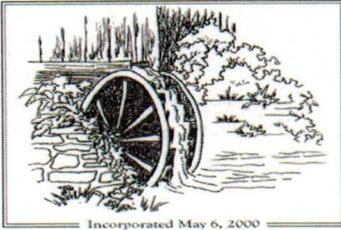


**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, August 15, 2019

6:00 p.m.



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 15, 2019 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** August 15, 2019 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION** Trinity Church of Austin Lay Leader and Chancellor
Jimmy Alan Hall
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**
The City Council welcomes comments from the general public on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.
6. **PRESENTATION AND POSSIBLE ACTION**
 - A. Presentation and consider possible action to draft a policy in order to designate Wimberley as a Film Friendly Certified Community. (Place Three City Council Member Christine Byrne and Carroll Wilson)
 - B. Presentation and consider possible action regarding the Comprehensive Plan Review Team's recommendations. (Team Member Jo Kathryn Quinn)
7. **EXECUTIVE SESSION**
In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

Executive Session pursuant to Texas Government Code, Section 551.074 (Personnel Matters)
City Council will meet to deliberate the appointment, employment, evaluation, reassignment
duties, discipline or dismissal of a public officer or employee: City Administrator Shawn Cox.

8. OPEN SESSION

Discussion and possible action resulting from Executive Session.

9. CONSENT AGENDA

A. Approval of minutes from the Regular City Council Meeting held August 1, 2019.

B. Approval of minutes from the Special City Council Meeting held August 8, 2019.

10. BOARD, COMMISSION, COMMITTEE REPORTS

Report from the Transportation Advisory Board

11. CITY ADMINISTRATOR REPORT

Update regarding sales tax, road projects, Fiscal Year 2020 Budget and traffic enforcement
efforts (*City Administrator Shawn Cox*)

12. PUBLIC HEARINGS AND POSSIBLE ACTION

A. Hold a public hearing and consider approval regarding case CUP-19-006, an application
for a Conditional Use Permit to allow for the operation of a vacation rental on property
zoned Commercial-Low Impact (C-1) for property located at 700 FM 2325, Wimberley,
Hays County, Texas; and providing for the following: delineation on zoning map; findings
of fact; severability; effective date and proper notice and meeting. (*Casbar Properties, LLC*)

B. Hold a public hearing and consider approval regarding case CUP-19-007, an application
for a Conditional Use Permit to allow for the operation of a vacation rental on property
zoned Single-Family Residential 3 (R-3) for property located at 119 Jewel Lane,
Wimberley, Hays County, Texas; and providing for the following: delineation on zoning
map; findings of fact; severability; effective date and proper notice and meeting. (*Kelly
Fulkerson*)

C. Hold a public hearing and consider approval regarding case CUP-19-008, an application
for a Conditional Use Permit to allow for the operation of a vacation rental on property
zoned Rural Residential 1 (R-1) for property located at 310 Mill Race Lane, Wimberley,
Hays County, Texas; and providing for the following: delineation on zoning map; findings
of fact; severability; effective date and proper notice and meeting. (*Merry Gibson*)

D. Hold a public hearing and consider approval regarding case CUP-19-009, an application
for a Conditional Use Permit to allow for the operation of a vacation rental on property
zoned Residential Acreage (RA) for property located at 10300 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. (*Sonja Nagy*)

13. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to approve Ordinance No. 2019-09, authorizing the issuance of “City of Wimberley, Texas exchange refunding bonds, Series 2019”; providing for the payment of said bonds by the levy of an ad valorem tax upon all taxable property within the City and further securing said bonds by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said bonds; authorizing the execution of a paying agent/registrar agreement; authorizing the execution of any necessary documents to effectuate the issuance of the bonds; complying with the requirements of the letter of representations on file with the depository trust company; and providing an effective date. *(Norton Rose Fulbright Attorney Stephanie Leibe)*
- B. Discuss and consider possible action to approve Ordinance No. 2019-22, establishing a new prima facie speed limit of twenty-five (25) miles per hour along Old Kyle Road pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 454.351; and repealing the prima facie speed limit of thirty (30) miles per hour along Old Kyle Road; making certain findings; authorizing the placement of speed limit signs along such street; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability. *(Public Works Superintendent John Provost)*
- C. Discuss and consider possible to approve Resolution No. 13-2019, regarding a regulatory process for pipeline routing. *(Place Three Council Member Christine Byrne)*
- D. 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 Wimberley Code of Ordinances. *(Place Three Council Member Christine Byrne and Place Five Council Member Bo Bowman)*
- E. Discuss and consider possible action to adopt the City of Wimberley Social Media Policy. *(City Secretary Laura Calcote)*
- F. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure regarding email access. *(City Administrator Shawn Cox)*
- G. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*
- H. Discuss and consider possible action to schedule a City Council Strategic Planning Session and Goals Workshop. *(City Administrator Shawn Cox)*
- I. Discuss and consider possible action to cancel the second Regular City Council Meeting set for December 19, 2019 and the first Regular City Council Meeting set for January 2, 2020. *(Place Four City Council Member Gary Barchfeld)*
- J. Discuss and consider possible action to review the process of filing an ethics complaint. *(Mayor Susan Jagers)*

- K. Discuss and consider possible action to extend the Short-Term Rental Review Committee's term for another year. *(Mayor Susan Jagers)*
- L. Discuss and consider possible action to finalize the purchase of "Phase II" services outlined in Section 4.3 of the City contract with Host Compliance. *(Mayor Susan Jagers)*
- M. Discuss and consider possible action regarding the Texas Commission on Environmental Quality (TCEQ) application renewal. *(Mayor Susan Jagers)*

14. CITY COUNCIL REPORTS

- A. Announcements
- B. Future agenda items

15. 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.

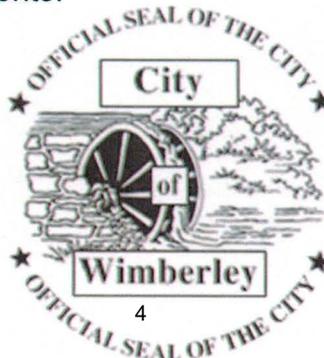
CERTIFICATION

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, in compliance with Chapter 551, Texas Government Code, on Monday, August 12, 2019, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Laura J. Calcote

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: Presentation to designate Wimberley as a Film Friendly Certified Community
SUBMITTED BY: Christine Byrne
DATE SUBMITTED: 8/8/19
MEETING DATE: 8/15/19

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas Film Commission is promoting Film Friendly Certified Communities. Many Hill Country towns including Dripping Springs, Blanco, San Marcos, Kyle and Buda are film friendly certified. According to the Texas Film Commission, "On-location filming activity stimulates local economies by creating jobs for Texas-based crew members and local residents. On-location filming activity generates on-site spending on local goods and services to small businesses." Mr. Carroll Wilson will give a presentation about Film Friendly Communities and what is needed to become certified to include adoption of a Film Friendly Guidelines or Policy.

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 following Filming Guidelines & Application are intended solely as a potential starting point for use by your legal counsel in crafting an appropriate final set of Filming Guidelines and Application for your municipal program. They may not be suitable for all situations and may even include guidelines which are unsuitable for your particular municipality. The Texas Film Commission does not endorse, guarantee, or warrant, either expressly or impliedly, the accuracy, completeness or timeliness of the following Filming Guidelines & Application Sample and it is provided "as is," without warranty of any kind. You are urged to consult legal counsel in the development, adoption and implementation of your Filming Guidelines and Application.

Guidelines for Filming in Anytown, TX

Revised 12-30-10

- I. Purpose
- II. City Control/City Manager Authority
- III. Permit Requirements and Fees
- IV. Application Fee
- V. Use of City Equipment and Personnel
- VI. Use of City-Owned Real Estate
- VII. Vehicles and Equipment
- VIII. Hours of Filming
- IX. Notification of Neighbors
- X. Certificate of Insurance
- XI. Damage to Public or Private Property
- XII. Hold Harmless Agreement

Guidelines for Filming in Anytown, Texas

I. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within **Anytown** and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of **Anytown**, Texas residents and businesses, and to promote the public health, safety and welfare. The City Manager reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Manager.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

II. CITY CONTROL/CITY MANAGER AUTHORITY

The City Manager may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use.

The Applicant agrees that the City of **Anytown** shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming in order to promote the public health, safety or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager.

III. PERMIT REQUIREMENTS

Before filing an application for filming in **Anytown**, the Office of the City Manager must be contacted to discuss the production's specific filming requirements and the feasibility of filming in **Anytown**, TX.

Any commercial producer who desires to undertake a commercial production in **Anytown** is required to complete and return the attached application for filming to the Office of the City Manager, within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

IV. APPLICATION FEE

An application processing fee of \$25.00 should accompany each application for filming in **Anytown**.

The City Manager may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the City Manager.

V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager. The Applicant shall pay all costs in full within ten (10) days after

receipt of an invoice for said costs. The City Manager may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Manager, in consultation with the Chief of Police and/or Fire Chief, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

VI. USE OF CITY-OWNED REAL ESTATE

The City Manager may authorize the use of any street, right-of-way, park or public building, use of **Anytown**, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Manager.

The Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

<u>Activity</u>	<u>Cost per calendar day</u> maximum of ___ hours/day
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500 per day
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250 per day
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50 per block, per day
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25 per block, per day
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot, per day

The Applicant acknowledges and agrees that the City of **Anytown**, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity in order to promote the public health, safety and/or welfare.

VII. VEHICLES AND EQUIPMENT

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City Manager. On-street parking or use of public parking lots is subject to City approval.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager.

VIII. HOURS OF FILMING

Unless express written permission has been obtained from the City Manager in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 p.m.

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 p.m.

IX. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short written description, approved by the City Manager, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Manager, the City Manager may grant or deny the filming application.

X. CERTIFICATE OF INSURANCE

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of **Anytown** and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

XI. DAMAGE TO PUBLIC OR PRIVATE PROPERTY

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

XII. HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

*I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of **Anytown**, Texas, and that I and my firm will indemnify and hold harmless the City of **Anytown**, Texas and its elected officials, officers, servants, employees, successors, agents, departments and assigns from any and all losses, damages, expenses, costs and/or claims of every nature and kind arising out of or in connection with the filming/taping and other related activities engaged in pursuant to this Application.*

*I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of **Anytown**, Texas on behalf of the firm.*

Signed: _____

Title: _____

Date: _____

THE CITY OF ANYTOWN, TX

Application for Commercial Filming

Title of project

Type of production (feature film, television production, commercial, corporate, music video, etc.)

Proposed Filming Locations (attach additional pages if necessary)

Date(s) of prep/filming

Primary Contact

Name

Cell phone

Email

Location Manager (if different from Primary Contact)

Name

Cell phone

Email

Production Company Information

Name of Production Company

Address

City/State/Zip

Web Site

Primary Contact's Name

Primary Contact's Phone

Primary Contact's Email

Is this production already in contact with the Texas Film Commission? _____

If yes, who is your contact at the Texas Film Commission?

Name

Phone

Email

PRODUCTION (*Attach additional sheets if necessary.*)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals: (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.)

2. Approximate number of persons involved with the production, including cast and crew:

3. Anticipated need of City personnel, equipment or property:

4. Public areas in which public access will be restricted during production:

5. Describe alterations to public property:

6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

7. Location where crew will be fed, if not at filming location:

8. Location where extras will be held, if not at filming location:

9. Please attach map of anticipated street closure(s) or other public area use.

Applicant (production company representative):

_____ Date: _____

Name

Title

Application approved by **Anytown** representative:

_____ Date: _____

*The "Guidelines for Filming in **Anytown**, Texas" apply to all motion picture production in **Anytown**.*

The Office of the City Manager may require the applicant to acknowledge receipt of the Guidelines prior to approving this application.

Wimberley Comprehensive Plan Review Committee Report to City Council

August 15, 2019

COMPREHENSIVE PLAN REVIEW TEAM MEMBERS

- **Jo Kathryn Quinn – Resident and CEO for a Non-Profit.**
- **David Glenn – Resident and former P&Z**
- **Jim Thompson – Resident, Former CP Committee member**
- **Phil Collins – Resident, business Owner, Investor**
- **Natalie Meeks – Resident, Former P&Z, Business Owner**
- **Amy Crowell - Resident**
- **Craig Reitz – Resident and P&Z, Original member that resigned**

Comprehensive Planning Team met with Public every week for 13 weeks. - Deliverables issued out on Aug 1, 2019

Scoring of Objectives in Original CP

- **Scoring of Objectives in the Feb 4, 2016 CP were done by two different groups:**
 - The general public
 - The Comprehensive Plan Review Team
- **Scoring Scale Utilized:**
 - 5 point scale - Same scale as the original CP was written and scored - 1 Strongly Disagree to a 5 strongly agree
 - Actual scores can be found in Attachment F

Vision from the Public

- **Three Best things about Wimberley:**
 - Involvement, people, friendships
 - Natural environment, beauty of the area, Blue Hole/Nature Preserve
 - Small town lifestyle, Hill Country activities, quaint shops
- **Three biggest problems in Wimberley today;**
 - Wastewater fiasco
 - Traffic, parking, pedestrian safety, sidewalks
 - Divisiveness, lack of civility, toxic environment in city government
- **Three new businesses you would like to see in Wimberley;**
 - Better and more Restaurants, more food trailers, more food options
 - Small quaint businesses, more varied shopping
 - Family Activities, Businesses that offer access to river

Vision from the Public

- **Three new business not acceptable in Wimberley;**
 - Large box stores or Chain stores
 - Fast food restaurants, No Tattoo/Vape
 - Big resorts, liquor stores, any business bringing in hordes of people.
- **If you were leader for a day, what three things would you change?**
 - Complete wastewater system
 - Improve traffic and pedestrian flow through the Square
 - Address the lack of civility

Key Findings of Current CP Critical Path Issues

- **Waste Water**

- **Congestion**

- **Finance**

Recommended Next Steps for City Council

- **Form a committee to use Comprehensive Plan Review Committee recommendations to prepare for the 2020-2040 plan.**
- **Activate a Finance Committee**
- **Activate a Congestion Committee**

Next Steps for P&Z on Comprehensive Plan

- **Vote to accept the CP Committee Recommendations by end of August.**
- **Coordinate directly with the new Comprehensive Plan Committee to implement accepted Recommendations.**
- **Modify any existing ordinances, processes, or other to support direction of CP.**
- **P&Z Members should make themselves aware of the content of the current CP**

Make our CP a Living Document

To be an Effective Tool, the Comprehensive Plan must be a Living and Guiding Document. To this end the CP review team strongly suggests a process is developed that will ensure every city staff member, elected official and volunteer serving in an official capacity is familiar with the comprehensive plan. An ideal would be that the comprehensive plan is routinely used to evaluate actions taken by committees, commissions and city council.

Comprehensive Plan 2020-2040

- **Developed in the next 12 to 18 Months.**
 - **Identify exactly who should be on the committee**
 - **Utilize associate members for Coordination across the various groups**
 - **Liaison members from Congestion Committee and P&Z**
 - **The committee should have an 18 month life, with an automatic 6 month extension, if needed.**

Vision for Wimberley, Then and Now

Original Vision Statement in 2000 to 2020 CP:

This Vision is the foundation for our Comprehensive Plan

To this Vision we commit ourselves as a community. We call upon our current and future leaders to shape City policies accordingly:

- **To preserve and enhance the beauty of our environment, protecting and conserving our natural resources and the habitat of wildlife that share the Valley with us.**
- To permit only such development and use of land as fulfills our commitment to conservation, quality and harmony, rejecting over-commercialization and development of any kind that is inappropriate in size, character, purpose or appearance.
- To carry forward into the future the cherished traditions of our chosen lifestyle as residents of a small town - neighborliness, vibrant volunteer spirit and gracious welcome to visitors.
- The **Current Comprehensive Plan Committee** felt that the vision for the future had not changed in 20 years, and offer this Vision without change, for the next 20 years.

Any Questions?



AGENDA ITEM: Employee Evaluation of City Administrator
SUBMITTED BY: Mayor Jagers
DATE SUBMITTED: 08082019
MEETING DATE: 08152019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Give notice for an executive closed session unless Cox want's otherwise

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: August 12, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- A. Approval of minutes from the Regular City Council Meeting held August 1, 2019.
- B. Approval of minutes from the Special City Council Meeting held August 8, 2019.

REQUESTED ACTION

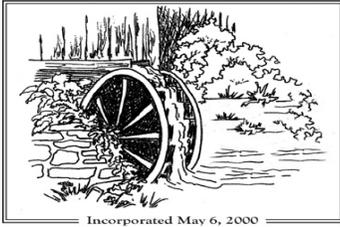
- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

Approval of Items A and B.



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 1, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jaggars called the meeting to order at 6:01 p.m.

CALL OF ROLL

Council Members Present:

Susan Jaggars	Mayor
Rebecca Minnick	Place One
Craig Fore	Place Two
Christine Byrne	Place Three
Gary Barchfeld	Place Four
Bo Bowman	Place Five

City Staff Present:

Shawn Cox	City Administrator
Laura Calcote	City Secretary
Megan Santee	Deputy City Attorney
Richard Shaver	Parks Programs and Operations Manager
John Provost	Public Works Superintendent

INVOCATION

Wimberley United Methodist Reverend, Wes Cain, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

CITIZENS COMMUNICATIONS

There were no citizen's comments.

PRESENTATION AND POSSIBLE ACTION

- A. Presentation and consider possible action regarding the identification of committee members for various Wimberley Valley task forces. (*Hays County Precinct 3 Commissioner Lon Shell*) Hays County Precinct 3 Commissioner, Lon Shell, presented the formation of planning committees/task forces comprised of representatives from local jurisdictions, including the City of Wimberley, to discuss four major issues facing Hays County and the Wimberley Valley, which are transportation infrastructure, commercial and residential development, water resource management and parks, trails and open space conservation. Several Council members volunteered to be placed on the task forces.

Motion to appoint Council Member Christine Byrne to the water resource management and the parks conservation task forces, Council Members Gary Barchfeld and Craig Fore to the transportation infrastructure task force and City employee, Sandy Floyd, to the commercial and residential task force was made by Council Member Christine Byrne. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

B. Presentation and consider possible action to approve the Wings Over Wimberley Event on September 13-15 in Wimberley. *(Roy Cunningham)*

Pamela Rudd and Roy Cunningham addressed Council regarding the Wings Over Wimberley (WoW) Event scheduled for September 13th through 15th. Ms. Rudd presented a tentative map of the Event and discussed Event details with Council. Mr. Cunningham showed a promotional video for the WoW Event.

Motion to provide City support for the Wings Over Wimberley Event, including the shutting down of roads and providing of necessary barricades, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:30 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose:

Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee: City Administrator Shawn Cox.

OPEN SESSION

Regular Session reconvened at 6:53 p.m.
No action was taken.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

Approval of minutes from the Regular City Council Meeting held July 18, 2019.

BOARD, COMMISSION, COMMITTEE REPORTS

Board of Adjustment Chairperson, Tracey Dean, reported on the activities of the Board for 2019. The Board had met in January and March 2019, and a potential meeting was scheduled for the end of August. Mr. Dean provided information regarding the quasi-judicial board's role and responsibilities, including the granting or denial of variances within the City.

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, reported that the City would meet or exceed sales tax revenue projections for Fiscal Year 2019, and discussed the upcoming Fiscal Year 2020 Budget schedule.

CITY COUNCIL WORKSHOP UPDATE

Update regarding City Council Strategic Planning Session and Goals Workshop held July 16,

2019 (City Administrator Shawn Cox)

City Administrator, Shawn Cox, presented the identified priorities for City Council for Fiscal Year 2020, including public safety, financing, transportation, development/growth, quality of life, image, function, relationships and infrastructure. Several of these topics had been discussed during the July 16th City Council Workshop. Council would need to schedule a second workshop to finish discussing and defining these priorities.

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to approve Resolution No. 12-2019, supporting the efforts of the City of Wimberley Parks Department in acquiring real property located at 288 AC Development Tract 2325 FM Wimberley, Texas 78676. (*Parks Programs and Operations Manager Richard Shaver*)

Parks Programs and Operations Manager, Richard Shaver, presented background information pertaining to Mt. Edith, which is a sister mountain to City-owned, Old Mt. Baldy, and located in Wimberley’s extraterritorial jurisdiction. Mr. Shaver noted the acquisition of the 288-acre property would be a significant step in assisting with land and night sky preservation efforts, along with achieving goals mentioned in the City of Wimberley’s Parks and Recreation Master Plan to acquire and protect open space. The City had received numerous letters of support for acquisition of the property. Mr. Shaver stated funding to purchase the property was currently being explored, but staff was requesting no City funding at this time.

There was discussion among Council members regarding the benefits of acquiring Mt. Edith as City property, including flood mitigation, possible land annexation, preservation of greenspace and business planning for the potential park.

Motion to approve Resolution No. 12-2019, supporting the efforts of the City of Wimberley Parks Department in acquiring real property located at 288 AC Development Tract 2325 FM Wimberley, Texas 78676, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (4-1):

Rebecca Minnick	Aye
Christine Byrne	Aye
Gary Barchfeld	Aye
Bo Bowman	Aye
Craig Fore	Nay

B. Discuss and consider possible action regarding access to City email accounts. (*City Administrator Shawn Cox*)

The Mayor currently had access to several City employee’s email accounts, since the summer of 2018. She recently had requested access to Mayor Pro-Tem, Rebecca Minnick’s, email account through the City’s IT provider. There was discussion among Council members regarding the right to privacy and the Mayor’s role in government oversight. Deputy City Attorney, Megan Santee, advised the Mayor and Council members regarding the Mayor’s and the governing body’s power and duties, as outlined in the Texas Local Government Code, Chapter 22.

Motion for the Mayor, or City Council members, to not have access to City Council or City staff’s email accounts, including the City Administrator, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (4-1):

Rebecca Minnick	Aye
Craig Fore	Aye
Christine Byrne	Aye

Bo Bowman	Aye
Gary Barchfeld	Nay

- C. Discuss and consider possible action to regarding the development of a handbook and training for members of the City’s boards, commissions and committees. *(Place One Council Member Rebecca Minnick)*

Council Member, Rebecca Minnick, contended City board, commission and committee members should have clear direction and expectations regarding roles and responsibilities pertaining to their volunteer positions. Ms. Minnick suggested annual training, along with a handbook, should be provided to all members of City entities. There was discussion among Council members on what additional trainings, aside from the Texas Public Information Act and Texas Open Meetings Act, should be mandatory. There was also discussion on the creation of a handbook, which would be drafted by City staff and brought back to City Council for consideration by the end of October 2019.

Motion to require annual training, as outlined in the handbook, for City boards, commissions, committees and council members was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (3-2):

Rebecca Minnick	Aye
Christine Byrne	Aye
Bo Bowman	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

Lila McCall addressed Council after this item regarding parkland and the high cost of taxes in Austin, due to upkeep for their City parks system. Additionally, Ms. McCall spoke about the Central Wimberley Wastewater Project, including the lack of TxDOT permits and the potential Aqua Texas contract.

Motion to take a recess at 8:04 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

Regular Session reconvened at 8:15 p.m.

Mayor Susan Jagers left the meeting at 8:15 p.m. Mayor Pro-Tem, Rebecca Minnick, assumed the role of presiding officer.

- D. Discuss and consider possible action regarding City boards, commissions and committees and the posting of agendas. *(Place Four Council Member Gary Barchfeld)*

There was further discussion among Council members regarding the board, commission and committee handbook and the posting of meeting agendas by City staff.

No action was taken on this item.

- E. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox and Place Four Council Member Gary Barchfeld)*

There was lengthy discussion among Council members regarding the next steps for the Central Wimberley Wastewater Project, including, but not limited to, the bore location, easements, engineering costs, connecting to Aqua Texas’s lines and the four stipulations set

forth by the Texas Water Development Board (TWDB) for approval of the change in scope. Furthermore, the September 6th deadline for the City to provide a timeline to the TWDB to accomplish the four items was discussed. It was decided a workshop was needed, with all vested parties included, to discuss the details surrounding the Project.

Motion to set a City Council Wastewater Workshop for Thursday, August 8th, at 9:00 a.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- F. Discuss and consider possible action regarding the status of the Public Works Department's projects, intended projects, contractors and budget amounts. *(Place Four Council Member Gary Barchfeld)*

Public Works Superintendent, John Provost, addressed Council regarding completed road projects during Fiscal Year 2019, which included River Road, Rocky Springs, Little Ranches and Flite Acres. Mr. Provost also reported on inhouse and ongoing pothole maintenance, signage within the City and upcoming projects for Fiscal Year 2020, which would include chip sealing, the Hidden Valley fish weir, Spoke Hollow Road cattleguard, tree trimming and the usage of the restroom trailer in the Wimberley Square.

No action was taken on this item.

- G. Discuss and consider possible action regarding the status of the City of Wimberley budget. *(Place Four Council Member Gary Barchfeld)*

There was discussion among the City Administrator and Council members pertaining to the remaining Fiscal Year 2019 Budget's projected revenue collection and expenditures and the upcoming Fiscal Year 2020 Budget.

No action was taken on this item.

- H. Discuss and consider possible action regarding the grant status with the General Land Office (GLO) and the Federal Emergency Management Agency (FEMA). *(Place Four Council Member Gary Barchfeld)*

Council Member Christine Byrne recused herself from the discussion.

City Administrator, Shawn Cox, advised on the status of the grant programs.

No action was taken on this item.

- I. Discuss and consider possible action regarding the pavers and cement paving of The Quarter Shops parking lot at Cypress Creek. *(Place Four Council Member Gary Barchfeld)*

City Administrator, Shawn Cox, reviewed the Board of Adjustment process for approving variances. The Quarter Shops, LLC was granted a variance in November 2018, with multiple conditions, and the applicant had followed regulations set forth in the variance. There was discussion among Council members, the City Administrator and Deputy City Attorney pertaining to the approval process for the Board of Adjustment.

No action was taken on this item.

- J. Discuss and consider possible action to schedule a joint workshop between City Council, the Planning and Zoning Commission and the Short-Term Rental Review Committee. *(Mayor Susan Jagers and Place Four Council Member Gary Barchfeld)*

Council Member Gary Barchfeld read parts of a letter sent from Short-Term Rental Review Committee Chairperson, Albert Valera, to City Council on the progress of the Committee and the Committee's recommendations/requests. There was discussion pertaining to the Committee's scope and the City's contract with Host Compliance.

Motion to schedule a joint workshop between City Council, the Planning and Zoning Commission and the Short-Term Rental Review Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion failed as follows (3-2):

Rebecca Minnick	Nay
Christine Byrne	Nay
Bo Bowman	Nay
Craig Fore	Aye
Gary Barchfeld	Aye

K. Discuss and consider possible action to extend the Short-Term Rental Review Committee’s term for another year. *(Mayor Susan Jagers and Place Four Council Member Gary Barchfeld)*
Motion to extend the Short-Term Rental Review Committee’s term for another year was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion failed as follows (3-2):

Rebecca Minnick	Nay
Christine Byrne	Nay
Bo Bowman	Nay
Craig Fore	Aye
Gary Barchfeld	Aye

CITY COUNCIL REPORTS

- A. Announcements – Council Member Rebecca Minnick noted she and Council Member Christine Byrne would be attending the Hill Country Alliance Conference next week in Kerrville.
- B. Future agenda items – Council Member Gary Barchfeld requested the cancellation of the second Regular City Council Meeting in December 2019 and the first Regular City Council Meeting in January 2020 be placed on the next agenda. Council Member Rebecca Minnick requested an enforcement item be placed on the next agenda. Council Member Christine Byrne requested a presentation and possible action item to designate Wimberley as a Film Friendly Certified Community and for the tree ordinance to be placed on the next agenda.

ADJOURNMENT

Motion to adjourn the meeting at 10:08 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

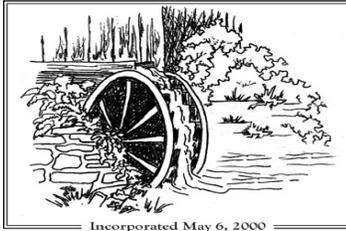
RECORDED BY:

 Laura J. Calcote, City Secretary

APPROVED BY:

 Susan Jagers, Mayor





City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 8, 2019 – 9:00 A.M.

MINUTES

CALL TO ORDER

Mayor Pro-Tem, Rebecca Minnick, called the meeting to order at 9:02 a.m.

CALL OF ROLL

Council Members Present: Rebecca Minnick Place One
Craig Fore Place Two
Christine Byrne Place Three
Gary Barchfeld Place Four
Bo Bowman Place Five

Council Members Absent: Susan Jagers Mayor

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

WORKSHOP

The City Council held a workshop to discuss the status of the Central Wimberley Wastewater Project. Council members received updates from and discussed the Project's background and current scope with the following individuals:

Steve Coonan – Plummer Associates, Design Engineer

Joe Chesney – Vice President of Capital Excavation

Brian Robinson – Aqua Texas Representative

Council members and consultants discussed three different bore locations for crossing the Cypress Creek, and which proposal would be the most environmentally and economically feasible option. Design Engineer, Steve Coonan, stated the second proposal of crossing the Cypress Creek at Blue Hole Lane and connecting to private property on Mill Race Lane and then going onto the Johnson Property would be the easiest to construct. City Council members agreed the aforementioned proposal would be the first option to explore for the bore location. The second option would be to cross the Cypress Creek and onto the Johnson Property.

There was also discussion regarding the Fiscal Year 2020 Budget for the Project, as well as a future timeline to complete the Project. Capital Excavation Vice President, Joe

Chesney, noted the company was waiting on plans from the City to resume work. Furthermore, Council members discussed short- and long-term maintenance for the wastewater system.

City Council took a recess at 10:33 a.m.
Regular Session reconvened at 10:41 a.m.

DISCUSSION AND POSSIBLE ACTION

Discuss and consider possible action providing direction to staff based on consultant recommendations regarding the Central Wimberley Wastewater Project.

Council Member Rebecca Minnick presented a Wimberley Sewer System Actions list, which included actionees and timelines for action items such as communication channels, project manager selection, financials, Aqua Texas contract, easements, exchange refunding bonds, engineering drawings and so forth. The Texas Water Development Board’s four conditions for the approval of the change in scope were also discussed.

No action was taken.

ADJOURNMENT

Motion to adjourn the meeting at 11:39 a.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers, Mayor





AGENDA ITEM: City Administrator’s Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 12, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding sales tax, road projects, the FY 2020 Budget, and traffic enforcement efforts.

REQUESTED ACTION

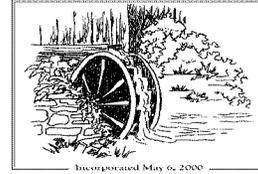
- Motion
- Discussion
- Ordinance
- Resolution
- Other

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

Report for CUP-19-006



Summary: An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 700 FM 2325

Applicant Information:

Applicant: Casbar Properties, LLC (Merilyn Barney)
300 Cypress Creek Lane
Wimberley, TX 78676

Property Owner: Casbar Properties, LLC (Merilyn Barney)

Subject Property:

Legal Description: 6.23 acres out of the Benjamin Page Survey, Abs. 365 & Robert Rankin Survey, Abs. 390
700 FM 2325

Location: 700 FM 2325

Existing Use of Property: Commercial

Existing Zoning: Commercial-Low Impact (C-1)

Proposed Use of Property: Vacation Rental

Proposed Zoning: CUP

Planning Area: II & IV

Overlay District: Entrance Corridor

Surroundings:

Frontage On: FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R2	Residential
S of Property	C1	Commercial
E of Property	R2	Residential
W of Property	R1, R2	Residential

Legal Notice

200' Letters: 07/22/2019

Published: 07/18/2019

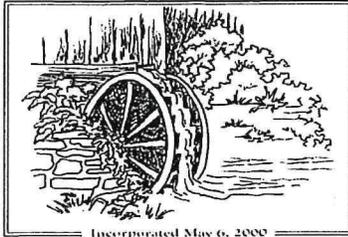
Sign Placement: 07/22/2019

Responses: 1-support

Comments:

The applicant, Casbar Properties, LLC, has requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 700 FM 2325. Access will be shared through the Wimberley Stitch Studio located at 704 FM 2325. The proposed vacation rental property will be serviced by public sewer and has multiple structures. The main structure is 3 bedroom/3 bath and is 1,593 square feet. The second structure is 1 bedroom/1 bath and is 300 square feet. The total proposed maximum occupancy is 9 guests. There are also two +- 550 square foot buildings. This proposal will incorporate lodging with associated lessons such as quilting or Tai-Chi retreats. To date, there has been one letter of support received from a property owner within the 200' notice area.

On August 8th, the Planning & Zoning Commission recommended approval of the application by a vote of 6-0-0.



City of Wimberley

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

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

www.cityofwimberley.com

RECEIVED
7-1-19

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19 - 006 Date: 10 July 2019 Staff Review SIF
 P&Z Hearing: 8-8-19 Council Hearing: 8-15-19 Fees Paid:

Applicant: Merilyn Barney (Casbar Properties LLC)
 Mailing address: 300 Cypress Creek Ln City: Wimb State: Tx Zip: 78674
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: same
 Mailing address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Project Site Address: 700 FM 2325 Wimb 78676
 Legal description: Benjamin Page Survey Robert S Rankin Survey 6.423
 Total Acreage or Square Footage: 6.423 acre Deed recorded in: Hays
 Hays CAD Parcel ID R 17535 Planning Area: IV E II Zoning: C1
 Is property located in an overlay district? Yes No If Yes, type: ENTRANCE CORRIDOR
 Specific Conditional Use Requested: short term rental 2 (vacation rental)
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

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

SUBMITTAL CHECKLIST

- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

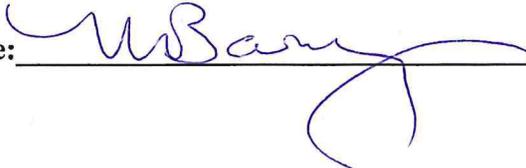
MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 7-1-19

Applicant's Signature: 

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

Owner: Marilyn Barney + Rafael Castanet

LOCATION OF PROPERTY: 700 FM 2325

LEGAL DESCRIPTION: Benjamin Page Survey/Robert S Rankin Survey

PLANNING AREA: IV & II

PRESENT ZONING: C1

EXISTING USE: RESIDENTIAL

USE TO BE GRANTED: Bed & Breakfast OR Vacation Rental

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

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

OFF-STREET PARKING: All parking will be off-street. 15 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 9 guests. Parking will be in these spaces only.

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

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

NUMBER OF BEDROOMS: 4

PROPOSED MAXIMUM OCCUPANCY: 8-9 guests.

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

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

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

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

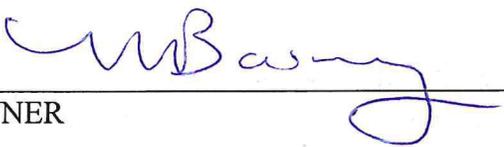
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the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

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

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

ACCEPTED AND AGREED TO:

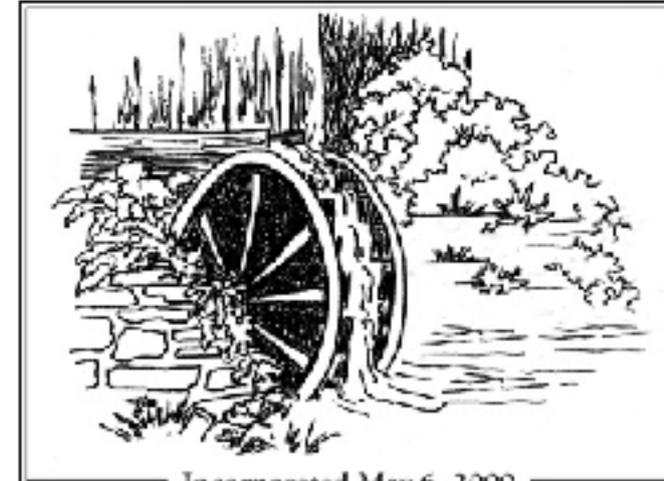
7-1-19
DATE


OWNER

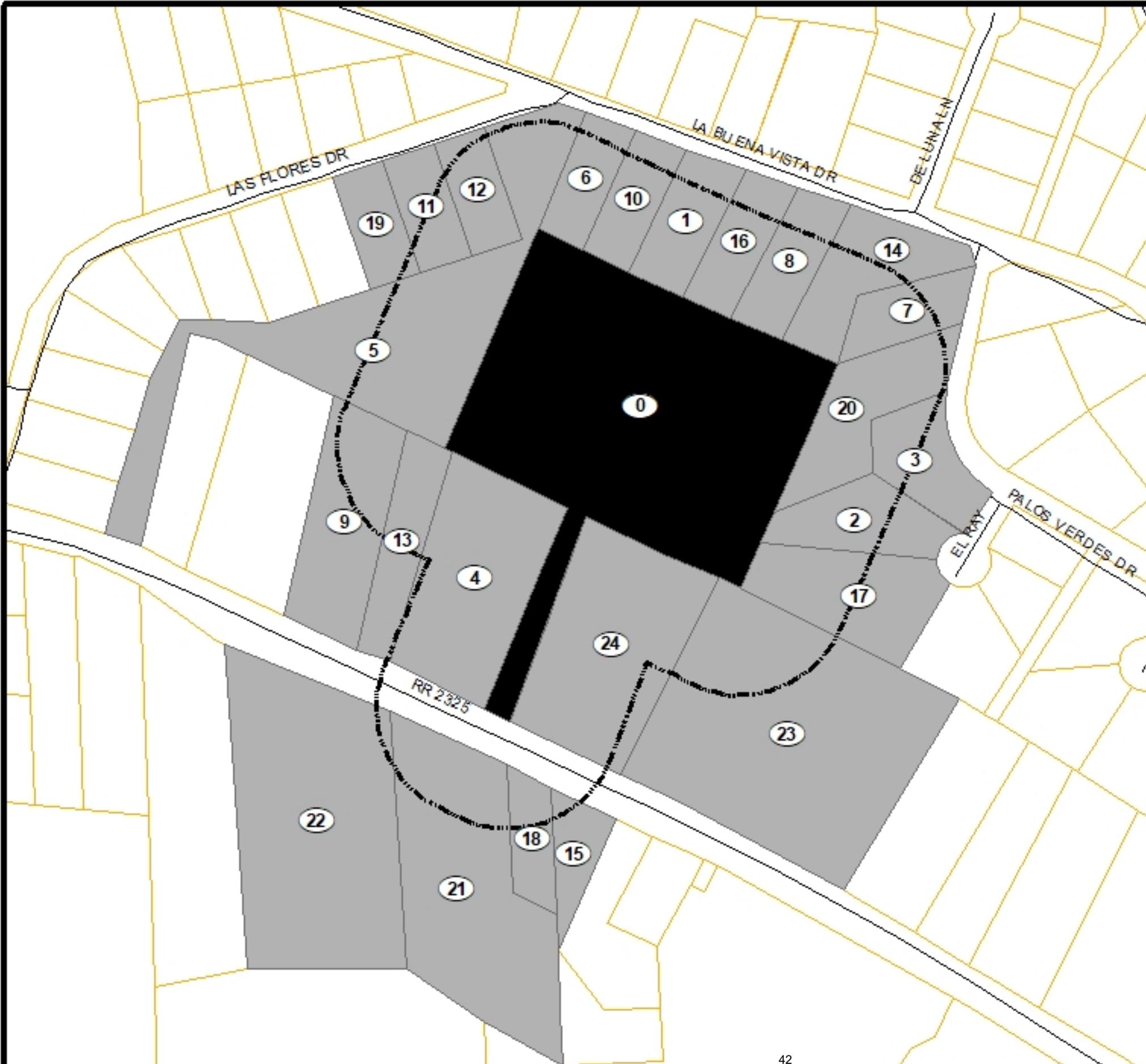
DATE

OWNER

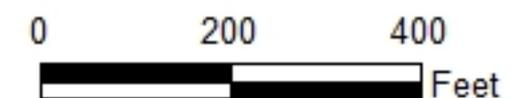
CUP-19-006 ~ 700 FM 2325

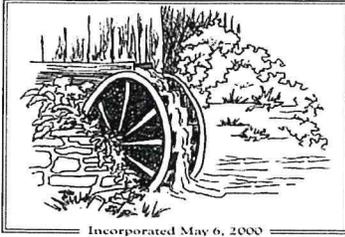


200' NOTIFICATION



Legend	
	200' Buffer
ID. Owner	
	0. SUBJECT TRACT
	1. BANKS G BRUCE & SYLVIA J
	2. BOTKIN, JANE LITTLE
	3. BUHMAN MARTHA M & LANCE L
	4. CASBAR PROPERTIES LLC
	5. COTTEN STEVEN & RHONDDA
	6. COTTEN, STEVEN C
	7. FERENZ JAMES LARRY & PATSY DELL
	8. FORE CRAIG M & CANDACE L
	9. GREENOUGHALLIN LP
	10. GREGORY LINDA M & OSCAR B
	11. LONG MITCHELL & RUBY LU ANN
	12. LONG MITCHELL & RUBY LU ANN
	13. MADRONE OFFICE PARK & STORAGE LLC
	14. MALCOM WILLIAM J & JANET M
	15. SAUCEDA TONY & HELEN
	16. SHUTTLESWORTH FRED M & DARLENE C
	17. TANNER, ROSE MARY
	18. TEXAN CAR WASH LLC
	19. VERIATO, JEAN
	20. WALKER MARTY & KIMBERLEN G
	21. WIMBERLEY LIONS CLUB
	22. WIMBERLEY LIONS CLUB
	23. WIMBERLEY LIONS CLUB
	24. WIMBERLEY LIONS CLUB





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

July 22, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-006

700 FM 2325

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

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

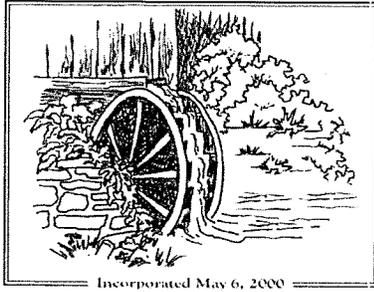
The applicant, Casbar Properties, LLC (Marilyn Barney), has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 700 FM 2325. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 8, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 15, 2019, at 6:00 p.m.**

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

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

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: July 22, 2019

ZONING NO: CUP-19-006

APPLICANT: Casbar Properties, LLC
(Merilyn Barney)

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

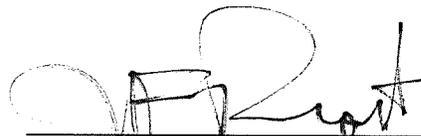
Project Site Address: 700 FM 2325

*Access to use: 704 FM 2325

John Provost
Public Works/Code Enforcement

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

7-22 2019



Signature

The Wimberley View

CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202



Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-009— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 10300 Ranch Road 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-008— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 310 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

Public Notice

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance
Ordinance No. 2019-24

AN ORDINANCE ENACTING APPENDIX H, CHAPTER 26, SINGS, OF THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR A MASTER SIGN PLAN FOR THE DRIPPING SPRINGS MEDICAL VILLAGE; PROVIDING FOR THE FOLLOWING: RULES, STANDARDS; PROCEDURES; AND FINDINGS OF FACT; CODIFICATION; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; ENFORCEMENT INCLUDING CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$500.00 AND CIVIL FINES OF UP TO \$100.00.

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a mixed beverage permit and mixed beverage late hours permit by Grawlix LLC dba Grawlix, to be located at 330 West Mercer St. Suite 5, Dripping Springs, Hays county, Texas. Officers of said corporation are Jerome Bollom, Manager

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-007— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 119 Jewel Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-006— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

NOTICE OF HEARING ON NEEDMORE WATER USE REQUIRE PERMIT

Public Notice

CONSTRUCTION OF PHASE II WASTEWATER TREATMENT PLANT EXPANSION TO 150,000 GPD FOR HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SCOPE OF WORK: DH Investment Company, on behalf of Hays County Municipal Utility District No. 4, will accept sealed bids for the construction of Phase II of the wastewater treatment plant expansion from 75,000 GPD to 150,000 GPD. The work to be performed includes furnishing all materials, equipment, tools, and labor necessary for the delivery, construction, installation, inspection, testing, and disinfection of:

1. Construction of a second 75,000 GPD WWTP to operate in parallel with WWTP 1.
2. Replacing existing manual bar screen with a larger manual bar screen and flow splitter box.
3. Installing one additional blower assembly.
4. Replacement of two influent submersible lift station pump impellers.
5. Piping and electrical additions and modifications as necessary.

The work shall also include installation, maintenance and removal of erosion and sedimentation controls in accordance with the contract documents, and all local, state, and federal requirements.

RECEIPT OF BIDS: Sealed bids in envelopes are due at the Office of the Engineer: CMA Engineering, Inc. located at 235 Ledge Stone Drive, Austin, Texas 78737, (512) 432-1000 no later than 10:00 a.m. on Tuesday, August 13, 2019, at which time the bids for the Project Contract will be opened and read aloud. The OWNER reserves the right to waive all informalities and irregularities, and determine which Bids are most advantageous to the Project, and to award the Contract on this basis.

INFORMATION AND BIDDING DOCUMENTS: Copies of Bid Documents and Plans may be inspected at and/or obtained from the Office of the Engineer, during regular business hours: 7:30 a.m. to 5:30 p.m., Monday through Thursday and 8:00 a.m. to 12:00 p.m., Fridays. Bidding Documents and Plans are available at CMA Engineering, Inc. office at the below address:

CMA Engineering, Inc.
235 Ledge Stone
Austin, Texas 78737
(512) 432-1000
(512) 432-1015 (fax)

Electronic copies of Bid Documents and Plans may be obtained from the Mera Guerra at mguerra@cma-engineering.com.

BONDS: Performance, payment, and warranty bonds shall each be issued in an amount equal to 100% of the Contract Amounts as security for all the CONTRACTOR's obligations under the Contract Documents.

INSURANCE REQUIREMENTS: Bidders shall maintain insurance in the types and amounts indicated in the Contract Documents.

BID GUARANTY: All Bids must be accompanied by a Bid security made payable to Owner in an amount of five percent (5%) of Bidder's maximum Bid price and in the form of a cashier's check made payable to: DH Investment Company, or a Bid Bond issued by a surety.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held at the Office of the Engineer at 10:00 a.m. on Thursday, July 29, 2019. Representatives of the Engineer will be present to discuss the PROJECT.

BIDDER REQUIREMENTS: Bidders and subcontractors shall have completed at least three (3) similar projects in nature in the last five (5) years. All Work shall be guaranteed against defective workmanship and materials for a period of two (2) years from the date of final acceptance by the OWNER.

Public Notice

Application has been made with the Texas Alcoholic Beverage Commission for Winery Permit by Hugo Edwin Auler dba, Fall Creek Vineyards, Inc.

Public Notice

Garage Sales

MOVING SALE
July 17-24,
9am - 6pm
62 Woodcreek Dr
Everything must go
Furniture, col-

Public Notice



Land For Sale

HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING CYPRESS CREEK AND OLD TOWN SQUARE. REDUCED FOR QUICK SALE CALL JON 830-446-9157



Apartments For Rent

1 BR \$855, 2 BR \$935, 3 BR \$1070. 1 BR Move in Special: Half off first full month's rent! Luxury kitchen & bath upgrades. Stainless steel appliances & granite countertops. Pet friendly. Quiet, convenient Hill Country location. Blanco Oaks Apartments. 525 Jones Ave, Blanco, TX. 830-833-5795.

1 BEDROOM BARN APARTMENT

Utilities included. No smoking & no inside pets First month + deposit. \$750. Call 512-947-0218

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept. 1 New flooring/paint apartment is well maintained. small

Misc. Service

EYE SORE TREE ANI HAULING SERVICE ALL TYPES CLEANUP
We will remove your eye sores! scraping fire pits & flood pits. Lot cleanup & re-trim. Tree trimming. Hauling brush, trash & junk. leveling & Bo work. Land clearing services move and let portable build Call for an estimate. 512-618-3172 or 512-689-3

CALL JON WILTON for all your renovations, and handy needs. 512-618-11 Down to Earth Services



GET SOLI GROU

Tired of feeling like you're in a precarious position at work? Find the security you crave in Classified Listings

July 29, 2019

Sandy Floyd
City of Wimberley
221 Stillwater
Wimberley, TX 78676

Dear Ms Floyd,

I received your notice of a request for a CUP (File NO. CUP-19-006) for a vacation rental for the property adjacent to our property located at 706 FM 2325. I fully support this application as a vacation rental is appropriate for the area and there are other similar properties in close proximity to the subject property.

Thank you,

A handwritten signature in black ink, appearing to read "Steve Thurber". The signature is fluid and cursive, written in a professional style.

Steve Thurber
Madrone Office Park and Storage, LLC
706 FM 2325
Wimberley, TX 78676

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CASBAR PROPERTIES, LLC TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 700 FM 2325, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Casbar Properties, LLC (“Applicant”) requesting authorization to operate a vacation rental on real property described as 6.23 acres out of the Benjamin Page Survey No.64, Abstract 365 and the Robert Rankin Survey No. 65, Abstract 390, zoned Commercial-Low Impact (C-1); and

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

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

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

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Casbar Properties, LLC (“Applicant”) for use as a vacation rental on real property, described as 6.23 acres out of the Benjamin Page Survey No.64, Abstract 365 and the Robert Rankin Survey No. 65, Abstract 390, as more particularly described by survey in Exhibit “A” and Exhibit “B”, attached and incorporated by reference, zoned Commercial-Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

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

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

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

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 15th day of August, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

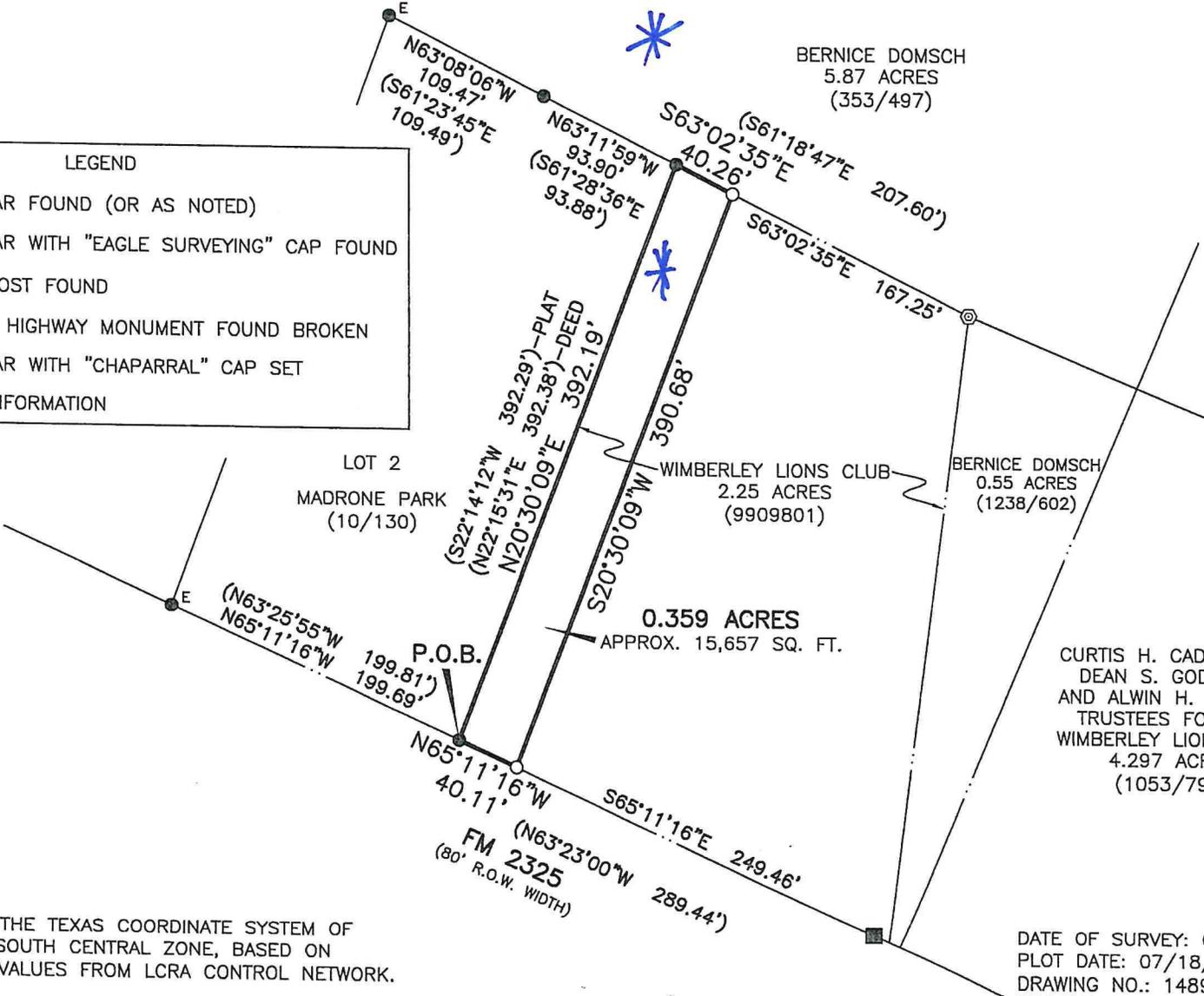
SKETCH TO ACCOMPANY A DESCRIPTION OF 0.359 ACRES (APPROXIMATELY 15,657 SQ. FT.) IN THE BENJAMIN PAGE SURVEY NO. 64, A-365, HAYS COUNTY, TEXAS, BEING A PORTION OF A 2.25 ACRE TRACT DESCRIBED IN A DEED OF RECORD IN DOCUMENT NO. 9909801 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- ^E 1/2" REBAR WITH "EAGLE SURVEYING" CAP FOUND
- ⊙ 4" PIPE POST FOUND
- CONCRETE HIGHWAY MONUMENT FOUND BROKEN
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- () RECORD INFORMATION



WOODCREEK,
SECTION 3
51.946 ACRES
(1/157-158)



BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1489-001 40' STRIP

DATE OF SURVEY: 07/09/19
PLOT DATE: 07/18/19
DRAWING NO.: 1489-001 40' STRIP
PROJECT NO.: 1489-001
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: STS

Chaparral

EXHIBIT "A"



Eagle Eye Construction Layout
1807 S. US Highway 183
Leander, Texas 78641
(512) 528-5308
TBPLS FIRM # 10194139

**6.423 ACRES, (279,791 Sq. Ft.)
CITY OF WIMBERLEY, HAYS COUNTY, TEXAS
METES AND BOUNDS DESCRIPTION**

A DESCRIPTION TO ACCOMPANY A LAND TITLE SURVEY OF TWO INDIVIDUAL TRACT(S) OF LAND TOTALING A 6.423 ACRE (APPROX. 279,791 Sq. Ft.) TRACT OF LAND, SITUATED IN THE BENJAMIN PAGE SURVEY, ABSTRACT No. 365 AND THE ROBERT S. RANKIN SURVEY No. 65, ABSTRACT No. 390, LOCATED IN HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS A CALLED 5.87 ACRE TRACT OF LAND IN A WARRANTY DEED, CONVEYED TO BERNICE DOMSCH, DATED FEBRUARY 4, 1981 AND APPEARING OF RECORD IN VOLUME 353, PAGE 497 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS AND A CALLED 0.55 ACRE TRACT OF LAND IN A WARRANTY DEED, CONVEYED TO BERNICE DOMSCH, DATED MARCH 25, 1993 AND APPEARING OF RECORD IN VOLUME 1238, PAGE 602 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 6.423 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY THE METES AND BOUNDS AS FOLLOWS:

BEGINNING at a set 1/2-inch Iron rod with plastic cap, stamped "4863" for the southwesterly corner of the hereon, described 6.423 Acre tract of land, same being the southwesterly corner of the aforementioned Tract 2, same being a point along the curving northerly right-of-way line of FM 2325, having an 80' right-of-way width, same being the southeasterly corner of a called 2.25 Acre tract of land being described in a Deed, conveyed to Wimberley Lions Club, and appearing of record under Document No. 9909801 of the Official Public Records of Hays County, Texas, and from which a found 1/2-inch iron rod bears northwest along the curving northerly right-of-way line of said FM 2325, same being the southerly property line of said 2.25 Acre tract of land, with a curve to the left having an Arc Length of 10.77 feet, a Radius of 579.58 feet, a Delta Angle of 00° 06' 25" and a Chord which bears North 65° 09' 05" West, a Distance of 10.77 feet to a calculated point of tangency, thence continuing along said common line North 65° 13' 47" West, a distance of 289.22 feet for the southwesterly corner of said 2.25 Acre tract of land, same being the southeasterly corner of Lot 2 of the Madrone Park, a subdivision appearing of record in Volume 10, Page 130 of the Plat Records of Hays County, Texas;

THENCE North 07° 07' 28" East, along the common dividing property line of the aforementioned Tract 2 and the aforesaid 2.25 Acre tract of land, a distance of 402.86 feet to a set 1/2-inch Iron rod with plastic cap, stamped "4863" for an ell-corner along the westerly property line of the hereon, described 6.423 Acre tract of land, same being the northeasterly corner of said 2.25 Acre tract of land, same being the northwesterly corner of said Tract 2 and an angle point along the southerly property line of the aforementioned Tract 1;

Exhibit A -Page 1 of 3

EXHIBIT "B"

THENCE traversing along the southwesterly property line of the aforementioned Tract 1, same being the northeasterly property line(s) of the aforesaid 2.25 Acre tract of land and Lot(s) 1 and 2 of the aforesaid Madrona Park, with the following Four (4) courses and distances:

- 1). North 63° 12' 05" West, a distance of 207.45 feet to a found ½-inch iron rod, for the northwesterly corner of the said 2.25 Acre tract of land, same being the northeasterly corner of said Lot 2;
- 2). North 63° 14' 53" West, a distance of 93.88 feet to a set ½-inch iron rod with plastic cap, stamped "4863" for an angle point;
- 3). North 63° 08' 18" West, a distance of 109.36 feet to a found ½-inch iron rod for the northerly common dividing lot corner of said Lot(s) 1 and 2;
- 4). North 63° 13' 52" West, a distance of 49.83 feet to a set ½-inch iron rod with plastic cap, stamped "4863" for the westerly most corner of the hereon, described 6.423 Acre tract of land, same being the southwesterly corner of said Tract 1, same being a point of angle along the northeasterly lot line of said Lot 1, same being the southerly most corner of a lot being described as Reserve B, Block 5 of the Woodcreek, Section 3, a subdivision appearing of record in Volume 1, Page 167 of the Plat Records of Hays County, Texas;

THENCE North 22° 33' 53" East, along the northwesterly property line of the aforementioned Tract 1, same being the southeasterly lot line of the aforesaid Reserve B, a distance of 446.12 feet to a found ½-inch iron rod for the northerly most corner of the hereon, described 6.423 Acre tract of land, same being the northerly most corner of said Tract 1, same being the southwesterly corner of Lot 2, Block 5, of the aforesaid Woodcreek, Section 3;

THENCE South 63° 07' 58" East, along the northeasterly property line of the aforementioned Tract 1, same being the southwesterly common lot line of Lot(s) 1 and 2, Block 5 and Lot(s) 29 through 26, Block 2 of the aforesaid Woodcreek, Section 3, a distance of 575.01 feet to a found 1-inch iron pipe for the northeasterly corner of the hereon, described 6.423 Acre tract of land, same being the northeasterly corner of said Tract 1, same being the southeasterly corner of said Lot 26, Block 2 and a point along the northwesterly lot line of Lot 24, Block 2 of said Woodcreek, Section 3;

THENCE South 22° 13' 34" West, along the southeasterly property line of the aforementioned Tract 1, same being the common northwesterly lot line of Lot(s) 24, 20 and 19, Block 2 of the aforesaid Woodcreek, Section 3 and the northwesterly lot line of Lot 23A, Block 2, of the Amending Plat of Lots 21, 22 and 23, Block 2, Woodcreek Section 3, Establishing Lots 21A and 23A, Block 2, Woodcreek Section 3, a subdivision appearing of record in Volume 17, Page 22 of the Plat Records of Hays County, Texas, a distance of 439.68 feet to a found ½-inch iron rod, for a point of angle along the southeasterly property line of the hereon, described 6.423 Acre tract of land, same being the southeasterly corner of said Tract 1, same being the northeasterly corner of the aforementioned Tract 2, same being the southwesterly lot corner of said Lot 19, Block 2, Woodcreek Section 3 and the northwesterly corner of

a called 4.3 Acre tract of land being described in a Deed, conveyed to Wimberley Lions Club, and appearing of record in Volume 1053, Page 790 of the Official Public Records of Hays County, Texas;

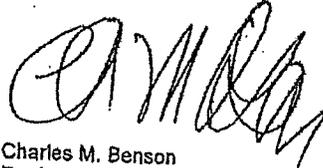
THENCE South 22° 52' 41" West, along the common dividing property line of the aforementioned Tract 2 and the aforesaid 4.30 Acre tract of land, a distance of 385.92 feet to a set mag nail with washer, stamped "4863" for the southeasterly corner of the hereon, described 6.423 Acre tract of land, same being the southeasterly corner of said Tract 2, same being the southwesterly corner of said 4.30 Acre tract of land and a point along the northerly curving right-of-way line of the aforesaid FM 2325;

THENCE with a curve to the left, following the curving northerly right-of-way line of the aforesaid FM 2325 and the southerly property line of the aforementioned Tract 2, having an Arc Length of 7.36 feet, a Radius of 5769.58 feet, a Delta Angle of 00° 04' 23" and a Chord which bears North 65° 22' 30" West, a Distance of 7.36 feet to the POINT OF BEGINNING, containing the hereon, described 6.423 Acre (Approx. 279,791 Sq. Ft.) tract of land, more or less.

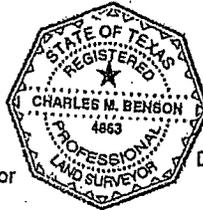
Survey on the ground November 28, 2018.

Bearings are based on the Texas Coordinate System, North American Datum of 1983, South Central Zone (FIPS 4204), utilizing the local VRS Network Base No. PRS57814681485.

A separate Land Title Survey accompanies this metes and bounds description.



Charles M. Benson
Registered Professional Land Surveyor
State of Texas No. 4863



December 11, 2018

Exhibit A -Page 3 of 3



Report for CUP-19-007



Summary:

An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 119 Jewel Lane

Applicant Information:

Applicant: Kelly Fulkerson
 119 Jewel Lane
 Wimberley, TX 78676

Property Owner: Gina, Thomas, & Kelly Fulkerson

Subject Property:

Legal Description: Lot 16 & Lot 17, Roselle, Sec. 1
Location: 119 Jewel Lane
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 3 (R-3)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: II
Overlay District: N/A

Surroundings:

Frontage On: Jewel Lane

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R2, C1	Residential, Commercial
S of Property	R3	Residential
E of Property	R3	Residential
W of Property	R3	Residential

Legal Notice

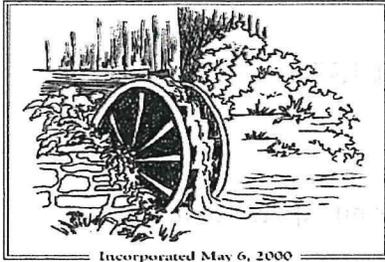
200' Letters: 07/17/2019
Published: 07/18/2019
Sign Placement: 07/17/2019
Responses: none

Comments:

The applicant, Kelly Fulkerson, has requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 119 Jewel Lane. The proposed vacation rental is approximately 1,400 square feet, 2 bedroom/2 bath and will be serviced by on-site sewage facility. The proposed maximum occupancy is 4 guests.

There have been no responses for or against to date.

On August 8th, the Planning & Zoning Commission recommended approval of the application by a vote of 6-0-0.

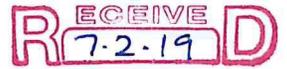


City of Wimberley

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

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

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19 - 007 Date: 10 July 2019 Staff Review SIF
 P&Z Hearing: 8-8-19 Council Hearing: 8-15-19 Fees Paid:

Applicant: Kelly M. Fulkerson
 Mailing address: 119 Jewel Ln. City: Wimberley State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: Kelly Fulkerson and GINA & Thomas
 Mailing address: same City: same State: " Zip: "
 Phone: " Email: "

Project Site Address: 119 Jewel Ln.
 Legal description: Roselle Sec 1 Lots 16-17 GEO#90607181
 Total Acreage or Square Footage: 0.70' ac (both lots) Deed recorded in: Inst. # 18013195
 Hays CAD Parcel ID R 41083 Planning Area: II Zoning: R-3
 Is property located in an overlay district? Yes No If Yes, type: _____
 Specific Conditional Use Requested: Vacation Rental
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: Pedernales Electric Cooperative
 Water provider or Private Well: ~~City~~ Wimberley Water Supply Co.
 Wastewater Service or Septic Permit No. _____

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

SUBMITTAL CHECKLIST

- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 7/1/2019

Applicant's Signature: Kelly Fulkeron

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

Owner: Kelly Marie Fulkerson

LOCATION OF PROPERTY: 119 Jewel Ln., Wimberley TX 78676

LEGAL DESCRIPTION: LOTS 16 & 17, Roselle, Sec. 1

PLANNING AREA: II

PRESENT ZONING: R.3

EXISTING USE: Residential

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

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

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

OFF-STREET PARKING: All parking will be off-street. 3 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 3 guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance.

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

NUMBER OF BEDROOMS: 2 bed, 2 bath

PROPOSED MAXIMUM OCCUPANCY: 4 guests.

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

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

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

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

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

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

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

ACCEPTED AND AGREED TO:

7/1/2019
DATE

Kelly Fulkeron
OWNER

DATE

OWNER

WIMBERLEY HEIGHTS
(VOL. 138, P.C. 306)

LOT 31

LOT 32

N 79°43'19" E
BEARING ILLEGIBLE
159.29' (F.M.)
180.04' (PLAT)

BLDG.

PLATTED LOT LINE

FND. 1/2" I.R. WITH RED EAGLE CAP

WIRE FENCE

S 08°14'33" E 198.78' (F.M.)

LOT 18

LOTS 16 & 17
31167 SQ. FT.
0.72 ACRES

ONE STORY
ROCK & WOOD

COVERED PORCH

GRAVEL DRIVEWAY

LOT 19

15' BLDG. SETBACK
(PER PLAT)

S 83°28' W 160.0' (PLAT)
S 82°19'54" W 160.25' (F.M.)

EDGE OF P.V.M.T.

JEWELL STREET
(R.O.W. - PER PLAT)
(A.K.A. JEWELL LANE)

LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- x-x- WIRE FENCE
- E-E- OVERHEAD ELECTRIC
- - - PLATTED LOT LINE
- CALCULATED POINT
- FOUND IRON ROD
- ⊕ FOUND ROD NAIL
- ⊙ WATER METER
- ⊖ ELECTRIC METER
- ⚡ POWER POLE
- ⊠ METER POLE
- MAILBOX
- (PLAT) RECORDED ON PLAT
- (F.M.) FIELD MEASURED

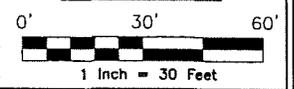
SURVEYOR'S NOTE
BASIS OF BEARING, TEXAS SOUTH CENTRAL NAD 83.

THE ORIGINAL PLAT RECORD IS ILLEGIBLE. THIS REPRESENTATION IS SURVEYOR'S BEST INTERPRETATION OF RECORD INFORMATION.

At date of this survey, the property is in FEMA designated ZONE X as verified by FEMA map Panel No. 4829AC 0355 E effective date of SEPTEMBER 02, 2005. Exact designations can only be determined by an Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, professions, or overlapping of improvements shown.

GRAPHIC SCALE



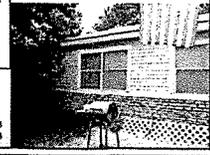
I, **RACHEL LYNN HANSEN**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **INDEPENDENCE TITLE COMPANY, TITLE RESOURCES GUARANTY COMPANY** and **ON Q FINANCIAL, INC. ISAOA**

that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).
Borrower/Owner: **RICARDO J. SANCHEZ AND EMILY M. BEASON, RICARDO C. SANCHEZ**
Address: **119 JEWELL LANE, WIMBERLEY, TX 78676** GF No. **1645292-WIM**

Legal Description of the Land:
Lots Sixteen (16) and Seventeen (17), ROSELLE ADDITION, Unit One (1), a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 159, Pages 286-291, Deed Records, Hays County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 159, PAGE(S) 286-291, DEED RECORDS, HAYS COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



FINAL "AS-BUILT" SURVEY

JOB NO.:	1612041797	NO.	REVISION	DATE
DATE:	12/21/16			
DRAWN BY:	MN/KB			
APPROVED BY:	RLH			

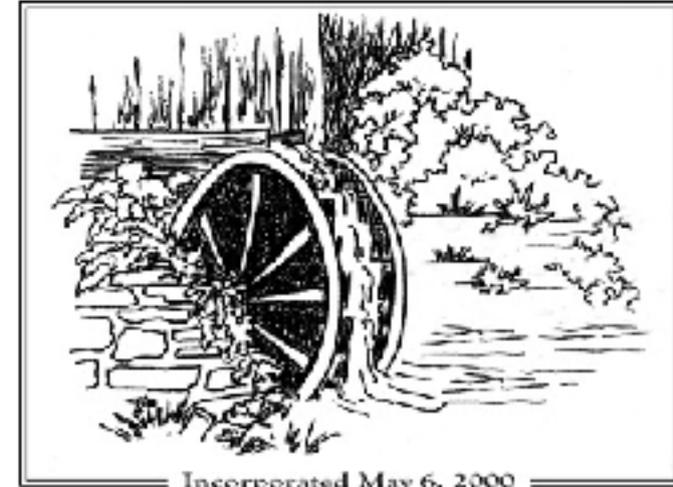


Rachel Lynn Hansen

RACHEL LYNN HANSEN, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 6358

AMERISURVEYORS LLC
1100 N.W. Loop 410, Suite 516 San Antonio, Texas 78213
Phone: (210) 572-1995 Fax: (210) 572-1993

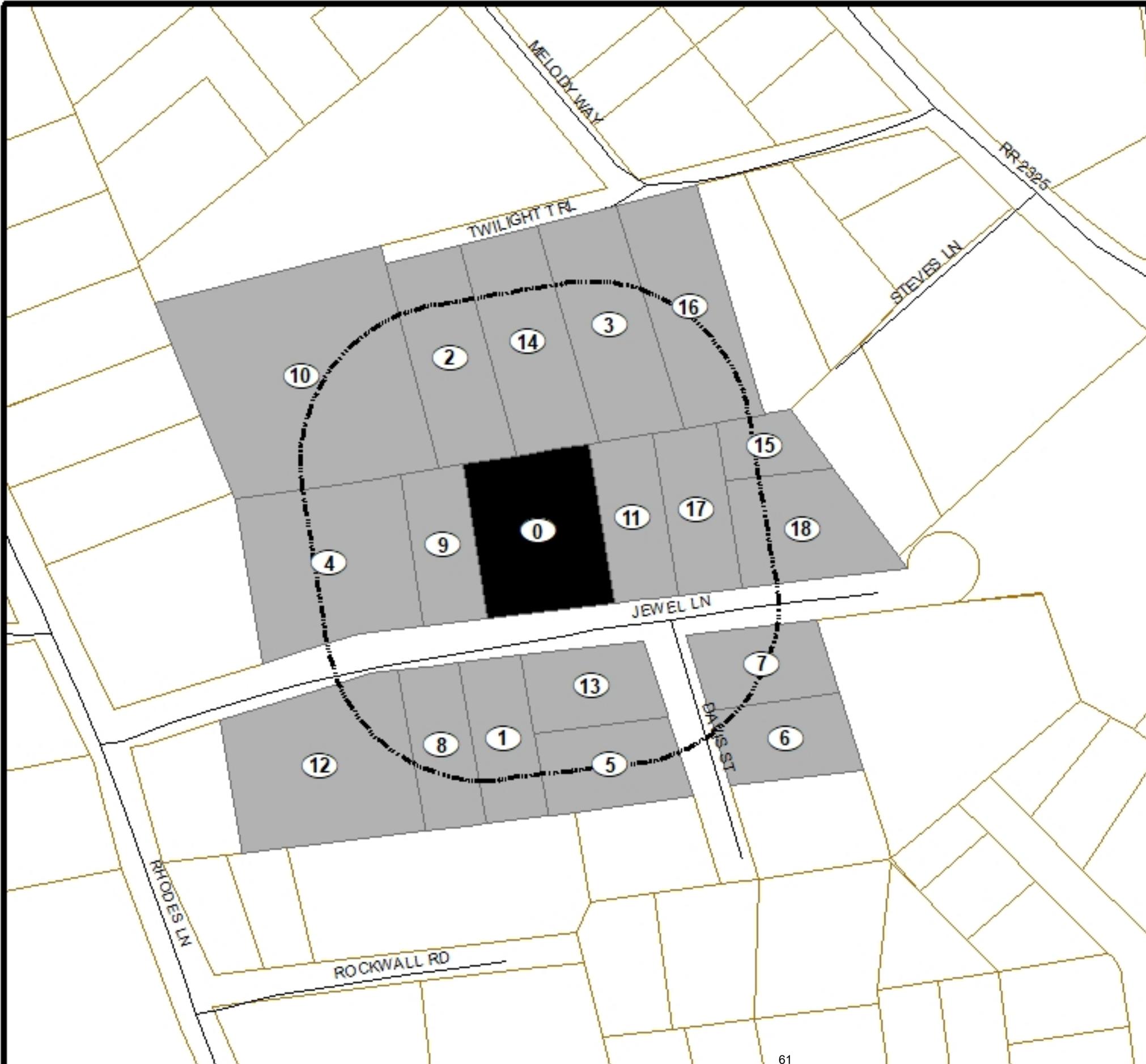
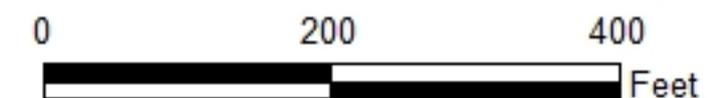
CUP-19-007 ~ 119 Jewel Lane



200' NOTIFICATION

Legend

- 200 Foot Buffer
- ID. OWNER**
- 0. SUBJECT TRACT
- 1. HARTOIN, RAYMOND JR
- 2. ECKOLS, BYRON
- 3. ORTIZ JOSE R & MARGARITA
- 4. DOWNEY, JOANNE
- 5. ADAMS, CHARLOTTE JANE
- 6. GRIDER, WILLIAM & BARBARA
- 7. VASQUEZ, JOE & GLORIA
- 8. WILHELM, JILL ANN
- 9. VASQUEZ JOE D & GLORIA J
- 10. VASQUEZ JOE D & GLORIA J
- 11. CHRISTENSEN, KIM M
- 12. REYNOLDS JANIE CORING TERRELL ASHER
- 13. VAUGHN, STEVEN PERRY
- 14. ORTIZ JOSE R & MARGARITA
- 15. JONES, JOHN M
- 16. ORTIZ JOSE R & MARGARITA
- 17. CHRISTENSEN, KIM M
- 18. VASQUEZ, GLORIA





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

July 17, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-007

119 Jewel Lane

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

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

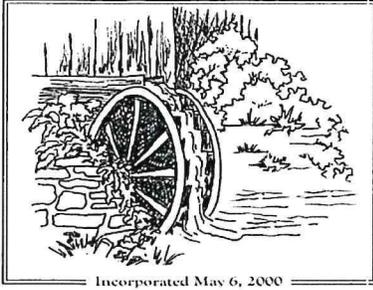
The applicant, Kelly Fulkerson, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 119 Jewel Lane. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 8, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 15, 2019, at 6:00 p.m.**

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

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

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: July 17, 2019

ZONING NO: CUP-19-007

APPLICANT: Kelly Fulkerson

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 119 Jewel Lane

John Provost
Public Works/Code Enforcement

City of Wimberley

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

7/17 2019



Signature

The Wimberley View

CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202



Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-009— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 10300 Ranch Road 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a mixed beverage permit and mixed beverage late hours permit by Grawlix LLC dba Grawlix, to be located at 330 West Mercer St. Suite 5, Dripping Springs, Hays county, Texas. Officers of said corporation are Jerome Bollom, Manager

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-007— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 119 Jewel Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance

Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-008— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 310 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance
Ordinance No. 2019-24
AN ORDINANCE ENACTING APPENDIX H, CHAPTER 28, SINGS, OF THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR A MASTER SIGN PLAN FOR THE DRIPPING SPRINGS MEDICAL VILLAGE; PROVIDING FOR THE FOLLOWING: RULES, STANDARDS; PROCEDURES; AND FINDINGS OF FACT; CODIFICATION; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; ENFORCEMENT INCLUDING CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$500.00 AND CIVIL FINES OF UP TO \$100.00.

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-006— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

NOTICE OF HEARING ON NEEDMORE WATER UTILITIES REGULATORY PERMIT

Public Notice

NOTICE TO BIDDERS
CONSTRUCTION OF PHASE II WASTEWATER TREATMENT PLANT EXPANSION TO 150,000 GPD FOR HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SCOPE OF WORK: DH Investment Company, on behalf of Hays County Municipal Utility District No. 4, will accept sealed bids for the construction of Phase II of the wastewater treatment plant expansion from 75,000 GPD to 150,000 GPD. The work to be performed includes furnishing all materials, equipment, tools, and labor necessary for the delivery, construction, installation, inspection, testing, and disinfection of:

1. Construction of a second 75,000 GPD WWTP to operate in parallel with WWTP 1.
2. Replacing existing manual bar screen with a larger manual bar screen and flow splitter box.
3. Installing one additional blower assembly.
4. Replacement of two influent submersible lift station pump impellers.
5. Piping and electrical additions and modifications as necessary.

The work shall also include installation, maintenance and removal of erosion and sedimentation controls in accordance with the contract documents, and all local, state, and federal requirements.

RECEIPT OF BIDS: Sealed bids in envelopes are due at the Office of the Engineer: CMA Engineering, Inc. located at 235 Ledge Stone Drive, Austin, Texas 78737, (512) 432-1000 no later than 10:00 a.m. on Tuesday, August 13, 2019, at which time the bids for the Project Contract will be opened and read aloud. The OWNER reserves the right to waive all informalities and irregularities, and determine which Bids are most advantageous to the Project, and to award the Contract on this basis.

INFORMATION AND BIDDING DOCUMENTS: Copies of Bid Documents and Plans may be inspected at and/or obtained from the Office of the Engineer, during regular business hours: 7:30 a.m. to 5:30 p.m., Monday through Thursday and 8:00 a.m. to 12:00 p.m., Fridays. Bidding Documents and Plans are available at CMA Engineering, Inc. office at the below address:

CMA Engineering, Inc.
235 Ledge Stone
Austin, Texas 78737
(512) 432-1000
(512) 432-1015 (fax)

Electronic copies of Bid Documents and Plans may be obtained from the Mera Guerra at mguerra@cma-engineering.com.

BONDS: Performance, payment, and warranty bonds shall each be issued in an amount equal to 100% of the Contract Amounts as security for all the CONTRACTOR's obligations under the Contract Documents.

INSURANCE REQUIREMENTS: Bidders shall maintain insurance in the types and amounts indicated the Contract Documents.

BID GUARANTY: All Bids must be accompanied by a Bid security made payable to Owner in an amount of five percent (5%) of Bidder's maximum Bid price and in the form of a cashier's check made payable to: DH Investment Company, or a Bid Bond issued by a surety.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held at the Office of the Engineer at 10:00 a.m. on Thursday, July 29, 2019. Representatives of the Engineer will be present to discuss the PROJECT.

BIDDER REQUIREMENTS: Bidders and subcontractors shall have completed at least three (3) similar projects in nature in the last five (5) years. All Work shall be guaranteed against defective workmanship and materials for a period of two (2) years from the date of final acceptance by the OWNER.

Public Notice

Application has been made with the Texas Alcoholic Beverage Commission for Winery Permit by Hugo Edwin Auler dba, Fall Creek Vineyards, Inc.

Public Notice

Garage Sales

MOVING SALE
July 17-24,
9am - 6pm
62 Woodcreek Dr
Everything must go
Furniture, col-

Public Notice



Land For Sale

HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING CYPRESS CREEK AND OLD TOWN SQUARE. REDUCED FOR QUICK SALE CALL JOE 830-446-9157



Apartments For Rent

1 BR \$855, 2 BR \$935, 3 BR \$1070. 1 BR Move in Special: Half off first full month's rent! Luxury kitchen & bath upgrades. Stainless steel appliances & granite countertops. Pet friendly. Quiet, convenient Hill Country location. Blanco Oaks Apartments. 525 Jones Ave, Blanco, TX. 830-833-5795.

1 BEDROOM BARN APARTMENT

Utilities included. No smoking & no inside pets First month + deposit. \$750. Call 512-947-0218

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept. 1 New flooring/paint apartment is well maintained. small

Misc. Service

EYE SORE TREE ANI HAULING SERVICE ALL TYPES CLEANUP
We will remove your eye sores! scraping fire pits & flood pits. Lot cleanup & re-Tree trimming. Hauling brush, trash & junk. leveling & Bo work. Land clearing services move and take portable build. Call for an estimate. 512-618-3172 or 512-689-3

CALL JOE WILTON for all your renovations, and handy needs. 512-618-11 Down to Earth Services



GET SOLI GROU

Tired of feeling like you're in a precarious position at work? Find the security you crave in Classified Listings

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CASBAR PROPERTIES, LLC TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 119 JEWEL LANE, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 3 (R-3); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Kelly Fulkerson (“Applicant”) requesting authorization to operate a vacation rental on real property described as Roselle Addition, Unit One, Lot 16 & Lot 17, zoned Single-Family Residential 3 (R-3); and

WHEREAS, a vacation rental is an authorized use in areas zoned Single-Family Residential 3 (R-3) upon approval of a CUP;

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

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

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Kelly Fulkerson (“Applicant”) for use as a vacation rental on real property, described as Roselle Addition, Unit One, Lot 16 & Lot 17, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 3 (R-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

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

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

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

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 15th day of August, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

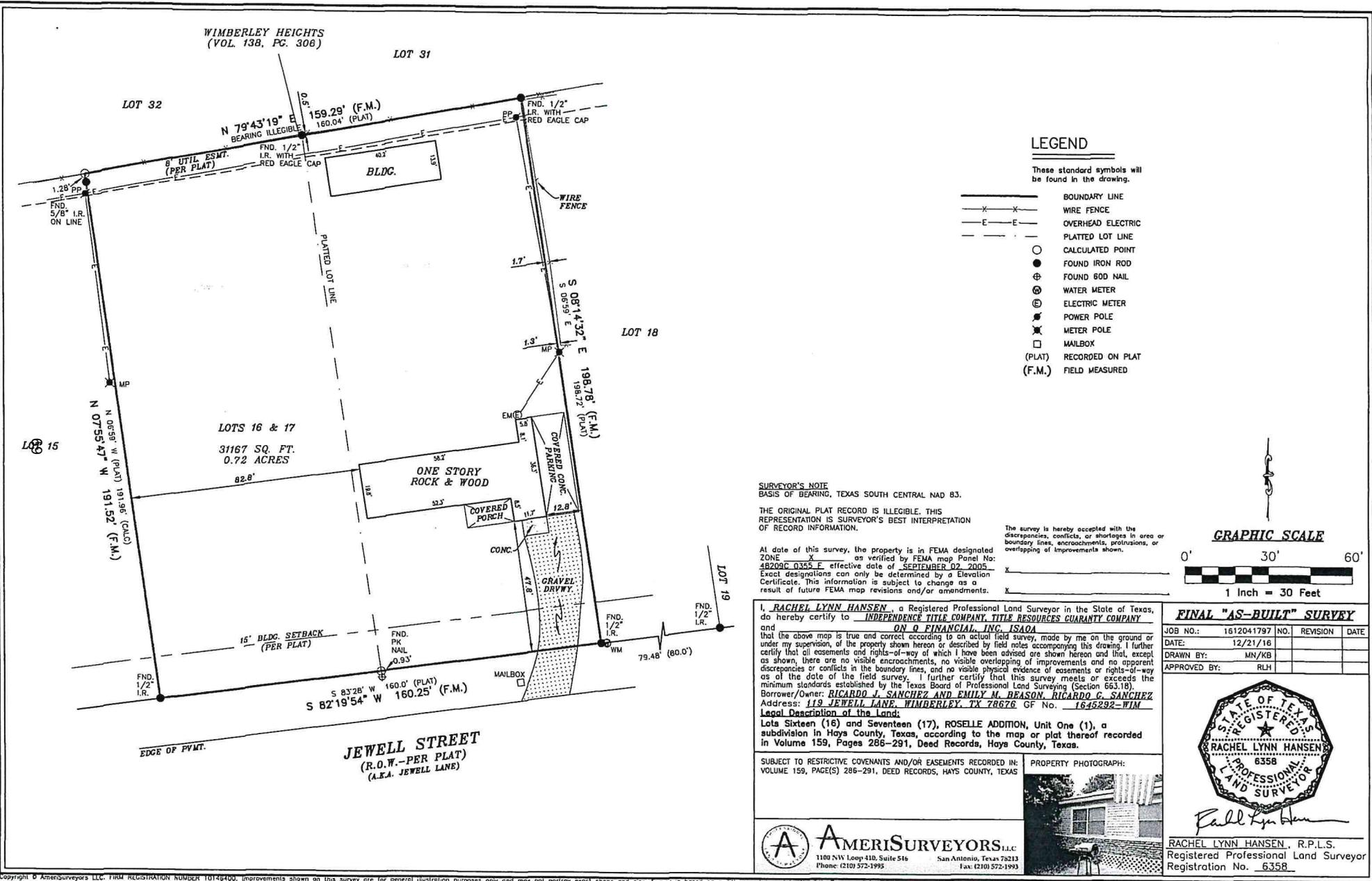
By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- X X WIRE FENCE
- E — OVERHEAD ELECTRIC
- - - PLATTED LOT LINE
- CALCULATED POINT
- FOUND IRON ROD
- ⊕ FOUND 60D NAIL
- ⊙ WATER METER
- ⊙ ELECTRIC METER
- ⊙ POWER POLE
- ⊙ METER POLE
- MAILBOX
- (PLAT) RECORDED ON PLAT
- (F.M.) FIELD MEASURED

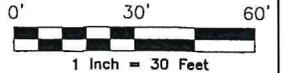
SURVEYOR'S NOTE

BASIS OF BEARING, TEXAS SOUTH CENTRAL NAD 83.
 THE ORIGINAL PLAT RECORD IS ILLEGIBLE. THIS REPRESENTATION IS SURVEYOR'S BEST INTERPRETATION OF RECORD INFORMATION.

At date of this survey, the property is in FEMA designated ZONE X as verified by FEMA map Panel No: 48200C 0355 E effective date of SEPTEMBER 02, 2005. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

GRAPHIC SCALE



I, **RACHEL LYNN HANSEN**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **INDEPENDENCE TITLE COMPANY, TITLE RESOURCES GUARANTY COMPANY** and **ON O FINANCIAL, INC. ISAGA** that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).
 Borrower/Owner: **RICARDO J. SANCHEZ AND EMILY M. REASON, RICARDO C. SANCHEZ**
 Address: **119 JEWELL LANE, WIMBERLEY, TX 78676** GF No. **1645292-WJM**
Legal Description of the Land:
 Lots Sixteen (16) and Seventeen (17), ROSELLE ADDITION, Unit One (1), a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 159, Pages 286-291, Deed Records, Hays County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 159, PAGE(S) 286-291, DEED RECORDS, HAYS COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



FINAL "AS-BUILT" SURVEY

JOB NO.:	1612041797	NO.:	REVISION	DATE
DATE:	12/21/16			
DRAWN BY:	MN/KB			
APPROVED BY:	RLH			



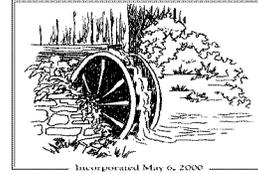
Rachel Lynn Hansen
RACHEL LYNN HANSEN, R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. **6358**

AMERISURVEYORS, L.L.C.
 188 NW Loop 418, Suite 516 San Antonio, Texas 78213
 Phone: (210) 572-1995 Fax: (210) 572-1993

Copyright © AmeriSurveyors L.L.C. FIRM REGISTRATION NUMBER 10146400. Improvements shown on this survey are for general illustration purposes only and may not portray exact shape and size. Survey is based on a title report issued by the title company listed above issued under commitment No. 07 No. shown on this survey. email questions to: info@amerisurveyors.com

Exhibit "A"

Report for CUP-19-008



Summary: An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 310 Mill Race Lane

Applicant Information:

Applicant: Merry Gibson
310 Mill Race Lane
Wimberley, TX 78676

Property Owner: Merry Gibson

Subject Property:

Legal Description: Lot 1, End of the Race Subdivision
Location: 310 Mill Race Lane
Existing Use of Property: Residential
Existing Zoning: Rural Residential 1 (R-1)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: III
Overlay District: Protected Waterway

Surroundings:

Frontage On: Mill Race Lane

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	N/A-ETJ	Residential, Commercial
S of Property	PR1	Public
E of Property	C1	Commercial
W of Property	L1	Commercial

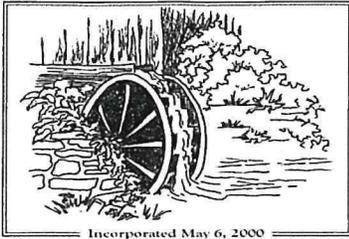
Legal Notice

200' Letters: 07/22/2019
Published: 07/18/2019
Sign Placement: 07/19/2019
Responses: 3-support

Comments:

The applicant, Merry Gibson, has requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 310 Mill Race Lane. The applicant is proposing vacation rentals on two of the structures, which are serviced by on-site sewage facility. One home is approximately 1,350 square feet and 2 bedroom/1.5 bath. The other home is approximately 1,200 square feet and 2 bedroom/1 bath. To date, there has been three letters of support received from property owners within the 200' notice area.

On August 8th, the Planning & Zoning Commission recommended approval of the application by a vote of 6-0-0.



City of Wimberley

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

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

www.cityofwimberley.com

RECEIVED
7-8-19

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19-008 Date: 10 July 2019 Staff Review SIF
 P&Z Hearing: 8-8-19 Council Hearing: 8-15-19 Fees Paid:

Applicant: Merry L. Gibson
 Mailing address: 310 Mill Race Ln City: Wimberley State: Tx Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: Same
 Mailing address: Same City: _____ State: _____ Zip: _____
 Phone: Same Email: _____

Project Site Address: 310 Mill Race Ln. Wimberley, TX 78676
 Legal description: Lot 1, End of the Race Subdivision
 Total Acreage or Square Footage: 1.995 acres Deed recorded in: Vol. 1062 p. 483
 Hays CAD Parcel ID R 27102 Planning Area: III Zoning: R1
 Is property located in an overlay district? Yes No If Yes, type: Protective Waterway
 Specific Conditional Use Requested: Allow vacation rentals - STR2
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: Pedernales Electric Coop
 Water provider or Private Well: Wimberley Water Supply - use irrigation only
 Wastewater Service or Septic Permit No. Applied for FOIA for OSSF #
 *If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

SUBMITTAL CHECKLIST

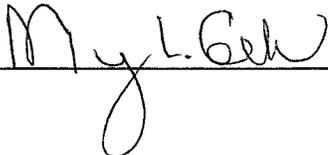
- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 7/5/19 Applicant's Signature: 

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

Owner: Merry L. Gibson
LOCATION OF PROPERTY: 310 Mill Race Lane
LEGAL DESCRIPTION: Lot 1, End of the Race Subdivision
PLANNING AREA: III
PRESENT ZONING: R (?) R-1
EXISTING USE: Residential
USE TO BE GRANTED: Bed & Breakfast OR Vacation Rental

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

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

OFF-STREET PARKING: All parking will be off-street. 8 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ guests. Parking will be in these spaces only.

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

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

NUMBER OF BEDROOMS: Home 1
2 | 1.5 bath Home 2
2 | 1 bath
PROPOSED MAXIMUM OCCUPANCY: 4 guests. 4 ok

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

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

Welcome to 310 Mill Race Lane

Thank you for choosing 310 Mill Race Lane. We sincerely hope you enjoy your stay with us. We have tried to provide everything to make your visit to Wimberley enjoyable.

Please review the following:

- Check in time: 4 p.m. Check out time 11 p.m.
- Absolutely **no smoking** in the house. No cigarette or cigar butts are to be left on the grounds.
- The homes at 310 Mill Race Lane have a septic system. **Please be gentle.** Do not put trash, feminine products or non-degradable items down the toilet.
- **Please place trash inside the large green containers located on the grounds. Do not leave trash in the home due to odors or outside as we have wildlife that would enjoy it and make a mess.**
- Please treat this house as you would your own home.
- An additional fee will be charged if excessive clean up is required.
- Outdoor music should be kept at a low volume so as not to disturb other guests.
- Guests may not have pets, no matter how nice their manners.
- Guests may not have day guests while staying at 310 Mill Race.
- **We are not responsible for items left behind.** Please double check all rooms before you leave.
- Trash Bags, toilet paper and other items are provided for the length of your stay. If additional items are needed, you will need to purchase them.
- **Swim at your own risk!**
- **In the event of an emergency, please call 911. You are staying at 310 Mill Race Lane, Wimberley, TX.**
- **Pay attention to the weather, monitor television, cell phone or radio messages. Please evacuate when directed by Fire Department, Sherriff's Department, Constables or EMS. Follow the Flood Evacuation Directions posted in your house.**
- If you need to contact us we can be reached at [REDACTED]

Your suggestions and comments are encouraged. Please take a few minutes to let us know about your stay with us. We hope to see you again soon!

Thank You,

Merry Gibson
Property Manager

Welcome to 310 Mill Race Lane

Thank you for choosing 310 Mill Race Lane. We sincerely hope you enjoy your stay with us. We have tried to provide everything to make your visit to Wimberley enjoyable. Please read and be familiar with the flood information below.

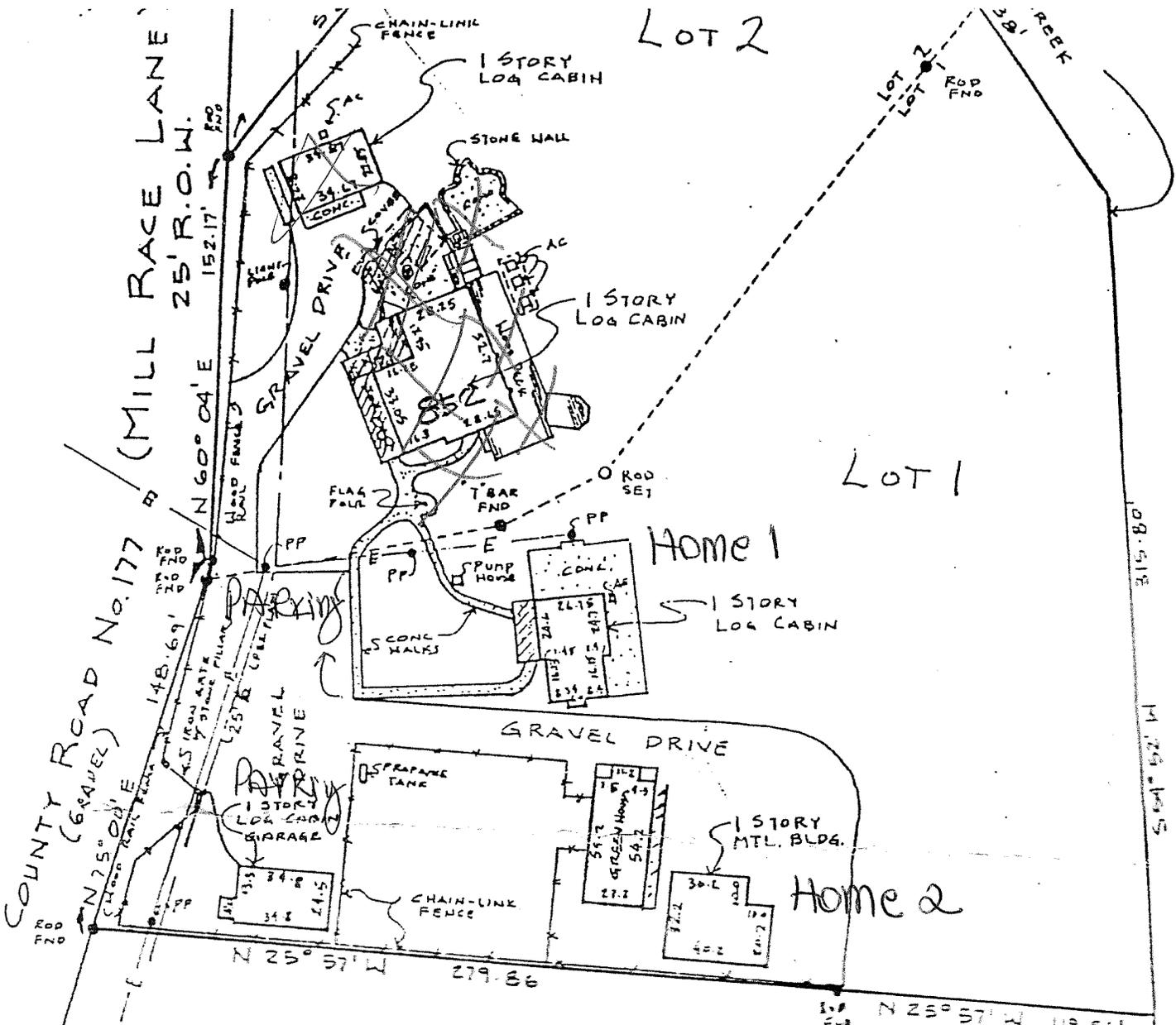
Flood Information

- You are staying on Cypress Creek which can flood during significant rain events.
- Follow the weather on television, cell phones, and social media
- If heavy rain is occurring, pack your bags and be sure to take your medications and valuables as you may not return for several hours. You may evacuate to the Wimberley Community Center nearby. Make a left onto Mill Race Lane, a right on Ranch Road 12, then a right at the first stop light at River Road. The Community Center is up the hill on the left.
- Do not attempt to walk in the Creek floodway as the Creek can rise very suddenly.
- Please evacuate when directed by emergency personnel. They will direct you to the Community Center which is used for flood emergencies.
- Do not attempt to drive to another town or city nearby as they and the roadways could be flooding also.
- If you need to get emergency help call 911. You are staying at 310 Mill Race Lane.
- If you need to contact us we can be reached at [REDACTED].

Your suggestions and comments are encouraged. Please take a few minutes to let us know about your stay with us. We hope to see you again soon!

Thank You,

Merry Gibson
Property Manager



NOTE
 ACCORDANCE WITH FEDERAL
 INSURANCE ADMINISTRATION FLOOD
 HAZARD BOUNDARY MAPS, THIS LOT
 IS WITHIN A SPECIAL FLOOD
 HAZARD AREA

MAP 480321160 B
 EFFECTIVE DATE: June 16, 1993

SCALE 1" = 60 FEET
 W.O. #94-3-26

111 1 & 2
 LEGAL: END OF THE FACE
 SHEET: 11 MILL RACE LANE
 REFERENCE: GIBSON GF # 94-000089
 VOLUME 5, PAGE 008
 CITY - COUNTY, STATE
 SURVEY FOR COMMERCIAL TITLE COMPANY
 THE LEASEHOLDERS AND/OR THE OWNERS OF THE PREMISES

My Louie

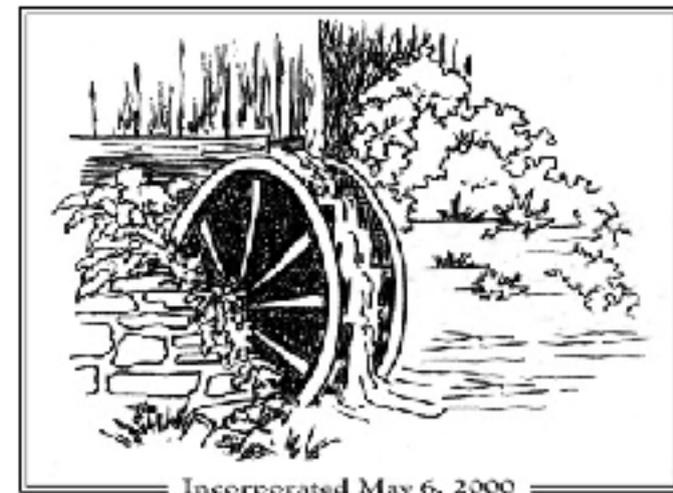
STATE OF TEXAS COUNTY OF TRAVIS
 I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY
 DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY
 OR CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT
 AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN
 HEREON. NO USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS
 NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM

CEN-TEX
 CEN-TEX SURVEYING COMPANY
 AND SURVEYING/LAND PLANNING
 209 Parkway, Austin, Texas
 (512) 473-8800 FAX (512) 477-7131

Weldon Klattenhoff
 WELDON KLATTENHOFF
 REGISTERED PUBLIC SURVEYOR

MARCH 21, 1994 W.O. # 94-3-26

CUP-19-008 ~ 310 Mill Race Lane



Incorporated May 6, 2000

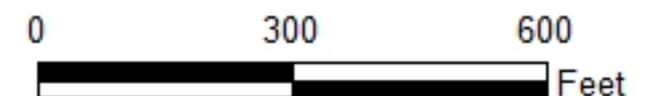
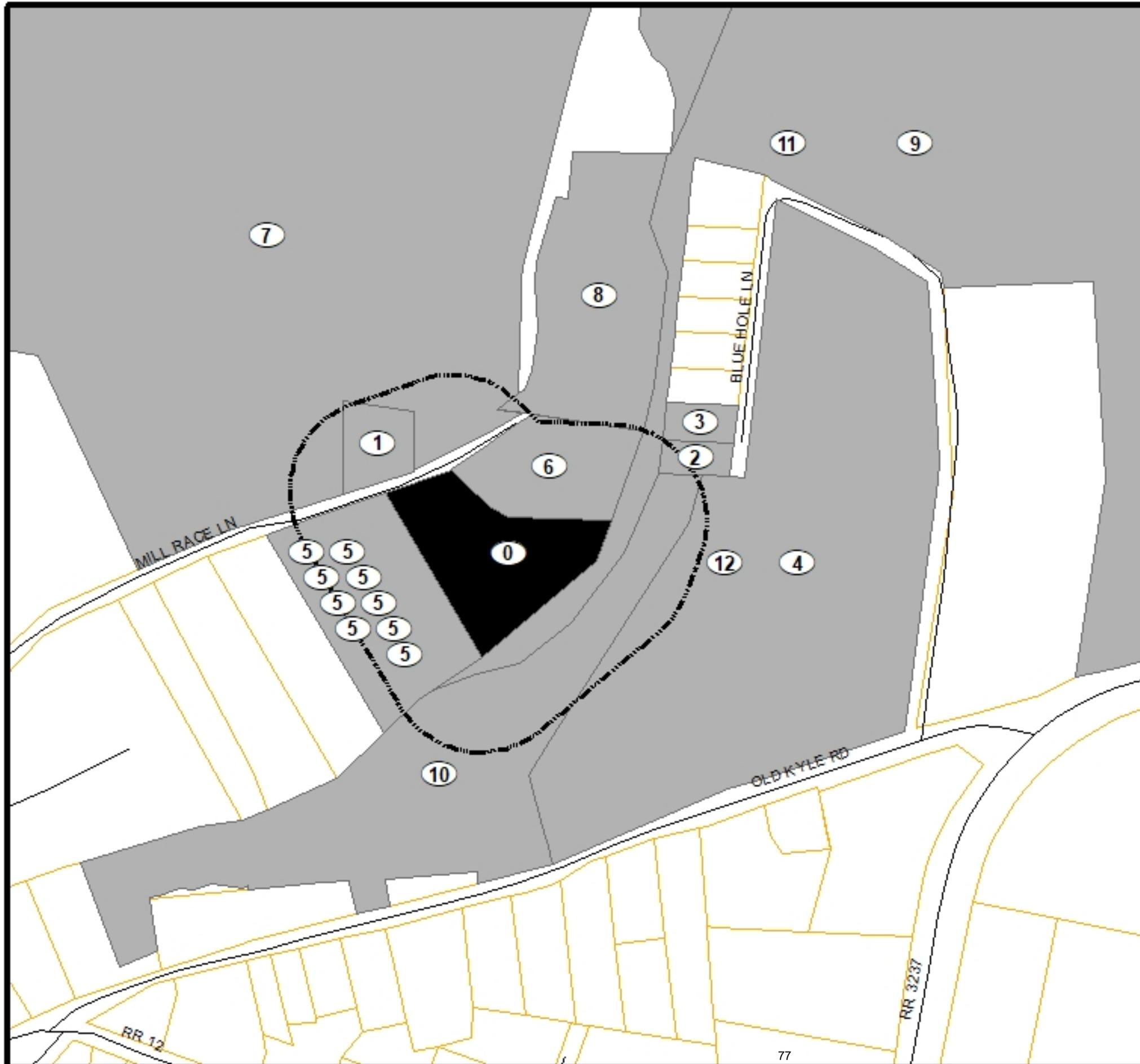
200' NOTIFICATION

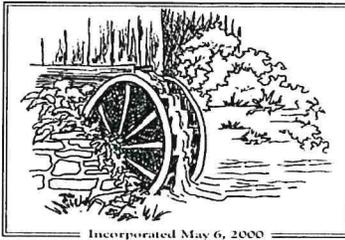
Legend

200ft buffer

ID. Owner

- 0. GIBSON, MERRY LOUISE
- 1. CEDAR STUMP LP
- 2. CITY OF WIMBERLEY THE
- 3. AULT HENRY W & JUNE O
- 4. WIMBERLEY CEMETARY ASSN
- 5. CYPRESS CREEK CONDOS INC
- 5. KENNEY GREGORY T & JEAN
- 5. MICHAEL DONNIE & KAREN
- 5. MOCK ROBERT & CARROLL CHARLENE
- 5. TURNEY HINMAN INC
- 6. ARNOLD, SHELLYE C
- 7. JOHNSON, WM PARKS
- 8. CREEKHAVEN LLC & APPLEMAN
- 9. CITY OF WIMBERLEY
- 10. CITY OF WIMBERLEY
- 11. CITY OF WIMBERLEY
- 12. WIMBERLEY CEMETARY ASSN





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

July 22, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-008

310 Mill Race Lane

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

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

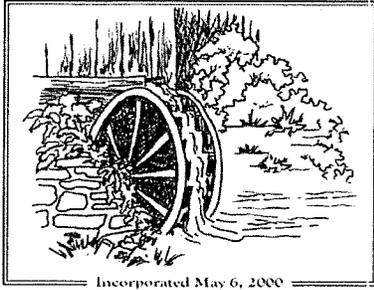
The applicant, Merry Gibson, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 310 Mill Race Lane. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 8, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 15, 2019, at 6:00 p.m.**

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

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

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: July 19, 2019

ZONING NO: CUP-19-008

APPLICANT: Merry Gibson

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 310 Mill Race Lane

John Provost
Public Works/Code Enforcement

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

7/19 2019



Signature

The Wimberley View

CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202



Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-009— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 10300 Ranch Road 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-008— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 310 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

Public Notice

NOTICE TO BIDDERS
CONSTRUCTION OF PHASE II WASTEWATER TREATMENT PLANT EXPANSION TO 150,000 GPD FOR HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SCOPE OF WORK: DH Investment Company, on behalf of Hays County Municipal Utility District No. 4, will accept sealed bids for the construction of Phase II of the wastewater treatment plant expansion from 75,000 GPD to 150,000 GPD. The work to be performed includes furnishing all materials, equipment, tools, and labor necessary for the delivery, construction, installation, inspection, testing, and disinfection of:

1. Construction of a second 75,000 GPD WWTP to operate in parallel with WWTP 1.
2. Replacing existing manual bar screen with a larger manual bar screen and flow splitter box.
3. Installing one additional blower assembly.
4. Replacement of two influent submersible lift station pump impellers.
5. Piping and electrical additions and modifications as necessary.

The work shall also include installation, maintenance and removal of erosion and sedimentation controls in accordance with the contract documents, and all local, state, and federal requirements.

RECEIPT OF BIDS: Sealed bids in envelopes are due at the Office of the Engineer: CMA Engineering, Inc. located at 235 Ledge Stone Drive, Austin, Texas 78737, (512) 432-1000 no later than 10:00 a.m. on Tuesday, August 13, 2019, at which time the bids for the Project Contract will be opened and read aloud. The OWNER reserves the right to waive all informalities and irregularities, and determine which Bids are most advantageous to the Project, and to award the Contract on this basis.

INFORMATION AND BIDDING DOCUMENTS: Copies of Bid Documents and Plans may be inspected at and/or obtained from the Office of the Engineer, during regular business hours: 7:30 a.m. to 5:30 p.m., Monday through Thursday and 8:00 a.m. to 12:00 p.m., Fridays. Bidding Documents and Plans are available at CMA Engineering, Inc. office at the below address:

CMA Engineering, Inc.
235 Ledge Stone
Austin, Texas 78737
(512) 432-1000
(512) 432-1015 (fax)

Electronic copies of Bid Documents and Plans may be obtained from the Mera Guerra at mguerra@cma-engineering.com.

BONDS: Performance, payment, and warranty bonds shall each be issued in an amount equal to 100% of the Contract Amounts as security for all the CONTRACTOR's obligations under the Contract Documents.

INSURANCE REQUIREMENTS: Bidders shall maintain insurance in the types and amounts indicated in the Contract Documents.

BID GUARANTY: All Bids must be accompanied by a Bid security made payable to Owner in an amount of five percent (5%) of Bidder's maximum Bid price and in the form of a cashier's check made payable to: DH Investment Company, or a Bid Bond issued by a surety.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held at the Office of the Engineer at 10:00 a.m. on Thursday, July 29, 2019. Representatives of the Engineer will be present to discuss the PROJECT.

BIDDER REQUIREMENTS: Bidders and subcontractors shall have completed at least three (3) similar projects in nature in the last five (5) years. All Work shall be guaranteed against defective workmanship and materials for a period of two (2) years from the date of final acceptance by the OWNER.

Public Notice

Application has been made with the Texas Alcoholic Beverage Commission for Winery Permit by Hugo Edwin Auler 4406 Fall Creek Vineyards, In.

Public Notice

MOVING SALE
July 17-24,
9am - 6pm
62 Woodcreek Dr
Everything must go
Furniture, col-

Public Notice



Land For Sale

HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING CYPRESS CREEK AND OLD TOWN SQUARE. REDUCED FOR QUICK SALE CALL JON 830-446-9157



Apartments For Rent

1 BR \$855, 2 BR \$935, 3 BR \$1070. 1 BR Move in Special: Half off first full month's rent! Luxury kitchen & bath upgrades. Stainless steel appliances & granite countertops. Pet friendly. Quiet, convenient Hill Country location. Blanco Oaks Apartments. 525 Jones Ave, Blanco, TX. 830-833-5795.

1 BEDROOM BARN APARTMENT
Utilities included. No smoking & no inside pets First month + deposit. \$750. Call 512-947-0218

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept. 1 New flooring/paint apartment is well maintained. small

Misc. Service

EYE SORE TREE ANI HAULING SERVICE ALL TYPES CLEANUP
We will remove your eye sores! scraping fire pits & flood pits. Lot cleanup & re-trim. Tree trimming, brush, trash & junk leveling & Bo work. Land clearing services move and portable build Call for an estimate. 512-618-3172 or 512-689-3

CALL JON WILTON
for all your renovations, handy needs. 512-618-11 Down to Earth Services



GET SOLI GROU

Tired of feeling like you're in a precarious position at work? Find the security you crave in Classified Listings

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a mixed beverage permit and mixed beverage late hours permit by Grawlix LLC dba Grawlix, to be located at 330 West Mercer St. Suite 5, Dripping Springs, Hays county, Texas. Officers of said corporation are Jerome Bollom, Manager

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-007— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 119 Jewel Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance
Ordinance No. 2019-24
AN ORDINANCE ENACTING APPENDIX H, CHAPTER 28, SINGS, OF THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR A MASTER SIGN PLAN FOR THE DRIPPING SPRINGS MEDICAL VILLAGE; PROVIDING FOR THE FOLLOWING: RULES, STANDARDS; PROCEDURES; AND FINDINGS OF FACT; CODIFICATION; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; ENFORCEMENT INCLUDING CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$500.00 AND CIVIL FINES OF UP TO \$100.00.

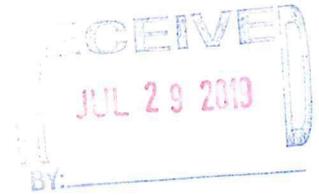
NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-006— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

NOTICE OF HEARING ON NEEDMORE WATER UTILITIES REGULATORY PERMIT



Cedar Stump, L.P.
P.O. Box 1435
Wimberley, TX 78676



July 25, 2019

RE: File No. CUP-19-008

Sandy,

I am in receipt of your notice of public hearing regarding the CUP request for 310 Mill Race Lane and I own property within 200 feet of this location.

I will be unable to attend the upcoming P&Z and Council meetings in August so I wanted to let you know by this letter that I support the request by Merry Gibson for a CUP that allows the operation of a vacation rental.

Should you need any further information from me please let me know.

Sincerely,

Scott
Scott Johnson
President, Cedar Stump, LP
[REDACTED]

Sandra Floyd

From: Jan Goff [REDACTED]
Sent: Friday, August 2, 2019 10:41 AM
To: Sandra Floyd
Subject: Merry Gibson

This letter is to show my complete support for Merry Gibson getting a conditional use permit for her home being used as a vacation rental when she is absent. Merry Gibson is an exemplary citizen and one with a deep concern for the benefit of Wimberley and the environment around it. She would never do anything that would harm it.

Sincerely,

Jan and Kenneth Goff

Sent from my iPad

Sandra Floyd

From: Karen Michael <[REDACTED]>
Sent: Sunday, August 4, 2019 7:18 PM
To: Sandra Floyd
Subject: CUP for 310 Mill Race Lane

I received the letter for the upcoming council meeting regarding Merry Gibson's application for a CUP. Merry has been so helpful to my husband and I since we purchased our cottage, helping us learn the rules of the HOA. She is helpful and knowledgeable and I feel she will also go above and beyond any standards and rules for the permit.

Karen Michael

Sent from Yahoo Mail for iPhone

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY MERRY GIBSON TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 310 MILL RACE LANE, WIMBERLEY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Merry Gibson (“Applicant”) requesting authorization to operate a vacation rental on real property described as End of the Race Subdivision, Lot 1, zoned Rural Residential 1 (R-1); and

WHEREAS, a vacation rental is an authorized use in areas zoned Rural Residential 1 (R-1) upon approval of a CUP;

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

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

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Merry Gibson (“Applicant”) for use as a vacation rental on real property, described as End of the Race Subdivision, Lot 1, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Rural Residential 1 (R-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.

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

14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 15th day of August, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

City of Wimberley, Texas

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

31791B

No structure in this subdivision shall be occupied until connected to a Public Sewer System or to an Individual Sewage Disposal System which has been approved and permitted by the San Marcos-Hays County Health Department.

Allen Walchner, Sanitarian
San Marcos-Hays County Health Dept. Date

No structure in this subdivision shall be occupied until connected to an Individual Water Well which has been approved and permitted by the San Marcos-Hays County Health Department.

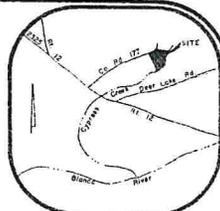
Allen Walchner, Sanitarian
San Marcos-Hays County Health Dept. Date

SCALE: 1" = 60'



NOTES:

- 1. Plat prepared January 10, 1992.
- 2. Control lines shown were scaled off of a USGS Map and not from an earth-ground survey.
- 3. This property does not lie over the Recharge Zone of the Edwards Aquifer.
- 4. This property does not lie within the City Limits or the extrajurisdictional jurisdiction of an incorporated City.
- 5. This property will be served by the following:
Utilities - Pedernales Electric Cooperative
Telephone - GIC
Water - Individual Water Well
- 6. As scaled off of the Flood Hazard Boundary Map, Community Panel #460321 0607 A, dated 1/21/78, this property lies in Zone A.
- 7. I.F.P. - Iron pin set
I.L.P. - Iron pin found



S. CRAIG HOLLMIG, INC.
engineers ~ surveyors
new braunfels, texas



END OF THE RACE SUBDIVISION

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS: That we, CHARLES W. SIMONS and wife, PATRICIA M. SIMONS, owners of 3.372 acres of land out of the Amasa Turner Survey, Hays County, Texas, as conveyed to us by deed dated November 9, 1991, and recorded in Volume 098, Pages 387-389, Official Public Records of Hays County, Texas, DO HEREBY SUBDIVIDE 3.372 acres of land out of the Amasa Turner Survey, to be known as the END OF THE RACE SUBDIVISION, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public the use of the streets and easements shown hereon.

WITNESS MY HAND, this the 27th day of January, A.D., 1992

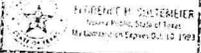
Charles W. Simons Patricia M. Simons
CHARLES W. SIMONS PATRICIA M. SIMONS

STATE OF TEXAS
COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared CHARLES W. SIMONS and PATRICIA M. SIMONS known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 27th day of January, A.D., 1992

Sharon H. Lottmeier
NOTARY PUBLIC
State of Texas



Being 3.372 acres of land situated in the Amasa Turner Survey and being the same tract of land described in Deed recorded in Volume 098, Pages 387-389 of the Official Public Records of Hays County, Texas.

STATE OF TEXAS
COUNTY OF HAYS

I, RONNIE DANIELLEY, COUNTY CLERK OF HAYS COUNTY, TEXAS, do hereby certify that on the 27th day of January, A.D., 1992, the Commissioned Court of Hays County, Texas, passed an order authorizing the filing for record of this plat, and said order has been duly entered in the minutes of the said Court in Book 2, Page 18.

WITNESS MY HAND AND SEAL OF OFFICE this the 27th day of January, A.D., 1992

Lonnie Danielley
COUNTY CLERK
HAYS COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.



S. Craig Hollmig
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2389
400 W. SECURITY
NEW BRAUNFELS, TEXAS 78130
SWORN TO AND SUBSCRIBED BEFORE ME THIS 22th DAY OF February, 1992

STATE OF TEXAS
COUNTY OF HAYS

I, RONNIE DANIELLEY, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON THE 27th DAY OF January, A.D., 1992, AT 2:00 P.M. AND WAS RECEIVED THE DAY OF January, A.D., 1992, IN THE RECORD BOOK OF SAID COUNTY, IN BOOK VOLUME 2, ON PAGE 18.

IN TESTIMONY WHEREOF, I HAVE HEREON SET MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 27th DAY OF January, 1992.

Ronnie Danielley
COUNTY CLERK
HAYS COUNTY, TEXAS

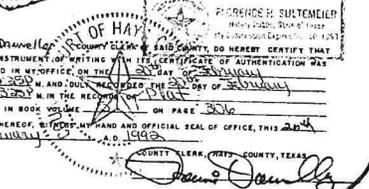
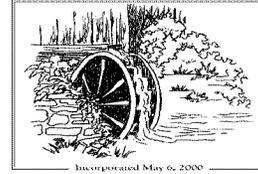


Exhibit "A"

Report for CUP-19-009



Summary:

An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 10300 Ranch Road 12

Applicant Information:

Applicant: Sonja Nagy
10300 RR 12
Wimberley, TX 78676

Property Owner: Sonja Nagy

Subject Property:

Legal Description: Hilltop Place, Phase 1, Lot 1
Location: 10300 RR 12
Existing Use of Property: Residential
Existing Zoning: Residential Acreage (RA)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: VII
Overlay District: Entrance Corridor

Surroundings:

Frontage On: Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	RA	Commercial
S of Property	R1	Residential
E of Property	RA	Residential
W of Property	NA (ETJ)	Residential

Legal Notice

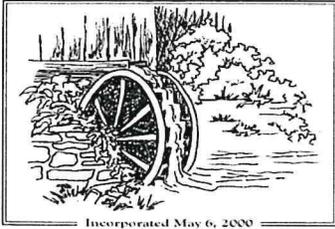
200' Letters: 07/19/2019
Published: 07/18/2019
Sign Placement: 07/19/2019
Responses: none

Comments:

The applicant, Sonja Nagy, has requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 10300 Ranch Road 12. The proposed vacation rental is approximately 1,622 square feet, 3 bedroom/2 bath and will be serviced by on-site sewage facility. The proposed maximum occupancy is 10 guests.

There have been no responses for or against to date.

On August 8th, the Planning & Zoning Commission recommended approval of the application by a vote of 6-0-0.



City of Wimberley

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

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

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19 - 009 Date: 10 July 2019 Staff Review SIF
 P&Z Hearing: 8-8-19 Council Hearing: 8-15-19 Fees Paid:

Applicant: Sonja Nagy
 Mailing address: 10300 RR 12 City: Wimberley State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: Sonja Nagy
 Mailing address: 10300 RR 12 City: Wimberley State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]

Project Site Address: 10300 Ranch Road 12
 Legal description: Hilltop Place Section 1 Lot 1 Inst. # 15001368
 Total Acreage or Square Footage: +622 5.02 ac Deed recorded in: Hays County
 Hays CAD Parcel ID R 31961 Planning Area: VII Zoning: RA
 Is property located in an overlay district? Yes No If Yes, type: Scenic Corridor Entrance Corridor
 Specific Conditional Use Requested: STR2 - VACATION RENTAL
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

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

SUBMITTAL CHECKLIST

- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning action to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 7/1/2019

Applicant's Signature: *Sonja Nagy*

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

Owner: Sonja Nagy

LOCATION OF PROPERTY: 10300 Ranch Road 12, Wimberley, Texas 78676

LEGAL DESCRIPTION: Hilltop Place Lot 1, Section 1

PLANNING AREA: Wimberley - Scenic Corridor

PRESENT ZONING: RA

EXISTING USE: Residential

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

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

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

OFF-STREET PARKING: All parking will be off-street. 8 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 10 guests. Parking will be in these spaces only.

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

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

NUMBER OF BEDROOMS: 3

PROPOSED MAXIMUM OCCUPANCY: 10 guests. *4 - Via City Sanitarian*

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

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

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

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

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

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

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

ACCEPTED AND AGREED TO:

7/1/2019
DATE

Sonja Nagy
OWNER

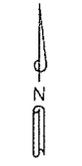
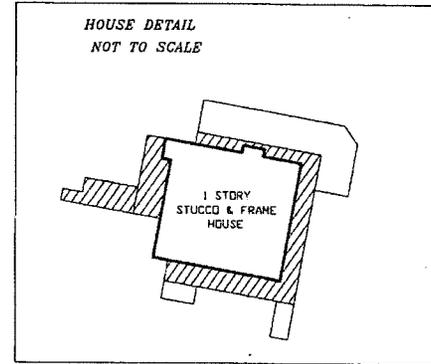
DATE

OWNER

NOTES:

- 1) THIS LOT IS SUBJECT TO THE RESTRICTIONS RECORDED IN VOLUME 2, PAGE 7, PLAT RECORDS, VOLUME 304, PAGE 470, VOLUME 307, PAGE 267, VOLUME 406, PAGE 889, DEED RECORDS, VOLUME 2001, PAGE 827, OFFICIAL PUBLIC RECORDS, ALL OF HAYS COUNTY, TEXAS.
- 2) THIS LOT IS SUBJECT TO A 40' FRONT BUILDING SETBACK AND A 25' BUILDING SETBACK ALONG ALL INTERIOR LOT LINES AS RECORDED IN VOLUME 307, PAGE 262, DEED RECORDS OF HAYS COUNTY, TEXAS.
- 3) THIS LOT IS SUBJECT TO A 20' UTILITY EASEMENT ALONG THE STREET LOT LINES AND A 10' UTILITY EASEMENT ALONG ALL INTERIOR LOT LINES AS RECORDED IN VOLUME 304, PAGE 470, DEED RECORDS, VOLUME 307, PAGE 267, VOLUME 406, PAGE 889, VOLUME V415, PAGE 602, REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS.
- 4) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209003007, DATED SEP. 2, 2005, THIS LOT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.
- 5) THIS LOT MAY BE SUBJECT TO RIGHTS OF INGRESS/EGRESS RECORDED IN VOLUME 214, PAGE 389, DEED RECORDS OF HAYS COUNTY, TEXAS. THERE IS NO VISIBLE EVIDENCE OF ANY TRANSMISSION LINES CROSSING THESE LOTS.
- 6) THIS LOT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SITE EASEMENT RECORDED IN VOLUME 260, PAGE 134, DEED RECORDS OF HAYS COUNTY, TEXAS.
- 7) A WIRE FENCE MEANDERS THE NORTH, EAST AND SOUTH LOT LINES.

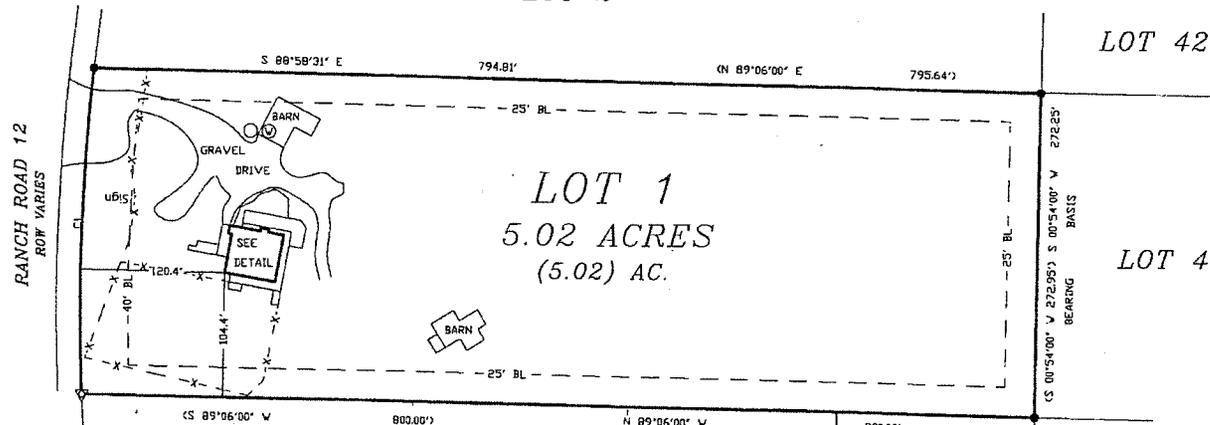
Curve	Delta Angle	Radius	Arc	Chord	Chord Bearing
C1	08°28'43"	1853.54'	274.28'	274.03'	N 01°59'05" E
		(1853.54')	(273.23')		



SCALE 1" = 60'

LEGEND

- () RECORD INFORMATION
- 1/2" IRON ROD FOUND
- ▽ CALCULATED POINT
- ▨ COVERED PORCH
- ⊙ WELL



TO:
 PURCHASER: SONJA J. NAGY
 TITLE CO: INDEPENDENCE TITLE CO./NATIONAL INVESTORS TITLE INSURANCE COMPANY
 GP. NO: 1426624-WIN
 LENDER/TENHOLDER

I, DANIEL R. (ROCKY) EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING DECEMBER, 2014, OF THE PROPERTY SHOWN HEREON AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.

Daniel R. Edwards

12/3/14
 DATE



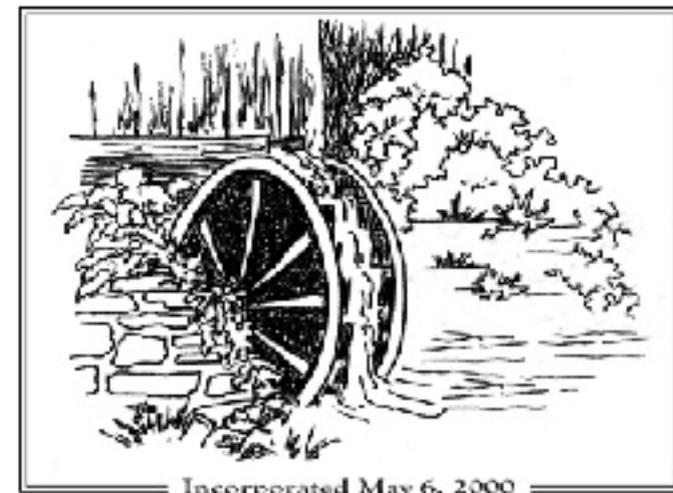
DANIEL R. (ROCKY) EDWARDS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5472 STATE OF TEXAS

LOT 25 | LOT 26 | LOT 27 | LOT 28 | LOT 29
 SADDLERIDGE SEC 1
 7/271

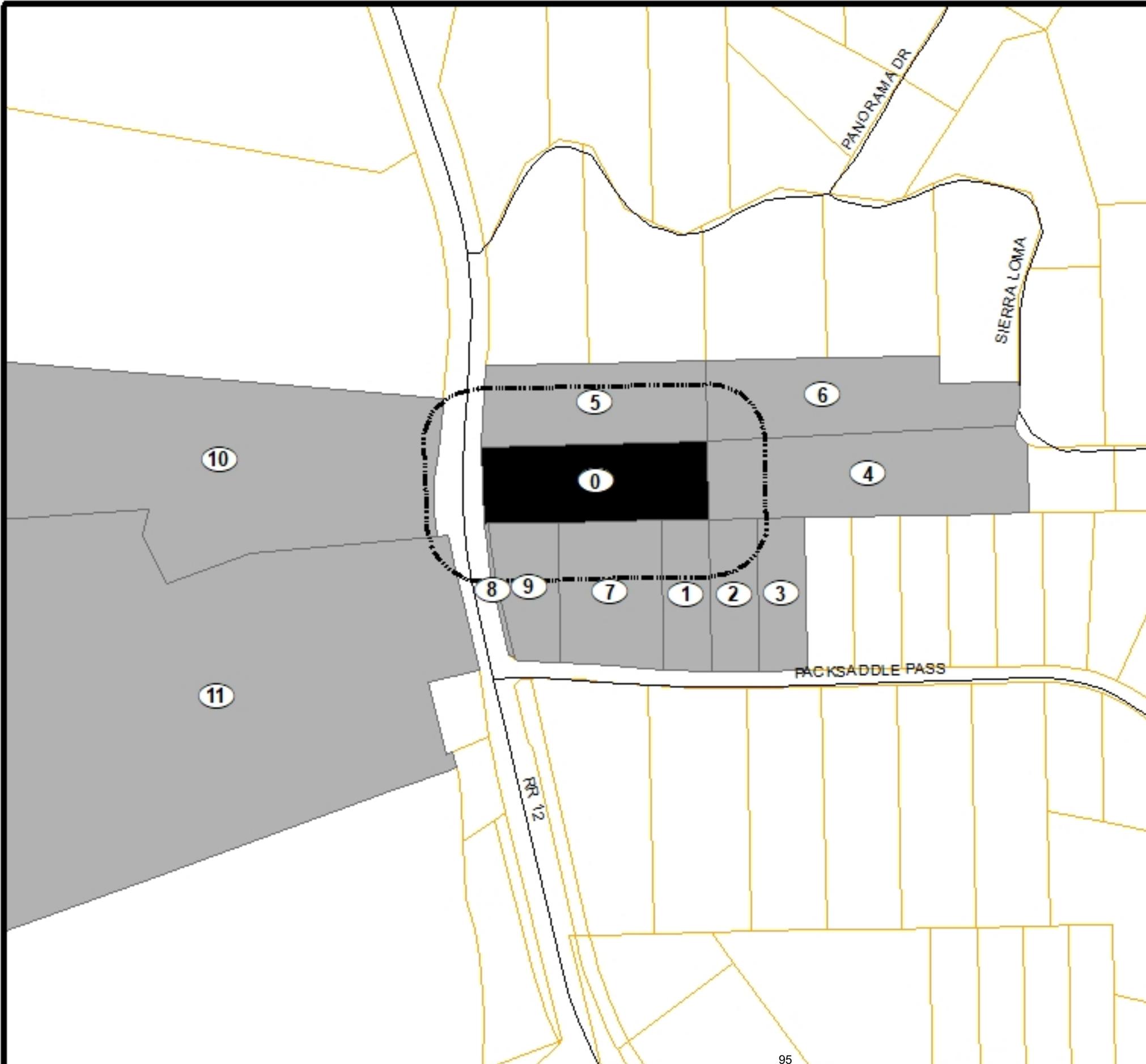
SURVEY PLAT
 OF
 LOT 1
 RE-PLAT OF
 HILLTOP PLACE PHASE I
 A SUBDIVISION RECORDED IN
 VOLUME 2, PAGE 7,
 PLAT RECORDS OF
 HAYS COUNTY, TEXAS

HAYS COUNTY LAND SURVEYING
 P.O. B. 291
 WINNERLEY, TEXAS 76876
 612-847-3827
 JOB NO. 14-2037
 PR 100474-00

CUP-19-009 ~ 10300 RR 12

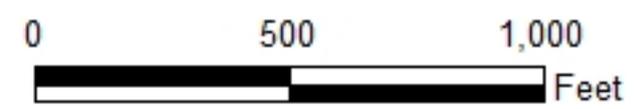


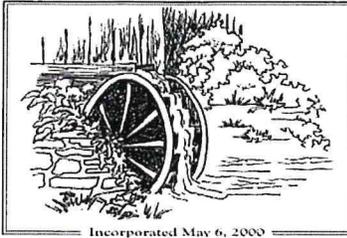
200' NOTIFICATION



Legend

	200' Buffer
ID. Owner	
	0. SUBJECT TRACT
	1. WILSON JAKE LYNN & NIELSEN PAULA
	2. WILSON JAKE LYNN & NIELSEN PAULA
	3. WILSON JAKE LYNN & NIELSEN PAULA
	4. REYES KAREN A
	5. HIGH VIEW HOLDINGS LLC
	6. NO INFORMATION
	7. THOMPSON CHRISTOPHER B & KIMBERLY S
	8. STATE OF TEXAS
	9. MCMORRIS DENTON L
	10. JONAS PETER CHRISTIAN
	11. VCD CENTURION GATHERING PARTNERSHIP LTD





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

July 19, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-009

10300 Ranch Road 12

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

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

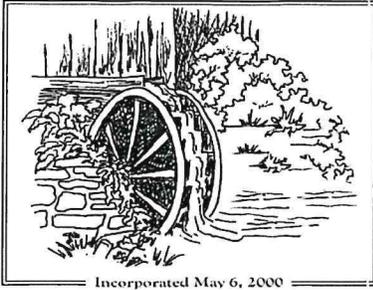
The applicant, Sonja Nagy, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 10300 Ranch Road 12. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 8, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 15, 2019, at 6:00 p.m.**

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

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

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: July 19, 2019

ZONING NO: CUP-19-009

APPLICANT: Sonja Nagy

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

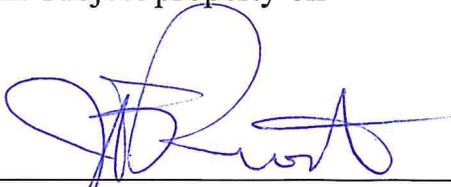
Project Site Address: 10300 Ranch Road 12

John Provost
Public Works/Code Enforcement

City of Wimberley

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

7/19 2019



Signature

The Wimberley View

CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202



Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-009— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 10300 Ranch Road 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a mixed beverage permit and mixed beverage late hours permit by Grawlix LLC dba Grawlix, to be located at 330 West Mercer St. Suite 5, Dripping Springs, Hays county, Texas. Officers of said corporation are Jerome Bollom, Manager

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-007— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 119 Jewel Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance

Public Notice

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-008— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 310 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

PUBLIC NOTICE

City of Dripping Springs
Public Notice of Approved Ordinance
Ordinance No. 2019-24
AN ORDINANCE ENACTING APPENDIX H, CHAPTER 28, SINGS, OF THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR A MASTER SIGN PLAN FOR THE DRIPPING SPRINGS MEDICAL VILLAGE; PROVIDING FOR THE FOLLOWING: RULES, STANDARDS; PROCEDURES; AND FINDINGS OF FACT; CODIFICATION; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; ENFORCEMENT INCLUDING CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$500.00 AND CIVIL FINES OF UP TO \$100.00.

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 8, 2019, at 8:00 p.m. to consider the following: CUP-19-006— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 15, 2019, at 8:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (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.

NOTICE OF HEARING ON NEEDMORE WATER UTILITIES REGULATORY PERMIT

Public Notice

NOTICE TO BIDDERS
CONSTRUCTION OF PHASE II WASTEWATER TREATMENT PLANT EXPANSION TO 150,000 GPD FOR HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SCOPE OF WORK: DH Investment Company, on behalf of Hays County Municipal Utility District No. 4, will accept sealed bids for the construction of Phase II of the wastewater treatment plant expansion from 75,000 GPD to 150,000 GPD. The work to be performed includes furnishing all materials, equipment, tools, and labor necessary for the delivery, construction, installation, inspection, testing, and disinfection of:

1. Construction of a second 75,000 GPD WWTP to operate in parallel with WWTP 1.
2. Replacing existing manual bar screen with a larger manual bar screen and flow splitter box.
3. Installing one additional blower assembly.
4. Replacement of two influent submersible lift station pump impellers.
5. Piping and electrical additions and modifications as necessary.

The work shall also include installation, maintenance and removal of erosion and sedimentation controls in accordance with the contract documents, and all local, state, and federal requirements.

RECEIPT OF BIDS: Sealed bids in envelopes are due at the Office of the Engineer: CMA Engineering, Inc. located at 235 Ledge Stone Drive, Austin, Texas 78737, (512) 432-1000 no later than 10:00 a.m. on Tuesday, August 13, 2019, at which time the bids for the Project Contract will be opened and read aloud. The OWNER reserves the right to waive all informalities and irregularities, and determine which Bids are most advantageous to the Project, and to award the Contract on this basis.

INFORMATION AND BIDDING DOCUMENTS: Copies of Bid Documents and Plans may be inspected at and/or obtained from the Office of the Engineer, during regular business hours: 7:30 a.m. to 5:30 p.m., Monday through Thursday and 8:00 a.m. to 12:00 p.m., Fridays. Bidding Documents and Plans are available at CMA Engineering, Inc. office at the below address:

CMA Engineering, Inc.
235 Ledge Stone
Austin, Texas 78737
(512) 432-1000
(512) 432-1015 (fax)

Electronic copies of Bid Documents and Plans may be obtained from the Mera Guerra at mguerra@cma-engineering.com.

BONDS: Performance, payment, and warranty bonds shall each be issued in an amount equal to 100% of the Contract Amounts as security for all the CONTRACTOR's obligations under the Contract Documents.

INSURANCE REQUIREMENTS: Bidders shall maintain insurance in the types and amounts indicated in the Contract Documents.

BID GUARANTY: All Bids must be accompanied by a Bid security made payable to Owner in an amount of five percent (5%) of Bidder's maximum Bid price and in the form of a cashier's check made payable to: DH Investment Company, or a Bid Bond issued by a surety.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held at the Office of the Engineer at 10:00 a.m. on Thursday, July 29, 2019. Representatives of the Engineer will be present to discuss the PROJECT.

BIDDER REQUIREMENTS: Bidders and subcontractors shall have completed at least three (3) similar projects in nature in the last five (5) years. All Work shall be guaranteed against defective workmanship and materials for a period of two (2) years from the date of final acceptance by the OWNER.

Public Notice

Application has been made with the Texas Alcoholic Beverage Commission for Winery Permit by Hugo Edwin Auler dba, Fall Creek Vineyards, Inc.

Public Notice

Garage Sales

MOVING SALE
July 17-24,
9am - 6pm
62 Woodcreek Dr
Everything must go
Furniture, col-

Public Notice



Land For Sale

HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING CYPRESS CREEK AND OLD TOWN SQUARE. REDUCED FOR QUICK SALE CALL JON 830-446-9157



Apartments For Rent

1 BR \$855, 2 BR \$935, 3 BR \$1070. 1 BR Move in Special: Half off first full month's rent! Luxury kitchen & bath upgrades. Stainless steel appliances & granite countertops. Pet friendly. Quiet, convenient Hill Country location. Blanco Oaks Apartments. 525 Jones Ave, Blanco, TX. 830-833-5795.

1 BEDROOM BARN APARTMENT

Utilities included. No smoking & no inside pets First month + deposit. \$750. Call 512-947-0218

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept. 1 New flooring/paint apartment is well maintained. small

Misc. Service

EYE SORE TREE ANI HAULING SERVICE ALL TYPES CLEANUP
We will remove your eye sores! scraping fire pits & flood pits. Lot clean up & re-trim trees. Hauling brush, trash & junk. leveling & Bo work. Land clearing services move and take portable build. Call for an estimate. 512-618-3172 or 512-689-3

CALL JON WILTON for all your home renovations, and handy needs. 512-618-11 Down to Earth Services



GET SOLI GROU

Tired of feeling like you're in a precarious position at work? Find the security you crave in Classified Listings

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY SONJA NAGY TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 10300 RANCH ROAD 12, WIMBERLEY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Sonja Nagy (“Applicant”) requesting authorization to operate a vacation rental on real property described as Hilltop Place, Phase One, Lot 1, zoned Residential Acreage (RA); and

WHEREAS, a vacation rental is an authorized use in areas zoned Residential Acreage (RA) upon approval of a CUP;

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

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

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Sonja Nagy (“Applicant”) for use as a vacation rental on real property, described as Hilltop Place, Phase One, Lot 1, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Residential Acreage (RA), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.

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

14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 15th day of August, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

NOTES:

1) THIS LOT IS SUBJECT TO THE RESTRICTIONS RECORDED IN VOLUME 2, PAGE 7, PLAT RECORDS, VOLUME 304, PAGE 470, VOLUME 307, PAGE 267, VOLUME 406, PAGE 889, DEED RECORDS, VOLUME 2001, PAGE 827, OFFICIAL PUBLIC RECORDS, ALL OF HAYS COUNTY, TEXAS.

2) THIS LOT IS SUBJECT TO A 40' FRONT BUILDING SETBACK AND A 25' BUILDING SETBACK ALONG ALL INTERIOR LOT LINES AS RECORDED IN VOLUME 307, PAGE 262, DEED RECORDS OF HAYS COUNTY, TEXAS.

3) THIS LOT IS SUBJECT TO A 20' UTILITY EASEMENT ALONG THE STREET LOT LINES AND A 10' UTILITY EASEMENT ALONG ALL INTERIOR LOT LINES AS RECORDED IN VOLUME 304, PAGE 470, DEED RECORDS, VOLUME 307, PAGE 267, VOLUME 406, PAGE 886, VOLUME V413, PAGE 602, REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS.

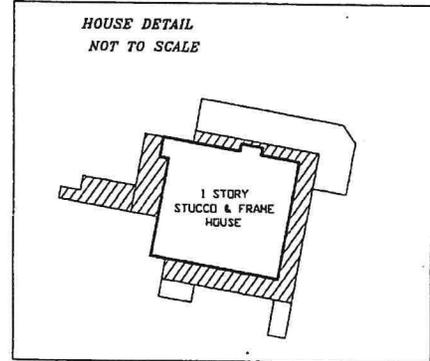
4) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48205C0330F, DATED SEP. 2, 2005, THIS LOT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.

5) THIS LOT MAY BE SUBJECT TO RIGHTS OF INGRESS/EGRESS RECORDED IN VOLUME 214, PAGE 329, DEED RECORDS OF HAYS COUNTY, TEXAS. THERE IS NO VISIBLE EVIDENCE OF ANY TRANSMISSION LINES CROSSING THESE LOTS.

6) THIS LOT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SITE EASEMENT RECORDED IN VOLUME 260, PAGE 134, DEED RECORDS OF HAYS COUNTY, TEXAS.

7) A WIRE FENCE MEANDERS THE NORTH, EAST AND SOUTH LOT LINES.

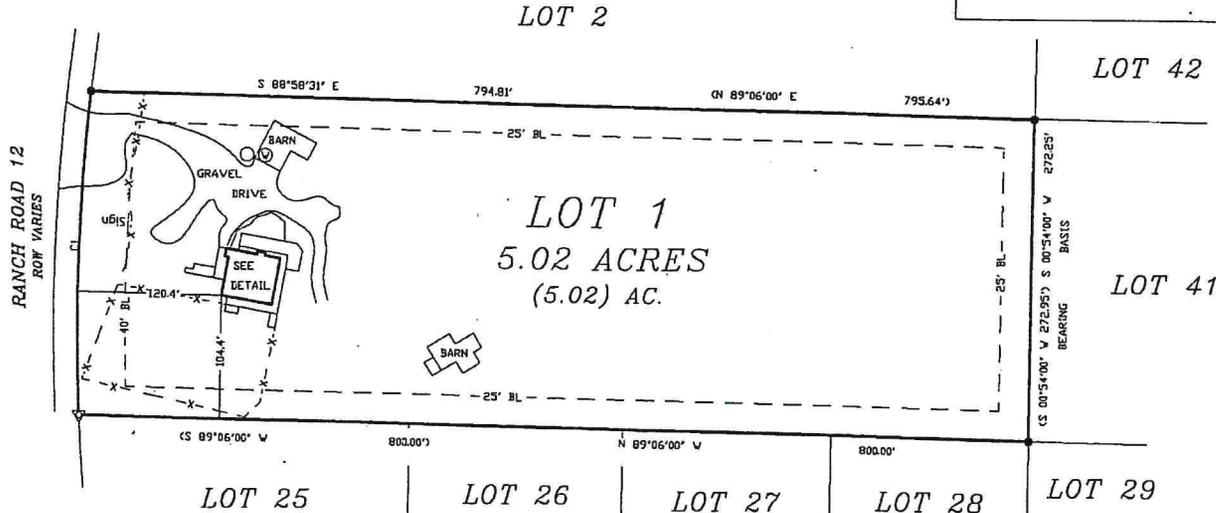
Curve	Delta Angle	Radius	Arc	Chord	Chord Bearing
CI	08°28'43"	1853.54'	274.28'	274.03'	N 01°59'05" E
		(1853.54')	(273.23')		



SCALE 1" = 40'

LEGEND

- () RECORD INFORMATION
- 1/2" IRON ROD FOUND
- ▽ CALCULATED POINT
- ▨ COVERED PORCH
- ⊙ WELL



TO:
PURCHASER: SONJA J. NAGY
TITLE CO: INDEPENDENCE TITLE CO./NATIONAL INVESTORS TITLE INSURANCE COMPANY
GF. NO: 1426624-WJH
LENDER/LENDERHOLDER

I, DANIEL R. (ROCKY) EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING DECEMBER, 2014, OF THE PROPERTY SHOWN HEREIN AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCRoACHMENTS, oVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.

Daniel R. Edwards
DANIEL R. (ROCKY) EDWARDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5472 STATE OF TEXAS

12/3/14
DATE



LOT 25 | LOT 26 | LOT 27 | LOT 28 | LOT 29
SADDLERIDGE SEC I
7/271

SURVEY PLAT
OF
LOT 1
RE-PLAT OF
HILLTOP PLACE PHASE I
A SUBDIVISION RECORDED IN
VOLUME 2, PAGE 7,
PLAT RECORDS OF
HAYS COUNTY, TEXAS

HAYS COUNTY LAND SURVEYING
P.O. B. 991
WINDSBLEY, TEXAS 76876
817-847-3887
JOB NO. 14-2037
PR 100474-00

EXHIBIT "A"

ORDINANCE NO. 2019-__

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019”; PROVIDING FOR THE PAYMENT OF SAID BONDS BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID BONDS BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS TO EFFECTUATE THE ISSUANCE OF THE BONDS; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE

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ORDINANCE NO. 2019-__

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019”; PROVIDING FOR THE PAYMENT OF SAID BONDS BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID BONDS BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS TO EFFECTUATE THE ISSUANCE OF THE BONDS; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *City Council*) of the City of Wimberley, Texas (the *City*) has heretofore issued, sold, and delivered, and there are currently outstanding obligations in the aggregate original principal amount of \$5,255,000, being the obligations set forth on Schedule I hereto which is incorporated by reference for all purposes to this ordinance (the *Exchanged Obligations*); and

WHEREAS, the Exchanged Obligations were issued for the purposes of funding: (i) the construction of a collection system to provide wastewater service to the central Wimberley area; (ii) the upgrading and expansion of the existing wastewater treatment plant; (iii) a reasonably required reserve fund for the Exchanged Obligations; and (iv) professional services and costs of issuance related to the Exchanged Obligations (items (i) and (ii) are, together, referred to herein as the *Original Project Scope*); and

WHEREAS, the Exchanged Obligations, which were delivered to and are currently held by the Texas Water Development Board (the *Board*), are payable and secured by an irrevocable first lien on and pledge of the Pledged Revenues (defined herein) of the System (defined herein) and an annual transfer of funds into the System’s revenue stream as designated in the Intradepartmental Agreement Regarding the Purchase of Reclaimed Water; and

WHEREAS, the City Council has requested of the Board that the Original Project Scope be amended to remove item (ii) of the Original Project Scope pertaining to the upgrading and expansion of the existing wastewater treatment plant; and

WHEREAS, the Board, through Resolution No. _____, dated March 28, 2019, agreed to the requested amendment to the Original Project Scope, on the condition that the City Council exchange the Exchanged Obligations with the Bonds (hereinafter defined), which will be secured by the proceeds of an annual ad valorem tax levied, within the limits prescribed by law, on all

taxable property in the City and additionally by a lien on and a pledge of the Pledged Revenues of the System; and

WHEREAS, the City Council intends to issue combination general obligation and revenue refunding bonds in an aggregate principal amount of \$5,255,000 which will be utilized to provide for the exchange of the Exchanged Obligations; and

WHEREAS, pursuant to the provisions of Chapter 1207, as amended, Texas Government Code (the *Act*), the City Council is authorized to issue refunding bonds to be exchanged for, and on the surrender and cancellation of, obligations to be refunded (which may be an issue of obligations in whole or, upon the City's demonstration of adequate resources to pay the un-refunded balance of the obligations, in part); and

WHEREAS, on the Closing Date (defined herein), the City will deliver to the Board and the Board will accept from the City the Bonds in exchange for, and the Board will surrender to the City and the City will accept from the Board and cancel, the bonds evidencing the Exchanged Obligations (which acceptance and cancellation will be accomplished by the Paying Agent/Registrar at the City's written direction); and

WHEREAS, the City Council hereby finds and determines that the issuance of combination general obligation and revenue refunding bonds for the purpose of refunding and exchanging the Exchanged Obligations is in the best interests of the residents of the City, now, therefore,

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

SECTION 1. Authorization - Designation - Principal Amount - Purpose. The combination general obligation and revenue refunding bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of FIVE MILLION TWO HUNDRED FIFTY FIVE THOUSAND AND NO/100 DOLLARS (\$5,255,000), to be designated and bear the title of "CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019" (the *Bonds*), for the purpose of providing for the exchange of the Exchanged Obligations, pursuant to the authority conferred by and in conformity with the laws of the State of Texas, particularly the Act. The Bonds will have substantially the same terms as the Exchanged Obligations, except for the actual security for the payment of the Bonds.

SECTION 2. Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Bond Date. The Bonds are issuable in fully registered form only; shall be dated April 1, 2019 (the *Bond Date*) and shall be issued in denominations of \$5,000 or any integral (within a Stated Maturity) thereof, shall be lettered "R-" and numbered consecutively from One (1) upward, and the Bonds shall become due and payable on August 1 in each of the years and in principal amounts (the *Stated Maturities*) and bear interest on the unpaid principal amounts as provided in Section 3, to the earlier of redemption or Stated Maturity, while Outstanding from the Closing Date (anticipated to occur on or about April __, 2019), from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for, to the earlier of redemption or Stated Maturity, at the per annum rates, while Outstanding, in accordance with the following schedule:

<u>Years of Stated Maturity</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
2019	155,000	0.070
2020	160,000	0.230
2021	160,000	0.370
2022	160,000	0.490
2023	160,000	0.710
2024	160,000	0.850
2025	165,000	1.030
2026	165,000	1.210
2027	165,000	1.390
2028	170,000	1.520
2029	170,000	1.620
2030	175,000	1.710
2031	175,000	1.780
2032	180,000	1.850
2033	185,000	1.910
2034	185,000	1.950
2035	190,000	1.980
2036	195,000	2.000
2037	200,000	2.010
2038	200,000	2.030
2039	205,000	2.050
2040	210,000	2.070
2041	215,000	2.090
2042	220,000	2.110
2043	225,000	2.120
2044	230,000	2.130
2045	235,000	2.140
2046	240,000	2.150

SECTION 3. Payment of Bonds - Paying Agent/Registrar. The principal of, premium, if any, and interest on the Bonds, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable, without exchange or collection charges to the registered owners of the Bonds (the *Holder* or *Holder*s), appearing on the Security Register (hereinafter defined) maintained by the Paying Agent/Registrar (hereinafter defined), in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and such payment of principal of and interest on the Bonds shall be without exchange or collection charges to the Holder (hereinafter defined) of the Bonds. Interest on each Bond issued and delivered to a Holder shall accrue from the latest Interest Payment Date that interest on such Bond (or its Predecessor Bond) has been paid that precedes the registration date appearing on such Bond in the “Registration Certificate of Paying Agent/Registrar” (Section 8D hereof), unless the registration date appearing thereon is an Interest Payment Date for which interest is being paid, in which case interest on such Bond shall accrue from the registration date appearing thereon and provided further that with respect to the initial payment of interest on a

Bond, such interest shall accrue from the date of initial delivery of the Bonds (or its Predecessor Bond) to the Purchasers (hereinafter defined).

The Bonds shall bear interest at the per annum rates shown above in Section 2, computed on the basis of a 360-day year of twelve 30-day months, and interest thereon shall be payable semiannually on February 1 and August 1 of each year (each an *Interest Payment Date*) commencing August 1, 2019, while the Bonds are Outstanding.

The selection and appointment of BOKF, NA, Dallas, Texas (the *Paying Agent/Registrar*), to serve as the initial Paying Agent/Registrar for the Bonds is hereby approved and confirmed, and the City agrees and covenants to cause to be kept and maintained at the corporate trust office of the Paying Agent/Registrar books and records (the *Security Register*) for the registration, payment and transfer of the Bonds, all as provided herein, in accordance with the terms and provisions of a Paying Agent/Registrar Agreement, attached, in substantially final form, as Exhibit A hereto, and such reasonable rules and regulations as the Paying Agent/Registrar and City may prescribe. The City covenants to maintain and provide a Paying Agent/Registrar at all times while the Bonds are Outstanding, and any successor Paying Agent/Registrar shall be (i) a national or state banking institution or (ii) an association or a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers. Such Paying Agent/Registrar shall be subject to supervision or examination by federal or state authority and authorized by law to serve as a Paying Agent/Registrar.

The City reserves the right to appoint a successor Paying Agent/Registrar upon providing the previous Paying Agent/Registrar with a certified copy of a resolution or ordinance terminating such agency. Additionally, the City agrees to promptly cause a written notice of this substitution to be sent to each Holder of the Bonds by United States mail, first-class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of, premium, if any, and interest on the Bonds, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable only to the registered owner of the Bonds appearing on the Security Register (the *Holder* or *Holder*s) maintained on behalf of the City by the Paying Agent/Registrar as hereinafter provided (i) on the Record Date (hereinafter defined) for purposes of payment of interest thereon, (ii) on the date of surrender of the Bonds for purposes of receiving payment of principal thereof upon redemption of the Bonds or at the Bonds' Stated Maturity, and (iii) on any other date for any other purpose. The City and the Paying Agent/Registrar, and any agent of either, shall treat the Holder as the owner of a Bond for purposes of receiving payment and all other purposes whatsoever, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

Principal of and premium, if any, on the Bonds shall be payable only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its corporate trust office. Interest on the Bonds shall be paid to the Holder whose name appears in the Security Register at the close of business on the fifteenth day of the month next preceding an Interest Payment Date for the Bonds (the *Record Date*) and shall be paid (i) by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, by the Paying Agent/Registrar, to the address of the Holder appearing in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested in writing by the Holder at the Holder's risk and expense. While the

Bonds are held by the Purchasers (as defined in Section 27 hereof), payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

If the date for the payment of the principal of, premium, if any, or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a day. The payment on such date shall have the same force and effect as if made on the original date any such payment on the Bonds was due.

In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a Special Record Date) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the *Special Payment Date* - which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. Redemption.

A. Optional Redemption. The Bonds having Stated Maturities on and after August 1, 2028, shall be subject to redemption prior to Stated Maturity, at the option of the City, in inverse order of Stated Maturity, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar), on August 1, 2027, or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

B. Special Mandatory Redemption. In the event that the Purchasers at such time remains the sole holder of the Bonds and the final accounting delivered by the City to the Purchasers in the form and manner specified in, and in compliance with the provisions of, Section 35 of this Ordinance evidences that the total cost of the project to be financed with Bond proceeds is less than the amount of Bond proceeds available for paying such costs, then the City shall, as soon as practicable (but in no event later than six months after the Purchasers' acceptance of the aforementioned accounting), at the direction of the City Administrator, and without the requirement of the approval of the City Council of the City, redeem Bonds in the amount of such excess to the nearest multiple of the authorized denomination for the Bonds. Bonds redeemed pursuant to this provision shall be redeemable on any date, in inverse order of Stated Maturity, as a whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity, selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

C. Exercise of Redemption Option. At least forty-five (45) days prior to a date set for the redemption of Bonds (unless a shorter notification period shall be satisfactory to the Paying

Agent/Registrar), the City shall notify the Paying Agent/Registrar of its decision to exercise the right to redeem Bonds, the principal amount of each Stated Maturity to be redeemed, and the date set for the redemption thereof. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

D. Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall select at random and by lot the Bonds to be redeemed, provided that if less than the entire principal amount of a Bond is to be redeemed, the Paying Agent/Registrar shall treat such Bond then subject to redemption as representing the number of Bonds Outstanding which is obtained by dividing the principal amount of such Bond by \$5,000.

E. Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States mail, first-class postage prepaid, in the name of the City and at the City's expense, by the Paying Agent/Registrar to each Holder of a Bond to be redeemed, in whole or in part, at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder. This notice may also be published once in a financial publication, journal, or reporter of general circulation among securities dealers in the City of New York, New York (including, but not limited to, The Bond Buyer and The Wall Street Journal), or in the State of Texas (including, but not limited to, The Texas Bond Reporter).

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the corporate trust office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder.

If a Bond is subject by its terms to redemption and has been called for redemption and notice of redemption thereof has been duly given or waived as herein provided, such Bond (or the principal amount thereof to be redeemed) so called for redemption shall become due and payable, and if money sufficient for the payment of such Bonds (or of the principal amount thereof to be redeemed) at the then applicable redemption price is held for the purpose of such payment by the Paying Agent/Registrar, then on the redemption date designated in such notice, interest on the Bonds (or the principal amount thereof to be redeemed) called for redemption shall cease to accrue and such Bonds shall not be deemed to be Outstanding in accordance with the provisions of this Ordinance.

F. Transfer/Exchange of Bonds. Neither the City nor the Paying Agent/Registrar shall be required (1) to transfer or exchange any Bond during a period beginning forty-five (45) days prior to the date fixed for redemption of the Bonds or (2) to transfer or exchange any Bond selected for redemption, provided, however, such limitation of transfer shall not be applicable to an

exchange by the Holder of the unredeemed balance of a Bond which is subject to redemption in part.

SECTION 5. Execution - Registration. The Bonds shall be executed on behalf of the City by its Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and attested by its City Secretary. The signature of either of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who were, at the time of the Bond Date, the proper officers of the City shall bind the City, notwithstanding that such individuals or either of them shall cease to hold such offices prior to the delivery of the Bonds to the Purchasers, all as authorized and provided in Chapter 1201, as amended, Texas Government Code.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 8C, executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent by manual signature, or a certificate of registration substantially in the form provided in Section 8D, executed by the Paying Agent/Registrar by manual signature, and either such certificate upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified or registered and delivered.

SECTION 6. Registration - Transfer - Exchange of Bonds - Predecessor Bonds. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of every owner of the Bonds, or if appropriate, the nominee thereof. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for transfer of any Bond at the corporate trust office of the Paying Agent/Registrar, the City shall execute and the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds of authorized denomination and having the same Stated Maturity and of a like interest rate and aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange upon surrender of the Bonds to be exchanged at the corporate trust office of the Paying Agent/Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute, and the Paying Agent/Registrar shall register and deliver, the Bonds to the Holder requesting the exchange.

All Bonds issued upon any transfer or exchange of Bonds shall be delivered at the corporate trust office of the Paying Agent/Registrar, or be sent by registered mail to the Holder at his request, risk, and expense, and upon the delivery thereof, the same shall be the valid and binding obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be Predecessor Bonds, evidencing all or a portion, as the case may be, of the same debt evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term Predecessor Bonds shall include any Bond registered and delivered pursuant to Section 26 in lieu of a mutilated, lost, destroyed, or stolen Bond which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

SECTION 7. Initial Bond. The Bonds herein authorized shall be issued initially either (i) as a single fully registered Bond in the total principal amount of \$5,255,000 with principal installments to become due and payable as provided in Section 2 and numbered T-1, or (ii) as one (1) fully registered Bond for each year of a Stated Maturity in the applicable principal amount and denomination purchased thereby and to be numbered consecutively from T-1 and upward (the *Initial Bonds*) and, in either case, the Initial Bonds shall be registered in the name of the Purchasers or the designee thereof. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Purchasers. Any time after the delivery of the Initial Bond to the Purchasers, the Paying Agent/Registrar, upon written instructions from the Purchasers or their designee, shall cancel the Initial Bond delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates, and shall be lettered "R" and numbered consecutively from one (1) upward for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the Purchasers, or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 8. Forms.

A. Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including insurance legends in the event the Bonds, or any Stated Maturities thereof, are insured, and any reproduction of an opinion of Bond Counsel) and identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of Bond Counsel (hereinafter referenced)) thereon as may, consistent herewith, be established by the City or determined by the officers executing the Bonds as evidenced by their execution thereof. Any portion of the text of any Bond may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds shall be typewritten, printed, lithographed, or engraved, produced by any combination of these methods, or produced in any other similar manner, all as determined by the officers executing the Bonds as evidenced by their execution thereof, but the Initial Bond submitted to the Attorney General of the State of Texas may be typewritten or photocopied or otherwise reproduced.

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B. Form of Definitive Bond.

REGISTERED
NO. _____

REGISTERED
PRINCIPAL AMOUNT
\$ _____

United States of America
State of Texas
County of Hays
CITY OF WIMBERLEY, TEXAS
EXCHANGE REFUNDING BONDS, SERIES 2019

Bond Date: April 1, 2019 Interest Rate: Stated Maturity: CUSIP No.

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____

The City of Wimberley, Texas (the *City*), a body corporate and municipal corporation in the County of Hays, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner specified above, or the registered assigns thereof, on the Stated Maturity date specified above, the Principal Amount specified above (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amount hereof from the Closing Date (anticipated to occur on or about April __, 2019), or from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for until such Principal Amount has become due and payment thereof has been made or duly provided for, to the earlier of redemption or Stated Maturity while Outstanding, at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year (each, an *Interest Payment Date*) commencing August 1, 2019.

Principal and premium, if any, of this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon presentation and surrender, at the corporate trust office of the Paying Agent/Registrar executing the registration certificate appearing hereon or a successor thereof. Interest shall be payable to the Holder of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the Security Register maintained by the Paying Agent/Registrar at the close of business on the Record Date, which is the fifteenth day of the month next preceding each Interest Payment Date. All payments of principal of and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest shall be paid by the Paying Agent/Registrar by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, to the Holder hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by the Holder hereof at the Holder's risk and expense. While the Bonds are held by the Purchasers payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds

wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$5,255,000 (the *Bonds*) pursuant to an Ordinance adopted by the governing body of the City (the *Ordinance*), for the purpose of providing for the exchange of the Exchanged Obligations, under and in strict conformity with the laws of the State of Texas, particularly Chapter 1207, as amended, Texas Government Code.

As set forth in the Ordinance, the Bonds stated to mature on and after August 1, 2028 may be redeemed prior to their Stated Maturities, at the option of the City, in inverse order of Stated Maturity, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar), on August 1, 2027, or on any date thereafter at the redemption price of par, together with accrued interest to the date of redemption and upon 30 days prior written notice being sent by United States Mail, first class postage prepaid, to the registered owners of the Bonds to be redeemed, and subject to the terms and provisions relating thereto contained in the Ordinance. If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In addition to the foregoing right to optional redemption, in the event that the Purchasers at such time remains the sole holder of the Bonds and the final accounting delivered by the City to the Purchasers in the form and manner specified in the Ordinance (and in compliance with the provisions of Section 35 of the Ordinance) evidences that the total cost of the project to be financed with Bond proceeds is less than the amount of Bond proceeds available for paying such costs, then the City shall, as soon as practicable (but in no event later than six months after the Purchasers' acceptance of the aforementioned accounting) redeem Bonds in the amount of such excess to the nearest multiple of the authorized denomination for the Bonds. Bonds redeemed pursuant to this provision shall be redeemable on any date, in inverse order of Stated Maturity, as a whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity, selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

In the event that the Purchasers at such time remains the sole holder of the Bonds and the final accounting delivered by the City to the Purchasers in the form and manner specified in the Ordinance (and in compliance with the provisions of Section 35 of the Ordinance) evidences that the total cost of the project to be financed with Bond proceeds is less than the amount of Bond proceeds available for paying such costs, then the City shall, as soon as practicable (but in no event later than six months after the Purchasers' acceptance of the aforementioned accounting), at the direction of the City Administrator without the requirement of the approval of the City Council of the City, redeem Bonds in the amount of such excess to the nearest multiple of the authorized denomination for the Bonds. Bonds redeemed pursuant to this provision shall be redeemable on any date, in inverse order of Stated Maturity, as a whole or in part, in principal amounts of \$5,000

or any integral multiple thereof (and if within a Stated Maturity, selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption has been duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and, if the money for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption is held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable hereon from and after the redemption date on the principal amount hereof to be redeemed. If this Bond is called for redemption, in whole or in part, the City or the Paying Agent/Registrar shall not be required to issue, transfer, or exchange this Bond within forty-five (45) days of the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the Holder of the unredeemed balance hereof in the event of its redemption in part.

The Bonds of this series are payable from the proceeds of an ad valorem tax levied upon all taxable property within the City, within the limitations prescribed by law, and are further payable from and secured by a first lien on and pledge of the Pledged Revenues (identified and defined in the Ordinance), which includes a first lien on and pledge of Net Revenues derived by the City from its ownership and operation of the City's wastewater and sewer utility system (the *System*), such lien on and pledge of Net Revenues being on parity with the lien on and pledge of such Net Revenues securing the payment of any Additional Prior Lien Obligations and superior to the lien on and pledge of such Net Revenues securing payment of any Junior Lien Obligations, or Limited Pledge Obligations hereafter issued by the City. In the Ordinance, the City reserves and retains the right to issue Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, and Limited Pledge Obligations (all as identified and defined in the Ordinance), while the Bonds are Outstanding, without limitation as to principal amount but subject to any terms, conditions or restrictions as may be applicable thereto under law or otherwise.

Reference is hereby made to the Ordinance, a copy of which is on file in the corporate trust office of the Paying Agent/Registrar, and to all of the provisions of which the Holder by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied and the revenues pledged for the payment of the Bonds; the terms and conditions under which the City may issue Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, and Limited Pledge Obligations; the terms and conditions relating to the transfer or exchange of the Bonds; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holder; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be redeemed or discharged at or prior to the Stated Maturity thereof, and deemed to be no longer Outstanding thereunder; and for the other terms and provisions specified in the Ordinance. Capitalized terms used herein have the same meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register upon presentation and surrender at the corporate trust office of the Paying Agent/Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form

satisfactory to the Paying Agent/Registrar duly executed by the Holder hereof, or his duly authorized agent, and thereupon one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the Holder hereof whose name appears on the Security Register (i) on the Record Date as the owner hereof for purposes of receiving payment of interest hereon, (ii) on the date of surrender of this Bond as the owner hereof for purposes of receiving payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner hereof for all other purposes, and neither the City nor the Paying Agent/Registrar, or any such agent of either, shall be affected by notice to the contrary. In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a Special Record Date) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the *Special Payment Date* - which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, covenanted, and represented that all acts, conditions, and things required to be performed, exist, and be done precedent to the issuance of this Bond in order to render the same a legal, valid, and binding obligation of the City have been performed, exist, and have been done, in regular and due time, form, and manner, as required by the laws of the State of Texas and the Ordinance, and that issuance of the Bonds does not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of, premium if any, and interest on the Bonds by the levy of a tax and collection of Pledged Revenues as aforesated. In case any provision in this Bond or any application thereof shall be deemed invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City has caused this Bond to be duly executed under its official seal.

CITY OF WIMBERLEY, TEXAS

By _____
Mayor

ATTEST:

City Secretary

(CITY SEAL)

C. *Form of Registration Certificate of Comptroller of Public Accounts to Appear on Initial Bond Only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER OF §
PUBLIC ACCOUNTS §
 § REGISTER NO. _____
THE STATE OF TEXAS §

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____

Comptroller of Public Accounts
of the State of Texas

(SEAL)

*NOTE TO PRINTER: Not to appear on printed Bonds.

D. Form of Certificate of Paying Agent/Registrar to Appear on Definitive Bonds Only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued under the provisions of the within-mentioned Ordinance; the Bond or Bonds of the above-entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

Registered this date: BOKF, NA, Dallas, Texas, as Paying Agent/Registrar

_____ By: _____
Authorized Signature

*NOTE TO PRINTER: Print on Definitive Bonds.

[The remainder of this page intentionally left blank.]

E. Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee): _____

(Social Security or other identifying number): _____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

Signature guaranteed:

F. The Initial Bond shall be in the form set forth in paragraph B of this Section, except that the form of a single fully registered Initial Bond shall be modified as follows:

- (i) immediately under the name of the Bond(s) the headings "Interest Rate" and "Stated Maturity" shall both be completed "As Shown Below";
- (ii) the first two paragraphs shall read as follows:

Registered Owner: _____

Principal Amount: _____

The City of Wimberley, Texas (the *City*), a body corporate and municipal corporation in the County of Hays, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, the Principal Amount specified above stated to mature on the first day of August each of the years and in principal amounts and bearing interest at per annum rates in accordance with the following schedule:

Years of
Stated Maturity

Principal
Amounts (\$)

Interest
Rates (%)

(Information to be inserted
from schedule in Section 2 hereof)

(or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amounts hereof from the Closing Date (anticipated to occur on or about April __, 2019), or from the most recent Interest Payment Date (defined below) to which interest has been paid or duly provided for, to the earlier of redemption or Stated Maturity, at the per annum rates of interest specified above, computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year (each, an *Interest Payment Date*), commencing August 1, 2019.

Principal of this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon its presentation and surrender to Stated Maturity or prior redemption, while Outstanding, at the corporate trust office of BOKF, NA, Dallas, Texas (the *Paying Agent/Registrar*). Interest shall be payable to the Holder of this Bond whose name appears on the Security Register maintained by the Paying Agent/Registrar at the close of business on the Record Date, which is the fifteenth day of the month next preceding each Interest Payment Date. All payments of principal of and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest shall be paid by the Paying Agent/Registrar by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, to the Holder hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder hereof.

G. Insurance Legend. If bond insurance is obtained by the City or the Purchasers for the Bonds, the Definitive Bonds and the Initial Bond shall bear an appropriate legend as provided by the insurer to appear under the following header:

[BOND INSURANCE]

SECTION 9. Definitions. For all purposes of this Ordinance (as defined below), except as otherwise expressly provided or unless the context otherwise requires: (i) the terms defined in this Section have the meanings assigned to them in this Section, and certain terms used in Sections 28 and 48 of this Ordinance have the meanings assigned to them in Sections 28 and 48 of this Ordinance, and all such terms, include the plural as well as the singular; (ii) all references in this Ordinance to designated “Sections” and other subdivisions are to the designated Sections and other subdivisions of this Ordinance as originally adopted; and (iii) the words “herein”, “hereof”, and “hereunder” and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision.

A. The term *Additional Prior Lien Obligations* shall mean (i) the Bonds and any bonds, notes, warrants, certificates of obligation, or other evidences of indebtedness which the City reserves the right to issue or enter into, as the case may be, in the future under the terms and conditions provided by the City Council and which are equally and ratably secured solely by a first

and prior lien on and pledge of the Pledged Revenues of the System and (ii) any obligations hereafter issued to refund any of the foregoing if issued in a manner so as to be payable from and secured by a first and prior lien on and pledge of the Pledged Revenues as determined by the City Council in accordance with applicable law

B. The term *Authorized Officials* shall mean the Mayor, the Mayor Pro Tem, the City Administrator, and/or the City Secretary.

C. The term *Bonds* shall mean the \$5,255,000 “CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019” authorized by this Ordinance.

D. The term *Bond Fund* shall mean the special Fund created and established by the provisions of Section 10 of this Ordinance.

E. The term *City* shall mean the City of Wimberley, located in Hays County, Texas and, where appropriate, the City Council of the City.

F. The term *Closing Date* shall mean the date of physical delivery of the Initial Bonds in exchange for the Exchanged Obligations.

G. The term *Collection Date* shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.

H. The term *Debt Service Requirements* shall mean, as of any particular date of computation, with respect to any obligations and with respect to any period, the aggregate of the amounts to be paid or set aside by the City as of such date or in such period for the payment of the principal of, premium, if any, and interest (to the extent not capitalized) on such obligations; assuming, in the case of obligations without a fixed numerical rate, that such obligations bear interest at the maximum rate permitted by the terms thereof and further assuming in the case of obligations required to be redeemed or prepaid as to principal prior to Stated Maturity, the principal amounts thereof will be redeemed prior to Stated Maturity in accordance with the mandatory redemption provisions applicable thereto.

I. The term *Depository* shall mean an official depository bank of the City.

J. The term *Fiscal Year* shall mean the annual financial accounting period for the System now ending on September 30th of each year; provided, however, the City Council may change such annual financial accounting period to end on another date if such change is found and determined to be necessary for accounting purposes or is required by applicable law.

K. The term *Government Securities*, as used herein, shall mean (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by, the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent;

(iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent, or (iv) any additional securities and obligations hereafter authorized by the laws of the State of Texas as eligible for use to accomplish the discharge of obligations such as the Obligations.

L. The term *Gross Revenues* shall mean all income, receipts, and revenues of every nature derived or received from the operation or ownership of the System, excluding refundable meter deposits, restricted gifts, and grants in aid of construction, but including earnings and income derived from the investment or deposit of money in any special fund or account (except the Bond Fund) created and established for the payment or security of the Bonds.

M. The term *Holder* or *Holder*s shall mean the registered owner, whose name appears in the Security Register, for any Bond.

N. The term *Interest Payment Date* shall mean the date semiannual interest is payable on the Bonds, being February 1 and August 1 of each year, commencing August 1, 2019, while any of the Bonds remain Outstanding.

O. The term *Junior Lien Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation or any similar obligations hereafter issued by the City that are payable wholly or in part from and equally and ratably secured by a lien on and pledge of the Net Revenues of the System, such pledge being junior and inferior to the lien on and pledge of the Net Revenues of the System that are pledged to the Bonds and any Additional Prior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the Net Revenues of the System that may be pledged to the payment of any Subordinate Lien Obligations or the Limited Pledge Obligations, all as further provided in Section 21 of this Ordinance and (ii) obligations hereafter issued to refund any of the foregoing that are payable from and equally and ratably secured by a junior and inferior lien on and pledge of the Net Revenues as determined by the City Council in accordance with any applicable law.

P. The term *Limited Pledge Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation, or other evidences of indebtedness hereafter issued by the City payable wholly or in part from a pledge of and lien on Net Revenues of the System which pledge of revenues is limited pursuant to Section 1502.052, as amended, Texas Government Code, all as further provided in Section 21 of this Ordinance, and (ii) any obligations hereafter issued to refund any of the foregoing as determined by the City Council in accordance with any applicable law.

Q. The term *Maintenance and Operating Expenses* shall mean all current expenses of operating and maintaining the System as authorized by the provisions of Chapter 1502, as amended, Texas Government Code, including, but not limited to, all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would

otherwise impair obligations payable from Net Revenues shall be deducted in determining Net Revenues. Depreciation, amortization, or other expenditures which, under standard accounting practice, should be charged to capital expenditures shall not constitute or be regarded as Maintenance and Operating Expenses of the System. Payments required to be made by the City for water supply or water facilities, sewer services or sewer facilities, or fuel supply which payments under law constitute operation and maintenance expenses of any part of the System, shall constitute and be regarded as Maintenance and Operating Expenses of the System under this Ordinance.

R. The term *Net Revenues* for any period shall mean the Gross Revenues of the System less the Maintenance and Operating Expenses of the System.

S. The term *Ordinance* shall mean this ordinance as finally passed and adopted by the City Council of the City.

T. The term *Outstanding* when used in this Ordinance with respect to Bonds shall mean, as of the date of determination, all Bonds issued and delivered under this Ordinance, except:

(1) those Bonds canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds for which payment has been duly provided by the City in accordance with the provisions of Section 30 of this Ordinance; and

(3) those Bonds that have been mutilated, destroyed, lost, or stolen and replacement Bonds have been registered and delivered in lieu thereof as provided in Section 26 of this Ordinance.

U. The term *Pledged Revenues* shall mean, while the Bonds remain Outstanding, (1) the Net Revenues plus (2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter are pledged by the City to the payment of the Bonds or any Additional Prior Lien Obligations hereafter issued by the City, and excluding those revenues excluded from Gross Revenues. The Pledged Revenues shall be deposited, allocated, and expended in accordance with Section 10 of this Ordinance.

V. The term *Purchasers* shall mean the initial purchaser or purchasers of the Bonds named in Section 27 of this Ordinance.

W. The term *Stated Maturity* shall mean the annual principal payments of the Bonds payable on August 1 of each year the Bonds are Outstanding as set forth in Section 2 of this Ordinance.

X. The term *Subordinate Lien Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation, or any similar obligations hereafter issued by the City that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Net Revenues of the System, such pledge being subordinate and inferior to the lien on and pledge of

the Net Revenues of the System that are or may be pledged to the payment of the Bonds or any Additional Prior Lien Obligations or Junior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the limited amount of the Net Revenues securing, in part, any Limited Pledge Obligations hereafter issued by the City, all as further provided in Section 21 of this Ordinance and (ii) obligations hereafter issued to refund any of the foregoing that are payable from and equally and ratably secured by a subordinate and inferior lien on and pledge of the Net Revenues as determined by the City Council in accordance with any applicable law.

Y. The term *System* shall mean the City's wastewater and sewer utility system and all land, buildings, structures, equipment, and facilities pertaining thereto, together with all future improvements, extensions, enlargements, and additions thereto, and replacements thereof, and all other wastewater and sewer utility facilities of the City acquired or constructed with funds from any source, including the issuance of the Bonds, and any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City; provided, however, that notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include facilities of any kind declared by the City Council not to be part of the System and which are acquired and constructed by or on behalf of the City with the proceeds from the issuance of *Special Facilities Bonds*, which are hereby defined to be special revenue obligations of the City which are not payable from a first lien on and pledge of any Net Revenues but which are payable from and secured by other liens on and pledges of any revenues, sources, lease or other payments, not pledged to the payment of the Bonds, or any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City including, but not limited to, special contract revenues or payments received from any other legal entity in connection with such facilities.

SECTION 10. Bond Fund, Investments. For the purpose of paying the interest on and to provide a sinking fund for the payment, redemption, and retirement of the Bonds, there shall be and is hereby created a special fund to be designated "CITY OF WIMBERLEY, TEXAS EXCHANGE REFUNDING BONDS, SERIES 2019, INTEREST AND SINKING FUND" (the *Bond Fund*), which fund shall be kept and maintained at the Depository, and money deposited in such fund shall be used for no other purpose and shall be maintained as provided in Section 29. Authorized Officials of the City are hereby authorized and directed to make withdrawals from said fund sufficient to pay the purchase price or the amount of principal of and interest on the Bonds as the same become due and payable and shall cause to be transferred to the Paying Agent/Registrar from money on deposit in the Bond Fund an amount sufficient to pay the amount of principal and/or interest stated to mature on the Bonds, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Bonds.

Pending the transfer of funds to the Paying Agent/Registrar, money deposited in any fund created and established by this Ordinance may, at the option of the City, be placed in time deposits, certificates of deposit, guaranteed investment contracts, or similar contractual agreements, as permitted by the provisions of the Public Funds Investment Act, as amended, Chapter 2256, Texas Government Code, secured (to the extent not insured by the Federal Deposit Insurance Corporation) by obligations of the type hereinafter described, or be invested, as authorized by any law, including investments held in book-entry form, in securities, including, but not limited to,

direct obligations of the United States of America, obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or invested in indirect obligations of the United States of America, including, but not limited to, evidences of indebtedness issued, insured or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, Farmers Home Administration, Federal Home Loan Mortgage Association, or Federal Housing Association; provided that all such deposits and investments shall be made in such a manner that the money required to be expended from such fund will be available at the proper time or times. All interest and income derived from deposits and investments in any fund established pursuant to the provisions of this Ordinance shall be credited to, and any losses debited to, such fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Bonds.

SECTION 11. Tax Levy. To provide for the payment of the Debt Service Requirements on the Bonds being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at Stated Maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied for the current year and each succeeding year thereafter while the Bonds or any interest thereon shall remain Outstanding, a sufficient tax, within the limitations prescribed by law, on each one hundred dollars valuation of taxable property in the City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Bond Fund and are thereafter pledged to the payment of the Bonds. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay such Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness and other obligations of the City.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Bonds shall be determined and accomplished in the following manner:

A. Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the City Council shall determine:

(1) the amount of Debt Service Requirements to become due and payable on the Bonds between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year;

(2) the amount on deposit in the Bond Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Bonds prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Pledged Revenues to be appropriated and allocated during such year to pay such Debt Service Requirements, if any, prior to the Collection Date for the ad valorem taxes to be levied; and

(3) the amount of Pledged Revenues to be appropriated and to be set aside for the payment of the Debt Service Requirements on the Bonds between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding Fiscal Year.

B. The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Bonds shall be the amount established in paragraph (1) above less the sum total of the amounts established in paragraphs (2) and (3), after taking into consideration delinquencies and costs of collecting such annual taxes.

SECTION 12. Pledge of Pledged Revenues. (a) The City hereby covenants and agrees that, on parity with any lien on and pledge of the Net Revenues of the System to the payment and security of any Additional Prior Lien Obligations hereafter issued by the City and superior to any lien on and pledge of the Net Revenues of the System to the payment and security of (i) any Junior Lien Obligations or Subordinate Lien Obligations hereafter issued by the City or (ii) the lien on and pledge of a limited amount of the Net Revenues to the payment and security of any Limited Pledge Obligations hereafter issued by the City, the Pledged Revenues are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds, and the pledge of Pledged Revenues herein made for the payment of the Bonds shall constitute a lien on the Pledged Revenues in accordance with the terms and provisions hereof and be valid and binding without any physical delivery thereof or further act by the City.

(b) Chapter 1208, as amended, Texas Government Code, applies to the issuance of the Bonds and the pledge of Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Net Revenues granted by the City is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in this pledge, the City Council agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, as amended, Texas Business & Commerce Code and enable a filing to perfect the security interest in this pledge to occur.

SECTION 13. System Fund. The City hereby covenants and agrees that all Gross Revenues derived from the operation of the System shall be kept separate and apart from all other funds, accounts and money of the City and shall be deposited as collected into the "CITY OF WIMBERLEY, TEXAS WASTEWATER AND SEWER SYSTEM FUND" (the *System Fund*). All money deposited in the System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown:

- First: to the payment of the reasonable and proper Maintenance and Operating Expenses of the System required by statute or ordinances authorizing the issuance of any indebtedness of the City to be a first charge on and claim against the Gross Revenues of the System;
- Second: To the payment of the amounts that must be deposited in the special funds and accounts created and established for the payment, security, and benefit of the

Bonds, and any Additional Prior Lien Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance;

- Third: To the payment of the amounts that must be deposited in the special funds and accounts created and established for the payment, security, and benefit of any Junior Lien Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance;
- Fourth: To the payment of the amounts that must be deposited in the special funds and accounts created and established for the payment, security, and benefit of any Subordinate Lien Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance; and
- Fifth: To the payment of the amounts that may be deposited in the special funds and accounts established for the payment of any Limited Pledge Obligations hereafter issued by the City in accordance with the terms and provisions of any ordinances authorizing their issuance.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment, security and benefit thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

SECTION 14. Deposits to Bond Fund; Surplus Bond Proceeds. The City hereby covenants and agrees to cause to be deposited in the Bond Fund prior to a principal and interest payment date for the Bonds, from the Net Revenues in the System Fund, any amounts budgeted to be paid therefrom in such Fiscal Year.

Accrued interest, if any, received from the Purchasers of the Bonds shall be deposited to the Bond Fund and ad valorem taxes levied and collected for the benefit of the Bonds shall be deposited to the Bond Fund. In addition, any surplus proceeds, including investment income therefrom, from the sale of the Bonds not expended for authorized purposes shall be deposited in the Bond Fund, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said fund from ad valorem taxes. As interest accrues from the date of initial delivery of the Bonds to the Purchasers, there will be no accrued interest.

SECTION 15. Reserve Fund. The City previously created, established, and currently maintains a separate and special fund or account known as the “City of Wimberley, Texas Sewer System Revenue Bond Reserve Fund” (the *Reserve Fund*), which fund or account is maintained at the Depository. Upon the issuance of the Exchanged Obligations, the City shall transfer all amounts on deposit in the Reserve Fund to the escrow account maintained pursuant to the terms of the Escrow Agreement (as defined herein) and the Reserve Fund shall be closed as soon as practicable thereafter.

SECTION 16. Security of Funds. All money on deposit in the funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested as provided herein) shall be secured in the manner and to the fullest extent required by the laws of

Texas for the security of public funds (including as required by and in accordance with the Texas Public Funds Collateral Act, codified at Chapter 2257, as amended, Texas Government Code), and money on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

SECTION 17. Maintenance of System - Insurance. The City covenants and agrees that while the Bonds remain Outstanding it will maintain and operate the System with all possible efficiency and maintain casualty and other insurance (including a system of self-insurance) on the properties of the System and its operations of a kind and in such amounts customarily carried by municipal corporations in the State of Texas engaged in a similar type of business and that it will faithfully and punctually perform all duties with reference to the System required by the laws of the State of Texas, but in no event shall the amount of insurance maintained on the projects financed with the proceeds of the Bonds be less than the amount necessary to protect the Purchasers' interest. All money received from losses under such insurance policies, other than public liability policies, are held for the benefit of the holders of the Bonds until and unless the proceeds are paid out in making good the loss or damage in respect of which such proceeds are received, either by replacing the property destroyed or repairing the property damaged, and adequate provision for making good such loss or damage must be made within ninety (90) days after the date of loss. The payment of premiums for all insurance policies required under the provisions hereof shall be considered Maintenance and Operating Expenses. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System but nothing herein shall be construed as preventing the City from doing so.

SECTION 18. Rates and Charges. The City hereby covenants and agrees with the Holders of the Bonds that rates and charges for utility services afforded by the System will be established and maintained to provide Gross Revenues sufficient at all times:

A. to pay, together with any other lawfully available funds, all operating, maintenance, depreciation, replacement, betterment, and other costs incurred in the maintenance and operation of the System, including, but not limited to, Maintenance and Operating Expenses; provided, however, that the City expressly reserves the right to utilize other lawfully available funds to pay the Maintenance and Operating Expenses;

B. to produce Net Revenues sufficient, together with any other lawfully available funds, to pay (i) the principal of and interest on the Bonds and any Additional Prior Lien Obligations hereafter issued by the City as the same becomes due and payable and the amounts required to be deposited in any special fund created and established for the payment, security, and benefit thereof; (ii) the interest on and principal of any Junior Lien Obligations hereafter issued by the City as the same becomes due and payable and the amounts required to be deposited in any special fund created and established for the payment, security, and benefit thereof; (iii) the interest on and principal of any Subordinate Lien Obligations hereafter issued by the City as the same becomes due and payable and the amounts required to be deposited in any special fund created and established for the payment, security, and benefit thereof; and (iv) the amounts that may be deposited in the special funds established for the payment of any Limited Pledge Obligations hereafter issued by the City; and

C. to pay other legally incurred indebtedness payable from the Net Revenues of the System and/or secured by a lien on the System or the Net Revenues thereof.

SECTION 19. Records and Accounts - Annual Audit. The City further covenants and agrees that so long as any of the Bonds remain Outstanding it will keep and maintain separate and complete records and accounts pertaining to the operations of the System in which complete and correct entries shall be made of all transactions relating thereto, as provided by Chapter 1502, as amended, Texas Government Code, or other applicable law. The Holders of the Bonds or any duly authorized agent or agents of the Holders shall have the right to inspect the System and all properties comprising the same. The City further agrees that, following the close of each Fiscal Year, it will cause an audit of such books and accounts to be made by an independent firm of certified public accountants, which annual audit shall be prepared in accordance with generally accepted auditing standards (as required by and in accordance with the provisions of 31 TAC § 375.91(a)(2)(L)). Copies of each annual audit shall be furnished within 180 days after the end of the City's fiscal year end, without charge, to (i) the Texas Water Development Board, Attention: Executive Administrator and (ii) upon written request, and at the expense of such Holder, to any subsequent Holder thereof. Expenses incurred in making the annual audit of the operations of the System are to be regarded as Maintenance and Operating Expenses.

SECTION 20. Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Bond Fund, or (b) defaults in the observance or performance of any other of the covenants, conditions, or obligations set forth in this Ordinance, the Holders of any of the Bonds shall be entitled to seek a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition, or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

For the avoidance of doubt, for so long as the Purchasers are Holders of the Bonds, the Purchasers may exercise all remedies available to it at law or in equity, and any provision of this Ordinance or the Bonds that attempts to restrict or limit this right to exercise remedies shall be of no force or effect.

SECTION 21. Issuance of Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, and Limited Pledge Obligations. The City hereby expressly reserves the right to hereafter issue bonds, notes, warrants, certificates of obligation, or similar obligations, payable, wholly or in part, as appropriate, from and secured by a pledge of and lien on the Net Revenues of the System with the following priorities, without limitation as to principal amount, but subject to any terms, conditions, or restrictions applicable thereto under existing ordinances, laws, or otherwise:

A. Additional Prior Lien Obligations payable from and equally and ratably secured by a first and prior lien on and pledge of the Pledged Revenues of the System;

B. Junior Lien Obligations payable from and equally and ratably secured by a lien on and pledge of the Net Revenues that is junior and inferior to the lien on and pledge thereof securing the payment of the Bonds and any Additional Prior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the Net Revenues securing the payment of any Subordinate Lien Obligations and any Limited Pledge Obligations hereafter issued by the City; and

C. Subordinate Lien Obligations payable from and equally and ratably secured by a lien on and pledge of the Net Revenues that is subordinate and inferior to the lien on and pledge thereof securing the payment of the Bonds and any Additional Prior Lien Obligations or Junior Lien Obligations hereafter issued by the City, but prior and superior to the lien on and pledge of the Net Revenues securing, in part, the payment of any Limited Pledge Obligations hereafter issued by the City; and

D. Limited Pledge Obligations secured by a lien on and pledge of a limited amount of the Net Revenues in accordance with the provisions of the following paragraph.

Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations, if issued, may be payable, in whole or in part, from Net Revenues upon such terms and conditions as the City Council may determine. Limited Pledge Obligations, if issued and payable, in whole or in part, from a limited pledge of available Net Revenues, shall not in any event be construed to be payable from the Pledged Revenues authorized by this Ordinance to be budgeted and appropriated for the payment of the Bonds. However, the lien on and pledge of the limited amount of Net Revenues securing, in part, the payment of any Limited Pledge Obligations shall be subordinate and inferior to the pledge of and lien on the Net Revenues securing the payment of the Bonds and any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City.

SECTION 22. Special Covenants. The City hereby further covenants that:

A. it has the lawful power to pledge the Pledged Revenues supporting the Bonds and has lawfully exercised said powers under the laws of the State of Texas, including power existing under Chapter 1502, as amended, Texas Government Code;

B. other than for the payment of the Bonds, the Net Revenues of the System have not in any manner been pledged to the payment of any debt or obligation of the City or of the System;

C. as long as any Bonds or any interest thereon remain Outstanding, the City will not sell, lease or encumber (except in the manner provided in Section 21 of this Ordinance) the System or any substantial part thereof, provided that this covenant shall not be construed to prohibit the sale of such machinery, or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System;

D. to the extent that it legally may, the City further covenants and agrees that, so long as any of the Bonds, or any interest thereon, are Outstanding, no franchise shall be granted for the

installation or operation of any competing utility systems other than those owned by the City, and the operation of any such systems by anyone other than the City is hereby prohibited; and

E. no free service of the System shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

SECTION 23. Application of the Covenants and Agreements of any Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, or Limited Pledge Obligations. It is the intention of the City Council and accordingly hereby recognized and stipulated that the provisions, agreements, and covenants contained herein bearing upon the management and operations of the System, and the administration and application of Gross Revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements, and covenants contained in the ordinances authorizing the issuance of the Bonds and any Additional Prior Lien Obligations, Junior Lien Obligations, or Subordinate Lien Obligations hereafter issued by the City, and to the extent of any irreconcilable conflict between the provisions contained herein and in the ordinances authorizing the issuance of the Bonds and any Additional Prior Lien Obligations hereafter issued, the provisions, agreements and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance, especially the priority of rights and benefits conferred thereby to the holders of the Bonds and any Additional Prior Lien Obligations hereafter issued by the City. It is expressly recognized that prior to the issuance of any Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, or Limited Pledge Obligations, the City must comply with each of the conditions precedent contained in the ordinances authorizing the issuance of the Bonds and any Additional Prior Lien Obligations, Junior Lien Obligations, Subordinate Lien Obligations, or Limited Pledge Obligations, as appropriate.

SECTION 24. Notices to Holders, Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first-class postage prepaid, to the address of each Holder as it appears in the Security Register.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Holders. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 25. Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or

registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be destroyed as directed by the City.

SECTION 26. Mutilated, Destroyed, Lost, and Stolen Bonds. If (1) any mutilated Bond is surrendered to the Paying Agent/Registrar, or the City and the Paying Agent/Registrar receive evidence to their satisfaction of the destruction, loss, or theft of any Bond, and (2) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required to save each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon its request, the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Bond, a new Bond of the same Stated Maturity and interest rate and of like tenor and principal amount, bearing a number not contemporaneously Outstanding.

In case any such mutilated, destroyed, lost, or stolen Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Bond, pay such Bond.

Upon the issuance of any new Bond or payment in lieu thereof, under this Section, the City may require payment by the Holder of a sum sufficient to cover any tax or other governmental charge imposed in relation thereto and any other expenses and charges (including attorney's fees and the fees and expenses of the Paying Agent/Registrar) connected therewith.

Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Bond shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Bond shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Bonds.

SECTION 27. Exchange of the Bonds. The Bonds will be delivered to the Texas Water Development Board (the *Purchasers* and having all the rights, benefits, and obligations of a Holder) in consideration for and the exchange and cancellation of the Exchanged Obligations. Delivery of the Bonds to the Purchasers shall occur as soon as practicable after the adoption of this Ordinance and in conjunction with the cancellation of the Exchanged Obligations.

SECTION 28. Covenants to Maintain Tax-Exempt Status.

A. Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers again in exchange for the Exchanged Obligations.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of

(1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

B. Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

C. No Private Use or Private Payments. Except to the extent that it will not cause the Bonds to become “private activity bonds” within the meaning of section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly

with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

D. No Private Loan. Except as would not cause the Bonds to become “private activity bonds” within the meaning of section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if- (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

E. Not to Invest at Higher Yield. Except as would not cause the Bonds to become “arbitrage bonds” within the meaning of section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment, if as a result of such investment the Yield of any Investment acquired with Gross Proceeds, whether then held or previously disposed of, materially exceeds the Yield of the Bonds.

F. Not Federally Guaranteed. Except to the extent permitted by section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

G. Information Report. The City shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

H. Rebate of Arbitrage Profits. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from

all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Bond Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

I. Not to Divert Arbitrage Profits. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection H of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

J. Bonds Not Hedge Bonds.

(1) The City reasonably expects to spend at least 85% of the spendable proceeds of the Bonds within three years after such Bonds are issued.

(2) Not more than 50% of the proceeds of the Bonds will be invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

K. Current Refunding of the Exchanged Obligations. The Bonds are being issued to refund the Exchanged Obligations, and the Bonds will be issued within 90 days after the Closing Date for the exchange of the Exchanged Obligations. The City has complied with the covenants, representations, and warranties contained in the documents executed in connection with the issuance of the Exchanged Obligations.

L. Elections. The City hereby directs and authorizes each Authorized Official, either individually or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document. Such elections shall be deemed to be made on the Closing Date.

M. Qualified Tax-Exempt Obligations. The City hereby designates the Bonds as *qualified tax-exempt obligations* for purposes of section 265(b) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) during the calendar year in which the Bonds are issued, the City (including any subordinate entities) has not designated nor will designate obligations, which when aggregated with the Bonds, will result in more than \$10,000,000 of “qualified tax-exempt obligations” being issued; (b) the City reasonably anticipates that the amount of tax-exempt obligations issued during the calendar year 2019 by the City (including any subordinate entities) will not exceed \$10,000,000; and (c) the City will take such action or refrain from such action as is necessary in order that the Bonds will not be considered “private activity bonds” within the meaning of section 141 of the Code.

SECTION 29. Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas and shall take and have charge and control of the Bonds pending their approval by the Attorney General of the State of Texas, the registration thereof by the Comptroller of Public Accounts of the State of Texas and the delivery of the Bonds to the Purchasers.

Furthermore, each Authorized Official, either individually or any combination of them, is hereby authorized and directed to furnish and execute such documents relating to the City and its financial affairs as may be necessary for the issuance of the Bonds, the approval of the Attorney General of the State of Texas and their registration by the Comptroller of Public Accounts of the State of Texas and, together with the City’s financial advisor, bond counsel, and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bond to the Purchasers and, when requested in writing by the Purchasers, the initial exchange thereof for definitive Bonds.

SECTION 30. Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied and the lien on and pledge of the Pledged Revenues under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds, or any principal amount(s) thereof, shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at Stated Maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, and/or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities shall mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any money deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. In the event of a defeasance of the Bonds, the City shall deliver a certificate from its financial advisor, the Paying Agent/Registrar, or another qualified third party concerning the sufficiency of the deposit of cash and/or Government Securities to pay, when due, the principal of, redemption premium (if any), and interest due on any defeased Bond. To the extent applicable, if at all, the City covenants that no deposit of money or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as arbitrage bonds within the meaning of section 148 of the Code (as defined in Section 28 hereof).

Any money so deposited with the Paying Agent/Registrar, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such money has been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Bonds, or applicable redemption date of the Bonds, such money was deposited and is held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor, subject to the unclaimed property laws of the State of Texas.

Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem defeased Bonds that is made in conjunction with the payment arrangements specified in subsection (i) or (ii) above shall not be irrevocable, provided that: (1) in the proceedings providing for such defeasance, the City expressly reserves the right to call the defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the defeased Bonds immediately following the defeasance; (3) directs that notice of the reservation be included in any redemption notices that it authorizes; and (4) at the time of the redemption, satisfies the conditions of (i) or (ii) above with respect to such defeased debt as though it was being defeased at the time of the exercise of the option to redeem the defeased Bonds, after taking the

redemption into account in determining the sufficiency of the provisions made for the payment of the defeased Bonds.

SECTION 31. Printed Opinion. The Purchasers' obligation to accept delivery of the Bonds is subject to their being furnished a final opinion of Norton Rose Fulbright US LLP, as Bond Counsel, approving certain legal matters as to the Bonds, this opinion to be dated and delivered as of the date of initial delivery or such Bonds. Printing of a true and correct copy of this opinion on the reverse side of each of the Bonds, with appropriate certificate pertaining thereto executed by facsimile signature of the City Secretary of the City is hereby approved and authorized.

SECTION 32. CUSIP Numbers. CUSIP numbers, if any, may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor Bond Counsel are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 33. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 34. Request for Scope Modification to Texas Water Development Board. The City Council ratifies and confirms its prior approval of the form and content of the Request for Scope Modification submitted to the Texas Water Development Board prepared in connection with the issuance of the Bonds and hereby approves the form and content of any addenda, supplement, or amendment thereto.

SECTION 35. Compliance with Purchasers' Rules and Regulations. The City will comply with all of the requirements contained in the resolution or resolutions adopted by the Purchasers with respect to the issuance of the Bonds. In addition, in compliance with the Purchasers' Clean Water State Revolving Fund Program Rules, the City agrees and covenants:

A. The City will comply with all applicable requirements contained in 31 TAC Chapter 375;

B. upon completion of the construction of the projects financed, in whole or in part, by the loan evidenced by the Exchanged Obligations, to provide a final accounting to the Purchasers of the total costs of the projects. Thereafter, the City shall submit a final accounting and a final funds registration form to the Executive Administrator, or her designee. Upon receipt of this information, the Purchasers shall within 60 days of receipt of this information provide written direction of the City of the course of action to be taken with respect to such surplus funds. If the projects as finally completed are built at a total cost less than the amount of available funds for building the projects, or if the Executive Administrator of the Purchasers disapproves construction of any portion of such projects as not being in accordance with the plans and specifications, the City agrees to immediately, with filing of the final accounting, return to the Purchasers the amount of any such excess and/or the cost determined by the Executive Administrator of the Purchasers relating to the parts of such projects not built in accordance with the plans and specifications, to the nearest multiple of the authorized denominations for the Bonds, by (i) the effectuation of a redemption of such amount of Bonds pursuant to Section 4.B hereof,

(ii) the deposit into the Bond Fund for the next scheduled payment of interest or principal on the Bonds, or (iii) spending such amount on other eligible project costs as authorized by the Executive Administrator. In determining the amount of available funds for building the project, the City agrees to account for all amounts deposited to the credit of the Construction Fund, including all loan funds extended by the Purchasers, all other funds available from the projects as described in the project engineer's or fiscal representative's sufficiency of funds statement and all interest earned by the City on money in the Construction Fund;

C. the Bonds must contain a provision that the Purchasers may exercise all remedies available to it in law or equity, and any provision of the Bonds that restricts or limits the Purchasers' full exercise of these remedies shall be of no force and effect;

D. loan proceeds are public funds and, as such, the proceeds of the Exchanged Obligations shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257;

E. loan proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the project site and the City also agrees, to the extent permitted by law, to indemnify, hold harmless and protect the Purchasers from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials, and employees as a result of activities relating to the project to the extent permitted by law;

F. the City acknowledges that the Exchanged Obligations included a provision stating that all laborers and mechanics employed by contractors and subcontractors for projects shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality in accordance with subchapter IV of chapter 31 of Title 40 of the United States Code (the *Davis-Bacon Act*), and the U.S. Department of Labor's implementing regulations. The City, all contractors, and all sub-contractors shall continue to ensure that all project contracts mandate compliance with the Davis-Bacon Act. All contracts and subcontracts for the construction of the project carried out in whole or in part with financial assistance made available as provided herein shall insert in full in any contract in excess of \$2,000 the contracts clauses as provided by the Purchasers;

G. to provide the Purchasers with all information required to be reported in accordance with the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282, as amended by Pub. L. 100-252. The City shall obtain a Data Universal Numbering System (*DUNS*) Number and shall register with the System for Award Management (*SAM*), and maintain current registration at all times during which the Bonds are outstanding;

H. all loan proceeds will be timely and expeditiously used, as required by federal statute (40 CFR §35.135(d)) and also shall provide that the City will adhere to an Executive Administrator-approved project schedule, which shall not be altered except for good cause shown and only with the written approval of the Executive Administrator;

I. the City acknowledges that the Exchanged Obligations included a covenant that the City will abide and the City will continue to abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines; and

J. the City acknowledges that the Exchanged Obligations included language detailing compliance with the requirements set forth in 33 U.S.C. §1382 et seq. related to maintaining project accounts containing financial assistance for planning, design, acquisition, or construction, as applicable, in accordance with generally accepted accounting principles (GAAP). These standards and principles also apply to the reporting of underlying infrastructure assets. The City agrees to continue to comply with these requirements.

SECTION 36. Authorization of Escrow Agreement. The escrow agreement authorized by the City Council pursuant to the ordinance authorizing the issuance of the Exchanged Obligations (the *Escrow Agreement*) remains in full force and effect and is attached hereto as Exhibit B. Any Authorized Official is authorized to execute any amendment to the Escrow Agreement to effectuate the issuance of the Bonds and the exchange of the Exchanged Obligations as the act and deed of the City Council.

SECTION 37. Ordinance a Contract, Amendments – Outstanding Bonds. The City acknowledges that the covenants and obligations of the City herein contained are a material inducement to the purchase of the Bonds. This Ordinance shall constitute a contract with the Holders from time to time, binding on the City and its successors and assigns, and it shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided, however, that without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of and interest on the Bonds, reduce the principal amount thereof or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, the redemption price therefor, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required for consent to any such amendment, addition, or rescission.

SECTION 38. Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, Bond Counsel, Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, Bond Counsel, the Paying Agent/Registrar, and the Holders.

SECTION 39. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to

the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 40. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 41. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 42. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 43. Incorporation of Preamble Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council of the City.

SECTION 44. Authorization of Paying Agent/Registrar Agreement. The City Council of the City hereby finds and determines that it is in the best interest of the City to authorize the execution of a Paying Agent/Registrar Agreement concerning the payment, exchange, registration, and transferability of the Bonds. A copy of the Paying Agent/Registrar Agreement is attached hereto, in substantially final form, as Exhibit A and is incorporated by reference to the provisions of this Ordinance.

SECTION 45. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 46. Unavailability of Authorized Publication. If, because of the temporary or permanent suspension of any newspaper, journal, or other publication, or, for any reason, publication of notice cannot be made meeting any requirements herein established, any notice required to be published by the provisions of this Ordinance shall be given in such other manner and at such time or times as in the judgment of the City or of the Paying Agent/Registrar shall most effectively approximate such required publication and the giving of such notice in such manner shall for all purposes of this Ordinance be deemed to be in compliance with the requirements for publication thereof.

SECTION 47. No Recourse Against City Officials. No recourse shall be had for the payment of principal of, premium, if any, or interest on any Bond or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bond.

SECTION 48. Continuing Disclosure Undertaking.

A. Definitions.

As used in this Section, the following terms have the meanings ascribed to such terms below:

EMMA means the MSRB's Electronic Municipal Market Access system, accessible by the general public, without charge, on the internet through the uniform resource locator (URL) <http://www.emma.msrb.org>.

Financial Obligation means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

MSRB means the Municipal Securities Rulemaking Board.

Rule means SEC Rule 15c2-12, as amended from time to time.

SEC means the United States Securities and Exchange Commission.

B. Annual Reports.

The City shall file annually with the MSRB, within six months after the end of each Fiscal Year ending in or after 2019, financial information and operating data with respect to the City of the general type included in the final application to the Texas Water Development Board authorized by the City in conjunction with the issuance of the Exchanged Obligations (the *Application*), being the information described in Exhibit E hereto. All such information must be filed with MSRB pursuant to its Electronic Municipal Access (EMMA) System. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit C hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall file unaudited financial statements within such period and audited financial statements for the applicable Fiscal Year with the MSRB, when and if the audit report on such statements becomes available. Under current Texas law, including, but not limited to, Chapter 103, as amended, Texas Local Government Code, the City must have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. The annual financial statement, including the auditor's opinion on the statement, shall be filed in the office of the City Secretary within 180 days after the last day of the City's Fiscal Year. Additionally, upon the filing of this financial statement and the annual audit, these documents are subject to the Texas Open Records Act, as amended, Texas Government Code, Chapter 552.

If the City changes its Fiscal Year, it will file notice thereof with the MSRB of such change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

C. Notice of Certain Events. The City shall file notice of any of the following events with respect to the Bonds, to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of Holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional paying agent/registrars or the change of name of a paying agent/registrars, if material;
- (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The City shall file notice with the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by this Section.

D. Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit that causes the Bonds to be no longer Outstanding.

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITH OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under the Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The City may also repeal or amend the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or any court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in either case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection B of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

E. Information Format – Incorporation by Reference.

The City information required under this Section shall be filed with the MSRB through EMMA in such format and accompanied by such identifying information as may be specified from time to time thereby. Under the current rules of the MSRB, continuing disclosure documents submitted to EMMA must be in word-searchable portable document format (PDF) files that permit the document to be saved, viewed, printed, and retransmitted by electronic means and the series of obligations to which such continuing disclosure documents relate must be identified by CUSIP number or numbers.

Financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public through EMMA or filed with the SEC.

F. General Policies and Procedures Concerning Compliance with Federal Securities Laws.

Because the issuance of the Bonds is subject to the provisions of the Rule and because the potential “underwriters” in a negotiated sale of the Bonds or the initial purchasers in a competitive sale of the Bonds may be subject to MSRB rules and regulations with respect to such sale (including certain due diligence and suitability requirements, among others), the City hereby adopts the General Policies and Procedures Concerning Compliance with the Rule (the *Policies and Procedures*), attached hereto as Exhibit E, with which the City shall follow to assure compliance with the Undertaking. The City has developed these Policies and Procedures for the purpose of meeting its requirements of the Undertaking and, in connection therewith, has sought the guidance from its internal staff charged with administering the City’s financial affairs, its municipal or financial advisors, its legal counsel (including its Bond Counsel), and its independent accountants (to the extent determined to be necessary or advisable). The Policies and Procedures can be amended at the sole discretion of the City and any such amendment will not be deemed to be an amendment to the Undertaking. Each Authorized Official is hereby authorized to amend the Policies and Procedures as a result of a change in law, a future issuance of indebtedness subject to the Rule, or another purpose determined by the Authorized Official to be necessary or desirable for or with respect to future compliance with the Undertaking.

SECTION 49. Book-Entry Only System.

It is intended that the Bonds will initially be registered so as to participate in a securities depository system (the *DTC System*) with the Depository Trust Company, New York, New York, or any successor entity thereto (*DTC*), as set forth herein. Each Stated Maturity of the Bonds shall be issued (following cancellation of the Initial Bond described in Section 7) in the form of a separate single definitive Bond. Upon issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as the nominee of DTC, and all of the Outstanding Bonds shall be registered in the name of Cede & Co., as the nominee of DTC. The City and the Paying Agent/Registrar are authorized to execute, deliver, and take the actions set forth in such letters to or agreements with DTC as shall be necessary to effectuate the DTC System, including the Letter of Representations attached hereto as Exhibit D (the *Representation Letter*).

With respect to the Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any broker-dealer, bank, or other financial institution for which DTC holds the Bonds from time to time as securities depository (a *Depository Participant*) or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds (an *Indirect Participant*). Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co., or any Depository Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Depository Participant or any other person, other than a registered owner of the Bonds, as shown on the Security Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the delivery to any Depository Participant or any Indirect Participant or any other Person, other than a Holder of a Bond, of any amount with respect to principal of, premium, if any, or interest on the Bonds. While in the DTC System, no person other than Cede & Co., or any successor thereto, as nominee for DTC, shall receive a bond certificate evidencing the

obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the Holder, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

In the event that (a) the City determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the Representation Letter shall be terminated for any reason, or (c) DTC or the City determines that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the City shall notify the Paying Agent/Registrar, DTC, and the Depository Participants of the availability within a reasonable period of time through DTC of bond certificates, and the Bonds shall no longer be restricted to being registered in the name of Cede & Co., as nominee of DTC. At that time, the City may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a securities depository system, as may be acceptable to the City, or such depository's agent or designee, and if the City and the Paying Agent/Registrar do not select such alternate securities depository system then the Bonds may be registered in whatever name or names the Holders of Bonds transferring or exchanging the Bonds shall designate, in accordance with the provisions hereof.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

SECTION 50. Further Procedures. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the initial sale and delivery of the Bonds, the Request for Scope Modification, and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Bonds, any Authorized Official and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance and as described in the Request for Scope Modification necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies, or (iii) obtain the approval of the Bonds by the Texas Attorney General's office. In case any officer of the City whose signature shall appear on any certificate shall cease to be such officer before the delivery of such certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 51. Effective Date. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

PASSED AND ADOPTED on the ____ day of April, 2019.

CITY OF WIMBERLEY, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

INDEX TO SCHEDULES AND EXHIBITS

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Schedule I

Exchanged Obligations

City of Wimberley, Texas Sewer System Revenue Bonds, Series 2017, dated July 15, 2017, in the original principal amount of \$5,255,000 (the *Exchanged Obligations*), purchased and currently held by the Texas Water Development Board, stated to mature on August 1 in each of the years 2019 through 2046 in the aggregate principal amount of \$5,255,000, to be exchanged for the Bonds with the Texas Water Development Board on the Closing Date.

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

SEE TAB NO. __

EXHIBIT B
ESCROW AGREEMENT

EXHIBIT C

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 48 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Application referred to) below:

The City's audited financial statements for the most recently concluded fiscal year or to the extent these audited financial statements are not available, the portions of the unaudited financial statements of the City referenced in the Application, but for the most recently concluded fiscal year.

Accounting Principles

The accounting principles referred to in such Section are generally accepted accounting principles for governmental units as prescribed by the Government Accounting Standards Board from time to time.

EXHIBIT D

DTC LETTER OF REPRESENTATIONS

SEE TAB NO. __

EXHIBIT E

General Policies and Procedures Concerning Compliance with the Rule

- I. Capitalized terms used in this Exhibit have the meanings ascribed thereto in Section 48 of the Ordinance. “Bonds” refers to the Bonds that are the subject of the Ordinance to which this Exhibit is attached.
- II. As a capital markets participant, the City is aware of its continuing disclosure requirements and obligations existing under the Rule prior to February 27, 2019, the effective date of the most recent amendment to the Rule (the *Effective Date*), and has implemented and maintained internal policies, processes, and procedures to ensure compliance therewith. Adherence to these internal policies, processes, and procedures has enabled underwriters in non-exempt negotiated sales and initial purchasers in non-exempt competitive sales to comply with their obligations arising under various MSRB rules and regulations concerning due diligence and findings of suitability, among other matters, regarding the City’s compliance with the Rule.
- III. The City is aware that the Rule was amended as of the Effective Date (the *Rule Amendment*) and has accommodated this amendment by adding subparagraphs (15) and (16) to Section 47 of the Ordinance, which provisions are a part of the Undertaking.
- IV. The City is aware that “participating underwriters” (as such term is defined in the Rule) of the Bonds must make inquiry and reasonably believe that the City is likely to comply with the Undertaking and that the standards for determining compliance have increased over time as a result of, among others, the United States Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation Initiative and regulatory commentary relating to the effectiveness of the Rule Amendment.
- V. The City now establishes the following general policies and procedures (the *Policies and Procedures*) for satisfying its obligations pursuant to the Undertaking, which policies and procedures have been developed based on the City’s informal policies, procedures, and processes utilized prior to the Effective Date for compliance with the City’s obligations under the Rule, the advice from and discussions with the City’s internal senior staff (including staff charged with administering the City’s financial affairs), its municipal or financial advisors, its legal counsel (including Bond Counsel), and its independent accountants, to the extent determined to be necessary or advisable (collectively, the *Compliance Team*):
 - a. City Administrator (the *Compliance Officer*) shall be responsible for satisfying the City’s obligations pursuant to the Undertaking through adherence to these Policies and Procedures;
 - b. the Compliance Officer shall establish reminder or “tickler” systems to identify and timely report to the MSRB, in the format thereby prescribed from time to time, the City’s information of the type described in Section 48 of the Ordinance;
 - c. the Compliance Officer shall promptly determine the occurrence of any of the events described in Section 48 of the Ordinance;
 - d. the Compliance Officer shall work with external consultants of the City, as and to the extent necessary, to timely prepare and file with the MSRB the annual information of the City and notice of the occurrence of any of the events referenced

in Clauses 2 and 3 above, respectfully, the foregoing being required to satisfy the terms of the Undertaking;

- e. the Compliance Officer shall establish a system for identifying and monitoring any Financial Obligations, whether now existing or hereafter entered into by the Issuer, and (upon identification) determining if such Financial Obligation has the potential to materially impact the security or source of repayment of the Bonds;
- f. upon identification of any Financial Obligation meeting the materiality standard identified in Clause 5 above, the Compliance Officer shall establish a process for identifying and monitoring any City agreement to covenants, events of default, remedies, priority rights, or other similar terms under such Financial Obligation;
- g. the Compliance Officer shall establish a process for identifying the occurrence of any default, event of acceleration, termination event, modification of terms, or other similar events under the terms of any Financial Obligation, the occurrence of any of which reflect financial difficulties of the City; and
- h. the Compliance Officer shall annually review these Policies and Procedures with the remainder of the Compliance Team, make any modifications on an internal document retained by the Compliance Officer and available to any “participating underwriter” (as defined in the Rule), if requested, and on the basis of this annual review (to the extent determined to be necessary or desirable), seek additional training for herself or himself, as well as other members of the City’s internal staff identified by the Compliance Officer to assist with the City’s satisfaction of the terms and provisions of the Undertaking.



AGENDA ITEM: Ordinance No. 2019-22
SUBMITTED BY: John Provost
DATE SUBMITTED: August 12, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Public Works Department requests that the Council consider lowering the speed limit on Old Kyle Road from its current posted speed of 30 miles per hour down to 25 miles per hour. This request is based on the increased traffic, both vehicular and pedestrian, as a result of new commercial activity along the road. We have reached out to landowners and tenants along the road and have receive 100 % buy in. Copies of those emails are attached. Constable Ray Helm had verbally agreed that this reduction should occur.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

Approval of Ordinance No. 2019-22.

John Provost

From: Buck Baccus <mbb@cummingsbaccus.com>
Sent: Monday, July 29, 2019 2:12 PM
To: Kellie Duckett; Michael Crusham (crushdaddy1@gmail.com); John Brown; 'Vintagelilyboutique@gmail.com'; Pat Bruns; Michelle Janson; Rick Burleson; lemke6@gmail.com; Travis Cox; 'creecy@mac.com'; morgan.mekuly@gmail.com; Jake Baccus; 'Vcox@traviscoxplumbing.com'; grady@burnettebuilders.com; Kevin Fowler; phil@collinstx.net
Cc: John Provost
Subject: Reduce the speed limit on Old Kyle Road

All,

John Provost with the City of Wimberley is copied with this email.

There will be a measure before City Council proposing a reduction in the speed limit on Old Kyle Road to 25 mph. We believe the measure will be on the agenda for the meeting of Thursday, August 15th.

I enthusiastically support this measure and believe the safety of pedestrians and vehicular traffic is of the utmost importance.

If you have any thoughts or concerns, please do not hesitate to reach out to me, John or the members of our City Council.

Thanks!

Buck

M. Buckner Baccus
Baccus Capital Investments
111 Old Kyle Road, Suite 204
Wimberley, Texas 78676

512.560.2591 (c)

www.BaccusCI.com
www.cummingsbaccus.com
mbb@cummingsbaccus.com

John Provost

From: Kevin Fowler <fowlball@kevinfowler.com>
Sent: Monday, July 29, 2019 3:17 PM
To: Buck Baccus
Cc: Kellie Duckett; Michael Crusham (crushdaddy1@gmail.com); John Brown; Vintagelilyboutique@gmail.com; Pat Bruns; Michelle Janson; Rick Burtleson; lemke6@gmail.com; Travis Cox; creecy@mac.com; morgan.mekuly@gmail.com; Jake Baccus; Vcox@traviscoxplumbing.com; grady@burnettebuilders.com; phil@collinstx.net; John Provost
Subject: Re: Reduce the speed limit on Old Kyle Road

I would think even lower down around Community Pizza and all the shops. I drove that area today at 25 mph and it seemed too fast. Just my two cents.

Kevin

Sent from my iPhone

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Subject: RE: Reduce the speed limit on Old Kyle Road

Thought the same but for some reason (I think state law) the minimum is 25 not 20

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To: Buck Baccus <mbb@cummingsbaccus.com>
Cc: Kellie Duckett <anniejamesboutique@gmail.com>; Michael Crusham (crushdaddy1@gmail.com) <crushdaddy1@gmail.com>; John Brown <programdirector@wimberleyvalleyradio.org>; Vintagelilyboutique@gmail.com; Pat Bruns <Pat@patsellshomesintexas.com>; Michelle Janson <michelle@burlesondesigngroup.com>; Rick Burleson <rick@burlesondesigngroup.com>; lemke6@gmail.com; Travis Cox <tcx@traviscoxplumbing.com>; creecy@mac.com; morgan.mekuly@gmail.com; Jake Baccus <jbb@baccusci.com>; Vcox@traviscoxplumbing.com; grady@burnettebuilders.com; phil@collinstx.net; John Provost <jprovost@cityofwimberley.com>
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mbb@cummingsbaccus.com

John Provost

From: Michelle Janson <michelle@burlesondesigngroup.com>
Sent: Wednesday, July 31, 2019 10:10 AM
To: Buck Baccus
Cc: Kevin Fowler; Kellie Duckett; Michael Crusham (crushdaddy1@gmail.com); John Brown; Vintagelilyboutique@gmail.com; Pat Bruns; Rick Burleson; Dave Lemke; Travis Cox; creecy@mac.com; morgan.mekuly@gmail.com; Jake Baccus; Vcox@traviscoxplumbing.com; Grady Burnette; phil@collinstx.net; John Provost
Subject: Re: Reduce the speed limit on Old Kyle Road

Speed limit is great, Buck.

I am curious if street parking situation has been evaluated or will be in discussion. Being a tenant leaving the parking lot, especially on a busy day where all spaces on occupied and street parking is full, can be difficult and sometimes dangerous because of narrowed field of vision due to cars parked immediately on either side of parking lot access.

Limiting speed can certainly help with this matter too.

Michelle Janson
Office Manager
Burleson Design Group
111 Old Kyle Road, Suite 208 in Wimberley Texas 78676
512.842.1308 | www.burlesondesigngroup.com

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[512.560.2591](tel:512.560.2591) (c)

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www.cummingsbaccus.com
mbb@cummingsbaccus.com

ORDINANCE NO. 2019-22

AN ORDINANCE ESTABLISHING A NEW PRIMA FACIE SPEED LIMIT OF TWENTY-FIVE (25) MILES PER HOUR ALONG OLD KYLE ROAD PURSUANT TO CITY OF WIMBERLEY CODE OF ORDINANCES ARTICLE 11.02 TRAFFIC-CONTROL DEVICES AND TEXAS TRANSPORTATION CODE SECTION 454.351; AND REPEALING THE PRIMA FACIE SPEED LIMIT OF THIRTY (30) MILES PER HOUR ALONG OLD KYLE ROAD; MAKING CERTAIN FINDINGS; AUTHORIZING THE PLACEMENT OF SPEED LIMIT SIGNS ALONG SUCH STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, based upon engineering and traffic investigations, the City Council of the City of Wimberley, Texas, has determined that the safety and welfare of the citizens of the City and other members of the traveling public require that for the entirety of Old Kyle Road the prima facie speed limit be set at twenty-five (25) miles per hour and that speed limit signs should be placed along such road; and,

WHEREAS, based upon engineering and traffic investigations, the City Council of the City of Wimberley, Texas, has determined that the safety and welfare of the citizens of the City and other members of the traveling public require that the entirety of Old Kyle Road the current prima facie speed limit of thirty (30) miles per hour is repealed.

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City of Wimberley, Texas, hereby establishes a new prima facie speed limit of twenty-five (25) miles per hour for the entirety of Old Kyle Road.

Section 3. The current prima facie speed limit on Old Kyle Road set at thirty (30) miles per hour is hereby repealed.

Section 4. The City Administrator is hereby authorized and directed to cause the placement of speed limit signs as described in Section 2 hereof.

Section 5. Any vehicle traveling at a speed in excess of the maximum prima facie speed limit herein established for the designated roads shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed in excess of that which is reasonable and prudent under the circumstances existing.

Section 6. Any person who shall violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two hundred dollars (\$200.00).

Section 7. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wimberley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. This ordinance shall take effect immediately from and after its passage and publication a may be required by governing law.

PASSED AND APPROVED on this 15th day of August, 2019, by ____ (ayes) to ____ (nays) ____ (abstain) vote of the City Council of the City of Wimberley, Texas.

Susan Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Resolution No. 13-2019
SUBMITTED BY: Christine Byrne
DATE SUBMITTED: 8/8/19
MEETING DATE: 8/15/19

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Texas Municipal League (TML) will hold their annual conference in October. Delegates have an opportunity to vote on proposed resolutions by that body. Wimberley, along with Woodcreek and Kyle have worked on a resolution proposing reasonable changes regarding pipelines in order to protect our citizens health and safety.

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

2019
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Wimberley, Texas
(City, TML Affiliate, and/or TML Region)

Brief Background: Pipeline companies have eminent domain privileges as interstate carriers. Current Texas law does not protect Texas cities.

What the Resolution is Intended to Accomplish: Require pipeline companies to work with cities regarding routes, establish bonds for performance & require environmental studies for intra state projects (such as those required for interstate projects).

How the Resolution is City-Related/How it Addresses a Municipal Issue: Almost all Texas cities are or could be impacted by pipeline routes.

Statewide Importance: Critical & Timely

Submitted By: **Name:** Christine Byrne
Title: City Council Place 3
City: Wimberley
Email: : place3@cityofwimberley.com
Telephone: 512-924-7866

RESOLUTION NO. 04-2019

A RESOLUTION IN OPPOSITION TO THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH HAYS COUNTY AND REQUEST FOR LEGISLATIVE/ADMINISTRATIVE CHANGES

WHEREAS, Kinder Morgan and Exxon Mobil in partnership with EagleClaw Midstream Ventures (“Private Partnership”) have begun the process of routing a 42-inch buried natural gas pipeline, known as the Permian Highway Pipeline (“PHP”) from Coyanosa, Texas to Sheridan, Texas through the Texas Hill Country and Hays County; and

WHEREAS, the State of Texas, by way of the Railroad Commission, has delegated to the Private Partnership the authority to choose the route of the PHP and to take the private land traversed by the PHP using the governmental power of eminent domain; and

WHEREAS, the citizens of the Wimberley Valley and Hays County have expressed strong concerns and opposition to the proposed route of the PHP due to its potential negative impacts to the environment, soil, water system, and land values; and

WHEREAS, The City of Wimberley, by and through the above named members of the governing body, has an interest in the protection of its natural resources and an interest in how the PHP may affect its citizens;

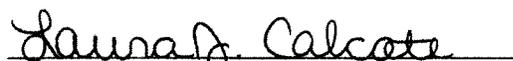
NOW THEREFORE, BE IT RESOLVED BY THE CITY OF WIMBERLEY CITY COUNCIL THAT:

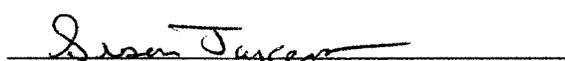
- 1) The City of Wimberley opposes the routing of PHP on behalf of the interests of the citizens of the Wimberley Valley and in recognition of the potential harm the PHP poses to its natural and economic resources.
- 2) The City of Wimberley requests that legislative and/or administrative changes be made that:
 - A) Create better regulatory processes for oil and gas pipeline routing that enable impacted landowners and local governmental entities to have a voice in the approval process.
 - B) Require Environmental and Economic Impact Studies for all oil and gas pipelines, whether they are intrastate or interstate.
 - C) Enhance checks and balances against the broad delegation of eminent domain authority to private companies.

RESOLVED AND ADOPTED this 7th day of March, 2019.

ATTEST:

THE CITY OF WIMBERLEY


Laura J. Calcote, City Secretary


Susan Jagers, Mayor

From: [Place3](#)
To: [Laura Calcote](#)
Subject: Fwd: Resolutions for the 2019 TML Annual Conference
Date: Friday, August 9, 2019 1:34:56 PM

Sent from my iPad

Begin forwarded message:

From: Texas Municipal League <tmladmin@tml.org>
Date: July 29, 2019 at 9:02:54 AM CDT
To: place3@cityofwimberley.com
Subject: Resolutions for the 2019 TML Annual Conference
Reply-To: tmladmin@tml.org



July 29, 2019

MEMORANDUM

TO:

TML Member Cities
TML Regional Officers
TML Affiliate Presidents

FROM:

Scott Houston, Deputy Executive Director and General Counsel

SUBJECT:

Resolutions for the 2019 TML Annual Conference

League advocacy efforts are based on a "legislative program" that is developed by member city officials. The program is essential to the legitimacy of the League's advocacy efforts. To develop the program, city officials provide input in primarily two ways.

First, a member city, TML region, or TML affiliate may submit a resolution for consideration at the business meeting of each year's annual conference. Each city is asked

to provide one delegate to serve as its liaison at the meeting. The delegate isn't required to have any special expertise, and an elected official delegate is encouraged but not required. The delegate must sign up electronically [here](#) prior to the meeting or can sign up in person at a table outside of the meeting room. Cities are encouraged to sign up their delegate early using the link above.

The delegates will be briefed on the content of the resolutions and given a chance to discuss and vote on whether they merit inclusion in the legislative program. The resolutions form the basis of a "fixed" legislative program, under which - each session - modifications to the program will be made only if needed.

Second, member city officials can participate in the League's "Municipal Policy Summit" during the summer of 2020. The report of the Summit takes the form of a resolution that is submitted to the annual conference in interim years. The summit participants will be appointed by the TML President in early 2020 based on volunteers and others chosen to balance the demographics of the TML membership at large.

With regard to the resolutions process, the TML Constitution states that resolutions for consideration at the annual conference must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2019, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at the TML headquarters no later than 5:00 p.m. on **August 26, 2019**.

The TML Board of Directors has adopted several procedures governing the resolutions process. Please review the following items carefully and thoroughly.

- 1) No resolution may be considered at the annual TML business meeting unless it has prior approval of: (a) the governing body of a TML member city; (b) the governing body or membership of a TML affiliate; or (c) the membership of a TML region at a regional meeting.
- 2) TML member cities, regions, and affiliates that wish to submit a resolution **must** complete a resolution cover sheet. The cover sheet is available [here](#).
- 3) It is recommended that any resolution state one of four categories to better direct League efforts. Those categories are:

Seek Introduction and Passage means that the League will attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as "TML bills."

Support means the League will attempt to obtain passage of the initiative if it is introduced by a city or some other entity.

Oppose.

Take No Position.

- 4) Resolutions submitted will be thoroughly discussed at the TML Annual Conference. Again, each city is asked to provide one delegate to serve as its liaison at the annual business meeting at which resolutions will be considered.

5) The city, region, or affiliate that submits a resolution is encouraged to send a representative to the business meeting meeting to explain the resolution. The Annual Business Meeting will be held at **3:30 p.m.** on Thursday, **October 10, 2019**, at the **Henry B. González Convention Center**.

Under the TML Constitution, resolutions received after the deadline of August 26, 2019, must not only have the attached cover sheet, but also must "state the reason precluding timely submission." These late resolutions may be considered at the annual conference only if two-thirds of the delegates present and voting agree to suspend the submission rule and consider the resolution.

Resolutions may be submitted by mail or by email to Scott Houston, Deputy Executive Director and General Counsel, at:

1821 Rutherford Lane, Suite 400
Austin, Texas 78754
Fax: 512-231-7490
Email: shouston@tml.org

If you have questions or would like any assistance, please call 512-231-7400 at any time.



Texas Municipal League, 1821 Rutherford Lane, Suite 400, Austin, TX 78754

[About our service provider](#)
Sent by tmladmin@tml.org

RESOLUTION NO. 13-2019

WHEREAS, the governmental responsibility of eminent domain has been delegated to Pipelines with little oversight, and

WHEREAS, risks of pipeline construction and operation include surface spills, blasting and trenching altering water flow, sinkhole development or filling, soil compaction, topographic alterations, pipeline leakage and drinking water contamination, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Public Safety is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Public Health is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Emergency Preparedness is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Planning and Economic Development is critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe their ability to address and/or to collaborate with accountable entities on these critical responsibilities is impeded under current State of Texas laws and regulations concerning oil and gas pipelines due to the delegated governmental authority of eminent domain to private companies and the lack of a public process, particularly environmental and economic impact studies for intrastate pipelines;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXAS MUNICIPAL LEAGUE:

The State of Texas shall create a state regulatory process for pipeline routing that:

- Enables affected communities and landowners to provide input prior to establishment and publication of routes.
- Provides for negotiation on routes when municipalities believe that substantial threats to economic development, natural resources, or standard of living are potential outcomes.
- Intrastate pipelines will comply with environmental and economic impact study standards, including the participation of local governmental entities and public participation.
- Pipeline operators shall have in place performance bonds like those the state has in its own contracts.

PASSED AND APPROVED this 15th day of August, 2019.

THE CITY OF WIMBERLEY, TEXAS

By: _____
Susan Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary





AGENDA ITEM: Landscape and Tree Ordinance
SUBMITTED BY: Christine Byrne and Bo Bowman
DATE SUBMITTED: 8/8/19
MEETING DATE: 8/15/19

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Preserving the rugged beauty and natural environment that defines the character of Wimberley is desirable to our community. A tree ordinance has been discussed on several occasions. Staff was directed to draft a tree ordinance in March 2019. This agenda item is to revisit a landscape and tree ordinance that fits Wimberley's needs and desires.

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

Tree Board/Tree Ordinance Evaluation

This evaluation was designed to help your Tree Board and working group members understand the relevant issues and questions that need to be answered before writing a tree ordinance. This Evaluation was intended to help groups start thinking about their community's current situation and future needs. Before discussing the evaluation as a group, you may want to allow each group member an opportunity to complete the evaluation individually.

1. <u>The major tree issues becoming relevant in my community are related to:</u>	Yes	No	Unsure
- commercial development,	_____	_____	_____
- residential development,	_____	_____	_____
- larger, older, specimen, historic tree preservation within the community,	_____	_____	_____
- speculative grading,	_____	_____	_____
- impacts and stress on trees caused by construction,	_____	_____	_____
- impacts to vegetated buffers,	_____	_____	_____
- impacts to riparian buffers,	_____	_____	_____
- changing forestry canopy cover,	_____	_____	_____
- planning & development,	_____	_____	_____
- greenspace/openspace development,	_____	_____	_____
- pruning and care of public trees,	_____	_____	_____
- public tree planting,	_____	_____	_____
- landscaping,	_____	_____	_____
- road construction,	_____	_____	_____
- timber harvesting,	_____	_____	_____
- parking lots	_____	_____	_____
- other _____	_____	_____	_____

2. <u>Current Tree Ordinance</u>	Yes	No	Unsure	Issue Unclear
I would like to generate an entirely new tree ordinance.	_____	_____	_____	_____
I would like the current tree ordinance provisions affecting public property to remain intact.	_____	_____	_____	_____
I would like the current tree ordinance provisions affecting public property to remain with modification.	_____	_____	_____	_____

3. <u>Large Tree Removal (Specimen Trees)</u>	Yes	No	Unsure	Issue Unclear
I would like to preserve large trees within the city.	_____	_____	_____	_____
I would like to limit the removal of large trees on new commercial development (redevelopment) sites.	_____	_____	_____	_____
I would like to limit the removal of large trees on new single-family residential development sites.	_____	_____	_____	_____
I would like to limit the removal of large trees on new multi-family development sites.	_____	_____	_____	_____

4. Large Tree Replacement (Specimen Trees)

Yes No Unsure Issue Unclear

I would like to require the replacement of large trees within the city when removed for any reason.

=====

I would like to require the replacement of large trees within the city when removed for new commercial development (redevelopment).

I would like to require the replacement of large trees within the city when removed for single family residential development.

I would like to require the replacement of large trees within the city when removed for multi-family residential development.

5. Tree Planting

I would like trees to be planted on new commercial development sites as a matter of requirement.

I would like trees to be planted on new single-family residential development sites as a matter of requirement.

I would like trees to be planted on new multi-family residential development sites as a matter of requirement.

=====

6. Tree Planting Regimes (scheduled replanting, species, design, etc.)

I would like tree planting regimes to be uniform across all types of developments.

I would like the tree planting regimes to be different for different types of development sites (i.e. commercial different from single-family residential different from multi-family residential).

I would like to require a minimum amount of planting space per site or per acre for commercial development sites.

I would like to require a minimum amount of planting space per site or per acre for multi-family residential development sites.

I would like to require a minimum amount of planting space per site or per acre for single family residential development sites.

I would like number of trees to be planted on new development sites to be based upon the number or size of trees removed.

I would like the number of trees to be planted on new development sites to be based upon a specific minimum number of trees per acre of site area.

I would like number of trees to be planted on new development sites to be based upon the amount of available planting space after the building and hardscape is installed.



7. Arboricultural Specifications

**Yes No Unsure Issue
Unclear**

I would like to require a minimum amount of planting area (space) per tree planted, depending upon the mature size of the tree.

I would like to require that trees conform to some arboricultural standards for size, quality and health if they are being planted to satisfy the tree ordinance specifications.

I would like to require that trees be selected from a predetermined species list if they are being planted in the city to satisfy the tree ordinance specifications.

I would like to require that tree companies performing tree work within the city have a specific license, bonding or certification.

I would like the tree ordinance to reference technical specifications and standards for development near trees.

I would like the tree ordinance technical specifications and standards to be regularly maintained, altered, and updated by a qualified party.

8. Enforcement

I would like the tree ordinance to be enforced in-house with existing personnel.

I would like the tree ordinance to be enforced by a "qualified" person.

I would like the tree ordinance to be enforced by the department that reviews development plans.

I would like the tree ordinance to be enforced by the department that conducts on-site inspections.

I would like the tree ordinance to require an existing tree assessment plan be submitted to the city prior to clearing and grading permits being issued.

I would like the tree ordinance to require all development sites to provide a tree save and replanting plan according to the ordinance standards of practice.

I would like to establish and define a tree bank within the ordinance so those trees, which cannot be planted as required by the tree ordinance, can be planted on other public property.

I would like the tree ordinance to provide for the issuance of stop work orders to be issued for tree ordinance violations.

I would like the tree ordinance to provide for variance procedures.

I would like the departments within the city to be responsible for complying with the tree ordinance.

I would like the tree ordinance to give the Tree Board responsibility for reviewing and providing suggestions for amending the tree ordinance.

9. Penalties

Yes

No

Unsure

Issue
Unclear

I would like the tree ordinance to specify administrative penalties for non-compliance with the tree ordinance.

I would like penalties associated with the non-compliance with tree ordinance to be monetary.

I would like penalties associated with the non-compliance with tree ordinance to be criminal.

10. Tree Protection

I would like the tree ordinance to provide for protection for existing trees during construction on commercial sites.

I would like the tree ordinance to set construction activity limits around trees on development and construction sites.

I would like the tree ordinance to provide for protection for existing trees during construction on single family residential sites.

I would like the tree ordinance to provide for protection for existing trees during construction on multi-family residential sites.

I would like the tree ordinance to require private owners to be responsible for public right-of-way maintenance of their trees.

I would like the tree ordinance to provide a mechanism for identification of public nuisance and hazard trees.

I would like the tree ordinance to provide specifications for buffer zones and screening requirements.

11. Specimen Trees

I believe that the tree ordinance should provide protection for specimen trees based on size.

I believe that the tree ordinance should provide protection for specimen trees based on character or historic significance.

I would like the tree ordinance to require that a written permit be issued by the city to allow for the removal of a specimen tree.

12. Purpose and Intent

I would like the tree ordinance Purpose and Intent to discuss:

- environmental values of trees,

- economic values of trees,

- quality of life provided by trees,

- character of community provided by trees,

- health, welfare, public good,

- the need for balance in our community,

- the need to conserve our tree canopy as a matter of practice,

- other _____



13. Zoning & Planning Issues:	Yes	No	Unsure	Issue Unclear
My community has a formalized zoning program in place.	_____	_____	_____	_____
My community has a formal zoning and/or planning department that reviews plans and conducts site inspections.	_____	_____	_____	_____
My community has the following zoning categories:	_____	_____	_____	_____
- commercial	_____	_____	_____	_____
- heavy industrial	_____	_____	_____	_____
- light industrial	_____	_____	_____	_____
- office	_____	_____	_____	_____
- multi-family residential (apartments)	_____	_____	_____	_____
- single family residential	_____	_____	_____	_____
- agricultural	_____	_____	_____	_____
- recreation	_____	_____	_____	_____
- other _____	_____	_____	_____	_____

Comments:

ARTICLE 4.12 LANDSCAPING AND TREE PRESERVATION

Division 1. Generally

Sec. 4.12.001 Title

This article shall be commonly cited as the landscape ordinance.

Sec. 4.12.002 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. 4.12.003 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. 04.12.004 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.

Heritage Tree. A “Heritage Tree” means a tree that has a diameter of twenty-four (24) inches or more, measured four and one-half (4 ½) feet above natural grade.

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. 4.12.004 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. 4.12.005 Damaging or removing trees

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

Sec. 4.12.006 Violations

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

Sec. 4.12.007 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. 4.12.008 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. 4.12.009 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:

	At Arterial Roadways	At Collector Roadways
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. 4.12.010 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. 4.12.011 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. 4.12.012 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. 4.12.013 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. 4.12.014 Maintenance requirements

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

- (a) 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;
- (b) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
 - (c) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;
 - (d) Replacing planted trees if they die or become diseased beyond repair within five (5) years after planting; and
 - (e) 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. 4.12.015 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. 4.12.016 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 trees (as defined by the City of Austin Environmental Criteria Manual, Appendix F) 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) Removal of a heritage tree is prohibited unless a variance is granted by City Council with the following finding that the heritage tree is either: (1) dead; (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree; or (3) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health.
- (e) 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.

- (f) 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.
- (g) 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.
- (h) The city administrator or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.
- (i) Tree protection shall remain in place until final landscaping installation as approved by the city administrator or designee.
- (j) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

Sec. 4.12.017 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. 4.12.018 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: City of Wimberley Social Media Policy
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: August 9, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley does not currently utilize social media outlets, aside from the Blue Hole Regional Park (BHRP) and the Wimberley Community Center Facebook pages and BHRP Instagram account. The City understands the significance of using social media as a communication tool to inform, and hopefully connect with, the citizenry.

City Secretary, Laura Calcote, recently received an example social media policy at a municipal government conference and was able to edit the policy to fit the City's needs. The Policy has been vetted by municipal attorneys and is comprehensive. City staff has reviewed the Social Media Policy as a group and is in agreement with its purpose and practices. The Policy addresses staff use of social media, as well as members of City Council, boards, commissions, committees and agencies.

The City's Social Media Administrators will be:

- Parks Programs and Operations Managers, Richard Shaver (Blue Hole Regional Park accounts)
- Wimberley Community Center Director, Terri Provost (Wimberley Community Center accounts)
- City Secretary, Laura Calcote (City of Wimberley accounts)
- City Administrator, Shawn Cox (City of Wimberley accounts)

The City's main presence on the Internet will remain the City of Wimberley website (www.cityofwimberley.com). The City's social media accounts will be informational in nature and direct visitors to the City's website for further details. Public comment will not be allowed on posts, except on BHRP's social media accounts, which was a decision of the Parks Department.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance

Resolution

Other

FINANCIAL

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

STAFF RECOMMENDATION

Approval of the City of Wimberley Social Media Policy, which is attached.

THE CITY OF WIMBERLEY SOCIAL MEDIA POLICY

1. BACKGROUND AND PURPOSE.

- 1.1. The City of Wimberley (“City”) is committed to enhancing the traditional communication methods with its various constituents through the use of social media. This commitment primarily stems from public expectations, the capabilities of current technology, and the rapid growth of social media by other local, state, and federal government entities, all of which serve as an indication that social media can be used effectively to enhance communications.
- 1.2. Social networking in government serves two primary functions: (1) to communicate and deliver information directly to citizens to inform the public about government matters, and (2) when appropriate in a designated or limited public forum to facilitate citizenry involvement, interaction, and feedback on specific issues involving the government’s business.
- 1.3. This Policy is adopted to provide guidance and information both to the public and for the City’s use of social media, including but not limited to, web and mobile phone applications, blogs, photo and video sharing sites, micro-blogging, social networking sites and wikis. Some of the platforms considered in this Policy include but are not limited to Facebook, Instagram, Twitter, YouTube and similar platforms that provide information sharing platforms.
- 1.4. While the City’s website (www.cityofwimberley.com) is the City’s primary Internet presence, the City recognizes that, when used appropriately, social media may be useful in furthering the goals of the City and the missions of its departments, in informing and interacting with the constituents of the City and surrounding area.

2. DEFINITIONS.

Agents – All City representatives, including its employees and other agents of the City, including without limitation, independent contractors and anyone acting on behalf of, appearing to act on behalf of, or in the name of the City.

City Social Media Sites/Accounts – Those pages, sections or posting locations in social media websites established, managed or maintained by an employee or officer of the City authorized to do so as part of the employee’s or officer’s duties.

Content – Any posts, writings, material, documents, photographs, graphics or other information that is created, posted, distributed or transmitted via social media.

Custodian – The Records Manager (i.e. City Secretary) is responsible for ensuring that all City records created or maintained by the City are retained according to the Texas State Library and Archives Commission and the City’s Records Retention Policy and are properly preserved or disposed of and these include the content on City social media sites.

Digital Identity – Information about a user of a social media site that differentiates that user from others.

Employees – All City representatives and anyone employed by the City. The term “Employee” includes officers unless specifically omitted in the text or the context requires their exclusion.

Officers – All City elected and appointed officials including all members of agencies, boards, commissions and committees of the City.

Social Media – Internet and mobile-based applications, websites and functions, other than email with a focus on immediacy, interactivity, user participation, and information sharing. These venues include social networking sites, forums, weblogs (blogs, vlogs, microblogs), online chat sites, and video/photo posting sites or any other such similar output or format. Examples include Facebook, Instagram, Twitter, YouTube and emerging new web-based platforms generally regarded as social media or having many of the same functions as those listed.

Social Media Account – Any account established on social media.

Social Media Administrator(s) – The City employee or employees expressly designated by [e.g. City Administrator, City Secretary or Department Director] to monitor, manage, supervise or control the City social media sites as provided in this Policy.

3. SCOPE.

This Policy applies to all City **Officers**, **Employees** and **Agents** when working with **Social Media** tools on behalf of the City, and applies to an **Officer’s**, **Employee’s** and **Agent’s** use of personal **Social Media Sites** as addressed in this Policy.

4. ADMINISTRATIVE ROLES AND RESPONSIBILITIES.

4.1. The City Administrator and Department Director shall implement this Policy, and broadly disseminate the Policy to inform **Employees** and **Officers** of these guidelines for creating, using and maintaining **Social Media** resources subject to this Policy and to ensure that all **Employees** and **Officers** confirm they are aware of and understand this Policy.

4.2. The City Administrator must designate a person to act as **Social Media Administrator(s)** and until a person has been designated, the City Administrator acts as the City’s **Social Media Administrator**.

4.2.1. The **Social Media Administrator(s)** is responsible for developing and administering the **City Social Media Sites/Accounts** and the use of those sites and must:

4.2.1.1. Develop and administer the City’s presence on a **Social Media** site that is the City’s official **Social Media Site/Account**. City **Employees** and departments are encouraged to contribute **Content** and ideas to the **Social Media** site by contacting the **Social Media Administrator(s)**.

4.2.1.2. Review all requests to establish additional department-specific **City Social Media Sites** and recommend approval or denial to the City Council. The **Social Media Administrator(s)** must review **Social Media** sites that have already been established to ensure that they are in compliance with this Policy and must submit a request for approval of the City Administrator the continued use of those preexisting sites within ninety (90) days of the effective date of this Policy. If the City Administrator does not approve the continued use of those preexisting sites within one hundred twenty (120) days of the effective date of this Policy, those sites must be immediately taken down and their use discontinued as provided in Section 10 (DEACTIVATING A SOCIAL MEDIA SITE/ACCOUNT OF THIS POLICY).

4.2.1.3. Ensure the **City Social Media Sites** are regularly maintained and kept current.

4.2.1.4. Review information posted to the **City Social Media Sites** to ensure the **Content** is appropriate, professional, and consistent with the City's policies and the purpose for which the site exists. Frequent review of sites that provide opportunity for comment or other interaction is essential and the **Social Media Administrator(s)** must establish a schedule for the regular review of each site.

4.2.1.5. Communicate regularly with **Custodian** to ensure that the site complies with any applicable public records laws.

4.3. City **Employees** and **Officers** are responsible for ensuring that all use and contributions to **City Social Media Sites** adhere to the standards of conduct and requirements as outlined in this Policy, and that their personal use adheres to the standards of conduct as regulated by this Policy.

COMMENT: Any **Employee, Agent,** or Official who is authorized to edit, post or alter content of a **City Social Media Site** must agree in writing to comply with any training or other requirements, policies or restrictions and have on file in the office of the Administrator such written agreement before editing, posting or altering content on a **City Social Media Site**. In terms of personal use, it is not the intent of the City to restrict a person's First Amendment rights, but rather to ensure that **Content** posted by **Officers, Employees** or **Agents** clearly reflect that those comments are personal and not being made on behalf of the City unless authorized by the City. Similarly, **Officers, Employees** and **Agents** are prohibited from disclosing confidential information except under policies and regulations that address disclosure of that information. Specific limitations are found in Section 6.11 (Intellectual Property Rights and Confidential Information of this Policy).

4.4. The **Social Media Administrator(s)** will be the coordinating authority for review and monitoring and enforcement of any approved **City Social Media Sites**. The City Administrator shall be the final decision-making authority for the approval or denial of any **Social Media** sites and the use of such sites by the City.

5. THE CITY OFFICIAL SOCIAL MEDIA SITE AND OTHER SPECIFIC SOCIAL MEDIA SITES/ACCOUNTS.

- 5.1. The official **City Social Media Site** is the primary tier of the City's **Social Media** presence. This tier includes any official City presence on a **Social Media** site. City **Employees, Officers** and Departments are encouraged to contribute **Content** and ideas to this site/account by contacting the **Social Media Administrator(s)**.
- 5.2. A Department may seek to develop its own site, account or platform specific to its needs. Department-Specific **Social Media** sites should be focused and limited in scope and topic and should complement rather than supplant the official **City Social Media Site** or existing web resources. General departmental pages and associated **Content** should be included and managed within the current **City Social Media Site**. On a case-by-case basis the **Social Media Administrator(s)** must review and approve or deny all requests for developing additional **City Social Media Sites/Accounts/Platforms**, as follows:
 - 5.2.1. The department shall submit a request in writing on a form provided by the **Social Media Administrator(s)**. The request shall state:
 - 5.2.1.1. How or in what respect there is a clear benefit of specific stakeholder outreach that is not already met by the **City's Social Media Site**; and
 - 5.2.1.2. How the department has developed an effective strategy to develop and maintain the Site/Account/Platform.
 - 5.2.2. The **Social Media Administrator(s)** will be the coordinating authority for review and monitoring and enforcement of any approved **City Social Media Sites**. The City Administrator and City Council shall be the final decision-making authority for the approval or denial of any **Social Media** sites and the use of such sites by the City.
- 5.3. Agencies, Boards, Commissions and Committees.
 - 5.3.1. City agencies, boards, commissions and committees must comply with this Policy and the Chairperson is responsible for ensuring that any request for **Social Media** tools or resources made by any agency, board, commission or committee is coordinated with the **Social Media Administrator(s)** and is acted upon.
 - 5.3.2. The state Texas Open Meetings Act may apply to use of **Social Media** by individual members of an agency, board, commission or committee and may prohibit them from participating in postings or discussion threads on **Social Media Sites** whether created and maintained by the agency, board, commission or committee of which they are a member or otherwise. Members of agencies, boards, commissions or committees and their staff must comply with state law regarding Open Meetings and Public Information when using **Social Media**.

COMMENT: Any Question about usage of **Social Media** in any particular manner should be referred to the **Social Media Administrator(s)** or legal counsel.

5.3.3. Any use of ***Social Media*** sites shall not serve as a replacement for postings and notifications required by law except under and as allowed by those laws.

5.3.4. Regular business of the agency, board, commission or committee may be posted to approved ***Social Media*** sites by the ***Social Media Administrator(s)*** without formal action of the agency, board, commission or committee provided that posted documents are also available on the City's website. In general, it is preferred that an agency, board, commission or committee ***Social Media*** site simply provide a link back to information and documents posted on the City website (www.cityofwimberley.com). "Regular business" is defined as the standard and routine activity of any agency, board, commission or committee, and generally includes agendas, minutes, presentation documents and back-up items created during the course of regular agency, board, commission or committee proceedings. This may also include responses or clarifications of items of fact related to the agency, board, commission or committee (dates, times, published data, etc.).

5.3.5. Other than following a vote by a majority of the members to do so, under no circumstance should an agency member, board member, commission member or committee member post, or direct staff to post, statements of personal opinion held by individual members. When approval to post personal opinions or statements has been given those statements and opinions must be clearly identified as personal and not those of the entity of which the person is a member.

COMMENT: Agency, board, commission or committee members are serving in official positions and acting on behalf of the City. As such, they speak at their meetings and on the record. Any response to comments on ***Social Media*** sites should be made through an official authorized by the agency, board, commission or committee to make such responses.

6. STANDARDS AND BEST PRACTICES OF CITY SOCIAL MEDIA SITES.

The ***Social Media Administrator(s)*** shall develop and provide detailed best practices guidance for the ***City Social Media Sites***, Accounts and Platforms. The following general standards apply to all ***City Social Media Sites***, Accounts and Platforms including departmental, agency, board, commission or committee sites.

6.1. Unless otherwise specifically noted, when the City establishes a City website or ***Social Media Account*** it does so to communicate to the public, to inform and relay official City ***Content***. The City therefore regulates the ***City Social Media Sites*** that it maintains for the following reasons:

- Posts on ***City Social Media Sites*** appear to carry the approval of the City and unauthorized posts on those sites can confuse people as to whether the City endorses the post or if a specific post forms a position of the City and whether it is the City's official position.

- **City Social Media Sites** unless expressly noted, are not intended to operate as a traditional open public forum-as there are ample open forums for purposes of expressing opinions and views. **Social Media** and Internet sites are many and varied and offer an ever-expanding opportunity for expression over a multitude of platforms, in many different languages and countries all of which can be easily accessed through Internet searches.

6.2. Right to Remove Posts that Do Not Comply with the Rules of the Limited Public Forum. When the **City Social Media Site** has not been opened as a public forum or where the **City Social Media Site** has been opened as a limited public forum, the **Social Media Administrator(s)** is authorized to edit and remove unauthorized **Content** or links posted on **City Social Media Sites** as provided in this Policy.

COMMENT: Where a **City Social Media Site** is not a public forum, any posts or comments by unauthorized persons must be removed to protect the integrity of the City’s communications. Where a **City Social Media Site** is created as a limited public forum, its rules must be followed and posts that violate those rules can adversely affect the use of the forum, just as in a historical forum where speakers damage the value of the forum by violating rules such as those limiting the debate to a particular topic or as to time. For that reason, those posts need to be removed, subject to the requirements of this Policy allowing for an appeal of that decision as provided in this Policy.

6.3. Required Disclosures. A clear statement of the intent, purpose and subject matter of a site, as well as a statement clearly articulating whether the site accepts comments and if so, any restrictions that might affect the nature of the forum as either limited or open. The site should prominently disclose that all **Content** and comments posted to the site are subject to public disclosure laws. Any other disclaimer or notice should be clearly posted on **City Social Media Sites**. The following statements must be included on each **City Social Media Site** following the City’s description of the purpose of that **Social Media** site or tool and to use the site a user must acknowledge having been notified as described:

REQUIRED NOTICE

“In order to better serve its citizens, the City of Wimberley utilizes user engagement tools and websites, including **Social Media** channels, to provide citizens with information in more places and more ways than were traditionally available.

All **Content** of this site are public and are subject to disclosure pursuant to the State of Texas’ Public Information Act. Please be aware that anything you post may survive deletion whether by you or others.

- Requests for emergency services should be directed to 9-1-1 not through this site. Individual complaints, concerns, or service requests will not be addressed via **Social Media** unless the City specifically identifies the site for that purpose.
- To protect your privacy and the privacy of others, please do not include sensitive personally identifiable information, such as social security numbers. The City hosted tools and websites should not be considered secure.

- If you have specific questions regarding a City activity or program that involves details you do not wish to share publicly, please contact the City of Wimberley at www.cityofwimberley.com.
- Posts to this site may be edited or removed under the City’s Policy for **City Social Media Sites** if allowed by law and under this policy Section 6.2. (Right to Remove Posts that Do Not Comply with the Rules of the Limited Public Forum) and Section 6.20. (Removing Content, Posts or Comments of the Public) subject to the right of appeal under Section 8.5. (Right to Appeal Removal of Content or Application of this Policy to the Public) but may be preserved as a public record.
- The City also reserves the right to discontinue any or all **City Social Media Sites** at any time.
- Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion by the City of certain topics, including, but not limited to litigation, pending investigations, and other topics through various media including **Social Media**.
- Following or “friending” persons or organizations is not an endorsement by the City and is only intended as a means of communication.
- Any references or links to a specific entity, product, service or organization posted by individuals on the **City Social Media Sites** should not be considered an endorsement by the City or its departments or **Employees** or **Officers**.
- The City does not review, sponsor, or endorse any other website(s) linked to its website or to **City Social Media Sites**. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the City or its **Employees** or **Agents**.
- The City is not responsible for **Content** that appears on external links.
- The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its **Content**.
- Investors determining whether to invest or continue to invest in the City’s debt offerings should not rely on information posted on the site in making their decisions to invest or not to invest; information regarding the City’s financial position is posted at www.cityofwimberley.com.

By accessing this site, posting or commenting I acknowledge having been advised of the foregoing.”

COMMENT: A user who wishes to challenge this Policy and who believes that the Policy infringes that user’s rights, may seek relief under Section 8.5. (Right to Appeal Removal of Content or Application of this Policy to the Public). The City wants to inform the user of limitations and conditions on their use whether within the control of the City or under the control of others. The City will not edit or delete any **Content** unless authorized by this Policy or allowed by law. Users should understand that third parties having control of a **Social Media** site may act to edit or delete **Content** independently of the City and without the consent, authority or control of the City.

6.3.1. Solicitation of Public Comment – limited public forum.

Where comments are solicited or invited on the site the following statement must be included:

“The purpose of this site is to discuss matters of public interest in and to the City of Wimberley as identified and raised by the City for discussion. We encourage you to submit comments that are on topic, but please address your comments to the specific topic(s) discussed. This is a forum limited to the specific topics identified and raised by the City. Users who submit **Content** to this **City Social Media Site** agree they have read, understand and agree to the following terms and conditions by virtue of such use:

Terms of Use

1. I am submitting **Content** voluntarily and on my own behalf.
2. The **Content** I post reflects my own original thoughts or work.
3. I understand that the City has the right to re-post or share any **Content**, photos or videos that I submit on this or other **City Social Media Sites**.
4. I have read and understand the Policy, including the right of the City to remove, redact or archive **Content** as described in the City’s policy and as may be allowed by law.
5. I understand that any **Content** I provide may be considered a “public record” under state law.
6. I understand and agree that unless specifically identified as a resource for receiving requests for information under the state public information laws, **City Social Media Sites** are not proper vehicles for making requests for public information or public records under state law and any such requests must be made to the appropriate **Custodian** of the records.
7. I understand and agree that my comments are subject to removal, redaction and archiving from this site and I understand that others’ comments are subject to removal, redaction or archiving if my or their comments contain:
 - Comments not directly on the topic raised for discussion
 - Obscene, indecent, or profane language, or pornographic images
 - Direct threats
 - Hate speech that is directed at race, color, creed, sex, sexual orientation, national origin, ethnicity, age, disability, or gender identity
 - The solicitation, promotion or endorsement of specific commercial services, products or entities
 - Links to any site or **Content** posted by automatic software programs (i.e. “bots”),

- The promotion or encouragement of illegal activity
- Personally identifiable information or sensitive personal information
- The promotion or endorsement of a political campaign or candidate
- Information that compromises the public safety or security of the public or security systems
- Information that directly interferes or compromises ongoing investigations, public safety tactics, or the safety of public safety officers
- Confidential or exempt information
- Appear to violate the intellectual property right of the City or a third party

8. I also understand that the views and comments expressed on this site only reflect those of the comment's author, and do not necessarily reflect the official views of the City, its elected and appointed *Officers* and *Employees* or its departments and agencies.

9. Waiver of Liability.

Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the City accepts no responsibility based on the actions of others or for hosting this *Social Media* site, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the City, including its *Officers* and *Employees*, from any and all actions, claims, liabilities and damages of whatever kind and nature arising out of or in connection with my use of the *City Social Media Site/Account*.

By posting or commenting I acknowledge that I understand these terms of use.”

COMMENT: A user who does not wish to comply with the “Terms of Use” and who believes that the Terms of Use infringes that user’s rights may use other traditional means to communicate with the government. Alternatively, anyone may seek relief under Section 8.5 (Right to Appeal Removal of Content or Application of this Policy to the Public). It is the intent to ensure that all users are fully informed of limitations on their use that may not be entirely within the control of the City and to limit the forum under the law.

6.4. **Archiving Content.** The City will archive *Content* in accordance with the Public Records Law. Any *Content* that is removed may also be considered “public records” and will be archived as required by law to the extent possible using then current reasonable options.

6.5. **City and Departmental logo.** Departments may use a departmental logo in their *City Social Media Site/Account*. Where appropriate for a particular site, *Social Media* pages

will include the City's logo. Page names should be descriptive of the department/division using the site.

6.6. Restricted Access Platforms. City departments may only create restricted access sites or subsites for internal use (i.e., for use to allow *Employees* to communicate among themselves) and only after approval by the City *Social Media Administrator(s)*. When using platforms that limit access, the *Social Media Administrator(s)* must identify an appropriate platform for use and establish the guidelines for access and monitor access for compliance.

COMMENT: Some *Social Media* platforms are designed primarily for personal use and as businesses and institutions sought to use these platforms, the providers developed features to distinguish personal use from business or institutional use with internal controls differentiating the users whether known as "pages" or "groups" in some platforms. This Policy attempts to direct that any use having limited access features should not be created except for the internal use of a local government. Limiting access of the public to a site open to the public may violate the law and should be avoided.

6.7. Biographies used on City Social Media Sites. Departmental accounts that require biographies or other user specific information will read "City of Wimberley, Department [insert name]" and contain a link to the department's website. Where possible, departmental usernames should begin with City name or other identifier of City.

6.8. Identification. All *City Social Media Sites* must clearly indicate that the *Social Media* site that is maintained by the City and must have appropriate City contact information prominently displayed.

6.9. Links. Links placed on *City Social Media Sites* should only link to a resource on the City's website at www.cityofwimberley.com, or sites approved by the *Social Media Administrator(s)*.

6.10. Design. Design elements (logos, background, images) should be appropriate to the subject matter and consistent with the City's design guidelines, which are available from the Public Information Officer.

6.11. Intellectual Property Rights and Confidential Information. Information that is proprietary, copyrighted or any other intellectual property, attorney-client privileged, or information subject to state or federal privacy laws, and information not subject to disclosure under the Texas Public Information Act ("confidential information") must not be posted on *City Social Media Sites*. Any questions concerning this standard should be directed to the Public Information Officer. An owner of copyrighted material or other intellectual property who believes the owner's rights are infringed must promptly notify the *Social Media Administrator(s)*. The *Social Media Administrator(s)* must take appropriate action upon notification.

6.12. **Data Tracking.** Most *Social Media* sites offer some mechanism for capturing data or tracking user trends and activity. It is the responsibility of the *Social Media Administrator(s)* to use these applications to ensure the most effective use of *Social Media* outlets.

6.13. **References, Links and Embedded Content.**

6.13.1. Any references or links to a specific entity, product, service or organization posted by individuals on the *City Social Media Sites* must not be considered an endorsement by the City or its departments or *Employees*.

6.13.2. The City should not sponsor or endorse any other website(s) linked to its website or to *City Social Media Sites*. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the City or its *Employees* or *Agents*.

6.13.3. The City is not responsible for *Content* that appears on external links.

6.13.4. The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its *Content*.

6.13.5. The City reserves the right to and may delete links and embedded *Content* that violate the City's *Social Media* Policy.

6.14. **Security and Privacy Risks.**

Applications (such as streaming video, music, photos, and subscriptions to RSS feeds) that may be useful to a *City Social Media Site's* mission can cause clutter and security risks. An application should only be used to serve a City purpose and add to the user experience, and only if it comes from a trusted source and has gone through the approval process outlined in this Policy. An application may be removed at any time if it causes a security breach or contains or is suspected of containing a virus without notice. Where *Social Media* sites are hosted by third parties, they are governed by those parties' privacy policies. Additionally, the *City Social Media Sites* are governed by the City's privacy policy and state laws.

6.15. **Employee Requirements for the City's Social Media Sites.**

6.15.1. *Employees* responsible for setting up or maintaining *City Social Media Sites* must use their City issued email accounts in order to conduct municipal *Social Media* operations in a manner that is cybersecurity prudent and more password secure. By operating *Social Media* platforms using only public emails, the City's IT Department is able to better control accounts in the event that a rapid change must be made.

COMMENT: Some *Social Media* sites require individuals to establish a site rather than a business or organization; similarly, organizational sites require identifying passwords and other elements of *Digital Identity* to operate. Because personnel working for the City often change positions, duties and employment, the City must retain control over *Social Media* sites created in its name or on its behalf and for that reason all necessary information to retain that control must be provided to the *Social Media Administrator(s)* or other appropriate official to allow continuing use by the City.

6.15.2. *Social Media Administrator(s)* and *Employees* authorized as part of their official duties to post information, make comments, and send messages to the public on a department's *Social Media Site* must set-up the account using the City department's name where a user creates a business account in the user's name to facilitate transparency in communications. Accounts established under this provision are City owned accounts and belong to the City.

6.15.3. Any platform requiring a user to create a business account in the user's name established by an *Employee* under this policy must:

1. Contain the *Employee's* name.
2. Be created using the administrator or *Employee's* City issued email address.
3. Be set-up so that the page does not allow "wall posts" or "friending" the *Employee*.
4. Be used solely for City business in connection with the *Employee's* department's Facebook page, and must not allow comments or "friending" the administrator or *Employee*.
5. The *Employee* must comply with the provisions of this policy in Section 13 (EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN PERSONAL USE OF SOCIAL MEDIA) and provide the required information to the specified officials.

6.15.4. There is no reasonable expectation of privacy associated with the administration of a *City Social Media Site* or an account established under this policy.

6.15.5. All *Social Media* interaction involving a *City Social Media Site* or account may be subject to relevant records retention law and FOIA/open records statutes.

6.15.6. Upon *Employee* termination, retirement, or other form of separation from employer or change in job duties, account ownership remains the City's and the *Employee* must take all necessary steps to protect the City's interest in the site or account.

6.15.7. Administrators and City *Employees* and *Officers* must not form groups/pages that are private or closed to the public under Section 6.6 (Restricted Access Platforms) without the express approval of the City Administrator. It is important to note that in the

event that such a group is created, it may be subject to records retention, FOIA/open records statutes and other applicable law.

6.15.8. **Employees** using **City Social Media Sites**, whether as an administrator or as a responder to a posting, must follow these guidelines:

1. Unless posting or responding as the site administrator, **Employees** must be clear about his/her role in regards to the subject and the extent of the **Employee's** authority to speak for the City.
2. Write and post about his/her area of expertise, especially as related to the City and daily assignment(s). When writing about a topic for which an **Employee** is not the City's expert, make this clear to readers.
3. Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
4. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions or providing comments, be sure that the comments are meaningful, respectful and relevant to the topic.
5. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time, so consider **Content** carefully.
6. Ensure comments do not violate the City's privacy, confidentiality and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the specific approval of the law department.
7. Refrain from expressing personal opinions or positions regarding policies, programs or practices of other public agencies, political organizations, private companies or non-profit groups.

6.15.9. **Employees** who fail to comply with this Policy, including without limitation the guidelines under Section 6.15 (Employee Requirements for the City's Social Media Sites) of the Policy are subject to discipline up to and including termination of employment. In addition, the City may sue to enjoin compliance with this Policy and those provisions or for damages.

6.15.10. All **Employees** must sign a written acknowledgement that they have received, read, understand and agree to comply with this Policy.

6.16. Privacy.

All users of **City Social Media Sites** are subject to the site's own privacy policy as well as privacy laws applicable to the City. The City has no control over third parties' privacy policies or modifications to such policies.

6.17. Data Ownership and Copyright Policy on City Social Media Sites/Accounts.

The City retains the rights to all text, photographs, graphics of any kind and other **Content** found on **City Social Media Sites** that was produced by the City. All **Social Media** communications or messages composed, sent, or received on City equipment in an official capacity are the property

of the City. The City maintains the sole property rights to any image, video or audio captured while a City *Employee* is representing the City in any capacity even if disseminated over *City Social Media Sites* whether the dissemination is authorized or unauthorized unless a release of those property rights has been specifically granted.

6.18. Use of City Seal or Logo.

Any use of the City Seal or Logo is prohibited without the express written permission of the City.

6.19. Third Party Copyright or other Intellectual Property Interest.

Content that violates a legal ownership interest of any party or copyright or other intellectual property should not be posted or submitted in any form without permission of the holder of those rights. Any person redistributing information subject to a third party copyright or other intellectual property via the *City Social Media Sites* must adhere to the terms and conditions of the third party intellectual property or copyright holder and upon request of the holder of the copyright or owner of other intellectual property may be removed from the site.

6.20. Removing Content, Posts or Comments of the Public.

When the City determines to remove *Content*, a Post or a Comment of a person who is not an *Employee* and who was not acting on behalf of the City, the *Social Media Administrator(s)* must endeavor to contact the person promptly to notify them of the action. The person may appeal the decision under Section 8.5 (Right to Appeal Removal of Content or Application of this Policy to the Public). When a post is removed because it is a potential security breach or may contain a virus, the notice under this Section is not required, but the person responsible for the post may appeal the decision under Section 8.5 (Right to Appeal Removal of Content or Application of this Policy to the Public).

7. RECORDS RETENTION, PUBLIC RECORDS AND OPEN MEETINGS.

7.1. **Records Retention.** *Custodian* must ensure that *City Social Media Sites* meet the requirements of law regarding record retention, disposal and retention schedules. Departments maintaining *City Social Media Sites* or using *Social Media* tools must preserve records as required by law for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Further, the *Social Media Administrator(s)*, or any *Employee* may only destroy, transfer, or otherwise dispose of records in accordance with records disposition schedules.

7.2. **Open Records.** State law governs whether *Content* in *City Social Media Sites*, including a list of subscribers and posted communications, is a public record. The *Social Media Administrator(s)*, or the appropriate department, agency, board, commission or committee of the City maintaining the account or site is responsible for working with the *Custodian* in responding completely and accurately under the requirements of State law to any public information requests for information on *Social Media*. *Content* must be maintained in an accessible format, so that it can be produced in response to a request. Difficulty in accessing

the information does not excuse compliance. *City Social Media Sites* must offer notice to users that their use of *City Social Media Sites* may be subject to public information requests and that their identifying information and posts to *City Social Media Sites* to the extent required by law must be disclosed. An *Employee* who removes, deletes or redacts *Content* from social media may be destroying a public record if such record is not properly archived and made available for public inspection. [*Note:* The requirements of state law may extend to a person’s private account.]

7.3. Open Meetings and Public Business. State law governs whether communications must be discussed in an open meeting or constitutes a meeting. Communications about public business may come under the state Open Meetings law. *Employees* and members of any council, agency, board, commission or committee must comply with state law and must not use *City Social Media Sites* to discuss matters that can only be discussed in an open meeting under the state law regulating Open Meetings. A member of a public body, such as a council, agency, board, commission or committee member, who “likes,” comments, shares, tweets, or otherwise engages in another board member’s *Content* on *Social Media* may be communicating City business and the state law may apply.

8. LIMITATION ON LIABILITY OF CITY.

8.1. The City strives to post accurate and relevant *Content* but does not guarantee the accuracy of any information posted on *City Social Media Sites* and assumes no liability for damages resulting from reliance on any inaccuracies.

8.2. The City does not guarantee that *City Social Media Sites* will be uninterrupted, permanent or error free.

8.3. The *City Social Media Sites* should not be considered by investors determining whether to invest or continue to invest in the City’s debt offerings; information regarding the City’s financial position is posted at www.cityofwimberley.com.

8.4. *City Social Media Sites* are not intended to operate as traditional open public forums. When the City opens the site for public comment it does not intend to open the site for any and all purposes but to open the site for limited discussion of only those topics specified by the City on that site. In some instances, sites may be non-public forums, that is, not open to public comment at all, and in other instances, sites may be designated limited public forums and their purpose is only to advance the business purposes of the City on those specific topics.

8.5. Right to Appeal Removal of Content or Application of this Policy to the Public.

8.5.1. When a post or comment has been removed or edited, anyone aggrieved other than an *Employee* as provided in 8.5.3. below may seek to have the *Social Media Administrator(s)* reconsider the decision to edit or remove a comment by providing the *Social Media Administrator(s)* with a written request stating the reason or reasons why the comments do not fall within those limitations established in this Policy or offer other

bases to establish a right to publish the comments or other communications on the *City Social Media Site*. The *Social Media Administrator(s)* or other appropriate official must render a written decision on the request one (1) business day (excluding official City Holidays) of receipt of the request noting the basis for the decision. The decision of the *Social Media Administrator(s)* shall be the final administrative decision of the City.

8.5.2. When a person other than an *Employee* as provided in 8.5.3. below believes this Policy violates their rights in ways other than set out in 8.5.1., that person may seek to have the *Social Media Administrator(s)* review all or part of the Policy as applicable to that person by providing the *Social Media Administrator(s)* with a written request stating the reason or reasons why the Policy violates the person's rights. The *Social Media Administrator(s)* must render a written decision on the request within five (5) business days (excluding official City Holidays) and give the bases for the decision. For good cause, the *Social Media Administrator(s)* may extend the time for rendering a decision by five (5) additional days. The decision of the *Social Media Administrator(s)* shall be the final administrative decision of the City.

8.5.3. The rights to appeal created in this Section do not apply to an *Employee* when the *Employee* is acting as a representative of the City and only apply when the *Employee* is acting in the *Employee's* capacity as a citizen and when exercising the rights of a citizen. An *Employee* who feels aggrieved by any action under this Policy not covered by this Section should seek review through established grievance procedures or through the *Employee's* chain of command.

9. TRANSFERRING OWNERSHIP, ADMINISTRATIVE RIGHTS AND RESPONSIBILITIES FOR A SOCIAL MEDIA SITE ACCOUNT.

When the *Social Media Administrator(s)* or an *Employee* needs to make a change to the administrators responsible for the *City Social Media Account*, the following actions shall occur:

- Notify the *City's Social Media Administrator(s)* before the change needs to occur. Include whether the change in ownership is to a different administrator or to an entirely different department or board, as applicable, within the City.
- The new administrator shall be given all administrative rights to the *Social Media Site/Account* and the administrator's *Digital Identity*.
- Administrative rights for the departing administrator must be revoked immediately when such administrator separates from service or is transferred to a different role.
- Any *Employee* who improperly uses administrative rights to a *City Social Media Site* while employed may be disciplined up to and including termination and any person who having left employment improperly uses administrative rights to a *City Social Media Site* shall be prosecuted to the fullest extent of the law.

COMMENT: In some cases, an act that violates provisions of this Policy may be illegal by virtue of existing federal, state or local law. The jurisdiction should consider whether it needs to

pass legislation to make other acts illegal to protect against *Employees* or others violating the City's rights or harming others through the use of the *City's Social Media Sites* and platform.

10. DEACTIVATING A SOCIAL MEDIA SITE/ACCOUNT.

If a decision is made by the City Council or City Administrator or the *Social Media Administrator(s)* to deactivate a *Social Media Site/Account*, because it is no longer of use, or accomplishing the goals of the City or Department or Board, or otherwise does not comply with City policy, the following actions shall occur:

- Confirm all public records management to preserve *Content* related to the site/account has occurred
- Set a timeline for deactivating the site
- Develop a "sign-off" message to post on the site that includes when the site shall be closed and a "sign-off" message to post during the final days/weeks
- Confirm to the City Administrator or *Social Media Administrator(s)* once the site has been deactivated that the site is completely deactivated
- Determine whether to protect the site name by keeping it active to prevent use of the City's name for improper purposes and upon a determination that it is necessary to protect the site name take all necessary action to do so

11. USE OF CITY SOCIAL MEDIA SITES IN TIMES OF DISASTER OR EMERGENCY.

In disaster or emergency situations, the City Administrator may assume control of *City Social Media Sites* to ensure that communications are managed appropriately. The *Social Media Administrator(s)* either directly or under the direction of the City Administrator must facilitate use of the *City's Social Media Sites* to ensure timely dissemination of information during the emergency.

12. EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN OFFICIAL USE OF CITY SOCIAL MEDIA SITES/ACCOUNTS.

12.1. *Employees* assigned to maintain *City Social Media Sites/Accounts* must adhere to the principles articulated in this Policy. Non-exempt *Employees* must not work on departmental *Social Media Sites/Accounts* during off-duty hours unless specifically pre-approved to do so in writing by the *Employee's* supervisor. All such time worked outside the *Employee's* normal work schedule must be reported and included in the *Employee's* regular work week. If an *Employee* is in a non-exempt position, any work in excess of 40 hours will be paid overtime either as compensatory time or as required by law and City policy.

12.2. City resources, work time, *Social Media* tools, and a City *Employee's* official position must not be used for personal profit, private gain or loss, or business interests or to participate in political activity.

12.3. An *Employee's* use of City resources or equipment, including the Internet or *City Social Media Sites* is not private and an *Employee* has no expectation of privacy while using the Internet or the *City Social Media Site*. An *Employee's* use may be investigated and monitored at any time.

12.4. *Employees* shall protect all confidential and exempt information, including all sensitive information relating to City business, its *Employees* or citizens, as required by law or policy.

13. EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN PERSONAL USE OF SOCIAL MEDIA.

13.1. **Preamble.** The City recognizes that many City *Employees* use *Social Media* tools, such as Facebook, in their personal lives. Therefore, this Policy provides guidelines for City *Employees* when they communicate on *Social Media Sites* as a private citizen where doing so may be considered a violation of their terms of employment not in an effort to stifle their rights of free speech, but to ensure that when they are speaking as private citizens that they clearly communicate their status in doing so and do not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace, to protect confidential information, to adhere to the rules of ethics, public records laws and open meeting law requirements among other compelling governmental interests

13.2. Personal or non-official use of *Social Media* is the day-to day use of *Social Media* sites by *Employees* that is not related to official duties. Consistent with the City's policies on use of the City's telephone and email systems, incidental and occasional personal use of *Social Media* is permitted during work hours provided it is very limited in duration and does not have a detrimental effect on *Employee* productivity.

13.3. Prohibition on using personal and business accounts tied to City. Personal or private business venture *Social Media Account* names must not be tied to the City.

13.4. If commenting on City business, *Employees* must use a disclaimer, which establishes that their comments represent their own opinions and do not represent those of the City.

13.5. *Employees* must not attribute personal statements or opinions to the City when engaging in private blogging or postings on *Social Media Sites* and if through their identification or posts any confusion as to whether their statements might be attributable to the City they must clarify that their posts are their own and not those of the City. Where confusion or doubt is likely to arise regarding the personal nature of *Social Media* activities, an *Employee* must include a disclaimer clarifying that the *Social Media* communications reflect only the *Employee's* personal views and do not necessarily represent the views of the City or the *Employee's* department or board or agency, as

applicable. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion that may arise.

13.6. **Employees** must not use their City email account or password in conjunction with a personal social networking site.

13.7. **Use of Non-Public Information: Employees** must not use nonpublic information to further their own private interest (gain or loss) or that of another, whether by engaging in financial transactions using such information, through advice or recommendation, or through unauthorized disclosure. Further, **Employees** shall not make intentional, or careless or unintentional disclosures of non-public information, unless the disclosure is authorized by law. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of confidential, proprietary or privileged information.

13.8. **Personal Use of Social Media.** The City respects its **Employees** rights to post and maintain personal websites, blogs and **Social Media** pages and to use and enjoy **Social Media** on their own personal devices during non-work hours. The City requires **Employees** to act in a prudent manner with regard to website and internet postings that reference the City, its personnel, its operation or its property. The following guidelines apply to personal communications using various forms of **Social Media**:

13.8.1. The City expects its **Employees** to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City **Employee** or **Agent**, those **Employees** and **Agents** must not engage in name calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This Section and its limitations apply when the action of the **Employee** adversely affects the **Employee's** work, job duties or ability to function in the **Employee's** position or creates a hostile work environment.

13.8.2. **Employees** and **Agents** and others affiliated with the City must not use a City brand, logo or other City identifiers on their personal sites, nor post information that purports to be the position of the City without *prior* authorization.

13.8.3. **Employees** and **Agents** are discouraged from identifying themselves as City **Employees** when responding to or commenting on blogs with personal opinions or views. **Employees** must not use their City title when engaging in personal use of **Social Media**. If an **Employee** chooses to identify him or herself as a City of Wimberley **Employee**, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used:

“These are my own opinions and do not represent those of the City.”

13.8.4. Incidental and occasional access to personal **Social Media** websites during work hours may be permitted, but **Employees** must adhere to the guidelines outlined in the City of Wimberley Personnel Policy. **Employees**

should also ensure that they do not violate the City's ownership interests in any *Content* posted by the *Employee*.

13.8.5. There may be times when personal use of *Social Media* (even if it is off-duty or using the *Employees'* and *Agents'* own equipment) may affect or impact the workplace and become the basis for *Employee* coaching or discipline. Examples of situations where this might occur include but are not limited to:

- Friendships, dating or romance between co-workers
- Cyber-bullying, stalking or harassment
- Release of confidential or private data
- Unlawful activities
- Misuse of City-owned *Social Media*
- Inappropriate use of the City's name, logo or the *Employee's* position or title
- Using City-owned equipment or time for extensive personal *Social Media* use
- Violation of law, whether federal, state, local or a City policy.

13.8.6. Each situation will be evaluated on a case-by-case basis because the laws in this area are evolving. *Employees* are encouraged to discuss types of activities that might result in discipline with the City Administrator or the Human Resources Department.

14. VIOLATION OF POLICY BY EMPLOYEES.

Violations of this Policy are considered misconduct and may result in discipline up to and including indefinite suspension or termination as authorized or permitted by law or policy.

COMMENT: *Employees* should also be aware that some conduct discussed in this Policy may violate other laws for which there are criminal or civil penalties. Adoption of this Policy should not be seen nor is it intended to vary the terms or requirements of other laws governing behavior in the workplace or behavior outside the workplace, but which affects the workplace.

15. VIOLATION OF POLICY BY MEMBERS OF CITY COUNCIL, AGENCIES, BOARDS, COMMISSIONS OR COMMITTEES

Violations of the Policy by members of the City Council, its agencies, boards, commissions or committees may be deemed acts of malfeasance and cause for sanctions including removal from office, as appropriate, authorized or permitted by law or policy. In addition, the City may seek other appropriate relief including damages or an injunction to enforce compliance.

COMMENT: Each jurisdiction operates under laws that govern discipline of public officials, whether elected or appointed, including removal from office. This Policy intends to harmonize with those laws and to require all public officials to follow the terms of this Policy. Often City officials are indemnified for their actions as officials and the City should consider whether this indemnification should extend to intentional violations of this Policy.

16. CONTROLLING AUTHORITY.

This Policy does not amend any duly adopted law or ordinance of the City.

17. SEVERABILITY AND SAVINGS.

If any part or provision of this Policy or the application to any person or circumstance is held invalid or unconstitutional, such declaration shall not affect the other parts or provisions or application of the Policy, which can be given effect without the invalid or unconstitutional part or provision or application, and are therefore deemed severable.

EFFECTIVE DATE. This Policy shall become effective immediately upon adoption by the governing body.

DRAFT



AGENDA ITEM: Email Policy
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 13, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

For consideration is the inclusion of the following in the City Council Governance Policy:

Section VIII – Council Staff Relations

8.5 All information and messages (including e-mail and attachments) created, sent, received, accessed, or stored on City of Wimberley equipment constitute City/public records. Any member of Council may request copies of any email sent from or to a City email address through the procedures outlined in the Texas Public Information Act.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

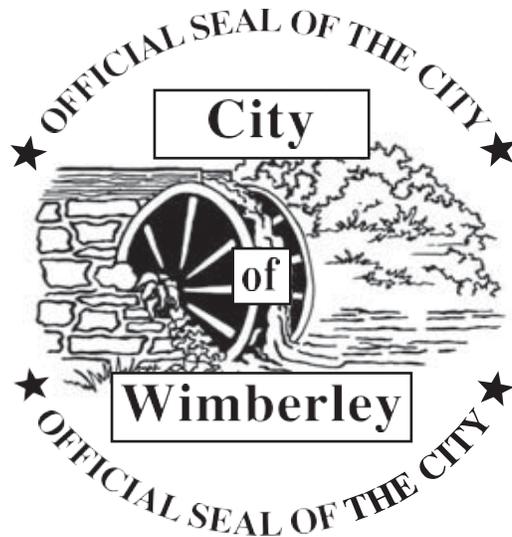
FINANCIAL

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

City of Wimberley

City Council Governance Policy and Rules of Procedure



Amended August 15, 2019

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COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION I INTRODUCTION

The City of Wimberley City Council is the governing body for the City of Wimberley, Texas. Therefore, it must bear the initial responsibility for the integrity of governance.

The Council shall determine its own rules and order of business. The Council is responsible for its own discipline and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy addresses Mayor and Council relations, Council and City staff relations, Council and media relations, roles and meetings. By adopting these guidelines, we, as members of the City Council acknowledge our responsibility to each other to our professional staff and to the public.

This policy will be reviewed and adopted on an annual basis.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION II MISSION

In order to ensure proper discharge of duties for the improvement of democratic local government, members of the Wimberley City Council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Wimberley and each other in their relationships.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION III INFORMATION

On major policy issues, the City Administrator shall provide briefing material to the Council in advance of Council consideration of the policy alternatives. Whenever possible, the management report shall be distributed more than a week in advance of Council policy consideration.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION IV ROLES

4.1 Texas Local Government Code, Sec. 22.042 (Powers and Duties of Mayor) *(Added 08-02-18)*

(a) The mayor is the chief executive officer of the municipality. The mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out. The mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality.

(b) The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished.

(c) The mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality.

(d) The mayor may administer oaths of office.

(e) In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor.

4.2 The Mayor shall preside at meetings of the City Council and shall be recognized as head of City government for all ceremonial purposes and by the Governor for purpose of military law but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Council shall elect, from among the Council members, a Mayor Pro-tem who shall act as Mayor during the absence or disability of the Mayor. *(Added 01-03-19)*

4.3 As head of City government for ceremonial purposes, the Mayor may issue and present proclamations and recognitions and attend other ceremonial functions on behalf of the City of Wimberley. City Council members may initiate, through the Mayor, or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.

- 4.4 The Mayor shall preserve order and decorum and shall require City Council members engaged in debate to limit discussion to the question under consideration.
- 4.5 The Mayor is the spokesperson on all official positions taken by the City Council. The Mayor Pro-tem or alternate City Council designee will assume that role in the Mayor's absence. *(Amended 6-4-09)*
- 4.6 The Mayor will encourage all City Council members to participate in Council discussion and give each member an opportunity to speak before any member can speak again on the same subject

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION V MEETINGS

5.1 Regular Meetings

The Council shall meet regularly, on the first and third Thursdays of the month, and the regular meetings will begin at 6:00 p.m., unless postponed or cancelled for valid reasons. If there is a need to change the date, time or place of a regular meeting, an attempt shall be made to contact all members of the City Council about the proposed change prior to the change being made. *(Amended 05-16-19)*

5.2 Executive Sessions

The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential.

5.3 Public Notice

The agenda for all regular meetings, special meetings and the notice listing items to be considered shall be posted on the City's official bulletin board, in accordance with the Texas Open Meetings Act, and on the City's website.

5.4 Attendance

City Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

5.5 Conflict of Interest

A City Council member prevented from voting due to a conflict of interest shall leave the meeting during the debate, shall not vote on the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an executive session item shall not confer with City staff, the City Attorney, Council members or the Mayor regarding the item.

5.6 City Council Members

- (a) During City Council meetings and work sessions, Council members shall assist in preserving order and decorum and shall, neither by conversation

or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the City Council.

- (b) A City Council member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities, and in appropriate language and refrain from personal attacks and verbal abuse.
- (c) A City Council member, once recognized by the chair, shall not be interrupted while speaking except for the following reasons:
 - Called to order by the presiding officer
 - A point of order is raised by another member
 - The speaker chooses to yield to questions from another member

If a City Council member is called to order while speaking, that Council member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks to comply with the rules of the City Council

- (d) When there is more than one speaker on the same subject, City Council members shall delay their comments until after all speakers on the subject have been heard.
- (e) The chair shall state all questions submitted for a vote and announce the result. If the vote is not unanimous, the chair shall announce the names of members voting in favor and in opposition to the motion.

5.7 Administrative Staff

- (a) Members of the administrative staff and employees of the City shall observe the same rules and decorum applicable to members of the City Council.
- (b) Although the presiding officer has the authority to preserve decorum in meetings, the City Administrator is responsible for the orderly conduct and decorum of all City employees under the City Administrator's direction and control.
- (c) The City Administrator shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by City employees in meetings.

- (d) All persons addressing the City Council, including the City Administrator, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.
- (e) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

5.8 Citizens and Visitors

- (a) Citizens and visitors are welcome to attend all public meetings of the City Council and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.
- (b) Everyone attending the meeting will refrain from private conversations while the City Council is in session.
- (c) Citizens and visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.
- (d) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- (e) No placards, banners or signs will be permitted in the City Council Chamber or in any other room in which the City Council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted.
- (f) The City Administrator or his designee shall act as sergeant at arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

5.9 Agenda

Any City Council member may request an item be placed on a future agenda during the item on the agenda for that purpose. The City Administrator must place an item on the agenda if the item is requested by the Mayor or a member of the City Council. *The deadline to submit an item for the agenda is seven days prior to the requested Council Meeting date. (Amended 07-10-18)*

5.10 Speakers

- (a) A person wishing to address the City Council must first sign the Speaker Registration Form. The following information must be provided on the form:
 - Name
 - Residence Address
 - The subject matter to be addressed
- (b) Speakers must address their comments to the presiding officer rather than to individual City Council members or staff.
- (c) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the City Council under Citizens Communications, the speaker may address any item not slated for discussion on the agenda. Comments from speakers and/or members of City Council should not be directed towards another person, including a member of City Council or City staff in a manner that is derogatory or threatening in nature. These guidelines for speaker decorum shall be posted on each City Council agenda and on Speaker sign-in sheets for all City Council meetings.
- (d) A person who registers to speak on an item listed on the agenda will be called on after the chair gains agreement to do so by the City Council. A person who registers to speak under Citizens Communications will be called on at that time. The chair may determine the order in which speakers are called.
- (e) All speakers will have a maximum of three (3) minutes to address the Council. A majority vote of the Council will be required to extend the time limit. The chair may impose more restrictive time limits if a large number of persons register to speak. Guidelines relating to time allotment for speakers shall be posted on each City Council agenda and on Speaker sign-in sheets for all City Council meetings.
- (f) For called public hearings, the applicant will be allowed a maximum of ten (10) minutes to make a presentation.

- (g) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during Citizens Communications. City Council members will not interact with the public during the time allotted to speakers unless a non-debatable motion approved by the City Council allots a specific amount of time.
- (h) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Council.

5.11 Presentations

Presentations to the City Council will be limited to ten (10) minutes and should be given as an Executive Summary. All presentation material must be submitted to the City 72 hours prior to the scheduled meeting.

5.12 Motions

- (a) No motion may be moved or suggested until all City Council member discussion is complete and the Mayor calls for the motion. A motion made and seconded will be considered the main motion. Any City Council member may move to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.
- (b) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modifies the motion, the City Council member who seconded the motion may withdraw the second.
- (c) At any time after a motion has been made and seconded, a City Council member may call the question which will have the affect of stopping the debate and requiring the City Council to immediately proceed to vote on the motion to call the question.
- (d) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a City Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

- (i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.
- (ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

5.13 Suspension of Rules

Any provision of these rules not governed by City ordinance, State or Federal law may be temporarily suspended by a majority vote of the members of the City Council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

5.14 Amendment of Rules

These rules may be amended, or new rules adopted by a majority vote of the members of the City Council

5.15 Failure to Comply

A failure to comply with these rules does not invalidate any otherwise lawful act of the City Council.

5.16 Security

Constable support will be requested at all Council meetings at the discretion of the Mayor.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VI PUBLIC CONTACT MEDIA RELATIONS

Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality. Consequently, it is imperative that the media play an important role in the Council-Administrator-Media relations. It is through an informed public that progress is ensured, and good government remains sensitive to its constituents.

These guidelines are designed to help ensure positive relationships with print, radio and television reporters. The Mayor, City Council and the City Administrator recognize that the news media provide an important link between the City Council and the public. It is the City Council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.

- 6.1 During the conduct of official business, the City shall designate adequate space for the news media.
- 6.2 All reporters will receive an agenda in advance and will be furnished support material needed for clarification, if requested.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VII PLANNING

The Mayor and Council are responsible for establishing a vision for the City of Wimberley and planning for its future.

- 7.1 On an annual basis, the Mayor and City Council shall hold a minimum of one (1) strategic planning session wherein they set priorities goals and objectives. The goals and objectives shall address short term and long term needs of the City.
- 7.2 Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VIII COUNCIL STAFF RELATIONS

- 8.1 The role of the City Administrator and the relationship of staff with City Council is addressed in City ordinance.
- 8.2 The City Council shall direct comments, correspondence and concerns about City services to the City Administrator. Citizens concerns, comments and correspondence regarding City services received by City Council members shall be forwarded to the City Administrator for appropriate staff action and a timely response.
- 8.3 Documents provided to one (1) City Council member shall also be distributed to all other members of the elected body. The City Administrator shall prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year. The City Administrator shall keep the City Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.
- 8.4 In order to ensure proper presentation of agenda items by City staff, questions arising from City Council members, after receiving their information packet, should be, whenever possible, presented to the City Administrator or the Administrator's designated assistant for City staff consideration prior to the City Council meeting. This allows time for City staff to address the City Council member's concerns and provide all Council members with the additional information.
- 8.5 All information and messages (including e-mail and attachments) created, sent, received, accessed, or stored on City of Wimberley equipment constitute City/public records. Any member of Council may request copies of any email sent from or to a City email address through the procedures outlined in the Texas Public Information Act.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION IX THANKING CITIZEN VOLUNTEERS

Citizen volunteers for boards, commissions or committees should be sent a letter at the end of their term thanking them for their service and tenure on behalf of the City of Wimberley.



AGENDA ITEM: CWWP Status
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 12, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide the City Council and the public with an update on the status of the Central Wimberley Wastewater Project (CWWP).

The City has reached out to the property owners (or their representatives) across the creek to discuss possible easements. We have plans to speak with both this week. Additionally, a meeting with our Engineer and Aqua to discuss what we both need to be considering connection wise is being arranged. We want Aqua to be able to accept what we send without us putting them over capacity.

Attached to Project Schedule. Currently included in the schedule are timeframes for completion of the conditions set by the TWDB. It also includes a timeframe for the evaluation of the bore location and implementation of the connection to Aqua. These dates will continue to be refined and tightened. The attachment is my first stab. I am working with the attorney, contractor, engineer, and TWDB to shore up these dates.

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

ATTACHMENTS

- CWWP Schedule
- Central Wimberley Wastewater Project Costs
- TWDB Released Funding – Series 2013 Bonds
- TWDB Released Funding – Series 2017 Bonds

Central Wimberley Wastewater Project Schedule

Project Start Date 8/8/2019 (Thursday)
 Project Lead _____

Display Week 1

WBS	TASK	LEAD	START	END	DAYS	% DONE	WORK DAYS	Week 1 5 Aug 2019							Week 2 12 Aug 2019							Week 3 19 Aug 2019							Week 4 26 Aug 2019							Week 5 2 Sep 2019							Week 6 9 Sep 2019							Week 7 16 Sep 2019							Week 8 23 Sep 2019						
								5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
								M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	TWDB		Thu 8/08/19	Fri 10/18/19	72		52	[Blue bar spanning from Week 1 to Week 8]																																																							
1.1	<u>Aqua Contract Completion</u>		Thu 8/08/19	Thu 10/03/19	57	0%	41	[Blue bar spanning from Week 1 to Week 8]																																																							
1.1.1	Finalize Bore Location		Thu 8/08/19	Wed 9/04/19	28	0%	20	[Blue bar spanning from Week 1 to Week 5]																																																							
1.1.2	Finalize Contract Inclusions		Thu 8/08/19	Thu 9/19/19	43	0%	31	[Blue bar spanning from Week 1 to Week 7]																																																							
1.1.3	Review by TWDB		Wed 9/04/19	Tue 9/10/19	7	0%	5	[Blue bar spanning from Week 5 to Week 6]																																																							
1.1.4	Review by Council		Thu 9/19/19	Thu 10/03/19	15	0%	11	[Blue bar spanning from Week 7 to Week 8]																																																							
1.1.5	Consideration by Council		Thu 10/03/19	Thu 10/03/19	1	0%	1	[Blue bar spanning from Week 7 to Week 8]																																																							
1.2	<u>Easement Commitments</u>		Thu 8/08/19	Thu 9/05/19	29	0%	21	[Blue bar spanning from Week 1 to Week 5]																																																							
1.2.1	Determine Easements Needed		Fri 8/09/19	Fri 8/09/19	1	0%	1	[Blue bar spanning from Week 1 to Week 2]																																																							
1.2.2	Discussions w/Propoerty Owners		Mon 8/12/19	Sun 9/01/19	21	0%	15	[Blue bar spanning from Week 2 to Week 4]																																																							
1.2.3	Consideration by Council		Thu 9/05/19	Thu 9/05/19	1	0%	1	[Blue bar spanning from Week 5 to Week 6]																																																							
1.3	<u>Finalize Refund Bonds</u>		Thu 8/15/19	Thu 8/15/19		0%	1	[Blue bar spanning from Week 2 to Week 3]																																																							
1.3.1	Consideration by Council		Thu 8/15/19	Thu 8/15/19	1	0%	1	[Blue bar spanning from Week 2 to Week 3]																																																							
1.3.2	Review by Attorney General		Fri 8/16/19	Thu 8/29/19	14	0%	10	[Blue bar spanning from Week 2 to Week 4]																																																							
1.3.3	Closing w/TWDB (Sell of Bonds)			-		0%	-	[Blue bar spanning from Week 2 to Week 3]																																																							
1.4	<u>Enviromental Review</u>		Fri 7/19/19	Sat 10/19/19	93	0%	66	[Blue bar spanning from Week 1 to Week 8]																																																							
1.4.1	TWDB Internal Review of SOF		Fri 7/19/19	Sat 8/17/19	30	0%	21	[Blue bar spanning from Week 1 to Week 3]																																																							
1.4.2	Initial 30-Day Review of SOF		Sun 8/18/19	Mon 9/16/19	30	0%	21	[Blue bar spanning from Week 2 to Week 6]																																																							
1.4.3	GLO Survey of Bore Location		Fri 9/06/19	Fri 9/20/19	15	0%	11	[Blue bar spanning from Week 5 to Week 7]																																																							
1.4.3.1	Approval of Expenditure		Thu 9/05/19	Thu 9/05/19	1		1	[Blue bar spanning from Week 5 to Week 6]																																																							
1.4.4	Submit Revised Bore Location to GLO		Sat 9/21/19	Sat 9/21/19	1		0	[Blue bar spanning from Week 6 to Week 7]																																																							
1.4.5	Updated Information to TWDB		Wed 9/18/19	Wed 9/18/19	1	0%	1	[Blue bar spanning from Week 7 to Week 8]																																																							
1.4.6	30-Day Enviromental Review		Thu 9/19/19	Fri 10/18/19	30	0%	22	[Blue bar spanning from Week 7 to Week 8]																																																							
1.4.7	Approval from TWDB		Sat 10/19/19	Sat 10/19/19	1	0%	0	[Blue bar spanning from Week 7 to Week 8]																																																							

City of Wimberley Wastewater Project

Purpose	Contractor	Contract/Budget Amount	Change Order/Amendment		Total Cost	Expenditures to Date			Remaining
			CO #/Amendment	CO/Amendment Amount		Pay Authorization	Spent	Retainage	

Design

Original Design/Bid	APAI	\$ 494,082	First Amendment	\$ 35,000	\$ 616,697		\$ 574,786		\$ 41,911
			Second Amendment	\$ 68,415					
			Third Amendment	\$ 19,200					
Redesign	APAI	\$ 36,500			\$ 36,500	\$ 9,850	\$ 9,850		\$ 26,650

Construction

WWTP Construction	Black Castle (WWTP)	\$ 545,072			\$ 545,072		\$ 545,072	\$ -	\$ -
Collection Line Construction	Capital Excavation (Lines)	\$ 3,251,450	CO-01	\$ 364,780	\$ 3,727,537	\$ 2,025,013	\$ 1,923,763	\$ 101,251	\$ 1,702,524
			CO-02	\$ 21,884					
			CO-03	\$ 89,423					
			CO-04	TBD					

Project Management

Project Management	TRC Engineering	Contract did not provide an amount, just a rate. Contract was ultimately			\$ 13,080		\$ 13,080		\$ -
Project Management	Jim Shoonover	\$ 175,000			\$ 175,000		\$ 129,032		\$ 45,968
Construction Administration	APAI	\$ 77,575			\$ 77,575		\$ 77,575		\$ 0
Grant/Loan Administration	Langford	\$ 25,000			\$ 24,428		\$ 24,428		\$ -

Loan/Bond Fees

Principal Forgiveness Funds - Admin Fees		\$ 5,103			\$ 5,103		\$ 5,103		\$ -
Loan Document Fees		\$ 95,452			\$ 95,452		\$ 95,452		\$ -
Escrow Agent Fees		\$ 1,200			\$ 1,200		\$ 1,200		\$ -
Bond Fees	Bickerstaff	\$ 30,260		\$ 30,260	\$ 68,550		\$ 68,550		\$ -
	SPFI	\$ 38,290		\$ 38,290					
Additional Bond Fees	Norton Rose Fulbright	\$ 10,000		\$ 36,755	\$ 52,699		\$ -		\$ 52,699
		\$ 26,755							
	SPFI	\$ 15,944		\$ 15,944					

Additional Fees

Work w/EDA/TWDB & Cancellation of WWTP Contract	Denton Navarro					\$ 11,631	\$ 36,331		
	The Chapman Firm					\$ 24,700			
Aqua Contract Negotiations	Denton Navarro					\$ 16,040	\$ 16,265		
	The Chapman Firm					\$ 225			
General Land Office Lease/Easement	GLO	\$ 2,350			\$ 2,350	\$ -	\$ -		\$ 2,350
Golden-cheeked Warble Habitat Assessment	Zara Environmental	\$ 9,884			\$ 9,884	\$ -	\$ 4,930		\$ 4,954
Survey for GLO Lease/Easement	Byrn	\$ 3,500			\$ 3,500	\$ -	\$ 3,500		\$ -
Connection to Aqua (Infrastructure Installation)	Capital	TBD			TBD	\$ -	\$ -		TBD

TWDB Released Funding

Combination Tax and Revenue Anticipation Notes - Series 2013

Authorization: Ordinance No. 2013-018

Funding: \$ 650,000

Escrow Release	Date	Amount	Balance
1	9/20/2013	\$ 11,807	\$ 638,193
2	10/3/2013	\$ 182,611	\$ 455,582
3	8/8/2014	\$ 55,000	\$ 400,582
4	10/7/2014	\$ 52,500	\$ 348,082
5	2/8/2016	\$ 226,842	\$ 121,240
6	3/27/2017	\$ 89,896	\$ 31,343

TWDB Released Funding

Sewer System Revenue Bonds - Series 2017

Authorization: Ordinance No. 2017-015

Funding: \$ 5,255,000

Escrow Release	Date	Amount	Balance
1		\$ 334,554	\$ 4,920,446
2	5/1/2018	\$ 293,753	\$ 4,626,693
3	5/21/2019	\$ 51,318	\$ 4,575,374
4	6/19/2018	\$ 366,857	\$ 4,208,517
5	8/8/2018	\$ 840,496	\$ 3,368,021
6	9/5/2018	\$ 176,886	\$ 3,191,135
7	9/26/2018	\$ 262,338	\$ 2,928,797
8	11/16/2018	\$ 67,301	\$ 2,861,496
9	12/10/2018	\$ 298,839	\$ 2,562,657
10	12/20/2018	\$ 87,455	\$ 2,475,202
11	1/28/2019	\$ 64,564	\$ 2,410,638
12	3/1/2019	\$ 125,883	\$ 2,284,755



AGENDA ITEM: Council Priorities
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: August 13, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On July 16, 2019, Council held a Workshop to discuss the development of the FY 2020 Council Priorities. For consideration is the setting of a day and time to finalize the draft priorities for approval. Attached is a draft of the FY 2020 Council Priorities.

Currently, Council has a Budget Workshop scheduled for August 20, 2019 at 6:00 pm. We could add to this meeting, if Council is available to meet earlier.

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

ATTACHMENT(S)

- FY 2020 Council Priorities - DRAFT



City of Wimberley FY 2020 City Council Priorities Adopted:

This document, adopted by the City Council represents the priorities for the City Council for FY 2020, and is to be used as a reference and planning tool for City Staff for the fiscal year. Council priorities are not listed in rank order.

Public Safety

Improve communication for regular and emergency events.

Financing

TBD

Transportation

Improve traffic and pedestrian movement through the City.

Development/Growth

Plan for the proper management of current development and future growth.

Quality of Life

Maintain and expand natural and humanmade amenities for all.

Image

TBD

Function

TBD

Relationships

TBD

Infrastructure

Improvement of current and planning for future infrastructure needs.

City Council Priorities – As of ...

This document, adopted by the City Council represents the priorities for the City Council for FY 2020, and is to be used as a reference and planning tool for City Staff for the fiscal year. Council priorities are not listed in rank order.

A. PRIORITY: PUBLIC SAFETY

Improve communication for regular and emergency events.

Goals:

- Regular promotion of communication outlets
- Improved coordination with local law enforcement, and emergency service agencies
- Review of efforts for best practices

B. PRIORITY: FINANCING

TBD.

Goals:

-

C. PRIORITY: TRANSPORTATION

Improve traffic and pedestrian movement through the City.

Goals:

- Review and enforcement of City ordinances
- Development of an enforcement strategy
- Identify problems and problem areas
- Identify pedestrian mobility solutions
- Identify directional signage needs
- Improve mapping

D. PRIORITY: DEVELOPMENT/GROWTH

Plan for the proper management of current development and future growth.

Goals:

- Provide of fact and data-based recommendations
- Proactively review development standards
- Provide more training

E. PRIORITY: QUALITY OF LIFE

Maintain and expand natural and humanmade amenities for all.

Goals:

- Assessment of current assets and identification of future needs and wants

F. PRIORITY: IMAGE

TBD

Goals:

-

G. PRIORITY: FUNCTION

TBD

Goals:

-

H. PRIORITY: RELATIONSHIPS

TBD

Goals:

-

I. PRIORITY: INFRASTRUCTURE

Improvement of current and planning for future infrastructure needs.

Goals:

- Completion of the Central Wimberley Wastewater Project
- Development of infrastructure needs assessment and a Capital Improvement Plan
- Continued coordination with transportation entities
- ADA compliance and identification of needs



AGENDA ITEM: Cancellation of City Council Meetings
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: August 12, 2019
MEETING DATE: August 15, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to cancel the second Regular City Council Meeting set for December 19, 2019 and the first Regular City Council Meeting set for January 2, 2020. *(Place Four Council Member Gary Barchfeld)*

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: Ethics Process
SUBMITTED BY: Mayor Jagers
DATE SUBMITTED: 08082019
MEETING DATE: 08152019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Please include the pertinent ordinance reference for filing an ethics complaint.

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

Sec. 2.07.011 Complaint process

(a) Filing.

(1) Generally. Any city official, city employee, or eligible voter of the city who believes that there has been a violation of this article may file a sworn complaint. A complaint alleging a violation of this code of ethics must meet the requirements herein and must be filed with the city secretary. A complaint alleging a violation of this code of ethics by the city attorney must be filed with the persons named in [section 2.07.010\(d\)](#) of this code. A complaint must be filed within one (1) year from the date of the alleged violation.

(2) Required contents of complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:

(A) The name of the complainant;

(B) The street or mailing address and the telephone number of the complainant;

(C) The name of the person who allegedly committed the violation;

(D) The position or title of the person who allegedly committed the violation;

(E) The nature of the alleged violation, including, if possible, the specific rule or provision of this code of ethics alleged to have been violated;

(F) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred, which must contain the following:

(i) Documents or other material available to the complainant relevant to the allegation;

(ii) A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known; and

(iii) A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known;

(G) If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.

(3) Affidavit. The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this code of ethics.

(4) Information regarding filing requirements. Upon request, the city secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.

(b) Confidentiality and ex parte communications.

(1) No city official or city employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.

(2) All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Texas Government Code section 552.001 et seq.).

(3) After a complaint has been filed, and during the consideration of a complaint by the commission, a member of the commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the commission. This provision does not prevent a member of the commission from consulting with the city attorney regarding procedural and legal issues.

(c) Notification.

(1) A copy of a complaint which meets the requirements of this section shall be promptly forwarded by the city secretary to the city attorney and to the person charged in the complaint.

(2) The person alleged in the complaint to have violated this article shall be provided with a copy of the ethics ordinance and informed that:

(A) Within fourteen (14) days of receipt of the complaint, a sworn response must be filed with the city secretary; and

- (B) Failure to file a response does not preclude the city attorney from processing the complaint.
 - (3) City officials and city employees have a duty to cooperate with the city attorney, pursuant to this section.
 - (4) All members of the commission shall receive copies of the complaint, any background documentation, and any responses at least seven days before a hearing on the matter.
- (Ordinance 2006-010, exh. A, sec. XI, adopted 9/18/06; Ordinance 2007-005 adopted 3/15/07)



AGENDA ITEM: STR
SUBMITTED BY: Mayor Jagers
DATE SUBMITTED: 08032019
MEETING DATE: 08152019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to extend the Short-Term Rental Review Committee's term for another year and to finalize the purchase of "Phase II" services outlined in section 4.3 of the City Contract with Host Compliance.

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

Conflict of Interest needs a revote.