



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, NOVEMBER 2, 2023 - 6:00 PM

AGENDA

1. **CALL TO ORDER** November 2, 2023, at 6:00 PM

2. **CALL OF ROLL**

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

6. **CONSENT AGENDA**

6.1. Consider approval of the October 19, 2023 Regular City Council Meeting Minutes. *(Tammy Heller, City Secretary)*

7. **PRESENTATION AND POSSIBLE ACTION**

7.1. Receive an update from Greg Webb on the Dark Sky International Award. *(Richard Shaver, Parks and Recreation Director)*

7.2. Discuss and consider possible action regarding a new logo and vision statement for the Wimberley Parks and Recreation Department. *(Richard Shaver, Parks and Recreation Director)*

7.3. Receive an update and hold discussion on current water conservation efforts in the City. *(Rebecca Minnick, Mayor Pro Tem)*

8. **PUBLIC HEARINGS AND POSSIBLE ACTION**

- 8.1. Hold a Public Hearing and consider action on Ordinance 2023-32, repealing Ordinance 2009-053 On-Site Sewage Facility Regulations and providing for findings of fact, savings, severability, repealer, effective date, and property notice and meeting. (*Nathan Glaiser, Director of Planning & Public Works*)

9. DISCUSSION AND POSSIBLE ACTION

- 9.1. Consider possible action on Ordinance 2023-33, amending Chapter 2, Article 2.04 – Boards, Commissions and Committee, Section 2.04.005 - The Hotel Occupancy Tax Advisory Committee of the Wimberley City Code of Ordinances; and providing for findings of fact, savings, severability, repealer, and effective date, and proper notice and meeting. (*Tim Patek, City Administrator*)
- 9.2. Consider possible action on Resolution No. 13-2023, authorizing the submission of a Solid Waste Program Grant application to the Capital Area Council of Governments (CAPCOG); and authorizing the City Administrator to act as the authorized representative in all matters pertaining to the city's participation in the Solid Waste Grant Program.

10. CITY COUNCIL REPORTS

- 10.1. Announcements
- 10.2. Future Agenda Items

11. ADJOURNMENT

EXECUTIVE SESSION NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive 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. 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.

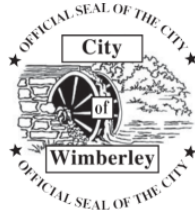
CERTIFICATION

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, October 30, 2023, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Tammy Heller, 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 Tammy Heller at (512) 648-2403 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	1. Consider approval of the October 19, 2023 Regular City Council Meeting Minutes. (<i>Tammy Heller, City Secretary</i>)
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	10/20/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion

FINANCIAL

N/A

STAFF RECOMMENDATION

Consider minutes as presented, or amend if necessary.

ATTACHMENT/S

1. 10-19-2023 Regular Meeting Minutes



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, OCTOBER 19, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER October 19, 2023, at 6:00 PM

Mayor Gina Fulkerson called the Regular Meeting to order at 6:00 p.m.

2. CALL OF ROLL

Council Members Present:

Gina Fulkerson, Mayor
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Council Members Absent:

Rebecca Minnick, Place 1

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning & Public Works
Richard Shaver, Director of Parks and Recreation
Leanne Kirby, Tourism Director
Lee Simmons, City Attorney

3. INVOCATION

Jim Denham, Chapel in the Hills

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Fulkerson led the pledges of allegiance.

5. CITIZENS COMMUNICATIONS

There were no citizen comments this evening.

6. PROCLAMATIONS/RECOGNITIONS

- 6.1. A Proclamation of the City of Wimberley, Texas proclaiming October 15-21, 2023 as "Texas Native Plant Week."

Mayor Fulkerson recognized October 15-21, 2023 as Texas Native Plant Week.

Laura Leggett, Native Plant Society of Texas, Hill Country Chapter President, expressed her appreciation to the council and staff. She stated the importance of native plants and provided assistance on how to learn more. She encouraged people to visit the state's website (npsot.org) and the Texas Native Plants database to learn more.

- 6.2.** A Proclamation of the City of Wimberley, Texas proclaiming October 21, 2023 as "Hunter's Night Out."

Mayor Fulkerson recognized October 21, 2023 as Hunter's Night Out.

Gary Barchfeld, representative of the Knights of Columbus, expressed his appreciation to the council and staff. Mr. Barchfeld stated over \$90,000 was given to local organizations at last year's event and this year, marks the 20th Annual Event, they plan to give \$100,000.

7. CONSENT AGENDA

Council Member Sheffield inquired about item 10.1 of the September 21, 2023 meeting and if a vote should be included. Tammy Heller, City Secretary, stated this did receive a vote of approval (5-0) at the September 21, 2023 meeting and the minutes would be updated to reflect this change.

A motion was made by Council Member Sheffield, seconded by Council Member Chiles to approve the consent agenda, with the proposed change as stated. The motion carried unanimously (4-0).

- 7.1.** Consider approval of the following meeting minutes:

- a. September 21, 2023 Regular City Council Meeting Minutes
- b. September 26, 2023 Joint City Council/Parks and Recreation Board

- 7.2.** Approval of the September 2023 Revenue and Expenditure Report for the City of Wimberley. *(Tim Patek, City Administrator)*

8. PRESENTATION AND POSSIBLE ACTION

- 8.1.** Receive an update from representative(s) of Langford Community Management Services (LCMS), regarding the General Land Office - Resilient Communities Program. *(Tim Patek, City Administrator)*

Tim Patek, introduced Jerri Conrado and Tyler Payne with Langford Community Management Services (LCMS). They reviewed the Resilient Communities Program Grant and stated the City received the full \$300,000 funding from the General Land Office with no city required match.

Mr. Payne went into details about the program and what the plan would include. These include: Hazards & Risk Assessment, Population Study with 20-Year Projection, Housing Study, Land Use Plan, Capital Improvement Plan, Optional Chapters, and Zoning Ordinance. A kick-off meeting will be held in the coming weeks to begin the process.

The "possible" optional chapters could include: Water Resources and/or Water Conservation Study, Grant Opportunities Report (which can be built into the Capital Improvements Plan), Green Infrastructure Project Identification & Recommendations, Asset Management Plan (Required for TWDB grants), Decision Support Dashboards (Geospatial Website, Community Mobile App, Structure Inventory) and Economic Assessment & Economic Development.

Upon completion of the presentation, Council Member Cohen asked that there be a lot of public and stakeholder engagement throughout the process. Mr. Payne stated there will be numerous engagements and this will be a crucial part of the process. Mayor Fulkerson commented on water resources and water conservation and the importance of this for the future of our community.

Mr. Payne, stated the process would take approximately 18 months to complete. He provided information on the stakeholder engagement sessions and the process throughout the program.

8.2. Receive an update from the merchants association on the Winter's Eve Event. (*Leanne Kirby, Tourism Director*)

Leanne Kirby, Tourism Director, introduced Helena Hauk and Michelle Woods, members of the Wimberley Merchant Alliance Committee. Ms. Hauk provided information on the Winter's Eve Event which will occur on the second Saturday of December and the proposed schedule of events. The biggest change to this event this year would be the inclusion of a small toy drive parade. She indicated they are working with the constables office to ensure traffic control. The ultimate goal of this event is to drive sales throughout downtown and get people out and excited about the holidays. In future years they want to have a larger parade and more events, which will be discussed at a later time.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Cohen to support the Merchant Alliance Committee on Winter's Eve Event on Saturday, December 9, 2023. The motion carried unanimously (4-0).

8.3. Receive an update and hold discussion on current water conservation efforts in the City. (*Rebecca Minnick, Mayor Pro Tem*)

This item was not discussed this evening.

8.4. Presentation and consider possible action regarding the City of Wimberley's Quarterly Investment Report for the fourth quarter of Fiscal Year 2023. (*City Administrator, Tim Patek*)

Tim Patek, City Administrator, presented the Wimberley Fourth Quarter Investment Report. He noted the Wastewater Fund will be separate in the next report and the Blue Hole Fund will have a CD in order to get a better interest rate.

A motion was made by Council Member Sheffield, seconded by Council Member Shell to approve the Fourth Quarter Investment Report, as presented. The motion carried unanimously (4-0).

9. CITY STAFF REPORT

- 9.1. Receive an update from City Administrator, Tim Patek, regarding the Fish Weir at the Hidden Valley Crossing Bridge. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, provided an update and stated all information had been submitted to Mike Montagne of U.S. Fish and Wildlife Services. The letter of intent and grant application will be submitted and we are now waiting to hear from them on funding approval. Mr. Patek will continue to provide updates on this process.

10. **PUBLIC HEARINGS AND POSSIBLE ACTION**

- 10.1. Hold a Public Hearing and consider action on Ordinance 2023-31, repealing Ordinance 2009-051 Food Establishment Regulations and providing for findings of fact, savings, severability, repealer, effective date, and property notice and meeting. (Nathan Glaiser, Director of Planning & Public Works)

Nathan Glaiser, Director of Planning and Public Works, provided an update regarding the proposed relinquishment of food establishment regulations and consideration of allowing Hays County to gain jurisdiction over food establishments within the City Limits. Since 2021, the City has contracted with Hays County to perform plan reviews, inspections, and to enforce the City's food establishment regulations. The enforcement of these regulations has proven to be difficult due to the City not having the ability to issue citations. Hays County has the resources and ability to issue citations for County regulations, but not for our city ordinances. Repealing our ordinance allows Hays County to gain jurisdiction over food establishments within the City Limits and issue citations on behalf of Hays County. It allows them to utilize resources for maintaining food standards and regulations that the city does not currently have. The differences between County regulations and City regulations are minimal because both have adopted the same Texas Food Establishment Regulations from the Texas Department of State Health Services.

The council discussed issues with enforcement and citations and the lack of resources within the city. Council Member Cohen would like the city to have the ability to enforce things that are important to the community.

Mayor Fulkerson opened the Public Hearing at 7:10 p.m. There being no comments, the Mayor closed the Public Hearing at 7:10 p.m.

Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Chiles to approve Ordinance 2023-31, as presented. The motion carried unanimously (4-0).

- 10.2. Hold a Public Hearing and consider action on an amended and updated Environmental Health and Food Interlocal Agreement with Hays County. (Nathan Glaiser, Director of Planning & Public Works)

Nathan Glaiser, Director of Planning and Public Works, stated this interlocal sets the fees and updates the Environmental Health and Food Interlocal Agreement (ILA) with Hays County and acknowledges they will take over the food establishment enforcement with their ordinance. The updated ILA contract is \$3,000 per month. The city was collecting about \$23,000 annually for Food and Septic permits, therefore the city will still see a net positive of \$1,000 per year.

Mayor Fulkerson opened the Public Hearing at 7:13 p.m. There being no comments, the Mayor

closed the Public Hearing at 7:13 p.m.

A motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve the amended and updated Interlocal Agreement with Hays County, as presented. The motion carried unanimously (4-0).

11. DISCUSSION AND POSSIBLE ACTION

- 11.1.** Discuss, consider and select a bidder for the Blue Hole Regional Park Hike and Bike Trails Project. (*Richard Shaver, Parks Director*)

Council Member Sheffield recused himself from discussion and a vote due to his employment with Texas Parks and Wildlife.

Richard Shaver, Director of Parks and Recreation, provided an update on the Hike and Bike Trail and provided the Request for Proposal (RFP) process, the pre-bid meeting, scoring criteria, and staff recommendation to award the bid to Eischen General Contracting LLC.

Questions were posed by council members concerning the selection criteria and the process for bidders.

Randy Myer expressed his opposition to the process and claimed there were no specifications within the RFP and feels this is a simple trail project that should be awarded to the lowest bidder.

A thorough discussion was held by the Council related to the specifications of the project and the possibility of hiring an engineer to provide these specs to ensure an RFP is submitted that allows bidders to bid on the same product. Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Chiles to reject all bids and re-bid with listed specifications and known criteria within the RFP. Council is allowing staff to use their discretion if an engineer is necessary to create the specs. The motion carried 3-0-1 (Sheffield - Recuse).

- 11.2.** Discuss and consider Resolution No. 12-2023, authorizing an amendment to the 2023/2024 Operating Budget (Budget Amendment No. 1), providing for the transfer of funds within the Blue Hole - Unobligated Fund Balance to the Capital Outlay and Improvements Fund Account Number 200-52-6794 and providing an effective date. (*Richard Shaver, Parks Director*)

No action was taken on this item. This item was in conjunction with the previous (item 11.1) and all bids were rejected, therefore no budget amendment is necessary at this time.

- 11.3.** Discuss and consider action on cancelling the December 21, 2023 City Council Meeting. (*Tim Patek, City Administrator*)

Tim Patek, City Administrator, requested cancelation of the December 21, 2023 Regular City Council meeting due to the city holiday closures. A motion was made by Council Member Cohen, seconded by Council Member Shell to approve the cancelation as proposed. The motion carried unanimously 4-0.

12. CITY COUNCIL REPORTS

12.1. Announcements

The following announcements were made:

1. Hill Country Alliance - One Water Conference scheduled for Thursday, October 26
2. Boo Hole - Scheduled Saturday, October 28
3. Historic Preservation Training - Scheduled for Monday, October 23
4. Congratulations to the Wimberley Texans Varsity Tennis Team - advancing to the Regional Finals

12.2. Future Agenda Items

No items were added.

13. EXECUTIVE SESSION

- 13.1.** Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) regarding the General Land Office - Resilient Communities Grant Contract(s).

This item was not needed this evening.

14. OPEN SESSION

- 14.1.** Discussion and possible action resulting from Executive Session.

There was no executive session needed this evening, so this item was not considered.

15. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the regular meeting at 7:58 p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor





AGENDA ITEM:	1. Receive an update from Greg Webb on the Dark Sky International Award. <i>(Richard Shaver, Parks and Recreation Director)</i>
SUBMITTED BY:	
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Discuss and consider possible action regarding a new logo and vision statement for the Wimberley Parks and Recreation Department. <i>(Richard Shaver, Parks and Recreation Director)</i>
SUBMITTED BY:	
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. WPARD Logo and Vision Statement



WIMBERLEY

PARKS AND RECREATION



Wimberley Parks and Recreation CARES



We build
Community!



We ensure
Accessibility!



POLAR BEAR
PLUNGE & 5K



We provide
Recreation!





We support
Education!



We promote
Sustainability!



WIMBERLEY

PARKS AND RECREATION

Community
Accessibility
Recreation
Education
Sustainability



AGENDA ITEM:	3. Receive an update and hold discussion on current water conservation efforts in the City. <i>(Rebecca Minnick, Mayor Pro Tem)</i>
SUBMITTED BY:	
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Hold a Public Hearing and consider action on Ordinance 2023-32, repealing Ordinance 2009-053 On-Site Sewage Facility Regulations and providing for findings of fact, savings, severability, repealer, effective date, and property notice and meeting. <i>(Nathan Glaiser, Director of Planning & Public Works)</i>
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Ordinance 2009-051 set standards for on-site sewage facilities (OSSF) within City Limits. Since 2021, the City has contracted with Hays County to perform plan reviews, inspections, and to enforce the City's OSSF regulations. The enforcement of these regulations has proven to be difficult due to the City not having the ability to issue citations. Hays County has the resources and ability to issue citations for County regulations, but not for our city ordinances. Repealing our ordinance allows Hays County to gain jurisdiction over OSSF within the City Limits and issue citations on behalf of Hays County. It allows them to utilize resources for investigating and correcting OSSF compliance issues that the City does not currently have. The differences between County regulations and City regulations are similar in that both adopt state rules, specifically title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G, and chapter 285. The differences will be in the City of Wimberley's Local Rules Sec. 12.03.007. These local rules adopt minimum lot sizing for residential lots and max Living Unit Equivalents (LUEs) per acre for non-residential, which are more restrictive than Hays County. It also establishes separation distances for Cypress Creek and the Blanco River for OSSF on newly created lots. These and other regulations outlined in the local rules would be repealed and deferred to County Regulations if adopted.

REQUESTED ACTION

Motion
Discussion
Ordinance

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2023-31.

ATTACHMENT/S

1. Ord 2023-32, Repealing OSSF Ordinance
2. Wimberley Local OSSF rules

ORDINANCE NO. 2023-32

“Repealing Ordinance 2009-053”

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS REPEALING ORDINANCE 2009-053 ON-SITE SEWAGE FACILITIES REGULATIONS; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALERS, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council passed and approved Ordinance No. 2009-053, which established the On-Site Sewage Facilities Regulations Ordinance; and

WHEREAS, Hays County will now process and regulate the City’s On-Site Sewage Facilities permitting and enforcement; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interests, welfare, and good order of the City as a body politic.

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

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

2. Savings.

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

3. Severability.

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

4. Repealer.

Ordinance 2009-053 is hereby repealed in its entirety.

5. Effective Date.

This Ordinance shall be effective immediately upon its passage, publication and other authorizations as may be required by law.

6. Proper Notice and Meeting.

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

PASSED AND APPROVED this 2nd day of November 2023, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Gina V. Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney



Sec. 12.03.007 - Local rules

The city, wishing to adopt more stringent rules for its OSSF ordinance, understands that the more stringent local rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent local rules adopted by the city.

(1) Facility planning.

- a. *Land planning and site evaluation.* All of the terms and provisions of 30 TAC section 285.4 are incorporated within the rules of the city except as expressly amended below.

1. *Residential lot sizing.*

- i. *Platted or unplatted lots served by surface water or rainwater collection systems.*

Lots used for single-family residences platted or created after the effective date of these rules and served by a surface water or rainwater collection system shall have surface areas of at least the acreage designated in table A.

This subsection shall not apply to any amendment to a subdivision that does not increase the number of lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.

- ii. *Platted or unplatted lots served by public water systems.* Lots used for single-family residences platted or created after the effective date of these rules and served by a public water system shall have surface areas of at least the acreage designated in table B.

This subsection shall not apply to any amendment to a subdivision that does not increase the number of lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.

- iii. *Platted or unplatted lots served by private wells or other water systems.* Lots used for single-family residences platted or created after the effective date of these rules and served by a private well or any other system other than those described in subsection i. or ii. above shall have surface areas of at least the acreage designated in table C.

This subsection shall not apply to any amendment to a subdivision that does not increase the number of lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.

**Table A. Lots Served By Surface Water or
Rainwater Collection Systems**

Wastewater Application	Location of Lot	Minimum Lot Size
On-site sewage disposal system	a. Within Edwards Aquifer Recharge Zone	2 acres
	b. Within Edwards Aquifer Contributing Zone	1.5 acres
	c. All other areas	1 acre

Table B. Lots Served by Public Water System

Wastewater Application	Location of Lot	Minimum Lot Size
On-site sewage disposal system	a. Within Edwards Aquifer Recharge Zone	4.5 acres
	b. Within Edwards Aquifer Contributing Zone	2.5 acres
	c. All other areas	1.5 acre

Table C. Lots Served by Private Wells or Any Water System Other Than a Public Well, Surface Water Distribution or Rainwater Collection

Wastewater Application	Location of Lot	Minimum Lot Size
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On-site sewage disposal system	a. Within Edwards Aquifer Recharge Zone	5 acres
	b. Within Edwards Aquifer Contributing Zone	3 acres
	c. All other areas	2 acres

2. *Certain multi-unit residential developments served by central sewage collection system for on-site disposal.* Non-single-family residential developments with four or fewer living units, such as duplexes, may utilize lots smaller than stated in subsections 1.i., 1.ii. and 1.iii. above provided:

- i. Site-specific materials, addressing either a central system or individual systems, and site evaluation materials are submitted to the city and approved by city council.
- ii. There are no more than two living units per each minimum lot acreage that would be applicable under table A, B or C, provided that in no event shall lot acreage be lower than permitted under V.T.C.A., Health and Safety Code, Ch. 366, or other applicable state law.

3. *Apartments, condominiums, institutional uses or nonresidential uses (business, commercial or industrial).* Platted or unplatted lots used for apartment or condominium complexes with more than four units, institutional uses or nonresidential uses, including office, commercial or industrial uses producing domestic wastewater shall:

- i. Be sized and designed pursuant to a sewage disposal plan submitted to the city administrator and approved by the city council, which shall be based upon approved site-specific materials and site evaluation materials; and
- ii. Have a surface acreage of at least one acre for each living unit equivalent (LUE) per day. A living unit equivalent is defined as 350 gallons of sewage per day.

(2) *Minimum required separation distances for on-site sewage facilities.* The minimum separation distances set forth in table X of the state rules for soil absorption systems, unlined ET beds and soil irrigation spray areas for lots created or platted after the effective date of these rules are supplemented as follows:

- a. Blanco River (measured from bank at average pool height): 150 feet.
- b.

Cypress Creek and other current creek banks, or to that area defined on the most current FIRM as special flood hazard areas inundated by 100-year flood, whichever is greater (measured from the bank at average pool height): 100 feet.

- c. Property lines: 20 feet.
- d. Vegetable gardens or orchards: 20 feet.

(3) *Water well sanitary easement.* Individual lots in which a private well is to be located shall provide, within the boundary of each lot, an area with a 100-foot radius around the well in which no on-site sewage facility may be located. This area shall be designed as a private water well sanitary control easement. Public water wells shall comply with the sanitary control easements required under 30 TAC chapter 290, as amended.

(4) *Variances.*

- a. Requests for variances from these rules shall be considered in accordance with the criteria specified in section 285.3(h) of the rules and the following additional criteria:
 - 1. Only lots platted in accordance with the city subdivision ordinance or legally in existence prior to the effective date of these rules will be eligible for a variance.
 - 2. Site-specific materials and site elevation [evaluation] materials may be substituted with the preliminary plat application for each lot for which a variance is sought, with a detailed soil profile analysis of the proposed absorption field site demonstrating soil characteristics that meet or exceed the criteria for suitable soils set forth in section 285.91, table V of the rules. In no instance should lots be smaller than allowed chapter 285 of the state rules.
- b. The city council shall have discretion to approve or deny an application for variance and may approve an application for a variance only upon a finding that: (i) development pursuant to the proposed variance will provide equivalent protection of the public health and environment as development in strict accordance with these rules, including those set forth in this section 12.03.007, and (ii) there are special circumstances or conditions affecting the land involved such that strict application of the provisions of these rules would deprive the applicant the reasonable use of his land and that failure to approve the variance would result in undue hardship on the applicant. Pecuniary hardship, standing alone, shall not be deemed to constitute undue hardship.

(5) *Pump tank sizing.* (Amendment to section 285.34(b)(2).) Pump tanks shall be sized for one day of flow above the alarm-on level.

(6) *Criteria for sewage disposal system excavations.* (Amendment to section 285.33(a)(1)a. [285.33(b)(1)a.]) The bottom of the excavation shall not be less than 18 inches in width and level to within one inch over each 25 feet of excavation but in no event shall there be more than two inches of fall over the entire length of the excavation.

- (7) *Porous media.* (Amendment to section 285.33(a)(1)b. [285.33(b)(1)..]) Chipped tires or iron slag are not a permitted medium.
- (8) *Surface application systems.* (Amendment to section 285.33(d)(2).) The following requirements are imposed in addition to those set forth in section 285.33(d)(2) for an on-site sewage facility utilizing surface irrigation:
 - a. Licenses to operate an on-site sewage facility utilizing surface irrigation shall be valid for two years.
 - b. Surface irrigation shall be limited to sprinkler application only.
 - c. All on-site sewage facilities utilizing surface irrigation shall be designed to facilitate periodic sampling.
 - d. Effluent discharge lines shall be equipped with a 100-mesh or smaller filter.
- (9) *Required maintenance of on-site sewage system using aerobic treatment.*
 - a. All contracted maintenance of an on-site sewage disposal system using aerobic treatment shall be conducted by a registered/licensed maintenance provider. A copy of the maintenance/inspection report from the registered/licensed maintenance provider shall be provided to the city by said provider no later than 30 days after the completion of the report.
 - b. A homeowner conducting his/her own maintenance prior to the effective date of this order shall be allowed to continue to self-maintain his/her on-site sewage disposal system until such time as the system is altered or repaired or is causing a nuisance. The homeowner shall then be subject to the maintenance requirements set forth in this order.
- (10) *Miscellaneous rules.*
 - a. A permit will be required for all on-site sewage facilities, regardless of the size of the lot or acreage onto which it is installed.
 - b. Construction of an on-site sewage facility must be commenced within 12 months and completed within 16 months of the date of the application for a permit.
 - c. French drains used to support or protect on-site sewage facilities shall be up-gradient of the on-site sewage facility and shall be designed by a registered engineer to prevent stormwater drainage from entering into the on-site sewage facility. An applicant desiring to install a French drain must demonstrate that its use will afford a greater level of public health protection by diverting stormwater away from the on-site sewage facility.
 - d. Property owners requesting certification of existing systems will be required to submit a pumping report to the city in a form acceptable to the city containing at least the following information: (i) verification that the septic tank has been pumped within the previous three years, and (ii) the tank capacity and depth of sludge, provided that pumping reports

performed prior to the effective date of these rules will not be required to identify tank capacity and depth of sludge. Upon review of the pumping report, the city, upon approval of the city council, may require the septic system be upgraded to satisfy the current technical requirements (other than minimum lot acreage) prior to certification.

(Ordinance 2009-053, § 95.07, adopted 12/21/09; Ordinance 2017-016, §§ 2(B)—(D), adopted 10/5/17; Ordinance 2019-43, adopted 12/5/19)



AGENDA ITEM:	1. Consider possible action on Ordinance 2023-33, amending Chapter 2, Article 2.04 – Boards, Commissions and Committee, Section 2.04.005 - The Hotel Occupancy Tax Advisory Committee of the Wimberley City Code of Ordinances; and providing for findings of fact, savings, severability, repealer, and effective date, and proper notice and meeting. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Ord 2023-33 HOT Committee Ordinance Update

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 2, ARTICLE 2.04 – BOARDS, COMMISSIONS AND COMMITTEES, SECTION 2.04.005 - THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE OF THE WIMBERLEY CITY CODE OF ORDINANCES; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALERS, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council passed and approved Ordinance No. 2021-33, which created, “Section 2.04.005 of Article 2.04 of the Codified Ordinances of the City of Wimberley; and

WHEREAS, the “Section 2.04.005 of Article 2.04” is hereby to be amended as set forth below; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interests, welfare, and good order of the City as a body politic.

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

Section 1. Section 2.04.005 entitled “Hotel Occupancy Tax Advisory Committee”, of the Codified Ordinances of the City of Wimberley is hereby amended as follows (with a ~~strikethrough~~ meaning such languages is deleted and an underlining meaning such language is added):

Sec. 2.04.005 Hotel occupancy tax advisory committee

- (a) *Purpose.* There is hereby established a ~~seven-member~~seven-member hotel occupancy tax advisory committee (committee), which shall provide recommendations to the City Council on the disbursement of hotel occupancy tax revenue collections within the City. ~~advice on the implementation, collection, and use of hotel occupancy tax dollars to the council.~~
- (b) *Membership.*
 - (1) *Number of members.* The committee will have seven members, one of whom will be the committee chair and one of whom will be the committee vice-chair appointed by the council.
 - (2) *Terms of members.*
 - a. Upon initial appointment of the committee, in order to stagger terms of the committee, three members shall serve a one-year term and three members shall serve a two-year term. Members shall draw lots as to which term they shall initially serve. Thereafter, committee members will be appointed to serve a two-year term. A member may serve two consecutive terms and, thereafter, will remain ineligible for reappointment for a period of one year.

- b. Terms shall commence July 1st each year.
- (3) *Member selection.* As vacancies occur, city staff and council will prepare a slate of nominees for council consideration. The slate will include nominees of lodging owners. The slate will only include individuals that city staff has contacted and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city secretary in writing.
- (4) *Resignation; vacancies.* A committee member may resign by notifying the city secretary in writing of his or her intent to resign. A failure to attend three or more sequential committee meetings will constitute a de facto notification of intent to resign. Members appointed to fill a vacancy will complete the unexpired portion of the term.
- (c) *Responsibilities.* The committee is responsible for the following:
- (1) Receive and review applications from businesses and individuals requesting funds for projects that are eligible for hotel occupancy tax funds;
 - (2) Prioritize the requests for such funds and projects and advise the city council regarding the committee's recommendations;
 - (3) Assist city with oversight of projects and agencies that receive funds and verify that such funds are being used in accordance with state law requirements;
 - (4) Report to city council on a quarterly basis regarding the activities of the committee and the agencies and the projects that have received funds;
 - (5) Develop a planning calendar, procedure for evaluation and evaluation criteria to be used when recommending and prioritizing agencies and projects for hotel occupancy tax funds;
 - (6) Recommend advertising and marketing strategies for the city council to consider and assist the city with oversight of any contracts for advertising and marketing approved by the city council;
 - (7) Any other function or duty directed by the city council in regards to the hotel occupancy tax advisory committee.
- ~~(1) The committee shall review revenue received by the city through the hotel occupancy tax and shall make recommendations to the council regarding appropriate expenditures.~~
- ~~(2) The committee shall formulate a plan for expenditures of hotel occupancy tax revenue by the city and shall update the plan as requested by council.~~
- ~~(3) The committee shall submit an annual report to the council that identifies approved expenditures by the city for the preceding year, discuss approved and proposed expenditures in the context of compliance with state law regarding the use of hotel occupancy tax funds, and evaluates the effectiveness of approved hotel occupancy tax expenditures and programs.~~

~~(4) All recommendations of the committee are subject to formal approval of the council at a regularly scheduled meeting. The Committee shall not spend any money or authorize the expenditure of any money.~~

(d) *Meetings.*

(1) The committee will meet ~~monthly~~ a minimum of one time per quarter per calendar year at City Hall, as coordinated with and arranged by city staff, or at a designated location agreed upon by the committee. Agendas will be drafted by the committee chair, under the advisement of committee members.

(2) The committee chair, or his or her designee(s), will ~~attend the first report at a~~ council meeting ~~of each month~~ biannually, or as required, to update the council on projects and progress.

(e) *Authority.* The committee has no authority to make decisions binding on the city. The committee's functions are purely advisory and not subject to the Open Meetings Act.

2. Savings.

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

3. Severability.

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

4. Repealer.

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

5. Effective Date.

This Ordinance shall immediately upon its passage, publication and other authorizations as may be required by law.

6. Proper Notice and Meeting.

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

PASSED AND APPROVED this 2nd day of November, 2023, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Gina V. Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	2. Consider possible action on Resolution No. 13-2023, authorizing the submission of a Solid Waste Program Grant application to the Capital Area Council of Governments (CAPCOG); and authorizing the City Administrator to act as the authorized representative in all matters pertaining to the city's participation in the Solid Waste Grant Program.
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The request before you is a resolution of support from the Council, should the city go out for the Capital Area Council of Governments (CAPCOG) request for applications (RFA) for regional solid waste grant funding for state Fiscal Years (FY) 2024 and FY 2025.

CAPCOG is a Regional Planning Commission and a political subdivision of the State of Texas created under Chapter (§) 391 of the Texas Local Government Code and has received grant funding from the Texas Commission on Environmental Quality (TCEQ) to support management of municipal solid waste (MSW) in CAPCOG's 10- county region, which includes Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson counties.

The following categories of projects are eligible for funding under this Request for Applications

1. Local Enforcement.
2. Litter and Illegal Dumping Cleanup and Community Collection Events.
3. Source Reduction and Recycling.
4. Local Solid Waste Management Plans.
5. Municipal Solid Waste Facilities Eligible for Funding.
6. Household Hazardous Waste Management.
7. Technical Studies.

Grant amounts may range from \$10,000 - \$30,000 and are on a reimbursement basis with a required 10% match.

Deadline to apply is November 13 at 3:00PM

REQUESTED ACTION

Motion
Resolution

FINANCIAL

10% match on a grant between 10-30K
reimbursement basis, so entire amount would be funded out of this years budget

STAFF RECOMMENDATION

Approve Support Resolution as presented, even if the Council chooses to not go out for this grant.

ATTACHMENT/S

1. Res. 13-2023 (CAPCOG Grant Support)

RESOLUTION NO. 13-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY AUTHORIZING THE SUBMISSION OF A SOLID WASTE PROGRAM GRANT APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG); AND AUTHORIZING THE CITY ADMINISTRATOR TO ACT AS THE AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE SOLID WASTE GRANT PROGRAM.

WHEREAS, the City Council of the City of Wimberley desires to apply for a CAPCOG Solid Waste Program Grant for FY2024-2025; and

WHEREAS, this grant would help the City of Wimberley reduce illegal dumping of tires, trash, and other household items; and

WHEREAS, the residents and visitors rely on a safe and clean community and the use of funds received would be utilized for purposes that are consistent with the core values of the City, specifically "quality of life" and "health and safety"; and

WHEREAS, if chosen for this grant, the City has identified sources for the required 10% matching funds to assist with this program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wimberley, Texas expresses their support of the CAPCOG Solid Waste Program FY2024-2025 Grant Application and encourages city staff to pursue and submit all information necessary.

PASSED AND APPROVED this 2nd day of November, 2023

Rebecca Minnick
Mayor Pro Tem

ATTEST:

Tammy Heller, City Secretary





AGENDA ITEM:	1. Announcements
SUBMITTED BY:	
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Future Agenda Items
SUBMITTED BY:	
DATE SUBMITTED:	10/25/2023
MEETING DATE:	November 2, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None