



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

SPECIAL PARKS AND RECREATION BOARD MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, DECEMBER 14, 2021 - 5:00 PM

AGENDA

1. **CALL TO ORDER** December 14, 2021, at 5:00 PM
2. **CALL OF ROLL**
3. **CITIZENS COMMUNICATIONS**
This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Parks and Recreation Board. Those wishing to speak must sign in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.
4. **MINUTES**
 - 4.1. Approval of minutes from the Parks and Recreation Board Meeting held November 16, 2021.
5. **CITY STAFF REPORT**
 - 5.1. Director Report - Richard Shaver
 - 5.2. Education and Outreach Sub-Committee Report
6. **DISCUSSION AND POSSIBLE ACTION**
 - 6.1. Discuss and consider possible action to distinguish a resident and non-resident fee for the Blue Hole Nature Camp program in 2022. *(Parks Director Richard Shaver)*
 - 6.2. Discuss and consider possible action giving priority to Wimberley residents for the 2022 Blue Hole Season Pass program. *(Parks Director, Richard Shaver)*
 - 6.3. Discuss and consider possible action to recommend approving an ordinance amending Chapter 9 (Planning and Development Regulations), Article 9.02 "Subdivision Control", Division 8, Parkland Dedication, Section 9.02.273 "Fee Payment in Lieu of Parkland Dedication" of the city code of the City of Wimberley, Texas providing for findings of fact; an effective date; proper notice and meeting; and severability. *(Parks Director, Richard Shaver)*

- 6.4. Discuss and consider possible action regarding approval to complete a grant application for up to \$300,000 in funding for trail improvements in Blue Hole Regional Park. (*Parks Director, Richard Shaver*)

7. **BOARD MEMBER REPORTS**

- 7.1. Announcements
- 7.2. Future agenda items

8. **ADJOURNMENT**

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 Friday, December 10, 2021, by 5:00 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

221 Stillwater Drive, Wimberley, Texas 78676

PARKS AND RECREATION BOARD MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
TUESDAY, NOVEMBER 16, 2021 – 4:00 P.M.

MINUTES

1. CALL TO ORDER

Chairperson, Anthony Derringer, called the meeting to order on Nov 16, 2021 at 4:07 p.m.

2. CALL OF ROLL

Board Members Present: Anthony Derringer, Chairperson
Lin Weber, Vice Chairperson
Noland Martin, Secretary
Lee Ann Linam
Kelley Shand
Leah Cuddeback

Board Members Absent: Trey Cooksey

City Staff Present: Richard Shaver, Parks Director
Laura Calcote, City Secretary
Gina Fulkerson, Mayor

3. CITIZENS COMMUNICATIONS

There were no citizens communications.

4. MINUTES

**Motion to approve the minutes from September 21, 2021, was made by Lin Weber.
Motion was seconded by Kelley Shand. Motion carried unanimously.**

5. CITY STAFF REPORT

5.1 - Director Report: Richard Shaver

Project updates:

- Grant was secured for Wimberley Valley Trails Initiative.
- Office Expansion project updates: construction to begin in Nov.
- Patsy Glenn Reservation improvements discussed.
- Sewage Treatment Plant to be remediated after soil testing.
- Keep Wimberley Beautiful will fund fencing around pond.
- Staff working on new parking lot for Old Baldy and signage throughout parks.
- Two new staff members added.

- Programs: Wednesday work group still meeting, other programs discussed.
- Boo Hole event discussed.
- Blue Hole star party discussed.
- Family Campout discussed.
- Misc. events at community center and future events discussed.

5.2 - Education and Outreach Sub-Committee Report:

- Blue Hole Regional Park signage projects discussed.

6. DISCUSSION AND POSSIBLE ACTION

6.1. Discuss and consider possible action to recommend approving an ordinance amending Chapter 9 (Planning and Development Regulations), Article 9.02 "Subdivision Control", Division 8, Parkland Dedication, Section 9.02.273 "Fee Payment in Lieu of Parkland Dedication" of the city code of the City of Wimberley, Texas providing for findings of fact; an effective date; proper notice and meeting; and severability. (Parks Director, Richard Shaver presented parkland dedication ordinance)

Motion made by Lee Ann Linam to table the agenda item. Seconded by Lin Weber. Motion passed unanimously.

6.2. Discuss and consider possible action regarding a budget amendment in the amount of \$8,118.75 for emergency water line repair at Blue Hole Regional Park. (Parks Director, Richard Shaver)

Motion made by Leah Cuddeback to adopt the budget amendment. Seconded by Lee Ann Linam. Motion passed unanimously.

***Noland Martin left meeting at 4:55 PM.* Quorum was still present and Leah Cuddeback served as secretary for remaining of meeting.**

6.3 Discuss and consider possible action regarding approval to complete a grant application for up to \$300,000 in funding for trail improvements in Blue Hole Regional Park and the Cypress Creek Nature Preserve. (Parks Director, Richard Shaver)

Motion made by Leah Cuddeback that parks staff move forward with grant application to TPWD Trails Grant, with the caveat that they further discuss and explore the limitations to development outlined within the conservation easement held by Wimberley Valley Watershed Association on the Cypress Creek Preserve Trail. Lee Ann Linam seconded the motion. Motion passed unanimously,

7. BOARD MEMBER REPORTS

7.1. Announcements: None

7.2 Future agenda items: Update from education and outreach committee.

8. ADJOURNMENT

Motion to adjourn at 5:05 p.m. was made by Lin Weber. Motion was seconded by Kelley Shand. Motion carried unanimously.

RECORDED BY:

Noland Martin & Leah Cuddeback

Noland Martin, Board Secretary

APPROVED BY:



Anthony Derringer, Chairperson

DRAFT



AGENDA ITEM:	1. Discuss and consider possible action to distinguish a resident and non-resident fee for the Blue Hole Nature Camp program in 2022. (<i>Parks Director Richard Shaver</i>)
SUBMITTED BY:	Richard Shaver
DATE SUBMITTED:	12/09/2021
MEETING DATE:	December 14, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Staff is proposing to keep Wimberley Residents (78676) at a program fee of \$150 per week and raise the non-resident fee to \$200 per week.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approving this item.

ATTACHMENT/S

None



AGENDA ITEM:	2. Discuss and consider possible action giving priority to Wimberley residents for the 2022 Blue Hole Season Pass program. <i>(Parks Director, Richard Shaver)</i>
SUBMITTED BY:	Richard Shaver
DATE SUBMITTED:	12/09/2021
MEETING DATE:	December 14, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Beginning in 2020, Blue Hole has sold out of Season Passes every year at an incredible rate. Staff is recommending that Season Passes be available only for Wimberley residents in the month of March and will open to the general public starting on the first of April.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approving this item.

ATTACHMENT/S

None



AGENDA ITEM:	3. Discuss and consider possible action to recommend approving an ordinance amending Chapter 9 (Planning and Development Regulations), Article 9.02 "Subdivision Control", Division 8, Parkland Dedication, Section 9.02.273 "Fee Payment in Lieu of Parkland Dedication" of the city code of the City of Wimberley, Texas providing for findings of fact; an effective date; proper notice and meeting; and severability. <i>(Parks Director, Richard Shaver)</i>
SUBMITTED BY:	Richard Shaver
DATE SUBMITTED:	12/09/2021
MEETING DATE:	December 14, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Current Ordinance: Division_8__Park_Land_Dedication
2. Parkland Dedication Presentation
3. Parkland Dedication Ordinance

Division 8. Park Land Dedication

Sec. 9.02.271 Dedication of public park land required

It shall be required that, pursuant to city regulations, a subdivider of any residential subdivision within the city's territorial jurisdiction shall set aside and dedicate to the public sufficient and suitable lands within the city or its ETJ for the purpose of public park land, or make an in-lieu financial contribution for the acquisition of park land in accordance with the provisions of this division and this article generally. All plats receiving final plat or alternative form plat approval based on this article shall conform to the requirements of this division. The council and subdividers may negotiate the combination of public park land dedication and payment of fees in lieu of required park land to satisfy the provisions of this article and other applicable city regulations. Where a subdivider proposes to pay an in-lieu fee as provided for in [section 9.02.273](#), the council may accept that payment as satisfying the park land dedication requirements of this article, except that the city reserves the right to require the dedication of land for public park purposes in accordance with section 9.02.272 when one or more acres of land would be required to satisfy the park land dedication requirements of this article. (Ordinance 2001-014, sec. 42010, adopted 9/20/01; 2006 Code, sec. 154.140)

Sec. 9.02.272 Formula for calculating area of park land

The city shall develop regulations establishing the basis for measuring the amount of the dedication. (Ordinance 2001-014, sec. 42020, adopted 9/20/01; 2006 Code, sec. 154.141)

Sec. 9.02.273 Fee payment in lieu of park land dedication

The council may require the subdivider to pay a fee in lieu of park land dedication. Where the payment of a fee in lieu of park land dedication is required or acceptable to the council as provided for in this article, that fee shall be in an amount roughly proportional to the impact on park services necessitated by the subdivision. The formula for calculating the in-lieu fee shall be established by the city council. (Ordinance 2001-014, sec. 42030, adopted 9/20/01; 2006 Code, sec. 154.142)

Sec. 9.02.274 Reservation of future park land

At the discretion of the city council, upon recommendation of the planning and zoning commission, a subdivider may dedicate more land than would be required by the formulas herein set out and receive a written credit against future mandatory public park land dedications. Where a subdivider dedicates land against future requirements, the development which is thereby relieved of all or part of its mandatory park land dedication requirement must be in the same planning area within the city as that served by the dedicated credit land. The credit shall attach to the relieved land and remain with the relieved land, regardless of change in ownership thereof. (Ordinance 2001-014, sec. 42040, adopted 9/20/01; 2006 Code, sec. 154.143)

Sec. 9.02.275 Subdivision changes

In the event a subdivider deviates from the approved preliminary plat in final platting, thereby increasing the density of population over the earlier population density estimates made under this article, or where the use of property is changed from a nonresidential use to a residential use, the owner or subdivider shall be obligated to provide additional land or fee to compensate for the increase in population prior to the city issuing a building permit or occupancy permit. (Ordinance 2001-014, sec. 42050, adopted 9/20/01; 2006 Code, sec. 154.144)

Sec. 9.02.276 Final platting of a portion of an approved preliminary plat

Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plan, the subdivider shall be responsible for making a proportional dedication of park land or financial contribution as required, which is proportional to the number of dwelling units projected to be built within the area of the final plat. The conditions of such allowances shall be in the form and manner prescribed and approved by the council. (Ordinance 2001-014, sec. 42060, adopted 9/20/01; 2006 Code, sec. 154.145)

Sec. 9.02.277 Design standards for park land

(a) Any land to be dedicated to meet the requirements of this article shall be reasonably located and adaptable for use as a public park and recreation facility as defined by the comprehensive plan. The commission shall make recommendations to the council concerning the suitability of proposed park land. The shape of the parcel or tract of land to be dedicated should be appropriate for public parks and recreation purposes.

(b) All such park land shall be designed and located so as to satisfy the following general

requirements.

- (1) The dedicated land should form a single parcel or tract of land at least 3 acres in size unless it is determined that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the city.
- (2) Public access to public park land delineated on a preliminary plat shall be ensured by provision of at least 50 feet of street frontage, in a manner satisfactory to the city. At the time the land abutting the delineated areas is developed, the subdivider of that abutting land shall furnish and pay for paving all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated area to meet minimum requirements of these regulations.
- (3) The land to be dedicated to meet the requirements of these regulations should be suitable for public parks and recreation activities; in that regard, 50% of the dedicated land area should not exceed 5% grade. The comprehensive plan for the city shall be considered when evaluating land proposals for dedication.
- (4) Any disturbed park land shall be restored and the soil stabilized by vegetative cover by the developer.
- (5) Areas within the 100-year floodplain may be dedicated in fulfillment of the dedication requirement when the development is adjacent to the Blanco River or Cypress Creek. This dedication shall include the entire 100-year floodplain, or a 200-foot strip measured from the centerline of the creek, river, or the floodway, whichever is greater. This dedication requirement shall take precedence over all other park land dedication requirements, including the possibility that these dedicated tracts may have to be exempt from the other design standards for park land described in this section. The following standards shall also apply to the consideration of park land dedication within the 100-year floodplain.
 - (A) Areas in the 100-year floodplain not located adjacent to the Blanco River or Cypress Creek may constitute up to 50% of the requirement of land dedication, provided that adjoining land within the floodway is also dedicated, but that the land in the floodway shall not be credited towards the requirement of land dedication or payment of fees. However, the commission may permit the area within the 100-year floodplain, when not located adjacent to the Blanco River or Cypress Creek, to constitute up to 100% of the park land dedication requirement if, in its opinion, the dedication of the land furthers the goals and objectives of the parks and open space portion of the comprehensive plan. The commission shall specify findings justifying that action.
 - (B) Nonresidential development, although not required to dedicate park land, shall be given incentives to encourage the dedication of land within the 100-year floodplain when located adjacent to the Blanco River or Cypress Creek. These incentives may include, but not be limited to, credit for development intensities that could have occurred in the dedicated portion of the development to other areas within the same development. These incentives shall be approved by the commission and council.

(C) The area shall meet any additional standards specified in the park land design standards pertaining to the dedication of the 100-year floodplain.

(6) In the case of areas known to contain sensitive environmental features, the city may, at its discretion, waive these standards subject to the following limitations:

(A) The areas shall provide recreational or educational opportunities for the surrounding community;

(B) The areas shall be given a 50% credit against the requirement of land dedication or payment of fees; and

(C) The areas shall meet any additional standards specified in the park land design standards pertaining to the dedication of areas known to contain sensitive environmental features.

(7) The location of park land may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise a centralized location is preferred.

(8) The parks and recreation board shall make recommendations, based upon the park land design standards and the provisions contained herein, to the planning staff concerning the amount and location of park land, credit for private park land or facilities, credit for land in the 100-year floodplain, credit for areas known to contain sensitive environmental features, and fees in lieu of park land dedication.

(Ordinance 2001-014, sec. 42070, adopted 9/20/01; 2006 Code, sec. 154.146)

Sec. 9.02.278 Private park land credit

Where areas and facilities for park and recreational purposes are to be provided in a proposed subdivision and where those areas and facilities are to be privately owned and maintained by the future residents of the subdivision, up to 50% credit may, at the discretion of the city, be given against the requirements of land dedication or payment of fees in lieu thereof if the following standards are met:

(1) Yards, court areas, setbacks, and other open areas required by city regulations shall not be included in the computation of that private open space;

(2) The private ownership and maintenance of these areas and facilities are adequately provided for by recorded written agreement, conveyance, or restrictions;

(3) The use of these areas and facilities are restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city or its successor;

(4) The areas and facilities are reasonably similar to what would be required to meet public park and recreational needs, taking into consideration such factors as size, shape, drainage, topography, geology, access, and location; and

(5) The areas and facilities for which credit is given shall include improvements for the basic needs of a local park. These improvements shall include one or more of the following: children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails (walkways or bike trails), and landscaped sitting areas.

(Ordinance 2001-014, sec. 42080, adopted 9/20/01; 2006 Code, sec. 154.147)

Sec. 9.02.279 Method of dedicating park land

(a) Land accepted for dedication under the requirements of these regulations shall be conveyed by either of the following methods:

(1) By dedication within the plat to be filed for record in the office of the county clerk; or

(2) By warranty deed transferring the property in fee simple to the city.

(b) In any event, land must be free and clear of any taxes due, mortgages, or liens at the time of the dedication or conveyance.

(c) Through either method, the conveyance must be for public park or other related municipal purposes.

(Ordinance 2001-014, sec. 42100, adopted 9/20/01; 2006 Code, sec. 154.148)

Sec. 9.02.280 Effect of approval

As with other improvements, the approval of a plat by the city shall not be considered an acceptance of any proposed dedication and does not impose a duty regarding the maintenance or improvements of any dedicated parts until the city council makes an actual acceptance or appropriation of the dedicated parts by entry, use, or improvement. (Ordinance 2001-014, sec. 42150, adopted 9/20/01; 2006 Code, sec. 154.149)

Secs. 9.02.281–9.02.310 Reserved

DISCUSSION AND PRESENTATION

PARKLAND DEDICATION ORDINANCE

NATHAN GLAISER: PLANNING AND DEVELOPMENT COORDINATOR

RICHARD SHAVER: DIRECTOR OF PARKS AND RECREATION



CITY OF
WIMBERLEY

Current Level of Park Service Factors

Greater Wimberley Population	8,615 (Based on WISD Service Area)
Total Parkland Acreage (Level of Service)	140.5 Acres
Persons Served Per Acre	61

KEY FACTORS OF FEE DEVELOPMENT

LAND REQUIREMENT

Land Requirement Calculation

$$\frac{\text{Persons Served Per Acre (61)}}{\text{Persons Per Dwelling Unit (2.24)}} = \frac{27.2 \text{ Dwelling Units}}{\text{Per Acre}}$$

Staff recommends that per every 20 dwelling units built, 1 acre of parkland be dedicated

SUBDIVISION

Subdivision Factors

Persons Per Dwelling Unit	2.24
Dwelling Units Per Acre	20
Park Development Fee	\$2,350 Per Dwelling Units Built

Definitions

Dwelling Unit: A room or group of rooms in a structure forming a habitable living unit. Common facilities in a unit are things intended for cooking, bathing, sleeping, and sanitation.

Persons Per Dwelling Unit: Average Number of Persons Per Household determined by the census

Park Development Fee: Flat fee paid by a developer will pay for each dwelling unit built

FEE IN-LIEU-OF

Fee In-Lieu-Of Parkland Dedication

Market Value of land per the required acreage at the time of appraisal

\$35,000 per acre = \$35,000 In-Lieu-of fee

PARK DEVELOPMENT FEE

Park Development Fee Calculation

$$\frac{\text{Average Cost for 1 Acre of Park Land}}{20 \text{ Dwelling Units Per Acre}} = \text{Average Cost per Dwelling Unit}$$

$$\$46,990 / 20 \text{ DU} = \$2,350 \text{ per dwelling unit}$$

EXAMPLES

Developer wants to subdivide and create 20 dwelling units.

Option 1- Dedicate the required land and build/develop a public park

With the price of 1 acre of land valued at \$35,000 and scheduled to build 20 units the developer decided to dedicate the required 1 acre of land and develop a park so all fees were waived.

Fees-In-Lieu-Of Land	\$0
<u>Development Fee</u>	<u>\$0</u>
<u>Total Fee</u>	<u>\$0</u>

Net Gain +0 New Public Park Built

Option 2- Dedicate the land, but do not build/develop a public park

With the price of 1 acre of land valued at \$35,000 and scheduled to build 30 units the developer decided to dedicate the required 1 acre of land but not develop a park so they still had to pay the development fee.

Fees-In-Lieu-Of Land	\$0
<u>Development Fee</u>	<u>\$47,000</u>
<u>Total Fee</u>	<u>\$47,000</u>

Net Gain +\$47,000 +1 acre

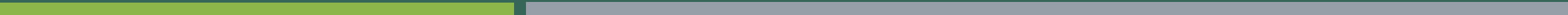
Option 3- Pay both fees

Fees-In-Lieu-Of Land	\$35,000
<u>Development Fee</u>	<u>\$47,000</u>
<u>Total Fee</u>	<u>\$82,000</u>

Net Gain +\$82,000

LEGAL CONSIDERATIONS

- The City of Wimberley must demonstrate a proportional relationship between the mandates placed on developers and the increased community demand for more parkland recreation areas and/or facilities.
- Any parkland dedicated to the City of Wimberley must benefit the nexus area and its residents.
- The City of Wimberley must provide a reasonable timeframe for fees-in-lieu parkland dedication in accordance with Texas Local Government Code Chapter § 212.904.
- The City of Wimberley must be aware of areas containing vegetation identified as endangered or threatened or that provide habitat for animals identified as endangered, threatened, or of special concern in accordance with 16 U.S. Code § 1531 (1973 Endangered Species Act).



QUESTIONS

ORDINANCE NO. 2021-__

AN ORDINANCE AMENDING CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS), ARTICLE 9.02 “SUBDIVISION CONTROL”, DIVISION 8, PARK LAND DEDICATION, SECTION 9.02.273 “FEE PAYMENT IN LIEU OF PARK LAND DEDICATION” OF THE CITY CODE OF THE CITY OF WIMBERLEY, TEXAS PROVIDING FOR FINDINGS OF FACT; AN EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND SEVERABILITY.

WHEREAS, Division 8 of Article 9.02, Subdivision Control of the Codified Ordinances of the City of Wimberley, Texas provides for Park Land Dedication; and

WHEREAS, Section 9.02.273 requiring a fee payment in lieu of park land dedication is somewhat ambiguous under its current language; and

WHEREAS, Texas Local Government Code Section 212.904 requires that if a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications or the payment of fees, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer; and

WHEREAS, the City Council of the City of Wimberley, Texas finds that the amendments to the language of Section 9.02.273 will provide better notice to citizens and developers as to what is expected under Division 8, Park Land Dedication and will better the orderly development of this community.

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

Section 1. 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.

Section 2. Chapter 9 (PLANNING AND DEVELOPMENT REGULATIONS), Article 9.02 “SUBDIVISION CONTROL”, Division 8, Park Land Dedication, Section 9.02.273 “Fee Payment in Lieu of Park Land dedication”, of the City of Wimberley City Code, is hereby amended as follows (with a ~~strikeout~~ depicting the deletion of language and an underline depicting the addition of language):

Sec. 9.02.273 Fee payment in lieu of park land dedication

The council ~~may~~ shall require the subdivider to pay a fee in lieu of park land dedication, if all land is not dedicated pursuant to Sec. 9.02.272. Where the payment of a fee in lieu of park land dedication is required or acceptable to the council as provided for in this article, that fee shall be in an amount roughly proportional to the impact on park services necessitated by the subdivision. The formula for calculating the in-lieu fee shall be established by the city council, however, the subdivider shall have all rights afforded pursuant to Texas Local Government Code, Section 212.904 (c) in relation to appeal.

Section 3. Except as provided herein, of the Code of Ordinances of the City of Wimberley shall remain in full force and effect.

Section 4. SEVERABILITY.

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

Section 5. EFFECTIVE DATE

This Ordinance shall take effect immediately following its passage and publication as may be required by governing law.

Section 6. 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 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.

PASSED AND APPROVED this ____ day of _____, 2021.

Gina V. Fulkerson, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney



AGENDA ITEM:	4. Discuss and consider possible action regarding approval to complete a grant application for up to \$300,000 in funding for trail improvements in Blue Hole Regional Park. <i>(Parks Director, Richard Shaver)</i>
SUBMITTED BY:	Richard Shaver
DATE SUBMITTED:	12/09/2021
MEETING DATE:	December 14, 2021

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Staff is seeking approval to apply for the Recreational Trails Grant through the Texas Parks and Wildlife Department. Staff met with the Wimberley Valley Watershed Association and felt that there is not enough time to create a plan for ADA accessibility to the Cypress Creek Nature Preserve before the deadline for the grant application.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approving this item.

ATTACHMENT/S

None