

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 78676
THURSDAY, MAY 3, 2018 – 6:00 P.M.

AGENDA

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

Proclamation of the City of Wimberley, Texas proclaiming May 18, 2018 as Put on Purple Day to support the cause of raising awareness of lupus and its brutal impact.

6. **PRESENTATION AND POSSIBLE ACTION**

Presentation and consider possible action regarding Eagle Scout Liam McLemore's proposed kiosk and chimney swift at Cypress Creek Nature Trail and Preserve Park. (*Eagle Scout Project*)

7. **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.

8. **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 551.071 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. Executive Session pursuant 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.
- C. Discussion and possible action regarding items discussed in Executive Session.

9. 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.

Approval of minutes from the Regular City Council Meeting held April 19, 2018.

10. CITY ADMINISTRATOR REPORT

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

11. PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval regarding case CUP-18-007, an application for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 3 (R-3) for property located at 150 Dobie Dr., Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(David Brown, Applicant)*

12. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2018-11, amending Chapter 50, Section 50.63(B)(2) of the Code of Ordinances, establishing the requirements for mandatory connection to a public wastewater system. *(City Administrator Shawn Cox)*
- B. Discuss and consider possible action regarding an annual contract with Friends of Blue Hole for their sponsorship of the Concert in the Park series at Blue Hole Regional Park. *(Place One Council Member Steve Thurber)*

13. CITY COUNCIL REPORTS

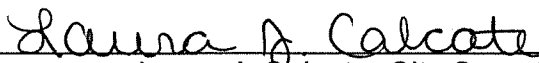
- A. Announcements
- B. Future agenda items

14. ADJOURNMENT

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

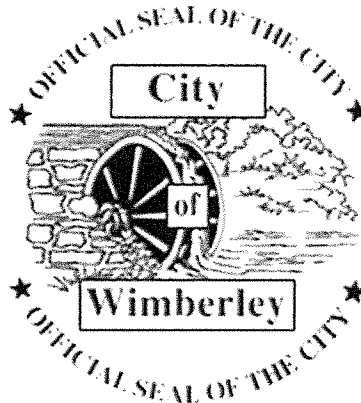
CERTIFICATION

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, April 30, 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 of Wimberley



Proclamation

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

WHEREAS, an estimated 1.5 million Americans suffer from Lupus, the chronic inflammatory, autoimmune disease that can affect various parts of the body, especially the skin, joints, blood and kidneys; and

WHEREAS, Lupus can be difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences; and

WHEREAS, the Lupus Foundation of America, Lone Star Chapter is part of a national force devoted to solving the cruel mystery of lupus while providing caring support to those who suffer from its brutal impact; and

WHEREAS, the Chapter rallied the (name of city) community to wear the color purple and to further unify the support for those living with the disease; and

WHEREAS, awareness is vital in raising funds for research for those affected by lupus; and it is our responsibility as a community to advocate on their behalf and to further encourage educational programs so everyone affected by lupus can have an improved quality of life;

NOW, THEREFORE, I (name of mayor), by virtue of the authority vested in me as Mayor of the City of Wimberley, Texas, do hereby proclaim May 18, 2018 as

Put On Purple Day

throughout the City of Wimberley and urge all citizens to support the cause of raising awareness of lupus, so that we can have a world with NO lupus.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the corporate seal of the City to be affixed this 3rd day of May, 2018.

CITY OF WIMBERLEY

Herschel P. “Mac” McCullough, Mayor



City Council Agenda Form



Date Submitted: April 27, 2018

Agenda Date Requested: May 3, 2018

Project/Proposal Title:

Presentation & Possible Action: Scout Liam McLemore proposed kiosk and chimney swift at Cypress Creek Nature Trail and Preserve park – Eagle Scout Project

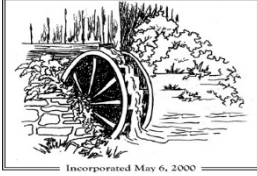
Council Action Requested:

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

Project/Proposal Summary:

Scout Liam McLemore and his project leader have worked closely with Parks Director Rebecca Manning and Wimberley Valley Watershed Association to develop a plan for a proposed kiosk and chimney swift at the Cypress Creek Nature Trail and Preserve park. The chimney swift will support a native bird species habitat, while providing interpretive information on the trail, the bird species, WVWA, conservation easement information, park rules and regulations, and more. This project will complete Liam's Eagle Scout Project. He will bring a presentation with handouts to Council for approval.

City Council Agenda Form



Date Submitted: April 30, 2018

Agenda Date Requested: May 3, 2018

Project/Proposal Title: CONSENT AGENDA

Council Action Requested:

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

Project/Proposal Summary:

Please see attached minutes from one meeting:

- Regular City Council held April 19, 2018



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 78676
THURSDAY, APRIL 19, 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
Gary Barchfeld Place Four
Roberta Holland Place Five

Council Members Absent: Allison Davis Place Three

City Staff Present: Shawn Cox, City Administrator
Laura Calcote, City Secretary
Sandy Floyd, Planning & Development Coordinator/GIS Analyst

INVOCATION

Mayor Mac McCullough gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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

PROCLAMATION

Mayor Mac McCullough read aloud a proclamation of the City of Wimberley, Texas proclaiming April 19, 2018 as John White Day and presented the proclamation to Mr. White. Several individuals, including Council Members, spoke highly of Mr. White's character and his past service as a Council Member for the City of Wimberley.

CITIZENS COMMUNICATIONS

Tom Keyser spoke regarding the planning and management of the wastewater project, along with the alcohol permit fee invoice he had received from the City.

Al Sander also addressed Council concerning uncontrolled growth in the Austin-San Antonio metropolitan areas, which has the possibility of spilling over into Wimberley in the future.

Ross Griswald spoke against the Conditional Use Permit to allow for a vacation rental for a property located at 150 Dobie Drive.

PRESENTATION AND POSSIBLE ACTION

Nick Dornak from Texas State University's Meadows Center for Water and the Environment and Tom Hegemier from Doucet & Associates, Inc. presented the Cypress Creek Watershed Protection Plan's proposed projects at Blue Hole Regional Park. These grant-funded projects would support the health and sustainability of the Cypress Creek.

Motion to approve the Cypress Creek Watershed Protection Plan's proposed projects at Blue Hole Regional Park was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

EXECUTIVE SESSION

City Council did not adjourn into Executive Session.

CONSENT AGENDA

Motion to approve the consent agenda was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

A. Approval of minutes from the Regular City Council Meeting held April 5, 2018.

B. Approval of the appointment of Buck Baccus to the City of Wimberley Transportation Advisory Board. *(Place Five Council Member Roberta Holland)*

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project. A groundbreaking ceremony for the Project was set for Friday, April 20th, at 10:00 a.m. at the Cypress Creek Nature Trail Park. Additionally, Mr. Cox stated the kickoff meeting presentations and Project schedule would be placed on the City's website for public viewing.

PUBLIC HEARINGS AND POSSIBLE ACTION

A. Hold a public hearing and consider approval regarding case S-17-010, an application a proposed replat of Lot 32, Lea Acres, Located on Pinion Trail, Wimberley, Hays County, Texas, to establish Lots 32A & 32B, and related variance request from the City subdivision code requirements relating to lot shape and average depth to average width ratio. *(Michael LeBlanc, Applicant)*

Planning and Development Coordinator/GIS Analyst Sandy Floyd presented the proposed replat at 371 Pinion Trail. The Planning and Zoning Commission had recommended approval with a 6-0 vote at their last meeting on April 12th.

Mayor Mac McCullough opened the public hearing at 6:48 p.m.

There were no citizen comments.

Mayor Mac McCullough closed the public hearing at 6:48 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

B. Hold a public hearing and consider approval regarding case CUP-18-005, an application for a Conditional Use Permit to allow for a vacation rental on property zoned Residential Acreage (RA) for property located at 400 County Road 1492, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Richard Culleton, Applicant)*

Mrs. Floyd presented the Conditional Use Permit (CUP) to allow for a vacation rental at 400 County Road 1492. Mrs. Floyd noted she had received sixty-six percent (66%)

opposition from the public on the CUP. The Planning and Zoning Commission had unanimously recommended denying the application.

Mayor Mac McCullough opened the public hearing at 6:50 p.m.

Chris and Claire Sharp spoke regarding their letter of protest for the application.

Mayor Mac McCullough closed the public hearing at 6:51 p.m.

Motion to deny was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- C. Hold a public hearing and consider approval regarding case CUP-18-006, an application for a Conditional Use Permit to allow for a liquor store on property zoned Commercial-High Impact (C-3) for property located at 111 Old Kyle Road, Ste. 310, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Mad Rooster's, Applicant*)

Mrs. Floyd also presented the Conditional Use Permit to allow for a liquor store at 111 Old Kyle Road, Ste. 310. The Planning and Zoning Commission had unanimously recommended Council approval of the CUP at their last meeting.

Mayor Mac McCullough opened the public hearing at 6:55 p.m.

Mad Rooster's owner Vicky Cox addressed Council in support of the CUP.

Mayor Mac McCullough closed the public hearing at 6:56 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- D. Hold a public hearing and consider approval regarding case CUP-18-007, an application for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 3 (R-3) for property located at 150 Dobie Dr., Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*David Brown, Applicant*)

Mrs. Floyd presented the Conditional Use Permit to allow for a vacation rental at 150 Dobie Drive. The Planning and Zoning Commission had recommended approval of the application with a 6-0 vote at their April 12th meeting.

Mayor Mac McCullough opened the public hearing at 6:59 p.m.

Property owner David Brown spoke regarding the CUP and asked for Council's support for the application.

Mayor Mac McCullough closed the public hearing at 7:01 p.m.

Motion to approve was made by Council Member Steve Thurber. The motion was not seconded; and therefore, fell to the floor.

- E. Hold a public hearing and consider approval regarding case ZA-18-002, an application to change the zoning from Commercial-Moderate Impact (C-2) to Commercial-High Impact (C-3) for property located at 13900 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Wimberley RR12, Applicant*)

Mrs. Floyd presented a request to change the zoning from Commercial-Moderate Impact (C-2) to Commercial-High Impact (C-3) at 13900 Ranch Road 12. The Planning and Zoning Commission had recommended Council approval by a 4-1-1 vote on April 12th.

Mayor Mac McCullough opened the public hearing at 7:04 p.m.

Property owner Phil Collins asked for Council support for the application. Potential business owner for the property Holly Collie addressed Council also asking for their support. Mrs. Collie stated a restaurant would be placed at the location.

There was discussion between Mrs. Collie and Council regarding the potential restaurant. Mayor Mac McCullough closed the public hearing at 7:13 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-1-0):

Steve Thurber	Aye
Craig Fore	Aye
Roberta Holland	Aye
Gary Barchfeld	Abstained

There was a recess at 7:14 p.m. Regular Session reconvened at 7:20 p.m.

Council revisited the Conditional Use Permit to allow for the operation of a vacation rental at 150 Dobie Drive. Council Member Steve Thurber had previously made a motion for approval, but the motion fell to the floor, due to a lack of a second. The CUP could not be reheard within a certain timeframe if it failed. However, the application was left in limbo, since the motion had neither passed nor failed.

Mayor Mac McCullough reopened the public hearing for the application at 7:22 p.m.

Planning and Zoning Commission Member Rebecca Minnick addressed Council stating the Commission's support for the CUP and noted P&Z had unanimously voted 6-0 for approval. Candy Fore also spoke regarding CUP's in residential areas and stated her opposition for the application.

Mayor Mac McCullough closed the public hearing at 7:25 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland.

Council Member Gary Barchfeld stated he would like to continue the application when all vested parties were present for the hearing.

Council Member Steve Thurber withdrew his motion for approval. Council Member Roberta Holland seconded the motion withdrawal.

Motion to continue the application until the May 3rd City Council Meeting was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action approving the proposed Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) rerate notice. *(City Secretary Laura Calcote)*

City Secretary Laura Calcote presented the TMLIEBP rerate for Plan Year 2017-2018.

Motion to approve the Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) rerate notice was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- B. Discuss and consider possible action regarding the policies and procedures relating to placement of temporary signs at the Wimberley Community Center. *(City Administrator Shawn Cox)*

City Administrator Shawn Cox presented the revised Wimberley Community Center Policies and Procedures Relating to Placement of Temporary Signs. The new language stated, "Signs may not be placed past the entrance to the adjacent property (the Thrift Shoppe)." Also, language was struck from the policy relating to the violation fee of \$5 per sign. There was discussion among Council regarding the changes.

Motion to approve the revised policies and procedures relating to placement of temporary signs at the Wimberley Community Center was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- C. Discuss and consider possible action to award the engineering services contract for the preparation of the City of Wimberley's HMGP Application for Harvey DR 4332 and General Land Office Community Development Block Grant Disaster Relief 2016 & Harvey 2017 and subsequent contract implementation if application is funded. *(City Administrator Shawn Cox)*

In December 2017 the City sent out Request for Qualifications for engineering services related to FEMLA HMGP and GLO Community Development Grant Disaster Recovery Programs. The City received three submittals in response to the RFQ. The submittals were evaluated and scored, and BEFCO Engineering received the highest score. The funds for these programs would be grant sponsored, at no cost to the City.

Motion to award the engineering services contract to BEFCO Engineering for the preparation of the City of Wimberley's HMGP Application for Harvey DR 4332 and General Land Office Community Development Block Grant Disaster Relief 2016 and Harvey 2017 and subsequent contract implementation was made by Council Member Steve Thurber. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

- D. Discuss and consider possible action for the City Administrator to expend an amount less than \$3,000 to Wimberley Plumbing for a replacement grinder pump at Blue Hole Regional Park. *(City Administrator Shawn Cox)*

Motion to allow the City Administrator to expend an amount less than \$3,000 to Wimberley Plumbing for a replacement grinder pump at Blue Hole Regional Park was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- E. Discuss and consider possible action approving Resolution No. 17-2018, granting a ten-foot wide underground electric utility easement for 2.997 acres of land out of the H. Keiser Survey No. 60, Abs. No. 271 and the Amasa Turner Survey No. 1, Abstract No. 461 in the City of Wimberley. *(City of Wimberley)*

Planning and Development Coordinator/GIS Analyst Sandy Floyd presented Resolution No. 17-2018, which would grant a ten-foot wide underground electric utility easement from the City of Wimberley to Wimberley SLF, LLC. There was discussion among Council members regarding the easement.

Motion to approve Resolution No. 17-2018, granting a ten-foot wide underground electric utility easement for 2.997 acres of land out of the H. Keiser Survey No. 60, Abs. No. 271 and the Amasa Turner Survey No. 1, Abstract No. 461 in the City of Wimberley was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- F. Discuss and consider possible action regarding request for proposals for a bank depository for the City of Wimberley. *(Mayor Mac McCullough)*

Mayor Mac McCullough led the discussion regarding the City going out for Request for Proposals for a new bank depository. The City currently utilized Ozona Bank for banking needs. However, Council discussed exploring new options, since the last bank depository

agreement was signed in September 2014 between the City and Ozona Bank.

Motion to direct City staff to go out for Request for Proposals for a bank depository for the City of Wimberley was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- G. Discuss and consider possible action to purchase two 60-kilowatt hour generator sets and necessary equipment for transportation and installation of the sewer system lift station. *(Mayor Mac McCullough)*

Mayor Mac McCullough explained the need for two generator sets and associated equipment, such as a trailer and cable, for the new sewer system lift station for the Central Wimberley Wastewater Project. Council members discussed the need for purchasing the additional equipment for the Project and related costs for doing so.

Motion to purchase two 60-kilowatt hour generator sets and necessary equipment for transportation and installation of the sewer system lift station not to exceed \$10,000 from the Wastewater Fund was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- H. Discuss and consider possible action regarding disposal of existing generator sets. *(Mayor Mac McCullough)*

Mayor Mac McCullough stated the existing generator sets at City Hall had parts stolen out of them earlier in 2018. Therefore, the generators were no longer functional and could not be used to support the sewer system lift station. Mayor McCullough recommended giving the generator sets to Wimberley Valley Radio at no charge, since they had the same equipment and could possibly still use some of the parts.

Motion to give the existing generator sets to Wimberley Valley Radio or to scrap them if the radio station did not want them was made by Council Member Craig Fore. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- I. Discuss and consider possible action to approve the first reading of Ordinance No. 2018-11, amending Chapter 50, Section 50.63(B)(2) of the Code of Ordinances, establishing the requirements for mandatory connection to a public wastewater system. *(Place One Council Member Steve Thurber)*

Council requested five years be changed to eight years concerning the issuance of septic permits to connect to the City's sewer system.

Motion to approve the first reading of Ordinance No. 2018-11, amending Chapter 50, Section 50.63(B)(2) of the Code of Ordinances, establishing the requirements for mandatory connection to a public wastewater system, with the amended language, was made by Council member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- J. Discuss and consider possible action to approve test digging for the wastewater retention pond at Blue Hole Regional Park. *(Place Two Council Member Craig Fore)*

Council Member Craig Fore discussed test digging at Blue Hole Regional Park for the potential wastewater retention pond. Mr. Fore had a contractor with a small excavator that would dig a couple of test holes to see how easily a retention pond could be dug and where, in order to get a reasonable bid for the pond. City Administrator Shawn Cox advised the contractor should have some type of insurance before digging in the Park. Council Member

Steve Thurber also noted the City should not take on the liability of digging in the Park without being insured. It was suggested the contractor should have an agreement with the City before test digging.

Motion to approve test digging for the wastewater retention pond at Blue Hole Regional Park was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (3-2):

Craig Fore	Aye
Gary Barchfeld	Aye
Mac McCullough	Aye
Steve Thurber	Nay
Roberta Holland	Nay

- K. Discuss and consider possible action to purchase a new television for the Council Chambers. *(Place Two Council Member Craig Fore)*

Motion to approve the purchase of a new television for the Council Chambers was made by Council Member Craig Fore. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

CITY COUNCIL REPORTS

- A. Announcements – Mayor Mac McCullough stated he would not be in attendance at the May 3rd City Council Meeting.

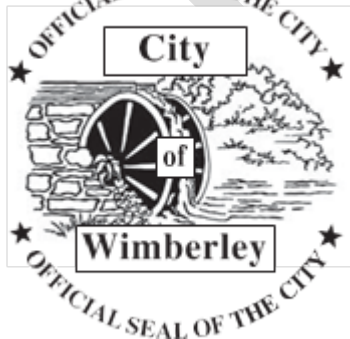
- B. Future agenda items – None.

ADJOURNMENT

Mayor Mac McCullough adjourned the meeting at 8:27 p.m., without objection.

RECORDED BY:

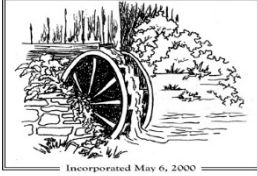
Laura J. Calcote, City Secretary



APPROVED BY:

Herschel P. "Mac" McCullough, Mayor

City Council Agenda Form



Date Submitted: April 30, 2018

Agenda Date Requested: May 3, 2018

Project/Proposal Title: CITY ADMINISTRATOR
REPORT

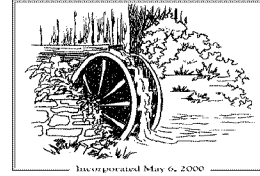
Council Action Requested:

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

Project/Proposal Summary:

City Administrator Shawn Cox will provide an update to City Council regarding the Central Wimberley Wastewater Project status and answer questions related to the Project. Mr. Cox will also update Council on other pertinent topics for the City.

Report for CUP-18-007



Summary:

An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 150 Dobie Drive

Applicant Information:

Applicant: Michael David Brown
150 Dobie Drive
Wimberley, TX 78676

Property Owner: Michael David Brown

Subject Property:

Legal Description: Lot 51, Cliffside Unit 2
Location: 150 Dobie Drive
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 3 (R-3)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: II
Overlay District: N/A

Surroundings:

Frontage On: Dobie Drive

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters: 3/20/2018
Published: 3/22/2018
Sign Placement: 3/23/2018
Responses: 1 property for

Comments:

The applicant, David Brown, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental for property located at 150 Dobie Drive.

The proposed Vacation Rental consists of three (3) bedrooms & two (2) bathrooms. The City Sanitarian has reviewed this request and stated a maximum occupancy of four (4) people per septic regulations.

City staff is recommending the following conditions be made part of the requested CUP, should the City Council recommend approval:

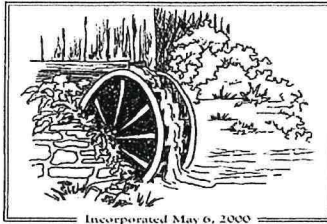
1. No organized outside activities shall be allowed on the property after 10 p.m.

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 four (4) 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.

To date, there has been one property owner in support of the request. You have staff recommendation for approval.

On April 12th the Planning & Zoning Commission voted 6-0-0 to recommend 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 - 007 Date: 2-27-18 Staff Review SIF
P&Z Hearing: 4-12-18 Council Hearing: 4-19-18 Fees Paid: ☒ Application ☐ Public Notice

Applicant: DAVID BROWN
Mailing address: 150 DOBIE DR City: WIMBER State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]
Property Owner: DAVID + SARAH BROWN
Mailing address: ASAME City: " State: " Zip: "
Phone: " Email: "

Project Site Address: 150 DOBIE DR WIMBERLY TX 78676
Legal description: CLIFFSIDE WIMBERLY #1 LOTS 1
Total Acreage or Square Footage: 1.60 Deed recorded in: _____
Hays CAD Parcel ID R 24374 Planning Area: _____ Zoning: R-3
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____
Specific Conditional Use Requested: _____

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: WIMBERLY WATER
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.

Deed

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.

2-25-2018

DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

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

Owner: DAVID BROWN & SARAH BROWN
LOCATION OF PROPERTY: 150 DORSEY DR. WIMBLY TX. 75676
LEGAL DESCRIPTION: CLIFFSIDE-WIMBERLEY II LOT 51
PLANNING AREA: R2
PRESENT ZONING: R-3
EXISTING USE: Residence
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. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 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: 3 42.3 B. 2 baths

MAXIMUM OCCUPANCY: 4 guests. 42.3 B.
Per City Sanitation

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 _____ 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.

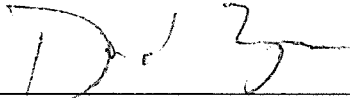
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the 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:

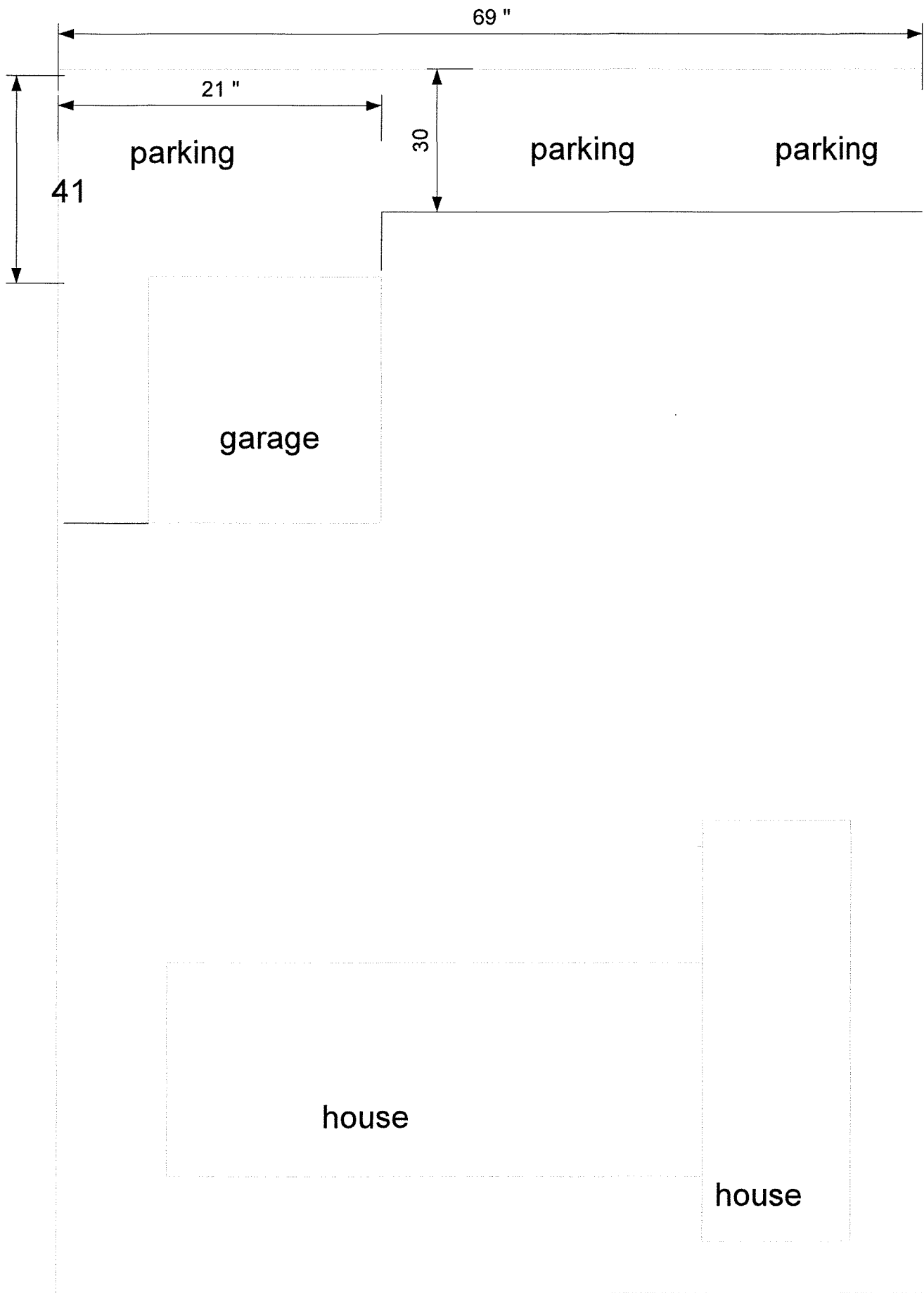
DATE



OWNER

DATE

OWNER



§ 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.

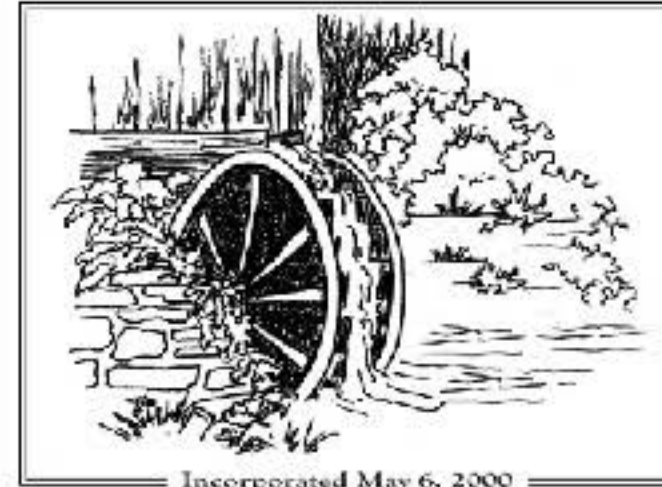
(2) Electrical fencing and barbed wire is prohibited as perimeter fencing.

(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-18-007 ~ 150 Dobie Dr.



200' NOTIFICATION

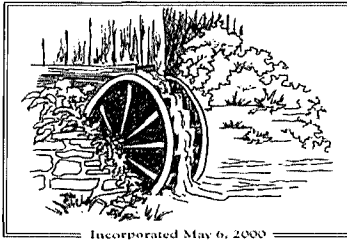
Legend

200' BUFFER

ID. OWNER

- 0. BROWN MICHAEL & STENIS SARAH
- 1. ADAM S, SALLY K ESTATE
- 2. ANDERSON, JESSICA
- 3. BILLINGS, RICK
- 4. BOZARTH LON DEE
- 5. BURDICK LENORE LIFE ESTATE
- 6. BURGE, JONATHAN & KAREN
- 7. CONGER RALPH S & OLLE PAT E
- 8. CONGER RALPH S & OLLE PAT E
- 9. CONGER RALPH S & OLLE PAT E
- 10. CONGER RALPH S & OLLE PAT E
- 11. COOMER JON A BYPASS TRUST
- 12. COOMER JON A BYPASS TRUST
- 13. DINSMORE SYLVIA FAMILY TRUST
- 14. DINSMORE SYLVIA FAMILY TRUST
- 15. GALPIN, DANIEL & ROBIN
- 16. GUTIERREZ SERGIO
- 17. GUTIERREZ SERGIO
- 18. GUTIERREZ SERGIO
- 19. HINTON, PAUL TRUST
- 20. HINTON, PAUL TRUST
- 21. KIRKHAM, CLAYTON
- 22. LAMBERT RICHARD & LORINDA
- 23. PURPLE CROWN INVESTMENTS LLC
- 24. PURPLE CROWN INVESTMENTS LLC
- 25. RODRIGUEZ CARLOS JR & STEPHANIE D
- 26. ROEDERER RICHARD
- 27. SPATZ, THOMAS W
- 28. STEPHENS C BRUCE & KILGORE DONAM
- 29. TWIN MOUNTAIN MANOR INC
- 30. WALKER, JOYL
- 31. WITTEN, BILLY SR & IRENE





City of Wimberley

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

March 20, 2018

NOTICE OF PUBLIC HEARING

Re: File No. CUP-18-007

150 Dobie Dr.

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.

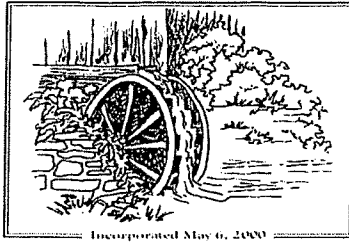
The applicant, David Brown, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 150 Dobie Drive. The current zoning for this property is Single-Family Residential 3 (R-3). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, April 12, 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, April 19, 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: 03/20/2018

Zoning No: CUP-18-007

Owner _____

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 150 Dobie Dr.

located on _____

Aaron Reed
Public Works/ Code Enforcement

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

_____, 20____

Signature

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

CUP-18-007



Do Not Remove

03/23/2018

Hays County Development Service (512) 393-2150. Tracking number SUB-928.

PUBLIC NOTICE

THE STATE OF TEXAS

THE COUNTY OF HAYS

TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF SAMUEL ALEXANDER, DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 18-0056-P

The undersigned Independent Executor of the Estate of Samuel Alexander Deceased, of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause 18-0056-P, on the 12th day of March, 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 the 13th day of March, 2018, Reggie Alexander, Independent Executor of the Estate of Samuel Alexander, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.

NOTICE OF PUBLIC HEARING (Request for Subdivision)

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, April 12, 2018, at 6:00 p.m. to consider the following: S-17-010 - an application for a subdivision and an associated variance from Section 154.063(c) of the City Subdivision Code requiring lots to be rectangular in size and conform to the average depth to average width ratio on a 6.23 acre tract located at 371 Pinion Trail. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 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 (sfloyd@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, April 12, 2018, at 6:00 p.m. to consider the following: CUP-18-006 - an application for a Conditional Use Permit (CUP) to allow the operation of a liquor store at 111 Old Kyle Rd., Ste. 310. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 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 (sfloyd@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 ENACTMENT OF 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.

NOTICE OF ENACTMENT OF ORDINANCE NO. 2018-02

An ordinance of the City of Wimberley, Texas, to increase the tax rate to be imposed on hotel occupancy within the corporate limits and extraterritorial jurisdiction.

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, April 12, 2018, at 6:00 p.m. to consider the following: CUP-18-005 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 400 CR 1492. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 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 (sfloyd@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.

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

By order of the Hays County Commissioners Court, notice is hereby given that on March 20, 2018 at 9 a.m. in the Hays County Courthouse, 111 E. San Antonio Street, the Hays County Commissioners Court will hold a public hearing to consider:

Cleaves Acres, Unit Two, Lot 5 - Replat

NOTICE OF PUBLIC HEARING (Request for Zoning)

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, April 12, 2018, at 6:00 p.m. to consider the following: ZA-18-002 - a request to change the zoning from Commercial-Moderate Impact (C-2) to Commercial-High Impact (C-3) for property located at 13900 RR 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 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 (sfloyd@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.

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Food and Beverage Certificate and a Wine and Beer Retailers Permit by Penny Henderson dba Oak Creek Cafe, to be located at 660 W Hwy 290, Dripping Springs, Hays County, Texas. Penny Henderson, Owner.

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, April 12, 2018, at 6:00 p.m. to consider the following: CUP-18-007 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 150 Doble Dr. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 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 (sfloyd@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.

Earn more with Quality!

★★★ 30 YEARS OF SERVICE ★★★

NANCY LEONA LLOYD LAMBERT, DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 18-0001-P

The undersigned Independent Executor of the Estate of NANCY LEONA LLOYD LAMBERT, Deceased, of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause No. 18-0001-P, on the 12th day of March, 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 the 14th day of March, 2018, Wanda Sue Lambert Frederick, Executor of the Estate of NANCY LEONA LLOYD LAMBERT, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.



Drivers

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

DRIVERS: LOCAL:
Delivery Drivers
Home EVERY Night!
Excellent Pay, Benefits & Bonuses. CDL-A required.
Available position - s/Apply@
apply.labatfood.com



General Help Wanted

Deer Creek of Wimberley is hiring

Full Time CNA
Double Weekends (Shift Differential)
Full Time CNA
2p-10p (Shift Differential)

Please apply in person
555 Ranch Rd. 3237
Wimberley, TX. 78676

General Help Wanted

General Help Wanted

Hill Country MHDD Center
HILL COUNTRY MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CENTERS
Children's Mental Health Recovery Coach
Hill Country Mental Health and Developmental Disabilities seeking a Qualified Mental Health Professional for their Full-Time Recovery Coach Position. Candidate must possess a Bachelor's Degree in a Human Services Field. Mental Health / IDD Experience Preferred. \$16.34 per hour / \$34K Annual with Excellent Benefits.
Apply online @ www.hillcountry.org
Hill Country MHDD Centers is an EOE

General Help Wanted

General Help Wanted

Hill Country MHDD Center
HILL COUNTRY MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CENTERS
Community Service Aide III
Hill Country MHDD Centers now hiring Full & 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

email Rebecca Manning at rmanning@cityofwimberley.com

IMMEDIATE HIRE
For male and female caregivers in surrounding locations. Please contact hiring manager. 830.625.0444.

DELIVERY DRIVER
needed. Part-time. Delivering cut flowers from our farm to grocery stores in the Austin and San Antonio area. Starting pay \$12/hour. Must have clean driving record, be punctual and neat. Contact Frank at 830-833-5428 or email wimberleyfarmwork@gmail.com



Free Items

AS IS Mobile Home - Deer Hunting Cabin
Free for haul off - 210-313-4920

Garage Sales

ESTATE SALE
Wimberley Owners lived years overseas so big

General Help Wanted

Rd to Haschke to River Rapids watch for signs.

Misc. Merchandise

VINTAGE FLOWER
Handmade vintage Totes and bags 512-660-1203



Homes For Sale

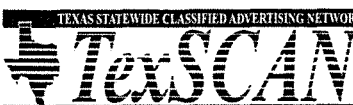
IN THE CITY OF WIMBERLEY
a beautiful two story house for sale on 4 acres 3 bedrooms, 3 bath, open kitchen, den and playroom. Wrap around large porch, with outdoor kitchen, covered sitting area great for entertaining, 1 block from the Blanco River, One of the last huge horse barns in the city. Paved driveway, fenced completely for animals, great soil for planting no rocks. 430 Savage Lane. 512 557 6259 Wayne

HOME FOR SALE:
In Fischer a beautiful 2 bed 1.5 bath 1120 sq ft. house on .83 acres. Contact Jessica at 830-992-1570.

General Help Wanted

General Help Wanted

General Help Wanted



TexSCAN Week of March 18, 2018

ACREAGE

28.2 acres, Deval County, south Texas brush country. Deer, hogs, and quail. \$4,035 down, \$668/mo. (9.9% 30 years), larger tracts available. 866-286-0199. www.texscanbrushcountry.com.

AUCTION

Karnes City - Annual Long Live Cowboys Special Female Replacement Sale, Sat., March 24 at noon. 400+ females. Karnes City Auction, Inc., 830-623-2855, 1918 Hwy. 80, Karnes City, TX, www.karnescityauction.com.

ADOPTION

Happy couple wish to adopt - endless love, laughter and opportunity. Call or text anytime. Expenses Paid. Heather and Matt 732-397-3117.

CAREER TRAINING

Airline Mechanic Training - Get FAA certification. Approved for military benefits. Financial Aid if qualified. Job placement assistance. Call Aviation Institute of Maintenance, 800-475-4102.

FINANCE

Receiving payments from real estate you sold? Get cash now! Call Steve: 888-870-2243. www.SteveCashesNotes.com.

EVENT

Ingleside - Round Up Days, March 23-24, N.O. Simmons Park, Ingleside, TX. Rides, games, food, live entertainment, \$6 Admission. Presented by Ingleside Chamber of Commerce.



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General Help Wanted

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General Help Wanted

General Help Wanted

Sandy Floyd

From: [redacted] Lon Bozarth [redacted]
Sent: Friday, March 23, 2018 11:10 AM
To: Sandy Floyd
Subject: File No. CUP-18-007

Ms Floyd

I am writing to give my consent for a Conditional Use Permit to operate a vacation rental at 150 Dobie Dr, Wimberley. I am a neighbor and have no problem with it. Please relay my consent to the Planning and Zoning Commission's April 12 public hearing.

Regards

.....
Lon Bozarth // 120 Dobie Dr
Wimberley TX // [redacted]
.....

ORDINANCE NO. 2018-xx

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY MICHAEL DAVID BROWN TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 150 DOBIE DRIVE, 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 Michael David Brown (“Applicant”) requesting authorization to operate a vacation rental on real property described as Lot 51, Cliffside II, zoned Single-Family Residential 3 (R-3); 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 David Brown (“Applicant”) for use as a vacation rental on real property, described as Lot 51, Cliffside II, 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, subject to the following terms and conditions:

City of Wimberley, Texas

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 four (4) 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 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, 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 19th day of April, 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

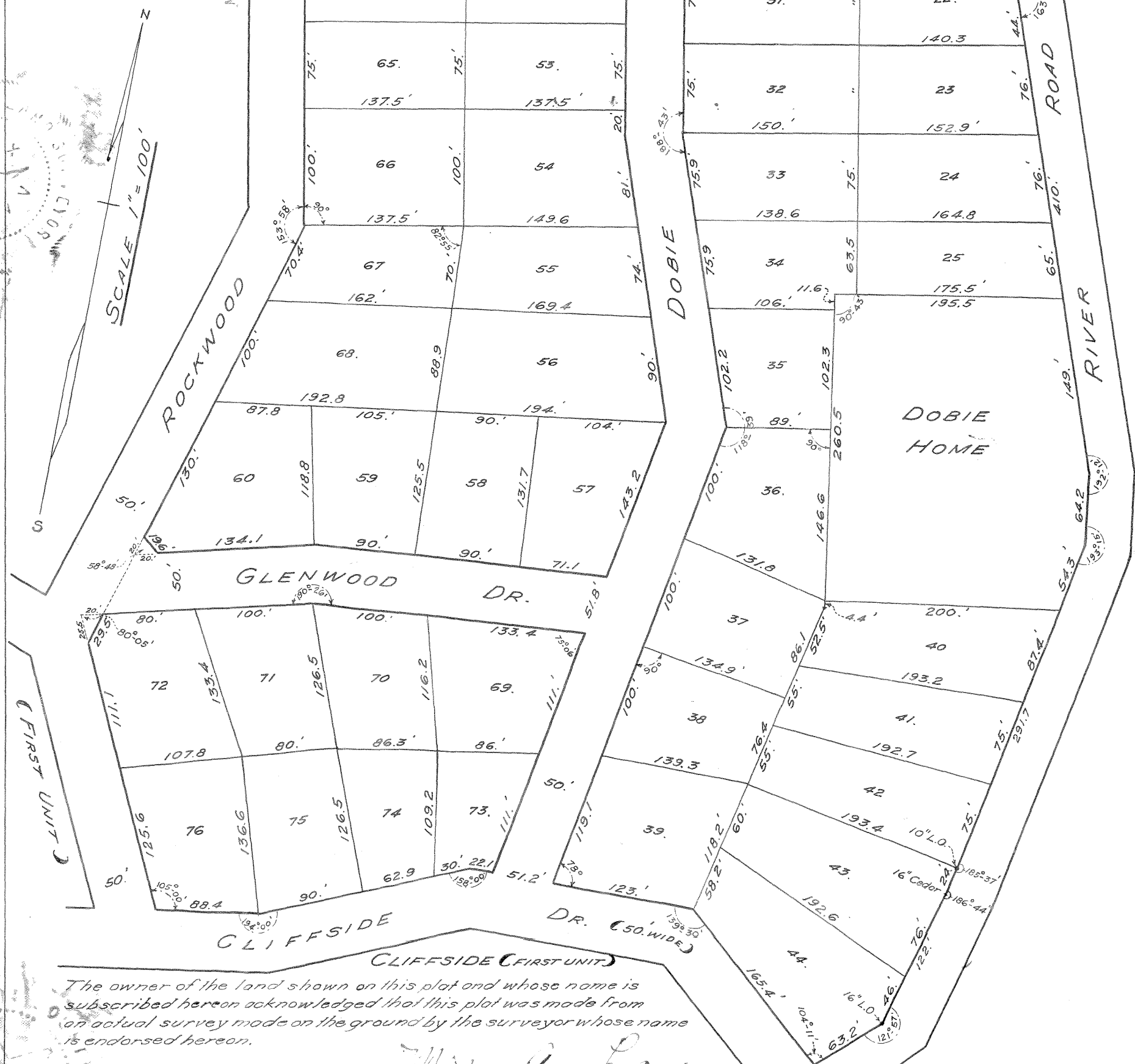
STATE OF TEXAS }
COUNTY OF BEXAR } hereby certify that the
foregoing plat is a true and correct plat, compiled
from an actual survey made on the ground by me.

Licensed State Land Surveyor,
County Surveyor, Bexar County, Texas.

Sworn and subscribed to before me, this 7th day of
Aug. A.D. 1946.

Prudence Kuykendall
Notary Public, Bexar County, Texas

PRUDENCE KUYKENDALL
Notary Public, Bexar County, Texas



The owner of the land shown on this plat and whose name is
subscribed hereon acknowledged that this plat was made from
an actual survey made on the ground by the surveyor whose name
is endorsed hereon.

A. Lange
Owner

STATE OF TEXAS }
COUNTY OF HAYS }

Before me, the undersigned authority on this
day personally appeared *A. Lange*, of me sole, known to be the
person whose name is subscribed to the foregoing instrument,
and acknowledged to me that she executed the same for the pur-
poses and consideration therein expressed.

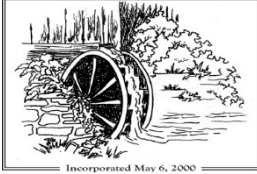
Given under my hand and seal of office, this
day of Aug., A.D. 1946.

County Judge *Nettie Caldwell*
Notary Public, Hays County, Texas.
NETTIE CALDWIN

PLAT
OF
CLIFFSIDE
(SECOND UNIT)

A SUBDIVISION OUT OF
AMASA TURNER SURVEY
HAYS COUNTY, TEXAS

City Council Agenda Form



Date Submitted: April 30, 2018

Agenda Date Requested: May 3, 2018

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

Council Action Requested:

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

Project/Proposal Summary:

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. This will be the second and final reading of Ordinance No. 2018-011. The Ordinance caption was published in the Wimberley View on Thursday, March 22, 2018.

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

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

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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~~

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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.~~

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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~~

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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.

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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: 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;

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§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:

(l) *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 existing or proposed sewer system or facilities, shall be connected to the City's 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~~ 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 is to be served by the City's ~~Sewer System~~ 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 or~~ property is occupied."

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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

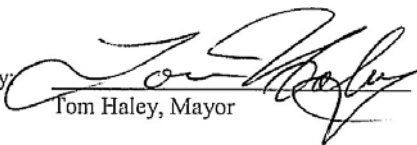
said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED ON FIRST READING this 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:

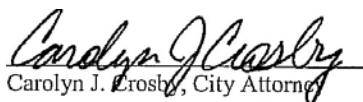

Tom Haley, Mayor

ATTEST:



Cara McPartland, City Secretary

APPROVED AS TO FOR


Carolyn J. Crosby, City Attorney

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 Council 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 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 is 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. Any property owner having installed a new septic system on property within one-hundred fifty (150) feet of the City’s existing or proposed sewer system or facilities since January 1, 2013 up until this ordinance is passed, will be given eight (8) years, since the issuance of their septic permit, to connect to the City’s sewer system.”

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 ____ day of _____, 2018.

Herschel P. "Mac" McCullough, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



**NOTICE OF
ENACTMENT OF
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.

**NOTICE OF
ENACTMENT OF
ORDINANCE NO. 2018-02**

An ordinance of the City of Wimberley, Texas, to increase the tax rate to be imposed on hotel occupancy within the corporate limits and extraterritorial jurisdiction of the City; and providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting.

*Help Keep Wimberley
Beautiful*

Wimberley City Hall on Thursday, April 12, 2018, at 6:00 p.m. to consider the following: CUP-18-007- an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 150 Dobie Dr. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, April 19, 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 (sfloyd@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.

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★★★ 30 YEARS OF SERVICE ★★★
Looking for CDL A or B drivers to deliver new trucks all over the US and Canada.
Experience preferred. Must have DOT physical and be willing to keep logs. No DUIs in last 10 years, clean MVR.
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Apply Online at www.qualitydriveaway.com
or call 574-642-2023

Professional for their Full-Time Recovery Coach Position. Candidate must possess a Bachelor's Degree in a Human Services Field, Mental Health / IDD Experience Preferred. \$16.34 per hour / \$34K Annual with Excellent Benefits.
Apply online @ www.hillcountry.org

Hill Country MHDD Centers is an EOE

**General Help
Wanted**

**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 Full & 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

Heather and Matt 732-397-3117.

CAREER TRAIN

Airline Mechanic Training - Get Approved for military benefits. Financed. Job placement assistance. Call of Maintenance, 800-475-4102.

FINANCE

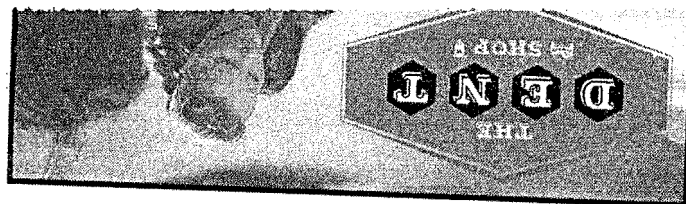
Receiving payments from sold? Get cash now! Call Steve www.SteveCashesNotes.com.

EVENT

Ingleside - Round Up Days, Mc Simmons Park, Ingleside, TX. Rides entertainment, \$6 Admission. Pres Chamber of Commerce.

**Texas Pre
251 Participat
Start At \$**

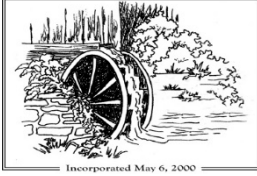
NOTICE: While most advertisers urge readers to use caution and w Federal Trade Commission at 877-



destrians, uncovered trucks
In another week or two,
subject. In the meantime,
PLEASE DON'T LITTER!
Jackie Matrice,
Hays County
Master Naturalist

article listed 9 interesting
facts about littering: 1.9
billion tons of litter ends
up in the ocean every year,
\$11.5 billion is spent every
year to clean up litter, 50%
of littered items are ciga-
rette butts, 50% of smok-
ers claimed they properly
nt to quote directly
n article I found on
ernet titled, "litter. It
small piece of litter
ve in your hand to-
uld amount to bil-
lions of money
r. Billions of money

City Council Agenda Form



Date Submitted: April 30, 2018

Agenda Date Requested: May 3, 2018

Project/Proposal Title: DISCUSSION AND
POSSIBLE ACTION - Memorandum of
Understanding for Concert in the Park Series

Council Action Requested:

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

Project/Proposal Summary:

Place One Council Member Steve Thurber requested this item be placed on the agenda. Please find attached a draft of the Memorandum of Understanding between the City of Wimberley and the Friends of Blue Hole for the annual Concert in the Park series held each April.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF WIMBERLEY AND
THE FRIENDS OF BLUE HOLE FOR
ANNUAL CONCERT IN THE PARK SERIES**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into by and among the City of Wimberley (“City”) and Friends of Blue Hole (“FOBH”) (Collectively, the “Parties”).

I. RECITALS

- A. The City is a Type A General-Law municipal corporation in the State of Texas.
- B. FOBH is a 501©(3) non-profit organization that strives to promote, protect, preserve, and support Blue Hole Regional Park.
- C. Upon acceptance by both Parties, the City has agreed to accept FOBH as the sole sponsor for the Blue Hole Regional Park “Concert in the Park” series each April for the next ten (10) consecutive years.

NOW, THEREFORE, in consideration of the mutual benefits and promises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and FOBH agree as follows:

II. RIGHTS AND DUTIES OF THE PARTIES

- A. The City will be responsible for booking and paying all talent scheduled for the “Concert in the Park” series.
- B. The Parties will cooperate in the planning and execution of the “Concert in the Park” series.
- C. FOBH will have the ability to host donation jars at each concert to gather donations for the organization.
- D. FOBH will be the sole sponsor for the concert series, and the City will not explore additional sponsorship during the span of this MOU.
- E. FOBH has agreed to sponsor the series each April for a total of \$2,500.00 per year.
- F. FOBH has an optional renewal period of ten (10) years at the close of this MOU.
- G. If the City enters into a renewal of ten (10) years of sponsorship at the close of this MOU, the City may increase the sponsorship amount to \$2,750.00, or a different amount, if the City deems necessary.

III. MISCELLANEOUS PROVISIONS

- A. **Term:** The responsibilities provided and agreed to herein will begin on the date that the Parties each have executed the MOU and will continue for a term of ten (10) years.

- B. **Termination:** This MOU may be terminated at any time by the City or FOBH, with or without cause, upon thirty (30) days written notice to the non-terminating parties.
- C. **Liability:** The Parties shall have no liability of any kind to one another for or arising from the provisions of this MOU. Nothing in this MOU is intended to or shall have the effect of adding to or changing the liability limits and immunities for a governmental unit provided by the Texas Tort Claims Act, Texas Civil Practice and Remedies Code Chapter 101, or other applicable law. **The Parties agree that this MOU is not a written contract stating the essential terms of an agreement for providing goods or services to the City of Wimberley within the meaning of Chapter 271, Subchapter I, of the Texas Local Government Code.**
- D. **Entire MOU, Amendment, and Assignment:** This MOU contains the entire agreement among the parties with respect to the subject matter hereof and supersedes all prior MOUs and understandings, oral or written, among the parties hereto with respect to the subject matter hereof. The parties may not assign or amend all or any part of this MOU without the prior written consent of all parties.
- E. **Section Headings and Construction:** The headings of sections in this MOU are provided for convenience only and will not affect its construction or interpretation.
- F. **Notices:** Any notice required or permitted under this MOU must be in writing. Notice may be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.
- G. **Governing Law:** This MOU will be governed by the laws of the State of Texas. Venue is in any court of competent jurisdiction over Wimberley, Hays County, Texas. The Parties agree to negotiate in good faith in order to resolve any disputes that may arise pursuant to this MOU.
- H. **Severability:** If any provision of this MOU is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this MOU will remain in full force and effect. Any provision of this MOU held invalid and unenforceable only in part of degree will remain in full force and effect to the extent not held invalid or unenforceable.

The undersigned parties have executed this MOU on the dates indicated below to be effective as of _____ 2018 (the "Effective Date")

CITY OF WIMBERLEY

By: _____
Title: _____
Date: _____

FRIENDS OF BLUE HOLE

By: _____
Title: _____
Date: _____