



**CITY OF
WIMBERLEY**

REGULAR CITY COUNCIL MEETING PACKET

**Thursday, May 20, 2021
6:00 p.m.**



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, MAY 20, 2021 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** May 20, 2021 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary, Laura Calcote
3. **INVOCATION** Chapel in the Hills Reverend, Jim Denham
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**
The City Council welcomes comments from the general public on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.
6. **WAYFINDING SIGNAGE UPDATE**
Status update relating to the City of Wimberley wayfinding signage (*Place One Council Member, Rebecca Minnick, and Sign Crafters, Inc.*)
7. **PRESENTATION AND POSSIBLE ACTION**
Presentation and consider possible action regarding the City of Wimberley's Quarterly Investment Report for the second quarter of Fiscal Year 2021. (*City Administrator, Mike Boese*)
8. **CONSENT AGENDA**
 - 8.1. Approval of minutes from the Regular City Council Meeting held May 6, 2021.
 - 8.2. Approval of minutes from the Special City Council Meeting held May 7, 2021.
 - 8.3. Approval of the March 2021 Financial Statements for the City of Wimberley.

8.4. Approval of the appointment of Helena Hauk to the Economic Support and Development Committee.

9. CITY STAFF REPORT

Parks Director Report regarding the 2021 swim season, programs/events and maintenance projects (*Parks Director, Richard Shaver*)

10. PUBLIC HEARINGS AND POSSIBLE ACTION

10.1. Hold a public hearing and consider possible action regarding case ZA-21-007, an application for a Zoning Amendment to change the zoning for the property located at 107 Old Kyle Rd, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3). (*Applicant: Russ Whistler*)

10.2. Hold a public hearing and consider possible action regarding case CUP-21-013, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 140 Southriver, Wimberley, Hays County, Texas. (*Applicant: South River Properties*)

10.3. Hold a public hearing and consider possible action regarding case CUP-21-014, an application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 300 River Road, Wimberley, Hays County, Texas. (*Applicant: Bruce & Tracey Levinson*)

11. DISCUSSION AND POSSIBLE ACTION

11.1. Discuss and consider possible action to adopt an ordinance of the City of Wimberley, Texas, authorizing the issuance and sale of the City of Wimberley, Texas Tax Note, Series 2021; levying an annual ad valorem tax and providing for the security for and payment of said Note; and enacting other provisions relating to the subject. (*McCall, Parkhurst & Horton, LLP*)

11.2. Discuss and consider possible action regarding Resolution No. 05-2021, authorizing an amendment to the 2020/2021 Operating Budget (Budget Amendment No. 7), providing for the transfer of funds within the General Tax Fund – Unobligated Fund Balance to the General Fund Operating Administration Account Number 6370 (Contract Services) and providing an effective date. (*City Administrator, Mike Boese*)

11.3. Discuss and consider possible action to approve a temporary structure permit for a food service cart to operate at 419 FM 2325, Wimberley, Hays County, Texas on May 22nd and 23rd, 2021. (*Applicant: Laura Perkins*)

11.4. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*Project Manager, Craig Fore*)

12. CITY COUNCIL REPORTS

12.1. Announcements

12.2. Future agenda items

13. 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, in compliance with Chapter 551, Texas Government Code, on Monday, May 17, 2021, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



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.



City of Wimberley Quarterly Investment Report															
Second Quarter of FY 2021															
		Investment Portfolio Summary					Cash Summary			TexPool Summary			CD Summary		
	Fund	Cash in Bank	TexPool	CD	Total	% of Total Investment	Yield Rate	MTD Interest Earned	YTD Interest Earned	Average Monthly Rate	MTD Interest Earned	YTD Interest Earned	Yield Rate	MTD Interest Earned	YTD Interest Earned
January 2021	General Fund	615,166.45	187,641.48	231,431.32	1,034,239.25	49%	0.05%	25.33	25.33	1.91%	12.62	12.62	1.00%	190.06	190.06
	Blue Hole Operating	439,467.43			439,467.43	21%	0.05%	19.37	19.37	Total	12.62	12.62	Total	190.06	190.06
	Blue Hole Development	15,063.51			15,063.51	1%	0.05%	0.65	0.65						
	Municipal Court	2,975.23			2,975.23	0%	0.05%	0.13	0.13						
	Wastewater Operations	209,430.88			209,430.88	10%	0.05%	9.90	9.90						
	WW Construction-CLOSED	-			-	0%	0.05%	0.55	0.55						
	Wastewater C&T	224,159.18			224,159.18	11%	0.15%	29.23	29.23						
	Donations	55,065.30			55,065.30	3%	0.05%	2.34	2.34						
	Hotel Occupancy Tax	142,368.57			142,368.57	7%	0.05%	6.05	6.05						
	Municipal Court Bond Fees-CLOSED	-			-	0%	0.00%	-	-						
	Total	1,703,696.55	187,641.48	231,431.32	2,122,769.35			93.55	93.55						
	Portfolio Diversification Ratio	80%	9%	11%											
February 2021	General Fund	683,292.37	187,647.68	231,621.54	1,102,561.59	51%	0.05%	14.50	39.83	1.68%	6.20	18.82	1.00%	190.22	380.28
	Blue Hole Operating	422,211.38			422,211.38	19%	0.05%	16.43	35.80	Total	6.20	31.44	Total	190.22	380.28
	Blue Hole Development	15,064.09			15,064.09	1%	0.05%	0.58	1.23						
	Municipal Court	2,975.34			2,975.34	0%	0.05%	0.11	0.24						
	Wastewater Operations	209,801.69			209,801.69	10%	0.05%	8.03	17.93						
	WW Construction-CLOSED	-			-	0%	-	-	-						
	Wastewater C&T	217,327.64			217,327.64	0%	0.15%	27.07	56.30						
	Donations	55,067.41			55,067.41	3%	0.05%	2.11	4.45						
	Hotel Occupancy Tax	142,374.03			142,374.03	7%	0.05%	5.46	11.51						
	Municipal Court Bond Fees-CLOSED	-			-	0%	0.05%	-	-						
	Total	1,748,113.95	187,647.68	231,621.54	2,167,383.17			74.29	167.29						
	Portfolio Diversification Ratio	81%	9%	11%											
March 2021	General Fund	847,784.81	187,650.66	\$231,811.91	1,267,247.38	52%	0.05%	42.32	82.15	1.62%	2.98	21.80	1.00%	190.37	570.65
	Blue Hole Operating	540,479.86			540,479.86	22%	0.05%	21.70	57.50	Total	2.98	53.24	Total	190.37	1,140.99
	Blue Hole Development	15,064.73			15,064.73	1%	0.05%	0.64	1.87						
	Municipal Court	2,975.47			2,975.47	0%	0.05%	0.13	0.37						
	Wastewater Operations	216,866.24			216,866.24	9%	0.05%	9.20	27.13						
	WW Construction-CLOSED	-			-	0%	0.05%	-	-						
	Wastewater C&T	212,798.78			212,798.78	9%	0.15%	27.28	83.58						
	Donations	55,069.75			55,069.75	2%	0.05%	2.34	6.79						
	Hotel Occupancy Tax	142,380.08			142,380.08	6%	0.05%	6.05	17.56						
	Municipal Cout Bond Fees-CLOSED	-			-	0%	0.05%	-	-						
	Total	2,033,419.72	187,650.66	231,811.91	2,452,882.29			109.66	276.95						
	Portfolio Diversification Ratio	83%	8%	9%											

The attached information comprises the *Quarterly Investment Report* for the City of Wimberley, Texas for the quarter ended March 31, 2021. The undersigned acknowledges that the City's investment portfolio has been and is in compliance with the policies and strategies as contained in the City's Investment Policy and in compliance with the Public Funds Investment Act of the State of Texas. The annual review of the City's Investment Policy was approved by City Council on May 20, 2021.

Mike Boese

City Administrator



AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	May 13, 2021
MEETING DATE:	May 20, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- 8.1. Approval of minutes from the Regular City Council Meeting held May 6, 2021.
- 8.2. Approval of minutes from the Special City Council Meeting held May 7, 2021.
- 8.3. Approval of the March 2021 Financial Statements for the City of Wimberley.
- 8.4. Approval of the appointment of Helena Hauk to the Economic Support and Development Committee.

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 financial statements

ATTACHMENT/S

- May 6th Regular City Council Meeting Minutes
- May 7th Special City Council Meeting Minutes
- March 2021 Financial Statements
- Helena Hauk's Application



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, MAY 6, 2021 – 6:00 P.M.

MINUTES

CALL TO ORDER

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

CALL OF ROLL

Council Members Present:

Gina Fulkerson	Mayor
Rebecca Minnick	Place One
Teresa Shell	Place Two
Christine Byrne	Place Three
Jim Chiles	Place Four
Bo Bowman	Place Five

City Staff Present:

Mike Boese	City Administrator
Laura Calcote	City Secretary
Sarah Griffin	City Attorney
Nathan Glaiser	Planning & Development Coordinator
Richard Shaver	Parks Director
Terri Provost	Wimberley Community Center Director
John Provost	Public Works Superintendent

INVOCATION

St. Stephen's Episcopal Church Reverend, Kevin Schubert, 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.

PROCLAMATION

Proclamation of the City of Wimberley, Texas recognizing the week of May 2nd through May 8th, 2021 as Municipal Clerks Week. *(City Secretary, Laura Calcote)*

Mayor, Gina Fulkerson, read aloud the proclamation. City Secretary, Laura Calcote, thanked Council for their acknowledgement and support.

BOARD, COMMISSION, COMMITTEE REPORT

Economic Support and Development Committee Chair, Steve Klepfer, provided City Council with an update relating to the Committee's current assignments and undertakings, including economic development, economic marketing and fiscal master planning. The Committee was also in the process of reviewing a potential parking fee-in-lieu ordinance.

PRESENTATION

Presentation and discussion of Plan of Finance for the issuance of Tax Notes, Series 2021. (*Hilltop Securities, Inc.*)

Hilltop Securities Director, Andre Ayala, presented information relating to the Plan of Finance for the issuance of Tax Note, Series 2021, including the debt structure and assumptions.

Furthermore, Mr. Ayala reviewed preliminary cash flows and the schedule of events which would occur over the next month if Council moved forward with the financing. There was discussion among Council pertaining to the information presented, and the consensus was to move forward with the issuance of Tax Notes, Series 2021.

No formal action was taken on this item.

CONSENT AGENDA

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

Approval of minutes from the Regular City Council Meeting held April 15, 2021.

CITY ADMINISTRATOR REPORT

City Administrator, Mike Boese, provided an update regarding the completion of the Hoots Holler Drainage Improvements Project. Mr. Boese also presented Council with two City street sign designs, which included the new City logo, and requested their feedback.

PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider possible action regarding the second and final 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*)

Mayor, Gina Fulkerson, opened the public hearing at 6:37 p.m.

Pedernales Electric Cooperative, Inc. Representatives, Penny Whisenant and Diana Gonzales, spoke regarding PEC's email outlining three revisions to the ordinance, which included street tree height, landscape buffers and maintenance requirements. There was discussion among Ms. Whisenant and Council relating to the proposed PEC ordinance language.

Mayor, Gina Fulkerson, closed the public hearing at 7:01 p.m.

City Attorney, Sarah Griffin, advised on the proposed amendments, and Council Member Bo Bowman noted his agreement with the PEC inclusions relating to new street trees planted and landscape buffers. Attorney Griffin advised on the following language for the amended ordinance language: Motion to amend the ordinance relating to Section 9.02.391 (Tree Preservation) for the inclusion in Subsection (c) of 50% and Subsection (d) of imminent hazard to life or property documentation may be submitted within 72 hours after the action is taken, as presented in writing by staff, and the inclusion of amendment to Section 9.02.383 (Street Trees) to add Subsection (d) after the effective date of this Article, trees planted within 15 feet of an overhead powerline cannot

exceed a mature height of 25 feet and an addition to 9.02.384 (Landscape Buffers) under Subsection (b) (5) after the effective date of this Article, vegetation shall not be planted within 10 feet of the front or within 5 feet of the sides of underground utility equipment; this is for the safety of utility employees working on the equipment and maintaining system reliability.

Motion to amend the ordinance, as outlined by the City Attorney, was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

Motion to approve the ordinance, as amended, was made by Council Member Bo Bowman. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

12.1. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(Project Manager, Craig Fore)*

Project Manager, Craig Fore, stated the force main construction on the north side of the Cypress Creek had begun and should take roughly six weeks to complete. Additionally, wastewater informational meetings would be held on May 11th and 12th for all prospective sewer customers at the Wimberley Community Center.

No action was taken on this item.

12.2. Discuss and consider possible action to accept a donation of goods and/or services from “Blue Water GIS” and Suzanne Oliver for an Interactive Story Map of Blue Hole Regional Park. *(Parks Director, Richard Shaver, and Suzanne Oliver)*

Parks Director, Richard Shaver, and developer, Suzanne Oliver, presented the proposed Interactive Story Map of Blue Hole Regional Park. Ms. Oliver also provided an overview tour from another park that would be similar to the one installed at Blue Hole Regional Park.

Motion to accept the donation from Blue Water GIS for recreational purposes for an Interactive Story Map of Blue Hole Regional Park was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

12.3. Discuss and consider possible action to authorize the bid package to resurface Little Ranches Road. *(Public Works Superintendent, John Provost)*

Public Works Superintendent, John Provost, presented the bid package and provided a timeline for the project. There was discussion among City staff and Council regarding the City’s road budget for Fiscal Year 2021 and additional road projects that may be needed in the future.

Motion to authorize the bid package to resurface Little Ranches Road was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0)

12.4. Discuss and consider possible action to authorize the Request for Proposals for Professional Auditing Services. *(City Secretary, Laura Calcote)*

Motion to authorize the Request for Proposals for Professional Auditing Services 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 7:46 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 8:04 p.m.

Motion to accept an Assignment Agreement from Baccus Capital Interest LLC for the purchase of property for parking expansion and the inclusion of an additional \$20,000 earnest money to be reimbursed through the financing as described by the City Administrator earlier was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

CITY COUNCIL REPORTS

15.1. Recognition of outgoing Place Five City Council Member, Bo Bowman.

The Mayor and fellow Council Members presented Council Member Bo Bowman with a plaque honoring his two years of service on City Council.

15.2. Announcements – Council Member, Bo Bowman, asked for a status update on the drainage work being done on 2325, near Subway.

15.3. Future agenda items – Council Member, Rebecca Minnick, noted an update on the wayfinding signage would be given at the next regular meeting. Council also needed to revisit the wastewater hookup ordinance at a future meeting.

ADJOURNMENT

Motion to adjourn the meeting at 8:22 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, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
FRIDAY, MAY 7, 2021 – 2:00 P.M.

MINUTES

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on May 7, 2021 at 2:00 p.m.

CALL OF ROLL

Council Members Present: Gina Fulkerson Mayor
Rebecca Minnick Place One
Teresa Shell Place Two
Christine Byrne Place Three
Jim Chiles Place Four

Council Members Absent: Bo Bowman Place Five

City Staff Present: Mike Boese City Administrator
Laura Calcote City Secretary

OATHS OF OFFICE

3.1. Ceremonial administration of Oaths of Office for 2021-2023 City Council terms and issue Certificates of Election to Rebecca Minnick, Christine Byrne and David Cohen. Wimberley Municipal Court Judge, Matt Burns, administered the Oaths of Office for 2021-2023 City Council Terms to Rebecca Minnick, Christine Byrne and David Cohen. Mayor, Gina Fulkerson, presented each elected official with a Certificate of Election.

3.2. Election of Mayor Pro Tem

Motion to nominate and elect Rebecca Minnick as Mayor Pro Tem for a one-year term was made by Council Member Christine Byrne. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

These two items were not heard or voted upon, due to the Mayor Pro Tem remaining the same.

4.1. Discuss and consider possible action to remove the previous Mayor Pro Tem, Rebecca Minnick, as signatory to the City of Wimberley bank accounts, effective immediately.

4.2. Discuss and consider possible action to add the Mayor Pro Tem as signatory to the City of Wimberley bank accounts, effective immediately.

ADJOURNMENT

Motion to adjourn the meeting at 2:07 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, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor

BALANCE SHEET

Page: 1

5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 100 - General Fund

Assets

1011 Petty Cash	450.00
1020 General Checking - ONB	847,682.10
1021 Certificate of Deposit - Ozona	231,811.91
1030 Texpool	187,650.66
1050 Sales Tax Receivable	201,196.02
1150 Accounts Receivable	4,342.84

Total Assets

1,473,133.53

Liabilities

2010 Accounts Payable	255,276.76
2015 WCC Security Deposits	385.00
2021 Accrued Wages Payable	7,784.68
2023 TML IEBP Payable	2,024.65
2072 ICMA RC Payable	100.00
2074 TMRS Payable	1,832.74
2075 TCEQ Payable to State	240.00

Total Liabilities

267,643.83

Reserves/Balances

3510 Committed FB - Public Works	505,170.00
3530 Committed FB - W/W on Square	442,024.00
3540 Committed FB-Future Grant Matc	315,732.00
3600 Fund Balance - Uncommitted	-361.65
3650 Net Excess (Deficit)	-57,074.65

Total Reserves/Balances

1,205,489.70

Total Liabilities & Balances

1,473,133.53

REVENUE/EXPENDITURE REPORT

Page: 1

5/18/2021

11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 100 - General Fund							
Revenues							
Dept: 15 ADMINISTRATION							
5120 General Sales & Use Tax	850,000.00	850,000.00	590,800.02	131,654.63	0.00	259,199.98	69.5
5131 Mixed Beverage Tax	15,000.00	15,000.00	14,294.79	2,359.20	0.00	705.21	95.3
5171 Franchise Tax	275,000.00	275,000.00	55,632.54	302.08	0.00	219,367.46	20.2
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	6,100.00	800.00	0.00	4,900.00	55.5
5213 Septic Permits	8,000.00	8,000.00	7,160.00	1,710.00	0.00	840.00	89.5
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	18,360.04	4,461.67	0.00	4,139.96	81.6
5340 Grant Funds	0.00	0.00	124,633.66	88,490.47	0.00	-124,633.66	0.0
5410 CC Convenience Fees	200.00	200.00	652.62	69.13	0.00	-452.62	326.3
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	2,074.00	45.00	0.00	4,926.00	29.6
5414 Subdivision Fees	1,000.00	1,000.00	657.45	657.45	0.00	342.55	65.7
5416 Building Inspections	22,000.00	22,000.00	14,895.00	3,820.00	0.00	7,105.00	67.7
5417 Bldg Plan Reviews	12,000.00	12,000.00	5,610.00	1,455.00	0.00	6,390.00	46.8
5475 WCC Facility Rentals	30,000.00	30,000.00	1,705.00	165.00	0.00	28,295.00	5.7
5611 Interest Revenues	2,500.00	2,500.00	1,363.61	226.83	0.00	1,136.39	54.5
5701 Other/Misc	345,000.00	345,000.00	117,495.04	108,124.38	0.00	227,504.96	34.1
5799 Operating Transfer In	0.00	341,000.00	0.00	-34,397.00	0.00	341,000.00	0.0
ADMINISTRATION	1,603,900.00	1,944,900.00	961,933.77	309,943.84	0.00	982,966.23	49.5
Revenues							
	1,603,900.00	1,944,900.00	961,933.77	309,943.84	0.00	982,966.23	49.5
Expenditures							
Dept: 15 ADMINISTRATION							
6110 S&W- City Administrator	95,000.00	95,000.00	77,840.00	13,880.00	0.00	17,160.00	81.9
6120 S&W- City Secretary	64,890.00	64,890.00	32,223.10	5,142.08	0.00	32,666.90	49.7
6130 S&W- Financial Clerk	41,200.00	41,200.00	20,857.14	3,460.82	0.00	20,342.86	50.6
6210 Health Care	27,000.00	27,000.00	3,762.82	689.62	0.00	23,237.18	13.9
6220 Payroll Taxes	15,383.00	15,383.00	10,249.85	1,719.94	0.00	5,133.15	66.6
6230 TMRS Contributions	16,228.00	16,228.00	3,016.19	548.86	0.00	13,211.81	18.6
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	801.37	183.67	0.00	3,148.63	20.3
6340 Technician/Technology Consulta	6,708.00	6,708.00	1,232.49	746.24	0.00	5,475.51	18.4
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	4,204.94	796.14	0.00	3,535.06	54.3
6411 Telephones	3,150.00	3,150.00	2,881.72	433.41	0.00	268.28	91.5
6420 Office Cleaning	5,300.00	5,300.00	2,096.20	530.80	0.00	3,203.80	39.6
6430 Bldg Repairs/Maintenance	3,000.00	3,000.00	1,738.13	205.97	0.00	1,261.87	57.9
6441 Storage Rental	1,200.00	1,200.00	600.00	100.00	0.00	600.00	50.0
6442 Water Cooler	600.00	600.00	203.42	39.99	0.00	396.58	33.9
6443 Equipment Rent/Lease	5,900.00	5,900.00	3,252.96	1,131.01	0.00	2,647.04	55.1
6444 Parking Lot Lease	1,200.00	1,200.00	600.00	100.00	0.00	600.00	50.0
6500 Grant Expenditures	0.00	0.00	205,324.51	104,921.96	0.00	-205,324.51	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	4,697.47	974.58	0.00	302.53	93.9
6532 Office Tech/Software	19,700.00	19,700.00	20,268.74	1,007.55	0.00	-568.74	102.9
6551 Printing Services	300.00	300.00	102.11	26.99	0.00	197.89	34.0
6562 CC Processing Fees	200.00	200.00	606.95	81.52	0.00	-406.95	303.5
6569 Vehicle Allowance/Moving Exp	6,000.00	6,000.00	3,000.00	500.00	0.00	3,000.00	50.0
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	1,080.00	330.00	0.00	-580.00	216.0
6589 Records Management	0.00	0.00	245.82	36.34	0.00	-245.82	0.0
6610 Operating Supplies	2,000.00	2,000.00	347.60	-661.05	0.00	1,652.40	17.4
6651 Postage/Shipping	1,000.00	1,000.00	530.52	278.32	0.00	469.48	53.1
6660 Office Supplies	2,000.00	2,000.00	982.35	155.74	0.00	1,017.65	49.1
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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11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021		Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 100 - General Fund								
Expenditures								
Dept: 15 ADMINISTRATION								
6796	Capital Outlay - Winter Storm	0.00	0.00	63,911.02	54,749.90	0.00	-63,911.02	0.0
6903	CARES ACT - EXPENDITURES	0.00	0.00	25,130.16	115.42	0.00	-25,130.16	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	733,994.02	192,225.82	0.00	217,712.98	77.1
Dept: 16 LEGAL								
6350	Legal	100,000.00	100,000.00	50,388.95	7,517.00	0.00	49,611.05	50.4
LEGAL		100,000.00	100,000.00	50,388.95	7,517.00	0.00	49,611.05	50.4
Dept: 17 COUNCIL/BOARD								
6320	Financial (Contract Svs)	16,200.00	16,200.00	8,100.00	1,350.00	0.00	8,100.00	50.0
6330	Audit Svs	19,400.00	19,400.00	19,400.00	0.00	0.00	0.00	100.0
6541	Public Relations/Receptions	1,000.00	1,000.00	1,876.86	177.40	0.00	-876.86	187.7
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	31,376.86	1,527.40	0.00	95,223.14	24.8
Dept: 18 BUILDING								
6360	Contract Inspections	30,000.00	30,000.00	12,080.00	2,635.00	0.00	17,920.00	40.3
6582	Site Plan Reviews	8,000.00	8,000.00	2,062.50	0.00	0.00	5,937.50	25.8
BUILDING		38,000.00	38,000.00	14,142.50	2,635.00	0.00	23,857.50	37.2
Dept: 21 PUBLIC SAFETY								
6370	Contract Services	84,315.00	84,315.00	13,820.00	3,895.00	0.00	70,495.00	16.4
6371	Sanitarian (Contract Labor)	30,000.00	30,000.00	12,682.92	3,303.00	0.00	17,317.08	42.3
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	32,502.92	7,198.00	0.00	89,562.08	26.6
Dept: 25 MUNICIPAL COURT								
6380	MC Judge (Contract Labor)	4,000.00	4,000.00	1,999.98	333.33	0.00	2,000.02	50.0
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	1,999.98	333.33	0.00	12,750.02	13.6
Dept: 30 PUBLIC WORKS								
6150	S&W- Code Enforcement	41,200.00	41,200.00	21,450.53	3,539.20	0.00	19,749.47	52.1
6160	S&W- P&D Coordinator	55,000.00	55,000.00	13,462.40	3,846.40	0.00	41,537.60	24.5
6180	S&W- Maintenance	15,450.00	15,450.00	3,282.50	659.75	0.00	12,167.50	21.2
6210	Health Care	18,000.00	18,000.00	6,699.65	1,335.09	0.00	11,300.35	37.2
6220	Payroll Taxes	8,541.00	8,541.00	2,962.85	615.48	0.00	5,578.15	34.7
6230	TMRs Contributions	9,010.00	9,010.00	1,834.04	471.20	0.00	7,175.96	20.4
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	919.23	40.50	0.00	-319.23	153.2
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	567.04	112.53	0.00	1,432.96	28.4
6610	Operating Supplies	1,000.00	1,000.00	590.70	127.06	0.00	409.30	59.1
6612	Tools	500.00	500.00	0.00	0.00	0.00	500.00	0.0
PUBLIC WORKS		153,588.00	153,588.00	65,523.96	10,747.21	0.00	88,064.04	42.7
Dept: 31 ROADS								
6432	Road Maintenance	80,000.00	80,000.00	5,331.00	1,253.00	0.00	74,669.00	6.7
6433	Equipment Maintenance	250.00	250.00	0.00	0.00	0.00	250.00	0.0

REVENUE/EXPENDITURE REPORT

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11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 100 - General Fund							
Expenditures							
Dept: 31 ROADS							
6470 Engineering - Roads	10,000.00	10,000.00	1,500.00	0.00	0.00	8,500.00	15.0
6584 Mowing/Trimming	8,000.00	8,000.00	648.45	0.00	0.00	7,351.55	8.1
6611 Signs/Barricades	4,000.00	4,000.00	635.99	281.40	0.00	3,364.01	15.9
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	13,915.44	1,534.40	0.00	188,334.56	6.9
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	22,740.33	4,304.48	0.00	13,259.67	63.2
WATER/WASTEWATER	37,860.00	37,860.00	23,826.33	4,304.48	0.00	14,033.67	62.9
Dept: 51 COMMUNITY CENTER							
6140 S&W- Director	40,000.00	40,000.00	20,443.56	3,360.67	0.00	19,556.44	51.1
6180 S&W- Maintenance	25,000.00	25,000.00	5,472.63	1,031.38	0.00	19,527.37	21.9
6210 Health Care	9,000.00	9,000.00	4,063.79	671.05	0.00	4,936.21	45.2
6220 Payroll Taxes	4,973.00	4,973.00	2,032.32	335.97	0.00	2,940.68	40.9
6230 TMRS Contributions	5,246.00	5,246.00	1,161.15	202.19	0.00	4,084.85	22.1
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
6370 Contract Services	0.00	0.00	934.00	934.00	0.00	-934.00	0.0
6410 Utilities	18,200.00	18,200.00	7,881.75	1,035.28	0.00	10,318.25	43.3
6411 Telephones	931.00	931.00	1,225.40	181.84	0.00	-294.40	131.6
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	826.51	99.00	0.00	1,173.49	41.3
6532 Office Tech/Software	2,500.00	2,500.00	1,029.86	157.48	0.00	1,470.14	41.2
6540 Advertising	3,000.00	3,000.00	1,749.05	595.00	0.00	1,250.95	58.3
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	821.90	10.00	0.00	2,178.10	27.4
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	50,623.58	8,613.86	0.00	79,613.42	38.9
Dept: 52 PARKS							
6410 Utilities	1,500.00	1,500.00	671.92	159.36	0.00	828.08	44.8
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	713.88	159.36	0.00	3,386.12	17.4
Expenditures	1,618,655.00	1,881,157.00	1,019,008.42	236,795.86	0.00	862,148.58	54.2
Net Effect for General Fund	-14,755.00	63,743.00	-57,074.65	73,147.98	0.00	120,817.65	-89.5
Change in Fund Balance:			-57,074.65				

BALANCE SHEET

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5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 200 - Blue Hole Parkland

Assets

1011 Petty Cash	95.00
1022 BH Parkland - ONB	540,411.10

Total Assets

540,506.10

Liabilities

2010 Accounts Payable	5,815.15
2016 BHP Security Deposits	2,200.00
2021 Accrued Wages Payable	4,972.61
2022 Payroll Deductions Payable	1,683.14
2074 TMRS Payable	838.52
2080 Due to General	6,156.16

Total Liabilities

21,665.58

Reserves/Balances

3600 Fund Balance - Uncommitted	523,677.17
3650 Net Excess (Deficit)	-4,836.65

Total Reserves/Balances

518,840.52

Total Liabilities & Balances

540,506.10

REVENUE/EXPENDITURE REPORT

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5/18/2021

11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 200 - Blue Hole Parkland							
Revenues							
Dept: 52 PARKS							
5472 Reservations/Gate Fees	378,000.00	378,000.00	145,572.50	143,941.50	0.00	232,427.50	38.5
5474 Facility Rentals	10,000.00	10,000.00	2,245.00	920.00	0.00	7,755.00	22.5
5476 Special Events	69,000.00	69,000.00	17,628.55	13,514.55	0.00	51,371.45	25.5
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	120.74	21.70	0.00	29.26	80.5
5701 Other/Misc	3,800.00	3,800.00	828.55	0.00	0.00	2,971.45	21.8
PARKS	464,950.00	464,950.00	166,110.93	158,397.75	0.00	298,839.07	35.7
Revenues	464,950.00	464,950.00	166,110.93	158,397.75	0.00	298,839.07	35.7
Expenditures							
Dept: 52 PARKS							
6181 S&W- Parks PT	85,000.00	85,000.00	23,517.19	3,552.21	0.00	61,482.81	27.7
6182 S&W- Parks Maintenance Tech	57,680.00	57,680.00	17,631.99	1,792.14	0.00	40,048.01	30.6
6183 S&W-Programs & Operations Mngr	40,000.00	40,000.00	19,488.02	2,836.06	0.00	20,511.98	48.7
6184 S&W-Programs & Events Special	28,840.00	28,840.00	20,791.32	3,846.16	0.00	8,048.68	72.1
6185 S&W-Natl Resource Park Mngr	40,000.00	40,000.00	19,540.08	2,692.80	0.00	20,459.92	48.9
6210 Health Care	45,000.00	45,000.00	12,725.35	1,965.50	0.00	32,274.65	28.3
6220 Payroll Taxes	19,241.00	19,241.00	7,871.93	1,126.03	0.00	11,369.07	40.9
6230 TMRS Contributions	13,438.00	13,438.00	4,113.28	709.59	0.00	9,324.72	30.6
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	16,574.00	1,178.00	0.00	4,826.00	77.4
6410 Utilities	15,000.00	15,000.00	6,965.06	1,169.78	0.00	8,034.94	46.4
6411 Telephones	2,400.00	2,400.00	1,449.85	244.57	0.00	950.15	60.4
6431 Vehicle Maint/Insurance	300.00	300.00	944.80	808.34	0.00	-644.80	314.9
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	0.00	0.00	122.62	87.7
6532 Office Tech/Software	10,720.00	10,720.00	989.94	169.99	0.00	9,730.06	9.2
6562 CC Processing Fees	13,000.00	13,000.00	6,224.41	5,669.56	0.00	6,775.59	47.9
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	2,955.00	2,955.00	0.00	-1,955.00	295.5
6583 Fuel	800.00	800.00	489.56	123.52	0.00	310.44	61.2
6589 Records Management	0.00	0.00	262.09	36.34	0.00	-262.09	0.0
6610 Operating Supplies	18,000.00	18,000.00	3,743.57	918.73	0.00	14,256.43	20.8
6613 Materials	4,000.00	4,000.00	569.20	504.50	0.00	3,430.80	14.2
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	1,263.22	485.28	0.00	6,736.78	15.8
6651 Postage/Shipping	50.00	50.00	0.00	0.00	0.00	50.00	0.0
6660 Office Supplies	500.00	500.00	148.93	-5.98	0.00	351.07	29.8
6794 Capital Outlay - Equipmt/Other	2,250.00	2,250.00	599.99	0.00	0.00	1,650.01	26.7
PARKS	439,273.00	439,273.00	170,947.58	32,778.12	0.00	268,325.42	38.9
Expenditures	439,273.00	439,273.00	170,947.58	32,778.12	0.00	268,325.42	38.9
Net Effect for Blue Hole Parkland	25,677.00	25,677.00	-4,836.65	125,619.63	0.00	30,513.65	-18.8
Change in Fund Balance:			-4,836.65				

BALANCE SHEET

Page: 3

5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 201 - Municipal Court

Assets

1023 Municipal Court - ONB

2,975.47

Total Assets

2,975.47

Liabilities

2076 MC Payable to State

712.35

Total Liabilities

712.35

Reserves/Balances

3600 Fund Balance - Uncommitted

2,262.37

3650 Net Excess (Deficit)

0.75

Total Reserves/Balances

2,263.12

Total Liabilities & Balances

2,975.47

REVENUE/EXPENDITURE REPORT

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City of Wimberley

For the Period: 10/1/2020 to 3/31/2021		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	0.75	0.13	0.00	-0.75	0.0
Dept: 00								
		0.00	0.00	0.75	0.13	0.00	-0.75	0.0
Revenues		0.00	0.00	0.75	0.13	0.00	-0.75	0.0
Net Effect for Municipal Court		0.00	0.00	0.75	0.13	0.00	-0.75	0.0
Change in Fund Balance:				0.75				

BALANCE SHEET

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5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 202 - Wastewater Fund

Assets

1027 Wastewater - ONB	285,415.74
1150 Accounts Receivable	15,134.00
1152 Tax Notes 2013-Restricted Cash	32,549.80
1310 Due from WW Project Fund	108,332.00
1729 WW Reclamation Facility	575,646.67
1730 Utility Plant - WW	223,970.00
1731 Accumulated Deprec.-Bldgs	-51,813.50

Total Assets

1,189,234.71

Liabilities

2010 Accounts Payable	6,115.56
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Total Liabilities

6,115.56

Reserves/Balances

3600 Fund Balance - Uncommitted	837,648.50
3610 Net Invest in Capital Assets	204,704.15
3650 Net Excess (Deficit)	140,766.50

Total Reserves/Balances

1,183,119.15

Total Liabilities & Balances

1,189,234.71

REVENUE/EXPENDITURE REPORT

Page: 6

5/18/2021

11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 202 - Wastewater Fund							
Revenues							
Dept: 04 WATER/WASTEWATER							
5400 WW Service Fees	241,888.00	241,888.00	64,624.00	10,272.00	0.00	177,264.00	26.7
5611 Interest Revenues	75.00	75.00	45.92	9.43	0.00	29.08	61.2
5799 Operating Transfer In	290,500.00	290,500.00	290,500.00	0.00	0.00	0.00	100.0
WATER/WASTEWATER	532,463.00	532,463.00	355,169.92	10,281.43	0.00	177,293.08	66.7
Revenues	532,463.00	532,463.00	355,169.92	10,281.43	0.00	177,293.08	66.7
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	159,205.36	5,563.22	0.00	87,185.64	64.6
6410 Utilities	6,000.00	6,000.00	3,619.78	872.27	0.00	2,380.22	60.3
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	0.00	0.00	-25.00	0.0
6792 Capital Outlay - Other	0.00	0.00	321.13	321.13	0.00	-321.13	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
WATER/WASTEWATER	532,361.00	532,361.00	214,403.42	6,756.62	0.00	317,957.58	40.3
Expenditures	532,361.00	532,361.00	214,403.42	6,756.62	0.00	317,957.58	40.3
Net Effect for Wastewater Fund	102.00	102.00	140,766.50	3,524.81	0.00	-140,664.50	8,006.4
Change in Fund Balance:			140,766.50				

BALANCE SHEET

Page: 5

5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 205 - Hotel Occupancy Tax

Assets

1019 Hotel Occupancy Tax

142,380.08

Total Assets

142,380.08

Liabilities

2010 Accounts Payable

18,966.00

Total Liabilities

18,966.00

Reserves/Balances

3560 FB Committed-Emergency Plan

5,000.00

3600 Fund Balance - Uncommitted

137,344.58

3650 Net Excess (Deficit)

-18,930.50

Total Reserves/Balances

123,414.08

Total Liabilities & Balances

142,380.08

REVENUE/EXPENDITURE REPORT

Page: 7
5/18/2021
11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021		Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 205 - Hotel Occupancy Tax								
Revenues								
Dept: 15 ADMINISTRATION								
5611	Interest Revenues	0.00	0.00	35.50	6.05	0.00	-35.50	0.0
	ADMINISTRATION	0.00	0.00	35.50	6.05	0.00	-35.50	0.0
Revenues		0.00	0.00	35.50	6.05	0.00	-35.50	0.0
Expenditures								
Dept: 15 ADMINISTRATION								
6792	Capital Outlay - Other	6,000.00	22,995.00	18,966.00	18,566.00	0.00	4,029.00	82.5
	ADMINISTRATION	6,000.00	22,995.00	18,966.00	18,566.00	0.00	4,029.00	82.5
Expenditures		6,000.00	22,995.00	18,966.00	18,566.00	0.00	4,029.00	82.5
Net Effect for Hotel Occupancy Tax		-6,000.00	-22,995.00	-18,930.50	-18,559.95	0.00	-4,064.50	82.3
Change in Fund Balance:				-18,930.50				

BALANCE SHEET

Page: 6

5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 600 - BHP Development Projects

Assets

1025 BH Development - ONB

11,664.73

Total Assets

11,664.73

Reserves/Balances

3550 FB Committed - Soccer Fields

109,279.00

3600 Fund Balance - Uncommitted

-94,218.03

3650 Net Excess (Deficit)

-3,396.24

Total Reserves/Balances

11,664.73

Total Liabilities & Balances

11,664.73

REVENUE/EXPENDITURE REPORT

Page: 8
5/18/2021
11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021		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	3.76	0.64	0.00	16.24	18.8
Dept: 00								
		20.00	20.00	3.76	0.64	0.00	16.24	18.8
Revenues		20.00	20.00	3.76	0.64	0.00	16.24	18.8
Expenditures								
Dept: 00								
6798	Capital Outlay-Development	0.00	0.00	3,400.00	0.00	0.00	-3,400.00	0.0
Dept: 00								
		0.00	0.00	3,400.00	0.00	0.00	-3,400.00	0.0
Expenditures		0.00	0.00	3,400.00	0.00	0.00	-3,400.00	0.0
Net Effect for BHP Development Projects		20.00	20.00	-3,396.24	0.64	0.00	3,416.24	18.8
Change in Fund Balance:				-3,396.24				

BALANCE SHEET

Page: 7

5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 602 - DONATIONS/SIDEWALKS

Assets

1026 Donations/Sidewalks

55,069.75

Total Assets

55,069.75

Reserves/Balances

3600 Fund Balance - Uncommitted

55,054.80

3650 Net Excess (Deficit)

14.95

Total Reserves/Balances

55,069.75

Total Liabilities & Balances

55,069.75

REVENUE/EXPENDITURE REPORT

Page: 9
5/18/2021
11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021		Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 602 - DONATIONS/SIDEWALKS								
Revenues								
Dept: 00								
5611	Interest Revenues	2.00	2.00	14.95	2.34	0.00	-12.95	747.5
Dept: 00		2.00	2.00	14.95	2.34	0.00	-12.95	747.5
Revenues		2.00	2.00	14.95	2.34	0.00	-12.95	747.5
Expenditures								
Dept: 00								
6990	Operating Transfer Out	0.00	55,054.80	0.00	-34,397.00	0.00	55,054.80	0.0
Dept: 00		0.00	55,054.80	0.00	-34,397.00	0.00	55,054.80	0.0
Expenditures		0.00	55,054.80	0.00	-34,397.00	0.00	55,054.80	0.0
Net Effect for DONATIONS/SIDEWALKS		2.00	-55,052.80	14.95	34,399.34	0.00	-55,067.75	0.0
Change in Fund Balance:				14.95				

BALANCE SHEET

Page: 8

5/18/2021

11:21 am

City of Wimberley

As of: 3/31/2021

Balances

Fund: 604 - WW Collection & Treatment Plan

Assets

1032 WW Bond Reserve Funds	212,798.78
1033 BOK Financial (82-2435-02-0)	251,646.09
1034 BOK Financial (82-2435-01-2)	1,128,481.84
1728 WW Project - Const in Progress	2,591,541.18
1729 WW Reclamation Facility	1,754,039.14

Total Assets

5,938,507.03

Liabilities

2010 Accounts Payable	568,905.17
2011 Debt Forgiveness Funds	243,005.00
2086 Due to WWOP	176,881.50
2140 Accrued Interest Payable	21,265.75
2560 N TX General Obligation	4,780,000.00
2561 Bonds - Current	160,000.00

Total Liabilities

5,950,057.42

Reserves/Balances

3600 Fund Balance - Uncommitted	-1,624,247.99
3610 Net Invest in Capital Assets	2,185,666.99
3650 Net Excess (Deficit)	-572,969.39

Total Reserves/Balances

-11,550.39

Total Liabilities & Balances

5,938,507.03

REVENUE/EXPENDITURE REPORT

Page: 10

5/18/2021

11:24 am

City of Wimberley

For the Period: 10/1/2020 to 3/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 604 - WW Collection & Treatment Plan							
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	0.00	0.00	275,481.41	0.00	0.00	-275,481.41	0.0
Dept: 04 WATER/WASTEWATER							
5611 Interest Revenues	0.00	0.00	188.82	27.28	0.00	-188.82	0.0
5612 Investment Income	0.00	0.00	134.85	31.85	0.00	-134.85	0.0
WATER/WASTEWATER	0.00	0.00	323.67	59.13	0.00	-323.67	0.0
Revenues	0.00	0.00	275,805.08	59.13	0.00	-275,805.08	0.0
Expenditures							
Dept: 04 WATER/WASTEWATER							
6374 Contract Services	0.00	0.00	29,783.77	7,380.00	0.00	-29,783.77	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	464,368.24	1,676.30	0.00	-464,368.24	0.0
6799 Project Manager-WW Project	0.00	0.00	13,620.00	3,240.00	0.00	-13,620.00	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	848,774.47	12,296.30	0.00	-507,774.47	248.9
Expenditures	0.00	341,000.00	848,774.47	12,296.30	0.00	-507,774.47	248.9
Net Effect for WW Collection & Treatment Plan	0.00	-341,000.00	-572,969.39	-12,237.17	0.00	231,969.39	168.0
Change in Fund Balance:			-572,969.39				
Grand Total Net Effect:	5,046.00	-329,505.80	-516,425.23	205,895.41	0.00	186,919.43	



CITY OF WIMBERLEY

Application for Appointment to the Economic Support & Development Committee

Name: Helena Hawk

Phone: [REDACTED]

E-mail: [REDACTED]

Physical Address: [REDACTED]

Mailing Address

(If different than physical address): [REDACTED]

Employer: Creekhaven Inn + Spa Position/Occupation: Owner/Managing Partner

Business Number: 512.847.9344

Fax: _____

I reside: ☒ Inside Wimberley's City Limits

☐ Wimberley's ETJ

☐ Outside ETJ

I am a registered voter in: ☒ City of Wimberley

☒ Hays County

☐ Not Registered

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

If "Yes" please explain: _____

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

Please describe any qualifications, expertise, credentials or special interests that relate to your possible appointment.

Please see prior application.

Signature: Helena Hawk

Date: May 14, 2021



AGENDA ITEM:	ZA-21-007 – Rezone from C-1 to C-3
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	May 7, 2021
MEETING DATE:	May 13, 2021 (P&Z) / May 20, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case ZA-21-007, an application for a Zoning Amendment to change the zoning for the property located at a 107 Old Kyle Rd, Wimberley, Hays County, Texas, from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3).

PROPERTY INFORMATION

Property Description

Applicant(s):	Russ Whisler
Property Address:	107 Old Kyle Rd
Property Owner:	Double LC Partners LTD
Legal Description:	.663 Acres out of the Amasa Turner Survey No. 1
Property Size:	.663 Acres
Existing Use of Property:	Commercial
Existing Zoning:	Commercial – Low Impact (C-1)
Proposed Use of Property:	Commercial
Request:	Change Zoning to Commercial – High Impact (C-3)
Planning Area:	V
Overlay District:	City Center Overlay and Protected Waterway

Surrounding Property:

Frontage: Old Kyle Rd

	Current Zoning:	Existing Land Use:
North of Property	L-1	Lodging
South of Property	C-3	Commercial
East of Property	PR-1	Nature Preserve
West of Property	C-1	Commercial

Surrounding Zoning & Land Use

COMMENTS

Staff has not received any letters of opposition or support for this request.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200’): April 29, 2021

Published Legal Notice (Wimberley View): April 29, 2021

RECOMMENDATION

Planning Commission recommended approval of this item at their May 13th meeting with a 3 vote.

ATTACHMENT/S

- Application
- Notification Map
- Ordinance



FOR OFFICIAL USE ONLY

APPLICATION DATE: 4/21/2021 FILE NO. 2A-21-007
TENTATIVE P&Z HEARING: 5/13/21 TENTATIVE COUNCIL HEARING: 5/20/21
CITY INITIATED: ☐ YES - ☒ NO PLANNING AREA: V ZONING REQUESTED: C-3
ZONING FEES: \$ 783.15 DATE PAID: 4/21/21 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 BE ZONED: 107 Old Kyle Rd Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 18447 **
* 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:

Downtown where Innstyle, Gracious Ladies and a few buildings behind. Next to the city park.

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

1. OWNER'S NAME: Lisa Crane - Mgr HOME PHONE: [REDACTED]
Double LC Partners LTD BUSINESS PHONE: ()
FAX: ()
E-MAIL:

OWNER'S CURRENT MAILING

ADDRESS: [REDACTED]
EMAIL: [REDACTED]

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

AGENT'S FIRM MAILING

ADDRESS: [REDACTED]
EMAIL: [REDACTED]

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 0.663 (OR) SQ.FT. — TOTAL NO. of TRACTS: 1

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

PROPOSED USE(S): Retail

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

7. **LEGAL DESCRIPTION**

Street Address: 107 Old Kyle Rd Subdivision: Amasa Turner

Block(s) — Lot(s) Survey No. 1

Plat Book: 850 Page Number: 499

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

VOLUME: 4106 PAGE: 455 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES X NO — UNKNOWN —

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

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): Cypress Creek

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: City Wimberley

WASTEWATER UTILITY PROVIDER: —

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): —

Related Cases, If Applicable

☐ Zoning	File No. <u>—</u>
☐ Building Permit	File No. <u>—</u>
☐ Subdivision	File No. <u>—</u>
☐ Sign Permit	File No. <u>—</u>
☐ Engineered construction	File No. <u>—</u>

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: 4/15/21 APPLICANT SIGNATURE [Signature]

WHEN APPLICABLE:

Date: 4-20-21 AGENT SIGNATURE [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 Old Kyle Rd, and more particularly known as Lot _____, Block .063 Ac of the Amasa Turner survey 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: 4/15/21 APPLICANT SIGNATURE [Signature]

WHEN APPLICABLE:

Date: 4-20-21 AGENT SIGNATURE [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: 4/15/21

APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: 4-20-21

AGENT SIGNATURE 

DAVID McALIB TO
JAMES MALCOLM HARRIS
(7.67 ACRES)
AUGUST 30, 1993

APPROXIMATE CENTERLINE OF CYPRESS CREEK

N 70° 08' E (11.37') N 70° 08' E (11.37')

ORIGINAL SCALE
1" = 20'

LEGEND

- 1/2" IRON ROD FOUND
- ⊗ FOUND "X" IN ROCK
- CONCRETE MONUMENT FOUND
- UTILITY POLE AND LINE
- ▲ FENCE POST OR SIGN POST
- ROCK AND CONCRETE CURB/RETAINING WALL
- CONCRETE
- EDGE OF ASPHALT
- VOL PG HAYS COUNTY DEED, REAL PROPERTY, OR OFFICIAL PUBLIC RECORDS

SURVEYOR'S NOTES

1. FENCES MEANDER
2. BEARINGS, DISTANCES, AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0160 E, DATED 2/18/98, A PORTION OF THIS TRACT IS WITHIN ZONE AE (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD); A PORTION IS WITHIN ZONE X (AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, 1 AND A PORTION IS WITHIN THE FLOODWAY OF CYPRESS CREEK.
4. THIS SURVEY WAS DONE IN CONJUNCTION WITH A TITLE COMMITMENT OF NO. 199107-9 DATED 5/24/99 PROVIDED BY AUSTIN TITLE COMPANY. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. THEREFORE CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS TRACT MAY BE SUBJECT TO AN ELECTRIC EASEMENT RECORDED IN VOLUME 116, PAGE 543 OF THE HAYS COUNTY DEED RECORDS. HOWEVER, THERE IS NO PHYSICAL EVIDENCE OF AN ELECTRIC LINE CROSSING THIS TRACT.
6. THE EASEMENT ALONG CYPRESS CREEK REFERENCED IN VOLUME 121, PAGE 227 OF THE HAYS COUNTY DEED RECORDS, HAS APPARENTLY BEEN ABANDONED BY AN INSTRUMENT RECORDED IN VOLUME 219, PAGE 435 OF THE HAYS COUNTY DEED RECORDS.
7. DUE TO COMMON OWNERSHIP OF TRACTS ONE AND TWO, THIS EASEMENT HAS POSSIBLY BEEN ABANDONED.

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS

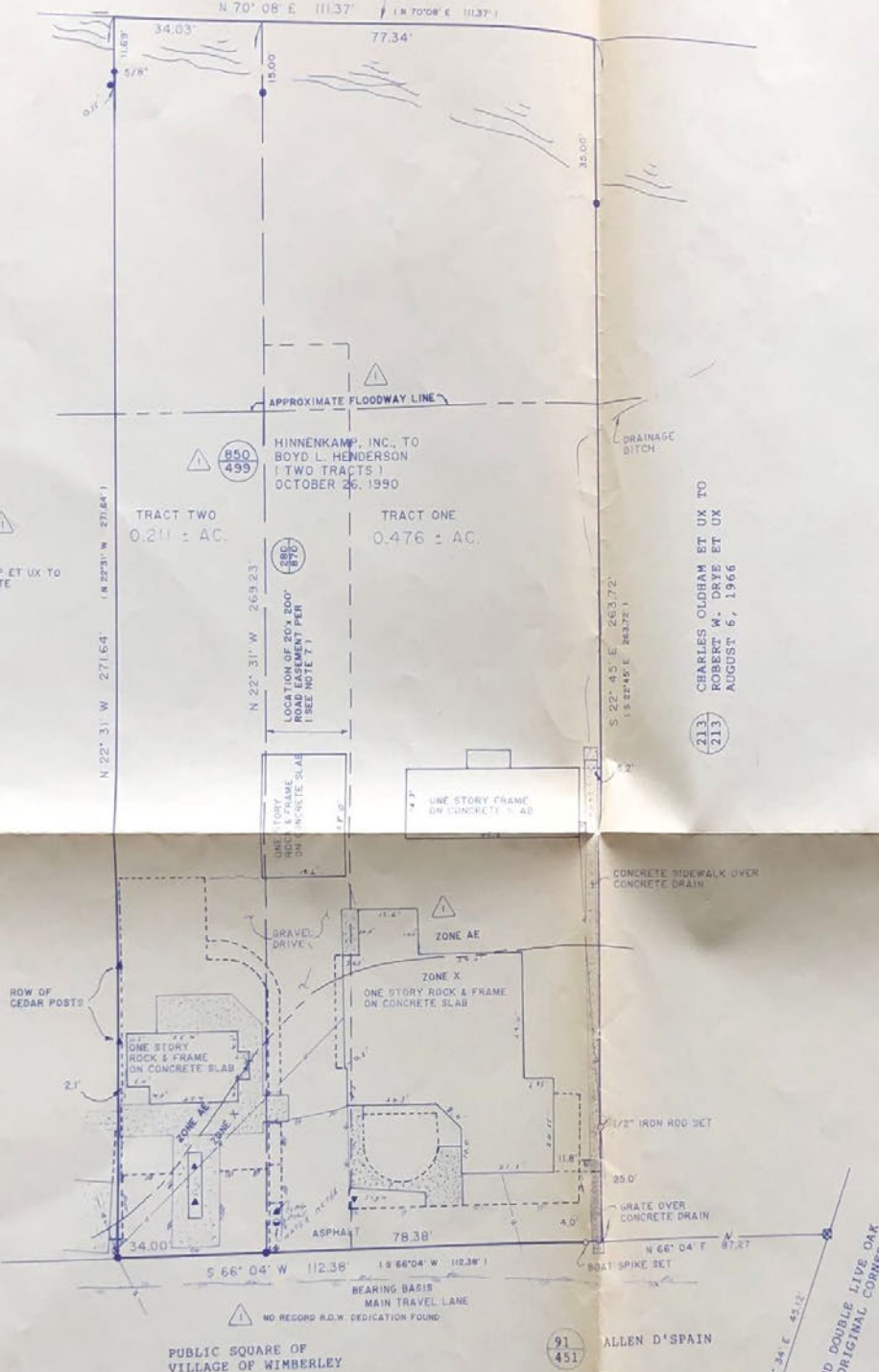
1115 HWY 80 E
P.O. BOX 1433
SAN MARCOS, TEXAS 78666
(512) 396-2270

REVISED: 6/9/99, VISUALLY INSPECTED AND ALL MONUMENTS FOUND

TO: BOYD L. HENDERSON, STEVE TUCKER, AND AUSTIN TITLE COMPANY, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND DURING DECEMBER 1975 AND OCTOBER, 1990; THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON; AND THAT THERE ARE NO VISIBLE DISCREPANCIES, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN OR NOTED HEREON.

KYLE SMITH, R.P.L.S. NO. 5307



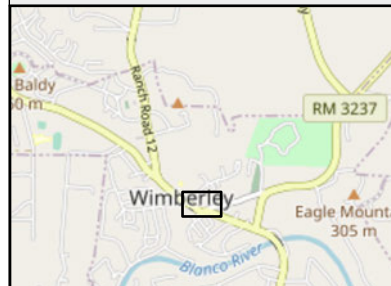
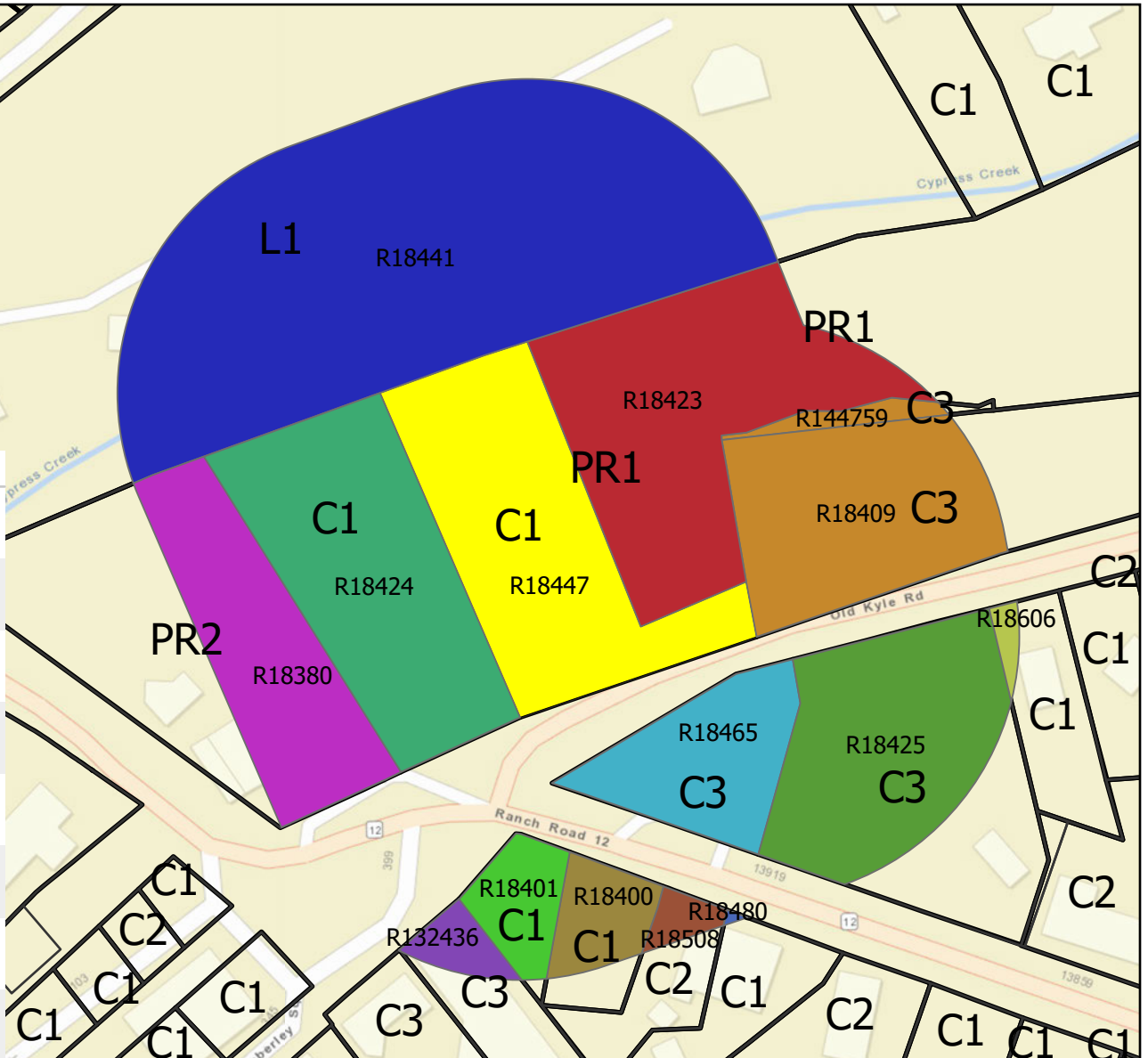
REVISED: 6/9/99, HENDERSON, B., NO. 24690-99
VISUALLY INSPECTED AND ALL MONUMENTS FOUND

CLIENT: HENDERSON BROTHERS PROPERTIES
DATE: OCTOBER 26, 1990
OFFICE: WILLIAMSON
CREW: BRYANT, EVERETT
FB/PG: 277/74
PLAT NO.: 22739-90-C

PLAT OF A SURVEY OF A 0.211 ACRE TRACT
AND 0.476 ACRE TRACT IN THE AMASA TURNER
SURVEY NO. 1, HAYS COUNTY, TEXAS.

ZA-21-007

RefName	OwnerName	Percent
R18400	WIMBERLEY WAYS LLC	2.07801
R132436	WIMBERLEY DEEDS LLC	1.031096
R18480	SULLIVAN, GAY B	0.03796
R18508	WIMBERLEY PATIO BUILDING LLC	0.644164
		0.00022
		0.000015
R18465	DOUBLE LC PARTNERS ONE LTD	5.371917
R18425	WIMBERLEY RR 12 LLC	10.009506
R144759	LUMBERYARD SB1 LLC	0.742692
R18409	LUMBERYARD SB1 LLC	9.515628
R18423	VILLAGE OF WIMBERLEY THE	14.138124
R18441	HARRIS JAMES MALCOLM &	32.96375
R18424	TATE, JOYCE WEBB	12.527539
R18380	ROMANO, LAURA	8.422097
R18401	BARLOW STEPHEN A & SARAH	2.147272
R18606	WHITE, PATRICIA CAROL	0.369392

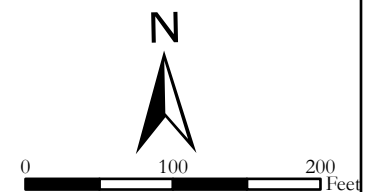


200' Notification Map

© 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 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 0.663 acres of land out of the Amasa Turner Survey No. 1, in Wimberley, Hays County, Texas, commonly known as 107 Old Kyle Rd from Commercial - Low Impact (C-1) to Commercial - High Impact (C-3).

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 0.663 acres of land out of the Amasa Turner Survey No. 1, in Wimberley, Hays County, Texas,

City of Wimberley, Texas

commonly known as 107 Old Kyle Rd from Commercial - Low Impact (C-1) to Commercial - High Impact (C-3) 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 ____ 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



The Wimberley View CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202

Public Notice

**City of Dripping Springs
Public Notice of Approved Ordinance
FY21 Budget Amendment
Effective Date: April 29, 2021
Ordinance No. 2021-15**
AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CURRENT 2020-2021 FISCAL YEAR BUDGET; FINDING MUNICIPAL PURPOSES; AUTHORIZING EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOTICE TO CREDITORS
Notice is given that original Letters Testamentary for the Estate of LILA LUCKIE McCALL, Deceased were issued on April 20, 2021, in Cause No. 21-0132-P, pending in the County Court at Law of Hays County, Texas, to LILA CARTER McCALL and KATHERINE ELIZABETH STEVENS, Co-Independent Executors.

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

Estate of Lila Luckie McCall, Deceased
c/o BILL CLINE, JR.
Bill Cline Law Office, P.C.
P. O. Box 2502, 120 Joe Wimberley Blvd., Suite 103
Wimberley, Texas 78676

s/s Bill Cline, Jr.
BILL CLINE, JR.
Attorney for Co-Independent Executors
State Bar No.: 04397000

**Request for Qualifications
RFQ 20-21-008
For Dripping Springs Independent School District Annual Financial Services Audit**

Dripping Springs ISD requests qualifications from Auditing Firms to provide Financial Audit Services, for RFQ 20-21-008 – DSISD Annual Financial Services Audit. Instructions for submission and other important information can be obtained at the Dripping Springs ISD Purchasing Department located at 510 West Mercer Street, Dripping Springs, Texas 78620, or by contacting Michelle Lyons, Purchasing Coordinator, by email at michelle.lyons@dsisdtx.us, or posted on the District's website at www.dsisdtx.us. Dripping Springs ISD will accept submissions until 2:00 p.m. local time Tuesday, May 25, 2021. Dripping Springs Independent School District reserves the right to accept or reject any or all proposals, to waive any formalities and irregularities in the proposals received, and will accept the responses determined in the best interest of the District.

Hays Trinity Groundwater Conservation District (HTGCD): Notice of Public Hearing.

HTGCD will hold a Public Hearing at 6:00 pm Thursday, June 3, 2021, on the Groundwater Management Area 9 (GMA 9) Proposed Desired Future Conditions and Proposed Non-Relevant Aquifer Classifications. The Hearing will be held via video-conference, <https://global.gotomeeting.com/join/166607037>, or dial in: 1(866)899-4679, Access Code: 166-607-037. Hearing items are available for review on the District website, www.haysgroundwater.com, under Agendas, and at the District office. Oral comments may be presented at the Hearing. The District will accept written comments on the Hearing item until June 30, 2021 via mail to PO Box 1648, Dripping Springs, TX 78620 or by email to staff3@haysgroundwater.com. Members of the public may contact the office at (512) 858-9253 or the email above for a copy of the item or with any questions.

NOTICE TO CREDITORS
Notice is given that original Letters Testamentary for the Estate of CATHY COCHRAN, Deceased were issued on March 24, 2021, in Cause No. 21-0072-P, pending in the County Court at Law of Hays County, Texas, to DAVID A. COCHRAN, Independent Executor.

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

Estate of CATHY COCHRAN, Deceased
c/o BILL CLINE, JR.
Bill Cline Law Office, P.C.
P. O. Box 2502, 120 Joe Wimberley Blvd., Suite 103 Wimberley, Texas 78676

S/S Bill Cline, Jr.

BILL CLINE, JR.
Attorney for Independent Executor
State Bar No.: 04397000

LEGAL NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for an On-Premise Beer & Wine License by Michele Woods, dba Social on the Square, to be located at 107 Henson Rd., Wimberley, TX 78676, Hays County. Owners of said corporation are Derek Woods and Michele Woods.

Public Notice

NOTICE TO CREDITORS
Notice is hereby given that original Letters Testamentary for the Paula Dianne King, Deceased, were issued on April 29, 2021, in Cause No. 21-0115-P, pending in the County Court at Law of Hays County, Texas, to: Jennifer Mansell.

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

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

DATED the 21st day of April 2021.

Joseph J. Malone
Attorney for Jennifer Mansell
State Bar No: 24050982
STEVENS & MALONE, PLLC
P.O. Box 727
Wimberley, Texas 78676
Telephone: (512) 847-9277
Facsimile: (512) 847-5131
E-mail: joe@stevensmalonelaw.com

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, May 13, 2021 at 6:00 p.m. to consider the following: CUP-21-013 – an application for a Conditional Use Permit to allow for the operation of a vacation rental (STR2) at 140 Southriver, Wimberley, TX. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, May 20th, 2021, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Stillwater, Wimberley, TX), or by email (nglaiser@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. If City Hall is closed to visitors on the day of the meeting, or the meeting is virtual for another reason, the City will post the virtual meeting information on its website at www.cityofwimberley.com so that the public may have access to the meeting. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

RFP 20-21-007 DSISD Propane Services Districtwide

Dripping Springs ISD is requesting proposals for DSISD Propane Services Districtwide (RFP 20-21-007). Proposals shall be addressed to Michelle Lyons, Purchasing Coordinator CTSBO, Dripping Springs Independent School District, 510 W. Mercer Street, Dripping Springs, Texas 78620, and must be received by 2:00 P.M. (CST) on May 26, 2021. Pre-Bid Conference: Time: 10:00 am Date: May 4, 2021 Location: DSISD Facilities Dept. 940 W Hwy 290, Dripping Springs, Texas

The RFP package may be obtained at the District's website at www.dsisdtx.us Dripping Springs Independent School District reserves the right to accept or reject any and all proposals, to waive any formalities and irregularities in the proposals received, and will accept the response(s) determined in the best interests of the District.

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, May 13, 2021 at 6:00 p.m. to consider the following: CUP-21-014 – an application for a Conditional Use Permit to allow for the operation of a bed & breakfast (STR1) at 300 River Road, Wimberley, TX. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, May 20th, 2021, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Stillwater, Wimberley, TX), or by email (nglaiser@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. If City Hall is closed to visitors on the day of the meeting, or the meeting is virtual for another reason, the City will post the virtual meeting information on its website at www.cityofwimberley.com so that the public may have access to the meeting. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



Public Notice


**City of Dripping Springs
Board, Commission and Committee
Applications for Appointment**

The City of Dripping Springs is accepting applications for Boards, Commission and Committees. A list of current vacancies and upcoming seat expirations, and the Application for Appointment are available on the City's, cityofdrippingsprings.com. Applications for June Appointments are due May 31, 2021. For more information regarding appointments please contact City Secretary Andrea Cunningham at acunningham@cityofdrippingsprings.com or by calling (512) 858-4725.

Public Notice

**NOTICE OF PUBLIC HEARING
(Request for Zoning)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, May 13, 2021 at 6:00 p.m. to consider the following: ZA-21-007 – a request to change the zoning from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3) for a property located at 107 Old Kyle Rd, Wimberley, TX. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, May 20, 2021, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Stillwater, Wimberley, Texas), or by email (nglaiser@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. If City Hall is closed to visitors on the day of the meeting, or the meeting is virtual for another reason, the City will post the virtual meeting information on its website at www.cityofwimberley.com so that the public may have access to the meeting. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE TO CREDITORS

Notice is hereby given that the administration of the Estate of Robert Brooken Jeffers, Jr., deceased, has been commenced by the issuance of original letters testamentary to David Junkin on March 29, 2021, by the County Court at Law of Hays County, Texas, acting in Cause No. 21-0077-P, in which court the matter is now pending.

The Independent Executor resides in San Marcos, Texas, and may be contacted at 133 W. San Antonio, San Marcos, Texas 78666. All persons having claims against the Estate are notified to present them in the manner and within the time prescribed by law.

Dated this 21st day of April, 2021.
McGlothlin Junkin & Wilde, PC
133 W. San Antonio, Suite 400
San Marcos, TX 78666
512/392-7510
512/392-7520 (fax)

David Junkin
State Bar no. 11058020

**NOTICE OF WASTEWATER
INFORMATIONAL MEETING**

The City of Wimberley would like to invite all licensed plumbers to attend a Wastewater Informational Meeting on Tuesday, May 11th, and Wednesday, May 12th, from 6:00 p.m. to 8:00 p.m. at the Wimberley Community Center, located at 14068 Ranch Rd 12, Wimberley, TX 78676. Tables will be provided to plumbers in advance of the meeting in order to engage with system users by answering question regarding the decommissioning of septic systems and tying onto the wastewater system.



General Help Wanted

HELP NEEDED
for light housekeeping grocery shopping & laundry. About 5 hours per week. Salary negotiable. 512-574-0089

General Help Wanted

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



Garage Sales

SATURDAY MAY 1
9am - 5pm
1601 Fischer Store Rd. Rustic, Western, Vintage, Dolls, books, kitchen, clothing, Landscape items, advertising collectibles, small home furnishings, playscape slide, glider, swings. Rain date May 8.

GARAGE SALE
2 Country Place Dr, Wimberley, TX. May 1, 8:00 am - 12:00 pm
Moving, donating anything left to charity.

**SAMPLES/-
GARAGE SALE
Saturday May 1st**
9-5, 15605 RR 12 Wimberley
New Name Brand sample sports wear and accessories
Men's clothing, shoes, accessories
Women's vintage, leather, jewelry, accessories Baby boy clothing,
Furniture, household goods Dog houses, pet carriers
Estate items, interesting stuff

Estate Sales

General Help Wanted


The San Marcos Daily Record
is now hiring
INSERTERS
Part-time, forklift experience helpful, but not necessary. Must be able to work Night Shift. Must be mechanically inclined and detail oriented. Please send resumes to circulation@sanmarcosrecord.com or stop by 1910 IH-35 to fill out an application. NO PHONE CALLS PLEASE

Misc. Merchandise

NICE WASHERS
/dryers/stoves
\$250/up. Refrigerators \$200/up. **Guaranteed Appliances, Sales / Service.**
512-392-0373



Want To Buy

WANTED 1-5 acres
that never flooded with views preferred near Wimberley. 512-660-9031



Duplex For Rent

2/1 DUPLEX - DRIPPING SPRINGS
Water, trash, recycling & internet included. \$1200 deposit, 1 year lease. fenced, dogs with additional deposit. \$1150/mo. Ava 2nd week of May 512-699-4018

Estate Sales



RV Sales

2012 KEYSTONE MONTANA
5th wheel RV, 37RL. Interior recently updated. Call for pictures and details. \$30,000 OBO Available June 1st 512-845-7917

Misc. Services

ALL TYPES OF CLEANUP
Eye Sores tree & Hauling Service will remove all your eye sores! We move and level portable buildings. Flood and fire prevention Landscaping. Lot clearing, cleanup & removal. Tree trimming & cutting. We will haul off your trash, trees & JUNK. Home leveling & Bobcat work. Land clearing & dozer services. Call for an estimate today. 512-312-1227 or 512-689-3415

CALL JOHN WILTON
for all your home renovations, repairs and handyman needs. 512-618-1089 Down to Earth Services

Estate Sales

Germer Living Estate Sale
3 miles past the Walmart off 80 in San Marcos
3355 FM 1984 Maxwell, TX
Thursday & Friday 9am - 3pm
Saturday 50% off 9am - 1pm
512-648-0373
www.facebook.com/LifeChangesES

Come Shop With Us!
LifeChangesEstateSales.com





April 29, 2021

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-21-007**
107 Old Kyle Rd

Dear Property Owner:

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

The applicant, Double LC Partners LTD (*Agent: Russ Whisler*), is requesting a change of zoning from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3) for property located at 107 Old Kyle Rd, further described as .663 acres out of the Amasa Turner Survey No. 1, Wimberley, Hays County, Texas (HaysCAD # R18447). The City of Wimberley Planning and Zoning Commission will consider this request at a public hearing on **Thursday, May 13, 2021, at 6:00 p.m.** Upon recommendation from the Commission, the City Council will hold a public hearing to consider the same request on **Thursday, May 20, 2021, at 6:00 p.m.** Either of these Public Hearings may be held in accordance with Order of the Office of the Governor issued March 16, 2020, whereby the public hearing may be conducted in a telephonic 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).

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

Additional information regarding the proposed request is available on request. Should you have questions, please feel free to email nglaiser@cityofwimberley.com or call City Hall at 512-847-0025.

Sincerely,

Nathan Glaiser
City Planning and Development Coordinator
City of Wimberley



**PROPOSED ZONING
PUBLIC HEARING NOTICE**
Proposed Action: Zoning Change C-1 to C-3
Application Number: ZA-21-007
Date & Time of Hearing: P. 6. 2. 5/13/21 6:00 p.m.
Hearing Location: City Hall
221 Stillwater
For Further Information Call: (512) 847-
City of Wimberley
Do Not Remove

Apr 26, 2021 16:03:53
105 Old Kyle Road
Wimberley
Hays County
Texas



AGENDA ITEM:	CUP-21-013 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	May 7, 2021
MEETING DATE:	May 13, 2021 (P&Z) / May 20, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case CUP-21-013, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 140 Southriver, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	South River Properties
Property Address:	140 Southriver
Property Owner:	Tracey Dean
Legal Description:	South River Unit 1, Lot 43
Property Size:	1.606 acres
Existing Use of Property:	Raw Land
Existing Zoning:	Commercial - 1
Proposed Use of Property:	Vacation Rental
Request:	Operate a Vacation Rental (STR2)
Planning Area:	III
Overlay District:	Protected Waterway (not in future build site)

Surrounding Property:

Frontage: Southriver

	Current Zoning:	Existing Land Use:
North of Property	R-2	Residential/STR
South of Property	C-1	Commercial
East of Property	C-1	Raw Land
West of Property	C-1	Raw Land

Surrounding Zoning & Land Use

COMMENTS

Staff has not received any letters of opposition or support for this request.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200’): April 29, 2021

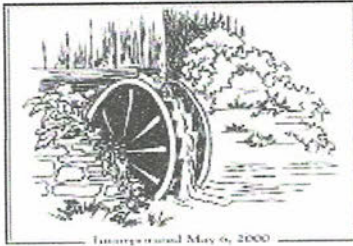
Published Legal Notice (Wimberley View): April 29, 2021

RECOMMENDATION

Planning Commission recommended approval of this P at their May 13th meeting with the added condition that the vacation rental substantially comply with the submitted application.

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

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: 140 SOUTH RIVER Wimberley, TX 78676

OWNER/APPLICANT: SOUTH RIVER PROPERTIES PHONE _____

MAILING ADDRESS: _____

CITY: _____

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 III Zoning C-1 Total Acreage or Sq. Ft. _____

Subdivision: SOUTH RIVER Lot 43 Block _____

Appraisal District Tax ID #: R 71946

Deed Records Hays County: Volume _____ Page _____

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

Is property located in flood plain? (☒) Yes () No Portion of it, not future building.

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: WIMBERLEY WATER SUPPLY CORP.

Wastewater Service Provider or Hays County Septic Permit No: WUF

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.

4/15/2021 | 5:58 AM PDT

DATE

WHEN APPLICABLE:

Date 4/15/2021 | 7:57 AM CDT

DocuSigned by:

Tracey Dean

4F2B58049CD1432...

APPLICANT SIGNATURE

DocuSigned by:

Robert Campbell

2BC01674AE70414...

AGENT SIGNATURE

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

Owner: SOUTH RIVER PROPERTIES, LTD

LOCATION OF PROPERTY: 140 SOUTHRIVER, WIMBERLEY TX 78676

LEGAL DESCRIPTION: SOUTH RIVER UNIT 1, LOT 43, ACRE/
1.606

PLANNING AREA: TIL

PRESENT ZONING: C-1

EXISTING USE: Raw Land

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 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: 3 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 Blanco 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:

4/15/2021 | 5:58 AM PDT

DATE

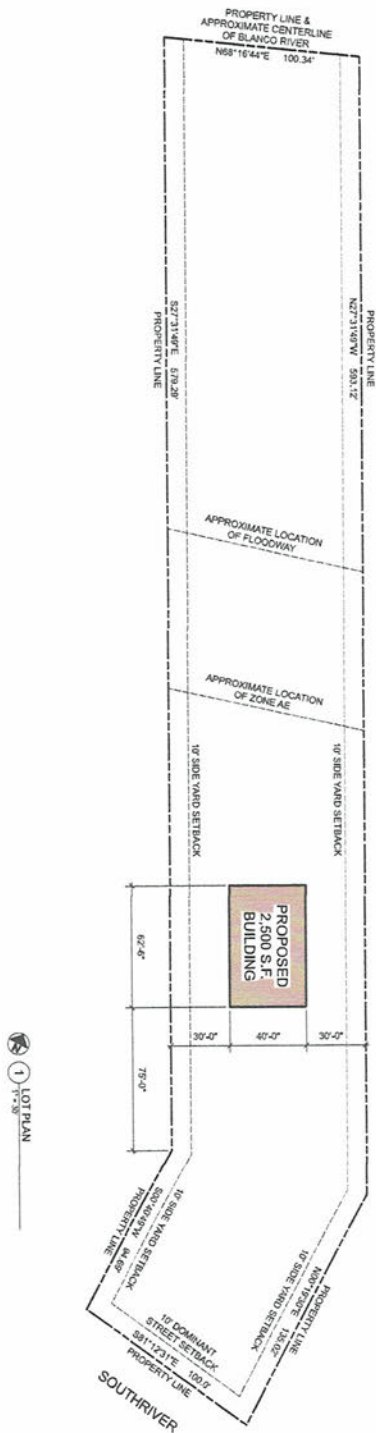
DocuSigned by:

Tracey Dean

OWNER

DATE

OWNER



4:08 PM Sat Jan 16

hayscad.com

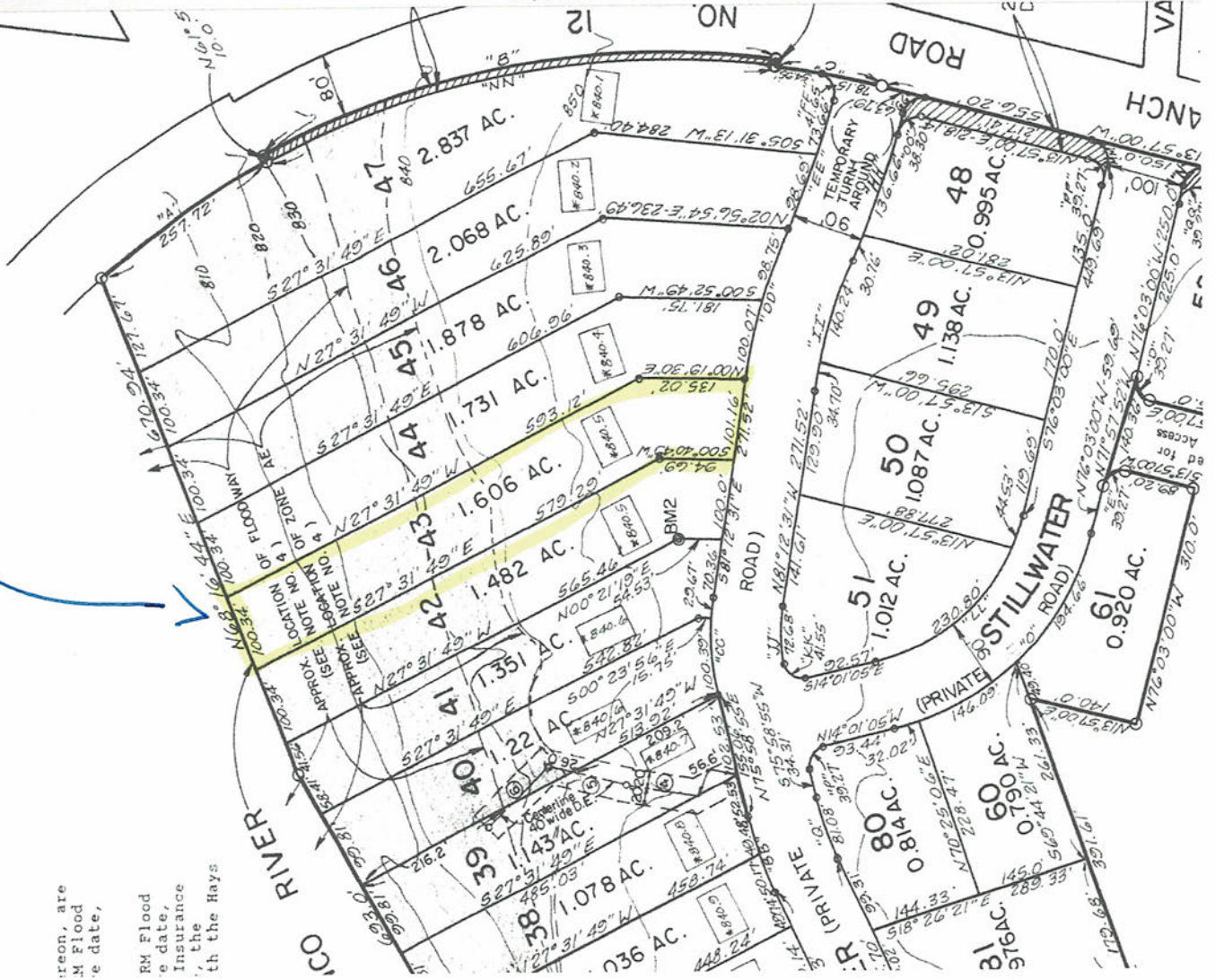
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Lot #43

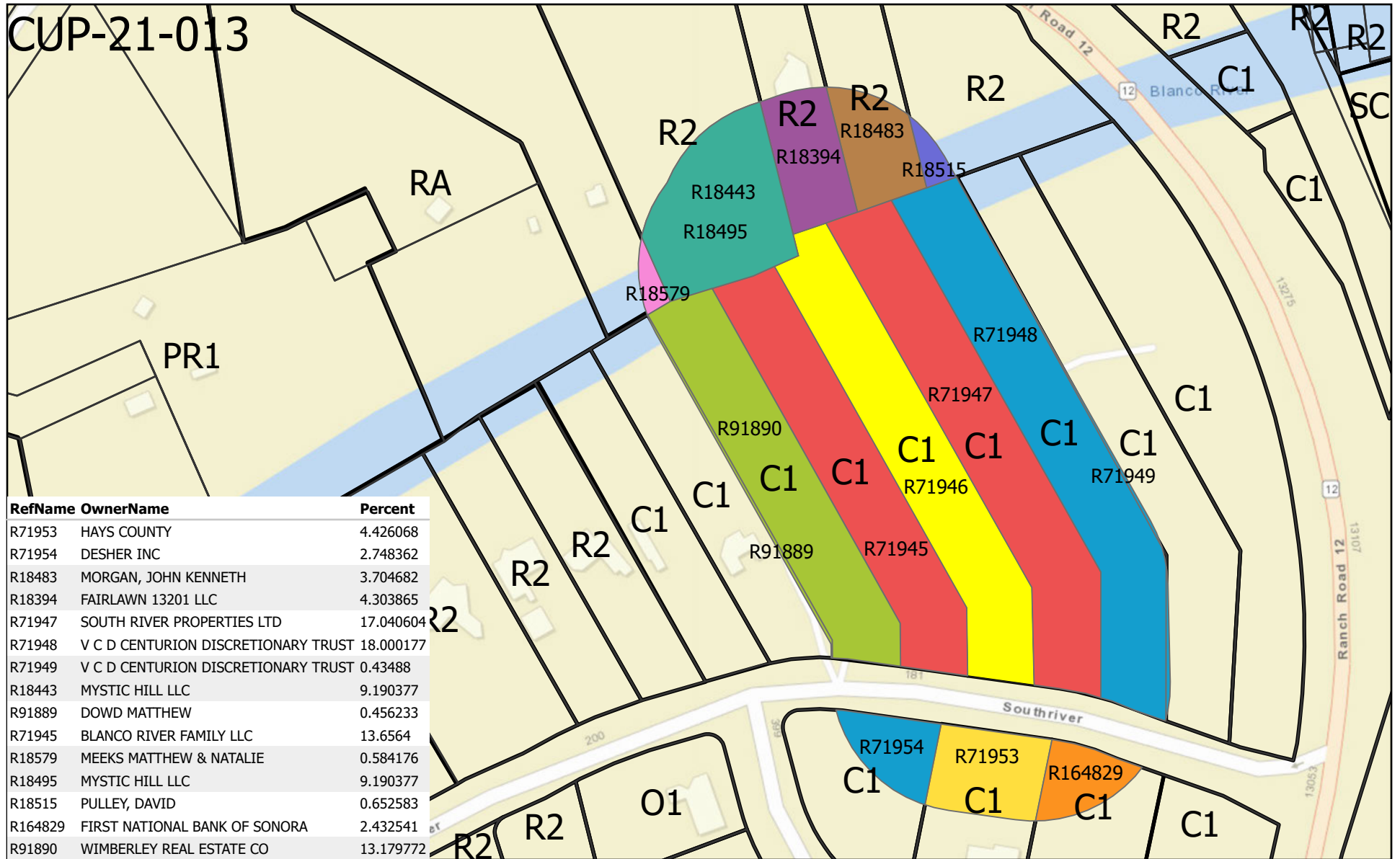
SCALE: 1"=200'

improve-
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CUP-21-013

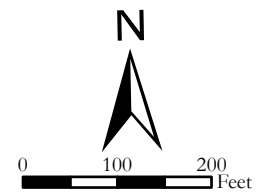


200' Notification Map

City of Wimberley, Comal County, Esri, HERE, Garmin, NGA, USGS, NPS, 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 SOUTH RIVER PROPERTIES TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 140 SOUTHRIVER, WIMBERLEY, TEXAS, ZONED COMMERCIAL - LOW IMPACT (C-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by South River Properties (“Applicant”) requesting authorization to operate a vacation rental on real property described as South River Unit 1, Lot 43, zoned Commercial - Low Impact (C-1); and

WHEREAS, a vacation rental is an authorized use in areas zoned Commercial - Low Impact (C-1) upon approval of a 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 South River Properties (“Applicant”) for use as a vacation rental on real property, described as South River Unit 1, Lot 43, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial - Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. CUP shall substantially comply with Application as submitted.
2. No organized outside activities shall be allowed on the property after 10 p.m.

City of Wimberley, Texas

3. 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.
4. The grounds outside the residence shall remain free of litter and trash at all times.
5. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
6. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
7. 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.
8. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
9. A copy of the requirements set forth in the CUP shall be made available to all guests.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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 20th day of May, 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



April 28, 2021

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-21-013**
140 South River

Dear Property Owner:

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

The applicant, South River Properties, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental (STR2) at 140 South River, further described as South River, Lot 43, Wimberley, Hays County, Texas (HaysCad # 71946). The City of Wimberley Planning and Zoning Commission will consider this request at a public hearing on **Thursday, May 13, 2021, at 6:00 p.m.** Upon recommendation from the Commission, the City Council will hold a public hearing to consider the same request on **Thursday, May 20, 2021, at 6:00 p.m.** Either of these Public Hearings may be held in accordance with Order of the Office of the Governor issued March 16, 2020, whereby the public hearing may be conducted in a telephonic 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).

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

Additional information regarding the proposed request is available on request. Should you have questions, please feel free to email nglaiser@cityofwimberley.com or call City Hall at 512-847-0025.

Sincerely,

Nathan Glaiser
City Planning and Development Coordinator
City of Wimberley



**PROPOSED ZONING
PUBLIC HEARING NOTICE**
Proposed Action: Vacation Rental (STR2)
Application Number: CUP-21-013
Date & Time of Hearing: P & Z - 5/13/21 6:00 p.m.
Hearing Location: City Hall - 5/20/21 6:00 p.m.
221 Stillwater
For Further Information Call: (512) 847-0025

Do Not Remove

MOCK RANCHES, INC.
FOR SALE
ROB CAMPBELL
www.MockRanches.com
512-754-4985
WATERFRONT

Apr 30, 2021 16:09:28
203 Stillwater Road
Wimberley
Hays County
Texas



AGENDA ITEM:	CUP-21-014 – Bed & Breakfast (STR1)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	May 7, 2021
MEETING DATE:	May 13, 2021 (P&Z) / May 20, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case CUP-21-014, an application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 300 River Road, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	Bruce & Tracey Levinson
Property Address:	300 River Road
Property Owner:	Bruce & Tracey Levinson
Legal Description:	Cliffside Second Unit, Lots 20 & 21
Property Size:	.5 acres
Existing Use of Property:	Residential
Existing Zoning:	Commercial - 1
Proposed Use of Property:	Bed & Breakfast/Residential
Request:	Operate a Bed & Breakfast
Planning Area:	III
Overlay District:	None

Surrounding Property:

Frontage:	River Road
------------------	------------

	Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use		
North of Property	R-3	Residential
South of Property	C-1	Commercial
East of Property	C-1	Commercial
West of Property	R-3	Residential

COMMENTS

The applicant has provided 3 letters of support from surrounding neighbors and an additional neighbor spoke in favor of the request at the May 13th Public Hearing.

LEGAL NOTICE

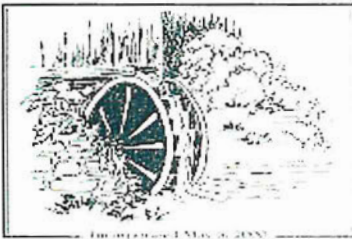
Surrounding Neighbor Notification Letters (200’): April 29, 2021
Published Legal Notice (Wimberley View): April 29, 2021

RECOMMENDATION

Planning Commission recommended approval of this P at their May 13th meeting .

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

CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 014

FOR OFFICIAL USE ONLY

Application Date: 4/16/21 Tentative P&Z Hearing: 5/13 Tentative Council Hearing: 5/19
FEES: \$650.00 DATE PAID: 4/16/21 CHECK NO. 2175 REC'D BY N.G.

PROJECT SITE ADDRESS: 300 River Road Wimberley, TX 78676

OWNER/APPLICANT Bruce & Tracy Levinson PHONE [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: [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)

Bed & Breakfast Lodging (short-term rental)

Planning Area III Zoning C-1 Total Acreage or Sq. Ft. .5 acre

Subdivision: Cliffside Second Unit Lot 20/21 Block

Appraisal District Tax ID #: R 24343 11-1800-0000-02000-8

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

UTILITY PROVIDERS:

Electric Provider: P. E. C

Water Provider or Private Well: Wimberley Water Supply

Wastewater Service Provider or Hays County Septic Permit No: 2019-11

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.

April 16, 2021
DATE

WHEN APPLICABLE:

Date _____



APPLICANT SIGNATURE



AGENT SIGNATURE

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

Owner: Bruce and Tracy Levinson

LOCATION OF PROPERTY: 300 River Road, Wimberly, TX 78676

LEGAL DESCRIPTION: All of lots twenty (20) and Twenty One (21) Cliffside Second Unit
a subdivision in Hays County, Texas, according to the map or plat recorded in volume 138, page 149
Hays County Deed Records

PLANNING AREA: III

PRESENT ZONING: Commercial 1

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 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

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

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

NUMBER OF BEDROOMS: 1 42.3 B.

MAXIMUM OCCUPANCY: 2 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 Blanco 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

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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:

April 16, 2021
DATE

April 16, 2021
DATE


OWNER

OWNER

Exterior Fence

Privacy Fence

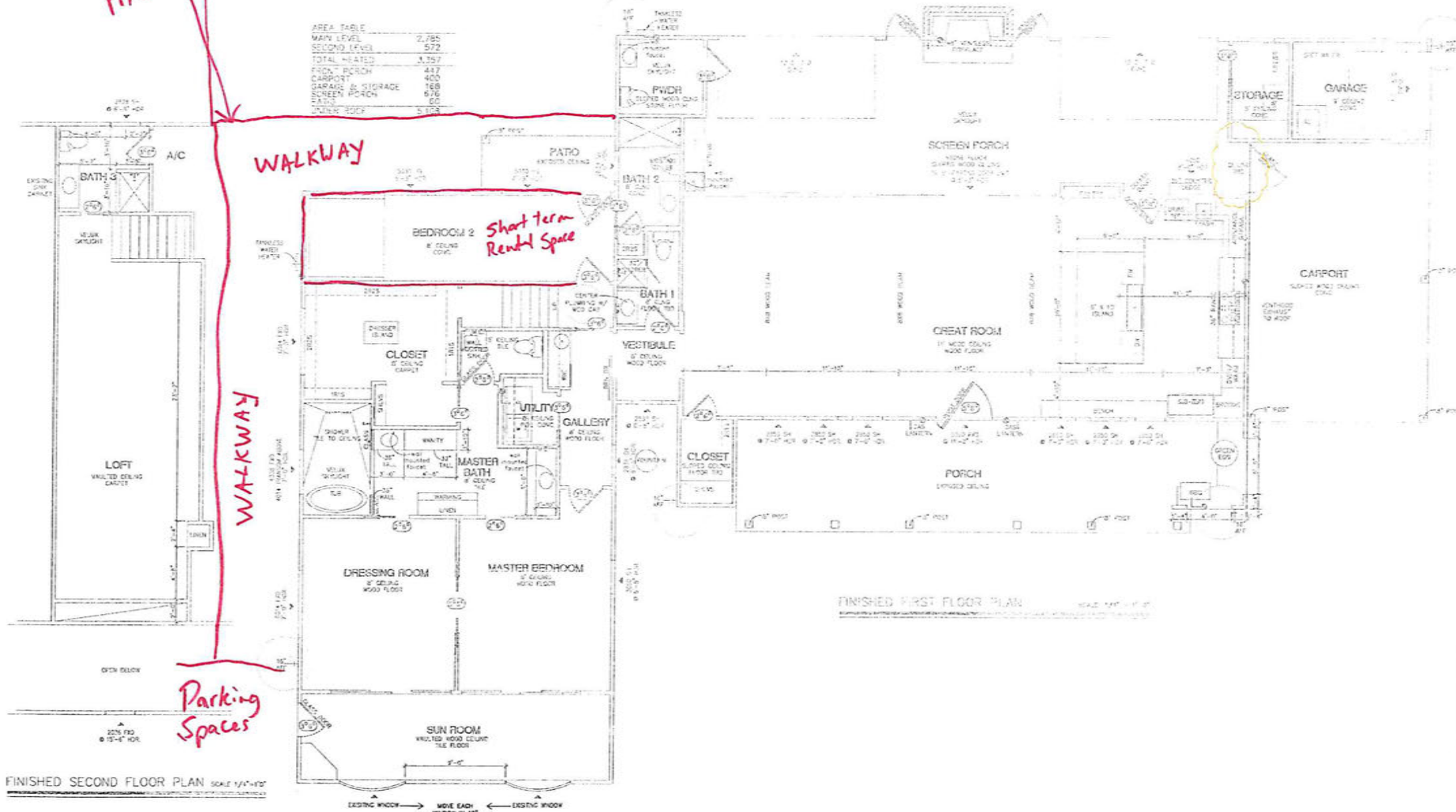
WALKWAY

Short term
Rental Space

WALKWAY

Parking
Spaces

AREA TABLE	
MAIN LEVEL	2,385
SECOND LEVEL	572
TOTAL HEATED	3,357
FRONT PORCH	447
CARPORT	400
GARAGE & STORAGE	168
SCREEN PORCH	676
SCREEN ROOM	60
TOTAL AREA	5,102



FINISHED SECOND FLOOR PLAN SCALE 1/4"=1'-0"

FINISHED FIRST FLOOR PLAN SCALE 1/4"=1'-0"

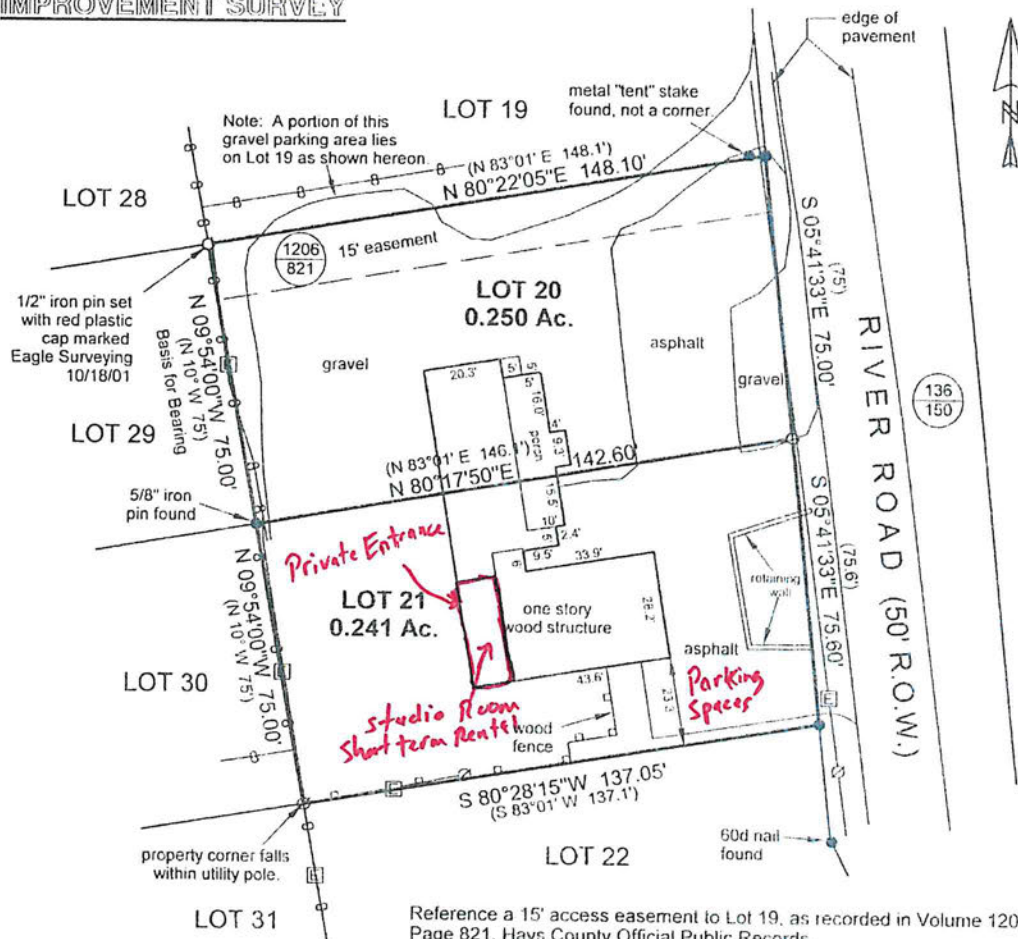
NATHAN MICHAEL ESTRADA
830-481-4739 nmaplanes@gmail.com
1441 AND ST
NEW BRAUNFELS, TX 78130



REMODEL PLANS FOR
LEVINSON RESIDENCE
3000 RIVERS ROAD
WIMBERLEY TEXAS 78676

A7
8/6/19

IMPROVEMENT SURVEY



- = 1/2" iron pin found unless otherwise noted
- = 1/2" iron pin set with red plastic cap marked EAGLE SURVEYING
- ⊙ = utility pole
- E— = overhead electric line
- x— = wire fence
- b— = chain link fence
- (XXXX) = recorded data

Reference a 15' access easement to Lot 19, as recorded in Volume 1206, Page 821, Hays County Official Public Records.

Reference blanket easement in favor of Pedernales Electric Cooperative, Inc., as recorded in Volume 137, Page 487, Hays County Deed Records.

Reference a right-of-way easement granted to Wimberley Water Supply Corporation, "15' wide, as installed", as recorded in Volume 1940, Page 790, Hays County Official Public Records.

Reference Blanco River access granted to this property recorded in Volume 154, Page 562, Volume 184, Page 452, Volume 267, Page 447, Volume 397, Page 183, Hays County Deed Records and in Volume 1114, Page 252- 254, Hays County Official Public Records.

Reference a Release of Reversionary Interest, as recorded in Volume 1048, Page. 64, Hays County Official Public Records.

Copyright © 2018 Eagle Land Surveying. All rights reserved.

LEGAL DESCRIPTION: All of Lots Twenty (20) and Twenty One (21), CLIFFSIDE SECOND UNIT, a subdivision in Hays County, Texas, according to the map or plat recorded in Volume 136, Page 149, Hays County Deed Records.

PHYSICAL ADDRESS: 300 River Road, Wimberley, Texas 78676

CLIENT: Bruce Levinson and Tracy Levinson	TITLE COMPANY: Independence Title Company File No.: 1816232-WIM
--	--

I hereby certify that this plat represents a survey made upon the ground under my supervision, on Oct. 18, 2001, Dec. 15, 2016, and June 4, 2018, and that there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso

Clyde Barroso, R.P.L.S. #5404, State of Texas, Firm #10079300

 EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676	Scale: 1" = 40'		Job No. 18-045 cb
	Date: January 9, 2017 rev. June 4, 2018		

The Bell House Wimberley

300 River Road



May 13, 2021
Wimberley Town Hall

Before and After



Interior



Neighbor Testimonial - File No.CUP-21-014

- I've had my business Star Antique for 24 years at the current location 301 River Rd. I have no objections to Tracy and Bruce Levinson applying for a CUP and operating a Bed & Breakfast at their property located at 300 River Rd.

Lisa Kiefer

Star Antique

301 River Rd

PO Box 2364

Wimberley, TX 78676

(512)847-9970

info@starantique.com

Neighbor Testimonial - File No.CUP-21-014

To whom it may concern;

Bruce and Tracy Levinson are my next-door neighbors. I understand that they would like to be granted a permit that would allow them to operate a B&B from their home. I have no personal objections to this request and wish them the best of luck in this endeavor.

Yours truly,
Bruce Stephens
302 River Rd.

Neighbor Testimonial - File No.CUP-21-014

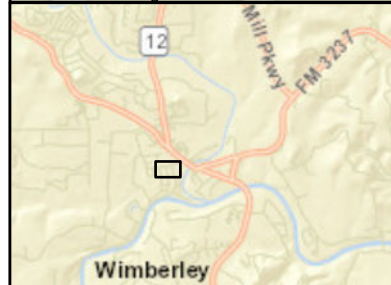
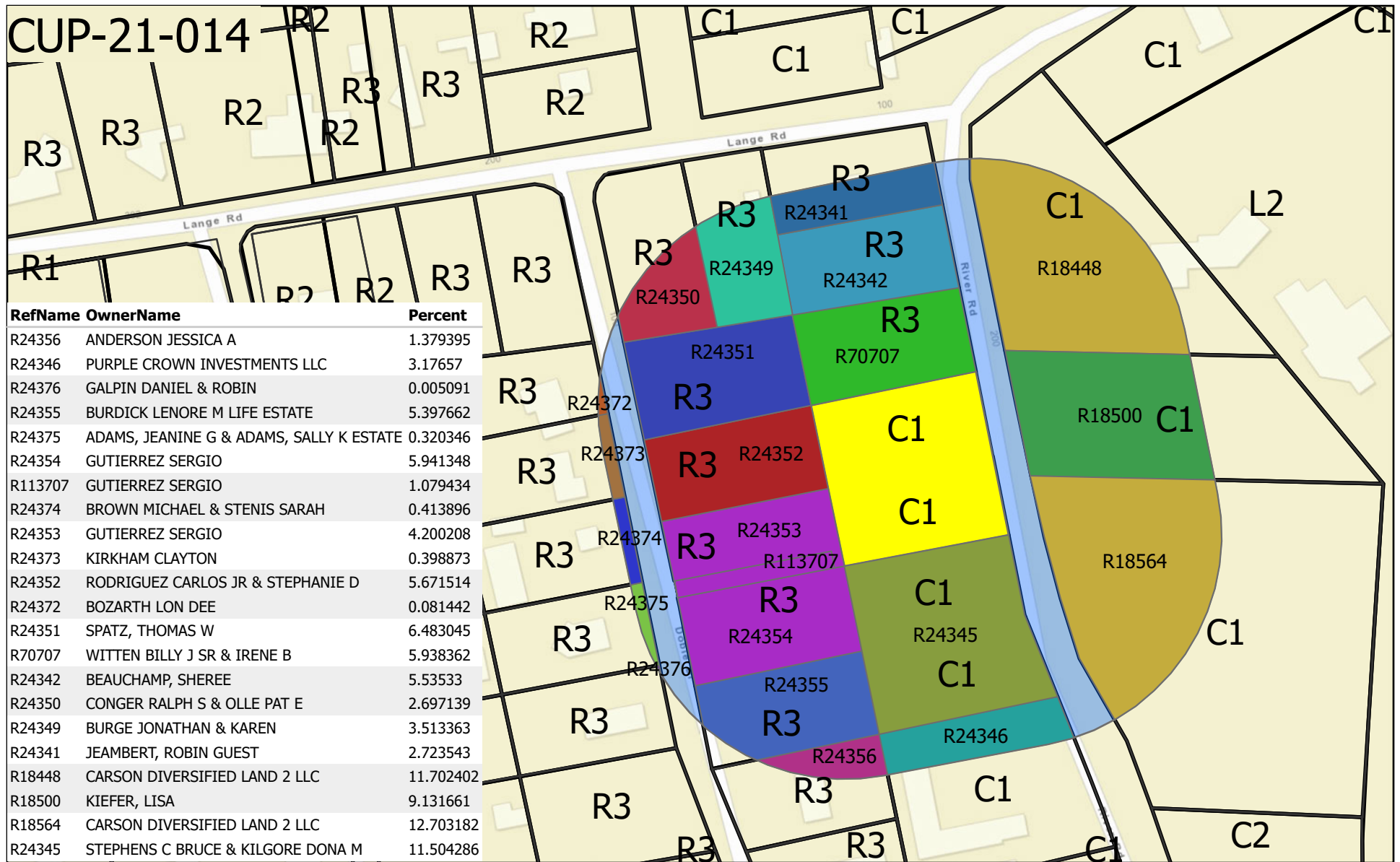
- Next-door neighbor BJ Witten informed us that he sent a letter to the city notifying them of his approval of our CUP request.

BJ Witten

River Rd

Wimberley, TX 78676

(512) 468-4888

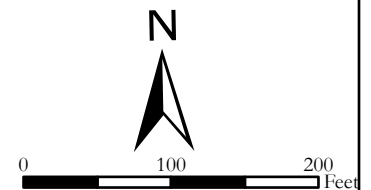


200' Notification Map

City of Wimberley, Comal County, Esri, HERE, Garmin, NGA, USGS, NPS, 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 BRUCE & TRACEY LEVINSON TO PERMIT THE OPERATION OF A BED & BREAKFAST ON PROPERTY LOCATED AT 300 RIVER ROAD, WIMBERLEY, TEXAS, ZONED COMMERCIAL - LOW IMPACT (C-1); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Bruce & Tracey Levinson (“Applicant”) requesting authorization to operate a Bed & Breakfast on real property described as Cliffside Second Unit, Lot 20 & 21, zoned Commercial - Low Impact (C-1); and

WHEREAS, a Bed & Breakfast is an authorized use in areas zoned Commercial - Low Impact (C-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 Bed & Breakfast 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 Bruce & Tracey Levinson (“Applicant”) for use as a Bed & Breakfast on real property, described as Cliffside Second Unit, Lot 20 & 21, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial - Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

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

City of Wimberley, Texas

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 Bed & Breakfast agency, shall provide each renter a property map for the Bed & Breakfast property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
14. Should an operating permit for Bed & Breakfast 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 20th day of May, 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



April 28, 2021

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-21-014**
300 River Road

Dear Property Owner:

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

The applicants, Bruce & Tracy Levinson, has requested a Conditional Use Permit (CUP) to operate a Bed & Breakfast (STR1) at 300 River Road, further described as Cliffside Second Unit, Lot 20 & 21, Wimberley, Hays County, Texas (HaysCad # 24343). The City of Wimberley Planning and Zoning Commission will consider this request at a public hearing on **Thursday, May 13, 2021, at 6:00 p.m.**

Upon recommendation from the Commission, the City Council will hold a public hearing to consider the same request on **Thursday, May 20, 2021, at 6:00 p.m.** Either of these Public Hearings may be held in accordance with Order of the Office of the Governor issued March 16, 2020, whereby the public hearing may be conducted in a telephonic 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).

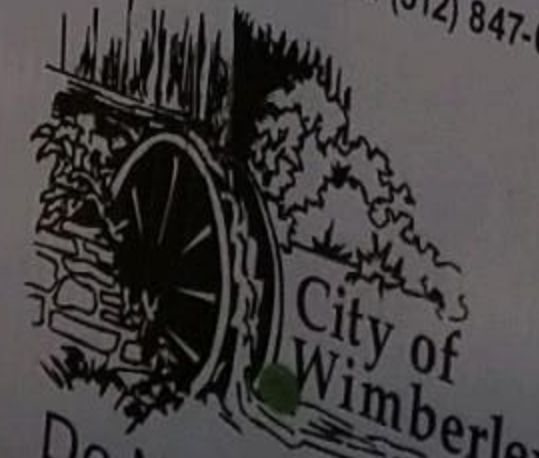
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to participate, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available on request. Should you have questions, please feel free to email nglaiser@cityofwimberley.com or call City Hall at 512-847-0025.

Sincerely,

Nathan Glaiser
City Planning and Development Coordinator
City of Wimberley



**PROPOSED ZONING
PUBLIC HEARING NOTICE**
Proposed Action: Bed & Breakfast (STR1)
Application Number: CUP-21-014
Date & Time of Hearing: P & Z - 5/13/21 6:00 p.m.
Hearing Location: City Council - 5/20/21 6:00 p.m.
City Hall
221 Stillwater
For Further Information Call: (512) 847-0025

Do Not Remove

Apr 26, 2021 16:20:29
300 River Road
Wimberley
Hays County
Texas

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS,
AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF
WIMBERLEY, TEXAS TAX NOTE, SERIES 2021; LEVYING AN
ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY
FOR AND PAYMENT OF SAID NOTE; AND ENACTING OTHER
PROVISIONS RELATING TO THE SUBJECT.**

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

WHEREAS, pursuant to Chapter 1431, Texas Government Code (hereinafter called the “Act”), the City Council of the City of Wimberley (the “Issuer”) is authorized and empowered to issue tax notes to pay contractual obligations incurred or to be incurred (i) for the construction of any public work, (ii) for the purchase of materials, supplies, equipment, machinery, buildings, lands and rights-of-way for the Issuer’s authorized needs and purposes and (iii) to pay costs of professional services, including a service by a tax appraisal engineer, engineer, architect, attorney, mapmaker, auditor, financial advisor, or fiscal agent; and

WHEREAS, in accordance with the provisions of the Act, the City Council hereby finds and determines that a tax note should be issued and sold at this time to finance the costs incurred by the Issuer in connection with acquiring, constructing, installing, and equipping additions, improvements, extensions, and equipment for the Issuer’s Wimberley Square, including parking facilities, street and road improvements, and other public access facilities, including the purchase of land therefor, and the payment of professional services and costs of issuance related to the note (the “Project”); and

WHEREAS, the governing body of the Issuer deems it appropriate to adopt this Ordinance (the “Note Ordinance”) and issue the City of Wimberley, Texas Tax Note, Series 2021 (the “Note”) herein authorized as permitted by the Act.

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

SECTION 1. DEFINITIONS. Unless the context shall indicate a contrary meaning or intent, the terms below defined, for all purposes of this Ordinance, or any Ordinance amendatory or supplemental hereto, shall be construed, are used, and are intended to have meanings as follows:

“Act” - Chapter 1431, Texas Government Code, as amended.

“Bond Counsel” - McCall, Parkhurst & Horton L.L.P., or such other firm of attorneys of nationally recognized standing in the field of law relating to municipal bonds selected by the Issuer.

“Business Day” - Any day which is not a Saturday, Sunday, legal holiday, or a day on which banking institutions in the State or in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close.

“Note” - The “City of Wimberley, Texas Tax Note, Series 2021” shall mean and include collectively the Note initially issued and delivered pursuant to this Ordinance and all substitute Notes exchanged therefor, as well as all other substitute Note and replacement Note issued pursuant hereto, and the term “Note” shall mean any of such Notes.

“City Council” - The City Council of the Issuer.

“Code” - The Internal Revenue Code of 1986, and any amendments thereto.

“Date of Delivery” - The date the Note is initially delivered to the Purchaser in exchange for the purchase price therefor.

“Issuer” - City of Wimberley, Texas, a duly incorporated municipality and political subdivision of the State.

“Ordinance” - This ordinance and all amendments hereof and supplements hereto.

“Paying Agent/Registrar” - The bank, trust company, financial institution or other entity so named in accordance with the provisions of Section 4 of this Ordinance.

“Purchaser” - The initial purchaser of the Note designated in Section 16.

“Project” - Collectively, those public improvements for the Issuer being financed with the proceeds of the Note, to wit: to pay all or part of the Issuer’s costs incurred by the Issuer in connection with acquiring, constructing, installing, and equipping additions, improvements, extensions, and equipment for the Issuer’s Wimberley Square, including parking facilities, street and road improvements, and other public access facilities, including the purchase of land therefor, and paying legal, fiscal and engineering fees in connection with such projects.

“Holder” - The registered holder of the Note from time to time as shown in the books kept by the Paying Agent/Registrar as the registrar and transfer agent for the Note.

“State” - The State of Texas.

SECTION 2. RECITALS, AMOUNT AND PURPOSE OF THE NOTE. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The Note is hereby authorized to be issued and delivered in the aggregate principal amount of \$830,000 FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE ISSUER’S CONTRACTUAL OBLIGATIONS INCURRED WITH RESPECT TO THE ACQUISITION AND CONSTRUCTION OF THE PROJECT.

SECTION 3. DESIGNATION, DATE, NUMBERS, AND MATURITY OF NOTE. The Note issued pursuant to this Ordinance shall be designated: “CITY OF WIMBERLEY, TEXAS TAX NOTE, SERIES 2021,” and there shall be issued, sold, and delivered hereunder one fully registered Note, without interest coupons, dated June 1, 2021 and finally maturing June 1, 2028, with principal payable in installments on the dates and in the manner specified in the FORM OF NOTE. The Note shall be issued in the principal amount stated above, and shall be numbered R-1, with any Note issued in replacement thereof being in the denomination and principal amount hereinafter stated

and numbered consecutively from R-2 upward, payable to the Holder, or to the registered assignee of said Note (in each case, the "Holder"). The Note shall bear interest from the delivery date specified in the FORM OF NOTE, at the rate specified in the FORM OF NOTE. Said interest shall be payable in the manner provided and on the dates stated in the FORM OF NOTE.

SECTION 4. CHARACTERISTICS OF THE NOTE.

(a) Registration, Transfer, Conversion and Exchange; Authentication. The Issuer shall keep or cause to be kept at the office of [NAME OF PAYING AGENT/REGISTRAR] in [CITY], [STATE] (the "Paying Agent/Registrar"), books or records for the registration of the transfer of the Note (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations and transfers as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Holder of the Note to which payments with respect to the Note shall be mailed, as herein provided; but it shall be the duty of the Holder to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration and transfer of a substitute Note. Registration of assignments and transfers of the Note shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

Except as provided in Section 4(c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel a Note surrendered for transfer or the Note when paid in full. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing transfer of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Note in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of transfer of the Note as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, said Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Note which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General of the State (the "Attorney General"), and registered by the Comptroller of Public Accounts of the State (the "Comptroller").

(b) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Note, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Note and shall properly and accurately record all payments on the Note on the Registration Books, and shall keep proper records

of all transfers of the Note, and all replacements of the Note, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of the Holder appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Note (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Note to be payable only to the Holder thereof, (ii) may and shall be redeemed prior to its scheduled maturity (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 45 days prior to any such redemption date), (iii) may be transferred and assigned, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Note shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Note initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in exchange for any Note the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The Issuer covenants with the Holder of the Note that at all times while the Note is outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Note under this Ordinance, and that the Paying Agent/Registrar will be one entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 40 days written notice to the Paying Agent/Registrar, to be effective not later than 30 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Note, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to the Holder of the Note, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Closing. On the Date of Delivery, the initial Note No. R-1 representing the entire original principal amount of the Note, payable to the Purchaser, executed by manual or facsimile signature of the Mayor (or in the absence of the Mayor, the Mayor Pro-tem) and City Secretary of the

Issuer, approved by the Attorney General, and registered and manually signed by the Comptroller, and with the Date of Delivery inserted thereon by the Paying Agent/Registrar, shall be delivered to the Purchaser or its designee upon payment of the purchase price therefor.

SECTION 5. FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Comptroller's Registration Certificate to be attached to the Note initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

(a) FORM OF NOTE

NO. R-1	UNITED STATES OF AMERICA	PRINCIPAL
	STATE OF TEXAS	AMOUNT
	CITY OF WIMBERLEY, TEXAS	\$830,000
	TAX NOTE	
	SERIES 2021	

DATE OF DELIVERY: June 1, 2021

HOLDER: [NAME OF PURCHASER]

PRINCIPAL AMOUNT: EIGHT HUNDRED THIRTY THOUSAND DOLLARS

The City of Wimberley, in the Hays County, Texas (the "Issuer"), being a political subdivision of the State of Texas, for value received, promises to pay, from the sources described herein, to the registered holder specified above, or registered assigns (in each case, the "Holder"), the principal amount specified above, and to pay interest thereon, from the date of delivery set forth above, on the balance of said principal amount from time to time remaining unpaid. This Note shall finally mature on June 1, 2028, but shall be payable in installments on the dates and in the principal installment amounts, and such principal installment amounts shall bear interest at the rates, calculated on the basis of a 360-day year of twelve 30-day months, as set forth in the following schedule:

<u>Payment Date</u>	<u>Principal Installment</u>	<u>Interest Rate</u>
August 1, 2022	\$112,000	
August 1, 2023	115,000	
August 1, 2024	117,000	
August 1, 2025	119,000	
August 1, 2026	121,000	
August 1, 2027	122,000	
June 1, 2028	124,000	

The principal of and interest on this Note is payable in lawful money of the United States of America, without exchange or collection charges. The Issuer shall pay interest on this Note on February 1, 2022 and on each August 1 and February 1 thereafter to the date of the final maturity hereof or to the date of redemption prior to maturity. The last principal installment of this Note shall

be paid to the Holder hereof at final maturity, or upon the date fixed for its redemption prior to maturity, at the corporate trust office of Argent Trust Company in San Antonio, Texas, which is the “Paying Agent/Registrar” for this Note. The payment of all other principal installments of and interest on this Note shall be made by the Paying Agent/Registrar to the Holder hereof on each principal and interest payment date by check or draft, dated as of such principal and interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the Note Ordinance (as defined below) to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Holder hereof, at its address as it appeared at the close of business on the fifteenth calendar day of the month next preceding each such date (the “Record Date”) on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, principal and interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder.

Any accrued interest due in connection with the payment of the final installment of principal of this Note shall be paid to the Holder upon presentation and surrender of this Note for payment or redemption at the designated corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the Holder of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the “Interest and Sinking Fund” created by the ordinance authorizing the issuance of the Note (the “Note Ordinance”), the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Note, when due.

If the date for the payment of this Note shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the designated corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Note is dated as of June 1, 2021 and is authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$830,000 for the purpose of paying all or a portion of the Issuer’s contractual obligations incurred with respect to the acquisition and construction of the Project (as defined in the Note Ordinance).

On _____, or on any date thereafter, the unpaid principal installments of this Note are subject to redemption, in whole or in part, and may be redeemed prior to the scheduled due dates by the Issuer, at a redemption price equal to the principal amount thereof to be redeemed plus accrued interest thereon to the date of redemption, without premium. The Issuer shall give written notice of its direction to redeem the principal installments of this Note to the Paying Agent/Registrar and the Holder of this Note by United States mail, first-class postage prepaid, no later than 20 days prior to the Redemption Date.

This Note is issuable solely as a single fully registered Note, without interest coupons in the denomination of \$830,000 or the remaining principal amount of the outstanding Note of this series if an exchange of a Note is made after a reduction in the principal amount of the series, either by a payment of a scheduled installment of principal or as a result of redemption of part of the Note prior

to maturity (the "Authorized Denomination"). As provided in the Note Ordinance, this Note may, at the request of the Holder or the assignee or assignees hereof, be assigned and transferred for a like aggregate principal amount Note, without interest coupons, payable to the appropriate Holder, assignee or assignees, as the case may be, in the Authorized Denomination, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Note Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with the proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note to the assignee this Note is to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Holder to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note from time to time by the Holder. In the case of the assignment and transfer of this Note, the reasonable standard or customary fees and charges of the Paying Agent/Registrar will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment and transfer, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following Payment Date.

In the event any Paying Agent/Registrar for this Note is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Note Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Holder of this Note.

It is hereby certified, recited, and covenanted that this Note has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance and delivery of this Note has been performed, existed, and been done in accordance with law; that this Note is a general obligation of said Issuer, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law, all as provided in the Note Ordinance.

The Issuer has reserved the right, subject to the restrictions referred to in the Note Ordinance, to amend the provisions of the Note Ordinance under the conditions provided in the Note Ordinance.

By becoming the Holder of this Note, the Holder thereby acknowledges all of the terms and provisions of the Note Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Note Ordinance is duly recorded and available for inspection in the official minutes and records of the Issuer, and agrees that the terms and provisions of this Note and the Note Ordinance constitute a contract between each Holder hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Note to be signed with the manual or facsimile signature of the Mayor (or in the Mayor's absence, the Mayor Pro-Tem) of the Issuer and countersigned with the manual or facsimile signature of the City Secretary of the Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Note.

(signature) City Secretary (signature) Mayor

(SEAL)

(b) FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION NOTE

(To be executed if this Note is not accompanied by an executed
Comptroller's Registration Certificate)

It is hereby certified that this Note has been issued under the provisions of the Note Ordinance described in the text of this Note; and that this Note has been issued in replacement of, or in exchange for, a Note which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated [NAME OF PAYING/AGENT/REGISTRAR],
[CITY], [STATE],
Paying Agent/Registrar

By: _____
Authorized Representative

(c) FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

_____, the within
Note and all rights thereunder, and hereby irrevocably constitutes and appoints
_____, attorney, to register the transfer of the within
Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the holder as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

(d) FORM OF COMPTROLLER'S REGISTRATION CERTIFICATE:

COMPTROLLER'S REGISTRATION CERTIFICATE

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS §
OF THE STATE OF TEXAS §

REGISTER NO. _____

I hereby certify that this Note has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Note has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

SECTION 6. TAX LEVY. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer at an official depository bank of the Issuer. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the Issuer, and shall be used only for paying the interest on and principal of the Note. All amounts received from the sale of the Note as accrued interest and ad valorem taxes levied and collected for and on account of the Note shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any Note is outstanding and unpaid, the governing body of the Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on the Note as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Note as such principal matures (but never less than 2% of the original amount of the Note as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of the Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the Issuer, for each year while any Notes is outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient

to provide for the payment of the interest on and principal of the Note, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law.

SECTION 7. REMEDIES OF HOLDER. In addition to all rights and remedies of any Holder of the Note provided by the laws of the State, the Issuer and the City Council covenant and agree that in the event the Issuer defaults in the payments of the principal of or interest on the Note when due, or fails to make the payments required by this Ordinance, the Holder of the Note shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the City Council and other officers of the Issuer to observe and perform any covenant, obligation or condition prescribed in this Ordinance. No delay or omission by any Holder to exercise any right or power accruing to him upon default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right or power may be exercised from time to time and as often as may be deemed expedient. The specific remedies mentioned in this Ordinance shall be available to the Holder of the Note and shall be cumulative of all other existing remedies.

SECTION 8. USE OF NOTE PROCEEDS. The proceeds of the issuance of the Note shall be deposited in the Construction Fund created by Section 18 of this Ordinance and used for the purposes for which the Note is hereby authorized to be issued.

SECTION 9. INVESTMENTS. The City Council may place proceeds of the Note (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Note will be used as soon as practicable for the purposes for which the Note is issued.

SECTION 10. SECURITY FOR FUNDS. All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

SECTION 11. ISSUER OFFICER'S DUTIES.

(a) The Mayor, Mayor Pro-tem, and City Secretary of the Issuer are hereby instructed and directed to do any and all things necessary in reference to the issuance of the Note and to make money available for the payment of the Note in the manner provided by law and this Ordinance.

(b) The Mayor (or in the absence of the Mayor, the Mayor Pro-tem) and the City Secretary are authorized to execute the Note to which this Ordinance is attached on behalf of the Issuer and to do any and all things proper and necessary to carry out the intent hereof.

SECTION 12. DEFEASANCE OF NOTE.

(a) The Note and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Note, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow

Agreement”) for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Note shall have become due and payable. At such time as the Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem tax herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem the Defeased Note that is made in conjunction with the payment arrangements specified in subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Note for redemption; (2) gives notice of the reservation of that right to the Holder of the Defeased Note immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Note and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Note may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection 13(a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Note, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term “Defeasance Securities” means any securities and obligations now or hereafter authorized by State law that are eligible to discharge obligations such as the Note.

(d) Until the Defeased Note shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Note the same as if it had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

SECTION 13. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTE.

(a) Replacement Note. In the event the Note is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Note of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Note. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Note shall be made by the Holder thereof to the Paying

Agent/Registrar. In every case of loss, theft, or destruction of a Note, the Holder applying for a replacement Note shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Note, the Holder shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Holder shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event the Note shall have matured, and no default has occurred which is then continuing in the payment of the principal of or interest on the Note, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Note) instead of issuing a replacement Note, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Note. Prior to the issuance of a replacement Note, the Paying Agent/Registrar shall charge the Holder of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section by virtue of the fact that the Note is lost, stolen, or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen, or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance.

(e) Authority for Issuing Replacement Note. In accordance with Subchapter B, Chapter 1206, Texas Government Code, this Section shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Notes issued in exchange for another Note.

SECTION 14. CUSTODY, APPROVAL, AND REGISTRATION OF NOTE; BOND COUNSEL'S OPINION; ENGAGEMENT OF BOND COUNSEL; ENGAGEMENT OF FINANCIAL ADVISOR.

(a) The Mayor (or in the absence of the Mayor, the Mayor Pro-tem) of the Issuer is hereby authorized to have control of the Note issued and delivered hereunder and all necessary records and proceedings pertaining to the Note pending its delivery and its investigation, examination, and approval by the Attorney General, and its registration by the Comptroller. Upon registration of the Note said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Note, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Note. The approving legal opinion of the Issuer's bond counsel may, at the option of the Issuer, be printed on the Note issued and delivered under this Ordinance, but shall not have any legal effect, and shall be solely for the convenience and information of the Holder of the Note.

(b) The obligation of the Purchaser to accept delivery of the Note is subject to the Purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the

Note to the Purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Note is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor (or in the absence of the Mayor, the Mayor Pro-tem) and the Mayor (or in the absence of the Mayor, the Mayor Pro-tem) is hereby authorized to execute such engagement letter.

SECTION 15. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTE.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Note as an obligation described in section 103 of the Code, the interest on which is not includable in the “gross income” of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any “private business use,” as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Note, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the “private business use” described in subsection (1) hereof exceeds 5 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a “private business use” which is “related” and not “disproportionate,” within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Note (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Note being treated as a “private activity bond” within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Note being “federally guaranteed” within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Note, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Note, other than investment property acquired with --

(A) proceeds of the Note invested for a reasonable temporary period of 3 years or less or, in the case of refunding bonds, for a period of 90 days or less, until such proceeds are needed for the purpose for which the Note or refunding bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the rules and regulations of the United States Department of the Treasury (“Treasury Regulations”), and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Note;

(7) to otherwise restrict the use of the proceeds of the Note or amounts treated as proceeds of the Note, as may be necessary, so that the Note does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Note or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Note in contravention of the requirements of section 149(d) of the Code (relating to advance refundings);

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Note) an amount that is at least equal to 90 percent of the “Excess Earnings,” within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Note has been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(10) to assure that the proceeds of the Note will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (9), a “Rebate Fund” is hereby established by the Issuer for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Holder. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The Issuer understands that the term “proceeds” includes “disposition proceeds” as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Note. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Note, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Note under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Note,

the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Note under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor and/or City Secretary to execute any documents, Note or reports required by the Code and to make such elections, on behalf of the Issuer, which may be permitted by the Code as are consistent with the purpose for the issuance of the Note.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for Project on its books and records in accordance with the requirements of the Code. The Issuer recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the Issuer recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Note, or (2) the date the Note is retired. The Issuer agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Note. For purposes hereof, the issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Note. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Note. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

SECTION 16. SALE OF NOTE. The Note is hereby sold and shall be delivered to _____ (the “Purchaser”), for cash for the par value thereof, pursuant to the Purchase Agreement dated the date of the adoption of this Ordinance. The Note shall initially be registered in the name of the Purchaser. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable.

SECTION 17. INVESTMENT EARNINGS ON NOTE PROCEEDS. Investment earnings derived from the investment of proceeds from the sale of the Note shall be used along with other Note proceeds for the purpose for which the Note is issued set forth in Section 2 hereof; provided that after completion of such purpose, if any of such investment earnings remain on hand, such investment earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any investment earnings on Note proceeds which are required to be rebated to the United States of America pursuant to Section 15 hereof in order to prevent the Note from being arbitrage bonds shall be so rebated and not considered as investment earnings for the purposes of this Section.

SECTION 18. CONSTRUCTION FUND. The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2021 Tax Note Construction Fund" for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided. Upon payment of all such costs, any moneys remaining on deposit in said Fund shall be transferred to the Interest and Sinking Fund. Amounts so deposited to the Interest and Sinking Fund shall be used in the manner described in Section 6 of this Ordinance.

SECTION 19. NO RULE 15c2-12 UNDERTAKING. The Issuer has not made an undertaking in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") due the offering of the Note not being within the purview of the Rule. The Issuer is not, therefore, obligated pursuant to the Rule to provide any on-going disclosure relating to the Issuer or the Note.

SECTION 20. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of the Holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the Holder, (ii) grant additional rights or security for the benefit of the Holder, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the Holder, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be materially inconsistent with the provisions of this Ordinance and that shall not, in the opinion of nationally-recognized bond counsel, materially adversely affect the interests of the Holder.

(b) Except as provided in paragraph (a) above, the Holder shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of the Holder, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or the Note so as to:

- (1) Make any change in the maturity of the Note;
- (2) Reduce the rate of interest borne by the Note;

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on the Note;

(4) Modify the terms of payment of principal or of interest on the Note or impose any condition with respect to such payment; or

(5) Change the requirement of with respect to Holder consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to the Holder of the Note a copy of the proposed amendment.

(d) Whenever at any time within one year from the date of mailing of such notice the Issuer shall receive an instrument or instruments executed by the Holder, which instrument or instruments shall refer to the proposed amendment and which shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and the Holder of the Note shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Holder of the Note pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of such consent and shall be conclusive and binding upon all future Holder of the Note during such period. Such consent may be revoked at any time after six months from the date of said consent by the Holder who gave such consent, or by a successor in title, by filing notice with the Issuer.

For the purposes of establishing ownership of the Note, the Issuer shall rely solely upon the registration of the ownership of such Note on the Registration Books kept by the Paying Agent/Registrar.

SECTION 21. FURTHER PROCEDURES.

(a) The Mayor, Mayor Pro-tem, and City Secretary of the Issuer and all other officers, employees and agents of the Issuer, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar, and all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note and the sale of the Note. In case any officer whose signature shall appear on the Note shall cease to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 22. GOVERNING LAW. This Ordinance shall be construed and enforced in accordance with the laws of the State and the United States of America.

SECTION 23. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 24. CONTINUED PERFECTION OF SECURITY INTEREST. Chapter 1208, Texas Government Code, applies to the issuance of the Note and the pledge of the ad valorem taxes granted by the Issuer under Section 6 of this Ordinance, and such pledge is therefore valid, effective, and perfected. If State law is amended at any time while the Note is outstanding and unpaid such that the pledge of the taxes granted by the Issuer under Section 6 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the Holder of the Note the perfection of the security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under State law to comply with the applicable provisions of Chapter 9, Texas Business and Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

SECTION 25. APPROPRIATION. To pay the debt service coming due on the Note prior to receipt of the taxes, if any, levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.



AGENDA ITEM:	Budget Resolution (Membership Greater San Marcos Partnership Alliance)
SUBMITTED BY:	M. Boese, City Administrator
DATE SUBMITTED:	05/18/2021
MEETING DATE:	05/20/2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This budget resolution will move \$5,000 from the unobligated general tax fund to the general fund operation – administration account for contract services. This will provide funding for the annual membership fee to the Greater San Marcos Partnership Alliance. The Greater San Marcos Partnership presented to City Council on April 15, 2021, describing their commitment to community advancement and their objective of creating economic diversity and strength through ethical, proactive, and strategic professional economic development. The group can aid Wimberley by providing assistance to smaller businesses and connecting the City with the ongoing economic synergy in the region.

REQUESTED ACTION

- | | |
|------------|-------------------------------------|
| Motion | ☒ |
| Discussion | ☒ |
| Ordinance | ☐ |
| Resolution | ☒ |
| Other | ☐ |

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|-----------|
| Budgeted Item | ☒ | Original Estimate/Budget: | \$ 15,000 |
| Non-budgeted Item | ☐ | Current Estimate: | \$ 3,449 |
| Not Applicable | ☐ | Amount Under/Over Budget: | \$ 11,551 |

STAFF RECOMMENDATION

Staff recommends city council approve the budget resolution increasing the budget amount to \$20,000 enabling the City to become members of the Greater San Marcos Partnership Alliance.

ATTACHMENT/S

Resolution No. 05-2021

RESOLUTION NO. 05-2021

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2020/2021 OPERATING BUDGET (BUDGET AMENDMENT NO. 7), PROVIDING FOR THE TRANSFER OF FUNDS WITHIN THE GENERAL TAX FUND – UNOBLIGATED FUND BALANCE TO THE GENERAL FUND OPERATING ADMINISTRATION ACCOUNT NUMBER 6370 (CONTRACT SERVICES) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2020/2021 Operating Budget.

WHEREAS, the City Council has reviewed and approves the report establishing the need to appropriate funds in the General Fund Operating Administration Account – Contract Services line item for membership with the Greater San Marcos Partnership.

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

Section 1

The City Council of the City of Wimberley, Texas, hereby authorizes and approves an amendment to the 2020/2021 Operating Budget (Budget Amendment No. 7) for the purpose and in the amounts shown below.

General Tax Fund - Expenditures

The effect of these transactions will reduce fund balance (\$5,000) in the General Tax Fund - Unobligated Fund Balance by \$5,000 and increase expenditures in the General Fund Operating Administration Account Number 6370 (Contract Services) by \$5,000.

Section 2

The City Council of the City of Wimberley, Texas, hereby amends the 2020/2021 Operating Budget, increasing appropriations in the funds stated in Section 1 above.

Section 3

This resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this 20th day of May, 2021.

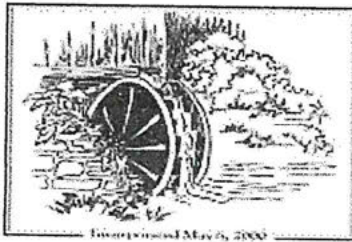
The City of Wimberley, Texas

Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary





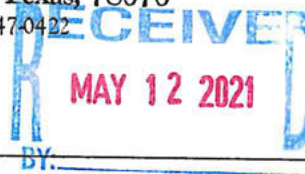
City of Wimberley

221 Stillwater, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
www.cityofwimberley.com

Temporary Structure Planning & Development

Permit No. _____

Date: _____



Applicant: Laura Perkins
Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
(If different from above)
Property Owner: Matt & Jennie Harvath
Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

Subject Property Address: 419 FM 2325, Wimberley, TX 78676
Purpose/Use of Structure: Sell hot dogs
Requested Installation Date: 5-22-21 Requested Removal Date: 5-23-21
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: UNCO Date: 5-12-21

City Official: _____ Date: _____ ☐ Approved ☐ Denied

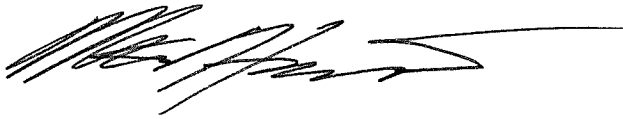


Temporary Structure January 2019

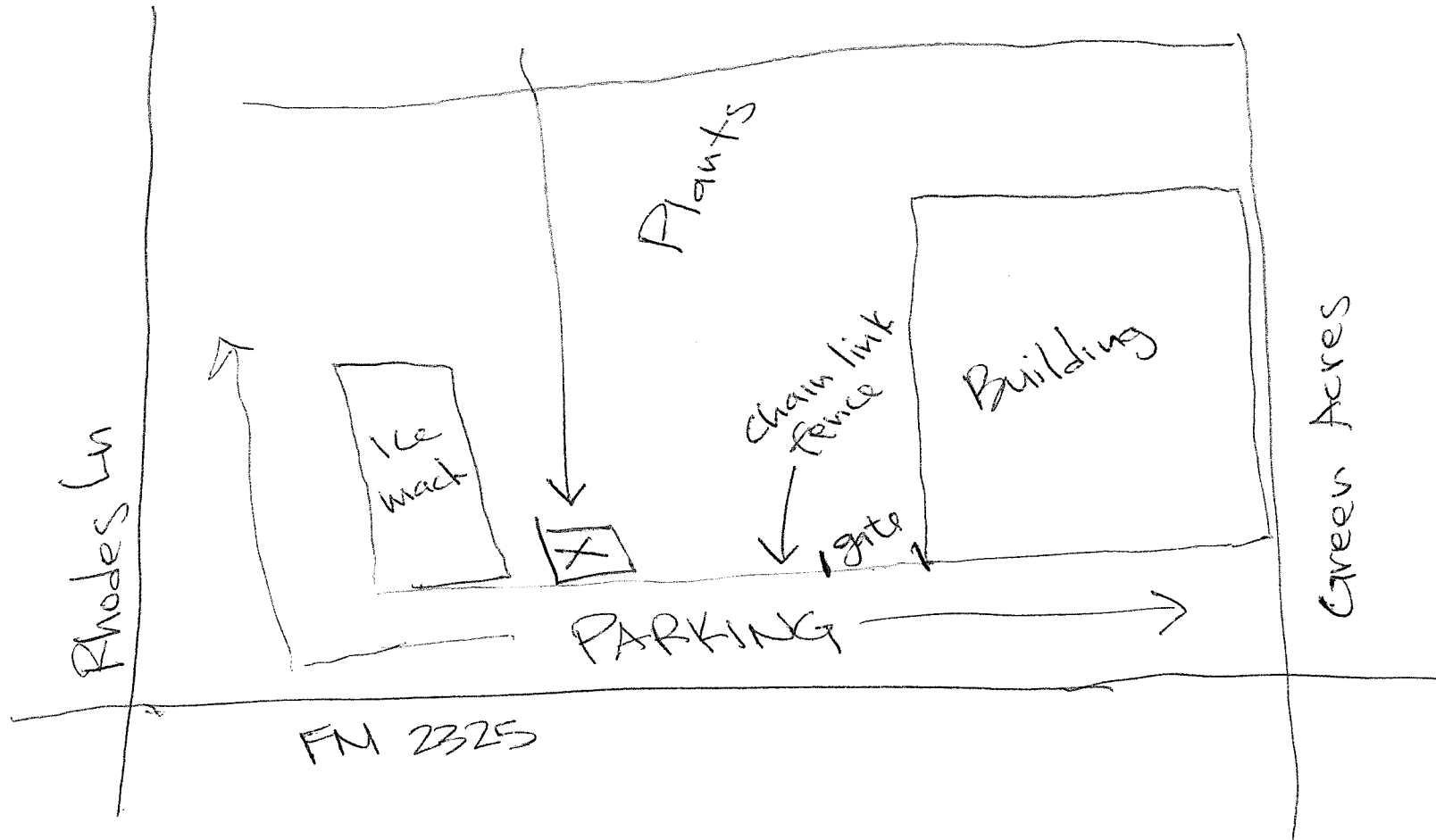
To whom this may concern,

Wimberley Gardens gives Schoolyard Dogs permission to sell hotdogs at 419 FM 2325
Wimberley, Tx. On Saturday May 22nd and Sunday May 23rd 2021.

Thank you,

A handwritten signature in black ink, appearing to be "Wimberley Gardens", written in a cursive style.

our cart will be behind the chain link fence
inside the nursery.



ODIE'S