



**CITY OF
WIMBERLEY**

REGULAR CITY COUNCIL MEETING PACKET

**Thursday, May 21, 2020
6:00 p.m.**



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING **THURSDAY, MAY 21, 2020 – 6:00 P.M.**

AGENDA

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, May 21, 2020 at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 815 0171 1857 and using the password 031958.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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- | | |
|--------------------------------|--|
| 1. <u>CALL TO ORDER</u> | May 21, 2020 at 6:00 p.m. |
| 2. <u>CALL OF ROLL</u> | City Secretary, Laura Calcote |
| 3. <u>INVOCATION</u> | Cypress Creek Church Reverend, Jose Abaroa |
| 4. <u>PROCLAMATION</u> | |
- Proclamation of the City of Wimberley, Texas, in remembrance of the 2015 Memorial Day Flood in the Wimberley Valley. *(Place Three Council Member Christine Byrne)*

5. CITIZENS COMMUNICATIONS

Citizens must sign-in with City Secretary, Laura Calcote, via email at lcalcote@cityofwimberley.com at least two (2) hours before the meeting to address City Council. Limit your comments to three (3) minutes. City Council will listen to the comments but cannot discuss or respond to the comments during the meeting. 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 to approve the City of Wimberley's Quarterly Investment Report for the second quarter of Fiscal Year 2020. *(City Administrator Shawn Cox)*

7. CONSENT AGENDA

7.1. Approval of minutes from the Regular City Council Meeting held May 7, 2020.

7.2. Approval of minutes from the Special City Council Meeting held May 8, 2020.

7.3. Approval of minutes from the Special City Council Meeting held May 14, 2020.

7.4. Approval of Place One Rebecca Minnick's appointment of Rick Burleson to the Planning and Zoning Commission.

8. CITY ADMINISTRATOR REPORT

Updates regarding current and projected sales tax, City facilities, projects, communication and the COVID-19 virus *(City Administrator Shawn Cox)*

9. DISCUSSION AND POSSIBLE ACTION

9.1. Discuss and consider possible action to approve Resolution No. 03-2020, authorizing the Mayor to apply to the Texas Department of Emergency Management for grant funds from the Coronavirus Relief Fund. *(City Administrator Shawn Cox)*

9.2. Discuss and consider possible action to approve Ordinance No. 2020-13, relating to temporarily suspending certain variance requirements for signage under Article 4.08 of the Codified Ordinances of the City of Wimberley and providing for approval of certain variances by the City Administrator in relation to temporary signage for businesses recovering from effects of the COVID-19 pandemic, consistent with the reopening provisions of Executive Order GA-21 and any further executive orders in relation thereto; providing a savings clause; providing a severability clause; and providing an effective date. *(City Administrator Shawn Cox)*

9.3. Discuss and consider possible action regarding increased cleaning services, due to the COVID-19 pandemic, including a proposal from Mariposa Cleaning Services, LLC for increased restroom cleaning services at the Wimberley Square and at Blue Hole Regional Park. *(City Administrator Shawn Cox)*

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

10. 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 551.071 (Consultation with Legal Counsel) and 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.

11. OPEN SESSION

Discussion and possible action resulting from Executive Session.

12. CITY COUNCIL REPORTS

12.1. Announcements

12.2. Future agenda items

13. ADJOURNMENT

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

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, May 18, 2020, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Laura J. Calcote, 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.



City of Wimberley



Proclamation

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

WHEREAS, Wimberley Texas is a small community uniquely blessed by the common bonds of a special natural beauty and warm, embracing people; and

WHEREAS, living near the usually tranquil Blanco River has been a treasure of daily life in the Wimberley Valley for decades; and

WHEREAS, our beloved Village is set in an area known as 'Texas' Flash Flood Alley, with the dangerous potential for periodic drastic downpours and sudden fast rising waters; and

WHEREAS, on the exceptionally busy Memorial Day Weekend of 2015, a devastating storm, following days of rain, poured 13 inches into the Blanco River Watershed upstream from Wimberley, unknown to many Wimberley citizens; and

WHEREAS, the resulting fast-moving water from upstream rose at an incredible rate and crested at over 44 feet, and a fierce wall of water tore through the Valley, taking precious lives, including men, women and children; and

WHEREAS, many homes and countless ancient trees were damaged or completely destroyed; and

WHEREAS, the quick efforts of dedicated public servants and volunteers warned a large number of residents of the approaching devastation, certainly saving lives; and

WHEREAS, even before the sun rose on the disaster many citizens and first responders were already at work finding and rescuing and helping those in danger; and

WHEREAS, on that dreadful morning and for days and months to come, the spirit of the people of the Wimberley Valley rose up and banded together as one mighty force to help their neighbors in greater need; and

WHEREAS, the businesses and employees and schools and churches and city government of the community stood tall in commitment to all and embodied the power of Wimberley Strong; and

WHEREAS, many organizations and individuals from across the nation came offering work, talent, resources, financial support – and countless trees – to our grateful people; and

WHEREAS, the very people of Wimberley most devastated and damaged by the relentless waters and dispassionate fate stood back up, battered but unbowed, and put their lives and our city and our hopes back together and embraced a bright future;

NOW THEREFORE, We, the City Council of Wimberley, on behalf of the Citizens of Wimberley, do hereby proclaim Memorial Day Weekend, as

A WEEKEND TO REMEMBER NEIGHBORS IMPACTED BY THE 2015 WIMBERLEY MEMORIAL DAY FLOOD

and to honor and thank the thousands of people and organizations, who selflessly gave of themselves and their treasure to heal our wounds and mend our hearts, though we shall never forget.

We invite all who lived through that day and its aftermath to join us in solemn remembrance and grateful thanks.

IN WITNESS WHEREOF, we hereunto affix the seal of the City of Wimberley this the 21st day of May, 2020.



CITY COUNCIL OF WIMBERLEY, TEXAS

Gina Fulkerson, Mayor

Rebecca Minnick, Mayor Pro Tem/Place One

Teresa Shell, Place Two

Christine Byrne, Place Three

Jim Chiles, Place Four

Bo Bowman, Place Five



AGENDA ITEM:	Quarterly Investment Report
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	May 18, 2020
MEETING DATE:	May 21, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City's Investment Policy, most recently adopted on February 20, 2020, requires a Quarterly Investment Report be provided to the City Council.

For presentation and Consideration is the Quarterly Investment Report for the 2nd Quarter for FY 2020.

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 the Quarterly Investment Report for the 2nd Quarter for FY 2020.

ATTACHMENT/S

- Quarterly Investment Report – 2nd Quarter FY 2020

City of Wimberley Quarterly Investment Report

Second Quarter of FY 2019

		Investment Portfolio Summary					Cash Summary			TexPool Summary			CD Summary		
	Fund	Cash in Bank	TexPool	CD	Total	% of Total Investment	Yield Rate	MTD Interest Earned	YTD Interest Earned	Average Monthly Rate	MTD Interest Earned	YTD Interest Earned	Annual % Yield	MTD Interest Earned	YTD Interest Earned
January 2020	General Fund	1,084,299.02	186,948.29	\$229,330.35	1,500,577.66	53%	0.05%	44.18	167.42	1.59%	252.50	1,067.85	0.10%	18.85	75.38
	Blue Hole Operating	513,150.33			513,150.33	18%	0.05%	22.14	94.11	Total	252.50	1,067.85	Total	18.85	75.38
	Blue Hole Development	18,792.63			18,792.63	1%	0.15%	2.39	9.49						
	Municipal Court Bond Fees	76.00			76.00	0%									
	Municipal Court Fees	3,304.24			3,304.24	0%	0.15%	1.01	3.75						
	Wastewater Operations	136,944.92			136,944.92	5%	0.05%	5.55	22.25						
	Wastewater ISF	56,823.58			56,823.58	2%	0.05%	4.23	16.96						
	Wastewater Const.	380,206.94			380,206.94	14%	0.25%	81.03	329.32						
	Sidewalk	55,032.84			55,032.84	2%	0.05%	2.34	5.78						
	Hotel Occupancy Tax	142,297.22			142,297.22	5%	0.05%	6.04	23.97						
	Total	2,390,927.72	186,948.29	229,330.35	2,807,206.36			168.91	673.05						
	Portfolio Diversification Ratio	85%	7%	8%											
February 2020	General Fund	1,128,535.15	187,184.60	229,349.20	1,545,068.95	55%	0.05%	43.77	211.19	1.59%	236.31	1,304.16	0.10%	18.85	94.23
	Blue Hole Operating	503,424.63			503,424.63	18%	0.05%	19.97	114.08	Total	236.31	1,304.16	Total	18.85	94.23
	Blue Hole Development	18,794.87			18,794.87	1%	0.15%	2.24	11.73						
	Municipal Court Bond Fees	76.00			76.00	0%									
	Municipal Court Fees	3,771.27			3,771.27	0%	0.15%	0.43	4.18						
	Wastewater Operations	124,538.17			124,538.17	4%	0.05%	4.94	27.19						
	Wastewater ISF	56,825.84			56,825.84	2%	0.05%	2.26	19.22						
	Wastewater Const.	380,282.46			380,282.46	13%	0.25%	75.52	404.84						
	Sidewalk	55,035.03			55,035.03	2%	0.05%	2.19	7.97						
	Hotel Occupancy Tax	142,302.87			142,302.87	5%	0.05%	5.65	29.62						
	Total	2,413,586.29	187,184.60	229,349.20	2,830,120.09			156.97	830.02						
	Portfolio Diversification Ratio	85%	7%	8%											
March 2020	General Fund	1,118,055.79	187,344.08	229,537.71	1,534,937.58	55%	0.05%	47.98	259.17	1.00%	159.48	1,463.64	1.00%	188.51	282.74
	Blue Hole Operating	477,499.40			477,499.40	17%	0.05%	20.91	134.99	Total	159.48	1,463.64	Total	188.51	282.74
	Blue Hole Development	18,796.80			18,796.80	1%	0.12%	1.93	13.66						
	Municipal Court Bond Fees	76.00			76.00	0%									
	Municipal Court Fees	3,861.47			3,861.47	0%	0.12%	0.40	4.58						
	Wastewater Operations	130,298.12			130,298.12	5%	0.05%	5.25	32.44						
	Wastewater ISF	56,828.25			56,828.25	2%	0.05%	2.41	21.63						
	Wastewater Const.	370,137.04			370,137.04	13%	0.22%	71.33	476.17						
	Sidewalk	55,037.37			55,037.37	2%	0.05%	2.34	10.31						
	Hotel Occupancy Tax	142,308.91			142,308.91	5%	0.05%	6.04	35.66						
	Total	2,372,899.15	187,344.08	229,537.71	2,789,780.94			158.59	988.61						
	Portfolio Diversification Ratio	85%	7%	8%											

The attached information comprises the *Quarterly Investment Report* for the City of Wimberley, Texas for the quarter ended March 31, 2020. The undersigned acknowledges that the City's investment portfolio has been and is in compliance with the policies and strategies as contained in the City's Investment Policy and in compliance with the Public Funds Investment Act of the State of Texas. The annual review of the City's Investment Policy was approved by City Council on February 20, 2020.



Shawn Cox

City Administrator



AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	May 18, 2020
MEETING DATE:	May 21, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- 7.1. Approval of minutes from the Regular City Council Meeting held May 7, 2020.
- 7.2. Approval of minutes from the Special City Council Meeting held May 8, 2020.
- 7.3. Approval of minutes from the Special City Council Meeting held May 14, 2020.
- 7.4. Approval of Place One Rebecca Minnick's appointment of Rick Burleson 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

Approval of Items 7.1 to 7.3.

ATTACHMENT/S

- May 7th Regular City Council Meeting Minutes
- May 8th Special City Council Meeting Minutes
- May 14th Special City Council Meeting Minutes
- Rick Burleson's Appointment Application



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING **THURSDAY, MAY 7, 2020 – 6:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, May 7, 2020 at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 827 0380 2720 and using the password 006501.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor, Susan Jaggars, called the meeting to order on May 7, 2020 at 6:00 p.m.

CALL OF ROLL

Council Members Present: Susan Jaggars
Rebecca Minnick
Craig Fore
Christine Byrne
Gary Barchfeld
Bo Bowman

Mayor (*via teleconference*)
Place One (*via teleconference*)
Place Two (*via teleconference*)
Place Three (*via teleconference*)
Place Four (*via teleconference*)
Place Five (*via teleconference*)

City Staff Present:

Shawn Cox
Laura Calcote
Sarah Griffin

City Administrator (*via teleconference*)
City Secretary (*via teleconference*)
Deputy City Attorney (*via teleconference*)

INVOCATION

St. Mary's Catholic Church Reverend, Jason Bonifazi, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PROCLAMATION

Proclamation of the City of Wimberley, Texas, honoring Jeanne Ann Dibrell Cope. (*Place Four City Council Member Gary Barchfeld*)

Mayor, Susan Jagers, read aloud the proclamation.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

PRESENTATION

Wimberley ISD Superintendent, Dwain York, provided an update regarding plans for the 2020 Wimberley High School Graduation Ceremony set for June 5th at 8:45 p.m. at the Texan's Football Stadium. Mr. York also spoke regarding the District's response to the COVID-19 virus, and the upcoming 2020-2021 school year calendar. There was discussion among Council and Mr. York pertaining to continued funding for free and reduced lunches for students during the summertime.

CONSENT AGENDA

Motion to approve the Consent Agenda, as presented, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

8.1. Approval of minutes from the Regular City Council Meeting held April 16, 2020.

8.2. Approval of minutes from the Special City Council Meeting held April 23, 2020.

8.3. Approval of minutes from the Special City Council Meeting held April 30, 2020.

8.4. Approval of the January 2020 Financial Statements for the City of Wimberley.

8.5. Approval of the February 2020 Financial Statements for the City of Wimberley.

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, provided an update regarding current and projected sales tax information for the City. There was a 13.94% increase compared to May 2019, and a year-to-date increase of 10.27% compared to Fiscal Year 2019. Additionally, Mr. Cox spoke concerning the revised City website, the status of the animal control agreement with Hays County and the COVID-19 virus, including Governor Abbott's Executive Orders and testing in Wimberley.

DISCUSSION AND POSSIBLE ACTION

10.1. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Applicant Triforks Empire/Melissa Nance*)

- 10.2. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Applicant Kick'n Kupcakes/Brandee Thompson*)
- 10.3. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Applicant Doug McElwee*)

Items 10.1., 10.2. and 10.3. were voted upon in unison. Motion to approve 10.1., 10.2 and 10.3. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 10.4. Discuss and consider possible action to approve a bid in the amount of \$2,703.00 from Hays County for drainage repair at the intersection of La Buena Vista and Las Flores. (*Public Works Superintendent John Provost*)
Motion to approve a bid in the amount of \$2,703.00 from Hays County for drainage repair at the intersection of La Buena Vista and Las Flores was made by Council Member Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).
- 10.5. Discuss and consider possible action to adopt a City of Wimberley Oak Wilt Policy. (*Parks Maintenance and Natural Resource Manager Nathan Glaiser*)
Motion to adopt a City of Wimberley Oak Wilt Policy was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).
- 10.6. Discuss and consider possible action to approve Change Order #5 from Capital Excavation providing for a total contract price of \$3,931,062.96. (*City Administrator Shawn Cox*)
City Administrator, Shawn Cox, presented the change order from Capital Excavation for the additional linear feet of force main line added to the original contract. There was discussion among Council and Mr. Cox concerning available funding left for the Central Wimberley Wastewater Project.
Motion to approve Change Order #5 from Capital Excavation providing for a total contract price of \$3,931,062.96 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).
- 10.7. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*City Administrator Shawn Cox*)
City Administrator, Shawn Cox, reported Capital Excavation had completed laying the line on Blue Hole Road and would begin installing lines on Blue Hole Lane. No work would be done in Blue Hole Regional Park until June 2020, due to the Golden-cheeked Warbler nesting season. Additionally, Mr. Cox stated the Aqua Texas Contract had been signed by the City and sent to Aqua Texas for full execution.

CITY COUNCIL REPORTS

- 11.1. Announcements – None.
- 11.2. Future agenda items – None.

RECOGNITION OF OUTGOING CITY COUNCIL MEMBERS

Mayor Pro Tem, Rebecca Minnick, recognized the service and terms of Mayor Susan Jagers, Place Two Council Member Craig Fore and Place Four Council Member Gary Barchfeld. Mayor Jagers, Council Member Fore and Council Member Barchfeld all spoke regarding their tenure on Council and thanked the citizenry and their families for their support along the way.

ADJOURNMENT

Motion to adjourn the meeting at 6:59 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:

Rebecca Minnick, Mayor Pro Tem



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING **FRIDAY, MAY 8, 2020 – 2:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Friday, May 8, 2020, at 2:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 841 0435 5018 and using the password 009470.

The public will be permitted to offer comments via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor Pro Tem, Rebecca Minnick, called the meeting to order on May 8, 2020 at 2:00 p.m.

CALL OF ROLL

Council Members Present: Gina Fulkerson
Rebecca Minnick
Teresa Shell
Christine Byrne
Jim Chiles
Bo Bowman

Mayor (*via teleconference*)
Place One (*via teleconference*)
Place Two (*via teleconference*)
Place Three (*via teleconference*)
Place Four (*via teleconference*)
Place Five (*via teleconference*)

City Staff Present:

Shawn Cox
Laura Calcote
Sarah Griffin

City Administrator (*via teleconference*)
City Secretary (*via teleconference*)
Deputy City Attorney (*via teleconference*)

OATHS OF OFFICE

- 3.1. Ceremonial administration of Oaths of Office for 2020-2022 City Council terms and issue Certificates of Election to Gina Fulkerson, Teresa Shell and Jim Chiles.
Hays County Precinct Three Justice of the Peace, Andrew Cable, administered the Oaths of Office for 2020-2022 City Council terms to Gina Fulkerson, Teresa Shell and Jim Chiles.
- 3.2. Election of Mayor Pro Tem
Motion to nominate and elect Rebecca Minnick as Mayor Pro Tem for a one-year term was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

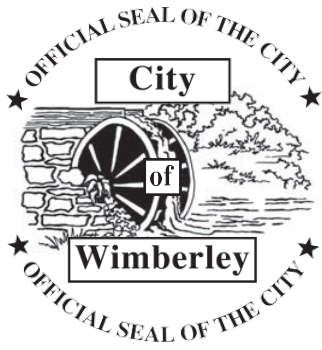
- 4.1. Discuss and consider possible action to remove previous Mayor, Susan Jagers, as signatory to the City of Wimberley bank accounts, effective immediately.
Motion to remove previous Mayor, Susan Jagers, as signatory to the City of Wimberley bank accounts, effective immediately, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).
- 4.2. Discuss and consider possible action to add Mayor, Gina Fulkerson, as signatory to the City of Wimberley bank accounts, effective immediately.
Motion to add Mayor, Gina Fulkerson, as signatory to the City of Wimberley bank accounts, effective immediately, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).
- 4.3. Discuss and consider possible action to remove the previous Mayor Pro Tem, Rebecca Minnick, as signatory to the City of Wimberley bank accounts, effective immediately.
Rebecca Minnick had been reelected by City Council as Mayor Pro Tem.
No action was taken on this item.
- 4.4. Discuss and consider possible action to add the Mayor Pro Tem as signatory to the City of Wimberley bank accounts, effective immediately.
Rebecca Minnick had been reelected by City Council as Mayor Pro Tem.
No action was taken on this item.

ADJOURNMENT

Motion to adjourn the meeting at 2:11 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina Fulkerson, Mayor

DRAFT



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING **THURSDAY, MAY 14, 2020 – 4:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, May 14, 2020, at 4:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 894 9046 1568 and using the password 025141.

The public will be permitted to offer comments via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on May 14, 2020 at 4:00 p.m.

CALL OF ROLL

Council Members Present: Gina Fulkerson
Rebecca Minnick
Teresa Shell
Christine Byrne
Jim Chiles

Council Members Absent: Bo Bowman

Mayor (*via teleconference*)
Place One (*via teleconference*)
Place Two (*via teleconference*)
Place Three (*via teleconference*)
Place Four (*via teleconference*)
Place Five

City Staff Present: Shawn Cox
Laura Calcote
Sarah Griffin

City Administrator (*via teleconference*)
City Secretary (*via teleconference*)
Deputy City Attorney (*via teleconference*)

PRESENTATIONS

3.1. Presentation by Barnabas Connection regarding fundraising, hotline call volume and community volunteers during the COVID-19 pandemic. *(Kate Sowell)*

Ms. Sowell provided an update pertaining to Barnabas Connection's increased number of calls on the organization's helpline during the COVID-19 pandemic. She also reported on the recent success of the fundraiser for The Barnabas Connection's Emergency Fund, which raised around \$31,000. There was discussion among Council and Ms. Sowell concerning Barnabas's continued support for the community during the crisis.

3.2. Presentation by the Crisis Bread Basket regarding food distribution and fundraising during the COVID-19 pandemic. *(John Urban)*

Mr. Urban provided an update regarding the increase in clients at the Crisis Bread Basket, and noted more families than usual were utilizing the organization's services during the COVID-19 pandemic. There was discussion between Mr. Urban and Council on how to donate to the organization and the need for volunteers.

(Council Member Bo Bowman joined the meeting via teleconference at 4:15 p.m.)

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, reported on the number of current, active, COVID-19 cases within Hays County and the recent testing that had taken place over the weekend in Wimberley. Furthermore, Mr. Cox provided an update on the COVID-19 task force calls and the back to business task force meetings. He noted the phased reopening of City buildings and facilities, and stated summer camps would be cancelled at Blue Hole Regional Park, but the swim lawn would be open at a limited capacity.

DISCUSSION AND POSSIBLE ACTION

5.1. Discuss and consider possible action regarding an application for a temporary structure. *(Wimberley Café)*

This item was not heard, due to the applicant withdrawing the application before the meeting.

5.2. Discuss and consider possible action regarding an application for a temporary structure. *(Cactus Coffee)*

Cactus Coffee owner, Brooke Burnett, spoke regarding her request to move her food trailer next to the business, Shop the Tree House.

Motion to approve an application for a temporary structure to operate a food trailer at 13615 Ranch Road 12 was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

5.3. Discuss and consider possible action regarding increased cleaning services, due to the COVID-19 pandemic, including a proposal from Mariposa Cleaning Services, LLC for increased restroom cleaning services at the Wimberley Square and at Blue Hole Regional Park. *(Mayor Gina Fulkerson)*

There was discussion among Council, City staff and Mariposa Cleaning Services owners, Michael and Sara Aragon, pertaining to the need for additional cleaning at the downtown and Blue Hole Regional Park restroom facilities during the COVID-19 crisis. Mr. and Mrs. Aragon advised on the company's cleaning practices and products. Additionally, there was

discussion on the number of times the restrooms would need to be cleaned during the weekdays and on the weekends.

Motion to approve a proposal from Mariposa Cleaning Services, LLC for increased restroom facility cleaning at the Wimberley Square and at Blue Hole Regional Park was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 5.4. Discuss and consider possible action to adopt Ordinance No. 2020-12, further extending a Declaration of Local Disaster; establishing rules and regulations for the duration of the disaster unless superseded by executive order of the Governor or further executive order as may be enacted or extended; incorporating the mandates of Executive Order GA-14, GA-18, GA-21 or any further executive order as may be enacted or extended; providing a savings clause; providing a severability clause; and providing an effective date. *(Mayor Gina Fulkerson)*

Motion to adopt Ordinance No. 2020-12, further extending a Declaration of Local Disaster; establishing rules and regulations for the duration of the disaster unless superseded by executive order of the Governor or further executive order as may be enacted or extended; incorporating the mandates of Executive Order GA-14, GA-18, GA-21 or any further executive order as may be enacted or extended; providing a savings clause; providing a severability clause; and providing an effective date, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- 5.5. Discuss and consider possible action regarding the development of an action plan to reopen Wimberley. *(Place One Council Member Rebecca Minnick)*

There was discussion regarding the City's plan to reopen in phases, and to encourage the wearing of face coverings and the additional use of hand sanitizer in businesses and restaurants around town, especially in the Wimberley Square.

Motion to authorize the City Administrator to expend up to \$3,000 in order to procure hand sanitizer stations was made by Council Member Bo Bowman. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

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

There was lengthy discussion regarding the status of the Project, including Capital Excavation's schedule, available funding and the completion date, set for November or December 2020. There was also discussion among Council and Mr. Cox pertaining to communication methods with system users. A workshop to discuss and review user rates was set for Tuesday, May 26th, at 6:00 p.m.

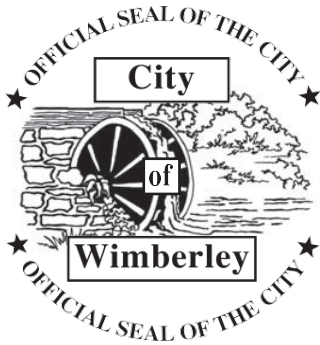
No action was taken on this item.

ADJOURNMENT

Motion to adjourn the meeting at 5:43 p.m. was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina Fulkerson, Mayor

DRAFT



CITY OF WIMBERLEY

Application for Appointment to City Board/Commission/Committee

Name of Board/Commission/Committee: PLANNING & ZONING

Nominated By: _____

Name: RICK BURLISON Phone: 512-751-2397 E-mail: burlison.rick@mac.com

Physical Address: 216 SUMMIT LOOP WIMBERLEY TX 78676

Mailing Address

(If different than physical address): _____

Employer: BURLISON DESIGN GROUP Position/Occupation: ARCHITECT

Business Number: 512 842 1308 Fax: N/A

I reside: ☒ Inside Wimberley's City Limits ☐ Wimberley's ETJ ☐ Outside ETJ

I am a registered voter in: ☒ City of Wimberley ☐ Hays County ☐ Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? ☐ Yes ☒ No

If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to serve on this Board/Commission/Committee and to attend all regularly scheduled meetings? ☒ Yes ☐ No

Would you consider serving on a different Board/Commission/Committee? ☐ Yes ☒ No

Please describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Board/Commission/Committee that you would prefer to serve on. Attach a separate sheet, if necessary.

ARCHITECT W/ EXPERIENCE IN DESIGN & PLANNING

Signature: _____

Date: 5/18/20



AGENDA ITEM:	City Administrator's Report
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	May 18, 2020
MEETING DATE:	May 21, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding current and projected sales tax, City facilities, projects, communication and the COVID-19 virus.

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

RESOLUTION NO. 03-2020

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS
AUTHORIZING THE MAYOR TO APPLY TO THE TEXAS
DEPARTMENT OF EMERGENCY MANAGEMENT FOR GRANT FUNDS
FROM THE CORONAVIRUS RELIEF FUND.**

WHEREAS, on March 13, 2020 President Trump declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on March 13, 2020 Governor Abbott proclaimed that COVID- 19 poses an imminent threat of disaster; and

WHEREAS, on March 16, 2020 a Declaration of a Public Health Emergency was proclaimed for the City of Wimberley; and

WHEREAS, on March 27, 2020 the Coronavirus Aid, Relief, and Economic Securities Act (“CARES Act”) was signed into law; and

WHEREAS, the CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund; and

WHEREAS, the Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency; and

WHEREAS, the Fund allocated approximately \$11 billion to the state of Texas; and

WHEREAS, of the approximately \$11 billion allocated to the state of Texas, \$1.85 billion is available to Texas Jurisdictions like the City of Wimberley; and

WHEREAS, the State is now making \$171,985 available to the City of Wimberley for eligible expenses; and

WHEREAS, in order to apply for grant funding from the Coronavirus Relief Fund, the applicant must possess the legal authority from the governing body to apply for the grant.

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

That the City Council is granting to the Mayor the legal authority to apply for grant funding from the Coronavirus Relief Fund on behalf of the City of Wimberley.

PASSED AND APPROVED this 21st day of May 2020.

THE CITY OF WIMBERLEY, TEXAS

By: _____
Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary





AGENDA ITEM:	Temp. Suspension of Certain Sign Variance Requirements
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	May 18, 2020
MEETING DATE:	May 21, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

At a recent meeting of the Wimberley Back to Basics Task Force, it was discussed that the allowance of additional signage, and a waiver of some of the signage restrictions would be beneficial for businesses as they look advertise that they are open.

For consideration is Ordinance No. 2020-13, which would temporarily suspend certain variance requirements for signage currently required by the City's Code of Ordinances. Under Ordinance No. 2020-13, the City Administrator will be given temporary authority to grant certain sign variances, as long as they adhered to the parameters set by the ordinance.

This temporary ordinance would remain in effect until August 3, 2020, unless extended by the City Council.

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 Ordinance No. 2020-13

ATTACHMENT/S

- Ordinance No. 2020-13
- Article 4.08 - Signs

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY COUNCIL OF WIMBERLEY, TEXAS TEMPORARILY SUSPENDING CERTAIN VARIANCE REQUIREMENTS FOR SIGNAGE UNDER ARTICLE 4.08 OF THE CODIFIED ORDINANCES OF THE CITY OF WIMBERLEY AND PROVIDING FOR APPROVAL OF CERTAIN VARIANCES BY THE CITY ADMINISTRATOR IN RELATION TO TEMPORARY SIGNAGE FOR BUSINESSES RECOVERING FROM EFFECTS OF THE COVID-19 PANDEMIC, CONSISTENT WITH THE REOPENING PROVISIONS OF EXECUTIVE ORDER GA-21 AND ANY FURTHER EXECUTIVE ORDERS IN RELATION THERETO; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, On March 16, 2020, a Declaration of Local Disaster was issued by Wimberley Mayor Susan Jagers to allow Wimberley to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Wimberley residents utilizing state and federal resources made available with the declaration, which was continued by the City Council on March 19, 2020; and

WHEREAS, on March 31, 2020, Governor Greg Abbott issued Executive Order GA-14 in which he superseded any conflicting order issued by local officials in response to the COVID-19 disaster; and

WHEREAS, on April 17, 2020, Texas Governor Greg Abbott issued Executive Order GA-16 relating to the safe, strategic reopening of select services as the first step to Open Texas in response to the COVID-19 disaster; and

WHEREAS, on April 27 and May 5, 2020 Texas Governor Greg Abbott issued Executive Orders GA-18 and GA-21, respectively, in relation to further reopening strategies, and

WHEREAS, the City Council of the City of Wimberley recognizes that in order for citizens and businesses to take advantage of Governor Abbott's Executive Orders, certain local restrictions may need to be temporarily relaxed in order to effect such change and assist with safely reopening the area; and

WHEREAS, the City Council of the City of Wimberley finds that temporary delegation of authority to grant certain sign variances to the City Administrator, within specifically defined and identifiable parameters, is in the best interests of the citizens of the City of Wimberley.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

BRADY:

SECTION 1. The recitals contained in the preamble of this Ordinance are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the findings of the City Council.

SECTION 2. The City Council of the City of Wimberley hereby temporarily amends Article 4.08 “Signs”, Sec. 4.08.018 of the City Code of the City of Wimberley, Texas to read as follows (a ~~strikeout~~ denotes removal and an underline denotes addition):

“Sec. 4.08.018 Variances

(a) Application and fee required. A variance is written approval to depart from the strict application of the provisions of this article. Any person, business or other organization desiring to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign that does not conform to the provisions of this article may make application to the for a variance to the provisions of this article. The application shall be filed with the city administrator, accompanied by the appropriate fee established by city. The application shall be processed and presented to the board of adjustment for review and consideration.

(b) Standards for variances. The board of adjustment may approve a variance only if it makes affirmative findings, reflected in the minutes of the board of adjustment’s proceedings, as to all of the following:

(1) The variance will not authorize a type of sign that is specifically prohibited this article;

(2) The variance is not contrary to the goals and objectives outlined by the city comprehensive plan, section VII, D-2;

(3) The variance is not contrary to the public interest;

(4) Due to special conditions, a literal enforcement of this article would result in unnecessary hardship. Hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not satisfy this requirement;

(5) The spirit and purpose of this article will be observed, and substantial justice will be done.

(c) Conditions of variances. The board of adjustment may impose such conditions or requirements for a variance as are necessary in the board’s judgment to achieve the fundamental purposes of this article. A violation of such conditions or requirements shall constitute a violation of this article. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six (6) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

(d) It shall be an exception under this Section 4.08.018 that:

(1) the request for variance is to any of the following sections of this Article:

(i) Sec. 4.08.009. General Regulations, subsections b, (3),(5),(7),(9),(10), and (12);

(ii) Sec. 4.08.011. Regulation of commercial signs; permit required, subsections (b) or (c);

(iii) Sec. 4.08.012. Other types of signs for which permits are required, subsections (1),(2), (3),(6), and (8);

(iv) Sec. 4.08.013. Prohibited sign types, subsections (2), (6), (7), (8), (10), and (12);
and;

(v) Sec. 4.08.014 Community electronic message display signs; and
(2) the City Administrator makes a written finding that:
(i) such variance is necessary to assist with reopening of a business pursuant to Executive
Order issued by the Governor of the State of Texas in relation to the COVID-19 pandemic;
(ii) such variance is temporary in nature;
(iii) such variance is not contrary to the public interest;
(iv) setting out the timeframe for the temporary variance;
(v) imposing any other appropriate conditions.
(3) This Section shall in no way preclude an applicant from applying for any of the above
variances to the Board of Adjustment should it not be granted by the City Administrator.

SECTION 3. This ordinance shall take effect immediately upon its passage, approval and publication as provided by law and shall remain in effect through August 3, 2020.

SECTION 4. All other 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 and only for the timeframe this ordinance remains in effect.

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

PASSED, APPROVED and ADOPTED on this _____ day of May, 2020.

By: _____

Gina Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



ARTICLE 4.08 SIGNS^{*}

Sec. 4.08.001 Purpose

The purpose of this article is to provide uniform sign standards and regulations in order to ensure public safety and to promote a positive city image reflecting order, harmony and pride, and thereby strengthening the economic stability of the city's business, cultural, historical and residential areas. (Ordinance 2013-017, sec. 152.01, adopted 8/1/13)

Sec. 4.08.002 Compliance

No person may construct, reconstruct, place, install, repair, maintain, relocate, alter or use a sign after the effective date of this article unless such installation, construction, reconstruction, placement, repair, maintenance, relocation, alteration or use meets all the provisions of this article and all other applicable ordinances adopted by the city council. Any sign that violates the provisions of this article shall constitute a nuisance. (Ordinance 2013-017, sec. 152.02, adopted 8/1/13)

Sec. 4.08.003 Jurisdiction

The provisions of this article shall apply within the city limits and its extraterritorial jurisdiction. (Ordinance 2013-017, sec. 152.03, adopted 8/1/13)

Sec. 4.08.004 Definitions

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases that are not defined in this article but are defined in other ordinances of the city shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

Abandoned sign. A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, a sign that is noncommercial in nature and the content of the sign pertains to a time, event or purpose that has elapsed or expired in the preceding 60 days.

Area. The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with 2 faces back-to-back, oriented in opposite directions and separated by not more than 3 feet, with the same copy on both sides, shall be counted as a single sign. In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) that fully contains the sign content.

Awning sign. A sign that is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign that is painted on or attached to the outside of an awning or canopy structure is an awning sign.

Banner. A flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric or any other flexible material, and that is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment on the site or to a community, civic or other event either on or off the site. Flags are distinguished from banners for the purposes of this article.

Beacon. Any light with a beam directed into the atmosphere or directed at a point that is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard. Any sign that is used or designed to be used to advertise or call attention to any product or service that is produced at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment that is not located on the same premises as the sign.

Bulletin board. A sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a church, social club, society or charitable organization.

City administrator. The city administrator or his/her duly authorized representative.

Changeable copy sign. A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. Any other sign on which the message changes more than once per day is a flashing sign.

Commercial complex. Any property such as a shopping center, office park or industrial park, that consists of 2 or more establishments on a single platted lot, or which is designed, developed and managed as a unit.

Copy. The words and/or message displayed on a sign.

Daily display sign. A portable sign, regardless of its construction, that is designed to be placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.

Day. Calendar day.

Directional sign. Signs located on commercial property designed to provide direction to pedestrian and vehicular traffic.

Electronic message display. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Establishment. A use of land for any purpose that requires a building on the land, regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural use in any form.

Event sign. A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

Flag. A fabric sheet, that is attached at one end to a pole, cable or rope.

Freestanding sign. Either a monument sign or a self-supported sign.

Hand-held sign. A sign that is not permanently or temporarily attached to the ground or to a permanent structure, and that is designed to be transported or carried by an individual.

Height. The distance from ground level to the top of the sign structure. The ground level is the lower of (i) the existing grade prior to construction of the sign or (ii) the newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Internally illuminated sign. A sign that has the light source enclosed within it so the source is not visible to the eye.

Illuminated sign. A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

Luminance. An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Mobile billboard. A sign and/or an electronic message sign installed or displayed on a motor vehicle or trailer being towed by a motor vehicle for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business.

Monument sign. A sign that is mounted on a base at least as wide as the sign and is of limited height. The opening between the base and the sign must be no greater than 2 inches.

Moving sign. A sign or any part of a sign that rotates, moves, or uses lighting to simulate motion.

Name plate. A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.

New business sign. A temporary sign advertising the opening of a new business in an existing structure.

Off-premises sign. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-premises sign. A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Organization. An entity, including a natural person, that owns or operates the premises where an on-premises sign is displayed.

Pennant. A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent sign. A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Premises. A lot or tract within the city, and contiguous lands in the same ownership, that is not divided by any public highway, street or alley, or right-of-way.

Projecting sign. A building-mounted sign with the faces of the sign projecting 12 inches or more from and generally

perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

Residential area. Any property within the city limits that is zoned for residential use. Any unzoned property within the city limits or any property within the city's extraterritorial jurisdiction that is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within 200 feet of any such residence.

Responsible party. The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

Roof sign. Any sign that is mounted on or above the roof of a building, whose principal support fixtures are attached to a wall, and a wall sign that is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

Rotating sign. Sign faces or portions of a sign face that mechanically revolve around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights that convey an appearance of rotation.

Sign. Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention.

Signage. A community's inventory of signs used to communicate information or attract attention, including signature buildings, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs.

Single commercial building. A structure containing a single commercial establishment, office, business, school, church, nonprofit organization, charity or government agency.

Temporary sign. Any sign intended to remain in use for a short period of time that is not permanently installed.

Wall sign. A building-mounted sign that is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 16 inches from such surface.

Window or door sign. A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Vehicular sign. A vehicle, whether motorized or a trailer, that is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle that is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner. However, this term does not include a customary sign in a vehicle window advertising the vehicle itself for sale or containing an incidental noncommercial statement by the vehicle owner.

(Ordinance 2013-017, sec. 152.04, adopted 8/1/13)

Sec. 4.08.005 Enforcement; penalties

- (a) **Civil and criminal penalties apply.** 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 suit for injunctive relief as well as prosecution for criminal violations.
- (b) **Criminal prosecution.** A violation of the provisions of this article is a criminal misdemeanor and shall be governed by [section 1.01.009](#) of this code.
- (c) **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 to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
 - (2) A civil penalty up to \$250.00 a day, except that a fine for a violation that relates to fire safety or public health and sanitation may not exceed \$1,000.00, 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
 - (3) Other available relief.

(Ordinance 2013-017, sec. 152.18, adopted 8/1/13)

Sec. 4.08.006 Relation to other ordinances

This article shall not be construed to require or allow any act that is prohibited by any other ordinance. This article is specifically subordinate to any ordinance or regulations of the city pertaining to building and construction safety or to pedestrian and traffic safety. (Ordinance 2013-017, sec. 152.16, adopted 8/1/13)

Sec. 4.08.007 No vested interest

No person shall acquire any vested interest in this article or any specific regulations contained herein. This article and any regulation enacted hereby may be amended or repealed by the city council in the manner provided by law. (Ordinance 2013-017, sec. 152.17, adopted 8/1/13)

Sec. 4.08.008 Exemptions for certain types of signs

The following types of signs are exempt from regulation under this article:

- (1) Any sign inside a building, or a window or door sign, except for a lighted window sign or lighted door sign.
- (2) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as freestanding monuments, when placed by a governmental entity, historical society or other civic organization to commemorate a person, event, or other matter of historical interest.
- (3) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.
- (4) Signs that advertise sales or "help wanted" not to exceed four (4) square feet, limited to one per street frontage.
- (5) Signs that provide directions to federal, state or local government offices and facilities, public schools and associated facilities, and the Wimberley Visitors Center.
- (6) Hand-held signs of a noncommercial nature that do not rest on or otherwise touch the ground.
- (7) Pennants for special-themed, nonprofit events that are held at locations in the Entrance Corridor overlay and City Center overlay zoning districts and that have received prior written approval by the city administrator. Such pennants are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.

(Ordinance 2013-017, sec. 152.05, adopted 8/1/13)

Sec. 4.08.009 General regulations

- (a) The provisions contained in this section shall apply to all signs, with the exception of those referenced in [section 4.08.008](#), located within the city limits or ETJ.
- (b) No sign or part of a sign shall:
 - (1) Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal.
 - (2) Be placed upon real property without the consent of the property owner.
 - (3) Be located in, on, or over any right-of-way, except for regulatory or informational signs erected by government agencies.
 - (4) Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any

intersection, curve or corner. This includes signs located on private property.

(5) Be hung with less than 7-1/2 feet of vertical clearance above the sidewalk or less than fifteen (15) feet of vertical clearance above a street, drive, or parking area. This provision shall apply to any part of a sign, including mounting fixtures and supporting structures, that is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land.

(6) Imitate or resemble an official traffic-control device or signal, attempt to direct the movement of traffic, or hide from view or hinder the effectiveness of an official traffic-control device or signal.

(7) Be placed closer than six (6) feet to the edge of a road surface.

(8) Be allowed that moves or has moving components, or has bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature.

(9) Be located so that it is on or in any way obstructs any sidewalk, walkway or pathway used by the public for normal pedestrian access.

(10) Extend above or beyond the building roof line, parapet or eaves when installed on a wall. A parapet is a low wall built along one or more sides around the perimeter of a roof.

(11) Be located closer than ten (10) feet to any power line. Any such sign shall constitute a nuisance.

(12) Be installed so that it faces contiguous residential property.

(Ordinance 2013-017, sec. 152.06, adopted 8/1/13)

Sec. 4.08.010 Signs for which no permit is required

The following types of signs are regulated under this article but do not require a permit:

(1) Public service signs. A public service sign is a sign or part of a sign that is devoted to changeable messages of general public information without commercial content, such as public meeting information.

(A) A public service sign shall be placed only in a nonresidential area and only on the same lot or tract of land as the establishment sponsoring the sign.

(B) The area of a public service sign shall not exceed thirty-two (32) square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

(2) Realty signs. A realty sign is a sign that advertises the property on which the sign is located for sale, lease, or rent.

(A) Realty signs may be placed only upon the premises to which they refer, and only one (1) such sign shall be permitted per street fronting the lot or tract.

(B) The area of a realty sign shall not exceed three (3) square feet in a residential area, eight (8) square feet in a commercial area, and thirty-two (32) square feet in a nonresidential area located in the Entrance Corridor overlay zoning district.

(C) No more than three (3) signs may be placed³ to advertise or mark the location of a realty open

house at a site different from where the open house is occurring. The area of a realty open house sign shall not exceed three (3) square feet and shall only be placed on private property with the permission of the property owner. Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.

(3) **Bulletin boards.** Bulletin boards shall be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board shall not exceed thirty-two (32) square feet in area.

(4) **Community service signs.** Community service signs are temporary signs that solicit support for, or participation in, a nonprofit, non-political, community, public or social purpose, cause, event or activity, such as one supporting school activities, charitable programs, religious activities, or events of community interest.

(A) A community service sign shall be erected only by a unit of government, school, Chamber of Commerce, religious organization, or other nonprofit agency.

(B) The area of a community service sign shall not exceed six (6) square feet in a residential area or thirty-two (32) square feet in a nonresidential area.

(C) A community service sign that promotes any particular event shall not be erected more than seven (7) days prior to the event and shall be removed by the responsible party not more than one (1) calendar day after the event.

(D) Such signs may be placed on private property with the permission of the private property owner.

(5) **Event signs, on-site.** An on-site event sign is a sign that is placed to advertise or mark the location of an occasional event on the same site, such as a garage sale, estate sale, or private party.

(A) An on-site event sign shall not exceed an area of three (3) square feet in a residential area or thirty-two (32) square feet at any other location and shall not be lighted.

(B) Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.

(C) Such signs may not be used to advertise a home for sale.

(6) **Event signs, off-site.** An off-site event sign is a sign that is placed to advertise or mark the location of an occasional event, such as a garage sale, estate sale, or private party, at a site different from where the sign is placed.

(A) An off-site event sign shall not exceed an area of three (3) square feet and shall not be lighted.

(B) Such signs shall be placed only on private property and only with the consent of the owner of the property.

(C) No more than three (3) such signs may be used to give directions to the same event.

- (D) Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.
- (E) Such signs may not be used to advertise a home for sale.
- (7) **Governmental flags.** A governmental flag is a flag of the United States, the State of Texas, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. Governmental flags are permitted in all zoning districts provided that they meet the following requirements:
- (A) United States flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes, title 4, chapter 1 (The Flag).
- (B) When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A building permit shall be required for this type of installation.
- (C) Within Planning Areas IV through VII, ground-mounted flagpoles shall not exceed forty (40) feet. In Planning Areas I through III, the flagpole may not exceed the maximum building height of twenty-eight (28) feet. The height is measured from the base of the pole to the top of the pole.
- (8) **Name plates.** The area of a name plate shall not exceed one (1) square foot in a residential area or two (2) square feet in a nonresidential area. Only one (1) name plate may be permitted per residence or establishment. A name plate is not intended to serve as an address sign.
- (9) **Political signs.** A political sign is a sign that is primarily political in nature or that supports or opposes any candidate for public office or any proposition to be voted upon at an election, or that makes a political statement in the nature of constitutionally protected noncommercial free speech.
- (A) A political sign that contains primarily a political message and that is located on private real property shall not have an area greater than thirty-six (36) square feet, shall not be more than eight (8) feet in height, shall not be a lighted sign and shall not have any moving elements.
- (B) Political signs may be placed on property only with the consent of the property owner.
- (C) No political sign may be placed in, on or over any street or publicly owned land.
- (D) A political sign that refers to a candidate or issue on the ballot in an election shall not be placed at a location more than forty-five (45) days prior to the date of the election and shall be removed by the responsible party within three (3) days after the election.
- (10) **Single-family address signs.** A single-family address sign is a sign, other than a name plate or commercial sign, that identifies the address of a single-family or duplex residence.
- (A) A single-family address sign may contain an incidental personal message from the occupants.
- (B) A single-family address sign shall not contain any commercial content.

- (C) The area of a single-family address sign shall not exceed two (2) square feet.
- (D) Address signage is encouraged to be reflective and placed in a location on the property where it is visible at all times.
- (11) **Auxiliary signs.** Auxiliary signs that are not part of another sign and that provide information, such as hours of operations, credit cards accepted, restrictions of sale to minors, “no soliciting” or “beware of the dog.” The area of such individual signs shall not exceed one (1) square foot, and the aggregate area of all such signs cannot exceed four (4) square feet for any commercial establishment or residence.
- (12) **Repainting or repair.** No permit is required to repaint or otherwise repair an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, and the location of the sign is not changed.
- (13) **Change of copy.** No permit is required to change the copy on a changeable copy sign.
- (14) **Temporary decorations or display.** Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, and of a non-advertising nature; provided that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

(Ordinance 2013-017, sec. 152.07, adopted 8/1/13)

Sec. 4.08.011 Regulation of commercial signs; permit required

- (a) **Single commercial building.** An establishment located in a single commercial building shall be allowed the following permanent signs:
 - (1) One (1) freestanding sign or monument sign with a maximum sign area of thirty-two (32) square feet and a maximum sign height of ten (10) feet.
 - (2) One (1) roof sign or wall sign, sized and placed according to the following standards:
 - (A) One (1) wall sign is allowed per building facade of an establishment. Such wall signage shall comply with the size requirements for wall signage, as set forth in this article.
 - (B) A wall sign that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.
 - (C) The area of all wall signs on any single wall shall not exceed ten (10) percent of the area of the wall of the establishment where the sign is to be located.
 - (D) In the event wall signage does not exist, one (1) roof sign is allowed, per establishment. Such signage shall comply with the size requirements for roof signage, as set forth in this article.
 - (E) Roof signs are allowed to be painted on the surface of the roof top or mounted parallel to the building wall face on the roof, but may not extend above the main building ridge line of the establishment.
 - (F) The area of a roof sign shall not exceed ten (10) percent of the area of the building facade of

the establishment above which the sign is located.

(3) One (1) daily display sign, sized and placed according to the following standards:

(A) Daily display signs must be located on the leased, rented, or owned business premises.

(B) Only one (1) daily display sign is permitted per establishment.

(C) A daily display sign may be placed or used only during the actual business hours of the establishment to which it refers.

(D) It shall be prohibited to erect or cause to be erected a daily display sign in any public right-of-way or on a sidewalk in a manner that endangers public safety, creates a pedestrian or traffic hazard, or creates an obstacle or barrier in a sidewalk such that the sidewalk fails to comply with any relevant provision of the Americans with Disabilities Act. Such signs shall not block designated parking areas.

(E) Daily display signs are limited to six (6) square feet in area per side [with] a maximum width of two (2) feet.

(b) Commercial complex.

(1) A commercial complex shall be allowed one (1) freestanding sign identifying the name and/or address of the complex and/or listing the individual tenants in the complex. Such sign shall be sized and placed in accordance with the following standards:

(A) A commercial complex with two (2) to five (5) tenants shall be allowed one (1) freestanding sign with a maximum sign area of sixty-four (64) square feet and a maximum sign height of twelve (12) feet.

(B) A commercial complex with six (6) to ten (10) tenants shall be allowed one (1) freestanding sign with a maximum base sign area of sixty-four (64) square feet and a maximum sign height of fourteen (14) feet. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred fourteen (114) square feet.

(C) A commercial complex with eleven (11) or more tenants shall be allowed one (1) freestanding sign with a maximum base sign area of sixty-four (64) square feet and a maximum sign height of sixteen (16) feet. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred twenty-eight (128) square feet.

(D) A commercial complex with a land area of two (2) acres or more may have one (1) freestanding sign along each street that borders the complex for a distance of two hundred (200) feet or more. The total area of any one (1) freestanding sign shall not exceed one hundred sixty (160) square feet. The maximum height of the freestanding sign shall not be more than sixteen (16) feet.

(2) Each establishment located in a commercial complex shall be allowed the following permanent signs:

(A) One (1) wall or roof sign per establishment, sized and placed according to the following standards:

(i) A wall sign that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.

(ii) The area of all wall signs on any single wall shall not exceed ten (10) percent of the area of the front facade of the establishment.

(iii) Roof signs are allowed to be painted on the surface of the roof top or mounted parallel to the building wall face on the roof but may not extend above the main building ridge line of the establishment.

(iv) The area of a roof sign shall not exceed ten (10) percent of the area of the building facade of the establishment above which the sign is located.

(B) One (1) awning sign per establishment, sized and placed according to the standards set forth in this article:

(i) No awning sign shall extend beyond an edge of the awning structure to which it is attached. Except at a street corner, no awning sign shall be closer than five (5) feet from the end of the longer side of the awning structure.

(ii) An awning sign that is perpendicular to a building face shall not exceed $\frac{1}{3}$ of the width of the awning structure. A minimum spacing of ten (10) feet must be provided between such awning signs.

(iii) An awning sign that is parallel to a building face shall not exceed $\frac{1}{4}$ of the length of the awning structure.

(iv) No awning sign shall extend more than two (2) feet either above or below the horizontal underside of the awning structure. No awning sign shall have less than seven (7) feet ground clearance.

(C) One (1) daily display sign per establishment sized and placed according to the following standards:

(i) Daily display signs must be located on the leased, rented, or owned business premises.

(ii) Only one (1) daily display sign is permitted per establishment.

(iii) A daily display sign may be placed or used only during the actual business hours of the establishment to which it refers.

(iv) A daily display sign shall not be erected in any public right-of-way or on any sidewalk in a manner that endangers public safety, creates a pedestrian or traffic hazard, or creates an obstacle or barrier in a sidewalk such that the sidewalk fails to comply with any relevant provision of the Americans with Disabilities Act. Such signs shall not block designated parking areas.

(v) Daily display signs are limited to six (6) square feet in area per side with a maximum width of

two (2) feet.

(D) One (1) freestanding sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions:

- (i) The establishment is located along a street bordering, or within, the complex and in a separate building from the principal building of the complex; and
- (ii) The establishment has a separate parking area from the principal parking area of the complex that may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

The maximum area of a freestanding sign for an individual business located within a commercial complex shall not exceed thirty-two (32) square feet and a maximum sign height of ten (10) feet.

(c) New business signs. New business signs or banners shall be allowed prior to the installation of a permanent sign. The maximum area of such signs shall not exceed thirty-two (32) square feet and a maximum sign height of ten (10) feet and must be removed upon installation of the permanent sign or within fifteen (15) days after the city issues a certificate of occupancy for the project, whichever comes first.

(d) Commercial sign illumination. A person may illuminate a commercial sign, permitted under the provisions of this article, only in accordance with the following requirements:

- (1) No illuminated sign shall have luminance greater than sixty-five (65) footcandles for any portion of the sign within a circle one (1) foot in diameter.
- (2) The lamp and ballast watts of an illuminated [sign] shall not exceed 1.5 watts per square foot.
- (3) The light source for an illuminated sign, whether internal or external, shall be shielded from view.
- (4) All illuminated signs should not be illuminated after 10 p.m. or the close of business, whichever is later.
- (5) Flashing, blinking, revolving or rotating lights on a sign are not permitted.
- (6) No illuminated sign shall face a residentially zoned area.
- (7) No sign shall be lighted to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.

(Ordinance 2013-017, sec. 152.08, adopted 8/1/13)

Sec. 4.08.012 Other types of signs for which permits are required

The following types of signs are regulated under this article and require a permit:

- (1) Temporary banners.
- (A) Temporary banners shall not be erected for more than forty-five (45) days in succession.
- (B) Temporary banners must be kept in good repair throughout the time of their display.

- (C) No establishment may display more than two (2) temporary banners at any given time.
 - (D) Temporary banners may not exceed eight (8) square feet in a residential area and eighteen (18) square feet in all other areas.
 - (E) Temporary banners for commercial purposes may not face a residential area.
- (2) **STR1/STR2 identifier signs.** A STR1 identifier sign is a sign located on a property that includes a STR1 (as defined in the city zoning ordinance).
- (A) STR1 identifier signs, when erected, shall be placed on the same premises on which a STR1 that is registered with the city and the state comptroller's office as a STR1 is located.
 - (B) The identifier sign shall not exceed two (2) square feet in area and a maximum sign height of four (4) feet.
- (3) **Construction signs.** Construction signs are signs placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.
- (A) A construction sign may not exceed thirty-two (32) square feet in a nonresidential area or sixteen (16) square feet in a residential area.
 - (B) A construction sign must be removed at the time of the installation of the permanent sign or within fifteen (15) days after the city issues a certificate of occupancy for the project, whichever comes first.
 - (C) Construction signs that are larger than three (3) square feet in area and not securely mounted on a wall shall be set back at least ten (10) feet from the property line.
 - (D) Only one (1) construction sign may be permitted per street that fronts a building project or other project under construction, reconstruction, or repair.
- (4) **Directional signs.** A directional sign may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed twelve (12) square feet. The total number of directional signs on a premises shall not exceed the total number of street entrances to the premises. Such signs shall be placed on the premises for which direction is being provided and not in the right-of-way.
- (5) **Non-governmental flags.** A non-governmental flag is a flag adopted by a business, institution or other organization and containing the name, logo or other symbolic emblem of that business, institution or organization.
- (A) One (1) non-governmental flag is allowed per single commercial building with the square footage of such flag not to exceed the permitted square footage for the freestanding sign for that building.
 - (B) Three (3) non-governmental flags are allowed per commercial complex location, with a combined square footage equal to the permitted square footage for the freestanding sign for that complex.

(C) Any flagpole that does not fly a governmental flag shall not exceed twenty (20) feet in height.

(6) **Lighted signs**. An establishment shall only have one (1) lighted window or door sign per store front, not to exceed three (3) square feet in area. These signs shall be turned off when the establishment is not open for business.

(7) **Model home signs**. A model home sign is a sign that is located on the same lot as a model home in a residential subdivision and that calls the attention of prospective buyers to the model home.

(A) A model home sign shall be erected only on the actual site of a model home, and only one (1) such sign may be erected on the site.

(B) The area of a model home sign shall not exceed sixteen (16) square feet, and the height of a model home sign shall not exceed six (6) feet.

(C) A model home sign shall not be internally illuminated.

(D) All model home signs must be removed within thirty (30) days after ninety (90) percent of the homes in the subdivision are sold.

(8) **Portable signs**. A portable sign is a noncommercial, non-changeable copy sign that is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise, but excluding construction signs, on-site event signs, off-site event signs, realty signs and sidewalk signs.

(A) Portable signs may be used only to promote a nonprofit community event.

(B) Such signs shall not be illuminated, either by internal or external means.

(C) Such signs shall not exceed an area of thirty-two (32) square feet.

(D) Such signs may be placed on private property only with the permission of the owner of such property, on city property only with the prior written approval of the city administrator, or on other public property only with the permission of the agency owning the property.

(E) Such signs shall not be erected more than fourteen (14) days prior to the event, and all such signs must be removed by the responsible party not more than three (3) days after the event.

(9) **Residential development signs**. A residential development sign is a sign at the entrance to a residential development, such as a series of townhouses, or a residential subdivision that identifies the name and/or the address of the residential development.

(A) In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign.

(B) The area of a residential development sign shall not exceed thirty-two (32) square feet and shall be no taller than ten (10) feet.

(C) A residential development sign shall not be internally illuminated.

(D) The landscaped area adjacent to or beneath a residential development sign on private property shall be maintained at all times by the private property owner in such a manner so as not to create a public health and safety hazard and to ensure the visibility of the residential development sign.

(Ordinance 2013-017, sec. 152.09, adopted 8/1/13; Ordinance 2019-08 adopted 5/2/19)

Sec. 4.08.013 Prohibited sign types

The construction, placement, existence, or use of signs of the following nature is prohibited by this article:

- (1) Beacons.
- (2) Changeable copy signs except in the categories of gasoline pricing signs, and changeable copy freestanding signs.
- (3) Flashing signs.
- (4) Signs with visible moving parts.
- (5) Exterior neon signs.
- (6) Roof signs except as allowed in commercial sign regulations of this article.
- (7) Mobile billboards and vehicular signs, excluding vehicle wraps and magnetic signs affixed to a vehicle being used in the normal course of business and not parked at a location for advertising purposes.
- (8) Posters, pennants, ribbons, streamers, spinners, or other similar devices, provided that flags and banners as regulated in this article are not included in this prohibition. This prohibition does not apply to posters, pennants, ribbons, streamers related to public school events and/or activities.
- (9) Signs, banners or posters that contain statements, words or pictures of an obscene, indecent, or immoral character or that offend public morals or decency.
- (10) Commercial signs of any character, in any form of construction, and at any location except as regulated by this article.
- (11) Signs, to include hand-held signs, that by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of a traffic sign, signal, or device, or the view of other vehicular or pedestrian traffic, or because their design or content may be confused with any authorized traffic sign, signal or device.
- (12) Off-premises commercial signs.
- (13) Abandoned signs.

(Ordinance 2013-017, sec. 152.10, adopted 8/1/13)

Sec. 4.08.014 Community electronic message display signs

- (a) A community electronic message display is a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic

means.

(b) A community service electronic message display shall be erected only by the city and/or Wimberley ISD, on property owned by the city or Wimberley ISD, which is located in a nonresidential area.

(c) The area of a community service electronic message display shall not exceed twenty five (25) square feet and the display shall be at least a 10 mm 80 x 192 RGB LED matrix display with dimming capability.

(d) No more than two (2) community service electronic message display signs shall be allowed within the city limits and/or its ETJ.

(e) A community service electronic message display shall be used to provide governmentrelated message to the general public and to solicit support for, or participation in, a nonprofit, non-political, community, public, or social purpose, cause, event or activity, such as one supporting school activities, charitable programs, activities or events of community interest.

(Ordinance 2013-017, sec. 152.11, adopted 8/1/13; Ordinance 2018-29 adopted 7/19/18)

Sec. 4.08.015 Sign permit

(a) Permit and fee required. Except as otherwise provided in this article, no person may construct, reconstruct, place, install, repair, maintain, or relocate any sign without first obtaining a sign permit from the city through its administrator. Each application for a sign permit must be accompanied by the appropriate fee established by the city.

(b) Expiration. Permits shall expire if substantial progress on the approved action has not been achieved within six (6) months of approval. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

(c) Modifications. After a sign permit has been issued by the city, it shall be unlawful to deviate from the terms and conditions of the permit without prior written approval by the city administrator.

(d) Removal of noncomplying signs. In the event that a sign was erected, constructed, altered, repaired or relocated in violation of this article, the city administrator shall provide the party responsible for such sign with written notice requiring removal. If the responsible party fails to remove the sign by the date specified in the notice, then such sign may be removed by the city, and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the city may destroy, sell, or otherwise dispose of the sign.

(Ordinance 2013-017, sec. 152.12, adopted 8/1/13)

Sec. 4.08.016 Maintenance

(a) Generally. All signs must be maintained in a structurally safe condition, and in good repair. The city shall notify, by certified mail, the responsible party for any sign that constitutes a nuisance. The responsible party shall repair or remove the sign or seek an appeal of the nuisance determination

within thirty (30) days of receipt of the notice. If the responsible party chooses not to take the instructed action or institute an appeal, the city may repair or remove the sign, to the extent necessary to abate the nuisance. The city may charge to the responsible party all costs associated with the sign's repair or removal. An appeal of a nuisance determination shall be to the city council.

(b) **Signs that create imminent hazard to public safety.** Any sign that in the judgment of the city administrator has become an imminent hazard to public safety shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time that may be allowed for repairs or removal, and the notice may be served upon the responsible party by any means available. A sign that constitutes an imminent hazard and is not repaired or removed within the time specified in the notice shall be removed by the city and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the city as a hazardous sign and the sign remains unclaimed for a period of more than thirty (30) days, the city may destroy, sell, or otherwise dispose of the sign. A sign presents an imminent hazard when it constitutes a nuisance and necessitates immediate action to avoid harm to the public health or safety.

(Ordinance 2013-017, sec. 152.13, adopted 8/1/13)

Sec. 4.08.017 Pre-existing nonconforming signs

All signs that have been installed, and were lawful at the time of the installation, and are in existence as of the effective date of this article that do not conform to this article shall be known as "pre-existing nonconforming signs." Such pre-existing nonconforming signs need not comply with the provisions of this article except as follows:

- (1) **Changes to sign.** Any changes to a pre-existing nonconforming sign, other than routine repair or maintenance, shall require that said sign be brought into compliance with all applicable city ordinances.
- (2) **Abandonment of sign.** When a pre-existing nonconforming sign becomes an abandoned sign, its status as a pre-existing nonconforming sign shall terminate.
- (3) **Damaged signs.** A pre-existing nonconforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or dismantled, is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the city and within thirty (30) days of the damage, destruction or dismantling. A pre-existing nonconforming sign that has been destroyed may not be replaced or rebuilt except by a sign that is in full conformity with this article.
- (4) **Change in ownership.** A change in the ownership of a pre-existing nonconforming sign alone shall not terminate its protected status. The owner or legal possessor of a pre-existing nonconforming sign shall have the right to repair and maintain it. Such repairs shall not terminate the sign's protected status.
- (5) **Change of advertising copy.** Change of advertising copy is part of reasonable maintenance and repair, but the change of copy may not increase or expand the size of the original nonconforming use.
- (6) **Change of facing or display area.** Change of facing or sign display area is part of reasonable

maintenance and repair, but the change of facing and sign display area may not increase or expand the size of the sign in excess of the original nonconforming use.

(7) **Registration required.** On or after July 1, 2015, it shall be unlawful for any person to maintain any pre-existing nonconforming off-premises sign within the corporate limits or extraterritorial jurisdiction of the city without having a valid registration tag affixed thereto as required in this section.

(8) **Application for registration.** To register a pre-existing nonconforming off-premises sign, application shall be made to the city administrator on forms provided for that purpose. The application shall be accompanied by the payment of the applicable fee and shall contain the name and address of the owner of the sign, the exact location of the sign, the date of placement, and any other information reasonably required by the city administrator.

(9) **Establishment of nonconforming status.** As a condition to registration, the applicant shall submit objective evidence of the lawful existence and continued use of the nonconforming sign by providing the following types of information, including, but not limited to, documentation that the nonconforming sign was in existence on or before the effective date of this article and evidence of continuous operation for each successive year up through the date of registration: previous nonconforming use determinations, plats, county appraisal data, lease agreements, sworn affidavits from three or more persons with knowledge, dated photographs, bills, invoices, customer receipts, or other similar proof.

(10) **Issuance of registration tag.** If the city administrator determines that the off-premises sign is a lawfully pre-existing nonconforming sign, he/she shall issue a registration tag to the applicant. The applicant shall cause the tag to be affixed in a conspicuous place on the corresponding registered off-premises sign.

(11) **Notification of removal of sign.** Any owner who removes or causes the removal of any validly registered nonconforming off-premises sign from any premises shall, within five (5) business days of its removal, report the removal to the city administrator in writing.

(12) **Invalidation of registration.** The city administrator shall invalidate any registration tag for a nonconforming off-premises sign when:

- (A) The sign is removed from the premises for any reason;
- (B) The sign has been damaged or destroyed to a degree that causes it to lose its nonconforming sign status as provided in this article;
- (C) The sign has become an abandoned sign; or
- (D) The city administrator determines that the applicant filed a false registration application.

(Ordinance 2013-017, sec. 152.14, adopted 8/1/13; Ordinance 2015-008 adopted 4/2/15)

Sec. 4.08.018 Variances

(a) **Application and fee required.** A variance is written approval to depart from the strict application of the provisions of this article. Any person, business or other organization desiring to construct,

reconstruct, place, install, repair, maintain, relocate, alter or use any sign that does not conform to the provisions of this article may make application to the for a variance to the provisions of this article. The application shall be filed with the city administrator, accompanied by the appropriate fee established by city. The application shall be processed and presented to the board of adjustment for review and consideration.

(b) **Standards for variances.** The board of adjustment may approve a variance only if it makes affirmative findings, reflected in the minutes of the board of adjustment's proceedings, as to all of the following:

- (1) The variance will not authorize a type of sign that is specifically prohibited this article;
- (2) The variance is not contrary to the goals and objectives outlined by the city comprehensive plan, section VII, D-2;
- (3) The variance is not contrary to the public interest;
- (4) Due to special conditions, a literal enforcement of this article would result in unnecessary hardship. Hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not satisfy this requirement;
- (5) The spirit and purpose of this article will be observed, and substantial justice will be done.

(c) **Conditions of variances.** The board of adjustment may impose such conditions or requirements for a variance as are necessary in the board's judgment to achieve the fundamental purposes of this article. A violation of such conditions or requirements shall constitute a violation of this article. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six (6) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

(Ordinance 2013-017, sec. 152.15, adopted 8/1/13)



AGENDA ITEM:	Central Wimberley Wastewater Project Update
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	May 18, 2020
MEETING DATE:	May 21, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

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

REQUESTED ACTION

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

FINANCIAL

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

STAFF RECOMMENDATION

ATTACHMENT/S