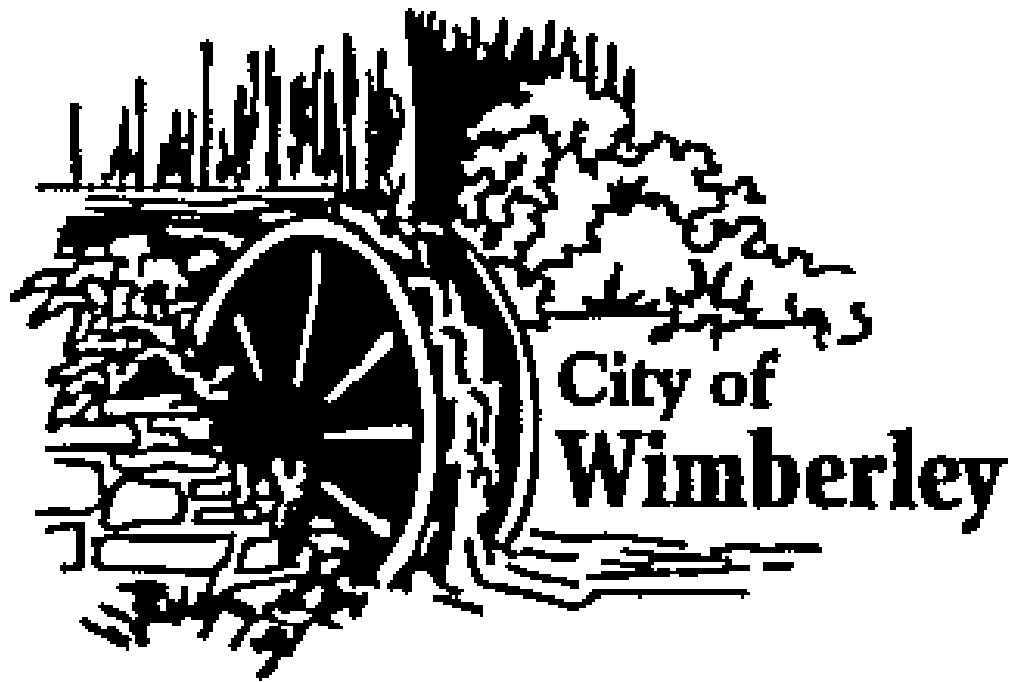
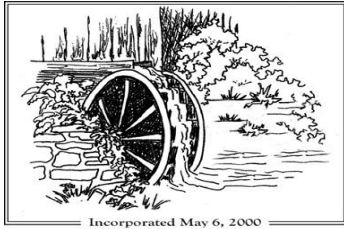




REGULAR CITY COUNCIL MEETING PACKET

Thursday, September 19, 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, SEPTEMBER 19, 2019 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** September 19, 2019 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION** Chapel in the Hills Reverend, Jim Denham
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**
Presentation and consider possible action regarding the Cypress Creek Nature Preserve and Trail Master Plan.
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 September 5, 2019.
- B. Approval of minutes from the Special Joint City Council, Comprehensive Plan Review Team and Downtown District Committee Meeting held September 10, 2019.
- C. Approval of Place Two Council Member Craig Fore's reappointment of Charles Savino to the Planning and Zoning Commission.

10. BOARD, COMMISSION, COMMITTEE REPORTS

- A. Report from the Transportation Advisory Board (*TAB Chairperson Bobby Dettmer*)
- B. Report from the Downtown District Committee (*Committee Chairperson Teresa Shell*)

11. CITY ADMINISTRATOR REPORT

Update regarding City sales tax, communication networks 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-19-003, an application for a Conditional Use Permit to allow for the operation of a bed & breakfast on property zoned Residential Acreage (RA) located at 2595 Flite Acres 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. (*Wendy Phillips*)
- B. Hold a public hearing and consider approval regarding case CUP-19-010, an application for a Conditional Use Permit to allow for the operation of a bed & breakfast on property zoned Single-Family Residential 2 (R-2) located at 3020 Flite Acres 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. (*Mike & LeeAnn Bower*)
- C. Hold a public hearing and consider approval regarding case CUP-19-012, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Low Impact (C-1) located at 216 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. (*Charles Duggan*)
- D. Hold a public hearing and consider approval regarding case ZA-19-007, an application to change the zoning from Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to Commercial-Low Impact (C-1) for property located at 3 Palos Verdes Drive, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Amber Busboom*)

13. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding a request to install a tent for the Wimberley Knights of Columbus annual fundraiser at 14711 RR 12 in Wimberley, Texas. (*Wimberley Knights of Columbus*)

- B. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-27, amending Chapter 4, Article 4.02, Division 2, Residential Building Code. *(City Administrator Shawn Cox)*
- C. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-28, amending Chapter 4, Article 4.02, Division 3, Commercial Building Code. *(City Administrator Shawn Cox)*
- D. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-29, amending Chapter 4, Article 4.02, Division 4, Other Construction Codes. *(City Administrator Shawn Cox)*
- E. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-30, enacting regulatory guidelines for filming within the City limits; empowering the City Administrator to issue film permits pursuant to those guidelines; providing for: enactment; repealer; severability; and proper notice and meeting. *(Place Three Council Member Christine Byrne)*
- F. Discuss and consider possible action to approve Ordinance No. 2019-31, amending Article 2.05 City Officers, Division 1. Generally, to add Section 2.05.001 Mayor; Powers and Duties. *(Place One Council Member Rebecca Minnick)*
- G. 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)*
- H. Discuss and consider possible action to approve Resolution No. 16-2019, supporting the extension of the Hays County/City of Wimberley hike and bike trail down Blue Hole Lane and Old Kyle Road to downtown. *(Place Three Council Member Christine Byrne)*
- I. Discuss and consider possible action regarding the Hidden Valley Bridge fish weir. *(Mayor Susan Jagers)*
- J. Discuss and consider possible action to approve the JustFOIA Contract with MCCi in the amount of \$4,950.00, beginning October 1, 2019. *(City Secretary Laura Calcote)*
- K. Discuss and consider possible action to approve the GovOffice Website Contract in the amount of \$6,700.00, beginning October 1, 2019. *(City Administrator Shawn Cox)*
- L. Discuss and consider possible action to approve the storage container purchase from Pac-Van in the amount of \$3,420.00, beginning October 1, 2019. *(City Administrator Shawn Cox)*
- M. Discuss and consider possible action regarding the Auditor Engagement Letter. *(City Administrator Shawn Cox)*
- N. Discuss and consider possible action to adopt a City of Wimberley Naming Policy. *(City Administrator Shawn Cox)*

- O. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*
- P. Discuss and consider possible action regarding City Council's proposed priorities for Fiscal Year 2020. *(City Administrator Shawn Cox)*

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

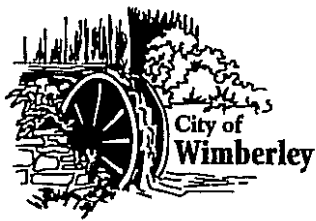
I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, September 16, 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, 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:****Cypress Creek Nature Trail & Preserve Master Plan****SUBMITTED BY:**

Daniel Alvarado, Wimberley Valley Watershed Association

DATE SUBMITTED:

9/09/19

MEETING DATE:

9/19/19

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This document intends to establish a long term management and development plan for the Cypress Creek Nature Preserve, located in the heart of the City of Wimberley, Texas. The plan will balance the delicate riparian ecology of the preserve, the thoughtful integration with the surrounding parks and property owners, and the significant educational and recreation opportunities the preserve provides for Wimberley's residents and tourists. Due to its proximity to popular town square, the preserve is a crucial component to the city's economy and identity.

The preserve is owned by the City of Wimberley (the City), while the conservation easement is held by the Wimberley Valley Watershed Association (WVWA). Together, WVWA and the City initiated the planning process to address challenges regarding the preserve's consistent management, the ongoing ecological restoration, and the sustainability of the preserve's trail system. In addition, a number of stakeholder groups who manage or develop various aspects of the preserve support the plan to provide a cohesive vision and management plan moving forward.

This plan thus represents a response to a common nexus of challenges in the Texas Hill Country: balancing sensitive water resources with increased demand with community heritage and desires. The authors of this plan hope it to be a model for other natural areas in the region in the future.

REQUESTED ACTION

- Motion ☒
- Discussion ☒
- Ordinance ☐
- Resolution ☐
- Other ☐

FINANCIAL

Budgeted Item ☐Non-budgeted Item ☐

Not Applicable ☒

Original Estimate/Budget: \$

Current Estimate: \$

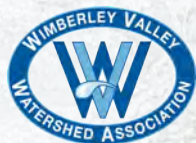
Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Staff recommends to approve this item.

Cypress Creek Nature Preserve Masterplan

Final Draft, for Review



ALVARADO
WORKS



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Project Credits

City of Wimberley

City Mayor: Susan Jagers

City Council Members: Place 1: Rebecca Minnick, Place 2: Craig Fore, Place 3: Christine Byrne, Place 4: Gary Barchfeld, Place 5: Bo Bowman

Parks and Recreation Director: Rebecca Manning (through July 2019), Kelly Schmidt (Current)

City Administrator: Shawn Cox

Wimberley Valley Watershed Association

Executive Director: David Baker

Managing Director: Ashley Waymouth

AlvaradoWorks Planning and Design

Founder and Principal: Daniel Alvarado

Community Stakeholders

Hays County Master Naturalists

Preservers Group

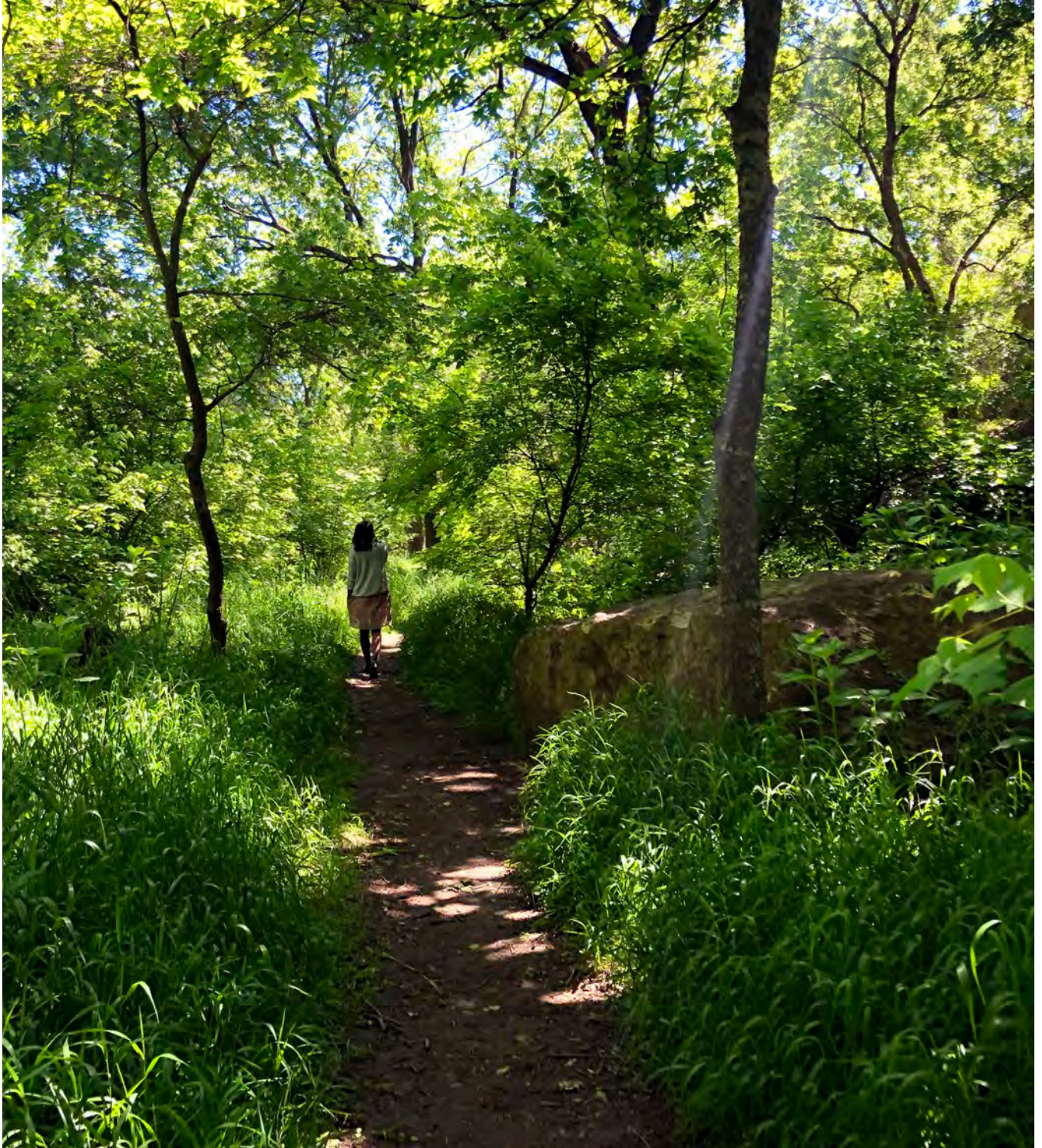
Wimberley Outdoor Educators

Keep Wimberley Beautiful

Wimberley Birding So

...and many more!





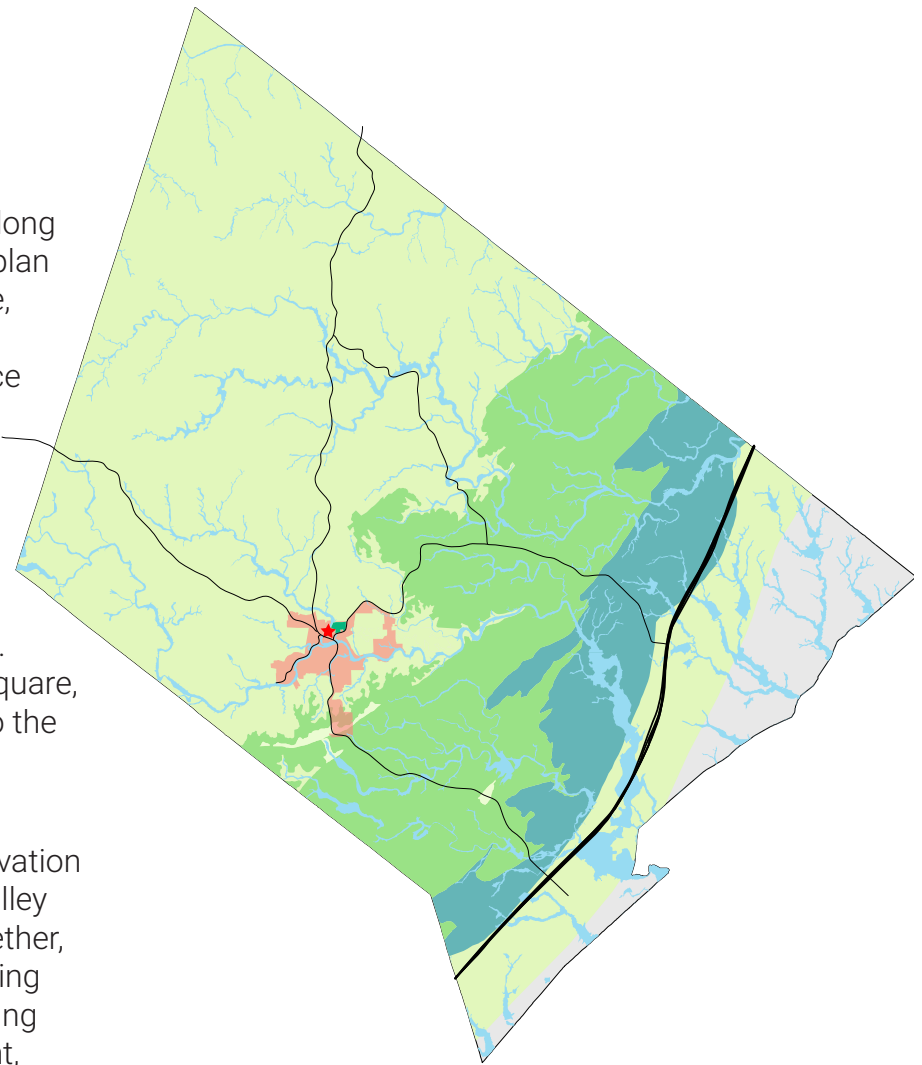
Introduction

This document intends to establish a long term management and development plan for the Cypress Creek Nature Preserve, located in the heart of the City of Wimberley, Texas. The plan will balance the delicate riparian ecology of the preserve, the thoughtful integration with the surrounding parks and property owners, and the significant educational and recreation opportunities the preserve provides for Wimberley's residents and tourists. Due to its proximity to popular town square, the preserve is a crucial component to the city's economy and identity.

The preserve is owned by the City of Wimberley (the City), while the conservation easement is held by the Wimberley Valley Watershed Association (WVWA). Together, WVWA and the City initiated the planning process to address challenges regarding the preserve's consistent management, the ongoing ecological restoration, and the sustainability of the preserve's trail system.

In addition, a number of stakeholder groups who manage or develop various aspects of the preserve support the plan to provide a cohesive vision and management plan moving forward.

This plan thus represents a response to a common nexus of challenges in the Texas Hill Country: balancing sensitive water resources with increased demand with community heritage and desires. The authors of this plan hope it to be a model for other natural areas in the region in the future.



History and Geography

Located in the Hill Country of Central Texas, the Cypress Creek Nature Preserve is part of the complicated hydrology that is unique to the Edwards Plateau. The Preserve's namesake waterway, Cypress Creek, flows eastward through Hays county until it joins the Blanco River, just south of downtown Wimberley. The segment that flows through the nature preserve is kept almost continuously flowing thanks to Jacob's Well, an artesian spring fed by the Trinity Aquifer. Meanwhile, the segment north of Jacob's Well, known as the "dry Cypress," only flows during times of heavy precipitation.



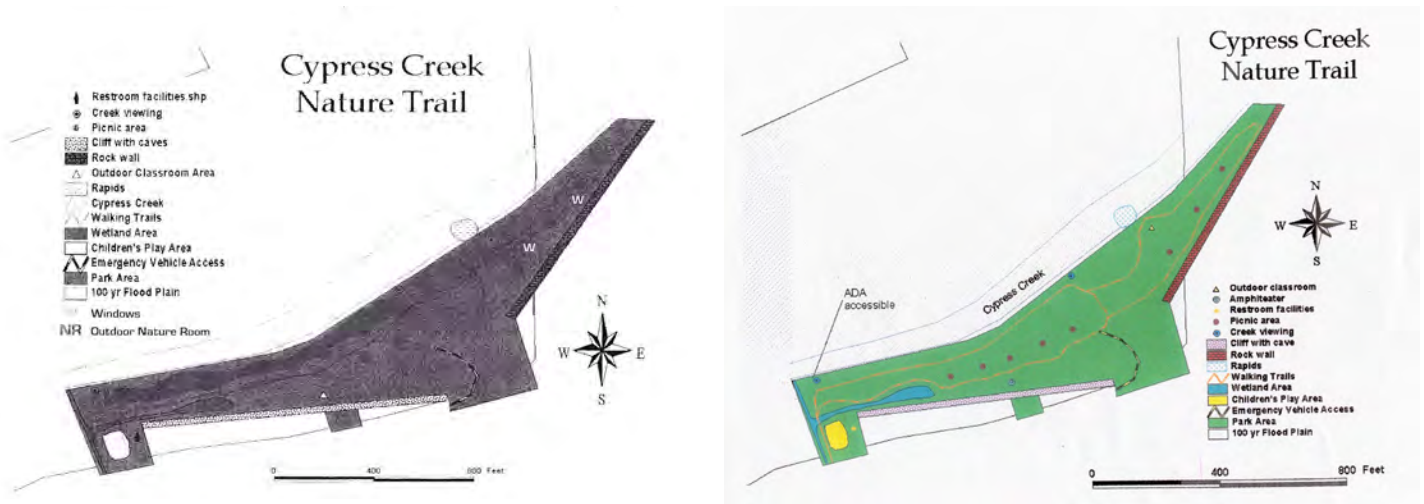
Aerial photo from 1958, depicting downtown Wimberley and surrounding properties, with the rough boundaries of the Nature Preserve have been superimposed. Image from USGS

It is highly likely that the land that is now the Cypress Creek Nature Preserve has supported human habitation for thousands of years. Significant archeological evidence demonstrates that the artesian springs of the Edwards Plateau such as Jacob's Well, San Marcos Spring, Barton Springs, and San Antonio Spring have sustained human habitation for at least 12,000 years, making the region one of the longest continuously occupied places in North America.

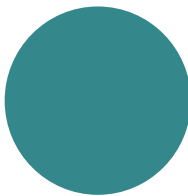
At the time of European colonization, first by the Spanish, and later by Anglos, the area around Wimberley was often a stopping

place for nomadic Native Americans groups. By a stroke of historical luck, the land within the preserve has been preserved in a relatively natural state, despite the City of Wimberley growing up around it.

Directly adjacent to the preserve, a previous landowner cleared a swath of the riparian area to create what was likely a quite productive farm. The farmer also built a low stone wall, along the border of the probable historic flood zone, which today forms the northeastern border of the preserve. The wall is the only significant man made structure within the preserve.

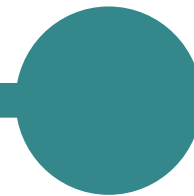
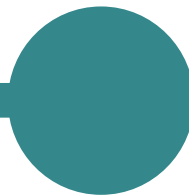


Conservation Easement Adopted 2002



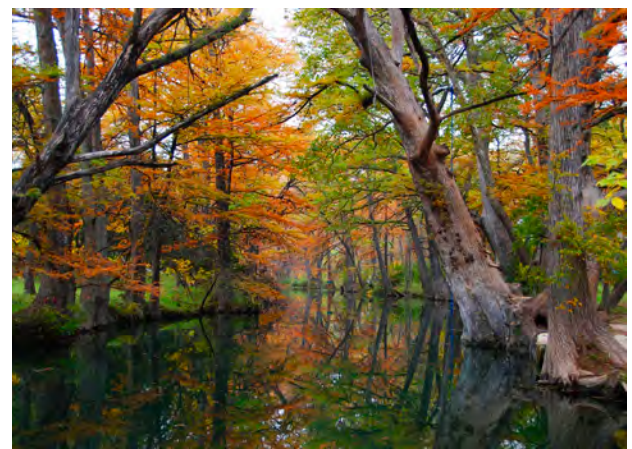
2001

**City
Purchases
Preserve**



2005

**Blue Hole Parkland
Purchased**

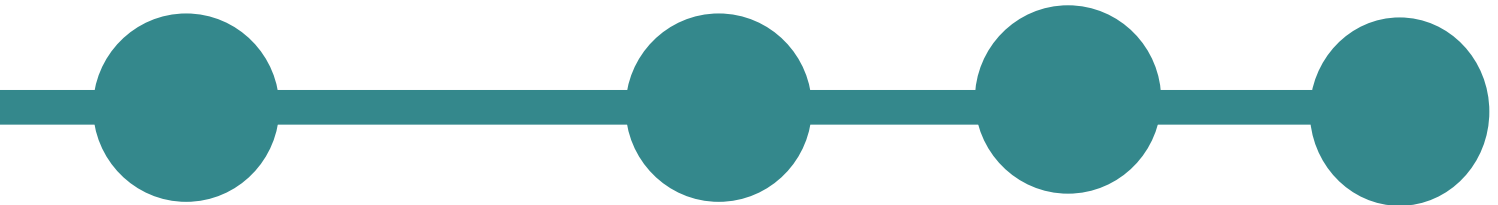




Memorial Day Flood
2015



**Community
Engagement Period**
April 2019



February 2019
**Masterplan
Commissioned**

**Masterplan Draft
Release**

May 2019

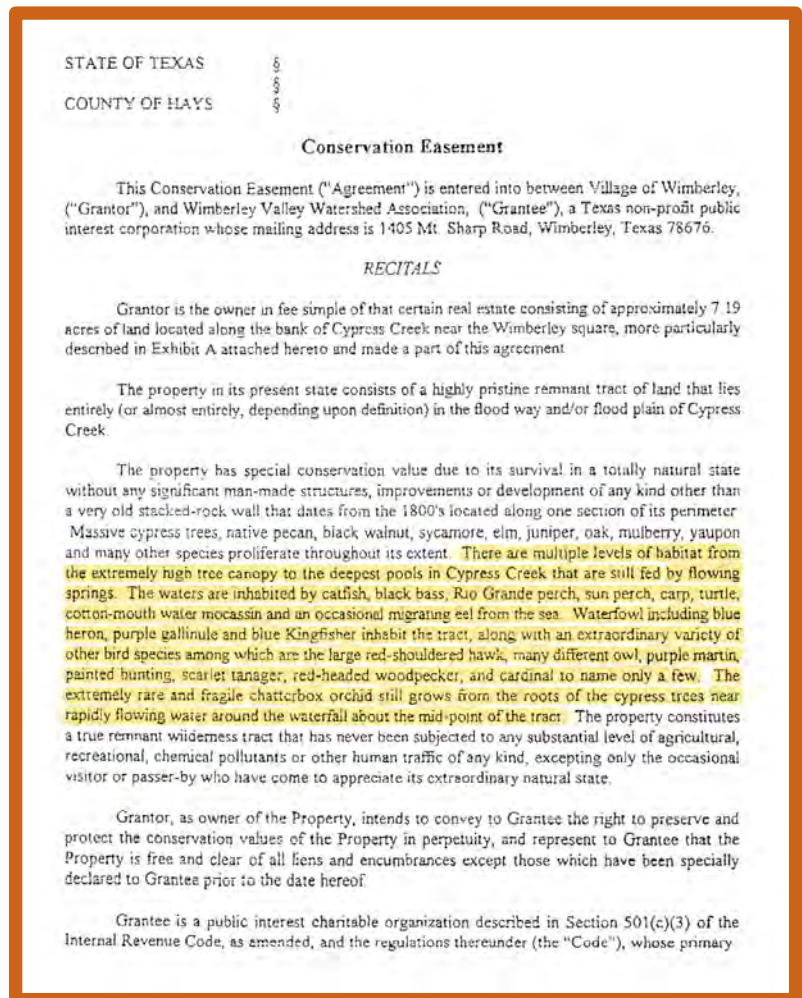


Conservation Easement

The Cypress Creek Nature Preserve is owned by the City of Wimberley, but is managed under a conservation easement held by the Wimberley Valley Watershed Association. The easement was adopted 2002, to ensure the strict protection of the preserve's pristine environment, while effectively interfacing with neighboring land uses.

The conservation easement includes specific stipulations that strictly limit the development and activities that occur within the preserve. These stipulations include:

- Prohibition of any permanent structures in the preserve, except for unobtrusive signage, seating made from natural materials, and certain amenities within the entrance area from the square.
- Any footpath through the preserve must be designed to minimize impact on the preserve's ecology, and be made of permeable material.
- Prohibition of using power tools, motorized vehicles, or any other loud or polluting machines within the preserve, EXCEPT in cases of human health and safety or emergency.
- Prohibition of any artificial light, except within the entrance area.
- Prohibition of the alteration of the preserve's ecology, including clearing, mowing, cutting down native trees, introduction of non-native species, or use of chemical pesticides and herbicides.



- The use of the property for commercial purposes, or any purpose other than those that are educational, recreational, charitable, or archeological.

The conservation easement compliance monitoring is conducted annually by Plateau Land and Wildlife Management. The latest compliance evaluation, conducted on December 20th, 2018 concluded that

"Based on the inspection and information provided in the meeting with the WVWA representative, the owners are not violating any specific restrictions and appear to be in compliance with all aspects of the granted CE."

The full compliance monitoring document is available in the appendix.

Environmental Services

As previously stated, this plan is intended to balance the important conservation value of the preserve with the needs and desires of the Wimberley community. This plan makes clear that these goals are not at odds with each other, and in-fact complimentary. through careful planning and education shifting public



perception to that of a preserve, rather than a park, the City can achieve this balance synergistically.

The Cypress Creek Nature Preserve is central to Wimberley's identity as an oasis of clean, clear water in the Hill Country. As a rare instance of an unspoiled wilderness area in the heart of a developed area, it demonstrates the capacity of Hill Country residents to live in harmony with their ecology. The preserve's value as an example of natural stewardship will undoubtedly grow as the Hill Country

develops, positioning the City of Wimberley as a leader and early adopter of sustainable open space management in the region.

The value of the preserve is far from simply moral or aesthetic, however. In a region increasingly facing environmental challenges such as flooding, drought and public health risks, the preserve performs vital environmental and economic functions for the city. In summary

- The preserve helps prevent flooding in the Wimberley town square, and downstream on the Blanco, by slowing and stabilizing the flow of water during heavy precipitation
- The preserve dense riparian ecology improves groundwater infiltration in the area, reducing the negative effects of drought
- The preserve reduces the environmental effects of urbanization by improving air quality, reducing the heat island effect, which have a positive effect on public health
- The preserve creates a crucial wildlife corridor that support beneficial pollinators, aquatic life, and charismatic mammals
- The preserve provides locals with recreational opportunities, improving people's mental and physical health
- The preserve contributes to the tourism economy by multiplying opportunities in the town square area, and supporting numerous Bed and Breakfast businesses on its northern banks.

Public Engagement

The Cypress Creek Nature Preserve is a vital component to the City of Wimberley's civic identity. In order to craft a masterplan that addresses the concerns of the city, neighbors, and the public at large most effectively, significant public engagement was undertaken. This included:

- A public town hall style meeting
- A public design charrette meeting
- A management coordination meeting between key stakeholders
- City Council updates
- A online survey

The following section describes in detail the outcomes of the public engagement process.

Public Meeting #1: Town Hall 3.30.19

On the morning of Saturday, March 30th, 26 people attended a public town hall style meeting to kick off the public engagement process. The purpose of this meeting was to present the initial findings of the research and analysis portions of this plan, present a first draft of the trail alignment map, and trail design guidelines.

Following the presentation, the audience was asked to critique the existing conditions of the preserve, share their feedback and ask questions about the plan and its process. The feedback was recorded on a large



notepad and categorized as either strengths, opportunities, weaknesses and threats. The feedback was as follows:

Strengths:

- Trail is part of original history of Wimberley
- The preserve is in overall excellent condition, only a few areas of notable degradation

Opportunities:

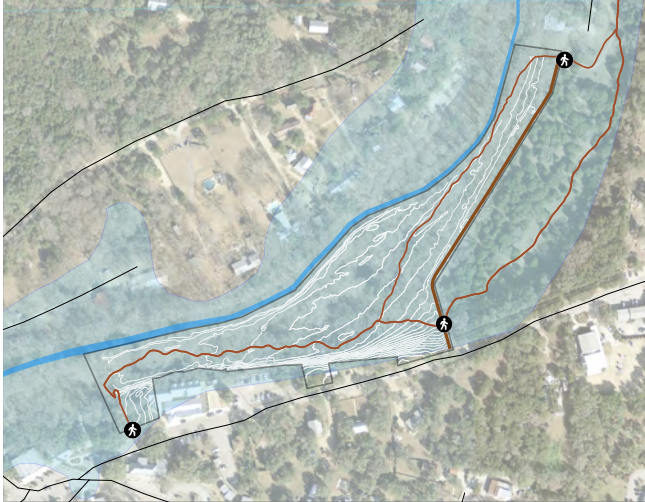
- Birdwatching area off old Kyle Rd
- Nodes for interpretive signage
- More meandering trail in lower section of preserve
- Master naturalists are prepared to conduct regular maintenance

Opportunities:

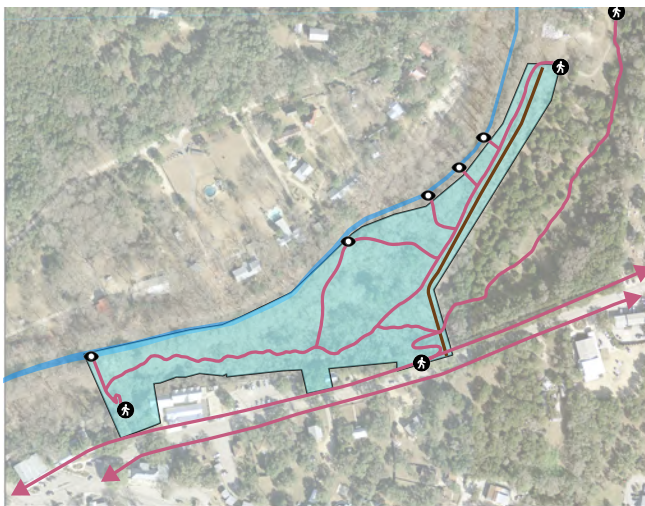
- Birdwatching area off old Kyle Rd
- Nodes for interpretive signage
- More meandering trail in lower section of preserve

Weaknesses:

- Lack of coherent management structure



Existing Conditions as of meeting #1



Trail alignment Draft #1

- trail compaction could lead to more erosion
- Poor access control from Inoz (neighboring property)

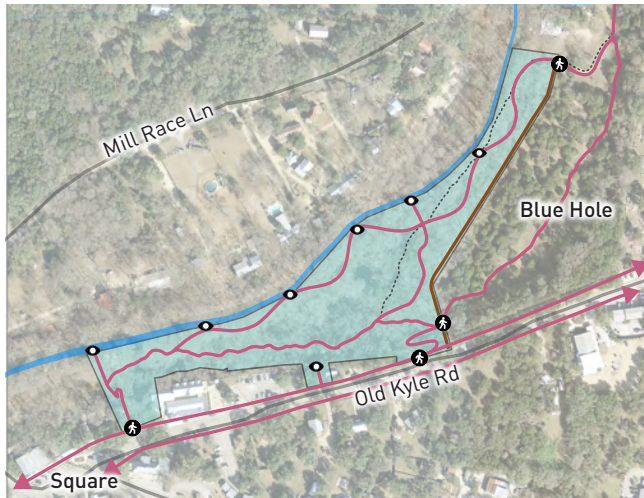
Threats:

- Invasive species such as arundo are very aggressive
- Future flood could damage trees, destabilizing the banks

In response to the trail alignment draft #1 (seen below), the audience expressed support for mitigating erosion zones, but disappointment in the loss of opportunities to walk along creekside, a crucial component of their preserve experience. They requested that the next draft include more trail "meanders" rather than the "nodes" proposed in draft #1.

Public Meeting #2: Charrette 4.11.19

In the evening of April 11th, 2019, roughly 40 people attended a public charrette. The meeting was to again present the initial findings of the research and analysis portions of this plan, present a second draft



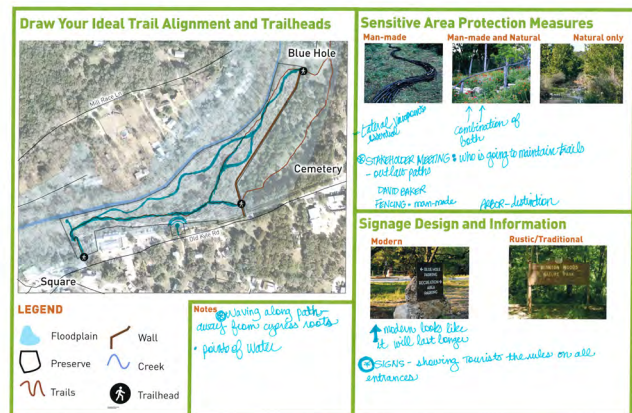
Trail alignment Draft #2

of the trail alignment map, and trail design guidelines.

After the presentation, attendees were asked to participate in a design charrette process in which the attendees were randomly assigned to a small group, where they corroboratively designed solutions for various elements of the masterplan. The

attendees first drew out their ideal solutions on an activity sheet (seen below), and then were asked to consolidate their ideas within their table into one set of solutions, compromising within their group on points of disagreement.

After about 40 minutes of collaboration, each group was asked to present their compromise solutions to the rest of the attendees.



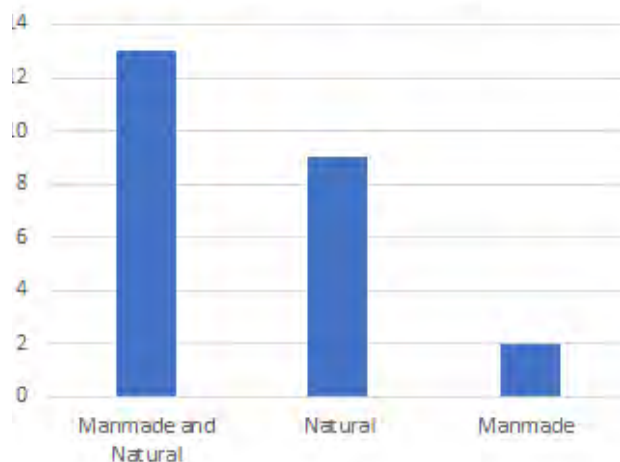
2 of 24 charette responses from Meeting #2

The following charts represent some of the main takeaways from the charrette responses. Note that these charts represent number of times a certain preference was mentioned in the open-ended responses, NOT how many individuals answered in a certain way. The full results of the charrette are included in the appendix.

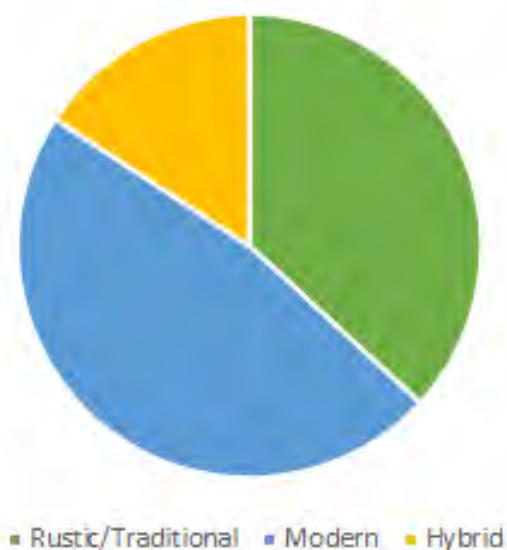
Preserve Accessibility



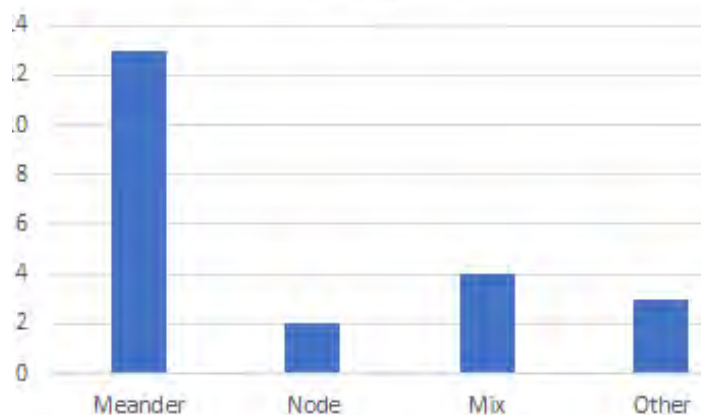
Wilderness Protection Measure



Signage Type

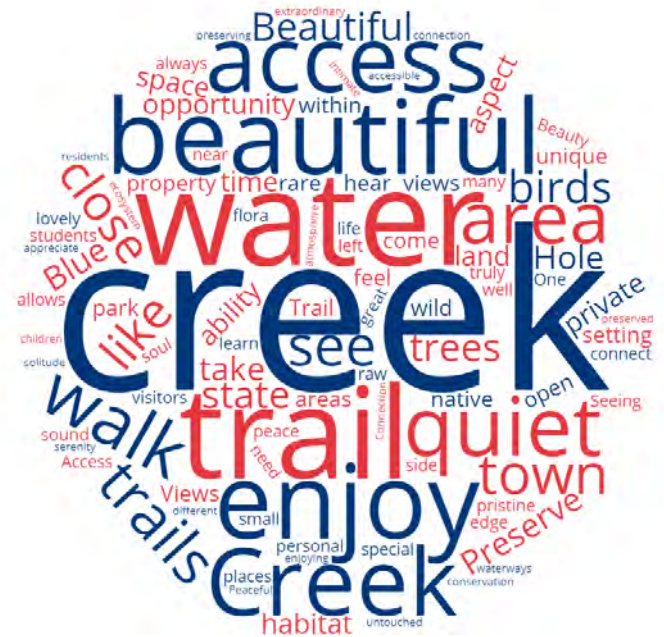


Trail Alignment



In addition to the public engagement meetings, a publicly accessible survey was conducted that asked specific questions regarding the individual use, perceptions and desired future conditions of the preserve. The survey was open for two periods, one before the first public meeting, and another between the first and second public meetings. The highlights of the results are outlined below. See the Appendix the full results.

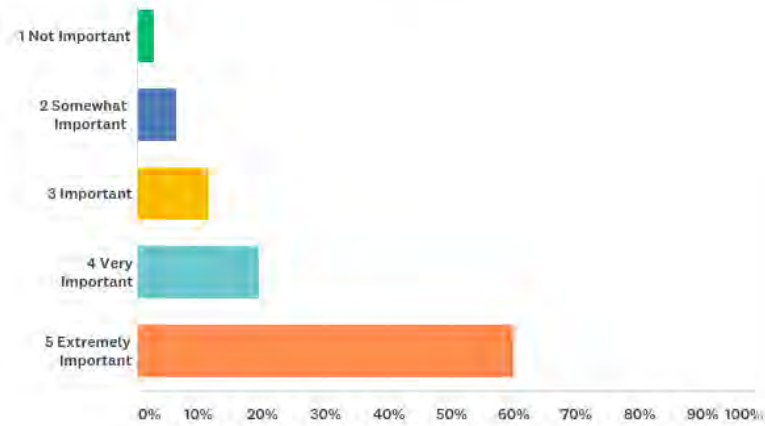
- 323 respondents
- 45% between 51- 70 years old
- 71% female
- 62% reside within Wimberley City limits



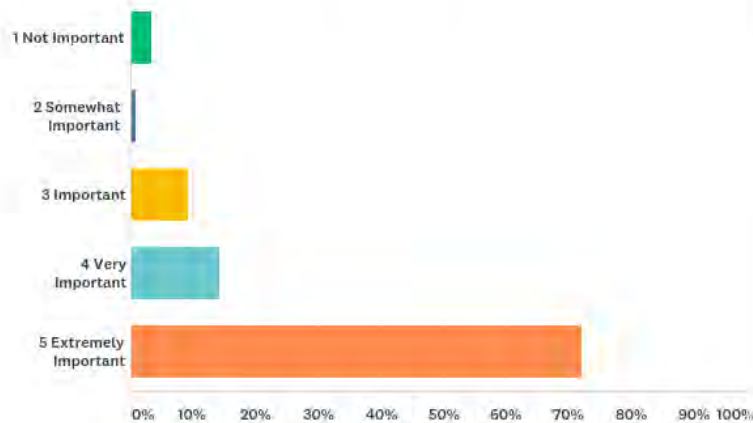
A horizontal bar chart with three categories on the y-axis: 'Yes' (green bar), 'No' (blue bar), and 'Other (please specify)' (yellow bar). The x-axis represents percentages from 0% to 100% in 10% increments. The 'Yes' bar extends to approximately 35%, the 'No' bar to approximately 62%, and the 'Other' bar to approximately 3%.

Response	Percentage
Yes	35%
No	62%
Other (please specify)	3%

Q9 On a scale of 1 – 5, how important are views of Cypress Creek to your experience of the Preserve?

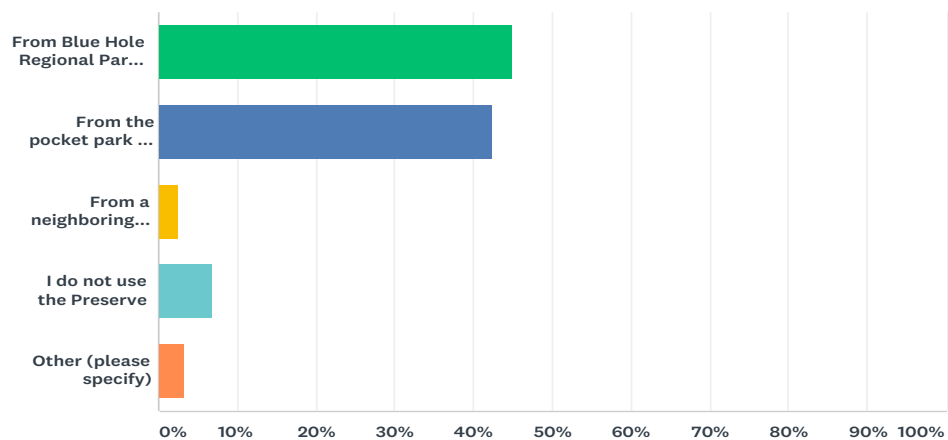


Q8 On a scale of 1-5, how important is public access to trails on the Preserve?



Q6 When using the Preserve, where do you typically enter the property?

Answered: 323 Skipped: 0



Open-ended Questions Highlights

“My two children attend Blanco River Academy... The Cypress Creek Trail provides vital access and a safe passage to these students to the downtown square where they frequently go for lunch and other activities.”



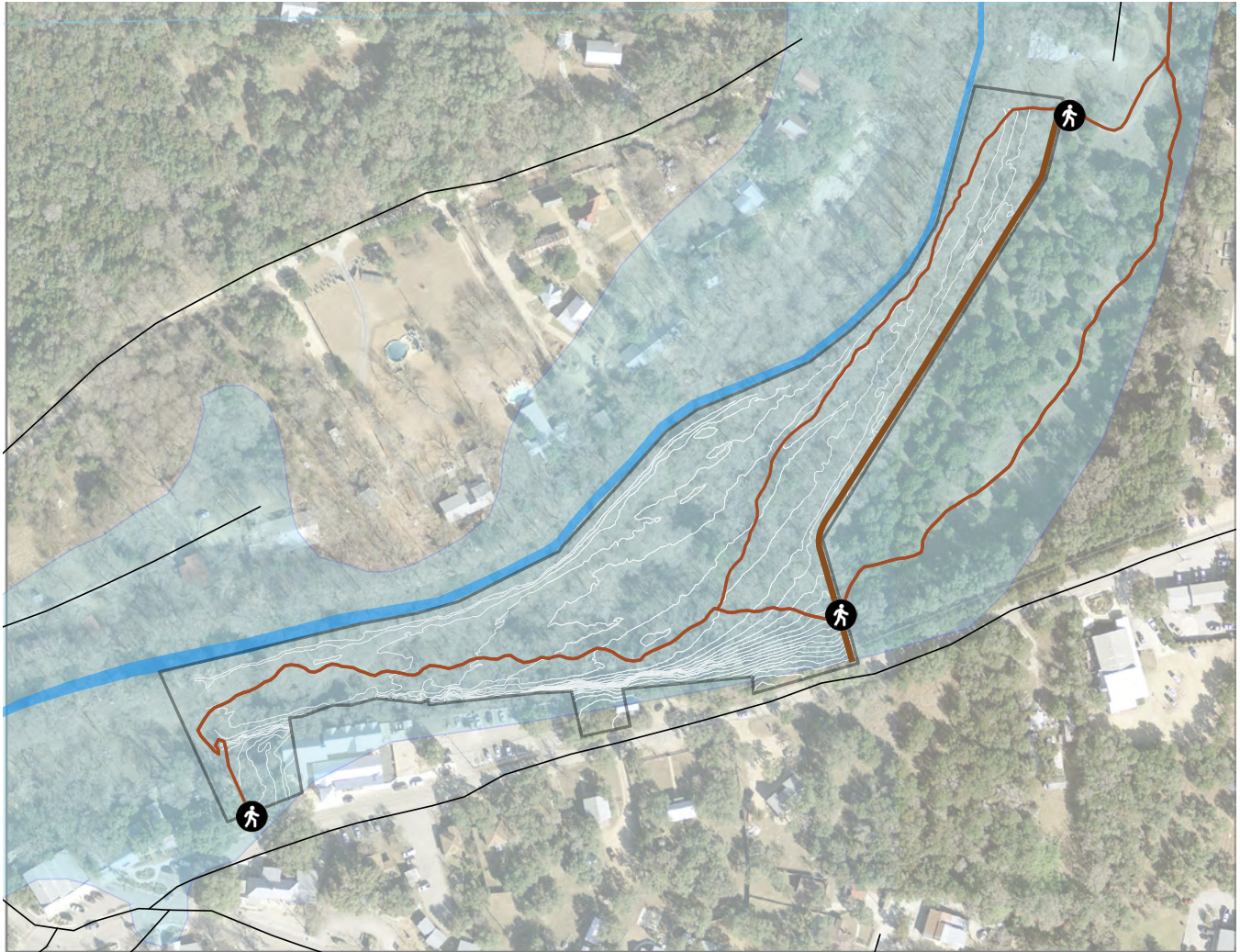
In Open-Ended Question,

1/4

of Respondents Emphasized Maintaining Public Access as a Necessity

“To walk the path surrounded by lush green, thriving plant life and the chirping of the birds. It feels like sacred ground to me.”

“There’s nothing quite like the solitude of the trail and the isolated sounds of the creek that truly settle the soul.”



Floodplain



Trails



Creek



Preserve



Wall



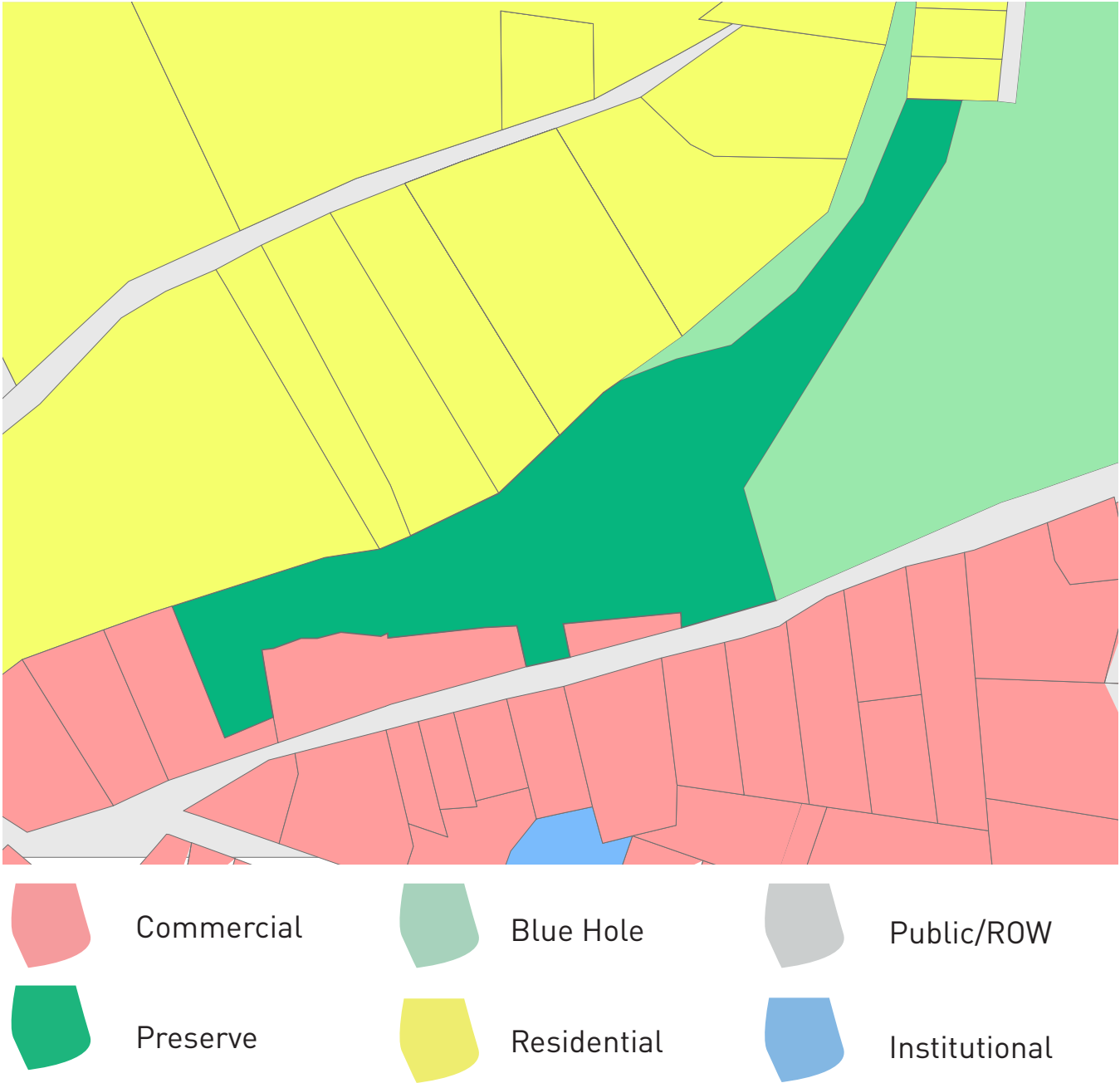
Trailhead

Analysis

While the preserve is largely in healthy, natural condition, the effects of nearby development and unsustainable trail design has begun to take its toll. These are effects are not so severe to require large scale and costly restoration efforts, but they will require

deliberate and continuous attention as well as a thoughtful redesign of the preserve's trail system.

Land Use

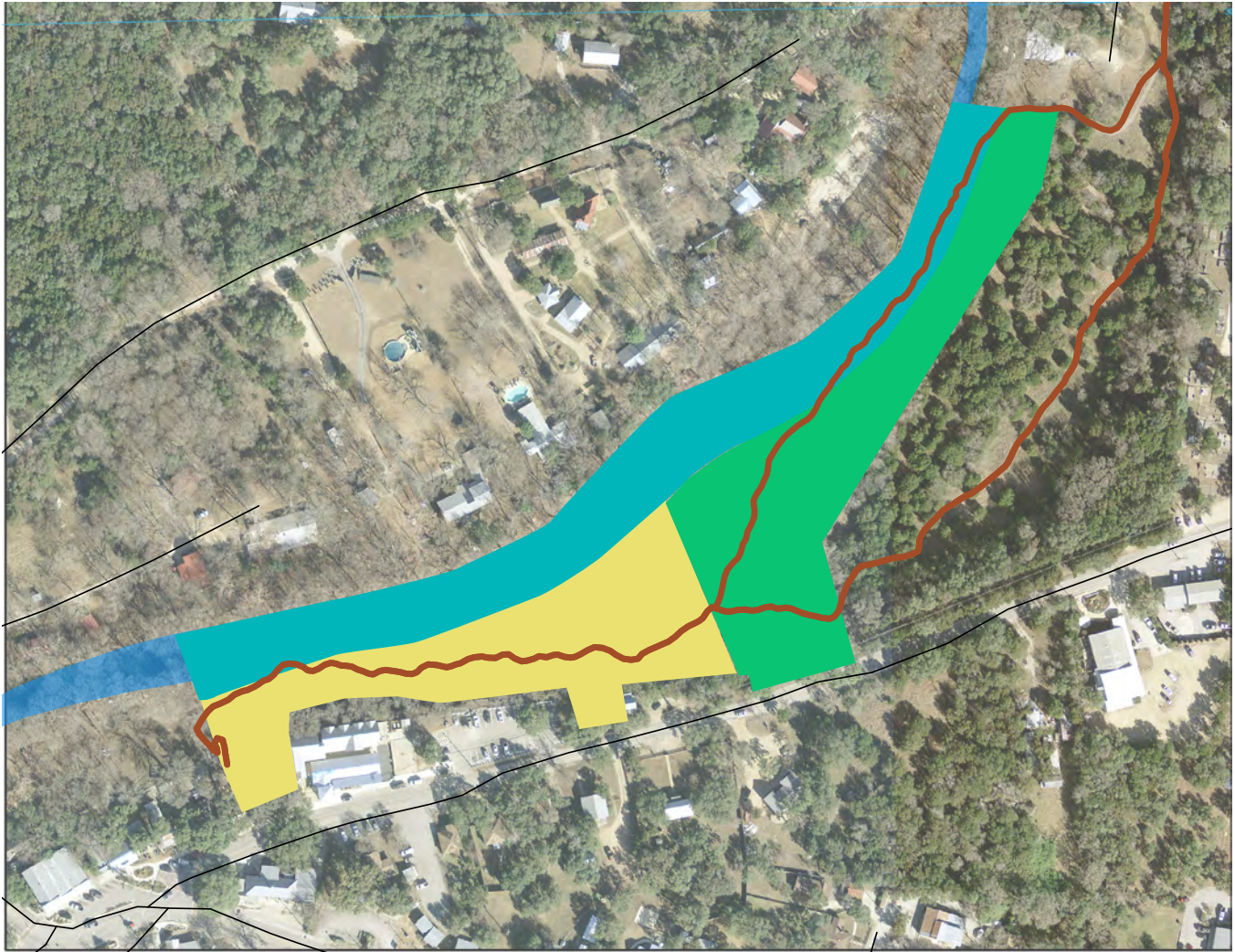


Preserve Context

The preserve is situated at the physical and cultural center of the City of Wimberley. The land use map above demonstrates the semi-urban context of the preserve, with a busy commercial center to the south, a park and cemetery to the east, and a residential area

to the north. Less than a mile to the south, Cypress Creek is a major tributary to the Blanco River.

Maintaining a permeable border between the preserve and its neighbors is crucial to maintain the vital ecosystem services the preserve provides to the Wimberley Community.



Riparian



North



Creek



South

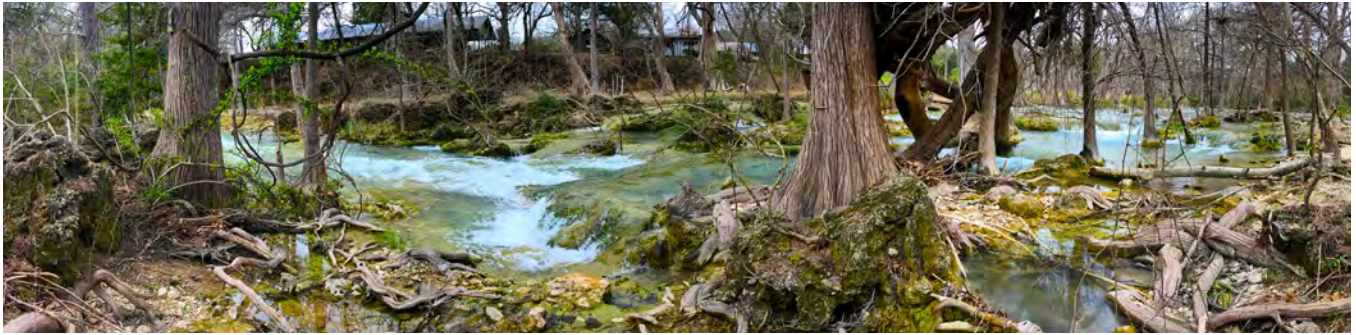


Trails

Ecological Evaluation

For the sake of this plan, the preserve has been split into three different zones: Riparian, Southern, and Northern, which roughly correspond to the microbiomes present in the preserve. The following outlines the environmental conditions of each zone,

including a native and invasive species survey conducted by the Hays County Master Naturalists.



Riparian Zone

The riparian zone is perhaps the most sensitive environmentally, yet also is the most valuable in terms of education and recreation. The zone is quintessential Central Texas riparian ecology, featuring stately Cypress trees anchoring the bank, and biodiverse thickets of grasses, shrubs and other tree species.



In the southern section of the riparian zone, the shoreline is well defined and steep. However in the central section, the shoreline becomes less well defined where the creek is shallower, braided, and features small waterfalls, known as the ripples section. This section (featured above) is perhaps the most attractive to visitors for its natural beauty and approachable shoreline.

In the northern section of the riparian zone, the shoreline once again becomes steep and well defined. This section arguably has the most ecological degradation, including high



compaction and erosion in the Cypress tree root zones, and some physical root damage, pictured above.

The following page features some of the results of the Native and Invasive species survey conducted by the Hays County Master Naturalists. The complete list will be included in the final appendix of this report.



Riparian Zone



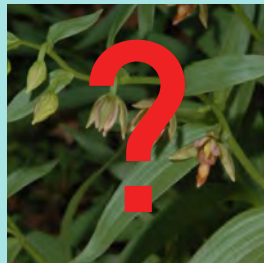
Bald Cypress



Inland Sea Oats



Mexican Buckeye



Chatterbox Orchid

Common Name	Type	Native / Invasive
American elm	Woody, Tree	Native
Ashe juniper	Woody, Tree	Native
Baby blue-eyes	Herbaceous	Native
Beggar's lice	?	Native
Black walnut	Woody, Tree	Native
Box elder, Box Elder Maple	Woody, Tree	Native
Catchweed bedstraw	Herbaceous	Exotic/ Invasive
Cedar elm	Woody, Tree	Native
Chinese honeysuckle	Woody, Vine	Exotic/ Invasive
Chinese Ligustrum	Woody, Tree	Exotic/ Invasive*
Dayflower	Herbaceous	Native
Death camas	Herbaceous	Native
Eastern woodland sedge	Herbaceous, Graminoid	Native
False Dayflower, Widows tears	Herbaceous	Native
Hedge parsley	Herbaceous	Exotic/ Invasive*
Inland sea oats	Grass	Native
Japanese brome	Grass	Exotic/ Invasive
Largeseed forget-me-not	Herbaceous	Native
Maidenhair fern	Herbaceous, Fern	Native
Mexican buckeye	Woody, Shrub	Native



North Zone

The north zone of the preserve is characterized by dense riparian forests, sections of the Wimberley fault including limestone seeps, the historic rock wall and two official trailheads. The forest is notably full of downed trees and brush, presumably from the multiple flood events of the previous years. Despite some community member's



requests that these downed trees be removed, their perceived untidiness is in fact key to the remediation of the riparian zone after a flood event, and the minimization of future flood impacts by slowing flow and capturing sediment.

The significant limestone outcroppings along the Wimberley fault offer habitat to small creatures, and provide unique canopy height views from the cliff above. The fault creates a natural amphitheater which could be used for interpretive sessions in the future.

While the north zone is generally in very healthy condition, there is some minor erosion being caused by the stormwater outfall from old Kyle rd. This erosion is being compounded by unknowing visitors mistakenly using the gully as a social trail, as it leads directly from the road to the creek.



Future mitigation efforts will need to focus on establishing a well marked, sustainable, official trail leading from Old Kyle Rd, to prevent future erosion. Meanwhile, efforts should be made to slow the stormwater flow and promote infiltration rather than runoff.



North Zone



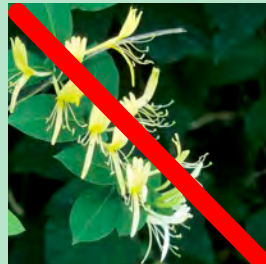
Box Elder



Mustang Grape



Virginia Creeper



Japanese Honeysuckle

Common Name	Type	Native/ Invasive
American sycamore	Woody, Tree	Native
Ashe juniper	Woody, Tree	Native
Beggar's lice	?	Native
Black Snakeroot	Herbaceous	Native
Black walnut	Woody, Tree	Native
Blue-Curls	Woody, Shrub	Native
Blue-eyed grass	Herbaceous	Exotic/Invasive
Box elder, Box Elder Maple	Woody, Shrub	Native
Bristly greenbriar	Herbaceous, Graminoid	Native
Catchweed bedstraw	Herbaceous	Exotic/Invasive
Cedar elm	Herbaceous	Native
Cedar sedge	Herbaceous	Native
Chatterbox orchid	Herbaceous	Native
Cherokee Sedge	Herbaceous	Native
Chinese parasol tree	Woody, Tree	Native
Death camas	Grass	Native
Emory sedge	Grass	Exotic/Invasive
False Dayflower, Widows tears	Woody, Vine	Exotic/ Invasive*
False garlic	Herbaceous	Native
False gromwell, Bexar marbleseed	Herbaceous	Native



South Zone

The South zone of the preserve is characterized by a somewhat more open riparian forest, a natural depression where water pools after heavy rains, limestone outcroppings, and a transition into the semi-developed urban realm adjacent to the town square.



As the riparian forest opens up, the space is filled with high grasses and shrubs, and a number of areas large boulders which have eroded off of the fault line outcropping over time. The natural depression acts as a rain garden, encouraging infiltration of water. This report recommends enhancing this functionality while mitigating longterm stagnation of water to prevent attracting mosquitos.

This section also sees a significant amount of urban/wild interface. The border between the preserve and the privately owned and manage creekside recreation area directly to the south offers a stark contrast between a healthy, natural riparian ecosystem, and functionally deficient, human-centric one. The mowed, cleared private area may be good for picnics, but offers little in the way of habitat or flood mitigation. This contrast may actually be an effective educational tool.



Additionally, the pocket park on the southernmost section of the preserve offers some interesting interpretive opportunities, and has preserved some heritage trees. However, ecologically it is less functional. Finally, the major stormwater outfall leading from the square down to the creek is a serious erosion and water quality concern, to be addressed in later chapters.

South Zone



Black Walnut

A large tree to 100 feet tall and a trunk to 3 feet or more, with a straight stem often clear of branches for half of its height, and an open, rounded crown of foliage.



Yaupon Holly

The plant was used by Native Americans to make a tea containing caffeine. The plant is the only known indigenous plant to North America that contained caffeine.



Chinese Ligustrum

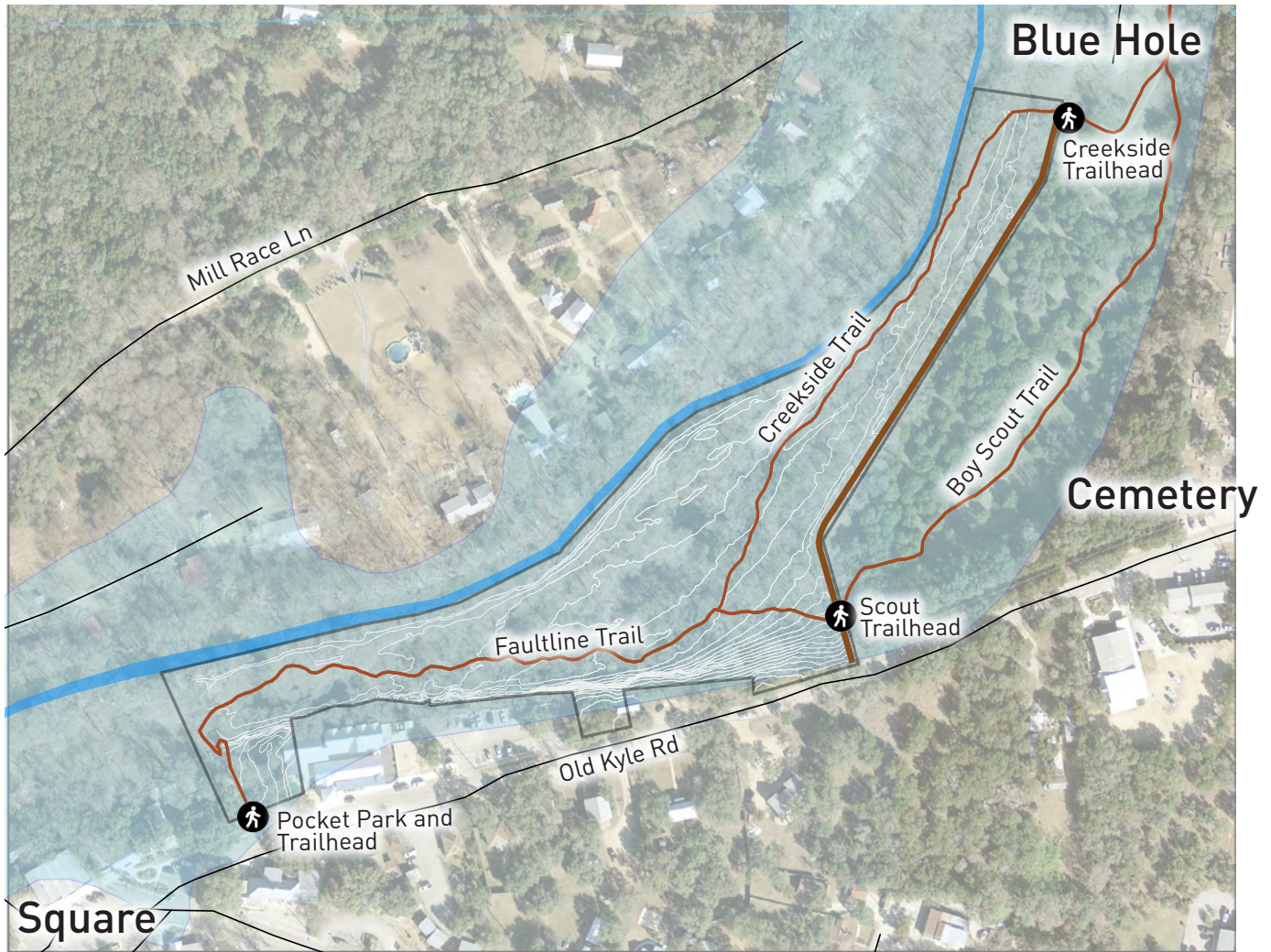
This bushy tree was originally introduced as an ornamental, but has spread extensively as an invasive species. Can quickly decimate entire forests by choking out native saplings with a thick canopy.



Heavenly Bamboo

Despite the common name, it is not a bamboo but an erect evergreen shrub. It is invasive in Central Texas.

Common Name	Type	Native/ Invasive
Ashe juniper	Woody, Tree	Native
Bald cypress	Woody, Tree	Native
Beggar's lice	?	Native
Black Snakeroot	Herbaceous	Native
Box elder, Box Elder Maple	Woody, Tree	Native
Bush croton	Herbaceous	Native
Cedar elm	Woody, Shrub	Native
Cedar sedge	Herbaceous	Native
Chickweed	Herbaceous	Exotic/Invasive
Death camas	Woody, Tree	Native
False gromwell, Bexar marbleseed	Herbaceous	Native
Frostweed	Herbaceous	Native
Golden groundsel	Herbaceous	Native



Existing Trail System

The existing trail system includes .75 miles of trails, stemming from three official trailheads, and at least one informal trailhead. These trails and trailheads vary significantly in

quality and sustainability, and lack a cohesive design or planning strategy. The follow section outlines the trail conditions in detail.

Trails

There are currently two official trails within the preserve, one that leads from the Blue Hole to the Preserve and a number of informal trails that are in various forms of use or restoration.



The longer trail, known henceforth as the "Faultline Trail" is runs between the Square Trailhead, and the Scout Trailhead along the eastern edge of the preserve. It is a natural surface, singletrack trail, roughly two feet wide and roughly .25 miles long.



The Faultline Trail tracks roughly along the Wimberley Faultline, providing a number of interpretive opportunities along the way. Additionally, it includes access to the natural amphitheater, which is currently not identified from the trail or seemingly in regular use.

The second trail, known henceforth as the Creekside Trail, is accessible from the Creekside Trailhead, and intersects the Faultline trail roughly at the central point of

the preserve. This trail is very popular due to its access to the iconic Ripples section of Cypress Creek. However, due to its popularity and proximity to the creek, it also the most problematic in terms of sustainability and neighbor concern.



The trail roughly tracks the creekside, where heavy foot traffic has compacted a wide dirt path and significantly exposed the roots of the Cypress trees on the creek side banks. Lack of access controls has led significant erosion along the shoreline, and unauthorized swimming in the creek itself. This has led to conflict with neighbors, who seek to uphold the terms of the easement prohibiting swimming and off-trail hiking.



Participants in the community engagement meetings and survey expressed very strong personal connections to the experience of walking along the creekside trail, and the gratitude for access to such a public amenity so close to town.



The third trail, known henceforth as the "Boy Scout Trail" is not technically within the preserve, however it forms a vital passage from the Blue Hole to the preserve, and was created as a means to relieve thru-traffic along the more sensitive Creekside Trail.

The Boy Scout Trail is also roughly .25 miles, is a woodchip surface, and is roughly 5 feet wide. It traverses from the Blue Hole parking lot south to the Boy Scout Trailhead,



and eventually forks - one fork leads to the Creekside trail, the other merges with the Faultline Trail.

Finally, a number of informal trails have formed over the years, however recent efforts by the preservists have blocked them from foot traffic with impairments such as brush and logs. Many of these informal trails are not sustainably designed, leading to significant erosion along their path. An informal connection between the private section of creek frontage and the preserve has also been blocked with fencing and brush, seen below.



Trailhead Count Results



	Scout Trailhead	Creekside Trailhead	Square Trailhead
Thursday, March 14 9 AM - 10 AM	1	0	5
Thursday, March 14 1 PM - 2 PM	1	18	78
Friday March 15 9 AM - 10 AM	0	0	0
Friday March 15 1 PM - 2 PM	1	9	35
Sunday March 17 1 PM - 2 PM	5	23	82

Trailheads

The trailheads themselves are important gateways into the preserve, and offer different levels of amenities and information as visitors enter the space. The Wimberley Parks Department conducted a count of visitors entering the preserve at various moments throughout the day and week, elucidating some interesting trends.

From the trail count, it is clear that afternoons and weekends are the times with the most visitors. Additionally, the Square Trailhead is clearly the most popular trailhead, however more data is needed to know if locals are using the other trailheads in the early morning, as indicated anecdotally by participants in the public engagement meetings.

The most heavily trafficked trailhead is accessed directly from the town square, and will thus be referred to as the Square Trailhead henceforth. This trailhead directly abuts the privately owned section of riparian land between the preserve and the Highway 12 bridge, but does not provide access to that section. It is very accessible and includes numerous amenities, including:

- Bathrooms
- Pavilion
- Trailhead signage and landmark
- Water fountains
- Decorative/educational fountain
- Playground
- Natural shade from Heritage Oak trees
- ADA compliant ramp down to trail
- More...



The other two official trailheads are accessed via the southern terminus of the Blue Hole Regional Park's Boy Scout Trail. The Blue Hole Regional Park directly abuts the nature



preserve, however there is currently little no indication to a trail user that they are transitioning from the park to the preserve.

The first of these trailheads is on the Northeast side of the preserve, where the trail crosses the historic stone wall, known henceforth as the "Scout Trailhead." Currently, a nonfunctional gate is the only marker of this transition.



The second of these trailheads is at the Northernmost point of the preserve, at the terminus of the historic wall and very near the shore of Cypress Creek. There is currently a small sign indicating a transition into the Nature Preserve. This trailhead will henceforth be referred to as the Creekside Trailhead.



There is also an informal trailhead leading from Old Kyle Rd to the Faultline Trailhead, which has been identified as a possible future official trailhead. Currently, however, the lack of design controls has caused this trailhead to be erosive and difficult to traverse as it leads down a steep slope.



Connectivity Between the Square and Blue Hole

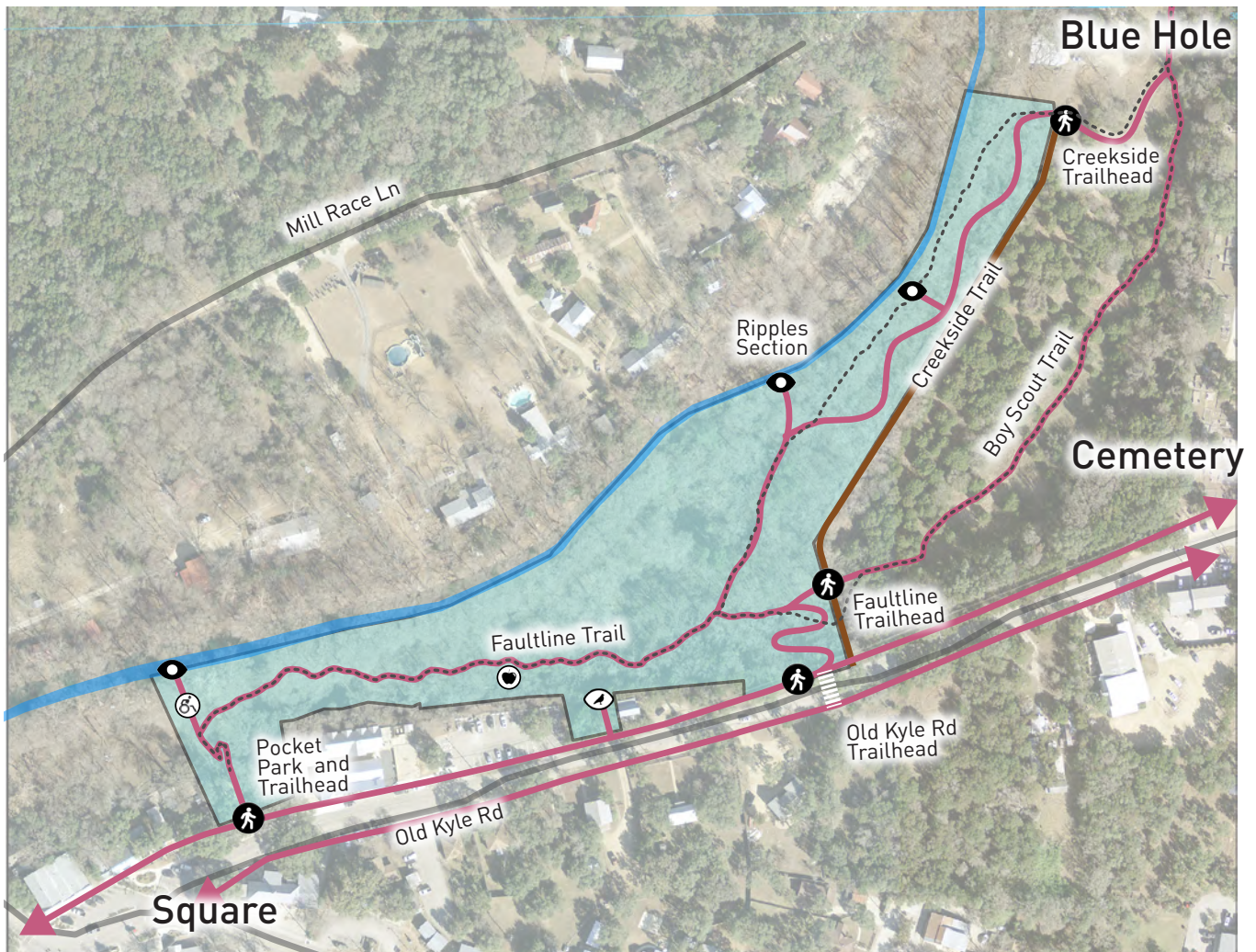
Beyond the above mentioned trailheads, there is very limited connectivity between the preserve and the city. Most notably, the lack of sidewalks or access points along Old Kyle Rd between the Lumberyard and Blue Hole Regional Park mean there is no safe way to walk between the preserve, the park, and the square without hiking through the preserve, which is time consuming and creates unnecessary impact on the preserve resources. Additionally, there is currently no connectivity between the preserve and the Wimberley Cemetery, which is contiguous with the preserve and Blue Hole Park.



The current connectivity between the preserve and privately owned neighbors is unclear and has led to conflicts. For instance, there is no connectivity between the private section of creek frontage and the preserve, despite being contiguous. This leads to confused visitors attempting to access one side or the other, only to have to backtrack and shuttle through the square, decreasing the effective circulation on the sometimes congested sidewalks. Additionally, lack of wayfinding and boundary clarity in the northern section of the preserve has led to some visitors inadvertently trespassing on private property, or otherwise creating nuisances.



Preserve Site Plan



Preserve



Historic Wall



ADA Accessible



Proposed Trails



Scenic View



Birdwatching Area



Existing Trails



Trailhead



Outdoor Classroom

.This section coalesces the public engagement and analysis outlined in the previous sections to develop a comprehensive site plan that addresses the concerns and opportunities presented in this plan. The site plan includes new trail alignments, consolidated creek access points, formalized existing and new trailheads, location of existing and new interpretive areas, location of stormwater management controls, and restoration areas.

Meanders and Nodes

The trail alignment within the preserve is perhaps the most challenging aspect of the masterplan's goals due to significant differences in preferences between various segments of the public. Feedback from the two stakeholder meetings generally landed in two camps: those who favor a trail that "meanders" close to the creek, providing the most enjoyable trail experience, and those who preferred a trail with "nodes" that creates protected viewsheds at strategic points along the trail that allow for visitors to experience the creek, but prioritizes shoreline protection.

The proposed trail alignment (previous page) represents a combination of both preferences which provides a significant amount of



"meander" segments which are designed

not to hug the shoreline for any significant distance. In the upper section of the preserve, where the most erosion damage has occurred, the trail is pulled back from the shoreline, and the trail employees "nodes" to allow visitors to experience the creek at important points while allowing the riparian zone to regenerate.

This balance is achieved by adding a new segment of trail that meanders near the shoreline in the lower section of the preserve, an extension of the existing shorelines trail. Additionally, it maintains the current trail alignment of the faultline trail, and the ADA accessible node that leads from the Pocket Park entrance, and the outdoor classroom in the rockfall section.

Additionally, it formalizes the social trailhead and trail leading from Old Kyle Rd to the Faultline trail with a sustainably built switchback trail that descends the steep slope, and avoids contributing erosion in from the stormwater outfall. Finally, it adds a birdwatching area accessible from Old Kyle Rd, allowing for a canopy level viewpoint.

Old Kyle Rd Shared-Use Path

This plan also recommends the development of a shared-use path along Old Kyle Rd. This path should connect the existing sidewalks in the Town Square to the shared-use path system in the Blue Hole Regional Park.

This connection will not only create a safe and enjoyable route between downtown and the Blue Hole trail system, but should also alleviate some of the demand on the Preserve's trail resources. Currently, many users report using the trails through the preserve to the Blue Hole simply to avoid more dangerous and less pleasant experience of walking along Old Kyle Road.



The precise alignment of this path is not within this plan's scope, but in general, the path should be built to accommodate pedestrian and casual cyclists, which generally requires a minimum of 8 feet (but preferably 12 feet in width.) The path should be concrete paved or crushed gravel to match the design of the existing shared - use paths. Ideally, both sides of Old Kyle Rd should have pedestrian facilities, however R.O.W. limitations will likely mean one side will be a traditional sidewalk, while the other a wide shared-use path. A pedestrian crosswalk should be installed where the Oak tree is currently growing in the middle of Old Kyle to access the planned Old Kyle rd Trailhead.

With the addition of popular new businesses on Old Kyle Rd, traffic has increased substantially, and visitors are parking on the road shoulder, forcing pedestrians to walk in the narrow road. The addition of a path will eliminate conflicts between vehicles and pedestrians, while connecting downtown to auxiliary parking further down Old Kyle Rd. The city might address its current lack of parking by partnering with the privately owned lots further down Old Kyle Rd to create a shared parking scheme, however this is a question that should be addressed in a future downtown or comprehensive plan.

Trail Design Guidelines

The following section outlines in detail the trail design specification for the preserve, to be used in all realigned and future trails. While some aspects of trail design will require on the ground design decisions, this section will identify the typical trail design including:

- Trail surface, width, and maximum grades
- Trailhead gateway and amenity specifications
- Trail barrier materials and concepts

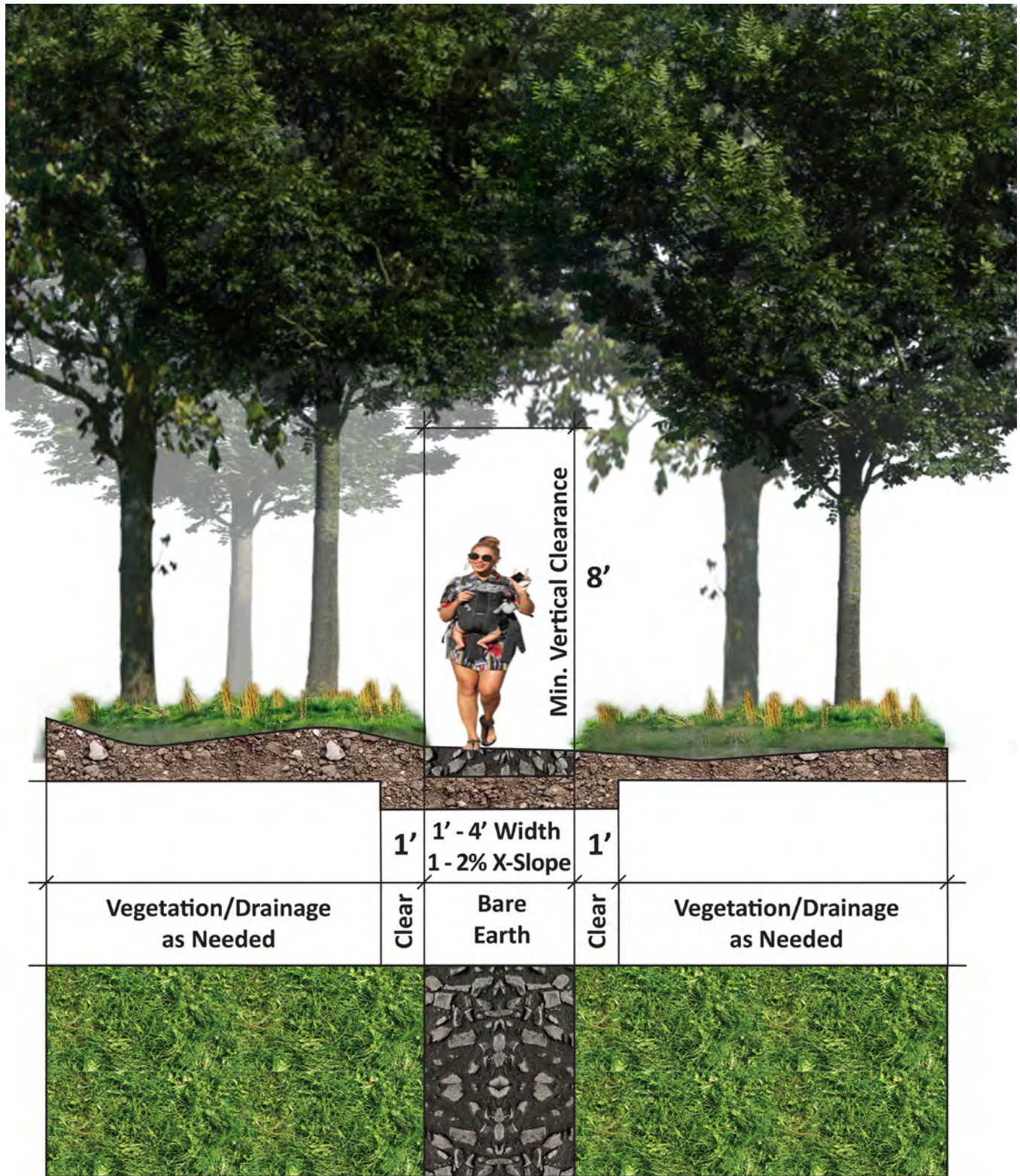
As outlined in the diagram on the next page, and stipulated in the conservation easement, the preserve's trail system should be built to minimize the impact on the preserve's ecology and without any permanent structural improvements.

Accessibility and Erosion

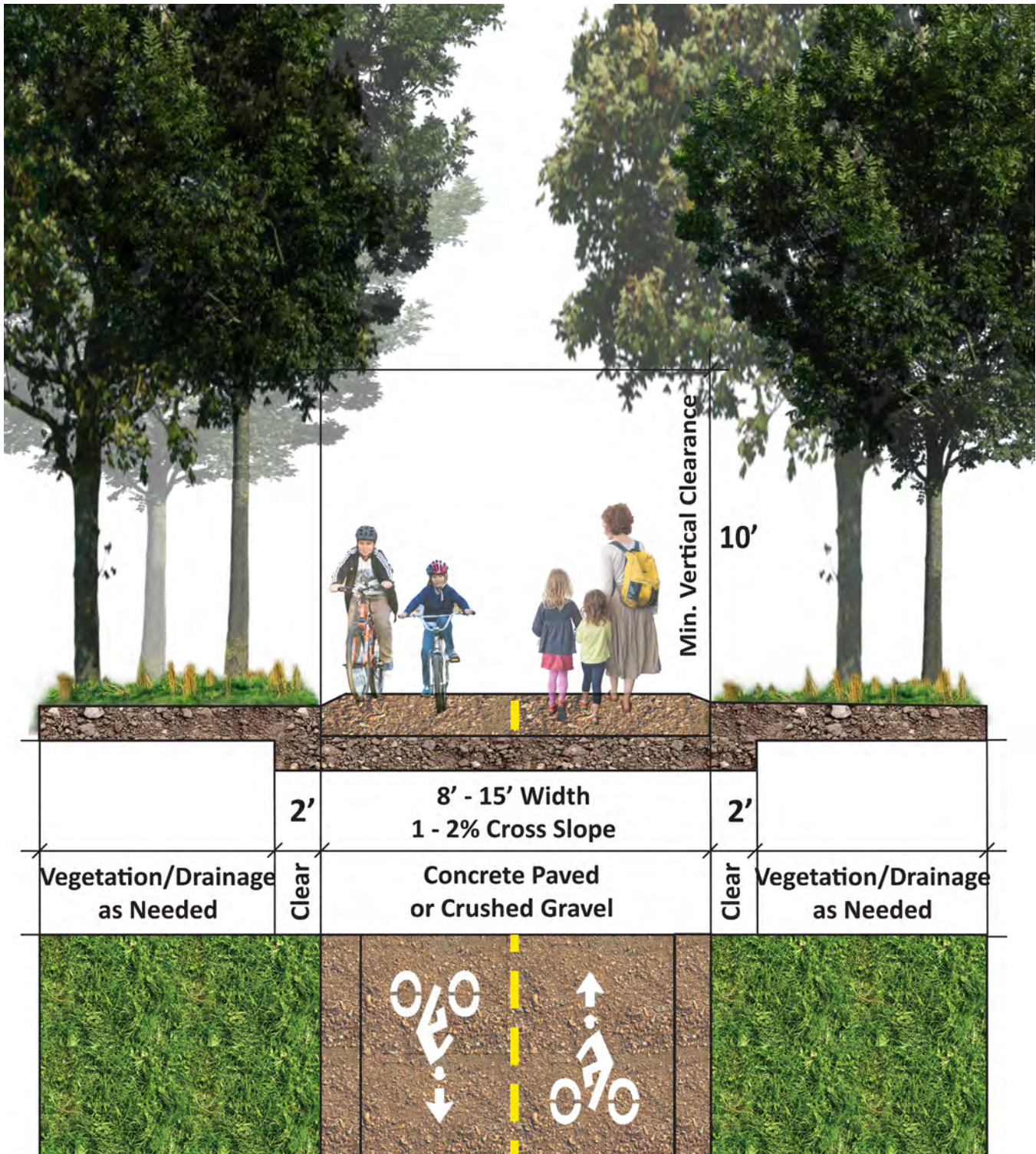
Currently some sections of trail are severely eroded due to poor drainage control. This poses a particular challenge for disabled visitors, where currently the ADA accessible trail section is no longer passable by wheelchair.

In order to minimize erosion and maintain accessibility for the most amount of people, the maximum sustained gradient of any trail should be no steeper than 5%, with a maximum cross-gradient of 2%. Short sections may be steeper if the terrain requires, however they should be balanced with frequent flat rest points. Additionally, "water bars" and other sustainable trail design techniques should be employed to divert stormwater from the trail alignment into a drainage area.

Singletrack Trail Design Guidelines



Shared-Use Path Design Guidelines



Natural and Artful Trail Barriers

Due to the Preserve's easement stipulations restricting the installation of permanent elements in preserve, including fencing and railing, creative solutions will have to be



employed to prevent visitors from leaving the designated trails. Keeping visitors on the trails is vital to maintaining the ecological integrity of the preserve, as well as protecting the privacy of adjacent landowners.

The first and most obvious method to prevent visitors from leave the trail is to simply allow the native grasses, shrubs and trees to regenerate to the point that they are virtually impenetrable to a typical visitor. During times of heavy rain and warm weather, this is hardly difficult, given the rapid rate of growth. However certain areas that have

seen significant soil compaction or other degradation may need to be manually planted to restore biodiversity and density.

However, during times of little rain or in the winter, vegetation will go dormant or die, allowing for the easy formation of new social trails and creek access points. In this case, this plan recommends partnering with WVWA, volunteers and artists to create "Artful Barriers" created with biodegradable, natural materials arranged or woven in such a way to create a whimsical or otherwise artistic temporary sculpture. WVWA can contract with artists and volunteer groups to install pilot programs for artful trail barriers in sensitive areas.

These artful barriers have been employed in parks and preserves across the world, gaining popularity due to their minimal to positive impact on the ecology and their aesthetic qualities.

Trailheads and Amenities



Trailheads are the beginning of any trail user experience and provide crucial information and amenities for trail users. Each trailhead in

the Cypress Creek Preserve will need different kinds of access controls, signage and amenities, detailed below.

Pocket Park Trailhead

The Pocket Park trailhead is by far the most developed trailhead, as it is the only section where permanent structures are allowed and it also serves as a small urban park for the square. Little is needed in improvements to this trailhead as it is currently well maintained and used, except for the following

- Updated and improved signage
- possible access controls
- Improved ADA accommodations

Old Kyle Rd Trailhead

The proposed Old Kyle Rd Trailhead will require completely new facilities, including:

- Artful gateway with possible access controls
- Wayfinding, interpretive and regulation signage
- Possible amenities such as benches, shade and water

Faultline Trailhead

The Faultline Trailhead requires some improvements, including:

- Artful gateway with possible access controls
- Wayfinding, interpretive and regulation signage
- Ecological restoration around social trails

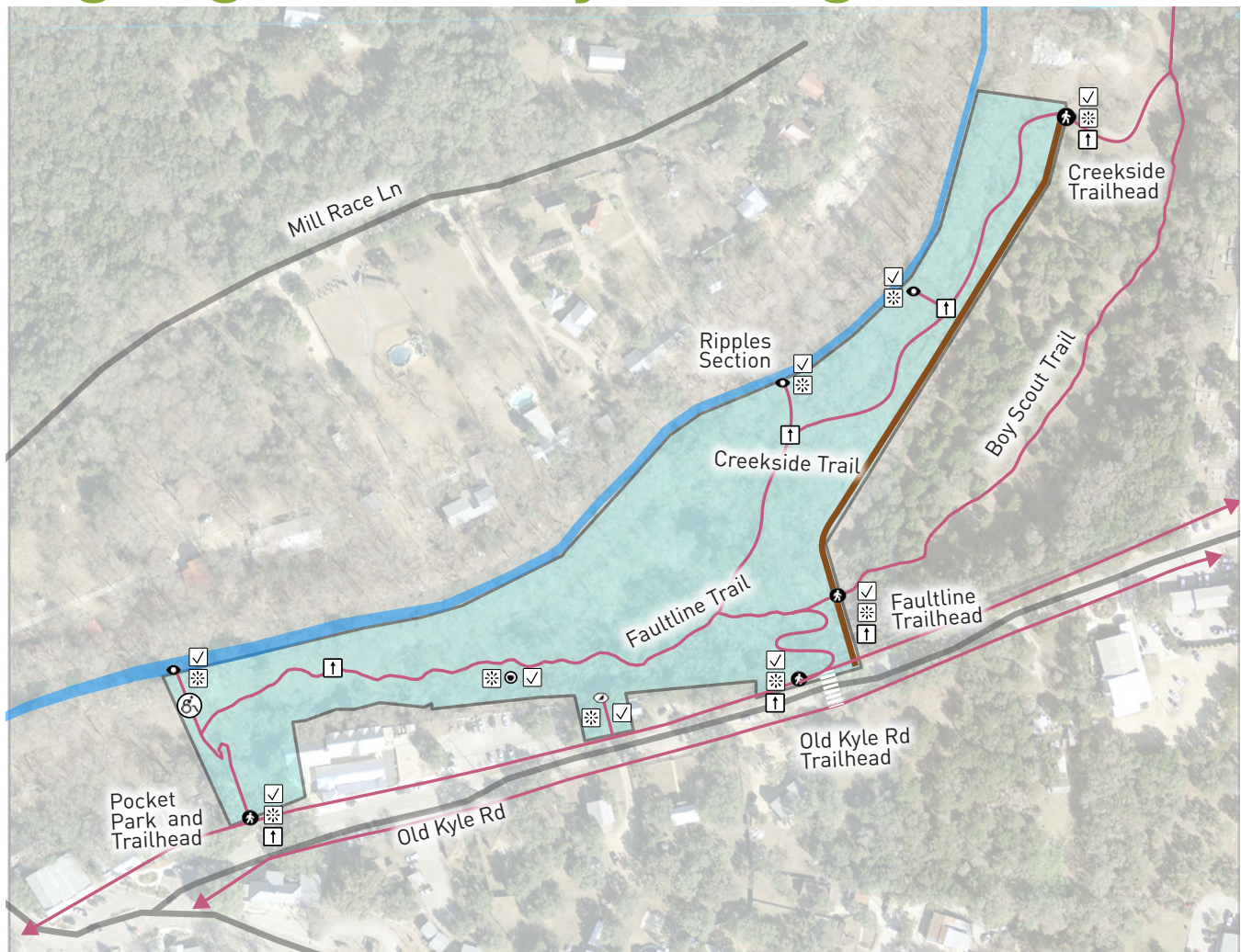
Creekside Trailhead

The Creekside Trailhead requires some improvements, including:

- Artful gateway with possible access controls
- Wayfinding, interpretive and regulation signage
- Ecological restoration around social trails

Signage with detailed information regarding trail route, distance, conditions, and regulations and wayfinding and interpretive signage along trail routes will be a vital tool to help manage the preserve in the future.

Signage and Wayfinding



Wayfinding



Rules and Regs



Interpretive

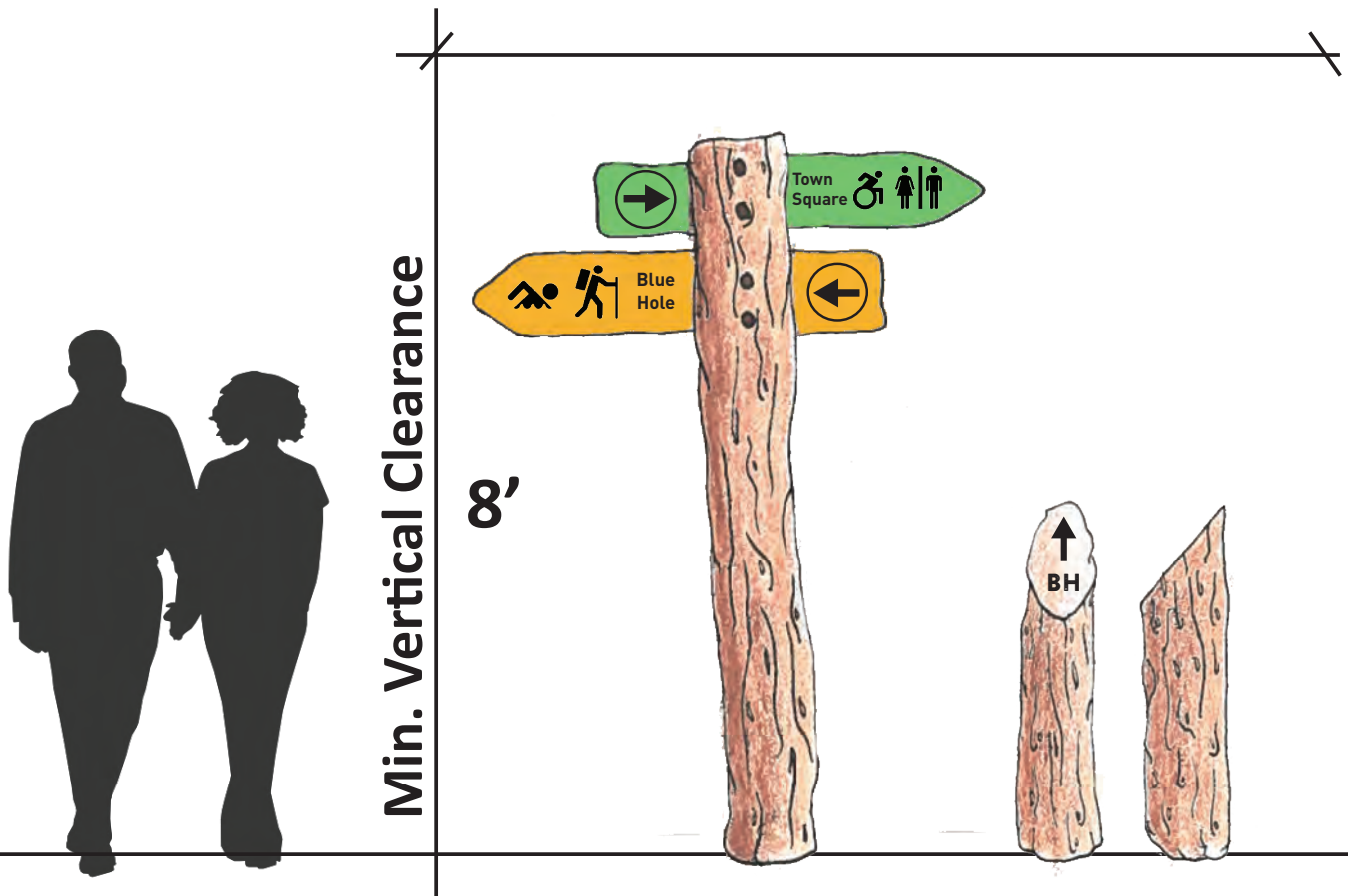
Wayfinding and signage along routes inform users of their current location, distance and direction to destinations, identify other trails at intersections, inform users of sensitive ecological features, and educate users regarding the preserve's ecology and history.

For the purposes of this plan, signage has been divided into three categories: Wayfinding, Rules and Regulations, and Interpretive. Each of these types of signs display different kinds of information, outlined below.

Wayfinding Signage

Wayfinding signage includes but is not limited to:

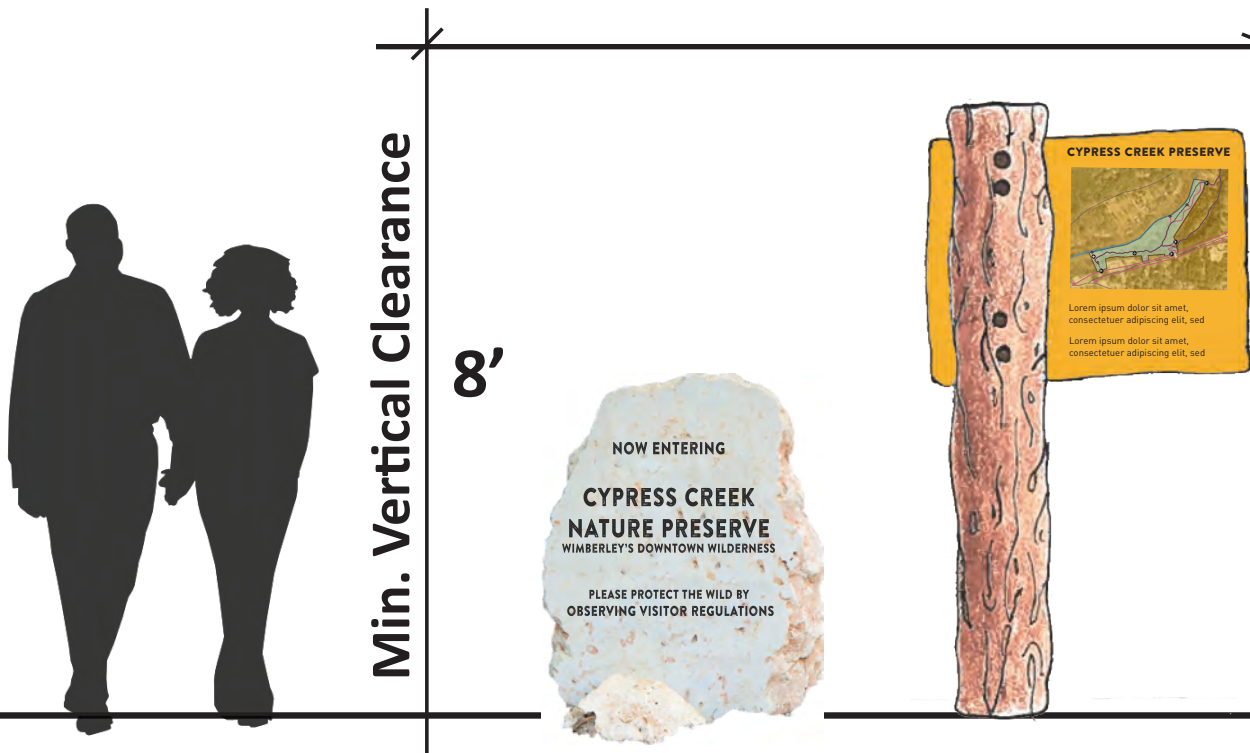
- A general Trail Map, with descriptions, distances and accessibility information
- Confirmation and distance signs along the trail to help visitors navigate
- Decision signs at trail forks and intersections



Rules and Regulations Signage

Rules and Regulation signage includes but is not limited to:

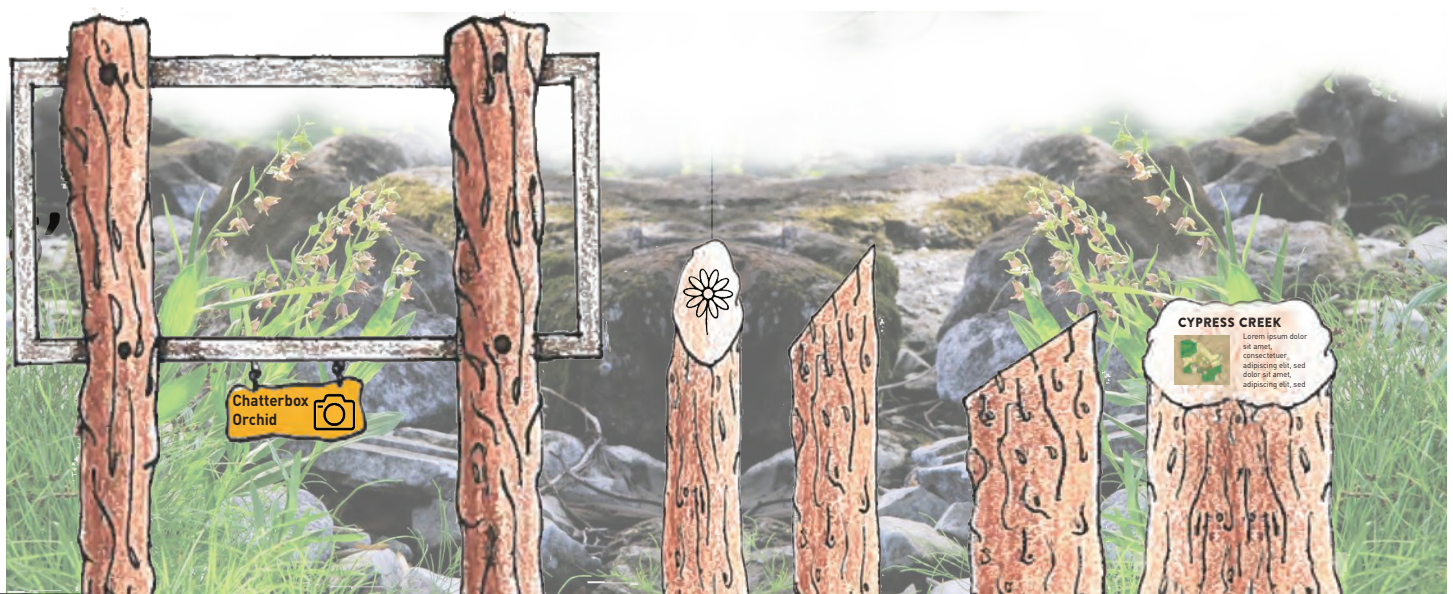
- Limitations on activities, including: biking, swimming, off-trail hiking, camping, dog-walking, fishing, and any other activities stipulated in the conservation easement
- Access Hours
- Rules for respecting neighboring landowners
- Designating particularly sensitive ecological areas, including identifying important protected species
- Identifying hazards



Interpretive Signage

Interpretive signage includes but is not limited to:

- Information regarding the ecological function of the preserve, including: native plants, native animals, riparian function, water cycles, flood mitigation, seasonal information, restoration efforts
- Information regarding risks to the preserve, including: Invasive species, bank erosion, soil compaction, pollution, and climate change
- Information regarding the history of the Preserve, Wimberley, and the region.



Faultline Trailhead (from Boy Scout Trail)



Ripples Section, Creekside Trail Node



Creekside Trailhead (from Boy Scout Trail)



Old Kyle Rd Shared-Use Path

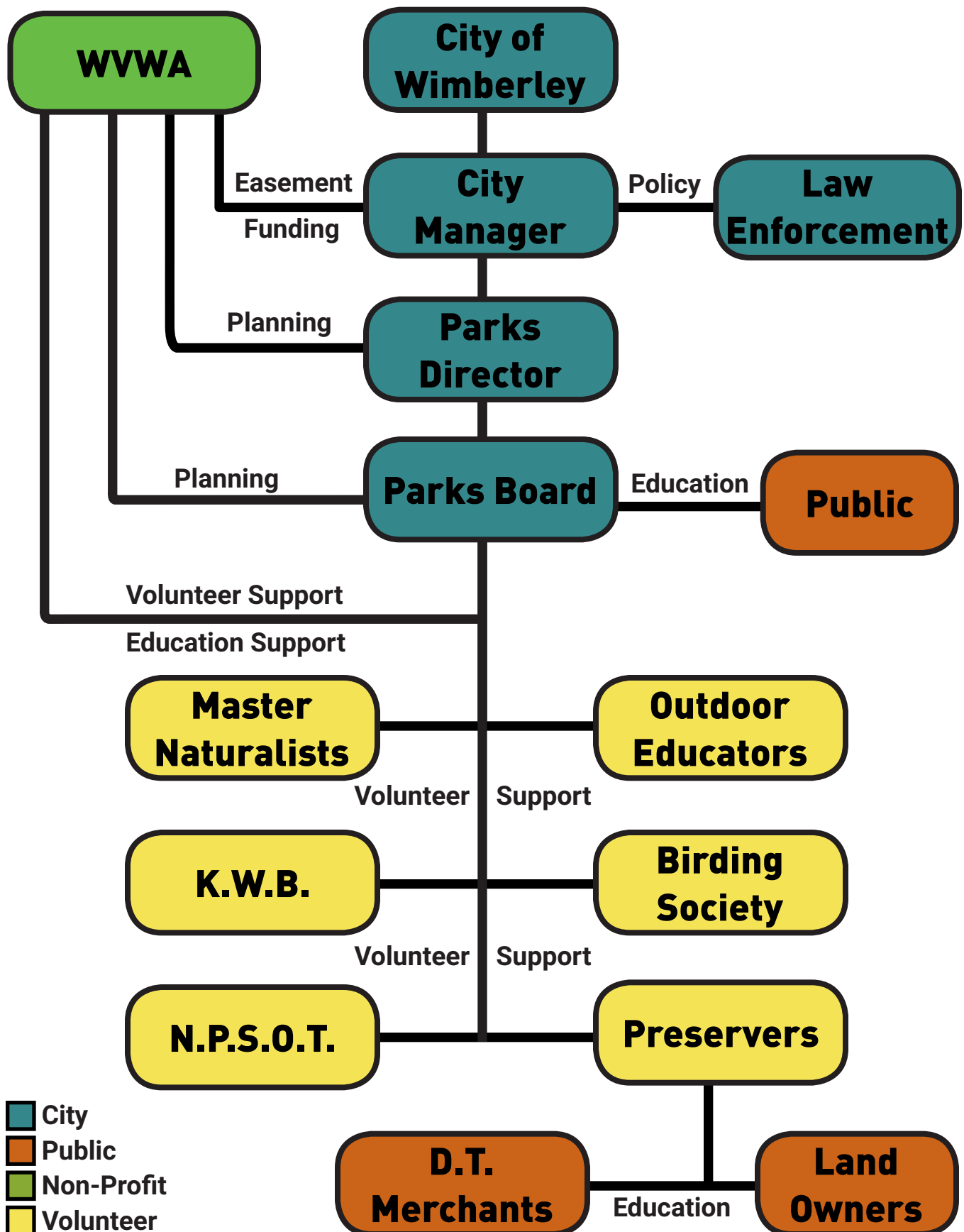


Stewardship Structure

A crucial component to the success of any plan, particularly one with many stakeholders, is a clear understanding of the various roles and responsibilities of each stakeholder. This section identifies the hierarchy and relationships between each stakeholder, including the city, its various departments, WVWA, volunteer organizations, and the public.

The stewardship structure was identified after evaluation of each organization's historic roles and current capacity. The broad strokes of this structure were identified at a stakeholder meeting on Friday, April 19th at the Preserve Pocket Park, pictured below. Specific roles were then fine tuned via correspondence with the various stakeholder groups.





City of Wimberley/City Manager

- Initiates and oversees long-term planning
- Appoints one council member as park liaison
- Assists with funding including capital investments and grant partnership
- Sets agenda and oversees work done by Parks Department
- Coordinates enforcement efforts
- Serve as liaison between WVWA and parks staff, Parks Board
- Receives annual update on preserve including information regarding plants, violations, changes, usage, etc

WVWA

- Planning for long-term stewardship and short-term problem solving
- Annual inspect the conservation easement
- Monitors the condition of vegetation, structures, but does not conduct enforcement on day to day basis
- Procures and disseminates funding for upkeep and improvements
- Serve as a conduit for stakeholder groups between the city and the public
-

Wimberley Parks Director

- Manages day to day maintenance and enforcement priorities
- Directs and collaborates with volunteer organizations maintenance efforts

- Executes masterplan goals and policies
- Coordinates with parks in region to align goals and capacities
- Document changes such as new paths and conducts early mitigation efforts and organizes rapid response to daily changes

Law Enforcement

- Enforces city ordinances and possibly resume daily walk-thru of preserve
- Contributes to the development of protocol for rule breaking in preserve

Hays County Master Naturalists

Increase Park staff capacity by expanding regular maintenance work done at Blue Hole to the preserve

- Boots on the ground for controlling invasive species and conducting trail maintenance
- Conducts educational tours
- Conducts Plant and animal surveys with (Riparian Network), records findings to iNaturalist

Keep Wimberley Beautiful

- Conduct regular maintenance work limited to the Pocket Park
- Provides grants for small projects including restoration work

Wimberley Outdoor Educators

- Conducts annual educational tours

- Produces and installs seasonal and interpretive signage for kiosk at Pocket Park
- Provides outdoor education curriculum to other groups for free

Preservers

- Supports volunteer efforts through rapid response to new trails and maintenance of signage
- Acts as a liaison to neighboring land owners and businesses
- Will possibly transition to a "Friends of Cypress Creek Nature Preserve" group with expanded role in promoting community pride and stewardship

Wimberley Birding Society

- Conducts occasional birding tours
- Provides advice for interpretive signage and educational materials regarding birds

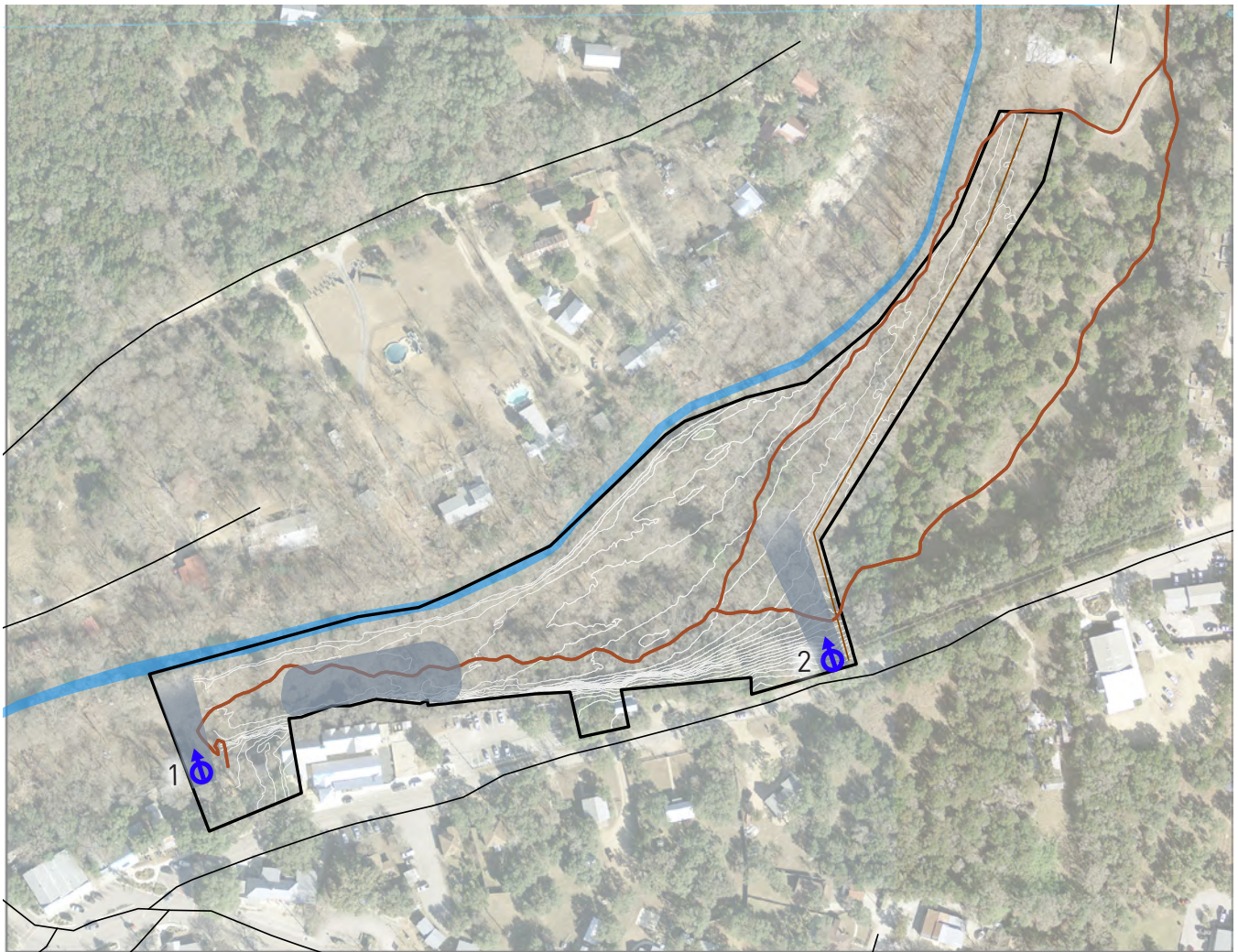
Maintenance Schedule

Stewardship will depend on regular maintenance and monitoring to improve ecological function while maintaining an enjoyable and educational experience for visitors.

- City**
- Public**
- WVWA**
- Volunteer**

Weekly	Monthly	Quarterly	Annually
Assessment of preserve resources for damage, such as social trails, vandalism, or erosion.	Pocket Park landscape maintenance conducted by Keep Wimberley Beautiful	Master Naturalists native/invasive species survey	Third Party review of easement condition and report to City Council. Includes invasive/native species survey.
Cleaning of Pocket Park restroom facilities and Pavilion		Review habitat restoration areas and relocate trail alignment protections (natural fencing, signage) as needed	
		Review effectiveness of stormwater mitigation efforts, adjusting as needed	Parks internal review of Masterplan CIP progress,
		Wimberley Outdoor Educators produce and install seasonal interpretive material for pocketpark Kiosk	Apply for grant funding for preserve CIP projects

Stormwater Mitigation



Stormwater
Outfall



Drainage Area



Existing Trails

The Cypress Creek Preserve is subject to two stormwater outfalls which have caused significant erosion and have effected the sustainability of the trails in the preserve. Outfall #1 originates from the Wimberley Town Square, while outfall # 2 originates from Old Kyle Road.

These outfalls spill directly into the preserve, without any significant erosion control in place. This chapter provides design solutions for the stormwater outfalls that are contextually sensitive while mitigating the erosion and water quality problems.

Precedents for Stormwater Mitigation Design

"Green Infrastructure", as mentioned in the previous chapters, utilizes natural processes to provide services for humans and wildlife alike. Central Texas experiences intense rainfall which can cause serious erosion and damage to property.



Photo: Earth Design Inc

This plan recommends using a step-pool drainage system to mitigate the possible damage caused by heavy rainfall and impervious cover. The Step-Pool System encourages infiltration and improves water quality while slowing the rapid runoff caused



Regenerative Step-pool drainage. Photo: My Green Montgomery



Regenerative Step-pool drainage. Photo: My Green Montgomery

by heavy rain. The Step-Pools can be designed to utilize local materials that are appropriate for natural contexts.

Outfall #1

Outfall #1, located at the pocket park entrance, is significantly eroded, threatening the structural integrity of the main entrance to the preserve. Additionally, the outfall has caused erosion on the trail which directly access Cypress Creek, eliminating ADA access to the creek and encouraging social trails. Regardless, it establishes an informal barrier between the semi-private park to the south and the preserve, which is currently designated by a rope fence.



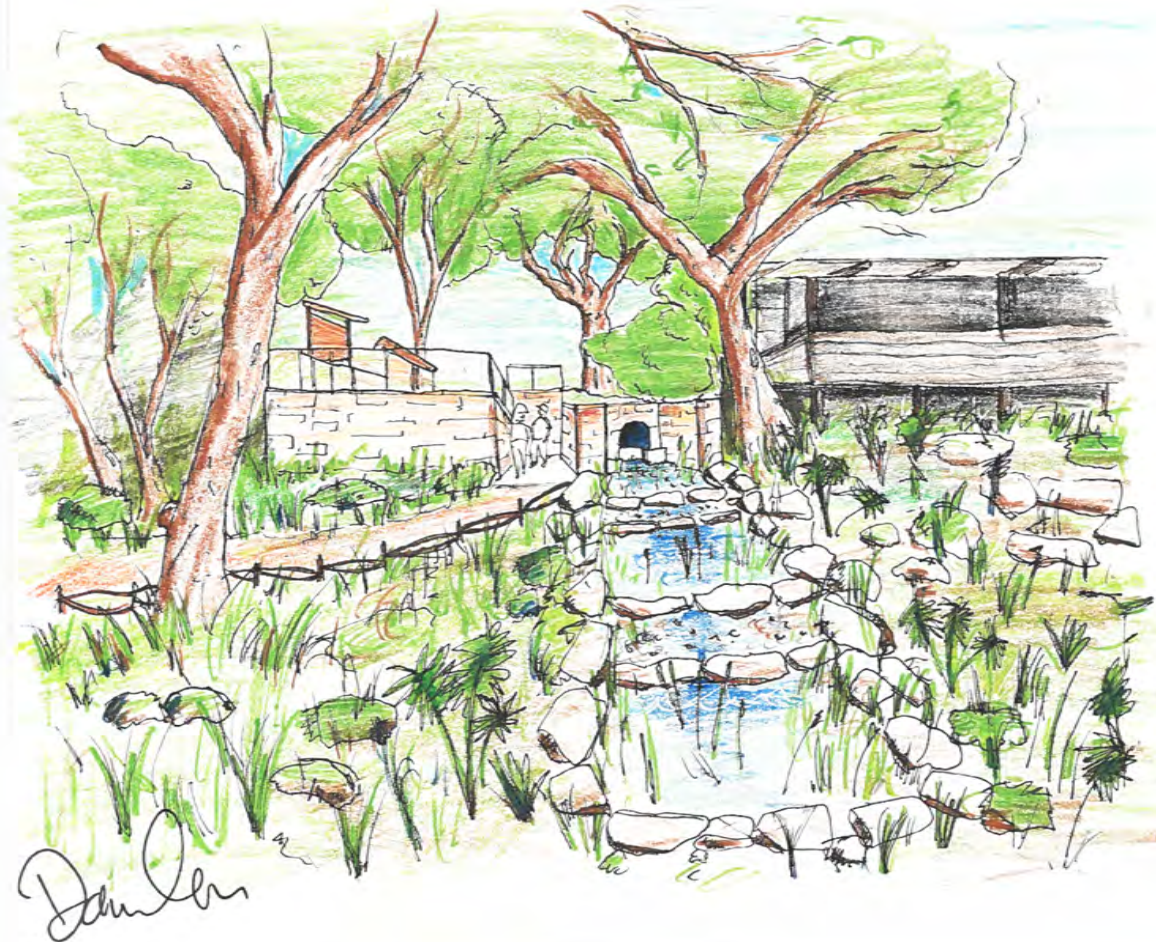
Outfall #1, Winter 2019



Outfall #1 - Erosion and Fencing, Winter 2019

This outfall will require collaboration with the neighboring landowners to create a sustainable stormwater management feature that also provides a barrier between the private and public space.

The following illustrations demonstrate the step pool drainage system in the Cypress Creek Nature Preserve under heavy stormwater load from the Wimberley Town Square. The step pools should use locally sourced boulders, river rocks and



vegetation to channel stormwater away from the ADA accessible trail. Meanwhile, the ADA accessible trail should be realigned to the north and lead to a sustainably designed creek observation node.

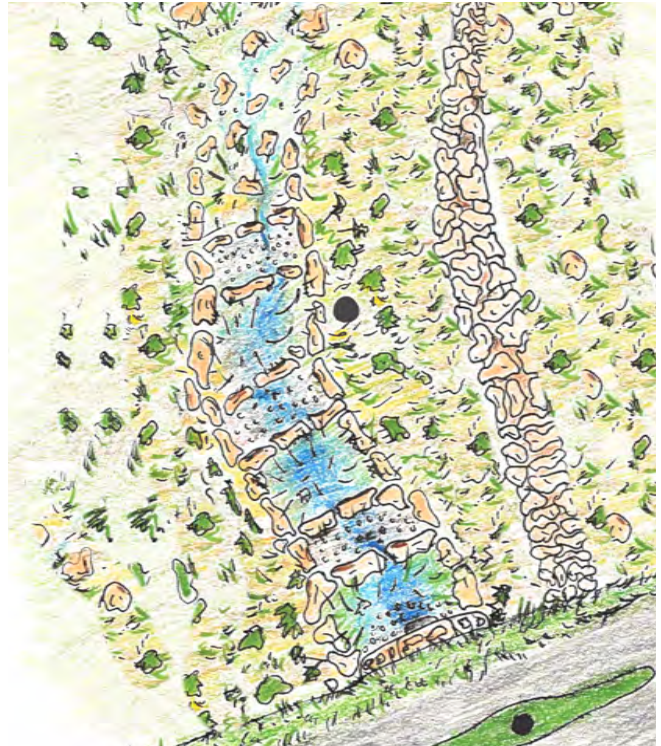
Outfall #2

Outfall #2, located along Old Kyle Road, has also caused erosion and has led to the formation of social trails along the drainage. As demonstrated in the photographs to the right and below, various attempts to prevent erosion and social trails have seen mixed results. A well constructed Step-pool drainage



system, and a realigned Boy Scout Trail can alleviate these issues. As demonstrated in the trail alignment chapter, the Boy Scout Trail entrance should be repositioned at a lower point in the preserve's elevation to prevent erosion and ease maintenance.

The following illustrations demonstrate the step pool drainage system alleviating erosion and social trail issues. The historic rock wall provides a significant barrier to flooding, and can be mimicked in the construction of the step-pool system.



Capital Improvements Plan

Project Description	Time frame	Lead Org	Estimated Cost	Funding
Trail realignment: move trail off riparian bank in upper section of preserve, add viewing nodes along upper section	2019 - 20	City and Master Naturalists	\$1,000 - \$3,000 for labor, natural materials	TPWD, GEN, LOCAL
Artistic trail protection barriers: Develop pilot project with WVWA and local artists, develop program for rotating installation of nature based barriers	2019 -20, Ongoing	City, WVWA	Volunteer labor, Staff	GEN, LOCAL
Riparian Restoration: repair and armor eroded areas along creek bank, seed/ plant native plants	2019 - 20	City and Master Naturalists	\$250 - \$1000 for seeds and seedlings, Volunteer labor, Staff	TPWD, GEN, LOCAL
Implement Signage Plan: Hire a signage and wayfinding fabrication firm or fabricate in house using local materials and artisans	2019 - 21	City	\$10,000 - \$50,000, Depending on quality and fabricator	TPWD, GEN, LOCAL
Create Trailhead gateways for both Creekside Trailhead and Boy Scout Trailhead. Move Boy Scout trailhead off slope.	2020 - 21	City and WVWA	<\$500 for Volunteer Labor, \$500 - \$1000 for hired artist	GEN, LOCAL
Engineer and construct Green Stormwater outfalls based on concepts provided in this plan. May require reiterations and maintenance after rains	2020 - 2022, ongoing	City and WVWA	\$10,000 - \$40,000 Depending on Engineering need, labor, materials	TPWD, TWDB, GEN, LOCAL
Engineer and Construct Birdwatching Outpost off of Old Kyle Rd	2021- 2023	City, Wimberley Birding Society	\$10,000 - \$25,000 depending on design	TPWD, GEN, LOCAL
Engineer and Construct Shared-Use Path along Old Kyle Rd, Construct Old Kyle Rd Trailhead and connector trail	2022 - 2024	City	\$20,000 - \$60,000, depending on paved/unpaved, engineering need	TPWD, CDBG, GEN, LOCAL
Conduct seasonal native/invasive plant Surveys	Ongoing	Master Naturalists	Volunteer labor	LOCAL, TPWD
Conduct semi-annual/as needed invasive species removal campaigns	Ongoing	Master Naturalists, City	Volunteer labor, staff	LOCAL, TPWD, GEN

GEN = City of Grapeland Municipal Funds; CDBG = Community Development Block Grant Program; Local = Donations from private citizens, organization, and local businesses; TPWD = Texas Parks & Wildlife Department; TxDOT = Texas Department of Transportation, TWDB = Texas Water Development Board

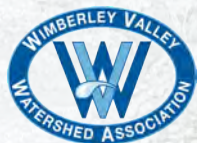
Funding Sources

Project Type	Deadline	Organization	Program Name	Description	Grant/ Loan Amount	Local Contribution
Infrastructure	August 31	Texas Parks & Wildlife (TP&W) www.tpwd.state.tx.us	Small Community	Funds can be used for development or rehab of any public outdoor recreation facilities. City would be required to self-administer the project.	Up to \$75,000	1 to 1 match. Can be cash, land, or in-kind.
Infrastructure	February 15; September	Keep Texas Beautiful	Bring Back the Monarchs to Texas	KTB offers several grant opportunities though their programming may change. BBMT funds may be awarded to nature centers, schools, educational groups and other to help fund development of Monarch demonstration gardens or Waystations on public sites in their immediate areas.	Up to \$400	A written report submitted by July 30
Infrastructure	August 31	TP&W	Outdoor Recreation	Funds can be used for development or rehab of any public outdoor recreation facilities. Must have master park plan completed by May 31st to apply.	Up to \$400,000	1 to 1 match. Can be cash, land, or in-kind.
Infrastructure	October 12, February 15	Lowes	Toolbox for Education Grants	Funds can be used for a variety of projects including reading gardens, vegetable gardens, fitness areas, school landscaping projects, nature trails, and playgrounds. Applicants are limited to K-12 schools or parent-teacher organizations. www.toolboxforeducation.com	\$2,000 to \$5,000	No match required.
Programming	February 1	TP&W	Outdoor Outreach	Funds can be used to purchase supplies and equipment for outdoor programs. No construction allowed.	Up to \$40,000.	No match required, but match improves chances of funding.
Infrastructure	February 1	TP&W	Recreational Trails	Funds can be used for new trail development or rehab of existing trails, and trail amenities such as parking areas, restrooms, drinking fountains.	Up to \$200,000	20% of total project cost required as local match (can be cash, land, or in-kind).
Infrastructure	February 5	TxDOT & Keep Texas Beautiful	Governor's Community Achievement Awards	Funds can be used for landscaping along public right of way. Location and type of project is decided by the community and TxDOT.	By population: <3,000=\$90K; <5,000=\$110K; <9,000=\$130K	N/A

Project Type	Deadline	Organization	Program Name	Description	Grant/ Loan Amount	Local Contribution
Infrastructure/ Programming	September 30, February 28th	Captain Planet Foundation	CPF Grants	Funds can be used for community gardens, native plant gardens, learning trails, cleaning up local parks, maintaining/ restoring environmentally sensitive areas such as forests and prairies, wetlands, rivers, streams. Preferential consideration is given to projects seeking seed funding of \$500 or less or projects that have at least a 50% match or in-kind contribution in funding. www.captainplanetfoundation.org	Up to \$2,500	No match required, but match improves chances of funding.
Infrastructure/ Programming	Ongoing	National Gardening Association	The Garden Registry http://grants.kidsgardening.org/	The program connects communities with various grant programs available through the National Gardening Association depending on the community's need.	varies	No match required.
Infrastructure	December 15	Fiskars	Project Orange Thumb http://www2.fiskars.com/Community/Project-Orange-Thumb	The program awards grant recipients a combination of financial funding and Fiskar tools to build or make over community gardens.	\$5,000	No match required.
Drainage	October each year	Texas Water Development Board (TWDB) www.twdb.state.tx.us	Flood Mitigation Assistance Program	Funds for planning and project grants to develop or update the flood hazard component of a Multi-Hazard Mitigation Plan (prepared by the COG) and for constructing flood mitigation projects. Eligible applicants must have zoning and building code jurisdiction over a particular area having special flood hazards and be participating in the NFIP.	Planning grant max: \$50,000; Construction: < \$3.3 million over a 5-year period.	25% match of which not more than half (12.5%) can be of in-kind services.
Drainage	Annually	TWDB	Flood Protection Planning	Funds for regional/watershed-wide planning to evaluate structural and nonstructural solutions to flooding problems.	Varies	1 to 1 match

Project Type	Deadline	Organization	Program Name	Description	Grant/ Loan Amount	Local Contribution
Drainage	Ongoing	National Resource Conservation Service	Emergency Watershed Protection (EWP) Program	Funds for debris removal from stream channels, road culverts, and bridges; reshaping and protecting eroded banks; correcting damaged drainage facilities; establish cover on critically eroding land; repair levees and structures; and repair conservation practices. Eligible applicants include public and private landowners. Eligible applicants must be represented by a sponsor, such as a city, county, general improvement district, or conservation district.	Varies – funding subject to Congressional approval	25% local match required, cash or in-kind services
Multiple	None	Meadows Foundation www.mfi.org	Multiple	The Meadows Foundation provides grants and loans statewide for a variety of causes. Ideal projects already have at least 50% of needed funding and the organizational and financial capacity for execution beyond the grant period. The Foundation should be contacted for information about whether a given project fulfills its priorities.	Varies	Local organizational capacity
CBD - Infrastructure	Yearly	TDA	TCF – Grants for Main Street Communities	Funds can be used for public infrastructure improvements such as parking, sidewalks, lighting, utility upgrades in the designated "historic commercial district" of participating Main Street communities. Engineering costs are not eligible to be paid with TCF-DRP funds so those costs must be paid for with local funds.	Up to \$150,000	Cash or in-kind. 10% minimum, but points awarded for 20% or 30%. E.G.: on a \$150,000 grant, \$15,000 is required, but points awarded for \$30,000 or \$45,000
CBD - Infrastructure	Yearly	TDA	TCF – Downtown Revitalization Program	Funds can be used for public infrastructure improvements such as parking, sidewalks, lighting, utility upgrades in designated "historic commercial district." Engineering costs are not eligible.	Up to \$150,000	Cash or in-kind. 10% minimum required, but points awarded for 20% or 30%. Example: on a \$150,000 grant, \$15,000 is required, but points awarded for \$30,000 or \$45,000

Cypress Creek Nature Preserve Masterplan Appendix



ALVARADO
WORKS



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STATE OF TEXAS §
 §
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Conservation Easement

This Conservation Easement ("Agreement") is entered into between Village of Wimberley, ("Grantor"), and Wimberley Valley Watershed Association, ("Grantee"), a Texas non-profit public interest corporation whose mailing address is 1405 Mt. Sharp Road, Wimberley, Texas 78676.

RECITALS

Grantor is the owner in fee simple of that certain real estate consisting of approximately 7.19 acres of land located along the bank of Cypress Creek near the Wimberley square, more particularly described in Exhibit A attached hereto and made a part of this agreement.

The property in its present state consists of a highly pristine remnant tract of land that lies entirely (or almost entirely, depending upon definition) in the flood way and/or flood plain of Cypress Creek.

The property has special conservation value due to its survival in a totally natural state without any significant man-made structures, improvements or development of any kind other than a very old stacked-rock wall that dates from the 1800's located along one section of its perimeter. Massive cypress trees, native pecan, black walnut, sycamore, elm, juniper, oak, mulberry, yaupon and many other species proliferate throughout its extent. There are multiple levels of habitat from the extremely high tree canopy to the deepest pools in Cypress Creek that are still fed by flowing springs. The waters are inhabited by catfish, black bass, Rio Grande perch, sun perch, carp, turtle, cotton-mouth water moccasin and an occasional migrating eel from the sea. Waterfowl including blue heron, purple gallinule and blue Kingfisher inhabit the tract, along with an extraordinary variety of other bird species among which are the large red-shouldered hawk, many different owl, purple martin, painted bunting, scarlet tanager, red-headed woodpecker, and cardinal to name only a few. The extremely rare and fragile chatterbox orchid still grows from the roots of the cypress trees near rapidly flowing water around the waterfall about the mid-point of the tract. The property constitutes a true remnant wilderness tract that has never been subjected to any substantial level of agricultural, recreational, chemical pollutants or other human traffic of any kind, excepting only the occasional visitor or passer-by who have come to appreciate its extraordinary natural state.

Grantor, as owner of the Property, intends to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity, and represent to Grantee that the Property is free and clear of all liens and encumbrances except those which have been specially declared to Grantee prior to the date hereof.

Grantee is a public interest charitable organization described in Section 501(c)(3) of the Internal Revenue Code, as amended, and the regulations thereunder (the "Code"), whose primary

purpose is land conservation for the preservation of open spaces and wildlife habitat.

Grantor and Grantee recognize the natural, scenic, ecological, and fragile special character of the Property as described above and have the common purpose of the conservation and protection of those special values in perpetuity through the use of restrictions on the property designed to preserve its character as described above. With the transfer from Grantor to Grantee of affirmative rights for the protection of the Property, the parties intend the grant of such restrictions and rights to qualify as a "qualified conservation contribution" as that term is defined under Section 170(h)(2)(c) of the Code.

EASEMENT GRANT

In consideration of the facts recited above and of the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to Section 170(h) of the Code and the laws of the State of Texas, including TEX. NAT. RES. CODE ANN. §§ 183.001 to 183.005, Grantor hereby gives, grants, and conveys unto Grantee and permitted assigns a conservation easement (the "Easement") in perpetuity over the Property of the nature and character and to the extent hereinafter set forth. Grantor hereby declares that the Property shall be held, mortgaged, encumbered, transferred, sold, conveyed, used and occupied subject to the covenants, conditions, restrictions and easements hereinafter set forth, which covenants, conditions, restrictions, and easements shall be deemed to run with the land and to burden the Property in perpetuity without every being subject to subordination.

1. *Purpose.* The purpose of this Conservation Easement is to ensure that the Property shall retain forever its special natural, scenic and undeveloped remnant wilderness character as described above; to protect its native plants, animals, habitat and plant communities on the Property; and to prevent any use of the Property that will pollute, impair or interfere with those conservation values and to assure the availability of the Property only as a nature preserve and for the education and edification of the public as to its character. It is expressly agreed that the purposes of this easement promote the public purposes of the Village of Wimberley.

2. Rights of Grantee.

2.1 To accomplish the purpose of this Conservation Easement, Grantor grants the following rights to Grantee, which rights shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee:

(a) To preserve and protect the conservation values of the Property, and enforce the terms of this Agreement in the case of breaches by Grantor or third persons (whether or not claiming by, through or under Grantor) by appropriate legal proceedings, after providing Grantor (in case of a breach by Grantor) with reasonable notice and a reasonable opportunity to cure, except in the case of an emergency which in Grantee's reasonable judgment requires immediate action to prevent or mitigate otherwise irreversible damage to the conservation values of the Property, in which case notice and opportunity to cure are dispensed with;

(b) to enter onto the Property at any time (without bringing any significant harm to the conservation values described herein) in order to monitor Grantor's compliance with the covenants and purposes of the Easement;

(c) to prevent Grantor or third persons (whether or not claiming by, through or under Grantor) from conducting any activity on or making any use of the Property that is inconsistent with the purpose of this Easement and to require of Grantor or third persons the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use; and

(d) to obtain injunction and other equitable relief against any violations, including relief requiring removal of any offending structures, improvements, vegetation, uses, regulations or signage and/or to provide other restoration of the Property to the condition that existed prior to any such violations (it being agreed that remedies otherwise available at law would be wholly inadequate); and

(e) to place one or more discrete and dignified signs on the Property advising visitors of the existence of the conservation easement and its requirements and stating the name, address and telephone number of the Grantee.

2.2 Forbearance Not a Waiver. Any forbearance by Grantee to exercise its rights under this Easement in the event of a breach of any of its terms shall not be deemed or construed as a waiver of such term or of any subsequent breach of the same or any other terms of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach shall impair such right or remedy or be construed as a waiver.

2.3 Acts Beyond Grantor's Control. Nothing in this Easement shall be construed to furnish Grantee a cause of action against Grantor for damages as a result of, or to compel Grantor to restore the condition of the Property after, any act of God or other event over which Grantor had no control, or as a result of any prudent action (including best efforts to prevent or minimize damage or impairment of natural values) taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

3. Prohibited Uses. Except as provided and permitted under paragraph 4 below, Grantor shall not perform or commit, and shall not knowingly permit third persons to perform or commit, any act on and affecting the Property that is inconsistent with the purposes of this Easement. Without limiting the generality of the foregoing, the following acts or uses are expressly prohibited on, over, under, or in connection with the Property:

(a) excavating, dredging, or removing soil, loam, peat, sand, gravel, rock, caliche, or other surface or near-surface minerals or natural deposits from the Property, changing the topography of the Property, or building roads;

(b) mining, drilling, producing, or exploring for oil, gas, or other minerals

on the surface of the Property;

- (c) commercial or industrial uses of the Property;
 - (d) subdividing the Property;
 - (e) constructing or placing any transmission or receiving tower or energy facility on or above the Property or granting any easements or rights-of-way over or across the Property;
 - (f) installing underground storage tanks or placing, filling, storing, or dumping waste, refuse, trash, rubbish, debris, junk, soil, vehicle bodies or parts, or other substances, whether or not generated on the Property;
 - (g) cutting or removing any native trees or plants from the Property (except in extremely rare cases based upon sound ecological advice in writing from a qualified source that such cutting or removal is necessary to preserve natural balance);
 - (h) planting any non-native trees, shrubs or plants;
 - (i) disturbing natural habitat by plowing, clearing, burning, chemical uses, or the introduction of non-native animals;
 - (j) altering, depleting or extracting existing or future surface water, natural water courses, ponds, lakes, marshes, subsurface water or any other water bodies;
 - (k) placing any commercial signs, billboards or advertising on the Property;
 - (l) erecting or establishing any artificial lighting or illumination of any kind on the Property except at the entrance area of nature preserve hereinafter described;
 - (m) erecting any man-made structure whatsoever other than the permitted foot path along the length of the Property and the permitted structures in the entry area;
 - (n) no noisy or pollution-emitting power vehicles or contrivances of any kind shall ever be permitted upon the Property except in cases of human health and safety emergency; and
 - (o) any unanticipated use or activity on or at the Property which would impair significant conservation values unless such use or activity is necessary for the protection of the conservation values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of Grantee.
4. ***Reserved Rights***, By the grant and conveyance of this Easement, Grantor intends to

dedicate the Property to wilderness preservation as a nature preserve. Grantor agrees that except for the areas identified below, and a fully permeable nature trail hereinafter described, the Property will be left in a totally natural wilderness state in order to preserve the conservation values described herein. Accordingly, the provisions of Paragraph 3 notwithstanding, the following rights, uses, and activities of, or by Grantor and its successors and assigns are permitted on the Property:

(a) the right to conduct educational, charitable, and/or archeological research and investigation so long as it does not impair the natural wilderness character of the Property;

(b) the right to maintain the Property as a nature preserve and to permit visitors to traverse the Property for educational purposes and for aesthetic appreciation of nature on a specially designed permeable foot path through the length of the Property, which path shall be established in such a way as to reduce to a minimum the area that it occupies and to minimize its impact on the delicate ecology of the Property by guiding visitors away from rare species, nesting sites, and the most fragile areas. The foot path may be furnished with seats of natural materials and unobtrusive informational signs for visitors; however nothing in this agreement shall be construed as itself providing public access or right of use to the public except as Grantor or its successor-in-interest may permit in accordance with any applicable maintenance or conservation plan that complies with the terms of this agreement.

(c) the right to establish a nature preserve entry area and gate at the point nearest the Wimberley square where the Property may be accessed from Old Kyle Road. Structures in the entry area shall be confined to the area above the bluff and access down the bluff but shall not otherwise extend down into the Cypress Creek flood way. Permitted structures in entry area shall be limited to a suitable gate through which the nature preserve may be accessed from the Wimberley square and Old Kyle Road, appropriate signage, seating, landscaping, playscape for children, picnic tables, walk ways, fountain, restroom facility and necessary structures for water run-off and drainage management, and

(d) the right to fence the dry ground perimeter of the Property from the upstream water's edge to the downstream water's edge, and to make appropriate use of that area above the bluff adjacent to the Lumber Yard touching Old Kyle Road. An appropriate use of the identified area might be parking or other use generally supportive of the goals of the nature preserve.

5. ***Transfer of Easement*** The benefits of this Easement shall not be voluntarily assignable by Grantee, except (i) to a non-profit organization that at the time of transfer is a "qualified organization" under section 170(h) of the Code, or any successor statute then applicable, and authorized to acquire and hold conservation easements under Chapter 183 of the Texas Natural Resources Code (or any successor statute) or the laws of the United States, and (ii) as a condition of such assignment, the assignee must agree that the purposes of this Easement will continue to be carried out. Grantee agrees to give Grantor written notice of any such assignment at least 30 days in advance; such assignment shall be subject to the prior written approval of Grantor or Grantor's

successors, but approval will not be unreasonably withheld, taking into consideration the compatibility of the stated corporate and charitable purposes of the proposed assignee with the protection of the conservation values of the Property. Any attempted assignment by Grantee contrary to the terms of this paragraph shall be invalid but shall not operate to extinguish this Easement. If Grantee ceases to exist a court having jurisdiction shall transfer this easement to another qualified organization having similar purposes that agrees to assume Grantee's responsibilities hereunder.

6. **Transfer of Property.** Any time the Property, or any interest therein, is transferred by Grantor to any third party, Grantor shall notify Grantee in writing at least thirty days prior to the transfer of the Property, and Grantor agrees to expressly incorporate, and the conveyance shall be subject to, this Easement.

7. **Amendment.** If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Easement. Any such amendment shall be consistent with the purposes of this Easement and shall comply with section 170(h) and 501(c)(3) of the Code and with Chapter 183 of the Texas Natural Resources Code and any regulations promulgated thereunder. Grantor and Grantee have no right or power to agree to any amendment that would affect the enforceability or perpetual duration of this Easement.

8. **Termination of Easement; Eminent Domain.** If circumstances arise in the future that render it impossible to fulfill the conservation purposes set forth above, this Easement may only be terminated, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. If at any time the grantee fails to use the property in a manner that primarily promotes the public purposes of the Village of Wimberley set out in Section 1 of this agreement, the easement shall automatically terminate and all interests held by the grantee shall revert to the Village of Wimberley.

9. **Parties Bound.** The covenants, terms, restrictions, and conditions of this Easement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns, and shall continue as a servitude running in perpetuity with the Property.

10. **Termination of Rights and Obligations.** A party's rights and obligations under this Agreement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive the transfer.

11. **Counterparts.** This Easement may be executed in several counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but all of which together shall constitute one instrument.

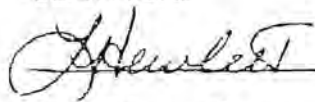
12. **No Merger.** The parties agree that the terms of this Easement shall survive any merger of the easement and fee simple estates in the Property.

13. **Subordination.** In the event that Blanco Ranches, L.P., or one or more of its partners or principals provides seller financing to accommodate sale of the property to the Village of Wimberley, and thereby carries a promissory note or notes from the Village of Wimberley for some part of the purchase price, and which note(s) are secured by vendor's, deed of trust or other lien on the property conveyed, then in such event this conservation easement shall be junior and subordinate to such lien reserved to secure payment of the balance of the purchase price. In the event of foreclosure of any such lien so that title passes back to Blanco Ranches, L.P., then such title shall pass back to Blanco Partners, L.P. free and clear of this conservation easement.

TO HAVE AND TO HOLD the Easement to Grantee and its successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend the Easement, together with all and singular the rights and appurtenances thereto, unto Grantee and Grantee's successors and assigns, when the claim is by, through, or under Grantor but not otherwise.

EXECUTED as herein shown.

GRANTOR:



MAYOR

GRANTEE:

By: 

President

ATTEST:

By: 

Its Secretary

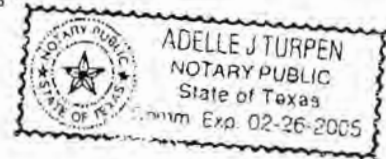
STATE OF TEXAS §

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COUNTY OF HAYS §

This instrument was acknowledged before me on the 21 day of December, 2001, by
Linda Hewlett as Mayor of Village of Wimberley

Adelle J Turpen
Notary Public, State of Texas



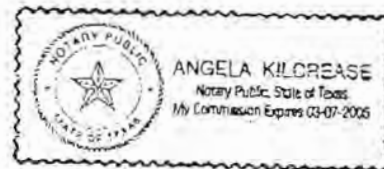
STATE OF TEXAS §

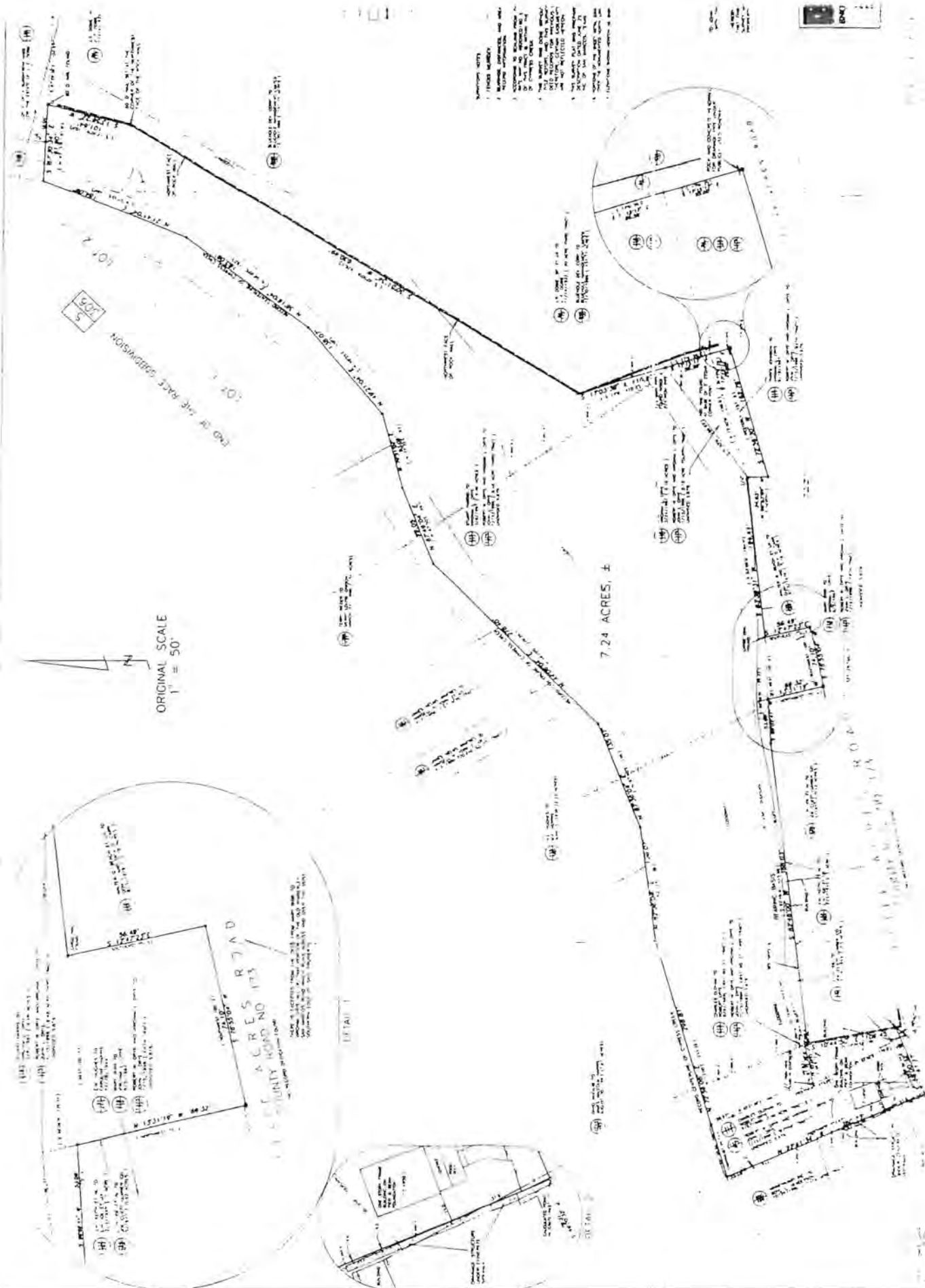
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COUNTY OF HAYS §

This instrument was acknowledged before me on the 21st day of December, 2001,
by Patrick L Cox as President of Wimberley Valley Watershed
Association

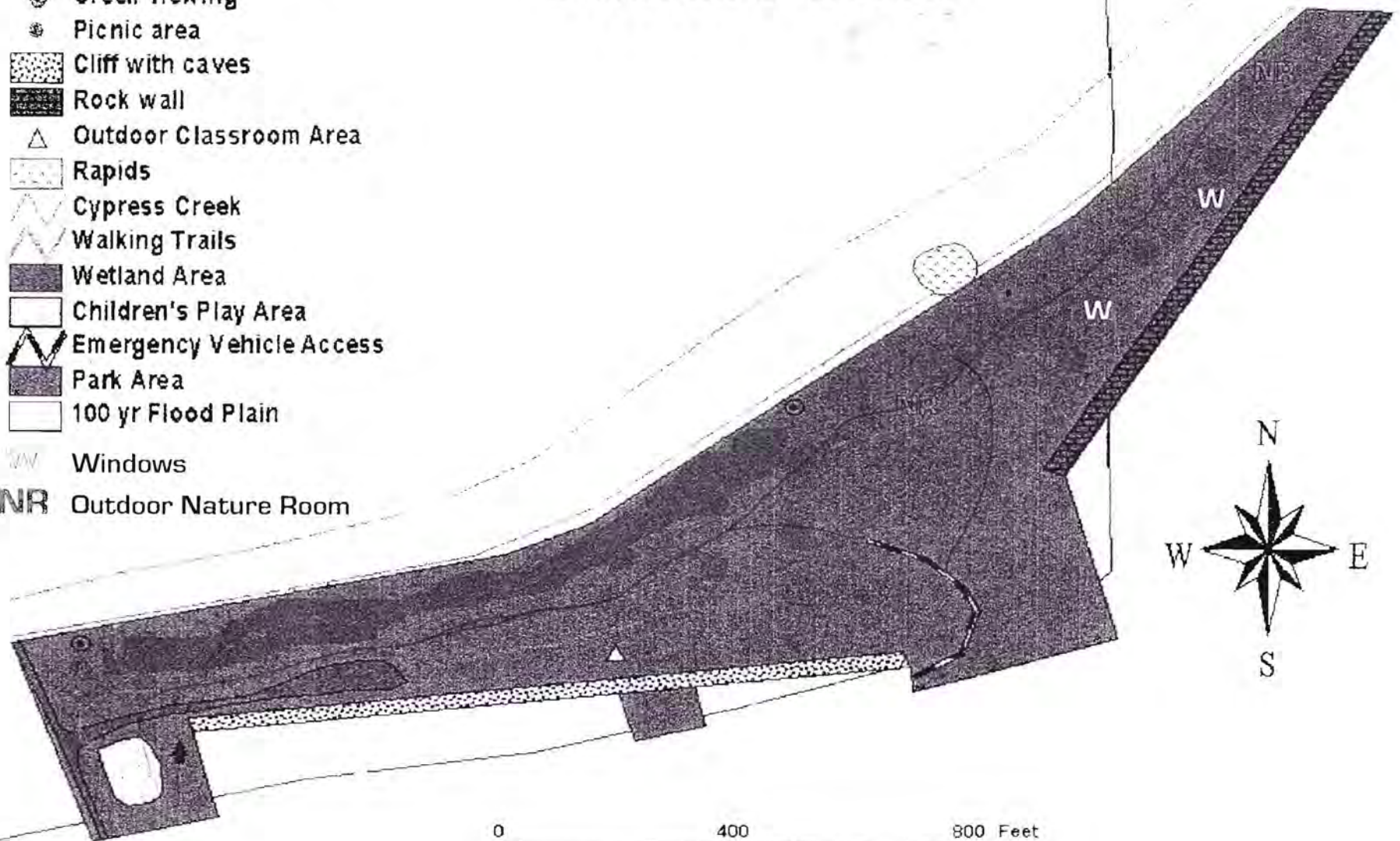
Angela Kilcrease
Notary Public, State of Texas





Cypress Creek Nature Trail

- ↑ Restroom facilities.shp
- ⊙ Creek viewing
- Picnic area
- ▨ Cliff with caves
- ▤ Rock wall
- △ Outdoor Classroom Area
- ▧ Rapids
- ~ Cypress Creek
- Walking Trails
- Wetland Area
- Children's Play Area
- ↯ Emergency Vehicle Access
- Park Area
- 100 yr Flood Plain
- WN Windows
- NR Outdoor Nature Room



0 400 800 Feet

CONSERVATION EASEMENT COMPLIANCE MONITORING

CYPRESS CREEK NATURE TRAIL

±7.19 ACRES

HAYS COUNTY

PREPARED BY: JAMES A. HALL, STAFF BIOLOGIST II

PLATEAU LAND & WILDLIFE MANAGEMENT

DECEMBER 20, 2018



COMPLIANCE MONITORING SITE VISIT

At the request of the Wimberley Valley Watershed Association (WVWA), a site visit was conducted on the +/- 7.19 acre Cypress Creek Nature Trail (Cypress Creek) property on December 20, 2018 to ensure that current activities on the property are in compliance with permitted uses and restrictions established by the property's Conservation Easement (CE), which is held by the WVWA. James A. Hall, Staff Biologist II of Plateau Land and Wildlife Management conducted the visit. The property is owned by the Village of Wimberley.

The property was inspected to document any modifications, current uses, and to observe current habitat conditions. Based on the inspection and information provided in the meeting with the WVWA representative, the owners are not violating any specific restrictions and appear to be in compliance with all aspects of the granted CE.

Any observed changes to the property, whether natural or man-made, are described below in the Discussion section with accompanying photo documentation. Photo point locations are indicated on Appendix A, with details of each photo point described on Appendix B.

DISCUSSION

Over the last couple of years, removal of any major patches of flood debris, which primarily included uprooted trees and large branches, was conducted to re-open the trail and allow visitor access. A significant amount of the debris remains and can provide a variety of benefits to the natural state of the property. Riparian habitat relies on natural detritus (such as decomposing plant material) to be utilized by microorganisms, which encourages the enrichment and proliferation of soil, provides nutrients for invertebrates, and in turn vertebrates, and contributes overall to a healthy ecosystem. Larger piles of downed trees and branches can also be left alone or strategically placed to help restrict visitors from straying off the trail, which aids in the protection of sensitive riparian vegetation, while still allowing woody and herbaceous establishment.

New and additional signage and temporary railings have been erected to exclude free roam hiking. In addition, some of the signage aims to educate the public about the property and the benefits of limited disturbance to sensitive riparian habitat. This type of educational and protective measures are strongly recommended to be expanded upon to encourage proper use and reduced damage to the property.

Exotic plants are relatively common, including nandina or "heavenly bamboo" (*Nandina domestica*), and ligustrum or glossy privet (*Ligustrum lucidum*). Exotic plant control should be considered as the next big project considered. This could be conducted on a community volunteer basis by Texas Master Naturalists or other groups who have knowledge of control methods and appropriate herbicide applicator licenses. Due to the proximity to the water source, water-safe herbicides such as RodeoTM should be used to control exotic plants, which are deemed safe for selective use in and around wetland areas. Additional volunteer opportunities exist, such as allowing organized trash pickup days, trail maintenance, bird tours/walks, and other events/activities. These types of projects are excellent for educational purposes, community

consecutiveness, and nature appreciation. Regardless, the overall state of the property does not necessitate any major changes in management strategy. It is a healthy natural area, and no violations to the restrictions of the CE could be noted.



Photo Point 1. Example of some of the new signage near the park's main entrance – signs describing the conservation project underway as well as the difference between healthy and unhealthy ecosystems are an important educational tool for visitors.



Photo Point 1A. Non-native ligustrum shrub (dark green/evergreen plant in the center of the photo). The exotic plant has always been present on site, but may be spreading along the banks of the creek. Control efforts are strongly recommended.



Photo Point 2. Additional signage encouraging visitors to stay on trails and off of recovering areas (following the destructive floods).



Photo Point 3. Remaining debris offers a glimpse into the amazing power that flood water can have.



Photo Point 4. Yet another sign example, placed in front of an area removed of excessive debris, which is exhibiting excellent recovery. Native grasses (inland sea oats picture) are prevalent, and provide a variety of benefits to the ecosystem.



Photo Point 5. View of the Cypress Creek “falls” offering a serene spectacle.



Appendix A – Cypress Creek Nature Trail +/- 7.19 Acres - Hays County



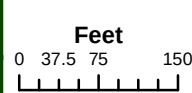
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Property Boundary



CE Monitoring Site Visit Photo Points



Cypress Creek Nature Trail; +/- 7.19 Acres – Hays County
Appendix B - Photo Point Summary

Photo Subject	Photo Point #	Lat	Long	Comment
Signs and habitat	1	29.99700	-98.09594	Signage used to educate visitors and protect sensitive riparian habitat along the trail
Ligustrum	1A	29.99700	-98.09594	Exotic/Non-native ligustrum is a common invader along creeks and rivers. Removing these plants from the CCNT is strongly recommended
Additional sign	2	29.99731	-98.09519	Additional sign used to keep photo traffic away from recovering habitat
Flood debris	3	29.99740	-98.09410	Though the flood debris that remains looks messy, it provides excellent cover for wildlife, as well as erosion control, and can encourage desirable woody growth in areas with high deer numbers
Additional sign	4	29.99795	-98.09333	Existing trap, which has so far resulted in 49 feral hogs removed in 2018
Falls	5	29.99866	-98.09276	View of the falls

Cypress Creek Nature Trails & Preserve Public Engagement

DRAFT Results

05/03/2019

Introduction

The following report outlines interim findings from the Cypress Creek Nature Trails and Preserve stakeholder meeting with public engagement.

The results are listed in the following sections:

THEMES

PROTECTION MEASURES

SIGNAGE

ANIMAL RELATED

EDUCATION

ACCESSIBILITY

TRAIL ALIGNMENT

ADDITIONAL OPEN-ENDED COMMENTS

PROTECTION MEASURES

- Manmade and natural protection measures 13
- Natural only 4
- No manmade structures 2
- Of course, as much natural as possible
- Minimal man-made
- No protection measures across from homes (people across the creek)
- Plan for maintaining is key! Especially after the flooding
- Trail design to bring people where they should go, and keep them out of sensitive areas
- Native plantings 3
- Naturalistic low railings
- Lateral viewpoints necessary

SIGNAGE

- Prefers rustic/traditional signage 4
- Prefers modern signage 8
- Descriptive – educational 3
- Modern or rustic/traditional 3
- Preserve separate from park 2

- Signage like Blue Hole 3
- Clear signage where preserve begins and ends 3
- Easy to read
- Vandal proof as much as possible
- Differentiated from Blue Hole 3
- Downtown signage needs to be changed – direct to upper path and sidewalk
- Minimal 4
- Firm but friendly 3
- Directional and educational Plant and tree info, etc.
- Modern looks like it will last longer
- More signs

ANIMAL RELATED

- Develop birding viewing areas off Old Kyle Rd (former Rotarian park site)
- Bird viewing
- Wildlife interpretation
- Viewing birds, trees

EDUCATION

- Focus education in BHRP

ACCESSIBILITY

- Limit trails in Preserve
- Fence boundaries of Preserve to minimize maintenance & prevent damage
- Sidewalk along Old Kyle Rd 5
- Overview along Old Kyle Rd 7
- Let us look at riffle but then direct the path closer to the wall is a good idea
- No Blue Hole trail entrance 3
- Give trail and early creek viewing at each end
- Sidewalk should also be a bike trail
- As many points of access to the water between trees as possible
- Need access from Old Kyle Road

TRAIL ALIGNMENT

- Trail adjacent to Cypress Creek in Blue Hole Regional Park
- Trail along Cypress Creek removed, old trail from downtown pocket park to junction at boy scout trail and out on boy scout trail only
- Meander preferred 7
- Mix of nodes and meandering 4
- Love the creek overlooks! Would love to see as many of these as possible!
- Middle floods 2
- I like draft #2 trail 6
- Waves not in front of home
- Trail closer to creek 2

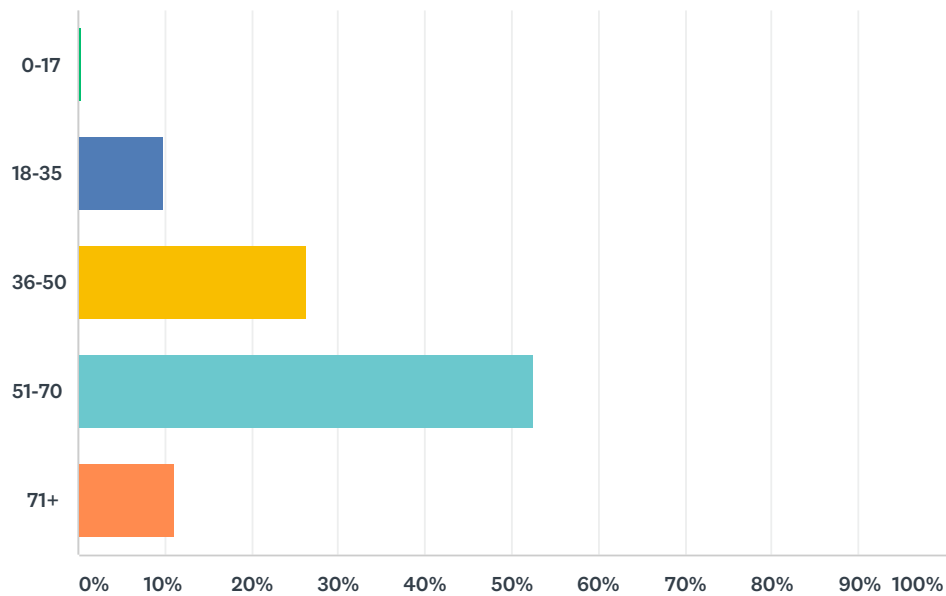
- Like the pathway
- Consideration for viewpoints
 - o Privacy of neighbors
 - o View of creek
 - o Respects terrain & existing vegetation
 - o Limits propensity to get in water
 - o Maintenance to adjust/discourage outlaw paths
 - o Plan for inspecting & restoring trail after flood
- OK to move slightly off creek
- Nodes
- As a trail running I love the loop concept
- Arches/Gateways 2
- Paths away from Cypress roots, points of water

ADDITIONAL OPEN-ENDED COMMENTS:

- Ask Hays County to fund as part of the hike and bike trail
- Benches on creekside of trail to give trail users and intimate, quiet experience on trail, while sitting
- Open, welcome stewardship group w/ webpage
- Pervious cover around iconic tree in the road
- Open connection along the water between Wim. Square and Blue Hole
- Art sculptures 2
- Who is going to maintain trails and outlaw paths?
- David Baker – Fencing = man-made ARBOR – distinction
- There is a very popular spot where people take pictures (marked at riffle)
- Obey the conservation easement
- Old Kyle Rd – could it be a boardwalk?

Q1 Choose your age range.

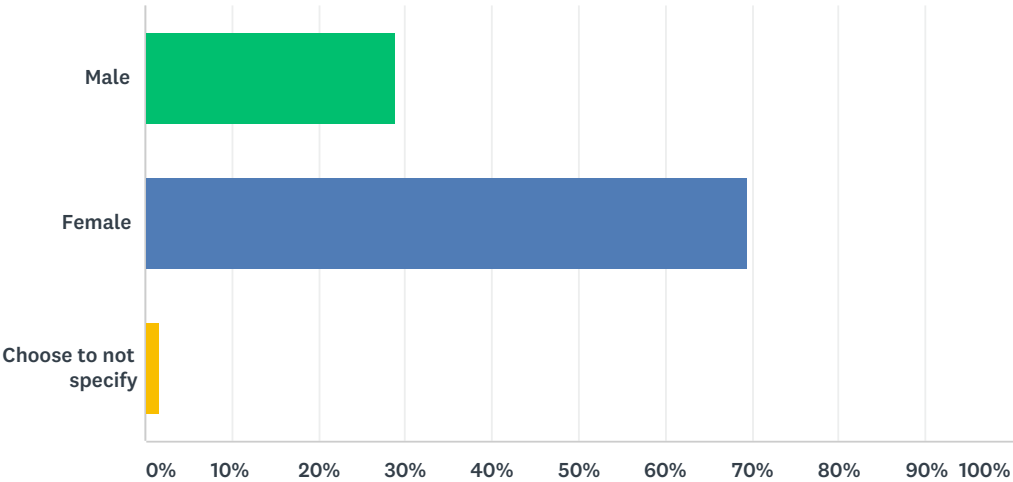
Answered: 236 Skipped: 1



ANSWER CHOICES	RESPONSES	
0-17	0.42%	1
18-35	9.75%	23
36-50	26.27%	62
51-70	52.54%	124
71+	11.02%	26
TOTAL		236

Q2 Choose your gender.

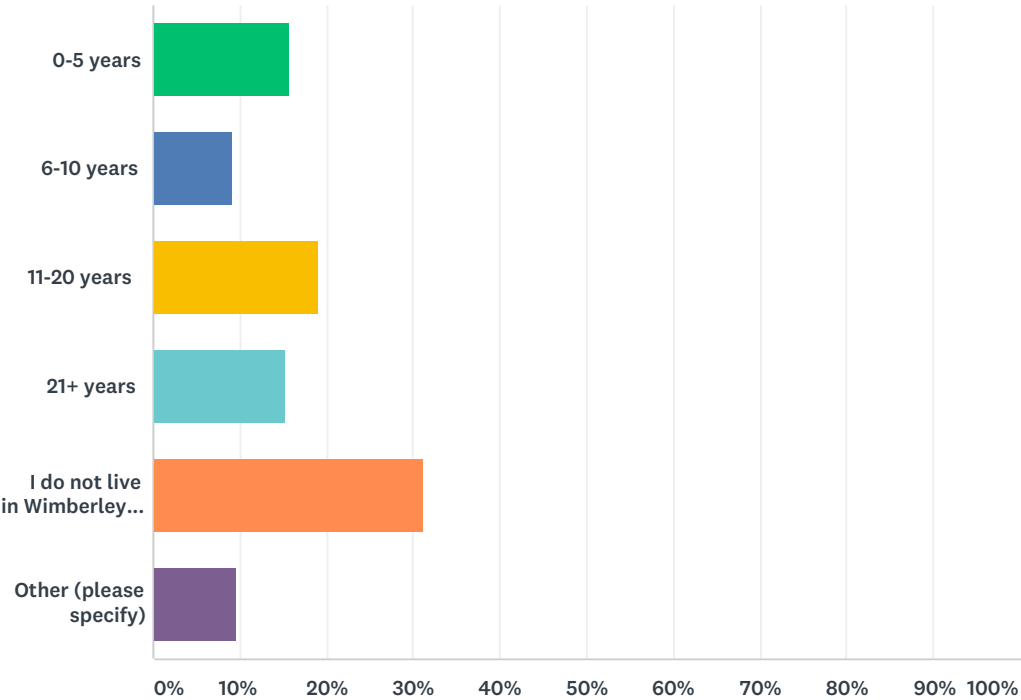
Answered: 236 Skipped: 1



ANSWER CHOICES		RESPONSES	
Male		28.81%	68
Female		69.49%	164
Choose to not specify		1.69%	4
TOTAL			236

Q3 How long have you lived in Wimberley city limits?

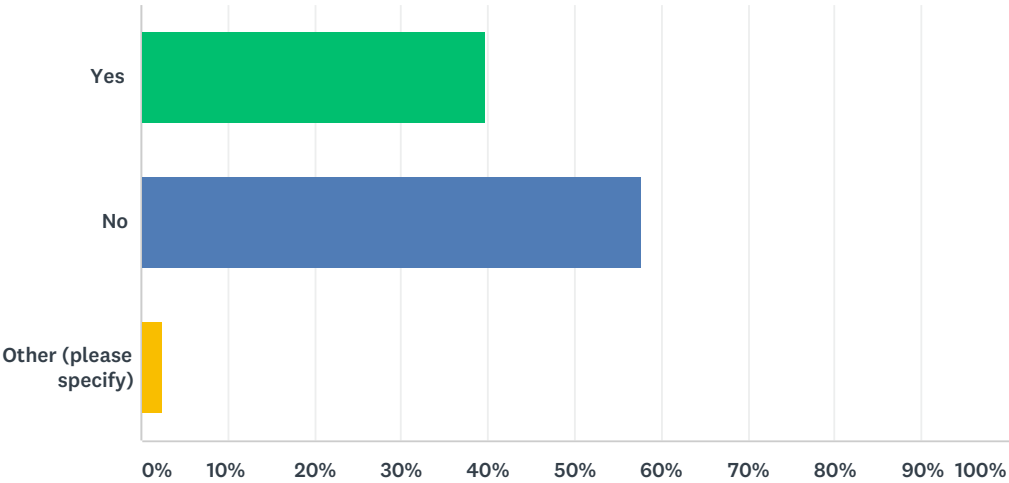
Answered: 237 Skipped: 0



ANSWER CHOICES	RESPONSES	
0-5 years	15.61%	37
6-10 years	9.28%	22
11-20 years	18.99%	45
21+ years	15.19%	36
I do not live in Wimberley City limits	31.22%	74
Other (please specify)	9.70%	23
TOTAL		237

Q4 Where you currently reside, do you have waterfront (creek, river, or other) access?

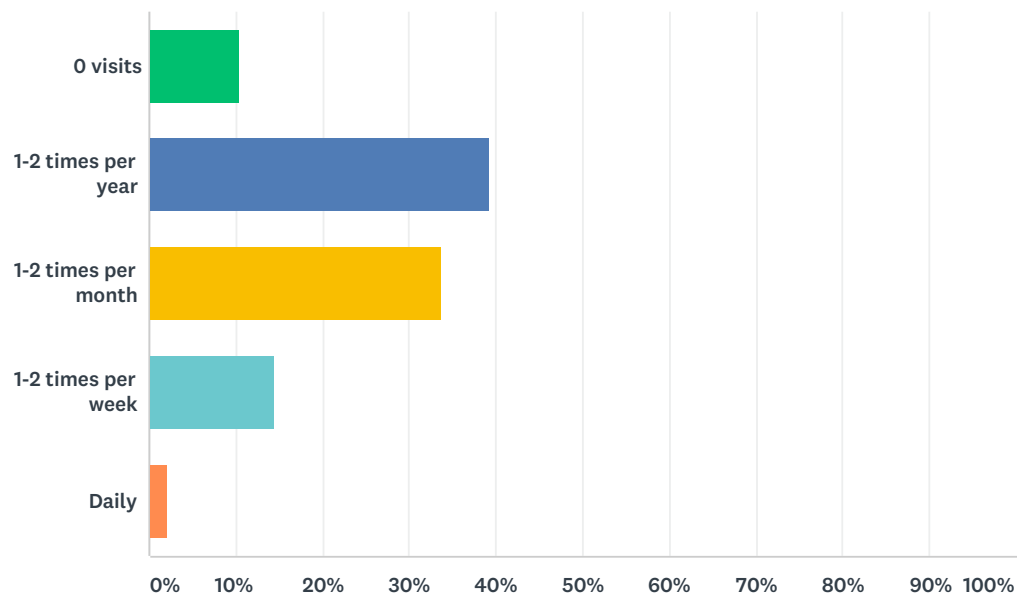
Answered: 237 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		39.66%	94
No		57.81%	137
Other (please specify)		2.53%	6
TOTAL			237

Q5 In the past year, how many times have you used the Cypress Creek Nature Trail and Preserve (excluding the developed playscape area on Old Kyle Road)?

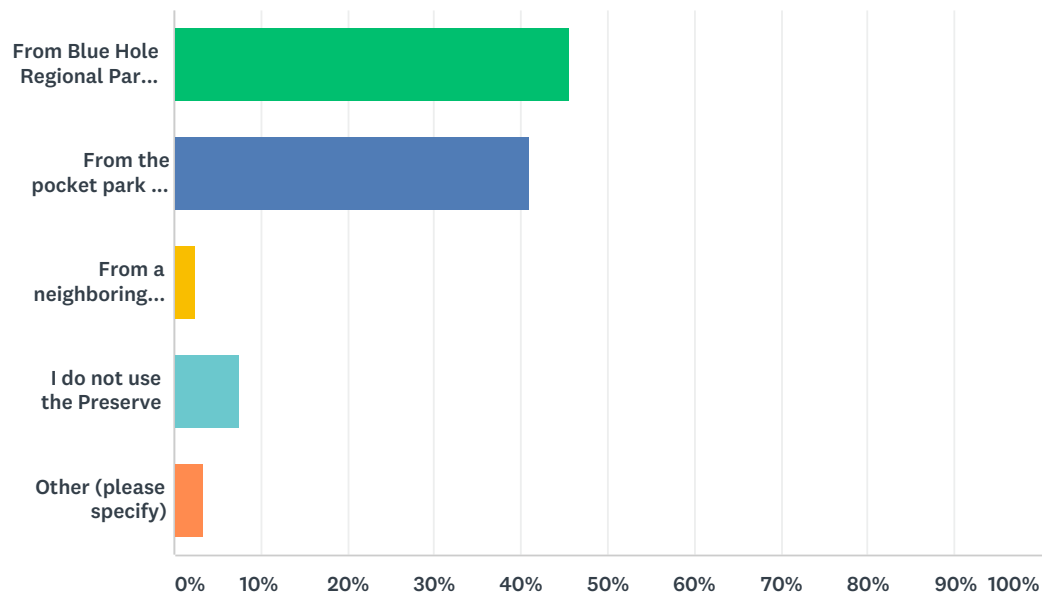
Answered: 237 Skipped: 0



ANSWER CHOICES	RESPONSES	
0 visits	10.55%	25
1-2 times per year	39.24%	93
1-2 times per month	33.76%	80
1-2 times per week	14.35%	34
Daily	2.11%	5
TOTAL		237

Q6 When using the Preserve, where do you typically enter the property?

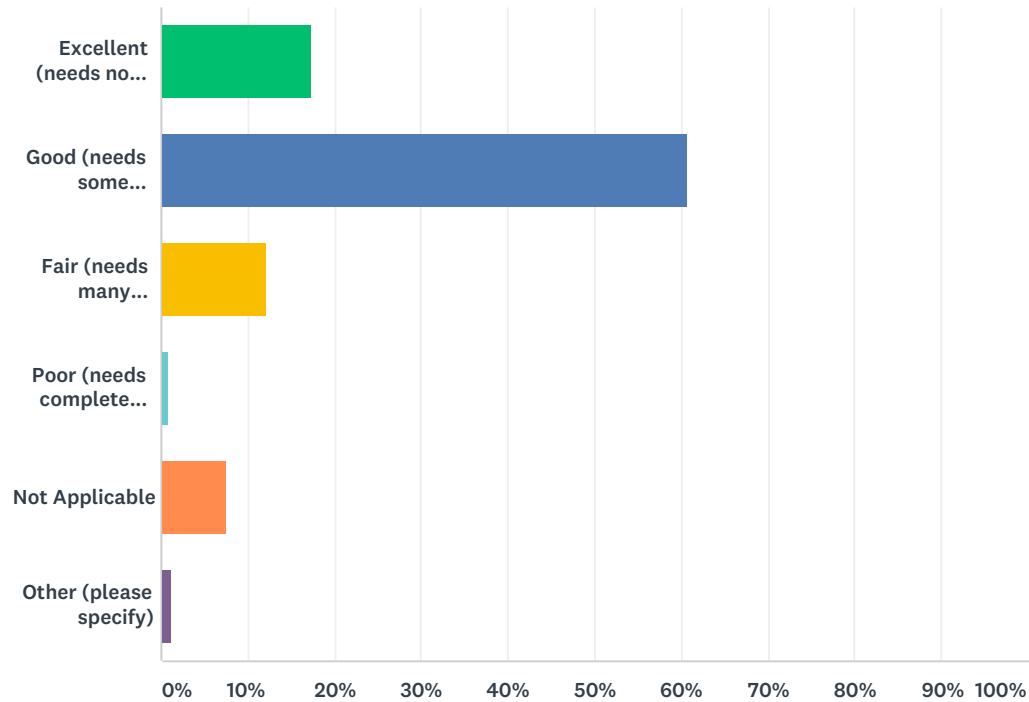
Answered: 237 Skipped: 0



ANSWER CHOICES	RESPONSES	
From Blue Hole Regional Park trail access	45.57%	108
From the pocket park on Old Kyle Road near “the Square” in downtown Wimberley	40.93%	97
From a neighboring property	2.53%	6
I do not use the Preserve	7.59%	18
Other (please specify)	3.38%	8
TOTAL		237

Q7 In general, in what condition do you consider the Preserve?

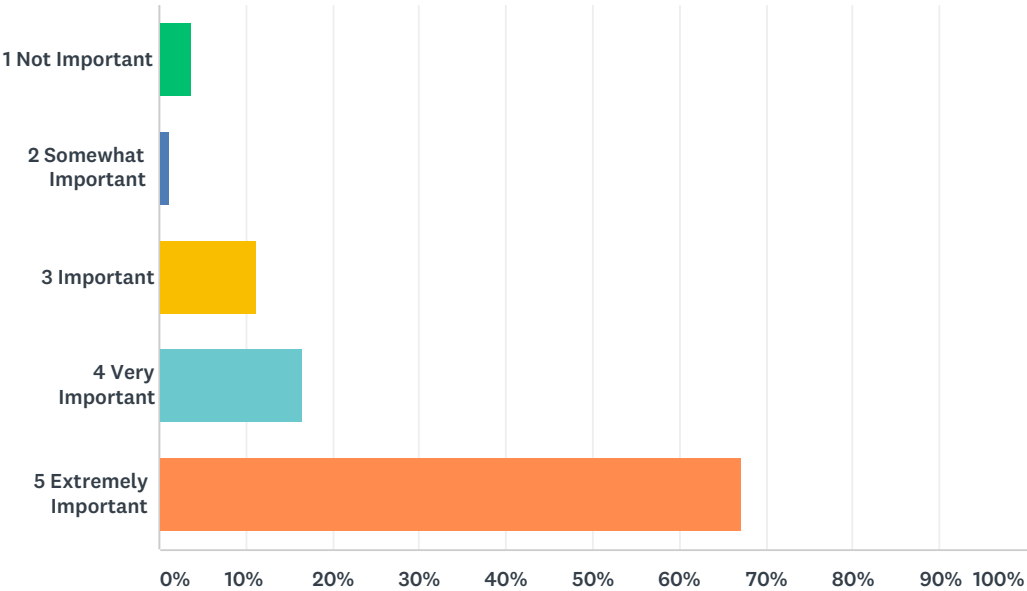
Answered: 237 Skipped: 0



ANSWER CHOICES		RESPONSES	
Excellent (needs no improvements)		17.30%	41
Good (needs some improvements)		60.76%	144
Fair (needs many improvements)		12.24%	29
Poor (needs complete redevelopment)		0.84%	2
Not Applicable		7.59%	18
Other (please specify)		1.27%	3
TOTAL			237

Q8 On a scale of 1-5, how important is public access to trails on the Preserve?

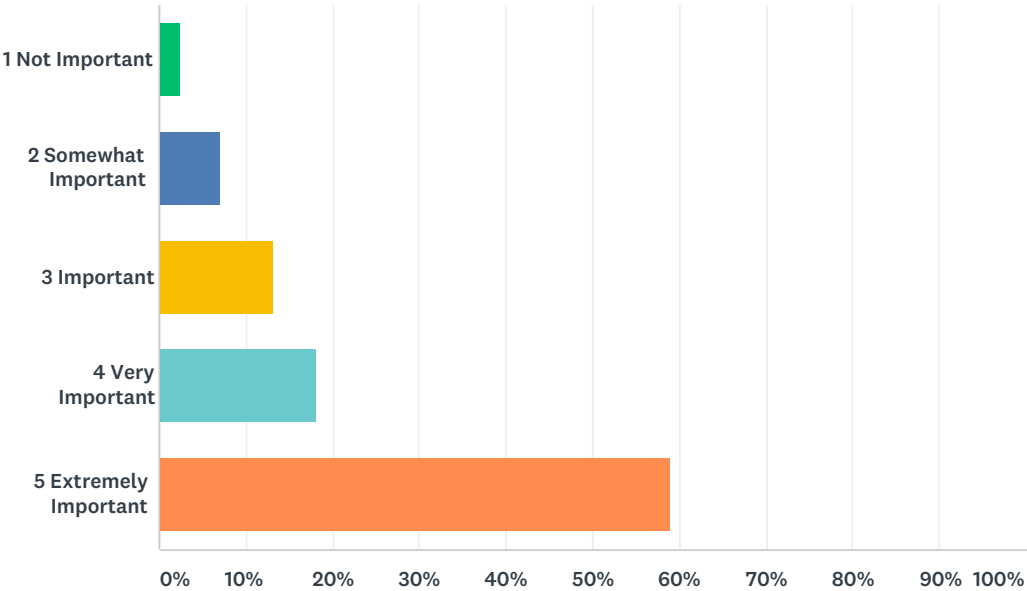
Answered: 237 Skipped: 0



ANSWER CHOICES		RESPONSES	
1 Not Important		3.80%	9
2 Somewhat Important		1.27%	3
3 Important		11.39%	27
4 Very Important		16.46%	39
5 Extremely Important		67.09%	159
TOTAL			237

Q9 On a scale of 1 – 5, how important are views of Cypress Creek to your experience of the Preserve?

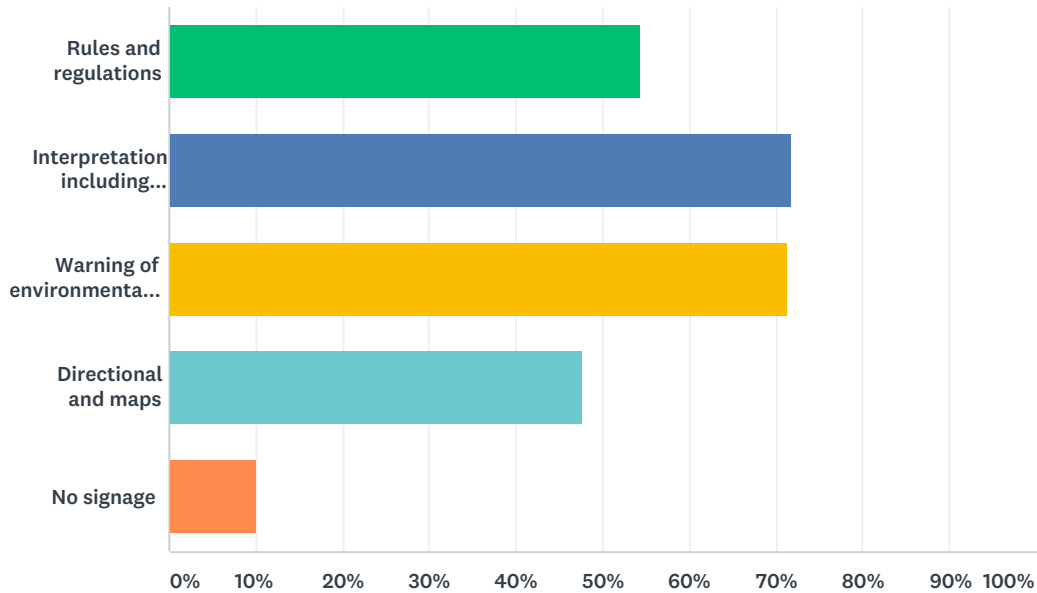
Answered: 237 Skipped: 0



ANSWER CHOICES		RESPONSES	
1 Not Important		2.53%	6
2 Somewhat Important		7.17%	17
3 Important		13.08%	31
4 Very Important		18.14%	43
5 Extremely Important		59.07%	140
TOTAL			237

Q10 What is your opinion on the type of signage needed within the Preserve? Check all that apply.

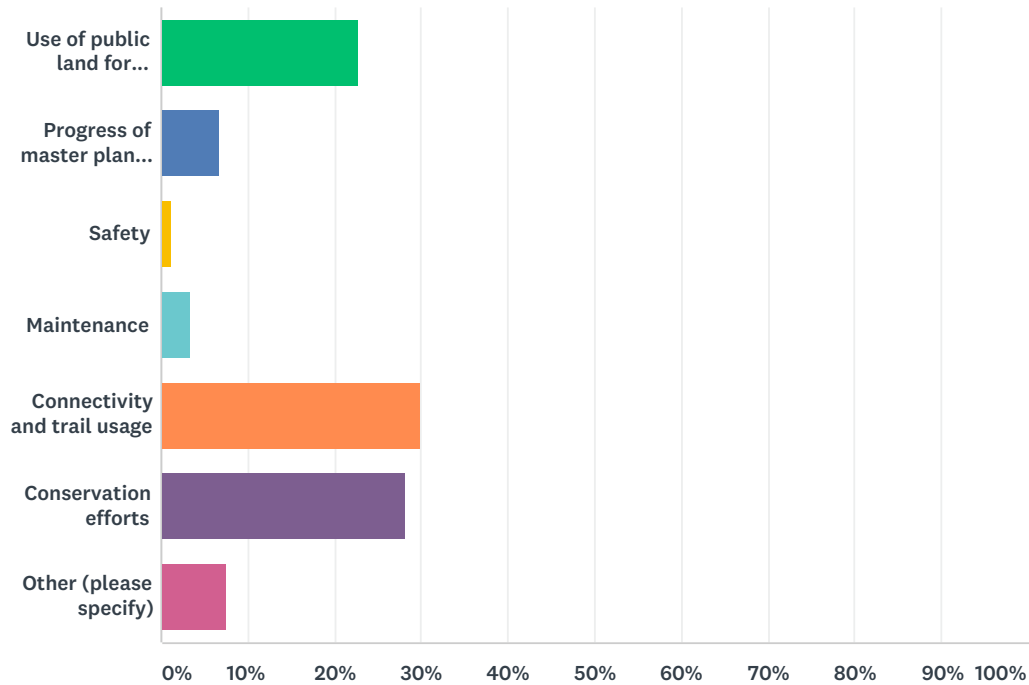
Answered: 237 Skipped: 0



ANSWER CHOICES		RESPONSES	
Rules and regulations		54.43%	129
Interpretation including environmental education, history of Preserve, etc.		71.73%	170
Warning of environmentally sensitive areas		71.31%	169
Directional and maps		47.68%	113
No signage		10.13%	24
Total Respondents: 237			

Q11 What concerns you most about the future of the Preserve?

Answered: 237 Skipped: 0



ANSWER CHOICES	RESPONSES	
Use of public land for private uses	22.78%	54
Progress of master plan initiatives	6.75%	16
Safety	1.27%	3
Maintenance	3.38%	8
Connectivity and trail usage	29.96%	71
Conservation efforts	28.27%	67
Other (please specify)	7.59%	18
TOTAL		237

Q12: Please share below your favorite aspect of the Cypress Creek Nature Trail and Preserve. Open-Ended Response
1. Being able to enjoy nature with others
2. This place is beautiful to visit.
3. So different from the cedar ecosystem
4. N/A
5. I love to escape from work and this is the perfect place
6. The naturalness of it
7. Viewing the water and trail access for pleasure walking
8. Walking on the trail helps me feel at peace and more connected to the heart of creation. The preserve and the water are beautiful and pristine. The land when left alone and not overly managed restores itself. Thanks to the City and everyone who cares for this special place.
9. it's WILD and there are few left and it is in the middle of a town. that's way cool!
10. Peace, beauty, high regard for its importance, open to all
11. I love hiking. Being able to feel deep into nature within a few steps is such a relaxing experience. I also love that my students at Blanco River Academy can walk through such beauty. This trail provides them education and a safe passage to downtown for their community lunch.
12. Clean and peaceful
13. Allowing all children and people the opportunity to learn to love conservation and the importance of preserving undeveloped tracts of land.
14. Solitude
15. Natural and peaceful setting
16. I love walking next to the creek - You can hear the water and see fish. Maybe a small sign talking about fragile creek banks would help keep people away from the water's edge, but I do not want that path closed - it needs to remain open.
17. The access and the beauty.
18. No
19. The views
20. The quiet
21. It's the one place in town for families to come and spend time together for free. Hiking, playgrounds and the camps
22. The beauty of the environment
23. Don't have one.
24. Naturalness, closeness to Cypress Creek, at an especially beautiful passage.
25. NA
26. Natural beauty
27. It's just a beautiful place to sit and reflect :)
28. Beauty and exercise
29. Don't have one but I plan to visit soon
30. One on one with nature.
31. That there is an open, wild public place that EVERYONE can enjoy nature.
32. It's a wild Wimberley trail along Cypress Creek.
33. It's quiet and soothing to your hike/walk.
34. Beautiful, natural and peaceful

35. The creek
36. The pristine natural state of the Nature Preserve
37. It's so very well preserved as a piece of nature. Nothing fancy, just quiet and it allows us to watch wildlife
38. Views of creek and connectivity with Blue Hole Park
39. The quietest part
40. The creek itself
41. NA
42. It's peaceful and beautiful
43. PRISTINE BEAUTY IN IT'S FINEST.
44. Views of the creek
45. The beauty of nature on a hot Texas day.
46. Experiencing a truly untouched and natural remnant forest in the middle of downtown Wimberley is extraordinary. The ability to walk from the Wimberley Square through Blue Hole and along Winters Mill Parkway is a fantastic experience and asset for the citizens of Wimberley and Woodcreek and visitors and tourist. To complete the loop along RR 12 with sidewalks to connect to Winters Mill Parkway should be a priority of the Cities Parks and Open Space plan. More educational opportunities need to be offered about the importance of natural riparian habitat to help control flooding and protect water quality. The City needs more public park land and incentives for protecting and managing private plans.
47. Feeling the earth beneath my feet, and the sounds and sights of nature.
48. All of it
49. Being with nature and enjoying cypress creek
50. All of it.
51. The peaceful quiet.
52. the creek.
53. Free public access to Nature, and protection of valuable natural resources are vital to sustain our beloved community.
54. One of the few places, that those of us that don't own creek/river property, to be close to this beautiful area of Wimberley.
55. The serenity of the trail. I hope it stays natural, clean, and accessible. Connection to the larger trail system is ideal.
56. Being close to the Creek and experiencing the birds along the trail.
57. It's natural state
58. The birds
59. The views
60. The birds, the varied plant life, the natural setting.
61. Only way to discover this beautiful gem.
62. The beauty of the rocks.
63. Natural conditions
64. Trails and wildlife
65. TREES!!
66. The scenery
67. There's always something new to see

68. Ease of access, beautiful view of the creek, conservation of fragile & unique area.
69. My favorite is the quiet and intimate access to viewing the creek. The birds are also different at the waters edge.
70. Nature & creek views.
71. It completes the trail
72. The chance to walk in nature next to a creek with very little public access.
73. A public place where people can be outdoors!
74. The trail. Incredibly healing.
75. Easy to access
76. It's raw beauty.
77. My favorite aspect is that you are right in town, but once you descend down the ramp it is like you are in a magical world.
78. Love the trail especially in the wooded areas. Beautiful open space for all to enjoy.
79. Its accessibility and beauty for a natural space right in the middle of town. I think it is a significant attraction for visitors.
80. The ability to walk so close to the creek and take in its quiet beauty is a pleasure that I hope to enjoy for decades to come.
81. 1
82. What a unique and truly "Wimberley" place. I relish time spent walking the trail with my family and feel a shared appreciation and gratitude among our neighbors in this community for the opportunity to connect with nature.
83. THE BEAUTY AND KEEPING IT GREEN!
84. It's an integral part of what makes Wimberley Wimberley-we care so deeply about our environment and the continued ability to get out and enjoy it!!!
85. Beautiful
86. Conservation of undeveloped land. Public access & experience of undeveloped riparian forest.
87. The fact that it is a place I can go to appreciate the diversity of riparian habitat. I also like to take people there to teach them about the importance of such habitat.
88. Undeveloped- I was appalef to the damage to overuse and misuse
89. chance to stroll in a natural setting along a creek. a rare privilege in our private property crazed culture
90. It is a necessary refuge and green space in an increasingly bustling and developing small town.
91. The beautiful trees, waterways and all the wildlife that live and travel through seasonally. What a precious place we have.
92. Natural areas, easy access
93. How natural and unaffected by man's need to define it
94. Just being able to enjoy nature. Near a creek.
95. its unspoiled nature
96. The opportunity to see rare native species like orchids and the sense of peace this enchanting preserve provides

97.	It's a beautiful walk that connects town to the park.
98.	I love the connection of the Cypress Creek Nature Trail with Blue Hole and The Square. I walk these trails almost daily as a personal health practice and the wild nature of the Nature Preserve is my favorite aspect.
99.	I enjoy walking and beautiful cypress creek offers a calming environment.
100.	The quiet and the natural beauty
101.	Impressed at accessibility inserted into "wildness"
102.	Hardly anyone uses it
103.	It's important to so many people
104.	Being able to go and enjoy it all the time.
105.	Thanks
106.	Na
107.	Pure Texas beauty.
108.	Access to the creek in its natural form
109.	Quiet
110.	Having a place to take family to enjoy nature in our town
111.	The creek and bluff.
112.	Knowing it exists?!?!
113.	No
114.	That it's tucked away but relatively easy to access
115.	The thick canopy and narrow trails allow you to completely lose yourself in nature. To have that in the middle of town is amazing.
116.	Natural beauty.
117.	Back to nature experience
118.	The rapid in the creek near the Blue Hole side of the preserve
119.	Beauty of the trail and observability of Cypress Creek.
120.	I love the trails through the shady wooded areas in the heat of the summer.
121.	It is quiet and peaceful. I also like the natural state, flood debris and all.
122.	Allows visitors to enjoy nature
123.	I love running by Cypress Creek; the sound of the water running is great for the soul!
124.	accessability
125.	It is a place where anyone can experience trees, grasses, water, quiet, and all the best that Nature has to offer in the Wimberley Valley. It is like being in a cathedral.
126.	Quiet
127.	Enjoying nature in a peaceful setting.
128.	Birds, natural beauty
129.	Beautiful flowing creek
130.	The beauty of the flora and fauna as well as the unique qualities of the Cypress Creek.
131.	Being able to see the water and interact with nature without it being destroyed with trash
132.	Not applicable
133.	Walk along the water
134.	The cypress trees
135.	Beautiful, natural, and enjoyable.
136.	That it is primitive and you can walk close to the creek.

137.	Looks natural, not over planned
138.	the river views, in it's natural state. That alone feels educational.
139.	the lovely atmosphere which gives one peace of mind always
140.	The wonder and awe of nature.
141.	Ability to enjoy nature in a state where most lands are private.
142.	It's a lovely place to walk. So beautiful.
143.	Cleanliness and upkeep of the trail, water and grounds.
144.	Views of creek
145.	Taking my kid for free into nature!! Right on the river by the square. It's so convenient.
146.	The quietude of the half mile preserve trail and the ability to see the creek most of the way.
147.	The delicate riparian ecosystem that supports such a unique stretch of the creek.
148.	The wildlife and native plants! Love to view the creek, trees, deer, Fox, snakes and bugs!
149.	Peace and quiet
150.	It's in a relatively natural state & it gives us a great opportunity to teach the importance of a natural riparian area.
151.	Access to the beautiful creek and nature for the public
152.	A way to escape easily into nature
153.	My kids love the playground
154.	The fact that I can enjoy before too many people using it ruin it.
155.	It's peaceful, and nice to take dogs and meet people with a smile.
156.	Nature
157.	Relaxing
158.	being able to get up close and personal to the creek...very rare to be able to do in the Wimberley area unless private property or pay
159.	It is as beautiful and pristine as it was when I was a child growing up here.
160.	Ability to observe nature at the creek
161.	nature
162.	Seeing the Creek
163.	Viewing and hearing the running water, especially the small rapids area and all the hanging vines.
164.	the creek and native flora
165.	A serene, natural area within our village that allows us to enjoy the beauty of the trails that traverse the preserve and join the trails at Blue Hole Park.
166.	I love walking along side Cypress Creek listening to the water and birds.
167.	I love the connection between the square and the park and that KAPS students have come to the trail to learn about riparian habitat.
168.	I have not been there.
169.	Peaceful,natural area
170.	Views of the creek
171.	I only went one time and it was beautiful
172.	N/A
173.	Fishing and enjoying the water.
174.	serenity

175.	My favorite aspect is the feeling this place evokes as I walk down away from the busy shopping atmosphere to be enveloped by nature. To walk the path surrounded by lush green, thriving plant life and the chirping of the birds. It feels like sacred ground to me.
176.	That is is untouched and undeveloped by humans
177.	The natural state available to all.
178.	The Beauty!
179.	I just love that Wimberley is preserving this land and offering it to residents to enjoy and explore. It is such a blessing.
180.	The trees and water with the sounds of birds. Peacefulness
181.	Being able to enjoy this jewel of a nature preserve that has access publicity less than 300 yards from our business so I can take a hike and commune with Mother Nature before or after my work day! It helps me stay humbled and appreciative of the blessings of Nature in almost my backyard!
182.	The walk along the creek that I have enjoyed for close to 30 years. Everyone should be able to enjoy this little gem in Wimberley.
183.	Cypress Creek
184.	The creek
185.	The raw, recovering nature of the trail is very special to us. Seeing the damage from the floods has opened up many environmental conversations with my kids.
186.	No.
187.	Riparian environment and habitat; trail accessibility
188.	The sound of the rushing water mixed with silence.
189.	accessibility to all
190.	All of it! Bravo!
191.	The birds!
192.	It's a wonderful natural area with a great variety of native plants and trees.
193.	Public space for residents to enjoy. We are very much lacking in that area.
194.	The natural beauty
195.	This is a quiet and intimate space that allows one of the only public accesses to the waters edge in the entire city. It is not widely known, well respected and utilized.
196.	Connection with Nature.
197.	Peaceful walk along cypress creek
198.	It's not a paved parking lot.
199.	My favorite aspect for ALL would be the educational opportunities found within the Cypress Creek Nature Trail and Preserve, where local schools and educational entities can bring eager students to learn about the incredible journey of our waterways and the special habitats they create for wildlife. My personal favorite aspect of the Cypress Creek Nature Trail and Preserve would be the sound of the water ripples across "the falls" located amidst the heart of the Cypress Creek Nature Trail and Preserve. There's nothing quite like the solitude of the trail and the isolated sounds of the creek that truly settle the soul. If your patient enough, you just might hear a rare golden cheeked warbler or see a beautiful sunfish come up for a bite.
200.	The privacy.
201.	Being outdoors in beautiful Wimberley. It is the only place with public trails in the area.
202.	The opportunity to experience the raw beauty of the riparian area.
203.	Bird-song, water flowing, quiet nature as God intended it to be.

204.	Being able to take my children so close to nature and the water, where most water access points in town are either on private property, or have signage indicating you cannot stop to enjoy (as on Little Arkansas and Hidden Valley, the areas closest to us, but where we do not always feel comfortable). And I'm not talking about swimming, just even being able to get close.
205.	I love the running water at the "falls" in the creek and the lovely trees along the trail.
206.	Beautiful and quiet place to experience the best of Wimberley's natural assets.
207.	no
208.	Beautiful.
209.	It's one of my favorite things about Wimberley.
210.	Access to the most beautiful part of Wimberley.
211.	One of the few places in town to access nature.
212.	That it is there and the public can appreciate the area!
213.	The beauty of it all. People need access to safe and easily accessible hiking trails to connect with nature.
214.	The quiet, peaceful nature.
215.	While I don't use it, I love that it is here, preserved for all to enjoy just like a national park.
216.	It's one of the few places that the general public has access to Cypress Creek.
217.	Trails and swimming area
218.	Creek side stroll . Nature immersion.
219.	I love walking on all trails inside the Preserve, but the creek-side trail is especially beautiful because you can see and hear the water, see aquatic and bird life, and get away from the traffic sounds along Old Kyle Road. I also really like the new trail leading in from Blue Hole - it makes a nice loop now.
220.	Peaceful walks within a gorgeous nature trail, with water streaming past as one walks along. It is good for the soul.
221.	Current public access.
222.	Being able to see the creek up close any time I want.
223.	Great for late afternoon hikes!
224.	The trail along the creek, offering opportunities to see the creek, and experience the water of Cypress Creek.
225.	Seeing and hearing the water from the trails!!
226.	that the property is a preserve with managed public access
227.	It's quiet place to pray and watch the water.
228.	Serene calm while walking in nature along the creek.
229.	The extraordinary variety of Hill Country flora!
230.	Wilderness experience near the Cypress Creek
231.	The ability to actually see and hear the creek as I walk.
232.	It's darn near the only real thing left of Wimberley
233.	The trickling creek
234.	All the trails. The sports fields. The events held.
235.	Plants
236.	Nature trails,
237.	It's wild solitude

Trees, Shrubs, Wildflowers, Grasses, and Other Vascular Plants Identified on the Cypress Creek Nature Trail and Preserve (March 2019)

ZONE 1 – southwestern portion of preserve, from convergence of scout trail to pocket park entrance (excluding from creekside trail to Cypress Creek)

ZONE 2 – northeast portion of preserve, from convergence of scout trail within preserve to rock wall scout entrance (excluding from creekside trail to Cypress Creek)

ZONE 3 - riparian, between creekside trail and banks of Cypress Creek, from Blue Hole entrance to pocket park entrance

ZONE 1

Scientific Name	Common Name	Growth Habit	Native/Exotic <u>or</u> invasive (n/ei)
<i>Acer negundo</i>	Box elder	Woody, Tree	n
<i>Adiantum capillus,veneris</i>	Maidenhair fern	Herbaceous, Fern	n
<i>Aesculus pavia</i>	Red buckeye	Woody, Shrub	n
<i>Allium drummondii</i>	Wild garlic	Herbaceous	ei
<i>Bromus japonicus</i>	Japanese brome	Grass	ei
<i>Calyptocarpus vialis</i>	Straggler daisy, horseherb	Herbaceous	n
<i>Carex Blanda</i>	Eastern woodland sedge	Herbaceous, Graminoid	n
<i>Carex planostachys</i>	Cedar sedge	Herbaceous, Graminoid	n
<i>Chasmanthium latifolium</i>	Inland sea oats	Grass	n
<i>Combretum indicum</i>	Chinese honeysuckle	Woody, Vine	ei
<i>Commelina erecta</i>	Dayflower	Herbaceous	n
<i>Cornus drummondii</i>	Roughleaf dogwood	Woody, Shrub	n
<i>Eupatorium serotinum</i>	White boneset	Herbaceous	n
<i>Galium aparine</i>	Catchweed bedstraw, cleavers	Herbaceous	ei
<i>Hackelia virginiana</i>	Beggar's lice	?	n
<i>Ilex decidua</i>	Possumhaw	Woody, Shrub	n
<i>Ilex vomitoria</i>	Yaupon holly	Woody, Shrub	n
<i>Juglans nigra</i>	Black walnut	Woody, Tree	n
<i>Juniperus ashei</i>	Ashe juniper	Woody, Tree	n
<i>Ligustrum sinense</i>	Chinese Ligustrum	Woody, Tree	ei
<i>Malvaviscus arboreus</i>	Turk's cap	Herbaceous	n
<i>Myosotis macrosperma</i>	Largeseed forget-me-not	Herbaceous	n
<i>Nandina domestica</i>	Nandina, heavenly bamboo	Woody, Shrub	ei
<i>Nassella leucotricha</i>	Texas speargrass, wintergrass	Grass	n
<i>Nemophila phacelioides</i>	Baby blue-eyes	Herbaceous	n
<i>Onosmodium bejariense</i>	False gromwell	Herbaceous	n
<i>Packera obovate</i> (<i>Senecio obovatus</i>)	Golden groundsel	Herbaceous	n
<i>Parietaria pensylvanica</i>	Pennsylvania pellitory	Herbaceous	n
<i>Parthenocissus quinquefolia</i>	Virginia creeper	Woody, Vine	n
<i>Plantago rhodosperma</i>	Red-seeded plantain	Herbaceous	n
<i>Polugonum pensylvanicum</i>	Pink smartweed	Herbaceous	n
<i>Rubus trivialis</i>	Southern dewberry	Woody, Shrub	n
<i>Smilax bona-nox</i>	Saw greenbriar	Woody, Vine	n
<i>Torilis arvensis</i>	Hedge parsley	Herbaceous	ei
<i>Ulmus Americana</i>	American elm	Woody, Tree	n
<i>Ulmus crassifolia</i>	Cedar elm	Woody, Tree	n
<i>Ulmus rubra</i>	Slippery elm	Woody, Tree	n

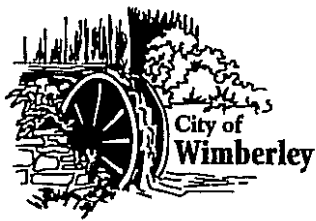
Ungradiad speciosa	Mexican buckeye	Woody, Shrub	n
Verbesina virginica	Frostweed	Herbaceous	n
Vinca major	Periwinkle	Woody, Shrub	ei
Vitis mustangensis	Mustang grape	Woody, Vine	n
Yucca rupicola	Twisted-leaf yucca	Woody, Shrub	n
Zigadenus nuttallii	Death camas	Herbaceous	n

ZONE 2

Scientific Name	Common Name	Growth Habit	Native/Exotic <u>or</u> invasive (n/ei)
Acer negundo	Box elder	Woody, Tree	n
Aesculus pavia	Red buckeye	Woody, Shrub	n
Allium canadense	Wild onion	Herbaceous	n
Allium drummondii	Wild garlic	Herbaceous	ei
Bromus japonicus	Japanese brome	Grass	ei
Calyptocarpus vialis	Straggler daisy, horseherb	Herbaceous	n
Carex blanda	Wood-sedge	Herbaceous, Graminoid	n
Carya illinoensis	Pecan	Woody, Tree	n
Celtis laevigata	Sugar hackberry	Woody, Tree	n
Chasmanthium latifolium	Inland sea oats	Grass	n
Cornus drummondii	Roughleaf dogwood	Woody, Shrub	n
Croton fruticulosus	Bush croton	Woody, Shrub	n
Eupatorium serotinum	White boneset	Herbaceous	n
Galium aparine	Catchweed bedstraw, cleavers	Herbaceous	ei
Hackelia virginiana	Beggar's lice	?	n
Ilex decidua	Possumhaw	Woody, Shrub	n
Ilex vomitoria	Yaupon holly	Woody, Shrub	n
Juniperus ashei	Ashe juniper	Woody, Tree	n
Lonicera japonica	Japanese honeysuckle	Woody, Vine	ei
Matelea reticulata	Milkvine	Herbaceous	n
Morus rubra	Red mulberry	Woody, Tree	n
Myosotis macrosperma	Largeseed forget-me-not	Herbaceous	n
Nandina domestica	Nandina, heavenly bamboo	Woody, Shrub	ei
Onosmodium bejariense	False gromwell	Herbaceous	n
Packera obovate (Senecio obovatus)	Golden groundsel	Herbaceous	n
Parthenocissus quinquefolia	Virginia creeper	Woody, Vine	n
Plantago rhodosperma	Red-seeded plantain	Herbaceous	n
Rubus trivialis	Southern dewberry	Woody, Shrub	n
Salvia lyrata	Lyre-leaf sage	Herbaceous	n
Smilax bona-nox	Saw greenbrier	Woody, Vine	n
Taxodium distichum	Bald cypress	Woody, Tree	n
Ulmus crassifolia	Cedar elm	Woody, Tree	n
Verbesina virginica	Frostweed	Herbaceous	n
Vinca major	Periwinkle	Woody, Shrub	ei
Vitis mustangensis	Mustang grape	Woody, Vine	n
Zigadenus nuttallii	Death camas	Herbaceous	n

ZONE 3

Scientific Name	Common Name	Growth Habit	Native/Exotic <u>or</u> invasive (n/ei)
Acer negundo	Box elder	Woody, Tree	n
Aesculus pavia	Red buckeye	Woody, Shrub	n
Adiantum capillus,veneris	Maindenhair fern	Herbaceous, Fern	n
Aesculus pavia	Red buckeye	Woody, Shrub	n
Allium canadense	Wild onion	Herbaceous	n
Allium drummondii	Wild garlic	Herbaceous	ei
Allium ampeloprasum	Wild leek	Herbaceous	ei
Calyptocarpus vialis	Straggler daisy, horseherb	Herbaceous	n
Carex planostachys	Cedar sedge	Herbaceous, Graminoid	n
Carex blanda	Wood-sedge	Herbaceous, Graminoid	n
Carex emoryi	Emory sedge	Herbaceous, Graminoid	n
Carya illinoensis	Pecan	Woody, Tree	n
Celtis laevigata	Sugar hackberry	Woody, Tree	n
Chasmanthium latifolium	Inland sea oats	Grass	n
Cladium mariscus	Jamaica sawgrass	Herbaceous, Graminoid	n
Cooperia pedunculate	Rain lily	Herbaceous	n
Cornus drummondii	Roughleaf dogwood	Woody, Shrub	n
Diospyros texana	Texas persimmon	Woody, Tree	n
Erigeron philadelphicus	Philadelphia fleabane	Herbaceous	n
Galium aparine	Catchweed bedstraw, cleavers	Herbaceous	ei
Hackelia virgiana	Beggar's lice	?	n
Hydrocotyle so.	Pennywort	Herbaceous	?
Ilex decidua	Possumhaw	Woody, Shrub	n
Ilex vomitoria	Yaupon holly	Woody, Shrub	n
Juniperus ashei	Ashe juniper	Woody, Tree	n
Lonicera japonica	Japanese honeysuckle	Woody, Vine	ei
Malvaviscus arboreus	Turk's cap	Herbaceous	n
Nandina domestica	Nandina, heavenly bamboo	Woody, Shrub	ei
Nothoscordum bivalve	False garlic	Herbaceous	?
Onosmodium bejariense	False gromwell	Herbaceous	n
Packera obovate (Senecio obovatus)	Golden groundsel	Herbaceous	n
Parthenocissus quinquefolia	Virginia creeper	Woody, Vine	n
Plantanus occidentalis	American sycamore	Woody, Tree	n
Rubus trivialis	Southern dewberry	Woody, Shrub	n
Salvia lyrata	Lyre-leaf sage	Herbaceous	n
Sisyrinchium chilense	Swordleaf blue-eyed grass	Grass	n
Smilax bona-nox	Saw greenbrier	Woody, Vine	n
Thelypteris ovata var. lindheimeri	Lindheimer's marsh fern	Herbaceous, Fern	n
Torilis arvensis	Hedge parsley	Herbaceous	ei
Toxicodendron radicans	Poinon ivy	Shrub	n
Ulmus crassifolia	Cedar elm	Woody, Tree	n
Verbesina virginica	Frostweed	Herbaceous	n
Vitis mustangensis	Mustang grape	Woody, Vine	n
Zigadenus nuttallii	Death camas	Herbaceous	n



AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- A. Approval of minutes from the Regular City Council Meeting held September 5, 2019.
- B. Approval of minutes from the Special Joint City Council, Comprehensive Plan Review Team and Downtown District Committee Meeting held September 10, 2019.
- C. Approval of Place Two Council Member Craig Fore's reappointment of Charles Savino to the Planning and Zoning Commission.

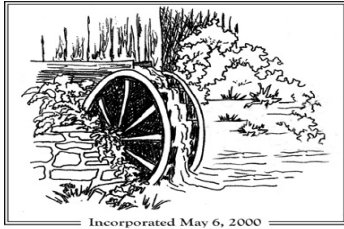
REQUESTED ACTION

Motion ☒
Discussion ☐
Ordinance ☐
Resolution ☐
Other ☐

FINANCIAL

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

STAFF RECOMMENDATION



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, SEPTEMBER 5, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

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

CALL OF ROLL

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

City Staff Present: Shawn Cox City Administrator
Laura Calcote City Secretary
Sarah Griffin Deputy City Attorney
John Provost Public Works Superintendent
Terri Provost Wimberley Community Center Director
Kelly Schmidt Parks Director
Nathan Glaiser Parks Natural Resources and
Maintenance Manager

INVOCATION

First Baptist Wimberley Reverend, Scott Tidwell, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS

- A. Proclamation of the City of Wimberley, Texas, proclaiming the week of September 17th through September 23rd as Constitution Week (*Daughters of the American Revolution*)
Mayor, Susan Jagers, read aloud the proclamation, and presented the document to Jacob's Well Chapter NSDAR Member, Debby Coleman.
- B. Proclamation of the City of Wimberley, Texas, proclaiming the month of September 2019 as Hunger Action Month in Wimberley (*Hays County Food Bank*)
Mayor, Susan Jagers, read aloud the proclamation, and presented the document to Hays County Food Bank Executive Director, Eleanor Owen-Oshan.

CITIZENS COMMUNICATIONS

Stan Allen apologized to the Tourism Management and Development Committee, City Council and Wimberley citizens for an unfavorable email correspondence he had sent earlier in the week. He stated his reply was hasty, and he should have thought about his words before sending the email.

DISCUSSION AND POSSIBLE ACTION

Discuss and consider possible action regarding a request to install three (3) temporary trailers at 220 Twilight Trail in Wimberley, Texas. (*Wimberley EMS/Banks Chisum, Applicant*)

Wimberley EMS representative, Ken Strange, addressed Council regarding the request. There was discussion pertaining to parking concerns and how long the temporary trailers would be in place.

Motion to approve a request to install three (3) temporary trailers at 220 Twilight Trail in Wimberley, Texas was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:16 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

- A. 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.
- B. Section 551.072 (Real Estate Acquisition) to deliberate the purchase of real property, related to necessary easement for the Central Wimberley Wastewater Project.

OPEN SESSION

Regular Session reconvened at 6:51 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 Rebecca Minnick. Motion carried unanimously (5-0).

- A. Approval of minutes from the City Council FY 2020 Budget Workshop held August 13, 2019.
- B. Approval of minutes from the Regular City Council Meeting held August 15, 2019.
- C. Approval of minutes from the City Council FY 2020 Budget Workshop held August 20, 2019.
- D. Approval of minutes from the City Council FY 2020 Budget Workshop held August 28, 2019.
- E. Approval of City of Wimberley Financial Statements for June 2019.
- F. Approval of Fiscal Year 2020 City of Wimberley Holiday Schedule.

BOARD, COMMISSION, COMMITTEE REPORTS

This item was not heard and was forwarded to the next agenda.

Report from the Transportation Advisory Board (*TAB Chairperson Bobby Dettmer*)

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, updated Council regarding road projects, including County Road 1492 shoulder repair work, drainage repairs on Rhodes Lane and pothole repairs throughout the City. Additionally, Mr. Cox spoke regarding the Hidden Valley Bridge bollards and grates, and the upcoming installation of highspeed internet at Blue Hole Regional Park. Mandatory legislative updates to the City's building codes were also discussed.

PUBLIC HEARING FOR FISCAL YEAR 2019-2020 BUDGET

Public Hearing on the proposed Fiscal Year (FY) 2019-2020 Budget

- A. Mayor, Susan Jagers, opened the public hearing at 7:10 p.m.
- B. There were no citizen comments.
- C. Mayor, Susan Jagers, closed the public hearing at 7:10 p.m.

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to approve the Blue Hole Regional Park soccer field use agreement with Wimberley Youth Sports Association/Wimberley Youth Soccer Club for August 2019 through December 2019. *(Parks Director Kelly Schmidt)*

Motion to approve the Blue Hole Regional Park soccer field use agreement with Wimberley Youth Sports Association/Wimberley Youth Soccer Club for August 2019 through December 2019 was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- B. Discuss and consider possible action to approve the Blue Hole Regional Park soccer field use agreement with Surge Soccer Club for August 2019 through December 2019. *(Parks Director Kelly Schmidt)*

Motion to approve the Blue Hole Regional Park soccer field use agreement with Surge Soccer Club for August 2019 through December 2019 was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- C. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-27, amending Chapter 4, Article 4.02, Division 2, Residential Building Code. *(City Administrator Shawn Cox)*

ATS representative, Richard Emerson, addressed Council regarding the updated 2015 International Residential Building Codes, Commercial Building Codes and Other Construction Codes.

Motion to approve the first reading of Ordinance No. 2019-27, amending Chapter 4, Article 4.02, Division 2, Residential Building Code, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- D. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-28, amending Chapter 4, Article 4.02, Division 3, Commercial Building Code. *(City Administrator Shawn Cox)*

Motion to approve the first reading of Ordinance No. 2019-28, amending Chapter 4, Article 4.02, Division 3, Commercial Building Code, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- E. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-29, amending Chapter 4, Article 4.02, Division 4, Other Construction Codes. (*City Administrator Shawn Cox*)
Motion to approve the first reading of Ordinance No. 2019-29, amending Chapter 4, Article 4.02, Division 4, Other Construction Codes, was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).
- F. Discuss and consider possible action to approve Resolution No. 14-2019, adopting the City of Wimberley amended Fiscal Year (FY) 2018-2019 Budget.
Motion to approve Resolution No. 14-2019, adopting the City of Wimberley amended Fiscal Year (FY) 2018-2019 Budget, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).
- G. Discuss and consider possible action to approve Resolution No. 15-2019, adopting the City of Wimberley Fiscal Year (FY) 2019-2020 Budget.
Motion to approve Resolution No. 15-2019, adopting the City of Wimberley Fiscal Year (FY) 2019-2020 Budget, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. A roll call vote was taken (5-0):
- | | |
|-----------------|-----|
| Rebecca Minnick | Aye |
| Craig Fore | Aye |
| Christine Byrne | Aye |
| Gary Barchfeld | Aye |
| Bo Bowman | Aye |
- H. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-30, enacting regulatory guidelines for filming within the City limits; empowering the City Administrator to issue film permits pursuant to those guidelines; providing for: enactment; repealer; severability; and proper notice and meeting. (*Place Three Council Member Christine Byrne*)
Motion to approve the first reading of Ordinance No. 2019-30, enacting regulatory guidelines for filming within the City limits; empowering the City Administrator to issue film permits pursuant to those guidelines; providing for: enactment; repealer; severability; and proper notice and meeting, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).
- I. Discuss and consider possible action to approve the second and final reading of 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*)
Motion to approve the second and final reading of 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, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- J. Discuss and consider possible action to approve Hays County's bid in the amount of \$2,995.00 for drainage work on Rhodes Lane. *(Public Works Superintendent John Provost)*
Public Works Superintendent, John Provost, presented the bid for drainage work on Rhodes Lane at Melody Way and Rhodes Lane at Jewel Lane intersections.
Motion to approve Hays County's bid in the amount of \$2,995.00 for drainage work on Rhodes Lane was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).
- K. Discuss and consider possible action to approve Hays County's bid in the amount of \$8,326.00 for shoulder work on 1492 and the installation of a ladder grate at the Hidden Valley Bridge fish weir. *(Public Works Superintendent John Provost)*
There was one public comment. Chris Webre spoke regarding the Hidden Valley Bridge fish weir and the safety concerns with the current design. He asked City Council to vote against the installation of a ladder grate over the opening of the fish weir until other solutions had been explored. He also asked for residents living near the weir to be involved in the solution process.
There was lengthy discussion among Council members and City staff regarding the functionality versus the safety of the Hidden Valley Bridge fish weir and the potential solutions for correcting the current issues, aside from the presented grate cover. City Council decided to further explore other resolutions to the fish weir before making a decision.
There was also discussion on the shoulder work on County Road (CR) 1492 from Ranch Road 12 to the river, on Chaparral Drive from CR 1492 to the Deer Crossing intersection and on River Road, from Savage Lane to Wayside Drive.
Motion to approve Hays County's bid in the amount of \$6,042.00 for shoulder work on County Road 1492 was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).
- L. Discuss and consider possible action regarding parking surface requirements within the City of Wimberley. *(Place Two Council Member Craig Fore)*
There was discussion pertaining to parking surface requirements for the City. Other local city's requirements had been explored to further aid in the amending of the code.
Motion to send the parking surface requirement within the City of Wimberley to the Planning and Zoning Commission for discussion and consideration was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).
- M. 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)*
Council Member, Christine Byrne, presented the tallied results for the tree ordinance

questionnaire that had been distributed to Council. The questionnaire responses would assist in drafting an ordinance to fit the City's needs.

Motion to allow Council Members Christine Byrne and Bo Bowman and City staff to draft a tree ordinance for the September 19th City Council Meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- N. Discuss and consider possible action to draft an ordinance outlining specific hours for construction work in the City limits. (*Place One Council Member Rebecca Minnick and Place Three Council Member Christine Byrne*)

There was lengthy discussion regarding limiting or restricting construction work hours within the City. Drafting an ordinance outlining specific hours for construction work was considered. City Administrator, Shawn Cox, and Public Works Superintendent, John Provost, would meet with local builders to discuss the matter, and report back to Council at a later date.

No action was taken on this item.

- O. Discuss and consider possible action to adopt the City of Wimberley Social Media Policy. (*City Secretary Laura Calcote*)

City Secretary, Laura Calcote, presented the City of Wimberley Social Media Policy. There was discussion among Council members for the City to have a six-month trial run to see if the new communication medium would assist in disseminating information.

Motion to adopt the City of Wimberley Social Media Policy was made by Council Member Christine Byrne. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

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

City Administrator, Shawn Cox, updated Council on the status of the Central Wimberley Wastewater Project, including the TxDOT approval of manhole locations on Ranch Road 12, Aqua Texas contract discussions, and a potential Project manager.

No action was taken on this item.

- Q. Discuss and consider possible action regarding City Council's proposed priorities for Fiscal Year 2020. (*City Administrator Shawn Cox*)

City Administrator, Shawn Cox, presented the updated draft of City Council's Fiscal Year 2020 proposed priorities. There was discussion, and the item would be forwarded to the next agenda.

No action was taken on this item.

- R. Discuss and consider possible action to approve a proposed partnership between the Hays County Natural Resources Department and the City of Wimberley's Parks Department to collaborate in a project related to the research of future dye tracing studies for Hays County. (*Park Director Kelly Schmidt*)

Council Member, Christine Byrne, read the Hays County Internal Memorandum pertaining to the efforts for conducting dye-tracing analysis within the Western Region of Hays County, Texas into the record. The memorandum is attached to these minutes. The request was for City support but no funding. All Council members agreed they were in favor of the proposed partnership.

No action was taken on this item.

- S. Discuss and consider possible action to approve renaming the City of Wimberley pocket park located at the trailhead of the Cypress Creek Nature Trail and Preserve to the Martha Knies Community Park. *(Parks Director Kelly Schmidt)*

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

1. Jimmy Alan Hall spoke in favor of renaming the pocket park.
2. Roberta Shoemaker Beale spoke in support of renaming the pocket park for Martha Knies, who was one of the founders of Keep Wimberley Beautiful and a member of the first Wimberley City Council.
3. Stephanie Nestlerode spoke regarding Martha Knies's legacy and impact in the Wimberley Valley over the past 30 years. She was in favor of renaming the pocket park.

Council Member, Christine Byrne, and Parks Director, Kelly Schmidt, read aloud emails of support for the renaming of the pocket park in honor of Martha Knies. Additionally, there was discussion regarding a potential naming policy for the City.

Motion to approve renaming the City of Wimberley pocket park located at the trailhead of the Cypress Creek Nature Trail and Preserve to the Martha Knies Community Park was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- T. Discuss and consider possible action to purchase a tractor in the amount of \$17,713.43 for Blue Hole Regional Park. *(Parks Director Kelly Schmidt)*

Parks Natural Resources and Maintenance Manager, Nathan Glaiser, presented the tractor purchase for the Park. There was discussion among Council regarding the purchase, which had been budgeted for Fiscal Year 2019.

Motion to purchase a tractor in the amount of \$17,713.43 for Blue Hole Regional Park was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- U. Discuss and consider possible action regarding the setting a fund or funds that individuals and organizations may use to donate to the City Wimberley. *(Place Four Council Member Gary Barchfeld)*

Deputy City Attorney, Sarah Griffin, advised under statutory limitations of a Type A, General Law City, that the City can only accept donations for recreational facilities and equipment and for historical collections. There was discussion pertaining to the donation funds Blue Hole Regional Park receives. Deputy City Attorney Griffin noted she would send a memorandum to Council regarding the matter.

No action was taken on this item.

CITY COUNCIL REPORTS

A. Announcements – None.

- B. Future agenda items – Council Member, Christine Byrne, requested the tree ordinance be placed on the upcoming agenda, along with a draft resolution to extend the hike and bike trail down Blue Hole Lane and Old Kyle Road to downtown.

ADJOURNMENT

Motion to adjourn the meeting at 8:51 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jaggers, Mayor

DRAFT



HAYS COUNTY

Internal Memorandum

Efforts for Conducting Dye-Tracing Analysis within the Western Region of Hays County, Texas

August 12, 2019

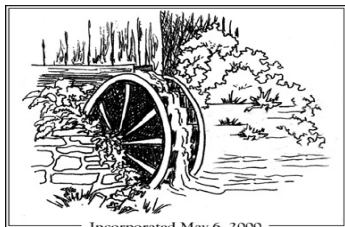
Introduction

On Friday August 1st, the Natural Resource Manager for Hays County hosted a meeting with several stakeholders to discuss the possibility of conducting long-term dye tracing studies within the Blanco River watershed and areas of the Onion Creek watershed. Attending the meeting were stakeholders from the Hays Trinity Groundwater Conservation District (HTGCD), the Edwards Aquifer Authority (EAA), the Barton Springs/Edwards Aquifer Conservation District (BSEACD), an environmental consultant that works closely with both The Meadows Center for Water and the Environment, and the Trinity Edwards Springs Protection Association (TESPA), as well as an environmental consultant from Blair Wildlife. There was strong support amongst the stakeholders for dye tracing studies within the Contributing Zone of the Edwards Aquifer within Hays County. There has been many scientific research efforts for this type of study over the recharge zone of the Edwards Aquifer, but not nearly enough within the Contributing Zone.

In this meeting we discussed possible partners for these efforts, creating an official steering committee, establishing a long-term and detailed scope of work, and the need for a memorandum of understanding (MOU) between these suggested partners. The group determined the most suitable starting location to conduct these efforts, and discussed an additional research project, the Blanco River Aquifer Assessment Tool (BRAT) Model, that will benefit from the data that will be produced from these long-term studies.

The goals of these long-term research studies are to identify flow path of groundwater within the Trinity Aquifer, the direction of groundwater flow at fault lines, the rate at which the groundwater flows, and the recharge rate for karst features within the Contributing Zone of the Edwards Aquifer.

This memo is meant to provide a summary of the topics discussed at the first dye-tracing meeting held by the Hays County Natural Resource Coordinator.



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

**SPECIAL JOINT CITY COUNCIL, COMPREHENSIVE PLAN REVIEW TEAM AND
DOWNTOWN DISTRICT COMMITTEE MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY SEPTEMBER 10, 2019 – 6:00 P.M.**

MINUTES

CALL TO ORDER

Mayor Pro-Tem, Rebecca Minnick, called the meeting to order at 6:02 p.m.

CITY COUNCIL CALL OF ROLL

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

Council Members Absent: Susan Jagers Mayor
Gary Barchfeld Place Four

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

COMPREHENSIVE PLAN REVIEW TEAM ROLL CALL

Team Members Present: Phil Collins
David Glenn
Amy Crowell
Jo Kathryn Quinn

DOWNTOWN DISTRICT COMMITTEE ROLL CALL

Committee Members Present: Teresa Shell
Craig Calley
Clay Ewing
Matthew Buchanan

WORKSHOP

City Council, the Comprehensive Plan Review Team and the Downtown District Committee held a workshop to discuss the City of Wimberley Comprehensive Plan for 2020-2040. Phil Collins presented the findings and recommendations from the Team regarding the upcoming Comprehensive Plan. There was discussion on hiring a

professional firm or university to draft the 2020-2040 Comprehensive Plan for the City. The current Comprehensive Plan Review Team volunteered to work with the Downtown District Committee to produce a detailed scope of work for the Comprehensive Plan by the end of the week.
No action was taken.

ADJOURNMENT

Motion to adjourn the meeting at 7:24 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).

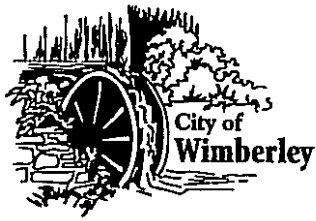
RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers, Mayor





AGENDA ITEM: City Administrator's Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding, sales tax, communication efforts, and traffic enforcement efforts.

REQUESTED ACTION

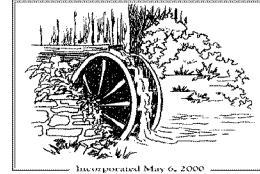
Motion ☐
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☒

FINANCIAL

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

STAFF RECOMMENDATION

Report for CUP-19-003



Summary:

An application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast at 2595 Flite Acres Road

Applicant Information:

Applicant: Wendy Phillips
2595 Flite Acres Road
Wimberley, TX 78676

Property Owner: Wendy Phillips

Subject Property:

Legal Description: Lot 3, Flite Acres Little Ranches
Location: 2595 Flite Acres Road
Existing Use of Property: Residential
Existing Zoning: Residential Acreage (RA)
Proposed Use of Property: Bed & Breakfast
Proposed Zoning: CUP
Planning Area: I
Overlay District: N/A

Surroundings:

Frontage On: Flite Acres Road

Area Zoning and Land Use Pattern:

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

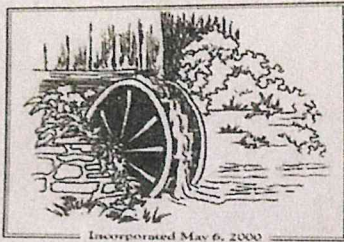
Legal Notice

200' Letters: 08/19/2019
Published: 08/22/2019
Sign Placement: 08/19/2019
Responses: 1 - support

Comments:

The applicant, Wendy Phillips, has requested a Conditional Use Permit (CUP) to operate a bed & breakfast (STR1) for property located at 2595 Flite Acres Road. The proposed bed & breakfast will be located in two (2) cabins. One cabin is 1 bedroom/1 bath and approximately 360 square feet. The second structure is 2 bedroom/1 bath and is approximately 420 square feet. The total proposed maximum occupancy is 12 guests. To date, there has been one letter of response for the request.

At the Planning & Zoning meeting on September 12th, the Commission voted 6-0-0 to recommend approval of the application as requested.



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 <u>19 - 003</u>	Date: <u>2-22-2019</u>	Staff Review <u>Sandy I. Floyd</u>
	<u>6</u>	<u>5:30</u>	
P&Z Hearing: <u>4-11-19</u>	Council Hearing: <u>4-18-19</u>	Fees Paid: ☒	

Applicant: <u>WENDY PHILLIPS</u>			
Mailing address: <u>2595 FLITE ACRES RD</u>	City: <u>WIMBERLEY</u>	State: <u>TX</u>	Zip: <u>78676</u>
Phone: <u>[REDACTED]</u>	Email: <u>[REDACTED]</u>		
Property Owner: <u>WENDY LYNN PHILLIPS</u>			
Mailing address: <u>2595 FLITE ACRES RD</u>	City: <u>WIMBERLEY</u>	State: <u>TX</u>	Zip: <u>78676</u>
Phone: <u>[REDACTED]</u>	Email: <u>[REDACTED]</u>		

Project Site Address: <u>2595 FLITE ACRES RD</u>	
Legal description: <u>FLITE ACRES LITTELL HES, LOT 3A1 AC 17.95</u>	
Total Acreage or Square Footage: <u>17.95</u>	Deed recorded in: <u>Vol. 5330, Pg. 610</u>
Hays CAD Parcel ID R <u>11-3000-000-003A1-8</u>	Planning Area: <u>1</u> Zoning: <u>RA</u>
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____	
Specific Conditional Use Requested: <u>BNB / STR</u>	
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: <u>PEC</u>
Water provider or Private Well: <u>WIMBERLEY WATER</u>
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.

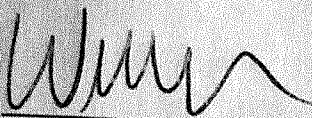
SUBMITTAL VERIFICATION

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:

2-22-19

Applicant's Signature:



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

Owner: WENDY LYNN PHILLIPS

LOCATION OF PROPERTY: 2595 FLUTE ACRES RD.

LEGAL DESCRIPTION: FLUTE ACRES LITTLE RANCHES LOT 3A1

PLANNING AREA: 1

PRESENT ZONING: R2

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. ☒ BEHIND LOCKED GATE 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: 3

PROPOSED MAXIMUM OCCUPANCY: 12 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.

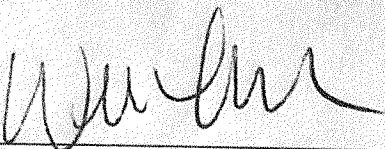
REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

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:

2-22-2019

DATE



OWNER

DATE

OWNER

TRACT 2

17.87 Acres

$\frac{2382}{121}$

(17.871 Acres)

Guest Houses
for BnB

My House

septic
system
access

Main
House

Pool

134'

garage

carport

Guest
dorm

841.44

N 11°25'32"E 657.94'

10°00'E 657.89'

Sec. 9.03.071 Residential Acreage; RA

(a) General purpose and description. The RA, Residential Acreage district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is given the RA classification until it is assigned another more permanent zoning district.

(b) Permitted uses.

(1) One residence, including:

(A) One single-family detached dwelling.

(2) Farms, barns, nurseries, greenhouses, or gardens on parcels 5 acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation, as defined in section 9.03.005, and except as may be permitted with a conditional use permit (CUP);

(3) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith or on a contiguous lot under the same ownership that satisfies the requirements of section 9.03.182, but not involving the conduct of a retail business except as provided herein:

(A) The term "accessory use" shall include customary home occupations as herein defined. See section 9.03.182 for additional accessory use requirements;

(B) A detached private garage used in conjunction with the main building;

(C) Detached garages with living quarters (such as garage/accessory dwelling), detached employee (such as caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached employee quarters without a garage may be permitted only by CUP, and are required to be on a lot 5 acres or larger. Only one accessory dwelling unit (such as garage/accessory dwelling, employee quarters, and the like) shall be allowed on any lot within the RA district, and it shall be clearly incidental to the primary use (such as single-family detached residential). These accessory living structures shall not, in any case, be sold separately from the main dwelling.

(4) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes;

(5) Swimming pool (private);

(6) Commercial row and field crops;

(7) Commercial livestock;

(8) Religious assembly; and

(9) One secondary single-family residential building built on-site, provided the secondary residence is not used as a short- or long-term rental.

(c) Conditional uses.

(1) Bed and breakfast lodging which may be in the primary or secondary residential building or in cottages or cabins;

(2) Home day care;

(3) Home commercial crafts or hobbies;

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

(5) Two-family residential (duplex);

(6) Utilities;

(7) One manufactured home installed on a permanent foundation, as the primary residence;

(8) Vacation rental; and

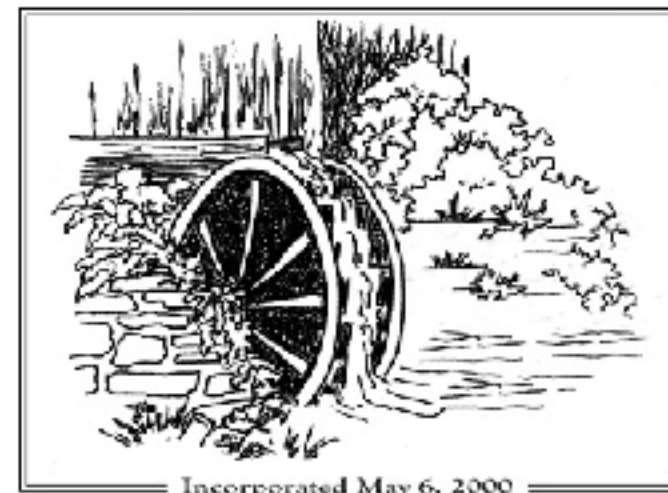
(9) Personal care home.

(d) Development regulations.

(1) Minimum lot size: 5 acres or more.

- (2) Maximum building height (as defined in section 9.03.005):
 - (A) Primary residential building: Not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (B) Secondary residential building: Not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (C) Accessory buildings: Not more than 18 feet and not more than one story;
 - (D) Decks: Not more than 12 feet including a railing only or 18 feet including a roof; and
 - (E) Barns, silos, water towers: 45 feet if more than 90 feet from residential buildings or property line, otherwise 28 feet.
 - (3) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
 - (A) Dominant street: 50 feet;
 - (B) Secondary street: 25 feet; and
 - (C) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.
 - (4) Minimum floor area:
 - (A) Primary residential building: 1,000 square feet;
 - (B) Secondary residential building: 600 square feet; and
 - (C) Bed and breakfast units: 200 square feet.
 - (5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area.
 - (6) The parking and trash collection ordinances will apply.
 - (e) Special requirements.
 - (1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
 - (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on 2 or more acres.
 - (3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, garden materials, and the like.
 - (4) Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
 - (f) Other regulations. As established in division 5 of this article, development standards.
- (Ordinance 2001-010, sec. 14, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; 2006 Code, sec. 155.035; Ordinance 2006-014, sec. II(B), (C), adopted 2/1/07; Ordinance 2008-023, sec. II(A), adopted 7/17/08; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2012-028, sec. II, adopted 8/2/12; Ordinance 2017-023, sec. II(A), adopted 8/3/17)

CUP-19-003 ~ 2595 Flite Acres Road



200' NOTIFICATION

Legend

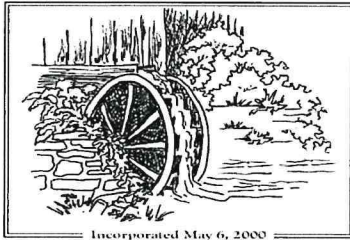
200' Buffer

ID. Owner

- 0. SUBJECT TRACT
- 1. COFFMAN, DONNA
- 2. PIGG GARY L & HAMRICK-PIGG GAIL ANN
- 3. HARRISON SUSAN SHORT
- 4. GLASSCOCK CHLOE
- 5. WENDY LYNN PHILLIPS
- 6. ROBERTS LINDSEY C & WILLIAMS CHRISTIE N
- 7. 2625 FLITE ACRES LLC
- 8. WENDY LYNN PHILLIPS
- 9. 2625 FLITE ACRES LLC
- 10. WENDY LYNN PHILLIPS
- 11. PIGG GARY L & HAMRICK-PIGG GAIL ANN
- 12. 2625 FLITE ACRES LLC
- 13. 2625 FLITE ACRES LLC
- 14. 2625 FLITE ACRES LLC
- 15. 2625 FLITE ACRES LLC
- 16. 2625 FLITE ACRES LLC



0 310 620
Feet



City of Wimberley

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

August 19, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-003

2595 Flite Acres Road

A request for a Conditional Use Permit (CUP) to allow the operation of a Bed & Breakfast

Dear Property Owner:

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

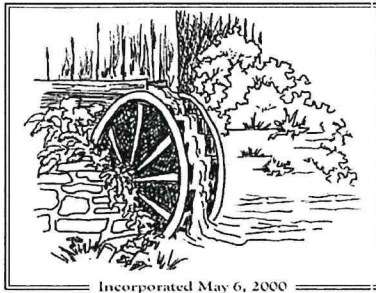
The applicant, Wendy Phillips, has requested a Conditional Use Permit (CUP) to operate a Bed & Breakfast at 2595 Flite Acres Road. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, September 12, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, September 19, 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: August 19, 2019

ZONING NO: CUP-19-003

APPLICANT: Wendy Phillips

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

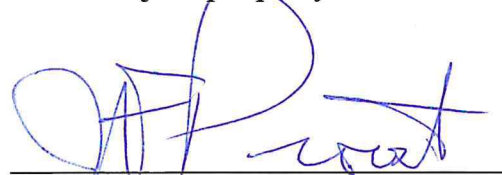
Project Site Address: 2595 Flite Acres Road

John Provost
Public Works/Code Enforcement

City of Wimberley

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

8/19 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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-011— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 18 Susha. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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.

HTGCD: Notice of Operating Permit Amendment Application: Prima Vista

This notice is to advise the public that an operating permit amendment application has been submitted to the Hays Trinity Groundwater Conservation District (HTGCD). At this time, the application is pending and not administratively complete. David Livingston is listed on the amendment application as the person responsible for the permit concerning Prima Vista. The mailing address is 1314 Oakridge Lane, Canyon Lake, 78133 and well's physical address listed on the application, 601 Sandy Point Road, Wimberley, 78676. To contact the applicant call 512-648-9800 or email david@primavistaevents.com. The intended well's use is listed as, Commercial. Prima Vista currently has an approved operating permit with HTGCD that includes an annual amount of 58,240 gallons. The amendment application is requesting a new annual amount of 232,960 gallons. Permit requirements include: water conservation plan, user drought contin-

Public Notice

Public Notice

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

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NOTICE OF PUBLIC HEARING (Conditional Use Permit)

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Public Notice

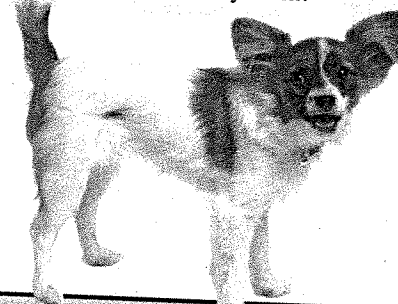
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Public Notice

Get The Scoop!

If you're looking to buy or sell, the Classifieds have everything you need. So, get the scoop and check out the Classifieds for yourself.



The Wimberley View PO Box 49, Wimberley 512-847-2202



General Help Wanted

ADMINISTRATIVE ASSISTANT
HTGCD is seeking qualified candidates to work in the Dripping Springs area. The ability to prioritize demands while multi-tasking is essential. Go to haysgroundwater.com to see the full job description including benefits, requirements, duties, tasks and how to



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

Apartments For Rent

1 BR \$855, 2 BR \$965, 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. 844-208-3292.

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept 1

Misc. Services

CALL JOHN WILTON for all your home renovations, repairs and handyman needs. 512-618-1089 Down to Earth Services

Mini Storage

MINI STORAGE NOW OPEN Located on Gallin Creek Rd; in Dripping Springs approximately 1/4 mile off RR 12. For more information

Travel / Tours

TRAVELPHILE TOURS
For Lovers of Travel Based in Wimberley Fully escorted small group tours and customized private travel since 2011
Specializing in travel for experienced adults 55+ years young

A Magical New York City Christmas
Dec. 3-8, 2019
6 Days - 5 Nights
\$2250 p/p double shared includes airfare*

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WENDY PHILLIPS TO PERMIT THE OPERATION OF A BED & BREAKFAST ON PROPERTY LOCATED AT 2595 FLITE ACRES ROAD, 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 Wendy Phillips (“Applicant”) requesting authorization to operate a bed & breakfast on real property described as Lot 3, Flite Acres Little Ranches, zoned Residential Acreage (RA); and

WHEREAS, a bed & breakfast 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 bed & breakfast 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 Wendy Phillips (“Applicant”) for use as a bed & breakfast on real property, described as Lot 3, Flite Acres Little Ranches, 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 bed & breakfast property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.

14. Should an operating permit for bed & breakfast 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 19th day of September, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

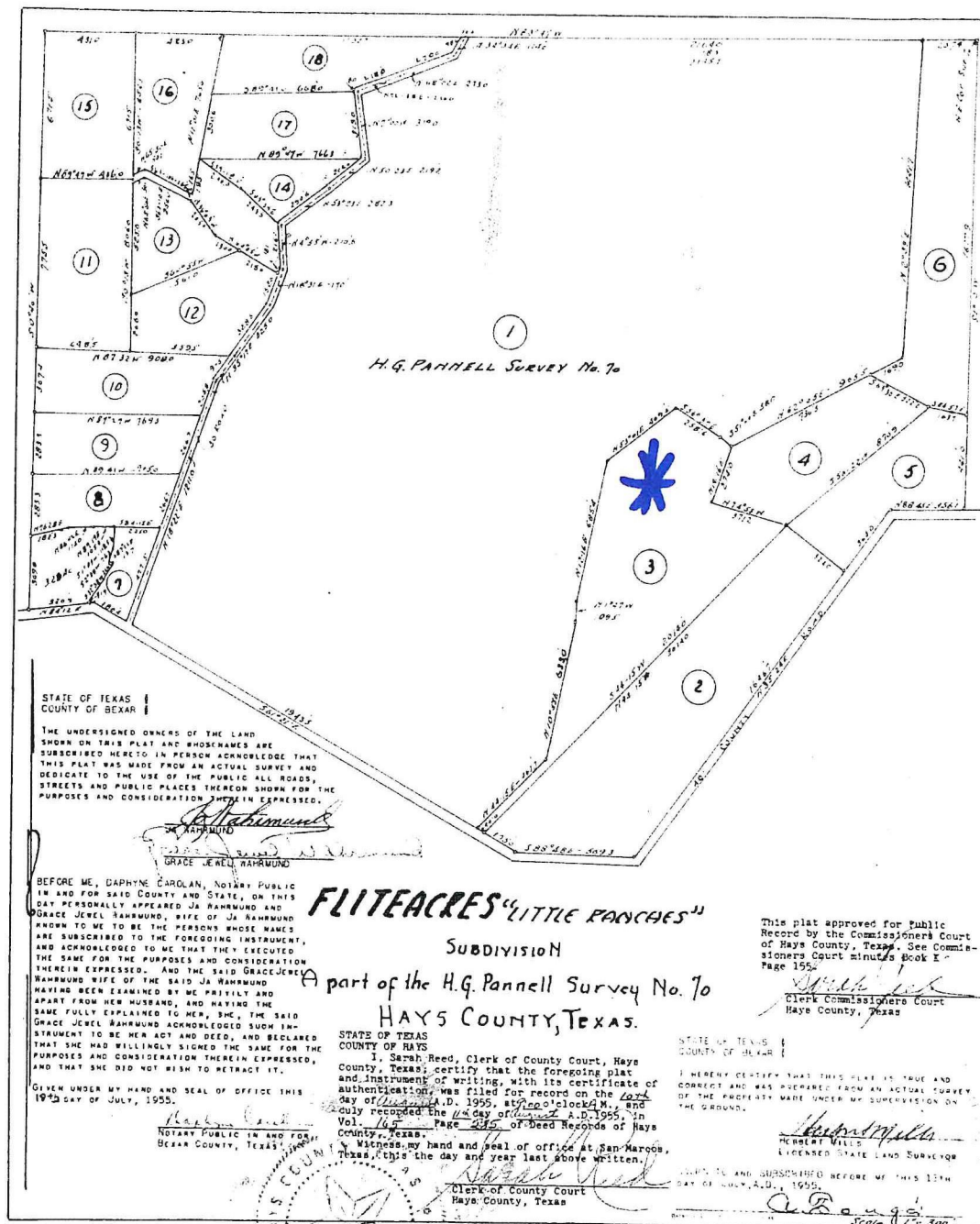
APPROVED AS TO FORM:

City Attorney

Vol. 165 Pg. 285

File No. 30555-A

EXHIBIT "A"



Filed for record the 10th day of August, A.D., 1955, at 9:00 o'clock A.M.
Recorded the 11th day of August, A.D., 1955 at 11:00 o'clock A.M.

Sarah Reed
SARAH REED, COUNTY CLERK, HAYS COUNTY, TEXAS.

Sandra Floyd

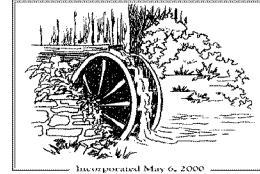
From: Jenni Marino [REDACTED]
Sent: Tuesday, September 10, 2019 6:31 PM
To: Sandra Floyd
Subject: Str

Sandy, I would like to send emails to P&Z regarding 2 of the upcoming CUP's. Do I need to go through you?

Regarding the 2 on Flite Acres I think are a perfect fit for what they want to do. Ms. Phillips is on acreage and lives on property and Ms. Bower will also be living on property. Living on site is the perfect way to keep the neighbors happy and renters from throwing parties that are counter to a peaceful neighborhood life. Let me know if I also need to send to all of P&Z. I did not see addresses for them on the website. Thanks, Jenni

Sent from my iPad

Report for CUP-19-003



Summary:

An application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast at 3020 Flite Acres Road

Applicant Information:

Applicant: Mike & LeeAnn Bower
3020 Flite Acres Road
Wimberley, TX 78676

Property Owner: Mike & LeeAnn Bower

Subject Property:

Legal Description: Lot 9, Flite Acres East Subdivision
Location: 3020 Flite Acres Road
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R-2)
Proposed Use of Property: Bed & Breakfast
Proposed Zoning: CUP
Planning Area: I
Overlay District: Protected Waterway

Surroundings:

Frontage On: Flite Acres Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R1	Residential
S of Property	ETJ	Residential
E of Property	R2	Residential
W of Property	R2	Residential

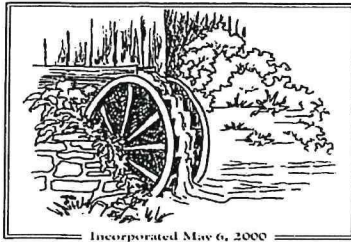
Legal Notice

200' Letters: 08/20/2019
Published: 08/22/2019
Sign Placement: 08/19/2019
Responses: 2 - support

Comments:

The applicants, Mike & LeeAnn Bower, have requested a Conditional Use Permit (CUP) to operate a bed & breakfast (STR1) for property located at 3020 Flite Acres Road. The proposed bed & breakfast will be 1 bedroom/1 bath located in the primary residence. The total proposed maximum occupancy is 2 guests. To date, there have been two letters of support.

At the Planning & Zoning meeting on September 12th, the Commission voted 6-0-0 to recommend approval of the application as requested.



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
7-15-19

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19 - 010 Date: 8-12-19 Staff Review SIF
P&Z Hearing: 9-12-19 Council Hearing: 9-19-19 Fees Paid: ☒ Application ☒ Public Notice

Applicant: LeeAnn & Mike Bower
Mailing address: 3020 Flite Acres City: Wimberley State: Tx Zip: 78676
Phone: [REDACTED] Email: _____
Property Owner: LeeAnn & Mike Bower
Mailing address: 3020 Flite Acres City: Wimberley State: Tx Zip: 78676
Phone: [REDACTED] Email: _____

Project Site Address: 3020 Flite Acres, Wimberley, TX 78676
Legal description: Flite Acres East Sec 1, Lot 9-10 - W 1/2 of 11
Total Acreage or Square Footage: 2 1/2 Lts Deed recorded in: 2015
Hays CAD Parcel ID R 27666 Planning Area: I Zoning: R-2
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____
Specific Conditional Use Requested: Short term rental 1 - B & B

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 Company
Water provider or Private Well: City of Wimberley
Wastewater Service or Septic Permit No. UNKNOWN

*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

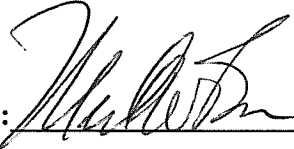
- ☐ Complete "Conditional Use Permit Application"
- ☐ Metes and bounds description and/or survey exhibit
- ☐ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and 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: 7-15-19 Applicant's Signature: 

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

Owner: Lee Ann & Mike Bower

LOCATION OF PROPERTY: 3020 Flite Acres ; Wimberley, TX 78676

LEGAL DESCRIPTION: Flite Acres East Sec 1, Lot 9-10 - W 1/2 of 11

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: Full time residence

USE TO BE GRANTED: ✓ Bed & Breakfast OR _____ Vacation Rental

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

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

OFF-STREET PARKING: All parking will be off-street. _____ 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. 42.2 A 5; 42.3 F.

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

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

NUMBER OF BEDROOMS: 1 42.3 B.

MAXIMUM OCCUPANCY: 2 guests. 42.3 B.

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

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

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the Blanco River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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

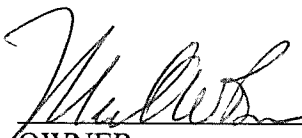
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the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

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

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

ACCEPTED AND AGREED TO:

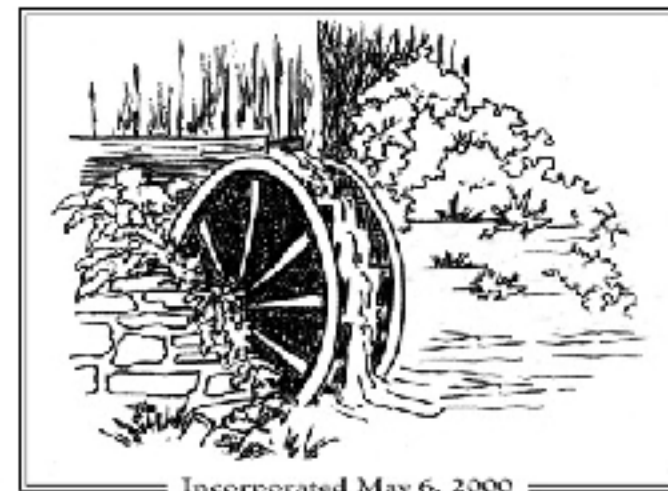
7-11-19
DATE


OWNER

DATE

OWNER

CUP-19-010 ~ 3020 Flite Acres Road



Incorporated May 6, 2000

200' NOTIFICATION

Legend

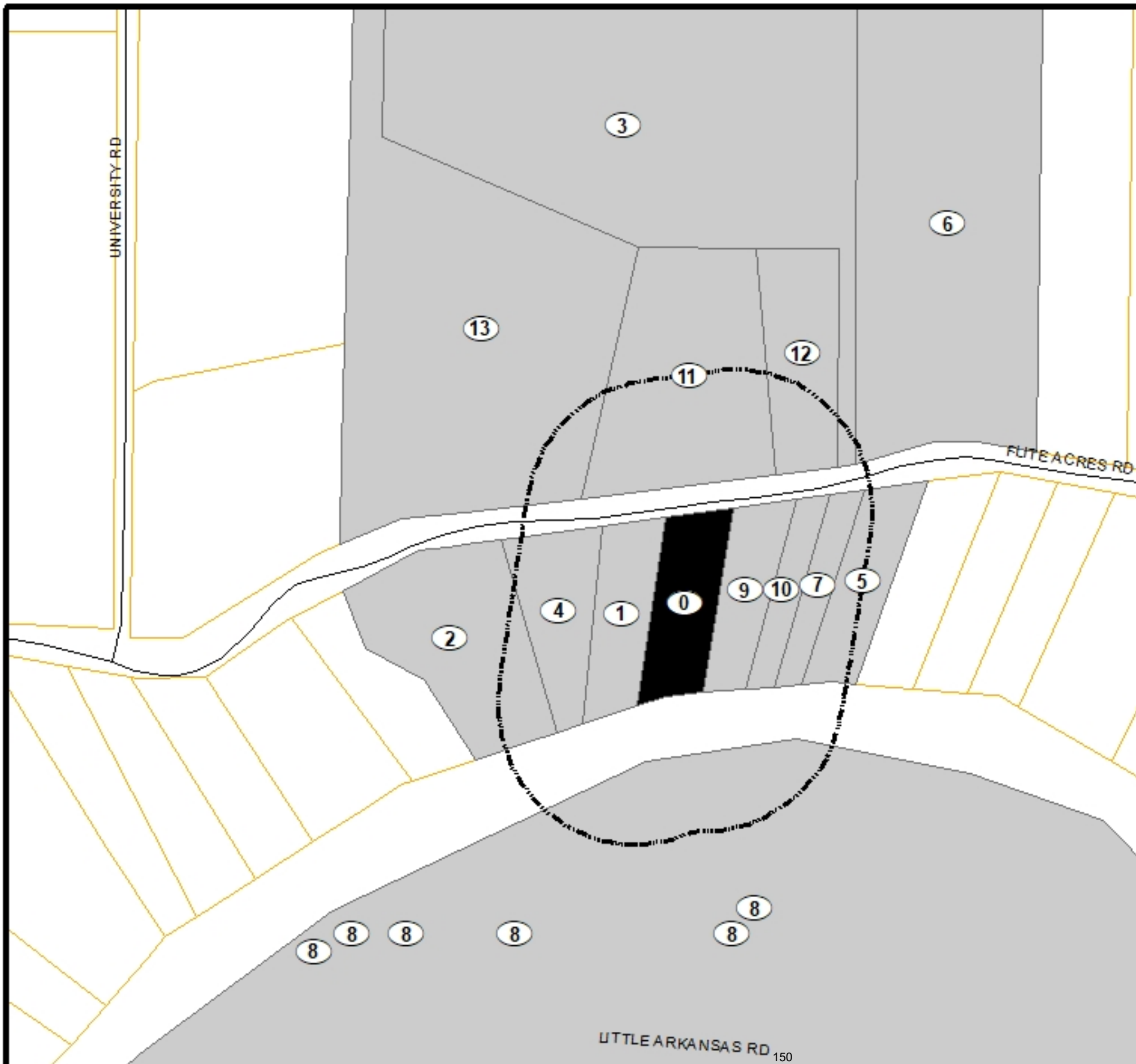
200' Buffer

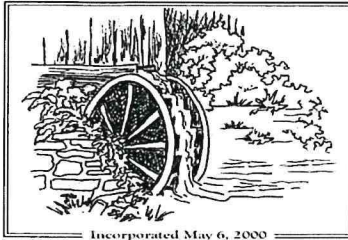
ID. Owner

- 0. SUBJECT TRACT
- 1. CALVIN RICHARD T & CYRILLA S
- 2. DAVIS EDWARD G JR & SUZANNE A
- 3. DUKES, MICHAEL A
- 4. HALL BRANDON & STEPHANIE
- 5. MARSHALL FAMILY FIRST LP
- 6. MARSHALL FAMILY FIRST LP
- 7. MARSHALL FAMILY FIRST LP
- 8. NEEDMORE RIVER RANCH LLC
- 9. NO INFORMATION
- 10. NO INFORMATION
- 11. RICHARDS DAN & DONNA
- 12. ROMANO AMANDA LAMONT TRUST
- 13. TALCOTT THOMAS G & CYNTHIA M



0 140 280
Feet





City of Wimberley

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

August 19, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-010

3020 Flite Acres Road

A request for a Conditional Use Permit (CUP) to allow the operation of a Bed & Breakfast

Dear Property Owner:

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

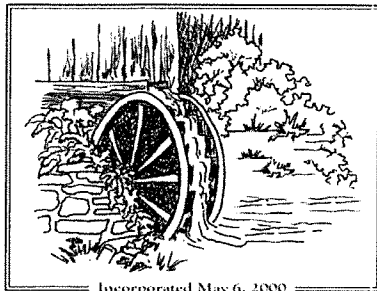
The applicants, Mike & LeAnn Bower, have requested a Conditional Use Permit (CUP) to operate a Bed & Breakfast at 3020 Flite Acres Road. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, September 12, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, September 19, 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: August 19, 2019

ZONING NO: CUP-19-010

APPLICANT: Mike & LeeAnn Bower

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 3020 Flite Acres Road

John Provost
Public Works/Code Enforcement

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

8/19 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)

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This notice is to advise the public that an operating permit amendment application has been submitted to the Hays Trinity Groundwater Conservation District (HTGCD). At this time, the application is pending and not administratively complete. David Livingston is listed on the amendment application as the person responsible for the permit concerning Prima Vista. The mailing address is 1314 Oakridge Lane, Canyon Lake, 78133 and well's physical address listed on the application, 601 Sandy Point Road, Wimberley, 78676. To contact the applicant call 512-648-9800 or email david@primavistaevents.com. The intended well's use is listed as, Commercial. Prima Vista currently has an approved operating permit with HTGCD that includes an annual amount of 58,240 gallons. The amendment application is requesting a new annual amount of 232,960 gallons. Permit requirements include: water conservation plan, user drought contin-

Public Notice

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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-003— an application for a Conditional Use Permit (CUP) to allow the operation of a bed & breakfast at 2595 Flite Acres Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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 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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-012— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 216 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-010— an application for a Conditional Use Permit (CUP) to allow the operation of a bed & breakfast at 3020 Flite Acres Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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.



General Help Wanted

ADMINISTRATIVE ASSISTANT
HTGCD is seeking qualified candidates to work in the Dripping Springs area. The ability to prioritize demands while multi-tasking is essential. Go to haysgroundwater.com to see the full job description including benefits, requirements, duties, tasks and how to

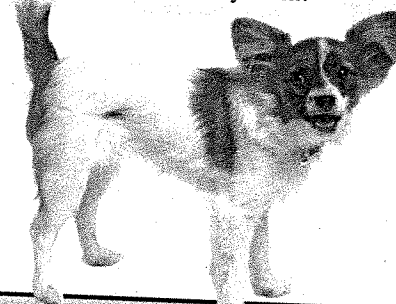


Land for Sale

HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING

Get The Scoop!

If you're looking to buy or sell, the Classifieds have everything you need. So, get the scoop and check out the Classifieds for yourself.



The Wimberley View PO Box 49, Wimberley 512-847-2202

Apartments For Rent

1 BR \$855, 2 BR \$965, 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. 844-208-3292.

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept 1

Misc. Services

CALL JOHN WILTON for all your home renovations, repairs and handyman needs. 512-618-1089 Down to Earth Services

Mini Storage

MINI STORAGE NOW OPEN Located on Gallin Creek Rd, in Dripping Springs approximately 1/4 mile off RR 12. For more information

Travel / Tours

TRAVELPHILE TOURS
For Lovers of Travel Based in Wimberley Fully escorted small group tours and customized private travel since 2011
Specializing in travel for experienced adults 55+ years young

A Magical New York City Christmas
Dec. 3-8, 2019
6 Days - 5 Nights
\$2250 p/p double shared includes airfare*

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY MIKE & LEEANN BOWER TO PERMIT THE OPERATION OF A BED & BREAKFAST ON PROPERTY LOCATED AT 3020 FLITE ACRES ROAD, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2); 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 Mike & LeeAnn Bower (“Applicant”) requesting authorization to operate a bed & breakfast on real property described as Lot 9, Flite Acres East Subdivision, zoned Single-Family Residential 2 (R-2); and

WHEREAS, a bed & breakfast is an authorized use in areas zoned Single-Family Residential 2 (R-2) 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 bed & breakfast 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 Mike and LeeAnn Bower (“Applicant”) for use as a bed & breakfast on real property, described as Lot 9, Flite Acres East Subdivision, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2), 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 bed & breakfast property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
14. Should an operating permit for bed & breakfast 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 19th day of September, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

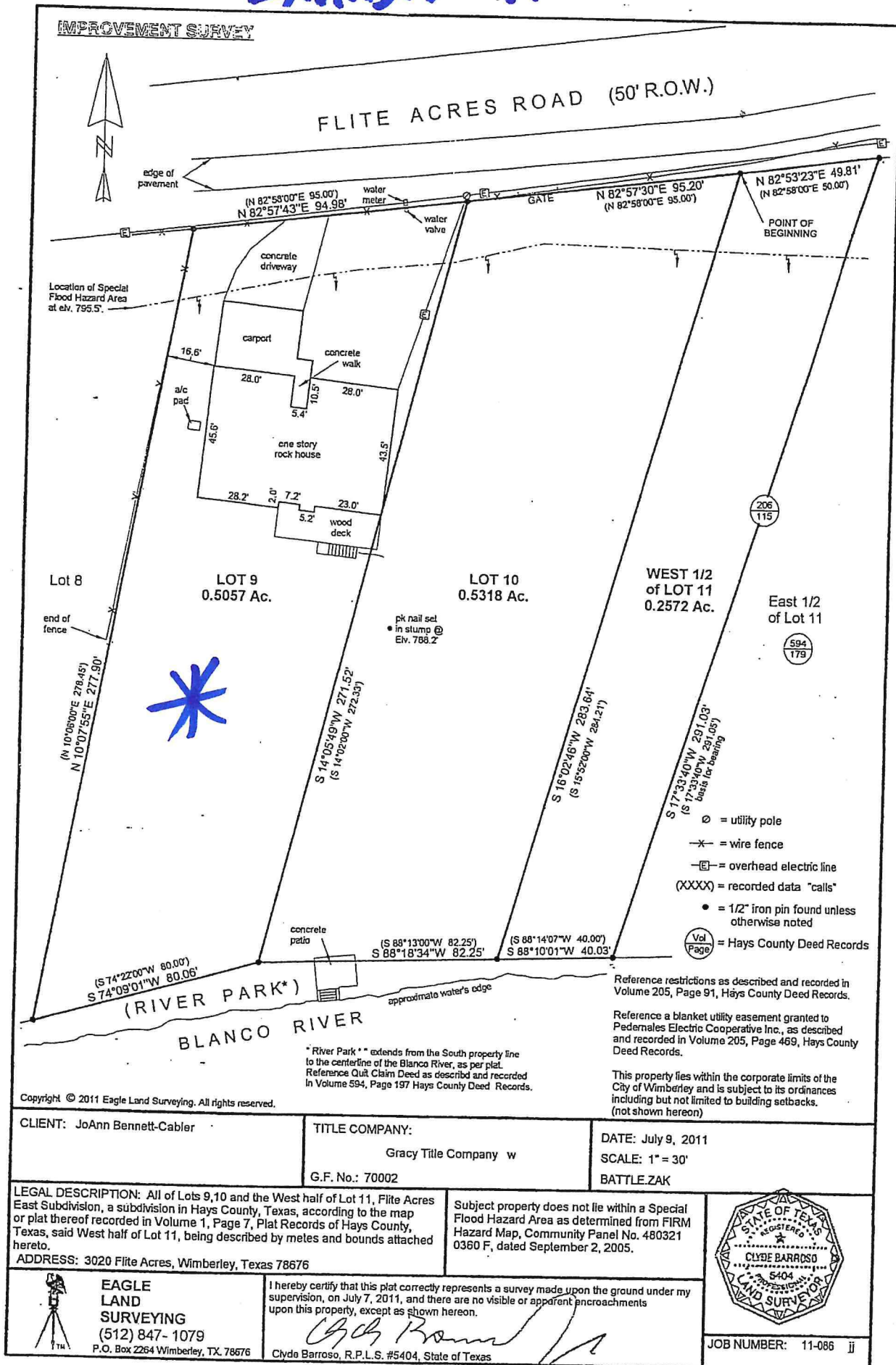
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

Exhibit "A"



Sandra Floyd

From: Jenni Marino <[REDACTED]>
Sent: Tuesday, September 10, 2019 6:31 PM
To: Sandra Floyd
Subject: Str

Sandy, I would like to send emails to P&Z regarding 2 of the upcoming CUP's. Do I need to go through you?

Regarding the 2 on Flite Acres I think are a perfect fit for what they want to do. Ms. Phillips is on acreage and lives on property and Ms. Bower will also be living on property. Living on site is the perfect way to keep the neighbors happy and renters from throwing parties that are counter to a peaceful neighborhood life. Let me know if I also need to send to all of P&Z. I did not see addresses for them on the website. Thanks, Jenni

Sent from my iPad

Sandra Floyd

From: LeeAnn Bower [REDACTED]
Sent: Thursday, September 12, 2019 2:20 PM
To: Place1; Place2; Place3; Place4; Place5; Sandra Floyd; John Provost
Cc: Suzanne Davis
Subject: RE: Approval for Bowers CUP at 3020 Flite Acres Rd

Follow Up Flag: Follow up
Flag Status: Flagged

I am LeeAnn Bower and meeting with P&Z tonight about our CUP for a Bed and Breakfast. Our neighbors the Davis's live 3 homes down and requested I send the email below from them in approval of our CUP. They are within 200 feet and did receive a letter from the city.

Please add the below email to your file for approval.

Thank you,
LeeAnn Bower
3020 Flite Acres Rd
[REDACTED]

-----Original Message-----

From: Suzanne Davis [mailto:[REDACTED]]
Sent: Thursday, September 12, 2019 12:36 PM
To: Lee Ann Bower [REDACTED]
Subject: Approval for bowers

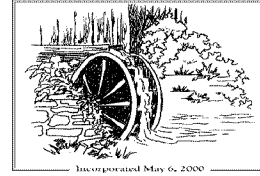
Lee Ann and Mike Bower are our neighbors at 3020 Flite Acres and we support their application for a bed and breakfast CUP at their property.

It will be a positive experience for our neighborhood with Lee Ann and Mike being at their property when visitors are there

Thank you
Suzanne Davis
Flite Acres Rd

Sent from my iPhone

Report for CUP-19-012



Summary:

An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 216 Mill Race Lane

Applicant Information:

Applicant:

Charles Harmon Duggan Living Trust
216 Mill Race Lane
Wimberley, TX 78676

Property Owner:

Charles Duggan

Subject Property:

Legal Description:

1.701 acres out of the Amasa Turner Survey, Abstract No. 461

Location:

216 Mill Race Lane

Existing Use of Property:

Residential

Existing Zoning:

Commercial-Low Impact (C-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	RA, ETJ	Residential
S of Property	PR1	Public
E of Property	C1	Commercial
W of Property	C1	Commercial

Legal Notice

200' Letters:

8/22/2019

Published:

8/22/2019

Sign Placement:

8/22/2019

Responses:

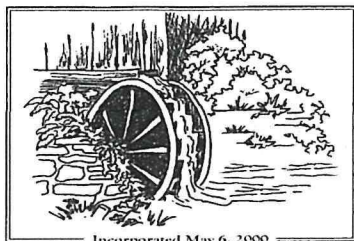
7 letters of support w/in 200'

Comments:

The applicant, Charles Duggan, has requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 216 Mill Race Lane. The proposed vacation rental is approximately 3,500 square feet, 4 bedroom/2.5 bath and will be serviced by on-site sewage facility. The proposed maximum occupancy is 12 guests.

There have been numerous letters of support received from property owners within the 200' notice area. No opposition has been received.

At the Planning & Zoning meeting on September 12th, the Commission voted 6-0-0 to recommend approval of the application as requested.



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
8-12-19

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE	CUP <u>19 - 012</u>	Date: <u>8-12-19</u>	Staff Review <u>SIF</u>
P&Z Hearing: <u>9-12-19</u>		Council Hearing: <u>9-19-19</u>	Fees Paid: ☒

Applicant: <u>Charles Harmon Duggan Living Trust, Charles H. Duggan sole trustee</u>			
Mailing address:	<u>PO Box 3050</u>	City: <u>Wimberley</u>	State: <u>TX</u> Zip: <u>78676</u>
Phone:	<u>[REDACTED]</u>	Email:	<u>[REDACTED]</u>
Property Owner: <u>Charles Harmon Duggan Living Trust</u>			
Mailing address:	<u>PO Box 3050</u>	City: <u>Wimberley</u>	State: <u>TX</u> Zip: <u>78676</u>
Phone:	<u>[REDACTED]</u>	Email:	<u>[REDACTED]</u>

Project Site Address:	<u>216 Mill Race Lane</u>				
Legal description:	<u>A0461 AMASA TURNER SURVEY ABSTRACT NO. 461</u>				
Total Acreage or Square Footage:	<u>1.701 acres</u>	Deed recorded in:	<u>HAYS COUNTY</u>		
Hays CAD Parcel ID R	<u>18489</u>	Planning Area:	<u></u>	Zoning:	<u>C1</u>
Is property located in an overlay district? ☐ Yes ☐ No If Yes, type: <u></u>					
Specific Conditional Use Requested: <u>SHORT-TERM RENTAL</u>					
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:	<u>Pedernales Electric</u>
Water provider or Private Well:	<u>PRIVATE WELL</u>
Wastewater Service or Septic Permit No.	<u>SEPTIC</u>
*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: 8/12/12

Applicant's Signature: _____

Charles Harmon Duggen Living Trust

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

Owner: CHARLES HARMON DUGGAN LIVING TRUST, CHARLES H. DUGGAN, sole trustee

LOCATION OF PROPERTY: 216 Mill Race Ln, Wimberley, TX 78676

LEGAL DESCRIPTION: A0461 AMASA TURNER SURVEY ABSTRACT NO. 461

PLANNING AREA: _____

PRESENT ZONING: C1

EXISTING USE: Primary Residence

USE TO BE GRANTED: _____ *Bed & Breakfast* OR xxx *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. Six Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 12 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: Four 2.5 bath

PROPOSED MAXIMUM OCCUPANCY: Twelve 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 Cypress 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:

8/12/19
DATE

DATE

, trustee
OWNER

Charles Harmon Duggan Living Trust
OWNER

MILL RACE LODGE HOUSE RULES

- Check-in time is at 4 p.m. Check-out time is at 11 a.m. Please be mindful of these times as the cleaning staff is on a schedule.
- Absolutely NO SMOKING IN THE HOUSE. Smoking outside the home is permitted, but please do so cautiously and responsibly. Please dispose of all cigarette butts and clean ashtrays.
- The property has its own septic system. PLEASE BE GENTLE. Do not flush any feminine products or non-degradable items down the toilet.
- All trash and recycling must be bagged. Please place trash in the appropriate bin by the basketball hoop. DO NOT LEAVE TRASH OUTSIDE—Hill Country critters can make a huge mess. If the bins are full, please keep the trash inside the house or inside the shed by the bins and let us know.
- Trash bags, toilet paper and other items are provided for the length of your stay. If additional items are required you will need to purchase them.
- As per the rental agreement you have accepted, no more than twelve (12) persons may be on this property at any time. NO PARTIES are allowed. Any violation of this agreement will result in additional fees and fines.
- Swim in the creek, use the rope swing, canoes, etc. at your own risk.
- As a guest, you are entitled to use only the property itself for the purpose of entering or exiting the water. All other properties

along the Creek are private properties and you may not make landfall on any other property.

- Please return all canoes, inflatables, oars, life jackets, etc. to where you found them. You should find all the inflatables secured by the creek so that they don't blow away. Please secure them when you finish.
- There are canoe oars and life jackets in the little shed at the creek.
- Please keep noise and music levels to a minimum as not to disturb the neighbors. 10pm is the "Neighborhood Noise Curfew".
- Children: Mill Race Lodge is not "child proofed". Please watch your children accordingly.
- Please do NOT move indoor furniture from its original location. If you move outdoor furniture, please return it to its original location.
- Please wash all dirty dishes and place dirty towels in bathroom area.
- Please show this property the respect you would expect from guests in your own house. Keep in mind this is someone's personal home.
- We are NOT responsible for items left behind. Please double-check all rooms for personal belongings prior to departure.
- Please note that an additional fee will be charged if excessive clean-up is required.

- No Pets. No pets on the property at all. If evidence is found, you will be charged with a \$250 cleaning fee. There are some nice kennels in town, in case you need them.
- The Hill Country has critters. Be watchful around house and the lot for scorpions (we have seen these, so watch out and shake out your shoes if left outside), snakes (we have yet to see one, but they are in the area), spiders, and fire ants (we always have fire ants in the area, so watch the kiddos).
- Recreational vehicles, firearms or weapons of any sort are not permitted on the property.
- No Hunting, Shooting or Archery

IN CASE OF EMERGENCY:

For Police, Fire or Ambulance, dial 911 from the House Phones.

For questions or help with a problem in the house, please contact Charles Duggan, Owner: Please contact by email or text if there is no emergency. In a very real emergency, you may call me by dialing [REDACTED]. You may also contact my property manager, Marty Ratliff at [REDACTED]

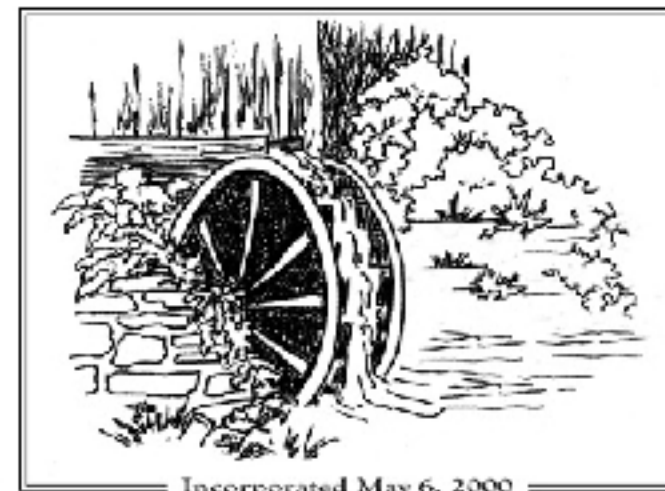
CHECK-OUT PROCEDURE

When you are ready to leave Mill Race Lodge (or, even if you're not ready!):

1. Check-out time is 11:00 am unless we have otherwise agreed in writing. Housekeeping will be arriving shortly.
2. Please remove all bagged garbage and recycling to the appropriate bins by the basketball hoop.
3. Please set all thermostats to 78 degrees on the A/C.
4. Please turn off all the lights. It is easiest to use the panel in the master bedroom. That panel does not control every light, but most of them. Press buttons on the panel until all indicator lights are out.
5. Place sets of keys in the bowl on the hall table. No need to keep one to lock from the outside.
6. Please be certain that, if you removed a key from the lockbox on the front porch, you have returned it there for the next guest.
7. Please make sure all other doors in the house are locked. Then, exit through the front door and lock the bottom lock on the screen door. This does not require a key, just twist the lock from the inside.

Thank you for your visit! Come back again!

CUP-19-012 ~ 216 Mill Race Lane



Incorporated May 6, 2000

200' NOTIFICATION

Legend

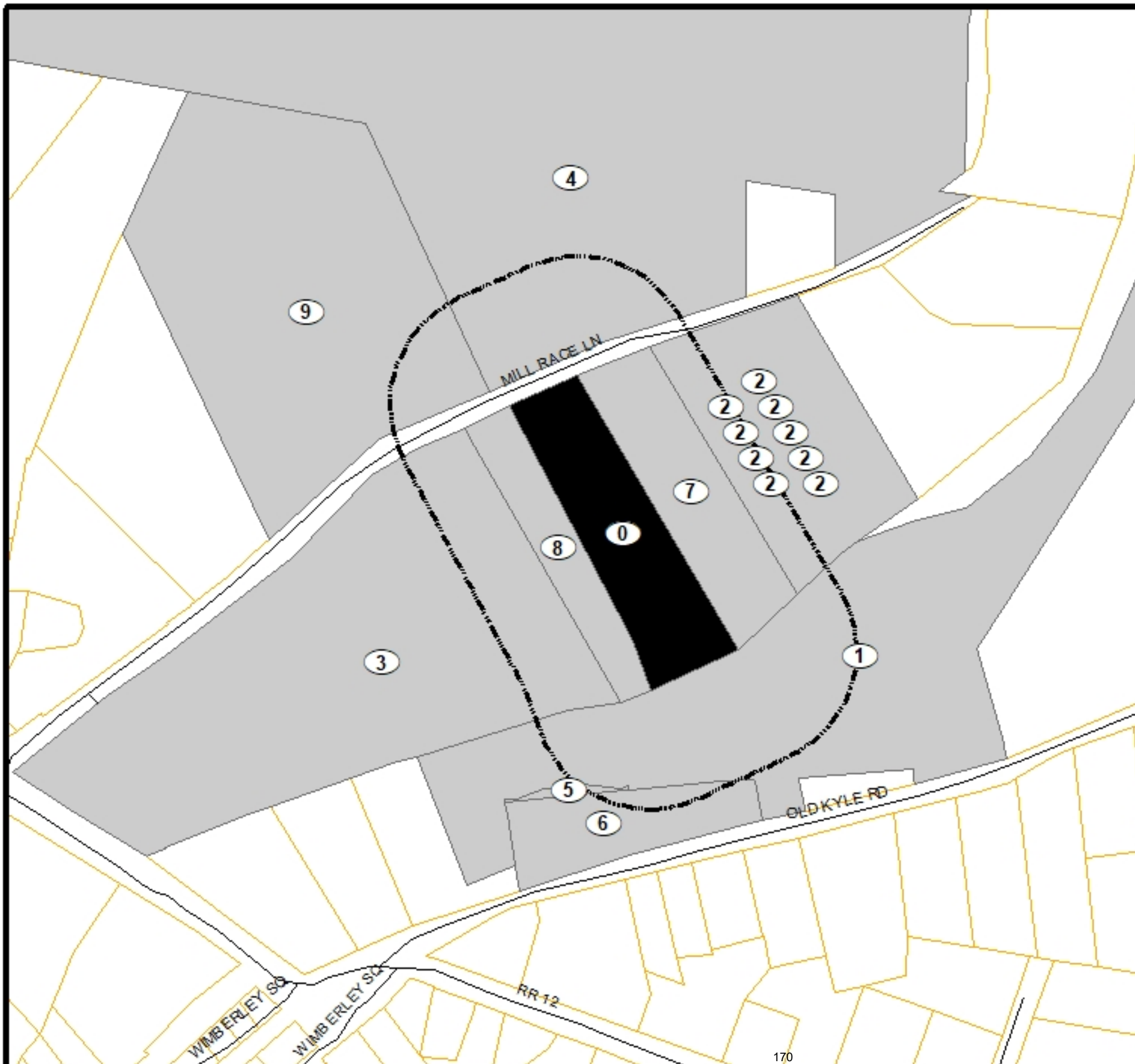
200' Buffer

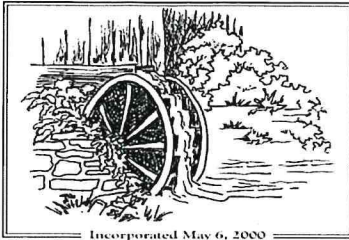
ID. Owner

- 0. SUBJECT TRACT
- 1. CITY OF WIMBERLEY
- 2. CYPRESS CREEK CONDOS INC
- 2. KENNEY GREGORY T & JEAN
- 2. MICHAEL DONNIE & KAREN
- 2. MOCK ROBERT & CARROLL CHARLENE
- 2. TURNEY HINMAN INC
- 3. HARRIS JAMES MALCOLM & MIDDLE RANCH TRUST
- 4. JOHNSON, WM PARKS
- 5. LUMBERYARD SB1 LLC
- 6. LUMBERYARD SB1 LLC
- 7. MITCHAMORE & SONS LLC
- 8. PAVER ROBERT W & LAUREN N
- 9. WILCOX WILLIAM A & NANCY K



0 200 400
Feet





City of Wimberley

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

August 22, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-012

216 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.

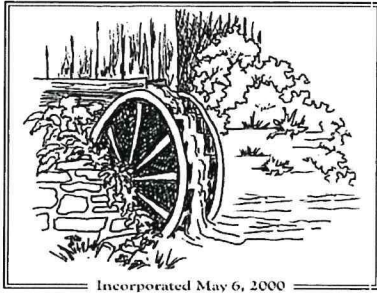
The applicant, Charles Duggan, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 216 Mill Race Lane. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, September 12, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, September 19, 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: August 22, 2019

ZONING NO: CUP-19-012

APPLICANT: Charles Duggan

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

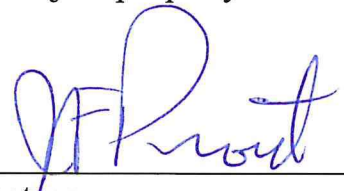
Project Site Address: 216 Mill Race Lane

John Provost
Public Works/Code Enforcement

City of Wimberley

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

8/22 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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-011— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 18 Susha. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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.

HTGCD: Notice of Operating Permit Amendment Application: Prima Vista

This notice is to advise the public that an operating permit amendment application has been submitted to the Hays Trinity Groundwater Conservation District (HTGCD). At this time, the application is pending and not administratively complete. David Livingston is listed on the amendment application as the person responsible for the permit concerning Prima Vista. The mailing address is 1314 Oakridge Lane, Canyon Lake, 78133 and well's physical address listed on the application, 601 Sandy Point Road, Wimberley, 78676. To contact the applicant call 512-648-9800 or email david@primavistaevents.com. The intended well's use is listed as, Commercial. Prima Vista currently has an approved operating permit with HTGCD that includes an annual amount of 58,240 gallons. The amendment application is requesting a new annual amount of 232,960 gallons. Permit requirements include: water conservation plan, user drought contin-

Public Notice

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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-003— an application for a Conditional Use Permit (CUP) to allow the operation of a bed & breakfast at 2595 Flite Acres Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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 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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-012— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 216 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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

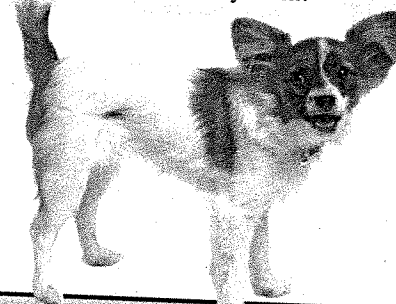
Public Notice

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, September 12, 2019, at 6:00 p.m.** to consider the following: CUP-19-010— an application for a Conditional Use Permit (CUP) to allow the operation of a bed & breakfast at 3020 Flite Acres Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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.

Get The Scoop!

If you're looking to buy or sell, the Classifieds have everything you need. So, get the scoop and check out the Classifieds for yourself.



The Wimberley View

PO Box 49, Wimberley
512-847-2202

Apartments For Rent

1 BR \$855,
2 BR \$965, 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. 844-208-3292.

Duplex For Rent

2/2 CLEAN! Woodcreek, Available Sept 1

Misc. Services

CALL JOHN WILTON for all your home renovations, repairs and handyman needs. 512-618-1089 Down to Earth Services

Mini Storage

MINI STORAGE NOW OPEN Located on Gallin Creek Rd; in Dripping Springs approximately 1/4 mile off RR 12. For more information

Travel / Tours

TRAVELPHILE TOURS For Lovers of Travel Based in Wimberley Fully escorted small group tours and customized private travel since 2011

Specializing in travel for experienced adults 55+ years young

A Magical New York City Christmas Dec. 3-8, 2019 6 Days - 5 Nights \$2250 p/p double shared includes airfare*



General Help Wanted

ADMINISTRATIVE ASSISTANT HTGCD is seeking qualified candidates to work in the Dripping Springs area. The ability to prioritize demands while multi-tasking is essential. Go to haysgroundwater.com to see the full job description including benefits, requirements, duties, tasks and how to



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

ORDINANCE NO. 2019-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHARLES HARMON DUGGAN LIVING TRUST TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 216 MILL RACE LANE, 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 Charles Harmon Duggan Living Trust (“Applicant”) requesting authorization to operate a vacation rental on real property described as 1.701 acres out of the Amasa Turner Survey, Abstract 461, 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 Charles Harmon Duggan Living Trust (“Applicant”) for use as a vacation rental on real property, described as 1.701 acres out of the Amasa Turner Survey, Abstract 461, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial-Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

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

City of Wimberley, Texas

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 19th day of September, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

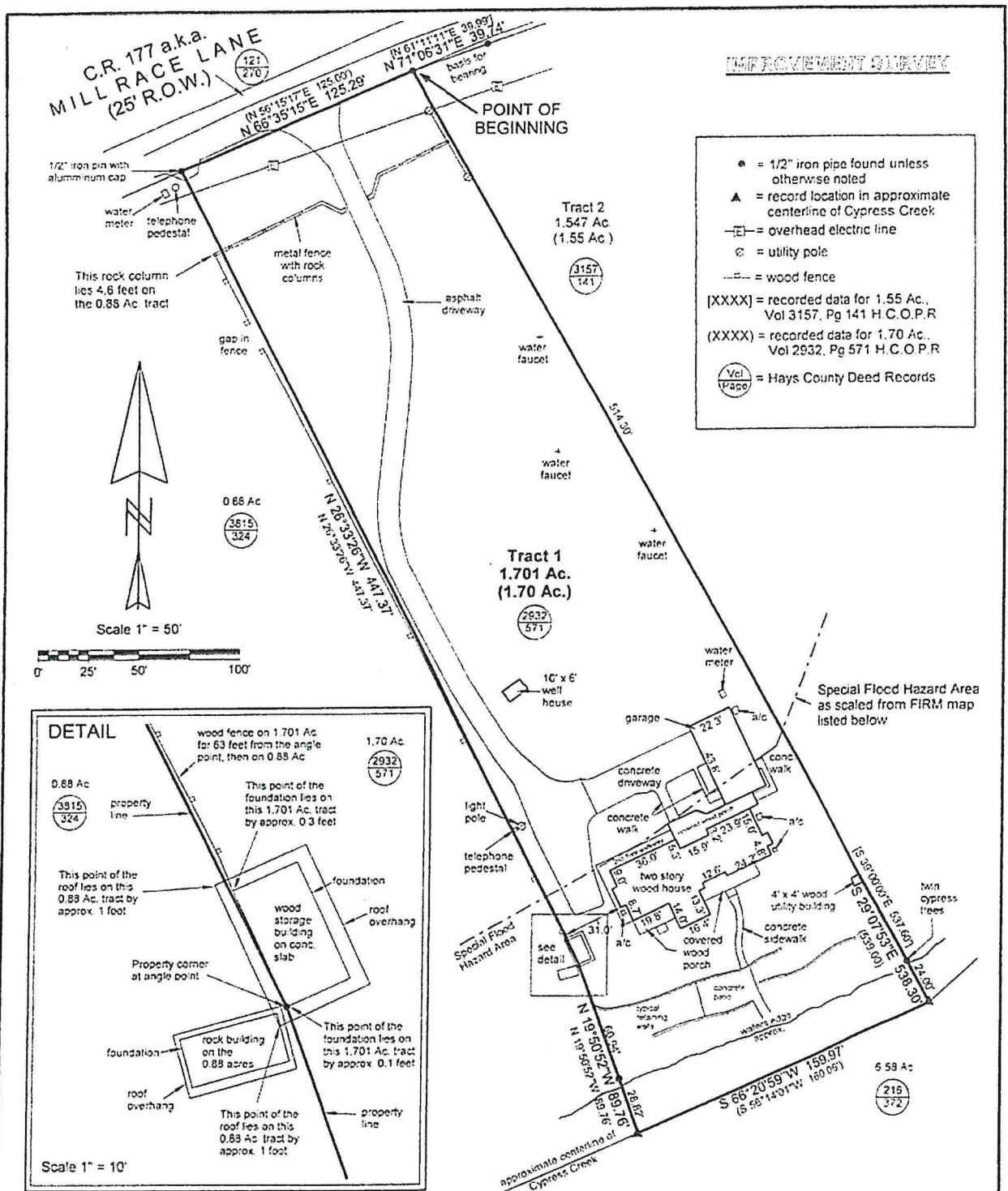
By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



Copyright © 2012 Eagle Land Surveying. All rights reserved

CLIENT: Donna Rosenberg and Andrew Rosenberg
ADDRESS: 216 Mill Race Lane
Wimberley, Texas 78576

TITLE COMPANY: Independence Title Company
GF No.: 1212773-WIM

DATE: June 27, 2012
SCALE: 1" = 50'

TRACT 1: Being 1.701 acres of land, more or less, out of the AMASA TURNER SURVEY, A-461, in Hays County, Texas, being that same tract of land called 1.70 acres, as described and recorded in Volume 2932, Page 571, Hays County Official Public Records, said 1.701 acres being more particularly described by metes and bounds in the field notes attached hereto.

A portion of this subject property does lie within a Special Flood Hazard Area, Zone AE, as determined from FIRM Hazard Map, Community Panel No. 480321 0355 F, dated September 2, 2005



**EAGLE
LAND
SURVEYING**
(512) 847- 1079
P.O. Box 2284 Wimberley, TX. 78576

I hereby certify that this plat represents a survey made upon the ground under my supervision, June 18, 2012 and there are no visible or apparent encroachments upon this property, except as shown hereon.

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



Job No. 12-094 jj/cb

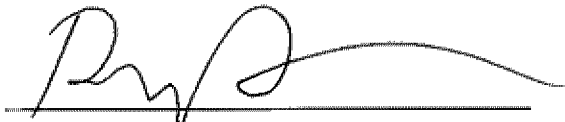
EXHIBIT "A"

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
City of Wimberley
221 Stillwater, Wimberley, TX 78676
P: (512) 847-0025 x25 F: (512) 847-0422
sfloyd@cityofwimberley.com

RE: CUP Application for 216 Mill Race Ln, Wimberley, TX 78676

Charles Duggan has been a good neighbor since he moved here with his family in 2012. I fully support his application for a Conditional Use Permit to use his home as a short-term vacation rental.

Very truly yours,



Signature

Robert Paver

Printed Name

214 Mill Race Lane

Address

Wimberley, TX 78676

8/14/2019

Date

Sandra Floyd

From: Sally Trapp [REDACTED]
Sent: Sunday, August 18, 2019 6:54 PM
To: Sandra Floyd; Charles Duggan
Subject: CUP application for 216 Mill Race Lane, Wimberley, TX 78676

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
City of Wimberley
221 Stillwater, Wimberley, TX 78676
P: (512) 847-0025 x25 F: (512) 847-0422
sfloyd@cityofwimberley.com
RE: CUP Application for 216 Mill Race Ln, Wimberley, TX 78676

Hi, Ms. Floyd,

I'm writing to support the Duggan's CUP application for short term rentals. Since moving to Wimberley, Mr. Duggan and his family have been wonderful neighbors. Mr. Duggan has rented his property in the past and if there was an issue, he worked to instantly correct it. He has excellent management practices and staff in place to handle any unexpected issues that might arise. 216 Mill Race is the perfect fit for a CUP as it is one of many lodging or CUP approved properties on the street.

Thank you,
Sally Trapp

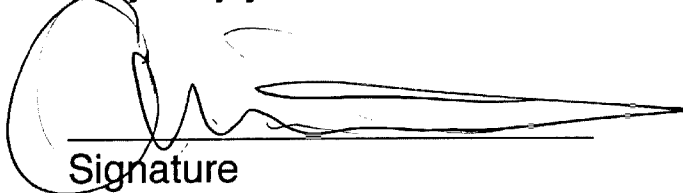
Turney Hinman, Inc.
310 Mill Race Lane
Wimberley, TX 78676
[REDACTED]

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
City of Wimberley
221 Stillwater, Wimberley, TX 78676
P: (512) 847-0025 x25 F: (512) 847-0422
sfloyd@cityofwimberley.com

RE: CUP Application for 216 Mill Race Ln, Wimberley, TX 78676

Charles Duggan has been a good neighbor since he moved here with his family in 2012. I fully support his application for a Conditional Use Permit to use his home as a short-term vacation rental.

Very truly yours,



Signature

AARON MITCHAMORE
Printed Name

220 MILL RACE
Address

19 AUG 19
Date

Sandra Floyd

From: Abundance Retreat [REDACTED]
Sent: Sunday, August 25, 2019 5:54 PM
To: Sandra Floyd; Charles Duggan
Subject: CUP Application for 216 Mill Race Ln, Wimberley, TX 78676

TO:
Sandy I. Floyd,
C.F.M. Planning & Development Coordinator/GIS Analyst Floodplain Administrator
City of Wimberley
221 Stillwater
Wimberley, TX 78676

FROM:
Shellye Arnold and Tina Sabuco
Abundance Retreat
330 Mill Race Lane
Wimberley, Texas 78676

RE: CUP Application for 216 Mill Race Ln, Wimberley, TX 78676

Hello Sandy,

This is to support the CUP application for 216 Mill Race Lane in Wimberley, Texas. Charles Duggan and his family have been good neighbors since they moved here with his family in 2012. I fully support has application for a Conditional Use Permit to use his home as a short-term vacation rental. Our street has had positive experiences with short-term lodging facilities operating on our street over time, including ours. This benefits Wimberley's economy and tourism, and is especially valued by out-of-town guests given our street's proximity to downtown.

We respectfully request your, P&Z, the City Council's and the Mayor's support for this application.

Thank you,

Shellye Arnold and Tina Sabuco

Sandra Floyd

From: Merry Gibson [REDACTED]
Sent: Sunday, August 25, 2019 7:25 PM
To: Sandra Floyd
Subject: RE: CUP Application for 216 Mill Race Ln, Wimberley, TX 78676

Dear Ms. Floyd,

I wish to convey my support for a Conditional Use Permit for Charles Duggan's property located at 216 Mill Race Lane. Charles has been a great neighbor and manages his property exceptionally well. His guests have been quiet and considerate of the neighborhood. and are great guests to visit Wimberley.

Kind regards,
Merry

Merry Gibson
310 Mill Race Lane
Wimberley, TX 78676
[REDACTED]

Email [REDACTED]
Mobile [REDACTED]

**Turney Hinman, Inc.
310 Mill Race Lane
Wimberley, Tx 78676**

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst Floodplain Administrator
221 Stillwater
Wimberley, TX 78676

Dear Ms. Floyd,

Our family corporation owns four units at the Lodge at Creekside located at 300 Mill Race Lane. We are very pleased to support Mr. Charles Duggan's application for a Conditional Use permit for his property at 216 Mill Race Lane, Wimberley. He and his family have been great neighbors and his property well managed and cared for.

Kind regards,

Merry

Merry Gibson, Director
Turney Hinman, Inc.

Sandra Floyd

From: Jeanne Ann Cope [REDACTED]
Sent: Monday, August 26, 2019 7:33 PM
To: Sandra Floyd
Subject: CUP application for 216 Mill Race Ln

Ms. Floyd,

I am a neighbor of Charles Duggan who is applying for a CUP for a short term rental. I do not live within the 200 ft boundary but still want to support his application for the CUP. Mill Race Ln is 95% comprised of short-term and long-term rentals so the use of his property in this way is certainly appropriate. Charles and his family are very quiet neighbors and have put a lot of effort in improving this piece of property. I feel they will do a good job of keeping the property in good shape as a rental.

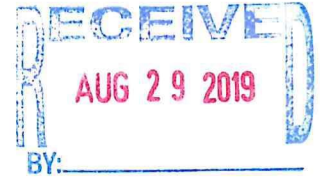
Thank you,

Jeanne Ann Cope,

109 Mill Race Ln

Wimberley, TX 78676

[REDACTED]



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

August 26, 2019

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst Floodplain Administrator
City of Wimberley
221 Stillwater, Wimberley, TX 78676

RE: CUP Application for 216 Mill Race Lane, Wimberley, TX 78676

Sandy,

I am in receipt of your notice of public hearing regarding the CUP request for 216 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 so I wanted to let you know by this letter that I support the request by Charles Duggan for a CUP that allows the operation of a vacation rental.

Charles remains a considerate neighbor and has done a stellar job as road commissioner of the Mill Race Lane Association.

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

Sincerely,

A handwritten signature in blue ink that appears to read "Scott". The signature is stylized with a long horizontal stroke extending to the left.

Scott
Scott Johnson
President, Cedar Stump, LP

Sandra Floyd

From: Helena Hauk [REDACTED]
Sent: Wednesday, September 4, 2019 10:17 AM
To: Sandra Floyd
Cc: [REDACTED]
Subject: RE: Letter(s) of support - CUP Applications on Mill Race Lane

Good morning, Ms. Floyd

I am not sure the status of the CUP applications on either property listed below. My husband and I have been trying to prioritize this task and finally getting to it.

We are new to the neighborhood, but have found the Mill Race Lane neighborhood to be friendly and supportive. We wish to do and be the same for them. We are in support of their requests to pursue CUP Applications. Please let us know if you need anything else from us.

Merry Gibson @ 310 Mill Race Lane
Charles Duggan @ 216 Mill Race Lane

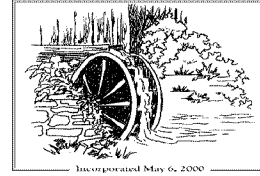
Warmly,

Helena & Don Hauk
Innkeeper

[REDACTED]
www.creekhaveninn.com



Report for ZA-19-007



Summary:

An application to change zoning from R-2 and R-3 to C-1 for property located at 3 Palos Verdes Drive

Applicant Information:

Applicant: Amber Busboom
3 Palos Verdes Drive
Wimberley, TX 78676

Property Owner: Amber Busboom

Subject Property:

Legal Description: Lot 1 & Lot 2R, Block 2, Woodcreek Section 3
Location: 3 Palos Verdes Drive
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 & Single-Family Residential 3
Proposed Use of Property: Commercial
Proposed Zoning: Commercial-Low Impact
Planning Area: III
Overlay District: Entrance Corridor

Surroundings:

Frontage On: Palos Verdes Drive; Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PF	Public
S of Property	PF	Public
E of Property	C2	Commercial
W of Property	R2	Residential

Legal Notice

200' Letters: 8/27/2019
Published: 8/22/2019
Sign Placement: 8/27/2019
Responses: 1 opposed – outside 200'

Comments:

The applicant, Amber Busboom, has requested to change the zoning on two tracts approximately 1.21 acres in size from single-family residential to commercial-low impact. The applicant currently utilizes the approximately 2,200 square foot 3 bedroom/2 bath home on the property as a residence.

One person outside the 200' notice area opposed the application at the P&Z meeting via a representative.

At the Planning & Zoning meeting on September 12th, the Commission voted 3-3-0 on this item; therefore it is for your consideration without a recommendation.

FOR OFFICIAL USE ONLY

APPLICATION DATE: 8-14-19 FILE NO. 2A-19-007
 TENTATIVE P&Z HEARING: 9-12-19 TENTATIVE COUNCIL HEARING: 9-19-19
 CITY INITIATED: ☐ YES - ☒ NO PLANNING AREA: III ZONING REQUESTED: C-1
 ZONING FEES: \$ 810 DATE PAID: 8-14-19 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

HAYS COUNTY CENTRAL
APPRAISAL DISTRICT

BE ZONED: 3 Palos Verdes Dr Wimberley, Texas PROPERTY ID#: R 52694, **
R134893

* 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:

North on RR12 past HEB, Turn left @ Exxon,

Property is on corner of RR12 + Palos Verdes Dr.

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

1. OWNER'S NAME: Amber Dowell Busboom HOME PHONE: [REDACTED]

BUSINESS PHONE: () _____

FAX: () _____

E-MAIL: [REDACTED]

OWNER'S CURRENT MAILING

ADDRESS 3 Palos Verdes Dr 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 1.2087 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 2

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

PROPOSED USE(S): Administrative and Professional office

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): _____

7. LEGAL DESCRIPTION

Street Address: 3 Palos Verdes Subdivision: Woodcreek sec 3

Block(s) 2 Lot(s) 1, 2R

Plat Book: _____ Page Number: _____

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

lot 1 1 page 157-158

2R VOLUME: 16 PAGE: 25 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) ENTRANCE CORRIDOR

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

C. ELECTRIC UTILITY PROVIDER: Pedernales Electric

WATER UTILITY PROVIDER: Wimberly Water

WASTEWATER UTILITY PROVIDER: on-site

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): 4310

Related Cases, If Applicable

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

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).

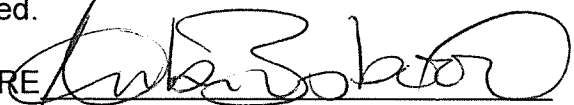
SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

(☒) 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: 8/14/19

APPLICANT SIGNATURE



WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

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: 8/14/19 APPLICANT SIGNATURE [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: 3 Palos Verdes Dr, and more particularly known as Lot 1, 2, Block 2 of the Woodcreek Sec 3 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: 8/14/19 APPLICANT SIGNATURE [Signature]

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

Sec. 9.03.083 Commercial - Low Impact; C-1

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

(b) Permitted uses.

(1) Administrative and professional office:

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

(B) Photography studios, doctors, dentists;

(C) Nonprofit organizations (with certain restrictions);

(D) Civic uses (such as city halls);

(E) Research services: limited; and

(F) Office.

(2) Religious assembly;

(3) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

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

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

(12) Adult day care facility;

(13) Private primary educational services;

(14) Private secondary educational services;

(15) Medical services: limited;

(16) Personal services: limited;

(17) Bank and savings and loan;

(18) Accessory uses to the main use;

(19) Single-family residence; and

(20) Low impact institutional: residential oriented.

(c) Conditional uses.

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

(2) Bank and savings and loan (drive-through);

(3) Bed and breakfast lodging;

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

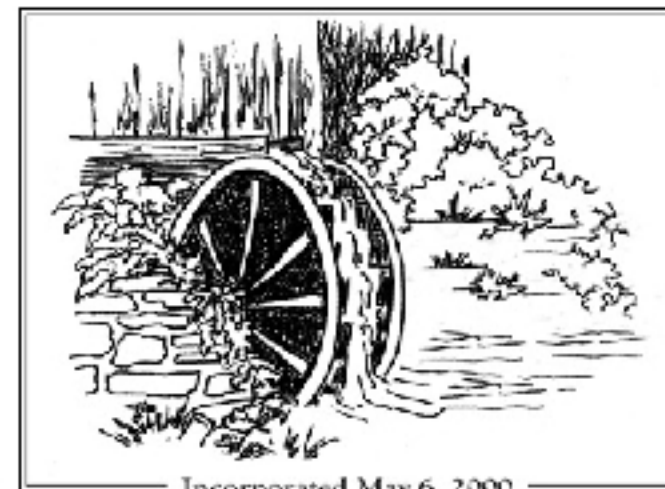
(5) Eating establishments: fast food with drive-through order windows;

(6) Package store;

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

- (8) Vacation rental; and
 - (9) Personal care home.
 - (d) Development regulations.
 - (1) Minimum lot size: 5,000 square feet.
 - (2) Maximum building height (as defined in section 9.03.005):
 - (A) Primary buildings: Not more than 2 stories and not more than 28 feet or 35 feet with gable roof;
 - (B) Accessory buildings: Not more than 18 feet and not more than one story; and
 - (C) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
 - (3) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
 - (A) Dominant street: 10 feet;
 - (B) Secondary street: 10 feet; and
 - (C) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than one story.
 - (4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area.
 - (5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.
 - (6) Maximum building footprint: 11,500 square feet.
 - (7) Maximum floor area: 15,000 square feet.
 - (e) Special requirements.
 - (1) Open storage is prohibited.
 - (2) For site plan requirements, see section 9.03.183.
 - (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or nonresidential purposes.
 - (f) Other regulations. As established in division 5 of this article, development standards.
 - (g) Parking regulations. As required by section 9.03.181, off-street parking and loading requirements.
- (Ordinance 2001-010, sec. 26, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; Ordinance 2004-017 adopted 8/5/04; 2006 Code, sec. 155.047; Ordinance 2006-013 adopted 11/2/06; Ordinance 2008-009, sec. II(A), adopted 2/21/08; Ordinance 2008-023, sec. II(L), adopted 7/17/08; Ordinance 2009-031, sec. II(B), (C), adopted 7/16/09; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2015-005, sec. II(B), (C), adopted 2/19/15)

ZA-19-007 ~ 3 Palos Verdes



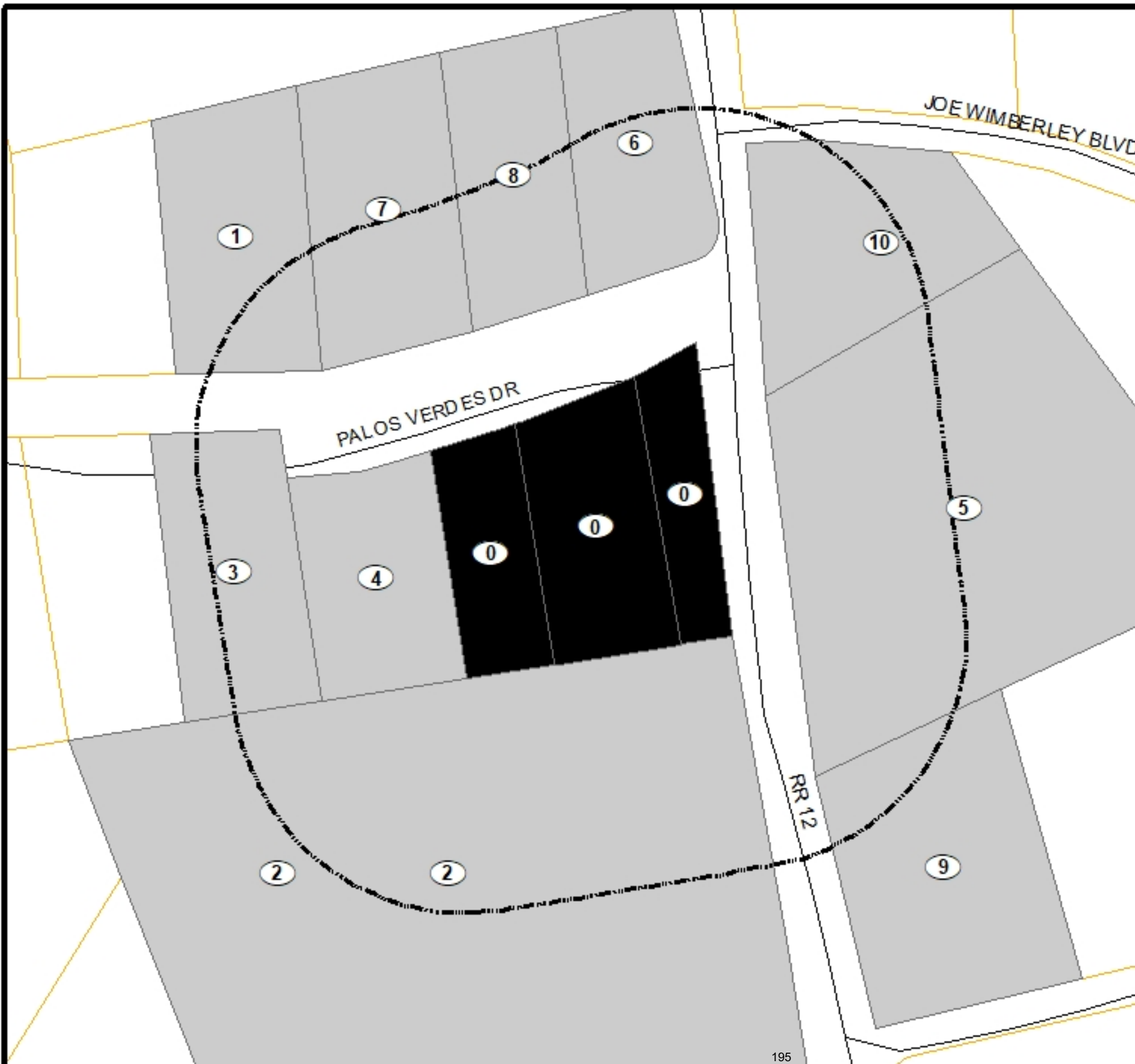
200' NOTIFICATION

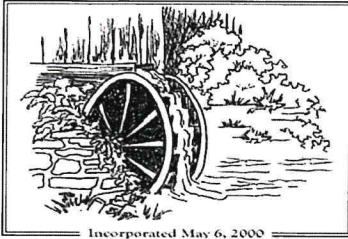
Legend

- 200' Buffer
- ID. Owner**
- 0. SUBJECT TRACT
- 1. AYMOND GREGORY M BISHOP OF THE
- 2. CHAPEL IN THE HILLS CHURCH
- 3. GRACE, MICHELLE
- 4. GRACE, MICHELLE
- 5. HILL COUNTRY CONVENIENCE & PETROLEUM LLC
- 6. MCCARTHY JOHN E REV
- 7. MCCARTHY, JOHN
- 8. MCCARTHY, JOHN
- 9. SMITH DAIRY QUEENS LTD
- 10. VICTORIA BANK & TRUST



0 100 200
Feet





City of Wimberley

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

August 27, 2019

NOTICE OF PUBLIC HEARING

Re: File No. ZA-19-007
3 Palos Verdes Dr.

Dear Property Owner:

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

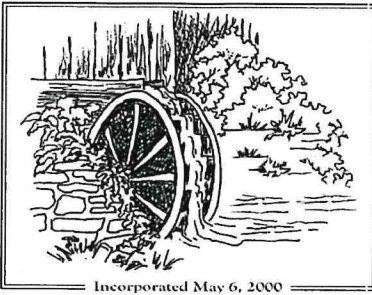
The applicant, Amber Busboom is proposing to change the zoning from **Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to Commercial-Low Impact (C-1)** for property located at 3 Palos Verdes Drive. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, September 12, 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, September 19, 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: August 27, 2019

ZONING NO: CUP-19-007

APPLICANT: Amber Busboom

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 3 Palos Verdes Drive

John Provost
Public Works/Code Enforcement

City of Wimberley

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

8/27 20 19


Signature

The Wimberley View CLASSIFIEDS



MEETING.

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 12, 2019 at 6:00 p.m.** to consider the following: **ZA-19-007** – a request to change the zoning from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) for property located at 3 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, September 19, 2019, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, 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.

Did you know?
You can now view the
Legals and Public
Notices Online at
wimberleyview@gmail.com

Drippin' Town Service, Inc.
12015 Bonham Ranch Road
Dripping Springs, TX 78620

August 26, 2019

Yr/Mk/Mdl – 2008 Toyota Camry
VIN – 4T1BE46K08U250719
Lic – LDZ2301(TX)

Yr/Mk/Mdl – 2003 Kia Rio
VIN – KNADC125536268970
Lic – HFN8045(TX)

Yr/Mk/Mdl – Unk. Yr. Kawasaki
VIN – JK1AFCS16FB50993
Lic – None

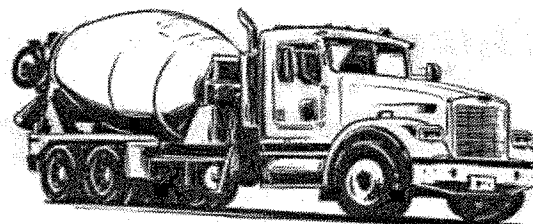
Yr/Mk/Mdl – 2011 Toyota Scion XB
VIN – JTLZE4FE5B1121482
Lic – KLK1483(TX)

Yr/Mk/Mdl – 2001 Toyota UEX
VIN – 4T1BG28K91U838538
Lic – HPD3650(TX)

**YOUR
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A SOURCE YOU CAN TRUST!

LAUREN CONCRETE

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newspaper is subject to Housing Act which makes it advertise "any preference, or discrimination based on race, religion, sex, handicap, family or national origin, or an intent to make any such preference, or discrimination." Families includes children under the age of 18 living with parents or legal custodians, pregnant women and people in custody of children under 19.

The newspaper will not accept any advertising for real estate which is in violation of the Fair Housing Act. Readers are hereby informed that dwellings advertised in this newspaper are available on an equal opportunity basis.

To complain of discrimination toll-free at
1-800-669-9777.

The toll-free telephone number for hearing impaired is 1-800-927-0887.



ORDINANCE NO. 2019-xx

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT 3 PALOS VERDES DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL 2 (R-2) AND SINGLE-FAMILY RESIDENTIAL 3 (R-3) TO COMMERCIAL-LOW IMPACT (C-1).

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

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

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

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

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning Lot 1, Block Two, Woodcreek, Section Three and Lot 2R, Block Two, Woodcreek, Section Three, in Wimberley, Hays County, Texas, commonly known as 3 Palos Verdes Drive from Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to Commercial-Low Impact (C-1) zoning classification.

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

ARTICLE I. REZONING

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning Lot 1, Block Two, Woodcreek, Section Three and Lot 2R, Block Two, Woodcreek, Section Three, in Wimberley, Hays County, Texas, commonly known as 151 Oldham Street, and more particularly described on the attached Exhibit "A", incorporated by reference for all purposes, from Single-Family Residential 2 (R-2) and Single-Family Residential 3 (R-3) to Commercial-Low Impact (C-1) zoning classification.

ARTICLE II. SEVERABILITY

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

III. EFFECTIVE DATE

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

ARTICLE IV. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 19th day of September 2019, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Susan Jaggers, Mayor

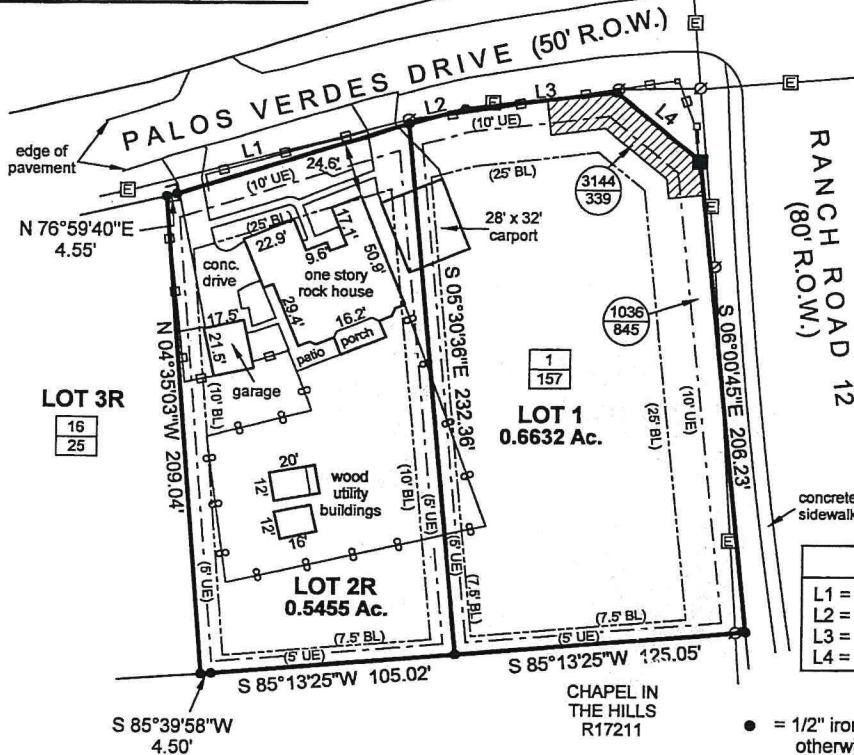
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

IMPROVEMENT SURVEY



LINE TABLE	
L1 = N 72°38'41"E	103.83'
L2 = N 75°17'31"E	25.17'
L3 = N 83°32'40"E	65.20'
L4 = S 50°49'18"E	4.669'

Reference utility easements 10' wide along street lot lines and 5' wide along interior lot lines and building setback lines 25' wide along street lot lines and 7.5' along all interior lot lines, as recorded in Volume 249, Page 363, Hays County Deed Records.

Reference utility easements granted to Wimberley Water Supply Company as, recorded in Volume 210, Page 125, Hays County Deed Records, and in Volume 3951, Page 768, Hays County Official Public Records.

Reference easements granted to Aqua Texas Inc. as described and recorded in Volume 3144, Page 335, and Volume 3144, Page 339, Hays County Official Public Records.

Reference a utility easement granted to GTE Southwest Incorporated 10' wide along the East line of Lot 1, as recorded in Volume 1036, Page 845, Hays County Deed Records.

Reference a blanket utility easement granted to Pedernales Electric Cooperative, Inc., as recorded in Volume 289, Page 369, Hays County Deed Records.

- = 1/2" iron pin found unless otherwise noted
- = concrete highway monument
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data "calls"
- 8— = chain link fence
- = wood fence
- = overhead electric line
- ⊙ = utility pole
- Vol Page = Hays County Plat Records
- Vol Page = Hays County Deed Records

Copyright © 2013 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0238 F, dated September 2, 2005.

LEGAL DESCRIPTION: All of Lot 1, Block 2, WOODCREEK, Section 3, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Pages 157- 158, Plat Records of Hays County, Texas, AND all of Lot 2R, of the amending plat of Lots 2, 3, 4, WOODCREEK, Block 2, Section 3, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 16, Page 25, Plat Records of Hays County, Texas.

CLIENT: Nick Dowell and Amber Dowell

ADDRESS: 3 Palos Verdes, Wimberley, Texas 78676

TITLE COMPANY: Independence Title Company

G.F. No.: 1306169-WIM

I hereby certify that this plat represents a survey made upon the ground under my supervision, on April 18, 2013 and there are no visible or apparent encroachments upon this property, except as shown hereon.

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



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

Scale:
1" = 60'

Date:
April 18, 2013

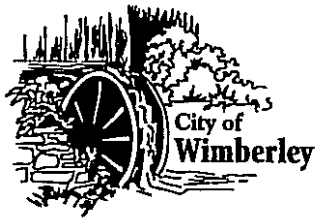


Job No. 13-055 jj

ALLEN ZAK

2K.9

Exhibit "A"



AGENDA ITEM: Temporary Structures
SUBMITTED BY: Sandy I. Floyd
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Knights of Columbus are requesting to install an 80' x 160' tent for their annual fundraiser at St. Mary Catholic Church.

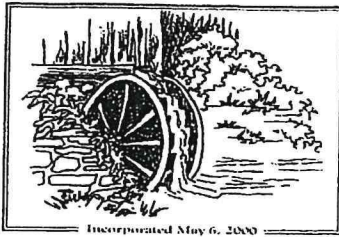
REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☐

FINANCIAL

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

STAFF RECOMMENDATION



City of Wimberley

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

Temporary Structure Application Form

Permit No.: T-19-005
Date: 9-11-19
Staff Review: SIF
Council Hearing: 9-19-19

Applicant: WIMBERLEY KNIGHTS of COLUMBUS - Council 9151
Mailing Address: Box 469 City: WIMBERLEY State: TX Zip: 78676
Phone: [REDACTED] - Bill Kammerer Email: [REDACTED]
Property Owner: ST. MARY CATHOLIC CHURCH
Mailing Address: 14711 RR 12 City: WIMBERLEY State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

Subject Property Address: 14711 RR 12
Purpose/Use of Structure: ANNUAL FUND RAISER
Request Installation Date: OCTOBER 12, 2019 Request Removal Date: OCTOBER 24, 2019
Will the temporary structure be served by electricity? YES ☒ NO ☐
Will the temporary structure be served by water service? YES ☐ NO ☒
If "YES" to either then an inspection is required for water and/or electrical service.
☐ If service is provided through another meter attach a letter of permission.
☒ Provide a site plan indicating location of temporary structure in relation to other structures, parking lots, property lines etc.
Permission from property owner is attached. YES ☒ NO ☐ N/A ☐
Has a Mobile Food Establishment application been submitted? YES ☐ NO ☒ N/A ☐

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

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

Applicant: BILL KAMMERER Date: 9/11/2019
KNIGHTS of COLUMBUS 9151



St. Mary Catholic Church

*14711 Ranch Road 12
Wimberley, Texas 78676*

Office (512) 847-9181 fax (512) 847-5573 office@smwimberley.org

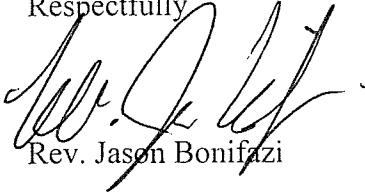
9/10/2019

John Provost
City of Wimberley
221 Stillwater
Wimberley, TX 78676

Dear Mr. Provost:

The Knights of Columbus Council 9151 have permission to use the property of St. Mary Catholic Church for their annual fundraiser. If there are any questions or concerns please feel free to contact me at 512-847-9181.

Respectfully



Rev. Jason Bonifazi

ST. MARY
PARISH
ACTIVITY
CENTER

GRAVEL

GRAVEL

TREE

EXISTING BLDG

ICE TRAILER

WALK-IN TRAILER

PORTA
POTTYS

TRASH
CONT

CLUMP OF
CEDARS

ST. MARY
PARKING LOT →

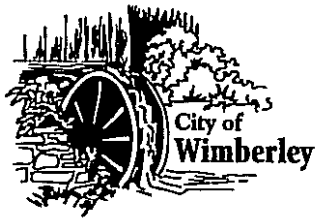
BEER
TENT

GRAVEL

QUEENS
THROW

← CYPRESS CREEK BLVD →

ENK



AGENDA ITEM: 2015 Code Adoption - Residential
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberly utilizes the 2003 Residential Building Code. The City adopted this code in 2006. The Building Code sets the minimum standard for which all structures built in the City must adhere to. As plans are reviewed, and structures are inspected during construction, it is against this minimum that they are compared.

This will be the second reading of Ordinance No. 2019-27. Council unanimously approved the ordinance on its first reading at the September 5, 2019 Regular Meeting. Per the ordinance, the new codes will go into effect 60 days after its passage by Council and publication in the local paper.

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

The City Administrator and the Building Official recommend approval of this item.

ATTACHMENT(S):

- Ordinance No. 2019-27 – Code Adoption - Residential

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 4 BUILDING REGULATIONS, ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS, DIVISION 2 RESIDENTIAL BUILDING CODE, PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council finds that buildings do not meet the minimum standards for mechanical systems, fire protection and prevention, plumbing, and electrical wiring systems; and

WHEREAS, the City Council finds that poorly constructed buildings constitute a threat to the public health, safety and general welfare; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for the uniform regulations of the construction, design, repair, and maintenance of residential buildings within the City; and

WHEREAS, the 2015 editions of the International Residential Code for residential buildings, is a part of the family of international building codes and provides more specific guidance and standards regarding and related to the requirements of the International Building Code and the International Residential Code.

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 of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENTS

That Chapter 4 Building Regulations, Article 4.02 Construction Codes and Standards, Division 2. Residential Building Code is hereby amended as follows with omissions as indicated by strikethrough and additions indicated by underline.

Sec. 4.02.031 Adopted; permit requirements

(a) Title. This division shall be known and cited as the residential building code ordinance.

(b) Adoption. The city hereby adopts a certain document, ~~3 copies of which are on file in the office of the mayor of the city,~~ being marked and designated as the International Residential Code for One- and Two-Family Dwellings, as published by the International Code Council, Inc., as amended below. This document is hereby adopted as the residential building code of the city (“residential building code”) for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of single- and 2-family dwellings and townhouses not more than 3 stories in height in the city, and providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, conditions and terms of such International Residential Code, ~~2003~~ 2015 edition, published by the International Code Council, Inc., ~~on file in the office of the mayor,~~ are hereby referred to, adopted, and made a part hereof as if fully set out in this section. The residential building code shall also include the following appendix chapters:

- (1) Appendix A: Sizing and Capacities of Gas Piping;
- (2) Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents;
- (3) Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- (4) Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation;
- (5) Appendix E: Manufactured Housing Used as Dwellings;
- ~~(6) Appendix G: Swimming Pools, Spas, and Hot Tubs;~~
- (6) Appendix G: Piping Standards for Various Applications
- (7) Appendix H: Patio Covers; ~~and~~
- (8) Appendix J: Existing Buildings and Structures;
- (9) Appendix M: Home Day Care - R-3 Occupancy;
- (10) Appendix N: Venting Methods;
- (11) Appendix O: Automatic Vehicular Gates; and
- (12) Appendix P: Sizing of Water Piping System.

(c) Non-structural repairs and renovations. Notwithstanding any provision of the residential building code herein adopted, a building permit is not required for residential property interior or exterior repairs or renovations that do not involve structural changes to the residence.

(d) Structural repairs and renovations. A building permit is required for residential property interior or exterior repairs or renovations that involve structural changes or repairs to the residence.

(e) Residential roofing. Notwithstanding any provision of the residential building code herein adopted, a building permit is not required for residential property roof repairs or reroofing work that is being performed by the property owner provided such work does not involve structural changes to the residence or the installation of heavy roofing materials such as tile or slate. If the roof repairs or reroofing work is performed by a third party, involves structural changes, or involves the installation of heavy roofing materials such as tile or slate, a building permit is required for such work.

Sec. 4.02.032 Enforcement; penalties

(a) Civil and criminal penalties apply. The city shall have the power to administer and enforce the provisions of this division and the residential building code as may be required by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance.

(b) Criminal prosecution. Any person violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a misdemeanor.

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

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

(2) A civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of this division and, after receiving notice, committed acts in violation of this division or failed to take action necessary for compliance with this division; and

(3) Other available relief.

SECTION III. EFFECTIVE DATE

This Article shall take effect sixty (60) from and after its passage and publication as may be required by law.

SECTION IV. SEVERABILITY

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

PASSED AND APPROVED First Reading this 5th day of September 2019, by a vote of
5 (Ayes), 0 (Nays), and 0 (Abstentions)

PASSED AND APPROVED Second Reading this 19th day of September 2019, by a vote of _____ (Ayes), _____(Nays), and ____ (Abstentions)

Susan Jagers, Mayor

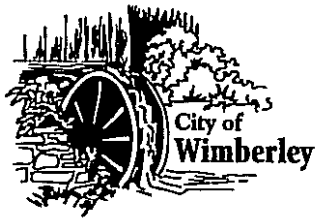
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: 2015 Code Adoption - Commercial
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberly utilizes the 2003 International Building Code. The City adopted this code in 2006. The Building Code sets the minimum standard for which all commercial structures built in the City must adhere to. As plans are reviewed, and structures are inspected during construction, it is against this minimum that they are compared.

This will be the second reading of Ordinance No. 2019-28. Council unanimously approved the ordinance on its first reading at the September 5, 2019 Regular Meeting. Per the ordinance, the new codes will go into effect 60 days after its passage by Council and publication in the local paper.

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

The City Administrator and the Building Official recommend approval of this item.

ATTACHMENT(S):

- Ordinance No. 2019-28 – Code Adoption - Commercial

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 4 BUILDING REGULATIONS, ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS, DIVISION 3 COMMERCIAL BUILDING CODE, PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council finds that buildings do not meet the minimum standards for mechanical systems, fire protection and prevention, plumbing, and electrical wiring systems; and

WHEREAS, the City Council finds that poorly constructed buildings constitute a threat to the public health, safety and general welfare; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for the uniform regulations of the construction, design, repair, and maintenance of residential buildings within the City; and

WHEREAS, the 2015 editions of the International Building Code for commercial buildings, is a part of the family of international building codes and provides more specific guidance and standards regarding and related to the requirements of the International Building Code.

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 of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENTS

That Chapter 4 Building Regulations, Article 4.02 Construction Codes and Standards, Division 3. Commercial Building Code is hereby amended as follows with omissions as indicated by strikethrough and additions indicated by underline.

Sec. 4.02.061 Adopted; permit requirements

(a) Title. This division shall be known and cited as the commercial building code ordinance.

(b) The city hereby adopts a certain document, ~~3 copies of which are on file in the office of the mayor of the city,~~ being marked and designated as the International Building Code, as published by the International Code Council, Inc., as amended below. This document is hereby adopted as the commercial building code of the city (“commercial building code”) for control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said commercial building code, 2003 2015 edition, published by the International Code Council, Inc., ~~on file in the office of the mayor,~~ are hereby referred to, adopted, and made a part hereof as if fully set out in this section. The commercial building code shall also include the following appendix chapters:

- (1) Appendix A: Employee Qualifications;
- (2) Appendix B: Board of Appeals;
- (3) Appendix C: Agricultural Buildings; and
- (4) Appendix I: Patio Covers.

(c) Non-structural repairs and renovations. Notwithstanding any provision of the commercial building code herein adopted, a building permit is not required for commercial property interior or exterior repairs or renovations that do not involve structural changes to the building.

(d) Structural repairs and renovations. A building permit is required for commercial property interior or exterior repairs or renovations that involve structural changes or repairs to the building.

(e) Commercial roofing. All commercial roof repair or reroofing projects require the issuance of a building permit without regard to who is performing the work.

Sec. 4.02.062 Enforcement; penalties

(a) Civil and criminal penalties apply. The city shall have the power to administer and enforce the provisions of this division and the commercial building code as may be required by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance.

(b) Criminal prosecution. Any person violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a misdemeanor.

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

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

(2) A civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of this division and, after receiving notice, committed acts in violation of this division or failed to take action necessary for compliance with this division; and

(3) Other available relief.

SECTION III. EFFECTIVE DATE

This Article shall take effect sixty (60) from and after its passage and publication as may be required by law.

SECTION IV. SEVERABILITY

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

PASSED AND APPROVED First Reading this 5th day of September 2019, by a vote of 5 (Ayes), 0 (Nays), and 0 (Abstentions)

PASSED AND APPROVED Second Reading this 19th day of September 2019, by a vote of _____ (Ayes), _____(Nays), and ____ (Abstentions)

Susan Jagers, Mayor

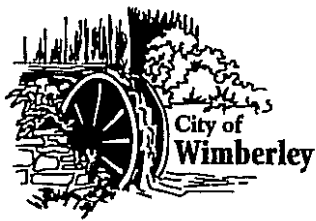
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: 2015 Code Adoption - Other
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley utilizes the 2003 International Plumbing, Mechanical, and Fire Codes and the 2005 Electrical Code. The City adopted these codes in 2006. These codes set the minimum standard for which all trades must adhere to when working in the City. As plans are reviewed, and structures are inspected during construction, it is against these minimums that they are compared.

This will be the second reading of Ordinance No. 2019-29. Council unanimously approved the ordinance on its first reading at the September 5, 2019 Regular Meeting. Per the ordinance, the new codes will go into effect 60 days after its passage by Council and publication in the local paper.

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

The City Administrator and the Building Official recommend approval of this item.

ATTACHMENT(S):

- Ordinance No. 2019-29– Code Adoption - Other

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 4 BUILDING REGULATIONS, ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS, DIVISION 4 OTHER CONSTRUCTION CODES, PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council finds that buildings do not meet the minimum standards for mechanical systems, fire protection and prevention, plumbing, and electrical wiring systems; and

WHEREAS, the City Council finds that poorly constructed buildings constitute a threat to the public health, safety and general welfare; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for the uniform regulations of the construction, design, repair, and maintenance of residential buildings within the City; and

WHEREAS, the 2015 editions of the International Mechanical Code, International Fire Code, International Plumbing Code, International Electrical (Administrative Provisions) Code; and the 2017 National Electrical Code, are a part of the family of international building codes and provides more specific guidance and standards regarding and related to the requirements of the International Building Code and the International Residential Code.

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 of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENTS

That Chapter 4 Building Regulations, Article 4.02 Construction Codes and Standards, Division 4. Other Construction Code is hereby amended as follows with omissions as indicated by strikethrough and additions indicated by underline.

Sec. 4.02.091 Enforcement; penalties

(a) Civil and criminal penalties apply. The city shall have the power to administer and enforce the provisions of this division and the International Commercial Building Code [International Building Code] and the International Residential Code, as they may be amended from time to time, as may be required or authorized by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance.

(b) Criminal prosecution. Any person violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$500.00 for each violation. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a misdemeanor.

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

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

(2) A civil penalty up to \$500.00 a day per violation when it is shown that the defendant was actually notified of the provisions of this division and after receiving notice committed acts in violation of this division or failed to take action necessary for compliance with this division; and

(3) Other available relief.

Sec. 4.02.092 Mechanical code adopted

The city hereby adopts a certain document, ~~three (3) copies which are on file in the office of the mayor of the city,~~ being marked and designated as the International Mechanical Code, ~~2003~~ 2015 edition, as it may be amended from time to time, as published by the International Code Council. Such document is hereby adopted as the International Mechanical Code of the city ("International Mechanical Code") regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code ~~on file in the office of the city,~~ as it may be amended from time to time, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this section.

Sec. 4.02.093 Fire code adopted; amendments

A certain document, ~~3 copies of which are on file in the office of the mayor of the city,~~ being marked and designated as the International Fire Code, ~~2003~~ 2015 edition, as it may be amended from time to time, as published by the International Code Council, is hereby adopted as the fire code of the city, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and

premises as therein provided, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code ~~on file in the office of the city~~, as it may be amended from time to time, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this section, including as follows:

~~508.3.1~~ 501.3.1 Inadequate water supplies

~~508.3.1.1~~ 507.3.1.1 Where the existing water supply system cannot reasonably be made to provide a fire flow in accordance with a nationally recognized standard, a fire sprinkler system installed in accordance with sections 903.3 through 903.5 of this code shall reduce the required fire flow to that of the fire sprinkler demand plus 250 gpm.

A variance to this provision will only be granted upon approval of the building official and the fire marshal if the following conditions are found:

- Lot size does not allow sufficient room to construct a water storage tank to meet the needs of section ~~508.3.1.1~~ 507.3.1.1;
- The building's use and size do not require sprinkling as per section 903 of the International Fire Code; and
- A monitored fire alarm system which has been reviewed and approved by the fire marshal is installed.

No variance will be granted due to financial hardship.

~~508.3.1.2~~ 507.3.1.2 Where the existing water supply system cannot reasonably be made to provide a fire flow required by section ~~508.3.1.1~~ 507.3.1.1 herein, a water supply complaint with NFPA 1142 shall be permitted.

~~508.3.1.3~~ 507.3.1.3 The developer shall provide documentation that the system cannot reasonably be made to provide the required flow.

~~508.3.1.4~~ 507.3.1.4 Reasonableness shall be determined by the building code board of review as established in section 4.01.002 of the city Code of Ordinances.

~~508.3.1.5~~ 507.3.1.5 All existing fire hydrants in the area will be painted black; however, the bonnets will be painted to correspond to the tested pressure.

~~508.3.1.6~~ 507.3.1.6 All water supply infrastructure extended to the area (new construction) will be designed and installed to the requirements of NFPA 24. Underground piping shall be sized assuming future attachment of fire hydrants.

~~508.3.1.7~~ 507.3.1.7 All new connections to the water supply provided (NFPA 1142) shall be a flush valve or dry hydrant type connection.

Sec. 4.02.094 Plumbing code adopted

A certain document, ~~three (3) copies of which are on file in the office of the mayor of the city,~~ being marked and designated as the International Plumbing Code, ~~2003~~ 2015 edition, as it may be amended from time to time, as published by the International Code Council, is hereby adopted as the plumbing code of the city, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Plumbing Code ~~on file in the office of the city,~~ as it may be amended from time to time, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this section.

Sec. 4.02.095 Electrical code administrative provisions adopted

A certain document, ~~three (3) copies of which are on file in the office of the mayor of the city,~~ being marked and designated as the International Electrical (Administrative Provisions) Code, ~~2003~~ 2015 edition, as it may be amended from time to time, as published by the International Code Council, is hereby adopted as the electrical (administrative provisions) code of the city, that International Electrical (Administrative Provisions) Code containing administrative text necessary and appropriate to administer and enforce the ~~2002-[2005]~~ 2017 National Electrical Code, which has been adopted by the city, and complies with electrical provisions contained in the other International Codes; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical (administrative provisions) code ~~on file in the office of the city~~ are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this section.

Sec. 4.02.096 Electrical code adopted

A certain document, ~~three (3) copies of which are on file in the office of the mayor of the city,~~ being marked and designated as the ~~2005~~ 2017 National Electrical Code (NEC), is hereby adopted, as it may be amended from time to time, as the electrical code of the city, that code establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties; and each and all of the regulations, provisions, penalties, conditions and terms of said National Electrical Code ~~on file in the office of the city,~~ as it may be amended from time to time, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this section.

SECTION III. EFFECTIVE DATE

This Article shall take effect sixty (60) from and after its passage and publication as may be required by law.

SECTION IV. SEVERABILITY

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

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

PASSED AND APPROVED First Reading this 5th day of September 2019, by a vote of 5 (Ayes), 0 (Nays), and 0 (Abstentions)

PASSED AND APPROVED Second Reading this 19th day of September 2019, by a vote of _____ (Ayes), _____(Nays), and ____ (Abstentions)

Susan Jagers, Mayor

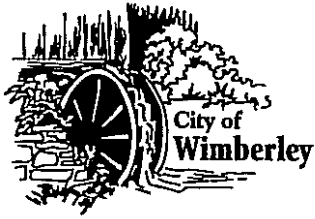
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Ordinance No. 2019-30 - Designating
Wimberley as a Film Friendly Certified
Community

SUBMITTED BY: Christine Byrne

DATE SUBMITTED: 8/27/19

MEETING DATE: 9/05/19

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."

City staff will write a film policy per the guidelines of the Texas Film Commission, which will be adopted by the second and final reading of Ordinance No. 2019-30.

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

ORDINANCE NO. 2019-30

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, ENACTING REGULATORY GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; EMPOWERING THE CITY ADMINISTRATOR TO ISSUE FILM PERMITS PURSUANT TO THOSE GUIDELINES; PROVIDING FOR: ENACTMENT; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the Wimberley City Council ("Council") aims to promote economic development in and around the City of Wimberley ("City"); and

WHEREAS, the natural scenic beauty of the area in and around the City offers a desirable location for filmmaking; and

WHEREAS, the Council believes that attracting filmmakers to the area will contribute to the City's economic development goals; and

WHEREAS, and the Council seeks to prevent filmmaking activities from impeding traffic on public roads, creating fire hazards, or otherwise inconveniencing or infringing on the rights of City residents; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the Council finds that it is necessary and proper for the good government, peace or order of the City of Wimberley to adopt an ordinance governing filmmaking within and around the City.

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

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

SECTION 2. An ordinance establishing Regulatory Guidelines for Filming in Wimberley, Texas is hereby created as set forth in Exhibit "A".

SECTION 3. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Wimberley, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared

unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrased, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

SECTION 6. Proper Notice and Meeting. It is hereby officially found and determine3d that the meeting at which this Ordinance was passed open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED First Reading this 5th day of September 2019, by a vote of 5 (Ayes), 0 (Nays), and 0 (Abstentions)

PASSED AND APPROVED First Reading this 19th day of September 2019, by a vote of _____ (Ayes), _____ (Nays), and _____ (Abstentions)

Susan Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





Attachment "A"

Regulatory Guidelines for Filming in Wimberley, Texas

I. PURPOSE

II. CITY CONTROL/CITY ADMINISTRATOR 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 Wimberley, Texas

I. PURPOSE

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

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 ADMINISTRATOR AUTHORITY

The City Administrator or City Administrator's designee 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 Administrator or City Administrator's designee 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 Wimberley 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., Law Enforcement, 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 Administrator.

III. PERMIT REQUIREMENTS

Before filing an application for filming in Wimberley, the Office of the City Administrator must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Wimberley, Texas.

Any commercial producer who desires to undertake a commercial production in Wimberley is required to complete and return the attached application for filming to the Office of the City Administrator, 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 Wimberley.

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

V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Law Enforcement, 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 Administrator. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Administrator may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Administrator, in consultation with Law Enforcement and/or the 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 Administrator may authorize the use of any street, right-of-way, park or public building, use of Wimberley, 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 Administrator 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 Administrator.

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 12 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 Wimberley, 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 Administrator. 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 Administrator.

VIII. HOURS OF FILMING

Unless express written permission has been obtained from the City Administrator 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 Administrator, 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 Administrator, the City Administrator 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 Wimberley 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. PENALTY

Any person who shall violate any provision of this Ordinance or shall fail to comply herewith, or with any of the requirements hereof shall be liable for a fine not to exceed the sum of \$500.00 per offense. Each violation and each day the violation exists shall constitute a separate offense. Penalties under this Ordinance shall not preclude any civil remedies available.

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 Wimberley, Texas, and that I and my firm will indemnify and hold harmless the City of Wimberley, 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 Wimberley, Texas on behalf of the firm.

Signed: _____

Title: _____

Date: _____

THE CITY OF WIMBERLEY, TEXAS

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 Administrator (if different from Primary Contact)

Name:

Cell phone:

Email:

Production Company Information

Name of Production Company:

Address:

City/State/Zip:

Website:

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

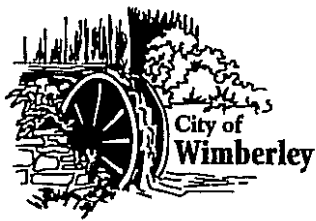
Title

Application approved by Wimberley representative:

_____ Date: _____

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

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



AGENDA ITEM: **ORDINANCE NO. 2019-31**
Clarifying Authority in City Agreements

SUBMITTED BY: REBECCA MINNICK, PLACE ONE

DATE SUBMITTED: 9/12/19

MEETING DATE: 9/19/19

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley is working several major initiatives (including the multi-faceted Waste Water Treatment Project) that include partners at the county, state and federal level. These projects require consistent interface with representatives of these agencies as well as various consultants.

Resolution No. 09-2019, adopted in June 2019, designated the City Administrator as the primary point of contact in the Waste Water Treatment Project in all matters involving outside agencies and partners. While there was initially progress in adhering to these agreed-upon communication channels, recently, this agreed-upon process has not been observed. In fact, agencies have been given contradictory direction from representatives of the City.

In order to avoid delays in progress and general confusion in this and other important projects, the Mayor must adhere, per municipal law, to the decisions of the Council. Neither state law nor the aforementioned resolution has been sufficient to ensure that the Mayor operates in the lawful role of this non-voting position. For this reason, and to maintain productive, consistent relationships with our stakeholders and agency partners, maximum clarity in the role of the Mayor is required.

Agreements of any kind that bind the city in any manner shall be restricted to decisions of Council. Any associated expenditures that are not specifically authorized by council as regards agreements shall not be honored. This document will provide the required clarity not only for the affected agencies, but also for the Mayor, Council and Staff.

REQUESTED ACTION

Motion	☒
Discussion	☒
Ordinance	☒
Resolution	☐
Other	☐

FINANCIAL

Budgeted Item ☐

Non-budgeted Item ☐

Not Applicable ☒

Original Estimate/Budget: \$

Current Estimate: \$

Amount Under/Over Budget: \$

STAFF RECOMMENDATION

ORDINANCE NO. 2019-31

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING ARTICLE 2.05 CITY OFFICERS, DIVISION 1. GENERALLY, TO ADD SECTION 2.05.001 MAYOR; POWERS AND DUTIES

WHEREAS, the City Council has determined that it is necessary to more clearly delineate what powers and authority comes as the result of holding the position of Mayor; and

WHEREAS, the City Council is cognizant of the powers and duties as conferred by State Statute on such a position in a Type A General Law Municipality.

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

Section 1. The City Council of the City of Wimberley, Texas hereby amends Article 2.05 “City Officers”, Division 1. Generally, to add Section 2.05.001, to read as follows:

“2.05.001 Mayor; Powers and Duties

- (a) The Mayor shall have all powers and duties explicitly conferred upon him/her by Texas Local Government Code, Sections 22.042 and 102.001, but shall have no implied powers unless specifically granted to him/her by state statute or the City Council.
- (b) The Mayor shall not have the power to expend funds of the City, sign agreements binding the City, or otherwise take any other action on behalf of the City without the express approval of City Council.
- (c) The Mayor is hereby expressly authorized to expend funds in the daily operation of the City as they relate to payroll and accounts payable consistent with the approved annual budget, as it may be amended from time to time by the City Council.
- (d) Nothing in this Section is intended to alter the authority of the Mayor Pro Tempore under Texas Local Government Code, Section 22.037 if the Mayor fails, is unable, or refuses to act.”

Section 2. All ordinance or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 3. This City Council recognizes that the legislative nature of this ordinance automatically overrides any policy, resolution, or action of this City Council, specifically, but not limited to any Governance Policies of the City of Wimberley, and as such all policies, resolutions or actions 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 to the extent of any inconsistency or conflict, and additionally all policies, resolutions, or actions of

this City Council including any Governance Policies of the City of Wimberley having to do with the Authority and Duties of the Mayor are hereby specifically repealed.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.

Section 6. 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 the _____ day of _____, 2019.

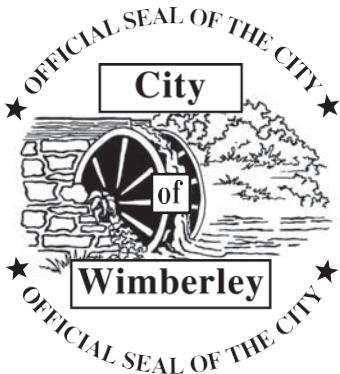
Susan Jaggers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 4, 2019

9489 0090 0027 6002 7958 10

CERTIFIED MAIL

Mr. Shawn Cox
City Administrator
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Re: Application to Renew Permit No. WQ0013321001 (EPA I.D TX0135445)
Issued to City of Wimberley
CN603592239, RN101610350

Dear Mr. Cox:

We have received the application for the above referenced permit and it is currently under review. Your attention to the following items is requested before we can declare the application administratively complete. Please submit one original and two copies (including a cover letter) of the complete response.

1. Section 13 on page 11 of the administrative report - USGS Map: The map is insufficient because it is scaled too small to read, the print quality is too light, and discharge route is not highlighted for three complete miles downstream from the point of discharge. The map must be scaled large enough (preferably 1-inch equals 2000 feet) and printed clearly so that the map characteristics can be seen. Please provide a new original USGS 7.5 minute topographic map, **(an 8 ½ by 11, reproduced portion/area of the most current original USGS map may be provided as long as all the required information can be shown)** showing and labeling the applicant's property boundary, treatment facility boundaries within the applicants boundary, point of discharge (indicate it with a dot, X, or arrow), a highlighted discharge route (using a light-colored highlighter) for three miles downstream from the point of discharge, disposal site, and an area of not less than one mile in all directions from the facility.
2. Section 7 on page 11 of the technical report: An analytical report was provided; however, all the information must be indicated in the required table. Furthermore, it does not appear that all the pollutants were sampled. An analysis of all the pollutants is required regardless of if they are monitored in the existing permit. Please complete an analysis for all the required pollutants and submit the information in the table. A complete analysis is required before the application can be technically reviewed
3. The following is a portion of the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit which contains information relevant to your application. Please read it carefully and indicate if it contains any errors or omissions. The complete notice will be sent to you once the application is declared administratively complete.

Mr. Shawn Cox
Page 2
September 4, 2019
Permit No. WQ0013321001

APPLICATION. City of Wimberley, 221 Stillwater, Wimberley, Texas 78676, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013321001 (EPA I.D. No. TX0135445) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 75,000 gallons per day with provisions to dispose of treated domestic wastewater effluent at a volume not to exceed a daily average flow of 9,450 gallons per day to eleven pressure dosed absorption beds. The domestic wastewater treatment facility and disposal site are located at 333 Blue Hole Lane, Wimberley, in Hays County, Texas 78676. The discharge route is from the plant site to Deer Creek; thence to Upper Blanco River. TCEQ received this application on August 5, 2019. The permit application is available for viewing and copying at Wimberley City Hall, 221 Stillwater, Wimberley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.
<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbdd360f8168250f&marker=-98.0849%2C30.0042&level=12>

Further information may also be obtained from City of Wimberley at the address stated above or by calling Mr. Shawn Cox at 512-847-0025, Ext. 22.

Please submit the complete response, addressed to my attention by October 4, 2019. If the requested information is not received by the given deadline, pursuant to 30 TAC Chapter 281, the application will be removed from our list of pending applications. If you should have any other questions, please do not hesitate to call me at (512) 239-5137.

Sincerely,



Adriene C. McClarron
Applications Review and Processing Team (MC148)
Water Quality Division
Texas Commission of Environmental Quality

cc: Mr. Jesse L. Kennis II, Senior Operations Manager, Inframark, 151 Trinity Hills Drive, Austin, Texas 78737

From: Mayor <mayor@cityofwimberley.com>

Sent: Wednesday, September 11, 2019 4:11 PM

To: Adriene McClarron <adriene.mcclarron@tceq.texas.gov>; firoj.vahora@tceq.tx.gov

Cc: Shelby Hill <Shelby.Hill@tceq.texas.gov>; Shawn Cox <Scox@cityofwimberley.com>

Subject: Re: Application to Renew Permit No. WQ0013321001 - Notice of Deficiency Letter

Ms. McClarron,

The current council voted 3 to 5 to keep a fraudulent application on file with the TCEQ. The Mayor Pro-tem under penalty of law signed the application against my recommendation. I have reported this to our District attorney who has it under investigation, case **#HSCO-1943592**.

Are there any restrictions in accordance with TCEQ policy for two applications to be on file simultaneously? If not I would like to submit an additional application as the Mayor of Wimberley.

Respectfully,

Mayor Susan Jagers

City of Wimberley, TX

(512) 648-1632

Note: In support of full transparency and in order to keep the Council equally informed they have been bcc'd on this email; no responses from them are solicited at this time; this topic will be open for discussion with public notice at official city gatherings, per the Open Meetings Act.

From: Adriene McClarron <adriene.mcclarron@tceq.texas.gov> **Sent:**

Wednesday, September 11, 2019 2:55 PM [SEP] **To:** Shawn Cox
<Scox@cityofwimberley.com>; Mayor <mayor@cityofwimberley.com> [SEP] **Cc:** Shelby Hill <Shelby.Hill@tceq.texas.gov> [SEP] **Subject:** FW: Application to Renew Permit No. WQ0013321001 - Notice of Deficiency Letter

Mr. Cox,

Please advise on how we should proceed. Also, please establish authority in writing so we know who to take directives from.

Thanks,



Adriene McClarron

Texas Commission on Environmental Quality
Water Quality Division, MC 148
Applications Review & Processing Team PO Box 13087
Austin, Texas 78711-3087 ☎: 512-239-
5137 ✉: adriene.mcclarron@tceq.texas.gov

From: Mayor <mayor@cityofwimberley.com> [SEP] **Sent:** Tuesday, September 10, 2019 7:33 PM [SEP] **To:** Adriene McClarron
<adriene.mcclarron@tceq.texas.gov> [SEP] **Subject:** RE: Application to Renew Permit No. WQ0013321001 - Notice of Deficiency Letter

From: Mayor <mayor@cityofwimberley.com> [SEP] **Sent:** Tuesday, September 10, 2019 7:33 PM [SEP] **To:** Adriene McClarron
<adriene.mcclarron@tceq.texas.gov> [SEP] **Subject:** RE: Application to Renew Permit No. WQ0013321001 - Notice of Deficiency Letter

Ms. McClarron,

This Application does not reflect our Council approved plan to eliminate the plant and transfer the waste water treatment to Aqua Texas. I would like to withdraw the application and resubmit.

Respectfully,

Susan Jagers
Mayor, City of Wimberley
Cell: (512) 648-1632
Website: cityofwimberley.com

From: Place1
To: Laura Calcote
Subject: Re: Agenda item/ordinance
Date: Friday, September 13, 2019 3:26:04 PM
Attachments: Screen Shot 2019-09-11 at 7:55:00 AM.png
Screen Shot 2019-09-11 at 8:09:41 AM.png

I may want to include the Wimberley View article - it also supports the need for a more specific ordinance.

Thursday, September 12, 2019

\$1.00

TCEQ dismisses mayor's claim of fraud

Dalton Sweat
Editor

Allegations from Wimberley Mayor Susan Jaggers that the city and or council members committed fraud have been looked into and dismissed by the Texas Commission of Environmental Quality.

Jaggers recently alleged that the city had illegally submitted "fraudulent" information to the Texas Commission of Environmental Quality in an application to extend a discharge permit for the wastewater treatment facility at Blue

Hole. She noted multiple issues that she claimed were missing or misleading, and stated that she would be referring the issue to authorities for criminal prosecution.

On Monday, TCEQ said they had looked into the allegations and have closed the case.

"TCEQ was contacted by Wimberley's mayor regarding her concerns about a fraudulent application," Marty Otero, with TCEQ Media Relations, said. "However, TCEQ did not find a basis to investigate that claim further."

Additionally, the TCEQ and a former longtime TCEQ employee have said that it is common for permit applications to be incomplete or need revisions when initially submitted, which is the reason applications go through a review process.

Robert Tinstman previously worked for 21 years with the TCEQ eventually rising to the title of Team Leader for water and wastewater operator licensing. His first year and a half at the TCEQ was spent reviewing permit applications, which is the process

Wimberley's application is currently going through. Tinstman now lives in the Wimberley Valley.

"It is common for there to be errors or omissions in these applications, and the agency is very slow to assume malicious intent unlike some folks here in Wimberley," Tinstman said.

Jaggers has previously stated that the application was submitted without any pollutant analysis of treated effluent, that there was misleading information about the final phase of the project, that there was no

closure plan for the existing plant in the plans as well as no information on grit disposal and grease and decant liquid disposal.

On Monday, the city received a letter from TCEQ stating that the application was under review and noted two issues that needed to be fixed. One issue was increasing the size of a map that was included. The other stated that the pollutant analysis needed to be more thorough.

According to Otero, with TCEQ Media Relations, "Applications for wastewater- See **Allegations**, Page A11

Allegations...

(From Page A1)

ter permits are divided into an Administrative Report and Technical Report. The administrative review is conducted on the Administrative Report that contains basic information primarily about the applicant and the facility that will be permitted. The application is considered administratively complete when all of the information in the Administrative Report is complete."

When asked if the TCEQ felt that submitting inaccurate information on the application was a criminal offense or if applicants were allowed to correct any issues found with the permit, Otero stated, "Applicants are typically given the opportunity to correct the information." She also said, "If the Administrative Report has deficiencies, TCEQ will contact the applicant and request that additional information be provided. It is common for TCEQ to contact the applicant to obtain additional information for the Administrative Report."

Tinstman said, in his experience, it was very common.

"The applications often come in with items missing, and in fact it was very rare for an application to come in and be complete," Tinstman said. "In almost all cases there were omissions or errors that had to be corrected. Usually the technical errors are found by the permit engineers (in the Technical Review) and they work with the applicant. The administrative review is done as a first pass to make sure the permit is in a form ready for the permit engineer."

One of the entities Jaggers stated she would report the issue to was the Hays County District Attorney's Office.

"I am aware of the allegation but my office does not typically investigate those type of things," Hays County District Attorney Wes Mau said. "I know she has said that she has reported that to other (agencies)... I do not have personnel that

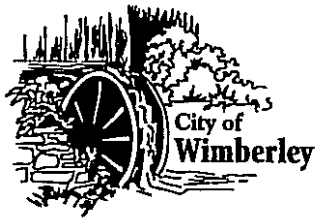
are actively investigating that."

Mau said that he had spoken to the mayor on the topic, but the District Attorney's office does not investigate in this type of situation. He said if other agencies investigated the issue they would have to submit the investigation to him before he would be involved in the process.

Jaggers also said she would contact the Environmental Protection Agency and Texas Water Development Board in addition to the TCEQ and District Attorney.

The TWDB said they were informed by Jaggers of the allegations but that "TCEQ, not the TWDB, would be the state agency to investigate allegations if they deemed it necessary," according to Chief Communications Officer Merry Klonower.

The EPA did not respond by the time of press as to if they are investigating the allegations.



AGENDA ITEM: Tree and Landscape Ordinance
SUBMITTED BY: Christine Byrne and Bo Bowman
DATE SUBMITTED: September 12, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to draft an ordinance adding Article 4.12, Landscaping and Tree Preservation to Chapter 4, Building Regulations of the City of Wimberley Code of Ordinances.

Preserving the suggest beauty and natural environment that defines the character of Wimberley is desirable to our community. A tree ordinance has been discussed in the past, but not acted on. This agenda item is to discuss a landscape and tree protection ordinance that fits the needs and desires of Wimberley.

Attached are the survey results from council members stating priorities in a tree protection and landscape ordinance.

Attached is a red-lined version of the latest draft of the tree protection and landscape ordinance.

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

ARTICLE 4.12 LANDSCAPING AND TREE PRESERVATION

Division 1. Generally

Sec. 4.12 Title

This article shall be commonly cited as the landscape ordinance.

Sec. xxx Purpose

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

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

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

~~(a) This division is adopted to promote and enhance a superior community environment, to maintain the rural character, to maintain air quality and ecologic balance, to maintain property values, to provide soil stabilization, to filter stormwater runoff, and to ensure the maximum preservation of the valuable natural features and scenic rural/wooded character by establishing minimum standards and requirements relating to the protection of trees and natural vegetation.~~

~~(b) It is intended that this division be administered with the foregoing purposes in mind and specifically so as to:~~

~~(1) Ensure, insofar as practical in permitting development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion of top soil, preservation of natural scenic qualities and healthy ecosystems of the city through good conservation practices, protection from flooding or landslides, noise absorption, maintenance or privacy, and in providing habitat, shade and color;~~

~~(2) Protect mature trees and significant stands of trees in order to retain as many as possible consistent with the purposes set forth herein and also consistent with reasonable economic enjoyment of private property. In this context, privately owned trees have an impact on the quality of life for the entire community;~~

~~(3) Preserve the rugged beauty and natural environment that defines the character of the City and makes it a unique and desirable community.~~

Sec. xxx Scope

This article applies to all commercial and multi-family property, including redevelopment and properties zoned Wimberley Planned Development District (WPDD), within the incorporated municipal boundaries (i.e., city limits) for which site plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.

Sec. xxx Definitions

(a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular

number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

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

City council. The governing body of the city.

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

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

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

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

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

Designated tree. Any of the following:

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

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

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

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.

Non-native invasive species. (Also called “non-indigenous,” “non-native” or “alien”) exotic pest plants and invasive exotics growing in native plant communities that adversely affect the wildlife habitats and bioregions they invade, economically, environmentally, and/or ecologically.

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

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

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or other legal entity.

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

Sec. xxx Applicability

This article applies to all new commercial and multi-family development and redevelopment, including properties zoned Wimberley Planned Development District (WPDD), requiring site plan approval subject to zoning requirements. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this article.

Sec. xxx Landscaping fund

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

Sec. xxx Damaging or removing trees

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

Sec. xxx Violations

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

Sec. xxx Enforcement; penalties

(a) Compliance. Violators of this article will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this article may be grounds for withholding of other related pending permits for the project by the city.

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

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

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

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

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

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

Division 2. Standards

Sec. xxx Street trees

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

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

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

Sec. xxx Landscape buffers

(a) Landscape buffer planting requirements.

- (1) All plant material shall be of native or adapted species.
- (2) All new proposed shade trees shall be a minimum of 4 inches in diameter.
- (3) All proposed ornamental trees shall be a minimum of 2 inches in diameter.
- (4) All large shrubs shall be a minimum of 5-gallon container size and small shrubs/groundcovers a minimum of 1-gallon container size.

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

- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50' of buffer frontage.
- (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25' of buffer frontage.
- (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per 6' of buffer frontage.
- (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per 3' of buffer frontage.

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

	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. xxx Landscape material

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

Sec. xxx Landscape plan and tree survey submittal

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

Sec. xxx Parking area landscaping

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

Sec. xxx Screening of dumpsters and building service equipment

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

Sec. xxx Maintenance requirements

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

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

Sec. xxx Integrated pest management

Air integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

Sec. xxx Tree preservation

- (a) A grading and tree survey shall be submitted with the site plan. No clearing or grading permits shall be issued until a tree survey is submitted.
- (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. This distress identification must be determined by a certified arborist. No more than XX percent of designated trees may be replaced by cash-in-lieu.
- (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. xxx Irrigation requirements

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

Sec. xxx Drought conditions

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city administrator or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section xxx of this code has been reviewed and accepted by the city administrator or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.
- (b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.
- (c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.
- (e) Whenever necessary to enforce any provision of this article or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.
- (f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Landscape and Tree Protection Ordinance (Does not pertain to single-family residential)

Tree issues relevant in Wimberley are related to:

- Commercial development (5)
- Specimen, historic tree preservation (5)
- Impacts to riparian buffers (5)
- Planning & development (4)
- Greenspace/openspace development (4)
- Parking lots (4)

Large Tree Removal:

- Preserve trees within the city (5)
- Limit the removal of large trees on new commercial development (redevelopment) sites and multi-family development sites (5)

Large Tree Replacement:

- Require replacement of large trees within the city when removed for new commercial development (redevelopment) or for multi-family residential development (5)

Tree Planting:

- Require trees to be planted on new commercial development sites and multi-family residential development sites (5)

Tree Planting Regimes:

- Require a minimum amount of planting space per site or per acre for commercial and multi-family development sites (5)
- Require the number of trees to be planted on new development sites to be based upon the number of size of trees removed (5)
- Require the 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 (3)

Arboriculture Technical Specifications:

- Require that trees conform to some arboricultural standards for size, quality and health if they are being planted to satisfy the tree ordinance specifications (5)
- Require that trees be selected from a predetermined species list if they are being planted in the city to satisfy the tree ordinance specifications (3)

Enforcement:

Landscape and Tree Protection Ordinance
(Does not pertain to single-family residential)

- In-house with existing personnel (3)
- By a qualified person (3)
- By the department that reviews development plans (4)

- Require an existing tree assessment plan be submitted to the city prior to clearing and grading permits being issued (4)

- require all development sites to provide a tree save and replanting plan according to the ordinance standards of practice (4)

- provide for the issuance of stop work order to be issued for tree ordinance violations (5)

- Provide for a variance process (4)

Penalties:

- Penalties associated with the non-compliance with tree ordinance to be monetary (4)

Tree Protection:

- Require protection for the existing trees during construction on commercial and multi-family residential sites (5)

- Require specifications for buffer zones and screening requirements (4)

Specimen Tree:

- Require protection for specimen trees based on size, character or historic significance (5)
- Require a written permit be issued by the city to allow for the removal of a specimen tree (4)

Purpose and Intent of Ordinance:

- Environmental value of trees (5), Economic value of trees (5), Quality of life provided by trees (5), Character of community provided by trees (5), the need to conserve tree canopy as a matter of practice (4)

TREE ORDINANCE QUESTIONNAIRE

GENERAL QUESTIONS:			
1. The major tree issues relevant in Wimberley are related to:	Yes	No	Unsure/Issue Unclear
- Commercial development	5		
- Residential development	2	3	
- Specimen, historic tree preservation	5		
- Speculative grading	2	2	1
- Impacts and stress on trees caused by construction	3	1	1
- Impacts to vegetated buffers	2	1	2
- Impacts to riparian buffers	5		
- Changing forestry canopy cover	2	3	
- Planning & development	4		1
- Greenspace/openspace development	4	1	
- Pruning and care of public trees	2	2	1
- Public tree planting	2	2	1
- Landscaping	3	1	1
- Road construction	1	2	2
- Timber harvesting	1	3	1
- Parking lots	4		1
- Other			
2. Current Tree Ordinance (discrepancy in comments since no ordinance had been adopted/there was a draft-SIF)			
I would like to generate an entirely new tree ordinance.	3	1	
I would like the current tree ordinance provisions affecting public property to remain intact.		3	
I would like the current tree ordinance provisions affecting public property to remain with modification.	1	2	
3. Large tree removal questions:			
I would like to preserve trees within the city.	5		
I would like to limit the removal of large trees on new commercial development (redevelopment) sites.	5		
I would like to limit the removal of large trees on new single-family residential development sites.		4	1
I would like to limit the removal of large trees on new multi-family development sites.	5		
4. Large tree replacement:			
I would like to require the replacement of large trees on public property when removed for any reason.	1	1	2
I would like to require the replacement of large trees within the city when removed for new commercial development (redevelopment).	5		
I would like to require the replacement of large trees within the city when removed for single family residential development.		5	
I would like to require the replacement of large trees when removed for multi-family residential development	5		

TREE ORDINANCE QUESTIONNAIRE

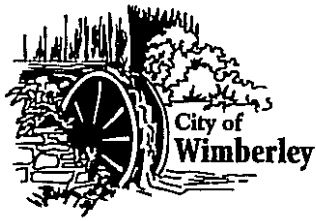
5. Tree Planting:	Yes	No	Unsure/Issue Unclear
I would like trees to be planted on new commercial development sites as a matter of requirement.	5		
I would like trees to be planted on new single-family residential development sites as a matter of requirement.		3	2
I would like trees to be planted on new multi-family residential development sites as a matter of requirement.	5		
6. Tree Planting Regimes (scheduled replanting, species, design, etc.):			
I would like tree planting regimes to be uniform across all types of development		3	1
I would like the tree planting regimes to be different for different types of development sites (commercial, SFR, multi-family)	3		1
I would like to require a minimum amount of planting space per site or per acre for commercial development sites	5		
I would like to require a minimum amount of planting space per site or per acre for multi-family residential development sites	5		
I would like to require a minimum amount of planting space per site or per acre for single-family residential development sites		4	1
I would like the number of trees to be planted on new development sites to be based upon the number or size of trees removed.	4		1
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.	1		4
I would like the 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.	3		2
7. Arboriculture Technical Specifications:			
I would like to require a minimum amount of planting area (space) per tree planted, depending upon the mature size of the tree.	2	1	2
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.	5		
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.	3		2
I would like to require that tree companies performing tree work within the city have a specific license, bonding or certification.	2	1	2

TREE ORDINANCE QUESTIONNAIRE

	Yes	No	Unsure/Issue Unclear
I would like the tree ordinance to reference technical specifications and standards for development near trees.	2	1	2
I would like the tree ordinance technical specifications and standards to be regularly maintained, altered, and updated by an International Society of Arboriculture arborist or a qualified party.	2		2
8. Enforcement:			
I would like the tree ordinance to be enforced in-house with existing personnel.	3		2
I would like the tree ordinance to be enforced by a “qualified” person.	3		1
I would like the tree ordinance to be enforced by the department that reviews development plans.	4		1
I would like the tree ordinance to be enforced by the department that conducts on-site inspections.	2		2
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.	5		
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.	4		1
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	1	1	3
I would like the tree ordinance to provide for the issuance of stop work orders to be issued for tree ordinance violations.	5		
I would like the tree ordinance to provide for variance procedures.	4	1	
I would like the departments within the city to be responsible for complying with the tree ordinance.	3		2
I would like the tree ordinance to give the Tree Board responsibility for reviewing and providing suggestions for amending the tree ordinance.		3	2
9. Penalties:			
I would like the tree ordinance to specify administrative penalties for non-compliance with the tree ordinance.	3	1	1
I would like penalties associated with the non-compliance with tree ordinance to be monetary	4	1	
I would like penalties associated with the non-compliance with tree ordinance to be criminal.	2	3	
10. Tree Protection:			
I would like the tree ordinance to require protection for existing trees during construction on commercial sites.	5		
I would like the tree ordinance to set construction activity limits around trees on development and construction sites.	3		2

TREE ORDINANCE QUESTIONNAIRE

	Yes	No	Unsure/Issue Unclear
I would like the tree ordinance to provide for protection for existing trees during construction on single family residential sites	1	4	
I would like the tree ordinance to provide for protection for existing trees during construction on multi-family residential sites.	5		
I would like the tree ordinance to require private owners to be responsible for public right-of-way maintenance of their trees.		2	2
I would like the tree ordinance to provide a mechanism for identification of public nuisance and hazard trees.	2	1	1
I would like the tree ordinance to provide specifications for buffer zones and screening requirements.	4		1
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.	5		
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.	4		
12. Purpose and Intent			
I would like the tree ordinance purpose and intent to discuss:			
Environmental values of tree	5		
Economic values of trees	5		
Quality of life provided by trees	5		
Character of community provided by trees	5		
Health, welfare, public good	2		2
The need for balance in our community	3		1
The need to conserve our tree canopy as a matter of practice	4	1	
13. Zoning & Planning Issues			
My community has a formalized zoning program in place.	5		
My community has a formal zoning and/or planning department that reviews plans and conducts site inspections.	4	1	



AGENDA ITEM: Resolution No. 16-2019 – Hike and Bike Trail Extension
SUBMITTED BY: Christine Byrne
DATE SUBMITTED: September 12, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Resolution No. 16-2019 by the City of Wimberley in support of extending the Hays County/City of Wimberley hike and bike trail down Blue Hole Lane and Old Kyle Road to downtown. Old Kyle Road is extremely dangerous for pedestrians. Extending the hike and bike trail with a multi-modal path would ensure pedestrian safety and connectivity between downtown, Blue Hole Regional Park and the City of Woodcreek.

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

RESOLUTION NO. 16-2019

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS IN SUPPORT OF EXTENDING THE HAYS COUNTY - CITY OF WIMBERLEY REGIONAL HIKE AND BIKE TRAIL ALONG BLUE HOLE ROAD AND OLD KYLE ROAD.

WHEREAS, the City of Wimberley is located in Hays County, one of the fastest growing counties in the State of Texas and the United States; and

WHEREAS, the heart and economic core of Wimberley is its central business district which receives tens of thousands of visitors a year; and

WHEREAS, the City's Blue Hole Regional Park is a destination of interest and receives approximately 46,000 visitors from outside the 78676 zip code; and

WHEREAS, the City desires to provide a safe multi-modal and pedestrian friendly connection between The City of Woodcreek, Blue Hole Regional Park and to the central business district along Blue Hole Road and Old Kyle Road; and

WHEREAS, an extension of the hike and bike trail from the Blue Hole Regional Park to the central business district along Blue Hole Road and Old Kyle Road would not only provide for pedestrian safety but would also meet the objectives of the City's Parks and Recreation Master Plan.

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

That the City Council is supportive and committed to working with Hays County to extend the Hays County-City of Wimberley Regional Hike and Bike Trail along Blue Hole Road and Old Kyle Road, to provide for better pedestrian safety and connectivity.

PASSED AND APPROVED this 19th day of September 2019.

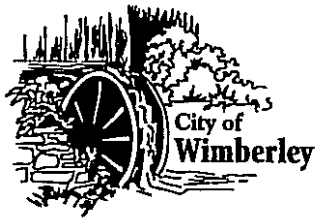
THE CITY OF WIMBERLEY, TEXAS

By: _____
Susan Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary





AGENDA ITEM: Reimbursement of Expenditures
SUBMITTED BY: Mayor Jagers
DATE SUBMITTED: 9 Sept 2019
MEETING DATE: 19 Sept 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Compliance with sand and gravel permit from TPWD and status of eliminating the Fish Weir.

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☐

FINANCIAL

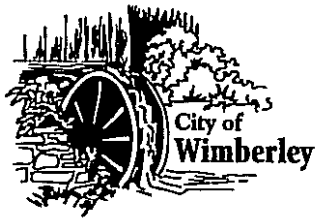
Budgeted Item	☐	Original Estimate/Budget:	\$
Non-budgeted Item	☐	Current Estimate:	\$
Not Applicable	☐	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

Shawn,

Provide details of Sand and Gravel Permit.

Also prepare correspondence to TPWD for my signature to request eliminating the Fish Weir.



AGENDA ITEM: JustFOIA Contract – Open Records Software
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

JustFOIA is a software provided by MCCi, which assists with complying with the Texas Public Information Act. This software will improve citizen engagement and transparency, improve efficiency for staff and mitigate risk associated with the open records request process. A JustFOIA link will be placed on the City's website, with an online form for the public to submit a new request. The citizenry will also be able to view the status of their request online at any time. Additionally, staff will be able to upload documents easily to the software for compliance. These factors should aid in streamlining the City's open records request procedure. More information about JustFOIA can be found in the packet.

City Council allocated \$4,950 in the Fiscal Year 2020 Budget (Line Item – Administration – 6791) to purchase the JustFOIA software, beginning October 1, 2019. The annual cost of the software will be \$2,700.

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐

FINANCIAL

Budgeted Item	☒	Original Estimate/Budget:	\$ 4,950.00
Non-budgeted Item	☐	Current Estimate:	\$ 4,950.00
Not Applicable	☐	Amount Under/Over Budget:	\$ 0.00

STAFF RECOMMENDATION

Approval of the JustFOIA Contract.

Prepared For:

Wimberley, TX

Presented By:

Scott Mursten

JustFOIA

Records Request Solution

Issued: September 13, 2019





CORPORATE OFFICE

Sales Department
1958A Commonwealth Lane • Tallahassee, FL 32303
Phone (800) 342-2633 • Fax (850) 564-7496

SCOTT MURSTEN

Account Executive
(850) 701-0725 ext. 1520
smursten@mccinnovations.com

September 13, 2019

Ms. Laura Calcote
City of Wimberley
13210 RR 12
Wimberley, TX 78676

Dear Ms. Calcote:

I enjoyed speaking with you recently regarding our **JustFOIA** Open Records Request Tracking Solution. Pursuant to our discussion, we are pleased to enclose our Professional Services Proposal. While reviewing the proposal, please keep in mind the following features included with your JustFOIA subscription:

- **Hosted Solution:** JustFOIA is an affordable hosted solution. The application and associated data are hosted in the same secure data centers Municode uses to house data for several thousand government clients. This ensures a minimal IT impact for our clients.
- **Unlimited Users:** No matter the number of people you have as part of your process, JustFOIA allows for unlimited users at no additional charge.
- **Correspondence:** JustFOIA handles Internal emails, emails to the requestor, templates, and even discussion threads all within the application.
- **Training:** MCCI offers user training along with administrative training as part of your new JustFOIA subscription.
- **Focus Group:** Our clients are invited to participate in our ongoing JustFOIA Focus Group. A periodic meeting to review product development, solicit new ideas and share best-demonstrated practices amongst other users from around the country.
- **Enterprise Capability:** JustFOIA offers options for managing a specific department's Open Records Requests and can also be expanded to the Enterprise level.

Why invest in JustFOIA? We are confident that with the help of JustFOIA, you will experience:

- **Improved Citizen Engagement and Transparency:** Online form, along with automated receipt verification enhances the requester experience.
- **Improved Efficiency:** With enhanced communication, automated notifications and reminders, fee tracking and management, request searching, reporting and improved workflow. Your records request process will be more efficient than ever.
- **Mitigated Risk:** Automated request tracking, activity, and deadline management will help mitigate the risk of non-compliance.

If you have any questions concerning our proposal or desire additional information, please do not hesitate to contact me on our toll-free number. We appreciate your interest and hope that we will have the pleasure of working with you.

Sincerely,

Scott Mursten
Account Executive

EXECUTIVE SUMMARY

Transparency in Public Records Requests has become a genuine concern for many organizations. A solution that assists your organization to stay in compliance with the Freedom of Information Act (FOIA) and State laws while being transparent to the public is essential in today's digital age.

The confidence of the public is also something to consider when thinking of a Public Records Management Solution. If the public is not provided access to specific documents that comply with the FOIA, they feel as if the organization is hiding information. By making your agency's records easily accessible, citizens will feel a sense of trust. In conjunction with the morale of the public, organizations will also see a rise in the team-spirit from their employees. When employees are given specific deadlines with a clear idea of what they need to complete, they take a sense of pride in their job, and that will radiate through the entire department.

Not only will you see employees' state of mind increase due to their work-life improvements, but the amount of money saved by avoiding fines (from delays in processing) and the increase from revenue generated by charging for specific records supports the operating budget overall. By becoming transparent in public records, your agency will immediately see three things happen: an increase in public trust, in employee morale, and in working capital. All of which can only benefit an organization's reputation long-term.

Selecting the right solution provider is equally important. The solution can be the best fit for your organization, but if you choose the wrong provider, you will be faced with unexpected challenges that result in a delayed or failed project. Your provider should be the best in the industry with in-depth expertise, resources, and a steadfast commitment to client success. Gartner, Inc. cites this as the most important decision when embarking on a transformation project. Expertise does not come overnight; it comes with time, projects, and learning best practices over a wide range of clients. Part of evaluating the provider's stability should include how long the provider has been in business, their reputation in the industry, their knowledge about your business model, and the strength and size of their team members in support and client relations.

It all started with our clients. MCCi has been a leader in content /document management and business process improvement for the government sector since 1998. In 2014, MCCi recognized the common issue of tracking and managing the growing volume of public records requests, among our public sector clients. The requests often connected with the Freedom of Information Act (FOIA) and clients must stay in compliance with these laws. MCCi stayed true to our client-focused culture by forming a client focus group to work with our development team to build the JustFOIA solution. Fast forward a few years, this focus group continues to drive features and feedback based on common needs of their organization.

MCCi has successfully deployed JustFOIA to well over 130 clients across the country. Our clients include some of the largest cities and state agencies in the country to small and mid-size municipalities, special districts, and public education institutions. The varying sizes of our clients provide a higher ability to understand the needs of our clients.

ABOUT MCCi

MCCi provides 1,400 clients nationwide with the technology and services for automating business processes and managing electronic records and documents. MCCi is committed to leading the industry, staying abreast of technology, and innovates and evolves by focusing on the needs of our clients so that everyone – our clients and our employees — may benefit.

We pride ourselves in the fact that many of our clients' successes are widely recognized as industry-specific award winners and frequently published as leaders in their fields. Most recently, Inc. Magazine recognized MCCi as an Inc. 5000 fastest-growing private company in the United States. Additional noteworthy recognition includes Best Companies to Work, Microsoft Gold Certified Partner, and the only Laserfiche Platinum Solution Provider, to name a few.

OUR TEAM

MCCi is a leading solution provider, focusing on customer service in every aspect. As a client, you will receive access to our highly-trained staff and support services, such as:

TRAINING & PROFESSIONAL SERVICES

Our highly-trained professionals in the areas of implementation, process improvements, integrations, and more to help you implement a well-thought-out solution system based on your organization's needs and business processes. Before, during, and after your project, we focus on ensuring the users are trained on the solution and stay up-to-date on the features available. With each new feature release, online training is available for your team. In addition, remote and onsite training options are available.

TECHNICAL SUPPORT

Once your project is complete, you will have access to our technical support team for troubleshooting and for support your JustFOIA solution. Our team can be easily reached by email, phone, or our online support center.

CLIENT RELATIONS

You will have a dedicated team for account services that you can directly contact. We believe in a proactive support methodology, which begins with client education, excellent service, and communication.

- Identify any needs that could quickly be addressed by the current solution
- A resource for questions and answers, and best practices
- Annual support renewal notifications to ensure your renewal process is timely and accurate

HOW IT WORKS

PUBLIC PORTAL

The Public Portal is the perfect landing page to submit, track, or search for a request. This feature is customizable with your organization's logos, brand colors, and more. The centralized location is the place for securely searching previous requests, publicly posted content, and the status of their current request.

PUBLIC FORM SUBMISSION

Toss the paper forms and electronic PDFs. The request submission form is completely customizable to your agency's requirements.

DASHBOARDS

A real-time snapshot of requests and a way to quickly identify requests that need attention.

REQUESTS OVERVIEW

An overview list of new and in-progress requests with status alerts and involved departments. A simple click will dive deeper into the request.

CORRESPONDENCE

Centralize communication by using JustFOIA correspondence for inbound and outbound emails and general notes. Template or custom emails can be created. In addition, other forms of correspondence related to a request can be tracked (phone calls, letters or in-person conversations).

DISCUSSIONS

Never lose track of cross-department communication. Discussions will keep everyone in the loop and organized within the request.

ASSIGNMENT AND NOTIFICATION

Simply assign the request or task to a department, and the assignees are immediately notified. Status and department updates, automated reminders as well as daily digest and alert notifications.

TIME & MATERIAL CALCULATIONS

Keep track of the labor, time and materials costs of fulfilling requests. JustFOIA uses popular third-party payment processors for secure transactions.

COMPREHENSIVE REPORTS

Keeping the staff in each department accountable is important for your organization to stay in compliance with the laws. JustFOIA streamlines the process and minimizes delays. Custom reports are available, in addition to standard reports, such as:

- Processed Requests
- Bottlenecks
- Correspondence
- Time and Materials
- Fees & Payment Details
- Request Data Table
- Deleted Requests
- User Activity

ON-PREMISE ARCHIVAL

JustFOIA provides export capabilities for archiving records request data locally or in your content services solution.

SECURITY

MCCi is committed to maintaining a safe and secure platform for our clients that meets or exceeds industry best practices. JustFOIA is deployed in a physically isolated instance of the Microsoft Azure Government Cloud that employs world-class security and compliance services critical to the U.S. government. MCCi has undergone a validation of eligibility for deploying JustFOIA using best practices and has a CISSP certified person on staff, the industry's de facto security credential. Azure Government services handles data that is subject to specific government regulations and requirements, such as FedRAMP, NIST 800.171 (DIB), ITAR, IRS 1075, DoD L4, and CJIS. All of JustFOIA's datacenters are located within the United States.

JUSTFOIA ADD-ONS

ADOBE ACROBAT PRO PLUGIN

Adobe Acrobat Pro Plugin allows you to easily upload documents that you are working on in Adobe to a specific JustFOIA request. In Adobe, you can create and edit documents, as well as apply redactions and other features available in the Adobe software. Once you are ready, simply click the JustFOIA button to upload the document. It's as easy as picking the request number. In order to utilize this plugin, your organization will need to have Acrobat Pro available to the user.

LASERFICHE INTEGRATION

The Laserfiche integration allows you to leverage Laserfiche to help fulfill records requests. Conduct all of your searching, editing, and redaction in Laserfiche, then click the JustFOIA button to send selected documents as response documents to the specific JustFOIA request number. This integration makes for a seamless to use Laserfiche and JustFOIA to complete records requests. In order to utilize this integration, each user will need a full Laserfiche license.

PAYMENT PORTAL

JustFOIA integrates with Authorize.net and PayPal to provide collect payments from requestors online. These third-party payment processors handle all monetary transactions and sensitive credit card data. The requestor enters the request number/security key to see any fees that they owe. If they owe fees, they can pay through a secure Authorize.net or PayPal site. Once they pay, you are able to make their request documents available for immediate release.

JUSTFOIA IMPLEMENTATION

There is no need to read a 100-page training and user guide. JustFOIA is an easy-to-configure and easy-to-use solution. Your users will quickly be up to speed.

REMOTE CONFIGURATION

As part of the standard configuration services, provided remotely, MCCi will configure up to two records request forms, processes, users and departments, and security rights. If the Client desires a second process, the configuration must be completed as part of the initial project and prior to training. Subsequent forms and process configurations, along with users' profiles will be configured by the Client, or the Client may contract with MCCi for additional services.

REMOTE TRAINING

JustFOIA is an easy-to-use solution; therefore training is typically provided remotely. One remote user training session is included for each configured form process. In addition, one administrative training is included for the organization. All training is conducted in a "train the trainer" format. Onsite live training is available with MCCi for an additional cost.

SUBSCRIPTION-BASED

JustFOIA is a subscription-based solution with no managing of licenses. All active JustFOIA clients receive the latest release versions and technical support.

HARDWARE/SOFTWARE REQUIREMENTS

JustFOIA is a web-based hosted solution and therefore has no server-side hardware components. End-user access is provided through a web interface, which means no client-side software is required. We test and support the following browsers: Microsoft® Internet Explorer® version 10 or higher; Google Chrome™, most recent stable version; Mozilla® Firefox®, most recent stable version; Apple® Safari® most recent stable version.

IMPLEMENTATION GUIDE

Time to complete implementation depends on several factors such as complexity, the client completing assignments on time, and a solid foundation of training.

IMPLEMENTATION TEAM

CLIENT LIAISON

ONBOARDING 1-2 WEEK DURATION	TEAM ASSIGNMENT The implementation team member is assigned to the project.	GENERAL Lead time for MCCi team member assignment is typically less than a week.
	PROJECT KICK-OFF The team member will contact the primary client liaison to discuss expectations, timeframes, install process, scheduling, and any special needs.	INFORMATION GATHERING Complete Implementation Configuration Form for each process to be configured.
IMPLEMENTATION 4-6 WEEK DURATION	SITE CONFIGURATION The team member will configure the site based on the Implementation Configuration Form submitted by the client.	PRE-TRAINING Admins and users to watch previously recorded demo for a foundational understanding of JustFOIA.
	ADMIN & USER TRAINING The team member will provide initial site training to users.	SITE TESTING The client's key users will test their site. by working with practice requests and complete a full request for each request form and process.
GO-LIVE!	GO-LIVE PREPARATION Team member and Client to review the status of configuration and make final plans to go live.	PROJECT CLOSURE Call with the MCCi team member to review project completion, support handoff, and project survey.
	POST GO-LIVE Discuss with the Client to discuss additional training for users.	CELEBRATE! Once your site is live, it's time to celebrate! Additionally, MCCi is available to support media or PR opportunities.

PROFESSIONAL SERVICES

We are fanatical about client success. Your time is limited, but with JustFOIA professional services, we are an extension of your organization, our qualified experts can assist with a successful implementation. Not sure which package fits your needs, we are here to help!

	BASIC	STANDARD	ENTERPRISE
Project Kickoff Call and Implementation Plan Identify milestones for successful implementation	✓	✓	✓
Process Analysis Review Conduct a remote information gathering session to understand, guide, and recommend process improvement		✓ Up to 2 Sessions	✓ Up to 6 Sessions
Project Plan Reviews Detailed weekly project updates		✓	✓
User Configuration Establish and configure initial user security credentials and roles	✓ Up to 25 Employees	✓ Up to 50 Employees	✓ Up to 100 Employees
Process Configuration Based on client-supplied requirements, we will configure business process forms, workflow statuses, departments, and holidays	✓ Up to 2 Processes	✓ Up to 4 Processes	✓ Up to 6 Processes
Template Configuration Configure email templates and requestor web pages related to the process	✓ 1 Template	✓ Up to 4 Templates	✓ Up to 10 Templates
On-Site Project Management Facilitate a successful implementation and training session			✓ Up to 2 Days
Support Technical support through user testing before going live	✓	✓	✓
Remote Administrative Training Remote administrative training up to 60 minutes per session. Recording available for viewing.	✓ 1 Session	✓ Up to 2 Sessions	✓ Up to 3 Sessions
Remote User Training Remote user training up to 60 minutes per session. Recording available for viewing.	✓ Up to 2 Sessions	✓ Up to 4 Sessions	✓ Up to 6 Sessions

Security Deployed in the Microsoft Azure Government Cloud, providing world-class security	✓	✓	✓
Structured Workflow Automation to help processing larger volumes of specific types of requests. Comes with 5-hour block of Managed Services.	✓ Available at an additional charge	✓ Available at an additional charge	✓ 1 included

MANAGED SERVICES (MS)

JustFOIA's Managed Services package provides additional training and assistance to a Client's administrator and users. Pricing for the advanced block of hours is based on JustFOIA's Support Technician hourly rate discounted by 10%. The number of hours included is based on your active subscription and will expire on the same date as your annual renewal. Managed Services can be used for the following:

ADDITIONAL TRAINING

Additional web-based training is conducted to train new users or as refresher training for existing users.

SUPPLEMENTARY SYSTEM SET UP CONSULTATION

MCCi offers additional best practices consultation that includes recommendations for adding additional departments, statuses, templates, etc.

CONFIGURATION SERVICES

Basic configuration services and maintenance of existing complex workflows.

STRUCTURED WORKFLOWS

Building on JustFOIA's capability to design lists of tasks and set defaults, a Structured Workflow leverages automation to save your organization time by routing certain types of requests from submission to completion. Automatically run when a request comes in, a structured workflow can use the supplied form data to determine which departments and tasks get assigned. Best suited for organizations that process larger volumes of specific types of requests. Also available are the full use of due dates, reminders, escalations and approvals as well as the capability to automatically send out system and custom emails triggered by events in the workflow. We work with you to design the unique series of tasks to assign out to departments so you can handle the approvals while JustFOIA keeps the request moving through your system. Structured Workflow Package includes up to 3 hours requirements gathering and up to 4 hours of configuration and implementation. Total package not to exceed 7 hours.

MCCI SUPPORT

As a MCCi client, you gain much more than just a new solution. You gain a relationship between our team and your organization to make your solution implementation successful and the usage of your product an enjoyable experience. In order to make this possible, MCCi offers both proactive and technical support.

PROACTIVE SUPPORT

Your dedicated Account Executive will continue to assist with pre-implementation processes, be a resource for questions and answers, and throughout the year to discuss optimal system usage and ensure client satisfaction.

TECHNICAL SUPPORT

Your subscription to JustFOIA helps preserve your investment and extend the benefits of your original purchase by providing you access to the assistance needed. You have access to a toll-free line to call for technical support or submit tickets online through our support center. You receive the following benefits:

- Free software updates for your current solution
- Periodic user webinars
- Embedded system help files
- Technical bulletins and newsletters
- Email/Phone Support (see below)

MCCi provides technical support for all MCCi solutions. Technical Support is provided by email or telephone during business hours of 8:00 a.m. to 8:00 p.m. Eastern Time. The Client can designate several individuals to be technical support contacts. There is no limit on the number of technical support calls that can be made. Clients may contact MCCi support through the online support center, by email (support@mccinnovations.com), or by telephone (866-942-0464).

JUSTFOIA PRICING

To determine which services and products are included with your project, please refer to the Pricing Section below.

Subscription Annual Expense	Cost	Existing Customer Cost	Total
JustFOIA Population Tier 1-Up to 10k	\$2,500	\$2,250	\$2,250
Laserfiche Integration	\$500	\$450	\$450
Setup and Training: One time Expense			
Starter* Up to 2 Business Processes, Security Configuration for Up to 25 Staff Members, Up to 3 hours of Remote User and Administrative training, and Configuration of 1 email template	\$2,000	\$1,800	\$1,800
Laserfiche Integration Configuration, Installation and configuration of JustFOIA plugin for Laserfiche. "Train the installer", up to 2 hours of remote assistance	\$500	\$450	\$450
Total Project Cost			\$4,950
For budgetary purposes, the Client should include \$2,700.00 in annual budget for renewal of the items quoted above.			
<i>Quotes Expire in 30 days</i>			

Your JustFOIA service includes up to 500 GB of data storage. While a vast majority of our clients do not go over this allotted amount, we do charge a fee of \$500 per 500 GB over the included amount of data storage. This fee is added to your yearly subscription.

PAYMENT & BILLING TERMS

MCCi will invoice one hundred percent (100%) of the subscription amount upon providing the Client online access to the JustFOIA service. The balance of the total project will be invoiced upon completion of the proposed professional services. Sales Tax will be included where applicable. Payment will be due upon receipt of an invoice. The Client's annual subscription renewal date is set based on 30 days after the contract is received.

TERMS AND CONDITIONS

MCCi, a Limited Liability Company, which is duly organized and existing under the laws of the State of Florida, hereinafter referred to as MCCi, hereby offers the JustFOIA solution according to the following terms and conditions.

JUSTFOIA SUBSCRIPTION

MCCi is the developer and hosting provider for JustFOIA. An active subscription is required to access the solution. The official subscription date is established on the date MCCi grants initial access to JustFOIA. Adjustments in annual subscription rates may be made to coincide with current U.S. inflation rates – any increase will not exceed the cumulative increase in the Consumer Price Index (CPI) occurring since the last price increase. All subscriptions are prepaid and non-refundable.

JUSTFOIA IS AVAILABLE “AS-IS”

Though we want to provide a great service, there are certain things about the service we cannot promise. For example, the services and software are provided “as is”, at your own risk, without express or implied warranty or condition of any kind. We also disclaim any warranties of merchantability or fitness for a particular purpose. JustFOIA will have no responsibility for any harm to your computer system, loss or corruption of data, or other harm that results from your access to or use of the Services or Software. Some states do not allow the types of disclaimers in this paragraph, so they may not apply to you.

LIMITED LIABILITY

Notwithstanding anything in this Agreement to the contrary, MCCi’s total liability to the client for any and all claims, damages, or liability arising out of or related in any way to this agreement or the products or services being provided by MCCi to Client shall be strictly limited to the project fees paid to MCCi by the Client for the preceding 12-month period immediately preceding the event giving rise to the claim by the Client, and shall also be limited to the fees paid to MCCi for the particular service/product that the Client’s claim was caused by or arose out of.

Due to the intended use of JustFOIA being focused on “Open Records” Requests, MCCi assumes that only public and non-confidential data will be uploaded to the solution, and the full Terms of Use are accessible on the home page of the JustFOIA solution.

INDEMNIFICATION

If MCCi or our affiliates (owners or partners), or any of our or their respective employees, agents, or suppliers (the “Indemnitees”) is faced with a legal claim by a third-party arising out of your actual or alleged gross negligence, willful misconduct, violation of law, failure to meet the security obligations required by the Agreement, or violation of your agreement with your customers or end users, then you will pay the cost of defending the claim (including reasonable attorney fees) and any damages award, fine or other amount that is imposed on the Indemnitees as a result of the claim. Your obligations under this subsection include claims arising out of the acts or omissions of your employees or agents, any other person to whom you have given access to the Services, and any person who gains access to the Services as a result of your failure to use reasonable security precautions, even if the acts or omissions of such persons were not authorized by you. You must also pay reasonable attorney fees and other expenses we incur in connection with any dispute between persons having a conflicting claim to control your account with us or arising from an actual or alleged breach of your obligations to them.

FORCE MAJEURE

Neither party shall be liable for any delay or failure in performance due to causes beyond its reasonable control.

CLIENT FINANCIAL SOLVENCY/BANKRUPTCY

MCCi may require payment in advance for products and services in response to learning of financial solvency or bankruptcy issues.

NO HIRE CLAUSE

Client and MCCi agree that during the period that this agreement is in force, including extensions or modifications thereto, and for an additional 12 months following this period, neither Client nor MCCi will actively recruit, or solicit employees or independent contractors of either company, or the employees of any of the other Subcontractors; who are on active payroll status and are currently participating in this Program, without the prior written approval of the party whose employee or independent contractor is being considered for employment. This does not prohibit any employee from responding to or pursuing employment opportunities through normal media channels, i.e. newspapers, professional journals, etc. so long as it is not related to this particular program and that it is not an attempt to avoid the intent of the above restriction.

If, during the term of, or within (12) months after the termination of the performance period of this agreement, client hires directly, or indirectly contracts with any of MCCi’s personnel for the performance of systems engineering and/or related services hereunder, client agrees to pay MCCi 125% of the fees paid to, or in favor of such personnel for one (1) year after such personnel separates from service with MCCi.

TERMINATION

The services provided in this agreement will be in full force and effect for a period of three (3) years from the execution date of the agreement, or from the initial software/maintenance subscription date (applicable only when such components are included). Thereafter, this agreement will be automatically renewed from year to year, provided that either party may alter or cancel the terms of this agreement upon 60 days written notice.

USE OF BASECAMP

Through the course of this project, MCCi may choose to utilize the third-party service Basecamp (<http://www.basecamp.com>) for project management and team collaboration. Documentation and correspondence exchanged between MCCi and The Client may be stored in Basecamp. The Client acknowledges that Basecamp is responsible for secure storage of this documentation, and agrees that Basecamp’s security guidelines located at <https://basecamp.com/security> are acceptable for the storage of The Client’s data and correspondence exchanged with MCCi.

PROFESSIONAL SERVICES RESCHEDULING/CANCELLATIONS

Travel Expenses: If the client cancels or reschedules an installation after MCCi has made travel arrangements, travel expenses may be incurred due to circumstances such as non-refundable airline tickets, hotel reservations, rental cars, etc.

Site Preparation: The Client site should be ready for installation according to specifications outlined within the Hardware section. If site is not prepared and results in cancellation, delays, or rescheduling of an installation after MCCi has made travel arrangements, the client may incur expenses due to circumstances such as non-refundable airline tickets, training/install charges, hotel reservations, rental cars, etc.

Project Delays: Requests made by the client to cancel/reschedule delivery of services will cause a delay in delivery of the services and the overall project. The client understands that MCCi will have to respect the timelines of other scheduled projects when rescheduling services due to a request made by the client.

OTHER CONTENT

The Services may contain links to third-party websites or resources. JustFOIA does not endorse and is not responsible or liable for third-party website availability, accuracy, the related content, products, or services. You are solely responsible for your use of any such websites or resources.

MARKETING & REFERENCES

Client agrees to allow MCCi to publicly announce the client’s selection of MCCi for the specific solution(s), at the time of the client contracting with MCCi. Additionally, upon the client providing written consent, MCCi is authorized to publish and publicize testimonials and case study information pertaining to MCCi’s work with the Client. This information, including the Client’s organization name, logo, and contact information will be used in all media types.

MCCi SOFTWARE CONFIGURATION SERVICES

The customer may elect to contract with MCCi to configure the software. The customer is responsible for testing all software configurations completed by MCCi. By acknowledging this testing requirement, the customer waives any and all liability to MCCi for any fees, damages, etc. that could be related to software configurations.

Submitted by: **MCCi**, a Limited Liability Company

Date: September 13, 2019

By: _____
(Signature)

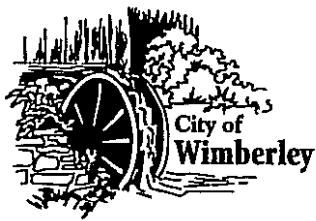
(Printed Name & Title)

Noted Items Accepted by: **WIMBERLEY, TX**

Date: _____

By: _____
(Signature)

(Printed Name & Title)



AGENDA ITEM: GovOffice Website Agreement
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Since 2002 the City has utilized GovOffice to host its website, www.cityofwimberley.com. During the development of the FY 2020 Annual Budget, the City sought quotes from website developers familiar with the needs of municipalities. GovOffice provided the best quote for the redesign of the City's website. Examples of GovOffice's recent website redesign projects can be seen at <https://govoffice.com/portfolio>.

For consideration is the approval of, and authorization for the City Administrator to sign the agreement with GovOffice for redesign of the City's website for an amount not to exceed \$6,700.00. Annual hosting fees will remain the same at \$850.00 per year. Both expenditures have been included in the adopted FY 2020 Annual Budget. No purchases will be made until FY 2020 (October 1, 2019).

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☒

FINANCIAL

Budgeted Item	☒	Original Estimate/Budget:	\$ 7,000.00
Non-budgeted Item	☐	Current Estimate:	\$ 6,700.00
Not Applicable	☐	Amount Under/Over Budget:	\$ 300.00

STAFF RECOMMENDATION

The City Administrator recommends approval of this item.

ATTACHMENT(S)

- Agreement with GovOffice for the Development of a Progressive Responsive Web Design Package for the City of Wimberley



City of Wimberley, TX Progressive Responsive Web Design Package

September 6, 2019

Wimberley City Hall
221 Stillwater
Wimberley, TX 78676
512-847-0025

Key Contact: Shawn Cox
City Administrator
512-847-0025 x22
scox@cityofwimberley.com
www.cityofwimberley.com

Responsive Web Design	Cost
Progressive Responsive Web Design Package -Official logo and a unique color scheme -Custom font treatment for title graphic and slogan, if necessary -Custom font treatment -Full set of social media icons -Favicon (favorites icon), only if requested and if possible -Image Slider, up to 5 images -Display of logo, city name and slogan -Advanced color scheme and font selection -Horizontal navigation on left, right or center -Local weather integration, date and time -Standard Filmstrip with up to 10 icons -Standard Notifications -Standard boxes -Advanced Footer -Social Media icons for Facebook, Twitter, Instagram, Pinterest and YouTube -Mobile Touch Icon -Navigation Analysis & Restructure (to 200 pages) -Homepage Setup	\$6,700

Content Services

Navigation Analysis & Restructure - A Content Specialist will analyze the entire site navigation menu and then organize and label up to 200 pages according to best practices of information architecture, Web design and usability. The end result will be an attractive, well organized website that ensures site visitors will quickly and easily find the information they need.

Homepage Setup Included - The Homepage Makeover is performed by a Content Specialist and includes the following:

- Loading the slider image
- Adding Promotions to display news, events, calendars, etc. in a visually appealing way
- Adding Sidebars to display related links, text, and images

Timeline: GovOffice Web Solutions cannot guarantee a completed design timetable, however most projects are completed within 4 – 6 months.

By signing below, you agree to the requested responsive web design project.

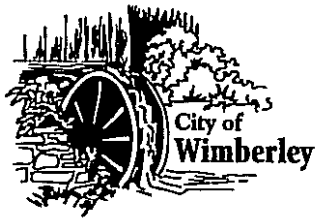
Date: _____

Name and Title : _____

Signature: _____

Steps to begin service with GovOffice:

1. Please sign the quote and return a soft copy to ross@govoffice.com.
2. A GovOffice Web Solutions Invoice will be issued, payment expected within 30 days.



AGENDA ITEM: Pac-Van Container Purchase
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City, since 2017, has rented a storage container from Pac-Van for \$130.00 per month (\$1,560.00 annually). To date we have paid a total of \$8,970.00. Included in the FY 2020 Annual Budget was funding to purchase a similar container from Pac-Van for an amount not to exceed \$3,420.00. This will allow the City to see a budget savings in just over a year (14 months).

For consideration is approval from Council to purchase the storage container and authorize the City Administrator to sign any required documents. No purchases will be made until FY 2020 (October 1, 2019).

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☒

FINANCIAL

Budgeted Item	☐	Original Estimate/Budget:	\$3,420.00
Non-budgeted Item	☐	Current Estimate:	\$3,420.00
Not Applicable	☒	Amount Under/Over Budget:	\$ 0.00

STAFF RECOMMENDATION

The City Administrator recommends approval of this item.

ATTACHMENT(S)

- Pac-Van Purchase Agreement



San Antonio
7400 US Hwy 35
New Braunfels, TX 78130
PH: (830) 214-2251
FAX: (830) 643-0257

Purchase Agreement No: SFQ-515586
Purchase Agreement Date: 09-11-2019
Purchase Agreement Expires: 7 days
Sales Consultant: Dennis Wright
Email: dwright@pacvan.com

Billing Information

CITWIM
City of Wimberley
Monica Alcala
PO BOX 2027
WIMBERLEY, TX 78686
Ph: (512) 847-0025
Fax: (512) 847-0422

Shipping Information

City of Wimberley
100 Blue Hole Lane

Wimberley, TX 78676
Monica Alcala
(512) 967-3027

Charges	Quantity	Unit Price	Total Sale Price
40' Storage Container <i>(HIGH CUBE 9'6")</i>	1	\$3,250.00	\$3,250.00
Delivery	1	\$170.00	\$170.00

Total: \$3,420.00

Notes:

SPECIAL OFFER:

Need Storage?

Please ask us about our special pricing on all Storage Containers with your order.

Included With Your Pac-Van Agreement:
Superior Customer Service

Nationwide Service From a Local Company

Your One Stop for Mobile & Ground-Level Offices, Modular Buildings, and Storage Equipment

This agreement is made between Pac-Van, Inc., herein called the Seller, and City of Wimberley herein called the Purchaser, and is subject to the Equipment and/or Services Purchase Agreement Terms and Conditions attached hereto.

The purchaser is responsible for securing any and all applicable building permits, licenses, or approvals necessary for the purchased equipment. This Purchase Agreement is based on a level, compact, and accessible site. Unless specified, this Purchase Agreement excludes taxes and other services. Seller does not warrant in any way that the equipment meets any local, state, federal or other code unless specified. This Purchase Agreement is contingent on final acceptance by Seller and credit approval by Seller.

→
Sign Here
Signature: _____
Printed: _____
Title: _____
Date: _____

Signature: 
Printed: Dennis Wright
Title: Sales Representative
Date: 9-11-19



San Antonio
7400 US Hwy 35
New Braunfels, TX 78130
Ph: (830) 214-2251
Fax: (830) 643-0257

Storage Credit Application & Payment Options

Customer Information

Company: City of Wimberley
Address: PO BOX 2027
City, ST ZIP: WIMBERLEY, TX 78686

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

CREDIT APPLICATION *(required for all customers)*

Charges	Quantity	Unit Price	Total Sale Price
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TYPE OF ENTITY:

- ☐ CORPORATION *(if you are using a fictitious business name, please include the fictitious business name.)*
☐ LIMITED LIABILITY COMPANY
☐ LIMITED PARTNERSHIP
☐ PARTNERSHIP
☐ SOLE PROPRIETORSHIP
- RESALE #: _____
FEDERAL TAX I.D. #: _____
DUNS #: _____
BUSINESS START DATE: _____

OWNERSHIP

Name of owner(s): _____
Address: _____ City: _____ ST: _____ Zip Code: _____

BANK REFERENCES

Name: _____ Account #: _____ Contact Person: _____
City: _____ State: _____ Zip Code: _____

The undersigned acknowledges that this Credit Application relates to a commercial account and that the representations contained herein are material and intended to induce Pac-Van, Inc. to extend credit. The undersigned hereby authorizes Pac-Van, Inc. to communicate with any or all of the references listed above and any other credits sources, and waives any privacy of credit information rights or regulations.

Signature: _____ Date: _____
Printed Name: _____ Title: _____

☐ I elect Pac-Van's **Simplified Credit Card Payment Option**

Please complete and return to your Pac-Van Representative with your signed Agreement.

Payment by Credit Card: ☐ Visa ☐ Master Card ☐ Discover ☐ Amer. Exp.

Card Number: _____ Expiration Date: ____/____

Cardholder Name (as appears on card): _____

Cardholder Address: _____

Cardholder Email: _____

By signing below, you authorize Pac-Van, Inc. to charge the credit card listed above for this purchase.

Cardholder Signature _____

Date _____

1. **Sale.** Pac-Van, Inc. ("Seller") hereby sells, and the party identified on the reverse hereof ("Purchaser") hereby purchases from Seller, all of Seller's right, title and interest in the equipment identified on the reverse hereof (the "Equipment") pursuant to the terms of this Equipment and/or Services Purchase Agreement (this "Agreement").
2. **Scope of Work.** Seller shall be responsible for delivering to Purchaser only the Equipment and/or rendering the services (the "Services") specified in the attached quote ("Quote") or scope of work document ("Work Document"). Seller is not obligated to sell any Equipment or render any Service unless specified on the attached Quote, Work Document or an approved change order signed by Purchaser and Seller. In the case of a building ("Building") which is newly manufactured, Seller may request Purchaser to approve floor plans, specifications, finish selections, and other documentation required by the manufacturer prior to commencing building process. Any changes to these Building specifications must be approved in writing by both Purchaser and Seller.
3. **Regulatory Requirements:** The Purchaser shall promptly execute and comply with all federal, state, and local statutes, ordinances, and all other regulatory requirements (including any state or local building codes) applicable to the Equipment. Unless the Quote states that Seller is responsible for obtaining permits for the Equipment, Purchaser shall be solely responsible for obtaining all permits necessary to set and occupy the Equipment. Purchaser shall be solely responsible for all taxes (including sales and property tax), permit fees and other costs related to the sale of the Equipment. After receipt of payment in full for the Equipment, Seller shall deliver to Purchaser a bill of sale or a statement of origin for the Equipment.
4. **Site Conditions:** Unless otherwise specified on the Quote, Purchaser shall be solely responsible for providing a safe, level, and compact site with appropriate accessibility for delivery of the Equipment and any Services or set up of the Equipment. Purchaser shall be responsible for additional costs related to site conditions deemed unacceptable or inadequate by Seller.
5. **Utilities:** Purchaser shall be solely responsible for arranging for utility service, running necessary utility lines and connecting utilities to the Equipment, unless specified otherwise on the Quote.
6. **Insurance:** Purchaser, at its own expense, shall insure for risks of loss or damage to the Equipment or injury to any person commencing upon arrival of the Equipment at the delivery location (when Equipment is unhooked from transportation equipment).
7. **Acceptance:** Upon completion of the Services, Seller will request acceptance of the Equipment ("Acceptance") by Purchaser. The Purchaser shall have the right to inspect all Equipment ("Inspection") prior to Acceptance. Inspection and Acceptance will not be unreasonably delayed or refused. Purchaser may submit a written list to the Seller for elements of the Equipment which are not accepted by Purchaser (the "Punch List"). Seller will use reasonable commercial efforts to resolve all Punch List items in a reasonable and timely manner. Upon receipt of Acceptance and full payment for the Equipment, Seller will authorize Purchaser to use the Equipment (including the transfer of keys if applicable). In the absence of a written Acceptance delivered to Seller from Purchaser, Purchaser's use by of the Equipment or payment in full acknowledges Purchaser's full Acceptance of the Equipment and satisfactory completion of Seller's responsibilities under this Agreement.
8. **Delays:** In the case of new manufactured Buildings, Purchaser may not delay delivery of a Building for more than 10 business days after the Equipment is made available to Seller by the Building manufacturer. In the event such a delay lasts 10 business days, Purchaser agrees to accept the Equipment on the tenth business day following delivery (the "Outside Delivery Date") "as is, where is" and responsibility for the Building including liability and risk of loss shall transfer to Purchaser on the Outside Delivery Date. In addition, Purchaser agrees to make immediate payment in full for the Equipment no later than the Outside Delivery Date. In the event of such delay, Seller reserves the right to change its pricing for any Services. If Purchaser fails to conduct the Inspection and provide Acceptance in a reasonable and timely manner (not to occur later than the Outside Delivery Date), Purchaser shall be deemed to have delivered Acceptance to Seller and shall pay Purchaser in full for the Equipment.



9. **Warranties:** Seller extends and assigns any and all manufacturer's warranties related to the Equipment. There are no additional warranties.

Warranty Disclaimer – EXCEPT FOR THE MANUFACTURER'S WARRANTIES, WHICH ARE HEREBY ASSIGNED TO PURCHASER, PURCHASER AGREES THAT THE EQUIPMENT, THE SERVICES RENDERED BY SELLER AND OTHER ITEMS DELIVERED TO PURCHASER ARE DELIVERED "AS IS, WHERE IS" WITH ALL FAULTS AND DEFECTS. SELLER HEREBY DISCLAIMS, AND PURCHASER HEREBY WAIVES AND RELEASES, ALL LIABILITIES AND OBLIGATIONS OF SELLER, AND PURCHASER AGREES THAT SELLER MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, REGARDING THE EQUIPMENT PURCHASED BY PURCHASER OR THE SERVICES RENDERED BY SELLER, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR PURPOSE, PERFORMANCE, QUALITY, DESIGN, WORKMANSHIP, CONDITION, STORAGE CAPACITY OR COMPLIANCE WITH LAW.

10. **Payment Terms:** Unless otherwise stated in the Quote or Work Document, Purchaser shall pay Seller the price for the Equipment and the fees for the Services (collectively, the "Charges") for the Equipment and Services as follows: (a) 25% of the Charges are due upon signing and delivery of this Agreement to Purchaser, (b) 65% of the Charges are due upon delivery of the Equipment and /or Services and (c) 10% of the Charges are due upon Acceptance of the Equipment and/or Services.
11. **Assignment:** Purchaser shall neither assign its rights nor delegate performance of its duties under this Agreement unless specifically approved in writing by Seller.
12. **Termination of Agreement:** This Agreement may be terminated by Seller upon the occurrence of any of the following: (1) Purchaser fails to obtain credit approval from Seller, (2) Seller's business closes, (3) manufacturer's business closes and Seller is unable to obtain the same or similar Equipment from another manufacturer without additional cost, (4) Purchaser requests cancellation and receives Seller's written approval prior to Seller placing purchase order for the new manufactured Building or (5) Purchaser's default. Otherwise, Purchaser's breach of this Agreement shall not constitute a termination of this Agreement, and Purchaser shall remain liable for the full performance of all obligations on the part of the Purchaser under this Agreement.
13. **Indemnification:** Purchaser shall indemnify, hold harmless, defend and reimburse Seller and its directors, officers, shareholders, employees, agents, affiliates and assigns (collectively, the "Seller Related Parties") from and against all losses, damages, death, claims, injuries, costs and attorney's fees, whether or not caused by the concurrent negligence of the Seller Related Parties, arising from (a) the loss of, damage to or destruction of Equipment or its contents (the "Contents") due to collision, forces of nature, fire or other casualty, (b) damage to Purchaser's goods or property caused during storage in or transport of the Equipment or the Contents, (c) any levy, attachment or repossession of the Equipment, (d) any fine, liens, tax, penalty, towing, impound or other charges arising from Purchaser's use of the Equipment, (e) Purchaser's breach of this Agreement, (f) the use, maintenance, operation, ownership, transport or rental of the Equipment by Purchaser or Purchaser's agents, (g) any pollution, contamination, environmental impairment and/or similar condition directly or indirectly caused by or resulting in whole or in part from Purchaser's rental of the Equipment pursuant to this Agreement or (h) any environmental statutory or regulatory compliance requirements applicable to any Equipment (or any use thereof) and required under any and all foreign or domestic federal, state or local laws, treaties, ordinances, regulations, codes, rules, orders, guidelines, policies or requirements of any governmental authorities which regulate or impose standards of liability or conduct concerning air, water, soils, wetlands and watercourses, solid waste, hazardous waste and/or materials, worker and community right-to-know, noise, resource protection, health protection and similar environmental, health, safety, and land use concerns as may now or at any time hereafter be in effect. The indemnification obligations of Purchaser hereunder shall survive the termination of this Agreement.
14. **Seller's Remedies:** In the event of any default by the Purchaser under this Agreement, Seller may: (a) declare the entire amount under this Agreement immediately due and payable, without notice or demand to



Equipment and/or Services Purchase Agreement Terms and Conditions

the Purchaser, (b) sue for recovery of all payments, and other payments, then accrued or thereafter accruing, (c) take possession of the purchased equipment and any parts thereof, without demand or notice, wherever the same shall be located, without any court order or process of law and (d) sue for damages for loss of business profits, loss of revenue, labor costs, all expenses associated with the pick-up of the purchased equipment, attorney fees or any other consequential damage.

15. **Attorney Fees and Forum Selection:** In the event of any dispute arising under or in connection with this Agreement or any action to enforce this Agreement or to remedy a default or breach hereunder, the prevailing party therein shall be entitled to recover from the non-prevailing party all costs and expenses related to such proceeding or claim, including, without limitation, reasonable attorneys' fees and expert witness fees. All claims brought by Seller against Purchaser or Purchaser against Seller shall be subject to and governed by the laws of the State of Indiana, venue for such claims shall be solely in and subject to the jurisdiction of Marion County, Indiana and no other jurisdiction.
16. **Sending of Notices:** For purposes of any notice required, Seller represents that its principal place of business is located at 9155 Harrison Park Court, Indianapolis, IN 46216. Purchaser represents that its principal place of business is located at the address set forth in the Quote. Notice mailed to the office of Purchaser or Seller shall constitute sufficient notice to comply with the terms of this Agreement. Notices emailed to Seller at notices@pacvan.com shall constitute sufficient notice to Seller.
17. **Entire Agreement:** The terms of this Agreement are intended by the Purchaser and Seller as a final expression of their agreement with respect to such terms and also as a complete and exclusive statement of such terms. This Agreement may not be modified or rescinded in any manner except by the written agreement of both Seller and Purchaser. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
18. **Sale.** Pac-Van, Inc. ("Seller") hereby sells, and the party identified on the reverse hereof ("Purchaser") hereby purchases from Seller, all of Seller's right, title and interest in the equipment identified on the reverse hereof (the "Equipment") pursuant to the terms of this Equipment and/or Services Purchase Agreement (this "Agreement").
19. **Scope of Work.** Seller shall be responsible for delivering to Purchaser only the Equipment and/or rendering the services (the "Services") specified in the attached quote ("Quote") or scope of work document ("Work Document"). Seller is not obligated to sell any Equipment or render any Service unless specified on the attached Quote, Work Document or an approved change order signed by Purchaser and Seller. In the case of a building ("Building") which is newly manufactured, Seller may request Purchaser to approve floor plans, specifications, finish selections, and other documentation required by the manufacturer prior to commencing building process. Any changes to these Building specifications must be approved in writing by both Purchaser and Seller.
20. **Regulatory Requirements:** The Purchaser shall promptly execute and comply with all federal, state, and local statutes, ordinances, and all other regulatory requirements (including any state or local building codes) applicable to the Equipment. Unless the Quote states that Seller is responsible for obtaining permits for the Equipment, Purchaser shall be solely responsible for obtaining all permits necessary to set and occupy the Equipment. Purchaser shall be solely responsible for all taxes (including sales and property tax), permit fees and other costs related to the sale of the Equipment. After receipt of payment in full for the Equipment, Seller shall deliver to Purchaser a bill of sale or a statement of origin for the Equipment.
21. **Site Conditions:** Unless otherwise specified on the Quote, Purchaser shall be solely responsible for providing a safe, level, and compact site with appropriate accessibility for delivery of the Equipment and any Services or set up of the Equipment. Purchaser shall be responsible for additional costs related to site conditions deemed unacceptable or inadequate by Seller.
22. **Utilities:** Purchaser shall be solely responsible for arranging for utility service, running necessary utility lines and connecting utilities to the Equipment, unless specified otherwise on the Quote.



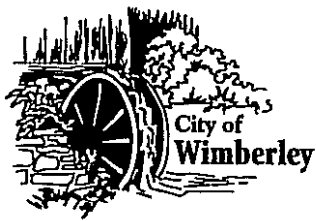
23. **Insurance:** Purchaser, at its own expense, shall insure for risks of loss or damage to the Equipment or injury to any person commencing upon arrival of the Equipment at the delivery location (when Equipment is unhooked from transportation equipment).
24. **Acceptance:** Upon completion of the Services, Seller will request acceptance of the Equipment ("Acceptance") by Purchaser. The Purchaser shall have the right to inspect all Equipment ("Inspection") prior to Acceptance. Inspection and Acceptance will not be unreasonably delayed or refused. Purchaser may submit a written list to the Seller for elements of the Equipment which are not accepted by Purchaser (the "Punch List"). Seller will use reasonable commercial efforts to resolve all Punch List items in a reasonable and timely manner. Upon receipt of Acceptance and full payment for the Equipment, Seller will authorize Purchaser to use the Equipment (including the transfer of keys if applicable). In the absence of a written Acceptance delivered to Seller from Purchaser, Purchaser's use by of the Equipment or payment in full acknowledges Purchaser's full Acceptance of the Equipment and satisfactory completion of Seller's responsibilities under this Agreement.
25. **Delays:** In the case of new manufactured Buildings, Purchaser may not delay delivery of a Building for more than 10 business days after the Equipment is made available to Seller by the Building manufacturer. In the event such a delay lasts 10 business days, Purchaser agrees to accept the Equipment on the tenth business day following delivery (the "Outside Delivery Date") "as is, where is" and responsibility for the Building including liability and risk of loss shall transfer to Purchaser on the Outside Delivery Date. In addition, Purchaser agrees to make immediate payment in full for the Equipment no later than the Outside Delivery Date. In the event of such delay, Seller reserves the right to change its pricing for any Services. If Purchaser fails to conduct the Inspection and provide Acceptance in a reasonable and timely manner (not to occur later than the Outside Delivery Date), Purchaser shall be deemed to have delivered Acceptance to Seller and shall pay Purchaser in full for the Equipment.

26. **Warranties:** Seller extends and assigns any and all manufacturer's warranties related to the Equipment. There are no additional warranties.

Warranty Disclaimer – EXCEPT FOR THE MANUFACTURER'S WARRANTIES, WHICH ARE HEREGY ASSIGNED TO PURCHASER, PURCHASER AGREES THAT THE EQUIPMENT, THE SERVICES RENDERED BY SELLER AND OTHER ITEMS DELIVERED TO PURCHASER ARE DELIVERED "AS IS, WHERE IS" WITH ALL FAULTS AND DEFECTS. SELLER HEREBY DISCLAIMS, AND PURCHASER HEREBY WAIVES AND RELEASES, ALL LIABILITIES AND OBLIGATIONS OF SELLER, AND PURCHASER AGREES THAT SELLER MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, REGARDING THE EQUIPMENT PURCHASED BY PURCHASER OR THE SERVICES RENDERED BY SELLER, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR PURPOSE, PERFORMANCE, QUALITY, DESIGN, WORKMANSHIP, CONDITION, STORAGE CAPACITY OR COMPLIANCE WITH LAW.

27. **Payment Terms:** Unless otherwise stated in the Quote or Work Document, Purchaser shall pay Seller the price for the Equipment and the fees for the Services (collectively, the "Charges") for the Equipment and Services as follows: (a) 25% of the Charges are due upon signing and delivery of this Agreement to Purchaser, (b) 65% of the Charges are due upon delivery of the Equipment and /or Services and (c) 10% of the Charges are due upon Acceptance of the Equipment and/or Services.
28. **Assignment:** Purchaser shall neither assign its rights nor delegate performance of its duties under this Agreement unless specifically approved in writing by Seller.
29. **Termination of Agreement:** This Agreement may be terminated by Seller upon the occurrence of any of the following: (1) Purchaser fails to obtain credit approval from Seller, (2) Seller's business closes, (3) manufacturer's business closes and Seller is unable to obtain the same or similar Equipment from another manufacturer without additional cost, (4) Purchaser requests cancellation and receives Seller's written approval prior to Seller placing purchase order for the new manufactured Building or (5) Purchaser's default. Otherwise, Purchaser's breach of this Agreement shall not constitute a termination of this Agreement, and Purchaser shall remain liable for the full performance of all obligations on the part of the Purchaser under this Agreement.

30. **Indemnification:** Purchaser shall indemnify, hold harmless, defend and reimburse Seller and its directors, officers, shareholders, employees, agents, affiliates and assigns (collectively, the "Seller Related Parties") from and against all losses, damages, death, claims, injuries, costs and attorney's fees, whether or not caused by the concurrent negligence of the Seller Related Parties, arising from (a) the loss of, damage to or destruction of Equipment or its contents (the "Contents") due to collision, forces of nature, fire or other casualty, (b) damage to Purchaser's goods or property caused during storage in or transport of the Equipment or the Contents, (c) any levy, attachment or repossession of the Equipment, (d) any fine, liens, tax, penalty, towing, impound or other charges arising from Purchaser's use of the Equipment, (e) Purchaser's breach of this Agreement, (f) the use, maintenance, operation, ownership, transport or rental of the Equipment by Purchaser or Purchaser's agents, (g) any pollution, contamination, environmental impairment and/or similar condition directly or indirectly caused by or resulting in whole or in part from Purchaser's rental of the Equipment pursuant to this Agreement or (h) any environmental statutory or regulatory compliance requirements applicable to any Equipment (or any use thereof) and required under any and all foreign or domestic federal, state or local laws, treaties, ordinances, regulations, codes, rules, orders, guidelines, policies or requirements of any governmental authorities which regulate or impose standards of liability or conduct concerning air, water, soils, wetlands and watercourses, solid waste, hazardous waste and/or materials, worker and community right-to-know, noise, resource protection, health protection and similar environmental, health, safety, and land use concerns as may now or at any time hereafter be in effect. The indemnification obligations of Purchaser hereunder shall survive the termination of this Agreement.
31. **Seller's Remedies:** In the event of any default by the Purchaser under this Agreement, Seller may: (a) declare the entire amount under this Agreement immediately due and payable, without notice or demand to the Purchaser, (b) sue for recovery of all payments, and other payments, then accrued or thereafter accruing, (c) take possession of the purchased equipment and any parts thereof, without demand or notice, wherever the same shall be located, without any court order or process of law and (d) sue for damages for loss of business profits, loss of revenue, labor costs, all expenses associated with the pick-up of the purchased equipment, attorney fees or any other consequential damage.
32. **Attorney Fees and Forum Selection:** In the event of any dispute arising under or in connection with this Agreement or any action to enforce this Agreement or to remedy a default or breach hereunder, the prevailing party therein shall be entitled to recover from the non-prevailing party all costs and expenses related to such proceeding or claim, including, without limitation, reasonable attorneys' fees and expert witness fees. All claims brought by Seller against Purchaser or Purchaser against Seller shall be subject to and governed by the laws of the State of Indiana, venue for such claims shall be solely in and subject to the jurisdiction of Marion County, Indiana and no other jurisdiction.
33. **Sending of Notices:** For purposes of any notice required, Seller represents that its principal place of business is located at 9155 Harrison Park Court, Indianapolis, IN 46216. Purchaser represents that its principal place of business is located at the address set forth in the Quote. Notice mailed to the office of Purchaser or Seller shall constitute sufficient notice to comply with the terms of this Agreement. Notices emailed to Seller at notices@pacvan.com shall constitute sufficient notice to Seller.
34. **Entire Agreement:** The terms of this Agreement are intended by the Purchaser and Seller as a final expression of their agreement with respect to such terms and also as a complete and exclusive statement of such terms. This Agreement may not be modified or rescinded in any manner except by the written agreement of both Seller and Purchaser. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.



AGENDA ITEM: Auditor's Engagement Letter
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On September 1, 2016, the City Council awarded a contract to Armstrong, Vaughn, & Associates, P.C. for the provision of auditing services. The City's original engagement was for audits of FY16, 17, & 18. In addition to the original three-year engagement, the City included an option to provide auditing services on a year by year basis for FY19 and FY20.

For consideration is the authorization for the City to engage Armstrong, Vaughn, & Associates, P.C. for auditing services for FY 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:	\$

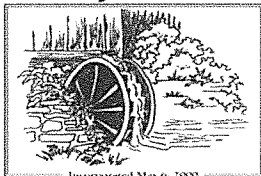
STAFF RECOMMENDATION

The City Administrator recommends approval of this item.

ATTACHMENT(S)

- September 1, 2016 Agenda Statement for Auditing Services
- Approved Council Minutes for September 1, 2016 Agenda
- Armstrong, Vaughn, & Associates, P.C. for 2016, 2017, & 2018
- Armstrong, Vaughn, & Associates, P.C. for 2019

City Council Agenda Form



Date Submitted: August 25, 2016

Agenda Date Requested: September 1, 2016

Project/Proposal Title: CONSIDER ACTION
AWARDING A CONTRACT FOR PROFESSIONAL AUDITING
SERVICES

Commission Action Requested:

- ☐ Ordinance
- ☐ Resolution
- ☒ Motion
- ☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action awarding a contract for professional auditing services.

In mid-August, the City of Wimberley issued a Request for Proposals ("RFP") for professional auditing services. The deadline for submission of bids is 2.p.m. on Friday, August 26th. The auditing firm awarded a contract will be responsible for auditing the City's financial statements for Fiscal Years 2016, 2017 and 2018, with an option to audit the City's financial statements for Fiscal Years 2019 and 2020.

Following the deadline, City staff will evaluate the proposals received and recommend a vendor for contract award at the Council meeting.

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
September 1, 2016 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Councilmember Craig Fore gave the Invocation and Mayor McCullough and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Craig Fore, Sally Trapp, Gary Barchfeld, and John White. Councilmember Bob Dussler was absent.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Proclamation

Proclamation of the City Council of the City of Wimberley, Texas, proclaiming the month of September 2016 as Hunger Action Month in Wimberley, Texas

Mayor McCullough presented the proclamation to Hays County Food Bank representative Karen Morris.

Mayor McCullough administered the Oath of Office to newly appointed Parks and Recreation Advisory Board member Gary Pigg.

Citizens Communications

Deborah Koeck read from a statement (*full text attached to these minutes*) relating to professional ethics and conflict of interest issues involving Mayor McCullough.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of August 18, 2016
- B. Approval of minutes of the Special City Council meeting of August 19, 2016
- C. Approval of minutes of the Special City Council meeting of August 23, 2016

Councilmember Trapp moved to approve all Consent Agenda items, as presented. Councilmember Barchfeld seconded. Motion carried on a vote 4-0.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project including but not limited to design, easements and project management

City Administrator Ferguson reported that responses to the City's Request for Qualifications (RFQ) for wastewater impact fee studies are being evaluated and anticipated a recommendation to Council on September 15, 2016. He advised that responses to the City's RFQ for project management are due on September 8, 2016 at 2 p.m. at City Hall. He noted that cost estimates for an effluent pond are nearing completion. He stated that the City's EDA grant application is progressing.

- Status report on downtown pedestrian safety signage

City Administrator Ferguson reported that TxDOT has approached the City about taking down the pedestrian crosswalk signs that the City installed to enhance safety. After TxDOT's site visit, it was agreed to allow the signs to stay in place with a change in the wording on the signs to remove "stop" and replace with "yield." He noted that TxDOT also plans to do some pavement markings and evaluate other signage.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported the season is winding down and total attendance/revenue figures are being finalized. Maintenance crews are wrapping up rain-related trail repairs and bids are being sought for construction of the maintenance building. He noted that plans are underway for upcoming Christmas events at the Park.

- Status report on the La Buena Vista Drive Improvement Project

City Administrator Ferguson reported that Lone Star Site Work has been contracted to complete the project at a cost of \$69,597. He advised of project scheduling and mobilization and anticipated the project to be completed in approximately two weeks.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported on extension of the deadline to spend emergency relief funds, which were intended to provide for the City's matching requirement related to the curbside debris collection program. He advised preliminary bill estimates were received from Hays County, but felt it likely that the City's portion will be offset by the amount of volunteer hours. He reported on final stages of FEMA's issuance of new flood maps, including a hydrology study that may help refine numbers for the new maps, which are expected to be released to the public at the end of the year. Details were provided on development of an interior flood notification alarm program and other possible options for warning systems. He reported on removal of a large tilted tree in the Hidden Valley low water crossing area.

3. Presentation

Presentation from the City of Wimberley Transportation Advisory Board regarding a proposed wayfinding signage program. (*Bert Ray, Transportation Advisory Board*)

Transportation Advisory Board representative Bert Ray presented details on the 3-phase program, including maps of sign locations and examples of proposed signage:

- Phase I – Signage located on the entrance highways leading into Wimberley that guides visitors to public destinations of regional interest
- Phase II – Signage within the City which will provide more detailed directions to secondary destinations
- Phase III – Merchandising or commercial signage

The presentation ended with questions and answers and included discussion of budgeting for the signage and history of the City-initiated program.

At this time, Councilmember Barchfeld called upon Hays Caldwell Women’s Center (HCWC) Executive Director Marla Johnson to speak on her organization’s services provided by its family/dating violence program, sexual assault counseling and support, and counseling for abused children. She presented details on the amount of services provided specifically to Wimberley residents and of the need for funding of its programs. HCWC representative Jemm Corona-Morris spoke on educational programs focusing on prevention and provided information on HCWC’s upcoming Wimberley Wellness Fest to help promote a sense of community and raise awareness of the services that HCWC has to offer. Ms. Johnson concluded the presentation with impact statements from her staff highlighting the success of HCWC’s efforts to help its clients deal with trauma.

Mayor McCullough stated that he is an advocate for HCWC’s programs and invited Wimberley Senior Citizens Activities, Inc. (WSCAI) representative Roberta Holland to speak on the need for a local “Meals on Wheels” program, as well as other personal services such as transportation. Ms. Holland cited examples illustrating the need for more efficient service and better quality food for Wimberley residents in need. Discussion followed on the current Meals on Wheels program, outreach to those in need of services, and local match requirements for grant funding.

Mayor McCullough stated that these presentations will be considered as part of Council’s deliberation on development of the Fiscal Year 2017 Budget.

4. Public Hearings and Consider Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a Conditional Use Permit (CUP) submitted by Carlton Bass to operate a vacation rental facility on property located at 140 Malone Drive, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; 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. (*Carlton Bass, Applicant*)

City Administrator Ferguson reported on the subject property’s location, current/proposed zoning and uses, and existing residential structure. Based on a review of the properly functioning and permitted septic system, City staff recommended a maximum occupancy of four

(4) people. City Administrator Ferguson read a list of conditions to be included in the CUP, if approved, and noted that one written response in opposition of the CUP request has been received. He advised that the Planning and Zoning Commission held a public hearing and unanimously recommended denial of the CUP at its August 25th meeting. In addition, he noted that the Commission recommended consideration be given to waiving or reducing the applicant's CUP application fee, should the applicant reapply for the CUP in the future following Council's upcoming review of the short term rental regulations. City Administrator Ferguson highlighted key concerns expressed by the Planning and Zoning Commission on the upcoming short-term rental moratorium consideration.

Mayor McCullough opened the public hearing.

Applicant Carlton Bass spoke of the rebuilding of his residence following the May 2015 flood and offered to answer any questions related to his CUP request. He stressed that he lives across the street from the subject property and will be available to address potential concerns such as trespassing onto neighboring properties and maintaining the subject property. Mr. Bass conveyed his conversation with the neighbor expressing opposition and felt that addition of specific language in the lease agreement has relieved his concerns regarding liability. He noted that Terrie Bursiel's booking agency will be managing the vacation rental. Discussion between Mr. Bass and Councilmember Barchfeld addressed efforts to resolve issues causing concern to neighbors, specifically the Boatrights and Hoffmans, as well as the assurance that the vacation rental will not be marketed for an occupancy of more than four (4) people.

Hearing no further comments, Mayor McCullough closed the public hearing.

Councilmember Trapp moved to approve the CUP, as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

- B. Hold a public hearing and consider approval of the second and final reading of a proposed ordinance amending Title XV (Land Usage), Chapter 155 (Zoning), Subchapters 155.105 (Conditional Uses) and 155.077 (Development Plan Review), Section (E) (Approval Process), Subsection (3) (Effect of Development Plan Approval) of the City of Wimberley Code of Ordinances to provide an expiration date for unused conditional Use Permits; and including the following: findings of fact; savings; severability; repealer; effective date; and proper notice and meeting. (*City Administrator*)

City Administrator Ferguson explained the proposed ordinance establishing a "sunset" review for all future CUPs, which would be reviewed two (2) years after they are granted to see if progress has been made toward completion of the project described in the CUP. He noted that on August 18th that Council held a public hearing and voted unanimously to recommend approval.

Mayor McCullough opened the public hearing. Hearing no comments, Mayor McCullough closed the public hearing.

Councilmember Barchfeld asked if existing CUPs will be affected by this ordinance and City Administrator Ferguson replied that the ordinance would only apply to future CUPs.

Councilmember White moved to approve the ordinance on second and final reading, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

- C. Hold a public hearing on the Proposed *Fiscal Year 2017 City of Wimberley Budget*. (*City Administrator; no action will be taken on this item*)

City Administrator Ferguson stated the requirement to hold a public hearing prior to adoption of the Fiscal Year 2017 Budget, which is scheduled for action at Council's September 15th meeting.

Mayor McCullough opened the public hearing.

Gail Pigg, speaking on behalf of the Blanco River Cypress Creek Water Association (BRCCWA), thanked Council for its support of a "no-discharge" option for the central Wimberley wastewater system. She asked whether water quality monitoring would be covered in the proposed Budget and City Administrator Ferguson replied affirmatively.

Casey Craig spoke on the need for an arrow in the center turn lane through the Square to enhance safety for vehicles turning left. City Administrator Ferguson advised that TxDOT plans include re-striping and removal of arrows pointing toward the "Do Not Enter" signs. Ms. Craig enjoyed the earlier presentation on signage, but stated she is not a fan of putting signs all over Wimberley, and would rather see money go to causes such as Roberta Holland's earlier proposed program.

Hearing no further comments, Mayor McCullough closed the public hearing.

No action was taken.

5. Discussion and Possible Action

- A. Discuss and consider possible action on issues relating to the development of the Proposed *Fiscal Year 2017 City of Wimberley Budget*. (*City Administrator*)

City Administrator Ferguson provided clarification on an expenditure related to completion of a drainage study to Councilmember Trapp.

Councilmember Barchfeld understood the need for social service funding and read the following statement: "I am in support of donating to charitable organizations. My wife Martha and I are supporters of several local, state, and national charitable organizations. I think charities provide services to communities and individuals that are not provided by the government. I firmly believe the job of the City government is to provide services to its citizens with the money it collects. In today's economy, with such limited funds and so many needs for these funds, I do not see it as fiscally responsible for the City to involve itself in funding charitable organizations. We need to use this money we collect in taxes and fees to provide City services to our

community. In fairness, I cannot support dedicating City of Wimberley budgeted funds to social service donations.”

Discussion addressed Council’s willingness to negotiate the amount of proposed social service funding, budget needs, and decisions on where to trim the budget in other areas (such as capital expenditures) in order to provide social service funding. Other topics included the City’s expenditures for storage space and possible alternatives; past Councils’ positions on using Fund Balance for social service and capital expenditures; cutting expenditures to avoid using Fund Balance for the City’s \$100,000 annual contribution to help fund the central Wimberley wastewater system; landscaping/maintenance costs for downtown (as opposed to other areas) and possible cost-sharing with the Merchants Association or Keep Wimberley Beautiful; cost-effective options for provision of radios for Council members; possible expansion of the city marshal’s position from part-time to full-time; possible addition of a reserve deputy marshal position; existing interlocal agreements with Hays County law enforcement agencies, which do not include enforcement of City ordinances; establishment that certain legal expenses related to Mill Race Lane have already been paid for; and separate budget development for the wastewater system upon loan approval.

Additional discussion of social service funding addressed possible contribution amounts, the City’s role and responsibility to its citizens, and difficulty in choosing which organizations are most deserving of funds.

Audience member Juniper Schneider spoke of Council’s past discussion of a decorative wall on River Road to please wealthy homeowners and lack of objections to its cost. He said when the topic of the poor comes up it is always about money and “where we have to stop.” He asked if Wimberley’s abused women and children and seniors in need of meals should be told to go to places such as churches or local businesses for help. He questioned why the City keeps praying before its meetings, if this is the kind of Wimberley we are.

Councilmember Trapp responded to Mr. Schneider’s comment on River Road restoration by noting that the project cost was covered by insurance proceeds. She said the City has a \$100,000 deficit and acknowledged the difficulty of many balancing many needs such as pothole repairs and tree trimming with other needs. She sympathized with Mr. Schneider and noted her own volunteer work with Safe Place.

Mayor McCullough asked Council to consider budgeting \$9,500 for social service funding and called for ways to trim the proposed Fiscal Year 2017 Budget to accommodate such funding. Discussion addressed reallocation of the remaining portion of the \$30,000 allocated for social service funding in the proposed Budget; trimming of the Budget to completely avoid borrowing from Fund Balance; projected sales tax revenues; difficulty associated with deciding which social services organizations will receive funds; direction to staff to conduct overall trimming of the proposed Fiscal Year 2017 Budget; and state-mandated deadline to approve the Budget no later than September 30, 2016.

No action was taken.

- B. Discuss and consider possible action regarding the proposed Fiscal Year 2017 City Council Goals and Priorities. (*Mayor Mac McCullough*)

City Administrator Ferguson presented the list developed as a result of Council's two workshops. Council agreed on the list, as presented, and Councilmember White said goals are wonderful, but many are a "pipe dream," and may not ever happen.

Councilmember Trapp moved to approve the Fiscal Year 2017 City Council Goals and Priorities, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 3-1. Councilmember White voted against.

- C. Discuss and consider action to revoke the Wimberley Planned Development District ("WPDD") ordinance for 400 Mill Race Lane. (*Mayor Mac McCullough*)

Councilmember Trapp recused herself from the meeting at this time.

Mayor McCullough requested to pull this item from the agenda. Councilmembers Fore and Barchfeld agreed on pulling this item. Former Mayor Steve Thurber asked Mayor McCullough why he is removing this agenda item. Mayor McCullough stated he is satisfied with progress on this issue and does not see a need to consider it at this time. No action was taken.

Councilmember Trapp rejoined the meeting at this time.

- D. Discuss and consider possible action regarding the future collection of certain building permit, zoning and subdivision fees relating to properties impacted by the May 2015 Flood in Wimberley, Texas (*City Administrator*)

City Administrator Ferguson reviewed Council's past actions to waive the City's portion of building permit fees for flood-impacted properties and asked for Council's direction on continuation of such fee waivers, as many properties have been rebuilt and some subsequently sold to new owners.

Discussion addressed the amount of fees waived to date and did not favor extending fee waivers if the flood-damaged property has changed ownership (except for heirs/family members).

Councilmember Trapp moved to continue waiving fees for those impacted by the May and October 2015 flood events who are the same owners (as before the floods) or their family members or heirs. Councilmember Barchfeld seconded. Discussion continued on the length of time to continue the fee waivers and addressing future efforts regarding substandard flood-damaged structures. Clarification was provided to establish that Council would reassess continuation of fee waivers at its last meeting in May 2017. Councilmember Trapp restated her motion to continue waiving the subject fees, as originally stated, with Council to conduct a review of fee waiver continuation on May 30, 2017.

Audience member Allison Campbell said she paid for a building permit needed as a result of the 2013 flood, but her plans were not accepted. She did not feel it was right for her to pay again for

permit(s) needed as a result of the October 2015 flood. City Administrator Ferguson clarified that Councilmember Trapp's motion included both the May and October 2015 floods. Discussion resulted in agreement to extend the reassessment date from May 2017 to October 19, 2017. Councilmember Trapp agreed to change the extension of the aforementioned reassessment date to October 19, 2017, as discussed, to her previously stated motion. Councilmember Barchfeld seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action on matters stemming from the second meeting of representatives of Aqua Texas and representatives of the City of Wimberley regarding the potential provision of various wastewater services in central Wimberley. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp said a second meeting has not been held, but there has been a good dialogue and information exchange between the City and Aqua Texas, and anticipated a meeting to be scheduled for the week of September 19, 2016. No action was taken.

- F. Discuss and consider action awarding a contract for professional auditing services. (*City Administrator*)

City Administrator Ferguson presented information on the four (4) respondents to the City's RFP for professional auditing services and recommended awarding of a contract to Armstrong, Vaughan & Associates, P.C. of Universal City, Texas.

Councilmember White moved to award a contract for professional auditing services to Armstrong, Vaughan & Associates, P.C., as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

- G. Discuss and consider possible action authorizing the city administrator to seek construction bids for the Hidden Valley Low Water Crossing Reconstruction Project. (*City Administrator*)

City Administrator Ferguson presented an aerial view of the project's design, timeframe for completion, incentives for early completion, and anticipated completion of the project within 120 days.

Discussion addressed approval of a 90-day versus a 120-day substantial completion deadline.

Councilmember Trapp moved to authorize the city administrator to seek construction bids for the Hidden Valley Low Water Crossing Reconstruction Project, with substantial completion of the Project to be within 120 days. Councilmember Barchfeld seconded. Motion carried on a vote of 4-0.

- H. Discuss and consider possible action regarding the Comprehensive Fund Balance Policy and Fund Balance Classification Plan for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson explained the City's obligation to review the Policy and Plan on an annual basis, with no changes recommended. He stated the Policy's primary objective to improve the usefulness and comparability of fund balance information by reporting fund balance in more insightful and meaningful components and the Plan's objective to identify how dollars in fund balance are to be classified. He stressed that Council may change the classifications at any time, with the exception of those funds classified as non-spendable or restricted.

Councilmember Fore moved to approve the Comprehensive Fund Balance Policy and Fund Balance Classification Plan, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

- I. Discuss and consider action regarding the City of Wimberley Investment Policy. (*City Administrator*)

City Administrator Ferguson explained that State law requires Council to review the Policy on an annual basis, with no changes recommended. Brief discussion addressed current interest rates.

Councilmember Trapp moved to approve the City of Wimberley Investment Policy, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 4-0.

- J. Discuss and consider action regarding the proposed renewal of the City of Wimberley's existing lease agreement for an off-site storage unit. (*City Administrator*)

City Administrator Ferguson presented details on the revised lease agreement, which reflects a \$25/month increase. Discussion addressed possible alternatives to using the existing storage space, including using part of the planned Blue Hole Regional Park maintenance building for storage, leasing a less expensive unit, and option to terminate the existing lease, if desired.

Councilmember Barchfeld moved to approve the lease agreement, as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

- K. Discuss and consider possible action regarding a request from the Wimberley Volunteer Fire Department ("WVFD") for the City of Wimberley to waive a portion of the City's building permit fees for the planned construction of a canopy at the WVFD Fire Station. (*City Administrator*)

City Administrator Ferguson recommended approval of waiving \$153.75, the City's portion of building permit fees, and noted that WVFD would be responsible for pass-through plan review/inspection fees.

Councilmember Trapp moved to approve the request from the Wimberley Volunteer Fire Department ("WVFD") for the City of Wimberley to waive a portion of the City's building permit fees for the planned construction of a canopy at the WVFD Fire Station and that waiving the fees serves a valid municipal purpose. Councilmember White seconded. Motion carried on a vote of 4-0.

- L. Discuss and consider possible action regarding plans for the upcoming 2016 Brewster's Music Fest on Saturday, September 17, 2016.

City Administrator Ferguson presented details on the outdoor music event to raise funds for Wimberley EMS, including event activities and recommended approval.

Councilmember White moved to approve the plans for the upcoming 2016 Brewster's Music Fest on Saturday, September 17, 2016, as presented. Councilmember Fore seconded. Discussion addressed the specific location for the event. Motion carried on a vote of 4-0.

- M. Discuss and consider possible action regarding plans for the *2016 Spirit of Texas Bike Ride* on Sunday, October 2, 2016. (*City Administrator*)

City Administrator Ferguson presented details on the bike ride to raise funds for Wimberley High School Band, including course routes, traffic control, signage, insurance, and anticipated number of riders.

Councilmember Barchfeld moved to approve plans for the *2016 Spirit of Texas Bike Ride* on Sunday, October 2, 2016. Councilmember White seconded. Motion carried on a vote of 4-0.

6. City Council Reports

- Announcements
- Future Agenda Items

Mayor McCullough stated this was a productive meeting and reviewed correspondence between himself and Hays County District Attorney Wes Mau regarding the Mayor's testimony and outcome of a grand jury hearing resulting in a "no-bill" decision. He said nothing has changed and cited his six-year involvement with the sewer system as the context for his statement to "hurry up." He stated he never wanted a discharge and favored the direction of having the cleanest effluent. He said he will continue to move forward and be mayor "and keep this ball rolling."

Councilmember White requested discussion of a recent appellate court ruling on TxDOT's authority to regulate certain highway signage.

Councilmember Barchfeld said it was a good thing that Mayor McCullough sought information from the Hays County District Attorney Wes Mau. Mayor McCullough read from his email to Mr. Mau requesting any available documentation on the grand jury's "no-bill" action or official response or notice of the grand's jury's decision.

Hearing no further announcements or future agenda items, Mayor McCullough called the meeting adjourned.

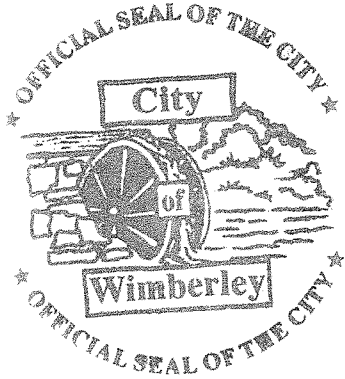
Adjournment: Council meeting adjourned at 9:18 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved on the 15th of September, 2016.



APPROVED:

John D. White

John D. White, Mayor Pro Tempore

In the past I have come to you as Dr Deborah Koeck and we have discussed Water Quality. Tonight, I come as Debbie Clayton Koeck to discuss professional ethics. On August 19th, Mayor Mac McCullough stated at the Special City Council Meeting that he wants to " *cut back on the discussion(of the sewer) that so many people here want to weigh in on.... people who have no Dog in the Fight.....no equity... no property. I am really tired of people telling me how to do this.*".

That "Dog in the Fight" coupled with his affidavit filed in February of 2016 for the May election constitutes Conflict of Interest in the State of Texas under Chapter 171. The Mayor claims a substantial interest in the Wimberley Café and as such is not eligible to speak to or to vote on any issues that have economic impact on the Wimberley Square including the Wastewater Project, Downtown restroom trailers and Downtown traffic and parking issues. Chapter 171 states "In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public, the official shall abstain from further participation in the matter."

I call upon Mayor McCullough to recuse himself from all comments, discussion and voting activities with respect to issues that pertain to his family businesses on the Wimberley Square. I ask the City Council to research and take proper action if Mayor McCullough continues to refuse to recuse himself on any issues in which he has a Conflict of Interest.

Mr. Mayor, that "Dog in the Fight" and the signed affidavit along with your "Property and Equity" legally eliminate your ability to personally "*cut back on the discussion that so many people here want to weigh in on*" and prevents YOU from telling the entire Wimberley Valley "*how to do this*".

References:

Opinion of Ethic Commission – December 2006

<https://www.texasattorneygeneral.gov/opinions/opinions/50abbott/op/2006/htm/ga0446.htm>

Texas Statutes

<http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.171.htm>

City Council

<http://www.cityethics.org/mc/ci/recusal>

Case Law

<http://law.justia.com/cases/new-jersey/supreme-court/2015/a-53-13.html>

SHAREHOLDERS:

Nancy L. Vaughan, CPA
Deborah E. Fraser, CPA
Phil S. Vaughan, CPA



Armstrong, Vaughan & Associates, P.C.
Certified Public Accountants

September 16, 2016

City of Wimberley, Texas
P.O. Box 2027
Wimberley, Texas 78676

You have requested that we audit the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City of Wimberley, as of September 30, 2016, 2017, and 2018, and for the years then ended and the related notes to the financial statements, which collectively comprise City of Wimberley's basic financial statements as listed in the table of contents. In addition, we will audit the entity's compliance over major federal award programs for the periods ended September 30, 2016, 2017 and 2018 (if necessary). We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Wimberley's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Wimberley RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Schedule – General Fund and Major Special Revenue Funds (with legally adopted budgets)
- 3) Pension Related information - TMRS

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining Nonmajor Governmental Funds Statements

Schedule of Expenditures of Federal Awards

We will subject the schedule of expenditures of federal awards (if necessary) to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the earlier of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and *Government Auditing Standards* of the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will issue a written report upon completion of our audit of City of Wimberley's basic financial statements. Our report will be addressed to the governing body of City of Wimberley. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of City of Wimberley's major federal award program(s) compliance will be made in accordance with the requirements of the Single Audit Act, as amended; and the provisions of the Uniform Guidance; and will include tests of accounting records, a determination of major programs in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the entity has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award programs. Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal award programs. However, our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
- c. For safeguarding assets;
- d. For identifying all federal awards expended during the period;

- e. For preparing the schedule of expenses of federal awards (including notes and noncash assistance received) in accordance with Uniform Guidance;
- f. For the design, implementation, and maintenance of internal control over compliance;
- g. For identifying and ensuring that the entity complies with laws, regulations, grants, and contracts applicable to its activities and its federal award programs;
- h. For following up and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
- i. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
- j. For submitting the reporting package and data collection form to the appropriate parties;
- k. For making the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance;
- l. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to federal award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- m. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole; and
- n. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

In addition, as required by the Uniform Guidance, it is management's responsibility to prepare the schedule of expenditures of federal awards in accordance with Uniform Guidance requirements, follow up and take corrective action on reported audit findings from prior periods and to prepare a summary schedule of prior audit findings, and follow up on current year audit findings and prepare a corrective action plan for such findings. Management is also responsible for submitting the reporting package and data collection form to the appropriate parties. Management will also make the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance. You agree that you will confirm your understanding of your responsibilities as defined in this letter to us in your management representation letter.

Management's responsibilities also include designating qualified individuals with the necessary expertise to be responsible and accounting for overseeing all nonattest services listed below we perform as a part of this engagement, as well as evaluating the adequacy and results of those services and accepting responsibility for them. It is our understanding that management has designated Don Ferguson, to be responsible for overseeing all services performed as part of this engagement. By accepting this agreement, you acknowledge that management agrees to evaluate the adequacy of, and accept responsibility for, the results of all services performed as part of this engagement. Nonattest services to be performed include:

- 1. Assistance in preparation of the annual financial report
- 2. Assistance with accrual entries and government-wide conversion entries

3. Other financial assistance as needed, such as depreciation schedules

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Phil Vaughan is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Armstrong, Vaughan & Associates, P.C.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

We anticipate conducting year end fieldwork in November or December (depending on management availability), issuing a draft report for management's review in January, and issuing final reports for the February Council meeting.

We estimate that our fee for the audits will be \$15,125, \$15,250, and \$15,375 for the financial statement audits for the years ending September 30, 2016, 2017 and 2018, respectively. Any years requiring an audit of federal awards will incur additional fees of \$3,500. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use City of Wimberley's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The audit documentation for this engagement is the property of Armstrong, Vaughan & Associates, P.C. and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulators, federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Armstrong, Vaughan & Associates, P.C.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

At the conclusion of our audit engagement, we will communicate to the City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

If any dispute arises among the parties hereto, the parties agree to first try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes, before resorting to litigation. The costs of any mediation proceeding shall be shared equally by all parties.

Client and accountant both agree that any dispute over fees charged by the accountant to the client will be submitted for resolution by arbitration in accordance with the Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association. Such arbitration shall be binding and final. In agreeing to arbitration, we both acknowledge that, in the event of a dispute over fees charged by the accountant, each of us is giving up the right to have the dispute decided in a court of law before a judge or jury and instead we are accepting the use of arbitration for resolution.

We appreciate the opportunity to be of service to the City of Wimberley and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Armstrong, Vaughan & Associates, P.C.

Armstrong, Vaughan & Associates, P.C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Wimberley.

By: 

Title: MAYOR Date: 9-16-16

System Review Report

May 20, 2015

To the Shareholders of Armstrong, Vaughan & Associates, P.C.
and the Peer Review Committee of the Texas Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Armstrong, Vaughan & Associates, P.C. (the firm) in effect for the year ended January 31, 2015. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Armstrong, Vaughan & Associates, P. C. in effect for the year ended January 31, 2015, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Armstrong, Vaughan & Associates, P.C. has received a peer review rating of *pass*.



Wilf & Henderson, P. C.



June 24, 2019

City of Wimberley, Texas
P.O. Box 2027
Wimberley, Texas 78676

You have requested that we audit the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City of Wimberley, as of September 30, 2019, and for the year then ended and the related notes to the financial statements, which collectively comprise City of Wimberley's basic financial statements as listed in the table of contents. In addition, we will audit the entity's compliance over major federal award programs for the periods ended September 30, 2019 (if necessary). We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Wimberley's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Wimberley RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Schedule – General Fund and Major Special Revenue Funds (with legally adopted budgets)
- 3) Pension and Other Post Employment Benefit Related information - TMRS

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining Nonmajor Governmental Funds Statements
- 2) Comparative Statements – General and Wastewater Utility Funds

Schedule of Expenditures of Federal Awards

We will subject the schedule of expenditures of federal awards (if necessary) to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the earlier of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and *Government Auditing Standards* of the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will issue a written report upon completion of our audit of City of Wimberley's basic financial statements. Our report will be addressed to the governing body of City of Wimberley. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of City of Wimberley's major federal award program(s) compliance will be made in accordance with the requirements of the Single Audit Act, as amended; and the provisions of the Uniform Guidance; and will include tests of accounting records, a determination of major programs in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the entity has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award programs. Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal award programs. However, our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
- c. For identifying, in its accounts, all federal awards received and expended during the period and the federal programs under which they were received, including federal awards and funding increments

received prior to December 26, 2014 (if any), and those received in accordance with the Uniform Guidance (generally received after December 26, 2014);

- d. For a maintaining records that adequately identify the source and application of funds for federally funded activities;
- e. For preparing the schedule of expenses of federal awards (including notes and noncash assistance received) in accordance with Uniform Guidance;
- f. For the design, implementation, and maintenance of internal control over compliance;
- g. For establishing and maintaining effective internal control over federal awards that provides reasonable assurance that the nonfederal entity is managing federal awards in compliance with federal statutes, regulations, and the terms and conditions of the federal awards;
- h. For identifying and ensuring that the entity complies with federal statutes, regulations, and the terms and conditions of federal award programs and implementing systems designed to achieve compliance with applicable federal statutes, regulations, and the terms and conditions of federal award programs;
- i. For disclosing accurately, currently, and completely the financial results of each federal award in accordance with the requirements of the award;
- j. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
- k. For taking prompt action when instances of noncompliance are identified;
- l. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
- m. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
- n. For submitting the reporting package and data collection form to the appropriate parties;
- o. For making the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance;
- p. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to federal award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- q. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
- r. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- s. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- t. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant roles in internal control and others where fraud could have a material effect on compliance;
- u. For the accuracy and completeness of all information provided;
- v. For the evaluation of the effectiveness of the entity's internal control over financial reporting using suitable and available criteria;
- w. For providing us with management's written assessment about the effectiveness of the entity's internal control over financial reporting;
- x. For supporting management's assessment about the effectiveness of the entity's internal control over financial reporting with sufficient evaluations and documentation (e.g., policy or accounting manuals, narrative memoranda, flowcharts, decision tables, procedural write-ups, or completed questionnaires);
- y. For Taking reasonable measures to safeguard protected personally identifiable and other sensitive

information; and

- z. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

In addition, as required by the Uniform Guidance, it is management's responsibility to prepare the schedule of expenditures of federal awards in accordance with Uniform Guidance requirements, follow up and take corrective action on reported audit findings from prior periods and to prepare a summary schedule of prior audit findings, and follow up on current year audit findings and prepare a corrective action plan for such findings. Management is also responsible for submitting the reporting package and data collection form to the appropriate parties. Management will also make the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance. You agree that you will confirm your understanding of your responsibilities as defined in this letter to us in your management representation letter.

Management's responsibilities also include designating qualified individuals with the necessary expertise to be responsible and accounting for overseeing all nonattest services listed below we perform as a part of this engagement, as well as evaluating the adequacy and results of those services and accepting responsibility for them. It is our understanding that management has designated Shawn Cox (with assistance from Lori Graham), to be responsible for overseeing all services performed as part of this engagement. By accepting this agreement, you acknowledge that management agrees to evaluate the adequacy of, and accept responsibility for, the results of all services performed as part of this engagement. Nonattest services to be performed include:

1. Assistance in preparation of the annual financial report
2. Assistance with accrual entries and government-wide conversion entries
3. Other financial assistance as needed, such as depreciation schedules

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Phil Vaughan is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Armstrong, Vaughan & Associates, P.C.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

We anticipate conducting year end fieldwork in November or December (depending on management availability), issuing a draft report for management's review in January, and issuing final reports for the February Council meeting.

We estimate that our fee for the audit will be \$15,700. If an audit of federal awards is required, an additional

fee of \$3,600 will apply. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use City of Wimberley's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The audit documentation for this engagement is the property of Armstrong, Vaughan & Associates, P.C. and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulators, federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Armstrong, Vaughan & Associates, P.C.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

At the conclusion of our audit engagement, we will communicate to the City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

If any dispute arises among the parties hereto, the parties agree to first try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes, before resorting to litigation. The costs of any mediation proceeding shall be shared equally by all parties.

Client and accountant both agree that any dispute over fees charged by the accountant to the client will be submitted for resolution by arbitration in accordance with the Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association. Such arbitration shall be binding and final. In agreeing to arbitration, we both acknowledge that, in the event of a dispute over fees charged by the accountant, each of us is giving up the right to have the dispute decided in a court of law before a judge or jury and instead we are accepting the use of arbitration for resolution.

We appreciate the opportunity to be of service to the City of Wimberley and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Armstrong, Vaughan & Associates, P.C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Wimberley.

By: _____

Title: _____ Date: _____

Report on the Firm's System of Quality Control

August 11, 2017

To the Shareholders of Armstrong, Vaughan & Associates, P.C.
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Armstrong, Vaughan & Associates, P.C. (the firm) in effect for the year ended March 31, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants.

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review

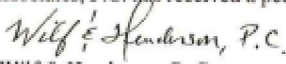
Required Selections and Considerations

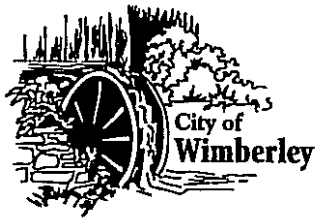
Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Armstrong, Vaughan & Associates, P.C. in effect for the year ended March 31, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Armstrong, Vaughan & Associates, P.C. has received a peer review rating of *pass*.


Wilf & Henderson, P. C.



AGENDA ITEM: Naming Policy
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

At the September 5, 2019 Regular Council Meeting, Council Member Barchfeld requested the City bring back example of naming policies. Included in this packet are three examples:

- City of Houston (as mentioned by Council Member Barchfeld)
- City of Schertz
- City of New Braunfels

While the policies from Schertz and New Braunfels are specific to parks, the City of Houston's policy address the naming of all facilities; including parks, streets, buildings, etc.

The City Administrator is seeking further guidance on what the City of Wimberley's Naming Policy should include.

REQUESTED ACTION

Motion ☒
Discussion ☒
Ordinance ☐
Resolution ☐
Other ☒

FINANCIAL

Budgeted Item	☐	Original Estimate/Budget:	\$3,420.00
Non-budgeted Item	☐	Current Estimate:	\$3,420.00
Not Applicable	☒	Amount Under/Over Budget:	\$ 0.00

STAFF RECOMMENDATION

ATTACHMENT(S)

- City of Houston Naming Policy
- City of Schertz Naming Policy
- City of New Braunfels Naming Policy



CITY OF HOUSTON

Executive Order

Subject: **Naming of City Facilities**

E.O. No.

1-47

Effective Date:

November 1, 2003

1. PURPOSE

- 1.1 To define the process, policies, procedures, and responsibilities associated with the naming or renaming of City facilities in honor of individuals or community organizations.

2. OBJECTIVE

- 2.1 To establish a systematic and consistent approach for the official naming of City facilities.
- 2.2 To establish a policy that considers community tradition and continuity of name, while utilizing established criteria that emphasize geography, local history, community values and character, civics and service to the City of Houston in the naming or renaming of municipal facilities.

3. SCOPE

- 3.1 All City of Houston property, with the exception of park facilities, which fall under Parks and Recreation Departmental Policy 1010.4 (Attachment A); library facilities, which fall under the Houston Public Library Board Policy (Attachment B) and streets which fall under Chapter 41 and 42 of the Houston Code of Ordinances (Attachment C).

4. DEFINITIONS

- 4.1 City facilities are those that house employees or are otherwise used to conduct city business or serve city function.
- 4.2 Owning department is the City department responsible for operation, maintenance and oversight of the facility.
- 4.3 Naming request proposal includes original request, supporting documentation, public comment, and owning department's evaluation and recommendation.
- 4.4 Park sites are City owned parks, open space and trail areas. Park sites include developed and undeveloped park areas and designated open space areas.

5. RESPONSIBILITIES

- 5.1 The requesting entity will submit in writing to the Mayor's Office the request with supporting information necessary to demonstrate that criteria outlined below have been met.
- 5.2 Those submitting a naming request should show how the proposed name is consistent with the criteria stated in this policy.

Approved:

Date Approved:

November 1, 2003

Page 1 of 4

- 5.3 When naming after a person or persons, the naming request will describe the contributions to the City.
- 5.4 The owning department will gather appropriate documentation and evaluate the request against the applicable criteria.
 - 5.4.1 City staff will review the proposal for adherence to the stated criteria and authentication of statements relative to contributions and/or service.
 - 5.4.2 If the request is incomplete, staff will contact the applicant, in writing, and provide them with the opportunity to resubmit a revised request.
 - 5.4.3 The owning department will offer the opportunity for public input on the proposed naming through public notice of at least 30 days and will notify the recognized Neighborhood Association of the proposal when complete request is received.
 - 5.4.4 Comments will be compiled by the owning department and included in the final request package to City Council.
- 5.5 The Mayor will review each naming request proposal, determine which, if any, Council Committee should review the proposal and make recommendations to full City Council.
- 5.6 The City Council is responsible for the final approval of the proposed name.

6. POLICY

- 6.1 Requests will not be considered when submitted by an individual or a group for self-nomination. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift.
- 6.2 The following criteria shall be used in determining the appropriateness of the naming designation:
 - 6.2.1 Geographic location (neighborhood, significant areas, etc.)
 - 6.2.2 Natural features
 - 6.2.3 A person (non-living) or place of historical or cultural significance
 - 6.2.4 A person (non-living), group, or feature particularly identified with the land or facility
- 6.3 Additionally, naming of City facilities may be considered if the individual, their family or a community organization has made exceptional contributions to the City, including one or more of the following: under the following conditions:
 - 6.3.1 Demonstrated excellence, courage or exceptional service to the citizens of the city of Houston (sustained, continuous public services over a period of 25 years or two-thirds of the person's life span);
 - 6.3.2 Worked to foster equality and reduce discrimination;
 - 6.3.3 Made an outstanding contribution to Houston;
 - 6.3.4 Made a significant financial contribution to City;
 - 6.3.5 Public service as an elected official;
 - 6.3.6 Public service as a community volunteer; and
 - 6.3.7 Risked or given his or her life to save others.

- 6.4 There must be a well-defined connection associated with the contributions of the individual or community organization and the City facility.
- 6.5 The significance of the contribution from the individual/ organization needs to be evaluated in terms of the service impact of the City facility. Programs and projects must be described in specific quantifiable terms.
- 6.6 Individuals and organizations that have made contributions of regional or community wide significance may be considered for naming of facilities that serve the region or community.
- 6.7 Individuals and organizations that have made contributions of area or neighborhood wide significance may be considered for naming of facilities that serve areas or neighborhoods within the City.
- 6.8 Names that are similar to existing parks, properties or facilities in the City system (or other systems in the region) should not be considered in order to minimize confusion.
- 6.9 The City reserves the right to change the name to maintain consistency with these policies.
- 6.10 When City property is named for an individual/organization, this action in no way gives the individual, family members or organization naming rights over other features on the property. Features within the facility or on the property will remain eligible for naming without the consent of the individual or family members for which the property is currently named.

6.11 Existing Facilities

- 6.11.1 Requests to rename existing facilities will be received by the Mayor's Office and directed to the appropriate department for further investigation and evaluation against criteria.
- 6.11.2 Once all relevant documentation is compiled, the owning department will notify the appropriate neighborhood association and post notice of proposed naming changes, allowing 30 days for public comment. Public comment will be incorporated into the naming request proposal.
- 6.11.3 Following the review, the appropriate Commission or Board may require a review of the proposed name change, if necessary.
- 6.11.4 Once complete, a recommendation will be made to the full City Council.

6.12 New Facilities

- 6.12.1 At least 30 days prior to opening a new City facility, the owning department will propose a name to the Mayor for consideration.
- 6.12.2 If acceptable, the appropriate agency i.e. owning department, Board, or Commission will conduct a public hearing regarding the proposed name and provide a recommendation for consideration by the City Council.
- 6.12.3 The naming request proposal to include recommendations, relevant documentation and public comment will be summarized for consideration by the City Council.

6.13 Other Considerations

- 6.13.1 Costs - Evaluate fiscal impacts to the City and affected community, and consider which costs the applicant should bear.

6.13.2 Precedent - Determine whether an action to rename a street might establish a desirable or undesirable precedent.

6.14 Parks facilities

6.14.1 The Park Naming Committee of the Houston Parks and Recreation Department (HPARD) has the authority to review proposals from community organizations to name new parks, buildings and other facilities, or when appropriate, to review proposals from community organizations to change the names of existing parks, buildings and facilities within the Department's inventory. If there is a deed restriction or the given name is of special historical or geographic significance, the property is not eligible for renaming. The Park Naming Committee will forward proposals, which meet the criteria outlined in Parks and Recreation Department's Policy 10.10.4 (Attachment A), to Houston City Council and Mayor for Approval. See Attachment A for process required.

6.15 Library Facilities

6.15.1 The Houston Public Library Board has the authority to review proposals from the community to name new, relocated or significantly remodeled library buildings, or when appropriate, to review proposals for the renaming of existing facilities. In all cases, neighborhood designation is given priority. Libraries that are named or renamed to recognize a donor or to honor or memorialize an individual will continue to carry the neighborhood name along with the name of the party being recognized. On all signage and documentation, the neighborhood name will be listed first, followed by the honoree's name. The Houston Public Library Board will review proposals, which meet the criteria, consult with the district Council Member, and forward proposals to Houston City Council and Mayor for approval. See Attachment B for process required.

6.16 Street renaming – Per Chapter 41 and 42 of the Code of Ordinances – see Attachment C for process required.

ATTACHMENT(S)

CITY OF HOUSTON

PARKS AND RECREATION DEPARTMENT

Policy and Procedure Directive

TITLE POLICY FOR NAMING OF PARK PROPERTY

POLICY NUMBER
1010.4

1. **Summary:** The purpose of this policy is to establish a uniform procedure for the naming or renaming of park property.

2. **Scope:** The Park Naming Committee of the Houston Parks and Recreation Department (HPARD) has the authority to review proposals from community organizations to name new parks, buildings and other facilities, or when appropriate, to review proposals from community organizations to change the names of existing parks, buildings and facilities within the Department's inventory. If there is a deed restriction or the given name is of special historical or geographical significance, the property is not eligible for renaming. The Park Naming Committee will forward proposals meeting the criteria outlined below to Houston City Council and Mayor for approval. The Park Naming Committee is composed of the following members:

- Director, Houston Parks and Recreation Department
- Chairman, Houston City Council Neighborhood Protection and Quality of Life Committee
- Executive Director, Houston Parks Board, Inc.
- President, Houston Parks Board, Inc.
- Executive Director, The Park People
- President, The Park People
- One Park Advisory Council President selected from all PACs and rotated annually (*not eligible to vote on a park renaming if affiliated with the site that is being considered*)
- The Council Member representing the District where the park is located
- A representative from the Super neighborhood where the park is located.

This policy does not apply to park facilities of fair market value less than \$50,000. Those facilities of fair market value less than \$50,000 are named at the discretion of the HPARD Director.

3. General Criteria

The criteria set forth herein shall have no bearing on the present names of parks and recreation facilities.

- a. Park property may be named after streets, geographical locations, historical figures, events, concepts, or local, state or national leaders. Park property may also be named for an individual or group where major donations of land, funds or other exceptional contributions toward the development, maintenance and/or operation of a park or facility have been made by the nominated individual or group.

APPROVAL



ISSUE DATE

11-01-03

329

EFFECTIVE

11-01-03

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- (1) Exceptional contributions include the following:
 - (a) The park site or facility is donated; or
 - (b) An amount of money equal to the fair market value of the land or facility is donated, or
 - (c) An amount of money that would provide for 50% or more of the cost to develop the park or facility is donated, or
 - (d) Total donations made over a period of time equal the percentage values required in (a), (b), and (c) above. Only one park site and one facility shall be named for any individual or group or;
 - (e) Direct, significant, and lifelong services for the betterment of the community and the park system, e.g.:
 - (i) Sustained, continuous public services over a period of 25 years or two-thirds of the person's life span.
 - (ii) Programs and projects must be described in very specific, quantifiable terms, e.g. dates, places, times, people, amounts, costs, etc.
 - (iii) Impact statements must show how services rendered directly impacted the lives of over 50,000 citizens, e.g. (a) a healthy start in life, (b) learning marketable skills, (c) enhanced relationships, (d) decreasing gang violence, (e) building stronger schools, homes and churches, (f) protecting the environment, (g) reducing crime, (h) providing a safe place with structured activities during after school and non-school hours, and (i) contributions to the arts.
 - (iv) Must have established a positive relationship and rapport with the community at large and HPARD.
 - (f) Consideration may be given to an individual or group who has brought national or international prominence and historical significance to the City as a result of a major accomplishment or achievement.
 - (g) Consideration will also be given to an individual or group who donated funds to operate and maintain the park or facility for a period of 20 years or more.

Parks and Recreation Department

- (2) A park, recreation center, or other park facility shall not be named after or in honor of any individual, unless such individual has attained 70 years of age or has been deceased at least 18 months, or such naming is a condition of a gift or grant accepted by the City.
- (3) In the case of parks where only geographic, conceptual or other generic names exist or have been proposed, and when such names are not of special historical or geographical significance to the neighborhood; nominations may be made to name a park or park facility for a local or community leader:
 - (a) Who has been deceased at least 18 months or is 70 years of age or older (the application will not be considered by staff until the proposed honoree has been deceased for a period of six months, or no sooner than six months prior to his/her 70th birthday); or
 - (b) Who has made exceptional contributions to the Houston park system and/or the community as defined in (1) (e).
- (4) Nominations may be made to name neighborhood, community or regional parks for an individual who is a known state or national leader:
 - (a) Who has been deceased at least 18 months or is 70 years of age or older (the application will not be considered by staff until the proposed honoree has been deceased for a period of six months, or no sooner than six months prior to his/her 70th birthday) or,
 - (b) Who has made exceptional contributions to the Houston park system and/or community as defined in number (1) (e).
 - (c) The request represents a consensus of the neighborhood as addressed in section 4 of the Procedure for Naming or Renaming Park Property.
- (5) When park property is named for an individual, this action in no way gives the individual or family members naming rights over other features on the property. Features within the facility or on the property will remain eligible for naming without the consent of the individual or family members for which the property is currently named. This matter will be clearly outlined in the written agreement at the time of the naming.
- (6) Nominations will be accepted and considered only when received from community-based organizations which have been in existence a minimum of three years, e.g. advisory councils, neighborhood associations, youth service agencies, churches, etc. The nominating organization will be required to provide information about its history. A formal vote of the organization's executive board must be taken, and the honoree or family of the honoree must agree with the proposed recognition.

- (7) Nominations will not be accepted from any individual person including elected officials. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift as outlined in number (1) (a) through (d).
- (8) The sponsoring group shall make a commitment to assist HPARD three to six months in advance of the official name change dedication ceremony, in the following manner:
- (a) If contributing funds, the funds will cover all costs by HPARD to implement the name changing; e.g. fabrication and installation of signs or additional enhancements to the facility, or,
 - (b) If providing volunteer services, the services will be provided to demonstrate commitment to the park system, e.g. installation and maintenance of landscaping or on-going maintenance.
 - (c) There must be a written agreement outlining the terms of the name change as identified by HPARD. Staff will monitor the hours and specific improvements prior to the name change.
- (9) Requests will not be considered when submitted by an individual or a group for self-nomination. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift as outlined in number (1) (a) through (d).
- (10) The Department will not consider a naming or renaming request if any of the following conditions are present:
- (a) Duplicates the name of another park or park feature;
 - (b) Endorses or advocates religion or a specific religious belief;
 - (c) Has obscene connotations; or
 - (d) Demeans, intimidates or maliciously portrays any racial and ethnic group;
 - (e) The individual for whom the park or park feature is proposed to be named has been found guilty of a felony crime.
- (11) Policy Exception: Special facilities managed by contracts or supported by other entities are exempt from this policy upon request, in writing, to the Director of the Houston Park and Recreation Department. Those facilities may establish specific guidelines for naming and renaming using this policy as their framework. The guidelines must be approved by the Park Naming Committee.

- (12) When new park property is proposed, acquired or constructed, the property may be given a temporary, unofficial name until a formal petition is submitted by a community based group on the basis of the criteria and procedures outlined in this policy. The temporary name will be designated by HPARD for the purpose of administration and accounting.

4. Procedure for Naming or Renaming Park Property

- a. Citizens desiring to request a name change must contact the Director of the Houston Parks and Recreation Department in writing to request a copy of this policy and to request research on the history of the name of the property, e.g. historical data such as minutes documenting the official or initial naming, deed restrictions, historical designations, etc.
- b. If there are no restrictions on the park to prohibit a name change and the requestor determines that the proposed name change meets the criteria outlined in this policy, a written, community-based request shall be submitted to the Director, Houston Parks and Recreation Department, 2999 S. Wayside Dr., Houston, Texas 77023 or its then current address. The request should include the following information:
 - (1) State the reasons for the proposed name change;
 - (2) Show community support for the proposed name change;
 - (3) The number of signatures required as follows unless population density is less than the number stated. Signatures must include the name, age (must be 18 or older), address, zip code and telephone number of each signer as proof of residency.
 - (a) Neighborhood and pocket parks will require 300 signatures with zip codes within a 2-mile radius of the park;
 - (b) Community parks will require 600 signatures with zip codes;
 - (c) Regional, Metro and Linear parks will require 1,000 signatures with zip codes.
- c. The Director and/or designated staff will review the petition in accordance with the nomination criteria as set forth in this policy. If the petition does not meet the policy criteria, the matter will be referred back to the nominator stating the reason for the rejection.

- d. If the name change request meets the criteria as outlined in this document, the Director will arrange a meeting, teleconference or electronic mail notification with the Park Naming Committee to vote on the acceptance or rejection of the new name. A two-thirds affirmative vote of the full committee is required to proceed with approval of the naming.
- e. If the Park Naming Committee approves the name change, **the nominator is responsible for the cost of producing and installing a sign** to solicit public comment from property owners and residents in the area. The sign(s) will remain in place for a minimum of 45 days or longer if HPARD deems it necessary. The sign will solicit comments, written and/or verbal, relative to the proposed name change through the posting of the HPARD mailing address and a phone number.
- f. At the end of the 45-day period, staff will collect all information received from property owners and residents in the area. The Naming Committee will evaluate public comments received by HPARD and make a recommendation to the Director for or against the name change.
- g. If the Park Naming Committee determines that public comments indicate property owners and residents in the area approve the name change, the Director of the Houston Parks and Recreation Department will request final approval from the Mayor and City Council via Request for Council Action (RCA). The RCA will include pertinent background information on the park or facility. HPARD staff will notify the requestor in writing of the final outcome of Council action.

5. Maintenance Responsibility: The Office of Development of the Director's Office of the Houston Parks and Recreation Department is responsible for maintaining this policy.

6. Policy Review Cycle: This policy shall be reviewed not less than biennially.

Houston Library Board Policy on Naming Library Buildings

The following outlines the Houston Public Library's policy and procedure for the naming of library buildings.

POLICY

The purpose of this policy is to enable the Library Board to periodically recognize donors who have made significant gifts to the Library, to honor community leaders for significant contributions to the Houston community, or to honor or memorialize individuals whose contributions to society the Library Board believes are consistent with the nature and mission of the Library.

I. Naming Library Buildings

Library buildings that are new, relocated or significantly remodeled will be considered for naming or renaming by the Library Board.

The Board will honor a donor who wishes to have a library building named for them as recognition for a significant gift to the Library. The donor must contribute **50%** of the total cost of building construction or purchase of land, or in the case of significant remodeling, must contribute **50%** of the total cost of remodeling, to have a library building named or renamed in their honor. With such a contribution, the donor will have the right to have the library building named for them for a period of twenty-five (25) years. At any time after the end of this period, the Library Board reserves the right to consider renaming proposals from other donors. Before accepting a renaming proposal from another donor, the Library Board will give the initial donor the right to submit a competing proposal to continue to have the building named after the initial donor, but the Library Board shall have the right in its sole discretion to determine which proposal to accept. These rights extend only toward the library building. The Library Board reserves the right to name interior sections of the building, i.e. conference rooms, auditoriums, etc. for other donors. This gift may be paid up front or over a period of time on terms to be agreed upon by the donor and the Library Board. For all instances in which a library facility is named in recognition of a donor, a legal agreement between the donor and the Library will be drafted outlining the details of the naming agreement and must be signed by both parties. City Council approval is required for any naming or renaming of library buildings.

With the naming of libraries, neighborhood designation is given priority. Libraries that are named or renamed to recognize a donor or to honor or memorialize an individual will continue to carry the neighborhood name along with the name of the party being recognized. On all signage and documentation, the neighborhood name will be listed first followed by the donor's name.

Naming contributions may be accepted for libraries that are a part of the library's tax-supported construction schedule. When a donor wishes a building, space or facility to bear a desired name and tax dollars are available to fund the project, the donor may receive naming recognition based on the above criteria.

The Library Board will consider requests [from Mayor and City Council] for naming or renaming of library facilities to honor community leaders who have made significant contributions to the Houston Public Library system. These requests will be considered on a case-by-case basis taking the following details into consideration: service to neighborhood served by library, representative Council Member support and/or endorsement of naming, contributions to Houston community, and recommendations from community and business leaders.

II. Donor Recognition – Library Buildings

Following Library Board and City Council approval of a selected name, the Library will install appropriate signage to recognize the donor.

The Library will refer to the facility by the newly designated name in all library printed and electronic materials and signage.

III. Conditions of Acceptance

A standard legal agreement between the donor and the Library Board containing terms and conditions (including the conditions under which the naming recognition may be lost) must be reviewed and signed by both parties. The naming agreement will outline the amount of the gift, period of naming recognition, and any other information pertinent to the situation.

The Library Board, following the City of Houston's mandate, must decline donor naming proposals from political and religious organizations. The Library Board also reserves the right to decline any other naming proposals in the sole discretion of the Library Board. Decisions on naming of Library facilities and spaces will be recommended by the Library Board and approved by City Council.

IV. Procedure

The following is the procedure for submitting and considering the naming of Library buildings.

1. The proposed naming is submitted to the Library Director. The Director presents the request to the Library Board Executive Committee. After consideration by the Library Board Executive Committee, the Library Board considers the recommendation.

2. The Library Board consults with the relevant district Houston City Council member as proper protocol. The council member advises the Library Board.
3. A legal agreement outlining the terms of the naming agreement between the donor and the Library Board is reviewed and signed by both parties. The agreement is then brought before City Council for final approval.
4. The library building is named or renamed, and appropriate signage is installed at the library facility.

VII. General

The Library Board may make exceptions to the foregoing policies on a case-by-case basis upon a determination by at least two-thirds of the members of the Library Board that the exception is in the best interest of the Library.

The effective date of this policy is _____. If there are library buildings whose names on such date are not consistent with this policy, this policy does not require that such names be changed or any other action be taken to make them consistent.

Chapter 41

SUBDIVISIONS—GENERALLY*

Art. I.	In General, §§ 41-1—41-33
Art. II.	Naming Private Streets, §§ 41-34—41-49
Art. III.	Regulation of Towers, §§ 41-50—41-67

ARTICLE I. IN GENERAL

Sec. 41-1. Other provisions.

To the extent of any conflict between any of the terms and provisions of this chapter and any of the terms and provisions of chapter 42 of this Code, the terms and provisions of chapter 42 shall control.

Sec. 41-2. "Private street" defined.

(a) For the purposes of this chapter, the term "private street" shall mean and include any area, parcel, or strip of land whether or not the same is depicted or shown as such on any plan, map, or drawing, and which is not a duly dedicated and established public street of and in the city, which provides access from any public street in the city to any building or buildings designed or appropriate for occupancy by four (4) or more families, or for occupancy or use by two (2) or more businesses, industrial or commercial establishments, or for occupancy and use by one or more industrial, commercial or business establishments and two (2) or more families, and to which buildings there is no other access from such public street than over the area, strip, or parcel of land in question.

(b) The term "private street," as used in this chapter, shall also include any area, strip, or parcel of land whether or not the same is depicted or shown as such on any map, plan, or plat, which provides a connection between any two (2) public streets in the city, and which the general public is permitted to use for the purpose of traveling from one of such public streets to the other. Under this

definition, the public shall be considered as being permitted to so use such area, strip, or parcel of land if in fact it does so and its use is not obstructed by gates, chains, or watchmen. The mere facts that there may be posted signs prohibiting such use by the public shall not suffice to keep the area from being considered a private street under the terms of this chapter if in fact the owner thereof does not take and continue to take sufficient steps to actually prevent such use.

(c) Notwithstanding the foregoing definitions, the following shall not be considered "private streets" within the purview of this chapter:

- (1) Any driveway designed principally to provide access to the outbuildings appurtenant to any principal building, or to provide access to delivery platforms or the entrances of a building appropriate for the delivery thereto of goods or merchandise.
- (2) An area appurtenant to a store or a group of stores, a theater, a church or any similar establishment, designed primarily to be used as a parking space by customers or patrons of the establishment or group of establishments in question.
- (3) An entranceway or roadway designed to provide entrance to or communication or passage between the several units of a single industrial establishment or of a group of such establishments which are under common control or management; provided such industrial entranceway or roadway shall be considered a private street under the terms of this chapter if it

*Cross references—Buildings, Ch. 10; flood-prone areas, Ch. 19; piers in or adjacent to unapproved subdivisions at Lake Houston, § 23-35; permit for private street work in subdivisions in advance of plat approval, § 40-67 (see also § 40-70); manufactured homes and recreational vehicles, Ch. 29; planning and development generally, Ch. 33; piers prohibited in unapproved subdivisions, § 23-35; subdivisions security organizations, § 34-151 et seq.; installation of street lights at expense of property owner, § 40-3.

has entrances upon two (2) or more public streets, unless there are, at each of such entrances, gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct or such industrial plants or establishments in question.

(Code 1968, § 42-1)

Secs. 41-3—41-7. Reserved.

Editor's note—Ord. No. 99-262, § 7, adopted March 24, 1999, repealed §§ 41-3—41-7 in their entirety. Formerly, said sections pertained to direction of planning commission; compliance with rules; filing fees; withholding city improvements until platting approved; compliance prerequisite to city work on streets. See the Code Comparative Table.

Sec. 41-8. Compliance with chapter prerequisite to issuance of building permits and sewer and water connections.

In every instance in which application is made to the building official for a building permit for the construction of any building to which there does not appear to be reasonable access to a public street of the city except over a private street, he shall refuse the building permit until it is established to his satisfaction that the area or development in question is not subject to the provisions of this chapter or until he is furnished satisfactory proof that the provisions of this chapter have been complied with. Similarly, no permit shall be granted by him for any sewer installation or the connection of any sewers to any of the city's sanitary sewer lines or to lines discharging into any of the city's sanitary sewer lines, where it appears that the area or development is subject to the terms of this chapter, until he is satisfied that the provisions hereof have been complied with. Likewise the city's water division will permit no connection to the city's water lines for service to any improvements within any area or development which is subject to the terms of this chapter, until the provisions hereof have been complied with.

(Code 1968, § 42-7; Ord. No. 90-635, § 127, 5-23-90)

Secs. 41-9, 41-10. Reserved.

Editor's note—Ord. No. 94-1154, § 5, repealed former §§ 41-9 and 41-10, which pertained to the city as party to suit to enjoin or abate recorded restricts affecting subdivisions and limitations on the same, respectively.

Sec. 41-11. Notice of deed restrictions upon conveyance of property.

(a) In this section the following words and terms shall have the meanings herein ascribed:

- (1) *Deed restrictions* shall have the meaning ascribed to the word "restriction" in Section 230.002 of the Local Government Code, as amended, provided that it shall not be deemed to include any restrictions that by their express provisions have terminated or any provisions contained within any restrictions to the extent and only to the extent that the provisions restrict the sale, rental, or use of property on the basis of race, color, religion, sex or national origin.
- (2) *Sale or conveyance* means any transfer of any lot, tract or parcel of real property subject to deed restrictions that is situated in whole or in part within the corporate limits of the city, except:
 - a. A conveyance by trustee's or substitute trustee's deed to the lienholder pursuant to a foreclosure sale;
 - b. A conveyance by deed to the lienholder in full or partial satisfaction of a debt secured by the property conveyed;
 - c. A deed of trust conveyed to secure a lien;
 - d. An auction sale conducted by a public official pursuant to an order of a court of competent jurisdiction; or
 - e. A conveyance in which the purchaser is a governmental entity.

Without limitation, the term shall include an executory contract of purchase and sale having a performance period of more than six months.

- (3) *Purchaser* shall mean each person who constitutes a grantee, purchaser, buyer, or transferee in a sale or conveyance, regardless of the amount or nature of the consideration received.
- (4) *Seller* shall mean each person who constitutes a seller, grantor or transferor in a

sale or conveyance, regardless of the amount or nature of the consideration received.

(b) It shall be the duty of each seller to ensure that each buyer receives, in connection with each sale or conveyance, notice issued in accordance with the terms of this section in the form of Exhibit A to Ordinance No. 89-1312 which exhibit is incorporated herein by reference. The following procedure shall be followed in the giving and recording of the notice:

- (1) The notice shall be given to each purchaser at the final closing of the sale and purchase; provided, however, seller may provide the notice prior to closing;
- (2) Each seller and each purchaser shall sign and acknowledge the notice; and
- (3) Following the execution, acknowledgment and closing of the sale and purchase, the notice shall be recorded in the real property records of the county in which the property is located.

(c) The failure of any seller to comply with this section shall constitute a misdemeanor punishable upon conviction by a fine of not more than \$500.00. Each person who constitutes a seller shall be criminally responsible and each sale or conveyance for which the seller has failed to comply with this section shall constitute a separate offense.

(Ord. No. 89-1312, § 2, 9-20-89)

Secs. 41-12—41-33. Reserved.

ARTICLE II. NAMING PRIVATE STREETS

Sec. 41-34. Approval by planning commission.

In those instances where subdivision plats or any other type of plat required to be submitted to and approved by the planning commission which may contain private streets, as that term is defined in section 41-1 of this Code, the planning commission is hereby authorized to approve the designation of street names upon private streets contained on such plats. Nothing herein shall be

construed to mean, however, that names shall be designated or required to be designated on such private streets by the planning commission. The naming of such private streets shall be in conformance with the duly adopted rules and policies of the planning commission pertaining to the naming of public streets and subject to such additional rules and standards as provided for herein.

(Code 1968, § 42-24; Ord. No. 77-652, § 1, 3-29-77; Ord. No. 95-104, § 1, 1-25-95)

Sec. 41-35. Approval by the city council.

(a) In those instances where the owners of property containing existing private streets desire to establish an official name for such existing private street or streets which are located within the confines of said property, such owners may submit a written petition to the director of the planning and development department requesting the city council to officially adopt an ordinance establishing such name on the subject private street or streets. Such written petitions shall be signed by not less than a majority (51 percent) of the property owners along the subject private street concurring in the proposed name to be established for such private street and shall be accompanied by:

- (1) A current title report, statement or opinion, title policy or certificate or letter from a title guaranty company or a licensed attorney certifying that the owners listed on the subject petition are in fact all the current owners of record having a legal interest in said private street (lienholders excluded) and represent not less than a majority (51 percent) of the property owners along the subject private street;
- (2) A written metes and bounds description of the property occupied by such private street; and
- (3) A boundary survey map of the property occupied by such private street, said survey map showing all engineering and survey data prepared by an engineer or surveyor and sufficient to accurately locate said private street on the ground. Such survey map must also be prepared in

conformance with the official survey system as provided for in division 2 of article III of chapter 33 of this Code.

(b) The director of the planning and development department shall review all such petitions and forward his written recommendations to the mayor and city council for their approval. The director of the planning and development department shall also maintain a permanent record of all such petitions and upon final passage of an appropriate ordinance by city council approving and establishing a name for a private street, such name shall be entered into all appropriate records of the city. No private street name shall be approved or established for an existing private street by action of the city council unless such name is in conformance with the duly adopted rules and policies of the planning commission pertaining to the naming of public streets and subject to such other additional rules and standards as provided for herein.

(Code 1968, § 42-25; Ord. No. 77-652, § 1, 3-29-77)

Sec. 41-36. Changes of existing private street names.

No private street name duly established under the terms and conditions of this article shall be changed, whether established by plat approved by the planning commission or by action of the city council, unless such change is approved by a majority (51 percent) of the property owners adjacent to such private street (lienholders excluded). The city council or the planning commission may approve a change in the name of any duly established private street if such change is in conformance with the provisions of this article.

(Code 1968, § 42-26; Ord. No. 77-652, § 1, 3-29-77)

Secs. 41-37, 41-38. Reserved.

Editor's note—Ord. No. 99-262, § 7, adopted March 24, 1999, repealed §§ 41-37, 41-38, in their entirety. Formerly, said sections pertained to private street naming standards; installation and maintenance of private street marker. See the Code Comparative Table.

Secs. 41-39—41-49. Reserved.

ARTICLE III. REGULATION OF TOWERS

Sec. 41-50. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed below, unless the context of their usage clearly indicates another meaning:

Alteration means any modification, replacement, or reconstruction that increases the height or materially increases the dimension of a tower structure.

Chapter 42

SUBDIVISIONS, DEVELOPMENTS AND PLATTING*

Art. I.	In General, §§ 42-1—42-19
Art. II.	Requirements and Procedures, §§ 42-20—42-99
	Div. 1. Platting Requirements, §§ 42-20—42-39
	Div. 2. Application Requirements, §§ 42-40—42-69
	Div. 3. Review Procedures, § 42-70—42-99
Art. III.	Planning Standards, §§ 42-100—42-249
	Div. 1. General, §§ 42-100—42-119
	Div. 2. Streets, §§ 42-120—42-149
	Div. 3. Building Lines, §§ 42-150—42-179
	Div. 4. Lots and Reserves, §§ 42-180—42-209
	Div. 5. Easements, §§ 42-210—42-229
	Div. 6. Multi-family Residential Developments, §§ 42-230—42-249

***Editor's note**—Section 2 of Ord. No. 99-262, enacted March 24, 1999, amended Ch. 42 to read as herein set forth. Prior to amendment by Ord. No. 99-262, Ch. 42 pertained to similar subject matter and derived from Ord. No. 85-1878 enacted 10-23-85.

Editor's note—Section 10 of Ord. No. 99-262 adopted March 24, 1999, states: That each of the following shall be processed and considered by the director of the planning and development department or the planning commission, as appropriate, pursuant to the provisions of chapter 42, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this chapter, and the former provisions of chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat or development plat that is filed with the department of planning and development prior to the effective date of this chapter;
2. Any final plat and subsequent recorded plat that are based on a preliminary plat approved by the planning commission prior to the effective date of this chapter;
3. Any plat to be recorded based on a final plat approved by the planning commission prior to the effective date of this chapter; or
4. For a period of 90 days following the effective date of this chapter, any application for a subdivision plat or development plat whose applicant satisfactorily demonstrates to the director of the planning and development department that the development plat or subdivision plat reflects a project for which design or engineering work resulting in the application had commenced and was in process prior to the effective date of this chapter. The director of the planning and development department, with the advice of the city attorney, is hereby authorized to promulgate a form upon which an applicant can utilize the provisions of this paragraph.

Notwithstanding the foregoing, an applicant may withdraw any complete application for the approval of a subdivision plat or a development plat that has not been approved by the director of the planning and development department or the planning commission, as appropriate, before the effective date of this chapter and may resubmit the application after the effective date of this chapter without the requirement of paying any additional application fee. An applicant may withdraw any general plan, subdivision plat or development plat that would be subject to the provisions of this section at any time and submit a new application for a general plan, subdivision plat or development plat after the effective date of this chapter.

With respect to a subdivision plat, the applicability of the former provisions of chapter 42 as authorized by this section shall continue until the earlier of the recordation of the subdivision plat for which the application was made or four years after the effective date of this chapter. With respect to a development plat, the applicability of the former provisions of chapter 42 as authorized by this section shall continue until the earlier of the issuance of the last building permit required for the project or two years after the effective date of this chapter if no building permit is issued within the two-year period.

Cross references—Buildings, Ch. 10; flood hazard areas, Ch. 19; planning and development, Ch. 33; streets and sidewalks, Ch. 40; subdivisions generally, Ch. 41.

ARTICLE I. IN GENERAL

Sec. 42-1. Definitions.

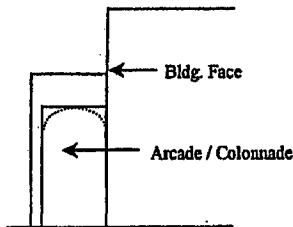
As used in this chapter, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Alley shall mean a public or private right-of-way that is not used primarily for through traffic and that provides vehicular access to rear entrances to buildings or properties that front on an adjacent street.

Amending plat shall mean an amending subdivision plat prepared and approved under the applicable provisions of chapter 212 and this chapter.

Applicant shall mean the owner of property or the owner's authorized agent who applies for a subdivision plat, development plat, general plan or street dedication plat pursuant to this chapter.

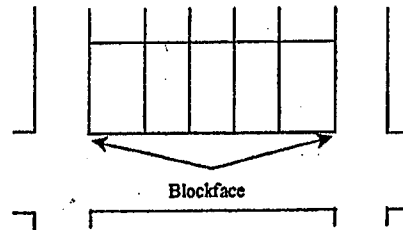
Arcade/colonnade shall mean a series of arches or columns with a roof attached to the face of a building creating an unenclosed covered pedestrian space.



Arcade/colonnade

Block shall mean one or more lots, tracts or parcels of land bounded by streets, easements, rights-of-way or other physical features or a combination thereof.

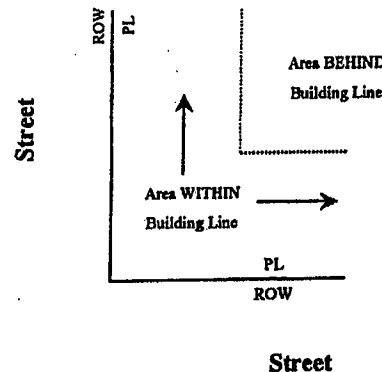
Blockface shall mean that portion of a block that abuts a street between two intersecting streets.



Blockface

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Building line shall mean the line shown on a subdivision plat or development plat establishing the building line requirement. An area is within the building line if it lies between the building line and the property line adjacent to a street or private street and is behind the building line if it lies to the interior of the property from the building line.



Building line

Building line requirement shall mean the minimum required distance from an easement or a property line adjacent to a street or private street in which no improvements requiring a building permit can be constructed on the property.

Building permit shall mean an official document or certificate issued by the building official authorizing performance of a specified activity under the Construction Code.

Central business district shall mean the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a

northwesterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Chapter 212 shall mean Chapter 212 of the Texas Local Government Code, as it may be amended from time to time.

Class I plat shall mean a subdivision plat that meets the applicable requirements of section 42-23 of this Code.

Class II plat shall mean a subdivision plat that meets the applicable requirements of section 42-23 of this Code.

Class III plat shall mean a subdivision plat that is not a Class I plat or a Class II plat.

Collector street shall mean a public street that is not a major thoroughfare or a local street, but that distributes traffic between major thoroughfares and other streets.

Commission shall mean the planning commission of the city.

Compensating open space shall mean one or more areas designated as common open space on a subdivision plat or a development plat that are used to reduce the minimum lot size requirements pursuant to the provisions of article III of this chapter.

Courtyard shall mean a space, open and unobstructed to the sky, located at or above grade level on a lot or parcel and bounded on two or more sides by walls of a building.

Cul-de-sac shall mean a street with only one outlet that terminates in a vehicular turnaround appropriate for the safe and convenient reversal of traffic movement.

Department shall mean the department of planning and development of the city.

Design manual shall mean the department of public works and engineering design manual for

wastewater collection systems, water lines, storm drainage and street paving, as it may be amended from time to time.*

Develop/development shall mean any activity for which a development plat is required by this chapter.

Development plat shall mean a site plan prepared and approved pursuant to section 42-22 of this Code.

Director shall mean the director of the department or the director's designees.

Dwelling unit shall mean a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.

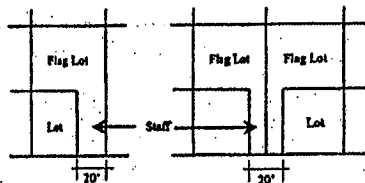
Extraterritorial jurisdiction shall mean the unincorporated territory extending beyond the corporate boundaries of the city established pursuant to chapter 42 of the Texas Local Government Code, as may be amended from time to time.

Filing date shall mean the date on which a subdivision plat is formally presented to the commission for its consideration as part of the commission's official meeting agenda, which shall be considered as the initial date of the statutory 30-day time period in which the commission is required to act upon a subdivision plat submitted to it under the provisions of chapter 212.

Final plat shall mean a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate county map, plat or real property records and prepared in conformity with the requirements of article II of this chapter.

**Editor's note*—Section 4 of Ord. No. 99-262, adopted March 24, 1999, states: That the design manual for wastewater collection systems, water lines, storm drainage and street paving (the "design manual") attached to and made a part of this Ordinance as Exhibit "A". Exhibit A is not set out in this chapter. Exhibit A is hereby approved and authorized as a regulation of the department of public works and engineering. The city engineer is hereby authorized to promulgate regulations amending the design manual from time to time as the city engineer deems appropriate.

Flag lot shall mean a lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement or other parcel of land referred to as the "staff" of the flag lot.



Flag lot

Frontage shall mean that portion of any lot or tract that abuts a street. A lot or tract abutting more than one street shall have frontage on only one street, which shall be deemed to be the side of the lot or tract with the shortest dimension unless otherwise indicated on the subdivision plat or development plat.

General plan shall mean a map illustrating the general design features and street layout of a proposed development of land that is to be subdivided and platted in sections.

Local street shall mean a type 1 permanent access easement and a public street that is not a major thoroughfare or collector street.

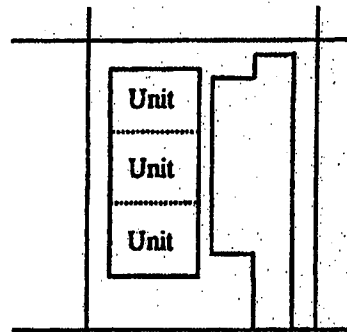
Lot shall mean: (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; or (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development.

Major thoroughfare shall mean a public street designated as a principal thoroughfare or thoroughfare on the latest edition of the major thoroughfare and freeway plan.

Major thoroughfare and freeway plan shall mean the latest edition of the major thoroughfare and freeway plan adopted by the commission and approved by the city council.

Multi-family residential shall mean the use of property with one or more buildings on a parcel designed for and containing an aggregate of three

or more dwelling units. Multi-family residential includes apartments, condominiums, boarding-houses, triplexes and quadriplexes.



Multi-family residential

Nonresidential shall mean any use that is not multi-family residential or single-family residential.

Off-street parking shall mean vehicular parking that is provided in a location other than in a public right-of-way.

Open space amenities plan shall mean a plan submitted as part of a subdivision plat application that specifies how each area not otherwise eligible to be used as compensating open space will be improved and maintained with amenities such as parks, nature trails, picnic areas or other similar facilities that render the compensating open space accessible to and useable by the owners of lots in the subdivision.

Parcel shall mean any quantity of land capable of being described with such definiteness that its location and boundaries can be established that is designated by its owner as land to be used or developed as a unit or that has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit.

Permanent access easement shall mean a privately maintained and owned street easement approved by the commission that provides for vehicular access to three or more single-family residential units and which shall be either a Type

1 permanent access easement or a Type 2 permanent access easement, each of which is defined in this section.

Permeable shall mean a surface that allows water to pass through it and penetrate into the ground.

Preliminary plat shall mean a map or drawing of a proposed subdivision that illustrates the proposed layout and features of the subdivision submitted to the commission for review and approval, but not suitable for recording in the county map, plat or real property records.

Private drive shall mean a privately owned way used for vehicular travel that is not a street or private street and that provides an unobstructed connection between one or more streets or private streets or to any portion of a parking lot, shopping center, institution, commercial area or industrial development. A private drive may provide for access by the general public, but the owner of the private drive shall maintain the right to restrict public access to the private drive.

Private street shall mean a privately maintained and owned vehicular accessway that provides access from a public street to one or more multi-family residential buildings.

Public street shall mean a public right-of-way, however designated, dedicated or acquired, that provides access to adjacent property.

Recorded map return agreement shall mean a written agreement authorizing the county clerk of the county in which a subdivision plat is filed to return the original recorded subdivision plat to the department.

Remainder tract shall mean the undivided acreage tract that remains when a portion of a tract that is comprised of all contiguous land under common ownership is subdivided pursuant to a subdivision plat.

Replat shall mean a subdivision plat prepared and approved under the applicable provisions of chapter 212 and this chapter.

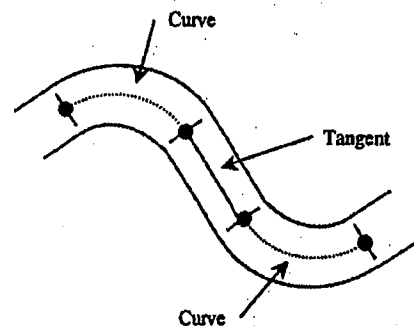
Reserve tract shall mean a parcel of land that is not a lot, but is created within a subdivision plat for other than single-family residential use and is

established to accommodate some purpose for which a division into lots is not suitable or appropriate.

Residential shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential.

Retail commercial center shall mean a group of commercial establishments contained or to be contained in a building or buildings encompassing a total building area of not more than 100,000 square feet developed as an integrated unit under common ownership or operating as an integrated unit under reciprocal agreements governing all external, nonbuilding space.

Reverse curve shall mean a curve composed of two curves turning in opposite directions.



Reverse curve

Shared driveway shall mean: a private way that (1) is not an extension of any street or private street; (2) has a length not greater than 200 feet from its intersection with the right-of-way of a public street; and (3) provides access to two or more single-family residential lots through appropriate cross-access easements.

Single-family residential shall mean the use of a lot with one building designed for and contain-

ing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be single-family residential.

Special exception shall mean a commission-approved adjustment to a requirement of article III of this chapter that is issued under section 42-82 of this Code.

Street shall mean a public street or a permanent access easement.

Street dedication plat shall mean a plat that illustrates only the location and right-of-way of one or more public streets to be dedicated by the street dedication plat.

Street width exception area shall mean an area so designated by or pursuant to section 42-123 of this Code.

Subdivide shall mean the act or process of creating a subdivision.

Subdivision shall mean the division of a tract of land, including a lot, into two or more parts to lay out a subdivision of the tract, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts, regardless of whether the division is made by a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey or by using any other method. A subdivision does not include a division of land into parts greater than five acres, where each part has access to a public street and no public improvement is required to be dedicated. A subdivision includes a replat.

Subdivision plat shall mean (1) a map or plan prepared and approved pursuant to the applicable provisions of division II of this chapter show-

ing the proposed subdivision of land or (2) an instrument recorded in the map, plat or real property records of the appropriate county showing the previous subdivision of property. A subdivision plat includes a replat, an amending plat and a vacating plat.

Suburban area shall mean an area of the city or its extraterritorial jurisdiction that is not an urban area.

Title report shall mean a current report, commitment, opinion or title policy that: (1) is prepared and executed by a title company authorized and in good standing to do business in the State of Texas or by an attorney licensed in the State of Texas; (2) provides a legal description of the property proposed to be subdivided or developed; (3) identifies the owner and lienholder of the property subject to the subdivision plat or development plat and the recording information of each instrument by which each owner or lienholder acquired its respective interest; and (4) describes all encumbrances of record that affect the property and the recording information of each instrument by which each encumbrance was established. A title report shall be current if it certifies that the records were examined not more than 30 days from the date of the application to which it applies. For purposes of a replat, a title report shall also include information regarding any deed restrictions applicable to the property or reflect that no deed restrictions apply.

Tract shall mean a parcel.

Type 1 permanent access easement shall mean a permanent access easement at least 50 feet in width that is designed and constructed like a public street in accordance with the design manual and contains one or more public utilities in an unpaved portion of the easement.

Type 2 permanent access easement shall mean a permanent access easement at least 28 feet in width that is designed and constructed like a private street serving a development that has no public utilities other than a public water line connected only to one or more fire hydrants that provides no domestic water services.

Urban area shall mean the area included within and bounded by Interstate Highway 610 and any

other area within the city so designated by the city council pursuant to section 42-101 of this Code.

Utility district shall mean a conservation and reclamation district organized under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, the creation or enlargement of which requires the consent of the city.

Vacating plat shall mean a vacating plat prepared and approved under the applicable provisions of chapter 212.

Variance shall mean a commission-approved deviation from the requirements of this chapter issued under section 42-81 of this Code.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 1, 9-27-00; Ord. No. 02-399, § 87, 5-15-02)

Sec. 42-2. Scope.

This chapter shall apply to all development and subdivision of land within the city and its extraterritorial jurisdiction. This chapter estab-

lishes the general rules and regulations governing plats, subdivisions and development of land within the city and its extraterritorial jurisdiction to promote the health, safety, morals and general welfare of the city and the safe, orderly and healthful development of the city.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-3. Conflict with county regulations.

This chapter shall not be applied in such a manner as to amend or alter any rules, regulations, procedures or policies lawfully and officially adopted by the governing body of any county in which there exists territory contained within the city's extraterritorial jurisdiction. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than that contained herein, the standards of this chapter shall apply; provided, however, to the extent that this chapter conflicts with any provision of the Harris County Road Law (Special Laws of the 33rd Texas Legislature, Regular Session, 1913, Chapter 17, as amended), then the provisions of that law, to the extent of conflict, shall apply.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-4. Enforcement and penalties.

(a) It shall be unlawful for any person to lay out, subdivide or plat any land into lots, blocks, tracts or streets within the city, or sell property therein and thereby, if the land has not been laid out, subdivided and platted in accordance with the requirements of this chapter.

(b) The building official shall not issue a building permit:

- (1) For construction on property that was subdivided after March 15, 1963 unless the property is included in a subdivision plat approved and recorded in accordance with this chapter; or
- (2) For a development unless there is attached to the application a development plat approved by the director or the commission.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-5. Penal provisions applicable.

(a) The violation of any provision of this chapter within the corporate limits of the city, including the failure to do any act or perform any duty that is required herein, shall be punishable as provided by section 1-6 of this Code. Each day a violation continues constitutes a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this chapter.

(b) The violation of any provision of this chapter outside the corporate limits of the city but within the city's extraterritorial jurisdiction shall not constitute an offense, and no fine shall be applicable to the violation.

(c) In addition criminal prosecution, where applicable, the city shall have the right to seek the judicial remedies provided in section 42-6 of this Code for any violation of this chapter within the city or its extraterritorial jurisdiction.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-6. Judicial provisions applicable.

The city, acting through the city attorney or any other attorney representing the city, may file an action in a court of competent jurisdiction to:

- (1) Enjoin the violation or threatened violation by the owner of land of a requirement of this chapter applicable to the land; or
- (2) Recover damages from the owner of a tract of land in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-7. Denial of utility connections.

(a) The building official shall not issue any building permit or other permits required for the installation of any utility, either public or private, to serve:

- (1) Lots or tracts within the city for which a subdivision plat has not been properly recorded as required by this chapter; or

(2) A development within the city that is subject to the provisions of this chapter, for which a development plat has not been properly approved as required by this chapter.

(b) The utility official shall not permit any tract of land to receive any service from the city water or wastewater collection systems unless, at the time of the application for service, the applicant provides to the utility official satisfactory evidence that the tract of land was subdivided or developed in compliance with this chapter.

(c) In those areas located within the city's extraterritorial jurisdiction, the utility official shall not approve any plans for the construction of any wastewater collection system or domestic water distribution system and the city engineer shall not approve any plans for the construction of storm drainage system within any utility district for which the city has granted its consent for creation or enlargement, unless and until the provisions of this chapter have been complied with for any tract of land served by utilities provided by the utility district.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-8. Forms authorized.

The director is authorized to promulgate forms to use in the implementation of this chapter, including forms for standardized language to be used on the face of subdivision plats and development plats. Prior to the use of any form, the city attorney or the city attorney's designee shall review the form for legal sufficiency and approve each form the city attorney or the city attorney's designee, in his sole professional judgment, determines to be legally sufficient.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-9. Cumulative effect.

This chapter is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern.
(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-10—42-19. Reserved.

(b) Nothing in the intersection requirements established by sections 42-127 through 42-129 of this Code shall require the creation of a street that stubs into:

- (1) Publicly owned airport property;
- (2) Property owned or leased by the United States for use by the National Aeronautics and Space Administration for the Johnson Space Center;
- (3) Any grade-separated freeway that does not have a frontage road;
- (4) Property owned in fee by an electric utility and used or intended for use for electric transmission facilities; or
- (5) Any portion of Addicks Reservoir, Barker Reservoir, Sheldon Reservoir, the Houston Ship Channel or Lake Houston that is wider than 100 feet.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 11, 9-27-00)

Sec. 42-131. Culs-de-sac.

(a) A cul-de-sac shall not serve a single-family residential development that will generate more than 350 vehicle trips a day at the intersection of the cul-de-sac with a through street. A cul-de-sac that exclusively serves a single-family residential development and that has a length of not more than 350 feet from the centerline of its intersection with the nearest street shall have a paving width of at least 24 feet and shall not be used to serve single-family residential development that will generate more than 350 vehicle trips a day at the intersection of the cul-de-sac with a through street. For purposes of the foregoing requirements, each dwelling unit type shall be deemed to generate the following trips per day:

Detached units	10 trips per unit
Attached units	8 trips per unit

(b) A cul-de-sac shall comply with the applicable terminus design as specified in the design manual.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-132. Curves.

(a) Curves for the right-of-way of a major thoroughfare shall have a centerline radius of at least 2000 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

(b) Reverse curves with a tangent distance of 100 feet or less along collector streets and local streets shall have a centerline radius of at least 300 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet.

(c) Curves along a type 2 permanent access easement or a private street may have any centerline radius except that the centerline radius of a reverse curve shall not be less than 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.

(d) At the request of an applicant, the commission shall approve a lesser curve radius upon certification by the director of public works and engineering that the lesser radius meets nationally accepted standards set forth in either the "Guidelines for Urban Major Streets Design" of the Institute of Transportation Engineers or "A Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-133. Public street names.

All public streets contained in any subdivision plat approved by the commission shall be named in conformance with the following policies and procedures:

- (1) The name of a new street that is not an extension of an existing street shall not duplicate the name of any existing street located within the city or the city's extra-territorial jurisdiction.
- (2) The name of a new street that is a direct extension of an existing street shall be the name of the existing street, except in those instances where the existing street name is a duplicate street name.
- (3) Street name prefixes such as "North", "South", "East", and "West" may be used to clarify the general location of the street,

provided that these prefixes must be consistent with the existing and established street naming and numbering system of the general area in which the street is located.

(4) Street name endings shall be used as follows:

- a. "Court," "Circle" and "Loop" shall be limited to streets that terminate at a cul-de-sac or are configured as a loop street.
- b. "Boulevard," "Speedway," "Parkway" and "Expressway" shall be limited to major thoroughfares or other streets designed to handle traffic volumes in excess of normal neighborhood traffic generation or that are divided streets with at least two lanes of traffic in each direction separated by a median.
- c. "Highway" and "Freeway" shall be used only to designate highways or freeways falling under the jurisdiction of the state department of transportation.

(5) Alphabetical and numerical street names must not be used to name any new street on any subdivision plat except in those instances where the street is a direct extension of an existing street with an alphabetical or numerical name that is not a duplicate street name.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-134. Private street and permanent access easement names and markers.

(a) Names proposed to be assigned to private streets or permanent access easements shall conform to the standards of section 42-133 of this Code and shall also be subject to the following criteria:

- (1) The suffix "PRIVATE" or "PVT" shall be a part of all names established for private streets and permanent access easements and shall be an integral part of any street

name marker installed. (Example of sign letter: LOG JAM LN. PRIVATE or LOG JAM LN. PVT.)

- (2) The street name markers erected on private streets shall conform to the standards and specifications approved by the director of public works and engineering. In no instance shall the color of the background of a street name marker to be installed on a private street or a permanent access easement be the same as the background color of street name markers used to identify public streets.
- (3) A private street or permanent access easement that is a direct extension of a local public street shall not have the same name as the local public street.

(b) Upon the establishment of the name of any private street or permanent access easement pursuant to this section, the owners of the property adjacent to the private street or permanent access easement shall be responsible for the installation, erection and continued maintenance of appropriate street name markers at the intersections of all streets, including public streets, private streets and permanent access easements. Installation of a private street or permanent access easement name marker shall not be authorized without the approval of the director of public works and engineering and shall conform with the standards of the public works and engineering department for street name markers. The director of public works and engineering may declare as a nuisance or a traffic hazard any private street or permanent access easement name marker indicating a name not established in conformance with this section and installed in the public right-of-way and may remove the marker from the right-of-way without notice upon determining that the marker is misleading, confusing or is located so as to create a traffic hazard.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-135. Street extension.

A public street that terminates at the boundary of a plat previously approved by the commission

City of New Braunfels Policy for Naming or Renaming Park and Recreation Facilities

I. Purpose

To provide a formal process that assists the City Council with naming or renaming City of New Braunfels Park and Recreational facilities. This policy provides for citizen input, Park and Recreation Board recommendations, and insures City Council approval to adopt all names.

II. Guidelines for Naming or Renaming

Proposed names shall identify one of the following:

1. An adjacent street to the park;
2. Predominant physical features (such as lakes, rivers, creeks, etc.) in or adjacent to the park;
3. The subdivision in which the park property is located;
4. A state or nationally recognized person who has improved the quality of life for the public;
5. A significant historic feature, event, or person;
6. An individual or group who has made exceptional contributions to the City of New Braunfels with preference being given for contributions to parks and recreation services. Exceptional contributions include:
 - a) Donating or contributing a significant amount for the acquisition and/or development of the park facility;
 - b) Providing direct and significant volunteer services benefiting the public as a local or community leader.

Recommendations for naming a facility after an individual should be made post-mortem.

III. Procedures for Naming or Renaming

- A. Individuals shall submit a written nomination for park names along with justification to the Park and Recreation Board. The nomination shall include:

1. Reasons for the proposed name;
2. Evidence of community support for the proposed name;
3. Petitions, if submitted, must state the intent and include printed names, signatures, addresses, zip codes and telephone numbers of each signer as proof of residency.
4. All of the above must be submitted to the Parks and Recreation Board for review.

B. The Park and Recreation Board shall:

1. Review the names or renames in accordance with Section II of the guidelines;
2. Research, review and study the supporting documentation;
3. Forward recommendations to the City Council for review.

C. The City Council shall review the Park and Recreation Board's recommendations and make final determination.

RESOLUTION NO. 13-R-39

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT NAMING RIGHTS AND ENDORSEMENT POLICY AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Staff and the Parks and Recreation Advisory Board ("Board") of the City of Schertz (the "City") has recommended that the "City" enter into a Parks naming rights and endorsement policy with individuals, organizations and corporations desiring to contribute to the development of, and to pay for the rights to have their individual, organization and corporate name(s) and or logo's on certain Parks and Recreation Facilities and;

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with individuals, organizations and corporations on a case by case review basis pursuant to future requests, the following Parks, Recreation and Community Services Department Naming Rights Policy attached hereto as Exhibit A ("Naming Rights Policy").

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to negotiate and deliver future naming rights requests subject to the attached "Naming Rights Policy" to the City Council following a review and subsequent approval of the "Board" in substantially the form set forth in Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in full force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 10th day of June, 2013.


Michael R. Thompson, Mayor

ATTEST:

Linda L. Brown, City Secretary
(CITY SEAL)

EXHIBIT A

“NAMING RIGHTS POLICY”

See attached

City of Schertz Parks, Recreation and Community Services Department Naming Rights and Endorsement Policy

Introduction:

The mission of the City of Schertz Parks and Recreation Advisory Board (The Board) is to:

“...provide a forum to communicate between the citizens and city officials in the stewardship and conservation of Schertz’s natural and recreational resources, while promoting the well being of the community and improvement of the quality of life for all residents.”

To accomplish this goal, City of Schertz Parks, Recreation and Community Services Department (Parks Department) supports the formation of strategic partnerships with individuals, businesses, corporations, and other governmental entities and foundations to provide naming rights for city park facilities.

The Parks Department supports proper acknowledgement of all partners and funding sources. Acknowledgement might be as simple as inclusion on publications and promotional items of a funder’s name and/or logo, as per their individual request. It might be a long-term commemoration of a person, a corporation, a business, an organization or an event on a building, garden or long-term exhibition.

The Board has adopted the following policy which establishes and evaluates the requests for naming rights for city park facilities, to ensure that naming decisions are consistent with City of Schertz mission and receive full appropriate consideration.

Categories:

The Parks Department offers donors and supporters a range of recognition measures based on the type and size of their gifts. Among those donor recognition measures are the three categories below:

Category 1. Parks and Recreation Facilities/property includes real estate, buildings, park roads, whole parks;

Category 2. Memorials/physical items includes gardens, monuments, memorials, rooms, furniture or collections as well as smaller items such as trees, benches, paving stones at specific sites, or individual items within larger collections;

Category 3. Branding and Special Programs/Activities includes sponsorships of time-specific activities or endowments for on-going projects or initiatives. Examples might include, but are not limited to: youth sports team uniforms, booths at city wide events, an exhibition booth display, sponsorship of an annual golf benefit tournament, etc.

Authority

The Board shall review all category requests. Projects for **Category 1** requests will be reviewed by the Board. If approved by the Board, these requests will then, by motion of the board, be forwarded to the City Council approval.

Authority for administration of **Categories 2 and 3** of this policy rests with The Board and the Director of the Parks, Recreation and Community Services Department of the City of Schertz.

General Considerations

- **Category 1. Parks and Recreation Facilities/property** includes real estate, buildings, park roads, whole parks. The naming rights will be for a period not to exceed ten (10) years unless the donor (or company) goes out of business at which time the naming rights will be rescinded. If the donation provides 100% of the cost of construction, the donor (or company) retains the naming rights for a period not to exceed ten (10) years. If the donor (or company) goes out of business prior to that time, the naming rights are rescinded. If the donor (or company) makes annual (incremental) payments over the course of the naming rights period and misses a payment, or goes out of business, the naming rights are rescinded. The City Council will approve all Category 1 requests for naming rights.
- **Category 2. Memorials/physical items** include gardens, monuments, memorials, rooms, furniture or collections, as well as, smaller items such as trees, benches, paving stones at specific sites, or individual items within larger collections. Given the types of items associated with this category, the naming rights for these items would be of an indefinite duration. Category 2 requests will be approved by the Parks Advisory Board following the recommendation of the Director of Parks, Recreation, and Community Services.
- **Category 3. Branding and Special Programs/Activities** includes sponsorships of time-specific activities or endowments for on-going projects or initiatives. Examples might include, but are not limited to: youth sports team uniforms (seasonal); booths at city wide events; an exhibition booth display; sponsorship of an annual golf benefit

tournament; etc. Category 3 requests will be approved by the Parks Advisory Board following the recommendation of the Director of Parks, Recreation, and Community Services.

-

Procedures

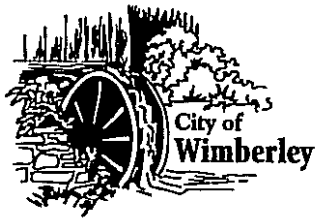
The Board will approve (by a simple majority of members present and voting) and make available at any regularly scheduled meeting a list of items, opportunities, activities and other naming opportunities it is prepared to consider that will be brought forward by the Director of the Parks Department. Developers, who are required to provide parkland under the city's UDC, will not be able to name parks within the community that they develop. This will require The Board's action and the Approval of the City Council of the City of Schertz.

The list may include any request from an interested person, service club, company representative, including a potential donor, who may wish to make a proposal to the Parks Department regarding a naming rights proposal.

Proposals from donors, partners or funding sources, or from local citizens of the City of Schertz, for additional items of consideration will be evaluated on a case-by-case basis, subject to adherence to this general naming and endowment policy and final approval by the Board and the City Council of the City of Schertz.

Scope

This policy is applicable throughout the Parks Department, all of its facilities and for all the Parks Department sponsored activities. No exceptions may be made without the prior written consent of the Director of Parks for City of Schertz, the approval of the Board , and the approval of the City Council of the City of Schertz.



AGENDA ITEM: CWWP Status
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Capital Excavation and Plummer are working on the designs needed to have the lift station's wet well ordered. Additionally, both are working to put together the information requested by TxDOT when they approved our manhole locations.

Cost comparisons for both bore locations are being completed to aide Council in the decision making. As discussed previously, the determination of the bore location is the key component of the contract with Aqua. Once finalized completion of the contract isn't expected to take long.

Capital Excavation has also been looking into alternatives should the capacity of Aqua's system be insufficient for what the City will be sending to it. This review will also be considered as a part of the cost comparisons.

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

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)		Display Week		6		Week 6			Week 7			Week 8			Week 9			Week 10			Week 11			Week 12			Week 13																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Project Lead								9 Sep 2019			16 Sep 2019			23 Sep 2019			30 Sep 2019			7 Oct 2019			14 Oct 2019			21 Oct 2019			28 Oct 2019																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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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 & Cancelation 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 Assesment	Zara Enviromental	\$ 9,884			\$ 9,884	\$ -	\$ 4,930		\$ 4,954
Survey for GLO Lease/Easement	Byrn	\$ 3,500			\$ 3,500	\$ -	\$ 3,500		\$ -
Connection to Aqua (Infrastructure Instalation)	Capital	TBD			TBD	\$ -	\$ -		TBD

TWDB Released Funding

Combination Tax and Revenue Anticipation Notes - Series 2013

Authorization: Ordinance No. 2013-018

Funding: \$ 650,000

<u>Escrow Release</u>	<u>Date</u>	<u>Amount</u>	<u>Balance</u>
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

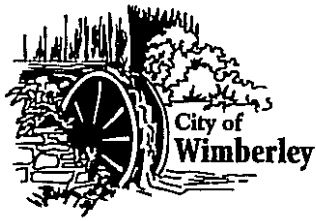
TWDB Released Funding

Sewer System Revenue Bonds - Series 2017

Authorization: Ordinance No. 2017-015

Funding: \$ 5,255,000

<u>Escrow Release</u>	<u>Date</u>	<u>Amount</u>	<u>Balance</u>
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: September 16, 2019
MEETING DATE: September 19, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On July 16, 2019, Council held a Workshop to discuss the development of the FY 2020 Council Priorities. Attached is an updated draft of the FY 2020 Council Priorities. We have received responses from three Council Members for comments on the draft.

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

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

Evaluate all opportunities to maintain a balanced annual budget and strong fund balances.

Goals: (Proposed)

- Identify Public/Private Partnerships, grants, and other funding opportunities
- Evaluate the creation of a Downtown Public Improvement District (PID)
- Identify next steps for possible road bond project
- Development of a Capital Improvement Plan (CIP) and corresponding projects
- Research revenue producing strategies and their implications

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.

Goal:

- Assessment of current assets and identification of future needs and wants

F. PRIORITY: IMAGE

Provide a consistent “brand” for the City to be used in all internal and external

Goals:

- Identify branding needs and opportunities
- Update/redo website
- Review current signage, establish needs and create implementation plan
- Review current graphics applications and propose updates and budget

G. PRIORITY: FUNCTION

Ensure City ordinances and code are in compliance with State law and are aligned with City policy

Goals:

- Develop an employee pay scale
- Establish schedule, actions and costs to bring all ordinance up to date and online

H. PRIORITY: RELATIONSHIPS

Develop and maintain mutually beneficial relationships with relevant cities, County, State and other governmental and non-profit entities

Goals:

- Identify appropriate agencies, contacts and liasons
- Improve coordination and communication with local, state, and federal agencies and groups

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

DRAFT