

City of Wimberley

12111 Ranch Road 12, P.O. Box 2027
Wimberley, Texas, 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
NOVEMBER 5, 2009, 6:30 P.M.

AGENDA

CALL TO ORDER: NOVEMBER 5, 2009 @ 6:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- (A) PROCLAMATION RECOGNIZING NATIONAL HOSPICE MONTH
- (B) PROCLAMATION RECOGNIZING THE HAYS COUNTY FOOD BANK'S TACKLE HUNGER WEEK

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.

1. EXECUTIVE SESSION:

In accordance with Texas Government Code, 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:

CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION IN CAUSE NO. 08-1984, CYNDI BROWN, INDIVIDUALLY VS. CITY OF WIMBERLEY, TOM HALEY, INDIVIDUALLY AND DON FERGUSON, INDIVIDUALLY IN THE 428TH DISTRICT COURT OF HAYS COUNTY, TEXAS AND THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

2. **CONSENT AGENDA**

THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COUNCIL MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

- (A) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF OCTOBER 14, 2009
- (B) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 15, 2009
- (C) APPROVAL OF THE APPOINTMENT OF ONE (1) CONSENSUS MEMBER TO THE WIMBERLEY PARKS BOARD
 - AUBREY WEEKS (PLACE FOUR COUNCIL MEMBER STEVE THURBER'S NOMINEE)
- (D) APPROVAL OF THE RESIGNATION OF JULIE HARRIS FROM THE WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION AND THE APPOINTMENT OF NANCYE BRITNER TO THE WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION (PLACE TWO COUNCIL MEMBER BOB FLOCKE'S NOMINEE)
- (E) APPROVAL OF THE SEPTEMBER 2009 CITY OF WIMBERLEY FINANCIAL STATEMENTS

3. **PRESENTATION**

PRESENTATION BY A REPRESENTATIVE OF THE UNITED STATES CENSUS BUREAU REGARDING THE UPCOMING 2010 UNITED STATES CENSUS. (HENRY DICKENS, U.S. CENSUS BUREAU)

4. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE EFFORTS TO SECURE STATE AND/OR FEDERAL FUNDING FOR THE DEVELOPMENT OF A CENTRALIZED WASTEWATER SYSTEM FOR DOWNTOWN WIMBERLEY
- STATUS REPORT ON THE PREPARATION OF AN ORDINANCE RELATING TO SLOPE DEVELOPMENT
- STATUS REPORT ON THE 2009/2010 CITY-INITIATED ZONING PROJECT
- STATUS REPORT ON THE PREPARATION OF THE FISCAL YEAR 2009 FINANCIAL REPORT
- STATUS REPORT ON THE DESIGNATION OF A TRUCK ROUTE AROUND WIMBERLEY
- STATUS REPORT ON THE ACTIVITIES OF THE PEDERNALES ELECTRIC COOPERATIVE ELECTRICAL DISTRIBUTION SYSTEM UPGRADE TASK FORCE
- STATUS REPORT ON THE POSSIBLE DEVELOPMENT OF A TEXAS DEPARTMENT OF TRANSPORTATION GRANT APPLICATION FOR PEDESTRIAN AND MOBILITY IMPROVEMENTS ON THE WIMBERLEY SQUARE

5. **RESOLUTIONS**

- (A) CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS ACCEPTING STATE ENERGY CONSERVATION OFFICE (SECO) GRANT FUNDING TO BE USED IN FURTHERANCE OF THE CITY OF WIMBERLEY'S GOALS OF ENERGY EFFICIENCY. (CITY ADMINISTRATOR)

- (B) CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS SUPPORTING THE UNITED STATES CENSUS 2010. (*HENRY DICKENS, U.S. CENSUS BUREAU*)

6. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A TRACT LOCATED AT 14211 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-MODERATE IMPACT (C-2) AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*CHARLI MANROSS, APPLICANT*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE AMENDING PORTIONS OF SECTIONS 33.02 (TRANSPORTATION ADVISORY BOARD), 33.03 (WATER AND WASTEWATER ADVISORY BOARD), 33.04 (PARKS AND RECREATION BOARD), AND 150.01 (BUILDING CODE BOARD OF REVIEW) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO REVISE THE PROCESS FOR APPOINTMENT AND TERMS OF OFFICE FOR INDIVIDUALS APPOINTED TO THE ABOVE REFERENCED BOARDS; AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY. (*CITY ADMINISTRATOR; ITEM CONTINUED FROM THE OCTOBER 15, 2009 CITY COUNCIL MEETING*)

7. **DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER APPROVAL OF A REQUEST TO WAIVE THE FEES FOR THE STARLIGHT SYMPHONY ORCHESTRA TO UTILIZE THE WIMBERLEY COMMUNITY CENTER. (*PLACE FOUR COUNCIL MEMBER STEVE THURBER*)
- (B) DISCUSS AND CONSIDER ACTION ON ISSUES RELATING TO THE IMPLEMENTATION OF AN ON-SITE SEWAGE FACILITY PERMITTING AND INSPECTION PROGRAM. (*CITY ADMINISTRATOR*)
- (C) DISCUSS AND CONSIDER APPROVAL OF PLANS FOR *RUDOLPH'S 5K FUN RUN/WALK* ON SATURDAY, DECEMBER 5, 2009. (*WANDA MARTINEZ, DEER CREEK NURSING CENTER*)
- (D) DISCUSS AND CONSIDER APPROVAL OF A REQUEST TO INSTALL BANNERS ON UTILITY POLES ON THE WIMBERLEY SQUARE. (*WIMBERLEY MERCHANTS ASSOCIATION*)
- (E) DISCUSS AND CONSIDER APPROVAL OF A PROPOSED CHANGE TO THE WIMBERLEY ETHICS COMMISSION BY-LAWS. (*WIMBERLEY ETHICS COMMISSION*)
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION RELATING TO THE DEVELOPMENT OF A NEW CITY HALL FACILITY FOR THE CITY OF WIMBERLEY, TEXAS. (*MAYOR TOM HALEY*)

8. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

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 LOCAL 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

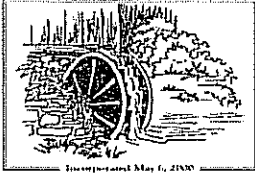
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on November 2, 2009 at 5:00 p.m.



CARA MC PARTLAND, 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 Don Ferguson, City Administrator, 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 at 1-800-735-2988.

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: EXECUTIVE SESSION TO
CONSULT WITH ATTORNEYS REGARDING PENDING
LITIGATION

Funds Required:

Funds Available:

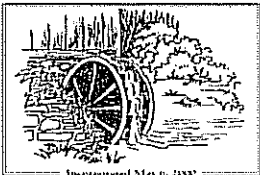
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to meet in Executive Session to consult with attorneys regarding pending litigation in *Cause No. 08-1984, Cyndi Brown, Individually vs. City of Wimberley, Tom Haley, Individually, and Don Ferguson, Individually, in the 428th District Court of Hays County, Texas and the United States District Court for the Western District of Texas.*

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPROVAL OF OCTOBER 14, 2009 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are the minutes for the October 14, 2009 Special City Council Meeting for review and consideration.

City of Wimberley

City Hall, 12111 Ranch Road 12, Ste. 114

Wimberley, Texas 78676

Special Joint City Council/Transportation Advisory Board Meeting

October 14, 2009 at 5:30 p.m.

City Council meeting called to order at 5:47 p.m. by Mayor Tom Haley.

Councilmembers Present: Councilmembers Charles Roccaforte, Bob Flocke, Steve Thurber, and John White. Councilmember Appleman had an excused absence.

Transportation Advisory Board (TAB) Members Present: Chair Corwin Vansant, Vice Chair Mark Roden, Secretary Bert Ray, Board Members Bob Bullock, Charles Lancaster, Kelly Kilber, and Gene Woodruff. Board Members Rodney Jones and Tom Wallace were not present.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland.

Workshop Session:

Workshop to discuss and provide direction regarding the development of transportation infrastructure improvements and priorities for the City of Wimberley

In light of recently approved road improvement funding, Mayor Haley requested that TAB provide a list of priorities according to direction from Council.

Chair Vansant read ordinance language reiterating TAB's duties and reviewed the Transportation Master Plan (TMP) process in order to ensure that TAB is acting in accordance with Council's direction. Discussion among Council and Board members addressed:

- Various options put forth by Council and TAB for assessing and establishing priorities
- Safety improvements as a top priority, including guard rails, striping, and signage
- Possibly setting aside a certain percentage of funds for paving unpaved roads
- Implementing a cyclical longevity plan with a phased approach to construction, right of way acquisition, maintenance, and/or improvements
- Expenditures proportionate to projects that affect the greatest number of citizens
- Administrative approval of routine maintenance versus types of improvements needing Council approval
- Development of a Community Improvement Program as a reference to rank community needs using existing software, engineering review, and City staff
- Identifying and prioritizing safety issues and associated revenue allocation
- Establishing safety criteria for residents and visitors
- Incremental approach for major expenditures that implements planned phasing of projects such as surveying, right-of-way acquisition, and construction spread out over a specified period

- Future consideration of ad valorem taxation in order to fund roads/streets, including anticipated revenue and resulting bonding authority
- Most effective allocation of available funds
- As suggested by TAB Member Kilber, identification of the following four major categories and ranking of three to four items within each category: Safety; continuous maintenance (such as striping, potholes, tree trimming, signage); minor repairs (such as initial striping); and major repairs (such as new construction, street paving)
- "Needs" budget for roads as a long-term planning tool
- A compilation of examples from TAB Secretary Ray dealing with erosion and culvert repair/replacement, which identify existing problems, public impact, solutions, cost/timing, and potential problems

General agreement was reached to:

- Utilize the methodology previously proposed by TAB Member Kilber
- Update the existing software's database to better analyze road conditions
- Hold two TAB meetings to work on prioritization (October 28 and November 12) and special meetings as deemed necessary
- Hold one more Council/TAB workshop on December 2

Hearing no further comments, Mayor Haley called the meeting adjourned.

Adjournment: Joint Council/TAB meeting adjourned at 6:35 p.m.

Recorded by:

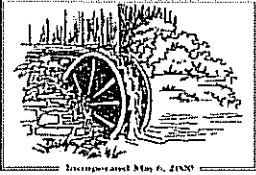
Cara McPartland

These minutes approved on the _____ of November, 2009.

APPROVED:

Tom Haley, Mayor

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPROVAL OF
OCTOBER 15, 2009 MINUTES OF REGULAR
CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are minutes for the October 15, 2009 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
October 15, 2009 at 6:30 p.m.

City Council meeting called to order at 6:30 p.m. by Mayor Tom Haley.

Mayor Haley gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bob Flocke, Steve Thurber, and John White. Councilmember Bill Appleman had an excused absence.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland and City Attorney Brad Young.

Citizens Communications

No citizen communications were heard.

1. Executive Session

Consultation with attorney regarding pending litigation in Cause No. 08-1984, Cyndi Brown, Individually v. City of Wimberley, Tom Haley, Individually and Don Ferguson, Individually in the 428th District Court of Hays County, Texas

Mayor Haley stated that Council will not retire to Executive Session.

2. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of October 1, 2009.
- B. Approval of the minutes of the special City Council meeting of October 8, 2009.
- C. Approval of the minutes of the special City Council meeting of October 10, 2009.
- D. Approval of the appointment of one (1) consensus member to the Wimberley Building Code Board of Review
 - Bob Bullock (*Mayor Tom Haley's nominee*)
- E. Approval of the appointment of two (2) consensus members to the Wimberley Parks Board
 - Christine Byrne (*Mayor Tom Haley's nominee*)
 - Aubrey Weeks (*Place Four Councilmember Steve Thurber's nominee*)

- F. Approval of the appointment of one (1) consensus member to the Wimberley Transportation Advisory Board
 - Tom Wallace (*Mayor Tom Haley's nominee*)
- G. Approval of the appointment of one (1) consensus member to the Wimberley Board of Adjustment
 - Bill Cline (*Mayor Tom Haley's nominee*)
- H. Approval of the reappointment of P. Jason Aldridge to the Wimberley Board of Adjustment (*Mayor Pro-tem Charles Roccaforte's nominee*).
- I. Approval of the reappointment of Horace Wilson to the Wimberley Parks Board (*Mayor Pro-tem Charles Roccaforte's nominee*).
- J. Approval of the reappointment of Larry Catt to the Wimberley Building Code Board of Review (*Mayor Pro-tem Charles Roccaforte's nominee*).
- K. Approval of the appointment of M.F. Johnson to the Wimberley Parks Board (*Place Two Councilmember Bob Flocke's nominee*).

Councilmember Thurber pulled Consent Agenda Item 2E in order to withdraw his nomination of Aubrey Weeks for appointment to the Parks Board (at the nominee's request). Councilmember Flocke moved to approve all remaining Consent Agenda items. Councilmember Roccaforte seconded. Motion carried on a vote of 4-0.

Councilmember Thurber moved to approve Consent Agenda Item 2E for the remaining appointment of Christine Byrne to the Wimberley Parks Board. Councilmember Roccaforte seconded. Motion carried on a vote of 4-0.

3. City Administrator Report

- Status report on the development of the *Blue Hole Regional Park*

City Administrator Ferguson thanked all participants in the recent charrettes held to gather public input. Compiled data will be used for future meetings with design consultants and the Blue Hole task force. He reported on a recent positive meeting with Texas Parks and Wildlife (TPWD) and on the process for grant acceptance.

- Status report on preparations for *The Lance Armstrong Livestrong Challenge*

City Administrator Ferguson reported that there may be some traffic delays on October 25, 2009 and reviewed the itinerary and route for the event, including the posting of appropriate signage.

- Status report on *The Wimberley City Limit Survey Project*

City Administrator Ferguson reported on the imminent issuance and the submission/review timetable for a Request for Qualifications.

- Status report on the operation of the Wimberley Community Center

City Administrator Ferguson reported that policies, procedures, usage agreements, and facility management are under review and that progress updates will be provided to Council.

- Status report on the City of Wimberley's request for an Attorney General's opinion on the ability of Type A General Law cities to enforce non-point source pollution regulations in the E-T-J

City Administrator Ferguson reported that the City's recently-submitted request has generated some concern from some neighboring cities and explained the City's prudent approach to ordinance enforcement which hopes to avoid any future legal challenges. He anticipated a reply to the City's AG opinion request within the next six months.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported that warrant clearance activity is currently underway.

4. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas amending the City's Comprehensive Plan and accompanying maps to remove those properties which front Carney Lane, between FM 2325 and the City limits, from Planning Areas I and II and include the subject properties in Planning Area III; and providing for findings of fact; severability; effective date and proper notice and meeting (*Planning and Zoning Commission*).

No public comments were heard.

City Administrator Ferguson explained the reasoning for approval of this ordinance based on the location of three (3) existing low to moderate impact businesses and two (2) public schools on the subject stretch of Carney Lane.

Discussion established the subject properties' boundaries. Councilmember White moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 4-0.

- B. Hold a public hearing and consider approval of an ordinance amending Subsection 33.02(E) (Transportation Advisory Board), Subsection 33.03(E) (Water and Wastewater Advisory Board), Subsection 33.04(E) (Parks and Recreation Board), Subsection 150.01(E) (Building Code Board of Review), Subsection 155.108(B)(2) (Board of Adjustment) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the terms of office for

individuals appointed to the above referenced boards; providing for findings of fact; an effective date; proper notice and meeting, and severability (*City Administrator*).

City Administrator Ferguson reviewed the draft ordinance based on Council's discussion at its last regular meeting and input to date. He read draft ordinance language establishing uniform two-year terms for all boards/commissions and consensus/non-consensus appointment procedures. He pointed out that the Board of Adjustment (BOA) is not included in this draft ordinance and suggested that BOA nominations follow the same requirements as stated for the Planning and Zoning Commission [nominations from each member of Council, the mayor, and one consensus position shall be submitted within forty-five (45) days of taking office].

Mayor Haley opened the public hearing. Hearing no comments, Mayor Haley closed the public hearing.

Due to Councilmember Appleman's absence, Councilmember Thurber moved to table this item until Council's next regularly scheduled meeting. Councilmember White seconded. At City Attorney Young's suggestion, Councilmember Thurber restated his motion to *continue* (rather than *table*) this item until Council's next regularly scheduled meeting. Councilmember White seconded. Motion carried on a vote of 4-0.

- C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a 0.3279 acre tract located at 13904 Ranch Road 12, Wimberley, Hays County, Texas, designating initial zoning for such tract as Commercial – High Impact (C-3); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*Double LC Partners One, Applicant*).

Planning and Zoning Commissioner Ross reported on the subject property's location, current/proposed uses, and planning area, which allows C-3 zoning. She advised that the Planning and Zoning Commission unanimously recommended approval.

City Administrator Ferguson stated that there is currently one (1) retail business in operation and one (1) vacant storefront on the subject property where the applicant is proposing to sell specialty foods along with beer and wine for off-premise consumption. There is adequate parking and access for the subject property. He noted that City Code allows the sale of beer and wine for off-premise consumption as a permitted use in the C-3 zoning district. Mr. Ferguson advised that one letter of opposition was received, but that the letter was withdrawn by the opponent.

Mayor Haley opened the public hearing.

Adjacent property owner Phil Collins spoke in support of this application, but expressed concern about parking and sidewalks. City Administrator Ferguson advised that no current sidewalk plans exist for the immediate area, except for those associated with recently submitted grant funding. In

response to Phil Collins' inquiry, Mr. Ferguson replied that there are no plans to expand the existing building on the subject property. Expressing no other concerns, Mr. Collins reiterated his support of this requested zoning.

Hearing no further comments, Mayor Haley closed the public hearing.

Discussion addressed uses allowed in C-3 zoning district, additional Village Center Overlay District (VCOD) requirements, prohibition of liquor stores in the VCOD, and septic system adequacy.

Councilmember Flocke moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 4-0.

- D. Hold a public hearing and consider approval of an ordinance of the City of Wimberley amending Ordinance No. ZA-01-010 which designated real property located on a 5.3443 acre tract as a Planned Unit Development District (Case No. C211-01-010) and imposed certain conditions, in order to revise certain development regulations to include revisions to the maximum building square footage, the total project square footage, reduce parking, revise the utility plan, access points, landscaping plan and add "Assisted Living Facility" as a permitted use; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting (*John McCrocklin, Applicant*).

Planning and Zoning Commissioner Ross summarized the requested amendments. After inquiring at Planning and Zoning's October 8, 2009 meeting about the applicant's original letter to staff dated September 15, 2009 requesting "motel" as a permitted use, Commissioner Ross stated that Mr. McCrocklin advised that he willingly withdrew his request for "motel" as a permitted use after discussion with staff, and desired to add "Assisted Living" as a permitted use. Commissioner Ross reported that the Commission voted unanimously to recommend approval.

City Administrator Ferguson reviewed the subject property's location, existing structures, and provided background/historical information on this proposed development. He compared the original Planned Unit Development (PUD) District agreement/site plan to subsequent addendum(s), and specifics of this requested amendment including building footprints, total project square footage, impervious cover ratio, parking/access, septic system, storm water flows, number of buildings, setbacks, traffic impact, net tree loss(es), and architectural standards. With the exception of total project footage, which increased due to the addition of a second story on the assisted living facility structure, the requested amendments generally reduce the development's impact.

Mr. Ferguson stated that one property owner expressed oral opposition (Boyd R. Willett) based on storm flow concerns. Should this amendment be approved, City Administrator Ferguson advised that the applicant will provide a revised site development plan to be administratively approved unless there is a need to request a variance, which will require public notification and hearing. The applicant plans minimal low-level signage and adherence to original architectural standards that are in keeping with Wimberley's character.

Mayor Haley opened the public hearing.

Vance Hobbs of 13 Las Flores Drive expressed concerns over increased traffic and questioned how the proposed development will affect his street. The applicant and City Administrator Ferguson noted that the requested amendments are expected to reduce traffic by forty-five percent (45%). Mr. Hobbs asked that all traffic from the development be routed to Ranch Road 12 to avoid the use of Las Flores Drive as a cut-through street. Mr. Hobbs felt that his neighborhood has not received enough attention via placement of stop signs and speed enforcement, and suggested speed humps as a possible speed deterrent.

David DiTraglia of 15 Las Flores Drive expressed concerns regarding increased traffic and pedestrian/bicyclist safety. He felt that re-routing options should be considered to alleviate cut-through traffic.

Hearing no further comments, Mayor Haley closed the public hearing.

Discussion addressed the applicant's inclusion of rainwater harvesting in this amendment, specifics of the original PUD agreement that remain unchanged, and positive aspects of the requested amendments.

Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 4-0.

- E. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for unzoned real property abutting the FM 2325 corridor between the City limits and Rhodes Lane, Wimberley, Hays County, Texas, further described and shown on the Exhibit attached to this ordinance; and designating initial zoning for each tract as either Residential Acreage (RA), Rural Residential 1 (R-1), Single-Family Residential 2 (R-2), Neighborhood Services (NS), Scenic Corridor (SC), Commercial – Low Impact (C-1), or Public Facilities (PF) as shown on the attached zoning map; and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*City of Wimberley, Applicant*).

Planning and Zoning Commissioner Ross reviewed the City-initiated zoning process to date and noted alternate zoning requests received from certain property owners, which are attached to these minutes. She stated that up-zoning requests were compatible with respective planning areas and surrounding uses. She pointed out issues with one property owner's alternate zoning request, whose property is located in more than one planning area. Commissioner Ross noted neighborhood concerns over expansion of existing commercial activity that is pre-existing/non-conforming, and explained that proper zoning will prevent current businesses from expanding and/or intensifying uses, which would trigger the need for a conditional use permit application subject to public notices and hearings. She advised that the Commission voted unanimously to recommend approval in

accordance with zoning designations as reflected in Map No. 3. Those property owners who did not timely respond to the City-initiated zoning notice will have their cases heard separately.

City Administrator Ferguson reviewed City-initiated zoning project procedures and provided reasoning for City-recommended zoning designations. He pointed out that zoning of existing businesses will mandate that any future change in use (including expansion) will be subject to the approval of a conditional use permit. Mr. Ferguson explained Neighborhood Services (NS) zoning helps to limit commercial use/intensity via the need for granting of a conditional use permit, thereby providing neighboring residential properties with notification of any intent to expand commercial uses and opportunity for public input.

Mayor Haley opened the public hearing.

David DiTraglia of 15 Las Flores Drive read a statement in opposition to the building of any more warehouses as detrimental to his and his neighbor's property values, public safety, public health, and traffic. The full text of Mr. DiTraglia's comments is attached to these minutes. He stated that approximately fifty (50) neighborhood property owners have signed a petition (attached to these minutes) voicing similar objections. He cited examples of potential environmental hazards such as those resulting from a tire fire, chemical fumes/odors, and septic overflows. He stated traffic/speeding concerns and suggested speed humps as a possible deterrent. Mr. DiTraglia cautioned against any potential liability incurred by the City for clean-up of improperly disposed of toxic materials. He closed by reiterating his position, supported action that would prevent the expansion of existing commercial activity adjacent to residential areas, and thanked the City Council and staff.

Vance Hobbs of 13 Las Flores Drive reminded Council of the previously mentioned petition and stated that he can obtain more names from a larger area. He stressed his opposition to any additional commercial construction and cited specific detriments to the neighborhood posed by existing warehouses. Expressed concerns included the lack of buffering, increased traffic, noise, water runoff, and traffic/pedestrian safety. He stated that Council needs to act in the best interest of neighborhood residential property owners and not for those seeking commercial gain.

Hearing no further comments, Mayor Haley closed the public hearing.

Discussion clarified permitted/conditional uses in the NS zoning district, development restrictions, regulation of existing uses, changes in use requiring a conditional use permit, and locations of specific warehouse properties.

Councilmember Roccaforte moved to approve the item as presented in accordance with Map No. 3. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

5. Discussion and Possible Action

- A. Discuss and consider action banning the use of cell phones in designated school zones within the City of Wimberley and providing direction to City staff (*City Administrator*).

City Administrator Ferguson explained the need for Council action to post signage at certain school crossing zones inside City limits in order to enforce recently enacted State law. Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider approval of the Fiscal Year 2010 City of Wimberley Holiday Schedule (*City Administrator*).

Councilmember Flocke moved to approve the following FY 2010 Holiday Schedule as presented:

<i>Veterans Day</i>	Wednesday, November 11, 2009
<i>Thanksgiving</i>	Thursday, November 26, 2009 Friday, November 27, 2009
<i>Christmas</i>	Thursday, December 24, 2009 Friday, December 25, 2009
<i>New Year's Day</i>	Friday, January 1, 2010
<i>Martin Luther King Day</i>	Monday, January 18, 2010
<i>Presidents Day</i>	Monday, February 15, 2010
<i>Good Friday</i>	Friday, April 2, 2010
<i>Memorial Day</i>	Monday, May 31, 2010
<i>Independence Day</i>	Monday, July 5, 2010
<i>Labor Day</i>	Monday, September 6, 2010

Councilmember Thurber seconded. Motion carried on a vote of 4-0.

6. City Council Reports

- Announcements
- Future Agenda Items

As future agenda items, Councilmember Thurber requested items relating to Starlight Symphony and a lawsuit status update.

Hearing no more announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:08 p.m.

Adjournment: Council meeting adjourned at 8:08 p.m.

Recorded by:

Cara McPartland

These minutes approved on the ____ of November, 2009.

APPROVED:

Tom Haley, Mayor

DRAFT

To the City of Wimberly concerning the re-zoning of property on Carney Ln.

My name is Fred Frieling, owner of a one-half acre plot on Carney Ln. My wife and I bought this property some twenty years ago as a retirement investment. I am wheel-chair bound and my wife has Alzheimer's. We are unable to start over. The property was originally commercial and there is no reason to change zoning now. Dollar General is in the area and it is a perfect location for some fast food venues across from the baseball field. The bright lights of the ball field alone would be enough to render the property useless to residential consideration.

I would like to go on record as a strong opposition to re-zoning. I recommend the property stay commercial as it was intended.

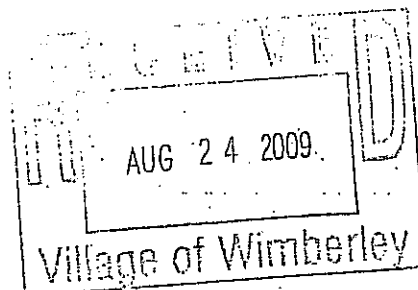
Thank you.

Fred and Rylean Frieling, owners of Cedar Ridge Est Lot 6 0.506 AC, 220 Carney Ln.

15316 Giese Ln.

Manor, Tx 78653

8/6/09



Amanda Lamont Romano Trust

PO Box 607

Wimberley, TX 78676

(512) 842-5554

August 4, 2009

12111 Ranch Road 12

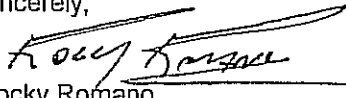
PO Box 2027

Wimberley, TX 78676

Re: CEDAR RIDGE ESTATES, LOTS 2 & 3, 250 & 260 Carney Lane

I would like to protest any further residential zoning on the above lots. They have been Commercial for over 20 years, the Subdivision restrictions address them on the plat as Commercial. They were sold and purchased as Commercial lots. There is a public school directly across the street, a Dollar General 300 feet down and across the street, and a Plumbing Supply business adjoining this property. These lots are Commercial lots PERIOD. If the City of Wimberley would like to buy them, they can do what they want with them, otherwise they can get ready to spend more than this on legal fees.

Sincerely,


Rocky Romano

Abby,

I appreciate you taking the time to discuss the Notices of City Initiated Zoning that I received on properties located at 3, 4 & 5 Pecos Path.

Per our discussion, I would like to object to the proposed zoning of these properties as Single Family Residential 2 (R-2).

At this time, I desire to zone the properties with one of the following alternate zoning designations:

- 1) 3 Pecos Path – Multi- Family Residential 1 (MF-1)
- 2) 4 Pecos Path – Scenic Corridor (SC)
- 3) 5 Pecos Path – Commercial – Low Impact (C-1)

The reason for the variety in the zoning selections is because these were the choices that were presented in the Notice.

Ultimately, I see these properties being combined into one and all zoned Commercial – Low Impact (C-1) with Pecos Path being abandoned.

Please let me if you have any questions or thoughts regarding these properties.

Home: (512) 847-7287

Office: (512) 288-4005

Cell: (512) 470-4914

Thank you,

Wayne Latchford, AIA

Vice President, Estimating

Riordan Construction Group, Inc. | 9217 Hwy 290 West, Ste 160 | Austin, Texas 78736 |
Phone 512.288.4005 | Fax 512.288.4004 | Cell 512.470.4914

Wayne

I wanted to get back with you and confirm in writing our conversation over the phone concerning the zoning of your three properties along FM 2325 and Pecos Path. These three properties are in three separate planning areas where different zoning districts are allowable. This disparity in Planning Areas is reflected in your requests for zoning for each of the properties below.

- 1) 3 Pecos Path – Neighborhood Services (NS)
- 2) 4 Pecos Path – Scenic Corridor (SC)
- 3) 5 Pecos Path – Commercial – Low Impact (C-1)

The City recognizes your desire to have all three properties treated as one commercially capable lot. This can be achieved through a subdivision combining all three lots as one and securing access from FM 2325. When the properties are treated as one lot you will be able to apply for one zoning district for the entire tract and the tract will be commercially capable pending the successful completion of the zoning and subdivision case.

I have also attached a copy of each of the zoning districts requested and the Entrance Corridor Overlay district that any property fronting on FM 2325 is subject to.

Abby

Abby Gillfillan
Planning Technician
City of Wimberley
Work: (512) 847-0025
Fax: (512) 847-0422
Cell: (512) 644-9628
agillfillan@anvilcom.com
Web: vil.wimberley.tx.us

8/6/09

Wm. Parks (Bill) Johnson
602 Sabino Ranch Road
Wimberley, TX 78676

Don Ferguson
% City of Wimberley
12111 Ranch Road 12
Wimberley, TX 78676

Re: City Initiated Zoning; A0365 Ben Page, Acres 2.56 at FM 2325

Don,

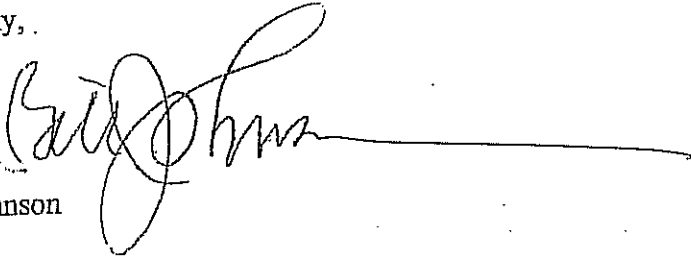
I would like to object to the proposed zoning of my property referenced above; more specifically located just west of the Wimberley Library. I would like the property zoned as Commercial-Low Impact (C-1).

The C-1 zoning would be more accurate as it is on a major Wimberley roadway, is next to The Wimberley Library, the Chapel in the Hills church and across the street from other commercial properties.

A Rural Residential R-1 zoning would not fit with the others uses of properties that are near this property.

If you have any questions please let me know.

Sincerely, .

A handwritten signature in black ink, appearing to read "Bill Johnson", followed by a long horizontal line extending to the right.

Bill Johnson

Ryan Willett
13501 RR 12 #103
Wimberley TX 78676

Village of Wimberley
P.O. Box 2027
Wimberley, TX 78676

Re: Zoning
A0365 Benjamin Page Survey, 3.34 A, FM 2325

Sept 10, 2009,

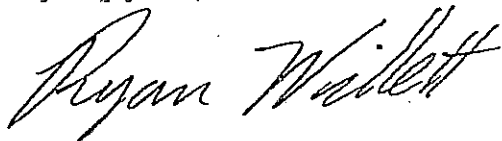
Dear Village of Wimberley:

I am the Personal Representative of the Estate of Boyd R. Willett which is the record owner of the above property.

I object to the City's proposed zoning designation of R-1 for this property. That designation would be out of touch with the surrounding properties and the best use of property at that location.

I would instead propose that the property be zoned C-1, O-1, L-1 or PF to be more in keeping with the pattern of development in that area and the ultimate needs of the community.

Very truly yours,

A handwritten signature in cursive script that reads "Ryan Willett". The signature is written in dark ink and is positioned above the printed name and title.

Ryan Willett, P.R.
Estate of Boyd R. Willett

David L Domsch
P. O. Box 165
Poteet, Texas 78065-0165
(210) 771-6218

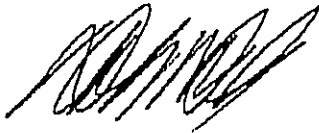
September 23, 2009

Don Ferguson, City Administrator
City of Wimberley
P.O. Box 2027
Wimberley, Texas 78676

This letter is to confirm our meeting and conversation on September 11, 2009 wherein we agreed that my property located on FM 2325 would be zoned C1.

Upon development of this property, a fence will be installed on the sides bordering residential areas.

Should you need something else from me, please let me know.

A handwritten signature in black ink, appearing to read 'D. Domsch', written in a cursive style.

David L. Domsch

JAMES W. GODWIN, M.D.

Anesthesia Associates

940
Home 817-696-0020
Office 817-322-6700

Box 8006
Wichita Falls, Texas 76307

Dear Sirs 24 SEP 09

When I bought this property from Dr. Stephenson all these many years ago the original plan was to have the property along the road to be commercial and that behind to be residential. I would appreciate it if the city would make provision for this original intent under which the property was sold.

Thank you



STEVENS & MALONE, L.L.P.

ATTORNEYS AT LAW

150 FM 3237
P.O. Box 727
Wimberley, Texas 78878MICHAEL D. STEVENS
JOSEPH J. MALONETele: (512) 847-9277
FAX: (512) 847-0038

October 8, 2009

SENT VIA FACSIMILE: (512) 847-0025City of Wimberley
Don Ferguson
City Administrator
1211 Ranch Road 12
Wimberley, Texas 78676

Re: File No. ZA-09-006 concerning 3.56 acres of land out of the R.S. Rankin Survey, R17520 and 0.577 acres of land out of the R.S. Rankin Survey, R17524, Hays County, Texas

Dear Mr. Ferguson:

Please be advised that I represent Michael Jenkins concerning the zoning of his above-referenced properties. Unfortunately, neither Mr. Jenkins nor myself will be able to attend the Planning and Zoning Commission meeting on October 8, 2009, due to scheduling conflicts. In lieu of our appearance, pursuant to the Notice of Public Hearing dated September 18, 2009, please accept this letter as our written objection to the proposed zoning of the above-referenced tracts.

In regard to the 3.56 acre tract of land, the proposed zoning classification of "Neighborhood Services" is inconsistent with the existing commercial use of the property. When Mr. Jenkins purchased this tract of land and the existing storage unit business located on this property, this property was not zoned. In fact, the property has been continuously used as a commercial personal storage business from prior to the date of the City's incorporation to present. The proposed zoning of "Neighborhood Services," however, does not allow for a personal storage business operation. Thus, should this property be zoned "Neighborhood Services," Mr. Jenkins' business operation will be considered a non-conforming use which will substantially impact the market value of the land, the value of the business and his future use and development of the property. Consequently, we believe the appropriate zoning of this property is "Commercial Moderate Impact (C2)," which would permit a conditional use permit for a personal storage business operation. Though we understand that this zoning classification is outside the scope of the City's planning district for this area, we nonetheless feel that this classification would more appropriately balance the private and public interests at stake.

Don Ferguson
City Administrator
October 8, 2009
Page Two

Additionally, when Mr. Jenkins purchased the .557 acre tract of land, adjoining the 3.56 acre tract of land, this tract was also not zoned. The proposed zoning for this tract is "Commercial Minimum Impact (C-1)". This zoning classification, like the "Neighborhood Services" classification, does not provide for the possible use of the property as a personal storage business. Given that Mr. Jenkins currently operates a personal storage business on the adjoining tract of land, Mr. Jenkins relied on this property being not zoned in purchasing it for the expansion of his personal storage operations onto this property in compliance with City development requirements. Consequently, we believe the appropriate zoning of this property is "Commercial Moderate Impact (C2)," which would permit a conditional use permit for a personal storage business operation.

Thank you for your consideration of these requests. Please advise if any additional information is needed for your thorough consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Malone", with a stylized flourish at the end.

Joseph J. Malone

JJM/as
CC: Client

15 Las Flores Drive
Wimberley TX 78676

October 6, 2009

City of Wimberley
12111 Ranch Road 12
Wimberley TX 78676

Re: File No. ZA-09-006
City Initiated Zoning
Unsowed Properties along the FM Corridor

Dear Sirs:

My name is David DiTraglia and I have lived in Wimberley for over 16 years. My house is located about 100 feet from the proposed zoning and I am submitting the following comments:

1. **Property Values-** These warehouse buildings were put up after residents moved here and before city incorporation so no one had a say as to what the owner could do. Recently a neighbor two houses up the street put in a doublewide on a vacant property for their mother; the subdivision came very aggravated and had them remove the double wide for aesthetic reasons that they feared would lower property values in the neighborhood. Now we have light industry moving right next to us. At this point since there is not any physical building to attract the attention of the subdivision, the subdivision is not aware of the expansion. The subdivision was able to have the doublewide moved but the warehouses are more permanent. After they are built they cannot be moved. Where the subdivision was concerned about the double wide lowering property values, these light industrial warehouses will definitely lower the property value of my house, and more than a dozen other residences.
2. **Public Safety-** When I moved to Wimberley the light industrial warehouses were not built. When I asked the real estate agent what was going in that vacant lot area and he said more residential housing. Obviously, he was not telling the truth and I believed it. Gradually the light industrial warehouses were built in that space. In fact, on the eve of the city incorporation, the land owner, fearing zoning regulations, built 2 more light industrial warehouses closer to my house. As Chief of Air Compliance for the US EPA and Hazardous Waste director for Alaska I have encountered multiple occasions where these types of light industrial warehouses have a fire and the chemicals that were stored in them caused evacuation of the neighborhoods. In this light industrial area of Wimberley there is furniture making warehouse, a plumbing business, a car repair shop, a tire shop,

and electrical shop and several other unidentified shops. All these businesses use solvents and paints. These types of light industrial buildings should have as a minimum a 200 foot buffer zone to any residential buildings or schools (the Parkside School is located close to these warehouses). Many other cities would recommend a larger buffer zone. We should learn from the experiences of the past and not have to repeat such obvious risk taking in zoning. Since no one really knows what is stored in these buildings there is potential harm to neighboring residents and school children.

3. **Public Health-** For years now we would get smells of chemicals. These smells are chemical smells coming from those warehouse businesses. In addition, the septic system might be overloaded. When there is a rain storm the only septic field for that light industrial area overflows and smelly water goes across my neighbor Vance Hobbs' property and onto my property to the culvert crossing the road to my other neighbor's property. None of us have any idea what could have been disposed of down that light industrial septic system. The odors coming from some of the business are could be especially hazardous to the children playing outside in the yard near the light industrial warehouse. The furniture shop has an air cleaner stack on top of his building that blows the unwanted sawdust and odors up out of his shop and if the wind is blowing my way toward where I live I have to inhale it. I have physical ailments that are only exacerbated by toxic fumes. I, along with many other folks moved to Wimberley for clean air. I did not want to move next to a light industrial zone and would not have moved into my house knowing the area next to me was zoned industrial. I guess if you don't live next to the area you can ignore it but I cannot. I cannot move because my house is designed for my special needs and I do not have the money to start over again. Even if I could move out you will still have the children and neighbors breathing these fumes on a daily basis.
4. **Traffic.** More businesses mean more traffic. As it is when I walk my dog while in my wheelchair I encounter people speeding right past me presenting a dangerous situation for me and my dog. The traffic will increase causing more risk of accidents for the neighborhood. There should be speed humps to physically reduce the speed of the traffic on Las Flores Drive.

Conclusion- The building of more warehouses will definitely lower my and other neighbor's property values. People do not want to buy a house next to a light industrial warehouse. Due to increased traffic, toxic materials, hazardous wastes, noise and smells, light industry warehouse buildings should not be located adjacent to residential housing and schools. There should be at least a 200 foot buffer zone around such light industrial buildings and residential areas and schools. There should be regularly scheduled inspections of existing buildings for storage of toxic chemicals and wastes, permits for air release of pollutants and scheduled testing of the septic system. If hazardous waste have been disposed down the septic system by the businesses, the state and federal regulations state that businesses past and present have both joint and several liability for any clean up. Even if the area hooks up to a sewer the businesses past and present would be liable, Usually when that happens the business goes bankrupt and the City is responsible for the cleanup. As past member of the City of Wimberley Water/ Wastewater Advisory

Board, in order to decrease downstream liability to the City, the potential effect on neighbors property values, and reduce the potential health risks to school children and residents, I recommend that the City not allow any more industrial warehouses to be built in that area.

If you have any questions, please call me at 842-5900. Thank you.

Sincerely,


David DiTraglia

**Wimberley Residents Against the City Initiated Zoning No.
 ZA-09-006 Making it Legal to Build More Light Industry
 Warehouses Near Residences on Las Flores Drive and
 Parkside School**

Name	Address
1 LANCE HOBBS	13 Las Flores
2 Jonathan Hobbs	13 Las Flores
3 THOMAS WELLS	16 Las Flores
4 Sharon Uhlaender	18 Las Flores
5 Pat Nelson	22 Los Flores
6 Shloth	451 La Buena Vista
7 Meg	330 La Buena Vista Dr
8 Mary Ann Osborn	" " "
9 Sylvia Banks	331 La Buena Vista Dr
10 Fred Shuttlesworth	321 La Buena Vista
11 Janet M. Malcom	301 La Buena Vista
12 W. M. Miller	301 La Buena Vista
13 Jana Saucedo	104 La Buena Vista
14 Tony Saucedo	104 LA Buena Vista

Name

Address

- | | |
|----------------------|---|
| 15 DALE CROCKER | 320 LA BUENA VISTA |
| 16 Tabitha Sedam | 10 Las Flores Dr |
| 17 DAVID DiTRAGLIA | 15 LAS FLORES |
| 18 Mitchell A. Long | 4 Las Flores Dr. |
| 19 Doug McELWEE | 9 Las Flores dr. |
| 20 TINA McELWEE | 9 Las Flores dr. |
| 21 Jean Meriato | 8 Las Flores |
| 22 Anne McFadden | 14 Las Flores |
| 23 Renee Boschert | 45 La Buena Vista |
| 24 Andy Mauldin | 1 Heatherbrook 45 la Buena Vista |
| 25 Heather Mauldin | 45 La Buena Vista |
| 26 JEFFREY G. NAVIS | 7253 MT. SHARP RD
(45 LA BUENA VISTA) |
| 27 Kristen Freeman | 1707 Aquarena Springs Dr.
(45 La Buena Vista Dr) |
| 28 Kyle Fox | 560 Lone Mt. Mountain Rd.
(45 La Buena Vista Dr) |
| 29 I-Pei Hodge | 126 Sunrise Canyon (45 La Buena Vista Dr) |
| 30 Kiersten Stephens | 989 Old Red Ranch Rd (45 La Buena Vista) |

**Wimberley Residents Against the City Initiated Zoning No.
ZA-09-006 Making it Legal to Build More Light Industry
Warehouses Near Residences on Las Flores Drive and
Parkside School**

Name	Address
31 Faith Hightower	225 Sumsell 78676
32 Jennifer Leidich	45 La Buena Vista
33 Kyle Shorts	2505 S. RAINBOW PK 45 La Buena Vista
34 Melissa Gilmore	45 LA BUENA VISTA
35 Cynthia Garber	45 La Buena Vista / 23 Presidio Road
36 Donald M. Poff	411 Wolf Tr., Wimberley, Tx
37 Kathy Uffs	45 La Buena Vista
38 Kim Christoff	9611 FM 2325 Wimberley Tx.
39 Jan Coburn	415 Lone Man Creek DR Wimberley, TX.
40 VIRGINIA INGARI	137 Champions Cir. Wim. Teacher.
41 Robi Aurora	1294 ORABAPPLE RD.
42 Don K. Muey	14 EL CONEJO TRL. WOODCREEK, TX
43 Annie Lozano	1681 North Park Rd Teacher
	1740 RR 12 #523 SAN MARCOS

44 Theresa Neil

45 Mary Neil

46 Lore Grott 322 Trail Ridge Rd. Wimberley

47 Margaret "Peggy" B. MADDOX 7 Las Flores Dr.

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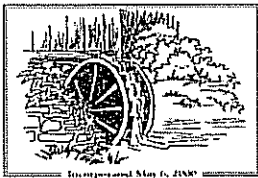
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City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPOINTMENT OF ONE
(1) CONSENSUS MEMBER TO THE WIMBERLEY
PARKS BOARD

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

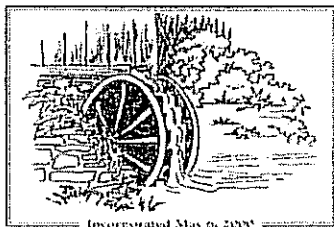
☐ Resolution

☒ Motion

☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider the appointment of one (1) consensus member to the Wimberley Parks Board. At the time of production of this agenda packet, the name of Aubrey Weeks had been submitted by Place Four Council Member Steve Thurber for consideration.



Village of Wimberley

13210 Ranch Road 12 (P.O. Box 2027), Wimberley, Texas 78676
Phone: (512) 847-0025 Fax: 512-847-0422 – E-mail: village@wimberley-tx.com Web: vil.Wimberley.tx.us

Application for Appointment to Commission/Board/Committee

Name of Commission/Board/Committee:

Parks + Recreation Board

Name: Aubrey Weeks

Home

Phone: 512-299-7829 ^{cell}

E-Mail: aubrey.weeks@gmail.com

Physical Address:

Mailing Address (if other than physical address):

202 W. Spoke Hill Dr. Wimberley TX, 78676

Employer: (student)

Business

Phone: _____ Fax: _____

Position/Occupation Masters candidate Landscape Architecture

University of Texas School of Architecture

I reside: () Inside Wimberley's City Limits – () In Wimberley's ETJ – (✓) Outside ETJ

I am a registered voter in () Village of Wimberley; (✓) Hays County; () Not registered.

Do you or your employer have any business or other dealings with the Village of Wimberley, which might present a conflict of interest? () Yes; (✓) No. If "Yes", explain:

Are you committed to devote the necessary amount of time to service on this Commission/Board/Committee and to attend all regularly scheduled meetings? (✓) Yes; () No.

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

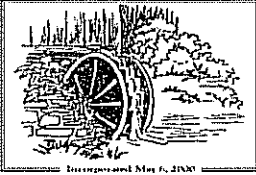
Currently in program of study regarding parks development + design.
As I grew up in Wimberley, I believe I have a good understanding
of what the city needs.

Would you consider serving on a different Commission/Board/Committee () Yes (X) No

Date: 10/18/09

Signature Aubrey Weeks

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPROVE RESIGNATION
OF JULIE HARRIS FROM EDC AND APPOINT NANCYE
BRITNER TO EDC

Funds Required:
Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Bob Flocke to allow City Council to approve the resignation of Julie Harris from the Economic Development Commission (EDC) and consider the appointment of Nancye Britner to the EDC.

City Administrator

From: Julie Harris [julie@idealhillcountryhomes.com]
Sent: Monday, October 26, 2009 3:18 PM
To: gw@garyweeks.com
Cc: dferguson@anvilcom.com
Subject: EDC

Hi, Gary,

First off, I want to tell you how I appreciate the way in which you chair the committee with calm and focus. I believe that the charge for the committee is essential and challenging. Because I have ventured into the research and exploration of the area I was given at the last meeting, I am now alarmed, even more than I was at our last meeting. I now have a deer-in-the-headlights look, I'm sure, as I consider the vast amount of knowledge I have to gain and the hours of work it will take to do this job right. I simply do not have the time available to do justice to the committee, and in the interest of time, I think it's better for me to resign sooner than later. I am blessed to be busy in my business and can't compromise the quality I strive to offer my clients. I am also approaching the time of year when I slip out of town for several extended weekends to ski instruct in Vail. I know that each of the current committee members will do wonderfully under your guidance. I regret that I hadn't accurately anticipated the degree of difficulty and amount of time that would be involved. Thanks for your consideration of me, and best of luck. I apologize for the impersonal nature of sending an email rather than seeing you in person. Regards, Julie

Julie Harris, REALTOR

RE/MAX Wimberley REALTORS

Plaza del Sol Business Center

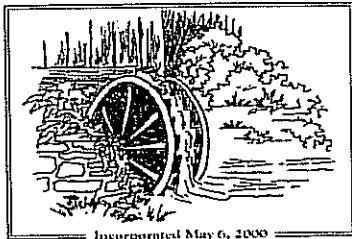
12111 Ranch Rd 12, #108

Wimberley, TX 78676

TX direct: 512.653.3623; CO direct: 303.910.0852

Email: Julie@IDealHillCountryHomes.com

Fax: 8667965854



Village of Wimberley

13210 Ranch Road 12 (P.O. Box 2027), Wimberley, Texas 78676
Phone: (512) 847-0025 Fax: 512-847-0422 – E-mail: village@wimberley-tx.com Web: vil.Wimberley.tx.us

Application for Appointment to Commission/Board/Committee

Name of Commission/Board/Committee:

ECONOMIC DEVELOPMENT COMMISSION

Name: NANCIE BRITNER

Home

Phone: 512-809-8751 E-Mail: goodiesnstuf@yahoo.com

Physical Address:

49 Woodcreek Dr Wim TX 78676

Mailing Address (if other than physical address):

Employer: Self Business Phone: 512-847-6850 Fax:

Position/Occupation

I reside: () Inside Wimberley's City Limits – () In Wimberley's ETJ – (☒) Outside ETJ

I am a registered voter in () Village of Wimberley; (☒) Hays County; () Not registered.

Do you or your employer have any business or other dealings with the Village of Wimberley, which might present a conflict of interest? () Yes; (☒) No. If "Yes", explain:

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

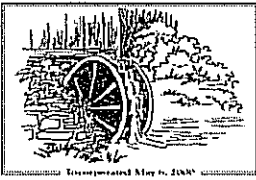
Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Commission/Board/Committee that you would prefer to serve on.

Would you consider serving on a different Commission/Board/Committee () Yes (☒) No

Date: 10/30/09

Signature Nancie Britner

City Council Agenda Form



Date Submitted: October 31, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPROVAL OF SEPTEMBER
2009 FINANCIAL STATEMENTS

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are the September 2009 Financial Statements for review and consideration.

Council Package
Financial Statements Village of Wimberley
For the Period Ended 9/30/2009

<u>✓</u>	Balance Sheet - General Fund
<u>✓</u>	Revenue/Expenditure - General Fund
<u>✓</u>	Budget Vs Actual - General Fund
<u>✓</u>	Balance Sheet - Blue Hole
<u>✓</u>	Revenue/Expenditure - Blue Hole
<u>✓</u>	Budget Vs Actual - Blue Hole
<u>✓</u>	Balance Sheet - Municipal Court
<u>✓</u>	Revenue/Expenditure - Municipal Court
<u>✓</u>	Budget Vs Actual - Municipal Court

11-2-09 Faxed to: 512-847-0422 *23 pgs*

City of Wimberley
General Fund
Balance Sheet - Modified Accrual Basis
September 30, 2009

Assets

Current Assets

101.10 Petty Cash-General	\$ 150.00
102.10 Cash - Ozona National Bank - General	99,869.36
103.10 Cash - Blanco National Bank - General	254,642.34
105.10 Cash - Blanco National Bank - CD	224,209.17
118.10 Due From Municipal Court	539.20
119.10 Texpool - General	363,578.68
120.10 Accounts Receivable	54,117.04
121.10 Sales Tax Receivable	33,485.88
122.10 Mixed Beverage Tax Receivable	<u>1,781.63</u>

Total Current Assets \$ 1,032,373.30

Total Assets \$ 1,032,373.30

Liabilities and Fund Balance

Current Liabilities

301.10 Withholding Tax Payable	\$ 1,494.00
302.10 FICA Tax Payable	3,014.36
303.10 Accounts Payable	15,757.50
311.10 TMRS Payable	980.33
320.10 Accrued Salaries Payable	<u>10,348.24</u>

Total Current Liabilities \$ 31,594.43

Total Liabilities 31,594.43

Fund Balance

467.10 Fund Balance - Undesignated	437,582.18
469.10 Designated Fund Balance - Public Works	300,000.00
470.10 Designated Fund Balance - New City Hall	50,000.00
471.10 Designated Fund Balance - W/W on Square	30,000.00
472.10 Designated Fund Balance - Future Grant Match	50,000.00
498.10 Net Excess (Deficit)	<u>133,196.69</u>

Total Fund Balance 1,000,778.87

Total Liabilities and Fund Balance \$ 1,032,373.30

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Year Ended
September 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
501.10 Sales & Use Tax	\$ 33,485.88	37.06	\$ 572,787.65	85.34
502.10 Mixed Beverage Tax	1,781.63	1.97	6,039.01	0.69
503.10 Interest Income - General	256.21	0.28	11,035.80	1.26
504.10 Miscellaneous Income	800.00	0.89	29,423.07	3.36
505.10 Building Permits	3,071.26	3.40	14,890.11	1.71
506.10 Building Inspections	2,130.00	2.36	18,695.44	2.13
509.10 Plan Reviews	975.00	1.08	14,190.78	1.62
511.10 Sign Permits	50.00	0.06	2,225.00	0.25
512.10 Subdivision	0.00	0.00	7,126.20	0.81
513.10 Zoning	0.00	0.00	4,151.00	0.47
516.10 Municipal Court Costs/Fines	560.80	0.62	7,142.43	0.81
521.10 Time Warner Cable	7,291.19	8.07	34,851.53	3.98
522.10 Pedernales Electric Cooperative, Inc.	35,284.27	39.05	99,273.10	11.32
523.10 Texas Disposal Systems	0.00	0.00	27,272.43	3.11
524.10 Verizon	0.00	0.00	19,325.13	2.20
525.10 Franchise Fees - Misc	4,677.15	5.18	8,081.40	0.92
Total Revenues	80,363.39	100.00	876,610.08	100.00
Expenditures				
Admin - Personnel				
601.10 City Administrator	10,961.55	12.13	98,440.11	11.23
602.10 City Secretary	4,269.24	4.72	37,392.17	4.27
603.10 Receptionist/Clerk	2,721.60	3.01	22,647.60	2.58
606.10 Payroll Taxes	1,680.39	1.86	12,896.68	1.47
607.10 TMRS - Admin	361.73	0.40	4,513.85	0.51
608.10 Health Care	712.00	0.79	8,394.00	0.96
Total Admin - Personnel	20,706.51	22.91	184,284.41	21.02
Admin - Operating				
609.10 Dues - TML & City Mgr Assoc	0.00	0.00	2,658.30	0.30
610.10 Public Notices	1,523.52	1.69	5,143.91	0.59
611.10 Printing	0.00	0.00	882.00	0.10
612.10 Telephone	815.06	0.90	5,910.10	0.67
613.10 Copies	0.00	0.00	2,180.82	0.25
614.10 Rent	4,337.00	4.80	51,891.00	5.92
615.10 Cleaning	900.00	1.00	5,200.00	0.59
616.10 Office Supplies	859.98	0.95	3,712.51	0.42

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Year Ended
September 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
617.10 Utilities	\$ 1,212.44	1.34	\$ 6,826.19	0.78
618.10 Equipment Leases	724.06	0.80	5,176.44	0.59
619.10 Water Cooler	35.49	0.04	460.69	0.05
620.10 Postage	500.00	0.55	855.65	0.10
621.10 Insurance	0.00	0.00	13,604.07	1.55
622.10 Records Management	346.74	0.38	3,220.70	0.37
623.10 Office Technology	49.00	0.05	939.00	0.11
626.10 Security Expense	0.00	0.00	549.68	0.06
628.10 Technology Consultant	0.00	0.00	170.00	0.02
629.10 Pay Comparability Adjustment	1,000.00	1.11	1,000.00	0.11
631.10 Capital Outlay - Technology	0.00	0.00	769.61	0.09
632.10 Capital Outlay - Other	0.00	0.00	52,493.50	5.99
635.10 Mileage	275.00	0.30	774.30	0.09
636.10 Training - Travel	195.50	0.22	1,515.68	0.17
637.10 Contract Labor	0.00	0.00	3,846.10	0.44
638.10 Repairs & Maintenance	0.00	0.00	295.00	0.03
Total Admin - Operating	12,773.79	14.14	170,075.25	19.40
Legal				
641.10 Legal	5,108.68	5.65	48,167.15	5.49
Total Legal	5,108.68	5.65	48,167.15	5.49
Council - Boards Expenditures				
651.10 Association Dues	40.00	0.04	558.00	0.06
652.10 Training	0.00	0.00	1,525.00	0.17
654.10 Election	0.00	0.00	3,116.30	0.36
655.10 Financial Management Services	1,000.00	1.11	12,000.00	1.37
656.10 Audit	0.00	0.00	13,000.00	1.48
658.10 Planning	0.00	0.00	5,000.00	0.57
661.10 Public Relations / Receptions	0.00	0.00	3,931.51	0.45
664.10 Fitness Council Expenses	0.00	0.00	6,362.98	0.73
Total Council - Boards Expenditures	1,040.00	1.15	46,493.79	5.19
Building Department Expenditures				
676.10 Contract Inspector	5,930.00	6.56	30,622.50	3.49
677.10 Site Plan Reviews	435.00	0.48	14,236.43	1.62

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Year Ended
September 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Total Building Department Expenditures	\$ 6,365.00	7.04	\$ 44,858.93	5.12
Public Works - Personnel				
702.10 Salaries-Code Enforcement & Permitting	3,028.48	3.35	28,257.84	3.22
704.10 Salaries-GIS/Permitting Clerk	3,394.50	3.76	32,163.60	3.67
706.10 Payroll Taxes	631.65	0.70	5,166.66	0.59
707.10 TMRS - Public Works	138.37	0.15	1,736.53	0.20
708.10 Health Benefits	400.00	0.44	4,800.00	0.55
Total Public Works - Personnel	7,593.00	8.40	72,124.63	8.23
Public Works - Operating				
714.10 Certificates	0.00	0.00	50.00	0.01
715.10 Supplies - Public Works	0.00	0.00	148.56	0.02
720.10 Fuel	211.03	0.23	1,072.35	0.12
722.10 Vehicle Maint. & Insurance	0.00	0.00	171.02	0.02
Total Public Works - Operating	211.03	0.23	1,441.93	0.16
Roads				
727.10 Road Maintenance	10,480.64	11.60	44,093.19	5.03
728.10 Capital Outlay Roads	12,005.55	13.29	12,005.55	1.37
729.10 Road Engineering	0.00	0.00	9,173.00	1.05
731.10 Mowing / Tree Trimming	1,550.00	1.72	5,775.00	0.66
732.10 Signs/Barricades	655.39	0.73	6,572.95	0.75
733.10 Parking Lot Lease	100.00	0.11	1,200.00	0.14
736.10 Contract Labor	0.00	0.00	4,032.93	0.46
Total Roads	24,791.58	27.44	82,852.62	9.45
Water/Wastewater				
752.10 Water Quality Testing	0.00	0.00	18.00	0.00
756.10 Public Restroom Wastewater	366.52	0.41	3,916.38	0.45
Total Water/Wastewater	366.52	0.41	3,934.38	0.45

Public Safety - Personnel

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Year Ended
September 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
801.10 Salaries - City Marshall	\$ 4,380.00	4.85	\$ 38,381.05	4.38
806.10 Payroll Taxes	402.08	0.44	3,078.35	0.35
807.10 TMRS City Contribution-PS	87.31	0.10	1,093.35	0.12
808.10 Health Care - Public Safety	200.00	0.22	2,425.00	0.28
Total Public Safety - Personnel	5,069.39	5.61	44,977.75	5.13
Public Safety - Operating				
820.10 Municipal Court Judge	200.00	0.22	3,677.26	0.42
821.10 City Prosecutor	392.68	0.43	4,712.82	0.54
823.10 Training	0.00	0.00	1,900.00	0.22
824.10 Animal Control	0.00	0.00	6,000.00	0.68
825.10 Fuel-Public Safety	360.78	0.40	2,226.75	0.25
826.10 Supplies - Public Safety	0.00	0.00	1,201.68	0.14
827.10 Vehicle Maintenance and Repair	0.00	0.00	116.94	0.01
830.10 Capital Outlay - Vehicle	0.00	0.00	7,304.77	0.83
832.10 Capital Outlay - Technology	0.00	0.00	6,000.00	0.68
Total Public Safety - Operating	953.46	1.06	33,140.22	3.78
Parks - Operating				
856.10 Parks Research & Development	0.00	0.00	740.00	0.08
859.10 Nature Trail Operations	9,243.36	10.23	11,322.33	1.29
Total Parks - Operating	9,243.36	10.23	12,062.33	1.38
Total Expenditures	94,222.32	104.27	743,413.39	84.81
NET EXCESS (DEFICIT)	\$ (3,858.93)	(4.27)	\$ 133,196.69	15.19

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Twelve Months Ended September 30, 2009

		CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES								
501.1	Sales & Use Tax	\$ 33,485.88	572,787.65	65.34%	\$ 539,302.00	33,485.65	6.21%	0.00%
502.1	Mixed Beverage Tax	1,781.63	6,039.01	0.69%	5,500.00	539.01	9.80%	0.00%
503.1	Interest Income	256.21	11,078.11	1.26%	11,500.00	(421.89)	-3.67%	0.00%
504.1	Misc. Income	800.00	28,507.61	3.25%	27,708.00	799.61	0.00%	0.00%
505.1	Building Permits	3,071.26	15,288.38	1.74%	13,000.00	2,288.38	17.60%	0.00%
506.1	Building Inspections	2,130.00	17,819.49	2.03%	19,000.00	(1,180.51)	-6.21%	0.00%
509.1	Plan Reviews	975.00	14,190.78	1.62%	14,000.00	190.78	1.36%	0.00%
510.1	Beer & Wine Permits	-	175.00	0.02%	175.00	-	0.00%	0.00%
511.1	Sign Permits	50.00	2,050.00	0.23%	2,500.00	(450.00)	-18.00%	0.00%
512.1	Subdivision	-	7,126.20	0.81%	7,500.00	(373.80)	-4.98%	0.00%
513.1	Zoning	-	4,151.00	0.47%	4,500.00	(349.00)	-7.76%	0.00%
514.1	Copies/Maps/Misc.	-	-	0.00%	500.00	(500.00)	-100.00%	0.00%
516.1	Municipal Court/Costs Fines	560.80	7,142.43	0.81%	8,000.00	(857.57)	-10.72%	0.00%
525.1	Franchise Fees	47,252.61	188,803.59	21.54%	205,000.00	(16,196.41)	-7.90%	0.00%
526.1	Health Fees	-	-	0.00%	-	-	0.00%	0.00%
TOTAL REVENUES		90,363.39	876,610.08	99.83%	858,185.00	18,425.08	2.15%	0.00%
EXPENDITURES								
ADMINISTRATION EXPENDITURES								
<u>Personnel</u>								
601.1	City Administrator	10,961.55	98,440.11	13.28%	95,000.00	3,440.11	3.62%	0.00%
602.1	City Secretary	4,269.24	37,392.17	5.04%	37,000.00	392.17	1.06%	0.00%
603.1	Receptionist/Clerk	2,721.60	22,647.60	3.06%	29,204.00	(6,556.40)	-22.45%	0.00%
604.1	Fire Marshal (Contract Labor)	-	-	0.00%	-	-	0.00%	0.00%
605.1	Intern	-	-	0.00%	-	-	0.00%	0.00%
606.1	Payroll Taxes	1,680.39	12,896.68	1.74%	13,420.00	(523.32)	-3.90%	0.00%
607.1	TMRS	361.73	4,513.85	0.61%	4,900.00	(386.15)	-7.88%	0.00%
608.1	Health Benefits	712.00	8,394.00	1.13%	8,394.00	-	0.00%	0.00%
<u>Total Personnel</u>		<u>20,706.51</u>	<u>184,284.41</u>	<u>24.86%</u>	<u>187,918.00</u>	<u>(3,633.59)</u>	<u>-1.93%</u>	<u>0.00%</u>
<u>Operating</u>								
609.1	Dues (TML & City Mgr Assoc.)	-	2,658.30	0.36%	4,000.00	(1,341.70)	-33.54%	0.00%
610.1	Public Notices	1,523.52	5,143.91	0.69%	4,500.00	643.91	14.31%	0.00%
611.1	Printing	-	882.00	0.12%	1,100.00	(218.00)	-19.82%	0.00%
612.1	Telephone	815.06	5,910.10	0.80%	6,250.00	(339.90)	-5.44%	0.00%
613.1	Copies	-	2,180.82	0.29%	2,500.00	(319.18)	-12.77%	0.00%
614.1	Rent	4,337.00	51,891.00	7.00%	52,000.00	(109.00)	-0.21%	0.00%

Restricted for Management's Use Only

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Twelve Months Ended September 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
615.1 Cleaning	900.00	5,200.00	0.70%	5,200.00	-	0.00%	0.00%
616.1 Office Supplies	859.98	3,712.51	0.50%	4,000.00	(287.49)	-7.19%	0.00%
617.1 Utilities	1,212.44	6,826.19	0.92%	7,000.00	(173.81)	-2.48%	0.00%
618.1 Equipment Leases	724.06	5,176.44	0.70%	5,100.00	76.44	1.50%	0.00%
619.1 Water Cooler	35.49	460.69	0.06%	640.00	(179.31)	-28.02%	0.00%
620.1 Postage	500.00	855.65	0.12%	2,500.00	(1,644.35)	-65.77%	0.00%
621.1 Insurance	-	13,604.07	1.84%	15,000.00	(1,395.93)	-9.31%	0.00%
622.1 Records Management	346.74	3,220.70	0.43%	5,000.00	(1,779.30)	-35.59%	0.00%
623.1 Office Technology	49.00	939.00	0.13%	650.00	289.00	44.46%	0.00%
626.1 Security Expense	-	549.68	0.07%	800.00	(250.32)	-31.29%	0.00%
628.1 Technology Consultant	-	170.00	0.02%	535.00	(365.00)	-68.22%	0.00%
629.1 Pay Comparability Adjustment	1,000.00	1,000.00	0.13%	1,000.00	-	0.00%	0.00%
630.1 Capital Outlay - Furnishings	-	-	0.00%	400.00	(400.00)	-100.00%	0.00%
631.1 Capital Outlay - Technology	-	769.61	0.10%	2,000.00	(1,230.39)	-61.52%	0.00%
632.1 Capital Outlay - Other	-	52,493.50	7.08%	52,500.00	(6.50)	-0.01%	0.00%
635.1 Mileage	275.00	774.30	0.10%	750.00	24.30	3.24%	0.00%
636.1 Training-Travel	195.50	1,515.68	0.20%	2,000.00	(484.32)	-24.22%	0.00%
637.1 Contract Labor	-	3,846.10	0.52%	3,900.00	(53.90)	-1.38%	0.00%
638.1 Repairs & Maintenance	-	295.00	0.04%	-	295.00	0.00%	0.00%
639.1 Signs/Zoning	-	-	0.00%	-	-	0.00%	0.00%
<u>Total Operating</u>	<u>12,773.79</u>	<u>170,075.25</u>	<u>22.94%</u>	<u>179,325.00</u>	<u>(9,249.75)</u>	<u>-5.16%</u>	<u>0.00%</u>
TOTAL ADMINISTRATION EXPENDITURES	33,480.30	354,359.66	47.80%	367,243.00	(12,883.34)	-3.51%	0.00%
LEGAL DEPARTMENT EXPENDITURES							
641.1 Legal	5,108.68	48,167.15	6.50%	53,000.00	(4,832.85)	-9.12%	0.00%
649.1 Operating Transfer-Out	-	-	0.00%	-	-	0.00%	0.00%
TOTAL LEGAL	5,108.68	48,167.15	6.50%	53,000.00	(4,832.85)	-9.12%	0.00%
COUNCIL - BOARD EXPENDITURES							
651.1 Association Dues	40.00	558.00	0.08%	1,000.00	(442.00)	-44.20%	0.00%
652.1 Training	-	1,525.00	0.21%	2,500.00	(975.00)	-39.00%	0.00%
653.1 Town Hall Meetings	-	-	0.00%	-	-	0.00%	0.00%
654.1 Election	-	3,116.30	0.42%	3,200.00	(83.70)	-2.62%	0.00%
655.1 Financial Management Services	1,000.00	12,000.00	1.62%	12,000.00	-	0.00%	0.00%
656.1 Audit	-	13,000.00	1.75%	13,000.00	-	0.00%	0.00%
657.1 Public Satisfaction Survey	-	-	0.00%	-	-	0.00%	0.00%
658.1 Planning	-	5,000.00	0.67%	5,000.00	-	0.00%	0.00%

Restricted for Management's Use Only

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Twelve Months Ended September 30, 2009

		CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
659.1	Recording Secretary	-	-	0.00%	-	-	0.00%	0.00%
660.1	Economic Development	-	-	0.00%	-	-	0.00%	0.00%
661.1	Public Relations/Receptions	-	3,931.51	0.53%	4,000.00	(68.49)	-1.71%	0.00%
662.1	Public Information	-	-	0.00%	-	-	0.00%	0.00%
663.1	Visitor Center Support	-	-	0.00%	-	-	0.00%	0.00%
664.1	Fitness Council Expenditures	-	6,362.98	0.86%	6,500.00	(137.02)	-2.11%	0.00%
	TOTAL COUNCIL -BOARD EXPENDITURES	1,040.00	45,493.79	6.14%	47,200.00	(1,706.21)	-3.61%	0.00%
BUILDING DEPARTMENT EXPENDITURES								
676.1	Contract Inspector	5,930.00	30,622.50	4.13%	30,000.00	622.50	2.08%	0.00%
677.1	Site Plan Reviews	435.00	14,236.43	1.92%	18,000.00	(3,763.57)	-20.91%	0.00%
678.1	Building Code Books	-	-	0.00%	-	-	0.00%	0.00%
	TOTAL BUILDING DEPARTMENT EXPENDITURES	6,365.00	44,858.93	6.05%	48,000.00	(3,141.07)	-6.54%	0.00%
PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES								
	<u>Public Works</u>							
	<u>Personnel</u>							
701.1	Salaries-Planning Director	-	-	0.00%	-	-	0.00%	0.00%
702.1	Salaries-Code Enforcement & Perm	3,028.48	28,257.84	3.81%	28,121.00	136.84	0.49%	0.00%
703.1	Salaries-Asslt. to Planning Director	-	-	0.00%	-	-	0.00%	0.00%
704.1	Salaries-GIS/Permitting Clerk	3,394.50	32,163.60	4.34%	32,240.00	(76.40)	-0.24%	0.00%
706.1	Payroll Taxes	631.65	5,166.66	0.70%	4,890.00	276.66	5.66%	0.00%
707.1	TMRS - Public Works	138.37	1,736.53	0.23%	1,850.00	(113.47)	-6.13%	0.00%
708.1	Health Benefits	400.00	4,800.00	0.65%	4,800.00	-	0.00%	0.00%
	<u>Total Personnel</u>	7,593.00	72,124.63	9.73%	71,901.00	223.63	0.31%	0.00%
	<u>Operating</u>							
712.1	Mileage	-	-	0.00%	-	-	0.00%	0.00%
713.1	Training	-	-	0.00%	-	-	0.00%	0.00%
714.1	Certificates	-	50.00	0.04%	50.00	-	0.00%	0.00%
715.1	Supplies - Public Works	-	148.56	0.11%	250.00	(101.44)	-40.58%	0.00%
720.1	Fuel	211.03	1,072.35	0.14%	1,000.00	72.35	7.24%	0.00%
721.1	Tools	-	-	0.00%	750.00	(750.00)	-100.00%	0.00%
722.1	Vehicle Maintenance & Insurance	-	171.02	0.02%	500.00	(328.98)	-65.80%	0.00%
	<u>Total Operating</u>	211.03	1,441.93	0.19%	2,550.00	(1,108.07)	-43.45%	0.00%

Restricted for Management's Use Only

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Twelve Months Ended September 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
<i>Total Public Works</i>	7,804.03	73,566.56	9.92%	74,451.00	(884.44)	-1.19%	0.00%
<u>Roads</u>							
727.1 Road Maintenance	10,480.64	44,093.19	5.95%	75,000.00	(30,906.81)	-41.21%	0.00%
Transfer to Road Maintenance Rese	-	-	0.00%	44,355.00	(44,355.00)	-100.00%	0.00%
728.1 Capital Outlay Roads	12,005.55	12,005.55	1.62%	21,000.00	(8,994.45)	-42.83%	0.00%
729.1 Road Engineering	-	9,173.00	1.24%	10,000.00	(827.00)	-8.27%	0.00%
730.1 Road Insurance	-	-	0.00%	-	-	0.00%	0.00%
731.1 Mowing/Tree Trimming	1,550.00	5,775.00	0.78%	8,500.00	(2,725.00)	-32.06%	0.00%
732.1 Signs/Barricades	655.39	6,572.95	0.89%	6,028.00	544.95	9.04%	0.00%
733.1 Parking Lot Lease	100.00	1,200.00	0.16%	1,200.00	-	0.00%	0.00%
734.1 Master Planning Traffic Studies	-	-	0.00%	-	-	0.00%	0.00%
735.1 Survey Services	-	-	0.00%	-	-	0.00%	0.00%
736.1 Contract Labor	-	4,032.93	0.54%	5,000.00	(967.07)	-19.34%	0.00%
737.1 Ranch Road 12 Mitigation	-	-	0.00%	-	-	0.00%	0.00%
<i>Total Roads</i>	24,791.58	82,852.62	11.18%	171,083.00	(88,230.38)	-51.57%	0.00%
<u>Water/Wastewater</u>							
752.1 Water Quality Testing	-	18.00	0.00%	1,500.00	(1,482.00)	-98.80%	0.00%
753.1 Wastewater System Start-up	-	-	0.00%	-	-	0.00%	0.00%
754.1 Map Services	-	-	0.00%	-	-	0.00%	0.00%
755.1 Water/Wastewater Purchases	-	-	0.00%	-	-	0.00%	0.00%
756.1 Public Restroom Wastewater	366.52	3,916.38	0.53%	4,500.00	(583.62)	-12.97%	0.00%
<i>Total Water/Wastewater</i>	366.52	3,934.38	0.53%	6,000.00	(2,065.62)	-34.43%	0.00%
TOTAL PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES	32,962.13	160,353.56	21.63%	251,534.00	(91,180.44)	-36.25%	0.00%
PUBLIC SAFETY/COURTS EXPENDITURES							
<u>Personnel</u>							
801.1 Salaries - City Marshall	4,380.00	38,381.05	5.18%	37,960.00	421.05	1.11%	0.00%
806.1 Payroll Taxes	335.07	3,011.34	0.41%	2,910.00	101.34	3.48%	0.00%
807.1 TMRS City Contribution	87.31	1,093.35	0.15%	1,138.00	(44.65)	-3.92%	0.00%
808.1 Health Benefits	200.00	2,425.00	0.33%	2,500.00	(75.00)	-3.00%	0.00%
<i>Total Personnel</i>	5,002.38	44,910.74	6.06%	44,508.00	402.74	0.90%	0.00%
<u>Operating</u>							
820.1 Municipal Court Judge	200.00	3,677.26	0.50%	6,500.00	(2,822.74)	-43.43%	0.00%
821.1 City Prosecutor	218.24	4,538.38	0.61%	6,000.00	(1,461.62)	-24.36%	0.00%

Restricted for Management's Use Only

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Twelve Months Ended September 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
822.1 Emergency Plan	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	0.00%
823.1 Training	-	1,900.00	0.26%	2,000.00	(100.00)	-5.00%	0.00%
824.1 Animal Control	-	6,000.00	0.81%	6,000.00	-	0.00%	0.00%
825.1 Fuel	257.53	2,123.50	0.29%	3,000.00	(876.50)	-29.22%	0.00%
826.1 Supplies	58.90	1,260.58	0.17%	1,500.00	(239.42)	-15.96%	0.00%
827.1 Vehicle Maintenance & Repair	42.22	159.16	0.02%	200.00	(40.84)	-20.42%	0.00%
830.1 Capital Outlay - Vehicles	6,695.82	14,000.59	1.89%	8,000.00	6,000.59	75.01%	0.00%
831.1 Capital Outlay - Equipment	-	-	0.00%	-	-	0.00%	0.00%
832.1 Capital Outlay - Technology	-	6,000.00	0.81%	6,500.00	(500.00)	-7.69%	0.00%
837.1 Sanitarian (Contract Labor)	-	-	0.00%	-	-	0.00%	0.00%
<i>Total Operating</i>	<u>7,472.71</u>	<u>39,659.47</u>	<u>5.35%</u>	<u>40,700.00</u>	<u>(1,040.53)</u>	<u>-2.56%</u>	<u>0.00%</u>
TOTAL PUBLIC SAFETY/COURTS EXPENDITURES	<u>12,475.09</u>	<u>84,570.21</u>	<u>11.41%</u>	<u>85,208.00</u>	<u>(637.79)</u>	<u>-0.75%</u>	<u>0.00%</u>
PARKS & RECREATION EXPENDITURES							
<i>Personnel</i>							
851.1 Assistant to City Admin	-	-	0.00%	-	-	0.00%	0.00%
852.1 Health Benefits	-	-	0.00%	-	-	0.00%	0.00%
853.1 Payroll Taxes	-	-	0.00%	-	-	0.00%	0.00%
<i>Total Personnel</i>	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>0.00%</u>
<i>Operating</i>							
854.1 Mileage	-	-	0.00%	-	-	0.00%	0.00%
855.1 Public Information	-	-	0.00%	-	-	0.00%	0.00%
856.1 Parks Research & Development	-	740.00	0.10%	1,000.00	(260.00)	-26.00%	0.00%
857.1 Trails Master Plan	-	-	0.00%	-	-	0.00%	0.00%
859.1 Nature Trail Operations	669.32	2,748.29	0.37%	5,000.00	(2,251.71)	-45.03%	0.00%
<i>Total Operating</i>	<u>669.32</u>	<u>3,488.29</u>	<u>0.47%</u>	<u>6,000.00</u>	<u>(2,511.71)</u>	<u>-41.86%</u>	<u>0.00%</u>
TOTAL PARKS & RECREATION EXPENDITURES	<u>669.32</u>	<u>3,488.29</u>	<u>0.47%</u>	<u>6,000.00</u>	<u>(2,511.71)</u>	<u>-41.86%</u>	<u>0.00%</u>
TOTAL EXPENDITURES	<u>92,100.52</u>	<u>741,291.59</u>	<u>1.00</u>	<u>858,185.00</u>	<u>(116,893.41)</u>	<u>-13.62%</u>	<u>0.00%</u>
Net Excess (Deficit)	<u>\$ (1,737.13)</u>	<u>135,318.49</u>	<u>-0.17%</u>	<u>\$ -</u>	<u>135,318.49</u>	<u>0.00%</u>	<u>0.00%</u>

Restricted for Management's Use Only

City of Wimberley
Blue Hole Parkland
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Year Ended
September 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
503.40 Interest Income - Blue Hole Parkland	\$ 37.97	100.00	\$ 1,327.16	0.20
520.40 Grant Funds - Blue Hole	0.00	0.00	600,000.00	90.60
541.40 Gate Fees	0.00	0.00	60,754.08	9.17
542.40 Rental Fees	0.00	0.00	150.00	0.02
	<u>37.97</u>	<u>100.00</u>	<u>682,231.22</u>	<u>100.00</u>
Total Revenues	37.97	100.00	682,231.22	100.00
Expenditures				
Parks - Operating				
858.40 Blue Hole Master Plan	0.00	0.00	130.50	0.02
881.40 Contract Labor/Wages	204.26	537.95	18,148.77	2.74
862.40 Utilities	200.92	529.15	1,098.77	0.17
883.40 Mowing	0.00	0.00	975.00	0.15
864.40 Operating Supplies	7.34	19.33	2,360.92	0.36
885.40 Contract Services	170.42	448.83	8,029.42	1.21
866.40 Rental	140.00	368.71	493.00	0.07
868.40 Public Restroom Facilities	320.00	842.77	2,369.78	0.36
870.40 Capital Outlay - Development Project	0.00	0.00	121,598.89	18.36
	<u>1,042.94</u>	<u>2746.75</u>	<u>155,205.05</u>	<u>23.44</u>
Total Parks - Operating	1,042.94	2746.75	155,205.05	23.44
Total Expenditures	1,042.94	2746.75	155,205.05	23.44
NET EXCESS (DEFICIT)	\$ (1,004.97)	(2646.75)	\$ 507,026.17	76.58

CITY OF WIMBERLEY
BUDGET VS ACTUAL - BLUE HOLE SPECIAL REVENUE FUND
For The Twelve Months Ended September 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES							
508.4 Interest Income	\$ 37.97	\$ 1,327.16	0.20%	\$1,750.00	(422.84)	-24.16%	0.00%
518.4 Designated Funds		-	0.00%	7,000.00	(7,000.00)	-100.00%	0.00%
520.4 Grant Funds	-	600,000.00	90.60%	600,000.00	-	0.00%	0.00%
541.4 Gate Fees	-	60,754.06	9.17%	60,800.00	(45.94)	-0.08%	0.00%
542.4 Rental Fees	-	150.00	0.02%	750.00	(600.00)	-80.00%	0.00%
TOTAL REVENUES	37.97	662,231.22	100.00%	670,300.00	(8,068.78)	-1.20%	0.00%
EXPENDITURES							
858.4 Blue Hole Master Plan	-	130.50	0.08%	135.00	(4.50)	0.00%	0.00%
861.4 Contract Labor/Wages	204.26	18,071.27	11.64%	17,500.00	571.27	3.26%	0.00%
862.4 Utilities	200.92	1,098.77	0.71%	1,500.00	(401.23)	-26.75%	0.00%
863.4 Mowing	-	975.00	0.63%	1,500.00	(525.00)	-35.00%	0.00%
864.4 Operating Supplies	7.34	2,360.95	1.52%	2,500.00	(139.05)	-5.56%	0.00%
865.4 Contract Services	170.42	8,029.42	5.17%	75,000.00	(66,970.58)	-89.29%	0.00%
866.4 Rental	140.00	493.00	0.32%	1,500.00	(1,007.00)	-67.13%	0.00%
867.4 Materials	320.00	320.00	0.21%	750.00	(430.00)	-57.33%	0.00%
868.4 Public Restroom Facilities	-	2,049.78	1.32%	2,200.00	(150.22)	-6.83%	0.00%
869.4 Capital Outlay - Facilities	-	121,598.89	78.35%	150,000.00	(28,401.11)	-18.93%	0.00%
TOTAL BLUE HOLE PARKLAND EXPENDITURES	1,042.94	155,205.08	99.87%	252,585.00	(97,379.92)	-38.55%	0.00%
Net Excess (Deficit)	\$ (1,004.97)	\$ 507,026.14	0.13%	417,715.00	89,311.14	37.35%	0.00%

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City of Wimberley
Municipal Court
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Year Ended
September 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
550.50 Court Technology Fees	\$ 24.43	34.88	\$ 469.27	38.42
551.50 Building Security Fees	18.32	26.15	354.95	29.06
552.50 Child Safety Fees	25.00	35.69	375.00	30.70
553.50 Judicial Efficiency Fees	<u>2.30</u>	<u>3.28</u>	<u>22.30</u>	<u>1.83</u>
Total Revenues	<u>70.05</u>	<u>100.00</u>	<u>1,221.52</u>	<u>100.00</u>
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
NET EXCESS (DEFICIT)	\$ <u><u>70.05</u></u>	<u><u>100.00</u></u>	\$ <u><u>1,221.52</u></u>	<u><u>100.00</u></u>

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - MUNICIPAL COURT SPECIAL REVENUE FUND
For The Twelve Months Ended September 30, 2009

		CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES								
550.5	Court Technology Fees	\$ 24.43	\$ 469.27	38.42%	425.00	\$ 44.27	0.00%	0.00%
551.5	Building Security Fees	18.32	354.95	29.06%	325.00	29.95	0.00%	0.00%
552.5	Child Safety Fees	25.00	375.00	30.70%	350.00	25.00	0.00%	0.00%
553.5	Judicial Efficiency Fees	2.30	22.30	1.83%	20.00	2.30	0.00%	0.00%
TOTAL REVENUES		70.05	1,221.52	100.00%	1,120.00	101.52	0.00%	0.00%
EXPENDITURES								
		-	-	0.00%	-	-	0.00%	0.00%
		-	-	0.00%	-	-	0.00%	0.00%
TOTAL MUNICIPAL COURT EXPENDITURES		-	-	0.00%	-	-	0.00%	0.00%
Net Excess (Deficit)		\$ 70.05	\$ 1,221.52	100.00%	\$ 1,120.00	\$ (101.52)	0.00%	0.00%

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**City of Wimberley
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CD - Cash disbursements

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/1/09	304.50	Due to General - Municipal Court	1,129.07	1257	due to general
9/3/09	301.40	Withholding Tax Payable	40.00	2343	blanco national bank
9/3/09	302.40	FICA Tax Payable	614.48	2343	blanco national bank
			654.48	2343	Reference Total
9/3/09	864.40	Operating Supplies	7.34	2344	ace hardware
9/3/09	865.40	Contract Services	120.06	2345	land design partners
9/3/09	862.40	Utilities	45.72	2346	pedernales electric
9/3/09	862.40	Utilities	55.10	2347	wimberley water supply
9/21/09	866.40	Rental	140.00	2349	wimberley rentals
9/22/09	865.40	Contract Services	50.36	2350	land design partners
9/22/09	868.40	Public Restroom Facilities	320.00	2351	leinneweber plumbing
9/30/09	110.40	Cash - Ozona National Bank - BH	50,000.00	2352	due from blue hole
9/1/09	708.10	Health Benefits	200.00	6412	abigail gillfillan
9/1/09	733.10	Parking Lot Lease	100.00	6413	calkins interest
9/1/09	608.10	Health Care	200.00	6414	cara mcpartland
9/1/09	608.10	Health Care	312.00	6415	don ferguson
9/1/09	808.10	Health Care - Public Safety	200.00	6416	garth robinson
9/1/09	608.10	Health Care	200.00	6417	monica alcalá
9/1/09	614.10	Rent	525.00	6418	todd routh
9/1/09	708.10	Health Benefits	200.00	6419	william bowers
9/1/09	614.10	Rent	3,812.00	6420	todd routh
9/3/09	607.10	TMRS - Admin	351.73	6421	tmrs
9/3/09	707.10	TMRS - Public Works	138.37	6421	tmrs
9/3/09	807.10	TMRS City Contribution-PS	87.31	6421	tmrs
9/3/09	311.10	TMRS Payable	982.27	6421	tmrs
			1,569.68	6421	Reference Total
9/3/09	301.10	Withholding Tax Payable	1,502.00	6422	blanco national bank
9/3/09	302.10	FICA Tax Payable	3,005.80	6422	blanco national bank
			4,507.80	6422	Reference Total
9/3/09	727.10	Road Maintenance	15.47	6423	ace hardware
9/3/09	820.10	Municipal Court Judge	100.00	6424	andrew cable
9/3/09	623.10	Office Technology	49.00	6425	anvil
9/3/09	676.10	Contract Inspector	1,230.00	6426	ats engineers
9/3/09	635.10	Mileage	275.00	6427	cara mcpartland
9/3/09	636.10	Training - Travel	195.50	6427	cara mcpartland
			470.50	6427	Reference Total

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9/3/09	727.10	Road Maintenance	600.00	6428	garrett allen
9/3/09	610.10	Public Notices	725.95	6429	holly media
9/3/09	859.10	Nature Trail Operations	215.00	6430	jma wastewater
9/3/09	677.10	Site Plan Reviews	435.00	6431	neptune-wilkinson
9/3/09	617.10	Utilities	678.74	6432	pedernales electric
9/3/09	859.10	Nature Trail Operations	86.95	6432	pedernales electric
			765.69	6432	Reference Total
9/3/09	615.10	Cleaning	400.00	6433	pow-wow
9/3/09	732.10	Signs/Barricades	215.25	6434	safelane traffic
9/3/09	720.10	Fuel	84.87	6435	texas fleet fuel
9/3/09	825.10	Fuel-Public Safety	261.56	6435	texas fleet fuel
			346.43	6435	Reference Total
9/3/09	859.10	Nature Trail Operations	7,860.11	6436	texas road repair
9/3/09	612.10	Telephone	323.42	6437	verizon
9/3/09	859.10	Nature Trail Operations	30.61	6438	wimberley water supply
9/21/09	316.10	Due to Blue Hole Parkland	100,000.00	6441	due from general
9/22/09	731.10	Mowing / Tree Trimming	25.00	6442	affordable lawn service
9/22/09	820.10	Municipal Court Judge	100.00	6443	andrew cable
9/22/09	612.10	Telephone	181.90	6444	at&t
9/22/09	676.10	Contract Inspector	3,060.00	6445	ats engineers
9/22/09	641.10	Legal	3,078.38	6446	bickerstaff heath pollan
9/22/09	821.10	City Prosecutor	174.42	6446	bickerstaff heath pollan
			3,252.80	6446	Reference Total
9/22/09	616.10	Office Supplies	86.00	6447	englehart printing
9/22/09	727.10	Road Maintenance	225.00	6448	garrett allen
9/22/09	728.10	Capital Outlay Roads	12,005.55	6449	hays county
9/22/09	619.10	Water Cooler	35.49	6450	hill country springs
9/22/09	618.10	Equipment Leases	281.03	6451	kyocera mita
9/22/09	731.10	Mowing / Tree Trimming	1,450.00	6453	lee trees
9/22/09	859.10	Nature Trail Operations	750.00	6453	lee trees
			2,200.00	6453	Reference Total
9/22/09	655.10	Financial Management Services	1,000.00	6455	lori graham
9/22/09	727.10	Road Maintenance	1,550.00	6456	pendelton excavation
9/22/09	618.10	Equipment Leases	162.00	6457	pitney bowes
9/22/09	616.10	Office Supplies	431.37	6458	sam's club
9/22/09	756.10	Public Restroom Wastewater	40.76	6458	sam's club
			472.13	6458	Reference Total

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/22/09	651.10	Association Dues	40.00	6459	texas court clerks
9/22/09	720.10	Fuel	68.49	6460	texas fleet
9/22/09	825.10	Fuel-Public Safety	51.32	6460	texas fleet
			119.81	6460	Reference Total
9/22/09	612.10	Telephone	309.74	6461	verizon
9/22/09	756.10	Public Restroom Wastewater	285.00	6462	leinneweber plumbing
9/22/09	732.10	Signs/Barricades	206.14	6463	professional graffiti
9/30/09	629.10	Pay Comparability Adjustment	1,000.00	6475	icma retirement fund
9/30/09	102.10	Cash - Ozona National Bank - General	100,000.00	6477	due from general
9/30/09	109.50	Cash - Blanco National Bank - Municipal Court	-1,129.07	disb	disb
9/30/09	106.40	Cash - Blanco National Bank - BH Development	-51,393.06	disb	disb
9/30/09	103.10	Cash - Blanco National Bank - General	-252,206.50	disb	disb
			-304,728.63	disb	Reference Total
		Total for 75 Items	0.00		

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/30/09	103.10	Cash - Blanco National Bank - General	44,021.38	1	deposits
9/30/09	501.10	Sales & Use Tax	-35,929.36	1	sales tax receivable
9/30/09	504.10	Miscellaneous Income	-800.00	1	misc income
9/30/09	505.10	Building Permits	-3,071.26	1	bldg permits
9/30/09	506.10	Building Inspections	-2,130.00	1	inspections
9/30/09	509.10	Plan Reviews	-975.00	1	plan reviews
9/30/09	511.10	Sign Permits	-50.00	1	sign permits
9/30/09	525.10	Franchise Fees - Misc	-17.66	1	misc franchise
9/30/09	120.10	Accounts Receivable	80.97	1	a/r
9/30/09	116.10	Due From Municipal Court	-1,129.07	1	due from municipal court
			0.00	1	Reference Total
9/30/09	121.10	Sales Tax Receivable	33,485.88	2	s/t recievable
9/30/09	501.10	Sales & Use Tax	-33,485.88	2	sales & use tax
			0.00	2	Reference Total
9/30/09	122.10	Mixed Beverage Tax Receivable	1,781.63	3	mixed beverage receivable
9/30/09	502.10	Mixed Beverage Tax	-1,781.63	3	mixed beverage tax
			0.00	3	Reference Total
9/30/09	616.10	Office Supplies	147.58	4	check order
9/30/09	103.10	Cash - Blanco National Bank - General	-147.58	4	cash
			0.00	4	Reference Total
9/30/09	120.10	Accounts Receivable	47,234.95	5	franchise tax receivable
9/30/09	525.10	Franchise Fees - Misc	-4,652.33	5	wimberley water
9/30/09	525.10	Franchise Fees - Misc	-7.16	5	misc
9/30/09	521.10	Time Warner Cable	-7,291.19	5	twc
9/30/09	522.10	Pedernales Electric Cooperative, Inc.	-35,284.27	5	pec
			0.00	5	Reference Total
9/30/09	601.10	City Administrator	3,653.85	6	accrued salaries
9/30/09	602.10	City Secretary	1,423.08	6	accrued salaries
9/30/09	702.10	Salaries-Code Enforcement & Permitting	865.28	6	accrued salaries
9/30/09	603.10	Receptionist/Clerk	777.60	6	accrued salaries
9/30/09	704.10	Salaries-GIS/Permitting Clerk	968.75	6	accrued salaries
9/30/09	801.10	Salaries - City Marshall	1,460.00	6	accrued salaries

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/30/09	320.10	Accured Salaries Payable	-9,148.56	6	accrued salaries
			0.00	6	Reference Total
9/30/09	727.10	Road Maintenance	75.47	7	a/p
9/30/09	731.10	Mowing / Tree Trimming	75.00	7	a/p
9/30/09	676.10	Contract Inspector	1,640.00	7	a/p
9/30/09	641.10	Legal	2,030.30	7	a/p
9/30/09	821.10	City Prosecutor	218.26	7	a/p
9/30/09	727.10	Road Maintenance	450.00	7	a/p
9/30/09	610.10	Public Notices	797.57	7	a/p
9/30/09	618.10	Equipment Leases	281.03	7	a/p
9/30/09	859.10	Nature Trail Operations	180.00	7	a/p
9/30/09	617.10	Utilities	533.70	7	a/p
9/30/09	859.10	Nature Trail Operations	87.34	7	a/p
9/30/09	620.10	Postage	500.00	7	a/p
9/30/09	615.10	Cleaning	500.00	7	a/p
9/30/09	732.10	Signs/Barricades	234.00	7	a/p
9/30/09	616.10	Office Supplies	63.71	7	a/p
9/30/09	756.10	Public Restroom Wastewater	40.76	7	a/p
9/30/09	720.10	Fuel	57.67	7	a/p
9/30/09	825.10	Fuel-Public Safety	47.90	7	a/p
9/30/09	727.10	Road Maintenance	7,564.70	7	a/p
9/30/09	622.10	Records Management	346.74	7	a/p
9/30/09	859.10	Nature Trail Operations	33.35	7	a/p
9/30/09	862.40	Utilities	100.10	7	a/p
9/30/09	303.10	Accounts Payable	-15,757.50	7	a/p
9/30/09	303.40	Accounts Payable - Blue Hole	-100.10	7	a/p
			0.00	7	Reference Total
9/30/09	107.10	Cash - Ozona National Bank - Checking	-130.64	8	ozona national bank
9/30/09	503.10	Interest Income - General	-0.68	8	interest
9/30/09	616.10	Office Supplies	131.32	8	check order
			0.00	8	Reference Total
9/30/09	119.40	Texpool - Blue Hole	37.97	9	texpool blue hole
9/30/09	503.40	Interest Income - Blue Hole Parkland	-37.97	9	interest
			0.00	9	Reference Total
9/30/09	119.10	Texpool - General	84.28	10	texpool general

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JOURNAL REPORT**

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/30/09	503.10	Interest Income - General	-84.28	10	interest
			0.00	10	Reference Total
9/30/09	606.10	Payroll Taxes	740.38	11	accrued salaries
9/30/09	706.10	Payroll Taxes	280.60	11	accrued salaries
9/30/09	806.10	Payroll Taxes	178.70	11	accrued salaries
9/30/09	320.10	Accured Salaries Payable	-1,199.68	11	accrued salaries
			0.00	11	Reference Total
9/30/09	706.10	Payroll Taxes	351.05	12	p/r taxes - pw reclassified
9/30/09	806.10	Payroll Taxes	223.38	12	p/r taxes ps reclassified
9/30/09	606.10	Payroll Taxes	-574.43	12	p/r taxes reclassified
			0.00	12	Reference Total
9/30/09	105.10	Cash - Blanco National Bank - CD	171.25	13	cd
9/30/09	503.10	Interest Income - General	-171.25	13	interest earned
			0.00	13	Reference Total
9/30/09	861.40	Contract Labor/Wages	14.51	14	wages
9/30/09	302.40	FICA Tax Payable	-14.51	14	fica payable
			0.00	14	Reference Total
9/30/09	116.10	Due From Municipal Court	560.80	15	due from mc
9/30/09	516.10	Municipal Court Costs/Fines	-560.80	15	mc fines collected
			0.00	15	Reference Total
9/30/09	109.50	Cash - Blanco National Bank - Municipal Court	1,100.00	16	cash municipal court
9/30/09	550.50	Court Technology Fees	-24.43	16	ct fees
9/30/09	551.50	Building Security Fees	-18.32	16	bldg sec fee
9/30/09	552.50	Child Safety Fees	-25.00	16	child safety fees
9/30/09	553.50	Judicial Efficiency Fees	-2.30	16	jud eff. fees
9/30/09	350.50	Municipal Court Cost Payable	-469.15	16	due to state
9/30/09	304.50	Due to General - Municipal Court	-560.80	16	due to general mc
			0.00	16	Reference Total
Total for 79 Items			0.00		

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PYA - Generated payroll accrual

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/30/09	606.10	Payroll Taxes	1,227.39	CKS	Employer's FICA
9/30/09	302.10	FICA Tax Payable	-1,227.39	CKS	Employer's FICA
9/30/09	606.10	Payroll Taxes	287.05	CKS	Employer's Medicare
9/30/09	302.10	FICA Tax Payable	-287.05	CKS	Employer's Medicare
			0.00	CKS	Reference Total
Total for 4 Items			0.00		

**City of Wimberley
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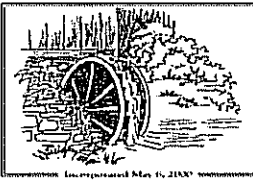
PYR - Generated payroll transaction

Client No: 347

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
9/30/09	601.10	City Administrator	7,307.70	CKS	SALARY
9/30/09	301.10	Withholding Tax Payable	-1,494.00	CKS	Federal Withholding
9/30/09	302.10	FICA Tax Payable	-1,499.92	CKS	Fica + Medicare Withholding
9/30/09	311.10	TMRS Payable	-980.33	CKS	TMRS Contribution
9/30/09	103.10	Cash - Blanco National Bank - General	-15,632.56	CKS	Net Payroll Checks
9/30/09	602.10	City Secretary	2,846.16	CKS	SALARY
9/30/09	704.10	Salaries-GIS/Permitting Clerk	2,425.75	CKS	SALARY
9/30/09	801.10	Salaries - City Marshall	2,920.00	CKS	SALARY
9/30/09	603.10	Receptionist/Clerk	1,944.00	CKS	SALARY
9/30/09	861.40	Contract Labor/Wages	189.75	CKS	SALARY
9/30/09	302.40	FICA Tax Payable	-14.51	CKS	Fica + Medicare Withholding
9/30/09	108.40	Cash - Blanco National Bank - Blue Hole	-175.24	CKS	Net Payroll Checks
9/30/09	702.10	Salaries-Code Enforcement & Permitting	2,163.20	CKS	SALARY
			0.00	CKS	Reference Total
		Total for 13 Items	0.00		

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: PRESENTATION ON
UPCOMING 2010 UNITED STATES CENSUS

Funds Required:

Funds Available:

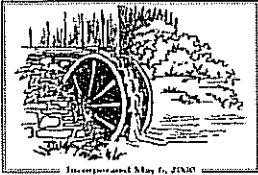
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow Henry Dickens with the United States Census Bureau to brief City Council on the upcoming 2010 United States Census. Later on the agenda, City Council will be asked to consider approval of a resolution supporting the upcoming Census.

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

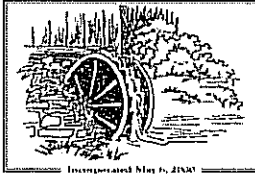
- ☐ Ordinance
- ☐ Resolution
- ☐ Motion
- ☒ Discussion

Project/Proposal Summary:

The City Administrator will present a report on the following items:

- Status report on the efforts to secure State and/or Federal funding for the development of a centralized wastewater system for Downtown Wimberley
- Status report on the preparation of an ordinance relating to slope development
- Status report on the 2009/2010 City-initiated zoning project
- Status report on the preparation of the *City of Wimberley Fiscal Year 2009 Financial Report*
- Status report on the designation of a truck route around Wimberley
- Status report on activities of the Pedernales Electric Cooperative Electrical Distribution System Upgrade Task Force
- Status report on the possible development of a Texas Department of Transportation grant application for pedestrian and mobility improvements on the Wimberley Square

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: RESOLUTION RELATING
TO THE CITY OF WIMBERLEY'S FUNDING REQUEST
FROM THE STATE ENERGY EFFICIENCY AND
CONSERVATION BLOCK GRANT PROGRAM

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☒ Resolution

☒ Motion

☒ Discussion

Project/Proposal Summary:

The City of Wimberley is one of 1,127 cities and 233 counties in the State of Texas recently determined to be eligible for a grant under the State Energy Conservation Office (SECO) Energy Efficiency and Conservation Block Grant (EECBG) program.

More than \$45 million has been provided to SECO through the American Recovery and Reinvestment Act (ARRA). The purpose of the block grant program is to provide funds to local and state governments, Indian tribes and territories to develop and implement projects to improve energy efficiency and reduce energy use and fossil fuel emissions in their communities.

Based on the population formula being used to distribute the funds, the City of Wimberley is eligible for a \$25,000 non-matching grant from SECO. Lighting and heating-air conditioning system improvements at the Wimberley Community Center appear to be the most appropriate activities for the one-time grant.

While the City has filed a required *Notice of Intent* to obtain a block grant under the EECBG program, City Council approval of the attached resolution is necessary. Upon approval of the resolution, City staff will submit a required funding application. Funds are not expected to be formally awarded until the Spring of 2010. Once the SECO grant is formally awarded, the City will have 36 months to spend the grant dollars.

RESOLUTION NO. R-14-2009

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS ACCEPTING STATE ENERGY CONSERVATION OFFICE (SECO) GRANT FUNDING TO BE USED IN FURTHERANCE OF THE CITY OF WIMBERLEY'S GOALS OF ENERGY EFFICIENCY

WHEREAS, Congress passed the American Recovery and Reinvestment Act (ARRA) of 2009 and the President signed into law on February 17th, 2009 to stimulate the economy and create jobs; and

WHEREAS, ARRA included \$3.2 billion in funding for the Energy Efficiency and Conservation Block Grants (EECBG) Program authorized in Title V, Subtitle E of the Energy Independence and Security Act (EISA) and signed into law on December 19, 2007; and

WHEREAS, the purpose of the EECBG program is to: 1) reduce fossil fuel emissions in a manner that is environmentally sustainable, and to the maximum extent practicable, maximizes benefits for local and regional communities; 2) to reduce the total energy use of eligible entities; and 3) to improve the energy efficiency in the building sector, the transportation sector and other appropriate sectors; and

WHEREAS, the City of Wimberley is a city with limited financial resources and desires to support the development of energy efficiency programs; and

WHEREAS, the City of Wimberley accepts its allocation and may also accept additional funds that may become available at a later date; and

WHEREAS, the City of Wimberley has developed or is interested in developing an EECBG project, which is sustainable and has measurable energy savings, job creation and economic stimulus effects into the city; and

WHEREAS, the City of Wimberley is determined to support energy efficiency projects that leverage federal funds with other public and private resources, including coordinated efforts involving other Federal programs targeting community development; and

WHEREAS, the City of Wimberley intends to comply with all agreed upon contractual requirements of ARRA, the EECBG program and other federal and state law:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wimberley, Texas, that:

1. The City of Wimberley, through the City Administrator, pursue all EECBG funding made available through ARRA and being allocated by the State Energy Conservation Office to be used to assist in reaching the City's goals of energy efficiency.
2. The City of Wimberley continues its commitment toward energy efficiency for the citizens of Wimberley and all of Texas.

RESOLVED this 5th day of November, 2009.

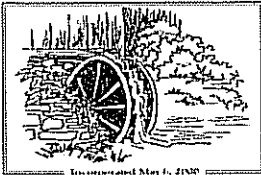
CITY OF WIMBERLEY

ATTEST:

Tom Haley, Mayor

Cara McPartland
City Secretary

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: RESOLUTION SUPPORTING
2010 UNITED STATES CENSUS

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☒ Resolution

☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider adoption of the attached resolution supporting the upcoming 2010 United States Census. Earlier on the agenda, Census Bureau representative Henry Dickens briefed City Council on preparations for the Census.

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE UNITED STATES CENSUS 2010

WHEREAS, The census is a count of everyone residing in the United States - people of all races and ethnic groups, both citizens and non-citizens; and

WHEREAS, The United States Constitution requires a national census once every 10 years. Census Day is April 1, 2010; and

WHEREAS, Every year, the federal government can allocate more than \$300 billion to states and communities based, in part, on census data; and

WHEREAS, Census data are used to determine the need for additional social services, block grants, new hospitals, roads, schools and more. It can inform a diverse range of local initiatives, from justifying the need for an after-school program to designating urban revitalization areas.

NOW THERE BE IT RESOLVED by the City Council of the City of Wimberley, Texas, that:

The City of Wimberley supports the United States Census 2010.

PASSED and APPROVED this the 5th day of November, 2009.

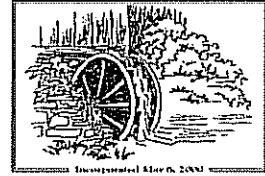
APPROVED:

Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

Report for Zoning ZA-09-023



Summary:

A request for Commercial – Moderate Impact (C2) for a currently un-zoned tract of land located at 14211 RR 12

Applicant Information:

Applicant: Charli Manross (*Agent for Owner*)
13811 RR 12
Wimberley, TX 78676

Property Owner: Shravi & Shivani LTD

Subject Property:

Legal Description: 2.055 acres out of the Amasa Turner Survey 461
Location: 14211 RR 12
Existing Use of Property: Commercial
Existing Zoning: Un-zoned
Proposed Use of Property: Commercial – Retail, Offices, Plant Nursery, Education Center
Proposed Zoning: C2
Planning Area: IV
Overlay District: N/A

Surroundings:

Frontage On: Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C2	Commercial
S of Property	R2, R3	Residential
E of Property	Un-zoned	Commercial
W of Property	Un-zoned	Commercial

Legal Notice

200' Letters Sent 10/5/09
Published 10/7/09
Sign Placement 10/5/09

Responses None

Comments:

The applicant has requested *Commercial – Moderate Impact (C2)* zoning for a currently un-zoned tract of land located at 14211 Ranch Road 12. The subject property is located in *Planning Area IV* where C2 zoning is permitted.

Currently, there are two buildings on the subject property. The building which fronts Ranch Road 12 contains an insurance office along with a feed store and auto parts store. The second building is located behind the above-mentioned building and currently houses a low impact retail business. The applicant is proposing to expand this existing retail business to include a plant nursery and a venue for educational presentations, music and speakers. The proposed business

operation would represent a change in use thus requiring the need for the property to be properly zoned. All current and proposed uses on the lot are allowable in the C2 zoning designation.

Adequate parking for the existing and proposed businesses exists on site and can be accessed from two points off of Ranch Road 12.

On October 22, 2009, the Planning and Zoning Commission held a public hearing on the zoning request. Afterwards, the Commission voted unanimously to recommend approval of the request with the condition that the applicant maintain a vegetative buffer of trees and other plant materials at the rear of the property to limit the impact of the planned commercial uses on the adjacent residentially zoned property.

§ 155.048 COMMERCIAL - MODERATE IMPACT; C-2.

(A) *General purpose and description.* The C-2, commercial 2 district is established to provide areas for shopping and service facilities for the retail sales of goods and services. These shopping areas must satisfy established landscape and buffering requirements.

(B) *Permitted uses.*

(1) Administrative and professional office:

- (a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
- (b) Photography studios, doctors, dentists;
- (c) Non-profit organizations (with certain restrictions);
- (d) Civic uses (such as City Halls);
- (e) Research services: limited; and
- (f) Office.

(2) Religious assembly;

(3) Medical services: limited;

(4) Personal services: general;

(5) Accessory uses to the main use;

(6) Retail sales and services: general;

(7) Retail sales and services: flea market/market day;

(8) Eating establishments: sit-down;

(9) Plant nurseries;

(10) Emergency shelter and feeding site (humans);

(11) Communications services: limited (such as studios);

(12) Commercial/residential;

- (13) Banks and savings and loan associations;
- (14) Funeral and interment services: cremating;
- (15) Funeral and interment services: interring;
- (16) Funeral and interment services: undertaking;
- (17) Animal interment services;
- (18) Private primary educational services;
- (19) Private secondary educational services; and
- (20) Single-family residence.

(C) *Conditional uses.*

(1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;

- (2) Personal services: limited;
- (3) Gasoline sales: limited;
- (4) Automotive washing;
- (5) Personal storage;
- (6) Bed and breakfast lodging;

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

- (8) Eating establishments: fast food with drive-through order windows.

(D) *Development regulations.*

- (1) Minimum lot size: 5,000 square feet.
- (2) Maximum building height (as defined in § 155.005):

(a) Primary buildings: not more than 2 stories and not more than 28 feet 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: 15 feet;

(b) Secondary street: 15 feet; and

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

(4) Maximum impervious coverage: 70%. 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.

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

(6) Maximum building footprint: 15,000 square feet.

(7) Maximum floor area: 20,000 square feet.

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

(F) *Special requirements.*

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

(2) Open storage is prohibited; however, periodic display of seasonal items (such as Christmas trees, pumpkins, and the like) is allowed during the appropriate time periods.

(3) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.

(G) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 27, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

Expanded (Commercial)

FOR OFFICIAL USE ONLY

APPLICATION DATE: _____ FILE NO. 2A-09-023

TENTATIVE P&Z* HEARING: _____ TENTATIVE CC** DATE: _____

CITY INITIATED: YES - NO PLANNING AREA: _____ ZONING REQUESTED: _____

ZONING FEES: \$ _____ DATE PAID: _____ RECEIVED BY: _____

* P&Z - Planning & Zoning Commission ** CC - Village of Wimberley City Council

APPLICATION FOR ZONING

NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS, CONDITIONAL USE PERMIT APPLICATIONS & WIMBERLEY PLANNED DEVELOPMENT DISTRICTS (WPDD'S)

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO BE ZONED: <u>14211 RR 12</u> Wimberley, Texas		HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: <u>R See attached</u>	
* New street addresses can be obtained by calling (512) 393-2160			
** You may obtain this from your property tax statement.			
PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: <u>From the Wimberley Square, take R.R 12 North, turn left</u> <u>at 14211 RR 12 to the left of CT Auto Parts - Across the</u> <u>street from Brookshire Bros</u>			
NOTE: Please clearly mark your property so it is easily identifiable.			
1. OWNER'S NAME: <u>Shravis Shrivani LTD</u>		HOME PHONE: (512) <u>330-9927</u>	
		BUSINESS PHONE: (512) <u>520-4305</u>	
		FAX: (512) <u>512-467-0641</u>	
		E-MAIL: <u>allie.lam@yahoo.com</u>	
OWNER'S CURRENT MAILING ADDRESS <u>P.O. Box 26100 Austin</u> CITY <u>Austin</u> STATE <u>TX</u> ZIP <u>78753</u>			
2. AGENT'S NAME: <u>Charles Manness</u>		AGENT'S PHONE: (512) <u>847-5335</u>	
		FAX: () <u>512-847-3010</u>	
AGENT'S FIRM NAME: <u>C-21 Hill Country</u>		E-MAIL: <u>charlemanness@cox.net</u>	
AGENT'S FIRM MAILING ADDRESS: <u>P.O. Box 497</u> CITY <u>Wimberley</u> STATE <u>TX</u> ZIP <u>78676</u>			

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES _____ (OR) SQ.FT. _____ TOTAL NO. of TRACTS: _____

4. PLANNING AREA(S): 4 5. REQUESTED ZONING CLASSIFICATION: C2

PROPOSED USE(S): COMMUNITY CENTER, RETAIL OFFICES, PLANT NURSERY

6. EXISTING ZONING CLASSIFICATION(S) AND USES (If applicable): UNZONED

7. LEGAL DESCRIPTION

Street Address: See attached Subdivision: _____

Block(s) _____ Lot(s) _____

Plat Book: _____ Page Number: _____

8. DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES _____ NO ☒ UNKNOWN _____

TYPE OF OVERLAY ZONE(S) (if applicable) NA

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): NO

C. ELECTRIC UTILITY PROVIDER: Pedernales

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: Sewer

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

Related Cases, If Applicable

Zoning	File No. _____
Building Permit	File No. _____
Subdivision	File No. _____
Sign Permit	File No. _____
Engineered construction	File No. _____

SITE INSPECTION AUTHORIZATION

Applicant/owner, or Applicant's authorized agent, hereby authorizes the Village of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 10/1/09

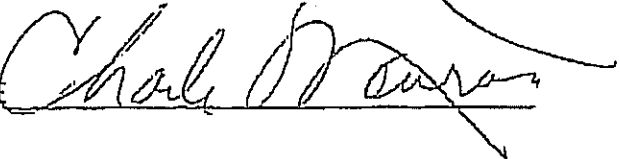
APPLICANT SIGNATURE



WHEN APPLICABLE:

Date: 10/1/09

AGENT SIGNATURE

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

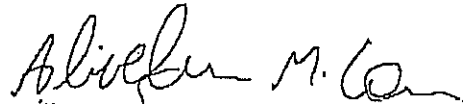
I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: See attached, and more particularly known as Lot _____, Block _____ of the _____ Subdivision.

If a conflict should result with the request I am submitting to the Village of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 10/15/09

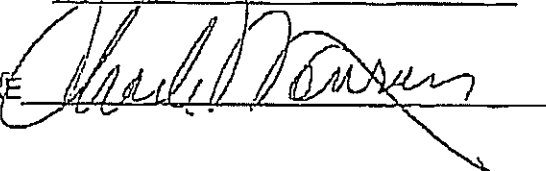
APPLICANT SIGNATURE



WHEN APPLICABLE:

Date: 10/1/09

AGENT SIGNATURE



SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- ☐ Complete "Application For Zoning".
- ☐ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☐ Provide plat map of the specific property to be zoned.
- ☐ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☐ Provide a legal description of the property to be zoned.
- ☐ Sign/date Submittal Verification form.
- ☐ Sign/date Site Inspection Authorization form.
- ☐ Sign/date Acknowledgement Form.
- ☐ Pay Zoning Fee (this fee is based on the cost of services incurred by the Village of Wimberley in reviewing, processing and recording the zoning request).
- ☐ Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- ☐ Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- ☐ Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).
- ☐ Provide detailed Site Plan for WPDD (11x17)

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

(✓) My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that Village review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.

(✓) I hereby waive my right to appear before the Village of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 10/15/09

APPLICANT SIGNATURE

Alvin M. Co

WHEN APPLICABLE:

Date: 10/1/09

AGENT SIGNATURE

Charles M. Co



City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: wimberley@avik.com - Web: www.wil.wimberley.tx.us

Tom Haley, Mayor - Bob Flocks, Mayor Pro-Tem

Council Members - Charles Roccaforte, Jori Xiques, Terrie Bursiel, Dick Larson
Don Ferguson, City Administrator

OWNER AGENT DESIGNATION

FORM MUST BE COMPLETED IN FULL

PLEASE PRINT OR TYPE

Project Information			
1. Project Name:		2. Tax ID Number:	
3. Building or Facility Name:			
4. Address: 14211 RR 12	Suite#:	Village assigned project #	Type of action:

Owner Agent Information			
5. Name: CHARLI MONROES		6. Company/Firm: C-21 LIA Contracting	
7. Address: P.O. Box 497		City: Wimberley	State: TX Zip: 78676
8. Phone: 512-847-5335	9. Fax: 512-847-3040	10. Email: charli@liacontracting.com	

Building or Facility Owner Name (Person or Entity That Holds Title to Property)			
11. Name: SHRAVI YSHIVANI LTD		12. Company/Firm:	
13. Address: P.O. BOX 26100		City: AUSTIN	State: TX Zip: 78755
14. Phone: 512-560-4305	15. Fax: 512-467-0641	16. Email: allie_lawn@yahoo.com	

Owner's Designated Agent

If the owner chooses to designate an agent to act on the owner's behalf, per §154.026(C)(3)(c) and 155.109(B)(2), the owner must do so in writing. The Owner Agent Designation Form must accompany the Application Form if an agent will be designated.

I, SHRAVI YSHIVANI LTD designate CHARLI MONROES as my agent
Owner (Print) Agent (Print)

In all responsibilities of ensuring compliance with the provisions of the Code of Wimberley for this project.

Allie L. M. Co.
Owners Signature

10/15/09

Date

EXHIBIT 'A'

File No.: 1059926-AU42 (JAM)
Property: 14211 Ranch Road 12, Wimberley, TX 78676

Being 2.055 acres, more or less, of land out of the Amasa Turner Survey, Abstract No. 461, Hays County, Texas, and being all of a tract of land (0.543 acres), as now found upon the ground, described in Volume 695, Page 661, Real Property Records, Hays County, Texas, and 1.512 acres out of a tract called 2.3 acres, as now found upon the ground, described in Volume 695, Page 663, Real Property Records, Hays County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found in the Southwest line of F.M. Road No. 2325, for the North corner of the above referenced tract recorded in Volume 695, Page 661, Real Property Records, Hays County, Texas, for the North corner of this tract;

THENCE along the Southwest line of F.M. Road No. 2325, S 47 deg. 59 min. 30 sec. E 148.74 feet, an iron pin found, and S 48 deg. 46 min. 36 sec. E 25.0 feet to an iron pin found at the East corner of said tract, in same, for an upper East corner of this tract;

THENCE S 41 deg. 54 min. 24 sec. W 130.06 feet to an iron pin found in the Northeast line of the above referenced 2.3 acre tract, for an interior corner of this tract;

THENCE S 47 deg. 35 min. 49 sec. E 125.05 feet to an iron pin found at a corner of the above referenced 2.3 acre tract, for a corner of this tract;

THENCE S 39 deg. 22 min. 23 sec. W 248.43 feet to an iron pin set in the Southwest line of said 2.3 acre tract, for the South corner of this tract;

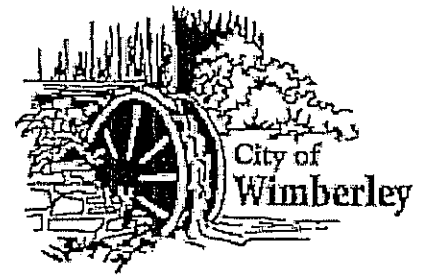
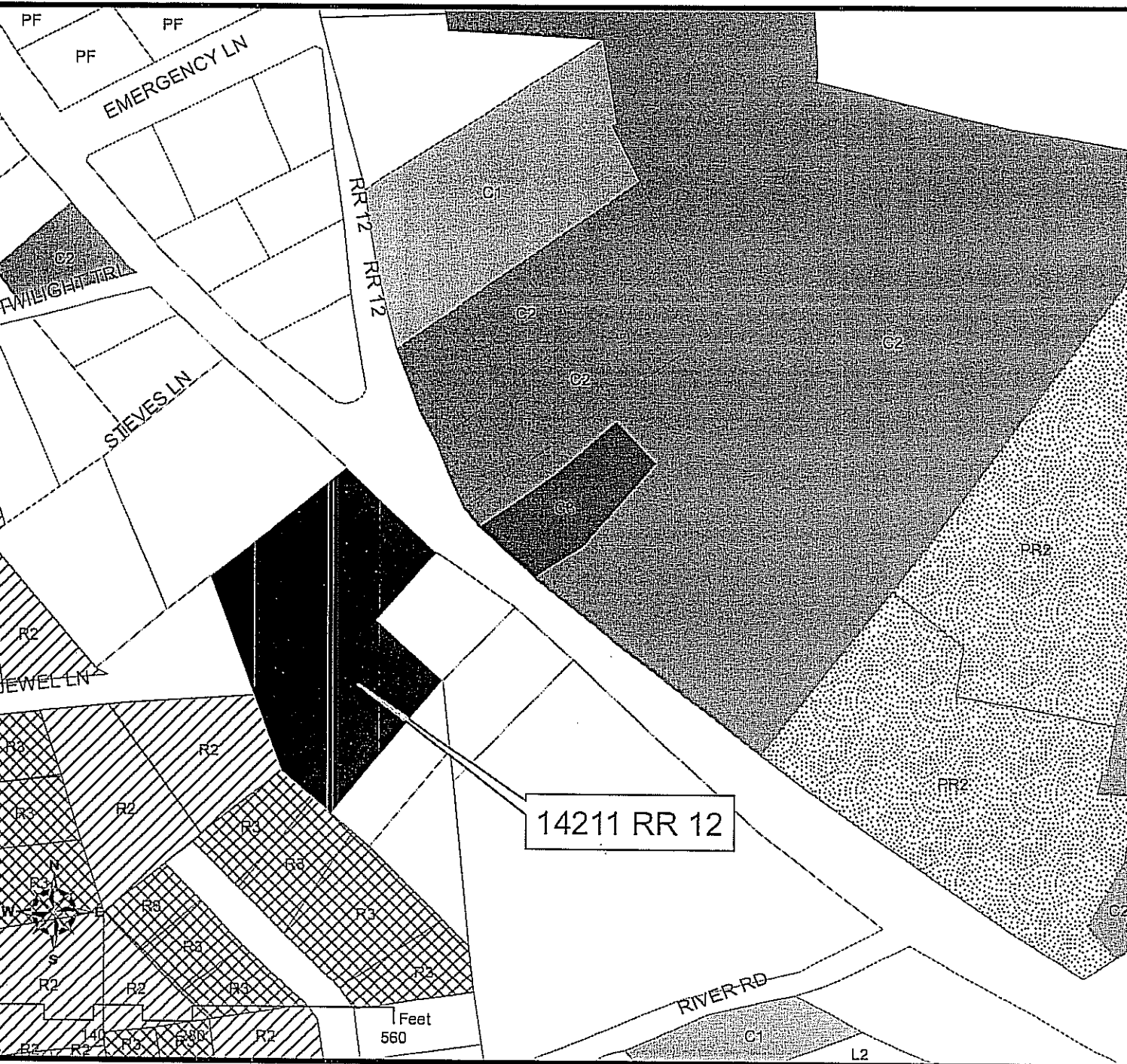
THENCE along the Southwest line of said 2.3 acre tract, N 46 deg. 40 min. 17 sec. W 90.0 feet, an iron pin found, and N 20 deg. 05 min. 21 sec. W 289.74 feet to an iron pin found at the West corner of said 2.3 acre tract, for the West corner of this tract;

THENCE along the Northwest line of the above referenced tracts, N 50 deg. 41 min. E 114.0 feet, an iron pin found, and N 50 deg. 10 min. E 129.70 feet to the POINT OF BEGINNING, and containing 2.055 acres, more or less, of land.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

A.P.N. R18551

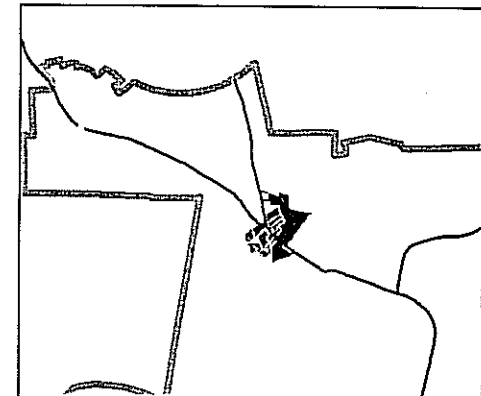
Zoning Map for ZA-09-023



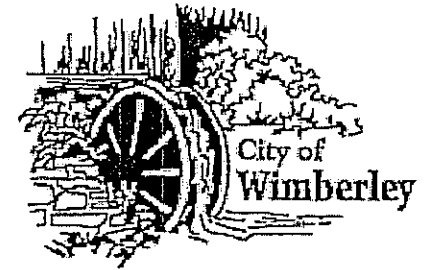
P.O. Box 2027 • Wimberley, Texas 78671

- Subject Property
- R2 (Single Family Residential 2)
- R3 (Single Family Residential 3)
- C1 (Commercial - Low Impact)
- C2 (Commercial - Moderate Impact)
- C3 (Commercial - High Impact)
- PR2 (Participant Recreation 2)

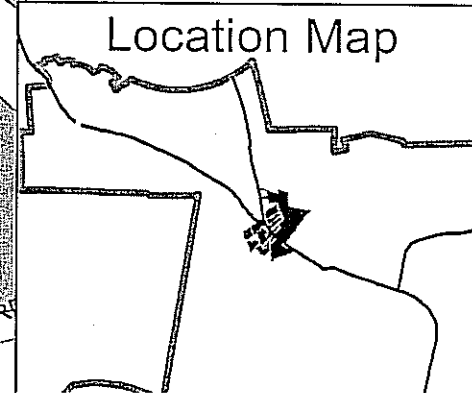
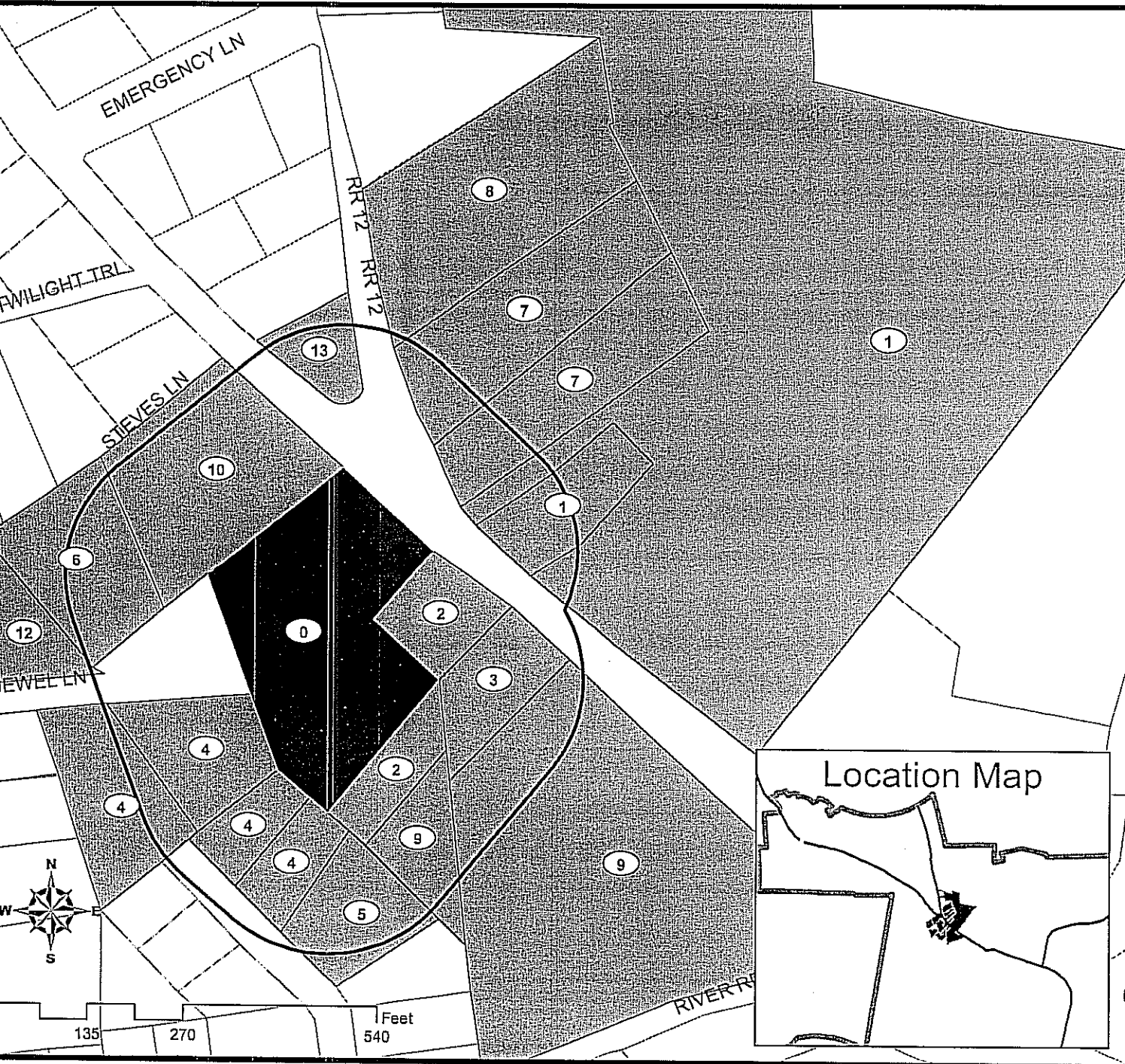
Location Map



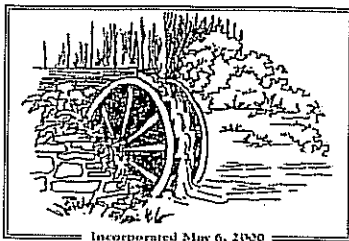
Notification Map for ZA-09-023



P.O. Box 2027 • Wimberley, Texas 78671



- | | |
|--|------------------------------------|
| | 13, WIMBERLEY CITY OF |
| | 12, VASQUEZ GLORIA J & JOE D |
| | 10, SHRAVI & SHIVANI LTD |
| | 9, OZONA NATIONAL BANK |
| | 8, KIRKPATRICK J M ENTERPRISES INC |
| | 7, KING FEED COMPANY INC |
| | 6, JONES, JOHN M |
| | 5, HUMPHREY JOSEPH M & ERMA LEE |
| | 4, HUMPHREY JOSEPH M & ERMA LEE |
| | 3, GENERAL TELEPHONE CO |
| | 2, FORISTER, TRIGG |
| | 2, FORISTER TRIGG & ELLA D |
| | 1, BROOKSHIRE, BROTHERS LTD |
| | 1, BROOKSHIRE, INVESTMENTS CO |
| | 0, SHRAVI & SHIVANI LTD |
| | 200buffer |



City of Wimberley

12111 Ranch Road 12 (P.O. Box 2027), Wimberley, Texas 78676

Phone: 512-847-0025 Fax: 512-847-0422

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-tem

Council Members - Charles Roccaforte, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

October 5, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-023
14211 RR 12

A request for initial zoning of Commercial – Moderate Impact (C2) for a currently unzoned tract of land

Dear Property Owner:

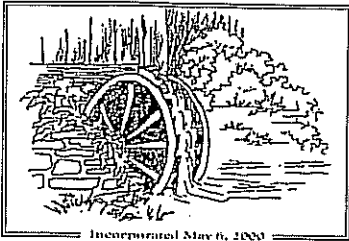
You are receiving this letter because you own property within 200 feet of the above-referenced location.

Shravi and Shivani LTD has submitted an application for initial zoning of Commercial – Moderate Impact (C2) for a currently unzoned tract of land located at 14211 RR 12. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, October 22, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 5, 2009, at 6:30 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 to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY



City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: ZA-09-023 Owner _____

Date 10/5/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 14211 BB-12

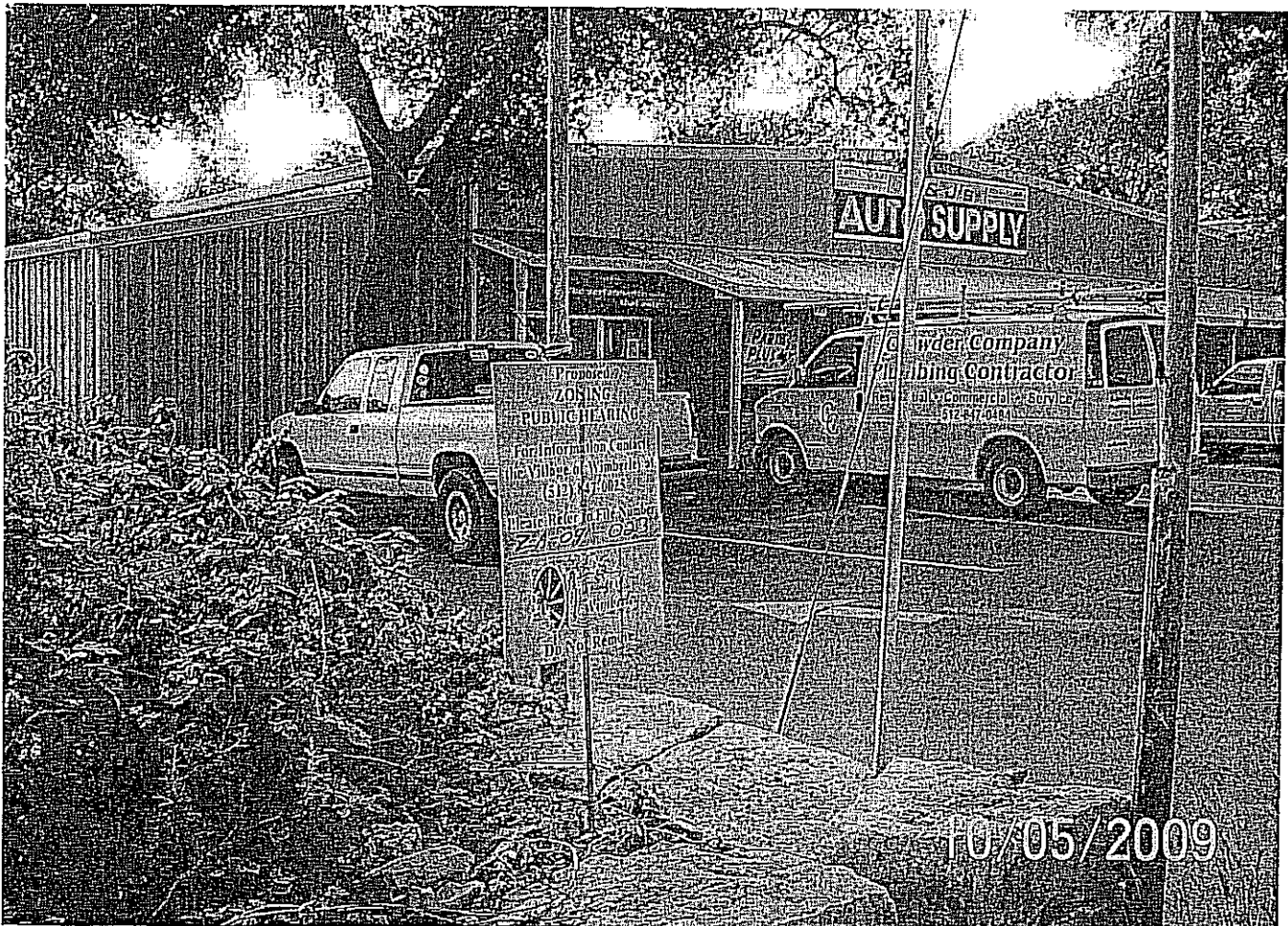
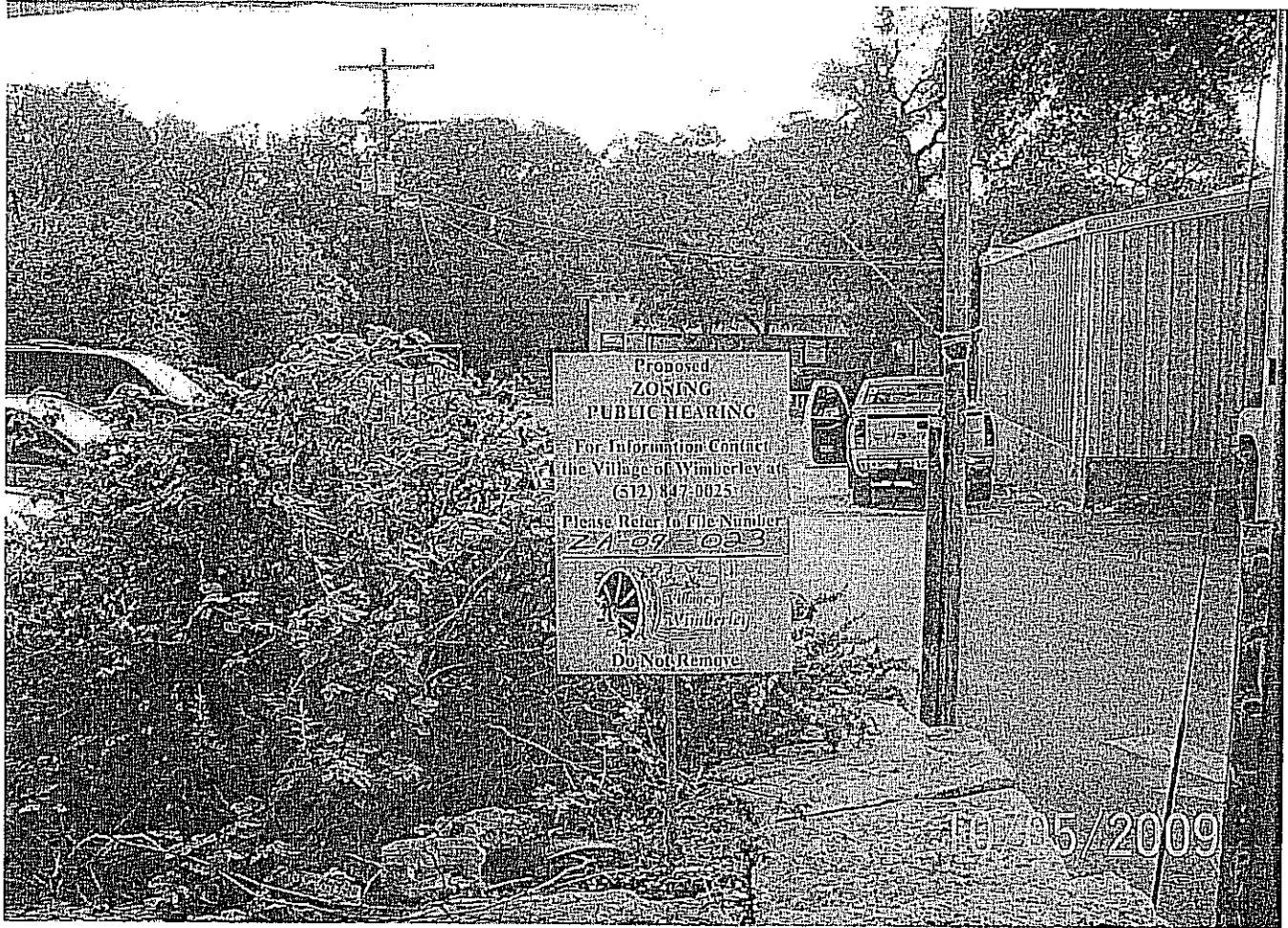
which is located on BB-12

Bill Bowers
Asst. Public Works

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

10/5, 2009


Signature



THE CLASSIFIED

Wednesday, October 7, 2009

Email your ads to: classad@wimberley

★ LEGALS & PUBLIC NOTICES

NOTICE OF PUBLIC HEARING (RUD Amendment)

Notice is hereby given that the City Council of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, October 15, 2009, at 6:30 p.m. to consider the following: ZA-09-0223 - an amendment to the Planned Unit Development (PUD) with base zoning of Commercial - Low Impact (C1) at 14835 RR 12. This amendment proposes to modify the permitted uses to include an Assisted Living Facility and lodging. In addition, the proposed amendment modifies development requirements relating to building square footage, total project square footage, parking, access, landscaping, and wastewater services. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 121, Wimberley, Texas 78677.

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, October 22, 2009, at 6:30 p.m. to consider the following: ZA-09-0231 - an application for initial base zoning of Commercial - Moderate Impact (C2) at 14211 RR 12. Upon recommendation for the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 5, 2009, at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 121, Wimberley, Texas 78677.

NOTICE OF AD- VALOREM TAX ELECTION AND SALES AND USE TAX ELECTION DRIETWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT

Notice is hereby given that the Driewood Economic Development Municipal Management District (the District) will hold an election on November 3, 2009, between the hours of 7:00 a.m. and 7:00 p.m. within the District for the purposes of

considering an ad valorem tax, or not to exceed fifteen cents (\$0.15) per one hundred dollars (\$100) valuation of taxable property within the District and to consider sales and use tax within the District at the rate of one and one-quarter percent (1 1/4%). The propositions will appear on the ballot as follows:

PROPOSITION NO. 1

(FOR)

(AGAINST)

AN AD-
VALOREM TAX OF
NOT TO EXCEED
FIFTEEN CENTS
(\$0.15) PER ONE
HUNDRED DOLLARS
(\$100) VALUATION OF
TAXABLE
PROPERTY WITHIN
DRIETWOOD
ECONOMIC
DEVELOPMENT
MUNICIPAL
MANAGEMENT
DISTRICT

PROPOSITION NO. 2

(FOR)

(AGAINST)

A LOCAL SALES AND
USE TAX WITHIN
DRIETWOOD
ECONOMIC
DEVELOPMENT
MUNICIPAL
MANAGEMENT
DISTRICT AT THE
RATE OF ONE AND
ONE-QUARTER
PERCENT (1 1/4%).

The election day

polling place will be

designated by Hays

County for the general

election and is as

follows:

4425 Driewood

Community Center

15:00 W.F.M. 150

Driewood, Texas

78619

Early voting by

personal appearance

will begin on Monday,

October 19, 2009, and

end on Friday, October

30, 2009. The Early Voting Clerk is Joyce Cowan. The Early Voting Clerk's address is 401 C Broadway St., San Marcos, Texas 78667-775. Early voting by personal appearance will be conducted at any early voting location established by Hays County for the general election and are as follows:

Hours of Operation:

See individual listings below.

Main Early Voting

Polling Place: County

Ballot Center for the

Administration Office

401 C Broadway St.

San Marcos, Texas

78667-775. October

19 through October

30, 2009, 8:00 a.m. to

5:00 p.m. (except

weekends and hol-

days) N. October 24,

2009 (Saturday), 10:00

a.m. to 4:00 p.m.

Monday, October 19th

Co. Elections Admin

Office

401 C Broadway

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

Kyle City Hall

100 W. Center St.

Kyle, TX

(11 a.m. - 7 p.m.)

Tuesday, October

20th

Co. Elections Admin

Office

401 C Broadway

San Marcos, Texas

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

(11 a.m. - 7 p.m.)

Wednesday, October

21st

Co. Elections Admin

Office

401 C Broadway

San Marcos, Texas

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

UBJ Student Center

700 Student Center Dr.

San Marcos, TX

(10 a.m. - 7 p.m.)

Thursday, October

22nd

Co. Elections Admin

Office

401 C Broadway

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

UBJ Student Center

700 Student Center Dr.

San Marcos, TX

(10 a.m. - 7 p.m.)

Wimberley Community

Center

10668 Ranch Rd. 12

Wimberley, TX

(11 a.m. - 7 p.m.)

Friday, October 23rd

Co. Elections Admin

Office

401 C Broadway

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

Buda City Hall

12 N. Main St.

Buda, TX

(11 a.m. - 7 p.m.)

Saturday, October

24th

Co. Elections Admin

Office

401 C Broadway

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

Kyle City Hall

100 W. Center St.

Kyle, TX

(11 a.m. - 7 p.m.)

Sunday, October 25th

Co. Elections Admin

Office

401 C Broadway

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

Wimberley Community

Center

10668 Ranch Rd. 12

Wimberley, TX

(11 a.m. - 7 p.m.)

Tuesday, October

27th

Co. Elections Admin

Office

401 C Broadway

San Marcos, TX

(8 a.m. - 5 p.m.)

San Marcos City

Library

Large Meeting Room

625 E. Hopkins

San Marcos, TX

(8 a.m. - 5 p.m.)

Dripping Springs, ISD

Office

510 W. Mercer St.

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A TRACT LOCATED AT 14211 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-MODERATE IMPACT (C-2) AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Section 155 (Zoning), as amended, (the "Code") are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community's history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the regulations established by the Code are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Code of Ordinances and have concluded that the requested zoning designation is consistent with established City policy and in the public interest; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

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

ARTICLE I. AMENDMENT

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

Appendix F: Zoning District Designations

The City Council of the City of Wimberley has divided the City into the zoning districts as follows. The applicable use, height, area and development regulations adopted by the City shall apply to each district. The following geographic boundaries of the zoning districts for the properties listed below are hereby established as follows:

The 2.055 acre tract described as part of the A0461 Amasa Turner Survey, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference, in Wimberley, Hays County, Texas, commonly known as 14211 Ranch Road 12, is hereby designated with the initial zoning of Commercial-Moderate Impact (C-2) designation, and imposing the following condition:

The natural vegetative state at the rear of the property shall be maintained as it exists at the time of the effective date of this Ordinance. Prior to the substantial disturbance of this natural vegetative buffer the owner shall seek the permission of the City and it shall require an amendment to this Ordinance.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

ARTICLE II. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

ARTICLE 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.

ARTICLE 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 this _____ day of _____, 2009, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

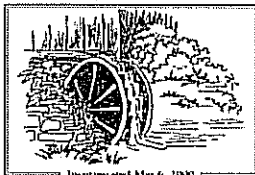
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

C. Crosby, City Attorney

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CONSIDER APPROVAL OF AN ORDINANCE RELATING TO THE APPOINTMENT OF CITY BOARD AND COMMISSION MEMBERS AND THEIR TERMS

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

The purpose of this agenda item is to allow City Council to discuss and consider approval of an ordinance relating to the appointment of City board and commission members and their terms.

Recently, the City Council voted to establish a term of two (2) years for all positions on the City's advisory boards and commissions. In addition, the Council decided that a member's term would expire the November following the election of the council member who nominated them to the board or commission.

In order to enact the above mentioned changes, the City Council must approve an ordinance creating the changes. An ordinance was drafted and discussed at the October 1, 2009 City Council meeting. Following the discussion, City staff was directed to modify the proposed ordinance based on the discussions. A modified version of the proposed ordinance was presented to City Council at the October 15, 2009 City Council meeting. Discussion regarding the proposed ordinance was continued until the November 5, 2009 City Council meeting to allow for discussion and consideration when all members of Council were able to be present.

ORDINANCE NO. 2009-_____

AN ORDINANCE AMENDING PORTIONS OF SECTIONS 33.02 (TRANSPORTATION ADVISORY BOARD), 33.03 (WATER AND WASTEWATER ADVISORY BOARD), 33.04 (PARKS AND RECREATION BOARD), AND 150.01 (BUILDING CODE BOARD OF REVIEW) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO REVISE THE PROCESS FOR APPOINTMENT AND TERMS OF OFFICE FOR INDIVIDUALS APPOINTED TO THE ABOVE REFERENCED BOARDS; AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY.

WHEREAS, the City of Wimberley ("City") is authorized to establish boards and commissions to receive public input and provide recommendations to the City Council; and,

WHEREAS, the City Council strives to consider qualified individuals who represent a broad sampling of the community when appointing members to City boards and commissions; and,

WHEREAS, the City Council desires to amend the terms of the boards referenced in this ordinance so that they are appointed by newly elected council members in a consistent manner; and further, the City Council finds amending the board members' terms will ensure uniformity and will enhance the membership of the City's boards and commissions.

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 of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. AMENDMENTS

A. THAT Subsection 33.02(D) Transportation Advisory Board, Subsection 33.03(D) Water and Wastewater Advisory Board, Subsection 33.04(D) Parks and Recreation Board, Subsection 150.01(D) Building Code Board of Review of the Code of Ordinances of the City of Wimberley, Texas is hereby amended to read as follows:

“(D) Appointment of Board members; vacancies.

Each member of the City Council and Mayor shall present their nominations for designated non-consensus board positions at the first regular Council meeting in the month of July following their election to office. At that same meeting in July, city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each Board member shall be eligible for reappointment.

For consensus board positions, the Mayor and Council shall submit names of potential appointees for the consensus place(s) on the Board at the first regular Council meeting in the month of July following the Mayor's election to office. At the same meeting in July, city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the

appointed consensus member(s) shall serve until their successor is appointed. Each consensus Board member shall be eligible for reappointment.

B. THAT Subsection 33.02(E) (Transportation Policy Board), Subsection 33.03(E) (Water and Wastewater Advisory Board), Subsection 33.04(E) (Parks and Recreation Board), and Subsection 150.01(E) (Building Code Board of Review) of the Code of Ordinances of the City of Wimberley, Texas are hereby amended to read as follows:

“Terms of Board Members. The term of each board member shall be two years from the date of appointment.”

Except as amended herein, the Wimberley Code of Ordinances 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 following 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 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.

PASSED AND APPROVED on this _____ day of _____, 2009, by a _____ (Ayes) _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

Tom Haley, Mayor

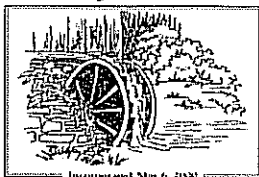
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

C. Crosby, City Attorney

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CONSIDER REQUEST TO
WAIVE FEES FOR THE STARLIGHT SYMPHONY
ORCHESTRA FOR USE OF THE COMMUNITY CENTER
FOR ITS REGULAR CONCERT SERIES

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

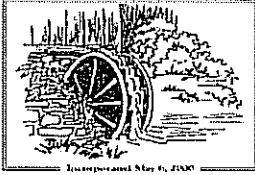
☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Steve Thurber to allow City Council to discuss and consider a request to waive the fees for use of the Wimberley Community Center by the *Starlight Symphony Orchestra* for its regular concert series.

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CONSIDER ACTION ON
ISSUES RELATING TO THE DEVELOPMENT OF A CITY
OF WIMBERLEY ON-SITE SEWAGE FACILITY
PERMITTING AND INSPECTION PROGRAM

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☒ Motion

☒ Discussion

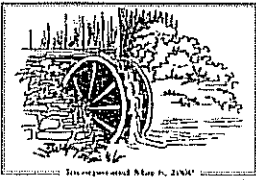
Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action on issues relating to the implementation of an *On-Site Sewage Facility Permitting and Inspection Program*.

Effective January 1, 2010, the City of Wimberley will be responsible for the permitting and inspection of septic systems in the City – tasks previously handled by Hays County. In order to assume these new responsibilities, City staff has been working with TCEQ and the City's Water Wastewater Advisory Board to get the necessary personnel, regulations and procedures in place.

At the November 5, 2009 City Council meeting, City staff will brief Council on the status of the preparations for the new program and seek input and guidance on certain issues.

City Council Agenda Form



Date Submitted: October 31, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPROVAL OF PLANS FOR
RUDOLPH'S 5K FUN RUN/WALK

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the plans for the upcoming *Rudolph's 5K Fun Run/Walk* on Saturday, December 5, 2009. The event will take place from 8 a.m. to approximately 10 a.m. and involve the closure of the in bound lane of Old Kyle Road for a period of 30 minutes while participants walk from the former Wimberley First Baptist Church to the *Wimberley Square*. From the *Wimberley Square*, participants will walk and run on the sidewalk to Joe Wimberley Boulevard and back to the Church. Organizers of the event will be responsible for providing traffic control, at no cost to the City.

City staff recommends approval of the plans for the above-mentioned special event.

Saturday, December 5th, 2009

"RUDOLPH'S 5K FUN RUN/WALK"



DEER CREEK OF WIMBERLEY

RAIN OR SHINE

Location: Wimberley, TX Start/Finish at: Former First Baptist Church 501 Old Kyle Road Wimberley, TX 78676	Course: Flat with gentle slopes in beautiful Wimberley area, Out and back loop on the road and sidewalk
Race Day: 7:00am – 7:30am On Site Registration and Number Pick-Up 8:00am – Start of Race	Race Director and Information: Bo Mrozek 512 847 5540 ext.236 BJMrozek@savasc.com or Wanda Martinez 210 870 0414 WXMartinez@savasc.com
Registration for Runners and Walkers: \$20.00 – for Prepaid \$25.00 – RACE DAY Mail closes: November 20 th , 2009 Or Deliver in Person by December 4 th Mail to: Deer Creek of Wimberley "RUDOLPH'S 5K" 555 RR 3237, Wimberley, TX 78676	Benefit: 50% of Entry Fee Benefits local food bank "CRISIS BREAD BASKET" Prizes: 1 st Place: Overall Male & Female (all ages) On Site Registration: Former First Baptist Church Parking Lot

PLEASE RETURN THIS PORTION WITH REGISTRATION

NAME: _____ AGE: _____ SEX: M _____ F _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

Shirt Size: XX XL L M S Shirts guaranteed First 50

I know that running a road race is a potentially hazardous activity that could cause injury or death. I should not enter and run/walk unless I am medically able and properly trained, and by my signature, I certify that I am medically able to perform this event, am in good health, and am properly trained. I agree to abide by any decision of a race official relative to any aspect of my participation in this event, including the right of any official to deny or suspend my participation, for any reason whatsoever. I assume all risks associated with running/ walking in this event, included but not limited to: falls, contact with other participants, the effects of the weather, including high heat and/or humidity, traffic, and condition on the road, all such risks being known and appreciated by me. I understand that bicycles, skateboards, baby joggers, roller skates or blades, animals, and radio headsets are not allowed in this race, and I will abide by this guideline. Having read this waiver and knowing these factors and inconsideration of your accepting entry, I, for myself and anyone entitled to act on my behalf, waive and release Deer Creek of Wimberley and City of Wimberley, and all sponsors, their representatives and successors from all claims or liabilities of any kind arising out of my participation in this event, even though that liability may arise out of negligence or carelessness on the part of persons named in this waiver.

SIGNATURE: _____ Parent's if participant is under 18 years of age

 Blue Hole Rd/Co Road 285

START FINISH

1. Head **south** on **Blue Hole Rd/Co Road 285** toward **Old Kyle Rd**
About 2 mins

go 0.1 mi
total 0.1 mi

-  2. Turn **right** at **Old Kyle Rd**
About 7 mins

go 0.4 mi
total 0.5 mi

-  3. Slight **right** at **Ranch Road 12**
About 14 mins

go 0.7 mi
total 1.1 mi

-  4. Turn **right** at **Joe Wimberley Blvd**
About 2 mins

go 0.1 mi
total 1.2 mi

 Joe Wimberley Blvd

turn around and return the same way to start point

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

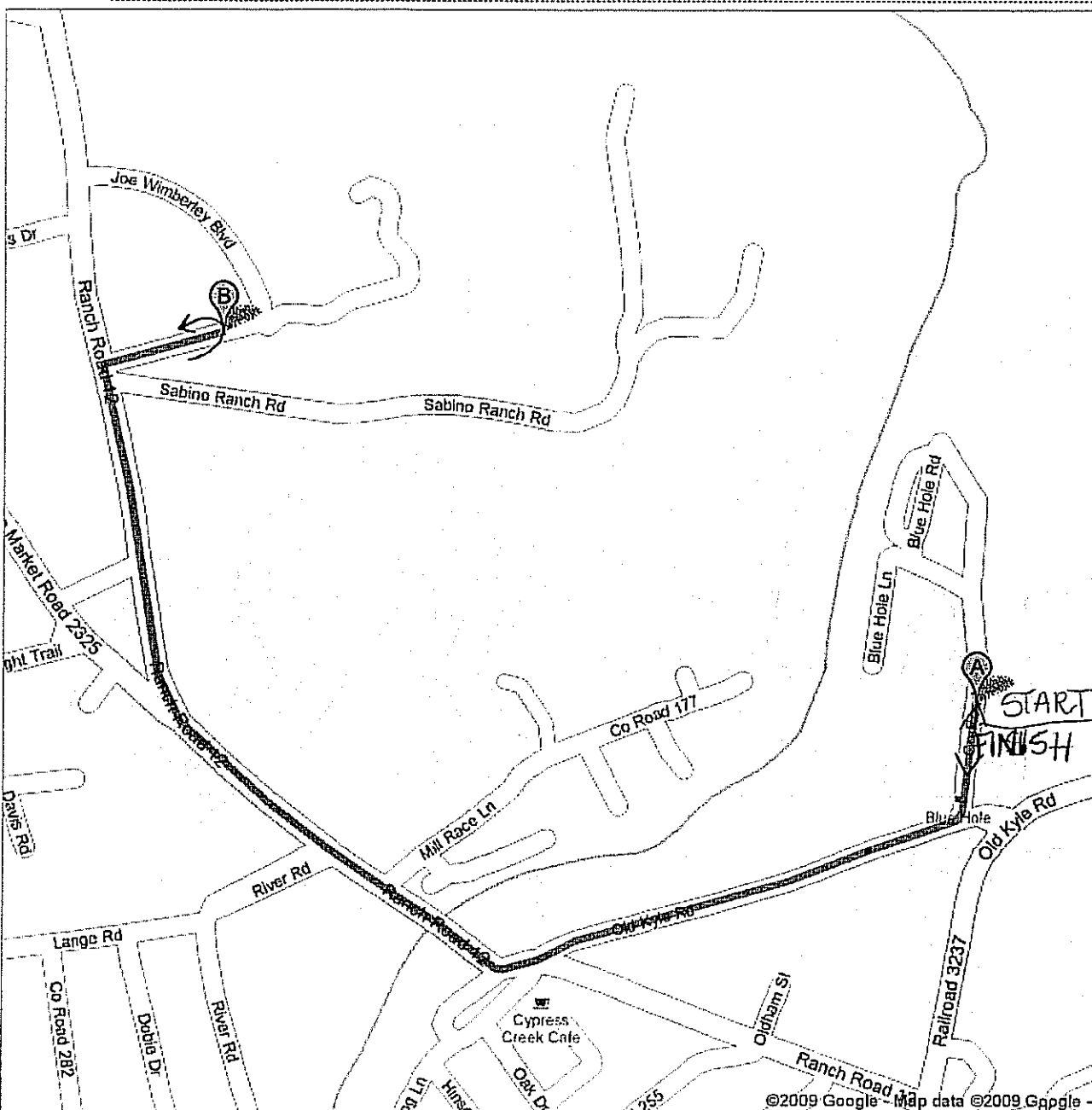
Map data ©2009 , Google

Google maps

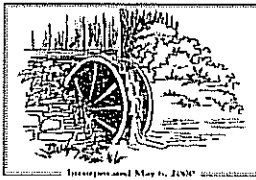
Directions to Joe Wimberley Blvd
1.2 mi – about 25 mins**Save trees. Go green!**Download Google Maps on your
phone at google.com/gmm

Walking directions are in beta.

Use caution – This route may be missing sidewalks or pedestrian paths.



City Council Agenda Form



Date Submitted: October 31, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: APPROVAL OF REQUEST
TO INSTALL 'POLE BANNERS' FOR THE UPCOMING
HOLIDAY SEASON ON THE WIMBERLEY SQUARE

Funds Required:
Funds Available:

Council Action Requested:

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

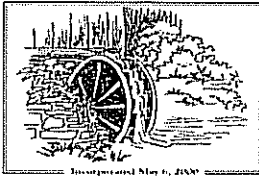
Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of a request from the Wimberley Merchants Association to install "pole banners" advertising the upcoming holiday season in December on utility poles located in the public right-of-way on the *Wimberley Square*. According the proposal, the Merchants would provide the necessary hardware and banners to the Pedernales Electric Cooperative which would install the banners on the poles. There would be no cost to the City.

It should be noted that the above-mentioned proposal is part of a comprehensive "pole banner" program that the Merchants Association is developing to help promote community events and beautify the *Wimberley Square*. A policy for the pole banner program is being finalized and will be presented to City Council at a later date for consideration.

City staff recommends approval of the holiday season 'pole banner' program contingent on approval of this specific proposal by the Pedernales Electric Cooperative.

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CONSIDER APPROVAL OF
ETHICS COMMISSION BY-LAWS CHANGE

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☒ Resolution

☒ Motion

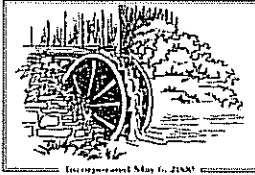
☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of a proposed change to the by-laws for the Wimberley Ethics Commission. Currently, the by-laws require the Commission to meet at least quarterly, regardless of whether there is business to be conducted. The Commission is proposing to change the minimum meeting requirement to once a year with that meeting to take place in September. It should be noted that the Commission has the authority to meet more frequently if there are complaints to be reviewed and considered.

Representatives of the Commission will be present at the City Council meeting to brief the Council on the proposed by-laws change.

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CONSIDER ACTION ON
POSSIBLE OPTIONS FOR THE DEVELOPMENT
OF A NEW CITY HALL

Funds Required:
Funds Available:

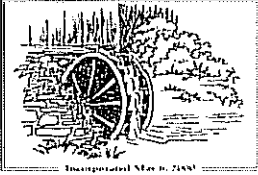
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda by Mayor Tom Haley to allow City Council to discuss and consider action on the various options that may exist for the development of a new City Hall for the City of Wimberley.

City Council Agenda Form



Date Submitted: November 2, 2009

Agenda Date Requested: November 5, 2009

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☐ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by Council members and for future agenda item requests.