

**REGULAR CITY  
COUNCIL MEETING  
PACKET**

**Thursday, March 19, 2020**

**6:00 p.m.**



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

- 9.1. Hold a public hearing and consider approval regarding case CUP-20-001, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) located at 180 Southriver, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Applicant Matthew Dowd*)
- 9.2. Hold a public hearing and consider approval regarding an ordinance amending Chapter 9, Planning and Development Regulations, Article 9.03.141, Zoning, of the City of Wimberley Code of Ordinances Related to Short-term Rental Requirements; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; and effective date; and proper notice and meeting. (*City Administrator Shawn Cox*)

## **10. DISCUSSION AND POSSIBLE ACTION**

Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*City Administrator Shawn Cox*)

## **11. CITY COUNCIL REPORTS**

- 11.1. Announcements
- 11.2. Future agenda items

## **12. 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**

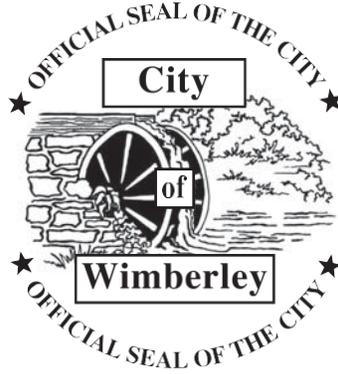
I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofwimberley.com](http://www.cityofwimberley.com), in compliance with Chapter 551, Texas Government Code, on Monday, March 16, 2020, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Laura J. Calcote*

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Laura J. Calcote, MPA, TRMC  
City Secretary

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



## DECLARATION OF PUBLIC HEALTH EMERGENCY

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

**WHEREAS**, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

**WHEREAS**, over 1,629 cases of COVID-19 have been reported in the United States, including 41 deaths; and

**WHEREAS**, President Trump declared a national emergency on March 13, 2020; and

**WHEREAS**, Governor Greg Abbott declared a public health disaster on March 13, 2020; and

**WHEREAS**, reports received as of March 15, 2020, report more than 56 cases in Texas, and 49 states in the United States reporting more than 3,000 confirmed cases from government agencies and the CDC; and

**WHEREAS**, Coronavirus as compared to the seasonal flu shows results of a huge fatality rate difference of 1% and 0.1%; and

**WHEREAS**, Coronavirus as compared to H1N1, Swine Flu, had a fatality rate of only 0.02 percent; and

**WHEREAS**, Covid-19 is more contagious than seasonal influenza once symptoms appear, it may be possible to control by testing widely and quickly isolating those who have the disease; and

**WHEREAS**, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

**WHEREAS**, the estimated difference between a 0.1 percent and a 1.0 percent fatality rate could result in 360,000 dead Americans; and

**WHEREAS**, the responsibility of local, state and national government is dependent on how we respond when the difference in fatality rates demands extreme measures be taken to combat the coronavirus as compared to the seasonal flu; and

**WHEREAS**, the Center for Disease Control recommends that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces and cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, and increase ventilation by opening windows or adjusting air conditioning; and

**WHEREAS**, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and

**WHEREAS**, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and

**WHEREAS**, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and

**WHEREAS**, the identification of “community spread” cases of COVID-19 in the United States could have signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited China; and

**WHEREAS**, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

**WHEREAS**, the Center for Disease Control recommends restricting gatherings over 50; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Wimberley, and may exercise the powers granted to the governor on an appropriate local scale; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS**, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Wimberley residents; and

**WHEREAS**, the City of Wimberley will work collaboratively with Hays County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

**WHEREAS**, by this Declaration of Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City’s response to this situation; and

**WHEREAS**, I, Susan Jagers, the Mayor of the City of Wimberley, Texas have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19;

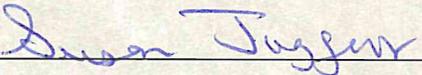
**NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF WIMBERLEY:**

1. That a local state of disaster and public health emergency is hereby declared for the City of pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.108(b) of the Government Code, the state of disaster and public health emergency shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council.
3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.
4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Wimberley emergency

management plan.

5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
6. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
7. The City Secretary is directed to give prompt and general publicity of the issuance of this DECLARATION.
8. This proclamation shall take effect immediately from and after its issuance.
9. The City will follow State and Federal guidelines set out in Exhibit A as necessary to respond to the evolving circumstances of this outbreak during the duration of this Declaration and any extension by the City Council without the issuance of a new Declaration.
10. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

**ORDERED** this 16<sup>th</sup> day of March, 2020.

  
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**MAYOR SUSAN JAGGERS**  
City of Wimberley, Texas



## Exhibit "A"

### Declaration regarding Public and Private Gatherings and Other Matters

#### I. Declaration Regarding Public and Private Gatherings:

1. This Exhibit "A" incorporates and adopts, except as where noted below, the Centers for Disease Control ("CDC") Interim Guidance for Coronavirus Disease 2019 (COVID-19) dated March 15, 2020.
2. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
3. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this declaration prohibits all indoor public and private gatherings and outdoor gatherings within an enclosed space of fifty persons or more anywhere in the City of Wimberley beginning at 0800 on March 17, 2020 and continuing for seven (7) days, unless extended consistent with requirements of state law.
4. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Center for Disease Control and Prevention (CDC) and found within the "Implementation of Mitigation strategies for Communities with Local COVID-19 Transmission" issued by the CDC on or around March 11, 2020, including canceling, rescheduling, or not attending events with more than fifty persons.
5. Further, organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing.
6. Definitions and further guidance:

II. For purposes of this Declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

III. A Mass Gathering includes events in confined outdoor spaces, which means an outdoor space that (1) is enclosed by a fence, physical barrier, or other structure and (2) where people are present and they are within arm's length of one another for extended periods.

IV. This Declaration also does not prohibit gatherings of people in multiple, separated enclosed spaces in a single building such as a multiplex movie theater, so long as fifty people are not present in any single space at the same time. This Declaration also does not prohibit use of enclosed spaces where fifty or more people may be present at different times during the day, so long as fifty or more people are not present in the space at the same time. For any gathering covered by this subsection compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.

V. For purposes of clarity, a Mass Gathering does not include the following: (1) public or private school and places of worship; (2) museums (so long as visitors are generally not within arm's length of one another for extended periods); (3) Spaces where fifty or more persons may be in transit or waiting for transit such as bus stops; (4) office space, hotels, or residential buildings; (5) grocery stores, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present but it is unusual for them to be within arm's length of one another for extended periods; (6) hospitals, medical facilities and shelters; and (7) jails and detention centers. In all such settings, it is recommended that the public follow Social Distancing Recommendations, and harm

reduction measures such as hand sanitizer and tissues should be provided when possible. However, any specific large gathering space that is part of any building included in this subparagraph “d” is subject to the prohibition on Mass Gatherings if the space holds fifty or more people.

VI. “ High-risk Populations” include people who are:

1. 60 years old and older;
2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;
3. People who are pregnant or were pregnant in the last two weeks.
4. People experiencing homelessness.

VII. The Local Health Authority and Director of Health may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the next 7 days and any extension by the Wimberley City Council.

VIII. Municipal Court settings shall be continued and reset, and no in person pleas will be accepted.

IX. All public events scheduled to be held at the Wimberley Community Center and the Blue Hole Regional Park within the next 7 days shall be rescheduled.



**AGENDA ITEM:** Consent Agenda  
**SUBMITTED BY:** Laura Calcote, City Secretary  
**DATE SUBMITTED:** March 16, 2020  
**MEETING DATE:** March 19, 2020

# AGENDA FORM

## ITEM DESCRIPTION/SUMMARY

- 6.1. Approval of minutes from the Regular City Council Meeting held March 5, 2020.
- 6.2. Approval of the City of Wimberley Financial Statements for December 2019.

## REQUESTED ACTION

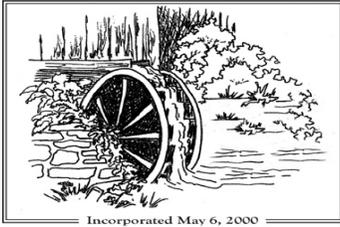
- Motion
- Discussion
- Ordinance
- Resolution
- Other

## FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

## STAFF RECOMMENDATION

Approval of Items 6.1. and 6.2.



# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676**  
**THURSDAY, MARCH 5, 2020 – 6:00 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor, Susan Jagers, called the meeting to order on March 5, 2020 at 6:00 p.m.

### **CALL OF ROLL**

Council Members Present: Susan Jagers Mayor  
Rebecca Minnick Place One  
Craig Fore Place Two  
Christine Byrne Place Three

Council Members Absent: Gary Barchfeld Place Four  
Bo Bowman Place Five

City Staff Present: Shawn Cox City Administrator  
Laura Calcote City Secretary  
Sarah Griffin Deputy City Attorney  
Richard Shaver Parks Operations and Programs Manager  
Nathan Glaiser Parks Natural Resource and Maintenance Manager

### **INVOCATION**

Cypress Creek Church Reverend, Bob Maas, gave the invocation.

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

Mayor, Susan Jagers, led the pledges to the United States and Texas flags.

### **CITIZENS COMMUNICATIONS**

There were no citizen's comments.

### **PRESENTATION**

Presentation by student citizens regarding a cleaner Wimberley. (*Doyce Gore, Brent Dodge, Brett Houston and Hannah Bennett*)

San Marcos Baptist Academy students, Emily Glosson, Hunter Herring, Brent Dodge and Doyce Gore presented information regarding the addition of four new metal trashcans in the Wimberley Square. The students were requesting City Council's assistance to match funds to purchase the trashcans from Texas Disposal Systems (TDS). There was discussion among the students and Council members regarding the proposed trashcans, including the Downtown District

Committee's prior trashcan solutions for the downtown area. The City would coordinate with the students, the Downtown District Committee, business owners and TDS to see what the next steps would need to be.  
No action was taken on this item.

### **CONSENT AGENDA**

**Motion to approve the Consent Agenda, as presented, was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**

Approval of minutes from the Regular City Council Meeting held February 20, 2020.

### **CITY ADMINISTRATOR REPORT**

City Administrator, Shawn Cox, provided updates regarding the installation weight limit and digital radar signs on City streets and ongoing road projects, including wayfinding signage. Mr. Cox also advised on the communication efforts the City had taken in wake of the worldwide Coronavirus outbreak. Additionally, upcoming City events were highlighted, including the Blue Hole Star Party set for March 28<sup>th</sup>, April Concerts in the Park series and Nature Trail and Preserve Tours every Saturday.

### **DISCUSSION AND POSSIBLE ACTION**

- 9.1. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. *(Applicant Rogelio Garcia Salinas/Tacos El Tizon)*  
**Motion to approve a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**
  
- 9.2. Discuss and consider possible action to accept a donation of Parks and Recreation Spring and Summer Guides from Bryan Burke. *(Parks Operations and Programs Manager Richard Shaver)*  
**Motion to accept a donation of Parks and Recreation Spring and Summer Guides from Bryan Burke was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (3-0).**
  
- 9.3. Discuss and consider possible action to approve Ordinance No. 2020-07, declaring unopposed candidates in the May 2, 2020 General Election elected to office; cancelling the General Election; providing for severability, conflicting provisions, governing law, proper notice and open meetings, and an effective date. *(City Secretary Laura Calcote)*  
**Motion to approve Ordinance No. 2020-07, declaring unopposed candidates in the May 2, 2020 General Election elected to office; cancelling the General Election; providing for severability, conflicting provisions, governing law, proper notice and open meetings, and an effective date, was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (3-0).**

9.4. Discuss and consider possible action regarding the City of Wimberley Boards, Commissions and Committees Handbook. *(City Secretary Laura Calcote)*  
**Motion to adopt the City of Wimberley Boards, Commissions and Committees Handbook was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (3-0).**

9.5. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*  
City Administrator, Shawn Cox, reported the lift station for the Central Wimberley Wastewater Project was in the process of being ordered and Plummer Associates, Inc. was surveying lines north of the Cypress Creek. Capital Excavation had provided an updated schedule for line installation.  
No action was taken on this item.

### **CITY COUNCIL REPORTS**

- 10.1. Announcements – City Secretary, Laura Calcote, stated the online open records request software, JustFOIA, would go live on the City’s website next week. Ms. Calcote also noted Supplement No. 4 to the City’s Code of Ordinances had recently been completed.
- 10.2. Future agenda items – Council Member, Craig Fore, requested the previous speed limit ordinance be brought back for discussion and consideration after reviewed by the Transportation Advisory Board.

### **ADJOURNMENT**

**Motion to adjourn the meeting at 6:36 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).**

### **RECORDED BY:**

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



### **APPROVED BY:**

\_\_\_\_\_  
**Susan Jagers, Mayor**

**BALANCE SHEET**

City of Wimberley

As of: 12/31/2019

Balances

Fund: 100 - General Fund

Assets

1011 Petty Cash	450.00
1020 General Checking - ONB	988,744.17
1021 Certificate of Deposit - Ozona	229,311.50
1030 Texpool	186,695.79
1050 Sales Tax Receivable	195,774.92
1053 Franchise Taxes Receivable	16,803.56
1150 Accounts Receivable	5,138.28
1302 Due from Municipal Court	4,682.40
1304 Due from BHP	1,190.31

Total Assets

1,628,790.93

Liabilities

2010 Accounts Payable	104,346.13
2015 WCC Security Deposits	3,330.00
2022 Payroll Deductions Payable	3,819.87
2023 TML IEBP Payable	1,625.84
2072 ICMA RC Payable	440.00
2074 TMRS Payable	2,082.59
2075 TCEQ Payable to State	170.00
2086 Due to Wastewater	177,584.31

Total Liabilities

293,398.74

Reserves/Balances

3410 Restricted Funds	17,844.43
3510 Committed FB - Public Works	559,053.00
3530 Committed FB - W/W on Square	504,204.00
3540 Committed FB-Future Grant Matc	334,375.00
3600 Fund Balance - Uncommitted	-138,276.54
3650 Net Excess (Deficit)	58,192.30

Total Reserves/Balances

1,335,392.19

Total Liabilities & Balances

1,628,790.93

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 100 - General Fund</b>							
Revenues							
Dept: 15 ADMINISTRATION							
5120 General Sales & Use Tax	875,000.00	875,000.00	277,836.49	118,033.76	0.00	597,163.51	31.8
5131 Mixed Beverage Tax	15,000.00	15,000.00	0.00	0.00	0.00	15,000.00	0.0
5171 Franchise Tax	275,000.00	275,000.00	40,461.81	0.00	0.00	234,538.19	14.7
5211 Beer & Wine Permits	1,500.00	1,500.00	205.00	205.00	0.00	1,295.00	13.7
5212 Food Permits	12,500.00	12,500.00	500.00	475.00	0.00	12,000.00	4.0
5213 Septic Permits	12,000.00	12,000.00	2,990.00	1,025.00	0.00	9,010.00	24.9
5219 Sign Permits	2,000.00	2,000.00	485.00	190.00	0.00	1,515.00	24.3
5221 Building Permits	26,500.00	26,500.00	11,563.97	1,765.39	0.00	14,936.03	43.6
5340 Grant Funds	0.00	0.00	5,702.87	5,702.87	0.00	-5,702.87	0.0
5410 CC Convenience Fees	200.00	200.00	296.60	14.14	0.00	-96.60	148.3
5411 Court Costs, Fees & Charges	1,000.00	1,000.00	2,100.00	240.00	0.00	-1,100.00	210.0
5413 Zoning	8,500.00	8,500.00	3,599.05	45.00	0.00	4,900.95	42.3
5414 Subdivision Fees	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
5416 Building Inspections	22,000.00	22,000.00	13,970.00	2,030.00	0.00	8,030.00	63.5
5417 Bldg Plan Reviews	17,500.00	17,500.00	6,200.00	1,877.50	0.00	11,300.00	35.4
5475 WCC Facility Rentals	55,000.00	55,000.00	12,380.00	3,730.00	0.00	42,620.00	22.5
5611 Interest Revenues	1,000.00	1,000.00	995.12	318.09	0.00	4.88	99.5
5701 Other/Misc	4,000.00	4,000.00	2,862.87	711.01	0.00	1,137.13	71.6
<b>ADMINISTRATION</b>	<b>1,330,700.00</b>	<b>1,330,700.00</b>	<b>382,148.78</b>	<b>136,362.76</b>	<b>0.00</b>	<b>948,551.22</b>	<b>28.7</b>
Revenues	1,330,700.00	1,330,700.00	382,148.78	136,362.76	0.00	948,551.22	28.7
Expenditures							
Dept: 15 ADMINISTRATION							
6110 Salaries & Wages- CityAdmin	95,000.00	95,000.00	19,730.94	7,307.70	0.00	75,269.06	20.8
6120 Salaries & Wages-CitySecretary	64,890.00	64,890.00	13,477.25	4,991.54	0.00	51,412.75	20.8
6130 Salaries & Wages-FinanceClerk	41,200.00	41,200.00	8,562.25	3,171.20	0.00	32,637.75	20.8
6210 Health Care	27,000.00	27,000.00	4,564.74	1,521.58	0.00	22,435.26	16.9
6220 Payroll Taxes	15,384.00	15,384.00	3,435.21	1,146.89	0.00	11,948.79	22.3
6230 TMRS Contributions	16,228.00	16,228.00	3,720.42	1,248.47	0.00	12,507.58	22.9
6250 Unemployment Compensation	487.00	487.00	0.00	0.00	0.00	487.00	0.0
6270 Annual/Assoc DUES	3,376.00	3,376.00	1,156.68	354.78	0.00	2,219.32	34.3
6340 Technician/Technology Consulta	5,034.00	5,034.00	2,968.75	875.00	0.00	2,065.25	59.0
6370 Contract Services	0.00	0.00	1,215.00	0.00	0.00	-1,215.00	0.0
6410 Utilities	7,080.00	7,080.00	1,799.95	582.47	0.00	5,280.05	25.4
6411 Telephones	2,880.00	2,880.00	711.15	73.58	0.00	2,168.85	24.7
6420 Office Cleaning	5,300.00	5,300.00	900.00	400.00	0.00	4,400.00	17.0
6430 Bldg Repairs/Maintenance	3,000.00	3,000.00	278.30	155.30	0.00	2,721.70	9.3
6441 Storage Rental	4,620.00	4,620.00	300.00	100.00	0.00	4,320.00	6.5
6442 Water Cooler	600.00	600.00	161.97	38.99	0.00	438.03	27.0
6443 Equipment Rent/Lease	5,838.00	5,838.00	2,518.82	354.92	0.00	3,319.18	43.1
6444 Parking Lot Lease	1,200.00	1,200.00	300.00	100.00	0.00	900.00	25.0
6500 Grant Expenditures	0.00	0.00	5,702.87	0.00	0.00	-5,702.87	0.0
6520 Insurance	26,650.00	26,650.00	24,896.90	0.00	0.00	1,753.10	93.4
6521 Security System	853.00	853.00	9.30	0.00	0.00	843.70	1.1
6531 Public Notices	5,000.00	5,000.00	1,742.28	129.00	0.00	3,257.72	34.8
6532 Office Tech/Software	16,979.00	16,979.00	11,704.88	5,005.49	0.00	5,274.12	68.9
6540 Advertising	0.00	0.00	1,322.94	1,322.94	0.00	-1,322.94	0.0
6551 Printing Services	500.00	500.00	0.00	0.00	0.00	500.00	0.0
6562 CC Processing Fees	200.00	200.00	269.19	0.00	0.00	-69.19	134.6
6569 Vehicle Allowance/Moving Exp	6,000.00	6,000.00	1,500.00	500.00	0.00	4,500.00	25.0
6570 Travel/Hospitality	2,698.00	2,698.00	33.24	0.00	0.00	2,664.76	1.2
6571 Mileage	1,560.00	1,560.00	350.90	72.50	0.00	1,209.10	22.5
6572 Training	1,050.00	1,050.00	764.00	0.00	0.00	286.00	72.8
6581 Refunds	500.00	500.00	110.00	0.00	0.00	390.00	22.0
6589 Records Management	0.00	0.00	330.50	68.92	0.00	-330.50	0.0
6610 Operating Supplies	2,000.00	2,000.00	271.55	17.44	0.00	1,728.45	13.6
6651 Postage/Shipping	1,000.00	1,000.00	280.29	251.00	0.00	719.71	28.0
6660 Office Supplies	3,000.00	3,000.00	168.53	0.00	0.00	2,831.47	5.6
6791 Capital Outlay - Technology	13,750.00	13,750.00	10,150.00	2,700.00	0.00	3,600.00	73.8

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019		Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 100 - General Fund</b>								
Expenditures								
Dept: 15 ADMINISTRATION								
6792	Capital Outlay - Other	15,000.00	15,000.00	0.00	0.00	0.00	15,000.00	0.0
6990	Operating Transfer Out	173,000.00	173,000.00	0.00	0.00	0.00	173,000.00	0.0
ADMINISTRATION		568,857.00	568,857.00	125,408.80	32,489.71	0.00	443,448.20	22.0
Dept: 16 LEGAL								
6350	Legal	190,000.00	190,000.00	28,535.19	11,420.22	0.00	161,464.81	15.0
LEGAL		190,000.00	190,000.00	28,535.19	11,420.22	0.00	161,464.81	15.0
Dept: 17 COUNCIL/BOARD								
6320	Financial (Contract Svs)	16,200.00	16,200.00	4,050.00	1,350.00	0.00	12,150.00	25.0
6330	Audit Svs	18,875.00	18,875.00	0.00	0.00	0.00	18,875.00	0.0
6340	Technician/Technology Consulta	10,000.00	10,000.00	0.00	0.00	0.00	10,000.00	0.0
6541	Public Relations/Receptions	1,000.00	1,000.00	646.21	420.72	0.00	353.79	64.6
6572	Training	6,000.00	6,000.00	185.00	0.00	0.00	5,815.00	3.1
6590	Elections	6,000.00	6,000.00	0.00	0.00	0.00	6,000.00	0.0
COUNCIL/BOARD		58,075.00	58,075.00	4,881.21	1,770.72	0.00	53,193.79	8.4
Dept: 18 BUILDING								
6360	Contract Inspections	30,000.00	30,000.00	10,377.50	2,930.00	0.00	19,622.50	34.6
6582	Site Plan Reviews	8,000.00	8,000.00	2,100.00	1,087.50	0.00	5,900.00	26.3
BUILDING		38,000.00	38,000.00	12,477.50	4,017.50	0.00	25,522.50	32.8
Dept: 21 PUBLIC SAFETY								
6370	Contract Services	75,524.00	75,524.00	20,498.00	1,575.00	0.00	55,026.00	27.1
6371	Sanitarian (Contract Labor)	30,000.00	30,000.00	8,492.60	2,612.17	0.00	21,507.40	28.3
6373	Animal Control	6,000.00	6,000.00	6,000.00	0.00	0.00	0.00	100.0
6574	Event Services	1,750.00	1,750.00	0.00	0.00	0.00	1,750.00	0.0
PUBLIC SAFETY		113,274.00	113,274.00	34,990.60	4,187.17	0.00	78,283.40	30.9
Dept: 25 MUNICIPAL COURT								
6380	Municipal Court Judge	4,000.00	4,000.00	999.99	333.33	0.00	3,000.01	25.0
6381	City Prosecutor	5,000.00	5,000.00	1,489.49	632.50	0.00	3,510.51	29.8
6532	Office Tech/Software	4,200.00	4,200.00	0.00	0.00	0.00	4,200.00	0.0
6610	Operating Supplies	750.00	750.00	0.00	0.00	0.00	750.00	0.0
MUNICIPAL COURT		13,950.00	13,950.00	2,489.48	965.83	0.00	11,460.52	17.8
Dept: 30 PUBLIC WORKS								
6150	Salaries & Wages-PW Code Enfor	41,200.00	41,200.00	8,693.21	3,169.61	0.00	32,506.79	21.1
6160	Salaries & Wages - GIS/PlanTec	59,483.00	59,483.00	10,022.01	2,257.11	0.00	49,460.99	16.8
6180	Salaries & Wages-Park Maint.	15,450.00	15,450.00	3,445.35	1,297.80	0.00	12,004.65	22.3
6210	Health Care	18,000.00	18,000.00	2,843.79	706.97	0.00	15,156.21	15.8
6220	Payroll Taxes	8,884.00	8,884.00	1,881.88	514.43	0.00	7,002.12	21.2
6230	TMRS Contributions	9,372.00	9,372.00	1,851.88	625.07	0.00	7,520.12	19.8
6250	Unemployment Compensation	487.00	487.00	4.29	0.00	0.00	482.71	0.9
6270	Annual/Assoc DUES	385.00	385.00	265.00	0.00	0.00	120.00	68.8
6431	Vehicle Maint/Insurance	600.00	600.00	37.79	0.00	0.00	562.21	6.3
6570	Travel/Hospitality	650.00	650.00	0.00	0.00	0.00	650.00	0.0
6571	Mileage	275.00	275.00	0.00	0.00	0.00	275.00	0.0
6572	Training	350.00	350.00	0.00	0.00	0.00	350.00	0.0
6583	Fuel	2,000.00	2,000.00	310.44	109.94	0.00	1,689.56	15.5
6610	Operating Supplies	1,500.00	1,500.00	365.17	187.62	0.00	1,134.83	24.3
6612	Tools	500.00	500.00	0.00	0.00	0.00	500.00	0.0
PUBLIC WORKS		159,136.00	159,136.00	29,720.81	8,868.55	0.00	129,415.19	18.7
Dept: 31 ROADS								
6432	Road Maintenance	80,000.00	80,000.00	31,452.18	6,634.41	0.00	48,547.82	39.3
6433	Equipment Maintenance	250.00	250.00	0.00	0.00	0.00	250.00	0.0
6470	Engineering - Roads	10,000.00	10,000.00	1,875.00	1,875.00	0.00	8,125.00	18.8
6584	Mowing/Trimming	10,000.00	10,000.00	0.00	0.00	0.00	10,000.00	0.0
6611	Signs/Barricades	3,000.00	3,000.00	1,404.85	-216.80	0.00	1,595.15	46.8

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 100 - General Fund</b>							
Expenditures							
Dept: 31 ROADS							
6795 Capital Outlay - Roads	100,000.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
ROADS							
	203,250.00	203,250.00	34,732.03	8,292.61	0.00	168,517.97	17.1
Dept: 33 WATER/WASTEWATER							
6586 Quality Testing WW	2,600.00	2,600.00	0.00	0.00	0.00	2,600.00	0.0
6588 Public Restroom WW	36,000.00	36,000.00	8,240.35	3,316.80	0.00	27,759.65	22.9
WATER/WASTEWATER							
	38,600.00	38,600.00	8,240.35	3,316.80	0.00	30,359.65	21.3
Dept: 51 COMMUNITY CENTER							
6140 Salaries & Wages- Director	40,000.00	40,000.00	9,198.35	3,448.58	0.00	30,801.65	23.0
6180 Salaries & Wages-Park Maint.	30,900.00	30,900.00	5,635.77	1,994.13	0.00	25,264.23	18.2
6210 Health Care	9,000.00	9,000.00	2,136.36	712.12	0.00	6,863.64	23.7
6220 Payroll Taxes	5,424.00	5,424.00	1,240.89	416.39	0.00	4,183.11	22.9
6230 TMRs Contributions	5,722.00	5,722.00	798.57	278.30	0.00	4,923.43	14.0
6250 Unemployment Compensation	487.00	487.00	3.32	0.00	0.00	483.68	0.7
6270 Annual/Assoc DUES	100.00	100.00	0.00	0.00	0.00	100.00	0.0
6370 Contract Services	0.00	0.00	207.50	0.00	0.00	-207.50	0.0
6410 Utilities	18,140.00	18,140.00	6,036.35	2,026.75	0.00	12,103.65	33.3
6411 Telephones	720.00	720.00	269.62	0.00	0.00	450.38	37.4
6430 Bldg Repairs/Maintenance	5,000.00	5,000.00	7,525.70	7,009.02	0.00	-2,525.70	150.5
6521 Security System	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
6532 Office Tech/Software	2,422.00	2,422.00	354.95	47.50	0.00	2,067.05	14.7
6540 Advertising	2,500.00	2,500.00	129.00	0.00	0.00	2,371.00	5.2
6551 Printing Services	250.00	250.00	0.00	0.00	0.00	250.00	0.0
6610 Operating Supplies	3,000.00	3,000.00	639.00	114.86	0.00	2,361.00	21.3
6651 Postage/Shipping	100.00	100.00	0.00	0.00	0.00	100.00	0.0
6660 Office Supplies	500.00	500.00	26.98	0.00	0.00	473.02	5.4
6794 Capital Outlay - Equipmt/Other	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
6797 Capital Outlay - Facilities	25,000.00	25,000.00	7,900.00	0.00	0.00	17,100.00	31.6
COMMUNITY CENTER							
	153,265.00	153,265.00	42,102.36	16,047.65	0.00	111,162.64	27.5
Dept: 52 PARKS							
6410 Utilities	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0
6430 Bldg Repairs/Maintenance	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
6585 NATURE TL / OLD BALDY	0.00	0.00	378.15	156.52	0.00	-378.15	0.0
6610 Operating Supplies	600.00	600.00	0.00	0.00	0.00	600.00	0.0
PARKS							
	4,100.00	4,100.00	378.15	156.52	0.00	3,721.85	9.2
Expenditures							
	1,540,507.00	1,540,507.00	323,956.48	91,533.28	0.00	1,216,550.52	21.0
Net Effect for General Fund							
Change in Fund Balance:	-209,807.00	-209,807.00	58,192.30	44,829.48	0.00	-267,999.30	-27.7
			58,192.30				

BALANCE SHEET

City of Wimberley

As of: 12/31/2019

Balances

Fund: 200 - Blue Hole Parkland

Assets

1011 Petty Cash	95.00
1022 BH Parkland - ONB	531,037.40

Total Assets 531,132.40

Liabilities

2010 Accounts Payable	1,800.67
2016 BHP Security Deposits	600.00
2071 Sales Tax Payable	334.92
2074 TMRS Payable	428.36
2080 Due to General	1,190.31

Total Liabilities 4,354.26

Reserves/Balances

3600 Fund Balance - Uncommitted	593,099.74
3650 Net Excess (Deficit)	-66,321.60

Total Reserves/Balances 526,778.14

Total Liabilities & Balances 531,132.40

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 200 - Blue Hole Parkland</b>							
<b>Revenues</b>							
Dept: 52 PARKS							
5472 Reservations/Gate Fees	350,000.00	350,000.00	-1,549.98	36.02	0.00	351,549.98	-0.4
5474 Facility Rentals	15,000.00	15,000.00	1,310.00	140.00	0.00	13,690.00	8.7
5476 Special Events	66,000.00	66,000.00	200.00	0.00	0.00	65,800.00	0.3
5479 Vending/Merchandise	7,500.00	7,500.00	86.60	21.65	0.00	7,413.40	1.2
5611 Interest Revenues	150.00	150.00	72.00	23.06	0.00	78.00	48.0
5701 Other/Misc	6,500.00	6,500.00	671.12	0.00	0.00	5,828.88	10.3
<b>PARKS</b>	<b>445,150.00</b>	<b>445,150.00</b>	<b>789.74</b>	<b>220.73</b>	<b>0.00</b>	<b>444,360.26</b>	<b>0.2</b>
<b>Revenues</b>	<b>445,150.00</b>	<b>445,150.00</b>	<b>789.74</b>	<b>220.73</b>	<b>0.00</b>	<b>444,360.26</b>	<b>0.2</b>
<b>Expenditures</b>							
Dept: 52 PARKS							
6140 Salaries & Wages- Director	54,075.00	54,075.00	0.00	0.00	0.00	54,075.00	0.0
6141 Salaries & Wages- Park Manager	0.00	0.00	4,529.27	0.00	0.00	-4,529.27	0.0
6180 Salaries & Wages-Park Maint.	37,853.00	37,853.00	8,068.40	3,118.00	0.00	29,784.60	21.3
6181 Salaries & Wages - Part-Time	107,177.00	107,177.00	9,692.21	3,123.69	0.00	97,484.79	9.0
6182 Salaries & Wages - Laborer	28,840.00	28,840.00	5,987.52	2,217.60	0.00	22,852.48	20.8
6183 Salaries & Wages-Op & Prog Mgr	31,930.00	31,930.00	7,407.20	3,232.00	0.00	24,522.80	23.2
6210 Health Care	36,000.00	36,000.00	7,116.76	2,132.15	0.00	28,883.24	19.8
6220 Payroll Taxes	19,880.00	19,880.00	3,090.63	891.41	0.00	16,789.37	15.5
6230 TMRS Contributions	12,323.00	12,323.00	2,603.32	742.69	0.00	9,719.68	21.1
6250 Unemployment Compensation	1,299.00	1,299.00	53.03	0.00	0.00	1,245.97	4.1
6374 Contract Services	36,400.00	36,400.00	5,761.79	1,614.33	0.00	30,638.21	15.8
6410 Utilities	15,000.00	15,000.00	3,422.89	1,152.69	0.00	11,577.11	22.8
6411 Telephones	2,400.00	2,400.00	641.76	189.44	0.00	1,758.24	26.7
6431 Vehicle Maint/Insurance	500.00	500.00	166.66	0.00	0.00	333.34	33.3
6433 Equipment Maintenance	500.00	500.00	25.94	25.94	0.00	474.06	5.2
6443 Equipment Rent/Lease	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
6532 Office Tech/Software	1,900.00	1,900.00	160.00	80.00	0.00	1,740.00	8.4
6562 CC Processing Fees	13,000.00	13,000.00	-50.68	0.00	0.00	13,050.68	-0.4
6570 Travel/Hospitality	3,175.00	3,175.00	0.00	0.00	0.00	3,175.00	0.0
6571 Mileage	600.00	600.00	0.00	0.00	0.00	600.00	0.0
6572 Training	2,800.00	2,800.00	690.00	690.00	0.00	2,110.00	24.6
6581 Refunds	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
6583 Fuel	800.00	800.00	234.87	61.18	0.00	565.13	29.4
6584 Mowing/Trimming	500.00	500.00	13.66	13.66	0.00	486.34	2.7
6589 Records Management	0.00	0.00	15.21	5.07	0.00	-15.21	0.0
6610 Operating Supplies	20,000.00	20,000.00	3,123.22	1,397.13	0.00	16,876.78	15.6
6613 Materials	4,000.00	4,000.00	8.99	0.00	0.00	3,991.01	0.2
6615 Bldg & Maint Supplies	1,500.00	1,500.00	269.64	73.72	0.00	1,230.36	18.0
6651 Postage/Shipping	300.00	300.00	0.00	0.00	0.00	300.00	0.0
6660 Office Supplies	500.00	500.00	1,298.15	174.27	0.00	-798.15	259.6
6794 Capital Outlay - Equipmt/Other	3,200.00	3,200.00	2,780.90	0.00	0.00	419.10	86.9
<b>PARKS</b>	<b>438,452.00</b>	<b>438,452.00</b>	<b>67,111.34</b>	<b>20,934.97</b>	<b>0.00</b>	<b>371,340.66</b>	<b>15.3</b>
<b>Expenditures</b>	<b>438,452.00</b>	<b>438,452.00</b>	<b>67,111.34</b>	<b>20,934.97</b>	<b>0.00</b>	<b>371,340.66</b>	<b>15.3</b>
<b>Net Effect for Blue Hole Parkland</b>	<b>6,698.00</b>	<b>6,698.00</b>	<b>-66,321.60</b>	<b>-20,714.24</b>	<b>0.00</b>	<b>73,019.60</b>	<b>-990.2</b>
<b>Change in Fund Balance:</b>			<b>-66,321.60</b>				
<b>Grand Total Net Effect:</b>	<b>6,698.00</b>	<b>6,698.00</b>	<b>-66,321.60</b>	<b>-20,714.24</b>	<b>0.00</b>	<b>73,019.60</b>	

**BALANCE SHEET**

City of Wimberley

As of: 12/31/2019

Balances

Fund: 201 - Municipal Court

Assets

1023 Municipal Court - ONB

8,277.90

1024 MC Bonds - ONB

76.00

Total Assets

8,353.90

Liabilities

2010 Accounts Payable

752.67

2076 MC Payable to State

571.02

2080 Due to General

4,882.40

Total Liabilities

6,206.09

Reserves/Balances

3600 Fund Balance - Uncommitted

1,872.37

3650 Net Excess (Deficit)

275.44

Total Reserves/Balances

2,147.81

Total Liabilities & Balances

8,353.90

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 201 - Municipal Court</b>							
Revenues							
Dept: 00							
5514 Court Technology	0.00	0.00	60.00	8.00	0.00	-60.00	0.0
5515 Court Bldg Security	0.00	0.00	45.00	6.00	0.00	-45.00	0.0
5517 Judicial Efficiency	0.00	0.00	9.00	1.20	0.00	-9.00	0.0
5611 Interest Revenues	0.00	0.00	2.74	1.01	0.00	-2.74	0.0
5701 Other/Misc	0.00	0.00	158.70	10.00	0.00	-158.70	0.0
Dept: 00	0.00	0.00	275.44	26.21	0.00	-275.44	0.0
Revenues	0.00	0.00	275.44	26.21	0.00	-275.44	0.0
Net Effect for Municipal Court	0.00	0.00	275.44	26.21	0.00	-275.44	0.0
Change in Fund Balance:			275.44				

**BALANCE SHEET**

City of Wimberley

As of: 12/31/2019

Balances

Fund: 202 - Wastewater Fund

Assets

1027 Wastewater - ONB	135,137.21
1028 WW Construction Fund	12,974.41
1029 WW Int & Sinking Fund	101,045.85
1150 Accounts Receivable	618.00
1152 Tax Notes 2013-Restricted Cash	31,784.08
1310 Due from WW Project Fund	68,549.50
1729 WW Reclamation Facility	564,015.37
1730 Utility Plant - WW	223,970.00
1731 Accumulated Deprec.-Bldgs	-39,621.50

Total Assets

1,098,472.92

Liabilities

2010 Accounts Payable	57,315.75
2140 Accrued Interest Payable	2,041.92
2240 Notes Payable - Current	124,431.00
2551 Notes Payable-Tax Notes 2013	95,000.00

Total Liabilities

278,788.67

Reserves/Balances

3600 Fund Balance - Uncommitted	311,833.78
3610 Net Invest in Capital Assets	514,814.52
3650 Net Excess (Deficit)	-6,964.05

Total Reserves/Balances

819,684.25

Total Liabilities & Balances

1,098,472.92

**REVENUE/EXPENDITURE REPORT**

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 202 - Wastewater Fund</b>							
Revenues							
Dept: 04 WATER/WASTEWATER							
5400 WW Service Fees	116,789.00	116,789.00	29,694.00	10,516.00	0.00	87,095.00	25.4
5611 Interest Revenues	75.00	75.00	31.06	10.53	0.00	43.94	41.4
5789 Revenue Bond Transfer In	101,025.00	101,025.00	0.00	0.00	0.00	101,025.00	0.0
5799 Operating Transfer In	173,000.00	173,000.00	0.00	0.00	0.00	173,000.00	0.0
<b>WATER/WASTEWATER</b>	<b>390,889.00</b>	<b>390,889.00</b>	<b>29,725.06</b>	<b>10,526.53</b>	<b>0.00</b>	<b>361,163.94</b>	<b>7.6</b>
Revenues	390,889.00	390,889.00	29,725.06	10,526.53	0.00	361,163.94	7.6
Expenditures							
Dept: 04 WATER/WASTEWATER							
6270 Annual/Assoc DUES	1,250.00	1,250.00	0.00	0.00	0.00	1,250.00	0.0
6374 Contract Services	116,492.00	116,492.00	34,278.28	10,796.00	0.00	82,213.72	29.4
6410 Utilities	6,000.00	6,000.00	2,110.83	636.03	0.00	3,889.17	35.2
6411 Telephones	1,800.00	1,800.00	0.00	0.00	0.00	1,800.00	0.0
6799 Project Manager-WW Project	30,000.00	30,000.00	300.00	300.00	0.00	29,700.00	1.0
6900 Wastewater Debt Service - Prin	255,000.00	255,000.00	0.00	0.00	0.00	255,000.00	0.0
6901 Wastewater Debt Service - Int	87,673.00	87,673.00	0.00	0.00	0.00	87,673.00	0.0
<b>WATER/WASTEWATER</b>	<b>498,215.00</b>	<b>498,215.00</b>	<b>36,689.11</b>	<b>11,732.03</b>	<b>0.00</b>	<b>461,525.89</b>	<b>7.4</b>
Expenditures	498,215.00	498,215.00	36,689.11	11,732.03	0.00	461,525.89	7.4
Net Effect for Wastewater Fund	-107,326.00	-107,326.00	-6,964.05	-1,205.50	0.00	-100,361.95	6.5
Change in Fund Balance:			-6,964.05				

BALANCE SHEET

City of Wimberley

As of: 12/31/2019

Balances

Fund: 205 - Hotel Occupancy Tax

Assets

1019 Hotel Occupancy Tax 142,291.18

Total Assets 142,291.18

Liabilities

2010 Accounts Payable 344.26

Total Liabilities 344.26

Reserves/Balances

3310 Nonspendable Prepays 10,091.00

3560 FB Committed-Emergency Plan 5,000.00

3600 Fund Balance - Uncommitted 126,837.99

3650 Net Excess (Deficit) 17.93

Total Reserves/Balances 141,946.92

Total Liabilities & Balances 142,291.18

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 205 - Hotel Occupancy Tax</b>							
Revenues							
Dept: 15 ADMINISTRATION							
5611 Interest Revenues	0.00	0.00	17.93	6.04	0.00	-17.93	0.0
ADMINISTRATION	0.00	0.00	17.93	6.04	0.00	-17.93	0.0
Revenues	0.00	0.00	17.93	6.04	0.00	-17.93	0.0
Net Effect for Hotel Occupancy Tax	0.00	0.00	17.93	6.04	0.00	-17.93	0.0
Change in Fund Balance:			17.93				

BALANCE SHEET

City of Wimberley

As of: 12/31/2019

Balances

Fund: 600 - BHP Development Projects

Assets

1025 BH Development - ONB

18,790.24

Total Assets

18,790.24

Reserves/Balances

3550 FB Committed - Soccer Fields

109,279.00

3600 Fund Balance - Uncommitted

-90,495.86

3650 Net Excess (Deficit)

7.10

Total Reserves/Balances

18,790.24

Total Liabilities & Balances

18,790.24

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019		Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 600 - BHP Development Projects</b>								
Revenues								
Dept: 00								
5611	Interest Revenues	20.00	20.00	7.10	2.39	0.00	12.90	35.5
<hr/>								
Dept: 00								
<hr/>								
Revenues		20.00	20.00	7.10	2.39	0.00	12.90	35.5
<hr/>								
Net Effect for BHP Development Projects		20.00	20.00	7.10	2.39	0.00	12.90	35.5
Change in Fund Balance:				7.10				

BALANCE SHEET

City of Wimberley

As of: 12/31/2019

Balances

Fund: 602 - DONATIONS/SIDEWALKS

Assets

1026 Donations/Sidewalks

55,030.50

Total Assets

55,030.50

Reserves/Balances

3600 Fund Balance - Uncommitted

5,027.06

3650 Net Excess (Deficit)

50,003.44

Total Reserves/Balances

55,030.50

Total Liabilities & Balances

55,030.50

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 602 - DONATIONS/SIDEWALKS</b>							
Revenues							
Dept: 00							
5611 Interest Revenues	2.00	2.00	3.44	2.34	0.00	-1.44	172.0
5701 Other/Misc	0.00	0.00	50,000.00	0.00	0.00	-50,000.00	0.0
Dept: 00	2.00	2.00	50,003.44	2.34	0.00	-50,001.44	172.0
Revenues	2.00	2.00	50,003.44	2.34	0.00	-50,001.44	172.0
Net Effect for DONATIONS/SIDEWALKS	2.00	2.00	50,003.44	2.34	0.00	-50,001.44	172.0
Change in Fund Balance:			50,003.44				

**BALANCE SHEET**

City of Wimberley

As of: 12/31/2019

Balances

Fund: 604 - WW Collection & Treatment Plan

Assets

1032 WW Bond Reserve Funds	385,319.24
1033 BOK Financial (82-2435-02-0)	250,775.85
1034 BOK Financial (82-2435-01-2)	2,383,534.80
1301 Due from General	177,584.31
1728 WW Project - Const in Progress	2,021,785.14

Total Assets

5,218,999.34

Liabilities

2010 Accounts Payable	5,578.33
2011 Debt Forgiveness Funds	243,005.00
2081 Due to Others	68,549.50
2140 Accrued Interest Payable	21,385.00
2560 N TX General Obligation	5,100,000.00
2561 Bonds - Current	155,000.00

Total Liabilities

5,593,517.83

Reserves/Balances

3600 Fund Balance - Uncommitted	-283,421.41
3610 Net Invest in Capital Assets	-95,451.86
3650 Net Excess (Deficit)	4,354.78

Total Reserves/Balances

-374,518.49

Total Liabilities & Balances

5,218,999.34

REVENUE/EXPENDITURE REPORT

City of Wimberley

For the Period: 10/1/2019 to 12/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
<b>Fund: 604 - WW Collection &amp; Treatment Plan</b>							
<b>Revenues</b>							
Dept: 04 WATER/WASTEWATER							
5611 Interest Revenues	0.00	0.00	248.29	81.80	0.00	-248.29	0.0
5612 Investment Income	0.00	0.00	9,492.32	2,712.42	0.00	-9,492.32	0.0
WATER/WASTEWATER	0.00	0.00	9,740.61	2,794.22	0.00	-9,740.61	0.0
Revenues	0.00	0.00	9,740.61	2,794.22	0.00	-9,740.61	0.0
<b>Expenditures</b>							
Dept: 04 WATER/WASTEWATER							
6589 Records Management	0.00	0.00	192.50	0.00	0.00	-192.50	0.0
6792 Capital Outlay - Other	0.00	0.00	5,193.33	0.00	0.00	-5,193.33	0.0
WATER/WASTEWATER	0.00	0.00	5,385.83	0.00	0.00	-5,385.83	0.0
Expenditures	0.00	0.00	5,385.83	0.00	0.00	-5,385.83	0.0
Net Effect for WW Collection & Treatment Plan	0.00	0.00	4,354.78	2,794.22	0.00	-4,354.78	0.0
Change in Fund Balance:			4,354.78				
Grand Total Net Effect:	-310,413.00	-310,413.00	39,562.39	25,737.99	0.00	-349,975.39	



**AGENDA ITEM:** City Administrator's Report  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** March 16, 2020  
**MEETING DATE:** March 19, 2020

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding sales tax, projects, communication, and upcoming City events.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

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

### STAFF RECOMMENDATION



**AGENDA ITEM:** CUP-20-001 – STR2 – 180 Southriver  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**MEETING DATE:** March 19, 2020

# REPORT

## ITEM

Hold a public hearing and consider approval regarding case CUP -20-001, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) located at 180 Southriver, Wimberley, Hays County, Texas.

## PROPERTY INFORMATION

### Property Description

**Applicant(s):** Matthew Dowd  
**Property Address:** 180 Southriver, Wimberley TX 78676  
**Property Owner:**  
**Legal Description:** South River, Lot 40A  
**Property Size:** 1.221 Acres  
**Existing Use of Property:** Residential  
**Existing Zoning:** Commercial-Low Impact (C-1)  
**Proposed Use of Property:** Residential  
**Request:** CUP for Operation of an STR2 (Vacation Rental)  
**Planning Area:** III  
**Overlay District:** Protected Waterway Overlay District (PW)

### Surrounding Property:

**Frontage:** Smith Creek Road (Side Property Line Along FM 3237)

	<b>Current Zoning:</b>	<b>Existing Land Use:</b>
<b>Surrounding Zoning &amp; Land Use</b>		Commercial/Residential/ Lodging
<b>North of Property</b>	WPDD	
<b>South of Property</b>	O1/C1	Office/Commercial
<b>East of Property</b>	C1	Commercial
<b>West of Property</b>	R2	Residential

## REQUEST

The applicant is requesting a Conditional Use Permit (CUP) to operate a vacation rental (STR2) on their property located at 180 Southriver. The proposed vacation rental is approximately 1,567 Sq. Ft. with 2 bedrooms. The property is serviced by an on-site sewage facility (OSSF), approved by the City of Wimberley in 2017.

The Planning & Zoning Commission held a public hearing on this request at their March 12, 2020 meeting. There were not public comments received. The Commission voted 5-0 to recommend approval of this request

#### **LEGAL NOTICE**

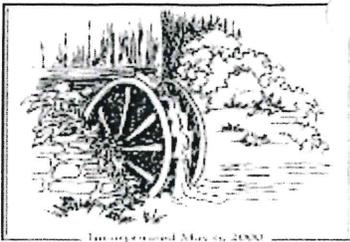
<b>Surrounding Neighbor Notification Letters (200'):</b>	February 28, 2020
<b>Published Legal Notice (Wimberley View):</b>	February 20, 2020
<b>Zoning Application Sign Placed:</b>	February 28, 2020

#### **COMMENTS**

At the time of positing, two (2) comments in support of the application has been received. Both comments were from adjoining property owners. No opposition has been received.

#### **ATTACHEMENT(S)**

- CUP-20-001 – Application
- CUP-20-001 – Legal Posting
- CUP-20-001 – Notification Letter w/Map
- CUP-20-001 – Sign Posting Notice
- Ordinance No. 2020-08



# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

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



## CONDITIONAL USE PERMIT APPLICATION

No. CUP 20 - 001

### FOR OFFICIAL USE ONLY

Application Date: 1/22/2020 Tentative P&Z Hearing: 3/12/2020 Tentative Council Hearing: 3/14/2020

FEES: \$650.00 DATE PAID: 1/22/20 CHECK NO. 1091 REC'D BY uw

PROJECT SITE ADDRESS: 180 Southriver Wimberley, TX 78676

OWNER/APPLICANT Matthew Dowd PHONE (512) 789-7497

MAILING ADDRESS: P.O. Box 1686

CITY: Wimberley STATE: Tx ZIP: 78676

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

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

Vacation Rental

Planning Area \_\_\_\_\_ Zoning C2 Total Acreage or Sq. Ft. ~~4.443~~ 1.221

Subdivision: South River Lot ~~399A~~ Block 1

Appraisal District Tax ID #: R 91889 40A

Deed Records Hays County: Volume 1256 Page 486

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

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

### UTILITY PROVIDERS:

Electric Provider: P. E. C.

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: 2001-3468

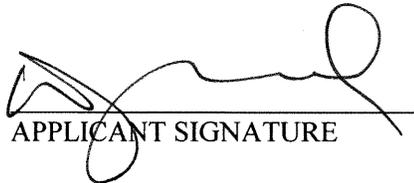
**MY REQUEST IS BASED ON THE FOLLOWING:**

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

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$650.00 (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.

1/22/20  
DATE

  
APPLICANT SIGNATURE

WHEN APPLICABLE:  
Date \_\_\_\_\_

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

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

Owner: Matthew Dowd

LOCATION OF PROPERTY: 180 Sather River

LEGAL DESCRIPTION: Sather River, Unit One, Lot 40 A

PLANNING AREA: \_\_\_\_\_

PRESENT ZONING: C-1

EXISTING USE: Home

USE TO BE GRANTED: \_\_\_\_\_ *Bed & Breakfast* OR  *Vacation Rental*

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

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

**OFF-STREET PARKING:** All parking will be off-street. 4 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

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

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

**NUMBER OF BEDROOMS:** 2 42.3 B.

**MAXIMUM OCCUPANCY:** 4 guests. 42.3 B.

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

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

**WATERFRONT USAGE:** (Applicable if guests have water access) Guests may only use the Blanco River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property

which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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

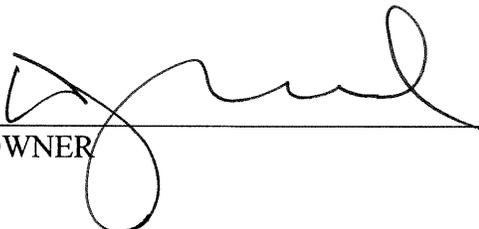
**MISCELLANEOUS:** Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in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

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

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

ACCEPTED AND AGREED TO:

1/22/20  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER

# CUP Proposal

## Mission Statement:

*To provide lodging experience for guests to enjoy a peaceful relaxed time while staying in our “Little Piece of Heaven” Wimberley, Texas.*

## Business Objectives:

1. **To provide a safe and peaceful environment for our guests and respect our neighbors within the community.**
  - a. Enforce strict parking rules at the property site for all guests.
  - b. Enforce a Late Night - Low Noise ordinance guideline for all guests; no music played outdoors after 10 pm.
  - c. Enforce a strict No Trespassing policy for guest of the property.
  - d. We open and close the property, and we are on call for any emergencies.
  - e. All non-compliant or unruly guests will be required to leave property immediately upon any infractions or lack of respect of our community.
  - f. Emergency contact numbers and local contacts will be provided to all guests and posted inside the home.
  - g. A strict No-Smoking Policy and outside cleanness act at the residence will be enforced.
  - h. Adult supervision of any children that visit the property will be required.
  
2. **To increase city sales tax revenue and local merchant sales for both Wimberley and Hays County.**
  - a. Local Restaurateurs
  - b. Local Wineries
  - c. Local Artisans and Designers
  - d. Local Universities
  - e. Market Days and Private Shop Owners
  - f. Local Grocery, Convenience & Gas stations
  - g. Local Business leaders
  - h. Local Wedding chapels
  - i. Local Public Parks and Pools
  - j. The Blue Hole
  - k. Local Golf Course
  - l. Local Rodeo and Farmers
  - m. Wimberley School System and Sports Events

- n. Local Churches
- o. Pay our collected state hotel tax

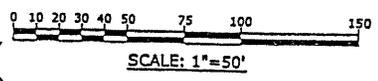
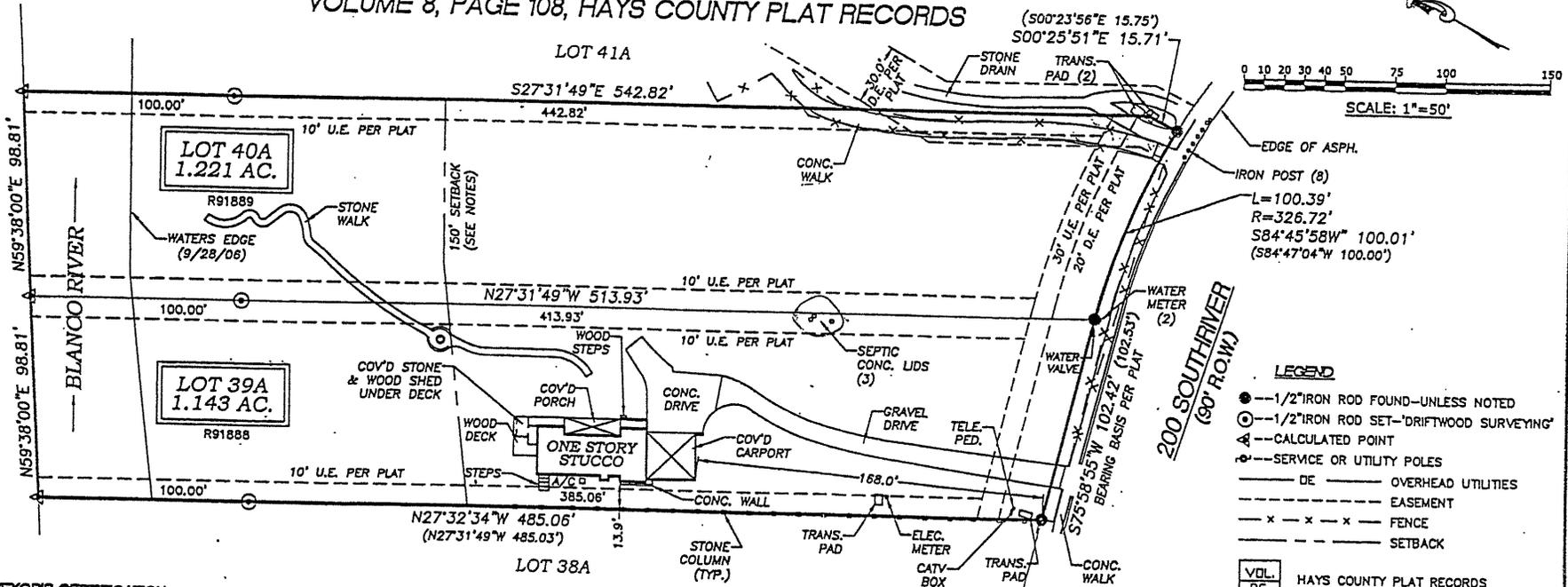
**3. To generate new job opportunities and stimulus within the community:**

- a. Landscaping Companies
- b. Local Cleaning Services
- c. Local Contractors and Builders
- d. Local Electricians
- e. Local Plumbers
- f. Local Air Conditioning Companies
- g. Local Shipping Vendors

**4. To maintain the quality of property and beautification of the yard:**

- a. To keep pace with increased property, city, school and county taxes
- b. To keep carbon foot print low in the community
- c. Design green environmental features that will benefit community
- d. Preserve and protect the nature and animals indigenous to the area

**LOTS 39A AND 40A,  
RESUBDIVISION PLAT OF LOTS 38A, 39A, 40A AND 41A, SOUTH RIVER, UNIT 1  
A SUBDIVISION IN HAYS COUNTY, TEXAS  
VOLUME 8, PAGE 108, HAYS COUNTY PLAT RECORDS**



- LEGEND**
- -- 1/2" IRON ROD FOUND--UNLESS NOTED
  - ⊙ -- 1/2" IRON ROD SET--DRIFTWOOD SURVEYING
  - ▲ -- CALCULATED POINT
  - ⊕ -- SERVICE OR UTILITY POLES
  - DE — OVERHEAD UTILITIES
  - - - - - EASEMENT
  - x - x - x - FENCE
  - - - - - SETBACK

- VOL. PG. HAYS COUNTY PLAT RECORDS
- VOL. PG. HAYS COUNTY OFFICIAL PUBLIC RECORDS
- R91XXX HAYS COUNTY PROPERTY IDENTIFICATION NUMBER

**SURVEYOR'S CERTIFICATION**

This survey is made for the benefit of Hays County Abstract and buyer, William R. Good. I hereby certify to the aforesaid parties, as of the date set forth below that a careful survey was made on the ground, under my supervision, of the tract of land described hereon, and that said survey complies with the current Texas Society of Professional Surveyors Standards & Specifications for a Category 1a, Condition II Land Survey, and that said property has abutting access to and from a public roadway.



DATE: 9/28/06  
RUDOLF J. PATA, JR. TX. RPLS #5388

**NOTES**

THIS SURVEY REFERENCES TITLE COMMITMENT No. 20807118, DATED 07/13/2006, PROVIDED BY HAYS COUNTY ABSTRACT.

RESTRICTIVE COVENANTS APPLY PER VOL. 8, PG. 108, H.C.P.R.; VOL. 1256, PG. 486, VOL. 1261, PG. 374, VOL. 1266, PG. 276, VOL. 1276, PG. 268, VOL. 1355, PG. 19, VOL. 1412, PG. 660, VOL. 2091, PG. 754, VOL. 2364, PG. 560, O.P.R.H.C.T.

PERIMETER FENCES SHOWN HEREON GENERALLY FOLLOW PROPERTY LINES, BUT MAY MEANDER FROM POST TO POST.

LOTS 39A AND 40A APPEAR TO BE IN THE 100 YEAR FLOODPLAIN ACCORDING TO F.I.R.M. PANEL #48209C 0355 F, DATED 9/2/2005. FLOOD AREAS/ELEVATIONS CAN ONLY BE VERIFIED BY ELEVATION CERTIFICATE.

150' SETBACK FROM CURRENT RIVERBANK PER VILLAGE OF WIMBERLEY PROTECTED WATERWAY OVERLAY DISTRICT ORDINANCE No. 2001-010, SECTION 50.

THIS PROPERTY LIES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WIMBERLEY AND IS SUBJECT TO ITS ORDINANCES.

<b>Driftwood Surveying</b> Professional Land Surveyors - Surveying the Hill Country		DATE: 09/28/06
		FIELD CREW: MDL/BJ
P.O. Box 378 Wimberley, TX 78676 PH. (512) 847-7222 FAX (512) 847-7372		DRAWN: DDL
LOTS 39A AND 40A, RESUB. SOUTH RIVER, UNIT 1 A SUBDIVISION IN HAYS COUNTY, TEXAS		CHECKED: RJP
CLIENT: GOOD		PROJ. NO.: HC34506
DATE: 09/28/06		DWG. NAME/TITLE
REVISIONS:		REVISIONS: DATE
Page 1 of 1		

Exhibit "B"

# Wimberley View

# CLASSIFIEDS

Wimberley, Texas 78676 512-847-2202

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ND

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**Public Notice**

**NOTICE OF A PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY ZONING CODE**

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, March 12, 2020 at 6:00 p.m. on an Ordinance of the City of Wimberley Texas Amending Chapter 9 (Planning & Development Regulations) Section 9.03.141 (Short-term rentals) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability cause, and effective date, and proper notice and meeting. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its Regular City Council Meeting on Thursday, March 19, 2020, 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 (221 Southriver, Wimberley, TX), or by email (scox@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.

**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, March 12, 2020 at 6:00 p.m. to consider the following: CUP-20-001 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 180 Southriver. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 19, 2020, 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 (221 Southriver, Wimberley, TX), or by email (scox@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.

**Public Notice**

**Notice of Public Sale Lockerfox.com**

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**General Help Wanted**

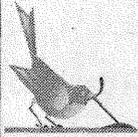
**General Help Wanted**

**INDEPENDENT CONTRACTOR NEWSPAPER CARRIERS NEEDED!**

Early morning hours, 7 days per week  
San Marcos & surrounding areas

- Requirements:
- Valid Drivers License
- Social Security
- Dependable Vehicle
- Back Up Vehicle
- Dependability

Please call, text or email Rose @ (830)385-4298, rose@earlybirdexpressllc.com, Early Bird Express, LLC, Owner



**General Help Wanted**

**CARTER CREEK WINERY RESORT AND SPA, JOHNSON CITY, TX**

**General Help Wanted**

**IMMEDIATE HIRE**  
For male and female caregivers in surrounding locations. Please contact

**General Help Wanted**

**General Help Wanted**

**The San Marcos Daily Record**  
is now hiring  
**INSERTERS**  
Part-time, forklift experience helpful, but not necessary. Must be able to work Night Shift. Must be mechanically inclined and detail oriented. Please send resumes to kgeorge@sanmarcosrecord.com or stop by 1910 IH-35 to fill out an application. NO PHONE CALLS PLEASE

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**Properties For Sale**

**Misc. Merchandise**

**NICE WASHERS**  
/dryers/stoves \$250/up. Refrigerators \$200/up. Guaranteed Appliances, Sales / Service. 512-392-0373.

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Lowest prices and largest selection, 9 different manufacturers, Cavco, Clayton, Southern Energy, Cavalier, New Vision, Fleetwood, Tru, Oak Creek, and Legacy. Low rates for good credit, and specialty financing for bad credit



February 28, 2020

**NOTICE OF PUBLIC HEARING**

Re: **File No. CUP-20-001**  
180 Southriver

Dear Property Owner:

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

The applicant, Matthew Dowd, has requested Conditional Use Permit (CUP) to operate a vacation rental at 180 Southriver, further described as South River, Lot 40A. The City of Wimberley Planning and Zoning Commission will consider this request at a public hearing on **Thursday, March 12, 2020, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon recommendation from the Commission, the City Council will hold a public hearing to consider the same request on **Thursday, March 19, 2020, at 6:00 p.m.**

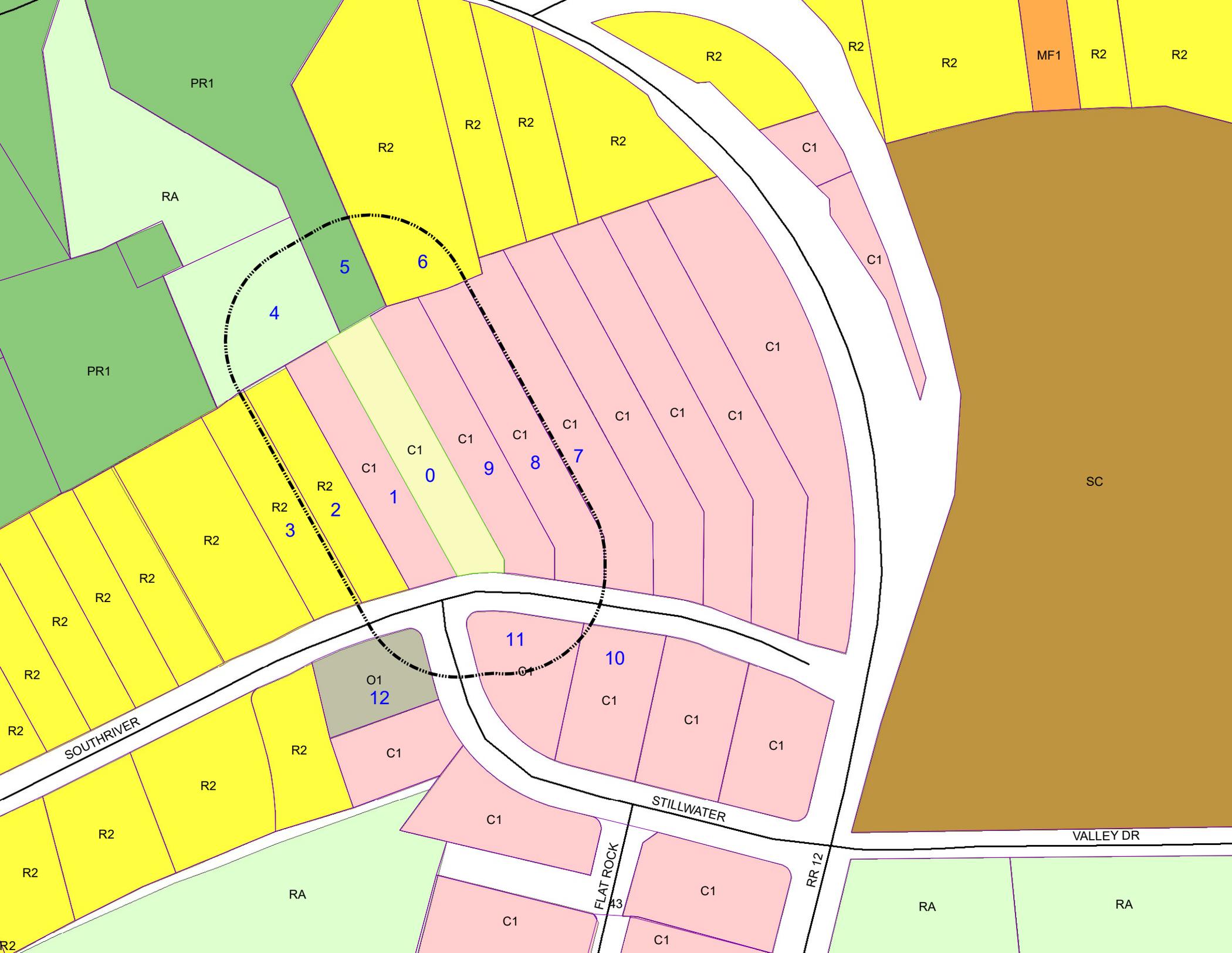
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

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.

Sincerely,



Shawn Cox  
City Administrator  
scox@cityofwimberley.com



PR1

RA

PR1

R2

R2

R2

R2

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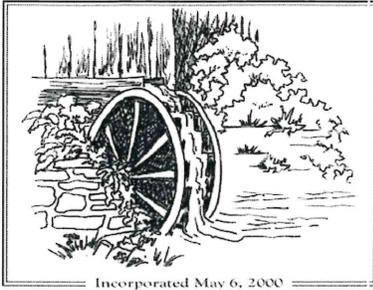
STILLWATER

SOUTHRIVER

FLAT ROCK

RR 12

VALLEY DR



# City of Wimberley

221 Stillwater, Wimberley, Texas 78676

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

## NOTICE BY SIGN POSTING

DATE: February 28, 2020

ZONING NO: CUP-20-001

APPLICANT: Matthew Dowd

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 180 Southriver

John Provost  
Public Works/Code Enforcement

City of Wimberley

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

2/28 20 20

John Provost  
Signature

**ORDINANCE NO. 2020-08**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY MATTHEW DOWD TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 180 SOUTHRIVER, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1); 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 (“CUP”) has been filed by Matthew Dowd (“Applicant”) requesting authorization to operate a vacation rental on real property described as Lot 40A, South River Subdivision, zoned Commercial-Low Impact (C-1); and

**WHEREAS**, a vacation rental is an authorized use in areas zoned Commercial-Low Impact (C-1) upon approval of a CUP;

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

**WHEREAS**, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

**WHEREAS**, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

**ARTICLE I. FINDINGS OF FACT**

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

**ARTICLE II. APPROVAL - TERMS AND CONDITIONS**

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Matthew Dowd (“Applicant”) for use as a vacation rental on real property, described as Lot 40A, South River Subdivision, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial-Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.

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

13. The owner of the property or the owner's agent, which may be a vacation rental agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

### **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 19<sup>th</sup> day of March 2020 by a vote of \_\_\_\_ (Ayes) and \_\_ (Nays) and \_\_ (Abstain).

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Susan Jagers, Mayor

**ATTEST:**

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



**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney



**AGENDA ITEM:** STR Amendment  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**MEETING DATE:** March 19, 2020

## REPORT

### ITEM

Hold a public hearing and consider approval regarding an ordinance amending Chapter 9, Planning and Development Regulations, Article 9.03.141, Zoning, of the City of Wimberley Code of Ordinances Related to Short-term Rental Requirements; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; and effective date; and proper notice and meeting.

### BACKGROUND

On July 19, 2018, Council adopted Ordinance No. 2018-28, establishing the Short-term Rental (STR) Review Committee. On August 16, 2018 Ordinance No. 2018-33 was adopted setting the following purpose for the Committee:

- A new Short-Term Rental Review Committee is hereby established to serve in an advisory capacity to:
- 1) review the City's Conditional Use Permit process,
  - 2) identify non-compliant short-term rentals,
  - 3) outline a procedure for bringing identified properties into compliance, and
  - 4) make actionable recommendations to City Council. The foregoing shall be said Committee's sole charge, but City Council may by future action add to the charge and may extend the Committee's term up to a total period of less than one (1) year.

The STR Committee presented Ordinance No. 2019-18 to the Planning & Zoning Commission. After a public hearing and discussion, the Planning & Zoning Commission recommended approval (7-0) of the draft ordinance with the exception of the annual renewal.

On April 18, 2019, Council, after a public hearing and discussion, voted (4-0) to approve on first reading the draft ordinance as it was presented by the STR Committee, which included the Administrative Renewal Process for all Short-term Rentals. Ordinance No. 2019-18 was approved on second reading on May 2, 2019 by a vote of 4-1. Based on this ordinance, all Short-term rentals (both those with an approved CUP and those which are existing legal nonconforming) will need to renew their STR annually starting June 30, 2020.

### REQUEST

For consideration is Ordinance No. 2020-09, which is approved by the City Council would remove

the requirement to renew the CUP for operation of an STR annually through an administrative renewal process.

The Planning and Zoning Commission held a public hearing on this item at their March 12, 2020 meeting. No Public comments were received. The Commission voted 5-0 to recommend approval of the amended ordinance.

## **LEGAL NOTICE**

**Published Legal Notice (Wimberley View):**

February 20, 2020

## **ATTACHEMENT(S)**

- Legal Posting
- Ordinance No. 2019-18 – Adopted May 2, 2019
- Ordinance No. 2020-09

# Wimberley View

# CLASSIFIEDS

Wimberley, Texas 78676 512-847-2202

- Public Notice
- Public Notice
- Public Notice
- Public Notice
- General Help Wanted
- General Help Wanted

**NOTICE OF A PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY ZONING CODE**

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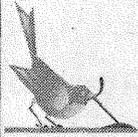
**General Help Wanted**  
click on "Hiring"

**INDEPENDENT CONTRACTOR NEWSPAPER CARRIERS NEEDED!**

Early morning hours, 7 days per week  
San Marcos & surrounding areas

- Requirements:
- Valid Drivers License
- Social Security
- Dependable Vehicle
- Back Up Vehicle
- Dependability

Please call, text or email Rose @ (830)385-4298, rose@earlybirdexpressllc.com, Early Bird Express, LLC, Owner



**General Help Wanted**

**CARTER CREEK WINERY RESORT AND SPA, JOHNSON CITY, TX**

**General Help Wanted**

**IMMEDIATE HIRE**  
For male and female caregivers in surrounding locations. Please contact

**The San Marcos Daily Record**  
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Part-time, forklift experience helpful, but not necessary. Must be able to work Night Shift. Must be mechanically inclined and detail oriented. Please send resumes to kgeorge@sanmarcosrecord.com or stop by 1910 IH-35 to fill out an application. NO PHONE CALLS PLEASE

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**Misc. Merchandise**  
**NICE WASHERS**  
/dryers/stoves \$250/up. Refrigerators \$200/up. Guaranteed Appliances, Sales / Service. 512-392-0373.

**Properties For Sale**

**Mfg Home-For Sale**  
**AFFORDABLE LUXURY!**  
Lowest prices and largest selection, 9 different manufacturers, Cavco, Clayton, Southern Energy, Cavalier, New Vision, Fleetwood, Tru, Oak Creek, and Legacy. Low rates for good credit, and specialty financing for bad credit



**ORDINANCE NO. 2019-08**

**AN ORDINANCE AMENDING CHAPTER 9, PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE 9.03, ZONING, OF THE CITY OF WIMBERLEY CODE OF ORDINANCES RELATED TO BED AND BREAKFAST AND VACATION RENTAL LODGING REQUIREMENTS; REQUIRING AN ANNUAL CONDITIONAL USE PERMIT RENEWAL; AMENDING CERTAIN REGULATIONS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR A FORFEITURE OF CONDITIONAL USE PERMIT FOR FAILURE TO RENEW; PROVIDING FINDINGS OF FACT; A REPEALING CLAUSE; A SAVINGS AND SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND PROPER NOTICE OF MEETING.**

**WHEREAS**, the City of Wimberley's is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the Texas Local Government Code authorizes a municipality to adopt zoning regulations designed to accomplish the goals as delineated in Section 211.004 of the Texas Local Government Code and for the purpose of regulating those issues as delineated in Section 211.003 of the Texas Local Government Code; and

**WHEREAS**, the City of Wimberley's City Council appointed a committee to review the City's regulations regarding short term rentals and said committee has met for numerous months regarding the City's short term rental regulations; and

**WHEREAS**, the committee presented its proposed amendments to the City's zoning regulations to the Planning and Zoning Commission; and

**WHEREAS**, the Planning and Zoning Commission debated proposed amendments and held a public hearing regarding the proposed amendments on the 11<sup>th</sup> day of April 2019 at which all persons were given an opportunity to appear and express their opinion concerning the proposed amendments; and

**WHEREAS**, the Planning and Zoning Commission provided a preliminary report regarding the proposed amendments and recommended approval to the City Council; and

**WHEREAS**, a public hearing was held by the City Council on the 18<sup>th</sup> day of April 2019, on such preliminary report and recommendation at which all persons were given an opportunity to appear and express their opinion concerning the proposed amendments; and

**WHEREAS**, the City Council of the City of Wimberley has determined it to be in the public interest to adopt to the proposed amendments which in its best judgment are intended to promote the orderly development, use, and ongoing management of short term rental properties in order to promote the public health and safety of the community and promote a positive transient lodging experience.

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

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

**Section 2.** The City of Wimberley Code of Ordinances Chapter 9, Article 9.03 is hereby amended as follows with a strike through being a deletion from the Code and an underline being an addition to the Code:

**General Amendments:**

Except where specifically provided otherwise in this Ordinance:

The phrases “Bed and Breakfast Lodging” and “Bed and Breakfast” shall be replaced throughout the code with the phrase “STR1”

The phrases “Vacation Rental Lodging” and “Vacation Rental” shall be replaced throughout the Code with the phrase “STR2”

**Amendment Section 9.03.005 Definitions**

~~Bed and breakfast lodging. A residential facility, otherwise permitted in a zoning district authorized by this code as a conditional use permit, that is offered for rental and the owner or the owner's designated non-renting representative occupies a facility located on the property at the time the residential facility is being rented. All residential facilities of this type located on or within the property or properties identified in the conditional use permit shall be considered as constituting a single bed and breakfast lodging. All bed and breakfast lodging shall comply with section 9.03.141 (bed and breakfast lodging requirements), and all applicable laws and regulations.~~

~~Vacation rental. A residential facility otherwise permitted in a zoning district authorized by the approval of a conditional use permit that is offered for rental for a period not to exceed thirty (30) days. The owner or the owner's designated representative shall not be required to occupy the facility at the time the facility is being rented. All residential facilities of this type located on or within the property or properties identified in the conditional use permit shall be considered as constituting a single vacation rental. All vacation rentals shall comply with section 9.03.142 (vacation rental lodging requirements), and all applicable laws and regulations.~~

Short Term Rental One (STR1), formerly known as a “Bed and Breakfast”, is an owner occupied, owner present property used for transient lodging for stays of 30 consecutive days or less.

Short Term Rental Two (STR2), formerly known as a “Vacation Rental”, is an owner non-occupied, owner not-resident property used for transient lodging for stays of 30 consecutive days or less.

STR, either and STR1 or an STR2

Transient lodging is defined as a property use which has paying guests, tenants, and/or renters of a STR property who stay 30 or less consecutive days in the subject property.

### **Amendment Division 3. District Regulations**

#### Section 9.03.070 Residential Use Prohibitions

Except as otherwise provided for in this Code rental of a residence or residential structure of 30 days or less is prohibited in RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2 and MH.

**Section 9.03.141 is hereby deleted in its entirety and replaced with the following:**

#### Section 9.03.141 Short Term Rentals

(a) Purpose. The requirements of these regulations are designed and intended to promote the orderly development, use, and ongoing management of STR1 and STR2 properties, collectively referred to within this Code as “STR”, to promote the public health and safety of the community and promote a positive transient lodging experience. In addition, because short term rentals are permitted in and near residential zoning districts these regulations are determined to be the minimum necessary to mitigate any possible negative impact of such uses on any residential areas.

(b) For an STR located in a residentially zoned area the residential look, feel, and character of STR properties shall be maintained and the STR owners are prohibited from negatively intruding upon the adjacent neighbors and community atmosphere.

(c) A conditional use permit (CUP), legislatively approved pursuant to Section 9.03.255 and this Section, shall be required for all transient lodging approved after the enactment of these regulations, shall be valid for a period of one year from approval and shall run with the land. The date of approval shall be specifically provided for in the enacting ordinance.

(d) The renewal of a previously legislatively approved CUP, whether the CUP was approved before or after the enactment of these regulations, may be approved administratively for additional one-year periods pursuant to subsection (i) of this Section. All ordinances legislatively approving a CUP shall include language authorizing administrative renewal upon compliance with subsection (k) of this Section.

[(e) All currently existing legal nonconforming transient lodging uses are hereby required to comply with the administrative approval process pursuant to subsection (i) of this Section by the deadline established in subsection (k) of this Section. Compliance

therewith shall result in the issuance of an administrative CUP which shall be valid for a period of one year from the date of issuance. Failure to comply with this subsection shall result in the revocation of any existing nonconforming rights to use a property as transient lodging.]

(f) Refund of application fees. An applicant for an initial STR CUP who withdraws his/her application prior to presentation at the Planning and Zoning commission is entitled to a refund of all but one half of the applicant's application fee. No fees shall be refunded if the CUP application is withdrawn after presentation to the Planning and Zoning commission.

(g) In addition to the CUP considerations provided for in Section 9.03.251(b) the Planning and Zoning Commission and the City Council shall consider the following in the approval of a STR:

(1) Owner requested versus permitted Planning and Zoning uses in the applicable zoning district;

(2) The impact of potential transient lodging activity on any surrounding residential properties;

(3) The area and the impact of STR lodging activities on the area;

(4) The incremental environmental impact of the STR;

(5) The proposed property occupancy relative to the size of the property;

(6) Setbacks, encroachments, and proximity to any abutting residential structures;

(7) Privacy fencing, landscaping, and natural noise barriers on the STR property that are appropriate for the protection of any abutting uses;

(8) Impact analysis and plan of occupant access to waterways and other environmentally sensitive areas;

(9) Vehicle access, on-site parking, and the number of parking spaces available relative to maximum acceptable occupancy; and

(10) Any other factors in the City's Comprehensive Plan deemed appropriate and consistent with the City's zoning authority.

(h) In addition to any conditions imposed as part of the approved CUP the following regulations shall be applicable to an STR lodging facilities and shall be incorporated into any legislatively approved CUP:

(1) The STR CUP shall terminate and be considered abandoned if and when there is evidence of no transient lodging rental activity, based in part on the state occupancy tax reports, for a period of nine (9) consecutive months. The burden is on the property owner to prove the property has been in continuous use.

(2) For STR1 property, the owner or the owner's designated representative shall occupy the property when the property is rented and in use as a transient lodging facility.

(3) Parking shall comply with the base zoning district except as provided in this subsection. On-street parking is prohibited in RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2 and MH zoning districts and parking in said zoning districts shall be subject to the following requirements:

(1) STR 1. Two (2) parking spaces are required. Required off-street parking shall be provided on the same site as the use it is to serve. Parking areas shall be clearly identified on the property and adequate maneuvering space shall be provided for vehicle ingress and egress. In Planning Areas I and II, all vehicle parking shall be on a suitable parking surface as determined by the City. In all other planning areas, all off-street parking shall be surfaced in accordance with the parking lot surfacing requirements in the city's regulations. No parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces.

(2) STR 2. One (1) parking space is required. Required off-street parking shall be provided on the same site as the use it is to serve. Parking areas shall be clearly identified on the property and adequate maneuvering space shall be provided for vehicle ingress and egress. In Planning Areas I and II, all vehicle parking shall be on a suitable parking surface approved by the city. In all other planning areas, all off-street parking shall be surfaced in accordance with the parking lot surfacing requirements in the city's regulations. No parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces.

(i) Administrative Renewal of CUP

(1) The City Administrator shall renew a CUP upon application, payment of any applicable fee and evidence of compliance with the following:

- a. For STR1 property, attestation that the owner or the owner's designated representative occupies the property when the property is rented and in use as a transient lodging facility.
- b. Attestation that any applicable parking requirements are satisfied.

- c. Attestation of compliance with all conditions provided for in any ordinance approving the original CUP.
  - d. Attestation of compliance with all applicable base zoning district regulations.
- (2) Should any CUP, whether approved legislatively or administratively, fail to be renewed pursuant to this subsection prior to thirty (30) days after its date of termination the CUP shall be considered revoked and the property owner shall be required to apply for a new CUP through the legislative process.
- (3) City Staff shall develop an application form, permit and timeline for processing administrative renewals of CUPs and existing legal nonconforming transient lodging.
- (j) The Council recognizes orderly and accurate recordkeeping of STR activity is essential to the successful enforcement of this ordinance and requires the following:
- (1) City Staff is directed to add a GIS layer through the City's electronic mapping software that identifies the locations of all approved CUP STR locations and unapproved CUP STR locations for which the City has information.
  - (2) City Staff is directed to create a database for recording all complaints received by the City that allege a violation of state and/or local law and/or violation of a CUP by the owner, operator, or renter of an STR within the City limits. Each entry in the complaint database should include, at a minimum, the following information:
    - (A) The location of the STR;
    - (B) The nature of the alleged violation;
    - (C) The date of the alleged violation;
    - (D) A notation indicating how the complaint was resolved.
  - (3) The GIS layer and the complaint database described by this section should be updated as necessary and shall be made available to members of the public as required by the Texas Public Information Act.
  - (4) Members of the public, including individuals who reside adjacent to or in the vicinity of an STR, are encouraged to promptly report complaints to the City.
- (k) All currently existing legal nonconforming transient lodging uses, and existing CUPs shall apply for the appropriate STR use designation through the

administrative renewal process as provided for under subsection (i) of this Section by June 30, 2020 and shall be required to annually renew their CUPs pursuant to these regulations.

**Section 9.03.142 is deleted in its entirety.**

**Section 3.** The penalty provision of the City Code of Ordinances Chapter 1, Section 1.01.009 shall be applicable to any violation of this Ordinance.

**Section 4.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

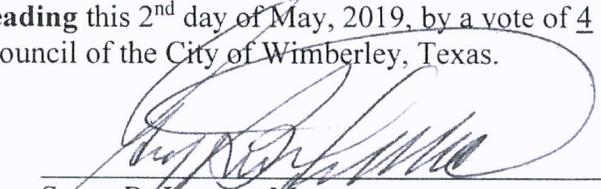
**Section 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided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

**Section 6.** This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.

**Section 7.** 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.

**PASSED AND APPROVED First Reading** this 18<sup>th</sup> day of April, 2019, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

**PASSED AND APPROVED Second Reading** this 2<sup>nd</sup> day of May, 2019, by a vote of 4 (Ayes) to 1 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

  
Susan B. Jagers, Mayor

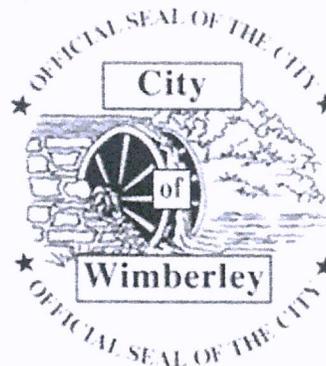
Gary Barchfeld, Mayor Pro Tem

ATTEST:

  
Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

  
City Attorney



**ORDINANCE NO. 2020-09**

**AN ORDINANCE AMENDING CHAPTER 9, PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE 9.03.141, ZONING, OF THE CITY OF WIMBERLEY CODE OF ORDINANCES RELATED TO SHORT-TERM RENTAL REQUIREMENTS; AND PROVIDING FINDINGS OF FACT; A PENALTY PROVISION; A REPEALING CLAUSE; A SAVINGS AND SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Wimberley's is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the Texas Local Government Code authorizes a municipality to adopt zoning regulations designed to accomplish the goals as delineated in Section 211.004 of the Texas Local Government Code and for the purpose of regulating those issues as delineated in Section 211.003 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission debated proposed amendments and held a public hearing regarding the proposed amendments on the \_\_\_ day of \_\_\_, 2020 at which all persons were given an opportunity to appear and express their opinion concerning the proposed amendments; and

**WHEREAS**, the Planning and Zoning Commission provided a preliminary report regarding the proposed amendments and recommended approval to the City Council; and

**WHEREAS**, a public hearing was held by the City Council on the \_\_\_<sup>th</sup> day of \_\_\_, 2020, on such preliminary report and recommendation at which all persons were given an opportunity to appear and express their opinion concerning the proposed amendments; and

**WHEREAS**, the City Council of the City of Wimberley has determined it to be in the public interest to adopt to the proposed amendments which in its best judgment are intended to promote the orderly development, use, and ongoing management of short term rental properties in order to promote the public health and safety of the community and promote a positive transient lodging experience.

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

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

**Section 2.** The City of Wimberley Code of Ordinances Chapter 9, Article 9.03.141 is hereby amended as follows with a strike through being a deletion from the Code and an underline being an addition to the Code:

- a. Purpose. The requirements of these regulations are designed and intended to promote the orderly development use, and ongoing management of STR1 and STR2 properties, collectively referred to within this code as “STR,” to promote the public health and safety of the community and promote a positive transient lodging experience. In addition, because short term rentals are permitted in and near residential zoning districts these regulations are determined to be the minimum necessary to mitigate any possible negative impact of such uses on any residential areas.
- b. For a STR located in a residentially zoned area the residential look, feel and character of STR properties shall be maintained and the STR owners are prohibited from negatively intruding upon the adjacent neighbors and community atmosphere.
- c. A conditional use permit (CUP), legislatively approved pursuant to section 9.03.255 and this section, shall be required for all transient lodging approved after the enactment of these regulations, ~~shall be valid for a period of one year from approval and shall run with the land. The date of approval shall be specifically provided for in the enacting ordinance.~~
- ~~d. The renewal of a previously legislatively approved CUP, whether the CUP was approved before or after the enactment of these regulations, may be approved administratively for additional one year periods pursuant to subsection (i) of this section. All ordinances legislatively approving a CUP shall include language authorizing administrative renewal upon compliance with subsection (k) of this section.~~
- ~~e. All currently existing legal nonconforming transient lodging uses are hereby required to comply with the administrative approval process pursuant to subsection (i) of this section by the deadline established in subsection (k) of this section. Compliance therewith shall result in the issuance of an administrative CUP which shall be valid for a period of one year from the date of issuance. Failure to comply with this subsection shall result in the revocation of any existing nonconforming rights to use a property as transient lodging.~~
- f. Refund of application fees. An applicant for an **initial** STR CUP who withdraws his/her application prior to presentation at the planning and zoning commission is entitled to a refund of all but one-half of the applicant's application fee. No fees shall be refunded if the CUP application is withdrawn after presentation to the planning and zoning commission.
- g. In addition to the CUP considerations provided for in section 9.03.251(b) the planning and zoning commission and the city council shall consider the following in the approval of a STR:
  - (1) Owner requested versus permitted planning and zoning uses in the applicable zoning district;
  - (2) The impact of potential transient lodging activity on any surrounding residential properties;
  - (3) The area and the impact of STR lodging activities on the area;

- (4) The incremental environmental impact of the STR;
  - (5) The proposed property occupancy relative to the size of the property;
  - (6) Setbacks, encroachments, and proximity to any abutting residential structures;
  - (7) Privacy fencing, landscaping, and natural noise barriers on the STR property that are appropriate for the protection of any abutting uses;
  - (8) Impact analysis and plan of occupant access to waterways and other environmentally sensitive areas;
  - (9) Vehicle access, on-site parking, and the number of parking spaces available relative to maximum acceptable occupancy; and
  - (10) Any other factors in the city's comprehensive plan deemed appropriate and consistent with the city's zoning authority.
- h. In addition to any conditions imposed as part of the approved CUP the following regulations shall be applicable to a STR lodging facilities and shall be incorporated into any legislatively approved CUP:
- (1) The STR CUP shall terminate and be considered abandoned if and when there is evidence of no transient lodging rental activity, based in part on the state occupancy tax reports, for a period of nine (9) consecutive months. The burden is on the property owner to prove the property has been in continuous use.
  - (2) For STR1 property, the owner or the owner's designated representative shall occupy the property when the property is rented and in use as a transient lodging facility.
  - (3) Parking shall comply with the base zoning district except as provided in this subsection. On-street parking is prohibited in RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2 and MH zoning districts and parking in said zoning districts shall be subject to the following requirements:
    - A. STR1. Two (2) parking spaces are required. Required off-street parking shall be provided on the same site as the use it is to serve. Parking areas shall be clearly identified on the property and adequate maneuvering space shall be provided for vehicle ingress and egress. In planning areas I and II, all vehicle parking shall be on a suitable parking surface as determined by the city. In all other planning areas, all off-street parking shall be surfaced in accordance with the parking lot surfacing requirements in the city's regulations. No parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces.

B. STR2. One (1) parking space is required. Required off-street parking shall be provided on the same site as the use it is to serve. Parking areas shall be clearly identified on the property and adequate maneuvering space shall be provided for vehicle ingress and egress. In planning areas I and II, all vehicle parking shall be on a suitable parking surface approved by the city. In all other planning areas, all off-street parking shall be surfaced in accordance with the parking lot surfacing requirements in the city's regulations. No parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces.

~~i. Administrative renewal of CUP.~~

~~(1) The city administrator shall renew a CUP upon application, payment of any applicable fee and evidence of compliance with the following:~~

~~A. For STR1 property, attestation that the owner or the owner's designated representative occupies the property when the property is rented and in use as a transient lodging facility.~~

~~B. Attestation that any applicable parking requirements are satisfied.~~

~~C. Attestation of compliance with all conditions provided for in any ordinance approving the original CUP.~~

~~D. Attestation of compliance with all applicable base zoning district regulations.~~

~~(2) Should any CUP, whether approved legislatively or administratively, fail to be renewed pursuant to this subsection prior to thirty (30) days after its date of termination the CUP shall be considered revoked and the property owner shall be required to apply for a new CUP through the legislative process.~~

~~(3) City staff shall develop an application form, permit and timeline for processing administrative renewals of CUPs and existing legal nonconforming transient lodging.~~

j. The council recognizes orderly and accurate recordkeeping of STR activity is essential to the successful enforcement of this section and requires the following:

(1) City staff is directed to add a GIS layer through the city's electronic mapping software that identifies the locations of all approved CUP STR locations and unapproved CUP STR locations for which the city has information.

(2) City staff is directed to create a database for recording all complaints received by the city that allege a violation of state and/or local law and/or violation of a CUP

by the owner, operator, or renter of a STR within the city limits. Each entry in the complaint database should include, at a minimum, the following information:

- A. The location of the STR;
- B. The nature of the alleged violation;
- C. The date of the alleged violation;
- D. A notation indicating how the complaint was resolved.

(3) The GIS layer and the complaint database described by this section should be updated as necessary and shall be made available to members of the public as required by the Texas Public Information Act.

(4) Members of the public, including individuals who reside adjacent to or in the vicinity of a STR, are encouraged to promptly report complaints to the city.

~~k. All currently existing legal nonconforming transient lodging uses, and existing CUPs shall apply for the appropriate STR use designation through the administrative renewal process as provided for under subsection (i) of this section by June 30, 2020 and shall be required to annually renew their CUPs pursuant to these regulations.~~

k. All currently existing transient lodging uses that do not have a CUP under this Chapter shall be subject to Sec. 9.03.252.

**Section 3.** The penalty provision of the City Code of Ordinances Chapter 1, Section 1.01.009 shall be applicable to any violation of this Ordinance.

**Section 4.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

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

**Section 6.** This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.

**Section 7.** 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.

**PASSED AND APPROVED First Reading** this \_\_ day of \_\_\_\_\_, 2020, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

**PASSED AND APPROVED Second Reading** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

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Susan B. Jagers, Mayor

ATTEST:

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Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

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City Attorney





**AGENDA ITEM:** Central Wimberley Wastewater Project Update  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** March 16, 2020  
**MEETING DATE:** March 19, 2020

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding the Central Wimberley Wastewater Project; including updates on easements, construction, contracts and coordination with various State entities.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

### ATTACHMENT(S)