

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
MAY 6, 2010 6:30 P.M.

AGENDA

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

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS:

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING COUNCIL. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COUNCIL CONSIDERATION.

1. CONSENT AGENDA

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 15, 2010
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF APRIL 16, 2010

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE EFFORTS UNDERWAY TO SECURE FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON THE DEVELOPMENT OF A CITY STREET ASSESSMENT REPORT FOR USE IN THE PREPARATION OF A CAPITAL IMPROVEMENT PLAN FOR CITY STREETS
- STATUS REPORT ON PREPARATIONS FOR THE UPCOMING MAY 8, 2010 CITY OF WIMBERLEY GENERAL ELECTION

- STATUS REPORT ON THE DESIGNATION OF A HISTORIC STRUCTURE IN WIMBERLEY BY THE TEXAS HISTORICAL COMMISSION
- STATUS REPORT ON THE PLANS FOR A PUBLIC OPEN HOUSE AT THE NEW CITY HALL
- STATUS REPORT ON THE PLANS FOR A RECEPTION TO RECOGNIZE THE MEMBERS OF THE CITY'S VARIOUS BOARDS AND COMMISSIONS ALONG WITH OTHER CITY VOLUNTEERS
- STATUS REPORT ON THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT CAPITAL IMPROVEMENT PROJECTS

3. PUBLIC HEARING AND POSSIBLE ACTION

HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY DAVID ESTEY TO ALLOW FOR A SECONDARY SINGLE FAMILY RESIDENTIAL BUILDING ON A 5.26 ACRE TRACT OF LAND LOCATED AT 171 PANORAMA DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING. *(DAVID ESTEY, APPLICANT)*

4. ORDINANCES

- (A) CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING CHAPTER 50 (SEWERS AND WATER), SECTION 50.63 (CONNECTION TO THE SEWER SYSTEM REQUIRED), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ESTABLISH THE REQUIREMENTS FOR MANDATORY CONNECTION TO A PUBLIC WASTEWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER. *(CITY ADMINISTRATOR)*
- (B) CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE) OF THE CODE OF ORDINANCES CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION) BY ADDING SECTION 151.20 (COMMERCIAL SCREENING BUFFER) IN ORDER TO ESTABLISH REGULATIONS REGARDING SCREENING BUFFERS BETWEEN COMMERCIAL AND RESIDENTIAL USES; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. *(PLANNING AND ZONING COMMISSION; CITY COUNCIL ACTION ON THIS ITEM WAS CONTINUED ON APRIL 15, 2010)*

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A REQUEST FOR SPEED HUMPS ON LAS FLORES DRIVE. *(MAYOR TOM HALEY)*
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION ON A PROPOSAL FOR THE CITY OF WIMBERLEY TO PARTICIPATE IN THE 22ND ANNUAL WIMBERLEY COMMUNITY THANKSGIVING DINNER. *(CITY ADMINISTRATOR)*

- (C) DISCUSS AND CONSIDER POSSIBLE APPROVAL OF A REQUEST FROM CADENCE SPORTS, INC. AND THE FRIENDS OF BLUE HOLE TO UTILIZE THE BLUE HOLE REGIONAL PARK FOR THE INAUGURAL SHAMMIES 'N KOOZIES RIDE 'N FLOAT ON SATURDAY, JUNE 12, 2010 AND TO WAIVE THE RESERVATION FEES FOR THE USE OF THE PARK. (CITY ADMINISTRATOR)
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO IMPROVE THE APPEARANCE OF THE CONCRETE RETAINING WALL IN THE 14000 BLOCK OF RANCH ROAD 12, WIMBERLEY, TEXAS. (PLACE FOUR COUNCIL MEMBER STEVE THURBER)

6. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

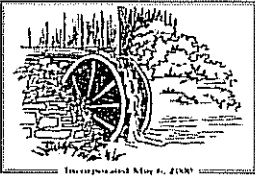
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on May 3, 2010 at 5:00 p.m.



CARA MC PARTLAND, CITY SECRETARY

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: APPROVAL OF APRIL 15, 2010 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are minutes for the April 15, 2010 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
April 15, 2010 at 6:30 p.m.

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

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

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bob Flocke, Bill Appleman, Steve Thurber, and John White.

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

Citizens Communications

No citizens communications were heard.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of April 1, 2010
- B. Approval of the March 2010 Financial Statements for the City of Wimberley

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

2. City Administrator Report

- Status report on Fiscal Year 2010 sales tax collection for the City of Wimberley

City Administrator Ferguson reported that February revenues are flat and provided year-to-date statistics that indicate the City is on target with revenue projections. He reported strong attendance for April's Market Days and hoped that favorable weather conditions will result in increased visitation to Wimberley.

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

City Administrator Ferguson reported that the City's Tier III, Phase I loan application has been postponed until the Texas Water Development Board's (TWDB's) early May meeting agenda. He noted that an agenda will be posted for possible attendance by a quorum of City Council and Water

Wastewater Advisory Board members. He reported on the sparsely-attended public meeting presenting the environmental impact document that was held on Tuesday, April 13, 2010 at the Wimberley Community Center, with one speaker, Bert Ray, advocating the use of effluent disposal for irrigation purposes.

- Status report on the preparations for the upcoming May 8, 2010 City of Wimberley General Election

City Administrator Ferguson reported on the schedule/location for voting/early voting and noted that election information is available at City Hall, on the City's website, and in the local newspaper.

- Status report on efforts to develop alternative water supplies for the Wimberley Valley

City Administrator Ferguson reported on a recent meeting with Hays County Precinct Three Commissioner Will Conley, City staff, and local water providers providing updated information on the soon to be completed Hays County Water Wastewater Regional Study. He noted meeting topics, including possible funding options for alternative water supplies and anticipated scheduling a City Council/WWAB workshop meeting in the near future. City Administrator Ferguson stressed the need for less reliance on the aquifer and for back-up supplies during drought conditions.

- Status report on the development of an ordinance to regulate non-point source pollution

City Administrator Ferguson reported on a productive meeting with the task force last week and anticipated a draft ordinance to be presented to the Planning and Zoning Commission in May.

- Status report on the preparations to move into the new City Hall

City Administrator Ferguson advised that the City closed on the purchase last week, with preparations underway for the scheduled move on April 30, 2010. He provided information on the moving contractor, remodeling plans, and building permits. Although City Hall will be closed to the public on moving day, he noted that City Hall will be open to receive candidate campaign finance report filings, which are due by the close of business on April 30, 2010.

City Administrator Ferguson closed by reminding Council that photos need to be taken in the near future and anticipated the photo session to take place at the Wimberley Community Center. He asked that Council members advise of their availability next week in order to schedule an agreeable date/time. He also reported that an item will be posted on Council's May 6, 2010 agenda in order to address recent concerns communicated by Las Flores residents related to speeding.

3. Public Hearing and Possible Action

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at

10330 Ranch Road 12, Wimberley, Hays County, Texas, designating such property from Residential Acreage (RA) to Scenic Corridor (SC); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Michael Jones, Applicant*)

This item was heard after Agenda Item 6A.

Councilmember Thurber recused himself from the meeting at this time due to a possible conflict of interest.

City Administrator Ferguson reviewed the report, including the subject property's location and current/proposed zoning/uses. He noted that no planned use/development has been stated by the applicant, and advised of Planning and Zoning's 4-1 vote in favor to recommend approval, provided that specific buffering requirements are met by the applicant. He stated recommended buffering requirements as follows: The owner of the subject property shall install an eight (8) foot wide evergreen buffer along all property lines that abut a residential zoning district or residential use,

Discussion addressed:

- Definition of types of vegetation
- Hilltop Place lots that may be zoned commercial
- Mayor Haley's recommendation for six-hundred eighty feet (680') of buffering along frontage of Lots 4,5, and 42, if such properties are residential
- Councilmember White's comments relating to responsibility of residential property owners to keep existing buffering in place and effect on commercial property owner to install/maintain buffering, should the residential property owner remove such buffering
- Draft ordinance language (*see Agenda Item 5A*) requiring installation of buffering before a certificate of occupancy can be issued and effect of said ordinance on this zoning application, if approved
- Due to Wimberley's unique geography, Mayor Haley's suggestion that each application be considered by Planning and Zoning with case-specific recommendations for conditions, without imposition of "blanket" buffering standards
- Rationale for the need for standard buffer requirements in response to concerns expressed by residential property owners during the City-initiated zoning process

Stating that he believes in property rights, Mayor Haley entertained a motion to approve the item as presented, with a buffer required along frontage on Lots 4, 5, and 42, with specifics on the type of buffering to be decided by Council. There was brief discussion of various types of vegetation and their respective growth rates.

Councilmember Flocke moved to approve the item as presented, *without* the addition of any buffering requirements. Clarification was provided to Councilmember White that Councilmember Flocke's motion is for no buffering along any property lines abutting the subject property. Councilmember Roccaforte seconded.

Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Appleman, nay; Councilmember White, aye. Motion carried on a vote of 3-1.

Councilmember Thurber rejoined the meeting at this time.

4. Resolution

Consider approval of a resolution of the City Council of the City of Wimberley, Texas authorizing the Mayor to sign an amendment to the Wastewater Operating Agreement between the City of Wimberley and the Guadalupe Blanco River Authority; providing for an effective date; and proper notice of meeting. (*City Administrator*)

City Administrator Ferguson reviewed prior Council action approving the TWDB loan application submission, which included a commitment by the City to take needed steps to mandate connection to ensure a viable customer base for a future wastewater system. This resolution is the first step

necessary to follow through on that commitment, which amends the current operating agreement. He noted certain minor modifications to the language of the resolution.

Clarification was provided to Councilmember White relating to language in the original agreement, updating of the original agreement, number of potential connections, method of calculating LUEs based on existing land use, the development process relating to permitting and collection systems/lift stations, financing options, financial impact to business customers, and possible imposition of lien(s). Discussion included:

- Citizens' concerns
- Existing failed/failing downtown septic systems and land limitations
- Negative environmental impact of existing systems on Cypress Creek
- Mitigation of the City's obligation to GBRA should businesses close down
- Method of LUE calculations based on actual water usage and possible advantages, particularly if water usage increases via a centralized system
- Need to anticipate demand and set standards for system development
- Further study of the Aqua Texas option as an affordable short-term alternative for downtown wastewater service and associated advantages/disadvantages
- The City's existing agreement with GBRA
- GBRA's significant investment of capital to date
- Development agreements for certain properties
- Updating of impact fees as the system expands over time
- Clarification of language in amendment to Section 3.3 of the operating agreement
- CCN service area limited to inside City limits

Councilmember Thurber moved to approve the resolution as presented, with the modifications as noted by staff. Councilmember Flocke seconded.

Mayor Haley called for a vote as follows: Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, abstain; Councilmember Roccaforte, aye. Motion carried on a vote of 4-0, with Councilmember White abstaining.

5. Ordinances

- A. Consider approval of an ordinance of the City of Wimberley, Texas, Amending Title XV (Land Usage) of the Code of Ordinances Chapter 151 (Building Regulations; Construction) by adding Section 151.20 (Commercial Screening Buffer) in order to establish regulations regarding screening buffers between commercial and residential uses; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Planning and Zoning Commission*)

City Administrator Ferguson provided background information and reasoning on the development of standards as presented in the draft ordinance. He stated that the proposed ordinance requires a

landscape buffer along all commercial property lines abutting property zoned or used for residential purposes so as to visually screen the commercial uses.

The proposed ordinance requires where no natural vegetation exists, that the commercial property owner shall install an eight (8) foot wide evergreen buffer consisting of native, adaptive, and drought tolerant bushes, shrubs, and plant materials normally expected to reach eight (8) feet in height in three (3) years time.

Discussion among Council, staff, and Planning and Zoning Acting Chair Ross addressed possible scenarios such as removal of an existing buffer by the residential property owner and its effect on the commercial property owner's obligation to provide buffering. Other topics of discussion included the intent of screening buffers, the commercial property owner's burden of installing/maintaining buffering, case-specific review versus "blanket" minimum standards, variance procedures, draft ordinance objectives, and specificity of buffering types.

After different interpretations of the draft ordinance were discussed relating to commercial/residential property owners' obligations, Councilmember Thurber moved to approve revision of this item by City staff and legal counsel in order to clarify that the burden for buffering should be on the commercial property owner at all times. Councilmember Appleman seconded.

In the interest of clarity, City Administrator Ferguson restated Councilmember Thurber's motion using the following example: If a buffer exists (whether along residential or commercial property lines), then the commercial property owner does not have the obligation to install a buffer, but if a buffer is removed (even after issuance of the certificate of occupancy), the commercial property owner has the obligation to install and maintain a buffer. Councilmember Thurber replied that City Administrator Ferguson's example states his motion correctly. Councilmember Appleman reiterated his second to the clarified motion.

Mayor Haley called for a vote as follows: Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye; Councilmember Roccaforte, nay; Councilmember Flocke, nay. Motion carried on a vote of 3-2.

- B. Consider approval of the first reading of an ordinance amending Chapter 50 (Sewers and Water), Section 50.63 (Connection to the Sewer System Required), of the Code of Ordinances of the City of Wimberley, Texas, in order to establish the requirements for mandatory connection to a public wastewater system; and providing for an effective date; proper notice and meeting, severability and repealer. (*City Administrator*)

City Administrator Ferguson explained the connection requirements and penalties as set forth in the proposed ordinance and recommended approval.

Discussion between City Administrator Ferguson and Councilmember White addressed certain scenarios involving landlocked properties, easements, and connection of buildings/structures located on properties that are within one-hundred fifty feet (150') of a public wastewater system.

Councilmember Appleman acknowledged the difficulty of this decision, but felt that it is necessary to approve this item in order to move forward.

Councilmember Appleman moved to approve the item as presented. Councilmember Thurber seconded.

Mayor Haley called for a vote as follows: Councilmember Thurber, aye; Councilmember White, abstain; Councilmember Roccaforte, nay; Councilmember Flocke, aye; Councilmember Appleman, aye. Motion carried on a vote of 3-1, with Councilmember White abstaining.

6. Discussion and Possible Action

- A. Discuss and consider possible approval of an easement agreement with Aqua Utilities, Inc. d/b/a/ Aqua Texas, Inc. establishing a wastewater utility easement on Lot 2 of the Wimberley Community Center subdivision. *(City Administrator)*

This item was heard after Agenda Item 3.

City Administrator Ferguson stated that this proposed agreement establishes a twenty (20) foot wastewater utility easement between the Wimberley Community Center (WCC) and the Patsy Glenn Nature Refuge, with the 0.107 acre easement to be located within an existing drainage easement at the southern end of the WCC parking lot near the entrance to the Refuge.

The requested easement is needed to allow Aqua Texas, Inc. to run a sewer line from its lift station behind Brookshire Brothers to Mill Race Lane, which will cross Ranch Road 12 near Ozona National Bank to provide centralized wastewater service to W.C. Carson's large, mixed-use development planned on the north side of Cypress Creek. He provided reasoning for the easement location, other easement location options considered, and stressed that an arborist will prepare a plan to protect trees.

He noted that Aqua Texas will be required to restore any area disturbed during construction to pre-construction condition and recommended approval.

Discussion addressed the effect of easement placement on possible future building and on Mill Race Lane residences/businesses.

John David Carson stated that Mill Race Lane would have the ability to be served from this Aqua Texas line and discussion among Mr. Carson, staff, and Council established the exact location of the proposed easement and Aqua Texas lines. He stated that this is the last easement needed in order for development to proceed and thanked Council for consideration of this issue.

In response to Councilmember Appleman's request, Mr. Carson offered to provide a walking tour of the route. City Administrator Ferguson stated that notification will be provided to property owners

who may be affected during construction, with measures taken to mitigate any negative effects of construction.

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

- B. Discuss and consider possible approval of a professional services agreement with Baker-Aicklen & Associates, Inc. for the preparation of a boundary survey for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson reviewed past Council actions resulting in Council's direction to staff to enter into negotiations with Baker-Aicklen and Associates in an attempt to develop a contract for the completion of a City limits survey. He highlighted terms such as lump sum cost (\$75,000), possible additional costs, and estimated time for project completion. He closed with staff's recommendation for approval.

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

- C. Discuss and consider possible approval of plans for a volunteer appreciation event to recognize members of the City's various boards and commissions and others who have volunteered time to assist the City of Wimberley. (*Place Four Councilmember Steve Thurber*)

City Administrator Ferguson detailed a proposal for a reception tentatively scheduled for late May, to be held in the art gallery at the Wimberley Community Center. He stated that in addition to the reception, a brief ceremony is planned in Johnson Hall to recognize individual volunteers. He welcomed Council's input in submitting names for recognition. Mayor Haley stated that recently deceased Transportation Advisory Board (TAB) Chairman Corwin Vasant should be given special recognition for his service. Several ideas for honoring Chairman Vasant's service were discussed, including a possible designated area at Blue Hole for such recognition.

Councilmember Flocke moved to approve the plans as presented. Councilmember Thurber seconded. There was brief discussion of potential costs associated with the proposed event. Motion carried on a vote of 5-0.

- D. Discuss and consider possible approval of a professional services agreement with American Fireworks to design, prepare, and execute a fireworks display in Wimberley on July 4, 2010. (*City Administrator*)

City Administrator Ferguson recommended approval of the proposed agreement and presented details on the event's location and timeframe. He noted that the display will be funded from community contributions and that the City reserves the right to add to the total amount of the contract, should contributions exceed the \$5,000, as stated in the agreement.

Discussion addressed fundraising efforts, goals, and commitments acquired to date. Councilmember Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

7. City Council Reports

- Announcements
- Future Agenda Items

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:30 p.m.

Adjournment: Council meeting adjourned at 8:30 p.m.

Recorded by:

Cara McPartland

These minutes approved on the ____ of May, 2010.

APPROVED:

Tom Haley, Mayor

307 - 262 AMENDED RESTRICTIONS FOR HILLTOP PLACE, LTD.
STATE OF TEXAS X
COUNTY OF HAYS X 115756
KNOW ALL MEN BY THESE PRESENTS

That Hilltop Place, Ltd., a Texas Limited Partnership having its principal place of business in Wimberley, Hays County, Texas, (hereinafter called the "Developer"), being the owner of that certain tract of land described and platted into that certain said subdivision recorded in the office of the County Clerk of Hays County, Texas on the 10th day of March, 1978, A. D., after having been approved as provided by law, and being recorded in Volume _____ Pages _____ of the Map Records of Hays County, Texas, and the Developer desiring to create and carry out a uniform plan and scheme for the improvement, development, and sale of property in said Hilltop Place, Section One, (hereinafter referred to as "Subdivision"), does hereby adopt, establish, promulgate and impress the following Reservations, Restrictions, and Covenants, which shall be and hereby made applicable to the Subdivision.

I.

GENERAL PROVISION

APPLICABILITY

1. Each Contract, Deed or Deed of Trust which may be hereafter executed with respect to any property in the Subdivision shall be deemed and held to have been executed, delivered and accepted subject to all of the provisions of this instrument, including, without limitation, the Reservations, Restrictions, and Covenants herein set forth, regardless of whether or not any of such provisions are set forth in said Contract, Deed or Deed of Trust, and whether or not referred to in any such instrument.

DEDICATION

2. The streets and roads shown on said recorded plats are for the sole and exclusive use of the Developer and the owner of the lots in this subdivision to be known as "Hilltop Place, Section One"

307 : 271
Exercise of any such prerogative by one, or more members of the Committee in their capacity as such shall not constitute action by the Developer after the election of such Committee members notwithstanding that any such Committee member be a Director of the Developer.

III.

DESIGNATION OF TYPE OF LOTS

1. All lots in Hilltop Place, Section 1 that are five (5) acres or larger shall be known as "Ranches" except for tracts number 1, 2, 3, 10, 32, and 40, which shall be designated as "commercial tracts"; and tracts numbers 33 through 39 which shall be designated as "semi-commercial tracts".

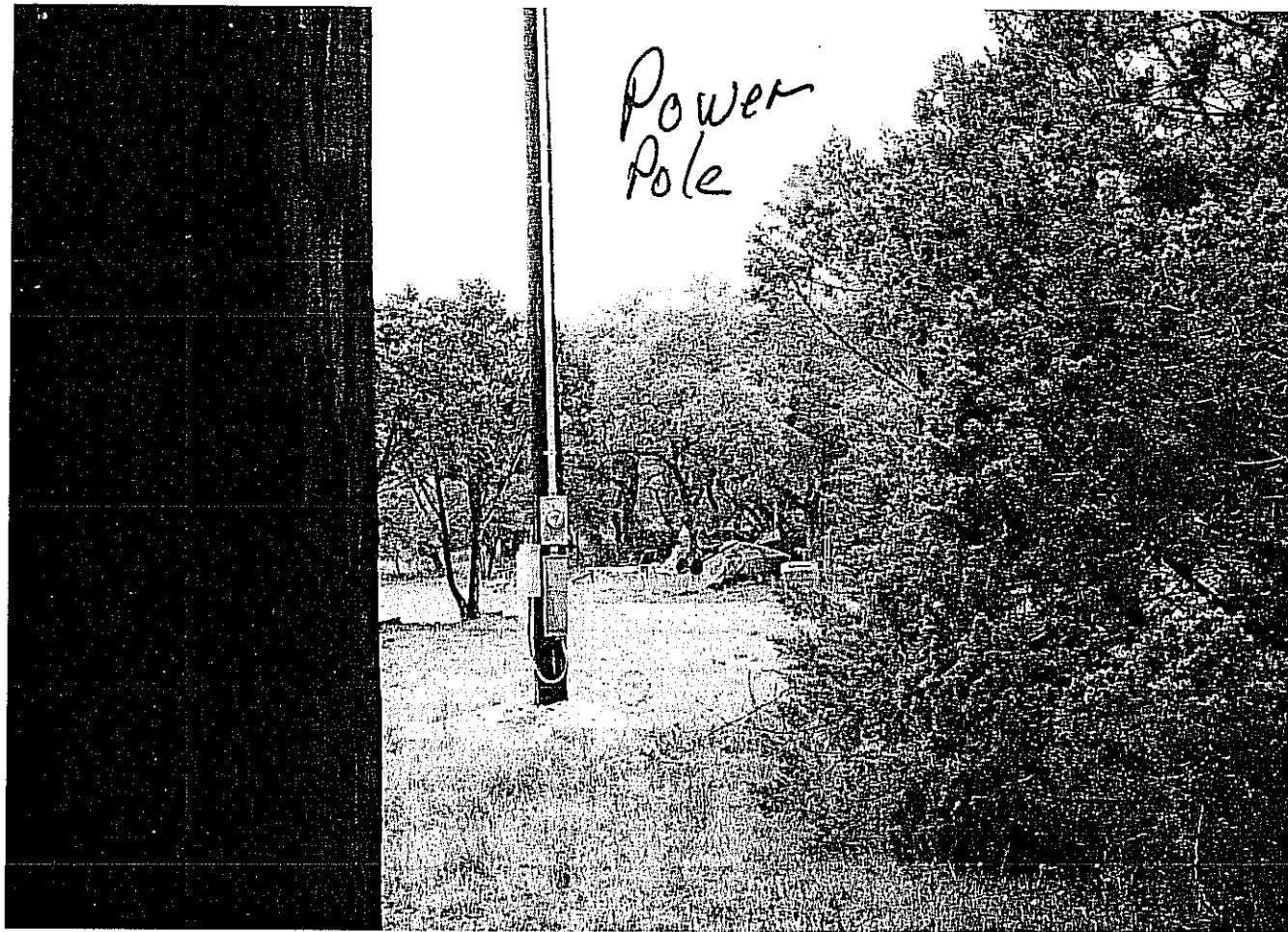
IV.

GENERAL RESTRICTIONS

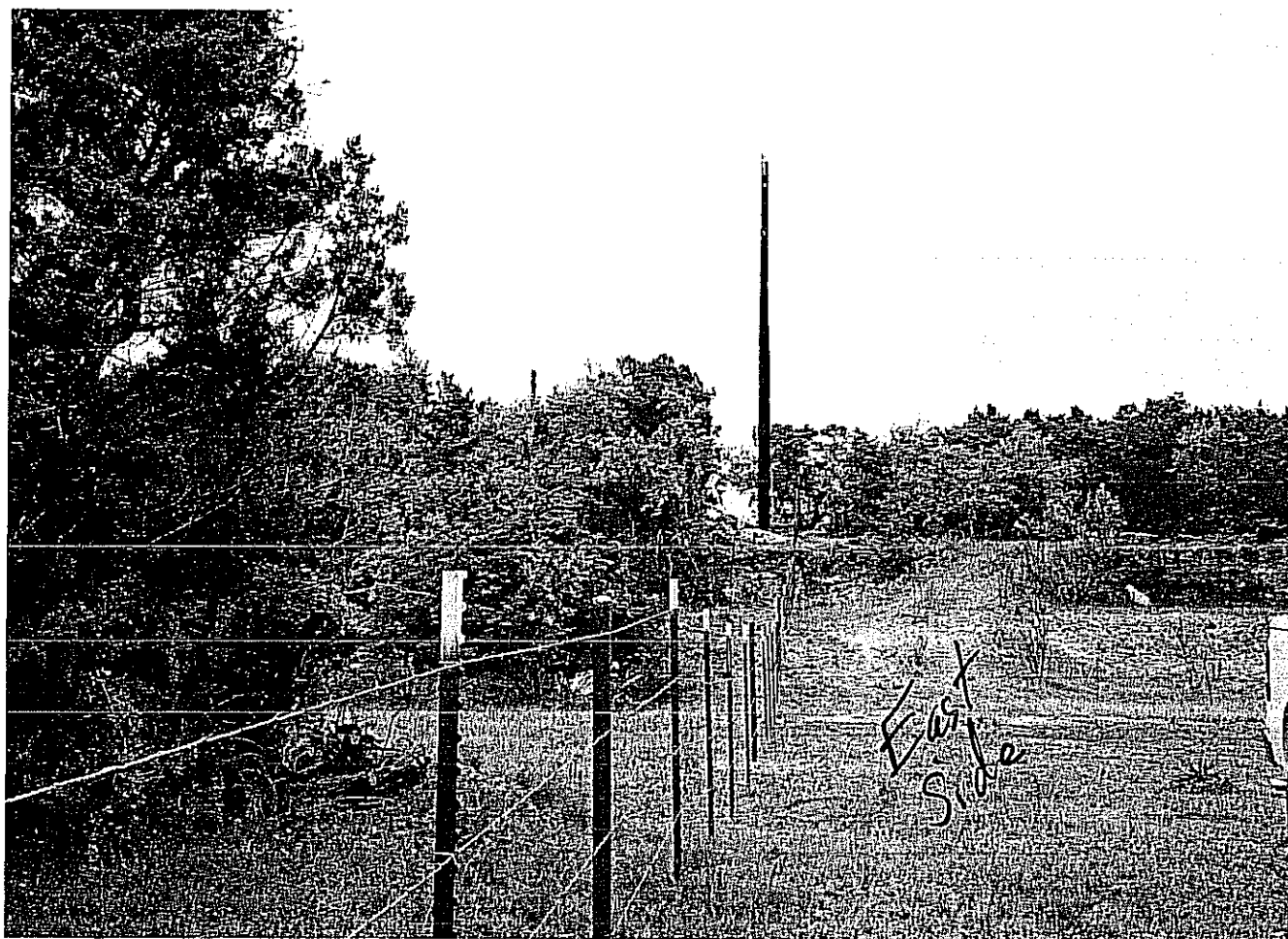
1. None of the lots or the improvements thereon except for the designated "commercial tracts" and "semi-commercial tracts" shall be used for anything other than single-purchaser, private residential purposes. All outbuildings such as garages, servant quarters, guest quarters, barns, and stables must comply with the Architectural Control Committee and be used in conjunction with a single-family, privately-owned residence. For the purposes of this instrument, the word "lot" shall not be deemed to include any portion of the following areas shown on the recorded plat: any esplanades or greenbelts (unless otherwise shown on plats), any unrestricted or reserve areas shown on the plats.

2. The living area of the main residential structure (exclusive of porches, whether open or screened, garage or other car parking facility, terraces, driveways and servants' quarters) shall not be less than the following respective amounts for each of the designated particular types of lots: Hilltop Place, Section One - "Ranches" 1,400 square feet for a one story dwelling, and 1,800 square feet for a two-story dwelling.

1



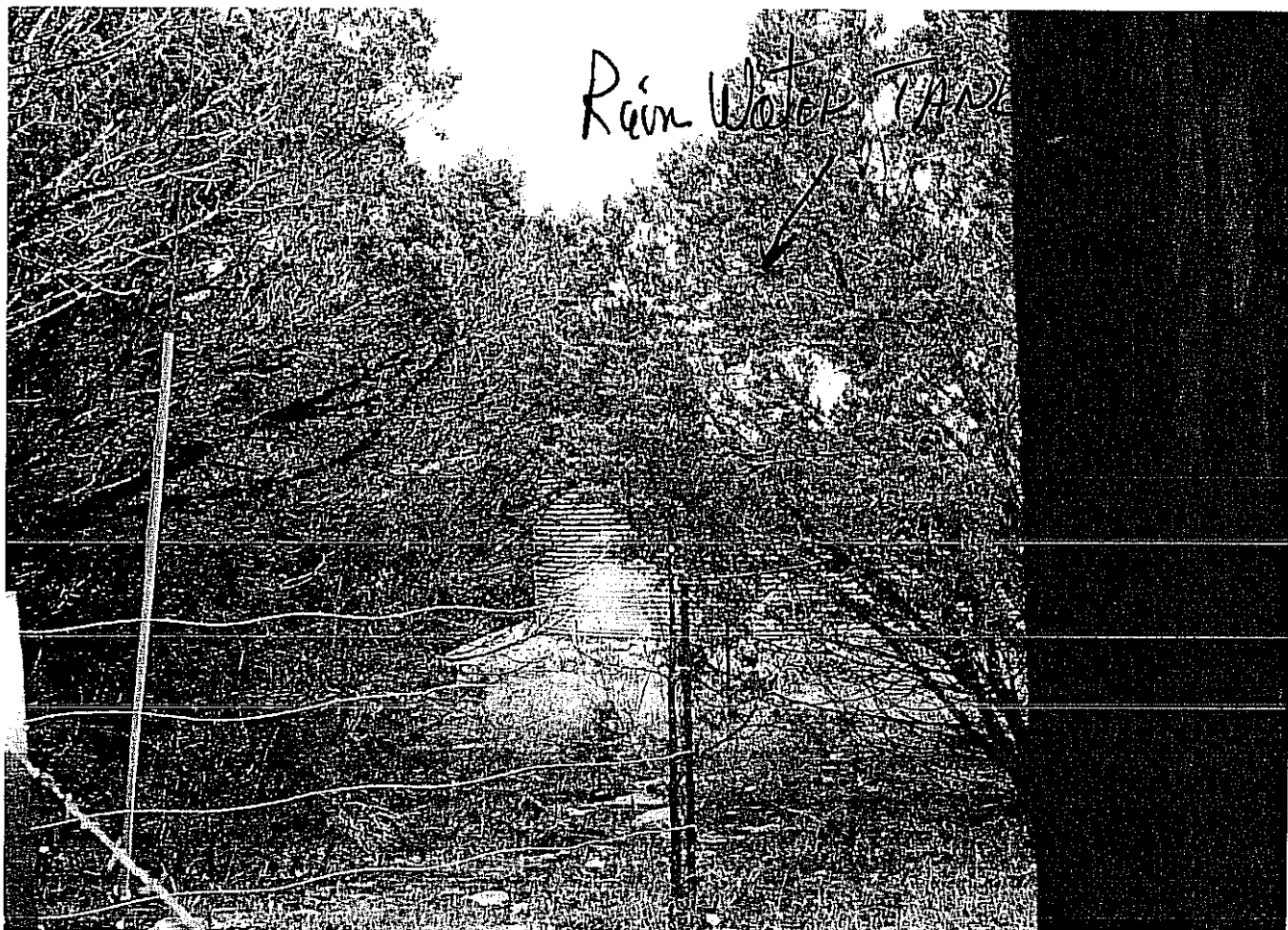
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~~Picnic Area~~
Picnic Area



Rain Water Tank



6



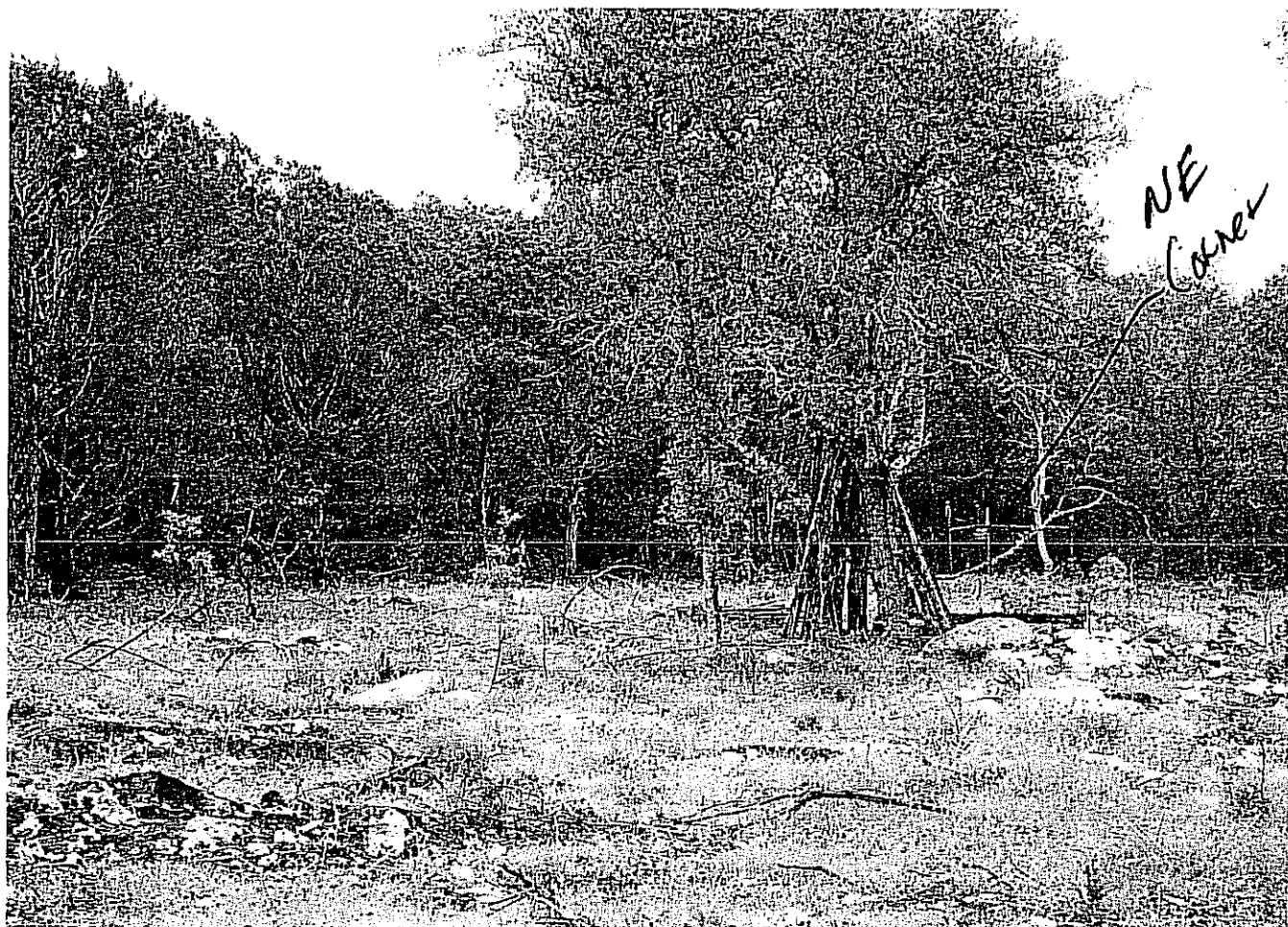
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8



7

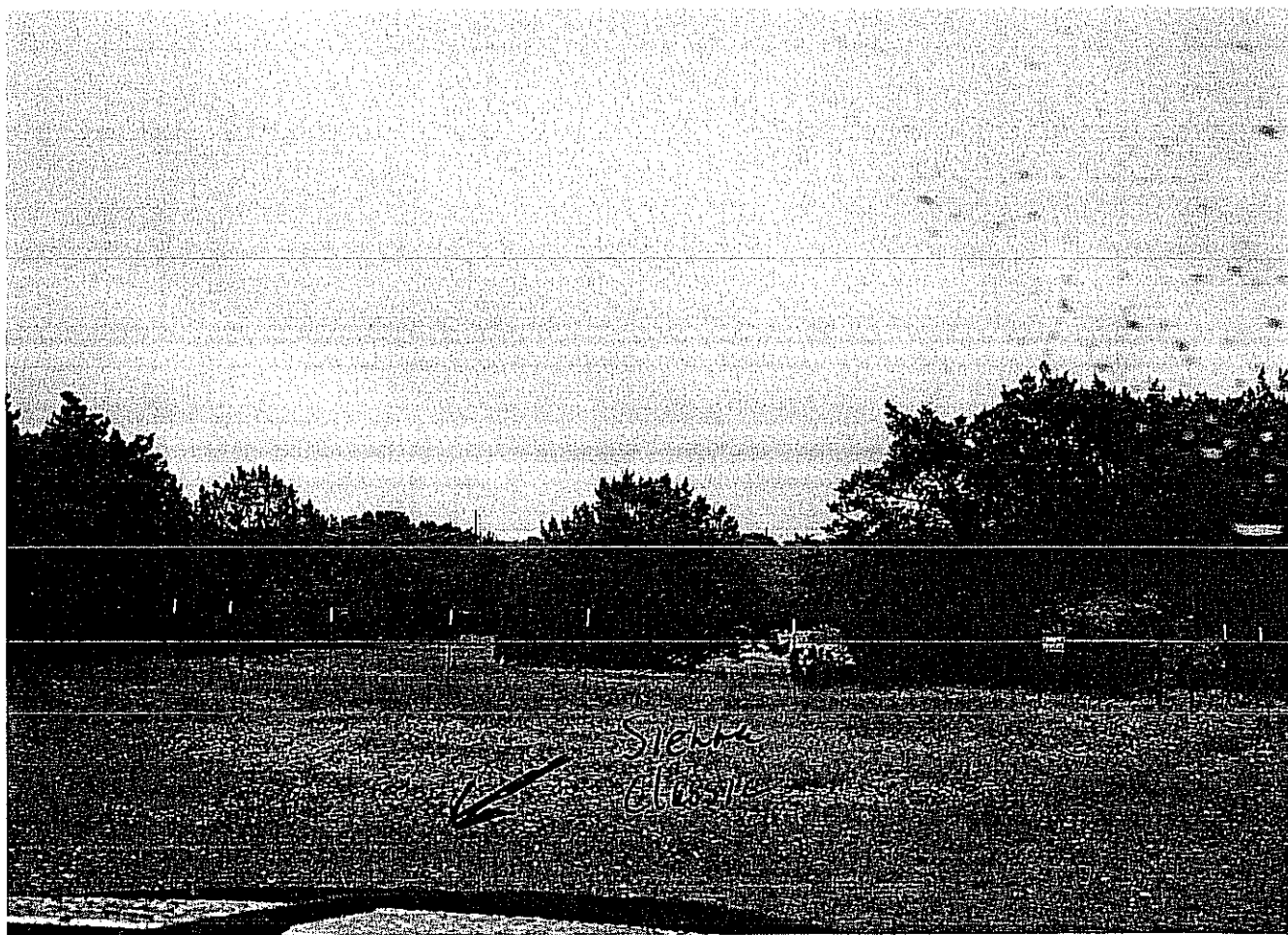


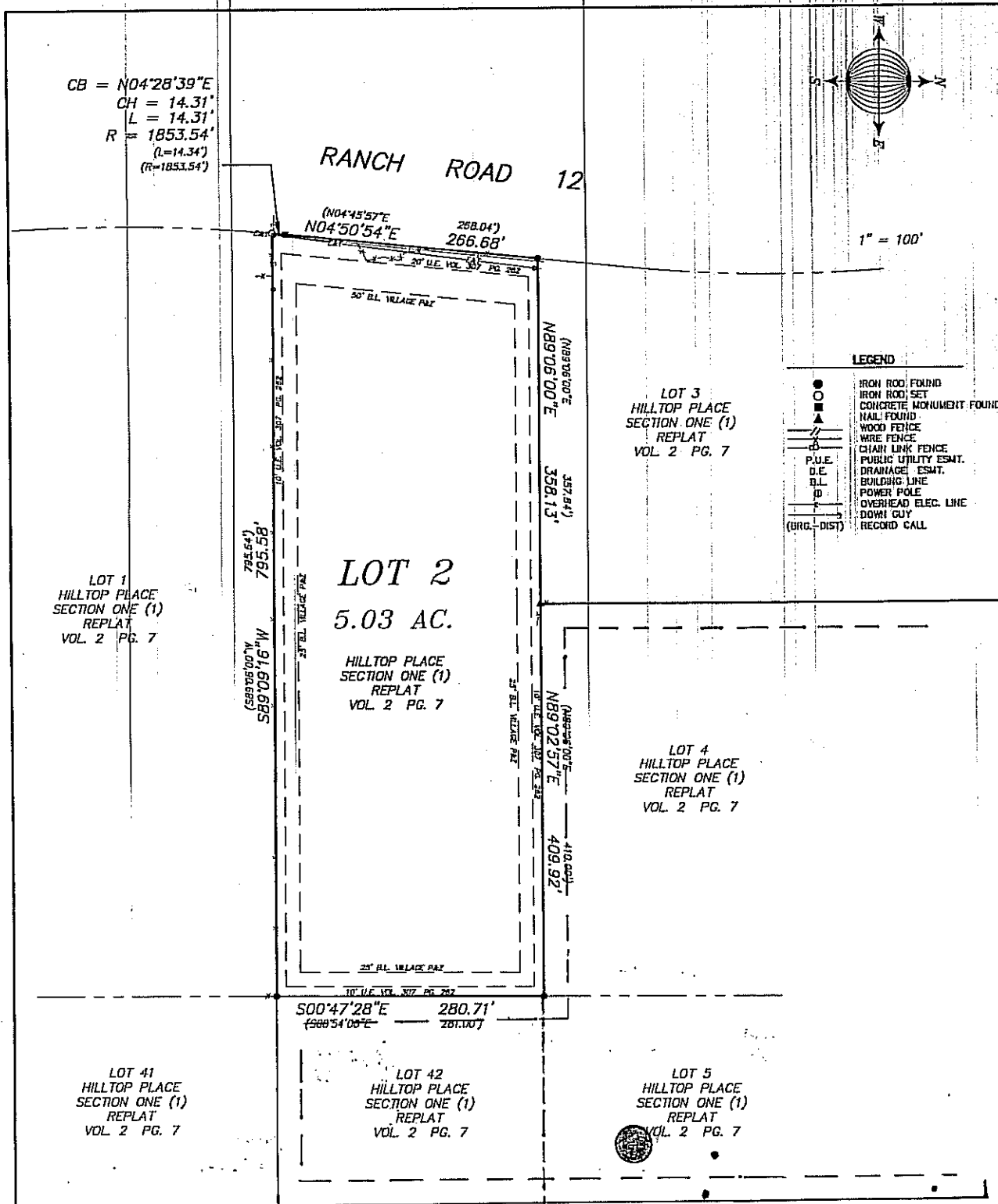
NE
Corner

10



9





Note: This property is subject to an electric utility easement granted to Pademates Electric Cooperative, Inc., recorded in Volume 214, Page 320, Deed Records, Hays County, Texas.

Note: This property is not subject to an easement of record in Volume 260, Page 134, Deed Records of Hays County, Texas.

To the owners, lienholders, and INDEPENDENCE TITLE COMPANY:

The undersigned does hereby certify that this survey was this day made on the ground of the property described hereon and is correct, and that there are no discrepancies, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

The undersigned does further certify that the property described hereon is located in zone X and is not within a Flood Hazard Area as determined by the Federal Insurance Administration Flood Hazard Boundary Map Panel No. 48209C0160 E effective February 18, 1998.

JIMMY F. JOHNSON
 4018
 Registered Professional Land Surveyor
 Date

Note: This property is subject to restrictive covenants recorded in Volume 304, Page 470 and Volume 307, Page 252, Deed Records; Volume 406, Page 886 and Volume 415, Page 602, Real Property Records; Volume 2001, Page 827, Official Public Records, Hays County, Texas.

REFERENCE: Michael L. Jones

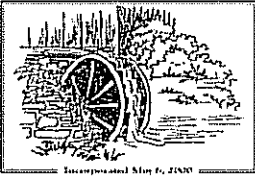
G.F. No. : 0801466-WIM

LEGAL DESCRIPTION: Lot Two (2), HILLTOP PLACE, Section One (1), Replat, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 7, Plat Records, Hays County, Texas
JOB No. : 200802008

WIMBERLEY SURVEY COMPANY
PROFESSIONAL LAND SURVEYORS

P.O. Box 1860
 Wimberley, Texas 78676
 (512) 847-5322
 Fax (512) 351-9447

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: APPROVAL OF APRIL
16, 2010 MINUTES OF SPECIAL CITY COUNCIL
MEETING

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are minutes for the April 16, 2010 Special City Council Meeting for review and consideration.

MINUTES
SPECIAL CITY COUNCIL MEETING
APRIL 16, 2010 – 11:00 A.M.

The City Council of the City of Wimberley, Texas met for the purpose of participating in a Hays County Leadership Charrette located at the Wimberley Community Center, 14068 Ranch Road 12, Wimberley, Hays County, Texas on Friday, April 16, 2010 at 11:00 a.m.

Those present were: Mayor Tom Haley, Presiding; Council Members Bob Flocke and Bill Appleman.

Members of the City of Wimberley City Council attended the special meeting for the purpose of participating in a Hays County Leadership Charrette. No action was taken during the meeting that began at 11:00 a.m. and ended at 1:00 p.m.

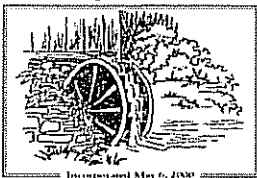
DATE APPROVED: May __, 2010

Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

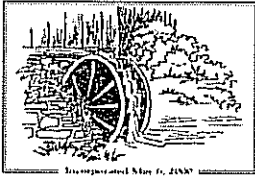
- ☐ Ordinance
- ☐ Resolution
- ☐ Motion
- ☒ Discussion

Project/Proposal Summary:

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

- Status report on the efforts underway to secure federal funding for the downtown wastewater project
- Status report on the development of a *City Street Assessment Report* for use in the preparation of a Capital Improvement Plan for City streets
- Status report on preparations for the upcoming City of Wimberley General Election on May 8, 2010
- Status report on the designation of a historic structure in Wimberley by the Texas Historical Commission
- Status report on the plans for a public open house at the new City Hall
- Status report on the plans for a reception to recognize the members of the City's various boards and commissions along with other City volunteers
- Status report on the Wimberley Independent School District (WISD) capital improvement projects

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A SECONDARY SINGLE FAMILY RESIDENTIAL BUILDING AT 171 PANORAMA

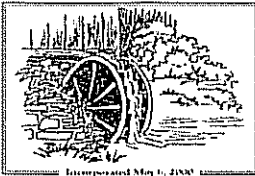
Council Action Requested:

☒ Ordinance
☐ Resolution
☒ Motion
☒ Discussion

Project/Proposal Summary:

City staff is recommending the City Council vote to continue this item until the May 20, 2010 City Council meeting to allow the Planning and Zoning Commission to consider making a recommendation on the subject zoning case. The Commission was scheduled to consider the case at its April 22, 2010 meeting but the meeting was cancelled due to a lack of quorum. The case is now scheduled to be heard by the Commission on May 13, 2010.

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CONSIDER APPROVAL OF THE FINAL READING OF A WASTEWATER ORDINANCE AMENDMENT REQUIRING MANDATORY CONNECTION TO THE WASTEWATER SYSTEM

Funds Required:

Funds Available:

Council Action Requested:

☒ Ordinance

☐ Resolution

☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the second and final reading of an ordinance amending the City's current Wastewater Ordinance to revise the provisions relating to the connection to a public wastewater system.

In January of this year, the City Council voted unanimously to request that GBRA submit a loan application to the Texas Water Development Board to fund development of a much discussed wastewater system to serve the downtown area. Included in that request was a commitment by the City to take the steps necessary to mandate customer connection to the wastewater system, once built, to ensure a customer base exists to make the project viable.

Currently, the City Code requires every building within one-hundred fifty (150) feet of a public wastewater system to connect to the system, unless the building is currently served by an on-site sanitary sewer system which complies with the most current on-site sanitary sewer system installation, operation and maintenance requirements.

Approval of the attached ordinance would amend the City Code to require all property owners within one-hundred fifty (150) feet of a public wastewater system to connect the buildings or structures located on their property to the public wastewater system within forty-five (45) days of receiving notice of service availability. Those property owners failing to do so would be given thirty (30) days to connect. After that period, the City would connect the subject property to the wastewater system and charge the property owner the cost of doing so. A lien would be placed on the subject property to recover any charges not paid by the property owner. In addition, the property owner could face fines for not connecting to the system.

On April 15, 2010, the City Council approved the first reading of the proposed ordinance. In order for the ordinance to take effect, the City Council must approve a second and final reading of the subject ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 (SEWERS AND WATER), SECTION 50.63 (CONNECTION TO THE SEWER SYSTEM REQUIRED), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ESTABLISH THE REQUIREMENTS FOR MANDATORY CONNECTION TO A PUBLIC WASTEWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City Council of the City of Wimberley seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code ordinance 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code ordinance 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council seeks to ensure that water and sewer utility service is adequate and efficient for the citizens of the City; and

WHEREAS, currently the majority of the City operates on-site sanitary sewer systems; and

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

WHEREAS, the Council finds that it is in the best interest of the public health, safety and welfare of the citizens to require connections to the City sewer system once operational as provided by this ordinance; and

WHEREAS, pursuant to chapter 552 of the Texas Local Government Code and other laws, the City is authorized to operate its water and sewer utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality, and to extend the lines of its utility systems inside and outside the municipal boundaries.

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

I. FINDINGS OF FACT

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

II. AMENDMENT

1. THAT chapter 50 (Sewers and Water, section 50.63 (Connection to the Sewer System Required) of the Wimberley Code of Ordinances shall be amended in its entirety to read as follows:

“§ 50.63 CONNECTION TO THE SEWER SYSTEM REQUIRED.

(A) This section applies to all properties within the city limits and extraterritorial jurisdiction of the City.

(B) *Connection is required.* All property owners are required to connect their buildings or structures located on the property to the City’s Sewer System in accordance with the following provisions:

(1) *Existing On-Site Sanitary Sewer Systems.* Within forty-five (45) days of notice from the City of the availability of the City’s Sewer System to the public, all property owners that own buildings or properties connected to an on-site sanitary sewer system shall connect to the City’s Sewer System and shall immediately cease using the on-site sanitary sewer system upon such connection. Such connections shall be made subject to the applicable charges provided by current City requirements.

If the building or property is not connected to the City’s Sewer System within the time prescribed or operation of the on-site sanitary sewer system is not discontinued, it shall be a violation of this chapter and subject the property owner to the penalties under section 50.99 of this Code. In addition to the penalties under section 50.99, the city administrator may provide written notice to the person owning or having possession or control of the property required to be connected to the City’s Sewer System. Such notice shall also state that, upon failure of the property owner or occupant to connect to the City’s Sewer System within thirty (30) days from the date of the notice, the City will connect the property to the City’s Sewer System, and will charge the cost and expense incurred by the City to connect the property to the City’s Sewer System to the owner of such property, and that the City may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the City, or may undertake other measures within the City’s authority to recover the costs. The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district.

(2) *New Connections.* The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy after the date an operational City Sewer System is operational and available, on property within one-hundred fifty (150) feet of the City’s sewer system or facilities, shall be connected to the sewer system by the owner or agent of the premises in accordance with the City’s sewer service and extension ordinances. A separate connection for each house or building on the property requiring service shall be required unless the City Administrator approves the connection of more than one (1) building located on the single property to a single connection. All new subdivisions platted after the date of an operational City Sewer System within one-hundred fifty (150) feet of a public wastewater system

must be connected to the City's Sewer System. In the extraterritorial jurisdiction, the City Administrator may waive this requirement. If a building or property is to be served by the City's Sewer System, wastewater lines to serve each building or property must be installed before the certificate of occupancy may be issued and the building and property occupied."

Except as provided herein, of the Code of Ordinances of the City of Wimberley shall remain in full force and effect.

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED ON FIRST READING this _____ day of _____, 2010, by a ____ (Ayes) ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED ON SECOND READING this _____ day of _____, 2010, by a ____ (Ayes) ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

§ 50.63 CONNECTION TO THE SEWER SYSTEM REQUIRED.

(A) This section applies to all properties within the city limits and extraterritorial jurisdiction of the City.

(B) Connection is required. All property owners are required to connect their buildings or structures located on the property to the City's Sewer System in accordance with the following provisions:

(1) Existing On-Site Sanitary Sewer Systems. Within forty-five (45) days of notice from the City of the availability of the City's Sewer System to the public, all property owners that own buildings or properties connected to an on-site sanitary sewer system shall connect to the City's Sewer System and shall immediately cease using the on-site sanitary sewer system upon such connection. Such connections shall be made subject to the applicable charges provided by current City requirements.

If the building or property is not connected to the City's Sewer System within the time prescribed or operation of the on-site sanitary sewer system is not discontinued, shall be a violation of this chapter and subject the property owner to the penalties under section 50.99 of this Code. In addition to the penalties under section 50.99, the city administrator may provide written notice to the person owning or having possession or control of the property required to be connected to the City's Sewer System. Such notice shall also state that, upon failure of the property owner or occupant to connect to the City's Sewer System within thirty (30) days from the date of the notice, the City will connect the property to the City's Sewer System, and will charge the cost and expense incurred by the City to connect the property to the City's Sewer System to the owner of such property, and that the City may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the City, or may undertake other measures within the City's authority to recover the costs. The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district.

(2) New Connections. The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy after the date an operational City Sewer System is operational and available, on property within 150 feet of a City's sewer system or facilities, shall be connected to the sewer system by the owner or agent of the premises in accordance with the City's sewer service and extension ordinances. A separate connection for each house or building on the property requiring service shall be required unless the City Administrator approve the connection of more than 1 building located on the single property to a single connection. All new subdivisions platted after the date of an operational City Sewer System within 150 feet of a public wastewater system must be connected to the City's Sewer System. In the extraterritorial jurisdiction, the City Administrator may waive this requirement. If a building or property is to be served by the City's Sewer System, wastewater lines to serve

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each building or property must be installed before the certificate of occupancy may be issued and the building and property occupied.

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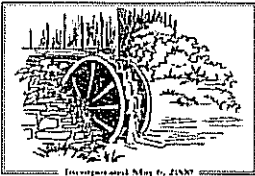
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The City shall notify the property owners whose properties will be within 150 feet of the sewer system or facilities that the property owner must apply to connect to the City's sewer system within 6 months after the date of the notification. If the property owner fails to connect within 1 year after the sewer system or facilities are constructed and in place within 150 feet of the property, the property owner must reapply to connect the City's sewer system.

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CONSIDER APPROVAL OF
AN ORDINANCE ESTABLISHING LANDSCAPE BUFFER
REQUIREMENTS BETWEEN COMMERCIAL AND
RESIDENTIAL PROPERTIES

Funds Required:

Funds Available:

Council Action Requested:

☒ Ordinance

☐ Resolution

☒ Motion

☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of an ordinance requiring a landscape buffer along all commercial property lines abutting property zoned or used for residential purposes so as to visually screen the commercial uses.

Specifically, the proposed ordinance requires, where no natural vegetation exists to visually screen the uses, the installation of an eight (8) foot wide evergreen buffer consisting of native, adaptive and drought tolerant bushes, shrubs and plant materials normally expected to reach eight (8) feet in height in three (3) years time. The buffer, if required, would have to be installed by the commercial property owner prior to the issuance of any certificates of occupancy. In addition, the landscape buffer would have to be irrigated and maintained by the commercial property owner at all times and vegetation replaced, as needed, to ensure continuous year-round screening. The width of the buffer would be included as part of the required setbacks.

The proposed buffer requirements were recommended by the Planning and Zoning Commission.

On April 15, 2010, the City Council continued action on the proposed ordinance and directed City staff to modify the ordinance language to ensure the burden is on the commercial property owner to make certain a landscape buffer exists between the commercial property and any abutting residential property.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE) OF THE CODE OF ORDINANCES CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION) BY ADDING SECTION 151.20 (COMMERCIAL SCREENING BUFFER) IN ORDER TO ESTABLISH REGULATIONS REGARDING SCREENING BUFFERS BETWEEN COMMERCIAL AND RESIDENTIAL USES; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens, and provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the City has the authority to regulate screening fences pursuant to Texas Local Government Code Chapters 51, 52 and 216; and,

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

WHEREAS, parties in interest and citizens have had an opportunity to be heard at a public hearing conducted by the City Council, agendas for each meeting were posted at City Hall more than seventy-two (72) hours prior to the respective hearing; and,

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment.

A. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 151 (Building Regulations; Construction) is hereby amended to add section 151.20 (Commercial Screening Buffer) to read as follows:

“§ 151.20 Commercial Screening Buffer

(A) A landscape buffer is required along all commercial property lines abutting property zoned or used for residential purposes so as to visually screen the commercial uses. Except as provided herein, an eight (8) foot wide evergreen buffer shall be installed consisting of native, adaptive and drought tolerant bushes, shrubs and plant materials normally expected to reach eight (8) feet in height in three (3) years time. The buffer shall be installed prior to the issuance of any certificates of occupancy or as required in accordance with this section.

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Deleted: Where no natural vegetation exists to visually screen the uses,

(B) If the commercial property owner provides proof that natural vegetation exists on the commercial or abutting property, then this buffer requirement may be waived as determined by the City Administrator; however, if the existing vegetation is removed at a later date for whatever reason, then the commercial property owner shall be responsible for installation of an evergreen buffer as described herein within thirty (30) days of the removal of the existing vegetation.

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(C) Invasive and exotic plants shall not be used. The landscape buffer shall be irrigated and maintained by the commercial property owner at all times and vegetation replaced or installed, as needed, to ensure continuous year-round screening. The width of the buffer shall be included as part of the required setbacks.

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(D) The following variance procedure shall only apply to this section. Any person, business or other organization desiring to install a buffer which does not conform to the provisions of this section 151.20 may submit an application to the City Council for a variance to the provisions of this section. The application shall be filed with the City Administrator, accompanied by the appropriate fee established by the City. The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this section. A violation of such conditions or requirements shall constitute a violation of this section."

Deleted: The buffer shall be installed prior to the issuance of any certificates of occupancy.

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Except as expressly amended herein, the Code of Ordinances shall remain in full force and effect.

Section 3. 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.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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 Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED this ____ day of _____, 2010, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Tom Haley, Mayor

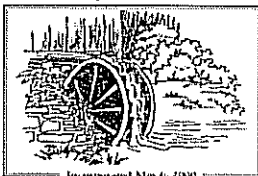
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CONSIDER ACTION ON
A REQUEST FOR SPEED HUMPS ON LAS
FLORES DRIVE

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action on a request from several residents for speed humps on Las Flores Drive. The residents are concerned that the City's planned improvements for their roadway will compound an existing problem with speeding traffic on the street. Previous requests for speed humps on the subject street have been turned down by the City.

Attached is a copy of correspondence from a spokesman for the group of concerned citizens.

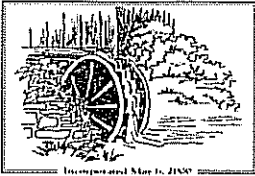
Don Ferguson

From: David DiTraglia [ditraglia@gmail.com]
Sent: Thursday, April 15, 2010 4:49 PM
To: dferguson@cityofwimberley.com
Subject: Speed Humps on Las Flores drive

Don,

Thanks for talking with me today. As we discussed, the neighborhood folks would like to hear the City Council's objections to placing speed humps in our neighborhood. We have requested the speed humps before and like now we were denied. Now with the roadway being resurfaced the residents want to hear the City Council's objections to placing a physical control of the speed limit (speed humps) to assure compliance with the legal posted speed limit of 25MPH. Since we have requested the speed humps, we do not think we will be presenting to the Council as much as listening to the Council's objections and discussion. See you at the May 6 City Council meeting.
David

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CONSIDER ACTION ON
A PROPOSAL FOR THE CITY TO PARTICIPATE
IN THE ANNUAL COMMUNITY THANKSGIVING
DINNER

Funds Required:

Funds Available:

Council Action Requested:

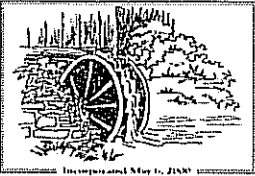
- ☐ Ordinance
- ☐ Resolution
- ☒ Motion
- ☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of City participation in the Annual Wimberley Community Thanksgiving Dinner. This year will mark the 22nd year for the free Thanksgiving Day dinner at the Wimberley Community Center. The event is organized by local volunteers.

Event spokesman Rodger Parker recently approached the City about the possibility of helping sponsor the event by waiving the Community Center rental fees for the event. Mr. Parker will be present at the meeting to discuss this request and other sponsorship opportunities relating to the community dinner.

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Project/Proposal Title: CONSIDER APPROVAL OF THE *SHAMMIE'S 'N KOOZIES RIDE 'N FLOAT* AT BLUE HOLE REGIONAL PARK

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approval of the use of the Blue Hole Regional Park for the Inaugural *Shammie's 'N Koozies Ride 'N Float* on Saturday, June 12, 2010. If approved, event organizers will be required to provide insurance and clean-up following the event, but pay no reservation fee.

Attached is an overview of the event that will be presented by Cadence Sports, Inc. and the Friends of Blue Hole. Use of the Blue Hole Regional Park will be somewhat limited in this first year of the event. It is hoped that this event will grow into a significant fund raiser for the Friends of Blue Hole, which is a support organization for the Blue Hole Regional Park.



Shammies 'N Koozies Overview Document

Presented to:

Don Ferguson – City of Wimberley

By:

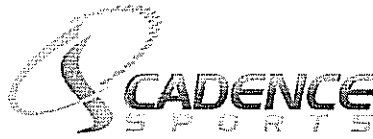
Cadence Sports, Inc.

3019 Alvin Devane Blvd., Building 1, Ste. 160

Austin, Texas 78741

www.cadencesportsonline.com

512.563.3111



Cadence Sports Overview:

Cadence has a long history of multi-sport management and prides itself on being a full-service sports management company. Cadence specializes in the planning, promotion and management of single/multi-day cause-related events.

Cadence currently manages the planning and execution for the Susan G. Komen Race for the Cure (www.komenncalabama.org) in Birmingham, AL, which raised approximately \$1 million with 14,000 participants in 2009 – both record setting numbers. After integrating the latest fundraising tools and strategies for the 2009 Race, we are confident we can reach an even higher goal for 2010.

In 2009, Cadence partnered with the inaugural PELOTONIA bike ride (www.pelotonia.org), which raised \$4.5 Million for cancer research at The James Cancer Hospital in Columbus, Ohio. This event features a two-day, 180-mile ride from Columbus, OH to Athens, OH and back. The 2009 event attracted 2,265 riders.

For the past 3 years, Cadence has managed the operational/technical planning and execution for the Lance Armstrong Foundation's **LIVESTRONG** Challenge series (www.livestrongchallenge.org), which was held in Seattle, WA, San Jose, CA, Philadelphia, PA and Austin, TX in 2009. This year, the series raised approximately \$10 Million for cancer research and survivorship initiatives.

Just recently, Cadence partnered with the 24 Hours of Booty (www.24hoursofbooty.org) to manage the overall planning, fundraising strategy and execution for its national cycling series. 24 Hours of Booty is the official 24 hour cycling event of the Lance Armstrong Foundation and in 2008 raised \$1 Million+ for the LAF and other local cancer organizations in Charlotte, NC and Columbia, MD. In 2010, 24 HoB will be expanding to Atlanta, GA for a total of 3 events.

At CADENCE, not only are we passionate about the events themselves, but also the coinciding causes they support and the exhilaration they bring to communities. We truly believe in establishing a true partnership with our clients and their volunteers and assert that teamwork and communication breed successful events.



Date:

Saturday, June 12th, 2010

Location:

40 & 60 mile ride option from Wimberley to Guadalupe River (Rockin' R)

Attendance Goal:

2010 – 500

Summary:

The purpose of the S&K ride is to combine people's pleasures into one fun event. There's nothing like riding your bike in the hill country – beautiful rolling terrain, Texas Longhorns and rivers and streams. There's also nothing like floating the Guadalupe River on a Texas summer day, in conjunction with good food and beer, of course. S&K will combine the two and provide a turn-key experience for all participants.

The ride itself will entail a fully supported, multi-distance, mass participation bike journey from Wimberley to the Guadalupe River (Rockin' R). Once the riders have completed their journey, they will be treated to a hospitality component with good food and drinks. Then, at any time they can change clothes, grab their tube and begin their journey down the Guadalupe River. Once done floating the river, all participants will be shuttled back to Wimberley where their bikes and other personal belongings will be waiting for them.

Year 1 will be an introductory year with the goal of having a safe, fun event. Moving forward, we envision ample opportunity to continue to grow the event with possibilities of a two-day option with camping, 5k/10k run element, outdoor festival, etc.



General Operations (Saturday, June 12th):

Overall Start (Wimberley):

- Riders packet pickup and wristband assignment (also look to do locally in Austin on day before at TBD location). All riders will receive an event Koozy.
- Riders check their luggage and coolers pre-event (all are transported to Rockin' R before riders arrive)
- Ride begins

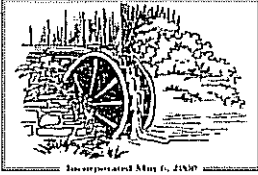
Ride Finish/Tube Start (Rockin' R Guadelupe)

- Small Finish Line infrastructure set up for the riders coming into finish area
- Riders Finish where they are greeted by volunteers and Rockin' R/Cadence staff.
- Riders show wristband and are treated to BBQ and Beer (under large tent/table/chair area dedicated to the event)
- Cadence staff provides pre-checked bags and coolers.
- Riders change clothes
- Riders check their bike and cycling clothes to Cadence staff (this will be transported back to Wimberley)
- Riders receive tube from Rockin' R staff (separate set-up dedicated to the event)

Tube Finish/Overall Finish

- Riders finish tube ride down Guadelupe and are shuttled back to Wimberley by Rockin' R shuttles

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CONSIDER ACTION ON A PROPOSAL TO IMPROVE THE APPEARANCE OF THE CONCRETE RETAINING WALL LOCATED IN THE 14000 BLOCK OF RR 12

Funds Required:

Funds Available:

Council Action Requested:

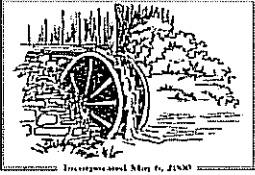
- ☐ Ordinance
- ☐ Resolution
- ☒ Motion
- ☒ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action on possible ways to improve the appearance of the concrete retaining wall located in front of the Senior Citizens Thrift Store in the 14000 Block of Ranch Road 12.

City staff will brief City Council at the meeting on several alternatives that have been researched.

City Council Agenda Form



Date Submitted: May 3, 2010

Agenda Date Requested: May 6, 2010

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☐ Motion

☒ Discussion

Project/Proposal Summary:

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