



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 5, 2024 - 6:00 PM

AGENDA

1. **CALL TO ORDER**

December 5, 2024, at 6:00 PM

2. **CALL OF ROLL**

3. **INVOCATION**

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

5. **CITIZENS COMMUNICATIONS**

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

6. **CONSENT AGENDA**

- 6.1. Consider approval of Minutes from the November 21, 2024 Regular City Council Meeting. (City Secretary, Tammy Heller)

7. **PRESENTATION AND POSSIBLE ACTION**

- 7.1. Receive an update from Langford Community Management Services (LCMS) on the Comprehensive Master Plan (Tim Patek, City Administrator)

8. **DISCUSSION AND POSSIBLE ACTION**

- 8.1. Discuss and consider possible action on Ordinance 2024-23, amending Chapter 4, Article 4.05 - Flood Damage Prevention Ordinance. (Nathan Glaiser, Director of Planning & Public Works)
- 8.2. Consider possible action on Resolution No. 16-2024, authorizing an amendment to the 2024/2025 operating budget (Budget Amendment No. 1), providing for the transfer of funds from the General Tax Fund - Unobligated Fund Balance to Account 100-15-6105 (Salaries & Wages Full-Time) and

100-30-6105 (Salaries and Wages Full-Time) and providing an effective date. *(Tim Patek, City Administrator)*

8.3. Consider possible action on Resolution No. 17-2024, authorizing an amendment to the 2024/2025 operating budget (Budget Amendment No. 2), providing for the transfer of funds from the General Tax Fund Unobligated Fund Balance to account 100-31-6432 (Roads-Roads Maintenance) and providing an effective date. *(Tim Patek, City Administrator)*

8.4. Discuss and consider action related to the November 13, 2024, Community Townhall meeting. *(Tim Patek, City Administrator)*

9. **CITY COUNCIL REPORTS**

9.1. Announcements

9.2. Future Agenda Items

10. **ADJOURNMENT**

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

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

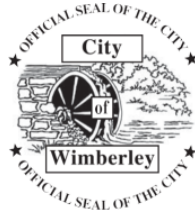
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, December 2, 2024, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Tammy Heller, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Tammy Heller at (512) 648-2403 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	1. Consider approval of Minutes from the November 21, 2024 Regular City Council Meeting. <i>(City Secretary, Tammy Heller)</i>
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	11/14/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. 11-21-2024 Regular Meeting Minutes



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

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

THURSDAY, NOVEMBER 21, 2024 - 6:00 PM

MINUTES

1. CALL TO ORDER

November 21, 2024, at 6:00 PM

Mayor Jim Chiles called the regular meeting of the City Council to order at 6:00 p.m.

2. CALL OF ROLL

Council Members Present:

Jim Chiles, Mayor
Rebecca Minnick, Place 1
Bo Bowman, Place 2
Chris Sheffield, Place 3
Bob Clark, Place 4
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning & Public Works
Charlie Zech, City Attorney

3. INVOCATION

Kevin Schubert, St. Stephen's Episcopal

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Chiles led the pledges of allegiance.

5. CITIZENS COMMUNICATIONS

Gary Wellborn, spoke about Wagon Wheel, and the need for repairs on this road. He spoke about potential changes for the future for Wimberley and stated any potential tax increase should be directed to the right place. He expressed support of a tax, but suggested implementation of a 5-year program and a smaller amount of money than the proposed bond amount discussed at the townhall meeting.

6. PROCLAMATIONS/RECOGNITIONS

6.1. Presentation of a Community Excellence Award presented by the Wimberley Mayor and City Council.

Mayor Pro Tem Minnick, provided the history of the Wimberley View Newspaper and stated how fortunate the Wimberley Valley is to have a paper that effectively reports news, highlights milestones and records events, large and small, throughout our community. She expressed her gratitude to everyone that contributes to the publication of our paper.

Mayor Chiles and the City Council presented the community excellence award to the Wimberley View in recognition of their initiative and talent in reporting and highlighting what is important in our community. Teresa Kendrick, Editor of the Wimberley View and Dalton Sweat, Publisher of the Wimberley View accepted the award.

7. CONSENT AGENDA

A motion was made by Council Member Sheffield, seconded by Council Member Cohen, to approve the consent agenda. The motion carried unanimously (5-0).

- 7.1. Consider approval of Minutes from the following meetings:
 - 1. November 7, 2024 - Regular Meeting
 - 2. November 13, 2024 - Townhall Meeting
- 7.2. Approval of September 2024 Revenue and Expenditure Report for the City of Wimberley. (*Tim Patek, City Administrator*)

8. PUBLIC HEARINGS AND POSSIBLE ACTION

- 8.1. Hold a public hearing and consider approval of Ordinance 2024-22, an application for a Conditional Use Permit (CUP-24-007), to allow for the sale of beer and wine for on-premise and off-premise consumption at 13615 Ranch Road 12, Wimberley, TX. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding a Conditional Use Permit to allow for the sale of beer and wine for on-premise and off-premise consumption at 13615 Ranch Road 12, Wimberley Texas. This property was previously operated as a retail business called "The Tree House". The new owner plans to open a wine shop where customers can order a glass of wine to sample and then purchase a bottle to take home. This "Tasting Room" use is not a defined use within the City's Zoning Code. However, it is closely related to conditional uses that are already available in C1 Zoning. This item was properly notified, and no comments have been received. The site plan was presented, and additional parking spots will be added to accommodate the requirements of this space. The Planning and Zoning Commission reviewed this application at their meeting last week and unanimously voted to recommend approval.

Genevieve Guy, applicant, responded to a question posed by the Council related to the separate building located on the property. The applicant stated she is only renting the first floor of the Tree House property.

Mayor Chiles opened the Public Hearing at 6:16 p.m. There being no comments, the Public Hearing was closed at 6:17 p.m.

Council Member Minnick expressed concern about the sidewalk and the blind corner at Ranch Road 12 and Blue Heron. She also brought to attention the parking spaces that will be created and believes it is preferable that people enter the property from Ranch Road 12 to park and then exit onto Blue Heron.

Upon completion of discussion, a motion was made by Council Member Minnick, seconded by Council Member Sheffield, to approve Ordinance 2024-22, an application for a Condition Use Permit (CUP-24-007), as presented. The motion carried unanimously (5-0).

9. DISCUSSION AND POSSIBLE ACTION

- 9.1. Discuss and consider possible action regarding a request to permit a temporary structure located at 13701 Ranch Road 12, Wimberley, Texas.

Nathan Glaiser, Director of Planning and Public Works, stated this is a renewal request for the previously approved "Neon Armadillo" food trailer located at 13701 Ranch Road 12. This is next to the "Junk Gypsy" retail store. The applicants have made a change to the site plan. They propose locating the trailer behind the building instead of its original location near the parking lot. Mr. Glaiser provided the site plan for review.

Mayor Chiles asked about their property on FM 32, and when construction would be complete. The applicant stated July 4, 2025, is the expected date.

A motion was made by Council Member Bowman, seconded by Council Member Cohen, to approve the Temporary Structure Permit located at 13701 Ranch Road 12, as presented. The motion carried unanimously (5-0).

- 9.2.** Discuss and consider possible action related to an Interlocal Agreement between Hays County and the City of Wimberley for floodplain administration and environmental health services. (*Nathan Glaiser, Director of Development Services*)

Nathan Glaiser, Director of Planning and Development Services, stated this Interlocal Agreement aims to renew the existing agreement with Hays County with some minor changes. These include the removal of the on-site sewage facilities (OSSF), as the county has jurisdiction over OSSF for the City. It is not necessary to have it outlined in our interlocal agreement. There is added language allowing the County to perform health inspections of daycare and foster facilities, and language that allows the County to conduct its Mosquito Surveillance program within our city limits.

A motion was made by Council Member Minnick, seconded by Council Member Bowman, to approve the Interlocal Agreement between Hays County and the City of Wimberley for floodplain administration and environmental health services, as presented. The motion carried unanimously (5-0).

- 9.3.** Discuss and consider approval of Resolution No. 15-2024, supporting the Hays County Application for the Capital Area Metropolitan Planning Organization (CAMPO) 2024 Transportation Alternatives Set-Aside Program Funding for the Old Kyle Road Project. (*Tim Patek, City Administrator*)

Tim Patek, City Administrator, stated this is a funding application to submit to the Capital Area Metropolitan Planning Organization (CAMPO) for the Old Kyle Road Multimodal Improvements Project.

Carlos Lopez, of HNTB, stated they are assisting Hays County in developing a funding application to submit to CAMPO for the Old Kyle Road Improvement Project. This is a resolution of support that is required through the CAMPO application. Mr. Lopez stated this is additional funding, but the project is fully funded through the Hays County Bond.

Mr. Lopez responded to questions posed by the City Council regarding where money from the Bond would be spent should CAMPO provide additional funding through this process, the possibility of including the Oldham Road extension within this project funding, the engineering completion of Old Kyle Road, and the total amount that can be provided to applicants through this process.

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Sheffield, to approve Resolution No. 15-2024, supporting the Hays County application for the CAMPO Transportation Alternatives Set-Aside Program Funding for the Old Kyle Road Project, as presented. The motion carried unanimously (5-0).

10. CITY STAFF REPORT

- 10.1.** Parks Director Annual Report. (*Richard Shaver, Director of Parks and Recreation*)

Richard Shaver, Director of Park, provided the Fiscal Year 2024 Annual Report. This report included the Parks mission statement, Parks leadership, Parks Board members, Park Programs, Park Events, Park Operations, and the Financial Reports for the Parks. The complete report is on file in the Parks Department and City Secretary's Office.

A question was posed regarding playground improvements. Mr. Shaver stated there is discussion on renovating the Martha Knies playground, but no repairs are scheduled for the Blue Hole playground.

The council expressed their appreciation to Mr. Shaver and the entire Parks and Community Center Staff for all their work and dedication to the community.

11. EXECUTIVE SESSION

- 11.1. Executive Session pursuant to Texas Government Code, Section 551.072 (Real Property) to discuss and consider purchase of property for parkland acquisition.

Mayor Chiles adjourned into Executive Session at 6:48 p.m.

12. OPEN SESSION

- 12.1. Discussion and possible action resulting from Executive Session.

Mayor Chiles reconvened into regular session at 7:09 p.m. and stated there was no action taken.

13. CITY COUNCIL REPORTS

- 13.1. Announcements

1. City Offices will be closed next Wednesday–Friday for the Thanksgiving holiday.
2. Hometown Holidays/Christmas Tree Lighting - Saturday, November 30th at 7:00PM (Parade begins at 6:00PM)

- 13.2. Future Agenda Items

A follow-up on the Road Maintenance Townhall is scheduled for the December 5th City Council meeting.

14. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Bowman, to adjourn the regular meeting at 7:11 p.m. The motion carried unanimously (5-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Jim Chiles, Mayor





AGENDA ITEM:	1. Receive an update from Langford Community Management Services (LCMS) on the Comprehensive Master Plan (<i>Tim Patek, City Administrator</i>)
SUBMITTED BY:	
DATE SUBMITTED:	09/23/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Discuss and consider possible action on Ordinance 2024-23, amending Chapter 4, Article 4.05 - Flood Damage Prevention Ordinance. (Nathan Glaiser, Director of Planning & Public Works)
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	09/04/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion
Ordinance
Discussion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Ord 2024-23 (Flood Damage Prev Ord Amend)
2. Flood Mitigation Ordinance Exhibit A (Redlined)

ORDINANCE 2024-23

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 4, ARTICLE 4.05 (FLOOD DAMAGE PREVENTION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

Whereas, the Legislature of the State of Texas has in its statutes, such as the Texas Water Code Chapter 16, delegated the responsibility of local government units to adopt regulations designed to minimize flood losses; and

Whereas, flood hazard areas within the City of Wimberley 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; and

Whereas, flood losses are created by the cumulative effect of obstruction 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, flood-proofed or otherwise protected from flood damage.

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

Section 1. That the Codified Ordinances of the City of Wimberley, Chapter 4, Building Regulations, Article 4.05, Flood Damage Prevention, is hereby amended as set forth in “**Exhibit A**” attached hereto and incorporated for all purposes.

Section 2: That the recitals contained in the preamble hereto are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 3. Savings and Severability.

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

Section 4. Repealer.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein;

provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

Section 5. Effective Date.

This Ordinance shall be effective on January 17, 2025, following publication and other authorizations as may be required by law.

Section 6. Proper Notice and Meeting.

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

PASSED AND APPROVED this 5th day of December, 2024, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Jim Chiles, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL
SANTEE & ZECH, P.C.



EXHIBIT A

CHAPTER 4 - BUILDING REGULATIONS 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 [of Texas](#) 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 [of Wimberley](#) 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;

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.

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- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (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, [usable solely for parking or vehicles, building access or storage](#) 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 TX and Incorporated Areas,](#)" dated Effective 01-17-2025, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated 01-17-2025, 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, or his or her designee, 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.

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- (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:
 - 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;~~
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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, machinery, and electrical equipment) elevated to a minimum of one-two 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, machinery, and electrical equipment) elevated to a minimum of two 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.*

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- 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~~two-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 so that:
 - (i) on a permanent foundation such that the lowest horizontal structural member of the chassis the lowest floor of the manufactured home is elevated to a minimum of ~~one~~two foot above the base flood elevation, and
 - (ii) 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.
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~~(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~~ at least two (2) feet 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 at least two feet~~ 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.
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- (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) SEVERABILITY.

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

- (gf) *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:	2. Consider possible action on Resolution No. 16-2024, authorizing an amendment to the 2024/2025 operating budget (Budget Amendment No. 1), providing for the transfer of funds from the General Tax Fund - Unobligated Fund Balance to Account 100-15-6105 (Salaries & Wages Full-Time) and 100-30-6105 (Salaries and Wages Full-Time) and providing an effective date. (<i>Tim Patek, City Administrator</i>)
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	11/15/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley did not budget funds in the 2024/2025 Operating Budget for the following expenditures: Salaries & Wages Full-Time in Administration (\$2,000) and Public Works (\$6,000). These funds will be taken from the General Tax Fund – Unobligated Fund Balance in the amount of \$8,000.00.

The City of Wimberley Organizational Chart will reflect the re-organization and promotion of our Development Services Director to include Assistant City Administrator to his title and add the Tourism Department under his umbrella and leadership.

Thank you for your consideration of this budget amendment. If you have any questions or concerns, I will be glad to answer them at the December 5, 2024, City Council Meeting.

REQUESTED ACTION

Motion
Resolution

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Res. No. 16-2024 (Budget Amendment No. 1) 12-05-2024

RESOLUTION NO. 16-2024

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2024/2025 OPERATING BUDGET (BUDGET AMENDMENT NO. 1), PROVIDING FOR THE TRANSFER OF FUNDS FROM THE GENERAL TAX FUND – UNOBLIGATED FUND BALANCE TO ACCOUNT 100-15-6105 (SALARIES & WAGES FULL-TIME) AND 100-30-6105 (SALARIES & WAGES FULL-TIME) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2024/2025 Operating Budget.

WHEREAS, there is a need to amend this year's budget to reflect the following expenditures:

1. City Administrator Salary
2. Assistant City Administrator / Development Services Director Salary

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

Section 1

The City Council of the City of Wimberley, Texas, hereby authorizes and approves an amendment to the 2024/2025 Revenue/Operating Budget (Budget Amendment No. 1) for the purpose and in the amounts shown below.

General Tax Fund

The effect of these transactions will decrease expenditures in the General Tax Fund – Unobligated Fund Balance by \$8,000.00 and

The effect of these transactions will increase expenditures in the General Tax Fund Salaries & Wages Full-Time, account 100-15-6105 by \$2,000 and

The effect of these transactions will increase expenditures in the General Tax Fund Salaries & Wages Full-Time, account 100-30-6105 by \$6,000.00.

Section 2

The City Council of the City of Wimberley, Texas, hereby amends the 2024/2025 Revenue/Operating Budget, increasing appropriations in the funds stated in Section 1 above.

Section 3

This resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this 5th day of December 2024.

The City of Wimberley, Texas

James T. Chiles, Mayor

ATTEST:

Tammy Heller, City Secretary





AGENDA ITEM:	3. Consider possible action on Resolution No. 17-2024, authorizing an amendment to the 2024/2025 operating budget (Budget Amendment No. 2), providing for the transfer of funds from the General Tax Fund Unobligated Fund Balance to account 100-31-6432 (Roads-Roads Maintenance) and providing an effective date. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	11/15/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley did not budget funds in the 2024/2025 Operating Budget for the following expenditures: Roads-Road Maintenance (\$15,659.01). If approved, these funds will be taken from the General Tax Fund – Unobligated Fund Balance in the amount of \$15,659.01.

This is an Interlocal agreement that was signed and executed on August 16, 2021, by the previous City of Wimberley Administration. It is between Hays County and the City of Wimberley related to RM 12 at RM 3237 Intersection Improvements Project.

Thank you for your consideration of this budget amendment. If you have any questions or concerns, I will be glad to answer them at the December 5, 2024, City Council Meeting.

REQUESTED ACTION

Motion
Resolution
Discussion

FINANCIAL

STAFF RECOMMENDATION

Staff recommend City Council approval of this budget amendment for Roads-Road Maintenance.

ATTACHMENT/S

1. Res. No. 17-2024 (Budget Amendment No. 2) 12-05-2024

RESOLUTION NO. 17-2024

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2024/2025 OPERATING BUDGET (BUDGET AMENDMENT NO. 2), PROVIDING FOR THE TRANSFER OF FUNDS FROM THE GENERAL TAX FUND – UNOBLIGATED FUND BALANCE TO ACCOUNT 100-31-6432 (ROADS – ROAD MAINTENANCE) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2024/2025 Operating Budget.

WHEREAS, there is a need to amend this year's budget to reflect the following expenditures:

1. Interlocal agreement between Hays County and the City of Wimberley related to RM 12 at RM 3237 Intersection Improvements Project

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

Section 1

The City Council of the City of Wimberley, Texas, hereby authorizes and approves an amendment to the 2024/2025 Revenue/Operating Budget (Budget Amendment No. 2) for the purpose and in the amounts shown below.

General Tax Fund

The effect of these transactions will decrease expenditures in the General Tax Fund – Unobligated Fund Balance by \$15,659.01 and

The effect of these transactions will increase expenditures in the General Tax Fund Roads – Road Maintenance, account 100-31-6432 by \$15,659 01.

Section 2

The City Council of the City of Wimberley, Texas, hereby amends the 2024/2025 Revenue/Operating Budget, increasing appropriations in the funds stated in Section 1 above.

Section 3

This resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this 5th day of December 2024.

The City of Wimberley, Texas

James T. Chiles, Mayor

ATTEST:

Tammy Heller, City Secretary





AGENDA ITEM:	4. Discuss and consider action related to the November 13, 2024, Community Townhall meeting. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	
DATE SUBMITTED:	11/18/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Council hosted a townhall meeting on Wednesday, November 13th related to a potential bond election for road repairs. This item allows the Council to hold further discussion and take possible action related to the funding of road repairs throughout the community.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Announcements
SUBMITTED BY:	
DATE SUBMITTED:	11/15/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Future Agenda Items
SUBMITTED BY:	
DATE SUBMITTED:	11/15/2024
MEETING DATE:	December 5, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None