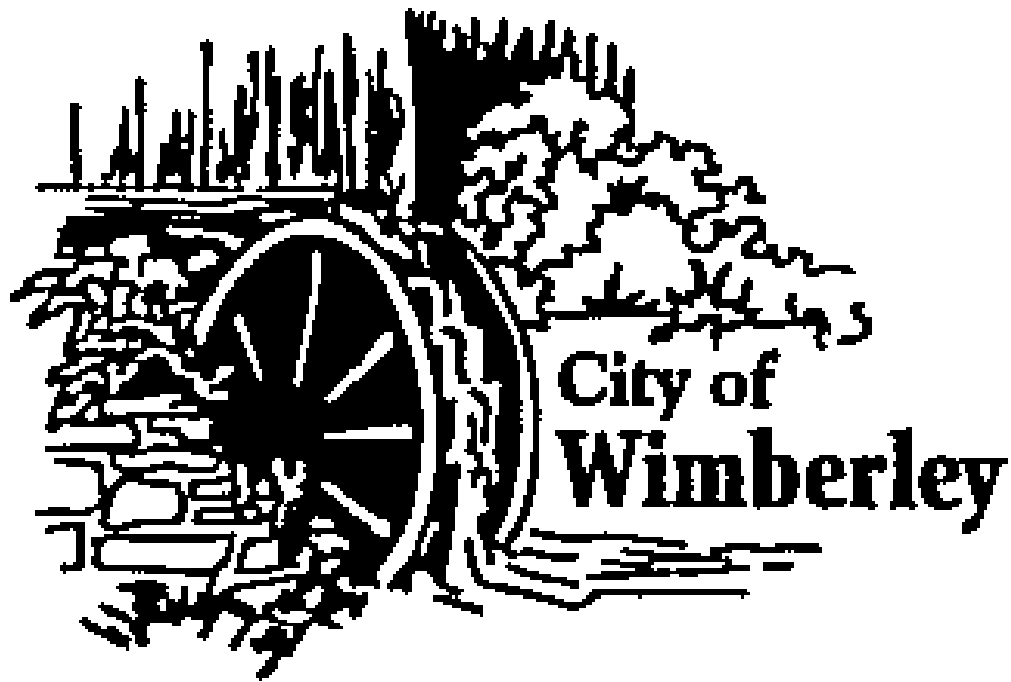
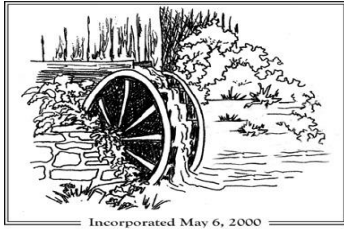




REGULAR CITY COUNCIL MEETING PACKET

Thursday, January 3, 2019

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, JANUARY 3, 2019 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** January 3, 2019 at 5:30 p.m.

2. **CALL OF ROLL** City Secretary

3. **INVOCATION**

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

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens who have a direct stake in the business of the city, such as a landowner, resident, vendor or business owner on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.

6. **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.

Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) regarding the Black Castle contract.

7. **OPEN SESSION**

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 December 6, 2018.
- B. Approval of September 2018 Financial Statements for the City of Wimberley.
- C. Approval of Resolution No. 01-2019, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.

9. CITY ADMINISTRATOR REPORT

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

10. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure. *(Place Three Council Member Allison Davis)*
- B. Discuss and consider possible action to approve Ordinance No. 2019-01, amending Division 2, City Administrator, of Article 2.05, City Officers, of Chapter 2, Administration and Personnel of the City of Wimberley Code of Ordinances. *(Place Two Council Member Craig Fore)*
- C. Discuss and consider possible action to update the Texas Commission on Environmental Quality (TCEQ) on the City's desire to not renew TPDES Permit No. WQ0013321001. *(Place Two Council Member Craig Fore)*
- D. Discuss and consider possible action to approve the establishment of a Comprehensive Review Plan Committee. *(Place Four Council Member Gary Barchfeld)*
- E. Discuss and consider possible action to amend the City of Wimberley Purchasing Policy. *(Place Four Council Member Gary Barchfeld)*
- F. Discuss and consider possible action regarding the procedure to receive an update from the Wastewater Ad Hoc Advisory Committee. *(Place Four Council Member Gary Barchfeld)*
- G. Discuss and consider possible action to accept the resignation of Patricia Cantu Kelly from Place Five on the Wimberley City Council.
- H. Discuss and consider possible action to fill a vacancy for Place Five on the Wimberley City Council either by appointment or by special election until the next General Election in May 2019.

11. CITY COUNCIL REPORTS

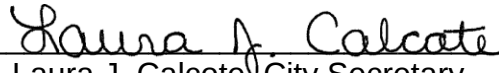
- A. Announcements
- B. Future agenda items

12. ADJOURNMENT

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

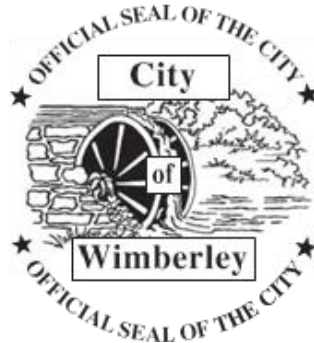
CERTIFICATION

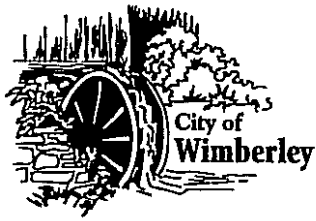
I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, December 31, 2018, by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Laura J. Calcote, City Secretary

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





AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: December 31, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- A. Approval of minutes from the Regular City Council Meeting held December 6, 2018.
- B. Approval of September 2018 Financial Statements for the City of Wimberley.
- C. Approval of Resolution No. 01-2019, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.

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, DECEMBER 6, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jaggars called the meeting to order at 5:33 p.m.

CALL OF ROLL

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

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Charlie Zech City Attorney
Rebecca Manning Parks Director
Richard Shaver Parks Programs and Operations Manager
Will Rader Intern

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PRESENTATION AND POSSIBLE ACTION

Lauren Higgins of the Wimberley Community Civic Club spoke regarding the upcoming 2019 Wimberley Wine Walk set for Thursday, April 4, 2019, at Blue Hole Regional Park. It was anticipated the event will be well attended by the public. There would be numerous vendors and wineries participating.

Motion to approve the plans for the 2019 Wimberley Wine Walk was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

CITIZENS COMMUNICATIONS

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

1. Barbara Hopson spoke regarding location concerns for the upcoming public hearing on January 8, 2019 at City Hall. Ms. Hopson requested the public hearing location be moved to the Wimberley Community Center in order to accommodate more of the citizenry.
2. David Brown addressed Council regarding short-term rentals within the City. Mr. Brown believed the some of the actions taken by Short-Term Rental Review Committee were unconstitutional and voiced his support for short-term rentals.
3. Bill Bowman spoke regarding the Wimberley View article on insanity, which he stated was doing the same thing over and over and expecting different results. Mr. Bowman noted the change in scope of the Central Wimberley Wastewater Project since June 2018, and how reused water to Blue Hole Regional Park was no longer in the plans, even though funds would be taken from the Park's budget to assist with paying for the Project. Additionally, Mr. Bowman requested the public hearing be moved to the Wimberley Community Center to accommodate more people and asked for transparency of documents relating to the Project to be placed on the City's website.
4. Bex Hale spoke regarding the Short-Term Rental Review Committee meeting held earlier in the day, and how some of the Committee members and public had had a positive, respectful, discussion after the meeting. Ms. Hale encourage more dialogues of a similar nature.

EXECUTIVE SESSION

The City Council adjourned into Executive Session at 5:58 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. 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.
- B. Section 551.071 (Consultation with Attorney) to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.
- C. Section 551.071 (Consultation with Attorney) to receive legal advice on disannexation.

OPEN SESSION

Regular Session reconvened at 7:25 p.m.

The City Council gave City Administrator Shawn Cox a vote of confidence. No other action was taken.

CONSENT AGENDA

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

- A. Approval of minutes from the Regular City Council Meeting held November 15, 2018.
- B. Approval of resignation of Ruth Mince from the Transportation Advisory Board.
- C. Approval of Place Two Council Member Craig Fore's appointment of Alex Villaret to the

Transportation Advisory Board.

- D. Approval of Resolution No. 31-2018, authorizing the acceptance of an easement agreement for utilities to be located on a tract of land being Lot 30, Breezeway Subdivision, according to the map or plat therefore recorded in Volume 138, Page 160-A, Hays County Deed Records, a property owned by Jerome E Paisley (Life Estate), and Kent Paisley and Kimberley Paisley (Remaindermen).
- E. Approval of Resolution No. 32-2018, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.
City Administrator Shawn Cox advised some changes had been made to the easement on the square footage of a surface area presented in the meeting packet.
Motion to approve Item E on the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox provided an update regarding the status of the Central Wimberley Wastewater Project. Paving on the Wimberley Square had been completed by Capital Excavation. Mr. Cox also provided expenditure information for the Project, including attorney fees and invoices from Capital Excavation. Additionally, a public hearing regarding the Project was set for Tuesday, January 8, 2019.

Mr. Cox reported on the removal of debris on the Hidden Valley bridge, and the review of City roads in need of repair/updating by the Public Works Department and Hays County. These roads would be discussed at the upcoming Transportation Advisory Board meeting.

PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding a request to operate a food service trailer at 9595 RR 12 in Wimberley, Texas. (*Regina Rogers/Gigi's Food & Drinks, Applicant*)
Regina Rogers spoke regarding the request to move her food truck next door to Milagro's in the back parking area. Property owner Holly Collie spoke in support of the food trailer.
Mayor Susan Jagers opened the public hearing at 8:03 p.m.
There were no public comments.
Mayor Susan Jagers closed the public hearing at 8:03 p.m.
Motion to approve the request was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).
- B. Discuss and consider possible action regarding a recommendation by the Planning & Zoning Commission to form a Comprehensive Plan Ad-Hoc Committee. (*Planning & Zoning Commission*)
Mayor Susan Jagers opened the public hearing at 8:04 p.m.
There were two public comments. First, Lila McCall spoke regarding long-term planning for the City, and how planning is needed for the City to function properly. Second, Phil Collins addressed Council on the City's current Comprehensive Plan and how that Plan should drive all activity by the City. Mr. Collins also volunteered to help update the Comprehensive Plan.
(Motion to move Item 12.D. to be heard in conjunction with Item 11.B. was made by Council Member Allison Davis. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

Discuss and consider possible action create a citizen planning committee, composed of members from various City boards, commissions and committees. *(Place Four Council Member Gary Barchfeld)*

There was discussion among Council on creating an ad hoc committee to review and update the City's Comprehensive Plan, which was last adopted in 2008 and amended in 2016. City Administrator Shawn Cox advised a comprehensive plan is usually done for a 20-year span and a strategic plan further breaks down the comprehensive plan into three to five-year increments.

Motion to direct City staff to draft an ordinance creating an ad hoc committee for long-term planning and review and update of the City's Comprehensive Plan was made by Council Member Gary Barchfeld.

Council Member Allison Davis offered an amendment to the motion to allow each City Council member to nominate an individual to serve on the committee. The amendment was accepted.

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

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to award a bid in the amount of \$1,720.60 to Wimberley Restoration for repair work to the playscape structure at the Cypress Creek Nature Trail and Preserve Park. *(Parks Director Rebecca Manning)*

Motion to award the bid in the amount of \$1,720.60 to Wimberley Restoration for repair work to the playscape structure at the Cypress Creek Nature Trail and Preserve Park was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- B. Discuss and consider possible action regarding office locations for the City Secretary and the Mayor. *(City Administrator Shawn Cox and City Secretary Laura Calcote)*

There was discussion among City staff and Council regarding office locations for the City Secretary and the Mayor. Council Member Allison Davis called the question. Council Member Patricia Cantu Kelly requested her statement regarding the topic be placed in the minutes. The statement can be found attached.

Motion to leave the offices as they are for the remainder of the mayoral term was made by Council Member Allison Davis. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

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

- C. Discuss and consider possible action to award the proposal to STR Helper in an amount not to exceed \$19,000. *(City Administrator Shawn Cox)*

The City had solicited Request for Proposals in October 2018 for short-term rental software. The City received four responses. The Short-Term Rental Review Committee had considered each proposal and recommended to award the bid to STR Helper.

Motion to authorize the City Administrator to negotiate a contract with STR Helper in an amount not to exceed \$19,000 was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (4-1):

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

- D. Discuss and consider possible action regarding business permitting within the City. (*Place Four Council Member Gary Barchfeld*)

There was discussion on tracking sales tax within the City. The City was not allowed to permit businesses per state law.

No action was taken on this item.

- E. Discuss and consider possible action regarding an update from the Wastewater Ad Hoc Advisory Committee. (*Place Four Council Member Gary Barchfeld*)

Wastewater Ad Hoc Advisory Committee Member Maridel Martinez addressed Council on the Committee's status. Ms. Martinez noted the Committee had contacted most owners in the wastewater collection area in order to understand how many connections were needed and the number of customers for the system. There was discussion among Council members and Ms. Martinez regarding the rate structure and usage fees. The Committee would meet again on January 15, 2019.

No action was taken on this item.

CITY COUNCIL REPORTS

- A. Announcements – City Council decided to change the location of the January 8th public hearing from City Hall to the Wimberley Community Center.

Council Member Patricia Cantu Kelly announced her informal resignation from City Council.

- B. Future agenda items – None.

ADJOURNMENT

Mayor Susan Jagers adjourned the meeting at 9:00 p.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

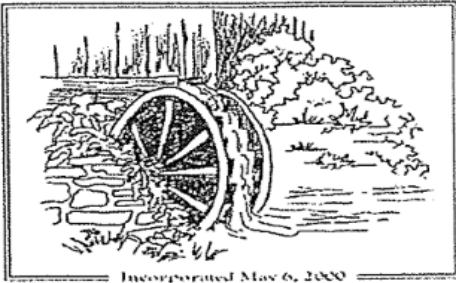
Susan Jagers, Mayor

From: [Place5](#)
To: [Laura Calcote](#); [Shawn Cox](#)
Subject: Office location
Date: Tuesday, December 4, 2018 1:09:02 PM

I wanted to state my opinion on the office location situation, it is my opinion that the office needs to remain as is. Laura has been situated where she currently is since we took office as per the Mayors choice. I see no reason to disrupt the city's secretary office, because the Mayor decided otherwise. This has been a constant use of harassment for the past 6 months by the Mayor. The Monday after thanksgiving the staff came in to find the mayors office belongings in the Council Chambers with instructions of moving the office once again. This really bothered me, so I took it upon myself to move all of the items back into the Mayors office. I find this behavior rather bewildering and vindictive to say the least. I hope the entire council is supportive in finalizing this constant perplexing situation. I fully support Ms Calcote in this manner.

Thank you
Patricia Cantu Kelly
Place 5
Wimberley City Council

Sent from my iPad



CITY OF WIMBERLEY

Summary Financial Statements

Twelve Months Ended September 30, 2018

City of Wimberley
Balance Sheets
September 30, 2018

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,266,274	565,845	144,230	102,559	3,216,648	4,181	18,755	5,025
Receivables and other	226,009	-	-	618	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	186,946	605,270	-	-	-
Net investment in fixed assets	-	-	-	754,460	-	-	-	-
Total Assets	\$ 1,492,283	565,845	144,230	1,044,584	3,821,918	4,181	18,755	5,025
Payables	\$ 18,360	7,700	-	32,803	193	760	-	-
Debt (old)	-	-	-	342,148	-	-	-	-
Debt - TWDB (new)	-	-	-	-	5,255,000	-	-	-
Total Liabilities	18,360	7,700	-	374,951	5,255,193	760	-	-
Fund Balance	1,473,923	558,145	144,230	669,632	(1,433,274)	3,421	18,755	5,025
Total Liabilities and Fund Balance	\$ 1,492,283	565,845	144,230	1,044,584	3,821,918	4,181	18,755	5,025

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

Twelve Months Ended September 30, 2018

				YTD % Budget 100%
	9/30/2018	YTD	2018 Budget	
<u>Revenues</u>				
Sales taxes	\$ 152,232	902,650	875,000	103%
Mixed beverage tax	\$ 4,451	12,600	9,500	133%
Franchise tax	\$ 65,916	288,620	278,250	104%
Permit fees	\$ 1,531	65,966	65,130	101%
Grant funds	\$ -	-	-	-
Service fees	\$ 2,926	59,156	56,600	105%
Community Center rental fees	\$ 6,919	53,622	50,000	107%
Other income	\$ 646	17,754	17,100	104%
Total Revenues	\$ 234,621	1,400,368	1,351,580	104%
<u>Expenditures</u>				
Administration	36,147	741,038	738,756	100%
Administration - Legal	12,032	177,453	200,000	89%
Council/Board	24,700	60,306	61,751	98%
Building	6,678	43,954	42,000	105%
Public Safety	20,486	109,579	109,130	100%
Municipal Court	1,000	7,268	8,400	87%
Public Works	13,690	139,226	139,277	100%
Roads	15,666	78,240	152,000	51%
Waste/Wastewater	3,728	70,015	76,420	92%
Community Center	10,867	103,780	105,951	98%
Nature Trail	157	3,554	3,600	99%
Total Expenditures	145,151	1,534,415	1,637,285	94%
Excess Revenues Over Expenditures	89,470	(134,047)	(285,705)	
	\$ 89,470	(134,047)	(285,705)	

City of Wimberley

Revenues and Expenditures - Blue Hole

Twelve Months Ended September 30, 2018

	9/30/2018	YTD	2018 Budget	YTD % Budget 100%
<u>Revenues</u>				
Gate fees	\$ 1,760	434,198	432,000	101%
Other fees	2,300	57,948	55,600	104%
Miscellaneous	323	8,766	8,700	101%
Total Revenues	4,383	500,913	496,300	101%
<u>Expenditures</u>				
Wages and benefits	20,661	239,024	234,405	102%
Contract services	202	32,470	32,200	101%
Other	2,514	75,583	87,253	87%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	6,000	6,000	100%
Operating Transfer Out	65,543	65,543	65,543	100%
Total Expenditures	88,919	418,620	425,401	98%
Excess Revenues Over Expenditures	\$ (84,536)	82,293	70,899	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ (84,536)	82,293	70,899	

City of Wimberley

Revenues and Expenditures - Hotel Occcupancy Tax

Twelve Months Ended September 30, 2018

	9/30/2018	YTD	2018 Budget	YTD % Budget 100%
<u>Revenues</u>				
Hotel Occupancy Tax	\$ 1,800	15,950	156,000	10%
Interest income	6	120	-	-
Miscellaneous	-	-	-	-
Total Revenues	1,806	16,070	156,000	10%
<u>Expenditures</u>				
Wages & Bennifits	-	-	68,520	0%
Other	-	-	9,000	0%
Contract Services	1,929	84,327	193,507	44%
HOT Disbursements	-	88,470	20,000	442%
General Operating Supplies	-	521	-	-
Capital Outlay	-	-	6,000	0%
Total Expenditures	1,929	173,318	297,027	58%
Excess Revenues Over Expenditures	\$ (123)	(157,248)	(141,027)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ (123)	(157,248)	(141,027)	

City of Wimberley

Revenues and Expenditures - Wastewater Utility Fund

Twelve Months Ended September 30, 2018

	9/30/2018	YTD	2018 Budget	YTD % Budget 100%
<u>Revenues</u>				
Charges for utility services	\$ 9,280	118,158	118,776	99%
Reclaimed water revenues	-	-	-	
Interest	452	558	100	558%
Total Revenues	9,732	118,716	118,876	100%
<u>Expenditures</u>				
Contract Services	20,115	276,230	218,566	126%
Utilities	535	7,029	10,000	70%
Project Manager	24,737	83,443	85,000	98%
Other Expenses	144	1,147	900	127%
Capital Outlay (debt repayment)	-	31,250	31,250	100%
Wastewater Debt Service - Principal	-	95,000	95,000	100%
Wastewater Debt Service - Interest	-	71,353	71,353	100%
Total Expenditures	45,530	565,451	512,068	110%
Excess Revenues Over Expenditures	(35,799)	(446,736)	(393,192)	
Transfer In	65,543	372,303	372,303	100%
Net Change in Fund Balance	\$ 29,744	(74,433)	(20,890)	

City of Wimberley

Revenues and Expenditures - Wastewater Collection and Treatment Plant

Twelve Months Ended September 30, 2018

	9/30/2018	YTD	2018 Budget	YTD % Budget 100%
<u>Revenues</u>				
Interest revenues	\$ 138	511	-	-
Investment income	4,885	44,846	-	-
WW Bond Reserve Funds	-	243,005	-	-
Total Revenues	5,023	288,362	-	-
<u>Expenditures</u>				
Records management	-	96,845	-	-
Capital outlay	176,886	1,624,792	-	-
Other expenses	-	-	-	-
Total Expenditures	176,886	1,721,636	-	-
Excess Revenues Over Expenditures	(171,863)	(1,433,274)	-	-
Transfer in from General Fund	-	-	-	-
Net Change in Fund Balance	\$ (171,863)	(1,433,274)	-	-

City of Wimberley

Revenues and Expenditures - Nonmajor Funds

Twelve Months Ended September 30, 2018

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	9/30/2018	YTD	2018 Budget	9/30/2018	YTD	2018 Budget	9/30/2018	YTD	2018 Budget
Total Revenues	\$ 101	262	100	\$ 2	20	18	\$ 0	3	2
Total Expenditures	(5)	6,900	6,900	(5)	-	-	(5)	-	-
Excess Revenues Over Expenditures	\$ 106	(6,638)	(6,800)	\$ 7	20	18	\$ 5	3	2
Fund Transfers	-	-	-	-	-	-	-	-	-
Net Change in Fund Balance	<u>\$ 106</u>	<u>(6,638)</u>	<u>(6,800)</u>	<u>\$ 7</u>	<u>20</u>	<u>18</u>	<u>\$ 5</u>	<u>3</u>	<u>2</u>

RESOLUTION NO. 01-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, AUTHORIZING ACCEPTANCE OF AN EASEMENT AGREEMENT FOR UTILITIES TO BE LOCATED AT 13301 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, ON A PROPERTY OWNED BY MYSTIC HILL, LLC

WHEREAS, the City of Wimberley has been in negotiations with the property owner to acquire property for the construction, placement and maintenance of a wastewater lift station for the Central Wimberley Wastewater Project as approved by this City Council; and

WHEREAS, it is necessary for the City to acquire certain easements in connection with this Project.

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

SECTION 1. That the City Council of Wimberley accepts the easement made by MYSTIC HILL, LLC to the City, a description of said property being fully set forth in the attached Exhibit “A” for the purposes provided therein.

SECTION 2. That this Resolution supersedes Resolution No. 32-2018.

SECTION 3. The Mayor is hereby authorized to execute the dedication instrument and all related documents on behalf of the City to formalize this acceptance.

PASSED, APPROVED, AND ADOPTED on this 3rd day of January 2019, at a regular meeting of the City Council of the City of Wimberley, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex. Gov’t Code*, §551.001, et.seq. at which meeting a quorum was present and voting.

Susan Jaggers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney
Denton, Navarro, Rocha & Bernal, P.C.



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PUBLIC UTILITY EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

GRANT OF EASEMENT:

MYSTIC HILL, LLC, 13301 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto **THE CITY OF WIMBERLEY, TEXAS**, a Texas type A general law municipality with offices located at 221 Stillwater, Wimberley, Hayes County, Texas ("Grantee"), an easement and right-of-way ("Easement") upon and across the property of Grantor which is a parcel of land containing 900 square feet out of and part of a called 3.295 acre tract in the Amasa Turner Survey in Hays County, Texas and being more particularly described on the Survey, attached hereto as **Exhibit "A"**, and the Metes and Bounds Description, attached hereto as **Exhibit "B"**. Exhibits "A" and "B" are incorporated herein by reference for all purposes and collectively describe what henceforth may be referenced as the "Easement Tract", with **Exhibit "B"** prevailing over **Exhibit "A"** in the case of a conflict between the two.

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the rights, and privileges and on the terms and conditions set forth below; and Grantor, subject to the Exceptions, to Warranty, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this agreement:

1. *Definitions.* For the purposes of this grant of Easement certain terms shall have the meanings that follow:
 - (a) "Holder" shall mean Grantee and Grantee's heirs, successors and assigns who at any time own any interest in the conveyance is subject to the terms of this agreement.

- (b) "Public Utility" shall mean a sanitary sewer lift station and related surface and subsurface appurtenances.
2. *Character of Easement.* The Easement granted herein is "in gross," in that there is no "Benefitted Property." Nevertheless, the Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof. The Easement rights of use granted herein are exclusive and irrevocable. The Easement is for the benefit of Holder.
3. *Purpose of Easement.* The Easement shall be used for Public Utility purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of Public Utility facilities and related surface and subsurface appurtenances, or making connections thereto. The Easement shall also be used for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the public utility facilities and related appurtenances.
4. *Term.* Easement shall be in perpetuity unless relinquished or abandoned by ordinance or resolution by Grantee.
5. *Reservation of Rights.* As the Easement Tract shall be contained within a fence, as described herein, Grantor shall reserve no rights of use of the Easement Tract; except for the placement of signage as provided in Section 8, herein.-
6. *Secondary Easement.* Holder has the right (the "Secondary Easement") to use the surface of the 5,550 square foot area adjacent to the Easement Property, and is more fully described in **Exhibit "C"**, to assist in the initial installation and as may be reasonably necessary to maintain, repair and replace the Facilities within the Easement Property of the Facilities within the Easement Property. However, Holder must promptly restore the area of the Temporary Construction Easement to its previous physical condition if changed by use of the rights granted by this Secondary Easement.
7. *Improvement and Maintenance of Easement Property.* Improvement and maintenance of the Easement Property and the Facilities will be at the sole expense of Holder. Holder has the right to eliminate any encroachments into the Easement Property. Holder has the right to construct, install, maintain, replace, and remove the Facilities under or across any portion of the Easement Property. All matters concerning the Facilities and their configuration, construction, installation, maintenance, replacement, and removal are at Holder's sole discretion, subject to performance of Holder's obligations under this agreement. Holder has the right to remove or relocate any fences or other encroachments within the Easement Property or along or near its boundary lines if reasonably necessary to construct, install, maintain, replace, or remove the Facilities.
8. *Special Conditions.* ~~Notwithstanding any contrary provision, Grantee shall construct a privacy fence of stone, masonry, or stucco materials around the Public Utility. The~~

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~~privacy fence shall be eight (8) feet in height and shall be of such design as to cause the Public Utility not to be visible from the remainder of Grantor's property save and except through the fence. As additional consideration for the grant of this Easement Grantee agrees to the following:~~

- a) ~~Construction of fence. Within _____ months of the Effective Date GranteeHolder shall cause to be constructed a privacy fence of stone, masonry, or stucco materials, as determined in Grantee's sole discretion, around the Public Utility. The privacy fence shall be eight (8) feet in height and shall be of such design as to cause the Public Utility not to be visible from the remainder of Grantor's property save and except through the fence. Grantor shall allow GranteeHolder reasonable access and construction staging on the existing on the 3.295 acre burdened tract for construction of the fence.~~
- b) ~~Signage on the fence. The placement of signage on the aforementioned fence by Grantor shall not be considered to be contrary to GranteeHolder's use of the Easement; provided, the signage complies with the City of Wimberley's regulations of signs and advertising.~~
- c) ~~Water and sewer utilities. GranteeHolder hereby grants to Grantor the right to connect improvements currently existing on the 3.295 acre burdened tract with City water supply and sanitary sewer without payment of connection or impact fees subject to following:~~
- (i) ~~Current improvements. Current improvements that may receive water supply and sanitary sewer under this sub-section are only those as shown on real property tax records of the Hays County Appraisal Distract for tax year 2018, shall not be required to connect to the City's Sanitary Sewer and shall be allowed to remain on a septic system so long as the septic system complies with the rules of the regulatory authority. Any improvements made thereafter shall be subject to payment of the then established connection and impact feesrequired to connect to the City's Sanitary Sewer Line.~~
- (ii) ~~Maximum Equivalent Dwelling Units. In consideration for the grant of this Easement Grantor shall be entitled to a waiver of connection and impact fees for future improvements as provided in this subsection. The maximum number of water equivalent dwelling units shall not exceed _____ edus. The maximum number of sanitary sewer equivalent dwelling units shall not exceed _____ edus.~~
8. ~~Termination. Grantor's right to connect to City water and sewer utilities without payment of connection or impact fees expires on _____ and after that date the connection of current improvements shall be subject to payment of the then established connection and impact fees.~~

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~~9.(i) Waiver of Property. Grantor is hereby granted the right to connect current improvements on the property without the payment of any impact fees or hook up fees, provided, however, Grantor will be responsible for the construction costs related to the connection and hook up from the improvement to the stub out to main wastewater collection line.~~

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~~10.9.~~ *Equitable Rights of Enforcement.* This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

~~11.10.~~ *Attorney's Fees.* If either party retains an attorney to enforce this agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

~~12.11.~~ *Binding Effect.* This agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.

~~13.12.~~ *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.

~~14.13.~~ *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

~~15.14.~~ *Waiver of Default.* It is not a waiver of or consent to default if the non-defaulting party fails to declare immediately default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

~~16.15.~~ *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

~~17.16.~~ *Integration.* This agreement contains the complete agreement of the parties and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this agreement.

~~18-17.~~ *Exceptions to Warranty.* This grant is subject to any and all encumbrances and easements of record, to the extent the same are valid and enforceable.

~~19-18.~~ *Legal Construction.* Any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

~~20-19.~~ *Notices.* Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

~~21-20.~~ *Recitals/Exhibits.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement. All exhibits referenced herein are attached hereto and incorporated by reference herein for all purposes.

~~22-21.~~ *Entire Agreement.* This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the party to be charged.

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____, 201__.

GRANTOR:

(Grantor's Name)

By:_____

AGREED AND ACCEPTED:

By: _____
Susan Jagers, Mayor

Laura Calcote, City Secretary

This instrument was acknowledged before me on _____, 201__, by _____, an individual residing in _____ County, Texas.

(seal)

This instrument was acknowledged before me on _____, 2018, by Susan Jagers, Mayor of the City of Wimberley, Texas, a Texas type A general law municipality, on behalf of said municipality.

Notary Public Signature

(seal)

The preparer of this document has made no investigation of the following matters: The accuracy of the legal description used herein; whether or not the Grantor is the correct owner of the property; whether or not the party signing on behalf of the Grantor is authorized to sign on behalf of the Grantor; or any title matters whatsoever.

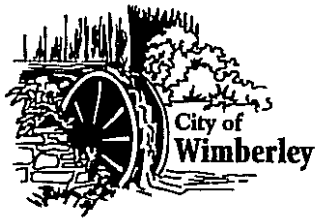
PREPARED IN THE LAW OFFICE OF:

Denton, Navarro, Rocha, Bernal, & Zech, P.C.
2517 N. Main Avenue
San Antonio, Texas 78212

Wimberley, TX 78676

**AFTER
RECORDING RETURN
TO:**

City of Wimberley
Attn. City Secretary
P.O. Box 2027



AGENDA ITEM: City Administrator's Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: December 31, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

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

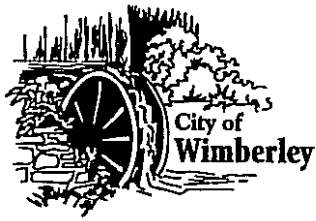
REQUESTED ACTION

Motion ☐
Discussion ☐
Ordinance ☐
Resolution ☐
Other ☒

FINANCIAL

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

STAFF RECOMMENDATION



AGENDA ITEM: City of Wimberley Governance Policy and Rules of Procedure
SUBMITTED BY: Allison Davis, Place Three
DATE SUBMITTED: December 27, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure.

Revised Policy attached. Section IV – Roles, 4.2 added and highlighted.

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☐

FINANCIAL

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

STAFF RECOMMENDATION

City of Wimberley

City Council Governance Policy and Rules of Procedure



Amended January 2019

Page 1 of 15

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION I INTRODUCTION

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

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

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

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION II MISSION

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION III INFORMATION

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION IV ROLES

4.1 Texas Local Government Code, Sec. 22.042 (Powers and Duties of Mayor) *(Added 08-02-18)*

(a) The mayor is the chief executive officer of the municipality. The mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out. The mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality.

(b) The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished.

(c) The mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality.

(d) The mayor may administer oaths of office.

(e) In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor.

4.2 The Mayor shall preside at meetings of the City Council and shall be recognized as head of City government for all ceremonial purposes and by the Governor for purpose of military law but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Council shall elect, from among the Council members, a Mayor Pro-tem who shall act as Mayor during the absence or disability of the Mayor. *(Added 01-03-19)*

4.3 As head of City government for ceremonial purposes, the Mayor may issue and present proclamations and recognitions and attend other ceremonial functions on behalf of the City of Wimberley. City Council members may initiate, through the Mayor, or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.

- 4.4 The Mayor shall preserve order and decorum and shall require City Council members engaged in debate to limit discussion to the question under consideration.
- 4.5 The Mayor is the spokesperson on all official positions taken by the City Council. The Mayor Pro-tem or alternate City Council designee will assume that role in the Mayor's absence. *(Amended 6-4-09)*
- 4.6 The Mayor will encourage all City Council members to participate in Council discussion and give each member an opportunity to speak before any member can speak again on the same subject

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION V MEETINGS

5.1 Regular Meetings

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

5.2 Special Meetings

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

5.3 Executive Sessions

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

5.4 Public Notice

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

5.5 Attendance

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

5.6 Conflict of Interest

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

5.7 City Council Members

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

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

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

5.7 Administrative Staff

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

5.8 Citizens and Visitors

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

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

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

5.9 Agenda

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

5.10 Speakers

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

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

5.11 Motions

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

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

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

5.12 Suspension of Rules

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

5.13 Amendment of Rules

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

5.14 Failure to Comply

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

5.15 Security

Constable support will be requested at all Council meetings at the discretion of the Mayor.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VI PUBLIC CONTACT MEDIA RELATIONS

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

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

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VII PLANNING

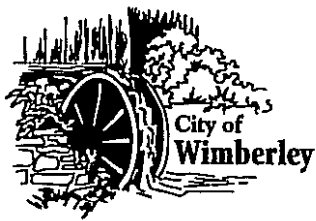
The Mayor and Council are responsible for establishing a vision for the City of Wimberley and planning for its future.

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

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VIII COUNCIL STAFF RELATIONS

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



AGENDA ITEM: Ordinance No. 2019-01 – City Administrator
SUBMITTED BY: Craig Fore, Council Member Place 2
DATE SUBMITTED: December 28, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On October 18, 2001, the City Council adopted Ordinance No. 2001-026, which created the Office of City Administrator.

For consideration is Ordinance No. 2019-01, which would amend Chapter 2, Administration of the Code of Ordinances to clarify roles and responsibilities.

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

ATTACHMENT(S)

- Ordinance No. 2019-01
- Ordinance No. 2001-026

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING DIVISION 2, CITY ADMINISTRATOR, OF ARTICLE 2.05, CITY OFFICERS, OF CHAPTER 2, ADMINISTRATION AND PERSONNEL OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; PROVIDIN FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, on October 18, 2001 the City of Wimberley ("City"), Texas passed Ordinance No. 2001-026, establishing the Office of City Administrator; and

WHEREAS, such Ordinance, as amended from time to time, is been codified in the City of Wimberley Code of Ordinances as Division 2, entitled "City Administrator", of Article 2.05 (CITY OFFICIALS), of Chapter 2 – "Administration and Personnel"; and

WHEREAS, the City Council of the City of Wimberley, Texas wishes to clarify and streamline the duties and supervision of such office to enhance the effectiveness and efficiency of such office, not inconsistent with Chapter 22 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the codified ordinances to reflect such clarifications and ensure consistency with the Texas Local Government Code and finds that the changes herein will enhance the effectiveness and efficiencies of the Office of the City Administrator and the operations of the City of Wimberley.

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

Section 1. Findings of Fact.

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

Section 2. Division 2, entitled "City Administrator", of Article 2.05 (CITY OFFICIALS), of Chapter 2 – "Administration and Personnel" is hereby amended as follows:

"Division 2. City Administrator

Sec. 2.05.031 Purpose

This division is adopted so that the city council may promote the public health, safety, morals, and general welfare within the city through the effective and efficient administration of city activities. The purpose of this division is to provide for and create within the municipal organization the

~~position~~ office of city administrator. These rules and regulations are designed to establish qualifications for individuals serving in this capacity and set out the scope of the city administrator's duties and authority.

Sec. 2.05.032 Definitions

For the purpose of this division, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Administrator. The employee serving in the capacity of the city administrator of this city.

Council. The governing body (such as city council) of this city as defined by Section 22.031 of the Texas Local Government Code and Section 2.02.001(a) of this Code of Ordinances.

Sec. 2.05.033 Office established

- (a) The office of city administrator is hereby created.
- (b) The administrator shall be appointed by majority vote of the city council for an indefinite term. The administrator shall serve at the will of the city council. The administrator shall be chosen by the city council on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office hereinafter set forth.
- (c) The city council may remove the administrator at any time by a majority vote of its members with or without cause.
- (d) The administrator shall receive compensation as the council shall fix from time to time.
- (e) The city council hereby reserves unto the ~~mayor and~~ council all the authority and powers of the city not clearly delegated to the administrator. Except to the extent specifically authorized by state law, the administrator shall never have any authority to take any action whatsoever to overturn, offset, defeat, veto, or nullify any action by or vote of the ~~mayor or~~ council.
- (f) The administrator must reside within the city limits or have a 20-minute response time in cases of emergency within the city that require the administrator's physical presence.

Sec. 2.05.034 Powers and duties

- (a) General administration. The administrator shall:
 - (1) Perform administrative tasks required to maintain control of the functions of various departments; act as a focal point for distribution of information, written or oral, to applicable staff and agency volunteers;
 - (2) Interpret administrative policies and instructions;
 - (3) Prepare routine and executive correspondence for most departments;

- (4) Investigate and analyze interdepartmental activities;
- (5) Implement and revise departmental organization and procedures;
- (6) Prepare reports to the public; negotiate contracts and other agreements with outside agencies as requested by the mayor;
- (7) Provide support to the city secretary in conducting city elections; and
- (8) Perform varied tasks and other duties as assigned by the ~~mayor or~~ council.

(b) Policy development and enforcement. The administrator shall:

- (1) Assist the ~~mayor and~~ council in the development of municipal policies and regulations;
- (2) Recommend to the ~~mayor and~~ council the adoption of measures as may be deemed necessary or expedient for the health, safety, or welfare of the city and for the improvement of municipal services;
- (3) Prepare policy and procedural proposals for review and adoption by the council;
- (4) Review operations franchised by the city to ensure that obligations are met;
- (5) Conduct assigned research on topics of interest to the ~~mayor and~~ council; and
- (6) Coordinate with the city attorney the investigation and enforcement of violations of municipal ordinances, rules, policies, and procedures.

(c) Fiscal operations. The administrator shall:

- (1) Provide administrative direction and supervision to the municipal financial activities, including ~~budget preparation~~, cash management, bank relations, purchasing, and debt management;
- (2) ~~Act as budget officer and prepare~~ Assist budget officer with preparation of operating and capital budget proposals for review and adoption by the council;
- (3) Monitor and control execution of the budget during the year and advise the council concerning the financial status of the city;
- (4) Direct investment activities for all city funds under the policies and procedures set by the council;
- (5) Review the results of departmental audits, ensure adequate corrective actions are initiated, and report the status to the ~~mayor and~~ council;
- (6) Serve as purchasing agent and direct these activities of the city. The administrator shall have direct spending authority up to \$1,000.00 for items and services acquired on behalf of the city without prior authorization from the council, provided that the items or services are provided for in the annual budget. In case of accident, disaster, or other circumstance creating a public emergency, the administrator may award contracts and make purchases for the purpose of meeting the emergency. He or she shall, as soon as possible thereafter, report to the council the necessity for this action and an itemized account of all expenditures;

(7) Analyze contract proposals, prepare formal bids, and coordinate bid awards with the city council;

(8) Direct and supervise the contract accountant in the maintenance of a control accounting system (modified accrual) to include account adjustments at the end of a fiscal year;

(9) Ensure new construction and properties are reflected on city tax rolls;

(10) Supervise the annual inventory of fixed assets;

(11) Supervise creation of grant proposals and oversight of grant administration;

(12) Recommend economic development plans and tax abatement programs to promote economic development; and

(13) Oversee the maintenance, repair, and replacement of city equipment, supplies, and technological assets.

(d) Personnel. The administrator shall:

(1) Recommend appointments of department heads and appoint administrative personnel directly or through subordinates;

(2) Perform supervisory functions over city employees, including making recommendations regarding changes in employee status, including but not limited to hiring, firing, promoting, reprimanding, reassigning, and compensating. The administrator shall evaluate city employees on a regular basis. All final actions of the administrator are subject to review and possible reversal or modification by the council;

(3) Make recommendations to the ~~mayor and~~ council regarding the employment status of department heads. The authority of the city administrator with respect to the employment status, appointment, removal, suspension, or reprimand of a department head shall be limited to making recommendations to the ~~mayor and~~ council and being heard prior to final action by the ~~mayor and~~ council regarding the employment status, appointment, removal, suspension, or reprimand of a department head;

(4) Manage employee benefits programs, including insurance and compensation plans;

(5) Ensure that state and federal reporting requirements are satisfied;

(6) Recommend to the ~~mayor and~~ council policies for the effective and efficient management of the city's human resources; and

(7) Coordinate with the city attorney periodic evaluations of city policies and practices in regards to compliance with state and federal laws regarding discrimination and harassment.

(e) Intergovernmental relations. The administrator shall:

(1) Coordinate the ~~mayor and~~ council's participation in interagency meetings and activities; and

(2) Maintain communications with representatives of the state, the county, and neighboring local governments.

(f) Public relations. The administrator shall:

(1) Provide scheduling assistance and coordination for the ~~mayer-and~~ council's attendance at community meetings and participation in civic events;

(2) Serve as the designated officer for public information, and, as such, oversee the management of municipal data, including coordinating compliance with state law with the city attorney;

(3) Disseminate information to the public and media organizations regarding municipal activities; and

(4) Address inquiries from the public on subjects regarding municipal operations.

(g) Boards and commissions. The administrator shall:

(1) Provide clerical and administrative support to the city's advisory boards, commissions, and committees, to the extent authorized by the council;

(2) Regularly attend meetings of those city boards, commissions, and committees as directed by the council in order to receive instructions and status reports and stay apprised of developing municipal policy; and

(3) Maintain a schedule of board, commission, and committee appointments and coordinate the process for evaluating and considering candidates for the boards, commissions, and committees.

(h) Land use and development. The administrator shall:

(1) Provide customer service assistance to those applicants (property owners, developers, contractors, agents, and the like) seeking land use or development authorization from the city;

(2) Assist applicants in the modification of plans to achieve conformance to building, subdivision, zoning, and sanitation ordinances;

(3) Participate in staff review of plans and specifications of buildings, subdivision plans, and sewage facilities prior to their recommendation of approval or disapproval to the council;

(4) Prepare and present staff recommendations on applicable subjects to the planning and zoning commission and board of adjustment; and

(5) Review with applicants for private sewage facilities the requirements of state and local laws governing sanitation.

(i) Council activities. The administrator shall:

(1) Coordinate the calling of city council meetings as directed by the ~~mayer-and~~ council, including the preparation and distribution of background material and posting of proper public notification of the meetings;

(2) Attend all meetings and workshops of the council unless excused therefrom. While the administrator may, at the council's discretion, be entitled to take part in the discussion of matters coming before the council, the administrator does not have a vote therein. The administrator shall be advised of all regular and special meetings of the council;

(3) Keep the ~~mayer-and~~ council informed of items of interest to the governing body;

- (4) Coordinate with the city attorney the preparation of draft ordinances, resolutions, and policy materials for consideration and possible adoption by the council;
- (5) Maintain a schedule of the ~~mayer-and~~ council's official gatherings; and
- (6) Coordinate the ~~mayer-and~~ council's participation in educational events and seminars.

Sec. 2.05.035 Code of conduct; conflict of interest; bond

(a) The administrator shall:

(1) Conduct himself or herself with the utmost courtesy because, as the city's representative, the administrator's work involves daily contact with the public requiring the use of tact and diplomacy; and

(2) Disclose all financial interests in pending municipal matters subject to city action.

(b) For the purpose of this section, the following definition shall apply, unless the context clearly indicates or requires a different meaning:

Financial interest. The administrator has a financial interest in a matter if the administrator, or those related to him or her within the first degree, at the time when the city takes up the matter:

(1) Owns 10% or more of the voting shares of the business;

(2) Owns either 10% or more, or \$15,000.00 or more, of the fair market value of the business;

(3) Receives more than 10% of the person's gross income from the business; or

(4) Has an equitable interest in real property with a fair market value of \$2,500.00 or more.

(c) If the administrator has a financial interest in a matter, he or she must:

(1) File an affidavit stating the nature and extent of that interest with the city secretary; and

(2) Abstain from further participation in the matter.

(d) The city administrator shall furnish a surety bond to be approved by the council, the bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the city."

Section 3. Savings.

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

Section 4. Severability.

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

Section 5. Repealer.

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

Section 6. Effective Date.

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

Section 7. Proper Notice and Meeting

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

PASSED AND APPROVED this ____ day of _____, 2019.



Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 2001-026

AN ORDINANCE CREATING THE OFFICE OF CITY ADMINISTRATOR; PROVIDING FOR THE TERMS OF EMPLOYMENT; PROVIDING FOR THE JOB DUTIES OF THE CITY ADMINISTRATOR; PROVIDING FOR A CODE OF CONDUCT AND SURETY BOND REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; EFFECTIVE DATE; AND PROPER NOTICE AND OPEN MEETING

WHEREAS, the executive functions of the Mayor and the legislative duties of the City Council of the Village of Wimberley have increased to the point that the effective and efficient administration of the Village requires the assistance of a professional manager; and

WHEREAS, the multiplicity and complexity of the Village's administrative tasks have developed to the point that they require prompt action and consistent supervision;

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

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

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

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

**SECTION 1.
FINDINGS OF FACT**

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

SECTION 2. PURPOSE

This Ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the Village through the effective and efficient administration of Village activities. The purpose of this Ordinance is to provide for and create within the municipal organization the position of "City Administrator." These rules and regulations are designed to establish qualifications for individuals serving in this capacity and set out the scope of the City Administrator's duties and authority.

SECTION 3. DEFINITIONS

In this Ordinance, the terms listed below shall be defined as follows:

- A. "Administrator" shall mean the employee serving in the capacity of the City Administrator of the Village of Wimberley.
- B. "Council" shall mean the governing body (i.e., board of aldermen) of the Village of Wimberley.
- C. "Village" shall mean the duly incorporated municipality of the Village of Wimberley, Hays County, Texas.

SECTION 4. CREATION OF OFFICE

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

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

- G. The Administrator must reside within the Village limits or have a twenty (20) minute response time in cases of emergency within the Village that require the Administrator's physical presence.

SECTION 5. GENERAL ADMINISTRATION

The Administrator shall:

- A. Perform administrative tasks required to maintain control of the functions of various departments. Act as focal point for distribution of information, written or oral, to applicable staff and agency volunteers.
- B. Interpret administrative policies and instructions.
- C. Prepare routine and executive correspondence for most departments.
- D. Investigate and analyze interdepartmental activities.
- E. Implement and revise departmental organization and procedures.
- F. Prepare reports to the public, negotiate contracts and other agreements with outside agencies as requested by the Mayor.
- G. Provide support to the City Secretary in conducting Village elections.
- H. Perform varied tasks and other duties as assigned by the Mayor or Council.

SECTION 6. POLICY DEVELOPMENT & ENFORCEMENT

The Administrator shall:

- A. Assist the Mayor and Council in the development of municipal policies and regulations.
- B. Recommend to the Mayor and Council the adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the Village and for the improvement of municipal services.
- C. Prepare policy and procedural proposals for review and adoption by the Council.

- D. Review operations franchised by the Village to ensure that obligations are met.
- E. Conduct assigned research on topics of interest to the Mayor and Council.
- F. Coordinate with the City Attorney the investigation and enforcement of violations of municipal ordinances, rules, policies and procedures.

SECTION 7. FISCAL OPERATIONS

The Administrator shall:

- A. Provide administrative direction and supervision to the municipal financial activities including budget preparation, cash management, bank relations, purchasing and debt management.
- B. Act as Budget Officer and prepare operating and capital budget proposals for review and adoption by the Council.
- C. Monitor and control execution of the budget during the year and advise the Council concerning the financial status of the Village.
- E. Direct investment activities for all Village funds under the policies and procedures set by the Council.
- F. Review the results of departmental audits, ensure adequate corrective actions are initiated, and report the status to the Mayor and Council.
- G. Serve as Purchasing Agent and direct these activities of the City. The Administrator shall have direct spending authority up to one thousand dollars for items and services acquired on behalf of the Village without prior authorization from the Council provided that the items or services are provided for in the annual budget. In case of accident, disaster or other circumstance creating a public emergency, the Administrator may award contracts and make purchases for the purpose of meeting said emergency. He shall, as soon as possible thereafter, report to the Council the necessity for such action and an itemized account of all expenditures.
- H. Analyze contract proposals, prepare formal bids, and coordinate bid awards with the City Council.
- I. Direct and supervise the contract accountant in the maintenance of a control accounting system (modified accrual) to include account adjustments at the end of a fiscal year.

- J. Insure new construction and properties are reflected on City tax roles.
- K. Supervise annual inventory of fixed assets.
- L. Supervise creation of grant proposals and oversight of grant administration.
- M. Recommend economic development plans and tax abatement programs to promote economic development.
- N. Oversee the maintenance, repair, and replacement of Village equipment, supplies and technological assets.

SECTION 8. PERSONNEL

The Administrator shall:

- A. Recommend appointments of department heads and appoint administrative personnel directly or through subordinates.
- B. Perform supervisory functions over Village employees, including making recommendations regarding changes in employee status, including but not limited to hiring, firing, promoting, reprimanding, reassigning, and compensating. The Administrator shall evaluate Village employees on a regular basis. All final actions of the Administrator are subject to review and possible reversal or modification by the Council.
- C. Make recommendations to the Mayor and Council regarding the employment status of department heads. The authority of the City Administrator with respect to the employment status, appointment, removal, suspension or reprimand of a department head shall be limited to making recommendations to the Mayor and Council and being heard prior to final action by the Mayor and Council regarding the employment status, appointment, removal, suspension or reprimand of a department head.
- D. Manage employee benefits programs, including insurance and compensation plans.
- E. Ensure that state and federal reporting requirements are satisfied.
- F. Recommend to the Mayor and Council policies for the effective and efficient management of the Village's human resources.

- G. Coordinate with the City Attorney periodic evaluations of Village policies and practices in regards to compliance with state and federal laws regarding discrimination and harassment.

SECTION 9. INTERGOVERNMENTAL RELATIONS

The Administrator shall:

- A. Coordinate the Mayor and Council's participation in inter-agency meetings and activities.
- B. Maintain communications with representatives of the State of Texas, Hays County, and neighboring local governments.

SECTION 10. PUBLIC RELATIONS

The Administrator shall:

- A. Provide scheduling assistance and coordination for the Mayor and Council's attendance at community meetings and participation in civic events.
- B. Serve as the designated Officer for Public Information, and as such, oversee the management of municipal data, including coordinating compliance with state law with the City Attorney.
- C. Disseminate information to the public and media organizations regarding municipal activities.
- D. Address inquiries from the public on subjects regarding municipal operations.

SECTION 11. BOARDS & COMMISSIONS

The Administrator shall:

- A. Provide clerical and administrative support to the Village's advisory boards, commissions, and committees, to the extent authorized by the Council.
- B. Regularly attend meetings of such Village boards, commission, and committees as directed by the Council in order to receive instructions, status reports and stay apprised of developing municipal policy.

- C. Maintain a schedule of board, commission, and committee appointments and coordinate the process for evaluating and considering candidates for the boards, commissions and committees.

SECTION 12. LAND USE & DEVELOPMENT

The Administrator shall:

- A. Provide customer service assistance to those applicants (property owners, developers, contractors, agents, etc.) seeking land use or development authorization from the Village.
- B. Assist applicants in the modification of plans to achieve conformance to building, subdivision, zoning and sanitation ordinances.
- C. Participate in staff review of plans and specifications of buildings, subdivision plants and sewage facilities prior to their recommendation of approval or disapproval to the Council.
- D. Prepare and present staff recommendations on applicable subjects to the Zoning and Planning Commission and Board of Adjustment.
- E. Review with applicants for private sewage facilities the requirements of state and local laws governing sanitation.

SECTION 13. COUNCIL ACTIVITIES

The Administrator shall:

- A. Coordinate the calling of City Council meetings as directed by the Mayor and Council, including the preparation and distribution of background material and posting of proper public notification of the meetings.
- B. Attend all meetings and workshops of the Council unless excused therefrom. While the Administrator may, at the Council's discretion, be entitled to take part in the discussion of matters coming before the Council, the Administrator does not have a vote therein. The Administrator shall be advised of all Regular and Special meetings of the Council.
- C. Keep the Mayor and Council informed of items of interest to the governing body.
- D. Coordinate with the City Attorney the preparation of draft ordinances, resolutions and policy materials for consideration and possible adoption by the Council.

- E. Maintain a schedule of the Mayor and Council's official gatherings.
- F. Coordinate the Mayor and Council's participation in educational events and seminars.

SECTION 14. CODE OF CONDUCT

The Administrator shall:

- A. Conduct his/herself with the utmost courtesy because as the Village's representative, the Administrator's work involves daily contact with the public requiring the use of tact and diplomacy.
- B. Disclose all financial interests in pending municipal matters subject to Village action. For purposes of this section, the Administrator has a "financial interest" in a matter if the Administrator, or those related to him/her within the first degree, at the time when the Village takes up the matter:
 - (1) owns 10% or more of the voting shares of the business;
 - (2) owns either 10 % or more, or \$15,000 or more of the fair market value of the business;
 - (3) receives more than 10 % of the person's gross income from the business; or
 - (4) has an equitable interest in real property with a fair market value of \$2,500 or more.

If the Administrator has a financial interest in a matter, he/she must:

- (1) file an affidavit stating the nature and extent of the interest with the Village secretary; and
 - (2) abstain from further participation in the matter.
- C. The City Administrator shall furnish a surety bond to be approved by the Council, said Bond to be conditioned on the faithful performance of his duties. The premium of the Bond shall be paid by the City.

SECTION 15. EFFECTIVE DATE

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

SECTION 16. SEVERABILITY

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

SECTION 17.
PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 18th day of October 2001, by a 5 to 0 vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF THE WIMBERLEY

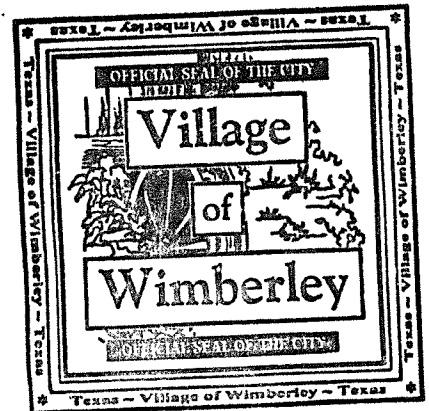
By: 
Linda Hewlett, Mayor

ATTEST:


Adelle Turpen, City Secretary

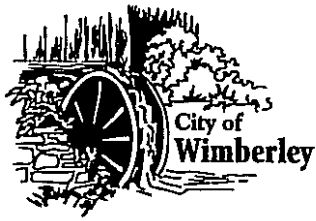
APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney



Attachments Upon Passage:

- meeting agenda
- meeting minutes
- publisher's affidavit (if required)
- other: _____



AGENDA ITEM: TCEQ Notification
SUBMITTED BY: Craig Fore, Council Member Place 2
DATE SUBMITTED: December 28, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley currently holds TPDES Permit No. WQ0013321001 from the Texas Commission on Environmental Quality (TCEQ). This permit currently allows the City to operate and maintain the Blue Hole Wastewater Treatment Facility. The original permit was amended to allow for the discharge of effluent (treated wastewater) into Deer Creek, once the proposed Wastewater Treatment Plant was completed. The permit is set to expire on February 20, 2020. To renew this permit, the City will need to submit a Renewal Application 180 days before the permit expires (by the end of July 2019).

With the amendments to the Central Wimberley Wastewater Project which will have wastewater treated by a third party, and not the City, there will be no need to renew the permit. For consideration is a draft letter to inform the TCEQ that the City does not intend to renew TPDES Permit No. WQ0013321001. IF approved this letter would not have to be provided until July 2019.

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

ATTACHMENT(S)

- Draft TCEQ Letter



City of Wimberley

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

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

2019

Texas Commission on Environmental Quality
Attn:
P.O. Box 13087
Austin, TX 78711-3087

Re: TPDES PERMIT NO. WQ0013321001

The City of Wimberley holds TPDES Permit No. WQ0013321001, which authorized the City to treat and discharge wastes from our Blue Hole Wastewater Treatment facility, once the proposed new 75,000 GDP treatment plant was completed. Currently the City operates a 15,000 GDP treatment plant under TPDES Permit No. WQ0013321001 and utilizes a separate 210 permit to use the effluent produced for irrigation.

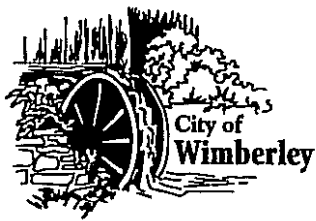
The City no longer plans to build the proposed new plant, but instead intends to utilize a third-party to treat its wastewater. Once our current project is completed, the existing treatment plant will no longer be needed, and TPDES Permit No. WQ0013321001, which allows for discharge, will no longer be required. The City does intend to utilize Type I Treated effluent to irrigate the Blue Hole Regional Park. We will be requesting a separate 210 authorization which will be tied to a permit held by the third party we are contracting with to treat our wastewater.

The permit is set to expire on February 2, 2020. Please let this letter serve as notification that the City does not intend to renew TPDES Permit No. WQ0013321001. Please let me know if there is any additional information the City needs to provide.

Sincerely,

Shawn Cox
City Administrator

Cc: TWDB



AGENDA ITEM: **Comp Plan Review Committee**

SUBMITTED BY: Gary Barchfeld, Council Member Place 4

DATE SUBMITTED: December 28, 2018

MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

A Comprehensive Plan is a long-range planning document which should be periodically updated. The City of Wimberley adopted the Comprehensive Plan in April 2001. The Plan's latest update was approved in February 2016.

The Comprehensive Plan was designed with the following vision in mind:

1. To preserve and enhance the beauty of our environment, protecting and conserving our natural resources and the habitat of wildlife that share the Valley with us.
2. To permit only such development and use of land as fulfills our commitment to conservation, quality and harmony, rejecting over-commercialization and development of any kind that is inappropriate in size, character, purpose or appearance.
3. To carry forward into the future the cherished traditions of our chosen lifestyle as residents of a small town — neighborliness, vibrant volunteer spirit and gracious welcome to visitors.

For consideration tonight is the establishment of a new Comprehensive Plan Review Committee. The previous Committee was established in 2015 and provided the Comprehensive Plan's last update.

The Committee's proposed charge is:

1. Seek active and meaningful community participation in the process of updating the plan.
2. Review the Plan to identify the successes and achievements of the objectives identified in the plan.
3. Review the Plan to identify the Plan objectives still valid, but not yet achieved.
4. Based on public input and guidance from the Committee members, present recommendations to the Planning and Zoning Commission and the City Council regarding the need for potential additions, deletions or modifications to the Plan.
5. The Committee shall provide a status update no later than April 18, 2019.

Attached is a proposed action plan for the Committee.

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

ATTACHMENT(S)

- Comprehensive Plan Action Plan for Update No. 3



City of Wimberley
Comprehensive Plan Review Committee
Action Plan for Update No. 3

Background

The City of Wimberley Comprehensive Plan (the "Plan") was adopted by the City Council in April 2001. The Plan is built around the following Vision:

1. To preserve and enhance the beauty of our environment, protecting and conserving our natural resources and the habitat of wildlife that share the Valley with us.
2. To permit only such development and use of land as fulfills our commitment to conservation, quality and harmony, rejecting over-commercialization and development of any kind that is inappropriate in size, character, purpose or appearance.
3. To carry forward into the future the cherished traditions of our chosen lifestyle as residents of a small town - neighborliness, vibrant volunteer spirit and gracious welcome to visitors.

The Comprehensive Plan is not a final statement of the City's vision for its future. With the passage of time, population changes, as do community priorities, dictating the need for a periodic review of some or all of the contents of the Plan.

The first such review of the Plan occurred in July 2008 and the last in February 2016. It is time for the Plan to be reviewed again by a citizen advisory committee to identify what, if any, modifications and/or additions are necessary.

Comprehensive Plan Review Committee

On December 6, 2018, the Wimberley City Council requested the creation of a citizen advisory committee to review the Comprehensive Plan. This committee charge and this action plan were approved at the January 3, 2019 Council Meeting. The Committee shall be known as the Comprehensive Plan Review Committee (the "Committee").

Charge

The Committee is charged with completing the following tasks:

1. Seek active and meaningful community participation in the process of updating the Plan.
2. Review the Plan to identify the successes and achievements of the objectives identified in the Plan.
3. Review the Plan to identify the Plan objectives still valid, but not yet achieved.
4. Based on public input and guidance from Committee members, present recommendations to the Planning and Zoning Commission and City Council regarding the need for potential additions, deletions or modifications to the Plan.
5. The Committee shall provide a status update on the above-mentioned charge no later than April 18, 2019.

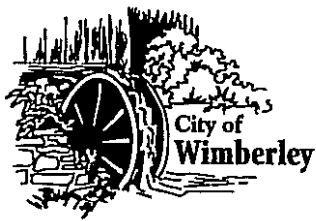
Meetings

The time, date and place of the Committee meetings will be determined by the Committee as required by the needs of the project and announced to the public in a timely manner. Notice of all Committee meetings will be posted in accordance with the Texas Open Meetings Act.

Staff Support

City staff will provide general administrative and secretarial support to the Committee, including:

- Publishing, mailing, and posting agendas and meeting notices
- Distributing agenda packages to Committee members
- Receiving and preparing correspondence on behalf of the Committee
- Taking and preparing draft and final meeting minutes, including any public testimony
- Managing and maintaining Committee files
- Make project progress reports and technical presentations to the Committee, as requested
- Respond to comprehensive plan technical issues and concerns raised by the Committee



AGENDA ITEM: Purchasing Policy Update
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: December 28, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Purchasing Policy for the City was adopted on November 1, 2018. For consideration is an updated policy which outline procedure for withdrawals.

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

ATTACHMENT(S)

- Purchasing Policy - Revised



City of Wimberley
Purchasing Policy
Last Adopted: November 1, 2018

The goal of the City of Wimberley (the “City”) Purchasing Policy is to ensure that all City departments and functions receive maximum benefit from the expenditures of the City funds, and that vendors will make a reasonable profit in providing goods and services to the City. This Policy is a compilation of applicable federal and state laws, City ordinances, administrative regulations and good business practices. Success in this effort will be best achieved by following this Purchasing Policy.

Objectives

The general objectives of the City’s Purchasing Policy are:

- To afford the most competitive opportunity for individual vendors to provide items to the City.
- To minimize the administrative costs of humanpower, storage, and freight costs associated with accomplishing the purchasing function.
- To divide purchases into levels based upon dollar values and method of procurement.
- The City’s policy is that the highest quality of goods and services will be acquired for the lowest possible price.

Purchasing Levels

Level I

Purchases less than \$250 may be ordered in the most expeditious manner by use of one quotation. Quotations will be verbally accepted based upon past experience, considering price, quality and delivery date. Small items may also be purchased through petty cash or with the use of a City credit card.

Level II

Purchases for more than \$250 and less than \$1,000 shall request three quotations. Lowest best quotation will be accepted. Any or all quotations may be rejected. City may also base their decision upon past experience, quality and delivery date.

Level III

Purchases greater than or equal to \$1,000 shall require three written bids. Lowest best bid will be accepted. Any or all bids may be rejected. City may also base their decision upon past experience, quality and delivery date. To encourage all HUBs to bid on purchases, the City shall seek at least two HUB vendors for each procurement. Purchases may also be made from any BuyBoard, or other cooperative purchasing group of which the City is a member. The City shall check any available HUB list for any HUB vendors who sell the product or service the City is buying. A list of HUBs is obtainable from the State Comptroller’s website, <http://www.window.state.tx.us/procurement/>. If the list fails to identify a HUB in the category or area of the goods or services to be acquired in the county in which the City is located, the City is exempt from this section per the Texas Local Government Code, Sec. 252.0215. All purchases in Level III must have Council approval.

Level IV

Purchases for \$50,000 or more must have sealed, written bids as required by State statute. The notice of time and place of public opening must be advertised in accordance with State law. To ensure that all HUBs are aware of these procurement opportunities, the City shall check any available HUB list for any HUB vendors who sell the product or service the City is buying. If allowed and vendors are available, purchases may also be made from the TML BuyBoard or other cooperative purchasing group. All purchases in Level IV must have Council approval.

Special Provisions

Per Sec. 2.04.034(C)(6) of the City's Code of Ordinances,

In case of accident, disaster, or other circumstance creating a public emergency, the City Administrator may award contracts and make purchases for the purpose of meeting the emergency. He or she shall, as soon as possible thereafter, report to the Council the necessity for this action and an itemized account of all expenditures.

Use of Other Funding Sources

Where the expenditure of the City's funds are derived from an appropriation, loan or grant received by a municipality from the federal or state government, such expenditures shall be controlled by the laws and policies set out by such entity. Where federal funds are involved, expenditures shall follow policies established for Small, Minority and Women-Owned Business Enterprises (SMWBE), including small (SBE) and rural area (SBRA) business enterprises, and establishing Fair Share Goals for the award of contracts and the procurement of goods and services.

Purchasing Procedures

Each department is responsible for determining its needs and for procuring goods and services during the annual budgeting process. Categories of allowable expenses are clearly indicated on a final budget approved by Council. Expenditures must be in support of the final approved budget and be within the parameters of allowable total expenses as indicated in the budget.

Items not found in the budget must have the approval of the City Administrator. Some items will require approval of Council. Line item purchases must have the approval of the department head.

Purchase Orders

A purchase order (PO) is a document issued by a buyer to a seller indicating the type, quantities and agreed prices for products and services. A PO is a legal offer to buy products or services. It also represents a method of internal control. A purchase order issued by the City indicates what you intend to purchase for

what price and allows Finance to counter check incoming invoices for payment with approved expenditures. The purchase order must have the approval signature of the department head responsible for the budget of that department. The department head signature indicates they have approved the purchase and find it consistent with their budget responsibilities. The purchase order then must be approved and signed by the City Administrator then submitted to Finance. When Finance initials a purchase order, it indicates that the funds are available in the budget under that line item. No purchase order will be approved when a line item is over budget, without proper documentation, to transfer funds from another line item within the department and/or a budget amendment.

The City is exempt from Texas State Sales Tax. Exemption forms may be needed at the point of purchase and can be obtained from Finance. Purchasers should work with vendors to make sure that sales tax is not improperly charged on invoices. Vendor W9 form will be required for all purchases.

Guidelines for Payments

When Finance Department receives an invoice, it will be cross checked against approved purchase orders. If an invoice amount exceeds the original purchase order price, a written explanation should be given. Generally, if the invoice amounts are 10% greater than the prices reflected on the purchase order, the department head will be contacted to approve the increase in price. No invoice should be paid until duly authorized by the department head or supervisor and approved by the City Administrator. Accounts payable checks will then be generated. These checks, along with the accounts payable documents, are reviewed by the City Administrator. All checks require two (2) authorized signatures.

Cash Withdrawals

Cash withdrawals needing to be made from the City's bank shall be done through the cashing of a check from necessary account. All other purchasing guidelines are to be followed. At no time shall any officer of the City directly withdraw funds from the City's bank. An example of when a cash withdrawal may need to be made is the replenishing of a department's petty cash.

Travel/Mileage/Other Reimbursements

This policy shall apply to all City employees or City representatives while traveling or conducting business on behalf of the City. For reimbursements related to seminars or conferences, an agenda or schedule of the event must be provided.

Expenses for adequate lodging including the applicable hotel tax will be reimbursed at actual cost—this is usually at or below the rate of the conference host hotel. Lodging will be reimbursed when traveling sixty (60) or more miles from the City of Wimberley to the training location (extenuating circumstances if traveling less than sixty (60) miles may be approved only by the City Administrator.

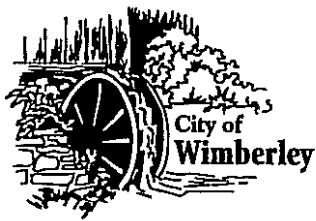
The City will reimburse meals and incidentals only in conjunction with training, conferences/conventions and other City-related business that takes place out of town, lasts longer than one day, and for which an overnight hotel stay is typically necessary. Meals are to be reimbursed in compliance with IRS Regulations.

IRS per diem rates for meals and incidentals are maintained by the U.S. General Services Administration (GSA) at <https://www.gsa.gov/travel-resources>. The IRS provides individual per diem rates for larger cities and a standard rate for all other cities.

Use of a personal vehicle will be reimbursed at the mileage rate established by the IRS. The current rate can be obtained at <https://www.gsa.gov/travel-resources>. For mileage reimbursements a map or directions from an online mapping site must be provided.

Attachments

- Purchase Order Form
- Expense, Travel and Other Reimbursement Form



AGENDA ITEM: Wastewater Ad Hoc Committee Update
SUBMITTED BY: Gary Barchfeld, Council Member Place 4
DATE SUBMITTED: December 28, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

At the December 6, 2018 Council Meeting, the Wastewater Ad Hoc Advisory Committee provided an update to the City Council on the Committee progress. At that meeting a follow-up update was requested to be provided at the January 17, 2019 Council Meeting.

For consideration is the setting of a joint workshop with the Committee and the City Council to discuss progress.

REQUESTED ACTION

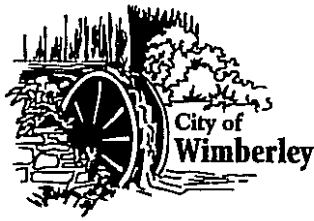
Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☐

FINANCIAL

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

STAFF RECOMMENDATION

ATTACHMENT(S)



AGENDA ITEM: Place Five Resignation and Appointment
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: December 31, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

At the end of the December 6, 2018 City Council Meeting, Place Five Council Member Patricia Cantu Kelly announced her informal resignation from the Wimberley City Council. Council Member Kelly has not submitted any formal resignation notice to date for Council's consideration and acceptance. This item is placed on the agenda by default, due to the aforementioned action on December 6th.

If Council does accept Council Member Kelly's resignation, then Council members will need to fill the Place Five vacancy either by appointment or by special election until the next General Election in May 2019.

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