



**CITY OF
WIMBERLEY**

REGULAR CITY COUNCIL MEETING PACKET

**Thursday, May 6, 2021
6:00 p.m.**



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, MAY 6, 2021 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** May 6, 2021 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary, Laura Calcote
3. **INVOCATION** St. Stephen's Episcopal Church Reverend, Kevin Schubert
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**
The City Council welcomes comments from the general public 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. **PROCLAMATION**
Proclamation of the City of Wimberley, Texas recognizing the week of May 2nd through May 8th, 2021 as Municipal Clerks Week. (City Secretary, Laura Calcote)
7. **PRESENTATION**
Presentation and discussion of Plan of Finance for the issuance of Tax Notes, Series 2021. (Hilltop Securities, Inc.)
8. **CONSENT AGENDA**
Approval of minutes from the Regular City Council Meeting held April 15, 2021.
9. **BOARD, COMMISSION, COMMITTEE REPORT**
Report from the Economic Support and Development Committee (Committee Chair, Steve Klepfer)

10. CITY ADMINISTRATOR REPORT

Update regarding the Hoots Holler Drainage Improvements Project and repairs to City facilities from the winter storm (*City Administrator, Mike Boese*)

11. PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider possible action regarding the second and final reading of an ordinance of the City of Wimberley, Texas, amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping and Tree Preservation) of the City of Wimberley Code of Ordinances (*Place Five Council Member, Bo Bowman*)

12. DISCUSSION AND POSSIBLE ACTION

12.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*Project Manager, Craig Fore*)

12.2. Discuss and consider possible action to accept a donation of goods and/or services from “Blue Water GIS” and Suzanne Oliver for an Interactive Story Map of Blue Hole Regional Park. (*Parks Director, Richard Shaver, and Suzanne Oliver*)

12.3. Discuss and consider possible action to authorize the bid package to resurface Little Ranches Road. (*Public Works Superintendent, John Provost*)

12.4. Discuss and consider possible action to authorize the Request for Proposals for Professional Auditing Services. (*City Secretary, Laura Calcote*)

13. 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.

Pursuant to Section 551.071 (Consultation with Legal Counsel) and Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third party: Parking Expansion.

14. OPEN SESSION

Discussion and possible action resulting from Executive Session.

15. CITY COUNCIL REPORTS

15.1. Recognition of outgoing Place Five City Council Member, Bo Bowman.

15.2. Announcements

15.3. Future agenda items

16. 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.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

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, May 3, 2021, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Laura J. Calcote, MPA, TRMC
City Secretary

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



City of Wimberley



Proclamation

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

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

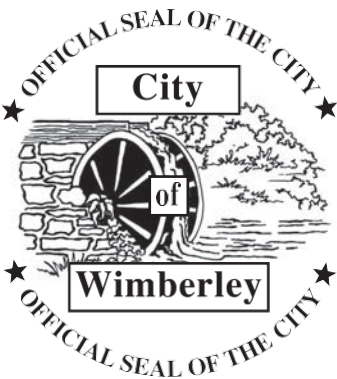
WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Gina Fulkerson, Mayor of Wimberley, do recognize the week of May 2nd through May 8th, 2021, as

Municipal Clerks Week

and further extend appreciation to our Texas Registered Municipal Clerk, Laura Calcote, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Wimberley, Texas, this 6th day of May, 2021.



CITY OF WIMBERLEY

Gina V. Fulkerson, Mayor



AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	April 29, 2021
MEETING DATE:	May 6, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Approval of minutes from the Regular City Council Meeting held April 15, 2021.

REQUESTED ACTION

Motion ☒

Discussion ☐

Ordinance ☐

Resolution ☐

FINANCIAL

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

STAFF RECOMMENDATION

Approval of meeting minutes

ATTACHMENT/S

April 15th Regular City Council Meeting Minutes



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING **THURSDAY, APRIL 15, 2021 – 6:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 15, 2021, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 822 7082 8808 and using the password 687936.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting. **PLEASE IDENTIFY THE AGENDA ITEM ON WHICH YOU WOULD LIKE TO SPEAK AND WHETHER YOU ARE IN FAVOR OR IN OPPOSITION TO THE ITEM.** If you sign up for an agenda item, please sign in or call in at least ten (10) minutes prior to the start of the meeting and identify yourself to the City Secretary.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on April 15, 2021 at 6:00 p.m.

CALL OF ROLL

Council Members Present:

Gina Fulkerson
Rebecca Minnick
Teresa Shell
Christine Byrne
Jim Chiles

Mayor (*via teleconference*)
Place One (*via teleconference*)
Place Two (*via teleconference*)
Place Three (*via teleconference*)
Place Four (*via teleconference*)

City Staff Present:	Bo Bowman	Place Five (<i>via teleconference- arrived at 6:02 p.m.</i>)
	Mike Boese	City Administrator (<i>via teleconference</i>)
	Laura Calcote	City Secretary (<i>via teleconference</i>)
	Sarah Griffin	City Attorney (<i>via teleconference</i>)
	Nathan Glaiser	Planning & Development Coordinator (<i>via teleconference</i>)
	John Provost	Public Works Superintendent (<i>via teleconference</i>)

INVOCATION

Chapel in the Hills Reverend, Jim Denham, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor, Gina Fulkerson, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

TEMPORARY STRUCTURE PERMITS

6.1. Discuss and consider possible action to renew a Temporary Structure Permit for the Cactus Coffee food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Brooke Burnett*)

There were three citizen comments related to this item, including two that were read into the record. They were as follows:

1. Susan Evans voiced her support for the location of Cactus Coffee, noting it had increased business at the Tree House.
2. Jamie Pettit had written an email of support for the business in the current location.
3. David Weyman had also written an email of support for Cactus Coffee's permit to be renewed at the current location.

Council members discussed the request to renew the Temporary Structure Permit for Cactus Coffee for three months at the current operating location. Each Council member stated their support for local and small businesses within the community.

Motion to approve the renewal of a Temporary Structure Permit for the Cactus Coffee food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

6.2. Discuss and consider possible action to renew a Temporary Structure Permit for the Triforks food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Melissa Nance*)

Motion to approve the renewal of a Temporary Structure Permit for the Triforks food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

PROCLAMATION

Proclamation of the City of Wimberley, Texas proclaiming April 2021 as “Sexual Assault Awareness and Prevention Month.” (*Hays-Caldwell Women’s Center*)

Mayor, Gina Fulkerson, read aloud the proclamation. Hays-Caldwell Women’s Center Counseling and Resource Program Director, Jennifer Abshire Wicker, thanked City Council for their continued support of the HCWC.

PRESENTATION AND POSSIBLE ACTION

Presentation and consider possible action related to the Greater San Marcos Partnership Alliance. (*Place Two Council Member, Teresa Shell*)

Greater San Marcos Partnership (GSMP) Representatives, Jason Giulietti and John David Carson, presented an overview of the GSMP, including the entity’s economic development strategy, targeting practices and partnerships with local organizations and governments. There was discussion among Mr. Giulietti, Mr. Carson and Council concerning a potential partnership with the City.

No action was taken on this item.

CONSENT AGENDA

Motion to approve the Consent Agenda, as presented, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

9.1. Approval of minutes from the Regular City Council Meeting held April 1, 2021.

9.2. Approval of the February 2021 Financial Statements for the City of Wimberley.

BOARD, COMMISSION, COMMITTEE REPORT

Transportation Advisory Board Vice-Chairperson, Chris Sheffield, provided Council an overview of the Board’s purpose and duties. Mr. Sheffield noted the Little Ranches Road bid package had recently been approved by the Board and would be recommended to Council at an upcoming meeting. Furthermore, Mr. Sheffield stated the Board’s road budget was limited to one medium to large transportation project each year. The Board had been reviewing radar speed enforcement, Wimberley Valley Trails Project and pedestrian safety initiative throughout the City. Lastly, Mr. Sheffield presented photographs of the recently completed Hoots Holler bridge project.

CITY ADMINISTRATOR REPORT

City Administrator, Mike Boese, noted the City was doing well generating sales tax, and projected the revenue intake for Fiscal Year 2021 would exceed \$200,000 from what was originally budgeted. Mr. Boese also stated the repairs to City facilities were mostly complete, and the buildings would open at one hundred percent (100%) capacity at the beginning of May.

PUBLIC HEARINGS AND POSSIBLE ACTION

12.1. Hold a public hearing and consider possible action regarding case ZA-21-005, an application for a Zoning Amendment to change the zoning for the property located at 107 Henson, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). (*Applicant: Kristie Gaines*)

Mayor, Gina Fulkerson, opened the public hearing at 7:09 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the zoning amendment. The Planning and Zoning Commission had voted unanimously at their April 8th meeting to recommend approval of the application.

There were no public comments.

Mayor, Gina Fulkerson, closed the public hearing at 7:13 p.m.

There was discussion among Council related to C-1 versus C-3 zoning regulations and the location of the property.

Motion to approve case ZA-21-005, an application for a Zoning Amendment to change the zoning for the property located at 107 Henson, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3), was made by Council Member Teresa Shell. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 12.2. Hold a public hearing and consider possible action regarding case CUP-21-008, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 107 Henson, Wimberley, Hays County, Texas. (*Applicant: Kristie Gaines*)

Mayor, Gina Fulkerson, opened the public hearing at 7:21 p.m.

There were no public comments.

Mayor, Gina Fulkerson, closed the public hearing at 7:21 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the CUP, including the two conditions recommended by Planning and Zoning Commission at their April 8th meeting, to include the sale of beer and wine and connection to the wastewater system prior to operations.

Motion to approve case CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 107 Henson, Wimberley, Hays County, Texas, was made by Council Member Rebecca Minnick.

Motion was amended to case CUP-21-008 by Council Member Rebecca Minnick.

Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- 12.3. Hold a public hearing and consider possible action regarding case ZA-21-006, an application for a Zoning Amendment to change the zoning for the property located at 220 Old Kyle, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). (*Applicant: Suzanne Oliver*)

Mayor, Gina Fulkerson, opened the public hearing at 7:23 p.m.

Applicant, Suzanne Oliver, spoke in support of the zoning amendment for her property.

Mayor, Gina Fulkerson, closed the public hearing at 7:25 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the zoning amendment, and noted staff had received five letters of support for the change. The Planning and Zoning Commission had unanimously voted at their April 8th meeting to recommend approval of the application.

Motion to approve case ZA-21-006, an application for a Zoning Amendment to change the zoning for the property located at 220 Old Kyle, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3), was made by Council Member Jim Chiles. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 12.4. Hold a public hearing and consider possible action regarding case CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 220 Old Kyle Rd, Wimberley, Hays County, Texas. *(Applicant: Rodney Bursiel)*
Mayor, Gina Fulkerson, opened the public hearing at 7:28 p.m.
Applicant, Rodney Bursiel, spoke in support of the application.
Mayor, Gina Fulkerson, closed the public hearing at 7:30 p.m.
Planning and Development Coordinator, Nathan Glaiser, presented the CUP, including the four conditions recommended by the Planning and Zoning Commission at their April 8th meeting. The City had received several letters of support and none of opposition.
Motion to approve CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 220 Old Kyle Rd, Wimberley, Hays County, Texas, with the four conditions as presented, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- 12.5. Hold a public hearing and consider possible action regarding case CUP-21-007, an application for a Conditional Use Permit to allow for the construction of a Secondary Residential Building on a property located at 1920 River Rd, Wimberley, Hays County, Texas. *(Applicant: Carl & Sheila Johnson)*
Council Member, Bo Bowman, recused himself from this item.
Mayor, Gina Fulkerson, opened the public hearing at 7:34 p.m.
Applicant, Sheila Johnson, spoke in support of the permit.
Mayor, Gina Fulkerson, closed the public hearing at 7:36 p.m.
Motion to approve case CUP-21-007, an application for a Conditional Use Permit to allow for the construction of a Secondary Residential Building on a property located at 1920 River Rd, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (4-0).
- 12.6. Hold a public hearing and consider possible action regarding case CUP-21-009, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 131 Panorama Dr, Wimberley, Hays County, Texas. *(Applicant: Paige Rodriquez)*
Mayor, Gina Fulkerson, opened the public hearing at 7:38 p.m.
Applicants, Paige and Manny Rodriquez, addressed Council regarding the request, including a letter of opposition received by the City.
Mayor, Gina Fulkerson, closed the public hearing at 7:40 p.m.
Planning and Development Coordinator, Nathan Glaiser, presented the CUP for a vacation rental. The Planning and Zoning Commission had voted 4-2 to recommend denial of the application their April 8th meeting, due to multiple short-term rentals in the area. There was lengthy Council discussion pertaining to the number of vacation rentals and the background for the P&Z Commission's recommendation for application denial.
Motion to approve case CUP-21-009, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 131 Panorama Dr, Wimberley, Hays County, Texas, was made by Council Member

Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 12.7. Hold a public hearing and consider possible action regarding case CUP-21-011, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 109 Kingsway Dr, Wimberley, Hays County, Texas.

(Applicant: Robert Blackwell)

Mayor, Gina Fulkerson, opened the public hearing at 7:54 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the CUP for a vacation rental. The Planning and Zoning Commission had unanimously recommended approval at their April 8th meeting.

Mayor, Gina Fulkerson, closed the public hearing at 7:55 p.m.

Motion to approve case CUP-21-011, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 109 Kingsway Dr, Wimberley, Hays County, Texas, was made by Council Member Teresa Shell. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 12.8. Hold a public hearing and consider possible action regarding case CUP-21-012, an application for a Conditional Use Permit to allow for the operation of a Drive Thru Eating Establishment on a property located at 9315 Ranch Road 12, Wimberley, Hays County, Texas. *(Applicant: Janette Tarbell)*

Mayor, Gina Fulkerson, opened the public hearing at 7:57 p.m.

Applicant, Janette Tarbell, spoke in support of the application.

Mayor, Gina Fulkerson, closed the public hearing at 7:59 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the CUP to operate a drive thru food establishment. The Planning and Zoning Commission had unanimously voted to recommend approval at their April 8th meeting. There was discussion among Council and City staff relating to the drive thru being attached to the property address or just the structure itself.

Mayor, Gina Fulkerson, reopened the public hearing at 8:05 p.m.

Brooke Burnett spoke in support of the application for the drive thru eating establishment.

Mayor, Gina Fulkerson, closed the public hearing at 8:08 p.m.

Motion to approve case CUP-21-012, an application for a Conditional Use Permit to allow for the operation of a Drive Thru Eating Establishment on a property located at 9315 Ranch Road 12, Wimberley, Hays County, Texas, with the condition that the drive thru eating establishment be permitted only for the temporary structure, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

- 13.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(Project Manager, Craig Fore)*

Project Manager, Craig Fore, noted Change Order #6 was officially approved by the Texas Water Development Board late last week. The force main from the lift station that would cross the Cypress Creek bridge would be installed as soon as Capital Excavation was able to remobilize. Furthermore, Patriot Underground was issued the Notice to Proceed and would begin construction north of the Cypress Creek on April 19th.

No action was taken on this item.

- 13.2. Discuss and consider possible action regarding the first reading of an ordinance of the City of Wimberley, Texas, amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping and Tree Preservation) of the City of Wimberley Code of Ordinances. *(Place Five Council Member, Bo Bowman)*
Pedernales Electric Cooperative, Inc. Representative, Penny Whisenant, spoke regarding the proposed tree ordinance and the possible implications it may have on conducting vegetation maintenance and other provisions set forth in the ordinance.

There was discussion among Council members concerning the tree preservation section of the ordinance, including the percentage of trees that may be replaced by cash-in-lieu. The Planning and Zoning Commission had recommended approval of the ordinance, as presented, by a 5-0-1 vote on April 8th. There was further discussion between Council and Ms. Whisenant pertaining to PEC's concerns with the ordinance.

Motion to approve the first reading of an ordinance of the City of Wimberley, Texas, amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping and Tree Preservation) of the City of Wimberley Code of Ordinances, was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick.

Motion was amended to include set a limit of fifty percent (50%) of trees that may be replaced by cash-in-lieu in Section 9.02.391(c) by Council Member Bo Bowman.

Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 6.3. Discuss and consider potential direction for future amendments to Article 4.04 Temporary Structures requirements in relation to mobile food trucks. *(Mayor, Gina Fulkerson)*
There was brief discussion on this item. City Council did not wish to amend the ordinance relating to temporary structure requirements.
No action was taken on this item.

- 13.3. Discuss and consider possible action regarding the revised City of Wimberley Boards, Commissions and Committees Handbook. *(City Secretary, Laura Calcote)*
City Secretary, Laura Calcote, presented the revised handbook. City Council indicated they needed more time to review the changes before approving.

Motion to postpone this item until the first City Council meeting in June was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 8:53 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

Section 551.071 (Consultation with Legal Counsel) and Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third party: Parking Expansion.

OPEN SESSION

Regular Session reconvened at 9:33 p.m.

Motion to approve a purchase and/or a lease purchase agreement for a portion of the property located at 109 Oak Street for public parking and other public purposes with potential lease terms for up to 30 years and authorizing the City's purchase of the property at or before the third year of the agreement term, with the financing provisions and additional terms satisfactory to the seller and approved by the City Attorney, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

16.1. Announcements – Council Member, Christine Byrne, noted Keep Wimberley Beautiful would be cleaning up the downtown area on April 17th from 7:00 a.m. to 9:00 a.m.

16.2. Future agenda items – City Council's goals and objectives workshop for Fiscal Year 2022 would be held in June 2021.

ADJOURNMENT

Motion to adjourn the meeting at 9:37 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor



AGENDA ITEM:	Tree Ordinance Public Hearing
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	5/3/2021
MEETING DATE:	5/6/2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Hold a public hearing and consider possible action regarding the second and final reading of an ordinance of the City of Wimberley, Texas, amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping and Tree Preservation) of the City of Wimberley Code of Ordinances. Notice for this public hearing was printed in the Wimberley View on Thursday, April 14, 2021.

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

Staff recommends Council approve this item.

ATTACHMENT/S

- Tree Ordinance Exhibit A
- Additional comments from PEC (received 4/29/2021)
- Newspaper Notice of Public Hearing

**Public
Notice**

**Public
Notice**

**NOTICE OF PROPOSED AMENDMENT
TO THE CITY OF WIMBERLEY
SUBDIVISION CODE**

Notice is hereby given that the City Council of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, May 6th, 2021 at 6:00 p.m. on AN ORDINANCE AMENDING CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS), ARTICLE 9.02

"SUBDIVISION CONTROL", DIVISION 11, LANDSCAPING AND TREE PRESERVATION, OF THE CITY CODE OF THE CITY OF WIMBERLEY, TEXAS PROVIDING FOR FINDINGS OF FACT; AN EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND SEVERABILITY, the City Council will hold a public hearing and

second reading at its regular Council meeting on Thursday, May 6th 2021, at 6:00

p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (nglaiser@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearing. If City Hall is closed to visitors on the day of the meeting, or the meeting is virtual for another reason, the City will post the virtual meeting information on its website at www.cityofwimberley.com so that the public may have access to the meeting.

Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

Ordinance No. 2021-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.02 (SUBDIVISION CONTROL), TO CREATE DIVISION 11 (LANDSCAPING AND TREE PRESERVATION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to preserve the neighborhood character of Wimberley, improve the quality of living for Wimberley’s citizens, preserve and enhance the rural atmosphere of the Wimberley community, responsibly protect the natural environmental resources of the area, preserve the beauty of the natural environment that defines the character of Wimberley and make it a unique and desirable community; and

WHEREAS, Texas Local Government Code Chapter 212 authorizing the City to enact certain regulations both within its City Limits and within its extraterritorial jurisdiction related to the subdivision of land and development to protect the public’s health, safety and general welfare; and

WHEREAS, the City Council seeks to maintain the value of the City’s scenic beauty and rural charm, which are the keystones of the City’s quality of life; and

WHEREAS, the Planning and Zoning Commission and City Council has recommended adoption of this Ordinance as necessary for ensuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources; and

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade, and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based on the City’s statutory regulatory authority, including, but not limited to, Texas Local Government Code Chapters 51, 52, and 212; and

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals, and general welfare.

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENT

The City of Wimberley Code of Ordinances, Chapter 9 (Planning & Development Regulations), Article 9.02 (Subdivision Control), is hereby amended to add Division 11, entitled “Landscaping and Tree Preservation” as shown in Exhibit A, hereto, and incorporated herein by reference for all purposes.

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Division 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 Division.

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this Division 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 Division are hereby expressly repealed to the extent that such inconsistency is apparent. This Division shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Division 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 First Reading this 15th day of April 2021, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this ____ day of _____, 2021, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

Gina Fulkerson, Mayor

ATTEST:

Laura Calcote,
City Secretary

City Attorney

Exhibit A

ARTICLE 9.02 SUBDIVISION CONTROL

“Division 11. Landscaping and Tree Preservation

Sec. 9.02.375 Title

This Division shall be commonly cited as the landscape ordinance.

Sec. 9.02.376 Purpose

(a) This division is adopted to promote and enhance a superior community environment, to maintain the rural character, to maintain air quality and ecologic balance, to maintain property values, to provide soil stabilization, to filter stormwater runoff, and to ensure the maximum preservation of the valuable natural features and scenic rural/wooded character by establishing minimum standards and requirements relating to the protection of trees and natural vegetation.

(b) It is intended that this division be administered with the foregoing purposes in mind and specifically so as to:

(1) Ensure, insofar as practical in permitting development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion of top soil, preservation of natural scenic qualities and healthy ecosystems of the city through good conservation practices, protection from flooding or landslides, noise absorption, maintenance or privacy, and in providing habitat, shade and color;

(2) Protect mature trees and significant stands of trees in order to retain as many as possible consistent with the purposes set forth herein and also consistent with reasonable economic enjoyment of private property. In this context, privately owned trees have an impact on the quality of life for the entire community;

(3) Preserve the rugged beauty and natural environment that defines the character of the City and makes it a unique and desirable community.

Sec. 9.02.377 Scope

This Division applies to all commercial and multi-family property, including redevelopment and properties zoned Wimberley Planned Development District (WPDD), within the incorporated municipal boundaries (i.e., city limits). This Division applies to actions taken after the date of enactment.

Sec. 9.02.378 Definitions

(a) Rules of interpretation. Words and phrases used in this Division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

City administrator. The chief administrative officer of the city. The term shall also include the deputy city administrator.

City council. The governing body of the city.

City of Austin Environmental Criteria Manual. The document promulgated by the City of Austin, which is commonly used throughout the region and is widely regarded as the standard in the development community, as may be amended.

City of Austin Grow Green Guide. The document promulgated in part by the City of Austin, entitled “Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas,” as may be amended.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

DBH (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Designated tree. Any of the following:

- (1) A hardwood tree having a trunk of eight (8) inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter); or
- (3) A cluster of hardwood trees within a ten-foot radius circle having a total trunk DBH of forty (40) inches or more (not counting trunks less than eight (8) inches in diameter).

Escrow. A deposit of a cash bond with the city in accordance with this Division.

Extreme drought classification. A D3 classification of drought intensity provided by the National Drought Mitigation Center, with D1 being the least intense and D4 being the most intense. D3 classification, extreme drought areas, result in major crop/pasture losses and widespread water shortages or restrictions. The National Drought Mitigation Center must be consulted to determine the classification for the region.

Heritage Tree. A “Heritage Tree” means a tree that has a diameter of twenty-four (24) inches or more, measured four and one-half (4 ½) feet above natural grade.

Impervious cover. Roads, parking areas, buildings, swimming pools, rooftop landscapes, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Landscape architect. One whose profession is the decorative and functional alteration and planting of grounds, especially at or around a building site.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Non-native invasive species. (Also called “non-indigenous,” “non-native” or “alien”) exotic pest plants and invasive exotics growing in native plant communities that adversely affect the wildlife habitats and bioregions they invade, economically, environmentally, and/or ecologically.

Owner. A person with legal control over property in question.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

TCEQ. The state commission on environmental quality, or its successor agency.

Sec. 9.02.379 Applicability

This Division applies to all new commercial and multi-family development and redevelopment, including properties zoned Wimberley Planned Development District (WPDD), requiring site plan approval subject to zoning requirements. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this Division.

Sec. 9.02.380 Landscaping fund

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this Division shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way.

Sec. 9.02.381 Damaging or removing trees

No person shall damage or remove trees in violation of this Division.

Sec. 9.02.382 Violations

It shall be unlawful for any person to violate this Division.

Sec. 9.02.383 Street trees

- (a) Nonresidential street tree requirements. At least one (1) required tree, shall be planted adjacent to or near the street right-of-way for each twenty-five (25) feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.
- (b) Trees planted shall be a minimum four (4) inch DBH, staked, and wrapped. Small trees/large shrubs trees shall be a minimum two (2) inch DBH, staked, and wrapped.
- (c) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the city administrator, or designee. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.

Sec. 9.02.384 Landscape buffers

- (a) Landscape buffer planting requirements.
- (1) All plant material shall be of native or adapted species.
 - (2) All new proposed shade trees shall be a minimum of 4 inches in diameter.
 - (3) All proposed ornamental trees shall be a minimum of 2 inches in diameter.
 - (4) All large shrubs shall be a minimum of 5-gallon container size and small shrubs/groundcovers a minimum of 1-gallon container size.
- (b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50' of buffer frontage.
 - (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25' of buffer frontage.
 - (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per 6' of buffer frontage.
 - (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per 3' of buffer frontage.
- (c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

	At Arterial Roadways	At Collector Roadways
O1-O2	Twenty-five feet (25')	Twenty-five feet (25')
C1-C3	Twenty-five feet (25')	Twenty-five feet (25')
HC	Fifty feet (50')	Fifty feet (50')
I1-I2	Fifty feet (50')	Fifty feet (50')
AS/S	Twenty-five feet (25')	Twenty-five feet (25')
L1-L2	Twenty-five feet (25')	Twenty-five feet (25')
IP	Fifty feet (50')	Fifty feet (50')
PPU	Fifty feet (50')	Fifty feet (50')
PR1-PR2	Twenty-five feet (25')	Twenty-five feet (25')

PF	Fifty feet (50')	Fifty feet (50')
NS	Twenty-five feet (25')	Twenty-five feet (25')
WPDD	Varies	Varies
RR-1	Twenty-five feet (25')	Twenty-five feet (25')
VI	Twenty-five feet (25')	Twenty-five feet (25')
SC	Twenty-five feet (25')	Twenty-five feet (25')
MF1-MF2	Twenty-five feet (25')	Twenty-five feet (25')

(d) Landscape buffer vegetation. The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this Division. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer.

Sec. 9.02.385 Landscape material

All trees, plants, and vegetation shall comply with the City of Austin “Grow Green” recommended plant guide. Invasive plants in this guide are specifically prohibited.

Sec. 9.02.386 Landscape plan and tree survey submittal

A landscape plan and tree survey shall be submitted to the city with the proposed site plan. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state.

Sec. 9.02.387 Parking area landscaping

(a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.

(b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be ninety (90) square feet for each twelve (12) parking spaces.

(c) One tree is required for every six (6) parking spaces. Tree preservation is encouraged, thus one (1) existing tree that is at four (4) inches DBH shall count for two (2) new trees.

(d) No parking space shall be located further than fifty (50) feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.

(e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.

(f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.

(g) Paving over the critical root zone is discouraged and must be approved by the city administrator, or designee. All approved paving shall be porous pavement to allow water and air exchange.

Sec. 9.02.388 Screening of dumpsters and building service equipment

(a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two (2) varieties of plant material from the “grow green” plant guide, that, at maturity, are at least the height

of the equipment to be screened.

(b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.

(c) The opening for removal of the dumpster for collection shall be a minimum of twelve (12) feet to allow proper service access. An additional ten (10) feet in width is required for every additional dumpster.

(d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.

(e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator, or designee.

Sec. 9.02.389 Maintenance requirements

(a) The owner shall be responsible for (unless otherwise specified herein):

(1) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;

(2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;

(3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;

(4) Replacing planted trees if they die or become diseased beyond repair within five (5) years after planting; and

(5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties.

Sec. 9.02.390 Integrated pest management

Air integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

Sec. 9.02.391 Tree preservation

(a) A grading and tree survey shall be submitted with the site plan. No clearing or grading permits shall be issued until a tree survey is submitted.

(b) The tree survey shall include all existing, live, healthy trees with an eight-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one (1) foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(c) Healthy designated trees (as defined by the City of Austin Environmental Criteria Manual, Appendix F) that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation. This distress identification must be determined by a certified arborist. No more than ~~XX~~50 percent of designated trees may be replaced by cash-in-lieu.

(d) Removal of a heritage tree is prohibited unless a certified arborist confirms the following finding that the heritage tree is either: (1) dead; (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (3) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The City Administrator shall have the authority to determine whether such documentation is in order and may consider specific utility situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property, documentation may be submitted within seventy-two (72) hours after the action is taken.

(e) Removal of a heritage tree is prohibited unless a variance is granted by City Council with the following findings that the heritage tree either: (1) prevents reasonable access to the property; (2) prevents a reasonable use of the property.

- (f) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.
- (g) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.
- (h) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10) feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four (4) feet high at the drip line of the tree. Stakes shall be no more than six (6) feet apart and at least one and one-half (1-1/2) deep into the ground. Rigid fencing shall be at least three (3) feet in height.
- (i) The city administrator or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.
- (j) Tree protection shall remain in place until final landscaping installation as approved by the city administrator or designee.
- (k) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

Sec. 9.02.392 Irrigation requirements

- (a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.
- (b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched to reduce evaporation and preserve water.

Sec. 9.02.393 Drought conditions

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city administrator or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 9.04.066 of this code has been reviewed and accepted by the city administrator or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 9.02.394 of this Division shall apply.
- (b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.
- (c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 9.02.394 of this Division shall apply.
- (e) Whenever necessary to enforce any provision of this Division or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this Division during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.
- (f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The

city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Sec. 9.02.394 Enforcement; penalties

(a) Compliance. Violators of this Division will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this Division may be grounds for withholding of other related pending permits for the project by the city.

(b) Enforcement. The city shall have the power to administer and enforce the provisions of this Division as may be required by governing law. Any person violating any provision of this Division is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this Division is hereby declared to be a nuisance. Any violation of this Division may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(c) Criminal penalty. Any person violating any provision of this Division shall, upon conviction, be fined a sum not exceeding ~~two thousand~~five hundred dollars (~~\$2,000.00~~\$500.00) to be deposited in the landscaping fund. Each day that a provision of this Division is violated shall constitute a separate offense. An offense under this Division is a misdemeanor.

(d) Civil remedies. Nothing in this Division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this Division and to seek remedies as allowed by law, including but not limited to the following:

(1) Injunctive relief. Injunctive relief to prevent specific conduct that violates this Division or to require specific conduct that is necessary for compliance with this Division;

(2) Civil penalty. A civil penalty up to ~~five hundred~~two hundred and fifty dollars (~~\$500.00~~\$250.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this Division and after receiving notice committed acts in violation of this Division or failed to take action necessary for compliance with this Division, and other available relief; and

(3) Stop work order. In the event work is not being performed in accordance with this Division, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.”

From: [Gonzales, Diana](#)
To: [Nathaniel Glaiser](#)
Cc: [Mike Boese](#); smgriffin@rampagelaw.com; [Viesca, Mike](#)
Subject: RE: Tree Ordinance - PEC comments
Date: Thursday, April 29, 2021 4:15:58 PM
Attachments: [image004.png](#)
[image005.png](#)

Good afternoon Nathan,

Thank you again for opportunity to review your changes and submit our feedback. PEC respectfully asks you to consider adding the following three (3) items to your tree ordinance:

Sec. 9.02.383 Street trees

Add

(d) Trees planted within fifteen (15) feet of an overhead powerline cannot exceed a mature height of twenty (25) feet.

Sec. 9.02.384 Landscape buffers

Add under (b) Landscape buffer spacing requirements.

(5) Vegetation shall not be planted within ten (10) feet of the front or within five (5) feet of the sides of underground utility equipment. This is for the safety of utility employees working on the equipment and maintaining system reliability.

Sec. 9.02.389 Maintenance requirements

Add under (a) The owner shall be responsible for (unless otherwise specified herein):

(6) Any pruning on oak species, regardless of the time of year, must be done under the supervision of an International Society of Arboriculture (ISA) Certified Arborist, who has been trained in the prevention and spread of Oak Wilt.

In addition, once your tree ordinance is in place, PEC Vegetation Maintenance team would like to meet with your City Administrator to be clear what documentation is required in **Sec. 9.02.391 Tree preservation (d)** sentence: The City Administrator shall have the authority to determine whether such documentation is in order and may consider specific utility situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property, documentation may be submitted within seventy-two (72) hours after the action is taken.

Several PEC Vegetation Maintenance team members have ISA Tree Risk Assessment Qualifications (ISA TRAQ). PEC has certified arborists on staff trained in the prevention and spread of Oak Wilt, as well as several vendors we work with.

Thank you,
Diana

Diana Gonzales, IOM, PCED | PEDERNALES ELECTRIC COOPERATIVE, INC.
Community Engagement Representative
P: (830) 868-4978 | M: (512) 799-2024



AGENDA ITEM:	Accepting Story Map Donation
SUBMITTED BY:	Richard Shaver
DATE SUBMITTED:	05/03/2021
MEETING DATE:	05/06/21

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to accept a donation of goods and/or services from “Blue Water GIS” and Suzanne Oliver for an Interactive StoryMap of Blue Hole Regional Park. – Richard Shaver and Suzanne Oliver.

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

Staff recommends that City Council approve this item.



STATEMENT OF VALUE

Blue Water GIS
3321 Kelly Road
Bellingham, Washington 98226
United States

(360) 202-4861

BILL TO
City of Wimberley

Estimate Number: Online Trail Guide to
the Blue Hole
Regional Park

Estimate Date: April 15, 2021

Expires On: June 15, 2021

Grand Total (USD): \$2,750.00

Product	Hours / Quantity	Rate	Amount
Web Application Development Create an interactive, online trail guide using ArcGIS Online (ESRI) web application templates	20	\$85.00	\$1,700.00
Data Processing Process geospatial trail and site data gathered by City of Wimberley or other parties	5	\$85.00	\$425.00
Content Development Photo, video, text, and other content will be developed collaboratively with City of Wimberely	5	\$85.00	\$425.00
Web Hosting Blue Water GIS will be responsible for ESRI web hosting costs incurred for the online trail guide for 4 years (through 12/31/2025, estimated at approximately \$50 per year)	1	\$200.00	\$200.00
Notes This Statement of Value pertains only to the initial phase that includes the trails within the designated Blue Hole Regional Park area and only includes costs related to the design and development of the online Trail Guide. These costs do not include physical signage, which will be performed by others.	1	\$0.00	\$0.00
Notes This statement of value is for the purposes of estimating true costs to be incurred by Blue Water GIS during the creation of the online trail guide.	1	\$0.00	\$0.00



STATEMENT OF VALUE

Blue Water GIS
3321 Kelly Road
Bellingham, Washington 98226
United States
(360) 202-4861

Total:	\$2,750.00
---------------	-------------------

Grand Total (USD):	\$2,750.00
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Notes / Terms

Thank you so much!
Katie and Mark



AGENDA ITEM:	Little Ranches Road Bid Package Authorization
SUBMITTED BY:	John Provost and TAB
DATE SUBMITTED:	4/29/2021
MEETING DATE:	5/6/2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Requesting authorization to send out bid packages to resurface Little Ranches road from Flite Acres to Mockingbird.

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☒

FINANCIAL

Budgeted Item	☒	Original Estimate/Budget:	\$ 100,000 R
Non-budgeted Item	☐	Current Estimate:	\$
Not Applicable	☐	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

Recommend approval.

ATTACHMENT/S

Bid set from City Engineer

CONSTRUCTION PLANS
LITTLE RANCHES ROAD
ROADWAY REHABILITATION

APRIL 2021

PROJECT # MAINT2021-0001

ROADWAY CLASSIFICATION: 2 LANE RURAL
DESIGN SPEED: 25 MPH
ADT: <100

PREPARED BY:


CHAD GILPIN, P.E., CITY ENGINEER



04/12/21
DATE

WORK TYPE: FULL DEPTH ROADWAY REPAIR WITH RECYCLED ASPHALT & TWO COURSE SURFACE TREATEMENT
PROJECT LENGTH: 1200 LF

INDEX OF SHEETS

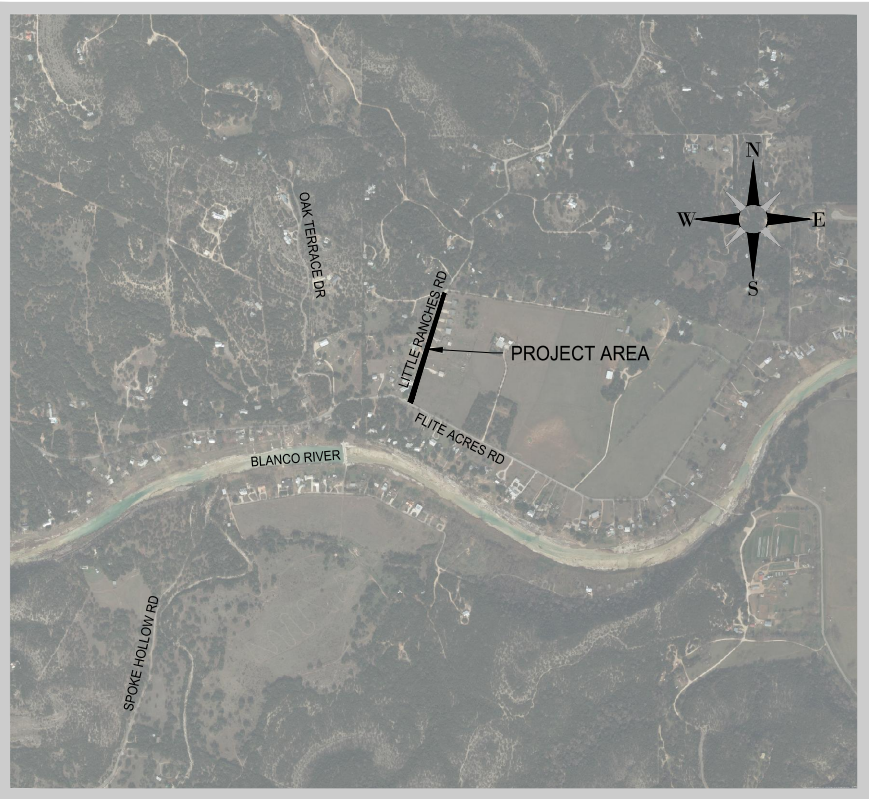
SHEET NO.	TITLE
01	COVERSHEET
02	GENERAL NOTES
03	SCHEDULE OF VALUES
04	TRAFFIC CONTROL PLAN - PHASE 1
05	TRAFFIC CONTROL PLAN - PHASE 2
06	PAVING PLAN
07	PAVING DETAILS

RECOMMENDED BY:

JOHN PROVOST, PUBLIC WORKS COORDINATOR DATE

APPROVED BY:

CITY ADMINISTRATOR DATE



APPROX. SCALE: 1"=1000'

REVISION BLOCK					
NO.	REVISION DESCRIPTION	AFFECTED SHEETS	DATE	APPROVAL SIGNATURE	APPROVAL DATE

NOTES:

1. THIS PROJECT LIES WITHIN THE CITY LIMITS OF WIMBERLY, TEXAS.
2. THIS PROJECT LIES WITHIN THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
3. NO PORTION OF THIS PROJECT LIES WITHIN ZONE AE AS IDENTIFIED BY THE FEDERAL MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANELS NO. 48209C0355F DATED SEPTEMBER 2, 2005 HAYS COUNTY, TEXAS NO. 48209C0360F DATED SEPTEMBER 2, 2005 HAYS COUNTY, TEXAS, AND INCORPORATED AREAS.
4. ROADWAY IMPROVEMENT PLANS WERE PREPARED WITH THE BEST INFORMATION AVAILABLE THROUGH RECORD DRAWINGS, SURVEY INFORMATION, AND FIELD OBSERVATIONS.
5. TRAFFIC COUNTS FOR VEHICLES USING THE LITTLE RANCHES ROADWAY WERE NOT AVAILABLE TO THE ENGINEER DURING DESIGN. PAVEMENT SECTIONS RECOMMENDED ARE BASED ON AN APPROXIMATION OF EXISTING PAVEMENT SECTIONS OBSERVED IN THE FIELD BY PAVETEX AND DOCUMENTED IN A REPORT CREATED FOR THE CITY OF WIMBERLY ON DECEMBER 5, 2018.
6. CONTRACTOR IS RESPONSIBLE FOR ANY ADDITIONAL SURVEY VERIFICATION REQUIRED TO COMPLETE THE PROJECT.
7. BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD83. COORDINATES AND DISTANCES SHOWN HEREON ARE IN GRID COORDINATES.
8. RIGHT-OF-WAY LINES SHOWN HEREON ARE APPROXIMATE.

CONTRACTOR: _____

CONSTRUCTION START: _____

CONSTRUCTION ACCEPTED: _____

TOTAL CONSTRUCTION COST: _____

PREPARED FOR:

PREPARED BY:



T.B.P.L.S. Firm Registration # 10193770
T.B.P.E. Firm Registration # F-9266
9701 BRODIE LN, SUITE 203
AUSTIN, TX 78748
PH: 512.220.8100



A. GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR IS TO CONTACT ONE OF THE FOLLOWING FOR THE LOCATION OF EXISTING FACILITIES AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES:
- TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-245-4545

TEXAS ONE CALL SYSTEM (TOCS) 1-800-344-8377
2. PRIOR TO ANY CONSTRUCTION, THE ENGINEER SHALL CONVENE A PRE-CONSTRUCTION CONFERENCE BETWEEN THE CITY OF WIMBERLY, HER/HIMSELF, THE CONTRACTOR, OTHER UTILITY COMPANIES, ANY AFFECTED PARTIES AND ANY OTHER ENTITY THE CITY OR ENGINEER MAY REQUIRE.
3. ALL CONSTRUCTION OPERATIONS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH APPLICABLE REGULATIONS OF THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. OSHA STANDARDS MAY BE PURCHASED FROM THE GOVERNMENT PRINTING OFFICE; INFORMATION AND RELATED REFERENCE MATERIALS MAY BE PURCHASED FROM OSHA, 611 E. 6TH STREET, AUSTIN, TEXAS.
4. CONTRACTOR SHALL TAKE ALL DUE PRECAUTIONS TO PROTECT EXISTING FACILITIES FROM DAMAGE. ANY DAMAGE INCURRED TO EXISTING FACILITIES AS A RESULT OF CONSTRUCTION OPERATIONS SHALL BE REPAIRED IMMEDIATELY BY THE CONTRACTOR, AT NO ADDITIONAL COST TO OWNER.
5. CONTRACTOR TO GIVE NOTICE TO ALL AUTHORIZED INSPECTORS, SUPERINTENDENTS OR PERSONS IN CHARGE OF PUBLIC AND PRIVATE UTILITIES AFFECTED BY HIS OPERATIONS AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
6. CONTRACTOR TO COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS REGARDING EXCESS AND WASTE MATERIAL, INCLUDING METHODS OF HANDLING AND DISPOSAL.
7. CONTRACTOR TO COORDINATE INTERRUPTIONS OF ALL UTILITIES AND SERVICES. ALL WORK TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPLICABLE UTILITY COMPANY OR AGENCY INVOLVED.
8. WHEN UN-LOCATED OR INCORRECTLY LOCATED, A BREAK IN UTILITY LINES, OR OTHER UTILITIES AND SERVICES ARE ENCOUNTERED DURING SITE WORK OPERATIONS, CONTRACTOR SHALL NOTIFY THE APPLICABLE UTILITY COMPANY IMMEDIATELY TO OBTAIN PROCEDURE DIRECTIONS. CONTRACTOR SHALL COOPERATE WITH THE APPLICABLE UTILITY COMPANY IN MAINTAINING ACTIVE SERVICES IN OPERATION.
9. WHEN CONSTRUCTION IS BEING CARRIED OUT WITHIN EASEMENTS, THE CONTRACTOR SHALL CONFINE HIS WORK TO WITHIN THE PERMANENT AND TEMPORARY EASEMENTS. PRIOR TO FINAL ACCEPTANCE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL TRASH AND DEBRIS WITHIN THE PERMANENT AND TEMPORARY EASEMENTS. CLEAN-UP SHALL BE TO THE SATISFACTION OF THE CITY.
10. CONTRACTOR SHALL KEEP ACCURATE RECORDS OF ALL CONSTRUCTION THAT DEVIATES FROM THE PLANS.RECORD SHALL BE KEPT IN AN ONSITE SET OF MARKED-UP RECORD DRAWINGS.
11. CONTRACTOR TO LOCATE, PROTECT, AND MAINTAIN BENCHMARKS, MONUMENTS, CONTROL POINTS AND PROJECT ENGINEERING REFERENCE POINTS. RE-ESTABLISH DISTURBED OR DESTROYED ITEMS BY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, AT NO ADDITIONAL COST TO OWNER.
12. CONTRACTOR SHALL STRIP SIX (6) INCHES OF TOPSOIL FROM ALL AREAS SUBJECT TO GRADE MODIFICATION. REMOVE ALL AREAS OF WEAK SOIL.
13. THE CONTRACTOR SHALL PROTECT ALL EXISTING FENCES. IN THE EVENT THAT A FENCE MUST BE REMOVED, THE CONTRACTOR SHALL REPLACE SAID FENCE OR PORTION THEREOF WITH THE SAME TYPE OF FENCING TO A QUALITY OF EQUAL OR BETTER THAN THE ORIGINAL FENCE.
14. UPON COMPLETION OF THE PROJECT, THE SITE(S) AS DEFINED HEREIN SHALL BE CLEANED OF ALL DEBRIS AND LEFT IN A NEAT AND PRESENTABLE CONDITION.
15. ALL ADJOINING PAVEMENT SECTIONS SHALL BE PROTECTED DURING ALL PHASES OF CONSTRUCTION AND ANY DAMAGES INCURRED DUE TO CONTRACTOR'S OPERATION SHALL BE REPAIRED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.
16. CONTRACTOR TO CONTROL DUST CAUSED BY THE WORK AND COMPLY WITH POLLUTION CONTROL REGULATIONS OF GOVERNING AUTHORITIES (NO SEPARATE PAY).
17. TRAFFIC CONTROLS TO BE INSTALLED IN ACCORDANCE WITH THE CURRENT TxDOT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND TxDOT BARRICADE AND CONSTRUCTION STANDARDS.
18. RE-VEGETATE ALL DISTURBED AREAS UPON COMPLETION OF THE WORK PER CITY CONSTRUCTION STANDARDS.
19. CONTRACTOR TO EXERCISE CAUTION DURING CONSTRUCTION NEAR AND AROUND GAS LINES AND POWER LINES.
20. ALL WORK IS TO BE PERFORMED BETWEEN THE FOLLOWING HOURS:

8:00 A.M. TO 5:00 P.M. MONDAY - FRIDAY

ALL WORK REQUIRING CITY INSPECTION SHALL BE PERFORMED MONDAY THRU FRIDAY. THE CITY RESERVES THE RIGHT TO REQUIRE THE CONTRACTOR TO UNCOVER ALL WORK PERFORMED WITHOUT INSPECTION.
21. THE CONTRACTOR SHALL MAKE AN EXAMINATION OF THE PROJECT SITE AND COMPLETELY FAMILIARIZE HIMSELF WITH THE NATURE AND EXTENT OF ANY WORK TO BE ACCOMPLISHED. NO EXTRA COMPENSATION WILL BE ALLOWED FOR ANY WORK MADE NECESSARY BY UNUSUAL CONDITIONS OR OBSTACLES ENCOUNTERED DURING THE PROGRESS OF THE WORK, WHEN SUCH CONDITIONS OR OBSTACLES ARE READILY APPARENT UPON A VISIT TO THE SITE. IF THERE ARE ANY QUESTIONS OF THIS REGARD OR IF THERE ARE ANY DISCREPANCIES BETWEEN THE PLANS AND ACTUAL SITE CONDITIONS THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO THE SUBMISSION OF BIDS.
22. IN THOSE CASES WHERE FIXED FEATURES REQUIRE, THE DESIGN SLOPES INDICATED HEREIN AND ON THE CROSS SECTIONS MAY BE MODIFIED IN THE FIELD AS DETERMINED BY THE CITY IF EXISTING CONDITIONS SO REQUIRE.

23. ACCESS TO RESIDENCES, BUSINESSES, AND DRIVEWAYS ALONG THE PROJECT MUST RECEIVE PRIORITY BY THE CONTRACTOR.
24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF HIS MATERIALS AND EQUIPMENT FROM THEFT, VANDALISM, ANIMALS, FIRE, ETC. WHILE SAID MATERIALS AND EQUIPMENT ARE ON THE PROJECT, WHETHER STORED OR INSTALLED IN PLACE, UNTIL THE PROJECT HAS BEEN ACCEPTED BY THE CITY.

B. ENVIRONMENTAL NOTES

1. THE CONTRACTOR TO INSTALL AND MAINTAIN EROSION/SEDIMENTATION CONTROLS AND TREE/NATURAL AREA PROTECTIVE FENCING PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING, GRADING, OR EXCAVATION). CONTRACTOR TO REMOVE EROSION/SEDIMENTATION CONTROLS AT THE COMPLETION OF THE PROJECT AND GRASS RESTORATION.
2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS TO BE IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN. DEVIATIONS FROM THE APPROVED PLAN MUST BE SUBMITTED TO AND APPROVED BY THE OWNER'S REPRESENTATIVE.
3. ALL DISTURBED AREAS TO BE RESTORED UPON COMPLETION OF CONSTRUCTION. NO SEPARATE PAYMENT WILL BE MADE FOR RE-VEGETATION ACTIVITIES. ALL MATERIALS AND LABOR SHALL BE SUBSIDIARY TO OTHER BID ITEMS.
4. RESTORATION TO BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1-1/2 INCHES HIGH WITH 85% COVERAGE, PROVIDED NO BARE SPOTS LARGER THAN 25 SQUARE FEET EXIST.
5. A MINIMUM OF FOUR (4) INCHES OF NEW OR SALVAGED TOPSOIL TO BE PLACED IN ALL AREAS DISTURBED BY CONSTRUCTION.
6. THE CONTRACTOR TO SEED, SOD OR HYDROMULCH ALL EXPOSED CUTS AND FILLS UPON COMPLETION OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR ALL IRRIGATION WATER REQUIRED TO ESTABLISH GRASS TO THE REQUIRED 85% COVERAGE.
7. EROSION AND SEDIMENTATION CONTROLS TO BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILDUP WITHIN TREE DRIPLINE.
8. TO AVOID SOIL COMPACTION, CONTRACTOR SHALL NOT ALLOW VEHICULAR TRAFFIC, PARKING, OR STORAGE OF EQUIPMENT OR MATERIALS IN THE TREE DRIPLINE AREAS.
9. WHERE A FENCE IS CLOSER THAN FOUR (4) FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH STRAPPED-ON PLANKING TO A HEIGHT OF EIGHT (8) FEET (OR TO THE LIMITS OF LOWER BRANCHING) IN ADDITION TO THE FENCING.
10. TREES TO BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
11. ANY ROOT EXPOSED BY THE CONSTRUCTION ACTIVITY TO BE PRUNED FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOPSOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN TWO DAYS, COVER THEM WITH ORGANIC MATTER IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
12. CONTRACTOR TO PRUNE VEGETATION TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC, AND EQUIPMENT BEFORE DAMAGE OCCURS (RIPPING OF BRANCHES, ETC.) ALL FINISHED PRUNING TO BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE "**NATIONAL ARBORIST ASSOCIATION PRUNING STANDARDS FOR SHADE TREES**").
13. THE CONTRACTOR IS TO INSPECT THE CONTROLS AT WEEKLY INTERVALS AND AFTER EVERY RAINFALL EXCEEDING ¼ INCH TO VERIFY THAT THEY HAVE NOT BEEN SIGNIFICANTLY DISTURBED. ANY ACCUMULATED SEDIMENT AFTER A SIGNIFICANT RAINFALL TO BE REMOVED AND PLACED IN THE OWNER DESIGNATED SPOIL DISPOSAL.

C. EROSION & SEDIMENT CONTROL - SEQUENCE OF CONSTRUCTION:

1. TEMPORARY EROSION AND SEDIMENTATION CONTROLS ARE TO BE INSTALLED AS INDICATED ON THE APPROVED SITE PLAN CONSTRUCTION PLAN AND IN ACCORDANCE WITH THE EROSION SEDIMENTATION CONTROL PLAN (ESC) AND STORMWATER POLLUTION PREVENTION PLAN (SWPPP) THAT IS REQUIRED TO BE POSTED ON THE SITE. INSTALL TREE PROTECTION, INITIATE TREE MITIGATION MEASURES AND CONDUCT "PRE - CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE).
2. THE ENVIRONMENTAL PROJECT MANAGER, AND/OR SITE SUPERVISOR, AND/OR DESIGNATED RESPONSIBLE PARTY, AND THE GENERAL CONTRACTOR WILL FOLLOW THE EROSION SEDIMENTATION CONTROL PLAN (ESC) AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) POSTED ON THE SITE. TEMPORARY EROSION AND SEDIMENTATION CONTROLS WILL BE REVISED, IF NEEDED, TO COMPLY WITH CITY INSPECTORS' DIRECTIVES, AND REVISED CONSTRUCTION SCHEDULE RELATIVE TO THE WATER QUALITY PLAN REQUIREMENTS AND THE EROSION PLAN.
3. THE TEMPORARY EROSION AND SEDIMENTATION CONTROLS WILL BE INSPECTED AND MAINTAINED IN ACCORDANCE WITH THE EROSION SEDIMENTATION CONTROL PLAN (ESC) AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) POSTED ON THE SITE.
4. BEGIN SITE CLEARING/CONSTRUCTION (OR DEMOLITION) ACTIVITIES.
5. PERMANENT WATER QUALITY PONDS OR CONTROLS WILL BE CLEANED OUT AND FILTER MEDIA WILL BE INSTALLED PRIOR TO/CONCURRENTLY WITH RE-VEGETATION OF SITE.
6. COMPLETE CONSTRUCTION AND START RE-VEGETATION OF THE SITE AND INSTALLATION OF LANDSCAPING.
7. AFTER A FINAL INSPECTION HAS BEEN CONDUCTED BY THE CITY INSPECTOR AND WITH APPROVAL FROM THE CITY INSPECTOR, REMOVE THE TEMPORARY EROSION AND SEDIMENTATION CONTROLS AND COMPLETE ANY NECESSARY FINAL RE-VEGETATION RESULTING FROM REMOVAL OF THE CONTROLS. CONDUCT ANY MAINTENANCE AND REHABILITATION OF THE WATER QUALITY PONDS OR CONTROLS.

D. STREET AND DRAINAGE NOTES:

1. ALL TESTING SHALL BE DONE BY AN INDEPENDENT LABORATORY AT THE CITY'S EXPENSE. ANY RETESTING SHALL BE PAID FOR BY THE CONTRACTOR. A CITY INSPECTOR SHALL BE PRESENT DURING ALL TESTS. TESTING SHALL BE COORDINATED WITH THE CITY INSPECTOR AND HE SHALL BE GIVEN A MINIMUM OF 24 HOURS NOTICE PRIOR TO ANY TESTING.
2. DEPTH OF COVER FOR ALL CROSSINGS UNDER PAVEMENT INCLUDING GAS, ELECTRIC, TELEPHONE, CABLE TV, WATER SERVICES, ETC., SHALL BE A MINIMUM OF 30" BELOW SUBGRADE UNLESS OTHERWISE SPECIFIED ON THE PLAN
3. ALL R.C.P. SHALL BE MINIMUM CLASS III.

E. PROJECT NOTES:

1. ASPHALT TO BE STORED ONSITE AFTER DEMOLITION FOR RECYCLED USE IN THE PROPOSED BASE SECTION PER TxDOT SPECIFICATION 305 AND SS3089.

GILPIN

ENGINEERING COMPANY

T.B.P.L.S. Firm Registration # 10193770

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

9701 BRODIE LANE #203

AUSTIN, TX 78748

PH: 512.220.8100

ENGINEER'S SEAL:



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REVISIONS:

NO.	REVISION	DATE

DATE: 04/12/2021
DESIGNED BY: SB
CHECKED BY: CWG
PROJ #: MAINT 2021-0001



PROJECT:

LITTLE RANCHES RD
ROADWAY
REHABILITATION

SHEET TITLE:

GENERAL NOTES

SCHEDULE OF QUANTITIES:

TXDOT SPEC NO.	HAYS CO. SPEC NO.	ITEM DESCRIPTION	UNITS	QTY
110	1.00	EXCAVATION (ROADWAY) (8IN)	SY	2,722
110	10.00	EXCAVATION (ROADSIDE DITCH CLEANUP)	LF	1,478
164		CELL FBR MULCH SEED (PERM)	SY	1,314
247	3.00	FLEXIBLE BASE (6 IN)	SY	2,722
302	5.00	TWO COURSE SURFACE TREATMENT	SY	2,455
305		SALV, HAUL & STKPL RCL APH PV (2IN)	SY	2,455
310	4.00	PRIME COAT	SY	2,722
460	2.00	CORRUGATED METAL PIPE (12 IN)	LF	160
460	2.00	CORRUGATED METAL PIPE (18 IN)	LF	25
460	2.00	CORRUGATED METAL PIPE (30 IN)	LF	35
SS3089		EMUL TRTMENT (MX NEW BASE & RCL ASH) (8IN)	SY	2,722

NOTES RELATED TO PAY ITEMS AND SPECIFICATIONS

WHERE BOTH HAYS COUNTY AND TXDOT SPECIFICATIONS ARE NAMED IN THE SCHEDULE OF QUANTITIES ABOVE THE DIRECTION PROVIDED BY THE HAYS COUNTY SPECIFICATIONS SHALL SUPERCEDE WHERE IN CONFLICT WITH THE TXDOT SPEC ITEM. WHERE ADDITIONAL INFORMATION PROVIDED BELOW CONFLICTS WITH EITHER THE TXDOT OR HAYS COUNTY SPECIFICATIONS THE INFORMATION BELOW SHALL SUPERCEDE.

TXDOT ITEM 110 / HAYS CO. ITEM 1.00 - EXCAVATION (ROADWAY)

ITEM SHALL BE PAID FOR BY SQUARE YARD IN PLACE FOR DEPTH SPECIFIED.

TXDOT ITEM 110 / HAYS CO. ITEM 1.00 - EXCAVATION (ROADSIDE DITCH CLEANUP)

ITEM SHALL BE PAID FOR LINEAR FOOT OF ROADSIDE DITCH REPAIRED.

THE INTENT OF THIS WORK ITEMS IS TO REMOVE SILT AND SEDIMENT THAT HAS ACCUMULATED IN THE ROADSIDE DITCH OVER TIME AS WELL AS GRADE DITCH TO DRAIN AND IMPROVE DITCH CAPACITY.

TXDOT ITEM 164 CELL FBR MULCH SEED (PERM)

SEED MIXTURE SHALL COMPLY WITH THE PLANTING SEASON ACTIVE AT THE TIME PLANTING WILL OCCUR.

SEED MIXTURE SHALL BE APPLICABLE TO SOIL TYPE WITHIN THE PROJECT LIMITS.

THERE WILL BE NO SEPARATE PAY ITEM FOR TEMPORARY WATER FOR IRRIGATION AND ESTABLISHMENT OF GRASSES. ALL IRRIGATION WATER REQUIRED FOR THE ESTABLISHMENT OF 85% COVER FOR THIS PROJECT SHALL BE SUBSIDIARY TO THIS PAY ITEM.

ITEM 460 CORRUGATED METAL PIPE CULVERT

EXCAVATION AND BACKFILL, PIPE BEDDING , CEMENT STABILIZED BACKFILL AND REPLACEMENT OF GRAVEL DRIVEWAY FINISH SURFACE SHALL BE SUBSIDIARY TO THE PAY ITEMS FOR CORRUGATED METAL PIPE TXDOT SPEC 460.



GILPIN
ENGINEERING COMPANY

T.B.P.L.S. Firm Registration # 10193770
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ENGINEER'S SEAL:



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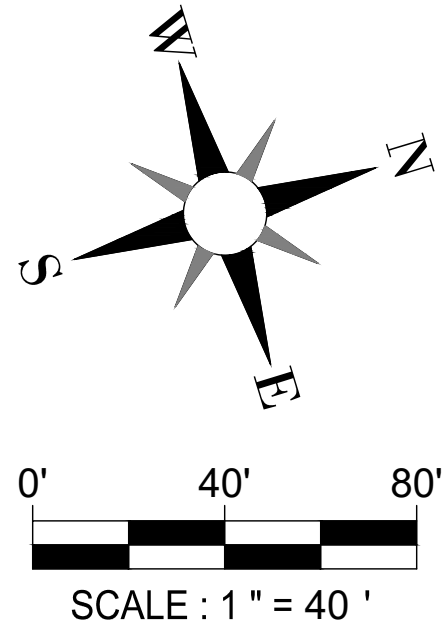


PROJECT:

LITTLE RANCHES RD
ROADWAY
REHABILITATION

SHEET TITLE:

SCHEDULE OF VALUES



LEGEND

- WORK AREA
- STREET CENTERLINE
- ROW
- CULVERT
- TEMPORARY TRAFFIC SIGN
- TRAFFIC CONTROL FLAGGER

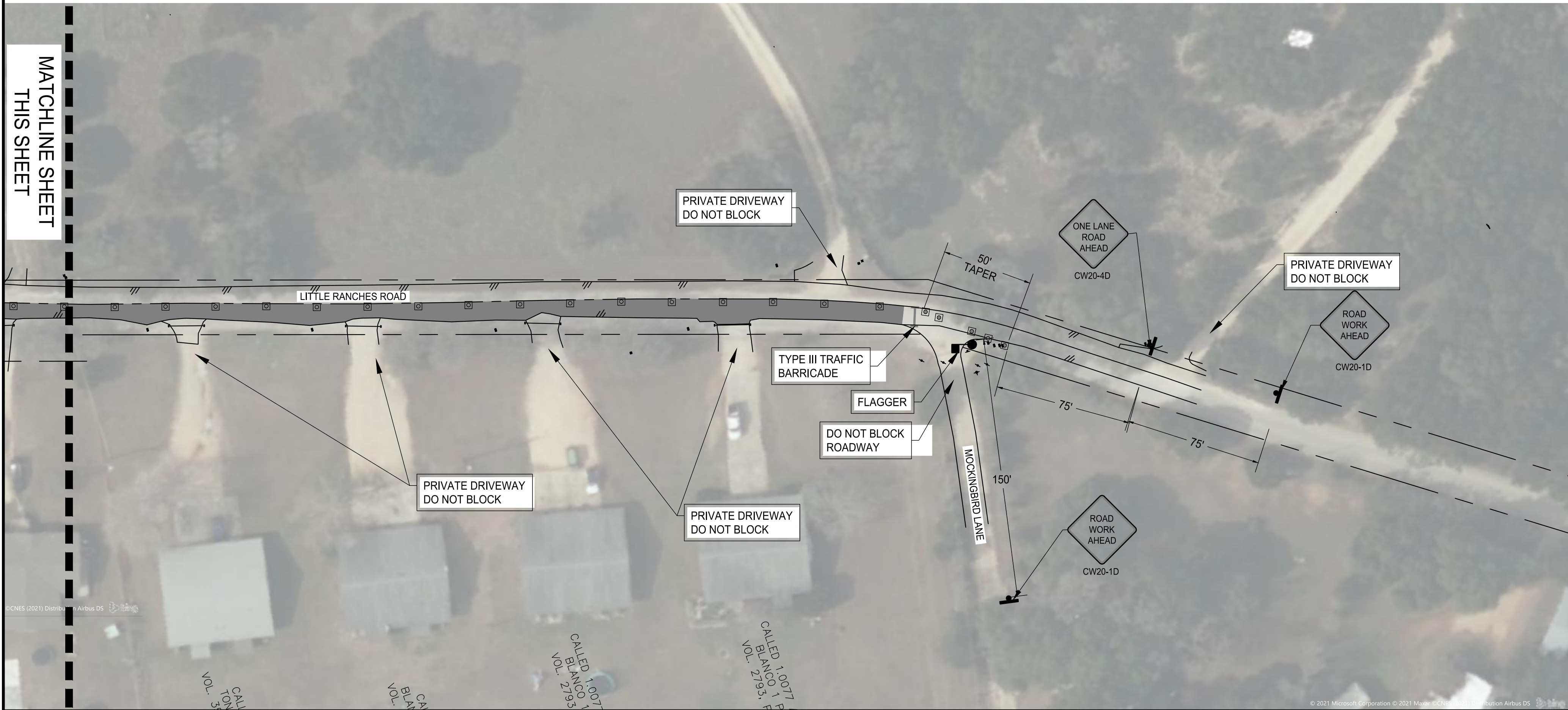
TRAFFIC CONTROL PLANS SHOWN ARE A MINIMUM REQUIREMENT. CONTRACTOR SHALL PHASE WORK AREAS TO SIZES THAT WILL ALLOW THE ROAD TO OPEN FOR 2 WAY TRAFFIC FROM SUNSET TO SUNRISE

TRAFFIC CONTROL NOTES:

- TRAFFIC CONTROL PLANS SHOWN WITHIN THESE PLANS ARE A MINIMUM REQUIREMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL SIGNS, BARRICADES, FLAGMEN OR OTHER TRAFFIC CONTROL DEVICES AS NECESSARY FOR THE SAFETY OF THE TRAVELING PUBLIC.
- THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS/MAINTENANCE DEPARTMENT WHEN ANY TRAFFIC CONTROL CHANGES ARE TO BE MADE. THE NOTIFICATION MUST BE MADE TWO DAYS PRIOR TO ANY CHANGE.
- ACCESS TO ALL DRIVES AND SIDE ROADS, BOTH PUBLIC AND PRIVATE, ARE TO BE MAINTAINED AT ALL TIMES.
- WORK SHALL BE CONDUCTED SO THAT ALL MACHINERY IS OFF PUBLIC RIGHT-OF-WAY FROM SUNSET TO SUNRISE.
- CONTRACTOR SHALL EMPLOY ALL TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH THE TEXAS MANUAL OF UNIFORM CONTROL DEVICES FOR STREETS AND HIGHWAYS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC CONTROL DEVICES THROUGHOUT ACTIVITIES.

IMPLEMENT TRAFFIC CONTROL PLAN FOR 30 MPH SPEED LIMIT

CONTRACTOR TO POSITION FLAGGERS ON ALL ENTRANCES TO THE WORK AREA TO CONTROL ONE-WAY TRAFFIC FLOW



GILPIN

ENGINEERING COMPANY

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9701 BRODIE LANE #203

AUSTIN, TX 78748

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DATE: 04/12/2021
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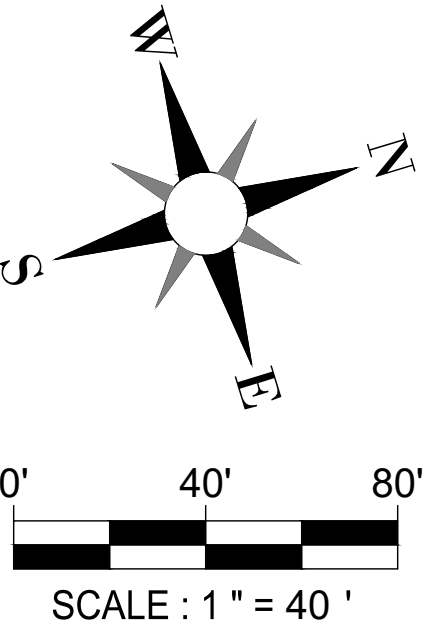
PROJECT:

LITTLE RANCHES RD
ROADWAY
REHABILITATION

SHEET TITLE:

TRAFFIC CONTROL
PLAN - PHASE 1

04 OF 07



LEGEND

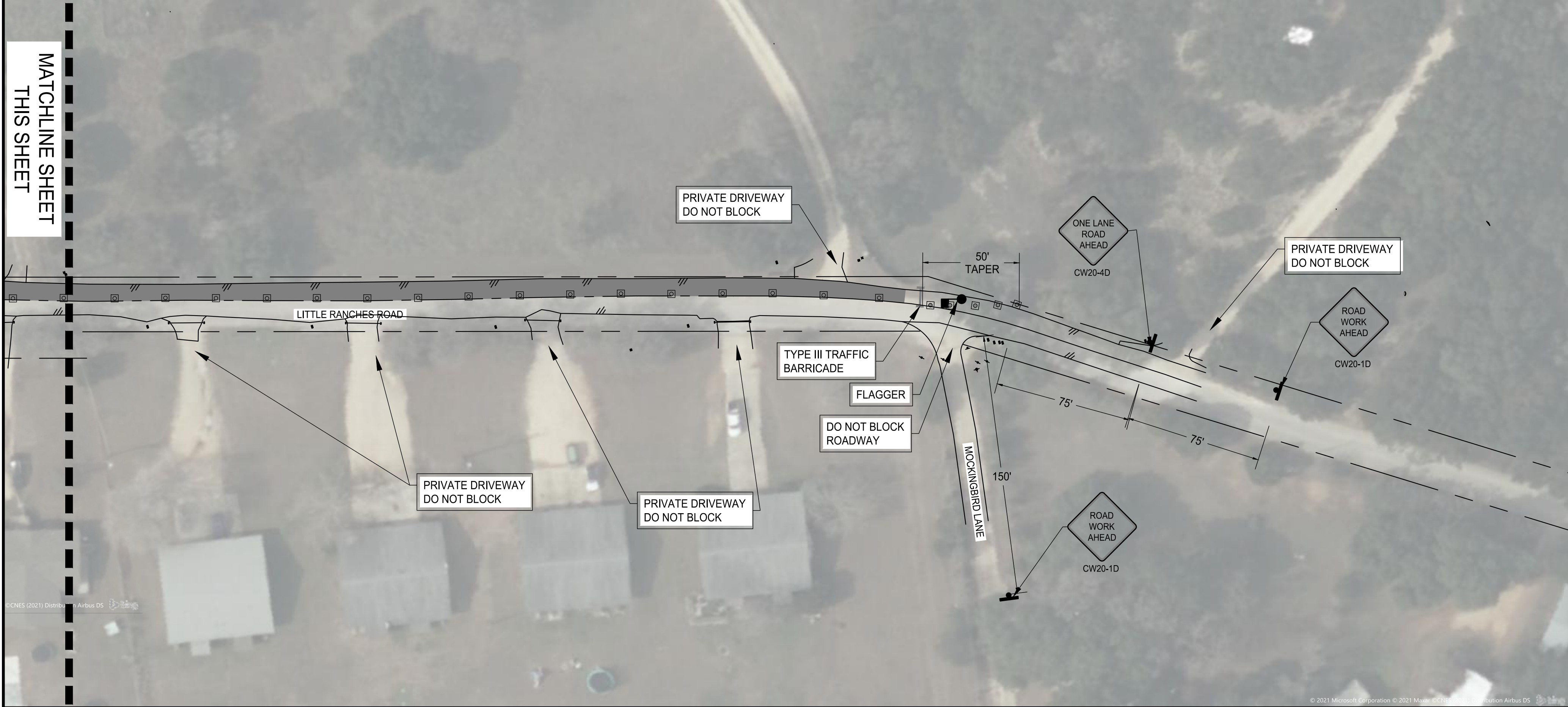
- WORK AREA
- STREET CENTERLINE
- ROW
- CULVERT
- TEMPORARY TRAFFIC SIGN
- TRAFFIC CONTROL FLAGGER

TRAFFIC CONTROL PLANS SHOWN ARE A MINIMUM REQUIREMENT. CONTRACTOR SHALL PHASE WORK AREAS TO SIZES THAT WILL ALLOW THE ROAD TO OPEN FOR 2 WAY TRAFFIC FROM SUNSET TO SUNRISE

- TRAFFIC CONTROL NOTES:
- TRAFFIC CONTROL PLANS SHOWN WITHIN THESE PLANS ARE A MINIMUM REQUIREMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL SIGNS, BARRICADES, FLAGMEN OR OTHER TRAFFIC CONTROL DEVICES AS NECESSARY FOR THE SAFETY OF THE TRAVELING PUBLIC.
 - THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS/MAINTENANCE DEPARTMENT WHEN ANY TRAFFIC CONTROL CHANGES ARE TO BE MADE. THE NOTIFICATION MUST BE MADE TWO DAYS PRIOR TO ANY CHANGE.
 - ACCESS TO ALL DRIVES AND SIDE ROADS, BOTH PUBLIC AND PRIVATE, ARE TO BE MAINTAINED AT ALL TIMES.
 - WORK SHALL BE CONDUCTED SO THAT ALL MACHINERY IS OFF PUBLIC RIGHT-OF-WAY BY SUNSET.
 - CONTRACTOR SHALL EMPLOY ALL TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH THE TEXAS MANUAL OF UNIFORM CONTROL DEVICES FOR STREETS AND HIGHWAYS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC CONTROL DEVICES THROUGHOUT ACTIVITIES.

IMPLEMENT TRAFFIC CONTROL PLAN FOR 30 MPH SPEED LIMIT

CONTRACTOR TO POSITION FLAGGERS ON ALL ENTRANCES TO THE WORK AREA TO CONTROL ONE-WAY TRAFFIC FLOW



T.B.P.L.S. Firm Registration # 10193770
T.B.P.E. Firm Registration # F-9266
9701 BRODIE LANE #203
AUSTIN, TX 78748
PH: 512.220.8100

ENGINEER'S SEAL:

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REVISIONS:		
NO.	REVISION	DATE

DATE: 04/12/2021
DESIGNED BY: SB
CHECKED BY: CWG
PROJ #: MAINT 2021-0001

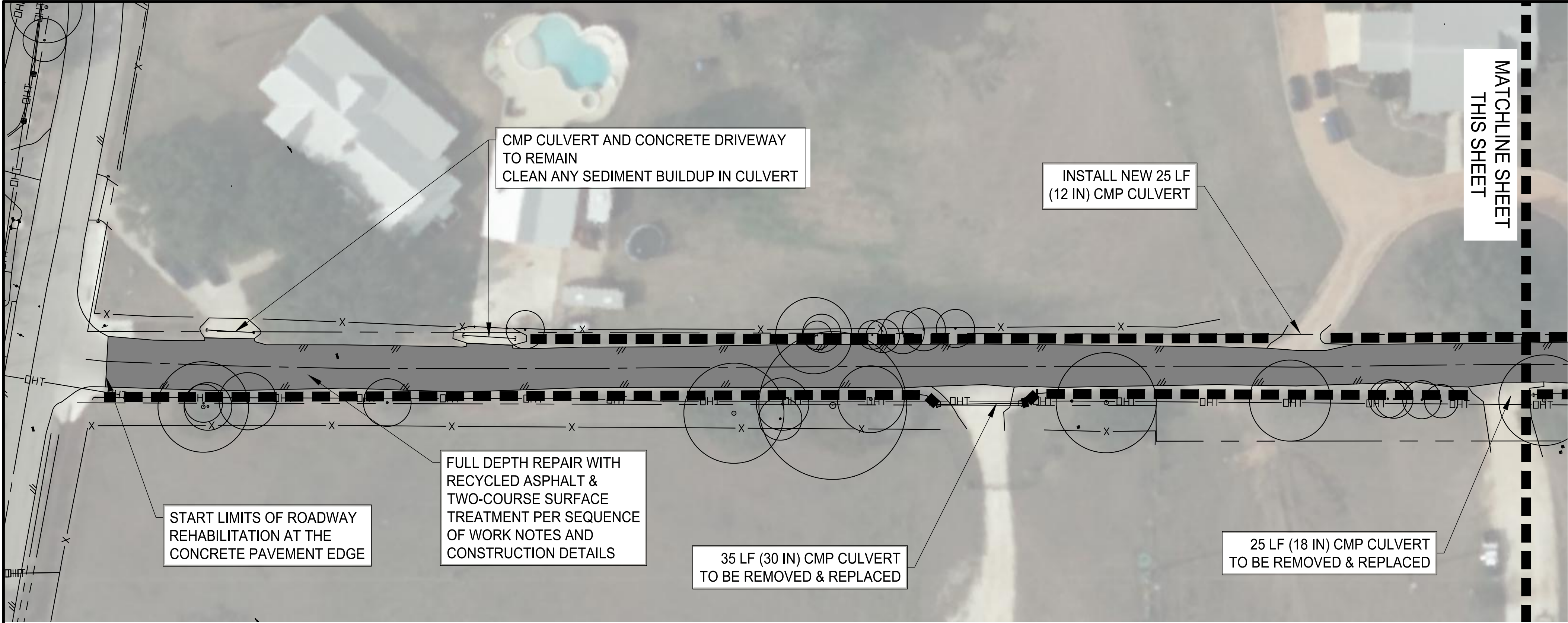
PROJECT:

LITTLE RANCHES RD
ROADWAY
REHABILITATION

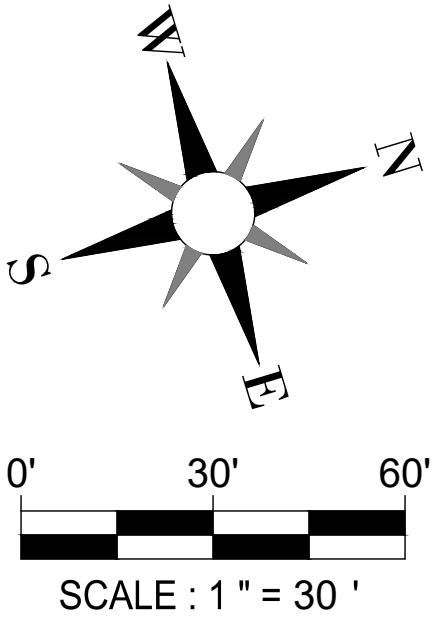
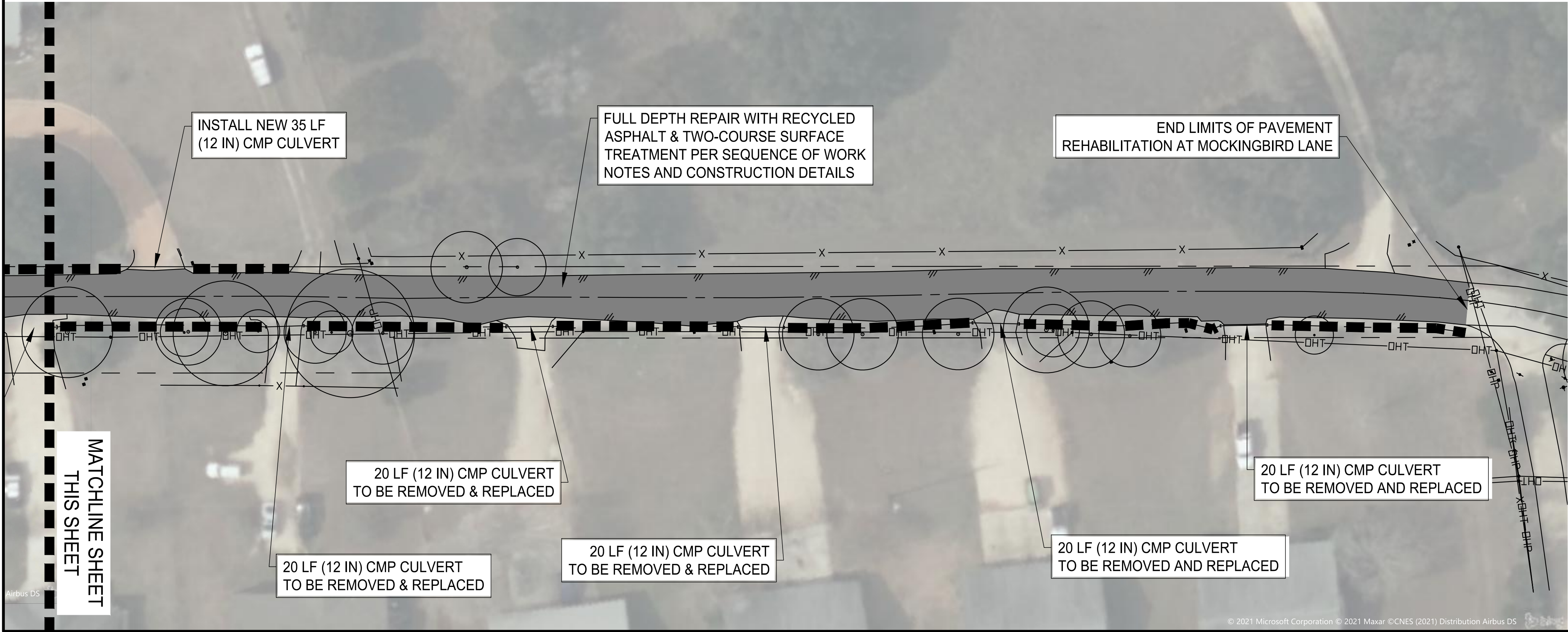
SHEET TITLE:

TRAFFIC CONTROL
PLAN - PHASE 2

05 OF 07



ONCE EXCAVATED, IF THERE ARE SALVAGEABLE SECTIONS OF CULVERT PIPE, A CREDIT SHALL BE GIVEN TO THE CITY FOR RE-USE OF THE PIPE



LEGEND

- FULL DEPTH REPAIR WITH RECYCLED ASPHALT AND TWO COURSE SURFACE TREATMENT
- ROW
- CULVERT
- STREET CENTERLINE
- DITCH CLEANUP AND GRADING

NOTES:

- CONTRACTOR TO MATCH EXISTING GRADE AT EDGE OF PAVEMENT, MAINTAIN EXISTING DRAINAGE PATTERNS UNLESS OTHERWISE NOTED.
- CONTRACTOR TO RE-VEGETATE ALL DISTURBED AREAS UPON COMPLETION OF THE WORK IN COMPLIANCE WITH THE ENVIRONMENTAL NOTES AND SPECIFICATIONS IN THESE DOCUMENTS.
- CONTRACTOR SHALL ADJUST TO PROPOSED FINISHED GRADE ALL EXISTING VALVES, MANHOLES, MANHOLE COVERS, CLEANOUTS, INLET COVERS AND/OR ANY OTHER OBJECTS WITHIN THE PROJECT AREA, IF APPLICABLE.
- CONTRACTOR SHALL SAW-CUT AND/OR ADJUST EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH AND CONTINUOUS TRANSITION GRADE.
- THE CONTRACTOR'S ATTENTION IS DIRECTED TO THE FACT THAT BOTH OVERHEAD AND UNDERGROUND UTILITIES EXIST IN THE VICINITY OF THE CONSTRUCTION AREA. THE EXACT LOCATION OF UNDERGROUND UTILITIES IS NOT CERTAIN. THE CONTRACTOR SHALL CONTACT THE APPROPRIATE AREA UTILITY COMPANIES FOR EXACT LOCATIONS AT LEAST 48 HOURS PRIOR TO CONSTRUCTION OR COMMENCING ANY WORK SO AS TO PREVENT ANY DAMAGE OR INTERFERENCE WITH PRESENT UTILITIES.
- THE CONTRACTOR SHALL PROTECT ALL AREAS OF THE RIGHT-OF-WAY WHICH ARE NOT INCLUDED IN THE ACTUAL LIMITS OF THE PROPOSED CONSTRUCTION FROM DESTRUCTION. CARE SHALL BE EXERCISED TO PREVENT DAMAGE TO TREES, VEGETATION AND OTHER NATURAL SURROUNDINGS. THE CONTRACTOR, AT HIS EXPENSE, SHALL RESTORE ANY AREAS DISTURBED AS A RESULT OF THEIR OPERATIONS TO A CONDITION AS GOOD AS, OR BETTER THAN, THAT PRESENT PRIOR TO CONSTRUCTION.
- A PRE-CONSTRUCTION MEETING WITH THE CITY ENGINEER AND CONTRACTOR IS REQUIRED PRIOR TO ANY SITE DISTURBANCE.
- THE ESTIMATED QUANTITIES PUBLISHED WITH THESE CONSTRUCTION DOCUMENTS ARE FURNISHED AS AN AID IN THE BIDDING PROCESS AND ARE NOT TO BE SUBSTITUTED FOR CONTRACTORS QUANTITY TAKEOFFS.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY OBSTACLES THAT MAY IMPEDE OR PREVENT THE PROPER CONSTRUCTION OF THE PROJECT.
- CONTRACTOR SHALL INSTALL EROSION AND SEDIMENTATION CONTROLS AS NEEDED TO PREVENT THE MIGRATION OF SEDIMENT DOWNSTREAM INTO EXISTING INFRASTRUCTURE OR ONTO ADJACENT PROPERTIES.



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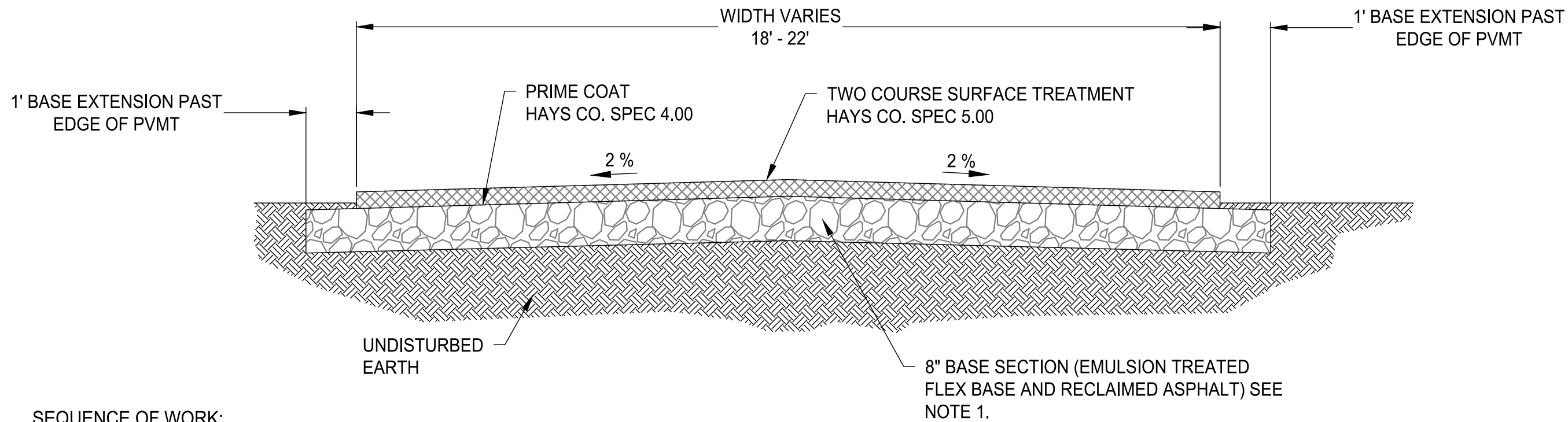


PROJECT:

LITTLE RANCHES RD
ROADWAY
REHABILITATION

SHEET TITLE:

PAVING PLAN



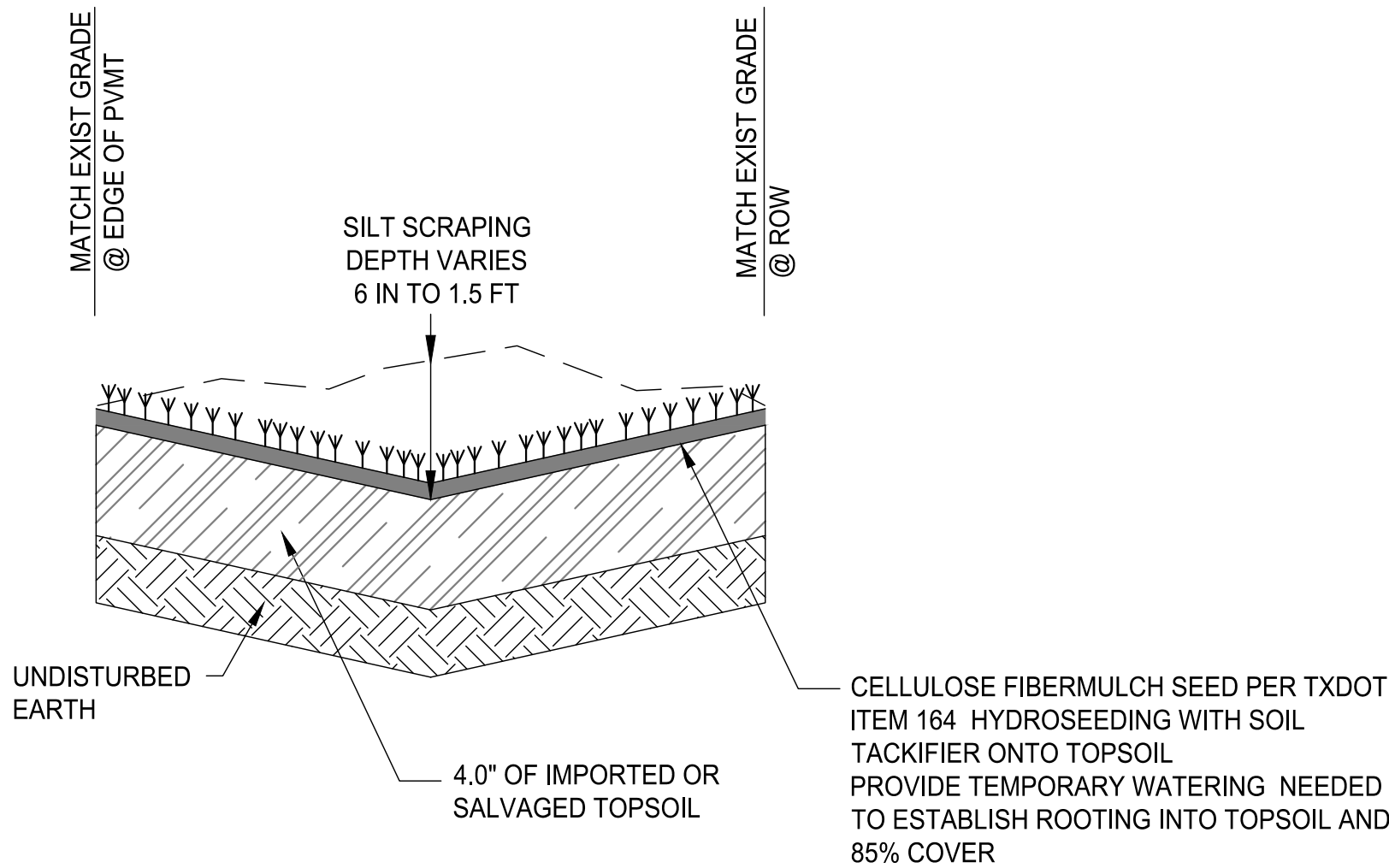
SEQUENCE OF WORK:

1. RECLAIM THE EXISTING ASPHALT (APPROX. 2 IN) PER TXDOT ITEM 305. STOCKPILE EXISTING ASPHALT.
2. EXCAVATE 8 INCHES OF EXISTING SUBGRADE BELOW AND 1 FOOT WIDER THAN EXISTING PAVEMENT AND HAUL OFF.
3. PLACE NEW FLEXIBLE BASE (APPROX 6 IN) AND MIX IN THE RECLAIMED ASPHALT AND LIQUID EMULSION PER TXDOT SS3089. UNIFORMLY BLEND THE RECLAIMED ASPHALT , NEW BASE AND LIQUID EMULSION.
4. COMPACT THE 8" OF STABILIZED BASE TO 97% MAX DENSITY (+/- 2% OPTIMUM MOISTURE PER TEX 115E .
5. ALLOW THE BASE SECTION TO CURE 3 TO 7 DAYS UNTIL MOISTURE CONTENT IS A MINIMUM 2% BELOW OPTIMUM. TRAFFIC MAY BE ALLOWED ON THE FINISHED SECTION DURING CURING.
6. APPLY PRIME COAT AND ALLOW TO CURE FOR MINIMUM 24 HOURS.
7. APPLY A TWO COURSE SURFACE TREATMENT.
THE FIRST COURSE: TXDOT ITEM 302 GRADE 3;
FINAL COURSE: TXDOT ITEM 302 GRADE 4, UN PRECOATED ROCKS.
SEAL COAT BINDER: HFRS-2 OR CRS-2

NOTES:

1. MIXTURE DESIGN FOR BID SHALL INCLUDE EITHER 5% STANDARD EMULSION OR 2.5% HIGH YIELD EMULSION. MIXTURE DESIGN SHALL BE CONFIRMED BY A LABORATORY TESTING PER TXDOT SS3089 AND IF NECESSARY MIX DESIGN MAY BE ADJUSTED PRIOR TO START OF CONSTRUCTION.
2. IN NO INSTANCE SHALL THE FINISH GRADE OF THE ROADWAY DRIVING SURFACE BE LOWER THAN EXISTING. IT IS ACCEPTABLE FOR THE FINISH GRADE TO BE UP TO 2 INCHES HIGHER THAN EXISTING AT THE EDGE OF PAVEMENT.
3. CONTRACTOR TO NOTIFY ENGINEER IF LIME STABILIZED OR OTHER UNDESIRABLE SUBGRADE MATERIAL IS EXPOSED.
4. WHERE THERE ARE EXISTING TREES OR OTHER OBSTRUCTIONS INTO THE PROPOSED BASE SECTION, NOTIFY THE CITY ENGINEER PRIOR TO INSTALLATION.
5. COMPLETED PAVING LIMITS SHOULD GENERALLY CONFORM TO THE WIDTH OF THE EXISTING ROADWAY. IN NO INSTANCES SHOULD THE PROPOSED PAVEMENT WIDTH BE LESS THAN 18'.

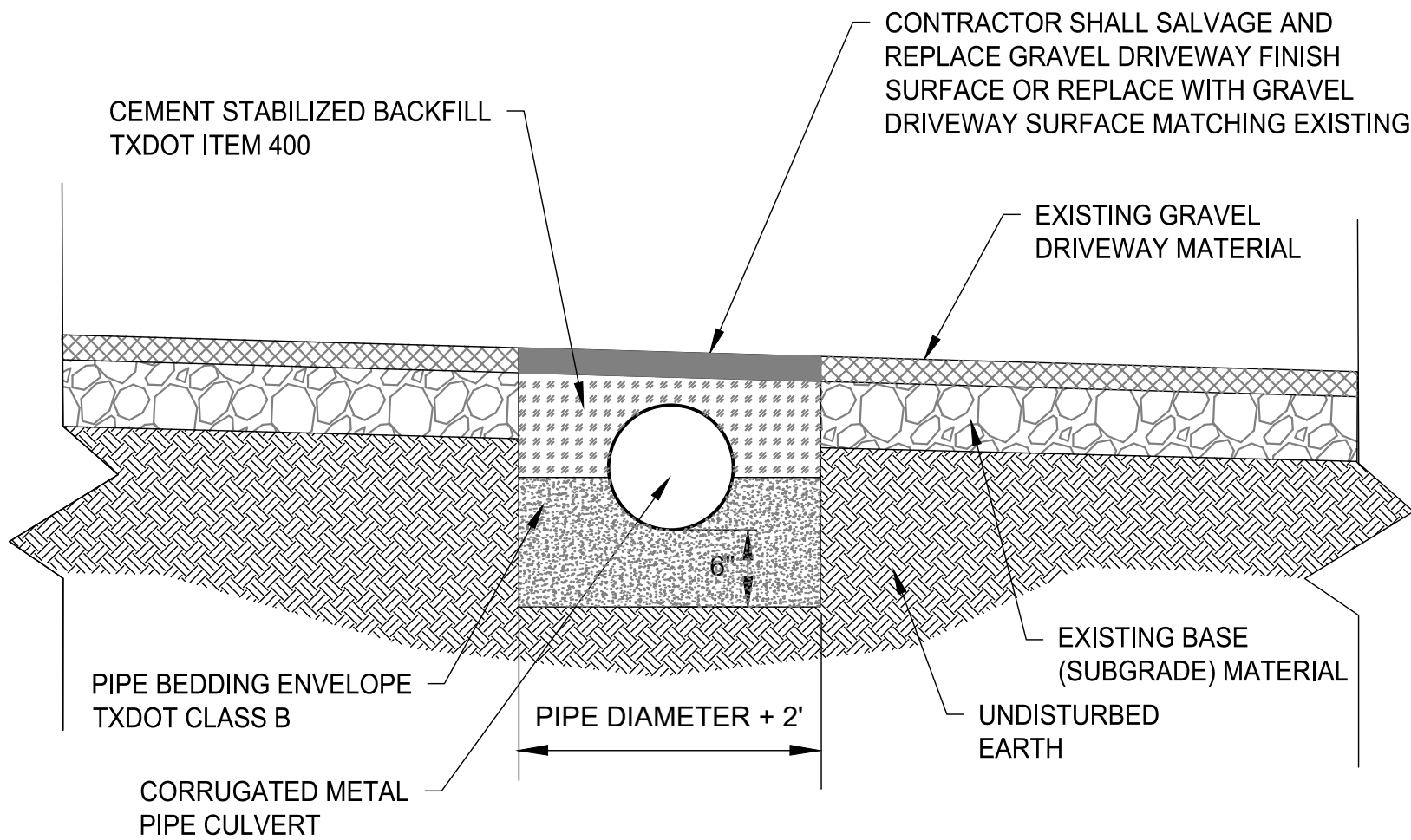
1 PROPOSED FULL DEPTH PAVEMENT REHABILITATION SECTION
N.T.S.



NOTES:

1. EXISTING TREES, UTILITIES, AND OTHER PERMANENT STRUCTURES ARE NOT TO BE DISTURBED DURING SWALE IMPROVEMENTS.
2. THE INTENT OF THIS WORK ITEM IS TO REMOVE SILT AND SEDIMENT THAT HAS ACCUMULATED IN THE ROADSIDE DITCH OVER TIME AS WELL AS GRADE DITCH TO DRAIN AND IMPROVE CAPACITY.

2 ROADSIDE DITCH - SILT CLEANUP AND GRADE TO DRAIN
N.T.S.



NOTES:

1. NEW CULVERTS SHALL GENERALLY MATCH THE EXISTING FLOWLINE OF THE CULVERT BEING REPLACED.
2. CONTRACTOR TO GRADE ROADSIDE DITCHES AND CULVERTS TO DRAIN.
3. PIPE COVER VARIES BASED ON EXISTING FLOWLINES AND DRIVEWAY ELEVATIONS.
4. EXCAVATION AND BACKFILL, PIPE BEDDING , CEMENT STABILIZED BACKFILL AND REPLACEMENT OF GRAVEL DRIVEWAY FINISH SURFACE SHALL BE SUBSIDIARY TO THE PAY ITEMS FOR CORRUGATED METAL PIPE TXDOT SPEC 460.

3 CULVERT SECTION
N.T.S.

ENGINEER'S SEAL:



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REVISIONS:

NO.	REVISION	DATE

DATE: 04/12/2021
DESIGNED BY: SB
CHECKED BY: CWG
PROJ #: MAINT 2021-0001



PROJECT:

LITTLE RANCHES RD
ROADWAY
REHABILITATION

SHEET TITLE:

PAVING DETAILS



AGENDA ITEM:	Request for Proposals for Professional Auditing Services
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	April 28, 2021
MEETING DATE:	May 6, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Per Texas Local Government Code §103.001(a), a municipality shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit.

A municipality whose records and accounts are not audited annually by a person prescribed by statute, by charter, or by a person in the regular employ of the municipality shall employ at its own expense a certified public accountant who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy to conduct the audit and prepare the annual financial statement. (*Tex Loc. Gov't Code §103.002*)

The time has arrived for the City of Wimberley to seek request for proposals (RFP) from qualified CPA firms to audit its financial statements for the fiscal year ending September 1, 2021 and each of the two subsequent fiscal years (FY22-FY23), with the option of auditing its financial statements for an additional two (2) subsequent fiscal years (FY24-FY25), based on satisfactory performance, for a potential total of five (5) years.

Proposals will be due on Friday, June 18, 2021, by 10:00 a.m., and a City Council award date of July 15, 2021 is anticipated. This will give City staff time to review and evaluate the proposals based on the criteria set forth in the RFP, and potentially conduct interviews with firms before making a recommendation to Council in July.

The City budgeted \$19,400 for the Fiscal Year 2020 Audit (FY 21 Budget), which was completed by Armstrong, Vaughan & Associates, P.C. The City paid the full budgeted amount for the audit. City staff will budget accordingly for the Fiscal Year 2021 Audit (FY 22 Budget).

REQUESTED ACTION

- Motion ☒
- Discussion ☒
- Ordinance ☐
- Resolution ☐

Other ☐

FINANCIAL

Budgeted Item	☒	Original Estimate/Budget:	\$ N/A for FY 22
Non-budgeted Item	☐	Current Estimate:	\$ 19,400.00
Not Applicable	☐	Amount Under/Over Budget:	\$ N/A

STAFF RECOMMENDATION

Staff recommends Council authorization for the Request for Proposals for Professional Auditing Services.

ATTACHMENT/S

Request for Proposals – Professional Auditing Services



REQUEST FOR PROPOSALS (RFP) PROFESSIONAL AUDITING SERVICES

Proposals Due: **Friday, June 18, 2021, at 10:00 a.m.**

Qualified prospective suppliers may obtain copies of the proposal with information at Wimberley City Hall, 221 Stillwater Drive, Wimberley, Texas 78676. Proposals for the services specified will be received by the City of Wimberley until the date and time indicated above. Please submit three (3) original hard copies of the proposal and one (1) electronic of the proposal via USB drive.

Delivery and Mailing Address:

**City of Wimberley
Attn: Laura Calcote, City Secretary
221 Stillwater Drive
Wimberley, TX 78676**

Late submissions will not be considered. Proposals must be submitted with the respondent's firm name and address clearly indicated on the front of the envelope. Additional instructions for preparing a proposal are provided within.

**RESPONDENTS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE
ENTIRE DOCUMENT PRIOR TO SUBMITTING A RESPONSE.**

For questions regarding this RFP contact:

Mike Boese, City Administrator
512-847-0025, ext: 4
mboese@cityofwimberley.com

Please note that all submissions must be received at the designated location by the deadline shown. Proposals received after the date and time above will not be considered for the award of the contract. Facsimile or electronic transmittals will **not** be accepted.

Contact with City of Wimberley elected officials or staff, other than Mike Boese, regarding the RFP is strictly prohibited, and may be grounds for elimination from the selection process.

PROFESSIONAL AUDITING SERVICES TABLE OF CONTENTS

Information included in RFP:

I. INTRODUCTION & SERVICES REQUIRED

- A. General Information
- B. Term of Engagement
- C. Scope of Work to be Performed
- D. Auditing Performance Standards to be Followed
- E. Required Reports to be Issued
- F. Special Considerations
- G. Retention and Access to Working Papers

II. DESCRIPTION OF THE GOVERNMENT

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- B. Background Information
- C. Computer System
- D. Availability of Prior Reports and Working Papers

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- C. Schedule for the FY21 Audit
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 - 2. Submission of Proposals
- B. Technical Proposal
 - 1. General Requirements
 - 2. Independence
 - 3. Firm Qualifications and Experience
 - 4. Partner, Supervisory and Staff Qualifications and Experience
 - 5. Similar Engagements with Other Governmental Entities
 - 6. Specific Audit Approach
 - 7. Identification of Potential Audit Problems
- C. Financial Proposal
 - 1. Total All-Inclusive Not-to-Exceed Price
 - 2. Hourly Rates
 - 3. Out-of-Pocket Expenses
 - 4. Rates for Additional Professional Services
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VI. EVALUATION PROCESS

- A. Review of Proposals
- B. Evaluation Process
- C. Interviews
- D. Right to Reject Proposals

VII. APPENDICES

- A. Proposer Warranties
- B. Schedule of Professional Fees and Expenses
- C. List of References

SECTION I: **INTRODUCTION & SERVICES REQUIRED**

A. General Information

The City of Wimberley, Texas, a General Law, Type A city, is requesting proposals from qualified CPA firms to audit its financial statements for the fiscal year ending September 30, 2021 (FY21), and each of the two (2) subsequent fiscal years (FY22 – FY23), with the option of auditing its financial statements for an additional two (2) subsequent fiscal years based on satisfactory performance (FY24 – FY25).

There is no expressed or implied obligation for the City of Wimberley to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

To be considered, three (3) original and one (1) electronic of the proposal via USB drive must be received by Laura Calcote, City Secretary, 221 Stillwater Drive, Wimberley, Texas 78676 by **10:00 a.m. on Friday, June 18, 2021**. Proposals submitted will be evaluated by the City of Wimberley. The City reserves the right to reject any or all proposals submitted.

During the evaluation process, the City of Wimberley reserves the right, where it may serve the City's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be invited to interview on-site as part of the evaluation process.

The City of Wimberley reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Wimberley and the firm selected.

It is anticipated the selection of a firm will be completed by July 9, 2021 and awarded by City Council on July 15, 2021. Following the notification of the selected firm, it is expected a contract will be executed between both parties by July 30, 2021, with an effective date of September 1, 2021.

B. Term of Engagement

A three-year contract is contemplated, subject to satisfactory performance, the satisfactory negotiation of terms (including price acceptable to both the City and the selected firm), the concurrence of the City Council and the annual availability of an appropriation. The option to renew the contract for two (2) additional years for auditing services will be based upon satisfactory performance.

C. Scope of Work to be Performed

The City desires the auditor to express an opinion on the fair presentation of its financial statements in conformity with generally accepted accounting principles (GAAP) and any additional changes as promulgated by the Governmental Accounting Standards Board (GASB).

The audit firm selected will be responsible for providing printed draft reports, as well as printed final reports, along with PDF versions.

From time to time, the City may request the auditor to perform other audits, reviews and other related services not specifically provided for under this section. If such a request is made, the auditor shall submit, at the City's request, a separate proposal for completing the engagement, along with a proposed fee schedule. The City reserves the right to contract any additional audits, reviews or other related services with any firm it chooses.

D. Auditing Performance Standards to be Followed

To meet the requirements of this RFP, the audits shall be performed in accordance with:

1. Generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants;
2. The standards set forth for financial audits in the U.S. General Accounting Office's (GAO) *Government Auditing Standards* (latest revision);
3. The provisions of the federal Single Audit Act of 1984 and the Single Audit Act Amendments of 1996;
4. The provisions of U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*;
5. State of Texas Single Audit Circular;
6. *Government Accounting Standards Board Statements and applicable Implementation Guides*; and
7. *Texas Government Code, Title 10, § 2256.023(d)*.

E. Required Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the auditor shall issue:

1. A report on the fair presentation of the financial statements in conformity with generally accepted accounting principles;
2. A report on compliance and internal control over financial reporting based on an audit of the financial statements;
3. A report on the internal control structure based on the auditor's understanding of the control structure and assessment of control risk;
4. A report on compliance with applicable laws and regulations;

5. An "in-relation-to" report on the schedule of federal financial assistance;
6. A Single Audit Report when required;
7. A report on the internal control structure used in administering federal financial assistance programs;
8. A report on compliance with laws and regulations related to major and nonmajor federal financial assistance programs;
9. A Management Letter with recommendations and upcoming GASB Pronouncements

The auditor shall communicate in a letter to management any reportable conditions found during the audit. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the organization's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements.

Irregularities and illegal acts. Auditors shall be required to provide a written report of any irregularities and/or illegal acts or indications of illegal acts of which they become aware immediately to the City Administrator.

F. Special Consideration

1. The City of Wimberley has determined that the U.S. Department of Justice will function as the cognizant agency in accordance with the provisions of the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996 and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of State, Local Governments and Non-Profit Organizations*.
2. The City of Wimberley may prepare one or more official statements in connection with the sale of debt securities which will contain the general-purpose financial statements and the auditor's report therein. The auditor shall be required, if requested by the financial advisor and/or the underwriter, to issue a "consent and citation of expertise" as the auditor and any necessary "comfort letters."
3. The Schedule of Expenditures of Federal/State Awards and related auditor's report, as well as the reports on compliance and internal controls are not to be included in the comprehensive annual financial report but are to be issued separately.

G. Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of five (5) years, unless the firm is notified in writing by the City of Wimberley, Texas of the need to extend the retention period. The auditor will be required to make working papers available, upon request, to the following parties or their designees:

- City Administrator
- U.S. Department of Justice;

- U.S. General Accounting Office (GAO).

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

SECTION II: **DESCRIPTION OF THE GOVERNMENT**

A. Key Contact

The auditor's principal contact with the City of Wimberley will be Mike Boese, City Administrator, or a designated representative, who will coordinate the assistance to be provided by the City to the auditor.

B. Background Information

The City of Wimberley is located in southwest Hays County, Texas between Austin and San Antonio, about 17 miles from San Marcos. The City serves an area of nine (9) square miles with a population of roughly 3,000, as of January 1, 2021. The City's fiscal year begins on October 1st and ends on September 30th.

A full range of municipal services provided by the City include general administrative services, municipal court, public works, parks and recreation, planning and zoning, code enforcement, and wastewater utilities.

The accounting and financial records are maintained by the Finance Department of the City of Wimberley.

More detailed information, including the previous annual financial reports/audits may be found on the City's website at www.cityofwimberley.com.

C. Computer System

The City of Wimberley utilizes Fund Balance software, a Tyler Technology product.

D. Availability of Prior Audit Reports and Working Papers

The selected audit firm will be authorized to review prior audit work papers. The request will need to be made through Mike Boese, City Administrator, for the City of Wimberley.

SECTION III:

TIME REQUIREMENTS

A. Proposal Calendar

The following is a list of key dates:

Monday, May 10 th	Post RFP on City's website
Thursday, May 13 th & May 20 th	Publish RFP in the <i>Wimberley View</i>
Friday, June 18 th	Proposals Due by 10:00 a.m.
Tuesday, June 29 th	Hold for interviews (if needed)
Thursday, July 15 th	Selection of Audit Firm by City Council
Friday, July 30 th	Finalization of Contract by both parties
Wednesday, September 1 st	Contract Begins

B. Date Audit May Commence

The City of Wimberley will have all records ready for audit and all management personnel available to meet with the firm's personnel by December 1, 2021 or before.

C. Schedule for the FY21 Audit

The auditor will propose a schedule that must be agreed upon by both parties for:

1. Interim Work
2. Detailed Audit Plan
3. Fieldwork
4. Draft Reports for internal review (at least 2 weeks prior to #5 below)
5. Final Reports for City Council acceptance (at least 1 week prior to third Thursday in February)

D. Progress Reporting

The auditor shall submit progress reports to or hold periodic meetings with the City Administrator and Finance Clerk, as agreed upon by the City and the auditor. The information provided in these reports should be sufficiently detailed to provide assurance that the audit is on schedule. A sample progress report should be submitted with the proposal.

E. Date Final Report is Due

The final report and ten (10) signed copies along with an electronic PDF copy should be delivered to Mike Boese, City Administrator, City of Wimberley, 221 Stillwater Drive, Wimberley, TX 78676 by the end of January.

SECTION IV:
ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. Audit Assistance

The Finance staff of the City of Wimberley consists of one person. Therefore, with limited City staff resources, it will be necessary for the auditors to perform non-audit services to ensure the audit is completed in a timely manner. The non-audit services should be coordinated with the Financial Clerk and all supporting documentation will be available to the City upon request.

B. Work Area & Equipment Access

The City of Wimberley will provide the auditor with reasonable workspace, including access to phone, copier, and internet services.

SECTION V:
PROPOSAL REQUIREMENTS

A. General Requirements

1. Inquiries

Inquiries concerning the RFP must be made to: Mike Boese, City Administrator, 221 Stillwater Drive, Wimberley, TX 78676 or mboese@cityofwimberley.com.

Contact with City of Wimberley elected officials or staff, other than Mike Boese, regarding the RFP is strictly prohibited, and may be grounds for elimination from the selection process.

2. Submission of Proposals

The following material is required to be received by **10:00 a.m. on Friday, June 18, 2021** for a proposing firm to be considered:

☐ Three (3) original copies (so marked) and one (1) electronic copy via USB drive to include the following:

- Title Page - Title page showing the request for proposals subject; the firm's name; the name, address and telephone number of the contact person; and the date of the proposal.
- Table of Contents
- Transmittal Letter - A signed letter of transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer for three (3) years.
- Detailed Proposal - The detailed proposal should follow the order set forth in Section V (B) and (C) below.

B. Technical Proposal

1. General Requirements

The purpose of the Technical Proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake an independent audit of the City of Wimberley in conformity with the requirements of this RFP.

The Technical Proposal should address all the points outlined in the RFP, and provide a straightforward, concise description of the proposer's capabilities.

2. Independence

The firm should provide a statement regarding its independence from the City of Wimberley.

The firm should also list and describe any relationships involving the City of Wimberley for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.

The selected firm will be required to give the City of Wimberley written notice of any relationships entered into during the period of this agreement.

3. Firm Qualifications and Experience

The proposal should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.

4. Partner, Supervisory and Staff Qualifications and Experience

The proposal should list the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement. Resumes for all key personnel assigned to the engagement should be included, along with their respective Texas CPA license numbers. The firm also should indicate how the quality of staff over the term of the agreement will be assured.

The proposal should identify any consultants or specialists to be utilized. These can only be changed with the express prior written permission of the City. Other audit personnel may be changed at the discretion of the firm, provided that replacements have substantially the same or better qualifications or experience.

5. Similar Engagements with Other Governmental Entities

For the firm's office that will be assigned responsibility for the audit, list the five (5) most significant engagements performed in the last five (5) years that are similar to the engagement described in this RFP.

6. Specific Audit Approach

The proposal should set forth a work plan, including a detailed explanation of the audit methodology that will be utilized.

7. Identification of Potential Audit Problems

The proposal should identify and describe any anticipated potential audit problems, and the firm's approach to resolving these problems.

C. Financial Proposal

1. Total All-Inclusive Not-to-Exceed Price

The financial proposal should contain all pricing information relative to performing the

audit engagement.

The City will not be responsible for expenses incurred in responding to this RFP.

The Financial Proposal should include the following information:

- Name of Firm;
- Certified that the person signing the proposal is authorized to bind the firm, and enter into a contract if selected;
- A Total All-Inclusive Not-to-Exceed Price for the FY21 – FY23 audit years.

2. Hourly Rates

The second page of the financial proposal should include a schedule of professional fees and expenses, presented in the format provided in the attachment (Appendix B) that supports the total all- inclusive maximum price. The cost of any consultant or special services required should be disclosed as separate components of the total all-inclusive not-to-exceed price in Appendix B.

3. Out-of-Pocket Expenses

Out-of-pocket expenses for firm personnel (e.g., travel, lodging and subsistence) will be reimbursed at the rates used by the City for its employees. A statement must be included stating the firm will accept reimbursement on the basis described herein.

4. Rates for Additional Professional Services

If it should become necessary for the City of Wimberley to request the auditor to render any additional services to either supplement the services requested in this RFP or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the City of Wimberley and the firm. Any such additional work agreed to between the City and the firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the financial proposal.

5. References

The proposal should contain a list of at least five (5) local government references, in the format provided in Appendix C.

SECTION VI: **EVALUATION PROCEDURES**

A. Review of Proposals

A point formula will be used during the review process to score proposals. Each proposal will be scored based on the criteria described in Section VI B below.

The City reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

B. Evaluation Process

Proposals will be evaluated using the following three (3) sets of criteria:

1. Technical Proposal 60 points
2. Financial Proposal 30 points
3. References 10 points

Total Points 100 points

C. Interviews

During the evaluation process, the City may, at its discretion, invite one or more firms for on-site interviews. The City may develop another set of criteria for final evaluation and scoring, after the interviews.

D. Right to Reject Proposals

Submission of a proposal indicates acceptance of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Wimberley and the firm selected.

The City of Wimberley reserves the right, without prejudice, to reject any or all proposals.

APPENDIX A

- A. Proposer warrants that it is willing and able to comply with State of Texas laws with respect to foreign (non-state of Texas corporations).
- B. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.
- C. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the City of Wimberley.
- D. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Name: _____

Title: _____

Firm: _____

Date: _____

Signature: _____

APPENDIX B

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES FOR THE AUDIT OF THE FISCAL YEAR _____ FINANCIAL STATEMENTS

	<u>Hours</u>	<u>Standard Hourly Rates</u>	<u>Quoted Hourly Rates</u>	<u>Total</u>
Partners	_____	\$ _____	\$ _____	\$ _____
Managers	_____	\$ _____	\$ _____	\$ _____
Supervisory staff	_____	\$ _____	\$ _____	\$ _____
Staff	_____	\$ _____	\$ _____	\$ _____
Subtotal				\$ _____
Out-of-pocket expenses:				
Meals and lodging				\$ _____
Transportation				\$ _____
Other (Specify)				\$ _____
Total All-Inclusive Not to Exceed Price For Fiscal year _____ Audit				\$ _____

APPENDIX C

LIST OF REFERENCES

List at least 5 local governments as references with contact information:

<u>Name of Entity</u>	<u>Services Provided</u>	<u>Dates of Services</u>
1.		
2.		
3.		
4.		
5.		