

City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS

221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, OCTOBER 21, 2021 - 6:00 PM

AGENDA

1. **CALL TO ORDER** October 21, 2021, at 6:00 PM
2. **CALL OF ROLL** City Secretary, Laura Calcote
3. **INVOCATION** Unity of Wimberley Reverend, Jill Carey
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. **PROCLAMATION**

6.1. Proclamation of the City of Wimberley, Texas, proclaiming the Month of October 2021 as "National Domestic Violence Awareness Month." (*Hays-Caldwell Women's Center*)
7. **PRESENTATION AND POSSIBLE ACTION**

7.1. Presentation and consider possible action regarding event signs for the 34th Annual Hill Country Home Tour set for October 29th and 30th. (*Wimberley Community Civic Club*)
8. **CONSENT AGENDA**

8.1. Approval of minutes from the Special Joint City Council and Planning & Zoning Commission Meeting held September 23, 2021.

8.2. Approval of minutes from the Special City Council Meeting held September 30, 2021.

8.3. Approval of the July 2021 Financial Statements for the City of Wimberley.

- 8.4. Approval of Place One Council Member Rebecca Minnick's appointment of Artur Valentine to the Ethics Review Commission.
- 8.5. Approval of Place One Council Member Rebecca Minnick's appointment of Brandon Metcalf to the Board of Adjustment.

9. PUBLIC HEARINGS AND POSSIBLE ACTION

- 9.1. Hold a public hearing and consider possible action regarding case CUP-21-021, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 105 Mockingbird, Wimberley, Hays County, Texas. (*Applicant: Kasey Belote*)
- 9.2. Hold a public hearing and consider possible action regarding case ZA-21-008, an application to rezone 2.586 acres out of a Portion of Lot 4, Leath Hollow, located approximately 1,000 feet East on Leath Hollow Dr from its intersection with RR 12, from Residential Acreage to Rural Residential 1. (*Applicant: J Thompson Consulting, agent for Mark Jackson*)
- 9.3. Hold a public hearing and consider possible action regarding a request for a special exception from City Subdivision Code 9.02.119(c) and 9.02.119(d) regarding the average depth to average width ratio of lots and required frontage on a public road. (*Applicant: J Thompson Consulting, agent for Mark Jackson*)
- 9.4. Hold a public hearing and consider possible action regarding case SUB-21-006, an application for a two-lot resubdivision of a Portion of Lot 4, Leath Hollow, located approximately 1,000 feet down Leath Hollow Dr from its intersection with RR 12, establishing "Jackson's Resubdivision of a Portion of Leath Hollow Subdivision" Lot 1 & Lot 2. (*Applicant: Jon Thompson, agent for Mark Jackson*)

10. DISCUSSION AND POSSIBLE ACTION

- 10.1. Discuss and consider possible action regarding a Temporary Structure Application to place a food trailer at 14306 Ranch Road 12, Wimberley, TX. (*Jaquelin Gomez*)
- 10.2. Discuss and consider possible action regarding case ZA-21-009, an application to change the zoning of portions of Lot 24 and Lot 25, Hilltop Place Section 2, from Residential Acreage (RA) to Rural Residential (R-1). (*Applicant: Ash & Associates, agent for Tom Lucas*)
- 10.3. Discuss and consider possible action regarding a request for a special exception from the Subdivision Code Sec. 9.02.115(b)(19) that prohibits private streets. (*Applicant: Ash & Associates, agent for Tom Lucas*)
- 10.4. Discuss and consider possible action regarding case SUB-21-009, an application for a 3-lot resubdivision of Lot 24 and Lot 25 Hilltop Place Section 2, establishing Lot 24A, Lot 24B, & Lot 25A. (*Applicant: Ashe & Associates, agent for Tom Lucas*)
- 10.5. Discuss and consider possible action regarding City Council's proposed priorities for Fiscal Year 2022. (*City Administrator, Mike Boese*)
- 10.6. Discuss and consider possible action regarding the first reading of Ordinance No. 2021-33, an ordinance of the City of Wimberley, Texas, to set forth the tax rate to be imposed on hotel occupancy within the corporate limits and extraterritorial jurisdiction of the city; setting forth the duties of persons responsible for collection of the tax; providing for criminal penalties and fines; creating an advisory committee; and providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting. (*City Administrator, Mike Boese*)

11. CITY COUNCIL REPORTS

11.1. Announcements

11.2. Future agenda items

12. 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, October 18, 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



Proclamation

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

WHEREAS, the crime of domestic violence violates the basic human rights of safety and dignity, and 185 Texans lost their lives due to domestic violence
and

WHEREAS, the problems of domestic violence and teen dating violence are not confined to any group of people, but cut across all economic, racial, gender and societal barriers; and

WHEREAS, the impact of domestic violence and teen dating violence directly affects individuals and communities when society ignores or tolerates violence in relationships; and

WHEREAS, last year HCWC provided face-to-face services to over 836 local victims of domestic violence and provided 5,105 days of shelter; and

WHEREAS, last year HCWC provided these direct services to 29 victims from The City of Wimberley, and

NOW, THEREFORE, I, Gina Fulkerson, by virtue of the authority vested in me as Mayor of Wimberley, Texas do hereby proclaim the month of October 2021 as

National Domestic Violence Awareness Month

And call upon the people of Wimberley to work together with HCWC and local partners to bring an end to domestic violence and teen dating violence.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the City of Wimberley, Texas to be affixed this 21st day of October 2021.



CITY OF WIMBERLEY

Gina V. Fulkerson, Mayor



City of Wimberley

221 Stillwater, Wimberley, Texas, 78676

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

www.cityofwimberley.com

Annual Event Signs

Exception to Sign Ordinance Application Form

Date: 10/18/21

Staff Review: _____

Permit No.: _____

Council Hearing: _____

Applicant: ALICIA DEDMAN

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Email: _____

Organization Hosting Event: WIMBERLEY COMMUNITY CIVIC CLUB

Mailing Address: P.O. Box 416

City: WIMBERLEY

State: TX

Zip: 78676

Phone: 970-903-0249

Email: PRESIDENTWCCC@gmail.com

Event Address: VARIOUS HOMES IN WIMBERLEY, TX

Purpose of Event: FUND RAISER FOR COMMUNITY NON PROFITS

Date(s) of Event: 10/29 - 10/30/21

Requested Installation Date: 10/22/21

Requested Removal Date: 10/31/21

Will the event be on City property close City or TxDOT streets? YES ☐ NO ☒

Will the event serve alcohol? YES ☐ NO ☒

If "YES" to either, then City Council approval may be required for the event.

☐ Provide a picture or drawing of proposed signage.

☐ Provide a list of all sign locations. Signs must be located on private property with the property owner's permission.

If approved by City Council, an annual event may be approved in future years by the City Administrator or their designee.

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 exception may not be granted or may be revoked by the City of Wimberley. I understand that all signs shall be removed from all locations at the expiration of the time period as defined in the exception.

Applicant: Alicia Dedman

Date: 10/18/21

City Official: _____

Date: _____



AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	October 14, 2021
MEETING DATE:	October 21, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- 8.1. Approval of minutes from the Special Joint City Council and Planning & Zoning Commission Meeting held September 23, 2021.
- 8.2. Approval of minutes from the Special City Council Meeting held September 30, 2021.
- 8.3. Approval of the July 2021 Financial Statements for the City of Wimberley.
- 8.4. Approval of Place One Council Member Rebecca Minnick's appointment of Artur Valentine to the Ethics Review Commission.
- 8.5. Approval of Place One Council Member Rebecca Minnick's appointment of Brandon Metcalf to the Board of Adjustment.

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 8.1. through 8.3.

ATTACHMENT/S

- September 23rd Meeting Minutes
- September 30th Meeting Minutes

- July 2021 Financial Statements
- Artur Valentine's Application
- Brandon Metcalf's Application



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

**SPECIAL JOINT CITY COUNCIL AND
PLANNING AND ZONING COMMISSION MEETING
WIMBERLEY COMMUNITY CENTER – JOHNSON HALL
14068 RANCH ROAD 12, WIMBERLEY, TEXAS 78676
THURSDAY, SEPTEMBER 23, 2021 – 12:00 P.M.**

MINUTES

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on September 23, 2021, at 12:04 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
David Cohen	Place Five

P&Z Commissioners Present:

David Hester
Rick Burleson
Charles Savino
Philip McBride
Jerry Lunow
Austin Weeks

P&Z Commissioners Absent:

Tim Dodson

City Staff Present:

Laura Calcote	City Secretary
Nathan Glaiser	Planning & Development Coordinator

TRAINING SESSION

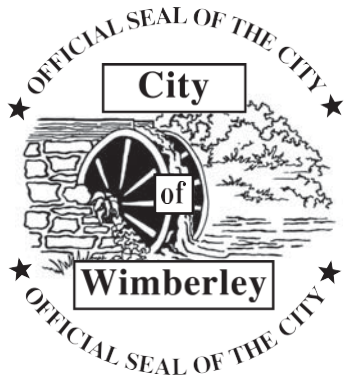
City Council and the Planning and Zoning Commission participated in a training session led by City Hall Essentials, LLC.

ADJOURNMENT

Mayor, Gina Fulkerson, adjourned the meeting at 3:15 p.m., without objection.

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor

DRAFT



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, SEPTEMBER 30, 2021 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor, Gina Fulkerson, called the meeting to order on September 30, 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
David Cohen	Place Five

City Staff Present:

Mike Boese	City Administrator
Laura Calcote	City Secretary
Megan Santee	City Attorney
Nathan Glaiser	Planning & Development Coordinator

INVOCATION

A moment of silence was observed.

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.

PROCLAMATIONS

- 6.1. Proclamation of the City of Wimberley, Texas, proclaiming October 2021 as "Hill Country Night Sky Month" in Hays County, Texas. (*Parks Director, Richard Shaver*)
Mayor, Gina Fulkerson, read aloud the proclamation.
- 6.2. Proclamation of the City of Wimberley, Texas, proclaiming October 5, 2021, as "World Teachers' Day." (*Mayor, Gina Fulkerson*)
Mayor, Gina Fulkerson, read aloud the proclamation.

CONSENT AGENDA

Motion to approve the consent agenda, as presented, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

7.1. Approval of minutes from the Regular City Council Meeting held September 16, 2021.

7.2. Approval of the June 2021 Financial Statements for the City of Wimberley.

CITY STAFF REPORT

City Administrator, Mike Boese, noted the restrooms at Blue Hole Regional Park still needed to be connected to the wastewater system lift station. Additionally, the former wastewater treatment plant would be removed in the coming weeks, and the agreement for treatment plant management with Inframark had been cancelled. Mr. Boese also reported the Little Ranches Road Roadway Rehabilitation Project would be completed soon, and the City would be seeking proposals for the Oak Drive Parking Improvements Project in the next few weeks.

City Secretary, Laura Calcote, previewed the new City of Wimberley website, which would be completed in January 2022.

PUBLIC HEARINGS AND POSSIBLE ACTION

9.1. Hold a public hearing and consider possible action regarding case ZA-21-009, an application to change the zoning of portions of Lot 24 and Lot 25, Hilltop Place Section 2, from Residential Acreage (RA) to Rural Residential (R-1). (*Applicant: Ashe & Associates, agent for Tom Lucas*)

Mayor, Gina Fulkerson, opened the public hearing at 6:19 p.m.

Planning and Development Coordinator, Nathan Glaiser, presented the zoning changes to subdivide two lots into three. The Planning and Zoning Commission had unanimously voted to recommend denial of the application at their September 23rd meeting.

1. Scott Gordon, a neighbor, spoke in opposition of the zoning change and noted his concerns with the proposal.
2. Clara "Dena" Clay, a neighbor, spoke in opposition of the zoning change, citing the number of people increasing in the area and the strain on resources.
3. Arch Underwood, a neighbor, also spoke in opposition of the application to change the zoning of the lot, due to density concerns.
4. Mario Medina, an Ashe and Associates representative, spoke in favor of the zoning change, stating the subdivision's covenants allowed for lots to be resubdivided into smaller lots, as long as they were not smaller than two acres.

Mayor, Gina Fulkerson, closed the public hearing at 6:34 p.m.

There was lengthy discussion among Council and City staff relating to the zoning change. City Council adjourned into Executive Session at 6:46 p.m., pursuant to Chapter 551.071, consultation with legal counsel, to discuss case ZA-21-009.

Regular Session reconvened at 7:11 p.m.

Motion to table Item 9.1., pending a legal opinion from counsel, and inviting the applicant to have a 30-day extension of the application, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

10.1. Discuss and consider possible action directing the City Administrator to engage professionals to develop alternative means of connection to the wastewater collection system for homeowners and property owners on Blue Heron Run and make recommendations to the City. *(Place Five Council Member, David Cohen)*

Donn Lamoureux addressed Council regarding the implementation of the wastewater system for creekside residents on Blue Heron Run, and the shallow taps that had created problems for system users. Mr. Lamoureux requested the City engage a consultant to assist the residents with tying onto the system.

City Administrator, Mike Boese, advised on the initial design of the wastewater system, including the sewer taps, for the users on Blue Heron Run. The tap locations were discussed with the property owners and the City but not the depth of the taps. Mr. Boese noted this was not an engineering issue. Furthermore, Mr. Boese presented Council with a couple of cost estimates to either put in new sewer taps and/or lower the existing taps for several residents on Blue Heron Run, who had not already connected to the system. There was lengthy discussion between City staff and Council relating to the variety of tap depths and the options available to address the wastewater system concerns, including design detail and topography.

Motion for the City Administrator to provide Council with a price tag for each of the corrections that may be necessary in this matter was made by Council Member David Cohen. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

PUBLIC HEARINGS AND POSSIBLE ACTION

9.2. Hold a public hearing and consider possible action regarding a request for a special exception from the Subdivision Code Sec. 9.02.115(b)(19) that prohibits private streets. *(Applicant: Ashe & Associates, agent for Tom Lucas)*

Mayor, Gina Fulkerson, opened the public hearing at 8:12 p.m.

1. Clara "Dena" Clay, a neighbor, spoke in opposition to the special exception.
2. Scott Gordon, a neighbor, also spoke in opposition to the request, stating the subdivision would require a public road.
3. Mario Medina, an Ashe and Associates representative, spoke in favor of the special exception, and provided clarification regarding the private road request.

Mayor, Gina Fulkerson, closed the public hearing at 8:16 p.m.

Motion to table Item 9.2., in order to accommodate the postponement of the application, was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

9.3. Hold a public hearing and consider possible action regarding case SUB-21-009, an application for a 3-lot resubdivision of Lot 24 and Lot 25 Hilltop Place Section 2, establishing Lot 24A, Lot 24B, & Lot 25A. *(Applicant: Ashe & Associates, agent for Tom Lucas)*

Mayor, Gina Fulkerson, open the public hearing at 8:19 p.m.

1. Penni Gordon, a neighbor, spoke in opposition of the application for the resubidivision, due to water concerns.
2. Mario Medina, an Ashe and Associates representative, spoke in favor of the resubdivision request.

Mayor, Gina Fulkerson, closed the public hearing at 8:26 p.m.

Motion to table Item 9.3., in conjunction with Item 9.1., as presented, was made by Council Member Teresa Shell. Motion was seconded by Council Member David Cohen. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

10.2. Discuss and consider possible action regarding City Council's proposed priorities for Fiscal Year 2022. (*City Administrator, Mike Boese*)

City Council and City staff discussed the goals and priorities for Fiscal Year 2022. Some revisions to the document were needed before approval. The item would be moved to the next agenda.

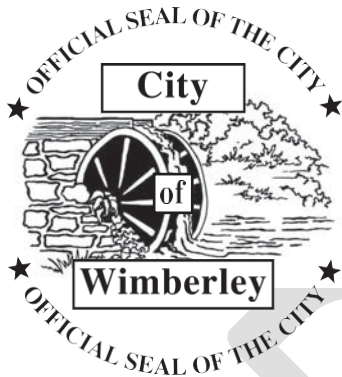
No action was taken on this item.

ADJOURNMENT

Motion to adjourn the meeting at 8:48 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Jim Chiles. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Gina V. Fulkerson, Mayor

BALANCE SHEET

Page: 1

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 100 - General Fund

Assets

1011 Petty Cash	450.00
1020 General Checking - ONB	877,372.14
1021 Certificate of Deposit - Ozona	232,574.97
1030 Texpool	187,658.24
1050 Sales Tax Receivable	0.00
1052 Mixed Bev Taxes Receivable	0.00
1053 Franchise Taxes Receivable	0.00
1150 Accounts Receivable	8,585.29
1151 Allowance for Uncoll Acct Rec	0.00
1210 Prepaid Expenses	0.00
1250 Earnest Money Deposits	0.00
1302 Due from Municipal Court	0.00
1304 Due from BHP	14,643.60
1305 Due from OTHERS	0.00
1306 Due from WWOP	0.00
1307 Due from TML Claim Fund	0.00

Total Assets

1,321,284.24

Liabilities

2010 Accounts Payable	19,727.94
2015 WCC Security Deposits	1,585.00
2021 Accrued Wages Payable	0.00
2022 Payroll Deductions Payable	4,155.93
2023 TML IEBP Payable	2,110.13
2060 Payable to Hays County	0.00
2072 ICMA RC Payable	150.00
2073 TWC Payable	18.04
2074 TMRS Payable	3,935.40
2075 TCEQ Payable to State	310.00
2081 Due to WWCT	0.00
2082 Due to BHP	0.00
2086 Due to WWOP	0.00
2552 Note Payable - Tax Notes 2021	800,000.00

Total Liabilities

831,992.44

Reserves/Balances

3310 Nonspendable Prepaids	0.00
3410 Restricted Funds	0.00
3510 Committed FB - Public Works	505,170.00
3520 Committed FB - New City Hall	0.00
3530 Committed FB - W/W on Square	442,024.00
3540 Committed FB-Future Grant Matc	315,732.00
3600 Fund Balance - Uncommitted	1,559.35
3601 Transfer	0.00
3602 Suspense	1,297.17
3650 Net Excess (Deficit)	-776,490.72

Total Reserves/Balances

489,291.80

BALANCE SHEET

Page: 2

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Total Liabilities & Balances

1,321,284.24

REVENUE/EXPENDITURE REPORT

Page: 1

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

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	800,599.26	105,911.30	0.00	49,400.74	94.2
5131 Mixed Beverage Tax	15,000.00	15,000.00	28,035.95	4,412.80	0.00	-13,035.95	186.9
5171 Franchise Tax	275,000.00	275,000.00	168,191.42	27,927.41	0.00	106,808.58	61.2
5211 Beer & Wine Permits	1,000.00	1,000.00	1,195.00	320.00	0.00	-195.00	119.5
5212 Food Permits	11,000.00	11,000.00	8,525.00	600.00	0.00	2,475.00	77.5
5213 Septic Permits	8,000.00	8,000.00	14,660.00	900.00	0.00	-6,660.00	183.3
5219 Sign Permits	1,200.00	1,200.00	700.00	50.00	0.00	500.00	58.3
5221 Building Permits	22,500.00	22,500.00	33,753.44	5,690.00	0.00	-11,253.44	150.0
5340 Grant Funds	0.00	0.00	295,461.45	65,905.83	0.00	-295,461.45	0.0
5410 CC Convenience Fees	200.00	200.00	1,282.84	166.10	0.00	-1,082.84	641.4
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	14,514.65	900.00	0.00	-7,514.65	207.4
5414 Subdivision Fees	1,000.00	1,000.00	3,581.95	556.00	0.00	-2,581.95	358.2
5415 Copies, Maps, Misc.	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5416 Building Inspections	22,000.00	22,000.00	26,350.00	4,155.00	0.00	-4,350.00	119.8
5417 Bldg Plan Reviews	12,000.00	12,000.00	10,819.90	1,237.40	0.00	1,180.10	90.2
5475 WCC Facility Rentals	30,000.00	30,000.00	8,685.00	2,810.00	0.00	21,315.00	29.0
5611 Interest Revenues	2,500.00	2,500.00	2,297.83	243.81	0.00	202.17	91.9
5620 Parking Lot Lease	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5621 Short-Term Rental	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5630 Restroom Revenue	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5701 Other/Misc	345,000.00	345,000.00	164,828.09	1,086.18	0.00	180,171.91	47.8
5799 Operating Transfer In	0.00	341,000.00	0.00	0.00	0.00	341,000.00	0.0
5900 Designated Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5901 FEMA Designated Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5903 CARES ACT-DESIGNATED FUNDS	0.00	0.00	8,519.64	0.00	0.00	-8,519.64	0.0
5904 Insurance Proceeds	0.00	0.00	0.00	0.00	0.00	0.00	0.0

ADMINISTRATION	1,603,900.00	1,944,900.00	1,592,001.42	222,871.83	0.00	352,898.58	81.9
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Revenues	1,603,900.00	1,944,900.00	1,592,001.42	222,871.83	0.00	352,898.58	81.9
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Expenditures

Dept: 15 ADMINISTRATION

6110 S&W- City Administrator	95,000.00	95,000.00	120,684.57	14,076.93	0.00	-25,684.57	127.0
6120 S&W- City Secretary	64,890.00	64,890.00	54,249.70	7,713.12	0.00	10,640.30	83.6
6130 S&W- Financial Clerk	41,200.00	41,200.00	35,767.07	5,202.02	0.00	5,432.93	86.8
6210 Health Care	27,000.00	27,000.00	8,678.21	0.00	0.00	18,321.79	32.1
6220 Payroll Taxes	15,383.00	15,383.00	16,493.09	2,005.99	0.00	-1,110.09	107.2
6230 TMRS Contributions	16,228.00	16,228.00	7,434.04	1,723.47	0.00	8,793.96	45.8
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	2,624.37	50.00	0.00	1,325.63	66.4
6340 Technician/Technology Consulta	6,708.00	6,708.00	6,628.97	375.00	0.00	79.03	98.8
6370 Contract Services	15,000.00	20,000.00	12,601.62	163.00	0.00	7,398.38	63.0
6410 Utilities	7,740.00	7,740.00	7,336.72	908.52	0.00	403.28	94.8
6411 Telephones	3,150.00	3,150.00	4,627.91	435.47	0.00	-1,477.91	146.9
6420 Office Cleaning	5,300.00	5,300.00	5,152.45	575.00	0.00	147.55	97.2
6430 Bldg Repairs/Maintenance	3,000.00	3,000.00	2,862.01	0.00	0.00	137.99	95.4
6433 Equipment Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6441 Storage Rental	1,200.00	1,200.00	1,000.00	100.00	0.00	200.00	83.3
6442 Water Cooler	600.00	600.00	398.37	41.99	0.00	201.63	66.4
6443 Equipment Rent/Lease	5,900.00	5,900.00	5,246.86	383.05	0.00	653.14	88.9
6444 Parking Lot Lease	1,200.00	1,200.00	900.00	0.00	0.00	300.00	75.0
6500 Grant Expenditures	0.00	0.00	281,867.18	0.00	0.00	-281,867.18	0.0
6520 Insurance	26,750.00	26,750.00	23,650.70	0.00	0.00	3,099.30	88.4
6521 Security System	853.00	853.00	908.53	179.94	0.00	-55.53	106.5
6531 Public Notices	5,000.00	5,000.00	6,679.99	750.30	0.00	-1,679.99	133.6
6532 Office Tech/Software	19,700.00	19,700.00	32,345.67	879.72	0.00	-12,645.67	164.2
6540 Advertising	0.00	0.00	148.80	100.00	0.00	-148.80	0.0
6551 Printing Services	300.00	300.00	242.47	0.00	0.00	57.53	80.8
6552 Copies/Misc	0.00	0.00	0.00	0.00	0.00	0.00	0.0

REVENUE/EXPENDITURE REPORT

Page: 2

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021		Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 100 - General Fund								
Expenditures								
Dept: 15 ADMINISTRATION								
6562	CC Processing Fees	200.00	200.00	1,214.10	174.73	0.00	-1,014.10	607.1
6569	Vehicle Allowance/Moving Exp	6,000.00	6,000.00	8,000.00	500.00	0.00	-2,000.00	133.3
6570	Travel/Hospitality	2,916.00	2,916.00	711.30	12.00	0.00	2,204.70	24.4
6571	Mileage	1,500.00	1,500.00	102.98	0.00	0.00	1,397.02	6.9
6572	Training	1,050.00	1,050.00	1,403.00	227.80	0.00	-353.00	133.6
6581	Refunds	500.00	500.00	2,465.00	0.00	0.00	-1,965.00	493.0
6589	Records Management	0.00	0.00	1,432.98	34.48	0.00	-1,432.98	0.0
6610	Operating Supplies	2,000.00	2,000.00	1,603.61	723.05	0.00	396.39	80.2
6651	Postage/Shipping	1,000.00	1,000.00	1,065.99	0.00	0.00	-65.99	106.6
6660	Office Supplies	2,000.00	2,000.00	2,687.52	145.73	0.00	-687.52	134.4
6700	Bad Debt Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6790	Capital Outlay - Furnishings	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6791	Capital Outlay- Technology	0.00	0.00	919.98	0.00	0.00	-919.98	0.0
6792	Capital Outlay - Other	15,000.00	15,000.00	485,060.46	0.00	0.00	-470,060.46	3233.7
6796	Capital Outlay - Winter Storm	0.00	0.00	119,011.58	189.95	0.00	-119,011.58	0.0
6903	CARES ACT - EXPENDITURES	0.00	0.00	25,753.13	110.00	0.00	-25,753.13	0.0
6990	Operating Transfer Out	290,500.00	553,002.00	549,960.86	337,959.27	0.00	3,041.14	99.5
ADMINISTRATION		689,205.00	956,707.00	1,840,065.79	375,740.53	0.00	-883,358.79	192.3
Dept: 16 LEGAL								
6350	Legal	100,000.00	100,000.00	82,824.51	5,511.54	0.00	17,175.49	82.8
LEGAL		100,000.00	100,000.00	82,824.51	5,511.54	0.00	17,175.49	82.8
Dept: 17 COUNCIL/BOARD								
6320	Financial (Contract Svs)	16,200.00	16,200.00	13,500.00	1,350.00	0.00	2,700.00	83.3
6330	Audit Svs	19,400.00	19,400.00	19,400.00	0.00	0.00	0.00	100.0
6340	Technician/Technology Consulta	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6382	Social Services Support	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6533	Public Information	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6541	Public Relations/Receptions	1,000.00	1,000.00	3,193.79	763.15	0.00	-2,193.79	319.4
6572	Training	4,000.00	4,000.00	2,200.00	0.00	0.00	1,800.00	55.0
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	31,759.75	0.00	0.00	48,240.25	39.7
COUNCIL/BOARD		126,600.00	126,600.00	70,053.54	2,113.15	0.00	56,546.46	55.3
Dept: 18 BUILDING								
6360	Contract Inspections	30,000.00	30,000.00	24,330.00	2,015.00	0.00	5,670.00	81.1
6582	Site Plan Reviews	8,000.00	8,000.00	2,737.50	0.00	0.00	5,262.50	34.2
BUILDING		38,000.00	38,000.00	27,067.50	2,015.00	0.00	10,932.50	71.2
Dept: 21 PUBLIC SAFETY								
6370	Contract Services	84,315.00	84,315.00	29,800.00	6,255.00	0.00	54,515.00	35.3
6371	Sanitarian (Contract Labor)	30,000.00	30,000.00	22,413.32	0.00	0.00	7,586.68	74.7
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	58,213.32	6,255.00	0.00	63,851.68	47.7
Dept: 25 MUNICIPAL COURT								
6270	Annual/Assoc DUES	0.00	0.00	25.00	0.00	0.00	-25.00	0.0
6380	MC Judge (Contract Labor)	4,000.00	4,000.00	3,333.30	333.33	0.00	666.70	83.3
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
6570	Travel/Hospitality	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6572	Training	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6610	Operating Supplies	750.00	750.00	0.00	0.00	0.00	750.00	0.0
6651	Postage/Shipping	0.00	0.00	0.00	0.00	0.00	0.00	0.0
MUNICIPAL COURT		14,750.00	14,750.00	3,358.30	333.33	0.00	11,391.70	22.8
Dept: 30 PUBLIC WORKS								
6150	S&W- Code Enforcement	41,200.00	41,200.00	36,836.23	5,397.28	0.00	4,363.77	89.4

REVENUE/EXPENDITURE REPORT

Page: 3

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 100 - General Fund							
Expenditures							
Dept: 30 PUBLIC WORKS							
6160 S&W- P&D Coordinator	55,000.00	55,000.00	30,763.46	5,793.64	0.00	24,236.54	55.9
6180 S&W- Maintenance	15,450.00	15,450.00	5,879.25	926.25	0.00	9,570.75	38.1
6210 Health Care	18,000.00	18,000.00	10,704.89	0.00	0.00	7,295.11	59.5
6220 Payroll Taxes	8,541.00	8,541.00	5,722.83	906.83	0.00	2,818.17	67.0
6230 TMRS Contributions	9,010.00	9,010.00	3,964.77	715.58	0.00	5,045.23	44.0
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	14,801.25	0.00	0.00	-14,801.25	0.0
6431 Vehicle Maint/Insurance	600.00	600.00	1,877.39	0.00	0.00	-1,277.39	312.9
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	494.36	0.00	0.00	5.64	98.9
6571 Mileage	300.00	300.00	283.14	0.00	0.00	16.86	94.4
6572 Training	600.00	600.00	650.00	0.00	0.00	-50.00	108.3
6583 Fuel	2,000.00	2,000.00	1,026.62	75.88	0.00	973.38	51.3
6610 Operating Supplies	1,000.00	1,000.00	683.42	33.96	0.00	316.58	68.3
6612 Tools	500.00	500.00	37.49	0.00	0.00	462.51	7.5
6794 Capital Outlay - Equipmt/Other	0.00	0.00	3,070.35	0.00	0.00	-3,070.35	0.0
6795 Capital Outlay - Roads	0.00	20,000.00	0.00	0.00	0.00	20,000.00	0.0
PUBLIC WORKS	153,588.00	173,588.00	117,022.97	13,849.42	0.00	56,565.03	67.4
Dept: 31 ROADS							
6370 Contract Services	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6372 Survey Services	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6432 Road Maintenance	80,000.00	80,000.00	13,211.00	75.00	0.00	66,789.00	16.5
6433 Equipment Maintenance	250.00	250.00	0.00	0.00	0.00	250.00	0.0
6470 Engineering - Roads	10,000.00	10,000.00	11,775.00	0.00	0.00	-1,775.00	117.8
6584 Mowing/Trimming	8,000.00	8,000.00	2,098.45	0.00	0.00	5,901.55	26.2
6611 Signs/Barricades	4,000.00	4,000.00	1,138.99	0.00	0.00	2,861.01	28.5
6792 Capital Outlay - Other	0.00	0.00	0.00	0.00	0.00	0.00	0.0
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	34,023.44	75.00	0.00	168,226.56	16.8
Dept: 33 WATER/WASTEWATER							
6561 State Sanitations Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6586 Quality Testing WW	1,860.00	1,860.00	2,016.00	465.00	0.00	-156.00	108.4
6588 Public Restroom WW	36,000.00	36,000.00	48,733.34	9,285.82	0.00	-12,733.34	135.4
6793 Capital Outlay - RR Trailer	0.00	0.00	0.00	0.00	0.00	0.00	0.0
WATER/WASTEWATER	37,860.00	37,860.00	50,749.34	9,750.82	0.00	-12,889.34	134.0
Dept: 51 COMMUNITY CENTER							
6140 S&W- Director	40,000.00	40,000.00	34,071.31	4,866.04	0.00	5,928.69	85.2
6180 S&W- Maintenance	25,000.00	25,000.00	10,144.41	1,301.63	0.00	14,855.59	40.6
6210 Health Care	9,000.00	9,000.00	6,076.94	0.00	0.00	2,923.06	67.5
6220 Payroll Taxes	4,973.00	4,973.00	3,503.35	491.96	0.00	1,469.65	70.4
6230 TMRS Contributions	5,246.00	5,246.00	2,090.42	310.46	0.00	3,155.58	39.8
6250 Unemployment Compensation	487.00	487.00	79.77	18.04	0.00	407.23	16.4
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	0.00	0.00	-934.00	0.0
6410 Utilities	18,200.00	18,200.00	13,679.04	1,515.22	0.00	4,520.96	75.2
6411 Telephones	931.00	931.00	1,984.73	191.89	0.00	-1,053.73	213.2
6430 Bldg Repairs/Maintenance	5,000.00	5,000.00	3,743.66	550.00	0.00	1,256.34	74.9
6443 Equipment Rent/Lease	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6521 Security System	2,000.00	2,000.00	1,123.51	0.00	0.00	876.49	56.2
6532 Office Tech/Software	2,500.00	2,500.00	1,659.78	157.48	0.00	840.22	66.4
6540 Advertising	3,000.00	3,000.00	1,749.05	0.00	0.00	1,250.95	58.3
6541 Public Relations/Receptions	0.00	0.00	0.00	0.00	0.00	0.00	0.0
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	1,505.95	300.00	0.00	1,494.05	50.2
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

REVENUE/EXPENDITURE REPORT

Page: 4
9/28/2021
1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

Original Bud. Amended Bud. YTD Actual CURR MTH Encumb. YTD UnencBal % Bud

Fund: 100 - General Fund

Expenditures

Dept: 51 COMMUNITY CENTER							
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	83,423.93	9,702.72	0.00	46,813.07	64.1
Dept: 52 PARKS							
6410 Utilities	1,500.00	1,500.00	1,222.54	141.83	0.00	277.46	81.5
6430 Bldg Repairs/Maintenance	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
6585 NATURE TL / OLD BALDY	0.00	0.00	425.00	0.00	0.00	-425.00	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	1,689.50	141.83	0.00	2,410.50	41.2
Dept: 90 Prior Period Adjustment							
9000 Prior Period Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Prior Period Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Expenditures	1,618,655.00	1,906,157.00	2,368,492.14	425,488.34	0.00	-462,335.14	124.3
Net Effect for General Fund	-14,755.00	38,743.00	-776,490.72	-202,616.51	0.00	815,233.72	-2,004.2
Change in Fund Balance:			-776,490.72				

BALANCE SHEET

Page: 3

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 200 - Blue Hole Parkland

Assets

1011 Petty Cash	95.00
1020 General Checking - ONB	0.00
1022 BH Parkland - ONB	845,892.73
1150 Accounts Receivable	0.00
1301 Due from General	0.00

Total Assets

845,987.73

Liabilities

2010 Accounts Payable	1,724.96
2016 BHP Security Deposits	2,600.00
2021 Accrued Wages Payable	0.00
2022 Payroll Deductions Payable	2,724.66
2071 Sales Tax Payable	0.00
2072 ICMA RC Payable	0.00
2073 TWC Payable	317.55
2074 TMRS Payable	1,198.08
2080 Due to General	13,346.43
2081 Due to WWCT	0.00

Total Liabilities

21,911.68

Reserves/Balances

3600 Fund Balance - Uncommitted	524,558.15
3601 Transfer	0.00
3602 Suspense	-1,297.17
3650 Net Excess (Deficit)	300,815.07

Total Reserves/Balances

824,076.05

Total Liabilities & Balances

845,987.73

REVENUE/EXPENDITURE REPORT

Page: 5

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

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	569,695.10	106,586.18	0.00	-191,695.10 150.7
5474	Facility Rentals	10,000.00	10,000.00	11,879.94	1,710.00	0.00	-1,879.94 118.8
5476	Special Events	69,000.00	69,000.00	44,767.06	1,851.12	0.00	24,232.94 64.9
5479	Vending/Merchandise	4,000.00	4,000.00	3,869.91	2,225.00	0.00	130.09 96.7
5611	Interest Revenues	150.00	150.00	235.24	34.59	0.00	-85.24 156.8
5701	Other/Misc	3,800.00	3,800.00	903.55	0.00	0.00	2,896.45 23.8
5799	Operating Transfer In	0.00	0.00	0.00	0.00	0.00	0.00 0.0
5900	Designated Funds	0.00	0.00	0.00	0.00	0.00	0.00 0.0

PARKS		464,950.00	464,950.00	631,350.80	112,406.89	0.00	-166,400.80 135.8
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Revenues		464,950.00	464,950.00	631,350.80	112,406.89	0.00	-166,400.80 135.8
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Expenditures

Dept: 52 PARKS							
6140	S&W- Director	0.00	0.00	9,615.40	5,769.24	0.00	-9,615.40 0.0
6180	S&W- Maintenance	0.00	0.00	-583.83	0.00	0.00	583.83 0.0
6181	S&W- Parks PT	85,000.00	85,000.00	66,425.99	24,995.76	0.00	18,574.01 78.1
6182	S&W- Parks Maintenance Tech	57,680.00	57,680.00	25,892.83	3,427.20	0.00	31,787.17 44.9
6183	S&W-Programs & Operations Mngr	40,000.00	40,000.00	27,371.11	3,576.01	0.00	12,628.89 68.4
6184	S&W-Programs & Events Special	28,840.00	28,840.00	20,791.32	0.00	0.00	8,048.68 72.1
6185	S&W-Nat'l Resource Park Mngr	40,000.00	40,000.00	30,311.28	4,039.20	0.00	9,688.72 75.8
6210	Health Care	45,000.00	45,000.00	20,153.05	0.00	0.00	24,846.95 44.8
6220	Payroll Taxes	19,241.00	19,241.00	14,447.78	3,198.25	0.00	4,793.22 75.1
6230	TMRs Contributions	13,438.00	13,438.00	7,155.44	1,033.65	0.00	6,282.56 53.2
6250	Unemployment Compensation	1,299.00	1,299.00	953.15	317.55	0.00	345.85 73.4
6374	Contract Services	21,400.00	21,400.00	18,970.50	541.00	0.00	2,429.50 88.6
6410	Utilities	15,000.00	15,000.00	11,886.93	1,247.24	0.00	3,113.07 79.2
6411	Telephones	2,400.00	2,400.00	2,431.36	112.27	0.00	-31.36 101.3
6431	Vehicle Maint/Insurance	300.00	300.00	977.74	0.00	0.00	-677.74 325.9
6433	Equipment Maintenance	1,200.00	1,200.00	783.44	0.00	0.00	416.56 65.3
6443	Equipment Rent/Lease	1,000.00	1,000.00	1,049.92	0.00	0.00	-49.92 105.0
6532	Office Tech/Software	10,720.00	10,720.00	1,669.90	169.99	0.00	9,050.10 15.6
6562	CC Processing Fees	13,000.00	13,000.00	20,431.80	4,452.23	0.00	-7,431.80 157.2
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	16,262.64	4,850.20	0.00	-15,262.64 1626.3
6583	Fuel	800.00	800.00	1,056.95	194.98	0.00	-256.95 132.1
6584	Mowing/Trimming	0.00	0.00	0.00	0.00	0.00	0.00 0.0
6589	Records Management	0.00	0.00	774.38	77.38	0.00	-774.38 0.0
6610	Operating Supplies	18,000.00	18,000.00	18,733.59	1,040.85	0.00	-733.59 104.1
6613	Materials	4,000.00	4,000.00	2,216.76	0.00	0.00	1,783.24 55.4
6615	Bldg & Maint Supplies	1,500.00	1,500.00	1,725.70	0.00	0.00	-225.70 115.0
6616	Programs	8,000.00	8,000.00	5,269.62	1,652.80	0.00	2,730.38 65.9
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	0.00	0.00	351.07 29.8
6794	Capital Outlay - Equipmt/Other	2,250.00	202,250.00	599.99	0.00	0.00	201,650.01 0.3
6990	Operating Transfer Out	0.00	0.00	0.00	0.00	0.00	0.00 0.0

PARKS		439,273.00	639,273.00	327,523.67	60,695.80	0.00	311,749.33 51.2
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Expenditures		439,273.00	639,273.00	327,523.67	60,695.80	0.00	311,749.33 51.2
--------------	--	------------	------------	------------	-----------	------	-----------------

Net Effect for Blue Hole Parkland		25,677.00	-174,323.00	303,827.13	51,711.09	0.00	-478,150.13 -174.3
Change in Fund Balance:				300,815.07			

BALANCE SHEET

Page: 4

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 201 - Municipal Court**Assets**

1023 Municipal Court - ONB

2,975.97

1024 MC Bonds - ONB

0.00

Total Assets**2,975.97****Liabilities**

2010 Accounts Payable

0.00

2076 MC Payable to State

712.35

2080 Due to General

0.00

Total Liabilities**712.35****Reserves/Balances**

3600 Fund Balance - Uncommitted

2,262.37

3601 Transfer

0.00

3650 Net Excess (Deficit)

1.25

Total Reserves/Balances**2,263.62****Total Liabilities & Balances****2,975.97**

REVENUE/EXPENDITURE REPORT

Page: 6

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

Original Bud. Amended Bud. YTD Actual CURR MTH Encumb. YTD UnencBal % Bud

Fund: 201 - Municipal Court

Revenues

Dept: 00							
5410 CC Convenience Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5514 Court Technology	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5515 Court Bldg Security	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5516 Child Safety	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5517 Judicial Efficiency	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5611 Interest Revenues	0.00	0.00	1.25	0.13	0.00	-1.25	0.0
5701 Other/Misc	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Dept: 00	0.00	0.00	1.25	0.13	0.00	-1.25	0.0

Revenues	0.00	0.00	1.25	0.13	0.00	-1.25	0.0
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Expenditures

Dept: 00							
6532 Office Tech/Software	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6551 Printing Services	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6589 Records Management	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6614 Signage	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6660 Office Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6790 Capital Outlay - Furnishings	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6791 Capital Outlay- Technology	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Dept: 00	0.00	0.00	0.00	0.00	0.00	0.00	0.0

Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.0
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Net Effect for Municipal Court	0.00	0.00	1.25	0.13	0.00	-1.25	0.0
Change in Fund Balance:			1.25				

BALANCE SHEET

Page: 5

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 202 - Wastewater Fund

Assets

1027 Wastewater - ONB	48,942.03
1028 WW Construction Fund	0.00
1029 WW Int & Sinking Fund	0.00
1150 Accounts Receivable	0.00
1152 Tax Notes 2013-Restricted Cash	32,550.90
1301 Due from General	0.00
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

937,628.10

Liabilities

2010 Accounts Payable	10,490.41
2080 Due to General	0.00
2081 Due to WWCT	0.00
2140 Accrued Interest Payable	0.00
2240 Notes Payable - Current	0.00
2550 Notes Payable - Utility Plant	0.00
2551 Notes Payable-Tax Notes 2013	0.00

Total Liabilities

10,490.41

Reserves/Balances

3600 Fund Balance - Uncommitted	769,099.00
3601 Transfer	0.00
3610 Net Invest in Capital Assets	204,704.15
3650 Net Excess (Deficit)	-46,665.46

Total Reserves/Balances

927,137.69

Total Liabilities & Balances

937,628.10

REVENUE/EXPENDITURE REPORT

Page: 7

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 202 - Wastewater Fund							
Revenues							
Dept: 04 WATER/WASTEWATER							
5340 Grant Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5400 WW Service Fees	241,888.00	241,888.00	101,562.00	6,122.00	0.00	140,326.00	42.0
5611 Interest Revenues	75.00	75.00	75.30	2.30	0.00	-0.30	100.4
5789 Revenue Bond Transfer In	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5799 Operating Transfer In	290,500.00	290,500.00	493,231.50	202,731.50	0.00	-202,731.50	169.8
WATER/WASTEWATER	532,463.00	532,463.00	594,868.80	208,855.80	0.00	-62,405.80	111.7
Revenues	532,463.00	532,463.00	594,868.80	208,855.80	0.00	-62,405.80	111.7
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	190,039.68	10,490.41	0.00	56,351.32	77.1
6410 Utilities	6,000.00	6,000.00	6,509.25	562.42	0.00	-509.25	108.5
6411 Telephones	1,800.00	1,800.00	641.39	163.08	0.00	1,158.61	35.6
6589 Records Management	0.00	0.00	225.00	200.00	0.00	-225.00	0.0
6792 Capital Outlay - Other	0.00	0.00	17,053.63	0.00	0.00	-17,053.63	0.0
6797 Capital Outlay - Facilities	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6799 Project Manager-WW Project	38,000.00	38,000.00	1,350.00	0.00	0.00	36,650.00	3.6
6800 Depreciation	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6900 Wastewater Debt Service - Prin	160,000.00	160,000.00	160,000.00	160,000.00	0.00	0.00	100.0
6901 Wastewater Debt Service - Int	78,920.00	78,920.00	79,119.56	42,531.50	0.00	-199.56	100.3
6990 Operating Transfer Out	0.00	0.00	186,595.75	173,615.93	0.00	-186,595.75	0.0
WATER/WASTEWATER	532,361.00	532,361.00	641,534.26	387,563.34	0.00	-109,173.26	120.5
Expenditures	532,361.00	532,361.00	641,534.26	387,563.34	0.00	-109,173.26	120.5
Net Effect for Wastewater Fund	102.00	102.00	-46,665.46	-178,707.54	0.00	46,767.46	5,750.5
Change in Fund Balance:			-46,665.46				

BALANCE SHEET

Page: 6

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 205 - Hotel Occupancy Tax**Assets**

1019 Hotel Occupancy Tax	123,435.60
1055 Hotel Occupancy Receivable	0.00
1301 Due from General	0.00
1305 Due from OTHERS	0.00
1210 Prepaid Expenses	0.00

Total Assets**123,435.60****Liabilities**

2010 Accounts Payable	4,059.72
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Total Liabilities**4,059.72****Reserves/Balances**

3310 Nonspendable Prepaids	0.00
3560 FB Committed-Emergency Plan	5,000.00
3600 Fund Balance - Uncommitted	137,344.58
3650 Net Excess (Deficit)	-22,968.70

Total Reserves/Balances**119,375.88****Total Liabilities & Balances****123,435.60**

REVENUE/EXPENDITURE REPORT

Page: 8

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

Original Bud. Amended Bud. YTD Actual CURR MTH Encumb. YTD UnencBal % Bud

Fund: 205 - Hotel Occupancy Tax

Revenues

Dept: 15 ADMINISTRATION							
5132 Hotel Occupancy Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5611 Interest Revenues	0.00	0.00	57.02	5.24	0.00	-57.02	0.0

ADMINISTRATION	0.00	0.00	57.02	5.24	0.00	-57.02	0.0
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Revenues	0.00	0.00	57.02	5.24	0.00	-57.02	0.0
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Expenditures

Dept: 15 ADMINISTRATION							
6135 S&W- HOT	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6210 Health Care	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6220 Payroll Taxes	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6230 TMRS Contributions	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6250 Unemployment Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6270 Annual/Assoc DUES	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6370 Contract Services	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6551 Printing Services	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6570 Travel/Hospitality	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6572 Training	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6592 HOT Disbursements	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6610 Operating Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6651 Postage/Shipping	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6660 Office Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6791 Capital Outlay- Technology	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6792 Capital Outlay - Other	6,000.00	60,495.00	23,025.72	4,059.72	0.00	37,469.28	38.1

ADMINISTRATION	6,000.00	60,495.00	23,025.72	4,059.72	0.00	37,469.28	38.1
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Expenditures	6,000.00	60,495.00	23,025.72	4,059.72	0.00	37,469.28	38.1
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Net Effect for Hotel Occupancy Tax	-6,000.00	-60,495.00	-22,968.70	-4,054.48	0.00	-37,526.30	38.0
Change in Fund Balance:			-22,968.70				

BALANCE SHEET

Page: 7

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 600 - BHP Development Projects

Assets

1025 BH Development - ONB

11,666.79

Total Assets

11,666.79

Liabilities

2010 Accounts Payable

0.00

Total Liabilities

0.00

Reserves/Balances

3550 FB Committed - Soccer Fields

109,279.00

3600 Fund Balance - Uncommitted

-94,218.03

3650 Net Excess (Deficit)

-3,394.18

Total Reserves/Balances

11,666.79

Total Liabilities & Balances

11,666.79

REVENUE/EXPENDITURE REPORT

Page: 9

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

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	5.82	0.50	0.00	14.18	29.1

Dept: 00	20.00	20.00	5.82	0.50	0.00	14.18	29.1
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Revenues	20.00	20.00	5.82	0.50	0.00	14.18	29.1
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Expenditures

Dept: 00							
6589 Records Management	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6615 Bldg & Maint Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6794 Capital Outlay - Equipmt/Other	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6797 Capital Outlay - Facilities	0.00	0.00	0.00	0.00	0.00	0.00	0.0
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
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Expenditures	0.00	0.00	3,400.00	0.00	0.00	-3,400.00	0.0
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Net Effect for BHP Development Projects	20.00	20.00	-3,394.18	0.50	0.00	3,414.18	6,970.9
Change in Fund Balance:			-3,394.18				

BALANCE SHEET

Page: 8

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 602 - DONATIONS/SIDEWALKS

Assets

1026 Donations/Sidewalks

55,079.36

Total Assets

55,079.36

Liabilities

2080 Due to General

0.00

Total Liabilities

0.00

Reserves/Balances

3600 Fund Balance - Uncommitted

55,054.80

3650 Net Excess (Deficit)

24.56

Total Reserves/Balances

55,079.36

Total Liabilities & Balances

55,079.36

REVENUE/EXPENDITURE REPORT

Page: 10

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

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	24.56	2.34	0.00	-22.56	1228.0
5701 Other/Misc	0.00	0.00	0.00	0.00	0.00	0.00	0.0

Dept: 00	2.00	2.00	24.56	2.34	0.00	-22.56	1,228.0
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Revenues	2.00	2.00	24.56	2.34	0.00	-22.56	1,228.0
----------	------	------	-------	------	------	--------	---------

Expenditures

Dept: 00							
6589 Records Management	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6990 Operating Transfer Out	0.00	55,054.80	0.00	0.00	0.00	55,054.80	0.0

Dept: 00	0.00	55,054.80	0.00	0.00	0.00	55,054.80	0.0
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Expenditures	0.00	55,054.80	0.00	0.00	0.00	55,054.80	0.0
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Net Effect for DONATIONS/SIDEWALKS	2.00	-55,052.80	24.56	2.34	0.00	-55,077.36	0.0
Change in Fund Balance:			24.56				

BALANCE SHEET

Page: 9

9/28/2021

1:40 pm

City of Wimberley

As of: 7/31/2021

Balances

Fund: 604 - WW Collection & Treatment Plan

Assets

1032 WW Bond Reserve Funds	966.58
1033 BOK Financial (82-2435-02-0)	251,671.77
1034 BOK Financial (82-2435-01-2)	1,024,994.64
1301 Due from General	0.00
1306 Due from WWOP	0.00
1728 WW Project - Const in Progress	2,591,541.18
1729 WW Reclamation Facility	1,754,039.14

Total Assets

5,623,213.31

Liabilities

2010 Accounts Payable	567,068.65
2011 Debt Forgiveness Funds	243,005.00
2081 Due to WWCT	0.00
2086 Due to WWOP	108,332.00
2140 Accrued Interest Payable	21,265.75
2560 N TX General Obligation	4,780,000.00
2561 Bonds - Current	160,000.00

Total Liabilities

5,879,671.40

Reserves/Balances

3600 Fund Balance - Uncommitted	-1,555,698.49
3601 Transfer	0.00
3610 Net Invest in Capital Assets	2,185,666.99
3650 Net Excess (Deficit)	-886,426.59

Total Reserves/Balances

-256,458.09

Total Liabilities & Balances

5,623,213.31

REVENUE/EXPENDITURE REPORT

Page: 11

9/28/2021

1:42 pm

City of Wimberley

For the Period: 10/1/2020 to 7/31/2021

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							
5340 Grant Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5611 Interest Revenues	0.00	0.00	286.66	4.83	0.00	-286.66	0.0
5612 Investment Income	0.00	0.00	236.33	28.57	0.00	-236.33	0.0
5799 Operating Transfer In	0.00	0.00	308,843.70	308,843.70	0.00	-308,843.70	0.0
5902 WW Bond Reserve Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.0
WATER/WASTEWATER	0.00	0.00	309,366.69	308,877.10	0.00	-309,366.69	0.0
Revenues	0.00	0.00	584,848.10	308,877.10	0.00	-584,848.10	0.0
Expenditures							
Dept: 00							
6615 Bldg & Maint Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6999 Contra Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Dept: 00	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Dept: 04 WATER/WASTEWATER							
6374 Contract Services	0.00	0.00	74,857.68	14,049.78	0.00	-74,857.68	0.0
6410 Utilities	0.00	0.00	1,012.09	759.63	0.00	-1,012.09	0.0
6589 Records Management	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6792 Capital Outlay - Other	0.00	0.00	1,019,544.92	131,836.39	0.00	-1,019,544.92	0.0
6799 Project Manager-WW Project	0.00	0.00	34,860.00	4,680.00	0.00	-34,860.00	0.0
6901 Wastewater Debt Service - Int	0.00	0.00	0.00	0.00	0.00	0.00	0.0
6902 Bond Issue Costs	0.00	0.00	0.00	0.00	0.00	0.00	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	1,471,274.69	151,325.80	0.00	-1,130,274.69	431.5
Expenditures	0.00	341,000.00	1,471,274.69	151,325.80	0.00	-1,130,274.69	431.5
Net Effect for WW Collection & Treatment Plan							
Change in Fund Balance:	0.00	-341,000.00	-886,426.59	157,551.30	0.00	545,426.59	259.9
Grand Total Net Effect:	5,046.00	-592,005.80	-1,432,092.71	-176,113.17	0.00	840,086.91	



CITY OF WIMBERLEY

Application for Appointment to City Board/Commission/Committee

Name of Board/Commission/Committee: Ethics Committee

Nominated By: Rebecca Minnick, Place 1

Name: Arthur Valentine

Phone: [REDACTED]

E-mail: [REDACTED]

Physical Address: [REDACTED]

Mailing Address

(If different than physical address): _____

Employer: Pearson

Position/Occupation: Managing Director

Business Number: 610 331 2590

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 Board/Commission/Committee and to attend all regularly scheduled meetings? ☒ Yes ☐ No

Would you consider serving on a different Board/Commission/Committee? ☒ Yes ☐ No

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

Signature: Arthur Valentine

Date: 10/7/2021

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, 221 Stillwater Drive, Wimberley, Texas 78676.



CITY OF WIMBERLEY

Application for Appointment to City Board/Commission/Committee

Name of Board/Commission/Committee: Board of Adjustments

Nominated By: Rebecca Minnick, Place 1

Name: Brandon Metcalf

Phone: [REDACTED]

E-mail: [REDACTED]

Physical Address: [REDACTED]

Mailing Address

(If different than physical address): _____

Employer: Umbra Lab

Position/Occupation: Engineer

Business Number: Same

Fax: N/A

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 Board/Commission/Committee and to attend all regularly scheduled meetings? ☒ Yes ☐ No

Would you consider serving on a different Board/Commission/Committee? ☒ Yes ☐ No

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

Brandon Metcalf and his wife, Kimberly, have been homeowners in and residents of Wimberley since 2004. They have raised a daughter and son both of whom attended K-12 in WISD and now are enrolled at Texas State.

Brandon has over 25 years experience in the software industry holding roles from individual contributor to director and has managed global teams spanning multiple time zones. Brandon is now employed with Umbra Lab; a company that designs, manufactures and operates Earth imaging satellites.

Signature: [Signature]

Date: 10/11/2021



AGENDA ITEM:	CUP-21-021 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	September 1, 2021
MEETING DATE:	October 14, 2021 (P&Z) / October 21, 2021 (City Council)

REPORT

ITEM

The owner of 105 Mockingbird is requesting a Conditional Use Permit (CUP) to allow for the operation of a Vacation Rental (STR2). The lot is currently developed with a one bedroom cabin which the owner intends to expand to 3 bedrooms. The property is zoned R-2 and located approximately 650' down Mockingbird Ln from its intersection with Little Ranches Rd. Mockingbird Ln is a private road.

PROPERTY INFORMATION

Property Description

Applicant(s):	Kasey Belote
Property Address:	105 Mockingbird
Property Owner:	Same
Legal Description:	Lot 14, The Oaks Subdivision
Property Size:	.95 Acres
Existing Use of Property:	Single-Family Residence, Studio Apt
Existing Zoning:	Single-Family Residential - 2
Shared Infrastructure	None
Request:	Operate a Vacation Rental (STR2)
Planning Area:	I
Overlay District:	none

Surrounding Property:

Frontage:	Mockingbird Ln
------------------	----------------

Surrounding Zoning & Land Use	North of Property	Current Zoning: R-2	Existing Land Use: Residential/STR2
	South of Property	RA	Residential
	East of Property	R-1, R-2	Residential
	West of Property	R-1, RA	Residential/STR2

COMMENTS

Staff has not received any comments from the neighbors as of 10/18/2021

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): October 1, 2021
Published Legal Notice (Wimberley View): September 30, 2021

RECOMMENDATION

Planning and Zoning recommended approval (6-0) of this application at their October 14th meeting.

CRITERIA FOR CONSIDERATION

When considering action on a zoning application, the Council should consider the criteria within the Code of Ordinances Sec.9.03.251.b (attached).

Possible Motions can include:

- Motion to approve CUP-21-021
- Motion to approve CUP-21-021 with the following conditions (list all conditions)
- Motion to deny CUP-21-021

ATTACHMENT/S

- Criteria For Consideration
- Application
- Notification Map
- Ordinance

Division 7. Administration and Enforcement

Sec. 9.03.251 Conditional use permits**(a) Conditional uses.**

(1) The purpose of the CUP, conditional use permit, process is to allow certain uses which are not specified, permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "conditional uses" within the specific zoning district. Possible conditional uses, if any, are listed in each zoning district.

(2) The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the uses are in general conformance with the intent of the comprehensive plan and with general objectives of the city, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a CUP. As a zoning action, issuance of a CUP shall only apply to real property (such as shall not be attached to any person, business entity, or the like) and shall not be transferred from one property to another (such as shall not move if a business operation relocates).

(3) A zoning application for a CUP shall be accompanied by a metes and bounds description and a survey or scale drawing showing the property for which the CUP is being requested, and by a development plan (see [section 9.03.183](#)) 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 200 feet. The city shall make available application forms specifying drawing requirements. The director or his or her designee, the planning and zoning commission, or the city council may require additional information or drawings (such as building floor plans), operating data, and expert evaluation or testimony concerning the location, function, and characteristics of any building or use proposed. The development plan shall be reviewed and approved along with the CUP zoning application, and in accordance with [section 9.03.183](#) of this code.

(b) Conditional use permit regulations.

(1) In recommending that a conditional use permit for the premises under consideration be granted, the city shall determine that the uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys, and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, and open space, heights of structures, and compatibility of buildings. In approving a requested CUP, the planning and zoning commission and the city council may consider any or all of the following:

(A) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;

(B) The architecture, facade, and signage designs of the use are traditional Hill Country designs and are harmonious with those of adjacent uses. In the case of chain establishments, they shall not include or simulate the signature designs of those establishments beyond the absolute minimum necessary to identify the establishment;

(C) The use requested by the applicant is set forth as a conditional use in the base district;

(D) The nature of the use is reasonable;

(E) 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;

(F) 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

(G) Any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

(2) In granting a conditional use permit, the planning and zoning commission and the city council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official, or his or her designee, for use of the building on that property pursuant to the conditional use permit and the conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the city council prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the CUP.

(3) No conditional use permit shall be granted unless the applicant, owner, and grantee of the conditional use permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the conditional use permit, as incorporated into the amending ordinance establishing the CUP, and as reviewed by the planning and zoning commission and approved by the city council.

(4) In the event that no progress has been made toward the completion of the project described by a CUP, the CUP shall expire two years from the effective date of the ordinance authorizing the CUP. No development right, if any, shall vest in a CUP that has expired or is no longer valid.

(5) No building, premises, or land used under a conditional use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended conditional use permit is granted for that enlargement, modification, structural alteration, or change. Minor changes or alterations may be approved by the director or his or her designee.



City of Wimberley

221 Stillwater Drive, Wimberley, TX 78676

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

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE	CUP - <u>21</u> - <u>021</u>	Date: <u>9.1.21</u>	Staff Review <u>N.G.</u>
P&Z Hearing: <u>10.14.21</u> Council Hearing: <u>10.21.21</u> Fees Paid(\$650): ☒			

Applicant: <u>Kasey Belore</u>			
Mail: [REDACTED]			
Phone: [REDACTED]			
Property Owner: <u>Kasey Belore</u>			
Mailing address:		City:	State: Zip:
Phone: [REDACTED]		[REDACTED]	

Project Site Address: <u>105 Mockingbird</u>	
Legal description: <u>LOT 14, The Oaks Subdivision, Hays Co. Tx</u>	
Total Acreage or Square Footage: <u>.95 acre</u>	Deed recorded in: <u>BOOK 1, PG. 162, Hays CO. TX</u>
Hays CAD Parcel ID <u>R37167</u>	Planning Area: _____ Zoning: <u>R2</u>
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____	
Specific Conditional Use Requested: <u>Short Term Rental</u>	
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.	

Utilities	
Electric Provider: <u>PEC</u>	
Water provider or Private Well: <u>Water Provider</u>	
Wastewater Service or Septic Permit No. <u>New septic to be installed w/ new const.</u>	
*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.	

SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☒ Metes and bounds description and/or survey exhibit
- ☒ 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
- ☒ Deed(s)
- ☐ Payment of application fee
- ☐ Agent authorization to represent property owner if applicable

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.

SUBMITTAL VERIFICATION

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 authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have 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 understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 8/25/21

Applicant's Signature: _____



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

Owner: Kasey Belote
LOCATION OF PROPERTY: 105 ModZingbird Ln, Wimberley Tx, 78676
LEGAL DESCRIPTION: LOT 14 of The Oaks Subdivision
PLANNING AREA: City Limits
PRESENT ZONING: R-2
EXISTING USE: Studio Apt. (to be remodeled + added to)
HOME OWNERS ASSOCIATION CONTACT INFO: N/A
SHARED FACILITIES (RIVER PARK, POOL, ETC.): None
PROPERTY IN FLOODPLAIN? ☐ YES ☒ NO
GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO
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

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.

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

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

PROPOSED MAXIMUM OCCUPANCY: 6 guests.

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.

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

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

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.

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.

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

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

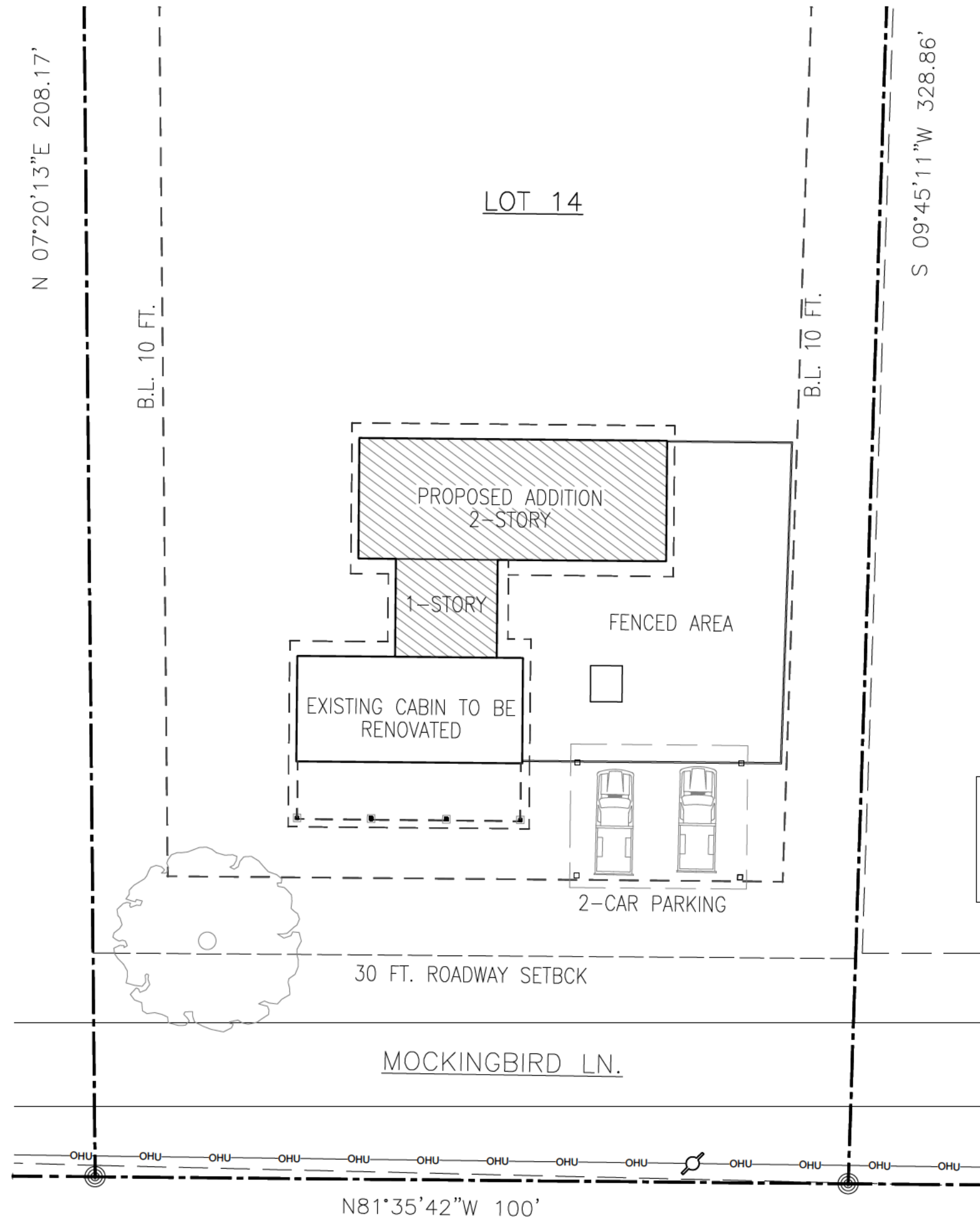
ACCEPTED AND AGREED TO:

8/25/21
DATE


OWNER

DATE

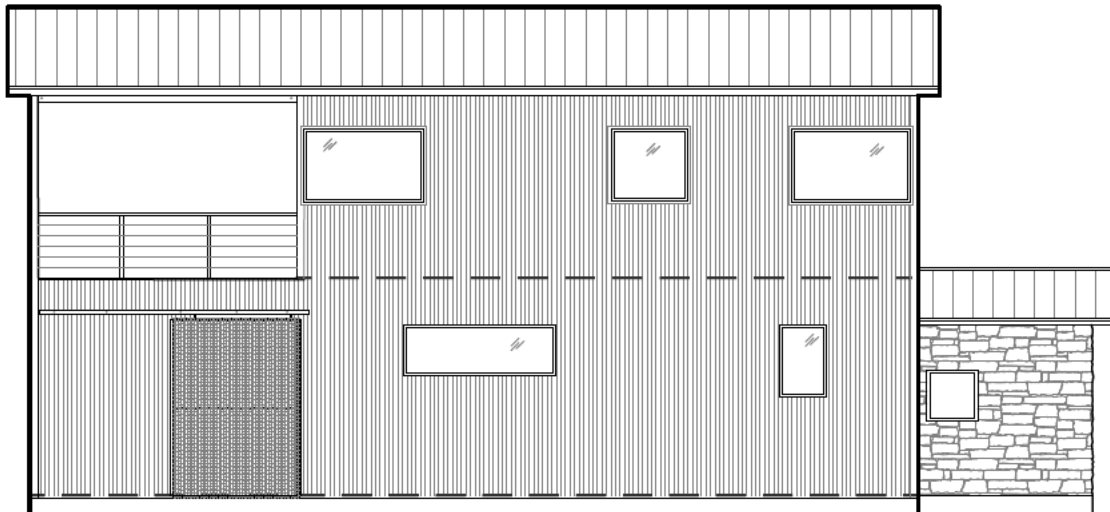
OWNER



SQ.FT. TAKEOFFS	
EXISTING CABIN TO REMAIN:	410 SQ.FT.
NEW CONDITIONED AREA:	1100 SQ.FT.
NEW PORCHES/PATIOS:	360 SQ.FT.



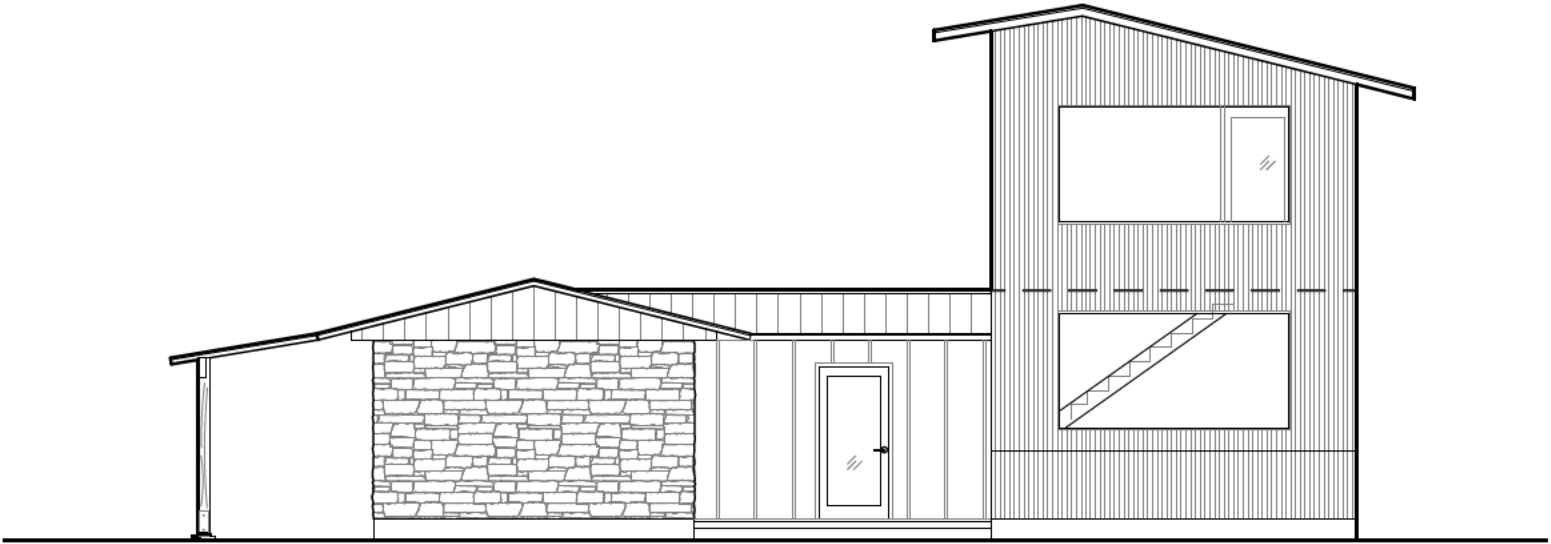
1 SITE PLAN
1/16" = 1'-0"



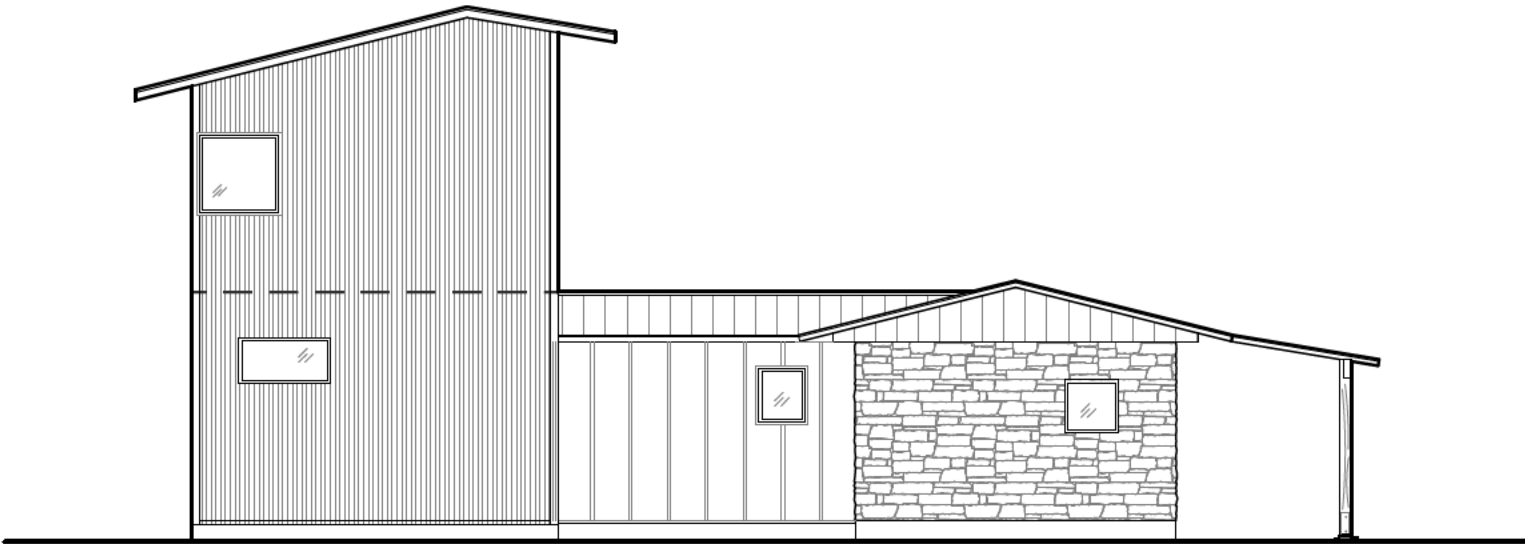
MOCKINGBIRD NORTH ELEVATION



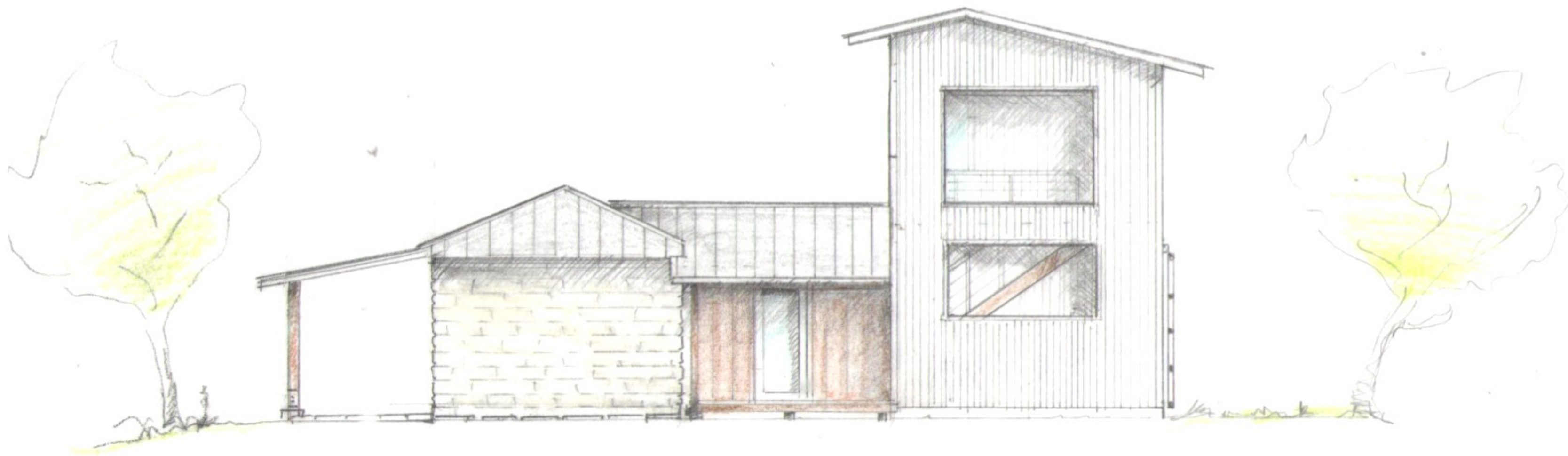
MOCKINGBIRD SOUTH ELEVATION/SECTION
ACROSS MUD.RM.



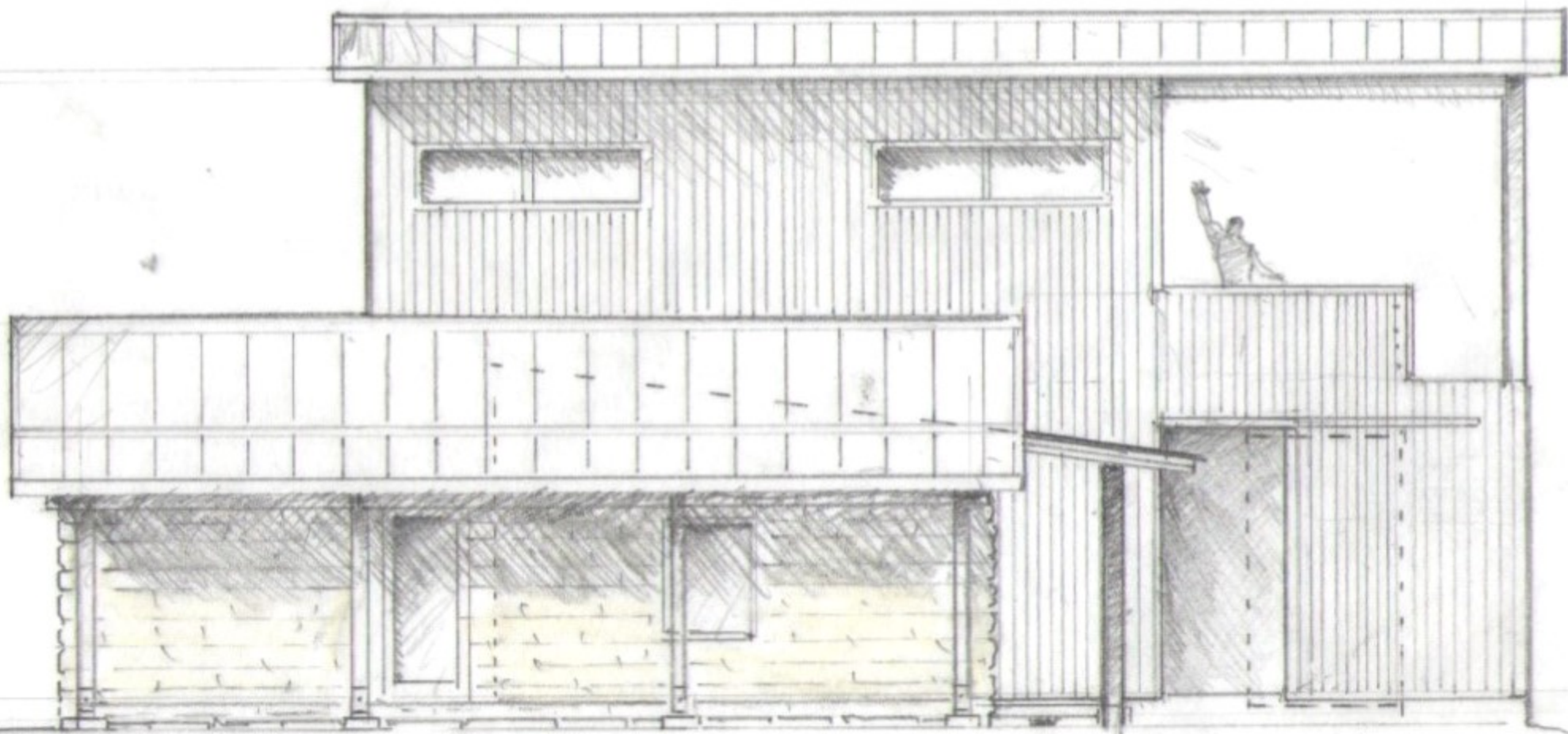
MOCKINGBIRD EAST ELEVATION



MOCKINGBIRD WEST ELEVATION



EAST ELEV. $\frac{1}{8}'' = 1'-0''$



SOUTH ELEV. $\frac{1}{8}" = 1'-0"$

ORDINANCE NO. 2021-XX

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KASEY BELOTE TO PERMIT THE OPERATION OF A VACATION RENTAL (STR2) ON PROPERTY LOCATED AT 105 MOCKINGBIRD, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Kasey Belote (“Applicant”) requesting authorization to operate a vacation rental (STR2) on real property described as The Oaks Subdivision, Lot 14, zoned Single-Family Residential 2 (R-2); and

WHEREAS, a vacation rental (STR2) is an authorized use in areas zoned Single-Family Residential 2 (R-2) upon approval of a CUP;

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

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

WHEREAS, the City Council finds that the use of the subject property as a vacation rental (STR2) 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 Kasey Belote (“Applicant”) for use as a vacation rental (STR2) on real property, described as The Oaks Subdivision, Lot 14, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

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

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 after the issuance of a certificate of occupancy. 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 21th day of October, 2021 by a vote of ___ (Ayes) and ___ (Nays) and ___ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

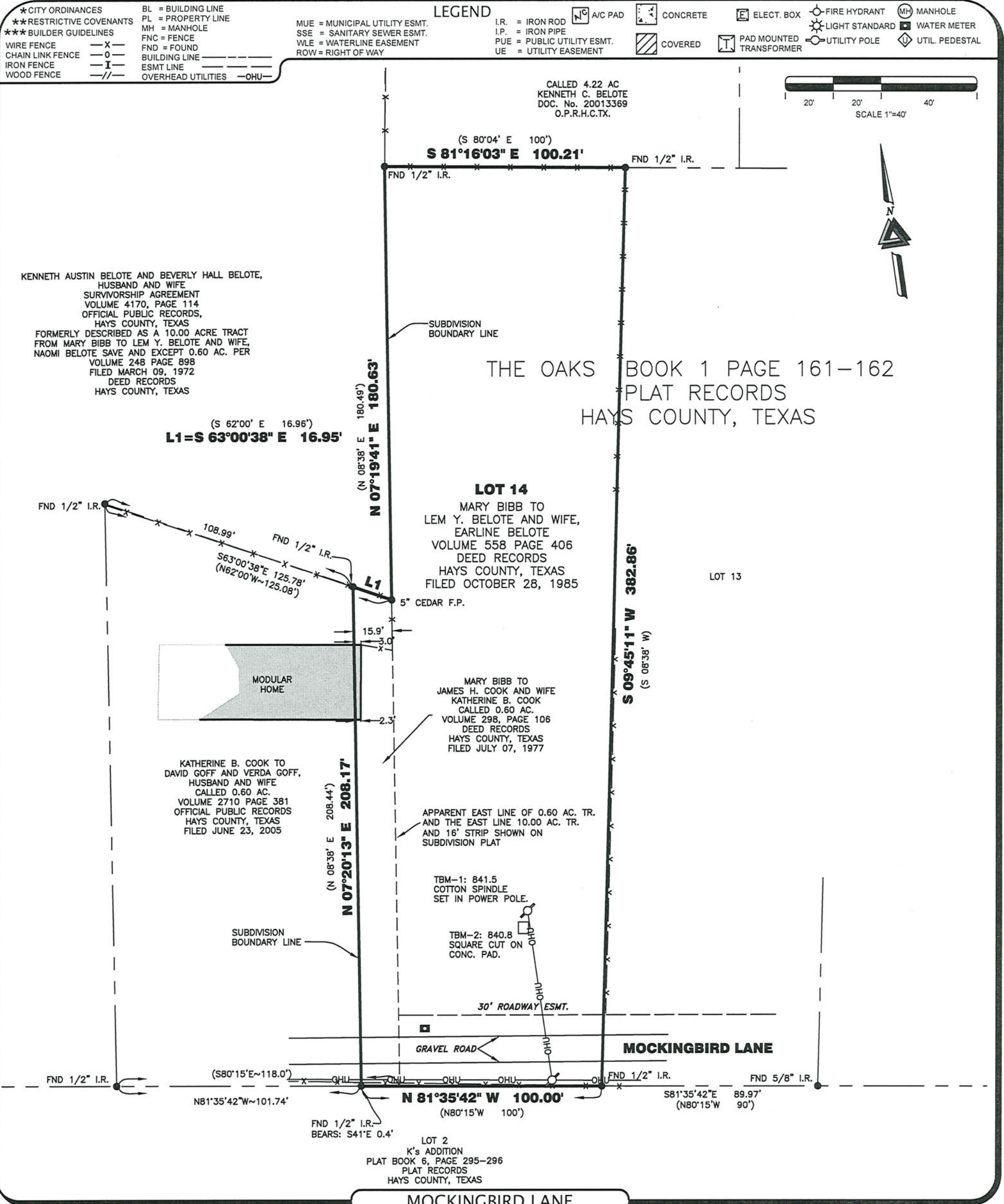
ATTEST:

Laura Calcote, City Secretary



APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	ZA-21-008 Rezone from RA to R1, Portions of Lot 4 Leath Hollow
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	October 14, 2021
MEETING DATE:	October 14, 2021 (P&Z) / October 21, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case ZA-21-008, an application to Rezone 2.586 acres out of Portions of Lot 4, Leath Hollow from **Residential Acreage (RA) to Rural Residential 1 (R1)**.

This request is related to a proposed subdivision of Portions of Lot 4, Leath Hollow that would result in a 2.586 acre lot. Under its current zoning 5 acres is the minimum lot size. The applicant is requesting a zoning change for only the 2.856 acres described in Exhibit A. The remaining land in Portions of Lot 4, Leath Hollow would remain as Residential Acreage.

The main differences between RA and R1 zoning:

1. R1 has minimum lot size of 2 acres, RA is 5 acres.
2. RA allows for two single-family dwellings, R1 only permits one (unless a CUP is granted)
3. RA allows for commercial agriculture and buildings (barns, greenhouses, etc)

Please refer to section 9.03.071 and 9.03.072 for the full description of the districts.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jon Thompson, agent for Mark Jackson
Property Address:	Approximately 1000ft down Leath Hollow Dr from its intersection with RR 12
Property Owner:	Mark Jackson
Legal Description:	Portion of Lot 4, Leath Hollow
Property Size:	2.586
Existing Use of Property:	Raw Acreage
Existing Zoning:	Residential Acreage

Proposed Use of Property: Single-Family Residential
Request: Rezoning 2.856 acres from RA to R1,
Planning Area: I
Overlay District: None

Surrounding Property:

Frontage: Leath Hollow Dr (Private)

Surrounding Zoning & Land Use	North of Property	Current Zoning:	Existing Land Use:
		RA	Single-Family Residential
	South of Property	RA	Raw Land
	East of Property	RA & R2	Single-Family Residential
	West of Property	RA	Single-Family Residential

Utilities		Electricity	Water	Wastewater
	Lot 1	PEC	WWSC	OSSF
	Lot 2	PEC	WWSC	OSSF

COMMENTS

Staff has not received any comments from the neighbors as of 10/18/2021.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): October 1, 2021
Published Legal Notice (Wimberley View): September 30, 2021

RECOMMENDATION

Planning and Zoning Commission recommended approval (6-0) of this application at their meeting on October 14th.

The subject property lies in Planning Area I, which the Comprehensive Plan defines as the “primary location for very low impact larger lot residential developments and agricultural uses”. R-1 is a zoning district allowed in Planning Area I. The applicant intends to use the property for a single-family residential dwelling. Staff has determined that the requested zoning and proposed development are in conformance with the goals and objectives of the Comprehensive Plan.

Staff recommends approval of the rezoning application with deference given to the residents who use Leath Hollow Drive and are most directly impacted by the zoning change.

CRITERIA FOR CONSIDERATION

When considering action on a zoning application, the Council should consider the criteria within the Code of Ordinances Sec.9.03.255.a.

Possible Motions can include:

- Motion to approve ZA-21-008
- Motion to deny ZA-21-008 for the following reasons (list all reasons)

*this list is not exclusive and other motions can be made

ATTACHMENT/S

- Criteria for Consideration Ordinance
- Exhibit A
- Notification Map
- Ordinance

Division 7. Administration and Enforcement

Sec. 9.03.255 Amendment of regulations and districts**(a) Review criteria for changes in zoning districts.**

(1) The city declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in the boundaries of the zoning districts except:

- (A) To correct any error in the regulations or map;
- (B) To recognize changed or changing conditions or circumstances in a particular locality;
- (C) To recognize changes in technology, the style of living, or manner of conducting business; or
- (D) To change the property to uses in accordance with the approved comprehensive plan, as it may be amended.

(2) In making a determination regarding a requested zoning change, the planning and zoning commission and city council shall consider the following factors:

- (A) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole;
- (B) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;
- (C) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of that vacant land unavailable for development;
- (D) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- (E) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;
- (F) Any other factors which will substantially affect the public health, safety, morals, or general welfare; and
- (G) Whether granting the request furthers the land use objectives and principles adopted by the city.

(b) Authority to amend ordinance.

(1) The city council may, from time to time, after receiving a final report thereon by the planning and zoning commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning district map. Any ordinance, regulation, or zoning district boundary amendment may be ordered for consideration by the city council, be initiated by the planning and zoning commission, or be requested by the owner of real property or the authorized representative of an owner of real property.

(2) Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his or her authorized agent (proof of that authorization must be submitted with the zoning application), or by the planning and zoning commission or city council on its own motion when it finds that public benefit will be derived from consideration of the matter. In the event the ownership stated on an application and that shown in city records are different, the applicant shall submit proof of ownership or verification that he or she is acting as an authorized agent for the property owner.

(3) No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the city, and which are directly attributable to a piece of property requested for zoning, shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to that property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the city has been made for the payment of those debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

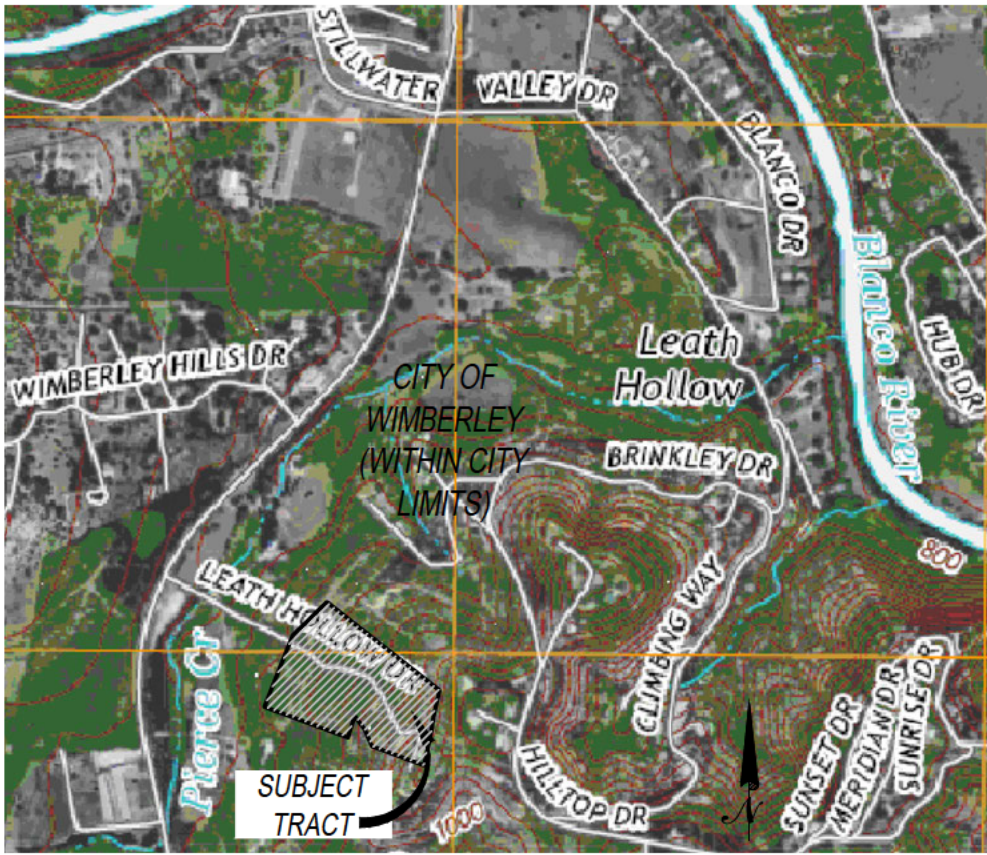
(c) Application. Each application for zoning or for an amendment or change to the existing provisions of this article shall be made in writing on an application form available at the city hall, filed with the city, and shall be accompanied by payment of the appropriate fee as adopted by the city from time to time and maintained on file. The application shall also be accompanied by the following information: plans, maps, exhibits, legal description of property, information about proposed uses, and other material as deemed necessary by the director or the director's designee, in order to ensure that the request is understood. No improvements, modifications, or changes in the land or use shall be done until the application has been granted by the city. No development right, if any, shall vest upon the submission of a zoning application.

(d) Public hearing and notice.

(1) For zoning or rezoning requests involving real property, the planning and zoning commission shall hold at least one public hearing on each zoning application, as per applicable state law (Texas Local Gov't Code, chapter 211, as it may be amended). For proposed changes to zoning district boundaries, including rezoning requests, written notice of the public hearing to occur before the planning and zoning commission shall be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of application and within 200 feet of any property affected thereby, this written notice to

Exhibit A

JACKSON'S RESUBDIVISION OF A
PORTION OF LOT 4, LEATH
HOLLOW SUBDIVISION
HAYS COUNTY, TEXAS



VICINITY MAP

SCALE: 1"=2000'
ETJ NOTE: THIS PROPERTY LIES WITHIN THE CITY OF WIMBERLEY.

EDWARDS AQUIFER NOTE:
SUBDIVISION L ES WITHIN EDWARDS AQUIFER
CONTRIBUTING ZONE. THIS PROPERTY LIES WITHIN THE
BLANCO CREEK WATERSHED.

Surveyor's Note:
Bearings shown hereon are
based on Texas State
Plane Coordinate System,
South Central Zone (FIPS
Code 4204), NAD 83, Grid
Coordinates & Grid North.

LEGEND		
●	1/2" (IRF) IRON ROD FOUND (Unless Noted)	
○	1/2" (I.D.) IRON PIPE FOUND	
○	600 NAIL FOUND OR SET AS NOTED	
○	COTTON SPINDLE FOUND	
○	1/2" (IRS) IRON ROD SET "ATS ENGINEERS"	
⊗	"X" INSCRIBED IN CONCRETE	
△	CALCULATED POINT	
()	RECORD INFORMATION	
CL	CENTERLINE	
O.P.R.	OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS	
P.R.H.C.T.	PLAT RECORDS HAYS COUNTY TEXAS	
→	"FEE HOOK" (INDICATING OWNERSHIP)	
B.S.L.	BUILDING SETBACK LINE (PER ZONING)	

GENERAL NOTES:

- THIS SUBDIVISION IS SUBJECT TO ALL GENERAL NOTES AND RESTRICTIONS APPEARING ON THE PLAT OF TRACT 4, LEATH HOLLOW SUBDIVISION, AS RECORDED AT VOL. 1, PGS. 25-26, PLAT RECORDS, HAYS COUNTY, TEXAS.
- ROADWAY ("LEATH HOLLOW DRIVE") IS A PRIVATE ROADWAY.
- THIS SUBDIVISION LIES WITHIN THE CITY LIMITS OF THE CITY OF WIMBERLEY.
- BUILDING SETBACKS SHALL BE IN COMPLIANCE WITH CITY OF WIMBERLEY CODE OF ORDINANCE SECTION 9.02.119.
- THE PROVISIONS OF THE CITY OF WIMBERLEY COMPREHENSIVE PLAN SHALL ALSO GOVERN THIS SUBDIVISION.
- WATER SERVICE FOR THIS SUBDIVISION/LOT IS PROVIDED BY WIMBERLEY WATER SUPPLY.
- WASTEWATER TREATMENT FOR EACH LOT IS TO BE PRIVATE INDIVIDUAL ON-SITE SEWERAGE FACILITIES AS APPROVED BY THE CITY OF WIMBERLEY.
- ELECTRICITY FOR THIS SUBDIVISION IS PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE, INC.
- TELEPHONE SERVICE FOR THIS SUBDIVISION IS PROVIDED BY VERIZON.
- DRIVEWAYS SHALL SATISFY THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 9.02.115.
- NO OBJECT, INCLUDING BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORMWATER, SHALL BE PLACED OR ERECTED WITHIN A DRAINAGE EASEMENT. THE OWNER OF ANY LOT UPON WHICH DRAINAGE FACILITIES ARE LOCATED, INCLUDING DETENTION, SHALL BE RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF SUCH FACILITIES.

WATER, WASTEWATER AND CONSTRUCTION NOTES:
WATER: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR STATE-APPROVED COMMUNITY WATER DUE TO DECLINING WATER SUPPLY. PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND, IN SOME AREAS, MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

WASTEWATER: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PERMITTED SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WIMBERLEY.

CONSTRUCTION: NO CONSTRUCTION OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL ALL CITY OF WIMBERLEY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SATISFIED.

RECOMMENDED FOR APPROVAL:

CHAD GILPIN, CITY ENGINEER
CITY OF WIMBERLEY, TEXAS

I, MIKE BOESE, CITY ADMINISTRATOR OF THE CITY OF WIMBERLEY, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS AS TO WHICH APPROVAL IS REQUIRED.

MIKE BOESE, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

STATE OF TEXAS:
COUNTY OF HAYS:
BASED UPON THE ABOVE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF WIMBERLEY. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE CITY OF WIMBERLEY DISCLAIMS ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATIONS OF THE REPRESENTATIONS, FACTUAL OR OTHERWISE, CONTAINED IN THIS PLAT AND THE DOCUMENTS ASSOCIATED WITH IT.

MIKE BOESE, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

DATE

STATE OF TEXAS:
COUNTY OF HAYS:
I, ELAINE H. CARDENAS, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK ____, DULY RECORDED ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK ____, PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER ____ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF ____, 20__ A.D.

ELAINE H. CARDENAS, COUNTY CLERK
HAYS COUNTY, TEXAS

DEPUTY

PLAT PREPARATION DATE	PLAT SUBMITTAL DATE
4/23/2021 REV.: 7/26/2021 REV.: 9/2/2021 REV.: 9/27/2021	

ATS Engineers
Inspectors
& Surveyors
www.ats-engineers.com
TBPLS FIRM REG. #10126000
4910 West Hwy 290
AUSTIN, TEXAS 78735
(512) 328-6995
FAX: (512) 328-6996

(SUB-____)

PAGE 1 of 1

FOR OFFICIAL USE ONLY

APPLICATION DATE: _____ FILE NO. _____
TENTATIVE P&Z HEARING: _____ TENTATIVE COUNCIL HEARING: _____
CITY INITIATED: ☐ YES - ☐ NO PLANNING AREA: _____ ZONING REQUESTED: _____
ZONING FEES: \$ _____ DATE PAID: _____ RECEIPT NO. _____

**APPLICATION FOR ZONING
RESIDENTIAL—NON-COMMERCIAL**

STREET ADDRESS OF
PROPERTY TO(Not addressed) Leath Hollow
BE ZONED*: _____ Drive _____ Wimberley, Texas
HAYS COUNTY CENTRAL
APPRAISAL DISTRICT (HCAD)
PROPERTY ID#: R_168153 **

* New street addresses can be obtained by calling (512) 393-2160
** This number may be obtained from your property tax statement or HCAD's website.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

Go south on RR12 out of Wimberley and turn east onto Leath Hollow Drive. Cross the creek and within a
a few hundred feet on both sides of the road will be the subject property.

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

David M. and Sandra J.
1. OWNER'S NAME: Jackson HOME PHONE: () -
BUSINESS PHONE: ()
FAX: ()
E-MAIL:
OWNER'S CURRENT MAILING
ADDRESS 2216 Toulouse Drive CITY Austin STATE Texas ZIP 78748
2. HEARING REPRESENTATIVE
NAME: Jon Thompson, J Thompson Professional Consulting, LLC PHONE: (512) 568-2184
FAX: ()
REPRESENTATIVE'S MAILING
ADDRESS: PO Box 172 CITY Dripping Springs STATE Texas ZIP 78620
3. NAME OF REAL ESTATE COMPANY INVOLVED: N/A - property already conveyed.

PROPERTY INFORMATION

4. TOTAL AREA TO BE ZONED: ACRES 9.694 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 1

5. PLANNING AREA(S) : 1 6. PROPOSED ZONING: R2

EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): RA - vacant

6. EXISTING STRUCTURES: N/A

PROPOSED STRUCTURES/USE: Single-family residential buildings and accompanying outbuildings as may be built in the future (storage sheds, swimming pools, etc.)

7. LEGAL DESCRIPTION

Subdivision: Leath Hollow Lot(s) 4* (Partial)

Block(s) _____ Plat Book: 1 Page Number: 25-26

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

Instrument # 21007480

VOLUME: _____ PAGE: _____ 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) Entrance Corridor Overlay

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

C. ELECTRIC UTILITY PROVIDER : Pedernales Electric Cooperative

WATER UTILITY PROVIDER: Wimberley Water Supply Corporation

WASTEWATER UTILITY PROVIDER: N/A - Individual OSSFs

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): N/A - will be applying for septic permits through the City of Wimberley

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: _____ APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: May 14, 2021 AGENT SIGNATURE Jon Thompson

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: Leath Hollow Drive, Wimberley, Texas, and more particularly known as Lot 4 (Partial), Block N/A of the Leath Hollow 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: _____ APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: May 14, 2021 AGENT SIGNATURE Jon Thompson

SUBMITTAL CHECKLIST

- ☒ Complete Zoning Application.
- ☒ Provide a plat map of the property to be zoned, showing scale.
- ☒ Provide a plat map of all properties within 200 feet of any portion of Applicant's property and indicate Applicant's property on such map. Map must clearly indicate scale of map, streets and main arteries leading to property.
- ☒ 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 Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning (or sign waiver below).
- ☒ Sign/date Submittal Verification and/or Waiver of Appearance form.
- ☒ Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning.

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: _____

APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: May 14, 2021

AGENT SIGNATURE: *Jon Thompson*

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT LOT 2 OF JACKSON'S RESUBDIVISION OF A PORTION OF LOT 4, LEATH HOLLOW SUBDIVISION, WIMBERLEY, HAYS COUNTY, TEXAS, FROM RESIDENTIAL ACREAGE (RA) TO RURAL RESIDENTIAL (R-1)

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 Lot 2 of Jackson's Resubdivision of a Portion of Lot 4, Leath Hollow Subdivision, in Wimberley, Hays County, Texas, from Residential Acreage (RA) to Rural Residential (R-1).

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 Lot 2 of Jackson's Resubdivision of a Portion of Lot 4, Leath Hollow Subdivision, in Wimberley, Hays County, Texas, from Residential Acreage (RA) to Rural Residential (R-1) zoning classification.

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the ____ 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



AGENDA ITEM:	Special Exception request for Portions of Lot 4, Leath Hollow
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	September 2, 2021
MEETING DATE:	October 14, 2021 (P&Z) / October 21, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and consider making a recommendation to City Council regarding two special exceptions from the City Subdivision Code for Portions of Lot 4, Leath Hollow, Wimberley, Hays County, Texas. The special exceptions requested are as follows:

1. Variance from City Subdivision ordinance 9.02.119(c) requiring lots to be rectangular with an average depth to width ratio of between 1:1.5 and 1:2.5.
2. Variance from the City Subdivision ordinance 9.02.119(d) regarding required frontage on a public road.

The shape of the parent tract, along with the curvature of Leath Hollow Dr, limit the ability to create uniform rectangle lots that fit the width and depth ratios required in the Subdivision ordinance.

The access easement, commonly known as Leath Hollow Dr, is a private road that was created prior to Wimberley becoming a City. Multiple neighbors currently use the road for access to their property. The Subdivision ordinance requires frontage on a public road or a private road through the use of a Planned Development District (WPDD). There is no WPDD for the property. The applicant is requesting this requirement be waived allowing two lots to have access via Leath Hollow Dr.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jon Thompson, agent for Mark Jackson
Property Address:	Approximately 1000ft down Leath Hollow Dr from its intersection with RR 12
Property Owner:	Mark Jackson
Legal Description:	Portion of Lot 4, Leath Hollow
Property Size:	9.695

Existing Use of Property: Raw Acreage
Existing Zoning: Residential Acreage
Proposed Use of Property: 3 Single Family residences
Request: Approval of the two special exceptions from the Subdivision ordinance 9.02.119(c) & 9.02.119(d)
Planning Area: I
Overlay District: None

Surrounding Property:

Frontage: Leath Hollow Dr (Private)

		Current Zoning:	Existing Land Use:
	North of Property	RA	Single-Family Residential
Surrounding Zoning & Land Use	South of Property	RA	Raw Land
	East of Property	RA & R2	Single-Family Residential
	West of Property	RA	Single-Family Residential

		Electricity	Water	Wastewater
Utilities	Lot 1	PEC	WWSC	OSSF
	Lot 2	PEC	WWSC	OSSF

COMMENTS

Staff has not received any comments from the neighbors as of 10/18/2021.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): October 1, 2021
Published Legal Notice (Wimberley View): September 30, 2021

STAFF ANALYSIS & RECOMMENDATION

Planning and Zoning Commission recommended approval (6-0) of these special exceptions at their October 14th meeting.

Staff finds the shape of the parent tract, and the existence of a private road that bisects the property

and provides access to neighboring property owners, to be of such unusual conditions that special exceptions to the subdivision code regarding lot shape and access are warranted. Staff recommends approval of the special exceptions.

CRITERIA FOR CONSIDERATION

When considering action on a plat special exception, the Commission should consider the criteria within the Code of Ordinances Sec.9.02.357.

Possible motions can include:

- Motion to approve the plat special exceptions
- Motion to deny the plat special exceptions for the following reasons (list all reasons)

*this list is not exclusive and other motions can be made

ATTACHMENT/S

- 9.02.357 Special Exception Criteria
- Road Maintenance Agreement for Leath Hollow Dr
- Leath Hollow proposed Plat

Division 10. Administration and Enforcement

Sec. 9.02.357 Special exceptions; variances

(a) Commission authority. A special exception to the design standards of this article shall be considered a variance to the regulations, rather than a right. Whenever a tract to be subdivided is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this article would result in substantial hardship or inequity, the commission may vary or modify, except as otherwise indicated, such requirement of design as provided for herein, but not of procedure or improvements, so that the subdivider may develop his or her property in a reasonable manner, but so that, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of this article are preserved in accordance with the following provisions.

(1) Jurisdiction. Where a special exception variance from the design requirements of this article is requested:

(A) The commission may recommend and the council may approve special exception to the design standards, and the special exception, if granted, shall also be considered to be a modification of the zoning regulations applicable to the specified property within that subdivision; or

(B) If the variance would constitute a major departure from the applicable provisions of [article 9.03](#) for such features as lot size, height of structures, land use, and the like, the special exception request shall be considered by the commission or board of adjustment, whichever has jurisdiction, in accordance with their powers and procedures as set forth in [article 9.03](#), and their decision shall be final.

(2) Approval. The notification procedures described in [section 9.02.044](#)(I) shall be followed. Approval of any special exception shall require the affirmative vote of a majority plus one of the commissioners and council members attending the meeting at which a quorum is present and action is to be taken. The commission may approve the following special exceptions without subsequent action by the council:

(A) Special exceptions to permit existing encroachments to remain within platted building setback areas; or

(B) Special exceptions to permit exceptions to plat notes that exceed the requirements of these regulations.

(b) Council authority. All other special exceptions shall require the approval of the council. In granting approval of a request for variance, the commission and council shall conclude that the special exception is not contrary to the public interest and, due to special conditions, a literal enforcement of this article would result in unnecessary hardship, and so that the variance observes the spirit of this article and concludes that substantial justice is done. The commission and council shall meet these requirements by making findings that alteration of any existing structure, on any lot or tract of land [sic]. No municipal utility service will be furnished to a lot or tract which does not comply with all of the provisions of these regulations, except as herein exempted, and all applicable elements of the comprehensive plan. The commission shall consider the following criteria when considering the granting of a special exception:

(1) The public convenience and welfare will be substantially served;

(2) The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;

(3) The applicant has not created the hardship from which relief is sought;

(4) The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;

(5) The hardship from which relief is sought is not solely of an economic nature;

(6) The variance is not contrary to the public interest;

(7) Due to special conditions, the literal enforcement of this article would result in an unnecessary hardship; and

(8) In granting the special exception, the spirit of this article is observed and substantial justice is done.

(c) Administrative approval. The director may administratively approve requests for variances for existing encroachments into platted building setback areas, provided the property owner follows the requirements for public notices and posting signs and the following conditions are met:

(1) The encroaching structure existed as of August 28, 2000;

(2) The applicant notifies each owner of property lying within 200 feet of any point or portion of the property for which the special exception is requested;

(3) All property owners adjacent to the property lines affected by the special exception request agree in writing to the variance; and

(4) No property owners within 200 feet of any point or portion of the property for which the special exception is requested protest in writing to the proposed special exception.

(d) Filing. All special exceptions granted by the director, commission, or council must be filed of record with the county clerk.

(e) Limitation. If the conditions of this section cannot be met, the special exception must be considered by the commission as described in subsections (a)(1) and (a)(2).

PRIVATE ROAD MAINTENANCE AGREEMENT

An Agreement made this original date of September 23rd, 2021, applicable to the undersigned parcel owners and users,

RECITALS

WHEREAS, Leath Hollow Road is a private road situated in Wimberley, County of Hays, State of Texas, and

WHEREAS, the undersigned parcel owners are the owners or users of the Roadway Property situated in Wimberley, County of Hays, State of Texas, commonly known as Leath Hollow Road, and

WHEREAS, the parties desire to enter into an Agreement regarding the costs of maintenance and improvements to Leath Hollow Road; and

WHEREAS, it is agreed that future parcel owners or users will add their signatures to this document;

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. **Vehicle and Pedestrian Access Easement.** The Roadway Property shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all the parcel owners and their occupants, agents, employees, guests, services and emergency vehicles, and those individuals appointed by the City Board to conduct semi-annual road reviews.
2. **Utility Easement.** The Roadway Property shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained.
3. **Road Maintenance.** Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of parcel owners who have signed this agreement is required for any road improvements and to accept the bid for any road improvement contract. Before authorizing expenditures for future road improvements, parcel owners will be notified, cost estimates will be provided, and a majority agreement of the parcel owners who have signed this agreement will be required. If any parcel owner performs improvements, maintenance, repairs or replacements without the approval of the other lot owners prior to performing such work, the lot owner performing such work shall become liable for the entire cost thereof.
4. **Parking.** For the safety of the residents, no machinery, trailers, vehicles or other property may be stored or parked upon the Private Road.
5. **Cost Sharing.** Road maintenance and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above mentioned road. Each parcel owner's share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway extending from the start of the Private Road to the furthest point of a property frontage that is adjacent to the roadway.

6. **Definition of a Parcel.** A parcel is defined as a land entity having a certified survey map (CSM), a platted subdivision lot number, or a parcel identification number in the case of unplatted lands. Each parcel is assessed and granted (1) vote regardless of the number of owners. If a parcel is owned by more than one person, all of the owners of the parcel will collectively be referred to as the “parcel owner” for purposes of this Agreement, and will be entitled to one collective vote (i.e. each parcel represents one vote in the matters covered by this Agreement).

7. **Future Parcels.** Any additional parcels gaining access to the Private Road by way of splitting existing parcels will be bound by all terms and conditions of this agreement, and will be required to pay that portion of the maintenance and improvement costs incurred after the split as determined using the formula contained in Paragraph No. 6 above. If any additional parcels are created after the original Private Road Maintenance Agreement is signed, the new parcel owners must also sign the agreement. When a parcel is being sold on a land contract, the land contract vendee shall be deemed the owner of record.

8. **Effective Term.** This Agreement shall be perpetual, and shall encumber and run with the land as long as the road remains private.

9. **Binding Agreement.** This Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators and assigns.

10. **Amendment.** This Agreement may be amended only by a two-thirds majority consent of all parcel owners.

11. **Enforcement.** This Agreement may be enforced by a majority of parcel owners. If a court action or lawsuit is necessary to enforce this Agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.

12. **Disputes.** If a dispute arises over any aspect of the improvements, maintenance, repair or replacement, a third party arbitrator shall be appointed to resolve the dispute. The decision of the arbitrator shall be final and binding on all of the lot owners. Contact information for local arbitrators can be obtained through the American Arbitration Association. In selecting a third party arbitrator, each lot shall be entitled to one vote, and the nominee receiving a majority of the votes shall be the arbitrator. All parties shall share in the cost of any arbitration.

13. **Notices.** Parcel owners under the Agreement shall be notified by mail or in person. If an address of a parcel owner is not known, a certified notice will be mailed to the address to which the parcel owner’s property tax bills are sent.

14. **Invalidity.** Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected and each term and condition shall be valid and enforceable to the extent permitted by law.

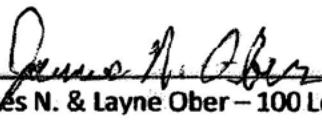
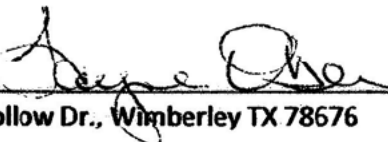
15. **Other Agreements.** This Private Road Maintenance Agreement replaces all previous Private Road Maintenance Agreements regarding the described Private Road.

16. **City Road and Driveway Ordinance.** The Private Road shall be constructed and maintained in accordance with the City’s Road and Driveway Ordinance. It is understood and agreed that the City, the City Board, the Plan Commission and the agents of the City shall not be liable or responsible in any

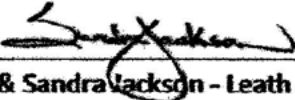
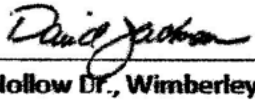
manner to the developer or the property owners along the road, or to their contractors, subcontractors, agents, or any other person, firm or corporation, for any debt, claim, demand, damages, action or causes of action of any kind or character arising out of or by reason of the activities or improvements being required herein.

17. **Recording This Document.** Original and amended copies of this document, including added signatures, shall be recorded and provided to the City Clerk.

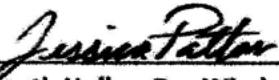
Charles Ware – 12404 Ranch Road 12, Wimberley TX 78676

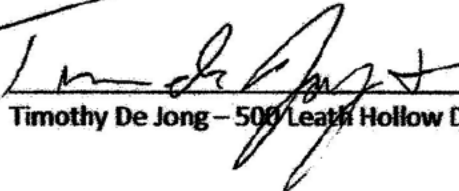
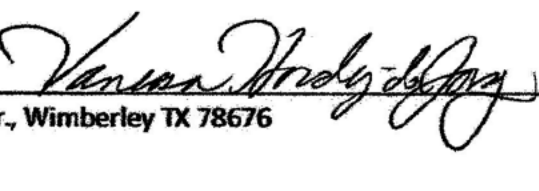
  9-25-21
James N. & Layne Ober – 100 Leath Hollow Dr., Wimberley TX 78676

Ryan & Mandi Towns– 300 Leath Hollow Dr., Wimberley TX 78676

  9/23/2021
Mark & Sandra Jackson – Leath Hollow Dr., Wimberley TX 78676

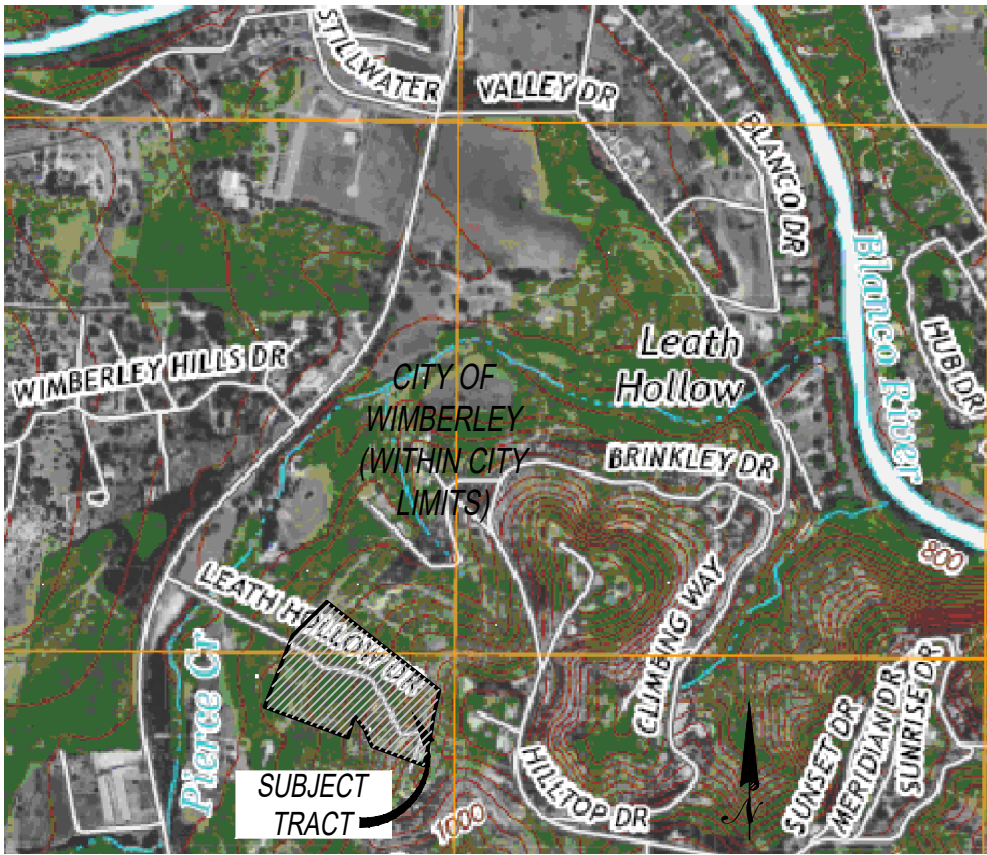
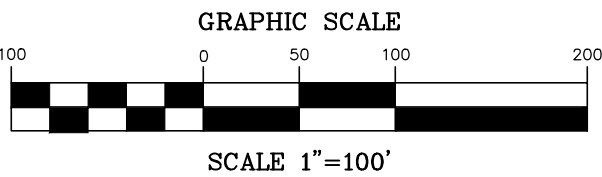
James Mann & Emily Payette - Leath Hollow Dr., Wimberley TX 78676

 9/23/2021
Jessica Patton – Leath Hollow Dr., Wimberley TX 78676

  9-23-21
Timothy De Jong – 500 Leath Hollow Dr., Wimberley TX 78676

JACKSON'S RESUBDIVISION OF A
PORTION OF LOT 4, LEATH
HOLLOW SUBDIVISION

HAYS COUNTY, TEXAS



VICINITY MAP

SCALE: 1"=2000'
ETJ NOTE: THIS PROPERTY LIES WITHIN THE CITY OF WIMBERLEY.

EDWARDS AQUIFER NOTE:
SUBDIVISION LIES WITHIN EDWARDS AQUIFER
CONTRIBUTING ZONE. THIS PROPERTY LIES WITHIN THE
BLANCO CREEK WATERSHED.

Surveyor's Note:
Bearings shown hereon are
based on Texas State
Plane Coordinate System,
South Central Zone (FIPS
Code 4204), NAD 83, Grid
Coordinates & Grid North.

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N37°29'56"W	85.50'
(L1)	(S35°53'14"E)	(85.51')
L2	N14°51'30"W	68.50'
L3	N66°33'59"W	14.22'
L4	N20°07'26"E	24.74'
L5	S38°21'00"W	25.78'
L6	N67°11'10"W	27.75'
L7	S14°51'30"E	64.01'
L8	N16°28'05"E	30.91'
L9	S14°51'30"E	72.99'
L10	S66°33'59"E	0.65'
L11	N20°07'26"E	25.05'

LEGEND	
●	½" (IRF) IRON ROD FOUND (Unless Noted)
○	½" (I.D.) IRON PIPE FOUND
⊙	60D NAIL FOUND OR SET AS NOTED
⊗	COTTON SPINDLE FOUND
⊕	½" (IRS) IRON ROD SET "ATS ENGINEERS"
⊠	"X" INSCRIBED IN CONCRETE
△	CALCULATED POINT
()	RECORD INFORMATION
CL	CENTERLINE
O.P.R.	OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS
P.R.H.C.T.	PLAT RECORDS HAYS COUNTY TEXAS
→	"FEE HOOK" (INDICATING OWNERSHIP)
B.S.L.	BUILDING SETBACK LINE (PER ZONING)

GENERAL NOTES:

- THIS SUBDIVISION IS SUBJECT TO ALL GENERAL NOTES AND RESTRICTIONS APPEARING ON THE PLAT OF TRACT 4, LEATH HOLLOW SUBDIVISION, AS RECORDED AT VOL. 1, PGS. 25-26, PLAT RECORDS, HAYS COUNTY, TEXAS.
- ROADWAY ("LEATH HOLLOW DRIVE") IS A PRIVATE ROADWAY.
- THIS SUBDIVISION LIES WITHIN THE CITY LIMITS OF THE CITY OF WIMBERLEY.
- BUILDING SETBACKS SHALL BE IN COMPLIANCE WITH CITY OF WIMBERLEY CODE OF ORDINANCE SECTION 9.02.119.
- THE PROVISIONS OF THE CITY OF WIMBERLEY COMPREHENSIVE PLAN SHALL ALSO GOVERN THIS SUBDIVISION.
- WATER SERVICE FOR THIS SUBDIVISION/LOT IS PROVIDED BY WIMBERLEY WATER SUPPLY.
- WASTEWATER TREATMENT FOR EACH LOT IS TO BE PRIVATE INDIVIDUAL ON-SITE SEWERAGE FACILITIES AS APPROVED BY THE CITY OF WIMBERLEY.
- ELECTRICITY FOR THIS SUBDIVISION IS PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE, INC.
- TELEPHONE SERVICE FOR THIS SUBDIVISION IS PROVIDED BY VERIZON.
- DRIVEWAYS SHALL SATISFY THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 9.02.115.
- NO OBJECT, INCLUDING BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORMWATER, SHALL BE PLACED OR ERECTED WITHIN A DRAINAGE EASEMENT. THE OWNER OF ANY LOT UPON WHICH DRAINAGE FACILITIES ARE LOCATED, INCLUDING DETENTION, SHALL BE RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF SUCH FACILITIES.

WATER, WASTEWATER AND CONSTRUCTION NOTES:
WATER: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR STATE-APPROVED COMMUNITY WATER DUE TO DECLINING WATER SUPPLY. PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND, IN SOME AREAS, MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

WASTEWATER: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PERMITTED SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WIMBERLEY.

CONSTRUCTION: NO CONSTRUCTION OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL ALL CITY OF WIMBERLEY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SATISFIED.

RECOMMENDED FOR APPROVAL:

CHAD GILPIN, CITY ENGINEER
CITY OF WIMBERLEY, TEXAS

I, MIKE BOESE, CITY ADMINISTRATOR OF THE CITY OF WIMBERLEY, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS AS TO WHICH APPROVAL IS REQUIRED.

MIKE BOESE, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

STATE OF TEXAS:
COUNTY OF HAYS:
BASED UPON THE ABOVE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF WIMBERLEY. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE CITY OF WIMBERLEY DISCLAIMS ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATIONS OF THE REPRESENTATIONS, FACTUAL OR OTHERWISE, CONTAINED IN THIS PLAT AND THE DOCUMENTS ASSOCIATED WITH IT.

MIKE BOESE, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

DATE

STATE OF TEXAS:
COUNTY OF HAYS:
I, ELAINE H. CARDENAS, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK __M., DULY RECORDED ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK __M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER ____ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF ____, 20__ A.D.

ELAINE H. CARDENAS, COUNTY CLERK
HAYS COUNTY, TEXAS

DEPUTY

PLAT PREPARATION DATE	PLAT SUBMITTAL DATE
4/23/2021 REV.: 7/26/2021 REV.: 9/2/2021 REV.: 9/27/2021	

ATS Engineers
Inspectors
& Surveyors
www.ats-engineers.com
TBPLS FIRM REG. #10126000
4910 West Hwy 290
AUSTIN, TEXAS 78735
(512) 328-6995
FAX: (512) 328-6996

(SUB-____)

PAGE 1 of 1

TOTAL AREA OF THIS SUBDIVISION: 9.695 ACRES
TOTAL USABLE AREA OF THE
SUBDIVISION: 8.989 ACRES

PLAT INFORMATION:
TOTAL NUMBER OF LOTS: 2

STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS:

THAT WE, DAVID M. JACKSON AND WIFE, SANDRA J. JACKSON, BEING THE OWNERS OF 9.695 ACRES OF LAND, BEING A PORTION OF LOT OR TRACT 4, LEATH HOLLOW SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT AS RECORDED IN VOL. 1, PGS. 25-26, PLAT RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO US BY GENERAL WARRANTY DEED AS RECORDED IN DOC. NO. 21007480, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 9.694 ACRES IN ACCORDANCE WITH THE PLAT SHOWN HEREON, TO BE KNOWN AS
JACKSON'S RESUBDIVISION OF A PORTION OF LOT 4, LEATH HOLLOW SUBDIVISION.

WITNESS OUR HANDS THIS ____ DAY OF ____, 20__

DAVID M. JACKSON
2216 TOULOUSE DRIVE
AUSTIN, TEXAS 78748

SANDRA J. JACKSON
2216 TOULOUSE DRIVE
AUSTIN, TEXAS 78748

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID M. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINTED NAME:

DATE NOTARY COMMISSION EXPIRES: ____

WITNESS MY HAND THIS ____ DAY OF ____, 20__

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SANDRA J. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT SHE EXECUTED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINTED NAME:

DATE NOTARY COMMISSION EXPIRES: ____

WITNESS MY HAND THIS ____ DAY OF ____, 20__

FLOOD PLAIN NOTE:
NO PORTION OF THIS TRACT LIES WITHIN THE BOUNDARIES OF A DESIGNATED SPECIAL FLOOD HAZARD AREA OR THE 100 YEAR FLOODPLAIN AS SHOWN AS DETERMINED BY/SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NO. 48209C0355F FOR HAYS COUNTY, TEXAS, DATED 09-02-2005 FOR HAYS COUNTY, TEXAS. THIS TRACT FALLS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN.)

SURVEYOR'S CERTIFICATION

I, PAUL UTTERBACK, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; AND WAS PREPARED FROM AN ACTUAL SURVEY, MADE UNDER MY SUPERVISION PERFORMED ON THE GROUND, OF THE PROPERTY.

PAUL UTTERBACK
R.P.L.S. NO. 5738
ATS ENGINEERS, INSPECTORS & SURVEYORS
TBPLS FIRM REG. #10126000
4910 WEST HWY. 290
AUSTIN, TX 78735
(512) 328-6995

DATE

Job: #20122109s

Path: Projects\BULK\G-L\LeathHollow\Production\Drawings\PLAT_LeathHollowR_210927.dwg



AGENDA ITEM:	SUB-21-006 2-lot Subdivision of a portion of Lot 4, Leath Hollow
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	September 2, 2021
MEETING DATE:	October 14, 2021 (P&Z) / October 21, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case SUB-21-006, an application for a proposed 2-lot resubdivision of Portions of Lot 4, Leath Hollow, located 1,000 feet down Leath Hollow Dr, Wimberley, Hays County, Texas. The proposed subdivision would establish Lot 1 & Lot 2 of "Jackson's Resubdivision of a Portion of Leath Hollow Subdivision".

The Planning & Zoning Commission made a recommendation to deny a subdivision application from this applicant in September. The reasons given to the applicant were the absence of a road agreement, and that the lot size variance requested at the time was not appropriate.

The applicant has since resubmitted his application. The current proposed subdivision now results in only two lots, instead of three. Both lots are in conformance with the City's OSSF ordinance for lot size. The applicant has also provided a maintenance agreement for the road, signed by two of the neighbors that were previously in opposition to the subdivision.

Current lot sizes requested:

Lot 1 – 7.109 acres

Lot 2 – 2.586 acres

PROPERTY INFORMATION

Property Description

Applicant(s):	Jon Thompson, agent for Mark Jackson
Property Address:	Approximately 1000ft down Leath Hollow Dr
Property Owner:	Mark Jackson
Legal Description:	Portion of Lot 4, Leath Hollow
Property Size:	9.695
Existing Use of Property:	Raw Acreage

Existing Zoning: Residential Acreage

Proposed Use of Property: 2 Single Family residences (one per lot)

Request: Approval of Jackson's Resubdivision of a portion of Lot 4, Leath Hollow

Planning Area: I

Overlay District: None

Surrounding Property:

Frontage: Leath Hollow Dr (Private)

Surrounding Zoning & Land Use	North of Property	Current Zoning:	Existing Land Use:	
		RA	Single-Family Residential	
	South of Property	RA	Raw Land	
	East of Property	RA & R2	Single-Family Residential	
	West of Property	RA	Single-Family Residential	
Utilities	Lot 1	Electricity	Water	Wastewater
	Lot 2	PEC	WWSC	OSSF

COMMENTS

Staff has not received any comment from the neighbors as of 10/18/2021.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): October 1, 2021
Published Legal Notice (Wimberley View): September 30, 2021

RECOMMENDATION

Planning and Zoning Commission recommended approval (6-0) of this plat at their October 14th meeting.

Staff recommends approval of this plat as it meets the informational requirements within Sec.9.02.046.

CRITERIA FOR CONSIDERATION

When considering action on a plat application, the Commission should consider the criteria within the Code of Ordinances Sec.9.02.046.

Possible motions can include:

- Motion to approve SUB-21-006
- Motion to approve SUB-21-006 with the following conditions (list all conditions, conditions must relate to plat requirements and include code references)
- Motion to disapprove SUB-21-006 for the following reasons (list all reasons along with code references)

*this list is not exclusive and other motions can be made

ATTACHMENT/S

- Jackson's Resubdivision of portion of Lot 4, Leath Hollow Plat
- Notification Map



AGENDA ITEM:	SUB-21-006 3-lot Subdivision of a portion of Lot 4, Leath Hollow
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	September 2, 2021
MEETING DATE:	September 9, 2021 (P&Z) / September 16, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case SUB-21-006, an application for a proposed 3-lot resubdivision of portions of Lot 4, Leath Hollow, located on Leath Hollow Dr, Wimberley, Hays County, Texas. There are three variances associated with this proposed subdivision:

1. Variance from City OSSF ordinance requiring lots to be 2.5 acres for onsite septic.
2. Variance from City Subdivision ordinance requiring lots to be rectangular with an average width to depth ratio of between 1:1.5 and 1:2.5.
3. Variance from the City Subdivision ordinance prohibiting private roads.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jon Thompson, agent for Mark Jackson
Property Address:	Approximately 1000ft down Leath Hollow Dr
Property Owner:	Mark Jackson
Legal Description:	Portion of Lot 4, Leath Hollow
Property Size:	9.695
Existing Use of Property:	Raw Acreage
Existing Zoning:	Residential Acreage
Proposed Use of Property:	3 Single Family residences
Request:	Approval of Jackson's Resubdivision of a port of Lot 4, Leath Hollow
Planning Area:	I
Overlay District:	None

Surrounding Property:

Frontage:	Leath Hollow Dr (Private)
------------------	---------------------------

Surrounding Zoning & Land Use	North of Property	Current Zoning: RA	Existing Land Use: Single-Family Residential
	South of Property	RA	Raw Land
	East of Property	RA & R2	Single-Family Residential
	West of Property	RA	Single-Family Residential
Utilities		Electricity	Water
	Lot 1	PEC	WWSC
	Lot 2	PEC	WWSC
	Lot 3	PEC	WWSC
			Wastewater OSSF

COMMENTS

Neighbors are currently working with the Jackons to resolve concerns with Leath Hollow Dr.

LEGAL NOTICE

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

RECOMMENDATION

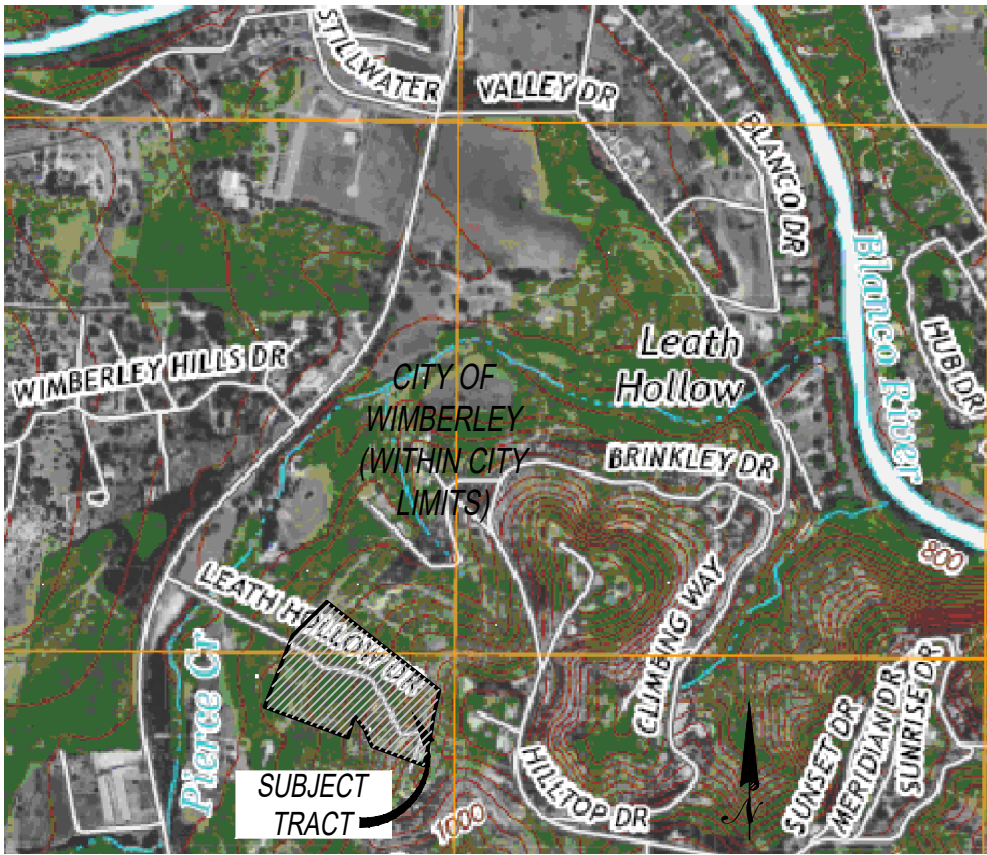
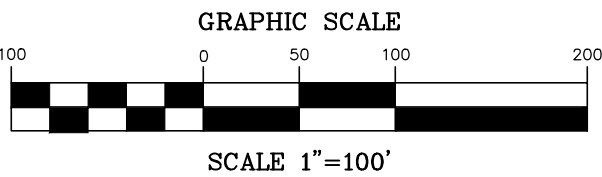
Staff recommends that P&Z and Council approve this subdivision with the condition that a road maintenance agreement be adopted by the residents and applicant that includes maintenance and improvements to increase public safety on Leath Hollow Drive.

ATTACHMENT/S

- Jackson's Resubdivision of portion of Lot 4, Leath Hollow Plat
- Variance Letter for Lot Size
- Notification Map
- Pictures of Leath Hollow Dr

JACKSON'S RESUBDIVISION OF A
PORTION OF LOT 4, LEATH
HOLLOW SUBDIVISION

HAYS COUNTY, TEXAS



VICINITY MAP

SCALE: 1"=2000'
ETJ NOTE: THIS PROPERTY LIES WITHIN THE CITY OF WIMBERLEY.

EDWARDS AQUIFER NOTE:
SUBDIVISION LIES WITHIN EDWARDS AQUIFER
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Surveyor's Note:
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LEGEND	
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○	½" (I.D.) IRON PIPE FOUND
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→	"FEE HOOK" (INDICATING OWNERSHIP)
B.S.L.	BUILDING SETBACK LINE (PER ZONING)

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- THE PROVISIONS OF THE CITY OF WIMBERLEY COMPREHENSIVE PLAN SHALL ALSO GOVERN THIS SUBDIVISION.
- WATER SERVICE FOR THIS SUBDIVISION/LOT IS PROVIDED BY WIMBERLEY WATER SUPPLY.
- WASTEWATER TREATMENT FOR EACH LOT IS TO BE PRIVATE INDIVIDUAL ON-SITE SEWERAGE FACILITIES AS APPROVED BY THE CITY OF WIMBERLEY.
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- TELEPHONE SERVICE FOR THIS SUBDIVISION IS PROVIDED BY VERIZON.
- DRIVEWAYS SHALL SATISFY THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 9.02.115
- NO OBJECT, INCLUDING BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORMWATER, SHALL BE PLACED OR ERECTED WITHIN A DRAINAGE EASEMENT. THE OWNER OF ANY LOT UPON WHICH DRAINAGE FACILITIES ARE LOCATED, INCLUDING DETENTION, SHALL BE RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF SUCH FACILITIES.

WATER, WASTEWATER AND CONSTRUCTION NOTES:
WATER: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR STATE-APPROVED COMMUNITY WATER DUE TO DECLINING WATER SUPPLY. PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND, IN SOME AREAS, MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

WASTEWATER: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PERMITTED SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WIMBERLEY.

CONSTRUCTION: NO CONSTRUCTION OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL ALL CITY OF WIMBERLEY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SATISFIED.

RECOMMENDED FOR APPROVAL:

CHAD GILPIN, CITY ENGINEER
CITY OF WIMBERLEY, TEXAS

I, MIKE BOESE, CITY ADMINISTRATOR OF THE CITY OF WIMBERLEY, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS AS TO WHICH APPROVAL IS REQUIRED.

MIKE BOESE, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

STATE OF TEXAS:
COUNTY OF HAYS:
BASED UPON THE ABOVE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF WIMBERLEY. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE CITY OF WIMBERLEY DISCLAIMS ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATIONS OF THE REPRESENTATIONS, FACTUAL OR OTHERWISE, CONTAINED IN THIS PLAT AND THE DOCUMENTS ASSOCIATED WITH IT.

MIKE BOESE, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

DATE

STATE OF TEXAS:
COUNTY OF HAYS:
I, ELAINE H. CARDENAS, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK __M., DULY RECORDED ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK __M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER ____ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF ____, 20__ A.D.

ELAINE H. CARDENAS, COUNTY CLERK
HAYS COUNTY, TEXAS

DEPUTY

PLAT PREPARATION DATE	PLAT SUBMITTAL DATE
4/23/2021 REV.: 7/26/2021 REV.: 9/2/2021	

ATS Engineers
Inspectors
& Surveyors
www.ats-engineers.com
TBPLS FIRM REG. #10126000
4910 West Hwy 290
AUSTIN, TEXAS 78735
(512) 328-6995
FAX: (512) 328-6996

(SUB-____)

PAGE 1 of 1

TOTAL AREA OF THIS SUBDIVISION: 9.694 ACRES
TOTAL USABLE AREA OF THE
SUBDIVISION: 3.568 ACRES

PLAT INFORMATION:
TOTAL NUMBER OF LOTS: 3

STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS:

THAT WE, DAVID M. JACKSON AND WIFE, SANDRA J. JACKSON, BEING THE OWNERS OF 9.694 ACRES OF LAND, BEING A PORTION OF LOT OR TRACT 4, LEATH HOLLOW SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT AS RECORDED IN VOL. 1, PGS. 25-26, PLAT RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO US BY GENERAL WARRANTY DEED AS RECORDED IN DOC. NO. 21007480, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 9.694 ACRES IN ACCORDANCE WITH THE PLAT SHOWN HEREON, TO BE KNOWN AS
JACKSON'S RESUBDIVISION OF A PORTION OF LOT 4, LEATH HOLLOW SUBDIVISION.

WITNESS OUR HANDS THIS ____ DAY OF ____, 20__

DAVID M. JACKSON
2216 TOULOUSE DRIVE
AUSTIN, TEXAS 78748

SANDRA J. JACKSON
2216 TOULOUSE DRIVE
AUSTIN, TEXAS 78748

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID M. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINTED NAME:

DATE NOTARY COMMISSION EXPIRES: ____

WITNESS MY HAND THIS ____ DAY OF ____, 20__

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SANDRA J. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT SHE EXECUTED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINTED NAME:

DATE NOTARY COMMISSION EXPIRES: ____

WITNESS MY HAND THIS ____ DAY OF ____, 20__

FLOOD PLAIN NOTE:
NO PORTION OF THIS TRACT LIES WITHIN THE BOUNDARIES OF A DESIGNATED SPECIAL FLOOD HAZARD AREA OR THE 100 YEAR FLOODPLAIN AS SHOWN AS DETERMINED BY/SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NO. 48209C0355F FOR HAYS COUNTY, TEXAS, DATED 09-02-2005 FOR HAYS COUNTY, TEXAS. THIS TRACT FALLS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN.)

SURVEYOR'S CERTIFICATION
I, PAUL UTTERBACK, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; AND WAS PREPARED FROM AN ACTUAL SURVEY, MADE UNDER MY SUPERVISION PERFORMED ON THE GROUND, OF THE PROPERTY.

PAUL UTTERBACK
R.P.L.S. NO. 5738
ATS ENGINEERS, INSPECTORS & SURVEYORS
TBPLS FIRM REG. #10126000
4910 WEST HWY. 290
AUSTIN, TX 78735
(512) 328-6995

DATE

Job: #20122109s

Path: Projects\BULK\G-L\LeathHollow\Production\Drawings\PLAT_LeathHollow_210318.dwg



Nathan Glasier, Planner
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

RE: Lot Size Variance for Leath Hollow, Lot 4 Replat

Nathan,
Please accept this letter explaining the need for the lot size variance for Lot 3. As you can note from the submitted plat, Leath Hollow Drive physically separates Lot 3 from the rest of the parent tract known as Lot 4. The configuration of Lot 3 essentially already exists as it is proposed since it is everything south of the local road. It wasn't logical to create a new lot that spanned the road when it could be created making a clean lot being entirely on one side of the road and the other two lots are on the other side of the road.

Please let me know if you have any questions regarding this matter,
Best regards,
Jon

Jon Thompson
J Thompson Professional Consulting, LLC
PO Box 172
Dripping Springs, Texas 78620
(512) 568-2184
jthompsonconsultingds@gmail.com

SUB-21-006

RefName	OwnerName	Percent
R135098	WEBB PAMELA J	3.4236
R34034	WARE, CHARLES D, III	5.139513
R97909	BANISTER MARTIN WILLIAM & VAN KOLKEN BANISTER AMY MARIE	0.001581
R37494	WIMBERLEY WATER SUPPLY CORP	0.01661
R37495	WIMBERLEY WATER SUPPLY CORP	0.01661
R34027	HOLT RICHARD A & L KATHLEEN REVOCABLE TRUST	18.29011
R34033	WARE, CHARLES D, III	5.873913
R34041	DE JONG TIMOTHY	18.513523
R34042	12322 RANCH ROAD 12 LLC	9.844196
R34040	TOWNS RYAN & MANDI	4.987756
R63334	BARNARD JOHN PERRY	3.415696
R34038	OBER JAMES N & LAYNE	4.398992
R34029	WOOD ED & LEACH JACK JR	6.185863
R135097	M & M MCCLAY PROPERTIES LLC	0.510561
R151592	MASSEY STEPHEN C	4.545983
R151591	REYES MARK A & WILLIS VICKIE L	10.516985
R143676	DEJONG, TIMOTHY EDWARD	4.454175
		0.000166
R132181	MURPHY MICHAEL S & RODRIQUEZ DINA D	0.002016

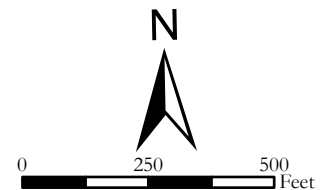


200' Notification Map

© 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



PRIVATE ROAD MAINTENANCE AGREEMENT

An Agreement made this original date of _____, 20____, applicable to the undersigned parcel owners and users,

RECITALS

WHEREAS, Leath Hollow Road is a private road situated in Wimberley, County of Hays, State of Texas, and

WHEREAS, the undersigned parcel owners are the owners or users of the Roadway Property situated in Wimberley, County of Hays, State of Texas, commonly known as Leath Hollow Road, and

WHEREAS, the parties desire to enter into an Agreement regarding the costs of maintenance and improvements to Leath Hollow Road; and

WHEREAS, it is agreed that future parcel owners or users will add their signatures to this document;

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. **Vehicle and Pedestrian Access Easement.** The Roadway Property shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all the parcel owners and their occupants, agents, employees, guests, services and emergency vehicles, and those individuals appointed by the City Board to conduct semi-annual road reviews.
2. **Utility Easement.** The Roadway Property shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained.
3. **Road Maintenance.** Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of parcel owners is required for any road improvements and to accept the bid for any road improvement contract. Before authorizing expenditures for future road improvements, parcel owners will be notified, cost estimates will be provided, and a majority agreement will be required. If any parcel owner performs improvements, maintenance, repairs or replacements without the approval of the other lot owners prior to performing such work, the lot owner performing such work shall become liable for the entire cost thereof.
4. **Parking.** For the safety of the residents, no machinery, trailers, vehicles or other property may be stored or parked upon the Private Road except parking of vehicles for limited periods of time (not to exceed twelve hours).
5. **Cost Sharing.** Road maintenance and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above mentioned road. Each parcel owner's share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway extending from the start of the Private Road to the intersection of each driveway where a residence exists, or to the midpoint of a property frontage that is adjacent to the roadway when a residence does not exist.

6. **Definition of a Parcel.** A parcel is defined as a land entity having a certified survey map (CSM), a platted subdivision lot number, or a parcel identification number in the case of unplatted lands. Each parcel is assessed and granted (1) vote regardless of the number of owners. If a parcel is owned by more than one person, all of the owners of the parcel will collectively be referred to as the “parcel owner” for purposes of this Agreement, and will be entitled to one collective vote (i.e. each parcel represents one vote in the matters covered by this Agreement).

7. **Future Parcels.** Any additional parcels gaining access to the Private Road by way of splitting existing parcels will be bound by all terms and conditions of this agreement, and will be required to pay that portion of the maintenance, snowplowing and improvement costs incurred after the split as determined using the formula contained in Paragraph No. 6 above. If any additional parcels are created after the original Private Road Maintenance Agreement is signed, the new parcel owners must also sign the agreement. When a parcel is being sold on a land contract, the land contract vendee shall be deemed the owner of record.

8. **Effective Term.** This Agreement shall be perpetual, and shall encumber and run with the land as long as the road remains private.

9. **Binding Agreement.** This Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators and assigns.

10. **Amendment.** This Agreement may be amended only by a two-thirds majority consent of all parcel owners.

11. **Enforcement.** This Agreement may be enforced by a majority of parcel owners. If a court action or lawsuit is necessary to enforce this Agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.

12. **Disputes.** If a dispute arises over any aspect of the improvements, maintenance, repair or replacement, a third party arbitrator shall be appointed to resolve the dispute. The decision of the arbitrator shall be final and binding on all of the lot owners. Contact information for local arbitrators can be obtained through the American Arbitration Association. In selecting a third party arbitrator, each lot shall be entitled to one vote, and the nominee receiving a majority of the votes shall be the arbitrator. All parties shall share in the cost of any arbitration.

13. **Notices.** Parcel owners under the Agreement shall be notified by mail or in person. If an address of a parcel owner is not known, a certified notice will be mailed to the address to which the parcel owner’s property tax bills are sent.

14. **Invalidity.** Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected and each term and condition shall be valid and enforceable to the extent permitted by law.

15. **Other Agreements.** This Private Road Maintenance Agreement replaces all previous Private Road Maintenance Agreements regarding the described Private Road.

16. **City Road and Driveway Ordinance.** The Private Road shall be constructed and maintained in accordance with the City’s Road and Driveway Ordinance. 24. **Disclaimer by City.** It is understood and agreed that the City, the City Board, the Plan Commission and the agents of the City shall not be liable or

responsible in any manner to the developer or the property owners along the road, or to their contractors, subcontractors, agents, or any other person, firm or corporation, for any debt, claim, demand, damages, action or causes of action of any kind or character arising out of or by reason of the activities or improvements being required herein.

17. Recording This Document. Original and amended copies of this document, including added signatures, shall be recorded and provided to the City Clerk.

Jason & Layne Ober – 100 Leath Hollow Dr., Wimberley TX 78676 (756 Ft of 1700 Ft) 12%

Ryan & Mandi Towns– 300 Leath Hollow Dr., Wimberley TX 78676 (1071Ft of 1700 Ft) 17%

Mark & Sandra Jackson - Leath Hollow Dr., Wimberley TX 78676 (1260 Ft of 1700 Ft) 20%

James Gainey & Emily Payette - Leath Hollow Dr., Wimberley TX 78676 (1512 Ft of 1700 Ft) 24%

Timothy De Jong – 500 Leath Hollow Dr., Wimberley TX 78676 (1700 Ft of 1700 Ft) 27%











AGENDA ITEM:	1. Discuss and consider possible action regarding a Temporary Structure Application to place a food trailer at 14306 Ranch Road 12, Wimberley, TX. (<i>Jaquelin Gomez</i>)
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	October 19, 2021
MEETING DATE:	October 21, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley Temporary Structure ordinance (Article 4.04) requires temporary structures to receive approval from City Council prior to being permitted. The City has received an application for the placement of a Food Trailer at 14306 RR 12, in the parking lot of the laundromat near the intersection of RR12 and FM 2325. There is already one food trailer currently operating on this property. The applicant has requested that the permit be valid until 9/30/2023.

REQUESTED ACTION

Motion

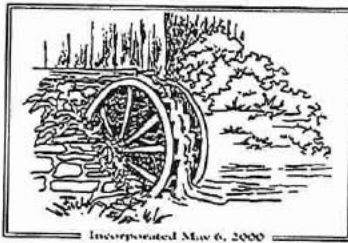
FINANCIAL

STAFF RECOMMENDATION

Staff recommends approval of this Temporary Permit application. The proposed food trailer will take the place of a previous food trailer that ceased operation earlier this year. Prior to that, two food trailers had been operating at that location without any issues being brought to the City.

ATTACHMENT/S

1. Temp Struc Rosita's CC



City of Wimberley

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

SEP 30 2021

Temporary Structure Planning & Development

Date: 9/30/21

Staff Review: D.G.

Permit No.: _____

Council Hearing: 10/21/21

Applicant: Jaquelin Gomez

Mailing Address: _____

Phone: _____

(If different from above)

Property Owner: Wimberley AF RE LLC

Mailing Address: _____

Phone: _____

Subject Property Address: 14306 RR12 Wimberley, TX 78676

Purpose/Use of Structure: Food trailer

Requested Installation Date: October 1, 2021 Requested Removal Date: September 30, 2023

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: Jaquelin Gomez Date: _____

City Official: _____ Date: _____ ☐ Approved ☐ Denied





AGENDA ITEM:	ZA-21-009 – Rezone from RA to R1, Lot 24 & 25 Hilltop Place Sec 2
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	August 31, 2021
MEETING DATE:	September 23, 2021 (Spec P&Z) / September 30, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and take possible action regarding case ZA-21-009, an application for a Zoning Amendment to change the zoning for portions of Lot 24 & Lot 25, Hilltop Place Section 2, Wimberley, Hays County, Texas, from Residential Acreage (RA) to Rural Residential (R1).

This request is related to a proposed subdivision of Lots 24 & 25, creating lots 24A, 24B, and 25A. Lots 24A and 24B of the proposed subdivision are 2.2 acres each, which is not compliant with lot size minimums for RA. Therefore, the applicant is requesting R1 zoning for the proposed Lots 24A and 24B, while leaving Lot 25A as RA.

The main differences between RA and R1 zoning:

1. R1 has minimum lot size of 2 acres, RA is 5 acres.
2. RA allows for two single-family dwellings, R1 only permits one (unless a CUP is granted)
3. RA allows for commercial agriculture and buildings (barns, greenhouses, etc)

Please refer to section 9.03.071 and 9.03.072 for the full description of the districts.

PROPERTY INFORMATION

Property Description

Applicant(s):	Ash and Associates
Property Address:	Last two lots on the East side of Sierra Loma
Property Owner:	Tom Lucas, TMLSS Lucas Texas Properties LLC.
Legal Description:	Lot 24 & 25, Hilltop Place Section 2
Property Size:	10.12
Existing Use of Property:	Raw Land
Existing Zoning:	Residential Acreage
Proposed Use of Property:	Single-Family Residential

Request: Change zoning for proposed Lot 24-A and 24-B to R1 contingent on approved subdivision.
Planning Area: I
Overlay District: None

Surrounding Property:

Frontage: Sierra Loma

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	RA	Raw Land
	South of Property	RA	Single-Family Residential
	East of Property	RA	Single-Family Residential
	West of Property	RA	Single-Family Residential

COMMENTS

Two neighbors spoke in opposition to the zoning change at the special Planning and Zoning hearing on September 9th. The neighbors were concerned with the smaller lot sizes allowed in R1(2 acre minimum). They also had concern at the potential for more Short Term Rentals in the neighborhood, though both zoning district's allow for STRs upon the approval of a Conditional Use Permit.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): September 11, 2021
Published Legal Notice (Wimberley View): September 9, 2021

RECOMMENDATION

The Planning and Zoning Commission recommended denial of this zoning application with a 6-0 vote. They concluded that the R1 zoning does not maintain the character of the community regarding lot size minimums.

ATTACHMENT/S

- Application
- Zoning Map of Neighborhood
- Notification Map
- Ordinance

FOR OFFICIAL USE ONLY

APPLICATION DATE: _____ FILE NO. _____
TENTATIVE P&Z HEARING: _____ TENTATIVE COUNCIL HEARING: _____
CITY INITIATED: ☐ YES - ☐ NO PLANNING AREA: _____ ZONING REQUESTED: _____
ZONING FEES: \$ _____ DATE PAID: _____ RECEIPT NO. _____

**APPLICATION FOR ZONING
RESIDENTIAL—NON-COMMERCIAL**

STREET ADDRESS OF
PROPERTY TO
BE ZONED*: Sierra Loma Wimberley, Texas HAYS COUNTY CENTRAL
APPRAISAL DISTRICT (HCAD)
PROPERTY ID#: R 32038 **

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

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

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

±3,000' NORTH of the intersection of S.M. 32 & Ranch Road 12,
to east of Ranch Road in gated community.

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

TMLSS PLUS LUCHAS
1. OWNER'S NAME: TEXAS PROPERTIES HOME PHONE: [REDACTED]
LLC BUSINESS PHONE: () _____
FAX: () _____
E-MAIL: _____

OWNER'S CURRENT MAILING
ADDRESS: [REDACTED]

2. HEARING REPRESENTATIVE
NAME: ASH & Associates PHONE: (512) 392-1719
FAX: () _____

REPRESENTATIVE'S MAILING
ADDRESS: 142 JACKSON LANE CITY SAN MARCOS STATE TX ZIP 78666

3. NAME OF REAL ESTATE COMPANY INVOLVED: _____

PROPERTY INFORMATION

4. TOTAL AREA TO BE ZONED: ACRES 10.12 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: _____

5. PLANNING AREA(S) : _____ 6. PROPOSED ZONING: R-1 - SINGLE FAMILY

EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): RA - RESIDENTIAL MEDIUM DENSITY

6. EXISTING STRUCTURES: NONE

PROPOSED STRUCTURES/USE: RESIDENTIAL HOMES

7. LEGAL DESCRIPTION

Subdivision: DEPUTAT HILLTOP PLACE SECTION NO. 2.
Lot(s) 24 & 25

Block(s) - Plat Book: 2 Page Number: 49

8. DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):
DOC. NO. 18045379

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

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

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): ZONE "X" - 48209C0355F

C. ELECTRIC UTILITY PROVIDER: POWERLINES ELEC. -(PROPOSED)

WATER UTILITY PROVIDER: PRIVATE WATER & RAIN WATER COLLECTION

WASTEWATER UTILITY PROVIDER: PRIVATE CSEF (PROPOSED)

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

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: 5/31/2021 APPLICANT SIGNATURE Art A. Asencio

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

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

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: SIERRA LOMA, and more particularly known as Lot 24 & 25, Block — of the PLANT of HILL TOP ^{PHASE SEC. NO. 2} 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: _____ APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: 5/31/2021 AGENT SIGNATURE Art A. Asencio



161 7 1935/

SEE SHEET 2

NUMBER	AC.	LC.
182	2.59	182.00
183	2.00	183.00
184	2.00	184.00
185	2.00	185.00
186	2.00	186.00
187	2.00	187.00
188	2.00	188.00
189	2.00	189.00
190	2.00	190.00
191	5.00	191.00
192	5.00	192.00
193	5.00	193.00
194	5.00	194.00
195	5.00	195.00
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199	5.00	199.00
200	5.00	200.00



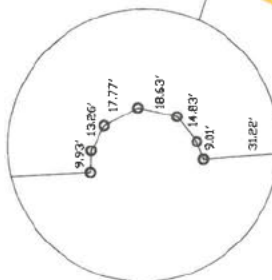
SECTION 2

LEGEND

- IRON STATE W/ALUMINUM CAP (PRO-TEST ENG 2218) SET
- CONC. MONUMENT FOUND
- FENCE W/ ANGLE POINT
- HAYS COUNTY DEED RECORD
- HAYS COUNTY PLAT RECORD



EUGENE PUCHALSKI SURVEY NO.89



INSET

LINE	DIRECTION	DISTANCE
L1	N04°24'19"W	31.22'
L2	N05°31'51"E	14.83'
L3	N02°33'52"E	18.63'
L4	N07°56'40"E	17.77'
L5	N01°18'15"W	13.26'
L6	N08°37'48"W	9.93'
L7		

DONALD L. WILLIS
189.9845 ACRES

875
593

SEE SHEET 5

PRO-TECH
ENGINEERING
GROUP
INCORPORATED
100 E. San Antonio St., Suite 100
San Antonio, TX 78205
(214) 333-3333

JANUARY 3, 1997
SHEET 4 OF 7

SCALE: 1" = 200'

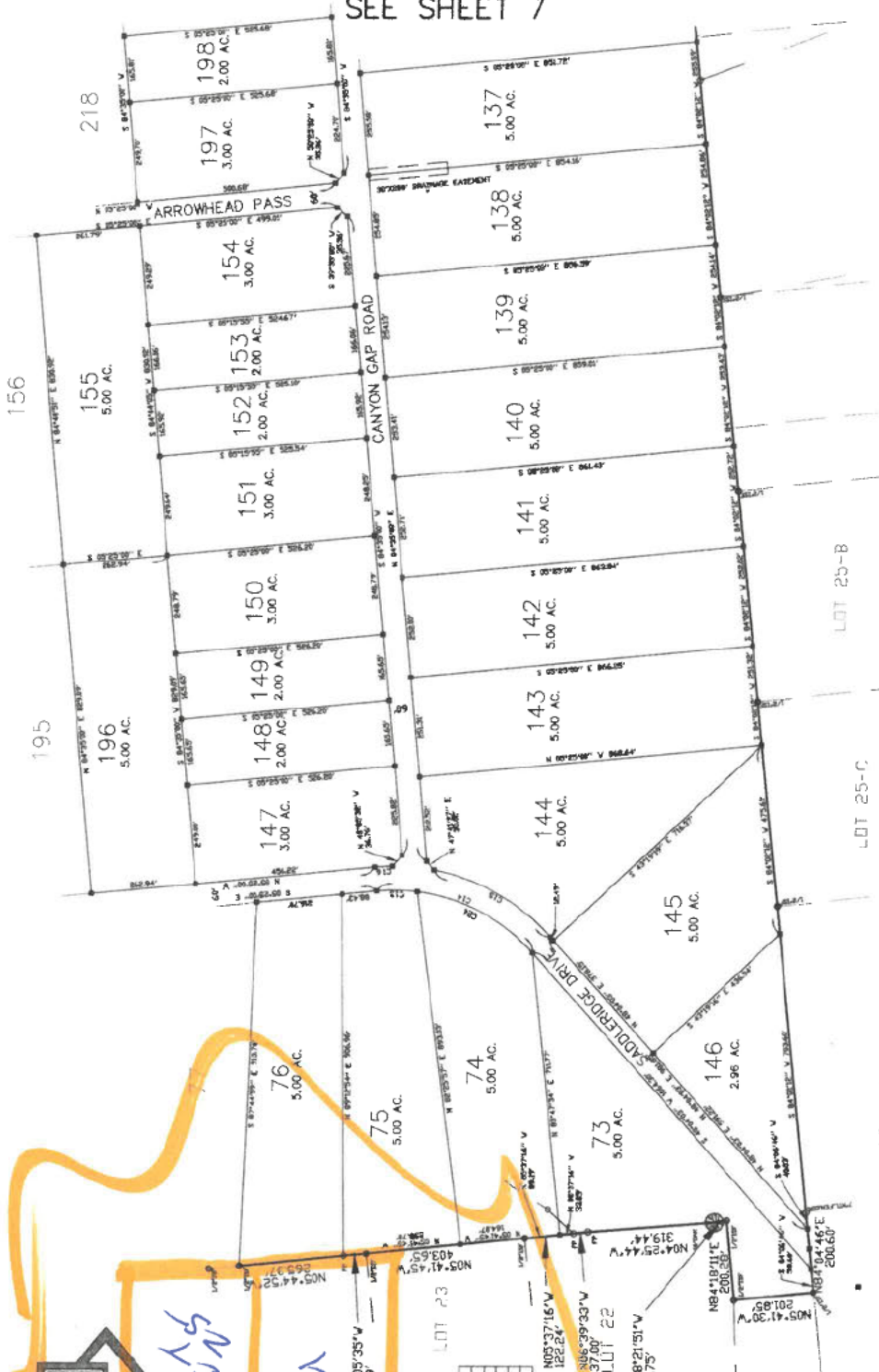
SEE SHEET 6

E.O. 14573
PLAN NO. 5201
EDUCATION/4573/PLAN/SECTION/5201/4573

Vol 7 Pg 3543

SEE SHEET 4

SEE SHEET 7



SECTION 2

EUGENE PUCHALSKI SURVEY NO.89

NUMBER	IN	TO	FEET	DEGREES	MINUTES	SECONDS	ACRES
C13	470.00	1071.58	100.78	0	00	00	100.78
C14	470.00	537.03	428.73	0	00	00	428.73
C15	500.00	377.03	544.75	178.72	0	00	538.70
C16	500.00	047.55	42.00	21.51	0	00	42.89
C17	470.00	1412.08	337.98	176.67	0	00	338.75

- LEGEND**
- IRON STAKE W/ALUMINUM CAP (FWG-TECH ENG 2218) SET
 - IRON STAKE (FOUND)
 - CONC. MONUMENT FOUND
 - POLE P/ANGLE POINT
 - FENCE LINE
 - HAYS COUNTY RAS RECORD
 - HAYS COUNTY PLAT RECORD

O.G. PARKE SURVEY NO.2

OAKWOOD HILLS
UNRECORDED SUBD.

NO-TECH
ENGINEERING GROUP
INCORPORATED
100 E. 30th Avenue, Suite 100
Denver, CO 80202
(303) 733-3335

JANUARY 3, 1997
SHEET 6 OF 7

SCALE: 1" = 200'

E.O. 14573
PLAN No. 5201

SUBMITTAL CHECKLIST

- ☒ Complete Zoning Application.
- ☒ Provide a plat map of the property to be zoned, showing scale.
- ☐ Provide a plat map of all properties within 200 feet of any portion of Applicant's property and indicate Applicant's property on such map. Map must clearly indicate scale of map, streets and main arteries leading to property.
- ☒ 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 Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning (or sign waiver below).
- ☒ Sign/date Submittal Verification and/or Waiver of Appearance form.
- ☒ Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning.

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.

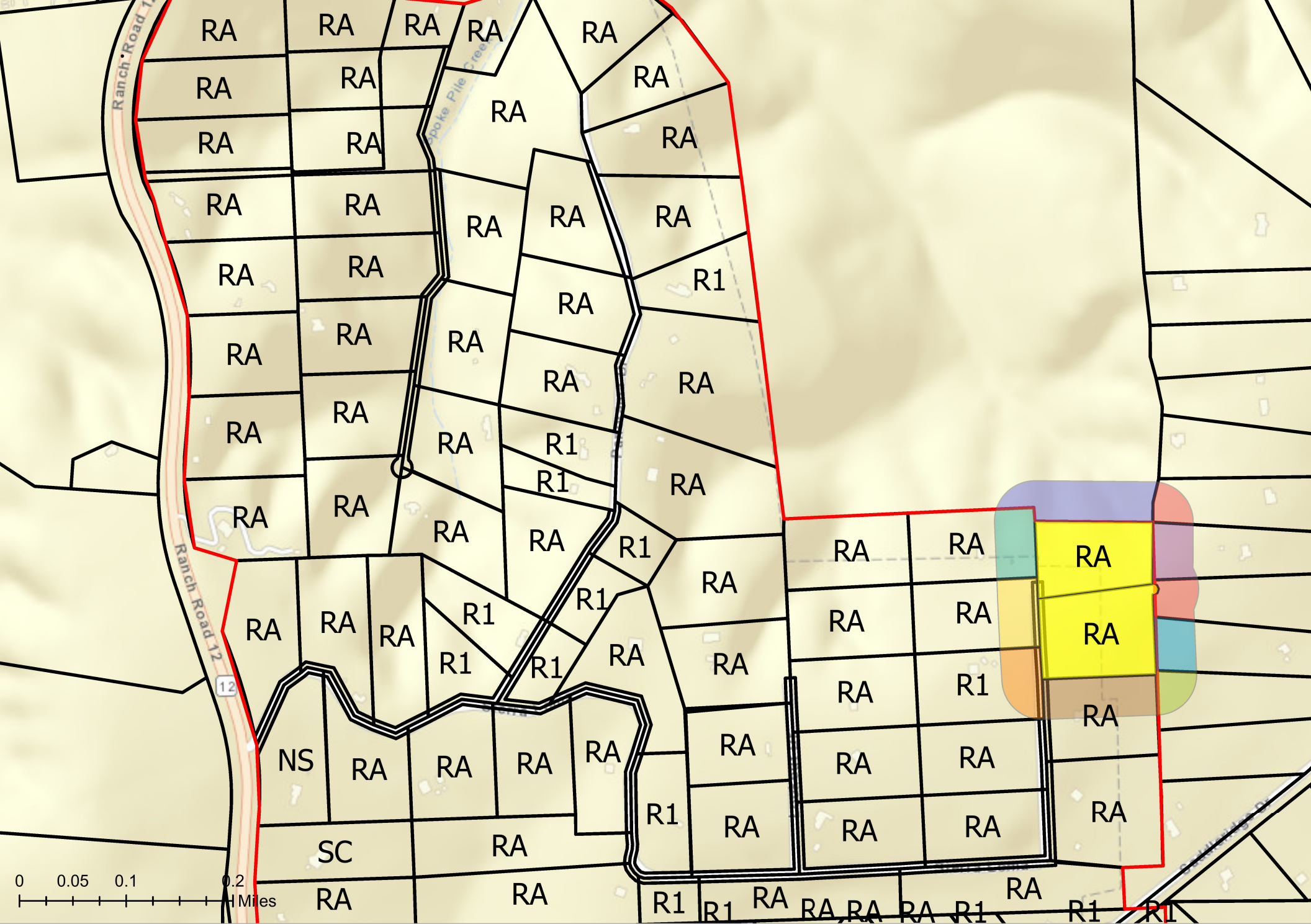
Date: _____

APPLICANT SIGNATURE _____

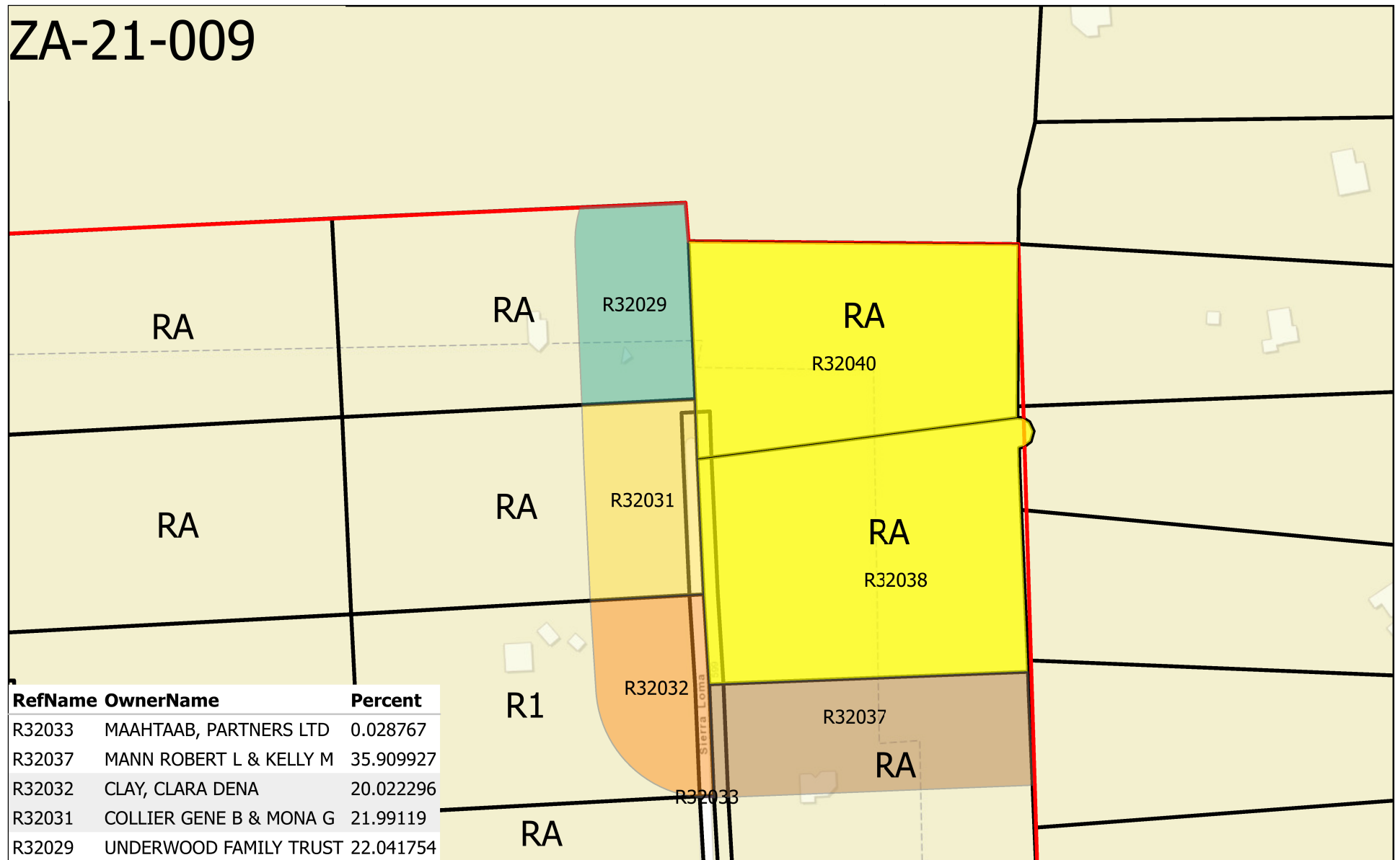
WHEN APPLICABLE:

Date: 8/31/2021

AGENT SIGNATURE: Asst & Associates



ZA-21-009

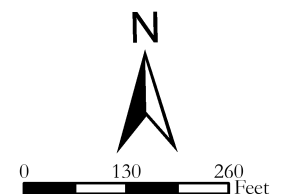


200' Notification Map

© 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 LOT 24A & LOT 24B, OF THE REPLAT OF HILLTOP PLACE, SECTION 2, WIMBERLEY, HAYS COUNTY, TEXAS, FROM RESIDENTIAL ACREAGE (RA) TO RURAL RESIDENTIAL (R-1)

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 4.4 acres of land out of the Replat of Hilltop Place Subdivision, Section 2, in Wimberley, Hays County, Texas, also known as Lot 24A and Lot 24B, from Residential Acreage (RA) to Rural Residential (R-1).

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 4.4 acres of land out of the Replat of Hilltop Place Subdivision, Section 2, in Wimberley, Hays County,

Texas, also known as Lot 24A and Lot 24B, from Residential Acreage (RA) to Rural Residential (R-1) zoning classification.

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the ____ day of _____ 2021 by a vote of _ (Ayes) and _ (Nays) and _ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

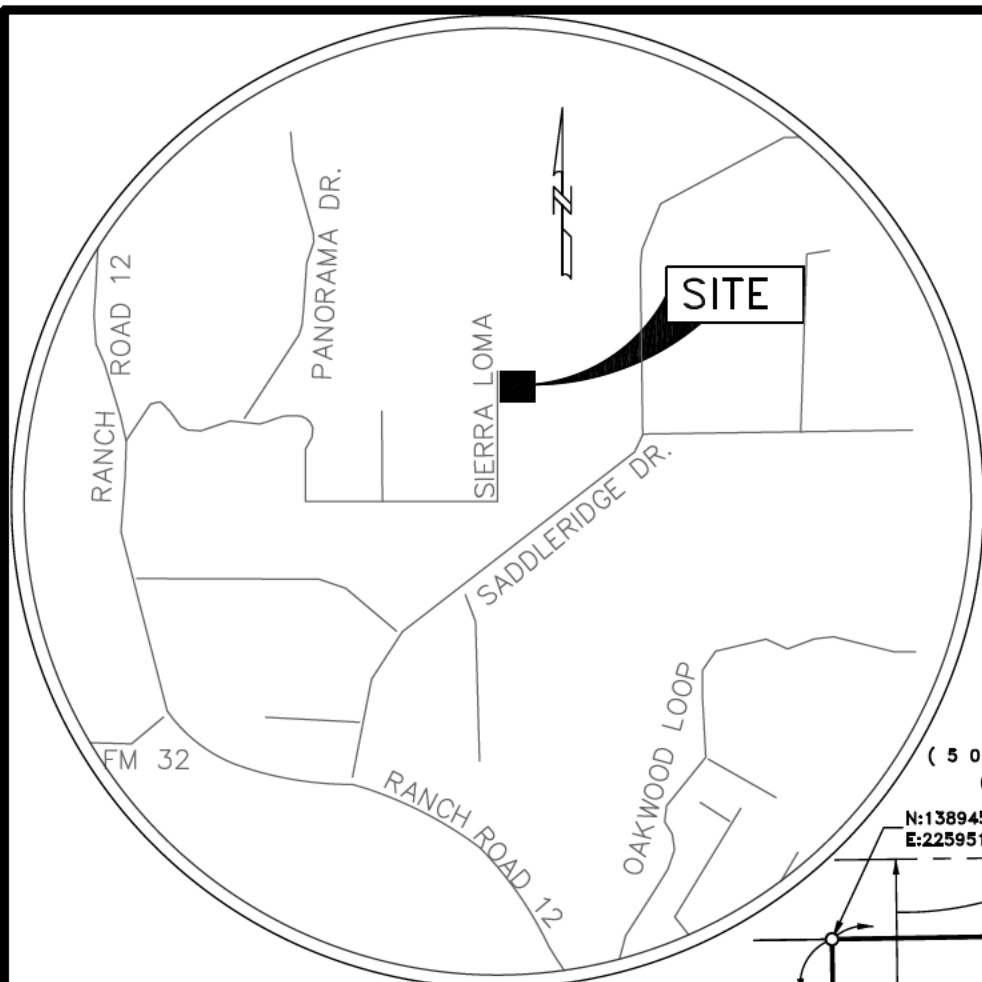
Laura Calcote, City Secretary



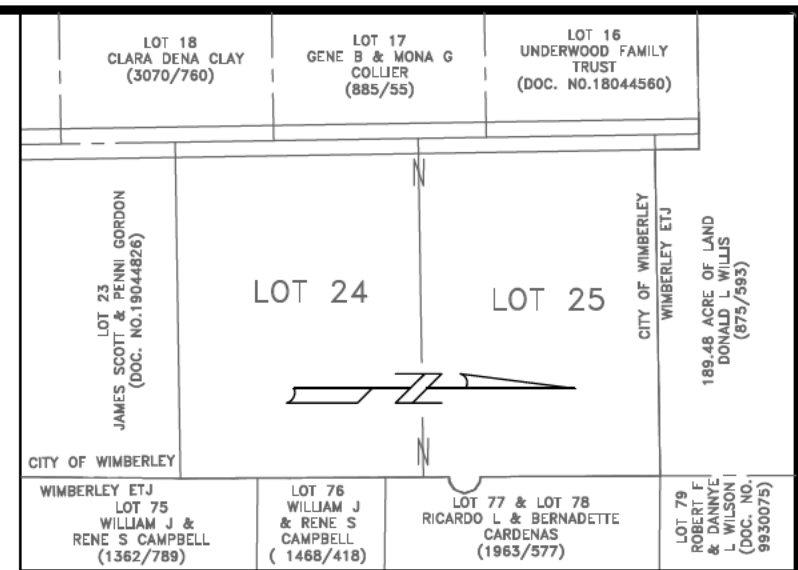
APPROVED AS TO FORM:

City Attorney

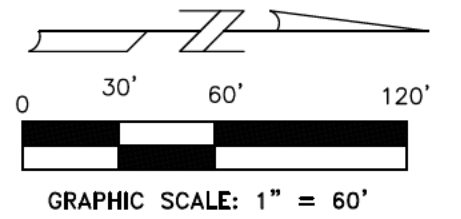
LOTS 24A - 24B & 25A
OF THE REPLAT OF LOTS 24 & 25 OF THE
REPLAT OF HILLTOP PLACE SUBDIVISION SECTION 2
VOLUME 2, PAGE 49
P.R.H.C.TX.



VICINITY MAP
1" = 2,000'



ORIGINAL LOT CONFIGURATION
N.T.S.

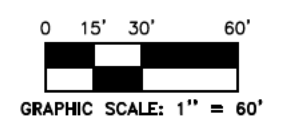


- LEGEND**
- IRON PIPE FOUND
 - IRON ROD FOUND
 - IRON ROD SET
 - CAPPED "RPLS 5687"
 - "X" IN CONCRETE
 - PK FOUND
 - CALCULATED POINT
 - CONCRETE MONUMENT
 - FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - CLEANOUT
 - GAS VALVE
 - POWER POLE
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 - CHAIN LINK FENCE
 - WIRE FENCE
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 - TELEPHONE PEDESTAL
 - CABLE PEDESTAL
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - ELECTRIC GROUND
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 - UNDERGROUND UTILITY TEST STATION
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 - ELECTRIC TRANSFORMER
 - TRAFFIC SIGNAL BOX
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE
 - (BRG.-DIST.) RECORD CALL

NOTE:

1) BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY H.A.R.N. (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE (TEXAS SOUTH-CENTRAL ZONE) COORDINATES & NAD83 (HORIZONTAL).

LOTS 24A - 24B & 25A
OF THE REPLAT OF
LOTS 24 & 25 OF THE
REPLAT OF HILLTOP PLACE
SUBDIVISION SECTION 2
VOLUME 2, PAGE 49
P.R.H.C.TX.



OWNER: TMLSS PLUS
TEXAS PROPERTIES LLC.
60001 E. LOS ANGELES AVE.
SOMIS, CA. 93066

ASH & ASSOCIATES

SURVEYING - PLANNING - ARCHITECTURE
"SERVING THE COMMUNITY OF TEXAS"

142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
ashandassociates.net

Surveying:
100847-00
Architect:
TX20240

DRAWN: MAM SCALE: 1"=60'
REVIEWED: RHT DATE: 06/24/2021
©ASH & ASSOCIATES, L.L.C.

REV.
08/31/2021
-

PROJECT No.
20-7635
SHEET 1 OF 2

PRELIMINARY 08/31/2021

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	10.04'	S84°38'25"E
L2	13.21'	S56°21'25"E
L3	17.78'	S23°54'15"E
L4	18.71'	S16°59'00"W
L5	14.74'	S54°51'15"W
L6	9.85'	S76°26'22"W
L7	31.54'	N01°38'45"W
RECORD LINE TABLE		
LINE #	LENGTH	DIRECTION
(L1)	(9.77')	(S77°43'E)
(L2)	(14.84')	(S55°40'E)
(L3)	(18.66')	(S17°25'E)
(L4)	(17.75')	(S22°57'W)
(L5)	(13.27')	(S56°13'W)
(L6)	(9.9')	(S83°28'W)
(L7)	(41.0')	(S00°15'59"E)



AGENDA ITEM:	Special Exception Request and SUB-21-009 - Resubdivision of Lots 24 & 25, Hilltop Place Sec 2
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	August 30, 2021
MEETING DATE:	September 23, 2021 (Spec P&Z) / September 30, 2021 (City Council)

REPORT

ITEM

This item is related to an application for a proposed 3-lot subdivision of Lot 24 & 25, Hilltop Place Section 2, located on Sierra Loma Dr, Wimberley, Hays County, Texas. Sierra Loma Dr is a private road maintained by the Hilltop Place HOA. The applicant is seeking a special exception subdivision from the City Subdivision Code [Section 9.02.115](#) (19) prohibiting private roads.

PROPERTY INFORMATION

Property Description

Applicant(s):	Ash and Associates
Property Address:	Last two lots on the East side of Sierra Loma
Property Owner:	Tom Lucas, TMLSS Lucas Enterprises
Legal Description:	Lot 24 & 25, Hilltop Place Section 2
Property Size:	10.12 acres
Existing Use of Property:	Single Family Residential
Existing Zoning:	RA
Proposed Use of Property:	Single Family Residences
Request:	Approval of the special exception
Planning Area:	I
Overlay District:	None

Surrounding Property:

Frontage:	Sierra Loma (private road)
------------------	----------------------------

Surrounding Zoning & Land Use	North of Property	Current Zoning:	Existing Land Use:
		RA	Raw Land
	South of Property	RA	Single-Family

Utilities (proposed)	East of Property	RA	Residential Single-Family Residential	
	West of Property	RA	Single-Family Residential	
	Lot 24A	Electricity PEC	Water Rainwater Collection	Wastewater OSSF
	Lot 24B	PEC	Rainwater Collection	OSSF
	Lot 25A	PEC	Existing Wells	OSSF

COMMENTS

One neighbor provided information on the private road, Sierra Loma Dr. Another neighbor spoke in opposition to the subdivision due to fire safety, and ingress and egress as there is only one entrance and exit.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): September 11, 2021
Published Legal Notice (Wimberley View): September 9, 2021

RECOMMENDATION

Planning and Zoning recommended denial of the special exception (5-0-1) based on the assumption that they would recommend denial of subdivision.

ATTACHMENT/S

- Variance Letter

 ASH & ASSOCIATES
SURVEYING - PLANNING - ARCHITECTURE
"Serving the Community of Texas"
142 Jackson Lane
San Marcos, Texas 78666
Phone: 512-392-1719
ashandassociates.net

August 31, 2021

Planning & Development
221 Stillwater
Wimberley, Tx. 78676.

Mr. N. Glaiser,

I, Tom Lucas owner of TMLSS PLUS LUCAS TEXAS PROPERTIES LLC., owner of Lot 24 and Lot 25, Replat of Hilltop Place Section 2, Vol.2, Pg. 49, Plat Records, Hays County, Texas, as conveyed by deed recorded in Document No. 18045379 Official Public Records, Hays County, Texas, would like to request a Variance from Section 9.02.115 (19) of the City Code, which prohibits private streets. Shown on the Replat of said Hilltop Place, as a 50' Easement (Hilltop Drive) and commonly known as Sierra Loma. The Replat of said Lot 24 and Lot 25 will create 3 lots, which will have access to a public right-of-way via the 50' easement shown on said Replat of Hilltop Place. Please Replat of said Hilltop Place and the Proposed Replat of said Lot 24 and Lot 25 attached hereon.

Thank you,


Ash and Associates
512 392 1719



AGENDA ITEM:	SUB-21-009 -Resubdivision of Lots 24 & 25, Hilltop Place Sec 2
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	August 30, 2021
MEETING DATE:	September 23, 2021 (Spec P&Z) / September 30, 2021 (City Council)

REPORT

ITEM

Hold a public hearing and consider making a recommendation to City Council regarding case SUB-21-009, an application for a proposed 3-lot subdivision of Lot 24 & 25, Hilltop Place Section 2, located on Sierra Loma Dr, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s):	Ash and Associates
Property Address:	Last two lots on the East side of Sierra Loma
Property Owner:	Tom Lucas, TMLSS Lucas Enterprises
Legal Description:	Lot 24 & 25, Hilltop Place Section 2
Property Size:	10.12 acres
Existing Use of Property:	Single Family Residential
Existing Zoning:	RA
Proposed Use of Property:	Single Family Residences
Request:	Approval of resubdivision establishing Lot 24A, 24B, & 25A
Planning Area:	I
Overlay District:	None

Surrounding Property:

Frontage:	Sierra Loma (private road)
------------------	----------------------------

	Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use		
North of Property	RA	Raw Land
South of Property	RA	Single-Family Residential
East of Property	RA	Single-Family

	West of Property		RA	Residential Single-Family Residential
Utilities (proposed)		Electricity	Water	Wastewater
	Lot 24A	PEC	Rainwater Collection	OSSF
	Lot 24B	PEC	Rainwater Collection	OSSF
	Lot 25A	PEC	Existing Wells	OSSF

COMMENTS

One neighbor provided information on the private road, Sierra Loma Dr. Another neighbor spoke in opposition to the subdivision due to fire safety, and ingress and egress as there is only one entrance and exit.

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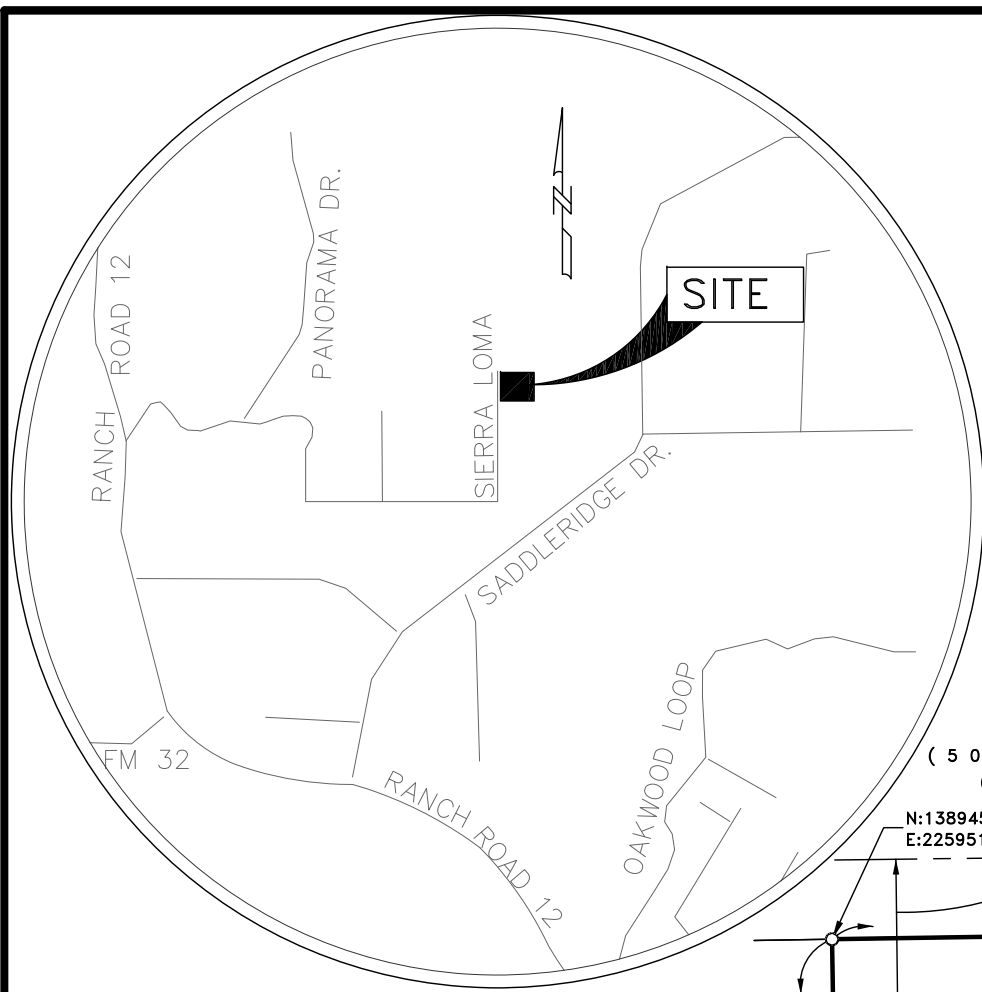
RECOMMENDATION

Planning and Zoning recommended denial of the subdivision (6-0) because the small lot sizes were not in compliance with the current zoning.

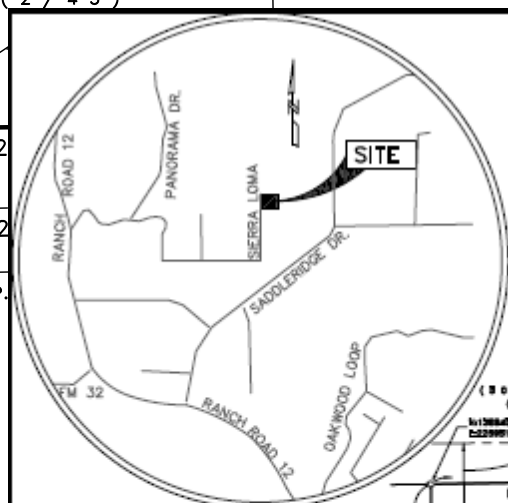
ATTACHMENT/S

- Replat of Lots 24 & 25, Hilltop Place Sec 2

LOTS 24A - 24B & 25A
OF THE REPLAT OF LOTS 24 & 25 OF THE
REPLAT OF HILLTOP PLACE SUBDIVISION SECTION 2
VOLUME 2, PAGE 49
P.R.H.C.TX.



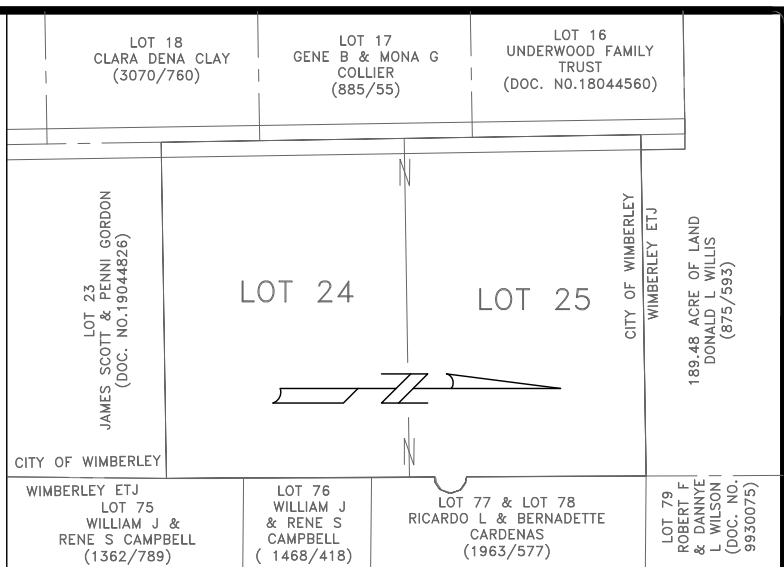
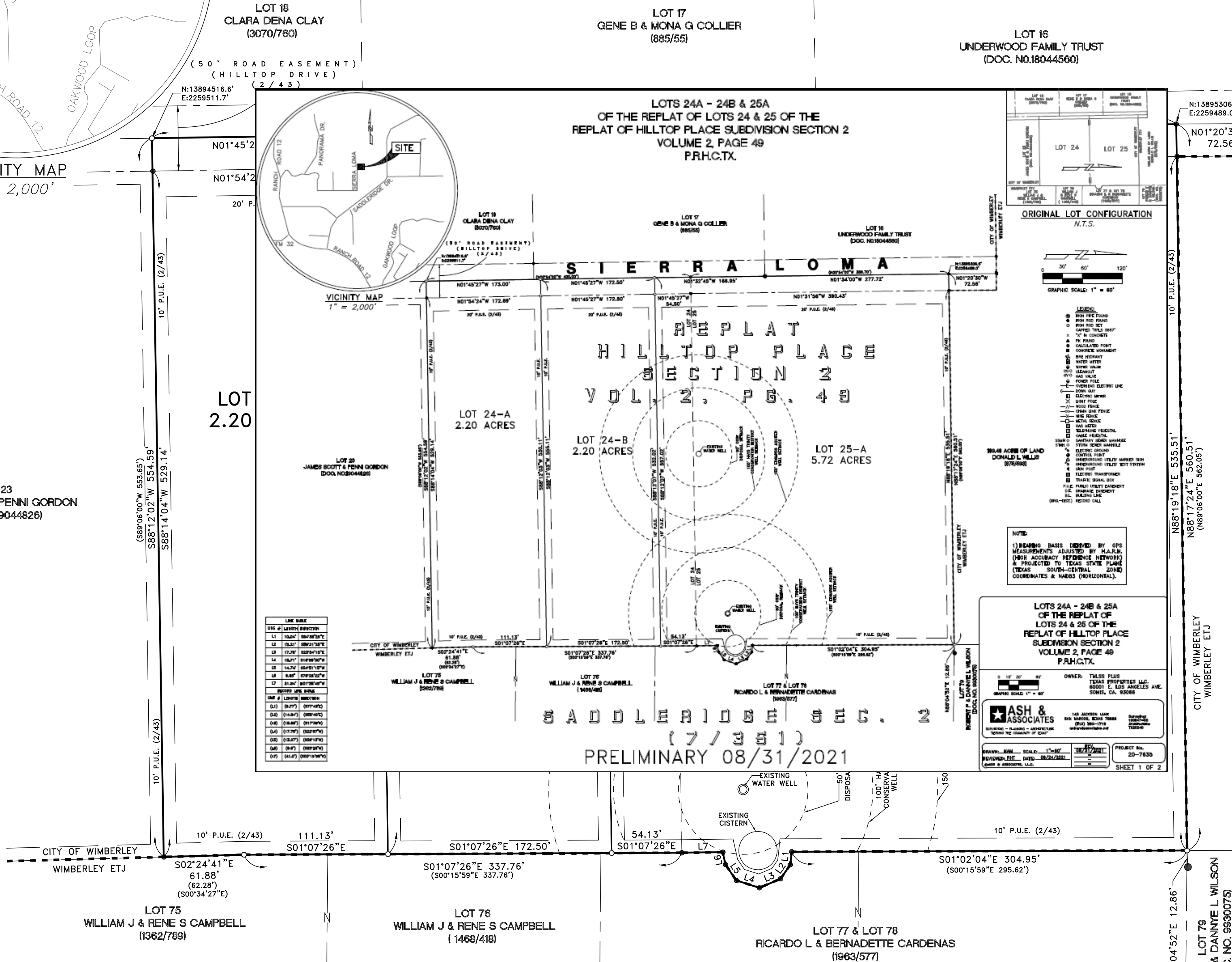
VICINITY MAP
1" = 2,000'



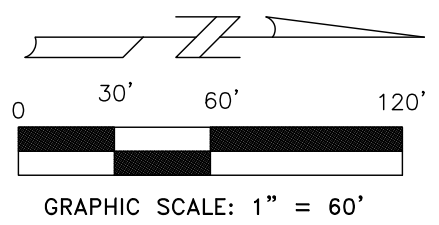
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LINE TABLE		
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L6	9.85'	S76°26'22"W
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RECORD LINE TABLE		
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(L5)	(13.27')	(S56°13'W)
(L6)	(9.9')	(S83°28'W)
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ORIGINAL LOT CONFIGURATION
N.T.S.



- LEGEND
- IRON PIPE FOUND
 - IRON ROD FOUND
 - IRON ROD SET
 - CAPPED "RPLS 5687"
 - "X" IN CONCRETE
 - PK FOUND
 - CALCULATED POINT
 - CONCRETE MONUMENT
 - FIRE HYDRANT
 - WATER METER
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 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE
 - (BRG.-DIST.) RECORD CALL

NOTE:
1) BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY H.A.R.N. (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE (TEXAS SOUTH-CENTRAL ZONE) COORDINATES & NAD83 (HORIZONTAL).

LOTS 24A - 24B & 25A
OF THE REPLAT OF
LOTS 24 & 25 OF THE
REPLAT OF HILLTOP PLACE
SUBDIVISION SECTION 2
VOLUME 2, PAGE 49
P.R.H.C.TX.

OWNER: TMLSS PLUS TEXAS PROPERTIES LLC. 60001 E. LOS ANGELES AVE. SOMIS, CA. 93066

142 JACKSON LANE SAN MARCOS, TEXAS 78666 (512) 392-1719 ashandassociates.net

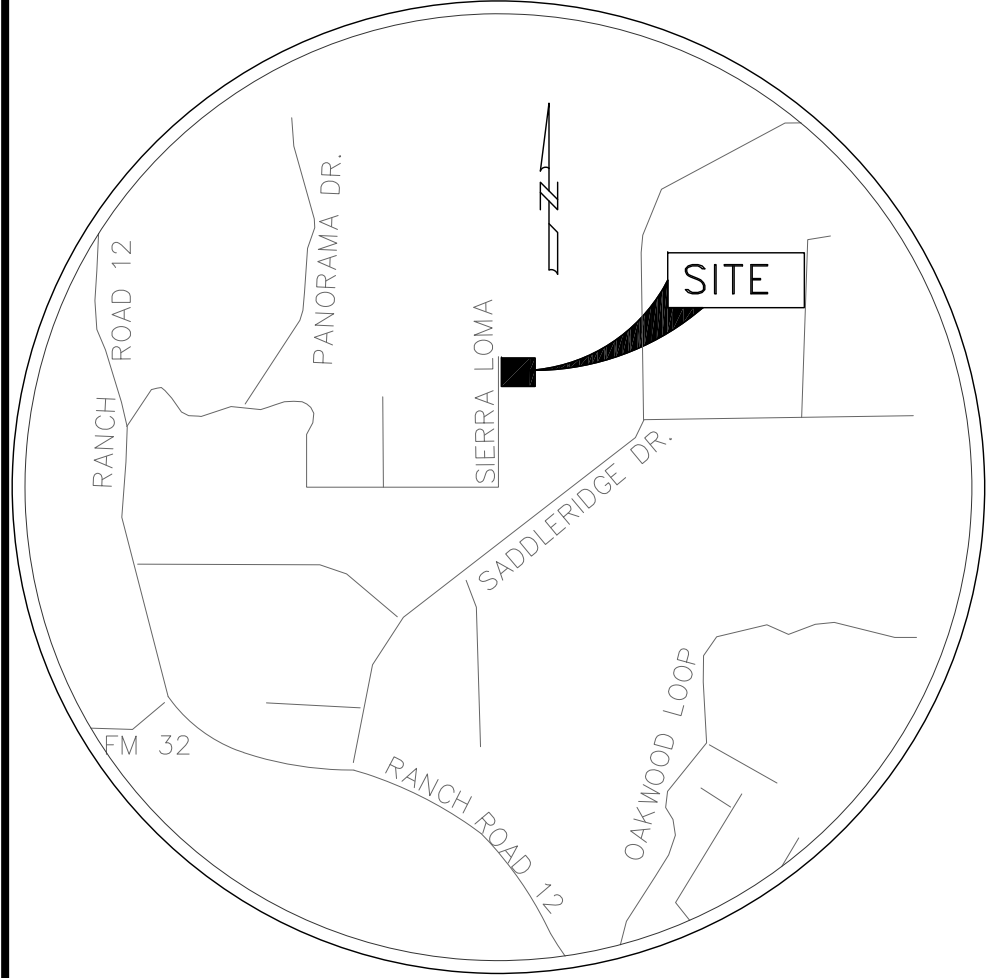
Surveying: 100847-00 Architecture: TX20240

DRAWN: MAM SCALE: 1"=60' REV. 08/31/2021 PROJECT No. 20-7635

REVIEWED: RHT DATE: 06/24/2021 SHEET 1 OF 2

©ASH & ASSOCIATES, L.L.C.

SADDLERIDGE SEC. 2
(7/351)
PRELIMINARY 08/31/2021



VICINITY MAP

1" = 2,000'

STATE OF TEXAS *
COUNTY OF HAYS *

KNOW ALL MEN BY THESE PRESENTS

THAT, TMLSS PLUS LUCAS TEXAS PROPERTIES LLC, BY AND THROUGH TOM LUCAS, PRESIDENT, OWNER OF LOT 24 & LOT 25, OF THE REPLAT OF HILLTOP PLACE SUBDIVISION, SECTION 2, AN ADDITION TO HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 2, PAGE 49, PLAT RECORDS, HAYS COUNTY, TEXAS, SITUATED IN THE EUGINE PRICHALSKI SURVEY, SECTION NO. 89, ABSTRACT NO. 374, HAYS COUNTY, TEXAS, AS CONVEYED BY SPECIAL WARRANTY DEED TO SAID TMLSS PLUS LUCAS TEXAS PROPERTIES, LLC., DATED DECEMBER 22, 2018 AND RECORDED IN DOCUMENT NO. 18045379, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, DO HEREBY REPLAT SAID LOT 24 AND LOT 25, AND ESTABLISH **"LOTS 24A - 24B & 25A OF THE REPLAT OF LOTS 24 & 25 OF THE REPLAT OF HILLTOP PLACE SUBDIVISION SECTION 2 - VOLUME 2, PAGE 49"**, PLAT RECORDS HAYS COUNTY, TEXAS, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED.

TOM LUCAS OWNER OF
TMLSS PLUS LUCAS TEXAS PROPERTIES LLC.
6001 E. LOS ANGELES AVE
SOMIS, CA. 93066

DATE

STATE OF TEXAS *
COUNTY OF HAYS *

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TOM LUCAS, OWNER OF TMLSS PLUS LUCAS TEXAS PROPERTIES LLC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF

_____, A.D., 20____.

NOTARY PUBLIC
STATE OF TEXAS

I, RICHARD H. TAYLOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES OR CONFLICTS UNLESS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WIMBERLEY TEXAS.

PRELIMINARY 08/31/2021

RICHARD H. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS, NO. 3986

DATE

LOTS 24A - 24B & 25A OF THE REPLAT OF LOTS 24 & 25 OF THE REPLAT OF HILLTOP PLACE SUBDIVISION SECTION 2 VOLUME 2, PAGE 49 P.R.H.C.TX.

PLAT NOTES:

1) THIS SUBDIVISION PLAT WAS PREPARED WITHOUT BENEFIT OF COMMITMENT FOR TITLE AND IS SUBJECT TO ALL RECORDED RESTRICTIVE COVENANTS, EASEMENTS AND RIGHT-OF-WAYS, NOT SHOWN HEREON AND IS SUBJECT TO ALL NOTES, COVENANTS AND RESTRICTIONS OF HILLTOP PLACE, SECTION 2, AN ADDITION TO HAYS COUNTY, TEXAS, ACCORDING TO THE PLATS RECORDED IN VOLUME 2, PAGE 43, PLAT RECORDS, HAYS COUNTY, TEXAS. AND REPLAT OF HILLTOP PLACE, SECTION 2, AS RECORDED IN VOLUME 2, PAGE 49, PLAT RECORDS, HAYS COUNTY, TEXAS.

2) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NO. 48209C0355F, DATED SEPTEMBER 2, 2005, THIS PROPERTY IS LOCATED IN ZONE "X" (UNSHADED), WHICH IS AN AREA OUTSIDE THE FEMA DESIGNATED 100-YEAR FLOODPLAIN.

3) BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY H.A.R.N. (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE (TEXAS SOUTH-CENTRAL ZONE) COORDINATES & NAD83 (HORIZONTAL).

4) THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE RECHARGE ZONE OF THE EDWARDS AQUIFER.

5) LOT 25 - TO BE SERVICED BY PRIVATE WATER WELL SYSTEM AND LOT 24-A, LOT 24-B TO BE SERVICED BY SURFACE WATER OR RAIN WATER COLLECTION SYSTEM.

6) THIS SUBDIVISION LIES WITHIN THE CORPORATE LIME OF THE CITY OF WIMBERLEY AND IS SUBJECT TO ITS ORDINANCES.

7) THIS SUBDIVISION LIES WITHIN THE FOLLOWING JURISDICTIONS:
ESD #4 AND #7, WIMBERLEY INDEPENDENT SCHOOL DISTRICT.

8) NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PERMITTED SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WIMBERLEY.

9) BUILDING SETBACK LINES PER CITY OF WIMBERLEY ZONING ORDINANCES.

10) LOT 25-A, LIMITED TO A TOTAL PUMP RATE OF 1,200 GALLONS OF WATER PER DAY.

UTILITY INFORMATION:

WATER: PRIVATE WELL - LOT 25-A
RAIN WATER COLLECTION LOT 24-A & LOT 24-B

SEWER: PRIVATE ON-SITE SEWAGE FACILITY
ELECTRICITY: PEDERNALES ELECTRIC

I, NATHAN GLAISER, PLANNING & DEVELOPMENT COORDINATOR OF THE CITY OF WIMBERLEY, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

NATHAN GLAISER

DATE

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____ BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS.

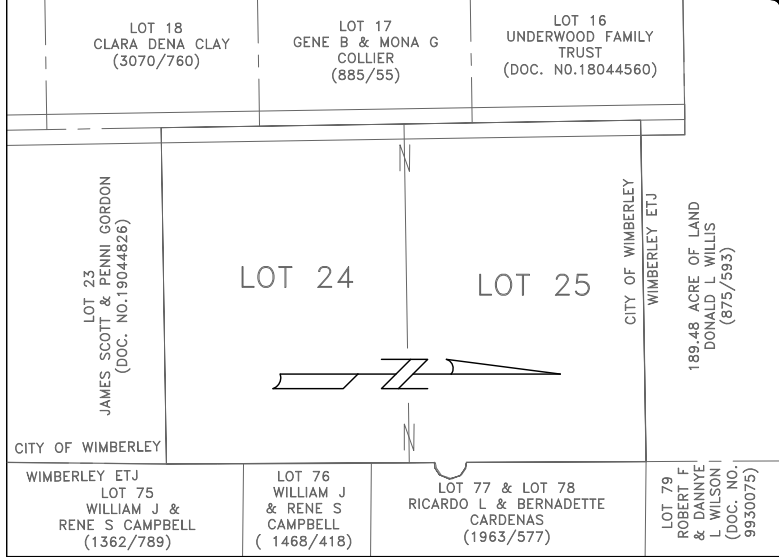
GINA FULKERSON, MAYOR

DATE

RECOMMENDED FOR APPROVAL ON THE _____ DAY OF _____, 20____ BY THE CITY PLANNING & ZONING COMMISSION OF THE CITY OF WIMBERLEY, TEXAS.

CHAIR

DATE



ORIGINAL LOT CONFIGURATION

N.T.S.

STATE OF TEXAS *
CITY OF WIMBERLEY *

BASED UPON THE ABOVE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF WIMBERLEY. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE CITY OF WIMBERLEY DISCLAIMS ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATIONS OF THE REPRESENTATION, FACTUAL OR OTHERWISE, CONTAINED IN THIS PLAT AND THE DOCUMENTS ASSOCIATED WITH IT.

MIKE BOESE

CITY ADMINISTRATOR

DATE

I, MIKE BOESE, CITY ADMINISTRATOR OF THE CITY OF WIMBERLEY, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

MIKE BOESE

CITY ADMINISTRATOR

DATE

STATE OF TEXAS *
COUNTY OF HAYS *

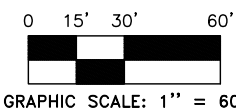
I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 20____, AT _____ O'CLOCK __.M., AND RECORDED ON THE ____ DAY OF _____, 20____ AT _____ O'CLOCK __.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN INSTRUMENT # _____.

ELAINE H. CARDENAS

COUNTY CLERK

HAYS COUNTY, TEXAS

LOTS 24A - 24B & 25A OF THE REPLAT OF LOTS 24 & 25 OF THE REPLAT OF HILLTOP PLACE SUBDIVISION SECTION 2 VOLUME 2, PAGE 49 P.R.H.C.TX.



OWNER: TMLSS PLUS
TEXAS PROPERTIES LLC.
60001 E. LOS ANGELES AVE.
SOMIS, CA. 93066



SURVEYING - PLANNING - ARCHITECTURE
"SERVING THE COMMUNITY OF TEXAS"

142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
ashandassociates.net

Surveying:
100847-00
Architecture:
TX20240

DRAWN: MAM SCALE: 1"=60'
REVIEWED: RHT DATE: 06/24/2021
C:ASH & ASSOCIATES, L.L.C.

REV.
08/31/2021
-
-
-

PROJECT No.
20-7635

SHEET 2 OF 2



AGENDA ITEM:	5. Discuss and consider possible action regarding City Council's proposed priorities for Fiscal Year 2022. (<i>City Administrator, Mike Boese</i>)
SUBMITTED BY:	Mike Boese
DATE SUBMITTED:	October 19, 2021
MEETING DATE:	October 21, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

City Council's FY 2022 goals and priorities were briefly discussed at the September 30th Special City Council Meeting. Council requested some additional time to review the information and bring recommendations/updates to the October 21st Meeting.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

N/A

STAFF RECOMMENDATION

ATTACHMENT/S

1. FY 2022 Council Priorities



City of Wimberley Fiscal Year 2022 City Council Priorities

Adopted:

This document, adopted by the City Council represents the priorities for the City Council for Fiscal Year (FY) 2022, and is to be used as a reference and planning tool for City staff for the fiscal year. Council priorities are not listed in rank order.

Health & Public Safety

Improve communication and develop action plans for regular and emergency events.

Economy

Evaluate all opportunities to maintain a balanced annual budget and strong fund balances.

Transportation

Improve traffic and pedestrian movement throughout the City.

Growth/Preservation

Plan for the proper management of current and future development, while preserving Wimberley's character, natural beauty and resources.

Quality of Life

Maintain and expand natural and humanmade amenities for all.

Infrastructure

Improve current plan and prioritize future planning for infrastructure needs.

Identity

Provide a consistent "brand" for the City to be used in all internal and external communications.

Compliance & Documentation

Ensure City ordinances and codes are in compliance with federal and state laws and are aligned with City policy.

Relationships

Develop and maintain mutually beneficial relationships with relevant cities, county, state and other governmental and non-profit entities.

City Council Priorities –

This document, adopted by the City Council represents the priorities for the City Council for FY 2022, and is to be used as a reference and planning tool for City staff for the fiscal year. Council priorities are not listed in rank order.

A. PRIORITY: HEALTH & PUBLIC SAFETY

Improve communication and develop action plans for regular and emergency events.

Goals:

- Develop and distribute an Emergency Information Guide
- Maintain and improve coordination and communication with local law enforcement, emergency service agencies and HOA representatives
- Develop a Wimberley-specific emergency management plan, including range of contingencies and best practices
- Identify potential emergency events (weather, human-made, etc.)
- Establish responsibilities for staff, Mayor and Council
- Create an informational guest card for short-term rentals and lodging facilities with relevant emergency information

B. PRIORITY: ECONOMY

Evaluate all opportunities to maintain a balanced annual budget and strong fund balances.

Goals:

- Development of a Capital Improvement Plan (CIP) and corresponding projects
- Evaluate the feasibility and effectiveness of a bond program to address transportation infrastructure needs
- Explore Historical District tax credits
- Engage Economic Support and Development Committee for Strategic Plan and Economic Development Plan
- Identify affordable housing opportunities and options in the Wimberley Valley
- Explore the reinstatement of the Hotel Occupancy Tax

C. PRIORITY: TRANSPORTATION

Improve traffic and pedestrian movement throughout the City.

Goals:

- Conduct a comprehensive transportation and drainage study and develop a Transportation Plan
- Identify pedestrian compliance issues and improve crosswalks
- Improve GPS mapping and application directions/instructions
- Address walkability and mobility issues in the Wimberley Square

D. PRIORITY: GROWTH/PRESERVATION

Plan for the proper management of current and future development, while preserving Wimberley's character, natural beauty and resources.

Goals:

- Evaluate the establishment of a Historical District, along with potential federal and state tax credits
- Review and evaluate the 2014 Proposed Downtown Plan
- Plan for future development, while maintaining the unique character of Wimberley
- Identify solutions to help preserve the environment

E. PRIORITY: QUALITY OF LIFE

Maintain and expand natural and humanmade amenities for all.

Goals:

- Assessment of current assets and identification of future needs and wants
- Maintain and improve communication efforts within the community
- Identify community priorities for amenities
- Explore new program opportunities for the Wimberley Community Center

F. PRIORITY: INFRASTRUCTURE

Improve current plan and prioritize future planning for infrastructure needs.

Goals:

- ADA compliance and identification of compliance needs
- Roads and drainage assessments
- Identification of pedestrian mobility solutions
- Lighting safety and aesthetics throughout the City

G. PRIORITY: IDENTITY

Provide a consistent "brand" for the City to be used in all internal and external communications.

Goals:

- Explore installing a "Welcome Monument" sign at the Junction
- Continue identifying City branding opportunities
- Evaluate the expenditure of the American Rescue Plan Act funds for possibilities

H. PRIORITY: COMPLIANCE AND DOCUMENTATION

Ensure City ordinances and codes are in compliance with federal and state laws and are aligned with City policy.

Goals:

- Develop an employee pay scale and general job descriptions
- Identify and update existing contracts and agreements with public entities
- Continue the transition to digital/cloud-based government records

I. PRIORITY: RELATIONSHIPS

Develop and maintain mutually beneficial relationships with relevant cities, county, state and other governmental and non-profit entities

Goals:

- Improve and foster relationships with other local, state and federal governments and various organizations
- Promote cohesiveness/respectfulness amongst the citizenry
- Better recognition of local volunteers



AGENDA ITEM:	6. Discuss and consider possible action regarding the first reading of Ordinance No. 2021-33, an ordinance of the City of Wimberley, Texas, to set forth the tax rate to be imposed on hotel occupancy within the corporate limits and extraterritorial jurisdiction of the city; setting forth the duties of persons responsible for collection of the tax; providing for criminal penalties and fines; creating an advisory committee; and providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting. <i>(City Administrator, Mike Boese)</i>
SUBMITTED BY:	Mike Boese
DATE SUBMITTED:	October 19, 2021
MEETING DATE:	October 21, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley does not currently assess a hotel occupancy tax. Ordinance No. 2021-33 will reestablish the hotel occupancy tax at seven percent (7%). The City plans to utilize the revenue generated through the hotel occupancy tax for authorized expenditures within the statute. The City will consider recommendations from the hotel occupancy tax advisory committee.

This will be the first of two readings of the Ordinance, since it imposes a fine/penalty.

REQUESTED ACTION

Motion
Discussion
Ordinance

FINANCIAL

N/A

STAFF RECOMMENDATION

ATTACHMENT/S

1. Ordinance No. 2021-33- HOT

Ordinance No. 2021-33

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, TO SET FORTH THE TAX RATE TO BE IMPOSED ON HOTEL OCCUPANCY WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY; SETTING FORTH THE DUTIES OF PERSONS RESPONSIBLE FOR COLLECTION OF THE TAX; PROVIDING FOR CRIMINAL PENALTIES AND FINES; CREATING AN ADVISORY COMMITTEE; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and for further purposes as set forth in Texas Tax Code, Section 351.101, as amended; and

WHEREAS, as further authorized by Section 351.0025, a municipality with a population of less than 35,000, may impose a hotel occupancy tax in the municipality's extraterritorial jurisdiction; and the U.S. Census shows the population of the City of Wimberley is less than 35,000 people; and

WHEREAS, in order to continue and promote the growth and fulfill the purposes cited above, it is necessary to impose a hotel occupancy tax within the corporate and extraterritorial limits of the City; 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:

Section 1. Findings of Fact

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

Section 2. There is hereby created "Division 3. Hotel Occupancy Tax", of Article 2.10 Taxation of the Codified Ordinances of the City of Wimberley, Texas to read as follows:

Division 3. Hotel Occupancy Tax.

Sec. 2.10.041 Authorization.

Under the authorization provided by the Texas Tax Code Chapter 351, the City of Wimberley, Texas levies a Hotel Occupancy Tax as described herein.

Sec. 2.10.042 Definitions.

For purposes of this Ordinance, and in accordance with Chapter 351 and Chapter 156 of the Texas Tax Code, the terms used will have the meanings set forth below. Words that are not defined will have their ordinarily accepted meanings unless defined elsewhere in this Ordinance.

- (a) Consideration. The price of a room that is ordinarily used for sleeping in a hotel, but does not include the cost of food served by the hotel or the cost of personal services performed by the hotel except those services related to cleaning and readying the room for use or possession.
- (b) Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn or rooming house, vacation rental, and bed and breakfast, but does not include (1) a hospital, sanitarium or nursing home, (2) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or (3) an oilfield portable unit, as defined by Section 152.001.
- (c) Occupancy. The use or possession or the right to use or possession of a room or space for less than thirty consecutive days in a hotel costing \$2 or more each day.
- (d) Person. Any individual, company, corporation or association.

Sec. 2.10.043 Tax Rate.

A tax of seven percent (7%) of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the City is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs \$2 or more each day and is ordinarily used for sleeping.

Sec. 2.10.044 Exemptions.

- (a) This Ordinance does not impose a tax on:
 - (1) A person who has the right to use or possess a hotel room for at least 30 consecutive days, so long as there is no interruption of payment for the period; or
 - (2) A United States governmental entity described in Section 156.103(a) of the Texas Tax Code is exempt from the payment of tax authorized by this chapter; or
 - (3) A state governmental entity described in Section 156.103(b) of the Texas Tax Code shall pay the tax imposed by this chapter but is entitled to a refund of the tax paid; or
 - (4) A person who is described by Section 156.103(d) of the Texas Tax Code is exempt from the payment of the tax authorized by this chapter or
 - (5) A person who is described by Section 156.103(c) shall pay the tax imposed by this chapter but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
 - (6) Any other person entitled to an exemption under Chapter 156 of the Texas Tax Code.
 - (7) A person who made a hotel reservation on or before the effective date of this

Ordinance.

- (b) To receive a refund of tax paid under this chapter, the governmental entity entitled to the refund must file a refund claim on a form provided by the City.

Sec. 2.10.045 Collection by Operator.

- (a) A person who owns, operates, manages, or controls a hotel room within the corporate limits or the extraterritorial jurisdiction of the City shall collect the tax levied by this Ordinance for the City.
- (b) A person who collects the tax shall keep and maintain for such hotel good, adequate and accurate records for the hotel, sufficient to show and establish the consideration paid to and received by the hotel, the true and correct amount of taxes due and payable by the hotel pursuant to this Ordinance, and the applicable exemptions if any.
- (c) A person who is required to collect the tax under this section is hereby authorized to retain no more than one (1) percent of the tax collected to reimburse that person's costs in collecting the tax for the City. The reimbursement permitted by this paragraph shall be forfeited if the person collecting the tax fails to timely pay the tax to the City or fails to timely file the reports required by this Ordinance.

Sec. 2.10.046 Reports and remittances.

- (a) On or before the same day that a person is required to file a report and remit hotel occupancy taxes to the State of Texas, that person shall also:
- (b) File a written report with the City for the same period, with a copy of the report for state hotel occupancy taxes required by Section 156.151 (Report and Payment) of the Texas Tax Code for the same period; and
- (c) Pay the tax due for that period.
- (d) A report under this section shall be in the form prescribed by the City and shall include:
 - (1) The total consideration paid for rooms subject to the tax in the reporting period;
 - (2) The total amount of tax collected; and
 - (3) The total amount of tax exemptions granted.
- (e) If requested by the City, a person responsible for collecting the tax shall provide the City with:
 - (1) The names, addresses, and identification relied upon to grant an exemption from the tax; and
 - (2) Any other information the City may reasonably require.

- (f) The City may request, and a person required to collect the tax shall provide within a reasonable time, additional documentation verifying the information contained in the report to the City.

Sec. 2.10.047 Collection Procedure on Purchase of a Hotel.

- (a) If a person who is liable for the payment of a tax under this chapter is the owner of a hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt issued by the City showing that the amount of tax due has been or a certificate issued by the City showing that no tax is due.
- (b) A purchaser of a hotel who fails to withhold the amount of the purchase price as required by this section is liable for the unpaid tax required to be withheld to the extent of the value of the purchase price.
- (c) The purchaser of a hotel may file a written request the City Administrator to issue a certificate stating that no tax is due or to issue a statement of the amount required to be paid before a certificate may be issued. The City Administrator shall issue the certificate or statement not later than the 60th day after the date that the City receives the request.
- (d) If the City fails to issue the certificate or statement within the period provided by Subsection (c), the purchaser is released from the obligation to withhold the amount of tax from the purchase price or pay the amount of tax due.

Sec. 2.10.048 Rules and Regulations--Record Inspection Authority.

- (a) The City shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to books and records necessary to enable the City to determine the correctness of any report filed as required by this subchapter and the amount of taxes due under the provisions of this subchapter.
- (b) Whenever necessary to make an inspection of books and records to enforce any of the provisions of this subchapter, the City may enter such building or premises at all reasonable times to inspect the books and records or to perform any duty imposed upon the City by this subchapter; provided, that if such building or premises be occupied, the City official shall first present proper credentials and request entry; and if such building or premises be unoccupied, the City shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the City shall have recourse to every remedy provided by law to secure entry.
- (c) When the City shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the City for the purpose of inspection and examination pursuant to this subchapter.

Sec. 2.10.049 Offenses.

- (a) A person commits an offense if the person violates or fails to perform an act required by this Ordinance, or files a report containing false information. Each instance of a violation of this Ordinance is a separate offense, and each day that a person remains in violation constitutes a separate offense.
- (b) An offense under this subchapter is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

Sec. 2.10.050 Penalty and Interest on Unpaid Tax.

- (a) In addition to the amount of any tax owed under this chapter, the person required to collect the tax is liable to the City for:
 - (1) the City's reasonable attorney's fees;
 - (2) the costs of an audit conducted under Subsection (b), as determined by the City using a reasonable rate, but only if:
 - (A) the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted; and
 - (B) the City has not received a disbursement from the comptroller as provided by Section 156.2513 of the Texas Tax Code related to the person's concurrent state tax delinquency described by Section 351.008 of the Texas Tax Code;
 - (3) a penalty equal to 15 percent of the total amount of the tax owed if the tax has been delinquent for at least one complete municipal fiscal quarter; and
 - (4) interest under Section 351.0042 of the Texas Tax Code.
- (b) If a person required to file a tax report under this chapter does not file the report as required by the City, the City may determine the amount of tax due under this chapter by:
 - (1) conducting an audit of each hotel in relation to which the person did not file the report as required by the City; or
 - (2) using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code in relation to that hotel.
- (c) If the person did not file a tax report under Section 156.151 of the Texas Tax Code for that reporting period in relation to that hotel, the municipality may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this chapter or Section 156.151 of the Texas Tax Code. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.

- (d) The authority to conduct an audit under this section is in addition to any other audit authority provided by statute, charter, or ordinance. The City may directly perform an audit authorized by this section or contract with another person to perform the audit on an hourly rate or fixed-fee basis. The City shall provide at least 30 days' written notice to a person who is required to collect the tax imposed by this chapter with respect to a hotel before conducting an audit of the hotel under this section.

Sec. 2.10.051 Additional Enforcement Authority. The City may take the following actions against a person who has failed to file a required report, failed to collect the tax imposed, failed to pay the taxes over to the City when due, or filed a false report:

- (a) Bring suit to collect the unpaid tax or to enjoin the person from operating a hotel in the corporate limits or extraterritorial jurisdiction of the City until the tax is paid or the report filed, as applicable, as provided by the court's order; and any other remedy provided under state law.

Sec. 2.10.052 Use of Proceeds. The proceeds of the hotel occupancy tax levied by this Ordinance shall be used for the purpose of promoting tourism and the convention and hotel industry, and for further purposes as set forth in Texas Tax Code, Section 351.101, as amended.

Sec. 2.10.053 Administration

- (a) The Council shall review applications to fund projects with hotel occupancy tax revenues received by the city. The Council shall have such powers and authority as described herein and as prescribed by the charter and state law.
- (b) Citizens, groups, or entities that wish to apply for funding of projects eligible for funding with hotel occupancy tax revenue shall make application with the city utilizing such forms as may be required and amended from time-to-time.
- (c) The Council shall consider applications for projects one time per year in conjunction with approval of the city budget or at such other times at the Council's discretion.

Sec. 2.10.054 Applications

The city administrator, or designee, shall conduct the following functions:

- (1) Receive and review applications from businesses and individuals requesting funds for projects that are eligible for hotel occupancy tax funds;
- (2) Prioritize the requests for such funds and projects; and advise the Council regarding any recommendations;
- (3) Provide oversight of projects and entities or individuals that receive funds and verify that such funds are being used in accordance with state law requirements;
- (4) Report to Council on a semi-annual basis regarding the activities of any entities, individuals and the projects that have received funds;

- (5) Develop a planning calendar, procedure for evaluation and evaluation criteria to be used when recommending and prioritizing agencies and projects for hotel occupancy tax funds;
- (6) Recommend advertising and marketing strategies for the Council to consider and assist the city with oversight of any contracts for advertising and marketing approved by the Council;
- (7) Require all successful applicants to execute an agreement for funding as approved by Council;
- (8) Any other function or duty directed by the Council in regards to use of revenues from the hotel occupancy tax.

Section 3. There is hereby created “Sec. 2.04.005 Hotel Occupancy Tax Advisory Committee”, of Article 2.04 BOARDS, COMMISSIONS AND COMMITTEES of the Codified Ordinances of the City of Wimberley, Texas to read as follows:

Sec. 2.04.005 Hotel Occupancy Tax Advisory Committee

- (a) Purpose. There is hereby established a six (6) member Hotel Occupancy Tax Advisory Committee (Committee), which shall provide advice on the implementation, collection, and use of hotel occupancy tax dollars to the Council.
- (b) Membership.
 - 1) Number of members.

The committee will have six (6) members, one of whom will be the committee chair appointed by the Council.
 - (2) Terms of members.
 - (A) Upon initial appointment of the committee, in order to stagger terms of the committee, three members shall serve a one-year term and three members shall serve a two-year term. Members shall draw lots as to which term they shall initially serve. Thereafter, committee members will be appointed to serve a two-year term. There is no limit as to how many terms a member may serve.
 - (B) Terms shall commence November 1st each year.
 - (3) Member selection.
 - (A) As vacancies occur, city staff and Council will prepare a slate of nominees for Council consideration. The slate will include nominees from various citizen groups, including but not limited to historic preservationists, planners, park supporters, the

business community, nonprofits, and property owners. The slate will only include individuals that city staff has contacted and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city secretary in writing.

(B) City staff will endeavor to reflect a variety of interests and diverse points of view (current and future) in the list of committee nominees.

(C) Council will approve, reject, or modify the list.

(4) Resignation; vacancies. A committee member may resign by notifying the city secretary in writing of his or her intent to resign. A failure to attend three or more sequential committee meetings will constitute a de facto notification of intent to resign. Members appointed to fill a vacancy will complete the unexpired portion of the term.

(c) Responsibilities. The Committee is responsible for the following:

- (1) The Committee shall review revenue received by the City through the Hotel Occupancy Tax and shall make recommendations to the Council regarding appropriate expenditures.
- (2) The Committee shall formulate a plan for expenditures of Hotel Occupancy Tax revenue by the City and shall update the plan as requested by Council.
- (3) The Committee shall submit an annual report to the Council that identifies approved expenditures by the City for the preceding year, discuss approved and proposed expenditures in the context of compliance with state law regarding the use of Hotel Occupancy Tax funds, and evaluates the effectiveness of approved Hotel Occupancy Tax expenditures and programs.
- (4) All recommendations of the Committee are subject to formal approval of the Council at a regularly scheduled meeting. The Committee shall not spend any money or authorize the expenditure of any money.

(d) Meetings.

- (A) The committee will meet monthly at city hall, as coordinated with and arranged by city staff. Agendas will be drafted by the committee chair, under the advisement of committee members.
- (B) The committee chair, or his or her designee(s), will attend the first Council meeting of each month to update the Council on projects and progress.

(e) Authority.

The committee has no authority to make decisions binding on the city. The committee's functions are purely advisory and not subject to the Open Meetings Act.

Section 4. Sunset Review.

- (a) **Frequency of Review.** On or after three (3) years from the effective date of this Ordinance, the Council shall conduct a sunset review of the Hotel Occupancy Tax and the work of the Advisory Committee. The Council shall thereafter conduct periodic reviews every two (2) years.
- (b) **Review Criteria.** The purpose of the sunset review shall be to determine whether a public need exists for the continuation of the Hotel Occupancy Tax and/or the Advisory Committee. The Council may consider the following criteria as part of its review:
- (1) The benefit(s) enjoyed by the City and the City's tourism industry as a result of the Hotel Occupancy Tax;
 - (2) Performance and compliance with applicable statutes and regulations;
 - (3) The efficiency with which the Advisory Committee operates;
 - (4) The extent to which the Hotel Occupancy Tax and/or the Advisory Committee is needed or used; and
 - (5) Any other criteria identified by the Council.

Section 5. Savings.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

Section 6. Severability.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 7. Repealer.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of

ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

Section 8. Effective Date.

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law. The Hotel Occupancy Tax created by this ordinance shall not take effect until November 1, 2021.

Section 9. 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED First Reading this ____ of October, 2021, by a vote of (Ayes) to (Nays) to (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this ____ day of 2021, by a vote of (Ayes) to (Nays) to (Abstain) vote of the City Council of the City of Wimberley, Texas.

Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

