



**CITY OF
WIMBERLEY**

REGULAR CITY COUNCIL MEETING PACKET

**Thursday, August 19, 2021
6:00 p.m.**



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 19, 2021 – 6:00 P.M.

AGENDA

In accordance with the order of the Office of the Governor issued March 16, 2020, in relation to COVID-19, some members of the City Council and/or staff may appear via teleconference/video conference.

The public may participate in this meeting either in person or via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 874 8330 7433 and using the passcode 489346.

The public will be permitted to offer public comments and participate in any public hearing either in person pursuant to City Council rules or 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 **remotely** must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two (2) 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. **CALL TO ORDER** August 19, 2021 at 6:00 p.m.
 2. **CALL OF ROLL** City Secretary, Laura Calcote
 3. **INVOCATION** Chapel in the Hills Representative, Dick Adams
 4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from the general public on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council

consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.

6. PRESENTATIONS

6.1. Presentation regarding a vehicle lease program. *(D&M Commercial General Manager, Jerry Haddad)*

6.2. Presentation regarding a community project at Brookshire Brothers. *(Alexis Pointe Representative, Katy Starr)*

7. CONSENT AGENDA

7.1. Approval of minutes from the Regular City Council Meeting held August 5, 2021.

7.2. Approval of the second and final reading of Ordinance No. 2021-27, repealing and replacing Chapter 12, Utilities, Article 12.02, Water and Sewer, Division 4, Sewer Utility Protection, Sec. 12.02.106 Grease Traps and Grease Interceptors of the City of Wimberley Code of Ordinances; providing for a savings clause; providing for severability; providing for penalties; and providing findings regarding compliance with the Texas Open Meetings Act.

8. CITY STAFF REPORT

City staff updates regarding CivicReady and the Oak Drive Improvements Project. *(City Administrator, Mike Boese and City Secretary, Laura Calcote)*

9. PUBLIC HEARINGS AND POSSIBLE ACTION

9.1. Hold a public hearing and consider possible action regarding case CUP-21-016, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 700 Little Ranches, Wimberley, Hays County, Texas. *(Applicant: Ryan & Molly Galbraith)*

9.2. Hold a public hearing and consider possible action regarding case CUP-21-018, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 213 Leveritts Loop, Wimberley, Hays County, Texas. *(Applicant: Steve Crossland)*

9.3. Hold a public hearing and consider possible action regarding the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development), Article 9.03 (Zoning), Division 5 (Development Standards), Section 9.03.181 (Off-Street Parking and Loading Requirements) to add Section (G) City Center Overlay Parking; and amending article 9.05, Development Fees to add section Fee-in-Lieu of Parking Spaces and providing for savings, severability, repeater, effective date, and proper notice and meeting. *(Planning & Development Coordinator, Nathan Glaiser)*

10. DISCUSSION AND POSSIBLE ACTION

10.1. Discuss and consider possible action regarding a wetland maintenance renovation at the Patsy Glenn Refuge. *(The Wimberley Birding Society and Parks Director, Richard Shaver)*

- 10.2. Discuss and consider possible action regarding a TexPool Resolution Amending Authorized Representatives for the City of Wimberley. (*City Secretary, Laura Calcote*)
- 10.3. Discuss and consider possible action regarding Ordinance No. 2021-28, approving an amendment to the City of Wimberley, Texas Code of Ordinances, Chapter 2 Administration and Personnel, Article 2.03 Ordinances, Section 2.03.001 Two Readings Required; Exceptions; and providing for the following: findings of fact, savings, repealer, severability, effective date and proper notice and meeting. *City Secretary, Laura Calcote*)
- 10.4. Discuss and consider possible action regarding the second and final reading of Ordinance No. 2021-02, concerning the extension of sewer utilities and providing for the following: jurisdiction; purpose and scope; sewer service application requirements; disconnection and discontinuance of sewer service; requirements for connecting to sewer services; establishing wastewater utility system rates and fees; findings of fact; establishing a rate schedule; relation to other ordinances; effective date; severability; proper notice and meeting. (*City Administrator, Mike Boese*)
- 10.5. Discuss and consider possible action regarding the proposed Fiscal Year (FY) 2021-2022 Budget. (*City Administrator, Mike Boese*)
- 10.6. Discuss and consider possible action regarding the October 7th Regular City Council Meeting, due to City participation in the Texas Municipal League Annual Conference. (*Mayor, Gina Fulkerson*)

11. CITY COUNCIL REPORTS

11.1. Announcements

11.2. Future agenda items

12. 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.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is

specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, August 16, 2021, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Laura J. Calcote, MPA, TRMC
City Secretary

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





AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	August 12, 2021
MEETING DATE:	August 19, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- 7.1. Approval of minutes from the Regular City Council Meeting held August 5, 2021.
- 7.2. Approval of the second and final reading of Ordinance No. 2021-27, repealing and replacing Chapter 12, Utilities, Article 12.02, Water and Sewer, Division 4, Sewer Utility Protection, Sec. 12.02.106 Grease Traps and Grease Interceptors of the City of Wimberley Code of Ordinances; providing for a savings clause; providing for severability; providing for penalties; and providing findings regarding compliance with the Texas Open Meetings Act.

REQUESTED ACTION

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

FINANCIAL

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

STAFF RECOMMENDATION

Approval of 7.1.

ATTACHMENT/S

- August 5th City Council Minutes
- Ordinance No. 2021-27



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 5, 2021 – 6:00 P.M.

AGENDA

In accordance with the order of the Office of the Governor issued March 16, 2020, in relation to COVID-19, some members of the City Council and/or staff may appear via teleconference/video conference.

The public may participate in this meeting either in person or via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 830 0587 0545 and using the passcode 474662.

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CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on August 5, 2021 at 6:01 p.m.

CALL OF ROLL

Council Members Present:	Gina Fulkerson	Mayor (<i>in person</i>)
	Rebecca Minnick	Place One (<i>in person</i>)
	Teresa Shell	Place Two (<i>via teleconference</i>)
	Christine Byrne	Place Three (<i>in person</i>)
	Jim Chiles	Place Four (<i>in person</i>)
	David Cohen	Place Five (<i>via teleconference</i>)

City Staff Present:	Mike Boese	City Administrator (<i>in person</i>)
	Laura Calcote	City Secretary (<i>in person</i>)
	Megan Santee	City Attorney (<i>in person</i>)

INVOCATION

Cypress Creek Church Lead Pastor, Jose Abaroa, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor, Gina Fulkerson, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

PRESENTATION AND POSSIBLE ACTION

Presentation and consider possible action regarding the City of Wimberley's Quarterly Investment Report for the third quarter of Fiscal Year 2021. *(City Administrator, Mike Boese)* City Administrator, Mike Boese, presented the City's third quarter (April-June 2021) investment report for Fiscal Year 2021. The report included investment portfolio, cash, TexPool and CD summaries for each month.

Motion to approve the City of Wimberley's Quarterly Investment Report for the third quarter of Fiscal Year 2021 was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

CONSENT AGENDA

Motion to approve the Consent Agenda, as presented, was made by Council Member Christine Byrne. Motion was seconded by Council member Rebecca Minnick. Motion carried unanimously (5-0).

7.1. Approval of minutes from the Special City Council Meeting held July 15, 2021.

7.2. Approval of minutes from the Regular City Council Meeting held July 15, 2021.

7.3. Approval of minutes from the Special City Council Meeting held July 29, 2021.

CITY STAFF REPORT

Parks Director, Richard Shaver, provided an update regarding the proposed Blue Hole Nature Center, the upcoming Blue Hole Office Expansion Project, the Patsy Glenn Refuge, the Life Jacket Loaner Program, revenue and expenditures for Blue Hole Regional Park and upcoming events and programs. There was discussion among Mr. Shaver and Council pertaining to the Patsy Glenn Refuge and the proposed gate fees for Fiscal Year 2022.

DISCUSSION AND POSSIBLE ACTION

9.1. Discuss and consider possible action to execute a Professional Services Agreement (PSA) between the City of Wimberley and Steven Reeves, SLR Real Estate Inspection Services #9219 to provide Texas Real Estate Commission (TREC) Inspections for the HUD funded Community Development Block Grant Disaster Relief (CDBG-DR) Housing Program. *(Langford Community Management Services)*

Motion to approve and execute a Professional Services Agreement (PSA) between the City of Wimberley and Steven Reeves, SLR Real Estate Inspection Services #9219 to provide Texas Real Estate Commission (TREC) Inspections for the HUD funded Community Development Block Grant Disaster Relief (CDBG-DR) Housing Program,

was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 9.2. Discuss and consider possible action to authorize a Request for Proposal (RFP) for Wimberley Blue Hole Regional Park New Parks and Recreation Office Addition. (*Parks Director, Richard Shaver*)

Motion to authorize a Request for Proposal (RFP) for Wimberley Blue Hole Regional Park New Parks and Recreation Office Addition, with the scrivener's error correction, was made by Council Member Christine Byrne. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

- 9.3. Discuss and consider possible action regarding an agreement between the Friends of Blue Hole and the City of Wimberley. (*Parks Director, Richard Shaver*)
Parks Director, Richard Shaver, presented the proposed agreement and highlighted certain sections of the agreement for Council's review.

Motion to approve the agreement between the Friends of Blue Hole and the City of Wimberley was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 9.4. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*Project Manager, Craig Fore*)

Project Manager, Craig Fore, and City Administrator, Mike Boese, stated the wastewater system was online as of August 1st and users had begun connecting. The 45-day connection period had been triggered and system users would have until September 15th to connect. City Administrator Boese noted user billing was in the process of being implemented and the first bills would be sent in September for August usage. No action was taken on this item.

- 9.5. Discuss and consider possible action regarding the first reading of Ordinance No. 2021-02, concerning the extension of sewer utilities and providing for the following: jurisdiction; purpose and scope; sewer service application requirements; disconnection and discontinuance of sewer service; requirements for connecting to sewer services; establishing wastewater utility system rates and fees; findings of fact; establishing a rate schedule; relation to other ordinances; effective date; severability; proper notice and meeting. (*City Administrator, Mike Boese*)

City Administrator, Mike Boese, presented Ordinance No. 2021-02 and highlighted various sections of the document. There was lengthy discussion regarding system taps and LUEs, customer deposit fees and late fees, as well as new connections and reconnections to the system and the 150-foot connection requirement. Some general editing and scrivener errors in the document were also noted.

Motion to approve the first reading of Ordinance No. 2021-27 concerning the extension of sewer utilities and providing for the following: jurisdiction; purpose and scope; sewer service application requirements; disconnection and discontinuance of sewer service; requirements for connecting to sewer services; establishing wastewater utility system rates and fees; findings of fact; establishing a rate schedule; relation to other ordinances; effective date; severability; proper notice and meeting, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

Motion was amended to correct the ordinance number to Ordinance No. 2021-02 by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

- 9.6. Discuss and consider possible action regarding the first reading of Ordinance No. 2021-27, repealing and replacing Chapter 12, Utilities, Article 12.02, Water and Sewer, Division 4, Sewer Utility Protection, Sec. 12.02.106 Grease Traps and Grease Interceptors of the City of Wimberley Code of Ordinances; providing for a savings clause; providing for severability; providing for penalties; and providing findings regarding compliance with the Texas Open Meetings Act. *(City Administrator, Mike Boese)*

City Administrator, Mike Boese, presented Ordinance No. 2021-27 and cleaning requirements for interceptors were discussed.

Motion to approve the first reading of Ordinance No. 2021-27, repealing and replacing Chapter 12, Utilities, Article 12.02, Water and Sewer, Division 4, Sewer Utility Protection, Sec. 12.02.106 Grease Traps and Grease Interceptors of the City of Wimberley Code of Ordinances; providing for a savings clause; providing for severability; providing for penalties; and providing findings regarding compliance with the Texas Open Meetings Act, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

- 9.7. Discuss and consider possible action regarding an agreement between the City of Wimberley and Wimberley Water Supply Corporation. *(City Administrator, Mike Boese)*
The agreement between the City of Wimberley and Wimberley Water Supply Corporation was presented and sections were highlighted, including the \$600 compensation fee the City would pay the entity each year of the agreement and the shut-off service fees outlined. Mr. Boese requested City Council grant him authority to make minor adjustments or changes to the agreement, as needed or requested by either party, before execution.

Motion to approve the agreement between the City of Wimberley and Wimberley Water Supply Corporation, and to allow the City Administrator to make minor adjustments to the agreement before execution, as necessary, was made by Council Member Jim Chiles. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 9.8. Discuss and consider possible action regarding an Interlocal Agreement Between Hays County and the City of Wimberley related to RM 12 at RM 3237 Intersection Improvements Project. *(City Administrator, Mike Boese)*

City Administrator, Mike Boese, presented the Interlocal Agreement for intersection improvements at Ranch Road 12 and RM 3237, along with a projected timeline for the project. It was noted that the signature page needed the City of Wimberley changed to a Type A, General Law Municipality from Home-Rule.

Motion to approve an Interlocal Agreement Between Hays County and the City of Wimberley related to RM 12 at RM 3237 Intersection Improvements Project, with the signature page correction regarding the type of city, was made by Council Member Christine Byrne. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

10.1. Announcements

- City Secretary, Laura Calcote, reminded Council about registration for the upcoming Texas Municipal League Annual Conference. Ms. Calcote discussed the City's preferred tagline/slogan for the new City website, which Council agreed should be "A little bit of heaven."
- City Council Member, Rebecca Minnick, reported on the Music Friendly Designation Workshop that was held on August 2nd at the Wimberley Community Center and provided a timeline for the City to hopefully receive the official designation.
- Mayor, Gina Fulkerson, noted the celebration for the completion of the wastewater system would be held in mid-to-late September 2021.

10.2. Future agenda items

- Mayor, Gina Fulkerson, requested an update to the Oak Drive Improvements Project at the next meeting.
- Council Member, Teresa Shell, noted she would be presenting information regarding a historic overlay district designation at a future meeting.

ADJOURNMENT

Motion to adjourn the meeting at 8:03 p.m. was made by Council Member David Cohen. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor

ORDINANCE NO. 2021-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS; REPEALING AND REPLACING CHAPTER 12, UTILITIES, ARTICLE 12.02, WATER AND SEWER, DIVISION 4, SEWER UTILITY PROTECTION, SEC. 12.02.106 GREASE TRAPS AND GREASE INTERCEPTORS OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING FINDINGS REGARDING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT

WHEREAS, the City Council of the City of Wimberley, Texas hereby determines that it is in the best interests of the citizens of the City of Wimberley to update its regulation of facilities that discharge fats, oils, and grease (FOG) in their wastewater flow; and

WHEREAS, the City Council hereby finds that such regulations are necessary in order to protect the public health, the sanitary sewer system, and the environment and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code S 1251 et seq.).

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

Section 1. Sec. 12.02.106 Grease traps and grease interceptors of Article Division 4, Sewer Utility Protection, Article 12.02 Water and Sewer of CHAPTER 12, UTILITIES of the City of Wimberley Code of Ordinances is hereby repealed and replaced with the following:

“Sec. 12.02.106 Fats, Oils and Grease Regulations

(a) General Provisions

The purpose of this section is to outline the wastewater pretreatment requirements for Food Preparation-Service Facility and other commercial facilities that discharge fats, oils, and grease (FOG) in their wastewater flow. All new and existing facilities that generate and discharge FOG in their wastewater flow shall install, operate, and maintain a FOG pretreatment system. In order to protect public health, the sanitary sewer system, and the environment, this ordinance sets forth uniform requirements for FOG generators and grease trap waste transporters operating in the City of Wimberley and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code S 1251 et seq.). The objectives of this section are:

- (1) To establish uniform requirements for preventing FOG laden waste into the City of Wimberley owned Sewer System and to enable the City to comply with all applicable federal and state laws. The primary objective is to prevent the introduction of FOG into the Publicly Owned Treatment Works that will reduce accumulations, that could result in overflows and blockage.

- (2) To promote the proper maintenance of grease traps/interceptors; and,
- (3) To ensure the proper handling, disposal, transport and tracking of grease trap waste.
- (4) To enable the City to meet Federal, State and Local Pollutant Discharge limits.
- (5) To prevent the introduction of FOG that could interfere with the treatment process units and possibly pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters.
- (6) To prevent Sanitary Sewer Overflow which can contaminate the ground, local water bodies and any property contacting the sewage.

(b) Administration: The City Utility Manager shall administer, implement, and enforce the provisions of this ordinance and is authorized to promulgate such policies, guidelines and procedures as shall be reasonable and necessary to carry out its provisions. Any powers granted to or duties imposed in this ordinance upon the City Utility Manager shall reside with the City Administrator, who may delegate same to other city personnel.

(c) Applicability and Prohibitions:

- (1) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section 2 of this Ordinance.
- (2) Residential users and Food Service-Sales Facilities do not require traps/interceptors.
- (3) Each generator shall install, use, and maintain an appropriate grease trap/interceptor as required in the City of Wimberley FOG Guidelines and Procedures.
- (4) No Facility may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment, or that would otherwise be removed with a properly sized, installed, operated and maintained grease trap/interceptor.

(d) Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this section, shall have the meanings hereinafter designated.

Act: Refers to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

BOD: The value of the 5-day test for Biochemical Oxygen Demand.

City of Wimberley FOG Guidelines and Procedures: The detailed document prepared and provided by the City to aid generators, transporters, and non-domestic users in implementation of the FOG Ordinance.

Disposal Site: A permitted site or part of a site at which grease trap waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain after site closure.

EPA: The United States Environmental Protection Agency.

Fats, Oils, & Grease (FOG): Fats, oils, and grease (FOG) means substances such as vegetable or animal products that are used in, or are byproducts of, the cooking or food preparation process, and that turn or may turn viscous or solidify with a change in temperature or other conditions.

Food Preparation-Service Facility (Facility): Any facility generating fats, oils, or grease as a result of food preparation and food service to include, but not limited to, restaurants, cafeterias, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for human consumption

Food Service-Sales Facility: Any facility in which foods are provided pre-wrapped such as pre-packaged sandwiches or similar foods, candies, and containerized beverages.

Generator: Any person who owns or operates a grease trap/interceptor at a Food Preparation-Service Facility, or whose act or process produces grease trap waste at a Food Preparation-Service Facility.

Grease/ Grit Reducing Device (GRD): Grit Reducing Device is the structure used to screen the sand, silt and grit from entering the sewer system.

Grease Trap or Interceptor: A passive tank installed outside a building and designed to remove fats, oils, and grease from flowing wastewater while allowing wastewater to flow through it, and as further defined herein. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system.

Interference: A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the City's TPDES permit.

pH: The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POTW or Publicly Owned Treatment Works: The treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this Ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

TCEQ: The Texas Commission on Environmental Quality, and its predecessor and successor agencies.

TPDES: Texas Pollutant Discharge Elimination System (TPDES) is a regulatory program to control discharges of pollutants to surface waters.

Transporter: A person or entity who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code §312.142.

TSS: The value of the test for Total Suspended Solids.

Wetted Height: Sum of height of accumulated suspended FOG and settled solid in an interceptor.

(e) Guidelines and Procedures

The City of Wimberley FOG Guidelines and Procedures are attached hereto as Exhibit A, and shall be incorporated by reference into this section, and are hereby approved by the City Council and shall be kept on file with the City Secretary, as amended by City Council from time to time.

(f) Installation and Maintenance

(1) Installation of Interceptor:

(A) *New Facilities*: Upon the effective date of this Ordinance, Newly proposed or constructed, or existing facilities which will be expanded or renovated, shall be required to install, operate and maintain Grease Interceptor or Grease Trap according to the requirements of the City of Wimberley. All new regulated establishments shall be required to complete and submit a grease management facility plan prior to commencing discharge to the Publicly Owned Sewer System.

(B) *Existing Facilities*: Existing grease trap/interceptors must be operated and maintained in accordance with this Section and the City of Wimberley FOG Guidelines and Procedures. They shall be required to design, install, operate, and maintain interceptor in accordance with this section when either of the following criteria apply:

1. Renovation or expansion of an existing Food Preparation-Service Facility in the following instances: (1) a grease trap/interceptor is non-existent, or (2) a grease trap/interceptor is non-compliant with current FOG Guidelines and Procedures and has a history of non-compliance.
2. Addition of a Food Preparation-Service Facility to an existing structure.
3. The existing facility is sold or undergoes a change of ownership.
4. The facility has an undersized, irreparable, or defective grease interceptor.
5. If prior to the issuance of a certificate of occupancy, an existing facility has lost its non-conforming use status due to vacancy, any grease trap/interceptor shall be required to be compliant with current FOG Guidelines and Procedures before a new certificate of occupancy can be issued.
6. The City Utility Manager finds the facility to be contributing oils and grease in quantities (more than 100 mg/L) to cause line stoppages, grease buildup.

(C) *Approval*: Grease trap/interceptors shall be subject to plan review and approval by the City prior to construction/installation. Grease trap/interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a food permit. The Existing facility does not need to be replaced if the existing grease trap/ interceptor under meets all the following criteria:

1. The existing interceptor was in compliant at the time of original construction.
2. The facility has not increased its footprint by more than 50%.
3. The facility does not have history of non-compliance.
4. There is no change of ownership or occupancy.

(D) *Single Certificate of Occupancy*: Grease trap/interceptors shall be installed pursuant to a single certificate of occupancy. No person or persons shall allow the use of a single grease trap/interceptor by more than one business as defined by a certificate of occupancy without prior written approval from the City.

(g) Cleaning and Maintenance of Interceptors:

(1) *Cleaning Requirements:*

- (A) A generator shall have all grease trap waste cleaned from the grease trap/interceptor and picked up by licensed transporter unless the generator participates in the self-cleaning program as described in the City of Wimberley FOG Guidelines and Procedures. The grease trap waste should be properly disposed at the disposal site unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter arrange for additional transportation capacity so that the trap is fully evacuated in accordance with federal, state and local regulations.
- (B) Each pump-out of a grease interceptor must be accompanied by a manifest to be used for recording keeping purposes. Manifests shall be maintained on file by the generator and transporter as per 30 Texas Administrative Code 312.145.
- (C) Existing grease traps/interceptors (50 gallons or less) may be allowed to participate in the self-cleaning program as explained in the City of Wimberley FOG Guidelines and Procedures.

(2) *Cleaning Schedules:*

- (A) Grease trap/interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; that the discharge is in compliance with the BOD, TSS, FOG, and/or pH limits promulgated in the City of Wimberley FOG Guidelines and Procedures; and, to ensure that no visible grease is observed in the discharge.
- (B) Grease trap/interceptors (more than 50 gallons) shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - 1. Twenty-five (25) percent or more of the wetted height of the grease trap/interceptor, as measured by approved dipping method from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
 - 2. The discharge exceeds the BOD, TSS, FOG, pH, or other pollutant levels limits as per the City of Wimberley FOG Guidelines and Procedures or,
 - 3. If there is a history of non-compliance with City of Wimberley FOG Ordinance.
- (C) Grease trap/interceptors (50 gallons or less) shall be cleaned and maintained according to the City of Wimberley FOG Guidelines and Procedures.
- (D) Owner of a grease trap/interceptor can request the exception of the required pumping frequency of their interceptor in a written application submitted to the city. The application shall include the next date and time the owner intends to have its Grease Interceptor pumped and cleaned and an affidavit from the owner that it shall permit no further pumping or cleaning of the Grease Interceptor until the City Utility Manager has completed the evaluation and notified the appropriate pumping frequency to be established. In addition, the waiver request may include professional comments from the transporter regarding the performance of the grease trap/interceptor. These comments will provide additional insight to the City when reviewing the request. The City may grant an extension for the required cleaning frequency on a case-by-case basis when:
 - 1. The owner demonstrated the existing trap will produce an effluent with minimal amount of FOG concentration (100mg/L) along with the consistent compliance with the BOD, TSS, FOG, or pH within the city acceptable limit.
 - 2. The total wetted height of the interceptor is less than 25 percent, as measured from the bottom of the device to the invert of the outlet pipe.
- (E) In any event, a grease trap/interceptor shall be fully evacuated, cleaned, and inspected at least once every 365 days.

- (F) If a generator stops operation of a food preparation-service facility, the grease trap/interceptor at the facility shall be properly cleaned within 30 days of the facility being vacated.

(h) Administrative Authority

The City Utility Manager shall have the right to access all parts of the premises of any Generator or Transporter during regular business hours to determine whether the Generator or Transporter is complying with this Section and the City of Wimberley FOG Guidelines and Procedures. The City Utility Manager should be allowed to inspect, sample, and perform any other duties to as required by the section. Any unreasonable delays in allowing the City Utility Manager to access the Generator's premises shall be a violation of this Section. The failure of refusal to comply with these provisions shall be grounds for enforcement action."

Sec. 12.02.106—Grease traps and grease interceptors

~~(a) Applicability and prohibitions.~~

~~(1) This division shall apply to all nondomestic users of the publicly owned treatment works (POTW).~~

~~(2) Grease traps or grease interceptors shall not be required for residential users.~~

~~(3) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in subsection (b) below. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.~~

~~(4) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the city's sewer system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.~~

~~(b) General requirements.~~

~~(1) New facilities. Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with the city's plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.~~

~~(2) Existing facilities. Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this division, unless specified in writing and approved by the city.~~

~~(3) Disposal of waste. All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulations.~~

~~(c) Cleaning and maintenance.~~

~~(1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.~~

~~(2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour~~

~~period, in accordance with 30 Texas Administrative Code section 312.143.~~

~~(d) — Self-cleaning.~~

~~(1) — Grease trap self-cleaning operators must receive approval from the city annually prior to removing grease from their own grease trap(s) located inside a building, provided:~~

~~(A) — The grease trap is no more than 50 gallons in liquid/operating capacity;~~

~~(B) — Proper on-site material disposal methods are implemented (e.g., absorb liquids into solid form and dispose into trash);~~

~~(C) — The local solid waste authority allows such practices;~~

~~(D) — Grease trap waste is placed in a leak-proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and~~

~~(E) — Detailed records on these activities are maintained.~~

~~(2) — Grease trap self-cleaning operators must submit a completed self-cleaning request to the city for approval. The written request shall include the following information:~~

~~(A) — Business name and street address;~~

~~(B) — Grease trap/interceptor operator name, title, and phone number;~~

~~(C) — Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and~~

~~(D) — Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.~~

~~(3) — Self-cleaners must adhere to all the requirements, procedures and detailed recordkeeping outlined in their approved application, to ensure compliance with this division. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:~~

~~(A) — Date the grease trap/interceptor was serviced;~~

~~(B) — Name of the person or company servicing the grease trap/interceptor;~~

~~(C) — Waste disposal method used;~~

~~(D) — Gallons of grease removed and disposed of;~~

~~(E) — Waste oil added to grease trap/interceptor waste; and~~

~~(F) — Signature of the operator after each cleaning that certifies that all grease was removed and disposed of properly, the grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.~~

~~(4) — Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.~~

~~(e) — Cleaning schedules.~~

~~(1) — Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor, to ensure the discharge is in compliance with local discharge limits, and to ensure no visible grease is observed in discharge.~~

~~(2) — Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every 90 days, or more frequently when:~~

~~(A) — Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe,~~

~~contains floating materials, sediment, oils or greases;~~

~~(B) — The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the city or GBRA; or~~

~~(C) — If there is a history of noncompliance.~~

~~(3) — Any person who owns or operates a grease trap/interceptor may submit to the city a request in writing for an exception to the 90-day pumping frequency of their grease trap/interceptor. The city may grant an extension for required cleaning frequency on a case-by-case basis when:~~

~~(A) — The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the city or GBRA; or~~

~~(B) — Less than 25% of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.~~

~~(4) — In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.~~

~~(f) — Manifest requirements.~~

~~(1) — Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for recordkeeping purposes.~~

~~(2) — Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:~~

~~(A) — Name, address, telephone, and commission registration number of the transporter;~~

~~(B) — Name, signature, address, and phone number of the person who generated the waste and the date collected;~~

~~(C) — Type and amount(s) of waste collected or transported;~~

~~(D) — Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;~~

~~(E) — Date and place where the waste was deposited;~~

~~(F) — Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;~~

~~(G) — Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;~~

~~(H) — The volume of the grease waste received; and~~

~~(I) — A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.~~

~~(3) — Manifests shall be divided into five parts and records shall be maintained as follows:~~

~~(A) — One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.~~

~~(B) — The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.~~

- ~~(C) — One part of the manifest shall go to the receiving facility.~~
- ~~(D) — One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.~~
- ~~(E) — One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.~~
- ~~(F) — One part of the manifest shall go to the city.~~
- ~~(4) — Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the city or GBRA.~~
- ~~(g) — Alternative treatment.~~
- ~~(1) — A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of, any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.~~
- ~~(2) — It is an affirmative defense to an enforcement of subsection (g)(1) above that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.~~
- ~~(3) — Bioremediation media may be used with the city's approval if the person has proved to the satisfaction of the city that laboratory testing which is appropriate for the type of grease trap to be used has verified that:~~
- ~~(A) — The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160°F (71°C).~~
- ~~(B) — The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.~~
- ~~(C) — The use of the bioremediation media does not cause foaming in the sanitary sewer.~~
- ~~(D) — The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.~~
- ~~(4) — All testing designed to satisfy the criteria set forth in subsection (g)(3) above shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH and other pollutant levels shall use appropriate tests which have been approved by the EPA and the TCEQ and which are defined in 40 C.F.R. part 136 or title 30 Texas Administrative Code section 319.11. Testing shall be open to inspection by the city, and shall meet the city's approval.~~

Section 2. Savings.

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

Section 3. Severability.

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

Section 4. Repealer.

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

Section 5. Effective Date.

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

Section 6. Proper Notice and Meeting.

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

PASSED AND APPROVED First Reading this 5th day of August, 2021, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this ____ day of _____, 2021, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



~~EXHIBIT A~~

City of Wimberley, Texas Fats, Oils, & Grease (FOG) Guidelines and Procedures

I. General

- A. Purpose and Objectives: The purpose of this document is to aid in the implementation of the FOG Ordinance.
- B. Administration: The City Administrator, or his designee, shall administer, implement, and enforce this document in conjunction with the FOG Ordinance.
- C. Applicability: All applicability and prohibitions criteria as described in the FOG Ordinance are valid within this document and are incorporated herein.
- D. Definitions: All definitions in the FOG Ordinance are applicable to this document and are incorporated herein.
- E. Approval: All modifications and changes to this document shall be approved by the City Council.

II. Installation Requirements

A. New Facilities

A grease trap/interceptor and sampling device for a new Food Preparation-Service Facility shall be designed, installed, operated, and maintained in accordance with the FOG Ordinance and this document. The design plan shall be submitted to the City for review and approval prior to installation. The grease trap/interceptor and sampling device shall be inspected and approved prior to issuance of a Certificate of Occupancy and food permit.

B. Existing Facilities

- 1. Existing grease trap/interceptors must be operated and maintained in accordance with the FOG Ordinance and this document.
- 2. All facilities will be required to update their grease trap/interceptor in accordance with the FOG Ordinance and this document when any of the following conditions apply:
 - a. Renovation or expansion of an existing Food Preparation-Service Facility in the following instances: (1) a grease trap/interceptor is non-existent, or (2) an existing grease trap/interceptor is non-compliant with current FOG Guidelines and Procedures and has a history of non-compliance.

- b. Addition of a Food Preparation-Service Facility to an existing structure
 - c. If prior to the issuance of a certificate of occupancy, an existing facility has lost its non-conforming use status due to vacancy, any grease trap/interceptor shall be required to be compliant with current FOG Guidelines and Procedures before a new certificate of occupancy can be issued.
- 3. Notwithstanding Item 2 above, if an existing facility has a grease trap/interceptor that was compliant at the time of original construction, is in good working order, the facility is not increasing its footprint by 50% or more, and the facility does not have a history of non-compliance, a change of ownership or occupancy shall not require the facility to replace the existing grease trap/interceptor with one compliant with the City's current FOG Guidelines and Procedures.
 - 4. Facilities which meet one or more of the requirements of II.B.2 above shall design, install, operate, and maintain a grease trap/interceptor and sampling device in accordance with the FOG Ordinance and this document. The design plan shall be submitted to the City for review and approval. The grease trap/interceptor and sampling device installation shall be inspected and approved prior to issuance of a Certificate of Occupancy and food permit.
 - 5. Any existing Food Preparation-Service Facility that does not already have a grease trap/interceptor shall design, install, operate, and maintain a grease trap/interceptor and sampling device in accordance with the FOG Ordinance and this document. The design plan shall be submitted to the City within 90 days of the effective date of the FOG Ordinance. Upon approval, the grease trap/interceptor and sampling device shall be installed within 180 days. Upon written request of the generator, the City official may at his or her sole discretion issue an extension of up to an additional 90 days.
 - 6. A flow control device controls the rate of flow through a grease trap/interceptor (50 gallons or less) so that the grease has sufficient time to cool and separate from the wastewater. Without such a device, a grease trap/interceptor (50 gallons or less) cannot function properly. Existing grease trap/interceptors (50 gallons or less) that do not have a flow control device shall be required to design, install, operate, and maintain such a device in accordance with the FOG Ordinance and this document.

C. Sizing Requirements

- 1. Sizing methods described herein are intended to afford the City's sanitary sewer system a minimum degree of protection from grease. Sizing determinations are based on

operational data provided by business owners or their contactors. In approving a Generator's grease trap/interceptor design plan, the City does not accept liability for the failure of a system to adequately treat wastewater to achieve effluent quality requirements specified under the FOG ordinance and this document. It is the responsibility of the Generator to insure the appropriate level of treatment necessary for compliance with environmental and wastewater regulations.

2. Acceptable grease trap/interceptor sizing shall be accomplished as follows:

- a. Sizing according to formula Method A below.
- b. Where sizing formulas result in a calculated grease trap/interceptor volume of less than 1,000 gallons, a grease trap/interceptor volume of 1,000 gallons will be required for the installation. Under no circumstances, will a grease trap/interceptor volume of less than 1,000 gallons be permitted.
- c. In instances where sizing formulas result in a calculated grease trap/interceptor volume of more than 3,000 gallons, a grease trap/interceptor volume of 3,000 gallons will be permitted.

3. Hydro-mechanical grease interceptors must be equivalent to the sizing calculated in II.C.2.

D. Sizing Formulas

It is the responsibility of the Generator to ensure that the wastewater discharged from the Generator's facility is in compliance with the City's discharge limitations. For the purpose of design plan review, a general assessment of grease trap/interceptor design and size will be performed using the following formulas. These formulas have been demonstrated as industry standards capable of achieving the City's discharge criteria when systems are maintained in proper condition.

1. Method A – Uniform Plumbing Code (UPC), Appendix H

$$\begin{array}{ccccccc} \text{Number of meals} & \times & \text{waste flow} & \times & \text{retention} & \times & \text{storage} & = & \text{Size Requirement} \\ \text{Per peak hour (a)} & & \text{rate (b)} & & \text{time (c)} & & \text{factor (d)} & & \text{(liquid capacity)} \end{array}$$

Factors:

- (a) Number of meals served at peak operating hour (Seating Capacity) x Peak Factor
 - i. Where Peak Factor for Fast Food is..... 1.33
 - ii. And, Peak Factor for all other food service types is 1.00

(b) Waste Flow Rate

- i. With Dishwasher.....6 gallon flow
- ii. Without Dishwasher.....5 gallon flow
- iii. Single Service kitchen... 2 gallon flow
- iv. Food waste disposer... 1 gallon flow

(c) Retention Time

- i. Commercial kitchen waste/dishwasher... 2.5 hours
- ii. Single service kitchen/single serving 1.5 hours

(d) Storage Factor

- i. Fully equipped commercial kitchen w/8 hr operation..... 1.0
- ii. Fully equipped commercial kitchen w/12 hr operation..... 1.5
- iii. Fully equipped commercial kitchen w/16 hr operation..... 2.0
- iv. Fully equipped commercial kitchen w/24 hr operation..... 3.0
- v. Single Service kitchen... 1.5

2. Method B – Alternative Method Supplied by Professional Engineer

Any Food Preparation-Service Facility that proposes to use alternate sizing techniques and/or procedures that result in specifications that differ from calculated requirements, must submit formulas and other bases to support proposed grease trap/interceptor size. The alternative method submittal shall include the following:

- a. All calculations with recommended sizing for the specific site;
- b. Site-specific drawings of the proposed grease trap/interceptor installation;
- c. Documentation of the ability of the proposed grease trap/interceptor to meet effluent quality requirements, and
- d. Plans and calculations signed and sealed by a Texas Licensed Professional Engineer.

The alternative method submittal must be provided to the City for review and approval. Failure to include all of the above will result in the use of the UPC size criteria. Under no circumstances will a grease trap/interceptor smaller than 1,000 gallons be accepted.

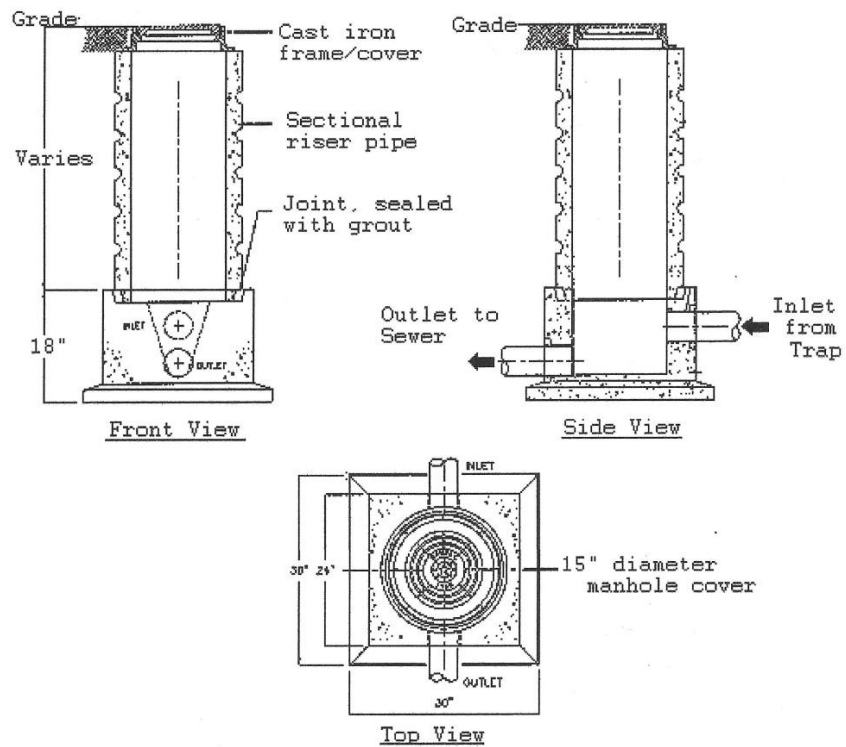
E. Other Design Criteria

- 1. A grease-bearing source is any equipment or fixture located within the food preparation areas such as three-compartment sinks, pot/pan sinks, hand-washing sinks, pre-rinse stations, dishwashers, mop sinks, and floor drains which may contain wastewater containing grease.

2. All grease-bearing sources shall be routed through a grease trap/interceptor.
3. A grease trap/interceptor must be installed at a distance of 8 - 10 feet downstream from the last grease-bearing source to allow for adequate cooling of the wastewater, while also preventing grease solidification in the lines.
4. The temperature of the wastewater shall be less than 110 degrees Fahrenheit prior to entering the grease trap/interceptor.
5. Each grease trap/interceptor shall be constructed with a minimum of one baffle wall.
6. Drains that receive "clear waste" only, such as from ice machines, condensate from coils and drink stations, may be plumbed to directly into the sanitary system without passing through the grease trap/interceptor.
7. Grease trap/interceptors shall not receive domestic wastewater or sewage.
8. Grease trap/interceptors must be accessible for service by appropriate vehicles and equipment.

F. Sampling Devices

1. Each grease trap/interceptor must be installed with an effluent sampling well, equivalent to the following:



2. Sampling wells will have a minimum 15" diameter access with ring and lid and a minimum 4" drop from inlet to outlet piping through the sampling well.

III. Cleaning and Maintenance Requirements

A. Grease trap/interceptors shall be operated and maintained at all times in accordance with the FOG Ordinance and this document.

B. Cleaning Schedule

1. Each grease trap/interceptor (more than 50 gallons) shall be cleaned at a frequency as described in the FOG Ordinance and this document.
2. Each grease trap/interceptor (50 gallons or less) shall be cleaned at least monthly, or more often as necessary to insure the wastewater discharge contains no visible grease and meets the BOD, FOG, pH, and TSS discharge limits described herein.
3. Existing facilities without sampling devices
 - a. Since many of the existing grease trap/interceptors do not have sampling devices at the time the FOG Ordinance goes into effect, a Generator at such a facility will have to rely on the 25% rule to determine if the grease trap/interceptor needs pumping. This can be difficult to measure without a sampling pole. Therefore, the City

provides this general rule of thumb as a guide to assist Generators in making the determination. In general, the 25% rule has been met when the grease layer (top layer) is 5-6 inches thick for grease trap/interceptor (more than 50 gallons) and 2-3 inches thick for a grease trap/interceptor (50 gallons or less).

- b. If the 25% rule is met before the next scheduled pump out, then the greasetrap/interceptor shall be pumped more often.
 - c. Alternatively, an existing facility may choose to install a sampling device in accordance with the FOG Ordinance and this document in order to base the cleaning frequency on the actual discharge data from their grease trap/interceptor. An existing facility with a grease trap/interceptor (50 gallons or less) may install an effluent valve assembly which allows for sample collection instead of a sampling well.
4. If the 25% rule and sampling results differ for a grease trap/interceptor, the sampling results will prevail since they measure the discharge that is actually leaving the greasetrap/interceptor and entering the POTW.
 5. Facilities that are seasonal or have irregular operation schedules may request an alternate cleaning schedule that will be appropriate for their facility. The request must be made to the City in writing and include the following:
 - a. Business name and street address
 - b. Grease trap/interceptor operator name, title, and phone number
 - c. Description of operation schedule
 - d. Size and location of grease trap/interceptor
 - e. Number of meals served during peak hour of operation

Alternate cleaning schedule requests will be addressed by the City on a case by case basis.

C. Cleaning Procedures

All cleaning and pumping of grease trap/interceptors shall be conducted by a Transporter as defined in the FOG Ordinance, unless the Generator is a participant in the Self-Cleaning Program as defined in Section III.D. The Generator shall supervise the cleaning and pumping of the grease trap/interceptor. The following cleaning and pumping procedures shall be utilized by the Transporter during each cleaning event:

1. Break up and remove grease layer.

2. Scrape and wash sides of grease trap/interceptor, removing some of the liquid layer as necessary.
3. Verify that all crossover holes are clear and functioning.
4. Clean and inspect baffles for damage.
5. Completely pump out remaining liquid and solids unless the grease trap/interceptor volume is greater than the tank capacity of the transport vehicle in which case the Transporter shall arrange or provide additional transportation capacity so that the grease trap/interceptor is fully evacuated within a 24-hour period per the FOG Ordinance.
6. Skimming the surface layer of the waste material, partial cleaning of the grease trap/interceptor, or use of any method which does not remove the entire contents of the grease trap/interceptor is prohibited as described in the FOG Ordinance.
7. Inspect grease trap/interceptor for damage, photograph any areas that may need maintenance or repair, and report findings to Generator.
8. Document findings on the trip ticket.

D. Self-Cleaning Program

1. Grease trap/interceptor self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap/interceptor located inside a building, provided:
 - a. The grease trap/interceptor is no more than fifty (50) gallons in liquid/operating capacity.
 - b. Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash).
 - c. Grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
 - d. Detailed records of these activities are maintained.
2. Grease trap self-cleaning operators must submit a completed self-cleaning

request to the City for approval. The written request shall include the following information:

- a. Business name and street address.
 - b. Grease trap/interceptor operator name, title, and phone number.
 - c. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
 - d. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
3. Self-cleaners must adhere to all the requirements, procedures, and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:
- a. Date the grease trap/interceptor was serviced.
 - b. Name of the person or company servicing the grease trap/interceptor.
 - c. Waste disposal method used.
 - d. Gallons of grease removed and disposed of.
 - e. Waste oil added to grease trap/interceptor waste; and
 - f. Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.
 - g. Keep maintenance logs onsite for five years from the date of cleaning.
4. Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

IV. Wastewater Discharge Limits

- A. Wastewater discharge limits shall be monitored at the sampling device by means of a grab sample.

- B. There shall be no visible grease in the grab sample.
- C. The FOG concentration limit is 200 mg/L or less.
- D. The BOD limit is 250 mg/L or less.
- E. The TSS limit is 250 mg/L or less.
- F. The pH must be between 5 and 11.

V. Manifest Requirements

- A. Each pump-out of a grease trap/interceptor by a Transporter must be accompanied by a manifest to be used for record keeping purposes.
- B. Persons who generate, collect, and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - 1. name, address, telephone, and TCEQ registration number of Transporter;
 - 2. name, signature, address, and phone number of the Generator and the date collected;
 - 3. type and amount(s) of waste collected or transported;
 - 4. name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - 5. date and place where the waste was deposited;
 - 6. identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - 7. name and signature of the facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 - 8. the volume of the grease waste received; and
 - 9. a consecutive numerical tracking number to assist Transporters, Generators, and regulating authorities in tracking the volume of grease waste transported.

C. Manifests shall be divided into five parts and records shall be maintained as follows:

1. One part of the manifest shall have the Generator and Transporter information completed and shall be given to the Generator at the time of waste pickup.
2. The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
3. One part of the manifest shall go to the receiving facility.
4. One part shall go to the Transporter, who shall retain a copy of all manifests showing the collection and disposition of waste. The manifests shall be readily available for review by the City.
5. One-copy of the manifest shall be returned by the Transporter to the Generator within 15 days after the waste is received at the disposal or processing facility.
6. Copies of manifests returned to the Generator shall be retained on-site by the Generator for five years and be readily available for review by the POTW.

VI. Administrative Authority and Enforcement

A. All administrative authority, including right of entry, inspection, and sampling, as well as enforcement procedures and criteria as described in the FOG Ordinance are valid within this document and are incorporated herein.

B. Enforcement Actions

1. Voluntary Compliance – The City may instruct a Violator that commits any acts prohibited by the FOG Ordinance or this document to achieve voluntary compliance as determined by the City. The City may provide a reasonable amount of time, specific to the occurrence, to remedy the violation.
2. Notice of Violation – If the City determines that a Generator or Transporter has violated, or continues to violate, any provision of the FOG Ordinance or this document, a written notice of violation will be provided to the Violator, unless an emergency condition exists.

- a. The notice shall state the measures required to come into full compliance and shall specify the time within which such measures shall be completed.
- b. Failure to comply within the time specified shall be a separate offense and subject to the penalties described in the FOG Ordinance.
- c. Issuance of a notice of violation shall not be a bar against, or a prerequisite for, taking any other action against the Violator.

3. Stop Work Orders

- a. The City shall retain the authority to issue stop work orders to any Violator that commits any acts prohibited by the FOG Ordinance or this document.
- b. If the City determines that voluntary compliance is not feasible, and that a facility is operating in a manner that may lead to a sanitary sewer overflow or damage to the POTW, a written stop work order may be issued and such work shall be immediately terminated.
- c. The stop work order shall be provided to the Violator and shall state the conditions required to come into compliance. Work may not be resumed until the City has verified that the conditions of the stop work order have been met.
- d. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the Violator.

4. Suspension of Service

- a. The City may suspend the water supply and/or sanitary sewer connection for any Violator who continues to violate a previous notice to cease discharge into the POTW and fails to comply with the FOG Ordinance or this document. The water supply and/or sanitary sewer connection will be subject to suspension if such measures would abate or reduce the discharge.
- b. The City will notify a Violator of the proposed suspension of its water supply and/or sanitary sewer connection. The Violator may petition the City for a reconsideration hearing and then may petition the municipal court if dissatisfied with the City's decision.

- c. The City shall not reinstate the suspended water supply and/or sanitary sewerconnection services to the Violator until:
 - i. The Violator presents satisfactory evidence to the City that the non- complying wastewater discharge has been eliminated and its cause determined and corrected; and
 - ii. The Violator reimburses the City for all costs incurred in suspending and reinstating the water supply and/or sanitary sewer connection. The Violator shall be responsible to the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the POTW incurred by the City while responding to, abating, andremediating the unlawful discharge.
- d. Emergency Suspension of Service - The City may, without prior notice, suspend the water service and/or sanitary sewer service to a Generator to stop an actual or threatened discharge which:
 - i. Presents or may present imminent substantial danger to the environment or to the health or welfare of persons;
 - ii. Presents or may present imminent substantial danger to the POTW (including pass through or interference), municipal storm water drainage system, or waters of the United States; or

As soon as practicable after the emergency suspension of service, the City shall notify the Violator of the suspension of service. Service shall be reinstated as per Section VI.B.4.c above.

- e. A Generator commits a separate offense if the Generator reinstates water service and/or sanitary sewer service to the premises suspended or disconnected pursuant to this section, without the prior written approval of the City.
- f. Suspension of service shall not be a bar against, or a prerequisite for, taking other action against a Violator as allowed by law.



AGENDA ITEM:	CUP-21-016 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	June 21, 2021
MEETING DATE:	August 12, 2021 (P&Z) / August 19, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case CUP-21-016, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 700 Little Ranches, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	Ryan & Molly Galbraith
Property Address:	700 Little Ranches
Property Owner:	Same
Legal Description:	Part of Little Ranches Lot 1, 5.05 acres out of the Pannell survey #70
Property Size:	5.05 acres
Existing Use of Property:	Single-Family Residence
Existing Zoning:	Single-Family Residential - 2
Shared Infrastructure:	None
Request:	Operate a Vacation Rental (STR2)
Planning Area:	I
Overlay District:	none

Surrounding Property:

Frontage:	Little Ranches
------------------	----------------

	Current Zoning:	Existing Land Use:
North of Property	RA	Residential
South of Property	RA	Residential
East of Property	RA	Residential
West of Property	R-1	Residential

Surrounding Zoning & Land Use

COMMENTS

At the time of posting, staff had not received any letters of opposition or support for this request.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200’): July 30, 2021

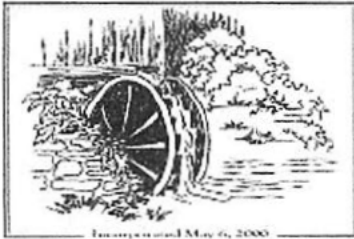
Published Legal Notice (Wimberley View): July 29, 2021

RECOMMENDATION

Planning and Zoning Commission unanimously recommended approval (7-0) of this CUP at their meeting on August 12th with the 15 conditions as presented.

ATTACHMENT/S

- Application
- Notification Map
- Ordinance



City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 016

FOR OFFICIAL USE ONLY

Application Date: 6/21/21 Tentative P&Z Hearing: 8/12 Tentative Council Hearing: 8/19

FEES: \$650.00 DATE PAID: 6/21/21 CHECK NO: 01635 REC'D BY: N.G.

PROJECT SITE ADDRESS: 700 Little Ranches Rd. Wimberley, TX 78676

OWNER/APPLICANT Ryan & Molly Galbraith PHONE [REDACTED]

MAILING ADDRESS [REDACTED]

CITY [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Vacation Rental

Planning Area I Zoning R2 Total Acreage or Sq. Ft. 5.05 acres

Subdivision: Little Ranches Lot 1 Block

Appraisal District Tax ID #: R 27689

Deed Records Hays County: Volume 165 Page 285

Is property located in an overlay district? () Yes (✓) No If Yes, type:

Is property located in flood plain? () Yes (✓) No

UTILITY PROVIDERS:

Electric Provider: Pedernales Electric Cooperative

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: Existing septic when home was purchased.

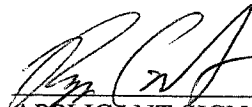
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- (✓) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (✓) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- (✓) List of Special Conditions that Applicant agrees apply to property.
- (✓) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (✓) Payment of Application fee \$650.00 (non-refundable)
- (✓) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (✓) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (✓) Applicant agrees to provide additional documentation as needed by the City.
- (✓) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (✓) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

6/17/2021
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

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

Owner: Ryan & Molly Galbraith

LOCATION OF PROPERTY: 700 Little Ranches Rd.

LEGAL DESCRIPTION: Metes and bounds, 5.05 acres out of the Pannell Survey #70

PLANNING AREA: I

PRESENT ZONING: R2

EXISTING USE: Primary residence

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

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

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

OFF-STREET PARKING: All parking will be off-street. 10 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

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

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

NUMBER OF BEDROOMS: 3 42.3 B.

MAXIMUM OCCUPANCY: 6 guests. 42.3 B.

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

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

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

which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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

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

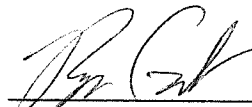
REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

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

ACCEPTED AND AGREED TO:

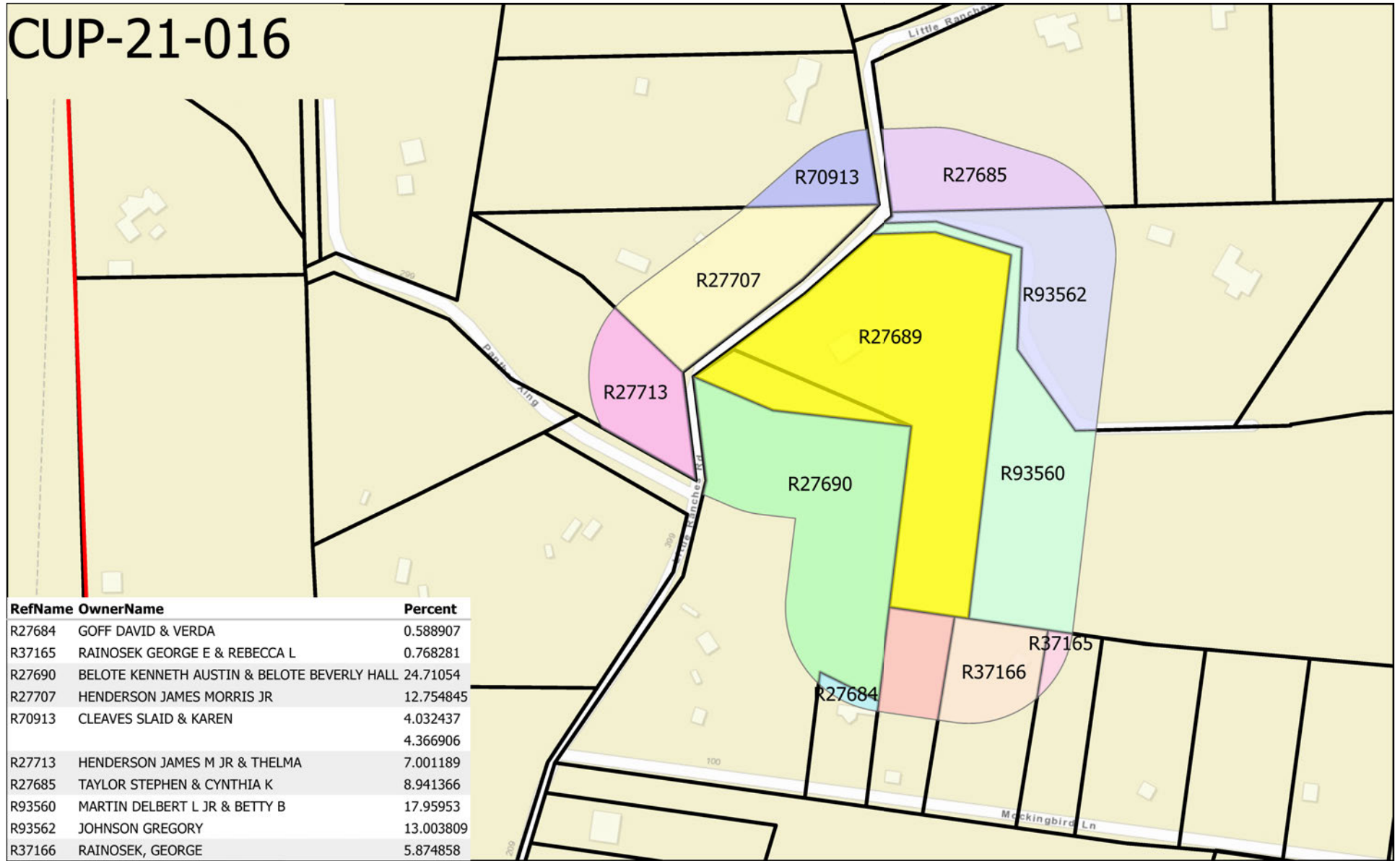
6/17/2021
DATE

6/17/2021
DATE


OWNER


OWNER

CUP-21-016



RefName	OwnerName	Percent
R27684	GOFF DAVID & VERDA	0.588907
R37165	RAINOSEK GEORGE E & REBECCA L	0.768281
R27690	BELOTE KENNETH AUSTIN & BELOTE BEVERLY HALL	24.71054
R27707	HENDERSON JAMES MORRIS JR	12.754845
R70913	CLEAVES SLAID & KAREN	4.032437
		4.366906
R27713	HENDERSON JAMES M JR & THELMA	7.001189
R27685	TAYLOR STEPHEN & CYNTHIA K	8.941366
R93560	MARTIN DELBERT L JR & BETTY B	17.95953
R93562	JOHNSON GREGORY	13.003809
R37166	RAINOSEK, GEORGE	5.874858

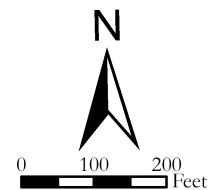


200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



ORDINANCE NO. 2021-XX

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY RYAN & MOLLY GALBRAITH TO PERMIT THE OPERATION OF A VACATION RENTAL (STR2) ON PROPERTY LOCATED AT 700 LITTLE RANCHES, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Ryan Galbraith (“Applicants”) requesting authorization to operate a vacation rental (STR2) on real property described as Part of Little Ranches, Lot 1, 5.05 acres out of the Pannell Survey #70, zoned Single-Family Residential 2 (R-2); and

WHEREAS, a vacation rental (STR2) is an authorized use in areas zoned Single-Family Residential 2 (R-2) upon approval of a CUP;

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

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

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Ryan & Molly Galbraith (“Applicants”) for use as a vacation rental (STR2) on real property, described as Part of Little Ranches, Lot 1, 5.05 acres out of the Pannell Survey #70, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential (R-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. CUP shall substantially comply with Application as submitted.

City of Wimberley, Texas

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

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

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 19th day of August, 2021 by a vote of ___ (Ayes) and ___ (Nays) and ___ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Laura Calcote, City Secretary



APPROVED AS TO FORM:

City Attorney



AGENDA ITEM:	CUP-21-018 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	July 15, 2021
MEETING DATE:	August 12, 2021 (P&Z) / August 19, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case CUP-21-018, an application for a Conditional Use Permit to allow for the operation of a Vacation (STR2) on a property located at 213 Leveritts Loop Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	Steve Crossland
Property Address:	213 Leveritts Loop
Property Owner:	Same
Legal Description:	Crown Estates Lot 13
Property Size:	0.43 acres
Existing Use of Property:	Single-Family Residence
Existing Zoning:	Single-Family Residential - 2
Shared Infrastructure	Deeded Blanco River access at end of street
Request:	Operate a Vacation Rental (STR2)
Planning Area:	II
Overlay District:	none

Surrounding Property:

Frontage: Leveritts Loop

	Current Zoning:	Existing Land Use:
North of Property	R-2	Residential
South of Property	R-2	Residential
East of Property	R-2	Residential
West of Property	R-2	Residential

Surrounding Zoning & Land Use

COMMENTS

Staff has received seven letters of opposition. Five of these letters are within 200' feet of the property. The total area of neighborhood opposition is **47.39%**. The letters all state the following:

August 10, 2021

Re: File No CUP-21-018
213 Leveritts Loop
Wimberley, TX

Planning and Zoning Commission

We are property owners at 207 Leveritts Loop, Wimberley, TX and are opposed to the above residence being granted a CUP to operate a Vacation Rental (STR2) at 213 Leveritts Loop, Wimberley, TX.

We are asking the City of Wimberley Planning and Zoning Commission to deny this request.

Thank you,

Ed & Linda Cooper, Steven W. Vest, Anthony & Lindsey Deringer, Dawn D. Hernandez, Lou Ann Gore POA for Nelda Aplin, David Whilden & Tracy Anderson, Frederick Allen Mecklenburg & Courtney Mecklenburg.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): July 30, 2021
Published Legal Notice (Wimberley View): July 29, 2021

RECOMMENDATION

Planning and Zoning Commission voted unanimously (7-0) to deny this request. The principal reasons for denial are:

1. Objections of the neighbors
2. Character of the neighborhood is not consistent with short term rentals
3. Neighborhood access to the river is of private use and sensitive to the use of short term renters.

ATTACHMENT/S

- Application
- Notification Map
- Ordinance



City of Wimberley

221 Stillwater Drive, Wimberley, TX 78676

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

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE	CUP - _____	Date: <u>7/15</u>	Staff Review _____
P&Z Hearing: _____	Council Hearing: _____	Fees Paid(\$650): ☒	

Applicant: <u>Steve Crossland</u>			
Mailing address: _____	City: _____	State: _____	Zip: _____
Phone: _____	Email: _____		
Property Owner: <u>Steve Crossland</u>			
Mailing address: <u>Same</u>	City: _____	State: _____	Zip: _____
Phone: <u>Same</u>	Email: <u>Same</u>		

Project Site Address: <u>213 Leveritts Loop wimberley TX 78676</u>	
Legal description: <u>CROWN ESTATES LOT 13 GEO#90605490</u>	
Total Acreage or Square Footage: <u>0.43 acres</u>	Deed recorded in: <u>4/30/2020</u>
Hays CAD Parcel ID R <u>25492</u>	Planning Area: <u>II</u> Zoning: <u>R2</u>
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____	
Specific Conditional Use Requested: <u>Vacation Rental</u>	
Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.	

Utilities	
Electric Provider: <u>PEC</u>	
Water provider or Private Well: <u>wimberley water</u>	
Wastewater Service or Septic Permit No. <u>Septic Permit: 2003-950</u>	
*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.	

SUBMITTAL CHECKLIST

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

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

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

Date: 7/6/2021

Applicant's Signature:

DocuSigned by:

Steve Crossland

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

Owner: Steve Crossland

LOCATION OF PROPERTY: 213 Leveritts Loop Wimberley TX 78676

LEGAL DESCRIPTION: CROWN ESTATES LOT 13 GEO#90605490

PLANNING AREA: II

PRESENT ZONING: R2

EXISTING USE: Residential owner occupied

HOME OWNERS ASSOCIATION CONTACT INFO: N/A

SHARED FACILITIES (RIVER PARK, POOL, ETC.): Deeded Blanco River access
end of street at Leveritts at
River Rd

PROPERTY IN FLOODPLAIN? ☐ YES ☒ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO

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

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

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

OFF-STREET PARKING: All parking will be off-street. 6 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only.

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

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

NUMBER OF BEDROOMS: 3

PROPOSED MAXIMUM OCCUPANCY: 6 guests.

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

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

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

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

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

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

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

ACCEPTED AND AGREED TO:

7/6/2021

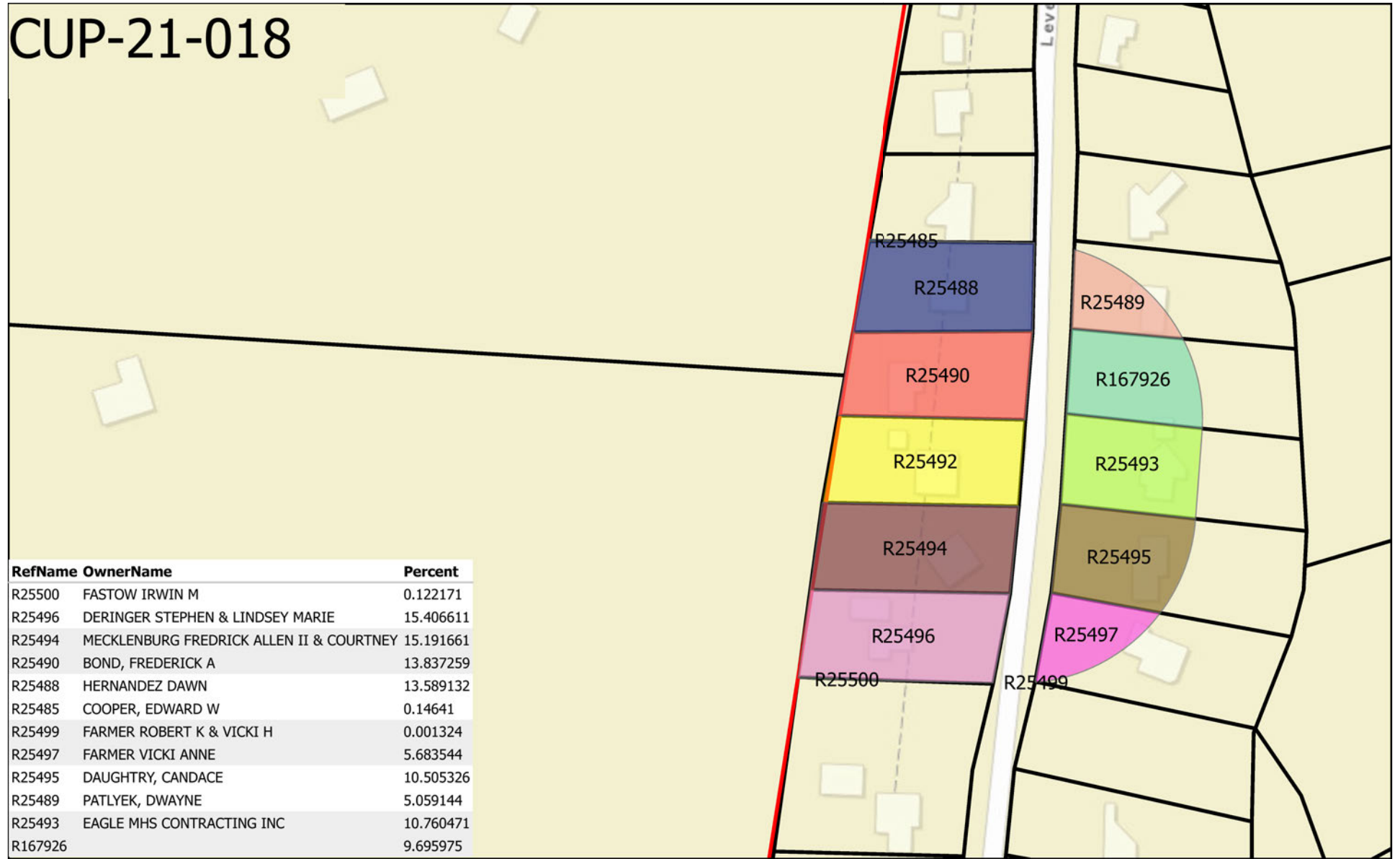
DATE

DocuSigned by:
Steve Crossland
7A8F80B046B04EA
OWNER

DATE

OWNER

CUP-21-018



RefName	OwnerName	Percent
R25500	FASTOW IRWIN M	0.122171
R25496	DERINGER STEPHEN & LINDSEY MARIE	15.406611
R25494	MECKLENBURG FREDRICK ALLEN II & COURTNEY	15.191661
R25490	BOND, FREDERICK A	13.837259
R25488	HERNANDEZ DAWN	13.589132
R25485	COOPER, EDWARD W	0.14641
R25499	FARMER ROBERT K & VICKI H	0.001324
R25497	FARMER VICKI ANNE	5.683544
R25495	DAUGHTRY, CANDACE	10.505326
R25489	PATLYEK, DWAYNE	5.059144
R25493	EAGLE MHS CONTRACTING INC	10.760471
R167926		9.695975

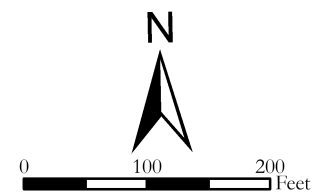


200' Notification Map

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 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



ORDINANCE NO. 2021-XX

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY STEVE CROSSLAND TO PERMIT THE OPERATION OF A VACATION RENTAL (STR2) ON PROPERTY LOCATED AT 213 LEVERITTS LOOP, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL (R-2); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Steve Crossland (“Applicant”) requesting authorization to operate a vacation rental (STR2) on real property described as Crown Estates Lot 13, zoned Single-Family Residential 2 (R-2); and

WHEREAS, a vacation rental (STR2) is an authorized use in areas zoned Single-Family Residential (R-2) upon approval of a CUP;

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

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

WHEREAS, the City Council finds that the use of the subject property as a vacation rental (STR2) facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Steve Crossland (“Applicant”) for use as a vacation rental (STR2) on real property, described as Crown Estates Lot 13, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. CUP shall substantially comply with Application as submitted.
2. No organized outside activities shall be allowed on the property after 10 p.m.

City of Wimberley, Texas

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

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

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 19th day of August, 2021 by a vote of ____ (Ayes) and __ (Nays) and __ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Laura Calcote, City Secretary



APPROVED AS TO FORM:

City Attorney



AGENDA ITEM:	Fee-in-Lieu Parking Ordinance – Public Hearing and First Reading
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	8/13/2021
MEETING DATE:	8/19/2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Parking spaces in the City Center of Wimberley has proven difficult for business owners to provide due to high density and small lot sizes. Currently, there are no provisions written into our City Center Overlay ordinance that would mitigate the need for parking on the square. The majority of businesses on the square are not in compliance with current parking ordinances.

Staff has drafted a Parking Fee-in-Lieu Ordinance to bring the businesses into compliance and to allow for the collection of funds to be put towards future parking infrastructure. This ordinance decreases the required parking spaces needed for most businesses in the City Center Overlay by 25% and allows for the payment of a fee-in-lieu of required spaces. The fees collected will be put into a separate fund that will only be used for future parking infrastructure and parking services.

REQUESTED ACTION

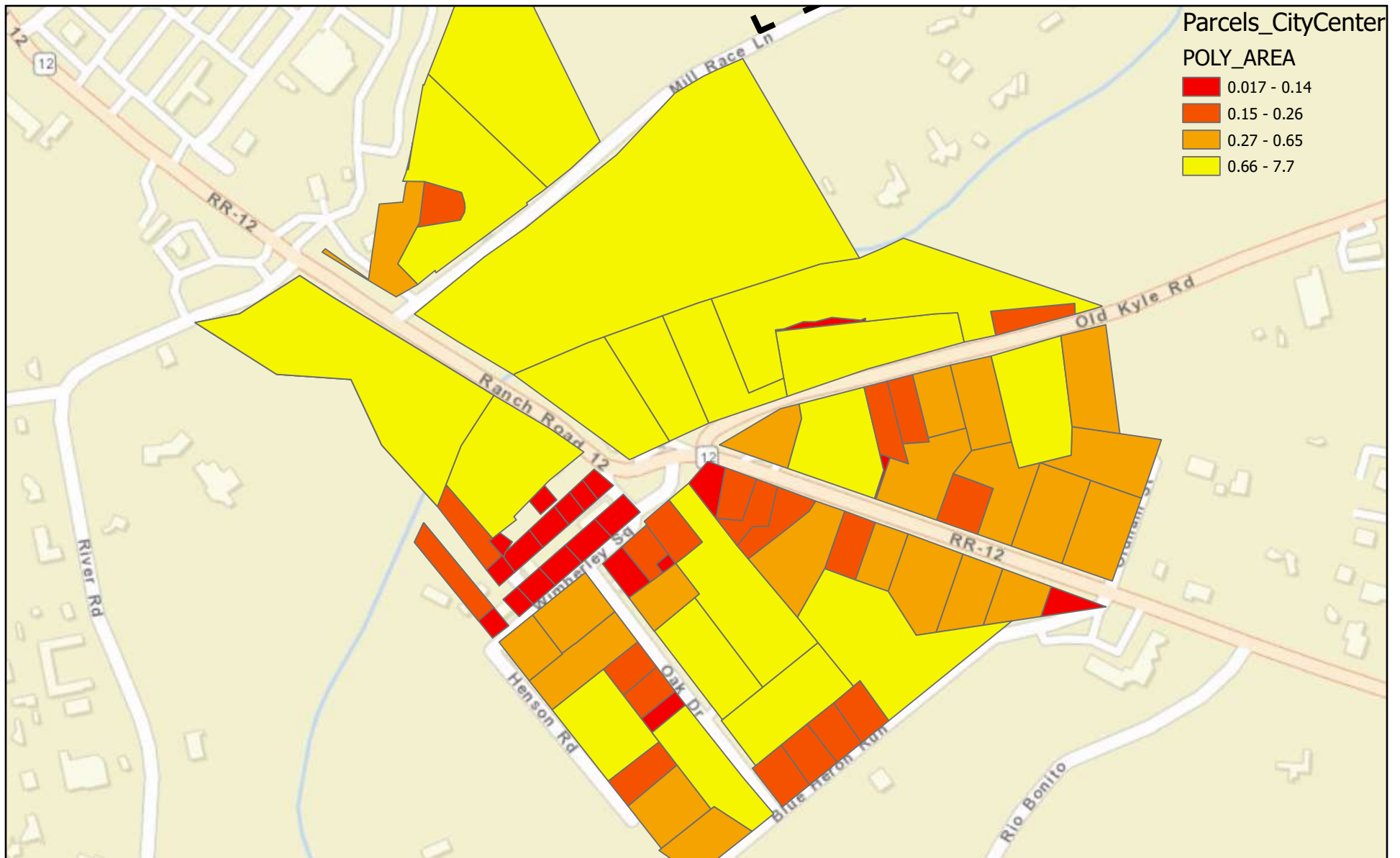
Motion	☒
Discussion	☒
Ordinance	☒
Resolution	☐
Other	☐

FINANCIAL

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

ATTACHMENT/S

Fee-in-Lieu Parking Ordinance

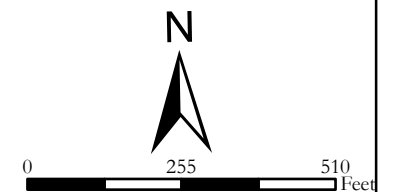


City Center Lots in Acres

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 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9, PLANNING AND DEVELOPMENT, ARTICLE 9.03 ZONING, DIVISION 5, DEVELOPMENT STANDARDS, SECTION 9.03.181 OFF-STREET PARKING AND LOADING REQUIREMENTS TO ADD SECTION (G) CITY CENTER OVERLAY PARKING; AND AMENDING ARTICLE 9.05, DEVELOPMENT FEES TO ADD SECTION(S) FEE-IN -LIEU OF PARKING SPACES AND PROVIDING FOR SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

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

Section 1. The City of Wimberley Code of Ordinances, Chapter 9 (Planning and Development), Article 9.03 Zoning, Division 5. “Development Standards” is hereby amended to add the following Section (g):

“Sec. 9.03.181

(g) City Center Overlay Parking:

(1) Fee-in-Lieu of Parking Spaces.

(A) Within the City Center Overlay, (as defined in Sec 9.03.222), a property owner who is unable to provide the required number of parking spaces for non-residential uses may request to pay a fee in-lieu to the City of Wimberley Downtown Parking Fund for each parking space that is not provided, if the request for reduced parking meets the criteria contained herein. Payments to the fund will be on a per unprovided parking space basis as set out in Article 9.05, Development Fees, subsection (s) “Fee-in-Lieu-of Parking Spaces”. Payments to the Downtown Parking Fund will be used for the sole purpose of constructing, maintaining, and improving public parking on public property within the City Center Overlay, in an area adjacent to the City Center Overlay, including but not limited to on-street parking, public parking lots, public parking garages, and for non City Center Overlay adjacent property with shuttle service and/or for shuttle service to such non-adjacent property.

(B) When an existing building has the gross floor area within the existing building perimeter enlarged, rehabilitated, or remodeled, without enlarging the building footprint or number of stories, then the building conversion or improvement shall not require additional off-street parking, so long as the existing off-street parking spaces utilized by said building are maintained, and in the case of commercial buildings, where there is no change in use.

(C) For commercial buildings where: (1) there is a change in use; or (2) when an existing building footprint is being enlarged within the City Center Overlay Boundary, the building owner shall only be required to provide seventy five percent (75%) of the off-street parking requirements for the total building area as listed in Sec. 9.03.181(f).

(D) For new commercial buildings and instances where a structure is completely demolished, and where a new building is constructed, then the property owner shall only be required to provide seventy five percent (75%) of the off-street parking requirements as listed in the Sec. 9.03.181(f).

(E) Where additional parking is required, then the applicant/property owner shall provide a detailed plan demonstrating how the site meets the City's parking standards, as amended herein for the City Center Overlay, or pay the fee-in-lieu, as adopted in accordance with Article 9.05, for the necessary number of parking spaces to serve the site. The fee is required to be paid prior to issuance of a building permit or certificate of occupancy.

(F) Residential and hotel type uses shall not be eligible to pay the fee-in-lieu, nor are they allowed the reduced off-street parking requirements unless the City Administrator approves the fee-in-lieu based on the site and requested use. The City Administrator may require a parking study, engineering studies, or other applicable information in order to determine whether the fee-in-lieu should be approved prior to approving the applicants request for fee-in-lieu for residential/hotel type uses.

(G) With the exception of approved special exceptions related to the location of parking described in Sec. 9.03.181(h) below, no new parking special exceptions, alternative parking plans, or joint-use agreements shall be granted within the City Center Overlay, all properties shall comply with the amended parking requirements found herein, either by providing the required number of spaces, paying the fee-in-lieu as delineated in Article 9.05 Development Fees, or a combination of the two. Nothing in this subsection shall affect existing parking special exceptions, alternative parking plans, or joint-use agreements.

(H) Any parking special exceptions, alternative parking plans, or joint-use agreements that were approved prior to the adoption of this ordinance shall be required to comply with all requirements set forth by the Board of Adjustment or other body at the time the request was approved.

Section 2. The City of Wimberley Code of Ordinances, Chapter 9 (Planning and Development), Article 9.05, Development Fees, Section 9.05.001 Planning, zoning and subdivision fees is hereby amended to add the following Section (s):

Section 9.05.001 Planning, zoning and subdivision fees.

“(s) Fee-in-Lieu-of Parking Spaces (pursuant to 9.03.181(g))

The first 3 spaces shall require payment of \$5,000 per space. The next two spaces shall require payment of \$6,500 per space. Any additional spaces (above 5) require payment of \$8,000 per space.

# Of Parking Spaces Needed	Total Fee
1	\$5,000
2	\$10,000
3	\$15,000
4	\$21,500
5	\$28,000
6	\$36,000
7	\$44,000
8	\$52,000
9	\$60,000
10	\$68,000”

Section 3. Savings

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

Section 4. Severability

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

Section 5. Repealer

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

Section 6. Effective Date

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

Section 7. Proper Notice and Meeting

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

Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED First Reading this ____ day of _____, 2021, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this ____ day of _____, 2021, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

Gina Fulkerson, Mayor

ATTEST:

Laura Calcote,
City Secretary

City Attorney



AGENDA ITEM:	Patsy Glenn Refuge Renovation Project Proposal
SUBMITTED BY:	Richard Shaver, David Glenn, Robert Currie
DATE SUBMITTED:	8/13/2021
MEETING DATE:	8/19/21

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider possible action to approve a wetland maintenance renovation at Patsy Glenn Refuge.

“The Patsy Glenn Refuge is a 1.7-acre tract of undeveloped property located adjacent to the Wimberley Community Center. The property is managed as a bird refuge and environmental education site by a local non-profit group, the Wimberley Birding Society, under an agreement with the City.” –Wimberley Parks Master Plan

Wetlands at the PGR are being damaged by increased, erosive stormwater runoff from relatively small 1” to 3” rainfall events following completion of major upstream development. The WBS has worked collaboratively with City Staff, City Engineer, Parks & Recreation, Cypress Creek Project, and master naturalists to develop a solution to mitigate wetlands damage, protect a historic rock wall, and continue educational activities and park operations.

At its September 17, 2020, meeting, The City Council voted unanimously to support a WBS grant application to raise funds and to include monetary support for any required permitting and technical studies necessary for plan approval. A grant has been obtained. Approval of Wetland Maintenance Renovation at the PGR is being requested subject to review by City Engineer and City Staff.

REQUESTED ACTION

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

FINANCIAL

- Budgeted Item ☐
- Non-budgeted Item ☒

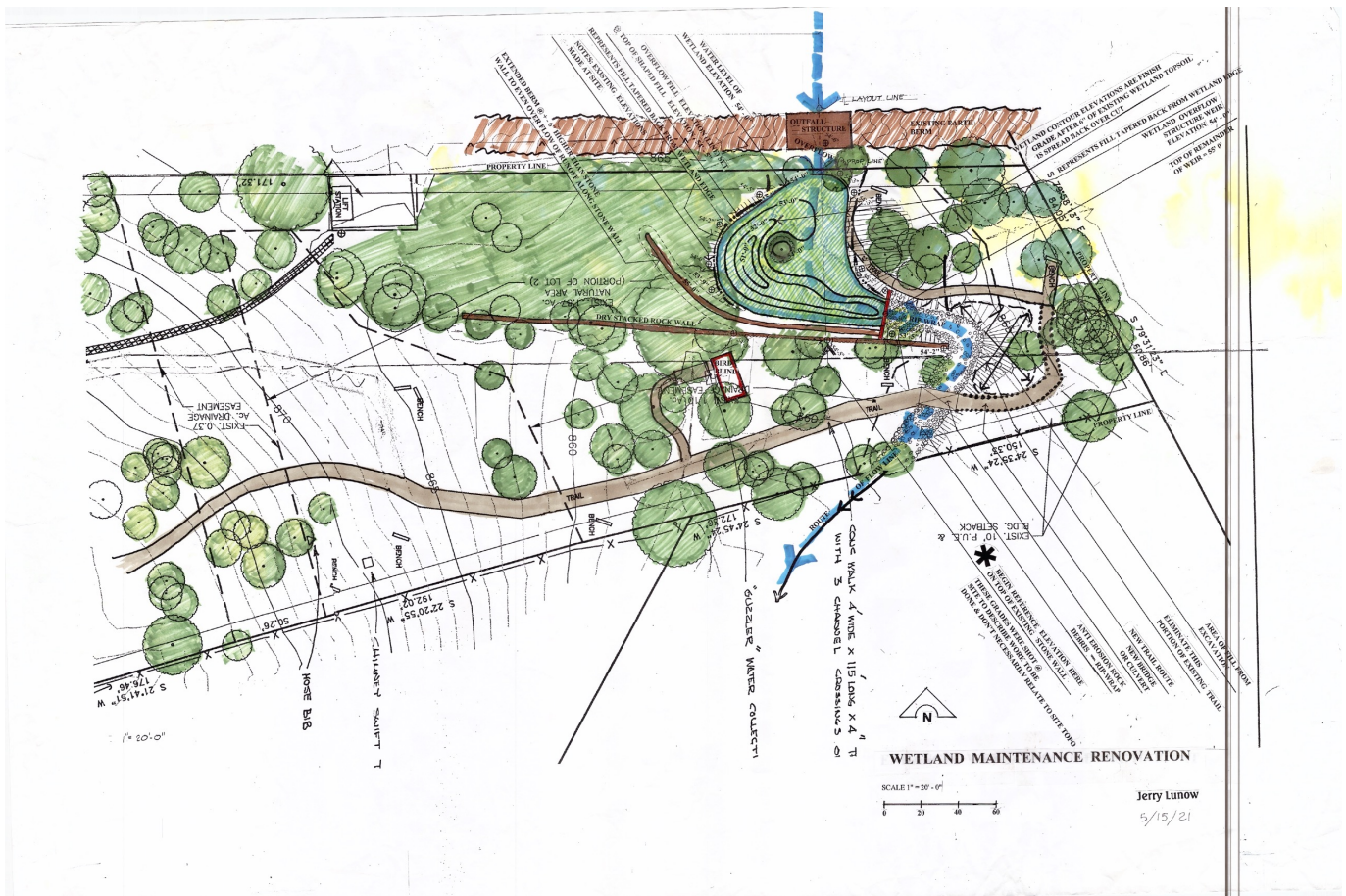
Not Applicable ☐

Original Estimate/Budget:

Current Estimate:

Amount Under/Over Budget: \$

ATTACHMENT/S





AGENDA ITEM:	TexPool Resolution Amending Authorized Representatives
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	August 12, 2021
MEETING DATE:	August 19, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

TexPool is the largest and oldest local government investment pool in the State of Texas, and currently provides investment services to over 2,000 communities throughout Texas, including the City of Wimberley. The City is required to update its TexPool representatives whenever a new Mayor is elected, or City Administrator is hired, or if the other authorized City staff member on the account needs updating.

The City has previously amended its authorized representatives by Council action and also without taking the resolution to Council for approval. In short, this task has fallen through the cracks throughout the years. Since a proper procedure has never been established, this will be the first step in making sure the TexPool Authorized Representatives are approved by City Council now and in the future. Newly hired City Administrator, Michael Boese, will be added to the account.

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 the TexPool Resolution Amending Authorized Representatives.

ATTACHMENT/S

TexPool Resolution Amending Authorized Representatives



*** Required Fields**

1 of 2

1. Resolution (continued)

4.
Name Title

Phone Fax Email

Signature

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. *This limited representative cannot perform transactions.* If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Name Title

Phone Fax Email

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the day of , 20.

Note: Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

Name of Participant*

SIGNED

Signature*

Printed Name*

Title*

ATTEST

Signature*

Printed Name*

Title*

2. Mailing Instructions

The completed Resolution Amending Authorized Representatives can be faxed to TexPool Participant Services at 1-866-839-3291, and mailed to:

TexPool Participant Services
1001 Texas Avenue, Suite 1150
Houston, TX 77002



AGENDA ITEM:	Ordinance No. 2021-28 – Two Reading Requirements
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	August 12, 2021
MEETING DATE:	August 19, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Recently it was brought to staff's attention that an ordinance, imposing a penalty, fine or forfeiture, except when deemed an emergency, must be read twice at two regularly scheduled meetings of the City Council. This requirement does not apply to ordinances assigning a zoning district designation to particular properties or authorizing planned development districts (WPDDs).

At times, Council has special meetings to consider ordinances and the current Code limits ordinances imposing a fine/penalty/forfeiture to be read at those meetings. Proposed Ordinance No. 2021-28 changes the requirements that an ordinance imposing a fine/penalty/forfeiture must be read at two meetings of the City Council. It does not specify whether these are regular or special meetings of the Council.

REQUESTED ACTION

Motion	☒
Discussion	☒
Ordinance	☒
Resolution	☐

FINANCIAL

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

STAFF RECOMMENDATION

Approval of Ordinance No. 2021-28.

ATTACHMENT/S

Ordinance No. 2021-28

ORDINANCE NO. 2021-28

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, APPROVING AN AMENDMENT TO THE CITY OF WIMBERLEY, TEXAS CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION AND PERSONNEL, ARTICLE 2.03 ORDINANCES, SECTION 2.03.001 TWO READINGS REQUIRED; EXCEPTIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, REPEALER, SEVERABILITY, EFFECTIVE DATE AND PROPER NOTICE AND MEETING

WHEREAS, the City of Wimberley has created a Code of Ordinances pursuant to the Texas Local Government Code Chapter 51 which authorizes the City to exercise authority to carry out the power granted by law for the good governance of the City; and

WHEREAS, the City has determined that the current language of the ordinance authorizing the City Council to only adopt ordinances after two readings at regularly scheduled meetings does not advance the efficient and effective administrative governance of the city council; and

WHEREAS, the City recognizes that amending the provisions of the code of ordinances is in the best interest of the City.

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

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

Section 2. Amendment to Municipal Code of Ordinances. The City of Wimberley, Texas Code of Ordinances, Chapter 2 Administration and Personnel, Article 2.03 Ordinances, Section 2.03.001 Two readings required; exception, is hereby amended by deleting (strike-through) and adding (underlined) language as follows:

(a) Required readings. Each ordinance that imposes a penalty, fine, or forfeiture, except when deemed an emergency, shall be read and considered at 2 ~~regularly scheduled two-meetings~~ of the city council. This requirement shall not apply to ordinances assigning a zoning district designation to particular properties or authorizing planned development districts (WPDDs).

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the

City of Bee Cave, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Wimberley except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Savings. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Government Code.

Section 7. Effective Date. This Ordinance will take effect after its adoption by the City Council and in conformance with Section 1.01.018 of the City of Wimberley Code of Ordinances.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF WIMBERLEY, TEXAS

By: _____
Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

RECEIVED
AUG 02 2021
BY: Laura Calvert

@4:01 p.m.

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Revenues				
	<u>Tax Revenue</u>			
5120	Sales & Use Tax	1,090,068	850,000	1,285,320
5131	Mixed Beverage Tax	24,743	15,000	25,000
5132	Hotel Occupancy Tax	-	-	-
5171	Franchise Tax	285,714	275,000	275,000
	Subtotal	1,400,525	1,140,000	1,585,320
	<u>License & Permit Fees</u>			
5211	Beer & Wine Permits	1,650	1,000	1,000
5212	Food Permits	11,450	11,000	11,000
5213	Septic Permits	9,065	8,000	11,000
5219	Sign Permits	1,870	1,200	1,000
5221	Building Permits	27,768	22,500	30,000
5222	Short-Term Rental	-	-	-
	Subtotal	51,803	43,700	54,000
	<u>Service Fees</u>			
5410	CC Convenience Fee	865	200	1,100
5413	Zoning	8,249	7,000	10,000
5414	Subdivision	550	1,000	3,000
5415	Copies/Maps/Misc.	-	-	-
5416	Building Inspections	31,055	22,000	25,000
5417	Plan Reviews	15,130	12,000	10,000
5424	Fire Inspections	-	-	-
5475	WCC Rental Fees	32,520	30,000	30,000
	Subtotal	88,369	72,200	79,100
	<u>Court Costs, Fees & Charges</u>			
5411	Court Costs, Fees & Charges	2,896	500	5000
	Subtotal	2,896	500	5,000
	<u>Other Income</u>			
5340	Grant Funds	65,447	-	-
5611	Interest Revenues	3,606	2,500	3,000
5620	Parking Lot Lease	-	-	-
5630	Restroom Revenue	-	-	-
5701	Other/Misc. Revenue	2,633	345,000	50,000
5799	Operating Transfer In	-	341,000	-
5900	Designated funds	-	-	-
5901	FEMA Designated Funds	-	-	-
5903	CARES Act - Designated Funds	-	-	-
5904	American Rescue Plan Funds	-	-	400,422
	Subtotal	71,687	688,500	453,422
	Total Revenues	1,615,279	1,944,900	2,176,842

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Expenditures				
Administration - 15				
	<u>Personnel Services</u>			
6110	City Administrator	111,658	95,000	121,992
6120	City Secretary	65,254	64,890	70,194
6130	Financial Clerk	41,482	41,200	47,262
6210	Health Care	16,568	27,000	28,500
6220	Payroll Taxes	16,048	15,383	18,800
6230	TMRS	16,072	16,228	15,300
6250	Unemployment compensation	432	487	580
6251	Workers Compensation	-	-	700
	Subtotal	267,514	260,189	303,328
	<u>Supplies & Maintenance</u>			
6410	Utilities	7,669	7,740	8,000
6430	Bldg. Repairs/Maintenance	2,340	3,000	3,000
6433	Equip Maintenance	-	-	-
6442	Water Cooler	554	600	600
6521	Security Expense	527	853	853
6610	General/Operating Supplies	7,387	2,000	3,542
6660	Office Supplies	1,008	2,000	3,000
6791	Capital Outlay - Technology	6,700	-	4,000
6792	Capital Outlay - Other	-	15,000	10,000
6796	Capital Outlay - Winter Storm	-	-	-
6903	CARES Act - Expenditures	-	-	-
	Subtotal	26,184	31,193	32,995
	<u>Other Services & Charges</u>			
6270	Annual/Assoc Dues	4,253	3,950	4,500
6340	Technology consultant	5,659	6,708	10,000
6370	Contract Services	10,004	15,000	20,000
6411	Telephone	7,669	3,150	6,000
6420	Office Cleaning	5,200	5,300	5,300
6441	Storage rent	1,200	1,200	1,200
6443	Equipment Rent/Lease	5,968	5,900	5,900
6444	Parking Lot Lease	1,150	1,200	-
6500	Grant Expenditures	40,152	-	-
6520	Insurance	26,448	26,750	30,000
6531	Public Notices	5,535	5,000	7,000
6532	Office Technology	21,765	19,700	38,500
6540	Advertising	-	-	-
6551	Printing	1,069	300	300
6552	Copies	-	-	-

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
6562	CC Processing Fees	917	200	1,000
6569	Vehicle Allowance/Moving Exp	6,000	6,000	6,000
6570	Travel	495	2,916	3,000
6571	Mileage	743	1,500	1,500
6572	Training	914	1,050	4,000
6573	Tuition Reimbursement	-	-	-
6580	Pay Comparability Adj	-	-	-
6581	Refunds	6,510	500	2,000
6583	Fuel	-	-	-
6589	Records Management	-	-	-
6700	Bad Debt Expense	-	-	-
6701	I&S Tax Note Series - 2021	-	-	124,395
Subtotal		151,650	106,324	270,595
<u>Transfer Out</u>				
6990	Operating Transfer Out	513,918	553,002	-
Subtotal		513,918	553,002	-
Total Administration		959,267	950,708	606,918

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Actual	FY 2021 Adopted	FY 2022 Proposed
Legal - 16				
	<u>Other Services & Charges</u>			
6350	Legal	100,771	100,000	100,000
	Subtotal	100,771	100,000	100,000
	Total Legal	100,771	100,000	100,000

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Actual	FY 2021 Adopted	FY 2022 Proposed
Council/Boards - 17				
	<u>Other Services & Charges</u>			
6320	Financial Management Services	16,200	16,200	16,200
6340	Technology Consultant	2,500	-	-
6330	Audit	15,700	19,400	19,000
6382	Social Services Support	-	-	-
6533	Public Information	-	-	-
6541	Public Relations/Receptions	1,668	1,000	3,000
6572	Training	725	4,000	7,000
6590	Elections	-	6,000	6,500
6591	Planning	-	80,000	40,000
6595	Code Revisions	-	-	40,000
	Subtotal	36,793	126,600	131,700
	Total Council/Board	36,793	126,600	131,700

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Actual	FY 2021 Adopted	FY 2022 Proposed
Building - 18				
	<u>Other Services & Charges</u>			
6360	Contract Inspector	33,232	30,000	30,000
6582	Site Plan Reviews	6,037	8,000	8,000
	Subtotal	39,269	38,000	38,000
	Total Building	39,269	38,000	38,000

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Public Safety - 21				
	<u>Personnel Services</u>			
6170	Salaries - Deputy City Marshall	-	-	54,995
6210	Health Care	-	-	9,500
6220	Payroll Taxes	-	-	4,207
6230	TMRS City Contribution	-	-	3,509
6250	Unemployment compensation	-	-	133
6251	Worker Compensation	-	-	225
	Subtotal	-	-	72,569
	<u>Supplies & Maintenance</u>			
6431	Vehicle Maintenance & Repair	-	-	1,000
6583	Fuel	-	-	5,000
6610	General Operating Supplies	-	-	3,000
	Subtotal	-	-	9,000
	<u>Other Services & Charges</u>			
6370	Contract Services	78,074	84,315	5,000
6371	Sanitarian (Contract labor)	31,644	30,000	22,000
6373	Animal Control	6,000	6,000	6,000
6411	Telephone		-	-
6570	Travel		-	-
6571	Mileage		-	-
6572	Training		-	1,500
6574	Event Services	-	1,750	5,000
6794	Capital Outlay - Equip/Other		-	10,000
6795	Traffic Direction RR12 Mar-Dec	-	-	30,000
	Subtotal	115,718	122,065	79,500
	Total Public Safety	115,718	122,065	161,069

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Municipal Court - 25				
	<u>Supplies & Maintenance</u>			
6610	General Operating Supplies	-	750	750
6660	Office Supplies	-	-	-
6791	Capital Outlay - Technology	-	-	-
	Subtotal	-	750	750
	<u>Other Services & Charges</u>			
6270	Annual/Association Dues	-	-	25
6380	Municipal Court Judge	4,000	4,000	4,000
6381	City Prosecutor	2,985	5,000	3,000
6532	Office Tech/Software	3,985	5,000	5,500
6551	Printing	-	-	-
6570	Travel/Hospitality	-	-	-
6571	Mileage	-	-	-
6572	Training	-	-	-
6651	Postage/Shipping	-	-	-
	Subtotal	10,970	14,000	12,525
	Total Municipal Court	10,970	14,750	13,275

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Public Works - 30				
	<u>Personnel Services</u>			
6150	Salaries-Code Enforcement & Permitting	41,620	41,200	48,310
6160	Salaries-Planning & Dev Coordinator	10,138	55,000	54,995
6170	Salaries-Public Works Assistant	-	-	37,440
6180	Salaries - Maintenance	10,593	15,450	5,000
6210	Health Care	9,213	18,000	28,500
6220	Payroll Taxes	4,852	8,541	10,767
6230	TMRS	4,424	9,010	8,980
6250	Unemployment Compensation	233	487	490
6251	Worker Compensation	-	-	575
	Subtotal	81,073	147,688	195,057
	<u>Supplies & Maintenance</u>			
6431	Vehicle Maint/Insurance	374	800	2,000
6583	Fuel	1,352	2,000	2,500
6532	Office Technology	-	-	4,000
6610	General Operating Supplies	901	1,000	1,000
6612	Tools	-	500	500
	Subtotal	2,627	4,300	10,000
	<u>Other Services & Charges</u>			
6370	Contract Services	-	-	15,000
6270	Annual Dues/Subscriptions	234	400	250
6532	Office Tech Software	-	-	250
6570	Travel/Hospitality	-	500	1,500
6571	Mileage	-	300	300
6572	Training	40	600	5,000
6794	Capital Outlay-Equipment/Other	-	-	11,000
	Subtotal	274	1,800	33,300
	Total Public Works	83,973	153,788	238,357

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Public Works-Roads - 31				
	<u>Supplies & Maintenance</u>			
6432	Road Maintenance	90,582	80,000	80,000
6433	Equipment Maintenance	-	250	-
6584	Mowing/Trimming	2,737	8,000	5,000
6611	Signs/Barricades	5,158	4,000	7,000
	Subtotal	98,477	92,250	92,000
	<u>Other Services & charges</u>			
6370	Contract Services	-	-	-
6372	Survey Services	-	-	-
6444	Parking Lot Lease	-	-	-
6470	Engineering - Roads	4,013	10,000	10,000
6520	Insurance	-	-	-
6792	Capital Outlay - Other	-	-	-
6795	Capital Outlay - Roads	-	100,000	-
6796	Capital Outlay - Sidewalks	-	-	-
	Subtotal	4,013	110,000	10,000
	Total Public Works - Roads	102,490	202,250	102,000

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
Public Works-Water/Wastewater - 33				
	<u>Supplies & Maintenance</u>			
6586	Quality Testing WW	1,086	1,860	-
6588	Public Restroom WW	35,547	36,000	10,000
	Subtotal	36,633	37,860	10,000
<u>Other Services & charges</u>				
6561	State Sanitation Fees	-	-	-
6793	Capital Outlay - RR Trailer	-	-	-
	Subtotal	-	-	-
	Total Public Works	36,633	37,860	10,000
Capital Projects - 40				
	<u>Capital Outlay</u>			
6792	Capital Outlay - Other	-	-	-
6795	Capital Outlay - Roads	-	-	160,000
6796	Capital Outlay - Sidewalks	-	-	-
6797	Oak Street Parking Lot	-	-	60,000
	Subtotal	-	-	220,000
	Total Capital Projects	-	-	220,000

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

<u>Acct Code</u>	<u>Description</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Adopted</u>	<u>FY 2022 Proposed</u>
American Rescue Plan Expenditures - 45				
	<u>Approved Outlay</u>			
6792	Grant Administrator	-	-	30,000
6795	Outlay - Projects	-	-	370,422
	Subtotal	-	-	400,422
	Total ARP Expenditures	-	-	400,422
Community Center - 51				
	<u>Personnel Services</u>			
6140	Salaries - Director	45,943	40,000	43,260
6180	Salaries - Maintenance	19,046	25,000	20,000
6181	Salaries - Special Programs	-	-	10,000
6210	Health Care	8,554	9,000	9,500
6220	Payroll Taxes	4,959	4,973	3,310
6230	TMRS	3,465	5,246	2,760
6250	Unemployment compensation	321	487	300
6251	Workers Compensation	-	-	200
	Subtotal	82,288	84,705	89,330
	<u>Supplies & Maintenance</u>			
6410	Utilities	20,481	18,200	18,200
6430	Bldg. Repairs/Maintenance	31,176	5,000	25,000
6521	Security/Alarm Svs	2,339	2,000	2,000
6610	General/ Operating Supplies	2,487	3,000	5,000
6660	Office Supplies	199	500	500
6797	Capital Outlay - Facilities	7,900	10,000	-
6800	Capital Outlay - Equipment	-	-	-
	Subtotal	64,582	38,700	50,700
	<u>Other Services & Charges</u>			
6270	Annual/Assoc Dues	1	100	-
6370	Contract Services	-	-	-
6411	Telephone	1,025	931	2,000
6443	Equipment Leases	-	-	-
6532	Office Technology	2,570	2,500	2,000
6540	Advertising	1,417	3,000	2,000
6541	Public Relations/Receptions	-	-	-
6551	Printing	44	200	100
6651	Postage	-	100	50
6794	Capital Outlay - Equip/Other	-	-	-
	Subtotal	5,057	6,831	6,150
	Total Community Center	151,927	130,236	146,180

**CITY OF WIMBERLEY
GENERAL FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Actual	FY 2021 Adopted	FY 2022 Proposed
Parks - 52				
	<u>Supplies & Maintenance</u>			
6410	Utilities	-	1,500	1,500
6430	Bldg. repairs/Maintenance	-	2,000	2,000
6585	Nature Trail/Old Baldy	2,079	-	1,000
6610	General Operating Supplies	-	600	500
	Subtotal	2,079	4,100	5,000
	Total Parks	2,079	4,100	5,000
Total Expenditures		1,639,890	1,880,357	2,172,921
Excess (Deficit)		(24,611)	64,543	3,921
Use of Fund Balance		24,611	(64,543)	(3,921)

**CITY OF WIMBERLEY
BLUE HOLE FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Adopted	FY2021 YTD	FY 2022 Proposed
Revenues				
	<u>Tax Revenue</u>			
5472	Gate Fees	350,000	378,000	452,770
5474	Park Rental Fees	15,000	10,000	15,000
5476	Special Events/Activities	66,000	69,000	70,000
5479	Vending/Merchandise	7,500	4,000	6,000
	Subtotal	438,500	461,000	543,770
	<u>Interest</u>			
5611	Interest Revenues	150	150	150
	Subtotal	150	150	150
	<u>Other Income</u>			
5701	Other Revenue	6,500	3,800	3,800
5799	Operating Transfer In	-	-	-
5900	Designated Funds	-	-	-
	Subtotal	6,500	3,800	3,800
	Total Revenues	445,150	464,950	547,720

**CITY OF WIMBERLEY
BLUE HOLE FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Adopted	FY2021 YTD	FY 2022 Proposed
Expenditures				
Parks - 52				
	<u>Personnel Services</u>			
6140	Salaries & Wages - Director	54,075	-	54,995
6185	Salaries & Wages - Nat. Res. & Park Main. Mgr	37,853	40,000	37,440
6181	Salaries & Wages - Part-Time	107,177	85,000	116,071
6182	Salaries & Wages - Maint Tech	28,840	57,680	62,400
6183	Salaries & Wages - Oper. & Prog. Mgr.	31,930	40,000	33,280
6184	Salaries & Wages - Program & Event Specialist		28,840	-
6210	Health Care	36,000	45,000	45,000
6220	Payroll Taxes	19,880	19,241	14,391
6230	TMRS Contributions	12,323	13,438	12,002
6250	Unemployment compensation	1,299	1,299	455
6251	Workers Compensation	-	-	6,772
	Subtotal	329,377	330,499	382,806
	<u>Supplies & Maintenance</u>			
6374	Contract Services	36,400	21,400	20,000
6410	Utilities	15,000	15,000	15,000
6431	Vehicle Maintenance	500	300	5,040
6433	Equipment Maintenance	500	1,200	1,500
6583	Fuel	800	800	850
6584	Mowing/Trimming	500	-	-
6616	Program	-	8,000	14,000
6589	Records Management	-	-	-
6610	General Supplies	20,000	18,000	22,000
6613	Materials	4,000	4,000	4,000
6615	Bldg. & Maintenance Supplies	1,500	1,500	1,500
6660	Office Supplies	500	500	500
	Subtotal	79,700	70,700	84,390
	<u>Other Services & Charges</u>			
6411	Telephone	2,400	2,400	2,400
6443	Equipment Rent/Lease	1,000	1,000	1,000
6532	Office Tech/Software	1,900	10,720	13,170
6562	BH CC Processing Fees	13,000	13,000	13,000
6581	Refunds	1,000	1,000	1,000
6651	Postage	300	50	50
6570	Travel	3,175	3,680	1,757
6571	Mileage	600	1,475	537
6572	Training	2,800	2,500	2,000
6794	Capital Outlay - Equipment	3,200	2,250	44,700
	Subtotal	29,375	38,075	79,614

**CITY OF WIMBERLEY
BLUE HOLE FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Adopted	FY2021 YTD	FY 2022 Proposed
	<u>Transfer Out</u>			
6990	Operating Transfer Out	-	-	-
	Subtotal	-	-	-
	Total Parks	438,452	439,274	546,810
	Total Expenditures	438,452	439,274	546,810
	Excess (Deficit)	6,698	25,676	911
	Use of Fund Balance	(6,698)	(25,676)	(911)

**CITY OF WIMBERLEY
WASTEWATER FUND
FY 2022 BUDGET (v.3)**

Acct Code	Description	FY 2020 Actual	FY 2021 Adopted	FY 2022 Proposed
Revenues				
	<u>Charges for Service</u>			
5400	Service Fees	120,183	241,888	345,516
	Subtotal	120,183	241,888	345,516
	<u>Interest</u>			
5611	Interest Revenues	75	75	75
	Subtotal	75	75	75
	<u>Other Income</u>			
5340	Grant Funds	-	-	-
5799	Operating Transfer In	173,000	290,500	-
XXXX	Revenue Bond Transfer In	101,025	-	-
	Subtotal	274,025	290,500	-
	Total Revenues	394,283	532,463	345,591
Expenditures				
Wastewater - 04				
	<u>Supplies & Maintenance</u>			
6374	Contract Services	116,492	246,391	94,434
6410	Utilities	6,000	6,000	6,000
6411	Telephone	1,800	1,800	1,800
6589	Records Management	-	-	-
6610	General Operating Supplies	-	-	4,357
6660	Office Supplies	-	-	-
	Subtotal	124,292	254,191	106,591
	<u>Other Services & Charges</u>			
6270	Annual Dues	1,250	1,250	-
6799	Project Manager - Wastewater Project	30,000	38,000	-
6797	Capital Outlay - Facilities	-	-	-
6792	Capital Outlay - Other	-	-	-
6900	I&S Wastewater Debt Service - Principal	255,000	160,000	160,000
6901	I&S Wastewater Debt Service - Interest	87,673	78,920	79,000
6990	Operating Transfer Out	-	-	-
	Subtotal	373,923	278,170	239,000
	Total Wastewater	498,215	532,361	345,591
	Total Expenditures	498,215	532,361	345,591
	Excess (Deficit)	(103,932)	102	0
	Use of Fund Balance	103,932	(102)	(0)