

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
THURSDAY, MARCH 15, 2018 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** March 15, 2018 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**

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

6. **EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

- A. Executive Session pursuant Section 551.072 of the Texas Government Code for deliberation regarding the purchase of real property located within the corporate limits of the City of Wimberley.
- B. Discussion and possible action regarding item/s discussed in Executive Session.

7. CONSENT AGENDA

The following item/s may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council member or citizen, in which event those items will be pulled from the consent agenda for separate consideration.

- A. Approval of minutes from the Regular City Council Meeting held March 1, 2018.
- B. Approval of the consensus appointment of Rachel Emry to the City of Wimberley Transportation Advisory Board.

8. CITY ADMINISTRATOR REPORT

Update regarding the status of the Wimberley Wastewater Project and other pertinent topics

9. PUBLIC HEARINGS AND POSSIBLE ACTION

- A. Hold a public hearing and consider approval regarding case CUP-18-003, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental on property zoned Commercial-Low Impact (C-1) for property located at 280 Old Kyle Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Michael Bachers, Applicant)*
- B. Hold a public hearing and consider approval regarding case CUP-18-004, an application for a Conditional Use Permit to allow for the installation of a manufactured home on property zoned Single-Family Residential 3 (R-3) for property located at 130 Jewel Lane, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Gloria Vasquez, Applicant)*

10. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action regarding an updated contract with Spectrum for internet and phone service at City Hall. *(City Administrator Shawn Cox)*
- B. Discuss and consider possible action regarding a first priority lien on the 1.3 acres designated for the Wastewater Project treatment plant. *(City Administrator Shawn Cox)*
- C. Discuss and consider possible action regarding the policies and procedures relating to placement of temporary signs at the Wimberley Community Center. *(Mayor Mac McCullough)*

- D. Discuss and consider possible action to approve funding for the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation. *(Place One Council Member Steve Thurber)*
- E. Discuss and consider possible action to approve Ordinance No. 2018-11, amending Chapter 50, Section 50.63 of the Code of Ordinances, establishing the requirements for mandatory connection to a public wastewater system. *(Place One Council Member Steve Thurber)*
- F. Discuss and consider possible action regarding City open meetings for Sewer Project construction. *(Place Four Council Member Gary Barchfeld)*
- G. Discuss and consider possible action regarding the City's position on abandoned houses in Wimberley. *(Place Four Council Member Gary Barchfeld)*

11. CITY COUNCIL REPORTS

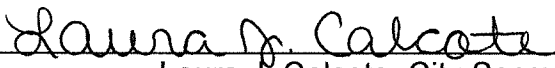
- A. Announcements
- B. Future agenda items

12. ADJOURNMENT

The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

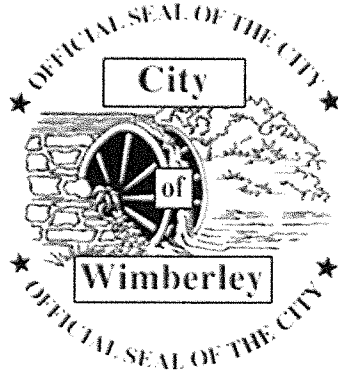
CERTIFICATION

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, March 12, 2018, by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

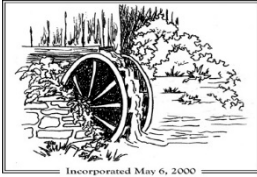


Laura J. Calcote, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program.



City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: CONSENT AGENDA

Council Action Requested:

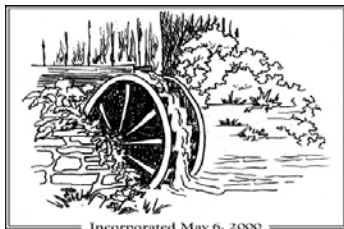
- ☐ Ordinance
- ☐ Resolution
- ☒ Motion
- ☒ Discussion

Project/Proposal Summary:

Please see attached minutes from one City Council meeting:

- Regular held March 1, 2018

There is a vacancy to be appointed by a consensus vote on the Transportation Advisory Committee (TAB). Please see Ms. Emry's application attached. If Ms. Emry is appointed, there will be one vacancy left on the TAB for appointment by Place Five. Current TAB members are Mike Moeller, Ruth Mince, Gary Callon, Bert Ray and Bobby Dettmer.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
THURSDAY, MARCH 1, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Mac McCullough called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Mac McCullough	Mayor
	Steve Thurber	Place One
	Craig Fore	Place Two
	Allison Davis	Place Three
	Gary Barchfeld	Place Four
	Roberta Holland	Place Five

INVOCATION

Chapel of the Hills Pastor Jim Denham gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Mac McCullough led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen communications at this time.

PRESENTATION

Wimberley ISD Superintendent Dwain York gave a presentation regarding the May 5, 2018 Bond Election for the school district.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:27 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D for the following purposes:

- A. Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.
- B. Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

Regular Session reconvened at 6:46 p.m.
No action was taken.

CONSENT AGENDA

Council Member Gary Barchfeld had a correction to the February 15, 2018 meeting minutes, pertaining to his request for posting pre-construction meetings for the Wastewater Project.

Motion to approve the consent agenda, with Council Member Barchfeld's correction, was made by Council Member Steve Thurber. Motion was seconded by Council Member Allison Davis. Motion carried unanimously (5-0).

- A. Approval of minutes from the Special Called City Council Meeting held February 9, 2018.
- B. Approval of minutes from the Regular City Council Meeting held February 15, 2018.

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Wimberley Wastewater Project. A kickoff meeting for the plant portion of the Project had been scheduled for March 8th at 5:00 p.m. at the Wimberley Community Center. Additionally, contracts and performance bonds for the collection and plant portions of the Wastewater Project had been signed by all parties. Black Castle had been issued a notice to proceed and would begin work on the plant on March 12th.

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action approving the proposed route for the 2018 Wimberley Fourth of July Parade. *(City Administrator Shawn Cox)*

Motion to approve the proposed route for the 2018 Wimberley Fourth of July Parade was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- B. Discuss and consider possible action regarding cost saving measures for the plant portion of the Wimberley Wastewater Project. *(Place Two Council member Craig Fore)*

Mayor Mac McCullough opened the public hearing at 6:54 p.m.

There were two citizen's comments. First, Casey Craig addressed Council regarding potential issues with the wastewater treatment plant, set to be placed at Blue Hole Regional Park. Ms. Craig stated she was in favor of having a wastewater pond in the Park, instead of the plant, and noted perks of having a pond. Second, Edward Davis also spoke in favor of having a wastewater pond in the Park.

Mayor Mac McCullough closed the public hearing at 6:58 p.m.

Council Member Craig Fore presented reasons for having a pond in Blue Hole Regional Park in opposition to the plant, which included cost savings, environmentally friendly and aesthetically pleasing. The Black Castle contract, which allows construction of the wastewater treatment plant, would require a change order if the pond idea moved forward. There was discussion among Council members regarding the pond. Council Member Allison Davis outlined her concerns with the pond,

including the placement, potential protests from residents, maintenance and an overall lack of documentation for the idea. Council Member Roberta Holland also voiced apprehension to the pond by noting liability and fencing concerns. Council Member Steve Thurber liked the idea but stated it would take effort to implement properly. Council Member Craig Fore requested to have a meeting with the Texas Commission on Environmental Quality to further explore the option of having a pond. Council voiced their support for Mr. Fore to pursue the venture within the coming weeks. No formal action was taken.

- C. Discuss and consider possible action regarding all future sewer construction meetings posted for public observation. (*Place Four Council member Gary Barchfeld*)

Council Member Gary Barchfeld voiced concern regarding the pre-construction meeting held at City Hall on February 26th. He had requested at a previous City Council meeting that the meeting be posted by public notice, in order for the citizenry to observe. Mr. Barchfeld believed having a public meeting would have promoted transparency on the City's behalf. City Administrator Shawn Cox responded that pre-construction meetings are usually attended by a small number of individuals to discuss project details. Furthermore, Mr. Cox stated the kickoff meeting on March 8th would allow for citizen observation and input. There was discussion among Council regarding the Open Meetings Act. No formal action was taken.

HOTEL OCCUPANCY TAX

- A. Consider approval of the second and final reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective June 1, 2018. (*Place One Council member Steve Thurber*)

Motion to approve the second and final reading of Ordinance No. 2018-02 to increase the tax rate to be imposed on hotel occupancy within the corporate limits and the extraterritorial jurisdiction of the City from zero percent (0%) to five percent (5%), effective June 1, 2018 was made by Council Member Allison Davis. Motion was seconded by Council Member Roberta Holland. Motion carried as follows (3-2):

Steve Thurber	Aye
Allison Davis	Aye
Roberta Holland	Aye
Craig Fore	Nay
Gary Barchfeld	Nay

- B. Discuss and consider possible action regarding the revised Wimberley Hotel Occupancy Tax (HOT) Application. (*City Administrator Shawn Cox*)

City Administrator Shawn Cox presented the revised Wimberley Hotel Occupancy Tax (HOT) Application for Council's consideration and approval. Hotel Occupancy Tax Advisory Committee Chairperson Bob Cook addressed Council regarding changes made to the application from the previous version and updated Council on

future HOT Advisory Committee meeting dates. City Council members had no significant changes or suggestions to the application.

Motion to approve the revised Wimberley Hotel Occupancy Tax (HOT) Application was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

- A. Announcements – Council Member Allison Davis announced the Blue Hole Star Party to be held at Blue Hole Regional Park on Saturday, March 10, 2018, at 6:00 p.m.
- B. Future agenda items – Mayor Mac McCullough requested campaign signs at the Wimberley Community Center be an item on the next City Council agenda.

ADJOURNMENT

Mayor Mac McCullough adjourned the meeting at 7:49 p.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:



**Herschel P. "Mac" McCullough,
Mayor**



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Commission / Board / Committee

Name of Commission/Board/Committee: Transportation Advisory Board

Nominated By: Gary Barchfeld

Name: Rachel Emny Phone: 830-660-7767 E-mail: rachel.emny@gmail.com

Physical Address: 110 Little Ranches Rd. Unit A Wimberley

Mailing Address

(If different than physical address): _____

Employer: Just Results Position/Occupation: Owner

Business Number: 512-541-6714 Fax: N/A

I reside: ☒ Inside Wimberley's City Limits ☐ Wimberley's ETJ ☐ Outside ETJ

I am a registered voter in: ☒ City of Wimberley ☒ Hays County ☐ Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? ☐ Yes ☒ No

If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to service on this Commission/Board/Committee and to attend all regularly scheduled meetings? ☒ Yes ☐ No

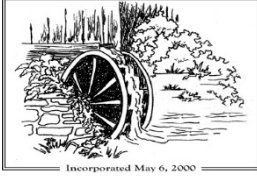
Would you consider serving on a different Commission/Board/Committee? ☒ Yes ☐ No

Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Commission/Board/Committee that you would prefer to serve on.

Signature: Rachel G. Emny Date: March 12, 2018

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676

City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: CITY ADMINISTRATOR
REPORT

Council Action Requested:

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

Project/Proposal Summary:

City Administrator Shawn Cox will provide an update to City Council regarding the Wimberley Wastewater Project status and answer questions related to the Project.

Report for CUP-18-003



Summary:

An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 280 Old Kyle Road

Applicant Information:

Applicant: Michael Bachers
280 Old Kyle Rd
Wimberley, TX 78676

Property Owner: Michael Bachers

Subject Property:

Legal Description: 0.18 acres out of the Amasa Turner Survey, Abs. No. 461
Location: 280 Old Kyle Rd
Existing Use of Property: Commercial
Existing Zoning: Commercial-Low Impact (C-1)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: IV
Overlay District: Village Center; Protected Waterway

Surroundings:

Frontage On: RR 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR1	Public
S of Property	C1	Commercial
E of Property	PR1	Public
W of Property	PR1	Public

Legal Notice

200' Letters: 02/15/2018
Published: 02/15/2018
Sign Placement: 02/21/2018
Responses: none

Comments:

The applicant, Michael Bachers, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental for property located at 280 Old Kyle Road.

The proposed Vacation Rental is approximately 800 square feet consisting of a two-story structure with living area space downstairs, two (2) loft areas upstairs, and one and a half (1.5) bath. The City Sanitarian has reviewed this request and stated a maximum occupancy of five (5) people per septic regulations. Guests would be required to park on the subject property.

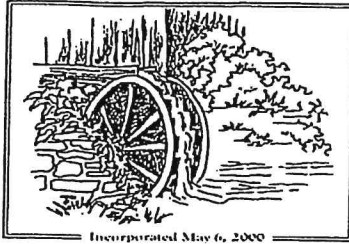
City staff is recommending the following conditions be made part of the requested CUP, should the Planning & Zoning Commission recommend approval, along with the motion that once the

sewer system is on-line the maximum occupancy should be automatically amended, if necessary, to reflect the maximum occupancy as calculated per City ordinance (TBD):

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

14. One (1) freestanding business sign shall be allowed, but not required, on the property. Such sign shall not exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
15. The maximum occupancy for the property shall be five (5) people.
16. The owner of the property or the owner's agent shall not advertise a maximum occupancy for the vacation rental that is greater than the maximum occupancy established by the City based on septic capacity.
17. The owner of the property or the owner's agent, which may be an agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
18. The owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

On March 8th, the Planning & Zoning Commission met and voted 4-0 with 1 abstain for recommending approval of the application.

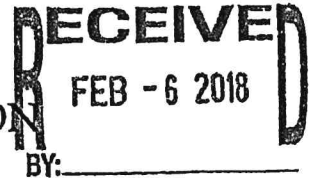


City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 18 - 003 Date: 2-6-2018 Staff Review SANDY I. FLOYD
P&Z Hearing: 3-8-2018 Council Hearing: 3-15-2018 Fees Paid: ☒ Application ☒ Public Notice

Applicant: Michael Bachers
Mailing address: 280 Old Kyle Rd City: Wimberley State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]
Property Owner: Michael Bachers
Mailing address: 280 Old Kyle Rd City: Wimberley State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

Project Site Address: 280 Old Kyle Road
Legal description: A0461 Amsa Turner Survey
Total Acreage or Square Footage: 0.18 / 784 Deed recorded in: _____
Hays CAD Parcel ID R 18402 Planning Area: IV Zoning: C1
Is property located in an overlay district? ☒ Yes ☐ No If Yes, type: Village Center/Water
Specific Conditional Use Requested: Vacation Rental

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

Utilities

Electric Provider: PEC
Water provider or Private Well: WWSC
Wastewater Service or Septic Permit No. _____

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

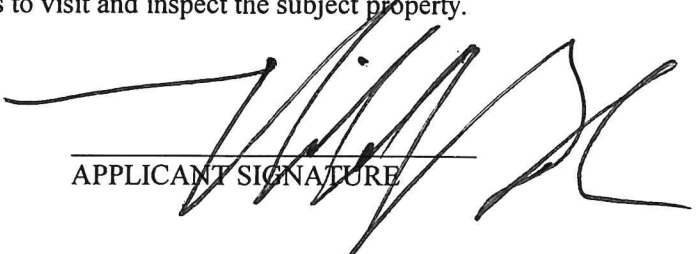
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- (✓) Metes and bounds description and/or a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (✓) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- (✓) List of Special Conditions that Applicant agrees apply to property.
- (✓) Payment of Application fee \$400.00 (non-refundable)
- (✓) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (✓) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (✓) Applicant agrees to provide additional documentation as needed by the City.
- (✓) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (✓) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

2-5-2018
DATE



APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

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

Owner: Michael Bachers

LOCATION OF PROPERTY: 280 Old Kyle Rd.

LEGAL DESCRIPTION: A0461

PLANNING AREA: IV

PRESENT ZONING: C1

EXISTING USE: residential

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

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

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

OFF-STREET PARKING: All parking will be off-street. 2 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

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

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

NUMBER OF BEDROOMS: 1 + * 42.3 B. **upstairs + 2 sleeping
lofts on third*

MAXIMUM OCCUPANCY: 4 guests. 42.3 B.

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

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

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the n/a River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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

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

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

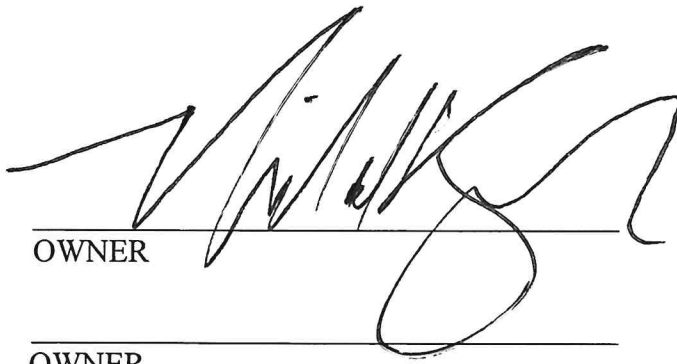
OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

2-5-2018

DATE

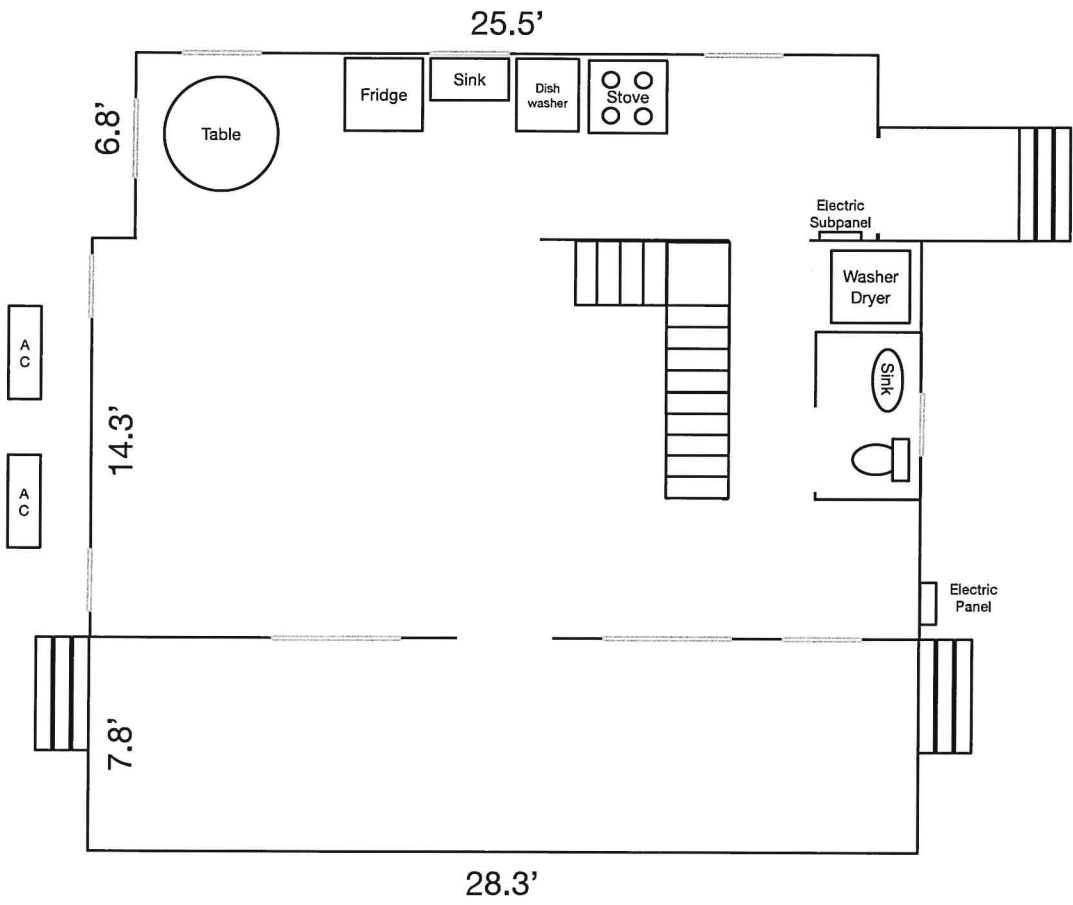
DATE



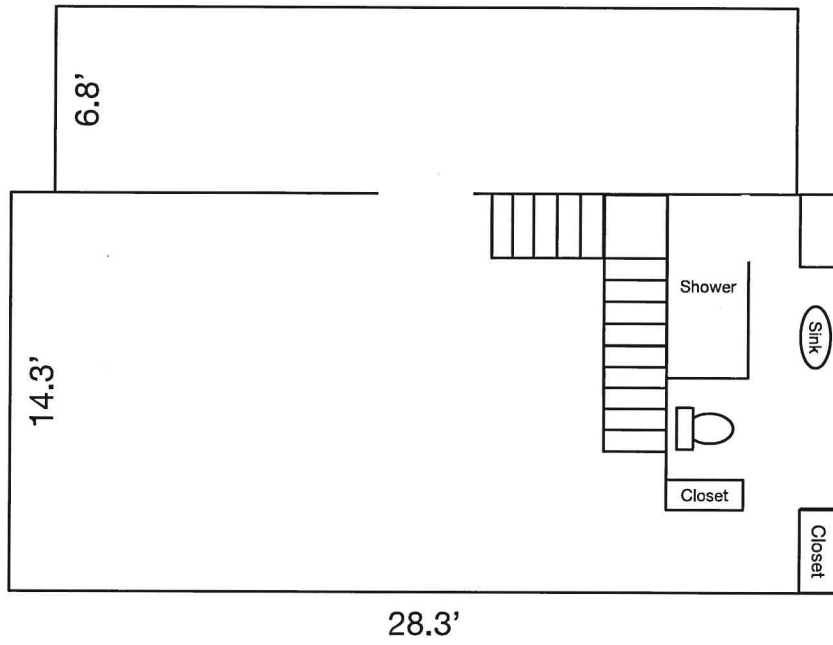
OWNER

OWNER

Ground Floor



Second Floor



155.047 COMMERCIAL - LOW IMPACT; C-1.

(A) *General purpose and description.* The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, free-standing retail structures, and personal service establishments.

(B) *Permitted uses.*

(1) Administrative and professional office:

(a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;

(b) Photography studios, doctors, dentists;

(c) Non-profit organizations (with certain restrictions);

(d) Civic uses (such as City Halls);

(e) Research services: limited; and

(f) Office.

(2) Religious assembly;

(3) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

(7) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

(12) Adult day care facility;

- (13) Private primary educational services;
- (14) Private secondary educational services;
- (15) Medical services: limited;
- (16) Personal services: limited;
- (17) Bank and savings and loan;
- (18) Accessory uses to the main use; and
- (19) Single-family residence.

(C) *Conditional uses.*

- (1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;
- (2) Bank and savings and loan (drive-through);
- (3) Bed and breakfast lodging or Vacation Rental;
- (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and
- (5) Eating establishments: fast food with drive-through order windows.
- (6) Package store; and
- (7) Eating Establishments: sit down, including the sale of beer, wine, or alcohol for on-premise consumption

(D) *Development regulations.*

- (1) Minimum lot size: 5,000 square feet.
 - (2) Maximum building height (as defined in § 155.005):
 - (a) Primary buildings: not more than 2 stories and not more than 28 feet or 35 feet with gable roof;
 - (b) Accessory buildings: not more than 18 feet and not more than 1 story;
- and

(c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 10 feet;

(b) Secondary street: 10 feet; and

(c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 11,500 square feet.

(7) Maximum floor area: 15,000 square feet.

(E) *Special requirements.*

(1) Open storage is prohibited.

(2) For site plan requirements, see § 155.077.

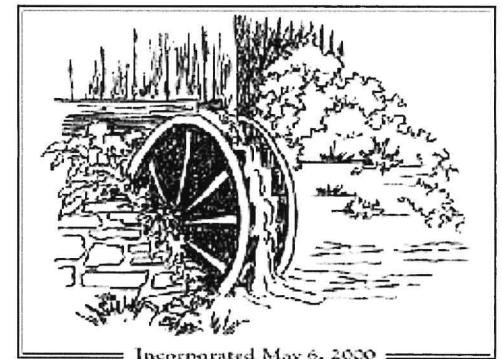
(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

(F) *Other regulations.* As established in §§ 155.075 et seq., development standards.

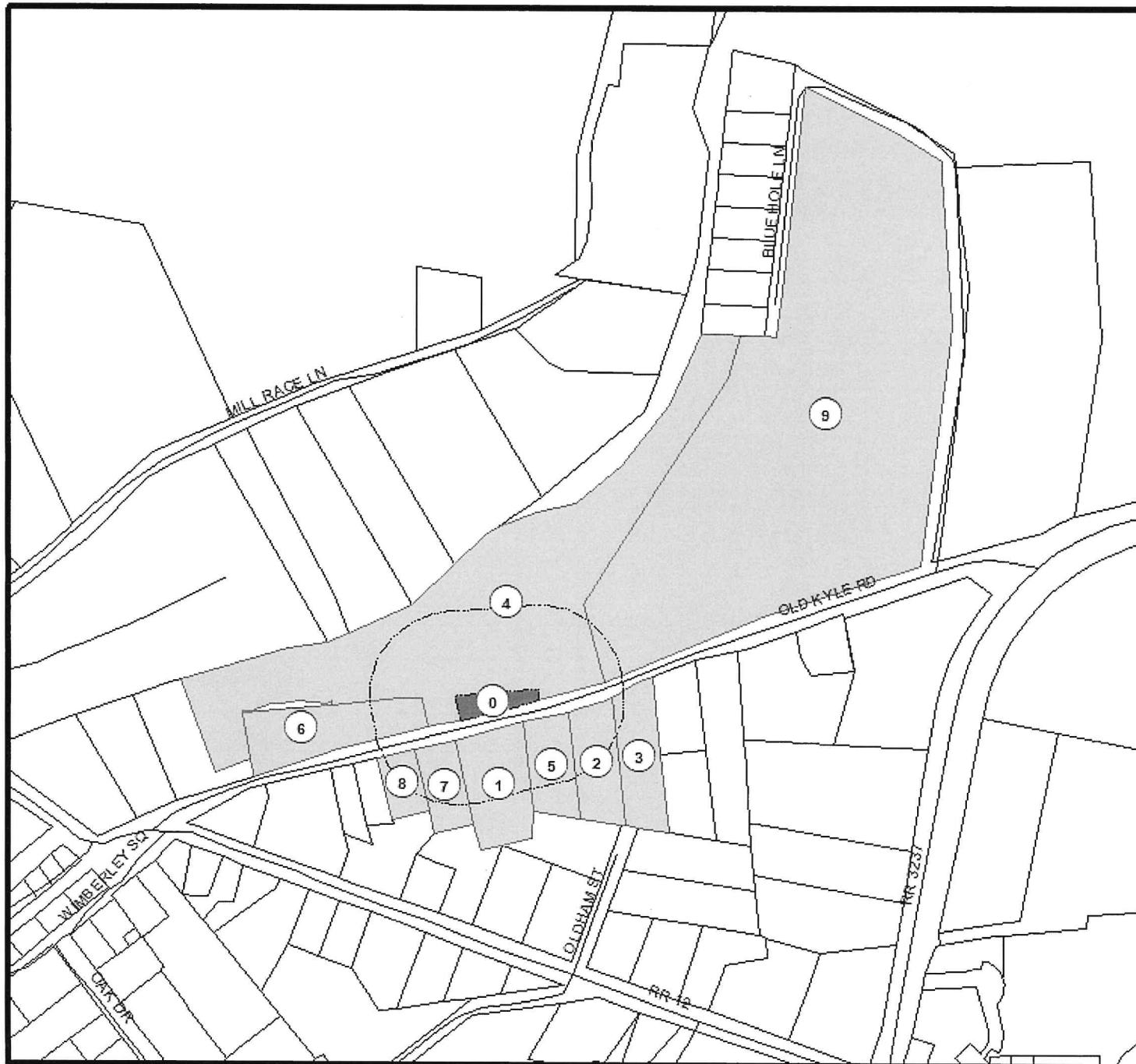
(G) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(Ord. 2001-010, § 26, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

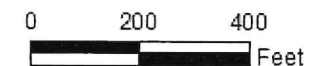
CUP-18-003 ~ 280 Old Kyle Road

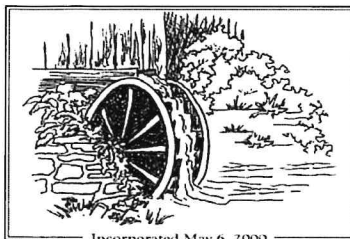


200' NOTIFICATION



Legend	
	200 Foot Buffer
ID. OWNER	
	0. BACHERS, MICHAEL (Subject Tract)
	1. BILLINGSLEY, CLAIRE M
	2. BURNETTE CARL W JR FAMILY TRUST & STORM LYNNE
	3. BURNETTE CARL W JR FAMILY TRUST & STORM LYNNE
	4. CITY OF WIMBERLEY
	5. GRADY BURNETTE BUILDER
	6. LUMBERYARD SB1 LLC
	7. RAY BERT E & JULIE L
	8. SANDER ALBERTA & JEAN A
	9. WIMBERLEY CEMETERY ASSN





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

February 15, 2018

NOTICE OF PUBLIC HEARING

Re: File No. CUP-18-003

280 Old Kyle Road

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

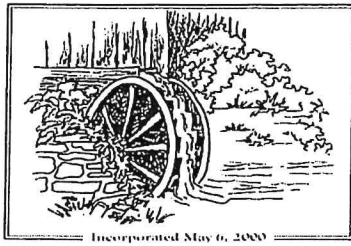
The applicant, Michael Bachers, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 280 Old Kyle Road. The current zoning for this property is Commercial-Low Impact (C-1). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 8, 2018, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, March 15, 2018, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

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

www.cityofwimberley.com

NOTICE BY SIGN POSTING

Date: 02/21/2018

Zoning No: CUP-18-003

Owner _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

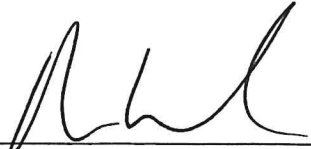
() Project Site Address 280 Old Kyle Rd,

located on _____

Aaron Reed
Public Works/ Code Enforcement

Note: The above-referenced sign was placed on the subject property on

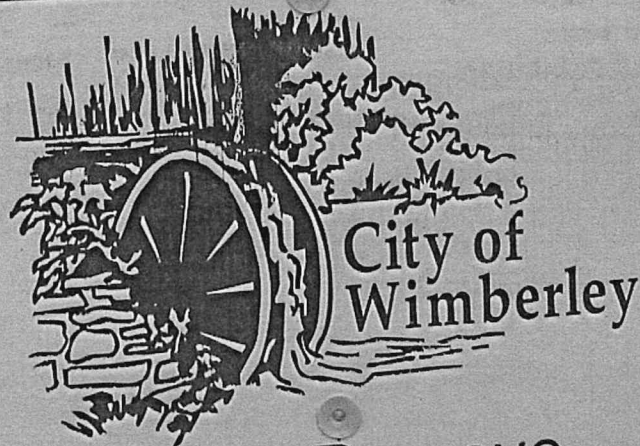
February 21, 2018



Signature

Proposed
Zoning
PUBLIC HEARING
For information Contact
The City of Wimberley
(512) 847-0025
Please Refer to File Number...

CVP-18-003



Do Not Remove

02/21/2018

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, March 8, 2018, at 6:00 p.m. to consider the following: CUP-18-002-- an application for a Conditional Use Permit (CUP) to allow the installation of a mobile home at 500 River Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (slfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Warren Henry Walker, Deceased, were issued on February 7, 2018, in Cause No. 18-0027-P, pending in the County Court at Law of Hays County, Texas, to: Waurine Walker Turner.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: Joseph J. Malone
Attorney at Law
Stevens & Malone, LLP
P.O. 727
Wimberley, Texas 78676

DATED the 8th day of February, 2018.

Joseph J. Malone
Attorney for Waurine Walker Turner
State Bar No.: 24050982
Stevens & Malone, LLP
P.O. Box 727
Wimberley, Texas 78676
Telephone: (512) 847-9277
Facsimile: (512) 847-5131
E-mail: joe@stevensmalonelaw.com

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been filed with HAYS COUNTY to subdivide 19.9 acres of property located at the southeast corner of the intersection of Ranch Road 12 and Fitzhugh Road, Dripping Springs, Texas 78620. Information regarding the subdivision may be obtained from Hays County Development Services (512) 393-2150. Tracking Number: SUB-963.

PUBLIC NOTICE

THE STATE OF TEXAS

THE COUNTY OF HAYS

TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF: MELBA JUNE DUNCAN, DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 17-0112-P

The undersigned Dependent Administrator of the Estate of Melba June Duncan Deceased, of Hays County, Texas, having been granted Letters of Dependent Administration by the County Court of Hays County, Texas, in Probate Cause Number 17-0112-P, on the 31st day of January, 2018, hereby notifies all persons indebted to said Estate to make payment, and those having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 7th day of February, 2018, Gary Duncan, Dependent Administrator of the Estate of Melba June Duncan, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been filed with HAYS COUNTY to subdivide 11.02 acres of property located at along Mt. Sharp Road, Wimberley, TX 78676. Information regarding the application may be obtained from Hays County Development Services (512)

County, Texas. Officers of said corporation are Nancy G. Sallaberry, Manager.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, March 8, 2018, at 6:00 p.m. to consider the following: CUP-18-003-- an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 280 Old Kyle Rd. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (slfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, March 8, 2018, at 6:00 p.m. to consider the following: CUP-18-004-- an application for a Conditional Use Permit (CUP) to allow the installation of a manufactured home at 130 Jewel Ln. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (slfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC MEETING TO DISCUSS WIMBERLEY ISD'S

State Financial Accountability Rating Wimberley ISD will hold a public meeting in conjunction with the regular board meeting at 6:00 p.m., Monday, February 19, 2018 in the Board Room at the District's Administration Building located at 951 FM 2325. The purpose of this meeting is to discuss Wimberley ISD's rating on the state's financial accountability system.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Robert B. Kiser, Deceased, were issued on January 17, 2018, in Cause No. 17-0333-P, pending in the County Court at Law No. 2, Hays County, Texas, to: Laurel Emrys. All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: Robert M. Avera
Attorney at Law
310 US 290 West, Suite C
Dripping Springs, TX 78620

DATED the 2nd day of February, 2019.

/s/ Robert Avera
Robert M. Avera
Attorney for Laurel Emrys
State Bar No.: 24064113
310 US 290 West, Suite C
Dripping Springs, TX 78620
Telephone: (512) 815-3578
Facsimile: (512) 815-3583
E-mail: robert@averallaw.com

Drivers

DRIVERS: LOCAL: Make \$225 Daily! Dedicated Out and Back - (San Antonio to Stephenville). Great Benefits & Equipment! CDL-A req. 417-962-2354 www.wdmlk.com

Drivers

Local Class A CDL Route Drivers. Home Every Night! Excellent Weekly Pay & Benefits. Sign-on & Safety Bonus! apply.labbatfood.com 855-321-5658

Michelle Fischer, City Administrator
City of Dripping Springs
P.O. Box 384/511 Mercer St.
Dripping Springs, Texas 78620

The sealed STATEMENTS must be in a standard statement of qualifications format, and each statement must be a response to each item in the RFQ in the order given. The engineering services requested require that it be licensed to practice engineering in the State of Texas and also that it employs active Texas Registered Professional Engineers.

Statements must be submitted on or before 4:00 pm on March 2, 2018. Statements received after this date will be left unopened and not considered. There will be an optional pre-submittal meeting at Dripping Springs Park on Tuesday, February 20, 2018 at 10 a.m. Dripping Springs Ranch Park is located at 1042 Event Dripping Springs, Texas 78620. The City may decide to short-list Applicants, in which case said short-list may be requested to make a presentation at the March 13, 2018 council meeting at City Hall, 511 Mercer Street, Dripping Springs, Texas 78620.

If additional information is requested, please email questions to mfischer@cityofdrippingsprings.com. Information may be picked up at the above address or viewed online at the city website at <http://www.cityofdrippingsprings.com/>.

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

PUBLIC NOTICE

Notice is hereby given that the City of Dripping Springs is soliciting competitive sealed bids for Construction

REQUEST FOR BIDS: "HARRISON HILLS TRAIL IMPROVEMENTS"

Sealed bids, one (1) original, five (5) copies, and one (1) electronic copy (in PDF format) on CD or DVD are requested by the City of Dripping Springs for the construction of the Harrison Hills Trail Improvements and associated appurtenances. Sealed bids will be received at:

Michelle Fischer, City Administrator
City of Dripping Springs
P.O. Box 384/511 Mercer St.
Dripping Springs, Texas 78620

The sealed BIDS must be in the bid proposal format found in the Project Manual, and each bid must include a copy of each item in the Project Manual in the order given.

Bids must be submitted on or before 4:00 pm on March 2, 2018. The Bids will be opened and read aloud at 10:00 a.m. on March 2, 2018 at City Hall, 511 Mercer St., Dripping Springs, Texas. Bids received after this date will be left unopened and not considered. There will be a pre-bid meeting at Dripping Springs Ranch Park on Wednesday, February 21, 2018 at 10 a.m. Dripping Springs Ranch Park is located at 1042 Event C Dripping Springs, Texas 78620. The City Council will review bids and consider selection of the Contractor at the March 13, 2018 council meeting at City Hall, 511 Mercer Street Dripping Springs, Texas 78620.

If additional information is requested please email questions to mfischer@cityofdrippingsprings.com. Bid info may be picked up at the above address or viewed online at <http://www.cityofdrippingsprings.com/>. Beginning February 8, 2018, construction documents will be at the City of Dripping Springs, City Hall, 511 Street, Dripping Springs, Texas 78620. Costs per set of plans and specifications shall be \$50.00 and the price of the entire requesting documents to purchase.

General Help Wanted

KITCHEN & CASHIER
Help wanted
Apply in Person
Wimberley Shamrock



General Help Wanted

Marcos in Wimberley is hiring Wait & Kitchen staff. Very good pay. Call Eva 512-800-3289

General Help Wanted

DQ
JOHNSON CITY DQ NOW HIRING
CO-MANAGER
Paying up to \$36,000 per year plus monthly bonuses
TEAM MEMBERS
All Shifts and Night Manager
IMMEDIATE OPENINGS
Day, Night and Weekend Shifts Available.
Why Work At Dairy Queen?
Committed to 49 years of Excellence
What We Offer:
Competitive Pay, Medical, Dental and Vision Benefits, Paid Holidays and Vacation, Incentive Pay (Retail and Career Advancement).
Positions for Management and Team Members available in other locations

General Help Wanted

Hill Country MHDD Centers
HILL COUNTRY MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CENTERS
Community Service Aide III

Hill Country MHDD Centers now hiring Part Time CSAs for their Hays Location - 1200 North Bishop St. San Marcos, TX. This is an excellent opportunity for recent graduating seniors OR jobseekers passionate about working with individuals with Intellectual & Developmental Delays. Eligible candidate must possess H.S. Diploma / GED and have a Valid TX Driver's License. Must have great organizational and communication skills AND be passionate about working with this population. Approximately 30 hrs/ wk/ Variable Hours. \$10.95/hr.
Apply online @ www.hillcountry.org

Hill Country MHDD Centers is an EOE

General Help Wanted

Hill Country Mental Health and Developmental Disabilities Centers
Crisis - Team Lead

Now Hiring - Expanding non-profit provider of Behavioral Health Services searching for a Crisis Team Lead for their Clinic located in San Marcos. Qualified Candidate must possess one of the following: LPC, LCSW, LMFT, \$24.93/hr with On-Call Pay.
Position requires flexible work schedule and some travel for On-Call Crisis Rotation.
Apply online at www.hillcountry.org

Hill Country MHDD Centers is an EOE

General Help Wanted

C STAFF
CONSTRUCTION
Seeking job site superintendent, overseeing excavation sites, shop located in Dripping Springs.

General Help Wanted

Hill Country Mental Health and Developmental Disabilities Centers
Crisis - Team Lead

Now Hiring - Expanding non-profit provider of Behavioral Health Services searching for a Crisis Team Lead for their Clinic located in San Marcos. Qualified Candidate must possess one of the following: LPC, LCSW, LMFT, \$24.93/hr with On-Call Pay.
Position requires flexible work schedule and some travel for On-Call Crisis Rotation.
Apply online at www.hillcountry.org

Hill Country MHDD Centers is an EOE

General Help Wanted

C STAFF
CONSTRUCTION
Open positions, CDL Driver, Machinery operator a plus. Duties include: Driver dump truck, mobilizing equipment
Contact

General Help Wanted

Deer Creek of Wimberley is hiring
Full Time Charge Nurse
2p - 10p
Full Time CNA
Double Weekends
Full Time CNA
2p-10p, Mon - Fri
Please apply in person
555 Ranch Rd. 323
Wimberley, TX. 78677



Set your sights high.

With house prices and interest rates down, there's never been a better time to buy a home and get more for your money.
Wimberley View Classifieds
Homes for Sale
(512) 847-3438
www.wimberleyview.com

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NEW

ORDINANCE NO. 2018-09

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY MICHAEL BACHERS TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 280 OLD KYLE ROAD, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Michael Bachers ("Applicant") requesting authorization to operate a vacation rental on real property described as 0.18 acres out of the Amasa Turner Survey, Abstract No. 461, zoned Commercial-Low Impact (C-1); and

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

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application and other necessary information, and has complied with the requirements of the City of Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted public hearings on the application for a Conditional Use Permit wherein public comment was received and considered on the application; and

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Michael Bachers ("Applicant") for use as a vacation rental on real property, described as 0.18 acres out of the Amasa Turner Survey, Abstract No. 461, as more particularly described by survey in Exhibit "A", attached and incorporated by reference, zoned Commercial-

City of Wimberley, Texas

low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

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

12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part of the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. A property address sign is required and shall be installed on the property no more than ten (10) feet from the street, with the address numbers at least four (4) inches high and two (2) inches wide.
14. One (1) freestanding business sign shall be allowed, but not required, on the property. Such sign shall not exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
15. The maximum occupancy for the property shall be five (5) people; once the City sewer is on-line, the maximum occupancy shall be automatically amended, if necessary, to the maximum occupancy per City sewer service based upon the established code at that time.
16. The owner of the property or the owner's agent shall not advertise a maximum occupancy for the vacation rental that is greater than the maximum occupancy established by the City based on septic capacity.
17. The owner of the property or the owner's agent, which may be a vacation rental agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
18. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

City of Wimberley, Texas

sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 15th day of March, 2018 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

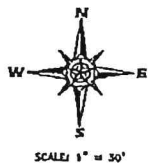
By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

Laura Calcote, City Secretary

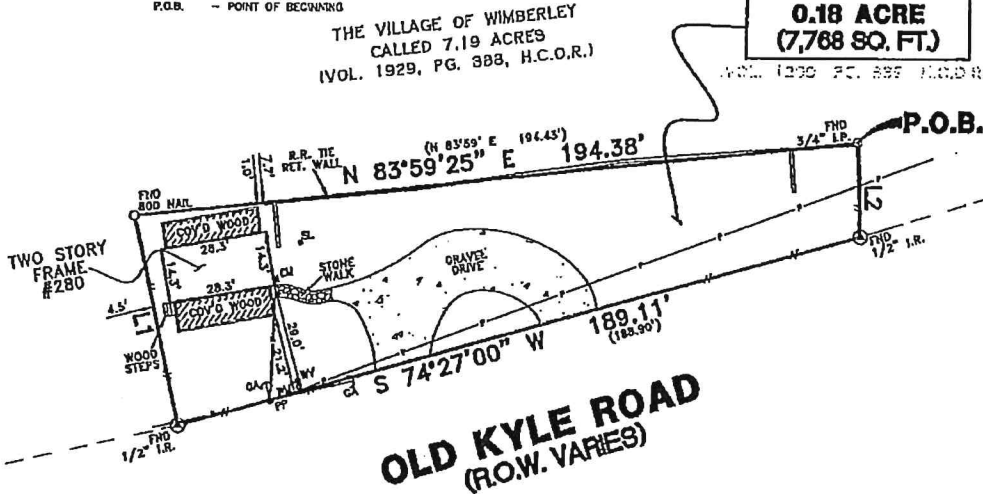
APPROVED AS TO FORM:

City Attorney



LEGEND

- SL - SEPTIC LID
- EN - ELECTRIC METER
- CAC - GUY ANCHOR
- PP - POWER POLE
- P - OVERHEAD POWER LINE
- WM - WATER METER
- WV - WATER VALVE
- WF - WOOD FENCE
- () - RECORD INFORMATION
- ⊙ - CONTROL MONUMENT
- P.O.B. - POINT OF BEGINNING



LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.18 ACRE (7,768 SQ. FT.) BEING OUT OF AND PART OF THE AMASA TURNER SURVEY NO. 1, LOCATED IN HAYS COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND CONVEYED TO MARY KAY McQUIGG BY DEED RECORDED IN VOLUME 1330, PAGE 839, H.C.O.P.R., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: ALL BEARINGS ARE BASED ON SAID DEED RECORDED IN VOLUME 1330, PAGE 839, H.C.O.P.R.:

BEGINNING AT A FOUND 3/4" IRON PIPE FOR AN ANGLE POINT IN THAT CERTAIN CALLED 7.19 ACRE TRACT CONVEYED TO THE VILLAGE OF WIMBERLEY BY DEED RECORDED IN VOLUME 1929, PAGE 888, H.C.O.P.R. AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02°30'18" EAST (RECORD: SOUTH 02°29' EAST) WITH THE COMMON LINE OF SAID CALLED 7.19 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 24.98' (RECORD: 24.88') TO A FOUND 1/2" IRON ROD FOR AN ANGLE POINT IN SAID CALLED 7.19 ACRE TRACT IN THE NORTH RIGHT-OF-WAY LINE OF OLD KYLE ROAD (R.O.W. VARIES) AND BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 74°27'00" WEST WITH THE NORTH LINE OF SAID OLD KYLE ROAD AND THE SOUTH LINE OF THE HEREIN DESCRIBED TRACT, A DISTANCE OF 189.11' (RECORD: 188.90') TO A FOUND 1/2" IRON ROD IN THE NORTH RIGHT-OF-WAY LINE OF SAID OLD KYLE ROAD FOR AN ANGLE POINT IN SAID CALLED 7.19 ACRE TRACT, AND BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE COMMON LINE OF SAID CALLED 7.19 ACRE TRACT AND THE HEREIN DESCRIBED TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. NORTH 12°27'37" WEST (RECORD: NORTH 12°44' WEST), A DISTANCE OF 58.82' (RECORD: 58.49') TO A FOUND 80D NAIL FOR AN ANGLE POINT IN SAID CALLED 7.19 ACRE TRACT, AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
2. NORTH 83°59'25" EAST (RECORD: NORTH 83°59' EAST), A DISTANCE OF 194.38' (RECORD: 194.43') TO THE PLACE OF BEGINNING AND CONTAINING 0.18 ACRE (7,768 SQ. FT.) OF LAND, AS SURVEYED ON THE GROUND ON JULY 15, 2015.

LINE TABLE

LINE	DISTANCE	BEARING
L1	58.82'	N 12°27'37" W
	(58.49')	(N 12°44' W)
L2	24.98'	S 02°30'18" E
	(24.88')	(S 02°29' E)

NOTES:

1) SUBJECT TO ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.

2) SUBJECT TO A UTILITY EASEMENT (BLANKET-IN-NATURE) TO GENERAL TELEPHONE COMPANY OF THE SOUTHWEST BY VOL. 287, PG. 659, H.C.O.R. FOUND NO ABOVE GROUND PHYSICAL EVIDENCE WITHIN SUBJECT PROPERTY PER FIELD INSPECTION AT THE TIME OF SURVEY EXCEPT AS SHOWN.

3) SUBJECT TO A 15' WATERLINE EASEMENT (BLANKET-IN-NATURE) TO WIMBERLEY WATER SUPPLY CORPORATION BY VOL. 6231, PG. 284, H.C.O.R. FOUND NO ABOVE GROUND PHYSICAL EVIDENCE WITHIN SUBJECT PROPERTY PER FIELD INSPECTION AT THE TIME OF SURVEY EXCEPT AS SHOWN.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT NOTED IN BY OF NO. 1829902-NEW

SURVEY OF
0.18 ACRE OUT OF THE AMASA TURNER SURVEY NO. 1, IN HAYS COUNTY, TEXAS, ACCORDING TO THE DEED THEREOF, RECORDED IN VOLUME 1330, PAGE 839, OF THE OFFICIAL RECORDS OF HAYS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "AE" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48169-0333 F, REVISED SEPTEMBER 02, 2005. FLOOD ZONE DETERMINED BY GRAPED PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER MICHAEL BACHERS		LENDER CO. -	
ADDRESS 269 OLD KYLE ROAD, WIMBERLEY, TEXAS 78476		TITLE CO. INDEPENDENCE TITLE COMPANY	
		I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described herein (for an attached sheet). That the facts stated at the time of this survey show the improvements and that there are no encroachments shown on the ground, except as shown. Surveyor for Michael Land Services Austin.	
Withdrawn Land Services Austin 4120 Commercial Center Dr. Suite 300 Austin, Texas 78744 TEL: (512) 326-2100 FAX: (512) 326-2770 COPYRIGHT 2015 WILSON LAND SERVICES AUSTIN, ALL RIGHTS RESERVED		7/17/15	
FIELD WORK	07/15/15	CM	DRAFTED BY
REVISION	-	-	07/17/15
REVISION	-	-	WOL
CHECKED BY		07/17/15	
MAPSCO PAGE		JOB NO.	
894 Q		31117	

Report for CUP-18-004



Summary:

An application for a Conditional Use Permit to allow for the installation of a Manufactured Home at 130 Jewel Lane

Applicant Information:

Applicant:

Gloria Vasquez
129 Jewel Lane
Wimberley, TX 78676
Joe & Gloria Vasquez

Property Owner:

Subject Property:

Legal Description:

Lot 24, Roselle Addition, Unit 1

Location:

130 Jewel Lane

Existing Use of Property:

Residential

Existing Zoning:

Single-Family Residential 3 (R-3)

Proposed Use of Property:

Manufactured Home

Proposed Zoning:

CUP

Planning Area:

II

Overlay District:

N/A

Surroundings:

Frontage On:

Jewel Lane & Davis Street

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R2, R3	Residential
S of Property	R3	Residential
E of Property	R2	Residential
W of Property	R3	Residential

Legal Notice

200' Letters:

02/21/2018

Published:

02/15/2018

Sign Placement:

02/21/2018

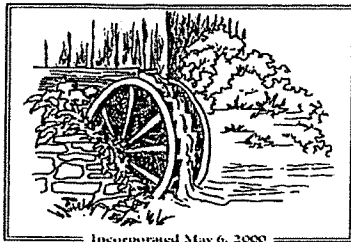
Responses:

none

Comments:

The applicant, Gloria Vasquez, has requested a Conditional Use Permit (CUP) for the installation of a manufactured home for property located at 130 Jewel Lane. In 2006, the City of Wimberley amended the zoning code, allowing a manufactured home as a conditional use vs a permitted use. The proposed manufactured home is 1,440 square feet consisting of three (3) bedrooms and two (2) bath. The subject tract previously had a manufactured home on the property and it has been removed for approximately two years; the applicants would like to install a new home. If approved, the applicants are aware that they will have to go through the building permit process as well as the on-site sewage facility (OSSF) permitting process if necessary.

On March 8th, the Planning & Zoning Commission met and voted 5-0 for recommending approval of the application. City staff recommends approval.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 18 - 004 Date: 2-7-2018 Staff Review Sandra I. Floyd
P&Z Hearing: 3/8/2018 Council Hearing: 3/15/2018 Fees Paid: ☒ Application ☐ Public Notice
Cash \$400⁰⁰

Applicant: Joe + Gloria Vasquez
Mailing address: 129 Jewel Ln City: Wimberley State: Texas Zip: 78676
Phone: [REDACTED] Email: [REDACTED]
Property Owner: Joe + Gloria Vasquez
Mailing address: 129 Jewel Ln City: Wimberley State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

Project Site Address: 130 Jewel Ln Wimberley, Texas 78676
Legal description: Lot 24 Roselle Section 1
Total Acreage or Square Footage: _____ Deed recorded in: Hays County
Hays CAD Parcel ID R 41088 Planning Area: II Zoning: R3
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: N/A
Specific Conditional Use Requested: manufactured Home

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

Utilities

Electric Provider: PEC
Water provider or Private Well: Wimberley Water Supply
Wastewater Service or Septic Permit No. _____

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

MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- (✓) Metes and bounds description and/or a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (✓) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- (✓) List of Special Conditions that Applicant agrees apply to property.
- (✓) Payment of Application fee \$400.00 (non-refundable)
- (✓) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (✓) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (✓) Applicant agrees to provide additional documentation as needed by the City.
- (✓) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (✓) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

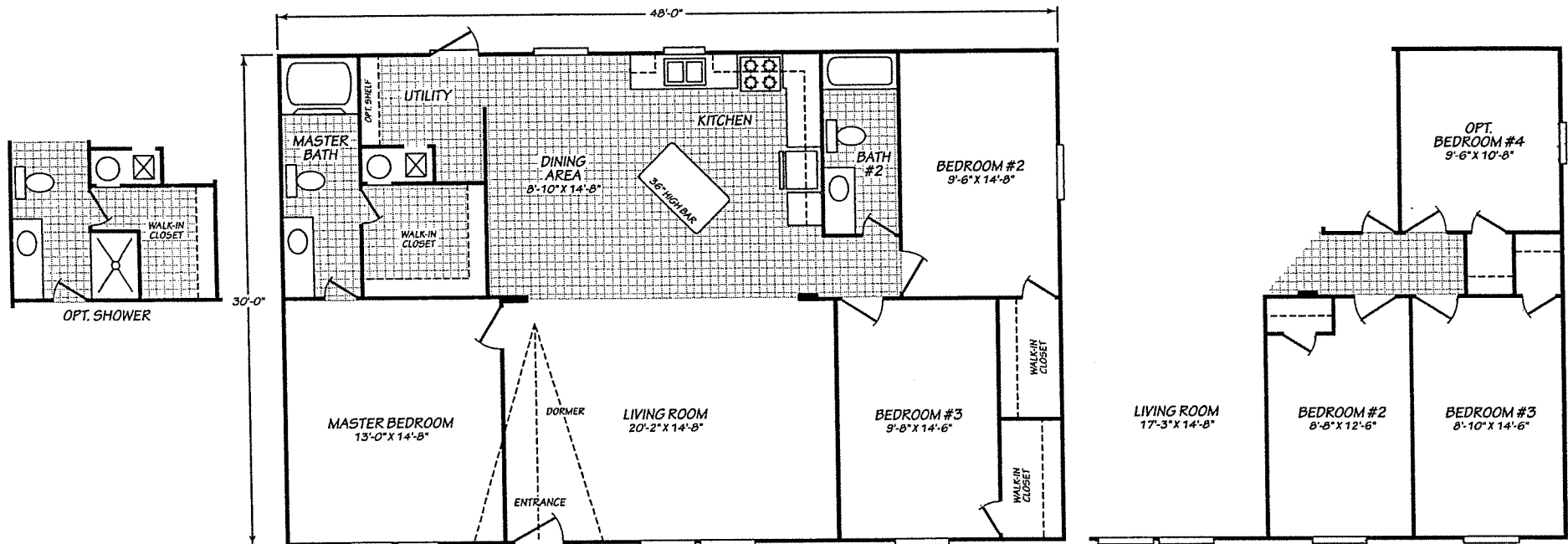
2-7-2018
DATE

Gloria Vasquez
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE



MODEL 32483B

3 Bedroom • 2 Bath • 1,440 Square Feet

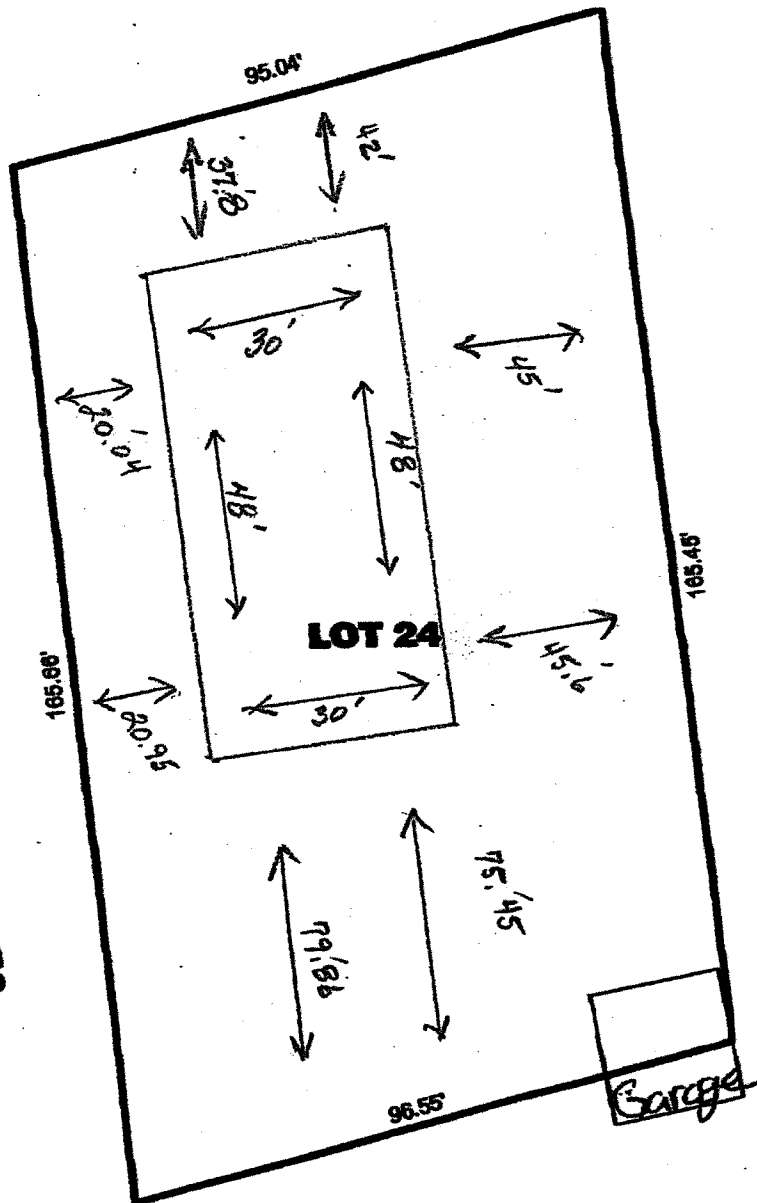
Important: Because we continually update and modify our products, it is important for you to know that our brochures and literature are for illustrative purposes only. Illustrations may show optional features. All information contained herein may vary from the actual home we build. Dimensions are nominal and length and width measurements are from exterior wall to exterior wall. We reserve the right to make changes at any time, without notice or obligation, in prices, colors, materials, specifications, features and models. Please check with your retailer for specific information about the home you select.



BK240/MAY14
PFS APPROVAL 5/15/14



JEWELL ST. (50' R.O.W.)



DAVIS ST. (50' R.O.W.)

§ 155.038 SINGLE-FAMILY RESIDENTIAL 3; R-3.

(A) *General purpose and description.* The R-3 single-family residential-3, district is intended to provide for development of primarily detached, single-family residences on lots of not less than 10,000 square feet.

(B) *Permitted uses.*

(1) One residence, including:

(a) Single-family detached dwellings.

(2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

(a) The term accessory use shall include customary home occupations as herein defined;

(b) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See § 155.076 for additional accessory use requirements;

(c) A detached private garage used in conjunction with the main building; and

(d) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

(3) Religious assembly.

(C) *Conditional uses.*

(1) Bed and breakfast lodging or Vacation Rental located only in the residential building;

(2) Home day care (fewer than 7 children);

(3) Home commercial crafts or hobbies;

(4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and

(5) Two-family residential (duplex).

(6) One manufactured home installed on a permanent foundation, as the primary residence.

(D) *Development regulations.*

(1) Lot size: minimum 10,000 square feet, but less than 20,000 square feet.

(2) Maximum building height (as defined in § 155.005):

(a) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Accessory buildings: not more than 18 feet and not more than 1 story; and

(c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 30 feet;

(b) Secondary street: 15 feet;

(c) Interior side yard: 5 feet; and

(d) Rear: 20 feet.

(4) Minimum floor area:

(a) Residential building: 600 square feet.

(5) Maximum impervious cover: 45%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

(1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

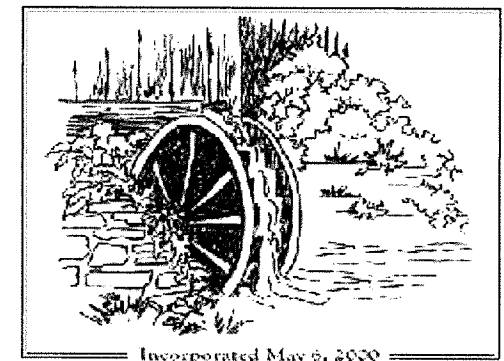
(2) Electrical fencing and barbed wire is prohibited as perimeter fencing.

(3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.

(4) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075*et seq.*, development standards. (Ord. 2001-010, § 17, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999

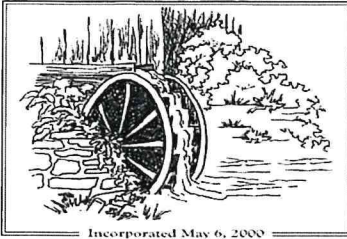
CUP-18-004 ~ 130 Jewel Lane



200' NOTIFICATION

Legend	
	200' Buffer
ID. OWNER	
	0. VASQUEZ, JOE & GLORIA
	1. CHRISTENSEN, KIM M
	2. GRIDER, WILLIAM & BARBARA
	3. JONES, JOHN M
	4. SHRAVI & SHIVANI LTD
	5. CARSON DIVERSIFIED LAND LP
	6. BEASON EMILY & SANCHEZ RICARDO
	7. CHRISTENSEN, KIM M
	8. JONES, JOHN M
	9. JONES, JOHN M
	10. VASQUEZ, GLORIA JEAN
	11. CARSON DIVERSIFIED LAND LP
	12. MAHANAY RICHARD J & DEBRA A
	13. VAUGHN, STEVEN PERRY
	14. ADAMS, CHARLOTTE JANE
	15. POTTER, DWAYNE R





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

February 21, 2018

NOTICE OF PUBLIC HEARING

Re: File No. CUP-18-004

130 Jewel Lane

A request for a Conditional Use Permit (CUP) to allow the installation of a manufactured home

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

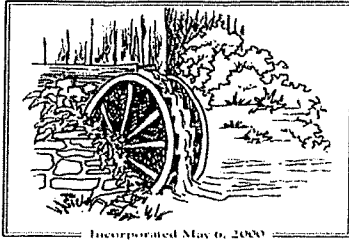
The applicant, Gloria Vasquez, has requested a Conditional Use Permit (CUP) to allow for the installation of a manufactured home. The current zoning for this property is Single-Family Residential 3 (R-3). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 8, 2018, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, March 15, 2018, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

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

www.cityofwimberley.com

NOTICE BY SIGN POSTING

Date: 02/21/2018

Zoning No: CUP-18-004

Owner _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

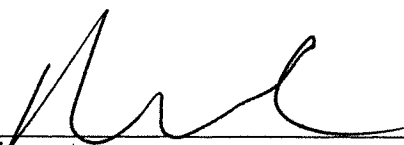
() Project Site Address 130 Jewel Ln.

located on _____

Aaron Reed
Public Works/ Code Enforcement

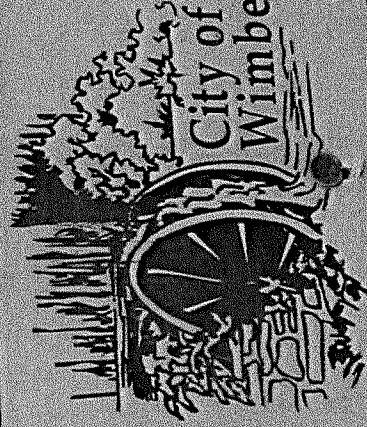
Note: The above-referenced sign was placed on the subject property on

February 21, 2018


Signature

Proposed
Zoning
PUBLIC HEARING
For information Contact
The City of Wimberley
(512) 847-0025
Please Refer to File Number...

CUP -18-004



Do Not Remove

02/21/2018

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, March 8, 2018, at 6:00 p.m. to consider the following: CUP-18-002 - an application for a Conditional Use Permit (CUP) to allow the installation of a mobile home at 500 River Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (slloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Warren Henry Walker, Deceased, were issued on February 7, 2018, in Cause No. 18-0027-P, pending in the County Court at Law of Hays County, Texas, to: Waurine Walker Turner.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: Joseph J. Malone
Attorney at Law
Stevens & Malone, LLP
P.O. 727
Wimberley, Texas 78676

DATED the 8th day of February, 2018.

Joseph J. Malone
Attorney for Waurine Walker Turner
State Bar No.: 24050982
Stevens & Malone, LLP
P.O. Box 727
Wimberley, Texas 78676
Telephone: (512) 847-9277
Facsimile: (512) 847-5131
E-mail: joe@stevensmalonelaw.com

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been filed with HAYS COUNTY to subdivide 19.9 acres of property located at the southeast corner of the intersection of Ranch Road 12 and Fitzhugh Road, Dripping Springs, Texas 78620. Information regarding the subdivision may be obtained from Hays County Development Services (512) 393-2150. Tracking Number: SUB-963.

PUBLIC NOTICE

THE STATE OF TEXAS

THE COUNTY OF HAYS

TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF: MELBA JUNE DUNCAN, DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 17-0112-P

The undersigned Dependent Administrator of the Estate of Melba June Duncan, Deceased, of Hays County, Texas, having been granted Letters of Dependent Administration by the County Court of Hays County, Texas, in Probate Cause Number 17-0112-P, on the 31st day of January, 2018, hereby notifies all persons indebted to said Estate to make payment, and those having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 7th day of February, 2018, Gary Duncan, Dependent Administrator of the Estate of Melba June Duncan, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been filed with HAYS COUNTY to subdivide 11.02 acres of property located at along ML Sharp Road, Wimberley, TX 78676. Information regarding the application may be obtained from Hays County Development Services (512)

County, Texas. Officers of said corporation are Nancy G. Sallaberry, Manager.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, March 8, 2018, at 6:00 p.m. to consider the following: CUP-18-003 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 280 Old Kyle Rd. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (slloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, March 8, 2018, at 6:00 p.m. to consider the following: CUP-18-004 - an application for a Conditional Use Permit (CUP) to allow the installation of a manufactured home at 130 Jewel Ln. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, March 15, 2018, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (PO Box 2027), or by email (slloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC MEETING TO DISCUSS WIMBERLEY ISD'S

State Financial Accountability Rating Wimberley ISD will hold a public meeting in conjunction with the regular board meeting at 6:00 p.m., Monday, February 19, 2018 in the Board Room at the District's Administration Building located at 951 FM 2325. The purpose of this meeting is to discuss Wimberley ISD's rating on the state's financial accountability system.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Robert B. Kiser, Deceased, were issued on January 17, 2018, in Cause No. 17-0333-P, pending in the County Court at Law No. 2, Hays County, Texas, to: Laurel Emrys. All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: Robert M. Avera
Attorney at Law
310 US 290 West, Suite C
Dripping Springs, TX 78620

DATED the 2nd day of February, 2019.

/s/ Robert Avera
Robert M. Avera
Attorney for Laurel Emrys
State Bar No.: 24064113
310 US 290 West, Suite C
Dripping Springs, TX 78620
Telephone: (512) 815-3578
Facsimile: (512) 815-3583
E-mail: robert@averafirm.com

Drivers

DRIVERS: LOCAL:
Make \$225 Daily
Dedicated Out and Back - (San Antonio to Stephenville).
Great Benefits & Equipment CDL-A req. 417-962-2354
www.wdmilk.com

Drivers

Local Class A CDL:
Route Drivers. Home Every Night!
Excellent Weekly Pay & Benefits. Sign-on & Safety Bonus!
apply.labattfood.com 855-321-5658

Michelle Fischer, City Administrator
City of Dripping Springs
P.O. Box 384/511 Mercer St.
Dripping Springs, Texas 78620

The sealed STATEMENTS must be in a standard statement of qualifications format, and each statement in a response to each item in the RFQ in the order given. The engineering services requested require that it be licensed to practice engineering in the State of Texas and also that it employs active Texas Registered Professional Engineers.

Statements must be submitted on or before 4:00 pm on March 2, 2018. Statements received after this date will be left unopened and not considered. There will be an optional pre-submittal meeting at Dripping Springs Park on Tuesday, February 20, 2018 at 10 a.m. Dripping Springs Ranch Park is located at 1042 Event Dripping Springs, Texas 78620. The City may decide to short-list Applicants, in which case said short-list may be requested to make a presentation at the March 13, 2018 council meeting at City Hall, 511 Mercer Dripping Springs, Texas 78620.

If additional information is requested, please email questions to mfischer@cityofdrippingsprings.com. Information may be picked up at the above address or viewed online at the city website <http://www.cityofdrippingsprings.com>.

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

PUBLIC NOTICE

Notice is hereby given that the City of Dripping Springs is soliciting competitive sealed bids for Construction

REQUEST FOR BIDS: "HARRISON HILLS TRAIL IMPROVEMENTS"

Sealed bids, one (1) original, five (5) copies, and one (1) electronic copy (in PDF format) on CD or flash drive, are requested by the City of Dripping Springs for the construction of the Harrison Hills Trail Improvements and associated appurtenances. Sealed bids will be received at:

Michelle Fischer, City Administrator
City of Dripping Springs
P.O. Box 384/511 Mercer St.
Dripping Springs, Texas 78620

The sealed BIDS must be in the bid proposal format found in the Project Manual, and each bid must include a copy of each item in the Project Manual in the order given.

Bids must be submitted on or before 4:00 pm on March 2, 2018. The Bids will be opened and read aloud at 10:00 a.m. on March 2, 2018 at City Hall, 511 Mercer St., Dripping Springs, Texas. Bids received after this date will be left unopened and not considered. There will be a pre-bid meeting at Dripping Springs Ranch Wednesday, February 21, 2018 at 10 a.m. Dripping Springs Ranch Park is located at 1042 Event Dripping Springs, Texas 78620. The City Council will review bids and consider selection of the Contractor at the March 13, 2018 council meeting at City Hall, 511 Mercer Street Dripping Springs, Texas 78620.

If additional information is requested please email questions to mfischer@cityofdrippingsprings.com. Bid info may be picked up at the above address or viewed online at the city website <http://www.cityofdrippingsprings.com>. Beginning February 8, 2018, construction documents will be at the City of Dripping Springs, City Hall, 511 Street, Dripping Springs, Texas 78620. Costs per set of plans and specifications shall be \$50.00 and be the responsibility of the entity requesting documents to purchase.

General Help Wanted

KITCHEN & CASHIER
Help wanted
Apply in Person
Wimberley Shamrock

Now Hiring

General Help Wanted
Marcos in Wimberley is hiring Wait & Kitchen staff. Very good pay. Call Eva 512-800-3289

General Help Wanted

JOHNSON CITY DQ NOW HIRING
CO-MANAGER
Pay up to \$26,000 per year plus monthly bonuses.
TEAM MEMBERS
All Shifts and Night Manager
IMMEDIATE OPENINGS
Day, Night and Weekend Shifts Available.
Why Work At Dairy Queen?
Committed to 40 years of Excellence.
What We Offer:
Competitive Pay, Medical, Dental and Vision Benefits, Paid Holidays and Vacation, Incentive Pay (Performance) Career Advancement.
Positions for Management and Team Members available in other locations

General Help Wanted

Hill Country MHDD Centers
Hill Country Mental Health and Developmental Disabilities Centers
Community Service Aide III
Hill Country MHDD Centers now hiring Part Time CSAs for their Hays Location - 1200 North Bishop St. San Marcos, TX. This is an excellent opportunity for recent graduating seniors OR jobseekers passionate about working with individuals with Intellectual & Developmental Delays. Eligible candidate must possess H.S. Diploma / GED and have a Valid TX Driver's License. Must have great organizational and communication skills AND be passionate about working with this population. Approximately 30 hrs/ wk/ Variable Hours. \$10.95/hr.
Apply online @ www.hillcountry.org
Hill Country MHDD Centers is an EOE

General Help Wanted

Crisis - Team Lead
Now Hiring - Expanding non-profit provider of Behavioral Health Services searching for a Crisis Team Lead for their Clinic located in San Marcos. Qualified Candidate must possess one of the following: LPC, LCSW, LMFT, \$24.93/hr with On-Call Pay.
Position requires flexible work schedule and some travel for On-Call Crisis Rotation.
Apply online at www.hillcountry.org
Hill Country MHDD Centers is an EOE

General Help Wanted

C STAFF CONSTRUCTION
Seeking job site superintendent, overseeing excavation sites, shop located in Dripping Springs.

General Help Wanted

C STAFF CONSTRUCTION
Open positions. CDL Driver, Machine operator a plus. Duties include: Driver dump truck, mobilizing equipment

General Help Wanted

Deer Creek of Wimberley is hiring.
Full Time Charge Nurse
2p - 10p
Full Time CNA
Double Weekends
Full Time CNA
2p-10p, Mon - Fri
Please apply in person
555 Ranch Rd. 323
Wimberley, TX. 78676



Set your sights high.

With house prices and interest rates down, there's never been a better time to buy a home and get more for your money.
Wimberley View Classifieds
Homes for Sale
(512) 847-2438
www.wimberleyview.com

Like us on facebook



General Help Wanted

Gen Help W
LOOKING FOR EXPERIENCED OPERATOR
\$30/hour. 8 hammer ex Paul Swen - 830-93
PART-CAREG Disabled woman experience part-time, n ing careg personal c household meal prep occasional other. (858-4

Set your sights high.
With house prices and interest rates down, there's never been a better time to buy a home and get more for your money.
Wimberley View Classifieds
Homes for Sale
(512) 847-2438
www.wimberleyview.com

Like us on facebook



ORDINANCE NO. 2018-10

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY GLORIA VASQUEZ TO PERMIT THE INSTALLATION OF A MANUFACTURED HOME ON PROPERTY LOCATED AT 130 JEWEL LANE, WIMBERLEY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 3 (R-3); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Gloria Vasquez ("Applicant") requesting authorization to operate a vacation rental on real property described as Lot 24, Roselle Addition, Unit 1, zoned Single-Family Residential 3 (R-3), and

WHEREAS, a manufactured home is an authorized use in areas zoned Single-Family Residential 3 (R-3) upon approval of a Conditional Use Permit;

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application and other necessary information, and has complied with the requirements of the City of Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted public hearings on the application for a Conditional Use Permit wherein public comment was received and considered on the application; and

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Gloria Vasquez ("Applicant") for installation of a manufactured home on real property, described as Lot 24, Roselle Addition, Unit 1, as more particularly described by survey in Exhibit "A", attached and incorporated by reference, zoned Single-Family Residential 3 (R-3), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 15th day of March, 2018 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Herschel "Mac" McCullough, Mayor

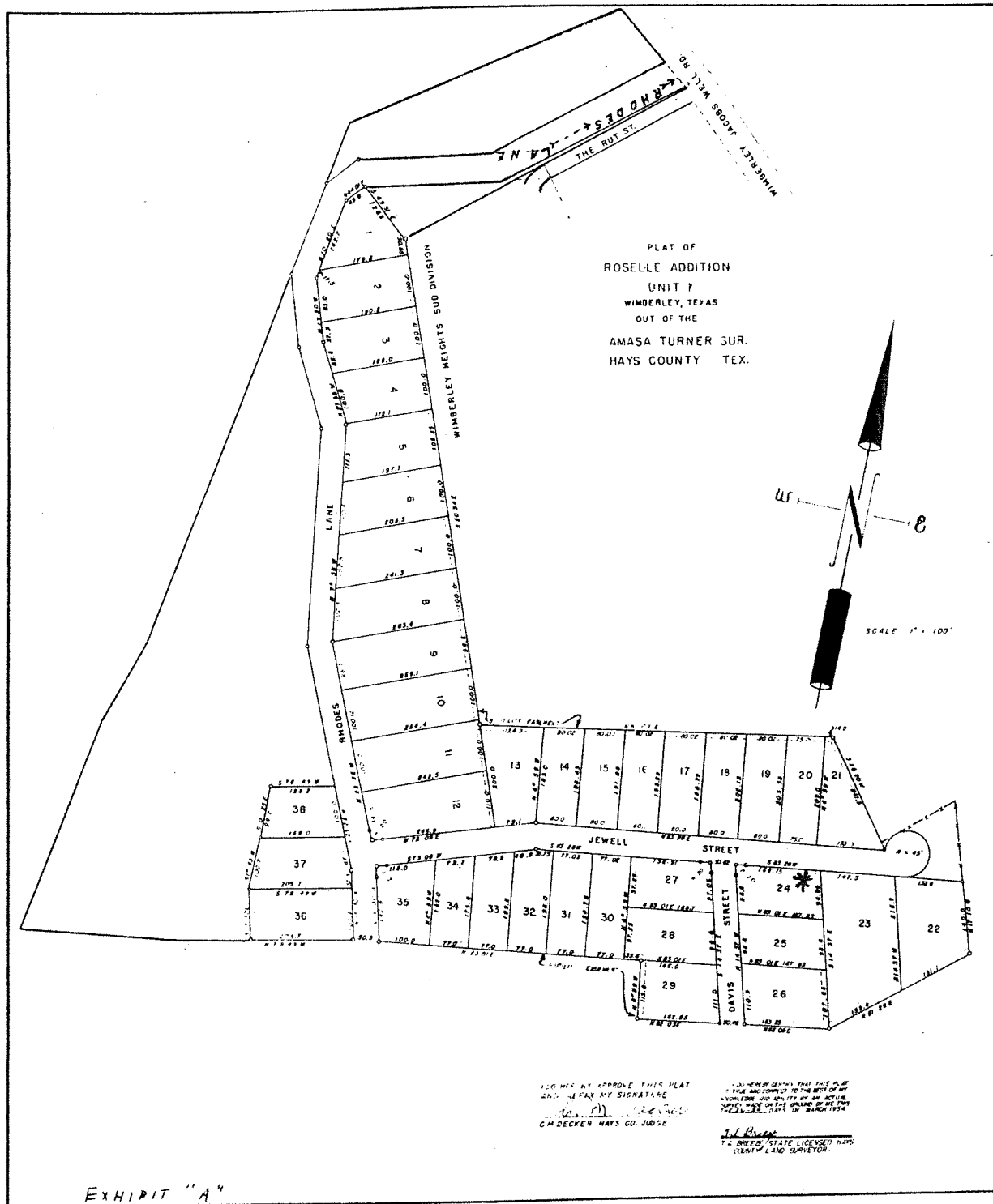
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

File Number 27040

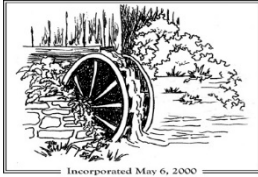


Filed for record the 27th day of May, A. D., 1954 at 3:00 o'clock P. M.
Recorded the 28th day of May, A. D., 1954 at 11:30 o'clock A. M.

SARAH REED, COUNTY CLERK, HAYS COUNTY, TEXAS.

Exhibit "A"

City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION - Updated Contract with Spectrum for Internet and Phone Service at City Hall

Council Action Requested:

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

Project/Proposal Summary:

The City utilizes Spectrum as its internet provider. The current contract provides internet a speed of 10/1 (10 megabyte download & 1-megabyte upload). The software acquired for the Municipal Court (Net Data) requires the City to maintain internet speeds at minimum of 60/10. The increase in speed is also necessary to live stream the City's Council Meetings and provide offsite backup of the City's servers.

The Contract considered for approval tonight will provide the City with internet speed of 100/10 at a base cost of \$199.99 per month. Previous monthly costs for the 10/1 speed were \$118.95 per month. The annual increase in cost will be \$972.48. This increase will be incorporated into the budget for FY 2019.

The total contact being considered is \$4,559.16. This does include Spectrum continuing to provide the City's phone services. The costs for those services are not increasing with this contract.



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- [View history](#)

Govt. - City of Wimberley - Coax Upgrade

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- [Next required field](#) Next Required 3
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- [Someone else should sign](#)
- [I will not e-sign](#)
- [Print, sign and upload](#)
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- [English: US](#)
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Customer Service Order

THIS SERVICE ORDER ("Service Order"), is executed and effective upon the date of the signature set forth in the signature block below ("Effective Date") and is by and between Charter Communications Operating, LLC on behalf of those operating subsidiaries providing the Service(s) hereunder ("Spectrum") and Customer (as shown below) and is governed by and subject to the Spectrum Enterprise Commercial Terms of Service posted to the Spectrum Enterprise website, <https://enterprise.spectrum.com/> (or successor url) or, if applicable, an existing services agreement mutually executed by the parties (each, as appropriate, a "Service Agreement"). Except as specifically modified herein, all other terms and conditions of the Service Agreement shall remain unamended and in full force and effect.

Account Executive: Andrew Kutler
Phone: 2105829784 ext:
Cell Phone: 2102439751
Fax:
Email: andrew.kutler@charter.com

Order # 10221970

Customer Information: Customer Code 0000		
Business Name	City of Wimberley (HQ)	Customer Type:
Federal Tax ID	Tax Exempt Status	Tax Exempt Certificate #
*****1396		
Billing Address		Account Number
Attention To:		
221 STILLWATER STE 1 WIMBERLEY TX 78676		8260161130025214
Billing Contact	Billing Contact Phone	Billing Contact Email Address
Monica Alcala	(512) 847-0025	malcala@cityofwimberley.com
Authorized Contact	Authorized Contact Phone	Authorized Contact Email Address
Monica Alcala	(512) 847-0025	malcala@cityofwimberley.com
Technical Contact	Technical Contact Phone	Technical Contact Email Address

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Spectrum

Spectrum

Spectrum offers inbound and outbound blocking options to help protect your account from unauthorized use. Spectrum recommends the use of International Blocking for all customers who do not make international calls. The table below summarizes the options selected for your order. If you have any questions or would like to change the blocking options, please contact your Spectrum Account Representative.

Call Blocking Options for: 221 Stillwater STE 1 Wimberley TX 78676

Phone Number	Inbound Call Blocks	Outbound Call Blocks
(512) 847-0025	None	INT and 900
(512) 847-0422	None	INT and 900
(512) 847-6573	None	INT and 900
(512) 847-6623	None	INT and 900
(512) 847-6767	None	INT and 900
(512) 847-9226	None	INT and 900

Intercept Message Information For: 221 Stillwater STE 1 Wimberley TX 78676

Phone Number	Referral Number	Interval	Start Date
(512) 847-0025			
(512) 847-0422			
(512) 847-6573			
(512) 847-6623			
(512) 847-6767			
(512) 847-9226			

Custom Ring For: 221 Stillwater STE 1 Wimberley TX 78676

Number	Custom Ring #1	Directory Listing #1	Custom Ring #2	Directory Listing #2	Custom Ring #3	Directory Listing #3	Custom Ring #4	Directory Listing #4
(512) 847-0025								
(512) 847-0422								

Page 3 of 5

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(512) 847-6573								
(512) 847-6623								
(512) 847-6767								
(512) 847-9226								

Internet and TV Services Order Information For 221 Stillwater STE 1 Wimberley TX 78676

Service Type

High Speed Internet (HSD)

Current Services and Monthly charges At 221 Stillwater Unit STE 1, Wimberley TX 78676

Description	Quantity	Sales Price	Monthly Recurring Total
B Nonvanmail	1	\$0.00	\$0.00
STARTER WEBHOSTING	1	\$14.95	\$14.95
*Total			\$14.95

*Prices do not include taxes and fees.

New and Revised Services and Monthly Charges At 221 Stillwater Unit STE 1, Wimberley TX 78676

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Spectrum Business Internet Pro - 100Mbps	1	\$199.99	\$199.99	12 Months
Spectrum Business Voice	6	\$29.99	\$179.94	12 Months
*Total			\$379.93	

*Prices do not include taxes and fees.



Spectrum™ Business Voice Service E911 Acknowledgment

Customer Name: City of Wimberley (HQ)

Billing Address: 221 STILLWATER STE 1 WIMBERLEY TX 78676

Please confirm that you understand this important information regarding E911 access and Spectrum Business Voice service.¹

Spectrum Business Voice service customer premise equipment ("CPE") is electrically powered and, in the event of a power outage or Spectrum network failure, E911 services may be unavailable.

When you dial 911, your service address is automatically provided to an emergency services provider. Spectrum Business Voice service CPE must not be moved to a new service address without first contacting Spectrum to identify your new service location. If you move the Spectrum Business Voice service CPE to a new service address without authorization and dial 911, you will need to provide your address to the 911 operator or your call may be misdirected to the wrong location or wrong emergency provider.

During the first 72 hours after initiating service or advising us of an address change, if you dial 911, you must provide your new service address to the emergency operator. This is necessary to ensure emergency services are dispatched to your new service address because the emergency operator may not have the new service address in their records. In some locations, depending on the equipment used by local governments to provide 911 service, you will always need to convey the 911 service location information to the emergency operator.

You must ensure that all alarm, security, medical and/or other monitoring systems and services are tested to validate proper operation after Spectrum Business Voice service is installed.

By signing my name below, I acknowledge that I have received and understand this Acknowledgement and agree to the obligations described above.

(Authorized Customer Signature) (Date Signed)

(Printed Name) (Title)

¹ "Spectrum" refers to Charter Communications Operating, LLC and its subsidiaries providing you the Services.

Click here to sign
Click here to sign
Mar 12, 2018
Mar 12, 2018
Enter your job title

1 / 6

I agree to the [Terms of Use](#) and [Consumer Disclosure](#) of this document



Click to Sign

Language English: US

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City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: DISCUSSION AND
POSSIBLE ACTION - First Priority Lien

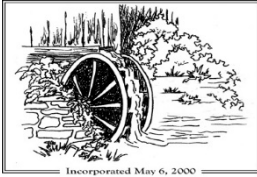
Council Action Requested:

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

Project/Proposal Summary:

On September 29, 2016, the Economic Development Administration (EDA) approved grant application for the City of Wimberley, which currently provides \$1,000,000.00 in matching funds to be utilized for the construction of the City's Wastewater Treatment Plant. As a condition of the grant agreement, the City is required to approve a First Priority Lien. This lien places restrictions on the sale or conveyance of the property, should the City decide to do so. In the event the City does decide to sell or lease the property, it must repay the fair market value of the project or do so under the conditions as established by the EDA. This lien is effective for twenty (20) years.

City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION - Policies and Procedures Relating to Placement of Temporary Signs at the Wimberley Community Center

Council Action Requested:

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

Project/Proposal Summary:

The City of Wimberley outlines the ways in which political signs can be displayed in the City in the following ways:

Wimberley Community Center

Under the “Wimberley Community Center Policies & Procedures Relating to Placement of Temporary Signs”, it states:

For purposes of this Policy, Users are defined as those users that have approved Facility rental agreements with the City or are candidates for political office when the Facility is established as a polling location for election purposes. Users of the Facility may place temporary signage on the grounds, outside the Facility, at locations designated by the City of Wimberley. Designated areas include the landscaped islands in the parking lot and the landscaped area on the south side of the entrance drive. Such signage may be put up no earlier than the midnight of the night before the use and signs must be removed no later than one (1) hour following the conclusion of the use. Signs remaining up after the required time of removal shall be removed by the WCC staff and a sign reclamation charge of \$5 per sign shall be levied by the City. No temporary signage shall be permitted on the entrance island to the WCC or on the rock wall on the north side of the entrance (the Winters-Wimberley House side). Signs may be removed by the City at any time if it determines, in its sole discretion, that the sign is a traffic, safety, or other hazard to the public, or is in violation of this Policy.

City of Wimberly Code of Ordinances

The City of Wimberley Code of Ordinances regulates the placement of political signs in Chapter 152.08 “Signs Allowed without a Permit.” Chapter 152.08 reads as follows:

(E) Political signs, which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election, or which make a political or ideological statement in the nature of constitutionally protected non-commercial free speech. Such signs:

- (1) Cannot have an effective area greater than 36 square feet;
- (2) Cannot be more than 8 feet high;
- (3) Cannot be illuminated; and
- (4) Cannot have any moving elements.

Wimberley Community Center Policies & Procedures Relating to Placement of Temporary Signs

For purposes of this Policy, Users are defined as those users that have approved Facility rental agreements with the City, or are candidates for political office when the Facility is established as a polling location for election purposes. Users of the Facility may place temporary signage on the grounds, outside the Facility, at locations designated by the City of Wimberley. Designated areas include the landscaped islands in the parking lot and the landscaped area on the south side of the entrance drive. Such signage may be put up no earlier than the midnight of the night before the use and signs must be removed no later than one (1) hour following the conclusion of the use. ***Signs remaining up after the required time of removal shall be removed by the WCC staff and a sign reclamation charge of \$5 per sign shall be levied by the City.*** No temporary signage shall be permitted on the entrance island to the WCC or on the rock wall on the north side of the entrance (the Winters-Wimberley House side). Signs may be removed by the City at any time if it determines, in its sole discretion, that the sign is a traffic, safety, or other hazard to the public, or is in violation of this Policy.

152.08 SIGNS ALLOWED WITHOUT PERMIT.

The following are exempt from the requirement to obtain a permit, provided that they comply with all provisions of this and other ordinances.

(A) Signs in locations other than residential areas measuring no more than 8 square feet on property in other than residential areas and 3 square feet in residential areas denoting that the property on which the sign is located is for sale, lease or rent.

(B) Signs in residential areas measuring no more than 3 square feet denoting the name of the residents and the address of the premises.

(C) Signs denoting the architect, engineer or contractor, placed on the premises where construction, repair or renovation is in progress. Such signs may not exceed 8 square feet in area or 4 feet in height. All such signs must be removed within 3 days after the completion of the project.

(D) Auxiliary signs which are not part of another sign and which provide information such as hours of operations, credit cards accepted, restrictions of sale to minors, "no soliciting" or "beware of the dog." The area of such individual signs shall not exceed 1 square foot, and the aggregate area of all such signs cannot exceed 4 square feet for any commercial establishment or residence.

(E) Political signs, which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election, or which make a political or ideological statement in the nature of constitutionally protected non-commercial free speech. Such signs:

- (1) Cannot have an effective area greater than 36 square feet;
- (2) Cannot be more than 8 feet high;
- (3) Cannot be illuminated; and
- (4) Cannot have any moving elements.

(F) Daily display signs, non permanent signs relating to the business conducted on the premises, placed out of doors during business hours for display and returned indoors during off hours. Such signs:

- (1) Cannot be larger than 6 square feet;
- (2) No more than 1 such sign per business;
- (3) Must be located on the leased or rented premises of the business advertised; and
- (4) Placement cannot impede pedestrian or vehicular traffic or interfere with parking.

(G) No permit is required to repaint or otherwise repair an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. This provision does not apply to preexisting non-conforming signs.

(H) No permit is required to change the copy on a changeable copy sign.

(I) No permit is required for national, state, church, school flags or any other flag that constitutes protected non-commercial free speech.

(J) Event signs, off site. Signs giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other noncommercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale or private party may be placed only on private property and only with the consent of the owner of the property. No more than 3 such signs may be used to give directions to the same event. Such signs may not exceed 3 square feet each, and may not be placed more than 14 days prior to the event, and must be removed within 1 day after the conclusion of the event.

(K) Event signs, on site. A sign which is placed to advertise or mark the location of an occasional event on the same site other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale or private party. Such signs may not exceed an area of 3 square feet at a residence or 12 square feet at any other location. Such signs may not be placed more than 14 days prior to the event, and it must be removed within 1 day after the conclusion of the event. There shall be no more than 3 on-site event signs for any event.

(L) Community service signs. Community service signs may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed 6 square feet in a residential area or 16 square feet in all other areas.

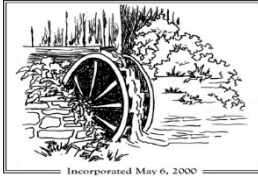
(1) A community service sign that promotes any particular event may not be erected more than 14 days prior to the event and all such signs must be removed by the responsible party not more than 3 days after the event.

(2) Community service signs that are street banners must conform to requirements established by the Texas Department of Transportation (TxDOT).

(M) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, and of a non-advertising nature; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

(Ord. 2005-004, passed 2-17-2005)

City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: DISCUSSION AND
POSSIBLE ACTION - Visitor Center Funding

Council Action Requested:

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

Project/Proposal Summary:

On February 15, 2018, City Council approved the Visitor Center Operations Agreement between the City of Wimberley and the Wimberley Convention and Visitors Bureau Foundation by a 3-2 vote. The motion to approve was made with no commitment of funds and a three-year timeframe.

The Wimberley Convention and Visitors Bureau Foundation has submitted the following items for City Council review and consideration pertaining to funding:

- The fully executed Operations Agreement
- Exhibit A (as referenced in the Operations Agreement)
- Clarification documents relative to the year ending September 30, 2017



P.O. Box 12
Wimberley, Texas 78676
(512) 847-2201
info@wimberley.org
www.wimberley.org

BOARD OF DIRECTORS

Executive Committee

Brent Pulley
Chair

Jerri Roberts
Vice Chair

Michael Scott
Treasurer

Judy Roach
Secretary

Directors

April Anderson

Peggy Crakes

LD Hansen

Michael Harthcock

Greg Howard

Zoe Hudson

Karen Poe

Josh Smith

Linda Webb

Executive Director
Cathy Moreman

Finance Director
John Palumbo

Mayor Mac McCullough
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Dear Mac,

Thank you for this opportunity to request HOT funding for the Wimberley Valley Visitor Center.

Enclosed you will find:

- Visitor Center Operations Agreement - 2 signed copies
- Exhibit A – Funding Request as described in the Operating Agreement
- Clarification documents relative to the year ending 9.30.2017
 - Payroll Expense – Form 941
 - 990 EZ

We look forward to working with the City of Wimberley to promote tourism. If you have any questions please don't hesitate to contact me.

Sincerely,

Michael J. Scott
Treasurer

Visitor Center Operations Agreement

The **City of Wimberley**, a Texas general law Type A municipal corporation, (“City”), and the Wimberley Convention and Visitors Bureau Foundation, a Texas non-profit corporation, (“Visitor Center”), enter into this Operations Agreement (“Agreement”) on February 15, 2018, upon the terms and conditions set forth below:

WHEREAS, Chapter 351 of the Texas Tax Code (the “Act”) addresses expenditures of the municipal hotel occupancy tax; and

WHEREAS, section 351.101(a)(1) of the Code authorizes expenditures for the equipping, repairing, operation, and maintenance of visitor information centers; and

WHEREAS, the Visitor Center is a non-profit corporation in the City of Wimberley that operates a visitor information center within the meaning of section 351.101(a)(1); and

WHEREAS, the City has included and thereby finds that this Agreement promotes tourism and the convention and hotel industry within the City, and further meets the requirements contained in the Act;

NOW, THEREFORE, in consideration of the promises, covenants, terms and conditions herein contained, the parties mutually agree:

I. Findings Incorporated

Each of the above recitals is hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration, and promises that bind the parties.

II. Term

This Agreement shall be effective beginning on the Effective Date (February 15, 2018) and shall remain in effect until February 15, 2021, subject to the termination provision described in Section VII below.

III. Definitions

3.1 **Act.** The word “Act” means Chapter 351 of the Texas Tax Code, as amended.

3.2 **Agreement.** The word “Agreement” means this Visitor Center Operations Agreement, together with all exhibits and schedules attached to this Visitor Center Operations Agreement from time to time, if any.

3.3 **City.** The word “City” means the City of Wimberley, Texas.

3.4 **Effective Date.** The words “Effective Date” mean the earliest date on which all parties have executed this Agreement by and between the Visitor Center and the City.

3.5 **Fiscal Year.** The words “Fiscal Year” mean the twelve-month period beginning October 1 and ending September 30.

3.6 **Local Hotel Occupancy Tax Revenue.** The words “Local Hotel Occupancy Tax Revenue” mean the municipal hotel occupancy tax levied by the City pursuant to the Act, at such rates as are permitted by state law and approved by the Wimberley City Council, which tax is collected from guests staying at hotels or other taxable lodging within the City.

3.7 **Term.** The word “Term” means the term of this Agreement as specified in Section II of this Agreement.

3.8 **Visitor Center.** The words “Visitor Center” mean the Wimberley Convention and Visitors Bureau Foundation.

IV. Services to be Provided

4.1 **Obligation of City.** As part of its obligation under the Act to use Local Hotel Occupancy Tax Revenue for attracting and promoting tourism and the convention and hotel industry, the City hereby agrees to provide funds to the Visitor Center for the purposes described in section 351.101(a)(1) of the Act and according to the schedule attached as **Exhibit A** out of funds actually received by the City from the local hotel occupancy tax.

4.2 **Obligations of Visitor Center.** The Visitor Center agrees as follows:

- (a) The Visitor Center shall provide the following services to the City:
 - i. The Visitor Center will operate and maintain the Visitor Center facility and provide information to area visitors. The Visitor Center agrees to treat all tourist lodging facilities in a reasonably consistent manner and to provide information to tourists regarding all lodging options within the City.
- (b) The Visitor Center shall establish a separate checking account or banking account for receipt of the Local Hotel Occupancy Tax Revenue; and
- (c) Any proposed change to the use by the Visitor Center of Local Hotel Occupancy Tax Revenue according to the schedule attached as **Exhibit A** and as described by this Agreement must be approved in advance by the City Council and authorized by the City in writing as an amendment to this Agreement.

V. Budget, Accounting, and Reporting Requirements

5.1 **Budget.** Prior to the Effective Date of this agreement, and no later than December 31 of each year thereafter, the Visitor Center shall provide to the City a proposed written request for reimbursement of the previous year's operating expenses and for anticipated expenses for which there may be no historical experience as may be required. The budget shall also reflect the results of consultation between the Visitor Center and appropriate City staff concerning, projected

available Local Hotel Occupancy Tax Revenue for the ensuing Fiscal Year, any amounts available in the Visitor Center's reserve funds, and estimated costs of the services provided by this Agreement. The City agrees that, in the event of unforeseen emergencies which may occur from time to time during the course of this agreement, the Visitor Center may submit special requests for additional funding, if required. Funding for each request will be due within ninety days of the receipt of the request in year one, and March 31 for each year thereafter. Each request may be submitted in a form similar to that illustrated in **Exhibit A**.

5.2 Reporting Criteria. During the Term of this Agreement, the Visitor Center shall track and report the following criteria for purposes of historic reporting and goal measurement: (1) Visitor Guide Requests; (2) Phone Inquiries; (3) Email Inquiries; and (4) Retail Revenue resulting from the sale of merchandise offered for sale in the Visitor Center.

5.3 Accounting. The Visitor Center shall maintain separate, complete and accurate books and records of all financial activities, which the City may audit at any time upon reasonable notice. The Visitor Center shall maintain financial records on a regular basis in accordance with generally accepted accounting principles, subject to any variations as are required by state law or that are agreed to in writing by the City. Specifically, the Visitor Center shall account separately for the Local Hotel Occupancy Tax receipts and expenditures, and for any other funds provided to it by the City, including the activities identified in **Exhibit A**.

5.4 Annual Audit. At the conclusion of each year, during the term of this agreement, the Visitor Center shall engage an independent firm of certified public accountants to audit its financial statements in accordance with generally accepted auditing standards. The Visitor Center shall include such additional supplemental information as the City may request to be included in the auditor's report and shall deliver to the City Administrator a copy of its audited financial statements and related supplemental information, no later than 120 days after the end of each Fiscal year.

5.5 Quarterly Financial Reporting. Within 30 days after the end of each quarter in the Fiscal Year, the Visitor Center shall deliver to the City a (i) written report of its expenditures and (ii) unaudited financial statements for the quarter just ended, including at a minimum a balance sheet and an income statement.

5.6 Additional Quarterly Reporting. The Visitor Center will provide the City with monthly reports containing detailed information on performance of this Agreement. The Visitor Center shall also provide the City with copies of any reports or documentation required by federal or state law, as such laws may be amended from time to time during the Term of this Agreement.

VI. Payments by the City

6.1 Payments Subject to Annual Appropriation. In addition to any particular limitations and conditions that may be specifically stated in this Agreement, all obligations of the City are subject to annual appropriation by the City for this Agreement from proceeds of the Local Hotel Occupancy Tax Revenue that are available to pay for the services provided under this Agreement, and further subject to the ability of the City to collect such tax proceeds. This

Agreement imposes no obligation upon the City to levy and collect the tax. Under no circumstances shall this Agreement be construed to require the City to transfer monies from any other fund owned by the City to the Visitor Center.

6.2 Payments Due Annually. The City shall pay to the Visitor Center annually, by October 1 for each year under this agreement, with exception of the first year, the items and amounts listed in Appendix A, plus any additional items or amounts as may be approved by the City from time to time based upon the most recent fiscal year end and any other directives from the City as may apply.

6.3 Limitation on Use of Funds. The Visitor Center shall spend Local Hotel Occupancy Tax Revenue solely to perform this Agreement. It is understood and agreed by and between the parties that this Agreement creates a fiduciary duty by the Visitor Center to the City to spend the Local Hotel Occupancy Tax Revenue that it receives in accordance with this Agreement.

6.4 Conflicts of Interest. None of the Local Hotel Occupancy Tax Revenue funds hereby granted shall be paid, directly or indirectly, to a Wimberley City Council member, the head of any department of the City, an officer of the Visitor Center, a member of the Wimberley Hotel Occupancy Tax Advisory Committee, a member of the immediate family of the foregoing persons, or a business in which any of the foregoing persons has an economic interest.

VII. Termination

Either party may terminate this Agreement by written notice to the other party of such other party breaches any of its obligations under this Agreement and does not cure such breach within thirty (30) days after receiving written demand from the other party specifying the breach in question and demanding that it be cured. Such right to terminate shall be without prejudice to the other legal and equitable rights of the parties.

VIII. Miscellaneous

8.1 Independent Contractor. The Visitor Center is an independent entity, and the relationship between the Visitor Center and the City is and shall remain that of independent contractors. The City is not and shall not be liable for any of the Visitor Center's debts or obligations, including any operating deficit that may arise. The Visitor Center shall not hold itself out as an agent of the City nor in any way purport to bind the City with respect to any contract or other obligation.

8.2 Indemnity. The Visitor Center shall indemnify, save, and hold harmless the City, its officers, employees, agents, and licensees against any and all liability, damage, loss, claims, causes of action, expenses or demands (collectively "Costs") of any nature whatsoever, on account of personal injury (including without limitation, Workers' Compensation and death claims), or property loss or damage of any kind whatsoever, which arises, or is claimed to arise, out of or is, or is claimed to be, in any manner connected with the operations or activities of the Visitor Center. The Visitor Center must, at its own expense, investigate all those claims and demands, attend to

their settlement or other disposition, defend all actions based thereon using counsel satisfactory to the City Council, the approval of which shall not be unreasonably withheld, and pay all other costs and expenses of any kind arising from any of such claims, demands or causes of action.

8.3 **Insurance.** The Visitor Center shall maintain a comprehensive general liability policy or policies with an insurance company or companies authorized to do business in the State of Texas, which shall include bodily injury, property damage, contractual, and automobile liability coverage with a minimum of not less than \$1,000,000 per occurrence with \$2,000,000 aggregate. The Visitor Center shall furnish the City with appropriate certificates of insurance along with copies of policy declaration pages and all policy endorsements evidencing the required coverage throughout the Term of this Agreement. The Visitor Center shall obtain an endorsement to the above policy that names the City as an additional insured and that waives the right of subrogation against the City. The Visitor Center shall not cause the insurance to be canceled nor permit any insurance to lapse during the term of this Agreement.

8.4 **Amendment.** This Agreement may not be amended without the written consent of the parties.

8.5 **No Third-Party Beneficiaries.** This Agreement is for the benefit of the City and the Visitor Center only, and no other party may seek to enforce or assert any rights under it.

8.6 **Assignment.** The Visitor Center may not assign this Agreement without the prior written consent of the City.

8.7 **Venue.** Venue for all lawsuits concerning this Agreement must be in the State District courts of Hays County, Texas.

8.8 **Waiver of Default.** Either party may waive any default of the other at any time, without affecting or impairing any right arising from any subsequent or other default. Delay by a party in enforcing, or failure by such party to enforce, a right under this Agreement shall not be deemed a waiver of the same. A waiver of a party's rights shall be effective only if in writing and shall be limited to the single even or occurrence specified.

8.9 **Application of Law.** This Agreement must be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts must be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.

8.10 **Multiple Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.

8.11 **Entire Agreement.** This Agreement, including its exhibits and attachments, if any, represents the entire agreement between the parties regarding the subject matter, and there are no other representations, understandings, or agreements between the parties relative to such subject matter.

8.12 **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all parties. The City warrants and represents that the individual signing this Agreement on behalf of the City has full authority to execute this Agreement and bind the City to its terms. The Visitor Center warrants and represents that the individual signing this Agreement on behalf of the Visitor Center has full authority to execute this Agreement and bind the Visitor Center to its terms.

8.13 **Force Majeure.** It is expressly understood and agreed by the parties to this Agreement that if the performance of any obligations under this Agreement is delayed by reason of war, civil commotion, acts of God, natural disaster, fire, or other casualty, or court injunction, the party so obligated or permitted shall be excused from doing or performing its obligations during the period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.

8.14 **Ordinance Applicability.** The parties shall be subject to all ordinances of the City, whether now existing or in the future arising. This Agreement does not confer any vested rights on the Visitor Center unless specifically identified herein.

8.15 **Severability.** In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part of the Agreement.

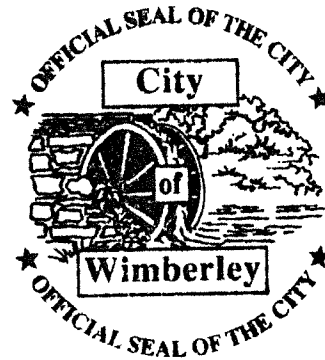
8.16 **Undocumented Workers (required by TEX. GOV'T CODE Ch. 2264).** The Visitor Center certifies that it does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, the Visitor Center is convicted of a violation under 8 U.S.C. § 1324a(f), the Visitor Center shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of eight percent (8%), not later than the 120th day after the City notifies the Visitor Center of the violation.

[Remainder of page intentionally left blank.]

APPROVED AND AGREED:

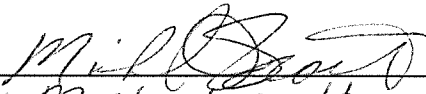
FOR THE CITY OF WIMBERLEY:

By: 
Hershel P. "Mac" McCullough
Mayor
City of Wimberley, Texas



Date: 2/15/18

FOR WIMBERLEY CONVENTION AND VISITORS BUREAU FOUNDATION:

By: 
Name: Michael Scott
Title: Treasurer

Date: 2/15/18

EXHIBIT A

Wimberley Convention and Visitors Bureau Foundation

Hotel Tax Funding Request for:

**Actual Expenses for the Fiscal Year Ended 9/30/17
And Certain Projected Expenses for the Fiscal Year
ending 9/30/18**

	Actual Fiscal Yr Ended 9/30/2017	City HOT Share	City Funding Amount
Operating Expenses			
* Annual Audit	3,500	100%	3,500
Hospitality	1,587	75%	1,190
Copier Lease	2,282	75%	1,712
Insurance	1,202	75%	902
Office Supplies	1,491	75%	1,118
Postage	746	75%	560
Cleaning	2,616	75%	1,962
Repairs/Maintenance*	1,150	75%	863
Utilities - Electric	2,091	75%	1,568
Utilities - Water	454	75%	341
Utilities - Trash	834	75%	626
Telephone	1,858	75%	1,394
** Staff Wages (New Part-time Position Non-management)	23,400	100%	23,400
** Staff Payroll Taxes (Non-management)	1,790	100%	1,790
Salaries - Management	97,924	25%	24,481
Payroll Tax Management	7,491	25%	1,873
Total	150,416		67,280
 Furniture, Fixtures and Equipment			
* Lobby Renovation (To accommodate lodging, tourism)	5,000	100%	5,000
* Furniture/Fixtures	2,500	100%	2,500
* Computers	750	100%	750
* Computer Maintenance	500	100%	500
	8,750		8,750
	159,166		76,030

* These are projected expenses for the Fiscal Year ending 9/30/18

** This is a permanent, part-time clerical level position we would like to add at 30/hr per week, \$15/hr. We are projecting a hire date of 7/1/18.

Wimberley Convention and Visitors Bureau Foundation

Hotel Tax Funding Request for:

Actual Expenses for the Fiscal Year Ended 9/30/17

And Certain Projected Expenses for the Fiscal Year
ending 9/30/18

Management Payroll Expense

	Wages	FICA Tax	Medicare Tax
Q 4 2016	28,772.47	1,783.89	417.20
Q 1 2017	21,809.08	1,352.16	316.23
Q 2 2017	25,757.07	1,596.94	373.48
Q 3 2017	21,585.78	1,338.32	312.99
Totals	97,924.40	6,071.31	1,419.90

	Wages	P/R Tax
Totals	97,924.40	7,491.21

Form **941 for 2016: Employer's QUARTERLY Federal Tax Return**
(Rev. January 2016) Department of the Treasury — Internal Revenue Service

950114
OMB No. 1545-0029

Employer identification number (EIN) **74-2360430**

Name (not your trade name) **WIMBERLEY CHAMBER OF COMMERCE**

Trade name (if any) **Wimberley Valley Chamber of Commerce**

Address **PO BOX 12**

Number **WIMBERLEY** Street **TX** Suite or room number **78676-0012**

City **WIMBERLEY** State **TX** ZIP code **78676-0012**

Foreign country name Foreign province/country Foreign postal code

Report for this Quarter of 2016
(Check one.)

☐ 1: January, February, March

☐ 2: April, May, June

☐ 3: July, August, September

☒ 4: October, November, December

Instructions and prior year forms are available at www.irs.gov/form941.

REV 12/23/16 OBDT

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1 Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), or Dec. 12 (Quarter 4) **1** **2**

2 Wages, tips, and other compensation **28,772.47**

3 Federal income tax withheld from wages, tips, and other compensation **3,059.00**

4 If no wages, tips, and other compensation are subject to social security or Medicare tax ☐ Check and go to line 6.

	Column 1	Column 2
5a Taxable social security wages	28,772.47	3,567.79
5b Taxable social security tips		
5c Taxable Medicare wages & tips	28,772.47	834.40
5d Taxable wages & tips subject to Additional Medicare Tax withholding		
5e Add Column 2 from lines 5a, 5b, 5c, and 5d		4,402.19
5f Section 3121(q) Notice and Demand—Tax due on unreported tips (see instructions)		
6 Total taxes before adjustments. Add lines 3, 5e, and 5f		7,461.19
7 Current quarter's adjustment for fractions of cents		0.03
8 Current quarter's adjustment for sick pay		
9 Current quarter's adjustments for tips and group-term life insurance		
10 Total taxes after adjustments. Combine lines 6 through 9		7,461.22
11 Total deposits for this quarter, including overpayment applied from a prior quarter and overpayments applied from Form 941-X, 941-X (PR), 944-X, or 944-X (SP) filed in the current quarter		7,461.22
12 Balance due. If line 10 is more than line 11, enter the difference and see instructions		
13 Overpayment. If line 11 is more than line 10, enter the difference		

Check one: ☐ Apply to next return. ☐ Send a refund.

► You MUST complete both pages of Form 941 and SIGN it.

Next ►

For Privacy Act and Paperwork Reduction Act Notice, see the back of the Payment Voucher. BAA

Form **941** (Rev. 1-2016)

Form 941 for 2017: Employer's QUARTERLY Federal Tax Return
 (Rev. January 2017) Department of the Treasury - Internal Revenue Service

950117

OMB No. 1545-0029

Employer identification number (EIN) **74-2360430**

Name (not your trade name) **WIMBERLEY VALLEY CHAMBER OF COMMER**

Trade name (if any) **Wimberley Valley Chamber of Commerce**

Address **PO BOX 12**

Number **WIMBERLEY** Street **TX** Suite or room number **78676-0012**

City **WIMBERLEY** State **TX** ZIP code **78676-0012**

Foreign country name Foreign province/county Foreign postal code

Report for this Quarter of 2017
 (Check one.)

- ☒ 1: January, February, March
☐ 2: April, May, June
☐ 3: July, August, September
☐ 4: October, November, December

Instructions and prior year forms are available at www.irs.gov/form941

REV 03/2017 Q80T

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1	Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), or Dec. 12 (Quarter 4)	1	2
2	Wages, tips, and other compensation	2	21,809.08
3	Federal income tax withheld from wages, tips, and other compensation	3	2,291.00
4	If no wages, tips, and other compensation are subject to social security or Medicare tax	☐ Check and go to line 6.	

	Column 1		Column 2
5a	Taxable social security wages	21,809.08 $\times 0.124 =$	2,704.33
5b	Taxable social security tips	$\times 0.124 =$	
5c	Taxable Medicare wages & tips	21,809.08 $\times 0.029 =$	632.46
5d	Taxable wages & tips subject to Additional Medicare tax withholding	$\times 0.009 =$	
5e	Add Column 2 from lines 5a, 5b, 5c, and 5d	5e	3,336.79
5f	Section 3121(c) Notice and Demand—Tax due on unreported tips (see instructions)	5f	
6	Total taxes before adjustments. Add lines 3, 5e, and 5f	6	5,627.79
7	Current quarter's adjustment for fractions of cents	7	-0.01
8	Current quarter's adjustment for sick pay	8	
9	Current quarter's adjustments for tips and group-term life insurance	9	
10	Total taxes after adjustments. Combine lines 6 through 9	10	5,627.78
11	Qualified small business payroll tax credit for increasing research activities. Attach Form 8974	11	
12	Total taxes after adjustments and credits. Subtract line 11 from line 10	12	5,627.78
13	Total deposits for this quarter, including overpayment applied from a prior quarter and overpayments applied from Form 941-X, 941-X (PR), 944-X, or 944-X (SP) filed in the current quarter	13	5,627.78
14	Balance due. If line 12 is more than line 13, enter the difference and see instructions	14	
15	Overpayment. If line 13 is more than line 12, enter the difference	15	

Check one: ☐ Apply to next return ☐ Send a refund

Next

▶ You MUST complete both pages of Form 941 and SIGN it.

For Privacy Act and Paperwork Reduction Act Notice, see the back of the Payment Voucher. BAA

Form 941 (Rev. 1-2017)

941 for 2017: Employer's QUARTERLY Federal Tax Return

Department of the Treasury — Internal Revenue Service

550117

OMB No. 1545-0029

Employer identification number (EIN) 74-2360430		
Name (not your trade name) WIMBERLEY VALLEY CHAMBER OF COMMER		
Trade name (if any) Wimberley Valley Chamber of Commerce		
Address PO BOX 12		
Number	Street	Suite or room number
WIMBERLEY	TX	78676-0012
City	State	ZIP code
Foreign country name	Foreign province/county	Foreign postal code

Report for this Quarter of 2017
(Check one.)

- ☐ 1: January, February, March
- ☒ 2: April, May, June
- ☐ 3: July, August, September
- ☐ 4: October, November, December

Instructions and prior year forms are available at www.irs.gov/form941

REV 65/18/17 QBDT

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1	Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), or Dec. 12 (Quarter 4)	1	2
2	Wages, tips, and other compensation	2	25,757.07
3	Federal income tax withheld from wages, tips, and other compensation	3	2,755.00
4	If no wages, tips, and other compensation are subject to social security or Medicare tax	☐ Check and go to line 6.	
		Column 1	Column 2
5a	Taxable social security wages	25,757.07 $\times 0.124 =$	3,193.88
5b	Taxable social security tips	$\times 0.124 =$	
5c	Taxable Medicare wages & tips	25,757.07 $\times 0.029 =$	746.96
5d	Taxable wages & tips subject to Additional Medicare Tax withholding	$\times 0.009 =$	
5e	Add Column 2 from lines 5a, 5b, 5c, and 5d	5e	3,940.84
5f	Section 3121(q) Notice and Demand — Tax due on unreported tips (see instructions)	5f	
6	Total taxes before adjustments. Add lines 3, 5e, and 5f	6	6,695.84
7	Current quarter's adjustment for fractions of cents	7	0.02
8	Current quarter's adjustment for sick pay	8	
9	Current quarter's adjustments for tips and group-term life insurance	9	
10	Total taxes after adjustments. Combine lines 6 through 9	10	6,695.86
11	Qualified small business payroll tax credit for increasing research activities. Attach Form 8974	11	
12	Total taxes after adjustments and credits. Subtract line 11 from line 10	12	6,695.86
13	Total deposits for this quarter, including overpayment applied from a prior quarter and overpayments applied from Form 941-X, 941-X (PR), 944-X, or 944-X (SP) filed in the current quarter	13	6,695.86
14	Balance due. If line 12 is more than line 13, enter the difference and see instructions	14	
15	Overpayment. If line 13 is more than line 12, enter the difference	15	

Check one: ☐ Apply to next return ☐ Send a refund

▶ You MUST complete both pages of Form 941 and SIGN it.

For Privacy Act and Paperwork Reduction Act Notice, see the back of the Payment Voucher. BAA

Form **941** (Rev. 1-2017)

Form **941 for 2017: Employer's QUARTERLY Federal Tax Return**
(Rev. January 2017) Department of the Treasury Internal Revenue Service

750117
OMB No. 1545-0029

Employer identification number (EIN) **74-2360430**

Name (not your trade name) **WIMBERLEY VALLEY CHAMBER OF COMMER**

Trade name (if any) **Wimberley Valley Chamber of Commerce**

Address **PO BOX 12**

Number **WIMBERLEY** Street **TX** Suite or room number **78676-0012**

City **WIMBERLEY** State **TX** ZIP code **78676-0012**

Foreign country name Foreign province/county Foreign postal code

Report for this Quarter of 2017
(Check one.)

☐ 1. January, February, March

☐ 2. April, May, June

☒ 3. July, August, September

☐ 4. October, November, December

Instructions and prior year forms are available at www.irs.gov/form941.

REV 08/17/17 QBDT

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1 Number of employees who received wages, tips, or other compensation for the pay period including Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), or Dec. 12 (Quarter 4) **2**

2 Wages, tips, and other compensation **21,585.78**

3 Federal income tax withheld from wages, tips, and other compensation **2,259.00**

4 If no wages, tips, and other compensation are subject to social security or Medicare tax ☐ Check and go to line 6

	Column 1	Column 2
5a Taxable social security wages	21,585.78	2,676.64
5b Taxable social security tips		
5c Taxable Medicare wages & tips	21,585.78	625.99
5d Taxable wages & tips subject to Additional Medicare Tax withholding		
5e Add Column 2 from lines 5a, 5b, 5c, and 5d		3,302.63
5f Section 3121(g) Notice and Demand - Tax due on unreported tips (see instructions)		
6 Total taxes before adjustments. Add lines 3, 5e, and 5f		5,561.63
7 Current quarter's adjustment for fractions of cents		0.01
8 Current quarter's adjustment for sick pay		
9 Current quarter's adjustments for tips and group-term life insurance		
10 Total taxes after adjustments. Combine lines 6 through 9		5,561.62
11 Qualified small business payroll tax credit for increasing research activities. Attach Form 8974		
12 Total taxes after adjustments and credits. Subtract line 11 from line 10		5,561.62
13 Total deposits for this quarter, including overpayment applied from a prior quarter and overpayments applied from Form 941-X, 941-X (PR), 944-X, or 944-X (SP) filed in the current quarter		5,561.62
14 Balance due. If line 12 is more than line 13, enter the difference and see instructions		
15 Overpayment. If line 13 is more than line 12, enter the difference		

Check one: ☐ Apply to next return ☐ Send a refund

▶ You MUST complete both pages of Form 941 and SIGN it.

For Privacy Act and Paperwork Reduction Act Notice, see the back of the Payment Voucher. BAA

Form **941** (Rev. 1-2017)

Form **990-EZ**

Short Form

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
(except private foundations)

OMB No. 1545-1150

2016Open to Public
InspectionDepartment of the Treasury
Internal Revenue Service

▶ Do not enter social security numbers on this form as it may be made public.

▶ Information about Form 990-EZ and its instructions is at www.irs.gov/form990.

A For the 2016 calendar year, or tax year beginning Oct 1, 2016, and ending Sep 30, 2017							
B Check if applicable: ☐ Address change ☐ Name change ☐ Initial return ☐ Final return/terminated ☐ Amended return ☐ Application pending	<table border="1"> <tr> <td>C Name of organization Wimberley Convention and Visitors Bureau Foundation</td> <td>D Employer identification number 43-2024482</td> </tr> <tr> <td>Number and street (or P.O. box, if mail is not delivered to street address) PO Box 12</td> <td>Room/suite </td> </tr> <tr> <td colspan="2">City or town, state or province, country, and ZIP or foreign postal code Wimberley TX 78676</td> </tr> </table>	C Name of organization Wimberley Convention and Visitors Bureau Foundation	D Employer identification number 43-2024482	Number and street (or P.O. box, if mail is not delivered to street address) PO Box 12	Room/suite 	City or town, state or province, country, and ZIP or foreign postal code Wimberley TX 78676	
C Name of organization Wimberley Convention and Visitors Bureau Foundation	D Employer identification number 43-2024482						
Number and street (or P.O. box, if mail is not delivered to street address) PO Box 12	Room/suite 						
City or town, state or province, country, and ZIP or foreign postal code Wimberley TX 78676							
E Telephone number (512) 847-2201	F Group Exemption Number ▶						
G Accounting Method: ☒ Cash ☐ Accrual Other (specify) ▶	H Check ☒ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).						
I Website: ▶ N/A							
J Tax-exempt status (check only one) — ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527							
K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other							
L Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$ 31,849.							

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I)Check if the organization used Schedule O to respond to any question in this Part I ☒

REVENUE	1	Contributions, gifts, grants, and similar amounts received	1	1,761.
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	
	4	Investment income	4	
	5 a	Gross amount from sale of assets other than inventory	5 a	
	5 b	Less: cost or other basis and sales expenses	5 b	
	5 c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a).	5 c	
	6	Gaming and fundraising events		
	6 a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6 a	
	6 b	Gross income from fundraising events (not including \$ 26,943. of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6 b	26,943.
6 c	Less: direct expenses from gaming and fundraising events	6 c	8,262.	
6 d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6 d	18,681.	
7 a	Gross sales of inventory, less returns and allowances	7 a	3,145.	
7 b	Less: cost of goods sold	7 b	1,381.	
7 c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7 c	1,764.	
8	Other revenue (describe in Schedule O)	8		
9	Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8. ▶	9	22,206.	
EXPENSES	10	Grants and similar amounts paid (list in Schedule O)	10	
	11	Benefits paid to or for members	11	
	12	Salaries, other compensation, and employee benefits	12	
	13	Professional fees and other payments to independent contractors	13	871.
	14	Occupancy, rent, utilities, and maintenance	14	4,529.
	15	Printing, publications, postage, and shipping	15	746.
	16	Other expenses (describe in Schedule O) See Form 990-EZ, Part I, Line 16 Other Expenses	16	15,127.
	17	Total expenses. Add lines 10 through 16 ▶	17	21,273.
ASSETS	18	Excess or (deficit) for the year (Subtract line 17 from line 9).	18	933.
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	41,200.
	20	Other changes in net assets or fund balances (explain in Schedule O) See L-20 Stmt	20	4,709.
	21	Net assets or fund balances at end of year. Combine lines 18 through 20. ▶	21	46,842.

BAA For Paperwork Reduction Act Notice, see the separate instructions.

Form 990-EZ (2016)

Part II Balance Sheets (see the instructions for Part II)Check if the organization used Schedule O to respond to any question in this Part II. ☐

	(A) Beginning of year	(B) End of year
22 Cash, savings, and investments	22,477.	26,217.
23 Land and buildings	0.	0.
24 Other assets (describe in Schedule O)	18,728.	20,630.
25 Total assets	41,205.	46,847.
26 Total liabilities (describe in Schedule O)	5.	5.
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	41,200.	46,842.

Part III Statement of Program Service Accomplishments (see the instructions for Part III)Check if the organization used Schedule O to respond to any question in this Part III. ☐

What is the organization's primary exempt purpose? See Organization's Primary Exempt Purpose	Expenses
Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.	(Required for section 501(c)(3) and 501(c)(4) organizations; optional for others.)
28 During 2017, received 1,070 out of town telephone calls, and assisted 2,957 walk-in individuals or groups. Co-sponsored community July 4th Parade. (Grants \$ 0.) If this amount includes foreign grants, check here ☐	28a 21,273.
29 Provided various levels of service to 16,226 individuals during the year. (Grants \$) If this amount includes foreign grants, check here ☐	29a
30 (Grants \$) If this amount includes foreign grants, check here ☐	30a
31 Other program services (describe in Schedule O). (Grants \$) If this amount includes foreign grants, check here ☐	31a
32 Total program service expenses (add lines 28a through 31a)	32 21,273.

Part IV List of Officers, Directors, Trustees, and Key Employees (list each one even if not compensated — see the instructions for Part IV)Check if the organization used Schedule O to respond to any question in this Part IV. ☐

(a) Name and title	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC) (if not paid, enter -0-)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
Sherri Cline Chairman	6.00	0.	0.	0.
Brent Pulley Vice Chairman	2.00	0.	0.	0.
Michael Harthcock Treasurer	1.00	0.	0.	0.
Judy Roach Secretary	1.00	0.	0.	0.
LD Hansen Director	5.00	0.	0.	0.
John Kimbrew Director	1.00	0.	0.	0.
April Anderson Director	1.00	0.	0.	0.
Jerri Roberts Director	3.00	0.	0.	0.
Barbara Rosen Director	1.00	0.	0.	0.
Linda Germain Director	1.00	0.	0.	0.
Michael Scott Director	2.00	0.	0.	0.
Dan Moore Director	2.00	0.	0.	0.
Stan Allen Director	1.00	0.	0.	0.
See List of Officers, Directors, Trustees, & Key Employees Stmt				

Part V Other Information (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V ☐

	Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If 'Yes,' provide a detailed description of each activity in Schedule O	33	X
34 Were any significant changes made to the organizing or governing documents? If 'Yes,' attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)	34	X
35 a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?	35 a	X
b If 'Yes,' to line 35a, has the organization filed a Form 990-T for the year? If 'No,' provide an explanation in Schedule O	35 b	
c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If 'Yes,' complete Schedule C, Part III	35 c	X
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If 'Yes,' complete applicable parts of Schedule N	36	X
37 a Enter amount of political expenditures, direct or indirect, as described in the instructions . . . ▶ 37 a 0.		
b Did the organization file Form 1120-POL for this year?	37 b	X
38 a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?	38 a	X
b If 'Yes,' complete Schedule L, Part II and enter the total amount involved	38 b	
39 Section 501(c)(7) organizations. Enter:		
a Initiation fees and capital contributions included on line 9	39 a	
b Gross receipts, included on line 9, for public use of club facilities	39 b	
40 a Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ ; section 4912 ▶ ; section 4955 ▶		
b Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If 'Yes,' complete Schedule L, Part I	40 b	X
c Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958. ▶		
d Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization ▶		
e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If 'Yes,' complete Form 8886-T.	40 e	X
41 List the states with which a copy of this return is filed ▶		

42 a The organization's books are in care of ▶ <u>Michael J Scott</u> Telephone no. ▶ <u>(512) 847-2201</u> Located at ▶ <u>PO Box 12</u> <u>Wimberley</u> TX ZIP + 4 ▶ <u>78676</u>		
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	42 b	X
If 'Yes,' enter the name of the foreign country: ▶		
See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).		
c At any time during the calendar year, did the organization maintain an office outside the United States?	42 c	X
If 'Yes,' enter the name of the foreign country: ▶		

43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 — Check here ☐ and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 43		
44 a Did the organization maintain any donor advised funds during the year? If 'Yes,' Form 990 must be completed instead of Form 990-EZ	44 a	X
b Did the organization operate one or more hospital facilities during the year? If 'Yes,' Form 990 must be completed instead of Form 990-EZ	44 b	X
c Did the organization receive any payments for indoor tanning services during the year?	44 c	X
d If 'Yes' to line 44c, has the organization filed a Form 720 to report these payments? If 'No,' provide an explanation in Schedule O	44 d	
45 a Did the organization have a controlled entity within the meaning of section 512(b)(13)?	45 a	X
b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If 'Yes,' Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)	45 b	X

- 46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If 'Yes,' complete Schedule C, Part I.

	Yes	No
46		X

Part VI Section 501(c)(3) organizations only

All section 501(c)(3) organizations must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI ☐

- 47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If 'Yes,' complete Schedule C, Part II.
- 48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If 'Yes,' complete Schedule E.
- 49 a Did the organization make any transfers to an exempt non-charitable related organization?
- b If 'Yes,' was the related organization a section 527 organization?
- 50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter 'None.'

	Yes	No
47		X
48		X
49 a		X
49 b		

(a) Name and title of each employee	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
None				

f Total number of other employees paid over \$100,000.

- 51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter 'None.'

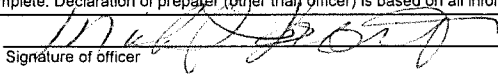
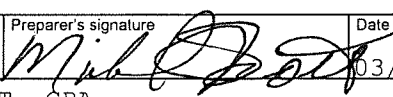
(a) Name and business address of each independent contractor	(b) Type of service	(c) Compensation
None		

d Total number of other independent contractors each receiving over \$100,000.

- 52 Did the organization complete Schedule A? **Note:** All section 501(c)(3) organizations must attach a completed Schedule A.

☒ Yes ☐ No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer 	Date 01/19/18			
	Michael Scott Treasurer				
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature 	Date 03/07/18	Check ☒ if self-employed	PTIN P00441796
	Firm's name	MICHAEL J. SCOTT, CPA		Firm's EIN	26-1649760
	Firm's address	PO BOX 2945 WIMBERLEY TX 78676		Phone no.	

May the IRS discuss this return with the preparer shown above? See instructions. ☐ Yes ☒ No

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ.

▶ Information about Schedule A (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2016

**Open to Public
Inspection**

Name of the organization

Wimberley Convention and Visitors Bureau Foundation

Employer identification number

43-2024482

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i)**.
- 2 ☐ A school described in **section 170(b)(1)(A)(ii)**. (Attach Schedule E (Form 990 or 990-EZ).)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**.
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state: _____
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.
- 7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 9 ☐ An agricultural research organization described in **section 170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land-grant college of agriculture (see instructions). Enter the name, city, and state of the college or university: _____
- 10 ☒ An organization that normally receives: (1) more than 33-1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33-1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)
- 11 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**.
- 12 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**. See **section 509(a)(3)**. Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.
- a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**
- b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**
- c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**
- d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**
- e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.
- f Enter the number of supported organizations
- g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-10 above (see instructions))	(iv) Is the organization listed in your governing document?		(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
			Yes	No		
(A)						
(B)						
(C)						
(D)						
(E)						
Total						

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any 'unusual grants.')						
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge.						
4 Total. Add lines 1 through 3						
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
7 Amounts from line 4						
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
11 Total support. Add lines 7 through 10						
12 Gross receipts from related activities, etc. (see instructions).					12	
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ▶ ☐						

Section C. Computation of Public Support Percentage

14 Public support percentage for 2016 (line 6, column (f) divided by line 11, column (f))	14	%
15 Public support percentage from 2015 Schedule A, Part II, line 14	15	%
16a 33-1/3% support test—2016. If the organization did not check the box on line 13, and line 14 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization ▶ ☐		
b 33-1/3% support test—2015. If the organization did not check a box on line 13 or 16a, and line 15 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization ▶ ☐		
17a 10%-facts-and-circumstances test—2016. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part VI how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization ▶ ☐		
b 10%-facts-and-circumstances test—2015. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part VI how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization ▶ ☐		
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ ☐		

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any 'unusual grants'.)	37,425.	14,334.	6,995.	1,154.	1,761.	61,669.
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose	15,485.	34,120.	28,075.	37,442.	3,145.	118,267.
3 Gross receipts from activities that are not an unrelated trade or business under section 513	8,143.	5,593.	3,512.	3,949.	26,943.	48,140.
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 Total. Add lines 1 through 5	61,053.	54,047.	38,582.	42,545.	31,849.	228,076.
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 Public support. (Subtract line 7c from line 6.)						228,076.

Section B. Total Support

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
9 Amounts from line 6	61,053.	54,047.	38,582.	42,545.	31,849.	228,076.
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
13 Total support. (Add lines 9, 10c, 11, and 12.)	61,053.	54,047.	38,582.	42,545.	31,849.	228,076.
14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. ► ☐						

Section C. Computation of Public Support Percentage

15 Public support percentage for 2016 (line 8, column (f) divided by line 13, column (f))	15	100.00 %
16 Public support percentage from 2015 Schedule A, Part III, line 15.	16	100.00 %

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2016 (line 10c, column (f) divided by line 13, column (f))	17	0.00 %
18 Investment income percentage from 2015 Schedule A, Part III, line 17	18	0.00 %

19a 33-1/3% support tests—2016. If the organization did not check the box on line 14, and line 15 is more than 33-1/3%, and line 17 is not more than 33-1/3%, check this box and stop here. The organization qualifies as a publicly supported organization. ► ☒

b 33-1/3% support tests—2015. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33-1/3%, and line 18 is not more than 33-1/3%, check this box and stop here. The organization qualifies as a publicly supported organization. ► ☐

20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions. ► ☐

Part IV Supporting Organizations

(Complete only if you checked a box in line 12 on Part I. If you checked 12a of Part I, complete Sections A and B. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A, D, and E. If you checked 12d of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

	Yes	No
1 Are all of the organization's supported organizations listed by name in the organization's governing documents? If 'No,' describe in Part VI how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.		
2 Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? If 'Yes,' explain in Part VI how the organization determined that the supported organization was described in section 509(a)(1) or (2).		
3a Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? If 'Yes,' answer (b) and (c) below.		
b Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? If 'Yes,' describe in Part VI when and how the organization made the determination.		
c Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? If 'Yes,' explain in Part VI what controls the organization put in place to ensure such use.		
4a Was any supported organization not organized in the United States ('foreign supported organization')? If 'Yes' and if you checked 12a or 12b in Part I, answer (b) and (c) below.		
b Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? If 'Yes,' describe in Part VI how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.		
c Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? If 'Yes,' explain in Part VI what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.		
5a Did the organization add, substitute, or remove any supported organizations during the tax year? If 'Yes,' answer (b) and (c) below (if applicable). Also, provide detail in Part VI , including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).		
b Type I or Type II only. Was any added or substituted supported organization part of a class already designated in the organization's organizing document?		
c Substitutions only. Was the substitution the result of an event beyond the organization's control?		
6 Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? If 'Yes,' provide detail in Part VI .		
7 Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? If 'Yes,' complete Part I of Schedule L (Form 990 or 990-EZ).		
8 Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? If 'Yes,' complete Part I of Schedule L (Form 990 or 990-EZ).		
9a Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? If 'Yes,' provide detail in Part VI .		
b Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? If 'Yes,' provide detail in Part VI .		
c Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? If 'Yes,' provide detail in Part VI .		
10a Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? If 'Yes,' answer 10b below.		
b Did the organization have any excess business holdings in the tax year? (Use Schedule C, Form 4720, to determine whether the organization had excess business holdings.)		

Part IV Supporting Organizations (continued)

	Yes	No
11 Has the organization accepted a gift or contribution from any of the following persons?		
a A person who directly or indirectly controls, either alone or together with persons described in (b) and (c) below, the governing body of a supported organization?	11a	
b A family member of a person described in (a) above?	11b	
c A 35% controlled entity of a person described in (a) or (b) above? If 'Yes' to a, b, or c, provide detail in Part VI .	11c	

Section B. Type I Supporting Organizations

	Yes	No
1 Did the directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? If 'No,' describe in Part VI how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.	1	
2 Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? If 'Yes,' explain in Part VI how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised, or controlled the supporting organization.	2	

Section C. Type II Supporting Organizations

	Yes	No
1 Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? If 'No,' describe in Part VI how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).	1	

Section D. All Type III Supporting Organizations

	Yes	No
1 Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?	1	
2 Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? If 'No,' explain in Part VI how the organization maintained a close and continuous working relationship with the supported organization(s).	2	
3 By reason of the relationship described in (2), did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If 'Yes,' describe in Part VI the role the organization's supported organizations played in this regard.	3	

Section E. Type III Functionally Integrated Supporting Organizations

- 1** Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (see instructions).
- a ☐ The organization satisfied the Activities Test. Complete line 2 below.
- b ☐ The organization is the parent of each of its supported organizations. Complete line 3 below.
- c ☐ The organization supported a governmental entity. Describe in **Part VI** how you supported a government entity (see instructions).

2 Activities Test. Answer (a) and (b) below.

- a Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? If 'Yes,' then in **Part VI** identify those supported organizations and explain how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.

- b Did the activities described in (a) constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? If 'Yes,' explain in **Part VI** the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.

3 Parent of Supported Organizations. Answer (a) and (b) below.

- a Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? Provide details in **Part VI**.

- b Did the organization exercise a substantial degree of direction over the policies, programs, and activities of each of its supported organizations? If 'Yes,' describe in **Part VI** the role played by the organization in this regard.

	Yes	No
2a		
2b		
3a		
3b		

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

- 1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in Part VI). See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

Section A – Adjusted Net Income

		(A) Prior Year	(B) Current Year (optional)
1	Net short-term capital gain	1	
2	Recoveries of prior-year distributions	2	
3	Other gross income (see instructions)	3	
4	Add lines 1 through 3.	4	
5	Depreciation and depletion	5	
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6	
7	Other expenses (see instructions)	7	
8	Adjusted Net Income (subtract lines 5, 6, and 7 from line 4).	8	

Section B – Minimum Asset Amount

		(A) Prior Year	(B) Current Year (optional)
1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):		
a	Average monthly value of securities	1 a	
b	Average monthly cash balances	1 b	
c	Fair market value of other non-exempt-use assets	1 c	
d	Total (add lines 1a, 1b, and 1c)	1 d	
e	Discount claimed for blockage or other factors (explain in detail in Part VI):		
2	Acquisition indebtedness applicable to non-exempt-use assets	2	
3	Subtract line 2 from line 1d.	3	
4	Cash deemed held for exempt use. Enter 1-1/2% of line 3 (for greater amount, see instructions).	4	
5	Net value of non-exempt-use assets (subtract line 4 from line 3)	5	
6	Multiply line 5 by .035.	6	
7	Recoveries of prior-year distributions	7	
8	Minimum Asset Amount (add line 7 to line 6)	8	

Section C – Distributable Amount

			Current Year
1	Adjusted net income for prior year (from Section A, line 8, Column A)	1	
2	Enter 85% of line 1.	2	
3	Minimum asset amount for prior year (from Section B, line 8, Column A)	3	
4	Enter greater of line 2 or line 3.	4	
5	Income tax imposed in prior year	5	
6	Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions).	6	

- 7 ☐ Check here if the current year is the organization's first as a non-functionally integrated Type III supporting organization (see instructions).

BAA

Schedule A (Form 990 or 990-EZ) 2016

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)

Section D – Distributions		Current Year
1	Amounts paid to supported organizations to accomplish exempt purposes	
2	Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	
3	Administrative expenses paid to accomplish exempt purposes of supported organizations	
4	Amounts paid to acquire exempt-use assets	
5	Qualified set-aside amounts (prior IRS approval required)	
6	Other distributions (describe in Part VI). See instructions.	
7	Total annual distributions. Add lines 1 through 6.	
8	Distributions to attentive supported organizations to which the organization is responsive (provide details in Part VI). See instructions.	
9	Distributable amount for 2016 from Section C, line 6	
10	Line 8 amount divided by Line 9 amount	

Section E – Distribution Allocations (see instructions)	(i) Excess Distributions	(ii) Underdistributions Pre-2016	(iii) Distributable Amount for 2016
1 Distributable amount for 2016 from Section C, line 6			
2 Underdistributions, if any, for years prior to 2016 (reasonable cause required – explain in Part VI). See instructions.			
3 Excess distributions carryover, if any, to 2016:			
a			
b			
c From 2013			
d From 2014			
e From 2015			
f Total of lines 3a through e			
g Applied to underdistributions of prior years			
h Applied to 2016 distributable amount			
i Carryover from 2011 not applied (see instructions)			
j Remainder. Subtract lines 3g, 3h, and 3i from 3f.			
4 Distributions for 2016 from Section D, line 7: \$			
a Applied to underdistributions of prior years			
b Applied to 2016 distributable amount			
c Remainder. Subtract lines 4a and 4b from 4.			
5 Remaining underdistributions for years prior to 2016, if any. Subtract lines 3g and 4a from line 2. For result greater than zero, explain in Part VI . See instructions.			
6 Remaining underdistributions for 2016. Subtract lines 3h and 4b from line 1. For result greater than zero, explain in Part VI . See instructions.			
7 Excess distributions carryover to 2017. Add lines 3j and 4c.			
8 Breakdown of line 7:			
a			
b Excess from 2013			
c Excess from 2014			
d Excess from 2015			
e Excess from 2016			

BAA

Schedule A (Form 990 or 990-EZ) 2016

Part VI **Supplemental Information.** Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a, and 3b; Part V, line 1; Part V, Section B, line 1e; Part V, Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information.
(See instructions.)

SCHEDULE G
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information Regarding Fundraising or Gaming Activities

Complete if the organization answered 'Yes' on Form 990, Part IV, line 17, 18, or 19, or if the organization entered more than \$15,000 on Form 990-EZ, line 6a.

▶ Attach to Form 990 or Form 990-EZ.

▶ Information about Schedule G (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2016

**Open to Public
Inspection**

Name of the organization

Wimberley Convention and Visitors Bureau Foundation

Employer identification number

43-2024482

Part I

Fundraising Activities. Complete if the organization answered 'Yes' on Form 990, Part IV, line 17.

Form 990-EZ filers are not required to complete this part.

1 Indicate whether the organization raised funds through any of the following activities. Check all that apply.

a ☐ Mail solicitations

b ☐ Internet and email solicitations

c ☐ Phone solicitations

d ☐ In-person solicitations

e ☐ Solicitation of non-government grants

f ☐ Solicitation of government grants

g ☐ Special fundraising events

2 a Did the organization have a written or oral agreement with any individual (including officers, directors, trustees, or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services? ☐ Yes ☐ No

b If 'Yes,' list the 10 highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least \$5,000 by the organization.

(i) Name and address of individual or entity (fundraiser)	(ii) Activity	(iii) Did fundraiser have custody or control of contributions?		(iv) Gross receipts from activity	(v) Amount paid to (or retained by) fundraiser listed in column (i)	(vi) Amount paid to (or retained by) organization
		Yes	No			
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Total ▶

3 List all states in which the organization is registered or licensed to solicit contributions or has been notified it is exempt from registration or licensing.

Part II Fundraising Events. Complete if the organization answered 'Yes' on Form 990, Part IV, line 18, or reported more than \$15,000 of fundraising event contributions and gross income on Form 990-EZ, lines 1 and 6b. List events with gross receipts greater than \$5,000.

		(a) Event #1	(b) Event #2	(c) Other events	(d) Total events
		July 4th Parade (event type)	Golf Tournament (event type)	NONE (total number)	(add column (a) through column (c))
REVENUE	1 Gross receipts				
	2 Less: Contributions				
	3 Gross income (line 1 minus line 2).				
DIRECT EXPENSES	4 Cash prizes				
	5 Noncash prizes				
	6 Rent/facility costs				
	7 Food and beverages				
	8 Entertainment				
	9 Other direct expenses				
	10 Direct expense summary. Add lines 4 through 9 in column (d)				
	11 Net income summary. Subtract line 10 from line 3, column (d)				

Part III Gaming. Complete if the organization answered 'Yes' on Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

		(a) Bingo	(b) Pull tabs/instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming
					(add column (a) through column (c))
REVENUE	1 Gross revenue				
DIRECT EXPENSES	2 Cash prizes				
	3 Noncash prizes				
	4 Rent/facility costs				
	5 Other direct expenses				
	6 Volunteer labor	Yes _____ % No	Yes _____ % No	Yes _____ % No	
	7 Direct expense summary. Add lines 2 through 5 in column (d)				
	8 Net gaming income summary. Subtract line 7 from line 1, column (d)				

9 Enter the state(s) in which the organization conducts gaming activities: _____

a Is the organization licensed to conduct gaming activities in each of these states? ☐ Yes ☐ No

b If 'No,' explain: _____

10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year? ☐ Yes ☐ No

b If 'Yes,' explain: _____

- 11** Does the organization conduct gaming activities with nonmembers? ☐ Yes ☐ No
- 12** Is the organization a grantor, beneficiary or trustee of a trust, or a member of a partnership or other entity formed to administer charitable gaming? ☐ Yes ☐ No

13 Indicate the percentage of gaming activity conducted in:

a The organization's facility	13 a	%
b An outside facility	13 b	%

14 Enter the name and address of the person who prepares the organization's gaming/special events books and records:

Name ▶ _____

Address ▶ _____

15 a Does the organization have a contract with a third party from whom the organization receives gaming revenue? ☐ Yes ☐ No

b If 'Yes,' enter the amount of gaming revenue received by the organization ▶ \$ _____ and the amount of gaming revenue retained by the third party ▶ \$ _____.

c If 'Yes,' enter name and address of the third party:

Name ▶ _____

Address ▶ _____

16 Gaming manager information:

Name ▶ _____

Gaming manager compensation ▶ \$ _____

Description of services provided ▶ _____

☐

Director/officer

☐

Employee

☐

Independent contractor

17 Mandatory distributions

a Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license? ☐ Yes ☐ No

b Enter the amount of distributions required under state law to be distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year ▶ \$ _____

Part IV **Supplemental Information.** Provide the explanations required by Part I, line 2b, columns (iii) and (v); and Part III, lines 9, 9b, 10b, 15b, 15c, 16, and 17b, as applicable. Also provide any additional information. See instructions

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service
Name of the organization

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

► Attach to Form 990 or 990-EZ.

► Information about Schedule O (Form 990 or 990-EZ) and its instructions is
at www.irs.gov/form990.

OMB No. 1545-0047

2016

**Open to Public
Inspection**

Wimberley Convention and Visitors Bureau Foundation

Employer identification number

43-2024482

Form 4562

Depreciation and Amortization
(Including Information on Listed Property)

OMB No. 1545-0172

2016

Department of the Treasury
Internal Revenue Service

(99)

Information about Form 4562 and its separate instructions is at www.irs.gov/form4562.Attachment
Sequence No. 179

Name(s) shown on return

Wimberley Convention and Visitors Bureau Foundation

Business or activity to which this form relates

Identifying number

43-2024482

Form 990 / Form 990EZ

Part I Election To Expense Certain Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount (see instructions)	1	
2	Total cost of section 179 property placed in service (see instructions)	2	
3	Threshold cost of section 179 property before reduction in limitation (see instructions)	3	
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5	
6	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
7	Listed property. Enter the amount from line 29	7	
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8	
9	Tentative deduction. Enter the smaller of line 5 or line 8	9	
10	Carryover of disallowed deduction from line 13 of your 2015 Form 4562	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instrs)	11	
12	Section 179 expense deduction. Add lines 9 and 10, but don't enter more than line 11	12	
13	Carryover of disallowed deduction to 2017. Add lines 9 and 10, less line 12	13	

Note: Don't use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Don't include listed property.) (See instructions.)

14	Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions)	14	
15	Property subject to section 168(f)(1) election	15	
16	Other depreciation (including ACRS)	16	

Part III MACRS Depreciation (Don't include listed property.) (See instructions.)**Section A**

17	MACRS deductions for assets placed in service in tax years beginning before 2016.	17	2,693.
18	If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here.		

Section B — Assets Placed in Service During 2016 Tax Year Using the General Depreciation System

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only — see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19 a 3-year property						
b 5-year property						
c 7-year property						
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs		S/L	
h Residential rental property			27.5 yrs	MM	S/L	
i Nonresidential real property			39 yrs	MM	S/L	

Section C — Assets Placed in Service During 2016 Tax Year Using the Alternative Depreciation System

20 a Class life					S/L	
b 12-year			12 yrs		S/L	
c 40-year			40 yrs	MM	S/L	

Part IV Summary (See instructions.)

21	Listed property. Enter amount from line 28	21	114.
22	Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations — see instructions	22	2,807.
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	23	

Part V Listed Property (Include automobiles, certain other vehicles, certain aircraft, certain computers, and property used for entertainment, recreation, or amusement.)

Note: For any vehicle for which you are using the standard mileage rate or deducting lease expense, complete only 24a, 24b, columns (a) through (c) of Section A, all of Section B, and Section C if applicable.

Section A – Depreciation and Other Information (Caution: See the instructions for limits for passenger automobiles.)

24 a Do you have evidence to support the business/investment use claimed? ☒ **Yes** ☐ **No** **24b** If 'Yes,' is the evidence written? . . . ☒ **Yes** ☐ **No**

(a) Type of property (list vehicles first)	(b) Date placed in service	(c) Business/ investment use percentage	(d) Cost or other basis	(e) Basis for depreciation (business/investment use only)	(f) Recovery period	(g) Method/ Convention	(h) Depreciation deduction	(i) Elected section 179 cost
25 Special depreciation allowance for qualified listed property placed in service during the tax year and used more than 50% in a qualified business use (see instructions)							25	
26 Property used more than 50% in a qualified business use:								
Phone system	09/30/10	100.00	1,600.	1,600.	7.00	SL-HY	114.	
27 Property used 50% or less in a qualified business use:								
28 Add amounts in column (h), lines 25 through 27. Enter here and on line 21, page 1							28	114.
29 Add amounts in column (i), line 26. Enter here and on line 7, page 1							29	

Section B – Information on Use of Vehicles

Complete this section for vehicles used by a sole proprietor, partner, or other 'more than 5% owner,' or related person. If you provided vehicles to your employees, first answer the questions in Section C to see if you meet an exception to completing this section for those vehicles.

	(a) Vehicle 1		(b) Vehicle 2		(c) Vehicle 3		(d) Vehicle 4		(e) Vehicle 5		(f) Vehicle 6	
30 Total business/investment miles driven during the year (don't include commuting miles).												
31 Total commuting miles driven during the year												
32 Total other personal (noncommuting) miles driven												
33 Total miles driven during the year. Add lines 30 through 32												
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
34 Was the vehicle available for personal use during off-duty hours?												
35 Was the vehicle used primarily by a more than 5% owner or related person?												
36 Is another vehicle available for personal use?												

Section C – Questions for Employers Who Provide Vehicles for Use by Their Employees

Answer these questions to determine if you meet an exception to completing Section B for vehicles used by employees who aren't more than 5% owners or related persons (see instructions).

	Yes	No
37 Do you maintain a written policy statement that prohibits all personal use of vehicles, including commuting, by your employees?		
38 Do you maintain a written policy statement that prohibits personal use of vehicles, except commuting, by your employees? See the instructions for vehicles used by corporate officers, directors, or 1% or more owners.		
39 Do you treat all use of vehicles by employees as personal use?		
40 Do you provide more than five vehicles to your employees, obtain information from your employees about the use of the vehicles, and retain the information received?		
41 Do you meet the requirements concerning qualified automobile demonstration use? (See instructions.)		

Note: If your answer to 37, 38, 39, 40, or 41 is 'Yes,' don't complete Section B for the covered vehicles.

Part VI Amortization

(a) Description of costs	(b) Date amortization begins	(c) Amortizable amount	(d) Code section	(e) Amortization period or percentage	(f) Amortization for this year
42 Amortization of costs that begins during your 2016 tax year (see instructions):					
43 Amortization of costs that began before your 2016 tax year.					43
44 Total. Add amounts in column (f). See the instructions for where to report					44

Form **8879-EO****IRS e-file Signature Authorization
for an Exempt Organization**

OMB No. 1545-1878

For calendar year 2016, or fiscal year beginning Oct 1, 2016, and ending Sep 30, 202017

▶ Do not send to the IRS. Keep for your records.

▶ Information about Form 8879-EO and its instructions is at www.irs.gov/form8879eo.**2016**Department of the Treasury
Internal Revenue Service

Name of exempt organization

Wimberley Convention and Visitors Bureau Foundation

Name and title of officer

Employer identification number

43-2024482Michael ScottTreasurer**Part I Type of Return and Return Information (Whole Dollars Only)**

Check the box for the return for which you are using this Form 8879-EO and enter the applicable amount, if any, from the return. If you check the box on line 1a, 2a, 3a, 4a, or 5a, below, and the amount on that line for the return being filed with this form was blank, then leave line 1b, 2b, 3b, 4b, or 5b, whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. Do not complete more than 1 line in Part I.

1 a Form 990 check here . . . ▶ ☐	b Total revenue, if any (Form 990, Part VIII, column (A), line 12)	1 b	
2 a Form 990-EZ check here . . . ▶ ☒	b Total revenue, if any (Form 990-EZ, line 9)	2 b	<u>22,206.</u>
3 a Form 1120-POL check here . . . ▶ ☐	b Total tax (Form 1120-POL, line 22)	3 b	
4 a Form 990-PF check here . . . ▶ ☐	b Tax based on investment income (Form 990-PF, Part VI, line 5).	4 b	
5 a Form 8868 check here . . . ▶ ☐	b Balance Due (Form 8868, line 3c)	5 b	

Part II Declaration and Signature Authorization of Officer

Under penalties of perjury, I declare that I am an officer of the above organization and that I have examined a copy of the organization's 2016 electronic return and accompanying schedules and statements and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that the amount in Part I above is the amount shown on the copy of the organization's electronic return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send the organization's return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the organization's federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the organization's electronic return and, if applicable, the organization's consent to electronic funds withdrawal.

Officer's PIN: check one box only

☒ I authorize MICHAEL J. SCOTT, CPA to enter my PIN 24308 as my signature
ERO firm name Enter five numbers, but do not enter all zeros

on the organization's tax year 2016 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I also authorize the aforementioned ERO to enter my PIN on the return's disclosure consent screen.

☐ As an officer of the organization, I will enter my PIN as my signature on the organization's tax year 2016 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Officer's signature ▶

Date ▶ 01/19/2018**Part III Certification and Authentication**

ERO's EFIN/PIN. Enter your six-digit electronic filing identification

number (EFIN) followed by your five-digit self-selected PIN 70276726261
do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2016 electronically filed return for the organization indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub. 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns.

ERO's signature ▶

Date ▶ 03/07/2018

**ERO Must Retain This Form – See Instructions
Do Not Submit This Form To the IRS Unless Requested To Do So**

BAA For Paperwork Reduction Act Notice, see instructions.

Form 8879-EO (2016)

Schedule O (Form 990 or 990-EZ), Supplemental Information to Form 990 or 990-EZ
Form 990-EZ, Part I, Line 16 Other Expenses

Other expenses (describe in Schedule O)

Advertising	1,191.
Hospitality	1,587.
Copier Lease	2,282.
Insurance	1,202.
Depreciation	2,807.
Office Supplies	1,491.
Cleaning	2,616.
Sales Tax	93.
Telephone	1,858.
Total	15,127.

Form 990-EZ, Part III, Statement of Program Service Accomplishments
Organization's Primary Exempt Purpose

The primary purpose of the organization is to promote the Wimberley Valley area and to provide information to visitors and local residents.

Form 990-EZ, Page 2, Part IV
List of Officers, Directors, Trustees, & Key Employees Stmt

(a) Name and title	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC) (if not paid, enter -0-)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
Business... ☐ Person... ☒ John Palumbo Title . Co-Director	10.00	0.	0.	0.
Business... ☐ Person... ☒ Cathryn Moreman Title . Co-Director	13.00	0.	0.	0.

Schedule O (Form 990 or 990-EZ), Supplemental Information to Form 990 or 990-EZ
Form 990-EZ, Page 1, Part I, Line 20

Description	Amount
In-kind donation of Artwork inadvertently omitted from 9/30/16	4,709.
Total	4,709.

Supporting Statement of:

Form 990-EZ/Ln 6b, Amts on Line 1a

Description	Amount
July 4th Parade	3,429.
July 4th Sponsors	9,100.
Golf Tournament Auction	365.
Golf Tournament Player Fees	3,225.
Golf Tournament Sponsors	9,250.
Golf Tournament Contest Fees	1,574.
Total	26,943.

Supporting Statement of:

Form 990-EZ/Line 6c

Description	Amount
Event Expenses	40.
Golf Tournament Expenses	5,577.
July 4th Expenses	2,645.
Total	8,262.

Supporting Statement of:

Form 990-EZ/Line 14

Description	Amount
Maintenance & Repairs	1,150.
Electricity	2,091.
Sanitation	834.
Water	454.
Total	4,529.

Supporting Statement of:

Sch. A, page 3/Gross Receipts-5

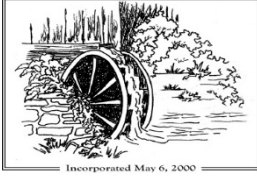
Description	Amount
Merchandise Sales	3,145.
Total	3,145.

Supporting Statement of:

Sch. A, page 3/Unrelated Gross Receipts-5

Description	Amount
July 4th Parade	12,529.
Golf Tournament	14,414.
Total	<u>26,943.</u>

City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

**Project/Proposal Title: DISCUSSION AND
POSSIBLE ACTION - Ordinance No. 2018-11**

Council Action Requested:

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

Project/Proposal Summary:

Place One Council Member Steve Thurber requested this item be placed on the agenda. Ordinance No. 2018-011 will amend Chapter 50 (Sewers and Water), Section 50.63(B)(2) of Ordinance No. 2010-014, requiring mandatory connection to a public wastewater system.

Please find attached both ordinances.

ORDINANCE NO. 2010-014

AN ORDINANCE AMENDING CHAPTER 50 (SEWERS AND WATER), SECTION 50.63 (CONNECTION TO THE SEWER SYSTEM REQUIRED), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ESTABLISH THE REQUIREMENTS FOR MANDATORY CONNECTION TO A PUBLIC WASTEWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City Council of the City of Wimberley seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code ordinance 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code ordinance 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council seeks to ensure that water and sewer utility service is adequate and efficient for the citizens of the City; and

WHEREAS, currently the majority of the City operates on-site sanitary sewer systems; and

WHEREAS, the Council is in the process of securing funding and devising plans for a public wastewater sewer system; and

WHEREAS, the Council finds that it is in the best interest of the public health, safety and welfare of the citizens to require connections to the City sewer system once operational as provided by this ordinance; and

WHEREAS, pursuant to chapter 552 of the Texas Local Government Code and other laws, the City is authorized to operate its water and sewer utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality, and to extend the lines of its utility systems inside and outside the municipal boundaries.

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

I. FINDINGS OF FACT

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

II. AMENDMENT

1. THAT chapter 50 (Sewers and Water, section 50.63 (Connection to the Sewer System Required) of the Wimberley Code of Ordinances shall be amended in its entirety to read as follows:

“§ 50.63 CONNECTION TO THE SEWER SYSTEM REQUIRED.

(A) This section applies to all properties within the city limits and extraterritorial jurisdiction of the City.

(B) *Connection is required.* All property owners are required to connect their buildings or structures located on the property to the City's Sewer System in accordance with the following provisions:

(1) *Existing On-Site Sanitary Sewer Systems.* Within forty-five (45) days of notice from the City of the availability of the City's Sewer System to the public, all property owners that own buildings or properties connected to an on-site sanitary sewer system shall connect to the City's Sewer System and shall immediately cease using the on-site sanitary sewer system upon such connection. Such connections shall be made subject to the applicable charges provided by current City requirements.

If the building or property is not connected to the City's Sewer System within the time prescribed or operation of the on-site sanitary sewer system is not discontinued, it shall be a violation of this chapter and subject the property owner to the penalties under section 50.99 of this Code. In addition to the penalties under section 50.99, the city administrator may provide written notice to the person owning or having possession or control of the property required to be connected to the City's Sewer System. Such notice shall also state that, upon failure of the property owner or occupant to connect to the City's Sewer System within thirty (30) days from the date of the notice, the City will connect the property to the City's Sewer System, and will charge the cost and expense incurred by the City to connect the property to the City's Sewer System to the owner of such property, and that the City may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the City, or may undertake other measures within the City's authority to recover the costs. The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district.

(2) *New Connections.* The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy after the date an operational City Sewer System is operational and available, on property within one-hundred fifty (150) feet of the City's sewer system or facilities, shall be connected to the sewer system by the owner or agent of the premises in accordance with the City's sewer service and extension ordinances. A separate connection for each house or building on the property requiring service shall be required unless the City Administrator approves the connection of more than one (1) building located on the single property to a single connection. All new subdivisions platted after the date of an operational City Sewer System within one-hundred fifty (150) feet of a public wastewater system

must be connected to the City's Sewer System. In the extraterritorial jurisdiction, the City Administrator may waive this requirement. If a building or property is to be served by the City's Sewer System, wastewater lines to serve each building or property must be installed before the certificate of occupancy may be issued and the building and property occupied."

Except as provided herein, of the Code of Ordinances of the City of Wimberley shall remain in full force and effect.

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

V. PROPER NOTICE AND MEETING

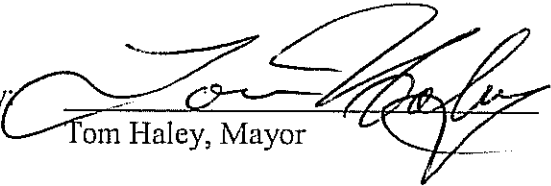
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard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

PASSED AND APPROVED ON FIRST READING this 15th day of April, 2010, by a 3 (Ayes) 1 (Nays) 1 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED ON SECOND READING this 6th day of May, 2010, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By:

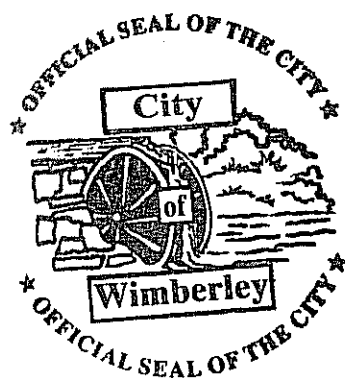

Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, City Attorney



Valley Spring Communications, Inc. dba: Holly Media Group

Wimberley View • Kyle-Buda Eagle • Dripping Springs Century-News
P.O. Box 49, Wimberley, Texas 78676
(512) 847-2202

State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Mary V. Saunders, who being by me here and now duly sworn, upon oath says:

My name is Mary Saunders, and I am the Publisher, of the Wimberley View, Kyle/Buda Eagle, & Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of one week on the following dates:

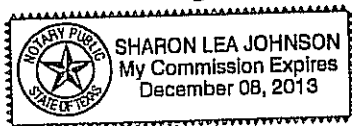
May 19, 2010
_____, 2010
_____, 2010
_____, 2010

The said Publisher, Mary V. Saunders further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

Mary V. Saunders

Signature of Affiant

Subscribed and Sworn to me, by the said Publisher, Mary V. Saunders, this 19 day
of May 2010 to certify which witness my hand and seal of office.



Sharon Johnson

NOTARY PUBLIC in and for
Hays County, Texas

PUBLIC NOTICES

★ PUBLIC NOTICE NOTICE OF ENACTMENT OF ORDINANCE NO. 2010-014

An ordinance amending Chapter 50 (Sewers and Water), Section 50.63 (Connection to the Sewer System Required), of the Code of Ordinances of the City of Wimberley, Texas, in order to establish the requirements for mandatory connection to a public wastewater system; and providing for an effective date; proper notice and meeting, severability and repealer.
(12061/1a/40) ★

THE STATE OF TEXAS NOTICE OF SEIZURE/SALE OF REAL PROPERTY COUNTY OF HAYS

A Second Order of Sale was issued the 10th day of March, 2010 by the Clerk of the District Courts, Hays County, Texas on the 22nd day of September, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Jimmie Lee Barta. Cause #08-2225 reflects a judgement amount of \$1,185.03 with interest there on from the date of judgement at the rate of 5.00% per annum until paid and \$262.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the Second Order of Sale, I did on the 12th day of March, 2010 at 9:45 am levy upon the following described property located in Hays County as the property of said defendant, to wit:

The property known by its legal description as Lot 183, Section 19 of Woodcreek a subdivision in Hays County, Texas as it existed on

June, 2010 being the first Tuesday of June, 2010 between the hours of 10:00 am and 4:00 pm, at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Jimmie Lee Barta in and to said property. Sale to begin at 10:30 am sharp.

Date: March 12, 2010
Darrell W. Ayres, Constable
Precinct 3, Hays County
By Tom L. Wallace, Deputy Constable
Precinct 3, Hays County

On the property sold, there are no warranties, expressed or implied, including, but not limited to the implied warranties of property "as is". Bidders are further advised that purchase of the property at this second order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice.
(12017/nc/38 / 40 / 42)

THE STATE OF TEXAS NOTICE OF SEIZURE/SALE OF REAL PROPERTY COUNTY OF HAYS

A Second Order of Sale was issued the 10th day of March, 2010 by the Clerk of the District Courts, Hays County, Texas on the 22nd day of September, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Ernest Gutierrez. Cause #09-0973 reflects a judgement amount of \$1,637.83 with interest there on from the date of judgement at the rate of 5.00% per annum until paid and \$254.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the Second Order of Sale, I did on the 12th day of March, 2010 at 9:37 am levy upon the following

county as the property of said defendant, to wit:

The property known by its legal description as Lot 49SC, Section 9A of Woodcreek a subdivision in Hays County, Texas as it existed on the 22nd day of September, 2009.

And on the 1st day of June, 2010 being the first Tuesday of June, 2010 between the hours of 10:00 am and 4:00 pm, at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Ernest Gutierrez in and to said property. Sale to begin at 10:30 am sharp.

Date: March 12, 2010
Darrell W. Ayres, Constable
Precinct 3, Hays County
By Tom L. Wallace, Deputy Constable
Precinct 3, Hays County

On the property sold, there are no warranties, expressed or implied, including, but not limited to the implied warranties of property "as is". Bidders are further advised that purchase of the property at this second order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice.
(12018/nc/38 / 40 / 42)

PUBLIC NOTICE NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST THE ESTATE OF GLADYS P. WATSON HUGHSON

Notice is hereby given that original Letters of Testamentary for the Estate of GLADYS P. WATSON HUGHSON, were issued on May 6, 2010 in Cause No. 11587-P pending in the County Court at Law of Hays County, Texas, to JANET M. WATSON ROBERTS, as Independent Executor of said Estate. All persons having claims against

given that on Tuesday, May 25, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court will hold a public hearing to consider: Re-subdivision of Lot 63 in Rolling Oaks Subdivision, Section 3.

(01993/3a/40)

★ ANTIQUES

BUY, SELL, TRADE
One item or estates.
Campbell's
Collectibles 847-6006
(01844/4cc/45)

★ AUTOS

FOR SALE
201 Polaris Ranger
400 HO, 2 wheel/
4 wheel. Drive 4 hours
on engine.
Paid \$9,254.88,
Sell for \$8,400.
512-847-8895
(12052/1cc/41)

**GOOD OLD BOYS
AUTO RECYCLING**
Cash for your Cars
and Trucks - running
or not. Free pick up
and/or towing.
512-393-1410
(01997/4cc-tfn/44)

ATTENTION:
RoadRunner Recycling
Is now buying all
types of scrap metal.
We buy junk vehicles,
any condition -
running, wrecked or
not. Cash paid.
Location:
16380 N. Hwy 123,
San Marcos, TX
512-353-4511 or
512-396-1382
(02949/4cc/44+)

★ BUSINESS OPPORTUNITIES

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All assets & lease
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ORDINANCE NO. 2018-11

AN ORDINANCE AMENDING CHAPTER 50 (SEWERS AND WATER), SECTION 50.63 (CONNECTION TO THE SEWER SYSTEM REQUIRED), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ESTABLISH THE REQUIREMENTS FOR MANDATORY CONNECTION TO A PUBLIC WASTEWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SAVINGS, SEVERABILITY AND REPEALER.

WHEREAS, the City Council of the City of Wimberley, Texas seeks to promote the health, safety, and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council is authorized to adopt an ordinance that is for good government, peace, or order of the City and is necessary and proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government interest, welfare or good order of the City; and

WHEREAS, the City Councils seeks to ensure that water and sewer utility service is adequate and efficient for the citizens of the City; and

WHEREAS, the City is currently constructing facilities to expand the collection and treatment of wastewater in the City; and

WHEREAS, the City Council finds that requiring connection to the City's sewer system is in the best interest of the public health, safety, and welfare of the citizens; and

WHEREAS, pursuant to Texas Local Government Code § 552.001 and other laws, the City is authorized to operate its sewer utility system inside and outside the municipal boundaries, to regulate the system in a manner that protects the interests of the municipality, and to extend the lines of its utility system inside and outside the municipal boundaries.

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENT

Chapter 50 (Sewers and Water), Section 50.63(B)(2) of the Wimberley Code of Ordinances shall be amended in its entirety to read as follows:

“§ 50.63 CONNECTION TO THE SEWER SYSTEM REQUIRED.

(B)(2) *New Connections.* The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy on property within one-hundred fifty (150) feet of the City’s existing or proposed sewer system or facilities, shall be connected to the City’s sewer system in accordance with the City’s sewer service and extension ordinances. A separate connection for each house or building on the property requiring service shall be required unless the City Administrator approves the connection of more than one (1) building located on the single property to a single connection. All new subdivisions within one-hundred fifty (150) feet of the City’s existing or proposed sewer system or facilities shall be connected to the City’s sewer system in accordance with the City’s sewer service and extension ordinances. In the extraterritorial jurisdiction, the City Administrator may waive this requirement. If a building or property to be served by the City’s sewer system, the wastewater lines to serve each building or property must be installed before the certificate of occupancy may be issued and the building or property is occupied.”

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Article 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 Article.

SECTION IV. SEVERABILITY

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

SECTION V. REPEALER

The provisions of this Article 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 Article are hereby expressly repealed to the extent that such inconsistency is apparent. This Article shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Article 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 15th day of March, 2018.

Hershel "Mac" McCullough,
Mayor

ATTEST:

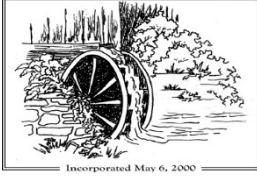
Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: DISCUSSION AND
POSSIBLE ACTION - Open Meetings for Sewer
Project Construction

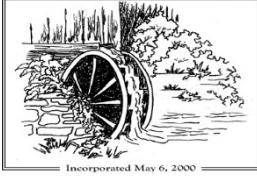
Council Action Requested:

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

Project/Proposal Summary:

Place Four Council Member Gary Barchfeld requested this item be placed on the agenda for discussion and possible action.

City Council Agenda Form



Date Submitted: March 12, 2018

Agenda Date Requested: March 15, 2018

Project/Proposal Title: DISCUSSION AND POSSIBLE ACTION - Abandoned Houses in Wimberley

Council Action Requested:

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

Project/Proposal Summary:

Place Four Council Member Gary Barchfeld requested this item be placed on the agenda for discussion and possible action.

ORDINANCE NO. 2007- 021

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING THE CODE OF ORDINANCES, TITLE XIII (GENERAL OFFENSES) TO ADD CHAPTER 160 CONCERNING UNSAFE, DANGEROUS AND SUBSTANDARD BUILDINGS OR STRUCTURES AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; JURISDICTION; DEFINITIONS; DECLARATION OF NUISANCE AND PROHIBITION; FILING AND INVESTIGATING COMPLAINTS; NOTICE OF VIOLATION; PUBLIC HEARING; APPEAL; VILLAGE AUTHORITY TO VACATE, REMOVE, DEMOLISH OR RELOCATE OCCUPANTS AND ASSESS EXPENSES AGAINST THE PROPERTY; VILLAGE AUTHORITY TO REPAIR AND ASSESS EXPENSES AGAINST THE PROPERTY; VILLAGE AUTHORITY TO SECURE BUILDINGS AND ASSES EXPENSES AGAINST THE PROPERTY; FORECLOSING LIENS; RELATION TO OTHER ORDINANCES; EFFECTIVE DATE; ENFORCEMENT INCLUDING CRIMINAL AND CIVIL PENALTIES WITH MAXIMUM CRIMINAL FINE OF \$2,000.00 AND MAXIMUM CIVIL FINE OF \$1,000.00 FOR VIOLATION; NO VESTED INTEREST; SEVERABILITY; PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Village of Wimberley seeks to promote the health, safety and general welfare of the community by preventing death, injury, property damage and urban blight within the Village limits; and,

WHEREAS, the City Council seeks to protect property values within the Village limits; and,

WHEREAS, the City Council finds that substandard buildings are fire hazards, attract vermin and insects and decrease the attractive nature of the Village; and,

WHEREAS, pursuant to Texas Local Government Code section 51.001 the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Texas Local Government Code section 51.012 the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the Council considers proper for the government, interest, welfare or good order of the Village; and,

WHEREAS, pursuant to Texas Local Government Code Chapter 214, the Village is authorized to regulate substandard buildings or structures and to order the repair, removal or demolition of the same and assess such costs against the property; and,

WHEREAS, the City Council finds it to be in the best interest of the public safety, health, and general welfare to adopt a substandard building ordinance that regulates substandard buildings and structures.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT

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

SECTION 2. AMENDMENT

That Title XIII (General Offenses), of the Code of Ordinances of the Village of Wimberley, is hereby amended to add Chapter 160 (Substandard Buildings) to read as follows:

"CHAPTER 160 SUBSTANDARD BUILDINGS

§ 160.01 JURISDICTION.

The provisions of this Chapter shall apply within the Village limits.

§ 160.02 DEFINITIONS.

Words and phrases used in this Chapter shall have the meanings set forth in this section. Words and phrases which are not defined in this Chapter but are defined in other provisions of the Code of Ordinances of the Village of Wimberley shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Chapter.

(A) "Building" means any structure of any kind or any part thereof, used, erected or designed for the support, shelter or enclosure of persons, animals, chattel or property of any kind including, but not limited to, tents, awnings or vehicles situated on real property.

(B) "Building inspector" means the person or persons officially designated by the Council to assist the Council in implementing and enforcing this Chapter. Such person or persons may be an employee of the Village, a person or persons contracted by the Village, or a person or persons otherwise designated by the Village to serve in this capacity, and such assistance shall include, but is not limited to, investigating alleged violations of this Chapter.

(C) "Council" means the City Council of the Village of Wimberley.

(D) "Dangerous building" or "unsafe building" or "substandard building" means any structure or building, regardless of the date of construction, located within the Village limits that is:

(1) In such a state or condition of repair or disrepair that all or any of the following conditions exist:

(a) The building is not constructed or maintained in compliance with the Village's building code, or any other applicable ordinance or law of the Village, county, state, or federal government;

(b) Walls or other vertical structural members of the building list, lean or buckle to such an extent that it has become dangerous to the public health, safety and welfare or otherwise constitutes a detriment to the health, safety or welfare of those persons who assemble, work or live therein;

(c) The building is partially or completely collapsing;

(d) The foundation or the vertical or horizontal supporting members of the building are damaged or deteriorated to such an extent that it has become dangerous to the public health, safety and welfare or otherwise constitutes a detriment to the health, safety or welfare of those persons who assemble, work or live therein;

(e) The nonsupporting coverings of walls, ceilings, roofs, or floors of the building are damaged or deteriorated to such an extent that it has become dangerous to the public health, safety and welfare or otherwise constitutes a detriment to the health, safety or welfare of those persons who assemble, work or live therein;

(f) The building has improperly distributed loads upon the structural members or insufficient strength to be reasonably safe for the purpose used;

(g) The building is damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare or otherwise constitutes a detriment to the health, safety or welfare of those persons who assemble, work or live therein;

(h) The building does not have adequate light, ventilation, and sanitation facilities adequate to protect the health, safety and welfare of persons who assemble, work or live therein;

(i) The building does not have adequate facilities for egress in case of fire or other emergency;

(j) The building's condition is likely to cause sickness, disease or injury or otherwise constitute a detriment to the health, safety or welfare of those persons who assemble, work or live therein or is a hazard to the public health, safety and welfare including,

but not limited to, all conditions conducive to the harboring of rats, mice or other disease carrying animals or insects reasonably calculated to spread disease.

(2) Dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety, and welfare of the Village residents.

(3) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

(4) Boarded up, fenced or otherwise secured in any manner if:

(a) the building constitutes a danger to the public even though secured from entry or

(b) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

(E) A "designee" of the Council means official designee appointed by resolution.

(F) "Diligent effort" means best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee including a search of the following records:

- (1) county real property records of Hays County;
- (2) appraisal district records of the Hays County Appraisal District;
- (3) records of the secretary of state;
- (4) assumed name records of Hays County;
- (5) Village tax records; and
- (6) Village utility records.

(G) "Minimum housing standards" means those standards found in the Village's adopted standard building, electrical, plumbing, gas, mechanical, and fire prevention codes.

(H) "Owner" means any individual, person, agent, firm, corporation or other legal entity, named in the real property records of Hays county as owning the property upon which a building or structure is located.

(I) "Person" means an individual, corporation organization, government agency, business, trust, partnership, association, or any other legal entity.

(J) "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof.

(K) "Village" means the Village of Wimberley, County of Hays, State of Texas, and includes any official, agent or employee acting on behalf of the Village.

§ 160.03 DECLARATION OF NUISANCE; PROHIBITION.

It shall be unlawful for any person to maintain or permit the existence of a dangerous, unsafe or substandard building, and the same are hereby declared to be a public nuisance and unlawful. Any building constituting a nuisance under this Chapter shall be vacated, secured, repaired, rehabilitated, demolished or removed in accordance with this Chapter.

§ 160.04 FILING AND INVESTIGATING COMPLAINTS.

(A) Any Village resident or property owner may file a complaint alleging a violation of this ordinance. The complaint must:

- (1) be in writing;
- (2) provide sufficient details about the alleged violation;
- (3) be signed by the complainant; and
- (4) be filed with the building inspector, the Council or its designee.

(B) The building inspector, or his designee, on his/her own knowledge or on the basis of a complaint by a Village resident or property owner, shall inspect every building located within the Village which is suspected of being in violation of this Chapter. The building inspector, or his designee, is hereby authorized to conduct inspections of buildings suspected of being in violation of this Chapter.

(C) If the building inspector, or his designee, determines there is a violation of this Chapter, a written report of violation shall be submitted to the Council or its designee. The Council or its designee may then initiate official action to remedy the violation.

§ 160.05 NOTICE OF VIOLATION.

(A) Whenever a violation of this ordinance has been discovered and reported by the building inspector, or his designee, a public hearing shall be held by the Village municipal court to determine whether the building complies with the standards set out in this Chapter.

(B) A diligent effort shall be made to send notice of the hearing to each owner, lienholder or mortgagee of the building. Such notice shall be in writing and shall be served by personal delivery, by certified mail, return receipt requested, or by delivery by the United States Postal Service using signature confirmation service.

(C) The notice shall contain:

- (1) the street address or legal description of the premises;
- (2) the date of inspection;
- (3) the nature of the violation;
- (4) the corrective measures required;
- (5) a reasonable time to comply with the required corrective measures;
- (6) a statement advising the person that there will be conducted a public hearing before the Village municipal court to determine whether the building complies with the standards set out in the definition of dangerous or unsafe building under the ordinance and the date, time and location of such hearing;
- (7) a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this Chapter and the time it will take to reasonably perform the work; and
- (8) the following statement:

“According to the real property records of Hays County, you are the owner, lienholder or mortgagee of the property described in this notice. If you no longer have a legal interest in the property, you must execute an affidavit stating that you no longer have a legal interest in the property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the City Secretary not later than the ____ day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you have a legal interest in the property, even if you do not.”

(D) If the Village mails notice to an owner, lienholder or mortgagee and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered delivered.

(E) Notice of the hearing may also be filed in the Official Public Records of Real Property in Hays County. Such a notice shall contain:

- (1) the name and address of the owner of the unsafe building and the real property on which it is located, if that can be determined;
- (2) a legal description of the affected real property; and
- (3) the date, time and location of the hearing.

§ 160.06 PUBLIC HEARING.

(A) The Village municipal court shall, at the earliest practicable date after notice is served, schedule and conduct public hearings to determine whether the building in question is a dangerous building, the scope of any work that may be required to comply with this Chapter, and

the amount of time it will take to reasonably perform any necessary work. The court shall hear related testimony from the building inspector or person that inspected the building, the occupant, if any, the owner or any other person with a legal interest in the building desiring to present factual evidence relevant to the unsafe building. The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the Chapter and the time it will take to reasonably perform the work.

(B) After the public hearing, if the court determines a building is in violation of this Chapter, the building inspector shall cause to be posted at each entrance to such building a notice as follows: "This building has been found to be an unsafe building by the Village of Wimberley. This notice is to remain on this building until it is secured, repaired, removed, demolished or vacated in accordance with the order which has been given to the owner(s) and other person(s) with interests in the property. It is unlawful to remove this notice until such order is complied with and the Village building inspector has provided written permission to remove this notice." No person shall enter the building except for making inspections or required repairs or to demolish such building.

(C) After the public hearing, if the court determines a building is in violation of this Chapter, the court may order that the building be secured, repaired, removed or demolished by the owner within thirty (30) days, unless it is established at the hearing that the work cannot reasonably be performed within (30) days, in which instance the court shall establish specific time schedules for the commencement and performance of the work. The court may also order that any occupants be relocated within a reasonable time. The court shall require the owner to secure the unsafe building in a reasonable manner from unauthorized entry while any work is being performed. The court may establish an additional reasonable time for the mortgagee or lienholder to take the ordered action in the event the owner fails to comply with the order in the allotted time. The court shall require the mortgagee or lienholder to secure the unsafe building in a reasonable manner from unauthorized entry while any work is being performed.

(D) The court may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove, demolish or perform the necessary work to comply with the ordinance unless the owner, lienholder or mortgagee:

- (1) submits a detailed plan and time schedule for the work at the hearing; and
- (2) establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.

(E) If the court allows the owner, lienholder or mortgagee more than ninety (90) days to complete any work required to repair, remove or demolish the unsafe building, the court shall require that:

- (1) regular progress reports be submitted to the building inspector to demonstrate compliance with the time schedules established by the court and

(2) the owner, lienholder or mortgagee appear before the building inspector to demonstrate compliance with the established time schedules.

(F) The court's order shall contain a statement that the Village may vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time specified by the court.

(G) If the owner, lienholder or mortgagee owns property, including structures or improvement on property, within the Village that exceeds one-hundred thousand dollars (\$100,000.00) in total value, the court may require a cash or surety bond be posted in an amount adequate to cover the costs of repair, removal or demolition of the unsafe building or, alternatively, require a letter of credit be provided from a financial institution or a guaranty from a third party approved by the court. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the thirtieth (30th) day after the date the court issues its order.

(H) After the hearing, the Village shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the court's final order to each owner, lienholder and mortgagee of the unsafe building along with a statement that the Village may vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time and that such expenses may be assessed on the property on which the unsafe building is located.

(I) Within ten (10) days of issuance of the court's final order:

(1) a copy of the order shall be filed with the Village Secretary; and

(2) a notice shall be published in a newspaper of general circulation in the Village containing:

(a) the street address or legal description of the property;

(b) the date of the hearing;

(c) a brief statement indicating the results of the order; and

(d) instructions stating a complete copy of the order may be obtained

from the City Secretary.

§ 160.07 APPEAL.

(A) Any owner, lienholder or mortgagee may appeal the decision of the Village municipal court by filing in district court a verified petition, as required by law.

(B) The petition must be filed within thirty (30) calendar days after the receipt of the municipal court's final order as required by Section 7(8) of this Chapter.

(C) A decision of the municipal court shall become final as to each owner, lienholder or mortgagee upon the expiration of such thirty (30) calendar day period.

§ 160.08 VACATING, REMOVING, DEMOLISHING OR RELOCATING OCCUPANTS OF UNSAFE BUILDINGS AND ASSESSING EXPENSES.

If the owner, mortgagee or lienholder fails to take the action ordered by a municipal court within the allotted time and fail to timely appeal the municipal court's order, the Village may *vacate, secure, remove or demolish* the unsafe building *or relocate* the occupants of the unsafe building at its own expense. The Village may assess the expenses on, and the Village has a lien against, the property on which the unsafe building is located, unless the building is a homestead as protected by the Texas Constitution. The lien is extinguished if the owner or other person with a legal interest in the property reimburses the Village for the expenses. Such lien is a privileged lien subordinate only to previously recorded bona fide mortgage liens and tax liens. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Hays County Clerk. Notice of the lien shall contain:

- (a) the name and address of the owner of the unsafe building and the real property on which it is located, if that can be determined;
- (b) a legal description of the real property on which the unsafe building is located;
- (c) the amount of expenses incurred by the Village; and
- (d) the balance due.

§ 160.09 REPAIRING UNSAFE BUILDINGS AND ASSESSING EXPENSES AND PENALTIES.

(A) In addition to the authority in Section 9 above, after the expiration of the time allotted in the municipal court's order for the repair, removal or demolition of an unsafe building, the Village may:

- (1) order the *repair* of the building at the Village's expense and assess the expenses on the land on which the building is located or to which it is attached; or
- (2) assess a civil penalty against the responsible party for failure to repair, remove or demolish the building.

(B) The Village may *repair* an unsafe building under Section 9(1) of this ordinance only to the extent necessary to bring the building into compliance with the minimum housing standards of the Village and to comply with the standards established in this ordinance. The Village can undertake repairs only if the building is a residential building with ten (10) or fewer dwelling units. The Village shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair or the civil penalty. The Village shall follow the procedures in Section 9 above for filing a lien on the property.

(C) A civil penalty or assessment imposed accrues interest at the rate of ten percent (10%) a year from the date of the assessment until paid in full.

(D) The Village's right to an assessment lien may not be transferred to third parties.

(E) In any judicial proceeding regarding enforcement of Village rights under this section, the prevailing party is entitled to recover reasonable attorney's fees from the nonprevailing party.

(F) A lien acquired under this section by the Village for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person sixty-five (65) years of age or older.

§ 160.11 SECURING BUILDINGS.

(A) The Village may secure a building if the building inspector, or his designee, determines the building:

- (1) is unsafe; and
- (2) is unoccupied or occupied only by persons who do not have a right of possession to the building.

(B) Before the eleventh (11th) day after the date the building is secured, the Village shall give notice to the owner by:

- (1) personally serving the owner with written notice;
- (2) depositing the notice in the United States mail address to the owner at the owner's post office address;
- (3) publishing notice at least twice within a ten (10) day period in the official Village newspaper, if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(C) The notice must contain:

- (1) an identification of the building, which is not required to be a legal description, and the property on which it is located;
- (2) a description of the violation;
- (3) a statement that the Village will secure or has secured, as the case may be, the building and the related date; and

(4) an explanation of the owner's entitlement to make a written request for a hearing within thirty (30) days after the date the Village secures the building.

(D) A hearing shall be conducted by the Village municipal court within twenty (20) days of the filing of a written request for a hearing.

(E) If the Village incurs expenses in securing the building, the Village may assess the expenses on, and the Village has a lien against the property on which the building is located, unless it is a homestead as protected by the Texas Constitution. The lien is extinguished if the owner or another person having an interest in the legal title to the property reimburses the Village for the expenses. Such lien is a privileged lien subordinate only to previously recorded bona fide mortgage liens and tax liens. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Hays County Clerk. Notice of the lien shall contain:

- (1) the name and address of the owner of the building and the real property on which it is located, if that can be determined;
- (2) a legal description of the real property on which the building is located;
- (3) the amount of expenses incurred by the Village; and
- (4) the balance due.

§ 160.12 FORECLOSING A LIEN.

A lien created under this ordinance may be foreclosed by the Village:

- (1) in a proceeding brought under Subchapter E, Chapter 33, Tax Code; or
- (2) in a judicial proceeding, if:
 - (a) a building or other structure on the property has been demolished;
 - (b) a lien for the cost of the demolition has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
 - (c) ad valorem taxes are delinquent on all or part of the property.

§ 160.13 ENFORCEMENT.

(A) Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Chapter as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

(B) Criminal Prosecution

Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding two-thousand dollars (\$2,000.00). Each day that a provision of this Chapter is violated shall constitute a separate offense. Any person failing to comply with a court order to secure, repair, remove or demolish an unsafe building shall be guilty of a misdemeanor.

(C) Civil Remedies

Nothing in this ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law, including, but not limited to the following:

(1) injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and

(2) a civil penalty up to one-thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the Chapter or, if the defendant shows the property is the defendant's lawful homestead ten dollars (\$10.00) a day when it is shown that the defendant was actually notified of the provisions of the Chapter and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the Chapter; and

(3) any other available relief;"

Except as herein amended the Code of Ordinances of the Village of Wimberley shall remain in full force and effect.

SECTION 3. RELATION TO OTHER ORDINANCES.

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 which is prohibited by any other ordinance.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect October 5, 2007 after its passage and publication as may be required by governing law.

SECTION 5. NO VESTED INTEREST.

No person shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulation enacted hereby may be amended or repealed by the Village Council in the manner provided by law.

SECTION 6. SEVERABILITY.

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

SECTION 7. PROPER NOTICE AND MEETING

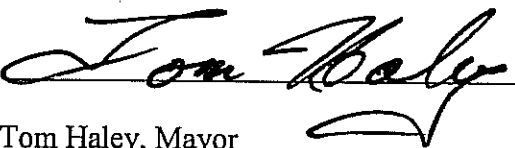
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was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

FIRST READING PASSED AND APPROVED this 16th day of August, 2007, by a 5 to 0 vote of the Village Council of the Village of Wimberley, Texas.

SECOND READING PASSED AND APPROVED this 6th day of September, 2007, by a 5 to 0 vote of the Village Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

By:



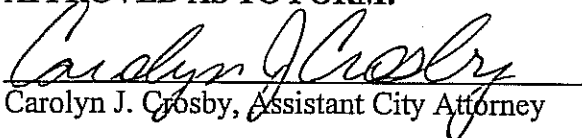
Tom Haley, Mayor

ATTEST:



Cara McPartland, City Secretary

APPROVED AS TO FORM:



Carolyn J. Crosby, Assistant City Attorney