



**CITY OF
WIMBERLEY**

REGULAR CITY COUNCIL MEETING PACKET

**Thursday, September 16, 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, SEPTEMBER 16, 2021 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** September 16, 2021, at 6:00 p.m.
2. **CALL OF ROLL** City Administrator, Mike Boese
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. **PROCLAMATIONS**
 - 6.1. Proclamation of the City of Wimberley, Texas, proclaiming the Month of September 2021 as "Hunger Action Month in Hays County." (*Hays County Food Bank*)
 - 6.2. Proclamation of the City of Wimberley, Texas, proclaiming the week of September 17th through 23rd as "Constitution Week." (*National Society of Daughters of the American Revolution – Jacob's Well Chapter*)
7. **EXECUTIVE SESSION**
In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Legal Counsel) regarding the City of Wimberley, Texas Exchange Refunding Bonds, Series 2019 and COVID-19 measures and protocols.

8. OPEN SESSION

Discussion and possible action resulting from Executive Session.

9. CONSENT AGENDA

9.1. Approval of minutes from the Special City Council Meeting held August 27, 2021.

9.2. Approval of minutes from the Regular City Council Meeting held September 2, 2021.

10. CITY STAFF REPORT

10.1. Parks Director Report

10.2. City Administrator Report

11. PUBLIC HEARINGS AND POSSIBLE ACTION

11.1. Hold a public hearing and consider possible action regarding case CUP-21-020, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 204 Wimberley Square, Wimberley, Hays County, Texas. (*Applicant: Kristie Gaines & Shelly Beck*)

11.2. Hold a public hearing and consider possible action regarding case CUP-21-019, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 161 Panorama Dr, Wimberley, Hays County, Texas. (*Applicant: Donald & Wendy Elliot*)

11.3. Hold a public hearing and consider possible action regarding case SUB-21-008, an application for a 2-lot subdivision of Lot 6A, Green Acres Subdivision, located at 561 Carney Ln, and related variance requests from the City Subdivision Code regarding lot shape and average depth to average width ratio. (*Applicant: Jon Thompson, agent for Jerome McLaughlin*)

12. DISCUSSION AND POSSIBLE ACTION

12.1. Discuss and consider possible action regarding Resolution No. 14-2021, designating the Wimberley View as the Official Newspaper for the City of Wimberley, Texas for Fiscal Year 2022. (*City Administrator, Mike Boese*)

12.2. Discuss and consider possible action to direct the City Administrator to engage an engineering firm to evaluate possible alternatives regarding the wastewater collection system and homeowner connections on Blue Hole Lane and make recommendations to the City. (*Place Five Council Member, David Cohen*)

12.3. Discuss and consider possible action regarding letters from several constituents pertaining to COVID-19 and possible response by the City Council. (*Place Five Council Member, David Cohen*)

12.4. Discuss and consider possible action regarding a Public Health Advisory related to COVID-19 by the City of Wimberley City Council. (*Mayor, Gina Fulkerson & Place Three Council Member, Christine Byrne*)

13. CITY COUNCIL REPORTS

13.1. Announcements

13.2. Future agenda items

14. 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, September 13, 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.



City of Wimberley



Proclamation

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

WHEREAS, according to Feeding America, the pandemic has most impacted families that were already facing hunger or are one paycheck away from facing hunger; and

WHEREAS, households with children are more likely to experience food insecurity, and many of these households do not qualify for federal nutrition programs like the Supplemental Nutrition Assistance Program and visit their local food banks and other food programs for extra support; and

WHEREAS, Hays County Food Bank represents a county-wide effort to provide nutritious food to the food insecure in the greater Hays County area, made possible by the generous contributions of individuals, civic organizations, local government, and businesses; and

WHEREAS, in 2020, Hays County Food Bank and its partners served on average each week, 2,500 low-income individuals and those facing a food emergency, distributing more than 1 million pounds of food to these households in need; and

WHEREAS, in 2020 to 2021 Hays County Food Bank partnered with the Hill Country Cowboy Church and then subsequently with Cypress Creek Church and provided food at no cost to their food pantry programs that assisted hundreds of families in need in the Wimberley Valley; and

WHEREAS, the poverty level for the City of Wimberley city limits has increased to 12%, an increase of over 40% in recent years, and the percentage of economically disadvantaged families within the greater boundaries of the Wimberley Independent School District, has increased to 29%; and

WHEREAS, in addition to the efforts of Hays County Food Bank, the following local Wimberley Valley organizations have met the challenges of the Covid-19 pandemic and the Winter Storm of 2021 with multiplied efforts to reduce hunger, through the provision of grocery basics and thousands of meals to those in need.

WHEREAS, those local Wimberley Valley groups include:
Crisis Bread Basket, Amigos de Jesus, Wimberley Fig Tree Outreach Program, The Barnabas Connection, The Wimberley Ministerial Alliance and other local churches, businesses and community members too numerous to count;

WHEREAS, a \$25 donation can provide 100 meals through the buying power of these organizations; and

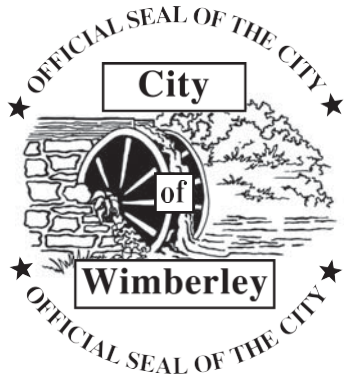
NOW, THEREFORE, we, the City Council of Wimberley, by virtue of the authority vested in us in Wimberley, Texas do hereby proclaim the Month of September 2021 as

“HUNGER ACTION MONTH IN HAYS COUNTY”

And call upon the people of Hays County to pledge to take action against hunger in our community, whether it be by fund or food donation, volunteering, or advocacy.

IN TESTIMONY WHEREOF, we hereunto affix the seal of the City of Wimberley this the 16th day of September, 2021.

CITY COUNCIL OF WIMBERLEY, TEXAS



Gina Fulkerson, Mayor

Rebecca Minnick, Mayor Pro Tem/Place One

Teresa Shell, Place Two

Christine Byrne, Place Three

Jim Chiles, Place Four

David Cohen, Place Five

City of Wimberley



Proclamation

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

WHEREAS: It is the privilege and duty of the American people to commemorate the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

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

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

CONSTITUTION WEEK

and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Wimberley to be affixed this 16th day of September of the year of our Lord two thousand twenty-one.

CITY OF WIMBERLEY

Gina V. Fulkerson, Mayor





AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	September 9, 2021
MEETING DATE:	September 16, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- 9.1. Approval of minutes from the Special City Council Meeting held August 27, 2021.
- 9.2. Approval of minutes from the Regular City Council Meeting held September 2, 2021.

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 9.1. and 9.2.

ATTACHMENT/S

- August 27th Special City Council Meeting Minutes
- September 2nd Regular City Council Meeting Minutes



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
FRIDAY, AUGUST 27, 2021 – 12:00 P.M.

MINUTES

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 847 2974 1582 and using the passcode 186393.

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.

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on August 27, 2021, at 12:01 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>via teleconference</i>)

CONSENT AGENDA

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

Approval of Place Five Council Member David Cohen's appointment of Mary Espinoza to the Ethics Review Commission.

DISCUSSION AND POSSIBLE ACTION

City Council and several GrantWorks representatives discussed and identified various projects and priorities for expenditure of the American Rescue Plan Act funds in the upcoming fiscal year and thereafter.

No action was taken on this item.

ADJOURNMENT

Motion to adjourn the meeting at 1:57 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, SEPTEMBER 2, 2021 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on September 2, 2021, at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Gina Fulkerson	Mayor
	Rebecca Minnick	Place One
	Christine Byrne	Place Three
	Jim Chiles	Place Four
Council Members Absent:	Teresa Shell	Place Two
	David Cohen	Place Five
City Staff Present:	Mike Boese	City Administrator
	Laura Calcote	City Secretary
	Megan Santee	City Attorney
	Nathan Glaiser	Planning & Development Coordinator

INVOCATION

Chapel in the Hills Reverend, Jim Denham, 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 four citizen's comments. They were as follows:

1. Erica Fick spoke representing around 60 parents in the community concerned about the increasing number of COVID-19 cases at Wimberley ISD. These parents requested a mask mandate be put in place for the City of Wimberley and a reinstatement of the COVID-19 task force.
2. Will Weber stated children's lives were being gambled with at Wimberley ISD and was in favor of requiring masks in schools.
3. Mindy Weber read a letter from Jessica Cain, who spoke of her family's COVID-19 infection experience, caused by one of her children bringing the virus home from school.

Ms. Cain was also in favor of requiring masks in schools.

4. Mindy Weber addressed Council regarding her daughter's senior year being less than ideal due to the COVID-19 pandemic in 2020. Ms. Weber was concerned with schools shutting back down with the rising number of cases, and provided statistical information relating to the virus, including the benefit of masking.

PROCLAMATIONS

- 6.1. Proclamation of the City of Wimberley, Texas, proclaiming the Month of September 2021 as "Pride Month." (*Place Three Council Member, Christine Byrne*)
Mayor, Gina Fulkerson, read aloud the proclamation.
- 6.2. Proclamation of the City of Wimberley, Texas, proclaiming the Month of September 2021 as "Hunger Action Month in Hays County." (*Hays County Food Bank*)
This item was moved forward to the next meeting.

CONSENT AGENDA

Motion to approve the Consent Agenda, as presented, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (3-0).

- 7.1. Approval of minutes from the Regular City Council Meeting held August 19, 2021.
- 7.2. Approval of the Fiscal Year 2022 City of Wimberley Holiday Schedule.

PUBLIC HEARING FOR FISCAL YEAR 2021-2022 BUDGET

Public Hearing on the proposed Fiscal Year (FY) 2021-2022 Budget

- 8.1. Mayor, Gina Fulkerson, opened the public hearing at 6:28 p.m.
- 8.2. There were no citizen comments.
- 8.3. Mayor, Gina Fulkerson, closed the public hearing at 6:29 p.m.

DISCUSSION AND POSSIBLE ACTION

- 9.1. Discuss and consider possible action to approve Resolution No. 11-2021, adopting the City of Wimberley Amended Fiscal Year (FY) 2020-2021 Budget.
Motion to approve Resolution No. 11-2021, adopting the City of Wimberley Amended Fiscal Year (FY) 2021-2022 Budget, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles.
Motion to amend the Fiscal Year to 2020-2021 was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (3-0).
- 9.2. Discuss and consider possible action to approve Resolution No. 12-2021, adopting the City of Wimberley Fiscal Year (FY) 2021-2022 Budget.
Motion to approve Resolution No. 12-2021, adopting the City of Wimberley Fiscal Year (FY) 2021-2022 Budget, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. A roll call vote was taken (3-0):

Rebecca Minnick	Aye
Christine Byrne	Aye
Jim Chiles	Aye

- 9.3. Discuss and consider possible action to approve Resolution No. 13-2021, declaring certain City of Wimberley property surplus (wastewater treatment plant), and authorizing the City Administrator to dispose of said property in the manner most advantageous to the City. (*City Administrator, Mike Boese*)
Motion to approve Resolution No. 13-2021, declaring certain City of Wimberley property surplus (wastewater treatment plant), and authorizing the City Administrator to dispose of said property in the manner most advantageous to the City, was made by Council Member Jim Chiles. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (3-0).
- 9.4. Discuss and consider possible action to approve a Memorandum of Understanding between the Texas Music Office within the Office of the Governor and the City of Wimberley for ongoing maintenance of the Wimberley dataset of the Texas Music Directory. (*Planning & Development Coordinator, Nathan Glaiser*)
Motion to approve a Memorandum of Understanding between the Texas Music Office within the Office of the Governor and the City of Wimberley for ongoing maintenance of the Wimberley dataset of the Texas Music Directory was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (3-0).
- 9.5. Discuss and consider possible action the second and final 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, repealer, effective date, and proper notice and meeting. (*Planning & Development Coordinator, Nathan Glaiser*)
Motion to approve the second and final 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, repealer, effective date, and proper notice and meeting, was made by Council member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (3-0).
- 9.6. Discuss and consider possible action to award a bid in the amount of \$161,893.00 to Percheron Construction, LLC for the construction of the Parks Department office expansion project at Blue Hole Regional Park. (*City Administrator, Mike Boese*)
Motion to award a bid in the amount of \$161,893.00 to Percheron Construction, LLC for the construction of the Parks Department office expansion project at Blue Hole Regional Park was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (3-0).

CITY COUNCIL REPORTS

10.1. Announcements

- City Secretary, Laura Calcote, announced the City's new notification system, CivicReady, would be launched within the next week.
- Mayor, Gina Fulkerson, announced the wastewater system completion celebration would be moved to October.

10.2. Future agenda items

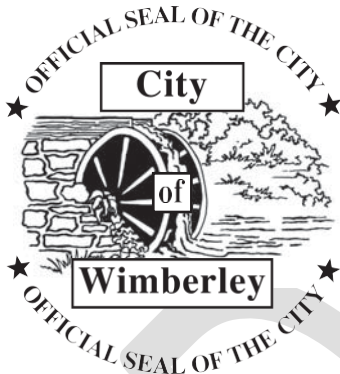
- Council Member, David Cohen, requested a discussion regarding the wastewater system users on Blue Hole Lane be added to the next agenda.

ADJOURNMENT

Motion to adjourn the meeting at 7:00 p.m. was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (3-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor



AGENDA ITEM:	CUP-21-020 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	August 16 th , 2021
MEETING DATE:	September 9, 2021 (P&Z) / September 16, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case CUP-21-020, an application for a Conditional Use Permit to allow for the operation of a Vacation (STR2) on a property located at 204 Wimberley Square, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	Kristie Gaines & Shelli Beck
Property Address:	204 Wimberley Square
Property Owner:	Same
Legal Description:	Amasa Turner Survey A0461
Property Size:	0.168 acres
Existing Use of Property:	Burned building, was retail
Existing Zoning:	Commercial Low Impact - 1
Shared Infrastructure	NA
Request:	Mixed use vacation rental (STR2) & retail
Planning Area:	V
Overlay District:	City Center

Surrounding Property:

Frontage: Wimberley Square

	Current Zoning:	Existing Land Use:
North of Property	L-1	Lodging
South of Property	C-3	Commercial
East of Property	C-2	Commercial
West of Property	C-1	Residential

Surrounding Zoning & Land Use

COMMENTS

Staff has not received any comments from the neighbors as of 9/13/21.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): August 26, 2021
Published Legal Notice (Wimberley View): August 26, 2021

RECOMMENDATION

Planning and Zoning Commission recommended approval (4-1-1) of this request on the condition that the applicant meet the requirements of our parking ordinances.

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 - 21 - 020 Date: 8/16/2021 Staff Review _____
P&Z Hearing: 9/9/2021 Council Hearing: 9/16/2021 Fees Paid(\$650): ☒

Applicant: Kristie Gaines / Shellie Beck

Mailing address: _____

Phone: _____

Property Owner: Kristie Gaines

Mailing address: _____

Phone: _____

Project Site Address: 204 Wimberley Square

Legal description: A0461 Amasa Turner Survey, Acres 0.168

Total Acreage or Square Footage: 0.168 Deed recorded in: _____

Hays CAD Parcel ID R 18408 Planning Area: ☒ Zoning: C1

Is property located in an overlay district? ☒ Yes ☐ No If Yes, type: City Center

Specific Conditional Use Requested: C1 and STR

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: PCC

Water provider or Private Well: Wimberley / Aqua

Wastewater Service or Septic Permit No. _____

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

SUBMITTAL CHECKLIST

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

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

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

Date:

8/16/21

Applicant's Signature:

Shelly Beel

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

Owner: Pat and Kristie Gaines

LOCATION OF PROPERTY: 204 Wimberley Square

LEGAL DESCRIPTION: A0461 Amasa Turner Survey Acres 0.168

PLANNING AREA: V

PRESENT ZONING: C1

EXISTING USE: Burned building / was retail

HOME OWNERS ASSOCIATION CONTACT INFO: —

SHARED FACILITIES (RIVER PARK, POOL, ETC.): —

PROPERTY IN FLOODPLAIN? ☐ YES ☒ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO

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

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

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

OFF-STREET PARKING: All parking will be off-street. 10 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 10 spaces 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: 7

PROPOSED MAXIMUM OCCUPANCY: 15-19 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 NA River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

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

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

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

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

ACCEPTED AND AGREED TO:

8/16/21
DATE

8/16/21
DATE

K. James
OWNER

Patrick James
OWNER

518 Main Street,
Marble Falls, TX 78654
(830) 633-9438
www.marbledesign.com

Owners: Michael Beck Builder, Inc.

Location: 204 Wimberley Square
Wimberley, Texas

Design by: **Curtis Fish, AIA**
Architect, Co-Founder - U+R Design
Collaborative LLC
518 Main Street, Marble Falls, Texas
78654,
phone 830-693-9408

Stamp
These documents are
incomplete and may not be
used for construction,
regulatory approval, or permit.
Curtis R. Fish, AIA
TX, REG # 24926

Wimberley Square

Project Address
204 Wimberely
Square

Drawing List	
Sheet Number	Sheet Name
A1.01	Cover Sheet
A1.04	Site Plan
A1.05	Floor Plans
A1.06	Floor Plans
A1.07	Building Elevations
A1.08	Building Elevations
Grand total: 6	

Project Address

Status

Conceptual Design
Review
6/14/21

[illegible]Project Number
211035

Drawn By
Aghor

Checked & Checked

Scale
12" = 1'-0"

Print Date
6/14/2021 1:35:35 PM

Street Name

Cover Sheet

Sheet Number

A1.01



ADJ Adjustable
AFF Above Finish Floor
ARCH Architectural
BD Board
BLK Backing
BOB Bottom Of
BRG Bearing
CAB Cabinet
CANT Cantilever
CJ Ceiling Joist
CMU Concrete Masonry
CLG Ceiling
CLO Closet
COL Column
CONC Concrete
CONT Continuous
CORR Corridor
CPT Carpet
CTR Center
D Dryer
DBL Double
DET Detail
DH Double Hung
DIA Diameter
DIM Dimension
DN Down

DO Door Opening
DW Dishwasher
DWR Drawer
DWG Drawing
EA Each
ELEV Elevation
EQ Equal
EW Each Way
EXT Exterior
FD Fire Drawn
FE Fire Extinguisher
FIN Finish
FL Floor
FO Face of
FS Full Size
FT Foot or Feet
FTG Fouting
FURR Furring
FZR Freezer
GAS Gas Bb
GB Grab Bar
GL Glass
GALV Galvanized
GYP Gypsum
HB Horse Bb
HC Handicap

HDR Header
HR Hour
INT Interior
JT Joint
LAM Laminate
LAV Lavatory
LIN Linen
LVL Laminated Veneer Lumber
MAX Maximum
MC Medicine Cabinet
MECH Mechanical
MET Metal
MFR Manufacturer
MIN Minimum
MSC Miscellaneous
MTD Mounted
MUL Mulch
MW Microwave
NIC Not in Contract
NTS Not To Scale
OC On Center
OO Opposite Hand
OHD Overhead Door
OSB Oriented Strand Board
PL Plate
PR Pair

PTN Partition
 RAD Radius
 REF Refrigerator
 RM Room
 RC Rough Opening
 RF Square Feet
 SH Single Hung
 SHT Sheet
 SIM Similar
 SPEC Specification
 SS Stainless Steel
 STD Standard
 STL Steel
 SYL Symmetrical
 TC Trash Compactor
 PH Telephone
 TG Tongue and Groove
 UNL Unlaid Unless Noted Otherwise
 VCT Vinyl Composition Tile
 VERT Vertical
 VWC Vinyl Wall Covering
 W Washer
 WD Wood
 WH Water Heater
 WP Waterproof
 WWM Welded Wire Mesh

1. With dimensions take precedence over scale/dimensions.
2. On Floor Plans, dimensions are to face of frame, or face of masonry u.p.c.
3. On Foundation Plans, dimensions are to edge of foundation, u.p.c.
4. On Elevation drawings, dimensions are to face of frame, or face of masonry u.p.c.
5. Larger scale drawings take precedence over smaller scale drawings.
6. Change in floor materials occurs at centerline of door leaf.
7. All work shall be in accordance with the Building Code with all applicable codes, regulations, and ordinances having jurisdiction.
8. Access shall not be less than 20" x 28" x 30". Attic shall have a 25' minimum clear height and shall be clear of all obstructions.
9. Provide 30' minimum clear head room above the access opening.
10. Provide sound attenuating baffles around all bathrooms and mechanical rooms.
11. All Mechanical, Electrical, or Plumbing shown on these plans are to be electrically unified. Each sub-contractor is responsible to design and install their own electrical and plumbing systems and shall coordinate with the others.
12. Unless Otherwise Noted, doors shall be located 6" from an adjacent wall.
13. All window openings shall be in accordance with the Building Code.
14. Window sizes shown are nominal unit sizes. Coordinate actual rough opening requirements with window manufacturer.
15. All exterior doors shall be located 4' to 6' away from the rear of the building when possible, and parallel to matching eave line.
16. Final selections for all finish materials to be made by the Batten/Owens.
17. All exterior doors shall be 36" wide and 80" high with 1 1/2" gypsum board.
18. Builder shall coordinate all closing device requirements with Owner.
19. Handrails shall be mounted 32" to 34" above nosing of stairs. Guard rails

```

graph TD
    Kitchen --> Door
    Door --> Hallway
    Hallway --> Window
    Window --> LivingRoom
    LivingRoom --> DiningRoom
    DiningRoom --> Kitchen
    DiningRoom --> Hallway
    DiningRoom --> Bedroom
    Bedroom --> Bathroom
    Bathroom --> Hallway
    Hallway --> Kitchen
    
```

Elevation Control

Section Control

Section Editors

Grassroots College

Flasch Pösch

5:32

1992

Berthold

10:11

1992

10-11

Keynote:

100



518 Main Street
Meriden, CT 06450
(860) 333-3438
www.urdesigncoll.com

These documents are incomplete and may not be used for construction, regulatory approval, or permit. Curtis R. Fish, AIA TX, REG # 24926

Project Name
Wimberley Square

Project Address
204 Wimberley Square

Project Address

Status
Conceptual Design Review
6/14/21

Log

Project Number
211035

Drawn By
Author

Checked By
Checker

Scale
1/8" = 1'-0"

Print Date
6/14/2021 1:35:36 PM

Sheet Name

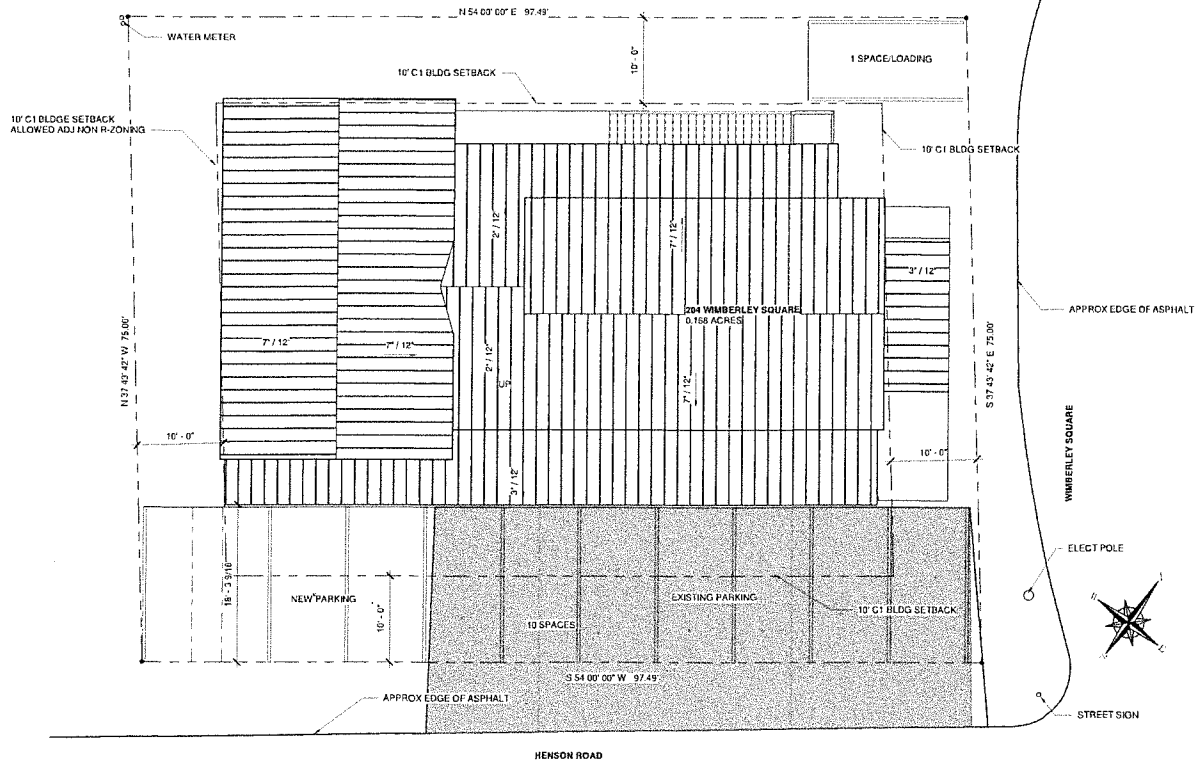
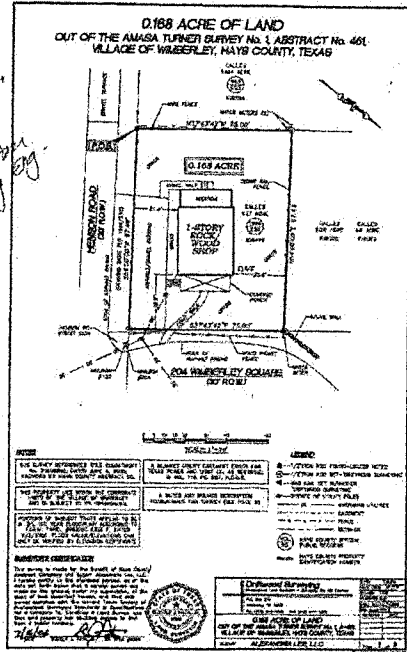
Site Plan

Sheet Number

A1.04

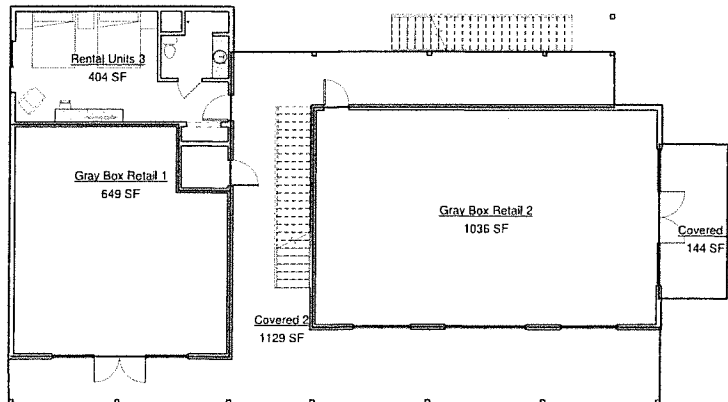
FROM: ORIGINAL SURVEY
FILE NO.: 1512-047-7532
JUL 13 2005 08:57:11 P1

REAR BACK
5800 S.F.U.R.
\$3.00 SF
\$1000 Foundation
\$1000 ACIA
\$1000 ALP



Site Plan
1/8" = 1'-0"

10ft. Plate
1/8" = 1'-0"



T.O. Slab
1/8" = 1'-0"

Area Schedule		
Name	Area	Comments
Outside Covered	560 SF	
Rental Units 1	1062 SF	
Rental Units 2	1053 SF	
Gray Box Retail 1	649 SF	
Gray Box Retail 2	1036 SF	
Covered 2	1129 SF	
Covered 1	144 SF	
Rental Units 3	404 SF	
8	6037 SF	
Grand total: 8	6037 SF	



518 Main Street,
Marble Falls, TX 76654
(817) 543-3438
www.urdesigncollab.com

State

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incomplete and may not be
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regulatory approval, or permit.
Curtis R. Fish, AIA
TX, REG # 24926

Project Name

Wimberley Square

Project Address

204 Wimberley
Square

Project Address

Status

Conceptual Design
Review
6/14/21

Log

Project Number
211035

Drawn By
Author

Checked By
Checker

Scale
1/4" = 1'-0"

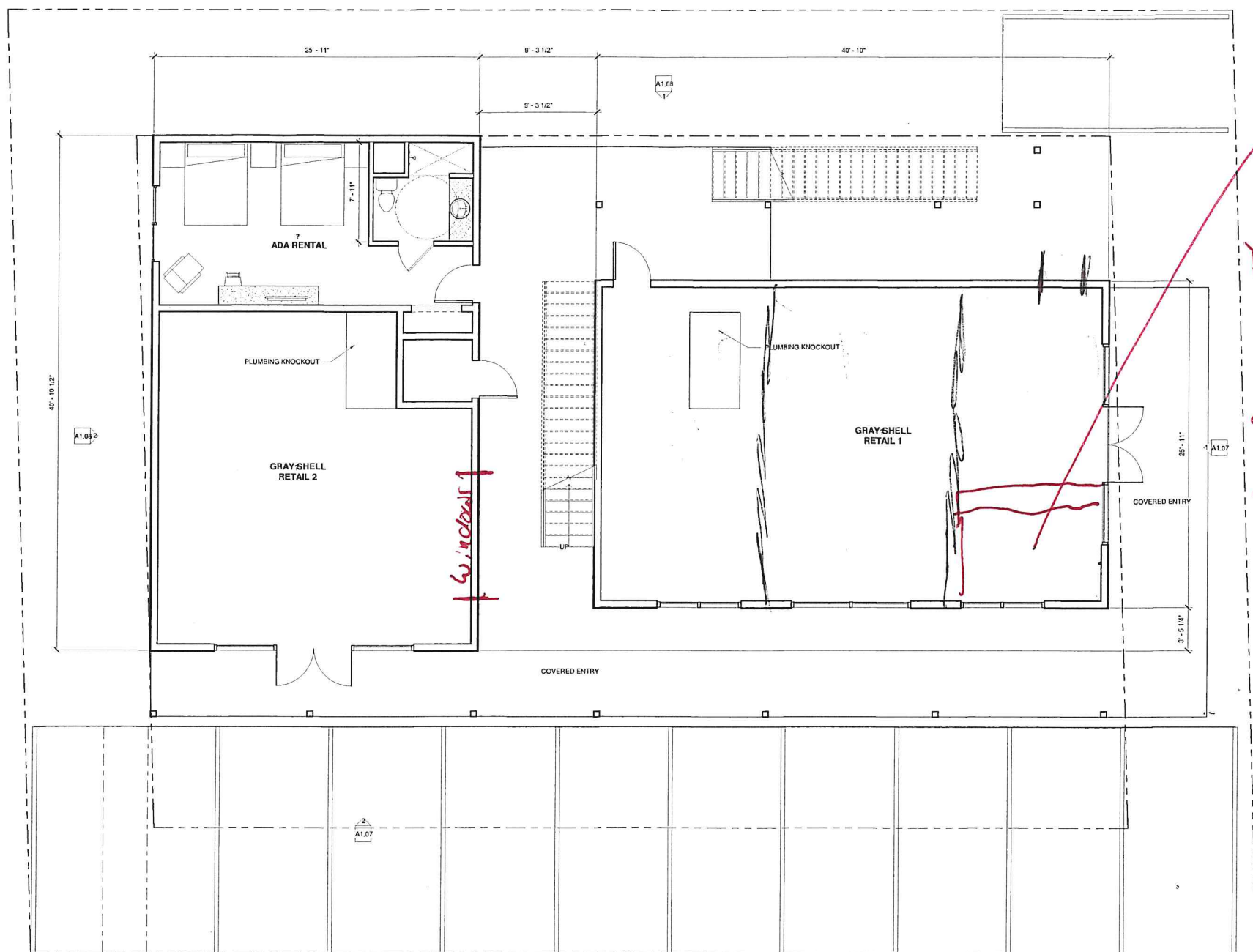
Print Date
6/14/2021 1:35:36 PM

Sheet Name

Floor Plans

Sheet Number

A1.05



For Tea location?

- 1) IS plumbing Knockout for Bathroom?
- 2) serving window
- 3) garage Doors vs. windows
- 4) open rafters painted Blk
- 5) laundry facility Specs

1 Floor Plan
1/4" = 1'-0"



518 Main Street,
Marble Falls, TX 78054
(817) 633-8478
www.urdesigncoll.com

Stamp
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incomplete and may not be
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regulatory approval, or permit.
Curtis R. Fish, AIA
TX, REG # 24926

Project Name
Wimberley Square

Project Address
204 Wimberley
Square

Project Address

Status
Conceptual Design
Review
6/14/21

Log

Project Number
211035

Drawn By
Author

Checked By
Checker

Scale
1/4" = 1'-0"

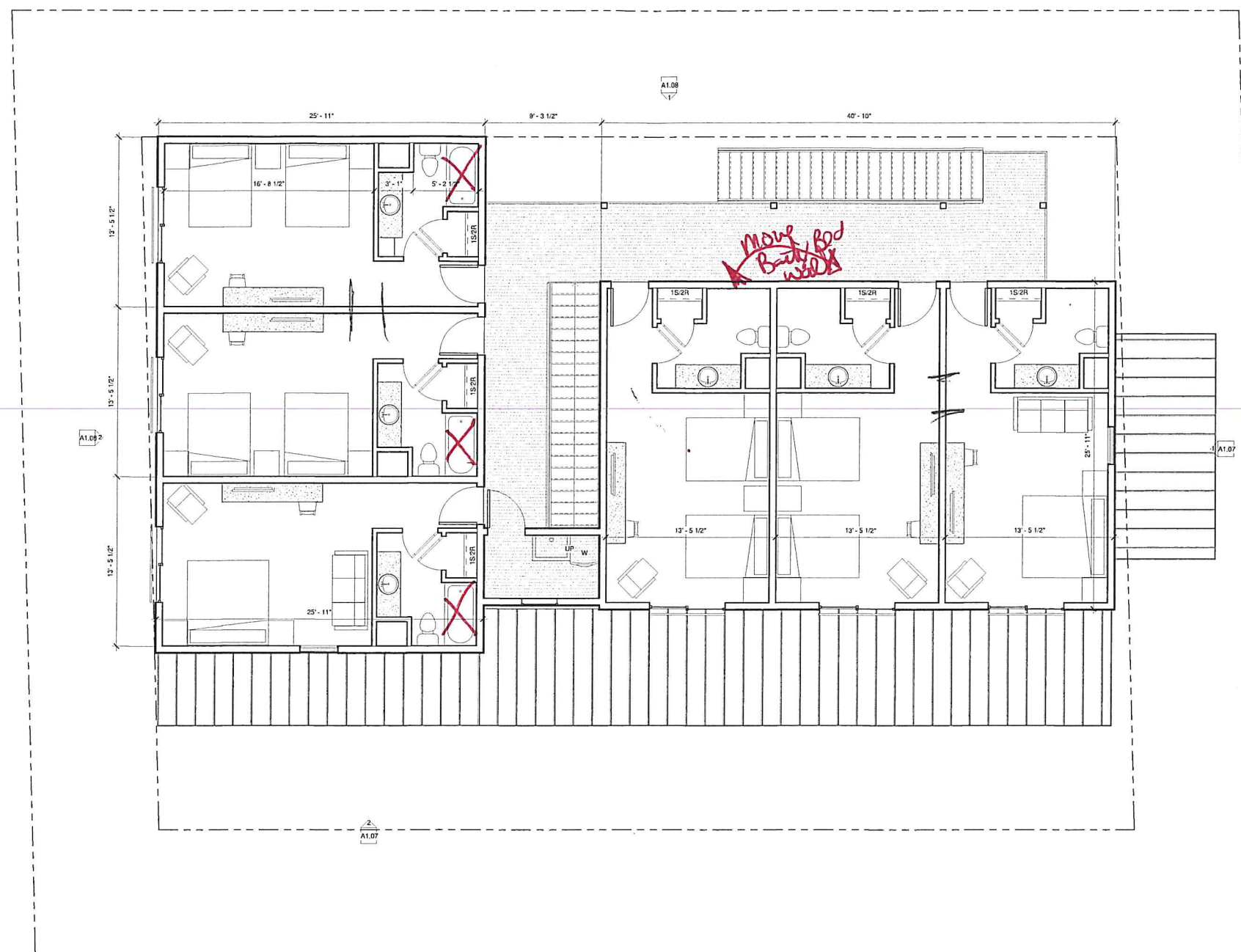
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Sheet Name

Floor Plans

Sheet Number

A1.06



① Level 2
1/4" = 1'-0"

Stamp
These documents are
incomplete and may not be
used for construction,
regulatory approval, or permit.
Curtis R. Fish, AIA
TX, REG # 24926

Project Name
Wimberley Square

Project Address
**204 Wimberley
Square**

Project Address

Status
Conceptual Design
Review
6/14/21

Log

Project Number
211035

Drawn By
Author

Checked By
Checker

Scale
1/4" = 1'-0"

Print Date
6/14/2021 1:35:38 PM

Sheet Name
**Building
Elevations**

Sheet Number
A1.07



① Elevation 1 - a
1/4" = 1'-0"



② Elevation 2 - a
1/4" = 1'-0"

Slump
These documents are
incomplete and may not be
used for construction,
regulatory approval, or permit.
Curtis R. Fish, AIA
TX, REG # 24926

Project Name
Wimberley Square

Project Address
**204 Wimberley
Square**

Project Address

Status
**Conceptual Design
Review
6/14/21**

Log

Project Number
211035

Drawn By
Author

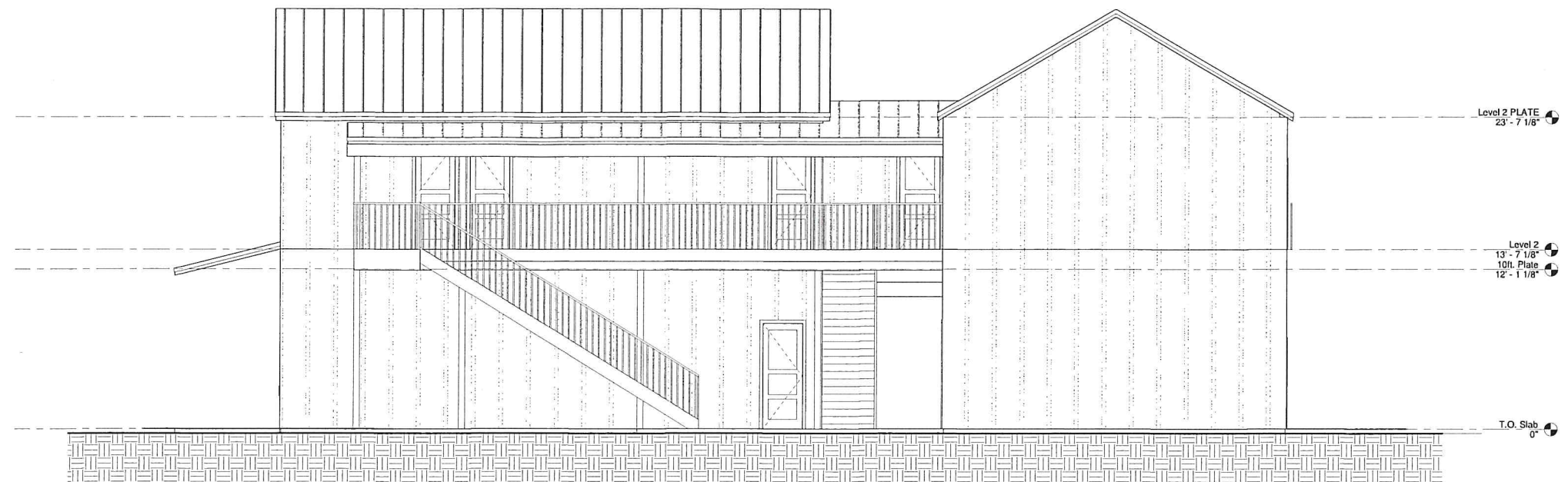
Checked By
Checker

Scale
1/4" = 1'-0"

Print Date
6/14/2021 1:35:39 PM

Sheet Name
**Building
Elevations**

Sheet Number
A1.08

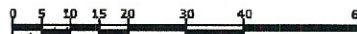
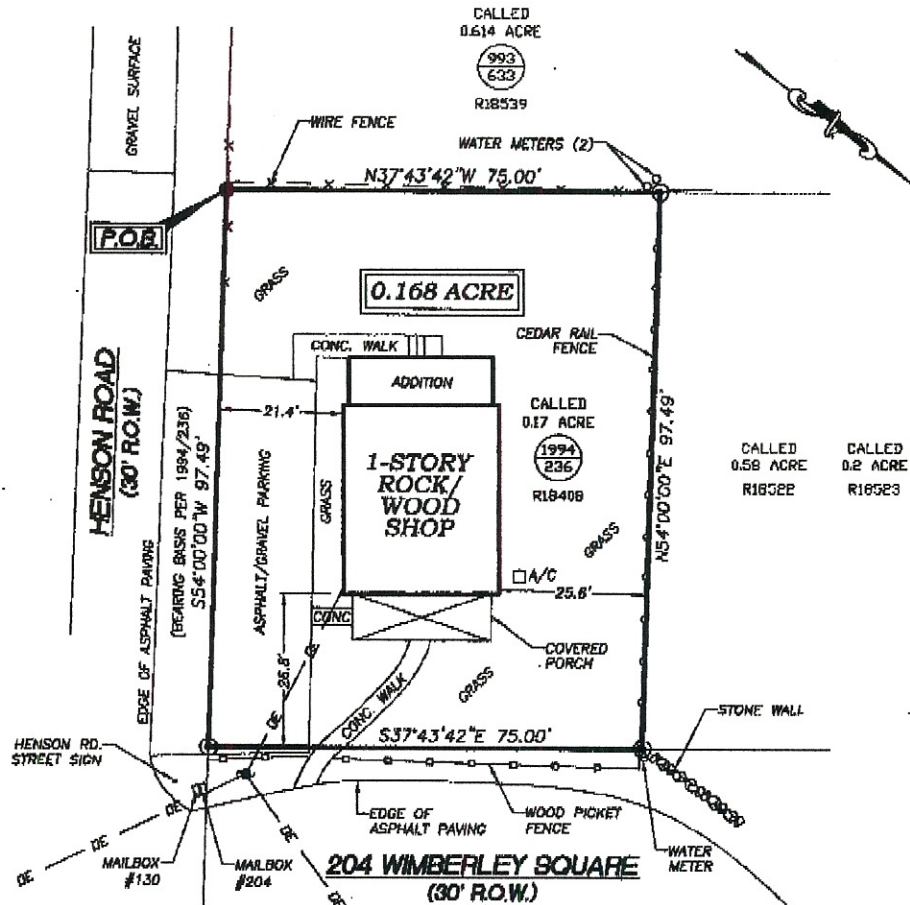


① Elevation 3 - a
1/4" = 1'-0"



② Elevation 4 - a
1/4" = 1'-0"

0.168 ACRE OF LAND
OUT OF THE AMASA TURNER SURVEY No. 1, ABSTRACT No. 461,
VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS



SCALE: 1"=20'

NOTES

THIS SURVEY REFERENCES TITLE COMMITMENT No. 20606080, DATED JUNE 4, 2006, PROVIDED BY HAYS COUNTY ABSTRACT CO.

THIS PROPERTY LIES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WIMBERLEY AND IS SUBJECT TO ITS ORDINANCES.

PORTIONS OF SUBJECT TRACT APPEAR TO BE IN THE 100 YEAR FLOODPLAIN ACCORDING TO F.I.R.M. PANEL #48209C 0355 F, DATED 9/2/2006. FLOOD AREAS/ELEVATIONS CAN ONLY BE VERIFIED BY ELEVATION CERTIFICATE.

A BLANKET UTILITY EASEMENT EXISTS FOR TEXAS POWER AND LIGHT CO. AS RECORDED IN VOL. 116, PG. 567, H.C.D.R.

A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY (SEE PAGE 2).

LEGEND

- -- 1/2" IRON ROD FOUND--UNLESS NOTED
- ⊙ -- 1/2" IRON ROD SET--"DRIFTWOOD SURVEYING"
- ⚡ -- MAG NAIL SET W/WASHER "DRIFTWOOD SURVEYING"
- ⚡ -- SERVICE OR UTILITY POLES
- DE — OVERHEAD UTILITIES
- — — — — EASEMENT
- x - x - x - FENCE
- - - - - SETBACK
- (VOL. PG.) HAYS COUNTY OFFICIAL PUBLIC RECORDS
- ROUNDXX HAYS COUNTY PROPERTY IDENTIFICATION NUMBER

SURVEYOR'S CERTIFICATION

This survey is made for the benefit of Hays County Abstract Company and buyer: Alexandria Lee, LLC. I hereby certify to the aforesaid parties, as of the date set forth below that a careful survey was made on the ground, under my supervision, of the tract of land described herein, and that said survey complies with the current Texas Society of Professional Surveyors Standards & Specifications for a Category 1a, Condition 1 Land Survey, and that said property has abutting access to and from a public roadway.

DATE: 7/6/06
 RUDOLF J. PATA, JR. TX. REG. #5385



Driftwood Surveying Professional Land Surveyors - Surveying the Hill Country		DATE: 7/6/06 FIELD CROWN: JF/EP DRAWN: DDB CHECKED: B.P. PLOT NO.: HC24806 PLOT NAME/TITLE:
P.O. Box 379 Wimberley, TX 78876 PH. (812) 847-7322 FAX (812) 847-7372	0.168 ACRE OF LAND OUT OF THE AMASA TURNER SURVEY No. 1, A-461, VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS	
CUSTOMER: ALEXANDRIA LEE, LLC	Page 1 of 2 2006 ALL RIGHTS RESERVED	

0.168 ACRE OF LAND

OUT OF THE AMASA TURNER SURVEY No. 1, ABSTRACT No. 461, VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS

BEING A TRACT OR PARCEL CONTAINING 0.168 ACRE OF LAND OUT OF THE AMASA TURNER SURVEY No. 1, ABSTRACT No. 461, VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS; BEING THAT SAME CALLED 0.17 ACRE TRACT (HAYS COUNTY PROPERTY IDENTIFICATION (HCPID) No. R18408) CONVEYED TO JOHN HOLLINGSWORTH and ANNETTE HOLLINGSWORTH BY CASH WARRANTY DEED RECORDED IN VOLUME 1994, PAGE 236, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 0.168 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO SAID 0.17 ACRE TRACT):

BEGINNING

at a 1/2-inch iron rod found in the northwest right-of-way line of Henson Road (30 feet wide) and marking the east corner of that called 0.614 acre tract (HCPID No. R18539) described in Volume 993, Page 633, O.P.R.H.C.T. and marking the south corner of the herein described tract;

THENCE

North 37°43'42" West, with fence and the northeast line of said 0.614 acre tract and the southwest line of said 0.17 acre tract, a distance of 75.00 feet to a 1/2-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" set marking the west corner of the herein described tract;

THENCE

North 54°00'00" East, with fence and the northwest line of said 0.17 acre tract, at 96.32 feet passing a 1/2-inch iron rod found, continuing for a total distance of 97.49 feet to a 1/2-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" set in the southwest right-of-way line of Wimberley Square (30 feet wide) and marking the north corner of the herein described tract;

THENCE

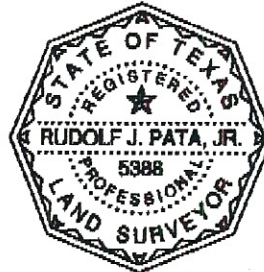
South 37°43'42" East, with said southwest line of Wimberley Square, a distance of 75.00 feet to a 1/2-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" set at the west intersection of said Henson Road and said Wimberley Square and marking the east corner of the herein described tract;

THENCE

South 54°00'00" West (bearing basis per 0.17 acre tract), with said northwest line of Henson Road, a distance of 97.49 feet to the **POINT OF BEGINNING** and containing 0.168 acre of land. A survey plat prepared by Driftwood Surveying accompanies this metes and bounds description.

7/6/06
DATE

RUDOLF J. PATA, JR. RPLS #5388



Page 2 of 2

Driftwood Surveying
Professional Land Surveyors

P.O. Box 378
Wimberley, TX 78676
TEL (512) 847-7222 FAX (512) 847-7372
www.driftwoodsurveying.com

METES AND BOUNDS

0.168 ACRE OF LAND OUT OF THE AMASA TURNER SURVEY No. 1, A-461, VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS

ADDRESS

204 WIMBERLEY SQUARE, WIMBERLEY, TEXAS

PREPARED FOR

ALEXANDRIA LEE, LLC

TITLE CO. FILE NO. 20606090

COMMITMENT NO. 20606090

DATE 07-06-06

PROJECT NO. HC24906



FEMA

MSC Viewer



Scale: 75



Make a FIRMette



ORDINANCE NO. 2021-XX

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KRISTIE GAINES & SHELLI BECK TO PERMIT THE OPERATION OF A VACATION RENTAL (STR2) ON PROPERTY LOCATED AT 204 WIMBERLEY SQUARE, WIMBERLEY, TEXAS, ZONED COMMERCIAL - LOW IMPACT (C-1) AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Kristie Gaines & Shelli Beck (“Applicant”) requesting authorization to operate a vacation rental (STR2) on real property described as 0.168 Acres of Land out of the Amasa Turner Survey No. 1 Abstract 461, zoned Commercial - Low Impact (C-1); and

WHEREAS, a vacation rental (STR2) is an authorized use in areas zoned Commercial - Low Impact (C-1) upon approval of a CUP;

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

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

WHEREAS, the City Council finds that the use of the subject property as a vacation rental (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 Kristie Gaines & Shelli Beck (“Applicant”) for use as a vacation rental (STR2) on real property, described as 0.168 Acres of Land out of the Amasa Turner Survey No. 1 Abstract 461, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial - Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. CUP shall substantially comply with Application as submitted.

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 16th day of September, 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-21-019 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	August 9 th , 2021
MEETING DATE:	September 9, 2021 (P&Z) / September 16, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case CUP-21-019, an application for a Conditional Use Permit to allow for the operation of a Vacation (STR2) on a property located at 161 Panorama, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	Donald & Wendy Elliot
Property Address:	161 Panorama
Property Owner:	Same
Legal Description:	Hilltop Place Sec 1, Lot 23B
Property Size:	2 acres
Existing Use of Property:	Single-Family Residence
Existing Zoning:	Single-Family Residential - 1
Shared Infrastructure	Coded entrance gate
Request:	Operate a Vacation Rental (STR2)
Planning Area:	I
Overlay District:	none

Surrounding Property:

Frontage: Panorama

	Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use		
North of Property	R-1	Residential/Vacation Rental
South of Property	RA	Raw Land
East of Property	RA	Residential

COMMENTS

Staff has not received any comments from the neighbors as of 9/13/21.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): August 26, 2021
Published Legal Notice (Wimberley View): August 26, 2021

RECOMMENDATION

Planning and Zoning Commission recommended approval (6-0) of this CUP on the condition that the City's Sanitarian review the septic setbacks.

The City Sanitarian reviewed the septic plans and determined that the setback was not being met for one of the sprinkler heads. This is likely due to the property being subdivided after the septic system was installed and permitted.

Staff recommends that Council approve this CUP on the condition that the sprinkler head be moved within the required setback.

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 - <u>21 - 019</u>	Date: <u>8/9/21</u>	Staff Review _____
P&Z Hearing: <u>9/9/21</u>	Council Hearing: <u>9/16/21</u>	Fees Paid(\$650): ☒	

Applicant: <u>Donald W Elliott, Wendy L Elliott</u>
Mailing address: _____
Phone: _____
Property Owner: <u>same</u>
Mailing address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

Project Site Address: <u>161 Panorama Dr. Wimberley, TX 78676</u>
Legal description: <u>Hilltop Place Sec 1, Lot 23B, Acres 2</u>
Total Acreage or Square Footage: <u>2 acres / 938 sqft</u> Deed recorded in: <u>Hays Co</u>
Hays CAD Parcel ID R <u>151675</u> Planning Area: <u>VI I</u> Zoning: <u>R1</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 - Pedernales Electric Cooperative</u>
Water provider or Private Well: <u>Shared well - see water well deed attached</u>
Wastewater Service or Septic Permit No. <u>2010-05</u>
*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

SUBMITTAL CHECKLIST

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

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

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

Date: 8/8/2021

Applicant's Signature: *Donald Willott* *Wendy L. Willott*

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

Owner: Donald W Elliott and Wendy L Elliott

LOCATION OF PROPERTY: 161 Panorama Dr Wimberley TX 78676

LEGAL DESCRIPTION: Hilltop Place Sec 1, Lot 23B, Acres 2

PLANNING AREA: VII

PRESENT ZONING: R1

EXISTING USE: Single family home

HOME OWNERS ASSOCIATION CONTACT INFO: Sonja Nagy [REDACTED]

SHARED FACILITIES (RIVER PARK, POOL, ETC.): N/A

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

4

OFF-STREET PARKING: All parking will be off-street. Yes 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: 2

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 N/A River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

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

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

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

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

ACCEPTED AND AGREED TO:

8/8/2021
DATE

8/8/2021
DATE

Donald Willott
OWNER

Wendy L. Ellott
OWNER

Elliott
Estey Residence
171 Panorama Drive
Hilltop Place, Lot 23
Phase 1

20' OSSF Setback

System Components

- A. 3" or 4" SDR 26 or Sch. 40 PVC pipe with 2-way cleanout every 50'
- B. Aqua Klear Model 6 Beside 3 With Liquid Chlorinator
- C. 1" Sch. 40 purple PVC distribution pipe
- D. 2 - 360 degree Hunter I-20 Low Angle Spray Heads with 28' radii

Notes:

No portion of this system is within 10 feet of the water line

Refer to tank detail and design notes for more information

System must maintain a minimum 20' from all property lines

Surface rock in spray area must be excavated, or covered with a minimum of 3" of suitable soil

Trim trees in application area to maintain at least 10' from sprinkler heads

All separation and setback requirements as stated in Chapter 285, TCEQ, On-Site Sewage Facilities, must be maintained

171 Panorama

161 Panorama

Sharp Break

2 BR, Less Than 1800 SF
Single Family Residence

938 sq ft

Pool

Garage

Existing House

Existing OSSF

100' Well Setback

50' Well Setback

20' OSSF Setback



Scale 1" = 75'

3392-10



LEGEND

- () RECORD INFORMATION
- 1/2" IRON ROD FOUND
- ▨ COVERED PORCH
- UTILITY POLE
- OVERHEAD UTILITY LINES
- ⊙ SEPTIC AREA

LOT 20
HILLTOP PLACE
2/7

LOT 23A

LOT 23B
2.00 ACRES

LOT 22
HILLTOP PLACE
2/7

SURVEY PLAT
OF

LOT 23B
RERSUBDIVISION OF LOT 23
HILLTOP PLACE
A SUBDIVISION RECORDED IN
VOLUME 19, PAGE 73,
PLAT RECORDS OF
HAYS COUNTY, TEXAS

TO:
PURCHASER: DONALD W. ELLIOTT AND WENDY L. ELLIOTT
TITLE CD: INDEPENDENCE TITLE CO./TITLE RESOURCES GUARANTY COMPANY
G.F. NO: 1611195-VIM
LENDER/LIENHOLDER

I, DANIEL R. (ROCKY) EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING APRIL, 2016, OF THE PROPERTY SHOWN HEREON AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.


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

4/15/16
DATE



NOTES:

- 1) THIS LOT IS SUBJECT TO THE RESTRICTIONS RECORDED IN VOLUME 19, PAGE 73, PLAT RECORDS, VOLUME 304, PAGE 470, VOLUME 307, PAGE 262, VOLUME 406, PAGE 886, VOLUME 415, PAGE 602, DEED RECORDS OF HAYS COUNTY, TEXAS.
- 2) THIS LOT IS SUBJECT TO A 40' FRONT BUILDING SETBACK AND A 25' BUILDING SETBACK ALONG ALL INTERIOR LOT LINES AS RECORDED IN VOLUME 307, PAGE 262, DEED RECORDS OF HAYS COUNTY, TEXAS.
- 3) THIS LOT IS SUBJECT TO A 20' UTILITY EASEMENT ALONG THE STREET LOT LINES AND A 10' UTILITY EASEMENT ALONG ALL INTERIOR LOT LINES AS RECORDED IN VOLUME 304, PAGE 470, DEED RECORDS, VOLUME 307, PAGE 262, REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS.
- 4) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C0330F, DATED SEP. 2, 2005, THIS LOT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.
- 5) THE BOUNDARY LINE AGREEMENT RECORDED IN VOLUME 2175, PAGE 498, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, WAS ESTABLISHED ALONG THE COMMON LINE OF LOT 23 AND LOT 24 AND DOES NOT APPEAR TO AFFECT THIS LOT.
- 6) THIS LOT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WELL AND EASEMENT AGREEMENT RECORDED IN VOLUME 2375, PAGE 171, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.
- 7) THIS LOT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE RIGHT OF WAY EASEMENT RECORDED IN VOLUME 3121, PAGE 77, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THE EASEMENT DOES NOT APPEAR TO BE LOCATED ON THIS LOT.
- 8) THIS LOT IS SUBJECT TO 1/2 (25') OF A CALLED 50' RIGHT OF WAY ALONG THE EAST LINE AS RECORDED IN VOLUME 19, PAGE 73, PLAT RECORDS OF HAYS COUNTY, TEXAS.
- 9) A WIRE FENCE MEANDERS THE WEST LINE OF THIS LOT.

RefName	OwnerName	Percent
R31984	TRYBEK, JERZY	13.272041
R31983	FRASER A DUNCAN & ELLEN	12.916348
R31986	PANORAMA PARTNERS LLC	13.071314
R31981	ZIOLA ROBERT & TRACY	13.47182
R115981	JENNINGS JON S & JUDY C	5.333471
R31982	FOREMAN ARJEN & PEGGY	12.805082
R32018	MEGLASSON JEREMY C & TERESA H	21.064983
R151674	SCHULLE DOYLE G	8.064236

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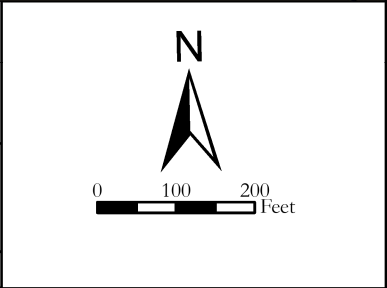


200' Notification Map

© 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 DONALD & WENDY ELLIOT TO PERMIT THE OPERATION OF A VACATION RENTAL (STR2) ON PROPERTY LOCATED AT 161 PANORAMA, WIMBERLEY, TEXAS, ZONED RURAL RESIDENTIAL (R-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Donald & Wendy Elliot (“Applicant”) requesting authorization to operate a vacation rental (STR2) on real property described as Hilltop Place Sec 1, Lot 23B, zoned Rural Residential (R-1); and

WHEREAS, a vacation rental (STR2) is an authorized use in areas zoned Rural Residential (R-1) upon approval of a CUP;

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

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

WHEREAS, the City Council finds that the use of the subject property as a vacation rental (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 Donald & Wendy Elliot (“Applicant”) for use as a vacation rental (STR2) on real property, described as Hilltop Place Sec 1, Lot 23B, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Rural Residential (R-1), 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.

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 16th day of September, 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:	SUB-21-008 Replat Establishing Lots 6AA and 6AB, Green Acres Subdivision (ETJ)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	August 20, 2021
MEETING DATE:	September 9, 2021 (P&Z) / September 16, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case SUB-21-008, an application for a proposed 2-lot subdivision of Lot 6A, Green Acres Subdivision, located at 561 Carney Ln, Wimberley, Hays County, Texas. There is one special exception associated with this proposed subdivision from the City Subdivision code requiring lots to be rectangular in shape and have an average depth to width ratio of between 1:1.5 and 1:2.5. This property is located in the ETJ and will also be reviewed by Hays County prior to recording.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jon Thompson, agent for Jerome McLaughlin
Property Address:	561 Carney Ln, Wimberley, Hays County, Texas.
Property Owner:	Jerome McLaughlin
Legal Description:	Lot 6A, Green Acres Subdivision
Property Size:	7.85 acres
Existing Use of Property:	Single Family Residential
Existing Zoning:	NA(ETJ)
Proposed Use of Property:	2 Single Family Residences
Request:	Approval of Replat Establishing Lots 6AA and 6AB, Green Acres Sub.
Planning Area:	NA (ETJ)
Overlay District:	NA (ETJ)

Surrounding Property:

Frontage: Carney Ln

Surrounding Zoning & Land Use

North of Property

Current Zoning:

-

Existing Land Use:

Single-Family
Residential

	South of Property	-		Single-Family Residential
	East of Property	-		Single-Family Residential
	West of Property	-		Single-Family Residential
		Electricity	Water	Wastewater
Utilities (proposed)	Lot 6AA	PEC	WWSC	OSSF
	Lot 6AB	PEC	WWSC	OSSF

COMMENTS

Staff has not received any communications from the surrounding neighbors.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): August 26, 2021
Published Legal Notice (Wimberley View): August 26, 2021

RECOMMENDATION

Planning and Zoning Commission recommends approval (6-0) of this subdivision.

Staff request that City Council make two separate motions to address this item. The first motion should be for consideration and action on the special exception from the City Code. The second motion should be for consideration and action on the plat. Separating the motions will allow for better distinction between the approval or disapproval of the special exceptions and the approval, approval with conditions, or disapproval of the plat itself.

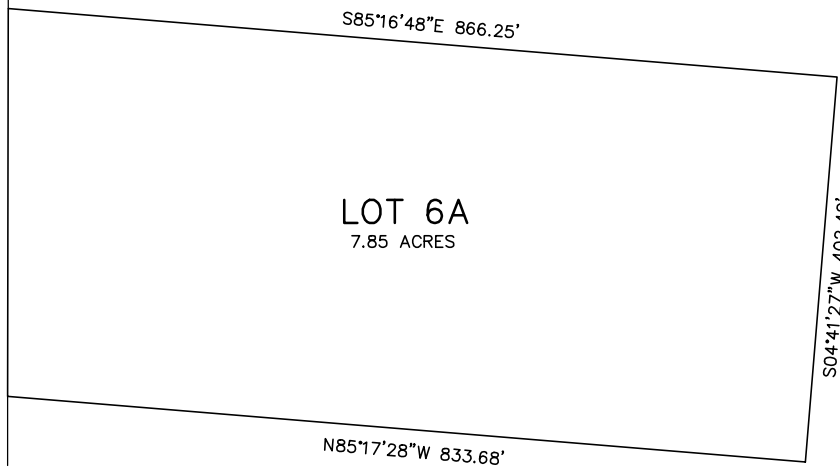
When considering action on the special exceptions, City Council should consider the criteria listed in the City of Wimberley code of ordinances Chapter 9, Sec. 9.02.357(b).

Please be aware that Texas Local Government Code Sec. 212.0091 requires that a written statement be issued identifying the specific reasons for disapproval, including a direct citation to the law or ordinance and may not be arbitrary.

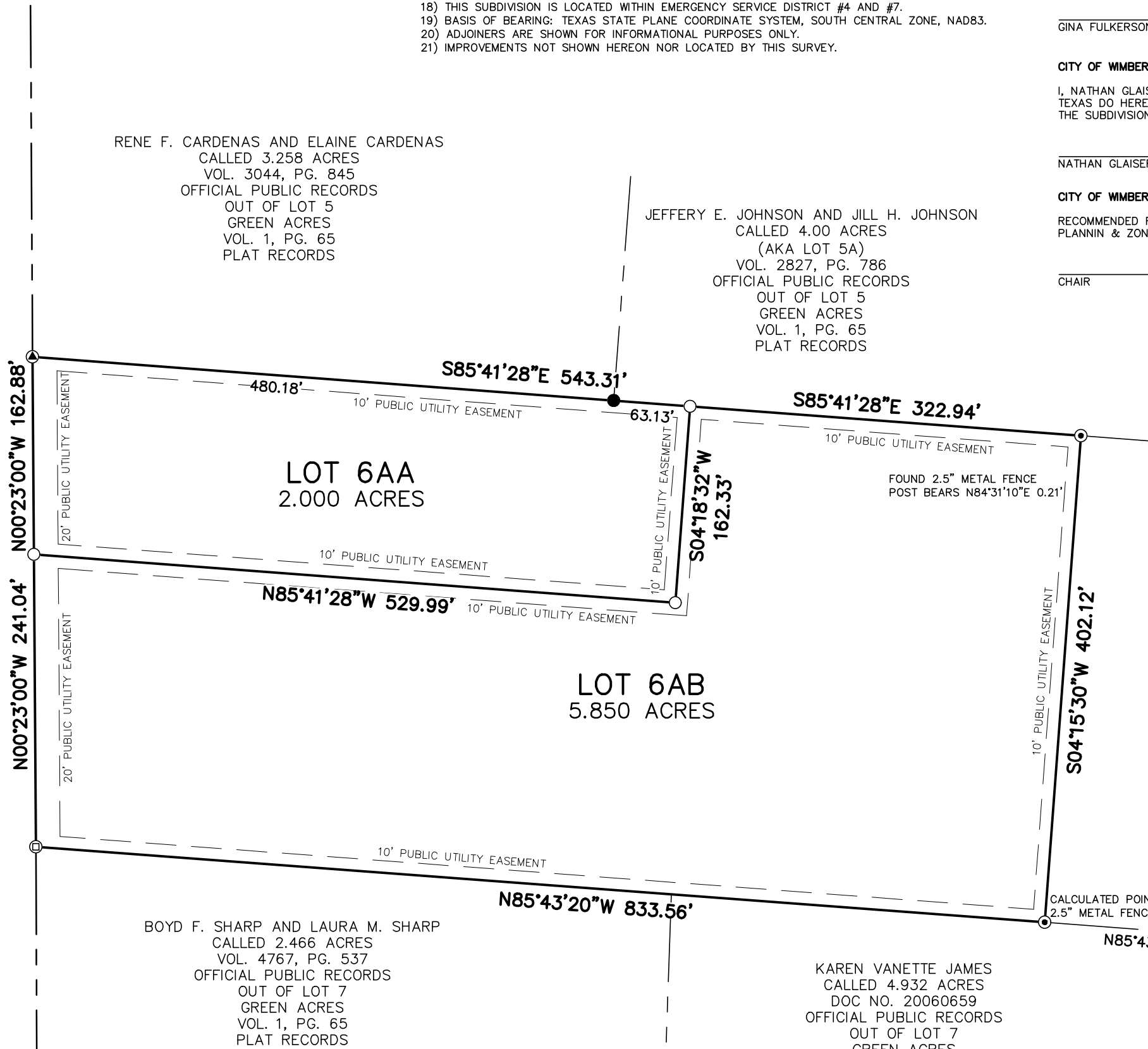
ATTACHMENT/S

- Replat Establishing Lots 6AA and 6AB, Green Acres Subdivision
- Notification Map

COUNTY ROAD 278/CARNEY LANE
(VARIABLE WIDTH RIGHT-OF-WAY)



EXISTING CONFIGURATION
SCALE: 1"=200'
VOLUME 19, PAGES 201-202
PLAT RECORDS



I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE THAT TO THE BEST OF MY SKILL AND KNOWLEDGE THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

PRELIMINARY, NOT TO BE RECORDED FOR ANY PURPOSE.
06/08/2021

REGISTERED PROFESSIONAL LAND SURVEYOR
CHRISTOPHER JURICA, R.P.L.S. NO. 6344

REPLAT ESTABLISHING LOTS 6AA AND 6AB, GREEN ACRES SUBDIVISION BEING ALL OF LOT 6A, GREEN ACRES RECORDED IN VOLUME 19, PAGES 201-202, PLAT RECORDS, HAYS COUNTY, TEXAS

DRIVEWAY PERMIT STATEMENT

IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED TO ACCESS ONTO A PUBLIC ROADWAY UNLESS (A) A PERMIT FOR USE OF THE COUNTY ROADWAY RIGHT-OF-WAY HAS BEEN ISSUED UNDER CHAPTER 751, AND, (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS."

GENERAL NOTES

- 1) "THE REQUIREMENT CONCERNING CONSTRUCTION STANDARDS FOR MAILBOXES INSTALLED WITHIN THE RIGHT-OF-WAY OF STREETS AND HIGHWAYS AND REQUIRING ALL SUCH MAILBOXES TO BE MADE OF COLLAPSIBLE MATERIALS, AS DEFINED IN THE ORDINANCE."
- 2) THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
- 3) LOT 6AA IS RESTRICTED TO "ADVANCED ON-SITE SEWAGE FACILITY."
- 4) NO PORTION OF THIS SUBDIVISION LIES WITHIN A SPECIAL FLOOD HAZARD AREA, AS DELINEATED ON FLOOD INSURANCE RATE MAP, PANEL #481694 0355 F, DATED SEPTEMBER 2, 2005.
- 5) THIS SUBDIVISION LIES WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF WIMBERLEY.
- 6) THIS SUBDIVISION LIES WITHIN THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT.
- 7) ELECTRICITY FOR THIS SUBDIVISION IS PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE, INC.
- 8) TELEPHONE SERVICE APPEARS TO BE PROVIDED BY VERIZON.
- 9) WATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY WIMBERLEY WATER SUPPLY COOPERATION.
- 10) WASTEWATER TREATMENT FOR THIS SUBDIVISION IS TO BE PROVIDED BY INDIVIDUAL ON-SITE SEWAGE FACILITIES.
- 11) THIS SUBDIVISION CONTAINS 2 LOTS, THE AVERAGE SIZE OF THE 2 LOTS IS 3.925 ACRES.
- 12) ALL LOTS SHALL HAVE A MINIMUM DRIVEWAY CULVERT SIZE OF 18", IF NEEDED.
- 13) THIS REPLAT IS SUBJECT TO ALL GENERAL NOTES AND RESTRICTIONS ON GREEN ACRES PLAT RECORDED IN VOLUME 1, PAGE 65 AND VOLUME 19, PAGE 201, PLAT RECORDS, HAYS COUNTY, TEXAS.
- 14) THIS REPLAT IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED AND ON FILE AT THE COUNTY CLERK'S OFFICE OF HAYS COUNTY, TEXAS.
- 15) THERE IS HEREBY DEDICATED A PUBLIC UTILITY EASEMENT BEING 20' WIDE ALONG THE FRONT PROPERTY LINES, 10' WIDE ALONG THE SIDE AND REAR LINES.
- 16) THERE IS HEREBY DESIGNATED BUILDING SETBACK LINES ALONG GREEN ACRES DRIVE AND CARNEY LANE, BEING 25' AS SET FORTH IN THE HAYS COUNTY DEVELOPMENT REGULATIONS, TABLE 721.02.
- 17) DRIVEWAY LOCATIONS AND SEPARATION SHALL BE IN ACCORDANCE WITH CHAPTER 154: SUBDIVISION CONTROL, CITY OF WIMBERLEY.
- 18) THIS SUBDIVISION IS LOCATED WITHIN EMERGENCY SERVICE DISTRICT #4 AND #7.
- 19) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.
- 20) ADJOINERS ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
- 21) IMPROVEMENTS NOT SHOWN HEREON NOR LOCATED BY THIS SURVEY.

WIMBERLEY WATER SUPPLY CORPORATION

THE AREA OF THIS SUBDIVISION IS WITHIN THE WATER SERVICE AREA OF CCN# 10314 ISSUED TO WIMBERLEY WATER SUPPLY CORPORATION (WIMBERLEY WSC), AN APPROVED PUBLIC WATER SYSTEM. WIMBERLEY WSC HAS ADEQUATE WATER SUPPLY AND FACILITIES TO PROVIDE WATER SERVICE TO THIS SUBDIVISION IN ACCORDANCE WITH THE POLICIES OF WIMBERLEY WCS.

WIMBERLEY WSC

DATE

CITY OF WIMBERLEY, TEXAS

I, MICHAEL BOESE, CITY ADMINISTRATOR OF THE CITY OF WIMBERLEY, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

MICHAEL BOESE, CITY ADMINISTRATOR

DATE

CITY OF WIMBERLEY, TEXAS

BASED UPON THE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF WIMBERLEY. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE CITY OF WIMBERLEY DISCLAIMS ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATIONS OF THE REPRESENTATION, FACTUAL OR OTHERWISE, CONTAINED IN THIS PLAT AND THE DOCUMENTS ASSOCIATED WITH IT.

MICHAEL BOESE, CITY ADMINISTRATOR

DATE

CITY OF WIMBERLEY, TEXAS

APPROVED AND AUTHORIZED TO BE RECORDED ON THE ____ DAY OF _____, 20____ BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS.

GINA FULKERSON, MAYOR

DATE

CITY OF WIMBERLEY, TEXAS

I, NATHAN GLAISER, PLANNING & DEVELOPMENT COORDINATOR OF THE CITY OF WIMBERLEY, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

NATHAN GLAISER

DATE

CITY OF WIMBERLEY, TEXAS

RECOMMENDED FOR APPROVAL ON THE ____ DAY OF _____, 20____ BY THE CITY PLANNING & ZONING COMMISSION OF THE CITY OF WIMBERLEY, TEXAS.

CHAIR

DATE

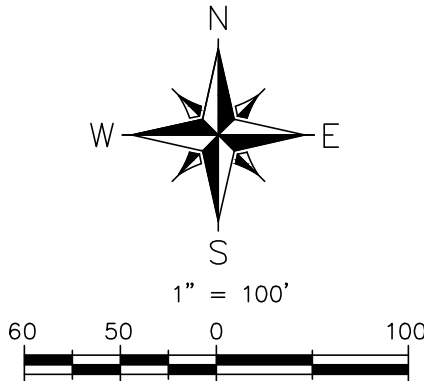
STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 2021, AT ____ O'CLOCK ____ M., AND DULY RECORDED ON THE ____ DAY OF ____ A.D., 2021, AT ____ O'CLOCK ____ M., IN THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN DOCUMENT NO. _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D., 2021.

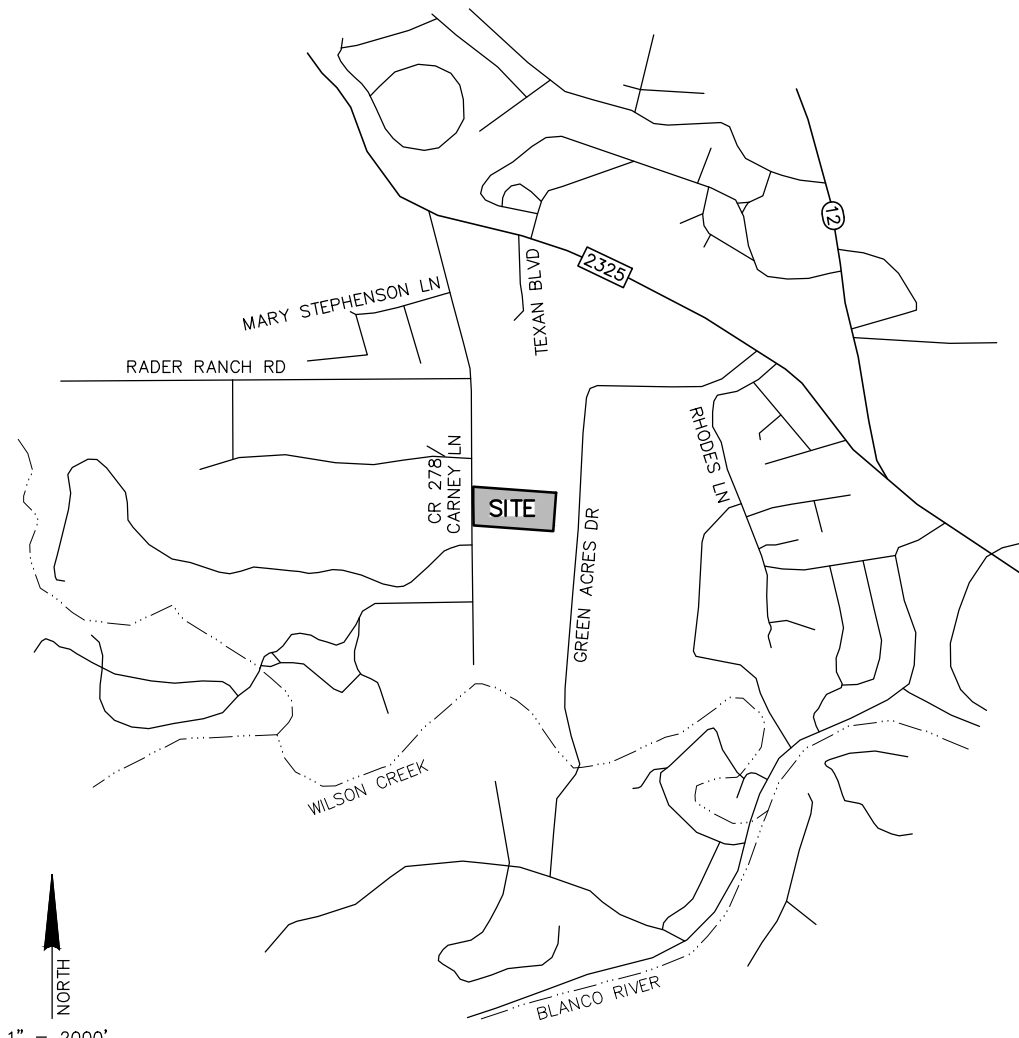
ELAINE H. CARDENAS,
COUNTY CLERK
HAYS COUNTY, TEXAS

LOT 6B
GREEN ACRES
VOL. 19, PG. 201
PLAT RECORDS



LEGEND

- SET 1/2" IRON ROD W/ A YELLOW "WCR" PLASTIC CAP
- FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)
- ⊙ CALCULATED POINT
- ⊕ FOUND IRON ROD W/ A RED "EAGLE SURVEYING" PLASTIC CAP
- ⊗ FOUND IRON ROD W/ AN ILLEGIBLE PLASTIC CAP



LOCATION MAP

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE ____ DAY OF _____, A.D. 20____, THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER HAS BEEN DULY ENTERED IN THE MINUTES OF THE SAID COURT INSTRUMENT NUMBER ____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D. 20____.

RUBEN BECERRA
COUNTY JUDGE
HAYS COUNTY, TEXAS

ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE APPROVED COMMUNITY WATER SYSTEM, DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY. PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY, RAIN WATER COLLECTION IS ENCOURAGE AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

TOM POPE, C.F.M., R.S.
HAYS COUNTY
FLOODPLAIN ADMINISTRATOR

DATE

MARCUS PACHECO,
INTERIM DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

DATE

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT I, JEROME MCLAUGHLIN, OWNER OF LOT 6A, GREEN ACRES RECORDED IN VOLUME 19, PAGES 201-202, PLAT RECORDS, HAYS COUNTY, TEXAS AS CONVEYED TO ME BY DEED DATED NOVEMBER 14, 2016, AND RECORDED IN HAYS COUNTY DOCUMENT NUMBER 16039743, HAYS COUNTY OFFICIAL PUBLIC RECORDS, DO HEREBY REPLAT THIS PROPERTY TO BE KNOWN AS LOTS 6AA AND 6AB OF THE GREEN ACRES SUBDIVISION, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

JEROME MCLAUGHLIN
561 CARNEY LN
WIMBERLEY, TEXAS 78676

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEROME MCLAUGHLIN, KNOWN TO ME TO BE PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE OF, THIS THE ____ DAY OF _____, A.D., 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

WCR
LAND SURVEYING
P.O. BOX 481 BLANCO, TX 78606
512-618-7672 RPLS6344@GMAIL.COM
TBPE&LS FIRM #10194135

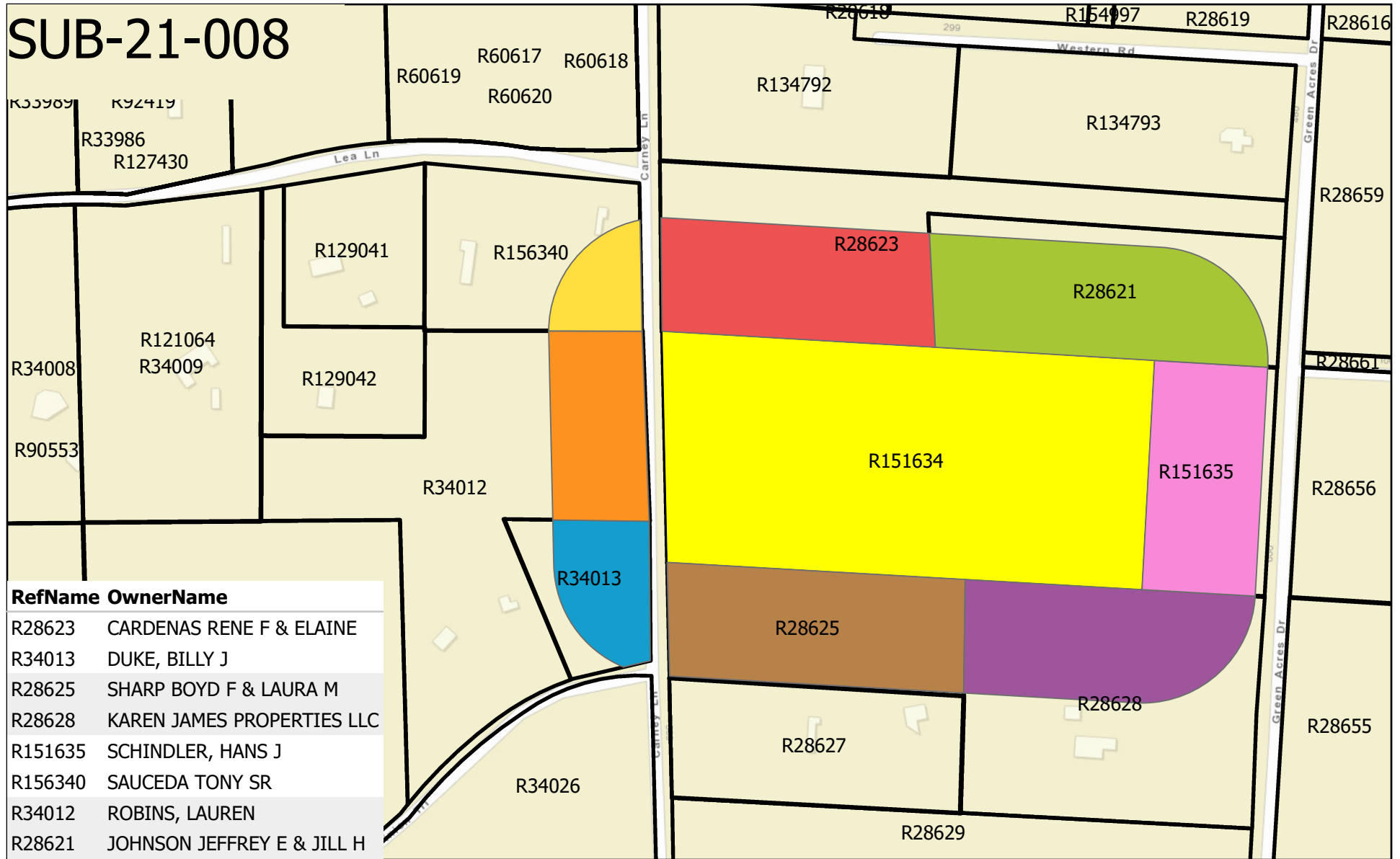
JOB NO.: 1529-21

DRAWN BY: JMT

CHECKED BY: CJJ

SHEET: 1 OF 1

SUB-21-008

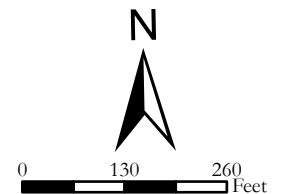


200' Notification Map

© 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





AGENDA ITEM:	Resolution No. 14-2021
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	September 9, 2021
MEETING DATE:	September 16, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

According to Texas Local Government Code §52.004, a Type A General-Law Municipality should designate an official newspaper at the beginning of each fiscal year by ordinance or resolution.

The *Wimberley View* is the local newspaper for the area, and the City utilizes the paper throughout the fiscal year to post legal notices, requests for proposals/qualifications, ordinance captions and so forth. The paper is circulated once a week, which meets statutory requirements for official newspapers. Therefore, staff recommends the City designate the *Wimberley View* as the official newspaper for Fiscal Year 2022.

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

Staff recommends approval of Resolution No. 14-2021, designating the *Wimberley View* as the official newspaper for the City of Wimberley for Fiscal Year 2022.

ATTACHMENT/S

Resolution No. 14-2021

RESOLUTION NO. 14-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS DESIGNATING THE WIMBERLEY VIEW AS THE OFFICIAL NEWSPAPER FOR THE CITY OF WIMBERLEY, TEXAS FOR THE FISCAL YEAR 2022.

WHEREAS, the City of Wimberley is required to adopt an official municipal newspaper at the beginning of each Fiscal Year, as per Chapter 52.004 of the Texas Local Government Code; and

WHEREAS, the Wimberley View (the “View”), a newspaper that serves the Wimberley Valley, has a large circulation, is printed once a week, and meets the statutory requirements for official newspapers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wimberley, Texas that:

1. The City Council designates the View as the City of Wimberley’s Official Newspaper for Fiscal Year 2022.
2. The City of Wimberley shall publish in the View each ordinance caption, public notice or other matter required by law or ordinance to be published.
3. The City of Wimberley shall require applicants to publish in the View each public notice or other matter required by law or ordinance to be published by an applicant.

PASSED AND APPROVED this 16th day of September, 2021.

The City of Wimberley, Texas

Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary





AGENDA ITEM:	Waste water connection engineering study
SUBMITTED BY:	David Cohen, Council Member Place 5
DATE SUBMITTED:	August 30, 2021
MEETING DATE:	September 16, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and consider action directing the City Administrator to engage an engineering firm to evaluate possible alternatives regarding the waste water collection system and homeowner connections on Blue Hold Lane and make recommendations to the City.

REQUESTED ACTION

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

FINANCIAL

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

STAFF RECOMMENDATION

ATTACHMENT/S



AGENDA ITEM:	Covid response
SUBMITTED BY:	David Cohen, Place 5 Councilmember
DATE SUBMITTED:	September 3, 2021
MEETING DATE:	September 16, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and address issues presented in a letter by Pastor Jessica Cain and several other constituents regarding Covid emergency and possible response by the City Council.

REQUESTED ACTION

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

FINANCIAL

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

STAFF RECOMMENDATION

ATTACHMENT/S

Laura Calcote

From: Jessica Cain <jlmcain@live.com>
Sent: Friday, September 3, 2021 9:58 AM
To: Mayor; Place1; Place2; Place3; Place4; Place5
Subject: Mask Request Letter

Mayor Fulkerson and members of the council,

Thank you for listening as Erica read [this letter](#) on behalf of the parents of more than 100 WISD students last night. We know that you were unable to respond at the time but we appreciate your listening and considering how you can help us protect our children as well as the community at large.

I'm attaching the letter as a Google Doc, so you may see that more names are added as time goes by--we collected the signatures present here in about 5 hours yesterday and some folks just didn't get the memo fast enough.

Again, thank you for the work you do and please feel free to reach out to me with any questions or updates that I can share with the group at large. We just want Wimberley to be a safe place for all.

Thank you,
Pastor Jessica Cain

September 2, 2021

Mayor Fulkerson and members of the council,

We write to you as a group of parents who are concerned for the health and safety of our children in Wimberley. The current COVID policies within our schools are not nearly enough to keep children, staff, families, and the community safe. The school board and superintendent refuse to take up the issue of masks; they also do not meet again until September 20, by which point the situation in the schools could be out of control. Some parents have felt they have no choice but to remove their children from WISD schools and move them elsewhere, which means a loss of funding for the district.

We know you don't have any control over the school board, but as City Council, there are things you could be doing right now to keep our children - and the broader community - safe from harm.

Already, nearly two percent of the school population has Covid. That doesn't sound like a lot but in some classrooms, the percentage of students with COVID is more than half. The school's COVID dashboard does not reflect this type of data because they are not collecting it. That's why hearing directly from parents like us is so important. Additionally, students and staff are being encouraged to come to school sick. Those who voluntarily quarantine are being punished, and information about cases within the schools is not readily shared.

Many of us have already had children come home with COVID. We do not know what the long-term effects of COVID are for children or adults. Although the recovery rate is high, those considered "recovered" can include those with long COVID, those with permanent damage to organs, and those who continue to suffer the effects of the disease. Right now, about 1% of children who contract COVID end up in the hospital. Some of these die. Our local hospital ICUs are full of patients with COVID.

What happens with COVID in the schools is not limited to those who are in the schools. The more we can protect all people in our community from contracting COVID, the lower the hospitalization and death rates. This is beneficial not just for people in schools, but all Wimberley residents.

This is a town where people are quick to point out how well we care for one another--masks would be a visible, powerful, and effective way to show our care.

Mayor Fulkerson, you have the authority to declare an emergency mask mandate for the whole city of Wimberley. As of yesterday, there are 148 active COVID cases in Wimberley--five percent of the town and a more than 30 percent increase in cases in just four days. We are now nearing our peak of 157 cases. Fourteen Wimberley lives have been lost already to this disease. We need the council to do its part in reigning in this virus.

We ask that you use your authority to implement a mask mandate through the month of September, which can be extended as necessary. At the very least, strongly recommending masks in the form of a resolution, a recommendation to the school board, or some other public communication would be a powerful way to show that our town's highest leaders support protection for all members of our community. We also ask that you reinstate the Covid task force to help make determinations about future steps.

Wimberley has already experienced too much loss from COVID, and you have the power to change the tide. Please help us protect our children, our neighbors, and our community.

Signed,

Jennifer Bertrand

Eric Bland and Alexia Raven, parents of 3

Jessica and Wes Cain, parents of 3

Shannon Rigby and Christopher Cockle, parents of 3

Larissa Rook, parent of 1

Kristi Savage, parent of 2

Anne and Tim Dobbs, parents of 1

Cassandra and Heather Pekar, parents of 4

Hannah Rutherford, parent of 3

Erica Fick and Michael Deleon, parents of 2

Erin and Eric Sammarco, parents of 2

Scott and Erin Pate, parents of 1

Misty Mitchell and Kevin Eaton, parents of 2

Laura Salazar, parent of 2

Jim Ingari, parent of 2

Andrew and Emily Vasgaard, parent of 1

Raoul Belleau and Tara Racine, parents of 3, including 2 high risk children

Jesse Johnson, parent of 2 wisd students

Haley Folwell, 2 Wimberley Students

Linze Harris and Mike Davis, parents of 1 student at BHP

Debra Hines parent of 1 student and 2 younger kids

Anthony and Lindsey Deringer, parents of 3

Cody Jinkins, parent of 2

Autumn and Barrett Keese, parents of student at WISD

Amy Crowell and Chris Sheffield, parents of 2 in WISD

Shannon Caldwell parent of 3 in WISD

Jennifer Ober and Gregory Dunham, parents of 2

April Mcdevitt, parent of 3

Sarah and Kevin Teeter, parents of 2

Stephen and Scarlett Bowling, parents of 3

Rhea and Chris Craft, parents of 3

Amy and Justin, parents of 2
Kemp and Maggie Bromberg, parents of 3
Sarah Mantsch, parent of 2
Joy and Danny Smith, parents of 2
Melissa and Ryan Smith, parents of 2
Sarah Zizzo, parent of 3
Nikki and Joseph Smith, parents of 3
Meghan O'Brien, parent of 2
Josie and Daniel Bisett, parents of 2
Marco and Amelia Gayosso, parents of 5
John and Shawna Shelor, parents of 4
Marthe and Matthew Vasquez, parents of 1
Tate and Lindsay O'Gan, parents of 2
Candice Withrow, parent of 1
Heather Richards, parent of 1 (currently positive Covid child)
Carley and Dallas Groseclose, parents of 1
Bregan and Charles Ford, parents of 2
Aaron Foye, parent of 2
Adrian & Dalyce Brooks, parents of 1



AGENDA ITEM:	Public Health Advisory Related to Covid-19
SUBMITTED BY:	Christine Byrne, Place 3
DATE SUBMITTED:	9/13/2021
MEETING DATE:	9/16/2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Hays County and the Wimberley valley have seen a marked increase in COVID 19 cases over the last several weeks. The Delta variant is an extremely contagious variant. According to the CDC, as of 9/10/21 Hays County has a 14.74% positivity rate with “HIGH” community transmission. Wimberley saw its highest COVID 19 numbers last week (193 active cases).

A Public Health Advisory following the Department of State Health Services (DSHS) for Texas and the Centers for Disease Control and Prevention (CDC) recommendations will advise our community members and visitors on how to stay safe during this most recent surge in COVID 19 cases.

REQUESTED ACTION

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

FINANCIAL

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

STAFF RECOMMENDATION

City of Wimberley City Council Issues Public Health Advisory Related to COVID 19

WIMBERLEY, TEXAS, SEPTEMBER 16, 2021 - A Public Health Advisory on helping community members and visitors stay safe during the COVID-19 pandemic has been issued by the Wimberley City Council, effective today. The Advisory follows the guidelines recommended by the Texas Department of State Health Services (DSHS) and the Centers for Disease Control and Prevention (CDC).

COVID-19 cases in Hays County are continuing to rise. They are documented on the County's dashboard which is updated daily (<https://hayscountytexas.com/covid-19-information-for-hays-county-residents/>). According to the CDC, the Hays County positivity rate 7-day average as of 9/10/21 was 14.74% with "HIGH" community transmission.

- The CDC recommends everyone 12 years and older should get a COVID-19 vaccination to help protect against COVID-19.
- Unvaccinated people are more likely to be hospitalized or die from COVID-19 than people who are fully vaccinated.

DSHS recommends these everyday actions to help prevent the spread of any respiratory virus, including COVID-19:

- Wear a mask. Vaccinated or not, wearing a mask in indoor public spaces can help protect you and everyone close to you.
- Wash hands often for 20 seconds and encourage others to do the same. Use hand sanitizer with at least 60% alcohol if soap and water are unavailable.
- Cover coughs and sneezes with a tissue, then throw the tissue away.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Disinfect surfaces, buttons, handles, knobs, and other places touched often.
- Stay six feet apart from others.
- Avoid close contact with people who are sick.