

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
FEBRUARY 4, 2010 6:30 P.M.

AGENDA

CALL TO ORDER: FEBRUARY 4, 2010 @ 6:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

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. 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.

APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 21, 2010

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE EFFORTS UNDERWAY TO SECURE FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON THE DEVELOPMENT OF A CONTRACT FOR THE PREPARATION OF A BOUNDARY SURVEY FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON THE REVISION OF RENTAL RATES AND POLICIES FOR THE WIMBERLEY COMMUNITY CENTER
- STATUS REPORT ON THE DISPOSITION OF THE CITY MARSHAL'S PATROL VEHICLE

- STATUS REPORT ON THE SELECTION OF A CONTRACTOR FOR THE UPCOMING FOURTH OF JULY FIREWORKS DISPLAY

3. **PRESENTATION**

PRESENTATION BY REPRESENTATIVES OF THE WIMBERLEY TRANSPORTATION ADVISORY BOARD ON PROPOSED TRANSPORTATION PROJECT PRIORITIES

4. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY HERSCHEL MCCULLOUGH TO PERMIT THE CONSTRUCTION AND USE OF A SECONDARY RESIDENTIAL STRUCTURE ON A 3.7 ACRE TRACT LOCATED AT 1415 EAST SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (*HERSCHEL MCCULLOUGH, APPLICANT*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHARLES USELTON TO PERMIT A BAR OR TAVERN AND AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A TRACT LOCATED AT 320 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (*CHARLES USELTON, APPLICANT*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF A WAIVER OF THE 300-FOOT DISTANCE REQUIREMENT RELATING TO THE SALE OF BEER, WINE AND ALCOHOL AT 320 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS. (*CHARLES USELTON, APPLICANT*)

5. **RESOLUTION**

CONSIDER APPROVAL OF A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS, AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS, INCLUDING A PURCHASE AGREEMENT AND FINANCIAL APPLICATION AND DOCUMENTS RELATED TO THE PURCHASE OF A CERTAIN TRACT OF REAL PROPERTY DESCRIBED AS LOT 80, SOUTH RIVER UNIT 1, CONSISTING OF APPROXIMATELY 0.814 ACRES, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. (*CITY ADMINISTRATOR*)

6. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE APPROVAL OF THE AUDITED FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2009. (CITY ADMINISTRATOR)
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION ON OPTIONS FOR FINANCING THE ACQUISITION OF A .814 ACRE TRACT OF LAND LOCATED AT 211 STILLWATER DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS. (CITY ADMINISTRATOR)
- (C) DISCUSS AND CONSIDER POSSIBLE APPROVAL OF THE TRANSFER OF AN AMOUNT NOT TO EXCEED \$120,000 FROM THE CITY OF WIMBERLEY FUND BALANCE FOR PURPOSE OF FUNDING COSTS ASSOCIATED WITH THE ACQUISITION OF A .814 ACRE TRACT OF LAND LOCATED AT 211 STILLWATER DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, AND AMENDING THE FISCAL YEAR 2010 CITY OF WIMBERLEY GENERAL FUND BUDGET TO REFLECT THE TRANSFER AND EXPENDITURES. (CITY ADMINISTRATOR)
- (D) DISCUSS AND CONSIDER ACTION AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE REQUIRED NOTICE TO TERMINATE THE CURRENT OFFICE SPACE LEASE FOR THE CITY HALL LOCATED AT 12111 RANCH ROAD 12, SUITE 114, WIMBERLEY, TEXAS. (CITY ADMINISTRATOR)
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION ON A REQUEST TO REMOVE LEACH LANE AS AN EMERGENCY ACCESS ROUTE FROM THE CITY OF WIMBERLEY TRANSPORTATION MASTER PLAN. (PLACE FOUR COUNCIL MEMBER STEVE THURBER)
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION DECLARING A VEHICLE CAMERA SYSTEM BELONGING TO THE CITY OF WIMBERLEY AS SURPLUS PROPERTY AND APPROVING THE TRANSFER OF THE SYSTEM TO THE OFFICE OF HAYS COUNTY PRECINCT THREE CONSTABLE. (CITY ADMINISTRATOR)
- (G) DISCUSS AND CONSIDER POSSIBLE ACTION RELATING TO THE ANNUAL PERFORMANCE REVIEW OF THE CITY ADMINISTRATOR. (MAYOR TOM HALEY)

7. 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

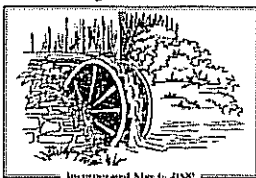
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on February 1, 2010 at 5:00 p.m.

A handwritten signature in cursive script, reading "Cara McPartland", is written over a horizontal line.

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: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: APPROVAL OF
JANUARY 21, 2010 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 January 21, 2010 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
January 21, 2010 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, Bill Appleman, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland and City Attorney Cindy Crosby.

Proclamations

- A. Proclamation recognizing the Wimberley Independent School District Fitness Program
- B. Proclamation recognizing the various individuals and businesses who organized and implemented the 2009 Christmas celebration in Wimberley

Mayor Haley presented the proclamations to all recipients/representatives present, who thanked the City for its recognition.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the special City Council meeting of January 4, 2010
- B. Approval of the minutes of the special City Council meeting of January 7, 2010
- C. Approval of the minutes of the regular City Council meeting of January 7, 2010
- D. Approval of the appointment of Phil Dane to the Wimberley Planning and Zoning Commission (*Place Four Councilmember Steve Thurber's nominee*)
- E. Approval of the November 2009 Financial Statements for the City of Wimberley
- F. Approval of the December 2009 Financial Statements for the City of Wimberley

Councilmember Thurber pulled Consent Agenda Item 1A. Councilmember Thurber moved to approve all remaining Consent Agenda items as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

Councilmember Thurber requested that the designation of “chair” be added before David Estey’s name in the minutes of January 4, 2010. Councilmember Thurber moved to approve Consent Agenda Item 1A as amended. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on efforts underway to secure federal funding for the downtown wastewater project

City Administrator Ferguson reported that Guadalupe Blanco River Authority’s (GBRA’s) Board is proceeding with the Tier III funding application submission and unanimously voted to adopt resolutions relating to the project. He reported that an application for grant funding through the Texas Environmental Infrastructure Program has also been submitted as an additional source of funding. He stated that the Water Wastewater Advisory Board and the Economic Development Commission will continue to meet regularly on this issue.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson presented information on sales tax collections history, including specific statistics showing significant swings in collections making revenue projection problematic. He noted that careful monitoring will continue and that the budgeted expenditures will be re-examined as necessary.

- Status report on efforts to hire a Planning Technician for the City of Wimberley

City Administrator Ferguson commended outgoing City Planning Technician Abby Gillfillan, who has accepted a position with the City of San Marcos. He stated that Sandy Irvin (formerly Hays County Subdivision Coordinator) has been hired to replace Ms. Gillfillan, who has agreed to provide assistance as needed during the transition period.

- Status report on development of transportation priority projects for the City of Wimberley

City Administrator Ferguson reported that Transportation Advisory Board (TAB) will present a list of priority projects to Council on February 4, 2010. He reported that cost estimates and street assessments will be provided to aid Council in making long-term planning decisions.

3. Presentation

Presentation by representatives of *Design Workshop* on the Schematic Design Phase of the Blue Hole Regional Park Development Project.

Rebecca Leonard and Steven Spears of *Design Workshop* presented detailed information on the following:

- Recap of the project to date, including certain benchmarks
- Four key questions relating to the Schematic Design Phase, including its compatibility with Blue Hole Master Plan's vision, strengths, weaknesses, and construction priorities
- Continually updated project information at www.blueholeregionalpark.com
- Site plan specifics relating to the office/bathhouse, pathways/trails, community pavilion, playgrounds, sports/seating areas, natural features, amphitheatre, and interpretive areas
- Images showing examples of specific architectural designs and construction materials
- Details on recreation areas, including access, construction materials, and lighting
- Opportunities to educate the public on the importance of preservation/conservation, with emphasis on water resources
- Specific ways to use existing vegetation and other natural materials such as native stone
- Integration of cisterns into architecture in functional and educational ways
- Comparisons of costs using "economical" materials versus using "custom" materials
- Interactive techniques for harvesting rain water
- Interpretive signage
- Specifics on achieving the project's environmental, community, art, and economic goals
- Phased approach to construction and associated construction costs
- Operation/maintenance plans and long-term sustainability

Discussion addressed short- and long-term goals, operation and maintenance, lifespan of construction materials, general preference for higher quality/lower maintenance materials, first phase of construction, and need for Council action.

Mayor Haley thanked *Design Workshop* representatives for their presentation and Council commended the firm for a job well done.

4. 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 un-zoned real property described as the downtown Wimberley area bounded by the Cypress Creek, Blanco River, Old Kyle Road and FM 3237 in Wimberley, Hays County, Texas, further described and shown on the exhibit attached to this ordinance; and designating the initial zoning for each tract from un-zoned to either Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2), Neighborhood Services (NS), Commercial – Low Impact (C-1), Commercial – Moderate Impact (C-2), Lodging 1 (L-1), and Public Facilities (PF), as shown on the attached zoning map, and imposing conditions; and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed City initiated zoning procedures to date, proposed zoning, and eleven (11) alternate zoning requests, which are reflected in Map #3. He noted that Property

#55 is designated MF-2, which will be corrected to appear in the map's legend. He stated that the Planning and Zoning Commission unanimously recommended approval with the added requirement that a fence and vegetative buffer be provided by the owners of those commercially zoned properties abutting residential properties.

Discussion addressed public input received at Planning and Zoning's meeting, reasoning for certain City initiated zoning procedures, appropriateness of zoning requests for specific planning areas, and property owner notification procedures.

Mayor Haley opened the public hearing.

Downtown area property owner Deborah Koeck spoke in favor of keeping residential zoning for Property #70 and Property #77 (on Map #3), rather than C-1 as proposed. She felt that commercial zoning would negatively impact her properties (#80 and #81 on Map #3) and cited other similar comments by certain Blue Heron Run residents. Ms. Koeck stated that her properties have been held by her family for one-hundred fifty (150) years for farm, residential, or vacation uses, and that she would rather not have commercial uses next door. She stated that Hays Central Appraisal District (HCAD) has listed her address incorrectly and that she only learned about this proposed zoning by coming to City Hall in person. She stated that C-1 zoning of the subject properties, which total approximately five (5) acres, would double the amount of commercial property in the Square and asked that the Council consider its impact on maintaining old architectural styles and on water/wastewater services. Ms. Koeck asked what would happen to the Cypress Creek watershed if the subject properties were developed and covered with impervious surfaces. She requested that Council look at the impact commercial zoning would have on the neighborhood and downtown in general, water/wastewater services, and Cypress Creek, which she described as "the jewel of downtown Wimberley."

Discussion addressed specific property locations, Deborah Koeck's assertion that she was not properly notified, need to comply with floodplain requirements, additional Protected Water Overlay District (PWOD) restrictions, and development regulations. Planning and Zoning Commissioner Jean Ross noted that the Commission's recommendation included the installation of a fence and vegetative buffer to mitigate the effect of commercial activities abutting residential properties. Related to Councilmember Thurber's inquiry on property owner notification, City Attorney Crosby advised that State law only requires the City to use tax roll information and that the City has no obligation or responsibility to search out every property owner, nor is it the City's responsibility to contact HCAD in order to correct property owner information. City Administrator Ferguson added that the City is obligated to use HCAD information for property owner notification and stated that notices are also published in the *Wimberley View* in the interest of the broadest public notification possible, and to notify those owners who may not have received individual letters due to outdated/incorrect HCAD information.

Speaking on behalf of property owner, W.C. Carson, John David Carson identified properties owned by W.C. Carson by number as indicated on Zoning Map #3 (#129, #70), as well as property under option contract with Charles Clayton (Property #77). He provided background information

and offered copies of current and past City documents reflecting downtown as an area of primarily minimal impact commercial activities, with promotion of mixed uses and centralized development in Wimberley's core area. Mr. Carson stated his original understanding that C-2 (Commercial – Moderate Impact) zoning for the subject property would be appropriate, but acknowledged that later contact with City staff established C-1 as the most intense allowable commercial zoning designation. He stated that there are no plans to develop the subject property at this time and noted ongoing efforts committed to implementing an acceptable wastewater solution before commencement of any future development. Mr. Carson felt establishing commercial base zoning is very important to any future negotiations for planned development. Mr. Carson conveyed his understanding that prior objections were related specifically to Blue Heron frontage properties, and not directed to properties owned by W.C. Carson or Charles Clayton. He stressed the Carsons' commitment to abiding by all existing development regulations and protecting Cypress Creek. Mr. Carson closed his comments stating support for C-1 zoning for both W.C. Carson's properties (#70 and #129) and Charles Clayton's property (#77), and offered to answer Council's questions as needed.

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

Discussion addressed access issues related to certain properties. Mayor Haley entertained a motion. Councilmember Flocke moved to approve the item as presented. In response to Councilmember White, discussion established that Councilmember Flocke's motion includes approval of zoning as presented in Zoning Map #3. Councilmember White also asked whether the motion includes the additional buffering requirements (installation of fence and vegetative buffer) for commercial properties abutting residential properties as recommended by Planning and Zoning Commission. City Administrator Ferguson replied affirmatively, since buffering language is included in the ordinance. Councilmember White seconded.

Councilmember Appleman expressed concern over Ms Koeck's statement regarding receipt of her notification letter. He stated that Council is now handling an individual zoning case, rather than the Planning and Zoning Commission, where he felt such consideration should have first occurred. Speaking to Deborah Koeck, Councilmember Appleman acknowledged her issues with notification, but felt that C-1 zoning is appropriate. Councilmember Thurber asked about inclusion of specific buffering requirements in the motion. City Attorney Crosby noted that buffering requirements are stated in the ordinance. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 5-0.

- B. 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 property located at 230 and 240 Carney Lane, Wimberley, Hays County, Texas, designating such property from Single Family Residential 2 (R-2) to Commercial – Low Impact (C-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson noted recent planning area changes and associated zoning actions that excluded the subject properties due to the property owners' failure to timely request alternate zoning. After the forty-five (45) day response period, property owner James Godwin of 240 Carney Lane submitted a request for C-1 zoning, while the property owner at 230 Carney Lane has not responded to date. In the interest of consistency with surrounding commercial zoning, City staff recommended approval of C-1 zoning for the subject properties. No opposition to this requested zoning was heard and the Planning and Zoning Commission unanimously recommended approval of C-1 zoning for both subject properties.

No public comments were heard.

Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

- 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 property located at 956 FM 2325, Wimberley, Hays County, Texas, designating such property from Public Facilities (PF) to Commercial – Low Impact (C-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the application for rezoning of the subject property (Wimberley Presbyterian Church), which was delayed at the property owner's request in order to allow adequate time to hold a Church Session meeting. However, the subject property was not removed from a prior City initiated zoning case and was zoned PF. To correct this mapping error and accommodate the owner's alternate C-1 zoning request, City staff recommends C-1 zoning as appropriate. The subject property is surrounded by commercial property on all sides and staff has received no opposition to the requested zoning. Mr. Ferguson noted that the Planning and Zoning Commission unanimously voted to recommend approval of C-1 zoning.

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

Councilmember Appleman asked why the subject property is being considered for C-1, when its current use is PF. City Administrator Ferguson replied that the property was zoned according to Council's direction, which allows the property owner to request alternate zoning subject to staff review determining appropriateness of the request.

In response to Councilmember Appleman, Wimberley Presbyterian Church representative, Wellborn Gregg, replied that the subject property was originally a commercial site and felt that C-1 would be more advantageous for future marketing of the property should the church need to relocate to a larger property. In response to Councilmember Appleman's inquiry, Mr. Gregg stated that

there are no immediate plans for the church to sell the property. Due to the subject property's limited expansion options, Mr. Gregg clarified for Mayor Haley that the church has long-term plans to move to a site allowing for larger church facilities. He noted that the church is surrounded by commercial uses and was originally a commercial site that the church modified to suit its needs.

Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- D. 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 property located at 807 FM 2325, Wimberley, Hays County, Texas, designating initial zoning for such tract as Commercial – Low Impact (C-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*City of Wimberley, Applicant*)

City Administrator Ferguson explained the need for Council action due to the exclusion of the subject property from a prior City initiated zoning case caused by an HCAD mapping error. He noted that the property owner supports C-1 zoning, which is consistent with surrounding uses and permitted in Planning Area III and the Entrance Corridor Overlay District. No opposition was received, with City staff and the Planning and Zoning Commission unanimously recommending approval of C-1 zoning.

No public comments were heard.

Councilmember White moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

- 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 property located at 700 FM 2325, Wimberley, Hays County, Texas, designating such property from Residential Acreage (RA) to Commercial – Low Impact (C-1), and imposing a condition; and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the application, noting the subject property's location in both Planning Area II (rear portion) and Planning Area III (FM 2325 frontage portion). He stated that the subject property was zoned RA in a prior City initiated zoning case per procedures applicable to vacant properties and/or unresponsive property owner(s). Although conversations with the property owner took place before the forty-five (45) day deadline to respond, no written correspondence was received requesting an alternate zoning designation. Twelve (12) days after the response deadline, the City received a letter from property owner David Domsch requesting C-1 zoning, including an agreement to install a privacy fence and vegetative buffer along the rear portion of the property

abutting residential tracts to mitigate any commercial use impact. Mr. Ferguson stated that the Planning and Zoning Commission unanimously recommended approval, including the additional buffering.

No public comments were heard.

In response to Councilmember Thurber's inquiry regarding specifics on buffering requirements, Planning and Zoning Commissioner Ross replied that the Commission recommended the standard buffers for *any* commercial properties abutting residential areas. Councilmember Thurber requested a definition for "standard buffer." Noting ordinance language consistent with similarly zoned properties, City Administrator Ferguson read the following excerpt from the ordinance: "Prior to occupancy this property shall install a privacy fence no less than eight feet (8') in height and a vegetative buffer along all property lines that abut a residential zoning district or residential use." Councilmember Thurber asked for a definition of vegetative buffer. City Administrator Ferguson stated that there is not a specific definition, which allows some flexibility for the property owner. Commissioner Ross stated her understanding of standard buffering as it was requested for prior zoning actions (*Kate's Place/Mystical Oasis*). Discussion among Council, City Administrator Ferguson, and Commissioner Ross addressed language used for prior similar zoning case(s), cases involving properties in more than one planning area, dominance of frontage portion of property in determining applicable planning area(s), distinctions between specific properties, consistency in reasoning, need to protect residential areas, and flexibility allowed for buffering requirements.

During the discussion, Councilmember Thurber replied affirmatively to City Administrator Ferguson's inquiry that he was notified as one of the property owners within two hundred feet (200') of the subject property. Councilmember Thurber stated that he wanted to protect residential properties along all sides abutting commercial activities. Commissioner Ross noted that one adjacent residential property owner questioned potential C-1 uses at Planning and Zoning's January 14, 2010 meeting, but did not express concerns once C-1 uses were clarified by City Administrator Ferguson.

City Administrator Ferguson requested a short recess before action is taken on this item. Mayor Haley called for a short break at 8:21 p.m. Mayor Haley reconvened at 8:30 p.m. Councilmember Thurber recused himself from the meeting at this time.

Councilmember White moved to approve the item as presented. Councilmember Appleman seconded. Councilmember Appleman requested clarification for his understanding of Council's ability to change planning areas and wondered why this option was not used in this case. Commissioner Ross noted that ninety percent (90%) of the properties in this planning area are zoned properly and stated that if the planning area were changed for this property it would open up residential areas for commercial zoning. Councilmember Appleman asked whether the planning area could be changed around the subject property. City Administrator Ferguson advised against doing so and acknowledged challenges encountered in employing planning area maps in general. He stated that planning areas do not always follow property lines and that sometimes there is a need to approximate which planning area applies.

Hearing no further discussion, Mayor Haley called for a vote. Motion carried on a vote of 4-0. After the vote was taken, Councilmember Thurber rejoined the meeting at this time.

5. Ordinance

Consider approval of an ordinance of the City of Wimberley, Texas, ordering a General Election on May 8, 2010, for the purpose of electing a Mayor and City Council members for Places Two and Four of the City of Wimberley City Council, such election to be held jointly with the Hays Trinity Groundwater Conservation District and Wimberley ISD; establishing early voting locations and polling places for the election ; making other provisions for the conduct of the election; and providing for findings of fact, severability, conflicting provisions, governing law, proper notice and open meeting, and an effective date. (*City Administrator*)

City Administrator Ferguson reviewed details of the ordinance, including voting and early voting days/times/location. He stated that Wimberley ISD and Hays Trinity Groundwater Conservation District (HTGCD) are participating with the City of Wimberley in this joint election, with all three entities contracting with Hays County Election Division to conduct the election.

Councilmember Appleman moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

6. Resolution

Consider approval of a resolution of the City of Wimberley, Texas, authorizing the Mayor to sign all documents relating to the purchase of a certain tract of real property described as Lot 80, South River Unit 1, consisting of approximately 0.814 acres, City of Wimberley, Hays County, Texas; providing for an effective date; and proper notice and meeting. (*City Administrator*)

This item was heard after Agenda Item 7I.

Mayor Haley adjourned Open Session and convened into Executive Session at 8:57 p.m. for consultation with legal counsel to discuss real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 9:29 p.m. No action was taken during Executive Session.

Councilmember Thurber moved to approve a resolution authorizing Mayor Haley to sign all documents relating to the purchase of a certain tract of real estate as discussed in Executive Session with the modifications discussed therein. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

7. Discussion and Possible Action

- A. Discuss and consider possible action on issues relating to the selection of a firm to prepare a boundary survey for the City of Wimberley. (*City Administrator*)

This item was heard after Agenda Item 5.

While impressed with Baker-Aicklen's presentation, Councilmember Roccaforte favored Pro-Tech Engineering due to its familiarity with the Wimberley area.

Councilmember Flocke favored Pro-Tech Engineering because he felt that Pro-Tech's existing records information from prior survey work would be more time- and cost-effective.

Councilmember Appleman recognized the difficulty of this decision, but favored Baker-Aicklen & Associates and cited the amount of time taken by Pro-Tech Engineering to complete past survey work.

While recognizing Pro-Tech's history and Mr. Kilber's and Mr. Roden's service to the community, Councilmember Thurber favored Baker-Aicklen because specific answers were provided relating to survey products, shorter amount of time to complete the project, and larger staff.

Discussion addressed Councilmember White's request for clarification on project completion timeframes given by both firms. Though he felt that both firms would produce satisfactory results, Councilmember White stated his personal knowledge of Pro-Tech's survey work and favored the selection of Pro-Tech Engineering.

Councilmember Flocke felt that completion times for both firms will be about the same. City Administrator Ferguson stated that interviews conducted earlier with both firms established a shorter completion time for Baker-Aicklen and Associates.

In weighing the firms' Wimberley-specific experience, Councilmember Thurber felt that Pro-Tech's prior Wimberley surveying may "work both ways," stating the possibility that prejudices may exist on boundary line locations.

Councilmember Roccaforte stated that both firms utilize the same technology, but that Baker-Aicklen provided more details than Pro-Tech Engineering in its presentation.

Councilmember Flocke moved to authorize staff to negotiate a contract with Pro-Tech Engineering to prepare a boundary survey for the City of Wimberley. Councilmember Roccaforte seconded. Mayor Haley called for a vote as follows: Councilmember Flocke, aye; Councilmember Appleman, nay; Councilmember Thurber, nay; Councilmember White, aye; Councilmember Roccaforte, aye. Motion carried on a vote of 3-2.

- B. Discuss and consider approval of the plans and information development in the Schematic Design Phase Report for the Blue Hole Regional Park Project. (*City Administrator*)

This item was heard after Agenda Item 3 (Presentation).

Councilmember Thurber moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding a proposed contract for election services with the Hays County Elections Administrator for the May 8, 2010 General Election. (*City Administrator*)

City Administrator Ferguson outlined the proposed agreement, including responsibilities of each entity. He noted that election costs will be shared among participating entities.

Councilmember Appleman moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a proposed Joint Election Agreement with the Wimberley ISD for the May 8, 2010 General Election. (*City Administrator*)

City Administrator Ferguson explained the need for this joint election agreement with Wimberley ISD.

Councilmember Appleman moved to approve the item as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding a proposed Joint Election Agreement with the Hays Trinity Groundwater Conservation District for the May 8, 2010 General Election. (*City Administrator*)

City Administrator Ferguson explained the need for this joint election agreement with Hays Trinity Groundwater Conservation District.

Councilmember Appleman moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider approval of the routes for *The Spring Walk in Wimberley* scheduled for March 20th and March 21st, 2010. (*City Administrator*)

City Administrator Ferguson noted slight modifications to this year's leisure walk route and recommended approval.

Councilmember Thurber moved to approve the item as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- G. Discuss and consider approval of a nomination to serve on the Capital Area Metropolitan Planning Organization Board as the Small Cities Representative for Hays County. (*Mayor Tom Haley*)

Mayor Haley recommended Councilmember Flocke as a nominee due to his past experience as alternate Small Cities Representative for Hays County. Discussion established Councilmember Flocke's desire and willingness to serve, if chosen.

Councilmember White moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- H. Discuss and consider approval of proposed revision to rates and rental policies for the Wimberley Community Center. (*Wimberley Parks Board*)

City Administrator Ferguson recommended continuance of this item based on the Parks and Recreation Board's request to delay consideration until Council's meeting on February 4, 2010.

Councilmember Appleman moved to continue this item until Council's meeting on February 4, 2010. Councilmember White seconded. Motion carried on a vote of 5-0.

- I. Discuss and consider action on issues relating to the development of sidewalks at certain locations in the City of Wimberley. (*Place Four Councilmember Steve Thurber*)

Councilmember Thurber provided an example of unsafe conditions involving students walking beside a ditch running along FM 2325. He asked that Council charge the Transportation Advisory Board (TAB) with the task of examining ways to provide sidewalks along FM 2325 and Green Acres. In addition to \$25,000 previously set aside for sidewalk development, Councilmember Thurber stated that meetings with local school officials are scheduled to discuss other means of funding, including grants. City Administrator Ferguson provided information on requirements for limited state funds available through the Safe Routes to School Program. He noted specific challenges such as existing drainage ditches along FM 2325.

Mayor Haley suggested assigning TAB with the task of providing Council with recommendations for sidewalk development.

Councilmember Thurber so moved. Councilmember Flocke seconded. Councilmember Thurber restated the motion to authorize TAB to take the necessary steps to begin the process to bring a recommendation to Council on sidewalks along FM 2325 and Green Acres. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

Councilmember Appleman asked about Texas Department of Transportation's (TxDOT's) responsibility for drainage ditches and City Administrator Ferguson responded that TxDOT would likely maintain that an open drainage ditch is not meant to be used as a walkway.

8. City Council Reports

- Announcements
- Future Agenda Items

This item was heard after Agenda Item 6.

As a future agenda item, Councilmember Thurber requested discussion of a possible Transportation Master Plan amendment regarding River Meadows subdivision emergency services access in order to address concerns expressed to him by subdivision resident Brad Stockman. In response to Councilmember Thurber's inquiry about the need for re-examination by TAB, City Administrator Ferguson replied negatively.

Hearing no announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 9:30 p.m.

Adjournment: Council meeting adjourned at 9:30 p.m.

Recorded by:

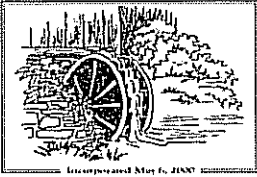
Cara McPartland

These minutes approved on the _____ of February, 2010.

APPROVED:

Tom Haley, Mayor

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:

Funds Available:

Council Action Requested:

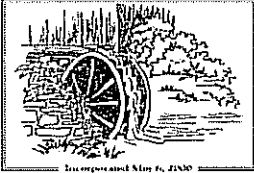
- ☐ Ordinance
- ☐ Resolution
- ☐ Motion
- ☒ Discussion

Project/Proposal Summary:

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

- Status report on the efforts underway to secure federal funding for the downtown wastewater project
- Status report on the development of a contract for the preparation of a boundary survey for the City of Wimberley
- Status report on the revision of rental rates and policies for the Wimberley Community Center
- Status report on the disposition of the City Marshal's patrol vehicle
- Status report on the selection of a contractor for the upcoming Fourth of July Fireworks Display

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: PRESENTATION OF
PROPOSED TRANSPORTATION PROJECT PRIORITIES

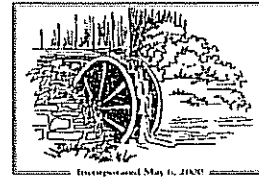
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow representative(s) of the Wimberley Transportation Advisory Board (TAB) to present nine (9) proposed transportation project priorities for future City Council review and consideration. Background information on the TAB proposal will be presented to City Council in advance of the meeting, under separate cover.

Report for CUP-10-001



Summary:

A request for a Conditional Use Permit (CUP) to allow a secondary residential unit at 1415 East Spoke Hill Drive

Applicant Information:

Applicant: Herschel McCullough
1415 East Spoke Hill Drive
Wimberley TX 78676

Property Owner: Herschel McCullough

Subject Property:

Legal Description: Paradise Hills
Location: 1415 East Spoke Hill Drive
Existing Use of Property: Residential
Existing Zoning: Rural Residential 1 (R-1)
Proposed Use of Property: Residential
Proposed Zoning: Secondary Residential
Planning Area: Planning Area I
Overlay District: None

Surroundings:

Frontage On: East Spoke Hill

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-2	Residential
S of Property	RA	Residential
E of Property	R-2	Residential
W of Property	R-1	Residential

Legal Notice

200' Letters 1/8/10
Published 1/13/10
Sign Placement 1/8/10
Responses None

Comments:

The applicant, Herschel McCullough, has requested a Conditional Use Permit (CUP) to allow for the construction of a secondary residence on the 3.7 acre tract of land located at 1415 East Spoke Hill Drive. The subject property is zoned Rural Residential 1 (R-1) which allows secondary residential structures with a floor area of at least 600 square feet as a conditional use.

Currently, there is one (1) single family residence and two (2) amateur radio antennas located on the subject property. The applicant is proposing to construct a two-story, 1,800 square foot secondary residence adjacent to the existing home on the residentially

zoned tract. The architectural style of the secondary residence will be consistent with that of the surrounding neighborhood.

City Staff has not received any comments from surrounding property owners.

On January 28, 2010, the Planning and Zoning Commission held a public hearing on the CUP request. Afterwards, the Commission, with two (2) members absent, unanimously voted to recommend approval of the proposed CUP as presented.

§ 155.036 RURAL RESIDENTIAL 1; R-1.

(A) *General purpose and description.* The R-1 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 2 acres.

(B) *Permitted uses.*

(1) One residence including:

- (a) One primary single-family residential building built on site; or
- (b) One manufactured or mobile home installed on a permanent foundation.

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

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

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

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

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

(e) One accessory dwelling unit.

(3) Non-commercial row and field crops;

(4) Non-commercial livestock;

(5) Swimming pool (private);

(6) Utilities; and

(7) Religious assembly.

(C) *Conditional uses.*

(1) One secondary residential building built on-site;

(2) Bed and breakfast lodging which may be in the primary or secondary residential building or in cottages or cabins;

(3) Home day care;

(4) Home commercial crafts or hobbies;

(5) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulation; and

(6) Two-family residential (duplex).

(D) *Development regulations.*

(1) Lot size: minimum 2 acres but less than 5 acres.

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

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

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

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

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

(3) For minimum required 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: 50 feet;

(b) Secondary street: 25 feet; and

(c) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.

(4) Minimum floor area of residential buildings:

(a) Primary residential building: 1,000 square feet;

(b) Secondary residential building: 600 square feet; and

(c) Bed and breakfast units: 200 square feet.

(5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

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

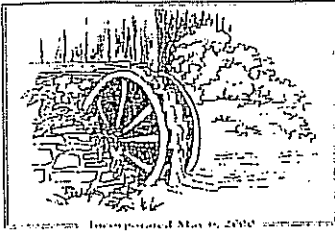
(E) *Special requirements.*

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

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

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

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards.
(Ord. 2001-010, § 15, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 001

FOR OFFICIAL USE ONLY

Application Date: 1/4/10 Tentative P&Z Hearing: 1/28 Tentative Council Hearing: 2/4

FEES: \$400.00 DATE PAID: 1/4/10 CHECK NO. _____ REC'D BY _____

PROJECT SITE ADDRESS: 1415 E. Spoke Hill DR Wimberley, TX. 78676

OWNER/APPLICANT Herschell McCullough PHONE () 847-0283

FAX () _____ EMAIL: W5MC@AUSTIN-RR.COM

Mailing Address: ABOVE CITY: _____ STATE: _____ ZIP: _____

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

ZONING: R-1 ~~CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)~~
conditional use requested for Secondary Residence

Planning Area 1 Zoning R-1 Total Acreage or Sq. Ft. _____

Subdivision: Paradise Hills Lot _____ Block _____

Appraisal District Tax ID#: R 14548 TRAC 1

Deed Records Hays County: Volume _____ Page _____

Is property located in an overlay district? () Yes (X) No - If Yes,

Type: _____

Is property located in flood plain? () Yes (X) No

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water Supply Corp

Wastewater Service Provider or Hays County Septic Permit No: 2006-59

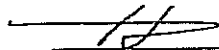
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

Date 1-4-2010

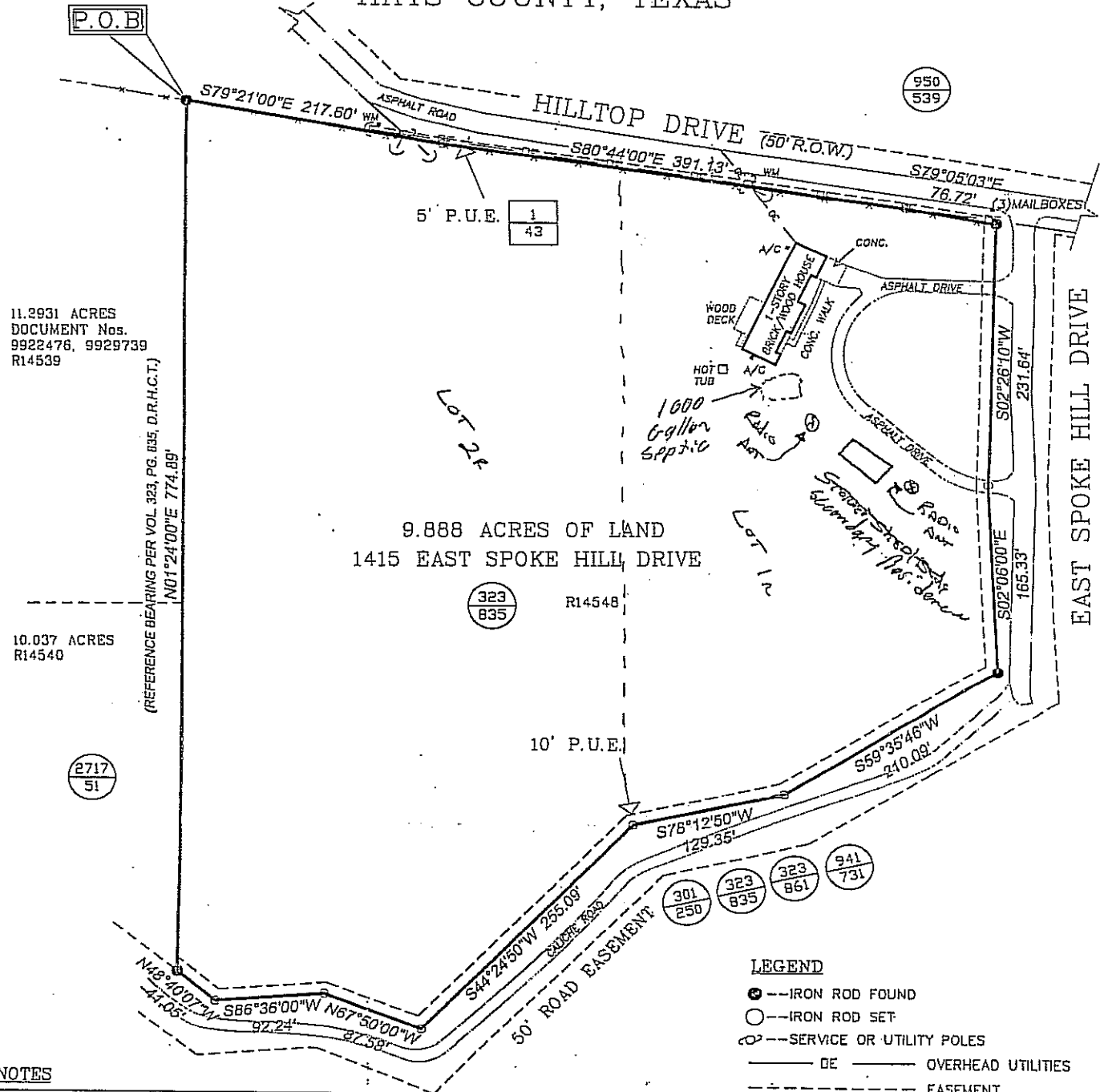

APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

9.888 ACRES OF LAND
OUT OF THE L.C. GIBBS SURVEY No. 86, ABSTRACT No. 206
HAYS COUNTY, TEXAS

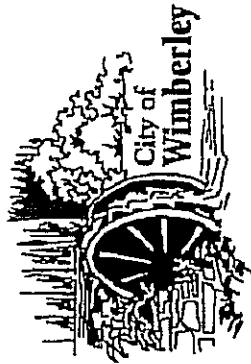


NOTES

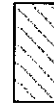
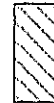
LEGEND

- ⊗ --- IRON ROD FOUND
- --- IRON ROD SET
- ⊙ --- SERVICE OR UTILITY POLES
- GE — OVERHEAD UTILITIES
- - - EASEMENT

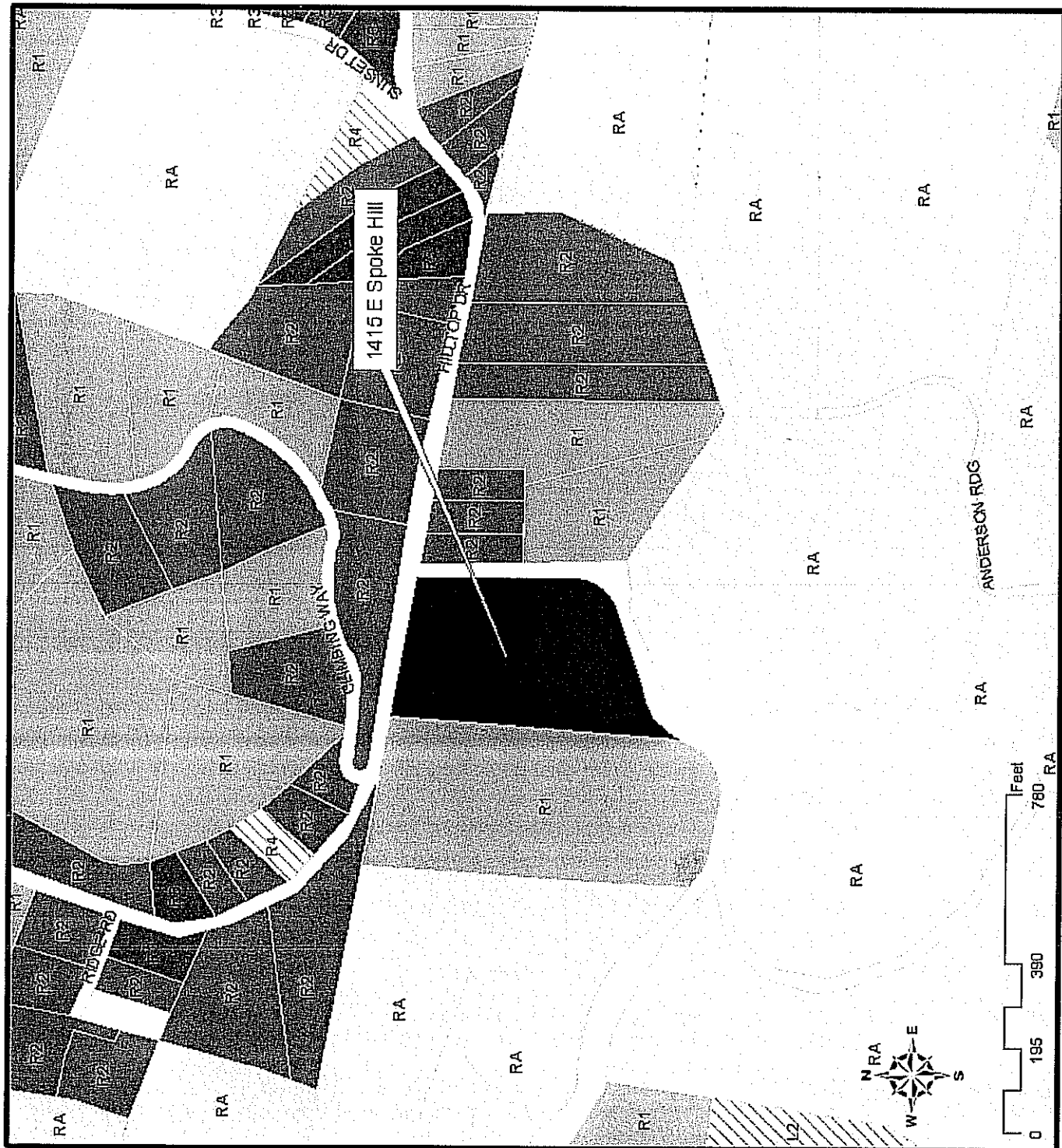
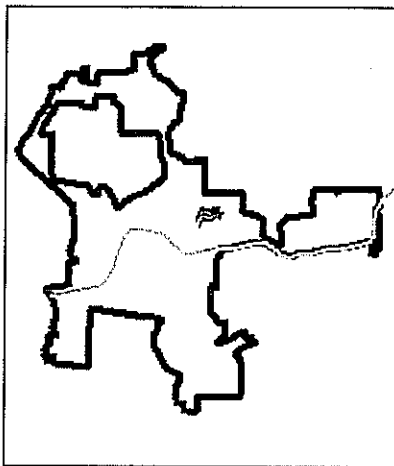
Zoning Map for CUP-10-001



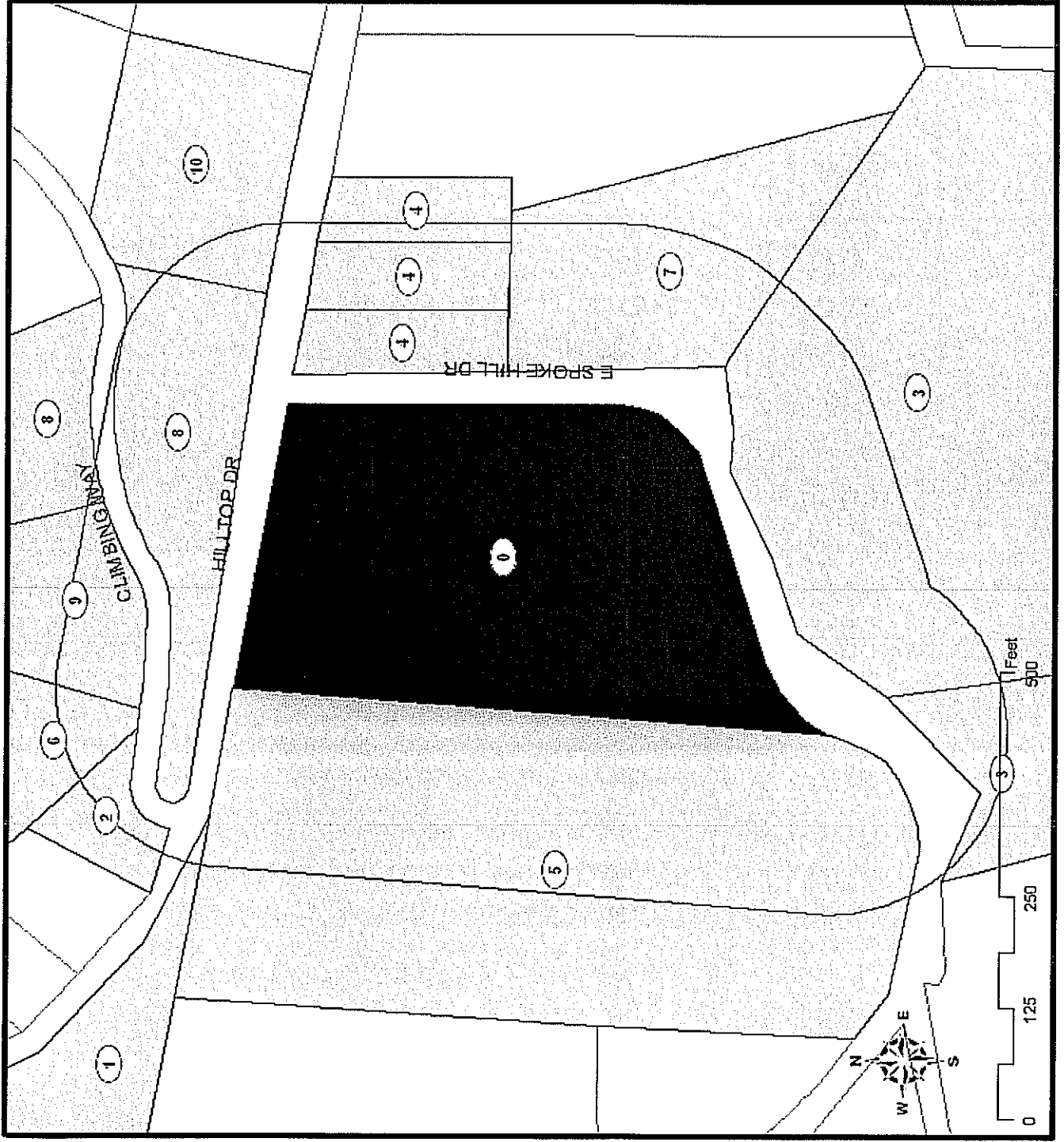
P.O. Box 2027 • Wimberley, Texas 78676

-  Subject Property
-  Residential Acreage (RA)
-  Rural Residential 1 (R-1)
-  Single Family Residential 2 (R-2)
-  Single Family Residential 3 (R-3)
-  Single Family Residential 4 (R-4)
-  Lodging 2 (L-2)

Location Map

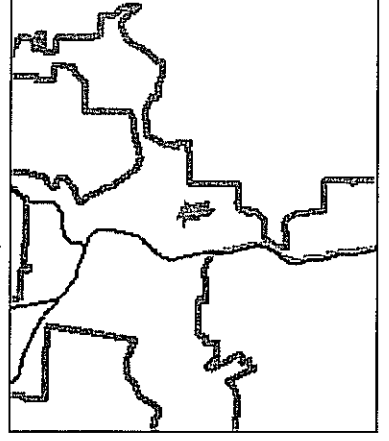


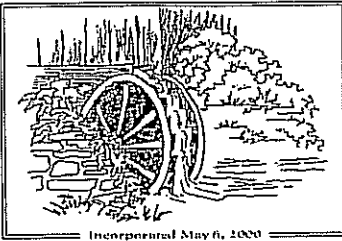
Notification Map for CUP-10-001



- 200 Foot Notification Buffer
- 0, MCCULLOUGH HERSCHELL & ROBINETTE
- 1, WEBB LINDAKAY
- 2, CHAPMAN JOHN G &
- 3, BAJAMONTE, GENO & SUSAN
- 3, BAJAMONTE GENO S & SUSAN
- 4, CATHER JAMES N & JANE R
- 5, MCCULLOUGH HERSCHELL & ROBINETTE
- 6, McDONALD MICKEY S & CHRISTOPHER
- 7, MILLER MICHAEL N & JUDITH N
- 8, RADICE MICHAEL D & DEBRA K
- 9, SPROGGE ERIK T & HELEN K
- 10, UERKOWITZ LEE ANN

Location Map





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: CLP-10-001

Owner _____

Date 10/08/2010

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address _____

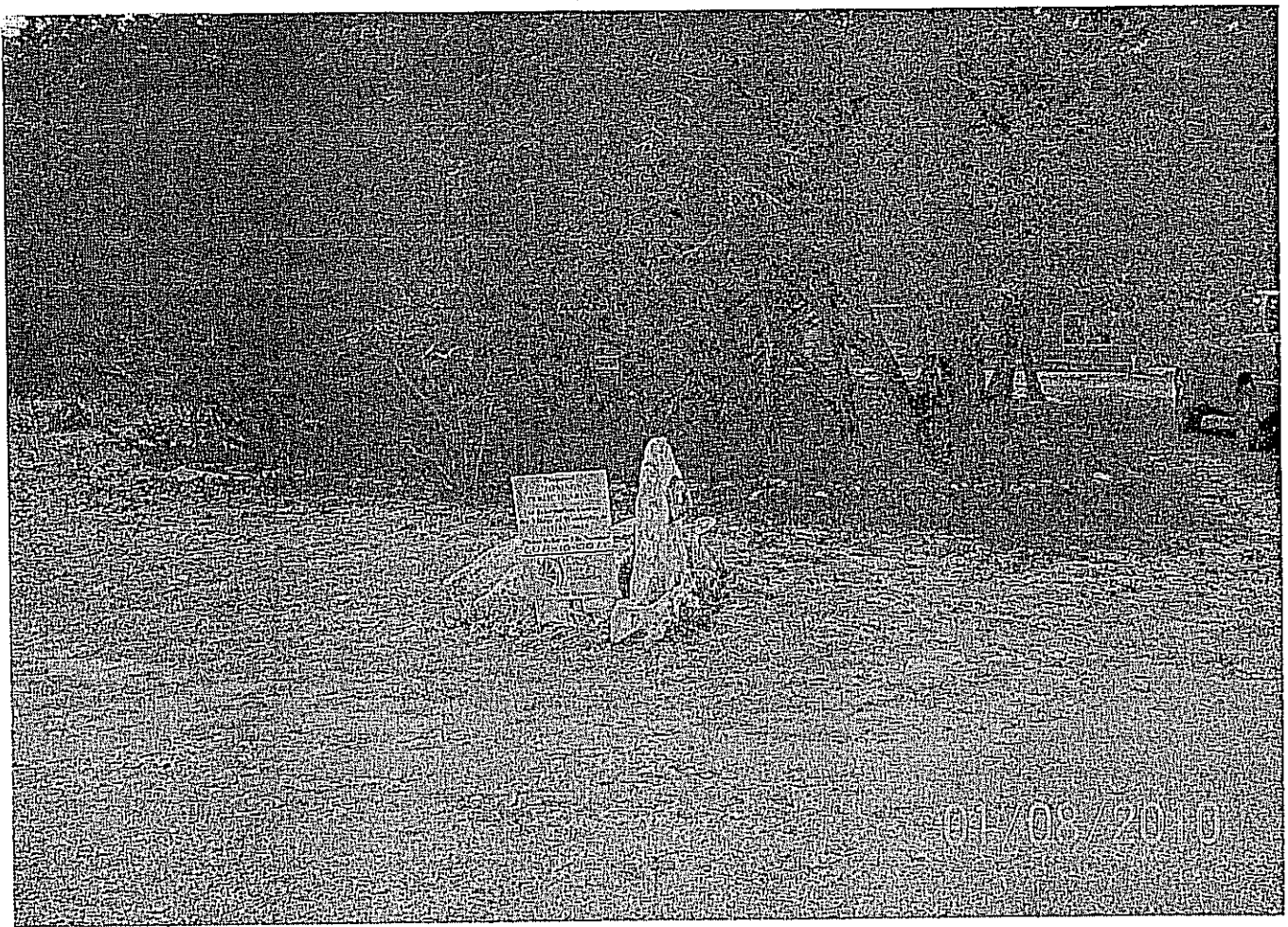
which is located _____

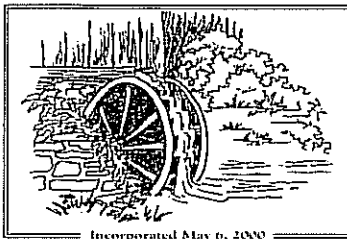
Bill Bowers
Asst. Public Works

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

10/08, ²⁰¹⁰~~2009~~


Signature





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, Jeri Xiques, Terrie Bursiel, Dick Larson
Don Ferguson, City Administrator

January 8, 2010

NOTICE OF PUBLIC HEARING

Re: File No. CUP-10-001

1415 E. Spoke Hill Drive

A request for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit on the subject property

Dear Property Owner:

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

Herschel McCullough has requested a Conditional Use Permit (CUP) to allow a Secondary Residential Unit for a property located at 1415 E. Spoke Hill Drive.

The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, January 28, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon recommendations from the Commission, City Council will hold a Public Hearing to consider the same requests on **Thursday, February 4, 2010 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

THE CLASSIFIED

Wednesday, January 13, 2010

Email your ads to: classad@wimberley-tx.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 28, 2010, at 6:30 p.m. to consider the following: CUP 10-002: an application for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and to allow an eating establishment that includes the sale of alcohol for on-premise consumption at 320 Wimberley Square. Upon recommendation of the Planning & Zoning Commission the City Council will also hold a public hearing on Thursday, February 4, 2010, 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 (PO 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

12, Wimberley, Texas (09671/1a/4)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 28, 2010, at 6:30 p.m. to consider the following: CUP 10-001: an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 1415 E Spoke Hill Drive. Upon recommendation of the Planning and Zoning Commission the City Council will also hold a public hearing on Thursday, February 4, 2010, 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 (PO 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 (09672/1a/4)

PUBLIC NOTICE Plum Creek Conservation District Rules Adoption Notice

On December 29, 2009 Plum Creek Conservation District

adopted revised Groundwater Management and Protection Rules exercising authority granted to the District in provisions of Chapter 36 of the Texas Water Code. This District is also governed by the provisions of Chapters 49 and 51 of the Texas Water Code. The revised Rules set out requirements for various types of groundwater well test and well permits issued by the Board and state Rules applying to exempt wells. The Rules eliminate drilling permits but specify requirements for test holes, production well permits, transportation permits, recharge well permits, and miscellaneous non-exempt well permits. Among new requirements are production limitations based on the number of surface acres in a tract associated with a well, varying amounts that vary with the formation from which the water is to be produced but in most cases, 1 1/2 acre foot per acre per year, classification of wells as Tier I or Tier II, depending on the production rate associated with the well and the intended use of the water, and varying requirements for information to be submitted in applications depending on the type of well and its classification. The rules contain requirements applicable to water well drilling companies and per-

sons working on wells, and impose fees including fees on water produced in the District and transported for use outside the boundaries of the District. The revised Rules also specify procedures to be used by the District in considering and acting on applications for various types of permits including procedures to be used if someone desires to contest the issuance of a permit. Penalties for violation of the Rules are as allowed by Texas law and include the potential for civil penalties of up to \$1,000 per day, injunction, and recovery of cost of enforcement including attorneys' fees and expert witness fees. The full text of the regulations is on file in the offices of the District at 1403 Black Jack St. (State Highway 20 East) Suite C, Lockhart, Texas during the District's normal business hours. The revised Rules are also posted in the District's web site: <http://pccd.org> (09652/2/2 & 4)

PUBLIC NOTICE
By order of the Hays County Commissioners Court, notaries hereby given that on Tuesday, January 27, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court will hold a public hearing to consider

Resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley, Unit 1, Section 2. (09628/3a/5)

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant Rufino Rodriguez III. Landlord Lien sale on site, January 11, 2010, 9 a.m. (09625/2a/3)

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant Marvin (Cody) Martin. Landlord Lien sale on site, January 18, 2010, 9 a.m. (09649/2a/4)

★ AUTOS

**GOOD OLD BOYS
AUTO RECYCLING**
Cash for your cars and trucks, running or not. Free pick up and/or towing. 512-393-1410 (01997/4cc/tn)

ATTENTION
RoadRunner Recycling is now buying all types of scrap metal. We buy junk vehicles, any condition, running, wrecked or not. Cash paid. Location: 16380 N Hwy 123, San Marcos, TX. 512-353-4511 or

512-396-1382 (02949/4cc/13+)

★ BUSINESS OPPORTUNITIES

**ESTABLISHED CASH
FLOWING LOCAL
BUSINESS**
All assets & lease convey. Low oversight. Owner may carry. \$23,500. Call Osbe Hill Samford Group. 512-801-4260 (09631/cc/tn)

★ COMMERCIAL FOR LEASE

RETAIL SHOP
Wimberley Square. Approx. 220 sq ft. w/ deck. \$525 per month plus deposit. Year lease. 847-2113 Mary (09658/1cc/4)

ONE MONTH FREE
at The Quarter. Wimberley's newest retail center. Several spaces to choose from small to large. Best rates on the square. Call 512-695-6326 or 512-847-6026 (09645/4a/9)

EXECUTIVE SUITES
Wimberley. Receptionist, internet, conference room, more. \$200. 512-423-8700 (06365/a/tn)

ORDINANCE NO. 2010-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY HERSCHEL MCCULLOUGH TO PERMIT THE CONSTRUCTION AND USE OF A SECONDARY RESIDENTIAL STRUCTURE ON A 3.7 ACRE TRACT LOCATED AT 1415 EAST SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Herschel McCullough ("Applicant") requesting authorization to construct and use of a secondary residential structure on real property consisting of approximately 3.7 acres, zoned Rural Residential 1 (R1); and

WHEREAS, a residential structure currently exists on the property and a secondary residential structure is an authorized use in areas zoned Rural Residential 1 (R1) upon the granting of a Conditional Use Permit; and

WHEREAS, approval of the Conditional Use Permit has been recommended by the Planning and Zoning Commission; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibit "A" and incorporated herein, and other necessary information, and has complied with the requirements of the City of Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the use of the subject property adding the construction of a secondary residential structure is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Herschel McCullough ("Applicant") requesting authorization to construct and use

of a secondary residential structure on real property consisting of approximately 3.7 acres, located at 1415 East Spoke Hill Drive out of the Paradise Hills Subdivision, Wimberley, Hays County, Texas, a primary residential structure currently exists on the tract which is zoned Rural Residential 1 (R1), subject to the following terms and conditions:

1. Applicant shall not commence development until it has secured all permits and approvals as required by the City of Wimberley ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use and construction of a secondary residential structure in accordance with the site plan attached hereto as Exhibit "A", attached and incorporated by reference, and in any event shall not exceed 1,800 square feet as well as all applicable regulations in effect at the time of the submission of the building permit application. Other than the current existing uses on the property, no other use of the property is authorized by this Conditional Use Permit.
3. All construction material and architectural style shall imitate the current existing building and compliment the surrounding neighborhood.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the ____ day of _____, 2010 by a vote of ____ (Ayes) and ____ (Nays).

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

ATTEST:

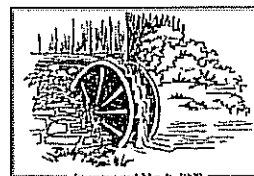
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for CUP-10-002



Summary:

A request for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and a sit-down eating establishment that sells beer, wine and alcohol for on-premise consumption at 320 Wimberley Square

Applicant Information:

Applicant:

Charles R. Uselton
P.O. Box 229
Wimberley, TX 78676
Charles R. Uselton

Property Owner:

Subject Property:

Legal Description:

CCC Addition Lot 1

Location:

320 Wimberley Square

Existing Use of Property:

Vacant

Existing Zoning:

Commercial-High Impact (C-3)

Proposed Use of Property:

Commercial-Restaurant, Bar and Music Venue

Proposed Zoning:

C-3 with CUP for a bar or tavern and sit-down eating establishment which sells beer, wine and alcohol for on-premise consumption

Planning Area

V

Overlay District

Village Center Overlay, VC

Surroundings:

Frontage On:

Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-2	Commercial
S of Property	C-3	Vacant
E of Property	C-2	Commercial
W of Property	C-3	Commercial

Legal Notice

200' Letters

1/8/10

Published

1/13/10

Sign Placement

1/8/10

Responses

None

Comments:

The applicant has requested a Conditional Use Permit (CUP) to allow for the operation of a bar or tavern, and a sit-down eating establishment that sells beer, wine, and alcohol for on-premise consumption on a tract of land located at 320 Wimberley Square.

Currently, the subject property is zoned *Commercial-High Impact (C-3)* and is located in the *Village Center Overlay District* and *Planning Area V*. Bars, taverns and eating establishments that sell beer, wine, and alcohol for on-premise consumption are allowed in C-3 as conditional uses.

The subject property is the former location of the *Cypress Creek Café* which operated for years as a restaurant and bar prior to closing its doors more than six months ago. The applicant is proposing to open a new restaurant that would serve beer, wine and alcohol for on-premise consumption. In addition, the applicant plans to re-open the bar located in the rear of the structure and utilize an existing outdoor stage behind the structure as an open-air music venue for special events where alcohol will be sold. The requested CUP includes all of the above-mentioned uses.

Any building or site improvements needed to facilitate the proposed businesses will be required to meet City Code. On-site parking exists for the proposed businesses. In addition, there is a public parking lot available for use adjacent to subject property.

To date, City staff has received no comments from the public on the CUP request.

On January 28, 2010, the Planning and Zoning Commission held a public hearing on the CUP request. Afterwards, the Commission, with two (2) members absent, unanimously voted to recommend approval of the proposed CUP with the condition that the applicant install an eight (8) foot privacy fence with a vegetative buffer along the both interior side property lines to buffer the impact of the planned outdoor music venue.

It should be noted that if the CUP is approved, the applicant must secure a waiver from the City's buffer requirements relating to the sale of beer, wine and alcohol within three hundred (300) feet of a church, daycare, hospital or school.

§ 155.049 COMMERCIAL - HIGH IMPACT; C-3.

(A) *General purpose and description.* The C-3, commercial 3 district is established to provide areas for more intense and concentrated shopping and service facilities for the retail sales of goods and services. These shopping areas shall utilize established landscape and buffering requirements. The C-3 district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

(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) Food and beverage retail sales (such as grocery);

(4) Medical services: general; large facilities, hospitals;

(5) Eating establishments: sit-down;

(6) Eating establishments: sit-down fast foods;

(7) Agricultural supplies and services;

(8) Commercial blood centers;

(9) Commercial off-street parking;

(10) Parking lot and parking garage, automotive;

(11) Transportation facilities: surface, limited (such as cross-country truck companies and their distribution centers);

- (12) Transportation facilities: aircraft;
- (13) Commercial/single-family residential;
- (14) Private primary educational services;
- (15) Private secondary educational services;
- (16) Non-profit civic;
- (17) Retail sales and services: general;
- (18) Bank and savings and loan;
- (19) Personal services: general;
- (20) Accessory uses to the main use; and
- (21) 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) Alcoholic beverage sales;
- (3) Bars/taverns (50% sales derived from alcohol);
- (4) Gasoline sales: truck stops;
- (5) Automotive sales, rentals, and repairs;
- (6) Automotive and equipment: sales and rentals, farm and heavy equipment;
- (7) Automotive and equipment: sales and rentals, light equipment;
- (8) Custom manufacturing;
- (9) Construction sales and services;
- (10) Eating establishments: fast food with drive-through order windows;
- (11) Eating establishments: drive-in;
- (12) Adult entertainment (such as sexually oriented business) use as may be provided for or

restricted by other city ordinances;

(13) Bed and breakfast lodging;

(14) Automotive washing;

(15) Personal storage; and

(16) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Development regulations.*

(1) Minimum lot size: 20,000 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: 25 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 coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

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

(6) Maximum building footprint: 20,000 square feet.

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

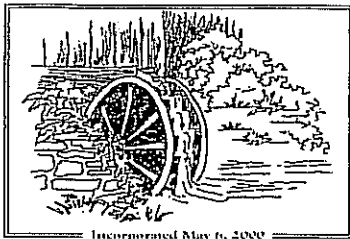
(E) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(F) *Special requirements.*

(1) Open storage is prohibited in the village center (VC) overlay district.

(2) 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, § 28, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 002

FOR OFFICIAL USE ONLY

Application Date: 1/8/10 Tentative P&Z Hearing: 1/12/10 Tentative Council Hearing: 2/4/10

FEES: \$400.00 DATE PAID: 1/8 CHECK NO. 4899 REC'D BY [Signature]

PROJECT SITE ADDRESS: 320 Wimberley Square Wimberley, TX. 78676

OWNER/APPLICANT Charles R Uselton PHONE (713) 705-7354

FAX () _____ EMAIL: TRUselton@Shawms.com

Mailing Address: P.O. Box 229 CITY: Wimberley STATE: Tx ZIP: 78676

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

ZONING: _____ CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Cafe, Club, Event area, Alcoholic Beverage Sales

Planning Area _____ Zoning C-3 Total Acreage or Sq. Ft. 1.44/6834.20

Subdivision: Village Center Lot 1 Block _____

Appraisal District Tax ID#: R 18527

Deed Records Hays County: Volume _____ Page _____ See Attached

Is property located in an overlay district? (☒ Yes) (☒ No - If Yes,

Type: Village Center

Is property located in flood plain? () Yes (☒ No

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Village of Wimberley

Wastewater Service Provider or Hays County Septic Permit No: 1986-10007

MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

Date 1-7-2010

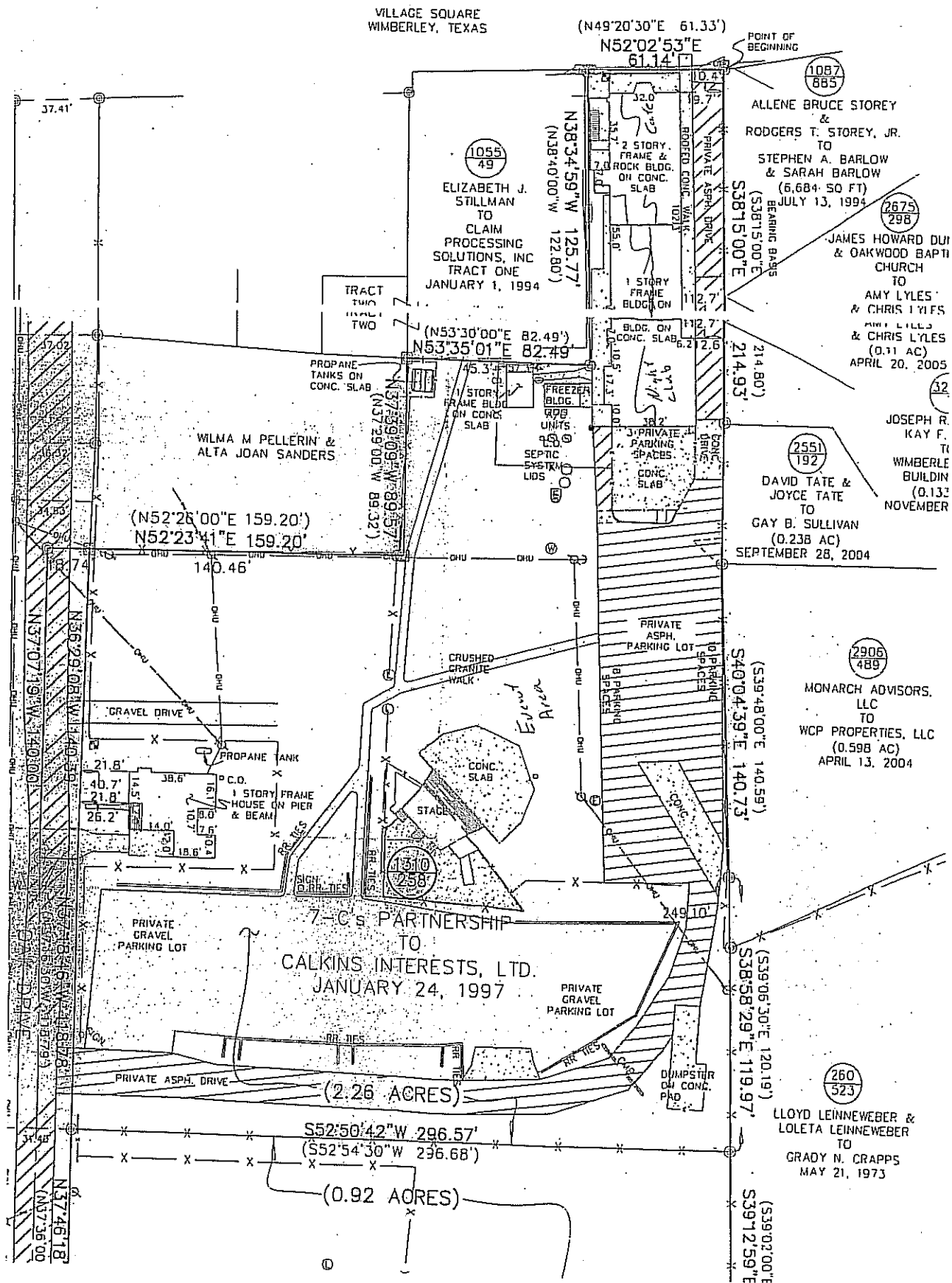

APPLICANT SIGNATURE

WHEN APPLICABLE:

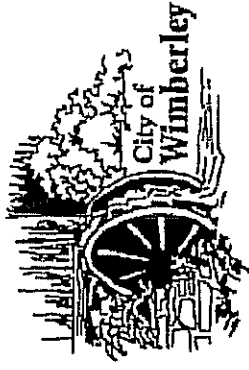
Date _____

AGENT SIGNATURE

VILLAGE SQUARE
WIMBERLEY, TEXAS



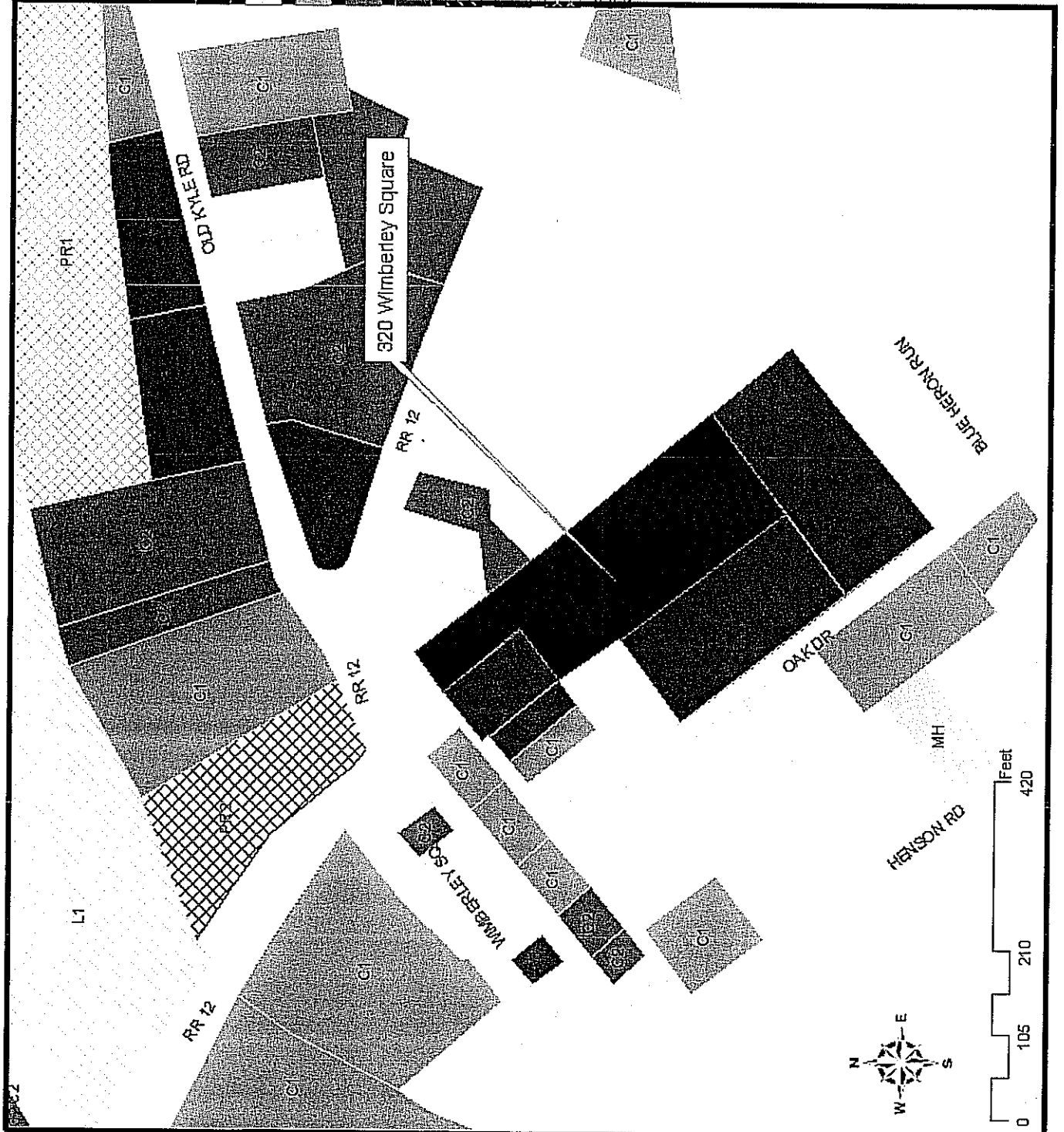
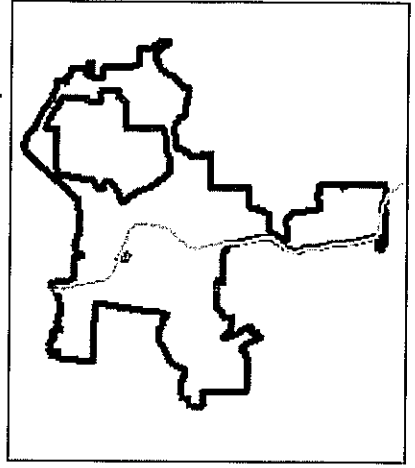
Zoning Map for CUP-10-002



P.O. Box 2027 • Wimberley, Texas 78676

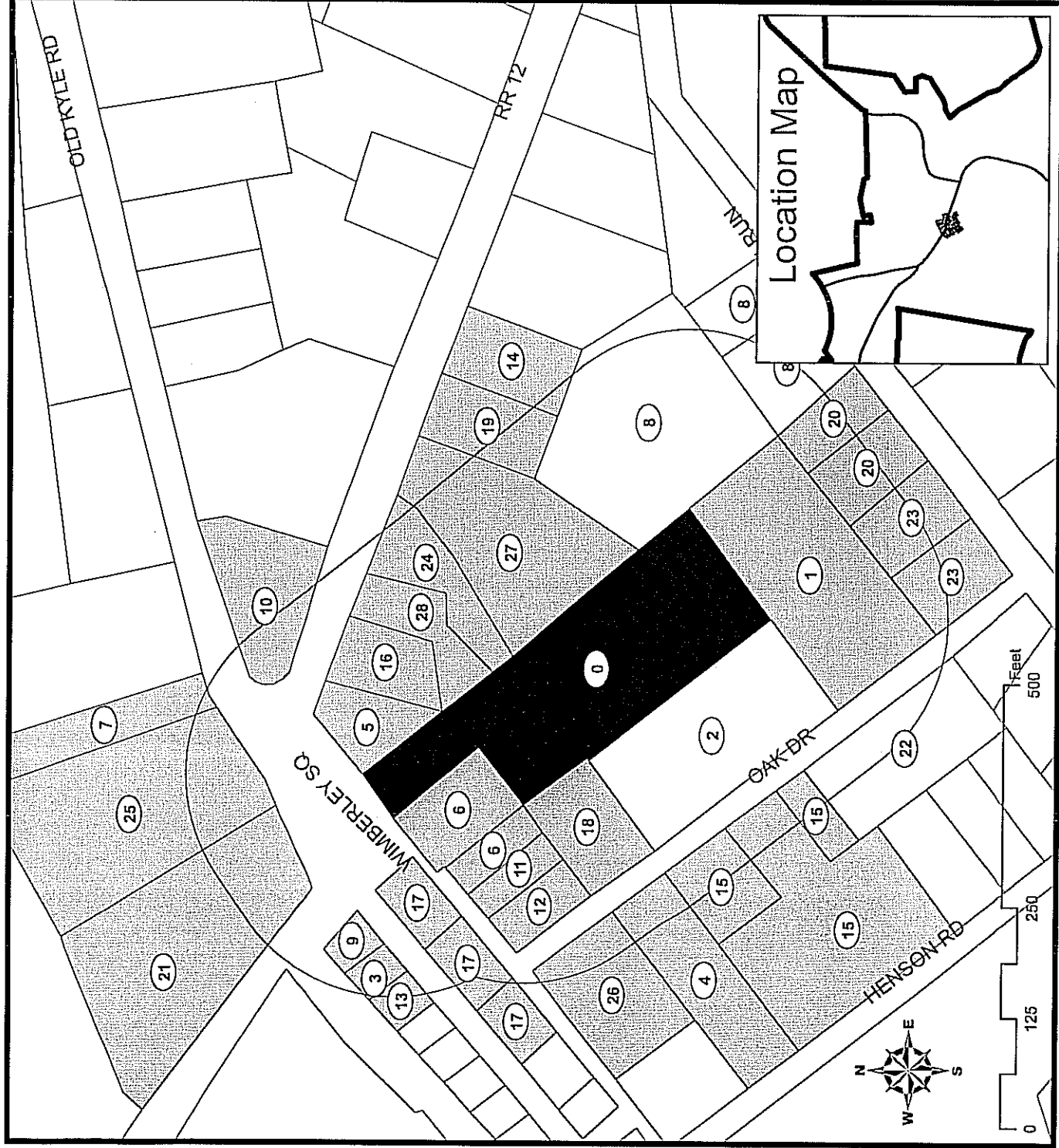
-  Subject Property
-  Mobil Home
-  Commercial-Low Impact (C-1)
-  Commercial-Moderate Impact (C-2)
-  Commercial-High Impact (C-3)
-  Lodging 1 (L-1)
-  Lodging 2 (L-2)
-  Participant Recreation-Low Impact (PR-1)
-  Participant Recreation-High Impact (PR-2)

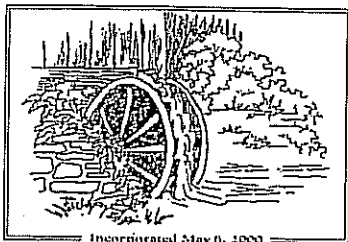
Location Map



Notification Map for CUP-10-002

	200 Foot Notification Buffer
	0, CALKINS, INTERESTS LTD
	1, City of Wimberley
	2, CALKINS, INTERESTS LTD
	3, 104 WIMBERLEY SQUARE LTD
	4, ANDERSON, MARCILIA L
	5, BARLOW STEPHEN A & SARAH
	6, CLAIM PROCESSING SOLUTIONS INC
	7, CRANE, LES
	8, CRAPPS HELEN LOUISE ESTATE OF
	9, DIXIE CLEMENTINE MANAGEMENT INC
	10, DOUBLE LC PARTNERS ONE LTD
	11, FLOCKE, ROBERT
	12, FRANKLIN SUE M & EST OF JAMES R
	13, FRAZIER, JODY LEE
	14, JOHNSTON WILLIAM A & ULRIKE J
	15, LANE JOY & BERRY DOT LANE
	16, LYLES AMY & CHRIS
	17, MCCULLOUGH HERSHEL & ROBINETTE
	18, MCQUIGG, MARY KAY
	19, ODOM CHARLES N TRUSTEE
	20, RAMIREZ, FELIPE
	21, ROMANO, LAURA
	22, SCHNAUTZ, NANCY L
	23, SCUDDER, JANET E
	24, SULLIVAN, GAY B
	25, TATE, JOYCE WEBB
	26, VAN OSTRAND PHILLIP M & MARY L
	27, WCF PROPERTIES LLC
	28, WIMBERLEY PATIO BUILDING LLC





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: CVP-10-009

Owner _____

Date 10/08/2010

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

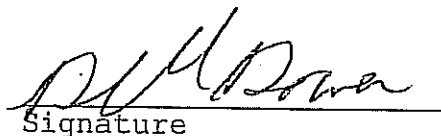
() Project Site Address _____

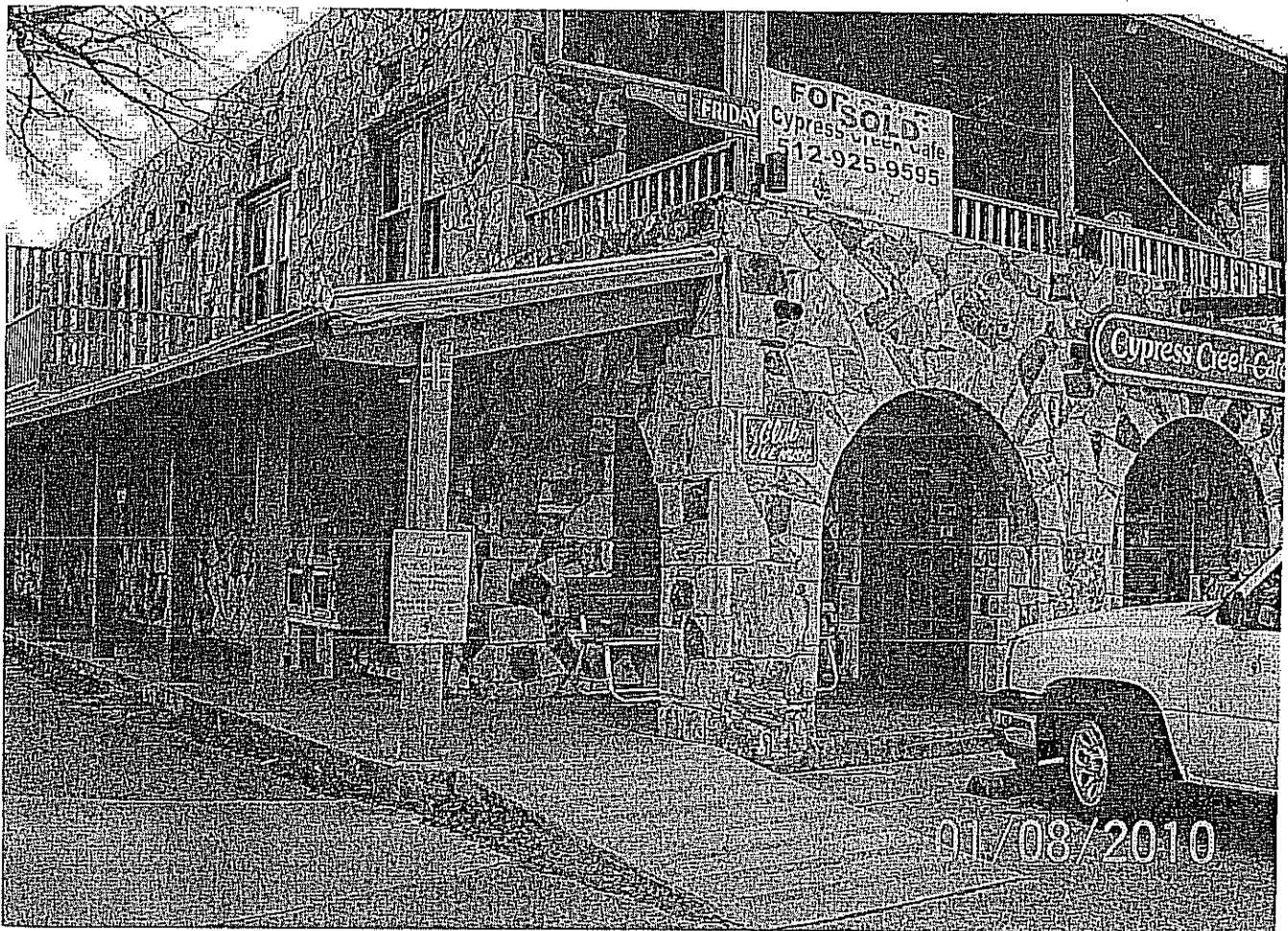
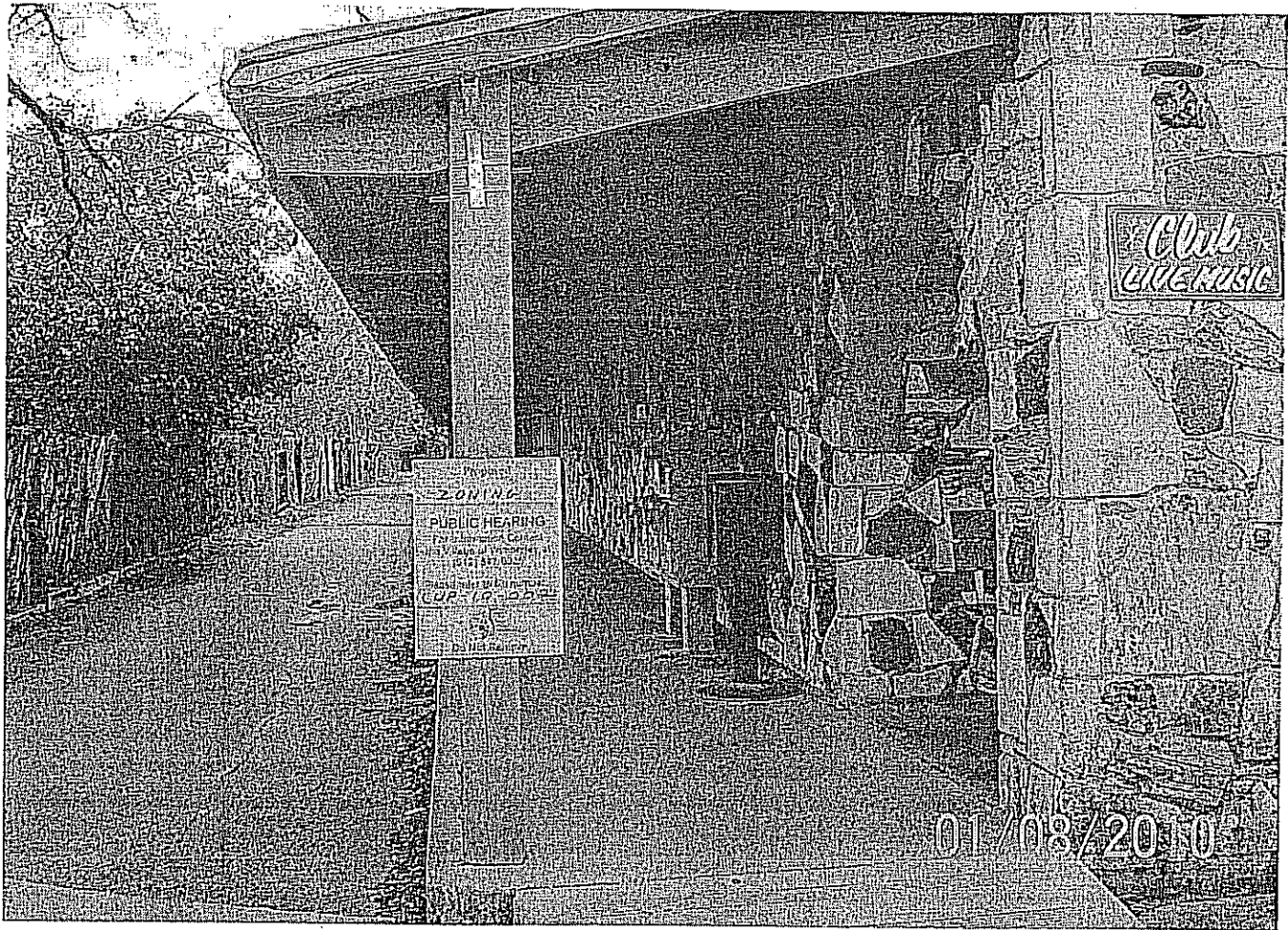
which is located _____

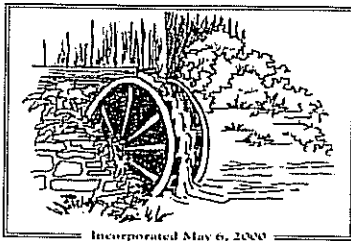
Bill Bowers
Asst. Public Works

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

7/8, ²⁰¹⁰~~2009~~


Signature





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, Jeri Xiques, Terrie Bursiel, Dick Larson
Don Ferguson, City Administrator

January 8, 2010

NOTICE OF PUBLIC HEARING

Re: File No. CUP-10-002

320 Wimberley Square

A request for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and an eating establishment that includes the sale of beer, wine and alcohol for on premise consumption

Dear Property Owner:

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

Charles R. Uselton has requested a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and an eating establishment that includes the sale of beer, wine and alcohol for on premise consumption for a property located at 320 Wimberley Square.

The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, January 28, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon recommendations from the Commission, City Council will hold a Public Hearing to consider the same requests on **Thursday, February 4, 2010 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

THE CLASSIFIED

Wednesday, January 13, 2010

Email your ads to: classad@wimberley-tx.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 28, 2010, at 6:30 p.m. to consider the following: CUP-10-002; an application for a Conditional Use permit (CUP) to allow the operation of a bar or tavern and to allow an eating establishment that includes the sale of alcohol for on premise consumption at 320 Wimberley Square. Upon recommendation of the Planning & Zoning Commission the City Council will also hold a public hearing on Thursday, February 4, 2010, 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 (PO 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 (09671/ra/4)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 28, 2010, at 6:30 p.m. to consider the following: CUP-10-001; an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 1415 E Spoke Hill Drive. Upon recommendation of the Planning and Zoning Commission, the City Council will also hold a public hearing on Thursday, February 4, 2010, 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 (PO 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 (09672/ra/4)

**PUBLIC NOTICE
Plum Creek
Conservation District
Rules Adoption
Notice**
On December 29, 2009 Plum Creek Conservation District

adopted revised Groundwater Management and Protection Rules exercising authority granted to the District in provisions of Chapter 36 of the Texas Water Code. This District is also governed by the provisions of Chapters 49 and 51 of the Texas Water Code.

The revised Rules set out requirements for various types of groundwater well test hold and well permits issued by the Board and state Rules applying to exempt wells. The Rules eliminate drilling permits but specify requirements for test holes, production well permits, transportation permits, recharge well permits, and miscellaneous non-exempt well permit applications. Among new requirements are production limitations based on the number of surface acres in a tract associated with a well in amounts that vary with the formation from which the water is to be produced but in most cases, 1 1/2 acre foot per acre per year. Classification of wells as Tier I or Tier II depending on the production rate associated with the well and the intended use of the water; and varying requirements for information to be submitted in applications depending on the type of well and its classification. The rules contain requirements applicable to water well drilling companies and per-

sons working on wells, and impose fees including fees on water produced in the District and transported for use outside the boundaries of the District. The revised Rules also specify procedures to be used by the District in considering and acting on applications for various types of permits including procedures to be used if someone desires to contest the issuance of a permit. Penalties for violation of the Rules are as allowed by Texas Law and include the potential for Civil Penalties of up to \$10,000 per day, injunction, and recovery of cost of enforcement including attorneys' fees and expert witness fees. The full text of the regulations is on file in the offices of the District at 1403 Black Jack St. (State Highway 20 East) Suite C, Lockhart, Texas during the District's normal business hours. The revised Rules are also posted in the District's web site: <http://pccd.org> (09652/2/2 & 4)

PUBLIC NOTICE
By order of the Hays County Commissioners Court, notices are hereby given that on Tuesday, January 27, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court will hold a public hearing to consider

Resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley, Unit 1, Section 2. (09628/3a/5)

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant: Rufino Rodriguez III. Landlord Lien sale on site, January 11, 2010, 9 a.m. (09625/2a/3)

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant: Marvin (Cody) Martin. Landlord Lien sale on site, January 18, 2010, 9 a.m. (09643/2a/4)

★ AUTOS

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

**ATTENTION:
Road Runner Recycling**
is now buying all types of scrap metal. We buy junk vehicles, any condition, running, wrecked or not. Cash paid. Location: 16380 N. Hwy. 123, San Marcos, TX. 512-353-4511 for

512-396-1382 (02949/4cc/134)

★ BUSINESS OPPORTUNITIES

ESTABLISHED CASH FLOWING LOCAL BUSINESS

All assets & lease convey. Flow overnight. Owner may carry \$23,500. Call Debbie Hill, Sanford Group, 512-801-4280 (09631/cc-tn)

★ COMMERCIAL FOR LEASE

RETAIL SHOP
Wimberley Square, Approx. 220 sq. ft. w/deck. \$525 per month plus deposit. Year lease. 847-2113 Mary (09650/cc/4)

ONE MONTH FREE
at The Quarter. Wimberley's newest retail center. Several spaces to choose from small to large. Best rates on the square. Call 512-695-6328 or 512-847-6026 (09645/4a/9)

EXECUTIVE SUITES
Wimberley. Receptionist, internet, conference room, more. \$200. 512-423-8700 (06365/a/tn)

ORDINANCE NO. 2010-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHARLES USELTON TO PERMIT A BAR OR TAVERN AND AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A TRACT LOCATED AT 320 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Charles Uselton ("Applicant") requesting authorization to permit a Bar or Tavern and Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as Lot 1, CCC Addition, 320 Wimberley Square, Wimberley, Texas, zoned Commercial-High Impact (C-3); and

WHEREAS, an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption is an authorized use in areas zoned Commercial-High Impact (C-3) upon the granting of a Conditional Use Permit; and

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

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

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

WHEREAS, the City Council finds that the additional use of the subject property for the sale of alcoholic beverages for on-premise consumption, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Charles Uselton ("Applicant") to permit a Bar or Tavern and an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as Lot 1, CCC addition, 320 Wimberley Square, zoned Commercial-High Impact (C-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use of a Bar or Tavern and Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption, as well as all applicable regulations in effect at the time of the submission of the building permit application. Other than current existing uses of the property, this Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.
3. Prior to occupancy of the subject property for the uses described in this Ordinance, the property owner shall install a privacy fence no less than eight feet (8') in height and a vegetative buffer along the east and west interior side property lines.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the Wimberley City Council on the ____ day of _____, 2010 by a vote of ____ (Abstentions), ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

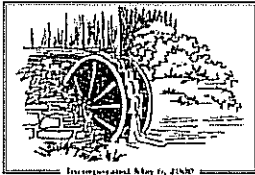
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER ACTION ON A DISTANCE RESTRICTION WAIVER REQUEST TO ALLOW FOR THE SALE OF BEER, WINE AND ALCOHOL AT 320 WIMBERLEY SQUARE

Council Action Requested:

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

Project/Proposal Summary:

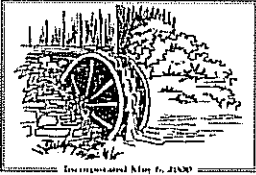
Currently, the sale of beer, wine and alcohol is prohibited within 300 feet of schools, churches, hospitals and day care facilities within the City of Wimberley. The same City ordinance that restricts the sale of beer and wine to certain locations allows business establishments located within so-called "alcohol free zones" to request a waiver from the distance requirement.

In January, the City of Wimberley received such a waiver request from the owners of the former location of *The Cypress Creek Café* who are proposing to open a bar/tavern and restaurant that sells beer and wine for on-premise consumption at 320 Wimberley Square. The subject property is located within 300 feet from a church and day-care facility. In accordance with City ordinance, notice of the requested waiver was mailed to all property owners within 300 feet of the subject property. At the time of production of this agenda packet, no public comments either for or against the requested waiver have been received by the City.

The City's ordinance allows City Council to waive the distance requirements if the Council determines enforcement of the distance provision in a particular case:

- is not in the best interest of the public
- constitutes waste or the inefficient use of land or other resources
- creates an undue hardship on an applicant
- does not serve its intended purpose
- is not effective or necessary
- for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines in the best interest of the community.

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO THE PURCHASE OF LOT 80 IN SOUTH RIVER UNIT 1, ALSO KNOWN AS 211 STILLWATER

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 resolution authorizing the Mayor to execute all documents, including the purchase agreement, financial application and other documents related to the purchase of Lot 80 in South River Unit 1, also known as 211 Stillwater. The subject property is 0.814 acres in size.

There are subsequent action items on this agenda to approve the budget amendment necessary to fund the purchase and related items and to provide notice to terminate the City's current City Hall office space lease.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS, AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS, INCLUDING A PURCHASE AGREEMENT AND FINANCIAL APPLICATION AND DOCUMENTS RELATED TO THE PURCHASE OF A CERTAIN TRACT OF REAL PROPERTY DESCRIBED AS LOT 80, SOUTH RIVER UNIT 1, CONSISTING OF APPROXIMATELY 0.814 ACRES, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley ("City"), has negotiated a purchase agreement with the owner of the real property described as Lot 80, South River Unit 1, consisting of approximately 0.814 acres, City of Wimberley, Hays County, Texas, as shown on the plat recorded in Volume 7, Page 179, Hays County Plat Records (the "Property"); and,

WHEREAS, pursuant to section 51.015 of the Texas Local Government Code, the City is authorized to purchase and hold property in the municipality in order to carry out a municipal purpose; and,

WHEREAS, the Property is necessary for the operation of a City Hall for the City, and all other lawful municipal purposes; and,

WHEREAS, the City has obtained an appraisal of the Property and finds that the purchase price accurately reflects fair market value; and,

WHEREAS, on January 21, 2010, the City Council adopted a resolution that authorized the Mayor to sign documents related to the purchase of the Property; and,

WHEREAS, subsequent to that Council meeting, substantive terms of the purchase agreement were revised, therefore Council action is requested to authorize the Mayor's signature of the revised agreement, as well as to seek financing and sign related loan transaction documents in order to complete the real estate purchase; and,

WHEREAS, the City Council finds that the action authorized by this Resolution is 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.

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

1. That the City Council hereby approves and authorizes the Mayor to execute a purchase agreement in the form specified in Exhibit "A", and all related documents to effectuate the purchase of real property owned by Cypress Creek Church, Inc., known as Lot 80, South River Unit 1, consisting of approximately 0.814 acres, City of Wimberley, Hays

County, Texas, as shown on the plat recorded in Volume 7, Page 179, Hays County Plat Records (the "Property").

2. That the Mayor is further authorized to take whatever further actions appropriate or advisable, including designation of a title company, and other routine matters related to the closing.
3. That the Mayor is authorized to expend the necessary sums to pay the earnest money in the amount described in the purchase agreement, and sign the necessary loan and financial documents to obtain financing in order to acquire the Property.
4. That all previous acts and proceedings done or initiated by the Mayor, City Administrator, the City's agents, representatives, officers or employees to pursue the negotiation and execution of the purchase agreement, due diligence activities in connection with the acquisition of the Property, are hereby authorized, ratified, approved, confirmed, and validated.
5. That the City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.
6. That this Resolution shall take effect immediately from and after its passage and publication as may be required by governing law, and shall control in the event it conflicts with prior Council action.
7. That this Resolution was passed at a meeting that was open to the public and 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 by the City Council of the City of Wimberley, Texas
this ____ day of _____, 2010.

APPROVED:

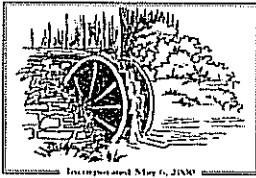
Tom Haley
Mayor, City of Wimberley

ATTEST:

Cara McPartland
City Secretary, City of Wimberley

[seal]

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER APPROVAL
OF THE AUDITED FINANCIAL REPORT FOR
THE FISCAL YEAR ENDING SEPTEMBER 30,
2009

Funds Required:

Funds Available:

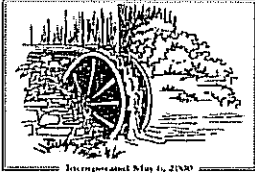
Council Action Requested:

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

Project/Proposal Summary:

In January 2010, Mr. Preston Singleton – the City's outside auditor – completed the audited annual financial report for the fiscal year ending September 30, 2009. A copy of the report will be presented to City Council under separate cover in advance of the Council meeting. Mr. Singleton will be present at the City Council meeting to answer questions regarding the report.

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER ACTION ON
OPTIONS FOR FINANCING THE ACQUISITION OF A
.814 ACRE TRACT OF LAND LOCATED AT 211
STILLWATER

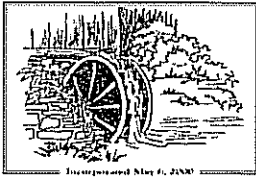
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action on options for financing the acquisition of a .814 acre tract of land located at 211 Stillwater Drive. Attorney Tom Pollan with Bickerstaff Heath Delgado Acosta LLP - the City's General Legal Counsel - will be present to brief City Council on the financing instruments available to the City under the law for financing such an acquisition.

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER APPROVAL
OF A FUND BALANCE TRANSFER AND BUDGET
AMENDMENT RELATING TO THE PURCHASE OF
211 STILLWATER

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

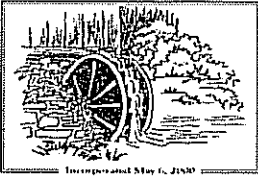
☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the transfer of up to \$120,000 from the *City of Wimberley Fund Balance* to fund the various costs associated with the purchase of property located at 211 Stillwater in Wimberley, Texas. Among the costs to be funded are a down payment on the property purchase in the amount of \$100,000 along with the costs of property and environmental surveys and the cost of moving into the subject property. If it is the desire of Council to approve the proposed transfer from fund balance, the motion should also reflect an amendment to the *Fiscal Year 2010 City of Wimberley General Fund Budget* to reflect the transfer and expenditures.

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER AUTHORIZING
THE CITY ADMINISTRATOR TO TERMINATE THE
CURRENT CITY HALL OFFICE LEASE

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

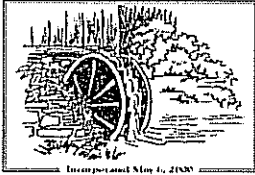
☒ Motion

☒ Discussion

Project/Proposal Summary:

With the anticipated purchase of property for a new City Hall, there is a need for the City of Wimberley to terminate its current lease for City Hall office space located at 12111 Ranch Road 12. This item was placed on the agenda to allow City Council to authorize the City Administrator to provide such notice to the City's current landlord.

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER APPROVAL
OF A REQUEST TO REMOVE THE DESIGNATION
OF LEACH LANE AS AN EMERGENCY ACCESS
ROUTE IN THE TRANSPORTATION MASTER
PLAN

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 approval of a request to remove the designation of Leach Lane as an emergency access route in the *City of Wimberley Transportation Master Plan*. The move comes at the request of a River Meadows Subdivision resident opposed to the recent emergency access designation (See Attachment). Leach Lane was one of several emergency access routes designated in the Master Plan last year by the City Council based on recommendations from the Transportation Advisory Board and Planning and Zoning Commission.

January 18, 2010

Councilman Thurber:

My name is Brad Stockman, and I live at 200 Leach Lane. I am writing to ask your help in addressing an issue in the City's Transportation Master Plan, regarding Emergency Access to the River Meadows area of town.

As you're aware, the Transportation Advisory Board (TAB) made recommendations regarding several sections of the Wimberley Transportation Master Plan, including recommendations for Emergency Access and Connectivity. In the area of the River Meadows subdivision, the TAB recommended a Connector Road be established at the terminus of Leach Lane, through to Wayside Drive. Planning and Zoning recommended that this road not be established, and City Council agreed - the road was not included in the Transportation Master Plan.

However, prior to the community attention and opposition to the TAB plan for Connectivity, the TAB recommended - then P&Z and Council approved - that a new Emergency Access road be established at the same location (at the end of Leach Lane). This Emergency Access roadway is now a part of the approved Transportation Master Plan - ***and I'm writing to ask your help in removing that roadway from the Master Plan.***

The River Meadows subdivision, as a group of property owners, holds deed to a strip of land between River Road and Wayside Drive. On this strip of land, the subdivision has constructed and maintained a roadway, specifically for the purpose of providing emergency access to and from the River Meadows subdivision, in the event River Road becomes impassible. Our Association dues cover the maintenance of this roadway each year, and a volunteer group of homeowners regularly maintains this roadway, clearing brush and arranging for the regrading and repairs necessary to keep the road in passable condition.

TAB did not designate this roadway as the recommended Emergency Access roadway because there is some concern that in extreme conditions, the road may not be passable by large emergency vehicles. However, in designating the area at the end of Leach Lane as the new Emergency Access location, TAB selected a piece of land that is not owned by the city, the subdivision, or any public source - this land is privately owned by individual property owners. Further, there is no existing roadway at this location - the construction of which will entail a large expense that neither the city nor area homeowners are prepared to bear.

In our most recent annual property owner's association meeting (in October of 2009), our group voted unanimously to create a committee of responsible property owners to study this issue, and make a recommendation to the Property Owners Association and to the City, regarding the Emergency Access to the River Meadows area of Wimberley. This group has met three times, and is in the process of obtaining cost estimates for various options. This group will present its findings to a special session of the River Meadows Club, LLC on April 10th, 2010. Following that meeting, when our group has voted on the most appropriate option for our residents, we plan to bring our recommendation to the TAB, P&Z, and City Council for consideration and possible inclusion in the City's Transportation Master Plan.

Until that recommendation is reached, ***I respectfully request that City Council ask the P&Z and/or TAB to remove Leach Lane as a designated Emergency Access roadway in the City's Transportation Master Plan.*** In turn, our community group will, in the interim, continue to maintain the existing Emergency Access roadway.

Thank you for your consideration of this matter. I appreciate and respect the difficult work of the TAB, and I appreciate the consideration you've shown to this process.

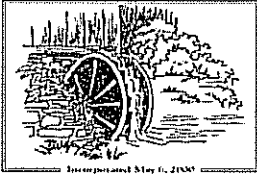
Sincerely...

Brad Stockman

*PO Box 27
Wimberley Tx 78676*

*512-922-4316
jls83340@yahoo.com*

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER DECLARING AN IN-VEHICLE VIDEO CAMERA SYSTEM AS SURPLUS PROPERTY AND APPROVING THE TRANSFER OF THE SYSTEM TO HAYS COUNTY PRECINCT THREE CONSTABLE

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☒ Motion

☒ Discussion

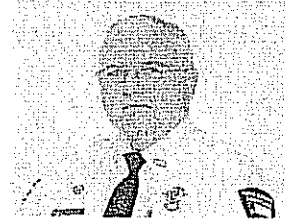
Project/Proposal Summary:

Last year, the Wimberley City Marshal secured two (2) surplus in-vehicle video camera systems, at no cost, from a Gulf Coast law enforcement agency for use in Wimberley. With the recent elimination of the City Marshal's position, the City no longer has a need for the video systems.

Hays County Precinct Three Constable Darrell Ayres has expressed interest in obtaining one of the units for use in one of his patrol vehicles. As such, City staff recommends declaring Property Item #119038 as surplus equipment and authorizing its transfer to the Hays County Precinct Three Constable for law enforcement use.



DARRELL W. AYRES
Constable
Hays County Precinct 3



1-4-2010

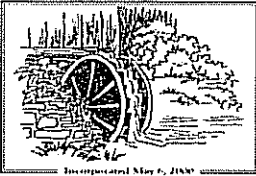
City of Wimberley,

We would like to formally request the permanent loan of a VHS video camera for use by this department. We would also like to thank you for allowing us the use of this equipment to help further our law enforcement duties in serving the community and surrounding areas and for all the help and support you have given us in carrying out those duties.

A handwritten signature in cursive script that reads "Darrell W. Ayres".

Darrell W. Ayres
Hays County Constable Pct. 3

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

Project/Proposal Title: CONSIDER ACTION
RELATING TO THE ANNUAL PERFORMANCE
REVIEW OF THE CITY ADMINISTRATOR

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

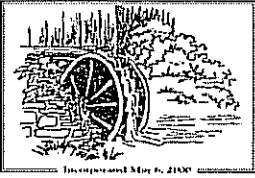
☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to conduct the annual performance review for the City Administrator and consider any action relating to the review.

City Council Agenda Form



Date Submitted: February 1, 2010

Agenda Date Requested: February 4, 2010

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 the Mayor and members of City Council and for future agenda item requests.