space areas.

In order to continue planning for growth and meet the needs of the diverse populations within the City, the Wimberley City Council in early 2001 directed the Wimberley Parks Advisory Board to prepare and present for approval a Parks and Recreation Master Plan which would accomplish the following:

- A. Provide the framework for orderly and consistent planning and development.
- B. Provide detailed researched facts concerning the community and the role of parks and recreation.
- C. Establish priorities and statements of direction based on researched and documented facts, and a community based needs analysis.
- D. Provide direction in the area of acquisition and development of park land to meet future needs.

The development of the Parks and Recreation Master Plan was a result of a collaborative effort between the City Council, the Parks Advisory Board, the City staff, and most importantly the citizens of Wimberley. Extensive research was conducted in the preparation of the plan and there were numerous opportunities for public input prior to the plan's adoption in July 2001 (Appendix 1.0). In subsequent years, the plan has undergone periodic reviews and was updated in the Fall of ~~2008-2009~~ and the winter of 2018 by the Parks Advisory Board following three public meetings.

The Master Plan includes specific recommendations for future land acquisition, park expansion, and park development to serve the growing population and needs of Wimberley. The recommendations are intended to provide a framework for fiscal planning for future park expansions, renovations, and new park sites. This document should be the basis for the future development and fiscal planning of the Wimberley park system for the next ~~seven-five~~ years. It is suggested that annual reviews of the Master Plan be conducted by [the Parks Board and presented to the City in January of every year](#) to ensure that the implementation is on course with the proposed plan, and that any specific changes in priorities can be addressed by staff and the City Council.

SECTION 3

INVENTORY OF EXISTING FACILITIES

As of ~~2008~~2018, the City of Wimberley owns the following parks or recreational properties:

1. Cypress Creek Nature Trail and Preserve: A 7.2 acre tract of property along Cypress Creek located less than 100 yards from the Square in Downtown Wimberley. The park property was acquired in 2001 by the City and features a playscape, pavilion, public restroom and walking trail along Cypress Creek connecting to Blue Hole Regional Park. At the time of acquisition, a conservation easement was entered into between the City of Wimberley and the Wimberley Valley Watershed Association. *(Acquired and developed since original 2001 Wimberley Parks and Recreation Master Plan)*

2. Wimberley Community Center: An 8,000 square foot facility located one block from the Square in Downtown Wimberley. The City facility features a variety of meeting spaces used by numerous local groups for public meetings, programs, and indoor recreation such as card and board games. *(Acquired and developed since original 2001 Wimberley Parks and Recreation Master Plan)*

3. Patsy Glenn Refuge: A 1.7 acre tract of undeveloped property located adjacent to the Wimberley Community Center, one block from the Square in Downtown Wimberley. The property is managed as a bird refuge and environmental education site by a local non-profit group, the Wimberley Birding Society, under an agreement with the City. *(Acquired and developed since original 2001 Wimberley Parks and Recreation Master Plan)*

4. Blue Hole Regional Park (BHRP): A 126-acre tract of property acquired by the City in 2005, with a ~~nature~~natural swimming area on the Cypress Creek as its current main recreation feature. A separate Master Plan for the BHRP was ~~developed~~ developed in 2006 by the Lady Bird Johnson Wildflower Center staff in collaboration with a Wimberley stakeholders group. The plan was approved by the Wimberley City Council in 2007. When fully developed, the park will ~~The park, as currently developed,~~ features accessible open spaces, a tennis ~~tennis~~ basketball courts, soccer fields, a volleyball courts, hiking trails, and primitive camping areas for scouting groups, and restroom facilities. Additional amenities include restroom facilities, an amphitheater, a community pavillion, a playscape, and picnic facilities, ~~along with natural swimming and pedestrian areas, trails, and primitive camping areas.~~ *(Acquired since original 2001 Wimberley Parks and Recreation Master Plan)*

4.5. Old Baldy Park: *A 4.3 acre tract of property located off FM 2325, approximately*

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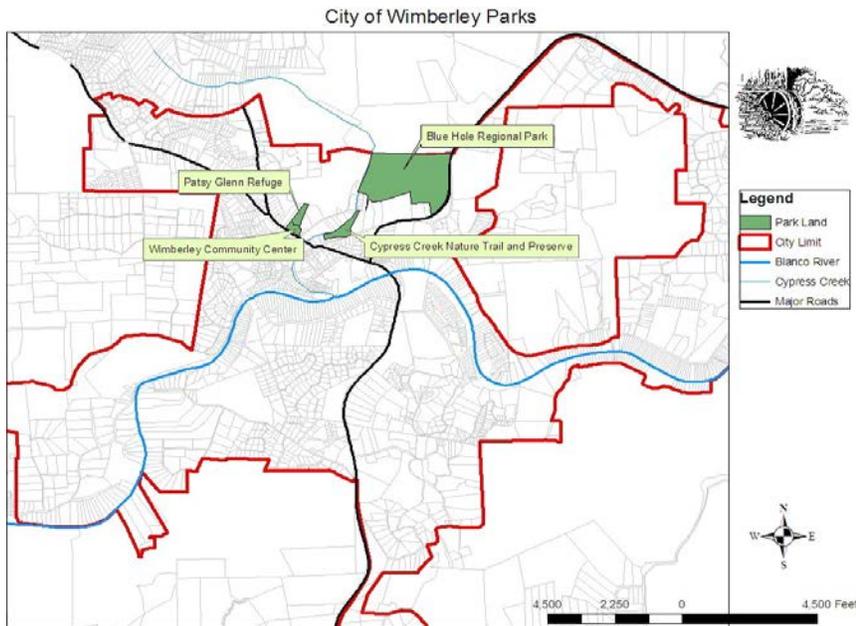
2.5 miles from the Square in Downtown Wimberley. The property was acquired by the City in 2015. 218 rock steps lead to the top of the hill and provide 360 degree views of the Wimberley Valley. (Acquired since the original 2001 Wimberley Parks and Recreation Master Plan)

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In addition to these ~~four~~ five properties owned by the City of Wimberley, there is a State-owned, ~~City maintained~~ roadside picnic area on Ranch Road 12 within the city limits, south of ~~the Square in~~ Downtown Wimberley. There are numerous other private and commercial parks and recreational facilities in the Wimberley area. ~~These range from school and church recreation facilities to parks, picnic and barbeque areas owned by subdivision or property owners' associations, and private guest houses with large areas maintained as undeveloped and natural areas~~ (Appendix 2.0).

Acquisition of each of the ~~three-five~~ City park properties noted above was accomplished with community fundraising along with major grant funding from Texas Parks & Wildlife, Hays County, Lower Colorado River Authority, Guadalupe Blanco River Authority, Wimberley Lions Club, local sports associations, and numerous other business and individual donors from Wimberley and other communities.

It is important to note that the financial base for the City of Wimberley is limited to a one percent sales tax, franchise fees and certain fees associated with development. The City does not levy an ad valorem property tax. As such, development of future infrastructure such as sports fields, trails, picnic and pavilion areas, and other facilities and amenities to meet the needs of the community will continue to require grant funds from many sources, cooperative agreements with land owners, and the continued support and volunteer contributions of the community.



SECTION 4

NEEDS ASSESSMENT AND IDENTIFICATION

The assessment of parks and recreation needs typically uses either a demand-based, standards-based, or resource-based approach. As a small community, with limited personnel and financial resources which has relied on volunteers to develop basic planning guidelines, the City of Wimberley has chosen to integrate information and perspectives from each of these methodologies to produce this Master Plan that sets out what Wimberley can and should accomplish within a seven year period.

Demand- Based

The initial City of Wimberley Parks and Recreation Master Plan contained an extensive summary of surveys taken in 1996 and 2001 relating to the demand for open space, natural areas, parkland, and recreational facilities in Wimberley and Hays County (Appendix 3.0). Although no later surveys of public opinion in these areas have been taken, there have been no indications that their findings of strong support for public parks and recreation are now invalid.

Standards - Based

Standards developed by the National Recreation and Parks Association (NRPA) should be used to provide a basis for determining progress towards the goals of this Master Plan. Since the plan was first adopted, significant progress in meeting the goals of the plan has been achieved, as the description of existing facilities in this plan indicates. Some basic needs remain unfilled, however, and the NRPA standards are still useful as a nationally accepted yardstick against which to measure both our achievements and our needs. Those standards are included as an appendix to this plan along with a comparison of the City's existing parks and recreation facilities to the NRPA standards (Appendix 4.0).

Progress toward fulfillment of this plan will require adaptability, flexibility, imagination, and dedication to continued improvement of the community. The long-term success of the plan will be largely determined by the community's ability to adapt both planning and action to opportunities that develop as the real estate market, business and economic conditions, population shifts, city finances, and other factors individually and collectively come into play over time.

Resource-Based

The physical setting for Wimberley has been the most prominent element in any description of the area since Europeans arrived more than 150 years ago. The community lies in a broad valley near the eastern edge of the Edwards Plateau, surrounded by hills covered with native oaks, elms, junipers and many other plant species in a relatively small and confined ecosystem. Cypress Creek and the Blanco River have long provided twin focal points for recreation and relaxation for residents and visitors, as attested by the early development of guest ranches, summer camps, and tourist facilities along both streams. Both waterways meander across limestone ledges and outcrops, their banks lined with bald cypress, American sycamore, black walnut and other hydric plants. Hill slopes and areas away from the streams provide magnificent contrast in environments, with mesic and xeric plant communities, lower tree canopies of differing hues, and broader visual aspects, creating the overall effect of a small place of rare beauty and appeal for those seeking unspoiled land, clean air and water. Yet as settlement in the area has grown, with small-acreage lots proliferating, the area has been recognized as fragile and subject to significant human disturbance placing the community's natural elements at risk.

Cypress Creek and the Blanco River are the heart of the community. They are featured in virtually all tourist literature and promotions for Wimberley. These waterways provide an incalculable economic benefit to the area in the amenity value they add to the lives of residents, the value they add to nearby properties, and the money spent by visitors drawn by them, among others.

SECTION 5

GOALS AND OBJECTIVES

This ~~document section~~ outlines goals and objectives that are intended to be used as a guide for future parks, recreation and open space development within the City of Wimberley over the next ~~seven-five~~ years, but farther reaching recommendations and priority statements are also ~~enclosed~~included.

Goal 1: Continue to acquire and protect open space, natural areas and park land for all citizens of Wimberley.

Objective 1: Acquire properties particularly along waterways for protection as natural scenic areas, reflective of the character of Wimberley's setting and history.

Phase A: Work with non-profit organizations, land conservation trusts and other interested parties to acquire property along Cypress Creek and the Blanco River.

Phase B: Seek funding for development of appropriate infrastructure from foundations, donations, grants, and other resources.

Phase C: Encourage land donations suitable for park or preservation uses.

~~Develop a balanced mix of multipurpose sports and recreational facilities for all age groups.~~

~~Objective 1: Work with non-profit organizations, local businesses and other groups to facilitate creation, expansion and improvement of sports fields, playgrounds, and parks on City park lands.~~

~~Objective 2: Seek opportunities to develop hike and bike trails using federal, state, and county grants and other appropriate resources to fund such improvements.~~

~~Objective 3: Develop cooperative agreements with the YMCA/YWCA and other private groups to provide public sports and recreation programs on City properties as appropriate.~~

Goal 2: Encourage developers and other land managers to include green space, park land, playgrounds, and other recreation facilities when platting and developing property.

Objective 1: Work with City Council and the Planning and Zoning Commission to encourage developers to include park and recreation land in residential developments.

~~Continue to acquire and protect open space, natural areas and park land for all citizens of Wimberley.~~

~~Objective 1: Acquire property along waterways for protection as natural scenic areas, reflective of the character of Wimberley's setting and history.~~

~~Phase A: Work with non-profit organizations, land conservation trusts and other interested parties to acquire property along Cypress Creek and the Blanco River.~~

~~Phase B: Seek funding for development of appropriate infrastructure from foundations, donations, grants, and other resources.~~

~~Phase C: Encourage land donations suitable for park or preservation uses.~~

Goal 3: Develop information strategies for recreational programs and facilities.

Objective 1: Develop materials to educate the community, financial sponsors and donors of the need for continued development of adequate park land and recreational facilities in Wimberley.

Objective 2: Develop communication systems within Wimberley to circulate event and program information to all audiences.

Objective 3: Develop relationships with area media outlets to publicize events and programs.

Develop pocket parks on small sites in and near the commercial center of Wimberley.

Objective 1: Support Wimberley Senior Citizens Activities, Inc. and Wimberley Birding Society programs to develop appropriate recreational facilities and outdoor environmental education programs.

Objective 2: Encourage and work with business enterprises in commercial areas to locate benches, picnic tables, landscaping, or other facilities for the public as appropriate.

Goal 4: Encourage developers and other land managers to include green space, park land, playgrounds, and other recreation facilities when platting and developing property.

Objective 1: Work with City Council and the Planning and Zoning Commission to encourage developers to include park and recreation land in residential developments.

Goal 5: Develop pocket parks on small sites in and near the commercial center of Wimberley.

Objective 1: Support Wimberley Senior Citizens Activities, Inc. and Wimberley Birding Society programs to develop appropriate recreational facilities and outdoor environmental education programs.

Objective 2: Encourage and work with business enterprises in commercial areas to locate benches, picnic tables, landscaping, or other facilities for the public as appropriate.

Develop information strategies for recreational programs and facilities.

Objective 1: Develop materials to educate the community, financial sponsors and donors of the need for continued development of adequate park land and recreational facilities in Wimberley.

Objective 2: Develop communication systems within Wimberley to circulate

event and program information to all audiences.

~~Objective 3: Develop relationships with area media outlets to publicize events and programs.~~

SECTION 6

PRIORITIZATION OF NEEDS

~~Wimberley's parks and recreation needs can be grouped into three types: park land and open space; outdoor sports and recreation land with appropriate infrastructure; and indoor recreation. As a community with an increasingly diverse population in income level, age structure, and interest, different segments of the community have different needs when it comes to parks and recreation. Establishing priorities of need requires a balance between opportunity and demand.~~

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~~Hays County's growth has dramatically increased over the last decade. State of Texas current statistics reveal that Hays is currently the fastest growing county in the state. The balancing of priorities and needs for parkland have become both more difficult and more important.~~

~~Opportunities to acquire affordable land for parks have decreased and demand for recreational space has increased. Large tracts that provide an opportunity for open space, preservation of native species of plants and animals as well as water access and room for recreation are not affordable for the City. Population growth and increased land prices will likely necessitate more projects to be jointly funded by the City, Hays County, the Wimberley Independent School District and the State of Texas.~~

Youth Sports & General Use Recreation Facilities

~~Since its incorporation, the City has acquired properties for recreational use, but the infrastructure of recreation—sports fields lined and properly marked, parking areas, picnic tables, pavilions, etc.—must now become the focus of City efforts. The development of youth sports and general use recreation facilities is now the highest priority. In descending order of priority, Wimberley's recreation facility needs are:~~

- ~~1. Hiking and biking trails~~
- ~~2. Soccer fields for all age and competition levels~~
- ~~3. Tennis courts~~
- ~~4. Swimming and wading pools~~
- ~~5. Youth baseball and softball fields~~
- ~~6. Basketball courts~~
- ~~7. Picnic areas~~
- ~~8. Public pavilion/Outdoor meeting area~~
- ~~9. Environmental education sites~~
- ~~10. Interpretive signs for nature study areas~~
- ~~11. Lawn Bowling Pitch~~
- ~~12. Equestrian trails~~

~~The provision of funding for the maintenance and management of these facilities must also be ensured.~~

Since its incorporation, the City has acquired properties for recreational use, but the infrastructure such as sports fields, parking areas, picnic tables and pavilions were the immediate focus of the City's efforts. The development of youth sport and general use recreational facilities were the immediate focus.

The original City Parks Master Plan was written prior to the purchase and development of Blue Hole Regional Park (BHRP) and was amended in 2008. At that time the City owned the property and construction was about to begin on the Park. The 2008 Plan listed recreation needs in the following descending order of priority:

- Hiking and Biking Trails: This need is currently fulfilled by approximately 8 miles of hiking trails including those inside BHRP, the trail in the Cypress Creek Nature Trail and Preserve, the perimeter trail that starts in BHRP and connects to the Hays County funded trail along the Winter's Mill Parkway, the Old Baldy trail, and the Patsy Glen Refuge Trail.
- Soccer Fields/Multipurpose Sports Fields: Two soccer fields/multipurpose fields are currently in place in Blue Hole Park.
- Tennis Courts/Open Green Space: A space was initially allocated for six tennis courts at BHRP. Both Friends of Blue Hole and the City worked hard to raise money for these courts. The Wimberley Tennis Association also participated in these fund-raising efforts. At this time there is not an active effort to fund tennis courts. The City has done work in the designated court area to clear, level and shape the ground. Texas Parks and Wildlife has indicated to the City that other types of recreational use would be acceptable under the terms of their grant to the City. A suitable use for this area should be pursued.
- Swimming and wading pools: Blue Hole Park provides swimming and wading in a nationally acclaimed setting and is the keystone recreational facility in the Park.
- Youth Baseball and soft ball fields: currently provided by VFW and WISD
- Basketball court: Blue Hole Park currently provides one court for public use.
- Picnic areas: Blue Hole Park, Old Baldy, the Cypress Creek Nature Trail and Preserve, and the Roadside Park provide numerous picnic areas.
- Public pavilion/outdoor meeting area: Blue Hole Park provides the Pavilion and the Amphitheater for outdoor meeting and performances. The Cypress Creek Nature Trail and Preserve also provides a small covered meeting space. Other BHRP venues such as the soccer fields and the basketball court have hosted events.
- Environmental education sites: Numerous sites in all of Wimberley's parks provide opportunities for environmental education. Additional signage could be considered.
- Interpretive signs: These are provided at Blue Hole, the Patsy Glen Birding Refuge, and the Cypress Creek Nature Trail and Preserve. More interpretive signs could be added.
- Lawn Bowling Pitch: This use could be provided in the area designated for tennis and has been approved by Texas Parks and Wildlife as an alternative use in the tennis area.
- Equestrian Trails: No action has been taken on this item.

The provision of funding for the maintenance and management of these facilities must continue to be ensured. The Master Plan for Blue Hole Park, which was developed by a team comprised of Wimberley stakeholders assisted by planning professionals from the Lady Bird Johnson Wildflower Center was adopted by the Wimberley City Council in 2007. It is the controlling document for development in the Blue Hole Regional Park.

Public comments were heard at 5 regularly scheduled Parks Board meetings in 2018. Citizens requested that the Parks Board evaluate adding new uses such as a dog park, bike paths, and frisbee golf to Wimberley parks. It is worth noting that The Blue Hole Master Plan states that the stakeholders recommend that the Parks Board and City Council try to find alternate locations for frisbee golf, a skate park, softball fields, a swimming pool and a veloway since BHRP does not provide appropriate sites.

Open Space & Water Access

The acquisition of the 126-acre Blue Hole Regional Park in 2005 has provided Wimberley and the greater Hays County community with a rare opportunity to selectively develop parts of this mostly natural tract for a range of outdoor recreational activities. Local sports organizations provided strong financial and public support for acquisition of the property and participated in the development of a master plan for the park. The need now is for funding for full development of phases one and two of the Blue Hole Regional Park Master Plan, including the infrastructure and recreational programming needed to benefit the widest possible participant groups.

The City's other park, the Cypress Creek Nature Trail and Preserve, provides seven acres of heavily shaded natural Hill Country riparian area only a few yards from the center of Wimberley. A small picnic area with a children's playscape and pavilion at the entrance to the trail is available to shoppers and visitors to the downtown area, and a natural surface trail leads along a quarter mile of Cypress Creek. Although now fully developed, the park requires continued maintenance and support, some of which is provided by local volunteer groups.

At present, there does not appear to be any restraints, economic or other, on the continuing rapid population growth in the Wimberley area. Under these pressures, undeveloped land along waterways continues to become so expensive that the City is not able to afford it and it will become increasingly difficult to acquire such sites for public use. The strong public support shown in community surveys for protecting open space and providing water access makes this a second priority for the City.

The acquisition of the 126-acre Blue Hole Regional Park in 2005 has provided Wimberley and the greater Hays County community with a rare opportunity to selectively develop parts of this mostly natural tract for a range of outdoor recreational activities. Local sports organizations and Friends of Blue Hole provided strong public and financial support for the acquisition of the property and participated in the development of a master plan for the park.

The City owned Cypress Creek Nature Trail and Preserve provides seven acres of heavily shaded natural Hill Country riparian area only a few yards from the center of Wimberley. A small picnic area with a children's playscape and pavilion are located at the entrance to the trail is available to shoppers and visitors to the downtown area. A natural surface trail runs along Cypress Creek Nature Trail and Preserve. Although now fully developed, the park requires continued maintenance and support; some of which is supplied by volunteer groups. The need now is to keep existing facilities in good repair and maintain the pristine nature of the immediate creekside area. The City should also provide an accessible and environmentally acceptable marked trail connecting the Nature Trail to Blue Hole Park.

At present, there do not appear to be any limits to the potential for continuing rapid population growth in the Wimberley area. In 2015 the Texas Office of the State Demographer released the following information: Hays County's population is projected to grow 464% by 2050. Calculated on a percentage basis, Hays County is the fastest growing county in Texas. Further, it is calculated that within 35 years the actual population will grow by 666,900 to 825,073. Under such enormous pressure from population growth, undeveloped land along waterways will become prohibitively expensive, clearly unaffordable for acquisition by the City. The Wimberley residents have shown strong support for protecting open space and providing access to water for its citizens. Protecting and preserving what we have has become

enormously important in the face of this population explosion. Our parks and the public access to water and open spaces they provide will be our greatest legacy to the future generations that follow us.

Funding

~~All municipal operations in Wimberley are funded with revenue from a one percent sales tax, franchise fees paid by utilities and other users of public rights of way and permit fees charged for municipal services and oversight activities such as building permits and inspections. The permit and inspection fees are scaled only to cover the cost of providing the specific service for which they are charged. The City does not collect an ad valorem tax.~~

~~For the foreseeable future, these revenue sources will not be adequate for any significant City expenditures for land purchases or recreational infrastructure development. For the short term, the City will have to seek funding for parks and recreation programs from grant sources, as well as relying on cooperative agreements with existing or potential providers. At some point in the very near future, the City will have to make budgetary commitments to management and continued development of parks and recreation facilities. Securing such funding is a significant priority for the City.~~

All municipal operations in Wimberley are funded with revenue from a one percent sales tax, franchise fees paid by utilities and other users of public rights of way and permit fees charged for municipal services and oversight activities such as building permits and inspections. The permit and inspection fees are scaled to cover only the cost of providing the specific service for which they are charged. The City does not collect an ad valorem tax. Friends of Blue Hole, a 501(c)(3) organization, was formed in 2005 for the sole purpose of raising monies to support Blue Hole Park.

Blue Hole Park is currently self sustaining with money from the entrance fees and from Friends of Blue Hole used to support staff, maintenance and programming, the City must place a priority on budgetary commitments necessary to manage and develop all of its parks and recreation facilities and should endeavor to maintain Blue Hole Park as a self sustaining facility

SECTION 7

IMPLEMENTATION STRATEGIES

The following implementation strategies are proposed to accomplish the City's priority projects relating to parks and recreation. Accomplishing any of these projects must be a flexible process that responds to many factors that change with time, particularly the needs and wishes of Wimberley's residents and the opportunities to acquire both land and funding.

Priority No. 1: Develop sports fields and other recreation facilities in Blue Hole Regional Park (BHRP) according to priorities and needs identified in that park's master plan.

Implementation Strategy:

- A. Seek grant funding for specific facilities and recreation needs
- B. Work with sports and recreation associations already invested in BHRP to develop their respective facilities
- C. Ensure creation of dedicated funds permanently set aside and identified for on-going maintenance and repair of all facilities developed at BHRP
- D. Identify sources of trained recreation management personnel to provide staff for facilities at BHRP

Timeline: Identification of specific sites to begin immediately; construction to begin when full funding for completion is available; search for maintenance and repair funds on-going

Priority No. 2: Develop hike-and-bike ~~and equestrian trails~~

Implementation Strategy:

- A. Seek grants from county, state and federal sources for trail development in BHRP and connecting to trail along Winters Mill Parkway
- B. Develop cooperative agreements with commercial property owners, as needed, for completion of a network of trails through the downtown area to the Winters Mill Parkway

Timeline: Continuing, depending on availability of property and funding

Priority No. 3: Develop a dog park in Blue Hole Regional Park

Implementation Strategy:

- A. Form dog park committee to provide input from varying areas of the community
- B. Find specific location within BHRP
- C. Develop specifications of park such as cost, size, rules, future maintenance plan, etc.
- D. Seek grants and other sources of funding for dog park development

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Timeline: Projected completion by end of fiscal year 2019

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Priority No. 34: Create sports grounds, playgrounds and athletic facilities in areas outside the city center to create better distribution of facilities.

Implementation Strategy:

- A. Explore possibilities for dedication of private undeveloped land to community recreational property through all available options.
- B. Continue to seek grant funding for purchase of selected property.
- C. Establish partnerships with the Wimberley ISD to allow uses of select public school recreation facilities

Timeline: On-going, depending on availability of property and funding.

Priority No. 45: Develop small park sites in and near the commercial center of Wimberley.

Implementation Strategy:

- A. Work with commercial property owners in downtown area to explore possibilities for creation of pocket parks with benches and green space for public use
- B. Explore possibilities for small park sites in other areas of concentrated commercial development

Timeline: On-going

Priority No. 56: Acquire additional property along waterways for protection as open space and for use as park land

Implementation Strategy:

- A. Explore possibilities for dedication of private undeveloped land as park land through inclusion in land conservation trusts, use of tax incentives, and all other available options
- B. Continue to seek grant funding for purchase of selected property

Timeline: On-going, depending on availability of property and funding

Priority No. 67: Develop information strategies to inform all appropriate groups of park lands and recreational opportunities in Wimberley

Timeline: Outline of information and education program drafted by Spring 2009; material development and distribution are a continuing process as local situations change; maintain media relationships

Priority No. 78: Encourage and work with business owners in commercial areas to provide benches, picnic tables, landscaping, or other facilities for public use as appropriate

Timeline: Continuing and indefinite

APPENDIX

Appendix 1.0

Master Plan Development Process

(Excerpt from July 2001 Wimberley Parks and Recreation Master Plan)

This plan was developed by the Parks and Recreation Committee of the Wimberley City Council, under the leadership of Council Member Martha Knies, who is responsible for the parks and recreation portfolio. Committee members are: Kris Cusack, Committee chair, Kathleen Cline, Fred Franz, Jane Morton, Thad Nance, and Dell Hood, Committee secretary. Bob Shearer served the Committee from its creation until March 2001, when he resigned for personal reasons.

The Parks and Recreation Committee was organized by Council member Knies and had its first meeting on December 17, 2000. To learn what Wimberley did and did not have and to help in deciding what was needed, the Committee took as its first two tasks drafting a brief statement of purpose, and identifying and cataloging existing facilities in the area. The Committee contacted Texas Parks & Wildlife (TPW) for information on grants for land acquisition and facilities development. After reviewing the TPW materials, the Committee agreed in February to draft a Master Plan and began collecting information and plans from other jurisdictions in Central Texas for models.

All of the Committee's meetings were open to public participation.

Following are the dates of Committee or City Council meetings at which public comments on parks and recreation were received:

May 24, 2001 - City Council meeting to discuss the first park acquisition by the City, with public forum attended by approximately 65 people;

June 3,10,19 - Parks Committee meetings with Citizen Forums on draft Parks & Recreation Plan and proposed City park; total attendance approximately 45 people;

June 21 - City Council meeting with presentation of petition from Cypress Creek Neighborhood Association on proposed City park and discussion of priorities for grant applications to Texas Parks & Wildlife, attended by approximately 50 people;

July 10 - Committee meeting with Citizen Forum and review of Master Plan, followed by public meeting on Wimberley Community Center, attended by approximately 50 people;

July 12 - Public meeting on Parks & Recreation Master Plan, attended by approximately 40 people;

July 19 - City Council meeting to adopt Parks & Recreation Interim Master Plan.

This plan would become an integral part of the Comprehensive Master Plan of the Village of Wimberley as that plan is developed over the next year.

Appendix 2.0

Inventory of Existing Facilities

(Excerpt from July 2001 Wimberley Parks and Recreation Master Plan)

The following inventory of park land and recreation facilities was done by members of the Parks Committee in the period January-May, 2001. Sources for this information include the Wimberley Chamber of Commerce, the Wimberley Independent School District, the Wimberley Emergency Medical Service office, and numerous individual and business contacts. Committee members tried to verify information to the greatest extent possible, through individual visits to sites, telephone contacts, and third party sources when no others were available. Aware of its responsibility to the City Council and to the community as the body charged with parks and recreation, the Committee also tried to make this list as comprehensive as possible. However, because all facilities in the Wimberley area, except for a Texas Department of Transportation roadside park, are owned by either individuals or many separate and dispersed corporate bodies, it is not possible to determine the completeness and accuracy of this list.

A. Guest Ranches, Summer Camps

1. 7-A Ranch/Pioneer Town- Private, commercial, Wayside Drive; 142 acres of land with half a mile of Blanco River frontage; includes volleyball and tennis courts, horseback riding, swimming pool, games arcade, and cabins for guest use.
2. Old Glory Ranch - Private, commercial; 3633 River Road, 460 acres of land with half a mile of frontage on both side of Blanco River; no lodging or recreational facilities; site may be rented for events.
3. John Knox Ranch - Private, non-profit owned and operated by Presbyterian Church; 1661John Knox Road; 300 acres of land with half a mile of river frontage; summer camps and facilities for family reunions.
4. El Rancho Cima-Boy Scout Ranch - Private, non-profit; Ranch Road 32; cabins, dirt roads, Blanco River frontage on both sides; for use only by Houston area Boy Scout troops.
5. Rocky River Ranch - Private, commercial children's camp; Flite Acres Road; 26 acres with frontage along Blanco River; swimming pool, horseback riding, volleyball and tennis courts; during non-summer months facilities may be rented for group events.

B. Subdivision Parks

All the facilities in this group are privately owned and are reserved for use by residents or members and guests of the subdivision property owners group.

1. Blanco River Estates, Haschke Lane; 12 acres along the river are set aside for park use.
2. Blanco River Rapids, Haschke Lane; no information available.
3. Burnett Ranches, Farm to Market 2325; 11 acres with about 6,000 feet of frontage on both sides of Blanco River.

4. Cedar Oaks Mesa, River Road; along Blanco River, no information available.
5. Cypress Creek Acres; Summit Drive; park area, no further information available.
6. Deer Run Estates, Wayside Drive; 290 feet of Blanco River frontage, no improvements.
7. Falcon Woods, Ranch Road 12; picnic tables with B-B-Q pit and jungle gym.
8. Las Lomas, Farm to Market Road 3237; tennis court with restrooms and a pavilion.
9. Lost River Ranches, Flite Acres Road; park land with Blanco River access.
10. Lost Spring Ranch, Farm to Market Route 2325; park land with Blanco River access.
11. Paradise Hills/Paradise Valley, Ranch Road 12; park with Blanco River access.
12. Rancho Grande, off Farm to Market Road 3237; park with access on Lone Man Creek.
13. River Bend, Flite Acres Road; homeowners' park with Blanco River access.
14. River Meadows, River Road, homeowners' park with Blanco River access.
15. River Mountain Ranch, Farm to Market 3237; homeowners' river park with a small pavilion.
16. River Oaks, Wayside Drive; homeowners' park with Blanco River access.
17. Rolling Oaks, Farm to Market 3237; homeowner's pool, park and picnic area
18. Saddle Ridge, Ranch Road 12; clubhouse and park with playground equipment.
19. Summer Mountain Ranch, Farm to Market 3237; riding and nature trail.
20. Wagon Wheel, Flite Acres Road, homeowners' park with Blanco River access.

C. Commercial Facilities

1. Blue Hole, Old Kyle Road; swimming hole on Cypress Creek near Village Square, with primitive camping sites, picnic area, RV hookups, restroom; sells one-day memberships as well as seasonal family memberships.
2. Lookout Mountain, County Road 221; restaurant in private residence, on hill top, with nature trails, guided nature tours and plant identification, bird watching programs.
3. Woodcreek Resort, in City of Woodcreek, Ranch Road 12; includes 18-hole golf course open to the public for a daily fee; day-use rates available for tennis courts and swimming pool.
4. Woodcreek North, off Jacob's Well Road, a development separate from Woodcreek; has a nine-hole golf course, picnic area and a sports complex with swimming pool, tennis courts, facilities for sand volleyball, basketball, badminton, horseshoes, ping pong; daily and seasonal rates for individuals and families.

D. Miscellaneous

1. Emily Ann Theater, Farm to Market 2325, a non-profit corporation for student theater training and presentations, including "Shakespeare Under the Stars" program in summer; has nature trails, picnic tables, and water features on a five-acre site open to public; in process of acquiring adjoining 6.7 acre lot along FM 2325 to be managed as natural green space.
2. VFW Hall - Chester Franklin arena, approximately four miles from city on County Road 182; 20+ acres, with softball field; hosts annual 4th of July Rodeo in the arena; hall can be rented for meetings.

3. Hill Country Recreation Association (HCRA), Ranch Road 12; maintains baseball fields and manages Little Leagues for baseball and Little Dribblers for basketball games, which are played in the school gyms.
4. Camp Young Judaea, Woodcreek Subdivision; private camp on Cypress Creek, with five soccer fields, swimming pool, tennis, volleyball and ropes course.
5. Southwest Texas State University Camp, Flite Acres Road; 126 acres along Blanco River, owned by SWTSU in San Marcos; 2 lodges, 6 camp sites, 4 day-use areas, 2.5 mile trail system, available for University groups.
6. EMS (Emergency Medical Services), Twilight Trail and Melody Lane; lighted sand volleyball court available to any groups.
7. Ozona National Bank, Ranch Road 12; two picnic tables and several benches in grassy area on north bank of Cypress Creek, available free to public.
8. Johnson Field, FM 2325; approximately four-acre field used for youth soccer.
9. Texas Department of Transportation roadside park, Ranch Road 12, approximately 3 miles south of Square, picnic tables; this is the only public recreation facility in Wimberley area.

E. Schools

1. Scudder Elementary School, Green Acres Road; 2 playscapes with playgrounds; gymnasium.
2. Bowen Middle School, RR 12; softball field, playscape, gym with stage, basketball court.
3. Danforth Junior High School, Texan Blvd.; gymnasium, 2 tennis courts, football field, baseball field, practice field, track, picnic tables.
4. Wimberley High School, Carney Lane; gymnasium, theater, picnic tables.
5. Wimberley Alternative School, Farm to Market 2325; parking lot used for community events.
6. Katherine Ann Porter School, Farm to Market 2325; indoor sports court; school hosts community music and art festivals.

F. Churches

1. St. Mary's Church, Ranch Road 12; a one-acre meditation park open to the public.
2. St. Stephen's Episcopal Church, Farm to Market 3237, seven miles from Square; nature trail, benches and picnic tables.
3. Baptist Church, Old Kyle Road; youth center.
4. Presbyterian Church, Farm to Market Road 2325; after school youth program.
5. Methodist Church, County Road 1492; basketball court.
6. Cypress Creek Church, South River; many youth programs.

Appendix 3.0

Public Opinion

(Excerpt from July 2001 Wimberley Parks and Recreation Master Plan)

In April and May 2000, the Scripps Howard Texas Poll conducted a formal survey for the Hays County Commissioners Court on park and recreation needs in the county. This mail survey used county resident addresses purchased from Survey Sampling, Inc., of Fairfield, Connecticut.

An initial and one follow-up mailing elicited 929 valid responses out of a sample of 2,000 county residents. Following are some of the findings of this survey:

1. River or creek access was considered the highest public recreational need in the county by an overwhelming majority, with 28 percent of respondents ranking it their first priority. No other recreational need was given first priority by more than eight percent of respondents.
2. Park land along rivers and creeks was rated from extremely important to moderately important by a total of 87 percent of respondents.
3. Protection of buffer land along streams to preserve habitat, natural environment and water quality was rated between extremely and moderately important by 85 percent of respondents.
4. Eighty-nine percent of respondents agree that it is important to preserve open space for future generations. Only 4 percent disagreed with this statement.
5. Public park land with fields for ball and other team sports was rated from extremely to moderately important by 54 percent of respondents.

While this survey covered all of Hays County, 136 or 15 percent of valid responses came from the Wimberley zip code. Following are the responses by only those respondents with Wimberley addresses:

Moderately Important to Extremely Important

Acquire parkland along rivers and creeks	88.7 percent
Acquire buffer land along streams for flood protection	89.1 percent
Acquire large parks to be left mostly natural	71.8 percent
Preserving open space and parkland	71.4 percent

On a related question, 92.3 percent of Wimberley residents said they agree or strongly agree that it is important to preserve open space for future generations.

Another indicator of public opinion on parks and recreation needs can be drawn from hundreds of individual comments collected during an informal day-long charrette in Wimberley on September 28, 1996. The meeting was a free-wheeling discussion session with a focus on the future of the community, organized by professors and graduate students in the Department of

Geography and Planning at Southwest Texas State University in San Marcos. Each of nine working groups in the charrette undertook the following tasks:

1. To describe the attractive attributes of the community;
2. To identify constraints and limitations on those attributes;
3. To develop a vision statement of how they would like Wimberley to be in the future;
4. To identify ways to accomplish their vision.

Although the report prepared after the charrette does not represent a formal survey of the community, it does present the thoughts of the 80 members of the community who were committed enough to the betterment of Wimberley that they were willing to spend an entire autumn Saturday in thoughtful discussion of complicated issues which arouse strong opinions in any setting.

Following are excerpts from the comments collected by each of the nine groups:

Attributes of Wimberley

1. Wimberley is: a scenic area with views; a place with clean water, rivers, creeks, full of trees and greenery.
2. Wimberley has: the potential to establish parkland, especially in the floodplains (for example), with a trail system along Cypress Creek (from a private swimming hole to a scenic area on the Blanco River); a unique beauty; open space; natural beauty with problems of trees being cut and water and air being polluted; water aesthetics; woodlands.

Constraints and Limitations

1. Wimberley is limited: by the lack of recreation facilities; by tearing up of land and trees by development; by limited visitor access to the river; by threats to a fragile environment.
2. Wimberley needs: to establish a public park; green space; water access; walk and bike trails; a community park.

Vision Statement

1. Wimberley is a community that: is visually beautiful, is preserving natural resources (water, wildlife, quiet, open space, etc.).
2. We want Wimberley to: maintain its natural beauty and resources; to create parks and hike and bike trails.

Accomplishing the Vision

Almost all comments under this rubric suggested a broad range of political and civic actions, including incorporation, control of the factors acting negatively on the community, and the development of the infrastructure necessary for managing growth. One team specifically cited parks, open space, sidewalks, hike and bike trails.

Taken as a whole, the 1996 charrette provides numerous statements supporting protection of the physical qualities that make Wimberley attractive. Many people cited the natural environment, the attractiveness of the setting, and the beauty and appeal of the Blanco River and Cypress Creek. Many also recognized the need for public protection of these streams and for creation of public recreation facilities.

Equally as pressing, however, is the need for a variety of recreational opportunities for all residents of Wimberley. The Wimberley community has long asserted its spirit of volunteerism and community action. The most significant such effort, in both financial terms and the numbers of people involved, has been the work of a local non-profit group, Wimberley Senior Citizens Activities, Inc. (WSCAI), which has been vigorously raising funds to create a Community Center. By mid-2001, WSCAI has collected \$750,000 in contributions from the Wimberley community, grants, and in-kind donations. These community contributions indicate a strongly felt demand for an indoor recreation facility. Because this fund-raising effort has reached the point at which construction of the center can begin if matching grant funds are available, the City Council has approved the Community Center as the highest priority recreation project. By working cooperatively with WSCAI and the volunteer force it can mobilize for community projects, the city can develop multiple resources for the benefit of all.

Appendix 4.0

Area Facility Standards

Standards developed by the National Recreation and Parks Association (NRPA) to help communities plan optimal park land and recreation facilities are included here to provide a basis for determining progress toward the goals of this plan. These guidelines are contained in NRPA's publication, *Park, Recreation, Open Space & Greenway Guidelines*. Of particular importance for Wimberley is the NRPA recommendation that a park system, at a minimum, be composed of a core system of parklands, with 6.25 to 10.5 acres of open space per 1,000 population. By this criterion, the Wimberley Valley, which includes the cities of Wimberley and Woodcreek and the immediate surrounding unincorporated areas, requires a minimum of 87 acres, and optimally up to 147 acres, of park land for an estimated Valley population of 14,000.

Indoor recreation facilities are not sufficient for the growing population of retired, elderly and physically handicapped residents of Wimberley, and although no specific guidelines or criteria are cited for them, they must be provided for. The need for indoor facilities is inferred from the high proportion of the area's population in the older age categories and the growth projected for this age group.

Most athletic facilities have specific size and construction requirements established by sports governing bodies. Where possible, the City should consult these requirements and follow them so as to make the facilities eligible as host sites for competitive sporting events. However, if space, cost or other limitations prevent the City from meeting these standards, it should not prevent their construction if the need exists.

It must be emphasized that the standards in the following table are only guidelines created to provide some base line for the City to use in planning. They will be modified and adjusted as the park and recreation system is developed to make them realistic and achievable in Wimberley.

National Park and Recreation Association Standards

Component	Use	Service Area	Desirable Size	Acres/1,000 Population	Desirable Site Characteristics
Mini-park	Specialized facilities to serve limited, isolated or unique recreational needs for specific groups such as tots or senior citizens.	Less than ¼ mile radius	1 acre or less	0.25 to 0.5 acre	Within neighborhoods and close to denser housing areas (apartment complexes, townhouses, housing for elderly).

Component	Use	Service Area	Desirable Size	Acres/1,000 Population	Desirable Site Characteristics
Neighborhood park, playground	Area for intense recreational use, such as field games, court games, crafts, playground apparatus, picnicking, etc.	1/4 to 1/2-mile radius, to serve a population up to 5,000.	5 acres at a minimum, 10-15 acres or more where possible.	1.0 to 2.0 acres	Easily accessible to neighborhoods, geographically centered with safe walking and bike access.
Community Park	Area of diverse environmental quality; may include areas for intense recreational use; may be area of natural quality for outdoor recreation; or combination.	Several neighborhoods; 1 to 2 mile radius.	25 acres or more	5.0 to 8.0 acres	May include natural features such as water bodies; can be in areas suited for intense development. Easily accessible to area served.
Linear Park	Area developed for one or more modes of recreational travel (hiking, biking, horseback riding, etc.). May include active play areas.	No applicable standard.	Sufficient width to protect the resource and provide maximum use.	Variable	Natural or built corridors, such as watercourses, bluff lines, utility rights-of-way, vegetation patterns, or other elements that link together other components of the recreation system.
Natural resource area	Land set aside for preservation of significant natural resources, remnant landscapes, open spaces, visual aesthetics, buffering; recreation use a secondary objective.	No applicable standard.	Variable depending on resource availability and opportunity.	Variable	Variable depending on resources to be protected.
Sports Complex	Consolidates heavily used athletic fields and associated facilities to larger and fewer sites.	Community level; may be centralized for smaller communities, strategically dispersed in larger cities.	Determined by demand; usually a minimum of 25 acres, larger as possible.	Measured by units (fields, courts, etc.); varies greatly from sport to sport.	Variable.

The following table shows the availability of existing resources in comparison with the standards of the above table, using a population of 14,000 people.

Existing Facilities vs. Recommended Supply

Park Type	Existing Acreage in Wimberley	NRPA Standard Acres per Type	Suggested Acreage per 1,000 People	Total Acreage Suggested	Wimberley Status
Mini Park	None	Up to 1 acre	0.25 to 0.5	3.5 to 7 acres	Adequate
Natural Resource Area	1.7	No applicable standard	Variable	Variable	Adequate
Neighborhood	None	15+ acres	1 to 2 acres	14 to 28 acres	Deficit
Community	126	25+ acres	5 to 8 acres	70 to 112 acres	Adequate
Linear	7.2	Variable	Variable	Variable	Deficit
Sports Complex	Only individual separate fields	Variable	Variable	Variable	Deficit

A limited sales tax income base available to the City makes it very difficult for City leaders to take full financial responsibility for creating parks and recreation facilities adequate to meet needs of the area’s diverse and growing population. Residents must rely upon developers to assume a cooperative role in meeting the City’s parks and recreation needs through the dedication of land, open space, and undisturbed natural areas for park land, and/or the building of recreation infrastructure where appropriate.

The Wimberley Parks and Recreation Board strongly endorses the requirements for park land dedication set forth in City of Wimberley Code of Ordinances. Although the requirement for dedication of one acre of park land per 150 new dwelling units in a subdivision may not produce the optimal park acreage suggested by NRPA standards, the precedent of requiring that park land be a part of any subdivision is new to the Wimberley area and crucially important to providing residents the parks and recreation opportunities they deserve.

GLOSSARY OF TERMS

Acre: A measure of land containing 43,560 square feet.

Baseball Field: A baseball field or baseball diamond is the field upon which the game of baseball is played.

Basketball Court: A playing surface consisting of a rectangular floor with baskets at either end. In professional or organized basketball, especially when played indoors, it is usually made out of a hardwood, often maple, and highly polished. Other indoor surfaces include suspended plastic interlocking tiles. Outdoor surfaces used include plastic interlocking tiles (suspended athletic courts), asphalt, blacktop, or similar materials are used.

Bike Path (Shared Use Path, Bicycle Path, Bike Trail, Multi-use Path/Trail): Any corridor that is physically separated from motorized vehicular traffic by an open space or barrier, and that is either within the highway right-of-way or within an independent right-of-way. Besides bicycles these paths may also be shared by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users. The term bicycle path is becoming less common, since such facilities are rarely used exclusively by bicyclists.

Camp (Campsite, Camping): Living outdoors in a tent or trailer while on vacation or as a recreational activity. A site where overnight stays are permitted.

Citizen: A person who lives, works, or owns property in Wimberley.

Citizen Participation: Public involvement in the city's policy formation and implementation.

City Council: A six member elected body of Wimberley residents responsible for governing the city and making decisions regarding the provision of city services and resolution of civic issues.

Community Center: Facility in which public services for residents are provided, including recreational and cultural services, and services for youth or seniors.

Conservation: The restoration, stabilization, management, and wise use of natural and heritage resources for compatible educational, recreational, aesthetic, agricultural and scientific purposes, or environmental protection.

Creek: A body of flowing water smaller than a river. A small stream.

Development: The physical extension and/or construction of land uses. Development activities include subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of water and sewer systems; grading; deposit of refuse, debris, or fill; and clearing of vegetative cover.

Downtown: The business center of a city or town.

Environmental Education: Activities that use a structured process to build knowledge, in students and others, about environmental topics.

Equestrian Trail: A path or route that provides for the use of horses.

Green Space: Natural areas, open spaces, trails, and greenways that function for both wildlife and people.

Greenway: A linear open space established along a natural corridor, such as a river, stream, ridgeline, rail-trail, canal, or other route for conservation, recreation, or alternative transportation purposes. Greenways can connect parks, nature preserves, cultural facilities, and historic sites with business and residential areas.

Growth Areas: Areas of the community that best accommodate future growth allowing an increased focus on creating or enhancing transportation systems and infrastructure coordinated with development activity.

Habitat: The physical location or type of environment in which an organism or biological population lives or occurs.

Hiking Trail: Any outdoor trail passing through a natural environment where people choose to walk.

Implementation: In the context of the Master Plan, implementation is an action, procedure, program or technique that is the way Master Plan policies are carried out.

Infrastructure: Public services and facilities, such as sewage disposal systems, water supply systems, other utility systems, streets and roads, parks, schools, etc.

Interpretation: Communicating information about the natural and/or cultural resources and their associated stories and values found at a specific site or along a trail. Tours, signs, brochures, and other means can be used to interpret a particular resource.

Kiosk: A small structure (sometimes not much more than a sign) often located at trailheads to provide visitors with information regarding the trail.

Lawn Pitch Bowling: A game where players deliver oddly weighted balls, called bowls, towards a smaller, target ball. The weight bias on the bowls causes them to take a curved path when delivered, making the game more challenging. Points are scored by landing bowls closer to the target than the opponent. The highest amount of points wins the end and the winner of the most ends wins the game.

Live/Work/Play Relationship: Land use relationships where the places that people live, are employed, and recreate are in close proximity to each other to reduce travel distances.

Local Parks: Parks that serve local, or nearby residents, communities and workers; are easily accessible; and offer active or passive recreational facilities, or both, in suburban centers, suburban neighborhood and mixed use centers.

Mini-park: A small neighborhood park of approximately one-half to one acre.

Native Plants: Plants indigenous to an area or from a similar climate and requiring little or no supplemental irrigation once established.

Natural Area: An area of land or water with predominantly native vegetation or natural geological features that is allowed to respond to the forces of nature with minimal human influence.

Nature Trail: Nature Trails are a fairly specific category of trail and are generally short loops (usually between a half mile and couple of miles in length) designed specifically for casual viewing of nature. They are usually well-maintained, well-marked trails with fairly gentle grades (though some may have some moderately steep sections).

Neighborhood: A part of the city defined by distinct characteristics that may include distinct economic characteristics, housing types, schools, or boundaries defined by physical barriers such as major highways and railroads, or natural features, such as rivers. Neighborhoods are often self-defined by the residents or by homeowner associations in a neighborhood.

Open Space: Any parcel or area of water or land that is essentially unimproved and devoted to an open space use for the purpose of (1) the preservation of natural resources; (2) the managed production of resources; (3) outdoor recreation; or (4) public health and safety.

Outdoor Recreation: Leisure activities involving the enjoyment and use of natural resources primarily outdoors.

Park: A tract of land, designated and used by the public for active and passive recreation.

Passive Recreation: Leisure activities that involve relatively inactive or less energetic activities, such as walking, nature walks, sitting, picnicking, card games, chess, checkers, and similar table games or simply enjoying the natural environment.

Picnic Area: Day-use area with one or more picnic tables where meals can be eaten outdoors.

Playground: A piece of land used for and usually equipped with facilities and structures for recreation especially designed for children.

Public/Private Partnership: A merging of public and private resources to achieve an end result or product that would be difficult to achieve through public or private activity alone. It may refer to the delivery of services, such as child care or to the construction of buildings, such as cultural facilities.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Regional Park: Parks that are distinguished from, yet supplement and enhance municipal park systems, and seek to preserve and protect regionally-significant areas of particular ecological, scenic or historic value and provide recreational facilities to serve users throughout the Wimberley area.

Right of Way: The strip of land over which certain transportation and/or other public facilities are built, including roads, railroads, and utility lines.

River: A natural stream of water of considerable volume, larger than a brook or creek.

Signage: General term referring to public and private signs and their design attributes.

Soccer Field: A field also known as the pitch, the rectangular area where soccer matches are played.

Softball Field: A field composed of a dirt or grass infield which contains the diamond and running areas, and a grass outfield. There are 4 bases on the infield (first base, second base, third base, and home plate); the bases are arranged in a square and are typically 45 to 65 feet apart. Near the center of this square is the pitcher's circle, and within the circle is the "rubber", a small flat rectangular area. The object of the game is to score more runs (points) than the other team by batting (hitting) a ball into play and running around the bases, touching each one in succession.

Special Event: Special events are activities where large numbers of persons may gather or participate. Such events may include parades, cultural programs, festivals, musical rock concerts, religious gatherings, block parties, community activities, and First Amendment Rights activities.

Swimming Pool: A swimming pool, swimming bath, wading pool, is an artificially enclosed body of water intended for swimming or water-based recreation. There are many standard sizes; the largest and deepest is the Olympic size. A pool can be built either above or in the ground, and from materials such as metal, plastic or concrete.

Tennis Court: A Tennis Court is a rectangular, flat surface, usually grass, clay, or a hard-court of concrete and/or asphalt. Additional clear space around the court is required in order for players to reach overrun balls. A net is stretched across the full width of the court, parallel with the baselines, dividing it into two equal ends.

Tourism: The activities of persons traveling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business or other purposes."

Trails: A shared-use pedestrian, equestrian, cyclist route or system which is not paved.

Vision: A shared dream of the future characterized by long-term idealistic thinking. Provides the foundation for the development of the goals, policies and programs. A vision is not a binding goal and may not be achievable in the lifetime of those participating in the drafting of the General Plan.

Watercourse: A lake, river, creek, stream, wash, arroyo, or other channel over which water flows at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

Waterway(s): The volume of water distinguishes waterways. Rivers have the greatest volume, followed by streams, creeks, and brooks.



AGENDA ITEM: Scout troops camping access to the swim lawn at Blue Hole Regional Park
SUBMITTED BY: Rebecca Manning
DATE SUBMITTED: 09/04//2018
MEETING DATE: 09/11/2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

A local scout troop has requested a special use of the Blue Hole swim lawn as a location for an annual camping trip. On a limited basis, this does not pose an issue to park staff. To treat everyone fairly in our local community, park staff requests a blanket policy change to allow local (78676) scout troops to camp one time per year per troop on the swim lawn. Troops registered outside of 78676 would not be allowed access to camp by the water, but these troops could still camp at our scout-only tent pads in our designated camp grounds of the park.

REQUESTED ACTION

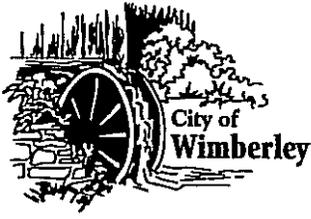
- Motion
- Discussion
- Ordinance
- Resolution
- Other

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

To approve locally registered (78676) Scout troops access to the swim lawn portion of Blue Hole Regional Park for tent camping trips one time per year per troop.



AGENDA ITEM: Food trailer/temporary structure installation at Odie's
SUBMITTED BY: Sandy I. Floyd
DATE SUBMITTED: 09/05//2018
MEETING DATE: 09/11/2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Enrico's Blaze Wood Fired Pizza, Henry Hosey, has requested installation of his food trailer at 411 FM 2325. Recent availability at Odie's has presented Mr. Hosey with the opportunity to fill this space. Requested installation date is September 12th.

REQUESTED ACTION

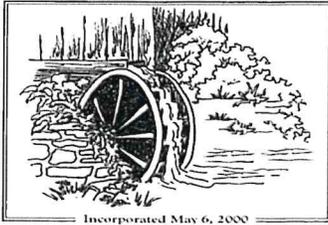
- Motion
- Discussion
- Ordinance
- Resolution
- Other

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

To approve food trailer at Odie's.



City of Wimberley

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

Temporary Structure Application Form

Office Use
Permit No. T-18-003
Date: Aug. 27, 2018
Staff Review: SIF
Council Hearing: 9-11-2018

Applicant: Enricos Blaze Wood Fired Pizza

Mailing Address: 13150 RR 12 **City:** Wimberley **State:** Tx **Zip:** 78676

Phone: 903.440.3096 **Email:** henry@enricosblazepizza.com

Property Owner: Allison Schwabe

Mailing Address: 411 FM 2325 **City:** Wimberley **State:** Tx **Zip:** 78676

Phone: 903.440.3096 **Email:** henry@enricosblazepizza.com

Subject Property Address: 411 FM 2325

Hays CAD Parcel ID R R153456 **Zoning:** C1

Purpose/Use of Structure: Food Trailer

Requested Installation Date: Sept. 12 **Requested Removal Date:** NA

Will the temporary structure be served by electricity? YES NO

Will the temporary structure be served by water service? YES NO

If "YES" to either then an inspection is required for water and/or electrical service.

If service is provided through another meter attach a letter of permission.

Provide a site plan indicating location of temporary structure in relation to other structures, parking lots, property lines etc.

Permission from property owner is attached. YES NO N/A will be sent SIF

Has a Mobile Food Establishment application been submitted? YES NO N/A

Temporary Structure Permit.....\$25.00 each structure
Inspections.....\$65.00 each

I certify that the information contained in this application is true and correct and that if any of the information provided is incomplete or incorrect the permit may not be issued or may be revoked to the City of Wimberley. I understand that all temporary structures or accessory uses shall be removed from the property at the expiration of the time period as defined in the permit unless another Temporary Structure Permit is obtained prior to expiration. I understand that a Certificate of Occupancy may be required and contractor information will be provided if applicable. Adequate parking, restroom, setback and additional requirements per City Ordinance No. 2012-007 & Ordinance No. 2016-007 will be verified by City staff.

Applicant: Hay Hay **Date:** 8-27-18



AGENDA ITEM: HOT Advisory Committee Sunset Review Process
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 7, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The HOT Committee at their August 28, 2018 meeting voted to present to Council the findings of their Sunset Review.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

HOT Ordinance Sunset Review Discussion

SECTION IV. SUNSET REVIEW (As written in the HOT Ordinance)

- A. Frequency of Review. On or after three (3) years from the effective date of this Ordinance [9/3/2015], the Council shall conduct a sunset review of the Hotel Occupancy Tax and the work of the Committee. The Council shall thereafter conduct periodic reviews of the tax and the work of the Committee every two (2) years.

- B. Review Criteria. The purpose of the sunset review shall be to determine whether a public need exists for the continuation of the Hotel Occupancy Tax and/or the Committee. The Council may consider the following criteria as part of its review:
 - 1. The benefit(s) enjoyed by the City and the City' s tourism industry as a result of the Hotel Occupancy Tax;
 - 2. Performance and compliance with applicable statutes and regulations;
 - 3. The efficiency with which the Committee operates;
 - 4. The extent to which the Hotel Occupancy Tax and/ or the Committee is needed or used;
 - 5. The extent to which the Committee has encouraged participation by the public in making its decisions, as opposed to participation solely by an occupation, a business or an institution, and the extent to which the public participation has resulted in decisions compatible with the objectives established by the Council for the Committee;
 - 6. The extent to which the Committee has complied with the Open Meetings Act; and
 - 7. Any other criteria identified by the Council.

SUNSET REVIEW EVALUATION

(Note: The criteria are rated using a 1 to 10-point scale, where 1 = Highly Ineffective, 5 = Moderately Effective, 10 = Highly Effective)

Criteria	Rating	Reason(s)
1. The benefit(s) enjoyed by the City and the City' s tourism industry as a result of the Hotel Occupancy Tax.	1 – Highly Ineffective	a) No additional overnight tourism has been created. b) Program return on investment is negative. c) The program has divided our community. d) The program was politicized by the Chamber and Previous City Council
2. Performance and compliance with applicable statutes and regulations	1 – Highly Ineffective	a) Arts used maximum amount of funds available for grants but did not deliver overnight

		<p>tourism – e.g. Wimberley Alive</p> <p>b) Visitor Center contract violated permissible HOT use since it promotes chamber members many of which did not pay HOT and failed to promote non-lodging members that did pay the HOT but who were not Chamber members.</p> <p>c) MindEcology contract was aimed at promoting day trippers, completely missed the need to control the flow of tourism in Q1 and Q4, resulted in no new or incremental tourism, and promoted lodging operators not paying HOT.</p> <p>d) Attempt by previous City Council to use HOT money to offset City General Fund expenses – e.g. attempting to pay for the Community Center director claiming the role was a tourism director.</p> <p>e) AG/DA investigations into alleged accounting irregularities.</p>
<p>3. The extent to which the Committee has encouraged participation by the public in making its decisions, as opposed to participation solely by an occupation, a business or an institution, and the extent to which the public participation has resulted in decisions compatible</p>	<p>1- Highly Ineffective</p>	<p>a) Original HOT Committee held briefings and workshops for the community but only received a handful of proposals.</p> <p>b) The second HOT Committee relaxed the guidelines to encourage a “free money” approach and received zero proposals for grants.</p>

<p>with the objectives established by the Council for the Committee;</p>		<ul style="list-style-type: none"> c) The Arts were the single biggest users of HOT funds but failed to deliver any new or incremental overnight visitors – the primary objective of the program. d) The supply of HOT funds has never been the issue. The problem has always been the community demand. Beyond the arts and the Chamber’s original interest in securing HOT funds, there is no demand for HOT grants or the accountability for overnight tourism results.
<p>4. The extent to which the Committee has complied with the Open Meetings Act</p>	<p>5 – Somewhat Effective</p>	<ul style="list-style-type: none"> a) All three HOT Committees have complied with Open Meetings act. b) It should be noted; the previous City Council was not responsive to HOT Committee requests, HOT FOIA requests and the Public Information Act.
<p>5. Any other criteria identified by the Council – a) Impact to the lodging industry</p>	<p>1 - Highly Ineffective</p>	<ul style="list-style-type: none"> a) The lodging industry, which is the sole payer of the tax, had a 12% decrease in revenue during the period the 5% HOT was in effect – i.e. Q4 2015 to Q1 2017. b) Many operators had to reduce prices and offer discounts, which means they ended up paying for the HOT out of their pockets. c) Because of the HOT and its impact to margins, many lodging operators cut back on their marketing expenditures. In turn, less overnight visitors came to town and spent their money

		at our restaurants, shops, and venues.
5. Any other criteria identified by the Council – a) Impact to the City	1 - Highly ineffective	<ul style="list-style-type: none"> a) HOT has divided the business community and undermined our ability to work together. b) HOT negatively impacted the lodging industry, which in turn led to less marketing, less overnight tourism, and declining sales tax revenue. c) HOT has hurt the City’s tourism and undermined our City’s economic prosperity.

RECOMMENDATION

The City Council should repeal the HOT Ordinance during the Sunset Review in September. The emotional, psychological, financial, and community costs of HOT over the last three years by far exceeded any benefit the HOT program has brought our community.

The existing HOT Committee should be rebranded as the Tourism Management and Development Committee. A new ordinance should be created to urge the committee to:

- 1. Create a Comprehensive Tourism plan that is consistent and aligned with the City’s Comprehensive.
- 2. Recommend what to do with the remaining HOT balance fund.
- 3. Recommend what public, private, and or hybrid funding vehicles (e.g. grants, HOT, PID, etc.) if any, are required to bring the Tourism plan to life.

Ordinance No. 2015-017

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO SET FORTH THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; SETTING FORTH THE DUTIES OF PERSONS RESPONSIBLE FOR COLLECTION OF THE TAX; PROVIDING FOR CRIMINAL PENALTIES AND FINES; CREATING A HOTEL OCCUPANCY TAX ADVISORY COMMITTEE; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and further for the general purposes of convention center facilities or visitor information centers; advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity; the encouragement, promotion, improvement, and application of the arts, historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums; for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality; and

WHEREAS, as further authorized by Section 351.0025, a municipality with a U.S. Census population of less than 35,000, may impose a hotel occupancy tax in the municipality's extraterritorial jurisdiction; and the U.S. Census population of the City of Wimberley is less than 35,000 people; and

WHEREAS, in order to continue and promote the growth and fulfill the purposes cited above, it is necessary to impose a hotel occupancy tax within the corporate and extraterritorial limits of the City; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic;

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. HOTEL OCCUPANCY TAX

A. Short Title. This Ordinance will be known and may be cited as the Hotel Occupancy Tax Ordinance.

B. Authorization. Under the authorization provided by the Texas Tax Code Chapter 351, the City of Wimberley, Texas levies a Hotel Occupancy Tax as described herein.

C. Definitions. For purposes of this Ordinance, and in accordance with Chapter 351 of the Texas Tax Code, the terms used will have the meanings set forth below. Words that are not defined will have their ordinarily accepted meanings unless defined elsewhere in this Ordinance.

Consideration. The price of a room that is ordinarily used for sleeping in a hotel, but does not include the cost of food served by the hotel or the cost of personal services performed by the hotel except those services related to cleaning and readying the room for use or possession.

Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn or rooming house, vacation rental, and bed and breakfast, but does not include a hospital, sanitarium or nursing home.

Occupancy. The use or possession or the right to use or possession of a room or space for less than thirty consecutive days in a hotel costing two dollars or more each day.

Person. Any individual, company, corporation or association.

D. Tax Rate; Exemptions.

1. A tax of five percent (5%) of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs two dollars or more each day and is ordinarily used for sleeping.

2. This Ordinance does not impose a tax on:

a. A person who has the right to use or possess a hotel room for at least 30 consecutive days, so long as there is no interruption of payment for the period; or

b. The United States, a governmental entity of the United States, or an officer or employee of the United States; or

c. A person who made a hotel reservation on or before the approval date of the second and final reading of this ordinance; or

d. Any other person entitled to an exemption under Chapter 356 of the Texas Tax Code.

3. Except as otherwise provided in Section 156.103 (Exception-State and Federal Government) of the Texas Tax Code, the State of Texas, or an agency, institution, board, or commission of the State of Texas other than an institution of higher education, as that term is defined by Section 61.003 (Definitions) of the Texas Education Code, shall pay the tax imposed by this subchapter and is entitled to a refund of the amount of tax paid.

4. A person entitled to a refund of tax paid under this section shall make an application for a refund according to the rules prescribed by the City in the form prescribed by the City.

E. Collection by Operator.

1. A person who owns, operates, manages, or controls a hotel or collects payment for the use or possession or for the right to the use or possession of a hotel room within the corporate limits or the extraterritorial jurisdiction of the City shall collect the tax levied by this Ordinance for the City.

2. A person who collects the tax shall keep and maintain for such hotel good, adequate and accurate records for the hotel, sufficient to show and establish the consideration paid to and received by the hotel, the true and correct amount of taxes due and payable by the hotel pursuant to this Ordinance, and the applicable exemptions if any.

3. A person who is required to collect the tax under this section is hereby authorized to retain no more than one (1) percent of the tax collected to reimburse that person's costs in collecting the tax for the City. The reimbursement permitted by this paragraph shall be forfeited if the person collecting the tax fails to timely pay the tax to the City or fails to timely file the reports required by this Ordinance.

F. Reports and remittances.

1. On or before the same day that a person is required to file a report and remit hotel occupancy taxes to the State of Texas, that person shall also:

a. File a written report with the City for the same period, with a copy of the report for state hotel occupancy taxes required by Section 156.151 (Report and Payment) of the Texas Tax Code for the same period; and

b. Pay the tax due for that period.

2. A report under this section shall be in the form prescribed by the City and shall include:

a. The total consideration paid for rooms subject to the tax in the reporting period;

b. The total amount of tax collected; and

c. The total amount of tax exemptions granted.

3. If requested by the City, a person responsible for collecting the tax shall provide the City with:

a. The names, addresses, and identification relied upon to grant an exemption from the tax; and

b. Any other information the City may reasonably require.

4. The City may request, and a person required to collect the tax shall provide within a reasonable time, additional documentation verifying the information contained in the report to the City.

G. Collection Procedure on Purchase of a Hotel.

1. If a hotel owner sells a hotel, the purchaser or his assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides:

a. A receipt issued by the City showing that the amount of tax due has been paid; or

b. A certificate issued by the City showing that no tax is due.

2. A purchaser of a hotel who fails to withhold the amount of the purchase price as required by this section is liable for the unpaid tax required to be withheld to the extent of the value of the purchase price.

3. The purchaser of a hotel may file a written request with the City for the issuance of a certificate stating that no tax is due or for a statement of the amount required to be paid before a certificate may be issued. The City shall issue the certificate or statement not later than the 60th day after the date that the City receives the request.

4. If the City fails to issue the certificate or statement within the period provided by Subsection (3), the purchaser is released from the obligation to withhold the amount of tax from the purchase price or pay the amount of tax due.

H. Rules and Regulations--Record Inspection Authority.

1. The City shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to books and records necessary to enable the City to determine the correctness of any report filed as required by this subchapter and the amount of taxes due under the provisions of this subchapter.

2. Whenever necessary to make an inspection of books and records to enforce any of the provisions of this subchapter, the City may enter such building or premises at all reasonable times to inspect the books and records or to perform any duty imposed upon the City by this subchapter; provided, that if such building or premises be occupied, the City official shall first present proper credentials and request entry; and if such building or premises be unoccupied, the City shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the City shall have recourse to every remedy provided by law to secure entry.

3. When the City shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the City for the purpose of inspection and examination pursuant to this subchapter.

I. Offenses.

1. A person commits an offense if the person violates or fails to perform an act required by this Ordinance, or files a report containing false information. Each instance of a violation of this Ordinance is a separate offense, and each day that a person remains in violation constitutes a separate offense.

2. An offense under this subchapter is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

J. Penalty and Interest on Unpaid Tax.

1. In addition to the tax imposed under this subchapter, a person shall pay a penalty of five percent (5%) of the tax due if the person:

- a. Fails to file a report on or before the due date;
- b. Fails to pay the tax imposed on or before the due date; or
- c. Files a report containing false information.

2. A person who fails to pay any amount of the tax and penalty due under Subsection (1) on or before the 60th day after the tax is due shall pay an additional five percent (5%) penalty on the unpaid tax. A delinquency penalty shall not be less than one dollar.

3. Beginning on the 61st day after the due date, delinquent taxes shall draw interest at a rate of ten percent (10%) per annum.

K. Additional Enforcement Authority. The City may take the following actions against a person who has failed to file a required report, failed to collect the tax imposed, failed to pay the taxes over to the City when due, or filed a false report:

1. Bring suit to collect the unpaid tax or to enjoin the person from operating a hotel in the corporate limits or extraterritorial jurisdiction of the City until the tax is paid or the report filed, as applicable, as provided by the court's order; and

2. Any other remedy provided under state law.

SECTION III. HOTEL OCCUPANCY TAX ADVISORY COMMITTEE

A. Purpose. There is hereby established a seven-member Hotel Occupancy Tax Advisory Committee (Committee), which shall oversee the implementation, collection, and use of hotel occupancy tax dollars.

B. Membership.

1. The seven 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.

c. One Arts/Historical Attraction Representative nominated by the Wimberley Valley Arts and Cultural Alliance.

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

2. Each Committee member shall be appointed to a two-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 30 days from the effective date of this Ordinance; otherwise, the Council may nominate 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 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 Chair, Vice Chair, and Secretary on an annual basis.

3. All Committee recommendations to the Council shall require an affirmative vote of three-fourths of all members of the Committee (a “Super-Majority” vote”).

SECTION IV. SUNSET REVIEW

A. Frequency of Review. On or after three (3) years from the effective date of this Ordinance, the Council shall conduct a sunset review of the Hotel Occupancy Tax and the work of the Committee. The Council shall thereafter conduct periodic reviews of the tax and the work of the Committee every two (2) years.

B. Review Criteria. The purpose of the sunset review shall be to determine whether a public need exists for the continuation of the Hotel Occupancy Tax and/or the Committee. The Council may consider the following criteria as part of its review:

1. The benefit(s) enjoyed by the City and the City’s tourism industry as a result of the Hotel Occupancy Tax;

2. Performance and compliance with applicable statutes and regulations;

3. The efficiency with which the Committee operates;

4. The extent to which the Hotel Occupancy Tax and/or the Committee is needed or used;

5. The extent to which the Committee has encouraged participation by the public in making its decisions, as opposed to participation solely by an occupation, a business or an

institution, and the extent to which the public participation has resulted in decisions compatible with the objectives established by the Council for the Committee;

- 6. The extent to which the Committee has complied with the Open Meetings Act;
- and
- 7. Any other criteria identified by the Council.

SECTION V. 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 VI. 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 VII. 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 VIII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law. The Hotel Occupancy Tax created by this ordinance shall not take effect until October 1, 2015.

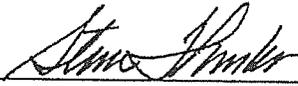
SECTION IX. PROPER NOTICE AND MEETING

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.

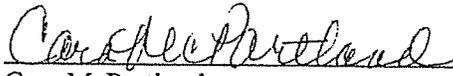
FIRST READING PASSED AND APPROVED this 20th day of August, 2015, by a vote of 3 (Ayes) to 1 (Nays) 1 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING PASSED AND APPROVED this 3rd day of September, 2015, by a vote of 3 (Ayes) to 1 (Nays) 1 (Abstain) vote of the City Council of the City of Wimberley, Texas.

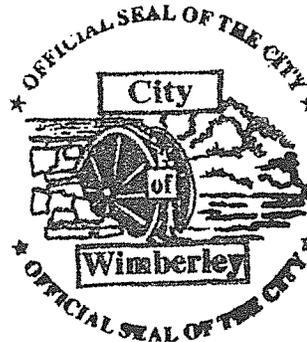


Steve Thurber
Mayor

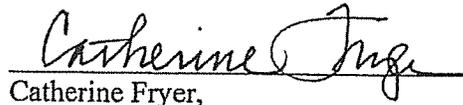
ATTEST:



Cara McPartland,
City Secretary



APPROVED AS TO FORM:



Catherine Fryer,
City Attorney

Wimberley View • Century News

P.O. Box 49, Wimberley, Texas 78676

(512) 847-2202

State of Texas
County of Hays

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

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

1 week on the following dates: mB
September 17, 2015

_____ 2016

_____ 2016

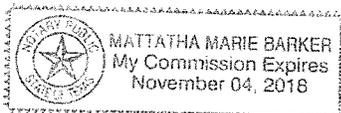
_____ 2016

The said General Manager, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

D Sweat
Signature of Affiant

Subscribed and Sworn to me, by the said General Manager Dalton Sweat this 4th day of October, 2016 to certify which witness my hand and seal of office.

Mattatha Barker
NOTARY PUBLIC in and for
Hays County, Texas



Public Notice
NOTICE OF ENACTMENT OF
ORDINANCE NO. 2015-017
 An ordinance of the City of Wimberley, Texas, to set forth the tax rate to be imposed on hotel occupancy within the corporate limits and constitutional jurisdiction of the City, setting forth the duties of persons responsible for collection of the tax; providing for criminal penalties and fines; creating a Hotel Occupancy Tax Advisory Committee; and providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting.

Public Notice
NOTICE OF ENACTMENT OF
ORDINANCE NO. 2015-017
NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION
AND CITY COUNCIL OF THE
CITY OF WOODCREEK, TEXAS

NOTICE is hereby given that the Planning & Zoning Commission and the City Council of the City of Woodcreek, Texas will hold separate PUBLIC HEARINGS, respectively, at 8:30 p.m. or as soon thereafter as the proceedings will allow, on October 5, 2015, and at 6:30 p.m. or as soon thereafter as the proceedings will allow, on October 14, 2015, each of the aforementioned hearings to be held at City Hall, 41 Champions Drive, Woodcreek, Texas 78678.

At each such date, time and place, the Planning & Zoning Commission and the City Council will hear testimony and may make a decision on the following matters:

- Proposed changes to the Woodcreek Zoning Ordinance at Sec. 156.029 ("Parking") of the Code of Ordinances to allow parking on City right of way under specified conditions.
- Proposed changes to the Woodcreek Zoning Ordinance at Sec. 156.058 ("Fencing") of the Code of Ordinances to allow fences nearer than 25 feet to an exterior lot line bordering the golf course under specified conditions.

All interested persons are invited to appear and be heard. Interested parties may contact the City of Woodcreek for more information.

General Help Wanted
General Help Wanted
General Help Wanted

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CONVENIENCE STORE COMING SOON TO CANYON LAKE
 Ready To Start A Great New Management Career With Brookshire Brothers - Canyon Lake Location?
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 Email resume to: mjones@brookshirebrothers.com or contact Marilyn Jones @ 936-634-8155 EXT 4533
 The Employer Background and Drug Screen Required.

General Help Wanted
General Help Wanted
General Help Wanted

WELL ESTABLISHED local childcare agency is looking for dependable caregivers to assist clients with their activities of daily living. Part-time and Full-time shifts available. (No certification required, experience preferred but will train) Must have clear criminal background. Call Angela for Elders at 512-847-7445.

CLEANING P.P. Clean classrooms and bathrooms for busy preschool. Sun-Thur 6:00 am - 9:00 am, 15-20 hrs weekly. Must pass criminal background check, hard working, team player. Sanitize & deep cleaning required nightly. Rounding Home Academy, Kyle, 512-406-3700. Fax: 512-406-3701

General Help Wanted
General Help Wanted
General Help Wanted

HIRING Experienced dog groomer, 512-847-6877

CLIPPING SERVICE 

General Help Wanted
General Help Wanted
General Help Wanted

LINDA'S FINE FOODS in Wimberley is hiring servers, kitchen help and dishwasher. Part-time position, and must be available nights and weekends. Please apply at 500 FM 2325.

WOUND CARE Herby woman seeking reliable person for part-time, private-patient wound care. Some flexibility. Experience preferred. Call 512-858-4769 after 2 p.m.

General Help Wanted
General Help Wanted
General Help Wanted

PART TIME Job opening at Wimberley Village Library. Library is looking for a creative and motivated individual to join our Youth Services Team. The individual in this position will work with the other youth services team members in doing the following:
 -Providing and creating programs and services for the youth and parents of our community
 -Creating and developing an already existing youth services book and media collection
 -Advising patrons
 -Working with library volunteers
 -Helping in other areas of the library as needed
 Requirements:
 -A high school diploma is required and a college degree is preferred
 -Strong computer and internet skills
 -Being able to lift items that weigh upwards of 40 pounds and push a loaded book cart weighing up to 150 pounds

General Help Wanted
General Help Wanted
General Help Wanted

WAREHOUSE/OFFICE HELPER NEEDED
 Order Fulfillment - Package in feet packed office. Must be detailed & multi-tasker, 4-8 hrs/day, 08 Area Only. 25-10hr DOE. Call 512-944-8730.

PULL TIME kitchen help Wimberley Shamrock Apply at store 512-847-5951

General Help Wanted
General Help Wanted
General Help Wanted

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 LARGE NEUTRAL sofa w/ coordinating pillows \$600, 2 large chairs w/ stools \$650 each, glass tables \$450 & \$250, rug \$100, other items, armoire, iron bed, misc. 512-848-4365

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HOME IN WOODCREEK NORTH
 for lease. 3 Rolling Hills. Lovely 3/2/2 with beautiful landscaping. Deck in fenced backyard. Small pets only. \$1500 per month with yearly lease. Call 512-842-7530.

Comm/Bus. For Rent
31 FOOT RV FOR RENT
 Located in Wimberley RV park - best location, laundry on site, \$600/mo rent includes all utilities. Available now, call to see. 512-351-0530

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 1 OFFICE RETAIL 800 sq foot at \$50 per month
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 \$100 per month/each One 2200 sq. ft. Office Retail \$2000
 Plaza Del Sol Wimberley, Call Clay at 512-796-3656 or 512-452-8633

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WIMBERLEY DOWNTOWN SQUARE
 900 Sq Ft + 24.5 Sq Ft covered porch. Retail Chrome
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Room for Rent
 DESIRE FURNISHED Bdrm. by Oct. 1st. Best loc to food, Christian woman. No pets, rent negotiable, clean environment, Wimberley proper. Serious inquiries only. 512-655-3389

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LOOKING TO SELL land? Reach over 2-million readers for one low price in the Texas Statewide Advertising Network. Contact this newspaper or call 1-800-749-4793	ATTN: DRIVERS - \$2K Sign-On Bonus. We Put Drivers First! Earn \$55k/yr + Bonuses. Family Company. Beautiful Trucks. CDL-A Req - Call 1-877-258-8782 or www.drive4meltton.com	LEGAL SOCIAL SECURITY DISABILITY BENEFITS. Unable to work? Denied benefits? We Can Help! WIN or Pay Nothing! Contact Bill Gordon & Associates at 1-800-755-0168 to start your application today!
DRIVER TRAINEES - PAID CDL TRAINING! Stevens Transport will cover all costs! NO EXPERIENCE NEEDED! Earn \$800 per week! Local CDL Training! 1-888-569-9677 or drive4stevens.com	TRAINING/SCHOOL AIRLINE CAREERS begin here - Get started training as FAA certified Aviation Technician. Financial aid for qualified students. Job placement assistance. Aviation Institute of Maintenance. Call 1-800-475-4102.	Run Your Ad In TexSCAN! Statewide Ad \$550 288 Newspapers, 844,050 Circulation North Region Only \$250 95 Newspapers, 297,605 Circulation South Region Only \$250 101 Newspapers, 366,627 Circulation West Region Only \$250 92 Newspapers, 205,950 Circulation To Order: Call this Newspaper direct, or call Texas Press Service at 1-800-749-4793 Today!
AUCTIONS RITCHIE BROS. unreserved equipment & truck auction. Sep 23-24 Fort Worth, TX. Huge selection, no reserve prices, everyone welcome. Call 1-817-237-6544 or visit rbauction.com	FINANCIAL SERVICES RECEIVING PAYMENTS from real estate you sold? Get cash now! Call Steve: 1-888-570-2243 or www.SteveCashNotes.com	Room for Rent DESIRE FURNISHED Bdrm. by Oct. 1st. Best loc to food, Christian woman. No pets, rent negotiable, clean environment, Wimberley proper. Serious inquiries only. 512-655-3389
MEDICAL SUPPLIES GOT KNEE PAIN? Back Pain? Shoulder Pain? Get a pain-relieving brace - little or NO cost to you. Medicare Patients Call Health Hotline Now! Call 1-800-518-0173	Room for Rent TO WHOMEVER CONDOS FOR RENT 3BR/2B, 2000 SQ FT View over Cypress Creek, \$1,400/mo + \$1,000/dep. References & Background Check req. Avail. Sept. 512-593-0859	TOWNHOUSE FOR LEASE. 31 Cypress Point, Spacious 2214 with garage. Newly remodeled beautiful end unit. Lovely patio and balcony with views of green-lick. Community pool. Small pets only. \$1500 per month with yearly lease. Call 512-842-7530.

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Ordinance No. 2017-020

“Amend Hotel Occupancy Tax Committee”

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

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

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

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

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

SECTION 1. FINDINGS OF FACT

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

SECTION II. AMENDMENT

Ordinance No. 2015-017, Section III, Hotel Occupancy Tax Advisory Committee, is hereby amended as follows:

~~“A. **Purpose.** There is hereby established a seven member Hotel Occupancy Tax Advisory Committee (Committee), which shall oversee the implementation, collection, and use of hotel occupancy tax dollars.~~ ***Establishment and Purpose.*** *In order to generate maximum hotel/motel occupancy within the City by attracting and securing overnight visitors in accordance with Texas Tax Code Section 351.001 as stated in the Texas Attorney General’s “Texas Tax Code Section 351.001”, a Hotel Occupancy Tax Advisory Committee (HOT Committee) is established.*

B. Membership and Terms.

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

a. ~~Four Two Lodging Operator representatives nominated by the Wimberley Valley Tourism and Lodging Association Board, which shall include:~~

i. ~~Two large lodging facility representatives (over \$250,000 in annual lodging revenue).~~

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

iii. ~~One lodging reservation booking representative.~~

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

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

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

e. *One At Large Representative*

f. *One Councilmember Representative*

2. Each Committee member shall be appointed to a two-year term and may be reappointed by the Council for ~~two~~ *one* additional ~~consecutive~~ two-year terms. After serving a ~~third~~ *second* consecutive two-year term, an individual is not eligible for reappointment for two-years. The initial terms for one of the two ~~large~~ lodging facility representatives, ~~the lodging reservation booking representative,~~ the Merchants Association Representative and the Arts/Historical Attraction Representative shall be for one-year. The initial term for the remaining members other than the Councilmember Representative (one ~~large~~ lodging facility representative, ~~one small lodging facility representative,~~ one Chamber representative, *and one At Large Representative*) shall be for two-years. *The one member that is a Councilmember Representative shall serve without term limits.*

~~3. Each Responsible Organization (Wimberley Valley Tourism and Lodging Association Board, Chamber of Commerce Board, Wimberley Valley Arts and Cultural Alliance, and Wimberley Merchants Association) shall provide its slate of nominees to the City Council no later than 30 days from the effective date of this Ordinance; otherwise, the Council may nominate committee members of its own choosing.~~

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

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

5. Appointment to the Committee is subject to the approval of a majority vote of the Council. Members shall serve at the pleasure of the Council, and any member may be removed by majority vote of the Council at any time. In the event of removal, the Responsible Organization shall provide a replacement nominee no later than 30 days from the date of the vacancy; otherwise, the Council will nominate a person of its own choosing to fill the vacant position.

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

~~1. The committee shall review revenue received by the City through the Hotel Occupancy Tax and shall make recommendations to the Council regarding appropriate expenditures.~~

~~2.1.~~ The Committee shall formulate a plan for expenditures of Hotel Occupancy Tax revenue by the City and shall update the plan as requested by Council.

~~3.2.~~ The Committee shall submit an annual report to the Council that identifies approved expenditures by the City for the preceding year, discusses approved and proposed expenditures in the context of compliance with state law regarding the use of Hotel Occupancy Tax funds, and evaluates the effectiveness of approved Hotel Occupancy Tax expenditures and programs.

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

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

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

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

4.7. *To review and recommend grant awards to the Council. All recommendations of the Committee are subject to approval of the Council. The Committee shall not spend any money or authorize the expenditure of any money.”*

SECTION III. DISSOLUTION OF PRIOR HOTEL OCCUPANCY TAX ADVOSORY COMMITTEE

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

SECTION IV. SAVINGS

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

SECTION V. SEVERABILITY

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

SECTION VI. REPEALER

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

SECTION VII. EFFECTIVE DATE

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

SECTION VIII. PROPER NOTICE AND MEETING

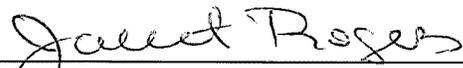
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was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

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



Herschel "Mac" McCullough
Mayor

ATTEST:



Janet Rogers
Interim City Secretary

APPROVED AS TO FORM:



City Attorney
Deputy



ORDINANCE NO. 2018-26

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 Committee; and

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

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the formal appointment process for the Hotel Occupancy Tax 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, Section III, Hotel Occupancy Tax Advisory Committee, is hereby amended as follows:

A. **Purpose.** There is hereby established a seven (7) 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 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.
 - c. One Arts/Historical Attraction Representative nominated by the Wimberley Valley Arts and Cultural Alliance.
 - d. One Merchants Association Representative nominated by the Wimberley Merchants Association.
- 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 30 days from the effective date of this Ordinance; otherwise, the Council may nominate 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 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 Chair, Vice Chair, and Secretary on an annual basis.
3. All Committee recommendations to the Council shall require 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 IV. SAVINGS

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

SECTION V. SEVERABILITY

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

SECTION VI. REPEALER

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

SECTION VII. EFFECTIVE DATE

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

SECTION VIII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 19th day of July, 2018.

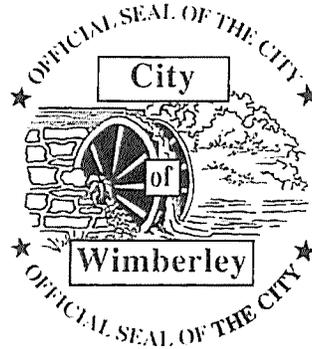
Susan B. Jagers
Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote
Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

Sarah M. Griffin
City Attorney



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

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. 2018-26, Section II, Hotel Occupancy Tax Advisory Committee, is hereby amended as follows:

A. **Purpose.** There is hereby established a six (6member Hotel Occupancy Tax Advisory Committee (Committee), which shall oversee the implementation, collection, and use of hotel occupancy tax dollars.

B. **Membership.**

1. The 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 Arts/Historical Attraction Representative nominated by the Wimberley Valley Arts and Cultural Alliance.
 - 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,) shall be for two-years.
- 3. Each Responsible Organization (Wimberley Valley Tourism and Lodging Association 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 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, discuss 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.

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.

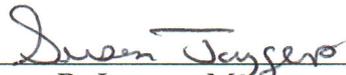
SECTION VI. EFFECTIVE DATE

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

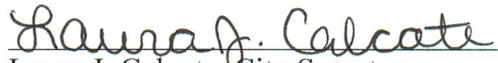
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was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

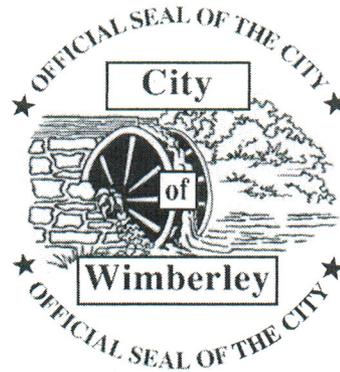
ATTEST:



Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: HOT Advisory Committee Tourism Plan
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 7, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The HOT Committee at their August 28, 2018 meeting voted to present to Council their Tourism Plan for consideration.

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

Tourism Plan Outline

The Most Important Elements of Any Proper Tourism Plan

1. Content analysis of the City's Comprehensive Plan regarding tourism direction
2. Tourism Vision Statement
3. Analysis of current tourism levels:
 - a. How many tourists do we see?
 - b. How many are "day trippers" v. "overnight"
 - c. Why do they come – leisure, events, business?
 - d. What revenue do they create?
 - e. What is the citizen, infrastructure, and environmental impact?
 - f. What are the constraints and impediments to our current tourism?
 - g. How is the tourism currently managed?
4. Analysis of future tourism levels:
 - a. How many tourists do we want to see?
 - b. How many would be day trippers v. overnight"
 - c. Why will they come – leisure, events, business?
 - d. What new and incremental revenue will they create?
 - e. What is the citizen, infrastructure, and environmental impact?
 - f. What are the constraints and impediments to our future tourism?
 - g. How will the new and incremental tourism be managed?
5. Tourism problem statements – must answer what, where, when, to what degree – e.g. Increase overnight tourism by 3,000 in the first and fourth quarters Sunday - Thursday
6. Possible Tourism initiatives to solve for the tourism problem statements
7. Prioritization of initiatives based on specific criteria – e.g. cost, benefit, time to solution
8. Selection of the most viable initiatives to solve the problem statements
9. Action plan outlining who, does what, by when and how to bring each initiative to life.
10. Detailed financial plans outlining the revenue anticipated from each initiative, the cost, and the specific measure of performance to be used to track results.
11. Considerations on private, public and combination of private and public funding that can be used to fund the initiatives
12. Governance plans outlining who is responsible for managing the entirety of the Tourism Plan, ensuring results are consistently delivered, budgets and contracts are managed responsibly, and performance results are reported widely for transparency.
13. Communication plans outlining how the tourism plan, initiatives, and results will be periodically communicated to the City and tourism dependent stakeholders.



AGENDA ITEM: Visitor's Center Agreement Performance Review
SUBMITTED BY: Council Member Kelly, Place 5
DATE SUBMITTED: September 6, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to consider Chamber of Commerce/Visitor Center contract performance.

The City of Wimberley approved a Visitors Center Operation Agreement with the Wimberley Convention and Visitors Bureau Foundation (Visitors Center) on February 15, 2018. On July 23, 2018, the Visitors Center Terminated the agreement with the City. The City Council formally accepted the termination on August 16, 2018.

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

Visitor Center Operations Agreement

The **City of Wimberley**, a Texas general law Type A municipal corporation, (“City”), and the Wimberley Convention and Visitors Bureau Foundation, a Texas non-profit corporation, (“Visitor Center”), enter into this Operations Agreement (“Agreement”) on February 15, 2018, upon the terms and conditions set forth below:

WHEREAS, Chapter 351 of the Texas Tax Code (the “Act”) addresses expenditures of the municipal hotel occupancy tax; and

WHEREAS, section 351.101(a)(1) of the Code authorizes expenditures for the equipping, repairing, operation, and maintenance of visitor information centers; and

WHEREAS, the Visitor Center is a non-profit corporation in the City of Wimberley that operates a visitor information center within the meaning of section 351.101(a)(1); and

WHEREAS, the City has included and thereby finds that this Agreement promotes tourism and the convention and hotel industry within the City, and further meets the requirements contained in the Act;

NOW, THEREFORE, in consideration of the promises, covenants, terms and conditions herein contained, the parties mutually agree:

I. Findings Incorporated

Each of the above recitals is hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration, and promises that bind the parties.

II. Term

This Agreement shall be effective beginning on the Effective Date (February 15, 2018) and shall remain in effect until February 15, 2021, subject to the termination provision described in Section VII below.

III. Definitions

3.1 **Act.** The word “Act” means Chapter 351 of the Texas Tax Code, as amended.

3.2 **Agreement.** The word “Agreement” means this Visitor Center Operations Agreement, together with all exhibits and schedules attached to this Visitor Center Operations Agreement from time to time, if any.

3.3 **City.** The word “City” means the City of Wimberley, Texas.

3.4 **Effective Date.** The words “Effective Date” mean the earliest date on which all parties have executed this Agreement by and between the Visitor Center and the City.

3.5 **Fiscal Year.** The words “Fiscal Year” mean the twelve-month period beginning October 1 and ending September 30.

3.6 **Local Hotel Occupancy Tax Revenue.** The words “Local Hotel Occupancy Tax Revenue” mean the municipal hotel occupancy tax levied by the City pursuant to the Act, at such rates as are permitted by state law and approved by the Wimberley City Council, which tax is collected from guests staying at hotels or other taxable lodging within the City.

3.7 **Term.** The word “Term” means the term of this Agreement as specified in Section II of this Agreement.

3.8 **Visitor Center.** The words “Visitor Center” mean the Wimberley Convention and Visitors Bureau Foundation.

IV. Services to be Provided

4.1 **Obligation of City.** As part of its obligation under the Act to use Local Hotel Occupancy Tax Revenue for attracting and promoting tourism and the convention and hotel industry, the City hereby agrees to provide funds to the Visitor Center for the purposes described in section 351.101(a)(1) of the Act and according to the schedule attached as **Exhibit A** out of funds actually received by the City from the local hotel occupancy tax.

4.2 **Obligations of Visitor Center.** The Visitor Center agrees as follows:

- (a) The Visitor Center shall provide the following services to the City:
 - i. The Visitor Center will operate and maintain the Visitor Center facility and provide information to area visitors. The Visitor Center agrees to treat all tourist lodging facilities in a reasonably consistent manner and to provide information to tourists regarding all lodging options within the City.
- (b) The Visitor Center shall establish a separate checking account or banking account for receipt of the Local Hotel Occupancy Tax Revenue; and
- (c) Any proposed change to the use by the Visitor Center of Local Hotel Occupancy Tax Revenue according to the schedule attached as **Exhibit A** and as described by this Agreement must be approved in advance by the City Council and authorized by the City in writing as an amendment to this Agreement.

V. Budget, Accounting, and Reporting Requirements

5.1 **Budget.** Prior to the Effective Date of this agreement, and no later than December 31 of each year thereafter, the Visitor Center shall provide to the City a proposed written request for reimbursement of the previous year's operating expenses and for anticipated expenses for which there may be no historical experience as may be required. The budget shall also reflect the results of consultation between the Visitor Center and appropriate City staff concerning, projected

available Local Hotel Occupancy Tax Revenue for the ensuing Fiscal Year, any amounts available in the Visitor Center's reserve funds, and estimated costs of the services provided by this Agreement. The City agrees that, in the event of unforeseen emergencies which may occur from time to time during the course of this agreement, the Visitor Center may submit special requests for additional funding, if required. Funding for each request will be due within ninety days of the receipt of the request in year one, and March 31 for each year thereafter. Each request may be submitted in a form similar to that illustrated in **Exhibit A**.

5.2 Reporting Criteria. During the Term of this Agreement, the Visitor Center shall track and report the following criteria for purposes of historic reporting and goal measurement: (1) Visitor Guide Requests; (2) Phone Inquiries; (3) Email Inquiries; and (4) Retail Revenue resulting from the sale of merchandise offered for sale in the Visitor Center.

5.3 Accounting. The Visitor Center shall maintain separate, complete and accurate books and records of all financial activities, which the City may audit at any time upon reasonable notice. The Visitor Center shall maintain financial records on a regular basis in accordance with generally accepted accounting principles, subject to any variations as are required by state law or that are agreed to in writing by the City. Specifically, the Visitor Center shall account separately for the Local Hotel Occupancy Tax receipts and expenditures, and for any other funds provided to it by the City, including the activities identified in **Exhibit A**.

5.4 Annual Audit. At the conclusion of each year, during the term of this agreement, the Visitor Center shall engage an independent firm of certified public accountants to audit its financial statements in accordance with generally accepted auditing standards. The Visitor Center shall include such additional supplemental information as the City may request to be included in the auditor's report and shall deliver to the City Administrator a copy of its audited financial statements and related supplemental information, no later than 120 days after the end of each Fiscal year.

5.5 Quarterly Financial Reporting. Within 30 days after the end of each quarter in the Fiscal Year, the Visitor Center shall deliver to the City a (i) written report of its expenditures and (ii) unaudited financial statements for the quarter just ended, including at a minimum a balance sheet and an income statement.

5.6 Additional Quarterly Reporting. The Visitor Center will provide the City with monthly reports containing detailed information on performance of this Agreement. The Visitor Center shall also provide the City with copies of any reports or documentation required by federal or state law, as such laws may be amended from time to time during the Term of this Agreement.

VI. Payments by the City

6.1 Payments Subject to Annual Appropriation. In addition to any particular limitations and conditions that may be specifically stated in this Agreement, all obligations of the City are subject to annual appropriation by the City for this Agreement from proceeds of the Local Hotel Occupancy Tax Revenue that are available to pay for the services provided under this Agreement, and further subject to the ability of the City to collect such tax proceeds. This

Agreement imposes no obligation upon the City to levy and collect the tax. Under no circumstances shall this Agreement be construed to require the City to transfer monies from any other fund owned by the City to the Visitor Center.

6.2 **Payments Due Annually.** The City shall pay to the Visitor Center annually, by October 1 for each year under this agreement, with exception of the first year, the items and amounts listed in Appendix A, plus any additional items or amounts as may be approved by the City from time to time based upon the most recent fiscal year end and any other directives from the City as may apply.

6.3 **Limitation on Use of Funds.** The Visitor Center shall spend Local Hotel Occupancy Tax Revenue solely to perform this Agreement. It is understood and agreed by and between the parties that this Agreement creates a fiduciary duty by the Visitor Center to the City to spend the Local Hotel Occupancy Tax Revenue that it receives in accordance with this Agreement.

6.4 **Conflicts of Interest.** None of the Local Hotel Occupancy Tax Revenue funds hereby granted shall be paid, directly or indirectly, to a Wimberley City Council member, the head of any department of the City, an officer of the Visitor Center, a member of the Wimberley Hotel Occupancy Tax Advisory Committee, a member of the immediate family of the foregoing persons, or a business in which any of the foregoing persons has an economic interest.

VII. Termination

Either party may terminate this Agreement by written notice to the other party of such other party breaches any of its obligations under this Agreement and does not cure such breach within thirty (30) days after receiving written demand from the other party specifying the breach in question and demanding that it be cured. Such right to terminate shall be without prejudice to the other legal and equitable rights of the parties.

VIII. Miscellaneous

8.1 **Independent Contractor.** The Visitor Center is an independent entity, and the relationship between the Visitor Center and the City is and shall remain that of independent contractors. The City is not and shall not be liable for any of the Visitor Center's debts or obligations, including any operating deficit that may arise. The Visitor Center shall not hold itself out as an agent of the City nor in any way purport to bind the City with respect to any contract or other obligation.

8.2 **Indemnity.** The Visitor Center shall indemnify, save, and hold harmless the City, its officers, employees, agents, and licensees against any and all liability, damage, loss, claims, causes of action, expenses or demands (collectively "Costs") of any nature whatsoever, on account of personal injury (including without limitation, Workers' Compensation and death claims), or property loss or damage of any kind whatsoever, which arises, or is claimed to arise, out of or is, or is claimed to be, in any manner connected with the operations or activities of the Visitor Center. The Visitor Center must, at its own expense, investigate all those claims and demands, attend to

their settlement or other disposition, defend all actions based thereon using counsel satisfactory to the City Council, the approval of which shall not be unreasonably withheld, and pay all other costs and expenses of any kind arising from any of such claims, demands or causes of action.

8.3 **Insurance.** The Visitor Center shall maintain a comprehensive general liability policy or policies with an insurance company or companies authorized to do business in the State of Texas, which shall include bodily injury, property damage, contractual, and automobile liability coverage with a minimum of not less than \$1,000,000 per occurrence with \$2,000,000 aggregate. The Visitor Center shall furnish the City with appropriate certificates of insurance along with copies of policy declaration pages and all policy endorsements evidencing the required coverage throughout the Term of this Agreement. The Visitor Center shall obtain an endorsement to the above policy that names the City as an additional insured and that waives the right of subrogation against the City. The Visitor Center shall not cause the insurance to be canceled nor permit any insurance to lapse during the term of this Agreement.

8.4 **Amendment.** This Agreement may not be amended without the written consent of the parties.

8.5 **No Third-Party Beneficiaries.** This Agreement is for the benefit of the City and the Visitor Center only, and no other party may seek to enforce or assert any rights under it.

8.6 **Assignment.** The Visitor Center may not assign this Agreement without the prior written consent of the City.

8.7 **Venue.** Venue for all lawsuits concerning this Agreement must be in the State District courts of Hays County, Texas.

8.8 **Waiver of Default.** Either party may waive any default of the other at any time, without affecting or impairing any right arising from any subsequent or other default. Delay by a party in enforcing, or failure by such party to enforce, a right under this Agreement shall not be deemed a waiver of the same. A waiver of a party's rights shall be effective only if in writing and shall be limited to the single even or occurrence specified.

8.9 **Application of Law.** This Agreement must be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts must be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.

8.10 **Multiple Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.

8.11 **Entire Agreement.** This Agreement, including its exhibits and attachments, if any, represents the entire agreement between the parties regarding the subject matter, and there are no other representations, understandings, or agreements between the parties relative to such subject matter.

8.12 **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all parties. The City warrants and represents that the individual signing this Agreement on behalf of the City has full authority to execute this Agreement and bind the City to its terms. The Visitor Center warrants and represents that the individual signing this Agreement on behalf of the Visitor Center has full authority to execute this Agreement and bind the Visitor Center to its terms.

8.13 **Force Majeure.** It is expressly understood and agreed by the parties to this Agreement that if the performance of any obligations under this Agreement is delayed by reason of war, civil commotion, acts of God, natural disaster, fire, or other casualty, or court injunction, the party so obligated or permitted shall be excused from doing or performing its obligations during the period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.

8.14 **Ordinance Applicability.** The parties shall be subject to all ordinances of the City, whether now existing or in the future arising. This Agreement does not confer any vested rights on the Visitor Center unless specifically identified herein.

8.15 **Severability.** In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part of the Agreement.

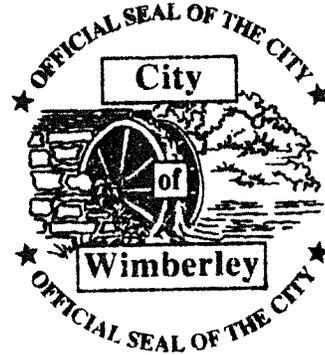
8.16 **Undocumented Workers (required by TEX. GOV'T CODE Ch. 2264).** The Visitor Center certifies that it does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, the Visitor Center is convicted of a violation under 8 U.S.C. § 1324a(f), the Visitor Center shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of eight percent (8%), not later than the 120th day after the City notifies the Visitor Center of the violation.

[Remainder of page intentionally left blank.]

APPROVED AND AGREED:

FOR THE CITY OF WIMBERLEY:

By: 
Hershel P. "Mac" McCullough
Mayor
City of Wimberley, Texas



Date: 2/15/18

FOR WIMBERLEY CONVENTION AND VISITORS BUREAU FOUNDATION:

By: 
Name: Michael Scott
Title: Treasurer

Date: 2/15/18



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

BOARD OF DIRECTORS

April 10, 2018

Executive Committee

Brent Pulley
Chair

Laura Calcote
City of Wimberley

Jerri Roberts
Vice Chair

P.O. Box 2027
Wimberley, Texas 78676

Michael Scott
Treasurer

Judy Roach
Secretary

Dear Laura,

Directors

The following is an excerpt from the minutes of a regular meeting of the Board of Directors of the Wimberley Valley Chamber of Commerce and the Wimberley Convention and Visitors Bureau Foundation (Visitor Center) held at the Wimberley Visitor Center on Monday April 9, 2018 at 5:00 P.M.:

April Anderson

Peggy Crakes

“A motion was made by Michael Scott, seconded by Karen Poe and with unanimous carry to accept a counter offer from the Wimberley City Council for \$50,840 in Hotel Occupancy Tax funding for the Wimberley Valley Visitor Center per the attached copy of the proposal submitted to the Wimberley City Council on March 29, 2018.”

LD Hansen

Zoe Hudson

Greg Howard

Michael Harthcock

Karen Poe

Josh Smith

Linda Webb



Michael J Scott, Treasurer

Attachment

Executive Director

Cathy Moreman

Finance Director

John Palumbo

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



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:

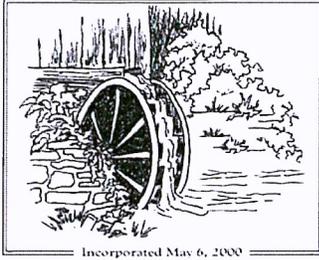
Actual Expenses for the Fiscal Year Ended 9/30/17
 And Certain Projected Expenses for the Fiscal Year
 ending 9/30/18

	Actual Fiscal Yr Ended 9/30/2017	City HOT Share	City Funding Amount
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** 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



City of Wimberley

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

Susan Jagers, Mayor Gary Barchfeld, Mayor Pro-tem
Council Members – Mike McCullough Craig Fore Allison Davis Patricia Cantu Kelly

September 5, 2018

Michael Scott
Treasurer
Wimberley Convention and Visitors Bureau
PO Box 12
Wimberley, TX 78676

Re: Notice of Termination

Mr. Scott,

Please let this letter serve as acknowledgement that the City did receive the "Notice of Termination" letter and check for \$12,250.00 from the Wimberley Convention and Visitors Bureau Foundation dated July 23, 2018.

The City Council at its August 16, 2018 Regular Council Meeting did formally accept the termination of the contract between the Wimberley Convention and Visitors Bureau Foundation and the City of Wimberley, originally approved by the City on February 15, 2018.

Sincerely,


Shawn Cox
City Administrator



AGENDA ITEM: Hotel Occupancy Tax Council
SUBMITTED BY: Member Kelly, Place 5
DATE SUBMITTED: September 6, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action regarding 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

Ordinance No. 2017-004

*Need
Rev
Ver-
with
effective
date*

“Reduction of Hotel Occupancy Tax”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO REDUCE THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and further for the general purposes of convention center facilities or visitor information centers; advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity; the encouragement, promotion, improvement, and application of the arts, historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums; for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENT

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

“D. Tax Rate; Exemptions.

1. A tax of ~~five percent (5%)~~ zero percent (0%) of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs two dollars or more each day and is ordinarily used for sleeping.”

SECTION III. SAVINGS

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

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this ____ day of _____, 2017.

Hershel "Mac" McCullough

Mayor

ATTEST:

Cara McPartland,
City Secretary

APPROVED AS TO FORM:

Catherine Fryer,
City Attorney

ORDINANCE NO. 2018-02

“HOTEL OCCUPANCY TAX”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO INCREASE THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and further for the general purposes of convention center facilities or visitor information centers; advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity; the encouragement, promotion, improvement, and application of the arts, historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums; for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENT

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

“D. Tax Rate; Exemptions.

1. A tax of **five percent (5%)** of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs two dollars or more each day and is ordinarily used for sleeping.”

SECTION III. SAVINGS

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

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance, including, but not limited to, City of Wimberley Ordinance No. 2017-004, are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect June 1, 2018.

SECTION VII. PROPER NOTICE AND MEETING

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

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



Herschel P. "Mac" McCullough,
Mayor

ATTEST:

Laura J. Calcote
Laura J. Calcote,
City Secretary



APPROVED AS TO FORM:

Bob Y
City Attorney

NOTICE OF ENACTMENT OF ORDINANCE NO. 2018-11

An ordinance amending Chapter 50 (Sewers and Water), Section 50.63 (Connection to the Sewer System Required), of the Code of Ordinances of the City of Wimberley, Texas, in order to establish the requirements for mandatory connection to a public wastewater system; and providing for an effective date; proper notice and meeting, savings, severability and repealer.

NOTICE OF ENACTMENT OF ORDINANCE NO. 2018-02

An ordinance of the City of Wimberley, Texas, to increase the tax rate to be imposed on hotel occupancy within the corporate limits and extraterritorial jurisdiction of the City; and providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting.

Help Keep Wimberley Beautiful

ley City Hall on Thursday, April 12, 2018, at 6:00 p.m. to consider the following: **CUP-18-007**— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 150 Dobie Dr. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (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.

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Professional for their Full-Time Recovery Coach Position. Candidate must possess a Bachelor's Degree in a Human Services Field. Mental Health / IDD Experience Preferred. \$16.34 per hour / \$34K Annual with Excellent Benefits.
Apply online @ www.hillcountry.org
 Hill Country MHDD Centers is an EOE

General Help Wanted

General Help Wanted

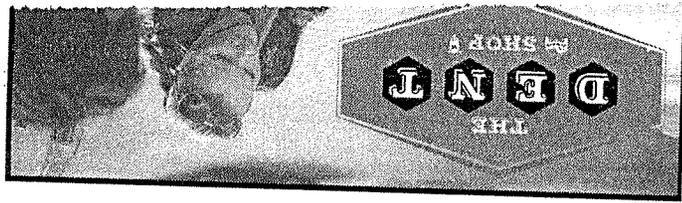
Hill Country MHDD Centers
 HILL COUNTRY MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CENTERS
Community Service Aide III
 Hill Country MHDD Centers now hiring Full & Part Time CSAs for their Hays Location - 1200 North Bishop St. San Marcos, TX. This is an excellent opportunity for recent graduating seniors OR jobseekers passionate about working with individuals with Intellectual & Developmental Delays. Eligible candidate must possess H.S. Diploma / GED and have a Valid TX Driver's License. Must have great organizational and communication skills AND be passionate about working with this population. Approximately 30 hrs/ wk/ Variable Hours. \$10.95/hr.
Apply online @ wwwxhillcountry.org
 Hill Country MHDD Centers is an EOE

Heather and Matt 732-397-3117.
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 Airline Mechanic Training - Get I Approved for military benefits. Financed. Job placement assistance. Call of Maintenance, 800-475-4102.

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EVENT
 Ingleside - Round Up Days, Mc Simmons Park, Ingleside, TX. Rides entertainment, \$6 Admission. Pres Chamber of Commerce.

Texas Pre 251 Participat Start At \$
 NOTICE: While most advertisers urge readers to use caution and w Federal Trade Commission at 877-



destrians, uncovered trucks
 In another week or two, and boaters.
 I will write more on this subject. In the meantime, PLEASE DON'T LITTER!
 Jackie Martice,
 Hays County
 Master Naturalist

article listed 9 interesting facts about littering: 1.9 billion tons of litter ends up in the ocean every year, \$11.5 billion is spent every year to clean up litter, 50% of littered items are cigarette butts, 50% of smokers claimed they properly

nt to quote directly in article I found on internet titled, "litter. It small piece of litter ve in your hand to build amount to billions of money

ORDINANCE NO. 2018-17

“REDUCTION OF HOTEL OCCUPANCY TAX”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO REDUCE THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and further for the general purposes of convention center facilities or visitor information centers; advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity; the encouragement, promotion, improvement, and application of the arts, historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums; for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

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

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety. This Ordinance is passed by one reading, as it is a matter of urgent public necessity.

SECTION II. AMENDMENT

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

“D. Tax Rate; Exemptions.

1. A tax of **zero percent (0%)** of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the

use or possession or for the right to the use or possession of a hotel room that costs two dollars or more each day and is ordinarily used for sleeping.”

SECTION III. SAVINGS

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

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance, including, but not limited to, City of Wimberley Ordinance No. 2018-02, 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.

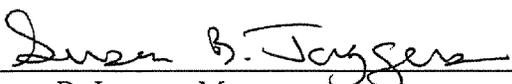
SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

SECTION VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 21st day of May, 2018.



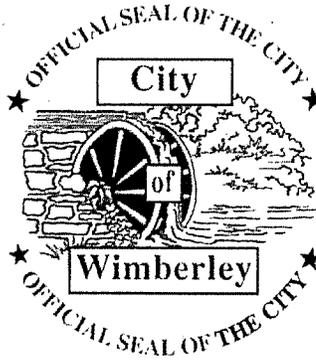
Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote
Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

Sam M. Galli
City Attorney





AGENDA ITEM: HMGP Elevation Surveys
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 7, 2018
MEETING DATE: September 11, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

As a result of the 2015 Memorial Day Flood, the City originally had ten (10) properties which qualified for assistance from FEMA's Hazard Mitigation Grant Program (HMGP). The program provided for buyouts or elevations of the properties. Of the 10 qualifying properties, four (4) were to be bought out and six (6) were to be elevated.

As the project currently stands, there are five (5) properties which still qualify. The others have either been sold, already repaired, or did not meet eligibility requirements.

The next step in the project is to have elevations certificate, and or surveys conducted for the remaining five (5) properties. This will provide the height level these homes seeking elevation assistance will need to be raised and the metes and bounds for the property seeking a buyout. The total cost for these surveys is between \$16,000 and \$17,000. 75% of these costs are covered by the HMGP, the remaining 25% is the applicant's responsibility. This amount will not exceed \$4,250.00. These surveys will determine if individual project still meet the qualifications for the program after the Benefits Cost Analysis is performed. In other words, is the value of the property enough to justify the cost of the elevation.

Currently unknown was the intent of match when the City applied for the project. Property owners were made aware that they would be responsible for covering 25% of the elevation costs. What is not known is if the City intended to cover the surveying costs to determine if the project met BCA requirements.

For consideration by Council is whether to cover these costs for the HMGP properties. The surveys will be conducted through BEFCO Engineering. Council approved their contract Engineering services on April 19, 2018.

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