



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

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

THURSDAY, JANUARY 4, 2024 - 6:00 PM

AGENDA

1. **CALL TO ORDER** January 4, 2024, at 6:00 PM
2. **CALL OF ROLL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **PROCLAMATIONS/RECOGNITIONS**
 - 5.1. Proclamation of the City of Wimberley, Texas proclaiming January 15, 2024 as "Martin Luther King, Jr. Day."
6. **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.
7. **CONSENT AGENDA**
 - 7.1. Consider approval of Minutes from the December 7, 2023 Regular City Council Meeting. (Tammy Heller, City Secretary)
 - 7.2. Consider approval of the November 2023 Revenue and Expenditure Report for the City of Wimberley. (Time Patek, City Administrator)
8. **PRESENTATION AND POSSIBLE ACTION**
 - 8.1. Review TxDOT Delineator Plan to increase pedestrian/vehicle safety on RR12 at Wimberley Square. (Rebecca Minnick, Mayor Pro Tem/TxDOT)

9. DISCUSSION AND POSSIBLE ACTION

- 9.1. Discuss and consider possible action regarding the closure of the downtown square and Old Kyle Road during the April 2024 Eclipse. *(Leanne Kirby, Director of Tourism)*
- 9.2. Discuss and consider possible action regarding Chapter 4, Article 4.05 - Flood Damage Prevention of the City Code of Ordinances. *(Nathan Glaiser, Director of Planning & Public Works)*
- 9.3. Discuss and consider possible action regarding Chapter 4, Article 4.10 - Antenna Facilities of the City Code of Ordinances. *(Nathan Glaiser, Director of Planning & Public Works)*
- 9.4. Discuss and consider possible action regarding a Contract for Election Services with the Hays County Elections Administrator to conduct the May 4, 2024 General Election for the City of Wimberley. *(Tammy Heller, City Secretary)*
- 9.5. Discuss and consider possible action regarding a Joint Election Agreement between Hays County and the City of Wimberley. *(Tammy Heller, City Secretary)*

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.

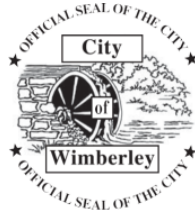
CERTIFICATION

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 Thursday, December 28, 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. Proclamation of the City of Wimberley, Texas proclaiming January 15, 2024 as "Martin Luther King, Jr. Day."
SUBMITTED BY:	
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. (01) January - MLK Day

City of Wimberley



Proclamation

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

WHEREAS, Martin Luther King Jr. Day affords special opportunity to honor Dr. King and become more knowledgeable about his message of unity and community; and

WHEREAS, we recognize his significant contributions to the progress of our nation and we commemorate the timeless values he taught us through his example -- the values of courage, truth, justice, compassion, dignity, humility and service that so radiantly defined Dr. King's character and empowered his leadership; and

WHEREAS, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continuing struggle against racial discrimination and poverty;

NOW, THEREFORE I, Gina Fulkerson, by virtue of the authority vested in me as Mayor the City of Wimberley, do hereby proclaim January 15, 2024

MARTIN LUTHER KING JR. DAY

AND urge our residents to join together in making this period of rededication to the principles of justice and equality for all people and commemorate the universal, unconditional love, forgiveness and nonviolence that empowered his revolutionary spirit.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the City of Wimberley, Texas to be affixed this 4th day of January 2024.

CITY OF WIMBERLEY

Rebecca Minnick, Mayor Pro Tem



AGENDA ITEM:	1. Consider approval of Minutes from the December 7, 2023 Regular City Council Meeting. <i>(Tammy Heller, City Secretary)</i>
SUBMITTED BY:	
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

Approve Minutes or amend if necessary.

ATTACHMENT/S

1. 12.07.2023 City Council 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, DECEMBER 7, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER

December 7, 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
Rebecca Minnick, Place 1
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning & Public Works
Leanne Kirby, Tourism Director

Council Members Absent:

Teresa Shell, Place 2

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

Lon Bozarth, owner and manager of the Purple Barn, provided his background in music and stated the Purple Barn is a music venue that he operates in his backyard. He stated this venue promotes music in the community, has operated successfully for three years and noted that all donations go back to the artist. He expressed concern about the visit he received from city staff regarding his venue and the request to shut it down due to city ordinance violations. He would like to see the promotion of Wimberley as a music destination.

6. CONSENT AGENDA

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

- 6.1. Consider approval of the November 2, 2023 and November 16, 2023 Regular City Council Meeting Minutes. (*Tammy Heller, City Secretary*)

7. PRESENTATION AND POSSIBLE ACTION

- 7.1. Receive an update from Hays County Environmental Health Specialist, Eric Van Gaasbeek, regarding Floodplain Administration. (Nathan Glaiser, Director of Planning and Public Works).

Nathan Glaiser, Director of Planning and Public Works, introduced Eric Van Gaasbeek, Hays County Floodplain Administrator, to provide updates on the Federal Emergency Management Agency (FEMA) floodplain maps and to provide an overview on the process and how we issue floodplain permits. Mr. Van Gaasbeek stated the FEMA floodplain maps released preliminary flood maps in 2017, 2019, and 2022 and as it stands right now, there is no date scheduled when final maps will be ready. They are hopeful it will be within the next few months and once they are ready, the City will have about 30 days to adopt new floodplain regulations that will include these updated maps.

Next, Mr. Van Gaasbeek explained the process and importance of floodplain permitting because un-permitted uses could cause future damage to other structures if the city were to see another flood event.

Mr. Van Gaasbeek suggested the city enter into the Community Rating System (CRS) program through FEMA as it could potentially help citizens get cheaper flood insurance premiums.

The Council posed questions related to the delay in receiving updated maps and Mr. Van Gaasbeek explained that some delays were caused by COVID and there were also appeals when maps were released in 2017 and 2019 which caused further delays.

The Council inquired about the impact citizens would see if the city were to adopt a more stringent ordinance. Mr. Van Gaasbeek stated there could be increased costs for homeowners to elevate their home.

Upon completion of discussion, Mr. Van Gaasbeek, suggested amending the floodplain ordinance so when maps are ready they can be brought back to council for approval. The document would then be sent to the Texas Water Development Board for review.

- 7.2. Receive an update from Gilpin Engineering regarding the proposed crosswalk on Old Kyle Road. (Tim Patek, City Administrator)

Tim Patek, City Administrator, introduced Ryan Bell with Gilpin Engineering to discuss the proposed crosswalk on Old Kyle Road. Mayor Fulkerson and Mayor Pro Tem Minnick suggested a crosswalk on Old Kyle Road be considered due to safety concerns. A survey was completed by Gilpin Engineering and Mr. Bell presented this to the Council and outlined the accessibility and features that would be included.

The Council wants to ensure there is safety lighting and proper accessibility at this crossing. Upon completion of discussion, consensus was to move forward with the project, but no action was taken this evening.

- 7.3. Receive a presentation from the Wimberley Valley Arts and Cultural Alliance regarding the Oak Park Mural, and consider possible action. (Leanne Kirby, Tourism Director)

Leanne Kirby, Tourism Director, introduced Don Minnick of Wimberley Valley Arts and Cultural Alliance. Mr. Minnick provided an update regarding the call for artists for the mural project at Oak Park and stated the process began in September and ended in November. Four submissions were made by four different artists and the committee selected two projects. After further review and follow up with both artists, one project stood out to the committee and the recommendation was to select the mural proposed by Wade Woehrmann.

Mr. Minnick stated the proposed mural incorporates the Texas Cultural District, our Film Friendly designation,

Dark Sky designation and Music Friendly designation in his design.

After deliberation and proposed design elements, council approved the proposed mural and consensus is to move forward with this project. Council Member Sheffield will work with the Tourism Director to ensure the desired design elements are incorporated into the project.

- 7.4.** Receive an update from Ted Gartner, regarding the 2024 Solar Eclipse Event. (Leanne Kirby, Tourism Director)

Ted Gartner, Community Liaison, introduced himself and provided his personal and professional background. He expressed his enthusiasm for the upcoming eclipse event and stated a safe, orderly and fun experience for all involved is the top priority. He wants to ensure the community is informed about the impact this event will have on everyone. He will ensure businesses and residents understand what will happen on the weekend leading up to the eclipse and the day of the eclipse. Mr. Gartner provided data related to the number of people that were in Wimberley last year on the weekend of April 8th and noted that during the eclipse next year the community could see two to five times this number, so communication will be important. Mr. Gartner will provide another update in early January.

8. DISCUSSION AND POSSIBLE ACTION

- 8.1.** Discuss and consider action to amend Chapter 1, Section E of the Historic District Design Guidelines. (Nathan Glaiser, Director of Planning and Public Works)

Nathan Glaiser, Director of Planning and Public Works, proposed postponement of this item to the second meeting in January. This will allow the Planning and Zoning Commission an opportunity to review and provide a recommendation.

- 8.2.** Discuss and consider action on the Personnel Policy for the City of Wimberley. (*Tim Patek, City of Wimberley*)

Tim Patek, City Administrator, provided updates to the council regarding the personnel policy. This policy was reviewed by the legal and city staff and was presented to council at the last meeting. Minor edits and spelling corrections were made, but no major changes since the last discussion. This policy, if approved by the council, would go into effect January 2, 2024.

9. CITY COUNCIL REPORTS

- 9.1.** Announcements

The following announcements were made:

1. The Winter's Eve event is scheduled for Saturday, December 9th in downtown Wimberley.
2. No City Council meeting on December 21st

- 9.2.** Future Agenda Items

1. Flood Prevention Ordinance update
2. Music Friendly Presentation

10. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Minnick to adjourn the regular meeting at 7:06 p.m. The motion carried unanimously (4-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor





AGENDA ITEM:	2. Consider approval of the November 2023 Revenue and Expenditure Report for the City of Wimberley. (<i>Time Patek, City Administrator</i>)
SUBMITTED BY:	
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. November 2023 Revenue_Expense Report

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
15-Administration	196,475.85	373,447.72	1,857,950.00	1,484,502.28	79.90%	363,780.39	2,106,660.55
51-Community Center	5,478.75	6,172.79	35,000.00	28,827.21	82.36%	0.00	38,088.75
Revenue Totals	<u>201,954.60</u>	<u>379,620.51</u>	<u>1,892,950.00</u>	<u>1,513,329.49</u>	<u>79.95%</u>	<u>363,780.39</u>	<u>2,144,749.30</u>
Expense Summary							
15-Administration	32,295.24	122,167.56	727,450.00	605,282.44	83.21%	90,353.05	405,865.58
16-Legal	0.00	8,168.85	80,000.00	71,831.15	89.79%	5,935.14	54,612.72
17-Council/Board	4,320.90	5,694.83	99,500.00	93,805.17	94.28%	24,109.33	97,459.99
18-Building	2,797.50	2,797.50	45,000.00	42,202.50	93.78%	8,001.25	56,703.17
21-Public Safety	4,335.00	11,735.00	101,000.00	89,265.00	88.38%	6,000.00	84,525.00
30-Public Works	21,176.96	43,985.52	312,150.00	268,164.48	85.91%	11,058.31	75,358.63
31-Roads	4,606.32	4,913.56	321,500.00	316,586.44	98.47%	5,376.74	81,938.76
33-Water/Wastewater	0.00	0.00	2,000.00	2,000.00	100.00%	465.00	1,923.00
51-Community Center	11,189.79	24,153.47	194,850.00	170,696.53	87.60%	9,740.19	89,557.18
52-Parks	185.84	277.53	9,500.00	9,222.47	97.08%	1,186.80	8,928.73
Expense Totals	<u>80,907.55</u>	<u>223,893.82</u>	<u>1,892,950.00</u>	<u>1,669,056.18</u>	<u>88.17%</u>	<u>162,225.81</u>	<u>956,872.76</u>
Revenues Over(Under) Expenditures	<u>121,047.05</u>	<u>155,726.69</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>201,554.58</u>	<u>1,187,876.54</u>

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
<u>Tax Revenue</u>							
15-5120 General Sales & Use Tax	143,274.33	262,880.03	1,435,000.00	1,172,119.97	81.68%	249,106.16	1,532,243.84
15-5131 Mixed Beverage Tax	6,543.65	13,267.34	60,000.00	46,732.66	77.89%	12,137.61	85,873.02
15-5171 Franchise Tax	39,246.19	83,557.37	255,000.00	171,442.63	67.23%	83,354.60	306,659.44
Total Tax Revenue	189,064.17	359,704.74	1,750,000.00	1,390,295.26	79.45%	344,598.37	1,924,776.30
<u>Licenses & Permits</u>							
15-5211 Beer & Wine Permits	1,250.00	1,250.00	3,000.00	1,750.00	58.33%	0.00	4,010.00
15-5212 Food Permits	0.00	0.00	13,000.00	13,000.00	100.00%	875.00	11,885.00
15-5213 Septic Permits	0.00	900.00	10,000.00	9,100.00	91.00%	3,760.00	14,320.00
15-5219 Sign Permits	70.00	210.00	1,000.00	790.00	79.00%	110.00	1,085.00
15-5221 Building Permits	2,488.98	5,230.28	28,250.00	23,019.72	81.49%	4,008.67	34,533.85
Total Licenses & Permits	3,808.98	7,590.28	55,250.00	47,659.72	86.26%	8,753.67	65,833.85
<u>Service Fees</u>							
15-5413 Zoning	2,222.70	2,222.70	12,000.00	9,777.30	81.48%	2,542.00	23,582.50
15-5414 Subdivision Fees	0.00	0.00	2,700.00	2,700.00	100.00%	0.00	1,288.25
15-5416 Building Inspections	955.00	3,205.00	25,000.00	21,795.00	87.18%	2,520.00	29,832.95
15-5417 Bldg Plan Reviews	425.00	725.00	10,000.00	9,275.00	92.75%	1,652.50	15,166.31
Total Service Fees	3,602.70	6,152.70	49,700.00	43,547.30	87.62%	6,714.50	69,870.01
<u>Other Income</u>							
15-5611 Interest Revenues	0.00	0.00	2,000.00	2,000.00	100.00%	1,310.40	18,093.38
15-5701 Other/Misc	0.00	0.00	1,000.00	1,000.00	100.00%	2,403.45	28,087.01
Total Other Income	0.00	0.00	3,000.00	3,000.00	100.00%	3,713.85	46,180.39

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Administration	196,475.85	373,447.72	1,857,950.00	1,484,502.28	79.90%	363,780.39	2,106,660.55
<u>51-Community Center</u>							
Service Fees							
51-5475 WCC Facility Rentals	5,478.75	6,172.79	35,000.00	28,827.21	82.36%	0.00	38,088.75
Total Service Fees	5,478.75	6,172.79	35,000.00	28,827.21	82.36%	0.00	38,088.75
Total Community Center	5,478.75	6,172.79	35,000.00	28,827.21	82.36%	0.00	38,088.75
Total Revenue	201,954.60	379,620.51	1,892,950.00	1,513,329.49	79.95%	363,780.39	2,144,749.30

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
Personnel Services							
15-6105 Salaries & Wages Full-Time	22,192.93	43,478.34	287,000.00	243,521.66	84.85%	0.00	0.00
15-6135 S & W - HOT	0.00	625.00	0.00	(625.00)	0.00%	2,500.00	16,250.00
15-6210 Health Care	1,890.91	3,999.92	31,500.00	27,500.08	87.30%	3,708.65	22,581.85
15-6220 Payroll Taxes	1,665.78	3,300.19	21,700.00	18,399.81	84.79%	3,321.71	21,503.30
15-6230 TMRS Contribution	1,453.64	2,888.77	18,700.00	15,811.23	84.55%	2,650.51	18,413.49
15-6250 Unemployment Compensation	0.00	0.00	300.00	300.00	100.00%	9.00	38.25
15-6251 Workers Compensation	0.00	0.00	750.00	750.00	100.00%	0.00	0.00
Total Personnel Services	27,203.26	54,292.22	359,950.00	305,657.78	84.92%	12,189.87	78,786.89
Other Services & Charges							
15-6270 Annual/Assoc Dues	289.00	289.00	4,500.00	4,211.00	93.58%	304.15	3,253.52
15-6340 Technology Consultant	0.00	0.00	11,000.00	11,000.00	100.00%	6,723.74	9,359.72
15-6370 Contract Services	135.95	135.95	35,000.00	34,864.05	99.61%	6,070.25	19,240.06
15-6411 Telephones	100.00	250.87	0.00	(250.87)	0.00%	664.68	5,280.34
15-6420 Office Cleaning	575.00	1,150.00	7,000.00	5,850.00	83.57%	1,150.00	6,756.25
15-6443 Equipment Rent/Right-To-Use Lease	0.00	157.68	9,500.00	9,342.32	98.34%	1,823.82	9,077.64
15-6520 Insurance	0.00	45,132.92	35,000.00	(10,132.92)	(28.95%)	30,041.90	31,041.90
15-6531 Public Notices	0.00	592.12	7,000.00	6,407.88	91.54%	513.88	5,577.22
15-6532 Office Tech/Software	941.12	13,596.71	60,000.00	46,403.29	77.34%	21,105.51	64,451.00
15-6551 Printing	0.00	0.00	300.00	300.00	100.00%	30.00	346.88
15-6569 Vehicle Allowance/Moving Exp	1,300.00	2,600.00	15,600.00	13,000.00	83.33%	1,300.00	10,300.00
15-6570 Travel	0.00	661.08	5,000.00	4,338.92	86.78%	0.00	664.88

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-6571 Mileage	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	0.00
15-6572 Training	0.00	215.00	5,000.00	4,785.00	95.70%	729.90	4,199.23
15-6581 Refunds	0.00	0.00	2,000.00	2,000.00	100.00%	300.00	825.00
15-6589 Records Management	0.00	209.00	2,600.00	2,391.00	91.96%	567.00	2,657.00
15-6651 Postage	0.00	250.00	1,500.00	1,250.00	83.33%	32.84	1,331.41
Total Other Services & Charges	3,341.07	65,240.33	202,000.00	136,759.67	67.70%	71,357.67	174,362.05
<u>Supplies & Maintenance</u>							
15-6410 Utilities	1,750.91	2,231.43	18,000.00	15,768.57	87.60%	3,306.98	15,115.38
15-6430 Bldg Repairs/Maintenance	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	3,909.34
15-6610 General Operating Supplies	0.00	0.00	4,500.00	4,500.00	100.00%	700.94	3,368.41
15-6660 Office Supplies	0.00	403.58	3,000.00	2,596.42	86.55%	529.85	2,034.91
15-6791 Capital Outlay - Technology	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	0.00
15-6792 Capital Outlay - Other	0.00	0.00	10,000.00	10,000.00	100.00%	2,267.74	4,314.40
Total Supplies & Maintenance	1,750.91	2,635.01	41,500.00	38,864.99	93.65%	6,805.51	28,742.44
<u>Transfer Out</u>							
15-6701 Interest and Sinking Transfer Out (Oak Drive)	0.00	0.00	124,000.00	124,000.00	100.00%	0.00	123,974.20
Total Transfer Out	0.00	0.00	124,000.00	124,000.00	100.00%	0.00	123,974.20
Total Administration	32,295.24	122,167.56	727,450.00	605,282.44	83.21%	90,353.05	405,865.58
<u>16-Legal</u>							
<u>Other Services & Charges</u>							
16-6350 Legal	0.00	8,168.85	80,000.00	71,831.15	89.79%	5,935.14	54,612.72
Total Other Services & Charges	0.00	8,168.85	80,000.00	71,831.15	89.79%	5,935.14	54,612.72

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Legal	0.00	8,168.85	80,000.00	71,831.15	89.79%	5,935.14	54,612.72
<u>17-Council/Board</u>							
Other Services & Charges							
17-6320 Financial (Contract Svs)	2,931.25	4,125.00	17,000.00	12,875.00	75.74%	1,037.50	25,268.75
17-6330 Audit	0.00	0.00	25,000.00	25,000.00	100.00%	0.00	24,685.00
17-6382 Social Services Support	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00
17-6541 Public Relations/Receptions	18.61	198.79	8,000.00	7,801.21	97.52%	1,036.88	7,717.77
17-6572 Training	1,371.04	1,371.04	8,000.00	6,628.96	82.86%	1,384.95	6,688.47
17-6590 Elections	0.00	0.00	6,500.00	6,500.00	100.00%	0.00	0.00
17-6591 Planning	0.00	0.00	15,000.00	15,000.00	100.00%	1,650.00	14,100.00
Total Other Services & Charges	4,320.90	5,694.83	84,500.00	78,805.17	93.26%	5,109.33	78,459.99
Expenditures							
17-6595 Code Revisions	0.00	0.00	15,000.00	15,000.00	100.00%	19,000.00	19,000.00
Total Expenditures	0.00	0.00	15,000.00	15,000.00	100.00%	19,000.00	19,000.00
Total Council/Board	4,320.90	5,694.83	99,500.00	93,805.17	94.28%	24,109.33	97,459.99
<u>18-Building</u>							
Other Services & Charges							
18-6360 Contract Inspections	2,085.00	2,085.00	35,000.00	32,915.00	94.04%	8,001.25	47,815.67
18-6582 Site Plan Reviews	712.50	712.50	10,000.00	9,287.50	92.88%	0.00	8,887.50
Total Other Services & Charges	2,797.50	2,797.50	45,000.00	42,202.50	93.78%	8,001.25	56,703.17
Total Building	2,797.50	2,797.50	45,000.00	42,202.50	93.78%	8,001.25	56,703.17
<u>21-Public Safety</u>							
Other Services & Charges							

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
21-6370 Contract Services	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	240.00
21-6371 Sanitarian (Contract Labor)	3,000.00	8,000.00	60,000.00	52,000.00	86.67%	0.00	60,000.00
21-6373 Animal Control	0.00	0.00	6,000.00	6,000.00	100.00%	0.00	0.00
21-6375 Safety - Traffic Direction	1,335.00	3,735.00	30,000.00	26,265.00	87.55%	6,000.00	24,285.00
Total Other Services & Charges	4,335.00	11,735.00	101,000.00	89,265.00	88.38%	6,000.00	84,525.00
Total Public Safety	4,335.00	11,735.00	101,000.00	89,265.00	88.38%	6,000.00	84,525.00
30-Public Works							
<u>Personnel Services</u>							
30-6105 Salaries & Wages Full-Time	14,000.24	27,404.97	182,000.00	154,595.03	84.94%	0.00	0.00
30-6210 Health Care	2,670.24	5,333.69	31,500.00	26,166.31	83.07%	3,105.62	25,171.31
30-6220 Payroll Taxes	1,071.04	2,096.52	13,400.00	11,303.48	84.35%	1,625.07	12,038.96
30-6230 TMRS Contribution	917.02	1,795.03	11,500.00	9,704.97	84.39%	1,080.99	9,702.20
30-6250 Unemployment Compensation	0.00	0.00	400.00	400.00	100.00%	0.00	27.00
30-6251 Workers Compensation	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	0.00
Total Personnel Services	18,658.54	36,630.21	239,800.00	203,169.79	84.72%	5,811.68	46,939.47
<u>Other Services & Charges</u>							
30-6270 Annual/Assoc Dues	0.00	0.00	250.00	250.00	100.00%	0.00	241.00
30-6370 Contract Services	848.64	1,728.64	35,000.00	33,271.36	95.06%	124.20	7,061.31
30-6443 Equipment Rent/Right-To-Use Lease	472.59	945.18	6,000.00	5,054.82	84.25%	0.00	0.00
30-6532 Office Tech/Software	0.00	1,732.96	12,000.00	10,267.04	85.56%	321.99	2,140.62
30-6569 Vehicle Allowance	400.00	800.00	4,800.00	4,000.00	83.33%	0.00	0.00
30-6570 Travel	0.00	661.08	1,500.00	838.92	55.93%	76.63	122.58
30-6571 Mileage	0.00	312.55	300.00	(12.55)	(4.18%)	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
30-6572 Training	36.77	36.77	3,000.00	2,963.23	98.77%	1,368.57	1,940.57
Total Other Services & Charges	1,758.00	6,217.18	62,850.00	56,632.82	90.11%	1,891.39	11,506.08
<u>Supplies & Maintenance</u>							
30-6431 Vehicle Maint/Insurance	0.00	0.00	2,000.00	2,000.00	100.00%	1,985.27	7,772.28
30-6583 Fuel	203.61	554.38	4,500.00	3,945.62	87.68%	856.31	4,365.39
30-6610 General Operating Supplies	556.81	583.75	2,500.00	1,916.25	76.65%	420.13	4,236.31
30-6612 Tools	0.00	0.00	500.00	500.00	100.00%	93.53	539.10
Total Supplies & Maintenance	760.42	1,138.13	9,500.00	8,361.87	88.02%	3,355.24	16,913.08
Total Public Works	21,176.96	43,985.52	312,150.00	268,164.48	85.91%	11,058.31	75,358.63
<u>31-Roads</u>							
<u>Supplies & Maintenance</u>							
31-6432 Road Maintenance	3,300.00	3,607.24	80,000.00	76,392.76	95.49%	4,410.79	36,676.15
31-6433 Equipment Maintenance	0.00	0.00	500.00	500.00	100.00%	0.00	253.00
31-6584 Mowing/Trimming	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	1,041.72
31-6611 Signs/Barricades	81.32	81.32	3,000.00	2,918.68	97.29%	965.95	4,367.89
31-6792 Capital Outlay - Fish Weir	0.00	0.00	20,000.00	20,000.00	100.00%	0.00	0.00
Total Supplies & Maintenance	3,381.32	3,688.56	106,500.00	102,811.44	96.54%	5,376.74	42,338.76
<u>Other Services & Charges</u>							
31-6470 Engineering - Roads	1,225.00	1,225.00	15,000.00	13,775.00	91.83%	0.00	39,600.00
31-6795 Capital Outlay - Roads	0.00	0.00	200,000.00	200,000.00	100.00%	0.00	0.00
Total Other Services & Charges	1,225.00	1,225.00	215,000.00	213,775.00	99.43%	0.00	39,600.00
Total Roads	4,606.32	4,913.56	321,500.00	316,586.44	98.47%	5,376.74	81,938.76
<u>33-Water/Wastewater</u>							

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<u>Supplies & Maintenance</u>							
33-6586 Quality Testing WW	0.00	0.00	2,000.00	2,000.00	100.00%	465.00	1,923.00
Total Supplies & Maintenance	0.00	0.00	2,000.00	2,000.00	100.00%	465.00	1,923.00
Total Water/Wastewater	0.00	0.00	2,000.00	2,000.00	100.00%	465.00	1,923.00
<u>51-Community Center</u>							
<u>Personnel Services</u>							
51-6100 Salaries & Wages Part-Time	2,850.00	4,498.13	39,000.00	34,501.87	88.47%	1,152.00	1,215.00
51-6105 Salaries & Wages Full-Time	4,230.40	8,265.60	55,000.00	46,734.40	84.97%	0.00	0.00
51-6210 Health Care	887.43	1,772.52	10,500.00	8,727.48	83.12%	1,550.24	8,644.87
51-6220 Payroll Taxes	541.65	976.42	7,800.00	6,823.58	87.48%	841.13	5,347.16
51-6230 TMRS Contribution	277.10	541.41	3,700.00	3,158.59	85.37%	465.30	3,200.51
51-6250 Unemployment Compensation	0.26	0.59	200.00	199.41	99.71%	4.32	41.30
51-6251 Workers Compensation	0.00	0.00	3,500.00	3,500.00	100.00%	0.00	0.00
Total Personnel Services	8,786.84	16,054.67	119,700.00	103,645.33	86.59%	4,012.99	18,448.84
<u>Other Services & Charges</u>							
51-6270 Annual/Assoc Dues	0.00	0.00	200.00	200.00	100.00%	0.00	274.87
51-6370 Contract Services	0.00	1.00	500.00	499.00	99.80%	0.00	1,795.00
51-6411 Telephones	0.00	106.26	0.00	(106.26)	0.00%	251.12	2,600.77
51-6443 Equipment Rent/Right-To Use Lease	0.00	0.00	1,500.00	1,500.00	100.00%	0.00	0.00
51-6532 Office Tech/Software	158.48	326.97	2,000.00	1,673.03	83.65%	119.99	3,469.92
51-6540 Advertising	0.00	129.00	2,500.00	2,371.00	94.84%	709.00	709.00
51-6551 Printing	0.00	0.00	100.00	100.00	100.00%	0.00	0.00
51-6651 Postage	0.00	0.00	50.00	50.00	100.00%	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

100 - General Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
51-6797 Capital Outlay - Facilities	0.00	1,850.00	10,000.00	8,150.00	81.50%	0.00	10,225.00
Total Other Services & Charges	158.48	2,413.23	16,850.00	14,436.77	85.68%	1,080.11	19,074.56
<u>Supplies & Maintenance</u>							
51-6410 Utilities	1,632.36	2,217.29	24,000.00	21,782.71	90.76%	3,975.14	24,264.51
51-6430 Bldg Repairs/Maintenance	440.80	1,103.83	20,000.00	18,896.17	94.48%	0.00	18,214.74
51-6610 General Operating Supplies	105.44	327.80	4,000.00	3,672.20	91.81%	671.95	6,331.34
51-6616 Programs	45.99	2,016.77	10,000.00	7,983.23	79.83%	0.00	2,302.78
51-6660 Office Supplies	19.88	19.88	300.00	280.12	93.37%	0.00	920.41
Total Supplies & Maintenance	2,244.47	5,685.57	58,300.00	52,614.43	90.25%	4,647.09	52,033.78
Total Community Center	11,189.79	24,153.47	194,850.00	170,696.53	87.60%	9,740.19	89,557.18
52-Parks							
<u>Supplies & Maintenance</u>							
52-6410 Utilities	185.84	262.74	5,000.00	4,737.26	94.75%	609.08	5,794.24
52-6430 Bldg Repairs/Maintenance	0.00	0.00	2,500.00	2,500.00	100.00%	577.72	1,400.44
52-6585 NATURE TL/OLD BALDY	0.00	14.79	1,000.00	985.21	98.52%	0.00	914.65
52-6610 General Operating Supplies	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	819.40
Total Supplies & Maintenance	185.84	277.53	9,500.00	9,222.47	97.08%	1,186.80	8,928.73
Total Parks	185.84	277.53	9,500.00	9,222.47	97.08%	1,186.80	8,928.73
Total Expense	80,907.55	223,893.82	1,892,950.00	1,669,056.18	88.17%	162,225.81	956,872.76

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

200 - Blue Hole Parkland	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
52-Parks	200.00	200.00	750,900.00	750,700.00	99.97%	647.86	706,547.18
Revenue Totals	200.00	200.00	750,900.00	750,700.00	99.97%	647.86	706,547.18
Expense Summary							
52-Parks	52,526.77	94,294.35	750,900.00	656,605.65	87.44%	110,232.26	424,244.89
Expense Totals	52,526.77	94,294.35	750,900.00	656,605.65	87.44%	110,232.26	424,244.89
Revenues Over(Under) Expenditures	(52,326.77)	(94,094.35)	0.00	0.00	0.00%	(109,584.40)	282,302.29

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

200 - Blue Hole Parkland Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
52-Parks							
Tax Revenue							
52-5472 Reservations/Gate Fees	0.00	0.00	555,000.00	555,000.00	100.00%	0.00	588,012.00
52-5474 Facility Rentals	0.00	0.00	30,000.00	30,000.00	100.00%	440.00	22,770.00
52-5479 Vending/Merchandise	0.00	0.00	9,000.00	9,000.00	100.00%	0.00	16,978.81
Total Tax Revenue	0.00	0.00	594,000.00	594,000.00	100.00%	440.00	627,760.81
Revenues							
52-5476 Special Events	0.00	0.00	150,000.00	150,000.00	100.00%	120.00	68,599.00
Total Revenues	0.00	0.00	150,000.00	150,000.00	100.00%	120.00	68,599.00
Other Income							
52-5611 Interest Revenues	0.00	0.00	900.00	900.00	100.00%	87.86	4,289.00
52-5701 Other/Misc	200.00	200.00	6,000.00	5,800.00	96.67%	0.00	5,898.37
Total Other Income	200.00	200.00	6,900.00	6,700.00	97.10%	87.86	10,187.37
Total Parks	200.00	200.00	750,900.00	750,700.00	99.97%	647.86	706,547.18
Total Revenue	200.00	200.00	750,900.00	750,700.00	99.97%	647.86	706,547.18

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

200 - Blue Hole Parkland Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
52-Parks							
Personnel Services							
52-6100 Salaries & Wages Part-Time	8,199.50	16,050.87	160,000.00	143,949.13	89.97%	1,008.00	3,065.62
52-6105 Salaries & Wages Full-Time	22,244.07	44,711.57	309,000.00	264,288.43	85.53%	0.00	0.00
52-6210 Health Care	3,591.36	7,167.29	63,000.00	55,832.71	88.62%	6,155.92	36,380.83
52-6220 Payroll Taxes	2,327.64	4,592.82	24,000.00	19,407.18	80.86%	3,533.08	32,071.68
52-6230 TMRS Contribution	1,457.00	2,928.63	20,500.00	17,571.37	85.71%	1,766.99	15,987.85
52-6250 Unemployment Compensation	4.36	11.09	1,000.00	988.91	98.89%	11.41	213.88
52-6251 Workers Compensation	0.00	0.00	11,400.00	11,400.00	100.00%	0.00	0.00
Total Personnel Services	<u>37,823.93</u>	<u>75,462.27</u>	<u>588,900.00</u>	<u>513,437.73</u>	<u>87.19%</u>	<u>12,475.40</u>	<u>87,719.86</u>
Other Services & Charges							
52-6370 Contract Services	0.00	0.00	40,000.00	40,000.00	100.00%	0.00	0.00
52-6411 Telephones	0.00	144.97	0.00	(144.97)	0.00%	874.92	3,748.22
52-6443 Equipment Rent/Right-To-Use Lease	503.43	1,006.86	11,500.00	10,493.14	91.24%	622.06	2,947.25
52-6532 Office Tech/Software	333.86	433.85	12,000.00	11,566.15	96.38%	358.39	11,137.69
52-6562 CC Processing Fees	0.00	0.00	500.00	500.00	100.00%	355.90	6,782.45
52-6569 Vehicle Allowance	400.00	800.00	4,800.00	4,000.00	83.33%	0.00	0.00
52-6570 Travel	1,219.50	1,219.50	2,000.00	780.50	39.03%	0.00	3,975.23
52-6571 Mileage	153.93	153.93	1,000.00	846.07	84.61%	0.00	516.81
52-6572 Training	0.00	690.00	3,000.00	2,310.00	77.00%	3,065.00	5,155.00
52-6581 Refunds	100.00	300.00	1,000.00	700.00	70.00%	0.00	10,044.00
52-6651 Postage	0.00	0.00	100.00	100.00	100.00%	0.00	10.55
52-6794 Capital Outlay - Equipmt/Other	7,184.86	7,184.86	0.00	(7,184.86)	0.00%	77,951.13	170,566.93

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

200 - Blue Hole Parkland Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Total Other Services & Charges	9,895.58	11,933.97	75,900.00	63,966.03	84.28%	83,227.40	214,884.13
<u>Supplies & Maintenance</u>							
52-6374 Contract Services	604.99	2,212.98	0.00	(2,212.98)	0.00%	1,615.99	34,346.01
52-6410 Utilities	1,057.94	1,246.14	12,600.00	11,353.86	90.11%	1,949.60	11,256.29
52-6431 Vehicle Maint/Insurance	0.00	0.00	2,000.00	2,000.00	100.00%	2,013.72	7,775.16
52-6433 Equipment Maintenance	0.00	0.00	7,000.00	7,000.00	100.00%	447.70	1,958.88
52-6583 Fuel	285.54	466.04	3,000.00	2,533.96	84.47%	603.04	2,845.65
52-6610 General Operating Supplies	1,496.88	1,611.04	28,000.00	26,388.96	94.25%	1,188.72	34,628.18
52-6613 Materials	202.50	202.50	5,000.00	4,797.50	95.95%	40.95	3,221.70
52-6615 Bldg & Maint Supplies	61.95	61.95	3,500.00	3,438.05	98.23%	476.96	2,624.57
52-6616 Programs	1,097.46	1,097.46	24,000.00	22,902.54	95.43%	5,357.81	22,084.45
52-6660 Office Supplies	0.00	0.00	1,000.00	1,000.00	100.00%	834.97	900.01
Total Supplies & Maintenance	4,807.26	6,898.11	86,100.00	79,201.89	91.99%	14,529.46	121,640.90
Total Parks	52,526.77	94,294.35	750,900.00	656,605.65	87.44%	110,232.26	424,244.89
Total Expense	52,526.77	94,294.35	750,900.00	656,605.65	87.44%	110,232.26	424,244.89

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

202 - Wastewater Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
04-Water/Wastewater	35,009.74	64,922.36	378,000.00	313,077.64	82.82%	377,659.12	738,768.53
Revenue Totals	35,009.74	64,922.36	378,000.00	313,077.64	82.82%	377,659.12	738,768.53
Expense Summary							
04-Water/Wastewater	5,428.86	15,531.83	378,000.00	362,468.17	95.89%	20,418.17	142,658.74
Expense Totals	5,428.86	15,531.83	378,000.00	362,468.17	95.89%	20,418.17	142,658.74
Revenues Over(Under) Expenditures	29,580.88	49,390.53	0.00	0.00	0.00%	357,240.95	596,109.79

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

202 - Wastewater Fund Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
04-Water/Wastewater							
<u>Service Fees</u>							
04-5400 WW Service Fee	34,978.72	64,763.16	377,000.00	312,236.84	82.82%	377,524.57	737,952.46
Total Service Fees	34,978.72	64,763.16	377,000.00	312,236.84	82.82%	377,524.57	737,952.46
<u>Revenues</u>							
04-5420 WW Penalties	31.02	159.20	500.00	340.80	68.16%	0.00	681.52
Total Revenues	31.02	159.20	500.00	340.80	68.16%	0.00	681.52
<u>Other Income</u>							
04-5611 Interest Revenues	0.00	0.00	500.00	500.00	100.00%	134.55	134.55
Total Other Income	0.00	0.00	500.00	500.00	100.00%	134.55	134.55
Total Water/Wastewater	35,009.74	64,922.36	378,000.00	313,077.64	82.82%	377,659.12	738,768.53
Total Revenue	35,009.74	64,922.36	378,000.00	313,077.64	82.82%	377,659.12	738,768.53

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

202 - Wastewater Fund Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
04-Water/Wastewater							
<u>Other Services & Charges</u>							
04-6370 Contract Services	0.00	0.00	70,000.00	70,000.00	100.00%	0.00	0.00
04-6532 Office Tech/Software	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00
Total Other Services & Charges	0.00	0.00	75,000.00	75,000.00	100.00%	0.00	0.00
<u>Supplies & Maintenance</u>							
04-6374 Contract Services	5,102.17	10,806.71	0.00	(10,806.71)	0.00%	10,337.41	71,047.21
04-6410 Utilities	326.69	4,725.12	50,000.00	45,274.88	90.55%	10,080.76	55,870.40
04-6610 General Operating Supplies	0.00	0.00	10,000.00	10,000.00	100.00%	0.00	15,741.13
Total Supplies & Maintenance	5,428.86	15,531.83	60,000.00	44,468.17	74.11%	20,418.17	142,658.74
<u>Transfer Out</u>							
04-6701 Interest and Sinking Transfer Out (Waste Water)	0.00	0.00	243,000.00	243,000.00	100.00%	0.00	0.00
Total Transfer Out	0.00	0.00	243,000.00	243,000.00	100.00%	0.00	0.00
Total Water/Wastewater	5,428.86	15,531.83	378,000.00	362,468.17	95.89%	20,418.17	142,658.74
Total Expense	5,428.86	15,531.83	378,000.00	362,468.17	95.89%	20,418.17	142,658.74

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

205 - Hotel Occupancy Tax	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
15-Administration	69,556.52	128,202.67	727,000.00	598,797.33	82.37%	138,306.66	762,279.88
Revenue Totals	69,556.52	128,202.67	727,000.00	598,797.33	82.37%	138,306.66	762,279.88
Expense Summary							
15-Administration	20,272.96	35,939.37	727,000.00	691,060.63	95.06%	35,732.08	341,671.33
Expense Totals	20,272.96	35,939.37	727,000.00	691,060.63	95.06%	35,732.08	341,671.33
Revenues Over(Under) Expenditures	49,283.56	92,263.30	0.00	0.00	0.00%	102,574.58	420,608.55

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

205 - Hotel Occupancy Tax Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
<u>Tax Revenue</u>							
15-5132 Hotel Occupancy Tax	69,556.52	128,202.67	725,000.00	596,797.33	82.32%	138,306.66	758,794.30
Total Tax Revenue	69,556.52	128,202.67	725,000.00	596,797.33	82.32%	138,306.66	758,794.30
<u>Other Income</u>							
15-5611 Interest Revenues	0.00	0.00	2,000.00	2,000.00	100.00%	0.00	3,485.58
Total Other Income	0.00	0.00	2,000.00	2,000.00	100.00%	0.00	3,485.58
Total Administration	69,556.52	128,202.67	727,000.00	598,797.33	82.37%	138,306.66	762,279.88
Total Revenue	69,556.52	128,202.67	727,000.00	598,797.33	82.37%	138,306.66	762,279.88

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

205 - Hotel Occupancy Tax Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-Administration							
Personnel Services							
15-6100 Salaries & Wages Part-Time	337.50	337.50	15,000.00	14,662.50	97.75%	0.00	0.00
15-6105 Salaries & Wages Full-Time	5,384.60	8,076.90	70,000.00	61,923.10	88.46%	0.00	0.00
15-6135 S & W - HOT	0.00	1,875.00	0.00	(1,875.00)	0.00%	7,500.00	48,750.00
15-6210 Health Care	894.45	1,563.55	10,500.00	8,936.45	85.11%	1,154.97	7,122.47
15-6220 Payroll Taxes	392.40	732.04	5,500.00	4,767.96	86.69%	573.76	3,729.44
15-6230 TMRS Contribution	352.70	651.86	4,600.00	3,948.14	85.83%	447.00	3,115.64
15-6250 Unemployment Compensation	0.00	0.00	100.00	100.00	100.00%	0.00	6.75
15-6251 Workers Compensation	0.00	0.00	200.00	200.00	100.00%	0.00	0.00
Total Personnel Services	7,361.65	13,236.85	105,900.00	92,663.15	87.50%	9,675.73	62,724.30
Other Services & Charges							
15-6270 Annual/Assoc Dues	6,225.00	7,335.00	9,000.00	1,665.00	18.50%	3,185.00	13,266.25
15-6370 Contract Services	500.00	500.00	91,000.00	90,500.00	99.45%	0.00	42,456.02
15-6443 Equipment Rent/Right-To-Use Lease	0.00	0.00	1,000.00	1,000.00	100.00%	0.00	0.00
15-6532 Office Tech/Software	73.36	137.57	2,000.00	1,862.43	93.12%	0.00	0.00
15-6540 Advertising	720.00	720.00	103,000.00	102,280.00	99.30%	16,888.88	77,323.90
15-6541 Public Relations/Receptions	36.55	36.55	1,000.00	963.45	96.35%	0.00	0.00
15-6551 Printing	2,729.26	2,729.26	20,000.00	17,270.74	86.35%	264.09	5,929.81
15-6569 Vehicle Allowance	400.00	800.00	4,800.00	4,000.00	83.33%	600.00	3,600.00
15-6570 Travel	0.00	0.00	4,000.00	4,000.00	100.00%	2,132.35	4,998.41
15-6572 Training	0.00	0.00	5,000.00	5,000.00	100.00%	2,796.96	5,807.03
15-6592 HOT Disbursements	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	7,320.00

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

205 - Hotel Occupancy Tax Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
15-6651 Postage	0.00	0.00	100.00	100.00	100.00%	0.00	0.00
Total Other Services & Charges	10,684.17	12,258.38	290,900.00	278,641.62	95.79%	25,867.28	160,701.42
<u>Expenditures</u>							
15-6311 Hotel Occupancy Tax General Projects	1,200.70	1,200.70	54,000.00	52,799.30	97.78%	0.00	106,654.60
15-6973 Special Events	0.00	8,150.00	40,000.00	31,850.00	79.63%	0.00	765.00
15-6974 Special Events Equipment	513.90	513.90	10,000.00	9,486.10	94.86%	0.00	0.00
15-6975 Wayfinding Signage	0.00	0.00	22,000.00	22,000.00	100.00%	0.00	0.00
Total Expenditures	1,714.60	9,864.60	126,000.00	116,135.40	92.17%	0.00	107,419.60
<u>Supplies & Maintenance</u>							
15-6410 Utilities	372.17	439.17	5,000.00	4,560.83	91.22%	0.00	0.00
15-6430 Bldg Repairs/Maintenance	0.00	0.00	5,000.00	5,000.00	100.00%	0.00	0.00
15-6610 General Operating Supplies	66.26	66.26	2,000.00	1,933.74	96.69%	101.72	3,162.76
15-6660 Office Supplies	74.11	74.11	2,000.00	1,925.89	96.29%	87.35	778.85
15-6792 Capital Outlay - Other	0.00	0.00	58,200.00	58,200.00	100.00%	0.00	6,884.40
Total Supplies & Maintenance	512.54	579.54	72,200.00	71,620.46	99.20%	189.07	10,826.01
<u>Transfer Out</u>							
15-6701 Interest and Sinking Transfer Out (Old Kyle Rd)	0.00	0.00	132,000.00	132,000.00	100.00%	0.00	0.00
Total Transfer Out	0.00	0.00	132,000.00	132,000.00	100.00%	0.00	0.00
Total Administration	20,272.96	35,939.37	727,000.00	691,060.63	95.06%	35,732.08	341,671.33
Total Expense	20,272.96	35,939.37	727,000.00	691,060.63	95.06%	35,732.08	341,671.33

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

300 - Capital Projects	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Expense Summary							
30-Capital Projects	0.00	55,226.96	0.00	(55,226.96)	0.00%	219,199.15	269,844.64
Expense Totals	0.00	55,226.96	0.00	(55,226.96)	0.00%	219,199.15	269,844.64
Revenues Over(Under) Expenditures	0.00	(55,226.96)	0.00	0.00	0.00%	(219,199.15)	(269,844.64)

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

300 - Capital Projects Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
30-Capital Projects							
Expenditures							
30-6801 Capital Outlay - Oak Drive Project	0.00	55,226.96	0.00	(55,226.96)	0.00%	219,199.15	269,844.64
Total Expenditures	0.00	55,226.96	0.00	(55,226.96)	0.00%	219,199.15	269,844.64
Total Capital Projects	0.00	55,226.96	0.00	(55,226.96)	0.00%	219,199.15	269,844.64
Total Expense	0.00	55,226.96	0.00	(55,226.96)	0.00%	219,199.15	269,844.64

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

400 - Interest and Sinking	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
10-Interest and Sinking	0.00	0.00	367,000.00	367,000.00	100.00%	0.00	368,061.20
Revenue Totals	0.00	0.00	367,000.00	367,000.00	100.00%	0.00	368,061.20
Expense Summary							
10-Interest and Sinking	0.00	0.00	367,000.00	367,000.00	100.00%	0.00	368,061.20
Expense Totals	0.00	0.00	367,000.00	367,000.00	100.00%	0.00	368,061.20
Revenues Over(Under) Expenditures	0.00	0.00	0.00	0.00	0.00%	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

400 - Interest and Sinking Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<u>10-Interest and Sinking</u>							
<u>Revenues</u>							
10-6702 I&S General Fund Transfer In	0.00	0.00	124,000.00	124,000.00	100.00%	0.00	123,974.20
10-6703 I&S Waste Water Transfer In	0.00	0.00	243,000.00	243,000.00	100.00%	0.00	244,087.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>367,000.00</u>	<u>367,000.00</u>	<u>100.00%</u>	<u>0.00</u>	<u>368,061.20</u>
Total Interest and Sinking	<u>0.00</u>	<u>0.00</u>	<u>367,000.00</u>	<u>367,000.00</u>	<u>100.00%</u>	<u>0.00</u>	<u>368,061.20</u>
 Total Revenue	 <u>0.00</u>	 <u>0.00</u>	 <u>367,000.00</u>	 <u>367,000.00</u>	 <u>100.00%</u>	 <u>0.00</u>	 <u>368,061.20</u>

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

400 - Interest and Sinking Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<u>10-Interest and Sinking</u>							
<u>Expenditures</u>							
10-6704 Tax Note Series 2021 Debt Service Principal	0.00	0.00	116,000.00	116,000.00	100.00%	0.00	115,000.00
10-6705 Tax Note Series 2021 Debt Service Interest	0.00	0.00	8,000.00	8,000.00	100.00%	0.00	8,974.20
Total Expenditures	0.00	0.00	124,000.00	124,000.00	100.00%	0.00	123,974.20
<u>Other Services & Charges</u>							
10-6900 Wastewater Debt Service - Prin	0.00	0.00	160,000.00	160,000.00	100.00%	0.00	160,000.00
10-6901 Wastewater Debt Service - Int	0.00	0.00	83,000.00	83,000.00	100.00%	0.00	84,087.00
Total Other Services & Charges	0.00	0.00	243,000.00	243,000.00	100.00%	0.00	244,087.00
Total Interest and Sinking	0.00	0.00	367,000.00	367,000.00	100.00%	0.00	368,061.20
Total Expense	0.00	0.00	367,000.00	367,000.00	100.00%	0.00	368,061.20

City of Wimberley
Revenue And Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

605 - American Rescue Plan	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Revenue Summary							
-	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00
Revenue Totals	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00
Expense Summary							
05-American Rescue Plan	0.00	0.00	100,000.00	100,000.00	100.00%	10,000.00	103,242.36
Expense Totals	0.00	0.00	100,000.00	100,000.00	100.00%	10,000.00	103,242.36
Revenues Over(Under) Expenditures	0.00	0.00	(50,000.00)	0.00	0.00%	(10,000.00)	(103,242.36)

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

605 - American Rescue Plan Department Revenue	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
-							
----- Not Categorized							
-5905 American Rescue Plan	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00
Total Not Categorized	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00
Total	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00
Total Revenue	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	0.00

City of Wimberley
Revenue and Expense Report
As of November 30, 2023

12/14/2023 1:02 PM

605 - American Rescue Plan Department Expense	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
05-American Rescue Plan							
<u>Liabilities</u>							
05-6751 Do Not Use	0.00	0.00	50,000.00	50,000.00	100.00%	10,000.00	69,923.00
Total Liabilities	0.00	0.00	50,000.00	50,000.00	100.00%	10,000.00	69,923.00
<u>Not Categorized</u>							
05-6751 Outlay - Projects	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	33,319.36
Total Not Categorized	0.00	0.00	50,000.00	50,000.00	100.00%	0.00	33,319.36
Total American Rescue Plan	0.00	0.00	100,000.00	100,000.00	100.00%	10,000.00	103,242.36
Total Expense	0.00	0.00	100,000.00	100,000.00	100.00%	10,000.00	103,242.36



AGENDA ITEM:	1. Review TxDOT Delineator Plan to increase pedestrian/vehicle safety on RR12 at Wimberley Square. (<i>Rebecca Minnick, Mayor Pro Tem/TxDOT</i>)
SUBMITTED BY:	
DATE SUBMITTED:	12/20/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

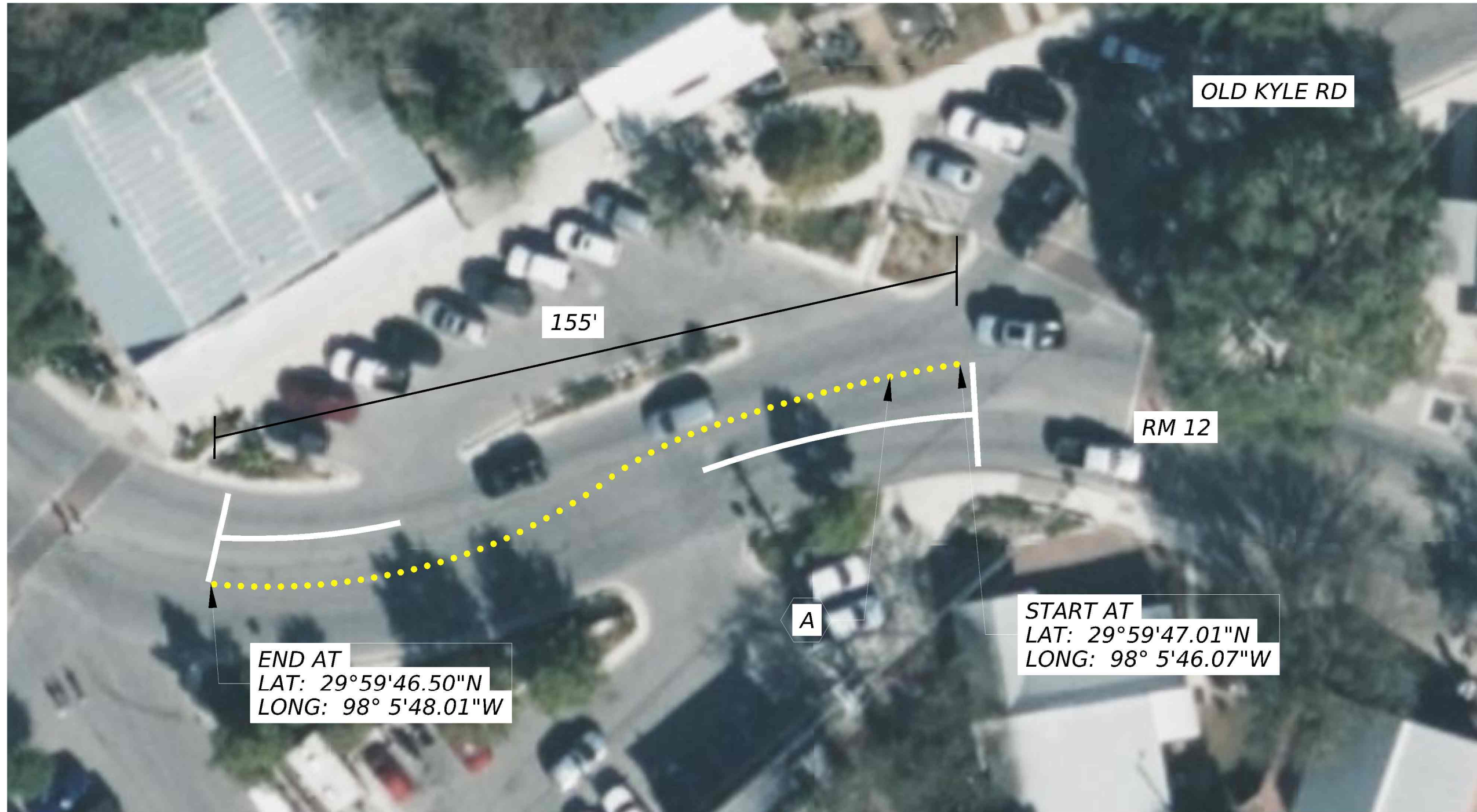
REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. RM 12 near Old Kyle Rd (Final)



NOTES

- 1). UTILIZE YELLOW SHUR-CURB DELINEATION ALONG LTLs



ITEM 6049
6001
LONG CHANNEL MOUNT CURB SYS (INSTALL)
155 LF

Austin District South Travis Area Office				
RM 12				
PROJECT LAYOUT				
YEARS	CONT	SECT	JOB	HIGHWAY
DS: 0683	CK: 03			RM 12
DS: DIST	CK: COUNTY			SHEET NO.
AUS	HAYS			1



AGENDA ITEM:	1. Discuss and consider possible action regarding the closure of the downtown square and Old Kyle Road during the April 2024 Eclipse. <i>(Leanne Kirby, Director of Tourism)</i>
SUBMITTED BY:	
DATE SUBMITTED:	12/19/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Discuss and consider possible action regarding Chapter 4, Article 4.05 - Flood Damage Prevention of the City Code of Ordinances. <i>(Nathan Glaiser, Director of Planning & Public Works)</i>
SUBMITTED BY:	
DATE SUBMITTED:	12/15/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. ARTICLE_4.05___FLOOD_DAMAGE_PREVENTION

ARTICLE 4.05 FLOOD DAMAGE PREVENTION¹

Sec. 4.05.001 Statutory authorization, findings of fact, purpose and methods

- (a) *Statutory authorization.* The legislature of the state has in the Flood Control Insurance Act, V.T.C.A., Water Code, § 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.
- (b) *Findings of fact.*
 - (1) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (c) *Statement of purpose.* It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - (7) Ensure that potential buyers are notified that property is in a flood area.
- (d) *Methods of reducing flood losses.* In order to accomplish its purposes, this article uses the following methods:
 - (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

¹State law reference(s)—Flood Control and Insurance Act, V.T.C.A., Water Code, § 16.311 et seq.; governing body shall adopt ordinances or orders necessary to participate in National Flood Insurance Program, V.T.C.A., Water Code, § 16.3145; responsibility to establish flood hazard regulations, V.T.C.A., Water Code, § 16.315.

-
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - (4) Control filling, grading, dredging and other development which may increase flood damage;
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ordinance 2014-022, art. I, adopted 8/21/14)

Sec. 4.05.002 Definitions

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on the city's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within the city subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year, also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any man-made change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Enclosure means a fully enclosed area below the lowest floor in an area other than a basement. To qualify as an enclosure, the area must meet the non-elevation design requirements of 44 CFR 60.3. See also the definition of "lowest floor."

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the city.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of the city, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the city.

Flood insurance study (FIS). See "Flood elevation study."

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within the city subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See "Regulatory floodway."

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the city's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the city, including any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

Nonresidential structure means structures including, but not limited to, small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels with normal room rentals for less than six months' duration, and nursing homes.

Reasonably safe from flooding means base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle means a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Residential structure means a structure that is considered to be a domicile or used for residential purposes for six months or more. Residential structures include a single-family home, multiple-unit apartment buildings, a residential condominium or a manufactured or modular home.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See "Area of special flood hazard."

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. "Substantial damage" also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of the repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by the city from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the city's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 2014-022, art. II, adopted 8/21/14)

Sec. 4.05.003 General provisions

- (a) *Lands to which this article applies.* This article shall apply to all areas of special flood hazard within the jurisdiction of the city.
- (b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Hays County, Texas and Incorporated Areas, dated September 2, 2005" with accompanying flood insurance rate maps (FIRMs) dated September 2, 2005, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.
- (c) *Establishment of development permit.* A floodplain development permit shall be required to ensure conformance with the provisions of this article.
- (d) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.
- (e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) *Interpretation.* In the interpretation and application of this article, all provisions shall be:

-
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (g) *Warning and disclaimer of liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ordinance 2014-022, art. III, adopted 8/21/14)

Sec. 4.05.004 Administration

- (a) *Designation of floodplain administrator.* The city administrator is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program regulations) pertaining to floodplain management.
- (b) *Duties and responsibilities of floodplain administrator.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
 - (2) Review permit applications to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
 - (3) Review, approve or deny all applications for development permits required by adoption of this article.
 - (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.
 - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state water development board (TWDB), and also the state commission on environmental quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (8) When base flood elevation data has not been provided in accordance with section 4.05.003(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 4.05.005.
 - (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the city's FIRM, unless it is demonstrated that the cumulative

effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

- (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, the city may approve certain development in zones A1-30, AE, [and] AH, on the city's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the city first completes all of the provisions required by section 65.12.

(c) *Permit procedures.*

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 4.05.005(b)(2);
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - e. Maintain a record of all such information in accordance with subsection (b)(1) of this section.
- (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) *Variance procedures.*

-
- (1) The board of adjustment, as established by the city council, shall hear and render judgment on requests for variances from the requirements of this article.
 - (2) The board of adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
 - (3) Any person or persons aggrieved by the decision of the board of adjustment may appeal such decision in the courts of competent jurisdiction.
 - (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
 - (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
 - (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (c)(2) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (7) Upon consideration of the factors noted above and the intent of this article, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 4.05.001(c)).
 - (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (10) Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 1. Showing a good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (11) Variances may be issued by the board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

-
- a. The criteria outlined in subsections (d)(1) through (9) of this section are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 2014-022, art. IV, adopted 8/21/14)

Sec. 4.05.005 Flood hazard reduction standards; penalty

- (a) *General standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 - (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 - (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
 - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (8) All new and substantially improved residential structures, including, but not limited to, manufactured homes, shall have the ductwork and exposed plumbing and electrical components elevated to or above the base flood elevation.
 - (9) When a residential or nonresidential structure is intended to be constructed in an approximate A zone, a base flood elevation must be determined by using the same engineering standards and methods that are used to develop base flood elevations in a flood insurance study.
 - (10) At least one primary entry road to a residential structure shall be elevated to or above the base flood elevation to allow entry and exit of vehicles during a base flood event.
 - (11) When a residential or nonresidential structure is intended to be constructed outside of a special flood hazard area and less than 75 feet from a road, the lowest floor of the structure shall be elevated at least one foot above the natural grade or crown of the road.
 - (12) When fill or any other development is placed in the special flood hazard area that has an effect of reducing the storage volume of floodwaters in the special flood hazard area, then an equal amount of storage volume must be created in another location of the same watershed or drainage basin to compensate for the storage capacity lost.
 - (13) If fill material is to be used to elevate any structure in zones A, A1-30, AE, AO, AH, AR, or A99, the following shall apply:

Created: 2023-08-16 16:46:40 [EST]

(Supp. No. 1)

-
- a. Fill material must be compacted to at least 95 percent of standard laboratory maximum density (standard proctor) according to ASTM Standard D-698;
 - b. Fill soils must be fine grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM Standard D-2487, "Classification of Soils for Engineering Purposes." See table 1804.2 in the 2000 International Building Code (IBC) for descriptions of these soil types;
 - c. The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering properties must be the same in all directions.
- (14) Residential and nonresidential structures constructed within the shaded X zone shall be elevated so the lowest floor is one foot above the natural area.
- (15) All elevation requirements noted in this article shall be documented using the elevation certificate, FEMA 81-31, and shall be certified by a registered professional engineer or surveyor and shall be submitted to the floodplain administrator.
- (16) Small, detached accessory structures of 400 square feet or less in size and valued at \$3,000.00 or less are exempt from the requirements to elevate or dry floodproof nonresidential structures. Such structures must be anchored to resist flotation, collapse, and lateral movement; the portions of these structures located below the base flood elevation must be constructed of flood-resistant material; these structures must be designed to allow for automatic entry and exit of floodwaters; mechanical and utility equipment must be floodproofed to or above the base flood elevation; and the use of the structures must be limited to parking and/or limited storage.
- (b) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 4.05.003(b), section 4.05.004(b)(8), or subsection (c)(3) of this section, the following provisions are required:
- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to a minimum of one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard is satisfied.
 - (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated to a minimum of one foot above the base flood elevation and, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to a minimum level of one foot above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
 - (3) *Enclosures.* New construction and substantial improvements with fully enclosed areas below the lowest floor, other than a basement, which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.

-
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*
- a. Require that all manufactured homes to be placed within zone A on the city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the city's FIRM on sites: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage," be elevated on a permanent foundation such that the lowest horizontal structural member of the chassis of the manufactured home is elevated to a minimum of one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (b)(4) of this section be elevated on a permanent foundation such that the lowest horizontal structural member of the chassis of the manufactured home is elevated to a minimum of one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the city's FIRM either: (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 4.05.004(c)(1) and the elevation and anchoring requirements for "manufactured homes" in subsection (b)(4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
- (c) *Standards for subdivision proposals.*
- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 4.05.001(b), (c), and (d) of this article.
 - (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the floodplain development permit requirements of section 4.05.003(c) and section 4.05.004(c) and the provisions of this section.
 - (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 4.05.003(b) or section 4.05.004(b)(8) of this article.
 - (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

-
- (5) All subdivision proposals, including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - (6) A drainage study shall be conducted for all subdivisions of any size or development covering five or more acres within or outside of the special flood hazard area. Floodwaters originating within these areas shall not be allowed to drain from the area described in higher quantities or flow rates than existed under pre-development conditions. This shall be accomplished by the proper design and construction of detention, retention, and/or drainage systems.
- (d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in section 4.05.003(b) are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).
 - (2) All new construction and substantial improvements of nonresidential structures:
 - a. Shall have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, shall be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, such that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this subsection, as proposed in section 4.05.004(c), are satisfied.
 - (4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) *Floodways.* Located within areas of special flood hazard established in section 4.05.003(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge.
 - (2) If subsection (e)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
 - (3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, the city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the city first completes all of the provisions required by section 65.12.

-
- (4) The drilling of water, gas, and/or oil wells is prohibited within the boundaries of the regulatory floodway as delineated on the city's FIRM.
 - (5) The storage of hazardous materials, in any form, is prohibited within the boundaries of the regulatory floodway as delineated on the city's FIRM.
 - (f) *Penalty.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city council from taking such other lawful action as is necessary to prevent or remedy any violation.
- (Ordinance 2014-022, art. V, adopted 8/21/14)



AGENDA ITEM:	3. Discuss and consider possible action regarding Chapter 4, Article 4.10 - Antenna Facilities of the City Code of Ordinances. <i>(Nathan Glaiser, Director of Planning & Public Works)</i>
SUBMITTED BY:	
DATE SUBMITTED:	12/15/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. ARTICLE_4.10__ANTENNA_FACILITIES
2. PROPOSED DRAFT Antenna Ordinance Update 4.10.009 Local radio exemption

ARTICLE 4.10 ANTENNA FACILITIES

Sec. 4.10.001 Purpose

This article is adopted so that the city council may promote the public health, safety, morals and general welfare within the city through the regulation of antenna facilities. The purpose of this article is to provide for the orderly siting, placement, construction and modification of antenna facilities within the city limits. This article is intended to serve as a comprehensive ordinance that will adequately and equitably regulate antenna facilities.

(Ordinance 2006-022, § II, adopted 1/18/07)

Sec. 4.10.002 Definitions

In this article, the terms listed below shall be defined as follows:

Alternative tower structure means clock towers, bell steeples, light poles, and similar alternative antenna-mounting structures, except for residential structures. The alternative tower structure may be either a primary or an accessory use on any tract of land. This term includes buildings or other independent support structures such as water towers, church steeples, and utility poles.

Amateur radio and amateur (HAM) radio mean radio operations in the amateur service and as regulated by the FCC under 47 CFR part 97.

Antenna means any fixed exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves.

Antenna array means a single or group of antennas and their associated mounting hardware, transmission lines, or other appurtenances that share a common attachment device such as a mounting frame, mounting support, or antenna-supporting structure.

Antenna facilities means any antenna-supporting structure, its antenna, and any personal wireless service facilities, and unmanned equipment buildings. This term includes amateur radio towers and receive-only antennas.

Antenna-supporting structure means a vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the city antenna facilities ordinance device [sic] extends above the highest point of the building by more than ten feet.

City council means the governing body of the city.

Commercial mobile service means any mobile service (as defined by 47 U.S.C. section 153) that is provided for profit and makes interconnected service available:

- (1) To the public; or
- (2) To such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the FCC.

Emergency means a declaration of a state of emergency by a public official or other appropriate local, state or federal governmental authority.

FAA means the Federal Aviation Administration or successor agency having jurisdiction over antenna facilities.

FCC means the Federal Communications Commission or successor agency having jurisdiction over antenna facilities.

Height means, when referring to an antenna facility, tower or other structure, the distance measured from the finished grade of the structure to the highest point on the tower or structure, including the base pad and any antenna, and if the antenna is retractable, its height is the height when fully extended.

Nonconforming use means an antenna facility that lawfully predated the adoption of this article and any accompanying regulations that prohibit or restrict such use or structure. (See section 4.10.004(b).)

OSHA means the federal Occupational Safety and Health Administration or successor agency having jurisdiction.

Person means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless service facilities means facilities for the provision of personal wireless services.

Receive-only antenna means any tower or antenna that is used exclusively for reception only, including local television broadcast reception antennas, direct satellite antennas, or multichannel multipoint distribution services.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including the following antenna-supporting structures:

- (1) *Monopole antenna structure*: A self-supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.
- (2) *Lattice antenna structure*: A steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
- (3) *Guyed lattice antenna structure*: A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

Unlicensed wireless service means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in 47 U.S.C. section 303(v)).

Unmanned equipment building means an accessory building housing electronic and communication equipment as an associated and permitted part of a wireless communication system.

Wireless communication system means an antenna-supporting structure for mobile and land based telecommunication facilities, including antennas, whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, commercial mobile radio service and radio or television (commercial only) broadcasting towers and transmitting stations. This definition is inclusive of the placement of the above-referenced equipment on a monopole tower, lattice antenna structure, tower, guyed steel lattice tower and any other tower which does or does not utilize guy wire support in addition to related buildings or other independent support structures. This system shall also allow as one of its components an unmanned equipment building.

(Ordinance 2006-022, § III, adopted 1/18/07)

Sec. 4.10.003 Enforcement; penalties

- (a) *Civil and criminal penalties apply.* The city shall have the power to administer and enforce the provisions of this article as provided by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (b) *Criminal prosecution.* Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.
- (c) *Civil remedies.* Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to, the following:
 - (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
 - (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of this article and, after receiving notice, committed acts in violation of this article or failed to take action necessary for compliance with this article; and
 - (3) Other available relief.
- (d) *Affirmative defense.* It shall be an affirmative defense to prosecution for a violation of this article that compliance with the provision would prohibit or have the effect of prohibiting the provision of personal wireless services as defined by federal law or failing to reasonably accommodate amateur radio communications.

(Ordinance 2006-022, § XVI, adopted 1/18/07)

Sec. 4.10.004 Applicability

- (a) *New towers and antennas.* All antenna facilities constructed or erected after the effective date of this article within the corporate limits of the city shall be subject to these regulations, except as provided in subsection (b) of this section.
- (b) *Pre-existing towers or antennas.* Antenna facilities, including co-locations, lawfully constructed prior to the effective date of this article shall not be required to meet the requirements of this article unless they become more than 50 percent damaged or modifications exceed 50 percent of the value of the antenna or tower. Pre-existing antenna facilities that do not comply with this article shall be regarded as nonconforming uses.

(Ordinance 2006-022, § IV, adopted 1/18/07)

Sec. 4.10.005 Zoning regulations

- (a) Antenna facilities shall be subject to all restrictions applying to the relevant zoning districts in which the antenna facilities are located.
- (b) Antenna facilities shall be conditional uses in all zoning districts except for noncommercial, amateur (ham) radio or citizen's band radio antenna-support structures, antennas or antenna arrays. Antenna facilities shall be treated as accessory uses requiring a conditional use permit, except as otherwise provided by this article.

(Ordinance 2006-022, § V, adopted 1/18/07)

Sec. 4.10.006 Building permit

- (a) *Required.* It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any antenna facility without first making application to the city and securing a building permit as provided by city ordinances.
- (b) *Exceptions.* Building permits are not required for:
 - (1) Adjustment, replacement or repair of the elements of an antenna array affixed to an antenna facility.
 - (2) Antenna facilities erected temporarily after an officially declared emergency for emergency communication or for broadcast remote pickup operations. Antenna facilities erected under this subsection must be removed within 72 hours from the date that the emergency is over.
 - (3) Receive-only antennas 25 feet in height or less.
 - (4) Noncommercial, amateur (HAM) radio or citizen's band radio antenna-supporting structures, antennas or antenna arrays 25 feet in height or less.
 - (5) Co-location of additional antennas on existing antenna facilities that have obtained the necessary permits.

(Ordinance 2006-022, § VI, adopted 1/18/07)

Sec. 4.10.007 Conditional use permit

- (a) *Required.* It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any antenna facility without first making application to the city and securing a conditional use permit as hereinafter provided.
- (b) *Exceptions.* Conditional use permits are not required for:
 - (1) Adjustment, replacement or repair of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
 - (2) Antenna facilities erected temporarily for emergency communication or for broadcast remote pickup operations. Antenna facilities erected under this subsection must be removed within 72 hours from the date that the emergency is over.
 - (3) Noncommercial, amateur (HAM) radio or citizen's band radio antenna-supporting structures, antennas or antenna arrays.
 - (4) Receive-only antennas less than 12 feet above the peak of the roof of a building.
 - (5) Co-location of additional antennas on existing antenna facilities that have obtained the necessary city permits or are nonconforming uses.
- (c) *Application.* The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna facility will not create a safety hazard or damage to the property of other persons. In addition to the information required elsewhere in this article, conditional use permit applications for antenna facilities shall include the following information:
 - (1) A report from a qualified and licensed professional engineer which:
 - a. Describes the antenna facility height and design including a cross-section and elevation;

Created: 2023-08-16 16:46:41 [EST]

(Supp. No. 1)

-
- b. Documents the height above grade for all potential mounting positions for co-located antenna facilities and the minimum separation distances between antenna facilities;
 - c. Describes the antenna facility's capacity, including the number and type of antennas that it can accommodate;
 - d. Includes an engineer's stamp and registration number;
 - e. Includes other information necessary to evaluate the request; and
 - f. Prior to the installation of a roof-mounted antenna, the city shall be provided with an engineer's certification that the roof will support the proposed antenna facility and associated roof-mounted equipment or that adequate modifications will be made to reinforce the roof.
- (2) For all towers proposed for commercial use, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use and shared use will not unreasonably interfere with use by the existing user.
- (3) Before the issuance of a conditional use permit, the following supplemental information shall be submitted:
- a. Proof that the applicant has obtained the necessary authorization from the FAA and FCC, as applicable.
 - b. A report from a qualified and licensed professional engineer that demonstrates the antenna facility's compliance with the aforementioned structural and electrical standards and section 4.10.009 below.
- (4) Documentation of the applicant's mitigation plan, which at a minimum shall include proposed landscaping, screening and security measures.
- (5) Lists of other tower facilities owned or operated by the applicant within the city.
- (6) Such other information as may be required by the applicable provisions of the zoning ordinance.
- (d) *Application, inspection and engineering fees.* The fee to be paid for conditional use permit applications and inspections is that prescribed by ordinance of the city council. In addition to the fee specified above, the applicant shall reimburse the city for the actual cost to the city for the services of an engineer should one be required to review the application and provide engineering expertise to the city, up to a maximum of \$5,000.00.

(Ordinance 2006-022, § VII, adopted 1/18/07)

Sec. 4.10.008 Denial of permit applications

In the event that the city council ultimately denies an application for a building permit and/or a conditional use permit under the provisions of this article, the council will provide the applicant with a written record of such denial supported by substantial evidence.

(Ordinance 2006-022, § VIII, adopted 1/18/07)

Sec. 4.10.009 Construction requirements

- (a) *General requirements.* Except as provided in sections 4.10.011 and 4.10.012 hereof, all antenna facilities erected, constructed, placed or sited within the city, and all wiring therefor, shall comply with the following requirements:
 - (1) All applicable provisions of this article and other applicable ordinances of the city.
 - (2) Antenna facilities shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the city's commercial building code.
 - (3) Antenna facilities shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the city's electrical code.
 - (4) All signal and remote control conductors of low energy extending substantially above the ground, between an antenna facility and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
 - (5) Every tower affixed to the ground shall be protected to discourage climbing of the antenna facility by unauthorized persons. Such protection may include, but is not limited to security fencing.
 - (6) All antenna facilities shall be constructed to conform with requirements of the federal Occupational Health and Safety Act.
- (b) *Number of antenna facilities.* Only one tower shall exist at any one time on any one lot or parcel located in a residential zoning district, as established by the city's comprehensive zoning ordinance.
- (c) *Design requirements.* Proposed or modified towers and antennas shall meet the following design requirements:
 - (1) A site plan demonstrating the surrounding topography and existing structures, tree cover, and vegetation. The site plan shall also include proposed landscaping and screening measures designed to minimize the adverse impacts of the antenna facility on adjacent properties and scenic views.
 - (2) Design plans explaining the applicant's plans to construct, paint, or architecturally camouflage the antenna facility so to minimize the adverse impacts of the antenna facility on adjacent properties and scenic views.
- (d) *Setbacks.* Antenna facilities shall conform with each of the following minimum setback requirements:
 - (1) Except as allowed pursuant to subsection (d)(4), the required setback for antenna facilities not rigidly attached to a building shall be equal to the cumulative height of the antenna facilities.
 - (2) No antenna facilities shall be in excess of a height equal to the distance from the base of the antenna facility to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five feet.
 - (3) At a minimum, antenna facilities shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
 - (4) Antenna facilities shall be set back from the planned public rights-of-way as shown on the most recently adopted master street plan of the city by a minimum distance equal to one-half of the height of the tower including all antennas and attachments.
 - (5) Antenna facilities shall not be located between a principal structure and a public street, with the following exceptions:

-
- a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b. On sites adjacent to public streets on all sides, antenna facilities may be placed within a side yard abutting a local street.
 - c. An antenna facility's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the city, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
- (e) *Height.* All proposed antenna facilities shall comply with the following height restrictions:
- (1) In all overlay zoning districts, the maximum height of any antenna facility shall be 25 feet.
 - (2) In all residential zoning districts not within an overlay district, the maximum height of any antenna facility shall not exceed one foot for each four feet the tower is set back from adjoining residential property up to a maximum height of 60 feet.
 - (3) In all other zoning districts, the maximum height of any antenna facility, including all antennas and other attachments, shall not exceed one foot for each two feet the tower is set back from residential property up to a maximum height of 150 feet.
- (f) *Illumination; platforms and similar structures.* No antenna facilities in any residential zoning district shall have affixed or attached in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the FAA, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
- (g) *Signs and advertising.*
- (1) The use of any portion of an antenna facility for signs other than identification, warning or equipment information signs is prohibited.
 - (2) All antenna facilities must bear a sign identifying the owner of the antenna facility and providing an emergency telephone number. The sign must be no smaller than one square foot and must be located outside the facility in a location clearly visible from the adjacent public right-of-way.
- (h) *Accessory utility buildings.* All utility buildings and structures necessary to an antenna facility shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (i) *Abandoned or unused towers or portions of towers.* All abandoned or unused antenna facilities and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application for a conditional use permit. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.
- (j) *Antennas mounted on roofs, walls and existing towers.* The placement of wireless telecommunication antennas or antenna facilities on roofs, walls, and existing towers may be approved by the city provided the antenna facilities meet the requirements of this article.
- (k) *Inspections.* All antenna facilities may be inspected at least once each year by a designated official of the city to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this article.

(Ordinance 2006-022, § IX, adopted 1/18/07)

Sec. 4.10.010 Co-location requirements

- (a) An application for a conditional use permit for a new antenna facility shall not be approved unless the city finds that the equipment planned for the proposed antenna facility cannot be accommodated on an existing or approved tower or building within a one mile search radius (one-half mile search radius for towers under 120 feet in height, one-quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved antenna facility or building, as documented by a qualified and licensed professional engineer, and the existing or approved antenna facility cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the antenna facility or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - (4) Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing or approved tower or building.
- (b) Any tower proposed for commercial use shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(Ordinance 2006-022, § X, adopted 1/18/07)

Sec. 4.10.011 Receive-only antenna facilities

Receive-only antennas shall be considered as permissible accessory uses in all zoning districts.

(Ordinance 2006-022, § XI, adopted 1/18/07)

Sec. 4.10.012 Amateur wireless facilities

- (a) *Exemption for certain facilities.* All noncommercial, amateur (HAM) radio or citizen's band radio antenna facilities that are less than 40 feet in height in residential, [or] neighborhood service districts and overlay districts and 65 feet in height in all other zoning districts are exempt from the provisions of this article except as provided below, and in section 4.10.006 (building permit), notwithstanding any other provision(s) contained in zoning codes of the city; however, any person constructing and/or operating an antenna-supporting structure, antenna or antenna array less than the heights enumerated above shall, upon request from the city building official, provide evidence of a valid FCC amateur radio license, or other authorization for operation of an amateur radio facility. Failure to demonstrate a valid license upon request shall be cause for issuance of a code violation citation in accordance with the provisions of section 4.10.003 of this article, and the person shall either furnish evidence of a valid FCC license or remove the antenna-supporting

Created: 2023-08-16 16:46:41 [EST]

(Supp. No. 1)

structure, antenna or antenna array within 15 days of the issuance of the aforementioned citation. Noncommercial, amateur (HAM) radio or citizen's band antenna-supporting structures, antennas or antenna arrays with heights greater than as provided above shall be regulated in accordance with subsection (b) of this section.

- (b) *Requirements for amateur wireless facilities in excess of 40 feet in residential and neighborhood service districts or in excess of 65 feet in other zoning districts.* An applicant proposing an amateur wireless facility in excess of 40 feet in residential [or] neighborhood service districts and overlay districts or in excess of 65 feet in all other zoning districts shall be required to obtain a special permit.

(1) *Application requirements.*

- a. Site plan application in accordance with the site plan requirements, section 9.03.183 of the zoning regulations;
- b. Applicant's copy of a current, valid FCC amateur radio license, or other authorization for operation of an amateur radio facility; and
- c. Site plan sketch showing all proposed structures (e.g., support structures, anchorage) and setbacks from such structures to property boundaries.

(2) *Approval criteria.*

- a. Said facility shall be accessory to a legal, principal use on the site (e.g., a residence);
- b. Antenna facilities shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located, but in all events the setback requirements for fixed antenna facilities shall be at least 110 percent of the antenna facility's height;
- c. The applicant shall commit in writing and demonstrate to the building inspector that the facility will be erected in accordance with manufacturer's recommendations;
- d. If more than 220 volts are present in the ground grid or in the tower, the building inspector shall require the attachment of a sign to the tower that shall display in large bold letters the following: "HIGH VOLTAGE—DANGER";
- e. The applicant shall comply with the requirements of sections 4.10.009(f), (g)(1), (i), and (k);
- f. The applicant shall furnish evidence that the proposed facility meets or exceeds FCC guidelines for radio frequency radiation exposure;
- g. All applications for new or expanded amateur wireless facilities must be accompanied by a sworn certification that the proposed facility complies with applicable deed restrictions (i.e., restrictive covenants) if any;
- h. No antenna over 120 feet shall be allowed and any [no] antenna over 60 feet in residential districts or over 75 feet in all other districts shall be constructed unless the antenna is retractable to 60 feet or less in residential districts or 75 feet or less in all other districts. All retractable antennas must be retracted when not in use; and
- i. Certification by a qualified and licensed professional engineer that the amateur antenna facility complies with the latest structural standards and wind loading requirements of the city's commercial building code.

(Ordinance 2006-022, § XII, adopted 1/18/07)

Sec. 4.10.013 Variances

- (a) *Criteria for variances.* In order to reasonably accommodate new antenna facilities, the city board of adjustment is authorized in specific cases to issue a variance from the strict and literal terms of this article if the board finds as follows:
- (1) The variance is not contrary to the public interest;
 - (2) Due to special conditions, a literal enforcement of this article would result in unnecessary hardship;
 - (3) The spirit of this article will be observed and substantial justice will be done; and
 - (4) Strict application of the regulation would prohibit or have the effect of prohibiting personal wireless services as defined by federal law, or unreasonably fail to accommodate amateur radio communications.
- (b) *Procedure for appeals to board of adjustment.* Any entity that desires to erect or use antenna facilities that would be prohibited by this article or other regulations of the city dealing with zoning and land use may apply for a variance according to the following procedures:
- (1) *Application and fee.* An application for a variance by the board of adjustment shall be made in writing using forms prescribed by the board and shall be accompanied by an application fee, a site plan and/or additional information as the board may require in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.
 - (2) *Review and report by city.* The mayor or the mayor's designee shall visit the site where the proposed variance will apply and the surrounding area and shall report his/her findings to the board.
 - (3) *Notice and public hearing.* The board of adjustment shall hold a public hearing for consideration of the variance request no later than 45 days after the date the variance request is filed. Notice of the public hearing shall be provided to all property owners within 200 feet of the affected property at least ten days prior to the public hearing and also published in the official local newspaper at least ten days prior to the public hearing.
 - (4) *Action by board of adjustment.* The board of adjustment shall not grant a variance unless it finds, based upon compelling evidence, that the applicant has established each of the conditions in subsection (a) of this section. The board may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this article.
 - (5) *Finality of decisions; judicial review.* All decisions of the board are final and binding. However, any person aggrieved by a decision of the board may present a verified petition to a court of record that states that the decision of the board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten days after the decision is filed with the city secretary. Subject to the provisions of V.T.C.A., Local Government Code, § 211.011, only a court of record may reverse, affirm or modify a decision of the board.

(Ordinance 2006-022, § XIII, adopted 1/18/07)

Sec. 4.10.014 Additional requirements

The provisions of this article are to 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 that are inconsistent with or in conflict with any of the provisions of this article are hereby expressly repealed to the extent of any such inconsistency or conflict.

(Ordinance 2006-022, § XIV, adopted 1/18/07)

ORDINANCE 2024-XX

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4.10 – ANTENNA FACILITIES, OF THE CITY OF WIMBERLEY CODE OF ORDINANCES, BY AMENDING THE CONSTRUCTION REQUIREMENTS REGARDING HEIGHT RESTRICTIONS AND SETBACKS; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council adopted Ordinance 2006-002, which created the regulations for Antenna Facilities; and

WHEREAS, the City Council finds that the amended regulations reasonably accommodate radio communications, especially for the purpose of emergency communications; and

WHEREAS, Section 4.10.009 is hereby amended as set forth below:

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

1. Section 4.10.009 entitled “Construction requirements”, of the Codified Ordinances of the City of Wimberley is hereby amended as follows (with a ~~strike through~~ meaning such languages is deleted and an underlining meaning such language is added):

(1) *Exceptions.* Antenna facilities operated by local radio stations involved in the broadcast of emergency communications for the city shall be exempt from subsections (d) and (e) of this section. The appropriate location and height of antenna facilities operated by local radio stations involved in the broadcast of emergency communications for the city shall be at the discretion of City Council.

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 ____ day of January, 2024, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

ATTEST:

By: _____
Gina V. Fulkerson, Mayor

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	4. Discuss and consider possible action regarding a Contract for Election Services with the Hays County Elections Administrator to conduct the May 4, 2024 General Election for the City of Wimberley. <i>(Tammy Heller, City Secretary)</i>
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Contract for Election Services between the Elections Administrator of Hays county, Texas and the City of Wimberley is attached for review. The City has previously contracted with Hays County for these services.

The Ordinance calling for the election will be considered at the February 15, 2024, City Council Meeting, to adhere to the recommended and statutory deadline for ordering the election.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

Fiscal Year (FY) 2024 Budget allocated \$6,500.00 for City Elections in line item 100-17-6590.

STAFF RECOMMENDATION

Approval of the Contract for Election Services between the Elections Administrator of Hays County, Texas and the City of Wimberley.

ATTACHMENT/S

1. Contract for Election Services 2024

CONTRACT FOR ELECTION SERVICES

This **Contract for Election Services ("Contract")** is made and entered into by and between the **Elections Administrator of Hays County, Texas ("Contracting Officer")** and the **City of Wimberley ("City")** pursuant to the authority under Section 31.092(a) of the Texas Election Code.

RECITALS

GENERAL PROVISIONS.

- A. The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of the City. For purposes of this Contract the term "Election" will include any resulting recount or election contest. It will also apply to any election to resolve a tie.
- B. The Contracting Officer is hereby appointed to serve as the City's Election Day Officer and Early Voting Clerk to conduct the Election for those areas of the City located within the contracting jurisdiction. As Election Officer and Early Voting Clerk, the Contracting Officer will coordinate, supervise and conduct all aspects of administering voting in connection with the Election in compliance with all applicable laws.
- C. The City agrees to commit the funds necessary to pay for Election-related expenses for the City's Election.
- D. The Contracting Officer has the right to enter into agreements with other entities at any time and may require that authorities of City's holding elections on the same day in all or part of the same territory to enter into a joint election agreement as authorized in Chapter 271 of the Texas Election Code. The City agrees to enter into a joint election agreement required by Hays County.
- I. **RESPONSIBILITIES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following services and furnishing the following material and equipment in connection with the Election:

A. Nomination of Presiding Judges and Alternate Judges. The Contracting Officer shall recommend appointment of Election Day presiding and alternate judges, central accumulation station judges, and the Early Voting Ballot Board (EVBB) presiding judge, all of whom shall meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code.

B. Notification to City. The Contracting Officer shall provide the City with the most up-to-date list of presiding and alternate judges at least three weeks before the statutory deadline to order the Election.

C. Notification to Presiding and Alternate Judges; Appointment of Clerks.

1. The Contracting Officer shall notify each presiding and alternate judge of his or her appointment. The notification will also include the assigned polling station, the date of the election training(s), the date and time of the Election, the rate of compensation, the number of clerks the judge may appoint, the eligibility requirements for Election workers, and the name of the presiding or alternate judge as appropriate.
2. The election judge will make the clerk appointments in consultation with the Contracting Officer. If a presiding judge or the alternate judge does not speak both English and Spanish, and the election precinct is one subject to Section 272.002 and 272.009 of the Texas Election Code, the Contracting Officer shall ensure that a bilingual election clerk is appointed. The Contracting Officer shall notify the clerks of the same information that the judges receive under this section.

D. Election Training. The Contracting Officer shall be responsible for conducting Election training for the presiding judges, alternate judges, clerks, and early voting deputies in the operation and troubleshooting of the Verity Duo Hybrid voting system and the conduct of elections, including qualifying voters, issuing ballot style codes, maintaining order at the polling location, and conducting provisional voting.

E. Logic and Accuracy Testing. In advance of Early Voting (including the sending of any mail ballots), the Contracting Officer, the tabulation supervisor, and the other members the Contracting Officer designates for the testing board shall conduct all logic and accuracy testing in accordance with the procedures set forth

by the Texas Election Code and under guidelines provided by the Secretary of State's office. The Contracting Officer shall also be responsible for the publication of the required notice of such testing.

- F. Election Supplies.** The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day (and to the Early Voting clerks during Early Voting) the following Election supplies: election and early voting kits (including the appropriate envelopes, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and subchapter B of chapter 66 of the Texas Election Code) seals, sample ballots, thermal paper rolls for use in the Verity Controllers, batteries for use in the voting system equipment, supplies for the electronic poll books, and all consumable type office supplies necessary to hold an Election.
- G. Registered Voters List.** The Contracting Officer shall provide lists of registered voters required by law for use on Election Day and for the Early Voting period.
- H. Notice of Previous Polling Place.** The Contracting Officer shall post notices of a change in a polling place at the entrance to the previous polling location. Section 43.062 of the Texas Election Code provides that the notice shall state the location has changed and give the location of the new polling place. The City Secretary will ensure that Public Notice is also provided via published notice, on the City's website and on all City social media outlets.
- I. Election Equipment.** The Contracting Officer shall prepare and distribute the Verity Duo Hybrid Voting System components from Hart Intercivic, Inc. ("Hart") for the Election. This voting System includes the equipment referred to as "Duo" and Verity Controllers". Each polling location will have at least one voting machine that is accessible to disabled voters to provide a practical and effective means for voters with disabilities to cast a secret ballot.
- J. Ballots.** The Contracting Officer or designee shall be responsible for the preparation, printing, programming and distribution of English and Spanish ballots and sample ballots, including the mail ballots, based on the information provided by the City, including the names of the candidates, names of the offices sought, order of names on the ballot, propositions on the ballot, and the Spanish translation of the offices and any propositions. The ballot will be prepared in these formats: Verity Duo Hybrid Voting System, paper, and auditory.
- K. Applications for Mail Ballots.** The City and Contracting Officer agree that early voting by mail ballots shall be processed in accordance with the applicable

provisions of the Texas Election Code and that 120 Stagecoach Trail, San Marcos, Texas 78666 is the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent for the City.

L. Early Voting. In accordance with Sections 31.096 and 32.097(b) of the Texas Election Code, the Contracting Officer shall serve as the Early Voting Clerk for the Election.

1. The Contracting Officer shall supervise and conduct the early voting by mail and by personal appearance and shall secure personnel to serve as Early Voting Deputies.
2. The Contracting Officer shall receive mail ballot applications on behalf of the City. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or deputies at the Records Building located at the Hays County Government Center at 120 Stagecoach Trail, San Marcos, Texas 78666. Applications for mail ballots sent to the City shall be promptly faxed to the Contracting Officer at (512) 878-6699 or emailed to elections@co.hays.tx.us for timely processing and then the original sent application forwarded to the Contracting Officer for proper retention.
3. Early voting ballots shall be secured and maintained at the Records Office at 120 Stagecoach Trail, San Marcos, Texas 78666. In accordance with Chapter 87 of the Texas Election Code. The Early Voting Ballot Board shall meet at the same location unless posted differently.
4. Early Voting by personal appearance for the Election shall be conducted during the hours and time period and at the locations as determined by the Contracting Officer in consultation with the City and in accordance with the Texas Election Code.

M. Election Day Activities.

1. The Contracting Officer and staff shall be available from 6:00 am until the completion of the vote counting on Election Day to render technical support and assistance to voters and Election workers.
2. The Contracting Officer and staff shall prepare and conduct Election Night intake of election equipment, supplies, and records.
3. The Contracting Officer and designee shall serve as central counting station manager and tabulation supervisor, counting the votes in conjunction with the Early Voting Ballot Board and the Central Counting Station judges.

4. Election Day polling locations are determined by the Contracting Officer in consultation with the City and in accordance with the Texas Election Code. The Contracting Officer shall arrange for the use of all polling places and shall arrange for the setting up of the polling location including tables, chairs and voting booths.

N. Election Night Reports. The Contracting Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the City via email as soon as they are prepared and may be released under law, but no earlier than 7:00 pm on Election Day. The tabulation reports may also be provided to other counties as necessary for the Election. As soon as reasonably possible, the Contracting Officer will post all reports for public review on the Hays County Elections website at www.co.hays.tx.us/elections.

0. Provisional Votes/ Determination of Mail Ballots Timely Received under Section 86.007(d) of the Texas Election Code. The Contracting Officer, serving as the Voter Registrar, shall retain the provisional voting affidavits and shall provide the factual information on each of the voters' status. The Contracting Officer shall reconvene the EVBB after the Election within the time set forth in Section 65.051 of the Texas Election Code for the purpose of determining the disposition of the provisional votes. At the same time, the EVBB will review mail ballots timely received under Section 86.007(d) of the Texas Election Code to determine whether such will be counted and to resolve any issues with such ballots.

P. Canvass Material Preparation. Promptly after determination of the provisional votes and resolution of any mail ballots, the Contracting Officer shall work with the EVBB and tabulation supervisor to tally the accepted provisional votes and resolved mail ballots, amend the unofficial tabulations, and submit new official tabulations to the City. These reports will serve as the canvass materials for the City.

Q. Custodian of Election Records. The Election records will be submitted to the City except for those records that must be maintained by the Contracting Officer as Voter Registrar in accordance with Section 66.051 of the Texas Election Code. The Contracting Officer is hereby appointed the custodian of voted ballots (which in the case of the ballots cast on the Verity Duo Hybrid voting system consist of the paper backup) and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law. The Contracting Officer shall also maintain custody of the records pertaining to the operation of the Verity Controllers and Duo.

R. Recount.

1. The City shall advise the Contracting Officer if a recount is required by law or requested and the Contracting Officer and the City shall discuss how such recount is to be conducted. The City shall reimburse the Contracting Officer for the cost of such recount which is not included in the original cost estimate.
- S. **Schedule for Performance of Services.** The Contracting Officer shall perform all Election services in accordance with and in compliance with the time requirements set out in the Texas Election Code.
- T. **Contracting with Third Parties.** In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third parties for Election services and supplies. The cost of such third-party services and supplies will be paid by the Contracting Officer and reimbursed by the City.
- U. **Department of Justice Preclearance for General Elections.** If required by law, any changes to the general conduct of voting in Hays County will be precleared through the United States Department of Justice by the Contracting Officer with copies of the submission and response e-mailed to the City.

II. **RESPONSIBILITIES OF THE CITY.** The City shall perform the following responsibilities:

- A. **Election Orders, Election Notices, and Canvass.** The City shall be responsible for the preparing, adopting, publishing, and posting of all required election orders, resolutions, notices and other documents, including bilingual materials, evidencing action by the City of all actions necessary to call the Election. The City shall be responsible for conducting the official canvass of the Election.
- B. **Map/Annexations.** The City shall provide the Contracting Officer with an updated map and street index (including address numbers) of its jurisdiction in and electronic or printed format and shall advise the Contracting Officer in writing of any new developments, annexations or de-annexations and any other changes to the master voter registration list within the jurisdiction.
- C. **Department of Justice Preclearance for Special Elections.** If required by law, the City shall be individually responsible for obtaining appropriate preclearance from the United States Department of Justice for any special elections.
- D. **Ballot Information.** The City shall prepare the text for the City's official ballot in English and Spanish and provide to the Contracting Officer as soon as possible at the end of the period for ordering the Election or filing for candidacy. The ballot information shall include a list of propositions showing the order and

the exact manner in which the candidates' name shall appear on the ballot. The City shall promptly review for correctness the ballot when requested by the Contracting Officer to do so prior to the finalization and shall approve by e-mail or by signature in person.

E. Precinct Reports to the Texas Secretary of State. Based on information provided by the Contracting Officer, the City shall prepare and file all required precinct reports with the Texas Secretary of State.

F. Annual Voting Report. The City shall be responsible for filing its annual voting system report to the Texas Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

III. SPECIAL PROVISIONS RELATED TO ELECTION WORKERS

A. Number of Election Workers at Election Day Polling Locations. It is agreed by the Contracting Officer and the City that there will be at least three Election workers at each Election Day polling location: the presiding judge, the alternate judge, and at least one election clerk appointed by the presiding judge. The number of necessary clerks is derived from the number of Elections at the poll and the number of registered voters at the poll.

B. Compensation for Election Workers. The Contracting Officer shall compensate all Election workers in accordance with the Contracting Officer's established compensation policies, in accordance with the Texas Election Code and using the rates set by the Hays County Commissioners Court for county elections. The Contracting Officer shall pay the workers and be reimbursed by the entities sharing the polling locations.

IV. PAYMENT

A. Charges and Distribution of Costs. In consideration of the joint election services provided by the Contracting Officer, the City will be charged a share of the Election costs and an administrative fee. The costs distribution is set forth in the Joint Election Agreement. The costs to be paid by the City are set forth in the Cost Estimate.

B. Administrative Fee. The Contracting Officer shall charge a fee equal to 10% of the City's share of the cost of the Election or a minimum of \$75.00.

C. Equipment Rental Fee. Per Section 123.032(d) of the Texas Election Code, the Hays County Commissioners Court has set the equipment rental fee at \$175 each per controller, per Verity Duo, per scanner, per Tenex touchpad component. If the County acquires additional equipment during the term of the Contract, the charge for the use of the equipment may be reset by the Hays County Commissioners Court.

D. Payment. The Contracting Officer's invoice shall be due and payable to the address set forth in the invoice within 30 days from the date of receipt by the City.

V. TERM AND TERMINATION

A. Initial Term. The initial term of the contract shall commence upon the last party's execution hereof and shall continue thereafter in full force and effect for one year, subject to the termination rights set forth herein.

B. Renewal. Subject to the termination rights set forth herein, this Contract shall be renewed annually.

C. Termination. If either party wishes to terminate this Contract for convenience or for cause, the party must provide not less than ninety (90) days' written notice to the other party and allow for discussion of the desired outcome and options to reach the desired outcome. In the event of termination, it is understood and agreed that only the amounts due to the Contracting Officer for services provided and expenses incurred will be due and payable.

VI. MISCELLANEOUS PROVISIONS

A. Nontransferable Functions. In accordance with Section 31.096 of the Texas Election Code, nothing in this Contract shall authorize or permit a change in:

1. The authority with whom or the place at which any document or record relating to the Election is to be filed;
2. The officers who conduct the official canvass of the Election returns;
3. The authority to serve as custodian of voted ballots or other Election records; or
4. Any other nontransferable function specified under Section 31.096 or other provisions of law.

B. Cancellation of Election. If the City cancels its Election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be entitled to receive an administrative fee of \$75. The Contracting Officer shall submit an invoice for the administrative fee as soon as reasonably possible after the cancellation, and the City shall pay the fee.

C. Contract Copies to Treasure and Auditor. In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of the Contract with the County Treasurer and the County Auditor of Hays County, Texas.

D. Election to Resolve a Tie. In the event that an Election is necessary to resolve a tie vote, the terms of the Contract shall extend to the second Election, except:

1. The City and the Contracting Officer will agree upon the date of the Election and the early voting schedule subject to provisions of the Election Code and with regard to other elections being conducted by the Contracting Officer.
2. The City will be responsible for any Department of Justice preclearance submission under Section 5 of the Federal Voting Rights Act.
3. An attempt will be made to use the Election workers that worked in the first Election; those poll workers will not have additional training provided by the Contracting Officer.
4. The cost of the Election will be borne by the City; the Contracting Officer will work with the City on cost management.

E. Amendment/Modification. Except as otherwise provided, this Contract may not be amended, modified, or changed in any respect except in writing, duly executed by the parties hereto. Both the Contracting Officer and the City may propose necessary amendments or modifications to this Contract in writing in order to conduct the Election smoothly and efficiently, except that any such proposals must be approved by the Contracting Officer and the governing body of the City or its authorized agent, respectively.

F. Severability. If any provision of the Contract is found to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Contract and parties to this Contract shall perform their obligations under this Contract in accordance with the intent of the parties to this Contract as expressed in the terms and provisions.

G. Force Majeure. Either of the parties to this Agreement shall be excused from any delays and/or failures in the performance of the terms and conditions of this Contract, to the extent that such delays and/or failures result from causes beyond

the delaying/failing party's reasonable control, including but not limited to war (whether declared or not), armed conflict or the serious threat of the same (including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization, civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience, act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine, social distancing, isolation or other behavioral restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, earthquake, landslide, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment and of any kind of installation, prolonged breakdown of transport, telecommunication or electric current; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject party ("force majeure event ") whether foreseeable or unforeseeable by the parties at the time of the execution of this Agreement. Any delaying/failing party shall, with all reasonable diligence, attempt to remedy the cause of delay and/or failure and shall recommence all remaining duties under this Agreement within a reasonable time of such remedy, or, when applicable, on the next available dates under the Texas Election Code.

H. Representatives. For the purposes of implementing this Contract and coordinating activities, the Contracting Officer and the City designate the following individuals for submission of information, documents and notice:

For the Contracting Officer:

Jennifer Doinoff
Elections Administrator - Hays County
120 Stagecoach Trail
San Marcos, Texas 78666
Tel: (512) 393-7310
Fax: (512) 878-6699
Email: janderson@co.hays.tx.us

For the City of Wimberley:

Tammy Heller
City Secretary - City of Wimberley
221 Stillwater
Wimberley, Texas 78676
Tel: (512) 847-0025
Fax: (512) 847-0422
Email: tcook@cityotwimberley.com

Witness by my hand this 4th day of January, 2024

Contracting Officer:

Jennifer Doinoff, Elections Administrator
Hays County, Texas

Witness by my hand this the 4th day of January 2024.

Local Political Subdivision:

Name of Entity: City of Wimberley

Printed Name: Tammy Heller

Official Capacity: City Secretary

City Secretary/Election Coordinator



AGENDA ITEM:	5. Discuss and consider possible action regarding a Joint Election Agreement between Hays County and the City of Wimberley. <i>(Tammy Heller, City Secretary)</i>
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Joint Election Agreement between the City of Wimberley and Hays County is required in addition to the Contract for Election Services, since Hays County is a part of the Texas Countywide Polling Place Program. Vote centers allow Hays County voters to choose from any polling place, within the county, to cast their vote during early voting and on Election Day. All elections held in Hays County are considered joint.

There is a cost sharing formula included in the Agreement (Section 9, pg. 2). Wimberley will only be charged based on the number of registered voters in the upcoming May 4, 2024 General Election.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

Fiscal Year (FY) 2024 Budget allocated \$6,500.00 for City Elections in line item 100-17-6590.

STAFF RECOMMENDATION

Approval of Joint Elections Agreement between Hays County and the City of Wimberley.

ATTACHMENT/S

1. Joint Election Agreement_Hays County and City of Wimberley 2024

JOINT ELECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WIMBERLEY

This Joint Election Agreement ("Agreement") is entered into on January 4, 2024, between the City of Wimberley, (the "City") 221 Stillwater, Wimberley, Texas 78676 and Hays County (the "County"), 120 Stagecoach Trail, San Marcos, Texas 78666, collectively referred to as the Parties.

This Agreement is authorized by Chapter 31 of the Texas Election Code, Chapter 791 of the Texas Government Code and Section 271.002 and 271.003 of the Texas Election Code. The Parties to the Agreement agree as follows:

Section 1. *Scope of Agreement.* The City enters into this Agreement for the conduct of the elections to be held from January 4, 2024 to January 3, 2025.

Section 2. *Appointment of Election Officer.* The City appoints the Hays County Elections Administrator to serve as the Election Officer (the "Officer") in order to perform and supervise the duties and responsibilities of the Election Officer for any election from January 2024 through December 2024.

Section 3. *Early Voting Polling Locations.* To facilitate the administration of elections, and as a convenience to the voters, during the early voting period established by statute, the City agrees to designate the Hays County Election Administrator's Office, 120 Stagecoach Trail, San Marcos, Texas 78666 as the main early voting polling place for the City. Furthermore, the City agrees to designate temporary branch early polling places in accordance with Section 85.062, Election Code, V.T.C.A. as called out in the latest Election Orders.

Section 4. *Voting by Mail Ballot.* The City and County agree that early voting by mail ballot shall be conducted in accordance with the applicable provisions of the Texas Election Code and that 120 Stagecoach Trail, San Marcos, Texas 78666 is the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent for the City.

Section 5. *Election Day Polling Locations.* Election Day voting shall be held in approved vote centers where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of the City.

Section 6. *Election Day.* On Election Day, all forms used in the conduct of the election, including but not limited to the poll list, signature roster, ballot registers, expense accounts, and all oaths and certificates will be used jointly by the two agencies. All forms will be returned to the Hays County Election Administrator who shall keep them in her custody for the period of time prescribed by the Texas Election Code. The County agrees to furnish the City with copies of any election documents upon the City's request at no charge.

Section 7. Use of Common Ballot. It is agreed by the parties to this Agreement that a common ballot will be used for joint elections. The USB ("USB") containing the voted ballots for an election will be delivered by the Election Judges to the Hays County Election Administrator's office at 120 Stagecoach Trail, San Marcos, Texas and the USB'S will remain in the Hays County Election Administrator's custody, except that the County agrees to provide the City with the necessary documentation, if requested, for canvass of an election or in the event the voted ballots are required for a recount or any court proceedings in which the City may be a party. The County agrees to maintain custody of the USB'S containing the voted ballots for the period of time prescribed by the Texas Election Code. All USB'S that are not placed in active voting equipment will remain locked in the Officers' office. USB'S will not be replaced without being logged out and checked out by the Officer at any time during an election. An audit shall be conducted to ensure that all USB'S are present and accounted for. A spreadsheet shall be completed at the end of Early Voting and Election Day returns that will identify the number of signatures on the Combination Log and the Number of Cancelled booths, for a representation of voter totals. All replaced equipment will remain secured until after tabulation to ensure that all checks and balances have been satisfied.

Section 8. Reporting of Returns. The Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the City via email as soon as they are prepared and may be released under law, but no earlier than 7:00 p.m. on Election Day. The Officer or their designee will use their best efforts to post all reports for public review on the Hays County Elections website at www.co.hays.tx.us/elections as soon as reasonably possible.

Section 9. Cost Sharing. The City agrees to the cost sharing provisions below. This includes Hays County, the school districts of the county, the cities of the county, and the water districts and all other entities contracting for election services. The costs incurred with Early Voting locations and Early Voting Clerks will be shared only by entities utilizing the polling location for their individual election contest.

The formula is as follows:

Example:

Registered Voters in County -	135,000	$135,000/255,000=$	52.94% of total cost
Registered Voters in Joint Entity A -	100,000	$100,000/255,000=$	39.23% of total cost
Registered Voters in Joint Entity B -	20,000	$20,000/255,000=$	7.84% of total cost
Aggregate Registered Voters -	255,000		

\$1,000 dollar minimum cost for elections that don't exceed that total. Since programming and supplies would exceed the cost of elections with very small voter registration populations. Equipment Rental Fees allocated separately.

Section 10. *Amendments.* This Agreement may not be amended or modified except in writing and executed by both the City and the County. Neither party may assign this Agreement without the written consent of the other party. However, the Officer may assign deputies to perform any of the contracted services and may contract with third persons for election services and supplies.

Section 11. *Effective Date.* This Agreement contains the entire agreement between the parties and supersedes all prior understandings and agreements between the parties regarding such matters. The term of this Agreement will commence on January 4, 2024 and end on January 3, 2025.

Section 12. *Force Majeure.* Either of the parties to this Agreement shall be excused from any delays and/or failures in the performance of the terms and conditions of this Contract, to the extent that such delays and/or failures result from causes beyond the delaying/failing party's reasonable control, including but not limited to war (whether declared or not), armed conflict or the serious threat of the same (including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization, civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience, act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine, social distancing, isolation or other behavioral restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, earthquake, landslide, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment and of any kind of installation, prolonged breakdown of transport, telecommunication or electric current; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject party ("force majeure event") whether foreseeable or unforeseeable by the parties at the time of the execution of this Agreement. Any delaying/failing party shall, with all reasonable diligence, attempt to remedy the cause of delay and/or failure and shall recommence all remaining duties under this Agreement within a reasonable time of such remedy, or, when applicable, on the next available dates under the Texas Election Code.

Section 13. Should any provision in this Agreement be found or deemed to be invalid, this Agreement will be construed as not containing the provision and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable. In case any one or more of the provisions contained in this Agreement are for any reason held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision thereof, and this

Agreement will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Section 14. Any notice provided for under this Agreement will be forwarded to the following addresses:

Hays County Elections Administrator
Government Center
120 Stagecoach Trail Suite
San Marcos, Texas 78666

City of Wimberley
Office of the City Secretary
221 Stillwater
Wimberley, Texas 78676

Section 15. Nothing contained in this Agreement will authorize or permit a change in the office with whom or the place at which any document or record relating to the Election(s) is to be filed, or place at which any function of the canvass of the election returns is to be performed or the officer to serve as custodian of voted ballots or other election records.

Section 16. This Agreement shall take effect immediately upon execution by both parties hereof and shall inure to the benefit and be binding upon the administrators, successors and assigns of the Parties hereto.

WITNESS OUR HANDS this 4th day of January 2024

Hays County Elections Administrator

City of Wimberley

Jennifer Doinoff Elections
Administrator

Gina V. Fulkerson
Mayor

Attest:

Attest:

Tammy Heller
City Secretary



AGENDA ITEM:	1. Announcements
SUBMITTED BY:	
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Future Agenda Items
SUBMITTED BY:	
DATE SUBMITTED:	12/08/2023
MEETING DATE:	January 4, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None