

# 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**  
**THURSDAY, FEBRUARY 15, 2018 – 6:00 P.M.**

## **AGENDA**

1. **CALL TO ORDER** February 15, 2018 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**

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

6. **PROCLAMATION**

Proclamation of the City Council of the City of Wimberley, Texas declaring Monday, February 22, 2018, as President George Washington Day in Wimberley, Texas.  
*(William Hightower Chapter of the Sons of the American Revolution)*

7. **PRESENTATIONS AND POSSIBLE ACTION**

- A. Presentation and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2017. *(Armstrong, Vaughn & Associates, P.C.)*
- B. Presentation and consider possible action regarding the proposed Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park on May 19,

2018. (*Wimberley Valley Radio*)

## **8. EXECUTIVE SESSION**

*In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.*

- A. Executive Session pursuant Section 551.074 of the Texas Government Code for Personnel Matters regarding continuation of responsibilities for Interim City Administrator Paul Parker.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207<sup>th</sup> District Court, Hays County, Texas.
- C. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

## **9. CONSENT AGENDA**

*The following item/s may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council member or citizen, in which event those items will be pulled from the consent agenda for separate consideration.*

- A. Approval of minutes from the Special Called City Council Meeting held January 29, 2018.
- B. Approval of minutes from the Regular City Council Meeting held February 1, 2018.
- C. Approval of the appointment of Bobby Dettmer to the City of Wimberley Transportation Advisory Board. (*Place One Council member Steve Thurber*)

## **10. PUBLIC HEARINGS AND POSSIBLE ACTION**

- A. Hold a public hearing and consider approval regarding case CUP-18-001, an application for a Conditional Use Permit to allow for the operation of a Package Store for the sale of beer on property zoned Commercial-High Impact (C-3) for property located at 14015 RR 12, No. 1, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Tiffany Paul, Applicant*)

- B. Hold a public hearing and consider approval regarding case ZA-18-001, an application to change the zoning from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) for property located at 419 FM 2325, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Matthew Horvath, Applicant)*
- C. Hold a public hearing and consider approval of the second and final reading of an ordinance amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.091 (City Center Overlay) of the City of Wimberley Code of Ordinances; and providing for the following: delineation on zoning map; findings of fact; a savings clause; a repealing clause; severability; effective date and proper notice and meeting. *(Place Three Council member Allison Davis)*

## **11. DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action regarding the Agreement for Judicial Appointment between the City of Wimberley and Daniel M. Burns and ceremonial Oath of Office for Judge Burns. *(Interim City Administrator Paul Parker)*
- B. Discuss and consider possible action regarding Resolution No. 08-2018 appointing the law firm of Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services as City Attorney, and designating a City Attorney and Assistant City Attorneys for the City of Wimberley. *(Interim City Administrator Paul Parker)*
- C. Discuss and consider possible action to add City Administrator Shawn Cox as signatory to City of Wimberley bank accounts, effective immediately. *(Interim City Administrator Paul Parker)*
- D. Discuss and consider possible action to remove Interim City Administrator Paul Parker as signatory to the City of Wimberley bank accounts, effective March 1, 2018. *(Interim City Administrator Paul Parker)*
- E. Discuss and consider possible action regarding the creation of a twenty hour part-time Public Works Assistant position for the City of Wimberley. *(Interim City Administrator Paul Parker)*
- F. Discuss and consider possible action regarding Resolution No. 09-2018 adopting 2018 Hays County, Texas Hazard Mitigation Plan 2017. *(Interim City Administrator Paul Parker)*
- G. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. *(Deanna Ayres/The Salty German, Applicant)*

**12. HOTEL OCCUPANCY TAX**

- A. Consider approval of the first reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective April 1, 2018. *(Place One Council member Steve Thurber)*
  
- B. Discuss and consider possible action regarding the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation. *(Place One Council member Steve Thurber)*
  
- C. Consideration and action regarding Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund. *(Interim City Administrator Paul Parker)*
  
- D. Discuss and consider possible action to award the proposal to MindEcology for the destination and advertising campaign for the City of Wimberley. *(Interim City Administrator Paul Parker)*

**13. CITY COUNCIL REPORTS**

- A. Announcements
  
- B. Future agenda items

**ADJOURNMENT**

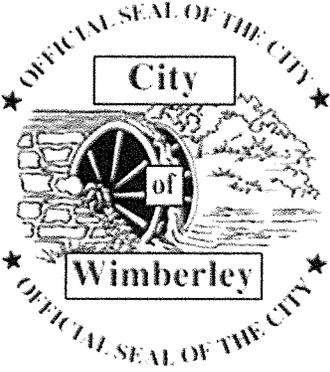
The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas 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 Monday, February 12, 2018, by 5:00 p.m.

Laura J. Calcote  
Laura J. Calcote, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Laura Calcote, City Secretary, 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.



## LEWIS M. SMITH

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P.O. Box 2231  
Wimberley, TX 78676  
[512] 847-1600  
LSranchsalt@gmail.com

January 26, 2018

Paul Parker, Interim City Administrator  
City of Wimberley  
P.O. Box 2027  
Wimberley, TX 78676

Re: Presentation of George Washington Day Proclamation

Att:

- Proposed Proclamation
- Photo of Proclamation presentation at 2/18/16 City Council meeting

Dear Mr. Parker:

In behalf of the William Hightower chapter of the Sons of the American Revolution, I'm writing to request the City proclaim Feb. 22 as George Washington Day at the council meeting set for Feb. 15.

A similar proclamation was presented by Mayor Thurber at the 2/18/16 meeting, and, again, if approved by the City, SAR representatives could be present at the presentation of a proclamation – most likely at the Feb. 15 meeting.

Sincerely,

Sincerely,

Lewis M. Smith

# PROCLAMATION

## CITY OF WIMBERLEY, TEXAS

**WHEREAS**, the United States of America was established following the War of Revolution from 1776 to 1783, a war won through the brilliant and courageous leadership of George Washington, revered Father of our Nation; and

**WHEREAS**, George Washington, who lived from 1732 to 1799, mobilized the Continental Army and led the American colonies against the most powerful country in the world, finally defeating the British at the famous battle of Yorktown, Virginia; and

**WHEREAS**, this revered founder of our nation resisted the efforts of many supporters to make him a king or dictator, instead using his influence and power to support the creation and adoption of the Constitution of the United States; and

**WHEREAS**, George Washington was elected as the first President of the United States, serving two terms of office from 1789 to 1797, and through his devotion, wisdom, and vision, became the exemplar of distinguished leadership for all future presidents, and

**WHEREAS**, the William Hightower Chapter of the Sons of the American Revolution wishes to encourage all citizens to recognize the epochal contributions of George Washington to our nation by celebrating his birth on Thursday, February 22, 2018

NOW THEREFORE I, Herschel P. "Mac" McCullough, by virtue of the authority vested in me as Mayor of the City of Wimberley, do hereby proclaim George Washington's birthday as

### **PRESIDENT GEORGE WASHINGTON DAY**

And call upon all citizens to recognize and honor the brilliance, courage, and vision of the Father of our Nation and the relevance of his life to the preservation of our democracy in today's complex world.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Wimberley, Texas, 15<sup>th</sup> day of February, 2018.

# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

Project/Proposal Title: PRESENTATIONS AND POSSIBLE ACTION

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Armstrong, Vaughn & Associates, P.C. will present the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2017. City Council will have an opportunity to discuss and approve the audit.

The Wimberley Valley Radio will present the proposed Hill Country Crawfish Boil and Music Festival Event at Blue Hole Regional Park on Saturday, May 19, 2018. City Council will have an opportunity to discuss and approve the event.



### **Communication with Those Charged with Governance**

To Management, Mayor and City Council of  
City of Wimberley

We have audited the financial statements of the City of Wimberley as of and for the year ended September 30, 2017, and have issued our report thereon dated January 10, 2018. Professional standards require that we advise you of the following matters relating to our audit.

#### **Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated September 16, 2016, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City of Wimberley solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

#### **Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

#### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team and others in our firm, as appropriate, have complied with all relevant ethical requirements regarding independence.

## **Qualitative Aspects of the Entity's Significant Accounting Practices**

### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City of Wimberley is included in Note A to the financial statements. There were no new accounting policies adopted and no changes in significant accounting policies or their application during 2017.

No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are:

1. Useful lives of depreciable assets
2. Net Pension Liability assumptions for mortality rates and investment returns

We evaluated the key factors and assumptions used to develop the estimates and determined that they are reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the City of Wimberley's financial statements relate to the net pension liability.

## **Significant Difficulties Encountered during the Audit**

We encountered no difficulties in dealing with management relating to the performance of the audit.

## **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. Management corrected all identified misstatements.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. None of the misstatements identified by us as a result of our audit procedures, and corrected by management, were material, either individually or in the aggregate, to the financial statements taken as a whole. However, we did assist management in recording routine adjustments for depreciation, retirement, debt, and revenue accruals.

## **Representations Requested from Management**

We have requested certain written representations from management in a separate letter dated January 10, 2018.

## **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City of Wimberley's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

## **Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

## **Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with the City of Wimberley, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City of Wimberley's auditors.

## **Recommendations**

During audit procedures, we became aware of opportunities for improvement with the following suggestions:

### *Permit Population Control*

The City currently utilizes building permits that are not pre-numbered. It is recommended the City consider ordering pre-numbered permits to allow the City to track the population of permits issued and minimize the risk of misuse of permits. No evidence of misuse of permits was found. The City is working to implement a pre-numbered permit system in accordance with the recommendation.

Monthly Closing Procedures

The City's financial accounting software has built in modules to track accounts receivable and accounts payable that integrate into the financial statements. However, date controls on the modules may cause timing issues in the financial statements such as payables entered to closed financial statement periods. In order to strengthen the City's ability to detect and correct these errors, accounts payable and accounts receivable aging reports should be reconciled to the financial statements on a monthly basis as part of the closing process. The City is currently working with its outside financial consultant to include this as part of the monthly closing procedures.

Investment Practices

The City's investment policy requires the Administrator and Mayor to attend public funds investment act training. The interim administrator has not obtained the required training but is within the grace period. The City was unable to provide evidence that the Mayor completed required training. The City should review the investment policy and schedule training for any required individuals. Also, the City did not complete the quarterly investment reports for the second half of the year. The City should reinstitute quarterly investment reporting to the City Council as required by the City's investment policy.

Budgetary Compliance

The City's General Fund expenditures exceeded the budget by \$16,921. A budget to actual report should be monitored more closely and the budget should be amended before incurring any expenditures that exceed it.

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the information and use of the Mayor, City Council and management of the City of Wimberley and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully,



Armstrong, Vaughan & Associates, PC  
January 10, 2018



Wimberley Valley Radio, 94.1 FMLP  
Proposal: Wimberley City Council  
Subject: Seeking approval for community event at Blue Hole Park

Event: Hill Country Crawfish Boil and Music Festival  
Purpose: Fundraising event for Wimberley Valley Radio and “The Boots Campaign”, a veteran support group.  
When: Saturday May 19<sup>th</sup>  
Time: 11:00AM-10:00PM

**Scope:**

Wimberley has been the home of the annual Crawfish Boil for over 20 years. This event has become a tradition within our community and should not be abandoned because of the tragic loss of Cypress Creek Cafe.

Community radio 94.1 wishes to partner with Blue Hole Regional Park, and the City of Wimberley to continue this annual gathering for our community.

We also see an opportunity to expand and welcome a wider participation from local artist, musicians and businesses then has traditionally been the case. Bringing a wider sense of all things local to the forefront.

As a non-profit, Wimberley Valley Radio is dependent on this community for support and is dedicated to serving the community that supports us. This event has the ability to achieve both goals while highlighting one of our community’s best assets, Blue Hole Park.

The soccer field area at Blue Hole has hosted other events equal in scope to the one being proposed including attendance, parking and security. Those experiences are the basis of how this event would operate.

**Overview:(please refer to event layout attached)**

We envision a half-day musical festival with two stages, a location for numerous food vendors, a kid friendly activity area as well as an artist strand. Music would begin at noon and end at 10:00PM. Beer and wine sales would begin at noon and end at 9:00PM.

**Attendance:**

Historical data tells us that an average attendee to this event has been around one thousand. We believe this is an acceptable first year minimum but would hope for double that number as a result of marketing and promotion. Again, still in keeping with past events in this location.

#### Security:

Initial review and approval has been secured with Constable Helms and a continuing dialogue with event updates will be ongoing. A final security review and approval will be obtained within one week of event.

#### Event Parking:

Property Manager Tim Fulfer has granted initial approval, for use of the parking area at the old church. Event participants would be funneled into this area with planned overflow parking to take place at the medical center (pending approval). Shuttles will bring attendees back and forth to the festival grounds to reduce actual car traffic within the park.

In addition, provisions will be made to accommodate overflow parking for visitors to the swimming area. A designated block of parking will be reserved along the park boundary for convenient accessibility.

Parking around the soccer field would be open to those who wish to use the other aspects of the park with the exception of the rear parking area, which would be reserved for staff, volunteers and vendors.

#### Admission:

All attendees to the festival would have wristbands with color identifying permissions within the event area only.

General Adult, General Minor, Band Member or Staff/Volunteer.

Visitors to Blue Hole Park not attending the event would maintain full access to the hike and bike trails, basketball and tennis courts as well as restrooms.

#### Accessibility /Pre-Post Event:

Event Staff would need a total of two additional days May-18<sup>th</sup> - 20<sup>th</sup> for setup, teardown and cleanup. Beginning 7:00AM on Friday thru 6:00PM on Sunday, including on site security for two overnights.

#### Insurance:

Liability insurance rider will be provided in accordance with city liability requirements.

#### Volunteers:

This event we will rely on volunteers from all aspects of our community. Radio station, Leo Club, Lions club, Friends of Blue Hole and many others to staff the positions needed to assure a successful experience. Positions have been identified as well as a volunteer coordinator.

#### Structures:

Mobile/portable stages, Tents. Bicycle rack barricades for backline.

Support Vehicles:

Golf Carts/ATV's for transporting ice, food, vendors etc.

On site refrigeration truck or trailer

On site generators

On site RV-office

Note: Access corridors along the sideline area of each soccer field will be the designated paths for cart and ATV traffic. Minimizing actual driving on soccer pitch.

Bathroom Facilities:

Porta-potties will be placed at strategic points around the event at a ratio of one to one hundred.

No use of park restrooms allowed.

Medical On Site:

EMS station as well as additional aid stations will be available around event area.

Park protection and education:

Protecting the native areas of the park is always a consideration when proposing and event of this scale. In an effort to insure a "low to no" impact in these areas we hope to enlist The Friends of Blue Hole in addition to park staff to provide information and education on Best Management Practices.

KWVH 94.1 FM, Wimberley Valley Radio thanks the City Council for their consideration. Please feel free to contact us with any questions or concerns and we look forward to partnering with the City of Wimberley, Blue Hole Regional Park and our community to make this great event.

Thank you

Contacts:

Mike Crusham – Station Manager

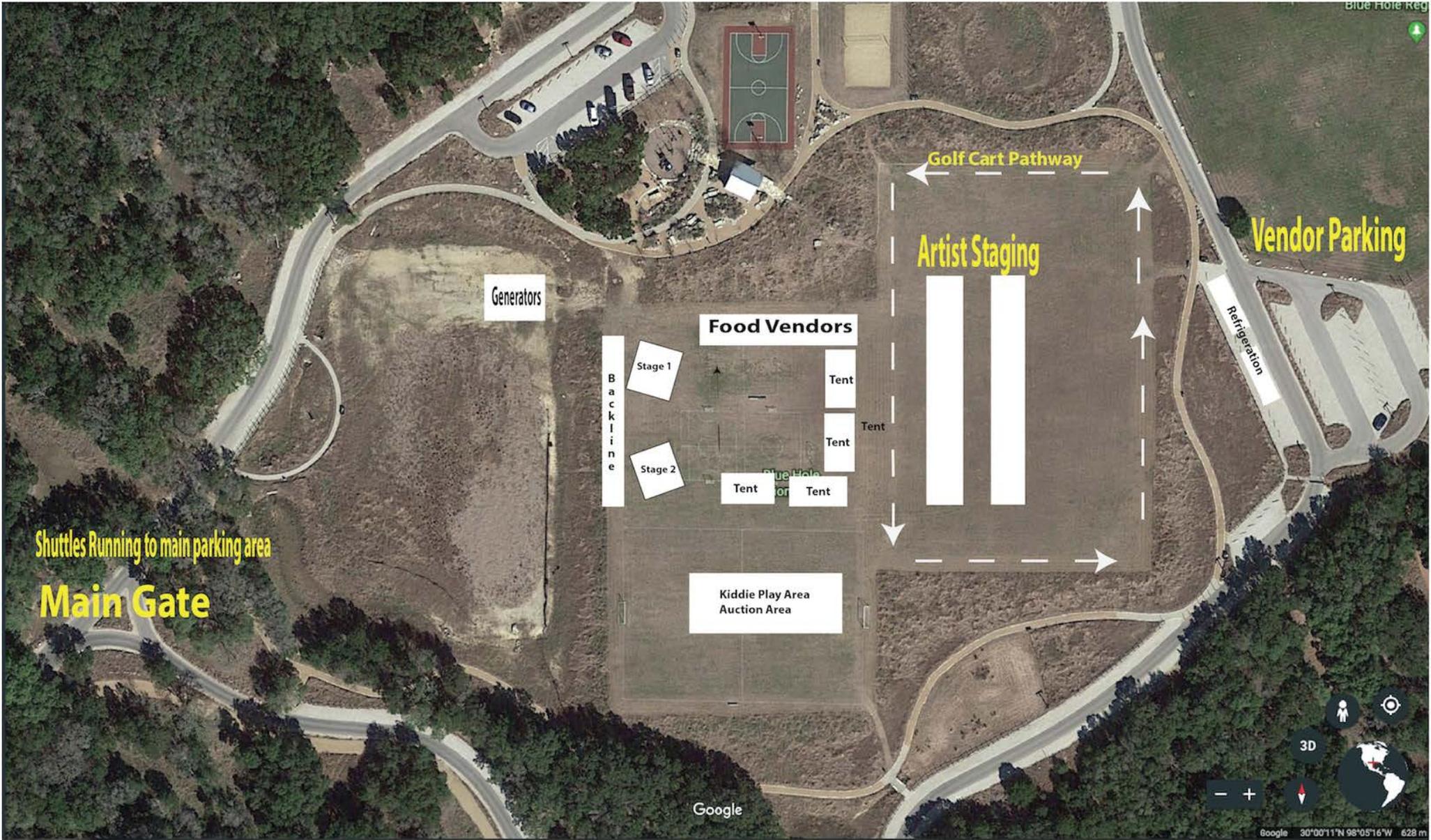
[stationmanager@wimberleyvalleyradio.org](mailto:stationmanager@wimberleyvalleyradio.org)

612 236-8135

John Brown – Program Director

[programdirector@wimberleyvalleyradio.org](mailto:programdirector@wimberleyvalleyradio.org)

512 648-0486



# City Council Agenda Form



Date Submitted: February 12, 2018  
Agenda Date Requested: February 15, 2018

Project/Proposal Title: CONSENT AGENDA

Council Action Requested:  
 Ordinance  
 Resolution  
 Motion  
 Discussion

Project/Proposal Summary:

Please see the attached minutes from two City Council meetings:

- Special Called held January 29, 2018
- Regular held February 1, 2018

Council member Steve Thurber has recommended appointment of Bobby Dettmer to the City of Wimberley Transportation Advisory Board (TAB). Mr. Dettmer's application is attached.

There are two vacancies on the TAB: appointment by Place 5 and appointment by consensus

Current TAB members are Mike Moeller, Ruth Mince, Gary Callon and Bert Ray.



# City of Wimberley

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

**SPECIAL CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS**  
**MONDAY, JANUARY 29, 2018 – 10:00 A.M.**

**MINUTES**

**CALL TO ORDER**

Mayor Mac McCullough called the meeting to order at 10:05 a.m.

**CALL OF ROLL**

Council members Present: Mac McCullough      Mayor  
Steve Thurber      Place One  
Craig Fore      Place Two  
Gary Barchfeld      Place Four  
Roberta Holland      Place Five

Council members Absent: Allison Davis      Place Three

**EXECUTIVE SESSION**

The City Council adjourned into Executive Session at 10:05 a.m. in accordance with Texas Government Code, Chapter 551, Chapter D for the following purpose: Section 551.074 of the Texas Government Code (Personnel Matters) to conduct interviews of City Attorney applicants.

Regular Session reconvened at 2:57 p.m.

**DISCUSSION AND POSSIBLE ACTION**

City Council authorized the City Administrator to negotiate with Denton Navarro Rocha Bernal & Zech, P.C. to provide City Attorney services for the City of Wimberley.

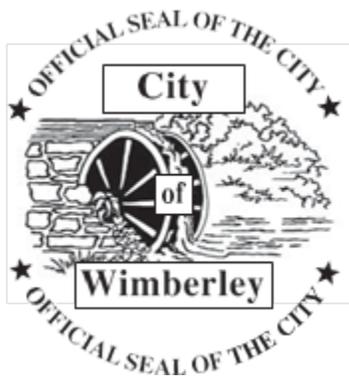
**ADJOURNMENT**

Mayor Mac McCullough adjourned the meeting at 2:58 p.m., without objection.

**RECORDED BY:**

\_\_\_\_\_  
Laura J. Calcote, City Secretary

**APPROVED BY:**



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**Herschel P. "Mac" McCullough,  
Mayor**

DRAFT



# 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**  
**THURSDAY, FEBRUARY 1, 2018 – 6:00 P.M.**

**MINUTES**

**CALL TO ORDER**

Mayor Mac McCullough called the meeting to order at 6:00 p.m.

**CALL OF ROLL**

Council members Present: Mac McCullough      Mayor  
Steve Thurber      Place One  
Craig Fore      Place Two  
Allison Davis      Place Three  
Gary Barchfeld      Place Four  
Roberta Holland      Place Five

**INVOCATION**

Pastor Rebecca Sogge from the Lutheran Church of the Resurrection gave the invocation.

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

Mayor Mac McCullough led the pledges to the United States and Texas flags.

**CITIZENS COMMUNICATIONS**

There were no citizen communications at this time.

**PROCLAMATION**

Mayor Mac McCullough read aloud the Proclamation of the City of Wimberley, Texas proclaiming February 2018 as dating violence awareness and prevention month. A representative from the Hays-Caldwell Women’s Center was present and thanked Council for their support.

*(Item No. 8 City Administrator Employment Contract on agenda was heard next).*

**CITY ADMINISTRATOR EMPLOYMENT CONTRACT**

**Motion to approve the City Administrator Employment Contract with Shawn Cox was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).**

## **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 6:17 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice regarding Open Records Requests. (*Mayor Mac McCullough*)
- B. Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207<sup>th</sup> District Court, Hays County, Texas.
- C. Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.
- D. Section 551.074 of the Texas Government Code for Personnel Matters regarding the hiring of a City Attorney. (*Interim City Administrator Paul Parker*)
- E. Section 551.071 of the Texas Government Code for consultation with attorney to receive legal advice regarding reimbursement to Mayor Mac McCullough for legal expenses incurred during the ethics hearing/case.

Mayor Mac McCullough left Executive Session at 6:42 p.m.

Regular Session reconvened at 6:59 p.m.

No action was taken at this time. Item No. 8.E. concerning reimbursement to Mayor Mac McCullough for legal expenses incurred during the ethics hearing/case was moved to the last item on the agenda.

## **CONSENT AGENDA**

**Motion to approve the consent agenda was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).**

- A. Approval of minutes from the Special Called City Council Meeting held January 18, 2018.
- B. Approval of minutes from the Regular City Council Meeting held January 18, 2018.

## **PARKS DIRECTOR REPORT**

Parks Director Rebecca Manning updated City Council regarding the implementation of a "Congratulations Graduating Seniors Day" at Blue Hole Regional Park swimming hole. This would be a free day in the Park for all graduating seniors in the Wimberley community. Additionally, Mrs. Manning spoke regarding the extension of the Blue Hole swim season to include weekends in September of this year. This would allow for eight additional days of swimming during the summertime. Blue Hole swim area would be open daily Memorial Day through Labor Day and the additional September weekends. Reservations for Blue Hole swim area would begin March 1, 2018.

## **PUBLIC HEARING AND POSSIBLE ACTION**

Hold a public hearing and consider approval of the first reading of an ordinance amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.091 (City Center Overlay) of the City of Wimberley Code of Ordinances; and providing for the following: delineation on zoning map; findings of fact; a savings clause; a repealing clause; severability; effective date and proper notice and meeting. *(Council member Allison Davis)*

Interim City Administrator Paul Parker gave an overview of the proposed ordinance, which would amend the City Center Overlay district to remove liquor stores as a prohibited use. On December 14, 2017 the Planning and Zoning Commission (P&Z) had recommended with a 6-1 vote to allow liquor stores in the City Center Overlay that have an area of 1,300 square feet or less. Proper notice was not given on the topic; therefore, the item went back to P&Z on January 25, 2018 for consideration and was approved by a 4-3 vote.

Mayor Mac McCullough opened the public hearing at 7:17 p.m.

There were four citizen comments. First, Mad Roosters owner, Travis Cox, spoke regarding the topic. Mr. Cox stated another business would bring sales tax revenue to the City, and would help with increasing business for other stores in the downtown area. Second, Taste Buds Market owner, David Steen addressed Council citing his support for another business within the City. Next, Buck Baccus stated there had been lengthy discussion during the P&Z meetings concerning the square footage of the showroom space and the business, as a whole. Mr. Baccus voiced his support for the liquor store, noting it would bring more business to Wimberley. Lastly, Jeanne Ann Cope spoke regarding the uniqueness of the City Center Overlay, and voiced concern about adding another liquor store within the City. She stated she was not supportive of the liquor store. Mayor Mac McCullough closed the public hearing at 7:32 p.m.

City Council members discussed the proposed ordinance, and the character of the Wimberley Square being changed by a liquor store in the area. There was lengthy discussion on the size of the store and the size of the store's showroom as outlined in the ordinance. Council member Allison Davis contended it is important to support local businesses and support local citizens who want to invest in the City. The ordinance would be brought back to City Council for a second reading.

**Motion to approve the ordinance, with an amendment to include a maximum total area of 1,700 square feet and a maximum showroom area of 1,300 square feet, was made by Council member Steve Thurber. Motion was seconded by Council member Allison Davis. Motion carried as follows (3-2):**

<b>Steve Thurber</b>	<b>Aye</b>
<b>Allison Davis</b>	<b>Aye</b>
<b>Roberta Holland</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Nay</b>
<b>Gary Barchfeld</b>	<b>Nay</b>

*(Council member Allison Davis requested a five-minute recess at 7:55 p.m. Regular Session reconvened at 8:00 p.m.)*

## **HOTEL OCCUPANCY TAX**

- A. Consider approval of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective April 1, 2018. *(Interim City Administrator Paul Parker)*

Interim City Administrator Paul Parker presented Ordinance No. 2018-02, which would increase the hotel occupancy tax (HOT) rate within the City from zero percent to five percent on April 1, 2018. Mr. Parker stated the five percent tax rate was decided based on a previous HOT rate for the City, and the necessary funding for associated projects and a new Tourism Director position. There was discussion among Council members on the rate, and whether it should be at five percent or lower. Council member Gary Barchfeld called into question the legality of the ordinance being read once, instead of twice, if there was a fee associated with the ordinance.

City Council adjourned into Executive Session at 8:06 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose: Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice regarding the number of readings for City ordinances.

Regular Session reconvened at 8:15 p.m.

Mr. Barchfeld contended the ordinance needed to be taken to the newly appointed Hotel Occupancy Tax Advisory Committee for review and recommendation. He believed the City was proceeding at a rapid pace regarding the issue. Council member Allison Davis noted there should be a compromise met on the rate.

**Motion to approve Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%) effective April 1, 2018 was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion failed as follows (2-3):**

<b>Roberta Holland</b>	<b>Aye</b>
<b>Steve Thurber</b>	<b>Aye</b>
<b>Craig Fore</b>	<b>Nay</b>
<b>Allison Davis</b>	<b>Nay</b>
<b>Gary Barchfeld</b>	<b>Nay</b>

- B. Discuss and consider possible action regarding the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation. *(Place One Councilmember Steve Thurber)*

Council member Steve Thurber provided an overview of the Visitor Center's daily functions and how the Center aided the City in bringing tourism to the area. There was extended discussion among Council members concerning the Visitor Center Operations Agreement and City funding for the Center. Chamber of Commerce Board member Mike Scott addressed Council regarding the City not providing any compensation to the entity. This item was delegated to the Hotel Occupancy Tax Advisory Committee for consideration and recommendation, since a consensus regarding the topic could not be reached.

**Motion to table the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation was made by Council member Steve Thurber. Motion was seconded by Council member Gary Barchfeld. Motion carried unanimously (5-0).**

C. Consideration and action regarding Resolution No. 05-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 6) providing for the transfer of funds in the Hotel Occupancy Tax Unobligated Fund Balance to the Hotel Occupancy Tax Operation Fund. *(Interim City Administrator Paul Parker)* Interim City Administrator Paul Parker presented Resolution No. 05-2018. The budget amendment sought to move funds from the Hotel Occupancy Tax Unobligated Fund and place them in the Hotel Occupancy Tax Operation Fund 6370 Contract Services, which could be utilized to hire an advertising and marketing firm to conduct a tourism marketing strategy and implement a multi-media marketing plan to promote the City of Wimberley. Additionally, the funds could be used to support the Visitor Center proposal presented as the last agenda item.

**Motion to approve Resolution No. 05-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 6) providing for the transfer of funds in the Hotel Occupancy Tax Unobligated Fund Balance to the Hotel Occupancy Tax Operation Fund was made by Council member Allison Davis. Motion was seconded by Council member Steve Thurber. Motion carried as follows (4-1):**

Steve Thurber	Aye
Craig Fore	Aye
Allison Davis	Aye
Roberta Holland	Aye
Gary Barchfeld	Nay

D. Consideration and action regarding Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund. *(Interim City Administrator Paul Parker)* Interim City Administrator Paul Parker presented Resolution No. 06-2018. The budget amendment would allow for the hiring of a Tourism Director for the City of Wimberley. There was discussion regarding the topic. Council member Allison Davis stated the Wimberley Community Center is highly used by the public and needs a full-time director to help with its day-to-day operations. Council member Gary Barchfeld was concerned with the legality of using Hotel Occupancy Tax funds to support the position. This item was also delegated to the Hotel Occupancy Tax Advisory Committee for consideration and recommendation, since a consensus regarding the topic could not be reached.

**Motion to table Resolution No. 06-2018 amending the 2017/2018 Operating Budget (Budget Amendment No. 7) providing for an increase of revenue in the Hotel Occupancy Tax Fund and to increase expenses in the Hotel Occupancy Tax Fund was made by Council member Steve Thurber. Motion was seconded by Council member Craig Fore. Motion carried unanimously (5-0).**

## CITY COUNCIL REPORTS

### A. Announcements:

1. Council member Gary Barchfeld noted the Transportation Advisory Board had not met in several months, and he would like to see the Board meet in February.
2. Council member Allison Davis provided an update regarding the Wimberley Valley Dark Sky application status.
3. Council member Steve Thurber thanked Mac and Robin McCullough for feeding the volunteer firefighters during the Wimberley wildfire on January 30<sup>th</sup>.
4. The Hotel Occupancy Tax Advisory Committee would meet on Tuesday, February 6<sup>th</sup>.
5. City Council would have a Special Called meeting on Friday, February 9<sup>th</sup>.

### B. Future agenda items – None.

Mayor Mac McCullough recused himself from the meeting at 9:04 p.m., in order for the City Council to discuss reimbursement Mayor McCullough for legal expenses incurred during the ethics hearing/case. Mayor Pro Tem Steve Thurber led the discussion on the topic and read aloud the proposed resolution to reimburse the Mayor for legal expenses. There was discussion and disagreement on whether the Mayor should be reimbursed for the associated costs defending himself against the ethics complaint filed against him March 16, 2017. Mayor McCullough was not found guilty of the charges brought against him by the Ethics Commission at their meeting held November 7, 2017.

**Motion to reimburse Mayor Herschel “Mac” McCullough for legal expenses incurred during the ethics hearing/case was made by Council member Steve Thurber. Motion was seconded by Council member Roberta Holland. Motion carried as follows (3-2):**

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

## ADJOURNMENT

Mayor Pro Tem Steve Thurber adjourned the meeting at 9:22 p.m., without objection.

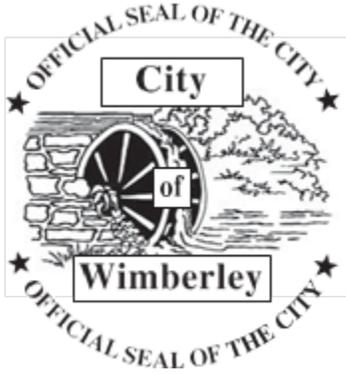
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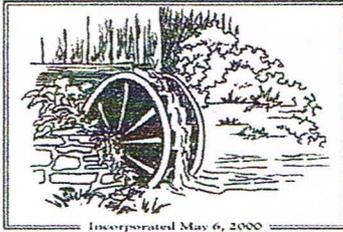
Laura J. Calcote, City Secretary

APPROVED BY:

Herschel P. "Mac" McCullough, Mayor



DRAFT



# City of Wimberley

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

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: [www.cityofwimberley.com](http://www.cityofwimberley.com)

## Application for Appointment to Commission / Board / Committee

Name of Commission/Board/Committee: Transportation Advisory Board

Nominated By: Steve Thurber

Name: Bobby Dettmer Phone: 512-773-1316 E-mail: dettmerbobby@gmail.com

Physical Address: 152 Spoke Lane, Wimberley, TX 78676

Mailing Address (if different than physical address): \_\_\_\_\_

Employer: Flux Resources Position/Occupation: Vice President

Business Number: 512-717-9123 Fax: \_\_\_\_\_

I reside:  Inside Wimberley's City Limits  Wimberley's ETJ  Outside ETJ

I am a registered voter in:  City of Wimberley  Hays County  Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest?  Yes  No

If "Yes" please explain: \_\_\_\_\_

Are you committed to devote the necessary amount of time to service on this Commission/Board/Committee and to attend all regularly scheduled meetings?  Yes  No

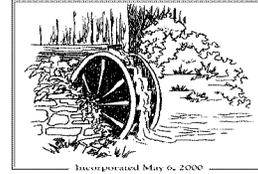
Would you consider serving on a different Commission/Board/Committee?  Yes  No

Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Commission/Board/Committee that you would prefer to serve on. - 7 years of experience Staffing for transportation engineering Firms such as: CH2 M Hill, Kiewit, HDR, and other smaller firms. I have worked with the Design/Construction divisions nation wide.

Signature: [Signature] Date: 1/19/2018

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676

# Report for CUP-18-001



**Summary:**

An application for a Conditional Use Permit to allow for the operation of a Package Store at 14015 Ranch Road 12, Ste. 1

**Applicant Information:**

**Applicant:** Tiffany Paul  
1490 FM 2325  
Wimberley, TX 78676

**Property Owner:** Tiffany Paul

**Subject Property:**

**Legal Description:** 1.22 acres out of the Amasa Turner Survey  
**Location:** 14015 RR 12, Ste. 100  
**Existing Use of Property:** Commercial  
**Existing Zoning:** Commercial-High Impact (C-3)  
**Proposed Use of Property:** Package Store  
**Proposed Zoning:** CUP  
**Planning Area:** V  
**Overlay District:** City Center; Protected Waterway

**Surroundings:**

**Frontage On:** RR 12

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	PR2	Commercial
<b>S of Property</b>	C1, C3	Commercial
<b>E of Property</b>	C1, C2	Commercial
<b>W of Property</b>	C1	Commercial

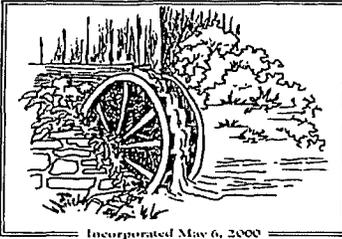
**Legal Notice**

**200' Letters:** 01/25/2018  
**Published:** 01/25/2018  
**Sign Placement:** 01/25/2018  
**Responses:** None to date

**Comments:**

The applicant, Tiffany Paul, has requested a Conditional Use Permit (CUP) for a Package Store in order to sell beer for off-premise consumption for property located at 14015 RR 12, Ste. 1. In addition to the sale of food to go there will be a retail operation in which the applicant requests to sell select beer. City staff has not received responses for or against. Staff recommends approval.

On February 8<sup>th</sup>, the Planning & Zoning Commission voted 6-0 recommending approval to City Council.



# City of Wimberley

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

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

[www.cityofwimberley.com](http://www.cityofwimberley.com)

JAN 17 2017

## CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 18-001 Date: 1-17-2017 Staff Review SANDRA I. FLOYD  
 P&Z Hearing: 2-8-18 Council Hearing: 2-15-18 Fees Paid:  Application  Public Notice

Applicant: Tiffany Paul  
 Mailing address: 1490 Jpm 2325 City: Wim State: TX 78676  
 Phone: [REDACTED] Email: [REDACTED]  
 Property Owner: Kevin Fowler  
 Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: [REDACTED] mail: [REDACTED]

Project Site Address: 14015 RR 12 Smitel, 78676  
 Legal description: 1.22 ac out of the Annisa Turner Survey, Abs. 461  
 Total Acreage or Square Footage: 1.221 ac Deed recorded in: volume 3477, pg 545  
 Hays CAD Parcel ID R 18513 Planning Area: V Zoning: C-3  
 Is property located in an overlay district?  Yes  No If Yes, type: City Center; Protected Waterway  
 Specific Conditional Use Requested: Beer sales - off premises  
 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.

Utilities  
 Electric Provider: PEC  
 Water provider or Private Well: Wimberley water  
 Wastewater Service or Septic Permit No. \_\_\_\_\_  
 \*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

**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/or 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').
- (N/A) List of Special Conditions that Applicant agrees apply to 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.

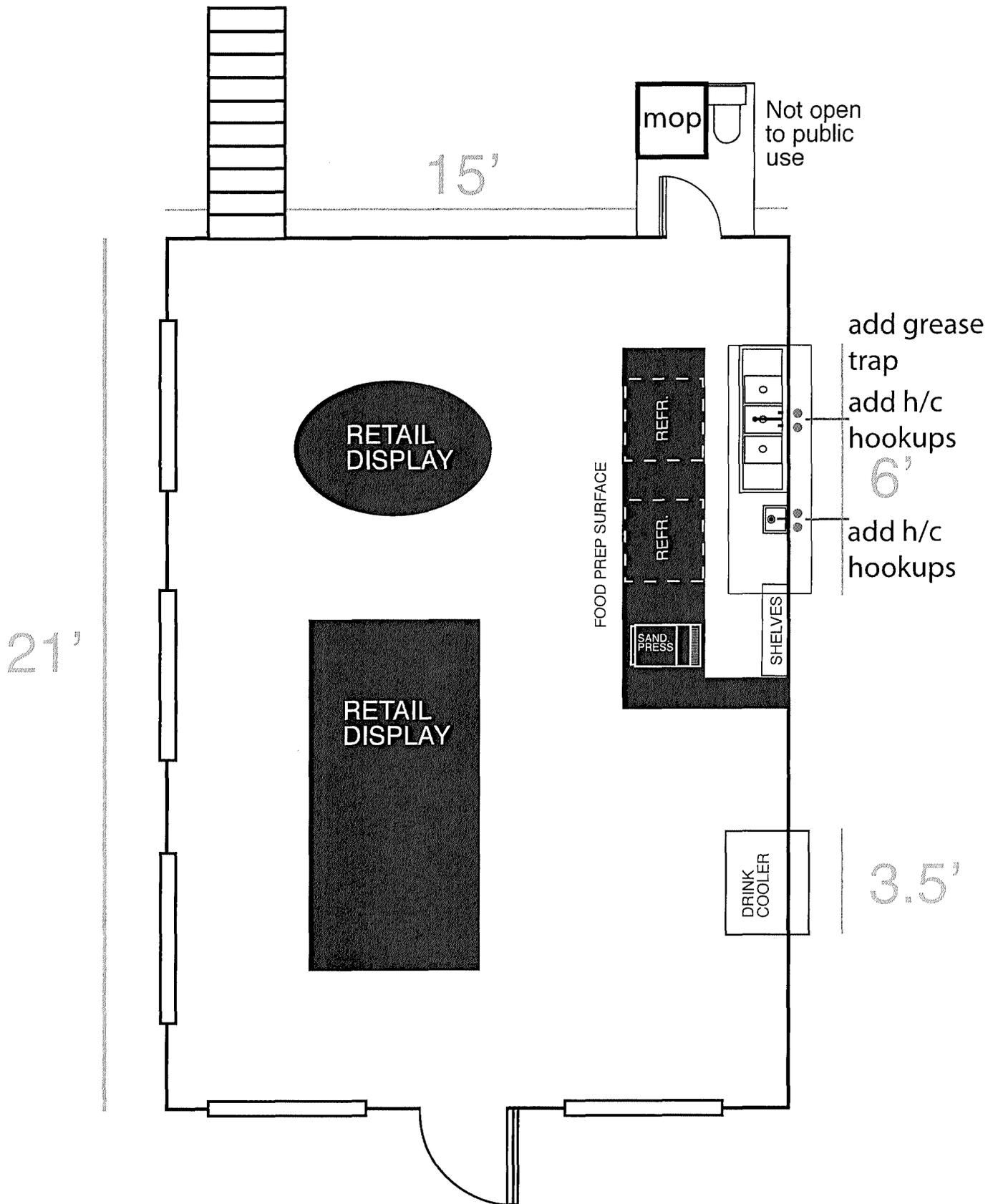
1-17-18  
DATE

  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE



ORDINANCE NO. 2015-005

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SECTIONS 155.005 (DEFINITIONS), 155.047 (COMMERCIAL – LOW IMPACT; C-1), 155.048 (COMMERCIAL – MODERATE IMPACT; C-2), 155.049 (COMMERCIAL – HIGH IMPACT; C-3), AND 155.050 (HIGHWAY COMMERCIAL; HC), OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO AMEND AND CLARIFY PERMITTED AND CONDITIONAL USES RELATING TO THE SALE OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

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

**WHEREAS**, on May 9, 2009, a majority of the voters of Hays County voted to allow the public to purchase alcohol in stores and to purchase and consume alcoholic drinks at restaurants and bars in Justice of the Peace Precinct Three of Hays County; and

**WHEREAS**, amendments to the City’s Zoning Code are necessary to allow certain sales and on-premise consumption of beer, wine, and liquor in order to permit such uses in the City’s various zoning districts; 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 Planning and Zoning Commission and City Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses, with a view toward conserving property values and encouraging the most appropriate use of land in the City; and

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

**WHEREAS**, the following enactments are a valid exercise of the City’s broad police powers and based on the City’s statutory regulatory authority, including, but not limited to, Texas Local Government Code Chapters 51, 52, and 211; 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 15<sup>th</sup> 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 hearings;

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

### SECTION I. FINDINGS OF FACT

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

### SECTION II. AMENDMENTS

- A. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.005 (Definitions), is hereby amended to read as follows:

***“EATING ESTABLISHMENTS: SIT-DOWN.*** Establishments or places of business where customers are seated and served, and that are primarily engaged in the sale of prepared foods and beverages, and, depending on the zoning district, may include alcoholic beverages for on-premises consumption either as a permitted use or upon approval of a conditional use permit. They are located at high capacity or high volume sites that are easily accessed by vehicles and pedestrians. Typical uses include restaurants, short-order eating places, cafeterias, and coffee shops.

...

***FOOD AND BEVERAGE RETAIL SALES.*** Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption, ~~including beer and wine beverages~~. Typical uses include grocery stores and delicatessens, but does not include sale of beer, wine, or alcoholic beverages for on or off premise consumption.”

- B. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.047 (Commercial – Low Impact; C-1), Subsection B (Permitted Uses), is hereby amended to read as follows:

“(7) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”

- C. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.047 (Commercial – Low Impact; C-1), Subsection C (Conditional Uses), is hereby amended to read as follows:

“(6) ~~Sale of beer and wine for off-premise consumption~~ Package store; and

(7) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption.”

- D. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.048 (Commercial – Moderate Impact; C-2), Subsection B (Permitted Uses), is hereby amended to read as follows:

“(8) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;

...

~~(22) Sale of beer and wine for off-premise consumption.”~~

- E. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.048 (Commercial – Moderate Impact; C-2), Subsection C (Conditional Uses), is hereby amended to read as follows:

“(9) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption;

(10) Package store; and

(11) Liquor store.”

- F. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.049 (Commercial – High Impact; C-3), Subsection B (Permitted Uses), is hereby amended to read as follows:

“(3) Food and beverage retail sales (such as grocery), ~~not including the sale of beer, wine, or alcohol for on or off premise consumption;~~

...

(5) Eating establishments: sit-down, ~~not~~ including the sale of beer, wine, or alcohol for on-premise consumption;

...

~~(22) Sale of beer and wine for off premise consumption.”~~

G. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.049 (Commercial – High Impact; C-3), Subsection C (Conditional Uses), is hereby amended to read as follows:

“(2) Alcoholic Beverage Sales and consumption in a private club as defined and registered by the Texas Alcoholic Beverage Code;

~~(2) Liquor and package stores;~~

(3) Bars/taverns ~~(50% sales derived from alcohol);~~

...

~~(17) Eating establishments: sit down, including the sale of beer, wine, and alcohol for on premise consumption.~~

(17) Liquor store; and

(18) Package store.”

H. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.050 (Highway Commercial; HC), Subsection C (Conditional Uses), is hereby amended to read as follows:

“(2) Bars/taverns ~~(50% sales derived from alcohol);~~”

### SECTION III. SAVINGS

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

### SECTION IV. SEVERABILITY

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

**SECTION V. REPEALER**

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

**SECTION VI. EFFECTIVE DATE**

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

**SECTION VII. PROPER NOTICE AND MEETING**

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

FIRST READING OF ORDINANCE PASSED AND APPROVED this 15<sup>th</sup> day of January, 2015 by 5 (Ayes) to 0 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING OF ORDINANCE PASSED AND APPROVED this 19<sup>th</sup> day of February, 2015 by 4 (Ayes) to 0 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.



\_\_\_\_\_  
Steve Thurber  
Mayor

ATTEST:

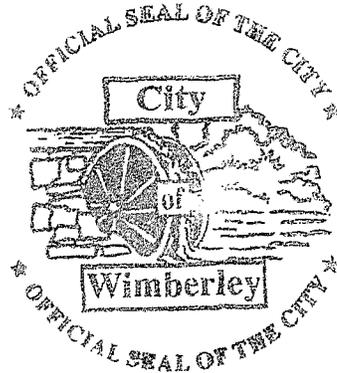
Cara McPartland

Cara McPartland,  
City Secretary

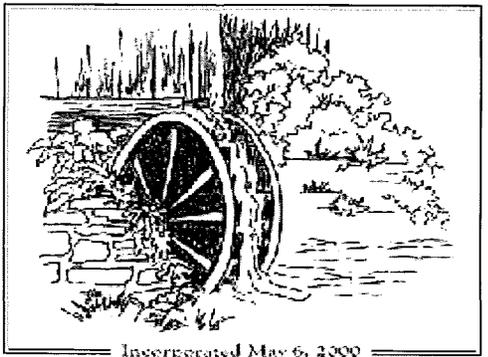
APPROVED AS TO FORM:

Catherine B. Fryer

Catherine B. Fryer,  
City Attorney



# CUP-18-001 ~ 14015 RR 12, Ste. 1

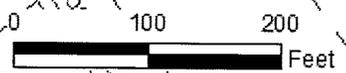
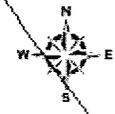


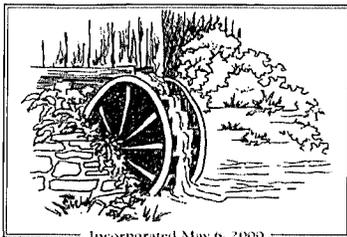
## 200' NOTIFICATION



### Legend

- 200 Foot Buffer
- D. OWNER**
- 0. TIFFANY FAUL
- 1. YAUPON MERCANTILE LLC
- 2. MCCULLOUGH HERSCHEL & ROBINETTE
- 3. MCCULLOUGH HERSCHEL & ROBINETTE
- 4. KARB FAMILY PARTNERSHIP LTD
- 5. ALEXANDRIA LEE LLC
- 6. TATE, JOYCE WEBB
- 7. HARRIS, JAMES MALCOLM
- 8. 104 WIMBERLEY SQUARE LTD
- 9. LEINNEWEBER CARL & JUANITA MARIE
- 10. KIEFER, LISA
- 11. GAINES PATRICK L & KRISTIE S
- 12. MCCULLOUGH HERSCHEL & ROBINETTE
- 13. HOPKINS ANNA R & TOMMY JACK
- 14. OZONA NATIONAL BANK
- 15. REDD, MARY LOU
- 16. SHEKARF OROOSH, EFFAT
- 17. VAN OSTRAND PHILLIP M & MARY L
- 18. SENIOR CITIZENS CRAFT SHOP OF
- 19. SENIOR CITIZENS CRAFT SHOP OF
- 20. BRYANT-CISNEROS JANET
- 21. CARSON DIVERSIFIED LAND 2 LLC
- 22. ROMANO, LAURA





# City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676  
Phone: 512-847-0025 Fax: 512-847-0422 Web: [cityofwimberley.com](http://cityofwimberley.com)

January 25, 2018

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-18-001**  
14015 RR 12, Ste. 1

A request for a Conditional Use Permit (CUP) to allow the operation of a package store

Dear Property Owner:

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

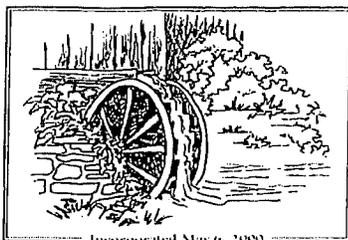
The applicant, Tiffany Paul, has requested a Conditional Use Permit (CUP) to allow a package store for the sale of beer at 14015 Ranch Road 12, Ste. 1. The current zoning for this property is Commercial-High Impact (C-3). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, February 8, 2018, 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, February 15, 2018, at 6:00 p.m.**

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 prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd  
Planning & Development Coordinator  
GIS Analyst  
[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676  
Phone: (512) 847-0025 - Fax: (512) 847-0422  
[www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

Date: 01/25/2018

Zoning No: CUP-18-001

Owner \_\_\_\_\_

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 14015 RR 12 Ste. 1

located on \_\_\_\_\_

Aaron Reed  
Public Works/ Code Enforcement

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

January 25, 2018

  
Signature

Proposed  
Zoning  
**PUBLIC HEARING**  
For information Contact  
The City of Wimberley  
(512) 847-0025  
Please Refer to File Number...

**CUP-18-001**



Do Not Remove

01/25/2018

# The Wimberley View

## NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, February 8, 2018, at 6:00 p.m.** to consider the following: **CUP-18-001**— an application for a Conditional Use Permit (CUP) to allow the operation of a package store at 14015 RR 12, Ste. 1. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, February 15, 2018, at 6:00 p.m. at City Hall.** Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email ([sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)) 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.

**LOOKING FOR  
EXPERIENCED  
OPERATOR,**  
\$30/hour. Must have  
hammer experience.  
Paul Swoyer Septics  
- 830-935-4936

*Keep Dripping Springs  
Beautiful*

**General Help  
Wanted**

**Set your  
sights high.**

With house prices and interest  
rates down, there's never been a  
better time to buy a home and get  
more for your money.

Wimberley View  
Classifieds  
Homes for Sale  
(512) 847-2458  
[www.wimberleyview.com](http://www.wimberleyview.com)

**General Help  
Wanted**

**Deer Creek of  
Wimberley is hiring**

FT CNA, 2p - 10p  
FT Charge Nurse,  
Mon - Fri, 2p - 10p  
FT Charge Nurse,  
Sun-Thurs, 10p - 6a  
FT Social Worker (Degreed)

Please apply in person  
555 Ranch Rd. 3237  
Wimberley, TX. 78676

**JOB OPENING: Te**

Wimberley Village Library is looking for a motivated and energetic person who is awarded this job will be responsible for the following duties:

- Management and ordering for the Teen collection and Teen
- Development and management of teen and tween programs
- Recruitment and management of the summer teen volunteer  
Qualities and skills
  - Must have a good rapport with the teen population
  - Must be able to work with and among many different people
  - Must be able to think "outside the box"
  - Must be flexible and have the ability to embrace change
  - Must have excellent verbal and written communication skills
  - Must be technologically proficient- knowledgeable with Word  
Education and work experience
    - High School diploma required
    - Preference given to those with college diplomas
    - 2+ years of previous library work required

This is a part time position- 25 hours per week

Salary range: \$14.00-\$20.25

Send cover letter, resume, and list of references to: [director@wimberleylibrary.org](mailto:director@wimberleylibrary.org)

Questions? Call or email Carolyn at 512 847-2188, ext. 6/ [director@wimberleylibrary.org](mailto:director@wimberleylibrary.org)

**ORDINANCE NO. 2018-0X**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY TIFFANY PAUL TO PERMIT THE OPERATION OF A PACKAGE STORE ON PROPERTY LOCATED AT 14015 RANCH ROAD 12, SUITE 1, WIMBERLEY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3); 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 Tiffany Paul (“Applicant”) requesting authorization to operate a package store for the sale of beer on real property described as 1.22 acres out of the Amasa Turner Survey, zoned Commercial-High Impact (C-3); and

**WHEREAS**, a package store is an authorized use in areas zoned Commercial-High Impact (C-3) upon approval of a Conditional Use Permit;

**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 other necessary information, and has complied with the requirements of the City of 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 package store, 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, HAYS COUNTY, 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 Tiffany Paul (“Applicant”) for use as a package store on real property, described as 1.22 acres out of the Amasa Turner Survey, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial-High Impact (C-3), Wimberley, Hays County, Texas.

### **ARTICLE III. ZONING DISTRICT MAP**

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

### **ARTICLE IV. REPEALER**

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

### **ARTICLE V. SEVERABILITY**

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

### **ARTICLE VI. EFFECTIVE DATE**

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

### **ARTICLE VII. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED** by the City of Wimberley City Council on the 18<sup>th</sup> day of January, 2018 by a vote of (Ayes) and (Nays) and (Abstain).

### **CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Herschel "Mac" McCullough, Mayor

**ATTEST:**

---

Laura Calcote, City Secretary

**APPROVED AS TO FORM:**

---

Brad Young, Deputy City Attorney

# Report for Zoning ZA-18-001



## Summary:

A request to change the zoning of property located at 419 FM 2325 from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2)

## Applicant Information:

**Applicant:** Matthew Horvath  
**Property Owner:** Steven Dunks

## Subject Property:

**Legal Description:** 0.90 acres out of the Benjamin Page Survey Abstract No. 365  
**Location:** 419 FM 2325  
**Existing Use of Property:** Commercial  
**Existing Zoning:** C-1  
**Proposed Use of Property:** Commercial  
**Proposed Zoning:** C-2  
**Planning Area:** IV  
**Overlay District:** None

## Surroundings:

**Frontage On:** FM 2325, Green Acres Dr., Rhodes Ln

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	PF, C1	Public/Commercial
<b>S of Property</b>	C1	Commercial
<b>E of Property</b>	C1, C2	Commercial
<b>W of Property</b>	PF	Public

## Legal Notice

**200' Letters:** 01/24/2018  
**Published:** 01/25/2018  
**Sign Placement:** 01/25/2018  
**Responses:** 2 inquires; 0 objections

## Comments:

The applicant, Matthew Horvath, has submitted an application to change the zoning for a tract of land located at 419 FM 2325 from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2). The applicant would like to open a plant nursery and this use isn't permitted under the current zoning; it is however allowed as a permitted use under C-2.

There have been 2 inquiries into this application and 0 objections. Staff recommends approval.

On February 8<sup>th</sup>, the Planning and Zoning Commission voted 6-0 recommending approval to City Council.

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: 1-18-2018 FILE NO. ZA-18-001  
 TENTATIVE P&Z HEARING: 2-8-2018 TENTATIVE COUNCIL HEARING: 2-15-2018  
 CITY INITIATED:  YES -  NO PLANNING AREA: IV ZONING REQUESTED: C-2  
 ZONING FEES: \$ 300<sup>00</sup> DATE PAID: 1-18-2018 RECEIVED BY: Sandra L. Floyd

**APPLICATION FOR COMMERCIAL ZONING**  
 NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

**OWNER, AGENT AND PROJECT DATA**

STREET ADDRESS OF PROPERTY TO BE ZONED: 419 F.M. 2325 Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 17212 \*\*

\* New street addresses can be obtained by calling (512) 393-2160  
 \*\* This number may be obtained this from your property tax statement or HCAD's website.

**PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:**

419 FM 2325

**NOTE: Please clearly mark your property so it is easily identifiable.**

1. OWNER'S NAME: Steven P. Dunks HOME PHONE: (512) [REDACTED]  
 BUSINESS PHONE: (512) [REDACTED]  
 FAX: ( ) \_\_\_\_\_  
 E-MAIL: \_\_\_\_\_

OWNER'S CURRENT MAILING ADDRESS 9999 Mt. Sharp Rd. CITY Wimberley STATE Tx ZIP 78676  
 EMAIL: [REDACTED]

2. AGENT'S NAME: Matthew A. Horvath AGENT'S PHONE: (512) [REDACTED]  
 FAX: ( ) \_\_\_\_\_  
 AGENT'S FIRM NAME: \_\_\_\_\_ E-MAIL: [REDACTED]

AGENT'S FIRM MAILING ADDRESS: 1 Pellicani Ln CITY Wimberley STATE Tx ZIP 78676  
 EMAIL: matthorvath34@gmail.com

**PROPERTY INFORMATION**

3. TOTAL AREA TO BE ZONED: ACRES .9 (OR) SQ.FT. \_\_\_\_\_ TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S) : 4 5. REQUESTED ZONING CLASSIFICATION: C-2

PROPOSED USE(S): plant nursery

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): C-1

**7. LEGAL DESCRIPTION**

Street Address: 419 F.M. 2325 Subdivision: \_\_\_\_\_

Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

8. **DEED RECORDS:** (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: \_\_\_\_\_ PAGE: \_\_\_\_\_ OF COUNTY PLAT RECORDS

**9. OTHER PROVISIONS**

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES \_\_\_\_\_ NO X UNKNOWN \_\_\_\_\_

TYPE OF OVERLAY ZONE(S) (if applicable) \_\_\_\_\_

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): \_\_\_\_\_

C. ELECTRIC UTILITY PROVIDER : PEC

WATER UTILITY PROVIDER: Wimberley Water Supply

WASTEWATER UTILITY PROVIDER: \_\_\_\_\_

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): \_\_\_\_\_

**Related Cases, If Applicable**

- Zoning File No. \_\_\_\_\_
- Building Permit File No. \_\_\_\_\_
- Subdivision File No. \_\_\_\_\_
- Sign Permit File No. \_\_\_\_\_
- Engineered construction File No. \_\_\_\_\_

**SITE INSPECTION AUTHORIZATION**

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 1-18-18 APPLICANT SIGNATURE Steven P. Dumb

WHEN APPLICABLE:

Date: 1-18-18 AGENT SIGNATURE [Signature]

**ACKNOWLEDGMENT OF EXISTING  
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants  
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 419 F.M. 2325, and more particularly known as Lot \_\_\_\_\_, Block \_\_\_\_\_ of the \_\_\_\_\_ Subdivision.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 1-18-18 APPLICANT SIGNATURE Steven P. Dumb

WHEN APPLICABLE:

Date: 1-18-18 AGENT SIGNATURE [Signature]

## SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

## SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

- ( ) My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
- ( ) I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 1-18-18

APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: 1-18-18

AGENT SIGNATURE 

§ 155.048 COMMERCIAL - MODERATE IMPACT; C-2.

(A) *General purpose and description.* The C-2, commercial 2 district is established to provide areas for shopping and service facilities for the retail sales of goods and services. These shopping areas must satisfy established landscape and buffering requirements.

(B) *Permitted uses.*

(1) Administrative and professional office:

(a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;

(b) Photography studios, doctors, dentists;

(c) Non-profit organizations (with certain restrictions);

(d) Civic uses (such as City Halls);

(e) Research services: limited; and

(f) Office.

(2) Religious assembly;

(3) Medical services: limited;

(4) Personal services: general;

(5) Accessory uses to the main use;

(6) Retail sales and services: general;

(7) Retail sales and services: flea market/market day;

(8) Eating establishments: sit-down; not including the sale of beer, wine, or alcohol for on-premise consumption

(9) Plant nurseries;

(10) Emergency shelter and feeding site (humans);

(11) Communications services: limited (such as studios);

(12) Commercial/residential;

(13) Banks and savings and loan associations;

(14) Funeral and interment services: cremating;

(15) Funeral and interment services: interring;

(16) Funeral and interment services: undertaking;

(17) Animal interment services;

(18) Private primary educational services;

(19) Private secondary educational services; and

(20) Single-family residence.

(C) *Conditional uses.*

(1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;

(2) Personal services: limited;

(3) Gasoline sales: limited;

(4) Automotive washing;

(5) Personal storage;

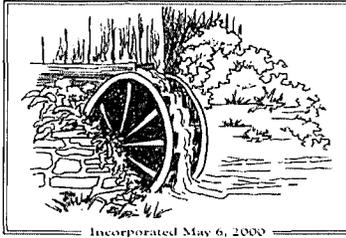
(6) Bed and breakfast lodging;

(7) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and

(8) Eating establishments: fast food with drive-through order windows.

(9) Eating establishments: sit-down, including the sale of beer, wine and alcohol for on-premise consumption

- (10) Package store; and
- (11) Liquor store
- (D) *Development regulations.*
  - (1) Minimum lot size: 5,000 square feet.
  - (2) Maximum building height (as defined in § 155.005):
    - (a) Primary buildings: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
    - (b) Accessory buildings: not more than 18 feet and not more than 1 story; and
    - (c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.
  - (3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:
    - (a) Dominant street: 15 feet;
    - (b) Secondary street: 15 feet; and
    - (c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.
  - (4) Maximum impervious coverage: 70%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.
  - (5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.
  - (6) Maximum building footprint: 15,000 square feet.
  - (7) Maximum floor area: 20,000 square feet.
- (E) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.
- (F) *Special requirements.*
  - (1) For site plan requirements, see § 155.077.
  - (2) Open storage is prohibited; however, periodic display of seasonal items (such as Christmas trees, pumpkins, and the like) is allowed during the appropriate time periods.
  - (3) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.
- (G) *Other regulations.* As established in §§ 155.075et seq., development standards. (Ord. 2001-010, § 27, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999



# City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676  
Phone: 512-847-0025 Fax: 512-847-0422 Web: [cityofwimberley.com](http://cityofwimberley.com)

January 24, 2018

## NOTICE OF PUBLIC HEARING

**Re: File No. ZA-18-001**  
419 FM 2325

Dear Property Owner:

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

The owner, Steven Dunks, is proposing to change the zoning from **Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2)** for property located at 419 FM 2325. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, February 8, 2018, 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, February 15, 2018, at 6:00 p.m.**

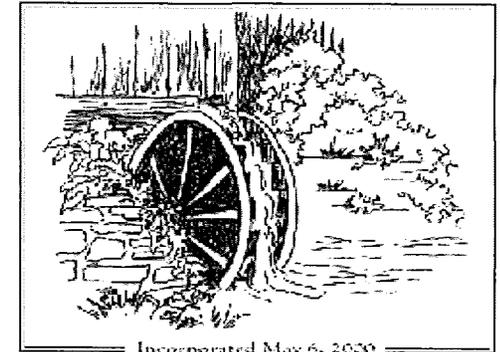
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd  
Planning & Development Coordinator  
GIS Analyst  
[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)

# ZA-18-001 ~ 419 FM 2325



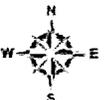
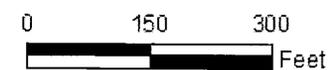
## 200' NOTIFICATION

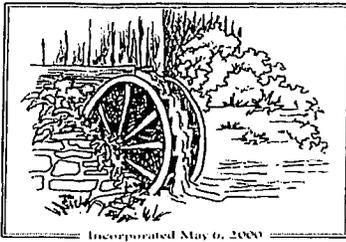
### Legend

200 Foot Buffer

#### ID. Owner

- 0. DUNKS, STEVEN PAUL
- 1. CURTIS LOUISE WILLETT
- 2. FLOCKE STEVEN E & LONA
- 3. FLOCKE STEVEN E & LONA
- 4. GAJDOS-POTOLICCHIO ELIZABETH ANN
- 5. GARY & PATRICIA KELLY
- 6. WIMBERLEY COWBOY CHURCH
- 7. WIMBERLEY COWBOY CHURCH
- 8. WIMBERLEY FIRE ESD #1
- 9. WIMBERLEY VILLAGE LIBRARY DISTRICT
- 10. WIMBERLEY VILLAGE LIBRARY DISTRICT





# City of Wimberley

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

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

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

Date: 01/25/2018

Zoning No: ZA-18-001

Owner \_\_\_\_\_

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 419 FM 2325

located on \_\_\_\_\_

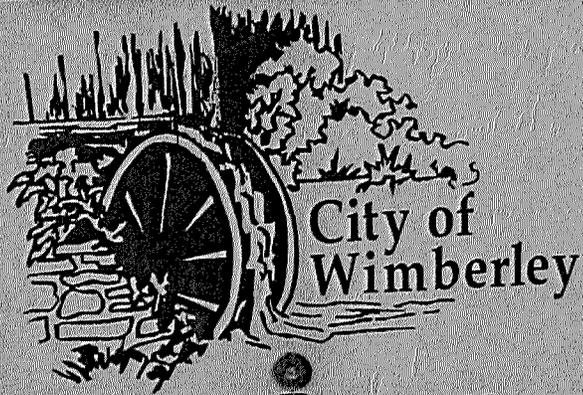
Aaron Reed  
Public Works/ Code Enforcement

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

January 25/2018, 2018

  
\_\_\_\_\_  
Signature

Proposed  
Zoning  
**PUBLIC HEARING**  
For information Contact  
The City of Wimberley  
(512) 847-0025  
Please Refer to File Number...  
**( ZA-18-001 )**



Do Not Remove

01/25/2018

# The Wimberley Vi

of past year's activities, presenta-  
f the 2018 play season, and election  
W members to the Wimberley Players  
of Directors.

## PUBLIC NOTICE

ication has been made  
the Texas Alcoholic  
rage Commission for a  
d Beverage License by  
k River Enterprises, LLC  
Epicure, to be located at  
Highway 290 East, Ste 437,  
ing Springs, Hays  
ty, Texas. Owners of  
corporation are Gerald J.  
Managing Member and  
C. Llop, Managing  
er.

## NOTICE OF APPLICATION TO SUBDIVIDE -

lication has been filed with HAYS  
Y to subdivide 4.2940 acres of  
y located at along HWY 290,  
g Springs, TX 78620. Information  
g the application may be obtained  
lays County Development Services  
33-2150. Tracking Number  
2

## PUBLIC NOTICE

ORDINANCE NO. 18-242  
ITY OF WOODCREEK, TEXAS  
ENDMENT TO CHAPTER 93 OF  
THE CODE OF ORDINANCES

## GENERAL REGULATIONS - FIRE PREVENTION AND PROTECTION

RDINANCE ESTABLISHING AN  
ED REGULATION FOR THE  
WOODCREEK CODE OF  
NCES AT TITLE IX ("GEN-  
REGULATIONS"), AMENDING  
R 93 ("FIRE PREVENTION  
PROTECTION") TO ESTABLISH  
D POLICIES FOR FIRE PRE-  
AND PROTECTION, USE  
INES, PROCEDURES, AND  
IES: DEFINING TERMS, PRO-  
PENALTIES, AND PROVIDING  
NACTMENT, REPEALER, SEV-  
TY, CODIFICATION, AND  
VE DATE, AND FINDING  
NOTICE AND MEETING.

## NOTICE OF PUBLIC HEARING (Conditional Use Permit)

## Public Notice

### NOTICE OF PUBLIC HEARING (Request for Zoning)

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, February 8, 2018, at 6:00 p.m. to consider the following: ZA-18-001 - a request to change the zoning from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) for property located at 419 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, February 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email ([sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)) 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.

## General Help Wanted

ARE YOU A  
"PEOPLE  
PERSON"?  
Work From Home  
(Part Time/Full Time)  
Local publishing  
company needs a  
spunky, cheerful  
CUSTOMER  
SERVICE REP to  
help our customers  
enjoy our products  
without snags.  
You work when you  
want... where you  
want... and how often  
you want. Must be  
"tech literate" (most  
of our support service  
is online) and able to  
talk with customers  
over the phone when  
needed. Please  
email your resume  
with a cover letter to  
[jobs@CQC](mailto:jobs@CQC)  
Publishing.com

## LOOKING FOR EXPERIENCED

## Public Notice

## General Help Wanted



Hill Country Mental Health and Developmental Disabilities Centers  
**Community Service Aides**  
\*\*\*\*\*  
Now Hiring - Comal and Hays Locations  
Full and Part Time Positions  
with Benefits  
Variable Locations with  
Flexible Scheduling  
Apply at  
[www.hillcountry.org](http://www.hillcountry.org)  
\*\*\*\*\*  
Hill Country MHDD Centers is an EOE

## General Help Wanted

HAIR STYLIST  
NEEDED for Brand  
New Senior apart-  
ment community  
opening in Dripping  
Springs. This is a  
great opportunity for  
someone to have a  
small business with  
built in senior client-  
ele and to bring in  
their own clientele.  
Can also bring in  
another stylist  
/manicurist if you like.  
We open Jan 2018  
and cost is \$200 per  
total per month.  
We provide brad  
new salon and sink  
with all utilities in-  
cluded, you provide  
equipment and proof  
of license and  
insurance. Please  
call 512-806-6700 if  
you are interested.

## GET ONLINE.

## GET THE JOB.

## General Help Wanted

## General Help Wanted

## General Help Wanted

PART-TIME  
Maintenance Position  
The City of  
Woodcreek is  
accepting applica-  
tions for a part-time  
maintenance person.  
Applicant must be  
available to work  
approximately 6 - 12  
hours/week and will  
provide own equip-  
ment (ex. lawn-  
mower, chainsaw,  
post-hole digger). An  
hourly wage of \$20/  
hour is provided. The  
City will not provide  
benefits for this  
position.  
Applications are  
available on the  
City's website:  
[woodcreektx.gov](http://woodcreektx.gov) and  
at Woodcreek City  
Hall, 41 Champions  
Circle, Woodcreek,  
TX 78676.  
Applications will be  
accepted until the po-  
sition is filled.

## Classifieds Work!

## General Help Wanted

## General Help Wanted

LEAD  
MAINTENANCE  
New 55+ Senior  
Community  
Skills &  
Qualifications  
- High School  
diploma or equivalent  
is required  
- Valid Driver's  
License  
- EPA or HVAC  
certification; CPO  
certification preferred  
- Must pass back-  
ground and drug test  
512-806-6700

## General Help Wanted



That's What's Good About Them!  
JOHNSON CITY DQ  
NOW HIRING  
CO-MANAGER  
TEAM MEMBERS  
IMMEDIATE OPENINGS  
Day, Night and Weekend  
Shifts Available.  
Why Work At Dairy Queen:  
Committed to 49 years of  
Excellence.  
What We Offer:  
Competitive Pay, Medical,  
Dental and Vision Benefits,  
Paid Holidays and Vacation,  
Incentive Pay Potential and  
Career Advancement.  
Positions for Management and  
Team Members available in  
other locations  
Apply Online  
[www.richesondu.com](http://www.richesondu.com)

## General Help Wanted

Marcos in  
Wimberley is  
hiring Wait &  
Kitchen staff.  
Very good pay.  
Call Eva 512-  
800-3289

## General Help Wanted



Set your  
sights high.

**ORDINANCE NO. 2018-0X**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 419 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM COMMERCIAL LOW IMPACT (C-1) TO COMMERCIAL MODERATE IMPACT (C-2); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the regulations established by Section 155 (Zoning), as amended, (the “Code”) are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

**WHEREAS**, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’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 the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

**WHEREAS**, the regulations established by the Code 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, and 211; and

**WHEREAS**, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City’s Code of Ordinances and have concluded that the requested zoning designation is consistent with established City policy and in the public interest; 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 15<sup>th</sup> 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, HAYS COUNTY, TEXAS:**

**ARTICLE I. AMENDMENT**

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

**Appendix F: Zoning District Designations**

The City Council of the City of Wimberley has divided the City into the zoning districts as follows. The applicable use, height, area and development regulations adopted by the City shall apply to each district. The following geographic boundaries of the zoning districts for the properties listed below are hereby established as follows:

THAT the 0.90 acres out of the Benjamin Page Survey, Abstract No. 365, in Wimberley, Hays County, Texas, commonly known as 419 FM 2325, and more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference for all purposes, is hereby designated from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) zoning classification.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

**ARTICLE II. ZONING DISTRICT MAP**

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

**ARTICLE III. SEVERABILITY**

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

**IV. EFFECTIVE DATE**

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

**ARTICLE V. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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 this 15th day of February, 2018, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

**CITY OF WIMBERLEY**

BY: \_\_\_\_\_  
Herschel 'Mac' McCullough, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
B. Young, Deputy City Attorney

EXHIBIT "A"

**J. LEROY BUSH**

REGISTERED PUBLIC SURVEYOR

599 864  
4023 MANHACCA

PHONE 442-0990

AUSTIN, TEXAS 78704

1370 813

March 26, 1986

FIELD NOTES TO 0.90 ACRE OF LAND OUT OF THE BENJAMIN PAGE SURVEY ABST. NO. 365 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (1.957 ACRE) TRACT OF LAND CONVEYED TO VAL SMITH BY TRANSFER OF LIEN RECORDED IN VOLUME 576, PAGE 455 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the intersection of southwest R.O.W. line of Highway 2325 with the southeast R.O.W. line of County Road 279 at the most Northerly or Northeast corner of that certain (1.957 acre) tract of land conveyed to Val Smith by Transfer of Lien recorded in Volume 576, Page 455 of the Deed Records of Hays County, Texas, for the most Northerly corner of this tract;

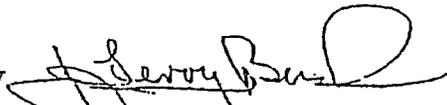
THENCE with the southwest line of Hwy. 2325, and the northeast line of the said Smith tract, S 56 deg. 18' 10" E 153.59 ft. to an iron rod found at the intersection of the southwest line of said Hwy. 2325 with the northwest line of County Road 247, also known as Rhodes Lane, as of record in Volume 159, Pages 286-290 of the Deed Records of Hays County, Texas, at the most Easterly or Southeast corner of the said Smith tract, for the most Easterly corner of this tract;

THENCE with the northwest line of County Road 247 and the southeast line of the said Smith tract S 51 deg. 43' 30" W 278.76 ft. to an iron rod set for the most Southerly corner of this tract;

THENCE N 34 deg. 57' 20" W 170.04 ft. to an iron rod set in the southeast line of County Road 279, same being in the northwest line of the said Smith tract, for the most Westerly corner of this tract;

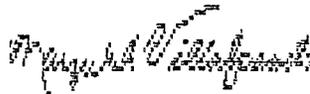
THENCE with the southeast line of County Road 279 and the northwest line of the said Smith tract, N 57 deg. 49' 40" E. 222.62 ft. to the place of Beginning, containing 0.90 acre of land.

SURVEYED: March, 1986

By   
J. Leroy Bush

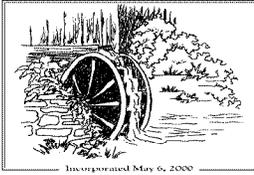
c:349056a

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



2-6-98 12:03 PM 9802182  
COLEY \$11.00  
MARGIE T VILLALPANDO, County Clerk  
HAYS COUNTY

# City Council Agenda Form



**Date Submitted:** February 12, 2018

**Agenda Date Requested:** February 15, 2018

**Project/Proposal Title:** PUBLIC HEARING &  
SECOND READING AMENDING THE CITY CENTER  
OVERLAY DISTRICT TO REMOVE LIQUOR STORE AS  
A PROHIBITED USE

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

The first reading of this ordinance amendment on February 1<sup>st</sup> resulted in a vote to approve the code amendment by a vote 3-2, with Councilmembers Fore & Barchfeld voting against. Per motion of this vote, the ordinance amendment language now includes the definition of “showroom” and refines the allowable area. (Councilmember Davis)

**Ordinance No. 2018-\_\_\_\_\_**

**“Sale of Alcohol in VC -Village Center Overlay District”**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SECTION 155.091 (VILLAGE CENTER OVERLAY DISTRICT; VC) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO PERMIT LIQUOR STORES WITH A MAXIMUM AREA OF 1,300 SQUARE FEET; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

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

**WHEREAS**, on May 9, 2009, a majority of the voters of Hays County voted to allow the public to purchase alcohol in stores and to purchase and consume alcoholic drinks at restaurants and bars in Justice of the Peace Precinct Three of Hays County; and

**WHEREAS**, amendments to the City’s Zoning Code are necessary to allow certain sales of alcoholic beverages in order to permit such uses in the City’s various zoning districts; 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 Planning and Zoning Commission and City Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses, with a view toward conserving property values and encouraging the most appropriate use of land in the City; and

**WHEREAS**, the Council finds that the proposed amendment will lessen restrictions and will not impose additional restrictions on certain persons holding a state-issued alcohol license or permit, as permitted by section 109.57(c) of the Texas Alcoholic Beverages Code; and

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

**WHEREAS**, the following enactments are a valid exercise of the City’s broad police powers and based on the City’s statutory regulatory authority, including, but not limited to, Texas Local Government Code Chapters 51, 52, and 211; 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 15<sup>th</sup> 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 hearings;

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

**SECTION I. FINDINGS OF FACT**

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

**SECTION II. AMENDMENT**

A. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.005 (Definitions), is hereby amended to add the following definition:

“**SHOWROOM.** The portion of a retail establishment to which the public has access and that provides area for the regular transaction of business, including the presentation of displayed merchandise in a finished building setting.”

B. The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 155 (Zoning), Section 155.091 (Village Center Overlay District; VC), Subsection E (Prohibited Uses), is hereby amended to read as follows:

“(11) Liquor Stores, excluding establishments that have both (a) a maximum total area of 1,700 square feet; and (b) a maximum showroom area of 1,300 square feet.”

**SECTION III. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Article shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue,

or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Article.

**SECTION IV. SEVERABILITY**

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

**SECTION V. REPEALER**

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

**SECTION VI. EFFECTIVE DATE**

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

**SECTION VII. PROPER NOTICE AND MEETING**

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

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Hershel “Mac” McCullough,  
Mayor

ATTEST:

---

Laura Calcote,  
City Secretary

# City Council Agenda Form



Date Submitted: February 12, 2018  
Agenda Date Requested: February 15, 2018

**Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION**  
Agreement for Judicial Appointment and Oath of Office - Interim City Administrator Paul Parker

**Council Action Requested:**  
 Ordinance  
 Resolution  
 Motion  
 Discussion

**Project/Proposal Summary:**  
Please see attached the proposed Agreement for Judicial Appointment between the City of Wimberley and Daniel M. Burns. If the Agreement is approved, Judge Burns will be sworn in as the City of Wimberley Municipal Court Judge.

## **AGREEMENT FOR JUDICIAL APPOINTMENT**

This Agreement is entered into by and between the City of Wimberley, Texas, a Texas municipality (“City,” herein), and Daniel M. Burns (“Judge,” herein), which parties agree as follows:

### **1 – APPOINTMENT AND TERM**

- 1.1 City hereby appoints Daniel M. Burns as Municipal Judge to preside over the City of Wimberley Municipal Court of Record No. 1.
- 1.2 This appointment shall commence on \_\_\_\_\_, 2018 and shall remain in effect for a period of two (2) years. This appointment may be extended for such additional two year term(s) as may be mutually agreed upon by City and Judge.
  - .1 If Judge is not reappointed by the 91<sup>st</sup> day following the expiration of the initial or subsequent appointment, Judge shall, absent action by City, continue to serve for another two year term beginning on the date the previous term of office expires.
  - .2 This appointment may be terminated for cause prior to the end of any term as permitted by the Code of Wimberley, Texas Government Code Chapter 29 and 30, Texas Local Government Code Chapter 21, Subchapter B, and such other statutes as may control such actions.
  - .3 This appointment may be immediately terminated by voluntary resignation of Judge, or by action deemed to constitute a voluntary resignation as specified herein.
- 1.3 City may by separate agreement appoint additional associate, substitute or temporary judges as it may deem appropriate.

### **2 – DUTIES**

- 2.1 In fulfilling the duties of this appointment Judge shall:
  - .1 Preside over all general, plea, jury and non-jury, and combined dockets of the court, conducted not less than once per calendar month, excepting dockets assigned to an associate, temporary or substitute judge;
  - .2 Maintain general availability for issuance of writs, search and arrest warrants, and other matters within the jurisdiction of the Court;
  - .3 Perform all additional judicial and administrative duties specified for a municipal judge by Texas Government Code Chapter 29 and 30;
  - .4 Perform all additional judicial and administrative duties specified for a Presiding Judge by Texas Government Code Chapter 30; and,

- .5 Coordinate with other judges of courts in Hays County, Texas to perform magistrate duties as required by the Hays County Jail. City does not currently operate a holding facility for which magistrate duties would be required.
- 2.1 Mandatory duties shall not include performance of marriage ceremonies or other discretionary duties of a state judge which are not required by law to be accepted or performed by a judge.
- 2.2 All duties, whether required or discretionary, shall be conducted in a manner consistent with the Texas Rules of Judicial Conduct and the Texas Rules of Disciplinary Conduct. Without regard to specific proscriptions provided in these rules:
  - .1 Judge will not engage in the practice of law in an adversarial capacity before the City of Wimberley City Council or any City court or administrative tribunal, or in any other court or administrative proceeding involving the City.
  - .2 Judge will refrain from any activity or employment that might place him in a position of conflict of interest with respect to this appointment. Provided, however, this restriction shall not preclude the acceptance of clients in Judge's private law practice unless a prospective client shall have one or more matters pending before the Court at the time the client accepted.
- 2.3 Judge represents that prior to the term of this appointment he has two (2) or more years of experience practicing law in the State of Texas, and agrees that at all times during this appointment he will remain: (1) a citizen of the United States; (2) a resident of the State of Texas; and, (3) a licensed attorney in good standing with the State Bar of Texas. Judge shall promptly notify the City Administrator of his failure to meet such conditions, and shall be deemed to have voluntarily resigned if such failure is not cured within thirty (30) days.
- 2.4 Judge agrees that at all times during this appointment he may not be otherwise employed by City, and that acceptance of any other employment by City shall automatically constitute his immediate and voluntary resignation from and vacation of this appointment.

### **3 – COMPENSATION**

- 3.1 Judge shall be entitled to a salary of \$1,000.00 per month during this appointment.
  - .1 Salary may not be diminished during any appointment. Salary may not be increased during any appointment except for equitable adjustments reflecting additional duties assigned to Judge and received by City.
  - .2 Salary may not be based or adjusted based directly or indirectly on fines, fees, or costs collected by the Court.
- 3.2 Salary shall be paid in one or more installments during each calendar month as determined by usual City practices for full time, salaried employees. Judge shall not be required to

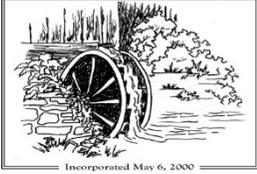
provide any invoice or other demand for payment to City as a condition precedent to payment of salary.

- 3.4 City shall pay for or reimburse Judge for the costs and reasonable expenses incurred in fulfilling Judge's continuing education requirements as determined by the Texas Judicial Counsel. If Judge is appointed as judge in another court or courts, City will pay a pro rate portion of such costs and expenses. City may require documentation of all costs and expenses not paid directly to a vendor or service provider by City.

#### **4 – ADDITIONAL TERMS**

- 4.1 This Agreement represents the entire and integrated agreement of the parties respecting the subject matter thereof. No amendment to this Agreement may be enforced unless: (1) such amendment has been reduced to writing and signed by authorized representatives of both parties; or, (2) the amendment constitutes continued performance of a holdover term as permitted by paragraph 1.2.1. No party may claim to have relied to their detriment on any amendment to this Agreement not in writing.
- 4.2 This Agreement shall be construed and interpreted in accordance with the laws of the State of Texas. This Agreement shall not be construed so as to assign authorship to either party.
- 4.3 Each provision and clause required by law to be included in this Agreement shall be deemed to have been included, and this Agreement shall be read and construed as if any omitted provision or clause shall have been expressly included.
- 4.4 The rights conferred by this Agreement on City and Judge are not assignable to any third party. This Agreement does not convey any rights to any third party, whether as an intended or incidental beneficiary or in any other capacity.

# City Council Agenda Form



Date Submitted: February 12, 2018  
Agenda Date Requested: February 15, 2018

Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION  
Resolution No. 08-2018 - Interim City Administrator Paul Parker

Council Action Requested:  
 Ordinance  
 Resolution  
 Motion  
 Discussion

Project/Proposal Summary:  
Please see attached Resolution No. 08-2018 appointing the law firm of Denton Navarro Rocha Bernal & Zech, P.C. to provide legal services as City Attorney, and designating a City Attorney and Assistant City Attorneys for the City of Wimberley. Also attached is an engagement letter from the firm to provide legal services for the City.

February 1, 2018

City of Wimberley  
Mayor and City Council  
221 Stillwater  
Wimberley TX 78676

Via email: [mayor@cityofwimberley.com](mailto:mayor@cityofwimberley.com)  
[pparker@cityofwimberley.com](mailto:pparker@cityofwimberley.com)

RE: Agreement for Legal Services – City Attorney Services

Dear Mayor and Council,

I would like to first thank the City Council for the opportunity to represent the City of Wimberley as your City Attorney. I submit this engagement letter to the City, on behalf of our law firm, to provide City Attorney services to the City.

I, Charles E. Zech will be the supervising partner. Depending on your needs and work load, other lawyers in the firm will be used when necessary to increase our ability to respond to your needs and reduce your overall costs in connection with our engagement. The majority of our lawyers have served as city attorneys, assistant city attorneys, or assistant county attorneys in the public sector, and as a result, understand that our services are paid from tax dollars, and that the Council and Mayor in your city are accountable to the citizens for the expenditure of those funds. As such, we strive to provide the best all-around legal services for the cost. Denton Navarro Rocha Bernal & Zech, P.C. holds merit certification in municipal law from the Texas City Attorneys Association.

Unless identified below, all staff member support time is provided at no charge. Effective October 1, 2017, our hourly billing rates for this engagement are \$205 per hour for Shareholders; \$195 per hour for Partners and Senior Associates; \$185 per hour for Associates; \$125 per hour for Law Clerks; and \$95 per hour for Paralegals. Please note that rates for economic development project support with developer/project-based fee reimbursements are provided at higher private fee rates, rather than public entity rates.

We bill on the tenth of an hour. All related expenses are charged "at cost" with no "mark-up," and all related mileage is charged pursuant to the then in-effect IRS Rules. All invoices shall be sent to the appropriate individual as directed.

Please execute this letter in the space provided below to acknowledge formal acceptance of the terms and conditions of our engagement on behalf of the City of Wimberley, Texas. Please

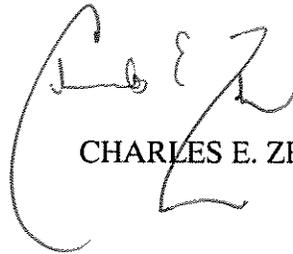
City of Wimberley  
February 1, 2018  
Page 2

return the executed letter to me by facsimile at (512) 279-6438, or by email at [charles.zech@rampage-sa.com](mailto:charles.zech@rampage-sa.com).

If you have any questions or need clarification regarding the above information, please do not hesitate to contact me at (512) 279-6431.

Very truly yours,

**Denton Navarro Rocha Bernal & Zech, P.C.**  
attorneys & counselors at law • rampagelaw.com



CHARLES E. ZECH

CEZ/ja

APPROVED:

\_\_\_\_\_  
Mayor, City of Wimberley

\_\_\_\_\_  
Date

**RESOLUTION NO. 08-2018**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, APPOINTING THE LAW FIRM OF DENTON NAVARRO ROCHA BERNAL & ZECH, P.C. TO PROVIDE LEGAL SERVICES AS CITY ATTORNEY, AND DESIGNATING A CITY ATTORNEY AND ASSISTANT CITY ATTORNEYS**

**WHEREAS**, the City Council prepared and sent out a Request for Qualifications for City Attorney/Legal Services; and

**WHEREAS**, after reviewing all responses and conducting interviews the City Council finds and determines that the law firm of Denton Navarro Rocha Bernal & Zech PC is composed of Attorneys that meet the requirements of the Request for Qualifications; and

**WHEREAS**, City Council desires to provide the greatest flexibility and value to the City in the provision of legal services.

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

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**SECTION 2. Appointment of Denton Navarro Rocha Bernal & Zech, P.C.** The City Council hereby appoints the law firm of Denton Navarro Rocha Bernal & Zech PC (the “Firm”) to provide legal services as City Attorney.

**SECTION 3. City Attorney.** Charles E. Zech, a shareholder in the Firm, is hereby designated as the City Attorney.

**SECTION 4. Assistant City Attorneys.** The lawyers of the Firm are hereby designated as assistant City Attorneys and are hereby authorized to represent and provide legal services to the City at the direction of the City Attorney subject, ultimately, to the discretion of the City Council.

**PASSED AND APPROVED** on this 15<sup>th</sup> day of February, 2018.

CITY OF WIMBERLEY, TEXAS

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Herschel P. “Mac” McCullough, Mayor

ATTEST:

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Laura J. Calcote, City Secretary



# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

**Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION**  
**Bank Account Signatories - Interim City Administrator Paul Parker**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

Consideration and action to add in-coming City Administrator Shawn Cox as signatory to the City of Wimberley bank accounts, effective immediately. Interim City Administrator Paul Parker will be removed as signatory to the bank accounts, effective March 1, 2018.

# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

**Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION**  
Part-Time Public Works Assistant - Interim City Administrator Paul Parker

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

Presently the City contracts with Native Son Landscaping and Design to maintain six beds within and adjacent to the parking improvements installed on the Wimberley Square (\$9,600). Also the City contracts the mowing of the nature trail and Oak Drive (\$1,800), and the cleaning of the nature trail restrooms on the weekends (\$4,160). The total expenditures for these services is \$15,560/year.

The City is proposing to cancel these contracts and authorize the creation of a twenty hour per week part-time position. This part-time employee would work under the supervision of Aaron Reed. The responsibility for maintaining the beds in the Wimberley Square, restroom maintenance on the weekend and mowing the nature trail would all be accomplished by City staff. In addition, staff would be able to better maintain the roadside park, tree trimming on City streets and other City maintenance requirements. The part-time position would work two eight hour shifts and two hours on Saturday and Sunday to clean restrooms and pick-up trash downtown.

Therefore, staff recommends the Council authorize the creation of a twenty hour part-time Public Works Assistant.

# Part Time Public Works Assistant

**Pay - \$12.50/hour; \$13,000 annually**

**Schedule- 20 hours per week,**

Thursday-Friday 8:00 AM-4:30 PM w/ ½ hour lunch

Saturday-Sunday 8:00 AM – 10:00 AM

## Daily Responsibilities:

**Thursday: (8 hours)** Open and service Downtown Restroom trailers. Mow, weedeat, edge, blow city hall. Weedeat, edge blow Nature Trail Park. Mow, weedeat, blow Oak Drive parking lots. Trash pickup downtown. Stock and clean Nature Trail Park restroom. Service downtown landscaping and irrigation. Remove and change trash bags Mt. Baldy. Other duties as assigned.

**Friday: (8 hours)** Open and Service Downtown Restroom trailers. Stock and clean Nature Trail Park restroom. Remove and change trash bags in cans downtown. Trash pickup downtown. Mow, weedeat, edge, blow Roadside Park. Remove and change trash bags at Roadside Park. Other duties as assigned.

**Saturday and Sunday: (2 hours each)** Open and Service Downtown Restroom trailers. Stock and clean Nature Trail Park restroom. Trash pickup downtown.

## Funding: (Annually)

<b>Downtown Maintenance Contract:</b>	\$9,600.00
<b>Nature Trail and Oak Drive Mowing:</b>	\$1,800.00
<b>Nature Trail Restroom Cleaning:</b>	<u>\$4,160.00</u>
	\$15,560.00
<b>Costs:</b>	
<b>Salary:</b>	\$13,000.00
<b>Equipment:</b>	<u>\$1,155.94</u>
<b>Balance:</b>	<b>\$1,404.06</b>

## Public Works Equipment

### Ace-

Stihl HT 56 CE Pole Trimmer-	\$399.99
------------------------------	----------

### Home Depot-

Echo HC 152 20" Hedge Trimmer	\$289.00
-------------------------------	----------

Echo CS 490 20 20" Chainsaw	\$349.00
-----------------------------	----------

True Temper 6 cu. Ft. Wheelbarrow	\$87.98
-----------------------------------	---------

Fiskars 23 in. Hedge Shears	<u>\$29.97</u>
-----------------------------	----------------

<b>Total</b>	<b>\$1155.94</b>
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**RESOLUTION NO. 09-2018**

**WHEREAS**, Section 322 of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) requires local governments to develop a hazardous mitigation plan as a condition for receiving certain types of non-emergency disaster assistance, including funding for mitigation projects; and,

**WHEREAS**, the Code of Federal Regulations (CFR) at Title 44, Chapter 1, part 201, requires the City to prepare and adopt a local mitigation plan every five years; and,

**WHEREAS**, a steering committee comprised of members of the County, and the City of Wimberley, selected and deemed appropriate by the Commissioners Court in his authority to do so as granted by the people, as well as the City’s leadership was convened in order to assess the risks of hazards facing the County and the City, and to make recommendations on actions to be taken to mitigate these hazards; and,

**WHEREAS**, the plan incorporates the comments, ideas and concerns of the community and of the public in general, which this plan is designed to protect, ascertained through a series of public meetings, publication of the draft plan, press releases, and other outreach activities; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Wimberley that the 2018 Hays County, Texas Hazard Mitigation Plan 2017 is hereby approved and adopted by the City Council of the City of Wimberley and resolves to execute the actions in the plan.

This Resolution shall take effect immediately without reconsideration.

A copy of the plan is attached to this resolution.

**ADOPTED** by the City Council of the City of Wimberley on this 15<sup>th</sup> day of February, 2018.

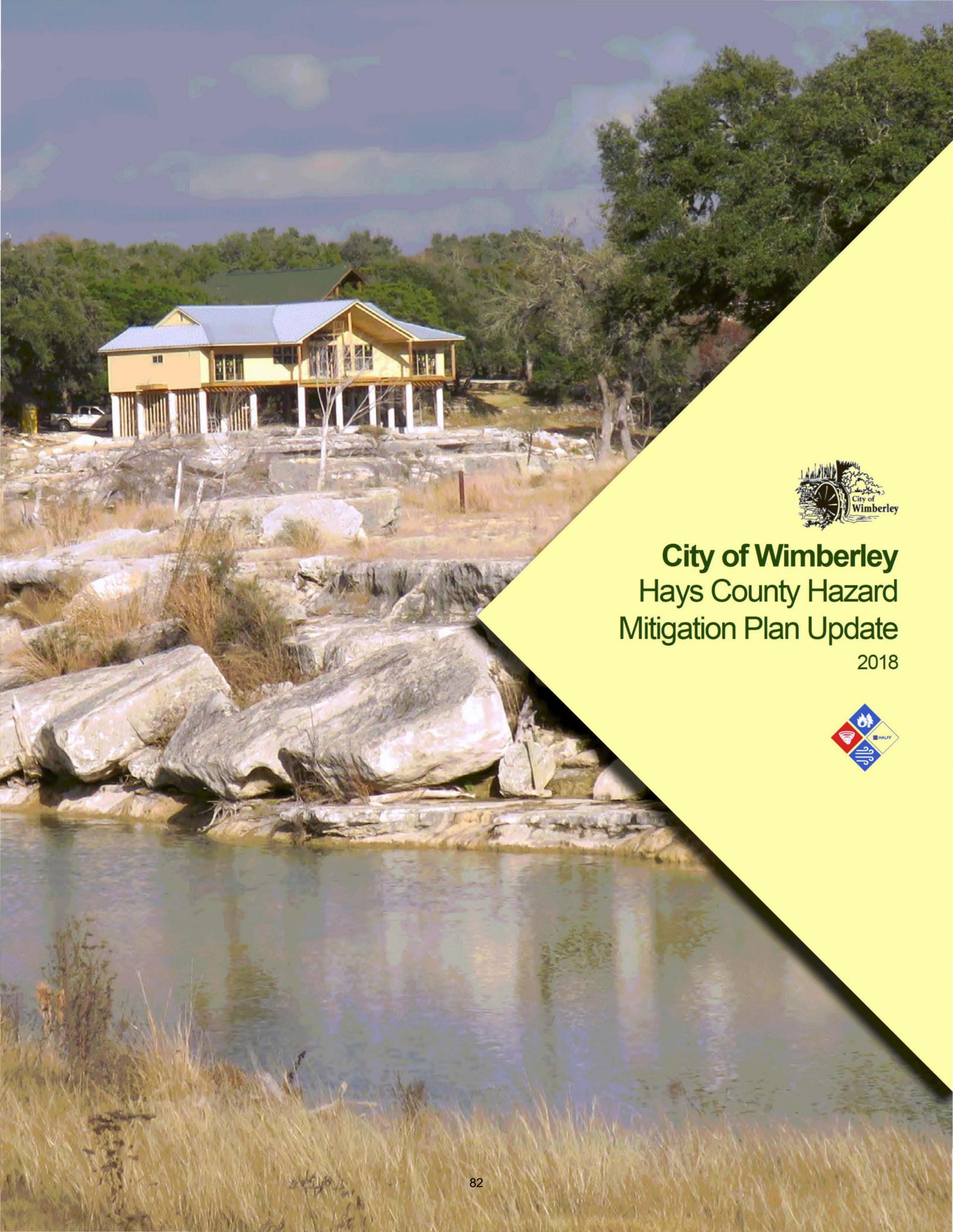
CITY OF WIMBERLEY, TEXAS

\_\_\_\_\_  
Herschel P. “Mac” McCullough, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Calcote, City Secretary





**City of Wimberley**  
**Hays County Hazard**  
**Mitigation Plan Update**  
2018





# Table of Contents

- Section 1: Organize and Review..... 1**
  - 1.1 Community Description..... 1
  - 1.2 Outreach Strategy ..... 3
  - 1.3 Incorporation of Sources..... 4
- Section 2: Risk Assessment ..... 7**
  - City of Wimberley Jurisdictional Hazards ..... 7
  - 2.1 Hazard Profiles ..... 7
    - Hailstorms ..... 8
    - Windstorms ..... 9
    - Tornadoes..... 11
    - Expansive Soils..... 13
    - Floods ..... 14
    - Hays County Hazard Mitigation Plan, City of Wimberley Annex ..... 15
    - Risk Assessment..... 15
    - Hays County Hazard Mitigation Plan, City of Wimberley Annex ..... 17
    - Risk Assessment..... 17
    - Hurricanes/Tropical Storms ..... 20
    - Earthquakes ..... 23
    - Dam/Levee Failure ..... 25
    - Wildfires ..... 28
  - 2.2 Risk Ranking Result ..... 32
- Section 3: Mitigation Strategy ..... 33**
  - 3.1 Existing Capabilities ..... 33
  - 3.2 National Flood Insurance Program Participation..... 34
  - 3.3 Mitigation Goals..... 34
  - 3.4 Mitigation Actions..... 35
  - 3.5 Capabilities Assessment ..... 47
  - 3.6 Integration Efforts ..... 51
- Section 4: Finalize Plan Update ..... 53**
  - 4.1 Changes in Development..... 53
  - 4.2 Progress in Mitigation Efforts ..... 53
  - 4.3 Changes in Priorities ..... 54
- Section 5: Approval and Adoption..... 55**
  - 5.1 Approval and Adoption Procedure ..... 55
- References ..... 57**

# Hays County Hazard Mitigation Plan, City of Wimberley Annex

## Figures

Figure WB.1, City of Wimberley Planning Area.....	1
Figure WB.2, City of Wimberley Plan Participation.....	2
Figure WB.3, Special Flood Hazard Areas and Low Water Crossings, City of Wimberley.....	14
Figure WB.4, Historical Hurricane/Tropical Storm Paths, City of Wimberley.....	20
Figure WB.5, Texas Earthquakes, 1847 – 2015, City of Wimberley.....	23
Figure WB.6, Downstream Impact Buffers, City of Wimberley.....	25
Figure WB.7, Fire Intensity Scale (FIS) and Reported Wildfire Ignitions, City of Wimberley.....	28
Figure WB.8, Mitigation Action Summary Worksheet.....	47

## Tables

Table WB.1, Major Employers.....	2
Table WB.2, Utility Providers.....	2
Table WB.3, Review/Incorporation of Sources.....	4
Table WB.4, Windstorms, Vehicle Accidents, Hays County.....	9
Table WB.5, Tornado Events, City of Wimberley.....	11
Table WB.6, City of Wimberley Floodplain Acreage.....	14
Table WB.7, Flood Events, City of Wimberley.....	15
Table WB.8, Dams Upstream of the City of Wimberley.....	26
Table WB.9, Wildfire Ignitions, City of Wimberley.....	29
Table WB.10, TxWRAP Fire Intensity Acreage, City of Wimberley.....	30
Table WB.11, WUI Acreage, City of Wimberley.....	30
Table WB.12, Existing Capabilities.....	33
Table WB.13, Mitigation Action Prioritization (with Hazards in order of highest priority to lowest).....	48
Table WB.14, Mitigation Action Impact, City of Wimberley.....	50
Table WB.15, Plan Integration Efforts, City of Wimberley.....	51
Table WB.16, Municipal Jurisdiction Adoption Date.....	55



# City of Wimberley Annex

## Section 1: Organize and Review

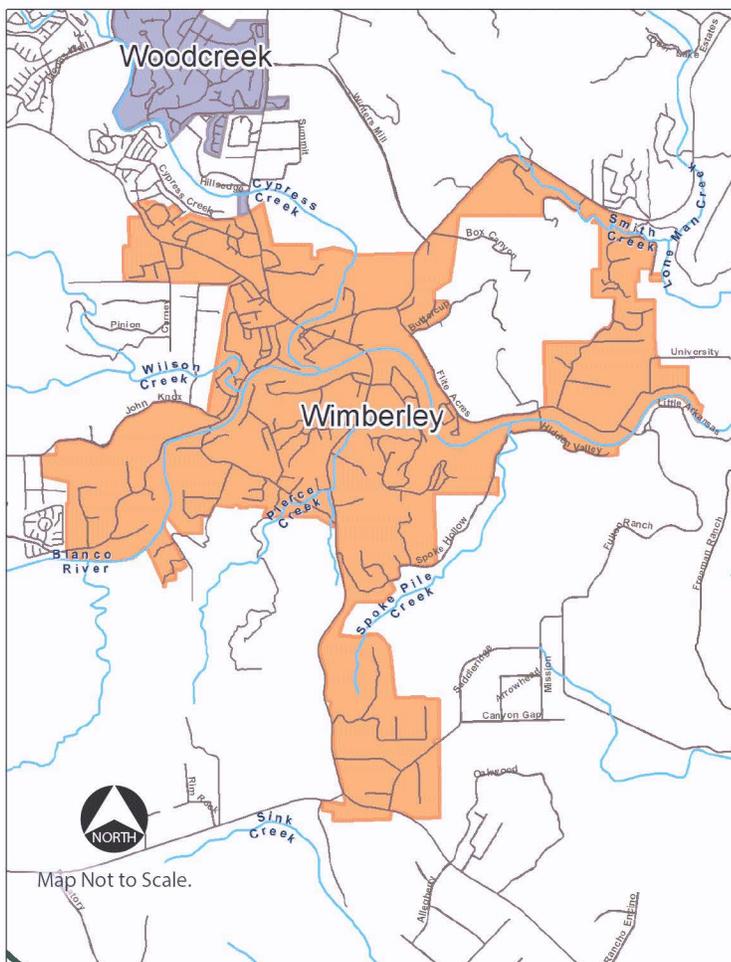
This section contains a brief description of the City of Wimberley and its jurisdictional features. In addition, Section 1 contains the following details regarding Wimberley's:

- participation in the Hays County HMP Update process,
- stakeholder engagement,
- public outreach strategy,
- incorporation efforts and
- plan maintenance procedures.

*Population :	2,620
Size of Community:	9 sq. miles
*Population over 65 years old	703
*Population under 16 years old	444
*Economically Disadvantaged Population (\$0-\$20k)	164
Wimberley is serviced by the following responders:	
EMS - Wimberley EMS / ESD #7	
Fire/EMS - Wimberley Fire Rescue/Wimberley EMS	
Law Enforcement - Hays County Sheriff's Office	

*\*HAZUS-MH 3.2 updated Census 2010 Population Estimates*

Figure WB.1, City of Wimberley Planning Area



### 1.1 Community Description

When planning, it is important to take into account the characteristics that make a community unique. Consideration of unique needs when it comes to mitigating or recovering from natural hazards ensures that all members of the community and their needs are addressed.

The City of Wimberley is in Central Hays County at the confluence of Cypress Creek and the Blanco River. It is situated roughly 1,000 feet above sea level on the Edwards Plateau and is considered the heart of the Texas Hill Country. Wimberley is a tourist destination, known for its quiet secluded lodging, art, music, theater, quaint downtown with diverse shops, river and creeks, camps and retreats, and its frequent festivities. Home to the popular Blue Hole Regional Park, the 126-acre park is one of the only parks in the country that is fully sustainable. It was built with natural materials that were cleared to create the park space. Fencing was constructed from cleared trees and micro-detention facilities are used to collect the water used for the facilities. Because of attractive natural features, Wimberley has an large number of tourists during the warm season.

## Hays County Hazard Mitigation Plan, City of Wimberley Annex

Wimberley is distinct in the fact that they have invested in insuring their roads and bridges. During recent Federal declared disasters that destroyed infrastructure, this coverage was used to repair these assets without any need for FEMA funding.

The City’s students are served by Wimberley Independent School District (ISD), which is made up of 4 schools that also act as a major employer for the community (shown in Table WB.1). The community does not collect ad valorem (property) tax, from Wimberley land owners. The \$1 million general fund that supports their government operations is generated from sales tax revenue brought in by the community attractions.

Incorporated in May of 2000, Wimberley previously existed as a census-designated place (CDP). The community is governed by a Mayor and 3 council members and is supported by 8 City staff and many volunteers. Wimberley’s main utility providers are shown in Table WB.2.

**Table WB.1, Major Employers**

Business Type	Name of Employer
Education	Wimberley Independent School District

**Table WB.2, Utility Providers**

Type	Provider
Electric	Pedernales Electric Cooperative (PEC)
Water	Wimberley Water Supply Corporation/Aqua Texas

### Community Planning Involvement

MPC planning activities for the Hays County Hazard Mitigation Plan (HMP) Update are captured in Figure WB.2, which utilizes check-marks to indicate each of the activities that were completed by Wimberley MPC members.

*Figure WB.2, City of Wimberley Plan Participation*

#### Meetings



- ✓ Kick-Off
- ✓ Risk Assessment
- ✓ Mitigation Strategy

#### Data Submission



- ✓ Planner’s Survey
- ✓ Data Collection Spreadsheet/ GIS Data
- ✓ Planning Worksheets
- ✓ Phone Interview

#### Public Involvement



- ✓ City Council/Commissioner’s Court Agenda Items
- ✓ Public Survey Posting/ Collection



## 1.2 Outreach Strategy

The City of Wimberley was very active in the following outreach activities used to request public participation in the Hays County HMP Update. Their activities included promotion of the HMP Public Survey, a City Council announcement, plan phase newsletter distribution and a draft plan public comment period.

### ***Public Survey Promotion***

Wimberley advertised the Hays County Hazard Mitigation Plan Update Public Survey on the homepage of [www.cityofwimberley.com](http://www.cityofwimberley.com).

As of March 10, 2017, Wimberley had 10 residents respond to the public survey. Details on how the survey data was directly incorporated into the Risk Ranking process for hazards is included in Chapter 2, the risk assessment portion of the main plan document.

### ***City Council Meeting Announcement***

On January 5, 2017, the City Administrator presented information on the Hays County Hazard Mitigation Plan Update to the Wimberley City Council. Elected officials, local agency leaders and members of the public attended the meeting. The Council minutes for this presentation are included in Plan Appendix A.

### ***Plan Phase Newsletters***

Wimberley was provided with newsletters at each phase of the planning process in order to be able to share updates on the planning process with stakeholders, elected officials, City staff and the public. Copies of the newsletters can be found in Plan Appendix A.

### ***Plan Draft Public Review and Comment Period***

The link to the draft Hays County HMP (hosted on the Hays County Office of Emergency Services page) was posted on the City of Wimberley website from July 12, 2017 until July 26, 2017. A hard copy was placed in the Wimberley City Hall for public review. No public comments were received during this review period.



### 1.3 Incorporation of Sources

In addition to stakeholder and public input, the MPC also reviewed other City planning resources that could provide useful information for the plan update process. Table WB.3 lists the documents reviewed and how they were considered for incorporation in the updated plan.

*Table WB.3, Review/Incorporation of Sources*

Name of Document	Type	How Incorporated
2013 State of Texas Hazard Mitigation Plan	Plan	Utilized hazard definitions and hazard classification names.
Flood Insurance Study	Study	Incorporated best available hydraulic and hydrologic study results for flood hazard profile.
Code Chapter 151 Building Regulations; Construction Ordinance	Regulations	Reviewed for possible enhancement with mitigation (American Legal Publishing Corporation, 2001).
Code Chapter 35 Fee Schedule Ordinance	Regulations	Reviewed for floodplain development fees (none found) (American Legal Publishing , 2000).
Code Chapter 32 Emergency Management Ordinance	Regulations	Reviewed for consideration of incorporation of mitigation items <ul style="list-style-type: none"> <li>Inclusion of part indicating that “a Hazard Mitigation Plan shall be maintained.” This ordinance currently states this for the Emergency Management Plan, but not the Mitigation Plan. (American Legal Publishing Corporation, 2003).</li> </ul>
Code Chapter 153 Flood Damage Prevention Ordinance	Regulations	Reviewed for consideration of higher standards to development, such as freeboard on lowest finished floor (American Legal Publishing Corporation, 2001).
Code Chapter 92 Open Burning Ordinance	Regulations	Reviewed for wildfire mitigation enhancement opportunities (American Legal Publishing Corporation, 2005).
Code Chapter 154 Subdivision Control Ordinance	Regulations	Reviewed for opportunities to add accessibility requirements that will decrease the amount of ingress and egress issues with subdivisions within the community (American Legal Publishing Corporation, 2001).
City of Wimberley Residential Application for Development	Form	Reviewed for inclusion of floodplain review during application process. The form includes the requirement for elevation certificates if in the Special Flood Hazard Area. (City of Wimberley, 2017).



Table WB.3, Review/Incorporation of Sources , (cont.)

Name of Document	Type	How Incorporated
2016 Comprehensive Plan	Plan	<p>Draw from existing plan Goals and Objectives</p> <ul style="list-style-type: none"> <li>• Community Character-Visual Environment 1- promote the use of planting to enhance the visual quality of the community, provide shade and control erosion (flood)</li> <li>• Community Character-Visual Environment 4a- Regulate overhead utility lines (lightning, windstorm, severe winter weather, tornado)</li> <li>• Natural Environment- Water Quality/Conservation 1a- The City should encourage rainwater collection systems for new construction and encourage retrofitting existing structures (drought)</li> <li>• Natural Environment- Water Quality/Conservation 1b- The City should initiate programs to educate the public and encourage water conservation in both residential and commercial use (drought)</li> <li>• Natural Environment- Water Quality/Conservation 2- Water reuse to allow for safe reuse of water, for the City to reuse water whenever possible and promote educational programs which explain the safe reuse of water in residential and commercial applications (drought)</li> <li>• Natural Environment- Wildlife/Vegetation 1c- the City should encourage implementation of conservation easements and similar conservation tools (flood)</li> <li>• City Infrastructure- Public Health/Safety 1- Develop and maintain an Emergency Preparedness Plan for the City, as a supplement to the Hays County Emergency Plan, to protect and assist residents and visitors in the event of disasters...(all hazards except expansive soils)</li> <li>• City Infrastructure- Public Health/Safety 1a- The City should maintain a process regarding early warning, early road closures, evacuation and alternate route designation.</li> <li>• City Infrastructure- Public Health/Safety 1b- The City should maintain a process to secure County, State, Federal and charitable disaster relief funds. (all hazards)</li> <li>• City Infrastructure- Public Health/Safety 1c- The City should maintain an emergency shelter plan for residents and visitors in need of an equipped shelter in the event of emergency or disaster (all severe weather hazards and wildfire)</li> <li>• City Infrastructure- Public Health/Safety 3- Develop a long-range plan for fire protection (wildfire)</li> <li>• City Infrastructure- Roads/Transportation 1- Maintain a comprehensive transportation master plan addressing safety, congestion and effective routes for emergency vehicles (flood, wildfire, dam/levee failure)</li> <li>• City Infrastructure- Water/Wastewater Systems 1- Ensure a safe, adequate and reliable water supply for current and future residents (drought)</li> <li>• City Infrastructure- Storm Water and Flood Control 1a-...require that construction in areas adjacent to waterways and flood zones be sited and build in accordance with rules that are no less stringent than those required for compliance with FEMA mandates (flood)</li> <li>• City Infrastructure- Storm Water and Flood Control 1b-...protect quality of watersheds and limit amount of impervious cover</li> <li>• City Infrastructure- Storm Water and Flood Control 2a-...develop a watershed protection plan and master drainage plan (flood)</li> <li>• City Infrastructure- Storm Water and Flood Control 2d- ...encourage landscaping to prevent erosion (flood)</li> <li>• Built Environment-Growth Management 1a-...maintain appropriate zoning and subdivision ordinances</li> <li>• Built Environment-Growth Management 1b-...maintain building codes to assure proper quality and safety (severe weather hazards)</li> <li>• Built Environment-Growth Management 3a-...consider water availability in granting new building permits (drought)</li> <li>• Built Environment-Special Areas 3- ...preserve and protect the lands adjoining the significant waterways in the City (flood, drought)</li> </ul> <p>(City of Wimberley, 2016)</p>

# Hays County Hazard Mitigation Plan, City of Wimberley Annex



*Table WB.3, Review/Incorporation of Sources , (cont.)*

Name of Document	Type	How Incorporated
Economic Development Strategy	Plan	Reviewed for items to incorporate <ul style="list-style-type: none"> <li>• Water and Wastewater objective- provide guidelines for water use (drought) (City of Wimberley, 2008)</li> </ul>
Parks Master Plan	Plan	Reviewed incorporation strategy for mitigation items <ul style="list-style-type: none"> <li>• Priority No. 5- Acquire additional property along waterways for protection as open space and for use as park land (flood) (City of Wimberley, 2008)</li> </ul>
Transportation Master Plan	Plan	Review for actions that would support mitigation <ul style="list-style-type: none"> <li>• Component B- Thoroughfare Plan- new proposed connections that will provide for much faster emergency response</li> <li>• Component C- Emergency Access Plan-                             <ul style="list-style-type: none"> <li>o Correcting blockages, such as raising low water crossings....construction of higher roadbeds, bridges, larger culverts etc. Redesigns will be based on heights that would allow no overtop for a 25-year flood and a maximum 6 inch overtop for a 100-year flood.</li> <li>o Creating alternate access routes</li> <li>o Negotiations between private property owners or POAs and the City to establish a standardized, permanent procedure for allowing access for citizens and emergency vehicles during designated events</li> </ul> </li> </ul> Incorporation of problem areas <ul style="list-style-type: none"> <li>• Emergency Access problem areas identified for inclusion in Flood Vulnerability Statements (in Risk Assessment Section 2) (City of Wimberley, 2007)</li> </ul>



## Section 2: Risk Assessment

### City of Wimberley Jurisdictional Hazards

This section contains Wimberley's hazard profiles for each natural hazard included in the Hays County HMP Update. Profiles include:

- Location - the area where the hazard is known to occur
- Previous Occurrences - a history of reported events for the hazard
- Significant Previous Occurrences (when applicable) - notable hazard events within the community
- Extent - the strength or magnitude of the hazard
- Probability - the likelihood of the hazard event occurring in the future
- Impact - the consequence or effect (or possible effect) of hazard events
- Vulnerability Summary - identification of structures, systems, populations or assets susceptible to loss or damage

Hazard descriptions and extent scales for hazard magnitudes, are found in Chapter 2, the risk assessment portion of the main plan document.

When available, data specific to Wimberley was used for hazard analysis. When no instances were reported specifically for the jurisdiction for regional hazards, County-wide data was applied.

State and national datasets were used to determine occurrence, extent, and the respective probabilities, rather than verbal testimonies, in an effort to retain data consistency. For some hazards, the National Oceanic and Atmospheric Administration (NOAA) Storm Events Database was used as the most comprehensive data available for hazards. The Storm Events Database does not always reflect the most recent totals for fatality, injury and damage amounts shown for previous hazard occurrences. The Previous Occurrences paragraphs identify instances in which this may occur. Verbal testimony, when available, was integrated into impact or vulnerability summaries to account for updates in this data.

### 2.1 Hazard Profiles

Hazards profiled within the Risk Assessment include:

- Drought - Within Chapter 2, the risk assessment portion of the main plan document.
- Extreme Heat - Within Chapter 2, the risk assessment portion of the main plan document.
- Severe Winter Storms - Within Chapter 2, the risk assessment portion of the main plan document.
- Lightning - Within Chapter 2, the risk assessment portion of the main plan document.
- Hailstorms
- Windstorms
- Tornadoes
- Expansive Soils
- Floods
- Hurricanes/Tropical Storms
- Earthquakes
- Dam/Levee Failure
- Wildfires



## Hailstorms

### *Hailstorms: Location*

The entire extent of the City of Wimberley is exposed to some degree of hail hazard. Since hail can occur at any location, hail events could be experienced anywhere within the planning area.

### *Hailstorms: Previous Occurrences*

According to the NOAA Storm Events Database, there were 21 documented hail events listed for the City of Wimberley and 57 documented events listed for Hays County and its unincorporated jurisdictions from year 1967. While the NOAA Storm Events Database lists events since 1967 for the County, events were not documented per jurisdiction until 1993.

### *Hailstorms: Extent and Probability*

The Tornado and Storm Research Organization (TORRO) created a hail extent index to measure hail called the Hailstorm Intensity Scale. According to the reported previous hail occurrences for the planning area, the maximum hail extent experienced was up to 1.75 in., or 44.45 mm. in diameter. This size corresponds to a TORRO Hailstorm Intensity Scale classification of “Destructive.” Refer to Chapter 2, the risk assessment portion of the main plan document, for hail extent scale descriptions.

Based on 21 reported events in 23 years, the City of Wimberley’s probability for a hail event is approximately once every year (on average) in the future, with hail up to 1.75 in., or 44.45 mm. in diameter, corresponding to a TORRO Hailstorm Intensity Scale classification of “Destructive.”

### *Hailstorms: Impact*

Potential impacts can be determined based on the maximum hail extent experienced (44.45 mm), where the TORRO Hailstorm Intensity Scale indicates that impact can be expected to include any of the following:

- Varying degrees of damage to vegetation and crops
- Damage to plastic structures
- Varying degrees of damage to glass
- Paint and wood scored
- Vehicle bodywork damage
- Varying degrees of roof damage
- Varying degrees of risk of injuries
- Varying degrees of aircraft damage
- Brick walls pitted

### *Hailstorms: Vulnerability Summary*

According to community testimony, there was a hail event in 2014 from which there is still an effort to recover from 6-inch hail that knocked holes in residential roofs and stripped community trees. The event caused significant damage to homes and left debris in the roadways. Roadway debris resulted from damage to the abundance of trees located within Wimberley, knocking down branches and leaves that left blockages up to 4 inches high on the City streets. Roadway debris can create difficulty for emergency responders attempting to reach distress calls, as well as inhibit residents from travel access to stores, hospitals, work or schools.





## Windstorms

### **Windstorms: Location**

The entire extent of the City of Wimberley is exposed to some degree of wind hazard. Since wind can occur at any location, wind events could be experienced anywhere within the planning area.

### **Windstorms: Previous Occurrences**

According to the NOAA Storm Events Database, there were 4 documented wind events listed for the City of Wimberley and 38 documented events listed for Hays County and its unincorporated jurisdictions from year 1974. While the database lists events since 1974 for the County, events were not documented per jurisdiction until 1994.

### **Windstorms: Extent and Probability**

Wind is measured by the Beaufort Wind Scale that relates wind speed to observed conditions on land and sea. According to the reported previous windstorm occurrences in the planning area, the maximum wind extent experienced was 52 knots (corresponding to Beaufort Wind Scale Classification: Storm). Refer to Chapter 2, the risk assessment portion of the main plan document, for a description of wind extent scales.

Based on 4 reported events in 22 years, the City of Wimberley’s future probability for a wind event of up to 52 knots (Beaufort Wind Scale Classification: Storm) is approximately once every 5 to 6 years (on average) .

### **Windstorms: Impact**

Data available from the Texas Department of Transportation’s Crash Records Information System shows that between the years of 2010 and 2017, rural Hays County experienced 5 crashes related to severe crosswind weather conditions. There were no injuries reported from these crash events (see Table WB.4). Since wind events occur on a regional scale, it is assumed that weather related crashes in the surrounding County area would be similar to those experienced in these conditions within Wimberley.

**Table WB.4, Windstorms, Vehicle Accidents, Hays County**

City	Fatality	Incapacitating Injury	Incapacitating Non-Injury	Possible Injury	Crash Year	Street Name	Surface Condition	Weather Condition
Rural Hays County	0	0	0	0	2010	LIME KILN RD	Dry	Severe Crosswinds
Rural Hays County	0	0	0	0	2014	IH0035	Dry	Severe Crosswinds
Rural Hays County	0	0	0	0	2014	IH0035	Dry	Severe Crosswinds
Rural Hays County	0	0	0	0	2014	IH0035	Dry	Severe Crosswinds
Rural Hays County	0	0	0	0	2017	US0290	Wet	Severe Crosswinds

(Texas Department of Transportation, 2017)





Structures can be damaged by flying debris and impact from winds, damaging rooftops and causing other structural damage. Manufactured homes are especially vulnerable to damage that high winds can cause, to include destruction in the most extreme event conditions.

Critical infrastructure, such as utility poles and street signals, could also be disrupted, impacting all residents in the affected area. Debris on the roadway can also cause obstruction for emergency responders' ability to provide services.

### ***Windstorms: Vulnerability Summary***

Wimberley has previously experienced debris accumulation on roadways during past windstorm events. Such incidents could cause impact on the ability of public safety officials to respond to emergency calls. Additionally, there have been local incidents where fallen trees have blocked ingress and egress to communities, restricting travel into and out of the neighborhoods.

The community has many power lines surround by trees that have not been adequately trimmed. This could leave residents at risk for a power outage resulting from tree falling on the line.

There are many sites of critical facilities and infrastructure that are located within the City and are not retrofitted to mitigate damages from extreme wind events. These facilities include: Wimberley Community Center, Wimberley Volunteer Fire Department, Wimberley EMS, and Wimberley City Hall. Damages sustained by an extreme wind event to these facilities could hinder the ability to provide crucial services needed by the community.





## Tornadoes

### **Tornadoes: Location**

The entire extent of the City of Wimberley is exposed to some degree of tornado hazard. Since tornadoes can occur at any location, tornado events can be experienced anywhere within the planning area.

### **Tornadoes: Previous Occurrences**

According to the NOAA Storm Events Database, there were 4 documented tornado events listed for the City of Wimberley and 16 documented events listed for Hays County since year 1953. While the database lists events since 1953 for the County, events were not documented per jurisdiction until 1997. The tornado events reported for the City of Wimberley are listed in Table WB.5.

Fatality, injury and damage amounts are shown in Table WB.5, per the NOAA Storm Events Database. Community testimony indicates that these amounts do not reflect the most recent totals, however NOAA data is being used as the best source of information available for the record period.

**Table WB.5, Tornado Events, City of Wimberley**

Location	Date	Type	Magnitude (mm)	Fatalities	Injuries	Property Damage	Crop Damage
Wimberley	4/8/1998	Tornado	F0	0	0	0	0
Wimberley	4/8/1998	Tornado	F0	0	0	0	0
Wimberley	11/15/2001	Tornado	F0	0	0	50,000	0
Wimberley	3/30/2007	Tornado	EF0	0	0	0	0
Total				0	0	\$50,000.00	\$0.00

*(National Oceanic and Atmospheric Administration, 2016)*

### **Tornadoes: Extent and Probability**

Tornadoes are measured by severity on the Fujita and Enhanced Fujita Scales, with a range from 0-6. According to the reported previous tornado occurrences in the jurisdiction, the maximum tornado extent experienced was a category EF0. Refer to Chapter 2, the risk assessment portion of the main plan document, for a description of tornado extent scales, Fujita (F) Scale and Operational Enhanced Fujita (EF) Scale.

Based on 4 reported events in 19 years, a tornado event occurs approximately once every 4 to 5 years on average, in the future, with up to an EF0 magnitude.

### **Tornadoes: Impact**

The wind speeds and debris caused by tornadoes can impact all residents in the community. The City of Wimberley has experienced tornadoes at F0 levels in the past. If similar events were to happen in the future in the City, the type of impacts that the planning area could expect associated with that magnitude would include:

- Light Damage - Broken branches; shallow rooted trees pushed over; some chimney damage. (Tornado Facts, 2016)

Structures can be damaged by flying debris and impact from winds, damaging rooftops and causing other structural damage. Manufactured homes are especially vulnerable to damage that high winds can cause, to include destruction in the most extreme event conditions.





Critical infrastructure, such as utility poles and street signals, could also be disrupted, impacting all residents in the affected area. Debris on the roadway can also cause obstruction for emergency responders' ability to provide services.

### ***Tornadoes: Vulnerability Summary***

Due to the fact that tourism is so popular in the City of Wimberley, there is a great concern for tourists visiting Wimberley attractions, such as the large Blue Hole Park. There are no Outdoor Warning Sirens in the community, or anywhere else in Hays County. As the intent of sirens are to encourage people outdoors to seek cover from dangerous weather conditions, the implementation of a siren at the park could lessen visitor vulnerability. There is a reverse-911 emergency notification system in place, however it requires registration in order to receive the emergency alerts.

There is a small population of mobile homes in the community and those would be more vulnerable to the high winds associated with a tornado than site-built homes. There is an additional concern for the availability of electrical infrastructure, due to the lack of redundancy in the transmission and distribution system for power. There is not currently a shelter plan in place for those seeking safety from a tornado.

Wimberley has previously experienced debris accumulation on roadways during past windstorm events. Such incidents could impede the ability of public safety officials to respond to emergency calls. Additionally, there have been local incidences where fallen trees have blocked ingress and egress to communities disrupting travel into and out of their neighborhoods. This displays vulnerabilities as high winds and debris also accompany tornado events.

The community has many power lines surrounded by trees that have not been adequately trimmed. This could leave residents at risk for a power outage resulting from a tree falling on the line.

There are many sites of critical facilities and infrastructure that are located within the City and are not retrofitted to mitigate damages from the extreme winds that accompany tornado events. These facilities include: Wimberley Community Center, Wimberley Volunteer Fire Department, Wimberley EMS, and Wimberley City Hall. Damages sustained by a tornado event to these facilities could hinder the ability to provide crucial services needed by the community.





## Expansive Soils

### *Expansive Soils: Location*

Figure 2.3 within Chapter 2 (the Risk Assessment portion within the Hays County HMP Update) shows the location of expansive soil areas for the City. The entire extent of the jurisdiction is classified as having less than 50 percent of the area underlain by soils with clays of high swelling potential, therefore all of the jurisdiction is equally at risk.

### *Expansive Soils: Previous Occurrences*

There was no documentation of past site-specific events for structural damage due to expansive soils from local, State, or national databases queried.

Expansive soils cannot be documented as a time-specific event, except when they lead to structural and infrastructure damage. There are no specific damage reports or historical records of events in the City, however future events can occur.

### *Expansive Soils: Extent and Probability*

Considering the amount of swelling potential within the jurisdiction, as well as the lack of reported events, the probability of a future event is low (0 - 1 occurrences in the next 10 years affecting less than 5 structures).

### *Expansive Soils: Impact*

Foundation issues for slab buildings and road base pads for mobile homes are the most visible impacts to infrastructure and structures. Undocumented reports of impact include small cracks to foundation and terrain. Increased severity in weather and natural conditions lead to increased soil swelling, resulting in deeper and longer cracks in terrain and structure foundations, and possible structural shifting.

### *Expansive Soils: Vulnerability Summary*

The lack of current problems documented in the community leads to a lessened concern for the issue. There are many residences in the community that were constructed 20 to 30 years ago, before the community was incorporated and before National Building Codes were adopted with specific codes for foundation work. As time progresses and the residential structures continue to age, the number of foundation issues will continue to emerge. A general lack of concern for the hazard creates a vulnerability due to the resulting lack of individual-level (homeowner) mitigation action for expansive soils.



## Floods



### Floods: Location

The location of low water crossings, as well as the 1% (100 year) and 0.2% (500 year) Annual Chance Event (ACE) floodplains for the City of Wimberley are shown in Figure WB.3. This figure represents the areas that are most affected by riverine flooding and is based upon newly developed hydrologic and hydraulic analysis. The new analysis is considered the best information available to date. Table WB.6 provides the total acreage in the jurisdiction that is located in the 1% and 0.2% floodplains.

Figure WB.3, Special Flood Hazard Areas and Low Water Crossings, City of Wimberley

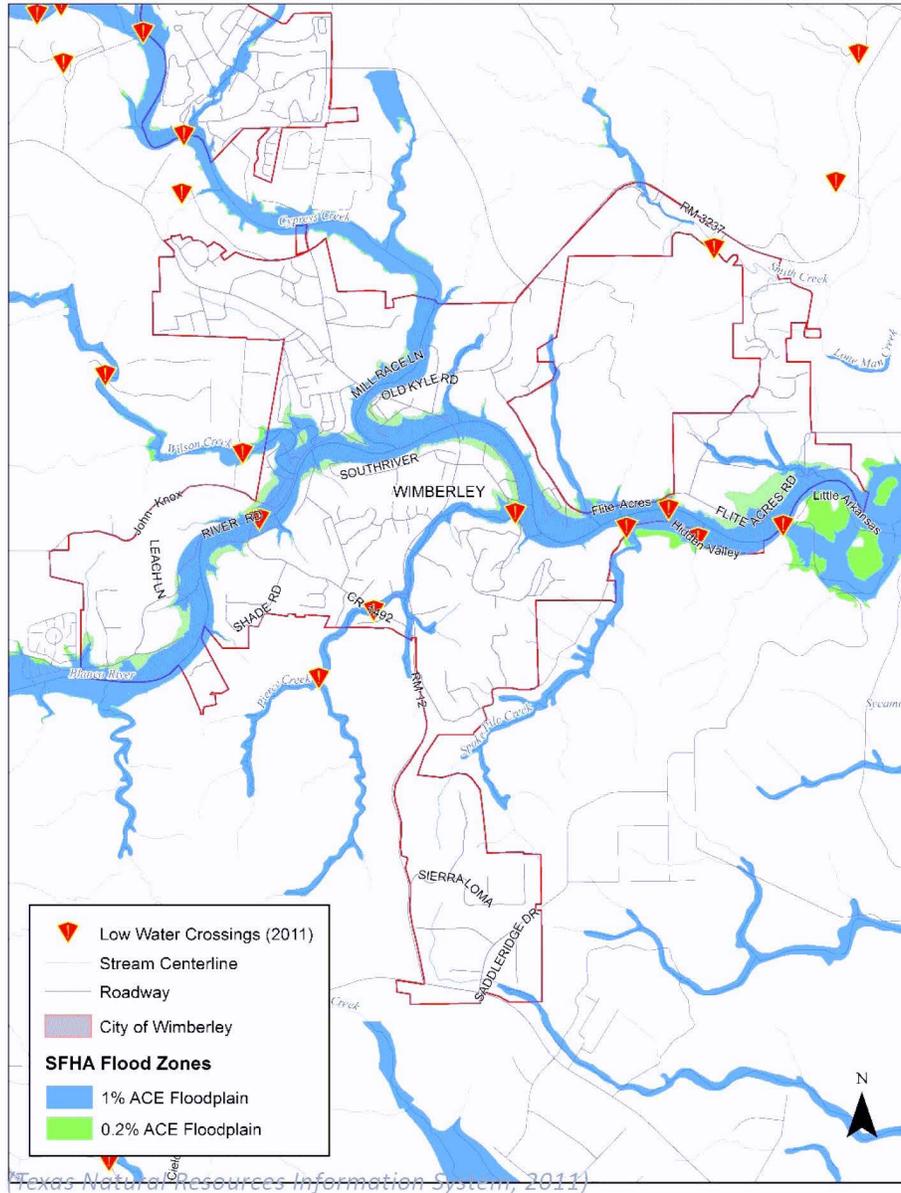


Table WB.6, City of Wimberley Floodplain Acreage

Jurisdiction	100yr (1%) Floodplain Acres (Includes Floodway)	500yr (0.2%) Floodplain Acres (Includes 100yr)
City of Wimberley	922	1,143





**Floods: Previous Occurrences**

Hays County was included in 3 Federal disaster declarations between 2013 and 2015, all related to flooding. Narratives detailing the impacts of these significant events are included in this annex under *Floods: Significant Past Events*. According to the NOAA Storm Events Database, there were 14 documented flood events listed for the City of Wimberley and 69 documented events listed for Hays County from the year 1997. While NOAA Storm Events Database lists events since 1997 for the County, events were not documented per jurisdiction until 2004. The flood events

reported for the City of Wimberley are shown in Table WB.7.

Fatality, injury and damage amounts are shown in Table WB.7, per the NOAA Storm Events Database. Community testimony indicates that these amounts do not reflect the most recent totals, however NOAA data is being used as the best source of information available for the record period.

**Table WB.7, Flood Events, City of Wimberley**

Location	Date	Type	Fatalities	Injuries	Property Damage	Crop Damage
Wimberley	3/11/2007	Flash Flood	1	0	0.00	0.00
Wimberley	3/12/2007	Flood	0	0	0.00	0.00
Wimberley	7/4/2007	Flash Flood	0	0	0.00	0.00
Wimberley	7/23/2007	Flash Flood	0	0	0.00	0.00
Wimberley	7/28/2007	Flash Flood	0	0	0.00	0.00
Wimberley	9/10/2009	Flash Flood	0	0	0.00	0.00
Wimberley	6/9/2010	Flash Flood	0	0	0.00	0.00
Wimberley	2/4/2012	Flash Flood	0	0	0.00	0.00
Wimberley	10/31/2013	Flash Flood	0	0	1,000,000.00	0.00
Wimberley	10/31/2013	Flash Flood	0	0	0.00	0.00
Wimberley	5/23/2015	Flash Flood	0	0	0.00	0.00
Wimberley	5/24/2015	Flash Flood	10	0	100,000,000.00	0.00
Wimberley	10/30/2015	Flash Flood	0	0	1,000,000.00	0.00
Wimberley	6/2/2016	Flash Flood	0	0	0.00	0.00
Totals			11	0	\$102,000,000.00	\$0.00

*(National Oceanic and Atmospheric Administration Storm Event Database, 2016)*

Past flooding events in Wimberley, Texas





### ***Floods: Significant Past Events***

Hays County received 3 disaster declarations for flooding within the past 5 years. According to the NOAA Storm Events Database, in October of 2013, (Disaster 4159-DR), thunderstorms produced heavy rain that led to flash flooding in Wimberley. Public reports of 14 inches of rain fell near the City and this rainfall impacted the Blanco River Watershed and the Onion Creek Watershed. The Blanco River crested at 26.74 feet within the City. Reports indicate that the Blanco River was near or slightly higher than the 1998 flood of record and 100 feet out of its banks. Several roads were damaged and several homes were flooded. Across Hays County, 47 homes sustained minor damage, 24 sustained major damage, and 1 home was destroyed.

According to the NOAA Storm Events Database, in May of 2015, (Disaster 4223-DR), thunderstorms produced heavy rain that caused flash flooding. Rainfall totals of 10 to 13 inches were reported upstream in southern Blanco County and this runoff entered the Blanco River and Little Blanco River. The Fischer Store Road bridge over the Blanco River was destroyed by flood waters west of Wimberley. The Blanco River, downstream from the bridge at Wimberley reached a record crest. The gauge failed at 40 feet and the USGS later estimated the crest at 44.9 feet (175,000 cfs). This height was more than 10 feet over the previous record height of 33.3 feet in 1929. Homes along the banks of the Blanco River from the City of Blanco, through Wimberley, and down to San Marcos experienced this historic flood. Many homes were totally destroyed and swept downstream or struck by large debris, including large cypress trees which were uprooted from the banks of the river. The river experienced rises that exceeded 20 feet in 1 hour. Estimates of insured losses are approximately 100 million dollars. Overall in Hays County including Wimberley and San Marcos, 321 homes were destroyed, with hundreds more heavily damaged. According to the Office of Emergency Services, FEMA awarded over 3.5 million dollars in public assistance to Hays County in response to this disaster.

According to the NOAA Storm Events Database, in October of 2015, (Disaster 4245-DR), thunderstorms produced heavy rain that caused flash flooding sending water over the Hwy 12 bridge at Cypress Creek in Wimberley. Rainfall totals from that morning totaled over 10 inches, much of that rain coming in only a few hours. Several businesses in downtown Wimberley along Cypress Creek were flooded and damaged. The Blanco River was just a few feet short of overtopping the Highway 12 bridge.

### ***Floods: Extent***

Flood extent is described through a combination of ground elevation, river heights, 100-year Water Surface Elevations (WSE's) and HAZUS depth grids. Areas along the Blanco River in the community are exposed to some of the greatest flood extents. An example of flooding within the jurisdiction is the area along the Blanco River near the RR 12 bridge. This area has an approximate overbank ground elevation of 838 feet with an intersecting 100-year WSE of 843 feet. For a 100-year event, water depth of approximately 5 feet can be expected within this area. A further analysis of the Blanco River height is described below. It should be noted that the topography of this area is varied, leading to different extent classifications, but all areas along the Blanco River and River Road are susceptible to major events. See the *Floods: Significant Past Events* sections for more information.

With the Blanco River having an approximate normal in-channel elevation of 801 feet at RR 12 (per Light Detection and Ranging [LiDAR] and USGS gauge data), and an intersecting 100-year WSE of approximately of 840', flood depths would be 39 feet.

### ***Floods: Probability***

Probability has been calculated on the basis of NOAA reported events, as a standard, consistent calculation method for all hazards profiled with the Hays County HMP. Based on 14 reported events in 12 years, the City of Wimberley can expect a flood event approximately once a year on average in the future, with flood water depths of 39 feet.





**Floods: Impact**

The following describes the inventory counts and building replacement values for the jurisdictional area.

Wimberley Building Counts			
Residential	Commercial	Other	Total
1,439	110	51	1,600

Wimberley Building Replacement Value		
Building (\$)	Content (\$)	Total (\$)
436,857,469	253,346,208	690,203,677

A Probabilistic 100-year Return Period HAZUS-MH 3.2 analysis was run on the participating communities. HAZUS results are calculated to census blocks. This analysis utilized the best available LiDAR (COA 2012 and CAPCOG 2008) and Depth Grids. These blocks were then intersected with Wimberley to run a weighted area analysis for jurisdictional results. The following paragraphs describe the results from the 100-year Return (1% Annual Chance Event) weighted area analysis.

Risk Assessment

Risk Assessment



Past flooding events in Wimberley, Texas





**HAZUS-MH Results**

**General Building Stock Damage**

HAZUS estimates that 293 buildings will be at least moderately damaged in Wimberley. “at least moderately damaged” is defined by HAZUS as greater than 10% damage to a building. The majority of damage can be expected to impact residential areas (99%). The remaining damages (1%) are expected for commercial, industrial, agricultural and religious buildings.

Residential Buildings	Commercial Buildings	Other Buildings	Total Buildings
293	0	1	294

**Building-Related Losses**

Exposed Value is the total building and content values for structures within the community. The exposed value for the community is \$690,203,677. The total building-related losses were \$127,493,024 for this scenario. This represents 18.5% of the total replacement value of the community. Loss values are divided into building and content loss dollars.

Building Loss (\$)	Content Loss (\$)	Total Loss (\$)
76,292,272	51,200,752	127,493,024

**Essential Facility Damage**

HAZUS does not estimate any critical facilities or infrastructure interruption for more than 1 day. The model estimates that 100% of community hospital beds are ready for use by patients already in the hospital and for those injured by an event.

**Debris Generation**

HAZUS estimates the amount of debris that will be generated in this scenario at a total of 24,557 tons. If the building debris tonnage is converted to an estimated number of truckloads, it will require 983 truckloads (with 1 to 25 tons per truck) to remove the building debris generated.

**Shelter Requirements**

HAZUS estimates the number of households that are expected to be displaced from their homes due to the flood and the associated potential evacuation. HAZUS also estimates the number of people displaced that will require accommodations in temporary public shelters. The model estimates 626 people will be displaced due to the flood. Displacement includes households evacuated from within or very near to the inundated area. Of these, 475 people will seek temporary shelter in public shelters.

**Floods: Vulnerability Summary**

Floods are a great threat to the City of Wimberley. With many residential structures located along the river, there are concerns for the safety of the residents who live in the neighborhoods that border the river. Even in cases of homes that are on high elevations in the community, there are areas where residents can be trapped during flooding events, due to inadequate culverts at 2 crossings on Leveritt’s Creek (according to Master Transportation Plan). Residents along Green Acres Drive can be trapped between flooding at Leveritt’s Creek and high water at Wilson Creek, and residents of Crown Estates can be trapped between high water on the Blanco River and water over Leveritt’s Loop. In addition, the single lane crossing on Wilson Creek at Green Acres Drive overtops with just minor creek flooding.





Residents are trapped in the area between Wilson Creek and the Blanco River when both waterways flood and the Blanco River covers River Road. Residents in the West CR 1492 area can be trapped between high water on the Blanco River and Pierce Creek during flooding. In heavy rain, water sheet-flows off the west hillside and covers RR 12, blocking emergency traffic. Inadequate bar ditches and cross culverts along the highway exacerbate this problem. Under major flood conditions, the Valley Drive structure crosses over Pierce Creek becomes overtopped and prohibits vehicle access to Paradise Hills subdivision. Flite Acres Road is overtopped

by 2 creeks during flood conditions due to inadequate culverts at the crossings on Hidden Valley Road and Spoke Pile Creek.

In addition to the accessibility problems, there are also issues with reliable flood data by which to regulate the floodplain responsibly. As of late 2016, Wimberley has had to utilize Advisory Base Flood Elevation levels due to the significant floods of record experienced in 2015. These will change again when new Flood Insurance Rate Maps are published in 2017.

According to community testimony, 350 Pre-FIRM and Post-FIRM homes were lost during the floods. To completely mitigate risk, buyout activities are ongoing in Wimberley to reduce risk to human life and structures in that area if affected again.

In addition to the impacts to residential structures and human life, there is also the vulnerability to the roads and bridges that support the community. One vulnerability is that even though the roads and bridges are insured by a policy maintained by the community, the policy coverage only funds replacement costs. The policy does not fund mitigation, leaving reconstruction efforts that result in similar structures to those that failed before.

***National Flood Insurance Program Repetitive Loss (RL)***

The City of Wimberley is a current participant in the National Flood Insurance Program (NFIP) and has 24 tallied RL payments (as of September of 2016) with an average total (building & contents) payment of \$74,908.97.

Structure Type	Number of Structures	Amount of Claims
Residential	10	\$1,197,810.43
Non-Residential	2	\$247,204.96



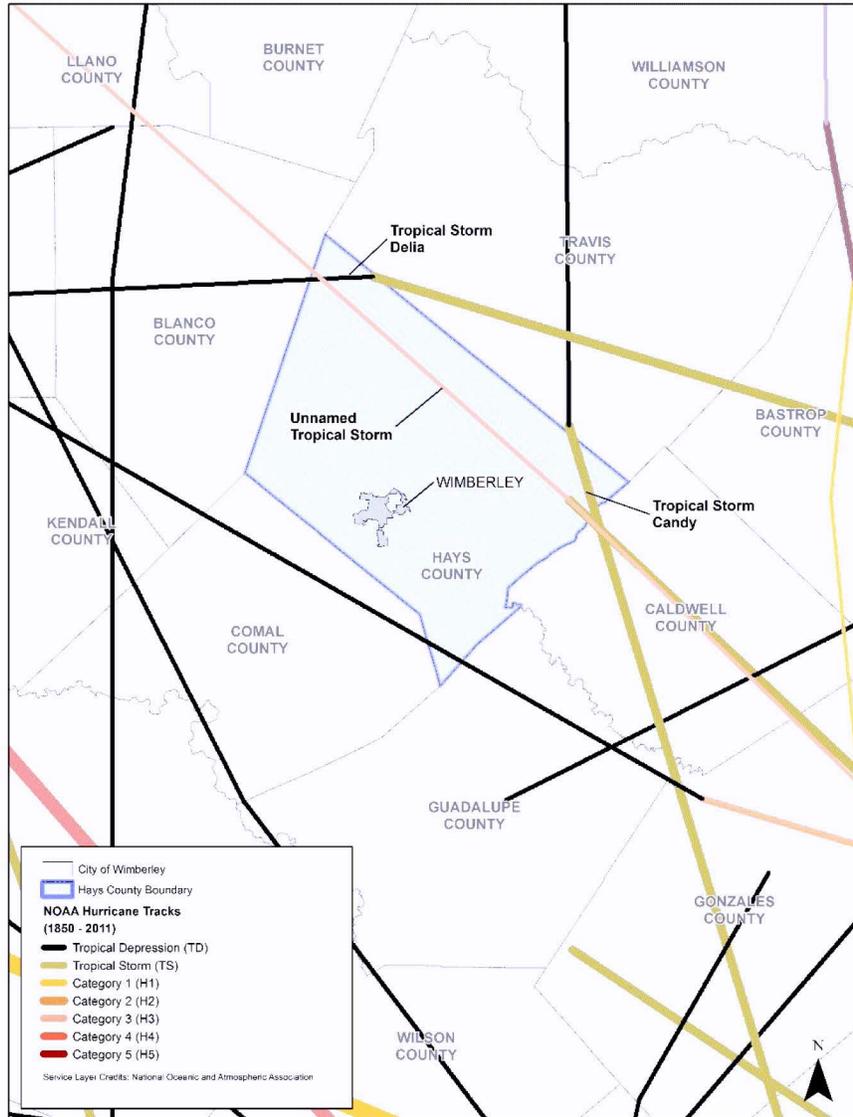


## Hurricanes/Tropical Storms

### Hurricanes/Tropical Storms: Location

Due to the regional nature of a hurricane or tropical storm event, the entire extent of the City of Wimberley is equally exposed to a hurricane or tropical storm. Figure WB.4 illustrates the location of the planning area with historical hurricane and tropical storm paths documented by NOAA from 1850 to 2011.

Figure WB.4, Historical Hurricane/Tropical Storm Paths, City of Wimberley



(National Oceanic and Atmospheric Administration, 2016)

### Hurricanes/Tropical Storms: Previous Occurrences

Previous events are described below based on the NOAA Storm Events Database for Tropical Storm ermine and NOAA Hurricane Tracker for all other events. By the time most hurricanes reach the County, they are tropical storms, depressions or thunderstorms. Because hurricane and tropical storm events occur on a regional scale, all events listed for Hays County have been included, as they would impact the City of Wimberley.

July 13 to July 22, 1909 – An unnamed storm made landfall near Freeport, as a Category 3 Hurricane. This storm impacted Hays County and participating communities as a tropical depression with wind speeds





up to 30 knots. No significant damages, injuries, or fatalities were reported for the HMP update area.

June 22 to June 26, 1968 – Tropical Storm Candy made landfall near Port Aransas. This storm impacted Hays County and participating communities as a tropical storm with wind speeds slowing to 30 knots as a tropical depression just after leaving the County. No significant damages, injuries, or fatalities were reported for the City.

September 1 to September 7, 1973 – Tropical Storm Delia made landfall near the border of Brazoria and Matagorda counties. This storm impacted Hays County and participating communities as a tropical storm with wind speeds slowing to 30 knots as a tropical depression just after leaving the County. No significant damages, injuries, or fatalities were reported for the jurisdiction.

September 6 to September 8, 2010 – According to the NOAA Storm Events Database, Tropical Storm Hermine made landfall near the Texas/Mexico border on the night of September 6. South Central Texas was hit very hard with widespread rains of 8 to 12 inches across much of the IH-35 corridor from Austin down to San Antonio.

**Hurricanes/Tropical Storms: Extent and Probability**

The Saffir-Simpson Scale measures pressure, wind speed, and storm surge in 5 categories. According to the reported previous hurricane occurrences in the jurisdiction, the maximum hurricane extent experienced was categorized as a tropical storm. Refer to Chapter 2, the risk assessment portion of the main plan document, for a description of storm extents.

Based on 4 reported events in 107 years, a hurricane or tropical storm event occurs approximately every 27 years on average in Hays County. Since hurricane and tropical storm events can happen anywhere throughout the HMP update area, the City of Wimberley’s future probability is assumed to be similar to the surrounding County areas. In the future, the City can expect an event approximately once every 27 years on average, of up to a magnitude of a tropical storm at a 100-year Max Wind Speed of 76 mph based on historical extents and HAZUS analysis.

**Hurricanes/Tropical Storms Impact**

A Probabilistic 100-year Return Period HAZUS-MH 3.2 analysis was run for the City of Wimberley. The following describes the results of this analysis.

**HAZUS-MH Results**

**General Building Stock Damage**

The total property damage losses were \$117,123. The majority of damage can be expected to impact residential areas (98%). The remaining damages (2%) are for commercial, industrial, agricultural and religious buildings. While some building damage is experienced, it is estimated that no buildings will be completely destroyed or experience severe damage. Exposed Value is the total building and content values for structures within the community. Loss values are divided separately for building and content loss in dollars.

Exposed Value (\$) (Building + Content)	Building Loss (\$)	Content Loss (\$)	Total Loss (\$)
690,203,677	117,121	2	117,123





### **Essential Facility Damage**

HAZUS does not estimate any critical facilities or infrastructure interruption for more than 1 day. The model estimates that 100% of community hospital beds are ready for use by patients already in the hospital and for those injured by the hurricane.

### **Debris Generation**

HAZUS estimates the amount of debris that will be generated by the hurricane at a total of 4 tons. Of the total amount brick/wood comprises 100% of the total. If the building debris tonnage is converted to an estimated number of truckloads, it will require 1 truckload (with 1 to 25 tons per truck) to remove the building debris generated by the hurricane.

### **Shelter Requirements**

HAZUS estimates the number of households that are expected to be displaced from their homes due to the hurricane and the number people displaced that will require accommodations in temporary public shelters. The model estimates no households to be displaced due to the hurricane. While there is an estimation of over \$117,000 in property damages expected, it is aforementioned that “no buildings would be completely destroyed or experience severe damage.” Residents would likely remain in their homes as damages were repaired, therefore no temporary shelter is needed.

### ***Hurricanes/Tropical Storms: Vulnerability Summary***

Similar to the impacts of windstorms, hailstorms, and lightning, Wimberley can expect to be impacted with debris and possible utility interruptions of critical infrastructure, if the event is a stronger magnitude than those previously experienced by the City. In addition, the community’s proximity to IH-35 could lead to traffic delays caused by major evacuation efforts, if the highway is used as an evacuation route for coastal residents.



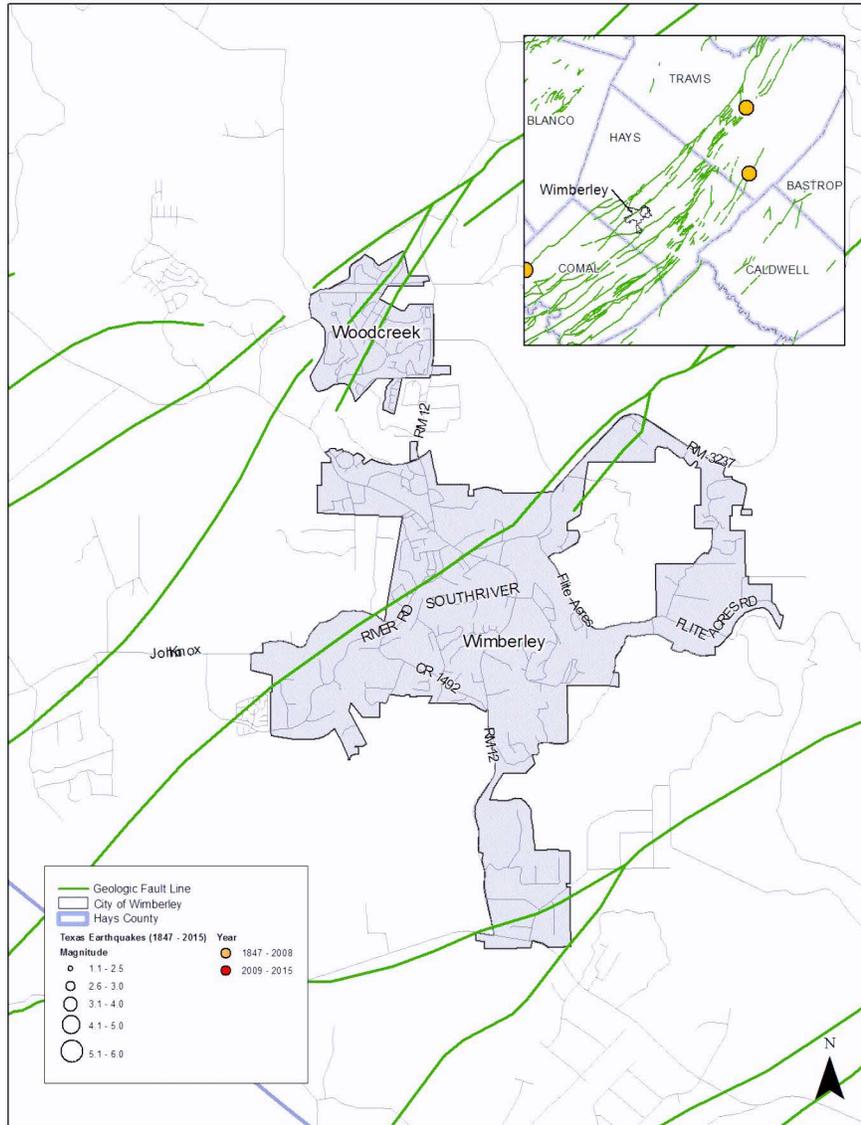


## Earthquakes

### Earthquakes: Location

Locations within proximity to fault lines are typically the areas most at risk for earthquakes. Figure WB.5 shows USGS documented fault lines and the locations of earthquakes from 1847 to 2015 in relation to the City of Wimberley.

Figure WB.5, Texas Earthquakes, 1847 – 2015, City of Wimberley



(USGS Earthquake Hazard Program, 2015)

### Earthquakes: Previous Occurrences

According to USGS 1847-2015 data, there have been no documented earthquake events for the City of Wimberley, as illustrated in Figure WB.5.

### Earthquakes: Extent and Probability

Earthquakes are measured by Peak Ground Acceleration (PGA). The HAZUS Max PGA for the planning area is 1.53% (see Earthquakes: Impact Section for a description of the HAZUS Analysis). This corresponds to the Modified Mercalli Scale Category IV, with light perceived shaking and no potential structure damage. HAZUS measures PGA on a census tract level. Cities within more than 1 census tract were assigned the



## Hays County Hazard Mitigation Plan, City of Wimberley Annex



highest PGA level to reflect the maximum possible extent. Refer to Chapter 2 for extent scale descriptions (the risk assessment portion of the main plan document).

As there have been no recorded previous occurrences of earthquakes for the City of Wimberley and the PGA is less than 2% for the area, the probability of an earthquake in the City in the future is low (0 - 1 occurrences in the next 10 years at up to a 500yr PGA of 1.53%).

### ***Earthquakes: Impact***

The FEMA How-To Guidance, Understanding Your Risks (FEMA 386-2, page 1-7), suggests the earthquake hazard should be profiled if the PGA is greater than 3%g, where PGA measures the acceleration of gravity (g). The City's PGA is less than 3%g (0.03) and there have been no recorded earthquakes in or near the jurisdiction. Therefore, only a minimum level-1 HAZUS analysis was profiled using the 500-year probability event scenario. The HAZUS analysis produced a PGA of 1.53%. HAZUS scenario would produce \$0 in building damages (Residential, Commercial, Agriculture, Religious and Government) from an event. Critical facilities and Infrastructure would not experience any loss of service. There would be no critical facilities or infrastructure that would experience moderate to complete damage. No debris would be generated from this event and no people or households would require temporary housing. There would be no moderate, extensive or completely damaged buildings by this event. HAZUS estimates no residents are expected to be displaced from their homes or will require accommodations in temporary public shelters due to the simulated earthquake. Additionally, there would be no casualties or fatalities from this event.

### ***Earthquakes: Vulnerability Summary***

While the probability of an earthquake in Wimberley is low, with no significant prior events on file, there are fault lines within the community that could cause impact if there were to be an increase in seismic activity in the area. There are 3 fault lines located within the jurisdiction according to USGS data. Wimberley could expect to be impacted with debris and possible utility interruptions if an event were to occur in an unlikely and unprecedented scenario exceeding the 500-year probability event scenario run in HAZUS. If an event were to incapacitate a roadway, emergency responders would be hindered from responding, leaving the residents at risk.

The following thoroughfares are crossed by the USGS fault lines displayed on Figure WB.5: RM 32, RM 3237, Winters Mill, and River Road.

Additionally, the following critical facilities, infrastructure and non-critical public facilities are located within 1 mile of a fault line within the community (according to HAZUS and community submitted critical facility data): Wimberley Community Center, Wimberley Volunteer Fire Department, Hays County Sheriff Substation, Wimberley EMS, Rocky River Ranch, Wimberley Communication Building, and Katherine Ann Porter School.





Page 25, 26, and 27 Dam/Levee Failure have been redacted from this copy of the plan.

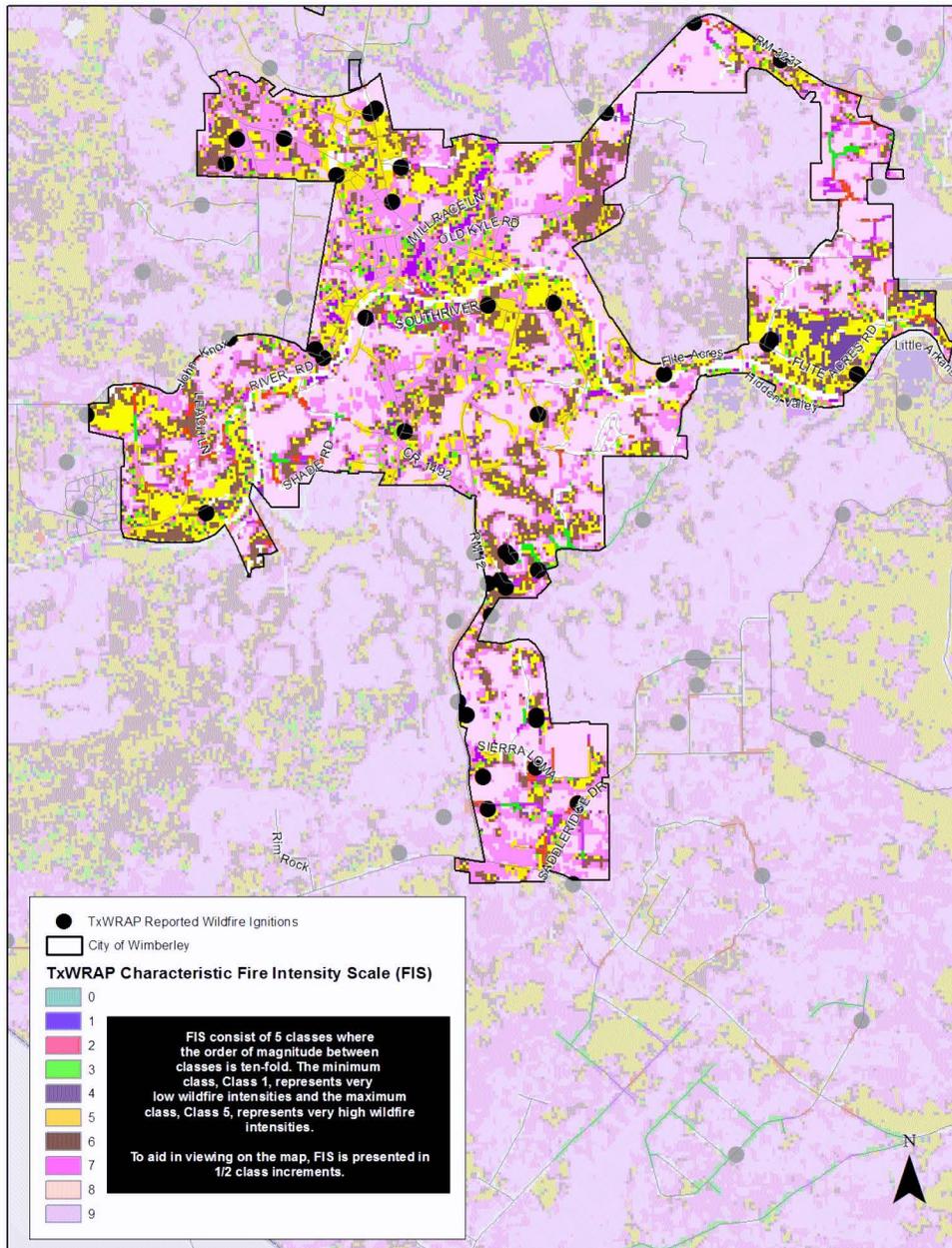


## Wildfires

### Wildfires: Location

Wildfires can be ignited from a variety of sources including lightning or human activity such as campfires, smoking, arson, or equipment use. The Texas A&M Forest Service’s Texas Wildfire Risk Assessment Portal (TxWRAP) can be used to help communities understand their wildfire risk. Figure WB.7 below shows the location of TxWRAP’s documented wildfire occurrences with Fire Intensity Scale (FIS) classifications within the City of Wimberley. TxWRAP identifies FIS areas as those where wildfire fuels and associated potential dangerous fire behavior exist, based on a weighted average of 4 percentile weather categories.

Figure WB.7, Fire Intensity Scale (FIS) and Reported Wildfire Ignitions, City of Wimberley



(Texas A&M Forest Service, 2016)





**Wildfires: Previous Occurrences**

Table WB.9 shows the reported wildfire ignitions within the City of Wimberley, according to TxWRAP and USGS Federal Fire Occurrence data from the years 1980 to 2015.

**Table WB.9, Wildfire Ignitions, City of Wimberley**

FPA ID	Date	Fire Size (Acres)
SFO-TX0484-177112	7/5/2008	0.1
SFO-TX0482-120622	1/30/2008	0.1
SFO-TX0482-130380	3/11/2008	0.1
SFO-TX0482-114368	1/1/2008	0.1
TFS-TXFD2009-214506	6/26/2009	0.1
TFS-TXFD2009-214522	7/22/2009	0.1
SFO-TX0482-130818	3/16/2008	0.25
TFS-TXFD2009-192896	3/16/2009	0.3
SFO-TX0482-136455	3/16/2008	0.3
SFO-TX0482-114363	12/31/2007	0.3
SFO-TX0482-114356	12/18/2007	0.3
TFS-TXFD2009-214497	5/18/2009	0.5
SFO-TX01440604-3801	12/12/2004	1
SFO-TX0483-73718	7/11/2008	1
SFO-TX01440604-466	10/11/2004	1
SFO-TX02240705-4150	6/29/2005	1
TFS-TXFD2009-177186	1/17/2009	1
SFO-TX02240705-15637	9/13/2005	1
SFO-TX02240706-77189	5/27/2006	1
SFO-TX02240705-15644	10/29/2005	2
SFO-TX02240705-15640	10/12/2005	2
SFO-TX0482-144130	6/23/2008	2
SFO-TX02240705-3726	5/6/2005	2
SFO-TX01440604-3803	12/9/2004	2
SFO-TX02240705-3735	4/1/2005	5
SFO-TX0482-120620	1/29/2008	20

**Wildfires: Extent and Probability**

Table WB.10 lists the Fire Intensity Acreage for the City, according to the Texas A&M Forest Service TxWRAP Community Summary Report. For a description of the FIS, refer to Chapter 2, the risk assessment portion of the main plan document.





Table WB.10, TxWRAP Fire Intensity Acreage, City of Wimberley

Class	Acres	Percent
Non-Burnable	1,138	19.70%
1 (Very Low)	107	1.90%
1.5	250	4.30%
2 (Low)	101	1.80%
2.5	96	1.70%
3 (Moderate)	770	13.30%
3.5	689	11.90%
4 (High)	758	13.10%
4.5	1,862	32.30%
5 (Very High)	0	0.00%
Total	5,772	100.00%

Based on 26 reported events in 35 years, the City of Wimberley future probability for a wildfire event is approximately once a year (on average) in the future with up to a potential fire intensity of 4.5, or “High” classification on the TxWRAP FIS.

**Wildfires: Impact**

Impact on the community can be measured using TxWRAP Housing Density levels within the WUI. Areas with a higher housing and population density would be affected to a greater extent than rural areas, and especially in areas near burnable fuels. In the event of a wildfire in high density areas of population, residential structures would be damaged or destroyed, critical infrastructure such as water, sewer and electrical services would be interrupted and residents would experience injury or loss of life. Table WB.11 below lists the population, percent of total population, WUI acreage and percent of WUI acreage for the City of Wimberley, according to the Texas A&M Forest Service TxWRAP Community Summary Report.

Table WB.11, WUI Acreage, City of Wimberley

Housing Density	WUI Population	Percent of WUI Population	WUI Acres	Percent of WUI Acres
LT 1hs/40ac	10	0.2 %	431	8.4 %
1hs/40ac to 1hs/20ac	40	0.9 %	475	9.3 %
1hs/20ac to 1hs/10ac	110	2.5 %	697	13.6 %
1hs/10ac to 1hs/5ac	238	5.3 %	777	15.2 %
1hs/5ac to 1hs/2ac	1,144	25.7 %	1,560	30.5 %
1hs/2ac to 3hs/1ac	2,910	65.4 %	1,176	23.0 %
GT 3hs/1ac	0	0.0 %	0	0.0 %
Total	4,452	100.0 %	5,116	100.0 %





**Wildfires: Vulnerability Summary**

The greatest vulnerability exists in heavily treed areas where homes are surrounded by vegetative growth, where there is not an adequate buffer between the vegetation and the homes. (Currently, there is still not a requirement for a buffer.) The current subdivisions were approved before the City was incorporated. The largest and most exclusive subdivision in Wimberley is Paradise Hills with a single point of entry/exit that is a low water crossing. There are also vegetated valleys in the neighborhood that are susceptible to the spread of wildfire. Alternative emergency access for

Paradise Hills and similar neighborhoods should be formalized in a plan. First responders are also at risk in situations where access is limited.

HOA implementation of a cooperative program to promote fire safety, such as Firewise, would be beneficial to encourage a buffer zone. While there are several neighborhoods that have Firewise in their subdivision, a community-wide program could benefit Wimberley greatly. Open burn ordinances give Wimberley burn ban authority for the community. City Hall works with the community HOAs to put out alerts and warnings.

In addition to vegetative fuel challenges and emergency access problems, there are also enhancements to hydrant systems that would improve firefighting capabilities. Water supply lines are not sized for firefighting and could break water lines that are not equipped for the amount of pressure applied by attempting to connect fire apparatus. Presently, approximately 50% of the community is equipped with fire hydrants.



**2.2 Risk Ranking Result**

On January 12, 2017, members of the City of Wimberley MPC completed a questionnaire as part of the Hays County HMP Update: Risk Assessment. The questions covered the risk associated with the hazards that affect each community based on the level of concern over each profiled hazard, the hazards’ impact on health and safety, as well as impact to property and business continuity. The answers from this questionnaire were combined with public survey results on perception of risk. The values from both sources were analyzed using the Halff Risk Ranking Tool (details regarding the risk ranking tool are in Chapter 2, the risk assessment portion of the main plan document). The results provided a quantified ranking of risk, with values ranging from 0 to 100. The results for Wimberley are shown below (hazard values shown from highest risk to lowest):



Ranking Order	Hazard	Risk Ranking Value
1	Floods	99.4
2	Wildfire	95.9
3	Wind Storms	94.7
4	Severe Winter Storms	89.1
5	Drought	74.7
6	Lightning	72.8
7	Tornadoes	72.2
8	Hail Storms	55.0
9	Extreme Heat	54.4
10	Expansive Soils	47.5
11	Hurricanes/Tropical Storms	41.3
12	Dam/Levee Failure	36.3
13	Earthquakes	33.1
-	Land Subsidence	Not Profiled

## Section 3: Mitigation Strategy

This section examines the community’s ability to perform mitigation (a review of existing capabilities is shown in Table WB.12) and identifies specific mitigation actions to address vulnerabilities for each hazard profiled in the Hays County HMP Update. The mitigation strategy is the application of actions into an approach for performing structural and non-structural mitigation efforts within the jurisdiction. Actions are also prioritized and considered for incorporation into other community programs, regulations, projects or plans.

Completed and canceled actions are also included in a separate section for future reference.

### 3.1 Existing Capabilities

Table WB.12, Existing Capabilities

Capability Name	Capability Type	Ability to Expand/Improve
Mayor	Elected Official	Political support and funding for mitigation actions. Could attend mitigation information session to learn about community risks and mitigation strategy.
City Administrator/Floodplain Administrator	City Staff	Support for implementation of mitigation actions./ Responsibility for continued participation in the NFIP. Attend advanced floodplain management training.
Emergency Management Coordinator	Contract Staff	Management of City-level HMP updates and provides expertise on hazard mitigation. Attend advanced floodplain management training.
Engineer	Consultant	Expertise in structural mitigation projects and compliance with flood damage prevention ordinance. Attend advanced floodplain management training.
Sales Tax	Funding	Provides potential funding for Hazard Mitigation items.
Permitting and Licensing Fees	Funding	Provides potential funding for Hazard Mitigation items.
Chapter 211 of the Local Government Code: Zoning	Authority	Authorizes the City to regulate Zoning . (State-level code)
Chapter 213 of the Local Government Code: Municipal Comprehensive Plans	Authority	Authorizes the City to adopt a comprehensive plan for the long-range development of the City. (State-level code)
Chapter 214 of the Local Government Code	Authority	Authorizes the City to have regulatory authority as it related to building code (such as structural integrity and plumbing) (State-level code)
Code Chapter 151 Building Regulations; Construction Ordinance	Regulations	Regulation over building in the City (American Legal Publishing Corporation, 2001). Can be modified to directly refer to Mitigation Plan risk assessment for integration into comprehensive planning efforts.
Code Chapter 35 Fee Schedule Ordinance	Regulations	Regulates over fees the community can charge (none found) (American Legal Publishing , 2000). Can be updated to obligate special funding for mitigation projects.
Code Chapter 32 Emergency Management Ordinance	Regulations	Establishes Emergency Management Program (American Legal Publishing Corporation, 2003). Can be enhanced to add language specific to the mitigation mission for emergency management.



Table WB.12, Existing Capabilities

Capability Name	Capability Type	Ability to Expand/Improve
Code Chapter 153 Flood Damage Prevention Ordinance	Regulations	Regulation over floodplain development (American Legal Publishing Corporation, 2001). Can adopt higher standards, such as freeboard, in order to mitigate to more stringent standards.
Code Chapter 92 Open Burning Ordinance	Regulations	Regulation rights for fire protection purposes (American Legal Publishing Corporation, 2005). Can be enhanced to require other wildfire mitigation measures.
Code Chapter 154 Subdivision Control Ordinance	Regulations	Regulation control for subdivisions in Wimberley (American Legal Publishing Corporation, 2001). Can be enhanced to ensure proper evacuation route considerations are made during subdivision planning.

### 3.2 National Flood Insurance Program Participation

The City of Wimberley participates in the National Flood Insurance Program. The City Secretary/Interim City Administrator currently serves as the Floodplain Administrator. (The position is currently undergoing transition as the community seeks a new City Administrator.) The program was run locally with the assistance of Professional Engineer services when necessary. The community has adopted a Flood Damage Prevention Ordinance that incorporates 1 foot of freeboard above the base flood elevation for all development of structures within the Special Flood Hazard Area. The City will continue to explore options for higher standards as well as application for participation in the Community Rating System. The City has 277 NFIP policies, as of June 2016, with a total of \$66,356,900 of insurance coverage in force.

### 3.3 Mitigation Goals

The plan-level Mitigation Goals can be found in Chapter 3, The Mitigation Strategy portion of the Hays County HMP Update. These mitigation goals apply to each community and were mutually decided upon as the guiding goals for the development of actions in each planning area.



3.4 Mitigation Actions

\*E= Actions reducing risk to existing buildings and infrastructure

\*F= Actions reducing risk to new development and redevelopment

Number/Title	Hazard	Item Description	Implementation Agency	
1 <b>FM 1492 at Blanco River</b>	Floods	Replace low water crossing.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$1,000,000/ General Fund/In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
2 <b>Hidden Valley at Blanco River</b>	Floods	Replace low water crossing.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$800,000/ General Fund/In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
3 <b>Little Arkansas at Blanco River</b>	Floods	Replace low water crossing.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$1,000,000/ General Fund/In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations.				



## Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
4 Valley Drive at Pierce Creek	Floods	Replace low water crossing.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$500,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
5 Flite Acres Road	Floods	Replace low water crossing.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$500,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
6 FM 1492 at Pierce Creek	Floods	Replace low water crossing.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$250,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				



Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
<b>7</b> Wilson Creek at River Road	Floods	Replace low water crossing.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$200,000/ General Fund/ In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>8</b> Green Acres Dr. at Fire Station	Floods	Replace low water crossing.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$250,000/ General Fund/ In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>9</b> Leveritt's Loop	Floods	Replace low water crossing.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$150,000/ General Fund/ In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations.				



Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
10 Spoke Hollow Dr. at Spoke Pile Creek	Floods	Replace low water crossing.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$150,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
11 River Road at Western City Limits	Floods	Replace low water crossing.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$200,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
12 Paradise Hills	Floods	Replace low water crossing.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$90,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				



## Hays County Hazard Mitigation Plan, City of Wimberley Annex



Number/Title	Hazard	Item Description	Implementation Agency	
<b>13 River Road</b>	Floods	Reconstruct Roadway along Blanco River.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$850,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>14 Little Ranches at Panther Creek</b>	Floods	Reconstruct Low Water Crossing & Roadway.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$1,000,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>15 Hoots Holler</b>	Floods	Reconstruct low water crossing & roadway.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$1,000,000/ General Fund/ In-Kind Services		48 months	Delayed	E
Cost and Benefit Considerations				
Cost effective according to community calculations.				

## Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
<b>16</b> <b>Emergency Siren System</b>	Extreme Heat, Severe Winter Storms, Lightning, Hailstorms, Windstorms, Tornadoes, Floods, Hurricanes/Tropical Storms, Earthquakes, Dam/Levee Failure, Wildfires	Installation of 3 Emergency Siren System.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
\$105,000/ General Fund/ In-Kind Services		48 months	Delayed	N/A
<b>Cost and Benefit Considerations</b>				
Cost effective according to community calculations				
Number/Title	Hazard	Item Description	Implementation Agency	
<b>17</b> <b>Promote Flood Insurance in the community (previously action 27 in 2011 plan, modified)</b>	Floods	Placing National Flood Insurance Program information brochures in City Hall.	City of Wimberley City Administrator	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services, free brochures from FEMA		1 month	In progress	N/A
<b>Cost and Benefit Considerations</b>				
The cost and labor required to promote the NFIP is negligible. The benefit is difficult to estimate.				
Number/Title	Hazard	Item Description	Implementation Agency	
<b>18</b> <b>Acquisition or elevation of Repetitive Loss Properties (previously action 19 in 2011 plan, modified)</b>	Floods	As of 09/2016, Wimberley has 12 repetitive loss properties that need mitigation to reduce the over \$1.7 Million in payments that have been made.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
The estimated acquisition cost is \$100,000 per structure (\$1.2 million total for 12 structures). The estimated cost to elevate a residential structure a total of 3 feet in a shallow flooding area is \$30,000 per structure (\$360,000 total for 12 structures); Funding Sources: FEMA, TDEM, TWDB, GLO, Hays County/ General Fund/ In-Kind Services		48 months	Delayed	E
<b>Cost and Benefit Considerations</b>				
Cost effectiveness for these acquisitions or elevations are determined on a per structure or project basis.				



## Hays County Hazard Mitigation Plan, City of Wimberley Annex



Number/Title	Hazard	Item Description	Implementation Agency	
<b>19</b> Adopt Higher Standards for Flood Damage Prevention Ordinance (previously action 20 in 2011 plan)	Floods	Adopt 2 foot freeboard in existing ordinance for new development and substantial repairs.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/ In-Kind Services		6 months	Ongoing	E/F
Cost and Benefit Considerations				
This item would only take the amount of time/labor required to amend an ordinance within the City. The benefit would be for substantially improved or new development.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>20</b> Attend Advanced Local Floodplain Management Courses to receive certification (previously action 21 in 2011 plan, modified)	Floods	Send certified member of staff to advanced courses.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/ In-Kind Services, cost of accommodations for FEMA training off-site		6 months	Delayed	E/F
Cost and Benefit Considerations				
If attending the course at the Emergency Management Institute, the cost of the course would be very low, and only include a minimal meal ticket purchase. The benefit of an informed floodplain administrator would help both new and existing residents through guidance on how to mitigate flood damages to development.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>21</b> Improve emergency communication/warning systems (previously action 22 in 2011 plan)	Extreme Heat, Severe Winter Storms, Lightning, Hailstorms, Windstorms, Tornadoes, Floods, Hurricanes/Tropical Storms, Earthquakes, Dam/Levee Failure, Wildfires	Purchasing equipment and training personnel to improve local and Countywide emergency communication. Utilize system to provide information on hazards and community guidance on accessing emergency resources (such as cooling center locations for extreme heat).	Hays County Emergency Management	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
\$620,000/ General Fund/ In-Kind Services		Phased over 60 months	Ongoing	N/A
Cost and Benefit Considerations				
This action promotes public safety services through facility development, high quality equipment, adequate staffing, and healthy partnerships. Not independently cost-effective, but critical for minimizing loss of life and injuries during emergencies.				

## Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
<b>22 Storm Ready Designation from National Weather Service (previously action 24 in 2011 plan)</b>	Severe Winter Weather, Lightning, Hailstorm, Windstorm, Tornadoes, Floods, Hurricanes/ Tropical Storms	Application for designation that classifies community's level of preparedness for severe weather and storms.	City of Wimberley City Administrator	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services		6 months	Not Started	N/A
<b>Cost and Benefit Considerations</b>				
There is a high level of effort to complete the application, however no other cost applies. The level of increased preparedness would benefit the entire population.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>23 Increase Public Awareness of Hazard Mitigation (previously action 27 in 2011 plan)</b>	Drought, Extreme Heat, Severe Winter Storms, Lightning, Hailstorms, Windstorms, Tornadoes, Expansive Soils, Floods, Hurricanes/Tropical Storms, Earthquakes, Dam/Levee Failure, Wildfires	Increasing public awareness of natural hazards and hazardous areas; distributing public awareness information regarding hazards and potential mitigation measures. Promotional sources would include City website, social media, and public education programs. Provide link to HaysInformed on local page.	City of Wimberley City Administrator	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services		1 month	Not started	N/A
<b>Cost and Benefit Considerations</b>				
There is minimal cost and labor required to make this enhancement to the existing Wimberley City website.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>24 Adopt wildfire maps from Hays County Firewise project (previously action 28 from 2011 plan, modified)</b>	Wildfires	Formally adopt the maps created through the Hays County application for Firewise designation in order to begin to control development in accordance with the avoidance of hazard areas, or development with consideration of proper mitigation.	City of Wimberley City Hall, in coordination with Hays County Fire Marshal's office	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services		6 months	Not started	E/F
<b>Cost and Benefit Considerations</b>				
The benefit of mitigating against wildfire for future development as well as for instituting fire mitigation in existing areas of development greatly saves the community from the costs of potential damages.				



## Hays County Hazard Mitigation Plan, City of Wimberley Annex



Number/Title	Hazard	Item Description	Implementation Agency	
<b>25</b> Coordination of marketing Large Item Pick-up day for Wildfire Mitigation (previously action 33 from 2011 plan, modified)	Wildfire, Lightning, Windstorms, Tornadoes	Enhancement of existing large item pick-up to emphasize the wildfire mitigation benefits of cleaning brush and overgrown lots.	City of Wimberley Administrator in coordination with waste disposal service provider	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/ In-Kind Services		2 months	Ongoing	N/A
Cost and Benefit Considerations				
This slight change to marketing an existing event would likely lessen the risk for wildland fire for residents located within the Wildland Urban Interface.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>26</b> Drought Monitoring Program (previously action 29 in 2011 plan, modified)	Drought	Provide widget on City homepage that provides the latest US Drought Monitor conditions for the day.	City of Wimberley Administrator	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/ In-Kind Services		6 months	Not started	N/A
Cost and Benefit Considerations				
This low cost monitoring and inclusion of drought water conservation measures will take more time than money to institute and could reduce the impacts of water shortage. All residents that use the water source would benefit.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>27</b> Watershed Review Tour for Private Dams (Amended action 36 of 2011 plan)	Dam/Levee Failure, Floods	Plan for how to enforce flood damage prevention ordinance against encroachments in the floodway by inspecting for private dams that are not authorized and requirement of no-rise study when they are found to ensure neighbors are not at risk to be negatively impacted.	City of Wimberley Administrator	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/ In-Kind Services		6 months	Not started	E
Cost and Benefit Considerations				
This effort of enforcement will protect downstream properties and protect the community from liability from encroachments that create adverse impact. Although benefits are unquantifiable at this point, the cost is low enough for it to be negligible. Accessibility and responsibility should be coordinated with State dam safety staff.				

## Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
<b>28</b> Evacuation Plans/ Alternate road consideration (previously action 37 in 2011 plan)	Hurricanes/ Tropical Storms, Floods, Dam/ Levee Failure, Wildfire	Documentation of an evacuation plan that includes multiple exits for leaving the community.	City of Wimberley City Hall	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services		18 months	In progress	F
<b>Cost and Benefit Considerations</b>				
The cost of not establishing a way out of the community would greatly outweigh the cost of mitigating this risk of not being to get citizens out of danger.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>29</b> Soil Compaction Requirement for Roads and Recommendation for Residential	Expansive Soils	Requirement for higher level of soil compaction for new road development. Recommendation for soil compaction to lessen the possible effects of expansive soils to accompany existing slab requirements for manufactured and mobile homes.	City of Wimberley City Hall	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services, cost of engineer support		6 months	Not Started	F
<b>Cost and Benefit Considerations</b>				
This recommendation would add a level of protection to future development of foundations so that they mitigate against expansive soil damage.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>30</b> De-icing Contract Research/ Plan Development (previously action 32 in 2011 plan)	Severe Winter Weather	Creation of a plan that provides established procedures and negotiated service providers and rates for ice removal for the city streets.	City of Wimberley Administrator	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services		12 months	Not Started	N/A
<b>Cost and Benefit Considerations</b>				
By setting rates for ice removal for extreme cases of icy weather, the whole community could save money on potential price increases.				



## Hays County Hazard Mitigation Plan, City of Wimberley Annex



Number/Title	Hazard	Item Description	Implementation Agency	
<b>31</b> Develop water use public awareness campaign to ensure water for firefighting, provision of drinking water and reduction of groundwater depletion (previous action 30 in 2011 plan, modified)	Drought	Develop public information campaign to inform the public of water conservation practices.	City of Wimberley Administrator	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/ In-Kind Services		6 months	Not started	N/A
Cost and Benefit Considerations				
The intended benefit of a reduction in waste of water and in turn conservation of resources would greatly benefit all members of the community if practices are followed. The project is very cost-efficient.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>32</b> Windstrap requirement on temporary structures	Severe Winter Weather, Windstorm, Tornadoes, Hurricanes/ Tropical Storms	Ordinance update to require windstrap installation on all temporary structures to lessen the impacts of wind as well as the occurrence debris.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/In-Kind Services		6 months	Not started	E
Cost and Benefit Considerations				
This addition to the ordinances will make temporary structures resistant to winds and protect permanent structures from the debris created by unsecured temporary structures. The cost of strapping would be funded by the individual with the structure.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>33</b> Restriction on development along Blanco River	Floods	Specific ordinance that limits development along the river in an effort to mitigate loss of life and property.	City of Wimberley City Council	
Cost Estimate/Funding		Schedule	Status as of 2017	*Risk Focus:
Existing Staff/In-Kind Services		6 months	Not started	E/F
Cost and Benefit Considerations				
After recent flooding within the last 5 years, the community experienced both loss of lives and structures. This ordinance would cost only the labor to create and pass it as an ordinance, would be cost-effective .				

## Hays County Hazard Mitigation Plan, City of Wimberley Annex

Number/Title	Hazard	Item Description	Implementation Agency	
<b>34 Enhance Water Conservation Ordinance</b>	Drought	Enhancement of existing ordinance in order to place more measures that would further protect the water supply for the community, through the promotion of rainwater collection and xeriscape through the incentives of permit fee waivers.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/In-Kind Services		6 months	Not started	N/A
<b>Cost and Benefit Considerations</b>				
The cost of passing an ordinance amendment would be beneficial to all members of the community who utilize the water supply.				

Number/Title	Hazard	Item Description	Implementation Agency	
<b>35 Seismic Building Code Provisions</b>	Earthquakes	Review and possible incorporation of seismic building code provisions from International Building Codes.	City of Wimberley City Council	
<b>Cost Estimate/Funding</b>		<b>Schedule</b>	<b>Status as of 2017</b>	<b>*Risk Focus:</b>
Existing Staff/ In-Kind Services		6 months	Not started	F
<b>Cost and Benefit Considerations</b>				
The cost of passing an ordinance amendment would be beneficial to all members of the community who are building new structures, as their structures will be more resilient.				

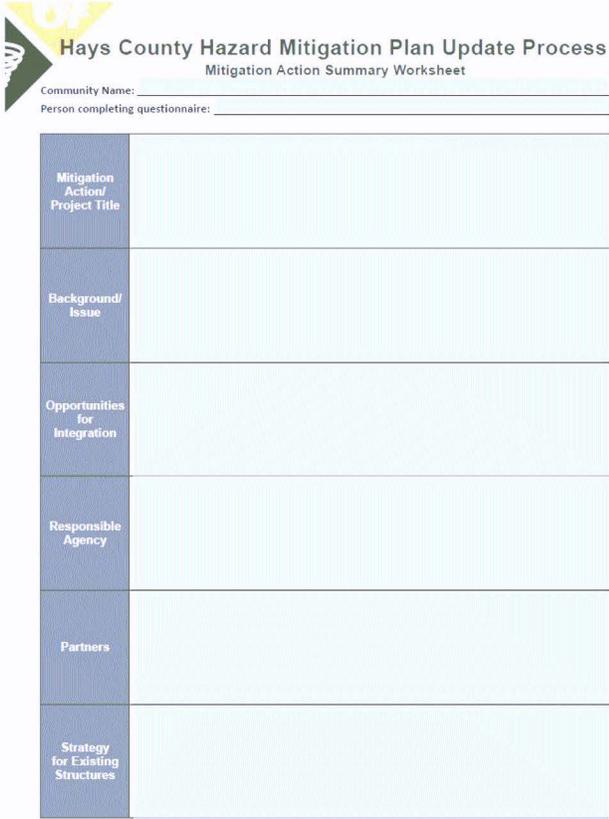


### 3.5 Capabilities Assessment

#### Evaluation/Prioritization of Actions

Each action added to the plan was developed using the Mitigation Action Summary Worksheet shown in Figure WB.8.

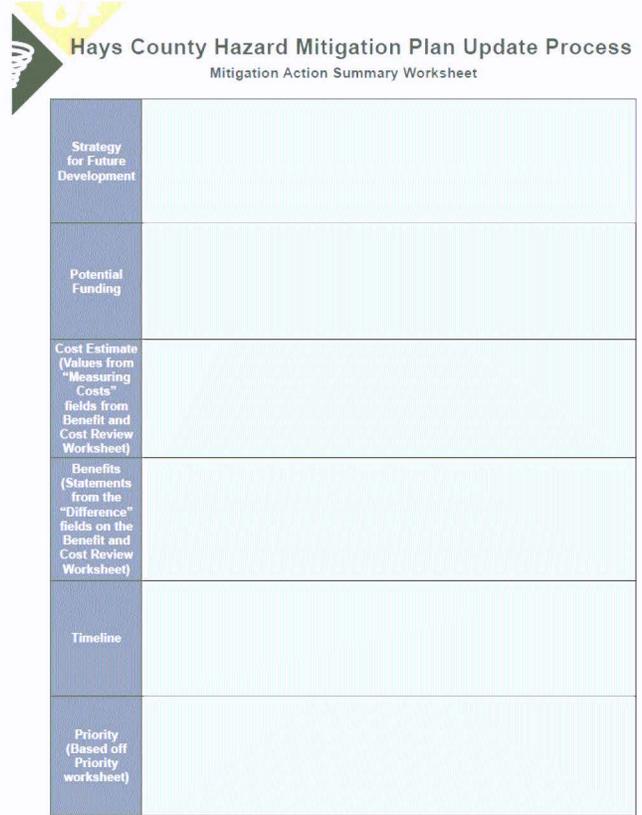
Figure WB.8, Mitigation Action Summary Worksheet



**Hays County Hazard Mitigation Plan Update Process**  
Mitigation Action Summary Worksheet

Community Name: \_\_\_\_\_  
Person completing questionnaire: \_\_\_\_\_

Mitigation Action/ Project Title	
Background/ Issue	
Opportunities for Integration	
Responsible Agency	
Partners	
Strategy for Existing Structures	



**Hays County Hazard Mitigation Plan Update Process**  
Mitigation Action Summary Worksheet

Strategy for Future Development	
Potential Funding	
Cost Estimate (Values from "Measuring Costs" fields from Benefit and Cost Review Worksheet)	
Benefits (Statements from the "Difference" fields on the Benefit and Cost Review Worksheet)	
Timeline	
Priority (Based off Priority worksheet)	



# Hays County Hazard Mitigation Plan, City of Wimberley Annex

Table WB.13, Mitigation Action Prioritization (with Hazards in order of highest priority to lowest)

Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community	Risk Ranking Score	Total Score
12. Paradise Hills (Emergency Exit)	1	1	1	1	1	1	1	1	1	1	99	109
28. Evacuation Plans/Alternate road consideration	1	1	1	1	1	1	1	1	1	1	99	109
23. Increase Public Awareness of Hazard Mitigation	1	1	1	1	1	1	1	1	1	0	99	108
1. FM 1492 @ Blanco River	1	0	1	1	1	1	1	1	0	1	99	107
7. Wilson Creek @ River Road	1	0	1	1	1	1	1	1	0	0	99	106
10. Spoke Hollow Dr. @ Spoke Pile Creek	1	0	1	1	1	1	1	1	0	0	99	106
15. Hoots Holler	1	0	1	1	1	1	1	1	0	0	99	106
16. Emergency Siren System	1	0	1	1	1	1	1	1	0	0	99	106
18. Acquisition or elevation of Repetitive Loss Properties	1	1	1	0	1	1	0	1	1	0	99	106
19. Adopt Higher Standards for Flood Damage Prevention Ordinance	1	1	1	0	1	1	1	1	0	0	99	106
20. Attend Advanced Local Floodplain Management Courses to receive certification	1	1	1	1	1	1	0	1	0	0	99	106
24. Adopt wildfire maps from Hays County Firewise project	1	1	1	1	1	1	1	1	1	1	96	106
3. Little Arkansas @ Blanco River	1	0	1	0	1	1	0	1	0	1	99	105
4. Valley Drive @ Pierce Creek	1	0	1	1	1	1	0	1	0	0	99	105
5. Flite Acres Road	1	0	1	0	1	1	1	1	0	0	99	105
14. Little Ranches @ Panther Creek	1	0	1	0	1	1	1	1	0	0	99	105
21. Improve emergency communication/ warning systems	1	0	1	1	1	0	0	1	1	0	99	105
25. Coordination of marketing Large Item Pick-up day for Wildfire Mitigation	1	1	1	1	1	1	1	1	1	0	96	105
33. Restriction on development along Blanco River	1	1	1	0	1	1	1	1	-1	0	99	105



## Hays County Hazard Mitigation Plan, City of Wimberley Annex

**Table WB.13, Mitigation Action Prioritization (with Hazards in order of highest priority to lowest)**

Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community	Risk Ranking Score	Total Score
6. FM 1492 @ Pierce Creek	0	0	1	1	1	1	0	1	0	0	99	104
8. Green Acres Dr. @ Fire Station	1	0	1	0	1	1	0	1	0	0	99	104
9. Leveritts Loop	1	0	1	0	1	1	0	1	0	0	99	104
11. River Road @ Western City Limits	1	0	1	0	1	1	0	1	0	0	99	104
13. River Road	0	0	1	1	1	1	0	0	0	0	99	103
17. Promote Flood Insurance in the community (previously action 27 from 2011 plan, modified)	0	0	1	1	0	0	1	1	0	0	99	103
22. Storm Ready Designation from National Weather Service	1	1	1	1	1	0	1	1	1	0	95	103
32. Windstrap requirement on temporary structures	1	1	1	1	1	1	0	1	0	0	95	102
30. De-icing Contract Research/ Plan Development	1	0	1	1	1	1	1	1	0	0	89	96
31. Develop water use public awareness campaign to ensure water for firefighting, provision of drinking water and reduction of groundwater depletion	0	0	1	1	1	1	0	1	0	0	75	80
34. Enhance Water Conservation Ordinance	0	0	1	1	1	1	0	1	0	0	75	80
26. Drought Monitoring Program	1	1	1	1	1	1	1	1	1	1	1	75
29. Soil Compaction Recommendation	0	1	1	0	1	1	0	1	0	0	48	53
27. Watershed Review Tour for Private Dams	1	1	0	0	1	0	0	1	0	0	36	40
35. Seismic Building Code Provisions	0	0	1	0	1	1	0	0	0	0	33	36
2. Hidden Valley @ Blanco River Already in progress- NOT RANKED												0



# Hays County Hazard Mitigation Plan, City of Wimberley Annex

## Mitigation Actions by Hazard

The mitigation actions in Table WB.14 are shown with the corresponding hazards.

Table WB.14, Mitigation Action Impact, City of Wimberley

Action Number	Drought	Extreme Heat	Severe Winter Storms	Lightning	Hailstorms	Windstorms	Tornadoes	Expansive Soils	Floods	Land Subsidence	Hurricanes/Tropical Storms	Earthquakes	Dam/ Levee Failure	Wildfire
1									X					
2									X					
3									X					
4									X					
5									X					
6									X					
7									X					
8									X					
9									X					
10									X					
11									X					
12									X					
13									X					
14									X					
15									X					
16		X	X	X	X	X	X		X		X	X	X	X
17									X					
18									X					
19									X					
20									X					
21		X	X	X	X	X	X		X		X	X	X	X
22			X	X	X	X	X		X		X			
23	X	X	X	X	X	X	X	X	X		X	X	X	X
24														X
25				X		X	X							X
26	X													
27									X				X	
28									X		X		X	X
29								X						
30			X											
31	X													
32			X			X	X				X			
33									X					
34	X													
35												X		



### 3.6 Integration Efforts

Table WB.15 captures ways that the HMP risk assessment, mitigation goals and actions can be integrated into other City of Wimberley documents, programs and regulations.

**Table WB.15, Plan Integration Efforts, City of Wimberley**

Name of Document	Type	Item Type	Process for Integration
Capital Improvements Plan (future)	Plan	Actions	In the event that the new City Administrator should develop a CIP, actions 1- 18 could be integrated as actions that would mitigate loss of life and property. These actions would be approved by the City Council and if possible, funds would be obligated for the projects.
City of Wimberley Code of Ordinances	Regulations	Actions	Actions 19, 32, 33, 34 and 35 should be incorporated into existing ordinances in order to increase the level of protection instituted into the construction of new structures. Those ordinance amendments would be presented to the City Council for approval, and if passed, would be administered through responsible city agencies.
HaysInformed.com	Program	Action	Coordinate with website administrator to post link to existing Hays County HaysInformed.com emergency preparedness/awareness page when creating Public Awareness Page for hazards on Wimberley website (Action 6).
Blue Hole Park			Utilize this popular tourist attraction to help further encourage water conservation and protection through guided tours that emphasize the importance of natural water systems (Action 31).
Hazard Mitigation Grant Program (HMGP)	Funding	Action	<p>Identify actions that can be funded through new and existing grant awards. Review existing mitigation actions for eligibility for the grant program, to include Benefit Cost consideration. Prepare grant application documents in advance to prepare for future grant application periods.</p> <p>Process involves identification of actions from Plan; obtaining Council approval to apply; notification of interest in grant to the public; completion of application for funding; if awarded, obtaining Council approval to accept; if accepted, administration of funds and implementation of project.</p>
Pre-Disaster Mitigation (PDM)			
Flood Mitigation Assistance (FMA)			
TWDB Flood Protection Planning (FPP) Grant			



## Hays County Hazard Mitigation Plan, City of Wimberley Annex

**Table WB.15, Plan Integration Efforts, City of Wimberley**

Name of Document	Type	Item Type	Process for Integration
TWDB Clean Water State Revolving Fund (CWSRF)	Funding	Action	Identify actions that can be funded through new and existing loan programs. Review existing mitigation actions for eligibility for the grant program, to include Benefit Cost consideration. Prepare loan application documents in advance to prepare for future loan application periods.
Texas Water Development Fund (DFund)			Process involves obtaining Council approval to apply; notification of interest in loan to the public; completion of application for loan; if awarded, obtaining Council approval to accept; if accepted, administration of funds and implementation of project.

### ***Incorporation Achievements Since Previous Plan Update***

The City of Wimberley incorporated the HMP into other planning mechanisms as a demonstration of progress in local hazard mitigation efforts. This was achieved by identifying MPC planners and or stakeholders to participate in the creation of the 2016 Comprehensive Plan.



## Section 4: Finalize Plan Update (Review, Evaluation, and Implementation)

### 4.1 Changes in Development

The City of Wimberley continues to be a growing tourist destination. As the community works hard to control the growth and ensure that it is done in a safe manner, they are faced by the ever-increasing influx of citizens in Hays County as a result of both residential growth and increasing transient populations.

Other changes in development include a State of recovery for the small community. After millions of dollars in flood damages over the past 5 years, the community is attempting to place mitigation in the forefront as it is a priority in saving future structures and most importantly, protecting lives. This process decreases vulnerability through the incorporation of mitigation in the reconstruction process.

### 4.2 Progress in Mitigation Efforts

#### *Past Mitigation Action Progress Reports Summary - Completed and Canceled*

2011 Action Number	Hazard	Item Description	Lead Department
23	All hazards	Development of and maintenance of Countywide and individual community HAZMAP Plans	City of Wimberley
Cost Estimate/Funding		Schedule	Status as of 2017
Existing Staff resources		Original Plan adopted on 4/20/2004. Update in 2011	Completed.
Cost Effectiveness			
Not independently cost-effective			

2011 Action Number	Hazard	Item Description	Lead Department
25	Extreme Heat	Reduce Impacts of Extreme Heat on Elderly, Disabled, Low-Income and Infants (Fan Distribution Program)	Wimberley and Local ESD
Cost Estimate/Funding		Schedule	Status as of 2017
\$2,000 to purchase and distribute 100 box fans and \$3,000 estimated cost for a/c repairs Funding Sources: United Way, Rotary Clubs, Lion Clubs, Red Cross, Churches and charitable organizations, power companies		Periods of Extreme Heat May be annually	Canceled. This project is not one that would benefit a large number of citizens in Wimberley. This was replaced with an awareness action.
Cost Effectiveness			
Not independently cost-effective			



## Hays County Hazard Mitigation Plan, City of Wimberley Annex

2011 Action Number	Hazard	Item Description	Lead Department
31	Extreme Heat	Evaluate Excess Heat Risks. Study.	Wimberley
Cost Estimate/Funding		Schedule	Status as of 2017
No additional cost- uses Existing Staff resources		TBD; probably initiated in 2011	Canceled. Flood priorities outweighed the effects of Extreme Heat in the community.
Cost Effectiveness			
Not independently cost-effective, but needed to develop adequate risk reduction efforts			

2011 Action Number	Hazard	Item Description	Lead Department
35	Floods, thunderstorms, high winds, tornadoes, seismic	Structural/Engineering Study of Wimberley facilities	City of Wimberley
Cost Estimate/Funding		Schedule	Status as of 2017
TBD, but if initiated probably from General Fund		Not yet established- to be commenced only if funding is available	Canceled. Not an outstanding priority during the planning period.
Cost Effectiveness			
Not independently cost-effective, but the initial step in identifying appropriate mitigation actions			

### 4.3 Changes in Priorities

Plan-level priority changes are reflected in the changes to the plan-level goals shown in Chapter 3: Mitigation Strategy within the Main Plan document.

The community is undergoing a change in management with a new City Administrator. With this may come changes in priorities of regulation, spending and development. Plan updates should include information regarding the vision of the new City management once a replacement is known.



## Section 5: Approval and Adoption

### 5.1 Approval and Adoption Procedure

The procedures for approval and adoption are described in Chapter 4.1 of the main plan document.

*Table WB.16, Municipal Jurisdiction Adoption Date*

Municipality	APA Date	Adoption Date
City of Wimberley		





Jurisdiction Adoption Documentation Placeholder

## References

- American Legal Publishing . (2000, 12 21). Wimberley, TX Code of Ordinances. Retrieved from Chapter 35: Fee Schedule : [http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley\\_tx/cityofwimberleytexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wimberley\\_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley_tx/cityofwimberleytexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:wimberley_tx)
- American Legal Publishing Corporation. (2001, 02 15). Wimberley, TX Code of Ordinances. Retrieved from Chapter 151: Building Regulations; Construction: [http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley\\_tx/cityofwimberleytexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wimberley\\_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley_tx/cityofwimberleytexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:wimberley_tx)
- American Legal Publishing Corporation. (2001, 09 20). Wimberley, TX Code of Ordinances. Retrieved from Chapter 153: Flood Damage Prevention : [http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley\\_tx/cityofwimberleytexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wimberley\\_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley_tx/cityofwimberleytexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:wimberley_tx)
- American Legal Publishing Corporation. (2001, 09 20). Wimberley, TX Code of Ordinances. Retrieved from Chapter 154: Subdivision Control: [http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley\\_tx/cityofwimberleytexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wimberley\\_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley_tx/cityofwimberleytexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:wimberley_tx)
- American Legal Publishing Corporation. (2003, 11 20). Wimberley, TX Code of Ordinances. Retrieved from Chapter 32: Emergency Management: [http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley\\_tx/cityofwimberleytexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wimberley\\_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley_tx/cityofwimberleytexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:wimberley_tx)
- American Legal Publishing Corporation. (2005). Wimberley, TX Code of Ordinances. Retrieved from Chapter 92: Open Burning : [http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley\\_tx/cityofwimberleytexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wimberley\\_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/wimberley_tx/cityofwimberleytexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:wimberley_tx)
- City of Wimberley. (2007, 08 02). Maps, Records & Archives. Retrieved from Master Plans & Strategies: Transportation Master Plan: <http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/%7B466732EA-4F29-4300-8A72-C8CE25C24401%7D.PDF>
- City of Wimberley. (2008, 11 06). Maps, Records & Archives. Retrieved from Master Plans & Strategies: Economic Development Strategy : <http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/%7B67AC0D76-A382-4867-8ADE-7BAF7737D5F5%7D.PDF>
- City of Wimberley. (2008, 11). Maps, Records & Archives. Retrieved from Master Plans & Strategies: Parks Master Plan : <http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/%7BE6E2A1F4-2D06-4BA4-9169-E75FA001F429%7D.PDF>
- City of Wimberley. (2016, 02 04). Maps, Records & Archives. Retrieved from Master Plans & Strategies: Comprehensive Plan: [http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/Comprehensive\\_Plan.Amended\\_2.4.16.pdf](http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/Comprehensive_Plan.Amended_2.4.16.pdf)
- City of Wimberley. (2017, 03 20). Building Permits. Retrieved from Residential Application: [http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/Residential\\_Bldg\\_Permit\\_Rev\\_06-15.pdf](http://www.cityofwimberley.com/vertical/sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/Residential_Bldg_Permit_Rev_06-15.pdf)
- National Fire Protection Association. (2013, June). NFPA News & Research. Retrieved from Lightning Fires and Lightning Strikes: <http://www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics/fire-causes/lightning-fires-and-lightning-strikes>
- National Highway Traffic Safety Administration. (2017, 03 11). Traffic Safety Facts. Retrieved from Texas 2011-2015: <https://cdan.nhtsa.gov/SASStoredProcess/guest>

## Hays County Hazard Mitigation Plan, City of Wimberley Annex

- National Oceanic and Atmospheric Administration. (2016). Historical Hurricane Tracks. Retrieved from National Oceanic and Atmospheric Administration Coastal Management: <https://coast.noaa.gov/hurricanes/>
- National Oceanic and Atmospheric Administration Storm Event Database. (2016, 12 01). National Centers for Environmental Information. Retrieved from Data Access: <https://www.ncdc.noaa.gov/data-access>
- Texas A&M Forest Service. (2016, 12 01). Wildfire Risk Assessment Portal. Retrieved from Public Viewer: <https://www.texaswildfirerisk.com/>
- Texas Department of Transportation. (2017, 03 11). Crash Records Information System. Retrieved from C.R.I.S Query: <https://cris.dot.state.tx.us/public/Query/#/public/welcome>
- Texas Natural Resources Information System. (2011). TNRIS Data Catalog Low Water Crossings. Retrieved from TNRIS: <https://tnris.org/data-catalog>
- USGS Earthquake Hazard Program. (2015). USGS Earthquake Hazard Program. Retrieved from USGS: <https://earthquake.usgs.gov/data/>

# City Council Agenda Form



**Date Submitted:** February 12, 2018

**Agenda Date Requested:** February 15, 2018

**Project/Proposal Title:** CONSIDER ACTION REGARDING A REQUEST TO PERMIT A TEMPORARY STRUCTURE TO OPERATE A MOBILE FOOD SERVICE TRAILER LOCATED AT 411 FM 2325

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

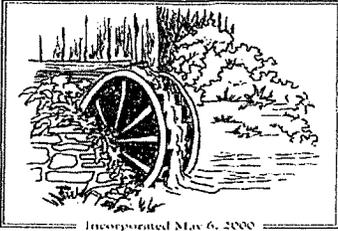
**Project/Proposal Summary:**

This item was placed on the agenda to allow City Council to discuss and consider action on a request by Deanna Ayres to operate a food service trailer at 411 FM 2325. The name of the business is The Salty German.

The applicant is proposing to serve the following out of a specially equipped trailer: schnitzel, bratwurst, currywurst, spaetzle, fleischkaese, german potato salad, homemade fries, green bean salad, carrot salad, cucumber salad, sauerkraut, gulasch, German bread and broetchen. Hours of operation will be 7 days a week, 11 a.m. – 9:00 p.m. The proposed trailer will fill the last available occupancy at the food trailer court. The applicant plans to use on-site restrooms and parking. This subject tract has obtained site plan approval for the operation of food trailers.

The subject property is zoned Commercial-Low Impact (C-1). The operation of temporary food service operations, like that which is proposed, is allowed with prior City Council authorization.

The applicant is required to obtain a Mobile Food Establishment Permit from the City Sanitarian prior to operation; a vote to approve should be conditional upon approval of the Mobile Food Permit from the Sanitarian.



# City of Wimberley

221 Stillwater, P.O. Box 2027,  
Wimberley, Texas, 78676  
Phone: (512) 847-0025 - Fax: (512) 847-0422  
[www.cityofwimberley.com](http://www.cityofwimberley.com)

**RECEIVED**  
FEB - 7 2018  
Temporary Structure  
Application Form  
Office Use BY: \_\_\_\_\_  
Permit No. T-18-001  
Date: FEBRUARY 7, 2018  
Staff Review: SANDRA J. FLOYD  
Council Hearing: FEBRUARY 15, 2018

Applicant: DEANNA AYRES - THE SALTY GERMAN

Mailing Address: 300 LANGE RD City: WIMBERLEY State: TX Zip: 78676

Phone: [REDACTED] Email: [REDACTED]

Property Owner: Allison SCIDEMAN

Mailing Address: 411 FM 2325 City: Wimberley State: TX Zip: 78676

Phone: [REDACTED] Email: [REDACTED]

Subject Property Address: 411 FM 2325 WIMBERLEY TX 78676

Hays CAD Parcel ID R \_\_\_\_\_ Zoning: \_\_\_\_\_

Purpose/Use of Structure: FOODTRAILER /SERVING FOOD

Requested Installation Date: 2-16-18 Requested Removal Date: N/A

Will the temporary structure be served by electricity? YES  NO

Will the temporary structure be served by water service? YES  NO

If "YES" to either then an inspection is required for water and/or electrical service.

If service is provided through another meter attach a letter of permission.

Provide a site plan indicating location of temporary structure in relation to other structures, parking lots, property lines etc.

Permission from property owner is attached. YES  NO  N/A

Has a Mobile Food Establishment application been submitted? YES  NO  N/A

Temporary Structure Permit.....\$25.00 each structure  
Inspections.....\$65.00 each

I certify that the information contained in this application is true and correct and that if any of the information provided is incomplete or incorrect the permit may not be issued or may be revoked to the City of Wimberley. I understand that all temporary structures or accessory uses shall be removed from the property at the expiration of the time period as defined in the permit unless another Temporary Structure Permit is obtained prior to expiration. I understand that a Certificate of Occupancy may be required and contractor information will be provided if applicable. Adequate parking, restroom, setback and additional requirements per City Ordinance No. 2012-007 & Ordinance No. 2016-007 will be verified by City staff.

Applicant: [Signature] Date: 2-7-18

**PAID**  
FEB - 7 2018

# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

Project/Proposal Title: ORDINANCE NO. 2018-02 - Place One Council member Steve Thurber

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

On January 19, 2017 the City Council reduced the hotel occupancy tax from five percent (5%) to zero percent (0%). The Council minutes reflect this action was due to the fact that a fund balance over \$300,000 had accumulated, and the Council suspended the tax until a plan was developed to better allocate funds.

If the Council desires to enter into contract with the Visitor's Center, hire a Tourism Director, and fund tourism projects a stream of revenue must be reestablished.

The proposed reestablishment of a hotel occupancy tax would raise the tax rate from zero percent (0%) to five percent (5%), effective April 1, 2018. This would allow time to contact the hotel related facilities within the City.

On February 12, 2018 the Hotel Occupancy Tax Advisory Committee met and recommended by a 7-0 vote that the City Council adopt a 5% hotel occupancy tax rate, but recommended it become effective June 1, 2018 to allow for implementation of the tax.

**ORDINANCE NO. 2018-02**

**“HOTEL OCCUPANCY TAX”**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO INCREASE THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and further for the general purposes of convention center facilities or visitor information centers; advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity; the encouragement, promotion, improvement, and application of the arts, historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums; for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

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

**SECTION I. FINDINGS OF FACT**

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

**SECTION II. AMENDMENT**

Ordinance No. 2015-017, Section II (Hotel Occupancy Tax), Subsection D (Tax Rate; Exemptions), Subparagraph (1), is hereby amended as follows:

**“D. Tax Rate; Exemptions.**

1. A tax of **five percent (5%)** of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs two dollars or more each day and is ordinarily used for sleeping.”

### **SECTION III. SAVINGS**

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

### **SECTION IV. SEVERABILITY**

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

### **SECTION V. REPEALER**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance, including, but not limited to, City of Wimberley Ordinance No. 2017-004, are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

### **SECTION VI. EFFECTIVE DATE**

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

### **SECTION VII. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED this 1<sup>st</sup> day of February, 2018.**

---

Herschel P. "Mac" McCullough,  
Mayor

ATTEST:

---

Laura J. Calcote,  
City Secretary

APPROVED AS TO FORM:

---

City Attorney

# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

Project/Proposal Title: **VISITOR CENTER OPERATIONS AGREEMENT** - Place One Council member Steve Thurber

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Please see attached the proposed Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation.

On February 12, 2018 the Hotel Occupancy Tax Advisory Committee met and recommended the City Council approve a one-time payment for the operational costs (electrical, water, etc.) and renovation of the front office for a total of \$23,000. The HOT Committee further recommended the Visitor Center resubmit the remainder of their request to the Committee for further review.

# Visitor Center Operations Agreement

The **City of Wimberley**, a Texas general law Type A municipal corporation, (“City”), and the Wimberley Convention and Visitors Bureau Foundation, a Texas non-profit corporation, (“Visitor Center”), enter into this Operations Agreement (“Agreement”) on \_\_\_\_, 2018, upon the terms and conditions set forth below:

WHEREAS, Chapter 351 of the Texas Tax Code (the “Act”) addresses expenditures of the municipal hotel occupancy tax; and

WHEREAS, section 351.101(a)(1) of the Code authorizes expenditures for the equipping, repairing, operation, and maintenance of visitor information centers; and

WHEREAS, the Visitor Center is a non-profit corporation in the City of Wimberley that operates a visitor information center within the meaning of section 351.101(a)(1); and

WHEREAS, the City has included and thereby finds that this Agreement promotes tourism and the convention and hotel industry within the City, and further meets the requirements contained in the Act;

NOW, THEREFORE, in consideration of the promises, covenants, terms and conditions herein contained, the parties mutually agree:

## I. Findings Incorporated

Each of the above recitals is hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration, and promises that bind the parties.

## II. Term

This Agreement shall be effective beginning on the Effective Date (\_\_\_\_) and shall remain in effect until 9-30, 2022, subject to the termination provision described in Section VII below.

## III. Definitions

3.1 **Act.** The word “Act” means Chapter 351 of the Texas Tax Code, as amended.

3.2 **Agreement.** The word “Agreement” means this Visitor Center Operations Agreement, together with all exhibits and schedules attached to this Visitor Center Operations Agreement from time to time, if any.

3.3 **City.** The word “City” means the City of Wimberley, Texas.

3.4 **Effective Date.** The words “Effective Date” mean the earliest date on which all parties have executed this Agreement by and between the Visitor Center and the City.

3.5 **Fiscal Year.** The words “Fiscal Year” mean the twelve-month period beginning October 1 and ending September 30.

3.6 **Local Hotel Occupancy Tax Revenue.** The words “Local Hotel Occupancy Tax Revenue” mean the municipal hotel occupancy tax levied by the City pursuant to the Act, at such rates as are permitted by state law and approved by the Wimberley City Council, which tax is collected from guests staying at hotels or other taxable lodging within the City.

3.7 **Term.** The word “Term” means the term of this Agreement as specified in Section II of this Agreement.

3.8 **Visitor Center.** The words “Visitor Center” mean the Wimberley Convention and Visitors Bureau Foundation.

#### **IV. Services to be Provided**

4.1 **Obligation of City.** As part of its obligation under the Act to use Local Hotel Occupancy Tax Revenue for attracting and promoting tourism and the convention and hotel industry, the City hereby agrees to provide funds to the Visitor Center for the purposes described in section 351.101(a)(1) of the Act and according to the schedule attached as **Exhibit A** out of funds actually received by the City from the local hotel occupancy tax.

4.2 **Obligations of Visitor Center.** The Visitor Center agrees as follows:

- (a) The Visitor Center shall provide the following services to the City:
  - i. The Visitor Center will operate and maintain the Visitor Center facility and provide information to area visitors. The Visitor Center agrees to treat all tourist lodging facilities in a reasonably consistent manner and to provide information to tourists regarding all lodging options within the City.
- (b) The Visitor Center shall establish a separate checking account or banking account for receipt of the Local Hotel Occupancy Tax Revenue; and
- (c) Any proposed change to the use by the Visitor Center of Local Hotel Occupancy Tax Revenue according to the schedule attached as **Exhibit A** and as described by this Agreement must be approved in advance by the City Council and authorized by the City in writing as an amendment to this Agreement.

#### **V. Budget, Accounting, and Reporting Requirements**

5.1 **Budget.** Prior to the Effective Date of this agreement, and no later than December 31 of each year thereafter, the Visitor Center shall provide to the City a proposed written request for reimbursement of the previous year's operating expenses and for anticipated expenses for which there may be no historical experience as may be required. The budget shall also reflect the results of consultation between the Visitor Center and appropriate City staff concerning, projected available Local Hotel Occupancy Tax Revenue for the ensuing Fiscal Year, any amounts available

in the Visitor Center's reserve funds, and estimated costs of the services provided by this Agreement. The City agrees that, in the event of unforeseen emergencies which may occur from time to time during the course of this agreement, the Visitor Center may submit special requests for additional funding, if required. Funding for each request will be due within ninety days of the receipt of the request in year one, and March 31 for each year thereafter. Each request may be submitted in a form similar to that illustrated in **Exhibit A**.

**5.2 Reporting Criteria.** During the Term of this Agreement, the Visitor Center shall track and report the following criteria for purposes of historic reporting and goal measurement: (1) Visitor Guide Requests; (2) Phone Inquiries; (3) Email Inquiries; and (4) Retail Revenue resulting from the sale of merchandise offered for sale in the Visitor Center.

**5.3 Accounting.** The Visitor Center shall maintain separate, complete and accurate books and records of all financial activities, which the City may audit at any time upon reasonable notice. The Visitor Center shall maintain financial records on a regular basis in accordance with generally accepted accounting principles, subject to any variations as are required by state law or that are agreed to in writing by the City. Specifically, the Visitor Center shall account separately for the Local Hotel Occupancy Tax receipts and expenditures, and for any other funds provided to it by the City, including the activities identified in **Exhibit A**.

**5.4 Annual Audit.** At the conclusion of each year, during the term of this agreement, the Visitor Center shall engage an independent firm of certified public accountants to audit its financial statements in accordance with generally accepted auditing standards. The Visitor Center shall include such additional supplemental information as the City may request to be included in the auditor's report and shall deliver to the City Administrator a copy of its audited financial statements and related supplemental information, no later than 120 days after the end of each Fiscal year.

**5.5 Quarterly Financial Reporting.** Within 30 days after the end of each quarter in the Fiscal Year, the Visitor Center shall deliver to the City a (i) written report of its expenditures and (ii) unaudited financial statements for the quarter just ended, including at a minimum a balance sheet and an income statement.

**5.6 Additional Quarterly Reporting.** The Visitor Center will provide the City with monthly reports containing detailed information on performance of this Agreement. The Visitor Center shall also provide the City with copies of any reports or documentation required by federal or state law, as such laws may be amended from time to time during the Term of this Agreement.

## **VI. Payments by the City**

**6.1 Payments Subject to Annual Appropriation.** In addition to any particular limitations and conditions that may be specifically stated in this Agreement, all obligations of the City are subject to annual appropriation by the City for this Agreement from proceeds of the Local Hotel Occupancy Tax Revenue that are available to pay for the services provided under this Agreement, and further subject to the ability of the City to collect such tax proceeds. This Agreement imposes no obligation upon the City to levy and collect the tax. Under no

circumstances shall this Agreement be construed to require the City to transfer monies from any other fund owned by the City to the Visitor Center.

6.2 **Payments Due Annually.** The City shall pay to the Visitor Center annually, by October 1 for each year under this agreement, with exception of the first year, the items and amounts listed in Appendix A, plus any additional items or amounts as may be approved by the City from time to time based upon the most recent fiscal year end and any other directives from the City as may apply.

6.3 **Limitation on Use of Funds.** The Visitor Center shall spend Local Hotel Occupancy Tax Revenue solely to perform this Agreement. It is understood and agreed by and between the parties that this Agreement creates a fiduciary duty by the Visitor Center to the City to spend the Local Hotel Occupancy Tax Revenue that it receives in accordance with this Agreement.

6.4 **Conflicts of Interest.** None of the Local Hotel Occupancy Tax Revenue funds hereby granted shall be paid, directly or indirectly, to a Wimberley City Council member, the head of any department of the City, an officer of the Visitor Center, a member of the Wimberley Hotel Occupancy Tax Advisory Committee, a member of the immediate family of the foregoing persons, or a business in which any of the foregoing persons has an economic interest.

## VII. Termination

Either party may terminate this Agreement by written notice to the other party of such other party breaches any of its obligations under this Agreement and does not cure such breach within thirty (30) days after receiving written demand from the other party specifying the breach in question and demanding that it be cured. Such right to terminate shall be without prejudice to the other legal and equitable rights of the parties.

## VIII. Miscellaneous

8.1 **Independent Contractor.** The Visitor Center is an independent entity, and the relationship between the Visitor Center and the City is and shall remain that of independent contractors. The City is not and shall not be liable for any of the Visitor Center's debts or obligations, including any operating deficit that may arise. The Visitor Center shall not hold itself out as an agent of the City nor in any way purport to bind the City with respect to any contract or other obligation.

8.2 **Indemnity.** The Visitor Center shall indemnify, save, and hold harmless the City, its officers, employees, agents, and licensees against any and all liability, damage, loss, claims, causes of action, expenses or demands (collectively "Costs") of any nature whatsoever, on account of personal injury (including without limitation, Workers' Compensation and death claims), or property loss or damage of any kind whatsoever, which arises, or is claimed to arise, out of or is, or is claimed to be, in any manner connected with the operations or activities of the Visitor Center. The Visitor Center must, at its own expense, investigate all those claims and demands, attend to their settlement or other disposition, defend all actions based thereon using counsel satisfactory to

the City Council, the approval of which shall not be unreasonably withheld, and pay all other costs and expenses of any kind arising from any of such claims, demands or causes of action.

8.3 **Insurance.** The Visitor Center shall maintain a comprehensive general liability policy or policies with an insurance company or companies authorized to do business in the State of Texas, which shall include bodily injury, property damage, contractual, and automobile liability coverage with a minimum of not less than \$1,000,000 per occurrence with \$2,000,000 aggregate. The Visitor Center shall furnish the City with appropriate certificates of insurance along with copies of policy declaration pages and all policy endorsements evidencing the required coverage throughout the Term of this Agreement. The Visitor Center shall obtain an endorsement to the above policy that names the City as an additional insured and that waives the right of subrogation against the City. The Visitor Center shall not cause the insurance to be canceled nor permit any insurance to lapse during the term of this Agreement.

8.4 **Amendment.** This Agreement may not be amended without the written consent of the parties.

8.5 **No Third-Party Beneficiaries.** This Agreement is for the benefit of the City and the Visitor Center only, and no other party may seek to enforce or assert any rights under it.

8.6 **Assignment.** The Visitor Center may not assign this Agreement without the prior written consent of the City.

8.7 **Venue.** Venue for all lawsuits concerning this Agreement must be in the State District courts of Hays County, Texas.

8.8 **Waiver of Default.** Either party may waive any default of the other at any time, without affecting or impairing any right arising from any subsequent or other default. Delay by a party in enforcing, or failure by such party to enforce, a right under this Agreement shall not be deemed a waiver of the same. A waiver of a party's rights shall be effective only if in writing and shall be limited to the single even or occurrence specified.

8.9 **Application of Law.** This Agreement must be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts must be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.

8.10 **Multiple Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.

8.11 **Entire Agreement.** This Agreement, including its exhibits and attachments, if any, represents the entire agreement between the parties regarding the subject matter, and there are no other representations, understandings, or agreements between the parties relative to such subject matter.

8.12 **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all parties. The City warrants and represents that the individual signing this Agreement on behalf of the City has full authority to execute this Agreement and bind the City to its terms. The Visitor Center warrants and represents that the individual signing this Agreement on behalf of the Visitor Center has full authority to execute this Agreement and bind the Visitor Center to its terms.

8.13 **Force Majeure.** It is expressly understood and agreed by the parties to this Agreement that if the performance of any obligations under this Agreement is delayed by reason of war, civil commotion, acts of God, natural disaster, fire, or other casualty, or court injunction, the party so obligated or permitted shall be excused from doing or performing its obligations during the period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.

8.14 **Ordinance Applicability.** The parties shall be subject to all ordinances of the City, whether now existing or in the future arising. This Agreement does not confer any vested rights on the Visitor Center unless specifically identified herein.

8.15 **Severability.** In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part of the Agreement.

8.16 **Undocumented Workers (required by TEX. GOV'T CODE Ch. 2264).** The Visitor Center certifies that it does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, the Visitor Center is convicted of a violation under 8 U.S.C. § 1324a(f), the Visitor Center shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of eight percent (8%), not later than the 120<sup>th</sup> day after the City notifies the Visitor Center of the violation.

*[Remainder of page intentionally left blank.]*

**APPROVED AND AGREED:**

**FOR THE CITY OF WIMBERLEY:**

By: \_\_\_\_\_  
Hershel P. "Mac" McCullough  
Mayor  
City of Wimberley, Texas

Date: \_\_\_\_\_

**FOR WIMBERLEY CONVENTION AND VISITORS BUREAU FOUNDATION:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

REVISED JANUARY 10, 2018

Year-to-Year Multiplier 3%

	Historical		PROPOSED HOTEL TAX FUNDING					
	Fiscal Yr	CITY	Fiscal Yr	Fiscal Yr	Fiscal Yr	Fiscal Yr	Fiscal Yr	Total
	Ended	HOT	Ending	Ending	Ending	Ending	Ending	
9/30/2016	SHARE	9/30/2018	9/30/2019	9/30/2020	9/30/2021	9/30/2022	Proposed	
<b>Operating Expenses</b>								
<b><u>PROPOSED SHARED OPERATING EXPENSES</u></b>								
Advertising	478	75%	369	380	392	403	416	1,960
Hospitality	1,047	75%	809	833	858	884	910	4,294
Copier Lease	1,648	75%	1,273	1,312	1,351	1,391	1,433	6,761
Insurance	1,192	75%	921	948	977	1,006	1,036	4,889
Office Supplies	1,066	75%	824	848	874	900	927	4,372
Postage	780	75%	602	620	639	658	678	3,198
Professional Fees	950	75%	734	756	779	802	826	3,896
Cleaning	2,482	75%	1,918	1,975	2,035	2,096	2,158	10,181
Repairs/Maintenance*	2,851	75%	2,202	2,268	2,337	2,407	2,479	11,693
Utilities - Electric	2,231	75%	1,724	1,775	1,829	1,884	1,940	9,152
Utilities - Water	632	75%	488	503	518	533	549	2,590
Utilities - Trash	841	75%	650	669	689	710	731	3,450
Telephone	1,858	75%	1,435	1,479	1,523	1,569	1,616	7,621
Staff Wages (New Part-time Position Non-management)**	-	100%	23,400	24,102	24,825	25,570	26,337	124,234
Staff Payroll Taxes (Non-management)	-	100%	1,865	1,921	1,979	2,038	2,099	9,902
Salaries - Management	92,146	25%	23,728	24,439	25,173	25,928	26,706	125,973
Payroll Tax Management	7,049	25%	1,815	1,870	1,926	1,983	2,043	9,637
	<b>117,252</b>		<b>64,757</b>	<b>66,700</b>	<b>68,700</b>	<b>70,762</b>	<b>72,884</b>	<b>343,803</b>
<b><u>EXPENSES TO BE TOTALLY FUNDED BY HOT</u></b>								
Lobby Renovation (To accommodate lodging, tourism)	-	100%	5,000	-	500	-	500	6,000
Furniture/Fixtures (Per Above)	-	100%	2,500	-	500	-	500	3,500
Computers	-	100%	750	-	750	-	750	2,250
Computer Maintenance	-	100%	500	525	551	579	608	2,763
	-		<b>8,750</b>	<b>525</b>	<b>2,301</b>	<b>579</b>	<b>2,358</b>	<b>14,513</b>
<b>TOTAL</b>	<b>117,252</b>		<b>73,507</b>	<b>67,225</b>	<b>71,002</b>	<b>71,340</b>	<b>75,242</b>	<b>358,315</b>

\* \$1,800 has been added to repair and maintenance costs above actual expense for the period ended 9/30/16.  
 Landscaping maintenance is currently done by volunteers, which may not continue in the future.

\*\*Proposed wage is based upon 30 hrs/week up to \$15/hr.

# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

Project/Proposal Title: RESOLUTION NO. 06-2018 (Budget Amendment No. 7) - Interim City Administrator Paul Parker

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Proposed Resolution No. 06-2018 (Budget Amendment No. 7) will allow for the hiring of a Tourism Director for the City of Wimberley. The budget amendment represents the anticipated cost for the remainder of Fiscal Year 2018. There will be savings in the General Fund not reflected in this budget amendment because the proposal is to eliminate the part-time Wimberley Community Center Director and combine her duties into the duties of the Tourism Director.

If the Council approves this budget amendment, staff will begin advertising for the Tourism Director position.

On February 12, 2018 the Hotel Occupancy Tax Advisory Committee met and recommended the City Council approve the position of Tourism Director.

**RESOLUTION NO. 06-2018**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2017/2018 OPERATING BUDGET (BUDGET AMENDMENT NO. 7), PROVIDING FOR AN INCREASE OF REVENUE IN THE HOTEL OCCUPANCY TAX FUND AND TO INCREASE EXPENSES IN THE HOTEL OCCUPANCY TAX FUND (205); AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council approved the 2017/2018 Operating Budget and projected revenue for the Hotel Occupancy Tax Fund; and

**WHEREAS**, the City Council has reviewed and approves the need for increased appropriations in the Hotel Occupancy Tax Fund (205) related to expenses for hotel tax operations.

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

**Section 1**

The City Council of the City of Wimberley, Texas, hereby authorizes and approves an amendment to the 2017/2018 Operating Budget (Budget Amendment No. 7) for the purpose and in the amounts shown below.

**Hotel Occupancy Tax**

**Revenue Increase – Hotel Occupancy Tax Fund (205) by \$136,000.00 from \$0.00 to a total of \$136,000.00**

**Increase Expenditure Line Items:**

<b>6110</b>	<b>Salaries &amp; Wages</b>	<b>\$40,000.00</b>
<b>6210</b>	<b>Healthcare</b>	<b>\$2,000.00</b>
<b>6620</b>	<b>Payroll Taxes</b>	<b>\$2,500.00</b>
<b>6230</b>	<b>TMRS</b>	<b>\$4,000.00</b>
<b>6250</b>	<b>Unemployment Compensation</b>	<b>\$20.00</b>
<b>6660</b>	<b>Office Supplies</b>	<b>\$1,000.00</b>
<b>6791</b>	<b>Capital Outlay Technology</b>	<b>\$6,000.00</b>
<b>6270</b>	<b>Dues</b>	<b>\$1,000.00</b>
<b>6551</b>	<b>Printing</b>	<b>\$500.00</b>
<b>6570</b>	<b>Travel</b>	<b>\$5,000.00</b>
<b>6572</b>	<b>Training</b>	<b>\$1,000.00</b>
<b>6651</b>	<b>Postage</b>	<b>\$500.00</b>

**The effect of these transactions will increase revenue in the Hotel Occupancy Tax Fund (205) by \$136,000.00, and increase expenditures in the Hotel Occupancy Fund Services and Charges by \$63,520.**

**Section 2**

**The City Council of the City of Wimberley, Texas, hereby amends the 2017/2018 Operating Budget, increasing appropriations in the funds stated in Section 1 above.**

**Section 3**

This resolution shall be and become effective immediately upon and after its adoption and approval.

**PASSED AND APPROVED** this 1<sup>st</sup> day of **February, 2018.**

The City of Wimberley, Texas

\_\_\_\_\_  
Herschel P. "Mac" McCullough, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Calcote, City Secretary

# City Council Agenda Form



Date Submitted: February 12, 2018

Agenda Date Requested: February 15, 2018

Project/Proposal Title: MINDECOLOGY - Interim  
City Administrator Paul Parker

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

## Project/Proposal Summary:

The City of Wimberley received two responses to its Request for Proposals (RFP) for Destination and Advertising Campaign - one from MindEcology and one from Imaginuity. Both firms met all the requirements of the RFP.

A panel of Council members Gary Barchfeld and Steve Thurber and Interim City Administrator Paul Parker interviewed with both firms. The Review Committee was divided in its recommendation for selecting one of the firms. Council member Gary Barchfeld recommended Imaginuity, and Council member Steve Thurber recommended MindEcology.

The administrative cost associated with Imaginuity is \$80,500 plus travel time and expenses. Their proposal contained one allocation of \$5,500 for restructuring the City website. MindEconology's proposal contains administrative cost of \$81,263, but the firm has no travel cost. Their proposal contains \$20,000 for a total revision of the City's website. Both proposals anticipated \$100,000 per year would be necessary for a continuing advertisement program.

After carefully reviewing both programs, Interim City Administrator Paul Parker believes the best proposal, based on cost and the ability to professionally perform the requirements of the RFP, is MindEcology.

Therefore, staff recommends the City Council award the proposal to MindEcology in the amount of \$81,263 and provide an additional \$38,183 for media advertisement for a total of \$119,446.

On February 12, 2018 the Hotel Occupancy Tax Advisory Committee met and stated they were in favor of a destination and advertising campaign, but felt they did not have adequate time or the ability to review the proposals to make a recommendation on a specific firm.

## Paul Parker

---

**From:** Darren Drewitz <darren@mindecology.com>  
**Sent:** Monday, January 29, 2018 9:26 AM  
**To:** Paul Parker  
**Cc:** Jed Jones  
**Subject:** MindEcology Update / January 29, 2018  
**Attachments:** Wimberley Media Plan V4 Monies Allocated January 2018.xlsx

Paul . Good Monday morning to you. *See attached.*

Per your request, we have broken out the monies associated with the plan and where the money goes. There are 3 buckets:

- To Media Network. Those monies are paid directly to Facebook, Google, Texas Highways Magazine, etc.
- To MindEcology. Our associative fees with managing and producing all of this work.
- Wimberley Creative Assets. This is for photography, website, original artwork, their source files, etc. These are permanent assets that Wimberley owns.

Lastly. Can we have a meeting on Wednesday at 2:00 pm with you, Steve and Gary?

To MindEcology	\$	36,367
To Media Networks	\$	38,183
Wimberley Creative Assets	\$	44,896
Total	\$	<b>119,446</b>

Darren Drewitz  
*Strategy & Media*  
MindEcology

Cell: 512-284-2988  
Austin / Denver / Earth

1/24/18, v3; 8-month plan

City of Wimberley Media Plan 2018												
Online (Digital) Marketing												
	Paid To	Strategic Goal	Setup	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Grand Total
<i>Search Engine Marketing (SEM) - paid to "Clicks"</i>												
1. Google Adwords (text ads) - paid to Google \$15 per day x 30 days per month	Media Network	Driving Traffic	\$ -	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 3,600
Set up / Technical and Ad Creation. New Campaign for Wimberley	MindEcology	Driving Traffic	\$ 599	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 599
2. Display Ads - Network 100s of sites - paid to Google - \$20 per day x 30 days per month	Media Network	Driving Traffic	\$ -	\$ -	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 4,200
Set up / Technical and Ad Creation. New Campaign for Wimberley	MindEcology	Driving Traffic	\$ 599	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 599
3. Facebook Ads - Traffic Drivining. Newsfeed Display Ads - Paid to Facebook - \$15 per day x 30 days month	Media Network	Driving Traffic	\$ -	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 3,600
Set up / Technical and Ad Creation. New Campaign for Wimberley	MindEcology	Driving Traffic	\$ 599	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 599
5. Facebook Ads - Engagement Like Campaign- Ads - Paid to Facebook - \$15 per day x 30 days month	Media Network	Driving Traffic	\$ -	\$ -	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	\$ 3,150
Set up / Technical and Ad Creation. New Campaign for Wimberley	MindEcology	Driving Traffic	\$ 599	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 599
<i>Search Engine Marketing (SEM) Management - Optimize, Report - Paid to MindEcology</i>												
Monthly management to all abovedigital services - monthly	MindEcology	Driving Traffic	\$ -	\$ 1,000	\$ 1,900	\$ 1,900	\$ 1,900	\$ 1,900	\$ 1,900	\$ 1,900	\$ 1,900	\$ 14,300
<b>Total Online - Digital</b>			<b>\$ 2,396</b>	<b>\$ 1,900</b>	<b>\$ 3,850</b>	<b>\$ 3,850</b>	<b>\$ 3,850</b>	<b>\$ 3,850</b>	<b>\$ 3,850</b>	<b>\$ 3,850</b>	<b>\$ 3,850</b>	<b>\$ 31,246</b>
<b>New Website - Combines City + Tourism</b>												
New Website - Combines City + Tourism - approximately 100 pages	MindEcology	Website	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
<b>Total Research</b>			<b>\$ 20,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 20,000</b>
<b>Texas Highways</b>												
Texas Highways - Full-Page & 1/3rd-Page Ads	MindEcology	Brand Awareness	\$ -	\$ -	\$ -	\$ -	\$ 6,878	\$ 6,878	\$ 3,320	\$ 6,878	\$ -	\$ 23,954
Texas Highways Banner Ad 300 x 250	MindEcology	Driving Traffic	\$ -	\$ -	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 3,850
<b>Total Texas Highways</b>			<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550</b>	<b>\$ 550</b>	<b>\$ 7,428</b>	<b>\$ 7,428</b>	<b>\$ 3,870</b>	<b>\$ 7,428</b>	<b>\$ 550</b>	<b>\$ 27,804</b>
<b>Social Media</b>												
Facebook, Instagram - 30 posts per month (15 FB, 15 Instagram) - content + reporting	MindEcology	Attention Retention	\$ -	\$ 1,500	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 15,500
Set up of specific Tourism pages / Facebook & Instagram (1x set up)	MindEcology	Attention Retention	\$ 899	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 899
<b>Total Social Media</b>			<b>\$ 899</b>	<b>\$ 1,500</b>	<b>\$ 2,000</b>	<b>\$ 2,000</b>	<b>\$ 2,000</b>	<b>\$ 2,000</b>	<b>\$ 2,000</b>	<b>\$ 2,000</b>	<b>\$ 2,000</b>	<b>\$ 16,399</b>
<b>Creative</b>												
Brand Concept / Headlines - Look and Feel / 3 categories / 10 headlines each = 30 headlines to choose from	MindEcology	Creative	\$ -	\$ 999	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 999
Print Ad / Texas Highways / Full page + 1/3rd Print ad. Fully turnkey. Copywriting, production, delivery	MindEcology	Creative	\$ -	\$ 4,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,500
New Photography / 8 highly produced photos 1-2 day shoot with agency direction. For website and print	MindEcology	Creative	\$ -	\$ -	\$ 4,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,500
Big 2:00 Minute Video ( 2 minute video) - covers all of Wimberley - features spokesperson	MindEcology	Creative	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Display Banner Ads - 3 creatives x 3 sizes = 9 ads	MindEcology	Creative	\$ -	\$ 2,999	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,999
Facebook Ads / 6 different creative to reach various audiences	MindEcology	Creative	\$ 999	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 999
<b>Total Creative</b>			<b>\$ 999</b>	<b>\$ 8,498</b>	<b>\$ 14,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 23,997</b>
<b>Total Monthly Investment</b>			<b>\$ 24,294</b>	<b>\$ 11,898</b>	<b>\$ 20,900</b>	<b>\$ 6,400</b>	<b>\$ 13,278</b>	<b>\$ 13,278</b>	<b>\$ 9,720</b>	<b>\$ 13,278</b>	<b>\$ 6,400</b>	<b>\$ 119,446</b>
<b>Total Investment Annual</b>												

Strategic Goal	Setup	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Grand Total
Brand Awareness	\$ -	\$ -	\$ -	\$ -	\$ 6,878	\$ 6,878	\$ 3,320	\$ 6,878	\$ -	\$ 23,954
Driving Traffic	\$ 2,396	\$ 1,900	\$ 4,400	\$ 4,400	\$ 4,400	\$ 4,400	\$ 4,400	\$ 4,400	\$ 4,400	\$ 35,096
Attention Retention	\$ 899	\$ 1,500	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 16,399
Creative	\$ 999	\$ 8,498	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,997
Website	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
<b>Total</b>	<b>\$ 24,294</b>	<b>\$ 11,898</b>	<b>\$ 20,900</b>	<b>\$ 6,400</b>	<b>\$ 13,278</b>	<b>\$ 13,278</b>	<b>\$ 9,720</b>	<b>\$ 13,278</b>	<b>\$ 6,400</b>	<b>\$ 119,446</b>

Strategic Goal	%
Brand Awareness	20%
Driving Traffic	29%
Attention Retention	14%
Creative	20%
Website	17%
<b>Total</b>	<b>100%</b>

To MindEcology	\$ 104,896
To Media Networks	\$ 14,550
<b>Total</b>	<b>\$ 119,446</b>

# 9

## TERMS OF AGREEMENT

### *Payment*

In consideration for the services to be performed under this statement of work, City of Wimberley will pay Imaginuity on a time and materials basis, for an estimated total of 617 hours at \$145 per hour, for an estimated total project cost of \$89,500

To begin the project, Imaginuity requires a retainer payment for 40% of the estimated hours, equaling \$35,800. Once the retainer has been billed against in full, Imaginuity will submit invoices to City of Wimberley on a time and materials basis for hours worked and out-of-pocket expenses incurred monthly, as of the last day of the month, for the month prior.

Total project estimate does not include applicable sales tax and reasonable travel and business expenses, which may be incurred during various deliverable stages and with prior approval of City of Wimberley.

## Paul Parker

---

**From:** Kevin Lang <kevin.lang@imaginuity.com>  
**Sent:** Monday, January 15, 2018 9:47 AM  
**To:** Place4; Place1; Paul Parker  
**Cc:** Gary Hooker  
**Subject:** Re: Thank you!

Hi Steve, Paul, and Gary,

We've thought more on how best to partner with Wimberley after our time together and additional research we have done on current Wimberley marketing efforts.

We are certain we can deliver better results for a lower investment by the City and to revise our estimate to \$80k (excludes media buys) by removing the video component and focusing on photography. This would reduce the estimate from \$89,500 to \$80,500 (excluding \$100K in media if we put that on hold).

One of the first steps in our process is to conduct an analysis of the current marketing efforts done by merchants, venue operators, restaurants, and lodging facilities. We will add this to what we have already committed to at no additional cost. Discussions with key leaders in this analysis will fine tune the marketing objectives and help everyone understand the current state of play including key audiences targeted, messages, channels, and results.

For example, do you know that you have over 30 sites already marketing the City attractions showing on the first page of organic searches for key words related to leisure travel?

Our goal is to help the City and businesses that rely heavily on tourism during the times when tourism is needed and fill in the gaps of what you are not currently doing to bring in the right visitors. We want to make sure every dollar invested is working hard to achieve the desired tourism and financial returns.

To ensure we work hand in glove in our partnership, we will assign a dedicated account manager to work with the City and its representatives. They will be available to you and the subject matter expert on all things related to Wimberley.

Thanks,  
Kevin

**Kevin Lang**  
*Executive Director, Business Development*  
imaginuity  
1409 South Lamar, Suite 1500 / Dallas, TX 75215  
[214.572.3900](tel:214.572.3900) main / [214.572.3965](tel:214.572.3965) direct / [425.615.9424](tel:425.615.9424) cell  
[www.imaginuity.com](http://www.imaginuity.com)

[Click here for my LinkedIn Profile](#)

On Tue, Jan 9, 2018 at 1:35 PM, Kevin Lang <[kevin.lang@imaginuity.com](mailto:kevin.lang@imaginuity.com)> wrote:  
Hi Paul, Gary, and Steve,

Thanks for taking the time to speak with Gary and myself yesterday.

We would love to work together and we're confident that we can help you achieve your marketing objectives. We've worked with a number of cities in the state of Texas and have delivered results for them and expect to do the same for you. I've included a link below where you can download the presentation from yesterday because the file was too large to attach in this e-mail.

<https://www.dropbox.com/s/e4xyqg79j0nkej/Wimberley%20Pitch%201.8.2018%20FINAL.pdf?dl=0>

Please let me know if you have any questions.

Thanks,  
Kevin

**Kevin Lang**

*Executive Director, Business Development*

Imaginuity

1409 South Lamar, Suite 1500 / Dallas, TX 75215

[214.572.3900](tel:214.572.3900) main / [214.572.3965](tel:214.572.3965) direct / [425.615.9424](tel:425.615.9424) cell

[www.imaginuity.com](http://www.imaginuity.com)

[Click here for my LinkedIn Profile](#)