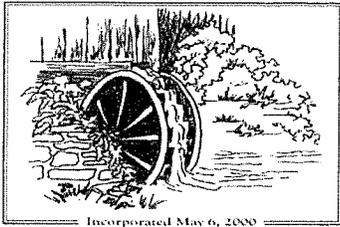


**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, September 20, 2018

5:30 p.m.



City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, SEPTEMBER 20, 2018 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** September 20, 2018 at 5:30 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **PROCLAMATIONS**
 - A. Proclamation of the City of Wimberley, Texas proclaiming Tuesday, October 2, 2018, as National Night Out.
 - B. Proclamation of the City of Wimberley, Texas proclaiming the week of September 17th through September 23rd as Constitution Week.
6. **PRESENTATIONS AND POSSIBLE ACTION**
 - A. Presentation and consider possible action regarding the status of the Short-Term Rental Review Committee and recommendation for STR software.
 - B. Presentation and consider possible action regarding the Wimberley Valley Radio and Friends of Blue Hole community event at Blue Hole Regional Park.
7. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens who have a direct stake in the business of the city, such as a landowner, resident, vendor or business owner 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.

8. CONSENT AGENDA

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

- A. Approval of minutes from the Special City Council Meeting held August 28, 2018.
- B. Approval of minutes from the Special City Council Meeting held September 4, 2018.
- C. Approval of minutes from the Regular City Council Meeting held September 11, 2018.
- D. Approval of the July 2018 Financial Statements for the City of Wimberley.
- E. Approval of the cancellation of the December 20, 2018 Regular City Council Meeting.

9. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project and City road projects

10. PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval regarding case ZA-18-007, an application to change the zoning from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) for property located at 110 Old Kyle Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Bert & Julie Ray, Applicants)*

11. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding temporary signs for the 5-K Run-Walk for Barnabas Connection.
- B. Discuss and consider possible action to approve Ordinance No. 2018-34, repealing the hotel occupancy tax.
- C. Discuss and consider possible action to approve Ordinance No. 2018-35, dissolving the Hotel Occupancy Tax Advisory Committee.
- D. Discuss and consider possible action to approve Ordinance No. 2018-36, creating the Tourism Management and Development Committee.

12. CITY COUNCIL REPORTS

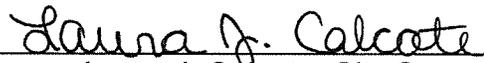
- A. Announcements
- B. Future agenda items

13. ADJOURNMENT

The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, September 17, 2018, by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

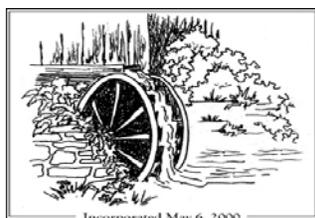


Laura J. Calcote, City Secretary

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



City of Wimberley



Proclamation

THE STATE OF TEXAS §
COUNTY OF HAYS §
CITY OF WIMBERLEY §

WHEREAS, the National Night Out Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on October 2, 2018 “National Night Out”, and

WHEREAS, the “Annual National Night Out” provides a unique opportunity for Hays County to join forces with thousands of other communities, across the county including Wimberley, in Promoting cooperative community crime prevention efforts; and

WHEREAS, Wimberley plays a vital role with the Hays County Sheriff’s Office in crime prevention efforts in Hays County and is supporting “National Night Out 2018” locally; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program;

NOW THEREFORE WE, the City Council of Wimberley, Hays County, Texas, do hereby proclaim Tuesday, October 2, 2018 as

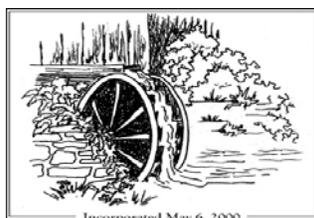
NATIONAL NIGHT OUT

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the City of Wimberley, Texas to be affixed this 20th day of September, 2018.

CITY OF WIMBERLEY

Susan B. Jagers, Mayor

City of Wimberley



Proclamation

THE STATE OF TEXAS §
COUNTY OF HAYS §
CITY OF WIMBERLEY §

WHEREAS: September 17, 2018, marks the two hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Susan Jagers, by virtue of the authority vested in me as Mayor of the City of Wimberley do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 20th day of September 2018.

CITY OF WIMBERLEY

Susan B. Jagers, Mayor

STR Advisory Committee - Update

Background

- The City welcomes over 450,000 visitors annually.
- 150,000 visitors stay overnight at one of our multi-room hotels or short-term rentals (STR).
- Since incorporation, the City has approved 52 STR to operate in accordance with City Ordinances.
- On July 19, 2018 the City Council passed ordinance 2018-28 establishing the STR Advisory Committee.
- The STR Committee is responsible for reviewing, identify, characterizing, and recommending solutions for effectively managing all aspects of the City's STRs.

Situation

- Initial investigations by the STR Advisory Committee show there are over 300 STRs currently operating in the City limits.
- Approximately 250 STRs are operating without approval from the City – i.e. non-compliant, which means one or more of the following is true:
 - *They are in violation of zoning, CUP requirements, and tax violations.*
 - *They are not limited to numbers of guests allowed on property.*
 - *They cannot be confirmed as meeting safety requirements of smoke detectors, fire extinguishers, outdoor fire bans, pool safety equipment, and other safety requirements.*
 - *They have not paid their required State and/or City HOT taxes.*
 - *They are not limited to how many cars are allowed on property, and where they can park.*
 - *They may not have adequate means to handle trash and recycling.*
 - *They may have no mechanism to capture complaints and address problems.*
 - *They may be operating well beyond the capacity of their septic systems*
- The City's image is damaged by non-compliant STRs.
- Non-complaint STR are a growing liability risk to the City.
- The decision to address the City's STR opportunity is best seen as a classic "make" the solution in-house or "buy" the solution from an outsource partner.

Recommendation

- The STR Advisory Committee and City Staff evaluated the "make or buy" decision and determined the buy solution is more comprehensive, timely, and cost effective.
- To make an in-house solution, the City would need additional staff and better tools which are estimated to cost in excess of \$50,000 annually.
- The purchased solution requires an annual investment of between \$15K to \$20K with no additional staff requirements.
- To pay for the ongoing software solution, the following is proposed:
 - *An initial CUP Application fee of \$400. This fee covers administrative staff cost and initial site inspection.*

- An ongoing annual STR Licensing fee of \$250.
- *Any year over year cost increases are expected to be covered by increases in both CUP fees and recurring licensing renewal fees.*

Initial Investment - Potential Funding Options

- General funds
- HOT funds
- Lodging Industry loan to City
- Software partner financing

Anticipated Benefits (see attached worksheet)

- The City will bring STRs into compliance and have ongoing real time monitoring of STR activities.
- All STRs in the City can be managed for number of guests, parking, safety, signage, and guest conduct.
- The City's image and branding will be protected since only approved STRs will be able to do business in the City.
- Collections of City HOT Taxes, penalties and fees for non-compliant STRs are conservatively estimated to be between \$164,000 *and* \$328,000.
- Licensing fees are set to be cash neutral and can be adjusted annually.
- CUP collections for non-compliant STRs will be between \$20,000 to \$50,000.
- Licensing site inspections will allow the city to confirm all required changes are actually in place before a property may be confirmed as Compliant, and all costs for inspection will be covered by the application fee.
- Annual recurring licensing fees for STRs will be between \$19,000 and \$28,000.

Immediate Next Steps

- RFP/RFQ to prospective software solution partners - September
- Evaluate and recommend partner selection to City Council - October
- Revise CUP Ordinance to include licensing and inspection – October
- Develop supporting process, methods, tools, and documents – October
- Coordinate with P&Z and City Staff – Ongoing
- Update and recommendations to City Council - November
- City staff finalizes solution partner contract – November
- Solution Implementation – November
- Solution goes live – December

Request

- The STR Advisory Committee seeks approval from City Council to issue RFPs/RFQs from potential software solution partners and to continue working as outlined in the Immediate Next Steps section.

		Year 1 - Initial Compliance Push								
Item	Count	# Attempting CUP		# Approved for CUP		CUP Fees @ \$400		Licensing Fees @ 250		Past Due City HOT
		Low	High	Low	High	Low	High	Low	High	
Revenues										
STR CUP & Licensing Fees										
Non-compliant STR	250	50	125	25	63	\$ 20,000	\$ 50,000	\$ 6,250	\$ 15,750	
Existing Cups	52	0	0	0	0	0	0	\$ 13,000	\$ 13,000	
Total CUP & Licensing Collections						\$ 20,000	\$ 50,000	\$ 19,250	\$ 28,750	
HOT Collections (Q4-2015 to Q1-2017)	250									\$ 312,500
Late HOT Collection Penalty 5%										\$ 15,625
Total HOT Collections Potential										\$ 328,125
Likely HOT Collections @50%										\$ 164,063
Post year 1 Recurring Annual Revenue				77	115			\$ 19,250	\$ 28,750	
Assumptions & Notes										
250 illegal STRs in City - no cup, no City HOT payments										
Compliance push will result in an additional 50 to 125 properties seeking CUPs										
23 to 63 will receive CUP approval										
All CUP fees go to absorb City Processing costs										
Licensing fees can be use to purchase a STR Solution										
All CUP holders will pay a recurring \$250 annual licensing fee										
Past Due HOT Collections will be 50% successful										

City of Wimberley
RFP for STR Software Solution Provider

The City of Wimberley is requesting proposals from software vendors that specialize in helping City's manage all aspects of Short Term Rentals including, but not limited to:

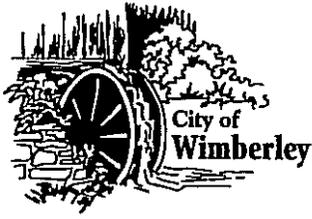
- Discovery of STR operators
- Permitting & Registration
- Tax Compliance
- Issue/Complaint Management
- Real-time reporting and analytics
- Integration with City, County, and State data-bases

Requirements:

1. Track record of successfully helping cities manage all aspects of Short Term Rentals.
2. Demonstrated results
3. Cloud based solution with necessary security and user level control of privileges.
4. Discovers all short-term rentals in the jurisdiction by monitoring all leading listing sites including Airbnb, HomeAway/VRBO, TripAdvisor, Booking, as well as local sites, and reservation company sites.
5. Identification of physical address and ownership information for all STR's
6. Verification of State HOT and City HOT payments
7. Verification of Hays County Appraisal District listing including exemptions
8. Enablement on-line registration and payment
9. Management of short term rental permitting and licensing including document management, zoning, permit types, septic capacity, and occupancy limits
10. Ongoing management of compliance with City ordinances.
11. Enablement of on-line tax remittance
12. Ability to exports to leading accounting packages
13. Ongoing identification of properties suspected of non-payment for audit based on occupancy, average nightly rate, and tax rates.
14. Management of complaints including: noise, trash and parking compliance
15. 24 x 7 hotline with integration with complaint tracking and disposition system
16. On-line reporting and management of violations

Other items to include:

- Background and experience of principals
- Time required to get the solution implemented
- Investment required and projected return on investment
- Pricing model
- Financing options
- City Staff training and support requirements
- Engagement model including local account support



AGENDA ITEM: Request for fees waived for community event hosted at Blue Hole by Wimberley Valley Radio and FOBH

SUBMITTED BY: Rebecca Manning

DATE SUBMITTED: 09/13/2018

MEETING DATE: 09/20/2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Wimberley Valley Radio and Friends of Blue Hole have partnered to put on a community-wide event at Blue Hole Regional Park. Because the free, public event would benefit the community as a whole, the two organizations would like to ask the fees be waived to host this event at the park. The total cost to waive the fee would be \$750 for facility rental and \$250 for staffing the event = \$1,000.

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

Staff would like to seek guidance from City Council on this item.



AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote
DATE SUBMITTED: September 17, 2018
MEETING DATE: September 20, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- Approval of minutes from the Special City Council Meeting held August 28, 2018.
- Approval of minutes from the Special City Council Meeting held September 4, 2018.
- Approval of minutes from the Regular City Council Meeting held September 11, 2018.
- Approval of the July 2018 Financial Statements for the City of Wimberley.
- Approval of the cancellation of the December 20, 2018 Regular City Council Meeting.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

Approval of Items A-E.



City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, AUGUST 28, 2018 – 4:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jaggars called the meeting to order at 4:32 p.m.

CALL OF ROLL

Council Members Present: Susan Jaggers Mayor
Mike McCullough Place One
Craig Fore Place Two
Allison Davis Place Three
Gary Barchfeld Place Four
Patricia Cantu Kelly Place Five

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Cameron Cox Deputy City Attorney

CITIZENS COMMUNICATIONS

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

1. Bob Dussler spoke against moving forward with Aqua Texas for the Central Wimberley Wastewater Project and noted how honesty is important for elected officials.
2. Lila McCall urged City Council to make a contingency vote regarding the Black Castle contract and the potential contract with Aqua Texas for the Central Wimberley Wastewater Project.
3. Steve Thurber spoke about his previous meeting with Council Member Craig Fore, and how a compromise could be reached regarding the options for the Central Wimberley Wastewater Project. Mr. Thurber also acknowledged Senator John McCain's passing, and how public officials should follow his example of leadership and honor.
4. David Glenn stated the current Central Wimberley Wastewater Project was too much money for too few users. Mr. Glenn also contended that City Council had inherited a huge problem with the Project, and that Aqua Texas would be a cheaper option moving forward.

5. Henry Ault stated a sewer is needed for the downtown area, but Aqua Texas had a poor reputation in the cities of Kyle and Woodcreek and should not be considered as an option for the Central Wimberley Wastewater Project.

6. Bryan Burke addressed Council regarding the Meadow's Center letter on the Project, which urged the City to move forward with the current plan. Mr. Burke stated that a clean Cypress Creek needed to be ensured, and also noted Scott Johnson's letter the day after the May 2018 Election, directing the current planned Project be stopped immediately.

7. Scott Price spoke in opposition to the Aqua Texas plan, due to financial and environmental concerns. Mr. Price noted local control should be kept for the Project, and that the sovereignty of the community was important.

The following individuals also signed-up to speak during citizen's communications, but did not get called during the 30-minute time allotment for citizen's comments:

1. William Bowman
2. Laura Haygood
3. Rebecca Reisberg
4. Lynne Flocke
5. Bren Isgitt
6. GiGi Benno
7. Dorothy Knight
8. Jamie Pettit
9. Steve Klepfer
10. Heather Carter
11. Brian Ferrar
12. Candace Bowman
13. Linda Webb
14. Jimmy Alan Hall

DISCUSSION AND POSSIBLE ACTION

A. Discuss and consider possible action to modify the scope of the Central Wimberley Wastewater Project.

Mayor Susan Jagers presented the current plan costs and maintenance projections, with a comparison of moving to Aqua Texas for the Project. Mayor Jagers spoke regarding environmental risks and financial costs for both options.

City Council adjourned into Executive Session at 5:25 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purpose:

Executive Session pursuant to Section 551.071 for consultation with legal counsel.

Regular Session reconvened at 6:27 p.m.

There was lengthy discussion among Council members regarding a change in scope to the Central Wimberley Wastewater Project. Council Member Craig Fore contended he saw issues with both plans, and noted he was struggling with a decision. Mr. Fore also stated that

affordability and discharge were two important factors in making the decision, and that he was ready to get the Project completed and move forward. Council Member Mike McCullough noted three points of concern for the Project: 1. Environmental, 2. Financial, and 3. User rates, and gave examples of all three points. Mr. McCullough stated he was not in favor of continuation of the Black Castle contract. Council Member Allison Davis voiced concern over the Mayor's plan to move to Aqua Texas, including reuse water for Blue Hole Regional Park being removed from the potential plan. Ms. Davis also noted she still had other concerns regarding the Project, which included an updated rate study, Certificate of Convenience and Necessity (CCN) ownership, capacity concerns, growth and the unexpected consequences of a vote to move to Aqua Texas. She did not believe Aqua Texas was a more environmentally or fiscally responsible choice for the City. Council Member Gary Barchfeld contended the City would forever pollute the Blanco River and Cypress Creek if it continued forward with the current plan for the Project, which allowed discharging into public waterways. Mr. Barchfeld stated the wastewater project had been discussed for years within the community; causing time and money. Mr. Barchfeld noted if the City continued forward with the current plan, there would be overages in cost and maintenance and high utility bills for users. He believed Aqua Texas would provide a cost savings and would not allow for discharge into public waterways. Council Member Patricia Cantu Kelly stated she was in favor of no wastewater discharge and no ad valorem tax. Ms. Kelly also noted the current plan was not fully vetted and shovel ready, with unknown costs, change orders and easements. She stated Aqua Texas is already on the other side of the Cypress Creek, and that Type 1 effluent would benefit all of the Wimberley Valley.

Motion to change the scope of the Central Wimberley Wastewater Project to remove the wastewater treatment plant (WWTP) from the Project was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

B. Discuss and consider possible action to cancel the contract with Black Castle General Contractor.

Attorney Jeff Chapman of the Chapman Firm, who had been working with the City Attorney, advised Council the City had expressed its intent and desire to terminate Black Castle from the Central Wimberley Wastewater Project during Executive Session and the previous action taken to modify the scope of the Project. Mr. Chapman, as legal counsel, recommended the City move to terminate Black Castle, with respect to its continued performance at the wastewater treatment plant project, and further and to that end, the City instruct its legal counsel to pursue discussions with Black Castle and to draft any documentation necessary to effect termination of the contract, in accordance with the contract and contract terms, and in the manner that is most advantageous to the City.

Motion accept the advice of legal counsel for termination of the Black Castle contract was made by Council Member Craig Fore. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried as follows (4-1):

Mike McCullough	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Aye
Allison Davis	Nay

ADJOURNMENT

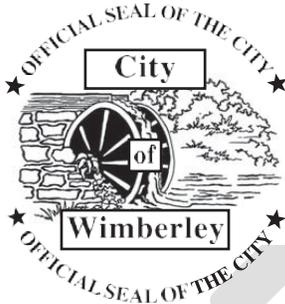
Motion to adjourn the meeting at 7:04 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan B. Jagers, Mayor





City of Wimberley

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

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, SEPTEMBER 4, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagggers called the meeting to order at 5:30 p.m.

CALL OF ROLL

Council Members Present: Susan Jagggers Mayor
Mike McCullough Place One
Craig Fore Place Two
Gary Barchfeld Place Four
Patricia Cantu Kelly Place Five
Council Members Absent: Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator
Rebecca Manning Parks Director

BUDGET WORKSHOP

City Administrator Shawn Cox presented Council the Fiscal Year (FY) 2019 Budget, with the General Fund and the Wastewater Fund being the focus. There would be another workshop held later in September to review the FY 2019 Budget before adoption. No action was taken.

ADJOURNMENT

Motion to adjourn the meeting at 7:05 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

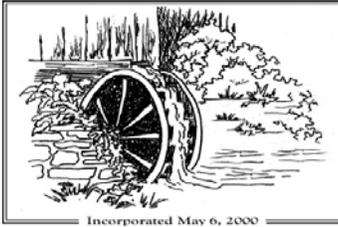
RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan B. Jagggers, Mayor





City of Wimberley

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

POSTPONED REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, SEPTEMBER 11, 2018 – 5:30 P.M.

MINUTES

CALL TO ORDER

Mayor Susan Jagers called the meeting to order at 5:30 p.m.

CALL OF ROLL

Council Members Present: Susan Jagers Mayor
Mike McCullough Place One
Gary Barchfeld Place Four
Patricia Cantu Kelly Place Five

Council Members Absent: Craig Fore Place Two
Allison Davis Place Three

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Rebecca Manning Parks Director

INVOCATION

Council Member Gary Barchfeld gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PROCLAMATION

Mayor Susan Jagers read aloud a Proclamation of the City of Wimberley, Texas proclaiming the month of September 2018 as Hunger Action Month in Wimberley. Hays County Food Bank Board President Jamie Lee Case accepted the proclamation on the organization's behalf.

PRESENTATION AND POSSIBLE ACTION

Fix Hays County Representative Kate Shaw presented Council information regarding a 90% "No Kill" policy for the San Marcos Regional Animal Shelter. Ms. Shaw asked for Council's support for the initiative. There were several citizen's comments in support of the policy, which are attached to these minutes for the record.

Motion to approve Resolution No. 25-2018, supporting a "No Kill" policy for the San Marcos Regional Animal Shelter, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

CITIZENS COMMUNICATIONS

William Bowman addressed Council regarding the consequences of the Central Wimberley Wastewater Project, and how a move to the Aqua Texas plan would not allow for reused wastewater at Blue Hole Regional Park.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:06 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

- A. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

Regular Session reconvened at 6:56 p.m.

No action was taken.

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

- A. Approval of minutes from the Special City Council Meeting held August 7, 2018.
- B. Approval of minutes from the Special City Council Meeting held August 14, 2018.
- C. Approval of minutes from the Regular City Council Meeting held August 16, 2018.
- D. Approval of minutes from the Special City Council Meeting held August 21, 2018.
- E. Approval of the resignation of Traci Ferguson from the Hotel Occupancy Tax Advisory Committee.
- F. Approval of the appointment of Craig Calley as the Merchants Association Representative to the Hotel Occupancy Tax Advisory Committee.
- G. Approval of Place Two Council Member Craig Fore's appointment of John Urban to Wastewater Ad Hoc Advisory Committee.
- H. Approval of the Chapman Firm, PLLC provide legal services to the City of Wimberley.
- I. Approval of Fiscal Year 2019 City of Wimberley Holiday Schedule.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated regarding the status of the Central Wimberley Wastewater Project and City road projects. Mr. Cox noted the signage that had been placed near Old Kyle Road for construction of the Project during the next couple of weeks, as well as financials for the Project.

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding revisions to the City of Wimberley Parks Master Plan.

Parks Director Rebecca Manning presented the revisions to the City of Wimberley Parks Master Plan. The main changes were grammatical in nature, but other notable changes were updated census information, five-year revisions to the Plan, rearrangement of goals and building a dog park. There was discussion on the potential dog park for the community.

Motion to approve the revisions to the City of Wimberley Parks Master Plan was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

- B. Discuss and consider possible action regarding local Scout troops camping access to the swim lawn at Blue Hole Regional Park.

Parks Director Rebecca Manning advised Council on the local Scout troops' request to utilize the Blue Hole Regional Park swim lawn as a location for an annual camping trip.

Motion to approve local Scout troops camping access to the swim lawn at Blue Hole Regional Park once a year was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).

- C. Discuss and consider possible acting regarding a request to operate a food trailer at 411 FM 2325 in Wimberley, Texas.

Henry and Lisa Hosey, owners of Enrico's Blaze, addressed Council regarding their request to operate a food trailer at 411 FM 2325 at Odie's Place. Council Member Patricia Cantu Kelly recused herself from the discussion and motion.

Motion to approve the request to operate a food trailer at 411 FM 2325 in Wimberley, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried as follows (2-0-1):

Mike McCullough	Aye
Gary Barchfeld	Aye
Patricia Cantu Kelly	Recused

- D. Discuss and consider possible action regarding the Hotel Occupancy Tax Advisory Committee's sunset review process.

Council Member Patricia Cantu Kelly reviewed the sunset review process and recommendation from the Hotel Occupancy Tax Advisory Committee. The Committee's consensus was that the hotel occupancy tax had not been effective, and therefore, should be repealed and a new Tourism Management and Development Committee should be created. Council directed staff to draft ordinances to repeal the hotel occupancy tax, dissolve the Hotel Occupancy Tax Advisory Committee and create the new Tourism Management and Development Committee.

No formal action was taken.

- E. Discuss and consider possible action regarding the hotel occupancy tax.

Motion for staff to draft an ordinance repealing the hotel occupancy tax was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (3-0).

F. Discuss and consider possible action regarding the Hotel Occupancy Tax Advisory Committee's Tourism Plan.

Motion to approve the Hotel Occupancy Tax Advisory Committee's Tourism Plan was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

G. Discuss and consider possible action to consider Chamber of Commerce/Visitor Center contract performance.

Council Member Patricia Cantu Kelly presented background information regarding the Visitor Center Operations Agreement with the City of Wimberley. The Agreement had been terminated by the Chamber in July 2018 and accepted by the City in August 2018. Mrs. Kelly noted only Chamber members in the lodging sector had been represented in Fiscal Year (FY) 2017, and consequently, all funds for FY 2017 given to the Wimberley Valley Chamber of Commerce by the City should be returned by October 1, 2018. There was discussion among Council members on the Agreement and subsequent funding for the Visitor Center. Council also discussed how some of the funds had been used to pay Chamber staff's salaries.

Motion to direct the City Administrator to work with the City Attorney to send a collection letter to the Wimberley Valley Chamber of Commerce by Friday, September 14, 2018, requesting \$38,590 be returned to the City by October 1, 2018 was made by Council Member Patricia Cantu Kelly. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

H. Discuss and consider possible action regarding Hazard Mitigation Grant Program (HMGP) surveys.

City Administrator Shawn Cox presented information on FEMA's Hazard Mitigation Grant Program elevation surveys after the 2015 flood. Five properties still qualified for the Program; four for elevation and one for buyout. The next step in the Program was to have elevation certificates or surveys conducted for the five properties. City Council needed to decide whether to cover twenty-five percent (25%) cost associated with conducting the surveys, which would not exceed \$4,250. There was discussion on splitting the cost and negotiations with the property owners for the surveys.

Motion to expend a max of \$4,250 for FEMA's Hazard Mitigation Grant Program elevation surveys for five properties was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Mike McCullough. Motion carried unanimously (3-0).

CITY COUNCIL REPORTS

A. Announcements – None.

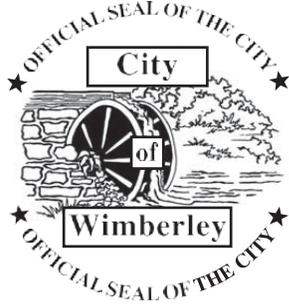
B. Future agenda items – Council Member Gary Barchfeld requested the second City Council Member in December 2018 be cancelled on the next agenda. Also, the upcoming City Council meetings were announced as follows: September 18th – Budget Workshop, September 20th – Regular City Council Meeting and September 25th – Public Hearing to Adopt the FY 2019 Budget.

ADJOURNMENT

Motion to adjourn the meeting at 8:08 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Patricia Cantu Kelly. Motion carried unanimously (3-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan B. Jagers, Mayor

DRAFT

I'm Marcia Sanderson, speaking on behalf of trap-neuter-return-maintain for community cats, a proven way to decrease the kill rate for cats in municipal shelters. Last year, 69% of the cats taken in by the San Marcos shelter were destroyed. TNRM is high on the list of strategies that can be employed to significantly reduce this number. Here in Wimberley, we have an active program to address the problem of overpopulation of community and feral cats. Since 2011 the PAWS Wimberley TNR program has spayed and neutered over 700 outside cats at the request of those who feed them. These cats can be found at businesses, governmental offices, civic groups and homes and are looked after by those groups. All have the notched left ear that demonstrates that they have been neutered, vaccinated and treated for any evident medical conditions. There are also cats that have been through the program that are maintained by our group in colonies in locations approved by the land and business owners. By actively addressing the problems of overpopulation, fewer cats end up in shelters and can live out their lives in the communities where they were born. They are healthier, maintain stable groups and are less likely to be aggressive toward each other. And, if a cat that has been through TNR is taken to the shelter, they are readily identifiable and can be released to the location where they were found rather than be destroyed, knowing that they will not be a part of the reproductive cycle and that it is highly likely that the cat is being looked after.

We are appreciative of the support shown to this program by Wimberley civic groups, businesses and individuals. And, we ask that Wimberley, as a part of the area served by the San Marcos shelter, encourage the shelter to develop and fund these kinds of programs here as well as in other locations in Hays County. Our Hays Country cats would be well served through such efforts.

Thank you Mayor Jagers and City Council for this opportunity to comment on the “Fix Hays County” “No Kill” resolution before council today.

My name is Barbara Foss, and I am the current President of the all-volunteer Wimberley Adoption Group and Rescue organization. Most of you probably know us simply as WAG Rescue, and have seen us around town from time to time as we work every day, to rescue, rehabilitate and rehome found and unwanted dogs in Wimberley and the surrounding valley.

Let me say this up front: WAG Rescue is a NO KILL rescue, and we absolutely endorse the resolution proposed by “Fix Hays County” before Council today. We believe that every healthy or treatable animal should be saved.

Make no mistake: Euthanasia as a public policy tool is the “pet murder” of helpless animals who are our companions, our friends, and, for many, members of the family whose only crime is to have somehow become separated from “their people.” To simply treat and discard these animals as having no value diminishes all of us as a community.

As I mentioned earlier, WAG Rescue is “No Kill”, and has been since its inception in 2009. Over that time, we have rehomed over 1,040 dogs of all sizes, shapes and breeds through adoption. When you include dogs that were transferred to other rescues or reunited with their owners through our ongoing publicity and lost and found efforts, WAG Rescue can claim an over 90% “live outcome” rate for all dogs that we have come into our program.

The goal of “Fix Hays County” is a 90% rate, and this has been shown to be achievable by over 1600 communities in the US.

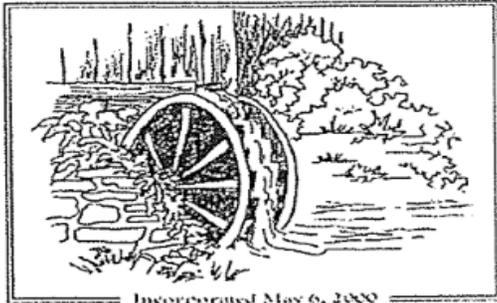
So, how does WAG Rescue do it?

By not simply saying that we are “No Kill”, but by “walking the talk”; housing, fostering, rehabilitating and providing needed medical treatment and preventative care for ALL dogs that come into our custody. We couple this with community outreach, offering free spay/neuter, and continuous visibility in the community; all executed through a combination of sweat, tears and plain hard work by compassionate and caring volunteers, many of whom you see in this room today.

All of these are key components of the broader “No Kill Equation” outlined in the “Fix Hay County” proposal that has been proven, time and time again, to be a cost-effective and humane alternative to the outdated “catch and kill” model. And our real-world experience with it over the last nine years affirms those results.

In closing, I want to reiterate the unwavering support WAG Rescue has for the “Fix Hays County” “No Kill” proposal, and implore the Wimberley City Council to add its voice to protect those who have none.

I thank you for your time and this opportunity to speak.



CITY OF WIMBERLEY

Summary Financial Statements

Ten Months Ended July 31, 2018

City of Wimberley
Balance Sheets
July 31, 2018

	Major Funds					Nonmajor Funds		
	General	Blue Hole	HOT	Wastewater Utility	Wastewater Construction	Municipal Court	BHP Development	FM 2325 Sidwalks
Cash and investments	\$ 1,310,280	597,340	138,022	155,368	4,485,868	4,372	18,750	5,024
Receivables and other	97,414	-	-	618	-	-	-	-
Construction, sinking funds and restricted cash	-	-	-	186,493	604,963	-	-	-
Net investment in fixed assets	-	-	-	754,460	-	-	-	-
Total Assets	\$ 1,407,694	597,340	138,022	1,096,938	5,090,831	4,372	18,750	5,024
Payables	\$ 27,060	6,018	5,900	30,500	193	1,113	-	-
Debt (old)	-	-	-	342,148	-	-	-	-
Debt - TWDB (new)	-	-	-	-	5,255,000	-	-	-
Total Liabilities	27,060	6,018	5,900	372,648	5,255,193	1,113	-	-
Fund Balance	1,380,634	591,323	132,122	724,290	(164,362)	3,258	18,750	5,024
Total Liabilities and Fund Balance	\$ 1,407,694	597,340	138,022	1,096,938	5,090,831	4,372	18,750	5,024

Note:

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

City of Wimberley
Revenues and Expenditures - General Fund

Ten Months Ended July 31, 2018

	7/31/2018	YTD	2018 Budget	YTD % Budget 83%
Revenues				
Sales taxes	\$ 94,852	679,860	848,918	80%
Mixed beverage tax	3,620	8,149	15,750	52%
Franchise tax	38,891	198,847	278,250	71%
Permit fees	7,569	59,702	55,000	109%
Grant funds	-	-	-	-
Service fees	3,839	50,409	73,500	69%
Community Center rental fees	5,015	40,747	50,000	81%
Other income	690	14,441	5,200	278%
Total Revenues	154,477	1,052,155	1,326,618	79%
Expenditures				
Administration	337,553	669,958	696,335	96%
Administration - Legal	(5,066)	142,978	105,000	136%
Council/Board	1,820	34,516	42,325	82%
Building	1,800	31,806	42,500	75%
Public Safety	3,016	86,054	94,010	92%
Municipal Court	1,000	5,268	18,200	29%
Public Works	13,004	109,733	118,308	93%
Roads	7,230	51,312	225,500	23%
Waste/Wastewater	2,978	65,518	64,000	102%
Community Center	7,866	79,436	94,690	84%
Nature Trail	910	2,912	2,500	116%
Total Expenditures	372,111	1,279,492	1,503,368	85%
Excess Revenues Over Expenditures	(217,634)	(227,337)	(176,750)	
Transfer Out to Wastewater Fund	-	-	(306,760)	-
Transfer Out to Blue Hole Fund	-	-	-	-
\$ (217,634)	(227,337)	(483,510)		

City of Wimberley
Revenues and Expenditures - Blue Hole

Ten Months Ended July 31, 2018

	7/31/2018	YTD	2018 Budget	YTD % Budget 83%
<u>Revenues</u>				
Gate fees	\$ 135,456	337,994	271,047	125%
Other fees	10,749	51,798	42,500	122%
Miscellaneous	593	8,494	1,150	739%
Total Revenues	146,798	398,285	314,697	127%
<u>Expenditures</u>				
Wages and benefits	29,754	180,982	227,994	79%
Contract services	340	31,667	32,200	98%
Other	8,327	64,226	68,003	94%
Purchase under reclaimed water agreement	-	-	-	-
Capital Outlay	-	6,000	6,500	92%
Operating Transfer Out	-	-	65,543	0%
Total Expenditures	38,421	282,875	400,240	71%
Excess Revenues Over Expenditures	\$ 108,377	115,411	(85,543)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ 108,377	115,411	(85,543)	

City of Wimberley

Revenues and Expenditures - Hotel Occupancy Tax

Ten Months Ended July 31, 2018

	7/31/2018	YTD	2018 Budget	YTD % Budget 83%
Revenues				
Hotel Occupancy Tax	\$ -	-	156,000	0%
Interest income	7	108	-	-
Miscellaneous	-	-	-	-
Total Revenues	7	108	156,000	0%
Expenditures				
Wages & Bennifits	-	-	68,520	0%
Other	-	-	9,000	0%
Contract Services	5,801	80,473	193,507	42%
HOT Disbursements	21,037	88,470	20,000	442%
General Operating Supplies	-	521	-	-
Capital Outlay	-	-	6,000	0%
Total Expenditures	26,838	169,464	297,027	57%
Excess Revenues Over Expenditures	\$ (26,831)	(169,355)	(141,027)	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ (26,831)	(169,355)	(141,027)	

City of Wimberley

Revenues and Expenditures - Wastewater Utility Fund

Ten Months Ended July 31, 2018

	7/31/2018	YTD	2018 Budget	YTD % Budget 83%
<u>Revenues</u>				
Charges for utility services	\$ 9,898	98,980	118,776	83%
Reclaimed water revenues	-	-	-	
Interest	9	94	130	72%
Total Revenues	9,907	99,074	118,906	83%
<u>Expenditures</u>				
Contract Services	27,124	176,582	245,125	72%
Utilities	-	5,431	10,000	54%
Project Manager	-	45,278	175,000	26%
Other Expenses	-	716	-	-
Capital Outlay (debt repayment)	-	31,250	31,250	100%
Wastewater Debt Service - Principal	95,000	95,000	100,510	95%
Wastewater Debt Service - Interest	68,448	71,353	65,543	109%
Total Expenditures	190,572	425,609	627,427	68%
Excess Revenues Over Expenditures	(180,665)	(326,535)	(508,521)	
Transfer In	306,760	306,760	454,516	67%
Net Change in Fund Balance	\$ 126,095	(19,775)	(54,006)	

City of Wimberley

Revenues and Expenditures - Wastewater Collection and Treatment Plant

Ten Months Ended July 31, 2018

	7/31/2018	YTD	2018 Budget	YTD % Budget 83%
Revenues				
Interest revenues	\$ 64	204	-	-
Investment income	5,394	34,345	-	-
WW Bond Reserve Funds	-	243,005	-	-
Total Revenues	5,458	277,554	-	-
Expenditures				
Records management	-	96,845	-	-
Capital outlay	-	345,072	-	-
Other expenses	-	-	-	-
Total Expenditures	-	441,916	-	-
Excess Revenues Over Expenditures	5,458	(164,362)	-	
Transfer in from General Fund	-	-	-	
Net Change in Fund Balance	\$ 5,458	(164,362)	-	

City of Wimberley
Revenues and Expenditures - Nonmajor Funds

Ten Months Ended July 31, 2018

	Municipal Court			BHP Development			FM 2325 Sidewalk		
	7/31/2018	YTD	2018 Budget	7/31/2018	YTD	2018 Budget	7/31/2018	YTD	2018 Budget
Total Revenues	\$ 80	100	3,050	\$ 2	16	40	\$ 0	2	2
Total Expenditures	-	6,900	2,550	-	-	-	-	-	-
Excess Revenues Over Expenditures	\$ 80	(6,800)	500	\$ 2	16	40	\$ 0	2	2
Fund Transfers	-	-	-	-	-	-	-	-	-
Net Change in Fund Balance	\$ 80	(6,800)	500	\$ 2	16	40	\$ 0	2	2



AGENDA ITEM: City Administrator’s Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 17, 2018
MEETING DATE: September 20, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update to Council on the progress of the Central Wimberley Wastewater Project, including construction progress, expenditures to date, and other updates related to the project. Additionally, the City Administrator will provide an update on completed, ongoing, and future City road projects.

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 Zoning ZA-18-007



Summary:

A request to change the zoning of property located at 110 Old Kyle Rd from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2)

Applicant Information:

Applicant: Bert & Julie Ray
Property Owner: Bert & Julie Ray
 115 Sky Ranch Circle
 Wimberley, TX 78676

Subject Property:

Legal Description: 0.44 Acres out of the Amasa Turner Survey, Abs. No. 461
Location: 110 Old Kyle Rd
Existing Use of Property: Commercial
Existing Zoning: C-1
Proposed Use of Property: Commercial
Proposed Zoning: C-2
Planning Area: IV
Overlay District: City Center

Surroundings:

Frontage On: Old Kyle Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C3, PR1	Commercial, Public
S of Property	PF	Public
E of Property	C1	Commercial
W of Property	C2	Commercial

Legal Notice

200' Letters Published: 08/24/2018
Sign Placement: 08/23/2018
Responses: 08/24/2018
 2 supporters; 0 objections

Comments:

The applicants, Bert & Julie Ray, have submitted an application to change the zoning for a tract of land located at 110 Old Kyle Road from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2). The requested zoning change is to allow for more flexibility.

The subject property is 0.44 acres in size. There have been 2 letters of support received from property owner's within the 200' notice area and no objections. On September 13th, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the application.

FOR OFFICIAL USE ONLY

APPLICATION DATE: 14 August 2018 FILE NO. ZA-18-007
 TENTATIVE P&Z HEARING: 9-13-2018 ^{6 pm} TENTATIVE COUNCIL HEARING: 9-20-2018 ^{5:30 pm}
 CITY INITIATED: YES - NO PLANNING AREA: IV ZONING REQUESTED: C-2
 ZONING FEES: \$ 300 DATE PAID: 14 Aug '18 RECEIVED BY: SIF

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

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO 110 OLD KYLE RD Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT
 BE ZONED: 110 OLD KYLE RD PROPERTY ID#: R 18565 **

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

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

ON OLD KYLE ROAD, ONE BLOCK FROM SQUARE
ON RIGHT, BUSINESS: "RANCHO QUESO"

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

1. OWNER'S NAME: BERT & JULIE RAY HOME PHONE: () [REDACTED]
 BUSINESS PHONE: () _____
 FAX: () _____
 E-MAIL: bertray@verizon.net

OWNER'S CURRENT MAILING ADDRESS: 115 SKY RANCH CIRCLE CITY WIMBERLEY STATE TX ZIP 78676
 EMAIL: [REDACTED]

2. AGENT'S NAME: _____ AGENT'S PHONE: () _____
 FAX: () _____
 AGENT'S FIRM NAME: _____ E-MAIL: _____

AGENT'S FIRM MAILING ADDRESS: _____ CITY _____ STATE _____ ZIP _____
 EMAIL: _____

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 0.44 (OR) SQ.FT. - TOTAL NO. of TRACTS: 1

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

PROPOSED USE(S): BUSINESS - MERCHANT

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

7. LEGAL DESCRIPTION

Street Address: 110 OLD KYLE ROAD Subdivision: -

Block(s) - Lot(s) -

Plat Book: - Page Number: -

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

VOLUME: 2680 PAGE: 820 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) VILLAGE CENTER

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): NONE

C. ELECTRIC UTILITY PROVIDER : PEC

WATER UTILITY PROVIDER: WWSC

WASTEWATER UTILITY PROVIDER: -

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): -

Related Cases, If Applicable

- Zoning File No. _____
- Building Permit File No. _____
- Subdivision File No. _____
- Sign Permit File No. _____
- Engineered construction File No. _____

SITE INSPECTION AUTHORIZATION

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

Date: AUG 9, 2018 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE —

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

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 110 OLD KYLE ROAD, and more particularly known as Lot —, Block — of the — Subdivision.

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

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

Date: AUG. 9, 2018 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

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

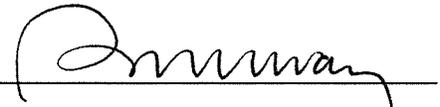
- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses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

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

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

Date: AUG 9, 2018

APPLICANT SIGNATURE



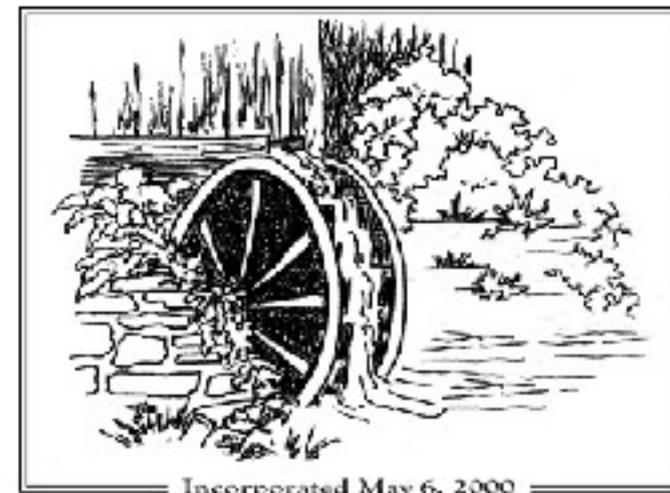
WHEN APPLICABLE:

Date: —

AGENT SIGNATURE

 —

ZA-18-007 ~ 110 Old Kyle Rd



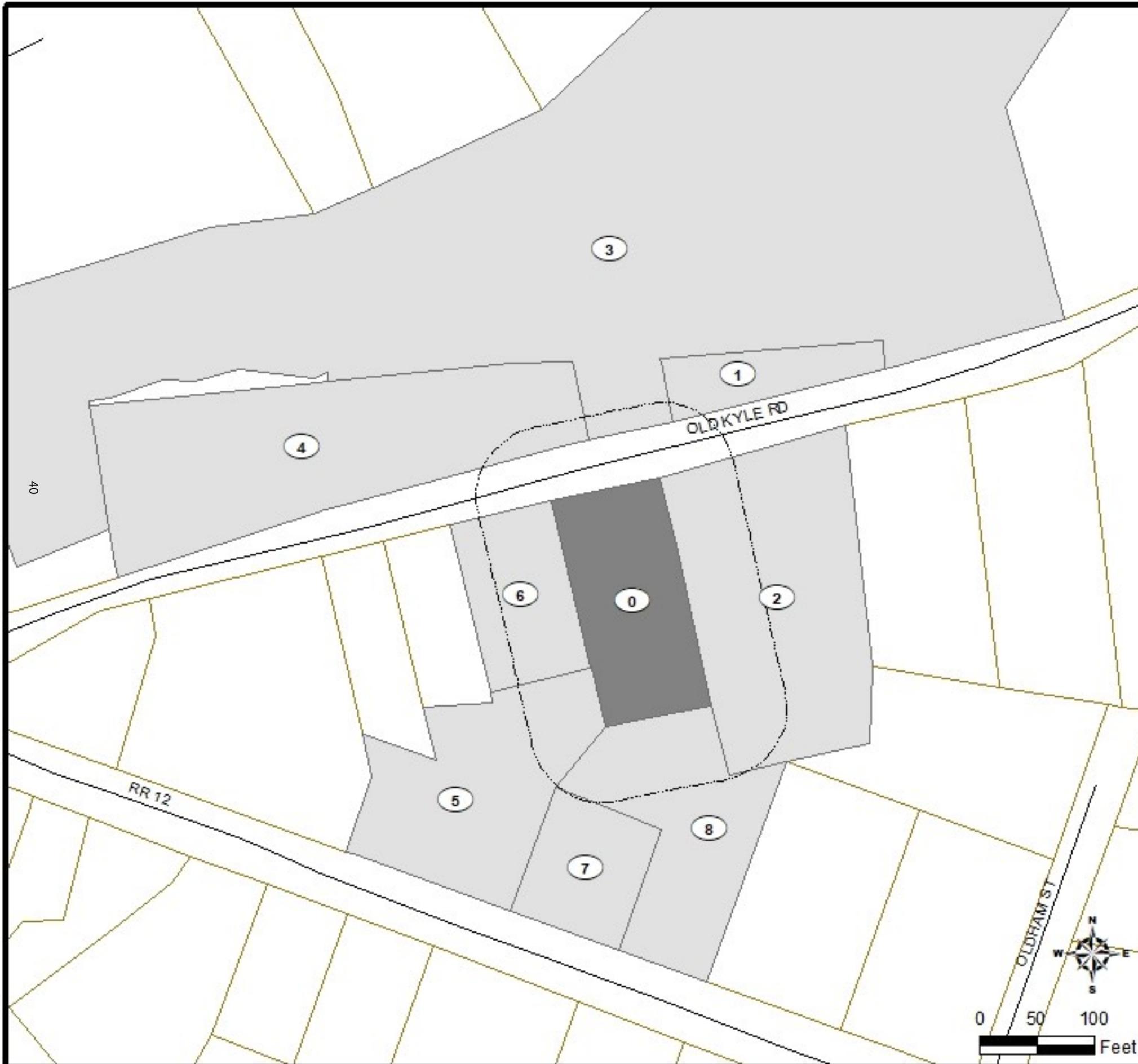
200' NOTIFICATION

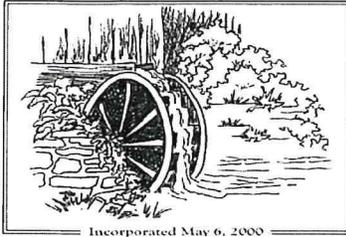
Legend

--- 200' Buffer

ID. Owner

- 0. RAY BERT E & JULIE L
- 1. BACHERS, MICHAEL
- 2. BILLINGSLEY, CLAIRE M
- 3. CITY OF WIMBERLEY
- 4. LUMBERYARD SB1 LLC
- 5. SANDER ALBERT & JEAN
- 6. SANDER ALBERT A & JEAN A
- 7. WIMBERLEY CHRISTIAN CHURCH
- 8. WIMBERLEY CHRISTIAN CHURCH





City of Wimberley

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

August 24, 2018

NOTICE OF PUBLIC HEARING

Re: File No. ZA-18-007
110 Old Kyle Road

Dear Property Owner:

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

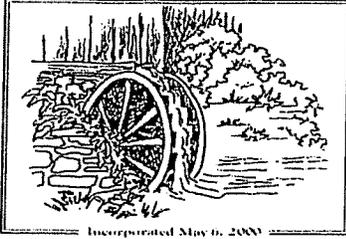
The applicants, Bert & Julie Ray, are proposing to change the zoning from **Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2)** for property located at 110 Old Kyle Road. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, September 13, 2018, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, September 20, 2018, at 5:30 p.m.**

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

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

Thank you,

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



City of Wimberley

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

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

www.cityofwimberley.com

NOTICE BY SIGN POSTING

Date: 8/24/18

Zoning No: ZA-18-007

Owner _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 110 Old Kyle Rd

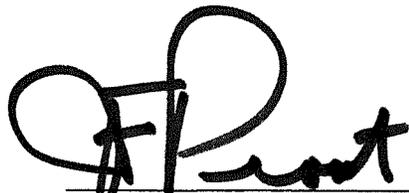
located on _____

~~Public Works/ Code Enforcement~~

Public Works/ Code Enforcement

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

8/24, 2018


Signature



**PROPOSED ZONING
PUBLIC HEARING NOTICE**
Proposed Action:
C-1 to C-2
Application Number: **ZA-18-007**
Date & Time of Hearing: 9-13-18 @ 6 pm & 9-20-18 @ 5:30 pm
Hearing Location: City Hall
221 Stillwater
For Further Information Call: (512) 847-0025



City of
Wimberley
Do Not Remove





The Wimberley CLASSIFIED

P.O. Box 49 Wimberley, Texas 78676

**Public
Notice**

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Beer Retailer's Permit with a Retailer's On-Premise Late Hours License by CWC Events LLC dba The Terrace Club to be located at 2600 E. HWY 290, Dripping Springs, TX 78620. Officers of said corporation are Anne Hunter Connor, manager.

PUBLIC NOTICE

The City Council of the City of Dripping Springs passed and approved Ordinance No. 2018-18 on August 14, 2018, to be effective upon publication.

ORDINANCE No. 2018-18

AN ORDINANCE AMENDING CHAPTER 26, APPENDIX "C", OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING REGULATIONS FOR A MASTER SIGN PLAN FOR THE BELTERRA COMMERCIAL SUBDIVISION; PROVIDING FOR THE FOLLOWING: RULES: STANDARDS: PROCEDURES:

**Public
Notice**

**Public
Notice**

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, September 13, 2018, at 6:00 p.m. to consider the following: ZA-18-007 - a request to change the zoning from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) for property located at 110 Old Kyle Rd. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, September 20, 2018, at 5:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (sflloyd@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**

**Public
Notice**

PUBLIC NOTICE

THE STATE OF TEXAS

THE COUNTY OF HAYS

TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF MILDRED JEAN LIGHTFOOT, DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 18-0197-P

The undersigned Independent Executor of the Estate of MILDRED JEAN LIGHTFOOT, Deceased, of Hays, County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause No. 18-0197-P, on the 13th day of August 2018, hereby notifies all persons indebted to said Estate to make payment, and those having legal claims against said Estate to present them within the time prescribed by law to the address below. Dated this 14th day of August, 2018. John Raymond Lightfoot, Independent Executor of the Estate of MILDRED JEAN LIGHTFOOT, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.

NOTICE OF MEETING PLACES

TO THE RESIDENTS AND TAXPAYERS OF DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT AND TO ALL PERSONS INTERESTED IN THE MEETINGS OF THE BOARD OF DIRECTORS OF SUCH DISTRICT:

**General Help
Wanted**

**General Help
Wanted**

Hill Country MHDD Centers
HILL COUNTRY MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CENTERS

Sandra Floyd

From: Buck Baccus [REDACTED]
Sent: Wednesday, August 29, 2018 2:28 PM
To: Sandra Floyd
Cc: Mayor; Place1; Place2; Place3; place4@cityofwimberley.com; Place5
Subject: 110 Old Kyle Road - Zoning Request

Sandy,

I'm writing to express our support for the zoning case before you involving the property at 110 Old Kyle Road. We own The Lumberyard (a property almost directly across the street) and understand the property owner is seeking a zoning upgrade to C-2. We think the upgrade is appropriate for Old Kyle Road and consistent with uses found in our area. We would support the approval of this request.

Please let me know if you need any additional information. I would like to copy the Planning Commission but the email addresses are not available. Maybe you can share?

Thanks!

Buck

M. Buckner Baccus
Baccus Capital Investments
111 Old Kyle Road, Suite 204
Wimberley, Texas 78676

[REDACTED]

www.BaccusCI.com
www.cummingsbaccus.com

[REDACTED]

Sandra Floyd

From: Al Sander [REDACTED]
Sent: Tuesday, September 4, 2018 1:11 PM
To: Sandra Floyd
Subject: Zoning change 110 Old Kyle road

Mayor Jagers, Planning and Zoning, and Council,

My name is Al Sander and I own the property next to 110 Old Kyle Road that is requesting a change in their zoning to C 2. I support this change and hope you will consider approving the change. It will be beneficial to the neighborhood.

Thanks you,

Al Sander

221 Old Kyle Road

155.047 COMMERCIAL - LOW IMPACT; C-1.

(A) *General purpose and description.* The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, free-standing retail structures, and personal service establishments.

(B) *Permitted uses.*

(1) Administrative and professional office:

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

(b) Photography studios, doctors, dentists;

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

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

(e) Research services: limited; and

(f) Office.

(2) Religious assembly;

(3) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

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

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

(12) Adult day care facility;

- (13) Private primary educational services;
- (14) Private secondary educational services;
- (15) Medical services: limited;
- (16) Personal services: limited;
- (17) Bank and savings and loan;
- (18) Accessory uses to the main use; and
- (19) Single-family residence.

(C) *Conditional uses.*

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

- (2) Bank and savings and loan (drive-through);
- (3) Bed and breakfast lodging or Vacation Rental;

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

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

(6) Package store; and

(7) Eating Establishments: sit down, including the sale of beer, wine, or alcohol for on-premise consumption

(D) *Development regulations.*

(1) Minimum lot size: 5,000 square feet.

(2) Maximum building height (as defined in § 155.005):

(a) Primary buildings: not more than 2 stories and not more than 28 feet or 35 feet with gable roof;

(b) Accessory buildings: not more than 18 feet and not more than 1 story;
and

(c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 10 feet;

(b) Secondary street: 10 feet; and

(c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 11,500 square feet.

(7) Maximum floor area: 15,000 square feet.

(E) *Special requirements.*

(1) Open storage is prohibited.

(2) For site plan requirements, see § 155.077.

(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

(F) *Other regulations.* As established in §§ 155.075 et seq., development standards.

(G) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(Ord. 2001-010, § 26, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

§ 155.048 COMMERCIAL - MODERATE IMPACT; C-2.

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

(B) *Permitted uses.*

- (1) Administrative and professional office:
 - (a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - (b) Photography studios, doctors, dentists;
 - (c) Non-profit organizations (with certain restrictions);
 - (d) Civic uses (such as City Halls);
 - (e) Research services: limited; and
 - (f) Office.
- (2) Religious assembly;
- (3) Medical services: limited;
- (4) Personal services: general;
- (5) Accessory uses to the main use;
- (6) Retail sales and services: general;
- (7) Retail sales and services: flea market/market day;
- (8) Eating establishments: sit-down; not including the sale of beer, wine, or alcohol for on-premise consumption
- (9) Plant nurseries;
- (10) Emergency shelter and feeding site (humans);
- (11) Communications services: limited (such as studios);
- (12) Commercial/residential;
- (13) Banks and savings and loan associations;
- (14) Funeral and interment services: cremating;
- (15) Funeral and interment services: interring;
- (16) Funeral and interment services: undertaking;
- (17) Animal interment services;
- (18) Private primary educational services;
- (19) Private secondary educational services; and
- (20) Single-family residence.

(C) *Conditional uses.*

- (1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;
- (2) Personal services: limited;
- (3) Gasoline sales: limited;
- (4) Automotive washing;
- (5) Personal storage;
- (6) Bed and breakfast lodging;
- (7) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and
- (8) Eating establishments: fast food with drive-through order windows.
- (9) Eating establishments: sit-down, including the sale of beer, wine and alcohol for on-premise consumption

(10) Package store; and

(11) Liquor store

(D) *Development regulations.*

(1) Minimum lot size: 5,000 square feet.

(2) Maximum building height (as defined in § 155.005):

(a) Primary buildings: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Accessory buildings: not more than 18 feet and not more than 1 story; and

(c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 15 feet;

(b) Secondary street: 15 feet; and

(c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious coverage: 70%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 15,000 square feet.

(7) Maximum floor area: 20,000 square feet.

(E) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(F) *Special requirements.*

(1) For site plan requirements, see § 155.077.

(2) Open storage is prohibited; however, periodic display of seasonal items (such as Christmas trees, pumpkins, and the like) is allowed during the appropriate time periods.

(3) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.

(G) *Other regulations.* As established in §§ 155.075 et seq., development standards. (Ord. 2001-010, § 27, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

ORDINANCE NO. 2018-37

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 110 OLD KYLE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM COMMERCIAL LOW IMPACT (C-1) TO COMMERCIAL MODERATE IMPACT (C-2); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

WHEREAS, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

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

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

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City’s Code of Ordinances and have concluded that the requested zoning designation is consistent with established City policy and in the public interest; and

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

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

THAT the 0.440 acres out of the Amasa Turner Survey, Abstract No. 461, in Wimberley, Hays County, Texas, commonly known as 110 Old Kyle Road, and more particularly described on the attached Exhibit "A", incorporated by reference for all purposes, is hereby designated from Commercial-LowImpact (C-1) to Commercial-Moderate Impact (C-2) zoning classification.

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

ARTICLE II. ZONING DISTRICT MAP

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

ARTICLE III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 20th day of September 2018, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

0.440 ACRE OF LAND
OUT OF THE AMASA TURNER SURVEY, ABSTRACT No. 461,
HAYS COUNTY, TEXAS
LEGAL DESCRIPTION

BEING A TRACT OR PARCEL CONTAINING 0.440 ACRE OF LAND OUT OF THE AMASA TURNER SURVEY, ABSTRACT No. 461, HAYS COUNTY, TEXAS; BEING THAT SAME REAL PROPERTY CONVEYED TO DANIEL MALDONADO DESCRIBED BY WARRANTY DEED RECORDED IN VOLUME 1929, PAGE 295, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 0.440 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO SAID DEED RECORDED IN VOLUME 1929, PAGE 295, O.P.R.H.C.T.):

BEGINNING

at a 1/2-inch iron rod found in the south right-of-way line of Old Kyle Road and marking the north west corner of that certain 0.92 acre tract described by deed recorded in Volume 783, Page 785, O.P.R.H.C.T.; said iron rod also marking the northeast corner of the herein described tract;

THENCE

Southerly, departing the south right-of-way line of said Old Kyle Road and along the east line of said 0.440 acre tract, the following two (2) courses:

- (1) South 11°51'03" East, a distance of 66.26 feet to a 30d nail in concrete found;
- (2) South 11°22'07" East, a distance of 134.88 feet to a fence corner post found marking the south east corner of the herein described tract;

THENCE

South 79°43'18" West, along the south line of said 0.440 acre tract, a distance of 94.32 feet to a 1/2-inch iron rod found in the northeast line of that certain 0.67 acre tract described by deed recorded in Volume 2260, Page 274, O.P.R.H.C.T.; said iron rod also marking the southwest corner of the herein described tract;

THENCE

North 12°00'00" West, along the west line of said 0.440 acre tract, a distance of 200.73 feet to a 1/2-inch iron rod found in the aforesaid south right-of-way line of Old Kyle Road and marking the northeast corner of that certain 0.31 acre tract described by deed recorded in Volume 1919, Page 815, O.P.R.H.C.T.; said iron rod also marking the northwest corner of the herein described tract;

THENCE

North 79°27'15" East, along said south right-of-way line of Old Kyle Road, a distance of 95.97 feet to the POINT OF BEGINNING and containing 0.440 acre of land.

9/10/04
DATE

RJA
RUDOLF J. PATA, JR. RPLS #5388

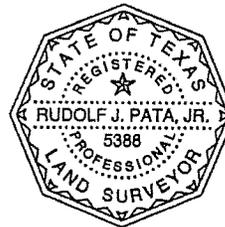


EXHIBIT "A"

Driftwood Surveying Professional Land Surveyors P.O. Box 379 Wimberley, TX 78676 PH. (512) 847-7222 FAX (512) 847-7372 www.driftwoodsurveying.com	METES AND BOUNDS		
	LEGAL DESCRIPTION 0.440 ACRE OF LAND OUT OF THE AMASA TURNER SURVEY, ABSTRACT No. 461, VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS		
	ADDRESS 110 OLD KYLE ROAD, WIMBERLEY, TEXAS		
	PREPARED FOR: DUPRE66	TITLE CO. FILE No. 20409012 COMMITMENT No. 20409012	DATE 09-10-04 PROJECT No. HC16504



AGENDA ITEM: Temporary Signage for Barnabas
SUBMITTED BY: John Provost
DATE SUBMITTED: September 14, 2018
MEETING DATE: September 20, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Request approval for four (4) temporary signs promoting the fund-raiser 5-K Run-Walk for Barnabas Connection in Blue Hole Park. The four sign locations are at 706 FM 2325, The Vineyard Shops, at the RV Park on 3237 at Old Kyle Road and on the Winters Mill Fence at the Community Center. Signs will remain in place until the race of over on October 20, 2018.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

Approval



AGENDA ITEM: Ordinance No. 2018-34
SUBMITTED BY: Patricia Cantu Kelly
DATE SUBMITTED: September 14, 2018
MEETING DATE: September 20, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Attached is Ordinance No. 2018-34, repealing the hotel occupancy tax. This Ordinance will repeal Ordinance No. 2015-017, Section II (Hotel Occupancy Tax), Ordinance No. 2017-004, Ordinance No. 2018-02, and Ordinance No. 2018-17.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

ORDINANCE NO. 2018-34

“REPEALING THE HOTEL OCCUPANCY TAX”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, REPEALING THE HOTEL OCCUPANCY TAX WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council ("Council") of the City of Wimberley ("City") finds that it is appropriate to repeal the hotel occupancy tax within the corporate and extraterritorial limits of the City; and

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

SECTION I. FINDINGS OF FACT

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

SECTION II. REPEAL

Ordinance No. 2015-017, Section II (Hotel Occupancy Tax), Ordinance No. 2017-004, Ordinance No. 2018-02, and Ordinance No. 2018-17 are hereby repealed in their entirety.

SECTION III. SAVINGS

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

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

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

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 20th day of September, 2018.

Susan B. Jagers, Mayor

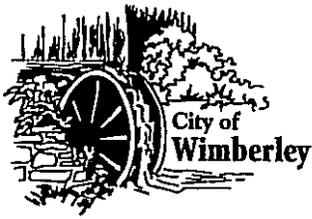
ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Ordinance No. 2018-35
SUBMITTED BY: Patricia Cantu Kelly
DATE SUBMITTED: September 14, 2018
MEETING DATE: September 20, 2018

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Attached is Ordinance No. 2018-35, dissolving the Hotel Occupancy Tax Advisory Committee. This Ordinance will repeal Ordinance No. 2015-017, Section III (Hotel Occupancy Tax Advisory Committee), Ordinance No. 2017-020, Ordinance No. 2018-26, and Ordinance No. 2018-32.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

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

STAFF RECOMMENDATION

ORDINANCE NO. 2018-35

“DISSOLVING THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE”

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, DISSOLVING THE HOTEL TAX ADVISORY COMMITTEE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council ("Council") of the City of Wimberley ("City") finds that it is appropriate to dissolve the Hotel Occupancy Tax Advisory Committee; and

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

SECTION I. FINDINGS OF FACT

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

SECTION II. REPEAL

Ordinance No. 2015-017, Section III (Hotel Occupancy Tax Advisory Committee), Ordinance No. 2017-020, Ordinance No. 2018-26, and Ordinance No. 2018-32 are hereby repealed in their entirety.

SECTION III. SAVINGS

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

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided,

however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 20th day of September, 2018.

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

