

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
APRIL 21, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER APRIL 21, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING COUNCIL. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COUNCIL CONSIDERATION.

1. CONSENT AGENDA

THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COUNCIL MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 7, 2016
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF APRIL 11, 2016
- (C) APPROVAL OF MARCH 2016 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON SALES TAX COLLECTIONS FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON ECONOMIC STUDIES RELATING TO THE BLUE HOLE REGIONAL PARK AND MARKET DAYS
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON UPCOMING WIMBERLEY CITYWIDE CLEAN UP
- STATUS REPORT ON UPCOMING PRESCRIPTION DRUG TAKE-BACK PROGRAM
- STATUS REPORT ON 2015 FLOOD RECOVERY

3. PUBLIC HEARINGS AND CONSIDER ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY LAUREN NORSWORTHY TO ALLOW FOR THE OPERATION OF DRIVE-IN/DRIVE-THROUGH COFFEE SHOP ON PROPERTY LOCATED AT 9595 RANCH ROAD 12, SUITE 4, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED HIGHWAY COMMERCIAL (HC), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(LAUREN NORSWORTHY, APPLICANT)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY GREGORY IRVINE TO ALLOW FOR THE OPERATION OF A SIT-DOWN EATING ESTABLISHMENT WITH THE SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 12111 RANCH ROAD 12, SUITES 105 AND 106, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SCENIC CORRIDOR (SC), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(GREGORY IRVINE, APPLICANT)*
- (C) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CARL AND BRYNN ANDERSON TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 505 ROCKY SPRINGS ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(CARL AND BRYNN ANDERSON, APPLICANTS; THIS ITEM WAS CONTINUED FROM THE APRIL 7, 2016 CITY COUNCIL MEETING)*
- (D) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING THE

FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REMOVE THOSE PROPERTIES WHICH FRONT FM 2325, BETWEEN RHODES LANE AND CARNEY LANE, FROM PLANNING AREA III TO PLANNING AREA IV; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPERTY NOTICE AND MEETING. *(CITY OF WIMBERLEY)*

4. ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, AMENDING ORDINANCE NO. 2001-025, OUTDOOR LIGHTING, AS AMENDED BY ORDINANCE NO. 2004-007, TO UPDATE VARIOUS DEFINITIONS AND ESTABLISH STREET LIGHT REQUIREMENTS; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(CITY ADMINISTRATOR)*

5. DISCUSSION AND POSSIBLE ACTION

(A) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING PROPOSED *WIMBERLEY HOTEL OCCUPANCY TAX COMMITTEE RESPONSIBILITIES, ACCOUNTABILITIES, AUTHORITIES & GUIDELINES. (CITY OF WIMBERLEY HOTEL OCCUPANCY ADVISORY TAX COMMITTEE)*

(B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED RATE INCREASE FOR COMMERCIAL SOLID WASTE COLLECTION AND RECYCLING. *(CITY ADMINISTRATOR)*

(C) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED ORDINANCE ESTABLISHING REPORTING AND ENFORCEMENT PROCEDURES REGARDING SHORT-TERM RENTAL FACILITIES IN WIMBERLEY. *(CITY ADMINISTRATOR)*

(D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED REPLACEMENT OF A STOP SIGN WITH A YIELD SIGN AT THE INTERSECTION OF RIVER ROAD AND COUNTY ROAD 1492. *(CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD)*

(E) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING CURRENT AND FUTURE ISSUES RELATING TO THE PEDERNALES ELECTRIC COOPERATIVE'S TRANSMISSION LINES IN THE WIMBERLEY AREA. *(PLACE ONE COUNCIL MEMBER BOB DUSSLER)*

6. CITY COUNCIL REPORTS

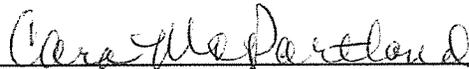
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

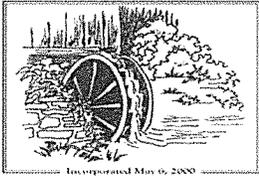
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on April 18, 2016 at 5:30 p.m.



Cara McPartland, Assistant City Administrator/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 Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

City Council Agenda Form



Date Submitted: April 16, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: APPROVAL OF APRIL 7,
2016 MINUTES OF REGULAR CITY COUNCIL
MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the April 7, 2016 Regular City Council Meeting.

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 April 7, 2016 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Steve Thurber.

Mayor Thurber gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Steve Thurber, Councilmembers Bob Dussler, Cindy Anderson, Mac McCullough, Pam Showalter, and John White.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Proclamations

- A. Proclamation of the City Council of the City of Wimberley, Texas proclaiming National Service Recognition Day in Wimberley, Texas and encouraging residents to recognize the positive impact of national service in the City.

Representatives of the St. Bernard Project were present to accept the proclamation and spoke on their organization's disaster recovery efforts, including rebuilding of flood-damaged homes. Mayor Thurber commended the entire group for being an instrumental part of Wimberley's flood recovery.

- B. Proclamation of the City Council of the City of Wimberley, Texas proclaiming the month of April 2016 as Child Abuse Prevention and Awareness Month in the City of Wimberley.

Prevention Educator Jemm Corona-Morris of Hays Caldwell Women's Center and Julia Ramsay New of San Marcos Greater Youth Council spoke on their organizations' services and community needs. Mayor Thurber presented the proclamation and expressed appreciation to both organizations.

- C. Proclamation of the City Council of the City of Wimberley, Texas proclaiming the month of April 2016 as Sexual Assault Awareness and Prevention Month in the City of Wimberley.

Mayor Thurber presented the proclamation to Jemm Corona-Morris of Hays Caldwell Women's Center, who spoke on free counseling services, advocacy, and other resources that his organization provides.

Citizens Communications

Craig Reitz expressed opposition to Council's approval of a "grandfather" policy for short-term rentals at its March 3rd meeting. Mr. Reitz said this change in policy directly affects him and will have a devastating consequence on his subdivision and residential communities in Wimberley. He referenced the Planning and Zoning Commission's recommendations of denial relating to conditional use permit (CUP) applications for vacation rentals at two Rocky Springs Subdivision properties (401 and 505 Rocky Springs). Mr. Reitz requested that Council accept the Commission's recommendations. He said that the Boatners have now asked to withdraw their CUP application and have been granted grandfather status by City Administrator Ferguson after submitting an affidavit. He stated that the Boatners submitted an affidavit to City Administrator Ferguson with no supporting documentation. Mr. Reitz felt that he should be able to file a conflicting affidavit that denies the truth of the Boatners' affidavit. He said the change in grandfather status policy will make our communities in Wimberley subject to home and land speculators. He said vacation rentals provide no economic benefit to the residents of the community. Mr. Reitz stated that the change in policy has created a back door for illegally operating properties to become permitted without any objections from the neighbors and requested that Council reconsider this item on its next agenda.

Mayor Thurber advised that Council cannot comment on Mr. Reitz's remarks, as this item is not on tonight's agenda.

Robbie Walker applauded Council for its action to amend the grandfather policy and noted that the Boatners' rental has already been operating in the neighborhood for five years with no damage. He said everything has functioned properly in this neighborhood and said short-term rentals have a positive impact on the economy as they bring in tourists who support local businesses. He noted that everyone who is coming forward is trying to be compliant.

Rocky Springs resident Sandy Wall said that there should be proof beyond an affidavit that carries no weight and expressed opposition.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of March 17, 2016
- B. Approval of minutes of the Special City Council meeting of March 12, 2016

Councilmember White moved to approve the Consent Agenda, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the City's loan application to the Texas Water Development Board (TWDB) is expected to be considered at the Board's April 11th meeting. He reminded that updated project information and timeframe is available on the City's website. If approved, he stressed that system revenue will be used and there is no proposed property tax in conjunction with repayment of loan debt. He stated a grant proposal was submitted to the U.S.

Economic Development Administration last week for \$1,000,000 and noted that any grant funds received could be used to lessen costs associated with the project and loan repayment.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported the 2016 Concert in the Park series is underway and reminded that the 5th Anniversary Concert in the Park will be held May 1st from 12 – 5 p.m. and highlighted scheduled performances for an admission ticket price of only \$5. He provided information on Park camps and advised that the City of Buda Parks Board will be touring the Park on Saturday, April 17, 2016.

- Status report on Short-term Rental Compliance Project

City Administrator Ferguson explained procedures in place to appeal determinations made related to grandfathered status. He stated that more short-term rental facilities are being identified as project efforts continue. He clarified types of documentation considered when reviewing submitted affidavits of pre-existing, non-conforming (grandfathered) use.

- Status report on upcoming prescription drug take-back program

City Administrator Ferguson reported that the City Marshal's office has been working with the Drug Enforcement Administration and the Wimberley ISD Drug Education Committee to offer the opportunity to safely dispose of any unused or unwanted prescription medications. He noted the drug take-back event is scheduled for Saturday, April 30th from 10 a.m. to 2 p.m. at City Hall.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported that FEMA continues preparations for its new flood map and clarified there is not a preliminary map out at this time. He said a preliminary map is anticipated to be distributed internally in late summer. He noted that the new flood map is expected to be presented in a public process to take place in the late fall/early winter of this year and include community briefings and workshops. He expected to see a significant increase in the flows that are used to classify a 100-year flood. Following a thorough public process, Council will need to take action on the proposed map.

City Administrator Ferguson reported that the Private Property Debris Removal Program (PPDR) continues working its way downriver. He said another debris removal project is in the planning stage right now involving the GBRA, NRCS, and local communities, and will focus more on river clean-up (as opposed to bank clean-up). Planning continues for the commemorative event in remembrance of the 2015 Memorial Day Weekend Flood, which is scheduled for May 21, 2016 from 10 a.m. to 2 p.m. at Blue Hole Regional Park. He also noted that Keep Wimberley Beautiful will be holding a river clean-up on May 21st in the morning.

3. Public Hearings and Consider Action

- A. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Herschel "Mac" McCullough to allow for the operation of a bed and breakfast facility on property located at 1415 E. Spoke Hill Drive, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Herschel "Mac" McCullough, Applicant*)

As he is the applicant, Councilmember McCullough recused himself from the meeting at this time

City Administrator Ferguson reported on the subject property's location, current/proposed zoning and uses, existing primary and secondary residences, and applicant's intent to use the secondary residence as a bed and breakfast with a maximum occupancy of two (2) people. He noted there is a properly functioning and permitted septic system serving both residences, and based on a review of the septic system, City staff recommends a maximum occupancy of two (2) people. He noted that the applicant has met requirements to limit the total water usage between both residences. Guests would be required to park on the subject property.

City Administrator Ferguson read a list of conditions to be made part of the requested conditional use permit (CUP), should Council approve the application. He noted one phone call was received from a property owner on the east side of the subject property expressing opposition, however, no written opposition was submitted by the caller. He said one neighborhood resident spoke at the Planning and Zoning Commission's public hearing on March 24th to comment on vacation rentals/bed and breakfasts operating in her neighborhood. After the public hearing, the Commission voted unanimously to recommend approval of the CUP, as requested.

Subject property owner Robin McCullough stated the 3-plus acre property is situated on a dead-end street with more than enough space for parking. She said her property is not subject to any homeowners association or deed restrictions. She advised the proposed short-term rental is a one-bedroom two-person apartment and offered to answer any questions.

Mayor Thurber opened the public hearing. Hearing no comments, Mayor Thurber closed the public hearing.

Councilmember Dussler commented he is not in favor of establishing commercial businesses in a private residential neighborhood. He said the neighbors and property owners bought their properties and homes with the understanding that it was a private residential neighborhood and would remain that way while they live there. He stated that when a commercial business is established it changes the character of the neighborhood and encourages other residents to seek approval to establish more commercial businesses. He said it is no longer a private residential neighborhood, it is now a neighborhood with private homes and commercial businesses interspersed. He stated this is unfair to all residents of the neighborhood, not just those within two-hundred feet of the business. He said all residents are impacted by the change in character and property values. Councilmember Dussler stated that more than fifty short-term rental

applications are anticipated to be submitted within the next few months. He pointed out that later in this meeting's agenda Council will hold discussion regarding how to manage and punish business owners for unruly behavior on the part of their renters. Councilmember Dussler noted that he is a supporter of new business formation in the entrepreneurial spirit and has been throughout his business career, but does not support this activity in private residential neighborhoods.

Councilmember Anderson expressed the same concerns previously stated by Councilmember Dussler and said with many more applications anticipated there is a need to re-think commercial businesses in residential neighborhoods and how the City issues short-term rental CUPs.

Councilmember Showalter recognized concerns but found some comfort in providing recourse to surrounding property owners to control their neighborhoods appropriately, if there were issues caused by rentals. She noted that there are a lot of rentals interspersed throughout our neighborhoods right now and many of them were not known to be operating. She felt that short-term rentals could be actually somewhat representative of Wimberley, and said Council needs more public input and a chance to talk more about how it might want to control short-term rentals.

Councilmember White said this is a personal property rights issue and said there is no reason to oppose it, if there are no violations of neighborhood restrictions. He said remedies can be put in place for rowdy renters and did not believe that people would not comply when asked to do so.

Councilmember Showalter noted the lack of deed restrictions on the subject property and said that if properties are subject to existing deed restrictions and City regulations, the more restrictive of the two would apply. She stated that property owners have recourse to form property owners associations (POAs) if they want deed restrictions.

Councilmember Anderson said that it can be an extremely expensive process to form a POA and enforce deed restrictions. She felt vacation rentals without an owner present are more problematic and said more community input is needed on the impact of short-term rentals. She said it is becoming clear this type of rental business is growing within residential communities and questioned whether this is the direction the community wants to go in. She felt that the subject property's lack of deed restrictions and large acreage make the proposed bed and breakfast less prone to issues.

Subject property owner Robin McCullough stated that all restrictions will be conformed to and said if Council denies their application, then it would have to deny them all, which would change the culture of Wimberley, as "we don't want hotels and motels that are chain-operations." She said we like small-town independent operations.

Mayor Thurber spoke on the weight historically given to neighborhood opposition and concerns regarding commercializing neighborhoods. He thanked all those who have come forward in an attempt to come into compliance with City regulations and entertained a motion.

Councilmember Showalter moved to approve the ordinance, as presented. Councilmember White seconded.

Mayor Thurber called for a vote as follows: Councilmember Dussler, nay; Councilmember Anderson, aye; Councilmember Showalter, aye; and Councilmember White, aye. Motion carried on a vote of 3-1.

Councilmember McCullough returned to the meeting at this time.

- B. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Lisa Risoli to allow for the operation of a vacation rental on property located at 310 Summit Loop, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Lisa Risoli, Applicant*)

City Administrator Ferguson explained the applicant has submitted a sworn affidavit stating that her vacation rental is a pre-existing, non-conforming use. Having received grandfathered status from the City, the applicant has withdrawn her CUP application.

Councilmember Showalter moved to accept the applicant's withdrawal of her CUP application. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Bruce and Carole Boatner to allow for the operation of a vacation rental on property located at 401 Rocky Springs, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Bruce and Carole Boatner, Applicants*)

City Administrator Ferguson explained that after the Planning and Zoning Commission held its public hearing on March 24th, the applicants have since submitted a sworn affidavit and received grandfathered status from the City. Therefore, the applicants are requesting to withdraw their CUP application, as a CUP is no longer needed.

Rocky Springs resident Craig Reitz spoke of opposition expressed at the Planning and Zoning Commission's public hearing and noted the Commission's 6-1 vote to recommend denial of the CUP application. He referred to Council's action on March 3rd relating to approval of a policy on short-term rental compliance procedures as a back door to eliminate all due process and all objections by neighbors. He said that residents are without recourse and not allowed to object to submitted affidavits in order to claim that they are false. He said the city administrator approves the affidavits and questioned the appointment of someone to negate City rules without proof. He felt it was not right that applicants received grandfathered status without neighbors having the opportunity to object and said there is no proof the subject property's owners have met the

criteria for grandfathering. He asked that Council reconsider its March 3rd action and said a fully residential community is being turned into a commercial business area. He said that the subject property owners live in Houston and did not help clean up after the flood. He advised that there are restrictive covenants in his neighborhood and cautioned there will be more rentals throughout the entire community. Mr. Reitz spoke negatively of his experience in Florida with a community that became inundated with rentals.

Mayor Thurber corrected Mr. Reitz's assertion that property owners are without recourse and noted that appeals may be heard by the Board of Adjustment, if neighbors feel that grandfathered status should not have been granted. He noted that neighbors also have the recourse to make complaints and Council can take action. City Administrator Ferguson clarified that grandfathered status can be removed under certain circumstances and trigger the need to apply for a CUP.

Kathy McClain of 301 Rocky Springs questioned whether grandfathered status can be granted when neighbors have expressed opposition. City Administrator Ferguson provided further clarification on grandfathering as recognition of those operations that have been in existence prior to adoption of regulations and the grandfathering policy that is applicable to the short-term rental compliance project. Ms. McClain said she chose to buy property with zoning restrictions and did not want the Boatners grandfathered, as she did not want a vacation home in her neighborhood. She hoped to retire in a few years and said she would never rent out her own property.

Sandy Wall of 395 Rocky Springs questioned the evidence supporting the Boatners' affidavit and said he knew of no evidence of five years of rental activity. City Administrator Ferguson cited the types of evidence submitted by the Boatners in support of the affidavit.

Aaron Scott of SkyRun Vacation Rentals stated during the time his company has represented the Boatners there have been no calls or complaints to the City or law enforcement regarding problems with renters. He pointed out that previous speaker Craig Reitz emailed the Boatners in 2014 requesting that his family use the Boatners' vacation rental. He cited changes made to accommodate Mr. Reitz's concerns about the location of trash cans and noted that trash cans are removed promptly from view after trash pick-up. He stated that cameras are being installed to monitor parking and vehicle limits and neighbors have been given his business card should he need to be contacted. Mr. Scott felt that a part-time occupied vacation rental is preferable to a vacant house.

Robbie Walker said this is a complicated issue, but noted that vacation rentals have been a part of Wimberley for a long time, as people come from all over to stay in homes, with some choosing to return and purchase properties here. He said a positive aspect of the Hotel Occupancy Tax is that it has brought to light the number of vacation rentals in operation. He noted that the Rocky Springs subdivision is located next to the Kytes' Prow'd House facility that is a commercial business. Several Rocky Springs residents disagreed.

Hearing no further comments, Mayor Thurber entertained a motion.

Councilmember Showalter moved to approve withdrawal of the application. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Aaron and Angela Scott to allow for the operation of a vacation rental on property located at 1851 Flite Acres Road, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Aaron and Angela Scott, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing five-bedroom residence that the applicant intends to use as a vacation rental with a maximum occupancy of twelve (12) people. He noted there is a properly functioning and permitted septic system that serves the residence. Based on a review of the septic system, City staff recommends a maximum occupancy of four (4) people for the proposed vacation rental facility. The applicant, Aaron Scott, has submitted plans from a registered sanitarian that would upgrade the existing septic system to meet the requirements for a maximum occupancy of twelve (12) persons. Should the CUP be granted with a maximum occupancy of twelve (12) persons, the applicant understands that he must submit an On-site Sewage Facility (OSSF) permit application and pay any applicable fees before commencing construction of the proposed system. The applicant would be required to limit maximum occupancy to four (4) guests until the newly installed septic system has been issued a City permit.

In addition to the applicant's house rules, City Administrator Ferguson read a list of conditions to be made part of the CUP, should Council desire to approve the application.

Mayor Thurber opened the public hearing.

Applicant Aaron Scott stated that cameras will be installed to monitor parking and the four (4) vehicle limit. He noted that the subject property is on the other side of Flite Acres Road and not directly fronting the Blanco River. He stated that during the May 2015 flood water was approximately one-hundred seventy feet from the residence and he had no problems with the requirement related to providing a landline phone. Mr. Scott explained the maximum occupancy of twelve (12) is requested because one of the five (5) bedrooms has two (2) sets of built-in bunk beds. Mr. Scott said the proposed septic system design for the planned upgrade has been approved by the City's sanitarian. He offered to answer any questions.

Hearing no further comments, Mayor Thurber closed the public hearing.

Discussion addressed response times; maximum occupancy; age requirement for renters to be at least 25 years of age (except for children accompanied by parents); square footage of residence; total acreage; and lack of objections from neighbors.

Councilmember White moved to approve the ordinance, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- E. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Carl and Brynn Anderson to allow for the operation of a vacation rental on property located at 505 Rocky Springs, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Carl and Brynn Anderson, Applicants*)

City Administrator Ferguson advised that the applicants have requested that Council continue consideration of their CUP application until April 21, 2016 to allow them time to meet with those residents opposing the CUP to try to resolve their concerns. It was noted that the Planning and Zoning Commission held a public hearing and recommended denial at its March 24, 2016 meeting.

Craig Reitz stated he has the same objections to this application as with the Boatners (of 401 Rocky Springs), however, he said the Andersons are from Austin and friends of the previous owner that he has known for some time. He felt the Andersons followed suit after the Boatners started renting their property. He noted that friendly conversations have been held with the applicants, but hoped Council will act in accordance with the Planning and Zoning Commission's recommendation. He stated the Andersons are in the long-term rental business in Florida and hoped that will be the choice they take. Mr. Reitz stated he wants to eliminate the constant turnover of people in his residential community.

Councilmember White moved to continue this item until Council's meeting on April 21, 2016, as requested. Councilmember Showalter seconded. Motion carried on a vote of 5-0.

- F. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Christopher Cureton to allow for the operation of a vacation rental on property located at 101 Arrowlake Road, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Christopher Cureton, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing four-bedroom residence. The applicant wishes to bring his existing vacation rental into compliance. Based on a review of the properly functioning and permitted septic system, City staff recommends a maximum occupancy of five (5) persons. Guests would be required to park on the subject property.

City Administrator Ferguson read a list of conditions to be made part of the CUP, should Council desire to approve the application. He advised that one (1) written comment was received from a property owner upstream from the subject property who was concerned that the application was for a recreational facility. It was noted that the CUP contains a condition that access to the creek adjacent to the subject property shall be gained only from the subject property. He stated that the

Planning and Zoning Commission held a public hearing on March 24th and recommended approval on a vote of 6-1.

Mayor Thurber opened the public hearing. Hearing no comments, Mayor Thurber closed the public hearing.

Councilmember White moved to approve the ordinance, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- G. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Nancy Sallaberry to allow for the sale of wine for off-premise consumption on property located at 14015 Ranch Road 12, No. 7, Wimberley, Hays County, Texas, zoned Commercial – Low Impact (C-1), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Nancy Sallaberry, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and applicant's plans to sell wine for off-premise consumption. The applicant is proposing to rent an approximately 650 square-foot space from the Wimberley Quarter LLC for the purpose of opening a wine shop. The applicant intends to hold periodic wine tastings in accordance with TABC regulations. The wine shop would be open Tuesdays-Saturdays from 11 a.m. to 6 p.m. and on Sundays from 12 p.m. to 6 p.m. He noted that the proposed wine shop will not require a variance from distance requirements relating to the sale of beer and wine, as the subject property is not located within 300 feet of a school, church, hospital, or day care. No responses either for or against the CUP request have been received by City staff. He advised that the Planning and Zoning Commission held a public hearing on March 24th and unanimously recommended approval.

Mayor Thurber opened the public hearing. Hearing no comments, Mayor Thurber closed the public hearing.

Discussion established that there are no issues with septic system capacity at the subject property.

Councilmember McCullough moved to approve the ordinance, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

Mayor Thurber called a brief recess at 7:25 p.m. and reconvened the meeting at 7:30 p.m.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposed joint election agreement with the Wimberley ISD for the May 7, 2016 General Election. (*City Administrator*)

City Administrator Ferguson presented the proposed joint election agreement to allow the City and the Wimberley ISD to share the following: polling places for the May election; election officials; and election expenses charged by the Hays County Elections Administrator, with costs to be shared equally.

Councilmember White moved to approve the joint election agreement, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

B. Discuss and consider possible action regarding the proposed creation of Hays County Emergency Services District No. 9. (*City Administrator*)

City Administrator Ferguson provided a historical overview of ESD services and noted certain area(s) that are outside the boundaries of any ESD, specifically, one portion that falls within the city limits and its ETJ, which is largely south of Ranch Road 12, including the Junction and Summer Mountain Ranch. Currently, Wimberley EMS provides services to this uncovered area with no taxation and simply charges for services. He said that Wimberley ESD is interested in expanding its boundaries to the uncovered area, rather than including it in the proposed ESD No. 9. City Administrator Ferguson stated there is no conflict between Wimberley ESD and proposed ESD No. 9 and said it makes sense for Wimberley EMS to continue serving the subject area.

Wimberley EMS Director Ken Strange explained that Hays County ESDs have taxing authority and ESD No. 7 contracts with Wimberley EMS. He noted the large uncovered area and the need for creation of ESD No. 9. He felt that boundaries need to be redrawn to include areas that receive coverage without taxation. He noted that ESDs were originally conceived by a group of local citizens, including Czichos family members, who successfully sought legislation for creation of ESDs statewide. He offered to answer any questions regarding existing boundaries and uncovered areas. He spoke of the long-standing agreements between ESDs to make sure no one goes without ESD services.

Discussion addressed boundary clean-up needed for emergency services and possible future inclusion of fire services in a similar effort. Jim Swisher of Hays County San Marcos EMS stated that ESD boundary lines are drawn with the purpose of trying to cover all areas.

City Administrator Ferguson cited possible ways to resolve boundary questions and said the goal is to make it less confusing to voters at the poll so everyone understands who is going to be served. Director Strange concurred that this matter does have to go to a vote of the people who must have a clear understanding that their taxes will go up and there must be an associated public education effort, including stakeholder meetings.

Discussion addressed possible timeframes for an election, need for Council workshop(s), stakeholder meetings, current ESD boundaries, and need to redraw boundaries. There was general agreement that expanding ESD No. 7's boundaries to the uncovered area made sense, as that area is already serviced by Wimberley EMS. Mayor Thurber thanked both speakers and asked that Council be kept informed on the status of this issue.

No action was taken on this item.

- C. Discuss and consider possible action authorizing the city administrator to enter into a contract with real estate appraiser James J. Jeffries to prepare a yellow book appraisal for a parkland conversion required for the Central Wimberley Wastewater Project. (*City Administrator*)

City Administrator Ferguson explained parkland conversion process requirements and noted the need for obtaining a yellow book appraisal as part of obtaining the required approval. He advised that James Jeffries has extensive experience preparing yellow book appraisals and recommended approval.

Discussion established that the appraisal costs would not be covered by loan proceeds, that Mr. Jeffries has extensive experience working with Texas Parks and Wildlife on parkland conversions, and that there will be capital outlay for decommissioning the old drain field.

Councilmember McCullough moved to approve authorizing the city administrator to enter into a contract with real estate appraiser James J. Jeffries to prepare a yellow book appraisal for a parkland conversion required for the Central Wimberley Wastewater Project. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a proposed rate increase for commercial solid waste collection and recycling. (*City Administrator*)

City Administrator Ferguson requested that this item be continued until Council's next meeting on April 21st, to allow Texas Disposal System representatives to be present.

Councilmember Dussler moved to continue this item, as requested. Councilmember White seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding the proposed development of reporting and enforcement procedures for citizen complaints regarding short-term rental facilities in Wimberley. (*Place Three Councilmember Mac McCullough*)

Councilmember McCullough said there is not a rich history of violations associated with bed and breakfast/vacation rental operations, but felt there is a need to show good faith to homeowners that they have some means to control rental activities. He noted that some rental operations may be subjected to punitive calls from neighbors and recognized that Council is the final authority on short-term rental complaints. He favored instructing homeowners to call the City first, then the rental agent (if applicable) or owner, with any complaints, and to impose a threshold of two (2) complaints that would mandate an appearance before Council.

Discussion addressed the City's recording of complaints; issues with requiring complaint calls be placed to the City first (for example, as opposed to law enforcement's dispatcher); flexibility on the concept of "mandating" a phone call to the City first; resolution of complaints among neighbors without City intervention, if residents so desire; public education on complaint

procedures; possible CUP revocation if rental facility owner does not respond to Council; possible draft ordinance language; Council's authority to assess validity of complaints; and the threshold for number of complaints.

Dan Sturdivant of Hill Country Premier Lodging stated in his 15-year experience managing Wimberley rental properties, police have been called only three times, with one of those calls made by a guest. He said short-term rentals should not be everywhere, but recognized them as the livelihood of Wimberley. He felt that a police report should be required for a formal complaint and supported an annual license that could be pulled for violations.

Discussion addressed the existing number of short-term rentals and anticipated number of CUP applications.

No action was taken on this item.

- F. Discuss and consider possible action regarding modifications to the City of Wimberley website. *(Place Four Councilmember Pam Showalter)*

Councilmember Showalter stated that the City's website needs redesigning and updating and cited problems with signing onto the Community Notification System. She asked for input on improving the website, including looking at other sites to help in the redesign process. City Administrator Ferguson asked Council for input so that preparations can be made when the budget allows for modifications to proceed.

Discussion addressed various options for citizens to receive emails from the City and current framework of the City's website.

No action was taken on this item.

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Dussler requested that a task force be formed to address concerns of citizens relating to PEC transmission lines.

Hearing no further announcements or future agenda items, Mayor Thurber called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:24 p.m.

Recorded by:

Cara McPartland

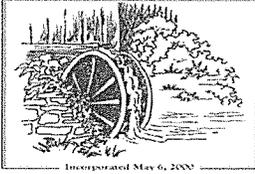
These minutes approved on the ___ of April, 2016.

APPROVED:

Steve Thurber, Mayor

DRAFT

City Council Agenda Form



Date Submitted: April 18, 2016
Agenda Date Requested: April 21, 2016

Project/Proposal Title: APPROVAL OF APRIL 11, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING
Funds Required:
Funds Available:

Council Action Requested:
 Ordinance
 Resolution
 Motion
 Discussion

Project/Proposal Summary:
Attached are minutes for the April 11, 2016 Special City Council Meeting for review and consideration.

MINUTES
SPECIAL CITY COUNCIL MEETING
WILLIAM B. TRAVIS BUILDING, ROOM 1-111
1701 N. CONGRESS AVENUE, AUSTIN, TEXAS
APRIL 11, 2016 – 9:30 A.M.

The City Council of the City of Wimberley, Texas met for the purpose of observing and participating in a Texas Water Development Board meeting relating to the City of Wimberley's loan application for construction of the Central Wimberley Wastewater Project at the William B. Travis Building, Room 1-111, located at 1701 N. Congress Avenue, Austin, Travis County, Texas on Monday, April 11, 2016.

Those present were: Mayor Steve Thurber, Mayor Pro-tem/Councilmember Place Two Cindy Anderson, and Place Three Councilmember Mac McCullough.

Members of the City of Wimberley City Council attended the special meeting for the purpose of observing and participating in a Texas Water Development Board Meeting. No action was taken during the meeting that began at 9:30 a.m. and ended at 10:30 a.m.

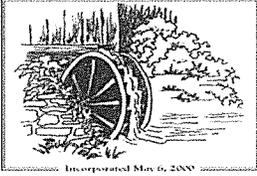
DATE APPROVED: April 21, 2016

Steve Thurber, Mayor

ATTEST:

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: April 16, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: APPROVAL OF MARCH
2016 FINANCIAL STATEMENTS OF THE CITY OF
WIMBERLEY

Funds Required:
Funds Available:

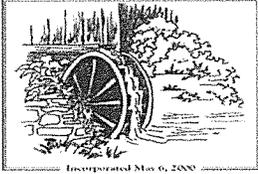
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda for City Council to consider approval of the March 2016 Financial Statements for the City of Wimberley. The Financial Statements will be presented to City Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: April 16, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

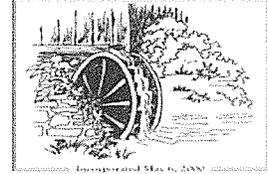
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City Administrator will present a report on the following items:

- Status report on the Central Wimberley Wastewater Project
- Status report on sales tax collections for the City of Wimberley
- Status report on economic development studies relating to Blue Hole Regional Park and Market Days
- Status report on operation of Blue Hole Regional Park
- Status report on upcoming Wimberley Citywide Clean Up
- Status report on upcoming prescription drug take-back program
- Status report on 2015 flood recovery

Report for CUP-16-008



Summary:

An application for a Conditional Use Permit to allow for operation of a drive-in/drive-through coffee shop on property at 9595 Ranch Road 12, Suite 4

Applicant Information:

Applicants:

Lauren Norsworthy
8725 Ranch Road 12
San Marcos, TX 78666

Property Owners:

Collie Investments

Subject Property:

Legal Description:

A0025 James Alston Jr Survey, 10.298 acres

Location:

9595 Ranch Road 12, Suite 4

Existing Use of Property:

Vacant

Existing Zoning:

Highway Commercial (HC)

Proposed Use of Property:

Drive-in/Drive-through coffee shop

Proposed Zoning:

HC with CUP

Planning Areas

III, VI

Overlay Districts

Entrance Corridor

Surroundings:

Frontage On:

Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	O-2, ETJ	Office – High Impact
S of Property	ETJ	Vacant
E of Property	C-2	Commercial – Moderate Impact
W of Property	PF, ETJ	Public Facilities

Legal Notice

200' Letters:

3/22/16

Published:

3/24/16

Sign Placement:

3/22/16

Responses:

None

Comments:

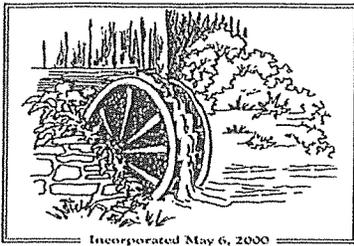
The applicant, Lauren Norsworthy, is seeking a Conditional Use Permit (CUP) to allow for the operation of a drive-in/drive-through coffee shop at property located at 9595 Ranch Road 12, Suite 4. The subject property is zoned Highway Commercial (HC), is located in Planning Areas III and VI, and lies within the boundaries of the Entrance Corridor Overlay District. Drive-in/drive-through facilities are allowed on HC-zoned properties with a CUP.

The applicant is proposing to rent the approximately 1,250 square-foot two-story space from Collie Investments Ltd, for the purpose of operating a coffee shop with a drive-through window. The applicant intends to sell coffee, tea, and other beverages such as specialty sodas and juices. She plans to install a commercial kitchen to prepare pre-baked goods for sale, with no cooking done to order.

There is one (1) existing window and the applicant intends to add a second window. Customers will view menu items at the first window and place orders with a coffee shop employee at the second window. There will be no speakers associated with the proposed drive-through operation. Customers will have the option of eating and/or drinking inside at tables or drive through to place take-out orders at the window facing the vehicle lane. Hours of operation will be from 7 a.m. to 3 p.m. Monday through Friday and closed on Sunday.

To date, City staff has received no responses either for or against the CUP request.

On April 14, 2016, the Planning and Zoning Commission held a public hearing on the zoning request. Afterwards, the Commission unanimously voted to recommend approval of the requested CUP.



City of Wimberley

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

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

www.cityofwimberley.com

RECEIVED
MAR 10 2016
BY: _____

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 008

FOR OFFICIAL USE ONLY

Application Date: 3/10/16 Tentative P&Z Hearing: 4/14 Tentative Council Hearing: 4/21

FEES: \$400.00 DATE PAID: 3/10/16 CHECK NO. 32532 REC'D BY MA

PROJECT SITE ADDRESS: 9595 RR 12 Site 4 Wimberley, TX 78676

OWNER/APPLICANT AGENT Owner: Collier Investments Ltd
Laura Narsworthy PHONE (512) 415-8419

MAILING ADDRESS: 8725 RR 12

CITY: San Marcos STATE: TX ZIP: 78666

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

drive thru window for coffee shop

Planning Area IV, VI Zoning H-C Total Acreage or Sq. Ft. 2500

Subdivision: A0025 James Hester Jr Sub⁰²⁴ Lot _____ Block _____

Appraisal District Tax ID #: R12659

Deed Records Hays County: Volume 2103 Page 324

Is property located in an overlay district? () Yes () No If Yes, type: EC

Is property located in flood plain? () Yes () No

UTILITY PROVIDERS:

Electric Provider: Pedernales Electric Co Op

Water Provider or Private Well: city approved well

Wastewater Service Provider or Hays County Septic Permit No: Hays County OS# 2000-286

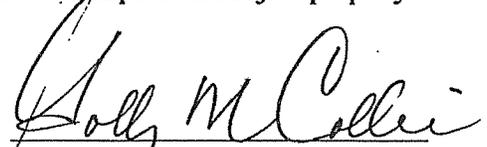
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

3/9/16
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____


AGENT SIGNATURE

EXHIBIT "A"

Professional Engineer

BEELINE



Phone/Fax
512 353 4725

ENGINEERING & LAND SURVEYING
P.O. BOX 1001
SAN MARCOS, TEXAS 78667-1001

July 30, 1997

1339 657

Field notes describing a 10.298 acre tract of land out of the JAMES ALSTON SURVEY No. 90, in Hays County, Texas, said 10.298 acres being comprised and consisting of all of that certain 2.00 acre tract of land conveyed to Ronald E. Whitely, et ux, by deed recorded in Volume 260, Page 189, Deed Records of Hays County, Texas; all of that certain 4.58 acre tract of land conveyed to Ronald E. Whitely, et ux, by deed recorded in Volume 261, Page 398, Deed Records of Hays County, Texas; and a portion of that certain 8.00 acre tract of land conveyed to Ronald E. Whitely, et ux, by deed recorded in Volume 268, Page 324, Deed Records of Hays County, Texas, said 10.298 acres being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found in the South right-of-way line of Ranch Road 32, being the Northwest corner of said 2.00 acre tract, for the Northwest corner and POINT OF BEGINNING of the herein described 10.298 acre tract;

HENCE, S 81°-31'-23" E, along said South right-of-way line of Ranch Road 32, a distance of 417.06 feet to an iron pin found for the Northeast corner of the said 2.00 acre tract, and the Northwest corner of said 8.00 acre tract, said point being the approximate transilion point for the intersection of Ranch Road 32 and Ranch Road 12;

HENCE, S 80°-04'-00" E, continuing along the South right-of-way line of Ranch Road 12, a distance of 305.40 feet to an iron pin found at the Northwest corner of that certain 1.00 acre tract of land conveyed to Carroll D. Wiley, et ux, by deed recorded in Volume 344, Page 685, Deed Records of Hays County, Texas, for the Northeast corner of the herein described tract;

HENCE, departing said right-of-way line, for the East line of the herein described tract, the following three courses, numbered (1) through (3);

- (1) S 9°-58'-28" W, a distance of 323.28 feet to an iron pin found;
- (2) S 10°-08'-22" W, a distance of 112.21 feet to an iron pin found;
- (3) S 10°-01'-05" W, a distance of 204.18 feet to an iron pin found for the Southeast corner of the herein described tract;

HENCE, along the South line of the herein described tract, the following two courses numbered (4) and (5);

- (4) S 89°-32'-29" W, a distance of 163.58 feet to an iron pin found at the Southeast corner of the said 4.58 acre tract;
- (5) S 89°-24'-00" W, a distance of 418.82 feet to an iron pin found at the Southwest corner of the said 4.58 acre tract, for the Southwest corner of the herein described tract;

HENCE, along the West line of the herein described tract the following three courses numbered (6) through (8);

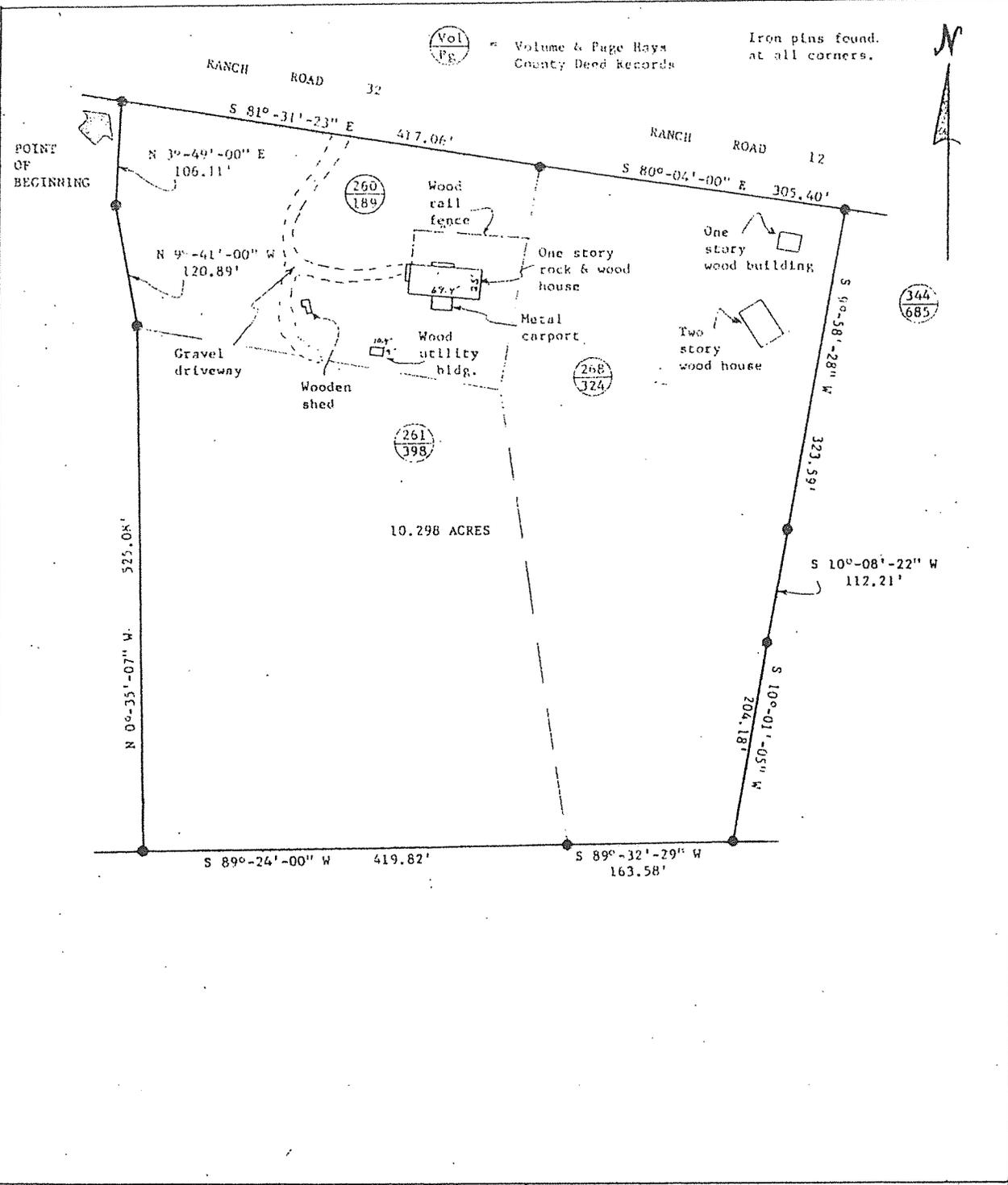
- (6) N 0°-35'-07" W, along the West line of the said 4.58 acre tract, a distance of 525.08 feet, to a wood fence post found for an angle point;
- (7) N 9°-41'-00" W, along the West line of the said 2.00 acre tract, a distance of 120.89 feet to a iron pin found for an angle point;
- (8) N 3°-48'-00" E, a distance of 106.11 feet to the POINT OF BEGINNING of the herein described tract, containing 10.298 acres of land.

Raymond V. Kestowski

Vol
Pg

= Volume & Page Hays
County Deed Records

Iron pins found.
at all corners.



PURCHASER: Bruce Gollie	TITLE COMPANY: Hays County Abstract Company GF NUMBER: 97070007
-------------------------	---

LEGAL DESCRIPTION: Being 10.298 acres of land out of the JAMES ALSTON SURVEY NUMBER 90, Hays County, Texas, and being more particularly described by metes and bounds in the field notes attached hereto.	Subject property does not lie within a flood hazard zone as determined from F.I.S./H.U.D. Flood Hazard Map, Community Panel Number 480321 0160 B dated June 16, 1993	DATE: July 28, 1997 SCALE: 1" = 100' JOB NUMBER: 970720 cb
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BEELINE

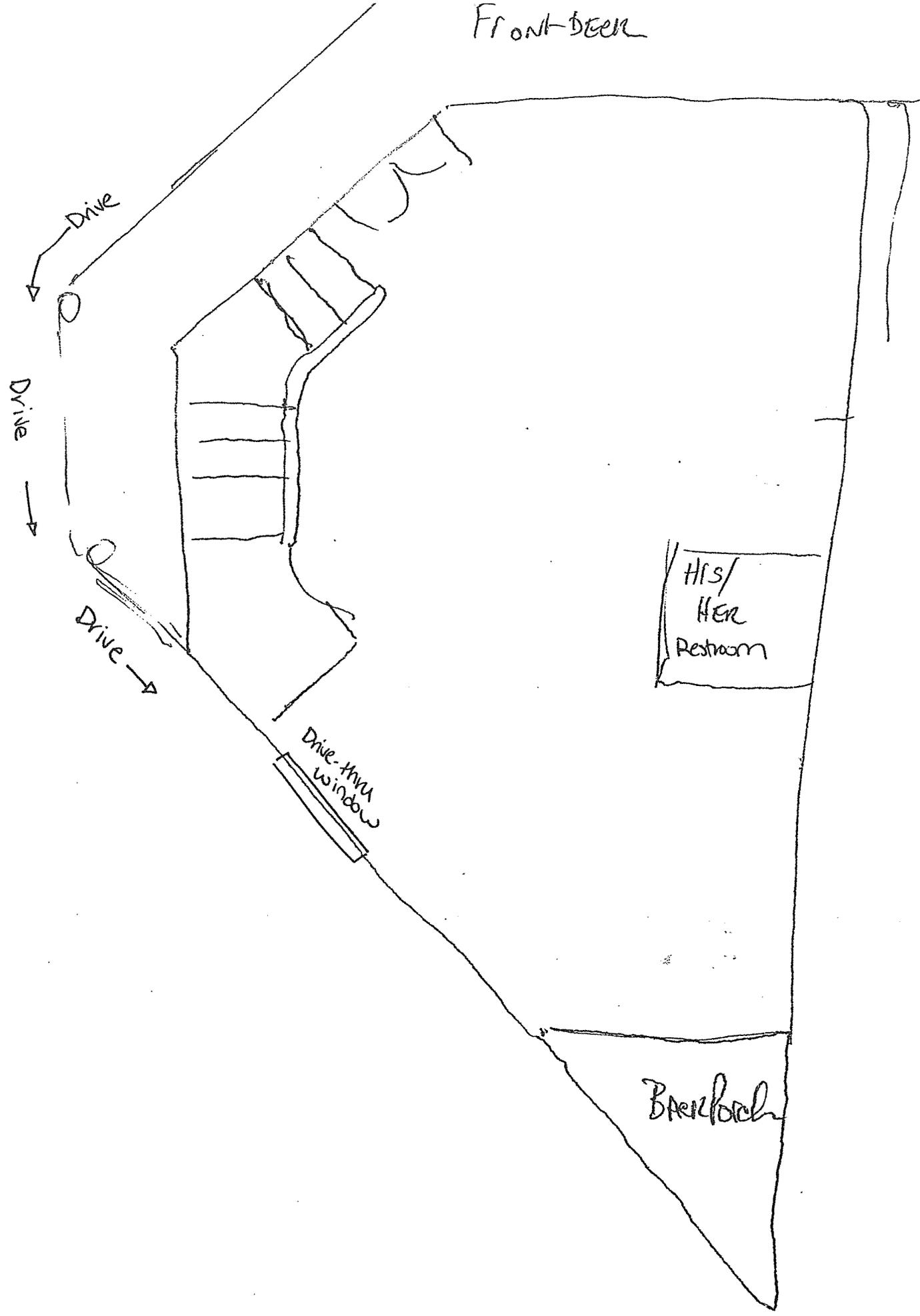
ENGINEERING & LAND SURVEYING
P.O. BOX 1081
SAN MARCOS, TEXAS 78067-1081
Phone/Fax 512/353-4725

I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, and that there are no encroachments upon this property except as shown hereon. This survey was performed July 22, 1997.

Raymond V. Kotowski



Front-Beer



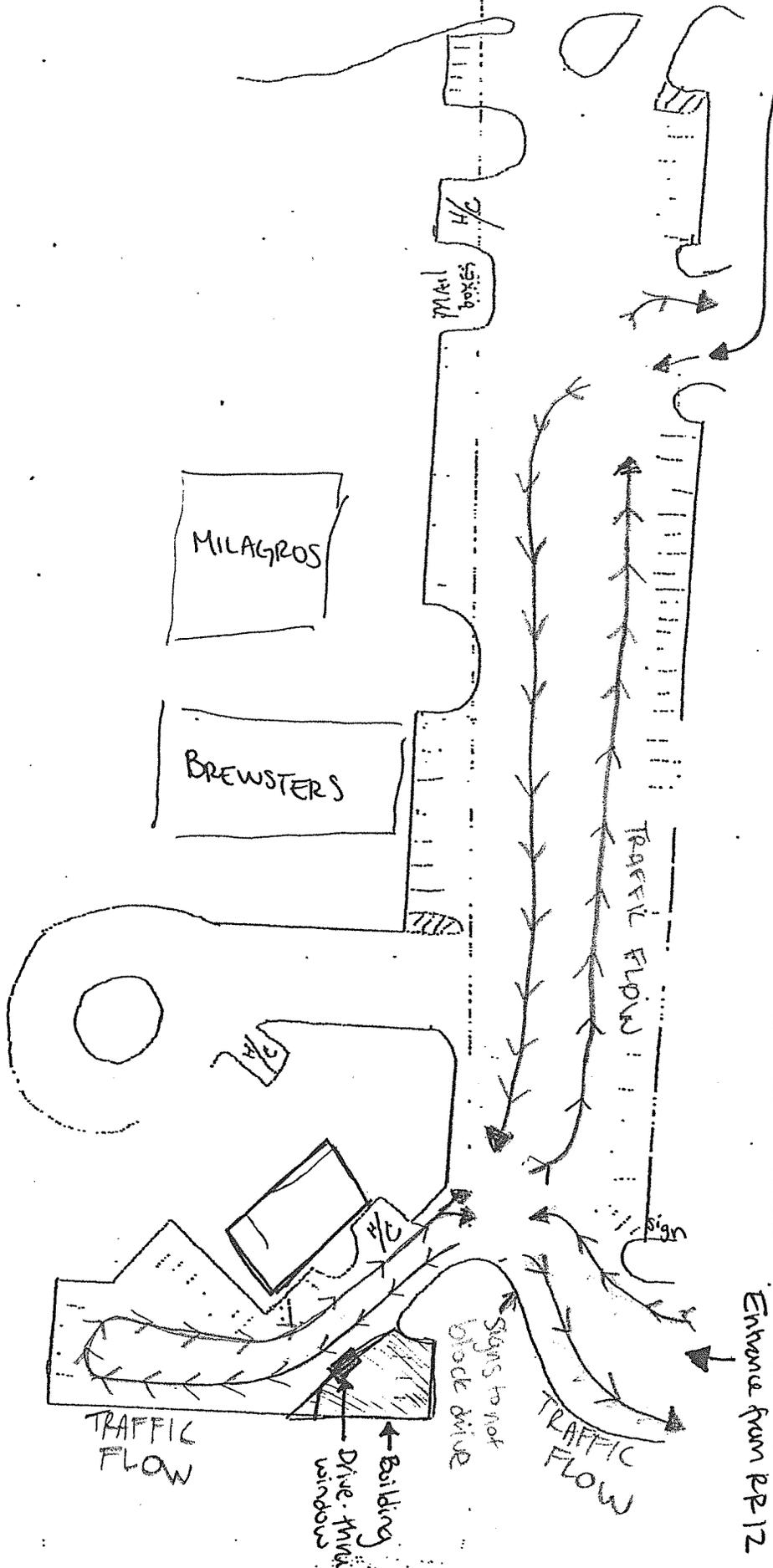
His/
Her
Restroom

Drive-Thru
Window

Breakback

Parking Lot Layout

H/C = HANDICAP



Entrance from RP 12

Entrance from RP 12



 APPROXIMATE LOCATION OF DRIVE THRU WINDOW

Aerial Map of 9595 RR 12

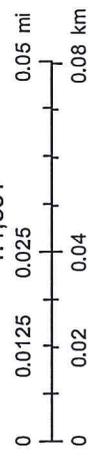


March 11, 2016

- Parcel Lines * Parcel ID
- Abstracts
- Roads
- Historical Lines

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

1:1,597



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, swisstopo, and

Hays Central Appraisal District & BIS Consulting - www.bisconsultants.com
 This product and relative contents are the property of the respective governmental entity and BIS Consultants. Use is restricted for official purposes.

Details

+ Add | Basemap

Save

Share

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Measure

Bookmarks

9595 RR-12, Wimberley, Texas, USA

Map navigation icons: +, Home, -, Refresh

Information icon

Contents

Zoning

C2

L2

C1

PR2

PR1

L1

C3

O1

PF

SC

NS

O2

R2

PPU

HC

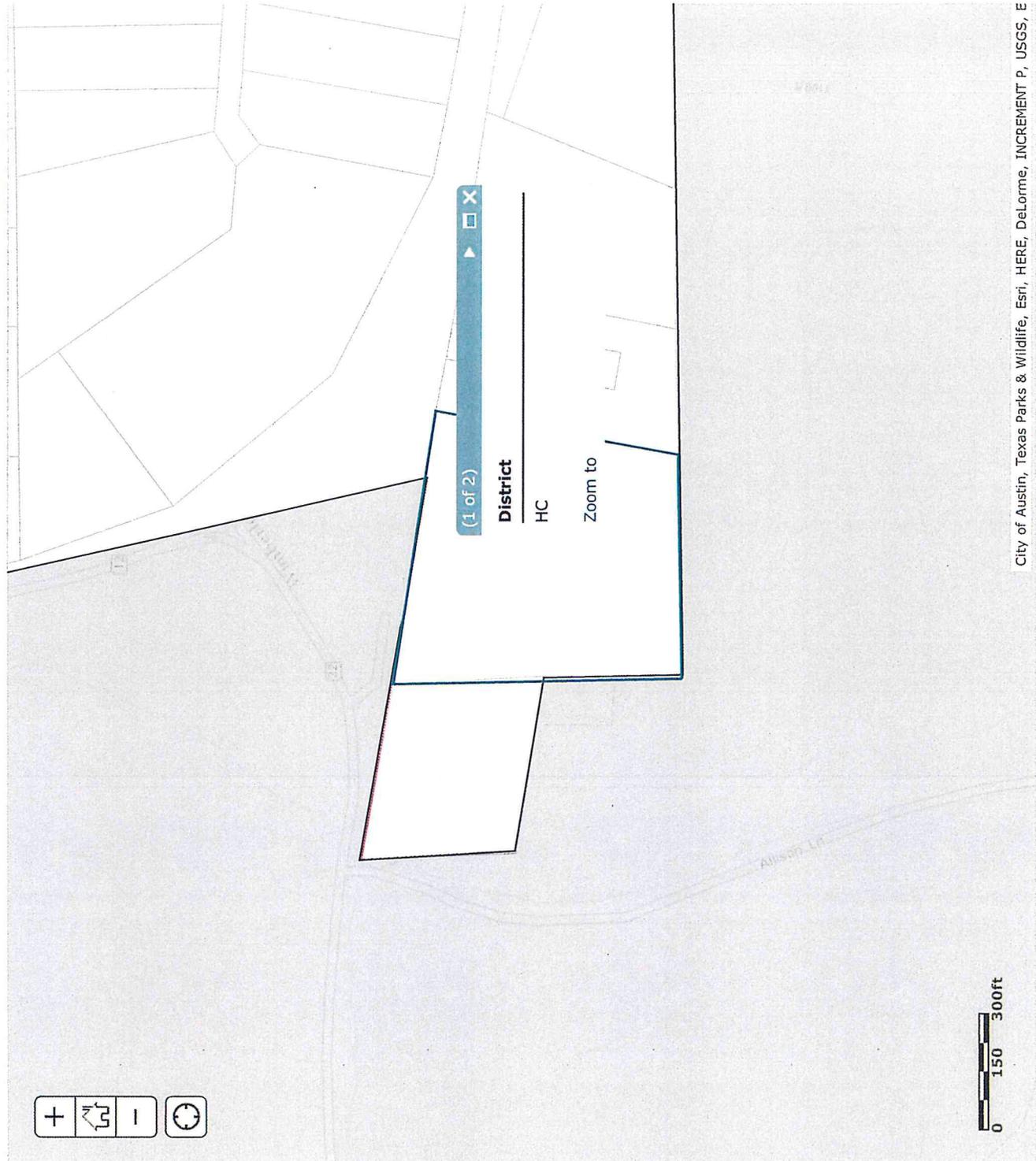
Zoning

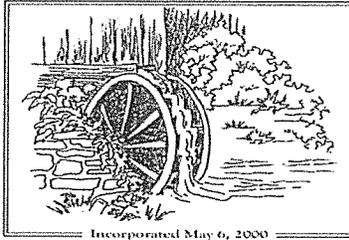
Basemap icons

Zoning

Zoning

Topographic





City of Wimberley

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

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

www.cityofwimberley.com

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem
Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White
City Administrator - Don Ferguson

March 22, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-008**

9595 Ranch Road 12, Suite 4, Wimberley, Texas

Dear Property Owner:

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

The applicant, Lauren Norsworthy, has applied for a Conditional Use Permit to allow for operation of a drive-in/drive-through coffee shop on property zoned Highway Commercial (HC) located at 9595 Ranch Road 12, Suite 4, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, April 14, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, April 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 9595 RR 12, Suite 4

R138726
State of Texas
630 E. Hopkins
San Marcos, TX 78666

R12661
Blake Warren
1405 United Dr., Ste. 115
San Marcos, TX 78666

R12662
Stripes LLC
4525 Ayers St.
Corpus Christi, TX 78415

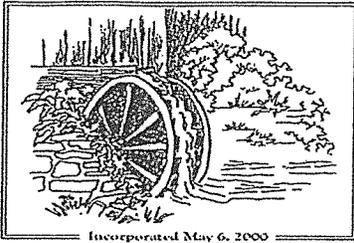
R12670
Stripes LLC
4525 Ayers St.
Corpus Christi, TX 78415

R95757
State of Texas
P.O. Drawer 15426
Austin, TX 78761-5426

R120744
Bruce & Holly Collie
9595 Ranch Road 12, Ste. 13
Wimberley, TX 78676

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, April 14, 2016 at 6:00 p.m.** to consider the following: Case CUP-16-008 – an application for a Conditional Use Permit (CUP) to allow for operation of a drive-in/drive-through coffee shop on property zoned Highway Commercial (HC) located at 9595 Ranch Road 12, Suite 4, in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 21, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: ZUP-16-008 Owner _____

Date _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 9595 RR-12 suite #4

which is located Branch Road 12

Bill Bowers
Asst: Public Works

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

3/22, 2016


Signature

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY LAUREN NORSWORTHY TO ALLOW FOR THE OPERATION OF A DRIVE IN/DRIVE-THROUGH COFFEE SHOP ON PROPERTY LOCATED AT 9595 RANCH ROAD 12, SUITE 4, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED HIGHWAY COMMERCIAL (HC), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS

WHEREAS, an application for a Conditional Use Permit has been filed by Lauren Norsworthy (“Applicant”) requesting authorization for the operation of drive-in/drive-through coffee shop on real property, described as A0025 James Alston Jr. Survey, 10.298 acres, zoned Highway Commercial (HC); and

WHEREAS, the operation of a drive-in/drive-through coffee shop is an authorized use in areas zoned Highway Commercial (HC) upon the approval of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the use of the subject property as a drive-in/drive-through coffee shop, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Lauren Norsworthy (“Applicant”) to allow for the operation of a drive-in/drive-through coffee shop on real property, described as A0025 James Alston Jr. Survey, 10.298 Acres, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Highway Commercial (HC), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the Wimberley City Council on the 21st day of April, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Steve Thurber, Mayor

ATTEST:

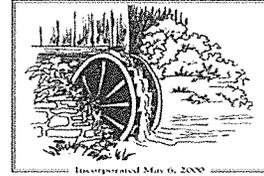
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-009



Summary:

A request for a Conditional Use Permit (CUP) to allow for a sit-down eating establishment that sells beer and wine for on-premise consumption at 12111 Ranch Road 12, Suites 105 and 106

Applicant Information:

Applicant: Greg Irvine
101 Edge Hill Road
Canyon Lake, TX 78133

Property Owner: Todd Routh

Subject Property:

Legal Description: Plaza Del Sol, Lot 20-A, 2.565 acres
Location: 12111 Ranch Road 12
Existing Use of Property: Vacant
Existing Zoning: Scenic Corridor (SC)
Proposed Use of Property: Sit-down eating establishment which sells beer and wine for on-premise consumption
Proposed Zoning: SC with CUP for a sit-down eating establishment which sells beer and wine for on-premise consumption in Suites 105 & 106
Planning Area: I & VII
Overlay District: Entrance Corridor Overlay

Surroundings:

Frontage On: Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SC	Commercial
S of Property	R-2	Vacant
E of Property	RA	Residential
W of Property	R-2	Residential

Legal Notice

200' Letters: 3/29/15
Published: 3/24/15
Sign Placement: 3/22/15
Responses: One (1) written opposition and one (1) oral opposition

Comments:

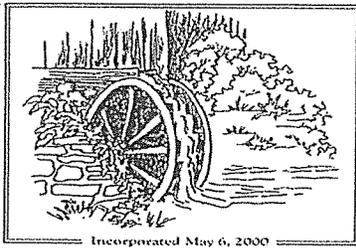
The applicant has requested a Conditional Use Permit (CUP) to allow for a sit-down eating establishment that sells beer and wine for on-premise consumption on a tract of land located at 12111 Ranch Road 12, Suites 105 and 106.

Currently, the subject property is zoned *Scenic Corridor (SC)* and is located in the *Entrance Corridor Overlay District* and *Planning Areas I and VII*. Eating establishments that sell beer and wine for on-premise consumption are allowed on SC zoned properties as conditional uses.

The subject property is the future location of *The Hog Pound* motorcycle gear and accessory shop and restaurant. The applicant is proposing to sell beer and wine for on-premise consumption, as part of the small sit-down restaurant.

To date, City staff has received one (1) written letter of opposition and one (1) call opposed to the CUP request.

On April 14, 2016, the Planning and Zoning Commission held a public hearing on the CUP request. Afterwards, the Commission voted unanimously to recommend approval of the CUP.



City of Wimberley

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

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

www.cityofwimberley.com

MAR 17 2010

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 009

FOR OFFICIAL USE ONLY

Application Date: MARCH/16 Tentative P&Z Hearing: _____ Tentative Council Hearing: _____

FEES: \$400.00 DATE PAID: _____ CHECK NO. _____ REC'D BY _____

PROJECT SITE ADDRESS: 12111 RANCH ROAD 121 Wimberley, TX 78676

OWNER/APPLICANT GREGORY S. IRVINE PHONE () _____

MAILING ADDRESS: 101 EDGE HILL ROAD

CITY: CANYON LAKE STATE: TX. ZIP: 78133

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

RESTAURANT & PUB (BEER & WINE ONLY!) 60% FOOD 40% BEVERAGE

Planning Area _____ Zoning _____ Total Acreage or Sq. Ft. 1600 #

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID #: R _____

Deed Records Hays County: Volume _____ Page _____

Is property located in an overlay district? () Yes () No If Yes, type: _____

Is property located in flood plain? () Yes () No

UTILITY PROVIDERS:

Electric Provider: PEDERNALES ELECTRIC COOPERATIVE

Water Provider or Private Well: _____

Wastewater Service Provider or Hays County Septic Permit No: _____

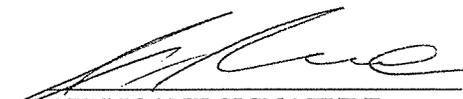
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

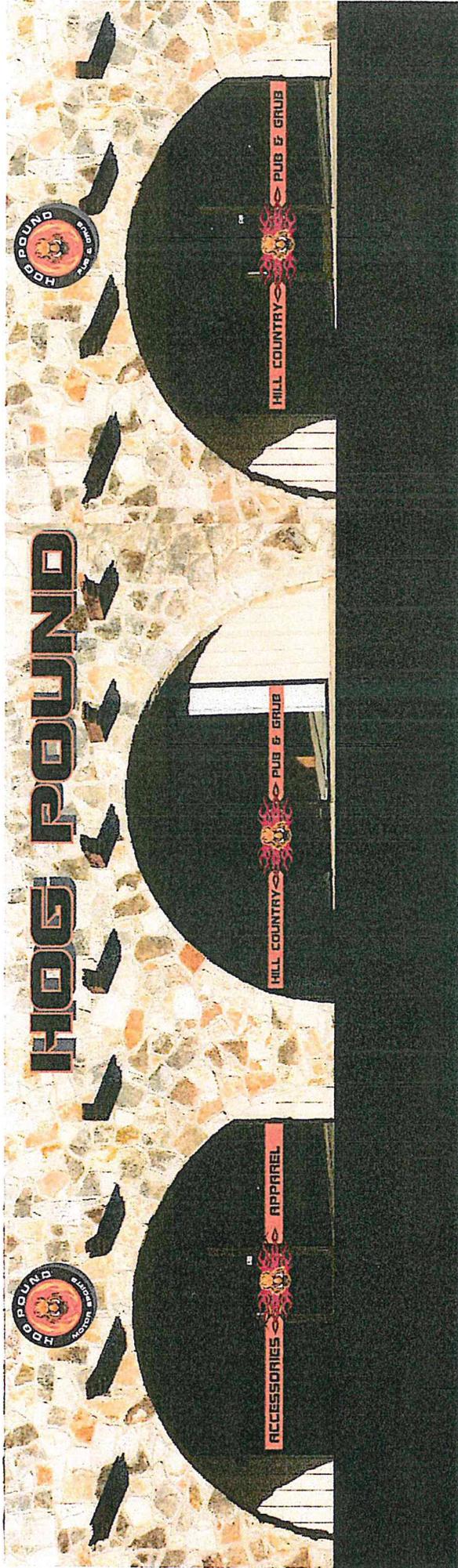
DATE 3/17/2014

APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE _____



CUSTOMER:	HOG POUND	PROJECT ADDRESS:	SUITES 104, 105, 106 12111 RANCH ROAD 12, WIMBERLEY, TEXAS 78676
APPROVAL SIGNATURE:		DATE:	
<small>This drawing is the property of CENTER POINTE DESIGN. All rights to its use for production are reserved by CENTER POINTE DESIGN, a division of LEADING EDGE SIGN GROUP. Signing this document indicates the customer has reviewed and accepted proof, to contain no errors. [] Colors shown are for representational purposes only.</small>			
		PROOF:	1 OF 1
		PROJECT MGR:	JACOBSEN
		DESIGN BY:	JACOBSEN WAGNER
		DESIGN #:	HP31416

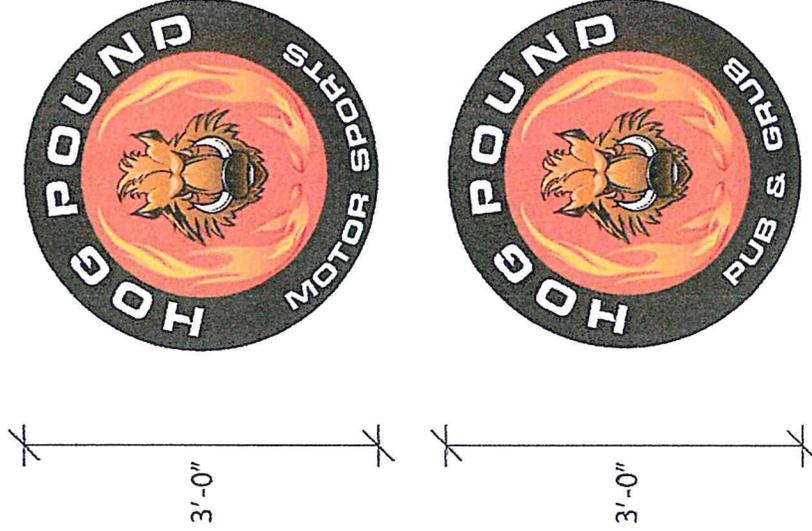
20'-0"

HOGS POUND

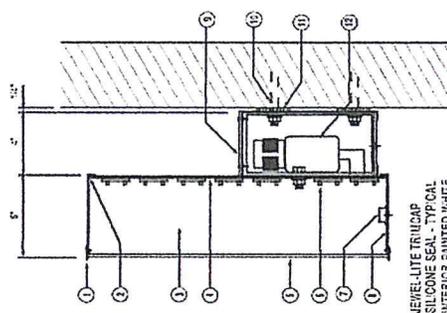
18"

One (1) 18" Set Pan Channel Letters
 HI-Impact Plex Face w/ Black Perf Vinyl
 Internal Low-Voltage Orange LED Illumination
 5" Black Aluminum Returns w/ Orange Trim Edges
 Mounted on Aluminum Extrusion Raceway

Two (2) 36" Circular Cabinet Sign
 White HI-Impact Plex Face w/ Black Trim Edges
 Internal Low-Voltage White LED Illumination
 5" Black Aluminum Returns
 Printed Vinyl Copy
 One (1) to Read "MOTOR SPORTS"
 One (1) to Read "PUB & GRUB"



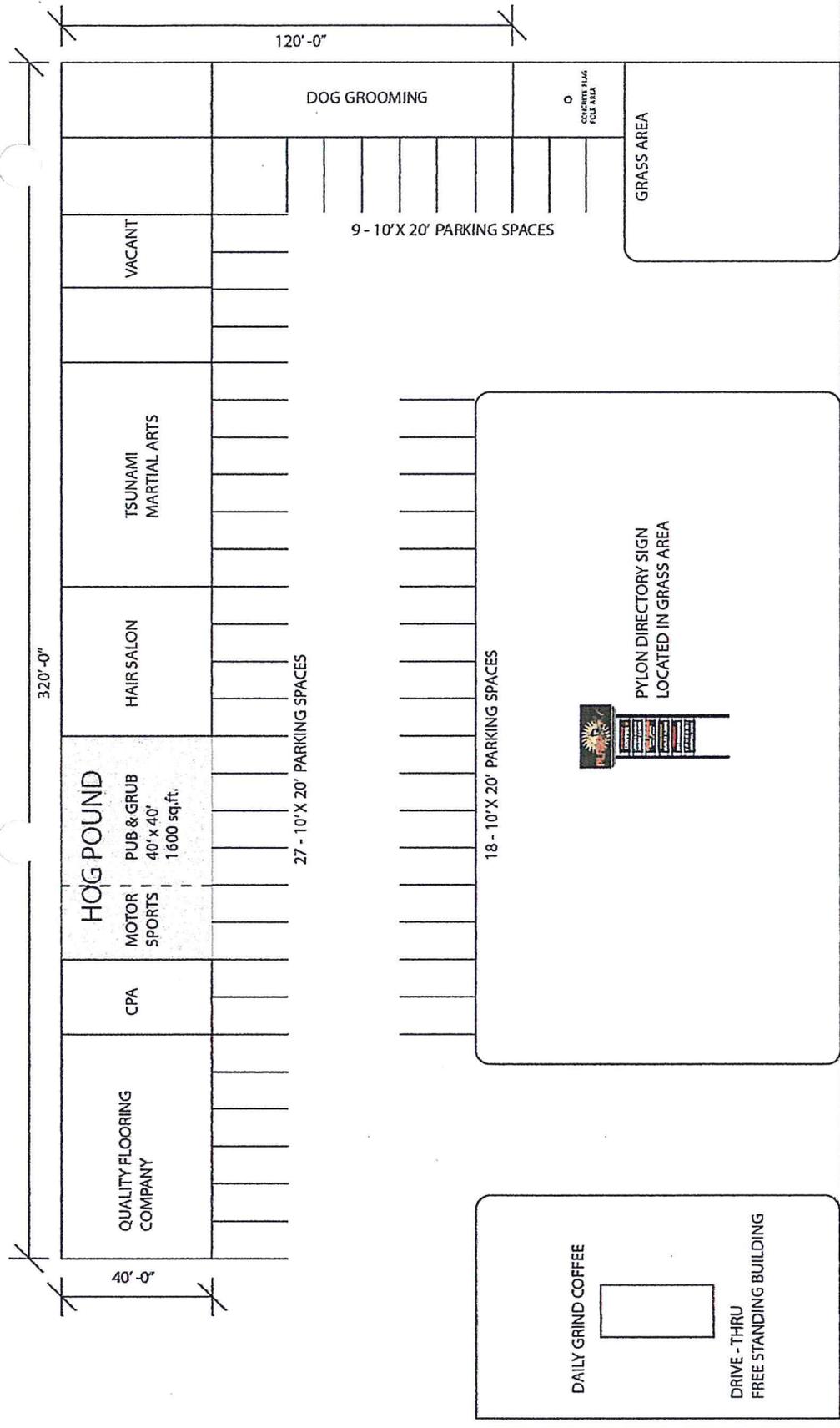
LED RACEWAY CHANNEL LETTERS



1. JEWEL-LITE TRICAP
2. SILICONE SEAL - TYPICAL
3. INTERIOR PAINTED WHITE
4. .06" ALUMINUM BACK
5. 5/16" PLEX FACE
6. LED MODULES
7. KEEP HOLES WITH Baffles AS REQUIRED
8. .60 ALUMINUM RETURN
9. RACEWAY WITH DISCONNECT SWITCH
10. STAINLESS STEEL STUD AND NUTS
11. 1/4" ALUMINUM SPACER
12. LED POWER SUPPLY
13. NO EXPOSED WIRING/FASTENERS



<p>CPS CENTER POINT SIGNS</p> <p>Facility: 4105 Hunter Rd. San Marcos, Texas 78666</p> <p>C: 512-318-1152</p> <p>Mail: P.O. Box 934 San Marcos, Texas 78667</p>	<p>CUSTOMER: HOG POUND Motor Sports - Pub and Grub Irvine / Jacobsen</p> <p>PROJECT ADDRESS: Plaza del Sol Wimberley, Texas</p> <p>APPROVAL SIGNATURE: _____</p> <p>DATE: _____</p>	<p>DATE: 03/14/2016</p> <p>PROOF: 1 OF 1</p> <p>PROJECT MGR: JAKE</p> <p>DESIGN BY: WILL / JAKE</p> <p>DESIGN #: _____</p>	<p>This drawing is the property of CENTER POINT SIGNS. All rights to its use for production are reserved by CENTER POINT SIGNS, a division of LEADING EDGE SIGN GROUP. Signing this document indicates the customer has reviewed and accepted proofs to contain no errors. [] Colors shown are for representational purposes only.</p>
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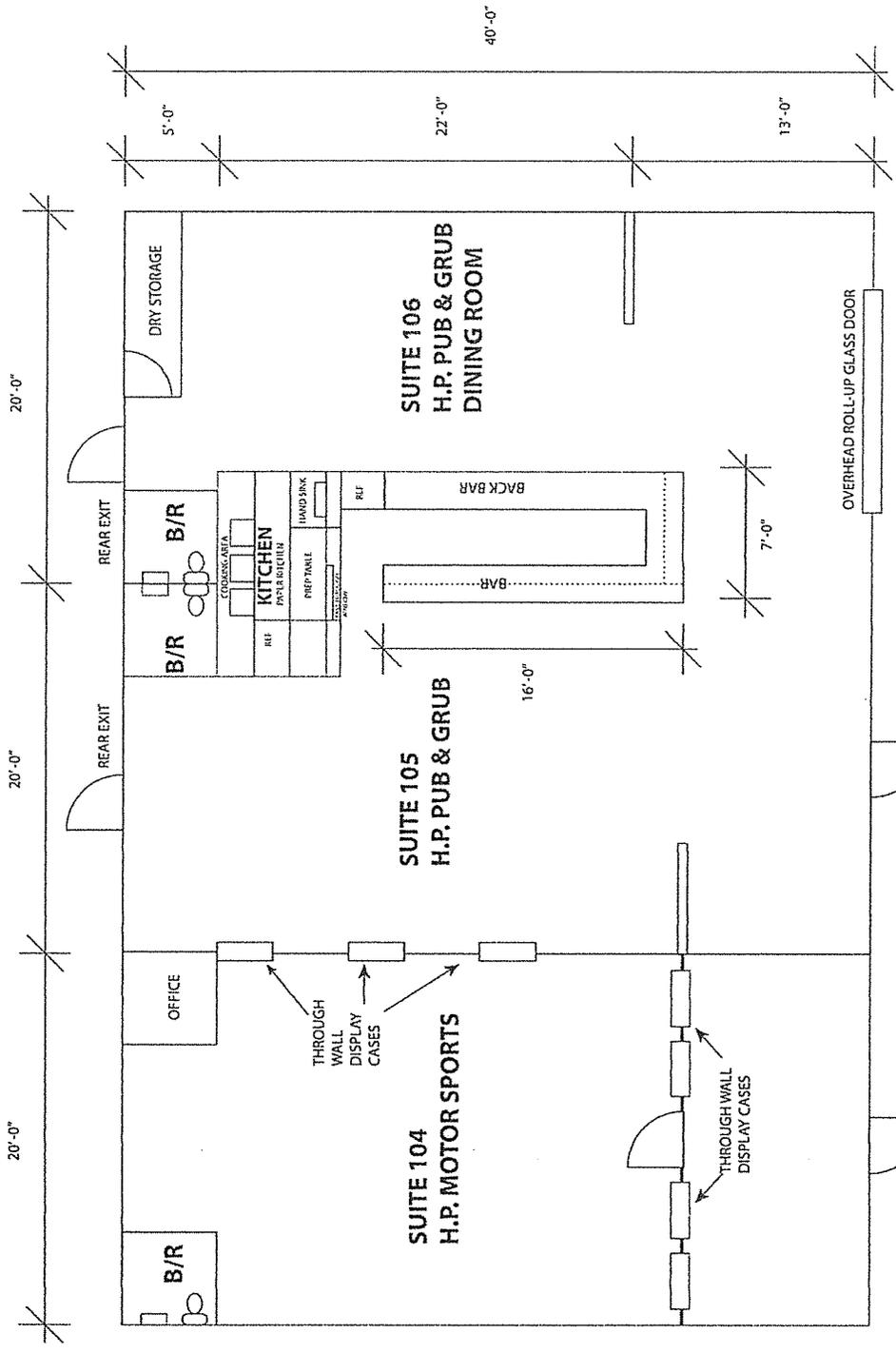


12111 RANCH ROAD 12

CUSTOMER:	PLAZA DEL SOL			PROJECT ADDRESS:	12111 RANCH ROAD 12, WIMBERLEY, TEXAS 78676		
APPROVAL SIGNATURE:	DATE: 03/11/2016			PROOF: 1 OF 1	PROJECT MGR: JACOBSEN	DATE:	DESIGN BY: JACOBSEN WAGNER

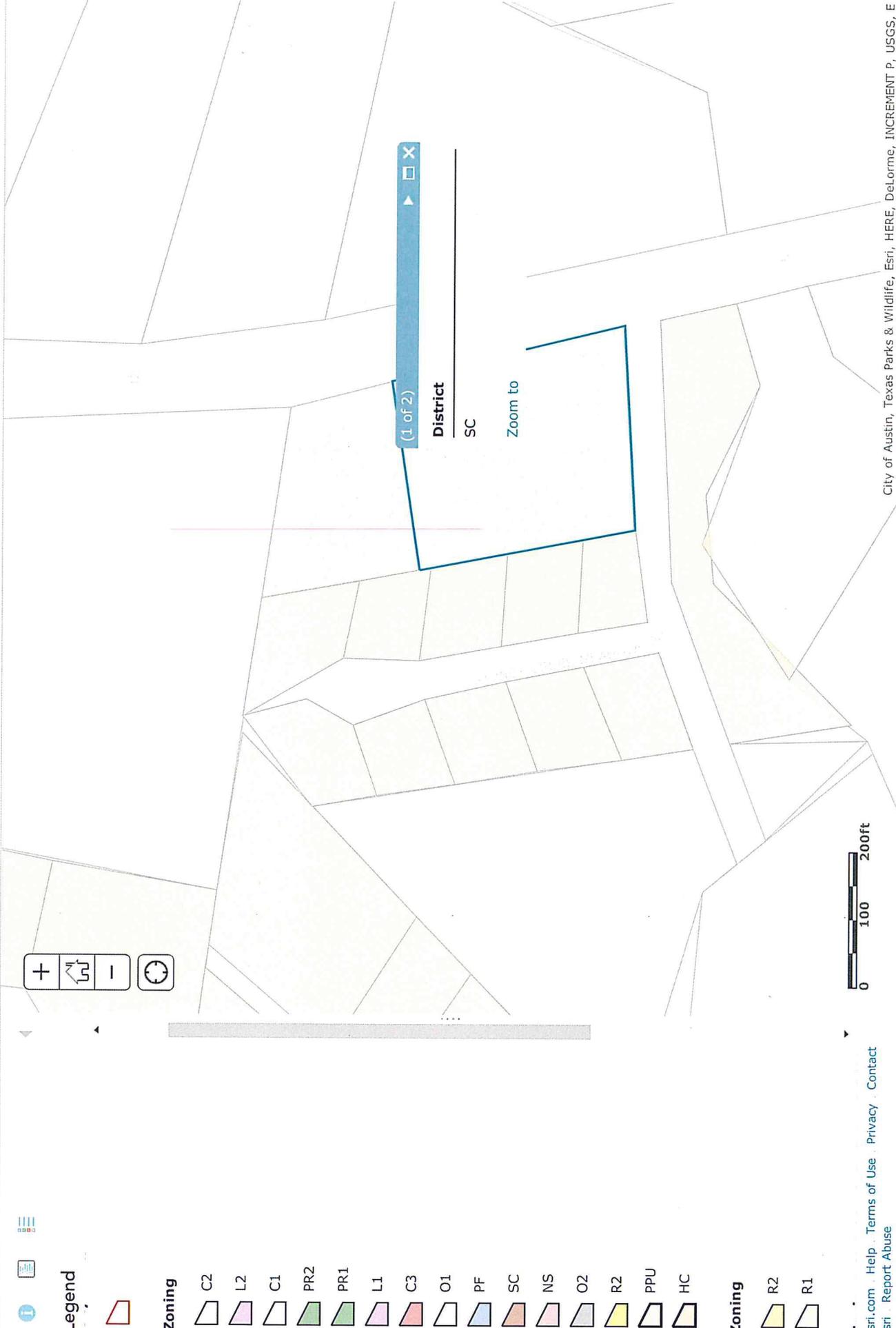
This drawing is the property of CENTER POINTE DESIGN. All rights to its use for production are reserved by CENTER POINTE DESIGN, a division of LEADING EDGE SIGN GROUP. Signing this document indicates the customer has reviewed and accepted proofs to contain no errors. [] Colors shown are for representational purposes only.

HOG POUND FLOOR PLAN



CUSTOMER: HOG POUND		PROJECT ADDRESS: SUITES 104, 105, 106 12111 RANCH ROAD 12, WIMBERLEY, TEXAS 78676	
APPROVAL SIGNATURE:		DATE:	
<small>This drawing is the property of CENTER POINTE DESIGN. All rights to its use for production are reserved by CENTER POINTE DESIGN, a division of LEADING EDGE SIGN GROUP. Signing this document indicates the customer has reviewed and accepted plans to contain no errors. [] Colors shown are for representational purposes only.</small>			
PROJECT MGR: JACOBSEN	PROOF: 1 OF 1	DESIGN BY: JACOBSEN WAGNER	DESIGN #: HP31416

[Details](#) |
 [+](#) Add |
 [Basemap](#) |
 [Save](#) |
 [Share](#) |
 [Print](#) |
 [Measure](#) |
 [Bookmarks](#) |
 12111 ranch road 12, wimberley, tx



+ |
 |
 - |

Legend

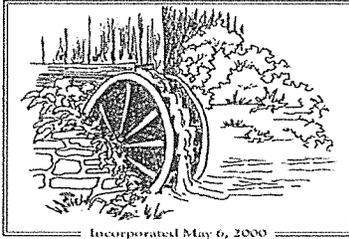


Zoning



Zoning





City of Wimberley

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

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

www.cityofwimberley.com

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem
Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White
City Administrator - Don Ferguson

March 29, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-009**

12111 Ranch Road 12, Suites 105 & 106, Wimberley, Texas

Dear Property Owner:

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

The applicant, Gregory S. Irvine, has applied for a Conditional Use Permit to allow for the operation of a sit-down eating establishment with the sale of beer and wine for on-premise consumption on property zoned Scenic Corridor (SC) located at 12111 Ranch Road 12, Suites 105 & 106, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, April 14, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, April 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 12111 RR 12 (R71513):

R14524
Carl & Juanita Marie Leinneweber
P.O. Box 1983
Wimberley, TX 78676

R14526/14527
Rene S. & Robin A. Trevizo
276 Stoney Creek Meadows Dr.
Wimberley, TX 78676-5638

R14528
Debra G. Reed
296 Stoney Creek Meadows Dr.
Wimberley, TX 78676

R14521
Lorna Petch & Susan Godfrey
1121 County Road 1492
Wimberley, TX 78676-5607

R14522
Pearl A. Trevino
295 Stoney Creek Meadows Dr.
Wimberley, TX 78676-5639

R14523
Patrick & Kristie Gaines
20682 E. 2000 Rd.
Waurika, OK 73573-5170

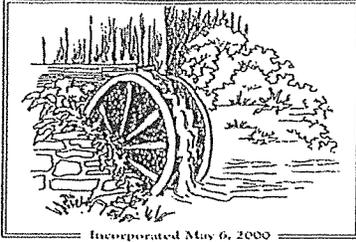
R14532/14533
Sheri Lynn Priddy
P.O. Box 345
Wimberley, TX 78676-0345

R34042
Shann Wright (Life Estate)
c/o Kris Randall
12322 Ranch Road 12
Wimberley, TX 78676

R18510
Bill Robinson
12333 S. Ranch Road 12
Wimberley, TX 78676

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, April 14, 2016, at 6:00 p.m.** to consider the following: CUP-16-009 – an application for a Conditional Use Permit (CUP) to allow for the operation of a sit-down eating establishment with the of beer and wine for on-premise consumption on property zoned Scenic Corridor (SC) located at 12111 Ranch Road 12, Suites 105 & 106 in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 21, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

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

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

E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-009 Owner _____

Date _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 12111 RR-12

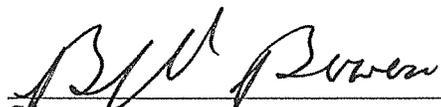
which is located Ranch Road 12

Bill Bowers

Asst. Public Works

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

3/22, 2016


Signature

PRIDDY MEADOW RV PARK

1155 Co. Rd. 1492, Wimberley, TX
512-847-6811

Re: File No. CUP 16-009
12111 Ranch Road 12, Suites 105 & 106, Wimberley, TX
Date: April 18, 2016

To: City of Wimberley Planning and Zoning Commission

I would first, like to apologize for missing the Thursday, April 14, 2016 public hearing regarding the above mentioned. I, in error, had seen the April 21st date, but just flat missed the April 14th date.

I am writing this letter to explain to you the reasons that I am against the restaurant and I hope that I will be able to convince you that this would not be good for this area.

As your letter states I am within 200 feet of the proposed location. Even though the proposed site looks like a secluded location, my home is across the creek and directly behind the trees. Also attached to that, I have a very nice, quiet, well established RV park. The entire property has two homes and 16 sites, both short term and month-to-month, with most of the residences senior citizens. We sit outside in the evenings and watch the deer, listen to and feed the birds, listen to the water run over the dam, walk our dogs and go to bed early. It's hard to explain how blessed we feel, but one of the nicest parts of my park is the quite serene, relaxing atmosphere.

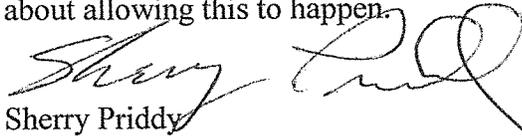
That is why people come to my park, the natural beauty and the quiet, relaxing atmosphere. And I have worked for many years to maintain and grow that reputation.

The consequences of putting any restaurant serving alcohol would mean that atmosphere would be lost completely. But to allow one that caters to motorcycles would be disastrous. Listening to motorcycles going in and out all day and late into the night would completely change my park. No more could we listen to the nature that this park was built around. My guests, and rightly so would either quit coming or move to get away from the constant noise, and my park, that stays full almost year around would no longer do so. I will lose the people that have been coming here to relax for over 15 years.

Not only would my guests leave (or not come), the value of my property would decline. Who would want to buy a quiet, serene park, if it was no longer quiet or serene? Or want to buy a home that you couldn't open the doors or windows without hearing the roar of motorcycles? And who could blame them? For those of you that don't know me I am a disabled, senior citizen and this is my primary source of income. So you can understand the concern we have with this proposal.

I am not sure what else I can say to explain what a catastrophe having the Hog Pound next door would be for me, but please take into consideration the number of people this would affect and long-term negative effect it would have on not only me personally, but my guest and my livelihood.

I assure you I will be at the April 21st meeting, but will drop off this letter at City Hall in advance. I hope I have given you enough information you will consider changing your mind about allowing this to happen.

A handwritten signature in cursive script, appearing to read "Sherry Priddy". The signature is written in black ink and is positioned above the printed name.

Sherry Priddy
Owner

cc: Don Campbell, Attorney
Steve Thurber, Mayor
Don Ferguson, City Administrator

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY GREGORY IRVINE TO ALLOW FOR THE OPERATION OF A SIT-DOWN EATING ESTABLISHMENT WITH THE SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 12111 RANCH ROAD 12, SUITES 105 AND 106, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SCENIC CORRIDOR (SC), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS

WHEREAS, an application for a Conditional Use Permit has been filed by Gregory Irvine (“Applicant”) requesting authorization for the operation of a sit-down eating establishment with the sale of beer and wine for on-premise consumption on real property, described as Plaza Del Sol, Lot 20-A, zoned Scenic Corridor (SC); and

WHEREAS, the sale of beer and wine for on-premise consumption is an authorized use in areas zoned Scenic Corridor (SC) upon the approval of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the use of the subject property as a sit-down eating establishment with the sale of beer and wine for on-premise consumption, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Gregory Irvine (“Applicant”) to allow for the operation of a sit-down eating establishment with the sale of beer and wine for on-premise consumption on real property, described as Plaza Del Sol, Lot 20-A, as more particularly described by survey or metes and bounds in Exhibit “C”, attached and incorporated by reference, zoned Scenic Corridor (SC), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The sit-down eating establishment with sale of beer and wine for on-premise consumption is limited to Suites 105 and 106 on the subject property.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the Wimberley City Council on the 21st day of April, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Steve Thurber, Mayor

ATTEST:

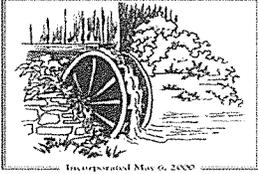
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: April 18, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A VACATION RENTAL AT 505 ROCKY SPRINGS ROAD

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to hold a public hearing and consider approval of an ordinance granting a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility at 505 Rocky Springs Road.

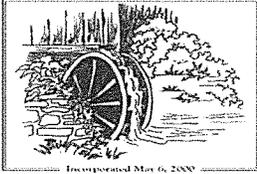
On March 24, 2016, the Planning and Zoning Commission held a public hearing on the subject CUP application. Afterwards, the Commission voted to recommend denial of the CUP, citing opposition to the request expressed by several residents in the area of the subject property.

At the request of the applicant, the City Council on April 7, 2016, delayed consideration of the CUP application until April 21, 2016, to allow them time to meet with those residents opposing the requested CUP to try and resolve their concerns.

Following the City Council meeting, City staff was contacted by the applicant about the need for another continuance because of a scheduling issue that will take the applicant out-of-state on April 21st.

As a result of the above-mentioned request, City staff recommends City Council vote to continue consideration of the CUP request until the City Council meeting on May 5, 2016.

City Council Agenda Form



Date Submitted: April 18, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF ORDINANCE CHANGING THE PLANNING AREAS FOR PROPERTIES ON FM 2325 BETWEEN RHODES LANE AND CARNEY LANE

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to hold a public hearing and consider approval of the first reading of the attached ordinance changing the designated planning areas for those properties with frontage on FM 2325 between Rhodes Lane and Carney Lane.

Currently, the area in question is located in Planning Area III where Commercial-Low Impact (C-1) zoning is the most intense commercial zoning allowed. The existing land uses in the subject area are, in large part, high-impact commercial uses. City staff is recommending the planning area for the subject area be designated as Planning IV to be more reflective of the long-time existing uses in the area.

On April 14, 2016, the Planning and Zoning Commission held a public hearing on the proposed planning area change. Afterwards, the Commission voted unanimously to recommend approval of the proposed change.

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REMOVE THOSE PROPERTIES WHICH FRONT FM 2325, BETWEEN RHODES LANE AND CARNEY LANE, FROM PLANNING AREA III TO PLANNING AREA IV; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley is authorized under Chapter 213 of the Texas Local Government Code to adopt a comprehensive plan for the long-range development of the City; and,

WHEREAS, the City Council adopted the City of Wimberley Comprehensive Plan (the "Plan"), and made substantial amendments to the Plan in 2008 and 2016; and,

WHEREAS, some of the property owners which abut FM 2325 between Rhodes Lane and Carney Lane have requested that the properties within those limits be moved from Planning Area III to Planning Area IV, so that they may request amendments to their zoning classifications that will be in conformance with the Plan; and,

WHEREAS, the Planning and Zoning Commission has reviewed the changes, held a public hearing and has made recommendations to the City Council to amend the Plan as described herein, finding that such amendment is compatible with the adjacent existing uses and existing zoning classifications, and is in accord with the current uses on the properties; and,

WHEREAS, the City Council has reviewed and considered the report by the Planning and Zoning Commission and has held a public hearing on the proposed Plan amendments at which members of the public had the opportunity to give testimony and present written evidence; and,

WHEREAS, the City Council has determined that the City of Wimberley Comprehensive Plan should be amended as provided by this ordinance.

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

I. FINDINGS OF FACT

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

II. AMENDMENTS

THAT the City's Comprehensive Plan, and its accompanying maps, described in the report

by Planning and Zoning Commission to City Council, attached hereto and incorporated herein as Exhibit "A," shall be hereby amended to remove those properties that abut FM 2325 between Rhodes Lane and Carney Lane, from Planning Area III to Planning Area IV; and that the official City Maps be amended accordingly.

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED on its First Reading this ____ day of April, 2016, by a vote of ____ (ayes) to ____ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED on its Second Reading this ____ day of May, 2016, by a vote of ____ (ayes) to ____ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By _____
Steve Thurber, Mayor

ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney



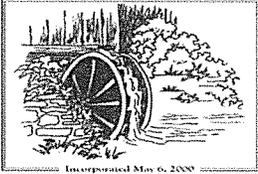
Legend

ETJ

Planning_Areas

- I
- V
- VI
- VII
- III
- IV
- II

City Council Agenda Form



Date Submitted: April 16, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING AN ORDINANCE AMENDING THE CITY'S
EXISTING OUTDOOR LIGHTING ORDINANCE

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider possible action regarding a proposed ordinance amending the City's existing Outdoor Lighting Ordinance.

The City Council is considering submitting a request to the *International Dark Sky Association* (the "IDA") for the City of Wimberley to be designated as an *International Dark Sky Community*. IDA International Dark Sky Communities are towns, cities, municipalities or other legally organized communities that have shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education, and citizen support of dark skies. Dark Sky Communities excel in their efforts to promote responsible lighting and dark sky stewardship, and set good examples for surrounding communities.

Prior to seeking IDA designation, there is a need for the City to update its Outdoor Lighting Ordinance to ensure it meets the IDA standards. With this in mind, City staff recently submitted the City's ordinance to the IDA for review to identify those areas of the ordinance that need to be strengthened to meet dark sky standards.

Attached is a copy of the existing ordinance with the changes recommended by the IDA staff for review and consideration by the City. A copy of the ordinance implementing these recommended changes will be presented to City Council in advance of the meeting for review and consideration.

On April 14, 2016, the Planning and Zoning Commission reviewed the proposed changes recommended by IDA. Afterwards, the Commission voted unanimously to recommend the proposed amendments to the City's lighting ordinance.

OUTDOOR LIGHTING

§ 151.60 COMPLIANCE REQUIRED.

All outdoor lighting fixtures and installations in the city shall conform to the following provisions.

(Ord. 2001-025, passed 11-20-2003)

§ 151.61 DEFINITIONS.

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

BULB. A light-emitting device or a structure containing a light source. This includes but is not limited to a lamp.

CORRELATED COLOR TEMPERATURE. The specification of the color appearance of light emitted by a lamp, relating its color to the color of light from a reference blackbody source when heated to a particular temperature, measured in degrees Kelvin (K).

DIFFUSING LENS. A translucent enclosure which surrounds a light source and through which there can be seen no semblance of an image of the light source. To provide a sufficiently wide distribution of light, a lens meeting this definition shall have a minimum cross-section, as seen from any angle, of not less than 0.125 square inch per lumen of enclosed light source emission.

EFFICIENCY. As an engineering term, the emission of light by a light source expressed in lumens per watt. In the absence of manufacturers' ratings, or at the discretion of the city, the **EFFICIENCY** and light emission of lamps shall be calculated as follows:

- (1) Common tungsten incandescent: 12 lumens per watt;
- (2) Halogen incandescent: 18 lumens per watt;
- (3) Metal halide: 82 lumens per watt;
- (4) High pressure sodium: 82 lumens per watt; and
- (5) Fluorescent tubes: 75 lumens per watt.

FIXTURE. An outdoor lighting assembly containing 1 or more lamps and including any lenses, reflectors, and shields designed to direct the light in a defined manner.

FOOTCANDLE. As an engineering term, a unit of light intensity equal to 1 lumen per square foot, which applies to the brightness of light on a surface or at a point in space.

FULL HORIZONTAL CUT-OFF FIXTURE. A fixture that confines the light entirely below a horizontal plane running through the lowest of: the lowest point from which light is emitted, or the lowest part of any lens, or the lowest point of any specular reflector.

GLARE. The effect of light shining directly in the eyes such as occurs when there is a line of sight to the light source.

John Barentine 3/16/2016 9:14 AM

Comment [1]: The standard industry term is "efficacy"

John Barentine 3/16/2016 11:39 AM

Comment [2]: To this I would add a value for LED, although the range is very large (roughly 50-150 lm/W). See, e.g., <http://energy.gov/eere/ssl/led-basics>

John Barentine 3/16/2016 11:37 AM

Comment [3]: I would take this opportunity to also add lux as a unit of illuminance to your code. It's gradually becoming the unit of choice among lighting engineers. If you want to also keep footcandles, as it's still a common unit, then give any illuminances in both footcandles and lux.

INITIAL LUMENS. The manufacturer-specified number of lumens of light generated by a lamp at the beginning of its service lifetime, not accounting for losses associated with lamp age.

LAMP. A light-emitting device or a structure containing a light source. This includes but is not limited to a bulb.

LIGHT SOURCE. Any device or element which emits light.

LIGHT STRING. Any number of bulbs connected with wire in a linear or 2-dimensional array, not contained in the structure of a fixture, used either for illumination or decoration, and supported in any manner.

LIGHT TRESPASS. Any horizontal or vertical illumination on a property from light sources on another property that exceeds 0.1 footcandles on a residential or unzoned district or 0.5 footcandles on a non-residential district. The measurement shall be made 4 feet above the ground at a point 4 feet inside the property line.

LIGHTING INSTALLATION. All outdoor lighting fixtures and light sources on a property.

LINE OF SIGHT. As it applies to the visibility of a light source, a straight unobstructed line from any point on a property 4 feet or more above the ground to a light source on another property.

LUMEN. As an engineering term, a unit of light flux, which applies to the amount of light emitted by a lamp.

LUMENS PER ACRE. The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

SPECULAR REFLECTOR. A reflector which has a mirror-like surface that reflects an image (no matter how imperfect or distorted) of a light source:

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003)

§ 151.62 SHIELDING, SPECTRUM AND CURFEWS.

(A) Any fixture installed in the city, including municipally-owned street lights, having total light emission in excess of 1,500 initial lumens, shall be shielded in a manner that:

(1) Confines the light so that it falls entirely on a wall or sign, or confines the light entirely below a horizontal plane at the level of the lowest of: the lowest point of the fixture at which light is emitted, the lowest part of any lens, or the lowest point of any specular reflector; and

(2) Prevents a line of sight from any point off the property on which the fixture is situated to a light source, its surrounding non-diffusing lens, or a specular reflector within or incidental to the fixture.

(B) No property in the city shall have fixtures that are not included in, or do not conform to division (A), which collectively have total light emission exceeding 7,200 initial lumens.

John Barentine 3/16/2016 11:39 AM
Deleted: total electric consumption in excess of 150 watts or

John Barentine 3/16/2016 11:39 AM
Comment [4]: I would eliminate references to Wattages as much as possible in the document in order to make the code relatively insensitive to figure changes in lighting technology. The Dept. of Energy requires that all new lighting sold in the U.S. must indicate lumens on the packaging. This is the preferred unit for lighting engineers. Given your table of luminous efficacies in the definitions section, users should be able to calculate the lumens of any light if they know the Watts and the lamp type.

John Barentine 3/16/2016 11:41 AM
Comment [5]: This is our threshold for International Dark Sky Communities

John Barentine 3/16/2016 11:44 AM
Deleted: 8

John Barentine 3/16/2016 12:16 PM
Deleted: except those illuminating a flag of a state or nation,

John Barentine 3/16/2016 11:41 AM
Deleted: an angle 15 degrees below

John Barentine 3/16/2016 11:42 AM
Comment [6]: This is a good, defensible definition of light trespass on its own. Original item (C) in this section is redundant, given this definition.

John Barentine 3/16/2016 11:42 AM
Deleted: A line of sight shall be deemed not to exist for a light source of 3,600 lumens or less if it is enclosed in a diffusing lens.

John Barentine 3/16/2016 12:10 PM
Deleted: total electric consumption exceeding 600 watts or

(C) No fixture may be installed employing a lamp whose correlated color temperature exceeds 3000 Kelvins.

John Barentine 3/16/2016 12:29 PM
Comment [7]: This color temperature provision is a requirement for IDA Dark Sky Communities.

(D) New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.

John Barentine 3/16/2016 12:30 PM
Comment [8]: This 'adaptive controls' provision is a requirement for IDA Dark Sky Communities.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

John Barentine 3/16/2016 11:42 AM
Deleted: (C) Lighting on a property shall not create light trespass on another property.

§ 151.63 SITE LUMEN LIMITS.

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(A) The total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in both shielded and unshielded fixtures on any nonresidential property in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists shall not exceed 20,000 initial lumens per net acre, or 40,000 initial lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area. These lumen per net acre values are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task.

John Barentine 3/16/2016 11:58 AM
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(B) Total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in unshielded fixtures on any nonresidential property in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists shall not exceed 6,000 initial lumens per net acre, or initial 15,000 lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area.

John Barentine 3/16/2016 12:01 PM
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§ 151.64 REDIRECTION AND REMOVAL OF ADJUSTABLE FIXTURES AND BULBS.

(A) Redirection. Any fixture existing on the effective date of this subchapter which does not conform to § 151.62 of this code and which can be re-aimed shall be re-aimed in a manner that reduces the degree of non-compliance so:

John Barentine 3/16/2016 12:01 PM
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John Barentine 3/16/2016 11:58 AM
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John Barentine 3/16/2016 11:58 AM
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- (1) It fully conforms with § 151.62;
- (2) The optical axis is at an angle not less than 60 degrees below the horizontal; or
- (3) The optical axis is at the lowest angle permitted by the nature of the fixture and existing or available mounting hardware.

John Barentine 3/16/2016 12:30 PM

Comment [9]: I have consolidated these sections and rewritten them to conform to IDA requirements.

(B) Removal. A light string that does not conform to § 151.62 shall be removed, or the number of bulbs reduced sufficiently to comply with § 151.62.

John Barentine 3/16/2016 11:59 AM
Moved (insertion) [1]

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

John Barentine 3/16/2016 12:02 PM

Deleted: (D) Total limitation per property [1]

John Barentine 3/16/2016 11:59 AM
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§ 151.65 ILLUMINATION.

John Barentine 3/16/2016 11:56 AM
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John Barentine 3/16/2016 11:49 AM
Comment [10]: This term is not defined in the code.

John Barentine 3/16/2016 11:56 AM
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(A) *Limitation per fixture*. The maximum illumination on any outdoor surface or object, including signs, from all fixtures or light sources, whether installed before or after the effective date of this subchapter, including lighting of externally illuminated and internally illuminated signs, shall not exceed:

(1) Six footcandles in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists;

(2) Eighteen footcandles in other districts and unzoned tracts where a business exists and is open; or

(3) Three footcandles in other districts and unzoned tracts where a business is closed or does not exist.

(B) *Measurement*.

(1) On any surface, except signs, the maximum illumination shall be measured at the point of highest illumination but no closer than 6 feet from the center of the nearest fixture.

(2) On any surface of an externally illuminated sign, the maximum illumination shall be measured at the center of the sign.

(3) On any surface of an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination.

(4) On any surface illuminated by an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination, but no closer than 6 feet from the center of the sign.

(C) *Re-lamping*. Any fixtures existing on the effective date of this subchapter which do not conform to this section, which require lamp replacement and which will support lamps of lower emission, shall be re-lamped with lower emission lamps in order to:

(1) Achieve compliance with this section; or

(2) Approach compliance with this section to the greatest possible degree.

John Barentine 3/16/2016 11:44 AM
Comment [11]: You might consider replacing these hard-wired illuminance limits with a reference to the accepted industry best practices: the Illuminating Engineering Society of North America Recommended Practices 33 ("Lighting for Exterior Environments"), also known as "RP-33". The code could simply advise consulting the latest edition of the RP-33 so that the code will adapt to future changes. Note, however, that adherence to the IESNA Recommended Practices is not a requirement of IDA Dark Sky Communities.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

§ 151.66 PROHIBITED LIGHTING FORMS.

The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is prohibited.

(Ord. 2001-025, passed 11-20-2003) Penalty, see § 151.99

§ 151.67 REMOVAL OF NON-CONFORMING FIXTURES.

John Barentine 3/16/2016 11:59 AM
Moved up [1]: (D) *Total limitation per property*. The total light emission of all fixtures on any property shall not exceed 20,000 lumens per net acre in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists, or 40,000 lumens per net acre in other districts and unzoned tracts. No property of any size shall be limited to less than 6,000 total lumens in districts RA, R-1 to R-5, MF-1, MF-2, and unzoned tracts where a residence exists, or 12,000 total lumens in other districts and unzoned tracts.
Deleted: 65
John Barentine 3/16/2016 11:57 AM
Deleted: 66

Non-conforming fixtures, except those of a public entity, existing within the city on the effective date of this ordinance, shall be removed or disconnected no later than seven years from the effective date. Any change of use of a property, or renovations to the structures on a property constituting more than 25% of their value, shall result in the removal or replacement of any non-conforming fixtures on those structures.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

§ 151.68 REPLACEMENT OF FIXTURES; CONFORMANCE REQUIRED.

Any fixture that is replaced, whether or not it conforms to this subchapter, shall be replaced only with a fixture that conforms to all provisions of this subchapter.

(Ord. 2001-025, passed 11-20-2003) Penalty, see § 151.99

§ 151.69 PUBLIC SAFETY AND PUBLIC NUISANCE.

(A) The City may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting.

(B) Notwithstanding the provisions of § 151.66, the city may require the modification or removal or limited operation of lighting fixtures found to be a public hazard or public nuisance according to the following criteria.

(1) Criteria for finding illumination to be a public hazard:

(a) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or

(b) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his or her path.

(2) Criteria for finding illumination to be a public nuisance:

(a) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property;

(b) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property; or

(c) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of the city from the usual and reasonable enjoyment of a property.

John Barentine 3/16/2016 11:48 AM
Deleted: October 5, 2001

John Barentine 3/16/2016 11:48 AM
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John Barentine 3/16/2016 11:48 AM
Comment [12]: I recommend a grandfather period of no longer than seven years, and preferably five or under. Longer periods virtually guarantee non-compliance after the exemption end date.

John Barentine 3/16/2016 11:50 AM
Comment [13]: This is good practice in addition to a grandfather period with an exemption end date.

John Barentine 3/16/2016 11:57 AM
Deleted: 67

John Barentine 3/16/2016 11:52 AM
Comment [14]: This is a very good and progressive provision.

John Barentine 3/16/2016 11:57 AM
Deleted: 68

John Barentine 3/16/2016 12:25 PM
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John Barentine 3/16/2016 12:29 PM
Comment [15]: This "warranting" provision for public lighting is a requirement of IDA Dark Sky Communities.

John Barentine 3/16/2016 12:26 PM
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John Barentine 3/16/2016 12:25 PM
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(C) Benefit to the general public welfare may be found to mitigate a finding of a public nuisance but may not be found to mitigate a finding of a public hazard.

John Barentine 3/16/2016 12:25 PM
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(Ord. 2001-025, passed 11-20-2003) Penalty, see § 151.99

§ 151.70 EXCEPTIONS.

John Barentine 3/16/2016 10:57 AM
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The city may grant an exception to some of the provisions of this subchapter for certain fixtures if the city finds the exception to be in the interest of public health, safety, and welfare and under the following conditions.

(A) For the illumination of city streets, parking lots, areas of public activity, and yard security, a non-conforming fixture which is granted an exception may be installed and the fixture and its light shall be exempt from the provisions of §§ 151.62, 151.64(A)(3), and 151.67 of this code except as set forth below if:

John Barentine 3/16/2016 11:52 AM
Comment [16]: Spell out the process by which requests for exceptions will be received and evaluated, and on which criteria they will be granted.

(1) No alternative lighting design or location using fully conforming fixtures is reasonably applicable to the physical conditions of the site, and the asserted need for a non-conforming fixture is not solely for the purpose of achieving an illumination level in excess of the provisions of § 151.64(A)(3) of this code;

(2) A fully conforming fixture with or without auxiliary shielding is unavailable from manufacturers of fixtures or is unavailable for mounting on a pole of the public electric utility;

(3) The fixture has a full horizontal cut-off design, and has total light emission not exceeding 8,500 initial lumens;

(4) A fixture is mounted no higher than:

(a) Sixteen feet above the ground when mounted on a privately owned pole; or

(b) The lowest point consistent with public electric utility requirements when mounted on a pole which is the property of the public electric utility.

(5) No excepted fixture is located closer to another such fixture on 1 or separate properties than a distance equal to 3 times the average mounting height of the fixtures, nor closer to property lines of adjoining or facing residential property than a distance equal to 2 times the height of the fixture above the ground;

(6) No more than 1 excepted fixture is located on a residential property;

(7) No more than 2 excepted fixtures are located on a non-residential property for security purposes where there is no night time public activity;

(8) The maximum illumination due to all fixtures on the ground or any other surface does not exceed 6 footcandles; and

(9) The light from all excepted fixtures conforms to the provisions of §§ 151.62(A)(2) and 151.62(C) of this code so far as it affects any adjoining residential property.

(10) The lighting illuminates the flag of any state or nation, provided that:

(a) Flagpoles illuminated from below are limited to a height of 25 feet aboveground level, and are illuminated with a single spot-type fixture whose maximum initial output is 75 lumens per foot of height, measured from the light fixture to the top of the flagpole. The fixture must be mounted so that the lens is perpendicular to the flagpole.

(b) Flagpoles illuminated from above utilize a single light fixture, not to exceed 800 initial lumens, attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole.

John Barentine 9/16/2016 12:18 PM
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(B) Decorative light strings displayed during the seasonal holiday period from November 1 to January 15 of the next year are exempt from the provisions of this subchapter, provided that:

- (1) No bulb in the string has electric consumption exceeding 5 watts; and
- (2) The light string does not contribute to light trespass on an adjacent residential property.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

John Barentine 9/16/2016 11:53 AM
Comment [17]: This language is highly problematic given the light trespass definition in §151.62(A)(2). In other words, all holiday lighting consisting of light strings will create light trespass. Rather, I think it's best to just substitute a provision here that exempts holiday string lighting from the requirements of §151.62(A)(2).

§ 151.71 APPLICABILITY; ADMINISTRATION AND ENFORCEMENT.

(A) All lighting installations or additions to lighting installations made after the original effective date of this subchapter shall conform to this subchapter and shall be subject to inspection by the Building Official or his or her designee.

John Barentine 9/16/2016 11:57 AM
Deleted: 70

(B) An outdoor lighting plan shall be included as part of the documentation for a permit application. The outdoor lighting plan shall show the bulb type and electric power of all proposed and existing outdoor bulbs and fixtures in the lighting installation, and provide sufficient detail with respect to location, height, and aiming and shielding of the fixtures to demonstrate that the proposed lighting installation complies with this subchapter.

(C) If the Building Official or his or her designee finds that an outdoor lighting fixture does not comply with this subchapter, the owner shall be notified and shall be allowed 30 days from the date of the notification to remedy the non-compliance or to demonstrate that a violation does not exist.

(D) This subchapter shall not be construed to require or allow any act which is prohibited by any other ordinance or code provision.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2004-007, passed 3-18-2004) Penalty, see § 151.99

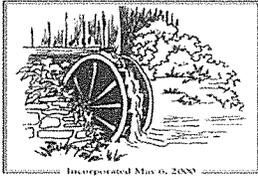
I have consolidated these sections and rewritten them to conform to IDA requirements for Dark Sky Communities. The specific lumens per acre threshold numbers are not specified in the requirements. They are given here as suggestions.

(D) *Total limitation per property.* The total light emission of all fixtures on any property shall not exceed 20,000 lumens per net acre in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists, or 40,000 lumens per net acre in other districts and unzoned tracts. No property of any size shall be limited to less than 6,000 total lumens in districts RA, R-1 to R-5, MF-1, MF-2, and unzoned tracts where a residence exists, or 12,000 total lumens in other districts and unzoned tracts.

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This term is not defined in the code. Also, this item (2) is unclear and probably should be struck.

City Council Agenda Form



Date Submitted: April 18, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING PROPOSED GUIDELINES FOR THE CITY'S
HOTEL OCCUPANCY TAX ADVISORY COMMITTEE

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider possible action regarding proposed operating guidelines for the City's Hotel Occupancy Tax Advisory Committee (the "Committee").

The proposal is entitled *Wimberley Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities & Guidelines*. It was drafted by the Committee to establish procedures and guidelines for the review and recommendation of funding proposals for the expenditure of local hotel occupancy tax revenues.

Members of the Committee will be present at the City Council meeting to present their proposal and answer questions.

HOTEL OCCUPANCY TAX COMMITTEE RESPONSIBILITIES, ACCOUNTABILITIES, AUTHORITIES, & GUIDELINES

I. PURPOSE

This document sets forth the responsibilities, accountabilities, authorities, and funding guidelines for the City of Wimberley Hotel Occupancy Tax Committee.

A. Definitions

1. Hotel Occupancy Tax (HOT) – A tax enacted by the city and collected by hotel owners. The tax is levied on a building or buildings in which the public may obtain sleeping accommodations for a cost of 2 dollars or more each day for a consecutive duration of 30 days or less. This includes, without limitation, hotels, motels, tourist homes, vacation rentals by owner, houses or courts, lodging houses, inns, hostels, rooming houses, bed and breakfasts, short-term vacation rentals or other buildings where rooms are furnished for consideration. It does not include hospitals, sanitariums or nursing homes.
2. HOT Committee – A seven-member committee responsible for overseeing the communication, implementation, collection, use, and evaluation of the Hotel Occupancy Tax.
3. HOT Funding Request – A proposal from any individual, business, association, and/or organization in the city or its ETJ requesting funding from Hotel Occupancy Tax funds. Requests from outside the city or its ETJ should consult with a local individual, business, association and/or organization.
4. HOT Proposals – Recommendations from the HOT Committee to City Council to approve and disburse money to fund a HOT Funding Request. Proposals are limited to maximum amount of \$20,000 per request and must meet HOT Committee funding guidelines for approval.
5. Off-Peak Tourism – Overnight tourism primarily on Sunday through Thursday during the first and fourth quarter of the calendar year.

6. Primary ROI – Primary Return on investment (PROI) is calculated as the HOT Grant dollars requested divided by the anticipated overnight revenue generated.

Secondary ROI – Secondary return on Investment (SROI) is calculated as the HOT Grant dollars requested divided by the anticipated non-lodging related revenue generated.

B. References

1. Hotel Occupancy Tax Ordinance – Ordinance number 2015-017
2. Memorandum of Consensus – between Wimberley Valley Chamber of Commerce and Wimberley Valley Tourism and Lodging Association signed and dated August 11, 2015.
3. Public records: City Council Workshop meeting minutes and audio recording August 12, 2015.
4. Attorney General’s Economic Development Handbook, pages 134 – 148

II. HOTEL OCCUPANCY TAX COMMITTEE RESPONSIBILITIES

A. The HOT committee is responsible for overseeing the communication, implementation, collection, use, and evaluation of the Hotel Occupancy Tax.

B. Specific HOT Committee responsibilities are as follows:

1. Working with individuals, associations, and organizations to determine and broadly communicate the nature, magnitude, and direction of the city’s overnight tourism opportunity and the required focus of HOT Funding Requests.
2. Setting and broadly communicating multi-year overnight tourism goals and targets.
3. Creating HOT Funding Request guidelines and evaluation criteria.
4. Securing approval of HOT Funding Request guidelines and evaluation criteria from the City Council.
5. Submitting an annual operating plan that includes: overnight tourism goals, HOT Funding guidelines, and budget for City Council approval.
6. Communicating City Council approved HOT Funding Request guidelines and evaluation criteria to individuals, businesses, associations, and organizations located within the city limits or ETJ.
7. Encouraging submission of proposals for HOT Funding requests.

8. Reviewing and evaluating the relative merits of HOT Funding Request proposals submitted on a timely basis.
9. Recommending HOT Committee approved funding requests to the City Council for consideration, final approval, and funding.
10. Communicating status and final disposition of HOT Funding Request to proposal submitters.
11. Providing feedback to submitters on denied HOT Funding Request.
12. Working with approved HOT Funding Request submitters to track and report actual HOT Grant results, variances, and impact.
13. Monitoring, tracking, reporting, and evaluating overall HOT program and HOT Grant effectiveness and efficiency including, but not limited to results and impact on overnight tourism goals.
14. Annually, or more frequently if needed, reviewing HOT program effectiveness and efficiency and improving program policies and guidelines as required.
15. Maintaining HOT transparency and accountability for administration, results and impact.
16. Recommending HOT rate adjustments and program changes to City Council.
17. Adhering to Texas HOT legislative requirements.
18. Evaluating any HOT Funding Request proposal for compliance with state and local funding guidelines and forwarding request with recommendations to City Council for approval/disapproval

The HOT Committee is NOT responsible for:

19. Creating a City of Wimberley Tourism Plan.
20. Final approval of HOT Funding Request.
21. Disbursement of HOT Funds.
22. Reviewing day trip or non-overnight tourism proposals.
23. Creating, promotion, and/or managing programs, events, or activities to promote tourism.
24. Collection of HOT payments from hotel owners.
25. Consulting or providing expert advice to individuals, associations, and/or organizations on proposals for HOT Funding Requests.
26. Hiring, managing, or overseeing any tourism, marketing, PR and/or consulting firm and/or individual to promote any aspect of proposals or efforts to stimulate increased tourism.

27. Approving any HOT Funding Requests initially approved by the HOT Committee but modified by the City Council in any way, shape, or form without re-evaluating the modified proposal for adherence to HOT Committee Funding guidelines.

III. HOTEL OCCUPANCY TAX ACCOUNTABILITIES

- A. The HOT Committee is accountable to the City Council for the ongoing communication, implementation, use, and evaluation of the Hotel Occupancy Tax.
- B. The HOT Committee is accountable for following the open records act and ensuring transparency in the administration and ongoing management of the HOT program.
- C. The HOT Committee is accountable for developing, publishing, and adhering to the HOT Funding Guidelines.

IV. HOTEL OCCUPANCY TAX AUTHORITIES

- A. The HOT Committee authority is derived from the Hotel Occupancy Tax Ordinance - 2015-017, the delegated authority from the City Council, and the 2013 Attorney General's Economic Development Handbook, pages 134 - 148.
- B. The HOT Committee has the authority to create, change, communicate, and enforce HOT Funding Guidelines.
- C. The HOT Committee has the authority to set the overnight tourism goal for the HOT program.
- D. The HOT Committee has the authority to work with individuals, associations, and/or organizations, in setting overnight tourism goals.
- E. The HOT Committee has the authority to accept requests for funding but cannot approve and/or disburse funding without City Council approval of the request.
- F. Any proposal forwarded to City Council that is not recommended by the HOT Committee may be returned to the HOT Committee for a second vote and final recommendation.
- G. The HOT Committee has the authority to recommend HOT rate changes to the City Council.
- H. The HOT Committee has the authority to recommend the repeal and/or sunset of the Hotel Occupancy Ordinance to City Council.

- I. The HOT Committee has the authority to recommend to council to cancel, postpone, suspend, and/or recover HOT Grants.
- J. The HOT Committee has the authority to require additional documentation and information from HOT funds proposal submitters.
- K. The HOT Committee has the authority to develop its own orientation and education programs to inform, educate, and/or instruct City Council, HOT Committee members, individuals, associations, and organizations on the most effective and efficient use of HOT funds.
- L. The HOT Committee has the authority to receive monthly, quarterly and annual HOT collections reports from the City Administrator.
- M. The HOT Committee has the authority to request ad-hoc HOT reports from the City Administrator.

V. HOTEL OCCUPANCY TAX COMMITTEE FUNDING GUIDELINES

- A. Proposals are welcome from any individual, business, group, and/or organization within the city limits or ETJ.
- B. Proposals must at minimum include all of the forms required by the HOT Committee to be eligible for consideration.
- C. Proposal presentations to the HOT Committee are limited to 5 minutes.
- D. Proposals must directly and primarily benefit overnight night tourism in the city limits.
- E. Proposals should target "off peak" tourism periods to be eligible for consideration.
- F. Proposals targeting "off peak" overnight tourism on Sunday – Thursday in the second and third quarters of the calendar year will be considered less attractive than proposals targeting overnight tourism on Sunday – Thursday in the first and fourth quarters of the calendar year.
- G. Multiple overnight stay proposals are favored over one-night stay proposals.
- H. Proposals must have a 30% or more financial equity stake by the proposal sponsor/submitter. The financial equity stake must be verifiable.
- I. There will be no 100% funding of proposals using HOT Grants. The maximum grant is 70% or \$20,000, whichever is less.
- J. Proposals are evaluated and awarded based on pro-forma positive ROI.

1. A Primary ROI (PROI) minimum of \$2 returned for every \$1 of grant funding is required for HOT Grant recommendation and approval consideration by the City Council.
2. Secondary ROI (SROI) calculations are applied only if the principal ROI (PROI) hurdle is met or exceeded
3. A Secondary ROI (SROI) minimum of \$3 returned for every \$1 of grant funding is required for HOT Grant recommendation
4. If a proposal does not pass the principal ROI (PROI) hurdle it will not be approved even if it exceeds the secondary ROI (SROI) hurdle.
5. The standard room rate of \$130 is used for all primary ROI (PROI) calculations. The standard room rate is revised yearly by the HOT Committee with input from the Wimberley Valley Tourism and Lodging Association.

~~K.~~ Maximum HOT Grant allocation is the lesser of \$20,000 per instance or 70% of total funding requested.

L. Proposal submission must at minimum include: 1) Completed application form, 2) Pro-forma budget, 3) Pro-forma profit and loss statement, 4) ROI calculations and justification, 5) Comprehensive marketing plan – messages, audiences, channels, Comprehensive vendor/subcontractor plans, 6) Contingency plans, 7) List accountable individuals with contact details, and 8) Post program/activity/event follow-up plan.

M. Within 30 days after the program/project/activity/event a post program/activity/event follow-up report is due by the submitter and must include: 1) Actual versus expected budget and variance analysis, 2) Actual versus expected P&L and variance analysis, 3) Actual versus expected ROI and variance analysis, 4) Actual invoices, receipts, and contracts.

N. Failure to submit a post program/activity/event follow-up report on or before the due date can result in partial or complete loss of HOT Grant funding.

O. HOT Grant recipients who do not achieve 80% of proposed plans as submitted in their proposals will be deemed ineligible for funding during the next 12 month period or longer.

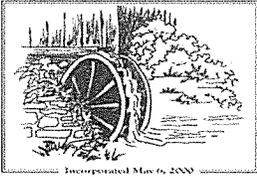
P. HOT Grants are considered “seed” or “startup” funding. All proposals should strive to become self funding within a 12 to 36 months. Proposal submitters are discouraged from relying on recurring HOT Grants.

Q. Payout on funding will be determined on a case by case basis.

VI. CITY COUNCIL RESPONSIBILITIES

- A. Encourage the creation and administration of a "model city" HOT process.
- B. Approve HOT Committee guidelines, operating procedures, and application submission forms.
- C. **Ensure HOT fund applications and grants comply with HOT Committee guidelines.**
- D. Discourage use of HOT funds to promote tourism related activities that do not meet primary RIO guidelines.
- E. Encourage use of HOT funds as "start-up capital" to fund "off peak" proposals that meet primary RIO and lead to overnight tourism.
- F. Consider HOT Committee recommendations for approved and declined funding proposals.
- G. If a HOT Committee recommendations is not accepted as proposed to City Council, ask the HOT Committee to reconsider the proposal, or a revision thereof and present a final recommendation to City Council for disposition.
- H. Have the HOT Committee annually review and propose improvements to HOT effectiveness, efficiency, impacts, ROI, tax rate and administration.
- I. Encourage individuals, organizations, and associations approved for HOT funding to **be self sustaining and self funding within 12-36 month of initial funds receipts, thereby discourage use of HOT money as an ongoing source of funding.**

City Council Agenda Form



Date Submitted: April 17, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CONSIDER APPROVAL OF A PROPOSED RATE INCREASE FOR COMMERCIAL SOLID WASTE COLLECTION SERVICES

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

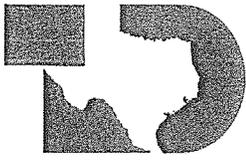
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding a proposed rate increase for commercial solid waste collection services provided by Texas Disposal Systems (the "TDS") – the City's solid waste collection service provider.

The City's current contract with TDS (the "Contract"), which was approved in February 2014, allows TDS to submit written requests for rate increases for commercial solid waste collection services. The proposed rate increase must be based upon increases in the *Consumer Price Index – All Urban Customers* (the "CPI"), landfill fees charged to the service provider or cost increases associated with the laws, ordinances or regulations adopted by local, state or federal agencies. The City has the authority to accept or reject any or all of a proposed rate increase.

Attached is a spreadsheet breaking down the proposed increases for commercial trash, recycling and roll-off services. If approved, the proposed rates will go into effect June 1, 2016.

TDS representatives will be present at the meeting to brief City Council on the rate proposal and answer questions.



TEXAS DISPOSAL SYSTEMS

P.O. Box 17126, Austin, TX 78760
512.421.1300 Office
800.375.8375 Toll Free
512.243.4123 Fax
www.texasdisposal.com

March 21, 2016

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

GREETINGS:

In accordance with the 2014 City of Wimberley Solid Waste and Recycling Contract pricing, your annual rate adjustment will become effective on June 1, 2016. Attached you will find the calculation from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI) for your rate adjustment for Commercial.

Please contact me if you have any questions regarding your rate adjustment. Furthermore, if you will be presenting this information to a board or governing body, I will be happy to attend and respond to any questions.

Thank you for your continued business.

Respectfully

Ray Bryant
HOA and Municipal Account Supervisor
(512) 421-7646
rbryant@texasdisposal.com

Wimberley Price Increase

B1 TRASH

<u>Size</u>	<u>Freq</u>
0.5	1
2	1
3	0.5
3	1
4	0.5
4	1
4	2
6	0.5
6	1
6	2
6	3
8	0.5
8	1
8	2
8	3

Casters and Lock Bars

<u>Current</u>	<u>New</u>
<u>\$ Mo</u>	<u>\$ Month</u>
31.41	31.57
78	78
63	63
83	84
69	69
92	93
172	173
79	79
105	106
202	203
291	292
95	96
127	127
244	245
361	363
18.24	18.47

B2 RECYCLE

<u>Size</u>	<u>Freq</u>
0.5	0.5
0.5	1
2	0.5
2	1
3	0.5
3	1
4	0.5
4	1
6	0.5
6	1
8	0.5
8	1

* Recycle Material contains 15% contamination

<u>New</u>	<u>New</u>
<u>\$ Month</u>	<u>\$ Month</u>
12.16	12.22
27.36	27.49
41	41
67	67
51	51
72	72
61	61
79	79
69	69
91	92
75	75
111	111

C Additional 40 CY roll-off for City Wide Clean-up, each
 Additional manned rear load truck per hour, plus disposal \$25.00 per ton

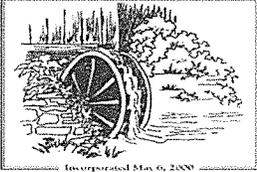
427	429
152	153

D Commercial Roll-off Haul

20 open top
 30 open top
 40 open top
 20 compactor
 30 compactor
 35 compactor
 40-42 compactor
 Delivery
 Rental

427	429
458	460
489	491
443	445
468	471
489	491
514	517
177	178
3	3

City Council Agenda Form



Date Submitted: April 17, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING A PROPOSED ORDINANCE
ESTABLISHING REPORTING AND ENFORCEMENT
PROCEDURES REGARDING SHORT-TERM RENTALS

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

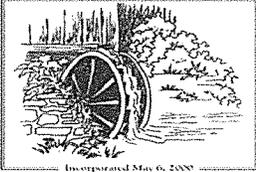
This item was placed on the agenda to allow City Council to discuss and consider possible action regarding a proposed ordinance establishing reporting and enforcement procedures regarding short-term rentals.

The ordinance was proposed by Council Member McCullough at the April 7th City Council meeting to quickly address those short-term rental properties that may be causing issues in a neighborhood.

At the time of publication of the agenda packet, City staff was drafting a proposed ordinance recommended by Council Member McCullough. The proposed ordinance will be presented to Council under separate cover in advance of the meeting for review and consideration.

Should City Council desire to proceed with adoption of the proposed ordinance, public notice will be required, public hearings must be held by the City Council and Planning and Zoning Commission and two readings of the ordinance by City Council will be required.

City Council Agenda Form



Date Submitted: April 17, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED REPLACEMENT OF A STOP SIGN WITH A YIELD SIGN AT THE INTERSECTION OF COUNTY ROAD 1492 AND RIVER ROAD

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

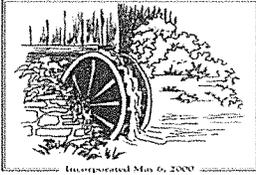
Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider possible action regarding the proposed replacement of a stop sign with a yield sign at the intersection of County Road 1492 and River Road.

The proposed sign replacement was recommended by the Transportation Advisory Board (the "Board") at its April 13th meeting after reviewing the need for subject stop sign. In making their recommendation, Board members cited a lack of site distance issues at the intersection and the lack of a significant accident history as the justification for a yield sign at the intersection instead of a stop sign.

City staff concurs with the recommendation of the Board.

City Council Agenda Form



Date Submitted: April 18, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING CURRENT AND FUTURE ISSUES RELATING TO PEC TRANSMISSION LINES IN THE WIMBERLEY AREA

Council Action Requested:

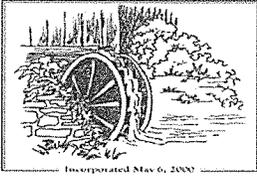
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place One Council Member Bob Dussler to allow City Council to discuss and consider possible action regarding current and future issues relating to the Pedernales Electric Cooperative's transmission lines in the Wimberley area.

No background information was provided on this agenda item.

City Council Agenda Form



Date Submitted: April 18, 2016

Agenda Date Requested: April 21, 2016

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by the Mayor and members of City Council and for future agenda item requests.