



**CITY OF  
WIMBERLEY**

# **REGULAR CITY COUNCIL MEETING PACKET**

**Thursday, April 15, 2021  
6:00 p.m.**



# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

## **REGULAR CITY COUNCIL MEETING** **THURSDAY, APRIL 15, 2021 – 6:00 P.M.**

### **AGENDA**

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 15, 2021, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 822 7082 8808 and using the password 687936.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at [lcalcote@cityofwimberley.com](mailto:lcalcote@cityofwimberley.com), at least two hours before the meeting. **PLEASE IDENTIFY THE AGENDA ITEM ON WHICH YOU WOULD LIKE TO SPEAK AND WHETHER YOU ARE IN FAVOR OR IN OPPOSITION TO THE ITEM.** If you sign up for an agenda item, please sign in or call in at least ten (10) minutes prior to the start of the meeting and identify yourself to the City Secretary.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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- |                                                                |                                          |
|----------------------------------------------------------------|------------------------------------------|
| 1. <b><u>CALL TO ORDER</u></b>                                 | April 15, 2021 at 6:00 p.m.              |
| 2. <b><u>CALL OF ROLL</u></b>                                  | City Secretary, Laura Calcote            |
| 3. <b><u>INVOCATION</u></b>                                    | Chapel in the Hills Reverend, Jim Denham |
| 4. <b><u>PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG</u></b> |                                          |



**5. CITIZENS COMMUNICATIONS**

*Citizens must sign-in with City Secretary, Laura Calcote, via email at [lcalcote@cityofwimberley.com](mailto:lcalcote@cityofwimberley.com) at least two (2) hours before the meeting to address City Council. Limit your comments to three (3) minutes. City Council will listen to the comments but cannot discuss or respond to the comments during the meeting. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.*

**6. TEMPORARY STRUCTURE PERMITS**

6.1. Discuss and consider possible action to renew a Temporary Structure Permit for the Cactus Coffee food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas. *(Applicant: Brooke Burnett)*

6.2. Discuss and consider possible action to renew a Temporary Structure Permit for the Triforks food service trailer operating at 13601 Ranch Road 12, Wimberley, Hays County, Texas. *(Applicant: Melissa Nance)*

6.3. Discuss and consider potential direction for future amendments to Article 4.04 Temporary Structures requirements in relation to mobile food trucks. *(Mayor, Gina Fulkerson)*

**7. PROCLAMATION**

Proclamation of the City of Wimberley, Texas proclaiming April 2021 as “Sexual Assault Awareness and Prevention Month.” *(Hays-Caldwell Women’s Center)*

**8. PRESENTATION AND POSSIBLE ACTION**

Presentation and consider possible action related to the Greater San Marcos Partnership Alliance. *(Place Two Council Member, Teresa Shell)*

**9. CONSENT AGENDA**

9.1. Approval of minutes from the Regular City Council Meeting held April 1, 2021.

9.2. Approval of the February 2021 Financial Statements for the City of Wimberley.

**10. BOARD, COMMISSION, COMMITTEE REPORT**

Report from the Transportation Advisory Board.

**11. CITY ADMINISTRATOR REPORT**

Update regarding sales tax and repairs to City facilities from the winter storm *(City Administrator, Mike Boese)*

**12. PUBLIC HEARINGS AND POSSIBLE ACTION**

12.1. Hold a public hearing and consider possible action regarding case ZA-21-005, an application for a Zoning Amendment to change the zoning for the property located at 107 Henson, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). *(Applicant: Kristie Gaines)*

- 12.2. Hold a public hearing and consider possible action regarding case CUP-21-008, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 107 Henson, Wimberley, Hays County, Texas. (*Applicant: Kristie Gaines*)
- 12.3. Hold a public hearing and consider possible action regarding case ZA-21-006, an application for a Zoning Amendment to change the zoning for the property located at 220 Old Kyle, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). (*Applicant: Suzanne Oliver*)
- 12.4. Hold a public hearing and consider possible action regarding case CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 220 Old Kyle Rd, Wimberley, Hays County, Texas. (*Applicant: Rodney Bursiel*)
- 12.5. Hold a public hearing and consider possible action regarding case CUP-21-007, an application for a Conditional Use Permit to allow for the construction of a Secondary Residential Building on a property located at 1920 River Rd, Wimberley, Hays County, Texas. (*Applicant: Carl & Sheila Johnson*)
- 12.6. Hold a public hearing and consider possible action regarding case CUP-21-009, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 131 Panorama Dr, Wimberley, Hays County, Texas. (*Applicant: Paige Rodriguez*)
- 12.7. Hold a public hearing and consider possible action regarding case CUP-21-011, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 109 Kingsway Dr, Wimberley, Hays County, Texas. (*Applicant: Robert Blackwell*)
- 12.8. Hold a public hearing and consider possible action regarding case CUP-21-012, an application for a Conditional Use Permit to allow for the operation of a Drive Thru Eating Establishment on a property located at 9315 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Janette Tarbell*)

### **13. DISCUSSION AND POSSIBLE ACTION**

- 13.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*Project Manager, Craig Fore*)
- 13.2. Discuss and consider possible action regarding the first reading of an ordinance of the City of Wimberley, Texas, amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping and Tree Preservation) of the City of Wimberley Code of Ordinances (*Place Five Council Member, Bo Bowman*)
- 13.3. Discuss and consider possible action regarding the revised City of Wimberley Boards, Commissions and Committees Handbook. (*City Secretary, Laura Calcote*)

#### **14. EXECUTIVE SESSION**

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

Pursuant to Section 551.071 (Consultation with Legal Counsel) and Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third party: Parking Expansion.

#### **15. OPEN SESSION**

Discussion and possible action resulting from Executive Session.

#### **16. CITY COUNCIL REPORTS**

16.1. Announcements

16.2. Future agenda items

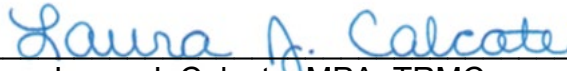
#### **17. ADJOURNMENT**

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

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

### **CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofwimberley.com](http://www.cityofwimberley.com), in compliance with Chapter 551, Texas Government Code, on Monday, April 12, 2021, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



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Laura J. Calcote, MPA, TRMC  
City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





|                        |                                    |
|------------------------|------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>Temporary Structure Permits</b> |
| <b>SUBMITTED BY:</b>   | Laura Calcote, City Secretary      |
| <b>DATE SUBMITTED:</b> | April 8, 2021                      |
| <b>MEETING DATE:</b>   | April 15, 2021                     |

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Previously City Council approved temporary structure permits for Cactus Coffee and Triforks food service trailers to be located at 13615 and 13601 Ranch Road 12, next to Shop the Tree House. See attached minutes from 5/14/2020 and 12/17/2020. The City's Code of Ordinances (Sec. 4.04.009) states a mobile food vendor may be permitted in the City Center overlay for a maximum duration of three (3) months, but the applicant may apply for renewal. Therefore, Cactus Coffee and Triforks are applying for renewal of their mobile food vendor permits at 13601 Ranch Road 12.

### REQUESTED ACTION

Motion ☒

Discussion ☒

Ordinance ☐

Resolution ☐

Other ☐

### FINANCIAL

Budgeted Item ☐ Original Estimate/Budget: \$

Non-budgeted Item ☐ Current Estimate: \$

Not Applicable ☒ Amount Under/Over Budget: \$

### STAFF RECOMMENDATION

### ATTACHMENT/S

- Section 4.04.009 (Mobile Food Vendors in City Center Overlay)
- Cactus Coffee Permit
- Triforks Permit

#### Sec. 4.04.008 Requirements

Any permitted temporary structure shall comply with the following:

- (1) Permission to use property. If the applicant is not the owner of the property where the proposed temporary structure is to be located, the applicant must provide written proof from the property owner documenting permission to use the property.
- (2) Compliance with applicable regulations. Any such temporary structure erected, constructed, or placed upon property shall comply with all applicable provisions of this Code of Ordinances, including the fire, electrical, and building codes. No part of a temporary structure shall be located on any public property or in the right-of-way except with express permission of the city council.
- (3) Ingress and egress; fire safety. The temporary structure must have sufficient ingress and egress for the public and must be inspected to ensure it complies with all fire requirements including extinguishers, signage and type of materials used for the structure.
- (4) Food service. The applicant must have an inspection prior to selling food or beverage products.
- (5) Restrooms. The applicant must provide adequate restroom facilities or provide written documentation evidencing access to restroom facilities. The applicant's temporary use cannot cause another's septic facility to exceed its capacity limits.
- (6) Appearance. The structure and all decorations shall be compatible with the Hill Country and no products shall be displayed or stored outside of the temporary structure.
- (7) Documentation from engineer. Documentation from an engineer may be required depending on the type, construction and location of a temporary structure.
- (8) Parking. Parking on-site or permission to park on an adjoining property must be secured.
- (9) Signage. Signage shall be limited to one (1) sign with a face area of two (2) feet by two (2) feet.
- (10) Removal. All such temporary structures or accessory uses or structures shall be removed from the property at the expiration of the time period defined in the permit.

(Ordinance 2012-007 adopted 2/16/12; Ordinance 2016-007, sec. 151.100(G), adopted 3/3/16)

#### Sec. 4.04.009 Mobile food vendors in City Center overlay

A mobile food vendor may be permitted in the City Center overlay subject to the following:

- (1) A mobile food vendor must apply for and obtain a mobile food vendor City Center overlay permit from the city council. The maximum duration of such permit shall be three (3) months, but the applicant may apply for renewal.
- (2) The operator must comply with all temporary structure requirements under section 4.04.008.
- (3) A mobile food vendor may not be located within one hundred (100) feet of the primary entrance of an open and operating fixed-location eating establishment. This buffer may be reduced upon receiving written permission from said establishments.
- (4) Each unit shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and wastewater in an approved fixed-location food service establishment.
- (5) Continuous music or repetitive sounds shall not project from the mobile unit.
- (6) A five (5) foot clear space shall be maintained around the mobile food vending unit.

(Ordinance 2016-007, sec. 151.100(H), adopted 3/3/16; Ordinance adopting 2018 Code)



Public Restrooms

Ranch Road 12

Parking

Tree\*  
House\*

Purple  
Co

Propane

Blue Heron

Triforks  
Food  
Truck

Cactus  
Coffee  
Shop

\* = restrooms

15 Parking Spaces  
- 4 designated 'togo'

4 Bathrooms  
- 2 on property  
- 2 public





# City of Wimberley

221 Stillwater

Wimberley, Texas, 78676

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

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## Temporary Structure

Planning & Development

Date: \_\_\_\_\_

Staff Review: \_\_\_\_\_

Permit No.: \_\_\_\_\_

Council Hearing: \_\_\_\_\_

Applicant: Brooke Burnett

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

(If different from above)

Property Owner: Melyn Duncan Einhaus

Mailing Address: 13615 Ranch Rd 12 City: Wimberley State: TX Zip: 78676

Phone: (512) 722-3315 Email: shopthetreehouse@gmail.com

**Subject Property Address:** 13615 Ranch Rd 12, Wimberley, TX 78676

**Purpose/Use of Structure:** Mobile Food Trailer service area

**Requested Installation Date:** 6/1/2020

**Requested Removal Date:** \_\_\_\_\_

**Will the temporary structure be served by electricity?** YES ☒ NO ☐

**Will the temporary structure be served by water service?** YES ☒ NO ☐

If "YES" to either then an inspection is required for water and/or electrical service.

☒ **If service is provided through another meter attach a letter of permission.**

☒ **Provide a site plan indicating location of temporary structure in relation to other structures, parking lots, property lines etc.**

**Permission from property owner is attached.** YES ☒ NO ☐ N/A ☐

**Has a Mobile Food Establishment application been submitted?** YES ☒ NO ☐ N/A ☐

**Temporary Structure Permit..... \$25.00 each structure**  
**Inspections.....\$65.00 each**

I certify that the information contained in this application is true and correct and that if any of the information provided is incomplete or incorrect the permit may not be issued or may be revoked by the City of Wimberley. I understand that all temporary structures or accessory uses shall be removed from the property at the expiration of the time period as defined in the permit unless another Temporary Structure Permit is obtained prior to expiration. I understand that a Certificate of Occupancy may be required and contractor information will be provided if applicable. Adequate parking, restroom, setback and additional requirements per City Ordinance No. 2012-007 & Ordinance No. 2016-007 will be verified by City staff.

Applicant: *Jan Brooke Burnett* Date: 4/6/2021

City Official: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ Approved ☐ Denied





# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

## **SPECIAL CITY COUNCIL MEETING** **THURSDAY, MAY 14, 2020 – 4:00 P.M.**

### **MINUTES**

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, May 14, 2020, at 4:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 894 9046 1568 and using the password 025141.

The public will be permitted to offer comments via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments or offer written questions or comments must notify City Secretary, Laura Calcote, at [lcalcote@cityofwimberley.com](mailto:lcalcote@cityofwimberley.com), at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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### **CALL TO ORDER**

Mayor, Gina Fulkerson, called the meeting to order on May 14, 2020 at 4:00 p.m.

### **CALL OF ROLL**

Council Members Present: Gina Fulkerson  
Rebecca Minnick  
Teresa Shell  
Christine Byrne  
Jim Chiles

Council Members Absent: Bo Bowman

City Staff Present: Shawn Cox  
Laura Calcote  
Sarah Griffin

Mayor (*via teleconference*)  
Place One (*via teleconference*)  
Place Two (*via teleconference*)  
Place Three (*via teleconference*)  
Place Four (*via teleconference*)  
Place Five

City Administrator (*via teleconference*)  
City Secretary (*via teleconference*)  
Deputy City Attorney (*via teleconference*)

## **PRESENTATIONS**

- 3.1. Presentation by Barnabas Connection regarding fundraising, hotline call volume and community volunteers during the COVID-19 pandemic. *(Kate Sowell)*

Ms. Sowell provided an update pertaining to Barnabas Connection's increased number of calls on the organization's helpline during the COVID-19 pandemic. She also reported on the recent success of the fundraiser for The Barnabas Connection's Emergency Fund, which raised around \$31,000. There was discussion among Council and Ms. Sowell concerning Barnabas's continued support for the community during the crisis.

- 3.2. Presentation by the Crisis Bread Basket regarding food distribution and fundraising during the COVID-19 pandemic. *(John Urban)*

Mr. Urban provided an update regarding the increase in clients at the Crisis Bread Basket, and noted more families than usual were utilizing the organization's services during the COVID-19 pandemic. There was discussion between Mr. Urban and Council on how to donate to the organization and the need for volunteers.

*(Council Member Bo Bowman joined the meeting via teleconference at 4:15 p.m.)*

## **CITY ADMINISTRATOR REPORT**

City Administrator, Shawn Cox, reported on the number of current, active, COVID-19 cases within Hays County and the recent testing that had taken place over the weekend in Wimberley. Furthermore, Mr. Cox provided an update on the COVID-19 task force calls and the back to business task force meetings. He noted the phased reopening of City buildings and facilities, and stated summer camps would be cancelled at Blue Hole Regional Park, but the swim lawn would be open at a limited capacity.

## **DISCUSSION AND POSSIBLE ACTION**

- 5.1. Discuss and consider possible action regarding an application for a temporary structure. *(Wimberley Café)*

This item was not heard, due to the applicant withdrawing the application before the meeting.

- 5.2. Discuss and consider possible action regarding an application for a temporary structure. *(Cactus Coffee)*

Cactus Coffee owner, Brooke Burnett, spoke regarding her request to move her food trailer next to the business, Shop the Tree House.

**Motion to approve an application for a temporary structure to operate a food trailer at 13615 Ranch Road 12 was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

- 5.3. Discuss and consider possible action regarding increased cleaning services, due to the COVID-19 pandemic, including a proposal from Mariposa Cleaning Services, LLC for increased restroom cleaning services at the Wimberley Square and at Blue Hole Regional Park. *(Mayor Gina Fulkerson)*

There was discussion among Council, City staff and Mariposa Cleaning Services owners, Michael and Sara Aragon, pertaining to the need for additional cleaning at the downtown and Blue Hole Regional Park restroom facilities during the COVID-19 crisis. Mr. and Mrs. Aragon advised on the company's cleaning practices and products. Additionally, there was



discussion on the number of times the restrooms would need to be cleaned during the weekdays and on the weekends.

**Motion to approve a proposal from Mariposa Cleaning Services, LLC for increased restroom facility cleaning at the Wimberley Square and at Blue Hole Regional Park was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).**

- 5.4. Discuss and consider possible action to adopt Ordinance No. 2020-12, further extending a Declaration of Local Disaster; establishing rules and regulations for the duration of the disaster unless superseded by executive order of the Governor or further executive order as may be enacted or extended; incorporating the mandates of Executive Order GA-14, GA-18, GA-21 or any further executive order as may be enacted or extended; providing a savings clause; providing a severability clause; and providing an effective date. *(Mayor Gina Fulkerson)*

**Motion to adopt Ordinance No. 2020-12, further extending a Declaration of Local Disaster; establishing rules and regulations for the duration of the disaster unless superseded by executive order of the Governor or further executive order as may be enacted or extended; incorporating the mandates of Executive Order GA-14, GA-18, GA-21 or any further executive order as may be enacted or extended; providing a savings clause; providing a severability clause; and providing an effective date, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

- 5.5. Discuss and consider possible action regarding the development of an action plan to reopen Wimberley. *(Place One Council Member Rebecca Minnick)*

There was discussion regarding the City's plan to reopen in phases, and to encourage the wearing of face coverings and the additional use of hand sanitizer in businesses and restaurants around town, especially in the Wimberley Square.

**Motion to authorize the City Administrator to expend up to \$3,000 in order to procure hand sanitizer stations was made by Council Member Bo Bowman. Motion was seconded by Council Member Teresa Shell. Motion carried unanimously (5-0).**

- 5.6. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*

There was lengthy discussion regarding the status of the Project, including Capital Excavation's schedule, available funding and the completion date, set for November or December 2020. There was also discussion among Council and Mr. Cox pertaining to communication methods with system users. A workshop to discuss and review user rates was set for Tuesday, May 26<sup>th</sup>, at 6:00 p.m.

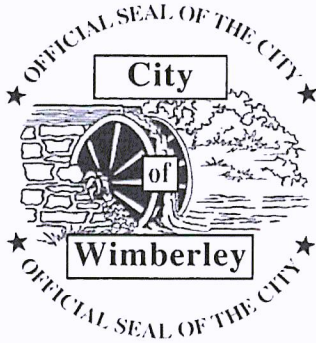
No action was taken on this item.

## **ADJOURNMENT**

**Motion to adjourn the meeting at 5:43 p.m. was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

**RECORDED BY:**

Laura J. Calcote  
Laura J. Calcote, City Secretary



**APPROVED BY:**

Gina V. Fulkerson  
Gina Fulkerson, Mayor





# City of Wimberley

221 Stillwater

Wimberley, Texas, 78676

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

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## Temporary Structure

Planning & Development

Date: \_\_\_\_\_

Staff Review: \_\_\_\_\_

Permit No.: \_\_\_\_\_

Council Hearing: \_\_\_\_\_

Applicant: Triforks Food Truck

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: TX Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: [REDACTED]

(If different from above)

Property Owner: Melyn Duncan Einhaus

Mailing Address: 13615 RR 12 City: Wimberley State: TX Zip: 78676

Phone: 512-722-3315 Email: melynduncan@gmail.com

Subject Property Address: 13615 RR 12 & 13601 RR 12, Wimberley, TX 78676

Purpose/Use of Structure: Shop & Food Trucks

Requested Installation Date: ASAP Requested Removal Date: n/a

Will the temporary structure be served by electricity? YES ☒ NO ☐

Will the temporary structure be served by water service? YES ☒ NO ☐

If "YES" to either then an inspection is required for water and/or electrical service.

☐ If service is provided through another meter attach a letter of permission.

☐ Provide a site plan indicating location of temporary structure in relation to other structures, parking lots, property lines etc.

Permission from property owner is attached. YES ☒ NO ☐ N/A ☐

Has a Mobile Food Establishment application been submitted? YES ☒ NO ☐ N/A ☐

Temporary Structure Permit..... \$25.00 each structure  
Inspections.....\$65.00 each

I certify that the information contained in this application is true and correct and that if any of the information provided is incomplete or incorrect the permit may not be issued or may be revoked by the City of Wimberley. I understand that all temporary structures or accessory uses shall be removed from the property at the expiration of the time period as defined in the permit unless another Temporary Structure Permit is obtained prior to expiration. I understand that a Certificate of Occupancy may be required and contractor information will be provided if applicable. Adequate parking, restroom, setback and additional requirements per City Ordinance No. 2012-007 & Ordinance No. 2016-007 will be verified by City staff.

Applicant: Melissa Nance Melissa Nance Date: 4/6/2021

City Official: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ Approved ☐ Denied



# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

## **REGULAR CITY COUNCIL MEETING** **THURSDAY, DECEMBER 17, 2020 – 6:00 P.M.**

### **MINUTES**

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

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A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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### **CALL TO ORDER**

Mayor, Gina Fulkerson, called the meeting to order on December 17, 2020 at 6:00 p.m.

### **CALL OF ROLL**

Council Members Present:

Gina Fulkerson  
Rebecca Minnick  
Teresa Shell  
Christine Byrne  
Jim Chiles  
Bo Bowman

Mayor (*via teleconference*)  
Place One (*via teleconference*)  
Place Two (*via teleconference*)  
Place Three (*via teleconference*)  
Place Four (*via teleconference*)  
Place Five (*via teleconference*)

City Staff Present:

Paul Parker

Interim City Administrator (*via teleconference*)

Laura Calcote

City Secretary (*via teleconference*)



|                |                                                                  |
|----------------|------------------------------------------------------------------|
| Sarah Griffin  | City Attorney ( <i>via teleconference</i> )                      |
| John Provost   | Public Works Superintendent ( <i>via teleconference</i> )        |
| Nathan Glaiser | Planning & Development Coordinator ( <i>via teleconference</i> ) |

### **INVOCATION**

Wimberley United Methodist Church Reverend, Wes Cain, gave the invocation.

### **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor, Gina Fulkerson, led the pledges to the United States and Texas flags.

### **CITIZENS COMMUNICATIONS**

There were no citizen's comments.

### **CONSENT AGENDA**

**Motion to approve the Consent Agenda, as presented, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).**

6.1. Approval of minutes from the Regular City Council Meeting held December 3, 2020.

6.2. Approval of the October 2020 Financial Statements for the City of Wimberley.

6.3. Approval of Mayor Gina Fulkerson's appointment of Gail Pigg to the Board of Adjustment.

6.4. Approval of Place Five Council Member Bo Bowman's appointment of Michael Rambo to the Board of Adjustment.

6.5. Approval of Craig Reitz's resignation from the Planning and Zoning Commission.

### **CITY ADMINISTRATOR REPORT**

Interim City Administrator, Paul Parker, provided an update regarding weekend traffic control efforts in the Wimberley Square, which would continue through the end of December. Public Works Superintendent, John Provost, thanked Keep Wimberley Beautiful for their continued efforts in maintaining a clean community. Additionally, Mr. Provost updated Council on three Texas Department of Transportation projects in progress for the City, which included repainting the center line arrows in the Wimberley Square, pedestrian crosswalk lights at the main Ranch Road 12 crossing in the Wimberley Square and additional no thru truck signage on County Road 1492. There was discussion among City staff and Council regarding these projects.

### **PUBLIC HEARINGS AND POSSIBLE ACTION**

8.1. Hold a public hearing and consider possible action regarding case CUP-20-007, an application for a Conditional Use Permit to allow for a short-term rental (STR2) on property zoned Residential Acreage (RA) located at 380 Hoots Holler, Wimberley, Hays County, Texas. (*Applicant: Tomas Palm, owner*)

Mayor, Gina Fulkerson, opened the public hearing at 6:17 p.m.

There were no public comments.

Mayor, Gina Fulkerson, closed the public hearing at 6:18 p.m.



Planning and Development Coordinator, Nathan Glaiser, presented the request to allow for a short-term rental. The Planning and Zoning Commission had unanimously voted to recommend approval of the CUP at their December 10<sup>th</sup> meeting.

**Motion to approve case CUP-20-007, an application for a Conditional Use Permit to allow for a short-term rental (STR2) on property zoned Residential Acreage (RA) located at 380 Hoots Holler, Wimberley, Hays County, Texas, contingent upon the entrance being located on Flite Acres, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

- 8.2. Hold a public hearing and consider possible action regarding case CUP-20-008, an application for a Conditional Use Permit to allow for the sale of alcohol (beer and wine retail) on property zoned Commercial – Low Impact (C-1) located at 13510 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Max & Kathryn Saballet, owners*) Mayor, Gina Fulkerson, opened the public hearing at 6:22 p.m. Applicants, Max and Kathryn Saballet, spoke in favor of the application, and presented their business model for operation of a tasting room with the on-premise sale and consumption of beer and wine to Council.

Mayor, Gina Fulkerson, closed the public hearing at 6:32 p.m.

The Planning and Zoning Commission had unanimously voted to recommend approval of the CUP at their December 10<sup>th</sup> meeting.

**Motion to approve case CUP-20-008, an application for a Conditional Use Permit to allow for the sale of alcohol (beer and wine retail) on property zoned Commercial – Low Impact (C-1) located at 13510 Ranch Road 12, Wimberley, Hays County, Texas, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

- 8.3. Hold a public hearing and consider possible action regarding case ZA-20-003, an application for a Zoning Amendment to change the zoning for the property located at 101 Twilight Trail; the requested change would change the zoning from Commercial – Moderate Impact (C-2) to Animal Sales / Service (AS/S), Wimberley, Hays County, Texas. (*Applicant: Jon Leslie, Medtech Construction for owner, Wimberley Walker RE Holdings, LLC*) Mayor, Gina Fulkerson, opened the public hearing at 6:34 p.m.

Jon Leslie, the project's contractor, spoke in favor of the application to convert a former automotive garage into a veterinary clinic.

Applicant, Mike Walker, also spoke in favor of the zoning amendment, and stated his dream was to open a veterinary clinic for small animals.

Mayor, Gina Fulkerson, closed the public hearing at 6:38 p.m.

The Planning and Zoning Commission had unanimously voted to recommend approval of the zoning amendment at their December 10<sup>th</sup> meeting.

**Motion to approve case ZA-20-003, an application for a Zoning Amendment to change the zoning for the property located at 101 Twilight Trail; the requested change would change the zoning from Commercial – Moderate Impact (C-2) to Animal Sales / Service (AS/S), Wimberley, Hays County, Texas, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).**



- 8.4. Hold a public hearing and consider possible action regarding case SUB-20-005 “Rocky Acres”, an application for a three-lot subdivision located at 1130 Oakwood Loop; Wimberley, Hays County, Texas. (*Applicant: Christopher & Katie Chessher, et al. owner*)  
The application had been withdrawn by the applicant prior to the City Council Meeting.  
This item was not heard.
- 8.5. Hold a public hearing and consider possible action regarding case T-20-002, an application to place a temporary structure – a mobile food trailer located at 13601 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Melissa Nance Triforks Food Truck*)  
Mayor, Gina Fulkerson, opened the public hearing at 6:40 p.m.  
There were no public comments.  
Mayor, Gina Fulkerson, closed the public hearing at 6:41 p.m.  
Planning and Development Coordinator, Nathan Glaiser, presented the application for the mobile food trailer. The Planning and Zoning Commission had unanimously voted to recommend approval of the application at their December 10<sup>th</sup> meeting.  
**Motion to approve case T-20-002, an application to place a temporary structure – a mobile food trailer located at 13601 Ranch Road 12, Wimberley, Hays County, Texas, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

#### **DISCUSSION AND POSSIBLE ACTION**

- 9.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*Project Manager, Craig Fore*)  
Project Manager, Craig Fore, stated the electrical installation of the lift station had been completed. The generator was in place and the connecting wires had been installed. The City was still waiting on the Texas Water Development Board to approve Change Order No. 6. There was discussion pertaining to the Project.  
No action was taken on this item.
- 9.2. Discuss and consider possible action to award a contract to Patriot Underground, LLC in the amount of \$442,460.50, subject to final approval from the Texas Water Development Board for Notice to Proceed. (*Interim City Administrator, Paul Parker*)  
Interim City Administrator, Paul Parker, presented the bid from Patriot Underground, LLC, for the installation of approximately 2,100 linear feet of pressurized wastewater line along the western right-of-way of Ranch Road 12, for Phase II of the Central Wimberley Wastewater Project. The contract would be for 75 days, once executed by both parties. The City would still need the bid reviewed and approved by the Texas Water Development Board before moving forward with the contract award.  
**Motion to award a contract to Patriot Underground, LLC in the amount of \$442,460.50, subject to final approval from the Texas Water Development Board for Notice to Proceed, was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).**
- 9.3. Discuss and consider possible action regarding an expenditure of \$6,500 for the Checkfront Reservation System, which will be utilized for the 2021 swim season at Blue Hole Regional Park. (*Parks Director, Richard Shaver*)



**Motion to approve an expenditure of \$6,500 for the Checkfront Reservation System was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

- 9.4. Discuss and consider possible action regarding a salary increase of three percent (3%) for City employees. (*Interim City Administrator, Paul Parker*)

There was discussion regarding City of Wimberley employee salaries being lower than surrounding cities and in general. Several City staff members had recently been promoted to new positions with salary adjustments, and therefore, those individuals would not be eligible for the proposed pay increase.

**Motion to approve a salary increase of three percent (3%) for City employees was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

- 9.5. Discuss and consider possible action regarding an ordinance extending a moratorium on sign permits to evaluate and develop necessary comprehensive amendments to Article 4.08 "Signs" of Chapter 4 (Building Regulations) of the City of Wimberley Code of Ordinances and providing for an effective date. (*Mayor, Gina Fulkerson*)

**Motion to approve Ordinance No. 2020-31, extending the moratorium as adopted in Ordinance No. 2020-28 on sign permits to evaluate and develop necessary comprehensive amendments to Article 4.08, "Signs" of Chapter 4 (Building Regulations) of the City of Wimberley Code of Ordinances and providing for an effective date, was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**

- 9.6. Discuss and consider possible action regarding downtown parking, sidewalks and restroom facilities. (*Mayor, Gina Fulkerson*)

There was lengthy discussion among Council members concerning the potential project and related project funding for downtown visitor parking, ADA compliant sidewalks, public restrooms and a visitor's kiosk on Oak Drive.

No action was taken on this item.

### **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 7:42 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

Section 551.072 (Deliberation regarding the purchase, exchange, lease, or value of real property) and Section 551.071 (Consultation with Attorney) in relation to property for downtown restrooms.

### **OPEN SESSION**

Regular Session reconvened at 8:08 p.m.

No action was taken.

### **CITY COUNCIL REPORTS**

- 12.1. Announcements – Mayor, Gina Fulkerson, wished everyone a safe and happy holiday break.



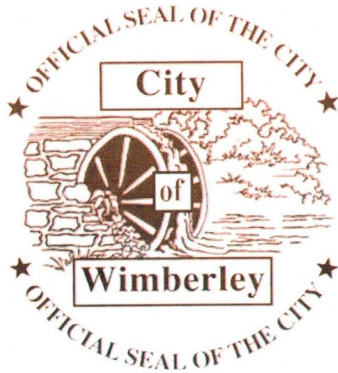
12.2. Future agenda items – Review of City Council Fiscal Year 2021 goals and priorities and continued discussion regarding the downtown improvements project.

**ADJOURNMENT**

Motion to adjourn the meeting at 8:10 p.m. was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

**RECORDED BY:**

*Laura J. Calcote*  
Laura J. Calcote, City Secretary



**APPROVED BY:**

*Gina V. Fulkerson*  
Gina V. Fulkerson, Mayor

# City of Wimberley



## Proclamation

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

**WHEREAS**, 6.3 million Texans have experienced some form of sexual assault in their lifetime and

**WHEREAS**, 2 in 5 women and 1 in 5 men in Texas have been sexually assaulted in their lifetime affecting all races, ages, genders and economic situations; and

**WHEREAS**, the Hays-Caldwell Women’s Center provided direct services to 693 adult victims of sexual assault in Hays and Caldwell Counties last year; and

**WHEREAS**, the City of Buda is intolerant of sexual violence in any form and recognizes that education and awareness may prevent sexual assault; and

**WHEREAS**, efforts to reduce sexual assault can only be successful through citizen involvement, and the safety of the citizens of the City of Wimberley depends upon our actions to end sexual assault;

**THEREFORE**, I, Gina Fulkerson, by virtue of the authority vested in me as Mayor of the City of Wimberley, Texas, do hereby proclaim April, 2021, as

## SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Seal of the City of Wimberley, Texas, this 15<sup>th</sup> day of April, 2021.



**CITY OF WIMBERLEY**

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**Gina V. Fulkerson, Mayor**



|                        |                               |
|------------------------|-------------------------------|
| <b>AGENDA ITEM:</b>    | <b>Consent Agenda</b>         |
| <b>SUBMITTED BY:</b>   | Laura Calcote, City Secretary |
| <b>DATE SUBMITTED:</b> | April 8 2021                  |
| <b>MEETING DATE:</b>   | April 15, 2021                |

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

- 9.1. Approval of minutes from the Regular City Council Meeting held April 1, 2021.
- 9.2. Approval of the February 2021 Financial Statements for the City of Wimberley.

### REQUESTED ACTION

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

### FINANCIAL

- Budgeted Item ☐ Original Estimate/Budget: \$
- Non-budgeted Item ☐ Current Estimate: \$
- Not Applicable ☒ Amount Under/Over Budget: \$

### STAFF RECOMMENDATION

Approval of meeting minutes and financials

### ATTACHMENT/S

- April 1<sup>st</sup> Meeting Minutes
- February 2021 Financial Statements





# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

## **REGULAR CITY COUNCIL MEETING** **THURSDAY, APRIL 1, 2021 – 6:00 P.M.**

### **MINUTES**

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 1, 2021, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the Zoom meeting ID 873 1581 0511 and using the password 119766.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at [lcalcote@cityofwimberley.com](mailto:lcalcote@cityofwimberley.com), at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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### **CALL TO ORDER**

Mayor, Gina Fulkerson, called the meeting to order on April 1, 2021 at 6:00 p.m.

### **CALL OF ROLL**

Council Members Present:

Gina Fulkerson  
Rebecca Minnick  
Teresa Shell  
Christine Byrne  
Jim Chiles  
Bo Bowman

Mayor (*via teleconference*)  
Place One (*via teleconference*)  
Place Two (*via teleconference*)  
Place Three (*via teleconference*)  
Place Four (*via teleconference*)  
Place Five (*via teleconference*)

City Staff Present:

|                |                                                                |
|----------------|----------------------------------------------------------------|
| Mike Boese     | City Administrator <i>(via teleconference)</i>                 |
| Paul Parker    | Interim City Administrator <i>(via teleconference)</i>         |
| Laura Calcote  | City Secretary <i>(via teleconference)</i>                     |
| Sarah Griffin  | City Attorney <i>(via teleconference)</i>                      |
| Nathan Glaiser | Planning & Development Coordinator <i>(via teleconference)</i> |
| Richard Shaver | Parks Director <i>(via teleconference)</i>                     |

### **INVOCATION**

Cypress Creek Church Pastor, Jose Abaroa, gave the invocation.

### **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor, Gina Fulkerson, led the pledges to the United States and Texas flags.

### **CITIZENS COMMUNICATIONS**

There were two citizen's comments. They were as follows:

1. Two representatives from Hays County Community Emergency Response Team (CERT), Gordon DeWitte and Brandon High, spoke regarding the organization's mission to provide information on disaster preparedness and support for Hays County first responders and the services offered in the Wimberley community.
2. Ray Don Tilley spoke in favor of water conservation, the proposed tree ordinance and support for the purchase of Mt. Edith.

### **PROCLAMATION**

Proclamation of the City of Wimberley, Texas proclaiming April 2021 as "Child Abuse Prevention and Awareness Month." *(Hays-Caldwell Women's Center)*

Mayor, Gina Fulkerson, read aloud the proclamation. Hays-Caldwell Women's Center Community Events Coordinator, Zoe O'Balle, thanked City Council for their support in the mission to prevent child abuse. Jill Rodriguez and Karen Brown also thanked Council for their support of the cause.

Council Member, Christine Byrne, noted a blue pinwheel garden would be installed at Wimberley City Hall for the month of April to bring awareness to child abuse prevention.

### **PRESENTATION AND POSSIBLE ACTION**

Presentation and consider possible action related to the Greater San Marcos Partnership Alliance. *(Place Two Council Member, Teresa Shell)*

This item was not heard and would be placed on the next Regular City Council Agenda.

### **CONSENT AGENDA**

**Motion to approve the Consent Agenda, as presented, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

Approval of minutes from the Regular City Council Meeting held March 18, 2021.

### **CITY ADMINISTRATOR REPORT**

City Administrator, Mike Boese, noted the City had received roughly \$108,000 from the insurance claim, due to the damage to City facilities during the February winter storm. Most of

the repairs at City buildings were complete, including the audio and recording system in Council Chambers.

### **DISCUSSION AND POSSIBLE ACTION**

- 10.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(Project Manager, Craig Fore)*  
Project Manager, Craig Fore, stated the test of the lift station pumps had been successfully completed last night. The wall around the lift station was approximately 75% complete. Additionally, the City had received approval from the Texas Department of Transportation to crosscut a trench on 2325 in lieu of a bore, which would save the City money in construction costs. Phase II of the Project was set to begin in mid-April. There was discussion among Council and Mr. Fore relating to communication efforts with system users and the recently adopted rates for the system.  
No action was taken on this item.
- 10.2. Discuss and consider possible action regarding a request to operate a food service trailer at 9315 Ranch Road 12 in Wimberley, Texas. *(Planning and Zoning Coordinator, Nathan Glaiser)*  
Planning and Development Coordinator, Nathan Glaiser, presented the permit request for walk-up service for a food service trailer. The applicant still needed to obtain a Conditional Use Permit for the trailer to have drive-thru service. There was discussion regarding the requested removal date of 3/31/2022.  
**Motion to approve a request to operate a food service trailer at 9315 Ranch Road 12 in Wimberley, Texas was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).**
- 10.3. Discuss and consider possible action in relation to a letter of intent for purchase of real property – Mt. Edith. *(Parks Director, Richard Shaver)*  
Parks Director, Richard Shaver, presented the letter for potential purchase of property for Mt. Edith. The letter was a non-binding contract between the City and property seller and did not set forth a price for the property. There was discussion among Council and City staff relating to the letter and the future process of acquiring Mt. Edith.  
**Motion to authorize the Mayor to the execute the letter of intent for purchase of real property – Mt. Edith was made by Council Member Christine Byrne. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).**
- 10.4. Discuss and consider possible action regarding the status of the previously proposed tree ordinance. *(Place Five Council Member, Bo Bowman)*  
Council Member, Bo Bowman, presented the draft tree ordinance, which would be taken to the April 8<sup>th</sup> Planning and Zoning Commission Meeting for consideration and recommendation. There was discussion among Council members concerning the ordinance's zoning levels and landscaping regulations and stipulations set forth in the document.  
No action was taken on this item.
- 10.5. Discuss and consider possible action regarding Phase Two of the City's wayfinding signage. *(Place One Council Member, Rebecca Minnick)*



Council Member, Rebecca Minnick, noted the first installation of the City's wayfinding signage was complete. The next phase would include an additional five or six signs throughout the City. The signage locations had already been identified.

**Motion to approve the installation of Phase Two of the City's wayfinding signage was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

10.6. Discuss and consider possible action regarding Resolution No. 04-2021, authorizing an amendment to the 2020/2021 Operating Budget (Budget Amendment No. 7), providing for the transfer of funds within the Hotel Occupancy Tax Fund – Unobligated Fund Balance to the Hotel Occupancy Tax Fund – Operating Budget Account Number 205156792 (Capital Outlay) and providing for an effective date. *(City Administrator, Mike Boese)*

Resolution No. 04-2021 allocated funds to cover the combined cost for Phase Two of the wayfinding signage and the previously approved new outdoor sign for City Hall.

**Motion to approve Resolution No. 04-2021 authorizing an amendment to the 2020/2021 Operating Budget (Budget Amendment No. 7), providing for the transfer of funds within the Hotel Occupancy Tax Fund – Unobligated Fund Balance to the Hotel Occupancy Tax Fund – Operating Budget Account Number 205156792 (Capital Outlay) and providing for an effective date, was made by Council Member Teresa Shell. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).**

10.7. Discuss and consider possible action to remove Interim City Administrator, Paul Parker, as signatory to the City of Wimberley bank accounts, effective April 12, 2021. *(City Administrator, Mike Boese)*

**Motion to remove Interim City Administrator, Paul Parker, as signatory to the City of Wimberley bank accounts, effective April 12, 2021, was made by Council Member Jim Chiles. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

### **EXECUTIVE SESSION**

City Council adjourned into Executive Session at 7:26 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

Section 551.071 (Consultation with Legal Counsel) and Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third party: Parking Expansion.

### **OPEN SESSION**

Regular Session reconvened at 8:01 p.m.

No action was taken.

### **CITY COUNCIL REPORTS**

13.1. Announcements – Council Member, Christine Byrne, thanked the community for volunteering at the City-wide clean-up on March 29<sup>th</sup>.

13.2. Future agenda items – Council Member, Rebecca Minnick, noted training was needed for City boards, commissions and committees. Council Member, Christine Byrne, requested regular updates from the City's boards, commissions and committees.

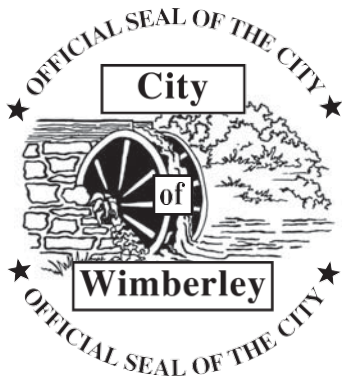
**ADJOURNMENT**

**Motion to adjourn the meeting at 8:09 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Chrisitne Byrne. Motion carried unanimously (5-0).**

**RECORDED BY:**

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**Laura J. Calcote, City Secretary**



**APPROVED BY:**

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**Gina V. Fulkerson, Mayor**

## BALANCE SHEET

Page: 1

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

## Fund: 100 - General Fund

## Assets

|                                     |            |
|-------------------------------------|------------|
| 1011 Petty Cash                     | 450.00     |
| 1020 General Checking - ONB         | 681,444.45 |
| 1021 Certificate of Deposit - Ozona | 231,621.54 |
| 1030 Texpool                        | 187,647.68 |
| 1050 Sales Tax Receivable           | 151,606.67 |
| 1150 Accounts Receivable            | 2,928.37   |
| 1302 Due from Municipal Court       | 200.00     |
| 1304 Due from BHP                   | 5,195.16   |

## Total Assets

1,261,093.87

## Liabilities

|                                 |            |
|---------------------------------|------------|
| 2010 Accounts Payable           | 185,501.71 |
| 2015 WCC Security Deposits      | 385.00     |
| 2022 Payroll Deductions Payable | 4,606.70   |
| 2023 TML IEBP Payable           | 2,024.65   |
| 2074 TMRS Payable               | 1,823.17   |
| 2075 TCEQ Payable to State      | 280.00     |
| 2082 Due to BHP                 | 794.72     |

## Total Liabilities

195,415.95

## Reserves/Balances

|                                     |             |
|-------------------------------------|-------------|
| 3410 Restricted Funds               | 17,844.43   |
| 3510 Committed FB - Public Works    | 559,053.00  |
| 3530 Committed FB - W/W on Square   | 504,204.00  |
| 3540 Committed FB-Future Grant Matc | 334,375.00  |
| 3600 Fund Balance - Uncommitted     | -219,465.54 |
| 3650 Net Excess (Deficit)           | -130,332.97 |

## Total Reserves/Balances

1,065,677.92

## Total Liabilities &amp; Balances

1,261,093.87



## REVENUE/EXPENDITURE REPORT

Page: 1

4/12/2021

7:45 am

City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 | Original Bud.       | Amended Bud.        | YTD Actual        | CURR MTH         | Encumb. YTD | UnencBal            | % Bud       |
|----------------------------------------|---------------------|---------------------|-------------------|------------------|-------------|---------------------|-------------|
| <b>Fund: 100 - General Fund</b>        |                     |                     |                   |                  |             |                     |             |
| Revenues                               |                     |                     |                   |                  |             |                     |             |
| Dept: 15 ADMINISTRATION                |                     |                     |                   |                  |             |                     |             |
| 5120 General Sales & Use Tax           | 850,000.00          | 850,000.00          | 459,145.39        | 69,541.18        | 0.00        | 390,854.61          | 54.0        |
| 5131 Mixed Beverage Tax                | 15,000.00           | 15,000.00           | 11,935.59         | 2,338.81         | 0.00        | 3,064.41            | 79.6        |
| 5171 Franchise Tax                     | 275,000.00          | 275,000.00          | 54,968.69         | 3,313.09         | 0.00        | 220,031.31          | 20.0        |
| 5211 Beer & Wine Permits               | 1,000.00            | 1,000.00            | 310.00            | 0.00             | 0.00        | 690.00              | 31.0        |
| 5212 Food Permits                      | 11,000.00           | 11,000.00           | 5,300.00          | 475.00           | 0.00        | 5,700.00            | 48.2        |
| 5213 Septic Permits                    | 8,000.00            | 8,000.00            | 5,450.00          | 1,100.00         | 0.00        | 2,550.00            | 68.1        |
| 5219 Sign Permits                      | 1,200.00            | 1,200.00            | 190.00            | 0.00             | 0.00        | 1,010.00            | 15.8        |
| 5221 Building Permits                  | 22,500.00           | 22,500.00           | 13,898.37         | 1,498.77         | 0.00        | 8,601.63            | 61.8        |
| 5340 Grant Funds                       | 0.00                | 0.00                | 36,143.19         | 0.00             | 0.00        | -36,143.19          | 0.0         |
| 5410 CC Convenience Fees               | 200.00              | 200.00              | 583.49            | 97.87            | 0.00        | -383.49             | 291.7       |
| 5411 Court Costs, Fees & Charges       | 500.00              | 500.00              | 0.00              | 0.00             | 0.00        | 500.00              | 0.0         |
| 5413 Zoning                            | 7,000.00            | 7,000.00            | 2,029.00          | 0.00             | 0.00        | 4,971.00            | 29.0        |
| 5414 Subdivision Fees                  | 1,000.00            | 1,000.00            | 0.00              | 0.00             | 0.00        | 1,000.00            | 0.0         |
| 5416 Building Inspections              | 22,000.00           | 22,000.00           | 11,075.00         | 1,675.00         | 0.00        | 10,925.00           | 50.3        |
| 5417 Bldg Plan Reviews                 | 12,000.00           | 12,000.00           | 4,155.00          | 525.00           | 0.00        | 7,845.00            | 34.6        |
| 5475 WCC Facility Rentals              | 30,000.00           | 30,000.00           | 1,540.00          | 90.00            | 0.00        | 28,460.00           | 5.1         |
| 5611 Interest Revenues                 | 2,500.00            | 2,500.00            | 1,136.78          | 221.75           | 0.00        | 1,363.22            | 45.5        |
| 5701 Other/Misc                        | 345,000.00          | 345,000.00          | 9,370.66          | 5,667.64         | 0.00        | 335,629.34          | 2.7         |
| 5799 Operating Transfer In             | 0.00                | 341,000.00          | 34,397.00         | 0.00             | 0.00        | 306,603.00          | 10.1        |
| <b>ADMINISTRATION</b>                  | <b>1,603,900.00</b> | <b>1,944,900.00</b> | <b>651,628.16</b> | <b>86,544.11</b> | <b>0.00</b> | <b>1,293,271.84</b> | <b>33.5</b> |
| Revenues                               |                     |                     |                   |                  |             |                     |             |
|                                        | 1,603,900.00        | 1,944,900.00        | 651,628.16        | 86,544.11        | 0.00        | 1,293,271.84        | 33.5        |
| Expenditures                           |                     |                     |                   |                  |             |                     |             |
| Dept: 15 ADMINISTRATION                |                     |                     |                   |                  |             |                     |             |
| 6110 S&W- City Administrator           | 95,000.00           | 95,000.00           | 63,960.00         | 12,280.00        | 0.00        | 31,040.00           | 67.3        |
| 6120 S&W- City Secretary               | 64,890.00           | 64,890.00           | 27,081.02         | 5,142.08         | 0.00        | 37,808.98           | 41.7        |
| 6130 S&W- Financial Clerk              | 41,200.00           | 41,200.00           | 17,396.32         | 3,460.80         | 0.00        | 23,803.68           | 42.2        |
| 6210 Health Care                       | 27,000.00           | 27,000.00           | 3,073.20          | 689.62           | 0.00        | 23,926.80           | 11.4        |
| 6220 Payroll Taxes                     | 15,383.00           | 15,383.00           | 8,529.91          | 1,597.54         | 0.00        | 6,853.09            | 55.5        |
| 6230 TMRS Contributions                | 16,228.00           | 16,228.00           | 2,467.33          | 0.00             | 0.00        | 13,760.67           | 15.2        |
| 6250 Unemployment Compensation         | 487.00              | 487.00              | 144.00            | 0.00             | 0.00        | 343.00              | 29.6        |
| 6270 Annual/Assoc DUES                 | 3,950.00            | 3,950.00            | 617.70            | 0.00             | 0.00        | 3,332.30            | 15.6        |
| 6340 Technician/Technology Consulta    | 6,708.00            | 6,708.00            | 423.75            | 0.00             | 0.00        | 6,284.25            | 6.3         |
| 6370 Contract Services                 | 15,000.00           | 15,000.00           | 2,854.00          | 0.00             | 0.00        | 12,146.00           | 19.0        |
| 6410 Utilities                         | 7,740.00            | 7,740.00            | 3,408.80          | 897.12           | 0.00        | 4,331.20            | 44.0        |
| 6411 Telephones                        | 3,150.00            | 3,150.00            | 2,448.31          | 433.40           | 0.00        | 701.69              | 77.7        |
| 6420 Office Cleaning                   | 5,300.00            | 5,300.00            | 1,565.40          | 265.40           | 0.00        | 3,734.60            | 29.5        |
| 6430 Bldg Repairs/Maintenance          | 3,000.00            | 3,000.00            | 1,532.16          | 318.84           | 0.00        | 1,467.84            | 51.1        |
| 6441 Storage Rental                    | 1,200.00            | 1,200.00            | 500.00            | 100.00           | 0.00        | 700.00              | 41.7        |
| 6442 Water Cooler                      | 600.00              | 600.00              | 163.43            | 58.48            | 0.00        | 436.57              | 27.2        |
| 6443 Equipment Rent/Lease              | 5,900.00            | 5,900.00            | 1,964.27          | 466.50           | 0.00        | 3,935.73            | 33.3        |
| 6444 Parking Lot Lease                 | 1,200.00            | 1,200.00            | 500.00            | 100.00           | 0.00        | 700.00              | 41.7        |
| 6500 Grant Expenditures                | 0.00                | 0.00                | 100,402.55        | 77,913.40        | 0.00        | -100,402.55         | 0.0         |
| 6520 Insurance                         | 26,750.00           | 26,750.00           | 23,632.08         | 0.00             | 0.00        | 3,117.92            | 88.3        |
| 6521 Security System                   | 853.00              | 853.00              | 449.98            | 0.00             | 0.00        | 403.02              | 52.8        |
| 6531 Public Notices                    | 5,000.00            | 5,000.00            | 3,722.89          | 718.56           | 0.00        | 1,277.11            | 74.5        |
| 6532 Office Tech/Software              | 19,700.00           | 19,700.00           | 19,229.94         | 746.30           | 0.00        | 470.06              | 97.6        |
| 6551 Printing Services                 | 300.00              | 300.00              | 75.12             | 0.00             | 0.00        | 224.88              | 25.0        |
| 6562 CC Processing Fees                | 200.00              | 200.00              | 525.43            | 102.62           | 0.00        | -325.43             | 262.7       |
| 6569 Vehicle Allowance/Moving Exp      | 6,000.00            | 6,000.00            | 2,500.00          | 500.00           | 0.00        | 3,500.00            | 41.7        |
| 6570 Travel/Hospitality                | 2,916.00            | 2,916.00            | 0.00              | 0.00             | 0.00        | 2,916.00            | 0.0         |
| 6571 Mileage                           | 1,500.00            | 1,500.00            | 0.00              | 0.00             | 0.00        | 1,500.00            | 0.0         |
| 6572 Training                          | 1,050.00            | 1,050.00            | 600.00            | 0.00             | 0.00        | 450.00              | 57.1        |
| 6581 Refunds                           | 500.00              | 500.00              | 750.00            | 0.00             | 0.00        | -250.00             | 150.0       |
| 6589 Records Management                | 0.00                | 0.00                | 209.48            | 36.34            | 0.00        | -209.48             | 0.0         |
| 6610 Operating Supplies                | 2,000.00            | 2,000.00            | 1,008.65          | 23.64            | 0.00        | 991.35              | 50.4        |
| 6651 Postage/Shipping                  | 1,000.00            | 1,000.00            | 252.20            | 0.00             | 0.00        | 747.80              | 25.2        |
| 6660 Office Supplies                   | 2,000.00            | 2,000.00            | 826.61            | 401.46           | 0.00        | 1,173.39            | 41.3        |
| 6792 Capital Outlay - Other            | 15,000.00           | 15,000.00           | 2,524.79          | 0.00             | 0.00        | 12,475.21           | 16.8        |

## REVENUE/EXPENDITURE REPORT

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City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 |                               | Original Bud. | Amended Bud. | YTD Actual | CURR MTH   | Encumb. YTD | UnencBal   | % Bud |
|----------------------------------------|-------------------------------|---------------|--------------|------------|------------|-------------|------------|-------|
| <b>Fund: 100 - General Fund</b>        |                               |               |              |            |            |             |            |       |
| Expenditures                           |                               |               |              |            |            |             |            |       |
| Dept: 15 ADMINISTRATION                |                               |               |              |            |            |             |            |       |
| 6796                                   | Capital Outlay - Winter Storm | 0.00          | 0.00         | 9,161.12   | 9,161.12   | 0.00        | -9,161.12  | 0.0   |
| 6903                                   | CARES ACT - EXPENDITURES      | 0.00          | 0.00         | 25,014.74  | 2,210.61   | 0.00        | -25,014.74 | 0.0   |
| 6990                                   | Operating Transfer Out        | 290,500.00    | 553,002.00   | 212,001.59 | 0.00       | 0.00        | 341,000.41 | 38.3  |
| ADMINISTRATION                         |                               | 689,205.00    | 951,707.00   | 541,516.77 | 117,623.83 | 0.00        | 410,190.23 | 56.9  |
| Dept: 16 LEGAL                         |                               |               |              |            |            |             |            |       |
| 6350                                   | Legal                         | 100,000.00    | 100,000.00   | 42,871.95  | 9,962.00   | 0.00        | 57,128.05  | 42.9  |
| LEGAL                                  |                               | 100,000.00    | 100,000.00   | 42,871.95  | 9,962.00   | 0.00        | 57,128.05  | 42.9  |
| Dept: 17 COUNCIL/BOARD                 |                               |               |              |            |            |             |            |       |
| 6320                                   | Financial (Contract Svs)      | 16,200.00     | 16,200.00    | 6,750.00   | 1,350.00   | 0.00        | 9,450.00   | 41.7  |
| 6330                                   | Audit Svs                     | 19,400.00     | 19,400.00    | 19,400.00  | 19,400.00  | 0.00        | 0.00       | 100.0 |
| 6541                                   | Public Relations/Receptions   | 1,000.00      | 1,000.00     | 1,699.46   | 0.00       | 0.00        | -699.46    | 169.9 |
| 6572                                   | Training                      | 4,000.00      | 4,000.00     | 2,000.00   | 0.00       | 0.00        | 2,000.00   | 50.0  |
| 6590                                   | Elections                     | 6,000.00      | 6,000.00     | 0.00       | 0.00       | 0.00        | 6,000.00   | 0.0   |
| 6591                                   | Planning                      | 80,000.00     | 80,000.00    | 0.00       | 0.00       | 0.00        | 80,000.00  | 0.0   |
| COUNCIL/BOARD                          |                               | 126,600.00    | 126,600.00   | 29,849.46  | 20,750.00  | 0.00        | 96,750.54  | 23.6  |
| Dept: 18 BUILDING                      |                               |               |              |            |            |             |            |       |
| 6360                                   | Contract Inspections          | 30,000.00     | 30,000.00    | 9,445.00   | 1,120.00   | 0.00        | 20,555.00  | 31.5  |
| 6582                                   | Site Plan Reviews             | 8,000.00      | 8,000.00     | 2,062.50   | 750.00     | 0.00        | 5,937.50   | 25.8  |
| BUILDING                               |                               | 38,000.00     | 38,000.00    | 11,507.50  | 1,870.00   | 0.00        | 26,492.50  | 30.3  |
| Dept: 21 PUBLIC SAFETY                 |                               |               |              |            |            |             |            |       |
| 6370                                   | Contract Services             | 84,315.00     | 84,315.00    | 9,925.00   | 0.00       | 0.00        | 74,390.00  | 11.8  |
| 6371                                   | Sanitarian (Contract Labor)   | 30,000.00     | 30,000.00    | 9,379.92   | 1,637.89   | 0.00        | 20,620.08  | 31.3  |
| 6373                                   | Animal Control                | 6,000.00      | 6,000.00     | 6,000.00   | 0.00       | 0.00        | 0.00       | 100.0 |
| 6574                                   | Event Services                | 1,750.00      | 1,750.00     | 0.00       | 0.00       | 0.00        | 1,750.00   | 0.0   |
| PUBLIC SAFETY                          |                               | 122,065.00    | 122,065.00   | 25,304.92  | 1,637.89   | 0.00        | 96,760.08  | 20.7  |
| Dept: 25 MUNICIPAL COURT               |                               |               |              |            |            |             |            |       |
| 6380                                   | MC Judge (Contract Labor)     | 4,000.00      | 4,000.00     | 1,666.65   | 333.33     | 0.00        | 2,333.35   | 41.7  |
| 6381                                   | City Prosecutor               | 5,000.00      | 5,000.00     | 0.00       | 0.00       | 0.00        | 5,000.00   | 0.0   |
| 6532                                   | Office Tech/Software          | 5,000.00      | 5,000.00     | 0.00       | 0.00       | 0.00        | 5,000.00   | 0.0   |
| 6610                                   | Operating Supplies            | 750.00        | 750.00       | 0.00       | 0.00       | 0.00        | 750.00     | 0.0   |
| MUNICIPAL COURT                        |                               | 14,750.00     | 14,750.00    | 1,666.65   | 333.33     | 0.00        | 13,083.35  | 11.3  |
| Dept: 30 PUBLIC WORKS                  |                               |               |              |            |            |             |            |       |
| 6150                                   | S&W- Code Enforcement         | 41,200.00     | 41,200.00    | 17,911.33  | 3,539.20   | 0.00        | 23,288.67  | 43.5  |
| 6160                                   | S&W- P&D Coordinator          | 55,000.00     | 55,000.00    | 9,616.00   | 3,846.40   | 0.00        | 45,384.00  | 17.5  |
| 6180                                   | S&W- Maintenance              | 15,450.00     | 15,450.00    | 2,622.75   | 370.50     | 0.00        | 12,827.25  | 17.0  |
| 6210                                   | Health Care                   | 18,000.00     | 18,000.00    | 5,364.56   | 1,335.09   | 0.00        | 12,635.44  | 29.8  |
| 6220                                   | Payroll Taxes                 | 8,541.00      | 8,541.00     | 2,347.37   | 593.35     | 0.00        | 6,193.63   | 27.5  |
| 6230                                   | TMRs Contributions            | 9,010.00      | 9,010.00     | 1,362.84   | 0.00       | 0.00        | 7,647.16   | 15.1  |
| 6250                                   | Unemployment Compensation     | 487.00        | 487.00       | 32.80      | 0.00       | 0.00        | 454.20     | 6.7   |
| 6270                                   | Annual/Assoc DUES             | 400.00        | 400.00       | 0.00       | 0.00       | 0.00        | 400.00     | 0.0   |
| 6370                                   | Contract Services             | 0.00          | 0.00         | 13,527.50  | 0.00       | 0.00        | -13,527.50 | 0.0   |
| 6431                                   | Vehicle Maint/Insurance       | 600.00        | 600.00       | 878.73     | 7.50       | 0.00        | -278.73    | 146.5 |
| 6532                                   | Office Tech/Software          | 0.00          | 0.00         | 194.72     | 0.00       | 0.00        | -194.72    | 0.0   |
| 6570                                   | Travel/Hospitality            | 500.00        | 500.00       | 0.00       | 0.00       | 0.00        | 500.00     | 0.0   |
| 6571                                   | Mileage                       | 300.00        | 300.00       | 0.00       | 0.00       | 0.00        | 300.00     | 0.0   |
| 6572                                   | Training                      | 600.00        | 600.00       | 0.00       | 0.00       | 0.00        | 600.00     | 0.0   |
| 6583                                   | Fuel                          | 2,000.00      | 2,000.00     | 454.51     | 101.23     | 0.00        | 1,545.49   | 22.7  |
| 6610                                   | Operating Supplies            | 1,000.00      | 1,000.00     | 463.64     | 244.08     | 0.00        | 536.36     | 46.4  |
| 6612                                   | Tools                         | 500.00        | 500.00       | 0.00       | 0.00       | 0.00        | 500.00     | 0.0   |
| PUBLIC WORKS                           |                               | 153,588.00    | 153,588.00   | 54,776.75  | 10,037.35  | 0.00        | 98,811.25  | 35.7  |
| Dept: 31 ROADS                         |                               |               |              |            |            |             |            |       |
| 6432                                   | Road Maintenance              | 80,000.00     | 80,000.00    | 4,078.00   | 350.00     | 0.00        | 75,922.00  | 5.1   |
| 6433                                   | Equipment Maintenance         | 250.00        | 250.00       | 0.00       | 0.00       | 0.00        | 250.00     | 0.0   |

## REVENUE/EXPENDITURE REPORT

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City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 |                                | Original Bud. | Amended Bud. | YTD Actual  | CURR MTH   | Encumb. YTD | UnencBal     | % Bud  |
|----------------------------------------|--------------------------------|---------------|--------------|-------------|------------|-------------|--------------|--------|
| <b>Fund: 100 - General Fund</b>        |                                |               |              |             |            |             |              |        |
| Expenditures                           |                                |               |              |             |            |             |              |        |
| Dept: 31 ROADS                         |                                |               |              |             |            |             |              |        |
| 6470                                   | Engineering - Roads            | 10,000.00     | 10,000.00    | 1,500.00    | 937.50     | 0.00        | 8,500.00     | 15.0   |
| 6584                                   | Mowing/Trimming                | 8,000.00      | 8,000.00     | 648.45      | 275.00     | 0.00        | 7,351.55     | 8.1    |
| 6611                                   | Signs/Barricades               | 4,000.00      | 4,000.00     | 354.59      | 0.00       | 0.00        | 3,645.41     | 8.9    |
| 6795                                   | Capital Outlay - Roads         | 100,000.00    | 100,000.00   | 5,800.00    | 0.00       | 0.00        | 94,200.00    | 5.8    |
| ROADS                                  |                                | 202,250.00    | 202,250.00   | 12,381.04   | 1,562.50   | 0.00        | 189,868.96   | 6.1    |
| Dept: 33 WATER/WASTEWATER              |                                |               |              |             |            |             |              |        |
| 6586                                   | Quality Testing WW             | 1,860.00      | 1,860.00     | 1,086.00    | 0.00       | 0.00        | 774.00       | 58.4   |
| 6588                                   | Public Restroom WW             | 36,000.00     | 36,000.00    | 18,435.85   | 3,536.91   | 0.00        | 17,564.15    | 51.2   |
| WATER/WASTEWATER                       |                                | 37,860.00     | 37,860.00    | 19,521.85   | 3,536.91   | 0.00        | 18,338.15    | 51.6   |
| Dept: 51 COMMUNITY CENTER              |                                |               |              |             |            |             |              |        |
| 6140                                   | S&W- Director                  | 40,000.00     | 40,000.00    | 17,082.89   | 3,169.20   | 0.00        | 22,917.11    | 42.7   |
| 6180                                   | S&W- Maintenance               | 25,000.00     | 25,000.00    | 4,441.25    | 794.00     | 0.00        | 20,558.75    | 17.8   |
| 6210                                   | Health Care                    | 9,000.00      | 9,000.00     | 3,392.74    | 671.05     | 0.00        | 5,607.26     | 37.7   |
| 6220                                   | Payroll Taxes                  | 4,973.00      | 4,973.00     | 1,696.35    | 303.18     | 0.00        | 3,276.65     | 34.1   |
| 6230                                   | TMRS Contributions             | 5,246.00      | 5,246.00     | 958.96      | 0.00       | 0.00        | 4,287.04     | 18.3   |
| 6250                                   | Unemployment Compensation      | 487.00        | 487.00       | 61.73       | 0.00       | 0.00        | 425.27       | 12.7   |
| 6270                                   | Annual/Assoc DUES              | 100.00        | 100.00       | 0.00        | 0.00       | 0.00        | 100.00       | 0.0    |
| 6410                                   | Utilities                      | 18,200.00     | 18,200.00    | 6,846.47    | 1,089.01   | 0.00        | 11,353.53    | 37.6   |
| 6411                                   | Telephones                     | 931.00        | 931.00       | 1,043.56    | 181.84     | 0.00        | -112.56      | 112.1  |
| 6430                                   | Bldg Repairs/Maintenance       | 5,000.00      | 5,000.00     | 1,841.92    | 0.00       | 0.00        | 3,158.08     | 36.8   |
| 6521                                   | Security System                | 2,000.00      | 2,000.00     | 727.51      | 99.00      | 0.00        | 1,272.49     | 36.4   |
| 6532                                   | Office Tech/Software           | 2,500.00      | 2,500.00     | 872.38      | 157.48     | 0.00        | 1,627.62     | 34.9   |
| 6540                                   | Advertising                    | 3,000.00      | 3,000.00     | 1,154.05    | 0.00       | 0.00        | 1,845.95     | 38.5   |
| 6551                                   | Printing Services              | 200.00        | 200.00       | 0.00        | 0.00       | 0.00        | 200.00       | 0.0    |
| 6610                                   | Operating Supplies             | 3,000.00      | 3,000.00     | 811.90      | 119.16     | 0.00        | 2,188.10     | 27.1   |
| 6651                                   | Postage/Shipping               | 100.00        | 100.00       | 0.00        | 0.00       | 0.00        | 100.00       | 0.0    |
| 6660                                   | Office Supplies                | 500.00        | 500.00       | 79.01       | 0.00       | 0.00        | 420.99       | 15.8   |
| 6794                                   | Capital Outlay - Equipmt/Other | 0.00          | 0.00         | 999.00      | 0.00       | 0.00        | -999.00      | 0.0    |
| 6797                                   | Capital Outlay - Facilities    | 10,000.00     | 10,000.00    | 0.00        | 0.00       | 0.00        | 10,000.00    | 0.0    |
| COMMUNITY CENTER                       |                                | 130,237.00    | 130,237.00   | 42,009.72   | 6,583.92   | 0.00        | 88,227.28    | 32.3   |
| Dept: 52 PARKS                         |                                |               |              |             |            |             |              |        |
| 6410                                   | Utilities                      | 1,500.00      | 1,500.00     | 512.56      | 115.48     | 0.00        | 987.44       | 34.2   |
| 6430                                   | Bldg Repairs/Maintenance       | 2,000.00      | 2,000.00     | 0.00        | 0.00       | 0.00        | 2,000.00     | 0.0    |
| 6610                                   | Operating Supplies             | 600.00        | 600.00       | 41.96       | 0.00       | 0.00        | 558.04       | 7.0    |
| PARKS                                  |                                | 4,100.00      | 4,100.00     | 554.52      | 115.48     | 0.00        | 3,545.48     | 13.5   |
| Expenditures                           |                                | 1,618,655.00  | 1,881,157.00 | 781,961.13  | 174,013.21 | 0.00        | 1,099,195.87 | 41.6   |
| Net Effect for General Fund            |                                | -14,755.00    | 63,743.00    | -130,332.97 | -87,469.10 | 0.00        | 194,075.97   | -204.5 |
| Change in Fund Balance:                |                                |               |              | -130,332.97 |            |             |              |        |



## BALANCE SHEET

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City of Wimberley

As of: 2/28/2021

Balances

## Fund: 200 - Blue Hole Parkland

## Assets

|                        |            |
|------------------------|------------|
| 1011 Petty Cash        | 95.00      |
| 1022 BH Parkland - ONB | 420,780.46 |
| 1301 Due from General  | 794.72     |

## Total Assets

421,670.18

## Liabilities

|                                 |           |
|---------------------------------|-----------|
| 2010 Accounts Payable           | 12,904.60 |
| 2016 BHP Security Deposits      | 1,600.00  |
| 2022 Payroll Deductions Payable | 3,167.08  |
| 2074 TMRS Payable               | 836.27    |
| 2080 Due to General             | 6,156.16  |

## Total Liabilities

24,664.11

## Reserves/Balances

|                                 |             |
|---------------------------------|-------------|
| 3600 Fund Balance - Uncommitted | 527,462.35  |
| 3650 Net Excess (Deficit)       | -130,456.28 |

## Total Reserves/Balances

397,006.07

## Total Liabilities &amp; Balances

421,670.18

## REVENUE/EXPENDITURE REPORT

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City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 | Original Bud.     | Amended Bud.      | YTD Actual        | CURR MTH         | Encumb. YTD | UnencBal          | % Bud       |
|----------------------------------------|-------------------|-------------------|-------------------|------------------|-------------|-------------------|-------------|
| <b>Fund: 200 - Blue Hole Parkland</b>  |                   |                   |                   |                  |             |                   |             |
| Revenues                               |                   |                   |                   |                  |             |                   |             |
| Dept: 52 PARKS                         |                   |                   |                   |                  |             |                   |             |
| 5472 Reservations/Gate Fees            | 378,000.00        | 378,000.00        | 1,631.00          | 100.00           | 0.00        | 376,369.00        | 0.4         |
| 5474 Facility Rentals                  | 10,000.00         | 10,000.00         | 1,325.00          | 655.00           | 0.00        | 8,675.00          | 13.3        |
| 5476 Special Events                    | 69,000.00         | 69,000.00         | 4,114.00          | 2,795.00         | 0.00        | 64,886.00         | 6.0         |
| 5479 Vending/Merchandise               | 4,000.00          | 4,000.00          | -284.41           | 0.00             | 0.00        | 4,284.41          | -7.1        |
| 5611 Interest Revenues                 | 150.00            | 150.00            | 99.04             | 16.43            | 0.00        | 50.96             | 66.0        |
| 5701 Other/Misc                        | 3,800.00          | 3,800.00          | 828.55            | 0.00             | 0.00        | 2,971.45          | 21.8        |
| <b>PARKS</b>                           | <b>464,950.00</b> | <b>464,950.00</b> | <b>7,713.18</b>   | <b>3,566.43</b>  | <b>0.00</b> | <b>457,236.82</b> | <b>1.7</b>  |
| Revenues                               | 464,950.00        | 464,950.00        | 7,713.18          | 3,566.43         | 0.00        | 457,236.82        | 1.7         |
| Expenditures                           |                   |                   |                   |                  |             |                   |             |
| Dept: 52 PARKS                         |                   |                   |                   |                  |             |                   |             |
| 6181 S&W- Parks PT                     | 85,000.00         | 85,000.00         | 19,964.98         | 4,765.67         | 0.00        | 65,035.02         | 23.5        |
| 6182 S&W- Parks Maintenance Tech       | 57,680.00         | 57,680.00         | 15,839.85         | 3,341.52         | 0.00        | 41,840.15         | 27.5        |
| 6183 S&W-Programs & Operations Mngr    | 40,000.00         | 40,000.00         | 16,651.96         | 3,576.00         | 0.00        | 23,348.04         | 41.6        |
| 6184 S&W-Programs & Events Special     | 28,840.00         | 28,840.00         | 16,945.16         | 5,769.24         | 0.00        | 11,894.84         | 58.8        |
| 6185 S&W-Nat'l Resources Parks Mngr    | 40,000.00         | 40,000.00         | 16,847.28         | 4,039.20         | 0.00        | 23,152.72         | 42.1        |
| 6210 Health Care                       | 45,000.00         | 45,000.00         | 10,759.85         | 1,965.50         | 0.00        | 34,240.15         | 23.9        |
| 6220 Payroll Taxes                     | 19,241.00         | 19,241.00         | 6,745.90          | 1,644.11         | 0.00        | 12,495.10         | 35.1        |
| 6230 TMRS Contributions                | 13,438.00         | 13,438.00         | 3,403.69          | 0.00             | 0.00        | 10,034.31         | 25.3        |
| 6250 Unemployment Compensation         | 1,299.00          | 1,299.00          | 635.60            | 0.00             | 0.00        | 663.40            | 48.9        |
| 6374 Contract Services                 | 21,400.00         | 21,400.00         | 15,396.00         | 55.00            | 0.00        | 6,004.00          | 71.9        |
| 6410 Utilities                         | 15,000.00         | 15,000.00         | 5,795.28          | 1,175.95         | 0.00        | 9,204.72          | 38.6        |
| 6411 Telephones                        | 2,400.00          | 2,400.00          | 1,205.28          | 244.58           | 0.00        | 1,194.72          | 50.2        |
| 6431 Vehicle Maint/Insurance           | 300.00            | 300.00            | 136.46            | 0.00             | 0.00        | 163.54            | 45.5        |
| 6433 Equipment Maintenance             | 1,200.00          | 1,200.00          | 93.05             | 0.00             | 0.00        | 1,106.95          | 7.8         |
| 6443 Equipment Rent/Lease              | 1,000.00          | 1,000.00          | 877.38            | 837.38           | 0.00        | 122.62            | 87.7        |
| 6532 Office Tech/Software              | 10,720.00         | 10,720.00         | 819.95            | 169.99           | 0.00        | 9,900.05          | 7.6         |
| 6562 CC Processing Fees                | 13,000.00         | 13,000.00         | 554.85            | 183.73           | 0.00        | 12,445.15         | 4.3         |
| 6570 Travel/Hospitality                | 3,680.00          | 3,680.00          | 0.00              | 0.00             | 0.00        | 3,680.00          | 0.0         |
| 6571 Mileage                           | 1,475.00          | 1,475.00          | 0.00              | 0.00             | 0.00        | 1,475.00          | 0.0         |
| 6572 Training                          | 2,500.00          | 2,500.00          | 0.00              | 0.00             | 0.00        | 2,500.00          | 0.0         |
| 6581 Refunds                           | 1,000.00          | 1,000.00          | 0.00              | 0.00             | 0.00        | 1,000.00          | 0.0         |
| 6583 Fuel                              | 800.00            | 800.00            | 366.04            | 13.41            | 0.00        | 433.96            | 45.8        |
| 6589 Records Management                | 0.00              | 0.00              | 225.75            | 58.25            | 0.00        | -225.75           | 0.0         |
| 6610 Operating Supplies                | 18,000.00         | 18,000.00         | 2,824.84          | 1,097.71         | 0.00        | 15,175.16         | 15.7        |
| 6613 Materials                         | 4,000.00          | 4,000.00          | 64.70             | 0.00             | 0.00        | 3,935.30          | 1.6         |
| 6615 Bldg & Maint Supplies             | 1,500.00          | 1,500.00          | 482.77            | 0.00             | 0.00        | 1,017.23          | 32.2        |
| 6616 Programs                          | 8,000.00          | 8,000.00          | 777.94            | 300.00           | 0.00        | 7,222.06          | 9.7         |
| 6651 Postage/Shipping                  | 50.00             | 50.00             | 0.00              | 0.00             | 0.00        | 50.00             | 0.0         |
| 6660 Office Supplies                   | 500.00            | 500.00            | 154.91            | 0.00             | 0.00        | 345.09            | 31.0        |
| 6794 Capital Outlay - Equipmt/Other    | 2,250.00          | 2,250.00          | 599.99            | 0.00             | 0.00        | 1,650.01          | 26.7        |
| <b>PARKS</b>                           | <b>439,273.00</b> | <b>439,273.00</b> | <b>138,169.46</b> | <b>29,237.24</b> | <b>0.00</b> | <b>301,103.54</b> | <b>31.5</b> |
| Expenditures                           | 439,273.00        | 439,273.00        | 138,169.46        | 29,237.24        | 0.00        | 301,103.54        | 31.5        |
| Net Effect for Blue Hole Parkland      | 25,677.00         | 25,677.00         | -130,456.28       | -25,670.81       | 0.00        | 156,133.28        | -508.1      |
| Change in Fund Balance:                |                   |                   | -130,456.28       |                  |             |                   |             |

**BALANCE SHEET**

Page: 3

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

**Fund: 201 - Municipal Court****Assets**

1023 Municipal Court - ONB

2,975.34

**Total Assets**

2,975.34

**Liabilities**

2010 Accounts Payable

3,500.00

2076 MC Payable to State

712.35

**Total Liabilities**

4,212.35

**Reserves/Balances**

3600 Fund Balance - Uncommitted

-1,237.63

3650 Net Excess (Deficit)

0.62

**Total Reserves/Balances**

-1,237.01

**Total Liabilities & Balances**

2,975.34

## REVENUE/EXPENDITURE REPORT

Page: 5

4/12/2021

7:45 am

City of Wimberley

For the Period: 10/1/2020 to 2/28/2021

Original Bud.

Amended Bud.

YTD Actual

CURR MTH

Encumb. YTD

UnencBal % Bud

**Fund: 201 - Municipal Court**

## Revenues

Dept: 00

5611 Interest Revenues

0.00

0.00

0.62

0.11

0.00

-0.62

0.0

Dept: 00

0.00

0.00

0.62

0.11

0.00

-0.62

0.0

## Revenues

0.00

0.00

0.62

0.11

0.00

-0.62

0.0

Net Effect for Municipal Court

0.00

0.00

0.62

0.11

0.00

-0.62

0.0

Change in Fund Balance:

0.62



# BALANCE SHEET

Page: 4

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

## Fund: 202 - Wastewater Fund

### Assets

|                                     |            |
|-------------------------------------|------------|
| 1027 Wastewater - ONB               | 209,801.69 |
| 1150 Accounts Receivable            | 14,760.00  |
| 1152 Tax Notes 2013-Restricted Cash | 32,549.57  |
| 1729 WW Reclamation Facility        | 564,015.37 |
| 1730 Utility Plant - WW             | 223,970.00 |
| 1731 Accumulated Deprec.-Bldgs      | -39,621.50 |

### Total Assets

1,005,475.13

### Liabilities

|                                   |            |
|-----------------------------------|------------|
| 2010 Accounts Payable             | 49,600.10  |
| 2140 Accrued Interest Payable     | 2,041.92   |
| 2240 Notes Payable - Current      | 124,431.00 |
| 2551 Notes Payable-Tax Notes 2013 | 95,000.00  |

### Total Liabilities

271,073.02

### Reserves/Balances

|                                   |            |
|-----------------------------------|------------|
| 3600 Fund Balance - Uncommitted   | 82,345.90  |
| 3610 Net Invest in Capital Assets | 514,814.52 |
| 3650 Net Excess (Deficit)         | 137,241.69 |

### Total Reserves/Balances

734,402.11

### Total Liabilities & Balances

1,005,475.13

## REVENUE/EXPENDITURE REPORT

Page: 6

4/12/2021

7:45 am

City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 | Original Bud.     | Amended Bud.      | YTD Actual        | CURR MTH         | Encumb. YTD | UnencBal          | % Bud       |
|----------------------------------------|-------------------|-------------------|-------------------|------------------|-------------|-------------------|-------------|
| <b>Fund: 202 - Wastewater Fund</b>     |                   |                   |                   |                  |             |                   |             |
| Revenues                               |                   |                   |                   |                  |             |                   |             |
| Dept: 04 WATER/WASTEWATER              |                   |                   |                   |                  |             |                   |             |
| 5400 WW Service Fees                   | 241,888.00        | 241,888.00        | 54,352.00         | 10,272.00        | 0.00        | 187,536.00        | 22.5        |
| 5611 Interest Revenues                 | 75.00             | 75.00             | 36.49             | 8.31             | 0.00        | 38.51             | 48.7        |
| 5799 Operating Transfer In             | 290,500.00        | 290,500.00        | 290,500.00        | 0.00             | 0.00        | 0.00              | 100.0       |
| <b>WATER/WASTEWATER</b>                | <b>532,463.00</b> | <b>532,463.00</b> | <b>344,888.49</b> | <b>10,280.31</b> | <b>0.00</b> | <b>187,574.51</b> | <b>64.8</b> |
| Revenues                               | 532,463.00        | 532,463.00        | 344,888.49        | 10,280.31        | 0.00        | 187,574.51        | 64.8        |
| Expenditures                           |                   |                   |                   |                  |             |                   |             |
| Dept: 04 WATER/WASTEWATER              |                   |                   |                   |                  |             |                   |             |
| 6270 Annual/Assoc DUES                 | 1,250.00          | 1,250.00          | 0.00              | 0.00             | 0.00        | 1,250.00          | 0.0         |
| 6374 Contract Services                 | 246,391.00        | 246,391.00        | 153,642.14        | 703.53           | 0.00        | 92,748.86         | 62.4        |
| 6410 Utilities                         | 6,000.00          | 6,000.00          | 2,747.51          | 659.45           | 0.00        | 3,252.49          | 45.8        |
| 6411 Telephones                        | 1,800.00          | 1,800.00          | 314.27            | 0.00             | 0.00        | 1,485.73          | 17.5        |
| 6589 Records Management                | 0.00              | 0.00              | 25.00             | 5.00             | 0.00        | -25.00            | 0.0         |
| 6799 Project Manager-WW Project        | 38,000.00         | 38,000.00         | 1,350.00          | 0.00             | 0.00        | 36,650.00         | 3.6         |
| 6900 Wastewater Debt Service - Prin    | 160,000.00        | 160,000.00        | 0.00              | 0.00             | 0.00        | 160,000.00        | 0.0         |
| 6901 Wastewater Debt Service - Int     | 78,920.00         | 78,920.00         | 36,588.06         | 0.00             | 0.00        | 42,331.94         | 46.4        |
| 6990 Operating Transfer Out            | 0.00              | 0.00              | 12,979.82         | 0.00             | 0.00        | -12,979.82        | 0.0         |
| <b>WATER/WASTEWATER</b>                | <b>532,361.00</b> | <b>532,361.00</b> | <b>207,646.80</b> | <b>1,367.98</b>  | <b>0.00</b> | <b>324,714.20</b> | <b>39.0</b> |
| Expenditures                           | 532,361.00        | 532,361.00        | 207,646.80        | 1,367.98         | 0.00        | 324,714.20        | 39.0        |
| Net Effect for Wastewater Fund         | 102.00            | 102.00            | 137,241.69        | 8,912.33         | 0.00        | -137,139.69       | 4550.7      |
| Change in Fund Balance:                |                   |                   | 137,241.69        |                  |             |                   |             |

**BALANCE SHEET**

Page: 5

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

Fund: 205 - Hotel Occupancy Tax

Assets

1019 Hotel Occupancy Tax

142,374.03

Total Assets

142,374.03

Liabilities

2010 Accounts Payable

744.26

Total Liabilities

744.26

Reserves/Balances

3310 Nonspendable Prepaids

10,091.00

3560 FB Committed-Emergency Plan

5,000.00

3600 Fund Balance - Uncommitted

126,909.32

3650 Net Excess (Deficit)

-370.55

Total Reserves/Balances

141,629.77

Total Liabilities &amp; Balances

142,374.03

REVENUE/EXPENDITURE REPORT

Page: 7  
4/12/2021  
7:45 am

City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 |                        | Original Bud. | Amended Bud. | YTD Actual | CURR MTH | Encumb. YTD | UnencBal   | % Bud |
|----------------------------------------|------------------------|---------------|--------------|------------|----------|-------------|------------|-------|
| <b>Fund: 205 - Hotel Occupancy Tax</b> |                        |               |              |            |          |             |            |       |
| Revenues                               |                        |               |              |            |          |             |            |       |
| Dept: 15 ADMINISTRATION                |                        |               |              |            |          |             |            |       |
| 5611                                   | Interest Revenues      | 0.00          | 0.00         | 29.45      | 5.46     | 0.00        | -29.45     | 0.0   |
|                                        | ADMINISTRATION         | 0.00          | 0.00         | 29.45      | 5.46     | 0.00        | -29.45     | 0.0   |
| Revenues                               |                        | 0.00          | 0.00         | 29.45      | 5.46     | 0.00        | -29.45     | 0.0   |
| Expenditures                           |                        |               |              |            |          |             |            |       |
| Dept: 15 ADMINISTRATION                |                        |               |              |            |          |             |            |       |
| 6792                                   | Capital Outlay - Other | 6,000.00      | 22,995.00    | 400.00     | 400.00   | 0.00        | 22,595.00  | 1.7   |
|                                        | ADMINISTRATION         | 6,000.00      | 22,995.00    | 400.00     | 400.00   | 0.00        | 22,595.00  | 1.7   |
| Expenditures                           |                        | 6,000.00      | 22,995.00    | 400.00     | 400.00   | 0.00        | 22,595.00  | 1.7   |
| Net Effect for Hotel Occupancy Tax     |                        | -6,000.00     | -22,995.00   | -370.55    | -394.54  | 0.00        | -22,624.45 | 1.6   |
| Change in Fund Balance:                |                        |               |              | -370.55    |          |             |            |       |



# BALANCE SHEET

Page: 6

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

Fund: 600 - BHP Development Projects

Assets

1025 BH Development - ONB

15,064.09

Total Assets

15,064.09

Liabilities

2010 Accounts Payable

3,400.00

Total Liabilities

3,400.00

Reserves/Balances

3550 FB Committed - Soccer Fields

109,279.00

3600 Fund Balance - Uncommitted

-94,218.03

3650 Net Excess (Deficit)

-3,396.88

Total Reserves/Balances

11,664.09

Total Liabilities & Balances

15,064.09

## REVENUE/EXPENDITURE REPORT

Page: 8

4/12/2021

7:45 am

City of Wimberley

For the Period: 10/1/2020 to 2/28/2021

Original Bud.

Amended Bud.

YTD Actual

CURR MTH

Encumb. YTD

UnencBal % Bud

**Fund: 600 - BHP Development Projects**

## Revenues

|                        |       |       |      |      |      |       |      |
|------------------------|-------|-------|------|------|------|-------|------|
| Dept: 00               |       |       |      |      |      |       |      |
| 5611 Interest Revenues | 20.00 | 20.00 | 3.12 | 0.58 | 0.00 | 16.88 | 15.6 |
| Dept: 00               | 20.00 | 20.00 | 3.12 | 0.58 | 0.00 | 16.88 | 15.6 |

## Revenues

|       |       |      |      |      |       |      |
|-------|-------|------|------|------|-------|------|
| 20.00 | 20.00 | 3.12 | 0.58 | 0.00 | 16.88 | 15.6 |
|-------|-------|------|------|------|-------|------|

## Expenditures

|                                 |      |      |          |          |      |           |     |
|---------------------------------|------|------|----------|----------|------|-----------|-----|
| Dept: 00                        |      |      |          |          |      |           |     |
| 6798 Capital Outlay-Development | 0.00 | 0.00 | 3,400.00 | 3,400.00 | 0.00 | -3,400.00 | 0.0 |
| Dept: 00                        | 0.00 | 0.00 | 3,400.00 | 3,400.00 | 0.00 | -3,400.00 | 0.0 |

## Expenditures

|      |      |          |          |      |           |     |
|------|------|----------|----------|------|-----------|-----|
| 0.00 | 0.00 | 3,400.00 | 3,400.00 | 0.00 | -3,400.00 | 0.0 |
|------|------|----------|----------|------|-----------|-----|

Net Effect for BHP Development Projects

|       |       |           |           |      |          |          |
|-------|-------|-----------|-----------|------|----------|----------|
| 20.00 | 20.00 | -3,396.88 | -3,399.42 | 0.00 | 3,416.88 | 16,984.4 |
|-------|-------|-----------|-----------|------|----------|----------|

Change in Fund Balance:

-3,396.88

# BALANCE SHEET

Page: 7

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

## Fund: 602 - DONATIONS/SIDEWALKS

### Assets

1026 Donations/Sidewalks

55,067.41

Total Assets

55,067.41

### Reserves/Balances

3600 Fund Balance - Uncommitted

89,451.80

3650 Net Excess (Deficit)

-34,384.39

Total Reserves/Balances

55,067.41

Total Liabilities & Balances

55,067.41

## REVENUE/EXPENDITURE REPORT

Page: 9

4/12/2021

7:45 am

City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021 |                        | Original Bud. | Amended Bud. | YTD Actual | CURR MTH | Encumb. YTD | UnencBal   | % Bud |
|----------------------------------------|------------------------|---------------|--------------|------------|----------|-------------|------------|-------|
| <b>Fund: 602 - DONATIONS/SIDEWALKS</b> |                        |               |              |            |          |             |            |       |
| Revenues                               |                        |               |              |            |          |             |            |       |
| Dept: 00                               |                        |               |              |            |          |             |            |       |
| 5611                                   | Interest Revenues      | 2.00          | 2.00         | 12.61      | 2.11     | 0.00        | -10.61     | 630.5 |
| Dept: 00                               |                        | 2.00          | 2.00         | 12.61      | 2.11     | 0.00        | -10.61     | 630.5 |
| Revenues                               |                        | 2.00          | 2.00         | 12.61      | 2.11     | 0.00        | -10.61     | 630.5 |
| Expenditures                           |                        |               |              |            |          |             |            |       |
| Dept: 00                               |                        |               |              |            |          |             |            |       |
| 6990                                   | Operating Transfer Out | 0.00          | 55,054.80    | 34,397.00  | 0.00     | 0.00        | 20,657.80  | 62.5  |
| Dept: 00                               |                        | 0.00          | 55,054.80    | 34,397.00  | 0.00     | 0.00        | 20,657.80  | 62.5  |
| Expenditures                           |                        | 0.00          | 55,054.80    | 34,397.00  | 0.00     | 0.00        | 20,657.80  | 62.5  |
| Net Effect for DONATIONS/SIDEWALKS     |                        | 2.00          | -55,052.80   | -34,384.39 | 2.11     | 0.00        | -20,668.41 | 62.5  |
| Change in Fund Balance:                |                        |               |              | -34,384.39 |          |             |            |       |

## BALANCE SHEET

Page: 8

4/12/2021

7:44 am

City of Wimberley

As of: 2/28/2021

Balances

## Fund: 604 - WW Collection &amp; Treatment Plan

## Assets

|                                     |              |
|-------------------------------------|--------------|
| 1032 WW Bond Reserve Funds          | 217,327.64   |
| 1033 BOK Financial (82-2435-02-0)   | 251,640.29   |
| 1034 BOK Financial (82-2435-01-2)   | 1,128,455.79 |
| 1306 Due from WWOP                  | 478.21       |
| 1728 WW Project - Const in Progress | 2,021,785.14 |

## Total Assets

3,619,687.07

## Liabilities

|                               |              |
|-------------------------------|--------------|
| 2010 Accounts Payable         | 4,304.35     |
| 2011 Debt Forgiveness Funds   | 243,005.00   |
| 2140 Accrued Interest Payable | 21,385.00    |
| 2560 N TX General Obligation  | 5,100,000.00 |
| 2561 Bonds - Current          | 155,000.00   |

## Total Liabilities

5,523,694.35

## Reserves/Balances

|                                   |               |
|-----------------------------------|---------------|
| 3600 Fund Balance - Uncommitted   | -1,247,823.20 |
| 3610 Net Invest in Capital Assets | -95,451.86    |
| 3650 Net Excess (Deficit)         | -560,732.22   |

## Total Reserves/Balances

-1,904,007.28

## Total Liabilities &amp; Balances

3,619,687.07



REVENUE/EXPENDITURE REPORT

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4/12/2021

7:45 am

City of Wimberley

| For the Period: 10/1/2020 to 2/28/2021                |                            | Original Bud. | Amended Bud. | YTD Actual  | CURR MTH    | Encumb. YTD | UnencBal    | % Bud |
|-------------------------------------------------------|----------------------------|---------------|--------------|-------------|-------------|-------------|-------------|-------|
| <b>Fund: 604 - WW Collection &amp; Treatment Plan</b> |                            |               |              |             |             |             |             |       |
| Revenues                                              |                            |               |              |             |             |             |             |       |
| Dept: 00                                              |                            |               |              |             |             |             |             |       |
| 5799                                                  | Operating Transfer In      | 0.00          | 0.00         | 275,481.41  | 0.00        | 0.00        | -275,481.41 | 0.0   |
| Dept: 00                                              |                            |               |              |             |             |             |             |       |
| Dept: 04 WATER/WASTEWATER                             |                            |               |              |             |             |             |             |       |
| 5611                                                  | Interest Revenues          | 0.00          | 0.00         | 161.54      | 27.07       | 0.00        | -161.54     | 0.0   |
| 5612                                                  | Investment Income          | 0.00          | 0.00         | 103.00      | 31.49       | 0.00        | -103.00     | 0.0   |
| WATER/WASTEWATER                                      |                            |               |              |             |             |             |             |       |
|                                                       |                            | 0.00          | 0.00         | 264.54      | 58.56       | 0.00        | -264.54     | 0.0   |
| Revenues                                              |                            | 0.00          | 0.00         | 275,745.95  | 58.56       | 0.00        | -275,745.95 | 0.0   |
| Expenditures                                          |                            |               |              |             |             |             |             |       |
| Dept: 04 WATER/WASTEWATER                             |                            |               |              |             |             |             |             |       |
| 6374                                                  | Contract Services          | 0.00          | 0.00         | 22,403.77   | 8,174.35    | 0.00        | -22,403.77  | 0.0   |
| 6410                                                  | Utilities                  | 0.00          | 0.00         | 2.46        | 0.00        | 0.00        | -2.46       | 0.0   |
| 6792                                                  | Capital Outlay - Other     | 0.00          | 0.00         | 462,691.94  | 0.00        | 0.00        | -462,691.94 | 0.0   |
| 6799                                                  | Project Manager-WW Project | 0.00          | 0.00         | 10,380.00   | 1,440.00    | 0.00        | -10,380.00  | 0.0   |
| 6990                                                  | Operating Transfer Out     | 0.00          | 341,000.00   | 341,000.00  | 0.00        | 0.00        | 0.00        | 100.0 |
| WATER/WASTEWATER                                      |                            |               |              |             |             |             |             |       |
|                                                       |                            | 0.00          | 341,000.00   | 836,478.17  | 9,614.35    | 0.00        | -495,478.17 | 245.3 |
| Expenditures                                          |                            | 0.00          | 341,000.00   | 836,478.17  | 9,614.35    | 0.00        | -495,478.17 | 245.3 |
| Net Effect for WW Collection & Treatment Plan         |                            |               |              |             |             |             |             |       |
| Change in Fund Balance:                               |                            | 0.00          | -341,000.00  | -560,732.22 | -9,555.79   | 0.00        | 219,732.22  | 164.4 |
| Grand Total Net Effect:                               |                            | 5,046.00      | -329,505.80  | -722,430.98 | -117,575.11 | 0.00        | 392,925.18  |       |



|                        |                                                                                          |
|------------------------|------------------------------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>ZA-21-005 Rezone from Commercial Low Impact (C-1) to Commercial High Impact (C-3)</b> |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator                                     |
| <b>DATE SUBMITTED:</b> | April 2, 2021                                                                            |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)                                      |

## REPORT

### ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case ZA-21-005, an application for a Zoning Amendment to change the zoning for the property located at 107 Henson, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3).

### PROPERTY INFORMATION

#### Property Description

|                                  |                                                                  |
|----------------------------------|------------------------------------------------------------------|
| <b>Applicant(s):</b>             | Kristie Gaines                                                   |
| <b>Property Address:</b>         | 107 Henson, Wimberley                                            |
| <b>Property Owner:</b>           | Kristie Gaines                                                   |
| <b>Legal Description:</b>        | 0.247 Acres of land out of the Amasa Turner Survey, Abstract 461 |
| <b>Property Size:</b>            | 0.247 Acres                                                      |
| <b>Existing Use of Property:</b> | Commercial                                                       |
| <b>Existing Zoning:</b>          | Commercial – Low Impact (C-1)                                    |
| <b>Proposed Use of Property:</b> | Wine Bar/Mixed Retail                                            |
| <b>Request:</b>                  | Commercial – High Impact (C-3)                                   |
| <b>Planning Area:</b>            | III                                                              |
| <b>Overlay District:</b>         | City Center Overlay                                              |

#### Surrounding Property:

|                  |                           |
|------------------|---------------------------|
| <b>Frontage:</b> | Henson & Wimberley Square |
|------------------|---------------------------|

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | C-3, C-2               | Commercial                |
|                                          | <b>South of Property</b> | C-1                    | Commercial                |
|                                          | <b>East of Property</b>  | C-1                    | Commercial                |

**COMMENTS**

Staff has not received any support or opposition for this item.

**LEGAL NOTICE**

**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

**RECOMMENDATION**

Planning and Zoning recommended approval of this zoning change at their April 8<sup>th</sup> meeting with a 6-0 vote.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance

\_\_\_\_\_

### Expanded (Commercial)

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: 3/18/21 FILE NO. 2A-21-005  
TENTATIVE P&Z HEARING: 4/8/21 TENTATIVE COUNCIL HEARING: 4/15/21  
CITY INITIATED: ☐ YES - ☒ NO PLANNING AREA: III ZONING REQUESTED: C-3  
ZONING FEES: \$ 762.00 DATE PAID: 3/18/21 RECEIVED BY: N. G.

# APPLICATION FOR COMMERCIAL ZONING

## NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

## OWNER, AGENT AND PROJECT DATA

**STREET ADDRESS OF  
PROPERTY TO**

## HAYS COUNTY CENTRAL APPRAISAL DISTRICT

BE ZONED: 107 Henson Wimberley, Texas PROPERTY ID#: R 18555 \*\*

**\* New street addresses can be obtained by calling (512) 393-2160**

**\*\* This number may be obtained this from your property tax statement or HCAD's website.**

**PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:**

**NOTE: Please clearly mark your property so it is easily identifiable.**

1. OWNER'S NAME: Kristie Gaines HOME PHONE: [REDACTED]

HOME PHONE: [REDACTED] [REDACTED] [REDACTED]

**BUSINESS PHONE:** ( )

FAX: ( ) \_\_\_\_\_

**E-MAIL:** [REDACTED]

**OWNER'S CURRENT MAILING**

ADDRESS [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP [REDACTED]

EMAIL: \_\_\_\_\_

2. AGENT'S NAME: \_\_\_\_\_ AGENT'S PHONE: (    ) \_\_\_\_\_

AGENT'S PHONE: ( ) \_\_\_\_\_

FAX: ( ) \_\_\_\_\_

AGENT'S FIRM NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**AGENT'S FIRM MAILING**

**ADDRESS:** \_\_\_\_\_ **CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP** \_\_\_\_\_

EMAIL: \_\_\_\_\_

PROPERTY INFORMATION

.24 acres

3. TOTAL AREA TO BE ZONED: ACRES ~~IX~~ (OR) SQ.FT. \_\_\_\_\_ TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S): III 5. REQUESTED ZONING CLASSIFICATION: C3

PROPOSED USE(S): Wine bar

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): C1

7. LEGAL DESCRIPTION

Street Address: 107 Henson Subdivision: \_\_\_\_\_

Block(s) A0461 Amasa Turner Survey Lot(s) \_\_\_\_\_

Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

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

VOLUME: \_\_\_\_\_ PAGE: \_\_\_\_\_ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES ✓ NO ✗ UNKNOWN \_\_\_\_\_

TYPE OF OVERLAY ZONE(S) (if applicable) City Center

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): X500 - See attached

C. ELECTRIC UTILITY PROVIDER: Pedernales

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: Wimberley Water

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): \_\_\_\_\_

Related Cases, If Applicable

- |                                                  |                |
|--------------------------------------------------|----------------|
| <input type="checkbox"/> Zoning                  | File No. _____ |
| <input type="checkbox"/> Building Permit         | File No. _____ |
| <input type="checkbox"/> Subdivision             | File No. _____ |
| <input type="checkbox"/> Sign Permit             | File No. _____ |
| <input type="checkbox"/> Engineered construction | File No. _____ |



## SITE INSPECTION AUTHORIZATION

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

Date: 3-12-21 APPLICANT SIGNATURE K. James  
WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT SIGNATURE \_\_\_\_\_

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

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 107 HENSON, and more particularly known as Lot AD, Block 461 of the AMASA TURNER SORBY Subdivision.

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

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

Date: 3-12-21 APPLICANT SIGNATURE K. James  
WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT SIGNATURE \_\_\_\_\_

## SUBMITTAL CHECKLIST

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

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

## SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

- ( ☒ ) My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
- ( ☐ ) I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 3.12.21

APPLICANT SIGNATURE K. James

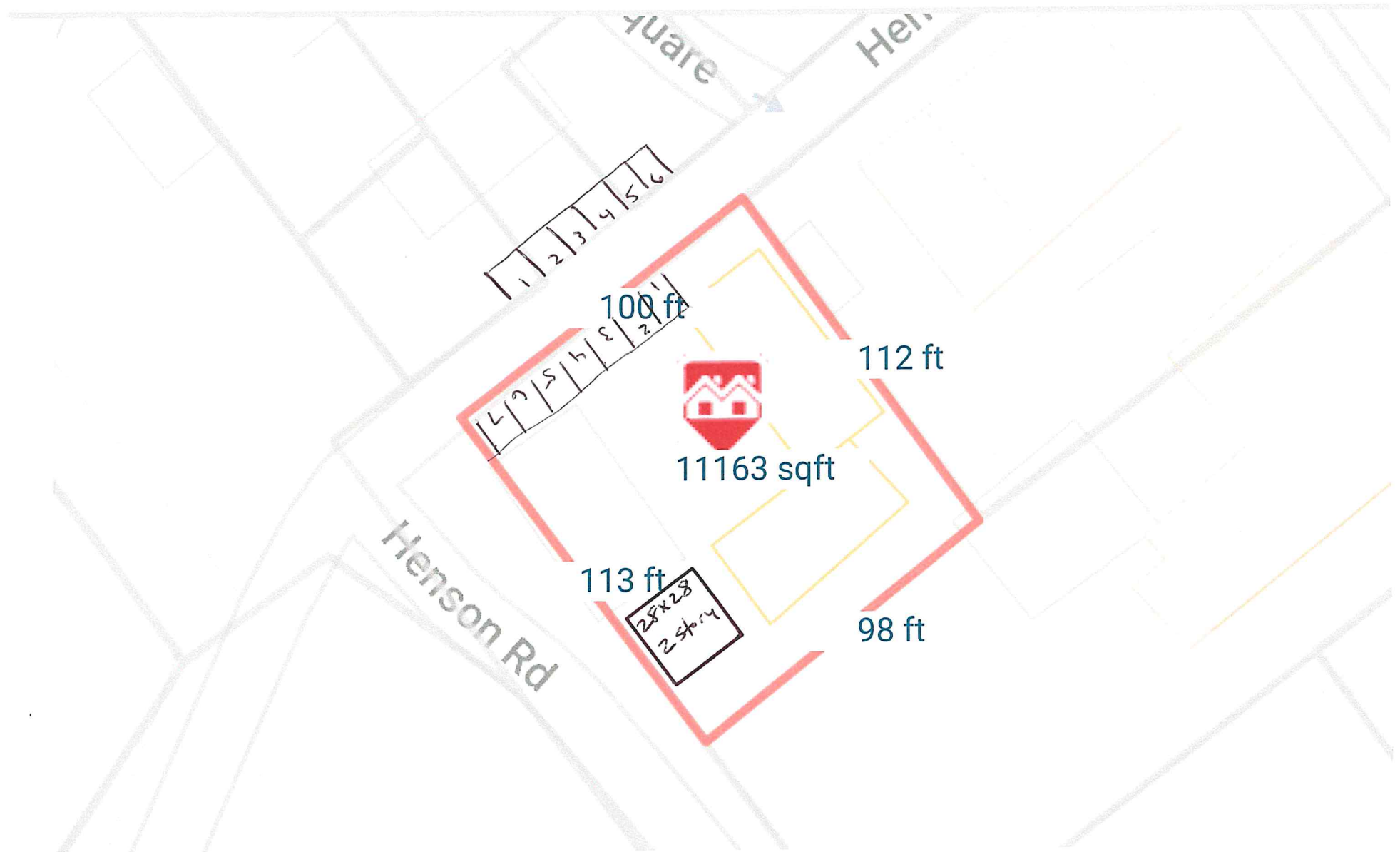
WHEN APPLICABLE:

Date: \_\_\_\_\_

AGENT SIGNATURE \_\_\_\_\_

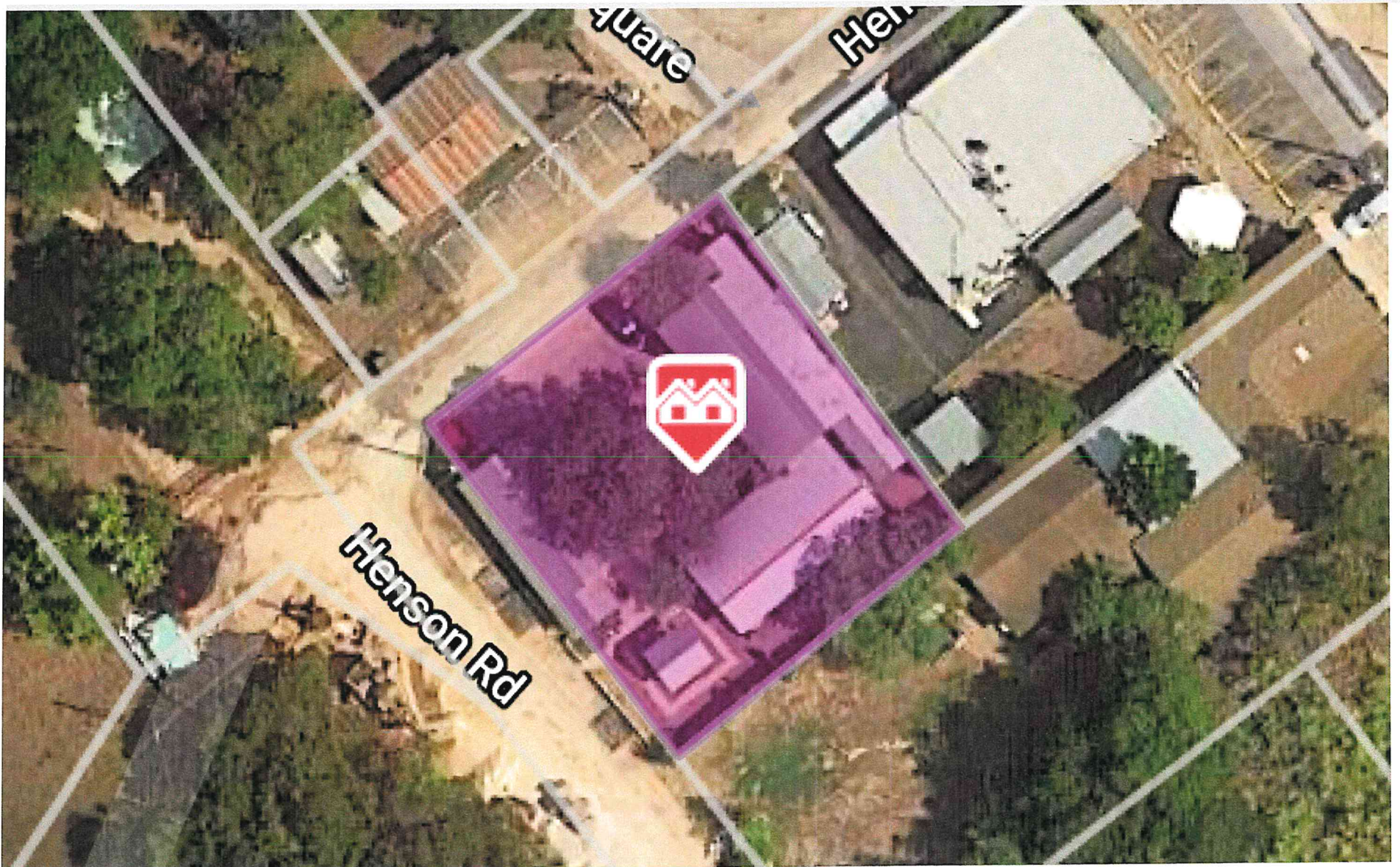


107 HENSON RD.



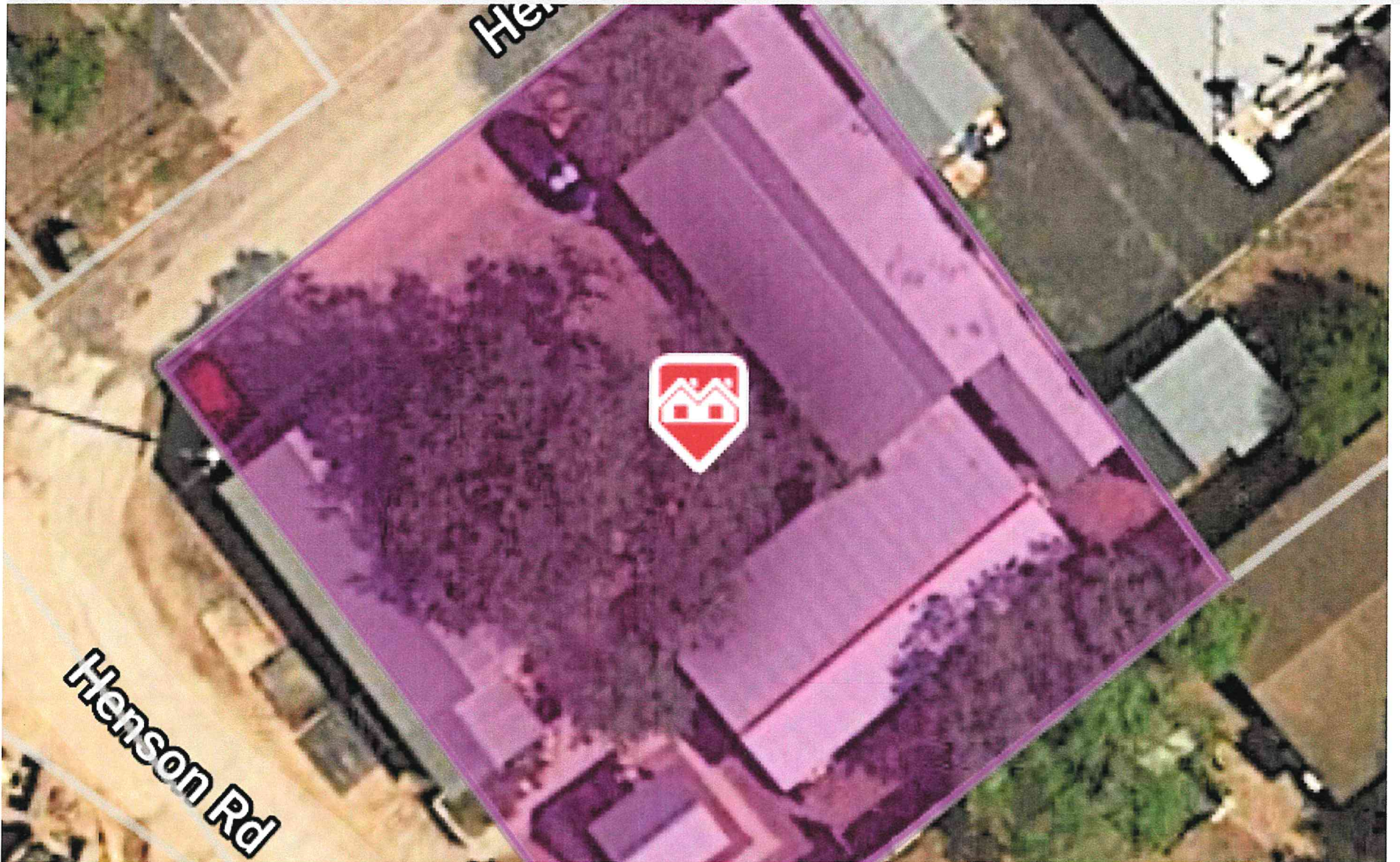


105 Henson Rd, Wimberley, Texas 78676





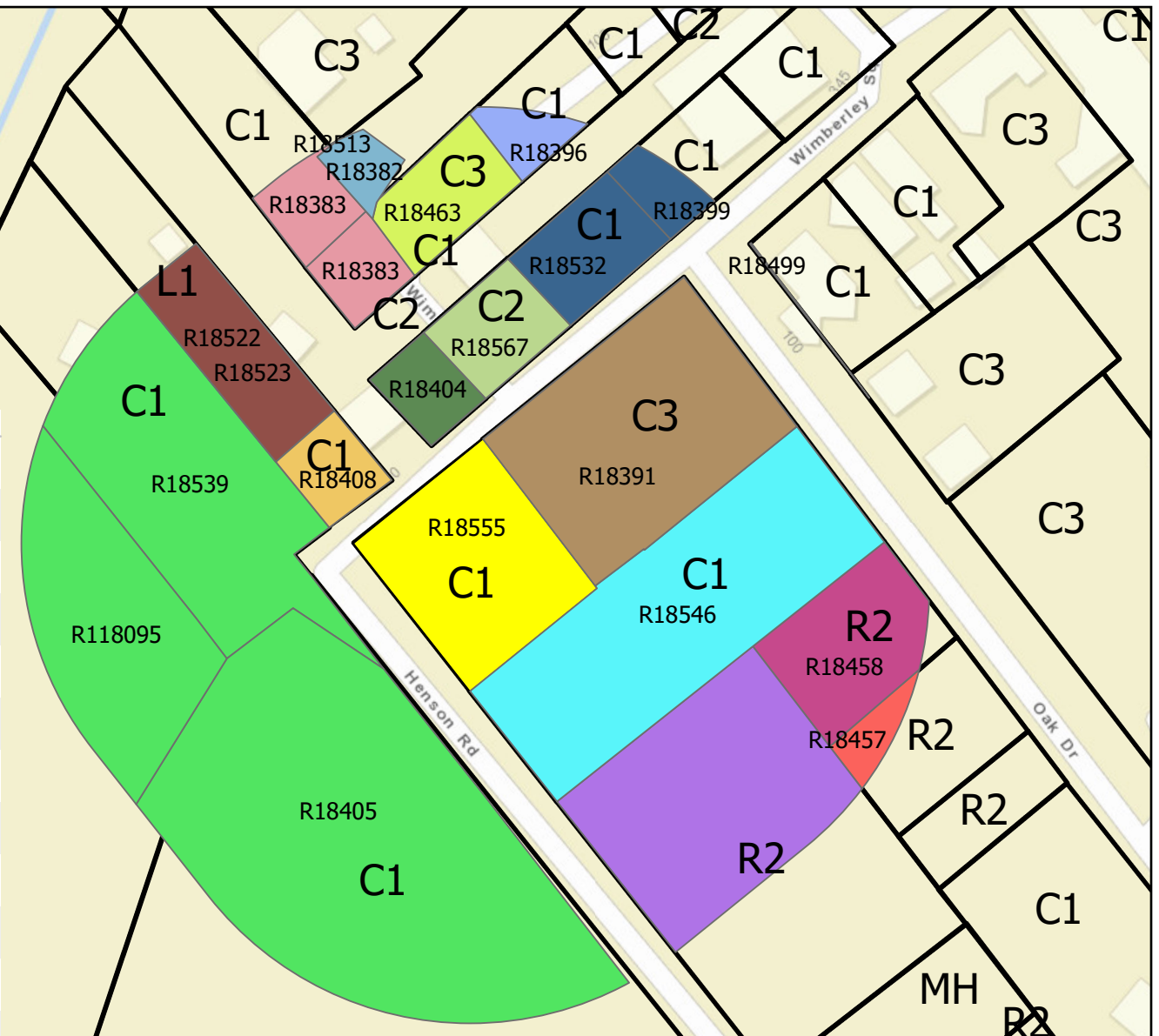
105 Henson Rd, Wimberley, Texas 78676





ZA-21-005

| RefName | OwnerName                                | Percent   |
|---------|------------------------------------------|-----------|
| R18457  | LANE, JOY                                | 0.761563  |
| R18458  | LANE JOY & LOMBARD DANA J & WELL JANET D | 4.000112  |
| R18404  | KARB FAMILY PARTNERSHIP LTD              | 1.328414  |
| R18567  | SHEKARFOROOSH EFFAT                      | 2.082354  |
| R18532  | HOOPS PROPERTIES LLC                     | 2.477883  |
| R18399  | HOOPS PROPERTIES LLC                     | 0.976253  |
| R18396  | YAUPON MERCANTILE LLC                    | 0.925924  |
|         |                                          | 9.64073   |
| R18499  | LEOTAM ASSETS LTD &                      | 0.031217  |
|         |                                          | 0.001496  |
| R18383  | SENIOR CITIZENS CRAFT SHOP OF            | 1.319955  |
| R18463  | LEINNEWEBER CARL &                       | 2.393213  |
| R18539  | CARSON DIVERSIFIED LAND 2 LLC            | 10.705804 |
| R18405  | CARSON DIVERSIFIED LAND 2 LLC            | 22.762411 |
| R18546  | ANDERSON, MARCILIA L                     | 12.274928 |
| R18522  | GAINES PATRICK L & KRISTIE S             | 3.435541  |
| R18391  | VAN OSTRAND PHILLIP M & MARY L           | 9.858541  |
| R18383  | SENIOR CITIZENS CRAFT SHOP OF            | 1.364815  |
| R18513  | QUARTER SHOPS LLC                        | 0.002299  |
| R18382  | THE QUARTER SHOPS LLC                    | 0.79004   |
| R18523  | GAINES PATRICK L & KRISTIE S             | 3.435541  |
| R18408  | 204 WIMBERLEY SQUARE LLC                 | 1.392569  |
| R118095 | CARSON DIVERSIFIED LAND 2 LLC            | 8.03412   |

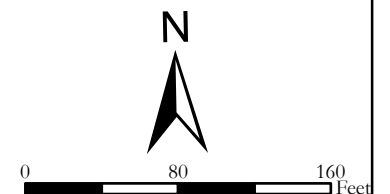


# 200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



## **ORDINANCE NO. 2021-XX**

### **AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT 107 Henson, WIMBERLEY, HAYS COUNTY, TEXAS, COMMERCIAL - LOW IMPACT (C-1) TO COMMERCIAL - HIGH IMPACT (C-3).**

**WHEREAS**, Chapter 211 of Vernon's Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment, and

**WHEREAS**, the regulations established by the Wimberley Code of Ordinances Article 9.03 (Zoning), as amended, (the "Code") are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and;

**WHEREAS**, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

**WHEREAS**, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning 0.247 acres out of the Amasa Turner Survey, Abstract 461, in Wimberley, Hays County, Texas, commonly known as 107 Henson, from Commercial - Low Impact (C-1) to Commercial – High Impact (C-3) zoning classification.

**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. REZONING**

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning 0.247 acres out of the Amasa Turner Survey, Abstract 461, in Wimberley, Hays County, Texas,

commonly known as 107 Henson Commercial - Low Impact (C-1) to Commercial – Low Impact (C-1) zoning classification.

#### **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 15<sup>th</sup> day of April, 2021 by a vote of \_\_\_\_ (Ayes) and \_\_ (Nays) and \_\_ (Abstain).

#### **CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary



**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney





|                        |                                                                       |
|------------------------|-----------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>CUP-21-008 – Sale of beer and wine for on-premises consumption</b> |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator                  |
| <b>DATE SUBMITTED:</b> | 4/2/2021                                                              |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)                   |

## REPORT

### ITEM

Hold a public hearing and take possible action regarding case CUP-21-008, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 107 Henson, Wimberley, Hays County, Texas.

### PROPERTY INFORMATION

#### Property Description

|                                  |                                                                              |
|----------------------------------|------------------------------------------------------------------------------|
| <b>Applicant(s):</b>             | Michele Woods                                                                |
| <b>Property Address:</b>         | 107 Henson, Wimberley                                                        |
| <b>Property Owner:</b>           | Kristie gains                                                                |
| <b>Legal Description:</b>        | 0.247 acres out of the Amasa Turner Survey, Abstract 461, Hays County, Texas |
| <b>Property Size:</b>            | 0.247 acres                                                                  |
| <b>Existing Use of Property:</b> | Commercial/Retail                                                            |
| <b>Existing Zoning:</b>          | Commercial                                                                   |
| <b>Proposed Use of Property:</b> | Beer and Wine Bar                                                            |
| <b>Request:</b>                  | Sale of Beer and Wine for on-premise consumption                             |
| <b>Planning Area:</b>            | III                                                                          |
| <b>Overlay District:</b>         | City Center                                                                  |

#### Surrounding Property:

**Frontage:** Climbing Way

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | C-3, C-2               | Commercial                |
|                                          | <b>South of Property</b> | C-1                    | Commercial                |
|                                          | <b>East of Property</b>  | C-1                    | Commercial                |

**COMMENTS**

At the time of posting, staff has not received any letters of support or opposition.

**LEGAL NOTICE**

**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

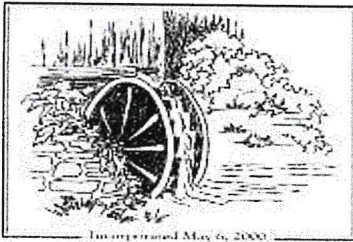
**STAFF RECOMMENDATION**

The Planning and Zoning Commission recommended approval(6-0) of this item at their April 8<sup>th</sup> meeting with the following conditions:

1. The use of the property for the sale and consumption of beer and wine shall be limited to Building #1 as designated on Exhibit "B", attached and incorporated herein by reference.
2. The property shall be connected to the Wimberley Wastewater System prior to operations.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance

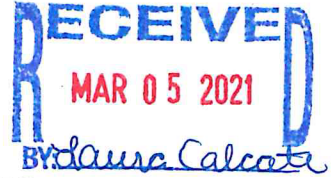


# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)



## CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 006

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: \_\_\_\_\_ Tentative Council Hearing: \_\_\_\_\_

FEES: \$650.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 107 Henson Wimberley, TX 78676

OWNER/APPLICANT Kessie Gagnon PHONE (512) [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

**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.

**SPECIFIC CONDITIONAL USE REQUESTED:** (e.g. Bed & Breakfast Lodging, Vacation Rental)

Sale of Beer & Wine for on-site consumption  
availability to sell alcohol on-site

Planning Area \_\_\_\_\_ Zoning C1 Total Acreage or Sq. Ft. 900

Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID #: R 18555

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

### UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: Wimberley

Wastewater Service Provider or Hays County Septic Permit No: Currently septic but not set up/waiting on sewer

**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 \$650.00 (non-refundable)
- (✓) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (✓) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (✓) Applicant agrees to provide additional documentation as needed by the City.
- (✓) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (✓) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

March 5 21  
DATE

K. D. Dames  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

AGENT SIGNATURE

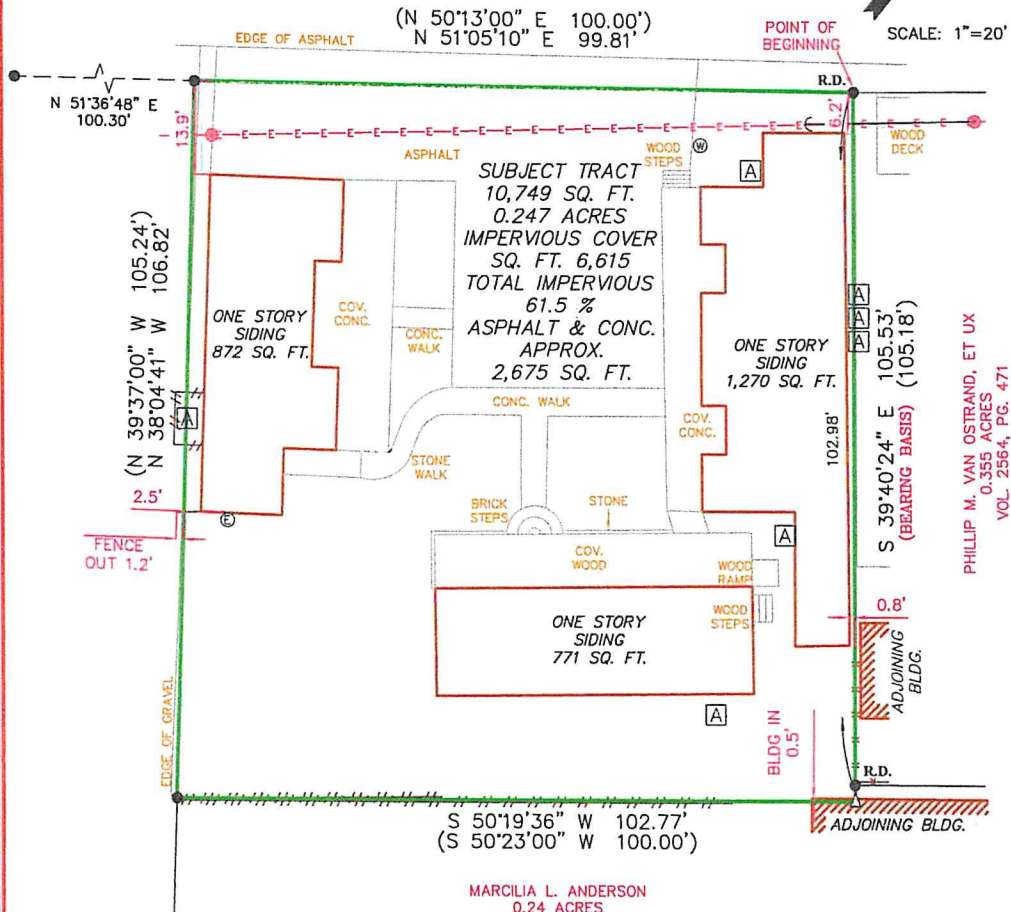


NOTE:  
PRIOR SURVEY (WESTAR JOB NO.  
86223) WAS USED FOR REFERENCE.

NOTE:  
NO RESTRICTIVE COVENANTS OF RECORD  
WERE FOUND.

NOTE:  
BEARINGS SHOWN HEREON ARE BASED  
ON DEED RECORDED IN VOLUME 2564,  
PAGE 471.

## HENSON ROAD (50' R.O.W.)



MARCILIA L. ANDERSON  
0.24 ACRES  
VOL. 1064, PG. 751

NOTE:  
THIS PROPERTY IS SUBJECT TO A 15' WATER  
PIPELINE EASEMENT RECORDED IN VOLUME 2163,  
PAGE 368, HAYS COUNTY, TEXAS.  
(LOCATION NOT DEFINED)

NOTE:  
THIS PROPERTY MAY BE SUBJECT TO A ELECTRIC  
TRANSMISSION LINE EASEMENT RECORDED IN  
VOLUME 116, PAGE 567, HAYS COUNTY, TEXAS.  
(LOCATION NOT DEFINED)

NOTE:  
DRAWING WAS AMENDED TO SHOW  
BUILDING'S SQUARE FOOTAGE ON  
07/18/2019.

THIS SURVEY IS  
ACKNOWLEDGED AND  
IS ACCEPTED:

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48029C, Panel No. 0355 F, which is Dated 09/02/2005. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone (X) SHAD. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://www.fema.gov/portal>.



Property Address:  
105 HENSON ROAD  
Property Description:

Being 0.247 acre of land, more or less, out of the Amasa Turner Survey, Abstract 461, Hays County, Texas, and being that same tract described in Warranty Deed with Vendor's Lien recorded in Volume 2097, Page 29, Real Property Records, Hays County, Texas, said 0.247 acres being more particularly described by metes and bounds attached hereto.

Owner:  
PATRICK L. GAINES AND KRISTIE S. GAINES

FIRM REGISTRATION NO.  
10111700

**Westar Alamo**  
LAND SURVEYORS, L.L.C.  
P.O. BOX 1845 BOERNE, TEXAS 78008  
PHONE (210) 372-8500 FAX (210) 372-9999

**LEGEND**

- Δ - CALCULATED POINT
- - FIND 1/2" IRON ROD
- ( ) - RECORD INFORMATION
- B.S. - BUILDING SETBACK
- R.D. - RECORD DIGNITY MONUMENT
- W - WATER METER
- E - ELECTRIC METER
- A/C - A/C
- P - POWER POLE
- E - OVERHEAD ELECTRIC
- W - WOOD FENCE
- G - GUY WIRE
- W - WIRE FENCE

DRAWN BY: JA/BLE



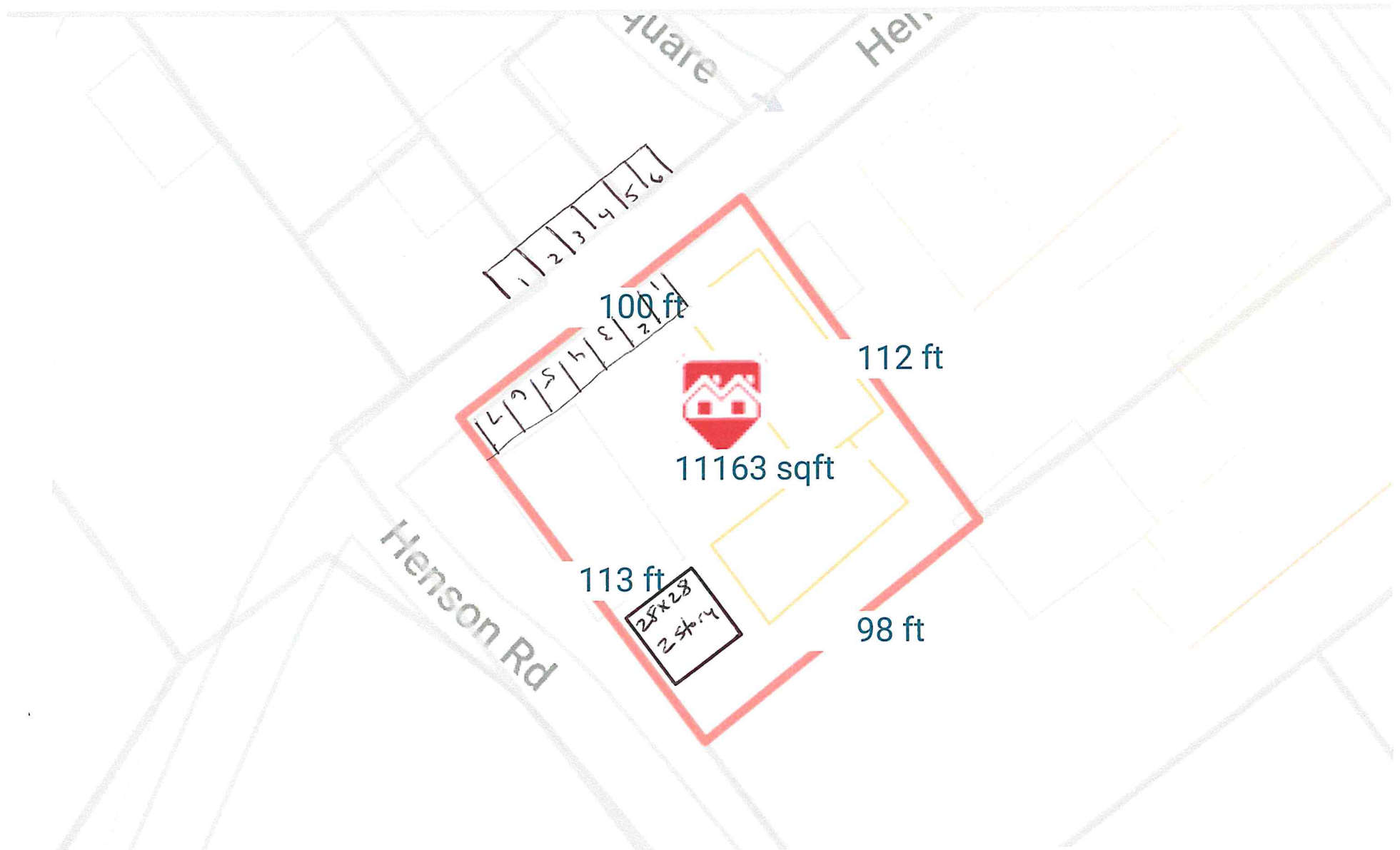
I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD  
Registered Professional Land Surveyor  
Texas Registration No. 5095

G.F. NO. 1844377-WIM JOB NO. 91121 TITLE COMPANY: INDEPENDENCE TITLE DATE: 07/11/2019



107 HENSON RD.



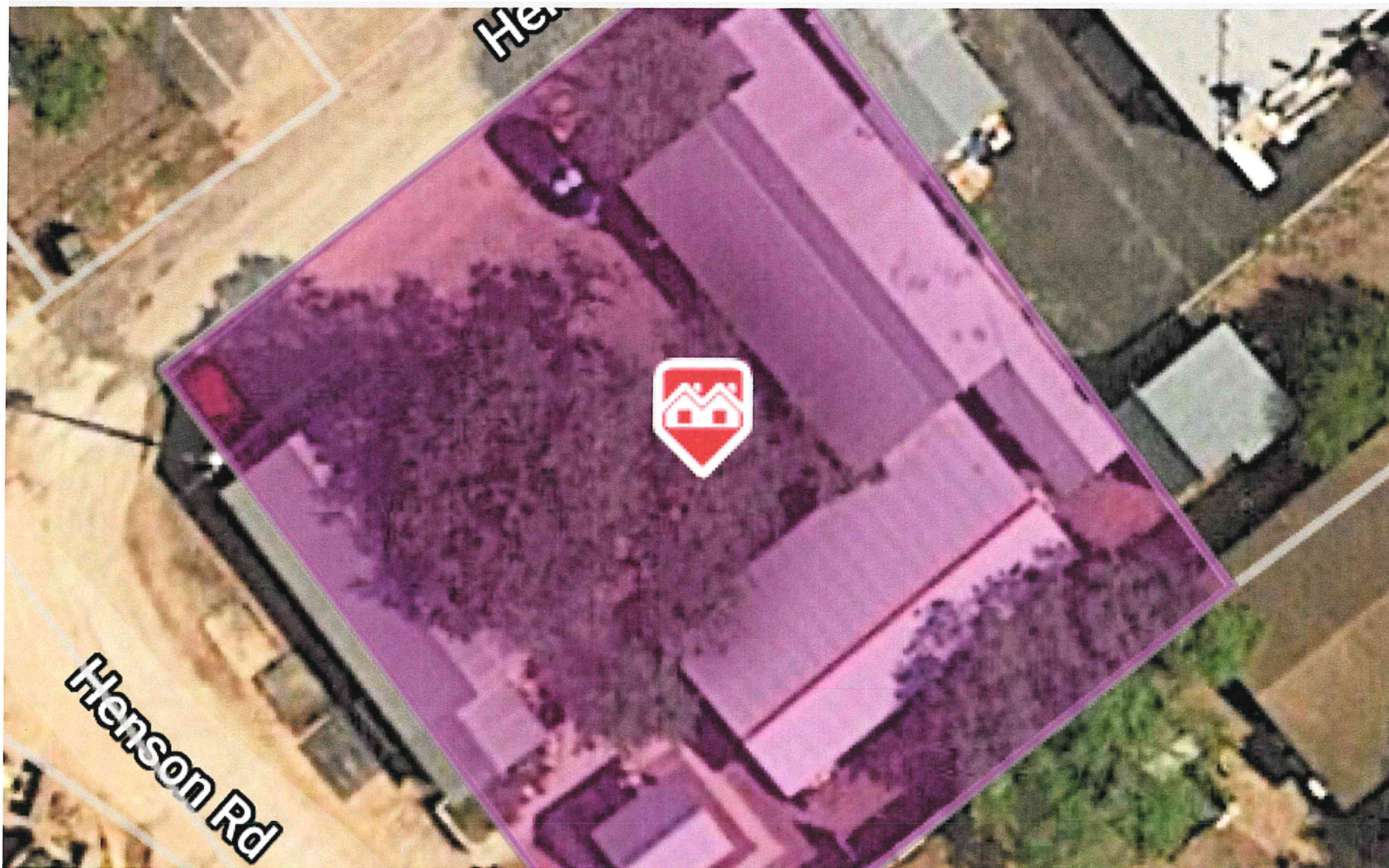


105 Henson Rd, Wimberley, Texas 78676





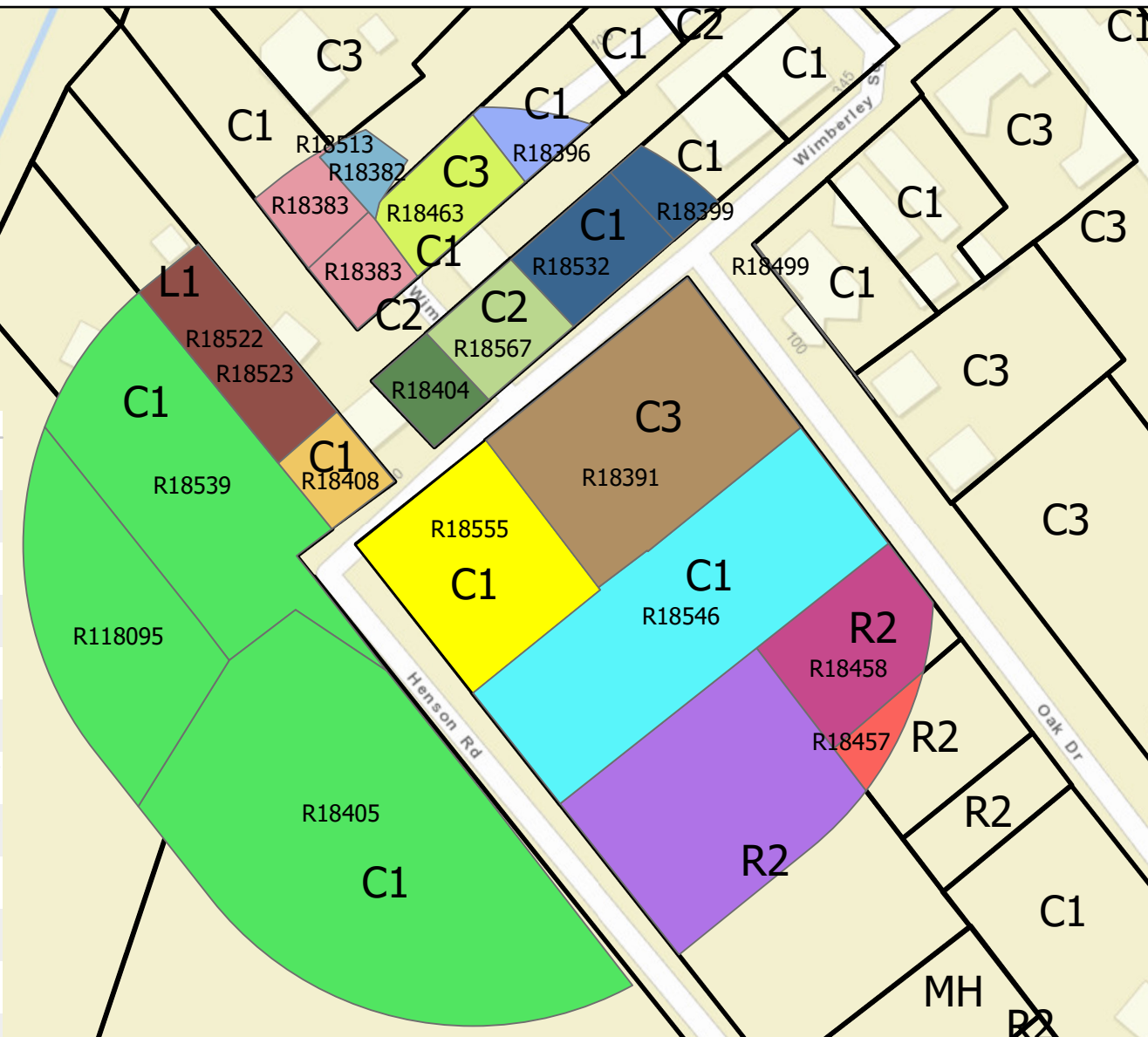
105 Henson Rd, Wimberley, Texas 78676





CUP-21-008

| RefName | OwnerName                                | Percent   |
|---------|------------------------------------------|-----------|
| R18457  | LANE, JOY                                | 0.761563  |
| R18458  | LANE JOY & LOMBARD DANA J & WELL JANET D | 4.000112  |
| R18404  | KARB FAMILY PARTNERSHIP LTD              | 1.328414  |
| R18567  | SHEKARFOROOSH EFFAT                      | 2.082354  |
| R18532  | HOOPS PROPERTIES LLC                     | 2.477883  |
| R18399  | HOOPS PROPERTIES LLC                     | 0.976253  |
| R18396  | YAUPON MERCANTILE LLC                    | 0.925924  |
|         |                                          | 9.64073   |
| R18499  | LEOTAM ASSETS LTD &                      | 0.031217  |
|         |                                          | 0.001496  |
| R18383  | SENIOR CITIZENS CRAFT SHOP OF            | 1.319955  |
| R18463  | LEINNEWEBER CARL &                       | 2.393213  |
| R18539  | CARSON DIVERSIFIED LAND 2 LLC            | 10.705804 |
| R18405  | CARSON DIVERSIFIED LAND 2 LLC            | 22.762411 |
| R18546  | ANDERSON, MARCILIA L                     | 12.274928 |
| R18522  | GAINES PATRICK L & KRISTIE S             | 3.435541  |
| R18391  | VAN OSTRAND PHILLIP M & MARY L           | 9.858541  |
| R18383  | SENIOR CITIZENS CRAFT SHOP OF            | 1.364815  |
| R18513  | QUARTER SHOPS LLC                        | 0.002299  |
| R18382  | THE QUARTER SHOPS LLC                    | 0.79004   |
| R18523  | GAINES PATRICK L & KRISTIE S             | 3.435541  |
| R18408  | 204 WIMBERLEY SQUARE LLC                 | 1.392569  |
| R118095 | CARSON DIVERSIFIED LAND 2 LLC            | 8.03412   |

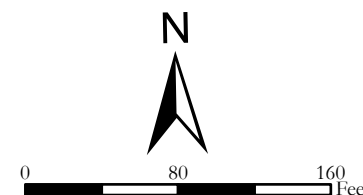


# 200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



## **ORDINANCE NO. 2021-XX**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KRISTIE GAINES, TO PERMIT THE SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 107 HENSON, WIMBERLEY, TEXAS, ZONED COMMERCIAL HIGH IMPACT (C-3); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.**

**WHEREAS**, an application for a Conditional Use Permit (“CUP”) has been filed by Kristie Gaines (“Applicant”) requesting authorization to operate a wine bar that includes the sale of beer and wine for on premises consumption on real property described as 0.247 acres out of the Amasa Turner Survey, Abstract 461, 107 Henson, zoned Commercial High Impact (C-3); and

**WHEREAS**, a bar/tavern is an authorized use in areas zoned Commercial High Impact (C-3) upon approval of a CUP; and

**WHEREAS**, a wine bar falls under the definition of bars and taverns, pursuant to Section 9.03.005, Definitions, of Article 9.03, Zoning of the Wimberley City Code; and

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

**WHEREAS**, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

**WHEREAS**, the City Council finds that the use of the subject property to include on premises sale and consumption of beer and wine, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 Kristie Gaines (“Applicant”) for use of the subject property to include on premises sale and consumption of beer and wine, on real property, described as 0.247 acres out of the Amasa Turner Survey, Abstract 461, 107 Henson, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial High Impact (C-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The use of the property for the sale and consumption of beer and wine shall be limited to Building #1 as designated on Exhibit “B”, attached and incorporated herein by reference.
2. The property shall be connected to the Wimberley Wastewater System prior to operations.

### **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 \_\_\_\_\_ 2021 by a vote of \_ (Ayes) and \_ (Nays) and \_ (Abstain).

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary



**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney



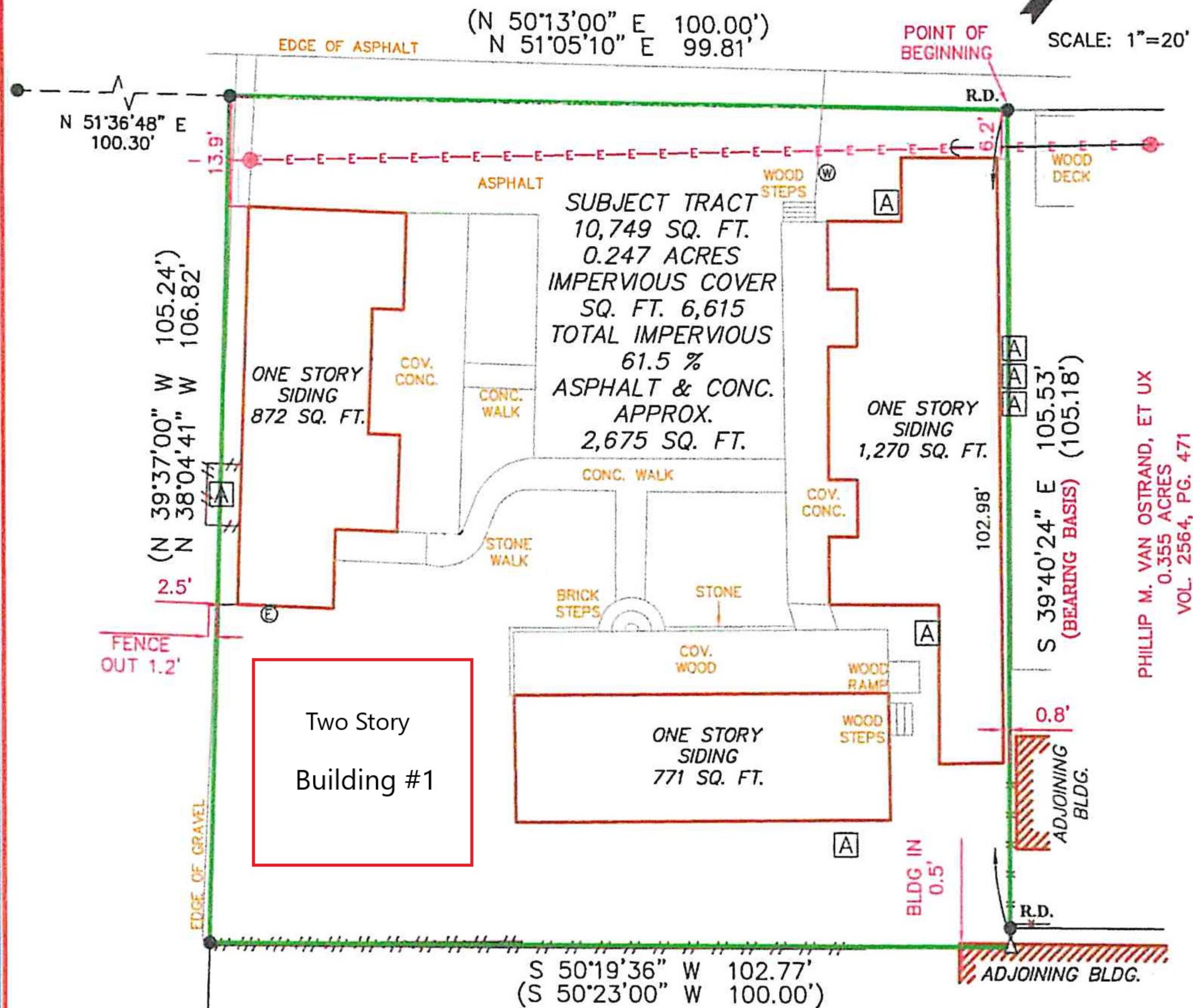
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NOTE:  
BEARINGS SHOWN HEREON ARE BASED  
ON DEED RECORDED IN VOLUME 2564,  
PAGE 471.

## Exhibit B

### HENSON ROAD (50' R.O.W.)



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PAGE 368, HAYS COUNTY, TEXAS.  
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105 HENSON ROAD

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#### Owner:

PATRICK L. GAINES AND KRISTIE S. GAINES



- LEGEND**
- △ - CALCULATED POINT
  - - FND 1/2" IRON ROD
  - ( ) - RECORD INFORMATION
  - B.S. - BUILDING SETBACK
  - R.D. - RECORD DIGNITY MONUMENT
  - ⊙ - WATER METER
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  - ⊙ - A/C
  - ⊙ - POWER POLE
  - ⊙ - OVERHEAD ELECTRIC
  - ⊙ - WOOD FENCE
  - ⊙ - GUY WIRE
  - ⊙ - WIRE FENCE
- DRAWN BY: JA/BLE



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

*Mark J. Ewald*

MARK J. EWALD  
Registered Professional Land Surveyor  
Texas Registration No. 5095

G.F. NO. 1844377-WM JOB NO. 91121 TITLE COMPANY: INDEPENDENCE TITLE DATE: 07/11/2019





# SOCIAL

**BUBBLES & BREWS**

107 Henson Rd Wimberley, TX 78676

Derek & Michele Woods - April 8, 2021



# OUR CONCEPT:

- A classy but casual wine bar on the Square where day shoppers, over-night guests and locals can gather to catch up with friends or rest their feet over a glass of wine or a beer.
- We've seen desire from both locals as well as out of town guests for a place in town, on the Square, where they can take a break, relax, or wait on their friends to do their own shopping without having to take up a table at a busy restaurant.
- We will serve local craft beer and a seasonally rotating selection of wines - no liquor.
- We aim to be a place that is family friendly!
- The landscape in courtyard area between Wildflower and the Bent Tree Art Gallery will be updated to make it more lounge and relaxation friendly.
- For food we will feature artisanal charcuterie platters by Hill Country Grazing Co (see next photo).



Hill Country Grazing Co.



















|                        |                                                                                          |
|------------------------|------------------------------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>ZA-21-006 Rezone from Commercial Low Impact (C-1) to Commercial High Impact (C-3)</b> |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator                                     |
| <b>DATE SUBMITTED:</b> | April 2, 2021                                                                            |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)                                      |

## REPORT

### ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case ZA-21-006, an application for a Zoning Amendment to change the zoning for the property located at 220 Old Kyle, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3).

### PROPERTY INFORMATION

#### Property Description

|                                  |                                                                   |
|----------------------------------|-------------------------------------------------------------------|
| <b>Applicant(s):</b>             | Rodney Bursiel                                                    |
| <b>Property Address:</b>         | 220 Old Kyle Rd, Wimberley                                        |
| <b>Property Owner:</b>           | Suzanne Oliver                                                    |
| <b>Legal Description:</b>        | 0.2118 Acres of land out of the Amasa Turner Survey, Abstract 461 |
| <b>Property Size:</b>            | 0.2118 Acres                                                      |
| <b>Existing Use of Property:</b> | Commercial                                                        |
| <b>Existing Zoning:</b>          | Commercial – Low Impact (C-1)                                     |
| <b>Proposed Use of Property:</b> | Bar and Art Gallery                                               |
| <b>Request:</b>                  | Commercial – High Impact (C-3)                                    |
| <b>Planning Area:</b>            | V                                                                 |
| <b>Overlay District:</b>         | City Center Overlay                                               |

#### Surrounding Property:

**Frontage:** Old Kyle

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | C-3                    | Commercial                |
|                                          | <b>South of Property</b> | C-2                    | Commercial                |
|                                          | <b>East of Property</b>  | C-2                    | Commercial                |

**COMMENTS**

Staff has not received any support or opposition for this item.

**LEGAL NOTICE**

**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

**RECOMMENDATION**

Planning and Zoning recommended approval of this request at their April 8<sup>th</sup>, meeting with a 6-0 vote.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance



MAR 18 2021

Expanded (Commercial)

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: Mar 14/21 FILE NO. EUP-21 ZA-21-006  
TENTATIVE P&Z HEARING: 4/8/21 TENTATIVE COUNCIL HEARING: 4/15/21  
CITY INITIATED: ☐ YES - ☒ NO PLANNING AREA: V ZONING REQUESTED: C-3  
ZONING FEES: \$ 760 DATE PAID: 3/14/21 RECEIVED BY: N. G.

**APPLICATION FOR COMMERCIAL ZONING**

NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

**OWNER, AGENT AND PROJECT DATA**

STREET ADDRESS OF  
PROPERTY TO

HAYS COUNTY CENTRAL  
APPRAISAL DISTRICT

BE ZONED: 220 OLD KYLE RD. Wimberley, Texas PROPERTY ID#: R18454 \*\*

\* New street addresses can be obtained by calling (512) 393-2160

\*\* This number may be obtained this from your property tax statement or HCAD's website.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

NOTE: Please clearly mark your property so it is easily identifiable.

1. OWNER'S NAME: Ms. SUZANNE OLIVER HOME PHONE: [REDACTED]  
H. WINSTON AULT BUSINESS PHONE: (512) 547-0305  
JUNE OLIVER AULT FAX: ( ) [REDACTED]  
E-MAIL: [REDACTED]

OWNER'S CURRENT MAILING

ADDRESS: [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP [REDACTED]  
EMAIL: [REDACTED]

2. AGENT'S NAME: [REDACTED] AGENT'S PHONE: ( ) [REDACTED]  
FAX: ( ) [REDACTED]  
AGENT'S FIRM NAME: [REDACTED] E-MAIL: [REDACTED]

AGENT'S FIRM MAILING

ADDRESS: [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP [REDACTED]  
EMAIL: [REDACTED]

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 0.2118 (OR) SQ.FT. 594.5 TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S) : \_\_\_\_\_ 5. REQUESTED ZONING CLASSIFICATION: C-3

PROPOSED USE(S): HIGH END BAR AND GALLERY

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): C-1

7. LEGAL DESCRIPTION A0461 AMASA TURNER SURVEY, ACRES 0.2118

Street Address: 220 Old Kyle Subdivision: \_\_\_\_\_

Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Plat Book: ~~4350~~ Page Number: 451

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

VOLUME: 4350 PAGE: 451 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) City Center

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): N/A

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: City Water

WASTEWATER UTILITY PROVIDER: SEPTIC - SOON - CITY/AQUA

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): N/A

Related Cases, If Applicable

|                                                  |                |
|--------------------------------------------------|----------------|
| <input type="checkbox"/> Zoning                  | File No. _____ |
| <input type="checkbox"/> Building Permit         | File No. _____ |
| <input type="checkbox"/> Subdivision             | File No. _____ |
| <input type="checkbox"/> Sign Permit             | File No. _____ |
| <input type="checkbox"/> Engineered construction | File No. _____ |

## SITE INSPECTION AUTHORIZATION

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

Date: 03-17-2021

APPLICANT SIGNATURE

*M. Suzanne Oliver*  
*H. Winston*  
*June Oliver Ault*

WHEN APPLICABLE:

Date: \_\_\_\_\_

AGENT SIGNATURE

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

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 220 OLD KYLE RD., and more particularly known as Lot A0461 AMASA TURNER SURVEY, ACRES 0.2118, Block \_\_\_\_\_ of the \_\_\_\_\_ Subdivision.

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

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

Date: 03-17-2021

APPLICANT SIGNATURE

*M. Suzanne Oliver*  
*H. Winston*  
*June Oliver Ault*

WHEN APPLICABLE:

Date: \_\_\_\_\_

AGENT SIGNATURE



## SUBMITTAL CHECKLIST

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

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

## SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

- ( ☒ ) My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
- ( ) I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 03-17-2021

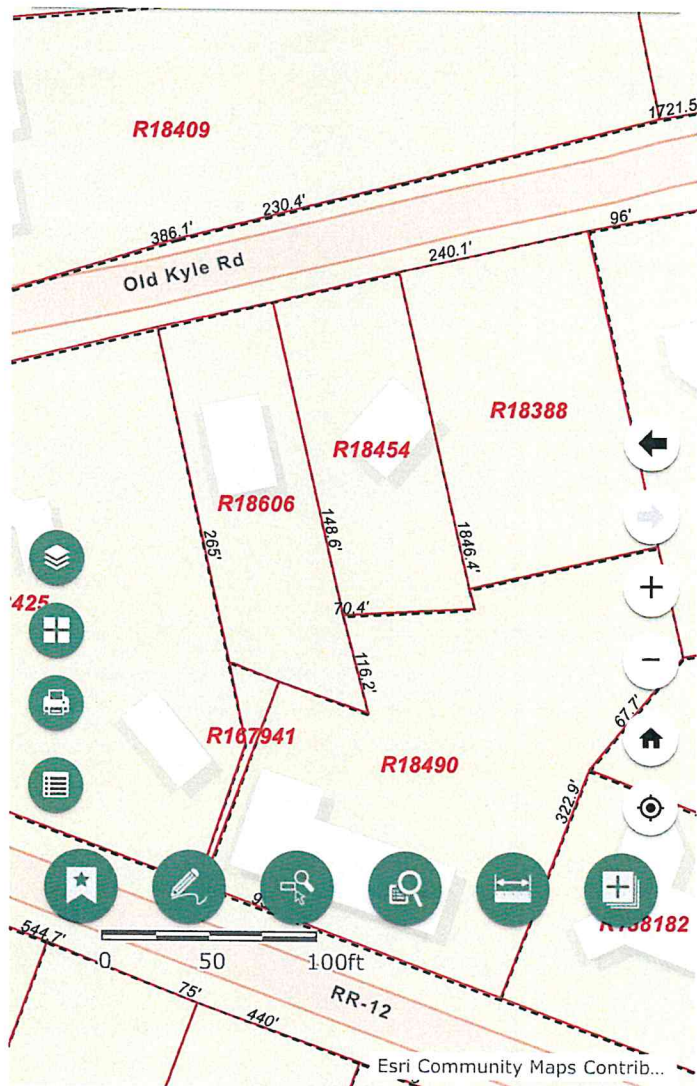
APPLICANT SIGNATURE

*M. S. [Signature]*  
*H. W. [Signature]*  
James Oliver Auble

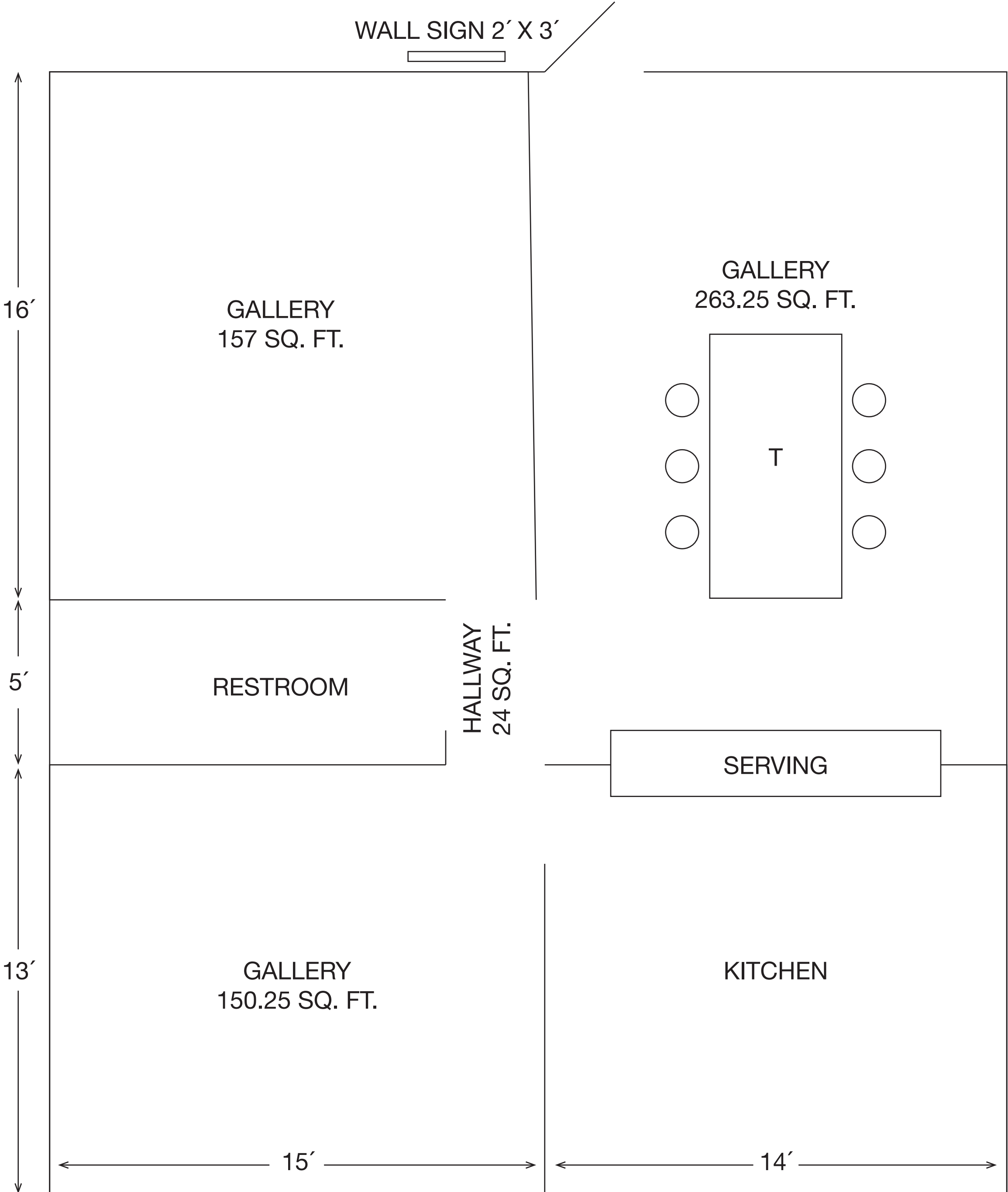
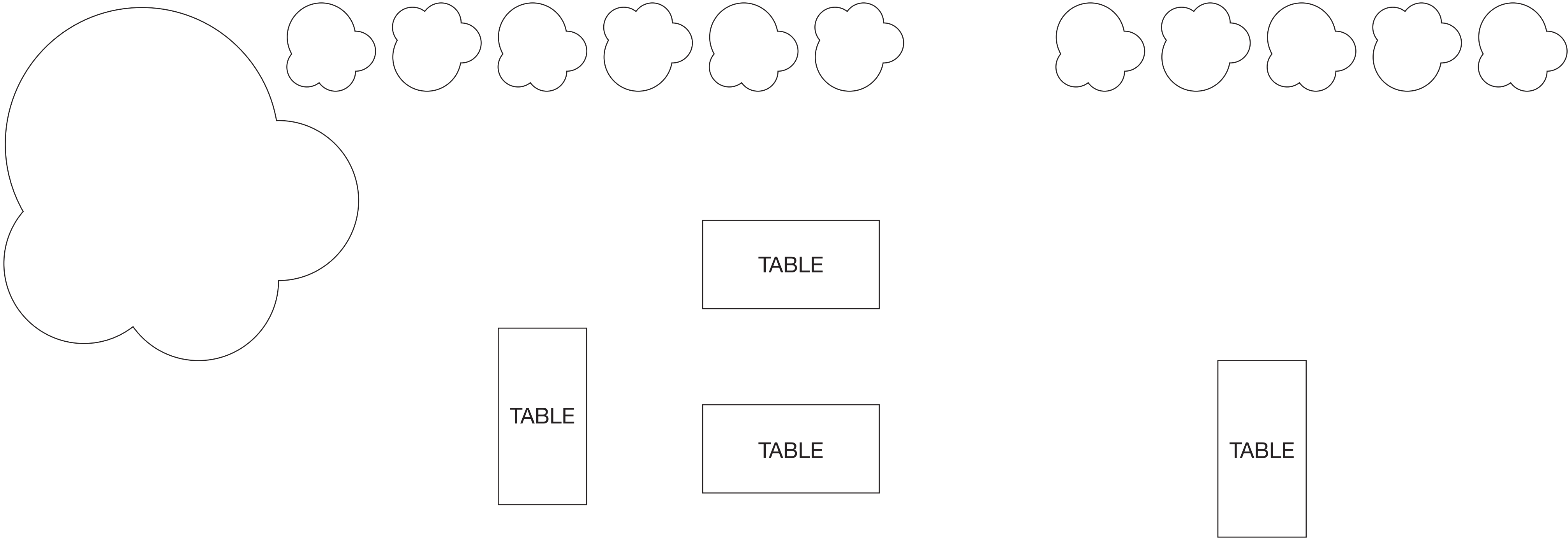
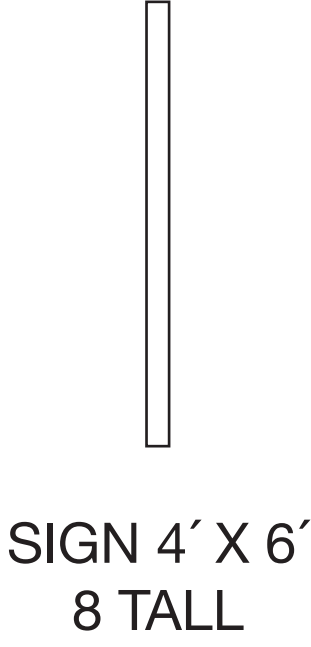
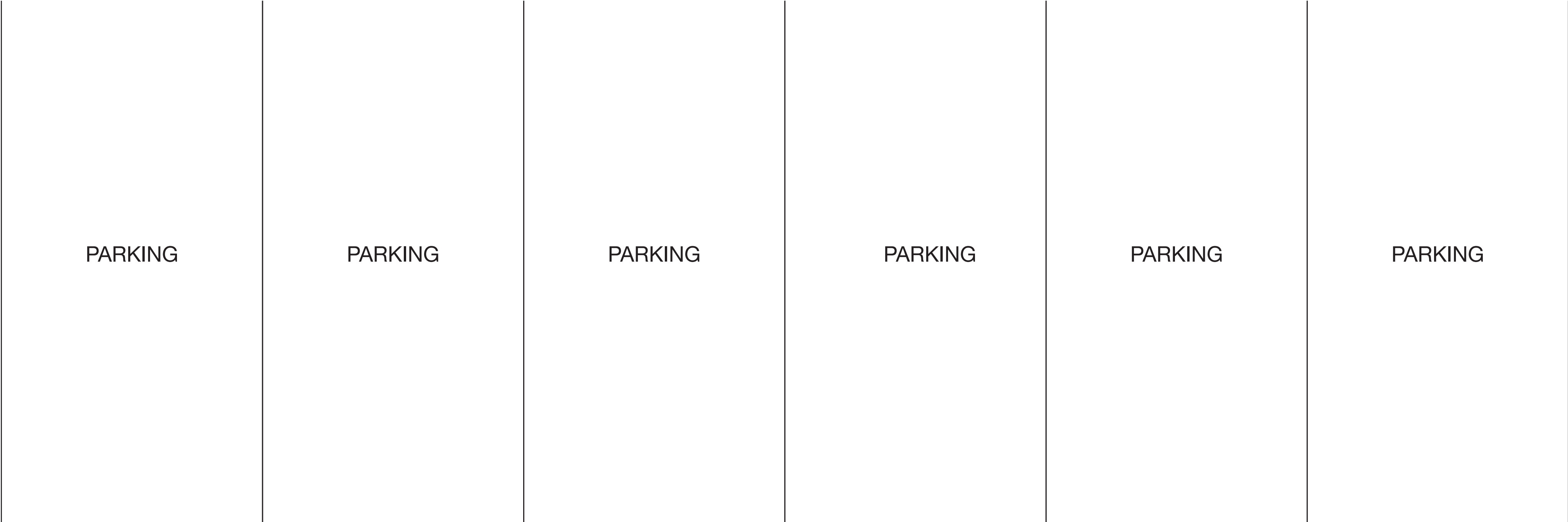
WHEN APPLICABLE:

Date: \_\_\_\_\_

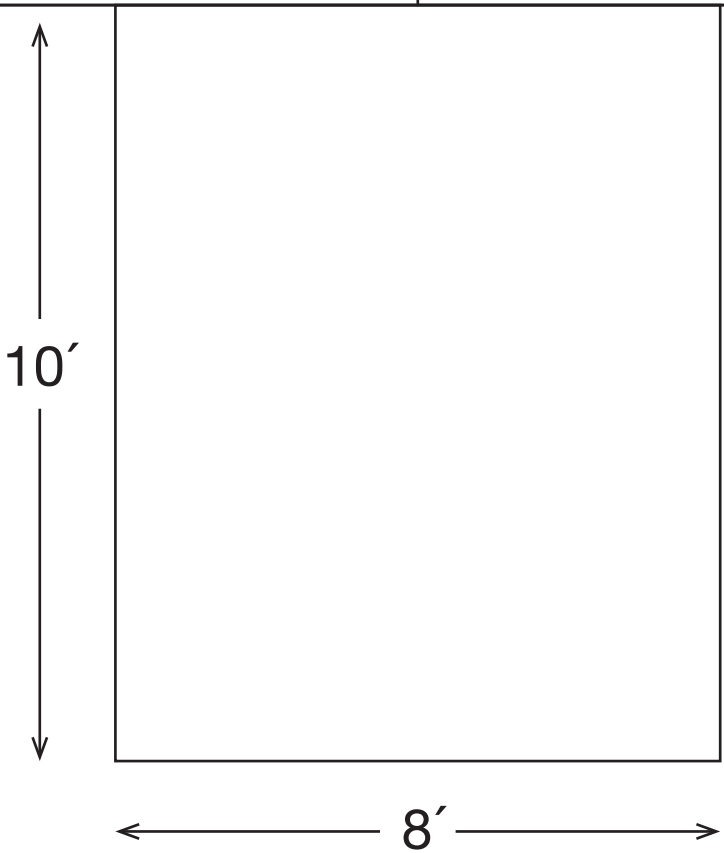
AGENT SIGNATURE \_\_\_\_\_



INGRESS AND EGRESS  
OLD KYLE RD.



ONE STORY STRUCTURE  
8 FT. CEILING



263.25  
157  
150.25  
24  
**594.50 SQ. FT.**



**EXHIBIT A**

FIELD NOTES DESCRIBING 0.2118 ACRES OF LAND, MORE OR LESS, BEING OUT OF THE AMASA TURNER SURVEY #1, HAYS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CALLED 0.212 ACRES, AS DESCRIBED AND RECORDED IN VOLUME 1887, PAGE 476, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.2118 ACRES BEING A PORTION OF LOT 10 OF THE CHARLES AND OLLIE OLDHAM SUBDIVISION, AS RECORDED IN VOLUME 142, PAGE 424, DEED RECORDS OF HAYS COUNTY, TEXAS, AND SAID 0.2118 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a 1/4" iron pin found on the South right-of-way line of Old Kyle Road (AKA Old Wimberley-Kyle Road) for the Northeast corner of the herein described tract, said point being the Northwest corner of a 0.31 acre tract as described and recorded in Volume 1919, Page 815, Official Public Records of Hays County, Texas;

THENCE, S 13°16'12"E, with the East line of the herein described tract, partially with the West line of the afore mentioned 0.31 acre tract, a distance of 159.44 feet to a 1/2" iron pin set with a red plastic cap marked "EAGLE SURVEYING", being the Southeast corner of the herein described tract, passing at 150.44 feet a 1/2" iron pin found for the Southwest corner of said 0.31 acre tract;

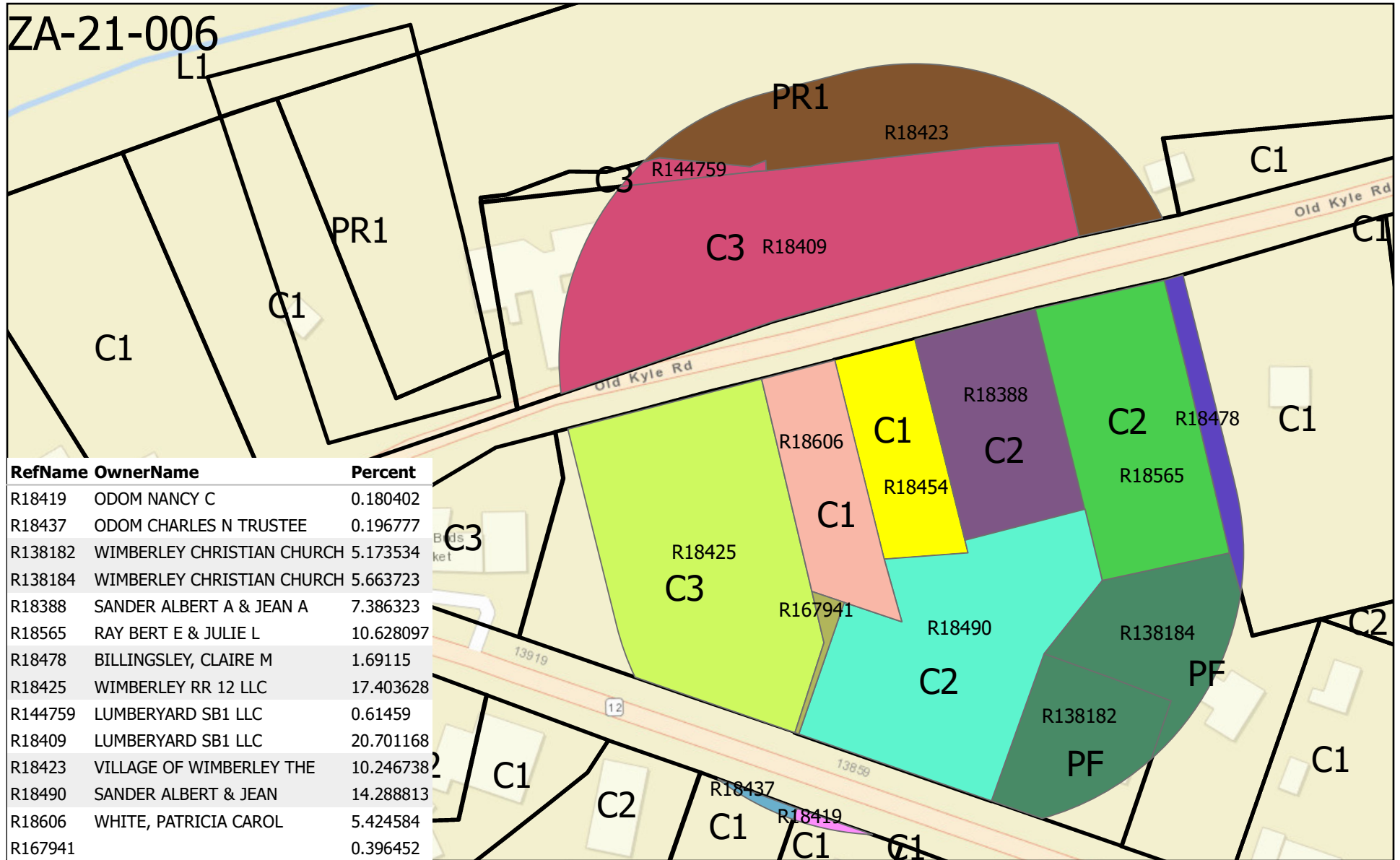
THENCE, S 86°36'37"W, a distance of 60.95 feet to a 1/2" iron pin set with a red plastic cap marked "EAGLE SURVEYING" on the East line of a 0.22 acre tract as described and recorded in Volume 1880, Page 570, Official Public Records of Hays County, Texas; being the Southwest corner of the herein described tract;

THENCE, N 13°14'05"W, with the East line of said 0.22 acre tract, a distance of 148.04 feet to a 1/2" iron pin found on the South right-of-way line of the afore mentioned Old Kyle Road, being the Northwest corner of the herein described tract;

THENCE, N 75°48'49"E, with the South right-of-way line of Old Kyle Road, a distance of 59.97 feet to the POINT OF BEGINNING, containing 0.2118 acres of land, more or less. These field notes accompany a survey plat, job number 50019, by Eagle Land Surveying dated March 7, 2005.

*Clyde Barroso*  
Clyde Barroso, R.P.L.S. #5404, State of Texas.



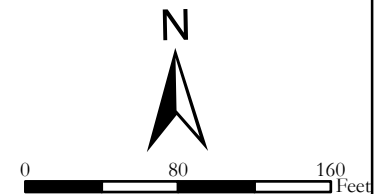


# 200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



## **ORDINANCE NO. 2021-XX**

### **AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT 220 OLD KYLE RD, WIMBERLEY, HAYS COUNTY, TEXAS, FROM COMMERCIAL - LOW IMPACT (C-1) TO COMMERCIAL - HIGH IMPACT (C-3).**

**WHEREAS**, Chapter 211 of Vernon's Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment, and

**WHEREAS**, the regulations established by the Wimberley Code of Ordinances Article 9.03 (Zoning), as amended, (the "Code") are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and;

**WHEREAS**, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

**WHEREAS**, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning 0.2118 acres out of the Amasa Turner Survey, Abstract 461, in Wimberley, Hays County, Texas, commonly known as 220 Old Kyle Rd, from Commercial - Low Impact (C-1) to Commercial – High Impact (C-3) zoning classification.

**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. REZONING**

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning 0.2118 acres out of the Amasa Turner Survey, Abstract 461, in Wimberley, Hays County, Texas,



commonly known as 220 Old Kyle Rd Commercial - Low Impact (C-1) to Commercial – High Impact (C-1) zoning classification.

#### **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 15<sup>th</sup> day of April, 2021 by a vote of \_\_\_\_ (Ayes) and \_\_ (Nays) and \_\_ (Abstain).

#### **CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

---

Laura Calcote, City Secretary



**APPROVED AS TO FORM:**

---

City Attorney

March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

A handwritten signature in cursive script, appearing to read "Leslie Whisler".

Leslie Whisler



March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

Audrey C. Stuart  
Three Little Birds

March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed, 

Owner, Restful Waters  
and Moon Goodglass Books + Curiosities

March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

Carol White, Qualabete  
Owner of 151 Old Kyle Rd.



March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

Molly Bowen

  
owner of Art on 12



|                        |                                                                       |
|------------------------|-----------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>CUP-21-006 – Sale of beer and wine for on-premises consumption</b> |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator                  |
| <b>DATE SUBMITTED:</b> | 4/2/2021                                                              |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)                   |

## REPORT

### ITEM

Hold a public hearing and take possible action regarding case CUP-21-006, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption on a property located at 220 Old Kyle Rd, Wimberley, Hays County, Texas.

### PROPERTY INFORMATION

#### Property Description

|                                  |                                                       |
|----------------------------------|-------------------------------------------------------|
| <b>Applicant(s):</b>             | Rodney Bursiel                                        |
| <b>Property Address:</b>         | 220 Old Kyle Rd, Wimberley                            |
| <b>Property Owner:</b>           | Susan Oliver                                          |
| <b>Legal Description:</b>        | 0.2118 acres out of Amasa Turner Survey, Abstract 461 |
| <b>Property Size:</b>            | .2118 Acres                                           |
| <b>Existing Use of Property:</b> | Commercial                                            |
| <b>Existing Zoning:</b>          | Commercial                                            |
| <b>Proposed Use of Property:</b> | High-end Retail/Gallery                               |
| <b>Request:</b>                  | Sale of Beer and Wine for on-premises consumption     |
| <b>Planning Area:</b>            | V                                                     |
| <b>Overlay District:</b>         | City Center                                           |

#### Surrounding Property:

|                  |              |
|------------------|--------------|
| <b>Frontage:</b> | Climbing Way |
|------------------|--------------|

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | C-3                    | Commercial                |
|                                          | <b>South of Property</b> | C-2                    | Commercial                |
|                                          | <b>East of Property</b>  | C-1                    | Commercial                |

**COMMENTS**

The applicants have provided five letters of support from surrounding businesses. Staff has not received any letters of opposition.

**LEGAL NOTICE**

**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

**RECOMMENDATION**

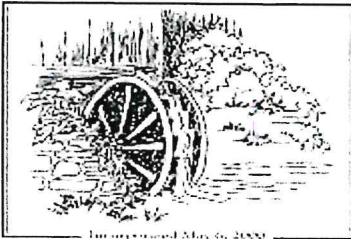
The Planning and Zoning Commission recommended approval of this item at their April 8<sup>th</sup> meeting with the following conditions:

1. The regular operating hours of the business shall be such that the business closes by 10:00 p.m.;
2. This CUP is limited to the sale of beer and wine only and if a license for further liquor sales is sought, a new CUP would be necessary for such sales; and
3. In keeping with the high-end gallery use, there will be no loud outdoor music.
4. There shall be a maximum occupancy limit determined by the city sanitarian in relation to existing septic and/or additions thereto until such time as this property is connected to the Wimberley Wastewater System.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance
- Letters from Public





# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

MAR 18 2021

## CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 006

### FOR OFFICIAL USE ONLY

Application Date: 3/18/21 Tentative P&Z Hearing: 4/18/21 Tentative Council Hearing: 4/15/21  
FEES: \$650.00 DATE PAID: 3/18/21 CHECK NO. \_\_\_\_\_ REC'D BY N.G.

PROJECT SITE ADDRESS: 220 Old Kyle Rd Wimberley, TX 78676  
OWNER/APPLICANT Rodney Bursiel  
MAILING ADDRESS: [REDACTED]  
CITY: W 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.

**SPECIFIC CONDITIONAL USE REQUESTED:** (e.g. Bed & Breakfast Lodging, Vacation Rental)

High-end bar and gallery (beer and wine only)

Planning Area \_\_\_\_\_ Zoning C1 Total Acreage or Sq. Ft. 2118  
Subdivision: \_\_\_\_\_ (applying for C3) Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID #: R 18454

Deed Records Hays County: Volume 4350 Page 451

Is property located in an overlay district? ☒ Yes ( ) No If Yes, type: City Center

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

### UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: \_\_\_\_\_

Septic provided by Jeff Grubert for original CUP.  
Property owner said it should be on file.

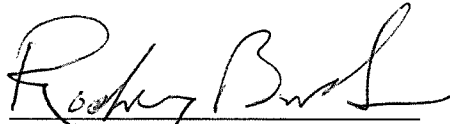
**MY REQUEST IS BASED ON THE FOLLOWING:**

- ☒ 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 \$650.00 (non-refundable)
- ☒ Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- ☒ Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- ☒ Applicant agrees to provide additional documentation as needed by the City.
- ☒ Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- ☒ Applicant hereby authorizes the City representatives to visit and inspect the subject property.

March 18, 2021  
DATE

  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE

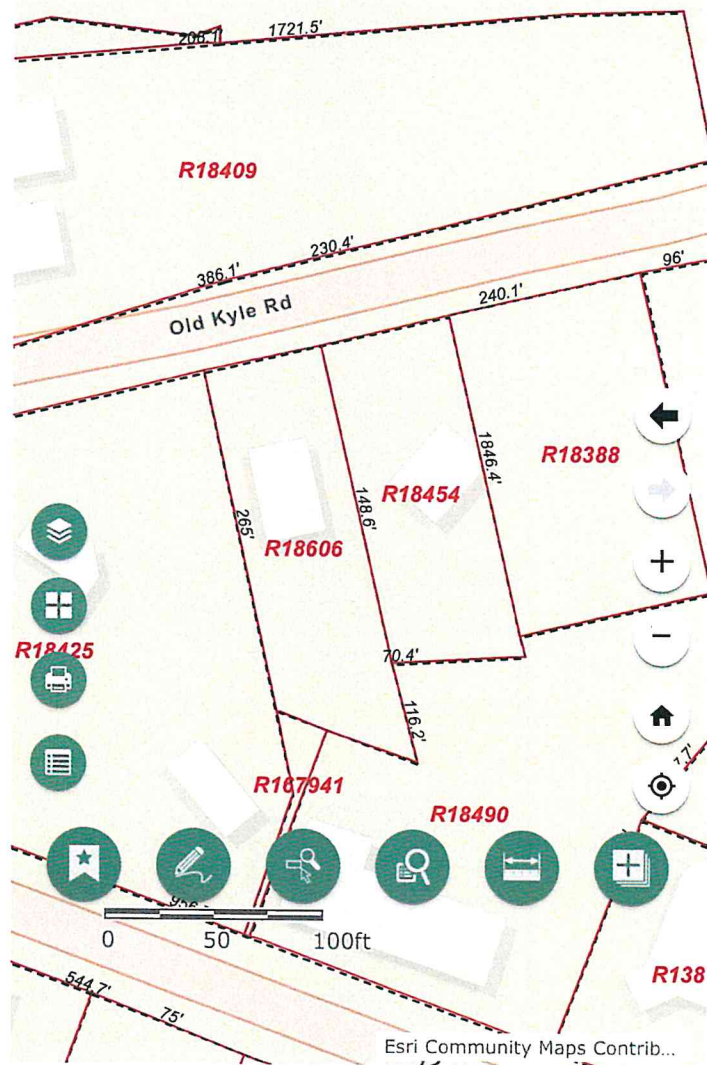
**List of special conditions for the  
Basecamp Gallery at 220 Old Kyle Road:**

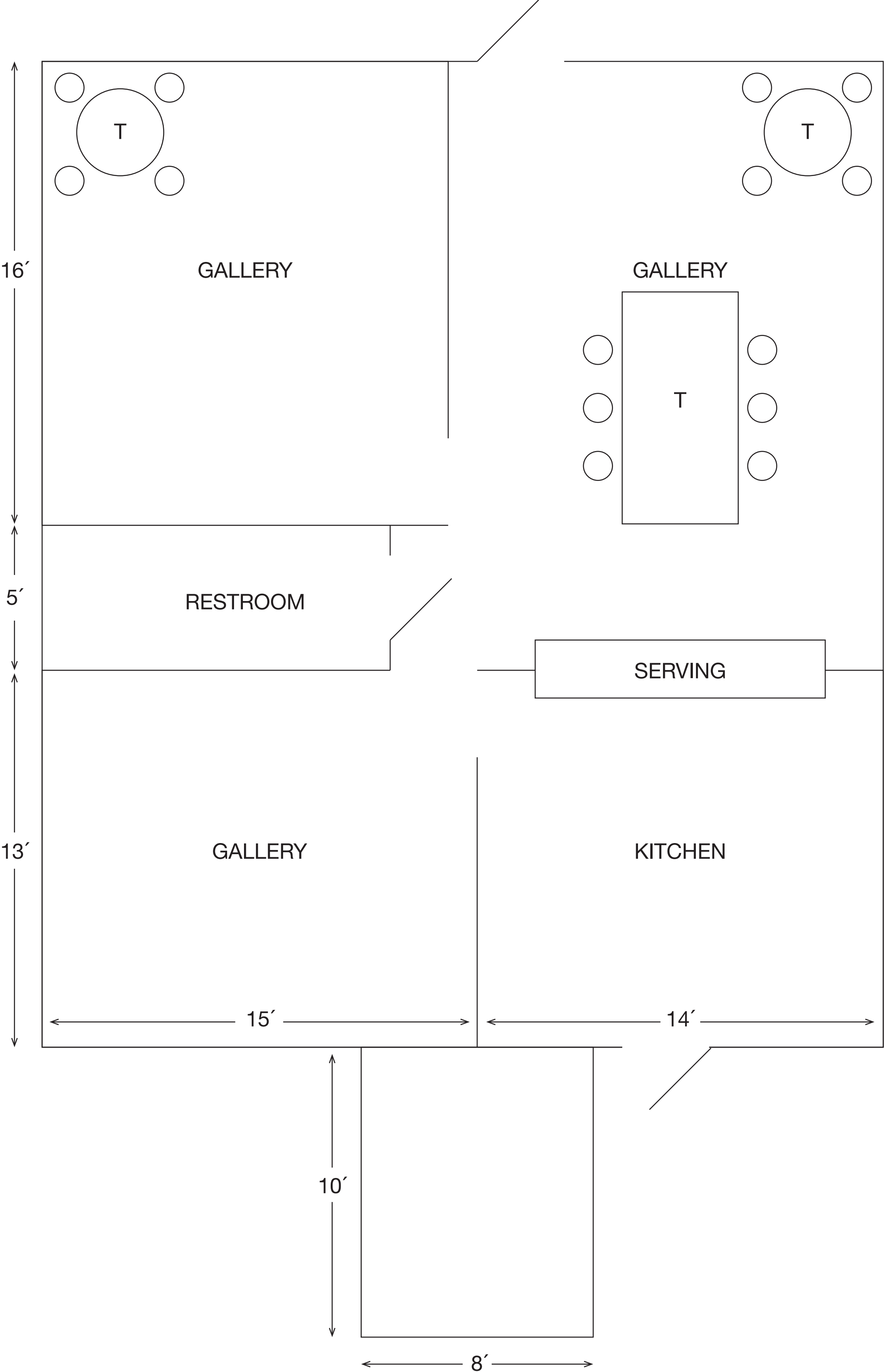
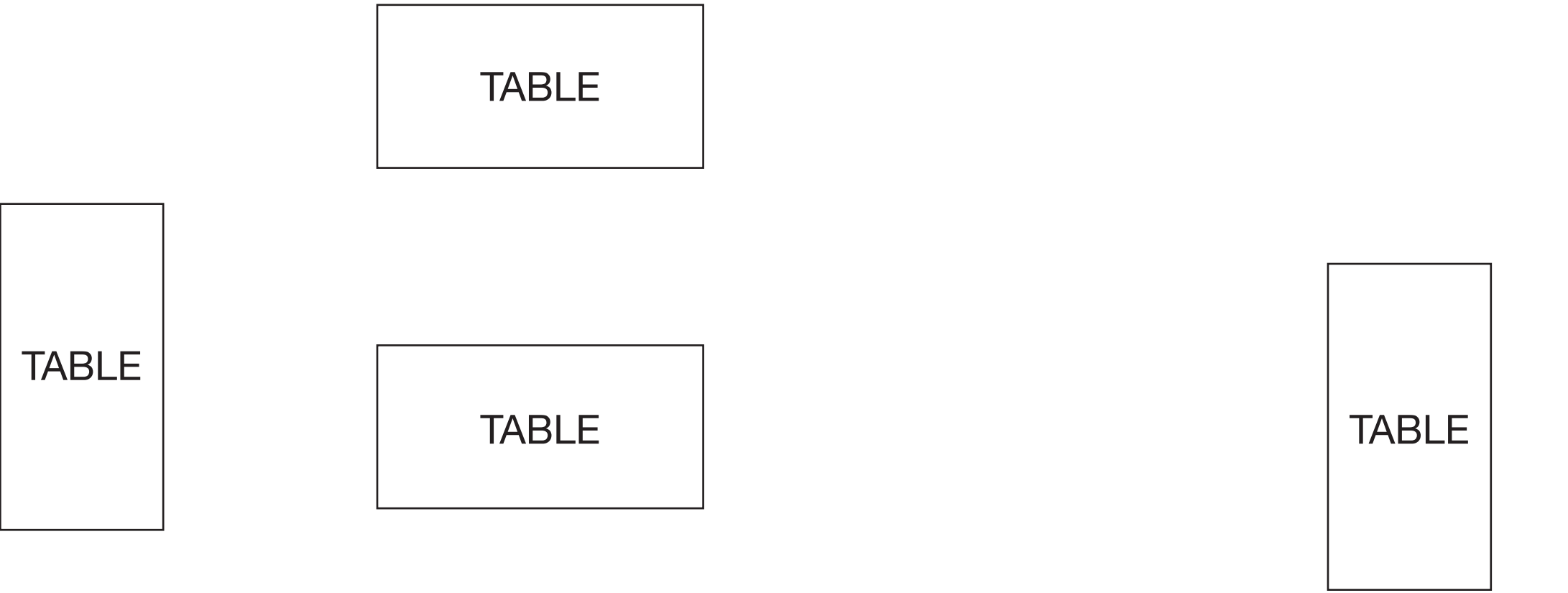
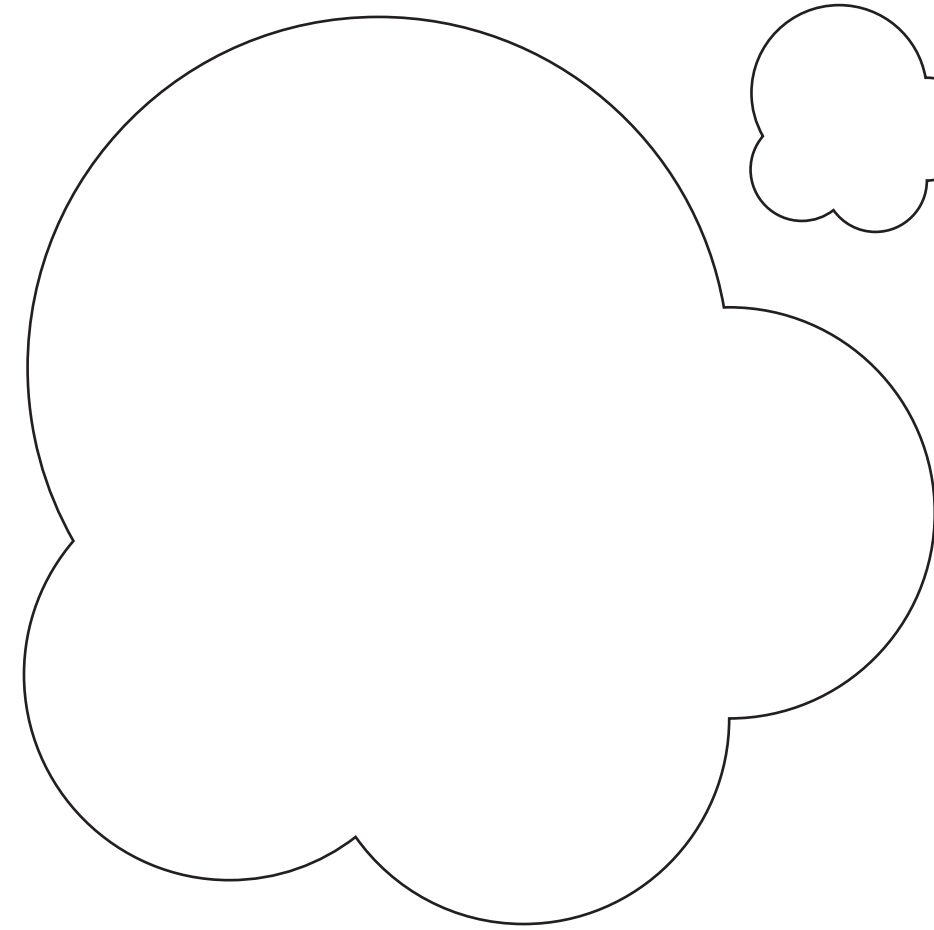
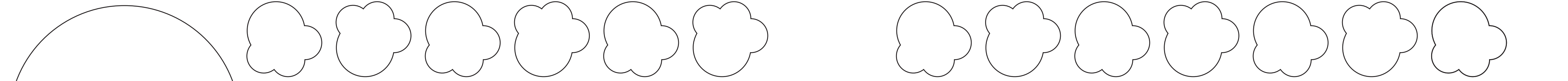
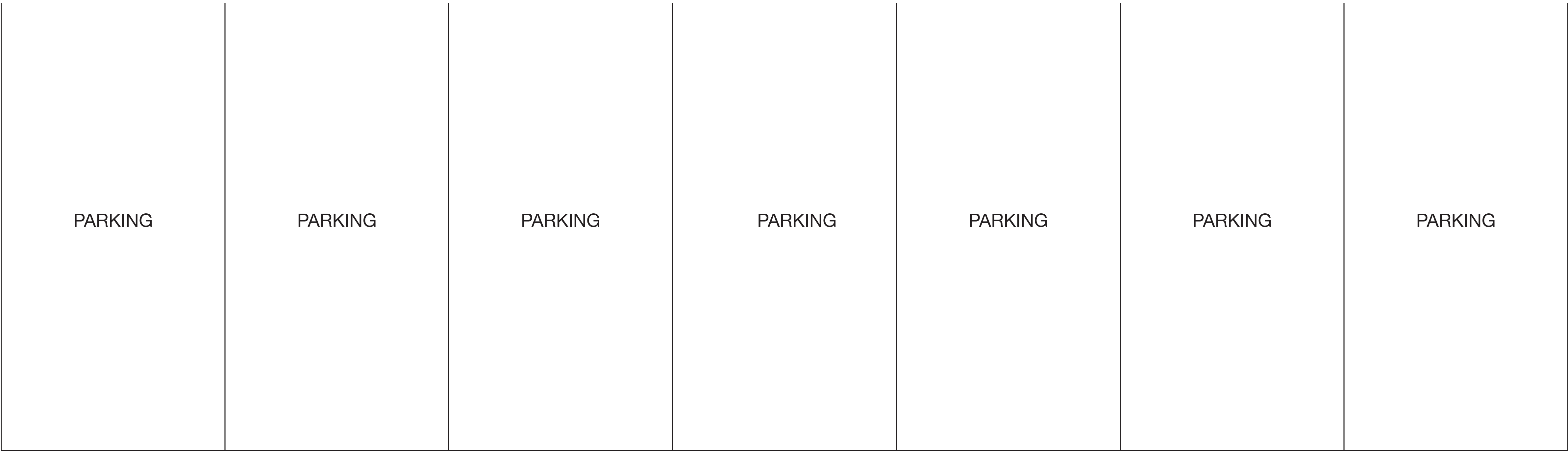
As a high-end gallery, will be highly mindful of our neighbors and will not have loud music outside.

We will close by 10 pm as our regular business hours.

We will serve beer and wine only. We will not seek a license to serve liquor.

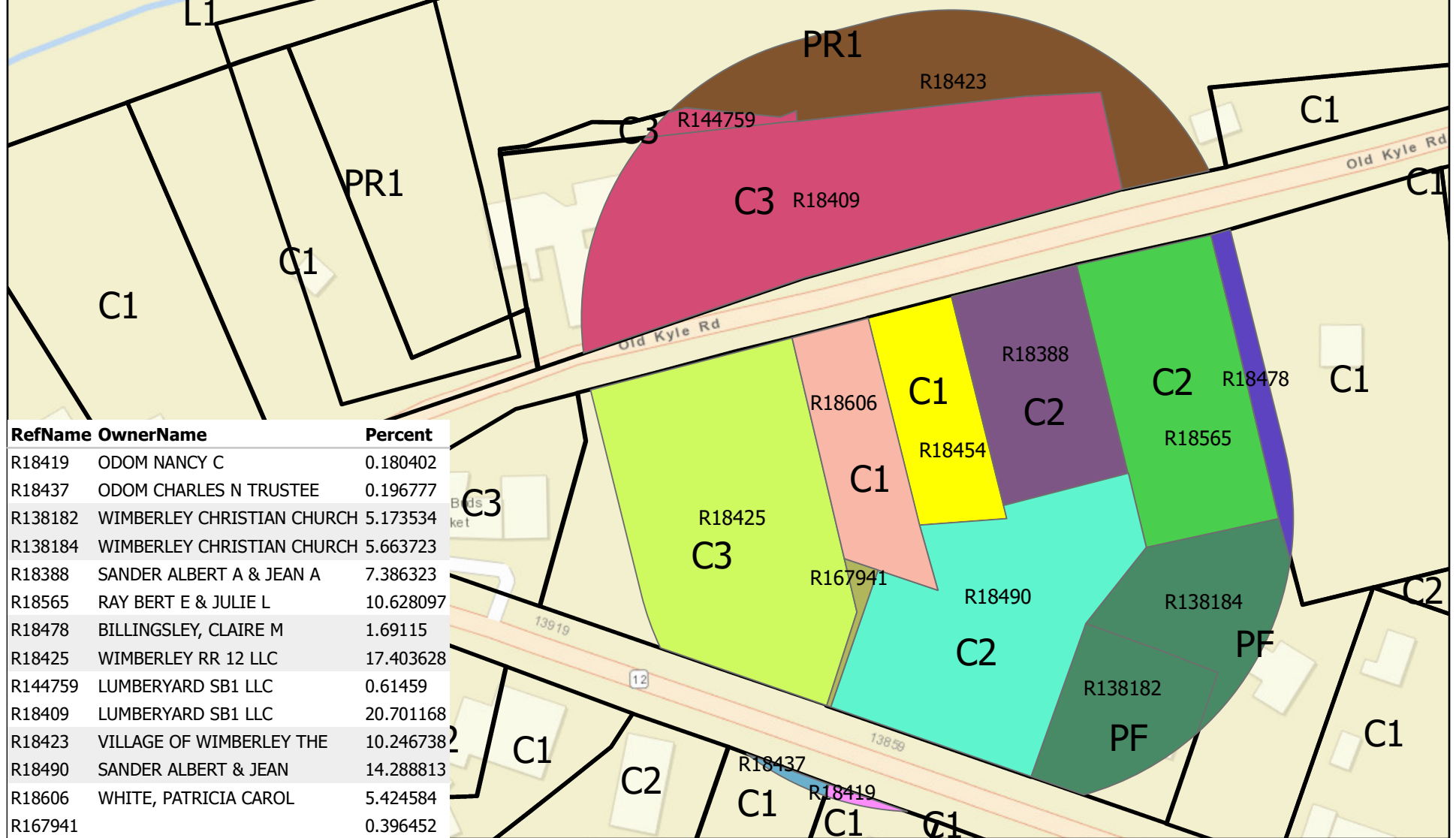






PROPERTY: 63' x 160'

CUP-21-006



| RefName | OwnerName                  | Percent   |
|---------|----------------------------|-----------|
| R18419  | ODOM NANCY C               | 0.180402  |
| R18437  | ODOM CHARLES N TRUSTEE     | 0.196777  |
| R138182 | WIMBERLEY CHRISTIAN CHURCH | 5.173534  |
| R138184 | WIMBERLEY CHRISTIAN CHURCH | 5.663723  |
| R18388  | SANDER ALBERT A & JEAN A   | 7.386323  |
| R18565  | RAY BERT E & JULIE L       | 10.628097 |
| R18478  | BILLINGSLEY, CLAIRE M      | 1.69115   |
| R18425  | WIMBERLEY RR 12 LLC        | 17.403628 |
| R144759 | LUMBERYARD SB1 LLC         | 0.61459   |
| R18409  | LUMBERYARD SB1 LLC         | 20.701168 |
| R18423  | VILLAGE OF WIMBERLEY THE   | 10.246738 |
| R18490  | SANDER ALBERT & JEAN       | 14.288813 |
| R18606  | WHITE, PATRICIA CAROL      | 5.424584  |
| R167941 |                            | 0.396452  |

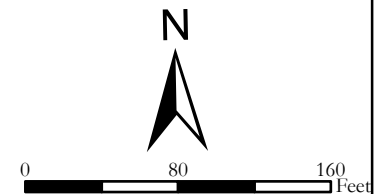


# 200' Notification Map

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2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





## **ORDINANCE NO. 2021-XX**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY RODNEY BURSIEL, TO PERMIT THE SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 220 OLD KYLE RD, WIMBERLEY, TEXAS, ZONED COMMERCIAL HIGH IMPACT (C-3); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.**

**WHEREAS**, an application for a Conditional Use Permit (“CUP”) has been filed by Rodney Bursiel (“Applicant”) requesting authorization to operate a wine bar that includes the sale of beer and wine for on premises consumption on real property described as 0.2118 acres out of the Amasa Turner Survey, Abstract 461, 220 Old Kyle Rd, zoned Commercial High Impact (C-3); and

**WHEREAS**, a bar/tavern is an authorized use in areas zoned Commercial High Impact (C-3) upon approval of a CUP; and

**WHEREAS**, a wine bar falls under the definition of bars and taverns, pursuant to Section 9.03.005, Definitions, of Article 9.03, Zoning of the Wimberley City Code; and

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

**WHEREAS**, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

**WHEREAS**, the City Council finds that the use of the subject property to include on premises sale and consumption of beer and wine, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 Rodney Bursiel("Applicant") for use of the subject property to include on premises sale and consumption of beer and wine, on real property, described as 0.2118 acres out of the Amasa Turner Survey, Abstract 461, 220 Old Kyle Rd, as more particularly described by metes and bounds in Exhibit "A", attached and incorporated by reference, zoned Commercial High Impact (C-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The regular operating hours of the business shall be such that the business closes by 10:00 p.m.;
2. This CUP is limited to the sale of beer and wine only and if a license for further liquor sales is sought, a new CUP would be necessary for such sales; and
3. In keeping with the high-end gallery use, there will be no loud outdoor music.
4. There shall be a maximum occupancy limit determined by the city sanitarian in relation to existing septic and/or additions thereto until such time as this property is connected to the Wimberley Wastewater System.

### **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 \_\_\_\_\_ 2021 by a vote of \_ (Ayes) and \_ (Nays) and \_ (Abstain).

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary



**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney



March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

A handwritten signature in cursive script, appearing to read "Leslie Whisler".

Leslie Whisler

March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

Audrey C. Stuart  
Three Little Birds

March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed, 

Owner, Restful Waters  
and Moon Goodglass Books + Curiosities

March 26, 2021

To the Wimberley Planning and Zoning committee and the Wimberley City Council,

This letter to express my support for the proposed rezone from C1 to C3 at 220 Old Kyle Road. As a neighboring property, I am excited about the Basecamp Gallery concept and think it will be a great asset to our shared part of the community.

Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

Carol White, ~~Qualabete~~  
Owner of 151 Old Kyle Rd.



March 26, 2021

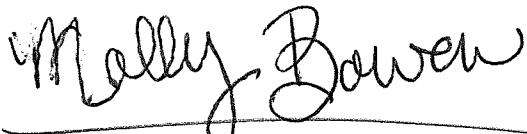
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Also, I would like to express my approval for the Conditional Use Permit at 220 Old Kyle Road to allow the selling of beer and wine by the glass at the location.

Thank you for taking my support for both the rezone and CUP into consideration.

Signed,

Mally Bowen

owner of Art on 12



|                        |                                                      |
|------------------------|------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>CUP-21-007 – Secondary Residential Building</b>   |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator |
| <b>DATE SUBMITTED:</b> | 4/2/2021                                             |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)  |

## REPORT

### ITEM

Hold a public hearing and take possible action regarding case CUP-21-007, an application for a Conditional Use Permit to allow for the construction of a Secondary Residential Building on a property located at 1920 River Rd, Wimberley, Hays County, Texas.

### PROPERTY INFORMATION

#### Property Description

|                                  |                                                     |
|----------------------------------|-----------------------------------------------------|
| <b>Applicant(s):</b>             | Carl and Sheila Johnson                             |
| <b>Property Address:</b>         | 1920 River Rd                                       |
| <b>Property Owner:</b>           | Carl and Sheila Johnson                             |
| <b>Legal Description:</b>        | 3.135 acres out of the George G Blackwell Survey,   |
| <b>Property Size:</b>            | 3.135 Acres                                         |
| <b>Existing Use of Property:</b> | Residential                                         |
| <b>Existing Zoning:</b>          | Single Family Residential 2                         |
| <b>Proposed Use of Property:</b> | Residential                                         |
| <b>Request:</b>                  | Construction of a Secondary Residential Building    |
| <b>Planning Area:</b>            | I                                                   |
| <b>Overlay District:</b>         | Protected Waterway (does not include building site) |

#### Surrounding Property:

**Frontage:** River Road

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | R-2                    | Residential               |
|                                          | <b>South of Property</b> | R-2                    | Residential               |
|                                          | <b>East of Property</b>  | RA                     | Residential               |

**COMMENTS**

Staff has not received any support or opposition for this item.

**LEGAL NOTICE**

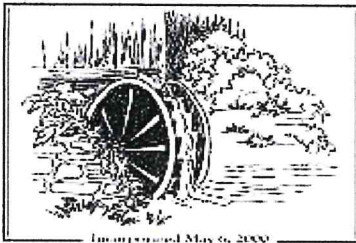
**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

**RECOMMENDATION**

The Planning and Zoning Commission recommended approval of this item during their April 8<sup>th</sup> meeting with a 6-0 vote.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance



# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 007

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: \_\_\_\_\_ Tentative Council Hearing: \_\_\_\_\_

FEES: \$650.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 1920 River Road Wimberley, TX 78676

OWNER/APPLICANT Carl and Sheila Johnson PHONE (\_\_\_\_\_) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

**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.

**SPECIFIC CONDITIONAL USE REQUESTED:** (e.g. Bed & Breakfast Lodging, Vacation Rental)

Garage with guest apartment above (2 story). Not intended for rental use.

Planning Area \_\_\_\_\_ Zoning R-2 Total Acreage or Sq. Ft. 3.135 acres

Legal Description: A0043 George G Blackwell Survey, 3,135 acres.

Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID #: R 12878

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_

Is property located in an overlay district? ( ) Yes ( ☒ ) No If Yes, type: \_\_\_\_\_

Is property located in flood plain? ( ☒ ) Yes ( ) No A portion of the property near the river is in the AE flood zone. Proposed building site is not in the AE flood zone.

### UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Private Well

Wastewater Service Provider or Hays County Septic Permit No: 2020-20



**MY REQUEST IS BASED ON THE FOLLOWING:**

- (X) 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;
- (X) The use requested by the applicant is set forth as a conditional use in the base district;
- (X) The nature of the use is reasonable;
- (X) 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;
- (X) 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
- (X) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- (X) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (X) 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').
- (NA) List of Special Conditions that Applicant agrees apply to property.
- (X) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (X) Payment of Application fee \$650.00 (non-refundable)
- (X) 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.
- (X) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (X) Applicant agrees to provide additional documentation as needed by the City.
- (X) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (X) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

March 15, 2021

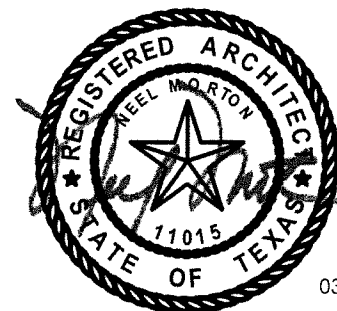
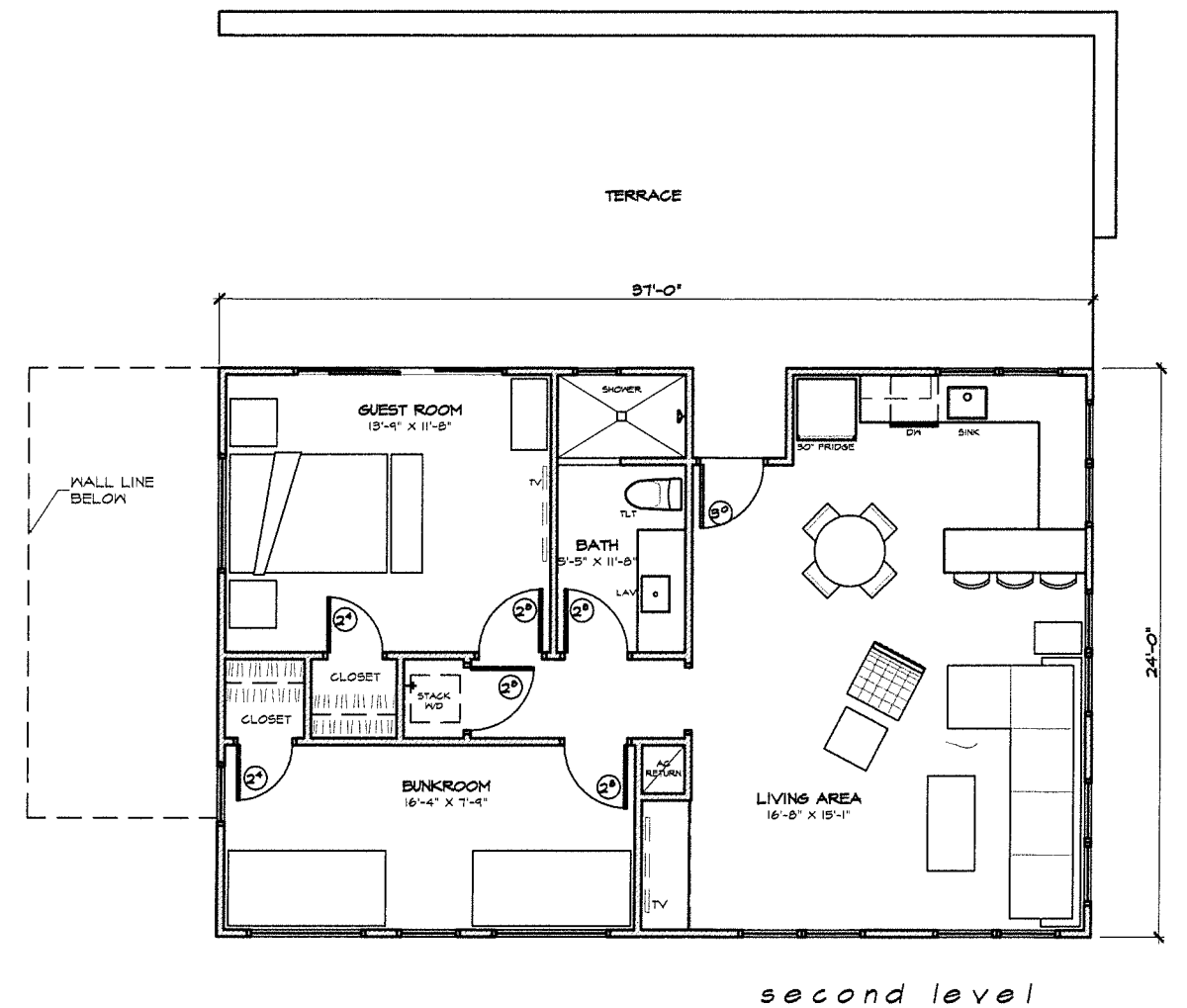
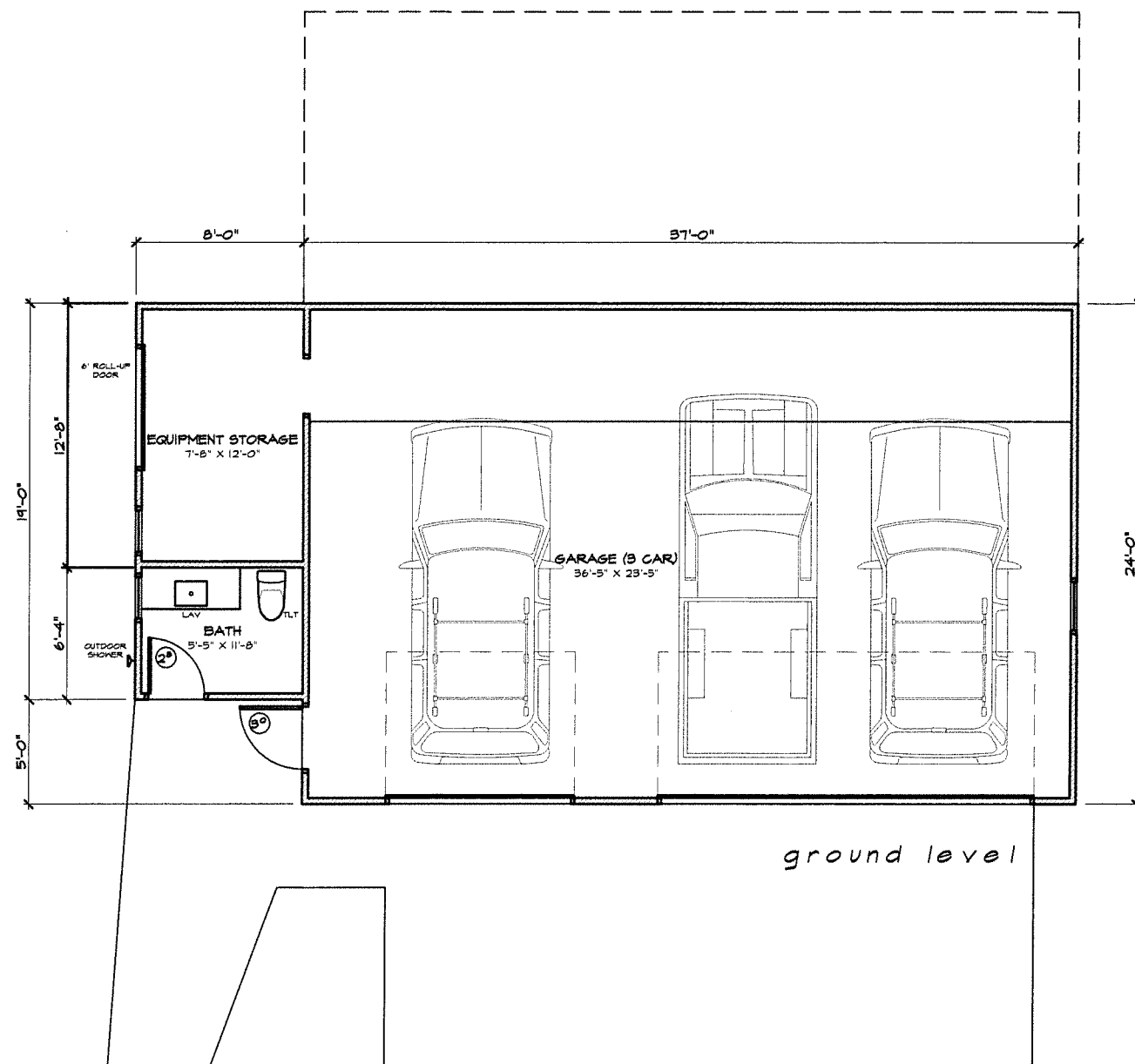
DATE

  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date March 15, 2021

  
AGENT SIGNATURE



DRAWINGS SUBMITTED FOR  
PLANNING AND ZONING  
APPROVAL OF CONDITIONAL  
USE PERMIT ONLY.

03-17-2021

117

GARAGE AND APARTMENT

## JOHNSON RESIDENCE CONDITIONAL USE PERMIT

1920 RIVER ROAD

WIMBERLEY, TEXAS

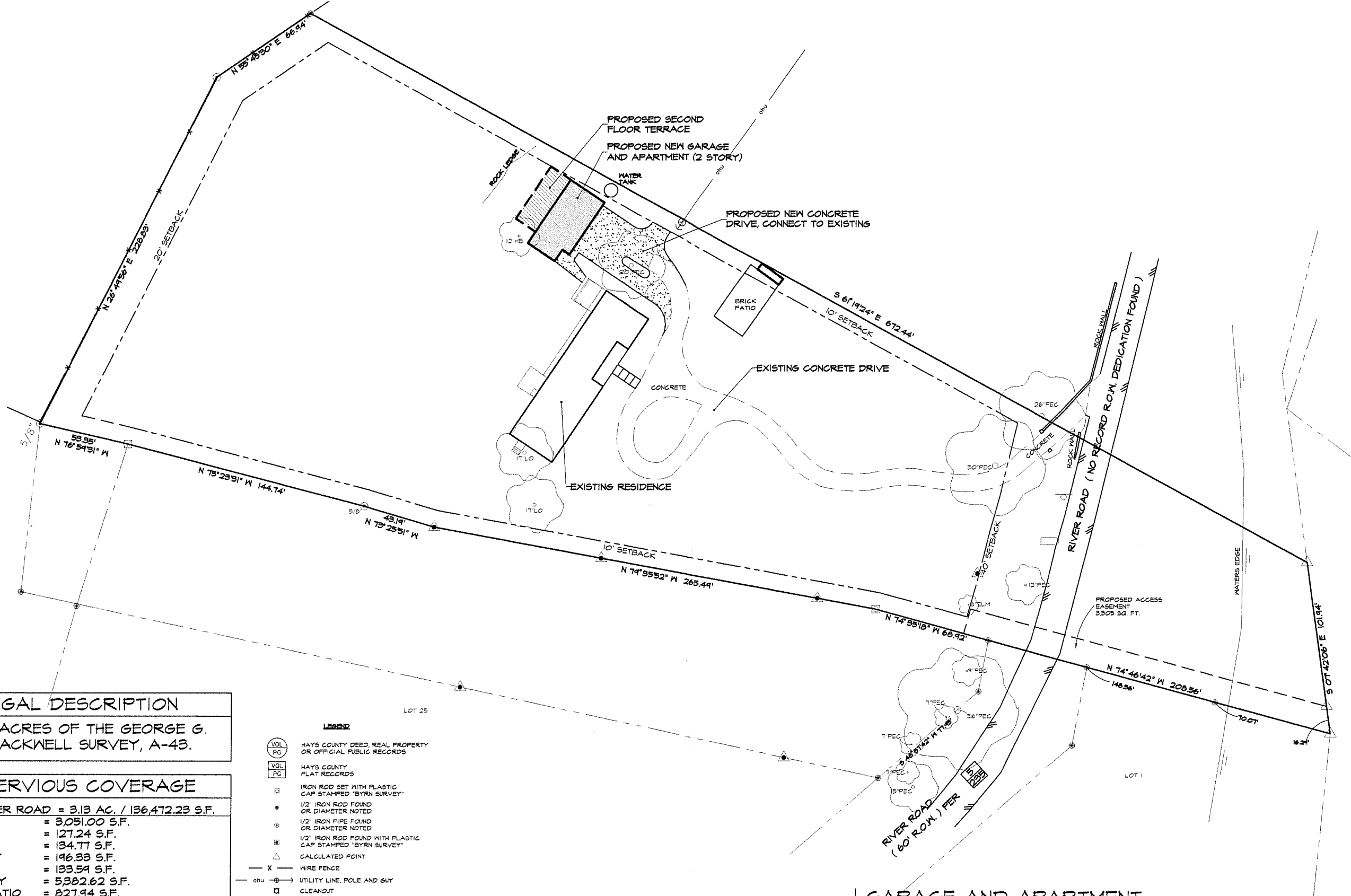
FLOOR PLAN  
March 17, 2021

Scale: 1/8" = 1'-0"

office of  
architecture

NEEL MORTON ARCHITECT AIA

15401 RANCH ROAD 12  
SUITE 104  
WIMBERLEY, TEXAS 78676  
512.847.7600



LEGAL DESCRIPTION

3.13 ACRES OF THE GEORGE G. BLACKWELL SURVEY, A-43.

| IMPERVIOUS COVERAGE                          |                           |
|----------------------------------------------|---------------------------|
| 1920 RIVER ROAD = 3.13 AC. / 136,472.23 S.F. |                           |
| SLAB                                         | = 3,051.00 S.F.           |
| PATIO                                        | = 127.24 S.F.             |
| STEPS                                        | = 134.77 S.F.             |
| CARPORT                                      | = 196.33 S.F.             |
| WALKS                                        | = 133.54 S.F.             |
| DRIVEWAY                                     | = 5,382.62 S.F.           |
| BRICK PATIO                                  | = 827.94 S.F.             |
| WATER TANK                                   | = 50.27 S.F.              |
| RIVER ROAD                                   | = 2,247.52                |
| TOTAL EXISTING                               | = 12,151.28 S.F. / 8.9%   |
| NEW GARAGE                                   | = 1,556.52 S.F.           |
| NEW DRIVE                                    | = 1,878.88 S.F.           |
| TOTAL                                        | = 15,586.68 S.F. / 11.42% |
| ALLOWABLE                                    | = 47,765.28 S.F. / 35%    |

- LEGEND
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
  - HAYS COUNTY PLAT RECORDS
  - IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
  - 1/2" IRON ROD FOUND OR DIAMETER NOTED
  - 1/2" IRON PIPE FOUND OR DIAMETER NOTED
  - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
  - CALCULATED POINT
  - WIRE FENCE
  - UTILITY LINE, POLE AND GUY
  - CLEANOUT
  - IRON ROD FOUND WITH ALUMINUM CAP STAMPED "PRO-TECH ENG."
  - EDGE OF ASPHALT
  - HAYS COUNTY DEED NUMBER
  - HACKBERRY
  - PECAN
  - LIVE OAK



DRAWINGS SUBMITTED FOR  
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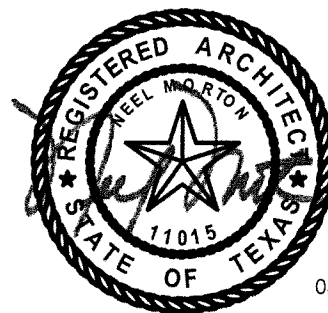
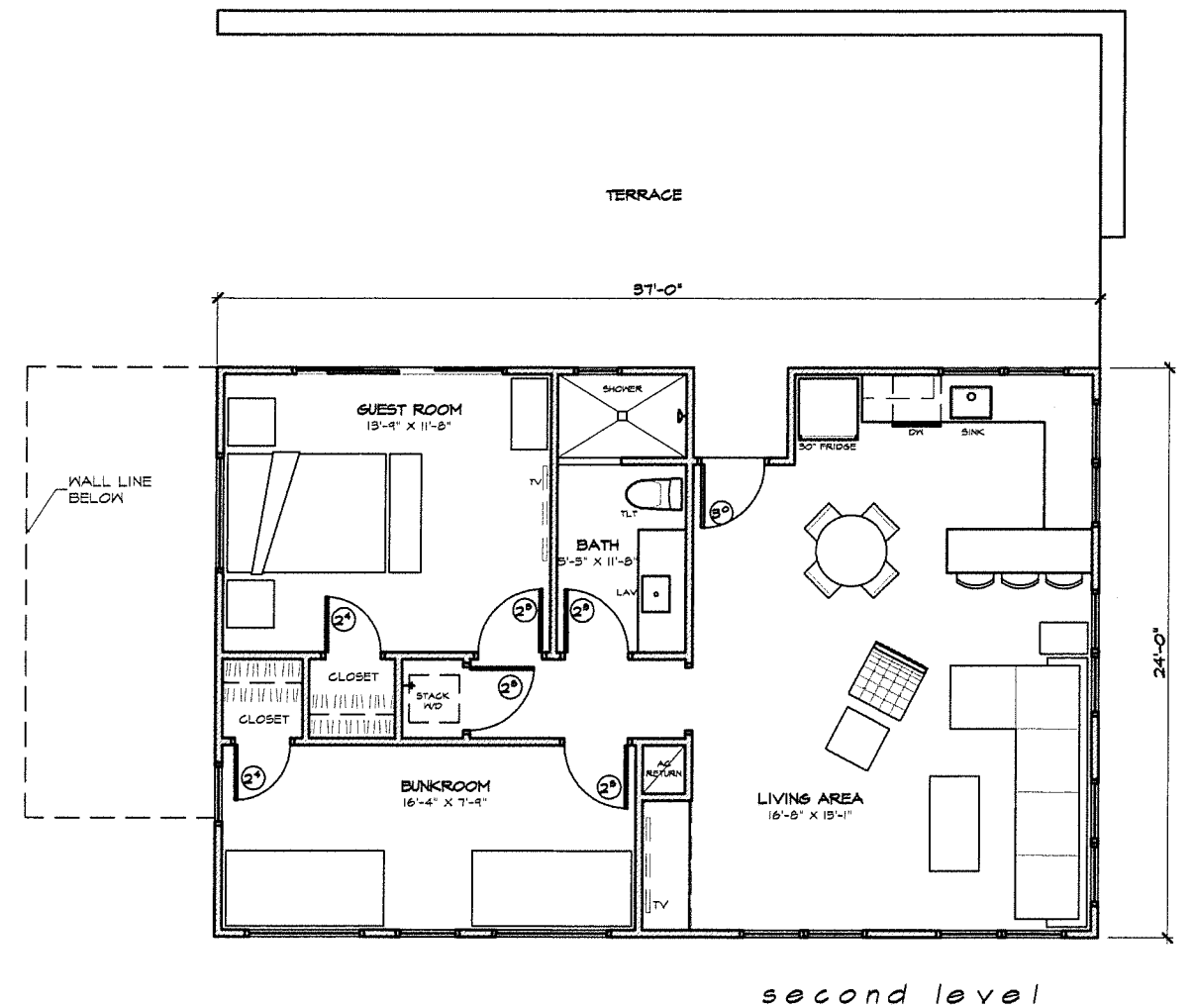
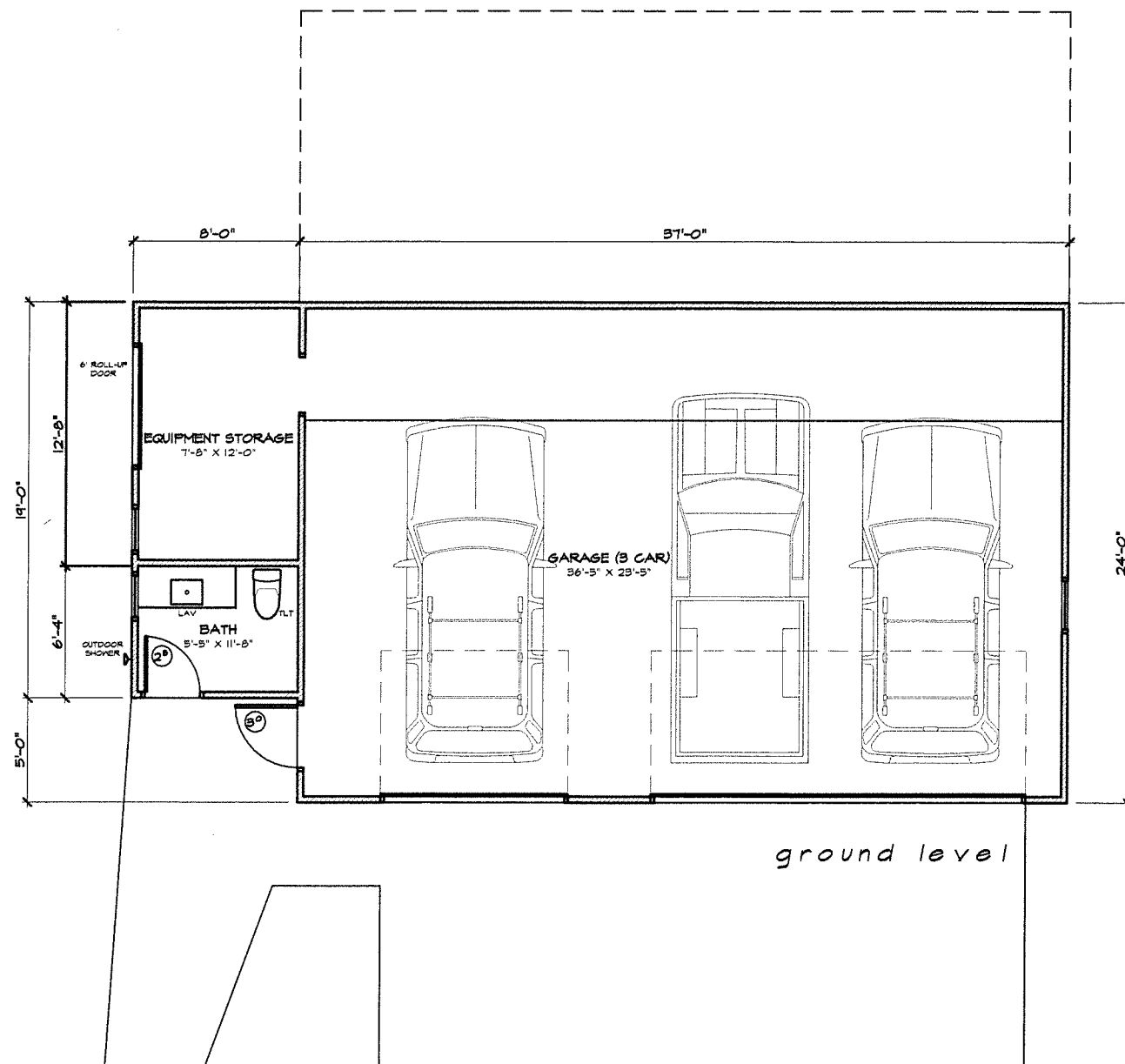
WIMBERLEY, TEXAS

SITE PLAN  
March 17, 2021

Scale: 1" = 60'-0"

office of  
architecture  
NEEL MORTON ARCHITECT AIA

15401 RANCH ROAD 12  
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GARAGE AND APARTMENT

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1920 RIVER ROAD

WIMBERLEY, TEXAS

FLOOR PLAN  
March 17, 2021

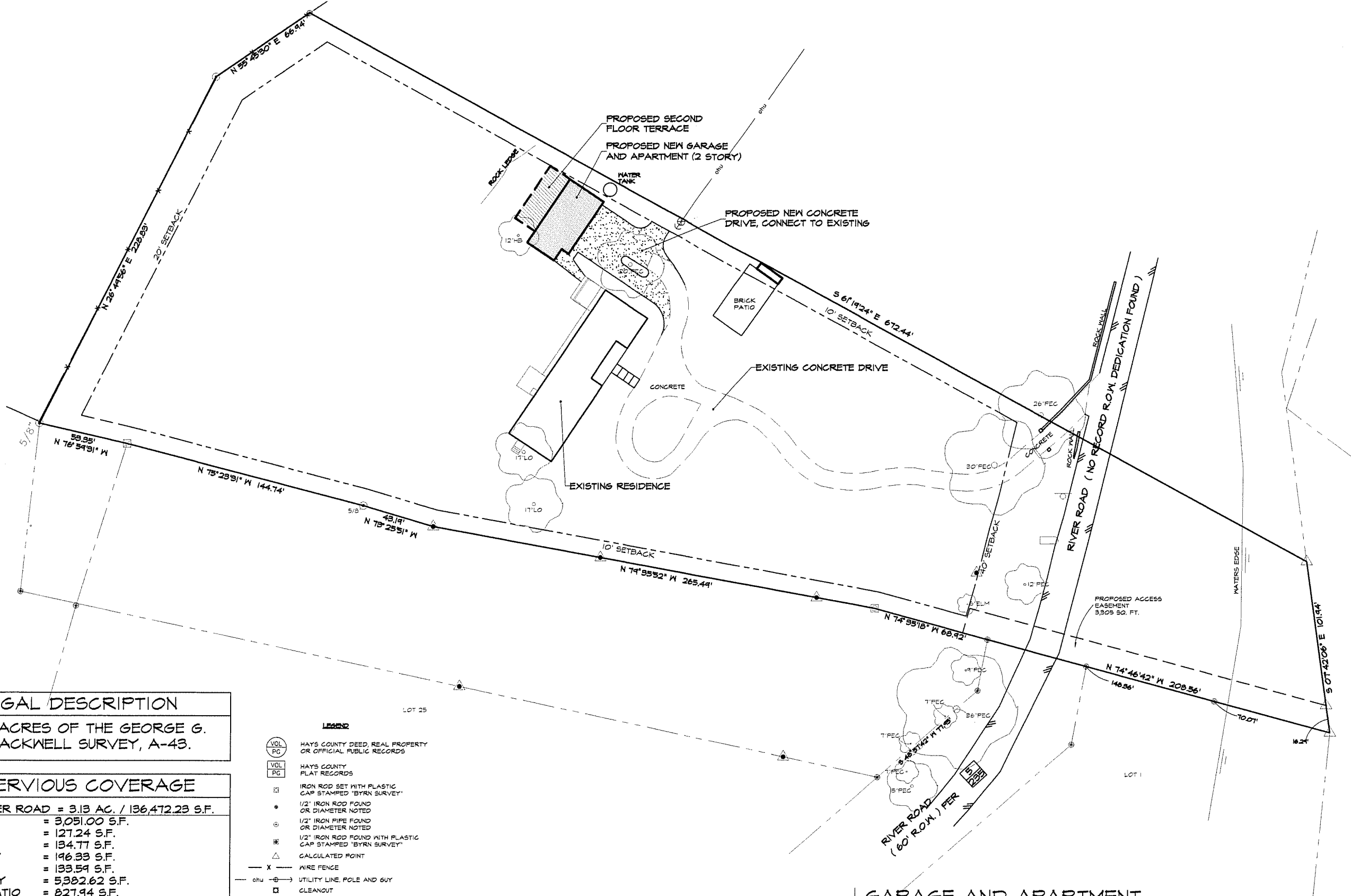
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PLANNING AND ZONING  
APPROVAL OF CONDITIONAL  
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03-17-2021

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**JOHNSON RESIDENCE  
CONDITIONAL USE PERMIT**

1920 RIVER ROAD

WIMBERLEY, TEXAS

SITE PLAN  
March 17, 2021

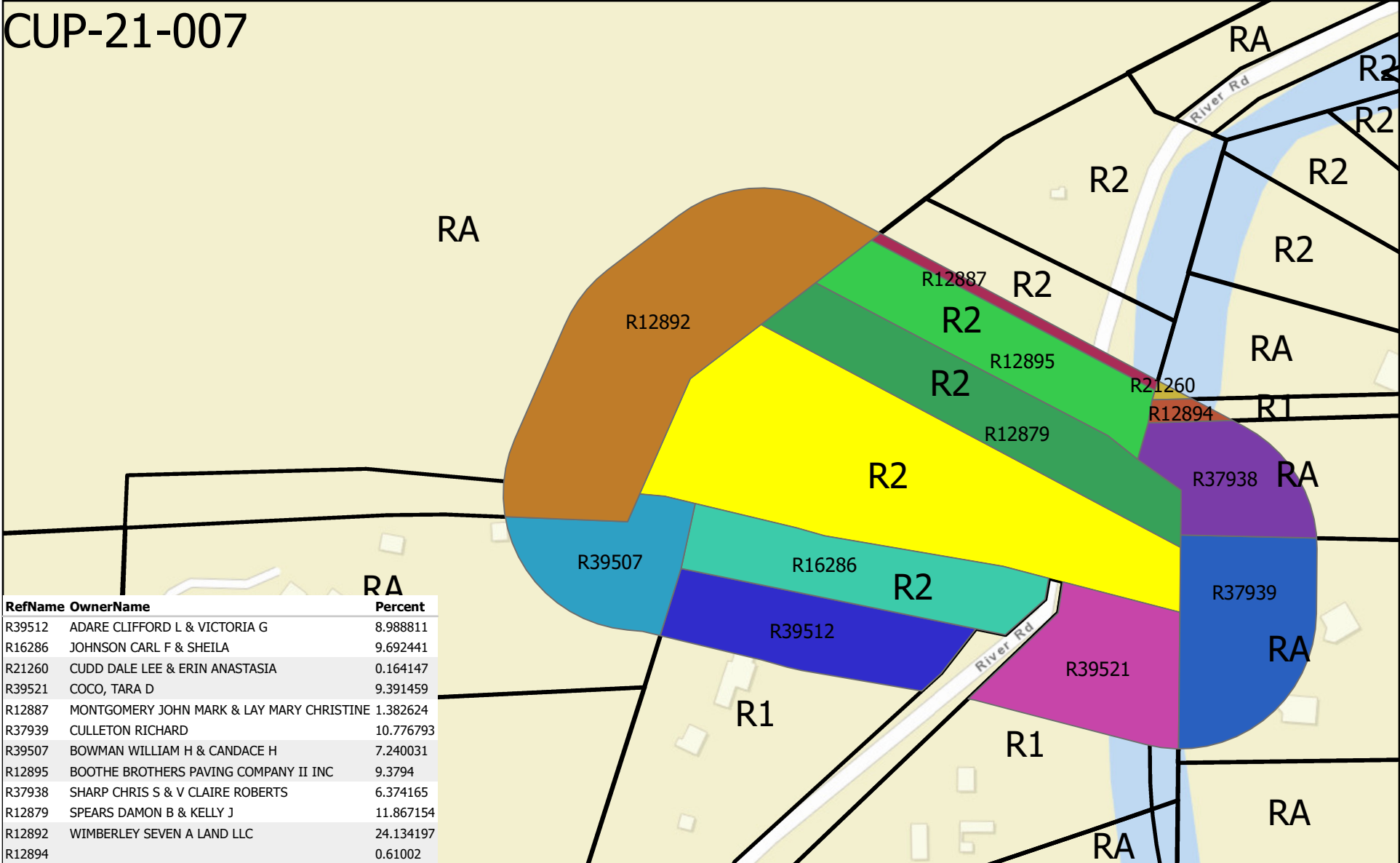
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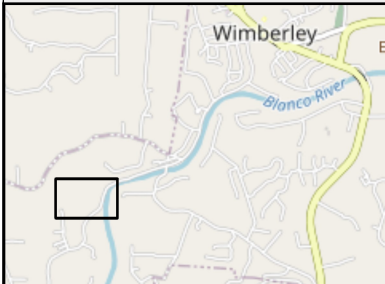
NEEL MORTON ARCHITECT AIA

15401 RANCH ROAD 12  
SUITE 104  
WIMBERLEY, TEXAS 78676  
512.847.7600

CUP-21-007



| RefName | OwnerName                                 | Percent   |
|---------|-------------------------------------------|-----------|
| R39512  | ADARE CLIFFORD L & VICTORIA G             | 8.988811  |
| R16286  | JOHNSON CARL F & SHEILA                   | 9.692441  |
| R21260  | CUDD DALE LEE & ERIN ANASTASIA            | 0.164147  |
| R39521  | COCO, TARA D                              | 9.391459  |
| R12887  | MONTGOMERY JOHN MARK & LAY MARY CHRISTINE | 1.382624  |
| R37939  | CULLETON RICHARD                          | 10.776793 |
| R39507  | BOWMAN WILLIAM H & CANDACE H              | 7.240031  |
| R12895  | BOOTHE BROTHERS PAVING COMPANY II INC     | 9.3794    |
| R37938  | SHARP CHRIS S & V CLAIRE ROBERTS          | 6.374165  |
| R12879  | SPEARS DAMON B & KELLY J                  | 11.867154 |
| R12892  | WIMBERLEY SEVEN A LAND LLC                | 24.134197 |
| R12894  |                                           | 0.61002   |

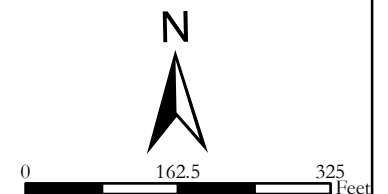


## 200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



## **ORDINANCE NO. 2021-xx**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CARL AND SHEILA JOHNSON TO PERMIT THE CONSTRUCTION OF A SECONDARY RESIDENCE ON PROPERTY LOCATED AT 1920 RIVER ROAD, WIMBERLEY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.**

**WHEREAS**, an application for a Conditional Use Permit (“CUP”) has been filed by Carl and Sheila Johnson (“Applicant”) requesting authorization to construct a secondary residence on real property described as 3.135 acres out of the George G Blackwell Survey, Abstract 43, zoned Single-Family Residential 2 (R-2); and

**WHEREAS**, a secondary residence is an authorized use in areas zoned Single-Family Residential 2 (R-2) upon approval of a CUP;

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

**WHEREAS**, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 Carl and Sheila Johnson (“Applicant”) for construction of a secondary residence on real property, described as 3.135 acres out of the George G Blackwell Survey, Abstract 43, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2) Wimberley, Hays County, Texas.

### **ARTICLE III. ZONING DISTRICT MAP**

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

#### **ARTICLE IV. REPEALER**

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

#### **ARTICLE V. SEVERABILITY**

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

#### **ARTICLE VI. EFFECTIVE DATE**

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

#### **ARTICLE VII. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED** by the City of Wimberley City Council on the 15<sup>th</sup> day of April, 2021 by a vote of \_ (Ayes) and \_ (Nays) and \_ (Abstain).

#### **CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Susan Jaggers, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Laura Calcote, City Secretary

\_\_\_\_\_  
City Attorney





|                        |                                                      |
|------------------------|------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>CUP-21-009 – Vacation Rental (STR2)</b>           |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator |
| <b>DATE SUBMITTED:</b> | 4/2/2021                                             |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)  |

## REPORT

### ITEM

Hold a public hearing and take possible action regarding case CUP-21-009, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 131 Panorama Dr, Wimberley, Hays County, Texas.

### PROPERTY INFORMATION

#### Property Description

|                                  |                                          |
|----------------------------------|------------------------------------------|
| <b>Applicant(s):</b>             | Paige Rodriquez                          |
| <b>Property Address:</b>         | 131 Panorama Dr                          |
| <b>Property Owner:</b>           | Paige Rodriquez                          |
| <b>Legal Description:</b>        | Hilltop Place, Lot 7A Hays County, Texas |
| <b>Property Size:</b>            | 3.782 acres                              |
| <b>Existing Use of Property:</b> | Residential                              |
| <b>Existing Zoning:</b>          | Rural Residential - 1                    |
| <b>Proposed Use of Property:</b> | Residential/Vacation Rental              |
| <b>Request:</b>                  | Operate a Vacation Rental (STR2)         |
| <b>Planning Area:</b>            | I                                        |
| <b>Overlay District:</b>         | None                                     |

#### Surrounding Property:

|                  |             |
|------------------|-------------|
| <b>Frontage:</b> | Panorama Dr |
|------------------|-------------|

|                                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> |                        |                           |
| <b>North of Property</b>                 | RA                     | Residential               |
| <b>South of Property</b>                 | R-1                    | Residential               |
| <b>East of Property</b>                  | R-1                    | Residential               |

**COMMENTS**

Staff has received one letter of opposition from a neighbor that was presented to the Planning and Zoning Commission at their April 8<sup>th</sup> meeting. On April 12<sup>th</sup>, the same neighbor sent an additional letter. Both letters are attached.

**LEGAL NOTICE**

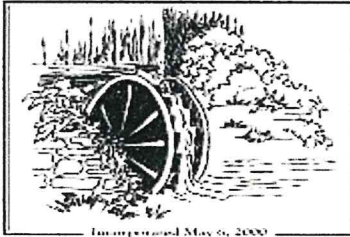
**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

**RECOMMENDATION**

The Planning and Zoning Commission recommended denial of this request at their April 8<sup>th</sup> meeting by a vote of 4-2.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance
- Letters from Public



# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 009

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: 4/8/21 Tentative Council Hearing: 4/15/21

FEES: \$650.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY NC

PROJECT SITE ADDRESS: 131 Panorama Dr. Wimberley, TX 78676

OWNER/APPLICANT Paige Rodriguez PHONE [REDACTED]

MAILING ADDRESS: [REDACTED]

**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.

**SPECIFIC CONDITIONAL USE REQUESTED:** (e.g. Bed & Breakfast Lodging, Vacation Rental)

Vacation Rental

Planning Area 1 Zoning A1 (RI) Total Acreage or Sq. Ft. 3.782 acre/878 sq. ft.

Subdivision: Hilltop Place (Storv) Lot 7A Block \_\_\_\_\_

Appraisal District Tax ID #: R 115969

Deed Records Hays County: Volume 307 Page 242

Is property located in an overlay district? ( ) Yes ( ☒ ) No If Yes, type: \_\_\_\_\_

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

### UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Private well

Wastewater Service Provider or Hays County Septic Permit No: AAMS 2003-52

### 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 \$650.00 (non-refundable)
- ☒ Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- ☒ Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- ☒ Applicant agrees to provide additional documentation as needed by the City.
- ☒ Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- ☒ Applicant hereby authorizes the City representatives to visit and inspect the subject property.

3/18/21  
DATE

  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE



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

Owner: Manny + Paige Rodriguez  
LOCATION OF PROPERTY: 131 Panorama Dr, Wimberley, TX 78676  
LEGAL DESCRIPTION: Residential (single family)  
PLANNING AREA: 1  
PRESENT ZONING: R1  
EXISTING USE: Residential (single family) Garage apartment  
USE TO BE GRANTED: Bed & Breakfast OR ☒ Vacation Rental

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

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

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

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

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

**NUMBER OF BEDROOMS:** 2 42.3 B.

**MAXIMUM OCCUPANCY:** 4 guests. 42.3 B.

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

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

**WATERFRONT USAGE:** (Applicable if guests have water access) Guests may only use the N/A River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property

which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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

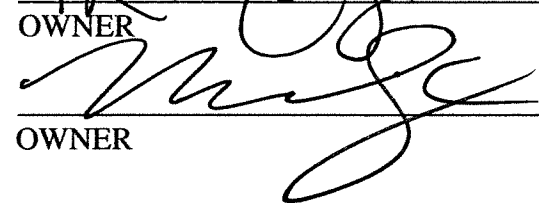
**MISCELLANEOUS:** Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in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

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

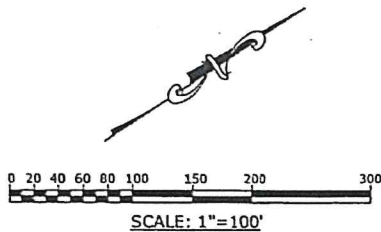
**OWNER COMPLIANCE:** Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

3/18/21  
DATE  
3/18/21  
DATE

  
OWNER  
  
OWNER

**LOT 7A, AMENDING PLAT OF LOT 7,  
HILLTOP PLACE, PHASE 1,  
A SUBDIVISION IN HAYS COUNTY, TEXAS  
VOLUME 12, PAGE 157, HAYS COUNTY PLAT RECORDS**



**LEGEND**

- -- 1/2" IRON ROD FOUND - UNLESS NOTED
- △ -- 60d NAIL FOUND
- SERVICE OR UTILITY POLES
- DE — OVERHEAD UTILITIES
- EASEMENT
- x - x - FENCE
- SETBACK
- R115970 HAYS COUNTY PROPERTY IDENTIFICATION NUMBER
- (VOL. PAGE) HAYS COUNTY OFFICIAL PUBLIC RECORDS

**NOTES**

THIS SURVEY REFERENCES TITLE COMMITMENT No. 1211271, DATED AUGUST 6, 2012, PROVIDED BY GRACY TITLE COMPANY.

RESTRICTIVE COVENANTS APPLY PER VOL. 12, PG. 157, H.C.P.R.; AND VOL. 304, PG. 470, VOL. 307, PG. 262, VOL. 406, PG. 886, & VOL. 415, PG. 602, D.R.H.C.T.

A BLANKET UTILITY EASEMENT EXISTS FOR PEDERNALES ELECTRIC COOPERATIVE PER VOL. 322, PG. 784, D.R.H.C.T.

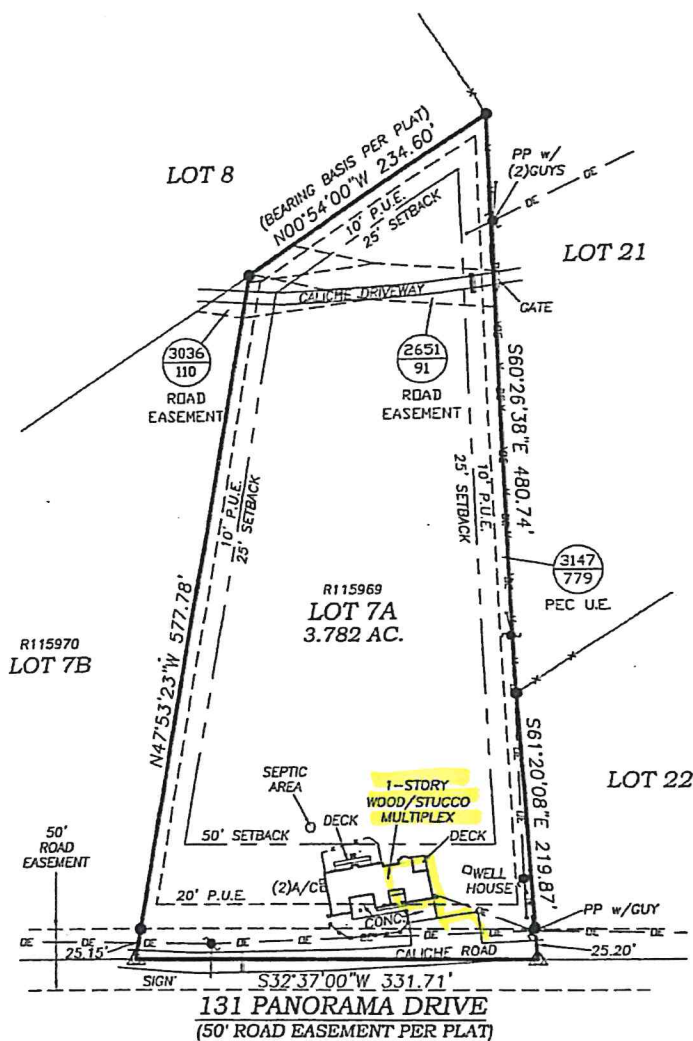
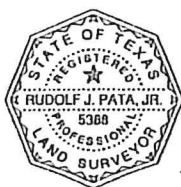
LOT 7A IS NOT IN THE 100-YEAR FLOODPLAIN ACCORDING TO F.I.R.M. PANEL #48209C 0355 F, DATED 09/02/05. FLOOD AREAS/ELEVATIONS CAN ONLY BE VERIFIED BY ELEVATION CERTIFICATE.

A SETBACK VARIANCE FOR LOT 7A WAS GRANTED BY THE VILLAGE OF WIMBERLEY BOARD OF ADJUSTMENTS ON JUNE 20, 2002, AND IS ALSO NOTED ON THE RECORDED PLAT.

**SURVEYOR'S CERTIFICATION**

This survey is certified to Independence Title Company, Capstar Lending, LLC, and buyers: William Curtis Whitlatch and Amanda Whitlatch. I hereby certify to the aforesaid parties, that a careful survey was made on the ground, under my supervision, of the tract of land described herein, and that said survey substantially complies with the current Texas Society of Professional Surveyors Standards & Specifications for a Category 1a, Condition III Land Survey, and that said property abuts a public roadway.

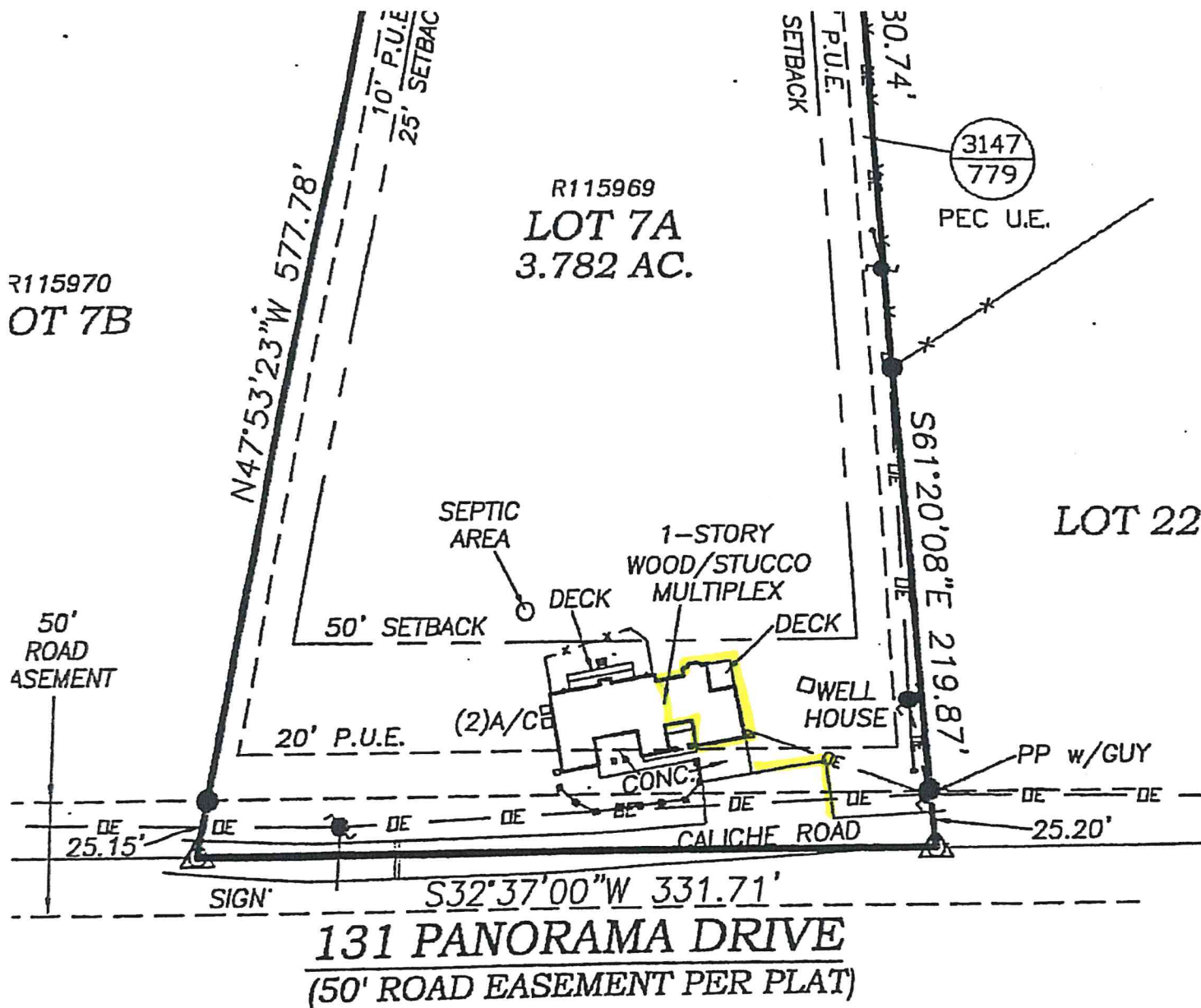
9/12/12  
DATE  
RUDOLF J. PATA, JR. TX. RPLS #5388



*Handwritten signature and date: 9.12.12*

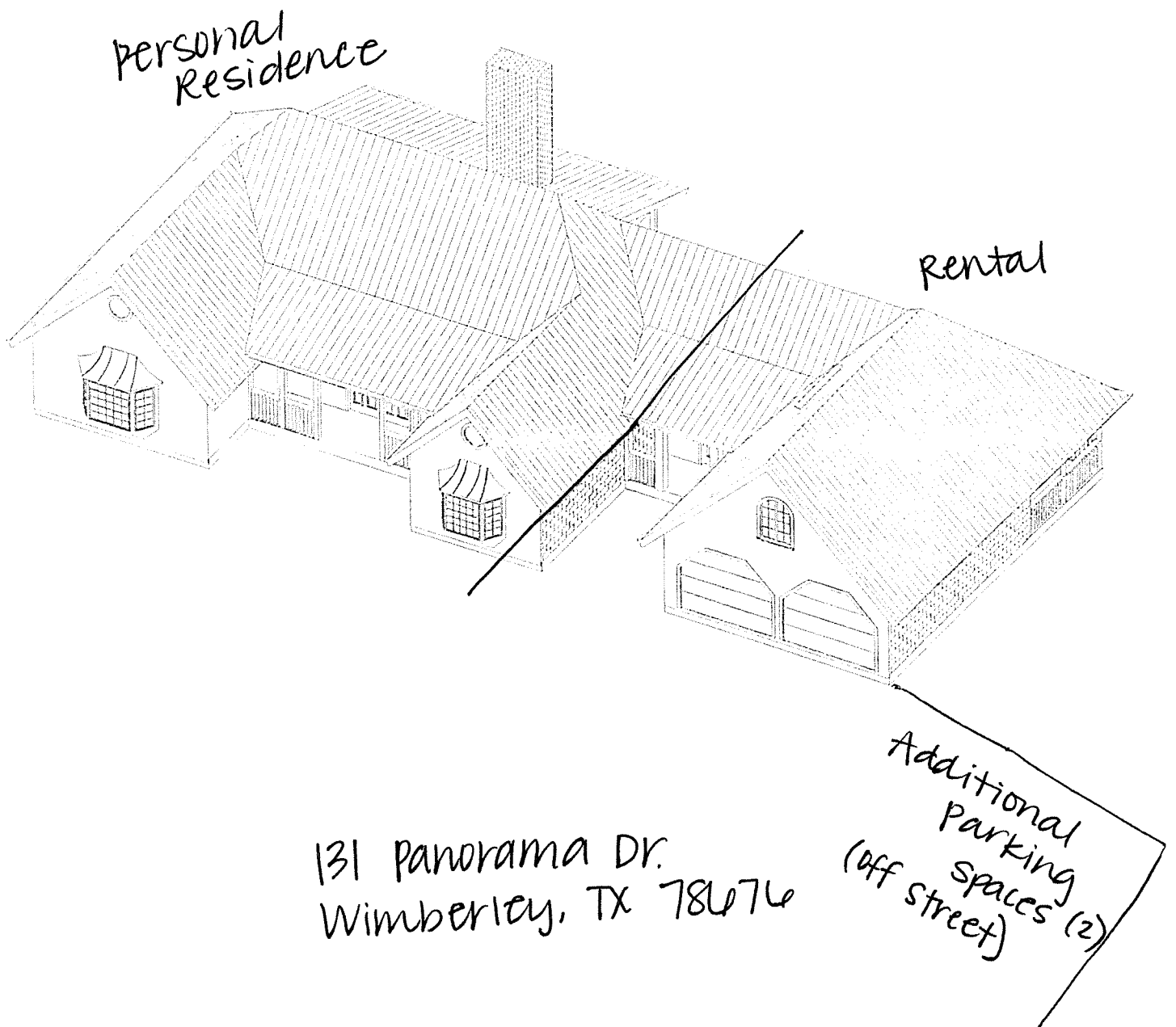


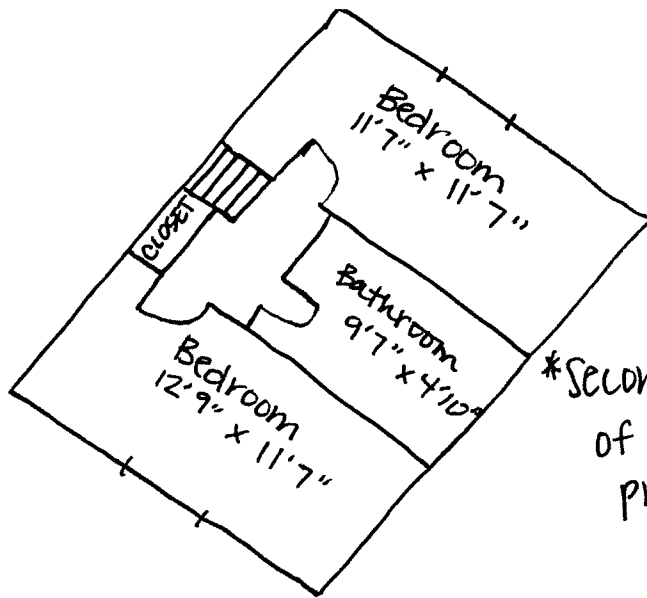
|                                                                                                                                                                              |  |                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------|
| <b>Driftwood Surveying</b><br>Professional Land Surveyors - Surveying the NR Country<br>P.O. Box 378<br>Wimberley, TX 78676<br>TEL (512) 847-7222 www.driftwoodsurveying.com |  | DATE: 09-12-12<br>FIELD CREW: RJP<br>DRAWN: RJP<br>CHECKED: RJP<br>PROJ NO: HCO6112<br>DWG NAME: TITLE |
| <b>LOT 7A, AMENDING PLAT OF LOT 7,<br/>HILLTOP PLACE, PHASE 1,<br/>A SUBDIVISION IN HAYS COUNTY, TEXAS</b>                                                                   |  | REVISIONS<br>DATE                                                                                      |
| CLIENT: <b>WHITLATCH</b>                                                                                                                                                     |  | Page <b>1</b> of <b>1</b>                                                                              |



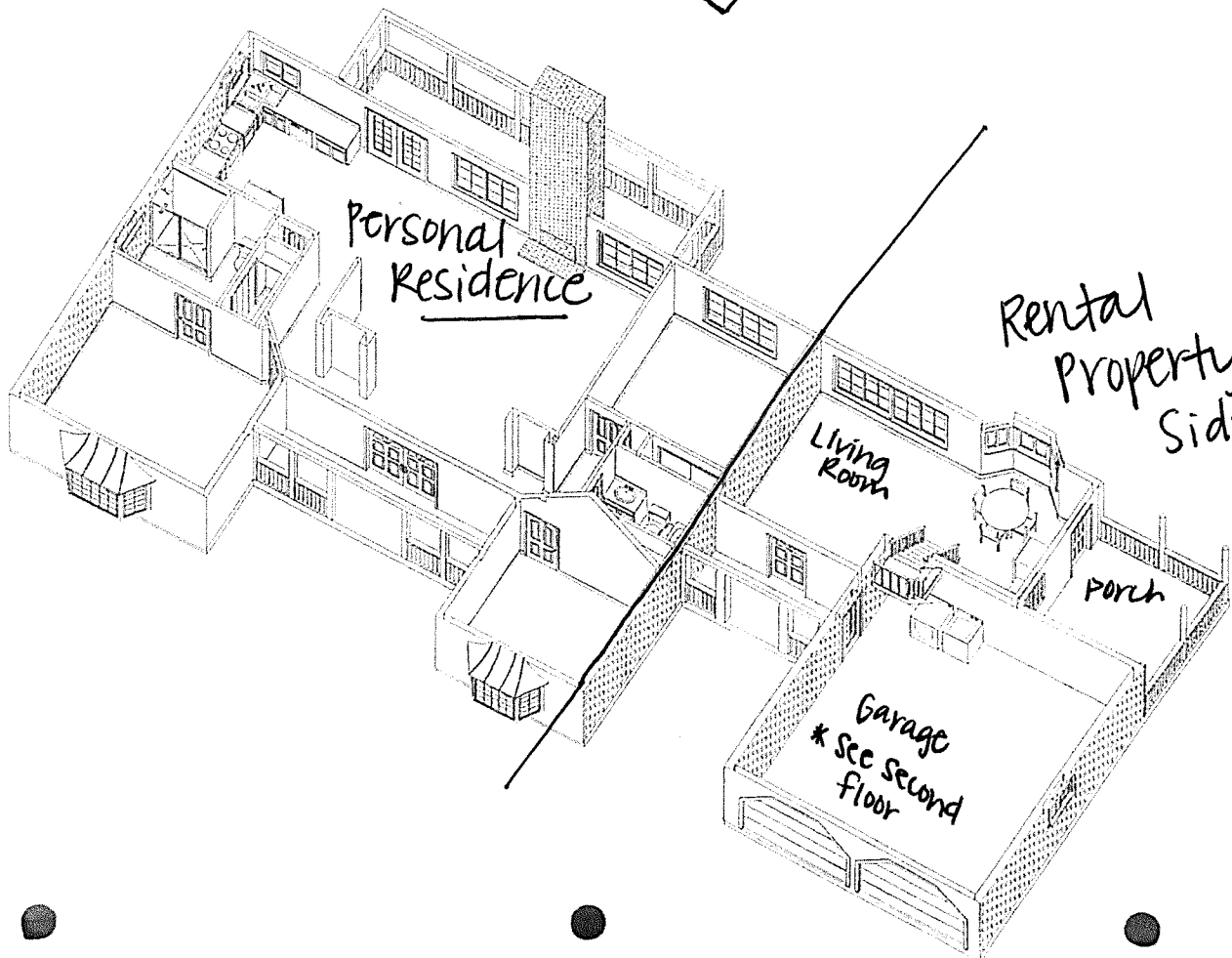
Guest rental property and parking space





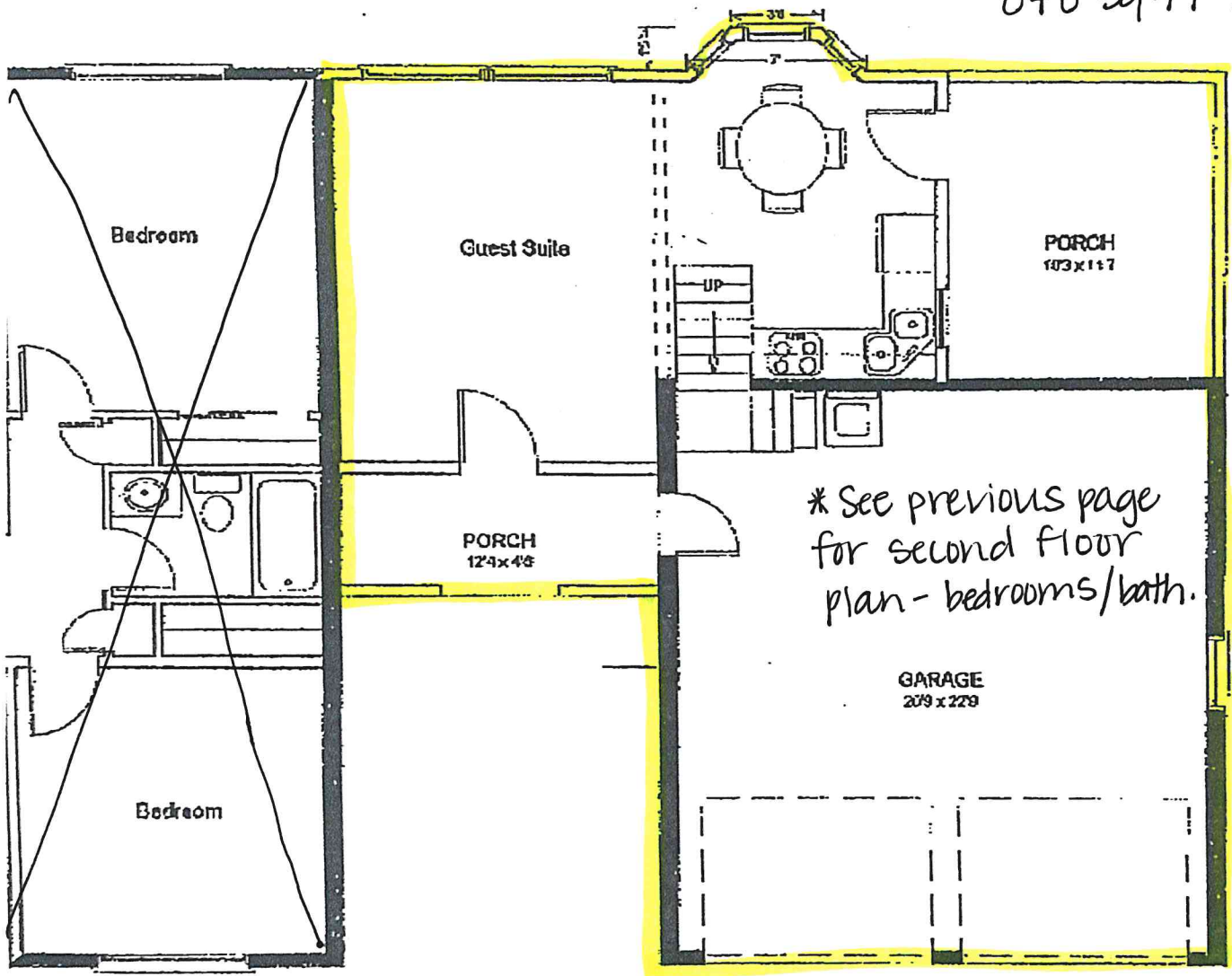


\*Second Floor  
of rental  
property



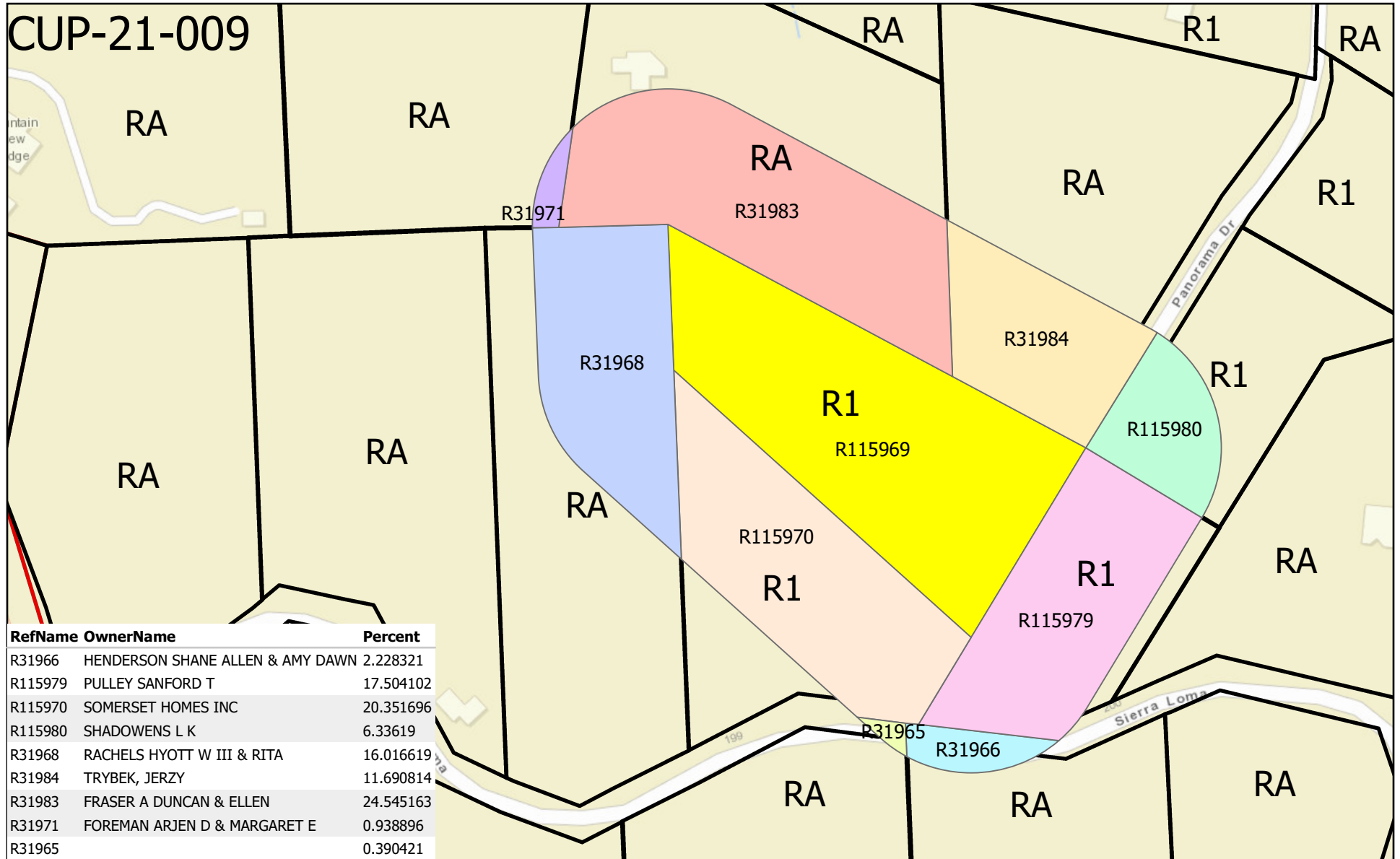
Parking  
Spaces (2)  
(off street)

848 sq. ft TOTAL



Guest Property at:  
131 Panorama Dr.  
Wimberley, TX 78676

CUP-21-009



| RefName | OwnerName                        | Percent   |
|---------|----------------------------------|-----------|
| R31966  | HENDERSON SHANE ALLEN & AMY DAWN | 2.228321  |
| R115979 | PULLEY SANFORD T                 | 17.504102 |
| R115970 | SOMERSET HOMES INC               | 20.351696 |
| R115980 | SHADOWENS L K                    | 6.33619   |
| R31968  | RACHELS HYOTT W III & RITA       | 16.016619 |
| R31984  | TRYBEK, JERZY                    | 11.690814 |
| R31983  | FRASER A DUNCAN & ELLEN          | 24.545163 |
| R31971  | FOREMAN ARJEN D & MARGARET E     | 0.938896  |
| R31965  |                                  | 0.390421  |

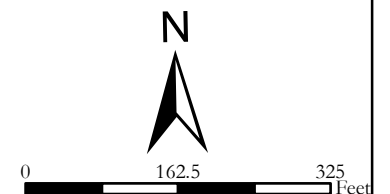


# 200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





## **ORDINANCE NO. 2021-XX**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY PAIGE RODRIQUEZ TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 131 PANORAMA DR, WIMBERLEY, TEXAS, ZONED RURAL RESIDENTIAL (R-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.**

**WHEREAS**, an application for a Conditional Use Permit (“CUP”) has been filed by Paige Rodriquez (“Applicant”) requesting authorization to operate a vacation rental on real property described as Hilltop Place Sec 1, Lot 7A, zoned Rural Residential (R-1); and

**WHEREAS**, a vacation rental is an authorized use in areas zoned Rural Residential (R-1) upon approval of a CUP;

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

**WHEREAS**, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 Paige Rodriquez (“Applicant”) for use as a vacation rental on real property, described as Hilltop Place Sec 1, Lot 7A, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Rural Residential (R-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.

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

14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

### **ARTICLE III. ZONING DISTRICT MAP**

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

### **ARTICLE IV. REPEALER**

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

### **ARTICLE V. SEVERABILITY**

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

### **ARTICLE VI. EFFECTIVE DATE**

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

### **ARTICLE VII. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED** by the City of Wimberley City Council on the 15<sup>th</sup> day of April, 2021 by a vote of \_\_\_\_ (Ayes) and \_\_ (Nays) and \_\_ (Abstain).

### **CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

---

Laura Calcote, City Secretary



**APPROVED AS TO FORM:**

---

City Attorney



From: Lshadowens  
Sent: Tuesday, April 6, 2021 5:42 PM  
To: Nathaniel Glaiser  
Subject: Vacation Rental 131Panorama Dr. File No. CUP-21-009

Follow Up Flag: Follow up  
Flag Status: Flagged

Dear Mr. Glaiser,

I recently received notice of public hearing in regards to a potential vacation rental (STR2) at 131 Panorama Drive. It is file no. CUP-21-009.

I presently own property at 140 Panorama Drive. I will be unable to be present for a public hearing in this regard. However, I would like to express my misgivings at hearing that Hilltop Place Community may allow a vacation rental in this peaceful and very private area of Wimberley.

I believe the allowance of vacation rental in this area will decrease the level of security in this little neighborhood. This will allow non-residents access to this area. I feel that if this precedent is set and this allowance is granted, it will open the door for future laxity in security. We presently have a very private gated community and it should remain an area for residents only who will have the utmost respect for their own property. This allowance has the potential of decreasing the property value on Panorama Drive and Hilltop Place. Also, this proposal does not seem to fall in line with the stringency and the guidelines of the present home owners association.

I very much value the privacy of my property and would be remiss if I must make this compromise on my future retirement home. Our present times are stressful enough and the encroachment of the public is ever present in our lives. The property on Panorama Drive should be for the privacy and enjoyment of owners only.

Please contact me with any other direction I may take to make my comments available for this hearing.

Thank you,

L K Shadowens

From: Lshadowens  
Sent: Monday, April 12, 2021 7:02 PM  
To: rodriguezpaige@gmail.com; mannrodr@gmail.com; Nathaniel Glaiser  
Subject: Vacation Rental Hilltop Place

Follow Up Flag: Follow up  
Flag Status: Completed

Dear Mr. and Mrs. Rodriguez and Mr. Glasier,

I have expressed my views on rental property in the Hilltop Place community. However, I am only one landowner in the community.

I believe all residents should have the opportunity to weigh in on this matter. I would be happy to abide with whatever is decided by the HOA and the residents of Hilltop.

I propose that this issue be brought before the HOA and the entire community be allowed to express their views.

Thank you,

LK Shadowens

From:  
Sent: Monday, April 12, 2021 10:45 PM  
To: Mayor <mayor@cityofwimberley.com>; Place1 <place1@cityofwimberley.com>; Place2 <place2@cityofwimberley.com>; Place3 <Place3@cityofwimberley.com>; Place4 <Place4@cityofwimberley.com>; Place5 <Place5@cityofwimberley.com>; Mike Boese <mboese@cityofwimberley.com>  
Subject: STR 131 Panorama Drive, Wimberley/ CUP-21-009

Honorable Mayor and City Council,

On April 8th, our son and daughter in law, Paige and Manny Rodriquez, appeared before the Planning & Zoning Committee via Zoom to present the above referenced property to be considered for a STR. The vote was 4-2 against. This was very disheartening. I will plead their case.

\*Our children, Paige and Manny purchased their home last year in Wimberley to start their family and to be close to us, their parents.

\*The home came with an attached rental and a tenant who had been there for 15 years.

\*After having the tenant for 6 months, Paige and Manny found they desired more privacy than having a full time tenant allowed.

.  
They would like the flexibility of choosing when it is rented. (Not someone there 365 days a year.)

\*Manny works remotely from home and being that the unit is attached to their residence, you can rest assured that noise will not be a problem.  
Paige is a middle school Teacher.

\*The individual who expressed concern about the possibility of noise, is not a resident. He owns property and lives in Houston. For the reasons mentioned above, noise will not be a problem.

\*It must be noted that there are 6 other STR's in this neighborhood (Hilltop Place.)

\*The Hilltop Place HOA has been contacted and they have absolutely no concerns at all and are in favor of approving the CUP.

I implore you to give this your utmost consideration in favor of Paige and Manny, allowing them to have a short term rental @ 131 Panorama Drive.

Our best,  
Dina D. Rodriquez & Michael S. Murphy



|                        |                                                      |
|------------------------|------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>CUP-21-011 – Vacation Rental (STR2)</b>           |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator |
| <b>DATE SUBMITTED:</b> | 4/2/2021                                             |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)  |

## REPORT

### ITEM

Hold a public hearing and take possible action regarding case CUP-21-011, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 109 Kingsway Dr , Wimberley, Hays County, Texas.

### PROPERTY INFORMATION

#### Property Description

|                                  |                                  |
|----------------------------------|----------------------------------|
| <b>Applicant(s):</b>             | Robert Blackwell                 |
| <b>Property Address:</b>         | 109 Kingsway Dr                  |
| <b>Property Owner:</b>           | Robert Blackwell                 |
| <b>Legal Description:</b>        | Kingsway, Lot 9                  |
| <b>Property Size:</b>            | .5 acres                         |
| <b>Existing Use of Property:</b> | Residential                      |
| <b>Existing Zoning:</b>          | Single Family Residential - 2    |
| <b>Proposed Use of Property:</b> | Residential/Vacation Rental      |
| <b>Request:</b>                  | Operate a Vacation Rental (STR2) |
| <b>Planning Area:</b>            | I                                |
| <b>Overlay District:</b>         | None                             |

#### Surrounding Property:

**Frontage:** Kingsway

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | R-2                    | Residential               |
|                                          | <b>South of Property</b> | R-2                    | Residential               |
|                                          | <b>East of Property</b>  | R-2                    | Residential               |



**COMMENTS**

At the time of posting, staff has not received any letters of support or opposition.

**LEGAL NOTICE**

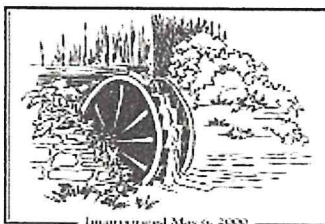
**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

**STAFF RECOMMENDATION**

Planning and Zoning Commissioners recommended this item for approval at their April 8<sup>th</sup> meeting with a 5-0 vote.

**ATTACHMENT/S**

- Application
- Notification Map
- Ordinance



# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/(512) 847-0025 F/(512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

RECEIVED  
MAR 18 2021

## CONDITIONAL USE PERMIT APPLICATION

No. CUP \_\_\_\_\_ - \_\_\_\_\_

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: \_\_\_\_\_ Tentative Council Hearing: \_\_\_\_\_

FEES: \$650.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 109 Kingsway Drive Wimberley, TX 78676

OWNER/APPLICANT Robert Blackwell PHONE ( ) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

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.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Vacation Rental

Planning Area \_\_\_\_\_ Zoning R2 Total Acreage or Sq. Ft. 0.50

Subdivision: Kingsway Lot 9 Block \_\_\_\_\_

Appraisal District Tax ID #: R 33206

Deed Records Hays County: Volume 2 Page 89

Is property located in an overlay district? ( ) Yes (✓) No If Yes, type: \_\_\_\_\_

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

### UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: JMA Wastewater Services, Inc.

**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 \$650.00 (non-refundable)
- ( ) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- ( ) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- ( ) Applicant agrees to provide additional documentation as needed by the City.
- ( ) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- ( ) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

3-18-21  
DATE

Robert Gene Blackwell  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE

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

Owner: Robert Gene Blackwell

LOCATION OF PROPERTY: 109 Kingsway Dr.

LEGAL DESCRIPTION: Lot number 9 Kingsway Addition

PLANNING AREA: \_\_\_\_\_

PRESENT ZONING: R-2

EXISTING USE: Residential

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

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

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

**OFF-STREET PARKING:** All parking will be off-street. ☒ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

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

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

**NUMBER OF BEDROOMS:** 2 42.3 B.

**MAXIMUM OCCUPANCY:** 6 guests. 42.3 B.

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

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

**WATERFRONT USAGE:** (Applicable if guests have water access) Guests may only use the \_\_\_\_\_ River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property



which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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

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

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

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

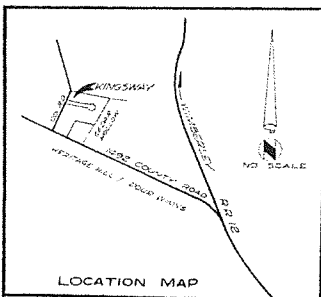
ACCEPTED AND AGREED TO:

8-3-18-21  
DATE

Robert Gene Blackwell  
OWNER

\_\_\_\_\_  
DATE

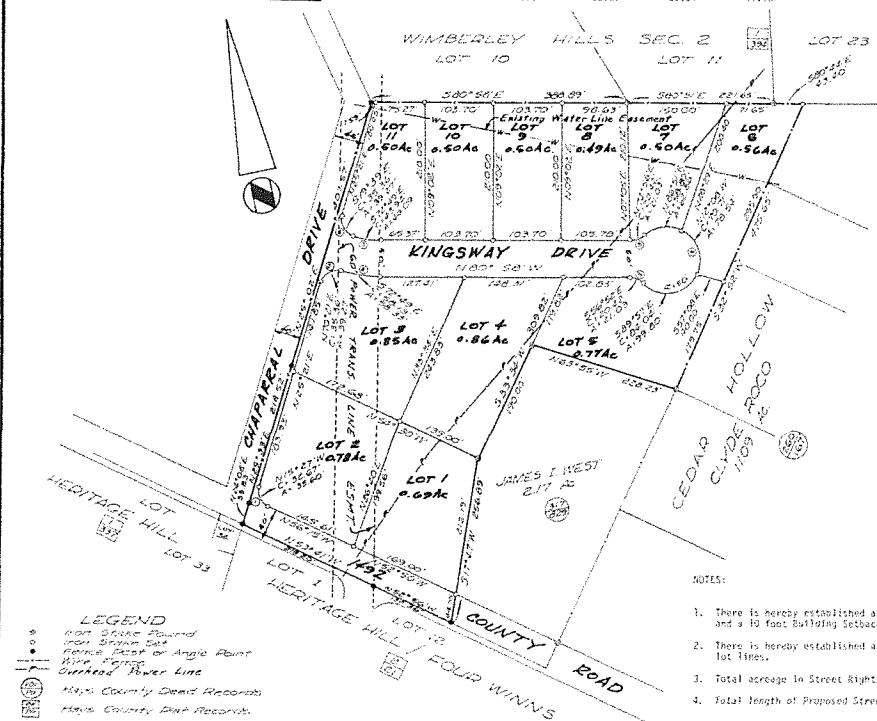
\_\_\_\_\_  
OWNER



# KINGSWAY

11 LOTS 8.13 ACRES

|   | 1       | 2       | 3       | 4       | 5       | 6        |
|---|---------|---------|---------|---------|---------|----------|
| 1 | 81' 30" | 99' 00" | 16' 16" | 16' 19" | 38' 12" | 276' 74" |
| R | 25.03   | 25.03   | 194.83  | 204.83  | 25.03   | 59.60    |
| A | 35.60   | 39.27   | 44.09   | 50.33   | 21.03   | 241.20   |
| C | 32.67   | 35.16   | 43.94   | 50.12   | 20.42   | 66.55    |
| T | 21.58   | 25.00   | 22.70   | 29.36   | 11.10   |          |



**LEGEND**  
 \* Iron Spike Found  
 \* Iron Spike Set  
 \* Police Gate or Angle Point  
 \* Wire Fences  
 \* Overhead Power Line  
 \* Hays County Deed Records  
 \* Hays County Deed Records

FB.84 PG.41 PLAN # 1547

SCALE 1" = 100'

PRO-TECH ENGINEERING GROUP, INC

son marc  
 2070-13567

STATE OF TEXAS  
 COUNTY OF HAYS

Vol. 2 Pg. 89

KNOW ALL MEN BY THESE PRESENTS: That I, Phyllis Campbell Kingrey, owner of 10.2 acres of land out of the L. C. Gibbs Survey No. 88, as conveyed to me by deed recorded in Volume 222, Page 261, Hays County Deed Records, DO HEREBY subdivide 0.13 acres of land, to be known as KINGSWAY, in accordance with the plat shown herein, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public the use of the streets and easements shown hereon.

WITNESS MY HAND, this the 22<sup>nd</sup> day of April, A. D., 1979

Phyllis A. Kingrey  
 Phyllis A. Kingrey

STATE OF TEXAS  
 COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared Phyllis A. Kingrey, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND and seal of office this the 22<sup>nd</sup> day of April, A. D., 1979.

Kelly Kilber  
 Notary Public in and for Hays County, Texas

In approving this plat by the Commissioners' Court of Hays County, Texas, it is understood that the building of all streets, roads and other public thoroughfares delineated and shown on this plat and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners' Court of Hays County, Texas, and the Commissioners' Court of Hays County, Texas, assumes no obligation to build the streets, roads or other public thoroughfares shown on this plat, or of constructing any bridges, or culverts in connection therewith.

STATE OF TEXAS  
 COUNTY OF HAYS

I, LYDELL B. CLAYTON, COUNTY CLERK OF HAYS COUNTY, TEXAS, do hereby certify that on the 22<sup>nd</sup> day of April, A.D. 1979, the Commissioners' Court of Hays County, Texas passed an order authorizing the filing for record of this plat, and said order has been duly entered in the minutes of the said Court in Book 6, Page 82.

WITNESS MY HAND AND SEAL OF OFFICE this the 24<sup>th</sup> day of May, A.D., 1979.

Lyndell B. Clayton  
 COUNTY CLERK, HAYS COUNTY, TEXAS

Lyndell B. Clayton  
 COUNTY CLERK, HAYS COUNTY, TEXAS

STATE OF TEXAS  
 COUNTY OF HAYS

I, LYDELL B. CLAYTON, COUNTY CLERK OF HAYS COUNTY, TEXAS, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 24<sup>th</sup> day of May, A.D. 1979 at 9:55 o'clock A.M., and duly recorded on the 24<sup>th</sup> day of May, A.D. 1979 at 9:55 o'clock A.M., in the Plat Records of Hays County, Texas in Book 2, Page 82.

WITNESS MY HAND AND SEAL OF OFFICE this day the 24<sup>th</sup> day of May, A.D., 1979.

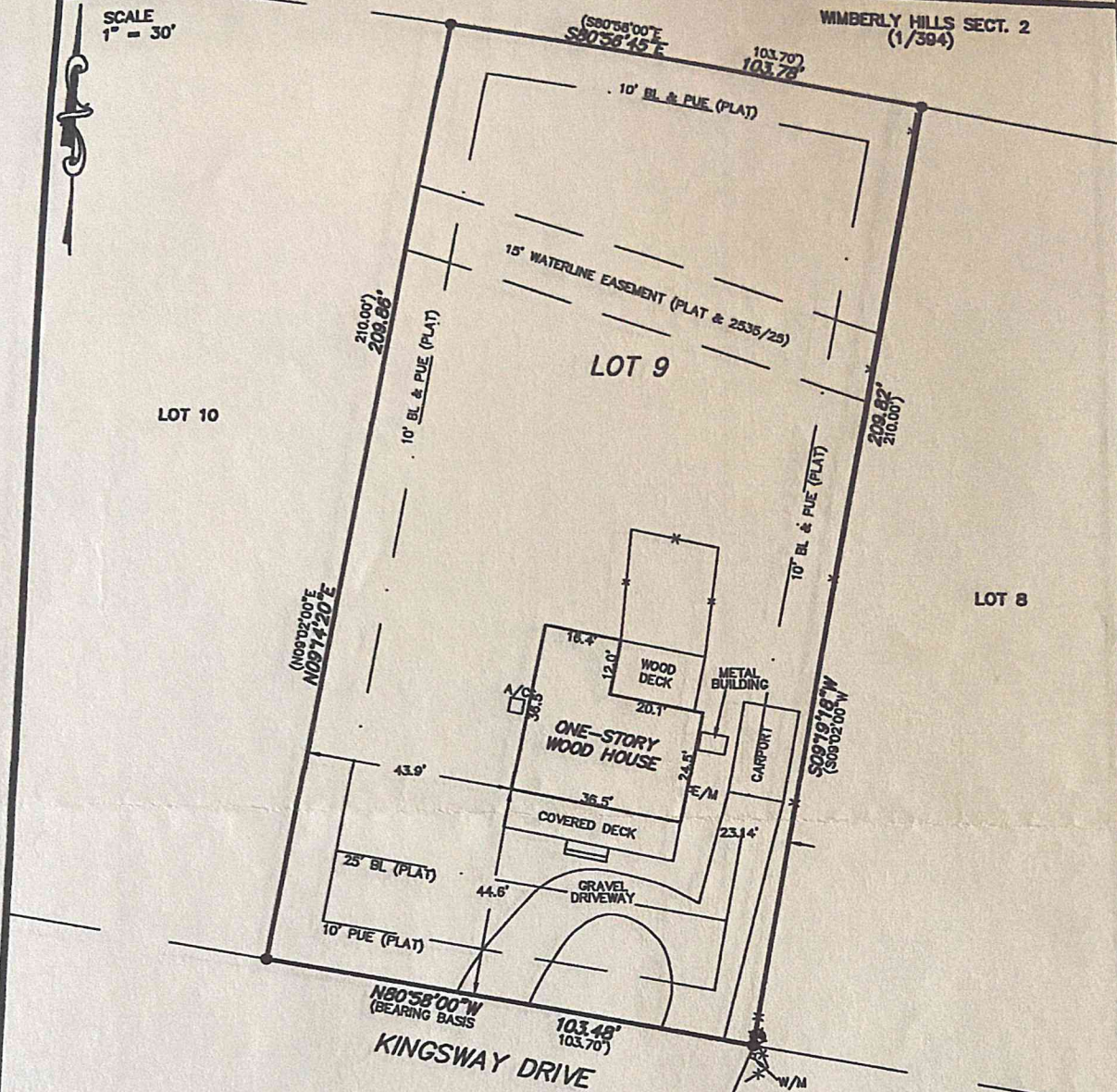
Lyndell B. Clayton  
 COUNTY CLERK, HAYS COUNTY, TEXAS

SURVEYED MARCH, 1971

BY Kelly Kilber  
 KELLY KILBER  
 Registered Professional Engineer No. 1001

- There is hereby established a 25 foot Building Setback adjacent to all street lines and a 10 foot Building Setback adjacent to all side and rear lot lines on all lots.
- There is hereby established a 10 foot wide Public Utility Easement adjacent to all lot lines.
- Total acreage in Street Rights of Way, 1.13 acres.
- Total length of Proposed Streets measures on the Centerline of Rights of way, 536 feet.





RESTRICTIVE COVENANTS OF RECORD AS  
ITEMIZED HEREIN: VOLUME 331, PAGE 751,  
DEED RECORDS AND VOLUME 2, PAGE 89,  
PLAT RECORDS, HAYS COUNTY, TEXAS.  
(DOES AFFECT THIS TRACT)

ELECTRIC EASEMENTS TO PEDERNALES  
ELECTRIC COOPERATIVE, INC. AS RECORDED IN  
VOLUME 223, PAGE 49 AND VOLUME 337,  
PAGE 598, DEED RECORDS, HAYS COUNTY,  
TEXAS.  
(DO NOT AFFECT THIS TRACT)

### LEGEND

- - IRON ROD FOUND
- ( ) - RECORD PER PLAT
- #— - WOOD FENCE
- +— - WIRE FENCE
- - CHAIN LINK FENCE
- PUE - PUBLIC UTILITY EASEMENT
- DE - DRAINAGE EASEMENT
- BL - BUILDING LINE
- W/M - WATER METER
- A/C - AIR CONDITIONER
- G/M - GAS METER
- E/M - ELECTRIC METER
- ⚡ - POWER POLE
- (—) - GUY WIRE ANCHOR

**ADDRESS: 109 KINGSWAY DRIVE, WIMBERLEY, TEXAS**

**LEGAL DESCRIPTION:** LOT NO. NINE (9), KINGSWAY ADDITION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 89, PLAT RECORDS, HAYS COUNTY, TEXAS.

## CERTIFICATION

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

**BUYER:** ROBERT G. BLACKWELL AND MERRELL D. BLACKWELL

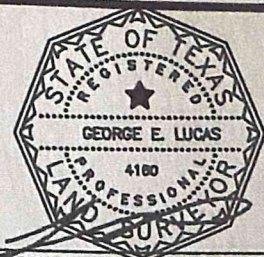
**TITLE CO: INDEPENDENCE TITLE COMPANY**

**G.F.#: 1601874-WIM EFF: JANUARY 15, 2016**

**LENDER: CAPSTAR LENDING, LLC**

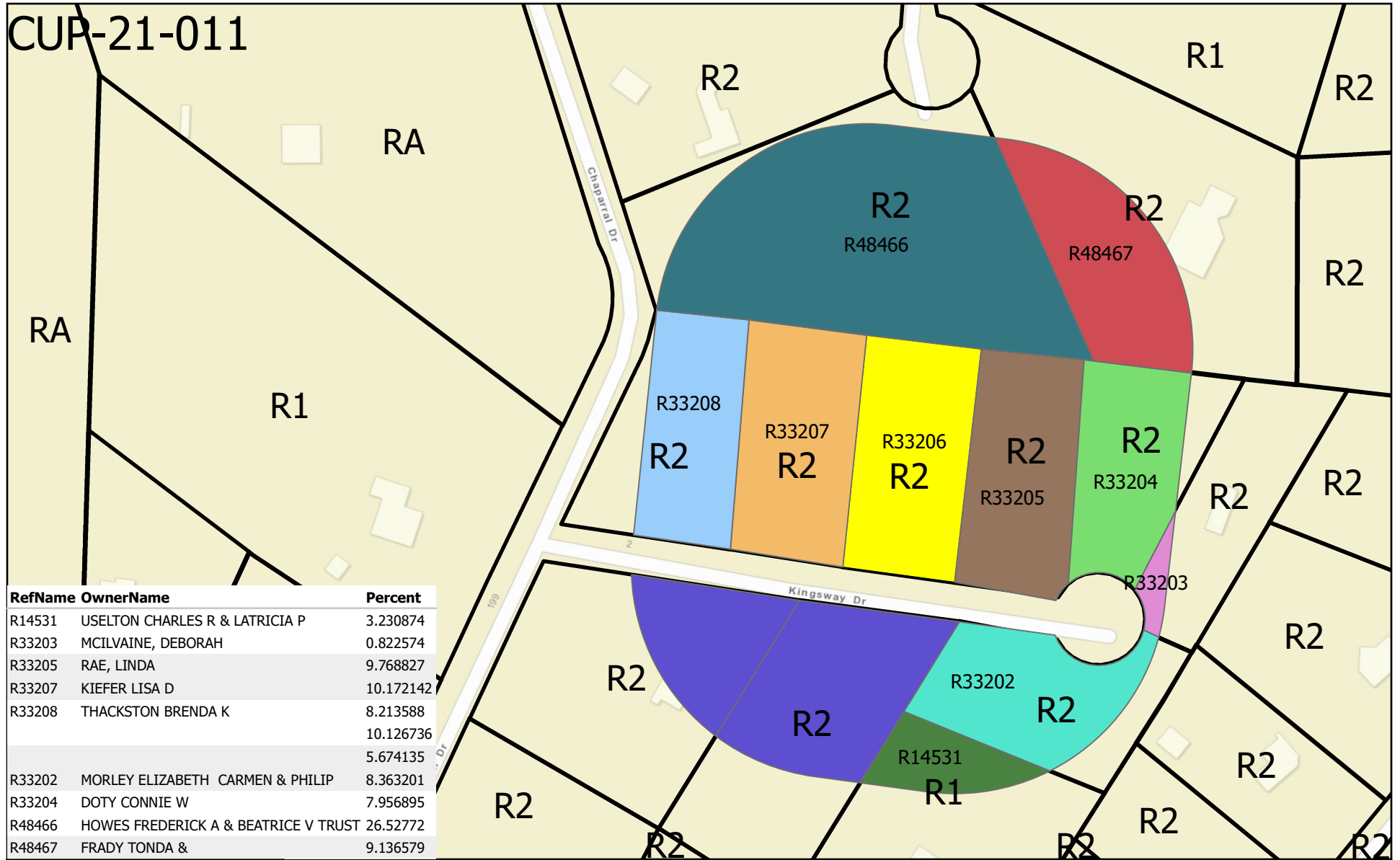
**PLAN No.: 2015-1592**

**SURVEY DATE:** FEBRUARY 19, 2016





CUP-21-011



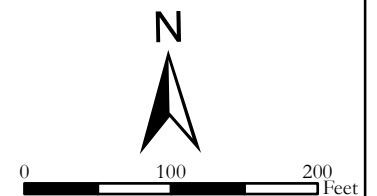
| RefName | OwnerName                            | Percent   |
|---------|--------------------------------------|-----------|
| R14531  | USELTON CHARLES R & LATRICIA P       | 3.230874  |
| R33203  | MCILVAINE, DEBORAH                   | 0.822574  |
| R33205  | RAE, LINDA                           | 9.768827  |
| R33207  | KIEFER LISA D                        | 10.172142 |
| R33208  | THACKSTON BRENDA K                   | 8.213588  |
|         |                                      | 10.126736 |
|         |                                      | 5.674135  |
| R33202  | MORLEY ELIZABETH CARMEN & PHILIP     | 8.363201  |
| R33204  | DOTY CONNIE W                        | 7.956895  |
| R48466  | HOWES FREDERICK A & BEATRICE V TRUST | 26.52772  |
| R48467  | FRADY TONDA &                        | 9.136579  |

# 200' Notification Map

2021

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





## **ORDINANCE NO. 2021-XX**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY ROBERT DETTMER TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 109 KINGSWAY DR, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2); 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 (“CUP”) has been filed by Robert Dettmer (“Applicant”) requesting authorization to operate a vacation rental on real property described as Kingsway, Lot 9, zoned Single-Family Residential 2 (R-2); and

**WHEREAS**, a vacation rental is an authorized use in areas zoned Single-Family Residential 2 (R-2) upon approval of a CUP;

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

**WHEREAS**, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 Robert Dettmer (“Applicant”) for use as a vacation rental on real property, described as Kingsway, Lot 9, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.

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

14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

### **ARTICLE III. ZONING DISTRICT MAP**

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

### **ARTICLE IV. REPEALER**

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

### **ARTICLE V. SEVERABILITY**

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

### **ARTICLE VI. EFFECTIVE DATE**

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

### **ARTICLE VII. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED** by the City of Wimberley City Council on the 15<sup>th</sup> day of April, 2021 by a vote of \_\_\_\_ (Ayes) and \_\_ (Nays) and \_\_ (Abstain).

### **CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

---

Laura Calcote, City Secretary



**APPROVED AS TO FORM:**

---

City Attorney





|                        |                                                      |
|------------------------|------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>CUP-21-012 - Drive Thru Eating Establishment</b>  |
| <b>SUBMITTED BY:</b>   | Nathan Glaiser, Planning and Development Coordinator |
| <b>DATE SUBMITTED:</b> | 4/2/2021                                             |
| <b>MEETING DATE:</b>   | April 8, 2021 (P&Z) / April 15, 2021 (City Council)  |

## REPORT

### ITEM

Hold a public hearing and take possible action regarding case CUP-21-012, an application for a Conditional Use Permit to allow for the operation of a Drive Thru Eating Establishment on a property located at 9315 Ranch Road 12, Wimberley, Hays County, Texas.

### PROPERTY INFORMATION

#### Property Description

|                                  |                                                                      |
|----------------------------------|----------------------------------------------------------------------|
| <b>Applicant(s):</b>             | Janette Tarbell                                                      |
| <b>Property Address:</b>         | 9315 Ranch Road 12                                                   |
| <b>Property Owner:</b>           | KRAK Investments                                                     |
| <b>Legal Description:</b>        | 1.80acres of land out of the James Alston Survey, Hays County, Texas |
| <b>Property Size:</b>            | 1.8 acres                                                            |
| <b>Existing Use of Property:</b> | Residential                                                          |
| <b>Existing Zoning:</b>          | Commercial - Moderate Impact - 2                                     |
| <b>Proposed Use of Property:</b> | Commercial                                                           |
| <b>Request:</b>                  | Operate a Drive Thru Food Establishment                              |
| <b>Planning Area:</b>            | IV                                                                   |
| <b>Overlay District:</b>         | Entrance Corridor                                                    |

#### Surrounding Property:

|                  |               |
|------------------|---------------|
| <b>Frontage:</b> | Ranch Road 12 |
|------------------|---------------|

|                                          |                          | <b>Current Zoning:</b> | <b>Existing Land Use:</b> |
|------------------------------------------|--------------------------|------------------------|---------------------------|
| <b>Surrounding Zoning &amp; Land Use</b> | <b>North of Property</b> | R-1                    | Residential               |
|                                          | <b>South of Property</b> | C-2                    | Raw Land                  |
|                                          | <b>East of Property</b>  | C-2                    | Raw Land                  |

**West of Property**

C-1

None

### COMMENTS

At the time of posting, staff has not received any letters of support or opposition.

### LEGAL NOTICE

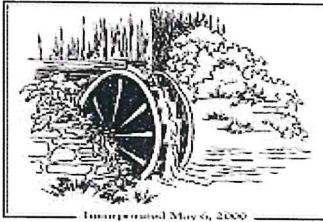
**Surrounding Neighbor Notification Letters (200'):** March 26, 2021  
**Published Legal Notice (Wimberley View):** March 25, 2021

### STAFF RECOMMENDATION

The Planning and Zoning Commission recommended to approve this item at their April 8<sup>th</sup> meeting with 6-0 vote.

### ATTACHMENT/S

- Application
- Notification Map
- Ordinance



# City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 012

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: 4/8/21 Tentative Council Hearing: 4/15/21

FEES: \$650.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY N.G.

PROJECT SITE ADDRESS: 9315 Ranch Road 12 Wimberley, TX 78676

OWNER/APPLICANT Janette Tarbell PHONE [REDACTED]

MAILING ADDRESS: 1 [REDACTED]

CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

**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.

### **SPECIFIC CONDITIONAL USE REQUESTED:** (e.g. Bed & Breakfast Lodging, Vacation Rental)

Drive up coffee trailer

Planning Area IV Zoning C-2 Total Acreage or Sq. Ft. 1.8036 acres

Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID #: R 12662

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_

Is property located in an overlay district? ( ☒ ) Yes ( ) No If Yes, type: Entrance Corridor

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

### **UTILITY PROVIDERS:**

Electric Provider: PEC

Water Provider or Private Well: Private Well

Wastewater Service Provider or Hays County Septic Permit No: Septic

**MY REQUEST IS BASED ON THE FOLLOWING:**

- ☒ (X) 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;
- ☒ (X) The use requested by the applicant is set forth as a conditional use in the base district;
- ☒ (X) The nature of the use is reasonable;
- ☒ (X) 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;
- ☒ (X) 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
- ☒ (X) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- ☒ (X) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- ☒ (X) 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.
- ☒ (X) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- ☒ (X) Payment of Application fee \$650.00 (non-refundable)
- ☒ (X) 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.
- ☒ (X) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- ☒ (X) Applicant agrees to provide additional documentation as needed by the City.
- ☒ (X) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- ☒ (X) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

3/26/21  
DATE

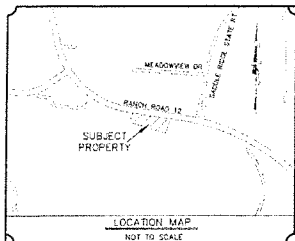
  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE





## GENERAL NOTES

- The Subject Property has direct ingress and egress to Ranch Road 12, which is a paved, public right-of-way.
- The bearing of N 71°21'45" E, per Deed, as shown on the Southerly line of the Subject Property, was used as the basis of bearing for the purpose of this survey.
- The address of 9315 was physically observed, posted on site of the Subject Property.
- All field measurements matched record dimensions within the precision requirements of ALTA/ACSM specifications unless otherwise shown.
- There is no visible evidence of earth moving on the Subject Property, current or proposed.
- There is no visible evidence on site of use as a dump or sanitary landfill, currently or previously.
- There is no visible evidence on site of use as a cemetery, currently or previously.
- Surveyor is aware of no changes in street right-of-way lines, either completed or proposed. Surveyor observed no evidence of recent street or sidewalk construction or repairs.
- Subject Property contains 78,265.00 FT. OR 1.8026 ACRES, more or less. Owner: WIMBERLEY REALTY LTD. APN: 412562
- This Survey Map correctly represents the facts found on the ground at the time of the survey.
- There are no discrepancies between the boundary lines of the Subject Property as shown on this Survey Map and as described in the legal description presented in the Title Commitment.
- The boundary line dimensions as shown on this Survey Map form a mathematically closed figure within  $\pm 0.21$  feet.
- The boundary lines of the Subject Property are contiguous with the boundary lines of all adjoining streets, highways, right-of-way and easements, public or private, as described in their most recent respective legal descriptions of record.
- Except as otherwise noted below, if the Subject Property consists of two or more parcels, there are no gaps or holes between said parcels.
- No evidence of potential encroachment was observed on the Subject Property at the time the survey was conducted, nor did we receive any documentation of any encroachments existing on the subject property.
- The intersection of Ranch Road 12 and Saddleback Drive is located 383 feet East from the Subject Property.
- All utilities appear to enter the Subject Property via a public right-of-way except as shown herein.
- The Subject Property appears to drain into a public right-of-way except as shown herein.

## UTILITY NOTES

11(a) The aboveground utilities shown have been located from field survey information only. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further certifies that they are located as accurately as possible from the field information obtained.

| SYMBOL LEGEND |          |          |
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9315 RR 12

Drive-Thru  
Food Truck

RR 12

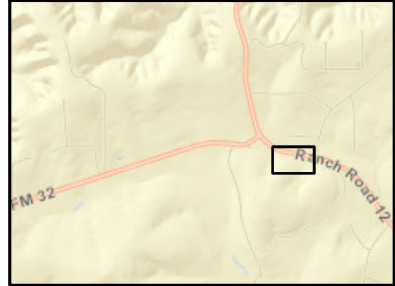
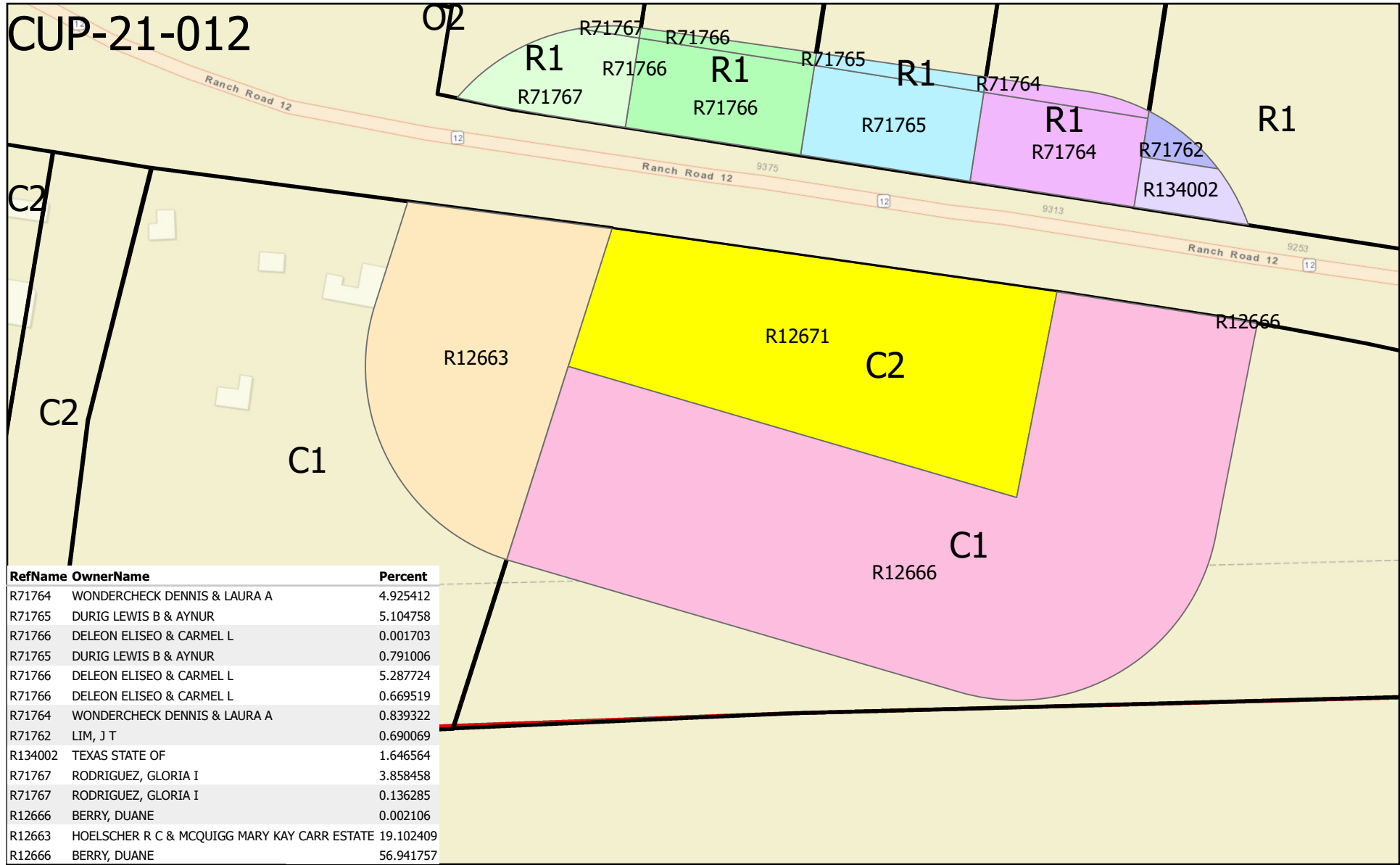
Legend

 Sac N Pac Stores, Inc.





# CUP-21-012

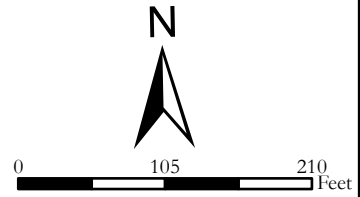


## 200' Notification Map

City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD  
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

### 2021

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



## **ORDINANCE NO. 2018-39**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY JANETTE TARBELL TO PERMIT THE OPERATION OF A DRIVE-THROUGH (EATING ESTABLISHMENT) ON PROPERTY DESCRIBED AS 1.80 ACRES OF LAND OUT OF THE JAMES ALSTON SURVEY, WIMBERLEY, TEXAS, COMMERCIAL - MODERATE IMPACT (C-2); 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 Sonora Bank (“Applicant”) requesting authorization to operate a drive-through eating establishment on real property described as 1.80 acres of land out of the James Alston Survey, Commercial - Moderate Impact (C-2); and

**WHEREAS**, a drive-through is an authorized use in areas Commercial - Moderate Impact (C-2) upon approval of a Conditional Use Permit;

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

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

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

**WHEREAS**, the City Council finds that the use of the subject property as a drive-through eating establishment, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

### **ARTICLE I. FINDINGS OF FACT**

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



## **ARTICLE II. APPROVAL - TERMS AND CONDITIONS**

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Janette Tarbell (“Applicant”) for use as a drive-through on real property, described as 1.80 acres of land out of the James Alston Survey, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, Commercial - Moderate Impact (C-2), Wimberley, Hays County, Texas.

## **ARTICLE III. ZONING DISTRICT MAP**

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

## **ARTICLE IV. REPEALER**

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

## **ARTICLE V. SEVERABILITY**

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

## **ARTICLE VI. EFFECTIVE DATE**

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

## **ARTICLE VII. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED** by the City of Wimberley City Council on the 15th day of April, 2021 by a vote of \_\_ (Ayes) and \_\_ (Nays) and \_\_ (Abstain).

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Gina Fulkerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**Ordinance No. 2021-XX**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.02 (SUBDIVISION CONTROL), TO CREATE DIVISION 11 (LANDSCAPING AND TREE PRESERVATION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Wimberley (“City Council”) seeks to preserve the neighborhood character of Wimberley, improve the quality of living for Wimberley’s citizens, preserve and enhance the rural atmosphere of the Wimberley community, responsibly protect the natural environmental resources of the area, preserve the beauty of the natural environment that defines the character of Wimberley and make it a unique and desirable community; and

**WHEREAS**, Texas Local Government Code Chapter 212 authorizing the City to enact certain regulations both within its City Limits and within its extraterritorial jurisdiction related to the subdivision of land and development to protect the public’s health, safety and general welfare; and

**WHEREAS**, the City Council seeks to maintain the value of the City’s scenic beauty and rural charm, which are the keystones of the City’s quality of life; and

**WHEREAS**, the Planning and Zoning Commission and City Council has recommended adoption of this Ordinance as necessary for ensuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources; and

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

**WHEREAS**, the following enactments are a valid exercise of the City’s broad police powers and based on the City’s statutory regulatory authority, including, but not limited to, Texas Local Government Code Chapters 51, 52, and 212; and

**WHEREAS**, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals, and general welfare.

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

### **SECTION I. FINDINGS OF FACT**

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

### **SECTION II. AMENDMENT**

The City of Wimberley Code of Ordinances, Chapter 9 (Planning & Development Regulations), Article 9.02 (Subdivision Control), is hereby amended to add Division 11, entitled “Landscaping and Tree Preservation” as shown in Exhibit A, hereto, and incorporated herein by reference for all purposes.

### **SECTION III. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Division shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Division.

### **SECTION IV. SEVERABILITY**

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

### **SECTION V. REPEALER**

The provisions of this Division shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Division are hereby expressly repealed to the extent that such inconsistency is apparent. This Division shall not be construed to require or allow any act that is prohibited by any other ordinance.



## SECTION VI. EFFECTIVE DATE

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

## SECTION VII. PROPER NOTICE AND MEETING

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

**PASSED AND APPROVED First Reading** this \_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

**PASSED AND APPROVED Second Reading** this \_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

\_\_\_\_\_  
Gina Fulkerson, Mayor

ATTEST:

\_\_\_\_\_  
Laura Calcote,  
City Secretary

\_\_\_\_\_  
City Attorney

## Exhibit A

### ARTICLE 9.02 SUBDIVISION CONTROL

#### “Division 11. Landscaping and Tree Preservation

##### Sec. 9.02.375 Title

This Division shall be commonly cited as the landscape ordinance.

##### Sec. 9.02.376 Purpose

(a) This division is adopted to promote and enhance a superior community environment, to maintain the rural character, to maintain air quality and ecologic balance, to maintain property values, to provide soil stabilization, to filter stormwater runoff, and to ensure the maximum preservation of the valuable natural features and scenic rural/wooded character by establishing minimum standards and requirements relating to the protection of trees and natural vegetation.

(b) It is intended that this division be administered with the foregoing purposes in mind and specifically so as to:

(1) Ensure, insofar as practical in permitting development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion of top soil, preservation of natural scenic qualities and healthy ecosystems of the city through good conservation practices, protection from flooding or landslides, noise absorption, maintenance or privacy, and in providing habitat, shade and color;

(2) Protect mature trees and significant stands of trees in order to retain as many as possible consistent with the purposes set forth herein and also consistent with reasonable economic enjoyment of private property. In this context, privately owned trees have an impact on the quality of life for the entire community;

(3) Preserve the rugged beauty and natural environment that defines the character of the City and makes it a unique and desirable community.

##### Sec. 9.02.377 Scope

This Division applies to all commercial and multi-family property, including redevelopment and properties zoned Wimberley Planned Development District (WPDD), within the incorporated municipal boundaries (i.e., city limits). This Division applies to actions taken after the date of enactment.

##### Sec. 9.02.378 Definitions

(a) Rules of interpretation. Words and phrases used in this Division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

City administrator. The chief administrative officer of the city. The term shall also include the deputy city administrator.

City council. The governing body of the city.

City of Austin Environmental Criteria Manual. The document promulgated by the City of Austin, which is commonly used throughout the region and is widely regarded as the standard in the development community, as may be amended.

City of Austin Grow Green Guide. The document promulgated in part by the City of Austin, entitled “Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas,” as may be amended.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

DBH (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Designated tree. Any of the following:

- (1) A hardwood tree having a trunk of eight (8) inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter); or
- (3) A cluster of hardwood trees within a ten-foot radius circle having a total trunk DBH of forty (40) inches or more (not counting trunks less than eight (8) inches in diameter).

Escrow. A deposit of a cash bond with the city in accordance with this Division.

Extreme drought classification. A D3 classification of drought intensity provided by the National Drought Mitigation Center, with D1 being the least intense and D4 being the most intense. D3 classification, extreme drought areas, result in major crop/pasture losses and widespread water shortages or restrictions. The National Drought Mitigation Center must be consulted to determine the classification for the region.

Heritage Tree. A “Heritage Tree” means a tree that has a diameter of twenty-four (24) inches or more, measured four and one-half (4 ½) feet above natural grade.

Impervious cover. Roads, parking areas, buildings, swimming pools, rooftop landscapes, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Landscape architect. One whose profession is the decorative and functional alteration and planting of grounds, especially at or around a building site.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Non-native invasive species. (Also called “non-indigenous,” “non-native” or “alien”) exotic pest plants and invasive exotics growing in native plant communities that adversely affect the wildlife habitats and bioregions they invade, economically, environmentally, and/or ecologically.

Owner. A person with legal control over property in question.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

TCEQ. The state commission on environmental quality, or its successor agency.

#### **Sec. 9.02.379 Applicability**

This Division applies to all new commercial and multi-family development and redevelopment, including properties zoned Wimberley Planned Development District (WPDD), requiring site plan approval subject to zoning requirements. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this Division.

#### **Sec. 9.02.380 Landscaping fund**

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this Division shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way.

#### **Sec. 9.02.381 Damaging or removing trees**

No person shall damage or remove trees in violation of this Division.

#### **Sec. 9.02.382 Violations**

It shall be unlawful for any person to violate this Division.

#### **Sec. 9.02.383 Street trees**

- (a) Nonresidential street tree requirements. At least one (1) required tree, shall be planted adjacent to or near the street right-of-way for each twenty-five (25) feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.
- (b) Trees planted shall be a minimum four (4) inch DBH, staked, and wrapped. Small trees/large shrubs trees shall be a minimum two (2) inch DBH, staked, and wrapped.
- (c) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the city administrator, or designee. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.

#### **Sec. 9.02.384 Landscape buffers**

- (a) Landscape buffer planting requirements.
- (1) All plant material shall be of native or adapted species.
  - (2) All new proposed shade trees shall be a minimum of 4 inches in diameter.
  - (3) All proposed ornamental trees shall be a minimum of 2 inches in diameter.
  - (4) All large shrubs shall be a minimum of 5-gallon container size and small shrubs/groundcovers a minimum of 1-gallon container size.
- (b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50' of buffer frontage.
  - (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25' of buffer frontage.
  - (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per 6' of buffer frontage.
  - (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per 3' of buffer frontage.
- (c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

|         | <b>At Arterial Roadways</b> | <b>At Collector Roadways</b> |
|---------|-----------------------------|------------------------------|
| O1-O2   | Twenty-five feet (25')      | Twenty-five feet (25')       |
| C1-C3   | Twenty-five feet (25')      | Twenty-five feet (25')       |
| HC      | Fifty feet (50')            | Fifty feet (50')             |
| I1-I2   | Fifty feet (50')            | Fifty feet (50')             |
| AS/S    | Twenty-five feet (25')      | Twenty-five feet (25')       |
| L1-L2   | Twenty-five feet (25')      | Twenty-five feet (25')       |
| IP      | Fifty feet (50')            | Fifty feet (50')             |
| PPU     | Fifty feet (50')            | Fifty feet (50')             |
| PR1-PR2 | Twenty-five feet (25')      | Twenty-five feet (25')       |



|         |                        |                        |
|---------|------------------------|------------------------|
| PF      | Fifty feet (50')       | Fifty feet (50')       |
| NS      | Twenty-five feet (25') | Twenty-five feet (25') |
| WPDD    | Varies                 | Varies                 |
| RR-1    | Twenty-five feet (25') | Twenty-five feet (25') |
| VI      | Twenty-five feet (25') | Twenty-five feet (25') |
| SC      | Twenty-five feet (25') | Twenty-five feet (25') |
| MF1-MF2 | Twenty-five feet (25') | Twenty-five feet (25') |

(d) Landscape buffer vegetation. The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this Division. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer.

#### **Sec. 9.02.385 Landscape material**

All trees, plants, and vegetation shall comply with the City of Austin “Grow Green” recommended plant guide. Invasive plants in this guide are specifically prohibited.

#### **Sec. 9.02.386 Landscape plan and tree survey submittal**

A landscape plan and tree survey shall be submitted to the city with the proposed site plan. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state.

#### **Sec. 9.02.387 Parking area landscaping**

- (a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.
- (b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be ninety (90) square feet for each twelve (12) parking spaces.
- (c) One tree is required for every six (6) parking spaces. Tree preservation is encouraged, thus one (1) existing tree that is at four (4) inches DBH shall count for two (2) new trees.
- (d) No parking space shall be located further than fifty (50) feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.
- (e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.
- (f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.
- (g) Paving over the critical root zone is discouraged and must be approved by the city administrator, or designee. All approved paving shall be porous pavement to allow water and air exchange.

#### **Sec. 9.02.388 Screening of dumpsters and building service equipment**

- (a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two (2) varieties of plant material from the “grow green” plant guide, that, at maturity, are at least the height

of the equipment to be screened.

(b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.

(c) The opening for removal of the dumpster for collection shall be a minimum of twelve (12) feet to allow proper service access. An additional ten (10) feet in width is required for every additional dumpster.

(d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.

(e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator, or designee.

#### **Sec. 9.02.389 Maintenance requirements**

(a) The owner shall be responsible for (unless otherwise specified herein):

(1) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;

(2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;

(3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;

(4) Replacing planted trees if they die or become diseased beyond repair within five (5) years after planting; and

(5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties.

#### **Sec. 9.02.390 Integrated pest management**

Air integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

#### **Sec. 9.02.391 Tree preservation**

(a) A grading and tree survey shall be submitted with the site plan. No clearing or grading permits shall be issued until a tree survey is submitted.

(b) The tree survey shall include all existing, live, healthy trees with an eight-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one (1) foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(c) Healthy designated trees (as defined by the City of Austin Environmental Criteria Manual, Appendix F) that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation. This distress identification must be determined by a certified arborist. No more than XX percent of designated trees may be replaced by cash-in-lieu.

(d) Removal of a heritage tree is prohibited unless a certified arborist confirms the following finding that the heritage tree is either: (1) dead; (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (3) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The City Administrator shall have the authority to determine whether such documentation is in order and may consider specific utility situations in light of potential hazards to life or property.

(e) Removal of a heritage tree is prohibited unless a variance is granted by City Council with the following findings that the heritage tree either: (1) prevents reasonable access to the property; (2) prevents a reasonable use of the property.

(f) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by

construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.

(g) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.

(h) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10) feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four (4) feet high at the drip line of the tree. Stakes shall be no more than six (6) feet apart and at least one and one-half (1-1/2) deep into the ground. Rigid fencing shall be at least three (3) feet in height.

(i) The city administrator or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.

(j) Tree protection shall remain in place until final landscaping installation as approved by the city administrator or designee.

(k) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

#### **Sec. 9.02.392 Irrigation requirements**

(a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.

(b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.

(c) Landscaped areas must be mulched to reduce evaporation and preserve water.

#### **Sec. 9.02.393 Drought conditions**

(a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city administrator or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 9.04.066 of this code has been reviewed and accepted by the city administrator or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 9.02.394 of this Division shall apply.

(b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.

(c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.

(d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 9.02.394 of this Division shall apply.

(e) Whenever necessary to enforce any provision of this Division or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this Division during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

(f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance

with this section.

#### **Sec. 9.02.394 Enforcement; penalties**

(a) Compliance. Violators of this Division will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this Division may be grounds for withholding of other related pending permits for the project by the city.

(b) Enforcement. The city shall have the power to administer and enforce the provisions of this Division as may be required by governing law. Any person violating any provision of this Division is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this Division is hereby declared to be a nuisance. Any violation of this Division may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(c) Criminal penalty. Any person violating any provision of this Division shall, upon conviction, be fined a sum not exceeding ~~two thousand~~ five hundred dollars (~~\$2,000.00~~\$500.00) to be deposited in the landscaping fund. Each day that a provision of this Division is violated shall constitute a separate offense. An offense under this Division is a misdemeanor.

(d) Civil remedies. Nothing in this Division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this Division and to seek remedies as allowed by law, including but not limited to the following:

(1) Injunctive relief. Injunctive relief to prevent specific conduct that violates this Division or to require specific conduct that is necessary for compliance with this Division;

(2) Civil penalty. A civil penalty up to ~~five hundred~~ two hundred and fifty dollars (~~\$500.00~~\$250.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this Division and after receiving notice committed acts in violation of this Division or failed to take action necessary for compliance with this Division, and other available relief; and

(3) Stop work order. In the event work is not being performed in accordance with this Division, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect."





|                        |                                                                    |
|------------------------|--------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>    | <b>Revised Boards, Commissions, Committees Handbook –Version 2</b> |
| <b>SUBMITTED BY:</b>   | Laura Calcote, City Secretary                                      |
| <b>DATE SUBMITTED:</b> | April 8, 2021                                                      |
| <b>MEETING DATE:</b>   | April 15, 2021                                                     |

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City of Wimberley Board, Commissions and Committees Handbook – Version 1 was adopted by City Council on March 5, 2020.

There have been considerable changes to the City’s boards, commissions and committees over the past year. Such changes include the creation of the Economic Support and Development Committee and the amendments of appointment processes, composition/membership and terms of other boards, commissions and committees. The revised Handbook reflects these modifications in red. The Handbook defines all codified boards, commissions and committees, even though the Building Code Board of Review and the Water and Wastewater Advisory Board are currently inactive. The City has

Staff recommends formal training for City board, commission and committee members, aside from the Handbook, in order to better understand their role in assisting and supporting the City Council’s goals and objectives.

### REQUESTED ACTION

- |            |                                     |
|------------|-------------------------------------|
| Motion     | <input checked="" type="checkbox"/> |
| Discussion | <input checked="" type="checkbox"/> |
| Ordinance  | <input type="checkbox"/>            |
| Resolution | <input type="checkbox"/>            |
| Other      | <input type="checkbox"/>            |

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

## **STAFF RECOMMENDATION**

Approval of the City of Wimberley Boards, Commissions and Committees Handbook

## **ATTACHMENT/S**

- City of Wimberley Boards, Commissions and Committees Handbook – Version 2



CITY OF  
**WIMBERLEY**

# **Boards, Commissions and Committees Handbook**

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Version ~~1~~**2.0**

Adopted: \_\_\_\_/2021

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## Foreword

The City of Wimberley ("City") is a Type A, general-law municipality, which has an aldermanic form of government. City Council is composed of five (5) Council members and a Mayor, which have two-year staggered office terms. Council members and the Mayor carry out legislative responsibilities, such as identifying the needs of the City, developing programs which satisfy those needs, and evaluating the extent to which municipal services satisfactorily reflect the policy goals of the City Council. City staff's job is to assist with the implementation and on-going function of the policies and procedures set forth by City Council and manage the day-to-day operations of the City.

Volunteer boards, commissions and committees also help to support the City Council's goals and objectives and are mostly created by ordinance, which outline their composition, duties and responsibilities. The work done by volunteer citizens serving on boards, commissions and committees is a vital part of the successful functioning of the City. Members are appointed by the City Council on a periodic basis. Members have an opportunity to affect public policy, gain access to the highest levels of City government and to develop networks. Any citizen interested in serving on a board, commission or committee should request a handbook and application from the City Secretary's Office, or the appropriate staff liaison. In addition to submitting a completed application, it will also be helpful to notify the Mayor or a City Council member of your interest.

This publication provides a listing of boards, commissions and committees presently operating in the City. The directory is designed to educate the citizenry of Wimberley about opportunities available for community service. The City Council encourages participation of qualified citizens and is committed to cultural diversity on all appointments. Questions regarding board, commission, committee service or volunteering should be directed to the City Secretary's Office at 512-847-0025, ext.: ~~203-~~ 5 or by email at [lcalcote@cityofwimberley.com](mailto:lcalcote@cityofwimberley.com).

In recognition of the important civic commitment of any citizen serving the City, we have prepared this handbook to assist members in performing their duties.

It is our hope that your service to the City of Wimberley will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

## Chapter I: Definitions

### **Boards, Commissions and Committees Defined.**

The City of Wimberley ("City") values on the input from volunteer residents serving on boards, commissions and committees. The City may have various kinds of boards, commissions and committees, including, but not limited to:

*Advisory Boards, Commissions and Committees*  
*Decision-making Boards, Commissions and Committees*  
*Separate Legal Entities*  
*Standing Committees*  
*Sunset Committees*

### **Advisory Boards, Commissions and Committees Defined.**

These boards, commissions and committees advise the Mayor, City Council, City Administrator and City staff. These entities play a key role in keeping the City of Wimberley government accountable and transparent to the citizenry and assist in providing ideas, feedback, and suggestions and may serve as a sounding board for proposed policy or procedure. Current advisory boards, commissions and committees found within the City of Wimberley's Code of Ordinances are as follows:

*Building Code Board of Review*

*Parks and Recreation Board*

*Transportation Advisory Board*

*Water and Wastewater Advisory Board*

*Ethics Review Commission*

*Economic Support and Development Committee*

~~*Downtown District Committee*~~

~~*Tourism Management and Development Committee*~~

## **Building Code Board of Review**

**Purpose:** The purpose of the Building Code Board of Review (hereafter, the “board”) is to provide for the orderly and safe development of the building and housing stock within the corporate limits and extraterritorial jurisdiction of the city. The board may advise the city council so as to promote the public health, safety, morals, and general welfare, and protect the public interest and preserve the safety of residents.

**Duties:** The board shall serve as a board of appeals, as a board of review, and as an advisory committee to the city council. More information regarding duties as the board of appeals, board of review, granting of variances and additional duties can be found in the City’s Code of Ordinances.

**Composition:** The board shall be comprised of seven (7) registered voters who are residents of the city or the immediate vicinity of the city, with no more than three (3) members of the board being residents outside the city limits and extraterritorial jurisdiction (ETJ). In the event that a vacancy occurs on the board that results in the majority of the board members being residents that reside outside the city limits, then the board will not meet or conduct business until such time as the vacancy can be filled by appointment of the city council, so that a majority of the board members are residents living within the city limits. The member that moved outside the city limits, which caused the board to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership on the board. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the board.

### **Appointment of members:**

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

- (2) For consensus board positions, the mayor and council shall submit names of potential appointees for the consensus place(s) on the board at the first regular council meeting in the month of July following the mayor's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. If a board has more than one consensus position, the mayor and council shall submit names of potential appointees for the second consensus place on the board at the first regular council meeting in the month of July following the city council member's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of the city council, the appointed consensus member(s) shall serve until their successor is appointed. Each consensus board member shall be eligible for reappointment.

**Term of members:** The term of each board member shall be two (2) years from the date of appointment.

**Removal of members:** The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance.

Any board member who misses three (3) consecutive meetings within a 12-month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his or her position on the board. This subsection shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue.

**Officers:** From among its members the board shall elect its officers, those being the chairperson, vice-chairperson, parliamentarian, and secretary. Officers shall be elected for terms of one (1) year. The board chairperson shall preside over at all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent, any board member may be appointed by the board to preside over the meeting.

**Meetings generally:** The board shall conduct regular meetings once a month at a time and place determined by resolution adopted by the board. The initial meeting of the board shall be called by the city council. Special meetings may be called by the board chairperson or upon application of three (3) board members. A majority of

the board shall constitute a quorum. The board may determine the rules of its proceedings.

**Open meetings:** The board shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.



## **Parks and Recreation Board**

**Purpose:** The purpose of the Parks and Recreation Board (hereafter, the “board”) is to provide for the orderly and safe development of parks and recreational facilities for the community. The board may advise the city council to promote the public health, safety, morals, and general welfare, and protect the public interest and preserve the safety of residents.

**Duties:** The board shall develop a master parks plan for consideration by the city council. The board shall also recommend amendments to the plan as needed. It shall make recommendations to the city council concerning procurement opportunities, procurement, and development of parks and other recreational facilities in the city, as well as facilities planning, construction, and park development and maintenance.

### **Composition:**

- (1) The board shall be an independent advisory board to the city council and shall be comprised exclusively of citizen volunteer members appointed by the city council.
- (2) ~~The board shall be comprised of seven (7) Hays County registered voters. Four (4) members must reside within the city's corporate limits and no more than three (3) members may reside outside the city limits. The board shall be comprised of six (6) Hays County registered voters. Four (4) members must reside within the city's corporate limits and no more than two (2) members may reside outside the city limits.~~
- (3) In the event that a vacancy occurs on the board that results in the majority of the board members being residents that reside outside the city limits, then the board will not meet or conduct business until such time as the vacancy can be filled by appointment of the city council, so that a majority of the board members are residents living within the city limits. The member that moved outside the city limits, which caused the board to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership on the board. If the member's move outside the city limits does not

result in a majority of members residing outside the city limits, then the member will continue to serve on the board.

**Appointment of board members; vacancies:** Each member of the city council and mayor shall present their nominations for designated non-consensus board members before the second regular city council meeting in June, following their election to office. One (1) additional member shall be appointed by consensus of the city council. Nominations for the consensus member shall be presented by any member of the city council or the mayor before the second meeting in June following the election of the mayor, place two and place four. At the same meeting in June, city council shall consider those nominations for appointment. If a vacancy occurs on the board, the city council Member who originally appointed that board member, or his/her successor filling that same term, shall appoint a person, with the approval of a majority of the city council, to fill the unexpired term. In the case of a vacancy occurring in the consensus position of the board, the city council shall by majority vote appoint a person to fill the unexpired term. Each member of the city council and mayor shall present their nominations for designated non-consensus board members before the second regular city council meeting in June, following their election to office. At the same meeting in June, city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment. Reappointments can be made to each position by the original appointer.

**Terms of board members:** Non-consensus board member terms shall be concurrent with the city council member and/or Mayor appointing the member. The consensus board member term shall run concurrent with the mayor, place two and place four. A board member shall serve until their successor is appointed; however, this shall not extend the term of the member in any way but shall instead be considered a holdover appointment. The term of each board member shall be one (1) year, from July 1st to June 30th. Members can serve for a limit of four (4) consecutive terms.

**Removal of board members:** The city council may remove a board member, by a majority vote, for lack of confidence, incompetence, corruption, misconduct or malfeasance. Any board member who misses three (3) consecutive meetings, or one-third (1/3) of all regular meetings within a 12-month time period, shall be deemed to have

automatically vacated his or her position on the board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue. A board member who no longer resides within the boundaries as provided above in subsection (c)(2), is deemed to have automatically vacated his or her position on the board. Board members serve at the pleasure of city council. The city council may by majority vote remove a board member at any time. Any board member who misses three (3) consecutive meetings, or one third (1/3) of all regular meetings within a 12 month time period, shall be deemed to have automatically vacated his or her position on the board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue. Any board member who no longer resides within the boundaries as provided above, is deemed to have automatically vacated his or her position on the board.

**Board officers:** From among its members the board shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for a one (1) year term. The board chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or refuse to act, any board member may be appointed by the board to preside over the meeting.

**Board meetings:** The board shall conduct regular monthly meetings at city hall at a day and time determined by a majority vote of board members. Special meetings may be called by the board chairperson or upon application of three (3) board members. A quorum shall be comprised of four (4) board members. The board may determine the rules of its proceedings. The board meets on the third Tuesday of each month at 4:00 p.m. at Wimberley City Hall. Special meetings may be called by the board chairperson or upon application of three (3) board members. A quorum shall be comprised of four (4) board members. The board may determine the rules of its proceedings.

**Open meetings:** The board shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Transportation Advisory Board**

**Purpose:** The purpose of the Transportation Advisory Board (hereafter, the “board”) is to provide for the orderly and safe development and maintenance of a roadway system within the city. This board may advise the city council to promote the public health, safety, and general welfare, and protect the public interest and preserve the safety, appearance, and functionality of the road and bridge system.

**Duties:** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding road and bridge development, road and bridge maintenance, traffic flow patterns, parking, and bicycle and pedestrian walkways and trails. The board shall also make recommendations to the city council regarding revisions of subdivision rules or any other ordinance or rule that may affect the road system. The board will also assist the city council with assigning priorities for road and right-of-way (ROW) projects to ensure that appropriate funds are budgeted. The board will work with the city administrator to ensure that appropriate cooperation is maintained between the city and the county and the state (TxDOT), so that all parts of the road system are planned and developed.

**Composition of board:** The board shall be comprised of seven (7) Hays County registered voters. Four (4) members must reside within the city's corporate limits and no more than three (3) members may reside outside the city limits. The board shall be comprised of six (6) Hays County registered voters. Four (4) members must reside within the city's corporate limits and no more than two (2) members may reside outside the city limits.

**Appointment of board members; vacancies:** Each member of the city council and mayor shall present their nominations for designated non-consensus board members before the second regular city council meeting in June, following their election to office. One (1) additional member shall be appointed by consensus of the city council. Nominations for the consensus member shall be presented by any member of the city council or the mayor before the second meeting in June following the election of the mayor, place two and place four. At the same meeting in June, city council shall consider those nominations for appointment. If a vacancy occurs on the board, the city council member who originally appointed that board member, or his/her successor filling that same term, shall appoint a person, with the approval of a majority of the city council, to fill the unexpired term. In the



~~case of a vacancy occurring in the consensus position of the board, the city council shall by majority vote appoint a person to fill the unexpired term. Each member of the city council and mayor shall present their nominations for designated non-consensus board members before the second regular city council meeting in June, following their election to office. At the same meeting in June, the city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment. Reappointments can be made to each position by the original appointer.~~

**Terms of board members:** ~~Non-consensus board member terms shall concurrent with the city council member and/or mayor appointing the member. The consensus board member term shall run concurrent with the mayor, place two and place four. A board member shall serve until their successor is appointed, however, this shall not extend the term of the member in any way, but shall instead be considered a holdover appointment. The term of each board member shall be one (1) year, from July 1st to June 30th. Members can serve for a limit of four (4) consecutive terms.~~

**Removal of board members:** ~~The city council may remove a board member, by a majority vote, for lack of confidence, incompetence, corruption, misconduct or malfeasance. Any board member who misses three (3) consecutive meetings, or one-third (1/3) of all regular meetings within a 12-month time period shall be deemed to have automatically vacated his or her position on the board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue. A board member who no longer resides within the boundaries as provided above in subsection (c), is deemed to have automatically vacated his or her position on the board. Board members serve at the pleasure of city council. The city council may by majority vote remove a board member at any time. Any board member who misses three (3) consecutive meetings, or one third (1/3) of all regular meetings within a 12-month time period shall be deemed to have automatically vacated his or her position on the board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue. Any board member who no longer resides within the boundaries as provided above, is deemed to have automatically vacated his or her position on the board.~~

**Board officers:** From among its members the board shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for a one (1) year

term. The board chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or refuse to act, any board member may be appointed by the board to preside over the meeting.

**Board meetings:** ~~The Board shall conduct regular monthly meetings at city hall at a day and time determined by a majority vote of board members. Special meetings may be called by the Board chairperson or upon application of three (3) board members. A quorum shall be comprised of four (4) board members. The board may determine the rules of its proceedings. The board meets on the second Wednesday of each month at 9:00 a.m. at Wimberley City Hall. Special meetings may be called by the board chairperson or upon application of three (3) board members. A quorum shall be comprised of four (4) board members. The board may determine the rules of its proceedings.~~

**Open meetings:** The board shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Water and Wastewater Advisory Board**

**Purpose:** The purpose the Water and Wastewater Advisory Board (hereafter, the “board”) is to provide for the orderly and safe development of watershed management strategies and participate in regional planning specifically for water, wastewater, and stormwater management. This board may advise the city council to promote the public health, safety, and general welfare, and protect the public interest and preserve water safety and water quality and quantity.

**Duties:** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding water and wastewater issues considered by the city council. The board shall also make recommendations to the city council regarding revisions of subdivision rules, the waterway overlay district, or any other ordinance or rule that may affect water quality or quantity, and regarding policies having to do with ordinances or rules pertaining to water supply, wastewater treatment, watershed protection, stormwater management, and FEMA issues.

**Composition:** The board shall be comprised of seven (7) individuals who reside within the city limits and/or reside outside the city limits but within the 78676-zip code. A minimum of four (4) members shall be appointed who must reside within the city limits.

### **Appointment of members:**

- (1) Each member of the city council and the mayor shall present their nominations for designated non-consensus board positions at the first regular council meeting in the month of July following their election to office. At that same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment.
- (2) For consensus board positions, the mayor and council shall submit names of potential appointees for the consensus place(s) on the board at the first regular council meeting in the month of July following the mayor's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. If a board has more than one consensus position, the

mayor and council shall submit names of potential appointees for the second consensus place on the board at the first regular council meeting in the month of July following the city council member's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of the city council, the appointed consensus member(s) shall serve until their successor is appointed. Each consensus board member shall be eligible for reappointment.

**Term of members:** The term of each board member shall be two (2) years from the date of appointment.

**Removal of members:** The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance. Any board member who misses three (3) consecutive meetings within a 12-month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his or her position on the board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue.

**Officers:** From among its members the board shall elect its officers in September, who shall take office in October, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The board chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or fail to act, any board member may be appointed by the board to preside over the meeting.

**Meetings generally:** The board shall conduct regular meetings at least once a month at a time and place determined by resolution adopted by the board. Special meetings may be called by the board chairperson or upon application of three (3) board members. A majority of the board shall constitute a quorum. The board may determine the rules of its proceedings.

**Open meetings:** The board shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and

substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.



## **Ethics Review Commission**

**Jurisdiction:** The Ethics Review Commission (hereafter, the “commission”) has jurisdiction over ethics complaints as described in the City’s Code of Ordinances involving city officials and city employees and may advise the city council from time to time regarding ethical matters, so as to promote personal integrity, honesty and ethical conduct in all matters conducted by the city.

**Composition; terms; officers:** The commission is to be composed of seven (7) members each serving a two-year term. Each member of the city council and the mayor shall nominate one (1) member to the commission. A seventh member shall be appointed by majority vote of the city council. If a vacancy occurs on the commission, the council member place or the mayor who made the nomination for the vacant place shall nominate a person to fill the unexpired term. Nominated members become appointed members upon a simple majority vote of the council. Each commission member shall take an oath of office comparable to that taken by council members. Ethics commissioners shall serve without compensation but shall be eligible to be reimbursed for actual expenses in accordance with the city’s policy.

**Terms of commissioners:** Commissioners shall serve two-year terms and may be reappointed. Each commissioner that was appointed prior to the effective date of this section shall continue to serve as a commissioner and for the duration of the term of their original appointment. The council may by majority vote remove a commissioner with or without cause. Any commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his or her position on the commission. This section shall not apply to a commissioner who applied for and received an excused absence from the commission chairperson prior to the meeting(s) at issue. Any commissioner who no longer resides within the corporate boundaries of the city is deemed to have automatically vacated his or her position on the commission.

**Officers:** From among its members the commission shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the

chairperson and vice-chairperson are absent, any commissioner may be appointed by the remaining members of the commission to preside over the meeting.

**Qualifications:**

- (A) Commission members must be registered voters who are residents of the city.
- (B) No member of the ethics commission may be:
  - (i) A member of the city council, a member of the planning and zoning commission, a member of the board of adjustment, a city employee, a city official, or the spouse of any of the foregoing;
  - (ii) A candidate for elected public office for the city;
  - (iii) Anyone having a substantial business interest or substantial interest in real property with any council member, city official, city employee, or commission member specified under subsection (i) above;
  - (iv) Anyone who has been a paid campaign worker or paid political consultant for any council or mayoral candidate; or
  - (v) A convicted felon.

**Conflicts of interest:** An ethics commissioner shall not vote or participate in any matter involving a person listed in Section 2.07.002(c)(4) of the City's Code of Ordinances, nor on any matter or involving any person that the ethics commissioner has an economic interest in or with.

**Procedures:**

- (1) The commission shall have the authority to review and investigate complaints filed in accordance with this article and issue a written finding and ruling of the commission's determination when appropriate.
- (2) The commission shall determine its rules and procedures, which shall be submitted in writing for approval of the council. The commission shall establish, amend and rescind its procedures and maintain proper records of its proceedings and its

opinions. The commission shall meet as often as necessary to fulfill its responsibilities but must meet at least once a year to review the code of ethics.

- (3) The commission shall have the power to investigate, request and gather evidence necessary to determine if a violation has occurred. The commission shall have the power to enforce the provisions of this article, including recommending to the council the prosecution of alleged violators. Nothing in this code shall be construed, however, to prevent complainants, including the city, from instituting direct legal action on their own behalf through the appropriate judicial authority.
- (4) Service on the commission does not preclude a member from filing a complaint with the commission. The commission member filing the complaint must recuse himself/herself from the commission procedure.

**Code of ethics review:** The commission shall make recommendations to the council regarding revisions and changes to the code of ethics.

**City support:**

- (1) The commission may seek any necessary assistance from the council and city administrator regarding financial support needed to carry out the commission's duties.
- (2) The commission shall receive from the city such administrative support as reasonably necessary to carry out the duties of the commission and to assist the commission with maintenance of its records in compliance with the city's records retention schedule.

**Meetings generally:** The commission meets annually in September, and as needed.

**Open meetings:** The commission shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards,

commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Economic Support and Development Committee**

**Purpose:** The purpose of the Economic Support and Development Committee (hereafter the "committee") is tasked with representing various citizen groups and their interests as part of the city council's greater discussion of economic support and development, its design, and its direction.

(1) Good government and public safety. To promote the safety of persons and property by preventing:

\_\_\_\_\_ (A) Uncoordinated transportation development that threatens public safety; or

\_\_\_\_\_ (B) Disconnected residential and business development that reduces the efficiency and operation of good government and order.

**Scope:** This section applies to all property within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ).

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### **Definitions:**

(1) Rules of interpretation. Words and phrases used in this section shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(2) Specific definitions.

\_\_\_\_\_ Committee. The economic support and development committee created herein.



## **Membership; meetings:**

### **(1) Number of members.**

(A) The committee will have eleven (11) members, one of whom will be the committee chair appointed by the city council.

(B) The committee may have subcommittees of at least three members, one of whom will be the subcommittee chair designated by the subcommittee at its first meeting. Subcommittees may invite input from noncommittee members.

### **(2) Terms of members.**

(A) Upon initial appointment of the Committee, in order to stagger terms of the committee, five members shall serve a one-year term and six members shall serve a two-year term. Members shall draw lots as to which term they shall initially serve. Thereafter, Committee members will be appointed to serve a two-year term. There is no limit as to how many terms a member may serve.

(B) Terms shall commence June 1st.

### **(3) Member selection.**

(A) As vacancies occur, city staff and city council will prepare a slate of nominees for city council consideration. The slate will include nominees from various citizen groups, including but not limited to historic preservationists, planners, park supporters, the business community, school districts, media, nonprofits, county representatives, and property owners. The slate will only include individuals that city staff has contacted and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city secretary in writing.

(B) City staff will endeavor to reflect a variety of interests and diverse points of view (current and future) in the list of committee nominees.

(C) The city council will approve, reject, or modify the list.

(4) Resignation; vacancies. A committee member may resign by notifying the city secretary in writing of his or her intent to resign. A failure to attend three or more sequential committee meetings will constitute a de facto notification of intent to resign. Members appointed to fill a vacancy will complete the unexpired portion of the term.

### **(5) Meetings.**

(A) The committee will meet monthly at city hall, as coordinated with and arranged by city staff. Agendas will be drafted by the committee chair, under the advisement of committee members.

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(B) Committee designated subcommittees may meet more often, as coordinated with and arranged by city staff. Agendas will be drafted by the subcommittee chair, under the advisement of subcommittee members.

(C) The committee chair and any subcommittee chair(s), or his or her designee(s), will attend the first city council meeting of each month to update the council on projects and progress.

**Authority:** The committee has no authority to make decisions binding on the city. The committee's functions are purely advisory and not subject to the Open Meetings Act.

**Responsibilities:**

(1) The committee is responsible for organizing an inclusive process for assessing community needs and priorities in an orderly fashion, and providing the council with guidance via a proposed economic strategic plan that reflects the skills, creativity, vision, and cooperation of the committee, its members, and its advisors.

(2) After the final economic strategic plan is presented to city council, the committee will continue to advise the council on carrying out the plan.

(3) The city council may at a future date consider the economic strategic plan ready for revision or replacement, at which time the economic strategic plan drafting process described below will begin again.

**Drafting of economic strategic plan: functions of committee:**

(1) To study the city's economic development status, assess opportunities, provide support for economic recovery and suggest guidelines to the city council for collaboration and growth that will effectively move the city from its current status towards future opportunities.

(2) To create a vision statement to drive future economic development.

(3) Concurrently with the creation of the strategic plan, the committee will work on the following issues, which may or may not be recommended as part of the strategic plan.

(A) Economic support and recovery in light of the COVID-19 pandemic's effect on the local economy;

(B) Economic growth in the Oak Drive area;

(C) Economic growth in the Old Kyle Road area;

(D) Improved connectivity throughout the community.

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**Support:**

(1) City staff will provide logistical support to the committee and its subcommittees, as defined by access to city facilities for purposes of public meetings, access to city resources for purposes of copies and communications, and a designated staff liaison to coordinate and direct such support.

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(2) The city website will provide a page via the staff liaison upon which the committee may post:

(A) Meeting information;

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(B) Agendas and minutes; and

(C) Resource materials, if any.

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## **Downtown District Committee**

**~~Purpose:~~** The purposes of the Downtown District Committee (hereafter, the "committee") are to stimulate downtown economic development in the city by encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; and guide and assist in improving the downtown appearance, mobility, safety, comfort, and environmental protection.

**~~Duties:~~** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding improvements to the downtown area, including but not limited to mobility, signage, facilities, and the development of a downtown master plan.

**~~Composition:~~** A member of the committee shall have a known and demonstrated interest, knowledge or expertise relevant to the development and revitalization of downtown. The committee shall have seven (7) members, comprised of the following:

~~(1) Three (3) downtown property or business owners.~~

~~(2) Two (2) residents of the city.~~

~~(3) One (1) Wimberley Valley Chamber Representative.~~

~~(4) One (1) merchant's association member.~~

**~~Appointment of members, vacancies:~~** The members of the committee shall be appointed by consensus and, shall serve at the pleasure of the city council. The primary consideration in appointing committee members shall be to provide the committee with the needed technical, professional, financial, business, or administrative expertise.

**~~Terms of members:~~** The term of each committee member shall be two (2) years from the date of appointment.

**~~Removal of members:~~** Committee members serve at the pleasure of city council. The city council may by majority vote remove a committee member at any time. Any committee member who misses three (3) consecutive meetings, or one third (1/3) of all regular

meetings within a 12-month time period shall be deemed to have automatically vacated his or her position on the committee. This section shall not apply to a committee member who applied for and received an excused absence from the committee chairperson prior to the meeting(s) at issue. Any committee member who no longer satisfies the requirements as provided above, is deemed to have automatically vacated his or her position on the committee.

**Officers:** From among its members the committee shall elect its officers, those being the chairperson, vice chairperson, and secretary. Officers shall be elected for a one (1) year term. The committee chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice chairperson shall perform the duties of the chairperson. If the chairperson and vice chairperson are absent or refuse to act, any committee member may be appointed by the committee to preside over the meeting.

**Meetings:** The committee meets on the second Wednesday of each month at 6:00 p.m. at Wimberley City Hall. Special meetings may be called by the committee chairperson or upon application of three (3) committee members. A quorum shall be comprised of four (4) committee members. The committee may determine the rules of its proceedings.

**Open meetings:** The committee shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for committees, commissions and committees and will not be conducted without the advice and consent of the city attorney. All committees, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

**Subcommittees:** The committee may create special committees with limited purposes or goals to perform specific functions and activities specified by the committee. At the beginning of each calendar year the committee shall determine if any special committees then in existence need to continue the work assigned to them. No special committee shall be comprised of more than two (2) members of the downtown committee. Special committee may recruit members from interested parties who have a known and demonstrated interest, knowledge or expertise relevant to the special committee's function.



## **Tourism Management and Development Committee**

**Purpose:** ~~The seven member Tourism Management and Development Committee (hereafter, the "committee"), shall oversee the development, implementation, management, and collection of any public funds for use in delivering, executing, monitoring, and overseeing the city's tourism.~~

### **Membership:**

- ~~(1) Four (4) lodging operator representatives nominated by the Wimberley Valley Tourism and Lodging Association Board.~~
- ~~(2) One (1) citizen representative nominated by the city council.~~
- ~~(3) One (1) arts/historical attraction representative nominated by the Wimberley Valley Arts and Cultural Alliance Board.~~
- ~~(4) One (1) merchants association representative nominated by the Wimberley Merchants Association Board.~~
- ~~(5) Each committee member shall be appointed to a two year term and may be reappointed by the council for two (2) additional consecutive two year terms. After serving a third consecutive two year term, an individual is not eligible for reappointment for two (2) years.~~
- ~~(6) Each responsible organization (Wimberley Valley Tourism and Lodging Association Board, Wimberley Valley Arts and Cultural Alliance Board, and Wimberley Merchants Association Board) shall provide its slate of nominees to the city council no later than thirty (30) days from the effective date of the ordinance from which this section derives; otherwise, the council may nominate committee members of its own choosing to represent the organization that did not nominate its own candidate.~~
- ~~(7) All nominees must be representatives of a business or entity that is located within the city limits or extraterritorial jurisdiction of the city. The citizen representative nominee must live within the city limits or extraterritorial jurisdiction of the city.~~

~~(8) Appointment to the committee is subject to the approval of a majority vote of the council. Members shall serve at the pleasure of the council, and any member may be removed by majority vote of the council at any time. In the event of removal, the responsible organization shall provide a replacement nominee no later than thirty (30) days from the date of the vacancy; otherwise, the council will nominate a person of its own choosing to fill the vacant position as representative for that organization.~~

**Responsibilities:** ~~The committee is responsible for the following:~~

~~(1) Setting the five-year tourism goals for the city that are consistent and aligned with the city's comprehensive plan and seeking approval of the same from the city council.~~

~~(2) Creating a comprehensive tourism plan that is consistent and aligned with the city's comprehensive plan and that balances the needs of citizens and businesses.~~

~~(3) Establishing an annual budget to bring to life the tourism plan.~~

~~(4) Ensuring any initiatives implemented from the comprehensive tourism plan are self-sustaining and self-funding in twelve (12) or less months after implementation.~~

~~(5) Shutting down, cancelling, and terminating initiatives that do not become self-sustaining and self-funding in twelve (12) or less months after implementation.~~

~~(6) Recommending to city council what, if any, combination of public, grant, and private funding vehicles should be used to implement the comprehensive tourism plan.~~

~~(7) Ensuring no single industry, association, organization, and/or interest group is taxed or burdened solely or disproportionately for the benefit of others as a means to fund the comprehensive tourism plan initiatives.~~

~~(8) Overseeing and recommending to the city council what to do with the remaining HOT balance fund collected under the repealed city Hotel Occupancy Tax Ordinance 2015-017 and its amendments.~~

- ~~(9) Ensuring any HOT funds used from the remaining HOT balance fund are strictly used as authorized by Chapter 351 of the Texas Tax Code.~~
- ~~(10) Identifying, screening, selecting, managing, and terminating third party consultants, vendors, and contractors to assist in with tourism plan initiatives.~~
- ~~(11) Overseeing the timely and proper execution of the tourism plan.~~
- ~~(12) Creating a scorecard to measure progress and performance results of the tourism plan and supporting initiatives.~~
- ~~(13) Reporting quarterly progress and results to the city council.~~
- ~~(14) Tracking, monitoring, and reporting results and impacts to the community.~~
- ~~(15) Reporting to city council and the city's ethics committee any attempts to politicize and/or undermine the tourism management and development ordinance, committee, and/or process.~~
- ~~(16) Working with city staff and other city committees to communicate, coordinate, and integrate efforts and initiatives to achieve the tourism goals and plans.~~
- ~~(17) The committee shall oversee, and review revenue received by the city through the hotel occupancy tax and shall make recommendations to the city council regarding appropriate expenditures.~~
- ~~(18) All committee recommendations are subject to approval of the council. The committee shall not spend any money or authorize the expenditure of any money.~~
- ~~(19) Reviewing and formally recommending appropriate action for any city council expenditures of tourism plan and budget funds not initially recommended by the committee.~~

**Procedures:**

- ~~(1) All meetings of the committee shall satisfy the requirements of the Texas Open Meetings Act.~~

~~(2) The committee shall elect a chair, vice chair, and secretary on an annual basis.~~

~~(3) All committee recommendations to the council shall require an affirmative vote of the majority of all members of the committee.~~

**Sunset review:**

~~(1) Frequency of review. On an annual basis from the effective date of the ordinance from which this section derives, the committee and council shall conduct a sunset review of the tourism management and development ordinance, initiatives, programs, and the work of the committee.~~

~~(2) Review criteria. The purpose of the sunset review shall be to determine whether a public and business need exists for the continuation of the tourism management and development ordinance, initiatives, programs, and the work of the committee. The council may consider the following criteria as part of its review:~~

~~(A) The benefit(s) enjoyed by the city and the city's tourism industry as a result of the tourism management and development ordinance, initiatives, programs, and the work of the committee;~~

~~(B) Performance and compliance with applicable statutes and regulations;~~

~~(C) The efficiency with which the committee operates;~~

~~(D) The extent to which the tourism management and development ordinance, initiatives, programs, and the work of the committee, and/or the committee is needed or used;~~

~~(E) The extent to which the committee has encouraged participation by the public in making its decisions, as opposed to participation solely by an occupation, interest group, organization, business or an institution, and the extent to which the public participation has resulted in decisions compatible with the objectives established by the council for the committee;~~

~~(F) The extent to which the committee has complied with the Open Meetings Act;~~

~~(G) The extent to which tourism goals have been achieved;~~

- ~~—— (H) — The extent to which tourism plan initiatives have become self-sustaining and self-funding;~~
- ~~—— (I) — The economic and financial benefits achieved by the participants funding the tourism plan and initiatives;~~
- ~~—— (J) — Interest by the citizens in continuing such tourism efforts and initiatives;~~
- ~~—— (K) — Any other criteria identified by the committee and/or council.~~

**Meetings generally:** ~~The committee meets on an as-needed basis.~~

**Open meetings:** ~~The committee shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas, so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.~~



### **Decision-making Boards, Commissions and Committees Defined.**

These are legislative and/or 'quasi-judicial' bodies which are empowered by State Law to make decisions affecting City policy relating to the public health, safety or welfare. These boards, commissions or committees are "governing bodies" under the Texas Open Meetings Act and are thus required to comply in all respects with the Act. Current decision-making boards, commissions and committees found within the City of Wimberley's Code of Ordinances are as follows:

*Board of Adjustment*

*Planning and Zoning Commission*

## **Board of Adjustment**

**Creation:** The Board of Adjustment (hereafter, the "board"), was created for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to grant variances from certain specific and literal terms of this article that are consistent with the general purpose and intent of this article. The board shall be composed of members who are resident citizens and qualified voters of the city.

### **Members; terms of office:**

(1) The board of adjustment shall consist of the city council or seven (7) permanent appointed members, five (5) regular and two (2) alternate members, who are resident citizens and qualified voters of the city. One alternate member shall be nominated by the city council as a group. One (1) alternate member shall be nominated for appointment by the mayor. Each city council member shall nominate a regular board member. Board members who shall [sic] be appointed by a simple majority vote of the city council, in accordance with Texas Local Gov't Code, sections 211.008-211.011, as amended. Of the 7 appointees, the board bylaws shall determine who are the 5 regular members and the 2 alternates for each case heard by the board.

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(2) Regular board members and alternate members shall serve for a term of 2 years, and expiration of terms shall be staggered so that an overlapping of terms occurs, such as in any 2-year period, the terms of 3 members shall expire during one of those years, and the terms of 4 members shall expire during the second year. Terms of office shall expire on the first day of November of any given year.

(3) If a vacancy occurs on the commission, the city council, mayor or individual city council member who originally appointed that member or his or her successor shall appoint a person, with approval of the city council, to fill the unexpired term at the first regular meeting of the city council following notification of the vacancy.

(4) Removal of board members. The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance. In addition, upon recommendation of the board of adjustment, the city council by super-majority vote may remove any board member who misses three (3) consecutive meetings within a twelve (12) month period of time or four (4) meetings within a twelve (12) month time period. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any board member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting, for any other reason than to avoid a potential conflict of interest. Any board member who is removed shall not be considered for appointment to a board by the city council for a period of six (6) months from the date of their removal.

(5) The members of the board shall regularly attend meetings and public hearings of the board, and shall serve without compensation.

~~(6) The board shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for one year or until replaced by a simple majority vote of the full board. The director or his or her designee shall keep minutes of all meetings held by the board. as well as the full record of all recommendations made by the planning and zoning commission to the city council.~~

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~~—— (1) The board of adjustment shall consist of the city council or seven (7) permanent members, five (5) regular and two (2) alternate members, who are resident citizens — and qualified voters of the city. One (1) member shall be nominated by the city council as a group. One (1) member shall be nominated for appointment by the — mayor. Each city council member shall nominate a board member. Board members who shall be appointed by a simple majority vote of the city council, in accordance — with Texas Local Gov't Code, Sections 211.008 211.011, as amended. Of the seven — (7) appointees, the board bylaws shall determine who are the five (5) regular — members and the two (2) alternates for each case heard by the board.~~

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~~(2) Regular board members and alternate members shall serve for a term of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms — occurs, such as in any two year period, the terms of three (3) members shall expire — during one of those years, and the terms of four (4) members shall expire during the — second year. Terms of office shall expire on the first day of November of any given — year.~~

~~(3) If a vacancy occurs on the commission, the city council, mayor or individual city — council member who originally appointed that member or his or her successor shall — appoint a person, with approval of the city council, to fill the unexpired term at the — first regular meeting of the city council following notification of the vacancy.~~

~~(4) Removal of board members. The city council may by majority vote remove — a board member for lack of confidence, incompetence, corruption, misconduct, or — malfeasance. In addition, upon recommendation of the board of adjustment, the city — council by super majority vote may remove any board member who misses three (3) — consecutive meetings within a twelve (12) month period of time or four (4) meetings — within a twelve (12) month time period. For the purpose of this meeting attendance — requirement, it shall be considered a missed meeting for any board member who — leaves a meeting prior to the completion of all action items on the posted agenda for~~

~~a meeting, for any other reason than to avoid a potential conflict of interest.~~  
~~Any board member who is removed shall not be considered for appointment to~~  
~~a board by the city council for a period of six (6) months from the date of their~~  
~~removal.~~

~~(5) The members of the board shall regularly attend meetings and public hearings of~~  
~~the board and shall serve without compensation.~~

~~(6) The board shall elect a chairperson and a vice chairperson from among its~~  
~~membership, and each officer shall hold office for one year or until replaced by a~~  
~~simple majority vote of the full board. The director or his or her designee shall keep~~  
~~minutes of all meetings held by the board as well as the full record of all~~  
~~recommendations made by the planning and zoning commission to the city council.~~

**Meetings:** Meetings of the board of adjustment shall be held at the call of the chairperson and at other times as the board may determine. All meetings of the board shall be open to the public. Closed meetings (such as executive session) shall be permitted as authorized by law. Four (4) members of the board shall constitute a quorum for the conduct of business. All cases to be heard by the board will always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

**Authority of board:** The board of adjustment shall have the authority, subject to the standards established in Texas Local Gov't Code, Sections 211.008–211.011, and those established herein, to exercise powers and to perform duties including the following:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article and other city ordinances granting appellate jurisdiction to the board;
- (2) Authorize in specific cases a variance from the terms of this article if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done;
- (3) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination

from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official; and

- (4) The concurring vote of a majority plus one (super-majority) of the board is necessary to:
  - (A) Reverse an order, requirement, decision, or determination of an administrative official;
  - (B) Decide in favor of an applicant on a matter on which the board is required to review by ordinance; or
  - (C) Authorize a variance from the strict and literal terms of this article.

**Limitations on authority of board:**

- (1) The board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided below. Generally, the board is not authorized to grant use variances.
- (2) The board shall have no power to grant or modify conditional use permits authorized under these regulations.
- (3) The board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the planning and zoning commission or the city council, the board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- (4) The board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, where required, is pending on the agenda of the planning and zoning commission and, where applicable, by the city council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the board of adjustment.



**Variances:**

- (1) A variance is the relief from strict application of any term or provision of this article when such strict application would cause an undue hardship. The hardship must be due to the nature of the land or tract of land and cannot be solely economic in nature. Under no circumstances can a variance be issued to allow any use other than those set forth in the zoning district in question.
- (2) The board of adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary for or desirable to the public interest. In making the findings hereinbelow required, the board shall take into account the following:
  - (A) The nature of the proposed use of the land involved;
  - (B) Any existing uses of land in the vicinity; and
  - (C) The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- (3) No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance herewith and unless the board of adjustment makes specific, written findings as follows:
  - (A) That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this article would (i) deprive the applicant of the reasonable use of the property; and (ii) create an unnecessary hardship in the development of the property;
  - (B) That such circumstances or conditions are (i) not self-imposed; (ii) not based solely on economic gain or loss; and (iii) do not generally affect most properties in the vicinity of the property;
  - (C) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

- (D) The variance if granted will not:
    - (i) Adversely affect the public health, safety or welfare;
    - (ii) Be contrary to the public interest; and
    - (iii) Be injurious to or adversely affect the orderly use of other property within the area.
  - (E) The property involved is otherwise in compliance with all other applicable city ordinances, rules, and regulations; and
  - (F) The granting of the variance will be in harmony with the spirit and purpose of this article.
- (4) In making the finding required in subsection (3)(E) above, the board may rely solely on a representation by the city administrator. If the city administrator's representation is that the property is not in compliance with any city ordinance, it shall specify such noncompliance (the "noncompliance"). In the event that the board can make the findings required to grant a variance but for the noncompliance, it may grant a variance to the applicant conditioned upon the property coming into compliance within ninety (90) days of such conditional grant, or within such longer period as may be specified by the board of adjustment. The applicant shall take no action based upon such variance until the expiration of such period. If the city administrator does not determine that the noncompliance has been cured within such period, the variance shall expire automatically.
- (5) The applicant bears the burden of proof in establishing the facts justifying a variance.
- (6) A building permit shall be applied for (if required) and construction initiated within one year of the issuance of a variance. If this condition is not met, the variance shall expire automatically unless extended by the board. No development right (if any) shall vest in an expired variance.

**Appeals to the board of adjustment:**

- (1) Authority. In addition to the authorization of variances from the terms of this article, the board shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article. The board may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the BA has the same authority as the administrative official. The board may also hear and decide other matters authorized by Article 9.02 of the City's Code of Ordinances and other ordinances regarding land use regulations.
- (2) Who may appeal. Any of the following persons may appeal to the board a decision made by an administrative official:
  - (A) A person directly aggrieved by the decision; or
  - (B) Any officer, department, board, or office of the municipality affected by the decision.
- (3) Procedure for appeal. The appellant must file with the board and the administrative official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown. The appealing party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within four (4) weeks after a public hearing is concluded, after which time the request shall be deemed automatically approved if no formal action

is taken. The board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

**Procedures:**

- (1) Application and fee. An application for a variance by the board of adjustment shall be made in writing using forms prescribed by the board, and shall be accompanied by an application fee (as adopted by the city from time to time and maintained on file), a site plan, and additional information as may be requested in order to properly review the application. This information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents.
- (2) Review and report by the city. The mayor or the mayor's designee shall visit the site where the proposed variance will apply and the surrounding area and shall report his or her findings to the board.
- (3) Notice and public hearing. The board shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred (200) feet of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- (4) Action by the board. The board shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions above has been established. The board may impose conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation, or safeguard shall constitute a violation of this article.

**Finality of decisions; judicial review:** All decisions of the board are final and binding. However, any person aggrieved by a decision of the board may present a verified petition to a court of record which states that the decision of the board is illegal, in whole or in part, and specifying the grounds of the illegality. This petition must be presented within ten (10) days after the date the decision is filed in the director's office. Subject to the

provisions of Texas Local Gov't Code, Section 211.011, only a court of record may reverse, affirm, or modify a decision of the board.



## **Planning and Zoning Commission**

**Generally:** The Planning and Zoning Commission (hereafter, the "commission") shall function according to the following criteria which establish membership and operating procedures.

### **Creation; membership; officers; rules and bylaws:**

(1) There is created, in accordance with Texas Local Gov't Code, chapter 211, the planning and zoning commission, hereafter sometimes referred to as the "commission," which shall consist of seven (7) members who are either resident citizens of the city or are residents of the extraterritorial jurisdiction of the city, provided no more than two (2) members shall reside in the extraterritorial jurisdiction of the city. In the event that a vacancy occurs on the commission that results in the majority of the commission members being residents that reside outside the city limits, then the commission will not meet or conduct business until such time as the vacancy can be filled by appointment of the city council so that a majority of the commission members are residents living within the city limits. For purposes of this section, the member that moved outside the city limits which caused the commission to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership of the commission. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the commission. There is created, in accordance with Texas Local Gov't Code, Chapter 211, the commission, which shall consist of seven (7) members who are either resident — citizens of the city or are residents of the extraterritorial jurisdiction of the city, — provided no more than two (2) members shall reside in the extraterritorial jurisdiction — of the city. In the event that a vacancy occurs on the commission that results in the — majority — of the commission members being residents that reside outside the city — limits, — then the commission will not meet or conduct business until such time as the — vacancy — can be filled by appointment of the city council so that a majority of the commission members are residents living within the city limits. For purposes of this section, the member that moved outside the city limits which caused — the commission to lose its majority of members who reside within the city limits shall — be deemed to have automatically resigned from membership of the commission. If — the member's move outside the city

~~limits does not result in a majority of members — residing outside the city limits, then the member will continue to serve on — the commission.~~

(2) Any member of the city council may nominate an eligible person to fill a vacant position on the commission. Each person so nominated must be approved by a simple majority vote of the council before becoming a member of the commission.

(3) Commissioners shall be nominated and appointed to a particular place on the commission, by the second meeting in June of each year, (such as planning and zoning commissioner, place No. 1) that correlates with the place on the city council responsible for their nomination (such as city council place 1). The mayor shall be responsible for nominating the mayor and consensus places on the commission. Beginning December 3, 2020, commissioners shall serve two (2) year staggered terms, which correspond with the city council member or mayor who appointed the commissioner. In the event that a commissioner is appointed to fill a vacancy, the remainder of the term for which the commissioner is appointed, unless the commissioner resigns or is removed prior to the expiration of the term. The members of the commission shall serve until their successors are appointed. Each commissioner shall be eligible for reappointment.  
~~Commissioners shall be appointed to a particular place on the commission (such as — Planning and Zoning Commissioner, Place 1) that correlates with the place on the — city council responsible for their nomination (such as City Council Place 1). The mayor — shall be responsible for nominating the mayor and consensus places on — the commission. Commissioners shall serve three (3) year staggered terms, or, in — the event that a commissioner is appointed to fill a vacancy, the remainder of the — term for which the commissioner is appointed, unless the commissioner resigns or is — removed prior to the expiration of the term. The members of the commission shall — serve until their successors are appointed. Each commissioner shall be eligible for — reappointment.~~

(4) If a vacancy occurs on the commission, the city council may fill the unexpired term at the first regular meeting of city council following notification of vacancy.

(5) Removal of commission members. The city council may, by majority vote, remove a commission member for lack of confidence, incompetence, corruption, misconduct

or malfeasance. The commission shall hold one (1) regular meeting per month on the second Thursday of the month. The commission may hold special called meetings at any other time, when deemed necessary. Any commission member who misses three (3) regular meetings or special called meetings, under the circumstances set forth in this article, within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the commission. When any commission member has missed two (2) regular meetings or special called meetings, under the circumstances set forth in this article, in a twelve (12) month time period, the city administrator shall notify the subject commission member and city council, in writing, about the subject commission member's absences. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any member who misses a special called meeting that was cancelled due to a lack of quorum because of the subject commission member's absence. In addition, it shall be considered a missed meeting for any commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason other than to avoid a potential conflict of interest. For the purpose of this policy, any commission member who automatically vacates his or her position on the commission may be considered for reappointment to the commission or appointment to another city board in the future by the city council.

- (6) Members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Voluntary absences from three (3) meetings of the commission in a calendar year will result in the automatic resignation of the commissioner. The chairperson may excuse an absence if the commissioner concerned seeks an excused absence. Once three (3) unexcused absences are recorded, the chairperson will refer the commissioner in question to the city council to schedule the appointment of a replacement.
- (7) From among its members the commission shall elect its officers, those being the chairperson, vice-chairperson, and parliamentarian. Officers shall be elected for terms of one (1) year. The chairperson shall not hold the position for two (2) consecutive terms. The commission, at its second meeting each June, shall select all the positions. New officers shall begin serving during the meeting following their selection and they shall serve until the next election of officers.

- (8) The chairperson shall preside over all meetings of the commission and may vote. The vice-chairperson shall preside in the absence of the chairperson, and the parliamentarian shall preside in the absence of both the chairperson and vice-chairperson. In the absence of the parliamentarian, a parliamentarian pro tem shall be appointed by the chairperson or vice-chairperson as appropriate.
- (9) The commission may appoint consultants, citizen committees, and council [counsel] to assist in the work of the commission on the approval of the person(s) and a duly passed motion of the commission. These groups have standing without vote as advisors in commission meetings. The entire work product of a consultant, committee, or council relating to an agenda item may become part of the records of the commission, at the discretion of the chairperson.
- (10) The commission shall take no final action on any matter before it without first obtaining reports from the city departments concerned.
- (11) Releases and statements to the public and press in the name of the commission shall be made only by the chairperson or the chairperson's designated representative. The chairperson shall sign all written recommendations of the commission.

**Parliamentary procedure; quorum; voting:** The commission will follow the parliamentary procedure adopted by the city council for all boards and commissions, and procedures shall not be in conflict with the laws applicable to the commission on [or] the following:

- (1) Quorum. A quorum shall consist of five (5) members of the commission. Motions shall carry with a simple majority vote; however, in no case shall less than four (4) votes in favor of a motion constitute a majority;
- (2) Voting on motions. Voting on zoning applications shall be by rotating roll-call vote with the chairperson always voting last. Voting on all other questions may be by voice, provided that a roll-call vote shall be taken upon demand of the public or any commissioner;
- (3) Reconsideration of decisions. Reconsideration of a finding of the commission shall be granted by the chairperson when any interested party for the reconsideration

demonstrates to the chairperson that essential facts were not brought to the attention of the commission;

- (4) Conflict of interest. A member shall not vote or participate in any deliberations regarding a matter before the commission if the member has any personal interest in or any property within two hundred (200) feet of the property in question, whether that interest is direct, indirect, financial, or otherwise. In any case, where the question of a member's interest is raised, the chairperson shall rule on whether the member should be disqualified; and
- (5) Use of Robert's Rules. Any question of order of procedure not covered herein shall be decided according to the latest edition of Robert's Rules of Order, insofar as that may be applicable.

**Meetings; public record:**

- (1) Time and place; notice. Regular meetings shall be held in the city hall, except as otherwise provided herein, when called by the chairperson. There shall, however, be at least one (1) meeting each quarter. The chairperson may call special meeting times and locations, provided that written notice thereof is sent to each member seventy-two (72) hours prior to the time of the meeting. All meetings shall be posted for public review at least seventy-two (72) hours prior to the meeting date. No approval, disposal, or final action shall be taken on any zoning application unless all notice requirements mandated by state statute, these rules and procedures, or any other ordinance pertaining to the application or notice requirements have been met.
- (2) Open and closed meeting; minutes. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record. Closed meetings (such as executive sessions) shall be permitted as authorized by law. The city secretary or his or her designee shall keep minutes and records of all proceedings of the commission. These records shall be secured at the city hall as a matter of public record.
- (3) Public comment. A public forum will be a regular part of each meeting agenda for remarks unrelated to other agenda items. Public comment will be heard on each agenda item. Each comment shall be limited to three (3) minutes unless questions



by the commission are in order. Public comment requiring more than three (3) minutes must be placed on the agenda in a timely manner at the request of a commissioner or city council member. This provision may be waived in regard to work sessions at the discretion of the commission.

**Establishing extraterritorial jurisdiction:**

- (1) Statutes of the state authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the commission, acting through its duly authorized officials, shall have all the rights, powers, privileges, and authority authorized and granted by and through the statutes pertaining to regulation of subdivisions and extraterritorial powers.
- (2) Subject to restrictions imposed by the city council, the commission shall have all the rights, powers, privileges, and authority authorized and granted by and through the statutes of the state authorizing and granting cities the power of zoning as found in Texas Local Gov't Code, Chapter 211, as amended.

**Powers and duties:**

- (1) In general, the commission shall be an advisory body and adjunct to the city council, and shall make recommendations regarding amendments to the comprehensive plan, changes of zoning, and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The commission shall conduct an annual review of the city's comprehensive plan and shall be prepared to make recommendations to the city council as deemed necessary to keep the city's comprehensive plan current with changing conditions and trends and with the planning needs of the city. The commission shall serve in an advisory capacity on any planning related item(s) in the city, including the city's capital improvements program, annexation plan, and the expansion or extension of city infrastructure such as roadways, utility services, and public facilities. The commission shall also make recommendations to the city council regarding historical and architectural standards.

- (2) The commission shall perform those other duties as may be assigned by the city council by ordinance or resolution.

**Procedure on zoning hearings:** The procedure and process for zoning changes and amendments shall be in accordance with Section 9.03.255 of the City's Code of Ordinances.

## **Chapter II: Boards, Commissions and Committees Appointment Process**

### **Application Process**

Citizens interested in serving on a board, commission or committee can obtain an application from the City Secretary's Office at City Hall or from the City's website, <https://www.cityofwimberley.com/> . The completed application can be submitted directly to the City Secretary or to the Mayor or Council member who nominated the applicant. Applications are valid for one (1) year, after which a new application must be submitted.

### **Appointment Process**

The Wimberley City Council makes appointments to City of Wimberley boards, commissions or committees. The City Council considers applications to these entities during regular City Council meetings.

### **Notice of Appointment**

After the City Council appoints a person to serve as a member of a board, commission or committee, the City Administrator and/or City Secretary will notify the appointee in writing of the appointment.

### **Eligibility and Qualifications**

The Wimberley City Council seeks qualified persons to serve on boards, commissions and committees. The qualifications required to serve on a particular board, commission or committee are determined by City of Wimberley's Code of Ordinances, Policy or by the State Law, which established the board, commission or committee.

Appointments to boards, commissions or committees that do have eligibility requirements must be made in accordance with the governing City ordinance or State statute/s. Board, commission or committee members must continue to meet the eligibility requirements during the entire time they serve. If a member cannot continue to maintain the necessary requirements, he/she shall resign his/her position.

## **Nepotism**

Section 2.07.004 of the City of Wimberley's Code of Ordinances ("Code") provides that:

- (1) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from city funds or fees of office if:
  - (A) The individual is related to the city official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code; or
  - (B) The city official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, legislature, or court within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code.
- (2) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from city funds or fees of office if:
  - (A) The individual is related to another public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code; and
  - (B) The appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code.

### **Oath of Office**

Upon appointment, an oath of office is administered to all members of boards, commissions and committees. The oath of office can be administered by the City Secretary or designee or a City-employed Notary Public for the State of Texas.

### **Open Meetings Act Training**

Upon appointment, each new board, commission or committee member is required to complete the Open Meetings Act Training as required by the State of Texas Attorney General within ninety (90) days of his/her appointment and provide a certificate of completion to the City Secretary for the City's records.

## **Chapter III: Meetings**

### **Role of the Chairperson**

The function of the chairperson is to provide leadership for the group by presiding over the group's meetings. The chairperson is selected by other board, commission or committee members in a method agreeable to all members. The chairperson has additional duties and responsibilities, which must be performed.

The chairperson ensures the smooth operation of the board, commission or committee, and must make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The chairperson's ability to effectively manage meetings will have a significant impact on the group's success.

An effective chairperson must make certain that discussions remain focused and do not get sidetracked on irrelevant issues.

### **The Role of Other Offices**

If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. Other officers and duties shall be determined by the respective board, commission or committee.

### **The Agenda**

The agenda should be prepared by City staff prior to the meeting and copies distributed to all board, commission or committee members, either digitally or in hard copy format. Extra copies of the agenda should be available for the public at the meeting.

The agenda is prepared by the department head or staff person assigned to the board, commission or committee. Most boards, commissions and committees are required by the Texas Open Meetings Act (TOMA), to post the agenda publicly, at least seventy-two (72) hours prior to the meeting. It is a City of Wimberley practice that all boards, commissions and committees follow the TOMA.



## **Parliamentary Procedures**

Meetings of boards, commissions and committees are generally conducted under standard parliamentary rules adopted by that body.

### **Meeting Attendance**

All board, commission or committee members are expected to attend meetings to ensure the community is well represented. Attendance is very important to the board, commission or committee.

The term "meetings" includes all meetings of the board, commission or committee and all meetings of the organization's subcommittees on which the member serves. The secretary of the board, commission or committee is responsible for keeping track of the members' attendance. If a member does not follow the attendance policy set for the board, commission or committee, the member can be removed.

### **Working with City Staff**

Each board, commission, or committee member works with City staff and with the designated department staff assigned to that board, commission or committee. City staff provides general assistance, such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies and other services.

### **Reporting to the City Council**

The role of each board, commission or committee is to make recommendations to City Council. It is through the boards, commissions and committees that the City Council can receive citizen input. All boards, commissions and committees are required to communicate the position of the body to the City Council and shall provide regular updates to City Council during Council meetings.

There will be occasions when City staff will be required to prepare an agenda item for City Council review. In preparation of such a report, the staff member should present both the staff position and the board, commission or committee's position.

It is the desire of the City Council to have an opportunity to hear and consider all sides of an issue and all recommendations to assist in its decision-making process.

## **Chapter IV: Responsibilities of Board, Commission and Committee Members**

### **General**

It is an honor to be selected as a City board, committee or committee member and it provides a special opportunity for genuine public service. Although specific duties of each body vary widely, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

- a) Members should understand the role and scope of their responsibilities and should be informed of the individual board, commission or committee's purpose and of its operating procedures.
- b) Members should be careful to represent the majority views of their individual board, commission or committee. Individual "opinions" to the public and press should be identified as such.
- c) Members should represent the public interest and not special-interest groups.
- d) Good communication is essential – members are in a position to serve as liaison between the City and its citizens and can help to reconcile opposing viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and City, presenting recommendations and providing a channel for citizen expression.
- e) Members are required to review their agenda packets prior to meetings, and contact City staff. Where possible, members should personally view situations (i.e. visit sites or view geographical issues) under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on a thorough review of the agenda item will strengthen the value of the group's recommendations.
- f) Establishing good working relationship within the group is important for the group's effectiveness. These relationship aspects include respecting individual viewpoints;

allowing other members time to present their views fully before making comments; being open and honest; and welcoming new members.

- g) City Council is a non-partisan body. Therefore, its appointments to boards, commissions or committees are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not attempt to use or involve their board, committee or commission membership in the conduct of outside political activities.

### **Texas Open Meetings Act (TOMA)**

The Texas Open Meetings Act (TOMA) requires that every meeting of the City Council be open to the public. The Act also requires all boards and commissions, other than advisory boards, commissions and committees, to follow this requirement as well. In Wimberley, all boards, commissions and committees follow the procedures for open meetings. These requirements include:

- a) A Posted Notice is required of a meeting. Written notice of the date, hour, place and subject of each meeting must be posted on a public bulletin board, located at a place convenient to the public for at least seventy-two (72) hours preceding the scheduled time of the meeting. Only those matters posted can be discussed and acted on by the governmental body.
- b) Minutes are required to be prepared and a voice or video recording made of each open meeting. Minutes must state the subject of each deliberation and indicate each vote, order, decision or other action taken.
- c) Closed Meetings – The Texas Open Meetings Act (TOMA), does allow for closed or executive meetings on a few limited subjects. Generally, boards, commissions or committees will not have occasion or legal basis to meet in closed or executive session. Closed meetings are allowed to discuss pending litigation, certain personnel matters, and the lease or acquisition of land. Before a closed meeting can be held, a quorum of the governmental body must convene in an open meeting and the presiding officer publicly announce that a closed meeting will be held and identify the sections of the Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be

made in open meetings. The governmental body is also required to keep a Certified Agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place and must certify that the agenda is a true and correct record of the proceedings. Blank Certified Agenda forms for use by presiding officers are available in the City Secretary's Office. In lieu of maintaining a Certified Agenda, a tape recording of the closed meeting may be made.

- d) Penalties – A fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or both fine and imprisonment, can be imposed for violating the provisions of the Open Meetings Act or conspiring to circumvent the provisions of the Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

#### **Public Information Act (PIA)**

The Public Information Act (PIA) also requires that virtually all information held by a governmental body must fall under the rules of the Act. If a request for information is received by a board, commission or committee, the City Secretary should be notified promptly for the proper procedure in complying with the request.

## **Chapter V: Legal Liability**

### **Personal Liability**

When members of City boards, commissions or committees are acting in good faith and within the bounds allowed by the City, state and federal law, the City will generally provide a defense for such members to the greatest extent permissible. However, if a board, commission or committee member acts fraudulently, maliciously, or in violation of a criminal law while serving in his/her official capacity, the City generally will not provide that member a defense.

### **Board, Commission or Committee Liability**

A city, its officers, and members of boards, commissions or committees as a governmental entity, must treat all individuals or groups in the same manner unless there is a compelling governmental interest to treat someone or some group differently. Therefore, the City Attorney should be consulted concerning whether or not an individual or group can be treated differently. If an officer or board, commission or committee member illegally discriminates against an individual or group, that individual or group can seek damages from the City and from the individual officer for a violation of rights under the state and federal civil rights statutes.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the City or board, commission or committee member may be subjected.

Board, commission or committee members are required to consult with City staff, who may seek legal advice from the City Attorney, anytime they feel their actions while serving on such board, commission or committee may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.



## Appendixes

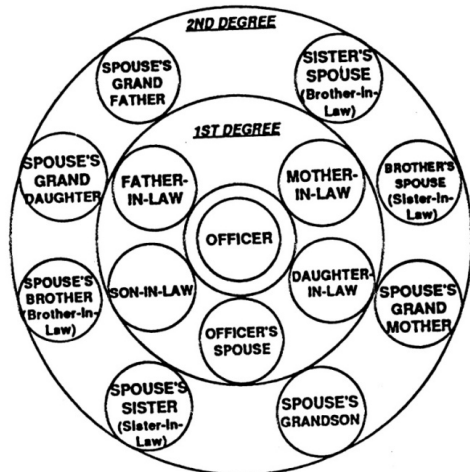
### Appendix A – Definitions

|                   |                                                                                                                                                                                                                                                                                                                 |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "Affinity"        | means a relation by marriage.                                                                                                                                                                                                                                                                                   |
| "Business entity" | means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law.                                                                                                                                                   |
| "Board" or "Body" | means any board, commission, agency or committee of the City created by the passage of a City Ordinance or Resolution with decision or advisory making authority designated as a board, commission, agency or committee by the City Council.                                                                    |
| "City"            | means the City of Wimberley.                                                                                                                                                                                                                                                                                    |
| "City Council"    | means the City Council of the City of Wimberley.                                                                                                                                                                                                                                                                |
| "Closed meeting"  | means a meeting closed to the public which complies with specific state statutes.                                                                                                                                                                                                                               |
| "Consanguinity"   | means a relation or connection by blood.                                                                                                                                                                                                                                                                        |
| "Degree"          | relating to consanguinity and affinity.<br><br>first degree of consanguinity means parents, children and siblings<br><br>first degree of affinity means spouse, in laws/parents, children and siblings<br><br>second degree means grandparents, grandchildren, aunts, uncles, nephews, nieces and first cousins |
| "Deliberation"    | means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a jurisdiction of                                                                                                                                                                                      |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | governmental body and another person, concerning an issue within the governmental body or any public business.                                                                                                                                                                                                                                                                                                                                                 |
| "Employee"            | means a person who is employed by the City of Wimberley.                                                                                                                                                                                                                                                                                                                                                                                                       |
| "Ex officio"          | means by virtue or because of an office.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| "Governmental"        | means a board or commission that has rulemaking, quasi-judicial, or advisory power and that is classified as a department, agency or political subdivision of a county or municipality.                                                                                                                                                                                                                                                                        |
| "Governing body"      | means the Wimberley City Council and every board, commission, or committee that exercises decision-making authority on behalf of the City.                                                                                                                                                                                                                                                                                                                     |
| "Incidental Interest" | means an interest in a person, entity or property which is not a substantial interest, and which has insignificant value, or which would be affected only in a de minimis fashion by a decision.                                                                                                                                                                                                                                                               |
| "Judicial"            | the power to judge, to administer justice and interpret laws and ordinances.                                                                                                                                                                                                                                                                                                                                                                                   |
| "Meeting"             | means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business. |
| "Member"              | means a member of a board.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| "Person"              | means any individual, firm, trust, corporation, partnership or any other legal entity.                                                                                                                                                                                                                                                                                                                                                                         |

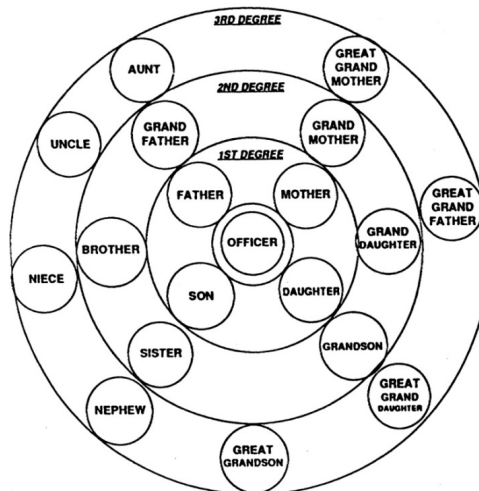
|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "Quorum"                                                     | means the prescribed number of members of any body that must be present to legally transact business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| "Remote Interest"                                            | means an interest of a person or entity, including an officer or member who would be affected in the same way as the general public. The interest of a council member in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the council member would be affected in common with the general public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| "Substantial Interest in a business entity or real property" | <p>means an individual, firm, trust, corporation, partnership or any other legal entity:</p> <ol style="list-style-type: none"> <li>1) with respect to a business entity, the interest is ownership of ten percent (10%) or more of the voting stock or shares of the business entity or ownership of either ten percent (10%) or more or Fifteen Thousand Dollars (\$15,000) or more of the fair market value of the business entity.</li> <li>2) with respect to a business entity, funds received by the person from the business entity exceed ten percent (10%) of the officer or member's gross income for the previous year.</li> <li>3) with respect to real property, equitable or legal ownership with a fair market value of Two Thousand Five Hundred Dollars (\$2,500) or more. or as established from time to time in Section 171.002, Texas Local Government Code.</li> </ol> |

## Appendix B – Chart of Kinship



Affinity Kinship Chart  
(Marriage)

The chart to the right shows a **Consanguinity Kinship** (relationship by blood)



Consanguinity Kinship Chart  
(Blood)

These charts are used for the purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021-.025

### Appendix C – Robert’s Rules of Order Relating to Motions

| MOTION                                           | DEBATABLE | DEBATE CONFINED TO PENDING QUESTION | CAN BE AMENDED | CAN RECONSIDER | REQUIRES MAJORITY VOTE | MUST BE SECONDED | OUT OF ORDER WHEN ANOTHER HAS THE FLOOR |
|--------------------------------------------------|-----------|-------------------------------------|----------------|----------------|------------------------|------------------|-----------------------------------------|
| Adjourn                                          | No        | Yes                                 | No             | No             | Yes                    | Yes              | Yes                                     |
| Adopt/Accept a Report                            | Yes       | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Adopt Constitutions, By-laws, and Rules of Order | Yes       | Yes                                 | Yes            | 1              | Yes                    | Yes              | Yes                                     |
| Adopt Standing Rules                             | Yes       | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Amend                                            | 2         | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Amend an Amendment                               | 2         | Yes                                 | No             | Yes            | Yes                    | Yes              | Yes                                     |
| Amend Constitution, By-laws, and Rules or Order  | Yes       | Yes                                 | Yes            | 1              | 3                      | Yes              | Yes                                     |
| Amend Standing Rules                             | Yes       | Yes                                 | Yes            | Yes            | 4                      | Yes              | Yes                                     |
| Appeal (excluding Indecorum)                     | Yes       | Yes                                 | No             | Yes            | Yes                    | Yes              | No                                      |
| Debate, to Close, Limit or Extend                | No        | Yes                                 | Yes            | Yes            | No                     | Yes              | Yes                                     |
| Division of Assembly                             | No        | Yes                                 | No             | No             | Yes                    | No               | No                                      |
| Division of Question                             | No        | Yes                                 | Yes            | No             | Yes                    | 5                | 5                                       |
| Fix the Time to Adjourn                          | 6         | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Informal Consideration of Question               | Yes       | Yes                                 | No             | 1              | Yes                    | Yes              | Yes                                     |
| Lay on the Table                                 | No        | Yes                                 | Yes            | No             | Yes                    | Yes              | Yes                                     |
| Main Motion or Question                          | Yes       | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Nomination, to Make                              | Yes       | Yes                                 | No             | No             | Yes                    | No               | Yes                                     |
| Nominations, to Close                            | No        | Yes                                 | Yes            | No             | No                     | Yes              | Yes                                     |
| Nomination, to Re-open                           | No        | Yes                                 | Yes            | 1              | Yes                    | Yes              | Yes                                     |
| Objection to Consideration of a Question         | No        | Yes                                 | No             | 1              | 7                      | No               | No                                      |

| MOTION                                | DEBATABLE | DEBATE CONFINED TO PENDING QUESTION | CAN BE AMENDED | CAN RECONSIDER | REQUIRES MAJORITY VOTE | MUST BE SECONDED | OUT OF ORDER WHEN ANOTHER HAS THE FLOOR |
|---------------------------------------|-----------|-------------------------------------|----------------|----------------|------------------------|------------------|-----------------------------------------|
| Order, Question of                    | No        | Yes                                 | No             | No             | Yes                    | No               | No                                      |
| Order, to Make a Special              | Yes       | Yes                                 | Yes            | Yes            | No                     | Yes              | Yes                                     |
| Orders of the Day, to Call for        | No        | Yes                                 | No             | No             | Yes                    | No               | No                                      |
| Parliamentary Inquire                 | No        | Yes                                 | No             | No             | Yes                    | No               | No                                      |
| Postpone Definitely (to Certain Time) | Yes       | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Postpone Indefinitely                 | Yes       | No                                  | No             | 8              | Yes                    | Yes              | Yes                                     |
| Previous Question                     | No        | Yes                                 | No             | 9              | No                     | Yes              | Yes                                     |
| Privilege, to Raise Question of       | No        | Yes                                 | No             | No             | Yes                    | No               | No                                      |
| Recess, to Take a                     | 6         | Yes                                 | Yes            | No             | Yes                    | Yes              | Yes                                     |
| Reconsider                            | 2         | 10                                  | No             | No             | Yes                    | Yes              | Yes                                     |
| Substitute (same as Amend)            | Yes       | Yes                                 | Yes            | Yes            | Yes                    | Yes              | Yes                                     |
| Suspend the Rules                     | No        | Yes                                 | No             | No             | No                     | Yes              | Yes                                     |
| Take from the Table                   | No        | Yes                                 | No             | No             | Yes                    | Yes              | Yes                                     |
| Withdraw                              | No        | Yes                                 | No             | 1              | Yes                    | No               | Yes                                     |



## FOOTNOTES TO TABLE OF ROBERT'S RULES OF ORDER

- a) An affirmative vote on this motion cannot be reconsidered.
- b) Undebatable when the motion to be amended, reconsidered, or rescinded is undebatable.
- c) Constitutions, By-Laws, and Rules of Order before adoption are in every respect main motion and may be amended by majority vote. After adoption they require prior notice and two-thirds (2/3) vote for amendment.
- d) Standing Rules may be amended at any time by a majority vote if previous notice has been given, or by a two-thirds (2/3) vote without notice.
- e) If resolutions or propositions relate to different subjects that are independent of each other, they must be divided on the request of a single member, which may be made when another has the floor. If they relate to the same subject and yet each part can stand alone, they may be divided only on a regular motion and vote.
- f) Undebatable if made when another question is before the assembly.
- g) The objection can be made only when the question is first introduced, before debate. A two-thirds (2/3) vote must be opposed to the consideration in order to sustain the objection.
- h) Negative vote on this motion cannot be reconsidered.
- i) Cannot be reconsidered after a vote has been taken under it.
- j) Opens to debate main question when latter is debatable.

## ACKNOWLEDGMENT OF RECEIPT AND REVIEW OF HANDBOOK

### PLEASE READ ALL ASPECTS OF THIS HANDBOOK CAREFULLY

This handbook is general guide for board, commission and committee volunteers. The City of Wimberley reserves the right to change the provisions of this handbook at any time and without prior notice. The provisions contained in this handbook are applicable to all board, commission and committee members. You are responsible for reading, and complying with, materials contained in this handbook and any revisions made to it.

I have received a copy of this handbook, and I understand it is my duty to read the handbook and that the policies and procedures set forth therein apply to me and exclusively govern the terms and conditions of the duties and responsibilities to the City of Wimberley.

I have read this handbook carefully and understand its contents.

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Name (print)

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Signature

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Date