

**REGULAR CITY  
COUNCIL MEETING  
PACKET**

**Thursday, March 21, 2019**

**5:30 p.m.**



B. Discussion and possible action resulting from Executive Session.

**8. CONSENT AGENDA**

A. Approval of minutes from the Special Joint City Council and Wastewater Ad Hoc Advisory Committee Meeting held February 28, 2019.

B. Approval of minutes from the Regular City Council Meeting held March 7, 2019.

C. Approval of January 2019 Financial Statements for the City of Wimberley.

**9. CITY ADMINISTRATOR REPORT**

Update regarding the status of the Central Wimberley Wastewater Project, sales tax and completed and on-going road projects *(City Administrator Shawn Cox)*

**10. PUBLIC HEARING AND POSSIBLE ACTION**

Hold a public hearing and consider approval of the first reading regarding an ordinance amending Chapter 9 (Planning & Development Regulations) Article 9.03 (Zoning), Division 3, (District Regulations) Section 9.03.098 (Planned Development District; WPDD) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(Place Two Council Member Craig Fore)*

**11. DISCUSSION AND POSSIBLE ACTION**

A. Discuss and consider possible action regarding the appointment of a consensus member to the Board of Adjustment. *(Place Four Council Member Gary Barchfeld)*

B. Discuss and consider possible action regarding a request to operate a food service trailer at 9595 RR 12 in Wimberley, Texas. *(Randy Engemoen/Rondooley's, Applicant)*

C. Discuss and consider possible action regarding an ordinance adding Article 4.12, Landscaping and Tree Preservation to Chapter 4, Building Regulations of the City of Wimberly Code of Ordinances. *(City Administrator Shawn Cox)*

D. Discuss and consider possible action approving the proposed route for the 2019 Wimberley Fourth of July Parade. *(City Administrator Shawn Cox)*

E. Discuss and consider possible action regarding continued legal expenditure related to the development of the short-term rental (STR) conditional use permit (CUP) ordinance. *(City Administrator Shawn Cox)*

F. Discuss and consider possible action regarding short-term rentals and conditional use permits. *(Place Four Council Member Gary Barchfeld)*

G. Discuss and reconsider possible action regarding case ZA-19-001, an application to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) for property located at 13301 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Mystic Hill, LLC, Sibyl Burrows, Applicant)*

- H. Discuss and consider possible action to approve the termination of the Financial Assistance Award Agreement with the Economic Development Administration (EDA) and accept reimbursement from the EDA in the amount of \$177,548.31. *(Place Four Council Member Gary Barchfeld)*
- I. Discuss and consider possible action to fund a barrier fencing for the Cypress Creek Nature Preserve. *(Mayor Susan Jagers)*

**12. CITY COUNCIL REPORTS**

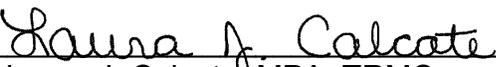
- A. Announcements
  
- B. Future agenda items

**13. ADJOURNMENT**

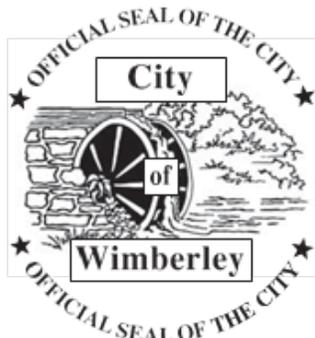
The City Council may retire into Executive Session at any time between the meeting’s opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas 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 18, 2019, by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

  
\_\_\_\_\_  
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.





**AGENDA ITEM:** Aqua Texas Contract  
**SUBMITTED BY:** Mayor Jagers  
**DATE SUBMITTED:** 14 March 2019  
**MEETING DATE:** 21 March 2019

# AGENDA FORM

## ITEM DESCRIPTION/SUMMARY

Review and possible action to accept the Aqua Texas Contract.

## 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:** Consent Agenda  
**SUBMITTED BY:** Laura Calcote, City Secretary  
**DATE SUBMITTED:** March 14, 2019  
**MEETING DATE:** March 21, 2019

# AGENDA FORM

## ITEM DESCRIPTION/SUMMARY

- A. Approval of minutes from the Special Joint City Council and Wastewater Ad Hoc Advisory Committee Meeting held February 28, 2019.
- B. Approval of minutes from the Regular City Council Meeting held March 7, 2019.
- C. Approval of January 2019 Financial Statements for the City of Wimberley.

## REQUESTED ACTION

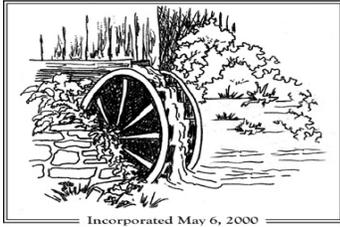
- Motion
- Discussion
- Ordinance
- Resolution
- Other

## FINANCIAL

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

## STAFF RECOMMENDATION

Approval of Items A-C



# City of Wimberley

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

**SPECIAL JOINT CITY COUNCIL AND  
WASTEWATER AD HOC ADVISORY COMMITTEE MEETING  
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS  
221 STILLWATER, WIMBERLEY, TEXAS 78676  
THURSDAY FEBRUARY 28, 2019 – 6:00 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Pro Tem Gary Barchfeld called the meeting to order at 6:05 p.m.

### **CITY COUNCIL CALL OF ROLL**

Council Members Present: Mike McCullough Place One  
Craig Fore Place Two  
Gary Barchfeld Place Four  
Erik Wollam Place Five

Council Members Absent: Susan Jagers Mayor  
Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator  
Laura Calcote City Secretary

### **WASTEWATER AD HOC ADVISORY COMMITTEE ROLL CALL**

Committee Members Present: Maridel Martinez  
Chris Oddo

Committee Members Absent: Deborah Koeck  
John Urban  
Kirby Atwell

### **WORKSHOP**

City Council members and two members from the Wastewater Ad Hoc Advisory Committee discussed aspects of the Central Wimberley Wastewater Project, including user rates, billing and budgeting.

No action was taken.

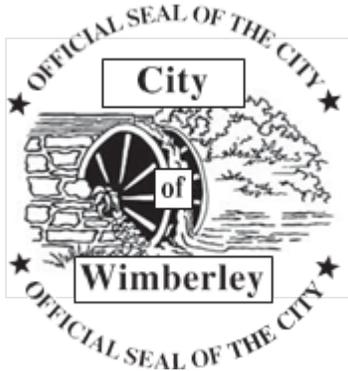
**ADJOURNMENT**

Motion to adjourn the meeting at 8:00 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).

**RECORDED BY:**

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Laura J. Calcote, City Secretary

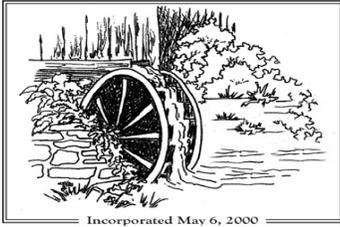


**APPROVED BY:**

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Susan Jagers, Mayor

DRAFT



# City of Wimberley

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

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**THURSDAY, MARCH 7, 2019 – 5:30 P.M.**

## **MINUTES**

### **CALL TO ORDER**

Mayor Pro Tem Gary Barchfeld called the meeting to order at 5:30 p.m.

### **CALL OF ROLL**

Council Members Present: Mike McCullough Place One  
Craig Fore Place Two  
Gary Barchfeld Place Four  
Erik Wollam Place Five

Council Members Absent: Susan Jagers Mayor  
Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator  
Laura Calcote City Secretary  
Richard Shaver Parks Program and Operations Manager

### **INVOCATION**

Mayor Pro Tem Gary Barchfeld gave the invocation.

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

Mayor Pro Tem Gary Barchfeld led the pledges to the United States and Texas Flags.

### **CITIZENS COMMUNICATIONS**

There were 10 citizen's comments. They were as follows:

1. Bo Bowman spoke regarding his father's employment with Shell for four decades, and how the oil industry provided for the family. However, he noted pipelines in the Hill Country are not beneficial and can raise environmental and economic concerns. He urged Council to vote to oppose the pipeline route through the area.
2. Larry Becker addressed Council regarding the economic and environmental impacts of the pipeline. He noted Kinder Morgan was doing the bare minimum when it came to environmental assessments for property owners, and negotiations with the company were not an open forum. Mr. Becker urged Council to pass a resolution opposing the pipeline.
3. Kathy Marcus spoke regarding the pipeline route being in the pathway of her home. She presented information from the Pipeline and Hazardous Materials Safety Administration pertaining to issues surrounding Kinder Morgan, including hazardous wastewater being released. Ms.

Marcus stated the City needed to protect its natural resources and keep the pipeline from going under the Blanco River.

4. David Banal addressed Council pertaining to pipeline compression concerns, and health issues previously caused by pipeline emissions. Furthermore, Mr. Banal stated pipeline leaks can cause explosions and affect air quality.

5. Jimmy Alan Hall spoke regarding pipeline leakage and urged Council to pass a resolution opposing the route of the potential pipeline. Additionally, Mr. Hall stated the messages being received from state agencies pertaining to the change in scope for the Central Wimberley Wastewater Project indicated the Texas Water Development Board would not approve the change, and an ad valorem tax would be inevitable moving forward unless the original plan was implemented once more.

6. Steve Klepfer addressed Council regarding their past ten months in office, and the outrageous spending of the City and the poor management of the Central Wimberley Wastewater Project. Mr. Klepfer noted the change in scope for the Project would require an ad valorem tax, and implored Council members to stop spending funds with little to no results.

7. Bob Dussler stated he strongly opposed a change in scope and utilizing Aqua Texas for the Central Wimberley Wastewater Project. Mr. Dussler contended the Project was a financial disaster, and the low interest rate received by the Texas Water Development Board for Project funding would be removed with a change in scope to Aqua Texas.

8. Janice Mullenax read aloud parts of her email to City Council regarding the Central Wimberley Wastewater Project, and the Council's inability to heed the concerns of the Wimberley Valley. She urged Council to pause forward actions on the change in scope for the Project and to take a step back. Ms. Mullenax called for a transparent public forum.

9. Louis Parks addressed Council regarding the February 25<sup>th</sup> Texas Water Development Board meeting, and the Executive Administrator's recommendation for no action to be taken on the change in scope for the Central Wimberley Wastewater Project. Mr. Parks also highlighted the Board's environmental concerns and noted there is to be no further construction until a change in scope is approved.

10. Heather Carter spoke regarding the Texas Water Development Board's recommendation to take no action on the change in scope for the Central Wimberley Wastewater Project, and that the hiring of bond counsel was premature and irresponsible. She stated City Council is personally responsible for overreaching and for financial burdens placed on the City.

***(Motion to move Item No. 11.D. – Resolution No. 04-2019 to be included in Item No. 6 – Presentation and Possible Action on the Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).***

#### **PRESENTATION AND POSSIBLE ACTION**

Presentation and consider possible action to approve Resolution No. 02-2019, opposing the routing of the proposed Permian Highway Pipeline through the Wimberley Valley and requesting immediate action from the State Legislature. *(Wimberley Valley Watershed Association Executive Director David Baker and Place Three Council Member Allison Davis)*

Discuss and consider possible action to approve Resolution No. 04-2019, opposing the routing of the proposed Permian Highway Pipeline through Hays County and request for legislative/administrative changes. *(Place Two Council Member Craig Fore and Place Four Council Member Gary Barchfeld)*

Wimberley Valley Watershed Association Executive Director David Baker and Wimberley Valley Watershed Association Managing Director Ashley Waymouth presented information pertaining to the proposed Permian Highway Pipeline through the Wimberley Valley and surrounding areas. This item had been presented and tabled at the February 21<sup>st</sup> City Council Meeting.

There was discussion among Council members regarding the pipeline, and the two proposed Resolutions in opposition to the routing, including the differences in the two documents. Council Member Gary Barchfeld noted the City and surrounding governmental entities should negotiate with Kinder Morgan to find a solution to the routing issue. Council Member Craig Fore read aloud Resolution No. 04-2019, which eliminated accusatory statements against Kinder Morgan.

**Motion to approve Resolution No. 04-2019, opposing the routing of the proposed Permian Highway Pipeline through Hays County and request for legislative/administrative changes was made by Council Member Craig Fore. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).**

### **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 6:31 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

Section 551.071 (Consultation with Attorney) to receive legal advice regarding review of a potential Aqua Texas contract.

### **OPEN SESSION**

Regular Session reconvened at 7:04 p.m.  
No action was taken from Executive Session.

***(Motion to move Item No. 11.A. – BHRP Soccer Field Agreement to Item No. 9 on the Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).***

Discuss and consider possible action regarding an updated agreement for usage of Blue Hole Regional Park soccer fields. *(Parks Director Rebecca Manning)*

Parks Program and Operation Manager Richard Shaver addressed Council regarding the updated agreement for usage of the Blue Hole Regional Park soccer fields. The agreement included specific rules and regulations to better maintain and regulate field usage.

**Motion to approve an updated agreement for usage of Blue Hole Regional Park soccer fields was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).**

### **CONSENT AGENDA**

**Motion to approve the Consent Agenda was made by Council Member Craig Fore. Motion was seconded by Council Member Erik Wollam. Motion carried unanimously (4-0).**

A. Approval of minutes from the Regular City Council Meeting held February 7, 2019.

B. Approval of minutes from the Regular City Council Meeting held February 21, 2019.

C. Approval of December 2018 Financial Statements for the City of Wimberley.

## **CITY ADMINISTRATOR REPORT**

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including an Economic Development Administration (EDA) reimbursement that would be brought before Council at their next meeting. Furthermore, Mr. Cox noted the Texas Water Development Board's (TWDB) request for additional information from the January 8<sup>th</sup> Public Hearing on the change in scope for the Project. The information would be provided to the TWDB by the end of the week.

Mr. Cox also discussed the bollards being installed on Hidden Valley Road and the issues surrounding the Hidden Valley Low Water Crossing. The fish weir at the Crossing was not built as planned. There was discussion among Council members on how to remedy the situation. The topic would be brought back to Council at a later date. Lastly, Mr. Cox advised on short-term rentals within the City. The Host Compliance contract had been signed, and the company was in the discovery phase of the project.

## **DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action regarding the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2018. (*Armstrong, Vaughan & Associates, P.C.*)

The Fiscal Year 2018 Audit had been presented at the February 21<sup>st</sup> City Council Meeting by Brian Magness of Armstrong, Vaughan and Associates, P.C.

**Motion to approve the City of Wimberley Annual Financial and Compliance Report for the Fiscal Year ending September 30, 2018 was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).**

- B. Discuss and consider possible action to approve Resolution No. 03-2019, supporting inclusion into the Texas Countywide Polling Place Program. (*City Secretary Laura Calcote*)

City Secretary Laura Calcote presented Resolution No. 03-2019, supporting Hays County's application for inclusion in the Texas Countywide Polling Place Program, which would allow voters to cast their ballots at any polling location on Election Day. The Resolution would be included in the County's application to the Secretary of State.

**Motion to approve Resolution No. 03-2019, supporting inclusion into the Texas Countywide Polling Place Program was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**

- C. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure regarding the length of presentations at City Council meetings and protocol for thanking outgoing citizen volunteers. (*Place Four Council Member Gary Barchfeld*)

Council Member Gary Barchfeld presented two proposed changes to the City's Governance Policy and Rules of Procedure. There was discussion among Council members regarding the length of presentations.

**Motion to amend the City of Wimberley Governance Policy and Rules of Procedure regarding the length of presentations at City Council meetings and protocol for thanking outgoing citizen volunteers was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**

- D. Discuss and consider possible action regarding agenda language for citizen's comments at all public meetings. *(Place Four Council Member Gary Barchfeld)*  
Council Member Gary Barchfeld noted agenda language pertaining to citizen's comments for all boards, committees and committees should be uniform.  
**Motion to amend citizen's communication language on board, commission or committee agendas to be the same as City Council's agenda language was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**
- E. Discuss and consider possible action to plan a joint workshop with City Council and the Short-Term Rental Review Committee to discuss all aspects of the Committee's work. *(Place Four Council Member Gary Barchfeld)*  
**Motion to direct the City Administrator to schedule a workshop with the Short-Term Rental Review Committee and the City Council as soon as possible, excluding next week, but before the next City Council meeting, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).**
- F. Discuss and consider possible action to approve the engagement letter of Norton Rose Fulbright US LLP as bond counsel for the City of Wimberley. *(Place Four Council Member Gary Barchfeld)*  
**Motion to approve the engagement letter of Norton Rose Fulbright US LLP as bond counsel for the City of Wimberley was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).**
- G. Discuss and consider possible action regarding the Central Wimberley Wastewater Project and the Texas Water Development Board. *(Place Four Council Member Gary Barchfeld)*  
This item was not discussed, and no action was taken.
- H. Discuss and consider possible action regarding the appointment of a consensus member to the Board of Adjustment. *(Place Four Council Member Gary Barchfeld)*  
There was discussion for City Council members to submit names for a consensus member to the Board of Adjustment at the next City Council meeting for consideration and approval.  
No action was taken on this item.

### **CITY COUNCIL REPORTS**

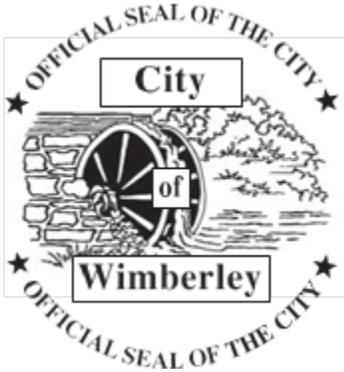
- A. Announcements – Council Member Erik Wollam noted his grandfather Robert Raney had recently passed away, and that Mr. Raney had once been given a “Key to the City.” He thanked the City for the honor on behalf of his grandfather and stated he would return the key.
- B. Future agenda items – None.

### **ADJOURNMENT**

**Motion to adjourn the meeting at 7:49 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (4-0).**

**RECORDED BY:**

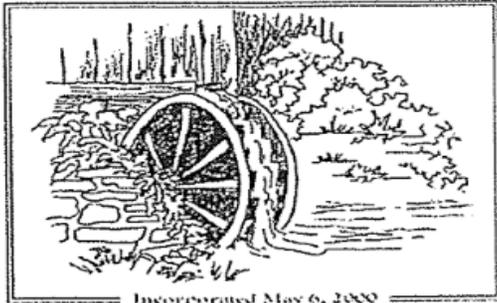
**Laura J. Calcote, City Secretary**



**APPROVED BY:**

**Susan Jagers, Mayor**

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# **CITY OF WIMBERLEY**

## **Summary Financial Statements**

### **Four Months Ended January, 31, 2019**

**City of Wimberley**  
**Balance Sheets**  
January 31, 2019

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,237,345	429,628	14,220,016	35,344	2,716,722	5,313	18,764	5,025
Receivables and other	169,454	-	-	618	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	197,769	470,365	-	-	-
Net investment in fixed assets	-	-	-	754,460	-	-	-	-
<b>Total Assets</b>	<b>\$ 1,406,799</b>	<b>429,628</b>	<b>14,220,016</b>	<b>988,191</b>	<b>3,187,088</b>	<b>5,313</b>	<b>18,764</b>	<b>5,025</b>
Payables	\$ 45,384	4,259	-	32,227	193	608	-	-
Debt (old)	-	-	-	342,148	-	-	-	-
Debt - TWDB (new)	-	-	-	-	5,255,000	-	-	-
Total Liabilities	<u>45,384</u>	<u>4,259</u>	<u>-</u>	<u>374,375</u>	<u>5,255,193</u>	<u>608</u>	<u>-</u>	<u>-</u>
Fund Balance	<u>1,361,416</u>	<u>425,369</u>	<u>142,200</u>	<u>613,816</u>	<u>(2,068,105)</u>	<u>4,705</u>	<u>18,764</u>	<u>5,025</u>
<b>Total Liabilities and Fund Balance</b>	<b>\$ 1,406,799</b>	<b>429,628</b>	<b>142,200</b>	<b>988,191</b>	<b>3,187,088</b>	<b>5,313</b>	<b>18,764</b>	<b>5,025</b>

**Note:**

Wastewater Funds considered "proprietary funds", and thus includes investment in fixed assets, while other funds do not.

**City of Wimberley**  
**Revenues and Expenditures - General Fund**

Four Months Ended January, 31, 2019

	1/31/2019	YTD	2019 Budget	YTD % Budget 33%
<b>Revenues</b>				
Sales taxes	\$ 65,713	319,924	860,000	37%
Mixed beverage tax	\$ -	3,583	9,500	38%
Franchise tax	\$ 30,241	41,568	278,250	15%
Permit fees	\$ 14,056	26,381	55,750	47%
Grant funds	\$ -	-	-	-
Service fees	\$ 2,875	15,895	50,700	31%
Community Center rental fees	\$ 5,947	18,895	55,000	34%
Other income	\$ 1,266	8,360	4,000	209%
<b>Total Revenues</b>	<b>\$ 120,098</b>	<b>434,607</b>	<b>1,313,200</b>	<b>33%</b>
<b>Expenditures</b>				
Administration	95,764	256,310	806,047	32%
Administration - Legal	11,200	50,762	200,000	25%
Council/Board	1,350	8,000	65,575	12%
Building	4,475	14,213	39,000	36%
Public Safety	20,697	34,645	105,254	33%
Municipal Court	1,681	6,396	-	-
Public Works	10,801	44,472	161,131	28%
Roads	3,380	60,662	253,500	24%
Waste/Wastewater	4,947	12,264	34,000	36%
Community Center	8,558	36,488	136,819	27%
Nature Trail	94	6,664	10,300	65%
<b>Total Expenditures</b>	<b>162,948</b>	<b>530,877</b>	<b>1,811,626</b>	<b>29%</b>
<b>Excess Revenues Over Expenditures</b>	<b>(42,849)</b>	<b>(96,270)</b>	<b>(498,426)</b>	
	<b>\$ (42,849)</b>	<b>(96,270)</b>	<b>(498,426)</b>	

**City of Wimberley**  
**Revenues and Expenditures - Blue Hole**

Four Months Ended January, 31, 2019

	1/31/2019	YTD	2019 Budget	YTD % Budget 33%
<b><u>Revenues</u></b>				
Gate fees	\$ -	(30)	341,680	0%
Other fees	695	5,080	51,500	10%
Miscellaneous	133	1,960	4,650	42%
<b>Total Revenues</b>	<b>828</b>	<b>7,010</b>	<b>397,830</b>	<b>2%</b>
<b><u>Expenditures</u></b>				
Wages and benefits	18,482	66,768	276,127	24%
Contract services	164	7,273	18,200	40%
Other	3,897	15,745	83,303	19%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	-	20,000	0%
Operating Transfer Out	50,000	50,000	200,000	25%
<b>Total Expenditures</b>	<b>72,543</b>	<b>139,786</b>	<b>597,630</b>	<b>23%</b>
<b>Excess Revenues Over Expenditures</b>	<b>\$ (71,716)</b>	<b>(132,776)</b>	<b>(199,800)</b>	
Transfer in from General Fund	-	-	101,572	
<b>Net Change in Fund Balance</b>	<b>\$ (71,716)</b>	<b>(132,776)</b>	<b>(98,228)</b>	

# City of Wimberley

## Revenues and Expenditures - Hotel Occupancy Tax

Four Months Ended January, 31, 2019

	1/31/2019	YTD	2019 Budget	YTD % Budget 33%
<b>Revenues</b>				
Hotel Occupancy Tax	\$ -	-	-	-
Interest income	6	24	-	-
Miscellaneous	-	-	-	-
<b>Total Revenues</b>	<b>6</b>	<b>24</b>	<b>-</b>	<b>-</b>
<b>Expenditures</b>				
Wages & Bennifits	-	-	-	-
Other	-	-	-	-
Contract Services	-	2,054	-	-
HOT Disbursements	-	-	-	-
General Operating Supplies	-	-	-	-
Capital Outlay	-	-	-	-
<b>Total Expenditures</b>	<b>-</b>	<b>2,054</b>	<b>-</b>	<b>-</b>
<b>Excess Revenues Over Expenditures</b>	<b>\$ 6</b>	<b>(2,030)</b>	<b>-</b>	
Transfer in from General Fund	-	-	-	
<b>Net Change in Fund Balance</b>	<b>\$ 6</b>	<b>(2,030)</b>	<b>-</b>	

# City of Wimberley

## Revenues and Expenditures - Wastewater Utility Fund

Four Months Ended January, 31, 2019

	1/31/2019	YTD	2019 Budget	YTD % Budget 33%
<b>Revenues</b>				
Charges for utility services	\$ 9,898	40,210	117,286	34%
Reclaimed water revenues	-	-	-	
Interest	7	36	-	-
<b>Total Revenues</b>	<b>9,905</b>	<b>40,246</b>	<b>117,286</b>	<b>34%</b>
<b>Expenditures</b>				
Contract Services	1,631	108,360	268,020	40%
Utilities	795	2,617	7,500	35%
Project Manager	14,205	45,590	90,000	51%
Other Expenses	-	292	675	43%
Capital Outlay (debt repayment)	-	41,100	31,250	132%
Wastewater Debt Service - Principal	-	-	216,734	0%
Wastewater Debt Service - Interest	45,153	45,153	89,606	50%
<b>Total Expenditures</b>	<b>61,784</b>	<b>243,112</b>	<b>703,785</b>	<b>35%</b>
<b>Excess Revenues Over Expenditures</b>	<b>(51,878)</b>	<b>(202,867)</b>	<b>(586,499)</b>	
Transfer In	115,800	147,050	501,131	29%
<b>Net Change in Fund Balance</b>	<b>\$ 63,922</b>	<b>(55,817)</b>	<b>(85,368)</b>	

# City of Wimberley

## Revenues and Expenditures - Wastewater Collection and Treatment Plant

Four Months Ended January, 31, 2019

	1/31/2019	YTD	2019 Budget	YTD % Budget 33%
<b>Revenues</b>				
Interest revenues	\$ 101	531	-	-
Investment income	4,574	18,233	-	-
WW Bond Reserve Funds	-	-	-	-
<b>Total Revenues</b>	<b>4,675</b>	<b>18,765</b>	<b>-</b>	<b>-</b>
<b>Expenditures</b>				
Records management	-	-	-	-
Capital outlay	200,000	653,596	-	-
Other expenses	-	-	-	-
<b>Total Expenditures</b>	<b>200,000</b>	<b>653,596</b>	<b>-</b>	<b>-</b>
<b>Excess Revenues Over Expenditures</b>	<b>(195,325)</b>	<b>(634,831)</b>	<b>-</b>	<b>-</b>
Transfer in from General Fund	-	-	-	-
<b>Net Change in Fund Balance</b>	<b>\$ (195,325)</b>	<b>(634,831)</b>	<b>-</b>	<b>-</b>

**City of Wimberley**  
**Revenues and Expenditures - Nonmajor Funds**

Four Months Ended January, 31, 2019

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	1/31/2019	YTD	2019 Budget	1/31/2019	YTD	2019 Budget	1/31/2019	YTD	2019 Budget
<b>Total Revenues</b>	\$ 13	1,284	-	\$ 2	9	18	\$ 0	1	2
<b>Total Expenditures</b>	-	-	-	-	-	-	-	-	-
<b>Excess Revenues Over Expenditures</b>	\$ 13	1,284	-	\$ 2	9	18	\$ 0	1	2
Fund Transfers	-	-	-	-	-	-	-	-	-
<b>Net Change in Fund Balance</b>	\$ 13	1,284	-	\$ 2	9	18	\$ 0	1	2



**AGENDA ITEM:** City Administrator’s Report  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** March 18, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

**ITEM DESCRIPTION/SUMMARY**

The City Administrator will provide an update to Council on the progress of the Central Wimberley Wastewater Project, including construction progress, expenditures to date, and other updates related to the project. Additionally, updates will be provided on completed and on-going road projects and sales tax revenues.

**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**



**AGENDA ITEM:** WPDD ~ Code Amendment  
**SUBMITTED BY:** Sandy I. Floyd  
**DATE SUBMITTED:** 03/15/19  
**MEETING DATE:** 03/21/19

# AGENDA FORM

## ITEM DESCRIPTION/SUMMARY

First reading regarding an ordinance amending the process for a WPDD amendment. The code amendment would require all proposed WPDD amendments to go through the public hearing process vs the potential of City staff approval.

The Planning & Zoning Commission recommend approval of this ordinance amendment at their meeting March 14<sup>th</sup> 6-0-0.

## 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

**Ordinance No. 2019-XX**

**“WPDD AMENDMENT PROCESS”**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.03 (ZONING), DIVISION 3 (DISTRICT REGULATIONS), SECTIONS 9.03098 (PLANNED DEVELOPMENT DISTRICT; WPDD) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO REVISE THE APPROVAL PROCESS OF WPDD AMENDMENTS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

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

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

**WHEREAS**, the Planning and Zoning Commission and City Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses, with a view toward conserving property values and encouraging the most appropriate use of land in the City; and

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

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

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

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

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

**SECTION I. FINDINGS OF FACT**

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

**SECTION II. AMENDMENT**

A. The City of Wimberley Code of Ordinances, Chapter 9 (Planning & Development Regulations), Article 9.03 (Zoning), Division 3 (District Regulations), Section 9.03.098 (Planned Development District; WPDD), Subsection H (Procedure for amendments to an approved WPDD) is hereby amended as follows:

“(H) Procedure for amendments to an approved WPDD.

~~(1) — Minor amendments of an approved WPDD are subject to review and approval by the city administrator. Minor amendments include such matters as slight modifications to internal circulation plans and the reorientation of lots and building locations.~~

~~(2) — Major amendments~~ Amendments of an approved WPDD are treated as a re-opening of the application and approval process as set forth in section 9.03.255. ~~Major amendments include such matters as modifications and changes in proposed land uses, alteration in the allocation of approved land uses between or among tracts, realignment of roadways or entryways by more than 10 feet, or any modification to approved architectural, landscaping/buffering, signage, or lighting plans.~~

~~(3) — In the event of a dispute with respect to whether an amendment is minor or major, the decision of the planning and zoning commission shall be final.”~~

**SECTION III. SAVINGS**

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

**SECTION IV. SEVERABILITY**

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of

this Article in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

### SECTION V. REPEALER

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

### SECTION VI. EFFECTIVE DATE

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

### SECTION VII. PROPER NOTICE AND MEETING

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

**PASSED AND APPROVED First Reading** this 21<sup>st</sup> day of March, 2019, 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 4<sup>th</sup> day of April, 2019, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

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Susan Jagers, Mayor

ATTEST:

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Laura Calcote,  
City Secretary

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City Attorney

# The Wimberley View

## NOTICE OF 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 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.03 (ZONING), DIVISION 3, (DISTRICT REGULATIONS) SECTION 9.03.098 (PLANNED DEVELOPMENT DISTRICT;WPDD) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, 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 Council meeting on Thursday, March 21, 2019, and a second reading on Thursday, April 4, 2019 at 5:30 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail (P.O. Box 2027) or email ([sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.



**Did you know?**  
You can now view the  
Legals and Public  
Notices Online at  
[wimberleyview@gmail.com](mailto:wimberleyview@gmail.com)

Contact the Planning Department at [planning@cityofdrippingsprings.com](mailto:planning@cityofdrippingsprings.com)

## NOTICE OF APPLICATION TO SUBDIVIDE

An application has been filed with HAYS COUNTY to subdivide 3.977 acres of property located along Martin Road, Dripping Springs, TX 78620. Information regarding the application may be obtained from Hays County Development Services (512) 393-2150. Tracking number: SUB-1146.



### General Help Wanted

**PART TIME**  
housekeeper  
Mountain View  
Lodge Wimberley;  
average \$20.00 per  
hour. Must work  
weekends. Contact  
254-855-6470

### CAREGIVER

Part-time opportunity  
for person who  
enjoys  
helping others.  
Disabled Henly/Drip-  
ping Springs woman  
seeks experienced  
caregiver for two to  
three hours mornings  
or late afternoons.  
Generous hourly rate.  
Personal care, light  
housework, chores,  
shopping, errands.  
Call (512) 858-4769.

### General Help Wanted

**THE CITY OF WIMBERLEY**  
is now hiring for the  
following part-time &  
seasonal positions at  
Blue Hole Regional  
Park: Park Supervi-  
sor, Nature Camp  
Supervisor, Park At-  
tendant, and Camp  
Counselors. Starting  
wage for supervisors  
is \$10.25 per hour.  
Starting wage for  
attendants and coun-  
selors is \$8.25 per  
hour. For more infor-  
mation, visit [www.cityofwimberley.com](http://www.cityofwimberley.com)  
or call the Park Office  
at 512-660-9111.  
Applications can be  
picked up at City Hall  
at 221 Stillwater,  
Wimberley, TX  
78676 or down-  
loaded from the City  
website. Email  
Rebecca Manning at  
[rmanning@cityofwimberley.com](mailto:rmanning@cityofwimberley.com)  
to  
speak with the hiring  
contact.

& Cows, Grey Brahma Heifers, F-1 Tiger Stripe Heifers, Black Brangus Heifers, and more. 361-293-4949, 361-293-8116.

**Premier Equine Auctions Spring Fling Horse Sale** April 5th & 6th, Lufkin, Texas. Consignment deadline is March 1st. [PremierEquineAuctions.com](http://PremierEquineAuctions.com) Mike Pedersen & Steve Friskup owners. Phone 337-494-1333.

## CAREER TRAINING

**Airline Mechanic Training** – Get FAA certification. Approved for military benefits. Financial Aid if qualified. Job placement assistance. Call Aviation Institute of Maintenance 800-475-4102.

## CHARITY

**Donate a boat or car today to Boat Angel.** 2-Night Free Vacation. Sponsored by Boat Angel Outreach Centers to stop crimes against children. 800-700-BOAT, [www.boatangel.com](http://www.boatangel.com).

## LEGAL ASSISTANCE

**TYPE-2 DIABETICS** – Gangrene of the genitals has been associated with the use of SGLT2 Inhibitors, like Invokana, Farxiga, Jardiance. Call Pulaski 800-800-9815 – you may be entitled to compensation!

**Roundup®**, a common weed and grass killer, may be linked to the development of Non-Hodgkin's Lymphoma in farm workers and employees in garden centers, nurseries, and landscapers. Call 800-460-0606 for professional insight or visit [www.RespectForYou.com/NHL](http://www.RespectForYou.com/NHL).

**Texas Press Statewide**  
**283 Participating Texas Newspapers**  
**Start At \$250 • Email**

NOTICE: While most advertisers are reputable, we do urge readers to use caution and when in doubt, contact the Federal Trade Commission at 877-FTC-HELP. The F



**AGENDA ITEM:** Board of Adjustment Expired Term  
**SUBMITTED BY:** Gary Barchfeld  
**DATE SUBMITTED:** February 28, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Discuss and Consider Board of Adjustment Expired Term of Consensus Member to the Board as per notification by staff member Sandra Floyd.

This item was discussed at the March 7<sup>th</sup> City Council Meeting. It was requested Council members bring their nominations to the March 21<sup>st</sup> Meeting for discussion and possible appointment.

### 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



**AGENDA ITEM:** Temporary Structure – Food Trailer  
**SUBMITTED BY:** Sandy I. Floyd  
**DATE SUBMITTED:** 03/14/19  
**MEETING DATE:** 03/21/19

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Randy Engemoen & Rhonda Matthews have requested installation of their food trailer at 9595 RR 12.

This is the Collie’s property at the junction and the City has received permission from the property owner’s to allow this food trailer on -premise. Requested installation date is March 22nd.

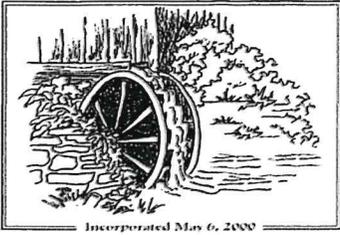
### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

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

### STAFF RECOMMENDATION



# City of Wimberley

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

## Temporary Structure Application Form

Permit No.: 1-19-003  
Date: 3-13-19  
Staff Review: SLF  
Council Hearing: 3-21-19

Applicant: Randy Engemoen

Mailing Address: 200 Arrowlake Rd City: Wimberley State: TX Zip: 78676

Phone: 512-810-5051 Email: rondookey@gmail.com

Property Owner: Collie Investments LTD

Mailing Address: 9595 RR12 Ste.13 City: Wimberley State: TX Zip: 78676

Phone: 512-667-4616 Email: \_\_\_\_\_

Subject Property Address: 9595 RR-12 Wimberley, TX

Purpose/Use of Structure: Food Trailer - Rondookey's

Request Installation Date: 3-22-2019 Request Removal Date: N/A

Will the temporary structure be served by electricity? YES  NO

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

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

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

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

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

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

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

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

Applicant: R Engemoen Date: 3-13-19



**AGENDA ITEM:** Tree Ordinance  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** March 18, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

At the November 15, 2018 Council Meeting, Council directed staff to draft a tree ordinance and have it ready for review in March 2019. Attached is the draft ordinance for review. The ordinance will add Article 4.12-Landscaping and Tree Preservation to Chapter 4-Building Regulations.

The City Administrator is requesting input from the City Council on any recommended changes to the draft ordinance. The next step will be to apply any recommended changes and have the City Attorney review the ordinance. After review, the ordinance will be brought back to Council for consideration.

### 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

The City Administrator is requesting input on recommended changes to the draft ordinance.

**ATTACHMENT(S)**

- Draft ordinance

## ARTICLE 4.12 LANDSCAPING AND TREE PRESERVATION

### Division 1. Generally

#### Sec. 4.12 Title

This article shall be commonly cited as the landscape ordinance.

#### Sec. xxx Purpose

(a) Generally. The purpose of this article is to provide for the preservation of native trees, prevent the clear-cutting of land, and provide for minimum landscaping and screening requirements, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community, while addressing the water conservation and drainage issues particular to the Hill Country region. The purpose of this article is also to enhance the community's ecological, environmental, and aesthetic qualities.

(b) Health, welfare, and general well-being. Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the city. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.

(c) Water conservation and drainage. The city experiences frequent droughts and is characterized by thin-soiled rock formations; therefore, it is the purpose of this article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

#### Sec. xxx Scope

This article applies to all commercial property within the incorporated municipal boundaries (i.e., city limits) for which site plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.

#### Sec. xxx Definitions

(a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

City administrator. The chief administrative officer of the city. The term shall also include the deputy city administrator.

City council. The governing body of the city.

City of Austin Environmental Criteria Manual. The document promulgated by the City of Austin, which is commonly used throughout the region and is widely regarded as the standard in the development community, as may be amended.

City of Austin Grow Green Guide. The document promulgated in part by the City of Austin, entitled "Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas," as may be amended.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on

the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

DBH (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Designated tree. Any of the following:

- (1) A hardwood tree having a trunk of eight (8) inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter); or
- (3) A cluster of hardwood trees within a ten-foot radius circle having a total trunk DBH of forty (40) inches or more (not counting trunks less than eight (8) inches in diameter).

Escrow. A deposit of a cash bond with the city in accordance with this article.

Extreme drought classification. A D3 classification of drought intensity provided by the National Drought Mitigation Center, with D1 being the least intense and D4 being the most intense. D3 classification, extreme drought areas, result in major crop/pasture losses and widespread water shortages or restrictions. The National Drought Mitigation Center must be consulted to determine the classification for the region.

Impervious cover. Roads, parking areas, buildings, swimming pools, rooftop landscapes, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Landscape architect. One whose profession is the decorative and functional alteration and planting of grounds, especially at or around a building site.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Owner. A person with legal control over property in question.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

TCEQ. The state commission on environmental quality, or its successor agency.

### **Sec. xxx Applicability**

This article applies to all new commercial development requiring site plan approval subject to zoning requirements. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this article.

### **Sec. xxx Landscaping fund**

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way.

### **Sec. xxx Damaging or removing trees**

No person shall damage or remove trees in violation of this article.

### **Sec. xxx Violations**

It shall be unlawful for any person to violate this article.

### **Sec. xxx Enforcement; penalties**

- (a) Compliance. Violators of this article will be required to come into compliance within sixty (60) days,

unless a variance has been approved by the city. Compliance with this article may be grounds for withholding of other related pending permits for the project by the city.

(b) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(c) Criminal penalty. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00) to be deposited in the landscaping fund. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(d) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

(1) Injunctive relief. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(2) Civil penalty. A civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article, and other available relief; and

(3) Stop work order. In the event work is not being performed in accordance with this article, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

## Division 2. Standards

### Sec. xxx Street trees

(a) Nonresidential street tree requirements. At least one (1) required tree, shall be planted adjacent to or near the street right-of-way for each twenty-five (25) feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.

(b) Trees planted shall be a minimum four (4) inch DBH, staked, and wrapped. Small trees/large shrubs trees shall be a minimum two (2) inch DBH, staked, and wrapped.

(c) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the city administrator, or designee. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.

### Sec. xxx Landscape buffers

(a) Landscape buffer planting requirements.

(1) All plant material shall be of native or adapted species.

(2) All new proposed shade trees shall be a minimum of 4 inches in diameter.

(3) All proposed ornamental trees shall be a minimum of 2 inches in diameter.

(4) All large shrubs shall be a minimum of 5-gallon container size and small shrubs/groundcovers a minimum of 1-gallon container size.

(b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:

(1) Shade trees (such as Live Oak or Cedar Elm). One per 50' of buffer frontage.

(2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25' of buffer frontage.

(3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per 6' of buffer frontage.

(4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per 3' of buffer frontage.

(c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

	<b>At Arterial Roadways</b>	<b>At Collector Roadways</b>
O1-O2	Twenty-five feet (25')	Twenty-five feet (25')
C1-C3	Twenty-five feet (25')	Twenty-five feet (25')
HC	Fifty feet (50')	Fifty feet (50')
I1-I2	Fifty feet (50')	Fifty feet (50')
AS/S	Twenty-five feet (25')	Twenty-five feet (25')
L1-L2	Twenty-five feet (25')	Twenty-five feet (25')
IP	Fifty feet (50')	Fifty feet (50')
PPU	Fifty feet (50')	Fifty feet (50')
PR1-PR2	Twenty-five feet (25')	Twenty-five feet (25')
PF	Fifty feet (50')	Fifty feet (50')
NS	Twenty-five feet (25')	Twenty-five feet (25')
WPDD	Varies	Varies
RR-1	Twenty-five feet (25')	Twenty-five feet (25')
VI	Twenty-five feet (25')	Twenty-five feet (25')
SC	Twenty-five feet (25')	Twenty-five feet (25')
MF1-MF2	Twenty-five feet (25')	Twenty-five feet (25')

(d) Landscape buffer vegetation. The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this article. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer.

**Sec. xxx Landscape material**

All trees, plants, and vegetation shall comply with the City of Austin “Grow Green” recommended plant guide. Invasive plants in this guide are specifically prohibited.

**Sec. xxx Landscape plan and tree survey submittal**

A landscape plan and tree survey shall be submitted to the city with the proposed site plan. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state.

### **Sec. xxx Parking area landscaping**

- (a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.
- (b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be ninety (90) square feet for each twelve (12) parking spaces.
- (c) One tree is required for every six (6) parking spaces. Tree preservation is encouraged, thus one (1) existing tree that is at four (4) inches DBH shall count for two (2) new trees.
- (d) No parking space shall be located further than fifty (50) feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.
- (e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.
- (f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.
- (g) Paving over the critical root zone is discouraged and must be approved by the city administrator, or designee. All approved paving shall be porous pavement to allow water and air exchange.

### **Sec. xxx Screening of dumpsters and building service equipment**

- (a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two (2) varieties of plant material from the "grow green" plant guide, that, at maturity, are at least the height of the equipment to be screened.
- (b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.
- (c) The opening for removal of the dumpster for collection shall be a minimum of twelve (12) feet to allow proper service access. An additional ten (10) feet in width is required for every additional dumpster.
- (d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.
- (e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator, or designee.

### **Sec. xxx Maintenance requirements**

The owner shall be responsible for (unless otherwise specified herein):

- (1) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;
- (2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
- (3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;
- (4) Replacing planted trees if they die or become diseased beyond repair within five (5) years after planting; and
- (5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties.

### **Sec. xxx Integrated pest management**

Air integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the

fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

#### **Sec. xxx Tree preservation**

- (a) A grading and tree survey shall be submitted with the site plan.
- (b) The tree survey shall include all existing, live, healthy trees with an eight-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one (1) foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).
- (c) Healthy designated class I and II trees (as defined by the City of Austin Environmental Criteria Manual) that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation.
- (d) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.
- (e) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.
- (f) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10) feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chainlink or wood fencing not less than four (4) feet high at the drip line of the tree. Stakes shall be no more than six (6) feet apart and at least one and one-half (1-1/2) deep into the ground. Rigid fencing shall be at least three (3) feet in height.
- (g) The city administrator or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.
- (h) Tree protection shall remain in place until final landscaping installation as approved by the city administrator or designee.
- (i) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

#### **Sec. xxx Irrigation requirements**

- (a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.
- (b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched to reduce evaporation and preserve water.

#### **Sec. xxx Drought conditions**

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city administrator or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section xxx of this code has been

reviewed and accepted by the city administrator or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.

(b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.

(c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.

(d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.

(e) Whenever necessary to enforce any provision of this article or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

(f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.



**AGENDA ITEM:** Fourth of July Parade Route  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** March 18, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The Wimberley Valley Chamber of Commerce is hosting the Wimberley Independence Day Parade on Thursday, July 4, 2019. The theme for the parade is “Stars and Stripes”.

For consideration is the approval of the parade route. The route is the same as previous years.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

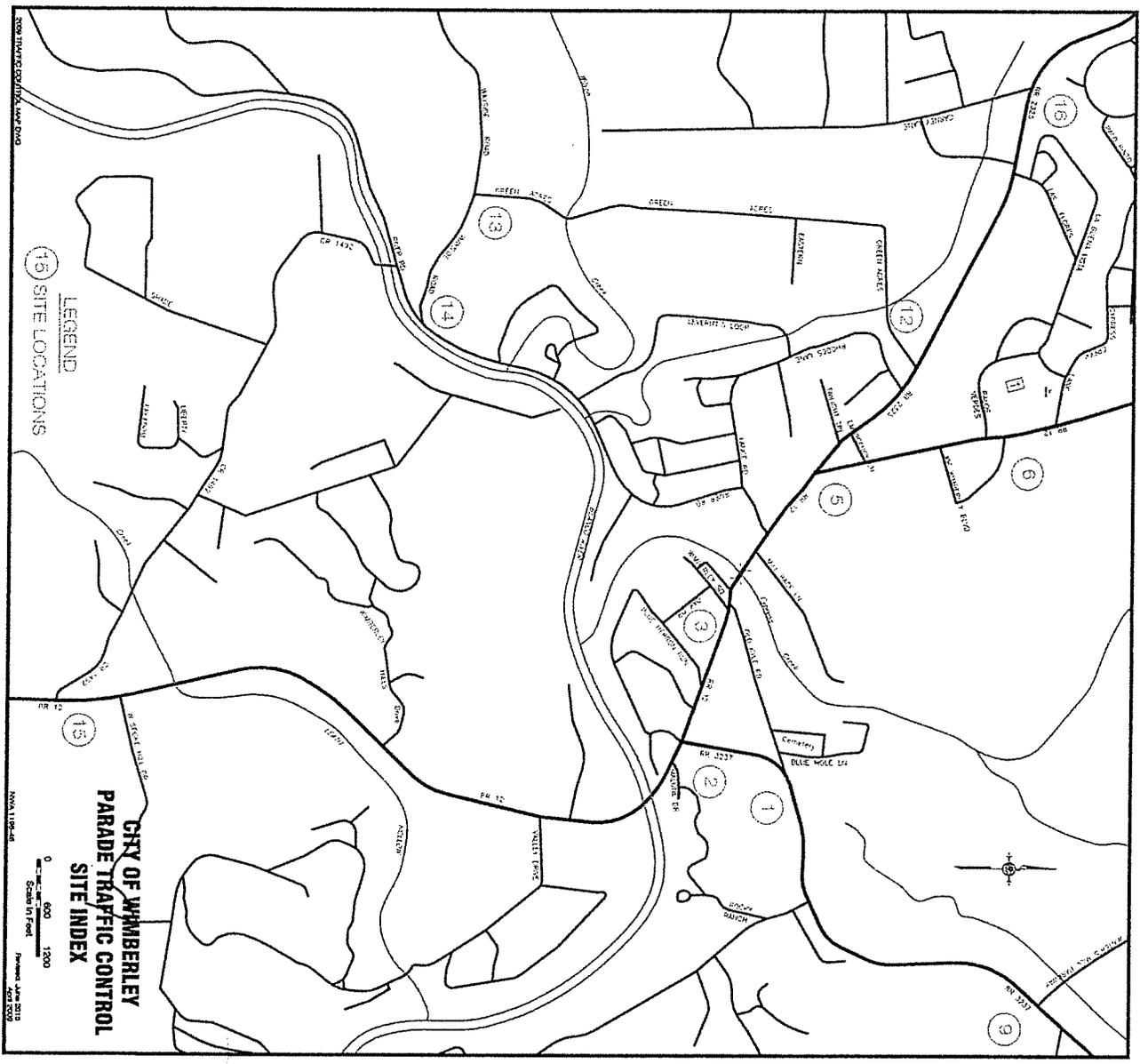
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|-------------------|-------------------------------------|---------------------------|----|
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| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable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

### STAFF RECOMMENDATION

The City Administrator recommends approval of this item.

### ATTACHMENT(S)

- Parade Traffic Control Plan

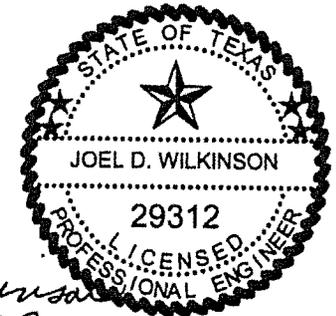
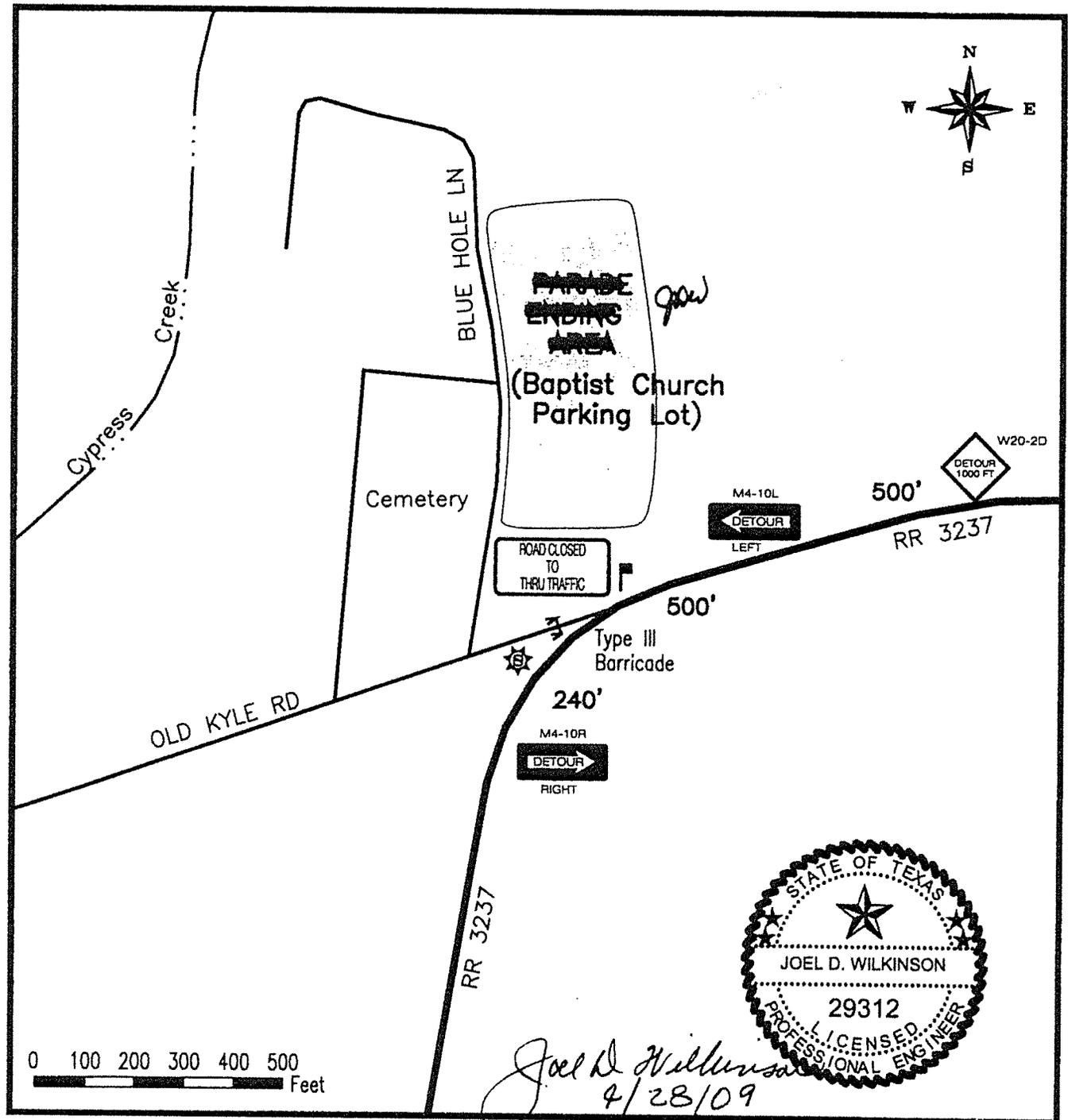


# Wimberley Parade

## SITE 1

**Legend**  
**Wimberley Parade Signs**

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



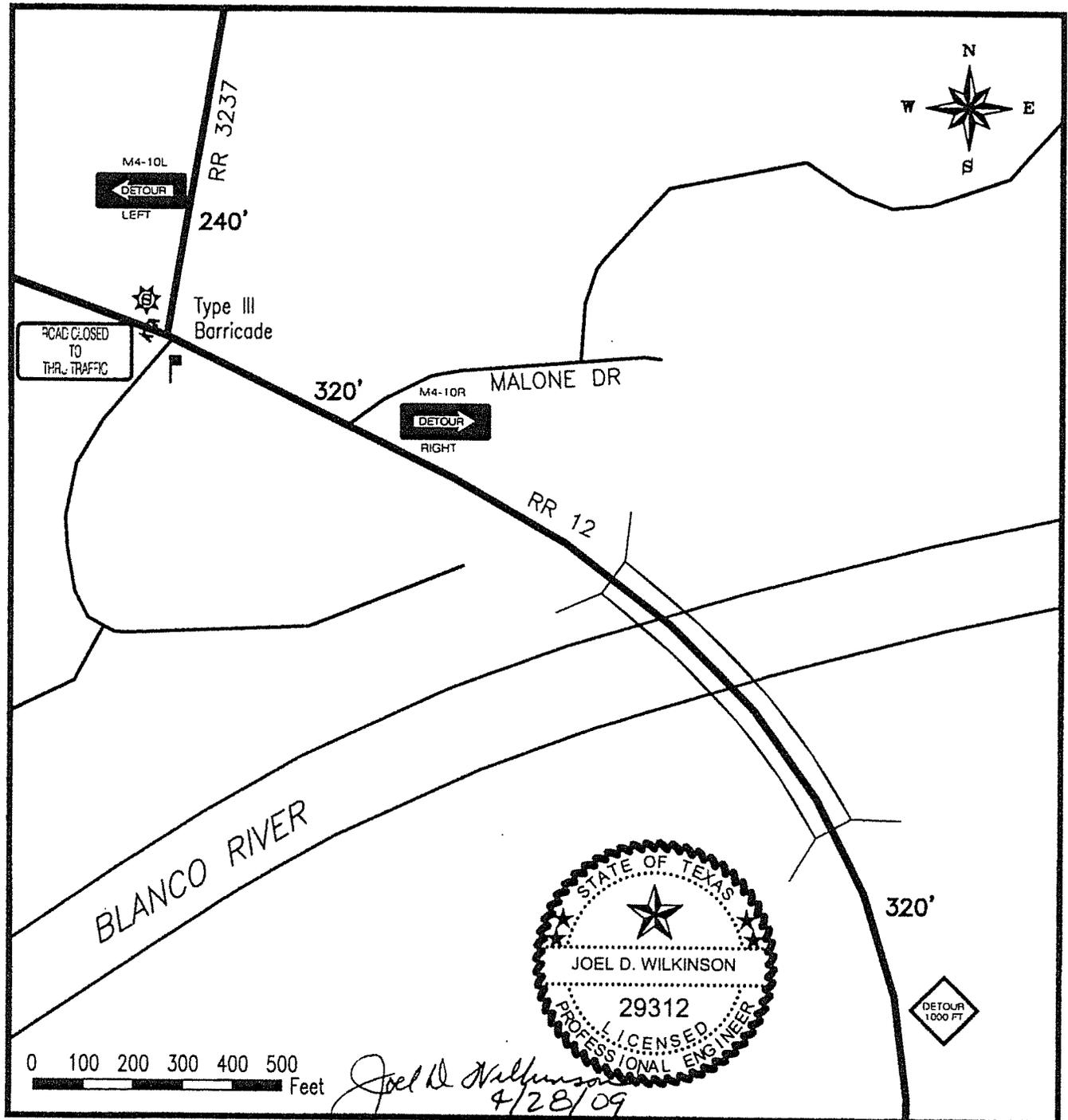
*Joel D. Wilkinson*  
4/28/09  
6/11/2015 *Joel*

# Wimberley Parade

## SITE 2

**Legend**  
**Wimberley Parade Signs**

Code	
	Fire Dept.
	Flagger
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	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

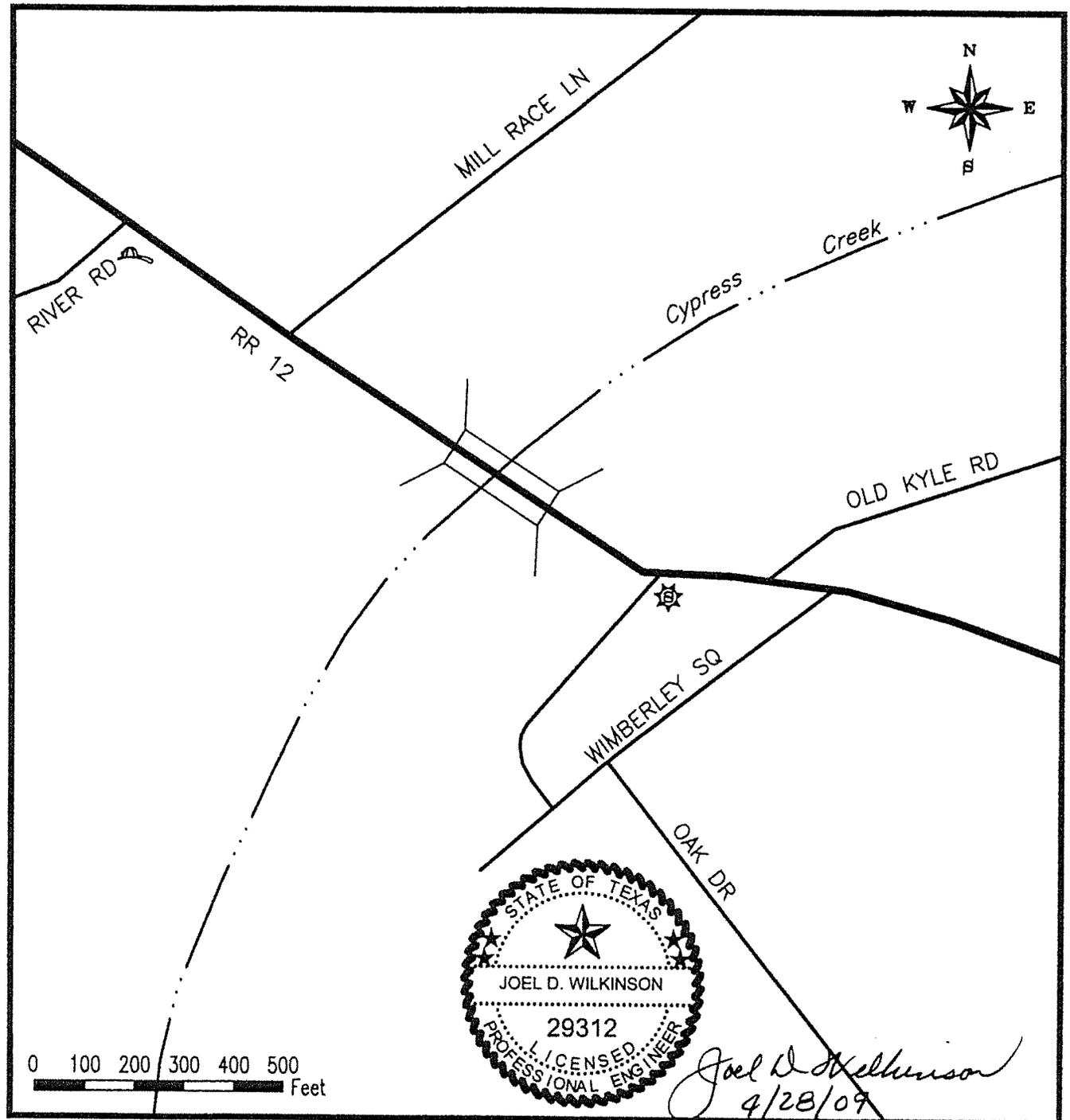


# Wimberley Parade

## SITE 3

**Legend**  
**Wimberley Parade Signs**

	Fire Dept.
	Flagger
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	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



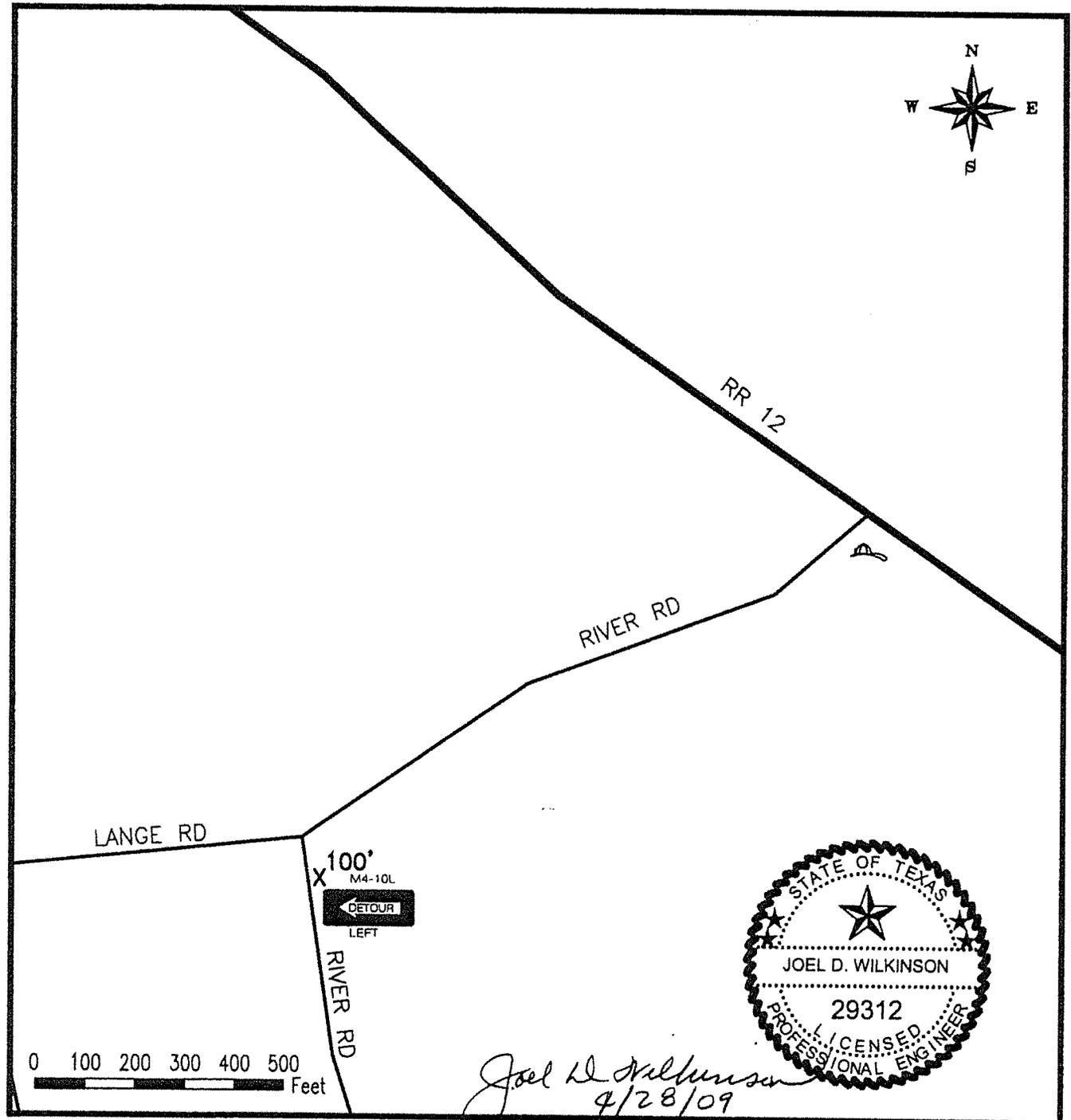
# Wimberley Parade

## SITE 4

**Legend**  
**Wimberley Parade Signs**

**Code**

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



*Joel D. Wilkinson*  
4/28/09  
6/11/2015 JDW

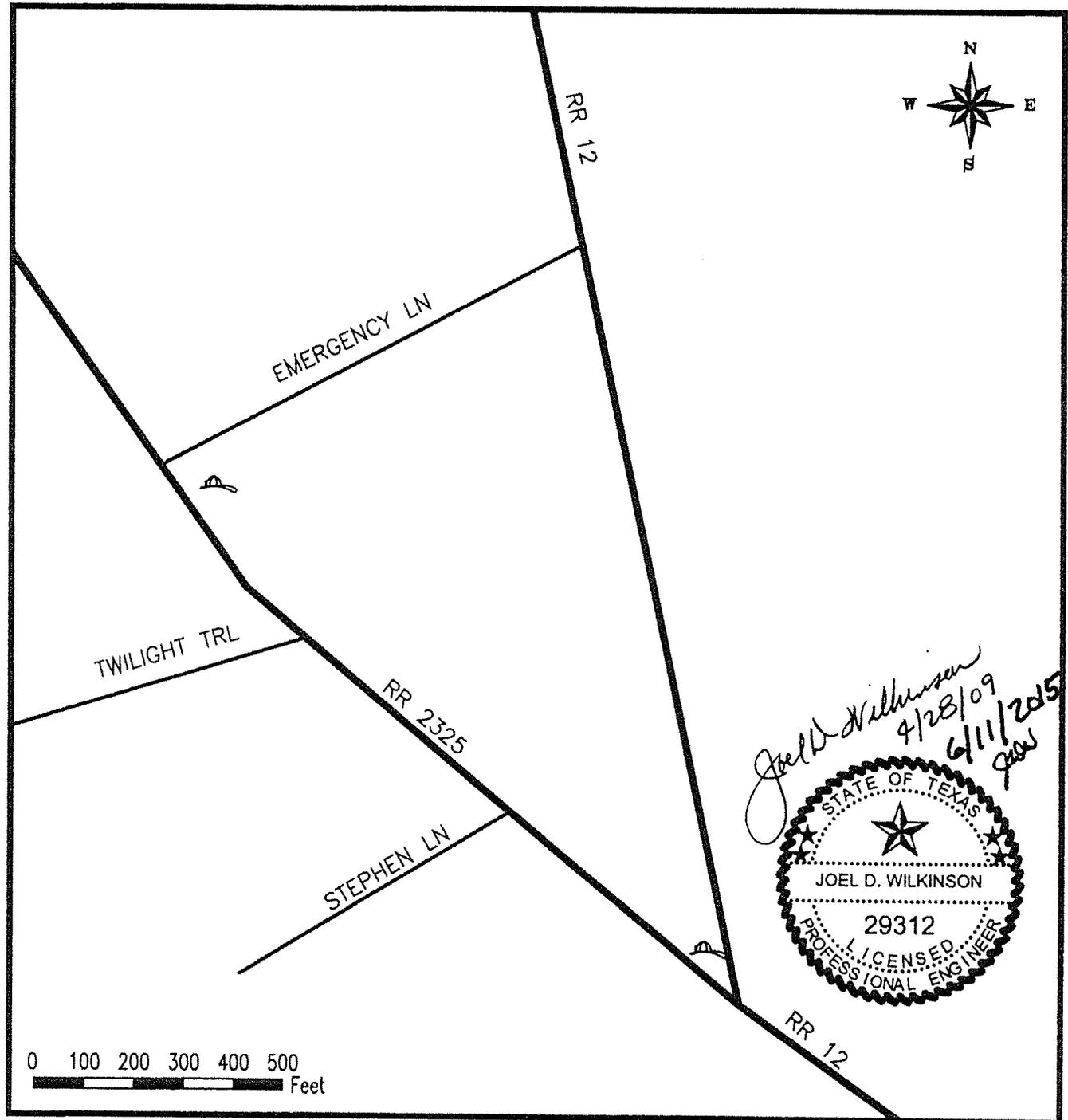
# Wimberley Parade

## SITE 5

**Legend**  
**Wimberley Parade Signs**

**Code**

-  Fire Dept.
-  Flagger
-  M4-10L Left
-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



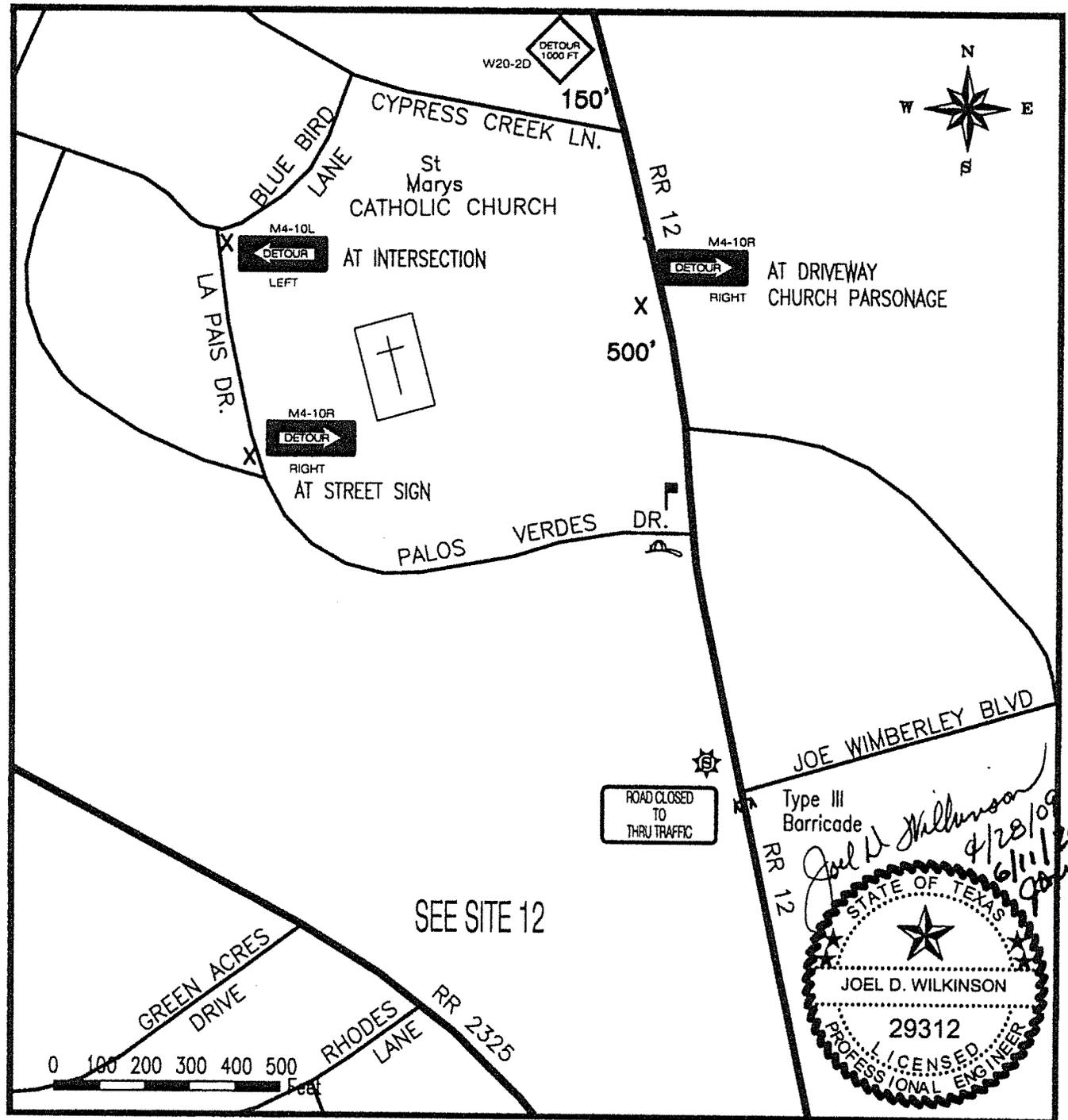
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## SITE 6

**Legend**  
**Wimberley Parade Signs**

**Code**

-  Fire Dept.
-  Flagger
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-  M4-10R Right
-  ROAD CLOSED TO THRU TRAFFIC R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



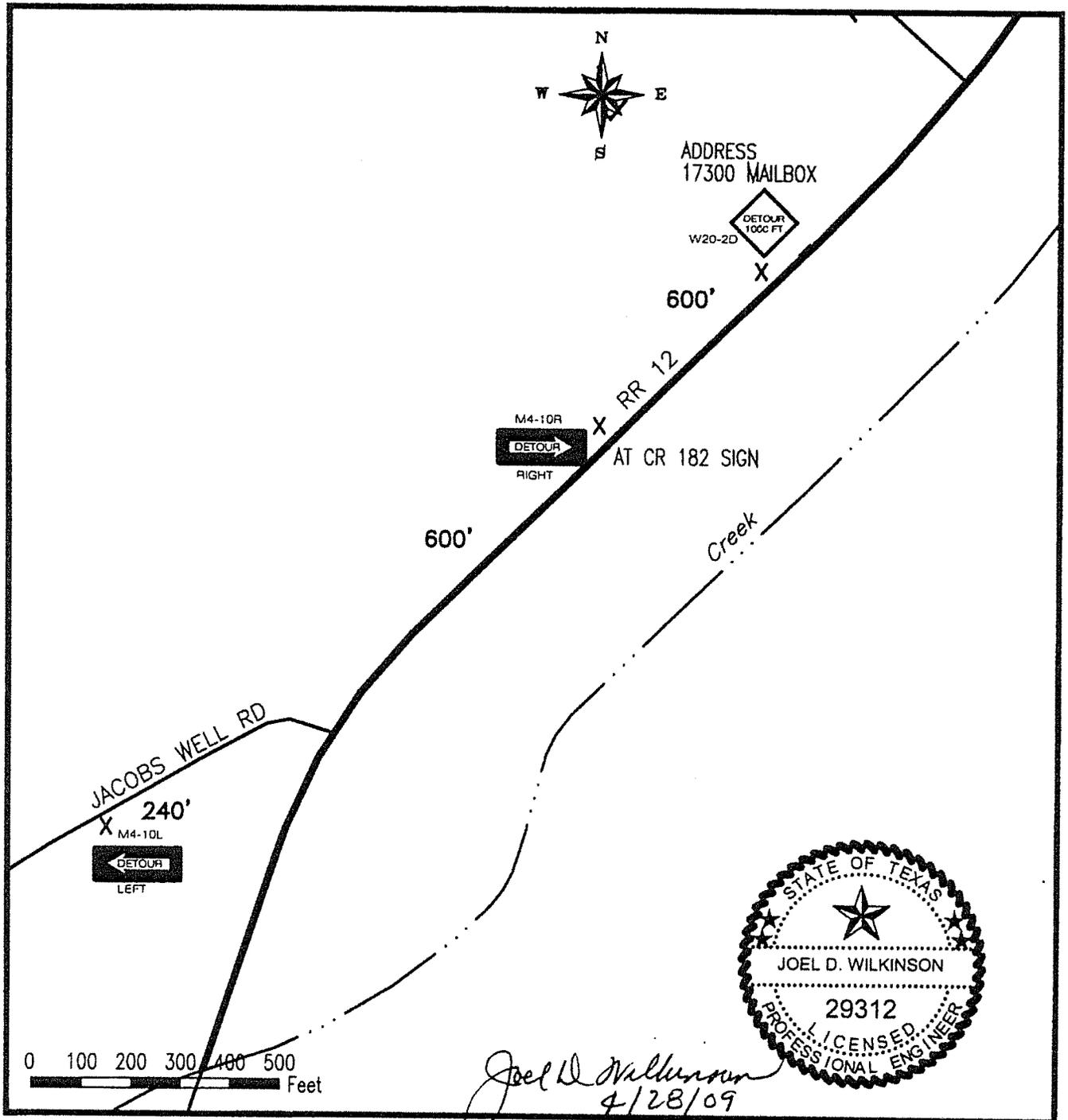
*Joel D. Wilkinson* 4/28/09  
6/11/2015  
STATE OF TEXAS  
JOEL D. WILKINSON  
29312  
PROFESSIONAL ENGINEER

# Wimberley Parade

## SITE 7

**Legend**  
**Wimberley Parade Signs**

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



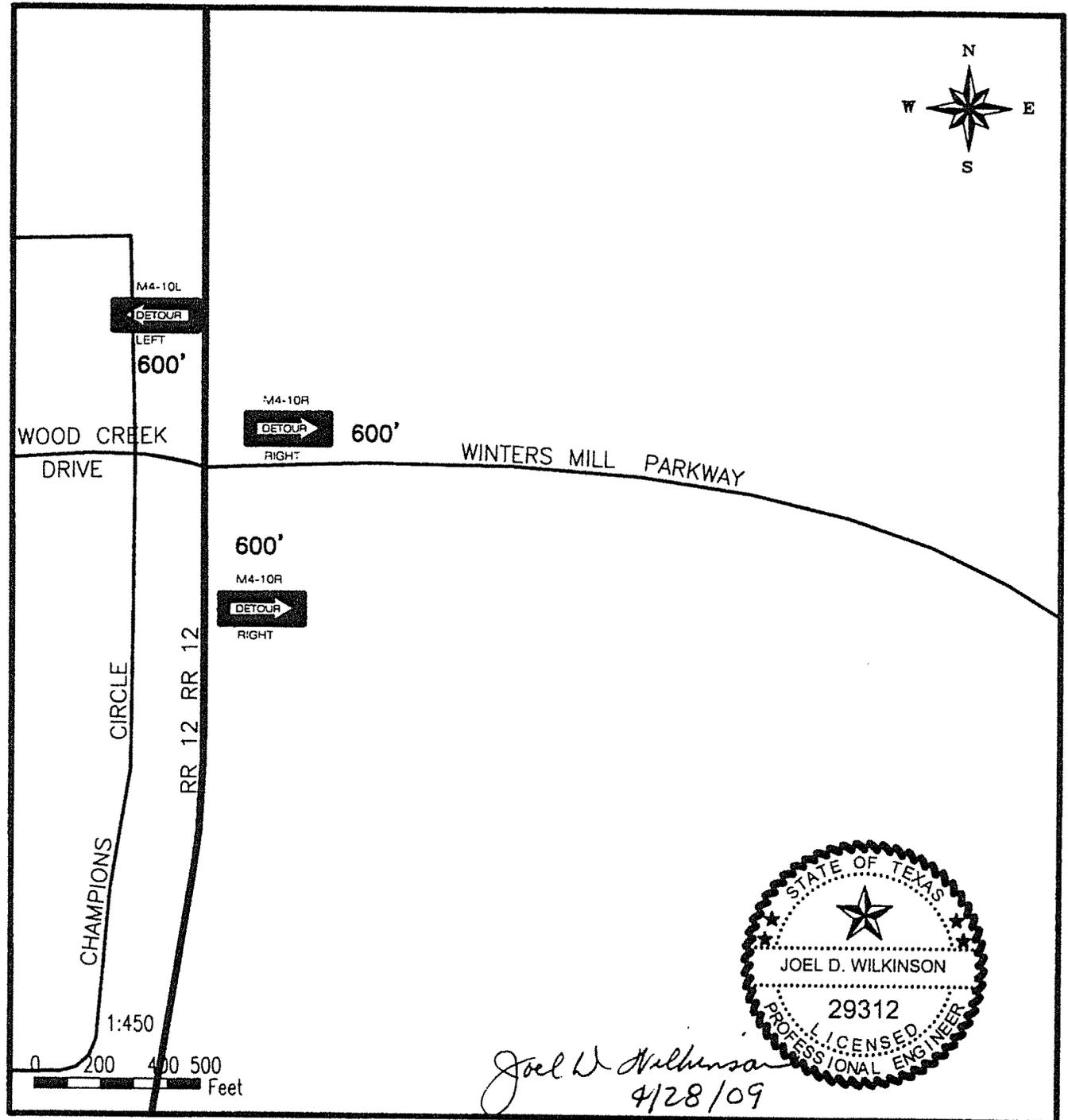
# Wimberley Parade

## SITE 8

**Legend**  
**Wimberley Parade Signs**

**Code**

-  Fire Dept.
-  Flagger
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-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



*Joel D. Wilkinson*  
4/28/09  
6/11/2015 *JDW*

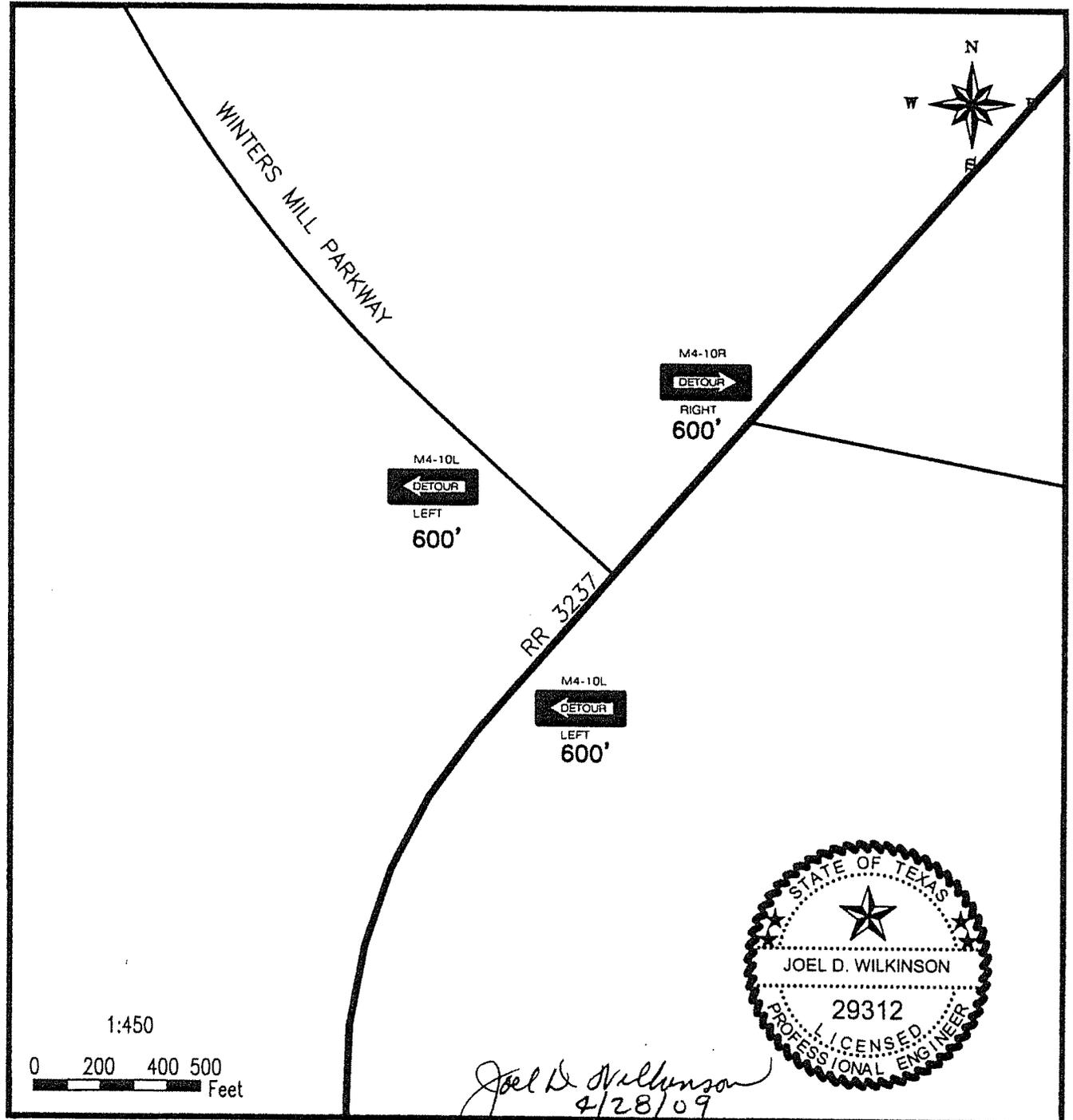
# Wimberley Parade

## SITE 9

**Legend**  
**Wimberley Parade Signs**

**Code**

-  Fire Dept.
-  Flagger
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-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road



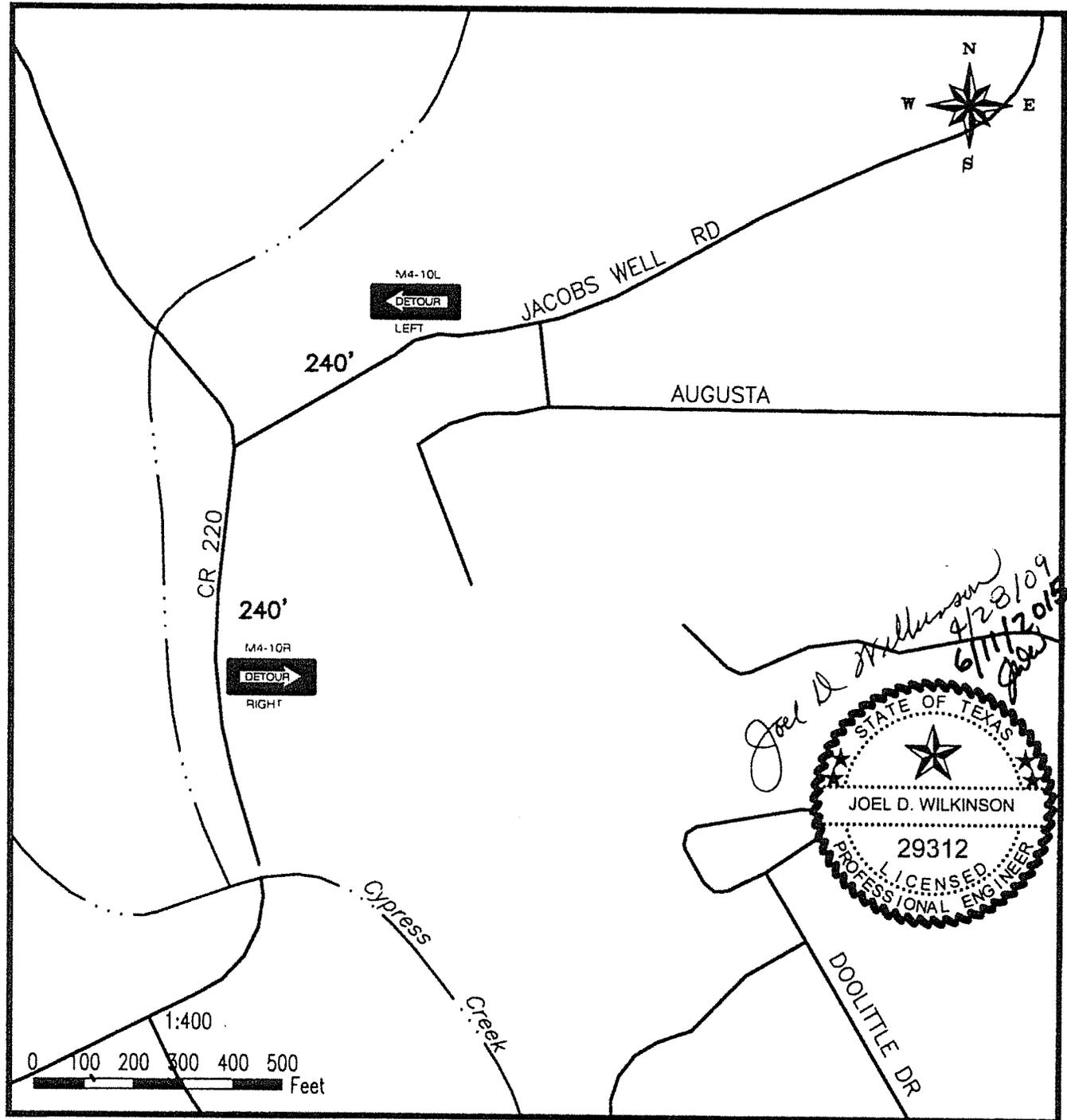
*Joel D. Wilkinson*  
4/28/09  
6/11/2015 *Jaw*

# Wimberley Parade

## SITE 10

**Legend**  
**Wimberley Parade Signs**

Code	Description
	Fire Dept.
	Flagger
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	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

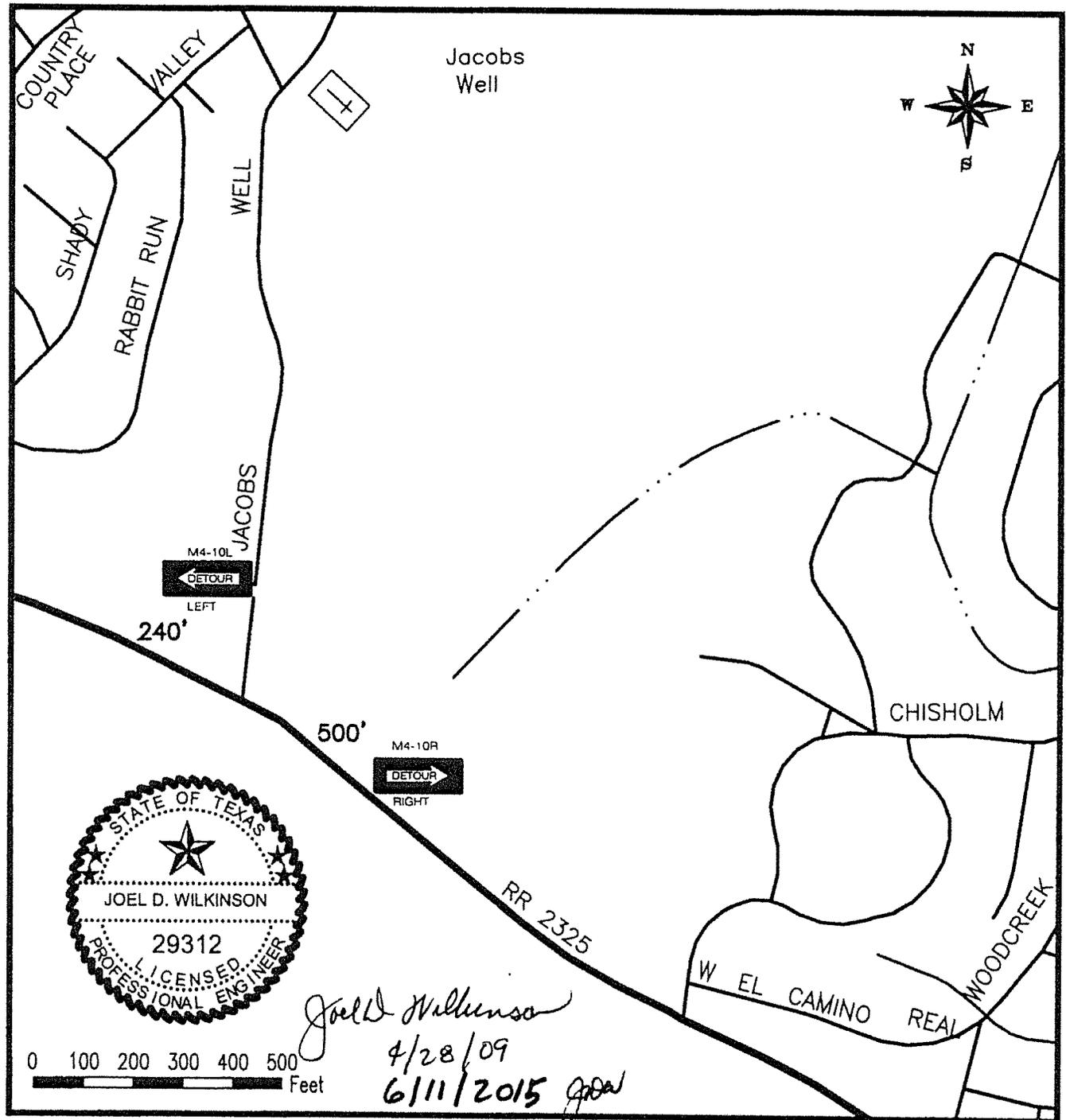


# Wimberley Parade

## SITE 11

**Legend**  
**Wimberley Parade Signs**

Code	Description
	Fire Dept.
	Flagger
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	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

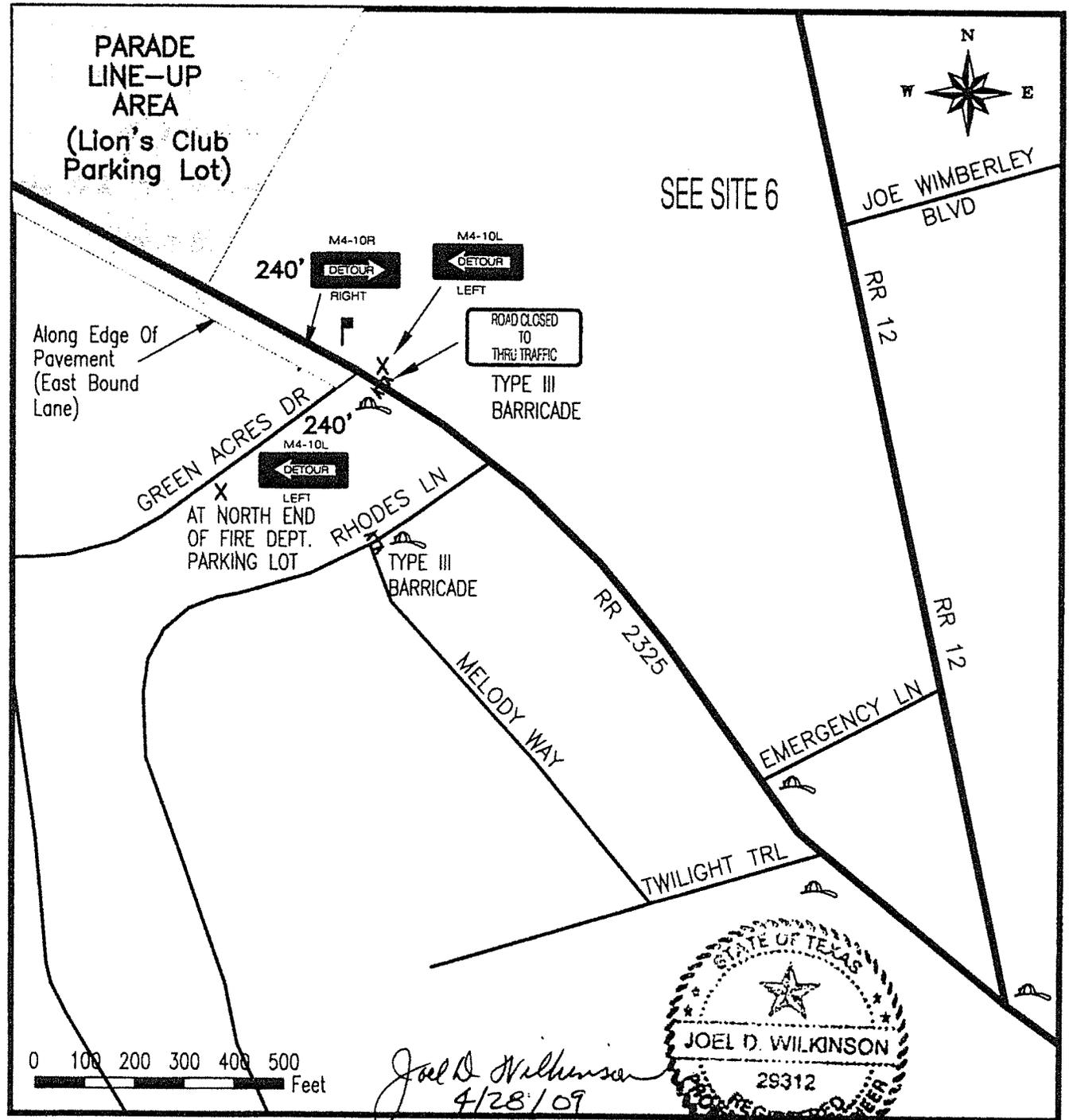


# Wimberley Parade

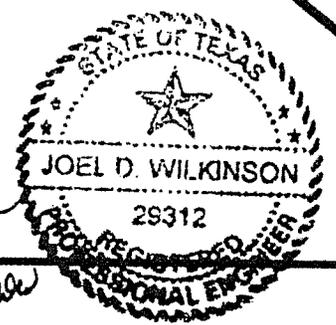
## SITE 12

**Legend**  
**Wimberley Parade Signs**

Code	Description
	Fire Dept.
	Flagger
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	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



*Joel D. Wilkinson*  
4/28/09  
6/11/2015 *Joel*

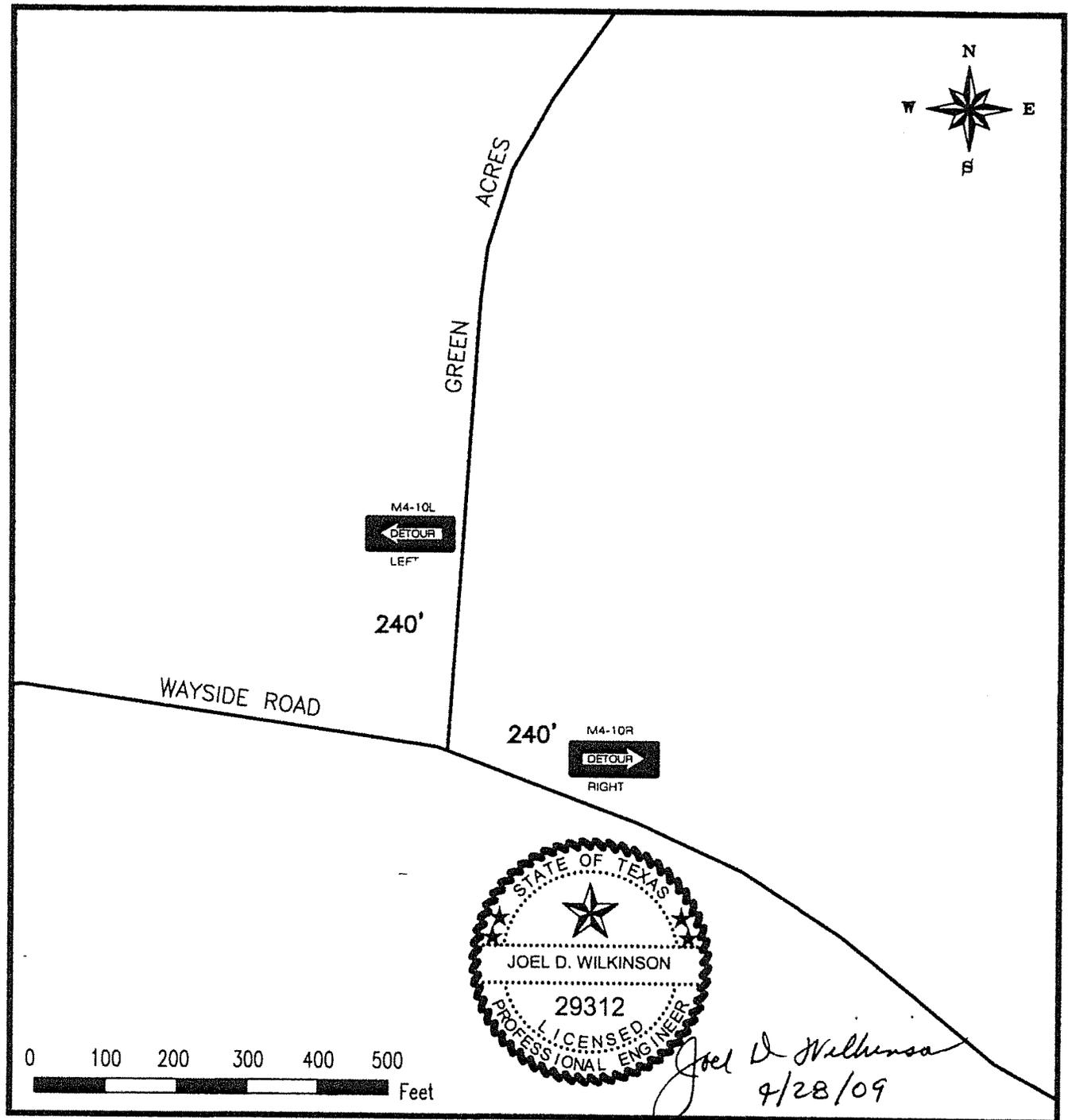


# Wimberley Parade

## SITE 13

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**Wimberley Parade Signs**

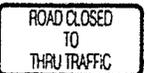
Code	Description
	Fire Dept.
	Flogger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road

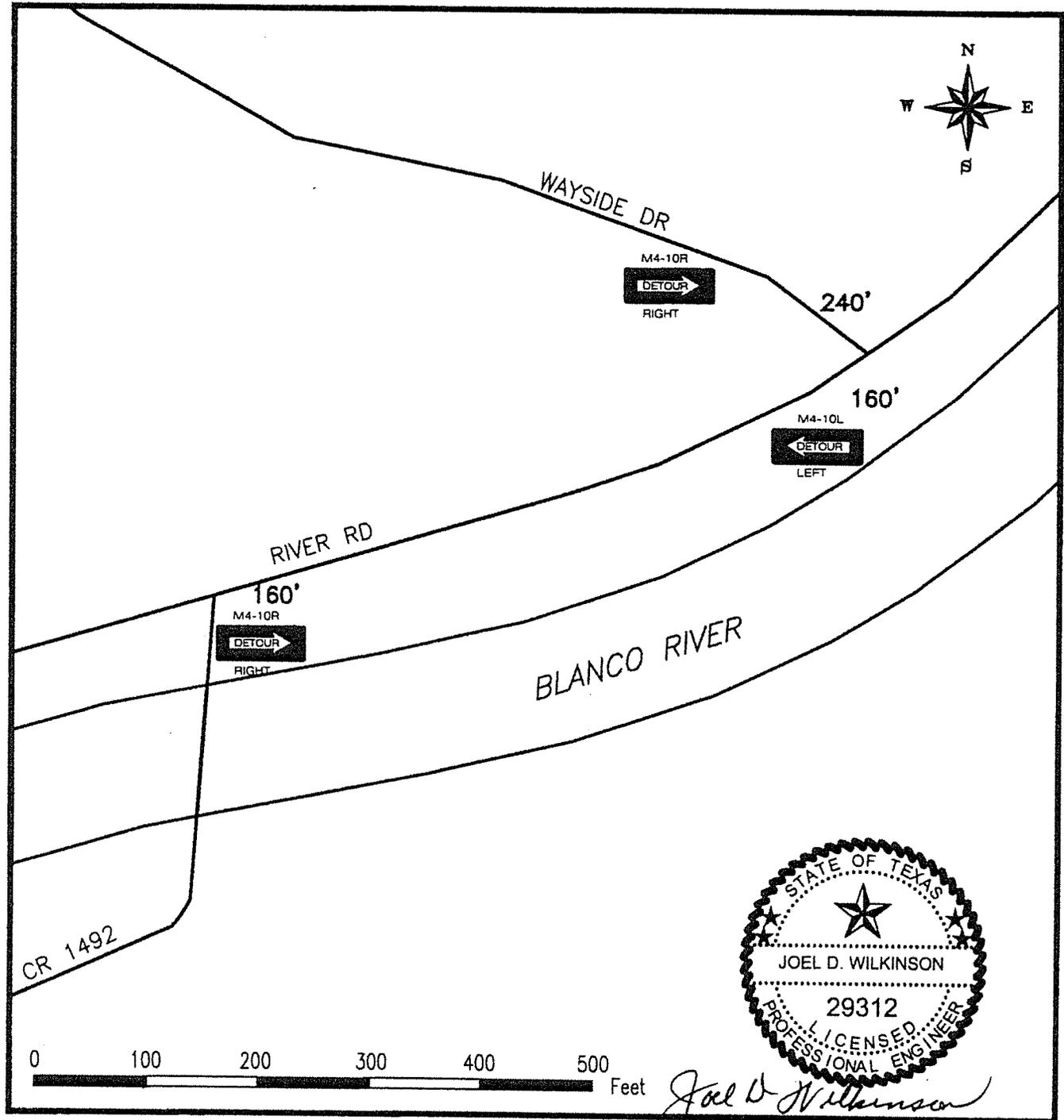


# Wimberley Parade

## SITE 14

**Legend**  
**Wimberley Parade Signs**

<b>Code</b>	
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	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road



STATE OF TEXAS  
  
 JOEL D. WILKINSON  
 29312  
 LICENSED PROFESSIONAL ENGINEER  
*Joel D. Wilkinson*  
 4/28/09  
 2/11/2015 *AW*

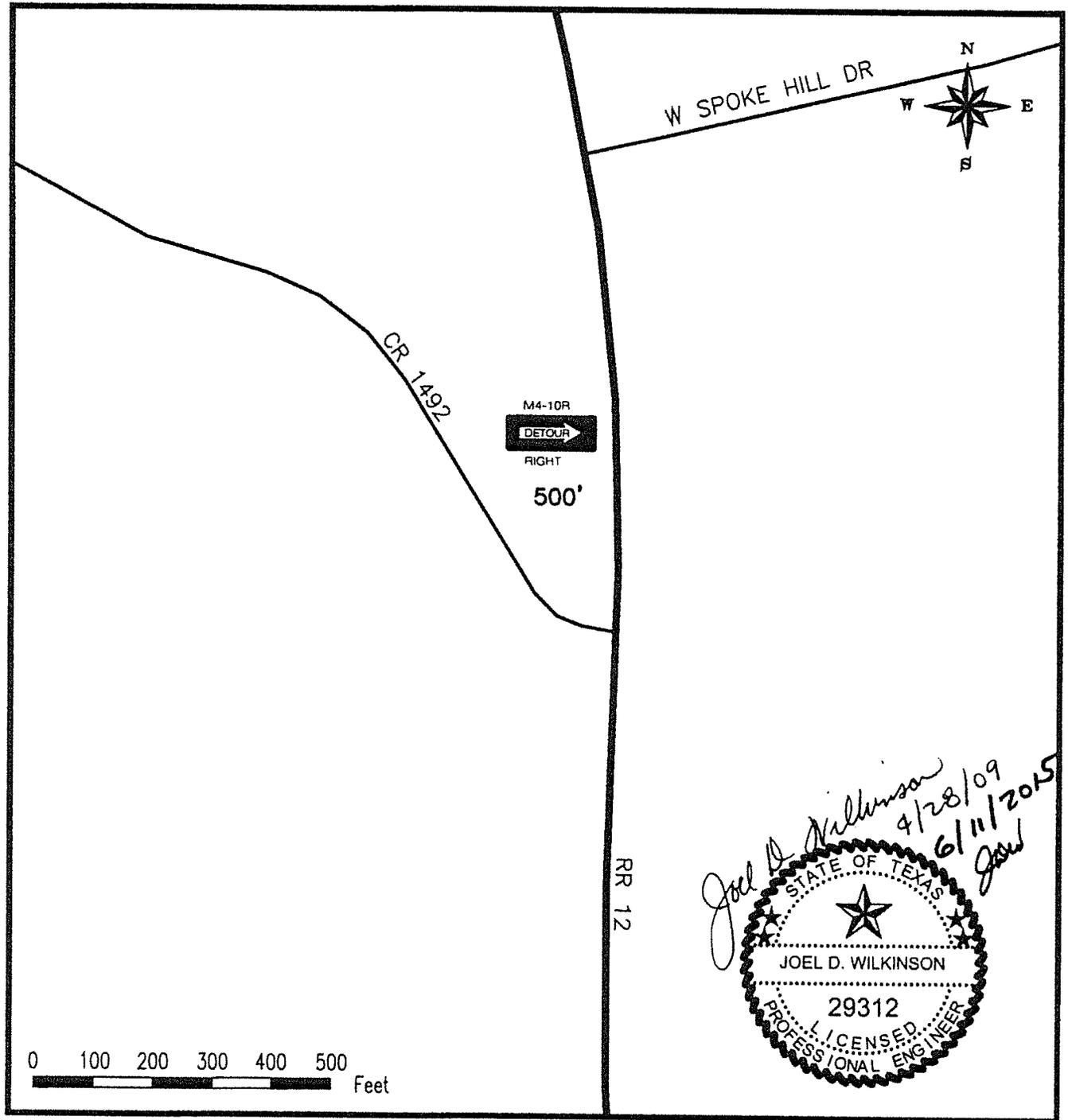
# Wimberley Parade

## SITE 15

**Legend**  
**Wimberley Parade Signs**

**Code**

-  Fire Dept.
-  Flagger
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-  M4-10R Right
-  R11-4
-  Sheriff's Dept.
-  Barricade
-  W20-2D
-  State Road
-  City/County Road

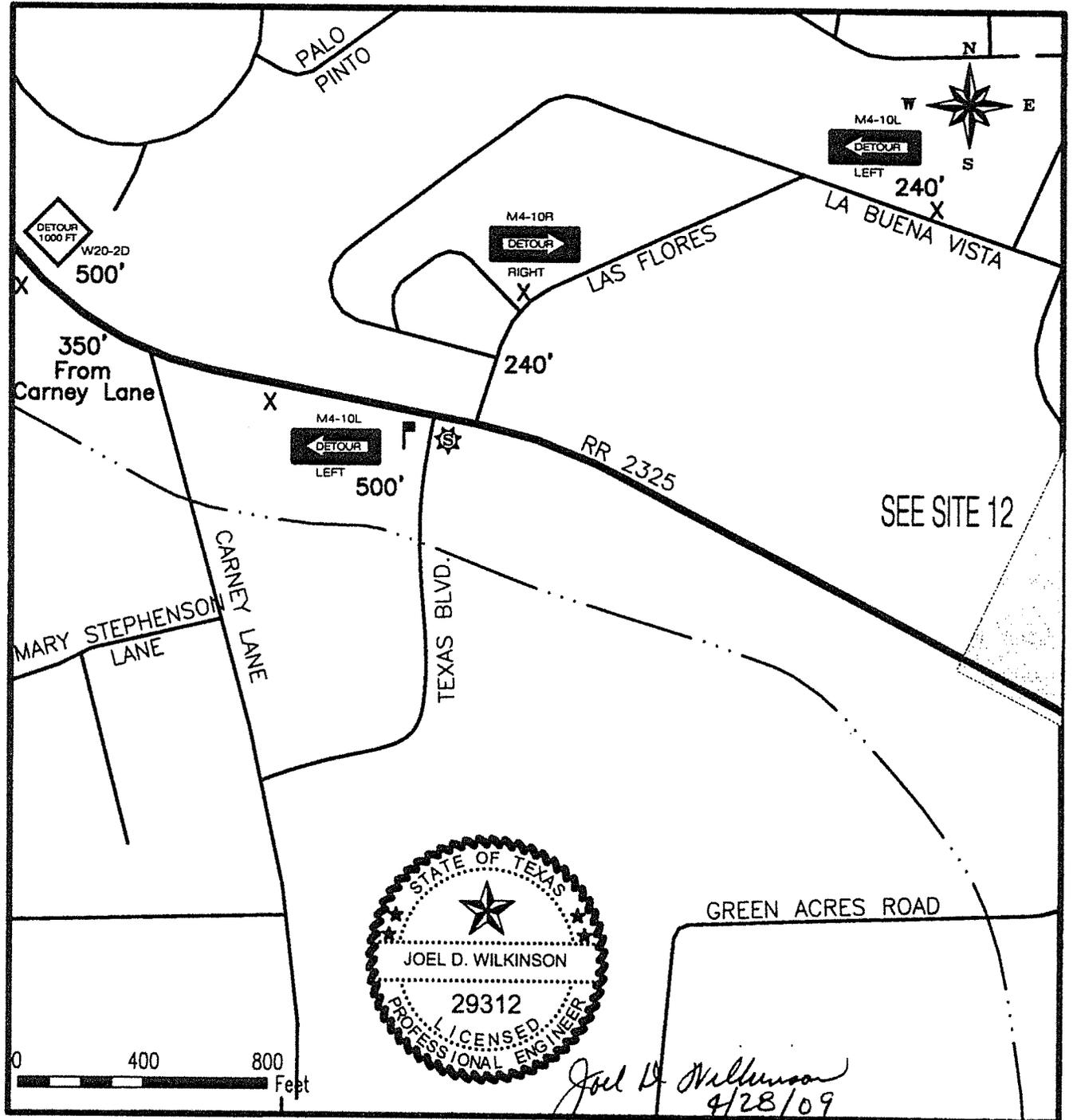


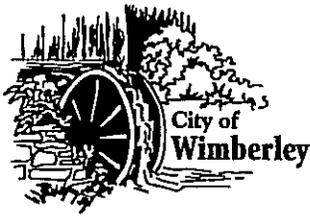
# Wimberley Parade

## SITE 16

**Legend**  
**Wimberley Parade Signs**

Code	Description
	Fire Dept.
	Flagger
	M4-10L Left
	M4-10R Right
	R11-4
	Sheriff's Dept.
	Barricade
	W20-2D
	State Road
	City/County Road





**AGENDA ITEM:** STR Legal Expenditures  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** March 18, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Through January 2019, the City has spent approximately \$3,100 in legal fess related to Short-term Rentals (STRs). Around \$300 was spent reviewing the STR Helper/Host Compliance Contract with the remainder (\$2,800) spent towards the development of a new STR Conditional Use Permit (CUP) Ordinance.

On March 7 & 8, 2019, six (6) bills were filed with the Legislature relates to STRs. A memo to Council is attached outlining how three (3) of these bills (HB 3778, HB 3773, & SB 1888) would impact the City.

Any of the three bills if enacted would require the City to re-write the STR CUP Ordinance and re-evaluate how the City approves STRs. This would of course require additional legal fees to be incurred.

The current draft STR CUP Ordinance does not require compliance until June 2020. The Legislature will conclude at the end of May 2019. It is my recommendation that we do not spend any further legal expenses on the drafting of this ordinance until after the legislature has concluded and we know if we will have to adjust our thinking. The City can still, through its contract with Host Compliance identify STRs out of compliance and work to bring them into compliance under the current Code of Ordinances.

If continued spending for the development of STR CUP Ordinance is desired, the City Administrator is asking Council to authorize such expenditures.

### 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**

The City Administrator recommends the City not incur any additional legal expenses related to the development of the STR CUP Ordinance until after the State Legislative Session has ended.

**ATTACHMENT(S)**

- Memo to Council - Short-Term Rental Bills Filed

TO: Mayor and Council

FROM: Shawn Cox, City Administrator

DATE: March 18, 2019

SUBJECT: Short-Term Rental Bills Filed

As mentioned in the Weekly Memo for March 8, 2019, there have been six (6) bills filed in the State Legislature concerning Short-Term Rentals.

**Bills Filed:**

- [HB 3778](#) – Relating to regulation of short-term rental units; authorizing a civil penalty; limiting the amount of a fee
- [SB 1888](#) – Relating to regulation of short-term rental units by municipalities; authorizing a civil penalty
- [HB 3779](#) – Relating to the collection of state, municipal, and county hotel occupancy taxes by a short-term rental marketplace
- [HB 3773](#) – Relating to regulation of short-term rental units by municipalities; authorizing a civil penalty
- [SB 1472](#) – Relating to the collection of state, municipal, and county hotel occupancy taxes by a short-term rental marketplace
- [HB 4176](#) – Relating to the regulation of short-term rentals by a property owners' association

Of these bills filled, HB 3773, HB 3778, and SB 1888 are of primary interest to the City. These three bills, if enacted would add Chapter 219 – Regulation of Short-Term Rental Units to Title 7 – Regulation of Land Use, Structures, Business, and Related Activities of the Texas Local Government Code.

HB 3773 & SB 1888 contain the same language. HB 3778 contains similar language but has some difference (outlined in blue).

**Bill Provisions (HB 3773, SB 1888, & HB 3778) as provided by TML:**

1. “short-term rental unit” means a dwelling that is: (a) used or designed to be used as the home of a person, family, or household, including a single-family dwelling or a unit in a multi-unit

building, including an apartment, condominium, cooperative, or timeshare; and (b) rented wholly or partly for a fee and for a period of less than 30 consecutive days;

2. the bill does not require a city to regulate a short-term rental unit, but does require a city that elects to regulate a unit to comply with the bill;
3. except as provided by the bill, a city may not:
  - (a) adopt or enforce an ordinance, rule, or other measure that:
    - i. prohibits or limits the use of property as a short-term rental unit; or
    - ii. is applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units; or
  - (b) apply a municipal law, including a noise restriction, parking requirement, or building code requirement, or other law to short-term rental units or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons;
4. in regard to a short-term rental unit, a city may prohibit:
  - (a) the use of the unit to promote activities that are illegal under municipal or other law;
  - (b) the provision or management of the unit by a registered sex offender or any person having been convicted of a felony;
  - (c) the serving of food to a tenant unless the serving of food at the unit is otherwise authorized by municipal law;
  - (d) the rental of the unit to a person younger than 18 years of age; or
  - (e) the rental of the unit for less than 24 hours;
5. in regard to a short-term rental unit, a city may require:
  - (a) a unit provider (an undefined term) to:
    - i. register the unit;
    - ii. designate an emergency contact responsible for responding to complaints regarding the unit;
    - iii. have the unit inspected on an annual basis by the local building code department or fire marshal, as applicable, to verify that the unit meets state and municipal requirements; and
    - iv. post the number of a permit issued by the city for the unit on every listing advertising the unit on a short-term rental unit listing service; and
  - (b) either:
    - i. a unit provider or property manager on the provider's behalf to maintain property and liability insurance for the unit in an amount required by the city; or
    - ii. the unit provider to provide proof that the short-term rental unit listing service that lists the unit is maintaining property and liability insurance for the unit in an amount required by the municipality;

6. “bedroom” means an area of a residential dwelling intended and used as sleeping quarters, and the term does not include a kitchen, dining room, bathroom, living room, utility room, closet, or storage area;
7. a city may limit the maximum occupancy of individuals 18 years of age or older in a unit to a number that is not less than two individuals multiplied by the number of bedrooms in the unit plus two additional individuals;
8. with regard to registration, a city that adopts a registration requirement:
  - (a) shall approve or deny a registration application not later than the 45th calendar day after the date the city receives the application, or the application is deemed approved;
  - (b) if the municipality approves a registration application, shall issue a permit valid for at least one year following the date of the issuance of the permit;
  - (c) may suspend a permit only in accordance with the bill; and
  - (d) may not charge a registration fee in an amount greater than the lesser of an amount to cover the administrative costs of enforcing the registration requirement or \$450;
  - (e) may require the short-term rental unit provider to affirm that the unit does not violate any rules or bylaws of any condominium, cooperative, property owners’ association, or other similar entity that has jurisdiction over the property in which the unit is located;
  - (f) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a short-term rental unit;
  - (g) may deny renewal of a permit if the short-term rental unit provider did not provide the city with a renewal application before midnight on the date in which the permit expires;
  - (h) may prohibit transfer of registration permits;
  - (i) may not restrict the number of permits issued for short-term rental units, including units in multi-family dwellings, located in a commercial area or another area outside of a residential area of the city regardless of whether a unit is the primary residence of the unit owner;
  - (j) may not restrict the number of permits issued for short-term rental units that are located within a residential area of the city and are the primary residence of the unit owner;
  - (k) may restrict the number of permits issued for short-term rental units that are located in a residential area and not the primary residence of the owner if the city:
    - i. finds that active enforcement of the city’s noise restrictions, parking requirements, building code requirements, or other laws is insufficient to protect the health and safety of municipal residents in the residential area; and
    - ii. does not prohibit more than 12.5 percent of the total number of residential properties in the municipality from being eligible for a permit; and (k) a registration requirement adopted by a city that is more stringent than requirements in effect immediately before the new requirement takes effect applies only to a permit issued or renewed on or after the effective date of the new requirement;
    - iii. [applies the restriction uniformly across the entire municipality;](#)

- (l) If a municipality fails to approve or deny a registration application in accordance with Subsection (a)(1), the registration is considered approved; and
  - (m) a registration requirement adopted by a city that is more stringent than requirements in effect immediately before the new requirement takes effect applies only to a permit issued or renewed on or after the effective date of the new requirement;
9. with regard to registration suspension,
- (a) a city may suspend the registration of a short-term rental unit for a period not to exceed one year if:
    - i. as a direct result of the operation of the unit, the unit has been in violation of a municipal law related to noise, parking, or habitability standards at least three times during one calendar year;
    - ii. the unit provider is delinquent in the remittance of a local hotel occupancy tax by more than 90 days and the city has provided sufficient notice and opportunity for the provider to remit the tax; or
    - iii. the unit provider is in violation of a municipal requirement enacted in accordance with the bill; and
  - (b) the city has the burden of proof of demonstrating that the violation was a direct result of the short-term rental unit's operation and the unit provider failed to make reasonable attempts to abate the violation;
10. in addition to any penalty provided for an underlying offense or violation, a city may assess a civil penalty against a unit provider not to exceed \$200 per day for a violation of the bill;
11. if a short-term rental unit provider knowingly tolerates a violation of the bill, fails to make reasonable attempts to abate a violation, and has violated a municipal law related to unsanitary conditions, noise, over-occupancy, parking, or solid waste five times or more in a calendar year, the city may assess a civil penalty against the unit provider in an amount not to exceed \$2,000 per day for the violation; and
12. with regard to listing requirements,
- (a) A short-term rental unit listing service may not list a short-term rental unit that does not hold a permit in violation of a municipal ordinance; and
  - (b) a city that revokes a short-term rental unit permit may notify a short-term rental unit listing service of the revocation for the service to comply with (a);
13. The comptroller's office shall establish and maintain a statewide database of all cities that have adopted short-term rental unit ordinances and publish the list on its website;
14. the bill does not prohibit:
- (a) a condominium, cooperative, property owners' association, or other similar entity from prohibiting or otherwise restricting an owner of property within the entity's jurisdiction from using the property as a short-term rental unit;

- (b) a lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or
  - (c) a property owner from placing a restrictive covenant or easement on the property that restricts the future use of the property as a short-term rental unit;
15. a person who facilitates a short-term rental but does not collect hotel tax on the short-term rental shall file with the comptroller a report stating:
- (a) the physical address of the property rented;
  - (b) the name and address of the owner of the property rented;
  - (c) the dates of the rental;
  - (d) the amount paid for the rental if the person facilitated payment for the rental;
  - (e) the listing price for the rental if the person listed a price for the rental; and
  - (f) any other information required by the comptroller;
16. the comptroller shall make information obtained from a report under (15) available to a city or county that imposes a hotel occupancy tax on the short-term rental described by the report; and
17. the bill does not prohibit a city from contracting with a third party, which may be a short-term rental listing service (defined as a person who facilitates, including by listing short-term rental units on an Internet website, the rental of a short-term rental unit), to provide services that assist in ensuring compliance with municipal requirements imposed in accordance with the bill.

**Bill(s) Impact on City:**

The proposed bills would have the following impact on the City:

**Registration (Permitting)** – Today, the City of Wimberley as a General Law-Type A Municipality cannot regulate or permit a short-term rental. If enacted any of these bills would provide that ability to the City. Much of the language in these bills is dedicated to the Registration of STR's in the City. The bills do limit the fees that can be charged and prohibit a City from limiting the number of owner-occupied STRs (Bed & Breakfasts).

A key component to the Registration process is the requirement that the application for an STR must be approved or denied within 45 days of the City receiving the application. If it is not, then the application is automatically approved. This 45-day timeframe will require the City to amend how STRs are reviewed. Currently all STRs are required to apply for a CUP and go through the Planning and Zoning Commission and the City Council before they are approved. Meeting all of the posting deadlines, the quickest the City can currently approve a CUP is 39 days, and that is only if the application is received on a day that would allow for the first posting to make it in the paper on time. Any deviation and at least a week (7 days) is added to the process, which would put the final consideration at 46 days.

**Recommendation(s):**

The current ordinance being considered before Planning and Zoning would require all properties operating an STR to come into compliance by June 2020. The Legislative session will end on May 27, 2019 (70 days from today). Is my recommendation that we hold off on expending any further legal fees for the development of the City's STR Ordinance, until after the Session. If any of these bills are approved, it will require the City to completely re-write the ordinance and re-think the STR approval process.

The City has entered into an agreement with Host Compliance to identify those STR operating out of compliance. Nothing in my recommendation would impact that. The City can still identify those STRs without a CUP and work to bring them into compliance with the City's current requirements.



**AGENDA ITEM:** Short-Term Rentals and Conditional Use Permits  
**SUBMITTED BY:** Gary Barchfeld  
**DATE SUBMITTED:** March 14, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

**ITEM DESCRIPTION/SUMMARY**

Discuss and consider possible action regarding short-term rentals and conditional use permits.

**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 type="checkbox"/>	Amount Under/Over Budget:	\$

**STAFF RECOMMENDATION**



**AGENDA ITEM:** Rezoning  
**SUBMITTED BY:** Sandy I. Floyd  
**DATE SUBMITTED:** 03/14/19  
**MEETING DATE:** 03/21/19

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

This item is returning due to the lack of a denial at the February 21<sup>st</sup> City Council meeting.

### 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

# Report for Zoning ZA-19-001



## Summary:

A request to change the zoning of property located at 13301 RR 12 from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1)

## Applicant Information:

**Applicant:** Mystic Hills, LLC (Sybil Burrows)  
**Property Owner:** Sybil Burrows  
 970 Verde Vista  
 Wimberley, TX 78676

## Subject Property:

**Legal Description:** 3.295 Acres out of the Amasa Turner Survey, Abs. No. 461  
**Location:** 13301 RR 12  
**Existing Use of Property:** Residential  
**Existing Zoning:** R-2  
**Proposed Use of Property:** Commercial  
**Proposed Zoning:** C-1  
**Planning Area:** III  
**Overlay District:** Protected Waterway

## Surroundings:

**Frontage On:** Ranch Road 12

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	RA, C1	Residential, Commercial
<b>S of Property</b>	C1	Commercial
<b>E of Property</b>	R2	Residential
<b>W of Property</b>	RA	Commercial /Residential

## Legal Notice

**200' Letters Published:** 01/17/2019  
**Sign Placement:** 01/17/2019  
**Responses:** 01/16/2019  
 1 objection

## Comments:

The applicant, Sybil Burrows w/Mystic Hills, LLC, has submitted an application to change the zoning for a tract of land located at 13301 Ranch Road 12 from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1). The requested zoning change is to allow for more flexibility and additional uses on the property.

There has been 1 letter of opposition from the property owner's east of the tract (identified as #5 on the notice map). This creates 11.12% of opposition received from property owner's within the 200' notice area.

At the Planning and Zoning Commission meeting February 14<sup>th</sup>, the Commission voted 5-0-1 to recommend approval of the rezoning.

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: 1-3-19 FILE NO. ZA-19-001  
 TENTATIVE P&Z\* HEARING: 2-14-2019 TENTATIVE CC\*\* DATE: 2-21-2019  
 CITY INITIATED:  YES -  NO PLANNING AREA: \_\_\_\_\_ ZONING REQUESTED: C-1  
 ZONING FEES: \$ 914.75 DATE PAID: 11-21-2018 RECEIVED BY: SIF

\* P&Z - Planning & Zoning Commission \*\* CC - Village of Wimberley City Council

**APPLICATION FOR ZONING**

NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS, CONDITIONAL USE PERMIT APPLICATIONS & WIMBERLEY PLANNED DEVELOPMENT DISTRICTS (WPDD'S)

**OWNER, AGENT AND PROJECT DATA**

STREET ADDRESS OF PROPERTY TO BE ZONED: 13301 22 12 Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT  
 PROPERTY ID#: R18443 \*\*  
R18495  
 \* New street addresses can be obtained by calling (512) 393-2160  
 \*\* You may obtain this from your property tax statement.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

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

1. OWNER'S NAME: Sibyl Burrows HOME PHONE: [REDACTED]  
Mystic Hill, LLC BUSINESS PHONE: [REDACTED]  
 FAX: [REDACTED]  
 E-MAIL: [REDACTED]

OWNER'S CURRENT MAILING ADDRESS 970 Verde Vista CITY Wimberley STATE TX ZIP 78676

2. AGENT'S NAME: NA AGENT'S PHONE: ( ) \_\_\_\_\_  
 FAX: ( ) \_\_\_\_\_  
 AGENT'S FIRM NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

AGENT'S FIRM MAILING ADDRESS: \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**PROPERTY INFORMATION**

3. TOTAL AREA TO BE ZONED: ACRES 3.295 (OR) SQ.FT. \_\_\_\_\_ TOTAL NO. of TRACTS: 2

4. PLANNING AREA(S): III 5. REQUESTED ZONING CLASSIFICATION: Commercial-Low Impact (C-1)

PROPOSED USE(S): \_\_\_\_\_

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): Single-Family Residential 2 (R-2)

**7. LEGAL DESCRIPTION**

Street Address: 13305 RR. 12 Subdivision: Smith River Unit One

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

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

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

VOLUME: Hays County PAGE: Public Records OF COUNTY PLAT RECORDS

**9. OTHER PROVISIONS**

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

TYPE OF OVERLAY ZONE(S) (if applicable): Protected Waterway Overlay

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

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: City

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

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

**Related Cases, If Applicable**

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

**SITE INSPECTION AUTHORIZATION**

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

Date: 1-23-19 APPLICANT SIGNATURE *Judy Beusmans*

WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT SIGNATURE \_\_\_\_\_

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

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

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

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

Date: 11-21-18 APPLICANT SIGNATURE *Judy Beusmans*

WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT SIGNATURE \_\_\_\_\_

## SUBMITTAL CHECKLIST

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

- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the Village of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).
- Provide detailed Site Plan for WPDD (11x17)

## SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

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

Date: 11-21-18

APPLICANT SIGNATURE

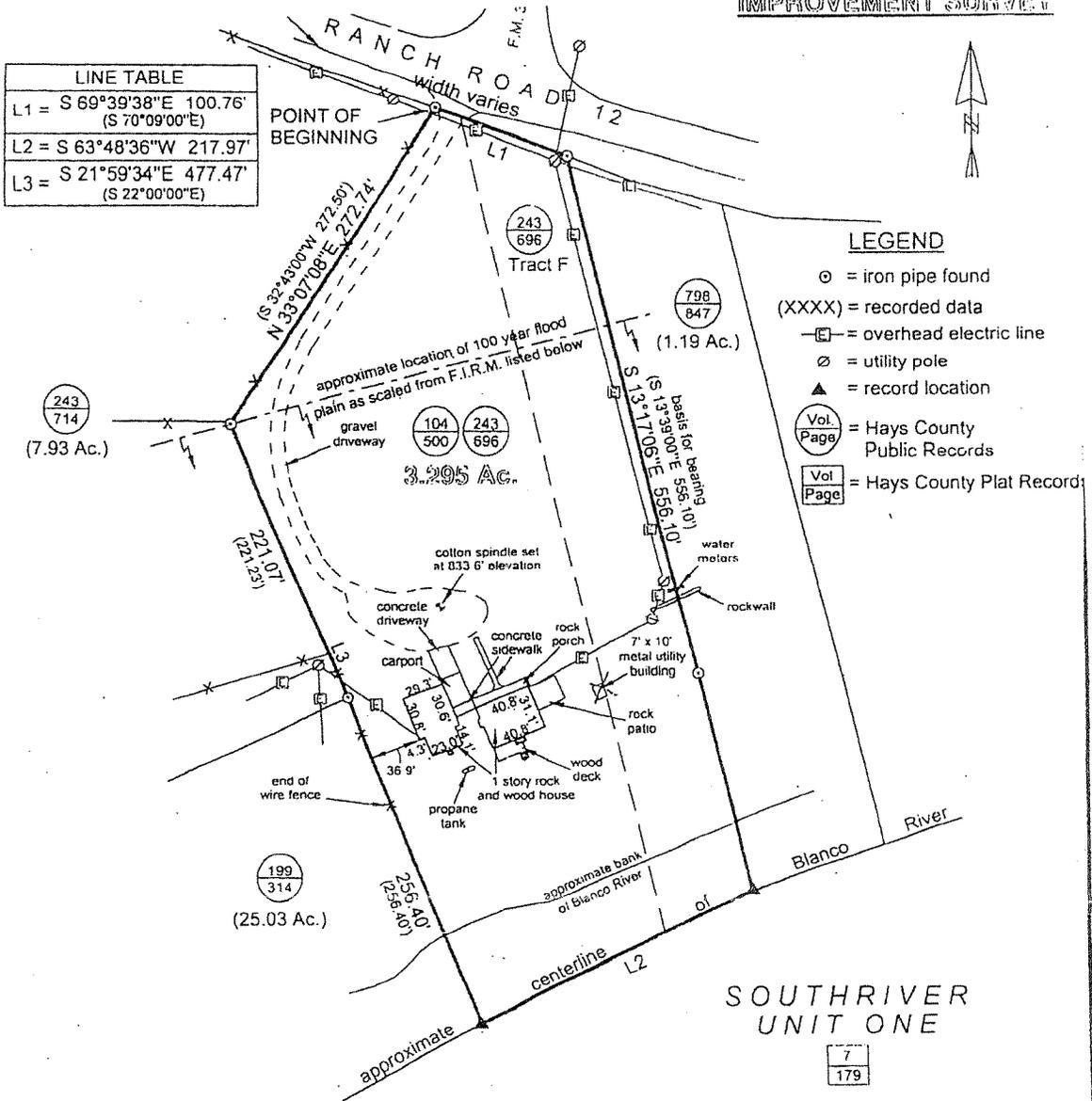
*Sally C. Buscemi*

WHEN APPLICABLE:

Date: \_\_\_\_\_

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

LINE TABLE	
L1 =	S 69°39'38"E 100.76' (S 70°09'00"E)
L2 =	S 63°48'36"W 217.97'
L3 =	S 21°59'34"E 477.47' (S 22°00'00"E)



Copyright © 2008 Eagle Land Surveying. All rights reserved.

Subject property DOES lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 481694 0355 F, dated September 2, 2005.

**LEGAL DESCRIPTION:** Being 3.295 acres of land, more or less, out of the AMASA TURNER SURVEY, being all of the remaining portion of that tract of land called 53.57 acres, as described and recorded in Volume 104, Page 500, Hays County Deed Records, all of that tract of land called one acre, more or less, as described and recorded in Volume 243, Page 696, Hays County Deed Records, and all of that tract of land conveyed to Jo Ann Pendleton by last will and testament, as described and recorded in Volume 243, Page 696, Hays County Deed Records, said 3.295 acres being more particularly described by metes and bounds in the field notes attached hereto.

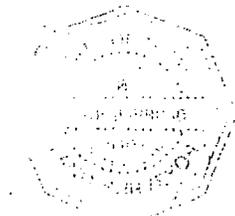
ADDRESS: 13301 Ranch Road 12, Wimberley, Texas 78676

CLIENT: Joe Pendleton

This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.

I hereby certify that this plat represents a survey made upon the ground under my supervision, on June 3, 2008, and there are no visible or apparent encroachments upon this property, except as shown hereon.

*Clyde Barroso*  
Clyde Barroso, R.P.L.S. #5404, State of Texas.



PNDLTON ZAK



**EAGLE LAND SURVEYING**  
(512) 847-1079  
P.O. Box 2264 Wimberley, TX 78676

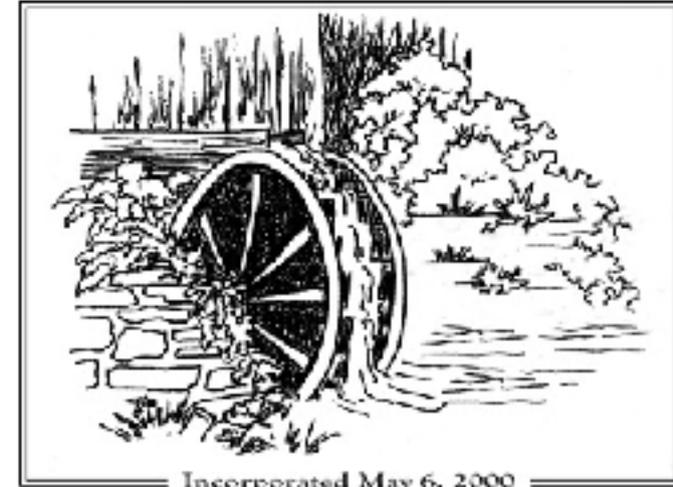
Scale: 1" = 100'

Date: June 5, 2008

Job No. 80145 jw

*Sidley Burrows - 11-29-2010*

# ZA-19-001 ~ 13301 Ranch Road 12



Incorporated May 6, 2000

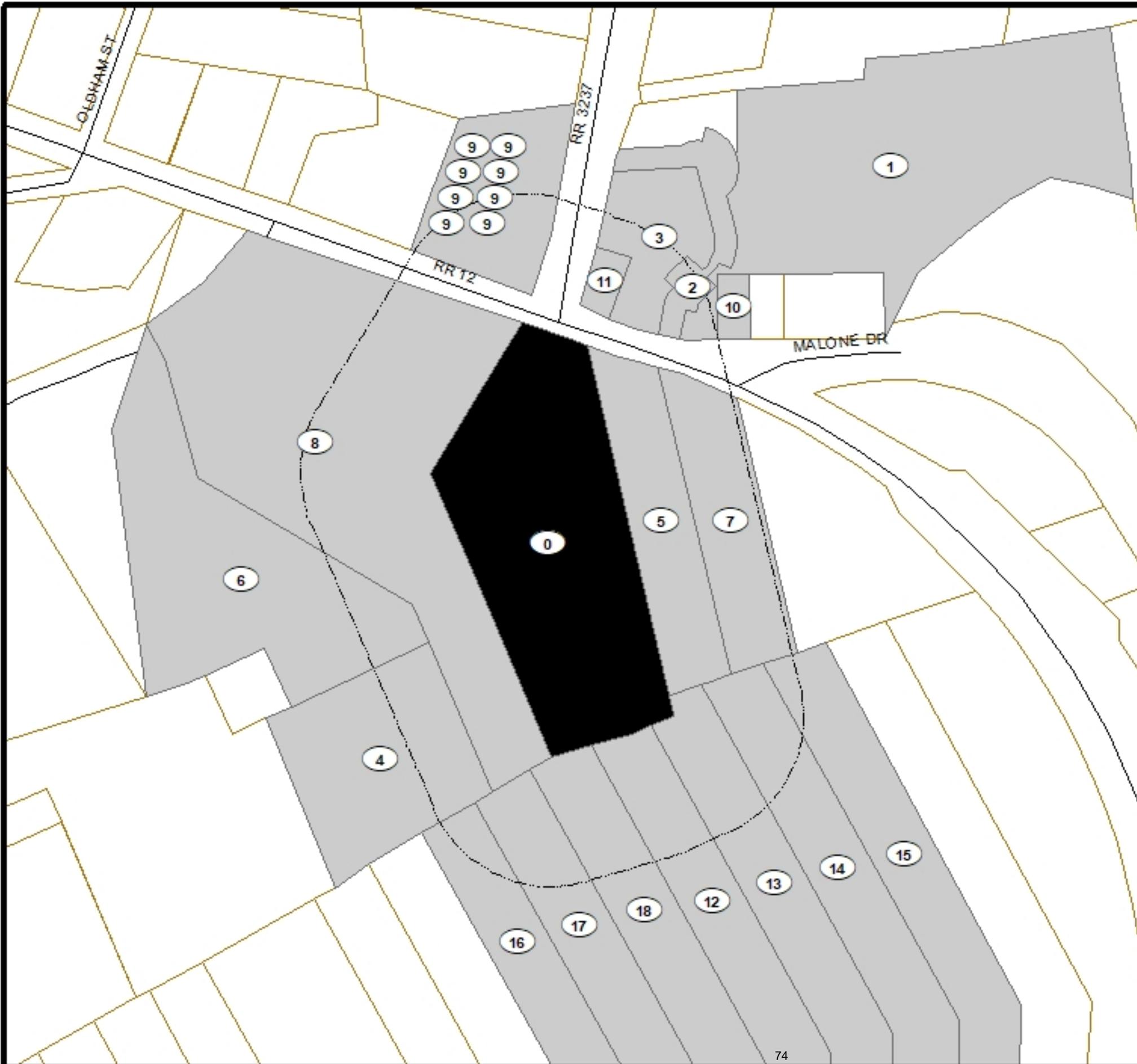
## 200' NOTIFICATION

### Legend

- 200' Buffer
- ID. Owner**
- 0. MYSTIC HILL LLC
- 1. KKP 3237 LLC
- 2. RANDALL MORRIS & COMPANY LTD
- 3. RANDALL MORRIS & COMPANY LTD
- 4. RIO BONITO LLC
- 5. FAIRLAWN 13201 LLC
- 6. RIO BONITO LLC
- 7. MORGAN, JOHN KENNETH
- 8. MATTHEW & NATALIE MEEKS
- 9. MULTIPLE OWNERS
- 10. RANDALL MORRIS & COMPANY LTD
- 11. RANDALL MORRIS & COMPANY LTD
- 12. BLANCO RIVER FAMILY LLC
- 13. SOUTH RIVER PROPERTIES LTD
- 14. SOUTH RIVER PROPERTIES LTD
- 15. V C D CENTURION DISCRETIONARY TRUST
- 16. DOWD MATTHEW
- 17. DOWD MATTHEW
- 18. WIMBERLEY REAL ESTATE CO



0 175 350  
Feet



BLANCO RIVER FAMILY LLC  
160 SOUTHRIVER  
WIMBERLEY, TX 78676

FAIRLAWN 13201 LLC  
425 S LAHOMA AVE  
NORMAN, OK 73069

MATTHEW & NATALIE MEEKS  
PO BOX 1344  
WIMBERLEY, TX 78676

MYSTIC HILL LLC  
970 VERDE VISTA DR  
WIMBERLEY, TX 78676

SANDER ALBERT & JEAN  
PO BOX 139  
WIMBERLEY, TX 78676

V C D CENTURION DISCRETIONARY  
TRUST  
PO BOX 607  
WIMBERLEY, TX 78676

CHILDREN'S SECURITY LLC  
59 SADDLE ROCK RDG  
WIMBERLEY, TX 78676

KAST PHILLIP M  
PO BOX 1387  
WIMBERLEY, TX 78676

MORGAN, JOHN KENNETH  
349 CRABAPPLE RD  
BLANCO, TX 78606

RANDALL MORRIS & COMPANY LTD  
333 CHEATHAM ST  
SAN MARCOS, TX 78666

SOUTH RIVER PROPERTIES LTD  
340 COUNTY RD 158  
KYLE, TX 78640

WIMBERLEY REAL ESTATE CO  
160 SOUTHRIVER  
WIMBERLEY, TX 78676

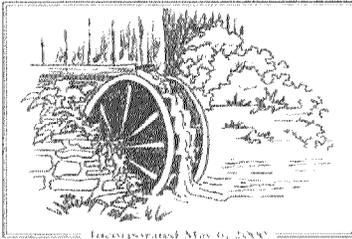
DOWD MATTHEW  
PO BOX 1686  
WIMBERLEY, TX 78676

KKP 3237 LLC  
131 RIVER BEND RD  
WIMBERLEY, TX 78676

MYNIER CHILDREN TRUST  
P O BOX 1407  
WIMBERLEY, TX 78676

RIO BONITO LLC  
P O BOX 247  
WIMBERLEY, TX 78676

STONEHOUSE MANAGEMENT LLC  
580 SPOKE HOLLOW RD  
WIMBERLEY, TX 78676



# City of Wimberley

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

January 17, 2019

## NOTICE OF PUBLIC HEARING

**Re: File No. ZA-19-001**  
13301 Ranch Road 12

Dear Property Owner:

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

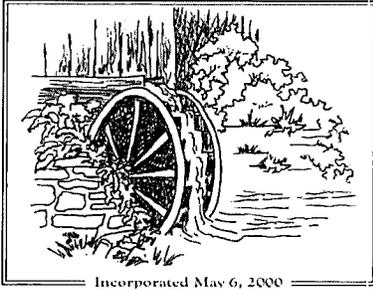
The applicant, Sibyl Burrows, Mystic Hill, LLC, is proposing to change the zoning from **Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1)** for property located at 13301 RR 12. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, February 14, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, February 21, 2019, at 5:30 p.m.**

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

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

Thank you,

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



# City of Wimberley

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

## NOTICE BY SIGN POSTING

DATE: January 16, 2019

ZONING NO: ZA-19-001

APPLICANT: Mystic Hills, LLC  
Sibyl Burrows

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 13301 Ranch Road 12

John Provost  
Public Works/Code Enforcement

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

1/16 2019

  
\_\_\_\_\_  
Signature

# The Wimberley View CLASSIFIED



P.O. Box 49 Wimberley, Texas 78676 51

**Public Notice**   **Public Notice**   **Public Notice**   **Public Notice**   **Public Notice**   **Public Notice**   **Gene W.**



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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, February 14, 2019 at 6:00 p.m. to consider the following: ZA-19-001 – a request to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) for property located at 13301 Ranch Road 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, February 21, 2019, at 5:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email ([sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

City of Dripping Springs  
at 20 Woodcreek Drive, Wimberley, Texas 78676, within the time and in the manner prescribed by Law.

Dated the 15th day of January 2019  
Patrick G. Rehmet, Attorney for the Estate of Murphy G. Jordan, Deceased

Law Office of Patrick G. Rehmet  
P.O. Box 1916  
Wimberley, Texas 78676  
Telephone (512) 847-0117  
Facsimile (512) 847-1274  
Email: [prehmet@austin.rr.com](mailto:prehmet@austin.rr.com)

### City of Dripping Springs Public Notice of Ordinance Ordinance No. 2018-01

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CURRENT 2019 FISCAL YEAR BUDGET; FINDING MUNICIPAL PURPOSES; AUTHORIZING EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

### NOTICE TO ALL PERSONS HAVING

be linked to the development of Non-Hodgkin Lymphoma in farm workers and employees in garden centers, nurseries, and landscapers. Call 800-460-060 for professional insight or visit [www.RespectForYou.com/NHL](http://www.RespectForYou.com/NHL).

### OIL AND GAS RIGHTS

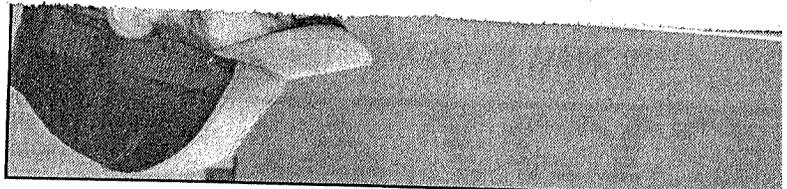
We buy oil, gas & mineral rights. Both non-producing and producing including non-Participating Royalty Interest (NPRI). Provide us your desired price for an offer evaluation. 806-620-1422, [LoboMineralsLLC@gmail.com](mailto:LoboMineralsLLC@gmail.com). Lobo Minerals, LLC, PO Box 1800, Lubbock, TX 79408-1800.

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The festival also features the traditional red carpet, champagne and popcorn. The event is free and open to the public.  
The actual viewing of the entries is expected to take less than two hours. Judges' selections will be announced after an intermission. A People's Choice Award will go to at least one of the movies.  
For more information, contact Carroll Wilson at 512-842-3054 or Carolyn Manning at 512-847-2188.

400 FM 2325



**Sec. 9.03.073 Single-Family Residential 2; R-2**

- (a) General purpose and description. The R-2 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 20,000 square feet.
- (b) Permitted uses.
- (1) One residence, including:
    - (A) Single-family detached dwellings.
    - (2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith or on a contiguous lot under the same ownership that satisfies the requirements of section 9.03.182, but not involving the conduct of a retail business except as provided herein:
      - (A) The term “accessory use” shall include customary home occupations as herein defined;
      - (B) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See section 9.03.182 for additional accessory use requirements;
      - (C) A detached private garage used in conjunction with the main building;
      - (D) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes; and
      - (E) One accessory dwelling unit.
    - (3) Swimming pool (private);
    - (4) Utilities (public); and
    - (5) Religious assembly.
- (c) Conditional uses.
- (1) Bed and breakfast lodging located only in the residential building;
  - (2) Home day care;
  - (3) Home commercial crafts or hobbies;
  - (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;
  - (5) Two-family residential (duplex);
  - (6) One secondary single-family residential building built on-site;
  - (7) One manufactured home installed on a permanent foundation, as the primary residence;
  - (8) Vacation rental; and
  - (9) Personal care home.
- (d) Development regulations.
- (1) Lot size: Minimum 20,000 square feet but less than 2 acres.
  - (2) Maximum building height (as defined in section 9.03.005):
    - (A) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
    - (B) Secondary residential building: Not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
    - (C) Accessory buildings: Not more than 18 feet and not more than one story; and
    - (D) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
  - (3) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
    - (A) Dominant street: 40 feet;
    - (B) Secondary street: 15 feet;

- (C) Interior side yard: 10 feet; and
- (D) Rear yard: 20 feet.
- (4) Minimum floor area:
  - (A) Primary residential building: 600 square feet.
  - (5) Maximum impervious cover: 35%. Impervious cover shall be calculated as a percentage of the net site area.
  - (6) The parking and trash collection ordinances will apply.
- (e) Special requirements.
  - (1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
  - (2) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.
  - (3) Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- (f) Other regulations. As established in division 5 of this article, development standards.  
(Ordinance 2001-010, sec. 16, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; 2006 Code, sec. 155.037; Ordinance 2006-014, sec. II(F), (G), adopted 2/1/07; Ordinance 2008-023, sec. II(C), adopted 7/17/08; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2017-023, sec. II(C), adopted 8/3/17)

**Sec. 9.03.083 Commercial - Low Impact; C-1**

- (a) General purpose and description. The C-1, Commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, freestanding retail structures, and personal service establishments.
- (b) Permitted uses.
- (1) Administrative and professional office:
    - (A) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
    - (B) Photography studios, doctors, dentists;
    - (C) Nonprofit organizations (with certain restrictions);
    - (D) Civic uses (such as city halls);
    - (E) Research services: limited; and
    - (F) Office.
  - (2) Religious assembly;
  - (3) Retail sales and services: limited;
  - (4) Business support services;
  - (5) Child care center;
  - (6) Repair services: consumer;
  - (7) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premises consumption;
  - (8) Animal sales and services: grooming;
  - (9) Convalescent services;
  - (10) Arts and crafts sales and instruction;
  - (11) Commercial/single-family residential;
  - (12) Adult day care facility;
  - (13) Private primary educational services;
  - (14) Private secondary educational services;
  - (15) Medical services: limited;
  - (16) Personal services: limited;
  - (17) Bank and savings and loan;
  - (18) Accessory uses to the main use;
  - (19) Single-family residence; and
  - (20) Low impact institutional: residential oriented.
- (c) Conditional uses.
- (1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;
  - (2) Bank and savings and loan (drive-through);
  - (3) Bed and breakfast lodging;
  - (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;
  - (5) Eating establishments: fast food with drive-through order windows;
  - (6) Package store;
  - (7) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premises consumption;

- (8) Vacation rental; and
- (9) Personal care home.
- (d) Development regulations.
  - (1) Minimum lot size: 5,000 square feet.
  - (2) Maximum building height (as defined in section 9.03.005):
    - (A) Primary buildings: Not more than 2 stories and not more than 28 feet or 35 feet with gable roof;
    - (B) Accessory buildings: Not more than 18 feet and not more than one story; and
    - (C) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
  - (3) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
    - (A) Dominant street: 10 feet;
    - (B) Secondary street: 10 feet; and
    - (C) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than one story.
  - (4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area.
  - (5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.
  - (6) Maximum building footprint: 11,500 square feet.
  - (7) Maximum floor area: 15,000 square feet.
- (e) Special requirements.
  - (1) Open storage is prohibited.
  - (2) For site plan requirements, see section 9.03.183.
  - (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or nonresidential purposes.
- (f) Other regulations. As established in division 5 of this article, development standards.
- (g) Parking regulations. As required by section 9.03.181, off-street parking and loading requirements.

(Ordinance 2001-010, sec. 26, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; Ordinance 2004-017 adopted 8/5/04; 2006 Code, sec. 155.047; Ordinance 2006-013 adopted 11/2/06; Ordinance 2008-009, sec. II(A), adopted 2/21/08; Ordinance 2008-023, sec. II(L), adopted 7/17/08; Ordinance 2009-031, sec. II(B), (C), adopted 7/16/09; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2015-005, sec. II(B), (C), adopted 2/19/15)

February 8, 2019

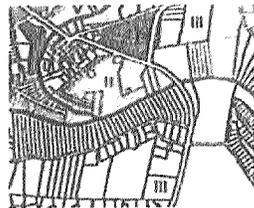
City of Wimberley  
221 Stillwater (P.O. Box 2027)  
Wimberley, TX 78676

RE: Opposition to File No. ZA-19-001 (Requested zoning change from R-2 to C-1 for property located at 13301 RR 12)

Dear City of Wimberley:

The property owners of 13201 RR 12, Wimberley, TX would like to state our opposition to the requested zoning change from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) for property located at 13301 RR 12, Wimberley, TX.

The proposed C-1 land use classification allows for numerous uses that we feel are incompatible with the adjacent and adjoining residential properties. These incompatible uses include retail sales and services, sit-down eating establishments, various professional office uses, bank/savings/loan services, and more. Not only would a change to C-1 zoning on the subject property allow for potential nuisances such as increased lighting, noise, hours of operations, etc., the requested change is also incompatible with the City's Planning Area Land Use Map found in the City's Comprehensive Plan (see snippet below). The subject property is in an area planned for "low impact traditional residential developments".



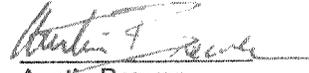
Moreover, we understand that the property owner of 13301 RR 12 has requested this rezone in order to operate a vacation rental establishment. This land use type is allowed as a "conditional use" under the property's current R-2 zoning. If the Planning and Zoning Commission and the City Council are inclined to approve such a use, we would ask that the property owner of 13301 RR 12 instead go through the more appropriate Conditional Use Permit ("CUP") process as outlined in Section 9.03.251 of the City of Wimberley's Code of Ordinances. Approval of a CUP for the requested use would allow the property owner to carry out the requested use while avoiding the incompatibility issues stated above.

Our property located at 13201 RR 12 abuts the subject property and has been with our families for many decades. We hope that the Planning and Zoning Commission and City Council will factor in our stated opposition to the requested rezone to preserve the friendly, residential atmosphere of our property and that of our residential neighbors.

Warmest Regards,

Fairlawn 13201 LLC

  
Valerie Nelson

  
Austin Brewer

  
Cameron Brewer

  
Tyle Brewer

  
Louisa Brewer

**Fairlawn 13201  
LLC**

425 S Lahoma Ave  
Norman, OK 73069-5523



**ORDINANCE NO. 2019-xx**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT 13301 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, FROM SINGLE FAMILY RESIDENTIAL 2 (R-2) TO COMMERCIAL LOW IMPACT (C-1).**

**WHEREAS**, Chapter 211 of Vernon’s Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment; and

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

**WHEREAS**, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

**WHEREAS**, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning 3.295 acres out of the Amasa Turner Survey, Abstract No. 461, in Wimberley, Hays County, Texas, commonly known as 13301 Ranch Road 12 from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) zoning classification.

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

**ARTICLE I. REZONING**

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning 3.295 acres out of the Amasa Turner Survey, Abstract No. 461, in Wimberley, Hays County, Texas, commonly known as 13301 Ranch Road 12, and more particularly described on the attached Exhibit “A”, incorporated by reference for all purposes, from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) zoning classification.

**ARTICLE II. SEVERABILITY**

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

**III. EFFECTIVE DATE**

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

**ARTICLE IV. PROPER NOTICE AND MEETING**

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

PASSED AND APPROVED this 21st day of February 2019, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

**CITY OF WIMBERLEY**

BY: \_\_\_\_\_  
Susan Jagers, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**AGENDA ITEM:** Economic Development Administration Agreement and Reimbursement  
**SUBMITTED BY:** Gary Barchfeld  
**DATE SUBMITTED:** March 14, 2019  
**MEETING DATE:** March 21, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to approve the termination of the Financial Assistance Award Agreement with the Economic Development Administration (EDA) and accept reimbursement from the EDA in the amount of \$177,548.31.

The EDA letter is attached.

### 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



March 7, 2019

Honorable Mayor Jaggars  
City of Wimberley  
P.O. Box 2027  
Wimberley, TX 78676

Cc: Jeff Chapman  
The Chapman Firm PLLC  
3410 Far West Blvd; Suite 210  
Austin, Texas 78731

Re: EDA Award # 08-01-05136

Dear Mayor Jaggars:

It is EDA's understanding from letters dated November 16, 2018 and January 4, 2019, submitted by The Chapman Firm representing the City of Wimberley, that you wish to pursue termination for convenience of EDA Award # 08-01-05136 and receive reimbursement of allowable costs of the EDA investment referenced above.

The City has requested a reimbursement amount of \$547,772.50 with the federal share (32.58%) to be paid to the City in the amount of \$178,464.28. EDA has determined that the final accepted project cost for the project's eligible obligations incurred up to the date of notification of the project's termination is \$545,071.54, based actual payments (proof of checks for Pay Apps 1&2) made by the City to the contractor and negotiated amounts for Pay Apps 3&4. EDA has determined that the Federal share of the allowable total project cost is \$177,548.31 which will be disbursed upon signatures of the SF 271 and below described Offer to Terminate Financial Assistance Award Agreement. Allowable costs include costs incurred up to the point of the termination of the construction contractor with the City. Any costs associated with the termination of the contract between the City and the construction contractor are not allowable costs under the grant terms and conditions and will not be paid. The remaining \$822,451.69 of Federal funding reserved and obligated for this project has been de-obligated and returned to the U.S. Treasury.

We sincerely regret that the award could not be executed as planned. Enclosed are two signed copies of an Offer to Terminate Financial Assistance Award Agreement for

Convenience, and the SF 271 for reimbursement of construction costs incurred by the City. Acceptance of the Offer must conform to such local laws as govern the entering into and execution of contracts. Any procedural requirements respecting such agreements under local law must be observed.

Your acceptance of the Offer to Terminate Financial Assistance Award Agreement for Convenience should be indicated by the signatures of the principal officials on one of the signed copies of the Agreement. The acceptance copy, along with the signed SF 271, should be returned to Jorge Ayala, Regional Director, Austin Regional Office, Economic Development Administration, 903 San Jacinto, Suite 206, Austin, TX 78701. Please return to our office **no later than March 15, 2019**.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jorge D. Ayala', written over a horizontal line.

Jorge D. Ayala, Regional Director  
Austin Regional Office  
U.S. Economic Development Administration



**OFFER TO TERMINATE  
FINANCIAL ASSISTANCE AWARD AGREEMENT FOR CONVENIENCE  
EDA Investment No.: 08-01-05136  
City of Wimberley**

WHEREAS, the United States of America, Department of Commerce, Economic Development Administration (herein the "Government") pursuant to its authority under the Public Works and Economic Development Act of 1965 (P. L. 89-136), as amended, entered into a Financial Assistance Award Agreement (herein the "Agreement"), with the City of Wimberley on March 7, 2019.

WHEREAS, said Agreement provided an Award not to exceed the lower of \$1,000,000 or 32.58% percent of the actual cost of the project estimated to cost \$3,608,900 and consisting of the construction of a wastewater treatment plant, as more specifically described in the EDA grant award term;

WHEREAS, the parties have now determined that it not feasible to complete the project as originally intended and specified and that an accounting should be made and the Agreement terminated for convenience of the parties; and

WHEREAS, the parties agree that \$545,071.54 has been expended toward the project to date and that the EDA share of eligible costs to date is \$177,584.3; and

WHEREAS, the parties further agree that no other eligible costs have been incurred or will be incurred pursuant to said Agreement other than herein above mentioned;

NOW THEREFORE, for and in consideration of the premises and for the mutual benefit and convenience of the parties, the Government hereby tenders this Offer to Terminate on March 7, 2019.

Acceptance of this Offer to Terminate must be made by the City of Wimberley and returned to the Government on or before March 15, 2019.

**DEPARTMENT OF COMMERCE  
ECONOMIC DEVELOPMENT ADMINISTRATION**

EDA Investment No. 08-01-05136

By:  3/7/19  
Jorge D. Ayala, Director (Date)  
Austin Regional Office

The above Offer to Terminate Award for Convenience is hereby accepted.

By: \_\_\_\_\_  
(Signature) (Title of Accepting Official)

\_\_\_\_\_  
(Printed Name) (Date)

**CERTIFICATION (By Official other than Accepting Official)**

The person signing this Acceptance is so authorized by the Governing Body or Board of the Recipient.

By: \_\_\_\_\_  
(Signature) (Title of Certifying Official)

\_\_\_\_\_  
(Printed Name) (Date)

<b>OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS</b>	<b>1. TYPE OF REQUEST</b> <input checked="" type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL	<b>2. BASIS OF REQUEST</b> <input type="checkbox"/> CASH <input checked="" type="checkbox"/> ACCRUAL
--	--	--

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED <b>DOC-EDA</b>	4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY <b>08-01-05136</b>
---	---

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST <b>1st &amp; Final</b>	6. EMPLOYER IDENTIFICATION NUMBER <b>74-2971396</b>	7. FINANCIAL ASSISTANCE IDENTIFICATION NUMBER <b>08-01-05136</b>
--	--	---

8. **PERIOD COVERED BY THIS REQUEST**  
From: **02/01/18** To: **06/30/18**

9. RECIPIENT ORGANIZATION

Name: **City of Wimberley**

Street1: **PO Box 2027**

Street2:

City: **Wimberley**

County: **Hays**

State: **Texas**

Province:

Country: **USA**

ZIP / Postal Code: **78676**

10. PAYEE (Where check is to be sent if different than item 9)

Name:

Street1:

Street2:

City:

County:

State:

Province:

Country:

ZIP / Postal Code:

**STATUS OF FUNDS**

CLASSIFICATION	PROGRAMS	FUNCTIONS	ACTIVITIES	TOTAL Expenditures To Date
	(a) Budget Approved per Grant Offer or as Amended	(b) Latest Revised Budget	(c) Expenditures This Period	
a. Administrative expense	\$	\$	\$	\$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees				
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost	4,409,100.00	3,068,900.00	545,071.54	545,071.54
l. Equipment				
m. Miscellaneous cost				
n. Total cumulative to date ( <i>sum of lines a thru m</i> )	4,409,100.00	3,068,900.00	545,071.54	545,071.54
o. Deductions for program income				
p. Net cumulative to date ( <i>line n minus line o</i> )		\$ 3,068,900.00	\$ 545,071.54	\$ 545,071.54
q. Federal share to date			\$ 177,584.31	\$ 177,584.31
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share ( <i>sum of lines q and r</i> )	0.00	0.00	177,584.31	177,584.31
t. Federal payments previously requested			\$ 0.00	\$ 0.00
u. Amount requested for reimbursement	\$	\$	\$ 177,584.31	\$ 177,584.31
v. Percentage of physical completion of project	%	%	18 %	18 %

12. CERTIFICATION

I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.

a. RECIPIENT

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

DATE REPORT SUBMITTED

TYPED OR PRINTED NAME AND TITLE

Prefix:  First Name:  Middle Name:

Last Name:  Suffix:

Title:

TELEPHONE (Area code, number, and extension)

b. REPRESENTATIVE CERTIFYING TO LINE 11V

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

DATE SIGNED

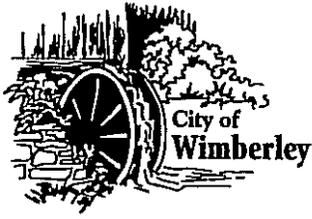
TYPED OR PRINTED NAME AND TITLE

Prefix:  First Name:  Middle Name:

Last Name:  Suffix:

Title:

TELEPHONE (Area code, number, and extension)



**AGENDA ITEM:** Fencing for Cypress Creek Nature Preserve  
**SUBMITTED BY:** Mayor Jagers  
**DATE SUBMITTED:** 14 March 2019  
**MEETING DATE:** 21 March 2019

# AGENDA FORM

## ITEM DESCRIPTION/SUMMARY

Discuss and consider action to fund barrier fencing for the Nature Preserve.

## 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 type="checkbox"/> | Amount Under/Over Budget: | \$ |

## STAFF RECOMMENDATION