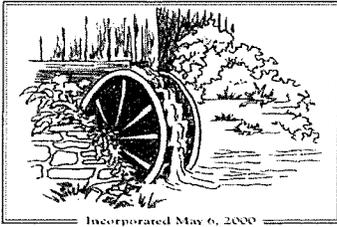


**REGULAR CITY  
COUNCIL MEETING  
PACKET**

**Thursday, October 18, 2018**

**5:30 p.m.**



# City of Wimberley

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

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**THURSDAY, OCTOBER 18, 2018 – 5:30 P.M.**

## **AGENDA**

1. **CALL TO ORDER**                      October 18, 2018 at 5:30 p.m.
2. **CALL OF ROLL**                      City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **PRESENTATION AND POSSIBLE ACTION**

Presentation and consider possible action regarding the Wimberley Merchants Association's Winter's Eve event set for Saturday, December 8, 2018.

6. **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.*

7. **EXECUTIVE SESSION**

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

- A. Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) regarding the Texas Open Meetings Act.
- B. Discussion and possible action resulting from Executive Session.

**8. CONSENT AGENDA**

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

- A. Approval of minutes from the Regular City Council Meeting held October 4, 2018.
- B. Approval of minutes from the Special City Council Meeting held October 9, 2018.
- C. Approval of August 2018 Financial Statements for the City of Wimberley.

**9. CITY ADMINISTRATOR REPORT**

Update regarding the status of the Central Wimberley Wastewater Project and City sales tax

**10. PUBLIC HEARINGS AND POSSIBLE ACTION**

- A. Hold a public hearing and consider approval regarding case CUP-18-013, an application for a Conditional Use Permit to allow for the operation of a drive-through (bank & savings and loan) on property zoned Commercial-Low Impact (C-1) for Lot 48 & 49, South River, Unit One, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Sonora Bank/Peter Lewis, Applicant)*
- B. Hold a public hearing and consider approval regarding case ZA-18-008, an application to change the zoning from Residential Acreage (RA) to Rural Residential 1 (R-1) for Lot 1, Lot 2, Lot 3 & Lot 4, Hacienda del Cielo, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(City of Wimberley, Applicant)*

**11. DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action regarding the purchase of a lawnmower for the Public Works Department.
- B. Discuss and consider possible action to grant a fence variance at 305 Lange Road.
- C. Discuss and consider possible action to approve ATS inspection rates.
- D. Discuss and consider possible action to approve two bids from Mow Town Lawn Service in an amount not to exceed \$9,350 for tree trimming.
- E. Discuss and consider possible action to approve a quote from Dan McCuistion in an amount not to exceed \$2,100 for tree removal.
- F. Discuss and consider possible action regarding the City of Wimberley's agreements with two local soccer organizations utilizing Blue Hole Soccer Fields.

- G. Discuss and consider possible action to approve the first reading of Ordinance No. 2018-41, adopting and enacting a new Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof not exceeding \$500 generally or exceeding \$2,000 for violations relating to fire safety, zoning or public health and sanitation or exceeding \$4,000 for violations relating to dumping of refuse; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.
- H. Discuss and consider possible action to award the proposal to Langford Community Management Services, Inc. for administration of the Texas Water Development Board's Clean Water State Revolving Fund (CRSF) Loan Program for the Central Wimberley Wastewater Project.
- I. Discuss and consider possible action regarding the volume of public information requests (open records requests) and the associated costs within the past several months.

**12. CITY COUNCIL REPORTS**

- A. Announcements
- B. Future agenda items

**13. ADJOURNMENT**

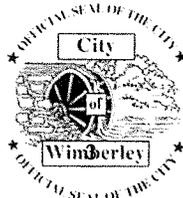
The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas 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](http://www.cityofwimberley.com), in compliance with Chapter 551, Texas Government Code, on Monday, October 15, 2018, by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Laura J. Calcote  
 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.



Wimberley Merchants Association

PO Box 27, Wimberley, Texas 78676

To: The City of Wimberley

From: Wimberley Merchants Association

Re: Winter's Eve- A Christmas Festival!

**2018** will mark the 11<sup>th</sup> year that local Sponsors have joined with the Wimberley Merchants Association in presenting Wimberley's famous *Winter's Eve – A Christmas Festival!* This event is a festive evening of entertainment, shopping, spirits, music and much more to thousands of local and regional guests. This year's event will take place on Saturday, December 8<sup>th</sup>, 2018 from 5:00 till 10:00pm.

Our Plans Include;

- Extensively advertising both locally and regionally to bring people to our town.
- Close portions of the street and parking to secure a pedestrian friendly and safe environment.
- Live music is scheduled on three different stages throughout town till 10:00pm.
- Directional signage, an information booth, and shuttles will be available.
- Constables for pedestrian crossing will be provided.
- Trash containers will be provided by WMA.
- Santa photos provided by WMA for free, along with kids activities in a secured area.

We would request the City's ongoing support in providing the following items:

- A temporary Electric pole for the main stage. (CCC parking lot)
- Additional Handicap accessible restroom trailer to be placed on the Square.
- Additional lighting on square, light cart and or repair guard lights on PEC poles for pedestrians to move around safely.
- Additional Security.
- That all restrooms are cleaned and restocked prior to event.

Your support of this entertaining and locally supported event is extremely important to the success of *Winter's Eve – A Christmas Festival!*

Sincerely,  
Craig Calley  
President, Wimberley Merchants Association



**AGENDA ITEM:** Consent Agenda  
**SUBMITTED BY:** Laura Calcote, City Secretary  
**DATE SUBMITTED:** October 15, 2018  
**MEETING DATE:** October 18, 2018

# AGENDA FORM

## ITEM DESCRIPTION/SUMMARY

- Approval of minutes from the Regular City Council Meeting held October 4, 2018.
- Approval of minutes from the Special City Council Meeting held October 9, 2018.
- Approval of August 2018 Financial Statements for the City of Wimberley.

## REQUESTED ACTION

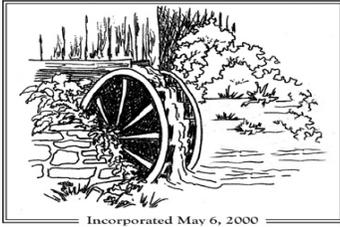
- Motion
- Discussion
- Ordinance
- Resolution
- Other

## FINANCIAL

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

## STAFF RECOMMENDATION

Approval of Items A-C.



# 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, OCTOBER 4, 2018 – 5:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

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

### **CALL OF ROLL**

Council Members Present: Susan Jagggers 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  
John Provost Public Works Superintendent

### **INVOCATION**

Council Member Gary Barchfeld gave the invocation.

### **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

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

### **PROCLAMATION**

Mayor Susan Jagggers read aloud a proclamation of the City of Wimberley, Texas proclaiming the month of October 2018 as National Domestic Violence Awareness Month.

### **CITIZENS COMMUNICATIONS**

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

1. Candace Bowman spoke regarding the Central Wimberley Wastewater Project. Mrs. Bowman spoke of Council Member Craig Fore's potential plan, before the vote was taken in August 2018, which would have been less expensive and ensured no discharge. She urged Council to further explore this option that would allow for City control once more.

2. William Bowman addressed Council regarding his previous statements and questions pertaining to the Texas Water Development Board loan. He asked when the Town Hall that the Mayor had promised would occur. Mr. Bowman suggested having the Town Hall meeting on

October 15<sup>th</sup>, following The League of Women Voters' Hays County Candidates Debate event.

3. Maridel Martinez, a local business owner, spoke regarding the STR Presentation on September 20<sup>th</sup>, and how it was a good example on fairness. Mrs. Martinez also addressed Rancho Queso's request from the September 20<sup>th</sup> meeting, and how she was concerned about the requested parking agreement with the business's neighbor.

**CONSENT AGENDA**

**Motion to approve the Consent Agenda was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).**

- A. Approval of minutes from the Special City Council Meeting held September 18, 2018.
- B. Approval of minutes from the Regular City Council Meeting held September 20, 2018.
- C. Approval of minutes from the Special City Council Meeting held September 25, 2018.

**CITY ADMINISTRATOR REPORT**

City Administrator Shawn Cox updated Council on the status of the Central Wimberley Wastewater Project. Mr. Cox noted Capital Excavation was currently working on Old Kyle Road, and that work on the Road should be completed by the end of October. Next, Capital Excavation would begin work on Ranch Road 12 and would try to dig in the evening time and at night as much as possible. Additionally, the financial standings for the Project were provided. Mr. Cox also spoke regarding ongoing City road projects, including the paving of Hidden Valley Road and the clearing of brush and debris at one of the Blanco River bridges. Code compliance issues regarding fences within the City were discussed among Council members and Mr. Cox. This topic would be brought back to Council at the next regular meeting.

**DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas.

Jeremy Feagin, owner of Gratton's Cajun Kitchen, addressed Council regarding his request to operate a food service trailer at Odie's Food Court. Council Member Patricia Cantu Kelly recused herself from the discussion and motion.

**Motion to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Allison Davis. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (4-0-1):**

<b>Mike McCullough</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Aye</b>
<b>Patricia Cantu Kelly</b>	<b>Recusal</b>

- B. Discuss and consider possible action regarding plans for a Family Halloween night on October 31<sup>st</sup> on private property along Old Kyle Road.

**Motion to approve plans, including activities such as pumpkin painting, music, a dunking booth, bounce house and movie screen, for a Family Halloween night on October 31<sup>st</sup> from 4:00 p.m. to 8:00 p.m. on private property along Old Kyle Road was made by Council Member Allison Davis. Motion was seconded by Council Member Gary**

**Barchfeld. Motion carried unanimously (5-0).**

- C. Discuss and consider possible action regarding to approve two bids from Mow Town Lawn Service in an amount not to exceed \$9,350 for tree trimming.  
There was discussion regarding tree trimming on City roads and the bidding process in general. The Mayor claimed she had received a cheaper bid for the tree trimming, but City staff had not been given, nor reviewed, the bid. Council decided this item would be brought back to a future meeting.  
No action was taken.
- D. Discuss and consider possible action to approve Capital Excavation's amended Contractor's Modification Request No. 1 for materials testing.  
**Motion to approve Capital Excavation's amended Contractor's Modification Request No. 1 for materials testing was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).**
- E. Discuss and consider possible action to approve Capital Excavation's Contractor's Modification Request No. 2 for cement stabilized backfill.  
**Motion to approve Capital Excavation's Contractor's Modification Request No. 2 for cement stabilized backfill was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).**
- F. 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.  
Council Member Allison Davis requested an update regarding the status of the Texas Water Development Board's approval of a change in scope to the Central Wimberley Wastewater Project, as well as previously held meetings with the entity. There was discussion among Council members regarding the TWDB. Council Member Gary Barchfeld stated he had met with the TWDB, and information pertaining to the budget, mapping and a potential contract with Aqua Texas had been submitted to the organization in September 2018. Mr. Barchfeld noted that the City had not heard back from the TWDB to date, and that the entity may ask for additional information before issuing a decision on a change in scope. Council Member Allison Davis requested copies of what had been submitted to the TWDB for review. City Administrator Shawn Cox also spoke regarding the acquisition of property for the location of the lift station for the Project and advised the topic would be brought back to Council for discussion and action in the future.  
No action was taken on this item.
- G. Discuss and consider possible action to appoint members to the Tourism Management and Development Committee.  
The Tourism Management and Development Committee had been established on September 20<sup>th</sup>. Several individuals had submitted applications for the Committee.  
**Motion to appoint the following members to the Tourism Management and Development Committee was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0):**
- |                      |                         |
|----------------------|-------------------------|
| <b>Lois Mahoney</b>  | <b>Lodging Operator</b> |
| <b>Natalie Meeks</b> | <b>Lodging Operator</b> |

<b>Mark Bursiel</b>	<b>Lodging Operator</b>
<b>Dan Sturdivant</b>	<b>Lodging Operator</b>
<b>Madonna Kimball</b>	<b>Citizen Representative</b>

Five of the seven members were appointed. The Merchants Association Representative and the Arts/Historical Representative would be appointed at a later date.

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

There was discussion regarding the MindEcology’s performance results over the course of the contracts. Council Member Patricia Cantu Kelly questioned if tourism and sales tax had risen due to the marketing campaign. There was discussion on the funds generated by the campaign in conjunction with the money spent on the campaign.

**Motion to allow Council Member Kelly and Council Member McCullough to review MindEcology’s performance and bring the findings to City Council by the first regular November meeting 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 regarding the status of the collection notice sent to the Wimberley Convention and Visitors Bureau Foundation in the amount of \$38,590, due to breach of services contract.

There was discussion regarding the status of the collection notice sent to the Wimberley Convention and Visitors Bureau Foundation. The organization had responded to the City on October 1<sup>st</sup>, stating they declined the demand to return the funds, which is included in the minutes as part of the record. There was also discussion on the entity’s performance, as well as the rhetoric used against the organization being inflammatory. Council Member Gary Barchfeld cautioned Council on filing suit against the Foundation.

**Motion to turn the matter over to the City Attorney to initiate collection and assess penalties, interest and legal fees until such time as the money is returned to the City was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. The motion carried as follows (4-1):**

<b>Mike McCullough</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Aye</b>
<b>Gary Barchfeld</b>	<b>Aye</b>
<b>Patricia Cantu Kelly</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Nay</b>

**CITY COUNCIL REPORTS**

- A. Announcements – None.
- B. Future agenda items – Council Member Gary Barchfeld requested the incurred cost for freedom of information requests be placed on a future agenda, as well as fence issues within the City.

*(City Council took a recess from 6:51 p.m. until 7:08 p.m.)*

**EXECUTIVE SESSION**

*(Executive Session was moved from Item No. 7 on the Agenda to Item No. 11, and heard at the end of the meeting)*

The City Council adjourned into Executive Session at 7:10 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

- A. Executive Session pursuant to Texas Government Code, Section 551.071(Consultation with Attorney) City Council will seek advice from the City Attorney on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Act.

Regular Session reconvened at 8:13 p.m.  
No action was taken.

***(Section 551. 074 was not read into the record as a purpose for Executive Session)***

- B. Executive Session pursuant to Texas Government Code, 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: City Administrator Shawn Cox.

**Motion to postpone this item until Tuesday, October 9<sup>th</sup>, was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

**ADJOURNMENT**

**Motion to adjourn the meeting at 8:13 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).**

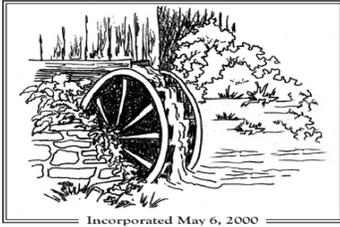
**RECORDED BY:**

\_\_\_\_\_  
**Laura J. Calcote, City Secretary**

**APPROVED BY:**

\_\_\_\_\_  
**Susan 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, OCTOBER 9, 2018 – 5:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Susan Jaggars called the meeting to order at 5:31 p.m.

### **CALL OF ROLL**

Council Members Present: Susan Jaggers 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

### **EXECUTIVE SESSION**

The 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:

- A. Executive Session pursuant to Texas Government Code, Section 551.072 (Deliberation regarding real property) related to the acquirement of a utility easement for the Central Wimberley Wastewater Lift Station.

Regular Session reconvened at 5:58 p.m.

**Motion to approve Resolution No. 28-2018, authorizing acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, and the easement be for 1,369 square feet, in Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).**

**Motion to approve Resolution No. 29-2018, authorizing an amendment to the 2018/2019 Operating Budget (Budget Amendment No.1), providing for the transfer of funds in the General Fund Unobligated Fund Balance to the General Fund Administration Department was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).**

The City Council adjourned back into Executive Session at 6:00 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

- B. Executive Session pursuant to Texas Government Code, 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: City Administrator Shawn Cox.

Regular Session reconvened at 8:40 p.m.

No action was taken.

**DISCUSSION AND POSSIBLE ACTION**

Action was taken on these two items after discussion in Executive Session.

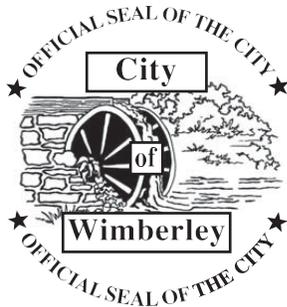
- A. Discuss and consider possible action regarding the purchase of a utility easement for the Central Wimberley Wastewater Lift Station.
  
- B. Discuss and consider possible action regarding a budget amendment for the purpose of purchasing a utility easement for the Central Wimberley Wastewater Lift Station.

**ADJOURNMENT**

**Motion to adjourn at 8:41 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (5-0).**

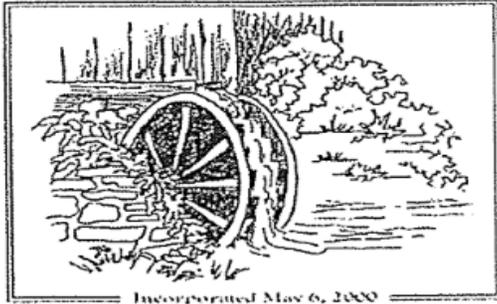
**RECORDED BY:**

\_\_\_\_\_  
**Laura J. Calcote, City Secretary**



**APPROVED BY:**

\_\_\_\_\_  
**Susan Jagers, Mayor**



# **CITY OF WIMBERLEY**

## **Summary Financial Statements**

### **Eleven Months Ended August 31, 2018**

**City of Wimberley**  
**Balance Sheets**  
**August 31, 2018**

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,358,643	648,433	144,353	81,712	3,650,987	3,819	18,748	5,019
Receivables and other	75,851	-	-	618	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	186,499	605,132	-	-	-
Net investment in fixed assets	-	-	-	754,460	-	-	-	-
<b>Total Assets</b>	<b>\$ 1,434,494</b>	<b>648,433</b>	<b>144,353</b>	<b>1,023,289</b>	<b>4,256,120</b>	<b>3,819</b>	<b>18,748</b>	<b>5,019</b>
Payables	\$ 49,620	5,692	-	15,301	193	504	-	-
Debt (old)	-	-	-	342,148	-	-	-	-
Debt - TWDB (new)	-	-	-	-	5,255,000	-	-	-
Total Liabilities	<u>49,620</u>	<u>5,692</u>	<u>-</u>	<u>357,449</u>	<u>5,255,193</u>	<u>504</u>	<u>-</u>	<u>-</u>
Fund Balance	<u>1,384,873</u>	<u>642,741</u>	<u>144,353</u>	<u>665,839</u>	<u>(999,073)</u>	<u>3,315</u>	<u>18,748</u>	<u>5,019</u>
<b>Total Liabilities and Fund Balance</b>	<b>\$ 1,434,494</b>	<b>648,433</b>	<b>144,353</b>	<b>1,023,289</b>	<b>4,256,120</b>	<b>3,819</b>	<b>18,748</b>	<b>5,019</b>

**Note:**

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

**City of Wimberley**  
**Revenues and Expenditures - General Fund**

Eleven Months Ended August 31, 2018

	8/31/2018	YTD	2018 Budget	YTD % Budget 92%
<b>Revenues</b>				
Sales taxes	\$ 70,559	750,419	848,918	88%
Mixed beverage tax	\$ -	8,149	15,750	52%
Franchise tax	\$ 23,857	222,704	278,250	80%
Permit fees	\$ 4,733	64,435	55,000	117%
Grant funds	\$ -	-	-	-
Service fees	\$ 5,821	56,230	73,500	77%
Community Center rental fees	\$ 5,956	46,703	50,000	93%
Other income	\$ 836	17,108	5,200	329%
<b>Total Revenues</b>	<b>\$ 111,761</b>	<b>1,165,747</b>	<b>1,326,618</b>	<b>88%</b>
<b>Expenditures</b>				
Administration	34,255	704,891	696,335	101%
Administration - Legal	540	165,421	105,000	158%
Council/Board	1,090	35,606	42,325	84%
Building	3,890	36,856	42,500	87%
Public Safety	3,039	89,093	94,010	95%
Municipal Court	1,000	6,268	18,200	34%
Public Works	15,803	125,536	118,308	106%
Roads	2,763	62,574	225,500	28%
Waste/Wastewater	769	66,287	64,000	104%
Community Center	10,265	92,913	94,690	98%
Nature Trail	400	3,397	2,500	136%
<b>Total Expenditures</b>	<b>73,815</b>	<b>1,388,844</b>	<b>1,503,368</b>	<b>92%</b>
<b>Excess Revenues Over Expenditures</b>	<b>37,946</b>	<b>(223,097)</b>	<b>(176,750)</b>	
Transfer Out to Wastewater Fund	-	-	(306,760)	-
Transfer Out to Blue Hole Fund	-	-	-	-
	<b>\$ 37,946</b>	<b>(223,097)</b>	<b>(483,510)</b>	

**City of Wimberley**  
**Revenues and Expenditures - Blue Hole**

Eleven Months Ended August 31, 2018

	8/31/2018	YTD	2018 Budget	YTD % Budget 92%
<b><u>Revenues</u></b>				
Gate fees	\$ 94,445	432,438	271,047	160%
Other fees	3,547	55,345	42,500	130%
Miscellaneous	252	8,746	1,150	761%
<b>Total Revenues</b>	<b>98,244</b>	<b>496,530</b>	<b>314,697</b>	<b>158%</b>
<b><u>Expenditures</u></b>				
Wages and benefits	37,381	218,363	227,994	96%
Contract services	601	32,267	32,200	100%
Other	7,162	73,069	68,003	107%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	6,000	6,500	92%
Operating Transfer Out	-	-	65,543	0%
<b>Total Expenditures</b>	<b>45,144</b>	<b>329,700</b>	<b>400,240</b>	<b>82%</b>
<b>Excess Revenues Over Expenditures</b>	<b>\$ 53,100</b>	<b>166,830</b>	<b>(85,543)</b>	
Transfer in from General Fund	-	-	-	
<b>Net Change in Fund Balance</b>	<b>\$ 53,100</b>	<b>166,830</b>	<b>(85,543)</b>	

# City of Wimberley

## Revenues and Expenditures - Hotel Occupancy Tax

Eleven Months Ended August 31, 2018

	8/31/2018	YTD	2018 Budget	YTD % Budget 92%
<b>Revenues</b>				
Hotel Occupancy Tax	\$ 14,150	14,150	156,000	9%
Interest income	6	114	-	-
Miscellaneous	-	-	-	-
<b>Total Revenues</b>	<b>14,156</b>	<b>14,264</b>	<b>156,000</b>	<b>9%</b>
<b>Expenditures</b>				
Wages & Bennifits	-	-	68,520	0%
Other	-	-	9,000	0%
Contract Services	1,925	82,398	193,507	43%
HOT Disbursements	-	88,470	20,000	442%
General Operating Supplies	-	521	-	-
Capital Outlay	-	-	6,000	0%
<b>Total Expenditures</b>	<b>1,925</b>	<b>171,388</b>	<b>297,027</b>	<b>58%</b>
<b>Excess Revenues Over Expenditures</b>	<b>\$ 12,231</b>	<b>(157,124)</b>	<b>(141,027)</b>	
Transfer in from General Fund	-	-	-	
<b>Net Change in Fund Balance</b>	<b>\$ 12,231</b>	<b>(157,124)</b>	<b>(141,027)</b>	

# City of Wimberley

## Revenues and Expenditures - Wastewater Utility Fund

Eleven Months Ended August 31, 2018

	8/31/2018	YTD	2018 Budget	YTD % Budget 92%
<b>Revenues</b>				
Charges for utility services	\$ 9,898	108,878	118,776	92%
Reclaimed water revenues	-	-	-	
Interest	12	106	130	82%
<b>Total Revenues</b>	<b>9,910</b>	<b>108,984</b>	<b>118,906</b>	<b>92%</b>
<b>Expenditures</b>				
Contract Services	9,967	230,164	245,125	94%
Utilities	535	6,494	10,000	65%
Project Manager	13,428	58,706	175,000	34%
Other Expenses	287	1,003	-	-
Capital Outlay (debt repayment)	-	31,250	31,250	100%
Wastewater Debt Service - Principal	95,000	95,000	100,510	95%
Wastewater Debt Service - Interest	68,448	71,353	65,543	109%
<b>Total Expenditures</b>	<b>187,664</b>	<b>493,970</b>	<b>627,427</b>	<b>79%</b>
<b>Excess Revenues Over Expenditures</b>	<b>(177,754)</b>	<b>(384,986)</b>	<b>(508,521)</b>	
Transfer In	306,760	306,760	454,516	67%
<b>Net Change in Fund Balance</b>	<b>\$ 129,006</b>	<b>(78,226)</b>	<b>(54,006)</b>	

# City of Wimberley

## Revenues and Expenditures - Wastewater Collection and Treatment Plant

Eleven Months Ended August 31, 2018

	8/31/2018	YTD	2018 Budget	YTD % Budget 92%
<b>Revenues</b>				
Interest revenues	\$ 169	373	-	-
Investment income	5,616	39,961	-	-
WW Bond Reserve Funds	-	243,005	-	-
<b>Total Revenues</b>	<b>5,785</b>	<b>283,340</b>	<b>-</b>	<b>-</b>
<b>Expenditures</b>				
Records management	-	96,845	-	-
Capital outlay	840,496	1,185,568	-	-
Other expenses	-	-	-	-
<b>Total Expenditures</b>	<b>840,496</b>	<b>1,282,412</b>	<b>-</b>	<b>-</b>
<b>Excess Revenues Over Expenditures</b>	<b>(834,711)</b>	<b>(999,073)</b>	<b>-</b>	<b>-</b>
Transfer in from General Fund	-	-	-	-
<b>Net Change in Fund Balance</b>	<b>\$ (834,711)</b>	<b>(999,073)</b>	<b>-</b>	<b>-</b>

**City of Wimberley**  
**Revenues and Expenditures - Nonmajor Funds**

Eleven Months Ended August 31, 2018

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	8/31/2018	YTD	2018 Budget	8/31/2018	YTD	2018 Budget	8/31/2018	YTD	2018 Budget
<b>Total Revenues</b>	\$ 61	161	3,050	\$ 2	18	40	\$ 0	2	2
<b>Total Expenditures</b>	5	6,905	2,550	5	5	-	5	5	-
<b>Excess Revenues Over Expenditures</b>	\$ 56	(6,744)	500	\$ (3)	13	40	\$ (5)	(3)	2
Fund Transfers	-	-	-	-	-	-	-	-	-
<b>Net Change in Fund Balance</b>	<b>\$ 56</b>	<b>(6,744)</b>	<b>500</b>	<b>\$ (3)</b>	<b>13</b>	<b>40</b>	<b>\$ (5)</b>	<b>(3)</b>	<b>2</b>



**AGENDA ITEM:** City Administrator's Report  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** October 16, 2018  
**MEETING DATE:** October 18, 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 the Sales Tax received by the City to date.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

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

### STAFF RECOMMENDATION

# Report for CUP-18-013



**Summary:**

An application for a Conditional Use Permit to allow for the operation of a drive-through bank and savings and loan facility

**Applicant Information:**

**Applicant:** Sonora Bank/Peter Lewis, representative  
1570 River Road  
Boerne, TX 78006

**Property Owner:** Sonora Bank

**Subject Property:**

**Legal Description:** Lot 48 & Lot 49, South River, Unit One  
**Location:** Stillwater  
**Existing Use of Property:** Vacant  
**Existing Zoning:** Commercial-Low Impact (C-1)  
**Proposed Use of Property:** Drive-Through  
**Proposed Zoning:** CUP  
**Planning Area:** III  
**Overlay District:** Entrance Corridor

**Surroundings:**

**Frontage On:** Stillwater, Southriver, RR 12

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	C1	Commercial
<b>S of Property</b>	C1, RA	Commercial. Residential
<b>E of Property</b>	SC	Commercial, Residential
<b>W of Property</b>	C1	Commercial

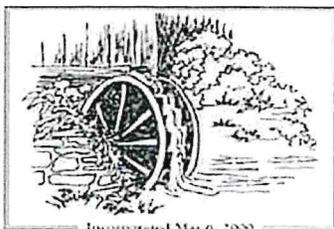
**Legal Notice**

**200' Letters:** 9/20/2018  
**Published:** 9/20/2018  
**Sign Placement:** 9/21/2018  
**Responses:** none

**Comments:**

The applicant, Sonora Bank, has requested a Conditional Use Permit (CUP) to operate a drive-through bank and savings and loan facility for property described as Lot 48 & Lot 49, South River, Unit One. The two tracts consist of 2.133 acres and is undergoing the amending plat process to combine the two tracts. The property is zoned Commercial-Low Impact and allows for a drive-through bank with the approval of a CUP. Plans call for a 4,515 square foot bank with an additional 3,000 square foot future expansion. Water will be provided by Wimberley Water Supply Corporation and wastewater will be provided by on-site sewage facility (OSSF). This request is for three drive through bank teller lanes.

There has been no inquiry or opposition to date.  
On October 11<sup>th</sup>, P&Z voted 6-0-0 to recommend approval.



# City of Wimberley

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

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

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## CONDITIONAL USE PERMIT APPLICATION

OFFICE USE	CUP <u>18 - 013</u>	Date: <u>9-6-2018</u>	Staff Review <u>Sandy J. Floyd</u>
P&Z Hearing: <u>10-11-18</u> <u>6pm</u>	Council Hearing: <u>10-18-18</u> <u>5:30pm</u>	Fees Paid: <input checked="" type="checkbox"/> Application	<input checked="" type="checkbox"/> Public Notice

Applicant: <u>Mike Schultz</u>
Mailing address: <u>1570 River Road</u> City: <u>Boerne</u> State: <u>TX</u> Zip: <u>78006</u>
Phone: [REDACTED] Email: [REDACTED]
Property Owner: <u>Sonora Bank</u>
Mailing address: <u>1570 River Road</u> City: <u>Boerne</u> State: <u>TX</u> Zip: <u>78006</u>
Phone: [REDACTED] Email: [REDACTED]

Project Site Address: <u>-</u>
Legal description: <u>Lots 48 &amp; 49, South River, Unit one @ subdivision in Hays County, Texas according to the map or plat thereof</u> <u>Vol. 7, Page 179</u>
Total Acreage or Square Footage: <u>2.133 Acres</u> Deed recorded in: <u>Hays Co. Plat Records</u>
Hays CAD Parcel ID R <u>R71951/R71952</u> Planning Area: <u>3</u> Zoning: <u>C-1</u> <u>Low Impact</u>
Is property located in an overlay district? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, type: <u>Entrance Corridor</u>
Specific Conditional Use Requested: <u>Drive thru Facility</u>
Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
Electric Provider: <u>Pedernales Electric Cooperative</u>
Water provider or Private Well: <u>Wimberley Water Supply Corporation</u>
Wastewater Service or Septic Permit No. <u>OSSF (TBD)</u>
*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

**MY REQUEST IS BASED ON THE FOLLOWING:**

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

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

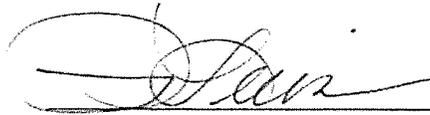
- (✓) Metes and bounds description and/or a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (✓) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height,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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date 9.5.18

  
 \_\_\_\_\_  
 AGENT SIGNATURE  
 Peter W. Lewis, Architect  
 Texas Registered Architect 00295

## Sandra Floyd

---

**From:** Mike Schultz [REDACTED]  
**Sent:** Friday, September 7, 2018 6:29 AM  
**To:** Sandra Floyd  
**Cc:** Peter Lewis; Josh Smith  
**Subject:** Conditional Permit Application

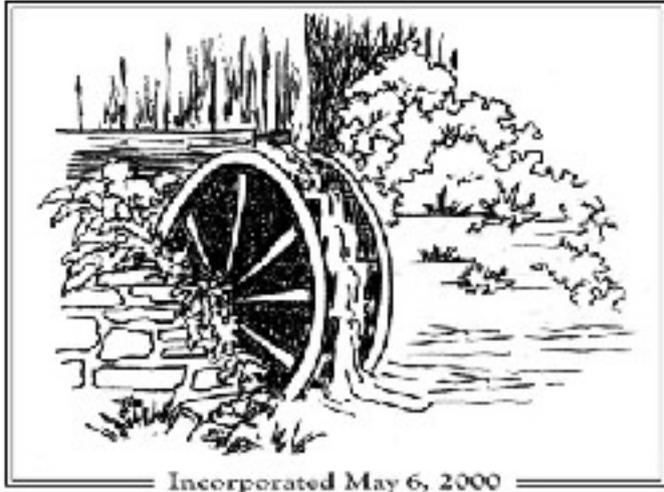
Sandy, please accept this as my permission to use Peter Lewis's signature on our application on behalf of Sonora Bank.  
Thank you

Sent from my iPhone

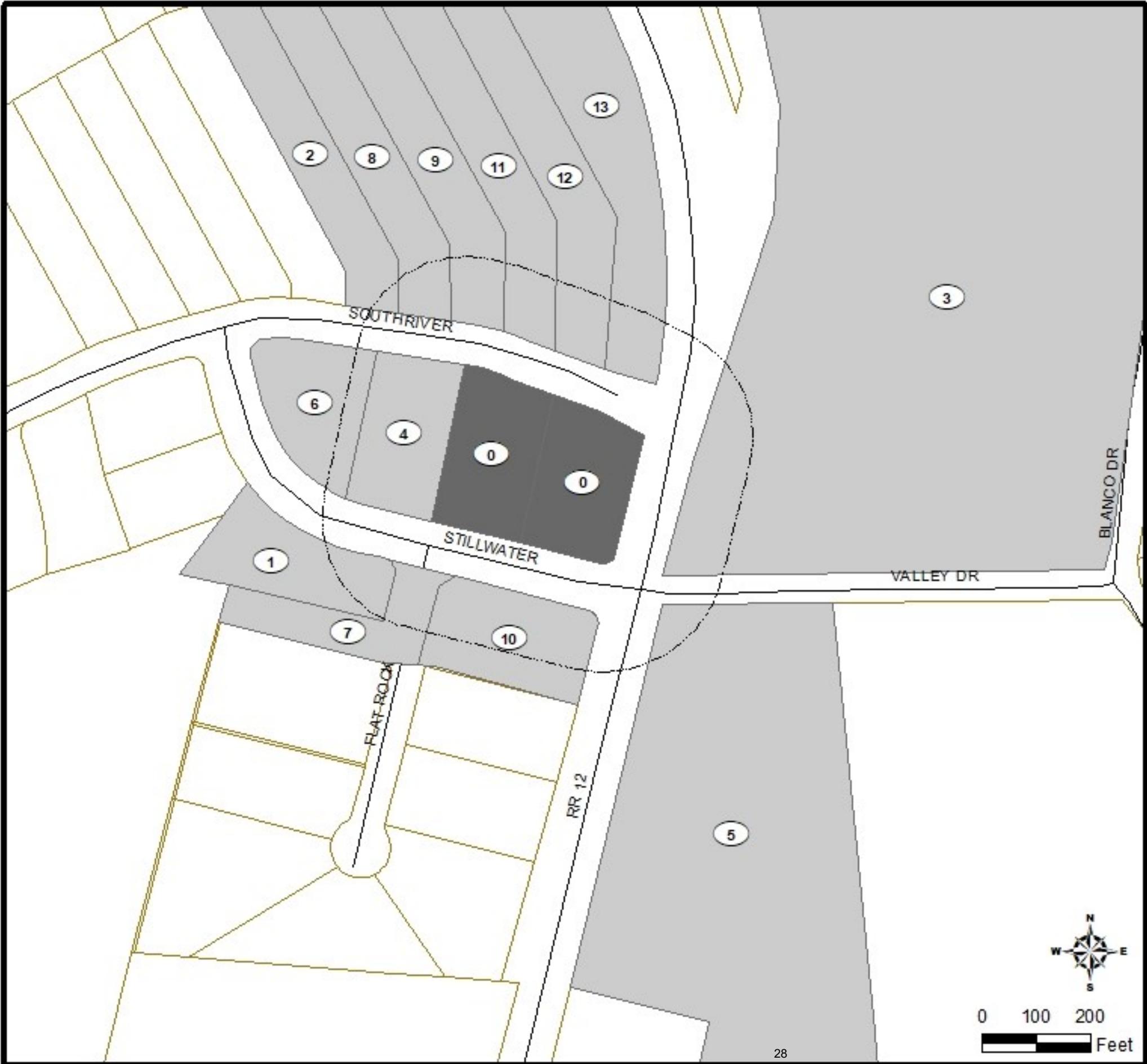
CONFIDENTIALITY NOTICE: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This transmission is confidential and legally privileged, and contains information that is for the intended individual(s) or entity(ies). If you are not the intended recipient, you are hereby notified that any dissemination, disclosure, copying, distribution, or reliance upon this communication or its contents is strictly prohibited. If you have received this e-mail transmission in error, please reply to the sender so that arrangements can be made for proper delivery, after which please delete the message from your inbox. Thank you.



# CUP-18-013 ~ Lot 48 & Lot 49, South River, Unit 1



## 200' NOTIFICATION

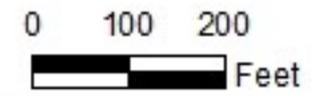


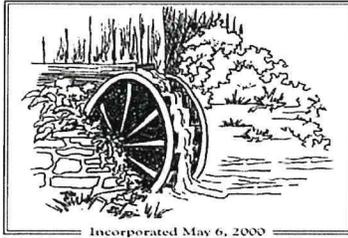
**Legend**

--- 200 Foot Buffer

**ID. OWNER**

- 0. SONORA BANK
- 1. BELTEX INVESTMENTS LP
- 2. BLANCO RIVER FAMILY LLC
- 3. ESTATE OF ALICE WILLIAMS
- 4. HAYS COUNTY
- 5. KELLY, GARY & PATRICIA
- 6. LONG FIELD LLC
- 7. NO INFO
- 8. SOUTH RIVER PROPERTIES LTD
- 9. SOUTH RIVER PROPERTIES LTD
- 10. SR-52 HOLDINGS LLC
- 11. V C D CENTURION DISCRETIONARY TRUST
- 12. V C D CENTURION DISCRETIONARY TRUST
- 13. V C D CENTURION DISCRETIONARY TRUST





# City of Wimberley

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

September 20, 2018

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-18-013**

Lot 48 & Lot 49, South River, Unit One

A request for a Conditional Use Permit (CUP) to allow the operation of a drive-through bank

Dear Property Owner:

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

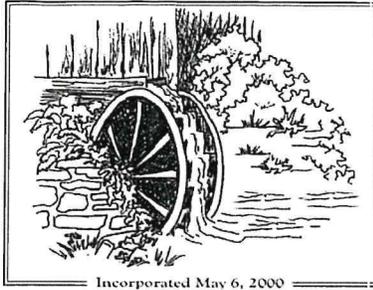
The applicant, Sonora Bank, has requested a Conditional Use Permit (CUP) to allow for the operation of a drive-through bank and savings and loan facility for Lot 48 and Lot 49, South River, Unit One. The current zoning for this property is Commercial-Low Impact (C-1). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, October 11, 2018, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, October 18, 2018, at 5:30 p.m.**

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

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

Thank you,

Sandy I. Floyd  
Planning & Development Coordinator  
GIS Analyst  
[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)



# City of Wimberley

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

## NOTICE BY SIGN POSTING

DATE: 9/21/18

ZONING NO: CUP-18-013

OWNER: Sonora Bank

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: N/A

Legal description: Lot 48 & Lot 49, South River, Unit One

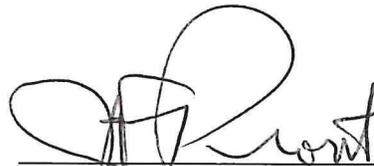
Frontage on: Stillwater, Southriver, RR 12

John Provost  
Public Works/Code Enforcement

City of Wimberley

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

9/21 2018

  
\_\_\_\_\_  
Signature

THURSDAY, SEPTEMBER 20, 2018

# Wimberley View CLASSIFIEDS

Wimberley, Texas 78676 512-847-2202

Public  
Notice

Public  
Notice

Public  
Notice

Public  
Notice

Public  
Notice

Public  
Notice

Inc. for construction of  
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eived at the Engineer's  
12:00 p.m., September  
ved after this time will  
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Water and Wastewater  
overnmental rules and

ice where they may be  
be obtained from the  
00 per set. Checks for  
Inc.

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rity), must accompany

### EDUCATION FOR ALL CHILDREN WITH DISABILITIES

Every child learns at a different pace, but often children need our help in removing obstacles that prevent them from reaching their full potential. Dripping Springs Independent School District provides free referral and information services to help children with learning challenges that may interfere with their ability to do well in school. These can include difficulties with social interactions, playing, talking, seeing, hearing, behavior and movement. This service is available to infants, children and youth beginning at birth to age 21. If you are concerned that your child seems to be learning or playing differently from others, please call the Special Education office at 512-858-3066 for more information. We are here to help you meet the learning needs of your child.

### EDUCANDO A NIÑOS CON DESAFÍOS DE APRENDIZAJE

*Cada niño aprende a un ritmo diferente; aun así, ocasionalmente los niños necesitan nuestra ayuda para remover esos obstáculos que les previene alcanzar su máximo potencial. El Distrito Independiente Escolar de Dripping Springs ofrece servicios gratuitos de información y de referencia para ayudar a niños con desafíos de aprendizaje que pudieran interferir en su capacidad de tener éxito en la escuela. Estos pueden incluir dificultades en las interacciones sociales, al jugar, hablar, ver, oír, su conducta, o movimiento. Este servicio está disponible para niños y jóvenes desde su nacimiento hasta los 21 años de edad. Si usted observa que su niño parece estar aprendiendo o jugando de manera distinta a los demás, por favor llame a la Oficina de Educación Especial (Special Services) al 512-858-3066, para obtener más información. Estamos aquí para ayudarlo a mejorar las necesidades de aprendizaje de su niño.*

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, October 11, 2018, at 6:00 p.m.** to consider the following: CUP-18-013-- an application for a Conditional Use Permit (CUP) to allow the operation of a drive-through bank and savings and loan facility for Lot 48 & Lot 49, South River, Unit One. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, October 18, 2018, at 5:30 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email ([sfloyd@cityofwimberley.com](mailto: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.

General Help  
Wanted

General Help  
Wanted

**ORDINANCE NO. 2018-39**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY SONORA BANK TO PERMIT THE OPERATION OF A DRIVE-THROUGH (BANK & SAVINGS & LOAN) ON PROPERTY DESCRIBED AS LOT 48 & LOT 49, SOUTH RIVER UNIT ONE, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.**

**WHEREAS**, an application for a Conditional Use Permit has been filed by Sonora Bank (“Applicant”) requesting authorization to operate a drive-through bank and savings and loan on real property described as Lot 48 & Lot 49, South River, Unit One, zoned Commercial-Low Impact (C-1); and

**WHEREAS**, a drive-through is an authorized use in areas zoned Commercial-Low Impact (C-1) upon approval of a Conditional Use Permit;

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

**WHEREAS**, Applicant has submitted a Conditional Use Permit Application and other necessary information, and has complied with the requirements of the City of Wimberley Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning Commission and City Council have conducted public hearings on the application for a Conditional Use Permit wherein public comment was received and considered on the application; and

**WHEREAS**, the City Council finds that the use of the subject property as a drive-through bank and savings and loan facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

**ARTICLE I. FINDINGS OF FACT**

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

## **ARTICLE II. APPROVAL - TERMS AND CONDITIONS**

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Sonora Bank (“Applicant”) for use as a drive-through on real property, described as Lot 48 & Lot 49, South River, Unit One, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial-Low Impact (C-1), Wimberley, Hays County, Texas.

## **ARTICLE III. ZONING DISTRICT MAP**

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

## **ARTICLE IV. REPEALER**

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

## **ARTICLE V. SEVERABILITY**

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

## **ARTICLE VI. EFFECTIVE DATE**

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

## **ARTICLE VII. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** by the City of Wimberley City Council on the 18th day of October, 2018 by a vote of (Ayes) and (Nays) and (Abstain).

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Susan Jagers, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

# Report for Zoning ZA-18-008



**Summary:** A request to change the zoning of 4 lots on W. Spoke Hill Drive from Residential Acreage (RA) to Rural Residential 1 (R-1)

**Applicant Information:**

**Applicant:** City of Wimberley  
**Property Owner:** John Leckenby (Lots 1, 2, 4); Stephen Massey (Lot 3)

**Subject Property:**

**Legal Description:** Lot 1, Lot 2, Lot 3, Lot 4, Hacienda del Cielo  
**Location:** W. Spoke Hill Drive  
**Existing Use of Property:** Residential  
**Existing Zoning:** Residential Acreage (RA)  
**Proposed Use of Property:** Residential  
**Proposed Zoning:** Rural Residential 1 (R-1)  
**Planning Area:** I  
**Overlay District:** N/A

**Surroundings:**

**Frontage On:** W. Spoke Hill Drive

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	RA	Residential
<b>S of Property</b>	R1	Residential
<b>E of Property</b>	RA	Residential
<b>W of Property</b>	R1, RA	Residential

**Legal Notice**

**200' Letters:** 9/20/2018  
**Published:** 9/20/2018  
**Sign Placement:** 9/21/2018  
**Responses:** Inquiry, no opposition.

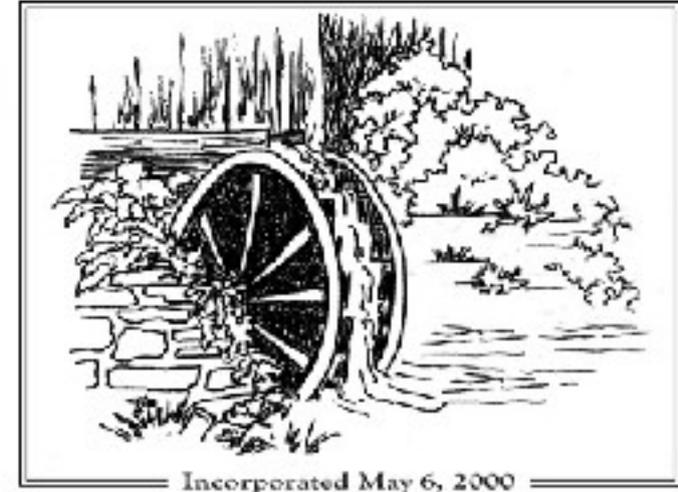
**Comments:**

The applicant, City of Wimberley, has submitted an application to change the zoning on four (4) tracts of land located on W. Spoke Hill Dr. from Residential Acreage (RA) to Rural Residential 1 (R-1). The requested zoning change is being made to bring the zoning designations for the subject properties into compliance with the City's Zoning Ordinance.

The subject parcels were part of a subdivision that was approved by City Council June 2, 2016. At that time the rezoning should've been conducted for the property to reflect the new lot sizes. Currently, the properties are zoned Residential Acreage (RA) which is the zoning designation for residential properties that are 5 acres and greater. The properties should be rezoned to Rural Residential (R-1) which is intended for tracts between 2 and 5 acres in size.

There has been inquiry with no opposition to date.  
 On October 11<sup>th</sup>, P&Z voted 6-0-0 to recommend approval.

# ZA-18-008 ~ Hacienda del Cielo, Lots 1-4

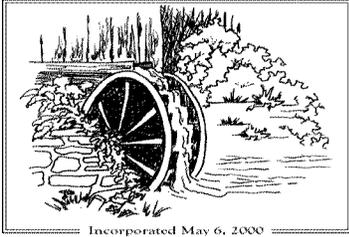


## 200' NOTIFICATION



### Legend

- 200' Buffer
- ID. OWNER**
- 0. LECKENBY, JOHN
- 0. MASSEY, STEPHEN
- 1. WEEKS GARY & LESLIE
- 2. WEEKS, AUSTIN
- 3. TACCOGNA, COSTANTINO & TERESA
- 4. BARNARD, JOHN PERRY
- 5. DE JONG, TIMOTHY
- 6. GINN SHELDON & SIENNA
- 7. WRIGHT SHANN (LIFE ESTATE)
- 8. MURR, MADELYN
- 9. GILLESPIE GREGORY & LISA
- 10. MURPHY, MICHAEL & RODRIQUEZ, DINA
- 11. DE JONG, TIMOTHY



# City of Wimberley

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

September 20, 2018

## **NOTICE OF PUBLIC HEARING**

**Re: File No. ZA-18-008**  
Lots 1-4  
Hacienda del Cielo

Dear Property Owner:

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

The applicant, the City of Wimberley, is proposing to change the zoning from **Residential Acreage (RA) to Rural Residential 1 (R-1)** for Lot 1, Lot 2, Lot 3, & Lot 4, Hacienda del Cielo subdivision.

The zoning request will bring the zoning designation for the subject property into compliance with the City's Zoning Ordinance. This property received subdivision approval from the City of Wimberley in October 2016. At that time these lots should have been rezoned to properly reflect the new acreage. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, October 11, 2018, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, October 18, 2018, at 5:30 p.m.**

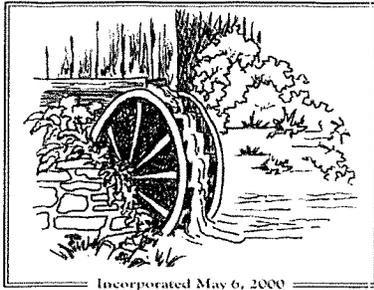
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

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

Thank you,

*Sandra I. Floyd*

Sandy I. Floyd  
Planning & Development Coordinator  
GIS Analyst  
[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)



# City of Wimberley

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

## NOTICE BY SIGN POSTING

DATE: 9-21-18

ZONING NO: ZA-18-008

APPLICANT: City of Wimberley

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: N/A

Legal description: Lots 1-4, Hacienda del Cielo

Frontage on: W. Spoke Hill Drive

John Provost  
Public Works/Code Enforcement

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

9/21 2018

  
\_\_\_\_\_  
Signature

# The Wimberley

## NOTICE OF REQUIREMENT TO COMPLY WITH THE SUBDIVISION AND SERVICE EXTENSION POLICY OF WIMBERLEY WATER SUPPLY CORPORATION

Pursuant to Chapter 13.2502 of the Texas Water Code, Wimberley Water Supply Corporation hereby gives notice that any person who subdivides land by dividing any lot, tract, or parcel of land, within the service area of Wimberley Water Supply Corporation, Certificate of Convenience and Necessity No. 10314, in Hays County, into two or more lots or sites for the purpose of sale or development, whether immediate or future, including re-subdivision of land for which a plat has been filed and recorded or requests more than two water or sewer service connections on a single contiguous tract of land must comply with Subdivision Policy contained in Wimberley Water Supply Corporation's tariff.

**Wimberley Water Supply Corporation is not required to extend retail water service to a service applicant in a subdivision where the developer of the subdivision has failed to comply with the Subdivision Policy.**

Applicable elements of the Subdivision Policy include:

Evaluation by Wimberley Water Supply Corporation of the impact a proposed service extension will make on Wimberley Water Supply Corporation's water supply service system and payment of the costs for this evaluation;

Payment of reasonable costs or fees by the developer for providing water supply capacity;

Payment of fees for reserving water supply capacity;

Forfeiture of reserved water supply capacity for the failure to pay applicable fees;

Payment of costs of any improvements to Wimberley Water Supply Corporation's system that is necessary to provide the water service;

Construction according to design approved by Wimberley Water Supply Corporation and dedication by the developer of water facilities within the subdivision following inspection.

Wimberley Water Supply Corporation's tariff and a map showing Wimberley Water Supply Corporation's service area may be reviewed at Wimberley Water Supply Corporation's offices, at 110 La Pais, Wimberley, Texas; the tariff/policy and service map also are filed of record at the Public Utility Commission of Texas.

**Public  
Notice**

**Public  
Notice**

**Public  
Notice**

**Public  
Notice**

### City of Wimberley Loan Administration Request for Proposals

The City of Wimberley (the City) is soliciting a request for proposals (RFP) from interested qualified professionals to provide consultant/management services for administration of the City's loan from the Texas Waster Development Board's Clean Water State Revolving Fund (CRSF) Loan Program. The City reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interests of the City.

A full description of the Request for Proposals (RFP) and submission requirements can be found on the City's website [www.cityofwimberley.com](http://www.cityofwimberley.com). Deadline for submittal of RFPs is Monday, October 1, 2018, at 4:30 p.m. at the City of Wimberley, 221 Stillwater, Wimberley, Texas 78676. RFPs received after this date and time will not be considered. No facsimile or emailed qualifications will be accepted. RFPs shall be submitted by mail or in person as follows:

CONFIDENTIAL: PROPOSAL ENCLOSED  
LOAN ADMINSTRATIVE SERVICES  
ATTENTION: MR. SHAWN COX, CITY  
ADMINISTRATOR  
CITY OF WIMBERLEY 39  
221 STILLWATER  
P.O. BOX 2027

\$500.00 AND CIVIL FINES OF UP TO \$100.00

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, October 11, 2018, at 6:00 p.m.** to consider the following: **ZA-18-008** – a request to change the zoning from Residential Acreage (RA) to Rural Residential (R-1) for Lot 1, Lot 2, Lot 3 and Lot 4, Hacienda del Cielo. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, October 18, 2018, at 5:30 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email ([sfloyd@cityofwimberley.com](mailto: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.

### Notice of Operating Permit Application: Signal Hill #30

This notice is to advise the public that an operating permit application has been submitted to the Hays Trinity Groundwater Conservation District (HTGCD). At this time, the application is pending and not administratively complete. Chad Geeslin is listed on the application as the responsible permit contact person for Signal Hill #30. The mailing address is 10221 Signal Hill Road, Austin, 78737. The well location filed with the HTGCD office is 10111-B Signal Hill Road, Austin, 78737. To contact the applicant call 512-417-0379 or email [garner.geeslin@gmail.com](mailto:garner.geeslin@gmail.com). The intended well's use is listed as a community well. The submitted application is requesting 5.54 acre feet annually. Permit requirements include: mandatory drought cutback curtailments, water conservation plan, drought contingency plan, monthly quarterly reporting, and proof of public notice. The public may submit comments to the HTGCD office by the ten-day deadline date, September 29, 2018. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to HTGCD staff recommendations. A secondary public notice shall include staff recommendations and a twenty-day deadline date to submit formal contested case letters to the HTGCD office. The operating permit application is available for review

**ORDINANCE NO. 2018-40**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY DESCRIBED AS LOT 1, LOT 2, LOT 3 & LOT 4, HACIENDA DEL CIELO, WIMBERLEY, HAYS COUNTY, TEXAS, FROM RESIDENTIAL ACREAGE (RA) TO RURAL RESIDENTIAL 1 (R-1).**

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

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

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

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

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning Lot 1, Lot 2, Lot 3 and Lot 4, Hacienda del Cielo, in Wimberley, Hays County, Texas, from Residential Acreage (RA) to Rural Residential 1 (R-1) zoning classification.

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

**ARTICLE I. REZONING**

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning Lot 1, Lot 2, Lot 3 and Lot 4, Hacienda del Cielo a subdivision in Wimberley, Hays County, Texas, and more particularly described on the attached Exhibit “A”, incorporated by reference for all purposes, from Residential Acreage (RA) to Rural Residential 1 (R-1) zoning classification.

**ARTICLE II. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid

judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**III. EFFECTIVE DATE**

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

**ARTICLE IV. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 18th day of October 2018, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

**CITY OF WIMBERLEY**

BY: \_\_\_\_\_  
Susan Jagers, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

STATE OF TEXAS  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

That I, John Leckenby, owner of the certain tract of land shown hereon and described in a deed recorded in Document Number 9922476, of the Official Public Records of Hays County, Texas, DO HEREBY SUBDIVIDE SAID 11.29 ACRES, in accordance with the plat shown hereon, do hereby consent to all plat note requirements shown hereon, and do hereby dedicate to the City of Wimberley the streets, alleys, rights-of-way, easements, and public places shown hereon for such public purposes as the City of Wimberley may deem appropriate. This subdivision is to be known as HACIENDA DEL CIELO.

TO CERTIFY WHICH, WITNESS by my hand this 26 day of Sept, A.D. 2016

By: John Leckenby  
John Leckenby  
211 W. Spoke Hill Drive  
Wimberley, Texas 78676

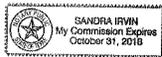
STATE OF TEXAS  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared John Leckenby, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he has executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this 26 day of SEPTEMBER, A.D. 2016

Sandra Colvin  
Sandra Colvin  
NOTARY PUBLIC in and for Hays County, Texas



STATE OF TEXAS  
COUNTY OF WIMBERLEY\*

Based upon the above representations of the engineer or surveyor whose seal is affixed hereto, and after a review of the plat as represented by the said engineer or surveyor, I find that this plat complies with the requirements of the City of Wimberley. This certification is made solely upon such representations and should not be relied upon for verifications of the facts alleged. The City of Wimberley disclaims any responsibility to any member of the public for independent verifications of the representation, factual or otherwise, contained in this plat and the documents associated with it.

By: Don Ferguson City Administrator  
Don Ferguson, City Administrator  
City of Wimberley, Texas  
Date: 10/20/16

I, Joel D. Wilkinson, City Engineer of the City of Wimberley, Texas do hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations to which approval is required.

Joel D. Wilkinson City Engineer  
Joel D. Wilkinson, City Engineer  
City of Wimberley, Texas  
Date: 10/27/2016

I, Don Ferguson, City Administrator of the City of Wimberley, Texas hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations to which approval is required.

Don Ferguson  
Don Ferguson  
Date: 10/27/16

STATE OF TEXAS  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Liz G. Gonzalez, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record in my office on the 11 day of October, A.D. 2016 at 1:46 o'clock P.M. and duly recorded on the 11 day of A.D., 2016, at 1:46 o'clock P.M. in the Plat Records of Hays County, Texas, in Plat Book No. 2218, Page 1203-1735

TO CERTIFY WHICH, WITNESS my hand and seal of the Office of County Clerk, this 11 day of October, A.D. 2016

Liz G. Gonzalez by Maria Castro  
Liz G. Gonzalez, County Clerk  
Hays County, Texas  
Deputy



STATE OF TEXAS  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Kelly Kilber, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made from an actual survey made on the ground of the property legally described hereon, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that the corner monuments shown thereon were properly placed under my supervision in accordance with the Subdivision Regulations of the City of Wimberley, Texas.

TO CERTIFY WHICH, WITNESS by my hand and seal at Wimberley, Hays County, Texas this 26 day of Sept, A.D. 2016

Kelly Kilber  
Kelly Kilber  
R.P.L.S. # 2218, State of Texas  
Date: 9/26/16



I, Kelly Kilber, Registered Professional Engineer in the State of Texas, do hereby certify that this subdivision is not in the Edwards Aquifer Recharge Zone, nor is it in the Barton Springs Segment of the Edwards Aquifer Recharge Zone; it is however in the Contributing Zone of the Edwards Aquifer and is not encroached by a Zone A Floodplain as denoted hereon, and as defined by Federal Emergency Management Administration Flood Hazard Boundary Map, Community Panel Number, 48209C 0355 F effective date September 2, 2005, and that each lot conforms to the Wimberley Subdivision Regulations.

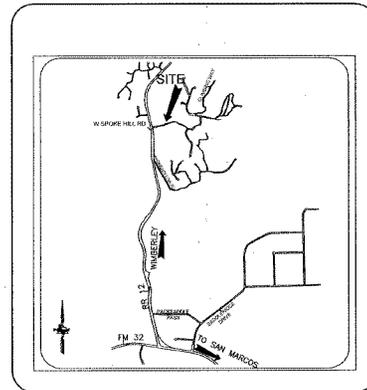
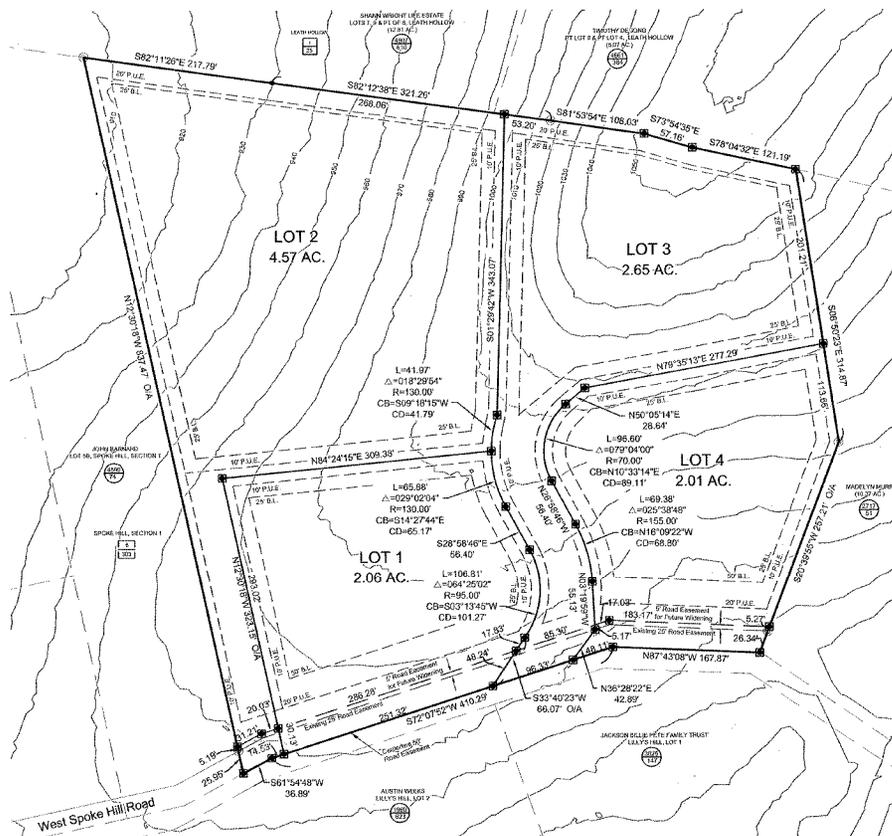
TO CERTIFY WHICH, WITNESS by my hand and seal at Wimberley, Hays County, Texas this 26 day of Sept, A.D. 2016

Kelly Kilber  
Kelly Kilber  
Registered Professional Engineer, No. 41187  
State of Texas  
Date: 9/26/16



# HACIENDA DEL CIELO

BEING 11.29 ACRES OUT OF THE  
L.C. GIBBS SURVEY ABSTRACT 206  
CITY OF WIMBERLEY  
HAYS COUNTY, TEXAS



VICINITY MAP  
(NOT TO SCALE)  
ZIP CODE: 78676

### PLAT NOTES

- No portion of this subdivision lies within the boundaries of the Barton Springs Segment of the Edwards Aquifer Contributing Zone.
- This subdivision lies within the boundaries of the Edwards Aquifer Contributing Zone.
- No portion of this subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County F.I.R.M. Panel #48209C 0355 F, dated September 2, 2005.
- This subdivision lies within the Wimberley Independent School District.
- Water supply for this subdivision is provided by private on-site water wells.
- Rainwater collection is encouraged and in some areas may offer the best renewable water resource.
- Electricity for this subdivision is provided by Federales Electric Cooperative, Inc.
- There is hereby established a ten (10) foot easement centered on existing electric facilities.
- Telephone service for this subdivision is provided by Frontier Communications.
- This subdivision lies within the City Limits of The City of Wimberley and is subject to its ordinances.
- When required, lots shall have a minimum driveway culvert size of 18".
- This subdivision has an average slope of more than 15%.
- Wastewater treatment for this subdivision is to be private, individual on-site sewerage facilities as approved by the City of Wimberley. No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by the City of Wimberley.
- Improvements exist on Lot 3, which are not shown by this Plat.
- Provisions of the City of Wimberley Comprehensive Plan shall also govern this subdivision.
- No object, including buildings, fencing or landscaping which would interfere with conveyance of stormwater, shall be placed or erected within a Drainage Easement. The owner(s) of any lot(s) upon which drainage facilities are located, including detention, shall be responsible for maintenance and upkeep of such facilities.
- Bearing Basis: Texas State Plane Coordinate System-South Central Zone
- Each lot is subject to the provision of Ordinance 2009-050 Section 2.D(H)(8) relating to maximum slope of driveway of 15% following contours of the land.
- Level 2 Site Development Plan permit approval is required for each lot if the average slope of the net site area, or the average slope of the building footprint, exceed 15%.
- Additional five (5) feet road easement is dedicated to the City of Wimberley for future widening of West Spoke Hill Road to provide one-half of required sixty (60) foot right-of-way.

LEGEND	
●	IRON STAKE FOUND
■	IRON STAKE W/IRI-TECH CAP SET
●	FENCE POST
O/A	OVERALL DISTANCE
Ⓜ	HAYS COUNTY DEED RECORDS
Ⓜ	HAYS COUNTY PLAT RECORDS



Recommended for approval by the City Planning and Zoning Commission of the City of Wimberley,

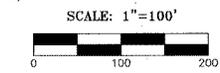
Paulo Santos 5/21/16  
Chair Date

Approved and authorized for record by the City Council of the City of Wimberley, Texas.

H 6-2-16  
Mayor Date

ENGINEER:  
**BEC-U**  
ENGINEERING, LP  
100 E. San Antonio St., Suite 100  
San Marcos, Texas 78666  
Phone: 512-353-3335 Fax: 512-396-0224  
TBP# REG. #F-130263  
TSP# REG. #F-10134003

SURVEYOR:  
**TRI-TECH**  
SURVEYING COMPANY, L.P.  
WWW.SURVEYINGCOMPANY.COM  
100 E. San Antonio St., Suite 100  
San Marcos, Texas 78666  
Phone: (512) 449-0222  
Fax: (512) 449-0224  
File # Reg. Number 10192729



September 26, 2016



**AGENDA ITEM:** Lawn Mower Purchase  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** October 16, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The approved FY 2019 Budget included \$4,000 in funding for the purchase of a new lawn mover for the Public Works Department. Last year, with the creation of the part-time Public Works Laborer position, the Department took over the mowing and trimming responsibilities for Old Kyle Road, the Downtown Parking Lot area, Ranch Road 12 Rest Area, the main roads in the Saddleridge Subdivision, and City Hall. Additionally, with the new mower the Department will be able to maintain River Road.

After evaluating its needs and what equipment would best suite the work, the Department is requesting authorization to purchase a 54" Hustler Raptor zero-turn mower from Butler Rental and Sales. The original price for the mower is \$3,999. Butler is willing to provide \$150 for the trade in of the City's current mower, a 2004 John Deer (GXL130A109374) with 371.6 hours. This trade in is allowed under section VI. (B.) of the City's Uniform Policy for the Disposition of Surplus, Salvage, and Junk Property which states "Salvage or junk property may be utilized as a trade-in on new property of the same general type without further action by the City Council. Surplus property may also be utilized as a trade-in on new property of the same general type upon approval of the City Council." With the trade in the total cost for the purchase of the mower is \$3,849. Included with the purchase is a 3-year, 300-hour warranty.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

Budgeted Item	<input checked="" type="checkbox"/>	Original Estimate/Budget:	\$4,000
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$3,849
Not Applicable	<input type="checkbox"/>	Amount Under/Over Budget:	\$151

**STAFF RECOMMENDATION**

The City Administrator recommends approval of the trade-in of the City's existing mower and the purchase of a new mower from butler Rental & Sales.

**BUTLER RENTAL & SALES #2**

920 FM 2325  
 WIMBERLEY, TEXAS 78676  
 WWW.BUTLERRENTAL.COM

512-847-7800 Phone  
 512-847-7802 Fax

**Status: Quote**

Quote #: q5790-2

Will Call: Mon 10/ 1/2018 7:30AM

Return: Tue 10/ 2/2018 7:30AM

Operator: BROWN, TIM

Terms: On Account

Customer #: 29499

CITY OF WIMBERLEY

512-847-0025 Phone  
 512-847-0422 Fax

Monica Alcala  
 PO BOX 2027

Job Descr: NONE

Wimberley, TX 78676

Qty	Key	Items	Part#	Status	Event End Date	Price
1	MS-2	54" HUSTLER RAPTOR SD \$150 OFF ORIGINAL PRICE FOR 2004 JOHN DEERE L-130 MOWER; PRODUCT ID # GXL130A109374; 371.6 HOURS		Retail		\$3,849.00



**Quote valid for 30 days.**

Sales:	\$3,849.00
Subtotal:	\$3,849.00
Total:	\$3,849.00
Paid:	\$0.00
Amount Due:	\$3,849.00

Signature: \_\_\_\_\_

CITY OF WIMBERLEY

RESOLUTION NO. R-01-2017

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS,  
ADOPTING A UNIFORM POLICY FOR THE  
DISPOSITION OF SURPLUS, SALVAGE, AND JUNK  
PROPERTY**

**WHEREAS**, the City of Wimberley, Texas (the “City”) owns certain property that was formerly used by the City, but is no longer of any use for its intended purpose to the City, due to obsolescence, damage, replacement by newer property, and the like;

**WHEREAS**, the City’s operations require occasional replacement of property in order to maintain operations with adequate equipment for which the City budgets and plans;

**WHEREAS**, the City Council wishes to establish a procedure for disposing of such surplus, salvage, and junk property;

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

The Council hereby adopts the attached Exhibit A, “City of Wimberley Uniform Policy for the Disposition of Surplus, Salvage, and Junk Property,” as an official policy of the City.

**EFFECTIVE DATE.** This RESOLUTION shall be in full force and effect from and after its date of approval.

**APPROVED: APRIL 20, 2017.**

APPROVED:



\_\_\_\_\_  
Herschel P. “Mac” McCullough, Mayor

ATTEST:

  
\_\_\_\_\_  
Cara McPartland, City Secretary



## Exhibit "A"

### City of Wimberley Uniform Policy for the Disposition of Surplus, Salvage, and Junk Property

Adopted April 20, 2017  
by Resolution No. R-01-2017

#### I. Purpose

The purpose of this policy is to establish criteria and procedures for the City of Wimberley to dispose of all surplus, salvage, and junk property.

#### II. Definitions

The following words, terms and phrases shall have the meanings ascribed to them in this policy, except where the context clearly indicates a different meaning:

*City* shall mean the City of Wimberley, Texas.

*Personal property* means any movable or intangible thing that is subject to ownership and not classified as real property.

*Real property* means land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land.

*Salvage property* or *junk property* means personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value to the City for the purpose for which it was originally intended.

*Surplus property* means personal property that is not salvage or junk property, is not currently needed by the City, is not required for the City's foreseeable needs, and possesses some usefulness or value.

#### III. Applicability

This policy shall apply to personal property owned by the city that is either (a) salvage property or junk property; or (b) surplus property. Both herein are referred to as "excess property."

This policy does not apply to the sale or disposition of city-owned real property.

#### IV. Duties of Department Heads

Department heads shall periodically assess and determine the status of personal property within the possession and control of the department. Personal property requiring replacement shall be

budgeted and scheduled for phasing out. Department heads shall, at least annually, provide the Mayor or the Mayor's designee with a list of personal property that has become excess property.

#### **V. Authority of the Mayor or Mayor's Designee**

The Mayor, or the Mayor's designee, shall review and evaluate the appropriateness of declaring City personal property excess property at the recommendation of the department head. Excess property of one department that is needed in another department or branch of the City shall be transferred to such department. All other excess property shall be considered for disposal or sale pursuant to the procedures of this Policy.

#### **VI. Disposal of Property**

Authorization herein to dispose of excess property is authorization to use best efforts to dispose of excess property for the highest price without costing the City more to dispose of such property.

- A. Excess property identified by the Mayor or the Mayor's designee shall be disposed of as surplus property, if qualifying, or salvage or junk property, without further action of the City Council, in a manner set forth in this Policy.
- B. Salvage or junk property may be utilized as a trade-in on new property of the same general type without further action by the City Council. Surplus property may also be utilized as a trade-in on new property of the same general type upon approval of the City Council.
- C. Salvage or junk property for which the undertaking to sell the property would likely result in no bids or a bid price that is less than the City's expenses required for the bid process, may be destroyed or otherwise disposed of as worthless without further action of the City Council, or may be offered to a non-profit or civic organization upon approval of the City Council.
- D. Surplus property shall be offered for competitive bidding as set forth in Section VII without further action of the City Council, or may be offered to a non-profit or civic organization upon approval by the City Council.
- E. Surplus property receiving no competitive bids in an auction may be deemed salvage property and may be disposed of in a manner provided in this Policy.

#### **VII. Competitive Bidding**

The Mayor or the Mayor's designee shall sell surplus property through an approved auction facility, including online auctions. Notice of a bid shall include a description of the surplus property to be sold, and the date and time bids will no longer be accepted. The highest, qualifying bidders shall be sold the surplus property. Notice shall be included in a newspaper of general circulation in Hays County, Texas at least twice, with the first notice being at least

fourteen days before the sale and the second being one week later. Notice shall also be posted on the City's official website.

### **VIII. Proceeds of Sale or Non-Sale Disposition**

All proceeds from the sale of surplus city property shall be committed to the General Fund of the City. Any excess property exchanged or traded for value shall be added to the appropriate inventory of property of the City.

### **IX. Prohibited Transfers or Conversions**

Employees, appointees and City Council members shall be strictly prohibited from purchasing surplus or salvage property from the City or benefitting from the sale or transfer of such property. Persons related in the first degree of affinity or consanguinity to an employee or an officer of the city or a member of City Council may not purchase or have property transferred to them, except for property sold at a competitive bid.

### **X. Severability**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Policy are severable and, if any phrase, sentence, paragraph, or section of this Policy should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Policy, since the same would have been enacted by the City Council without the incorporation of this Policy of any such invalid phrase, clause, sentence, paragraph, or section. If any provision of this Policy shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provision, and to this end the provisions of this Policy are declared to be severable.

### **XI. Open Meetings**

It is hereby officially found and determined that the meeting at which the Ordinance adopting this Policy 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 Open Meetings Act, Chapter 551 of the Texas Government Code.

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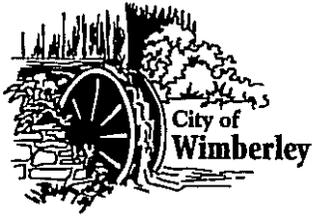
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**AGENDA ITEM:** Fence Variance at 305 Lange Road  
**SUBMITTED BY:** John Provost  
**DATE SUBMITTED:** October 10, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Mr. Richard Roederer, 305 Lange Road is requesting a variance to leave in place a shadowbox fence, which was erected adjacent to Rockwood Dr. Mr. Roederer was issued a building permit to erect a 6-foot-tall full privacy fence at this location. Prior to erecting the fence, but after the material was purchased, the City of Wimberley realized that such a fence was in violation of our fence ordinance, which states that any fence that faces a street or road within the incorporated limits of the City and is more than four feet in height shall have a solid to void ratio no greater than 1:8. In attempt to mitigate the violation for Mr. Roederer, the City suggested that he build a shadow-box fence rather than a solid fence, which he proceeded to do. Since then others have requested a similar fence.

Mr. Roederer has several ways to rectify the situation:

1. Remove the fence
2. Lower the fence to four feet
3. Rebuild the fence to meet the 1:8 ratio
4. Apply for a variance.

He has decided to apply for the variance.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

Budgeted Item

Non-budgeted Item

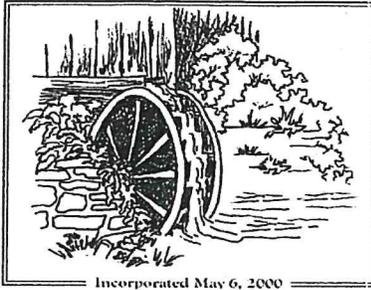
Not Applicable

Original Estimate/Budget: \$

Current Estimate: \$

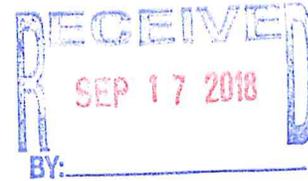
Amount Under/Over Budget: \$

**STAFF RECOMMENDATION**



# City of Wimberley

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



Mr. Richard Roederer  
18 Matador  
Wimberley, TX 78676

Re: Fence 305 Lange Road

Dear Richard,

As we discussed by telephone this letter will serve as your official notice that the fence erected at 305 Lange Road does not meet the requirements of the City of Wimberley's fence ordinance. Specifically, the fence along Rockwood Drive violates Section 151.18, fence construction standards, which state that any fence facing a street or road and is more than four feet high shall have a solid to void ratio no greater than 1:8 (12.5%).

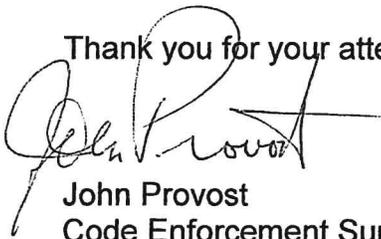
Your construction was approved under permit # R-18-044. This approval was in error and we apologize for that. There are several ways to rectify the situation:

1. Remove the fence.
2. Lower the fence to four feet.
3. Rebuild the fence to meet the 1:8 ratio.
4. Apply for a variance to leave it as is.

I have enclosed the Application for Variance form to be completed should you choose to go that route. We will waive the fees as the approval was in error.

The fence in violation is only the portion adjacent to Rockwood.

Thank you for your attention to this matter. Regards

  
John Provost  
Code Enforcement Superintendent



Application for Variance

BY: \_\_\_\_\_  
Page 1 of 5

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: \_\_\_\_\_ FILE NO. \_\_\_\_\_

HEARING DATE: \_\_\_\_\_ PLANNING AREA: \_\_\_\_\_ ZONING: \_\_\_\_\_

VARIANCE FEES: \$ \_\_\_\_\_ DATE PAID: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

## City of Wimberley APPLICATION FOR VARIANCE

**OWNER/AGENT INFORMATION**

1. Owner's Name: Pick Foederer Home Phone: ( ) \_\_\_\_\_  
 Business Phone: ( ) \_\_\_\_\_  
 Cell Phone: (  ) 832 407 8980  
 Fax: ( ) \_\_\_\_\_

Current Mailing  
 Address: 18 Matador City Wimberley State TX Zip 78676  
 Email: \_\_\_\_\_

2. Agent's Name: \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_  
 (Must be accompanied by letter of authorization from owner) Cell: ( ) \_\_\_\_\_

Current Mailing  
 Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Email: \_\_\_\_\_

**PROJECT DATA**

1. Property ID#: R \_\_\_\_\_ (Appears on your Tax Statement) Present Zoning: \_\_\_\_\_

Street Address of Project: 305 Lange Wimberley, Texas 78676  
 (Note: If you do not have an assigned street address, please call 512-393-2160 Directions to Project)

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

2. IS PROPERTY IN AN OVERLAY DISTRICT? YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
 TYPE OF OVERLAY ZONE(S) (if applicable) \_\_\_\_\_

**Project Data (Continued)**

3. FLOOD PLAIN (What, if any, flood zone does your property Occupy?): \_\_\_\_\_

4. WASTEWATER SYSTEM: ( ) Septic; ( ) Aqua Utility; ( ) GBRA  
HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): \_\_\_\_\_

5. Directions to your Project: 305 Linger rd corner lot  
Fence back yard

**Please clearly mark your property so it is easily identifiable.**

**SPECIFIC SECTIONS OF ZONING ORDINANCE NO. 2001-010 FOR WHICH A VARIANCE IS REQUESTED:**

Section 151.18

**REASON FOR NEED OF VARIANCE (Attach separate sheet if necessary)**

I applied for Permit Paid for. Told I had to wait 2 wks  
to double ck it had to be non private fence on back yard.

I came up & inquired when I sub divided property. Told  
some thing, different inspectors, non private 5' high by fence.

I complied. This must be mistake. Void Ratio 1:8 (12.5%) means

every 1" of wood 9" open space 1/2" of wood 1 1/2" open space? That's not possible. Large  
minors too low? Is that residential? Subdivided & was 6' high until I was 3 how many large  
minors is allowed? How many of you or everybody not allowed privacy in your back  
yard?

**ACKNOWLEDGMENT OF EXISTING  
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants  
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property for which a variance is now being considered on my behalf.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or which do not conform with the City ordinances, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning ordinances.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: \_\_\_\_\_ APPLICANT \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**SITE INSPECTION AUTHORIZATION**

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley Board of Adjustment Members and City representatives to visit and inspect the property for which this application is being submitted.

Date: Not fence by road APPLICANT \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

SUBMITTAL CHECKLIST

**TO ENSURE THAT YOU HAVE COMPLIED WITH THE VARIANCE APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. GRANTING OF A VARIANCE IS CONDITIONAL ON MEETING THE FOLLOWING REQUIREMENTS:**

**FAILURE TO COMPLY WITH THE REQUIREMENTS MAY CAUSE A DELAY IN PROCESSING YOUR APPLICATION.**

- ( ) Complete "Application for Variance"
- ( ) Provide plat map of property to which variance applies.
- ( ) Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ( ) Provide a legal description of the property to which variance applies.
- ( ) Sign/date Submittal Verification form.
- ( ) Sign/date Site Inspection Authorization form.
- ( ) Sign/date Acknowledgement Form.

NAIVED

- ( ) Pay Variance Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording this variance request).

- ( ) Applicant agrees to attend the Board of Adjustment Public Hearing.
- ( ) **I have reviewed the Conditions Required and believe they are met:** (Wimberley Zoning Ordinance No. 2001-010, Section 10) No variance shall be granted without first giving public notice and conducting a public hearing on the variance request in accordance with Section 10.8, and unless the Board of Adjustment makes specific, written findings of fact as follows:

1. That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of the Zoning Ordinance would (a) deprive the applicant of the reasonable use of the property; and (b) create an unnecessary hardship in the development of the property; and
2. That such circumstances and conditions are (a) not self-imposed; (b) not based solely on economic gain or loss; and (c) do not generally affect most properties in the vicinity of the property.
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
4. The variance if granted will not: (a) adversely affect the public health, safety or welfare; (b) be contrary to the public interest and (c) be injurious to or adversely affect the orderly use of other property within the area;

5. The property involved is otherwise in compliance with all other applicable City ordinances, rules and regulations; and

6. The granting of the variance will be in harmony with the spirit and purpose of this ordinance.

**Special Circumstances:**

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**SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE**

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.

Date: 9 10 18

APPLICANT *John Paderes*

SIGNATURE *[Signature]*

**WHEN APPLICABLE:**

Date: \_\_\_\_\_

AGENT \_\_\_\_\_

SIGNATURE \_\_\_\_\_



## **STAFF RECOMMENDATION**

The City Administrator recommends approval of the new inspection and plan review rates as presented by ATS.



## PLAN REVIEW, INSPECTION SERVICE and JURISDICTION SERVICE AGREEMENT

This Agreement, made and entered into this      day of     , 2018, by and between the City of Wimberley, Texas, hereinafter referred to as the “Jurisdiction” and Eileen Merritt, Inc. (dba ATS Engineers, Inspectors & Surveyors), a Texas corporation, having its principal place of business in Travis County, Texas, hereinafter referred to as “Inspector,” is understood and agreed to be as set forth herein: This Agreement supersedes all prior Agreements.

1. Description of Services. The Jurisdiction, in connection with carrying out the duties of its various ordinances and permitting processes regulating the design, construction, materials, use and occupancy, location and maintenance of all buildings and structures within the Jurisdiction, as well as ensuring conformance with state laws, requires the services of a building inspector, as well as plan review services.
  - a. While performing its duties on behalf of the Jurisdiction, as described in this agreement, Inspector shall operate under the designation of “Building Official” and shall be subject to limitations and description of duties and powers as described within the codes adopted by the Jurisdiction or state law.
  - b. Inspector agrees to assist the Jurisdiction in enforcement of its ordinances as follows:
    - i. Inspector agrees to make all inspections requested by the Jurisdiction under appropriate ordinances of the Jurisdiction or state law. See Attachment “A” “Inspection Scheduling Procedures.”
    - ii. The Inspector, as the Jurisdiction’s agent, will help assure (upon request) compliance with the adopted International Energy Conservation Code (IECC).
    - iii. Upon request, Inspector will make written reports noting state law or ordinance compliance or any deviations from all inspections and deliver a copy of such reports to the Jurisdiction office via mail, in person, facsimile, or other electronic means within two (2) business days.
    - iv. Inspector may from time to time be called upon to perform the following services:
      - Attend meeting of the Jurisdiction’s Council, when requested by a Council Member or other Jurisdictional Official; and/or
      - Attend other public or private meetings involving inspection matters related to the duties performed under this Agreement.

- v. Inspector shall conduct him/herself as an agent of the Jurisdiction in good faith displaying professionalism and a courteous manner in dealings with the citizens of the Jurisdiction. Inspector agrees to abide by the Building Official Code of Ethics as established by the International Code Council (ICC). Inspector will report to the Jurisdiction, verbally or in writing, any conflicts between Inspector and any citizen while performing said duties.
- vi. The Jurisdiction may conduct customer satisfaction surveys from time to time without notice to Inspector. The Jurisdiction will incur cost of materials to perform such surveys.
- vii. Inspector shall maintain complete and accurate records of work performed for the Jurisdiction. Inspector shall manage both public and confidential records that Inspector obtains pursuant to this Agreement with the understanding that some records may be subject to state open government laws.
- viii. Inspector understands that payments made to Inspector are only for services performed. The Jurisdiction, at its sole discretion, may engage other third-party inspectors to perform some or all services described herein.

c) Payment for Services. The Jurisdiction will employ the Inspector for the following fee structure:

Inspections:

Residential:	See Attachment B
Multi-family:	By Proposal
Commercial:	See Attachment B

Plan Reviews:

Residential: new construction or additions	See Attachment B
Commercial: new construction or additions	See Attachment B
Multi-family: new construction or additions	See Attachment B

Consulting Fees: \$95/hr. to include meetings, special projects and requests.

Texas Accessibility Standards inspections: By Proposal.

Reimbursable Expenses: Fees related to transmittal of plan reviews and other requested documents:

- 1.) Courier, Postage, Overnight Delivery, Etc.: Pass-thru costs
- 2.) Printing: As required for electronic transfer of plans or plan reproduction: \$25.00 up to first 10 pages. \$3.00 per page thereafter.

Request for the inspection may be made by telephone, or email. Upon notification, Inspector will typically honor the request within one (1) business day. Request for plan review services may be made by telephone or email. Upon notification, arrangements will be made to have plans mailed or e-mailed to Inspector. Reviewed plans and construction documents will be returned no later than five (5) business days from receipt if for residential construction projects and no later than ten (10) business days if for commercial or multi-family construction projects.

Inspector shall invoice the Jurisdiction bi-weekly for each Residential and Commercial inspection and re-inspection performed. Invoice shall include a description of the address and type of inspection performed. Re-inspection fees described in Attachment "A" shall be those fees identified above.

1. Termination. Either party may terminate this Agreement by giving ten (10) days written notice. Upon such notice, Inspector shall, unless otherwise mutually agreed upon in writing, cease all work on the effective date of termination. The Inspector shall submit a statement to the Jurisdiction detailing the work performed to the date of termination. The Jurisdiction agrees to compensate the Inspector for that portion of the work performed, accepted and invoiced under this Agreement.
2. Relationship of Parties. It is understood by the parties that Inspector is an independent contractor with respect to the Jurisdiction and not an employee of the Jurisdiction. The jurisdiction will not provide fringe benefits, including health insurance benefits, paid vacation, or any employee benefit, for the benefit of Inspector.
3. Employees. Inspector's employees, if any, who perform services for the jurisdiction under this Agreement shall also be bound by the provisions of this Agreement. At the request of the jurisdiction, Inspector shall provide adequate evidence that such persons are Inspector's employees. Jurisdiction agrees not to separately contract with employees of Inspector or otherwise separately employ members of the Inspector's staff without written approval of the Inspector during the period of the Agreement and for a period of two years after the termination of this Agreement.
4. Insurance. Inspector shall purchase and/or maintain such general liability, auto liability, professional errors and omission, and other insurance, at its expense, as is appropriate or required by state law for the work being performed and as will provide protection for the Inspector and Jurisdiction from claims which may arise out of or result from Inspector's performance and furnishing of services, whether such services are provided

by Inspector, any subcontractor or supplier or anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable. Contractor must furnish a current Certificate of Insurance prior to performance under this Agreement and at least ten (10) days prior to the end of any existing coverage period.

5. Indemnification. Inspector agrees to indemnify and hold the Jurisdiction harmless from all claims, losses, expenses, fees, including attorney's fees, costs and judgments that may be asserted against the Jurisdiction that result from acts or omissions of Inspector, Inspector's employees, if any, and Inspector's agents. Inspector waives the rights to recovery from the Jurisdiction for any injuries that Inspector and/or Inspector's employees, subcontractors or agents may sustain while performing services under this Agreement.
6. Assignment. Inspector's obligation under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior written consent of the Jurisdiction.
7. Notice. All notice required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States mail, postage prepaid, addressed as follows:

If for the Jurisdiction:

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

If for Inspector:

ATS Engineers, Inspectors & Surveyors  
4910 West Hwy 290  
Austin, Texas 78735  
Tel: (512) 328-6995  
Fax: (512) 328-6996

Either party may change such address from time to time by providing written notice to the other in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in U.S. mail.

8. Entire Agreement. This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written agreements between the parties.
9. Amendment. This agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
10. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable, then such provision shall be deemed to be written, construed, and enforced as so limited; the remainder of the agreement shall be considered valid and enforceable.

11. Waiver of Contractual Right. The failure of any party to enforce any provision of this Agreement shall not be construed as a waiver of limitation to that party's right to subsequently enforce and compel strict compliance with every provision of the Agreement.
12. Applicable Law. The laws of the State of Texas shall govern this Agreement.
13. Venue: Travis County shall be the venue for any disputes that arise between the Jurisdiction and Inspector under the terms of this Agreement.

Parties to the Service Agreements:

Jurisdictional Representative  
Wimberley, Texas

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Inspector Service Provider  
Eileen Merritt, Inc. dba, ATS Engineers, Inspectors & Surveyors

By: \_\_\_\_\_

Printed Name: Richard Emerson

Title: North Texas Division Manager

## Attachment "A"

### BUILDING INSPECTION SCHEDULING PROCEDURES

Code inspections conducted by ATS Engineers, Inspectors & Surveyors can be called in or received via email to ATS prior to 4:00pm on the day before the inspection is needed. Our office number is 512-328-6995 and fax number is 512-328-6996. Email address for inspection request is [scheduler@ats-engineers.com](mailto:scheduler@ats-engineers.com). If a preference exists for either a morning or afternoon inspection, or if an inspector must meet with a contractor/owner on the job site, it must be noted by the person requesting the inspection.

It is the responsibility of the permit holder to call in or email inspection requests for each phase of construction prior to proceeding with construction and/or covering work. This must include the name and phone number of the permit holder, the physical address of the permitted project and the type of inspection(s) requested. Passed inspections allow construction to proceed to the next stage. Failed inspections shall be corrected and re-inspected for compliance prior to proceeding with construction. All re-inspection fees must be paid prior to further inspection requests being performed.

Inspections will be combined at stages where combining is appropriate and the completion of one stage does not interfere with the inspection at another stage. Inspections performed individually other than those listed in stages at the convenience of the permit holder or necessary due to site conditions or other unforeseeable situations will be billed separately. The following are minimum required inspections for new construction. Please see the Plan Review documents for required inspections list. Reviewed, stamped Job Copy plans, Construction Documents, Energy reports, Plan Review documents, Manufacturer's installation instructions, test reports and test certificates, and other documentation pertinent to the permitted project must be on-site and available to the Inspector upon request. The following is a list of common inspections types but is not all-inclusive and may change. It is important to check with the City prior to construction on the required inspections. The City of Wimberly has adopted the following Codes: 2003 editions of the International Building Code (IBC), International Fire Code (IFC), International Mechanical Code (IMC), International Plumbing Code (IPC), International Fuel Gas Code (IFGC), International Residential Code (IRC), and 2005 National Electric Code.

#### Pre-Construction Site Evaluation (if required):

- Prior to construction, ATS will conduct a site review to help identify building locations, erosion control measures, water quality protection issues and other pre-construction requirements. ATS will utilize the approved site plan as the basis for the inspection and will rely on surveying services provided by the applicant or others.
- Portable toilet facility and trash receptacle on site.

#### Temporary Construction Power

- Meter base and panel set per NEC with regard to under-ground or over-head electrical connection. T-pole braced on at least two (2) sides.
- Ground-fault circuit protection on all 110/ 220-volt receptacles and proper grounding means must be in place.
- Job-site address must be visible from street.

### Plumbing Rough-In and Layout Inspection

- To be made after the soil, drain and waste piping is installed within the confines of a slab form and prior to any backfill or placement of concrete.
- A water test with a 10-foot head pressure or 5-PSI air test shall be performed on the entire system to verify tightness of the system.
- Building drain must be sleeved where passing through exterior beam. Sleeve shall be sealed tight around the building drain to prevent insect intrusion.
- All drain and waste piping installed with slope required for pipe size.
- Finished floor elevation allowing proper drainage around structure.

### Sewer/Water Yard Line Inspection

- To be made after trenches are excavated, piping installed and tested, and before any backfill is placed.
- All necessary main supply shut-off valve(s) and/or back flow prevention devices installed on water supply and where necessary, any backwater prevention valve(s) installed on building sewer piping.
- Minimum buried depth of 12-inches. Trench is void of rocks, debris and bedded with sand. Sewer piping has slope required for pipe size.
- Clean out(s) installed and tap connection complete at main.

### In-Slab Water Distribution Piping (Plumbing Copper)

- A pre-pour inspection is required by the design engineer or architect. Forms erected and floated, reinforcement steel and/or post-tension cables in place, grade beams cleaned and have been properly cut, vapor barrier installed and intact. Plans must be on-site.
- All rough-in plumbing, in-slab electrical or other conduit in place.
- All in-slab water distribution piping is installed within the confines of slab form and prior to any backfill or placement of concrete.
- Copper water lines shall be sleeved and protected from dissimilar metals.
- In-slab water distribution piping is insulated within 12-inches from slab exterior and pressure tested to a minimum 80 PSI.
- “UFER” ground wire bonded to reinforcing steel or alternate means of ground protection installed.

### Frame Inspection

- Frame Inspection  
To be made after the roof, all framing, fire blocking and bracing are in place. All concealing wiring, all pipes, chimneys, ducts and vents are complete.  
Construction plans, documents, and engineered product specifications are on-site.
- Electrical Rough-In Inspection – to be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of batt insulation and/or sheetrock. All branch circuit and dedicated wiring, boxes, conduit, panel(s) in place and properly secured. Cold-water ground wire is installed to copper water distribution piping.
- Plumbing Top-Out Inspection – to be made after the roof, framing, fire blocking and bracing is in place and all water distribution, soil, waste and vent piping and gas piping is complete and tested, and prior to the installation of insulation and/or sheetrock. A full system water pressure test or 50-PSI air test is required for inspection of the water distribution piping. For structures two-

stories or more, tub(s) and/or shower pan(s), and drain, waste and vent piping shall have a water test performed to verify tightness of the system. Gas piping shall have a minimum 10-PSI air test performed to verify tightness.

- Mechanical Rough-In Inspection – to be made after the roof, framing, fire blocking and bracing is in place and all ducting, and all HVAC rough-in equipment and components are complete, and prior to the installation of batt insulation and/or sheetrock.

### Sheathing Inspection

- To be completed prior to the application of air barrier wrap, masonry ties and/ or lath. This inspection is intended to evaluate the wall bracing elements required by the adopted code.

### Re-Frame, Fire-stop & Insulation (Energy 1) Inspection

- Correction items from previous Frame and MEP rough-in inspection(s) are complete.
- To be made after all batt insulation is in place and all exterior and plate penetrations have been sealed. Requirements of the International Energy Conservation Code are enforced.

### Lath and Masonry Tie Inspection

- Lath inspections are to be completed when the lath is completed and prior to stucco application. Brick tie inspections are to be called prior to the masonry veneer installation.

### Wallboard

- To be made after all wallboard is installed and fastened and prior to taping/float skim coats.

### Gas Test and/ or Electrical Service Inspection

- Gas piping is complete with all gas stop valves installed and all gas flex piping connected to appliance(s). Gas stop valves are readily accessible. A minimum 10-PSI air test is performed on gas piping to verify tightness of system.
- Electrical service wiring and main disconnect is installed and ready to be energized. Address is posted and visible from street for all inspections.

### Final Inspections

- Building Final/Certificate of Occupancy – to be made after the building is complete and ready for occupancy. All prior inspections have passed and re-inspection fees paid.
- Electrical Final Inspection – to be made after the building is complete, all required electrical fixtures are in place and properly secured, connected or protected all panel(s) are labeled and system is energized.
- Plumbing Final Inspection – to be made after the building is complete, all plumbing fixtures are in place and properly connected, gas meter is set and the structure is ready for occupancy. To include required TCEQ Customer Service Inspection.
- Mechanical Final Inspection – to be made after the building is complete, the mechanical system is in place, properly connected and operating and the structure is ready for occupancy.

Attachment "B"

Residential Inspections	Per Inspection and Reinspection Fee
Temporary electrical service	\$55.00
Plumbing rough-in/foundation layout	\$55.00
Water/sewer yard-lines	\$55.00
Copper rough-in	\$55.00
Combination inspections (frame & MEP rough in	\$55.00
Re-frame and Insulation inspections	\$55.00
Wallboard inspections	\$55.00
Final inspections (combination)/ Certificate of Occupancy	\$55.00
Gas test/Electrical service inspection	\$55.00
Additional inspections to include but is not limited to driveway, fence, pool, demolition	\$55.00
Remodeling/alterations to existing structure	\$55.00
Re-inspections	\$55.00

Residential Code Plan Review: \$75.00 each.

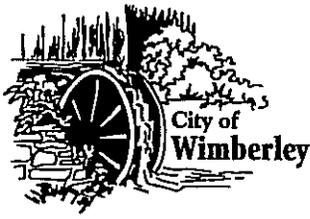
Commercial and Multi Family Construction plan review \$95.00/hr.

If requested, an estimate of hours per project shall be forwarded to City and confirmation of fee given by City prior to plan review being performed.

Commercial Inspections:

Plumbing Rough	\$75.00
Foundation Pre-pour	\$75.00
Water/Sewer Line	\$75.00
Copper/PEX	\$75.00
Sheathing	\$75.00
Framing	\$75.00
Mechanical Rough	\$75.00
Electrical Rough	\$75.00
Plumbing Top Out	\$75.00
Shear Wall	\$75.00
Insulation	\$75.00
Wallboard	\$75.00
Final Building	\$75.00
Final Mechanical	\$75.00
Final Electrical	\$75.00
Final Plumbing	\$75.00
Med-Gas	\$250.00
Re-inspections	\$75.00

Multi-family inspections are by Proposal only.



**AGENDA ITEM:** Mow Town – Tree Trimming  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** October 12, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The Public Works Department requested quotes to provide tree trimming services on the following roads:

- CR 1492 from RR-12 to the River
- Flite Acres Road from Little Ranches to the end and Little Arkansas, from Flight Acres to the bridge

The Public works Department only received quotes back from Mow Town Lawn Service. The total cost for tree trimming is \$9,350.00 (\$5,700 for CR 1492 + \$3,650 for flight Acres). All trees over the roads will be trimmed to a height of 16 feet, and 3 feet from the edge of the road. Pricing also includes spraying and sealing all cuts made to Oak Trees.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

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

## **STAFF RECOMMENDATION**

The City Administrator recommends acceptance of the tree trimming bids from Mow Town Lawn Service.

**MOW TOWN LAWN SERVICE**

PO Box 2187  
Wimberley, TX 78676 US  
(512) 955-2589  
mowtownlawnservice@yahoo.com  
www.mowtownlawn.com

**Estimate**



ADDRESS  
City of Wimberley  
PO Box 2127  
Wimberley, Texas 78676

ESTIMATE #	DATE
1017	08/22/2018

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
<b>Tree Trimming</b> W/O 18044 Trim trees and dispose of debris both sides CR1492 to Blanco River. The bulk of the work is from RR-12 to Chaparral. All trees to be cut to height of 16' and 3' from the edge of the road. Spray and seal all Oak cuts.	1	5,700.00	5,700.00
<b>TOTAL</b>			<b>\$5,700.00</b>

Accepted By

Accepted Date

**MOW TOWN LAWN SERVICE**

PO Box 2187

Wimberley, TX 78676 US

(512) 955-2589

mowtownlawnservice@yahoo.com

www.mowtownlawn.com

**Estimate**



ADDRESS  
City of Wimberley  
PO Box 2127  
Wimberley, Texas 78676

ESTIMATE # 1018      DATE 08/22/2018

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
<b>Tree Trimming</b> W/O 18044 Trim trees and dispose of debris both sides of Little Arkansas from Flite Acres to the bridge. All trees to be cut to a height of 16' and 3' from the edge of the road. Spray and seal all Oak cuts.	1	3,650.00	3,650.00
<b>TOTAL</b>			<b>\$3,650.00</b>

Accepted By

Accepted Date



**AGENDA ITEM:** Tree Removal  
**SUBMITTED BY:** John Provost  
**DATE SUBMITTED:** October 15, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Requesting approval to remove 2 large pecan trees adjacent to River Road, located at the rear of 137 River Road Circle. Both trees were damaged in the 2015 flood. One tree has fallen on the second tree and a large crack has developed on a large limb hanging over River Road. We have contacted the owners of the property, Joel and Mary Moake and they are aware of the situation. We have two bids:

1. Dan McCuiston- \$2,100.
2. John Ogdan, ISA Certified Arborist - \$4,500.

The written quotes are attached.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

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

**STAFF RECOMMENDATION**



Dan McCuiston  
 706 Turtle Hill  
 Driftwood, TX 78619  
 512-771-6782

~~INVOICE~~  
BID

RECEIVED  
 OCT 11 2018  
 BY: \_\_\_\_\_

DATE: Oct. 11, 2018

Customer Name: Village of Wimberley  
 Job  
 Address: 900 Blk River Road, North Side Phone: \_\_\_\_\_  
 Project: Tree Service / Road Maintenance

Remove fallen/leaning Large Pecan tree and Splitting  
 have of large Pecan tree it is on. Haul all debris.

- require road closure 1 hour

Total: \$2,100-

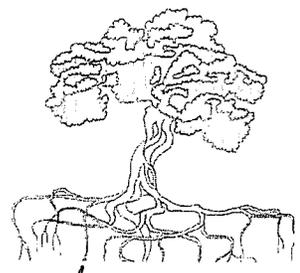
D. M. McCuiston 10-11-18

DATE: 10-15-18

**PROPOSAL / INVOICE**

Origins in Wood LLC  
dba Ogden's Tree Service

512-452-3987



Jon Ogden, ISA Certified Arborist TX0111  
415 N Guadalupe St, PMB 345 San Marcos, TX 78666  
Email: jon@ogdenstreeservice.com  
www.ogdenstreeservice.com

TO: City of Wimberley  
job #: River Rd tree removal

John Provost  
847-6767  
201-7211 cell  
jprovost@cityofwimberley.com

Ogden's Tree Service maintains liability insurance for your protection.

Payment is due at job completion.

**ESTIMATE/INVOICE FOR TREWORK TO BE PERFORMED** UNITS AMOUNT

Proposal for trework; Hazard Tree Removal  
• Removal of (1) large Pecan approx 20" dbh, tree is partially uprooted and leaning on adjacent Pecan. Remove to ground level, no stump extraction.  
• Remove large lead of second Pecan which extends over River Road - large crack developing at point of attachment to main trunk. Cut back to main trunk, leaving remainder of tree growing uphill.  
• Dispose of all debris generated.

\* City of Wimberley will provide for closure of roadway for approx. (5-6) hours - rerouting traffic as the roadway will be the work zone.

\* City of Wimberley will make all needed arrangements with landowner concerning work.

\* If sales tax is not applicable, city will provide exemptions form.

Cost of services \$ 4,500.-  
Sales Tax 371.25  
\$ 4,871.25

CUSTOMER SIGNATURE (including terms and conditions on page 2)

DATE:



**AGENDA ITEM:** Blue Hole Soccer Fields  
**SUBMITTED BY:** Rebecca Manning  
**DATE SUBMITTED:** 10/12/2018  
**MEETING DATE:** 10/18/2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City of Wimberley currently holds written agreements with Wimberley Youth Sports Association and San Marcos Area Youth Soccer Organization to hold soccer practices, games, and tournaments at the Blue Hole Regional Park soccer fields. Blue Hole has two standard size soccer fields. Not written in the agreements, each group has an understood field that they play on. Both groups have outgrown their designated field. The Parks Board will be bringing a recommendation to Council on how to solve the territory issue. The written agreements between the City of Wimberley and each sports association are located within your agenda packet.

### REQUESTED ACTION

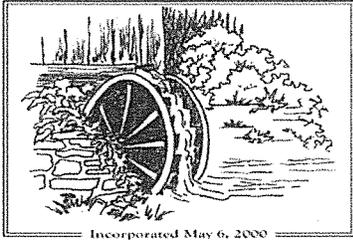
- Motion
- Discussion
- Ordinance
- Resolution
- Other

### 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

Staff would like to seek guidance from Council on this item.



# BLUE HOLE REGIONAL PARK SOCCER FIELD RENTAL APPLICATION

**Applicant:** Wimberley Youth Sports Association (WYSA) **Date** March 03, 2017

**Address:** PO Box 2381 Wimberley Texas 78676  
**City State Zip**

**Email Address:** tharrison@wysasports.com

**Telephone (Main Contact)** 830-279-9830 **(Alternate Contact)** 512-657-1731

**Field (s) Requested** Blue Hole Field **Intended Use** soccer game play, practice, tournaments and camps

**Estimated Participants:** 300+

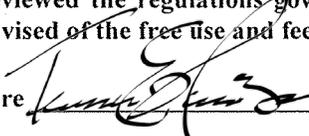
### RULES APPLICABLE TO ALL USERS

- **Must be 21 years of age and provide proof of residency to reserve facility.** Initial TEH
- **A copy of liability insurance with proper address is required with application.** Initial TEH
- **Alcohol, illegal drugs and weapons are prohibited. Smoking is not permitted.** Initial TEH
- **Activities for minors shall be sponsored by an adult and shall be properly chaperoned.** Initial TEH
- **The City reserves the right to inspect the premises during an activity.** Initial TEH
- **The rental group may begin set-up at 7:00am (time) and all activities shall cease and clean-up must be completed by 9:00pm (time).** Initial TEH
- **All trash generated from this activity must be removed from the site or removal fees may be assessed.** Initial TEH
- **City property shall not be removed from premises.** Initial TEH
- **The City of Wimberley is not responsible for items left on the premises.** Initial TEH
- **Damage restitution may be required in the event of damage or trash removal at the Property.** Initial TEH
- **In case of an emergency you may call 830-279-9830. Contact person:** Terrance E Harrison "Terry"
- **Other (specify):** Jarred Robinson, President of WYSA 512-657-1731

### RISK ACKNOWLEDGEMENT/HOLD HARMLESS:

I, the undersigned, acknowledge that I am aware of and understand the potential risks associated with being the responsible party for any and all activities conducted during this facility reservation. I and/or the organization being represented further agree that I/we shall indemnify and hold harmless the City of Wimberley, Blue Hole Regional Park Department its officials, employees, agents and assigns from and against any and all claims, damages, losses, actions, liabilities and expenses, including but not limited to reasonable attorneys fees, arising from or in connection with the undersigned's access to and use of the reserved facility.

I understand the stipulations of this reservation and agree to abide by all facility rules and policies. I have reviewed the regulations governing the use of athletic facilities on the reverse side and have been advised of the free use and fee based policies.

Signature  Print Name Terrance E Harrison Date 03/06/2017

Organization Wimberley Youth Sports Association

## **Regulations Governing the Use of School and City Athletic Facilities**

All Users Shall Observe The Following Regulations:

1. User shall be responsible for all damage or loss of property and equipment.
2. User shall provide goals and other equipment needed for their use
3. Users shall conform to policies and regulations established by the City Council and the Blue Hole Parks Department
4. No alcoholic beverages may be carried or consumed on Park property.
5. Smoking is prohibited on the sidelines, spectator areas and other areas of the Park.
6. Only those specified in the request may be used.
7. Placing a sign, banner or other device on Park property is prohibited without prior approval
8. Prior to use of the Park facilities, User shall provide a Certificate of Insurance in an amount specified below with the City of Wimberley and Blue Hole Regional Park being named as additionally insured
9. User agrees to Hold Harmless and Indemnify the City of Wimberley and Blue Hole Regional Park with respect to any claim of loss, injury, or damage because of negligence of the user or user's employees or agents, including damage to Park property.
10. User agrees to comply with Safety Regulations and Policies of the Blue Hole Regional Park.
11. User agrees that activities will be orderly and lawful and not of a nature to incite others to disorder.
12. The sale of merchandise, food and beverages must be approved by the Blue Hole Regional Park Manager.
13. Pets are allowed and all pets must be leashed at all times.

A REQUEST MAY BE DENIED WHEN PREVIOUS USAGE WAS UNSATISFACTORY, THE ACCOUNT IS DELINQUENT, THE ACTIVITY IS ESSENTIALLY A PRIVATE GATHERING, OR IT IS JUDGED NOT TO BE IN THE BEST INTEREST OF THE CITY OF WIMBERLEY AND BLUE HOLE REGIONAL PARK OR WOULD RESULT IN AN UNACCEPTABLE RISK.

### **INSURANCE REQUIRED WITH APPLICATION**

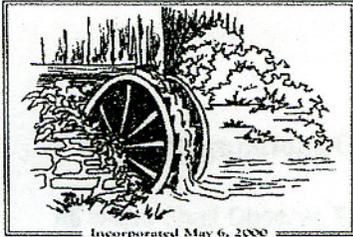
All athletic facility use request requires that the group or organization furnish a Certificate of Insurability to show the following:

Commercial General Liability	\$1,000,000	Each Occurrence	Bodily Injury
	\$2,000,000	General Aggregate	Bodily Injury
	\$500,000	Each Occurrence	Property Damage

OR

A combined single limit of \$1,000,000 is required.

Coverage is to include Products Liability, Personal Injury and Fire Damage Legal Liability. The Certificate shall certify that the policy has been endorsed to name as an additional insured, City of Wimberley, P.O. Box 2027, Wimberley, Texas, 78676 and the Blue Hole Regional Park, 100 Blue Hole Lane, Wimberley, Texas, 78676.



# BLUE HOLE REGIONAL PARK SOCCER FIELD RENTAL APPLICATION

Applicant: SMAYSO Date March 18, 2019  
 Address: P.O. Box 405 San Marcos TX 78667  
 Email Address: colca@michaelcolca.com City San Marcos State TX Zip 78667  
 Telephone (Main Contact) 512 289 3474 (Alternate Contact) 512 952 0544  
 Field (s) Requested Soccer Fields Intended Use Youth Area Recreational Soccer  
 Estimated Participants: 125 Per Season

### RULES APPLICABLE TO ALL USERS

- Must be 21 years of age and provide proof of residency to reserve facility. Initial MC
- A copy of liability insurance with proper address is required with application. Initial MC
- Alcohol, illegal drugs and weapons are prohibited. Smoking is not permitted. Initial MC
- Activities for minors shall be sponsored by an adult and shall be properly chaperoned. Initial MC
- The City reserves the right to inspect the premises during an activity. Initial MC
- The rental group may begin set-up at \_\_\_\_\_ (time) and all activities shall cease and clean-up must be completed by \_\_\_\_\_ (time). Initial MC
- All trash generated from this activity must be removed from the site or removal fees may be assessed. Initial MC
- City property shall not be removed from premises. Initial MC
- The City of Wimberley is not responsible for items left on the premises. Initial MC
- Damage restitution may be required in the event of damage or trash removal at the Property. Initial MC
- In case of an emergency you may call Michael Colca. Contact person: 512 289 3474
- Other (specify): Jim Neff 512-952-0544

### RISK ACKNOWLEDGEMENT/HOLD HARMLESS:

I, the undersigned, acknowledge that I am aware of and understand the potential risks associated with being the responsible party for any and all activities conducted during this facility reservation. I and/or the organization being represented further agree that I/we shall indemnify and hold harmless the City of Wimberley, Blue Hole Regional Park Department its officials, employees, agents and assigns from and against any and all claims, damages, losses, actions, liabilities and expenses, including but not limited to reasonable attorneys fees, arising from or in connection with the undersigned's access to and use of the reserved facility.

I understand the stipulations of this reservation and agree to abide by all facility rules and policies. I have reviewed the regulations governing the use of athletic facilities on the reverse side and have been advised of the free use and fee based policies.

Signature [Signature] Print Name Michael Colca Date 3/18/2019  
 Organization SAN MARCOS AREA YOUTH SOCCER ORGANIZATION (SMAYSO)



**AGENDA ITEM:** Ordinance No. 2018-41 – Code of Ordinances  
**SUBMITTED BY:** Laura Calcote, City Secretary  
**DATE SUBMITTED:** October 15, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City’s ordinances have not been codified since January 18, 2007 by American Legal Publishing Corporation. The current published code online goes through Ordinance No. 2006-007, which was passed on June 5, 2006. The City Council budgeted \$12,000 for the recodification of ordinances in Fiscal Year 2017/2018. The City decided to contract with Franklin Legal Publishing, Inc. in November 2017 to handle the codification of ordinances from 2006 to date. The City Secretary has worked with Mr. Kirk Franklin, President/Attorney at Law of Franklin Legal, during the recodification process. This process has included editorial and legal review of all ordinances since Ordinance No. 2006-007 to Ordinance No. 2018-36, along with memorandums of understanding throughout the 11-month process. The new Code of Ordinances is finally ready for review and adoption by City Council, per Ordinance No. 2018-41, which is attached. The Code of Ordinances will be provided via Dropbox for Council’s review before the meeting. Additionally, Ordinance No. 2018-41 imposes a penalty, fine, or forfeiture; and therefore, must be read twice before final adoption. The Ordinance caption was published in the Wimberley View on Thursday, October 18<sup>th</sup> (see attached). This is the first reading of Ordinance No. 2018-41.

Recodification came in below what was budgeted, for a cost savings. This information is shown below in the Financial Section. There is a yearly fee to have the Code of Ordinances hosted online through Franklin Legal, which is \$395. This service is free for the first year. The City will also be set-up on a supplement schedule, which will allow for any new ordinances that amend the Code to be codified on a regular basis. The City Secretary recommends supplements to the Code be done quarterly (every three months). The cost for supplementation is \$20.00 per page.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution

Other

**FINANCIAL**

Budgeted Item	<input checked="" type="checkbox"/>	Original Estimate/Budget:	\$ 12,000
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$ 9,945
Not Applicable	<input type="checkbox"/>	Amount Under/Over Budget:	\$ 2,055

**STAFF RECOMMENDATION**

Approval of the first reading of Ordinance No. 2018-41.

**ORDINANCE NO. 2018-41**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF NOT EXCEEDING \$500 GENERALLY OR EXCEEDING \$2,000 FOR VIOLATIONS RELATING TO FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION OR EXCEEDING \$4,000 FOR VIOLATIONS RELATING TO DUMPING OF REFUSE; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

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

**Section 1.** That the Code of Ordinances of the City of Wimberley, Texas, consisting of Chapters 1 through 12, each inclusive, and Appendices, is hereby adopted and enacted which shall supersede all other general and permanent ordinances of the City passed on or before September 20, 2018.

**Section 2.** All ordinances of a general and permanent nature enacted on or before September 20, 2018, and not included in the Code or recognized and continued in force by reference therein, are repealed.

**Section 3.** The codification consists of all ordinances as codified therein and as may be revised pursuant to the ordinance codification process and as evidenced by the memorandum of understanding provided as a part of said process.

**Section 4.** The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

**Section 5.** Unless a differing penalty is expressly provided for within the Code, every person convicted of a general violation of any provision of the Code or any rule, ordinance, or police regulation of the City shall be punished by a fine not to exceed \$2,000.00 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public health and sanitation, not to exceed \$4,000.00 for violations of all such rules, ordinances and police regulations that govern the dumping of refuse, and not exceeding \$500.00 for all other violations. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**Section 6.** Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make same a part of the Code shall be deemed to be incorporated into the Code, so that reference to the Code includes the additions and amendments.

**Section 7.** Ordinances adopted after September 20, 2018, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

**Section 8.** This ordinance and the Code adopted hereby shall become effective upon final passage of this ordinance.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Susan B. Jagers, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**Pre-Invoice  
48936-1015**

**San Marcos Daily Record**

P.O. Box 1109  
San Marcos, TX 78667  
512-392-2458

Accounts Payable  
City of Wimberley  
P.O. Box 2027  
Wimberley, TX 78676

**Customer:** RA0684  
**Phone:** 847-0025  
**Ad No.:** 48936  
**PO Number:**  
**Sales Rep:** Barker, Taffy  
**Bill Date:** 10/15/18  
**Due Date:** 10/17/18

Public Notices	Date	Publication	Cost
<b>NOTICE OF ENACTMENT OF ORDINANCE NO. 2018-41</b>  An ordinance of the City of Wimberley, Texas, adopting and enacting a new Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof not exceeding \$500 generally or exceeding \$2,000 for violations relating to fire safety, zoning or public health and sanitation or exceeding \$4,000 for violations relating to dumping of refuse; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.	Oct 18, 2018	Wimberley Legal Classifieds	\$45.78
	Days: 1	Total Charges:	\$45.78
		Applied Prepayments/Credits:	\$0.00
		<b>Total Due by 10/17/18:</b>	<b>\$45.78</b>

**San Marcos Daily Record**

Detach and Send This Stub With Your Payment to P.O. Box 1109, San Marcos, TX 78667

**Ad #:** 48936  
**Customer:** RA0684  
**Customer:** City of Wimberley  
**Bill Date:** 10/15/18  
**Due Date:** 10/17/18  
**Total Due:** \$45.78

**Payment**  Visa  M/C  Other \_\_\_\_\_  Cash  
 Number: \_\_\_\_\_  Check \_\_\_\_\_  
 Expiration: \_\_\_\_\_  
 Name On \_\_\_\_\_

Signatur <sup>87</sup> \_\_\_\_\_



**AGENDA ITEM:** Award Loan Administration RFP  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** October 15, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

In September, the City issued a Request for Proposals (RFP) for interested and qualified professionals to provide consultant/management services for administration of the City's loan from the Texas Waster Development Board's (TWDB) Clean Water State Revolving Fund (CRSF) Loan Program.

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

The City posted an advertisement in the newspaper, posted the RFP document on the main page of the City's website, and contacted twenty-eight (28) firms who have had experience with State funded projects. One response, from Langford Community Management Services, was received.

The proposed costs for services is 2% of the total funds received from the TWDB. The City's current funding from the TWDB is \$5,498,005, consisting of a loan in the amount of \$5,255,000 and a subsidy in the form of a Loan Forgiveness Agreement in the amount of \$243,005. 2% of this total, equals \$109,960. The FY 2018 Amended Budget included \$25,000 for administrative service additionally the FY 2019 Approved Budget include \$100,000 for the same. This provides for a total funding of \$125,000, which is sufficient to cover the proposal.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

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

**STAFF RECOMMENDATION**

The City Administrator recommends approval of Langford Community Management Services' proposal.

## RFP For Administration/Professional Services

The City of Wimberley (the City) is soliciting a request for proposals (RFP) from interested qualified professionals to provide consultant/management services for administration of the City's loan from the Texas Water Development Board's Clean Water State Revolving Fund (CRSF) Loan Program. The City reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interests of the City.

The City of Wimberley has received loan funds from the Texas Water Development Board (TWDB). The City wishes to contract with a grant writing/administration firm to assist with administration of the loan. Administration of the loan will require review of contractor submissions for payment for compliance with the Davis-Bacon requirements, the Environmental Protection Agency (EPA), American Iron and Steel provisions, along with all other special requirements of the TWDB CWSRF Loan Program.

Any contract or contracts awarded under this RFP are expected to be funded by City funds. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFP, or any resulting contract. This RFP is issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and Title 40 CFR Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

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

MBE: CONSTRUCTION 12.94%; SUPPLIES 9.68%; EQUIPMENT 7.12%; SERVICES 10.8%.

WBE: CONSTRUCTION 8.72%; SUPPLIES 9.34%; EQUIPMENT 5.39%; SERVICES 5.72%.

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

The following outlines the request for proposals.

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

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

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

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

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

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

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

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

Three (3) copies of the Proposal Package should be submitted by 4:30 p.m. (Local Time), October 1, 2018 in a sealed envelope to the following address and clearly labeled accordingly:

CONFIDENTIAL: PROPOSAL ENCLOSED  
 LOAN ADMINISTRATIVE SERVICES  
 ATTENTION: MR. SHAWN COX, CITY ADMINISTRATOR  
 CITY OF WIMBERLEY  
 221 STILLWATER  
 P.O. BOX 2027

WIMBERLEY TX 78676

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

## Administration/Professional Services Rating Sheet

Grant Recipient \_\_\_\_\_

Name of Respondent \_\_\_\_\_

Date of Rating \_\_\_\_\_

Evaluator's Name \_\_\_\_\_

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

**Experience**

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Related Experience / Background with TWDB CRSF Projects	15	_____
2. Related Experience / Background with specific project type (coordination with regulatory agency, etc.)	5	_____
3. References from current/past clients	10	_____ _____
<b>Subtotal, Experience</b>	30	_____

**Work Performance**

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

**Capacity to Perform**

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

**Proposed Cost**

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

**TOTAL SCORE**

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

# SAMPLE PROGRAM ADMINISTRATION AND MANAGEMENT SERVICES CONTRACT

## PART I AGREEMENT

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

### WITNESSETH THAT:

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

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

NOW THEREFORE, the parties do mutually agree as follows:

1. Scope of Services

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

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

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

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

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

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

7. Indemnification – The Contractor shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the City and its agency members from and against any and all claims, costs, suits, and damages, including attorneys’ fees, arising out of the Contractor’s performance or nonperformance of the activities, services or subject matter called for in this agreement or in connection with the management and program administration of the DWSRF contract, and shall assume full responsibility for payments of Federal, State and local taxes on contributions imposed or required under the Social Security, worker’s compensation and income tax laws.

8. Miscellaneous Provisions

- a. This Agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Hays County, Texas.
- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. In any case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney’s fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.
- e. This Agreement may be amended by mutual agreement of the parties hereto and a writing to be attached to and incorporated into this Agreement.

9. Extent of Agreement

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

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

**CITY OF WIMBERLEY**

BY: \_\_\_\_\_  
(Local City Official)  
  
\_\_\_\_\_  
(Printed Name)  
  
\_\_\_\_\_  
City Administrator  
  
\_\_\_\_\_  
(Title)

BY: \_\_\_\_\_  
(Contractor’s Authorized Representative)  
  
\_\_\_\_\_  
(Printed Name)  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
(Title)

**PART II**  
**SCOPE OF SERVICES**

The Contractor shall provide the following scope of services:

**Scope 1 - Application Preparation and Submission:**

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

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

A. Project Management

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

B. Financial Management

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

C. Environmental Review

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

#### D. Acquisition

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

#### E. Construction Management

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

#### F. Audit / Close-out Procedures

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

**PART III  
PAYMENT SCHEDULE**

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

**PART IV  
TERMS AND CONDITIONS**

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

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

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

5. Personnel.
  - a. The Contractor represents that he/she/it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.
  - b. All of the services required hereunder will be performed by the Contractor or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
  - c. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.
  
6. Assignability. The Contractor shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the City thereto; Provided, however, that claims for money by the Contractor from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the City.
  
7. Reports and Information. The Contractor, at such times and in such forms as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.
  
8. Records and Audits. The Contractor shall insure that the City maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner that conforms to 2 CFR 200.300-.309, 24 CFR 570.490, and this Agreement. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Agreement. City shall retain such records, and any supporting documentation, for the greater of three years from closeout of the Agreement or the period required by other applicable laws and regulations.
  
9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Contractor under this contract are confidential and the Contractor agrees that they shall not be made available to any individual or organization without the prior written approval of the City.
  
10. Copyright. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Contractor.
  
11. Compliance with Local Laws. The Contractor shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Contractor shall save the City harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Agreement.
  
12. Conflicts of interest.
  - a. Governing Body. No member of the governing body of the City and no other officer, employee, or agent of the City, who exercises any functions or responsibilities in connection with administration, construction, engineering, or implementation of the TWDB award between the agency and the City shall have any

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

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

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

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

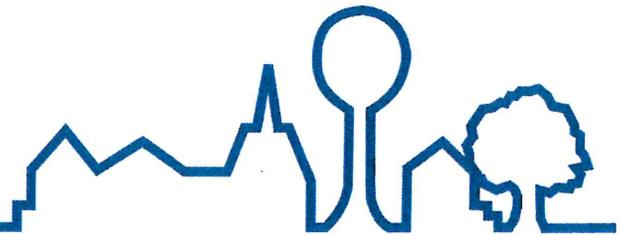
During the performance of this contract, the Contractor agrees as follows:

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

investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

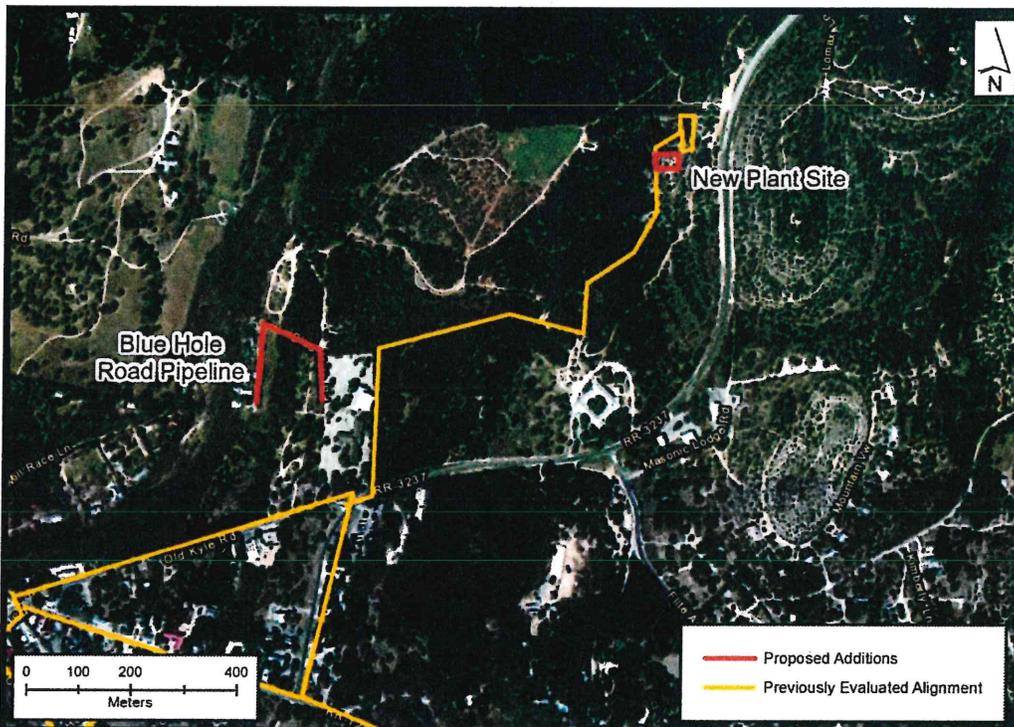
- d. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section,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

# LANGFORD



## COMMUNITY MANAGEMENT SERVICES

Serving Texas Cities and Counties for over 30 years



### Qualifications for Administrative Services For the City of Wimberley

2901 County Road 175—Leander, Texas 78641—512-452-0432—judy@lcmsinc.com



October 1, 2018

LOAN ADMINISTRATIVE SERVICES  
Mr. Shawn Cox, City Administrator  
City of Wimberley  
221 Stillwater Road  
Wimberley, TX 78676

RE: Request for Qualifications for Loan Administration Services

Dear Mr. Cox:

Langford Community Management Services, Inc. (LCMS) is pleased to submit our qualifications to provide loan administration services to assist the City of Wimberley for the Texas Water Development Board funding for a Wastewater System Project. We have reviewed the evaluation criteria and designed our proposal of services to address the City's requirements as they relate to this request.

From the enclosed information, you will find that the LCMS team has an excellent record of performance in providing quality service. We are confident we have the team and experience to successfully perform loan administration services for the City.

We trust this proposal of services provides all the requested information. Please contact me at 512/452-0432 if you have any questions or require additional information about LCMS to complete your assessment of our capabilities.

LCMS values our long relationship with the City of Wimberley. We appreciate your consideration of our qualifications. We look forward to hearing from you regarding your review of the proposal and the opportunity of working with you. It would be our pleasure to get started as soon as possible.

Sincerely,



Judy Langford  
President

Enclosures: Qualifications for Loan Management Services – 3 copies



*LCMS has administered many park projects for the City of Wimberley including several for Blue Hole Regional Park.*

## **GRANT ADMINISTRATION EXPERIENCE**

### **Background of the Firm**

Langford Community Management Services began in 1983 as Bill Langford Associates, a grant consulting firm specializing in the infrastructure needs of cities and counties. Meeting the grant service needs of those small cities and counties, the firm grew based on our reputation and word of mouth from those communities we serve. Judy Langford joined her father in the firm in 1991, with over 9 years of service for the State and City. Margaret Hardin became part of the team in 1995, coming from city and county government for over 12 years. As it grew, the business was incorporated in 1997 as Langford Community Management Services (LCMS), a women-owned business enterprise. With its roots in public service, LCMS strives to meet our clients' needs with the recognition that all local governments are in place to assist the public and provide basic services to sustain their communities.

Our firm's qualifications to be your grant consultant are extensive. LCMS has written and administered many millions of dollars in grants and loans from state and federal agencies, including the Texas Water Development Board (TWDB), Economic Development Administration (EDA), the Texas Department of Agriculture (TDA), the General Land Office (GLO), the Texas Department of Housing and Community Affairs (TDHCA), the Texas Department of Emergency Management (TDEM), the Texas Department of Economic Development (TDED), Texas Parks and Wildlife (TPWD), the Texas Department of Transportation (TxDOT), the Texas Commission on Environmental Quality—TCEQ, the Department of Energy (DOE), the State Energy Conservation Office (SECO), Housing and Urban Development (HUD), the United States Department of Agriculture (USDA), the Texas Historical Commission (THC), the U.S. Department of Justice (DOJ) and the Federal Emergency Management Agency (FEMA).

The Scope of Work provided by Langford Community Management Services is total and complete. Our services go well beyond those that are normally proposed, such as maintaining close contact with State and Federal Agencies to ensure applicable regulations are continuously met, as well as preparing and personally delivering materials to the State and Federal offices. This insures an efficient tracking system and more-timely processing of payments and required documents. Under each of our administration contracts, we continue to work with communities after the construction of a project is complete to make sure that program rules and regulations are satisfied. Our firm is intricately familiar with the needs of cities and counties, and we understand the need for a grant administrator to manage a project completely.

**Availability and Dedication**

LCMS was built on the dedication and successful implementation of programs for cities and counties. If selected, LCMS stands ready to apply this same dedication to the Wimberley community and its grant programs.

**Approach to Providing Services**

LCMS understands the need for the selected consulting firm to administer and manage the City's grant/loan program entirely. This is the stance our firm takes on all contracts. LCMS will organize the program in such a way that the City will ultimately be responsible only for internal processes, such as final review and approval of reimbursement requests. LCMS is very experienced with Federal Labor Standard Regulations including the Davis-Bacon and Related Acts and will assure compliance with these regulations. We will assure the maintenance of Environmental compliance throughout the project. We will assist, if required, with any Real Property Acquisition/URA to assure compliance with all Federal regulations. We assist with the monitoring and reporting of the City's contracting with MBE/WBE businesses for compliance with TWDB's contractual requirements. As the Labor Standards Officers for the City we will assure compliance with the Davis-Bacon Act, as well as, all other Federal labor requirements. When the construction is complete, we will complete the contract close-out documents for TWDB and assist with the City's auditors for inclusion of funds in the City's annual audit.

**WORK PERFORMANCE WITH THE TEXAS WATER DEVELOPMENT BOARD PROGRAM**

**Scope of Work**

With 35 years of experience writing applications and administering federal projects, LCMS provides an all-inclusive management of a project. A proven success is our personal attention to each program that ensures an efficient tracking system and more-timely processing of payments and required documents. Under each of our administration contracts, we continue to work with communities after the construction of a project is complete to make sure that program rules and regulations are satisfied.

Our team stands ready to provide the City with the following management services for the Texas Water Development Board project within each of the following areas:

### *Financial Management*

Our firm is confident with the overall financial management of projects to include, but not limited to, creating and submitting drawdown requests for payment. Given our location in Austin, we are able to quickly hand-deliver draws to the TWDB when they exceed the page limit allowed for email, without the delay of regular postal mail. Our financial recordkeeping is precise, documenting all grant and local funds requests and disbursements.

### *Recordkeeping Requirements*

In order to maintain the records for the applicable projects of the City under our grant administration, we regularly conduct in-person site visits. During the visit, we check the status of the project site and review files on hand. LCMS also initiates phone calls, e-mails, and meetings. Our firm maintains recordkeeping requirements under the Davis-Bacon Act.

### *Environmental Clearance Procedures*

LCMS has over 35 years of experience executing environmental clearance procedures from inception through completion. Our firm is knowledgeable with the provisions of a full Environmental Assessment (EA) and Categorical Exclusion (CE) and is capable of executing both to completion. For more than 3 years, LCMS has contracted with the Texas General Land Office as an Environmental Service Provider to complete the environmental assessments for the communities that were affected by Hurricanes Dolly and Ike, increasing our knowledge of the regulations required for environmental approval.

### *Real Property Acquisition Procedures*

LCMS will prepare all necessary documents required by the agencies to complete and maintain the acquisition process. Our firm is experienced with Real Property Acquisition procedures, which include verifying that the acquisition of real property, easements and/or right-of-way for the project are in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

### *Clearance of Special Conditions*

LCMS clears the Special Conditions of the TWDB contract through various methods that include initiating the Start-Up process, assuring required signage on the project site, confirming the accuracy of wage rates, and verifying final payrolls.

### *Equal Employment Opportunity Requirements*

LCMS ensures our projects uphold EEO requirements by having cities appoint a Civil Rights Officer and include all necessary publishing and inclusion of EEO requirements in all project documents.

### *Labor Standards Monitoring*

LCMS is experienced in the labor standards monitoring process through methods that include overseeing the pre-construction conference, verifying contractors adhere to Davis-Bacon wage rates, reviewing bid documents, placing advertisements, and reviewing contractors' payrolls for compliance.

### *Contract Close-out Assistance*

LCMS is knowledgeable and experienced with the contract close-out assistance process, from verifying that funding was expended properly to preparing cities for desk reviews, holding final public hearings, and completing and submitting Project Completion Reports.

The above activities are continuously executed throughout the administration process for the grant/loan projects LCMS currently administers.

### **WORK PERFORMANCE ON CITY OF WIMBERLEY PROJECTS**

Even though LCMS began working with the **City of Wimberley** to develop Texas Parks & Wildlife projects, we as a firm work with many communities with their infrastructure grants. Please see attached list of some of our projects. With the assistance of LCMS, Wimberley has been funded for the Blue Hole Regional Park through a Texas Parks & Wildlife Regional Park application, We also wrote and administered the Cypress Creek Park project, a LCRA Partnership in Parks/Texas Parks and Wildlife funded project. Even though the Winter's Mill TxDOT Trail was a County project, we managed the project and worked closely with the City for this over **\$2 million** grant funded project.

Our firm is currently working with the City and the FEMA Elevation/Buyout Program. Through this program, the City has offered to purchase or elevate those homes in the reoccurring floodplain and floodway of the Blanco River.

As part of the Blue Hole Regional Park Project, we became extremely familiar with the planned wastewater system for the City. Consideration of the plant was part of the site development of the park. As shown on our attached project lists, we manage millions of dollars of water and sewer project every year.

### **Qualifications of Key Personnel**

LCMS will provide an experienced team to manage the project, having a combined grant writing and management experience of over 150 years.

Judy Langford, Owner/President/Project Manager, has written and administered grants for cities and counties from various programs since 1991, including those from CDBG, EDA, Texas Parks and Wildlife, and General Land Office, to name a few. Judy is a certified administrator of the Texas CDBG Program.

Paula Rodriguez, Project Manager, worked for the United States Department of Agriculture (USDA) program for over 30 years. She joined the team in 2017, bringing a wealth of knowledge regarding the program. Paula has vast experience with grant writing, Labor Standards activities that include Davis-Bacon Act wage compliance and payroll review, acquisition of property, and federal program compliance. Paula is a Texas Department of Agriculture CDBG certified administrator.

As Project Managers, Judy and Margaret will oversee all grant activities for the City. Wimberley will receive services directly from the ownership of the business.

Margaret Hardin, Owner/Vice President/Project Manager, previously worked with grants from the city side, and has written and administered CDBG, and Parks & Wildlife grants with LCMS since 1995. She has also managed projects from HUD EDI and the EPA. Margaret is also a certified administrator of the CDBG program.

Suellen Jordan, Grant Writer/Administrator/Special Projects Coordinator, is extremely knowledgeable in operational efficiency, customer service and systems management, and works extensively with cities, engineers and the Texas Division of Emergency Management team to successfully manage projects funded under the Hazard Mitigation Grant Program. Suellen holds the certification to administer CDBG projects.

Melisa Durham, Environmental Specialist, has six years' experience in writing grant applications and managing the grant after federal funding. Melisa has worked with governmental agencies to assure NEPA standards, including environmental reviews, are met. She will contribute to the projects by preparing all environmental review documents as required and corresponding with State agencies. Melisa is also a CDBG certified administrator.

Kelley Myers, Labor Specialist/Administrative Support, joined LCMS earlier this year. As Labor Specialist, Kelley reviews all contractors' payrolls for compliance with the Davis-Bacon Act, and ensures that labor documentation is complete. She will assist the team with document preparation and proper file maintenance. Kelley is a Texas Department of Agriculture CDBG certified administrator, as well.

Teresa Scalapino, Grant Development/Administrator, began working for LCMS earlier this year. Teresa will provide administrative support to the team.

As a small firm, the City will receive services directly from the ownership of the business.

Within this proposal is a full list of references and projects. The City is welcome to contact any of these references.

### **CAPACITY TO PERFORM**

LCMS ranks our employees as our #1 asset. Our work with more than 80 communities would not be possible without the knowledge, experience and skills of our staff members. LCMS has in place a strong team with vast training and experience in Federal programs. LCMS staff are trained and certified through the Texas Department of Agriculture to be administrators of the TxCDBG Program. Many of the staff are GLO and CDBG-trained for environmental reviews, and trained and certified with the Texas Department of Transportation for administration of TxDOT projects.

LCMS also contracts with highly qualified individuals that have performed application and implementation activities for numerous grant programs throughout the State. These specialists will also be available to share their expertise and assist with the grants the City desires to pursue.

Resumes for LCMS staff are included in this proposal. If awarded the contract, Judy Langford and Paula Rodriguez will be working directly with the City on the Texas Water Development Board Project.

### **PROPOSED COST OF SERVICES**

Our proposed cost of services for grant management of the TWDB contract is a fixed fee of 5% of the total funds received from the TWDB, which includes all extraordinary and unexpected services such as program amendments, performance statement modifications, change orders, and re-evaluation of the environmental record.

### **HISTORICALLY UNDERUTILIZED BUSINESS**

LCMS is an Equal Opportunity Employer and a State of Texas Certified Historically Underutilized Business (HUB), Certificate Number 1742804904700.

# Economic Development

- ◇ Texas Water Development Loans
- ◇ Economic Development Administration Grants
  - ◇ Texas Capital Fund
  - ◇ Infrastructure Grants
  - ◇ Main Street Grants
- ◇ Downtown Revitalization Grants
- ◇ Enterprise Project Applications



Economic Development Administration Project

Industrial Park Eastland, Texas



Buc-ee's Infrastructure Project, Bastrop, Texas



Texas Capital Fund Project

US Food Service Buda, Texas



Texas Water Development Board Project, Cisco, Texas

# Grant Writing , Planning and Administration

- ◇ **Community Development Block Grants**
  - ◇ **HOME Program Projects**
- ◇ **Texas Parks and Wildlife Grants/Master Plans**
  - ◇ **TxDOT Enhancement Grants**
- ◇ **Texas Division of Emergency Management Grants**



CDBG Wastewater Improvement Project  
Runge, Texas



Texas Parks and Wildlife, Playscape Project  
Buda, Texas



TxDOT Safe Routes to School Sidewalk Project  
Florence, Texas



Home Reconstruction Project  
Taylor, Texas

# Management Services

- ◇ City and County Management Assistance
- ◇ Parks, Recreation and Open Space Master Plans
  - ◇ Facilitation with other Federal Programs
  - ◇ United States Department of Agriculture
    - ◇ Rural Development Projects



CDBG project  
Riverbank Stabilization



Texas Parks and Wildlife project Brushy Creek Trail  
Williamson County, Texas



Texas Parks and Wildlife project Overlooking Colorado River  
Bastrop, Texas

**Texas Water Development Board,  
Environmental Protection Agency,  
Rural Economic and Community Development (USDA)**

City of Cisco  
City of La Feria  
City of Lampasas  
City of Lyford  
City of Runge  
City of Thrall  
City of Wimberley

**ECONOMIC DEVELOPMENT ADMINISTRATION**

Bee Development Authority  
City of Copperas Cove  
City of Devine  
City of Eastland  
City of Killeen

**ECONOMIC DEVELOPMENT INITIATIVE**

City of Bastrop  
City of Eastland  
City of Hondo

**ENTERPRISE ZONES/PROJECTS**

City of Angleton	City of Harker Heights
City of Bastrop / Bastrop County (3)	City of Hondo and Zone Enlargement
City of Crockett	City of Killeen (2)
City of Castroville/La Coste	City of Schertz
City of Devine	City of Selma
City of Elgin	City of Wharton
City of Gainesville	

# COMMUNITY DEVELOPMENT BLOCK GRANTS

## CD and Planning Completed Projects

Atascosa County (8)	City of Gatesville (2)	Milam County (1)
City of Bandera (6)	City of Giddings (3)	City of Milano (2)
City of Bartlett (2)	Gillespie County (3)	City of Moody (6)
City of Bastrop (5)	City of Hallettsville (1)	City of Rockdale (8)
Bastrop County (5)	City of Harker Heights (6)	City of Runge (13)
Bee County (5)	Hays County (6)	City of Smithville (5)
City of Belton (2)	City of Holland (3)	City of Streetman (2)
City of Bertram (1)	City of Hondo (5)	City of Taft (1)
City of Blanco (9)	City of Jourdanton (5)	City of Thorndale (2)
City of Buckholts (3)	Karnes County (3)	Travis County (2)
City of Buda (1)	City of Kyle (2)	City of Weimar (2)
City of Charlotte (12)	City of La Coste (6)	
City of Christine (3)	City of La Grange (2)	
City of Cisco (2)	City of Lampasas (7)	
City of Copperas Cove (2)	City of La Vernia (1)	
City of Cuney (2)	Lee County (1)	
City of Devine (9)	Live Oak County (2)	
City of Falls City (10)	City of Llano (2)	
Fayette County (3)	City of Marble Falls (9)	
City of Fayetteville (3)	City of Martindale (1)	
City of Flatonia (7)	McMullen County (3)	
City of Florence (7)	City of Mexia (2)	

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## CDBG Entitlement Program Completed Projects

City of New Braunfels  
City of San Marcos  
City of Taylor  
City of Thrall  
City of Round Rock

## SAMPLES OF CURRENT LCMS CDBG and CDBG-DR PROJECTS

Location	Type of Project	Project Cost
City of Cisco	TCF Water System Improvements, to include the installation of water line, bore and steel encasement, hydrants, service reconnections and pavement repair.	\$750k
City of Falls City	CDBG Sewer Plant Improvements, to include rehabilitation of the city's wastewater treatment plant ponds, erosion protection, and a flow management system.	\$275k
City of Runge	CDBG Water and Sewer Improvements, to include well pumps and motors, generator, electrical and piping for the city's water plant; and installation of a lift station, generator and drain pipe for the city's wastewater treatment plant.	\$275k
Bastrop County	CDBG-Disaster Recover, to include erosion control and drainage improvements projects, ingress and egress roadway construction, construction of a new radio tower, construction of 2 new community shelters and expansion of an additional shelter, and construction of a new fire station.	\$23.6m
City of La Feria	CDBG-Disaster Recovery / HMGP Drainage Project, to include improvements to the flood and drainage functions in areas all around the city and surrounding land areas north of the Arroyo Colorado.	\$23m
City of Nixon	Downtown Revitalization Project, to include replacement and installation of new Sidewalks and Lighting in the historic downtown area.	\$150k
City of Lyford	CDBG Sewer Improvements, to include rehabilitation of the Broadway Street Lift Station.	\$215k

LCMS regularly prepares CDBG & CDBG-DR applications and administers the projects with funding. For the CDBG program, this generally represents over \$7 million a year in grant funds. For the CDBG-DR, LCMS is an approved Grant Administrator (GA) for the General Land Office including being one of the seven Environmental Service Providers (ESP) for the agency.

## SAMPLES OF CURRENT LCMS HMGP PROJECTS

Location	Type of Project	Project Cost
City of Leander	HMGP Planning Grant, to include the planning and preparation of a city-wide FEMA approved Multi-Hazard Mitigation Action Plan	\$50k
City of La Feria	HMGP Drainage Improvement Project	\$4.1M
	HMGP Emergency Generator for City Hall	\$267K
	HMGP Drainage Pump Project	\$539K
City of Bastrop	HMGP Gils Branch Hazardous Fuels Reduction	\$393k
	HMGP Piney Ridge Hazardous Fuels Reduction	\$168k
	HMGP Emergency Generator for Willow Water Treatment Plant	\$315k
	HMGP Emergency Generator for Loop 150 Water Treatment Plant	\$315k
Bastrop County WCID #2	HMGP Emergency Generator for Water Treatment Plant	\$153k
City of West Lake Hills	HMGP Hazardous Fuels Reduction project to remove fuels proximate to at risk structures	\$86k

LCMS will provide an experienced team to manage the project. We are currently in the FEMA review phase of the HMGP DR-4223 application process with more than \$9 million dollars in requested grant funds for the May 2015 floods. These fund requests are for 12 cities, 2 counties and 1 new hazard mitigation plan. On going HMGP applications include DR-4245/4255, DR-4266/4269, and DR-4272.

# TEXAS DEPARTMENT OF AGRICULTURE

## Texas Capital Fund

### Current and Completed Projects

City of Alvarado:  
Texas Oil Enterprises, Inc.

City of Bastrop:  
Garments –To-Go, Inc.  
Deep in the Heart Art Foundry  
Buc-ee's

City of Blanco:  
Real Ale Brewery

City of Buda:  
Buda Assisted Living  
YMCA  
US Foodservice  
1st Class Child Development Center

City of Castroville:  
Reata Chevrolet-Buick-Pontiac

City of Cisco  
Flying J Travel Center/Denny's

City of Giddings:  
Sonya Hotel  
Kolkhorst Petroleum  
Kolkhorst Burger King

City of Grandbury  
Mesquite Pit BBQ

City of Hallettsville:  
Morgan Buildings

City of Harker Heights:  
Educational Outfitters  
Indian Oaks Nursing Home  
Lone Star Motors  
Waste Management Inc.

City of La Feria:  
Precision Mold & Tool  
Allied Waste  
Little Lighthouse  
Cardenas Enterprises BMW

City of La Grange:  
St. Mark's Medical Center

City of Robinson:  
EHD Truck Lube and Wash  
Williams Travel Center

City of Pottsboro:  
Brookshire's Grocery

City of Round Rock:  
Columbia/Round Rock Hospital Dell, Inc.

City of Seguin:  
Rave Gears

City of Weimar:  
Fishbeck Texaco  
MG, Inc.

### Main Street Improvement Program

#### Current and Completed Projects

City of Bastrop

City of Elgin

City of La Grange

City of Lampasas

### Downtown Revitalization Program

#### Current and Completed Projects

City of Cisco

City of Flatonia

City of Schulenburg

City of Stockdale

City of Nixon

# TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS

## **HOME PROGRAM** **Completed Projects**

Bastrop Family Crisis Center	City of La Grange
City of Bartlett	City of Marble Falls
City of Charlotte	City of Moody
City of Cisco	City of Rockdale
City of Devine	City of Smithville
City of Flatonia	City of Taylor
City of Florence	City of Thrall
City of Hallettsville	City of Three Rivers
City of Harker Heights	City of Yoakum
City of Gatesville	City of Weimar
City of La Feria	Willacy County

## **Housing Trust Fund** **Completed Projects**

City of New Braunfels

## **HOMEbuyers Assistance Program** **Completed Projects**

City of La Feria

## **Amy Young Barrier Removal Program** **Completed Projects**

City of Taylor  
City of Marble Falls

## **TEXAS PARKS AND WILDLIFE**

### **Grants Program and Park Master Plans**

#### **Completed Projects**

Bastrop County	City of Kempner
City of Bastrop	City of Killeen
City of Buda	City of Kyle
City of Cedar Park	City of La Grange
City of Charlotte	City of Lake Dallas
City of Devine	City of Lampasas
City of Dripping Springs	City of Llano
City of Flatonia	City of Robinson
City of Florence	City of Rockdale
City of Giddings	City of Round Rock
City of Granbury	City of San Marcos
City of Groves	City of Smithville
City of Harker Heights	City of Taylor
City of Hallettsville	Terrell County
Hays County	City of Wimberley
City of Holland	City of Weimar
City of Hondo	Williamson County
City of Jourdanton	

## **TEXAS DEPARTMENT OF TRANSPORTATION**

### **Enhancement Program and Safe Route to Schools**

#### **Completed Projects**

City of Buda	City of Elgin	City of Marion
City of Bastrop	City of Florence	City of La Feria

# JUDY LANGFORD

President

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## PROFESSIONAL EXPERIENCE

### **Management Consultant, Langford Community Management Services, Austin, Texas**

June 1991 to present: Co-owner of Langford Community Management Services, Inc.

Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the following agencies: Texas Department of Agriculture CDBG, Texas General Land Office – Disaster Recovery Division; Texas Parks & Wildlife Department; Texas Historical Commission; Texas Department of Economic Development; Texas Department of Transportation; Neighborhood Stabilization Program; U.S. Department of Energy – Energy Efficiency and Conservation Block Grant Program; State Energy Conservation Office; U.S. Department of Labor; U.S. Department of Justice, Texas Department of Economic Development; Texas Department of Emergency Management; Federal Emergency Management Agency; U.S. Department of Housing and Urban Development – Economic Development Initiative as well as private entities such as HNTB. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Responsible for the environmental clearance of projects to include the submission and maintenance of the Environmental Review Record for projects as needed. Conduct public hearings for grant programs at city council and commissioner's court meetings as needed. Insure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

### **Quality Assurance Coordinator, Kerrville State Hospital, Kerrville, Texas**

August 1988 to May 1991: Developed and administered Quality Assurance Program for a 16 county catchment area of the Kerrville State Hospital with eight community based mental health centers.

## EDUCATION

Bachelor's Degree, The University of Texas at Austin

## WORKSHOPS and TRAININGS

Texas Department of Agriculture Grant Application and Implementation Workshops  
General Land Office Disaster Recovery Program Training  
Texas Department of Transportation Grant Workshops  
Texas Safe Routes to School Grant Administration Workshops  
Texas Department of Housing and Community Affairs Grant Administration Workshops  
Texas Municipal League Annual Conferences

## CERTIFICATIONS

Texas Engineering Extension Service - Texas Department of Transportation LGPP Qualified  
Texas Department of Agriculture Administration Certified

# Paula Rodriguez

## Management Consultant

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### PROFESSIONAL EXPERIENCE

#### **Management Consultant, Langford Community Management Services, Austin, Texas**

July 2012 to present: Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the following agencies: Texas Department of Rural Affairs, Texas Department of Rural Affairs – Disaster Recovery Division; Texas Department of Agriculture; Texas Parks & Wildlife Department; Texas Historical Commission; Texas Department of Economic Development; Texas Department of Transportation; as well as private entities such as HNTB. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Responsible for the environmental clearance of projects to include the submission and maintenance of the Environmental Review Record for projects as needed. In rural communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

#### **Planning & Community Development Director City of La Feria**

January 3, 2012 through December 21, 2017

Duties: Assisted the La Feria City Manager and City Commission in the preparation, processing, and coordination of applications through various state and federal agencies for the betterment of the city and the citizens of La Feria. Agencies included Texas Water Development Board, Texas Department of Agriculture, Texas General Land Office, HUD, FEMA, and USDA Rural Development. Prepared and submitted the applications to the various agencies. Responded to requests for additional information. Reviewed and made recommendation regarding construction plans to the City Manager. Promptly responded to all instructions and inquiries from the funding agencies. Processed and submitted all pay estimates and reimbursement requests. Performed construction inspections. Prepared and submitted all project close-out documentation to the funding agencies. Prepared and completed annexation proceedings. Reviewed and approved all permit applications. Responded to all citizen comments and inquiries. Headed and worked closely with two City boards, the La Feria Zoning Board of Adjustments and the La Feria Planning and Zoning Commission.

#### **USDA Rural Development, Harlingen Area Loan Specialist (Community Programs & Community Facilities)**

February, 1980 through December, 2011

Duties: Assisted rural communities and rural water supply corporations in the preparation and processing of applications for long term, low interest loans and grants to finance the acquisition, construction, and improvement of water storage, treatment, and distribution facilities; wastewater collection, collection, treatment, and disposal facilities; solid waste collection and disposal facilities; storm water collection, transmission, and disposal facilities; Community facilities such as health care facilities, city halls, police stations, fire stations, street improvements, museums, libraries, and distance learning and telemedicine infrastructure, police cars, and fire trucks.

Reviewed the pre-applications, applications, budgets, audits, and financial information and made recommendation for approval. Reviewed and made recommendations regarding construction plans to the USDA RD State Office engineers. Reviewed and closed loans in accordance with loan closing instructions prepared by the Office of General Counsel. Processed and approved all pay estimates for each project. Performed construction inspections and assisted with the final inspections of the projects.

# MARGARET J. HARDIN

Vice-President/Secretary-Treasurer

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## PROFESSIONAL EXPERIENCE

### **Management Consultant, Langford Community Management Services, Austin, Texas**

November 1995 to current: Co-owner of Langford Community Management Services, Inc.

Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the following agencies: Texas Department of Rural Affairs, Texas Department of Rural Affairs – Disaster Recovery Division; Texas Department of Agriculture; Texas Parks & Wildlife Department; Texas Historical Commission; and Texas Department of Transportation. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Responsible for the environmental clearance of projects to include the submission and maintenance of the Environmental Review Record for projects as needed. Conduct public hearings for grant programs at city council and commissioner's court meetings as needed. Insure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

### **Assistant City Manager/City Secretary, Llano, Texas.**

April 1990 to August 1995: Monitored daily operations of the city which included electric, water and sewer utilities, sanitation, parks, cemetery, streets, airport, and police. Responsible for budget preparation and financial management. Personnel director for a staff of approximately 40 employees. Conducted municipal elections, prepared council minutes, agendas, ordinances, resolutions and other governmental documents.

### **Secretary/Treasurer, Lutie Watkins Memorial United Methodist Church, Llano, Texas**

April 1987 to April 1990: Managed day to day activities of church office and performed secretarial duties under the direct supervision of the pastor. Responsible for all financial records and reports to executive committee of the church. Assisted all church committees as requested. Wrote monthly newsletter.

### **Secretary/Clerk, Virdell Drilling Inc., Llano, Texas**

May 1987 to April 1990: Prepared water well logs, estimates for wells and pump installations, and invoices. Input of accounts receivable, accounts payable, payroll, and inventory. Responsible for front office duties and information files.

### **Llano County Treasurer, Llano, Texas**

January 1983 to December 1986: Managed all funds of the county, prepared annual budget, submitted all financial reports to applicable County officials and State agencies. Established financial management system to assist departments with budget compliance. Payroll and benefits officer for 100+ employees. Examined and audited all fee offices of the County. Attended Commissioners' Court meetings. Certified County Treasurer. January '83 through December '86.

(continued)

**Margaret Hardin, continued.**

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**Secretary, Llano County Extension Service, Llano, Texas**

November 1980 to January 1983: Performed front office duties for county agricultural and home economics agents. Worked closely with 4-H clubs, Extension Homemaker organizations and landowners. Distributed pertinent information to county citizens.

**Full-Charge Bookkeeper, Learning Concepts, Inc., Austin, Texas**

August 1977 to August 1980: Responsible for financial record keeping. Supervised accounts payable, payroll, and daily reports. Prepared and submitted all tax reports and deposits. Assisted president and controller with cash flow and communications with creditors. Performed front office duties as needed.

**Bookkeeping Assistant, Ed Flood Oil Company, Amarillo, Texas**

January 1977 to July 1977: Assisted office manager/bookkeeper in preparation of daily records. Responsible for sales of fuel and automobile supplies. Scheduled fuel delivery to full-service stations. Performed front office duties.

**City Secretary/Treasurer, Groom, Texas.**

January 1975 to December 1976: Monitored daily operations of city which included water and sewer utilities, and garbage collection. Responsible for financial management and maintenance of books and records. Performed tax assessor/collector duties. Prepared council agendas, minutes, ordinances and other governmental documents for three-man city commission.

**Assistant Clerk, Groom, Texas**

**Assisted City Secretary – Groom, Texas**

June 1973 to January 1974: part-time basis. Handled water utilities and phones. Assisted with tax roll.

**EDUCATION**

Austin Community College; 1978-1979

Clarendon Junior College; 1971

**WORKSHOPS and TRAININGS**

Texas Department of Rural Affairs Grant Application and Implementation Workshops

Texas Department of Housing and Community Affairs Grant Workshops

Texas Department of Transportation Grant Workshops

Texas Safe Routes to School Grant Administration Workshops

Texas Engineering Extension Service City Managers Problems Clinic

Texas Municipal League Annual Conference

Texas County Treasurers' Association Annual Conference

**CERTIFICATIONS**

Texas Engineering Extension Service - Texas Department of Transportation LGPP Qualified

Texas County Treasurers' Certification

# JULIE HARTLEY

## Management Consultant

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### PROFESSIONAL EXPERIENCE

#### **Management Consultant, Langford Community Management Services, Austin, Texas**

March 2013 to present: Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of Texas Community Development Program (TCDP) grant applications to the Texas Department of Agriculture and U.S. Department of Housing and Urban Development. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Conduct public hearings for grant programs at city council and commissioner's court meetings as needed. Insure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

#### **Federal Labor Standards Specialist, Texas Department of Housing & Community Affairs, Austin, TX**

March 2010 to July 2012: Reviewed and managed over 500 incoming payrolls weekly for the Weatherization and Energy Assistance Program utilizing American Recovery Act funds. Monitored the labor standards files of non-profits and community action agencies to verify compliance with the federal regulations of the Davis-Bacon Act.

#### **Program Specialist V, Texas Department of Rural Affairs, Austin, Texas**

November 1984 to October 2009: Regional Coordinator for the TxCDBG Program – managed contracts under the Texas Community Development Program. Coordinated and reported on acquisition, civil rights, minority business records and labor standards activities. Trained new employees – served as the trainer for TxCDBG employees and served as lead person for the Texas TCDP Implementation Manual Training.

#### **Administrative Assistant to Engineering Department, Texas Aeronautics Commission, Austin, Texas**

November 1981 to October 1984: Assisted with typing and processing engineers' monitoring reports on small airports in Texas; set up files on newly funded grantees. Archived old files into microfiche format.

### EDUCATION

Bachelor of Education – Baylor University, Waco

### WORKSHOPS and TRAININGS

Texas Department of Agriculture Grant Application and Implementation Workshops

U.S. Department of HUD Davis-Bacon Labor Standards Training

U.S. Department of HUD "All the Right Moves" Acquisition and Relocation Training

# MELISA DURHAM

## Management Consultant

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### PROFESSIONAL EXPERIENCE

#### **Management Consultant, Langford Community Management Services, Austin, Texas**

August 2013 to present: Prepare Environmental Review Records (ERR) for Texas Department of Agriculture's Office of Rural Affairs' Community Development projects administered by Langford and the General Land Office. The ERR includes research and determination of information as to whether the human environment would be negatively impacted by the project activities and outcome; publishing of Public Notices; Coordination with the Texas Historical Commission, Texas Coastal Program, United States Fish and Wildlife Service, Texas Parks and Wildlife Department, Environmental Protection Agency, Texas Department of Agriculture, engineers, administrator and Grantee staff.

Assist with writing of competitive grants on behalf of rural cities and counties throughout the State of Texas, and correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the following agencies: Texas Department of Rural Affairs, Texas Department of Rural Affairs – Disaster Recovery Division; Texas Department of Agriculture; Texas Parks & Wildlife Department; Texas Historical Commission; Texas Department of Economic Development; Texas Department of Transportation; as well as private entities such as HNTB. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

#### **Office Manager, Frontera Administrative Services, Inc., Austin, Texas**

June 2009 to June 2013: Co-managed grant projects funded through the Texas Department of Transportation Border Colonia Access Paving (BCAP), Texas Department of Agriculture Community Development (CDBG), and Texas Water Development Board Economically Distressed Areas Program (EDAP): Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Responsible for the environmental clearance of projects to include the submission and maintenance of the Environmental Review Record for projects as needed. Insure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

### WORKSHOPS and TRAININGS

The Office of Rural Affairs Implementation Workshops

The Office of Rural Affairs TxCDBG Administrator Certification Workshops

Texas Municipal League Annual Conferences

TDHCA 1<sup>st</sup> Thursday Eligibility Training for Affordable Housing Programs

TDHCA Environmental Review and Clearance for Single Family Housing Construction Projects

# Suellen Jordan

## Management Consultant

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### PROFESSIONAL EXPERIENCE

#### **Management Consultant, Langford Community Management Services, Austin, Texas**

August 2015 to Present - Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the following agencies: Texas Department of Agriculture, Texas Department of Rural Affairs, and Texas Department of Rural Affairs – Disaster Recovery Division. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Conduct public hearings for grant programs at city council and commissioner's court meetings as needed. Insure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

#### **Hacienda del Lago (HdL), Austin Texas**

2008 to 2015: Built HdL Wedding Venue and Vacation business from zero to \$160,000 per year with total revenues of over \$500,000. Performed sales, marketing, operations, and event planning roles to book and execute over 280 vacations/weddings/receptions. Managed a crew of six to maintain 10-acre property, main house, tent and grounds. As main sales agent, provided sales and marketing for both vacation and wedding venue, fielded thousands of incoming phone and email inquiries, and conducted hundreds of property showings for prospective clients. As a certified wedding planner provided private planning services for couples including designing and installing decor, site layouts, and event timeline and flow. Executed client contracts, and consulted on client/vendor agreements.

#### **Volente Fire Department (VFD), Volente, Texas**

2001 to Present: VFD Board member and Secretary – Attend and record all Board meeting minutes and submit to VFD board as required by law.

2004 to 2011: ESD 14 Treasurer–Budgeted/managed tax payer dollars up to \$1 million to fund operations of the Volente Fire Department.

2003 to 2010: VFD Assistant Fire Chief - Responsible for administrative support for VFD. Represented VFD at monthly CAFCA meetings. Consulted with Fire Chief on department issues and acted on his behalf in his absences required.

2001 - 2009 EMT-B First Responder - Ran over 680 medical and fire emergency calls in the Volente area and was awarded the prestigious National Phoenix Life Saving Award in 2009.

#### **Dell, Inc, Austin Texas**

1988 to 1998: Senior Logistics Manager – Dell employee number 600, was promoted through 4 positions during Dell's explosive growth period. Positions included accounts payable, logistics, procurement, and logistics management. Managed a five-person logistics team to coordinate efforts of 150+ Dell personnel. Created methodology for transportation vendor selection, contracting and management resulting in extensive reduction in freight costs. Methodology also included streamlining delivery of raw materials to warehouse and delivery of finished goods to end user. Pioneered and debugged the computer industry's first Just-in-Time (JIT) logistics program. Established and managed lost/stolen computer/parts claims procedures, re-inventing the claims reimbursement process with vendors such as FedEx, UPS, and Airborne Express.

### EXPERTISE

Project/Staff Management, Operational Efficiency, Planning/Organizing, Time Line Management, Sales/Customer Service, Marketing Support, Client Satisfaction/Retention, Systems Oriented

### EDUCATION

Sam Houston State University

### WORKSHOPS, TRAINING, CERTIFICATIONS

TxCDBG Implementation Workshop 2015

Texas Municipal League Annual Conference

# MANAGEMENT CONSULTING AND GRANT ADMINISTRATION

## LIST OF REFERENCES

### CITIES AND COUNTIES

Atascosa County	Bob Hurley, County Judge (830) 769-3093
City of Bandera	Suzanne Schauman, Mayor (830) 796-3765
City of Bartlett	James M. Grant, Mayor (254) 527-3219
City of Bastrop	Trey Job, Public Works Director (512) 321-3941
Bastrop County	Paul Pape, County Judge (512) 332-7201
City of Bertram	Georgina Hernandez, City Secretary (512) 355-2197
City of Blanco	Martha Herden, Mayor (830) 833-4525
City of Buda	Kenneth Williams, City Manager (512) 312-0084
City of Bynum	Mada Barron, City Secretary (254) 623-4400
City of Cedar Park	Curt Randa, Parks & Recreation Director (512) 258-4121
City of Charlotte	Gracie Garcia, City Secretary (830) 277-1414
City of Christine	Odel Vasquez, Mayor (830) 784-3320
City of Cisco	Peggy Ledbetter, Finance Director (254) 442-2111
City of Devine	Dora Rodriguez, City Secretary (830) 663-2804

# MANAGEMENT CONSULTING AND GRANT ADMINISTRATION

## LIST OF REFERENCES (continued )

City of Elgin	Amy Miller, Community Development (512) 285-5721
City of Falls City	Lauren Sturm, City Secretary (830) 254-3242
Fayette County	Edward Janecka, County Judge (979) 968-6469
City of Flatonia	Melissa Brunner, City Secretary (361) 865-3548
City of Florence	Amy Crane, City Secretary (254) 793-2490
City of Gatesville	William H. Parry III, City Manager (254) 865-8951
City of Giddings	Clifton Wachsmann, Finance Director (979) 540-2710
City of Hallettsville	Jason Cozza, City Administrator (361) 798-3681
City of Harker Heights	Alberta Barrett, Finance Director (254) 953-5600
Hays County	Lindsay McClune, Grants Coordinator (512) 393-2211
City of Hondo	Kim Davis, City Manager (830) 426-3378
Karnes County	Lajuana Kasprzyk, County Auditor (830) 780-3732
City of Kennedy	Barbara Shaw, City Manager (830) 583-2230
City of La Coste	George Salzman, City Administrator (830) 985-9494

# MANAGEMENT CONSULTING AND GRANT ADMINISTRATION

## LIST OF REFERENCES (continued)

City of La Grange	Shawn Raborn, City Manager (979) 968-5805
City of Lampasas	Finley deGraffenried, City Manager (512) 556-6831
City of Lyford	Lydia Moreno, City Secretary (946) 347-3512
City of Marble Falls	Margie Cardenas, Chief Financial Officer (830) 693-3615
City of Moody	William Sterling, City Administrator (254) 853-2314
McMullen County	James Teal, County Judge (361) 274-3341
City of Robinson	Robert E. Cervenka, City Manager (254) 662-1415
City of Rockdale	John King, Mayor (512) 446-2511
City of Runge	Homer Lott, Jr., Mayor (830) 239-4121
City of San Marcos	Rodney Cobb, Parks & Recreation Director (512) 393-8147
City of Smiley	Ellis Villasana, Mayor (830) 587-6220
City of Smithville	Robert Tamble, City Manager (512) 237-3282
City of Taylor	Rosemarie Dennis, Finance Director (512) 352-3675

**MANAGEMENT CONSULTING AND GRANT ADMINISTRATION**

City of Thrall	Troy Marx, Mayor (512) 898-5306
City of Weimar	Dolores Stoeber, City Secretary (979) 725-8554
Williamson County	Sally Bardwell, CDBG Grants Coordinator (512) 943-3757
Wilson County	Albert Gamez, County Commissioner, Pct. 1 (830) 393-7441 Paul Pfiel, County Commissioner, Pct. 2 (830) 393-7304



**GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**

The Texas Comptroller of Public Accounts (CPA) administers the Statewide Historically Underutilized Business (HUB) Program for the State of Texas, which includes certifying minority, woman, and service disabled veteran-owned businesses as HUBs and facilitates the use of HUBs in state procurement and provides them with information on the state's procurement process.

We are pleased to inform you that your application for certification/re-certification as a HUB has been approved. Your company's profile is listed in the State of Texas HUB Directory and may be viewed online at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>. Provided that your company continues to meet HUB eligibility requirements, the attached HUB certificate is valid for the time period specified.

You must notify the HUB Program in writing of any changes affecting your company's compliance with the HUB eligibility requirements, including changes in ownership, day-to-day management, control and/or principal place of business. *Note: Any changes made to your company's information may require the HUB Program to re-evaluate your company's eligibility.*

Please visit our website at <http://comptroller.texas.gov/procurement/prog/hub/> and reference our publications (i.e. Grow Your Business pamphlet, HUB Brochure and Vendor Guide) providing addition information on state procurement resources that can increase your company's chances of doing business with the state.

Thank you for your participation in the HUB Program! If you have any questions, you may contact a HUB Program representative at 512-463-5872 or toll-free in Texas at 1-888-863-5881.

**Texas Historically Underutilized Business (HUB) Certificate**



Certificate/MID Number:	<b>1742804904700</b>
File/Vendor Number:	<b>59528</b>
Approval Date:	<b>25-JAN-2017</b>
Scheduled Expiration Date:	<b>25-JAN-2021</b>

The Texas Comptroller of Public Accounts (CPA), hereby certifies that

**LANGFORD COMMUNITY MANAGEMENT**

has successfully met the established requirements of the State of Texas Historically Underutilized Business (HUB) Program to be recognized as a HUB. This certificate printed 28-APR-2017, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, business location) provided in the submission of the business' application for registration/certification as a HUB, you must immediately (within 30 days of such changes) notify the HUB Program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility.

*Laura Cagle-Hinojosa, Statewide HUB Program Manager  
Statewide Support Services Division*

Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/MID Number identified above. Agencies, universities and prime contractors are encouraged to verify the company's HUB certification prior to issuing a notice of award by accessing the Internet (<https://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>) or by contacting the HUB Program at 512-463-5872 or toll-free in Texas at 1-888-863-5881. 130

## Administration/Professional Services Rating Sheet

Grant Recipient \_\_\_\_\_

Name of Respondent \_\_\_\_\_

Date of Rating \_\_\_\_\_

Evaluator's Name \_\_\_\_\_

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

**Experience**

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Related Experience / Background with TWDB CRSF Projects	15	_____
2. Related Experience / Background with specific project type (coordination with regulatory agency, etc.)	5	_____
3. References from current/past clients	10	_____ _____
<b>Subtotal, Experience</b>	30	_____

**Work Performance**

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

**Capacity to Perform**

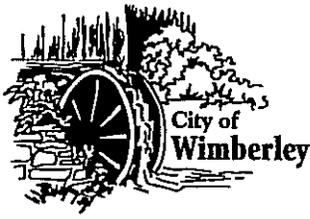
<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Qualifications of Professional Administrators / Experience of Staff	5	_____
2. Present and Projected Workloads	5	_____
3. Quality of Proposal/Work Plan	5	_____
4. Demonstrated understanding of scope of the TWDB CRSF Project	5	_____
<b>Subtotal, Capacity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

**Proposed Cost**

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

**TOTAL SCORE**

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



**AGENDA ITEM:** Public Information Requests (Open Records Requests)  
**SUBMITTED BY:** Laura Calcote, City Secretary  
**DATE SUBMITTED:** October 15, 2018  
**MEETING DATE:** October 18, 2018

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City has received 38 public information requests (open records requests) since May 1, 2018 to October 15, 2018. Pursuant to Section 552.2615 of the Public Information Act (the PIA), Chapter 552 of the Government Code, if a request for information under the PIA will result in charges of more than \$40, a governmental body must send a cost estimate to the requestor before doing any work on the request. Several of the public information requestors have been given a cost estimate before proceeding with the requests, due to the time and resources associated with gathering and compiling the information. The City is only allowed to charge amounts for public information requests set forth by the Office of the Attorney General. Please see the attached Charge Schedule, as well as Resolution No. 2002-R-35-2002, adopting a Public Information Policy and Procedure Guide for the City.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

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

### STAFF RECOMMENDATION

N/A – City Council members requested this item be placed on the agenda.

# Texas Administrative Code

<u>TITLE 1</u>	ADMINISTRATION
<u>PART 3</u>	OFFICE OF THE ATTORNEY GENERAL
<u>CHAPTER 70</u>	COST OF COPIES OF PUBLIC INFORMATION
<u>RULE §70.10</u>	The Attorney General Charge Schedule

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The following is a summary of the charges for copies of public information that have been adopted by the Attorney General.

- (1) Standard paper copy--\$.10 per page.
- (2) Nonstandard-size copy:
  - (A) Diskette: \$1.00;
  - (B) Magnetic tape: actual cost;
  - (C) Data cartridge: actual cost;
  - (D) Tape cartridge: actual cost;
  - (E) Rewritable CD (CD-RW)--\$1.00;
  - (F) Non-rewritable CD (CD-R)--\$1.00;
  - (G) Digital video disc (DVD)--\$3.00;
  - (H) JAZ drive--actual cost;
  - (I) Other electronic media--actual cost;
  - (J) VHS video cassette--\$2.50;
  - (K) Audio cassette--\$1.00;
  - (L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper)--\$.50;
  - (M) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic)--actual cost.
- (3) Labor charge:
  - (A) For programming--\$28.50 per hour;
  - (B) For locating, compiling, and reproducing--\$15 per hour.
- (4) Overhead charge-- 20% of labor charge.
- (5) Microfiche or microfilm charge:
  - (A) Paper copy--\$.10 per page;

- (B) Fiche or film copy--Actual cost.
  - (6) Remote document retrieval charge--Actual cost.
  - (7) Computer resource charge:
    - (A) mainframe--\$10 per CPU minute;
    - (B) Midsize--\$1.50 per CPU minute;
    - (C) Client/Server system--\$2.20 per clock hour;
    - (D) PC or LAN--\$1.00 per clock hour.
  - (8) Miscellaneous supplies--Actual cost.
  - (9) Postage and shipping charge--Actual cost.
  - (10) Photographs--Actual cost as calculated in accordance with §70.9(5) of this title.
  - (11) Maps--Actual cost as calculated in accordance with §70.9(4) of this title.
  - (12) Other costs--Actual cost.
  - (13) Outsourced/Contracted Services--Actual cost for the copy. May not include development costs.
  - (14) No Sales Tax--No Sales Tax shall be applied to copies of public information.
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**Source Note:** The provisions of this §70.10 adopted to be effective September 18, 1996, 21 TexReg 8587; amended to be effective January 16, 2003, 28 TexReg 439; amended to be effective February 11, 2004, 29 TexReg 1189; transferred effective September 1, 2005, as published in the Texas Register September 29, 2006, 31 TexReg 8251; amended to be effective February 22, 2007, 32 TexReg 614

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**RESOLUTION NO. 2002-R-35-2002**

**RESOLUTION OF THE VILLAGE OF WIMBERLEY  
ADOPTING A PUBLIC INFORMATION POLICY  
AND PROCEDURE GUIDE**

**WHEREAS**, the City Council of Wimberley is obligated to provide for the efficient, effective and timely administration of a wide range of municipal services; and

**WHEREAS**, the City Council seeks to provide for uniform procedures for completing public information requests that provide for open government and the efficient, safe, and timely inspection and duplication of public information; and

**WHEREAS**, the City Council has determined that the document entitled "Village of Wimberley - Public Information Request Policies and Procedures," dated July 3, 2002, provides adequate guidance for Village officials and employees; and

**WHEREAS**, the City Council has the legal authority under Section 552.231 of the Texas Government Code to promulgate reasonable rules of procedure for the completion of public information requests.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF  
THE VILLAGE OF WIMBERLEY, TEXAS HEREBY:**

1. Adopts the document entitled "Village of Wimberley Public Information Request Policies and Procedures," dated July 3, 2002; and
2. Orders that said document be duplicated and distributed to all Village personnel.
3. All information requests must be sent to the City Attorney immediately upon receipt.

**PASSED AND APPROVED THIS** 3rd day of July, 2002, by a vote of 5 AYE(s);  
0 NO(s); and 0 ABSTENTION(s) of the City Council of the Village of Wimberley,  
Texas.

**VILLAGE OF WIMBERLEY**

By: Tony McGee  
Tony McGee, Mayor

**ATTEST:**

Adelle Turpin  
Adelle Turpin, City Secretary

**APPROVED AS TO FORM:**

Alan J. Bojorquez, City Attorney

## **Village of Wimberley**

### **Public Information Request Policies and Procedures**

1. In compliance with the Texas Public Information Act, the Village of Wimberley will respond to written requests for public information that include the following required minimum information: (1) the requestor's name; (2) the requestor's mailing address; (3) a telephone number at which the requestor can be reached; (4) a detailed description of the information sought; and (5) the date of the request. All requestors must provide the above in order to obtain or access any information pertaining to government records of the Village of Wimberley, Texas.
2. For the convenience of persons wishing to obtain public information, the Village of Wimberley will make available the "Village of Wimberley – INFORMATION REQUEST FORM." Requestors may submit requests for public information on this form. If reasonably possible, the Village will provide persons who submit a request that does not contain the required minimum information with a copy of this form so that such persons may resubmit their requests.
3. Requestors may submit requests for public information in one of four ways:
  - (a) **in person**, by submitting a completed form to the City Administrator at City Hall, 14500 Ranch Road 12, Suite 22, Wimberley, Texas 78676;
  - (b) **by U.S. Mail**, by addressing their requests to ATTN: Public Information Officer, P.O. Box 2027, Wimberley, Texas 78676;
  - (c) **by fax**, by transmitting requests marked "ATTN: Public Information Officer" to fax number (512) 847-0422; or
  - (d) **by email**, by addressing their requests to [village@wimberley-tx.com](mailto:village@wimberley-tx.com).
4. Any Village employee or official who receives a public information request shall forward the request to the City Administrator within 24 hours. Upon receipt, the City Administrator shall immediately date and initial the request upon its face and/or file-stamp the request upon its face. Once the request is dated, the City Administrator shall either: (1) forward a request that contains the required minimum information to the appropriate Village official for processing; or (2) if reasonably possible, provide a requestor who submits a request that lacks the required minimum information with a blank "Village of Wimberley – INFORMATION REQUEST FORM."
5. The City Administrator shall maintain an Information Request Log in order to track the status of all Public Information Requests. The City Administrator shall assign each request received a unique identification number, which the Administrator shall record on the Information Request Form and the Information Request Log.

6. The City Administrator shall maintain a current fee schedule setting forth fees for the authorized reproduction of requested information. Requestors will be notified in advance, in writing, if a request is estimated to be over ten dollars (\$10.00). If the requestor wishes to accept the charges, the requestor must sign and date the Information Request Form and return it to the City Administrator. Alternatively, the requestor may modify the request and submit an amended request to the City Administrator. For all requests that total forty dollars (\$40.00) or more, if the Village receives no answer from the requestor within ten (10) calendar days from the date of the notification, the request will be considered automatically withdrawn by operation of law.
7. If the estimated cost of a request exceeds one hundred dollars (\$100.00), the requestor must deposit an amount equaling the lesser of fifty dollars (\$50.00) or fifty percent (50%) of the estimated cost prior to completion of the request. This deposit will be credited toward the actual cost of completing the request.
8. A requestor may ask the Village to determine whether providing the information requested primarily benefits the general public, resulting in a waiver or reduction of charges.
9. Once a requestor accepts the charges, they are considered accrued and the requestor is responsible for payment. If accepted charges remain unpaid and their aggregate amount is more than one hundred dollars (\$100.00), additional requests will not be honored until the outstanding debt is retired. The same conditions apply to a requestor that accepts the charges but does not pick up the information.
10. Requestors may pick up all completed requests at City Hall, 14500 Ranch Road 12, Suite 22, Wimberley, Texas 78676. All fees are due and payable immediately prior to receipt of the completed request. The Village will send copies of the public information by first class United States mail if the person requesting the information requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued.
11. This policy shall not in any way relieve the Village of the mandates or restrictions established by the Texas Public Information Act.