

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – WIMBERLEY CITY HALL
221 STILLWATER, WIMBERLEY, TEXAS
AUGUST 18, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER AUGUST 18, 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 AUGUST 4, 2016
- (B) APPROVAL OF THE JULY 2016 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY
- (C) APPROVAL OF THE APPOINTMENT OF JENNIFER MARINO TO THE CITY OF WIMBERLEY ETHICS COMMISSION

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON CENTRAL WIMBERLEY WASTEWATER PROJECT INCLUDING BUT NOT LIMITED TO DESIGN, EASEMENTS AND PROJECT MANAGEMENT
- STATUS REPORT ON THE DOWNTOWN RESTROOM TRAILER PROJECT
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON THE LA BUENA VISTA DRIVE IMPROVEMENT PROJECT
- STATUS REPORT ON 2015 FLOOD RECOVERY

3. PRESENTATION

PRESENTATION FROM THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD REGARDING A PROPOSED WAYFINDING SIGNAGE PROGRAM. (*BERT RAY, TRANSPORTATION ADVISORY BOARD*)

4. PUBLIC HEARINGS AND CONSIDER ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WAYNE MCQUAID TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 207 LITTLE RANCHES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), 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. (*WAYNE MCQUAID, APPLICANT*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF A PROPOSED ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTERS 155.105 (CONDITIONAL USES) AND 155.077 (DEVELOPMENT PLAN REVIEW), SECTION (E) (APPROVAL PROCESS), SUBSECTION (3) (EFFECT OF DEVELOPMENT PLAN APPROVAL) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO PROVIDE AN EXPIRATION DATE FOR UNUSED CONDITIONAL USE PERMITS; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. (*CITY ADMINISTRATOR*)

5. ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE AMENDING TITLE IX (GENERAL REGULATIONS) CHAPTER 98 (KEEPING OF CHICKENS) OF THE CODE OF ORDINANCES FOR THE CITY OF WIMBERLEY TO MODIFY LOT SIZE AND ZONING REQUIEMENTS REGARDING THE KEEPING OF CHICKENS; PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, SAVINGS AND SEVERABILITY CLAUSE, AND EFFECTIVE DATE. (*PLACE THREE COUNCIL MEMBER SALLY TRAPP*)

6. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER ACTION ON A PROPOSAL TO INITIATE THE PROCEEDINGS NECESSARY TO IMPOSE A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS, BUSINESS LICENSES, CONDITIONAL USE PERMITS, AND CERTIFICATES OF OCCUPANCY TO BE USED FOR THE CONSTRUCTION OR OPERATION OF VACATION RENTALS AND BED AND BREAKFASTS WITHIN ANY RESIDENTIALLY ZONED AREA WITHIN THE CITY LIMITS OF WIMBERLEY, TEXAS. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE ADDITION OF A SECOND EFFLUENT STORAGE TANK FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT TO REDUCE THE POTENTIAL OF EFFLUENT DISCHARGE. *(MAYOR MAC MCCULLOUGH)*
- (C) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF PLANS FOR A ROADSIDE EFFLUENT IRRIGATION SYSTEM ON WINTER'S MILL PARKWAY FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT. *(MAYOR MAC MCCULLOUGH)*
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION ON MATTERS STEMMING FROM THE AUGUST 16TH MEETING OF REPRESENTATIVES OF AQUA TEXAS AND REPRESENTATIVES OF THE CITY OF WIMBERLEY REGARDING THE POTENTIAL PROVISION OF VARIOUS WASTEWATER SERVICES IN CENTRAL WIMBERLEY. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP)*
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS OF AUSTIN, TEXAS, TO DEVELOP VARIOUS RATES AND FEES FOR THE CENTRAL WIMBERLEY WASTEWATER SYSTEM. *(CITY ADMINISTRATOR)*
- (F) DISCUSS AND CONSIDER ACTION AWARDDING A CONTRACT FOR THE LA BUENA VISTA ROAD OVERLAY PROJECT. *(CITY ADMINISTRATOR)*
- (G) DISCUSS AND CONSIDER POSSIBLE ACTION AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR THE RIVER ROAD RIVERBANK RESTORATION PROJECT. *(CITY ADMINISTRATOR)*
- (H) DISCUSS AND CONSIDER POSSIBLE ACTION AUTHORIZING FURTHER STEPS TO BE TAKEN BY THE CITY OF WIMBERLEY RELATING TO THE EXECUTION OF SEWER EASEMENTS REQUIRED FOR THE PROVISION OF WASTEWATER SERVICE FROM AQUA TEXAS FOR PROPERTIES ON MILL RACE LANE. *(MAYOR MAC MCCULLOUGH)*
- (I) DISCUSS AND CONSIDER ACTION REGARDING ISSUES RELATING TO THE DEVELOPMENT OF THE FY 2017 CITY OF WIMBERLEY OPERATING BUDGET. *(MAYOR MAC MCCULLOUGH)*

7. 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.

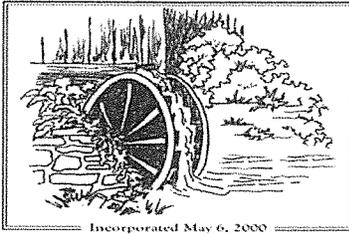
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 11, 2016 at 10:00 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 of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
AUGUST 18, 2016 – 6:00 P.M.

ADDENDUM TO AGENDA

6. DISCUSSION AND POSSIBLE ACTION

- (J) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE USE OF AN EFFLUENT STORAGE POND FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT TO REDUCE THE POTENTIAL OF EFFLUENT DISCHARGE. (PLACE TWO COUNCIL MEMBER CRAIG FORE)

CERTIFICATION

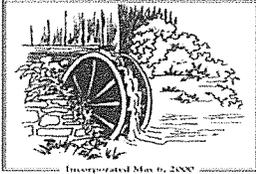
I hereby certify the above Addendum to Agenda was posted on the Bulletin Board at the City of Wimberley City Hall on August 15, 2016 at 5:45 p.m.

A handwritten signature in cursive script that reads "Cara McPartland".

Cara McPartland, Assistant City Administrator/City Secretary

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City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: APPROVAL OF AUGUST 4, 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 August 4, 2016 Regular City Council Meeting.

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
August 4, 2016 at 6:00 p.m.

City Council meeting called to order at 6:03 p.m. by Mayor Mac McCullough.

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

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld, and John White.

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

Citizens Communications

Chapel in the Hills authorized representative Jim Henderson referenced Agenda Item 5E to discuss and consider action on Fiscal Year 2017 City of Wimberley Goals & Priorities. He expressed objections to Goal No. 6 ("Acquire the necessary right-of-way and develop the extension of Green Acres Road from FM 2325 to Ranch Road 12") as the Chapel in the Hills has no interest in giving up any parking lot space. He provided details on existing church facilities and uses and demand for parking. Mr. Henderson quoted past news coverage of the subject extension and cited conversations with former Mayor Thurber, who assured Mr. Henderson that no acquisition would take place without mutual agreement between the Chapel and the City and the City would not pursue eminent domain as an option. Mr. Henderson understood that former Mayor Thurber could not guarantee future Councils' actions and sought a similar commitment from Mayor McCullough, who concurred with former Mayor Thurber and respected Mr. Henderson's position. Mr. Henderson stressed for the record that Chapel in the Hills has no interest in contributing land at this point.

Robbie Walker of Hills of Texas Lodging spoke on the divisive issue of vacation rentals and said there has got to be a way for neighbors to get along with each other. He cited prior comments made about different people staying in homes every weekend and said that situation may occur regardless of whether the home is a vacation rental or not. He favored holding a Council workshop to figure out how to work together in the interest of fairness to all involved and not let this issue be divisive.

Deborah Koeck spoke on "needs" versus "wants," specifically defining and comparing "wants" and "needs." She stated some of us need a wastewater system downtown more than others and said the need of the few does not constitute the need of the majority of the 80 property owners. Dr. Koeck said that somehow needs for Blue Hole Regional Park have come about with strident demands about contractual liability. She stated this desire for sewer water could best be thought of as an aesthetic at the apex of a triangle of needs where the need for wastewater removal is at the bottom and the effluent is at the top. She said this is the epitome of the confusion of "needs"

versus “wants” and felt watering non-existent soccer fields at the cost of millions of dollars as the height of folly. Dr. Koeck said sewer water irrigation of the arid acres of Blue Hole Regional Park is not a need and not necessary for the businesses or for the City to survive. She stated Aqua Texas is the best, simplest, safest, and most economical solution, as it has the capacity to receive and treat wastewater and has the area for storage.

Rocky Springs resident Craig Reitz asked Council to enact a moratorium on all vacation rental Conditional Use Permit (CUP) approvals. He cited actions taken by the City of Austin regarding short-term rentals which he said would be permanently phased out in the future. He expressed concerns that short-term rentals are used like hotels and said Wimberley is not equipped to deal with vacation rental “party houses” which he did not feel should be allowed in peaceful residential neighborhoods. He cited previous complaints from merchants relating to parking, restrooms, water access, and traffic. Mr. Reitz quoted from recent articles in *USA Today* and the *Wimberley View* that contained comments indicating that Wimberley is being overwhelmed by guests. Mr. Reitz said there are too many short-term and not enough long-term rentals in Wimberley.

Rebecca McCullough stated that she is a new member of the Planning and Zoning Commission and spoke on the need for direction, guidance, and information on short-term rentals and CUPs for vacation rentals. She cited statistics indicating that the City had low occupancy rates and noted that the City of Austin has “stopped doing short-term rentals.” She expressed concerns that CUPs permanently change a property’s zoning, regardless of deed restrictions and neighbors concerns. She said other cities use a permitting process that does not stay with the property. Ms. McCullough favored “a pause” in short-term rentals in order to evaluate our situation and figure out where we need to go. She said Council members have a choice to continue as we have been and become a destination city of weekend renters or have a comprehensive plan and be a community of pride and sharing.

Chris Webre of 2205 Spoke Hollow spoke of his family’s selection of Wimberley as a retirement location and love of its small town atmosphere. He feared that vacation rentals will cause Wimberley to lose some of its small town neighborhood character, which he felt would hurt his family and the entire community. He recalled a conversation with a visitor on the Blanco River this past weekend that was staying in a vacation rental for a “bachelor weekend.” Mr. Webre said one of his fears is that venues such as wedding chapels will cause more people to come to Wimberley vacation rentals and the number of people allowed in a rental will be exceeded. He said “we just want to keep it as a neighborhood,” and hoped Council would agree.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of July 21, 2016
- B. Approval of minutes of the Special City Council meeting of July 6, 2016
- C. Approval of minutes of the Special City Council meeting of July 11, 2016
- D. Approval of minutes of the Special City Council meeting of July 27, 2016
- E. Approval of the appointment of Jennifer Marino to the City of Wimberley Ethics Commission. (*Place Four Councilmember Gary Barchfeld’s nominee*)
- F. Approval of the June 2016 Financial Statements for the City of Wimberley

Mayor McCullough pulled Consent Agenda Item 1E for separate consideration.

Councilmember Barchfeld moved to approve all remaining Consent Agenda items, as presented. Councilmember Fore seconded. Motion carried on a vote 5-0.

Mayor McCullough announced that Councilmember Barchfeld would be swearing in Jennifer Marino, his nominee to the Ethics Commission. Councilmember Barchfeld thanked Mayor McCullough and administered the Oath of Office to Jennifer Marino.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project including but not limited to design, easements and project management

City Administrator Ferguson provided details on lift station site acquisition, the status of the parkland conversion process, and proposed addition of restrictions to the funding agreement limiting the plant to no more than 75,000 gallons per day. He anticipated issuance of a Request for Qualifications (RFQ) next week for project management in hopes of getting a project management group or person on board in October. He noted wastewater rate design discussions are underway with Raftelis Financial Consultants, Inc. to perform a rate study and anticipated bringing a contract to Council at its August 18th meeting. He advised rate setting is a very public process, including public meetings.

City Administrator Ferguson spoke on discharge minimization alternatives, including an additional storage tank and probable associated costs (approximately \$18,000 in engineering costs and \$420,000 in construction costs); the bypass purple pipe project and associated costs (approximately \$72,000 in engineering costs and \$770,000 in construction costs); and purple pipe interconnect to Aqua Texas during times when the City cannot irrigate (approximately \$57,000 in engineering costs and \$410,000 in construction costs). He provided details on this option involving installation of a force main with a valve and compared its cost to purple pipe going to downtown, which would have a probable cost of \$32,000 in engineering costs and \$220,000 in construction costs. He advised that an effluent trucking plan is under development and hoped to bring the plan to Council at its next meeting.

City Administrator Ferguson noted that the effluent irrigation authorization request must be submitted in September in order to get permission from Texas Commission on Environmental Quality (TCEQ) for Blue Hole Park irrigation. He stated Council will be presented with an amendment to the Alan Plummer contract to prepare that submission, which will cost approximately \$9,200. He expected treatment plant and collection system design to be submitted to the Texas Water Development Board (TWDB) by the end of August and said any changes that may result from the review process will be brought to Council prior to going out for bid. He advised that the project timeline is being updated and will be submitted to Council next week.

- Status report on proposed changes in Zoning Code relating to dormancy requirements for Conditional Use Permits

City Administrator Ferguson stated this issue was brought up by Councilmember Fore during a recent CUP amendment case changing some portions of the original concept plan. He noted that CUPs for short-term rentals contain a dormancy requirement, but the proposed amendment to the Zoning Code placing a two-year deadline on commencement of development would apply to all CUPs. He advised that a public hearing will be held by the Planning and Zoning Commission, followed by two City Council public hearings scheduled for August 18th and September 1st.

- Status report on the Downtown Restroom Trailer Project

City Administrator Ferguson reported that some strong opposition has been received from adjacent property owners on the trailer's location and concerns have been expressed on emergency vehicle access. Based on analysis of input received from all parties, he said the trailer will be moved to the back-up location, which will be in the leased parking lot.

- Status report on contractual obligations of the City of Wimberley

This item was heard after the Status Report on 2015 Flood Recovery.

City Administrator Ferguson highlighted the following current contractual obligations and approximate costs to the City: Texas Water Development Board loan for the Central Wimberley Wastewater Project; Alan Plummer Associates, Inc. for engineering services; Guadalupe Blanco River Authority for the existing package plant; Bury, Inc. (now Stantec) for the Hidden Valley low water crossing; BEC-LIN Engineering for the River Road Bank Restoration Project; and Hays County for debris removal. He reported on operating agreements, including those for downtown landscape maintenance, security/monitoring; TMRS retirement plan; employee health insurance; property/liability insurance; records management; City of Wimberley website; Lower Colorado River Authority (for radio service); workers compensation; GIS/court software licensing; and copier/postage machine leasing/support. He reported on service agreements, including ATS Engineering (for inspection services); Neptune-Wilkinson (for engineering services); Bickerstaff Heath Delgado Acosta LLP (for legal services); Aqua Texas (for the Wimberley Community Center); Wimberley Water Supply Corporation; and Pedernales Electric Cooperative (PEC).

- Status report on operation of the Blue Hole Regional Park

This item was heard after the Status Report on the Downtown Restroom Trailer Project.

City Administrator Ferguson reported capacity is reached at the swimming area almost every day. He stated there was a water leak near the Pavilion, which has been repaired. He noted summer camp sessions are over, with lots of positive comments on the received on the program. He advised that planning has already started on *Blue Hole Christmas*. He noted rental activity is up for private events. He said the swimming area turf is being evaluated for long-term viability.

- Status report on the La Buena Vista Drive Improvement Project

City Administrator Ferguson stated that bids on the project for long overdue overlay and scarification are due by August 12, 2016. He anticipated the project to take less than a week to complete.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported that Hays County is in the process of wrapping up flood debris program paperwork and hoped to know the amount of the City's portion (if any) for curbside debris collection.

In response to Councilmember Trapp's inquiry, City Administrator Ferguson reported that the City's grant application to the Economic Development Administration (EDA) is still under review and the EDA has indicated it will finalize its decision when the City nears closing on the TWDB loan for the Central Wimberley Wastewater Project.

3. Presentation

Presentation from the City of Wimberley Hotel Occupancy Tax Committee regarding the upcoming review and approval process for Hotel Occupancy Tax funding applications. *(Mark Bursiel, Hotel Occupancy Tax Committee)*

Hotel Occupancy Tax (HOT) Committee representative Mark Bursiel provided background information on the Committee's roles and responsibilities and believed that the Committee has formed a "model city" for Wimberley on how to spend HOT funds. He said it is very clear the City of Wimberley cannot handle any more tourism during the 2nd and 3rd quarters due to lack of infrastructure and resources. He defined problems such as the need to increase 1st and 4th quarter tourism, detailed "responsible" tourism, and provided information on submittals received for funding applications and timeframe for the Committee's review and recommendations on the applications. He advised there is an accountability process for allocating HOT funds. Mr. Bursiel presented graphs showing a 14-year analysis of tourism during specific quarters and summarized the Committee's membership and responsibilities. He said this Committee is collaborative and not political and has worked well together to form guidelines with almost unanimous consensus. He stated the five applications received will be subject to very specific ROI criteria on funding events, with the primary purpose being to put "heads in beds," which he said is the reason the tax was implemented.

Mr. Bursiel cited specific criteria to be met to receive funding and noted Council has the final authority in approving the Committee's recommendations, which he hoped would be honored. He stated that based on the criteria cited, there is a fiscal responsibility to the lodging industry that collects the tax, because the City has asked the lodging industry to collect the tax and raise their rates at a time when it should be offering discounts to attract visitors. Mr. Bursiel reviewed all of the guidelines used to evaluate applications, including whether HOT funds are used effectively in order to assess future or recurring funding requests and ROI requirements. He stressed this is a lodging-based tax and said 20-percent of HOT funds collected will be reserved in the event emergency funding is needed. Mr. Bursiel stated that data collected indicates the City is over-collecting the tax and the Committee may recommend reducing the tax rate. He

highlighted the Committee's meeting schedule and timeframe for recommendations to Council, and encouraged Council to attend the Committee's meetings. He said unless the Committee and City Council work together, this would become a political train that will wreck and create a more divisive issue than we already have and questioned why the City has a HOT tax. Mr. Bursiel spoke of Wimberley as a model of responsibility, with respectful tourists, and said the Committee did not want to do things just because other cities do them.

Discussion addressed the number of applications received for funding, presentation of Committee recommendations to Council at a workshop meeting, education on what HOT tax money can be used for, possible extension of the deadline to submit applications, and the Committee's role as an advisory body. Mr. Bursiel invited Council to attend the Committee's August 9th meeting and Mayor McCullough advised the meeting could be posted for a possible quorum of Council.

4. Resolution

Consider approval of a resolution of the City of Wimberley, Texas, adopting a policy regarding openness and transparency in the conduct of City business. *(Mayor Mac McCullough)*

Mayor McCullough stated this resolution is meant to show the City's resolve and asked for a motion to approve this item.

Discussion addressed whether this resolution is needed, concerns regarding this resolution as redundant and over-legislation, possible removal of specific language in the resolution such as "on an as needed basis" and the resolution as a public declaration of commitment to comply with the law. After discussion of possible options for motion language to define Council's commitment, no motion was made on the proposed resolution and no action was taken.

5. Discussion and Possible Action

- A. Discuss and consider action on a request to reconsider the City Council vote taken on July 21, 2016, regarding an ordinance approving an application for a Conditional Use Permit submitted by Robert Weber to operate a vacation rental on property located at 1824 Elite Acres Road, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions. *(Mayor Mac McCullough)*

Mayor McCullough stated he requested this agenda item due to concerns relating to Council's vote on this matter at its last meeting. He spoke of the super majority requirement when the so-called "Twenty-Percent Rule" is in effect and questioned whether or not he should have recused himself from discussion and action. He encouraged the Webers and the opposition to talk amongst themselves to reach an accord on this issue. Mayor McCullough recognized the acrimony surrounding this issue and welcomed comments from affected parties that are specific to this CUP application. City Administrator Ferguson advised that if no action is taken at tonight's meeting, this item would be subject to re-notification requirements and cautioned not to stray from the agenda item, as written.

Flite Acres resident Charles Lancaster said the CUP applications for river properties should state clearly that people can float down the middle of the river, but cannot “drag bottom” without trespassing on private property. He recounted that there were twelve people floating down his part of the river last weekend and that those people parked on an individual’s private property, entered the river, and walked upriver to swim. He said he does not want to call the City every time this happens and felt the City needs to include a statement in its application form to prevent trespassing.

Mayor McCullough welcomed Mr. Lancaster to attend upcoming workshop meeting(s) to express his concerns. An unidentified audience member referenced a list on the City’s website of grandfathered vacation rental/bed and breakfast properties that are no longer there. City Administrator Ferguson clarified those properties were grandfathered as a result of Council action following the flood, which would allow property owners to rebuild and resume operations within a certain timeframe. Discussion addressed various options available to Council to reconsider this item, including the need for Councilmember Trapp (who made the original motion at Council’s July 21st meeting) to make a motion to reconsider Council’s previous action. City Administrator Ferguson reminded that the “Twenty-percent Rule” remains in effect and a super majority would be required to approve the CUP, should the parties reach an accord.

Mayor McCullough called a recess at 7:47 p.m.

Mayor McCullough reconvened at 7:53 p.m.

At 7:58 p.m. (after Agenda Item 5B), Mayor McCullough recused himself at this time and Mayor Pro-tem White assumed duties as presiding officer.

Mayor Pro-tem White asked whether the parties involved in Agenda Item 5A have reached an agreement.

Applicant’s representative Andrew Weber stated that the parties did not reach an agreement.

Mayor Pro-tem White stated the only way to proceed is for the Council member who made the original motion to make a motion to reconsider Council’s previous action at its July 21st meeting.

No motion was heard and Mayor Pro-tem White stated that Council’s original ruling stands.

- B. Discuss and consider action authorizing additional surveying services relating to the designation of right-of-way on sections of Hidden Valley Road and Spoke Hollow Road.
(City Administrator)

City Administrator Ferguson explained the need for additional survey work to define the boundaries of the proposed right-of-way on and noted costs are estimated at \$15,120, which will not be paid for with insurance proceeds, as the additional survey work is outside the scope of the original Hidden Valley low water crossing reconstruction project.

Discussion addressed the need to clean up easements and provide a final survey to affected property owners and established that the additional survey work would not slow down the reconstruction project.

Councilmember Barchfeld moved to approve the additional surveying services, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action to direct City staff to request representatives of Aqua Texas meet with the City Administrator, two City Council members and a member of the former Ad Hoc Wastewater Committee the week of August 15, 2016 to discuss the vision and scope of the City of Wimberley's Wastewater Project and to request proposals from Aqua Texas to the City of Wimberley for wastewater services. *(Place Three Councilmember Sally Trapp)*

At 8:00 p.m. (after reconsideration of Agenda Item 5A), Mayor McCullough rejoined the meeting, assumed duties as presiding officer, and introduced Agenda Item 5C.

Councilmember Trapp stated that Aqua Texas has been sent a letter by the City requesting proposals and has responded to that letter and asked for a meeting to discuss the proposals.

Councilmember Trapp moved to designate two Council members, City Administrator Ferguson, and two members of the former Ad Hoc Wastewater Review Committee to attend the meeting with Aqua Texas to discuss the vision and scope of the City of Wimberley's Wastewater Project and to request proposals from Aqua Texas to the City for wastewater services. Mayor McCullough said Aqua Texas did not answer all of the City's original questions, but was encouraged by Aqua Texas's letter opening up the possibility of a meeting.

Councilmember Dussler spoke on results of his research on Aqua Texas and highlighted key points on Aqua Texas business practices. *(The full text of Councilmember Dussler's comments is attached to these minutes.)*

Councilmember White stated he felt the same way as Councilmember Dussler regarding Aqua Texas's obligation to turn a profit for their stockholders, which he did not blame Aqua Texas for, but said he does not want to do business with them. Mayor McCullough noted the City of Kyle recently terminated its agreement with Aqua Texas, but said Councilmember Trapp is trying to give the City another avenue and was amenable to appointing two Council members to attend the meeting. Councilmember Trapp felt the Ad Hoc Wastewater Review Committee chair person could attend or designate an attendee.

City Administrator Ferguson stated the response letter from Aqua Texas was responsive regarding treatment, as needed, to try to avoid discharge. He said there is some confusion in the proposal sent by Aqua Texas and the meeting will be beneficial to clarify certain information on rates/costs. He noted that the cost information included in Aqua Texas's proposal is very similar to cost information received from Aqua Texas in the past.

Councilmember Fore said as elected members of Council all options should be considered as part of its due diligence and wanted to do what is best for Wimberley. He favored meeting with Aqua Texas to see what they have to offer.

Councilmember Trapp stated she requested Council members to attend the meeting (as opposed to Mayor McCullough) because Mayor McCullough has stated he is against doing business with Aqua Texas. Mayor McCullough referenced documentation from 2010 providing a history of numerous discussions with Aqua Texas attempting to nail down costs. In the interest of clarity and expediency, Mayor McCullough suggested meeting with Robert Laughman of Aqua Texas. Mayor McCullough expressed a preference for sending Councilmember Dussler to the meeting, as he has done extensive large deals, but did not want to see this issue turn into a popularity contest among Council.

Councilmember Trapp moved to direct City staff to request representatives of Aqua Texas meet with the City Administrator, two City Council members and a member of the former Ad Hoc Wastewater Committee the week of August 15, 2016 to discuss the vision and scope of the City of Wimberley's Wastewater Project and to request proposals from Aqua Texas to the City of Wimberley for wastewater services. Councilmember Fore seconded.

City Administrator Ferguson requested that the motion clearly define the scope of the meeting's discussion to avoid misunderstanding and ensure all topics are covered. Councilmember Trapp said it would be a meeting to request proposals and establish communications. City Administrator Ferguson asked for clarification on the proposals requested (such as emergency service only, year-round service, retail service, etc.). Councilmember Trapp and Councilmember Fore said all options should be discussed. Mayor McCullough did not favor discussion of retail services. Councilmember Fore said all possibilities would be discussed. Councilmember Barchfeld stated the motion is to have the meeting and City Administrator Ferguson recommended placing a deadline on the end result of that meeting (for example, Council would have 10 days after the meeting to place an item on the agenda). Councilmember White favored including the aforementioned 10-day deadline.

After discussion of rules for motions and amendments, Councilmember White requested an amendment to Councilmember Trapp's motion to add the 10-day deadline to commence from the meeting date. To provide clarification on motion language discussion, City Administrator Ferguson recommended the motion state that upon completion of meeting discussion, proposals will be presented to Council ten (10) days after the date of the first meeting (if more than one meeting is needed). Mayor McCullough did not anticipate a significant shift in pricing from previous Aqua Texas proposals and felt Aqua Texas should be able to provide complete numbers.

Councilmember White asked if he should include the names of the two Council members in his amendment to Councilmember Trapp's motion. Councilmember Trapp replied negatively, as that can be resolved separately.

Councilmember Fore seconded Councilmember White's aforementioned amendment to the motion by Councilmember Trapp, as clarified by City Administrator Ferguson.

Mayor McCullough called for a vote on the amendment to the motion, as follows: Councilmember Dussler, nay; Councilmember Fore, aye; Councilmember Trapp, nay; Councilmember Barchfeld, nay; and Councilmember White, aye. Motion failed on a vote of 2-3.

City Administrator Ferguson clarified that the original motion does not include the abovementioned 10-day deadline and Councilmember Trapp said she was for the initial meeting, but did not want to bind herself to a timetable for a discussion that has not happened yet. Councilmember Barchfeld agreed with Councilmember Trapp.

City Administrator Ferguson suggested that Council schedule the Aqua Texas meeting on August 16, 2016 and stated an item relating to results of that meeting can be placed on Council's August 18th agenda.

Mayor McCullough called for a vote on Councilmember Trapp's motion, as follows: Councilmember Dussler, nay; Councilmember Fore, aye; Councilmember Trapp, aye; Councilmember Barchfeld, aye; and Councilmember White, aye. Motion carried on a vote of 4-1.

Councilmembers Trapp and Barchfeld volunteered to participate in the Aqua Texas meeting to represent the two Council members. Councilmember Trapp favored appointing Ad Hoc Wastewater Review Committee Chair Grady Burnette (or his designee) to attend the Aqua Texas meeting and asked for a vote.

Councilmember Trapp moved to approve sending herself and Councilmember Barchfeld as the two Council members to attend the August 16, 2016 meeting with Aqua Texas, as well as Chairman Grady Burnette (or his designee) and City Administrator Ferguson. Councilmember White seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action to authorize the Mayor to enter into discussions with certain property owner(s) on Mill Race Lane regarding the execution of sewer easements required for the provision of wastewater service from Aqua Texas for properties on Mill Race Lane. (*Mayor Mac McCullough*)

Councilmember Trapp recused herself at 8:29 p.m.

Mayor McCullough said all but one of the property owners on Mill Race Lane are agreeable to having Aqua Texas provide sewer service to their properties and favored trying to get a consensus on this issue.

Discussion addressed concerns expressed regarding Mayor McCullough entering into discussions without any other Council members present; status of easements/property ownership on Mill Race Lane; undivided interests of Mill Race Lane property owners; and agreement to have another Council member accompany Mayor McCullough during discussions.

Councilmember Barchfeld moved to authorize Mayor McCullough to enter into discussions with certain property owner(s) on Mill Race Lane regarding the execution of sewer easements

required for the provision of wastewater service from Aqua Texas for properties on Mill Race Lane, with the addition of one (1) Council member, as designated by Mayor McCullough, to accompany him during said discussions. Councilmember White seconded. Motion carried on a vote of 5-0.

Councilmember Trapp rejoined the meeting at 8:34 p.m.

E. Discuss and consider action regarding the proposed Fiscal Year 2017 City of Wimberley Goals and Priorities. (*Mayor Mac McCullough*)

City Administrator Ferguson noted this item was continued from Council's last meeting. Mayor McCullough stated the list is not a mandate and favored approval.

Gail Pigg expressed disappointment that the list did not include drainage and lacked the provision of basic services to Wimberley. She said the list focused on money to the Square. She noted her house floods because the drainage culverts are crushed downstream. She spoke on the need for mowing/trimming in the rights-of-way, which also impedes drainage. Mrs. Pigg stated the City does not need an \$80,000 drainage study, but needs basic maintenance money. She did not feel that the City's public works employee should be weed-eating and said this is not an efficient use of taxpayer money. She did not understand why there is a maintenance contract for downtown landscaping, but there is no contract for mowing/tree trimming. She noted that "citizen involvement" was last on the list and cited community division on short-term rentals. Mrs. Pigg urged Council to not approve the list of goals and priorities.

Mayor McCullough said Mrs. Pigg's points are well made; however, the list is part of an overall bigger plan, while Mrs. Pigg's comments are focused on everyday needs. City Administrator Ferguson cited issues with past contractors and advised the City is in the process of contracting for mowing along all of Elite Acres Road and for some clean-up on River Road.

Casey Craig agreed with Gail Pigg's comments regarding the list and questioned why the Green Acres extension would be included as it is private church property and felt it was one of the worst ideas proposed. She asked that Council strike that item from the list.

Mayor McCullough provided background on how the list is developed and the "big picture" approach taken to include ideas that may be far into the future. He reiterated that Council has already indicated it has no intention of implementing the extension across church property or limiting ideas as part of a bigger overall picture. It was noted that the extension is part of the Transportation Master Plan (TMP), which was approved by Council, but it was stressed that recommendations for future transportation needs are made as part of a long-range plan. City Administrator Ferguson noted the TMP is periodically updated and reminded that master planning includes very long-term, forward-thinking ideas that may or may not ever be implemented, as public input and Council approval is required.

Councilmember Barchfeld recommended moving Stage I, No. 6 ("Acquire the necessary right-of-way and develop the extension of Green Acres Road from FM 2325 to Ranch Road 12") to Stage II and stated he has received comments from the Degenharts that they would be interested

in pursuing a possible partnership to develop the “Y” park (*see No. 8 of Stage I, FY 2017 Goals and Priorities list*).

Councilmember Trapp provided some history on how goals and priorities workshops are conducted, including a review of lists that past Councils have approved. She stated that time ran out and Council did not finish at its workshop meeting.

Councilmember Trapp moved to schedule another workshop to develop FY 2017 Goals and Priorities for the City of Wimberley.

City Administrator Ferguson recommended a motion to table consideration of this item, until scheduling of another workshop, in order for Council to finish its discussion of goals and priorities.

Councilmember White moved to table this item until another workshop meeting has been held.

Councilmember Barchfeld questioned how many motions have been made and not seconded.

After discussion of procedure for motions, Councilmember Trapp moved to schedule a workshop to continue discussion of the FY 2017 City of Wimberley Goals and Priorities in order to finish the list. Councilmember Barchfeld seconded.

City Administrator Ferguson clarified additional language should be added to table this item and hold another workshop in order to bring a finalized list for consideration on a future Council agenda. Councilmember Trapp agreed to the additional language, as stated by City Administrator Ferguson. Mayor McCullough favored specifying a date for the additional workshop and Council agreed on Friday, August 19, 2016 at 7:30 a.m. at City Hall. Motion carried on a vote of 5-0.

- F. Discuss and consider possible action setting the date, time and place for the public hearing on the Proposed *Fiscal Year 2017 City of Wimberley Operating Budget*. (*City Administrator*)

This item was heard after Agenda Item 5G.

City Administrator Ferguson recommended setting the date, time, and place for the subject public hearing on Thursday, September 1, 2016, 6 p.m., at City Hall.

Councilmember White moved to approve setting the date, time, and place, as recommended. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

Discussion addressed the budget calendar and certain tentative dates, if needed.

- G. Discuss and consider possible action setting the date, time and place for a City Council workshop to discuss issues and concerns relating to short-term rental properties in the City of Wimberley. (*Place Four Councilmember Gary Barchfeld*)

This item was heard after Agenda Item 5E.

Councilmember Barchfeld spoke on the divisiveness of this issue and said the process needs to be re-evaluated to get a sense of where Wimberley wants to go on short-term rentals. He recommended a moratorium of 60 to 90 days on approval of short-term rental CUPs to avoid an influx of applicants while Council considers potential action.

Discussion addressed the number of pending CUP applications, Council's adoption of a grandfathering policy for short-term rentals, and amount of interest in future CUP applications. Mayor McCullough reminded that Council has the obligation to hear and serve both sides on this issue.

Audience member and lodging owner Terrie Bursiel said there is so much contention she would like to see at least a 30-day moratorium so that Council can talk to people. She said Wimberley is a tourism town no matter who does or does not like it and stated if people do not like it they should not have come here. She said agreement has to be reached to make people as happy as they can be. Mrs. Bursiel stated that she advised a prospective vacation rental owner to buy property outside the City. She said lodging is what makes this city turn and asked Council to approve the moratorium. Mrs. Bursiel cited inflammatory comments about short-term rentals, was proud of her promotion of "quiet" tourism, and objected to the use of terms such as "boarding house" or "party house."

City Administrator Ferguson said that pending CUP applications submitted prior to any moratorium would proceed and not be subject to a moratorium. He advised there is a legal process involved in implementing a moratorium that requires public input/notification.

Discussion addressed statistics on short-term CUP applications, length of the moratorium, need for public input and guidelines for applicants, evaluation of CUP procedures, and enforcement of CUP conditions.

Councilmember Barchfeld moved to direct staff to prepare the process for the next agenda to initiate a moratorium on short-term rental CUPs for a period of 90 days. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

H. Discuss and consider possible action regarding proposed modifications to the City of Wimberley ordinance regulating to the keeping of chickens. (*Place Three Councilmember Sally Trapp*)

This item was heard after Agenda Item 5F.

As a hen owner, Councilmember Trapp questioned the need for the minimum 2-acre requirement for keeping of chickens and the inclusion of the term "single family" in the current ordinance.

Discussion addressed language in the proposed ordinance that would allow chickens on properties of any size in a residentially zoned district and prohibition of roosters and commercial activity.

After discussion of points of order for speakers, Mayor McCullough advised that speakers will not be heard at this time.

Discussion continued on possible regulation of the number of chickens allowed; reasoning for the existing ordinance; health/odor issues associated with chicken coops, particularly on small lots; setback requirements; other cities' chicken-keeping regulations; and possible addition of a half-acre minimum lot size requirement to the proposed ordinance.

Councilmember Trapp moved to direct staff to amend the proposed ordinance to add a minimum lot size requirement of one-half acre and remove the reference to "single family" from §98.02(A). Councilmember Fore seconded. Motion carried on a vote of 4-1. Councilmember White voted against.

- I. Discuss and consider possible action regarding a proposal to fund a public handicap accessible portable toilet in the area known as *The Quarter* on the Wimberley Square. (Place Three Councilmember Sally Trapp)

Councilmember Trapp stated she was not aware when Council voted to remove the porta-potties in favor of the new restroom trailer, that the new trailer was not handicap-accessible and noted the need to provide a handicap accessible toilet in the subject area of the Square.

Councilmember Trapp moved to fund a public handicap accessible portable toilet in the area known as *The Quarter* on the Wimberley Square. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider action regarding a request to operate a food service trailer at 14012 Ranch Road 12 for *Wimberley Thursdays* in Wimberley, Texas. (City Administrator)

City Administrator Ferguson presented the request to allow the subject trailer to operate in front of *Wall Street Western* on *Wimberley Thursdays*. Discussion established that *Wall Street Western's* owner is in favor of the food trailer.

Councilmember Barchfeld moved to approve the request to operate a food service trailer at 14012 Ranch Road 12, as presented. Councilmember White seconded. Discussion established that public restrooms are available. Motion carried on a vote of 5-0.

- K. Discuss and consider action regarding a request to operate a food service trailer at 14306 Ranch Road 12 in Wimberley, Texas. (City Administrator)

City Administrator Ferguson presented the request to allow the subject trailer to operate at the "Y" shopping center, where an existing BBQ trailer is located. He advised the subject business is named *Texan Snow* and noted the applicant plans to use existing on-site restrooms for the food service operation.

Councilmember Trapp moved to approve the request to operate a food service trailer at 14306 Ranch Road 12, as presented. Councilmember Dussler seconded. Motion carried on a vote of 5-0.

L. Discuss and consider possible action regarding the plans for the *2016 Livestrong Challenge Bike Ride* on October 16, 2016. (*City Administrator*)

City Administrator Ferguson recommended approval of the annual event, highlighted the route, anticipated number of riders, and advised that event organizers will provide contract law enforcement and insurance for the event.

Councilmember White moved to approve the plans for the *2016 Livestrong Challenge Bike Ride* on October 16, 2016, as presented. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

M. Discuss and consider possible action regarding the plans for the American Diabetes Association's *Tour de Cure Bike Ride* on September 17 and 18, 2016. (*City Administrator*)

City Administrator Ferguson recommended approval of the plans for the event and highlighted the route to travel through Wimberley between 9 a.m. and 12 p.m. on Sunday, September 18, 2016. He advised event organizers will provide law enforcement and insurance for the event.

Councilmember Fore moved to approve the plans for the American Diabetes Association's *Tour de Cure Bike Ride* on September 17 and 18, 2016. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Mayor McCullough requested a proclamation for a 100-year old Wimberley resident and various options were discussed on presentation of the proclamation to the recipient.

Mayor McCullough spoke on precedents set for speaker rules and procedures and stated the importance of hearing the public in a manner that is not subjective. Discussion established that rules of governance allow for flexibility.

Councilmember White asked for details on the process for handling a complaint regarding a grandfathered vacation rental and City Administrator Ferguson provided clarification on the validation process for complaints, which if deemed valid, would come before Council as an agenda item for consideration.

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

Adjournment: Council meeting adjourned at 9:34 p.m.

Recorded by:

Cara McPartland

These minutes approved on the ____ of August, 2016.

APPROVED:

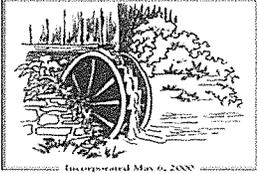
Mac McCullough, Mayor

DRAFT

**Statement read by Councilmember Dussler during City Council meeting
on August 4, 2016 (Agenda Item 5C)**

“Aqua America focuses on buying water systems and hiking water prices. After taking over and building out its systems, the company seeks to increase water rates. The ability to hike consumer bills is the key to its earnings. On top of regular rate increases, the company also pursues state approvals to implement surcharges on system improvements to increase its revenues and speed up returns. This surcharge allows the company to increase customer bills without full public scrutiny. Six states where they operate allow this surcharge and the company is exploring how to get the surcharge authorized in two more states - Texas and Virginia. After rapid growth in the late 1990s-early 2000s, the company seemingly flat-lined with lackluster expansions and strong public resistance to its rate plans. The public opposition has apparently scared the company out of New York and Florida where it sold its operations and faced municipal efforts and strong public scrutiny of its rates and services. In Florida, the company sold its systems to the Florida Governmental Utility Authority. Many customers were deeply dissatisfied with the company and reported chronic water quality and customer service problems and the customers paid some of the highest water rates in the state. Aqua charged twice as much as comparable publicly-owned utilities. They had the most customer complaints. Aqua had forty-percent of the total water and sewer complaints filed with the Commission and received seven times more complaints than the regulated utility with the next highest number. In Fort Wayne, Indiana, the city took public control of Aqua’s Indiana water systems in and around the city in 2008 after winning a lengthy battle that went to the state’s Supreme Court. It then took more than five years to finalize the purchase agreement because Aqua sued the city over the purchase price. The city planned to provide better water, improved service, and rejuvenate the systems, all at a lower price. Also, the city will implement long-term and locally accountable rate control to help ensure that prices are affordable for its residents. This may sound like a great feat, but the city can accomplish its goals because it does not have to turn a profit. It’s not driven to increase their profit and this should be a lesson for us in Wimberley. Finally, in Pennsylvania Aqua has purchased more than twelve small municipal water systems since 1990. After buying a water system, the company begins to increase the rates of its new customers over time, and then applying service charges to further increase profits. Typical households were paying nearly five times as much for water service on average as they paid before Aqua took over their systems. Residential bills increased by an average of 240%, which is an average increase of 10% a year. So, this is another reason why I’m strongly opposed to doing business with Aqua Texas and subjecting our community to this type of business model. Thank you.”

City Council Agenda Form



Date Submitted: July 27, 2016

Agenda Date Requested: August 18, 2016

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

Funds Required:
Funds Available:

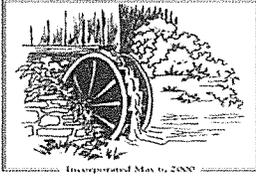
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF JENNIFER MARINO TO THE CITY OF WIMBERLEY ETHICS COMMISSION

Council Action Requested:

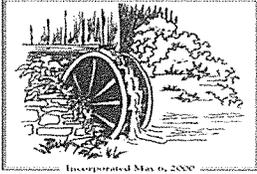
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the appointment of Jennifer Marino to the City of Wimberley Ethics Commission.

The appointment of Ms. Marino was originally placed on the August 4th City Council agenda for approval. However, a review of the official audio from the meeting found that the appointment was never voted on. To make the appointment official, there is a need for City Council to take a formal vote on the appointment of Ms. Marino.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

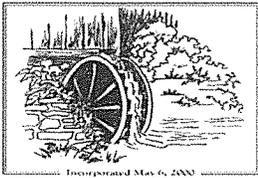
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the Central Wimberley Wastewater Project including but not limited to design, easement and project management
- Status report on the Downtown Restroom Trailer Project
- Status report on the operation of the Blue Hole Regional Park
- Status report on 2015 flood recovery

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: PRESENTATION
REGARDING A PROPOSED WAYFINDING SIGNAGE
PROGRAM

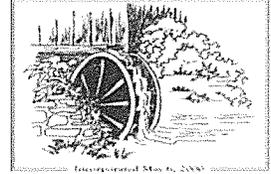
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow representatives of the City of Wimberley Transportation Advisory Board to brief City Council on a proposed Wayfinding Signage Program.

Report for CUP-16-019



Summary:

An application for a Conditional Use Permit to allow for the operation of a vacation rental facility at 207 Little Ranches Road

Applicant Information:

Applicant(s):

Wayne McQuaid
207 Little Ranches Rd.
Wimberley, TX 78676

Property Owner(s):

Wayne C. McQuaid & Tonya R. McQuaid

Subject Property:

Legal Description:

Flite Acres Little Ranches Pt Lts 9 & 10, 10.06 acres

Location:

207 Little Ranches Road

Existing Use of Property:

Residential

Existing Zoning:

Residential Acreage (RA)

Proposed Use of Property:

Vacation Rental

Proposed Zoning:

RA with CUP

Planning Areas

I

Overlay District

None

Surroundings:

Frontage On:

Little Ranches Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	RA	Residential
S of Property	RA	Residential
E of Property	RA; R-2	Residential
W of Property	ETJ	Residential

Legal Notice

200' Letters:

7/7/16

Published:

7/7/16

Sign Placement:

7/7/16

Responses:

None

Comments:

The applicant, Wayne McQuaid, is seeking a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility at 207 Little Ranches Road. The subject property is zoned Residential Acreage (RA) and located in Planning Area I. Vacation rental facilities are allowed on RA-zoned properties with a CUP.

Currently, there is an 832 square foot, two (2) bedroom, two (2) bath residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of six (6) people.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of three (3) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

The applicant is proposing a series of house rules, a copy of which is attached. Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

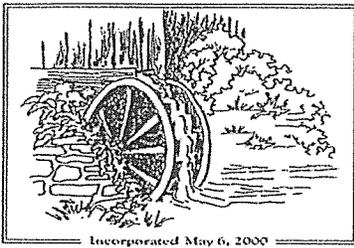
1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact

changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be three (3) people.

To date, City staff has received one (2) written responses in support of the CUP request, one (1) verbal inquiry seeking information and one (1) verbal opposition.

The Planning and Zoning Commission held a public hearing on the CUP request on August 11, 2016. Following the hearing, the Commission voted unanimously to recommend approval of the CUP as presented.



City of Wimberley

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

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

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 019

FOR OFFICIAL USE ONLY

Application Date: 6/30/16 Tentative P&Z Hearing: 8/11 Tentative Council Hearing: 8/18

FEES: \$400.00 DATE PAID: 6/30/16 CHECK NO. 7960 REC'D BY C. McPartland

PROJECT SITE ADDRESS: 207 LITTLE RANCHES Wimberley, TX 78676

OWNER/APPLICANT Wayne McQuaid PHONE (FR) 557-6259

MAILING ADDRESS: 207 LITTLE RANCHES

CITY: Wimberley STATE: TX ZIP: 78676

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)

VACATION RENTAL

Planning Area I Zoning RA Total Acreage or Sq. Ft. 5 ACRES

Subdivision: Elite Acres
LITTLE RANCHES Lot 10 Block _____

Appraisal District Tax ID #: R 27701

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: PEC

Water Provider or Private Well: Wimberley WATER

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.

6/30/16
DATE

Wayne McDaniel
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: Wayne McQuaid

LOCATION OF PROPERTY: 207 Little Ranches Rd

LEGAL DESCRIPTION: Elite Acres Little Ranches Pt Lots 9 & 10 10.06 Ac.

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: Residential

USE TO BE GRANTED: _____ Bed & Breakfast OR Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. _____ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 2 42.3 B. # Bath 2

MAXIMUM OCCUPANCY: 4-6 guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the W/A River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCACTION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

6/30/16
DATE

Wynne McQuinn
OWNER

DATE

OWNER

Wayne & Tonya McQuaid
207 Little Ranches Road
Wimberley, TX 78676
512-557-6259 Wayne's Cell
512-557-6341 Tonya's Cell

Proposed Cabin/Property Rules

This property will be managed by a local management company, SkyRun Vacation Rentals (512-753-2626). They have two staff members who live less than 1/2 mile from this property. One of which drives past our property multiple times per day. They employ a customer service representative who is available 24 hours a day, 7 days a week. We will provide all of our neighbors with SkyRun contact info, as well as our own.

My wife Tonya (Danforth teacher) and I have lived and worked in Wimberley nearly 20 years and plan continue living here and to be members of this community. I grew up coming here as a kid and my family had owned property here dating back to the early 70's.

There will be wireless cameras installed to monitor the property. The entire 10 acre property is fully perimeter fenced and there is an electric gate to the property with an electric keypad. The code will only be given to guests and will be changed periodically.

An electronic wi-fi compatible door lock will be installed that will monitor all activity from guests, cleaning agents, contractors, etc., entering the home. The code to this front door lock will be unique to each guest and will cease to work at the end of each guests stay.

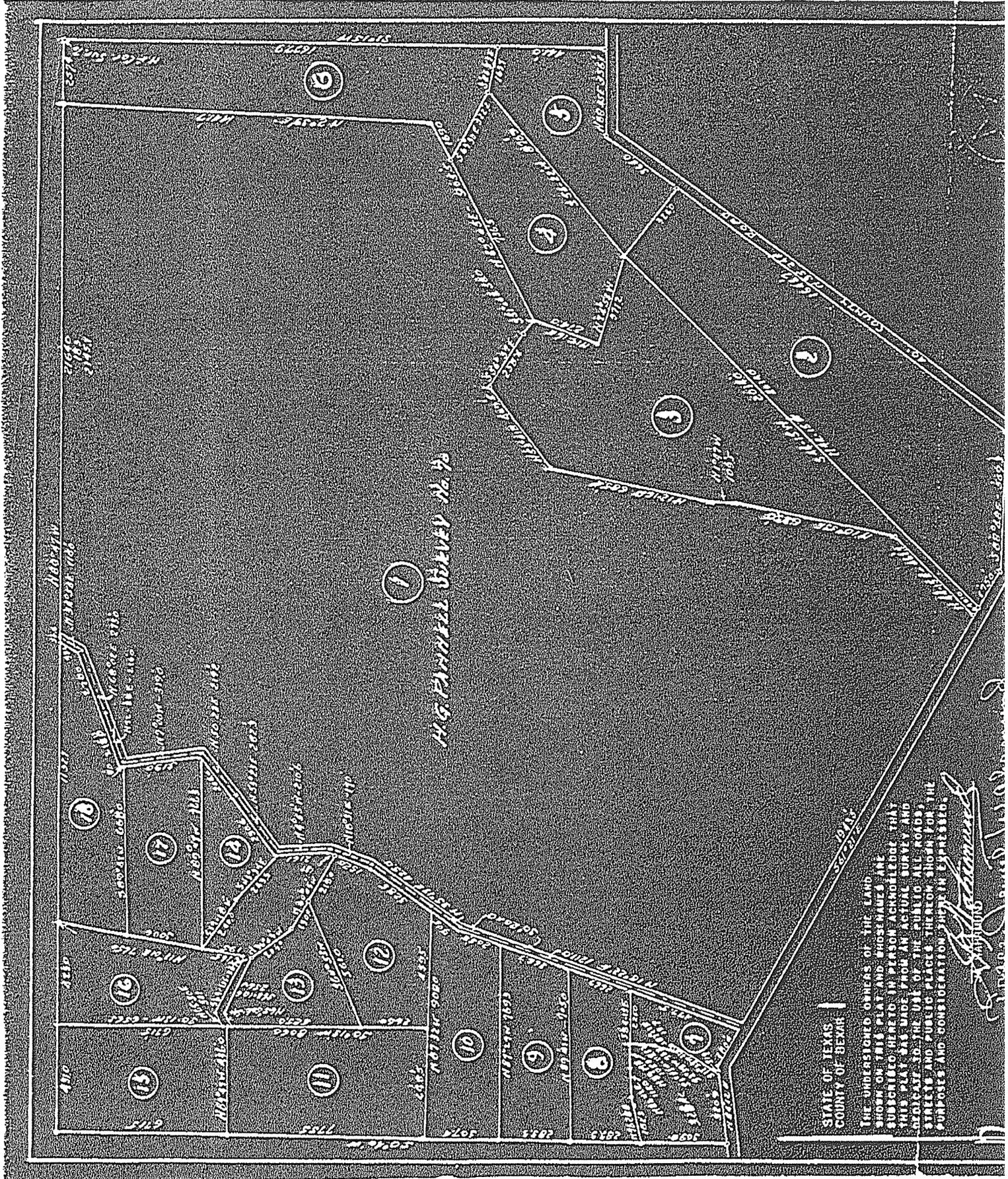
The home on the property is a 2 bedroom, 2 bath log cabin with an outstanding view and loads of Wimberley charm. I believe it will be a wonderful representation of what it means to live in Wimberley. According to the City of Wimberley's Environmental Health Inspector, Kyle DeHart, it will accommodate 3 guests and we have ample parking.

Policies: Please treat our home with the care you would at your own home and abide by following policies:

1. Behave as you would in any home in which you live, with respect for property and neighbors.
2. You must be over the age of 25 to rent the property.
3. There will be a noise curfew from 10pm until 8am. No parties.
4. No pets are allowed unless specific arrangements have been made.
5. No fireworks or outdoor fires allowed at any time.
6. No smoking is allowed in or around the home or anywhere on the property, period.
7. Check-in time is 4pm and check-out time is 11am.
8. Please use common courtesy at the home by keeping it clean, reporting any problems or damages, washing dishes as used, taking garbage to the outside bins, leaving towels in the bathrooms and sheets in the bedrooms, and not re-arranging furniture.
9. Maintenance and Access: We have the right to enter the home at any time during guest stay and we will diligently attempt to address maintenance issues as they occur.

Signature:

Email:

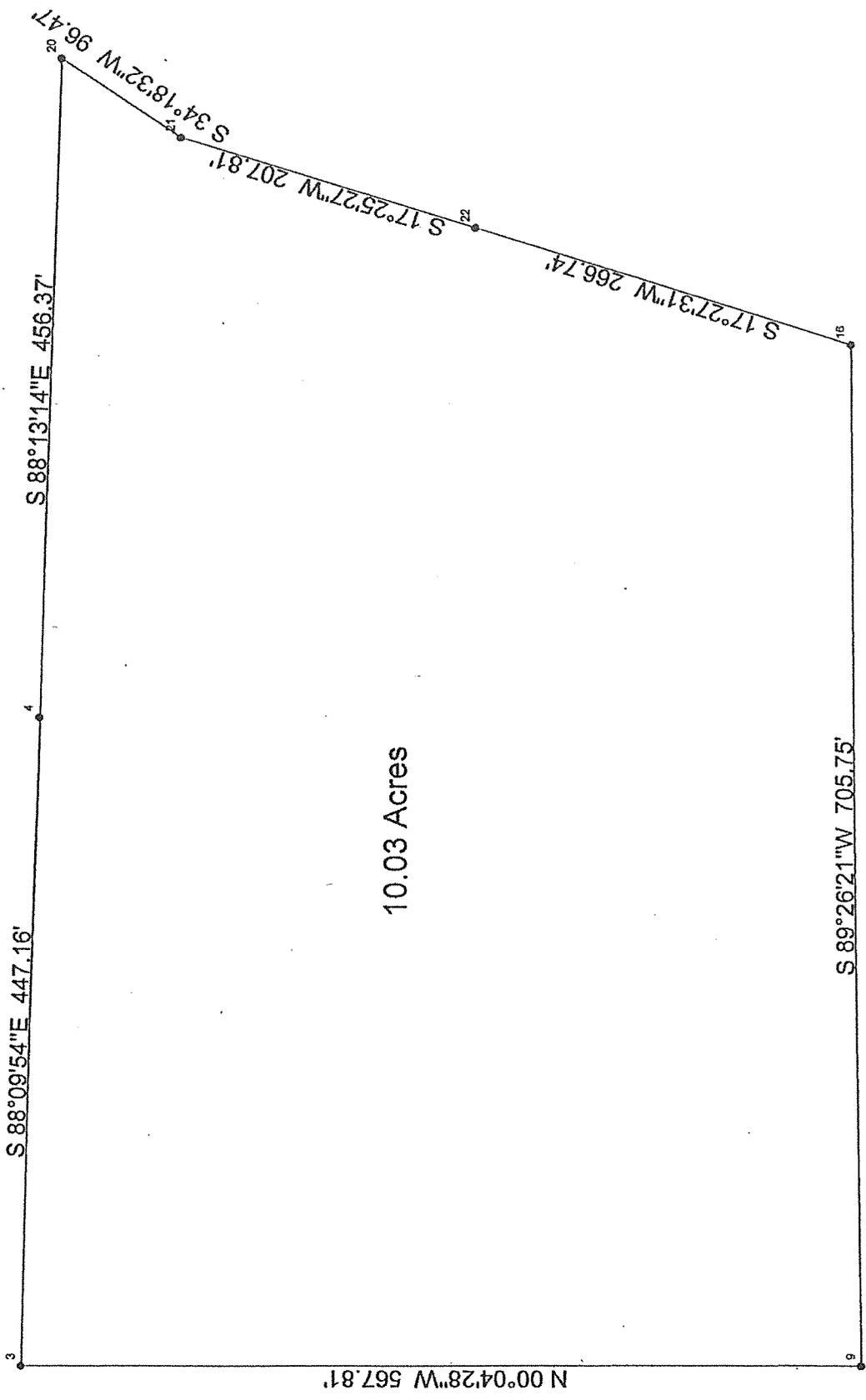


H. G. HARRIS SURVEY No. 25

STATE OF TEXAS
COUNTY OF BEXAR

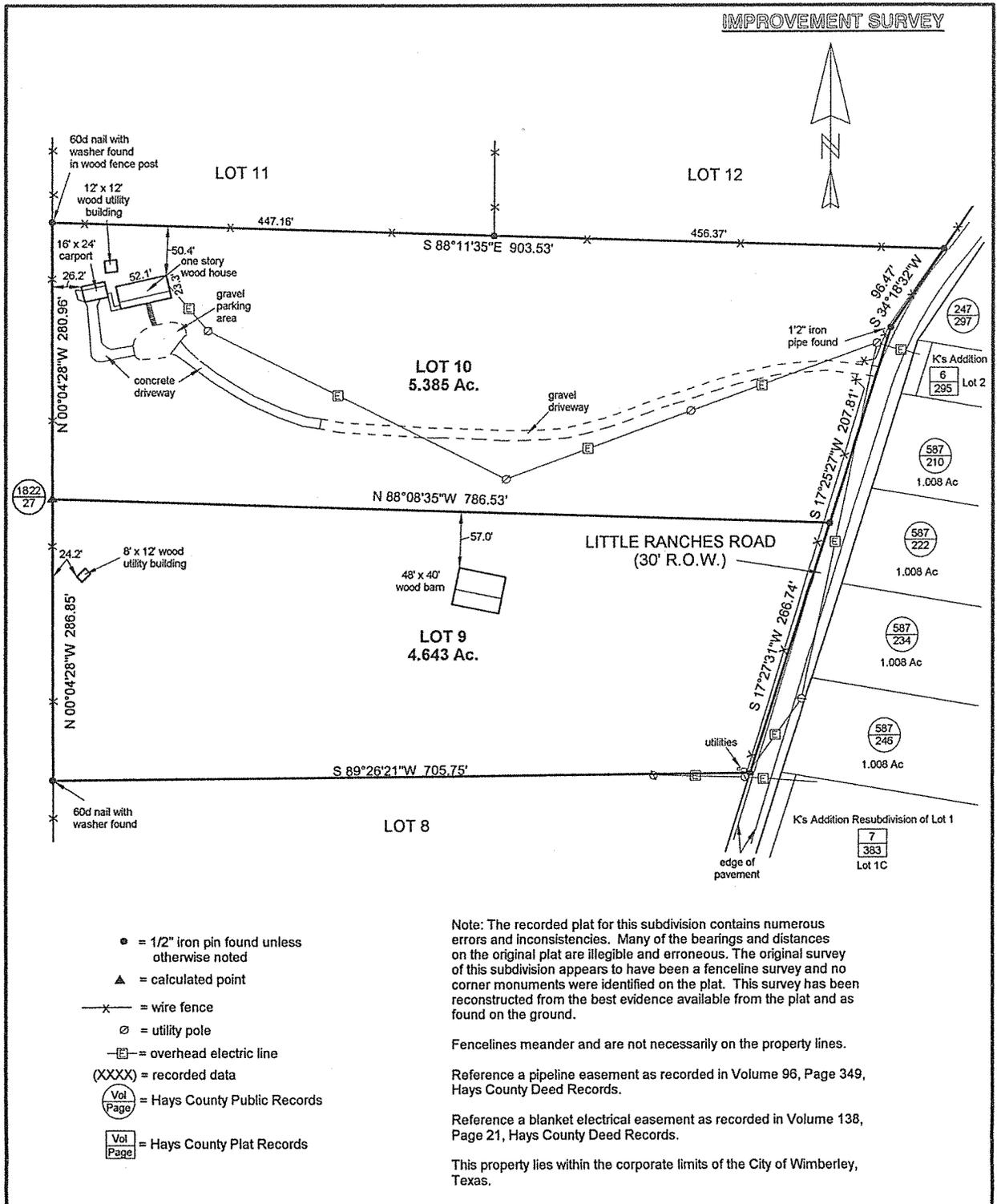
THE UNDESIGNED AREAS OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAMES ARE SUBSCRIBED HERETO IN PERSON ACKNOWLEDGE THAT THIS PLAN WAS MADE FROM AN ACTUAL SURVEY AND IS ADAPTED TO THE USE OF THE PUBLIC HIGHWAYS, STREETS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION SPECIFIED IN EXPRESSSES.

[Handwritten Signature]



10.03 Acres

IMPROVEMENT SURVEY



- = 1/2" iron pin found unless otherwise noted
- ▲ = calculated point
- x— = wire fence
- = utility pole
- = overhead electric line
- (XXXX) = recorded data
- ⓧ = Hays County Public Records
- ⓧ = Hays County Plat Records

Note: The recorded plat for this subdivision contains numerous errors and inconsistencies. Many of the bearings and distances on the original plat are illegible and erroneous. The original survey of this subdivision appears to have been a fence line survey and no corner monuments were identified on the plat. This survey has been reconstructed from the best evidence available from the plat and as found on the ground.

Fencelines meander and are not necessarily on the property lines.
 Reference a pipeline easement as recorded in Volume 96, Page 349, Hays County Deed Records.
 Reference a blanket electrical easement as recorded in Volume 138, Page 21, Hays County Deed Records.
 This property lies within the corporate limits of the City of Wimberley, Texas.

Copyright © 2012 Eagle Land Surveying. All rights reserved.

CLIENT: Wayne McQuaid	This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.	DATE: July 2, 2012 SCALE: 1" = 100' LILWAYNE.ZAK
-----------------------	--	--

LEGAL DESCRIPTION: All of Lots 9 and 10, FLITE ACRES LITTLE RANCHES, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 165, Page 285, Deed Records of Hays County, Texas.	Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0355 F, dated September 2, 2005.	
ADDRESS: 207 Little Ranches Road, Wimberley, Texas 78676		

<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, on June 12, 2012 and there are no visible or apparent encroachments upon this property, except as shown hereon. <p>Clyde Barroso, R.P.L.S. #5404, State of Texas</p>	JOB NUMBER: 12-091 jj
--	--	-----------------------

Cara McPartland

From: Aaron Scott SkyRun
Sent: Wednesday, August 03, 2016 2:35 PM
To: Don Ferguson; Cara McPartland
Cc: Aaron Scott
Subject: Support for Wayne McQuaid's Cup

Don and Cara,

I own two properties (1851 and 1861 Flite Acres Road) down the hill from Wayne's house. In fact there's only one property that separates his from mine. I fully support Wayne's CUP.

Please reach out to me if you need me elaborate further.

Thank you

Aaron Scott
512.753.2626=

Cara McPartland

From: Don Ferguson [dferguson@cityofwimberley.com]
Sent: Monday, August 08, 2016 4:48 PM
To: Cara McPartland
Subject: FW: Wayne Mcquade cup

FYI

On 8/8/16 3:58 PM, "Phil Collins" [REDACTED] wrote:

>Don/Mac,
>I know Wayne M has a cup request coming up at his property on little
>ranches. I own the 33 acres that bounds the entire back side of his
>property. I have no issue with this. His place is really private, so no
>impact to me. I am out of town and will not make the meetings.

>

>Sent from my iPhone

>

>Phil Collins

>M. 713-208-7145

>[REDACTED]

207 Little Ranches Rd, Wimberley, Texas, USA

- Save
- Share
- Print
- Measure
- Bookmarks

Map navigation controls: + (Zoom In), Home (Home), - (Zoom Out)

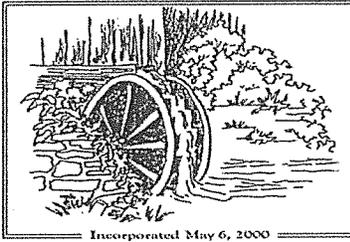


(1 of 2)

District
RA

Zoom to





City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor - John D. White, Mayor Pro-Tem
Council Members - Bob Dussler, Craig Fore, Sally Trapp & Gary Barchfeld
City Administrator - Don Ferguson

July 7, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-019**
207 Little Ranches Road, Wimberley, Texas

Dear Property Owner:

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

The applicant, Wayne McQuaid, has applied for a Conditional Use Permit to allow for a vacation rental facility on property zoned Residential Acreage (RA) located at 207 Little Ranches Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 11, 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, August 18, 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 207 Little Ranches (R27701):

R27704

Mitchell J. McKinney
135 Panther Crossing
Wimberley, TX 78676

R27702 (261 Panther Crossing)

Randall Q. Smith
13806 Menasco Ct.
Houston, TX 77077

R17300

Phillip Alan Collins
106 Oak Terrace Dr.
Wimberley, TX 78676-5434

R116266

David W. & Andrea Kay Lipinski
111 Little Ranches Rd.
Wimberley, TX 78676-5750

R88237 (110 Little Ranches)

Michael J. & Deborah P. Harrison, Trustees
248 Clark Dr.
San Mateo, CA 94402

R88238 (112 Little Ranches)

Michael G. Elsner, Jr. & Martha Elsner
350 Hoots Holler
Wimberley, TX 78676-5764

R27695 (200 Little Ranches)

Tony Partners LP
2400 Vista Ln.
Austin, TX 78703

R27694/27693/27692 (202/206/204 Little Ranches)

Blanco 1 Partners LP
2400 Vista Ln.
Austin, TX 78703

R27690 (400 Little Ranches)

Kenneth Austin Belote & Beverly Hall Belote
700 Little Ranches Rd.
Wimberley, TX 78676-5718

Advertising Receipt

Ad 30734

San Marcos Daily Record

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

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

Customer: RA0684
 Phone: 847-0025
 Ad No.: 30734
 Date: 07/01/16
 Sales Rep: Barker, Taffy

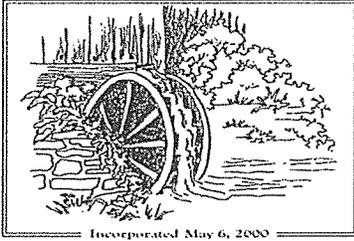
Legals	Publication	First Date	Last Date	Days	Cost
NOTICE OF PUBLIC HEARING (Conditional Use Permit)	Wimberley Legal Classifieds	07/07/16	07/07/16	1	\$63.18

Total Days: 1

Total Cost: \$63.18

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, **August 11, 2016** at **6:00 p.m.** to consider the following: CUP-16-019 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental facility on property zoned Residential Acreage (RA) located at 207 Little Ranches Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, **August 18, 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.

Payment Type:	Payment Date:	Payment Amount:
Check/Card No.	Other Credits:	Amount Due: \$63.18



City of Wimberley

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

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

E-mail: www.cityofwimberley.com; www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-019

Owner _____

Date 7/7/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 207 Little Ranches

which is located Little Ranches

Bill Bowers
Asst. Public Works

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

7/7/16, 2016

Bill Bowers
Signature

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WAYNE MCQUAID TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 207 LITTLE RANCHES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), 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 Wayne McQuaid (“Applicant”) requesting authorization to operate a vacation rental facility on real property, described as Flite Acres Little Ranches Pt Lts 9 & 10, zoned Residential Acreage (RA); and

WHEREAS, a vacation rental facility is an authorized use in areas zoned Residential Acreage (RA) 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 vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 Wayne McQuaid (“Applicant”) for use as a vacation rental facility on real property, described as Flite Acres Little Ranches Pt Lts 9 & 10, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Residential Acreage (RA), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.

11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be three (3) people.

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 18th day of August, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

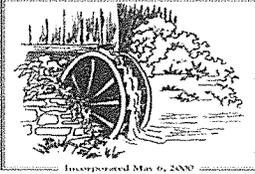
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE ESTABLISHING A "SUNSET REVIEW" PROCESS FOR CONDITIONAL USE PERMITS

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to hold a public hearing and consider adoption of the first reading of an ordinance establishing a "sunset" review for all future Conditional Use Permits ("CUP") granted.

According to the proposed ordinance, all future CUPs would be reviewed two (2) years after they are granted. If no progress has been made toward the completion of the project described by a CUP, the CUP shall expire two (2) years from the effective date of the ordinance authorizing the CUP.

Currently, there is no review provision in place for CUPs.

The Planning and Zoning Commission held a public hearing on the proposed ordinance on August 11, 2016. Following hearing, the Commission voted unanimously to recommend approval of the subject ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTERS 155.105 (CONDITIONAL USES) AND 155.077 (DEVELOPMENT PLAN REVIEW), SECTION (E) (APPROVAL PROCESS), SUBSECTION (2) (EFFECT OF DEVELOPMENT PLAN APPROVAL) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO PROVIDE AN EXPIRATION DATE FOR UNUSED CONDITIONAL USE PERMITS; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

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

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, 211, and 213; and

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

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City’s official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing;

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

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendments.

A. Title XV (Land Usage), Chapter 155 (Zoning), Subchapter 155.105 (Conditional Use Permits) of the City of Wimberley Code of Ordinances is hereby amended as follows:

“§ 155.105 CONDITIONAL USE PERMITS.

(A) *Conditional uses.*

(1) The purpose of the CUP, conditional use permit, process is to allow certain uses which are not specified, permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under “conditional uses” within the specific zoning district. Possible conditional uses, if any, are listed in each zoning district.

(2) The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the city, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a CUP. As a zoning action, issuance of a CUP shall only apply to real property (such as shall not be attached to any person, business entity, or the like)-and shall not be transferred from one property to another (such as shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the CUP (such as change the zoning to remove the CUP, with appropriate public notification, public hearing, and the like).

(3) A zoning application for a CUP shall be accompanied by a metes and bounds description and a survey or scale drawing showing the property for which the CUP is being requested, and by a development plan (see § 155.077) 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 200 feet. The city shall make available application forms specifying drawing requirements. The Director or his or her designee, the Planning and Zoning Commission, or the City Council may require additional information or drawings (such as building floor plans), operating data, and expert evaluation or testimony concerning the location, function, and characteristics of any building or use proposed. The development plan shall be reviewed and approved along with the CUP zoning application, and in accordance with § 155.077 of this code.

(B) *Conditional use permit regulations.*

.....

~~(3) No conditional use permit shall be granted unless the applicant, owner, and grantee of the conditional use permit shall be willing to accept and agree to be bound by and~~

comply with the written requirements or conditions of the conditional use permit, as incorporated into the amending ordinance establishing the CUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.(4) A building permit or certificate of occupancy shall be applied for and secured within 1 year from the time of granting the conditional use permit; provided, however, that the City Council may authorize 1 extension of 1 additional year. After the 1 year period (and the 1 year extension, if it has been granted by the City Council) has elapsed, the Planning and Zoning Commission and the City Council may review the development plan for continued validity and compliance. If the development plan is determined to be invalid or no longer viable, then the applicant and property owner(s) must submit a new or revised development plan for approval prior to any construction or to application for a building permit for the area designated for the conditional use permit. The new development plan must be resubmitted for review and approval in accordance with § 155.077 of this code. If building construction or use of a CUP has not commenced within a reasonable amount of time after 1 year, then the City Council, at its option, may initiate proceedings to rescind the CUP for lack of use. In the event that no progress has been made toward the completion of the project described by a CUP, the CUP shall expire two years from the effective date of the ordinance authorizing the CUP. No development right, if any, shall vest in a CUP that has expired or is no longer valid.

...”

B. Title XV (Land Usage), Chapter 155 (Zoning), Subchapter 155.077 (Development Plan Review), Section (E) (Approval Process), Subsection (2) (Effect of Development Plan Approval) of the City of Wimberley Code of Ordinances is hereby amended as follows:

“(3) *Effect of development plan approval.* If development of a property with an approved development plan has not commenced (such as a building permit has not been applied for or issued) within ~~1 year~~ two years of the date of final City Council approval of the development plan, then the development plan shall be deemed to have expired. ~~Resubmission of the development plan following expiration as described herein shall be in accordance with development plan submission and review procedures then in effect and shall be accompanied by all required items and information, including payment of filing fees, and reconsideration of the development plan shall take into account all changes to applicable ordinances which may have occurred since prior approval of the development plan. No development interest, if any, shall vest in an expired development plan.~~”

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 4. 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.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the

part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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, Texas Government Code.

PASSED AND APPROVED this _____ day of _____, 2016, by a vote of _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Hershel "Mac" McCullough, Mayor

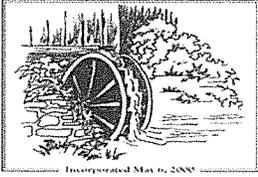
ATTEST:

Don Ferguson, City Administrator

APPROVED AS TO FORM:

Catherine Fryer, City Attorney

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING PROPOSED ORDINANCE MODIFYING THE CITY OF WIMBERLEY'S REQUIREMENTS RELATING TO THE KEEPING OF CHICKENS

Commission Action Requested:

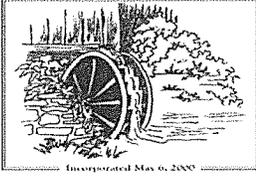
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to discuss and consider possible approval of an ordinance amending the City's requirements relating to the keeping of chickens.

A copy of the proposed ordinance will be presented to City Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION ON A PROPOSAL TO INITIATE PROCEEDINGS NECESSARY TO IMPOSE A NINETY (90) DAY MORATORIUM ON THE APPROVAL OF NEW VACATION RENTAL AND BED AND BREAKFAST OPERATIONS IN THE CITY

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 action initiating the proceedings necessary to impose a moratorium on the issuance of building permits, business licenses, conditional use permits and certificates of occupancy to be used for the construction or operation of vacation rental and bed and breakfast facilities in the Wimberley.

At the August 4, 2016, meeting of City Council, several council members expressed interest in declaring a ninety (90) day moratorium to give the Council an opportunity to examine and address concerns relating to the growing number of short-term rental facilities in the city. Below is the proposed schedule for enacting such a moratorium:

- Thursday, Aug. 18 Council votes to initiate moratorium process
- Thursday, Aug. 25 City publishes notice of public hearings
- Monday, Aug. 29 Public hearing before P&Z
- Thursday, Sept. 1 Public hearing before City Council
City Council considers 1st reading of moratorium ordinance. 90-day moratorium automatically goes into effect (moratorium is temporary until council passes ordinance on 2nd reading)
- Monday, Sept. 5 City Council adopts moratorium ordinance on 2nd reading
- Wednesday, Nov. 30 Expiration of 90-day moratorium

To move forward with the above-mentioned schedule, City Council action is needed to direct City staff to initiate the necessary proceedings.

SUBCHAPTER E. MORATORIUM ON PROPERTY DEVELOPMENT IN CERTAIN
CIRCUMSTANCES

Sec. 212.131. DEFINITIONS. In this subchapter:

(1) "Essential public facilities" means water, sewer, or storm drainage facilities or street improvements provided by a municipality or private utility.

(2) "Residential property" means property zoned for or otherwise authorized for single-family or multi-family use.

(3) "Property development" means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

(4) "Commercial property" means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 1, eff. September 1, 2005.

Sec. 212.132. APPLICABILITY. This subchapter applies only to a moratorium imposed on property development affecting only residential property, commercial property, or both residential and commercial property.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.133. PROCEDURE FOR ADOPTING MORATORIUM. A municipality may not adopt a moratorium on property development unless the municipality:

(1) complies with the notice and hearing procedures prescribed by Section 212.134; and

(2) makes written findings as provided by Section 212.135, 212.1351, or 212.1352, as applicable.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.134. NOTICE AND PUBLIC HEARING REQUIREMENTS. (a) Before a moratorium on property development may be imposed, a municipality must conduct public hearings as provided by this section.

(b) A public hearing must provide municipal residents and affected parties an opportunity to be heard. The municipality must publish notice of the time and place of a hearing in a newspaper of general circulation in the municipality on the fourth day before the date of the hearing.

(c) Beginning on the fifth business day after the date a notice is published under Subsection (b), a temporary moratorium takes effect. During the period of the temporary moratorium, a municipality may stop accepting permits, authorizations, and approvals necessary for the subdivision of, site planning of, or construction on real property.

(d) One public hearing must be held before the governing body of the municipality. Another public hearing must be held before the municipal zoning commission, if the municipality has a zoning commission.

(e) If a general-law municipality does not have a zoning commission, two public hearings separated by at least four days must be held before the governing body of the municipality.

(f) Within 12 days after the date of the first public hearing, the municipality shall make a final determination on the imposition of a moratorium. Before an ordinance adopting a moratorium may be imposed, the ordinance must be given at least two readings by the governing body of the municipality. The readings must be separated by at least four days. If the municipality fails to adopt an ordinance imposing a moratorium within the period prescribed by this subsection, an ordinance imposing a moratorium may not be adopted, and the temporary moratorium imposed under Subsection (c) expires.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Sec. 212.135. JUSTIFICATION FOR MORATORIUM: SHORTAGE OF ESSENTIAL PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on property development, the moratorium is justified by demonstrating a need to prevent a shortage of essential public facilities. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:

(1) evidence demonstrating the extent of need beyond the estimated capacity of existing essential public facilities that is expected to result from new property development, including identifying:

(A) any essential public facilities currently operating near, at, or beyond capacity;

(B) the portion of that capacity committed to the development subject to the moratorium; and

(C) the impact fee revenue allocated to address the facility need; and

(2) evidence demonstrating that the moratorium is reasonably limited to:

(A) areas of the municipality where a shortage of essential public facilities would otherwise occur; and

(B) property that has not been approved for development because of the insufficiency of existing essential public facilities.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1351. JUSTIFICATION FOR MORATORIUM: SIGNIFICANT NEED FOR PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) Except as provided by Section 212.1352, a moratorium that is not based on a shortage of essential public facilities is justified only by demonstrating a significant need for other public facilities, including police and fire facilities. For purposes of this subsection, a significant need for public facilities is established if the failure to provide those public facilities would result in an overcapacity of public facilities or would be detrimental to the health, safety, and welfare of the residents of the municipality. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:

(1) evidence demonstrating that applying existing development ordinances or regulations and other applicable laws is inadequate to prevent the new development from causing the overcapacity of municipal infrastructure or being detrimental to the public health, safety, and welfare in an affected geographical area;

(2) evidence demonstrating that alternative methods of achieving the objectives of the moratorium are unsatisfactory; and

(3) evidence demonstrating that the municipality has approved a working plan and time schedule for achieving the objectives of the moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1352. JUSTIFICATION FOR COMMERCIAL MORATORIUM IN CERTAIN CIRCUMSTANCES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on commercial property development that is not based on a demonstrated shortage of essential public facilities, the municipality must issue written findings based on reasonably available information that the moratorium is justified by demonstrating that applying existing commercial development ordinances or regulations and other applicable laws is inadequate to prevent the new development from being detrimental to the public health, safety, or welfare of the residents of the municipality.

(b) The written findings must include a summary of:

(1) evidence demonstrating the need to adopt new ordinances or regulations or to amend existing ordinances, including identification of the harm to the public health, safety, or welfare that will occur if a moratorium is not adopted;

(2) the geographical boundaries in which the moratorium will apply;

(3) the specific types of commercial property to which the moratorium will apply; and

(4) the objectives or goals to be achieved by adopting new ordinances or regulations or amending existing ordinances or regulations during the period the moratorium is in effect.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.136. EXPIRATION OF MORATORIUM; EXTENSION. A moratorium adopted under Section 212.135 or 212.1351 expires on

the 120th day after the date the moratorium is adopted unless the municipality extends the moratorium by:

- (1) holding a public hearing on the proposed extension of the moratorium; and
- (2) adopting written findings that:
 - (A) identify the problem requiring the need for extending the moratorium;
 - (B) describe the reasonable progress made to alleviate the problem; and
 - (C) specify a definite duration for the renewal period of the moratorium.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1361. NOTICE FOR EXTENSION REQUIRED. A municipality proposing an extension of a moratorium under this subchapter must publish notice in a newspaper of general circulation in the municipality not later than the 15th day before the date of the hearing required by this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1362. EXPIRATION OF MORATORIUM ON COMMERCIAL PROPERTY IN CERTAIN CIRCUMSTANCES; EXTENSION. (a) A moratorium on commercial property adopted under Section 212.1352 expires on the 90th day after the date the moratorium is adopted unless the municipality extends the moratorium by:

- (1) holding a public hearing on the proposed extension of the moratorium; and
- (2) adopting written findings that:

(A) identify the problem requiring the need for extending the moratorium;

(B) describe the reasonable progress made to alleviate the problem;

(C) specify a definite duration for the renewal period of the moratorium; and

(D) include a summary of evidence demonstrating that the problem will be resolved within the extended duration of the moratorium.

(b) A municipality may not adopt a moratorium on commercial property under Section 212.1352 that exceeds an aggregate of 180 days. A municipality may not adopt a moratorium on commercial property under Section 212.1352 before the second anniversary of the expiration date of a previous moratorium if the subsequent moratorium addresses the same harm, affects the same type of commercial property, or affects the same geographical area identified by the previous moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.137. WAIVER PROCEDURES REQUIRED. (a) A moratorium adopted under this subchapter must allow a permit applicant to apply for a waiver from the moratorium relating to the property subject to the permit by:

(1) claiming a right obtained under a development agreement; or

(2) providing the public facilities that are the subject of the moratorium at the landowner's cost.

(b) The permit applicant must submit the reasons for the request to the governing body of the municipality in writing. The governing body of the municipality must vote on whether to grant the waiver request within 10 days after the date of receiving the written request.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.138. EFFECT ON OTHER LAW. A moratorium adopted under this subchapter does not affect the rights acquired under Chapter 245 or common law.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Sec. 212.139. LIMITATION ON MORATORIUM. (a) A moratorium adopted under this subchapter does not affect an application for a project in progress under Chapter 245.

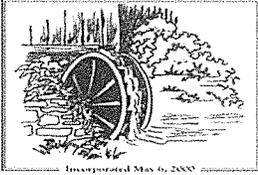
(b) A municipality may not adopt a moratorium under this subchapter that:

(1) prohibits a person from filing or processing an application for a project in progress under Chapter 245; or

(2) prohibits or delays the processing of an application for zoning filed before the effective date of the moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE POSSIBLE ADDITION OF A SECOND EFFLUENT STORAGE TANK FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

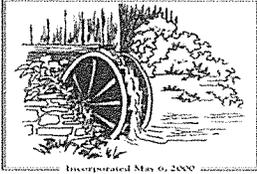
This item was placed on the agenda by Mayor Mac McCullough to allow the City Council to discuss and consider action regarding the possible addition of a second effluent storage tank for the Central Wimberley Wastewater Project.

Current plans for the wastewater project call for there to be one (1) 500,000 gallon effluent storage tank where effluent would be stored when the City is unable to irrigate designated areas in the Blue Hole Regional Park. When the tank is full and it's still too wet to irrigate, the City would discharge effluent.

At its July 11th workshop, City Council discussed the possible addition of a second effluent storage tank to reduce the potential of effluent discharge in extremely wet times.

The estimated engineering cost for a second 500,000 gallon effluent storage tank would be \$18,000. The probable construction cost with a 20% contingency is \$420,000.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF PLANS FOR A ROADSIDE EFFLUENT IRRIGATION SYSTEM ON WINTER'S MILL PARKWAY FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

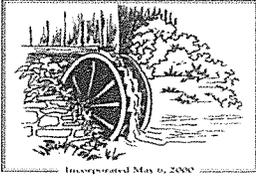
This item was placed on the agenda by Mayor Mac McCullough to allow the City Council to discuss and consider action regarding the possible development of plans for an effluent irrigation system along the roadside of Winter's Mill Parkway for the Central Wimberley Wastewater Project.

In addition to irrigating designated areas of the Blue Hole Regional Park with treated effluent from the wastewater project, plans call for the development of an effluent reuse system in the service area of the planned wastewater project.

As an alternative to the development of an effluent reuse system in the service area, City Council at its July 11th workshop discussed the possible development of a roadside effluent irrigation system on Winter's Mill Parkway.

The estimated engineering cost for a roadside effluent irrigation system on Winters Mill Parkway is \$72,000. The probable construction cost with a 20% contingency is \$770,000.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING MATTERS STEMMING FROM THE AUGUST 16TH MEETING BETWEEN REPRESENTATIVES OF AQUA TEXAS AND THE CITY OF WIMBERLEY REGARDING WASTEWATER

Commission Action Requested:

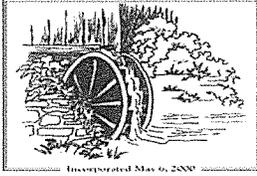
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding matters stemming from the August 16th meeting between representatives of Aqua Texas and the City of Wimberley regarding the potential provision of various wastewater services in the Wimberley.

No further background was provided on this agenda item.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO CONTRACT WITH RAFTELIS FINANCIAL CONSULTING TO DEVELOP VARIOUS FEES AND RATES FOR THE CENTRAL WIMBERLEY WASTEWATER SYSTEM

Commission Action Requested:

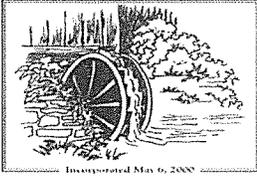
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding a proposal to contract with Raftelis Financial Consulting of Austin, Texas to develop various fees and rates for the Central Wimberley Wastewater System.

At the time of production of the agenda packet, City staff was wrapping up work on a proposal with the rate consultant to present to City Council. Once complete, the proposal will be presented to City Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION
AWARDING A CONTRACT FOR THE LA BUENA VISTA
DRIVE PAVEMENT OVERLAY PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

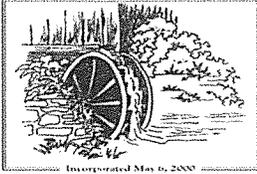
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action awarding a contract for the *La Buena Vista Drive Pavement Overlay Project*.

In late July, the City of Wimberley issued a call for bids on the subject project which involves some milling and drainage work and along with the asphalt overlay of a portion of La Buena Vista Drive between La Pais and Las Flores Drive. The deadline for submission of bids is Friday, August 12th.

Following the bid opening, City staff will evaluate the bids received and recommend a vendor for contract award at the Council meeting.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION
AUTHORIZING CITY STAFF TO SEEK CONSTRUCTION BIDS
FOR THE RIVER ROAD RIVERBANK RESTORATION
PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

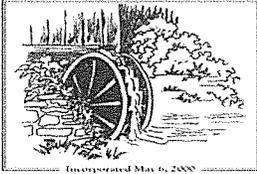
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action authorizing City staff to seek construction bids for the River Road Riverbank Restoration Project.

In the May 2015 flood, two (2) large sections of the shoulder on River Road, east of Wayside Drive, were eroded. The City contracted with an engineer to develop a plan for repairing the damaged shoulder. The proposed design involves the construction of a cast concrete retaining wall on one of the damaged sections and the construction of a curb with concrete riprap on the other damaged section of shoulder. With the design work complete, City staff is ready to seek construction bids for the planned repairs.

City staff is recommending City Council authorize bidding of the referenced flood repair project. Funding for the repair project will come from the City's road and bridge insurance policy.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION AUTHORIZING FURTHER STEPS TO BE TAKEN BY THE CITY OF WIMBERLEY RELATING TO THE EXECUTION OF SEWER EASEMENTS FOR THE PROVISION OF WASTEWATER SERVICE FROM AQUA TEXAS FOR PROPERTIES ON MILL RACE LANE

Council Action Requested:

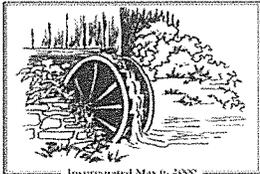
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss and consider action authorizing further steps to be taken by the City relating to the execution of sewer easements for the provision of wastewater service from Aqua Texas for properties on Mill Race Lane.

No further background information was provided for this item.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 2016

Project/Proposal Title: CONSIDER ACTION ON ISSUES RELATING TO THE DEVELOPMENT OF THE FY 2017 BUDGET FOR THE CITY OF WIMBERLEY

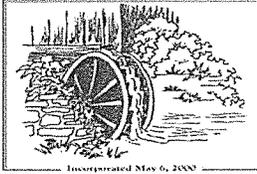
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action on various issues relating to the development of the Fiscal Year 2017 Budget for the City of Wimberley.

City Council Agenda Form



Date Submitted: August 11, 2016

Agenda Date Requested: August 18, 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.