City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, MARCH 23, 2023 - 6:00 PM

AGENDA

1. CALL TO ORDER March 23, 2023, at 6:00 PM

2. CALL OF ROLL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

5. CITIZENS COMMUNICATIONS

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

6. PROCLAMATIONS/RECOGNITIONS

6.1. Proclamation of the City of Wimberley, Texas proclaiming March 1- June 15 and August 15 - November 30 as “Lights Out for Bird Safety”

7. CONSENT AGENDA

7.1. Consider approval of minutes from the March 2, 2023 Regular City Council Meeting. *(Tammy Heller, City Secretary)*

7.2. Approval of the February 2023 Revenue and Expenditure Report for the City of Wimberley. *(Tim Patek, City Administrator)*

8. EXECUTIVE SESSION

8.1. Executive Session pursuant to Texas Government Code, Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property.

9. OPEN SESSION

9.1. Discussion and possible action resulting from Executive Session.

10. PRESENTATION AND POSSIBLE ACTION

10.1. Discuss and consider possible action to approve Ordinance No. 2023-07 authorizing the issuance and sale of City of Wimberley, Texas Hotel Occupancy Tax Revenue Bonds, Series 2023; providing for the security for and payment of such bonds; and authorizing and enacting other matters and provisions relating to the subject.

10.2. Receive an update from representatives of SitePro and PGMS and consider possible action related to the Ranch Road 12 liftstation malfunction.

10.3. Discuss and consider possible action on a recommendation from the Transportation Advisory Board on the following items:
A. Street improvement projects
B. ADA and Fire Lane Compliance
C. Speed Cushions or other traffic speed calming measures on River Road and 1492

11. CITY STAFF REPORT

11.1. Receive an update from the City Administrator on the following items:
A. Winter freeze debris pick-up
B. Ranch Road 12 lift station malfunction.

11.2. Parks Director Report regarding, but not limited to, the 2023 swim season, programs/events and maintenance projects. *(Richard Shaver, Parks Director)*

12. DISCUSSION AND POSSIBLE ACTION

12.1. Discuss and consider approval of an agreement with MHS Planning & Design, LLC for the Parks and Recreation Comprehensive Master Plan. *(Richard Shaver, Parks Director)*

12.2. Discuss and consider possible action on an updated purchasing policy for the City of Wimberley *(Tim Patek, City Administrator)*

12.3. Discussion and possible action regarding fire suppression issues in the City of Wimberley. *(Tim Patek, City Administrator)*

12.4. Discussion and possible action regarding a professional services agreement with Bureau Veritas North America for code and fire services. *(Nathan Glaiser, Director of Planning & Public Works)*

13. CITY COUNCIL REPORTS

13.1. Annoucements
A. Patsy Glenn Refuge Dedication - 10:00AM
B. Emergency Preparedness Fair - 10:00AM-2:00PM, held at the VFW

13.2. Future Agenda Items

14. ADJOURNMENT

EXECUTIVE SESSION NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive 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. 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, March 20, 2023, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tammy Heller

Tammy Heller, 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 Interim City Secretary Tammy Cook at (512) 648-2403 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, Lights Out Texas is a statewide initiative that aims to raise awareness of the risk light pollution poses to birds and to ask businesses, residents, and governments to turn off non-essential lights at night in the City of Wimberley during bird migration from 11 p.m. to 6 a.m. in the spring and fall bird migration periods of March 1 – June 15 and August 15 – November 30 each year; and

WHEREAS, The City of Wimberley is joining an international Lights Out effort by proposing and implementing a simple solution that dramatically reduces hazards to migrating birds, allowing them to safely proceed with their journeys during critical migration periods; and

WHEREAS, The initiative is led by the Cornell Lab of Ornithology and Texan by Nature, which was founded by former First Lady Laura Bush, and is a collaborative effort supported by numerous organizations and communities throughout Wimberley; and

WHEREAS, More than one billion birds die in collisions with buildings, including our single-story buildings with lights that attract and disorient migrating birds in the United States annually; and

WHEREAS, Each year, nearly two billion birds travel through the State of Texas, mostly at night. This number represents between a quarter and a third of all birds migrating throughout the United States; and

WHEREAS, The extensive light pollution, from our non-shielded rural and urban lights, both residential and commercial, including string and pole lights, combined with the enormous bird migration, creates a particularly hazardous environment; and

WHEREAS, Birds are important to the Texas economy. Texas A&M found that nature tourism, which is dominated by bird watching, contributes $300 million to the economy. Our Wimberley Parks including Patsy Glenn Refuge attracts birders who contribute to our local economy; and

WHEREAS, Birds also help control the population of pest insects, enhancing agricultural production, and are important pollinators for many flowering plants; and

WHEREAS, Turning out non-essential lights also provides additional benefits such as reducing electricity consumption, saving money, and reducing pollution associated with power production; and

WHEREAS, The City of Wimberley is a community that cares about protecting wildlife and the environment. The Lights Out Program supports other local activities such as Parks and open space, Hays County Master Naturalist Chapter, the International Dark Sky Community designations, Adult and Jr. Birding Clubs, Bird City designation, Wimberley Valley Dark Sky Committee, and Hays County Friends Night Sky, that will help us quality for grants to support Nature Tourism benefiting our local economy; and

WHEREAS, Birds are essential to the ecology of our planet, provide ecosystem services, act as benchmarks for environmental health, increase livability, and connect people of all ages and abilities to the natural world.

NOW, THEREFORE, I, Gina Fulkerson, by virtue of the authority vested in me as Mayor of the City of Wimberley, Texas do hereby proclaim, March through June 15, 2023, and August 15 through November 2023 as

"Lights Out for Bird Safety"

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the City of Wimberley, Texas to be affixed this 23rd day of March 2023.

CITY OF WIMBERLEY

____

Gina V. Fulkerson, Mayor

AGENDA ITEM:	1. Consider approval of minutes from the March 2, 2023 Regular City Council Meeting. *(Tammy Heller, City Secretary)*
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	03/10/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion

FINANCIAL

N/A

STAFF RECOMMENDATION

Approve (or amend as necessary) the March 2, 2023 City Council Meeting Minutes.

ATTACHMENT/S

1. 03-02-2023 City Council Meeting Minutes

City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, MARCH 2, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER March 2, 2023, at 6:00 PM

Mayor Gina Fulkerson called the Regular Meeting to order at 6:00 p.m.

2. CALL OF ROLL

Council Members Present:
Gina Fulkerson, Mayor
Rebecca Minnick, Place 1
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Staff Members Present:
Tim Patek, City Administrator
Nathan Glasier, Director of Planning and Public Works
Leanne Kirby, Tourism Director
Charlie Zech, City Attorney

Council Members Absent:
Teresa Shell, Place 2

3. INVOCATION Susan Rang - United Methodist Church

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Fulkerson led the pledges of allegiance.

5. CITIZENS COMMUNICATIONS

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

None.

6. PROCLAMATIONS/RECOGNITIONS

6.1. Proclamation of the City of Wimberley, Texas Recognizing Spay & Neuter Awareness.

Mayor Fulkerson read a proclamation recognizing Spay and Neuter Awareness.

Sharri Boyett, Hays County Animal Advocate, spoke about Prevent a Litter (PALS) and the services they provide. She encouraged those that are unable to spay or neuter their pet to reach out to PALS for assistance.

Marcia Sanderson, Director of PAWS Wimberley (trap-neuter-return) TNR program. She spoke about the services available for spaying and neutering cats and left contact information with the staff. She encouraged everyone to utilize this service if needed.

Alex Villalobos spoke on the TNR program and stated this initiative is important and spoke about the need for government entities and citizens to participate.

7. CONSENT AGENDA

A motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the consent agenda. The motion carried unanimously (4-0).

7.1. Consider approval of the following meeting minutes:
A. February 16, 2023 Workshop City Council Meeting
B. February 16, 2023 Regular City Council Meeting
C. February 20, 2023 Special City Council Meeting

8. PRESENTATION AND POSSIBLE ACTION

8.1. Receive an update from the Hotel Occupancy Tax (HOT) Committee Chair, Helena Hauk.

Helena Hauk, Hotel Occupancy Tax (HOT) Advisory Committee Chair, provided an update. She stated that 21 applications were received and the committee continues to review these. An item will come forward to Council in April, with the committee's recommendations.

9. DISCUSSION AND POSSIBLE ACTION

9.1. Discuss and consider possible action regarding Ordinance No. 2023-06, declaring unopposed candidates in the May 6, 2023 General Election elected to office; canceling the General Election; providing for severability, conflicting provisions, governing law, proper notice and open meetings, and an effective date. *(Nathan Glaiser, Director of Planning & Public Works)*

Nathan Glaiser, Director of Planning and Public Works, stated that all three candidates in the May 6, 2023 General Election were unopposed. The cost benefit to the city is a savings of approximately $6500.00. A motion was made by Council Member Chiles, seconded by Mayor Fulkerson, to approve Ordinance No. 2023-06, as presented. The motion carried unanimously (4-0).

9.2. Discuss and consider rescheduling the March 16, 2023 Regular City Council Meeting, due to the Spring Break Holiday. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, stated that council may choose to postpone the next City Council meeting due to the Spring Break Holiday. He proposed March 23rd as a possible date. A motion was made by Council Member Minnick, seconded by Council Member Sheffield to reschedule the March 16, 2023 Regular City

Council Meeting to March 23, 2023. The motion carried unanimously (4-0).

9.3. Discuss and consider possible action related to the Winter Freeze. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, spoke about the progress being made with debris pick-up from the winter storm. He stated an additional $15,000 would be needed to get the remainder of limbs/brush from various neighborhoods, but did state there was no guarantee that everything could be picked up. The council concurred that additional resources should be provided to ensure neighborhoods are serviced. Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Chiles to authorize additional funds in the amount of $30,000 for a total of $65,000 for debris pick-up. The motion carried unanimously (4-0).

10. CITY COUNCIL REPORTS

10.1. Announcements

No Announcements this evening.

10.2. Future Agenda Items

Update from the Parks Director related to the swim season at Blue Hole.

11. EXECUTIVE SESSION

11.1. Executive Session pursuant to Texas Government Code, Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property.

Mayor Fulkerson adjourned into executive session at 6:32 p.m.

12. OPEN SESSION

12.1. Discussion and possible action resulting from Executive Session.

The mayor reconvened into open session at 7:17 pm. A motion was made by Council Member Minnick, seconded by Council Member Cohen to direct the City Administrator to take any and all necessary steps to purchase the property at 280 Old Kyle Road. The motion carried unanimously (4-0).

13. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Chiles, to adjourn the regular meeting at 7:19 p.m.

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor

AGENDA ITEM:	2. Approval of the February 2023 Revenue and Expenditure Report for the City of Wimberley. *(Tim Patek, City Administrator)*
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	03/10/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion

FINANCIAL

The Revenue and Expense Report for February 2023 is attached for review.

STAFF RECOMMENDATION

ATTACHMENT/S

1. February 2023 Revenue_Expense Report

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

100 - General Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
15-Administration	190,936.21	920,980.39	1,860,500.00	939,519.61	50.50%	840,888.48	1,950,325.61
51-Community Center	785.00	1,090.00	0.00	(1,090.00)	0.00%	0.00	100.00
Revenue Totals	191,721.21	922,070.39	1,860,500.00	938,429.61	50.44%	840,888.48	1,950,425.61
Expense Summary							
15-Administration	42,792.33	562,459.89	690,290.00	127,830.11	18.52%	428,050.44	766,607.04
16-Legal	6,169.24	15,165.14	100,000.00	84,834.86	84.83%	36,732.16	63,069.53
17-Council/Board	5,769.47	39,130.76	118,700.00	79,569.24	67.03%	34,192.66	125,861.98
18-Building	2,038.75	12,541.25	43,000.00	30,458.75	70.83%	18,315.00	49,068.75
21-Public Safety	10,000.00	28,235.00	203,740.00	175,505.00	86.14%	16,085.00	75,421.58
25-Municipal Court	0.00	333.33	14,275.00	13,941.67	97.66%	1,666.65	4,516.92
30-Public Works	19,704.04	88,668.55	246,197.00	157,528.45	63.98%	45,496.96	210,824.10
31-Roads	402.00	14,244.66	105,250.00	91,005.34	86.47%	39,531.88	109,156.46
33-Water/Wastewater	486.00	15,772.82	0.00	(15,772.82)	0.00%	29,292.49	66,918.45
51-Community Center	18,320.50	69,260.99	160,486.00	91,225.01	56.84%	59,051.48	126,174.35
52-Parks	568.84	3,307.02	12,500.00	9,192.98	73.54%	745.05	3,879.44
Expense Totals	106,251.17	849,119.41	1,694,438.00	845,318.59	49.89%	709,159.77	1,601,498.60
Revenues Over(Under) Expenditures	85,470.04	72,950.98	166,062.00	0.00	0.00%	131,728.71	348,927.01

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
Tax Revenue							
15-5120 General Sales & Use Tax	152,944.39	634,792.42	1,419,000.00	784,207.58	55.26%	603,247.35	1,422,485.75
15-5131 Mixed Beverage Tax	6,908.27	32,336.21	40,000.00	7,663.79	19.16%	25,802.13	64,108.01
15-5171 Franchise Tax	15,701.37	180,898.47	250,000.00	69,101.53	27.64%	142,447.83	293,914.41
Total Tax Revenue	175,554.03	848,027.10	1,709,000.00	860,972.90	50.38%	771,497.31	1,780,508.17
Licenses & Permits							
15-5211 Beer & Wine Permits	2,050.00	2,110.00	1,000.00	(1,110.00)	(111.00%)	295.00	1,465.00
15-5212 Food Permits	2,625.00	5,775.00	14,000.00	8,225.00	58.75%	9,245.00	16,904.80
15-5213 Septic Permits	2,450.00	8,970.00	10,000.00	1,030.00	10.30%	3,925.00	13,135.00
15-5219 Sign Permits	50.00	365.00	1,000.00	635.00	63.50%	0.00	620.00
15-5221 Building Permits	2,413.75	10,129.37	30,000.00	19,870.63	66.24%	14,177.75	31,901.72
15-5621 Short-Term Rental	0.00	975.00	0.00	(975.00)	0.00%	0.00	0.00
Total Licenses & Permits	9,588.75	28,324.37	56,000.00	27,675.63	49.42%	27,642.75	64,026.52
Service Fees							
15-5410 CC Convenience Fees	0.00	64.34	500.00	435.66	87.13%	213.16	410.75
15-5413 Zoning	2,025.00	5,317.00	10,000.00	4,683.00	46.83%	7,196.40	13,886.40
15-5414 Subdivision Fees	0.00	1,038.25	3,000.00	1,961.75	65.39%	5,407.55	7,437.55
15-5416 Building Inspections	1,780.00	7,118.75	25,000.00	17,881.25	71.53%	10,790.00	26,700.00
15-5417 Bldg Plan Reviews	375.00	3,572.50	10,000.00	6,427.50	64.28%	5,162.50	11,053.75
15-5475 WCC Facility Rentals	500.00	10,000.00	30,000.00	20,000.00	66.67%	10,755.00	35,912.65
Total Service Fees	4,680.00	27,110.84	78,500.00	51,389.16	65.46%	39,524.61	95,401.10
Court Costs, Fees & Charges							
15-5411 Court Costs	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Court Costs, Fees & Charges	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00
Other Income							
15-5611 Interest Revenues	0.00	0.00	2,000.00	2,000.00	100.00%	888.21	1,231.87
15-5701 Other/Misc	1,113.43	17,518.08	10,000.00	(7,518.08)	(75.18%)	1,335.60	9,157.95
Total Other Income	1,113.43	17,518.08	12,000.00	(5,518.08)	(45.98%)	2,223.81	10,389.82
Total Administration	190,936.21	920,980.39	1,860,500.00	939,519.61	50.50%	840,888.48	1,950,325.61
51-Community Center							
Service Fees							
51-5476 Special Events	785.00	1,090.00	0.00	(1,090.00)	0.00%	0.00	100.00
Total Service Fees	785.00	1,090.00	0.00	(1,090.00)	0.00%	0.00	100.00
Total Community Center	785.00	1,090.00	0.00	(1,090.00)	0.00%	0.00	100.00
Total Revenue	191,721.21	922,070.39	1,860,500.00	938,429.61	50.44%	840,888.48	1,950,425.61

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
Personnel Services							
15-6110 S & W - City Administrator	10,000.00	54,976.99	136,000.00	81,023.01	59.58%	51,615.35	128,999.98
15-6120 S & W - City Secretary	6,692.32	36,807.69	87,006.00	50,198.31	57.70%	29,697.45	70,689.08
15-6130 S & W - Financial Clerk	4,273.89	23,295.48	54,413.00	31,117.52	57.19%	19,993.60	47,325.76
15-6210 Health Care	1,885.68	9,365.69	31,858.00	22,492.31	70.60%	14,728.54	29,910.27
15-6220 Payroll Taxes	1,653.74	9,124.05	23,216.00	14,091.95	60.70%	7,527.15	18,175.59
15-6230 TMRS Contribution	1,455.16	7,539.71	19,112.00	11,572.29	60.55%	6,308.64	14,847.78
15-6250 Unemployment Compensation	0.00	9.00	706.00	697.00	98.73%	0.00	12.97
15-6251 Workers Compensation	0.00	0.00	197.00	197.00	100.00%	0.00	0.00
Total Personnel Services	25,960.79	141,118.61	352,508.00	211,389.39	59.97%	129,870.73	309,961.43
Expenditures							
15-6135 S & W - HOT	1,250.00	6,875.00	16,250.00	9,375.00	57.69%	0.00	3,750.00
Total Expenditures	1,250.00	6,875.00	16,250.00	9,375.00	57.69%	0.00	3,750.00
Other Services & Charges							
15-6270 Annual/Assoc Dues	249.50	893.52	4,500.00	3,606.48	80.14%	1,124.52	3,622.22
15-6340 Technology Consultant	218.75	6,942.49	10,000.00	3,057.51	30.58%	4,978.74	10,360.45
15-6370 Contract Services	53.50	6,132.05	21,384.00	15,251.95	71.32%	13,290.50	26,579.03
15-6411 Telephones	456.80	2,091.79	6,000.00	3,908.21	65.14%	2,123.57	4,648.41
15-6420 Office Cleaning	575.00	2,875.00	6,000.00	3,125.00	52.08%	2,875.00	6,612.50
15-6441 Storage Rent	100.00	500.00	1,200.00	700.00	58.33%	500.00	1,200.00
15-6443 Equipment Rent/Lease	1,633.18	4,115.91	9,000.00	4,884.09	54.27%	4,399.57	11,208.42
15-6500 Grant Expenditures	0.00	309,938.83	0.00	(309,938.83)	0.00%	0.00	14,422.46
15-6520 Insurance	0.00	30,041.90	30,000.00	(41.90)	(0.14%)	25,092.90	25,092.90

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-6531 Public Notices	226.33	1,905.95	7,000.00	5,094.05	72.77%	1,696.60	2,984.00
15-6532 Office Tech/Software	7,302.29	29,793.27	41,000.00	11,206.73	27.33%	14,493.09	53,907.18
15-6551 Printing	0.00	155.98	300.00	144.02	48.01%	0.00	177.24
15-6569 Vehicle Allowance/Moving Exp	900.00	4,000.00	10,800.00	6,800.00	62.96%	2,500.00	6,000.00
15-6570 Travel	358.22	402.29	5,000.00	4,597.71	91.95%	4,116.27	5,074.99
15-6572 Training	0.00	689.90	5,000.00	4,310.10	86.20%	1,742.21	4,803.38
15-6581 Refunds	0.00	300.00	2,000.00	1,700.00	85.00%	0.00	695.00
15-6589 Records Management	209.00	1,194.00	1,500.00	306.00	20.40%	1,202.35	1,580.35
15-6651 Postage	251.00	356.91	1,000.00	643.09	64.31%	251.00	916.50
Total Other Services & Charges	12,533.57	402,329.79	161,684.00	(240,645.79)	(148.84%)	80,386.32	179,885.03
Supplies & Maintenance							
15-6410 Utilities	1,927.81	6,636.37	11,000.00	4,363.63	39.67%	3,415.19	12,170.15
15-6430 Bldg Repairs/Maintenance	665.50	951.78	3,000.00	2,048.22	68.27%	1,385.22	3,291.77
15-6442 Water Cooler	96.98	288.94	600.00	311.06	51.84%	218.95	619.86
15-6521 Security System	179.94	359.88	853.00	493.12	57.81%	359.88	719.76
15-6610 General Operating Supplies	0.00	644.41	4,000.00	3,355.59	83.89%	3,408.56	4,479.45
15-6660 Office Supplies	177.74	987.37	3,000.00	2,012.63	67.09%	1,358.23	2,447.27
15-6791 Capital Outlay - Technology	0.00	0.00	3,000.00	3,000.00	100.00%	5,816.16	5,816.16
15-6792 Capital Outlay - Other	0.00	2,267.74	10,000.00	7,732.26	77.32%	150,000.00	150,170.00
Total Supplies & Maintenance	3,047.97	12,136.49	35,453.00	23,316.51	65.77%	165,962.19	179,714.42
Transfer Out							
15-6701 Interest and Sinking Transfer Out	0.00	0.00	124,395.00	124,395.00	100.00%	51,831.20	93,296.16
Total Transfer Out	0.00	0.00	124,395.00	124,395.00	100.00%	51,831.20	93,296.16

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Administration	42,792.33	562,459.89	690,290.00	127,830.11	18.52%	428,050.44	766,607.04
16-Legal							
Other Services & Charges							
16-6350 Legal	6,169.24	15,165.14	100,000.00	84,834.86	84.83%	36,732.16	63,069.53
Total Other Services & Charges	6,169.24	15,165.14	100,000.00	84,834.86	84.83%	36,732.16	63,069.53
Total Legal	6,169.24	15,165.14	100,000.00	84,834.86	84.83%	36,732.16	63,069.53
17-Council/Board							
Other Services & Charges							
17-6320 Financial (Contract Svs)	0.00	4,293.75	16,200.00	11,906.25	73.50%	10,500.00	18,058.75
17-6330 Audit	4,935.00	4,935.00	20,000.00	15,065.00	75.33%	738.00	19,738.00
17-6541 Public Relations/Receptions	39.47	1,499.57	8,000.00	6,500.43	81.26%	6,698.88	8,279.45
17-6572 Training	795.00	2,802.44	8,000.00	5,197.56	64.97%	4,955.78	9,785.78
17-6590 Elections	0.00	0.00	6,500.00	6,500.00	100.00%	0.00	0.00
17-6591 Planning	0.00	6,600.00	25,000.00	18,400.00	73.60%	11,300.00	57,500.00
Total Other Services & Charges	5,769.47	20,130.76	83,700.00	63,569.24	75.95%	34,192.66	113,361.98
Expenditures							
17-6595 Code Revisions	0.00	19,000.00	35,000.00	16,000.00	45.71%	0.00	12,500.00
Total Expenditures	0.00	19,000.00	35,000.00	16,000.00	45.71%	0.00	12,500.00
Total Council/Board	5,769.47	39,130.76	118,700.00	79,569.24	67.03%	34,192.66	125,861.98
18-Building							
Other Services & Charges							
18-6360 Contract Inspections	2,038.75	11,228.75	35,000.00	23,771.25	67.92%	16,605.00	43,046.25
18-6582 Site Plan Reviews	0.00	1,312.50	8,000.00	6,687.50	83.59%	1,710.00	6,022.50

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Other Services & Charges	2,038.75	12,541.25	43,000.00	30,458.75	70.83%	18,315.00	49,068.75
Total Building	2,038.75	12,541.25	43,000.00	30,458.75	70.83%	18,315.00	49,068.75
21-Public Safety							
Personnel Services							
21-6170 Public Safety Salaries	0.00	0.00	39,240.00	39,240.00	100.00%	0.00	0.00
21-6210 Health Care	0.00	0.00	19,350.00	19,350.00	100.00%	0.00	0.00
21-6220 Payroll Taxes	0.00	0.00	4,455.00	4,455.00	100.00%	0.00	0.00
21-6230 TMRS Contribution	0.00	0.00	3,815.00	3,815.00	100.00%	0.00	0.00
21-6250 Unemployment Compensation	0.00	0.00	141.00	141.00	100.00%	0.00	0.00
21-6251 Workers Compensation	0.00	0.00	239.00	239.00	100.00%	0.00	0.00
Total Personnel Services	0.00	0.00	67,240.00	67,240.00	100.00%	0.00	0.00
Other Services & Charges							
21-6370 Contract Services	0.00	0.00	5,000.00	5,000.00	100.00%	10,085.00	10,085.00
21-6371 Sanitarian (Contract Labor)	10,000.00	20,000.00	60,000.00	40,000.00	66.67%	0.00	20,000.00
21-6373 Animal Control	0.00	0.00	6,000.00	6,000.00	100.00%	6,000.00	6,000.00
21-6375 Safety - Traffic Direction	0.00	8,235.00	30,000.00	21,765.00	72.55%	0.00	22,010.00
21-6572 Training	0.00	0.00	1,500.00	1,500.00	100.00%	0.00	0.00
21-6574 Event Services	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00
21-6583 Fuel	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00
21-6794 Capital Outlay - Equipmt/Other	0.00	0.00	20,000.00	20,000.00	100.00%	0.00	17,326.58
Total Other Services & Charges	10,000.00	28,235.00	132,500.00	104,265.00	78.69%	16,085.00	75,421.58
Supplies & Maintenance							
21-6431 Vehicle Maint/Insurance	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
21-6610 General Operating Supplies	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	0.00
Total Supplies & Maintenance	0.00	0.00	4,000.00	4,000.00	100.00%	0.00	0.00
Total Public Safety	10,000.00	28,235.00	203,740.00	175,505.00	86.14%	16,085.00	75,421.58
25-Municipal Court							
Other Services & Charges							
25-6270 Annual/Assoc Dues	0.00	0.00	25.00	25.00	100.00%	0.00	0.00
25-6380 MC Judge (Contract Labor)	0.00	333.33	4,000.00	3,666.67	91.67%	1,666.65	3,999.96
25-6381 City Prosecutor	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	0.00
25-6532 Office Tech/Software	0.00	0.00	5,500.00	5,500.00	100.00%	0.00	0.00
Total Other Services & Charges	0.00	333.33	12,525.00	12,191.67	97.34%	1,666.65	3,999.96
Supplies & Maintenance							
25-6610 General Operating Supplies	0.00	0.00	750.00	750.00	100.00%	0.00	516.96
25-6791 Capital Outlay - Technology	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	0.00
Total Supplies & Maintenance	0.00	0.00	1,750.00	1,750.00	100.00%	0.00	516.96
Total Municipal Court	0.00	333.33	14,275.00	13,941.67	97.66%	1,666.65	4,516.92
30-Public Works							
Personnel Services							
30-6151 Salaries - Public Works Manager	3,680.00	17,595.00	47,840.00	30,245.00	63.22%	0.00	53,003.51
30-6152 Salaries - Public Works Assistant	0.00	9,035.00	9,035.00	0.00	0.00%	0.00	39,175.35
30-6161 Development/Public Works Director	5,361.61	29,543.29	69,701.00	40,157.71	57.61%	0.00	0.00
30-6191 Permitting Coordinator	3,360.00	5,040.00	31,504.00	26,464.00	84.00%	0.00	0.00
30-6210 Health Care	2,349.28	8,602.40	25,670.00	17,067.60	66.49%	15,703.25	30,136.80

S

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
30-6220 Payroll Taxes	948.72	4,682.81	14,526.00	9,843.19	67.76%	5,109.16	11,983.86
30-6230 TMRS Contribution	812.30	3,403.87	9,632.00	6,228.13	64.66%	3,734.70	8,674.82
30-6250 Unemployment Compensation	0.00	0.00	460.00	460.00	100.00%	120.66	127.47
30-6251 Workers Compensation	0.00	0.00	779.00	779.00	100.00%	0.00	0.00
Total Personnel Services	16,511.91	77,902.37	209,147.00	131,244.63	62.75%	24,667.77	143,101.81
Other Services & Charges							
30-6270 Annual/Assoc Dues	0.00	141.00	250.00	109.00	43.60%	174.75	174.75
30-6370 Contract Services	75.00	199.20	15,000.00	14,800.80	98.67%	15,237.50	19,462.50
30-6532 Office Tech/Software	0.00	321.99	2,000.00	1,678.01	83.90%	1,554.10	3,054.10
30-6570 Travel	0.00	122.58	1,500.00	1,377.42	91.83%	0.00	0.00
30-6571 Mileage	0.00	0.00	300.00	300.00	100.00%	0.00	0.00
30-6572 Training	0.00	1,368.57	3,000.00	1,631.43	54.38%	1,615.00	2,310.00
30-6583 Fuel	272.81	1,733.98	3,500.00	1,766.02	50.46%	1,173.94	4,096.05
30-6794 Capital Outlay - Equipmt/Other	2,083.25	2,083.25	7,000.00	4,916.75	70.24%	0.00	34,171.31
Total Other Services & Charges	2,431.06	5,970.57	32,550.00	26,579.43	81.66%	19,755.29	63,268.71
Supplies & Maintenance							
30-6431 Vehicle Maint/Insurance	572.41	3,502.86	2,000.00	(1,502.86)	(75.14%)	153.58	1,624.57
30-6610 General Operating Supplies	188.66	1,199.22	2,000.00	800.78	40.04%	796.08	2,690.72
30-6612 Tools	0.00	93.53	500.00	406.47	81.29%	124.24	138.29
Total Supplies & Maintenance	761.07	4,795.61	4,500.00	(295.61)	(6.57%)	1,073.90	4,453.58
Total Public Works	19,704.04	88,668.55	246,197.00	157,528.45	63.98%	45,496.96	210,824.10

31-Roads

Supplies & Maintenance

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
31-6432 Road Maintenance	402.00	9,187.97	80,000.00	70,812.03	88.52%	31,226.48	84,366.52
31-6433 Equipment Maintenance	0.00	0.00	250.00	250.00	100.00%	0.00	49.99
31-6584 Mowing/Trimming	0.00	140.74	5,000.00	4,859.26	97.19%	550.00	1,550.00
31-6611 Signs/Barricades	0.00	965.95	5,000.00	4,034.05	80.68%	7,755.40	12,489.95
Total Supplies & Maintenance	402.00	10,294.66	90,250.00	79,955.34	88.59%	39,531.88	98,456.46
Other Services & Charges							
31-6470 Engineering - Roads	0.00	3,950.00	15,000.00	11,050.00	73.67%	0.00	10,700.00
Total Other Services & Charges	0.00	3,950.00	15,000.00	11,050.00	73.67%	0.00	10,700.00
Total Roads	402.00	14,244.66	105,250.00	91,005.34	86.47%	39,531.88	109,156.46
33-Water/Wastewater							
Supplies & Maintenance							
33-6586 Quality Testing WW	486.00	951.00	0.00	(951.00)	0.00%	930.00	930.00
33-6588 Public Restroom WW	0.00	14,821.82	0.00	(14,821.82)	0.00%	28,362.49	65,988.45
Total Supplies & Maintenance	486.00	15,772.82	0.00	(15,772.82)	0.00%	29,292.49	66,918.45
Total Water/Wastewater	486.00	15,772.82	0.00	(15,772.82)	0.00%	29,292.49	66,918.45
51-Community Center							
Personnel Services							
51-6100 Hourly Pay	0.00	9,630.00	0.00	(9,630.00)	0.00%	0.00	0.00
51-6140 S & W - Director	0.00	10,407.07	49,920.00	39,512.93	79.15%	19,171.85	44,378.46
51-6142 WCC Manager	11,750.40	13,670.40	0.00	(13,670.40)	0.00%	0.00	0.00
51-6180 S & W - Maintenance	1,431.76	8,828.72	20,000.00	11,171.28	55.86%	3,854.27	11,383.67
51-6210 Health Care	788.63	4,701.72	9,500.00	4,798.28	50.51%	5,276.93	10,624.56
51-6220 Payroll Taxes	694.50	2,807.92	3,820.00	1,012.08	26.49%	1,761.54	4,265.93

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
51-6230 TMRS Contribution	500.84	1,720.08	3,270.00	1,549.92	47.40%	1,194.90	2,697.19
51-6250 Unemployment Compensation	8.26	21.60	121.00	99.40	82.15%	62.37	72.16
51-6251 Workers Compensation	0.00	0.00	205.00	205.00	100.00%	0.00	0.00
Total Personnel Services	15,174.39	51,787.51	86,836.00	35,048.49	40.36%	31,321.86	73,421.97
Other Services & Charges							
51-6270 Annual/Assoc Dues	0.00	274.87	200.00	(74.87)	(37.44%)	222.18	222.18
51-6370 Contract Services	91.00	126.50	2,000.00	1,873.50	93.68%	291.75	2,880.75
51-6411 Telephones	191.72	932.26	2,500.00	1,567.74	62.71%	949.95	2,083.85
51-6532 Office Tech/Software	852.74	1,381.20	2,000.00	618.80	30.94%	878.89	2,058.94
51-6540 Advertising	0.00	709.00	2,500.00	1,791.00	71.64%	723.00	1,853.00
51-6551 Printing	0.00	0.00	100.00	100.00	100.00%	0.00	39.77
51-6651 Postage	0.00	0.00	50.00	50.00	100.00%	0.00	0.00
51-6794 Capital Outlay - Equipmt/Other	0.00	2,613.81	0.00	(2,613.81)	0.00%	0.00	0.00
51-6797 Capital Outlay - Facilities	0.00	0.00	10,000.00	10,000.00	100.00%	0.00	0.00
Total Other Services & Charges	1,135.46	6,037.64	19,350.00	13,312.36	68.80%	3,065.77	9,138.49
Supplies & Maintenance							
51-6410 Utilities	1,283.72	7,523.22	20,000.00	12,476.78	62.38%	10,473.93	24,799.55
51-6430 Bldg Repairs/Maintenance	323.99	1,180.31	20,000.00	18,819.69	94.10%	12,246.51	14,876.98
51-6521 Security System	99.00	495.00	1,500.00	1,005.00	67.00%	571.47	1,264.47
51-6610 General Operating Supplies	303.94	1,870.41	2,500.00	629.59	25.18%	1,300.51	2,538.86
51-6616 Programs	0.00	0.00	10,000.00	10,000.00	100.00%	0.00	0.00
51-6660 Office Supplies	0.00	366.90	300.00	(66.90)	(22.30%)	71.43	134.03
Total Supplies & Maintenance	2,010.65	11,435.84	54,300.00	42,864.16	78.94%	24,663.85	43,613.89

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Community Center	18,320.50	69,260.99	160,486.00	91,225.01	56.84%	59,051.48	126,174.35
52-Parks							
Supplies & Maintenance							
52-6410 Utilities	342.34	1,329.56	8,000.00	6,670.44	83.38%	686.05	1,854.38
52-6430 Bldg Repairs/Maintenance	0.00	1,305.44	2,500.00	1,194.56	47.78%	0.00	534.35
52-6585 NATURE TL/OLD BALDY	226.50	672.02	1,000.00	327.98	32.80%	59.00	1,490.71
52-6610 General Operating Supplies	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	0.00
Total Supplies & Maintenance	568.84	3,307.02	12,500.00	9,192.98	73.54%	745.05	3,879.44
Total Parks	568.84	3,307.02	12,500.00	9,192.98	73.54%	745.05	3,879.44
Total Expense	106,251.17	849,119.41	1,694,438.00	845,318.59	49.89%	709,159.77	1,601,498.60

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

200 - Blue Hole Parkland	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
52-Parks	800.00	13,450.00	637,320.00	623,870.00	97.89%	39,790.24	585,455.91
Revenue Totals	800.00	13,450.00	637,320.00	623,870.00	97.89%	39,790.24	585,455.91
Expense Summary							
52-Parks	62,799.79	335,722.27	831,021.13	495,298.86	59.60%	213,004.31	764,470.01
Expense Totals	62,799.79	335,722.27	831,021.13	495,298.86	59.60%	213,004.31	764,470.01
Revenues Over(Under) Expenditures	(61,999.79)	(322,272.27)	(193,701.13)	0.00	0.00%	(173,214.07)	(179,014.10)

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

200 - Blue Hole Parkland Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
52-Parks							
Service Fees							
52-5472 Reservations/Gate Fees	0.00	0.00	512,770.00	512,770.00	100.00%	616.40	469,276.90
52-5474 Facility Rentals	0.00	1,985.00	30,000.00	28,015.00	93.38%	2,630.00	22,140.00
52-5476 Special Events	0.00	3,665.00	80,000.00	76,335.00	95.42%	32,170.70	78,701.70
52-5479 Vending/Merchandise	0.00	0.00	8,000.00	8,000.00	100.00%	571.50	8,748.18
Total Service Fees	0.00	5,650.00	630,770.00	625,120.00	99.10%	35,988.60	578,866.78
Other Income							
52-5611 Interest Revenues	0.00	0.00	150.00	150.00	100.00%	217.61	289.10
52-5701 Other/Misc	700.00	700.00	6,400.00	5,700.00	89.06%	3,584.03	6,300.03
52-5900 Designated Funds	100.00	7,100.00	0.00	(7,100.00)	0.00%	0.00	0.00
Total Other Income	800.00	7,800.00	6,550.00	(1,250.00)	(19.08%)	3,801.64	6,589.13
Total Parks	800.00	13,450.00	637,320.00	623,870.00	97.89%	39,790.24	585,455.91
Total Revenue	800.00	13,450.00	637,320.00	623,870.00	97.89%	39,790.24	585,455.91

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

200 - Blue Hole Parkland Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
52-Parks							
Personnel Services							
52-6100 Hourly Pay	2,880.00	19,088.00	0.00	(19,088.00)	0.00%	0.00	0.00
52-6141 S & W - Parks Director	5,000.00	27,500.00	65,000.00	37,500.00	57.69%	0.00	54,995.00
52-6181 S & W - Parks PT	8,001.25	40,573.23	149,042.00	108,468.77	72.78%	24,191.28	121,036.80
52-6182 S & W - Laborer	2,880.00	15,880.50	74,880.00	58,999.50	78.79%	7,800.00	55,087.28
52-6183 S & W - Programs & Operations Mngr	3,200.00	17,860.00	39,520.00	21,660.00	54.81%	12,800.00	32,000.00
52-6184 S & W - Programs & Events Special	3,200.00	3,200.00	39,520.00	36,320.00	91.90%	0.00	0.00
52-6185 S & W - Nat'l Resource Park Mngr	3,360.00	18,039.00	43,680.00	25,641.00	58.70%	15,840.00	37,440.00
52-6210 Health Care	3,171.84	15,671.44	56,201.00	40,529.56	72.12%	14,186.66	37,550.31
52-6220 Payroll Taxes	2,181.89	10,873.89	20,089.00	9,215.11	45.87%	7,424.73	23,013.08
52-6230 TMRS Contribution	1,344.06	6,296.13	17,200.00	10,903.87	63.39%	3,860.51	12,159.92
52-6250 Unemployment Compensation	(0.80)	28.64	635.00	606.36	95.49%	513.25	578.16
52-6251 Workers Compensation	0.00	0.00	9,454.00	9,454.00	100.00%	0.00	0.00
Total Personnel Services	35,218.24	175,010.83	515,221.00	340,210.17	66.03%	86,616.43	373,860.55
Supplies & Maintenance							
52-6374 Contract Services	6,398.61	22,157.35	20,000.00	(2,157.35)	(10.79%)	20,530.68	37,818.89
52-6410 Utilities	1,067.43	4,146.54	15,000.00	10,853.46	72.36%	6,910.66	16,345.96
52-6431 Vehicle Maint/Insurance	1,014.37	4,074.51	6,540.00	2,465.49	37.70%	179.74	1,197.14
52-6433 Equipment Maintenance	0.00	474.52	3,450.00	2,975.48	86.25%	83.99	722.79
52-6584 Mowing/Trimming	110.00	110.00	0.00	(110.00)	0.00%	0.00	0.00
52-6610 General Operating Supplies	5,941.03	10,226.46	25,000.00	14,773.54	59.09%	13,164.43	28,637.66
52-6613 Materials	27.93	1,015.80	5,100.00	4,084.20	80.08%	1,365.70	4,820.91

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

200 - Blue Hole Parkland Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
52-6615 Bldg & Maint Supplies	7.97	823.74	2,040.00	1,216.26	59.62%	1,009.11	3,278.91
52-6616 Programs	1,612.62	13,107.07	19,400.00	6,292.93	32.44%	3,495.49	11,344.05
52-6660 Office Supplies	0.00	879.33	500.00	(379.33)	(75.87%)	264.91	777.34
Total Supplies & Maintenance	16,179.96	57,015.32	97,030.00	40,014.68	41.24%	47,004.71	104,943.65
Other Services & Charges							
52-6411 Telephones	654.93	1,272.13	2,400.00	1,127.87	46.99%	1,203.82	2,499.60
52-6443 Equipment Rent/Lease	146.12	999.80	1,500.00	500.20	33.35%	1,005.88	2,226.02
52-6532 Office Tech/Software	935.48	8,216.99	11,375.00	3,158.01	27.76%	9,052.39	12,563.14
52-6562 CC Processing Fees	0.00	0.00	600.00	600.00	100.00%	1,131.47	6,103.90
52-6570 Travel	0.00	787.14	1,300.00	512.86	39.45%	0.00	1,142.01
52-6571 Mileage	0.00	0.00	1,344.00	1,344.00	100.00%	0.00	82.49
52-6572 Training	0.00	3,100.00	2,500.00	(600.00)	(24.00%)	1,480.00	1,500.00
52-6581 Refunds	0.00	0.00	1,000.00	1,000.00	100.00%	1,281.67	2,511.67
52-6583 Fuel	170.26	1,124.13	3,000.00	1,875.87	62.53%	721.05	3,675.16
52-6651 Postage	0.00	0.00	50.00	50.00	100.00%	0.00	0.00
52-6794 Capital Outlay - Equipmt/Other	9,494.80	88,195.93	193,701.13	105,505.20	54.47%	63,506.89	253,361.82
Total Other Services & Charges	11,401.59	103,696.12	218,770.13	115,074.01	52.60%	79,383.17	285,665.81
Total Parks	62,799.79	335,722.27	831,021.13	495,298.86	59.60%	213,004.31	764,470.01
Total Expense	62,799.79	335,722.27	831,021.13	495,298.86	59.60%	213,004.31	764,470.01

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

202 - Wastewater Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
04-Water/Wastewater	29,401.00	481,022.34	324,075.00	(156,947.34)	(48.43%)	85,056.96	331,532.87
Revenue Totals	29,401.00	481,022.34	324,075.00	(156,947.34)	-48.43%	85,056.96	331,532.87
Expense Summary							
04-Water/Wastewater	9,325.50	52,498.56	324,075.00	271,576.44	83.80%	154,329.88	336,345.68
Expense Totals	9,325.50	52,498.56	324,075.00	271,576.44	83.80%	154,329.88	336,345.68
Revenues Over(Under) Expenditures	20,075.50	428,523.78	0.00	0.00	0.00%	(69,272.92)	(4,812.81)

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

202 - Wastewater Fund Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
04-Water/Wastewater							
Service Fees							
04-5400 WW Service Fee	29,362.31	480,948.28	324,000.00	(156,948.28)	(48.44%)	85,047.79	331,510.36
Total Service Fees	29,362.31	480,948.28	324,000.00	(156,948.28)	(48.44%)	85,047.79	331,510.36
Not Categorized							
04-5420 WW Penalties	38.69	74.06	0.00	(74.06)	0.00%	0.00	0.00
Total Not Categorized	38.69	74.06	0.00	(74.06)	0.00%	0.00	0.00
Other Income							
04-5611 Interest Revenues	0.00	0.00	75.00	75.00	100.00%	9.17	22.51
Total Other Income	0.00	0.00	75.00	75.00	100.00%	9.17	22.51
Total Water/Wastewater	29,401.00	481,022.34	324,075.00	(156,947.34)	(48.43%)	85,056.96	331,532.87
Total Revenue	29,401.00	481,022.34	324,075.00	(156,947.34)	(48.43%)	85,056.96	331,532.87

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

202 - Wastewater Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
04-Water/Wastewater							
Supplies & Maintenance							
04-6374 Contract Services	4,418.39	23,587.13	45,000.00	21,412.87	47.58%	52,820.79	126,529.64
04-6410 Utilities	4,907.11	28,911.43	13,000.00	(15,911.43)	(122.40%)	1,279.17	29,883.83
04-6610 General Operating Supplies	0.00	0.00	11,675.00	11,675.00	100.00%	0.00	0.00
Total Supplies & Maintenance	9,325.50	52,498.56	69,675.00	17,176.44	24.65%	54,099.96	156,413.47
Other Services & Charges							
04-6411 Telephones	0.00	0.00	1,000.00	1,000.00	100.00%	646.62	682.27
04-6532 Office Tech/Software	0.00	0.00	14,400.00	14,400.00	100.00%	0.00	0.00
04-6900 Wastewater Debt Service - Prin	0.00	0.00	160,000.00	160,000.00	100.00%	66,666.65	119,999.97
04-6901 Wastewater Debt Service - Int	0.00	0.00	79,000.00	79,000.00	100.00%	32,916.65	59,249.97
Total Other Services & Charges	0.00	0.00	254,400.00	254,400.00	100.00%	100,229.92	179,932.21
Total Water/Wastewater	9,325.50	52,498.56	324,075.00	271,576.44	83.80%	154,329.88	336,345.68
Total Expense	9,325.50	52,498.56	324,075.00	271,576.44	83.80%	154,329.88	336,345.68

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

205 - Hotel Occupancy Tax	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
15-Administration	57,276.57	290,580.59	1,004,000.00	713,419.41	71.06%	20.84	323,220.27
Revenue Totals	57,276.57	290,580.59	1,004,000.00	713,419.41	71.06%	20.84	323,220.27
Expense Summary							
15-Administration	58,158.58	119,115.08	1,004,000.00	884,884.92	88.14%	13,400.00	45,962.06
Expense Totals	58,158.58	119,115.08	1,004,000.00	884,884.92	88.14%	13,400.00	45,962.06
Revenues Over(Under) Expenditures	(882.01)	171,465.51	0.00	0.00	0.00%	(13,379.16)	277,258.21

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

205 - Hotel Occupancy Tax Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
Tax Revenue							
15-5132 Hotel Occupancy Tax	57,276.57	290,580.59	1,000,000.00	709,419.41	70.94%	0.00	323,188.30
Total Tax Revenue	57,276.57	290,580.59	1,000,000.00	709,419.41	70.94%	0.00	323,188.30
Other Income							
15-5611 Interest Revenues	0.00	0.00	4,000.00	4,000.00	100.00%	20.84	31.97
Total Other Income	0.00	0.00	4,000.00	4,000.00	100.00%	20.84	31.97
Total Administration	57,276.57	290,580.59	1,004,000.00	713,419.41	71.06%	20.84	323,220.27
Total Revenue	57,276.57	290,580.59	1,004,000.00	713,419.41	71.06%	20.84	323,220.27

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

205 - Hotel Occupancy Tax Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
Expenditures							
15-6135 S & W - HOT	3,750.00	20,625.00	51,450.00	30,825.00	59.91%	0.00	11,250.00
15-6311 Hotel Occupancy Tax General Projects	40,783.98	40,783.98	110,076.00	69,292.02	62.95%	0.00	0.00
15-6573 Transportation Shuttle	0.00	0.00	300,000.00	300,000.00	100.00%	0.00	0.00
15-6973 Special Events	0.00	0.00	45,100.00	45,100.00	100.00%	0.00	0.00
15-6974 Special Events Equipment	0.00	0.00	15,000.00	15,000.00	100.00%	0.00	0.00
15-6975 Wayfinding Sinage	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00
15-6976 Wayfinding Sign Maintenance	0.00	0.00	10,000.00	10,000.00	100.00%	0.00	0.00
15-6977 Lease Agreement	1,050.00	1,050.00	4,900.00	3,850.00	78.57%	0.00	0.00
Total Expenditures	45,583.98	62,458.98	586,526.00	524,067.02	89.35%	0.00	11,250.00
Personnel Services							
15-6210 Health Care	596.75	2,945.22	8,926.00	5,980.78	67.00%	0.00	1,116.44
15-6220 Payroll Taxes	286.88	1,577.84	3,936.00	2,358.16	59.91%	0.00	860.64
15-6230 TMRS Contribution	245.62	1,273.49	3,194.00	1,920.51	60.13%	0.00	670.50
15-6250 Unemployment Compensation	0.00	0.00	118.00	118.00	100.00%	0.00	6.76
15-6251 Workers Compensation	0.00	0.00	200.00	200.00	100.00%	0.00	0.00
Total Personnel Services	1,129.25	5,796.55	16,374.00	10,577.45	64.60%	0.00	2,654.34
Other Services & Charges							
15-6270 Annual/Assoc Dues	250.00	3,435.00	2,000.00	(1,435.00)	(71.75%)	0.00	1,459.00
15-6370 Contract Services	0.00	450.66	0.00	(450.66)	0.00%	0.00	9,945.00
15-6532 Office Tech/Software	0.00	0.00	4,500.00	4,500.00	100.00%	0.00	0.00
15-6540 Advertising	5,221.60	31,427.68	60,000.00	28,572.32	47.62%	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

205 - Hotel Occupancy Tax Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-6551 Printing	0.00	264.09	0.00	(264.09)	0.00%	0.00	0.00
15-6569 Vehicle Allowance/Moving Exp	300.00	1,500.00	3,600.00	2,100.00	58.33%	0.00	0.00
15-6570 Travel	981.75	3,114.10	2,000.00	(1,114.10)	(55.71%)	0.00	1,381.72
15-6572 Training	0.00	3,860.96	4,000.00	139.04	3.48%	0.00	730.00
15-6592 HOT Disbursements	0.00	0.00	300,000.00	300,000.00	100.00%	0.00	0.00
Total Other Services & Charges	6,753.35	44,052.49	376,100.00	332,047.51	88.29%	0.00	13,515.72
Supplies & Maintenance							
15-6374 Contract Services	0.00	0.00	25,000.00	25,000.00	100.00%	0.00	0.00
15-6610 General Operating Supplies	0.00	101.72	0.00	(101.72)	0.00%	0.00	0.00
15-6660 Office Supplies	0.00	114.34	0.00	(114.34)	0.00%	0.00	0.00
15-6791 Capital Outlay - Technology	0.00	1,899.00	0.00	(1,899.00)	0.00%	0.00	0.00
15-6792 Capital Outlay - Other	4,692.00	4,692.00	0.00	(4,692.00)	0.00%	13,400.00	18,542.00
Total Supplies & Maintenance	4,692.00	6,807.06	25,000.00	18,192.94	72.77%	13,400.00	18,542.00
Total Administration	58,158.58	119,115.08	1,004,000.00	884,884.92	88.14%	13,400.00	45,962.06
Total Expense	58,158.58	119,115.08	1,004,000.00	884,884.92	88.14%	13,400.00	45,962.06

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

300 - Capital Projects	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Expense Summary							
30-Capital Projects	0.00	260,177.23	166,000.00	(94,177.23)	(56.73%)	390,152.54	922,496.48
Expense Totals	0.00	260,177.23	166,000.00	(94,177.23)	-56.73%	390,152.54	922,496.48
Revenues Over(Under) Expenditures	0.00	(260,177.23)	(166,000.00)	0.00	0.00%	(390,152.54)	(922,496.48)

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

300 - Capital Projects Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
30-Capital Projects							
Other Services & Charges							
30-6795 Capital Outlay - Roads	0.00	0.00	155,000.00	155,000.00	100.00%	154,498.23	154,498.23
Total Other Services & Charges	0.00	0.00	155,000.00	155,000.00	100.00%	154,498.23	154,498.23
Expenditures							
30-6801 Capital Outlay - Oak Drive Project	0.00	260,177.23	11,000.00	(249,177.23)	(2265.25%)	235,654.31	767,998.25
Total Expenditures	0.00	260,177.23	11,000.00	(249,177.23)	(2265.25%)	235,654.31	767,998.25
Total Capital Projects	0.00	260,177.23	166,000.00	(94,177.23)	(56.73%)	390,152.54	922,496.48
Total Expense	0.00	260,177.23	166,000.00	(94,177.23)	(56.73%)	390,152.54	922,496.48

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

400 - Interest and Sinking	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
10-Interest and Sinking	0.00	0.00	363,395.00	363,395.00	100.00%	0.00	272,591.10
Revenue Totals	0.00	0.00	363,395.00	363,395.00	100.00%	0.00	272,591.10
Expense Summary							
10-Interest and Sinking	0.00	0.00	363,395.00	363,395.00	100.00%	(151,414.50)	45.00
Expense Totals	0.00	0.00	363,395.00	363,395.00	100.00%	(151,414.50)	45.00
Revenues Over(Under) Expenditures	0.00	0.00	0.00	0.00	0.00%	151,414.50	272,546.10

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

400 - Interest and Sinking Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
10-Interest and Sinking							
Revenues							
10-6702 I&S General Fund Transfer In	0.00	0.00	124,395.00	124,395.00	100.00%	0.00	93,341.16
10-6703 I&S Waste Water Transfer In	0.00	0.00	239,000.00	239,000.00	100.00%	0.00	179,249.94
Total Revenues	0.00	0.00	363,395.00	363,395.00	100.00%	0.00	272,591.10
Total Interest and Sinking	0.00	0.00	363,395.00	363,395.00	100.00%	0.00	272,591.10
Total Revenue	0.00	0.00	363,395.00	363,395.00	100.00%	0.00	272,591.10

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

400 - Interest and Sinking Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
10-Interest and Sinking							
Expenditures							
10-6704 Tax Note Series 2021 Debt Service Principal	0.00	0.00	113,000.00	113,000.00	100.00%	(47,083.30)	45.00
10-6705 Tax Note Series 2021 Debt Service Interest	0.00	0.00	11,395.00	11,395.00	100.00%	(4,747.90)	0.00
Total Expenditures	0.00	0.00	124,395.00	124,395.00	100.00%	(51,831.20)	45.00
Other Services & Charges							
10-6900 Wastewater Debt Service - Prin	0.00	0.00	160,000.00	160,000.00	100.00%	(66,666.65)	0.00
10-6901 Wastewater Debt Service - Int	0.00	0.00	79,000.00	79,000.00	100.00%	(32,916.65)	0.00
Total Other Services & Charges	0.00	0.00	239,000.00	239,000.00	100.00%	(99,583.30)	0.00
Total Interest and Sinking	0.00	0.00	363,395.00	363,395.00	100.00%	(151,414.50)	45.00
Total Expense	0.00	0.00	363,395.00	363,395.00	100.00%	(151,414.50)	45.00

City of Wimberley
Revenue And Expense Report
As of February 28, 2023

3/17/2023 4:42 PM

605 - American Rescue Plan	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Expense Summary							
05-American Rescue Plan	0.00	10,000.00	80,774.58	70,774.58	87.62%	26,234.00	92,903.47
Expense Totals	0.00	10,000.00	80,774.58	70,774.58	87.62%	26,234.00	92,903.47
Revenues Over(Under) Expenditures	0.00	(10,000.00)	(80,774.58)	0.00	0.00%	(26,234.00)	(92,903.47)

City of Wimberley
Revenue and Expense Report
As of February 28, 2023

605 - American Rescue Plan Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
05-American Rescue Plan							
Liabilities							
05-6751 Outlay - Projects	0.00	10,000.00	80,774.58	70,774.58	87.62%	26,234.00	92,903.47
Total Liabilities	0.00	10,000.00	80,774.58	70,774.58	87.62%	26,234.00	92,903.47
Total American Rescue Plan	0.00	10,000.00	80,774.58	70,774.58	87.62%	26,234.00	92,903.47
Total Expense	0.00	10,000.00	80,774.58	70,774.58	87.62%	26,234.00	92,903.47

AGENDA ITEM:	1. Discuss and consider possible action to approve Ordinance No. 2023-07 authorizing the issuance and sale of City of Wimberley, Texas Hotel Occupancy Tax Revenue Bonds, Series 2023; providing for the security for and payment of such bonds; and authorizing and enacting other matters and provisions relating to the subject.
SUBMITTED BY:	
DATE SUBMITTED:	03/14/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Ordinance
Motion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

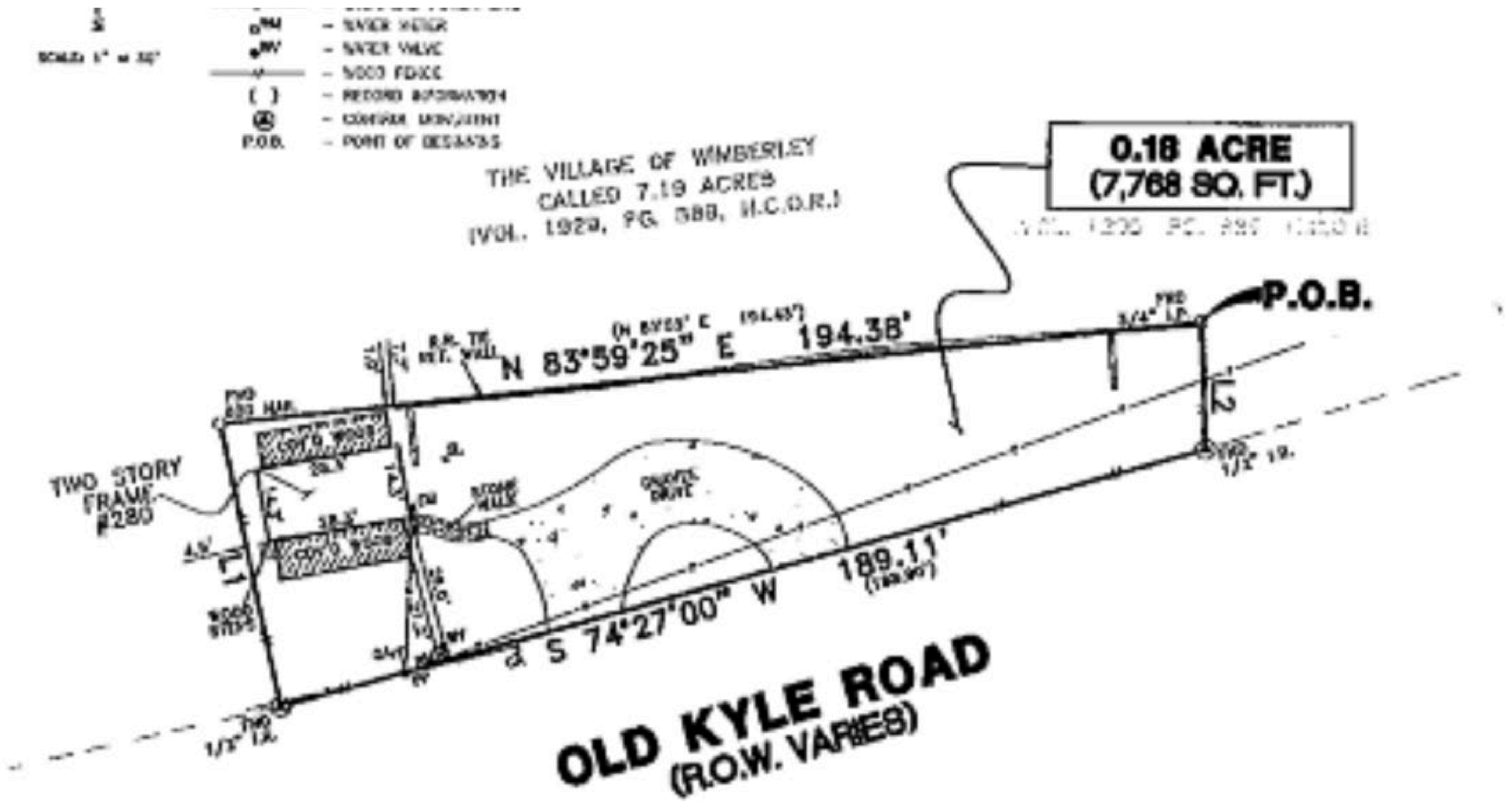
1. Old Kyle 3_23 PPT
2. Ordinance 2023-07 (2023 HOT Rev Bond)

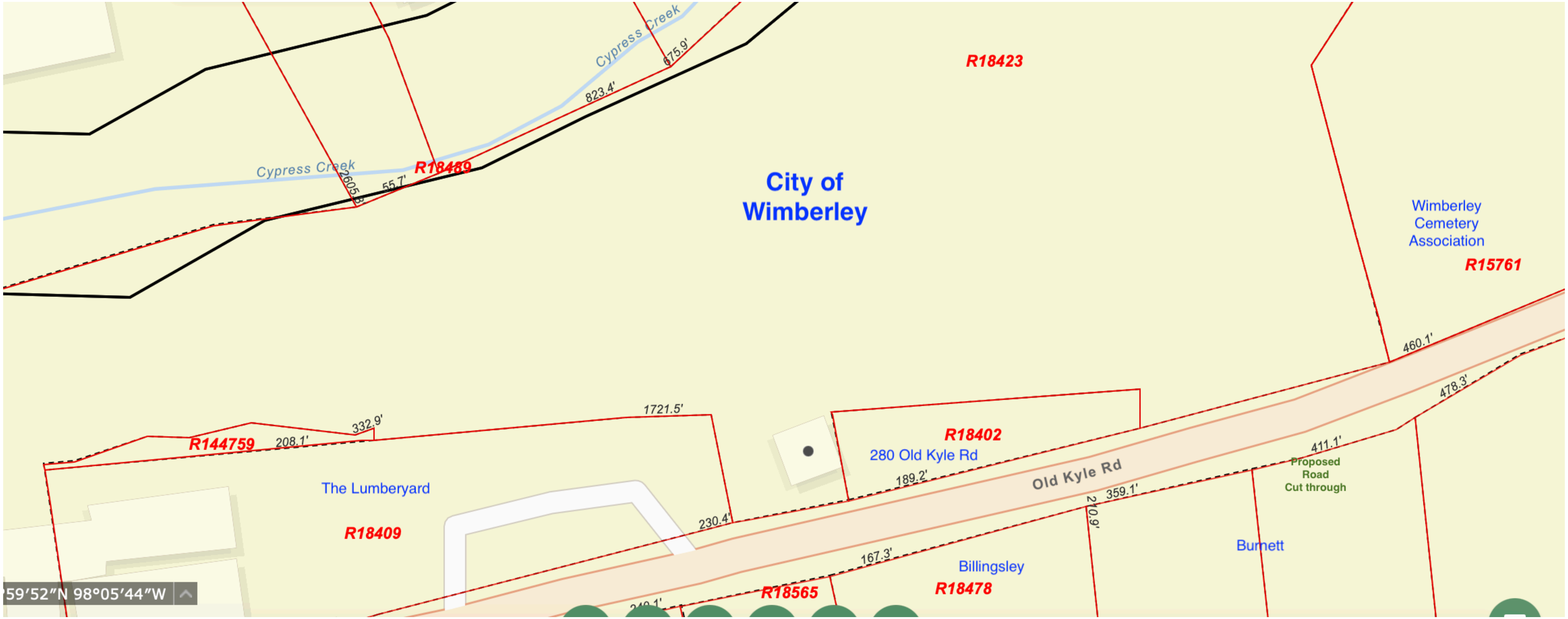
280 Old Kyle Road

Acquisition

Property info

- 1008 Square feet
- .18 acre
- Unique Hill Country design by David Carr; built in 1979; local materials
- Surrounded by City-owned property - all 3 sides
- Adjacent to property designated as “park” with possible birding platform
- Apart from Lumberyard and cemetery, it is the only property on that side of the street affected by Trails Project
- Strategic location for public use


RECORD INFORMATION
P.O.B. - POINT OF BEGINNING
THE VILLAGE OF WIMBERLEY
CALLED 7.19 ACRES
(VOL. 1929, PG. 888, H.C.O.R.)
0.18 ACRE
(7,768 SQ. FT.)
P.O.B.
N 83°59'25" E 194.38'
TWO STORY
FRAME
#280
189.11'
S 74°27'00" W
OLD KYLE ROAD
(R.O.W. VARIES)



R18423
City of Wimberley
Cypress Creek
Cypress Creek
823.4'
675.9'
R18489
55.7'
Wimberley Cemetery Association
R15761
460.1'
478.3'
1721.5'
332.9'
R144759
208.1'
R18402
280 Old Kyle Rd
189.2'
Old Kyle Rd
411.1'
Proposed Road Cut through
359.1'
The Lumberyard
R18409
230.4'
Burnett
Billingsley
R18478
167.3'
R18565
59′52″N 98°05′44″W

Purchase Overview

1) City pays for property out of cash reserves
2) Closing/possession of property April 4
3) City uses Revenue Bonds for reimbursement
   - These bonds are based on HOT Revenues ONLY
     - The sole “lien” for the bonds is Hotel Occupancy tax
   - Texas AG's office requires mandatory review period
     - Administrative procedure

Timeline

- **TONIGHT (March 23)**
  - Council considers (votes) Reimbursement Resolution. City spends funds on hand for the Project prior to the issuance and closing of the HOT Revenue Bonds. Once the HOT Revenue Bonds close, the City can reimburse itself for funds related to the Project
  - Council considers (votes) ordinance issuing the HOT Revenue Bonds, Series 2023 for this specific purpose
- **Texas AG's Office Reviews Bond prior to Closing**
- **4/11/2023-4/15/2023**
  - Closing on bonds
    - Delivery of funds to the City
    - City would have funds to reimburse cash outlay at this time

Use for the Property

- Centrally-located Tourism Facility
  - 100% allowable under Hotel Occupancy Tax

USE OF LOCAL HOTEL OCCUPANCY TAX REVENUES

Criteria #1: First, every expenditure must DIRECTLY enhance and promote tourism AND the convention and hotel industry.

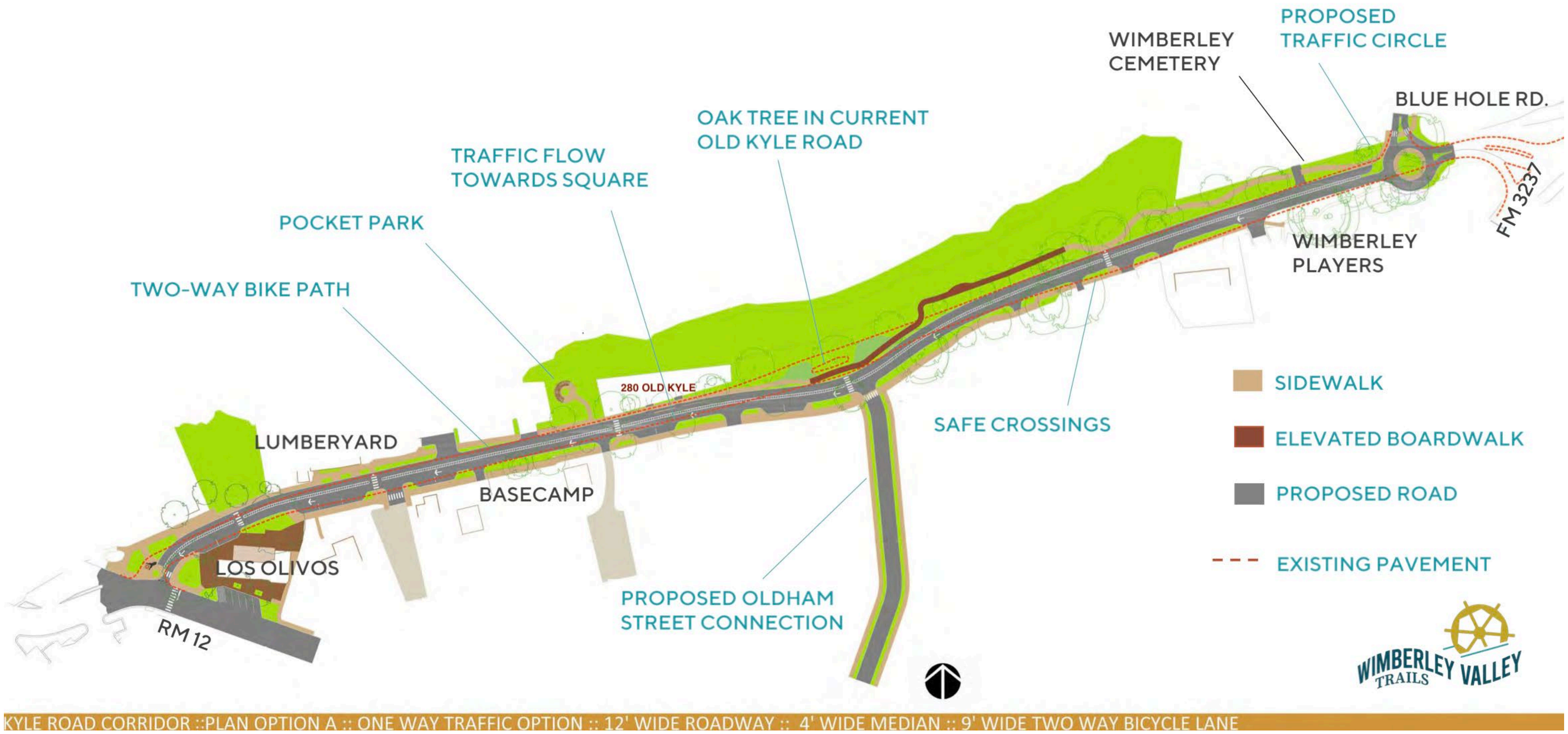
Criteria #2: Every expenditure of the hotel occupancy tax must clearly fit into one of nine statutorily provided categories for expenditure of local hotel occupancy tax revenues.

1) Funding the establishment, improvement, or maintenance of a convention center or visitor information center.
2) Paying the administrative costs for facilitating convention registration.
3) Paying for advertising, solicitations, and promotions that attract tourists and convention delegates to

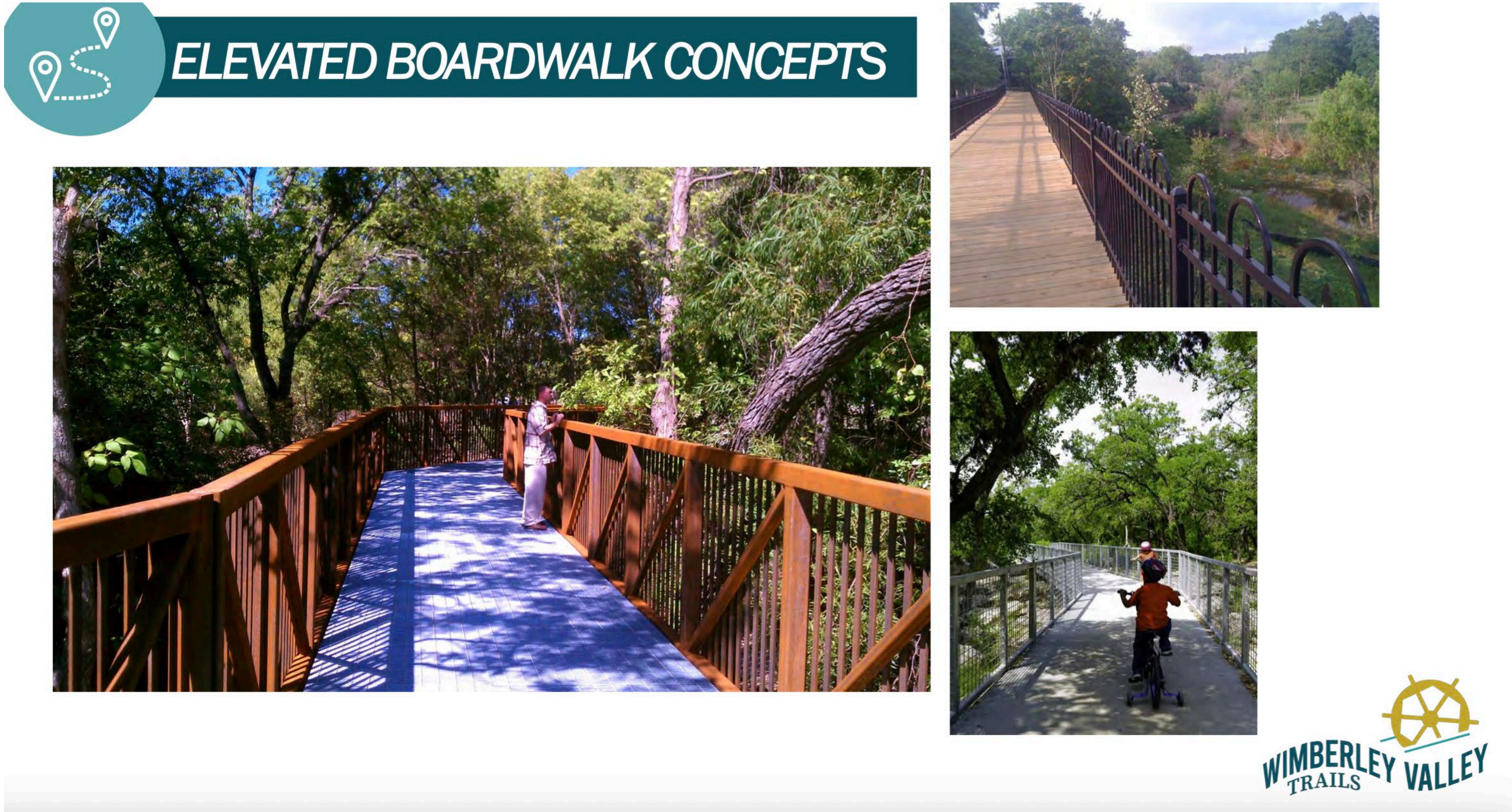
Use for property cont'd.

- Integrates property into Trails Project
- Creates additional parking for Old Kyle Road after-hours
- Proximity to city's parks/creekfront enhances public interest/enjoyment
- Enhances city control of natural areas
- Opportunity to utilize HOT for a qualified capital expenditure

Trails Project Rendering (1)



Trails Project Rendering 2



LOOKING EAST
ALONG OLD
KYLE ROAD

ENTERING ROTARY PARK


VISIT
WIMBERLEY

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF WIMBERLEY, TEXAS HOTEL OCCUPANCY TAX REVENUE BONDS, SERIES 2023; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SUCH BONDS; AND AUTHORIZING AND ENACTING OTHER MATTERS AND PROVISIONS RELATING TO THE SUBJECT

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

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") is a duly created and existing Type A general law municipality of the State of Texas; and

WHEREAS, by ordinance adopted by the City Council on December 2, 2021, the City has levied a hotel occupancy tax at a rate of seven percent (7%) of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City, effective April 1, 2022, all in accordance with the requirements of Chapter 351 of the Texas Tax Code, as amended ("Chapter 351"); and

WHEREAS, Chapter 1504, Texas Government Code, as amended ("Chapter 1504") and Chapter 351 authorize the City to issue bonds for the purpose of acquiring sites for and the construction, improvement, and equipping of a visitor information center (the "Project"), and to pledge the revenue derived from the hotel occupancy tax described above to the payment of such bonds; and

WHEREAS, the City now desires, and it has been deemed necessary and advisable, to adopt this Ordinance and issue the bonds hereinafter authorized;

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Texas Government Code, Chapter 551.

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

Section 1. DEFINITIONS. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit "A" to this Ordinance have the meanings assigned to them in Exhibit "A".

Section 2. AMOUNT AND PURPOSE OF THE BONDS. The Bond or Bonds of the City further described in Section 3 of this Ordinance and herein defined as the Bonds are hereby authorized to be issued and delivered in the aggregate principal amount not to exceed $[900,000] for the purpose of (i) acquiring sites for and the construction, improvement, and equipping of a visitor information center and (ii) paying the costs associated with the issuance of the Bonds.

Section 3. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND TERMS OF THE BONDS. Each bond issued pursuant to this Ordinance shall be designated: "CITY OF WIMBERLEY, TEXAS HOTEL OCCUPANCY TAX REVENUE BOND, SERIES 2023," and there shall be issued, sold, and delivered hereunder one fully registered bond, without interest coupons, dated April 1, 2023, in the denomination and principal amount of $[900,000], numbered R-1, with any bond issued in replacement thereof being in the denomination of the full principal amount of the series of which the bond is issued and numbered consecutively from R-2 upward, payable in installments to the registered owner thereof, or to the registered assignee of said bond (in each case, the "Registered Owner"). The Bonds shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the FORM OF BOND set forth in Exhibit "B" to this Ordinance.

The term "Bonds" as used in this Ordinance shall mean and include the Bond initially issued and delivered pursuant to this Ordinance and all substitute Bonds exchanged therefor, as well as all other substitute Bonds and replacement Bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

Section 4. [RESERVED].

Section 5. CHARACTERISTICS OF THE BONDS. (a) Registration, Transfer, and Exchange; Authentication. The City shall keep or cause to be kept at the designated office of [NAME OF PAYING AGENT, CITY, Texas) (the "Paying Agent/Registrar") books or records for the registration of the transfer and exchange of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided. The Paying Agent/Registrar Agreement between the City and the Paying Agent/Registrar, in substantially the form presented to the City Council at the meeting at which this Ordinance was considered, is hereby approved and the Mayor and City Secretary of the City are hereby authorized to execute the Paying Agent/Registrar Agreement and approve any changes in the final form thereof as evidenced by their execution thereof.

The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. To the extent possible and under reasonable circumstances, all transfers of the Bonds shall be made within three business days after request and presentation thereof. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Bond or Bonds shall be paid as provided in the FORM OF BOND set forth in Exhibit "B" to this Ordinance. Registration of assignments, transfers and exchanges of the Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in Exhibit "B" to this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other.

Except as provided in (c) below, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Paying Agent/Registrar's Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and surrendered for transfer and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing transfer and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the preparation, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Chapter 1206, Texas Government Code, as amended, the duty of transfer and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the transferred and exchanged Bond shall be valid, incontestable and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts. The Bond may be transferred and registered in the name of the new registered owner in whole but not in part. The Bond may only be transferred to: (i) an affiliate of the Purchaser (defined herein); (ii) a "Bank" as defined in Section 3(a)(2) of the Securities Act of 1933 as amended (the "Securities Act"); (iii) an "Accredited Investor" as defined in Regulation D under the Securities Act; or (iv) a "Qualified Institutional Buyer" as defined in Rule 144A under the Securities Act.

(b) Payment of Bonds and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/ Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in Exhibit "B" to this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/ Registrar, but on each substitute Bond issued in exchange for any Bond or Bonds issued under this Ordinance the Paying

Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution or other entity to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity; however, the Paying Agent/Registrar may be separate entities. The City reserves the right to, and may, at its option and to the extent permitted by law, (i) act in the capacity of Paying Agent/Registrar or (ii) change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will assume the duties or will appoint a competent and legally qualified bank, trust company, financial institution or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

Section 6. INITIAL BOND. The Bonds herein authorized shall initially be issued as a fully registered bond, being one bond (hereinafter called the "Initial Bond"). The Initial Bond shall be registered in the name of the Purchaser of the Bonds or the designees thereof. The Initial Bond shall be submitted to the Office of the Attorney General of the State of Texas for approval and registration by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Purchaser thereof. Immediately after the delivery of the Initial Bond on the closing date, the Registrar shall cancel the Initial Bond and exchange therefor Bonds in the form of a separate single fully-registered Bond for each of the maturities thereof registered in the name of the Purchaser of the Bonds.

Section 7. FORM OF BOND. The form of each Bond, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached only to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially in the form set forth in Exhibit "B" hereto, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

Section 8. SECURITY OF BONDS AND ADDITIONAL PARITY OBLIGATIONS AND PLEDGE OF PLEDGED REVENUES. The Bonds shall be entitled to the security and benefits of this Ordinance. The City hereby covenants and agrees that the Pledged Revenues are hereby irrevocably pledged to the payment and security of the Bonds and any Additional Parity Obligations. Any Additional Parity Obligations may be further secured and payable from reserve and pledged funds as provided in the Supplemental Ordinance authorizing any such Additional Parity Obligations. The Parity Obligations, and the interest thereon, shall constitute a lien on and pledge of the Pledged Revenues and the lien is hereby created on the Pledged Revenues for the payment and security of the Parity Obligations which lien shall be superior to the lien on and pledge of the Pledged Revenues securing payment of any Subordinate Lien Obligations hereafter issued by the City.

Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under this section, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City under this section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 9. SPECIAL FUNDS. The creation of the Revenue Fund[, and] the Debt Service Fund [and the Reserve Fund] for the benefit of the Holders of Parity Obligations are hereby authorized. The creation of the Series 2023 Bond Construction Fund is hereby authorized.

Section 10. REVENUE FUND AND DEBT SERVICE FUND. (a) <u>Revenue Fund</u>. The City hereby covenants and agrees that while any Parity Obligations are outstanding the Pledged Revenues shall be deposited and credited to the Revenue Fund as provided in this Ordinance.

(b) <u>Debt Service Fund</u>. Money in the Debt Service Fund shall be used to pay the principal of, redemption premium, if any, and interest on the Parity Obligations as the same become due and payable. Money in this fund is pledged to secure the equal and ratable payment of all Parity Obligations. Accrued interest and capitalized interest, if any, received from the initial purchaser of any Parity Obligations shall be taken into consideration and reduce the amount of the deposits and credits required to be deposited into the Debt Service Fund.

Section 11. FLOW OF FUNDS. All Pledged Revenues deposited and credited to the Revenue Fund shall be pledged and appropriated to the extent required and in the priority as set forth below.

FIRST: to the payment of the amounts required to be deposited in the Debt Service Fund for the payment of principal of, premium, if any, and interest on the Parity Obligations as the same become due and payable (whether at Stated Maturity or upon redemption). The City shall deposit into the Debt Service Fund an amount equal to 100% of the amount required to pay fully the next scheduled interest and principal and redemption payments for the Parity Obligation coming due in such year.

SECOND: pro rata to the payment of the amounts required to be deposited to [(a) the Reserve Fund established pursuant to this Ordinance to accumulate and maintain the Required Reserve Amount and (b)] each [other] reserve fund created and established[, if any,] to maintain a reserve in accordance with the provisions of any Supplemental Ordinance relating to the issuance of any Additional Parity Obligations hereafter issued by the City.

THIRD: to the payment of Subordinate Lien Obligations.

FOURTH: all remaining Pledged Revenues shall be transferred to the Revenue Fund to be used for any lawful purpose.

If on any occasion there shall not be sufficient Pledged Revenues (after making all payments pertaining to all Parity Obligations) to make the required deposits and credits to the Debt Service Fund [and the Reserve Fund], then such deficiency shall be cured as soon as possible from the next available unallocated Pledged Revenues and such deposits and credits shall be in addition to the amounts otherwise required to be deposited and credited to these Funds.

Subject to making the deposits and credits required by this Ordinance, or any Supplemental Ordinance authorizing the issuance of Additional Parity Obligations, or the payments and credits required by the provisions of the ordinances authorizing the issuance of Subordinate Lien Obligations hereafter issued by the City, the excess Pledged Revenues may be used for any lawful purpose.

[Section 12. RESERVE FUND. (a) To accumulate and maintain a reserve for the payment of any Parity Obligations equal to the Maximum Annual Debt Service Requirements of the Parity Obligations (calculated by the City at the beginning of each Fiscal Year or as otherwise provided in this Ordinance) (the "Required Reserve Amount"), the Reserve Fund is hereby created and established and shall be maintained by the City. Earnings and income derived from the investment of amounts held for the credit of the Reserve Fund shall be retained in the Reserve Fund until the Reserve Fund contains the Required Reserve Amount; thereafter, such earnings and income shall be deposited to the credit of the Revenue Fund. All funds, investments and Reserve Fund Obligations on deposit and credited to the Reserve Fund to the extent not in excess of the Required Reserve Amount shall be used solely for (i) the payment of the principal of and interest on the Parity Obligations, when and to the extent other funds available for such purposes are insufficient, (ii) to make Reserve Fund Obligation payments and (iii) to retire the last Stated Maturity or Stated Maturities of or interest on the Parity Obligations.

(b) When and for so long as the cash, investments and Reserve Fund Obligations in the Reserve Fund equal the Required Reserve Amount, no deposits need be made to the credit of the Reserve Fund; but, if and when the Reserve Fund at any time contains less than the Required Reserve Amount, the City covenants and agrees that the City shall cure the deficiency in the Reserve Fund by resuming the deposits to such Fund from the Pledged Revenues by monthly deposits and credits in amounts equal to not less than 1/30th of the Required Reserve Amount with any such deficiency payments being made on or before each interest payment date until the Required Reserve Amount has been fully restored; provided, however, that no such deposits shall be made into the Reserve Fund during any six month period beginning on an interest payment date until there has been deposited into the Debt Service Fund the full amount required to be deposited therein by the next following semi-annual payment date, as the case may be. In addition, in the event that a portion of the Required Reserve Amount is represented by a Reserve Fund Obligation, the Required Reserve Amount shall be restored as soon as possible from monthly deposits of Pledged Revenues on deposit in the Revenue Fund, but subject to making the full deposits and credits to the Debt Service Fund required to be made by the next following interest payment date, as the case may be. The City further covenants and agrees that, subject only to the prior deposits and credits to be made to the Debt Service Fund, the Pledged Revenues shall be applied and appropriated and used to establish and maintain the Required Reserve Amount, including by paying Reserve Fund Obligation Payments when due, and to cure any deficiency in such amounts as required by the terms of this Ordinance.

During such time as the Reserve Fund contains the Required Reserve Amount, or any cash is replaced with a Reserve Fund Obligation pursuant to subsection (c) below, the City may, at its option: (1) to the extent that funds in the Reserve Fund constitute proceeds of Parity Obligations, (a) transfer surplus funds on deposit in the Reserve Fund that are generated by a refunding of Parity Obligations into the Debt Service Fund or any escrow established for such refunded Parity Obligations and (b) use surplus funds on deposit in the Reserve Fund generated by cash being replaced with a Reserve Fund Obligation to complete the project for which Parity Obligations were authorized or for other costs for which the City could issue Parity Obligations, but only if such costs are within the scope of the legal authority authorizing the applicable Pledge Revenues; or (2) to the extent that funds in the Reserve Fund do not constitute proceeds of Parity Obligations, otherwise use surplus funds on deposit in the Reserve Fund in any manner permitted by law.

(c) A Reserve Fund Obligation issued in an amount equal to all or part of the Required Reserve Amount for the Parity Obligations may be used in lieu of depositing cash into the Reserve Fund. In addition, a Reserve Fund Obligation may be substituted for monies and investments in the Reserve Fund if the substitution of the Reserve Fund Obligation will not, in and of itself, cause any ratings then assigned to the Parity Obligations by any rating agency to be lowered and the ordinance authorizing the substitution of the Reserve Fund Obligation for all or part of the Required Reserve Amount contains a finding that such substitution is cost effective.

(d) A Reserve Fund Obligation permitted under (a) above, must be in the form of a surety bond or insurance policy meeting the requirements described below.

(1) (i) A surety bond or insurance policy issued to the Paying Agent/Registrar, as agent of the Holders, by a company licensed to issue an insurance policy guaranteeing the timely payment of debt service on the Parity Obligations (a "municipal bond insurer") if the claims paying ability of the issuer thereof shall be rated investment grade by S&P or Moody's, or (ii) a surety bond or insurance policy issued to the Paying Agent/Registrar, as agent of the Holders, by an entity other than a municipal bond insurer, if the form and substance of such

instrument and the issuer thereof shall be approved in writing by each Bond Insurer of record.

(2) The obligation to reimburse the issuer of a Reserve Fund Obligation for any claims or draws upon such Reserve Fund Obligation in accordance with its terms, including expenses incurred in connection with such claims or draws, to the extent permitted by law, (a Reserve Fund Obligation Payment) shall be made from the deposits made to the Reserve Fund as provided in this section. The Reserve Fund Obligation shall provide for a revolving feature under which the amount available thereunder will be reinstated to the extent of any reimbursement of draws or claims paid. If the revolving feature is suspended or terminated for any reason, the right of the issuer of the Reserve Fund Obligation to reimbursement will be subordinated to the cash replenishment of the Reserve Fund to an amount equal to the difference between the full original amount available under the Reserve Fund Obligation and the amount then available for further draws or claims. In the event (a) the issuer of a Reserve Fund Obligation becomes insolvent, or (b) the issuer of a Reserve Fund Obligation defaults in its payment obligations thereunder, or (c) the claims paying ability of the issuer of the insurance policy or surety bond falls below investment grade by S&P or Moody's the obligation to reimburse the issuer of the Reserve Fund Obligation shall be subordinated to the cash replenishment of the Reserve Fund.

(3) In the event (a) the revolving reinstatement feature described in the preceding paragraph is suspended or terminated, or (b) the rating of the claims paying ability of the issuer of the surety bond or insurance policy falls below investment grade by S&P and Moody's the City shall either (i) deposit into the Reserve Fund, in accordance with this section, an amount sufficient to cause the cash or investments credited to the Reserve Fund to accumulate to the Required Reserve Amount, or (ii) replace such instrument with a surety bond or insurance policy meeting the requirements of 1 and 2 above, within six months of such occurrence. In the event (a) the rating of the claims-paying ability of the issuer of the surety bond or insurance policy falls below investment grade by S&P and Moody's, or (b) the issuer of the Reserve Fund Obligation defaults in its payment obligations hereunder, or (c) the issuer of the Reserve Fund Obligation becomes insolvent, the City shall either (i) deposit into the Reserve Fund, in accordance with this section, amounts sufficient to cause the cash or investments on deposit in the Reserve Fund to accumulate to the Required Reserve Amount, or (ii) replace such instrument with a surety bond or insurance policy meeting the requirements of 1 and 2 above within six months of such occurrence.

(4) The Paying Agent/Registrar shall ascertain the necessity for a claim or draw upon any Reserve Fund Obligation and provide notice to the issuer of the Reserve Fund Obligation in accordance with its terms not later than three days (or such appropriate time period as will, when combined with the timing of required payment under the Reserve Fund Obligation, ensure payment under the Reserve Fund Obligation on or before the interest payment date) prior to each date upon which the principal of or interest on the Parity Obligations will be due.

It is recognized that a Reserve Fund Obligation may be issued which is payable only with respect to a part of the Bonds or Parity Obligations with the remainder of the Required Reserve Amount being satisfied by monies and investments and in that case any draws upon the Reserve Fund will have to be made on a pro-rata basis. Therefore, (i) draws upon one or more such Reserve Fund Obligations shall be made on a pro-rata basis with cash and investments available in the Reserve Fund and (ii) deposits and credits to the Reserve Fund to restore it to the Required Reserve Amount shall be utilized on a pro-rata basis to pay Reserve Fund Obligation Payments to reimburse the issuers of the Reserve Fund Obligations, thus restoring that part of the Required Reserve Amount, and to restore with cash and investments the balance of the Required Reserve Amount.]

Section 13. CONSTRUCTION FUND. The City hereby creates and establishes and shall maintain on the books of the City a separate fund to be entitled the "Series 2023 Bond Construction Fund" for use by the City for payment of all lawful costs associated with the acquisition and construction of the Projects as hereinbefore provided. Upon payment of all such costs, any moneys remaining on deposit in the Series 2023 Bond Construction Fund shall be transferred to the Debt Service Fund.

Section 14. APPLICATION OF BOND PROCEEDS AND OTHER FUNDS. Proceeds from the sale of the Bonds, and any contribution from the City, shall be deposited in the Series 2023 Bond Construction Fund [and the Reserve Fund in an amount to cause funds, investments and Reserve Fund Obligations, if any, to equal the Required Reserve Amount,] and further disbursed, on the date of closing, in the manner described in a letter of instructions or closing memorandum prepared by the City's bond counsel, financial advisor or the Purchaser of the Bonds. The foregoing notwithstanding, any proceeds of the Bonds representing accrued interest or capitalized interest on the Bonds shall be deposited on the date of closing into the Debt Service Fund.

Section 15. INVESTMENT OF FUNDS - VALUATION - TRANSFER OF INVESTMENT INCOME - SECURITY OF FUNDS. Moneys in all funds, accounts and subaccounts established pursuant to this Ordinance and any supplement or ordinance will be held uninvested or invested and secured in the manner prescribed by State law for such funds and in accordance with the applicable supplement or ordinance and written policies adopted by the City. The investments of each account and subaccount shall be made under conditions that will timely provide money sufficient to satisfy the City's obligations hereunder and under any supplement. Money in all funds, accounts and subaccounts established pursuant to this Ordinance and any supplement or ordinance may be combined for investment purposes, as directed by the City. Such treatment does not constitute a commingling of the money in such accounts and subaccounts and the City shall keep or cause to be kept full and complete records indicating the money, investments and securities credited to each such account and subaccount. Any profits or losses from investments shall be credited or charged, respectively, on a pro rata basis among the accounts and other sources of money from which such investment was made.

Section 16. GENERAL COVENANTS. The City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) Performance. It will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in any ordinance authorizing the issuance of Parity Obligations, including this Ordinance, and in each and every Parity Obligation; it will promptly pay or cause to be paid the principal of and interest on every Parity Obligation on the dates and in the places and manner prescribed in such ordinances, indentures and obligations; and it will, at the times and in the manner prescribed, deposit and credit or cause to be deposited and credited the amounts required to be deposited and credited to the Funds as provided in this Ordinance.

(b) City's Legal Authority. It is a duly created and existing Type A general law municipality of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken, and that the Bonds in the hands of the Holders thereof are and will be valid and enforceable special obligations of the City payable in accordance with their terms.

(c) Further Encumbrance. While the Parity Obligations are outstanding and unpaid, it will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Parity Obligations, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance and the ordinances authorizing other Parity Obligations; but the right of the City to issue or incur obligations payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(d) Source of Payment. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the Hotel Tax, but nothing herein shall be construed as preventing the City from doing so.

(e) Collections and Rates. While the Parity Obligations are Outstanding and unpaid, the City shall not lower or repeal the Hotel Tax and shall diligently pursue the collection of any unpaid Hotel Tax.

(f) Pledge of Hotel Tax. The pledge and establishment of the Hotel Tax shall constitute a continuing obligation of the City with respect to such establishment and a continuing appropriation of the amounts received. The City shall establish and maintain at all times the Hotel Tax in accordance with law and shall provide for the collection thereof and segregation and application of the Pledged Revenues to pay principal and interest while the Parity Obligations are Outstanding.

Section 17. RECORDS AND ACCOUNTS, ANNUAL AUDIT AND OTHER INFORMATION. The City covenants and agrees that so long as any of the Parity Obligations remain Outstanding, the City will keep and maintain a separate and complete system of records and accounts pertaining to the Pledged Revenues in which full, complete, true, proper, and correct entries shall be made of all dealings, transactions, business and affairs relating thereto, as provided by generally accepted accounting principles, consistently applied, and by other applicable law. The City further agrees that, following the close of each Fiscal Year, the City will cause an audit report of such records and accounts to be made by an Accountant. Copies of each annual audit shall be made available for public inspection during normal business hours at the City Secretary's office and shall be furnished to, upon written request, any Holder.

Section 18. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed or refinanced by the Bonds or the Refunded Bonds (the "Project") are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with -

(A) proceeds of the Bonds invested for a reasonable temporary period of three (3) years or less or, in the case of a refunding bond, for a period of thirty (30) days or less until such proceeds are needed for the purpose for which the Bonds are issued, and in the case of a current refunding bond, for a period of ninety (90) days or less,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings), if applicable; and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than sixty (60) days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) <u>Rebate Fund</u>. In order to facilitate compliance with the above covenant (a)(9), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Holders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code. There shall be transferred into the Rebate Fund from the Pledged Revenues, such amounts as are required to be deposited therein to meet the City's obligations in accordance with Section 148(f) of the Code. Amounts on deposit in the Rebate Fund shall not be subject to the lien and pledge of this Ordinance to the extent such amounts are required to be paid to the United States Treasury. The City hereby finds and determines that payment to the United States in an amount equal to interest and other gain from the investment of moneys accumulated in the Series 2023 Bond Construction Fund and any other account into which Pledged Revenues are transferred, to the extent such interest or other gain is subject to the rebate requirements of Section 148(f) of the Tax Code, shall be subject to a lien thereon in favor of the United States Treasury and pledged to the United States Treasury for the benefit of the owners of the Bonds from time to time. From time to time, if the City determines, based on the advice of a rebate analyst or bond counsel, that there is on deposit in the Rebate Fund more money than is needed to satisfy the rebate obligation, then such excess shall be transferred and credited to the Venue HOT Account.

(c) <u>Use of Proceeds</u>. For purposes of the foregoing covenants (a)(1) and (a)(2), the City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor and the City Administrator, acting individually, to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Interest Earnings on Bond Proceeds. Interest earnings derived from the investment of proceeds from the sale of the Bonds shall be used along with other bond proceeds for the purpose for which the Bonds are issued, as set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 18(a) hereof in order to prevent the Bonds from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(e) Disposition of Project. The City covenants that the property constituting the project financed with the proceeds of the Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Allocation of, and Limitation on, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes of the project described herein on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within eighteen (18) months of the later of the date that (1) the expenditure is made, or (2) the project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than sixty (60) days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(g) Declaration of Official Intent of Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

(h) Designation as a Qualified Tax-Exempt Obligation. The City hereby designates the Bonds as a "qualified tax-exempt obligation" as defined in section 265(b)(3) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) that during the calendar year in which the Bonds are issued, the City (including any subordinate entities) has not designated nor will designate tax-exempt obligations, which when aggregated with the Bonds, will result in more than $10,000,000 of "qualified tax-exempt obligations" being issued; (b) that the City reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Bonds are issued, by the City (or any subordinate entities) will not exceed $10,000,000; and, (c) that the City will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, in order that the Bonds will not be considered "private activity bonds" within the meaning of section 141 of the Code.

Section 19. NO RULE 15c2-12 UNDERTAKING. The City has not made an undertaking in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). The City is not, therefore, obligated pursuant to the Rule to provide any on-going disclosure relating to the City or the Bonds. Notwithstanding the foregoing, the Issuer agrees to provide to the Purchaser a copy of the City's most recent annual audited financial statement upon written request.

Section 20. ISSUANCE OF ADDITIONAL PARITY OBLIGATIONS. (a) The City shall have the right and power at any time and from time to time and in one or more series or issues, to authorize, issue and deliver additional parity revenue bonds or other obligations (herein called "Additional Parity Obligations"), in accordance with law, in any amounts, for purposes of (i) any projects or purposes that are a lawful use of the Hotel Tax or (ii) refunding of any Parity Obligations or Subordinate Lien Obligations. Such Additional Parity Obligations, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Bonds and any Additional Parity Obligations, from the lien on and pledge of the Pledged Revenues herein granted.

(b) The Debt Service Fund shall secure and be used to pay all Parity Obligations. However, each ordinance under which Additional Parity Obligations are issued shall provide and require that, in addition to the amounts required by the provisions of this Ordinance and the provisions of any other Supplemental Ordinance authorizing Additional Parity Obligations to be deposited to the credit of the Debt Service Fund, the City shall deposit to the credit of the Debt Service Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Parity Obligations then being issued, as the same come due.

[(c) Each Supplemental Ordinance authorizing Additional Parity Obligations shall provide and require that in addition to the amounts required by the provisions of this Ordinance the City shall deposit to the credit of the Reserve Fund at least such amounts as are required to accumulate and maintain the Required Reserve Amount taking into account the Additional Parity Obligations.]

(d) The City may create and establish other pledged funds pursuant to the provisions of any Supplemental Ordinance authorizing the issuance of Additional Parity Obligations for the purpose of securing that particular issue or series of Parity Obligations or any specific group, issue or series of Parity Obligations and the amounts once deposited or credited to said pledged funds shall be held solely for the benefit of the Holders of the particular Parity Obligations for which such pledged funds were established. Pledged funds shall be designated in such manner as is necessary to identify the Parity Obligations secured.

Section 21. FURTHER REQUIREMENTS FOR ADDITIONAL PARITY OBLIGATIONS. Additional Parity Obligations shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, series or issue of Additional Parity Obligations shall be issued or delivered unless:

(a) The City Administrator and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with the Bonds all Additional Parity Obligations, and the ordinances authorizing same, and that the Debt Service Fund, and the [Reserve Fund][reserve fund, if any,] contains the amount then required to be therein.

(b) The Designated Financial Officer of the City provides a written certificate to the effect that, during either the next preceding Fiscal Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the passage of the ordinance authorizing the issuance of the then proposed Additional Parity Obligations, the Pledged Revenues were, in the opinion thereof, at least equal to the sum of [1.50] times the Maximum Annual Debt Service Requirements (computed on a Fiscal Year basis), including Amortization Installments, of the Parity Obligations and the Additional Parity Obligations to be Outstanding after the issuance of the then proposed Additional Parity Obligations and 1.00 times the maximum annual debt service requirement (computed in the same manner as for Parity Obligations) of the Subordinate Lien Obligations to be outstanding after the issuance of the then proposed Additional Parity Obligations.

(c) In making a determination of Pledged Revenues for any of the purposes described in this section, the Designated Financial Officer may take into consideration a change in the rates and charges in connection with the Pledged Revenues that became effective at least 60 days prior to the last day of the period for which Pledged Revenues are determined and, for purposes of satisfying the Pledged Revenues tests described above, make a pro forma determination of the Pledged Revenues for the period of time covered by said Designated Financial Officer's certification or opinion based on such change in rates and charges being in effect for the entire period covered by said Designated Financial Officer's certificate or opinion.

Section 22. REFUNDING BONDS. The City reserves the right to issue Additional Parity Obligations to refund all or any part of the outstanding Parity Obligations or any other obligations of the City payable, in whole or in part, from the Pledged Revenues, pursuant to any law then available, upon such terms and conditions as the City Council may deem to be in the best interest of the City and its inhabitants, and, unless all of the then outstanding Parity Obligations are refunded, the conditions precedent prescribed for the issuance of Additional Parity Obligations and the representations and certifications required in Sections 20 and 21 shall be satisfied and shall give effect to the Maximum Annual Debt Service Requirements of the proposed refunding Additional Parity Obligations (but shall not give effect to the Maximum Annual Debt Service Requirements of the obligations being refunded following their cancellation or provision being made for their payment); provided, however, if as a result of such refunding the Annual Debt Service Requirements are not increased in any Fiscal Year, the City shall not be required to satisfy the requirements of Section 21(b) as a requirement for the issuance of such refunding Additional Parity Obligations. In connection with such refunding the amount and value of [the Required Reserve Amount][any required reserve amount] shall be recalculated taking into account the Parity Obligations being refunded.

Section 23. ISSUANCE OF SUBORDINATE LIEN OBLIGATIONS. The City hereby reserves the right to issue, at any time, obligations including, but not limited to, Subordinate Lien Obligations, payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues, subordinate and inferior in rank and dignity to the lien on and pledge of such Pledged Revenues securing the payment of the Parity Obligations, as may be authorized by the laws of the State of Texas.

Section 24. LIMITED OBLIGATIONS OF THE CITY. The Parity Obligations are limited, special obligations of the City payable from and equally and ratably secured solely by a first lien on and pledge of the Pledged Revenues, and the Holders thereof shall never have the right to demand payment of the principal or interest on the Parity Obligations from any funds raised or to be raised through taxation, other than the Hotel Tax, or any other resources of the City.

Section 25. REMEDIES IN EVENT OF DEFAULT. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 26. DEFEASANCE OF BONDS. (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the funds created and the revenues herein pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in Subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in Subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by the laws of the State of Texas that are eligible to refund, retire or otherwise discharge obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the City elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 27. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS. (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 5 of this Ordinance issued in conversion and exchange for other Bonds.

Section 28. AMENDMENT OF ORDINANCE. (a) The holders of the Parity Obligations aggregating a majority in principal amount of the aggregate principal amount of then outstanding Parity Obligations shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City, provided, however, that without the consent of the holders of all of the effected Parity Obligations at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Parity Obligations so as to:

(1) Make any change in the maturity of the outstanding Parity Obligations;

(2) Reduce the rate of interest borne by any of the outstanding Parity Obligations;

(3) Reduce the amount of the principal payable on the outstanding Parity Obligations;

(4) Modify the terms of payment of principal of or interest on the outstanding Parity Obligations or impose any conditions with respect to such payment;

(5) Affect the rights of the holders of less than all of the Parity Obligations then outstanding;

(6) Change the minimum percentage of the principal amount of Parity Obligations necessary for consent to such amendment.

(b) If at any time the City shall desire to amend this Ordinance under this section, the City shall cause notice of the proposed amendment to be (i) published in a financial newspaper or journal of general circulation in The City of New York, New York, once during each calendar week for at least two successive calendar weeks and (ii) mailed to all registered owners of the outstanding Parity Obligations as of the day prior to the mailing of such notice. Such notice shall briefly set forth the nature of the proposed amendment.

(c) Whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least a majority in aggregate principal amount of all Parity Obligations then Outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment, the City Council may pass the amendatory ordinance in substantially the same form.

(d) Upon the passage of any amendatory ordinance pursuant to the provisions of this section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Parity Obligations shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) Any consent given by the registered owner of a Parity Obligation pursuant to the provisions of this section shall be irrevocable for a period of six months from the date of the first publication of the notice provided for in this section, and shall be conclusive and binding upon all future holders of the same Parity Obligation during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the Paying Agent and the City, but such revocation shall not be effective if the registered owners of at least a majority in aggregate principal amount of the then outstanding Parity Obligations as in this section defined have, prior to the attempted revocation, consented to and approve the amendment.

(f) For the purpose of this section, the fact of the holding of Parity Obligations issued in registered form without coupons and the amounts and numbers of such Parity Obligations and the date of their holding same shall be proved by the Registration Books of the Paying Agent/Registrar. For purposes of this section, the holder of a Parity Obligation in such registered form shall be the owner thereof as shown on such Registration Books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) The foregoing provisions of this section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

> (1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to Holders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;
>
> (2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Parity Obligations;
>
> (3) To make any changes or amendments requested by any Rating Agency, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the City, materially adversely affect the interests of the owners of the outstanding Parity Obligations; and
>
> (4) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Parity Obligations outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Parity Obligations issued after the date of the adoption of such modification.

Notice of any such amendment shall be mailed to all registered owners of outstanding Parity Obligations as of the day prior to the mailing of such notice and may be published in the manner described in subsection (b) of this section; provided, however, that the publication or mailing of such notice shall not constitute a condition precedent to the adoption of such amendatory ordinance and the failure to publish such notice shall not adversely affect the implementation of such amendment as adopted pursuant to such amendatory ordinance. No consent of owners is needed to authorize a supplemental ordinance or supplemental indenture in connection with the issuance of Additional Parity Obligations.

Section 29. CUSTODY, APPROVAL AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION, BOND INSURANCE, IF OBTAINED; ENGAGEMENT OF BOND COUSNEL. The Mayor of the City is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel (with an appropriate certificate pertaining thereto executed by facsimile signature of the City Secretary of the City), a statement regarding any insurance policy may, at the option of the City, be printed on or attached to the Bonds issued and delivered under this Ordinance, but such additions or attachments shall not have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds.

(b) The obligation of the Purchaser to accept delivery of the Bonds is subject to Purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the City, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the Purchaser. The engagement of such firm as bond counsel to the City in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed.

Section 30. SALE OF BONDS; FURTHER PROCEDURES. (a) The Bonds are hereby sold and shall be delivered to [NAME OF PURCHASER] (the "Purchaser") for cash for the par value thereof, pursuant to the purchase agreement dated the date of the final passage of this Ordinance which the Mayor is hereby authorized to execute and deliver. The Bonds shall initially be registered in the name of the Purchaser. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable.

(b) The Mayor, Mayor Pro Tem, City Administrator and City Secretary, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name of and on behalf of the City a Paying Agent/Registrar Agreement with the Paying Agent/Registrar and all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bonds, the sale of the Bonds and the private placement letter. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Administrator and City Secretary, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and described in the private placement letter, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Bonds by the Texas Attorney General's office.

In case any officer whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 31. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Bonds.

Section 32. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 33. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Bonds.

Section 34. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 35. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 36. NO PERSONAL LIABILITY. No covenant or agreement contained in the Bonds, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Bonds shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Bonds.

Section 37. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 38. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) $9,500, provided that such fee shall not be less than $750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Bonds.

Section 39. EFFECTIVE DATE. This Ordinance shall become effective upon passage of this Ordinance.

EXHIBIT A

DEFINITIONS

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise. Any terms not otherwise defined herein have the meaning given in this Ordinance.

"Accountant" means an independent certified public accountant or accountants or a firm of an independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

"Additional Parity Obligations" means Bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt which the City reserves the right to issue or enter into, as the case may be, in the future under the terms and conditions provided in Sections 20 and 21 of this Ordinance and which obligations are equally and ratably secured solely by a first lien on and pledge of the Pledged Revenues on a parity with the Bonds.

"Amortization Installment" means, with respect to any Term Bonds of any series of Parity Obligations, the amount of money which is required to be deposited into a mandatory redemption account for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any) provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

"**Annual Debt Service Requirements**" means, as of the date of calculation, the principal of and interest on all Parity Obligations coming due at Maturity or Stated Maturity (or that could come due on demand of the owner thereof other than by acceleration or other demand conditioned upon default by the City on such Debt, or be payable in respect of any required purchase of such Debt by the City) in such Fiscal Year, and, for such purposes, any one or more of the following rules shall apply at the election of the City:

(1) Balloon Debt. If the principal (including the accretion of interest resulting from original issue discount or compounding of interest) of any series or issue of Funded Debt due (or payable in respect of any required purchase of such Funded Debt by the City) in any Fiscal Year either is equal to at least 25% of the total principal (including the accretion of interest resulting from original issue discount or compounding of interest) of such Funded Debt or exceeds by more than 50% the greatest amount of principal of such series or issue of Funded Debt due in any preceding or succeeding Fiscal Year (such principal due in such Fiscal Year for such series or issue of Funded Debt being referred to herein and throughout this Ordinance as "Balloon Debt"), the amount of principal of such Balloon Debt taken into account during any Fiscal Year shall be equal to the debt service calculated using the original principal amount of such Balloon Debt amortized over the

Term of Issue on a level debt service basis at an assumed interest rate equal to the rate borne by such Balloon Debt on the date of calculation;

(2) Consent Sinking Fund. In the case of Balloon Debt, if a Designated Financial Officer shall deliver to the City a certificate providing for the retirement of (and the instrument creating such Balloon Debt shall permit the retirement of), or for the accumulation of a sinking fund for (and the instrument creating such Balloon Debt shall permit the accumulation of a sinking fund for), such Balloon Debt according to a fixed schedule stated in such certificate ending on or before the Fiscal Year in which such principal (and premium, if any) is due, then the principal of (and, in the case of retirement, or to the extent provided for by the sinking fund accumulation, the premium, if any, and interest and other debt service charges on) such Balloon Debt shall be computed as if the same were due in accordance with such schedule, provided that this clause (2) shall apply only to Balloon Debt for which the installments previously scheduled have been paid or deposited to the sinking fund established with respect to such Debt on or before the times required by such schedule; and provided further that this clause (2) shall not apply where the City has elected to apply the rule set forth in clause (1) above;

(3) Prepaid Debt. Principal of and interest on Bonds and Additional Parity Obligations, or portions thereof, shall not be included in the computation of the Annual Debt Service Requirements for any Fiscal Year for which such principal or interest are payable from funds on deposit or set aside in trust for the payment thereof at the time of such calculations (including without limitation capitalized interest and accrued interest so deposited or set aside in trust) with a financial institution acting as fiduciary with respect to the payment of such Debt; and

(4) Variable Rate. As to any Parity Obligations that bear interest at a variable interest rate which cannot be ascertained at the time of calculation of the Annual Debt Service Requirement then, at the option of the City, either (A) an interest rate equal to the average rate borne by such Parity Obligations (or by comparable debt in the event that such Parity Obligations has not been outstanding during the preceding 24 months) for any 24 month period ending within 30 days prior to the date of calculation, or (B) an interest rate equal to the 30-year Revenue Bond Index (as most recently published in The Bond Buyer), shall be presumed to apply for all future dates, unless such index is no longer published in The Bond Buyer, in which case an index of revenue Bonds with maturities of at least 20 years which is published in a financial newspaper or journal with national circulation may be used for this purpose (if two Series of Parity Obligations which bear interest at variable interest rate, or one or more maturities within a Series, of equal par amounts, are issued simultaneously with inverse floating interest rates providing a composite fixed interest rate for such Parity Obligations taken as a whole, such composite fixed rate shall be used in determining the Annual Debt Service Requirement with respect to such Parity Obligations);

With respect to any calculation of historic data, only those payments actually made in the subject period shall be taken into account in making such calculation and, with respect to prospective calculations, only those payments reasonably expected to be made in the subject period shall be taken into account in making the calculation.

"Average Annual Debt Service Requirements" means that average amount which, at the time of computation, will be required to pay the Annual Debt Service Requirements when due (either at Stated Maturity or mandatory redemption) and derived by dividing the total of such Annual Debt Service Requirements by the number of Fiscal Years then remaining before Stated Maturity of such Parity Obligations. For the purposes of this definition, a fractional period of a Fiscal Year shall be treated as an entire Fiscal Year. Capitalized interest payments provided from bond proceeds, accrued interest on any Debt, and interest earnings thereon shall be excluded in making such computation.

["**Bond Insurer**" means any entity that insures or guarantees the payment of principal and interest on any Bonds or the provider of a Reserve Fund Obligation.]

"Bonds" means the City of Wimberley, Texas Hotel Occupancy Tax Revenue Bonds, Series 2023.

"City" and **"Issuer"** mean the City of Wimberley, Texas, and where appropriate, the City Council.

"Debt" and **"Debt of the City payable from Pledged Revenues"** mean:

(1) all indebtedness payable from Pledged Revenues incurred or assumed by the City for borrowed money that, in accordance with generally accepted accounting principles, are shown on the liability side of a balance sheet; and

(2) all other indebtedness payable from Pledged Revenues that is guaranteed, directly or indirectly, in any manner by the City, or that is in effect guaranteed, directly or indirectly, by the City through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement to pay for property or services irrespective of whether or not such property is delivered or such services are rendered), or otherwise.

For the purpose of determining Debt, there shall be excluded any particular Debt if, upon or prior to the Maturity thereof, there shall have been deposited with the proper depository (a) in trust the necessary funds (or investments that will provide sufficient funds, if permitted by the instrument creating such Debt) for the payment, redemption, or satisfaction of such Debt or (b) evidence of such Debt deposited for cancellation; and thereafter it shall not be considered Debt. No item shall be considered Debt unless such item constitutes indebtedness under generally accepted accounting principles applied on a basis consistent with the financial statements of the System in prior Fiscal Years.

“Debt Service Fund” means the special fund created, established and maintained by the provisions of Section 10 of this Ordinance.

“Defeasance Securities” means a security described in Section 26 of this Ordinance.

“Designated Financial Officer” means the chief financial officer or finance director of the City, or such other financial or accounting official of the City so designated by the City Council.

“Fiscal Year” means the regular fiscal year used by the City, currently ending September 30 of each year, which may be any twelve consecutive month period established by the City.

“Funded Debt” means all Parity Obligations created or assumed by the City that mature by their terms (in the absence of the exercise of any earlier right of demand), or that are renewable at the option of the City to a date, more than one year after the original creation or assumption of such Debt by the City.

“Funds” means collectively all funds created and authorized in Section 9 of this Ordinance.

“**Holder(s)**” means the registered owner, whose name appears in the Registration Books, for any Parity Obligation.

“Hotel Tax” means that portion of the receipts of the municipal hotel tax authorized pursuant to Chapter 351 of the Texas Tax Code, as amended, remaining after deducting the Local Tourism Requirement.

“**Initial Bonds**” means the Bonds authorized, issued, and initially delivered as provided in Section 6 of this Ordinance

“Local Tourism Requirement” means that portion of the municipal hotel tax authorized pursuant to Chapter 351 of the Texas Tax Code, as amended, which represents the State Mandated Set Aside.

“Maturity” means, when used with respect to any Debt, the date on which the principal of such Debt or any installment thereof becomes due and payable as therein provided, whether at the Stated Maturity thereof or by declaration of acceleration, call for redemption, or otherwise.

“**Maximum Annual Debt Service Requirements”** means the greatest requirements of Annual Debt Service Requirements (taking into account all mandatory principal redemption requirements) scheduled to occur in any future Fiscal Year or in the then current Fiscal Year for the particular obligations for which such calculation is made. Capitalized interest payments provided from Debt proceeds, accrued interest on any Debt, and interest earnings thereon shall be excluded in making such computation.

"Ordinance" means this ordinance adopted by the City Council on March 23, 2023 in connection with the issuance of the Bonds.

"Outstanding" when used with respect to Parity Obligations, means, as of the date of determination, all Parity Obligations theretofore delivered under this Ordinance and any ordinance authorizing Additional Parity Obligations, except:

(1) Parity Obligations theretofore canceled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Parity Obligations deemed paid pursuant to the provisions of Section 26 of this Ordinance or any comparable section of any ordinance authorizing Additional Parity Obligations;

(3) Parity Obligations upon transfer of or in exchange for and in lieu of which other Parity Obligations have been authenticated and delivered pursuant to this Ordinance and any ordinance authorizing Additional Parity Obligations; and

(4) Parity Obligations under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"Paying Agent/Registrar" shall have the meaning set forth in Section 5(a) of this Ordinance.

"Parity Obligations" means the Bonds and any Additional Parity Obligations hereafter issued by the City or obligations issued to refund any of the foregoing (as determined within the sole discretion of the City Council in accordance with applicable law) if issued in a manner that provides that the refunding obligations are payable from and equally and ratably secured by a first lien on and pledge of the Pledged Revenues.

"Pledged Revenues" means (i) the Hotel Tax, (ii) amounts and investments on deposit in the Debt Service Fund[, the Reserve Fund] and the Revenue Fund plus (iii) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter are pledged by the City to the payment of the Parity Obligations.

"Rating Agency" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Parity Obligations.

"Record Date" means with respect to each interest payment date of a Bond, the close of business on the 15th day of the preceding month.

"Registration Books" means the records maintained by the Paying Agent/Registrar indicating the registered owner of the Parity Obligations.

["Reserve Fund" means the special fund created, authorized and maintained by the provisions of Section 9 and 12 of this Ordinance.

"Reserve Fund Obligations" means a surety bond or insurance policy deposited into the Reserve Fund to satisfy the Required Reserve Amount whereby the issuer is obligated to provide funds up to and including the maximum amount and under the conditions specified in such agreement or instrument.

"Reserve Fund Obligation Payment" means any subrogation payment the City is obligated to make from Pledged Revenues deposited into the Reserve Fund with respect to a Reserve Fund Obligation.]

"Revenue Fund" means the special fund created and maintained by Sections 9 and 10 of this Ordinance.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Series 2023 Bond Construction Fund" means the fund created and maintained by Sections 9 and 13 of this Ordinance.

"State Mandated Set Aside" means not less than the amount of revenue received by the City from the municipal hotel tax at a rate of one percent of the cost of the room which is required to be allocated solely to advertising and conducting solicitation and promotional purposes to attract tourists and convention delegates or registrants to the City or its vicinity as provided in Section 351.103(a)(2) of the Texas Tax Code, as amended.

"Stated Maturity" means the annual principal payments of the Parity Obligations payable on the respective dates set forth in the Ordinance and any Supplemental Ordinance authorizing the issuance of such Parity Obligations.

"Subordinate Lien Obligations" means (i) any bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt issued by the City that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Pledged Revenues, such pledge being subordinate and inferior to the lien on and pledge of the Pledged Revenues that are or will be pledged to the payment of any Parity Obligations issued by the City, and (ii) obligations hereafter issued to refund any of the foregoing if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues on a parity with the Subordinate Lien Obligations.

"Supplemental Ordinance" means the ordinances adopted by the City Council of the City from time to time in connection with the issuance of Additional Parity Obligations.

"Term Bonds" means those Parity Obligations so designated in the ordinances authorizing such bonds which shall be subject to retirement by operation of a mandatory redemption account.

"Term of Issue" means with respect to any Balloon Debt, a period of time equal to the greater of (i) the period of time commencing on the date of issuance of such Balloon Debt and ending on the final maturity date of such Balloon Debt or (ii) twenty-five years.

[**The Remainder of This Page is Intentionally Left Blank**]

EXHIBIT B

FORM OF BOND

R-[1]	**UNITED STATES OF AMERICA** **STATE OF TEXAS** **CITY OF WIMBERLEY, TEXAS** **HOTEL OCCUPANCY TAX REVENUE BOND** **SERIES 2023**	**PRINCIPAL** **AMOUNT** **$________**

INTEREST RATE	**ISSUANCE DATE**
[As Shown Below]	[April 12, 2023]

REGISTERED OWNER: **[PURCHASER]**

PRINCIPAL AMOUNT: **[NINE HUNDRED THOUSAND] DOLLARS**

ON THE MATURITY DATE specified above, the **CITY OF WIMBERLEY, TEXAS** (the "Issuer" or the "City"), being a political subdivision and municipal corporation of the State of Texas, for value received, promises to pay, from the sources described herein, to the registered owner specified above, or registered assigns, the principal amount specified above, and to pay interest thereon, from the Delivery Date set forth above, on the balance of said principal amount from time to time remaining unpaid, at the rate per annum set forth above, calculated on the basis of a 360-day year of twelve 30-day months. The unpaid principal of this Bond shall mature and be payable in installments on the dates and in the principal installment amounts, and shall bear interest, calculated on the basis of basis of a 360-day year of twelve 30-day months, at the per annum rates, all as set forth in the following schedule:

Payment Date (August 1)	Principal Installments ($)	Interest Rates (%)
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The Issuer shall pay interest on this Bond on [February 1, 2024] and semiannually on each August 1 and February 1 thereafter to the date of maturity. The last principal installment of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity at the principal office of [____________________, __________], Texas, which is the "Paying Agent/Registrar" for this Bond. The payment of all other principal installments of and interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each principal and interest payment date by check or draft, dated as of such principal and interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance of the Issuer authorizing the issuance of this Bond (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared at the close of business on the 15th day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, principal and interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the “Debt Service Fund” referred to in and maintained by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due. Terms used in this Bond and not otherwise defined shall have the meaning given in the Ordinance.

IF THE DATE for the payment of the principal of or interest on this Bond shall fall on a day other than a Business Day (each a “Non-Business Day”), then the date for such payment shall be the next succeeding day which is not a Non-Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is dated as of April 1, 2023, authorized in accordance with the Constitution and laws of the State of Texas in the aggregate principal amount of $[900,000] for the purpose of (i) acquiring sites for and the construction, improvement, and equipping of a visitor information center and (ii) paying the costs associated with the issuance of the Bonds.

ON [APRIL 13, 2023] or any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any lawful source, as a whole, or in part, and, if in part, the Issuer will determine the maturity or maturities to be redeemed and the Paying Agent/Registrar shall determine, by lot or other customary method within a maturity, the particular Bonds to be redeemed, at a redemption price equal to the principal amount of the Bonds to be redeemed plus accrued interest to the redemption date.

AT LEAST 30 DAYS prior to the date fixed for any optional redemption of the Bond or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying

Agent/Registrar by United States mail, first-class postage prepaid, to the Registered Owner of the Bond at its address as it appeared on the Registration Books on the day such notice of redemption is mailed; provided, however, that the failure of the Registered Owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of this Bond. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bond or portions thereof which are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bond or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for redemption, and shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

THIS BOND is issuable in the form of one fully-registered Bond without coupons in the denomination of $[900,000]. This Bond may be transferred or exchanged as provided in the Ordinance, only upon the registration books kept for that purpose at the above-mentioned office of the Paying Agent/Registrar upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent/Registrar and duly executed by the registered owner or his duly authorized attorney, and thereupon a new Bond of the same maturity and in the same aggregate principal amount shall be issued by the Paying Agent/Registrar to the transferee in exchange therefor as provided in the Bond Resolution, and upon payment of the charges therein prescribed. The Issuer and the Paying Agent/Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal interest due hereon and for all other purposes. The Paying Agent/Registrar shall not be required to make any such transfer or exchange during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation of the Issuer, and that the interest on and principal of this Bond, together with all other outstanding "Parity Obligations" (as defined in the Ordinance), as such interest comes due, and as such principal matures, are payable from and secured by a lien on and pledge of the "Pledged Revenues", all as provided in the Ordinance.

THE ISSUER also has reserved the right, subject to restrictions stated in the Ordinance, to issue Additional Parity Obligations which also may be made payable from and equally and ratably secured by a first lien on and pledge of, the Pledged Revenues in the same manner and to the same extent as this series of Bonds.

THE ISSUER also has reserved the right, subject to restrictions stated in the Ordinance to issue Subordinate Lien Obligations payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues (as defined in the Bond Ordinance), subordinate and inferior in rank and dignity to the lien on and pledge of such Pledged Revenues securing payment of the Bonds or any Additional Parity Obligations.

THE OWNER HEREOF shall never have the right to demand payment of this Bond out of any funds raised or to be raised by taxation, except hotel occupancy taxes, or any sources other than those specified in the Ordinance.

NOTWITHSTANDING THE FOREGOING, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each Registered Owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer, and countersigned with the manual or facsimile signature of the City Secretary of the Issuer and the official seal of the Issuer has been duly impressed, or placed in facsimile, on this Bond.

Countersigned:

________________________________ ________________________________

City Secretary, City of Wimberley, Texas   Mayor, City of Wimberley, Texas

(CITY SEAL)

FORM OF REGISTRATION CERTIFICATE
OF THE COMPTROLLER OF PUBLIC ACCOUNTS:

COMPTROLLER'S REGISTRATION CERTIFICATE:
REGISTER NO. ______________

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

____

(COMPTROLLER'S SEAL)   Comptroller of Public Accounts
of the State of Texas

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in exchange for a bond or Bonds, or a portion of a bond or Bonds of a series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: ____________________   [NAME OF PAYING AGENT/REGISTRAR]
[CITY], [STATE]
Paying Agent/Registrar

By: ______________________________________

____
Authorized Representative

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto:

Transferee's Social Security or Taxpayer Identification Number: ________________________

Transferee's name and address, including zip code: ________________________

____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____________________________________ . attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: ___________________________.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

AGENDA ITEM:	2. Receive an update from representatives of SitePro and PGMS and consider possible action related to the Ranch Road 12 liftstation malfunction.
SUBMITTED BY:	
DATE SUBMITTED:	03/20/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None

AGENDA ITEM:	3. Discuss and consider possible action on a recommendation from the Transportation Advisory Board on the following items: A. Street improvement projects B. ADA and Fire Lane Compliance C. Speed Cushions or other traffic speed calming measures on River Road and 1492
SUBMITTED BY:	
DATE SUBMITTED:	02/24/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None

AGENDA ITEM:	1. Receive an update from the City Administrator on the following items: A. Winter freeze debris pick-up B. Ranch Road 12 lift station malfunction.
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	03/14/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Discussion
Motion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None

AGENDA ITEM:	1. Discuss and consider approval of an agreement with MHS Planning & Design, LLC for the Parks and Recreation Comprehensive Master Plan. *(Richard Shaver, Parks Director)*
SUBMITTED BY:	Richard Shaver
DATE SUBMITTED:	03/10/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley recently sought sealed bids for the Wimberley Parks and Recreation Comprehensive Master Plan. Bids were due on Thursday, February 23, 2023, at 4 pm at Wimberley City Hall. The City received five proposals from qualified applicants for the Parks Master Plan ranging from $97,850 to $101,012. MHS Planning & Design, LLC was the low bidder and the most qualified. The Master Plan will serve as a guiding document for park system infrastructure and programming for the next decade. The scoring committee consisted of City Staff and included the following factors:

- Qualifications and Similar Project Experience, Including References (25%)
- Effectiveness of Proposed Work Plan and Project Understanding (25%)
- Innovative Engagement Strategy (20%)
- Timeline and previously demonstrated ability to stay on schedule (15%)
- Cost to complete the project (15%)

REQUESTED ACTION

Motion
Discussion

FINANCIAL

City Council approved Resolution No. 21-2022 which authorized an amendment to the 2022/2023 Operating Budget not to exceed $100,000 for the Master Plan. The recommended proposal is $97,850.

STAFF RECOMMENDATION

Staff recommends accepting this proposal.

ATTACHMENT/S

1. City of Wimberley Comprehensive Master Plan RFQ #2023-1 (reduced)
2. MHS Cost of Services (Wimberley Parks Master Plan)

3. Wimberley Council Letter - MHS

MHS PLANNING & DESIGN

MHS
PLANNING & DESIGN, LLC

CITY OF WIMBERLEY

REQUEST FOR PROPOSAL NO. 2023-1

COMPREHENSIVE MASTER PLAN

MASTER PLANNING | GRANT WRITING | PARK DESIGN | PLANNING
ENGINEERING | LANDSCAPE ARCHITECTURE |

City of Wimberley
PARKS AND RECREATION

212 West 9th Street, Tyler, Texas 75701 · 903.597.6606 · www.mhsplanning.com · TBPE #F-14571 · TBAE #BR4525 · MHS Planning & Design

212 WEST 9TH STREET
TYLER, TEXAS 75701 · 903.597.6606
WWW.MHSPLANNING.COM

17 February 2023

Richard Shaver, Director, Parks and Recreation
City Council, City Staff & Parks Board
City of Wimberley
221 Stillwater Road
Wimberley, Texas 78676

RE: MHS Statement of Qualifications in Response to Wimberley Parks and Recreation Comprehensive Plan RFQ #2023-1

It is my pleasure to submit our proposal for the Parks and Recreation, Comprehensive Plan Update for the City of Wimberley. MHS Planning first prepared a city-wide plan in 1993; since then, MHS have prepared over 80 city-wide Parks Master Plans, comprehensive plans & feasibility studies and has accumulated a wealth of knowledge in the field. In our 30 years of experience, MHS has earned a reputation as one of the leading parks, recreation and open space planning and design firms in Texas. Our process is citizen driven and considers the needs and desires of the community to create an authentic and implementable Master Plan. MHS is excited about the opportunity to partner with the City of Wimberley to develop the Comprehensive Parks Plan and will ensure it is custom tailored to the growing population, builds on the community's unique assets, and identifies new opportunities.

MHS is committed to providing the City of Wimberley with the highest quality of work. We know that our history and experience of working within the industry will help provide us with the ability to deliver a product that is specific to the City of Wimberley and the needs of the residents and visitors. MHS has a unique business model that will serve your community with a comprehensive "Conception to Completion" experience. What this means for our clients is that MHS can guide a project from the earliest stages of citizen input meetings to assessing the growth of the City and identifying key recommendations, and remain active through creating an implementation plan and conducting City Staff, Steering Committee, and City Council Meetings.

MHS is familiar with the Wimberley Parks System and has visited each park, the Wimberley Square and the Community Center. In addition, MHS understands the important and unique role of the Parks Department and will work closely with the Board and Staff to ensure the Master Plan is comprehensive, all inclusive and implementable with the funds available. It is imperative for this Department to invest dollars into the system that will in return generate capital for additional expansion and opportunities. If selected, MHS is committed to a successful project in Wimberley. MHS has extensive knowledge regarding the development and submission of Texas Parks and Wildlife Grants and has successfully submitted over 100 grants with a 90% success rate, totaling over $40 million for cities across Texas.

We are excited for the opportunity to partner with the City of Wimberley to develop a plan that is citizen-driven, establishes clear direction, and echoes the values and priorities of the community. MHS is able to evaluate the existing facilities, collect and report public opinions with creative and unique approaches, assess the growth of the City and determine the location and type of additional facilities needed, identify statewide and national trends, prioritize key recommendations, review budgets and potential revenue sources, and develop an implementation schedule with budget projections. MHS has experience conducting meetings, both in-person and virtually to understand and express the true needs of the community, City and visitors.

MHS Planning & Design has extensive experience in master planning, public engagement, grant writing, landscape architecture, civil engineering, construction plans and specifications preparation, and construction administration. MHS is a Planning and Design firm that employs planners, landscape architects, and engineers who specialize in public input, conceptual designs and engineering documents to custom fit each community. For this Master Plan, Hunter N Rush, Senior Planner and Partner of MHS will be the Project Lead. Hunter can be contacted via phone (903) 597-6606 or email: hrush@mhsplanning.com. Our team has been assembled based on experience, compatibility, and dedication to excellence! Our proposed scope and fees for this project can be found in the sealed envelope with our Statement of Qualifications. If selected, we pledge to help you develop a clear direction and a guiding document to enhance the quality of life in Wimberley. Thank you for the opportunity and I look forward to partnering with the City of Wimberley!

Sincerely,

Hunter Rush

Hunter N. Rush, Senior Planner & Partner
hrush@mhsplanning.com
903.597.6606

APPENDIX A - PROPOSAL COVER SHEET
CITY OF WIMBERLEY
RFP #2023-1

Proposer Information:	
Proposer Name	MHS PLANNING & DESIGN
Mailing Address	212 W. 9TH ST. TYLER, TX 75701
Website	WWW.MHSPLANNING.COM
Contact Person	HUNTER RUSH, SR. PLANNER & PARTNER
Contact Phone Number	903.597.6606 (O) 979.571.8719 (C)
Contact Email	HRUSH@MHSPLANNING.COM
Federal ID Number	75-2686496

Submittals Enclosed	
☒	Technical Submittal
☒	Cost Submittal **sealed separately**
☒	Digital Copy of both Technical and Cost Submittal

Signature	
Signature of an official authorized to bind the Proposer to the provisions contained in the proposal:	Hunter Rush
Printed Name	HUNTER RUSH
Title	SENIOR PLANNER & PARTNER

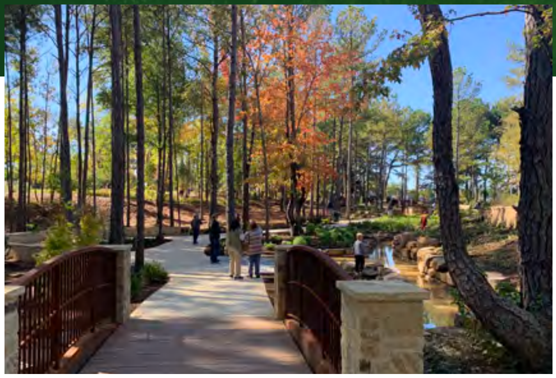


TABLE OF CONTENTS

FIRM INFORMATION & QUALIFICATIONS

ALLEN STATION - ALLEN, TX

MHS PLANNING & DESIGN

ESTABLISHED IN 1993
HOME OFFICE: TYLER, TEXAS
DALLAS OFFICE: APRIL 2023

WHO WE ARE

MHS Planning and Design, LLC is a consulting firm that has been in business for 30 years. We have Parks & Open Space Master Planning, Grant Writing, Park Design, Landscape Architecture, Site Master Planning, and Engineering experience. MHS specializes in developing Parks Master Plans and creating recreational & outdoor areas customized to fulfill the unique needs of communities. Since its establishment in 1993, the firm has earned a reputation as one of the leading Park Planning firms in Texas by utilizing a **Conception to Completion** process. Our process considers the needs of the client as well as the desires of the community to create a customer-friendly and community-driven experience.

FOCUS AREAS

- Parks, Recreation, Trails & Open Space Master Planning
- Grant Writing
- Park Design Services
- Landscape Architecture
- Land Planning
- Civil Engineering
- Construction Plans, Specifications & Administration

FIRM VISION

A counter-cultural company striving to transform lives in the communities it serves.

FIRM MISSION

We build life long relationships by creating a family environment within our team and the people we serve.

FIRM HISTORY

MHS Planning & Design was established in 1993 by Mark H. Spencer as a parks and recreation planning and design firm. MHS has a reputation as one of the leading parks and recreation design and engineering firms in the State of Texas. Since 1993, MHS has expanded its services to include land planning, grant writing, design development, landscape architecture, and engineering services. MHS developed over 80 Parks Master Plans, Comprehensive Plans and Feasibility Studies and has designed over 200 parks, sport complexes, downtowns, campgrounds, boat ramps, and residential developments. MHS was one of the first consulting firms to write Park Master Plans and submit Texas Parks & Wildlife grant applications in the State of Texas.

Our staff of 16 has been assembled over the years to provide talent and expertise in all aspects of planning and engineering to plan, design, and build parks, recreational facilities, downtowns, and commercial and residential developments. The owners of MHS Planning & Design are William H. Spencer, President & PE and Hunter N. Rush, Senior Planner.

MHS has consulted for multiple cities and agencies to develop plans from single, site-specific projects up to city-wide master and comprehensive plans. We are committed to working alongside the City of Wimberley staff to comprehensively assess sites, address current and future facility needs, and develop an implementable Comprehensive Parks Master Plan that will guide future decisions to enhance the quality of life for all residents and visitors to Wimberley.

QUALIFICATIONS

MHS is highly qualified and very interested in partnering with the City of Wimberley. MHS' main office is located in Tyler, Texas and has one satellite office which will officially open April 1st 2023. If selected, MHS is committed to work closely with Wimberley City Council and Staff to ensure a successful project that is completed on time and within budget.

MHS PRINCIPLE/ PROJECT MANAGERS

Hunter N. Rush, Senior Planner & Partner
Phone: (903) 597-6606
Email: hrush@mhsplanning.com
Home Office: 212 W 9th Street, Tyler, Texas 75701

Hunter N Rush is Partner of MHS and is committed to remaining engaged throughout the entire planning & design process. Hunter's similar project experience can be found on his resume.

AVAILABILITY

The staff of MHS Planning & Design is committed to devoting significant time to The City of Wimberley for any and all potential future projects. Our current work load is considered to be normal.

MHS uses current computer technology and cutting edge software to ensure quality print documents, engineering, design, graphics and publications.

The firm is financially stable and possesses all resources necessary to perform any required tasks.

MHS Planning & Design has never been party to any contract failure, civil or criminal litigation and we are not involved in any pending investigations or lawsuits.

HONORS AND AWARDS

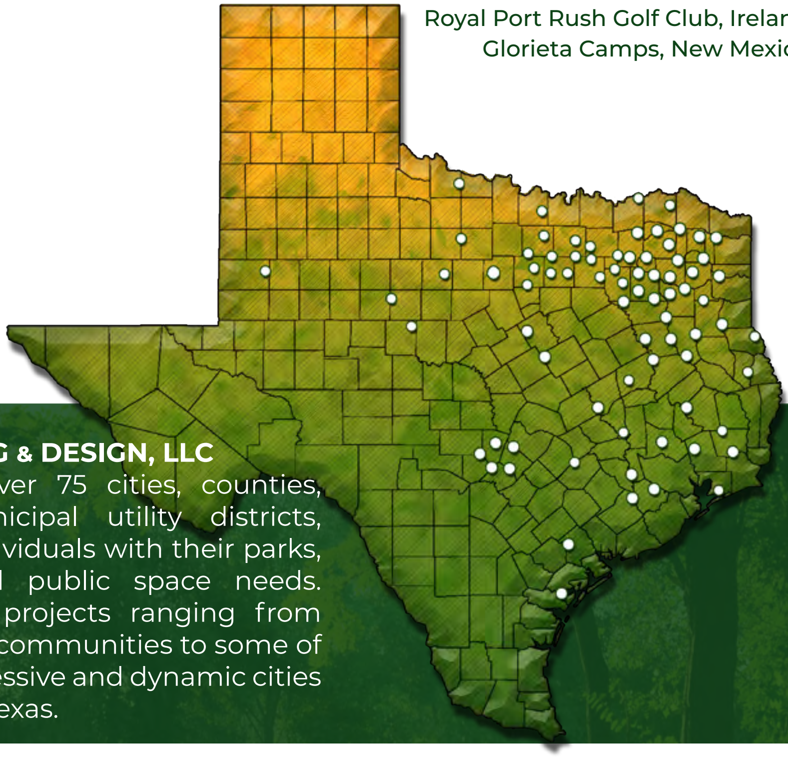
The cities which MHS has worked for over many years have earned numerous awards from TRAPS and NRPA.

- NRPA Gold Medal Award: City of Allen
- TRAPS Recreation Facility design excellence Award: Town of Flower Mound
- TRAPS Texas Gold Medal Award Class IV: City of Rockwall

EXPERIENCE

Abilene
Allen
Alvarado
Atlanta
Burleson
Canton
Center
Cleburne
Crystal Beach
Edom
Flower Mound
Gainesville
Gilmer
Grand Saline
Grapevine
Haltom City
Haslet
Hays County
Heath
Hillsboro
Jacksonville
Joshua
Joaquin
Kennedale
Kilgore
Krugerville
Lindale
Longview
Lufkin
Mineola
Missouri City
Mount Pleasant
Mount Vernon
Paris
Pittsburg
Richardson
Richmond
Rockwall
Royse City
San Angelo
Seven Points
Sugar Land
Sulphur Springs
Sunnyvale
Terrell
The Colony
The Woodlands
Tyler
Van
Victoria
Vidor
Watauga
Whitehouse
Wills Point
Winnsboro
Wood County

OUT OF STATE PROJECTS
Royal Port Rush Golf Club, Ireland
Glorieta Camps, New Mexico



MHS PLANNING & DESIGN, LLC has assisted over 75 cities, counties, churches, municipal utility districts, camps, and individuals with their parks, recreation, and public space needs. These include projects ranging from small and rural communities to some of the most progressive and dynamic cities in the State of Texas.

PARKS, RECREATION & OPEN SPACE MASTER PLANS

MHS develops community-specific plans that prioritize citizen and staff input to produce authentic and achievable results.

GRANT WRITING

MHS has submitted and successfully funded more than 100 Texas Parks and Wildlife Department and Texas Department of Transportation grants totaling over $41,000,000 with a 90% success rate for our clients.

LAND PLANNING

MHS is committed to incorporating the natural resources of a site into the planning process to create a plan that enhances the existing resources and results in meaningful developments.

SITE ANALYSIS

MHS has spent the past two decades building relationships with the most dependable survey, geotechnical, environmental, and archaeological companies in each region of Texas to offer our clients the most comprehensive experience possible.

3D RENDERING & ANIMATION

MHS develops state of the art 3D photo realistic renderings of projects to help our clients showcase their vision to the community.

CIVIL ENGINEERING

MHS provides creative and aesthetically pleasing engineering solutions to ensure the concepts envisioned for each site are maintained throughout the design process.

LANDSCAPE ARCHITECTURE

MHS creates innovative spaces while preserving key environmental components for people to experience.

CONSTRUCTION SERVICES

MHS offers construction plans, technical specifications, bid documents, and construction administration to deliver a final product that exceeds the expectations of our clients.

CONCEPTION >>>>>>>> COMPLETION

MHS has partnered with Cities across the State of Texas to assist in the development and submission of successful Texas Parks and Wildlife Grants. MHS has a 90% success rate when submitting grants to TPWD because of our understanding of how the residents of communities utilize outdoor spaces and our knowledge of the Grant System. Our detailed approach and development of Park Master Plans helps ensure the City of Wimberley will have implementable and impactful projects that are well suited for future funding opportunities.

MHS takes pride on providing high quality, citizen driven and implementable Park Master Plans.

MHS strives to develop plans that meet the needs of the community and are highly competitive for funding from TPWD. The intent in developing a successful TPWD approved plan is to improve the overall quality of life for the residents of Wimberley and to ensure our fees for this plan, future grants, design and engineering are all covered through grant allocations and not at a cost to the City of Wimberley.

Haltom City

MHS has successfully partnered with the City of Haltom City over the past 20 years to develop the Parks Master Plan along with five successful TPWD grants totalling over $4,000,000.

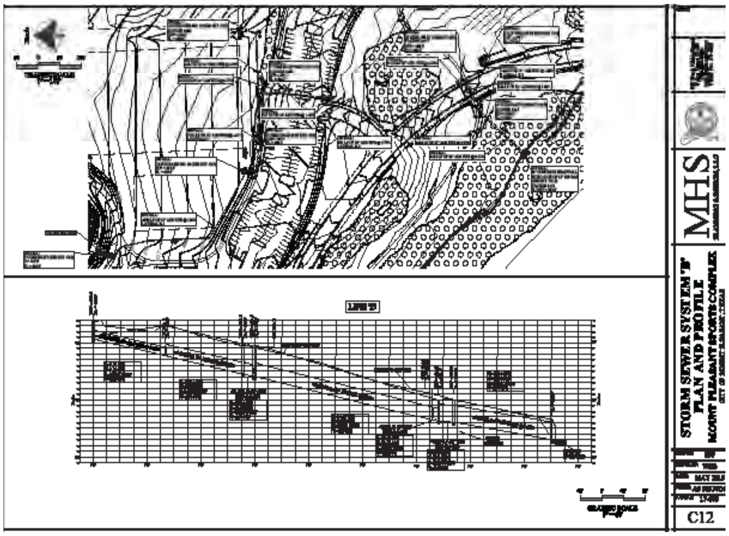
Rockwall

MHS has successfully partnered with the City of Rockwall over the past 25 years to develop the Parks Master Plans along with six successful TPWD grants totalling over $3,500,000.

Sulphur Springs

MHS has successfully partnered with the City of Sulphur Springs over the past 15 years to develop the Parks Master Plans along with three successful TPWD grants totalling over $2,500,000.

MHS uses current computer technology and cutting edge software to ensure accurate and aesthetically pleasing Parks Master Plans, Feasibility Studies, engineering documents, high quality graphics, relevant reports, and publications. To provide our clients with top of the line and accurate designs, MHS uses programs such as: GIS, InDesign, Photoshop, AutoCAD Civil 3D, and more. MHS is connected to video conference and conference calls to keep clients up to date throughout the planning and design process.



MHS Planning partnered with the City of Cleburne to develop their 2021-2031 Parks, Recreation, Trails & Open Space Master Plan. Services provided to the City include citizen surveys, Town Hall meetings, focus group meetings, plan development, park designs, maintenance standards, ordinance recommendations, and continued coordination with City Staff, Parks Board and City Council throughout the planning process. MHS learned the importance of ensuring all relevant City Staff, including the Parks Director, Assistant City Manager, and City Manager, were involved throughout each stage of the process and attend regularly scheduled check-in meetings to ensure the planning process stays on schedule. MHS will sustain our ability to be approachable and flexible throughout the planning process to ensure we are always available, can adjust our plans and schedules, and provide unique and specially-tailored plans to the community. MHS engaged citizens through unique engagement opportunities pre-COVID and during COVID. The Firm and sub-consultant, National Service Research (NSR), mailed 17,000 postcards to encourage citizens to take the Parks Needs Assessment Survey, developed an additional needs survey for Lake Pat Cleburne, and conducted focus group meetings with community leaders.

PROJECT SCOPE

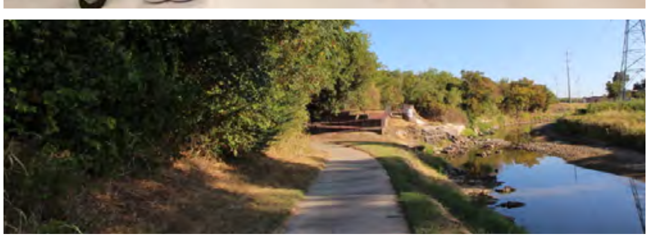
Master Plan; 21 Individual Park Designs; Trail Plan; Lakefront Plan; Maintenance Plan; Park Ordinances; Park Classification; Level of Service; Inventory; Photographs; Public Input; Focus Groups; Citizen Survey; Goals & Objectives; Needs Analysis; Recommendations; Implementation Schedule; Existing & Future Parks Map; Review Period; Park Advisory, 4B & Council Meetings

REFERENCE

Aaron Dobson
Parks & Recreation Director
817.645.0949
aaron.dobson@cleburne.net

PROJECT MANAGER & STAFF:

Hunter Rush, Emily Gunderson & Connor Paschall
Start Date: 2019 - 14 Months (Delayed due to Covid)
Contract Amount - $150,000



PARKS & OPEN SPACE MASTER PLAN & UPDATE
CITY OF ALLEN, TEXAS

MHS Planning partnered with the City of Allen in 2020 to develop a Parks Master Plan that is unique to the City and fits the needs of the residents. The planning process consisted of focus group meetings, public input, citizen surveys, the development of city-wide maps, 3d Renderings, maintenance standards, Level of Service Analysis, goals & objectives, recommendations and an implementation schedule. MHS coordinated with City Staff, the Parks Board, & City Council throughout the entire planning process to ensure the development of an implementable Master Plan. MHS worked closely with the City to focus on the redevelopment of existing parks and trails as the City nears build-out. The plan focuses on the renovation of existing parks and the city-wide maintenance programs needed to sustain a successful park system.

PROJECT SCOPE
Parks Master Plan; 3D Renderings; Park Classification; Inventory; Photographs; Public Input; Focus Groups; Citizen Survey; Implementation Schedule; Existing & Future Parks Map; Review Period; Ten Minute Walk Campaign; Maintenance Standards; Park Board & Council Meetings

REFERENCE
Brian Bristow
Asst. Director of Parks & Recreation
214.509.4711
bbristow@cityofallen.org

PROJECT MANAGER & STAFF:
Hunter Rush, Emily Gunderson, Connor Paschall & PROS Consulting
Start Date: 2020 - 2022 (delayed due to Covid 19)
Contract Amount - $118,000

THE CITY OF ALLEN
PARKS AND OPEN SPACE
MASTER PLAN
2021-2031

PARKS & OPEN SPACE MASTER PLAN & UPDATE

CITY OF ROCKWALL, TEXAS

MHS Planning has partnered with the City of Rockwall since the early 1990's to develop the existing Park System. Over the last 30+ years, MHS has developed several Parks, Recreation & Open Space Master Plans and Updates. In addition, MHS has provided grant assistance, park design, landscape architecture, construction documents and construction administration for several parks throughout the community. In 2016 Rockwall received the Texas Recreation and Parks Society Gold Medal Award. MHS learned the importance of and will continue to integrate existing City-wide plans such as Comprehensive Plans, Bike & Trail Plans, Tourism Plans & the Parkland Dedication Ordinance. MHS engaged Rockwall citizens and City Staff through numerous opportunities pre-COVID and during COVID. The Firm conducted numerous focus group meetings with community leaders, stakeholders, school children; public Town Hall meetings; and Zoom meetings during the COVID shutdown. MHS has worked with the City of Rockwall to schematically design multiple parks, apply and be awarded numerous TPWD Local Parks Non-Urban Outdoor Recreation grants, and provide engineering, construction documents, and construction administration.

PROJECT SCOPE

Master Plan; Park Classification; Level of Service; Inventory; Photographs; Public Input; Focus Groups; Citizen Survey; Goals & Objectives; Needs Analysis; Recommendations; Implementation Schedule; Existing & Future Parks Map; Review Period; Park Board & Council Meetings

REFERENCE

Travis Sales
Director of Parks, Recreation & Animal Services
972.772.6467
tsales@rockwall.com
Andy Hesser
Former Director of Parks & Recreation
972.205.2750
ahesser@garlandtx.gov

PROJECT MANAGER & STAFF:

Hunter Rush, Emily Gunderson & Connor Paschall
Start Date: 2020 - 7 Months
Contract Amount - $55,000

CITY OF CLEBURNE

Aaron Dobson
Director of Parks & Recreation
817.645.0949
aaron.dobson@cleburne.net

Projects by MHS for Cleburne, Texas

- 2020 Parks, Recreation, Open Space & Trail Master Plan
- Conceptual Site Design of Buddy Stewart Community Park
- Conceptual Site Design of Hulen Community Park
- TPWD Local Park Non-Urban Outdoor Grant Applications

CITY OF THE COLONY

Jackie Kopsa
Community Services Director
972.624.3958
jkopsa@thecolonytx.gov

Projects by MHS for The Colony, Texas

- 2019 Community Development & Parks Master Plan
- TPWD Local Park Non-Urban Outdoor Grant Applications
- Conceptual & Technical Site Designs
- Landscape Architecture Services
- Civil Engineering Services
- Construction Administration
- Design & Construction of Stewart Creek Beach Park & West Shore Park

CITY OF ROCKWALL

Travis Sales
Director of Parks & Recreation
972.771.7762
tsales@rockwall.com
(Former Director: Andy Hesser)

Projects by MHS for Rockwall, Texas

- 1997 Parks & Open Space Master Plan
- 2009 Parks & Open Space Master Plan
- 2020 Parks & Open Space Master Plan
- TPWD Local Park Non-Urban Outdoor & Boat Ramp Grant Applications
- Conceptual & Technical Site Designs
- Landscape Architecture Services
- Civil Engineering Services
- Construction Administration
- Design & Construction of Highway 66 Boat Ramp, Harry Meyers Park, Shores Neighborhood Park, The Park at Foxchase, Emerald Bay Park, Hickory Ridge Park, Phelps Lake Park, The Park at Stone Creek & Breezy Hill Park

CITY OF CENTER

Chad Nehring
City Manager
936.598.2941
cnehring@centertexas.gov

Projects by MHS for Center, Texas

- 2019 Parks & Open Space Master Plan
- 2010 Parks and Open Space Master Plan
- TPWD Local Park Non-Urban Outdoor Grant Applications
- Conceptual & Technical Site Designs
- Landscape Architecture Services
- Civil Engineering Services
- Construction Administration
- Design & Construction of Center Softball Complex, Portacool Park, Soccer Complex & Perry Sampson Park

CITY OF HALTOM CITY

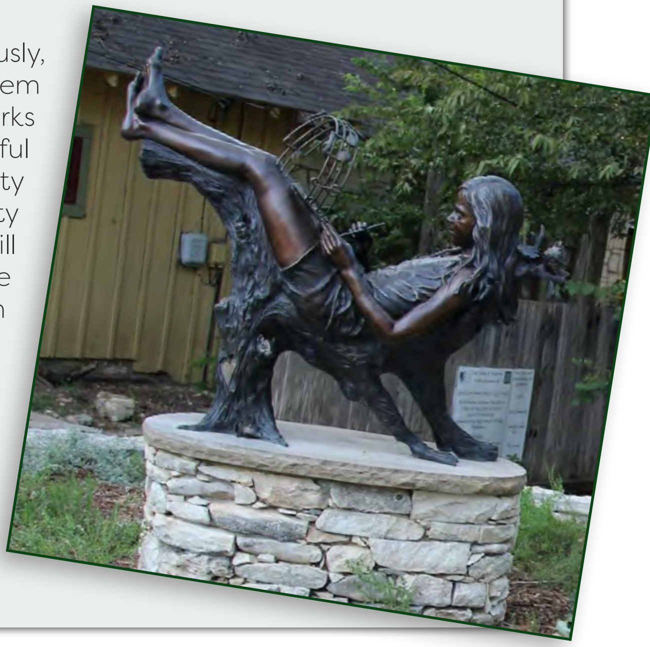
Christi Pruitt
Parks & Recreation Director
817.831.6471
cpruitt@haltomcitytx.com

Projects by MHS for Haltom City, Texas

- 2019: Parks, Recreation & Open Space Master Plan
- 2008: Parks, Recreation & Open Space Master Plan
- Park Master Plans
- Master Plan Updates
- Park Design
- Plans and Construction Administration & Grants

PROJECT UNDERSTANDING & SCOPE OF SERVICES

Wimberley + MHS = Success



Although MHS has not partnered with the City of Wimberley previously, MHS Staff has had the opportunity to tour the existing Park System within the past several months and understands the vision of the Parks and Recreation Department. After visiting the community and beautiful landscapes, MHS is excited about the opportunity to work with the City and its residents. It is imperative to develop a plan that is community driven, follows the Guiding Principles and is implementable! MHS will provide a dedicated Professional Planning Team to conduct creative and unique forms of public engagement and provide continued open and honest communication with the City Council, Advisory Board and City Staff.

Key Areas of Focus

- **Quality over Quantity**
- **Natural Resource & Land Management**
- **Public Engagement**
- **Inclusion & Equity**
- **Health, Safety & Community Partnerships**
- **Cost Recovery**

MHS understands the value of Park Master Plans and the vision they provide for Council, Staff and the residents each community. MHS takes pride in catering to each City to ensure a successful, implementable and easily readable plan. To provide a custom plan for the City of Wimberley, MHS will focus on gathering existing data, conducting formal and informal public opinion, focusing on the existing and future potential funding systems, programming and operations, goals and objectives, and the overall Guiding Principles of the Parks Department.

MHS will develop a plan that will address the City's role in meeting quality recreation needs, promoting best practices and innovative strategies, assess existing facilities and programs, facilitate a participatory process for all Wimberley residents, and provide a realistic guide for future decision-making. Planning documents will serve as a guide for City Staff and elected officials as to the growth, development, and enhancement of the community.

MHS has successfully developed Parks and Recreation Master Plans, Comprehensive Plans and Feasibility Studies for some of the most dynamic and fastest growing cities, counties & municipal utility districts throughout Texas including Hays County (**Wimberley,** San Marcos, and Dripping Springs), Allen, Cleburne, Haltom City, Richardson, Rockwall, The Colony, Sugar Land, and Victoria. We would certainly like the opportunity to partner with the City of Wimberley! Plans prepared by MHS vary from city to city, but usually have three things in common: they are **unique** to the community, they involve extensive **citizen input**, and they are **results oriented**.

The City of Wimberley has a rich history, dynamic economy, and a unique culture. The City offers a high quality of life, excellent public schools, beautiful natural landscapes, and strong connections to adjacent cities and employment centers. The City is focused on increasing the quality of life, celebrating inclusivity & equity, and economic sustainability. City Planning will help build upon these core principles to continue fostering a unique, dynamic, and strong sense of community. Wimberley is an attractive place to live, work and visit! This is very apparent with the increasing population within the city limits and ETJ.

MHS places a priority on creating plans that are community driven and connected to other planning documents in the City. MHS desires to work with the City of Wimberley to continue to fulfill the Guiding Principles of the Parks and Recreation Department by creating a thriving community through people, parks, and social recreation.

PROJECT MANAGEMENT

Our planning process typically starts with an orientation and kick-off meeting with City Staff and the Steering Committee. The kick-off meeting will consist of a review of the planning efforts and process, data collection, work plan, and timeline. MHS is committed to conducting meetings and communicating with City Staff on a regular basis to stay on track and include the City at every step of the process. We are committed to presenting at City Staff, Parks Board, and City Council meetings at key points throughout the process. MHS will meet with City Staff and the Steering Committee to establish guiding principles and determine a custom schedule for the Parks Master Plan.

DATA COLLECTION & ANALYSIS

MHS will review and utilize previous plans provided by the City (i.e. Parks Master Plan, Comprehensive Plan). We will obtain from the City the most recent population projections and trends, City demographic data, and housing characteristics for the service area. MHS and the City will conduct an inventory and assessment of the City's parks and recreation facilities as well as joint-use facilities with the ISD. MHS is committed to developing a statistically-valid public survey for City distribution regarding recreational opportunities, parks, trails, and open spaces. MHS will also interview key department staff, City government leaders, and major stakeholders. Throughout the planning process, MHS will be meeting with City Staff to discuss future park projects, budgets, staffing needs, and park maintenance operations. We will prepare a qualitative report for each park and facility. To supplement this inventory MHS will develop relevant graphics and maps for the parks and trails system. As the City of Wimberley continues to grow, it is imperative to review the existing facilities and compare them to the needed facilities over the next 5 to 10 years.

EVALUATION & ANALYSIS OF PROGRAMMING, FACILITIES, AMENITIES & MANAGEMENT PRACTICES

MHS believes it is valuable to evaluate and analyze the current Level of Service in Wimberley. It is important to do an analysis of current recreation facilities and parks and determine opportunities for improvement. MHS will conduct an analysis of future development and expansion opportunities for each park including property currently held by the City for open space and/or future parks. We are committed to evaluating current park and recreation facility usage trends and recreation programming trends to determine if new or additional facilities are needed. MHS will obtain the necessary data from the City to compare Wimberley to the NRPA Park Metrics and compare the City to like communities in the region and across the Nation. MHS will compare Wimberley to communities in the area that are of similar size and demographics. We will consider any emerging trends or best practices that may impact the City's ability to provide recreational opportunities. MHS can develop management plans for operation and business strategies, financial management, and natural resources.

PUBLIC INPUT & COMMUNITY ENGAGEMENT

MHS places a high emphasis on the parks and recreation needs and desires of the community. The meaningful and in-depth community engagement will lead to the needs assessment and highlight the desires of the community. MHS believes in meeting the residents of communities where they are rather than expecting the community to come to us. MHS performs innovative and unique forms of public engagement such as Pop-Up Tents in front of local businesses, day long Design Charrettes, student/ISD engagement, senior citizen engagement, and general conversation with local business owners and restaurant staff.

DEMAND & NEED ANALYSIS

MHS will prepare a "Needs Analysis" that is specific to the City and is based on current and future supply and user demand. This Needs Analysis will be accomplished by determining how well park acreage is distributed throughout the City and if enough amenities are available to meet the current and future demands of the community. MHS will determine facility needs, park improvements (including ADA elements), and recommendations for best practices. We are committed to providing an efficient and effective plan for the entire parks system and the department's programming direction. MHS can provide conceptual site plans and renderings depicting future development and expansion opportunities for each park.

PRIORITIES, RECOMMENDATIONS & IMPLEMENTATION PLAN

The Implementation Plan includes detailed plans and maps, recommendations for future land acquisitions, and development guidelines for prioritization of future capital improvements. MHS will facilitate a priorities workshop with City Staff and key stakeholders to develop a set of recommendations and priorities that are specifically tailored to Wimberley and will have the best chance of being funded by the Texas Parks & Wildlife Department (TPWD). These priorities and recommendations will be developed into a 10-year Implementation Schedule with a timeline and associated costs. This Implementation Schedule is a prioritized list of capital projects with cost and construction estimates. Additionally, MHS will identify viable funding sources, grant opportunities and/or ballot initiatives. MHS will continue to determine budgets for maintenance items, prioritize infrastructure and capital improvement projects, and provide a 10-year action plan to direct the Department moving forward.

PRESENTATIONS & FINAL PLANNING DOCUMENT

MHS will use all the compiled data, public input, and previous City plans to develop the Wimberley Comprehensive Parks and Recreation Master Plan. MHS is committed to being flexible, readily available, and open to constant communication with City Staff so you are involved at every key step. We will present a Final Draft for City Staff and the Parks Board review and recommendation to the City Council for adoption. We will also submit a Final Draft to Texas Parks and Wildlife for review and approval. This final plan will incorporate recreation improvements, full color exhibits, and financing alternatives. MHS will provide survey data and research, timelines of project development, maps, and text. MHS will provide both electronic and hard copies of the adopted plan.

COMMUNITY ENGAGEMENT

ROCKWALL PARK MASTER PLAN UPDATE PUBLIC INPUT MEETING

MHS places a high emphasis on **MEANINGFUL** public input through citizen surveys, public workshops, staff input and stakeholder groups to better understand the true needs of the City of Wimberley.

To develop a needs assessment for the City of Wimberley, MHS will review local demographics, create benchmarking comparisons to surrounding communities, develop Level of Service Guidelines, review GIS data and develop a Needs Analysis report to be presented and reviewed by the Stakeholder Advisory Committee.

MHS conducts charrette style meetings. A charrette is multi-disciplinary, working meeting that aims to develop a vision for specific projects or overall planning documents. The purpose of the meeting is to promote ownership of the plan between the City, residents and end users.

PACIFIC PARK CHARRETTE - SULPHUR SPRINGS, TX

MHS is well versed in the changing technologies, and we are committed to working with the City of Wimberley to identify public input strategies that will attract and reach the majority of the residents and key stakeholders. We can utilize online platforms such as Social Pinpoint, GroupMap, Crowdmap, MindMixer, and others.

THE COLONY MASTER PLAN PUBLIC INPUT MEETING

"The plan must be results oriented - not just a nicely bound, overly technical document for the bookshelf. Planning for the sake of planning is a waste of time. Good planning on the other hand, must be practical and implementable. The value of any plan should be measured by the results created by the plan."

- Dr. John L Crompton

INNOVATIVE ENGAGEMENT

MHS finds it imperative to reach out to the local ISD and students to gain a better understanding of the day to day needs of children and teens in the City of Wimberley. Many younger students express their true needs, are creative in expressing ideas, and do not like the idea of budget limiting opportunities. High school aged teens are typically left out of planning documents and recreational opportunities because they tend to be too old to play on traditional playgrounds, yet too young to be truly independent. Many of the teens are able to express desires within the community and will develop into young adults near the end of the planning period. This critical impact will engage local students while simultaneously preparing the youth for more involvement in the community as they continue to age and begin careers; hopefully in Wimberley!

To gather true community needs from a wide array of demographics within a community, MHS finds it imperative to get out TO the residents and visitors without the expectation that they will or are able to come to us. Most residents in the communities are busy with work, school, and after school recreational activities. MHS will dive into the community with pop-up tents at local grocery stores, breweries, coffee shops and restaurants to meet the community where they are and gather data through simple conversations.

"If you fail to plan, you are planning to fail."
- Benjamin Franklin

The Town of Sunnyvale developed a Parks and Open Space Master Plan and as a result, focused on the conceptual redesign of three parks within the Park System. To gain a better understanding of the community, MHS successfully:

- Mailed 2,140 citizen surveys with a 29% response rate
- Developed both paper and online surveys
- Conducted 8 focus group meetings
- Conducted 4 town hall meetings
- Conducted several Steering Committee Meetings

SUNNYVALE, TEXAS

CLEBURNE, TEXAS

The City of Cleburne developed a Parks, Recreation and Open Space Master Plan in 2021 and placed a high emphasis on citizen engagement. Throughout the planning process, the MHS Team developed a conceptual site plan for all 21 parks based on community feedback. MHS worked closely with the City to:

- Develop and mail two citizen surveys; totaling over 40,000 postcards
- Developed both paper and online surveys
- Conducted 2 town hall meetings
- Conducted 6 school aged focus groups from 6 year olds to high school seniors
- Conducted 12 focus group meetings with community leaders and City Staff

PROPOSED SCHEDULE

Month 1

PROJECT MANAGEMENT

- Introduction of the MHS Professional Team
- Project Orientation/Kick-Off Meeting with City Staff
- Master Plan Process Overview with Steering Committee (Timeline & Future Meetings)
- Introduce Park Classification System

Month 1-2

DATA COLLECTION & ANALYSIS (BACKGROUND & FUNDING SERVICES)

- Review, Utilize & Incorporate Previous City Plans and Reports
- Obtain Current City Population, Demographic & Housing Data
- Obtain Aerial Photography, FEMA Maps, City Parks and Recreation Photographs
- Review, Analyze and Amend Mission and Vision Statements
- Inventory & Photograph Existing Parks and Recreation System
- Analyze Recreational Habits of Wimberley Residents
- Develop General Public Community Survey

Month 3

ANALYSIS OF PROGRAMMING & FACILITIES (ASSET QUALITY MANAGEMENT)

- Analyze Current Recreation Facilities & Determine Improvement Opportunities
- Analyze Future Development and Expansion Opportunities for Existing and Future Parks
- Evaluate Current Park and Recreation Facility Usage and Trends
- Evaluate the City's Parks and Recreation Budget, Staffing & Park Maintenance Operations
- Evaluate and Analyze Existing Outdoor and Indoor Programs
- Provide a Comparison of Wimberley to NRPA Park Metrics and Similar Communities

Month 3-4

PUBLIC & COMMUNITY ENGAGEMENT PLAN

- Conduct 5 to 10 Focus Group Interviews
- Conduct and Facilitate 2 to 5 Public Workshops
- Conduct innovative public input through meeting residents and visitors casually within the community
- Facilitate Meetings with the Parks Board and City Council
- Distribute an Online Digital Public Engagement Survey Tool & Conduct a SWOT Analysis
- Establish Parks and Recreation Goals & Objectives with Guidance Provided by City

Month 5-6

DEMAND & NEEDS ANALYSIS

- Review current Governance & Funding Systems and establish recommendations
- Prepare a Needs Assessment Specific to Wimberley
- Focus on the Blue Hole Nature Center, Water Access, Natural Environments and Sustainability
- Determine How Well Park Acreage is Distributed Throughout the System
- Determine that Facilities & Amenities Meet the Current & Future Needs of the Community
- Determine Park & Trail Land Acquisition Needs
- Determine Athletic Needs
- Determine Park Programming & Operations Review & Analysis
- Provide a Clear Direction for Future Programming
- Prioritize future investments based on qualitative assessment of community needs
- Provide Recommendation for Provider and Potential Partnerships

Month 7-8

PRIORITIES, RECOMMENDATIONS & IMPLEMENTATION PLAN

- Determine Priorities for Overall Parks and Recreation System
- Establish Recommendations for Existing and Future Parks System
- Develop Existing Parks, Service Area, Future Parks System, and Trails Maps
- Prioritize Park Development and Capital Investments
- Establish Implementation Schedule for the Next 10 Years
- Determine Costs for Implementation Schedule and Recommendations
- Identify Funding Sources & Potential Ballot Initiatives

Month 9

OVERALL PARKS MASTER PLAN DEVELOPMENT & REVIEW PERIOD

- Parks Master Plan Development
- City Council & City Staff Review
- Steering Committee Review
- Texas Parks & Wildlife Review
- MHS Staff Review

Month 10

PRESENTATIONS, FINAL PLAN & ADOPTION

MHS
PLANNING & DESIGN, LLC

CITY OF WIMBERLEY - COMPREHENSIVE MASTER PLAN RFP #2023-1

212 West 9th Street, Tyler, Texas 75701
903.597.6606
www.mhsplanning.com
MHS Planning & Design, LLC

CELEBRATING 30 Years

$9,600
+/- 60 Hours

PROJECT MANAGEMENT
- Introduction of the MHS Professional Team
- Project Orientation/Kick-Off Meeting with City Staff
- Master Plan Process Overview with Steering Committee (Timeline & Future Meetings)
- Introduce Park Classification System

$7,125
+/- 75 Hours

DATA COLLECTION & ANALYSIS (BACKGROUND & FUNDING SERVICES)
- Review, Utilize & Incorporate Previous City Plans and Reports
- Obtain Current City Population, Demographic & Housing Data
- Obtain Aerial Photography, FEMA Maps, City Parks and Recreation Photographs
- Review, Analyze and Amend Mission and Vision Statements
- Inventory & Photograph Existing Parks and Recreation System
- Analyze Recreational Habits of Wimberley Residents
- Develop General Public Community Survey

$11,275
+/- 115 Hours

ANALYSIS OF PROGRAMMING & FACILITIES (ASSET QUALITY MANAGEMENT)
- Analyze Current Recreation Facilities & Determine Improvement Opportunities
- Analyze Future Development and Expansion Opportunities for Existing and Future Parks
- Evaluate Current Park and Recreation Facility Usage and Trends
- Evaluate the City's Parks and Recreation Budget, Staffing & Park Maintenance Operations
- Evaluate and Analyze Existing Outdoor and Indoor Programs
- Provide a Comparison of Wimberley to NRPA Park Metrics and Similar Communities

$8,250
+/- 75 Hours

PUBLIC & COMMUNITY ENGAGEMENT PLAN
- Conduct 5 to 10 Focus Group Interviews
- Conduct and Facilitate 2 to 5 Public Workshops
- Conduct innovative public input through meeting residents and visitors casually within the community
- Facilitate Meetings with the Parks Board and City Council
- Distribute an Online Digital Public Engagement Survey Tool & Conduct a SWOT Analysis
- Establish Parks and Recreation Goals & Objectives with Guidance Provided by City

$18,200
+/- 170 Hours

DEMAND & NEEDS ANALYSIS
- Review current Governance & Funding Systems and establish recommendations
- Prepare a Needs Assessment Specific to Wimberley
- Focus on the Blue Hole Nature Center, Water Access, Natural Environments and Sustainability
- Determine How Well Park Acreage is Distributed Throughout the System
- Determine that Facilities & Amenities Meet the Current & Future Needs of the Community
- Determine Park & Trail Land Acquisition Needs
- Determine Athletic Needs
- Determine Park Programming & Operations Review & Analysis
- Provide a Clear Direction for Future Programming
- Prioritize future investments based on qualitative assessment of community needs
- Provide Recommendation for Provider and Potential Partnerships

$19,200
+/- 190 Hours

PRIORITIES, RECOMMENDATIONS & IMPLEMENTATION PLAN
- Determine Priorities for Overall Parks and Recreation System
- Establish Recommendations for Existing and Future Parks System
- Develop Existing Parks, Service Area, Future Parks System, and Trails Maps
- Prioritize Park Development and Capital Investments
- Establish Implementation Schedule for the Next 10 Years
- Determine Costs for Implementation Schedule and Recommendations
- Identify Funding Sources & Potential Ballot Initiatives

$11,700
+/- 115 Hours

OVERALL PARKS MASTER PLAN DEVELOPMENT & REVIEW PERIOD
- Parks Master Plan Development
- City Council & City Staff Review
- Steering Committee Review
- Texas Parks & Wildlife Review
- MHS Staff Review

$12,500
+/- 120 Hours

PRESENTATIONS, FINAL PLAN & ADOPTION

City of Wimberley Comprehensive Parks and Recreation Master Plan

Total - $97,850
Total Hours - 920

*Excludes Reimbursable expenses such as reproductions, travel, lodging, etc

13 March 2023

Gina Fulkerson, Mayor
City of Wimberley City Council
221 Stillwater Drive
Wimberley, TX 78676

RE: City of Wimberley Parks & Recreation Comprehensive Plan

Dear Mayor and Council:

Thank you for your consideration in partnering with MHS Planning & Design, LLC for the development of the City of Wimberley Comprehensive Parks Master Plan. MHS has been in business for 30 years and has successfully prepared over 80 city-wide parks plans for communities across the State of Texas. Our process is citizen-driven and considers the needs and desires of the community to create an authentic and implementable Master Plan. We will ensure your plan is custom-tailored to the growing population, builds on the community's unique assets, identifies new opportunities, and echoes the values and priorities of the community.

MHS is excited about the opportunity to partner with the City of Wimberley to develop the Comprehensive Parks Plan, and we are eager to begin the process of city-wide inventory and public engagement. If you have any questions or need any additional information from me, please feel free to contact me.

Sincerely,

Hunter N. Rush | Senior Planner & Partner
hrush@mhsplanning.com | 903.597.6606

AGENDA ITEM:	2. Discuss and consider possible action on an updated purchasing policy for the City of Wimberley *(Tim Patek, City Administrator)*
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	03/07/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

In order to be in compliance with grant applications and submissions, the city must have a purchasing policy that adheres to state and federal procurement standards. The original policy did not have this information, and it is now written in a way that creates compliance.

The staff also included other proposed revisions, as redlined in the document, so please review the attached document. Recommendations and revisions can be made at the council meeting.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

Approve as presented, or recommend revisions as necessary.

ATTACHMENT/S

1. Purchasing Policy - Proposed Revisions (Redlined)

City of Wimberley

Purchasing Policy

Last Adopted: January 3, 2019

Proposed Revisions: March 23, 2023

The goal of the City of Wimberley (the "City") Purchasing Policy is to ensure that all City departments and functions receive maximum benefit from the expenditures of the City funds, and that vendors will make a reasonable profit in providing goods and services to the City. This Policy is a compilation of and abides ~~applicable~~by applicable federal (2CFR Part 200 Subpart D Procurement Standards – Section 200.317-328) and state laws, City ordinances, administrative regulations and good business practices. Success in this effort will be best achieved by following this Purchasing Policy.

Objectives

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

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

Purchasing Levels

Level I

Purchases less than ~~$250~~$1,000 may be ordered in the most expeditious manner by use of one quotation. Quotations will be verbally accepted based upon past experience, considering price, quality and delivery date. Small items may also be purchased through petty cash or with the use of a City credit card.

Level II

Purchases for more than ~~$250~~$1,000 and less than ~~$1,000~~$3,000 shall attempt to secure at least ~~request~~ three verbal quotations. Lowest best quotation will be accepted. Any or all quotations may be rejected. City may also base their decision upon past experience, quality and delivery date.

Level III

Purchases greater than ~~or equal to $1,000~~$3,000 but less than $50,000 shall attempt to secure at least ~~require~~ three written bids. Lowest best bid will be accepted. Any or all bids may be rejected. City may also base their decision upon past experience, quality and delivery date. To encourage all Historically Underutilized Businesses (HUBs) to bid on purchases, the City shall seek at least two HUB vendors for each procurement. Purchases may also be made from any BuyBoard, or other cooperative purchasing group of which the City is a member. The City shall check any available HUB list for any HUB vendors who sell the product or service the City is buying. A list of HUBs is obtainable from the State Comptroller's website, https://comptroller.texas.gov/purchasing/~~http://www.window.state.tx.us/procurement/.~~ If the list fails to identify a HUB in the category or area of the goods or services to be acquired in the county in which the City is located, the City is exempt from this section per the Texas Local Government Code, Sec. 252.0215. ~~All purchases in Level III must have Council approval.~~Purchases less than $25,000 may be approved by the City Administrator and he/she shall certify that sufficient funds for the purchase are available. All purchases over $25,000 must have Council approval.

Level IV

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

Special Provisions

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

> In case of accident, disaster, or other circumstance creating a public emergency, the City Administrator may award contracts and make purchases for the purpose of meeting the emergency. He or she shall, as soon as possible thereafter, report to the Council the necessity for this action and an itemized account of all expenditures over $25,000.

Use of Other Funding Sources

Where the expenditure of the City's funds are derived from an appropriation, loan or grant received by a municipality from the federal or state government, such expenditures shall be controlled by the laws and policies set out by such entity. Where federal funds are involved, expenditures shall follow policies established for Small, Minority and Women-Owned Business Enterprises (SMWBE), including small (SBE) and rural area (SBRA) business enterprises, and establishing Fair Share Goals for the award of contracts and the procurement of goods and services. CFR Part 200 317-327 will govern when funds are derived from these sources.

Purchasing Procedures

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

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

Purchase Orders

A purchase order (PO) is a document issued by a buyer to a seller indicating the type, quantities and agreed prices for products and services. A PO is a legal offer to buy products or services. It also represents a method of internal control. A purchase order issued by the City indicates what you intend to purchase for what price and allows Finance to counter check incoming invoices for payment with approved expenditures. The purchase order must have the approval signature of the department head responsible for the budget of that department. The department head signature indicates they have approved the purchase and find it consistent with their budget responsibilities. The purchase order then must be approved and signed by the City Administrator then submitted to Finance. When Finance initials a purchase order, it indicates that the funds are available in the budget under that line item. No purchase order will be approved when a line item is over budget, without proper documentation, to transfer funds from another line item within the department and/or a budget amendment.

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

Purchases greater than $3,000 will require an approved PO.

Guidelines for Payments

When ~~Finance~~the Finance Department receives an invoice, it must be attached to the request for payment form for processing. The invoice ~~it~~ will be cross checked against approved purchase orders. If an invoice amount exceeds the original purchase order price, a written explanation should be given. Generally, if the invoice amounts are 10% greater than the prices reflected on the purchase order, the department head will be contacted to approve the increase in price. No invoice should be paid until duly authorized by the department head or supervisor and approved by the City Administrator. Accounts payable checks will then be generated. These checks, along with the accounts payable back-up documents, are reviewed by the City Administrator. All invoices will be paid net-30 from received date, unless other arrangements are made. All checks require two (2) authorized signatures.

Any incomplete request for payment, including missing invoice or back-up, will be rejected.

Cash Withdrawals

Cash withdrawals needing to be made from the City's bank shall be done through the cashing of a check from ~~necessary~~the necessary account. All other purchasing guidelines are to be followed. At no time shall any officer of the City directly withdraw funds from the City's bank. An example of when a cash withdrawal may need to be made is the replenishing of a department's petty cash. (Added January 3, 2019)

City Credit Card – Employee Responsibilities

Regular, full-time employees may apply for a city credit card but must obtain prior, written approval from their Director and City Administrator using the attached support document. To be eligible for a city credit card, an employee must travel frequently in the course of his/her duties, purchase significant volumes of goods and services for use by the employer, or incur other regular frequent business expenses of a kind appropriately paid by credit card. Only the assigned employee named on the card may utilize it for these purposes. Misuses of the card will result in cancellation of the card and withdrawal of city credit card privileges. If the card is used for an employee's personal expenses, the employer reserves the right to recover these monies from the employee cardholder. Cardholders will be required to sign a declaration authorizing the city to recover, from their salary, any amount incorrectly claimed.

Each card will be limited to a maximum of $3,000 per billing cycle. Increases to the established maximum may be made on a case-by-case basis by the City Administrator.

City credit card expenditures must be reconciled and submitted with original receipts, card statement and expense report to the Accounting/Finance Department within 10 business days of the statement date. Cardholders who have not reconciled and submitted their monthly expenditure within this period will be asked to reconcile and submit their monthly expenditure immediately. Continued or repeated non-conformance to this policy will result in cancellation of the card and such other actions as appropriate. If the card expenditures are not reconciled and submitted within a month of the statement date or a plausible explanation has not been received by Accounting/Finance Department, the employee's corporate credit card will be cancelled.

Lost or stolen cards must be reported immediately to the Finance Coordinator.

Travel/Mileage/Other Reimbursements

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

Expenses for adequate lodging including the applicable hotel tax will be reimbursed at actual cost—this is usually at or below the rate of the conference host hotel. Lodging will be reimbursed when traveling sixty

(60) or more miles from the City of Wimberley to the training location (extenuating circumstances if traveling less than sixty (60) miles may be approved only by the City Administrator.

The City will reimburse meals and incidentals only in conjunction with training, conferences/conventions and other City-related business that takes place out of town, lasts longer than one day, and for which an overnight hotel stay is typically necessary. Meals are to be reimbursed in compliance with IRS Regulations. IRS per diem rates for meals and incidentals are maintained by the U.S. General Services Administration (GSA) at https://www.gsa.gov/travel-resources. The IRS provides individual per diem rates for larger cities and a standard rate for all other cities.

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

Donations/Sponsorships

In accordance with Texas Local Government Code, Sec. 332.006 a city may accept a gift of land, money or personal property to use in support of public recreation facilities and programs. Donations and in-kind sponsorships less than $5,000 may be accepted with the approval of the City Administrator. Donations and in-kind sponsorships greater than $5,000 must be accepted with the approval of City Council.

Attachments

- Purchase Order Form
- Expense, Travel and Other Reimbursement Form
- Tax Exempt Form
- Request for Payment
- Application for City Credit Card

Adopted: March 23, 2023

______________________________________ ______________________________________

Tim Patek, City Administrator Gina Fulkerson, Mayor

____

Tammy Heller, City Secretary

AGENDA ITEM:	3. Discussion and possible action regarding fire suppression issues in the City of Wimberley. *(Tim Patek, City Administrator)*
SUBMITTED BY:	
DATE SUBMITTED:	03/10/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This would allow the city to contract with a firm to assist with fire code modifications for the City.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

$7500 from Account 100-17-6595 Code Revisions

STAFF RECOMMENDATION

ATTACHMENT/S

1. City of Wimberley Consulting Proposal_Fire Suppression

March 13, 2023

Mr. Tim Patek
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Via Email: tpatek@cityofwimberley.com

RE: FPE Consulting
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Dear Mr. Patek,

Thank you for contacting Waxler Fire Protection Engineering (WFPE) for your project. It is understood that the City of Wimberley plans to modify amendments to the fire code regarding water supply and that you need consulting services from a Texas licensed fire protection engineer to draft these changes. To assist you with this project, WFPE offers the following services:

Phase 1 – FPE Consulting

Scope of Work: WFPE engineers will consult with all stakeholders including, the City of Wimberley, the local fire marshal, local business owners, the local water purveyor, and any others as necessary to draft proposed modifications to the City of Wimberley fire code amendments as they relate to fire protection water supply. The deliverable for this phase will be a report outlining proposed modifications to the City of Wimberley fire code amendments from a Texas licensed fire protection engineer.

Fees

The following fees are associated with the scope of work described above. Invoices will be issued upon completion of each phase and will be on payment terms of Net 30. Late payments will accrue a weekly fee based on an APR of 18%. Expenses associated with this project such as mileage are billed in addition to the fees described above. Mileage is billed at the current IRS rate of $0.655 per mile. Any additional reviews or inspections outside of the scope above will incur an additional review/inspection fee of $1,400. If additional construction administration services are needed in excess of the scope of work above, WFPE will provide City of Wimberley with an additional fixed fee proposal covering that new scope of work. Any card payments may require up to a 5% processing fee.

Phase 1 – FPE Consulting	$7,500
Total	**$7,500**

Limitation of Services

The services to be performed by WFPE are limited by the scope of work described above. All work not explicitly described above is excluded from this contract. Any additional work needed in excess of the above scope will require that an additional proposal for services be agreed to by all parties.

If you are in concurrence with the services, fees, terms, and conditions detailed in this proposal, WFPE requests that a signed copy of this agreement be returned to our office. Signing this document indicates agreement to the terms and conditions found within and attached to this document. Unless otherwise agreed to in writing, signing of this document will be considered the notice to proceed with the agreed upon services. The fees listed in this proposal are valid for a period of (45) days from issuance.

FPE Consulting
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

If you have any questions or concerns, please contact me by email at scott.ranft@waxlerfpe.com or by phone at 830-946-0999.

Best Regards,

Scott Ranft
Sales & Marketing
Waxler Fire Protection Engineering, LLC

I agree to the terms and conditions set forth in this document and give WFPE notice to proceed with the services described above.

Name: ____________________

Title: ____________________

Company Name: ____________________

Signature: ____________________

Date: ____________________

WFPE Proposal Number: P23-063

AGENDA ITEM:	4. Discussion and possible action regarding a professional services agreement with Bureau Veritas North America for code and fire services. *(Nathan Glaiser, Director of Planning & Public Works)*
SUBMITTED BY:	
DATE SUBMITTED:	03/16/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City is in need of professional services to perform fire code plan review and fire code related inspections. Bureau Veritas North America is able to provide these and other building services to be utilized on an "as needed" basis. There is no flat fee or retainer fee required for their services. Contracting with Bureau Veritas North America will give the City greater flexibility in permitting primarily commercial development where fire review is required.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None

AGENDA ITEM:	1. Annoucements A. Patsy Glenn Refuge Dedication - 10:00AM B. Emergency Preparedness Fair - 10:00AM-2:00PM, held at the VFW
SUBMITTED BY:	
DATE SUBMITTED:	03/10/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None

AGENDA ITEM:	2. Future Agenda Items
SUBMITTED BY:	
DATE SUBMITTED:	03/10/2023
MEETING DATE:	March 23, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None