

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
MARCH 5, 2009 6:30 P.M.

AGENDA

CALL TO ORDER: MARCH 5, 2009 @ 6:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATION

PROCLAMATION RECOGNIZING THE ACCOMPLISHMENTS OF THE WIMBERLEY TEXAN HIGH SCHOOL SWIM TEAM

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 19, 2009.
- (B) APPROVAL OF THE JANUARY 2009 CITY OF WIMBERLEY FINANCIAL STATEMENTS.

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON DOWNTOWN PARKING LOT PROPERTY ACQUISITION
- STATUS REPORT ON PROPOSED WORKSHOP ON HOTEL OCCUPANCY TAX
- STATUS REPORT ON EFFORTS UNDERWAY TO SECURE STATE AND FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON MAYOR'S FITNESS COUNCIL
- STATUS REPORT ON ACTIVITIES OF THE WIMBERLEY MUNICIPAL COURT
- STATUS REPORT ON ACTIVITIES OF THE CITY MARSHAL

3. PRESENTATIONS

- (A) INTRODUCTION OF HAYS COUNTY SHERIFF TOMMY RATLIFF TO WIMBERLEY CITY COUNCIL BY HAYS COUNTY JUDGE LIZ SUMTER.
- (B) PRESENTATION OF THE WIMBERLEY PARKS ADVISORY BOARD QUARTERLY ACTIVITIES REPORT.

4. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING SUBSECTION 155.107(B)(1) (PLANNING AND ZONING COMMISSION), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO REVISE THE MEMBERSHIP REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER. *(PLACE FIVE COUNCIL MEMBER DICK LARSON)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A 0.477 ACRE TRACT LOCATED AT 500 BLUE HERON RUN, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS SINGLE FAMILY RESIDENTIAL 2 (R2); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(BETTY SUE COOPER, APPLICANT)*
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY BETTY SUE COOPER TO OPERATE A BED AND BREAKFAST LODGING FACILITY ON AN APPROXIMATELY 0.477 ACRE TRACT LOCATED AT 500 BLUE HERON RUN, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R2), AND IMPOSING CERTAIN CONDITIONS; 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. *(BETTY SUE COOPER, APPLICANT)*

- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A TRACT LOCATED AT 114B WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS HIGH IMPACT COMMERCIAL (C3); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(BETH MITCHELL/JILL FRAZIER, APPLICANTS)*
- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF A WAIVER OF THE 300-FOOT DISTANCE REQUIREMENT RELATING TO THE SALE OF BEER AND WINE FOR OFF PREMISE CONSUMPTION AT 114B WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS. *(BETH MITCHELL/JILL FRAZIER, APPLICANTS)*

5. **RESOLUTIONS**

CONSIDER APPROVAL OF A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS ESTABLISHING A TEMPORARY POLICY ON THE INITIAL ZONING AND REZONING OF REAL PROPERTY WITHIN THE CITY LIMITS. *(CITY ADMINISTRATOR)*

6. **ORDINANCES**

- (A) CONSIDER APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING CHAPTER 70 (TRAFFIC REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ADD A SUBSECTION ENTITLED "THROUGH-TRUCK TRAFFIC"; PROVIDING FOR A PENALTY, FINDINGS OF FACT, AN EFFECTIVE DATE, PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER. *(CITY ADMINISTRATOR)*
- (B) CONSIDER APPROVAL OF AN ORDINANCE GRANTING WIMBERLEY WATER SUPPLY CORPORATION CERTAIN POWERS, LICENSES, PRIVILEGES AND FRANCHISE TO OPERATE AND MAINTAIN A WATER SYSTEM WITHIN THE CITY OF WIMBERLEY; TO USE THE RIGHTS-OF-WAY IN SAID CITY FOR A PERIOD OF TEN YEARS WITH RENEWAL PROVISIONS; PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS AND CONDITIONS; PROVIDING FOR THE PAYMENT TO THE CITY OF UP TO THREE PERCENT OF GRANTEE'S GROSS RECEIPTS RELATED TO SAID SYSTEM; PROVIDING FOR FORM OF ACCEPTANCE AND TERMINATION; CONTAINING MISCELLANEOUS PROVISIONS; SEVERABILITY; PROPER NOTICE AND MEETING; AND PROVIDING AN EFFECTIVE DATE. *(CITY ADMINISTRATOR)*

7. **DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER ACTION ON A PROPOSED INTERLOCAL AGREEMENT WITH HAYS COUNTY RELATING TO ROAD MAINTENANCE AND CONSTRUCTION. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER ACTION ESTABLISHING USER FEES FOR THE 2009 SEASON AT THE BLUE HOLE REGIONAL PARK. *(PARKS ADVISORY BOARD)*

- (C) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE FUTURE OPERATION OF THE WIMBERLEY COMMUNITY CENTER. (CITY ADMINISTRATOR)
- (D) DISCUSS AND CONSIDER APPROVAL OF A REQUEST BY WIMBERLEY EMS TO HOLD A DUCK RACE AT BLUE HOLE REGIONAL PARK ON SATURDAY, MAY 23, 2009. (CITY ADMINISTRATOR)

8. **CITY COUNCIL REPORTS**

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

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

CERTIFICATION

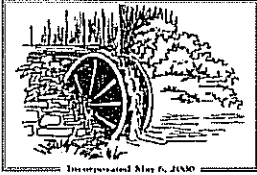
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on March 2, 2009 at 5:00 p.m.



CARA MC PARTLAND, CITY SECRETARY

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

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: APPROVAL OF FEBRUARY 19, 2009 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are minutes for the February 19, 2009 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
February 19, 2009 at 6:30 p.m.

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

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

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bob Flocke, Jeri Xiques, Steve Thurber, and Dick Larson.

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

Presentations of Citizens:

- Citizen Communications

Speaking as a Wimberley resident/voter, Planning and Zoning Commissioner David Glenn voiced support of tonight's first reading of the Non-Point Source Pollution Control Ordinance (see Agenda Item No. 5B), noted that the proposed ordinance only applies to land within the incorporated areas of Wimberley, and does not include the Extra Territorial Jurisdiction (ETJ). He stated that both Dripping Springs and City of Woodcreek have in place ordinances that cover areas within their city limits and ETJ. He recommended that Council allow both the Water/Wastewater Advisory Board and Planning and Zoning Commission to review and make recommendations to Council before any action is taken to best utilize volunteer talent and ensure complete understanding of the proposed ordinance.

Craig Reitz, speaking on behalf of more than sixty (60) citizens who expressed objections at Planning and Zoning Commission's February 12, 2009 meeting, thanked Mayor Haley and Planning and Zoning Chairman Tracey Dean for reconsideration of the proposed citywide zoning map. He asked that no commercial zoning be applied to any properties along the Blanco River, Cypress Creek, Smith Creek, or any other viable creek within the city limits in order to prevent increased pollution. Mr. Reitz also requested that commercial zoning *not* be continuously applied to all entrance corridors. Because of citizen opposition, Mr. Reitz felt that additional community review should be provided before zoning plans are finalized.

1. Consent Agenda

- A. Approval of minutes of the regular City Council meeting of February 5, 2009.

B. Approval of minutes of the special City Council meeting of February 12, 2009.

C. Approval of the December 2008 City of Wimberley Financial Statements.

Councilmember Roccaforte pulled Consent Agenda Item No. 1C. Councilmember Xiques moved to approve the remaining Consent Agenda items as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

In response to Councilmember Roccaforte's inquiry, City Administrator Ferguson advised that it is very common for new municipal court operations to bring in less revenue than expenditures. In response to Councilmember Flocke's inquiry about *Miscellaneous Income* (page 7), Mr. Ferguson stated that \$311.00 was coded to 504.1 and then backed out (as an expense from a prior period). Mr. Ferguson noted minor unrelated format changes consolidating personnel expenses. Councilmember Flocke moved to approve Consent Agenda Item No. 1C as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on efforts underway to secure state and federal funding for the Downtown Wastewater Project

City Administrator Ferguson reported on a very productive meeting with Texas Water Development Board officials regarding the City's grant application for stimulus funding. He stated that rules for dispensation of funds are being developed and felt encouraged by the response received to the City's request for project funds.

Discussion addressed assistance and support provided by the offices of Governor Perry, Senators Patrick Rose and Jeff Wentworth, and Hays County Precinct Three Commissioner Will Conley; percentage of funds allocated for "green" projects; and, positive feedback from the Executive Director of the Texas Water Development Board.

- Status report on the development of revised steep slope regulations for the City of Wimberley

At the request of Councilmember Roccaforte, City Administrator Ferguson reported that staff is researching suggestions to bring to Council that address concerns over regulations and building/use limitations relating to steep slope requirements without negatively impacting the beauty of the environment or neighboring properties.

- Status report on preparations for the May 9, 2009 Municipal General Election

City Administrator Ferguson reported that one candidate has filed for a place on the ballot to date (incumbent Place Five Councilmember Dick Larson). He noted specific election-related deadlines and that the 2009 Candidate Packet is available on the City's website.

- Status report on proposed designation of a truck route on Ranch Road 12 in Wimberley

City Administrator Ferguson reported on progress made with State and Hays County officials and the need for a resolution in support of the proposed route from the City of Woodcreek. He outlined the proposed route which will prevent heavy truck traffic from going through downtown Wimberley.

- Status report on a proposed road maintenance agreement with Hays County

City Administrator Ferguson reported on acceptance of a draft agreement by Hays County that would give the City of Wimberley an *option* (as opposed to *requirement*) to work with Hays County's road maintenance operations on street construction/maintenance projects. Action on the agreement is expected at the Hays County Commissioners Court meeting on February 24, 2009. Discussion briefly addressed delays experienced in the process to complete this proposed agreement.

- Status report on the Blue Hole Regional Park Request for Qualifications

City Administrator Ferguson reported that more than a dozen submittals were received by the February 12, 2009 deadline from multi-dimensional firms to oversee and manage the development of Blue Hole according to the Blue Hole Master Plan. He was pleased with the quality of the submittals and noted that a task force will be reviewing submittals in order to make a recommendation to Council. Mr. Ferguson reported that Council will be receiving recommendations made by the Parks and Recreation Board on 2009 Blue Hole Regional Park's rates/operating adjustments. He stated that task force members have been appointed from Parks and Recreation Board, Transportation Advisory Board, and Keep Wimberley Beautiful to make recommendations for use of the real property located at Ranch Road 12 and FM 2325 recently donated to the City by Pedernales Electric Cooperative.

- Status report on upcoming Fourth of July Activities

City Administrator Ferguson reported that the City is working with the Wimberley Chamber of Commerce on Fourth of July activities including possible route changes for the parade. He stated that the Parks and Recreation Board and Wimberley Chamber of Commerce are working on a proposal for the use of Blue Hole Regional Park for the Fourth of July Jubilee.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported on a light court docket for February and advised that court management software will be ordered soon in order to better track court operations as activity increases.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on positive feedback regarding the City Marshal's activities and efforts to resolve continuing code enforcement issues.

3. Presentations

Introduction of Hays County Sheriff Tommy Ratliff to Wimberley City Council by Hays County Judge Liz Sumter.

This item was heard after Agenda Item No. 6C. Mayor Haley announced that this item will be postponed until a later date due an illness in Sheriff Ratliff's family.

4. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of the first reading of an ordinance amending Subsection 155.107(B)(1) (Planning and Zoning Commission), of the Code of Ordinances of the City of Wimberley, Texas, in order to revise the membership requirements; providing for an effective date; proper notice and meeting, severability and repealer (*Place Five Councilmember Dick Larson*).

City Administrator Ferguson reviewed the history of latest revisions to this proposed ordinance. Mayor Haley opened the public hearing.

Wimberley resident Rob Pitzer asked for clarification on rationale behind the proposed ordinance. Discussion reviewed prior deliberations and Mr. Pitzer expressed objections to the residency requirement as denying a voice to business owners not residing within the City limits or Extra Territorial Jurisdiction (ETJ).

Discussion among Wimberley resident Craig Reitz, staff, and Council established that the owner/operator of the business may either lease or own the business. Planning and Zoning Commissioner Lila McCall reviewed past Planning and Zoning discussions/actions on earlier drafts of this proposed ordinance and discussion addressed the recent modifications made per Council's direction that allow up to two residents living within City limits *or* the ETJ (as opposed to within City limits only).

Planning and Zoning Commissioner Xiques questioned the need for this proposed ordinance and Councilmember Larson replied that during his last campaign many business owners complained that Council ignored them and that this ordinance is proposed in a gesture of good will to those who feel disenfranchised.

Rob Pitzer received clarification that *business* ownership/operation is required, not necessarily ownership of the *property* that the business occupies.

Hearing no further comments, Mayor Haley closed the public hearing.

Discussion among Council addressed:

- Whether or not there is a need for changing Planning and Zoning membership requirements
- Pros/cons of all Planning and Zoning Commission members potentially being business owners
- Council's duty to appoint Planning and Zoning Commission members with attention to composition of membership
- Definitions of what constitutes "ownership"

Councilmember Larson moved to approve the item as presented. Councilmember Roccaforte seconded. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, nay; Councilmember Thurber, nay; Councilmember Larson, aye; Councilmember Xiques, aye. Motion carried on a vote of 3-2.

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 1555 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a 0.477 acre tract located at 500 Blue Heron Run, Wimberley, Hays County, Texas, designating initial zoning for such tract as Single Family Residential 2 (R2); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*Betty Sue Cooper, Applicant*).
- C. Hold a public hearing and consider approval of an ordinance approving an application for a Conditional Use Permit submitted by Betty Sue Cooper to operate a bed and breakfast lodging facility on an approximately 0.477 acre tract located at 500 Blue Heron Run, Wimberley, Texas, zoned Single Family Residential 2 (R2) , and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meting; and providing for certain conditions (*Betty Sue Cooper, Applicant*).

City Administrator Ferguson requested continuance of Agenda Item Nos. 4B and 4C until Council's meeting on March 5, 2009 due to the need for re-notification.

Councilmember Flocke moved to continue the items as requested. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider approval of an ordinance approving an application for a Conditional Use Permit submitted by Lon Breitenbach to operate a bed and breakfast lodging facility on an approximately 1.008 acre tract located at 2635 Flite Ares Road, Wimberley, Texas, zoned Residential Acreage (RA), and imposing certain conditions; and

providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions (*Lon Breitenbach, Applicant*).

City Administrator Ferguson reviewed the application and prior approved subdivision. He outlined the subject property's location, acreage, current/proposed zoning/uses, and the applicant's efforts to resolve emergency access issues. He concluded with staff's recommendation for approval.

Mayor Haley opened the public hearing. Hearing no comments, Mayor Haley closed the public hearing.

In response to Councilmember Thurber, City Administrator Ferguson confirmed that exhibits referred to in the draft ordinance will be included should the ordinance be approved. Discussion established that no feedback has been received from neighboring property owners and addressed allowed signage versus "grandfathered" signs along Elite Acres. No comments were heard before the Planning and Zoning Commission which unanimously recommended approval.

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

5. Ordinances

- A. Consider approval of the first reading of an ordinance amending Chapter 70 (Traffic Regulations) of the Code of Ordinances of the City of Wimberley, Texas, in order to add a subsection entitled "Through-Truck Traffic," providing for a penalty, findings of fact, an effective date, proper notice and meeting, severability and repealer (*City Administrator*).

City Administrator Ferguson stated the need for this ordinance and cited past problems with truck traffic on CR 1492, especially at the sharp curve just south of the Blanco River crossing. He expressed concern over the impact of heavy truck traffic on the CR 1492 Blanco River crossing bridge and advised of the Transportation Advisory Board's unanimous recommendation to approve this proposed regulation of through truck traffic. He noted "proof of route" requirements for trucks using CR 1492 as a delivery/pick-up destination and placement of appropriate regulatory signage.

Discussion established that advanced warning signage will be placed ahead of the sharp curve where large tractor trailer rigs have become stuck in the past. Councilmember Flocke noted ordinance language in §71.01(4) that does not specifically address CR 1492. City Administrator Ferguson advised that the draft language in that section will be changed to add the proper references to CR 1492.

Councilmember Thurber moved to approve the item with the change as noted by Councilmember Flocke. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

- B. Consider approval of the first reading of an ordinance of the City of Wimberley, Texas, amending Title XV (Land Usage) of the Code of Ordinances to create a new Chapter 156 entitled "Non-Point Source Pollution Control," in order to establish and adopt a non-point source pollution program and regulation; providing for a penalty as provided in Section 10.99 of the Code; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date (*City Administrator*).

City Administrator Ferguson explained this proposed ordinance as means of protecting water quality from the effects of runoff. Discussion among Mr. Ferguson, Assistant City Attorney Crosby, and Council addressed the City's authority to enforce this proposed ordinance in its ETJ and comparison to similar ordinances in other governmental entities. Councilmember Flocke commented on the need for review of this proposed ordinance by the Planning and Zoning Commission for recommendation to Council. Councilmember Thurber agreed with Councilmember Flocke and suggested additionally that the Water/Wastewater Advisory Board review the draft ordinance. Councilmember Larson and Mr. Ferguson briefly discussed the potential impact of this ordinance on the need for removal of graffiti and any associated runoff as a result of cleaning.

Mayor Haley entertained a motion to refer this item to the Water/Wastewater Advisory Board and the Planning and Zoning Commission for review and recommendation. Councilmember Larson so moved. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- C. Consider approval of an ordinance of the City of Wimberley, Texas amending Ordinance No. 2009-004, which ordered the General Election to be held jointly with other entities on May 9, 2009, for the purpose of electing City Council members for Places One, Three and Five of the City of Wimberley City Council and all matters related to holding such election, is hereby amended to add the Hays Trinity Groundwater Conservation District; and providing for findings of fact, severability, conflicting provisions, governing law, proper notice and open meeting, and an effective date (*City Administrator*).

City Administrator Ferguson explained the need for this ordinance and noted that election costs will be shared equally. Councilmember Xiques moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

6. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposed Joint Election Agreement with the Hays Trinity Groundwater Conservation District for the May 9, 2009 Election (*City Administrator*).

Mayor Haley introduced the item and entertained a motion. Councilmember Xiques moved to approve item as presented. Councilmember Larson seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action on issues relating to the implementation of the City of Wimberley Economic Development Strategy (*Place Four Councilmember Steve Thurber*).

Councilmember Thurber commended Economic Development Commission (EDC) Chairman Gary Weeks for outstanding work on the City's adopted Economic Development Strategy. He felt that direction is needed on implementation of the Strategy and asked Chairman Weeks for his thoughts on how to proceed and prioritize tasks to achieve the goal of implementation. Chairman Weeks stated that certain EDC members have expressed willingness to continue, thus needing reappointment. Remaining expired EDC positions will need to be filled and discussion addressed possible recruitment efforts to fill those positions. Major points of discussion among Council, City Administrator Ferguson, EDC Chairman Weeks, Planning and Zoning Commissioner McCall, Planning and Zoning Commissioner Xiques, and former EDC member Craig Reitz included:

- Status of EDC as an "evergreen" commission
- Modifications to applicable EDC ordinance(s) including possible revisions of membership requirements
- Need to help existing businesses
- Need for future joint workshop between Council and EDC
- Possible reduction of EDC from seven to fewer members
- Use of multiple boundaries (such as City limits, WISD, and 78676 zip code) to achieve broad cross section reflected in EDC membership
- Need for guidance and framework in order to carry out EDC tasks

Council generally agreed to direct staff to proceed with work on an ordinance and reappointments, with future scheduling of workshop sessions as needed. No vote was taken on this item.

C. Discuss and consider approval of a Racial Profiling Policy and Annual Racial Profiling Report for the City of Wimberley City Marshal (*City Marshal*).

This item was heard after Agenda Item No. 2.

City Administrator Ferguson reviewed policy development and statutory requirements for various policies, procedures, and reporting that require submittal to Council.

City Marshal Robinson summarized the reporting methodology, provided population demographics according to the latest U.S. Census data, and stated percentages of citations/warnings issued to certain racial categories. He also noted his personal background/training, routine data collection procedures, and required reporting related to searches and arrests. Summary of the 2008 data analysis concluded the following:

- Whites were cited at a rate higher than the percentage of Whites in the City population
- Hispanics were cited at a rate lower than the percentage of Hispanics in the City population
- No African American, American Indian, or Asian drivers received citations/warnings
- No searches were conducted, whether based on probable cause or incident to arrest
- No persons were arrested
- No complaints for racial profiling were reported or filed with the Wimberley City Marshal's

Office

- Wimberley City Marshal's Office is fully in compliance with all applicable Texas laws concerning the prohibition of racial profiling

In response to Councilmember Xiques inquiry, City Marshal Robinson replied that his vehicle is equipped with video recording equipment that is working very well. In response to Councilmember Thurber's inquiry regarding the complaint process, City Administrator Ferguson advised that appropriate information and forms will be posted on the City's website and staff will receive training on handling complaints. Discussion between Mr. Ferguson and Councilmember Xiques established that certain references to the year 2003 accurately reflect when State legislation required compliance by law enforcement agencies. Council thanked City Marshal Robinson for his hard work and service to the community.

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

- D. Discuss and consider action regarding the current city-wide zoning project and the previous City Council charge to the Planning and Zoning Commission relating to the project (*Mayor Tom Haley*).

Mayor Haley reiterated the need for citywide zoning and proposed that existing unzoned property be zoned according to its current use and allow a 90-day window for property owners in any planning area to apply for a change in zoning at no charge to the applicant.

Councilmember Flocke outlined several benefits of city-wide zoning and the need for approval of an ordinance defining setbacks before zoning of properties along entrance corridors. He spoke of the types of businesses most beneficial to Wimberley from a long-term economic standpoint that will provide employment to future generations while maintaining aesthetic appeal.

Councilmember Thurber agreed with Mayor Haley's proposal and felt that the public process has worked well in giving citizens a voice and commended the Planning and Zoning Commission for its handling of this issue during public hearings. Councilmember Thurber complimented the City's Zoning Ordinance for its award-winning foresight, questioned the need for city-wide zoning, and asked whether the same purpose cannot be accomplished through an overlay district.

Assistant City Attorney Crosby stated that zoning all City property may make the City less susceptible to accusations of spot zoning. She noted that cities have a tremendous amount of discretion in zoning/rezoning decisions, which are almost always upheld by the courts. City Administrator Ferguson noted that having all City property zoned will be more convenient for citizens applying for building permits, which requires that the property be properly zoned before issuance.

Assistant City Attorney Crosby clarified for Councilmember Thurber that the overlay district regulates design/construction standards, but does not address permitted/conditional uses. She also

clarified that while the Comprehensive Plan may make *recommendations*, it is not a regulation or requirement that gives a property owner any use rights.

Planning and Zoning Commissioner Xiques spoke about the need for zoning, but stressed that the Planning and Zoning Commission needs to come up with a plan for growth (both short- and long-term) that shows where the City wants growth, as well as what type of growth is wanted for certain areas.

Discussion between Councilmember Flocke and Craig Reitz clarified Mr. Reitz's position requesting that the City *not* apply commercial zoning to any property along waterways *that is not already existing as commercial use*. In particular, Mr. Reitz stated that his earlier reference applied to commercial zoning under the proposed zoning map that was proposed for residential areas such as Blue Heron and on FM 3237 that abuts creeks, which may have possible detrimental environmental effects. Councilmember Flocke noted that there is already some existing commercial use along waterways, which he felt should be zoned according to its current use. City Administrator Ferguson reminded that there is currently a Protected Water Overlay District in place that prohibits any new commercial construction.

Planning and Zoning Commissioner Lila McCall agreed that the Commission needs to do more planning than zoning and questioned the difference between large homes (with a large family of residents) and bed and breakfast operations that are both located on waterways.

Discussion between City Administrator Ferguson and Council arrived at options for action in order to formalize direction to staff. Councilmember Flocke moved as follows: to cease the public hearing process on the proposed city-wide zoning map; to direct staff to draft a resolution implementing Mayor Haley's proposal to zone all unzoned property to current use; to allow a 90-day window (starting from a date to be determined) for property owners in any planning area wanting to be rezoned to apply for such rezoning; that the application fee for said zoning will be at the City's expense, with other associated costs for items such as surveys to be borne by the applicant. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

City Administrator Ferguson advised that the zoning maps currently on display will be removed from all locations.

- E. Discuss and consider possible action relating to the annual performance review of the City Administrator (*Mayor Tom Haley*).

Mayor Haley announced that Council will retire to Executive Session pursuant to Chapter 551.074 of the Texas Government Code at 8:27 p.m.

Mayor Haley reconvened into Open Session at 8:50 p.m. No action was taken during Executive Session.

7. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Flocke requested that a resolution be presented to the Wimberley High School Swim Team for its successful record this season.

Discussion among City Administrator Ferguson and Council agreed on Monday, March 30, 2008 as an acceptable date to hold a Council workshop meeting to be attended by Hays County Precinct Three Commissioner Will Conley to discuss the proposed joint governmental services facility.

Councilmember Thurber requested that City Administrator Ferguson provide a report on the compliance review of downtown septic systems. Citing recent news coverage, Councilmember Thurber also requested that staff look into the problem that some small cities have had with enforcing distance limitations for sex offenders living in proximity to facilities such as schools. Councilmember Thurber also requested scheduling of a Council workshop session with Scott Joslove for discussion of possible implementation of a Hotel Occupancy Tax.

Hearing no further announcements or future agenda items, Mayor Haley entertained a motion. Councilmember Larson moved to adjourn. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

Adjournment: Council meeting adjourned at 8:54 p.m.

Recorded by:

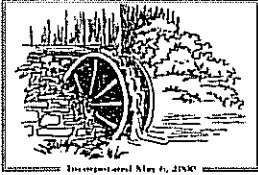
Cara McPartland

These minutes approved on the _____ of March, 2009.

APPROVED:

Tom Haley, Mayor

City Council Agenda Form



Date Submitted: February 26, 2008

Agenda Date Requested: March 5, 2009

Project/Proposal Title: APPROVAL OF JANUARY
2009 FINANCIAL STATEMENTS

Funds Required:
Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

Attached are the January 2009 Financial Statements for review and consideration.

Council Package
Financial Statements Village of Wimberley
For the Period Ended 1/31/2009

✓
_____ Balance Sheet - General Fund
✓
_____ Revenue/Expenditure - General Fund
✓
_____ Budget Vs Actual - General Fund
✓
_____ Balance Sheet - Blue Hole
✓
_____ Revenue/Expenditure - Blue Hole
✓
_____ Budget Vs Actual - Blue Hole
✓
_____ Balance Sheet - Municipal Court
✓
_____ Revenue/Expenditure - Municipal Court
✓
_____ Budget Vs Actual - Municipal Court
✓
_____ Cypress Creek Nature Trail - Financial Statements

3-2-09 12:55 am 34 pages
Faxed to: 512-847-0422

City of Wimberley
General Fund
Balance Sheet - Modified Accrual Basis
January 31, 2009

Assets

Current Assets

101.10 Petty Cash-General	\$ 150.00
103.10 Cash - Blanco National Bank - General	276,196.75
105.10 Cash - Blanco National Bank - CD	219,755.03
110.10 Texpool - General	362,528.34
112.10 Due From Cypress Creek	3,394.17
114.10 Due From Blue Hole	4,050.25
116.10 Due From Municipal Court	652.90
120.10 Accounts Receivable	8,806.87
121.10 Sales Tax Receivable	<u>74,295.86</u>

Total Current Assets \$ 949,830.17

Total Assets \$ 949,830.17

Liabilities and Fund Balance

Current Liabilities

301.10 Withholding Tax Payable	\$ 2,685.00
302.10 FICA Tax Payable	4,512.23
303.10 Accounts Payable	2,471.00
311.10 TMRS Payable	1,641.88
320.10 Accrued Salaries Payable	<u>5,749.52</u>

Total Current Liabilities \$ 17,059.63

Total Liabilities 17,059.63

Fund Balance

467.10 Fund Balance - Undesignated	437,582.18
469.10 Designated Fund Balance - Public Works	300,000.00
470.10 Designated Fund Balance - New City Hall	50,000.00
471.10 Designated Fund Balance - W/W on Square	30,000.00
472.10 Designated Fund Balance - Future Grant Match	50,000.00
498.10 Net Excess (Deficit)	<u>65,188.36</u>

Total Fund Balance 932,770.54

Total Liabilities and Fund Balance \$ 949,830.17

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
501.10 Sales & Use Tax	\$ 74,295.86	58.86	\$ 222,407.75	74.62
502.10 Mixed Beverage Tax	1,585.26	1.26	1,585.26	0.53
503.10 Interest Income - General	1,222.41	0.97	5,530.64	1.86
504.10 Miscellaneous Income	505.90	0.40	4,601.25	1.54
505.10 Building Permits	1,213.40	0.96	5,708.39	1.92
506.10 Building Inspections	3,815.00	3.02	8,300.00	2.78
509.10 Plan Reviews	3,185.00	2.52	4,712.50	1.58
511.10 Sign Permits	385.00	0.31	815.00	0.27
512.10 Subdivision	1,296.00	1.03	4,071.00	1.37
513.10 Zoning	570.00	0.45	1,505.00	0.50
516.10 Municipal Court Costs/Fines	367.00	0.29	1,019.90	0.34
521.10 Time Warner Cable	7,071.99	5.60	7,071.99	2.37
522.10 Pedemales Electric Cooperative, Inc.	21,571.56	17.09	21,571.56	7.24
523.10 Texas Disposal Systems	9,138.23	7.24	9,138.23	3.07
525.10 Franchise Fees - Misc	4.62	0.00	22.90	0.01
Total Revenues	126,227.23	100.00	298,061.37	100.00
Expenditures				
Admin - Personnel				
601.10 City Administrator	10,961.55	8.68	33,987.53	11.40
602.10 City Secretary	4,269.24	3.38	12,692.33	4.26
603.10 Receptionist/Clerk	2,916.00	2.31	6,318.00	2.12
606.10 Payroll Taxes	1,491.66	1.18	4,289.75	1.44
607.10 TMRS - Admin	353.25	0.28	1,351.60	0.45
608.10 Health Care	737.00	0.58	3,610.00	1.21
Total Admin - Personnel	20,728.70	16.42	62,249.21	20.88
Admin - Operating				
609.10 Dues - TML & City Mgr Assoc	516.30	0.41	931.30	0.31
610.10 Public Notices	483.28	0.38	1,017.28	0.34
611.10 Printing	0.00	0.00	327.00	0.11
612.10 Telephone	814.44	0.65	1,962.13	0.66
613.10 Copies	103.53	0.08	355.41	0.12
614.10 Rent	8,368.00	6.63	20,920.00	7.02
615.10 Cleaning	800.00	0.63	1,700.00	0.57
616.10 Office Supplies	689.73	0.55	1,248.15	0.42
617.10 Utilities	1,458.99	1.16	2,359.98	0.79

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
618.10 Equipment Leases	\$ 443.03	0.35	\$ 2,047.79	0.69
619.10 Water Cooler	31.49	0.02	141.28	0.05
620.10 Postage	0.00	0.00	101.51	0.03
621.10 Insurance	0.00	0.00	12,155.07	4.08
622.10 Records Management	22.26	0.02	310.94	0.10
623.10 Office Technology	98.00	0.08	832.00	0.28
626.10 Security Expense	0.00	0.00	169.13	0.06
628.10 Technology Consultant	0.00	0.00	55.00	0.02
631.10 Capital Outlay - Technology	(21.00)	(0.02)	0.00	0.00
632.10 Capital Outlay - Other	0.00	0.00	500.00	0.17
636.10 Training - Travel	592.10	0.47	592.10	0.20
Total Admin - Operating	14,400.15	11.41	47,726.07	16.01
Legal				
641.10 Legal	6,114.81	4.84	16,355.88	5.49
Total Legal	6,114.81	4.84	16,355.88	5.49
Council - Boards Expenditures				
651.10 Association Dues	158.00	0.13	293.00	0.10
652.10 Training	30.00	0.02	285.00	0.10
655.10 Financial Management Services	0.00	0.00	3,000.00	1.01
656.10 Audit	6,500.00	5.15	9,750.00	3.27
661.10 Public Relations / Receptions	212.85	0.17	212.85	0.07
Total Council - Boards Expenditures	6,900.85	5.47	13,540.85	4.54
Building Department Expenditures				
676.10 Contract Inspector	3,385.00	2.68	9,287.50	3.12
677.10 Site Plan Reviews	1,563.00	1.24	2,148.00	0.72
Total Building Department Expenditures	4,948.00	3.92	11,435.50	3.84
Public Works - Personnel				
702.10 Salaries-Code Enforcement & Permitting	3,244.80	2.57	9,692.80	3.25
704.10 Salaries-GIS/Permitting Clerk	3,720.00	2.95	11,112.00	3.73
706.10 Payroll Taxes	532.81	0.42	1,591.59	0.53

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
707.10 TMRS - Public Works	\$ 135.59	0.11	\$ 534.50	0.18
708.10 Health Benefits	400.00	0.32	1,800.00	0.60
Total Public Works - Personnel	8,033.20	6.36	24,730.89	8.30
Public Works - Operating				
715.10 Supplies - Public Works	12.61	0.01	21.15	0.01
720.10 Fuel	75.81	0.06	244.10	0.08
722.10 Vehicle Maint. & Insurance	0.00	0.00	95.13	0.03
Total Public Works - Operating	88.42	0.07	360.38	0.12
Roads				
727.10 Road Maintenance	6,843.45	5.42	10,775.00	3.62
729.10 Road Engineering	9,173.00	7.27	9,173.00	3.08
731.10 Mowing / Tree Trimming	0.00	0.00	2,675.00	0.90
732.10 Signs/Barricades	75.00	0.06	150.00	0.05
733.10 Parking Lot Lease	200.00	0.16	500.00	0.17
736.10 Contract Labor	1,298.48	1.03	6,667.93	2.24
Total Roads	17,589.93	13.94	29,940.93	10.05
Water/Wastewater				
756.10 Public Restroom Wastewater	265.00	0.21	926.54	0.31
Total Water/Wastewater	265.00	0.21	926.54	0.31
Public Safety - Personnel				
801.10 Salaries - City Marshall	4,380.00	3.47	13,083.85	4.39
806.10 Payroll Taxes	335.07	0.27	1,000.92	0.34
807.10 TMRS City Contribution-PS	85.27	0.07	336.16	0.11
808.10 Health Care - Public Safety	200.00	0.16	1,025.00	0.34
Total Public Safety - Personnel	5,000.34	3.96	15,445.93	5.18
Public Safety - Operating				
820.10 Municipal Court Judge	0.00	0.00	725.00	0.24

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
821.10 City Prosecutor	\$ 696.00	0.55	\$ 1,479.00	0.50
824.10 Animal Control	0.00	0.00	6,000.00	2.01
825.10 Fuel-Public Safety	175.25	0.14	342.88	0.12
826.10 Supplies - Public Safety	30.97	0.02	250.97	0.08
830.10 Capital Outlay - Vehicle	0.00	0.00	608.95	0.20
832.10 Capital Outlay - Technology	0.00	0.00	241.02	0.08
	<u>902.22</u>	<u>0.71</u>	<u>9,647.82</u>	<u>3.24</u>
Total Public Safety - Operating				
 Parks - Operating				
859.10 Nature Trail Operations	<u>203.46</u>	<u>0.16</u>	<u>513.01</u>	<u>0.17</u>
Total Parks - Operating	<u>203.46</u>	<u>0.16</u>	<u>513.01</u>	<u>0.17</u>
Total Expenditures	<u>85,175.08</u>	<u>67.48</u>	<u>232,873.01</u>	<u>78.13</u>
NET EXCESS (DEFICIT)	\$ <u>41,052.15</u>	<u>32.52</u>	\$ <u>65,188.36</u>	<u>21.87</u>

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Four Months Ended January 31, 2009

		CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES								
501.1	Sales & Use Tax	\$ 74,295.86	\$ 222,407.75	74.62%	\$ 476,400.00	\$ (253,992.25)	-53.31%	-66.67%
502.1	Mixed Beverage Tax	1,585.26	1,585.26	0.53%	7,500.00	(5,914.74)	-78.86%	-66.67%
503.1	Interest Income	1,222.41	5,572.95	1.87%	18,000.00	(12,427.05)	-69.04%	-66.67%
504.1	Misc. Income	505.90	3,685.79	1.24%	5,000.00	(1,314.21)	0.00%	-66.67%
505.1	Building Permits	1,213.40	6,006.66	2.02%	22,000.00	(15,993.34)	-72.70%	-66.67%
506.1	Building Inspections	3,815.00	7,424.05	2.49%	29,000.00	(21,575.95)	-74.40%	-66.67%
509.1	Plan Reviews	3,185.00	4,712.50	1.58%	18,000.00	(13,287.50)	-73.82%	-66.67%
510.1	Beer & Wine Permits	-	-	0.00%	-	-	0.00%	-66.67%
511.1	Sign Permits	385.00	815.00	0.27%	7,000.00	(6,185.00)	-88.36%	-66.67%
512.1	Subdivision	1,296.00	4,071.00	1.37%	15,000.00	(10,929.00)	-72.86%	-66.67%
513.1	Zoning	570.00	1,505.00	0.50%	15,000.00	(13,495.00)	-89.97%	-66.67%
514.1	Copies/Maps/Misc.	-	-	0.00%	500.00	(500.00)	-100.00%	-66.67%
516.1	Municipal Court/Costs Fines	367.00	1,019.90	0.34%	43,600.00	(42,580.10)	-97.66%	-66.67%
525.1	Franchise Fees - Misc	37,786.40	39,255.51	13.17%	180,000.00	(140,744.49)	-78.19%	-66.67%
526.1	Health Fees	-	-	0.00%	15,000.00	(15,000.00)	-100.00%	-66.67%
TOTAL REVENUES		126,227.23	298,061.37	100.00%	852,000.00	(553,938.63)	-65.02%	-66.67%
EXPENDITURES								
ADMINISTRATION EXPENDITURES								
<u>Personnel</u>								
601.1	City Administrator	10,961.55	33,987.53	14.59%	95,000.00	(61,012.47)	-64.22%	-66.67%
602.1	City Secretary	4,269.24	12,692.33	5.45%	37,000.00	(24,307.67)	-65.70%	-66.67%
603.1	Receptionist/Clerk	2,916.00	6,318.00	2.71%	29,204.00	(22,886.00)	-78.37%	-66.67%
604.1	Fire Marshal (Contract Labor)	-	-	0.00%	4,000.00	(4,000.00)	-100.00%	-66.67%
605.1	Intern	-	-	0.00%	-	-	0.00%	-66.67%
606.1	Payroll Taxes	1,491.66	4,289.75	1.84%	13,341.00	(9,051.25)	-67.85%	-66.67%
607.1	TMRS	353.25	1,351.60	0.58%	8,593.00	(7,241.40)	-84.27%	-66.67%
608.1	Health Benefits	737.00	3,610.00	1.55%	13,500.00	(9,890.00)	-73.26%	-66.67%
<u>Total Personnel</u>		<u>20,728.70</u>	<u>62,249.21</u>	<u>26.73%</u>	<u>200,638.00</u>	<u>(138,388.79)</u>	<u>-68.97%</u>	<u>-66.67%</u>
<u>Operating</u>								
609.1	Dues (TML & City Mgr Assoc.)	516.30	931.30	0.40%	4,000.00	(3,068.70)	-76.72%	-66.67%
610.1	Public Notices	483.28	1,017.28	0.44%	4,500.00	(3,482.72)	-77.39%	-66.67%
611.1	Printing	-	327.00	0.14%	500.00	(173.00)	-34.60%	-66.67%
612.1	Telephone	814.44	1,962.13	0.84%	5,700.00	(3,737.87)	-65.58%	-66.67%
613.1	Copies	103.53	355.41	0.15%	750.00	(394.59)	-52.61%	-66.67%

Restricted for Management Use Only

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Four Months Ended January 31, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
614.1 Rent	8,368.00	20,920.00	8.98%	55,000.00	(34,080.00)	-61.96%	-66.67%
615.1 Cleaning	800.00	1,700.00	0.73%	5,200.00	(3,500.00)	-67.31%	-66.67%
616.1 Office Supplies	689.73	1,248.15	0.54%	5,000.00	(3,751.85)	-75.04%	-66.67%
617.1 Utilities	1,458.99	2,359.98	1.01%	5,500.00	(3,140.02)	-57.09%	-66.67%
618.1 Equipment Leases	443.03	2,047.79	0.88%	4,200.00	(2,152.21)	-51.24%	-66.67%
619.1 Water Cooler	31.49	141.28	0.06%	540.00	(398.72)	-73.84%	-66.67%
620.1 Postage	-	101.51	0.04%	5,000.00	(4,898.49)	-97.97%	-66.67%
621.1 Insurance	-	12,155.07	5.22%	15,000.00	(2,844.93)	-18.97%	-66.67%
622.1 Records Management	22.26	310.94	0.13%	7,500.00	(7,189.06)	-95.85%	-66.67%
623.1 Office Technology	98.00	832.00	0.36%	650.00	182.00	28.00%	-66.67%
626.1 Security Expense	-	169.13	0.07%	800.00	(630.87)	-78.86%	-66.67%
628.1 Technology Consultant	-	55.00	0.02%	535.00	(480.00)	-89.72%	-66.67%
629.1 Pay Comparability Adjustment	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	-66.67%
630.1 Capital Outlay - Furnishings	-	-	0.00%	400.00	(400.00)	-100.00%	-66.67%
631.1 Capital Outlay - Technology	(21.00)	-	0.00%	6,300.00	(6,300.00)	-100.00%	-66.67%
632.1 Capital Outlay - Other	-	500.00	0.21%	-	500.00	0.00%	-66.67%
635.1 Mileage	-	-	0.00%	750.00	(750.00)	-100.00%	-66.67%
636.1 Training-Travel	592.10	592.10	0.25%	2,000.00	(1,407.90)	-70.40%	-66.67%
638.1 Repairs & Maintenance	-	-	0.00%	-	-	0.00%	-66.67%
639.1 Signs/Zoning	-	-	0.00%	-	-	0.00%	-66.67%
<u>Total Operating</u>	<u>14,400.15</u>	<u>47,726.07</u>	<u>20.49%</u>	<u>130,825.00</u>	<u>(83,098.93)</u>	<u>-63.52%</u>	<u>-66.67%</u>
TOTAL ADMINISTRATION EXPENDITURES	<u>35,128.85</u>	<u>109,975.28</u>	<u>47.23%</u>	<u>331,463.00</u>	<u>(221,487.72)</u>	<u>-66.82%</u>	<u>-66.67%</u>
LEGAL DEPARTMENT EXPENDITURES							
641.1 Legal	6,114.81	16,355.88	7.02%	55,000.00	(38,644.12)	-70.26%	-66.67%
649.1 Operating Transfer-Out	-	-	0.00%	-	-	0.00%	-66.67%
TOTAL LEGAL	<u>6,114.81</u>	<u>16,355.88</u>	<u>7.02%</u>	<u>55,000.00</u>	<u>(38,644.12)</u>	<u>-70.26%</u>	<u>-66.67%</u>
COUNCIL - BOARD EXPENDITURES							
651.1 Association Dues	158.00	293.00	0.13%	1,000.00	(707.00)	-70.70%	-66.67%
652.1 Training	30.00	285.00	0.12%	1,500.00	(1,215.00)	-81.00%	-66.67%
653.1 Town Hall Meetings	-	-	0.00%	-	-	0.00%	-66.67%
654.1 Election	-	-	0.00%	2,500.00	(2,500.00)	-100.00%	-66.67%
655.1 Financial Management Services	-	3,000.00	1.29%	12,000.00	(9,000.00)	-75.00%	-66.67%
656.1 Audit	6,500.00	9,750.00	4.19%	10,000.00	(250.00)	-2.50%	-66.67%
657.1 Public Satisfaction Survey	-	-	0.00%	-	-	0.00%	-66.67%

Restricted for Management Use Only

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Four Months Ended January 31, 2009

		CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
658.1	Planning	-	-	0.00%	-	-	0.00%	-66.67%
659.1	Recording Secretary	-	-	0.00%	-	-	0.00%	-66.67%
660.1	Economic Development	-	-	0.00%	-	-	0.00%	-66.67%
661.1	Public Relations/Receptions	212.85	212.85	0.09%	3,000.00	(2,787.15)	-92.91%	-66.67%
662.1	Public Information	-	-	0.00%	2,500.00	(2,500.00)	0.00%	-66.67%
663.1	Visitor Center Support	-	-	0.00%	-	-	0.00%	-66.67%
664.1	Fitness Council Expenditures	-	-	0.00%	-	-	0.00%	-66.67%
	TOTAL COUNCIL -BOARD EXPENDITURES	8,900.85	13,540.85	5.81%	32,500.00	(18,959.15)	-58.34%	-66.67%
BUILDING DEPARTMENT EXPENDITURES								
676.1	Contract Inspector	3,385.00	9,287.50	3.99%	22,000.00	(12,712.50)	-57.78%	-66.67%
677.1	Site Plan Reviews	1,563.00	2,148.00	0.92%	18,000.00	(15,852.00)	-88.07%	-66.67%
678.1	Building Code Books	-	-	0.00%	-	-	0.00%	-66.67%
	TOTAL BUILDING DEPARTMENT EXPENDITURES	4,948.00	11,435.50	4.91%	40,000.00	(28,564.50)	-71.41%	-66.67%
PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES								
	<u>Public Works</u>							
<u>Personnel</u>								
701.1	Salaries-Planning Director	-	-	0.00%	-	-	0.00%	-66.67%
702.1	Salaries-Code Enforcement & Perm	3,244.80	9,692.80	4.16%	28,121.00	(18,428.20)	-65.53%	-66.67%
703.1	Salaries-Asslt. to Planning Director	-	-	0.00%	-	-	0.00%	-66.67%
704.1	Salaries-GIS/Permitting Clerk	3,720.00	11,112.00	4.77%	32,240.00	(21,128.00)	0.00%	-66.67%
706.1	Payroll Taxes	532.81	1,591.59	0.68%	4,922.00	(3,330.41)	0.00%	-66.67%
707.1	TMRS - Public Works	135.59	534.50	0.23%	-	534.50	0.00%	-66.67%
708.1	Health Benefits	400.00	1,800.00	0.77%	9,000.00	(7,200.00)	-80.00%	-66.67%
	<u>Total Personnel</u>	<u>8,033.20</u>	<u>24,730.89</u>	<u>10.62%</u>	<u>74,283.00</u>	<u>(49,552.11)</u>	<u>-66.71%</u>	<u>-66.67%</u>
<u>Operating</u>								
712.1	Mileage	-	-	0.00%	250.00	(250.00)	-100.00%	-66.67%
713.1	Training	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	-66.67%
714.1	Certificates	-	-	0.00%	-	-	0.00%	-66.67%
715.1	Supplies - Public Works	12.61	21.15	0.03%	-	21.15	0.00%	-66.67%
720.1	Fuel	75.81	244.10	0.10%	2,000.00	(1,755.90)	0.00%	-66.67%
721.1	Tools	-	-	0.00%	750.00	(750.00)	-100.00%	-66.67%
722.1	Vehicle Maintenance & Insurance	-	95.13	0.04%	1,000.00	(904.87)	0.00%	-66.67%

Restricted for Management Use Only

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Four Months Ended January 31, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
<u>Total Operating</u>	88.42	360.38	0.15%	5,000.00	(4,639.62)	0.00%	-66.67%
<u>Total Public Works</u>	8,121.62	25,091.27	10.77%	79,283.00	(54,191.73)	-66.71%	-66.67%
<u>Roads</u>							
727.1 Road Maintenance	6,843.45	10,775.00	4.63%	75,000.00	(64,225.00)	-85.63%	-66.67%
Transfer to Road Maintenance Rese	-	-	0.00%	20,000.00	(20,000.00)	-100.00%	-66.67%
728.1 Capital Outlay Roads	-	-	0.00%	40,000.00	(40,000.00)	-100.00%	-66.67%
729.1 Road Engineering	9,173.00	9,173.00	3.94%	7,000.00	2,173.00	31.04%	-66.67%
730.1 Road Insurance	-	-	0.00%	-	-	0.00%	-66.67%
731.1 Mowing/Tree Trimming	-	2,675.00	1.15%	12,500.00	(9,825.00)	-78.60%	-66.67%
732.1 Signs/Barricades	75.00	150.00	0.06%	5,000.00	(4,850.00)	-97.00%	-66.67%
733.1 Parking Lot Lease	200.00	500.00	0.21%	1,200.00	(700.00)	-58.33%	-66.67%
734.1 Master Planning Traffic Studies	-	-	0.00%	-	-	0.00%	-66.67%
735.1 Survey Services	-	-	0.00%	-	-	0.00%	-66.67%
736.1 Contract Labor	1,298.48	6,667.93	2.86%	5,000.00	1,667.93	33.36%	-66.67%
737.1 Ranch Road 12 Mitigation	-	-	0.00%	-	-	0.00%	-66.67%
<u>Total Roads</u>	17,589.93	29,940.93	12.86%	165,700.00	(135,759.07)	-81.93%	-66.67%
<u>Water/Wastewater</u>							
752.1 Water Quality Testing	-	-	0.00%	5,000.00	(5,000.00)	-100.00%	-66.67%
753.1 Wastewater System Start-up	-	-	0.00%	-	-	0.00%	-66.67%
754.1 Map Services	-	-	0.00%	-	-	0.00%	-66.67%
755.1 Water/Wastewater Purchases	-	-	0.00%	-	-	0.00%	-66.67%
756.1 Public Restroom Wastewater	265.00	926.54	0.40%	7,500.00	(6,573.46)	-87.65%	-66.67%
<u>Total Water/Wastewater</u>	265.00	926.54	0.40%	12,500.00	(11,573.46)	-92.59%	-66.67%
TOTAL PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES	25,976.55	55,958.74	24.03%	257,483.00	(201,524.26)	-78.27%	-66.67%
PUBLIC SAFETY/COURTS EXPENDITURES							
<u>Personnel</u>							
801.1 Salaries - City Marshall	4,380.00	13,083.85	5.62%	37,960.00	(24,876.15)	-65.53%	-66.67%
806.1 Payroll Taxes	335.07	1,000.92	0.43%	3,094.00	(2,093.08)	0.00%	-66.67%
807.1 TMRS City Contribution	85.27	336.16	0.14%	-	336.16	0.00%	-66.67%
808.1 Health Benefits	200.00	1,025.00	0.44%	4,500.00	(3,475.00)	-77.22%	-66.67%
<u>Total Personnel</u>	5,000.34	15,445.93	6.63%	45,554.00	(30,108.07)	-66.09%	-66.67%
<u>Operating</u>							

Restricted for Management Use Only

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Four Months Ended January 31, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
820.1 Municipal Court Judge	-	725.00	0.31%	10,000.00	(9,275.00)	-92.75%	-66.67%
821.1 City Prosecutor	696.00	1,479.00	0.64%	10,000.00	(8,521.00)	-85.21%	-66.67%
822.1 Emergency Plan	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	-66.67%
823.1 Training	-	-	0.00%	4,500.00	(4,500.00)	-100.00%	-66.67%
824.1 Animal Control	-	6,000.00	2.58%	6,000.00	-	0.00%	-66.67%
825.1 Fuel	175.25	342.88	0.15%	6,000.00	(5,657.12)	-94.29%	-66.67%
826.1 Supplies	30.97	250.97	0.11%	-	250.97	0.00%	-66.67%
827.1 Vehicle Maintenance & Repair	-	-	0.00%	-	-	0.00%	-66.67%
830.1 Capital Outlay - Vehicles	-	608.95	0.26%	-	608.95	0.00%	-66.67%
831.1 Capital Outlay - Equipment	-	-	0.00%	12,500.00	(12,500.00)	-100.00%	-66.67%
832.1 Capital Outlay - Technology	-	241.02	0.10%	12,500.00	(12,258.98)	-98.07%	-66.67%
837.1 Sanitarian (Contract Labor)	-	-	0.00%	12,500.00	(12,500.00)	-100.00%	-66.67%
<u>Total Operating</u>	<u>902.22</u>	<u>9,647.82</u>	<u>4.14%</u>	<u>75,000.00</u>	<u>(65,352.18)</u>	<u>-87.14%</u>	<u>-66.67%</u>
TOTAL PUBLIC SAFETY/COURTS EXPENDITURES	<u>5,902.56</u>	<u>25,093.75</u>	<u>10.78%</u>	<u>120,554.00</u>	<u>(95,460.25)</u>	<u>-79.18%</u>	<u>-66.67%</u>
PARKS & RECREATION EXPENDITURES							
<u>Personnel</u>							
851.1 Assistant to City Admin	-	-	0.00%	-	-	0.00%	-66.67%
852.1 Health Benefits	-	-	0.00%	-	-	0.00%	-66.67%
853.1 Payroll Taxes	-	-	0.00%	-	-	0.00%	-66.67%
<u>Total Personnel</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>-66.67%</u>
<u>Operating</u>							
854.1 Mileage	-	-	0.00%	-	-	0.00%	-66.67%
855.1 Public Information	-	-	0.00%	-	-	0.00%	-66.67%
856.1 Parks Research & Development	-	-	0.00%	-	-	0.00%	-66.67%
857.1 Trails Master Plan	-	-	0.00%	-	-	0.00%	-66.67%
859.1 Nature Trail Operations	203.46	513.01	0.22%	15,000.00	(14,486.99)	-96.58%	-66.67%
<u>Total Operating</u>	<u>203.46</u>	<u>513.01</u>	<u>0.22%</u>	<u>15,000.00</u>	<u>(14,486.99)</u>	<u>-96.58%</u>	<u>-66.67%</u>
TOTAL PARKS & RECREATION EXPENDITURES	<u>203.46</u>	<u>513.01</u>	<u>0.22%</u>	<u>15,000.00</u>	<u>(14,486.99)</u>	<u>-96.58%</u>	<u>-66.67%</u>
TOTAL EXPENDITURES	<u>85,175.08</u>	<u>232,873.01</u>	<u>1.00</u>	<u>852,000.00</u>	<u>(619,126.99)</u>	<u>-72.67%</u>	<u>-66.67%</u>
Net Excess (Deficit)	<u>\$ 41,052.15</u>	<u>\$ 65,188.36</u>	<u>0.00%</u>	<u>\$ -</u>	<u>\$ 65,188.36</u>	<u>-7.65%</u>	<u>-66.67%</u>

Restricted for Management Use Only

Client: Village of Wimberley
 Bank: Blanco National Bank - General Fund #103
 Month: January Year: 2009

<u>Deposits In Transit</u>				<u>Reconciliation to Bank</u>	
				Bank Balance from Statement	<u>294,963.75</u>
				Deposit in Transit	<u>-</u>
				Total	<u>294,963.75</u>

Check #	Amount	Check #	Amount	Check #	Amount
5040	92.50	6048	281.03		
5739	100.00	6049	2,000.00		
5970	15.00	6050	190.00		
6028	2,691.64	6051	810.52		
6029	1,144.31	6052	787.50		
6030	200.00	6053	95.00		
6031	100.00	6054	105.61		
6032	200.00	6055	103.53		
6033	312.00	6056	306.22		
6034	200.00	6057	400.00		
6035	200.00				
6036	500.00				
6037	3,684.00				
6039	200.00				
6040	49.00				
6041	1,365.00				
6042	251.28				
6043	621.39				
6044	24.99				
6045	1,298.48				
6046	375.00				
6047	63.00				

Total Outstanding Checks 18,767.00
 Reconciled Bank Balance 276,196.75

<u>Adjustments:</u>		<u>Reconciliation to Books</u>	
Qbooks Payroll	(3,863.42)	Previous Book Balance	<u>248,607.45</u>
Qbooks Payroll	(3,863.46)	Deposits	<u>108,058.31</u>
		Disbursements	<u>72,742.13</u>
		Total Adjustments	<u>(7,726.88)</u>
		Present Book Balance	<u>276,196.75</u>

219,755.03

Client:	Village of Wimberley		
Bank:	TEXPOOL #110.10		
Month:	January	Year:	2009

				<u>Reconciliation to Bank</u>	
<u>Deposits In Transit</u>				Bank Balance from Statement	<u>362,528.34</u>
_____	_____	_____	_____	Deposit in Transit	<u>-</u>
_____	_____	_____	_____		
_____	_____	_____	_____	Total	<u>362,528.34</u>
_____	_____	_____	_____		

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Total Outstanding Checks	-
Reconciled Bank Balance	<u>362,528.34</u>

<u>Adjustments:</u>		<u>Reconciliation to Books</u>	
interest earned	293.15		
		Previous Book Balance	362,235.19
		Deposits	
		Disbursements	
		Total Adjustments	293.15
		Present Book Balance	362,528.34

City of Wimberley
Blue Hole Parkland
Balance Sheet - Modified Accrual Basis
January 31, 2009

Assets

Current Assets

108.40 Cash - Blanco National Bank - Blue Hole	\$ 68,486.44	
110.40 Texpool - Blue Hole	<u>163,293.06</u>	
 Total Current Assets		\$ <u>231,779.50</u>
 Total Assets		\$ <u><u>231,779.50</u></u>

Liabilities and Fund Balance

Current Liabilities

304.40 Due To General	\$ 4,050.25	
305.40 Due to Municipal Court	<u>737.00</u>	
 Total Current Liabilities		\$ <u>4,787.25</u>
 Total Liabilities		<u>4,787.25</u>

Fund Balance

467.40 Fund Balance - Blue Hole	83,227.58	
473.40 Designated Fund Balance Blue Hole - Soccer Fields	146,701.58	
498.40 Net Excess (Deficit)	<u>(2,936.91)</u>	
 Total Fund Balance		<u>226,992.25</u>
 Total Liabilities and Fund Balance		\$ <u><u>231,779.50</u></u>

City of Wimberley
Blue Hole Parkland
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
503.40 Interest Income - Blue Hole Parkland	\$ 132.03	100.00	\$ 854.02	113.26
542.40 Rental Fees	<u>0.00</u>	<u>0.00</u>	<u>(100.00)</u>	<u>(13.26)</u>
Total Revenues	<u>132.03</u>	<u>100.00</u>	<u>754.02</u>	<u>100.00</u>
Expenditures				
Parks - Operating				
861.40 Contract Labor/Wages	0.00	0.00	77.50	10.28
862.40 Utilities	134.02	101.51	317.23	42.07
863.40 Mowing	0.00	0.00	350.00	46.42
864.40 Operating Supplies	5.94	4.50	143.20	18.99
865.40 Contract Services	2,000.00	1514.81	2,000.00	265.24
866.40 Rental	0.00	0.00	353.00	46.82
868.40 Public Restroom Facilities	<u>0.00</u>	<u>0.00</u>	<u>450.00</u>	<u>59.68</u>
Total Parks - Operating	<u>2,139.96</u>	<u>1620.81</u>	<u>3,690.93</u>	<u>489.50</u>
Total Expenditures	<u>2,139.96</u>	<u>1620.81</u>	<u>3,690.93</u>	<u>489.50</u>
NET EXCESS (DEFICIT)	<u>\$ (2,007.93)</u>	<u>(1520.81)</u>	<u>\$ (2,936.91)</u>	<u>(389.50)</u>

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - BLUE HOLE SPECIAL REVENUE FUND
For The Four Months Ended January 31, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES							
508.4 Interest Income	\$ 132.03	\$ 854.02	113.26%	\$ 8,000.00	\$ (7,145.98)	-89.32%	-66.67%
518.4 Designated Funds		-	0.00%	7,000.00	(7,000.00)	-100.00%	-66.67%
541.4 Gate Fees	-	-	0.00%	25,000.00	(25,000.00)	-100.00%	-66.67%
542.4 Rental Fees	-	(100.00)	0.00%	2,000.00	(2,100.00)	-105.00%	-66.67%
TOTAL REVENUES	132.03	754.02	113.26%	42,000.00	(41,245.98)	-98.20%	-66.67%
EXPENDITURES							
861.4 Contract Labor/Wages	-	77.50	2.10%	12,500.00	(12,422.50)	-99.38%	-66.67%
862.4 Utilities	134.02	317.23	0.00%	1,000.00	(682.77)	-68.28%	-66.67%
863.4 Mowing	-	350.00	9.48%	750.00	(400.00)	-53.33%	-66.67%
864.4 Operating Supplies	5.94	143.20	0.00%	1,500.00	(1,356.80)	-90.45%	-66.67%
865.4 Contract Services	2,000.00	2,000.00	0.00%	5,000.00	(3,000.00)	-60.00%	-66.67%
866.4 Rental	-	353.00	0.00%	1,500.00	(1,147.00)	-76.47%	-66.67%
867.4 Materials	-	-	0.00%	750.00	(750.00)	-100.00%	-66.67%
868.4 Public Restroom Facilities	-	450.00	12.19%	1,000.00	(550.00)	-55.00%	-66.67%
869.4 Capital Outlay - Facilities	-	-	0.00%	18,000.00	(18,000.00)	-100.00%	-66.67%
TOTAL BLUE HOLE PARKLAND EXPENDITURES	2,139.96	3,690.93	23.77%	42,000.00	(38,309.07)	-91.21%	-66.67%
Net Excess (Deficit)	\$ (2,007.93)	\$ (2,936.91)	89.49%	\$ -	\$ 2,936.91	-6.99%	-66.67%

Restricted for Management Use Only

Client: Village of Wimberley
Bank: Blue Hole Parkland Blanco National Bank (108.40)
Month: January Year: 2009

				<u>Reconciliation to Bank</u>	
<u>Deposits In Transit</u>				Bank Balance from Statement	<u>68,526.44</u>
				Deposit in Transit	<u>-</u>
				Total	<u>68,526.44</u>

[illegible]

Total Outstanding Checks	40.00
Reconciled Bank Balance	68,486.44

Adjustments:

Reconciliation to Books

	Previous Book Balance	67,889.40
	Deposits	737.00
	Disbursements	139.96
	Total Adjustments	-
	Present Book Balance	68,486.44

163,293.06

City of Wimberley
Municipal Court
Balance Sheet - Modified Accrual Basis
January 31, 2009

Assets

Current Assets

109.50 Cash - Blanco National Bank -Municipal Court	\$	627.00	
114.50 Due From Blue Hole		<u>737.00</u>	
Total Current Assets			\$ <u>1,364.00</u>
Total Assets			\$ <u><u>1,364.00</u></u>

Liabilities and Fund Balance

Current Liabilities

305.50 Due to General	\$	367.00	
350.50 Municipal Court Cost Payable		<u>765.50</u>	
Total Current Liabilities			\$ <u>1,132.50</u>
Total Liabilities			<u>1,132.50</u>

Fund Balance

498.50 Net Excess (Deficit)		<u>231.50</u>	
Total Fund Balance			<u>231.50</u>
Total Liabilities and Fund Balance			\$ <u><u>1,364.00</u></u>

City of Wimberley
Municipal Court
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
550.50 Court Technology Fees	\$ 40.00	42.11	\$ 88.00	38.43
551.50 Building Security Fees	30.00	31.58	66.00	28.82
552.50 Child Safety Fees	25.00	26.32	75.00	32.75
553.50 Judicial Efficiency Fees	<u>2.50</u>	<u>2.63</u>	<u>2.50</u>	<u>1.09</u>
 Total Revenues	 <u>97.50</u>	 <u>102.63</u>	 <u>231.50</u>	 <u>101.09</u>
 Total Expenditures	 <u>0.00</u>	 <u>0.00</u>	 <u>0.00</u>	 <u>0.00</u>
 NET EXCESS (DEFICIT)	 <u>\$ 97.50</u>	 <u>102.63</u>	 <u>\$ 231.50</u>	 <u>101.09</u>

VILLAGE OF WIMBERLEY
BUDGET VS ACTUAL - MUNICIPAL COURT SPECIAL REVENUE FUND
For The Four Months Ended January 31, 2009

		CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES								
550.5	Court Technology Fees	\$ 40.00	\$ 88.00	38.01%	-	\$ 88.00	0.00%	-66.67%
551.5	Building Security Fees	30.00	66.00	28.51%	-	66.00	0.00%	-66.67%
552.5	Child Safety Fees	25.00	75.00	32.40%	-	75.00	0.00%	-66.67%
553.5	Judicial Efficiency Fees	2.50	52.50	22.68%	-	52.50	0.00%	-66.67%
TOTAL REVENUES		97.50	231.50	100.00%	-	281.50	0.00%	-66.67%
EXPENDITURES								
		-	-	0.00%	-	-	0.00%	-66.67%
		-	-	0.00%	-	-	0.00%	-66.67%
TOTAL MUNICIPAL COURT EXPENDITURES		-	-	0.00%	-	-	0.00%	-66.67%
Net Excess (Deficit)		\$ 97.50	\$ 231.50	100.00%	\$ -	\$ (231.50)	0.00%	-66.67%

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Reconciliation to Bank

Adjustments:

Reconciliation to Books

	Previous Book Balance	1,662.00
	Deposits	1,230.00
	Disbursements	1,528.00
	Total Adjustments	
	Present Book Balance	1,364.00

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

CD - Cash disbursements

Client No: 347

Page 1

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
1/7/09	304.10	Due to General	74.10	1000	Village of Wimberley
1/15/09	350.50	Municipal Court Cost Payable	875.10	1002	State Comptroller
1/15/09	304.10	Due to General	578.80	1003	Village of Wimberley
1/2/09	862.40	Utilities	40.00	2238	pec
1/2/09	862.40	Utilities	54.02	2239	wimberley water
1/16/09	864.40	Operating Supplies	5.94	2240	ace hardware
1/30/09	862.40	Utilities	40.00	2241	pec
1/2/09	733.10	Parking Lot Lease	100.00	5989	Calkins Interest, LTD
1/2/09	614.10	Rent	500.00	5990	Tod Ruth
1/2/09	614.10	Rent	3,684.00	5991	Todd Ruth
1/2/09	616.10	Office Supplies	20.00	5992	A Studio Z - Art & Design
1/2/09	623.10	Office Technology	49.00	5993	Anvil Communications, Inc.
1/2/09	676.10	Contract Inspector	1,820.00	5994	ATS Engineers, Inspectors and Surveyors
1/2/09	609.10	Dues - TML & City Mgr Assoc	50.00	5995	Building Officials Assoc. of Tx
1/2/09	727.10	Road Maintenance	675.00	5996	Garrett Allen
1/2/09	610.10	Public Notices	232.00	5997	Holley Media
1/2/09	826.10	Supplies - Public Safety	30.97	5998	LCRA
1/2/09	729.10	Road Engineering	9,173.00	5999	Neptune-Wilkinson Associates, Inc.
1/2/09	677.10	Site Plan Reviews	1,563.00	5999	Neptune-Wilkinson Associates, Inc.
			10,736.00	5999	Reference Total
1/2/09	859.10	Nature Trail Operations	79.70	6000	Pedernales Electric
1/2/09	617.10	Utilities	727.97	6000	Pedernales Electric
			807.67	6000	Reference Total
1/2/09	618.10	Equipment Leases	162.00	6001	Postage by Phone
1/2/09	615.10	Cleaning	400.00	6002	Pow-Wow Services
1/2/09	720.10	Fuel	37.46	6003	Texas Fleet Fuel
1/2/09	825.10	Fuel-Public Safety	52.03	6003	Texas Fleet Fuel
			89.49	6003	Reference Total
1/2/09	652.10	Training	30.00	6004	Texas Municipal Clerks Certification Pro
1/2/09	732.10	Signs/Barricades	75.00	6005	The Fence Guy
1/2/09	612.10	Telephone	307.44	6006	Verizon
1/2/09	608.10	Health Care	25.00	6007	Wimberley Valley Medical Center
1/2/09	859.10	Nature Trail Operations	28.58	6008	Wimberely Water Supply Corp
1/7/09	301.10	Withholding Tax Payable	1,838.00	6009	Blanco National Bank
1/7/09	302.10	FICA Tax Payable	3,008.12	6009	Blanco National Bank

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

CD - Cash disbursements

Client No: 347

Page 2

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
			4,846.12	6009	Reference Total
1/7/09	607.10	TMRS - Admin	353.25	6010	TMRS City Contributions - Admin
1/7/09	707.10	TMRS - Public Works	135.59	6010	Texas Municipal Retirement System
1/7/09	807.10	TMRS City Contribution-PS	85.27	6010	Texas Municipal Retirement System
1/7/09	311.10	TMRS Payable	983.04	6010	Texas Municipal Retirement System
			1,557.15	6010	Reference Total
1/7/09	606.10	Payroll Taxes	103.43	6011	Texas Worforce Commission
1/16/09	612.10	Telephone	175.79	6014	A T & T
1/16/09	676.10	Contract Inspector	200.00	6015	ATS Engineers, Inspectors and Surveyors
1/16/09	641.10	Legal	6,114.81	6016	Bickerstaff, Heath, Pollan & Caroom, LP
1/16/09	821.10	City Prosecutor	696.00	6016	Bickerstaff, Heath, Pollan & Caroom, Lp
			6,810.81	6016	Reference Total
1/16/09	609.10	Dues - TML & City Mgr Assoc	451.30	6017	Capital Area Council of Governments
1/16/09	661.10	Public Relations / Receptions	27.11	6018	Eagle Mountain
1/16/09	619.10	Water Cooler	31.49	6019	Hill Country Springs
1/16/09	756.10	Public Restroom Wastewater	75.00	6020	Leinneweber Plumbing Co., Inc
1/16/09	616.10	Office Supplies	309.51	6021	Sam's Club
1/16/09	859.10	Nature Trail Operations	15.68	6021	Sam's Club
			325.19	6021	Reference Total
1/16/09	656.10	Audit	6,500.00	6022	Singleton, Moore, & Co.
1/16/09	825.10	Fuel-Public Safety	55.96	6023	Texas Fleet Fuel
1/16/09	727.10	Road Maintenance	5,005.95	6024	Texas Road Repair & Patches
1/16/09	609.10	Dues - TML & City Mgr Assoc	15.00	6025	TML
1/16/09	661.10	Public Relations / Receptions	185.74	6026	Ace Hardware
1/16/09	715.10	Supplies - Public Works	12.61	6026	Ace Hardware
			198.35	6026	Reference Total
1/23/09	616.10	Office Supplies	309.93	6027	Texas Freillites Commission
1/30/09	708.10	Health Benefits	200.00	6030	Abigail Gillfillan
1/30/09	733.10	Parking Lot Lease	100.00	6031	Calkins Interest, LTD
1/30/09	608.10	Health Care	200.00	6032	Cara McPartland
1/30/09	608.10	Health Care	312.00	6033	Don Ferguson
1/30/09	808.10	Health Care - Public Saftey	200.00	6034	Garth W. Robinson

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

CD - Cash disbursements

Client No: 347

Page 3

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
1/30/09	608.10	Health Care	200.00	6035	Monica Alcala
1/30/09	614.10	Rent	500.00	6036	Todd Routh
1/30/09	614.10	Rent	3,684.00	6037	Tod routh
1/30/09	708.10	Health Benefits	200.00	6039	William E. Bowers
1/30/09	623.10	Office Technology	49.00	6040	Anvil Communications
1/30/09	676.10	Contract Inspector	1,365.00	6041	ATS Engineers and Surveyors
1/30/09	610.10	Public Notices	251.28	6042	Austin American Statesman
1/30/09	636.10	Training - Travel	592.10	6043	Cara McPartland
1/30/09	616.10	Office Supplies	29.29	6043	Cara McPartland
			621.39	6043	Reference Total
1/30/09	612.10	Telephone	24.99	6044	Don P. Ferguson
1/30/09	736.10	Contract Labor	1,298.48	6045	Fire Planning & Development Concepts
1/30/09	727.10	Road Maintenance	375.00	6046	Garrett Allen
1/30/09	651.10	Association Dues	63.00	6047	Holly Media Group
1/30/09	618.10	Equipment Leases	281.03	6048	Kyocera Mita America, Inc.
1/30/09	114.10	Due From Blue Hole	2,000.00	6049	Langford Community Manage. Svcs, Inc.
1/30/09	756.10	Public Restroom Wastewater	190.00	6050	Leinneweber Plumbing Co., Inc.
1/30/09	617.10	Utilities	731.02	6051	Pednerales Electric
1/30/09	859.10	Nature Trail Operations	79.50	6051	Pednerales Electric
			810.52	6051	Reference Total
1/30/09	727.10	Road Maintenance	787.50	6052	Roadway Specialties, Inc.
1/30/09	651.10	Association Dues	95.00	6053	Texas Downtown Association
1/30/09	720.10	Fuel	38.35	6054	Texas Fleet Fuel
1/30/09	825.10	Fuel-Public Safety	67.26	6054	Texas Fleet Fuel
			105.61	6054	Reference Total
1/30/09	613.10	Copies	103.53	6055	The Copy Center
1/30/09	612.10	Telephone	306.22	6056	Verizon
1/30/09	615.10	Cleaning	400.00	6057	Pow-Wow Services
1/31/09	103.10	Cash - Blanco National Bank - General	-61,234.28	disb	disbursements
1/31/09	109.50	Cash - Blanco National Bank - Municipal Court	-1,528.00	disb	disbursements
1/30/09	108.40	Cash - Blanco National Bank - Blue Hole	-139.96	disb	disb
			-62,902.24	disb	Reference Total

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

CD - Cash disbursements

Client No: 347

Page 4

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
		Total for 87 Items	0.00		

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

JE -

Client No: 347

Page 5

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
1/31/09	516.10	Municipal Court Costs/Fines	-367.00	1	municipal court fines
1/31/09	103.10	Cash - Blanco National Bank - General	108,058.31	1	deposits
1/31/09	504.10	Miscellaneous Income	-505.90	1	misc income
1/31/09	505.10	Building Permits	-1,213.40	1	building permits
1/31/09	506.10	Building Inspections	-3,815.00	1	inspections
1/31/09	509.10	Plan Reviews	-3,185.00	1	plan reviews
1/31/09	511.10	Sign Permits	-385.00	1	sign permits
1/31/09	512.10	Subdivision	-1,296.00	1	subdivision
1/31/09	513.10	Zoning	-570.00	1	zoning
1/31/09	120.10	Accounts Receivable	3,015.00	1	a/r
1/31/09	521.10	Time Warner Cable	-7,071.99	1	twc
1/31/09	522.10	Pedemales Electric Cooperative, Inc.	-21,571.56	1	pec
1/31/09	523.10	Texas Disposal Systems	-9,138.23	1	tds
1/31/09	525.10	Franchise Fees - Misc	-4.62	1	misc franchise fees
1/31/09	121.10	Sales Tax Receivable	-60,364.35	1	s/t receivable
1/31/09	502.10	Mixed Beverage Tax	-1,585.26	1	mixed beverage tax
			0.00	1	Reference Total
1/31/09	622.10	Records Management	22.26	2	qb s/c
1/31/09	496.10	Suspense	-22.26	2	suspense
			0.00	2	Reference Total
1/31/09	121.10	Sales Tax Receivable	74,295.86	3	s/t receivable
1/31/09	501.10	Sales & Use Tax	-74,295.86	3	sales tax
			0.00	3	Reference Total
1/31/09	110.10	Texpool - General	293.15	4	texpool-general
1/31/09	503.10	Interest Income - General	-293.15	4	interest income
			0.00	4	Reference Total
1/31/09	110.40	Texpool - Blue Hole	132.03	5	texpool-bh
1/31/09	503.40	Interest Income - Blue Hole Parkland	-132.03	5	interest income
			0.00	5	Reference Total
1/31/09	105.10	Cash - Blanco National Bank - CD	929.26	6	cd savings
1/31/09	503.10	Interest Income - General	-929.26	6	interest income
			0.00	6	Reference Total

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

JE -

Client No: 347

Page 6

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
1/31/09	109.50	Cash - Blanco National Bank - Municipal Court	1,230.00	7	deposits-mc
1/31/09	550.50	Court Technology Fees	-40.00	7	ct fees
1/31/09	551.50	Building Security Fees	-30.00	7	bldg sec fees
1/31/09	552.50	Child Safety Fees	-25.00	7	cs fees
1/31/09	553.50	Judicial Efficiency Fees	-2.50	7	jud eff fees
1/31/09	350.50	Municipal Court Cost Payable	-765.50	7	payable to state
1/31/09	305.50	Due to General	-367.00	7	due to general
			0.00	7	Reference Total
1/31/09	108.40	Cash - Blanco National Bank - Blue Hole	737.00	8	deposit bh
1/31/09	305.40	Due to Municipal Court	-737.00	8	due to municipal court
			0.00	8	Reference Total
1/31/09	706.10	Payroll Taxes	532.81	9	payroll taxes pw
1/31/09	806.10	Payroll Taxes	335.07	9	payroll taxes ps
1/31/09	606.10	Payroll Taxes	-867.88	9	payroll taxes admin
			0.00	9	Reference Total
1/31/09	616.10	Office Supplies	21.00	10	supplies
1/31/09	631.10	Capital Outlay - Technology	-21.00	10	cap outlay - reclassified
			0.00	10	Reference Total
1/31/09	103.10	Cash - Blanco National Bank - General	3,841.20	11	cash
1/31/09	496.10	Suspense	-3,841.20	11	suspense
			0.00	11	Reference Total
1/31/09	865.40	Contract Services	2,000.00	12	langford comm (general paid)
1/31/09	304.40	Due To General	-2,000.00	12	due to general
			0.00	12	Reference Total
1/31/09	114.50	Due From Blue Hole	737.00	13	due from blue hole
1/31/09	109.50	Cash - Blanco National Bank - Municipal Court	-737.00	13	due from blue hole
			0.00	13	Reference Total
		Total for 46 Items	0.00		

**City of Wimberley
JOURNAL REPORT**

January 31, 2009

PYA - Generated payroll accrual

Client No: 347

Page 7

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
1/31/09	606.10	Payroll Taxes	1,828.48	CKS	Employer's FICA
1/31/09	302.10	FICA Tax Payable	-1,828.48	CKS	Employer's FICA
1/31/09	606.10	Payroll Taxes	427.63	CKS	Employer's Medicare
1/31/09	302.10	FICA Tax Payable	-427.63	CKS	Employer's Medicare
			0.00	CKS	Reference Total
		Total for 4 Items	0.00		

City of Wimberley
JOURNAL REPORT

January 31, 2009

PYR - Generated payroll transaction

Client No: 347

Page 8

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
1/31/09	601.10	City Administrator	10,961.55	CKS	SALARY
1/31/09	301.10	Withholding Tax Payable	-2,685.00	CKS	Federal Withholding
1/31/09	302.10	FICA Tax Payable	-2,256.10	CKS	Fica + Medicare Withholding
1/31/09	311.10	TMRS Payable	-1,474.56	CKS	TMRS Contribution
1/31/09	103.10	Cash - Blanco National Bank - General	-23,075.93	CKS	Net Payroll Checks
1/31/09	602.10	City Secretary	4,269.24	CKS	SALARY
1/31/09	704.10	Salaries-GIS/Permitting Clerk	3,720.00	CKS	SALARY
1/31/09	801.10	Salaries - City Marshall	4,380.00	CKS	SALARY
1/31/09	603.10	Receptionist/Clerk	2,916.00	CKS	SALARY
1/31/09	702.10	Salaries-Code Enforcement & Permitting	3,244.80	CKS	SALARY
			0.00	CKS	Reference Total
		Total for 10 Items	0.00		

Village of Wimberley - Cypress Creek Nature Trail
Balance Sheet - Modified Accrual Basis
January 31, 2009

Assets

Current Assets

Cash - Blanco National Bank	\$	<u>3,394.17</u>	
Total Current Assets	\$		<u>3,394.17</u>
Total Assets	\$		<u><u>3,394.17</u></u>

Liabilities and Fund Balance

Current Liabilities

Due to General Fund	\$	<u>3,394.17</u>	
Total Current Liabilities	\$		<u>3,394.17</u>
Total Liabilities			<u>3,394.17</u>

Fund Balance

Total Fund Balance			<u>0.00</u>
Total Liabilities and Fund Balance	\$		<u><u>3,394.17</u></u>

Village of Wimberley - Cypress Creek Nature Trail
Statement of Revenues and Expenditures - Modified Accual Basis
For the One Month and Four Months Ended
January 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
Total Revenues	\$ 0.00	0.00	\$ 0.00	0.00
Expenses				
Total Expenses	0.00	0.00	0.00	0.00
Net Excess (Deficit)	\$ 0.00	0.00	\$ 0.00	0.00

Client: Village of Wimberley
Bank: Cypress Creek Nature Trail - Blanco National Bank # 102
Month: January Year: 2008

				<u>Reconciliation to Bank</u>	
<u>Deposits In Transit</u>				Bank Balance from Statement	<u>3,394.17</u>
_____	_____	_____	_____	Deposit in Transit	<u>-</u>
_____	_____	_____	_____	Total	<u>3,394.17</u>

[illegible]

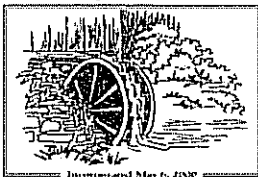
Total Outstanding Checks	-
Reconciled Bank Balance	<u>3,394.17</u>

Adjustments:

Reconciliation to Books

Previous Book Balance	3,394.17
Deposits	-
Disbursements	-
Total Adjustments	-
Present Book Balance	3,394.17

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CITY ADMINISTRATOR'S
REPORT

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☐ Motion

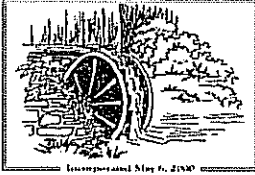
☒ Discussion

Project/Proposal Summary:

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

- Status report on downtown parking lot property acquisition
- Status report on proposed workshop on *Hotel Occupancy Tax*
- Status report on efforts underway to secure state and federal funding for the Downtown Wastewater Project
- Status report on Mayor's Fitness Council
- Status report on activities of the Wimberley Municipal Court
- Status report on activities of the City Marshal

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: INTRODUCTION OF NEW
HAYS COUNTY SHERIFF

Funds Required:

Funds Available:

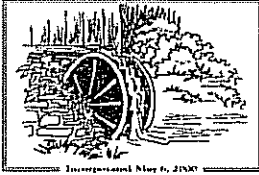
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow Hays County Judge Liz Sumter to introduce Hays County Sheriff Tommy Ratliff to the City Council.

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: QUARTERLY REPORT
FROM PARKS ADVISORY BOARD

Funds Required:
Funds Available:

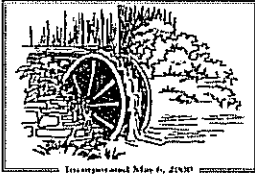
Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow the Chairman of the Wimberley Parks Advisory Board to brief City Council on the Board's various activities.

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER SECOND READING OF AN ORDINANCE RELATING TO THE MEMBERSHIP QUALIFICATIONS FOR THE PLANNING AND ZONING COMMISSION

Council Action Requested:

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

Project/Proposal Summary:

Last month, the City Council considered an ordinance changing the qualifications for membership on the following City boards and commissions:

- Transportation Advisory Board
- Water/Wastewater Advisory Board
- Parks and Recreation Advisory Board
- Building Code Board of Review
- Planning and Zoning Commission

The proposed ordinance required all members of the above mentioned Boards, with the exception of the Parks and Recreation Board, to reside within the City limits.

After considerable discussion, the City Council agreed to not change the qualifications for membership on the Transportation Advisory Board, Water/Wastewater Advisory Board, Parks and Recreation Advisory Board and Building Code Board of Review. However, the Council did direct staff to prepare an ordinance changing the membership qualifications for the Planning and Zoning Commission.

Specifically, the revised ordinance allows up to two members of the seven member Planning and Zoning Commission to reside in the City's Extra Territorial Jurisdiction (ETJ) provided the individuals are the owners and operators of a business located inside the city limits of Wimberley.

On February 19, 2009, the City Council approved the first reading of the revised ordinance in a 3-2 vote. Approval of the second reading of the ordinance is necessary for the proposed change in membership qualifications to occur.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SUBSECTION 155.107(B)(1) (PLANNING AND ZONING COMMISSION), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO REVISE THE MEMBERSHIP REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City of Wimberley ("City") is authorized to establish boards and commissions to receive public input and provide recommendations to the City Council; and,

WHEREAS, the City Council strives to consider qualified individuals who represent a broad sampling of the community when appointing members to the City's boards and commissions; and the Planning and Zoning Commission reviewed the proposed code amendment; and,

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the membership requirements for members of the Planning and Zoning Commission; and finds that such amendments will enhance the membership of the City's Planning and Zoning Commission.

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

I. FINDINGS OF FACT

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

II. AMENDMENT

1. THAT § 155.107(B)(1) (PLANNING AND ZONING COMMISSION) of the Wimberley Code of Ordinances shall be amended in its entirety to read as follows:

"(B) Creation; membership; officers; rules and bylaws.

(1) There is created, in accordance with Tex. Loc. Gov't Code, Chapter 211, the Planning and Zoning Commission, hereafter sometimes referred to as the "Commission," which shall consist of 7 members who are either resident citizens of the city or are residents of the extraterritorial jurisdiction of the city, provided that no more than 2 members shall reside in the extraterritorial jurisdiction of the city, and these 2 members must be owners and operators of a business located inside the city limits of Wimberley."

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

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

V. PROPER NOTICE AND MEETING

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

FIRST READING PASSED AND APPROVED on this _____ day of _____, 2009, by a ____ (Ayes) ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND READING PASSED AND APPROVED on this _____ day of _____, 2009, by a ____ (Ayes) ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

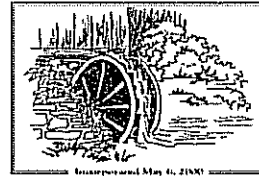
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

Report for Zoning ZA-09-001



Summary:

A request for initial base zoning of *Single Family Residential 2 (R2)* for property located at 500 Blue Heron Run

Applicant Information:

Applicant: Betty Sue Cooper
500 Blue Heron Run
Wimberley, TX 78676

Property Owner: Betty Sue Cooper

Subject Property:

Legal Description: Breezeway Lot 1, and part of lot 2; Harrison Resort 2 Lot 17 and part of lot 16

Location: 500 Blue Heron Run

Existing Use of Property: Residential

Existing Zoning: Unzoned

Proposed Use of Property: Bed and Breakfast

Proposed Zoning: R2

Planning Area: B

Overlay District: Protected Waterway

Surroundings:

Frontage On: Blue Heron Run

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Unzoned	Residential
S of Property	RA	Residential
E of Property	Unzoned	Vacation Rentals
W of Property	Unzoned	Residential

Legal Notice

200' Letters: 1/28/09; 2/12/09

Published: 1/28/09; 2/14/09

Sign Placement: 1/23/09

Responses: none

Comments:

The applicant has submitted a request to initially zone 500 Blue Heron Run as *Single Family Residential 2 (R2)*.

The subject property is located in Planning Area B which allows for R2 zoning. The R2 Zoning District consists of lots between 20,000 square feet and 2 acres. The subject property is made up of 4 separate lots totaling .477 acres or 20,778 square feet and thus qualifies for R2 zoning. It should be noted there is an existing residence that sits across the lot lines and it has been determined that due to setbacks and the proximity of the residence to the Cypress Creek and Blanco River, there is not adequate space to expand the footprint of the building or add additional structures.

In addition to above mentioned zoning request, the applicant has submitted a request for a Conditional Use Permit to operate a Bed and Breakfast on the subject property. That request cannot be considered until the property is properly zoned.

On February 26, 2009, the Planning and Zoning Commission held a public hearing on the zoning request. Afterwards, the Commission voted unanimously to recommend approval of the request.

City staff recommends approval of the zoning request.

§ 155.037 SINGLE-FAMILY RESIDENTIAL 2; R-2.

(A) *General purpose and description.* The R-2 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 20,000 square feet.

(B) *Permitted uses.*

(1) One residence, including:

(a) Single-family detached dwellings; or

(b) Mobile or manufactured homes installed on permanent foundations.

(2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

(a) The term accessory use shall include customary home occupations as herein defined;

(b) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See § 155.076 for additional accessory use requirements;

(c) A detached private garage used in conjunction with the main building;

(d) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes; and

(e) One accessory dwelling unit.

(3) Swimming pool (private);

(4) Utilities (public); and

(5) Religious assembly.

(C) *Conditional uses.*

(1) Bed and breakfast lodging located only in the residential building;

(2) Home day care;

(3) Home commercial crafts or hobbies;

(4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;

(5) Two-family residential (duplex); and

(6) One secondary single-family residential building built onsite.

(D) *Development regulations.*

(1) Lot size: minimum 20,000 square feet but less than 2 acres.

(2) Maximum building height (as defined in § 155.005):

(a) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Secondary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(c) Accessory buildings: not more than 18 feet and not more than 1 story; and

(d) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setback, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in §

155.078(A), Table A, or the following:

(a) Dominant street: 40 feet;

- (b) Secondary street: 15 feet;
- (c) Interior side yard: 10 feet; and
- (d) Rear yard: 20 feet.
- (4) Minimum floor area:
 - (a) Primary residential building: 600 square feet.
- (5) Maximum impervious cover: 35%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.
- (6) The parking and trash collection ordinances will apply.
- (E) *Special requirements.*
 - (1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
 - (2) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.
 - (3) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- (F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards.
(Ord. 2001-010, § 16, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999

FOR OFFICIAL USE ONLY

APPLICATION DATE: 1/12/09 FILE NO. ZA-09-001
TENTATIVE P&Z* HEARING: 2/12/09 TENTATIVE CC** DATE: 2/19/09
CITY INITIATED: ☐ YES - ☒ NO PLANNING AREA: II ZONING REQUESTED: R2
ZONING FEES: \$ 170 DATE PAID: 1/12/09 RECEIPT NO. 19139

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

STREET ADDRESS OF
PROPERTY TO
BE ZONED: 500 Blue Heron Wimberley, Texas HAYS COUNTY CENTRAL
APPRAISAL DISTRICT
PROPERTY ID#: R29793 **

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

** You may obtain this from your property tax statement.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

RR12 To Blue Heron - turn AT Berger Barn -
end of Blue Heron

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

1. OWNER'S NAME: Betty Sue Cooper HOME PHONE: (512) 722-3191
cell BUSINESS PHONE: (512) 751-3253
FAX: ()
E-MAIL: BSCooper39@gmail.com
OWNER'S CURRENT MAILING
ADDRESS 500 Blue Heron CITY Wimberley STATE TX ZIP 78676
2. HEARING REPRESENTATIVE
NAME: SELF PHONE: (512) 722-3191
REPRESENTATIVE'S MAILING
ADDRESS: _____ CITY _____ STATE _____ ZIP _____
3. NAME OF REAL ESTATE COMPANY INVOLVED: none

PROPERTY INFORMATION

4. TOTAL AREA TO BE ZONED: ACRES _____ (OR) SQ.FT. 22,000 TOTAL NO. of TRACTS: 1

5. PLANNING AREA(S): B 6. PROPOSED ZONING: R2 R2^e

EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): _____

6. EXISTING STRUCTURES: one home

PROPOSED STRUCTURES/USE: none - Residential₂ - VACATION Rental

7. LEGAL DESCRIPTION

Subdivision: Breeze way Lot(s) 16-17

Block(s) _____ Plat Book: Vol 138 Page Number: 160

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

VOLUME: 138 PAGE: 160 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

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

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

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: septic

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): not known

SITE INSPECTION AUTHORIZATION

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

Date: 1-9-09 APPLICANT SIGNATURE Betty Sue Cooper

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: 500 Blue Heron, and more particularly known as Lot 16-17, Block _____ of the BREEZWAY Subdivision.

If a conflict should result with the request I am submitting to the Village 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: 1-9-09 APPLICANT SIGNATURE Betty Sue Cooper

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

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 Village 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 Village 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 Village 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: 1-9-09

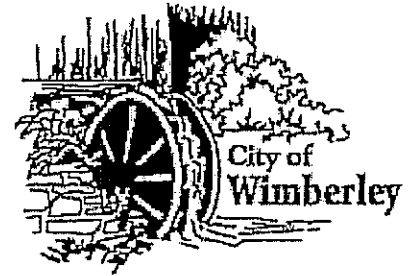
APPLICANT SIGNATURE Betty Sue Cooper

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE: _____

Notification Map for ZA-09-001



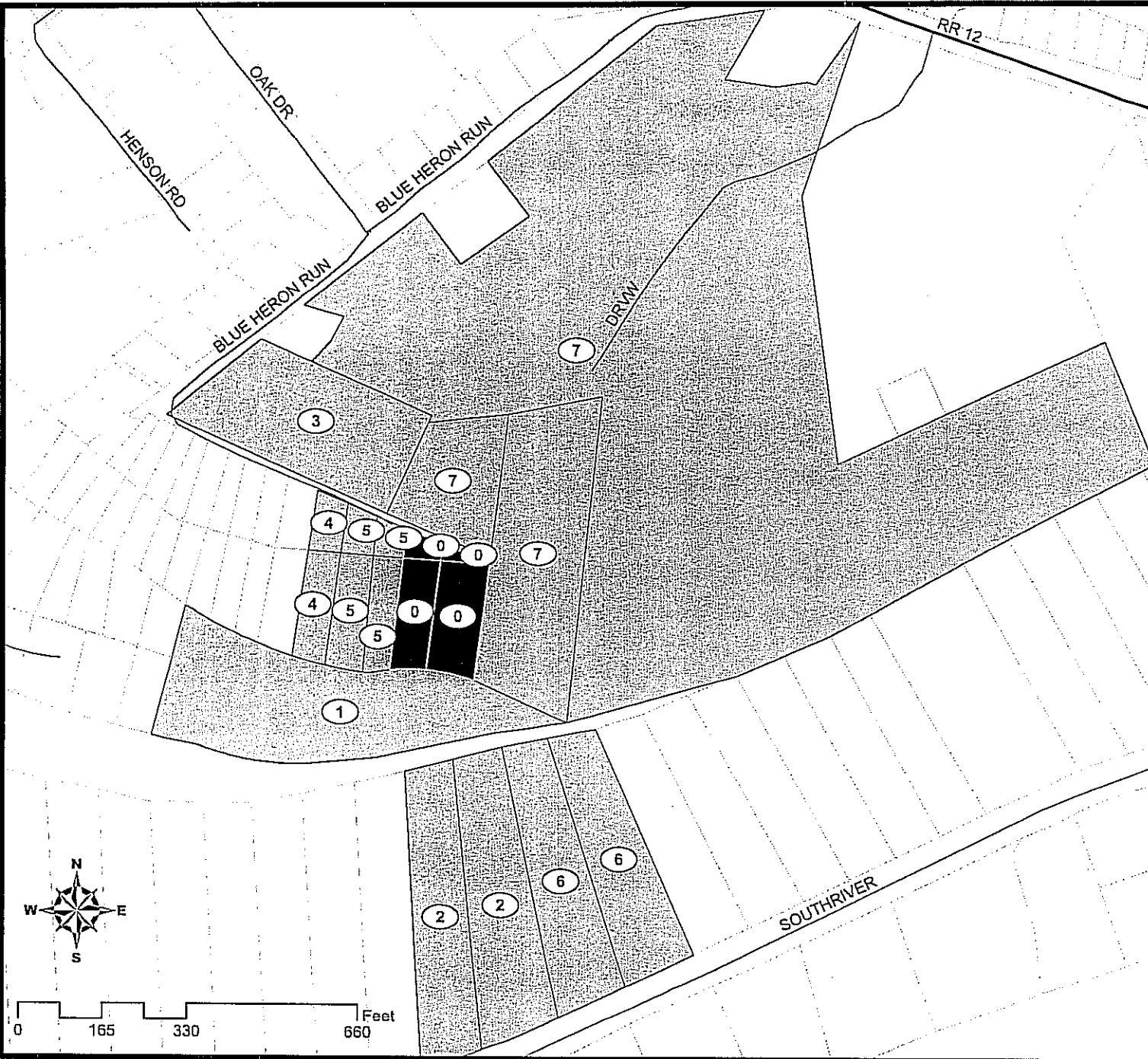
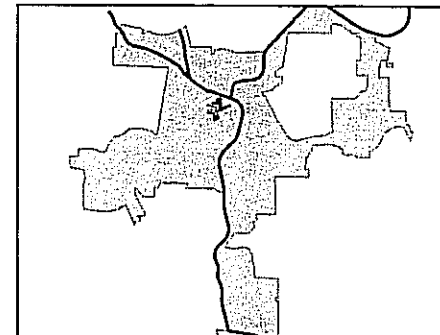
P.O. Box 2027 • Wimberley, Texas 78676

Notified Owners

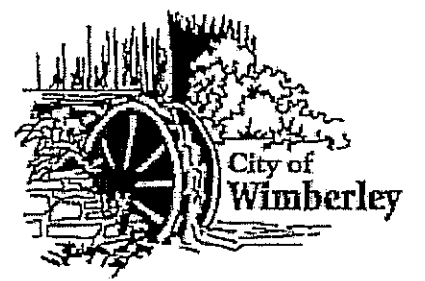
ID, OwnerName

-  0. SUBJECT PROPERTY
-  1, WIMBERLEY POINT LTD
-  2, BUEHRING WALTER J & SUZANI
-  3, FRANKLIN, RASJIDAH
-  4, HASSAN, YASSIN A
-  5, LAMOUREUX DONN & PAMELA
-  6, REINEY WILLIAM R JR & PATRIC
-  7, RIO BONITO LLC
-  8, WIMBERLEY POINT LTD

Location Map



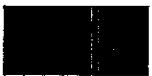
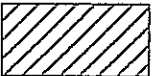
Zoning Map for ZA-09-001



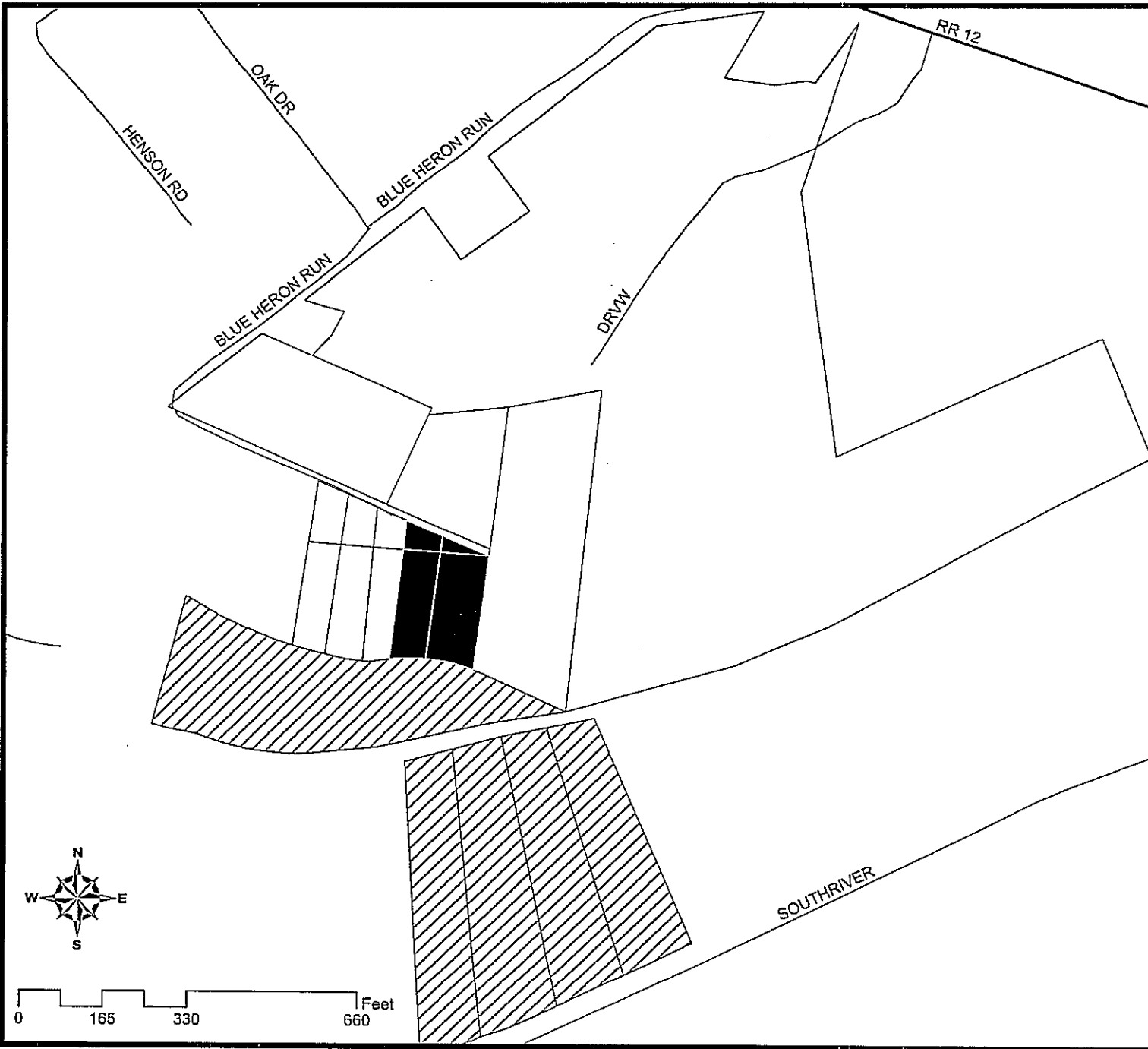
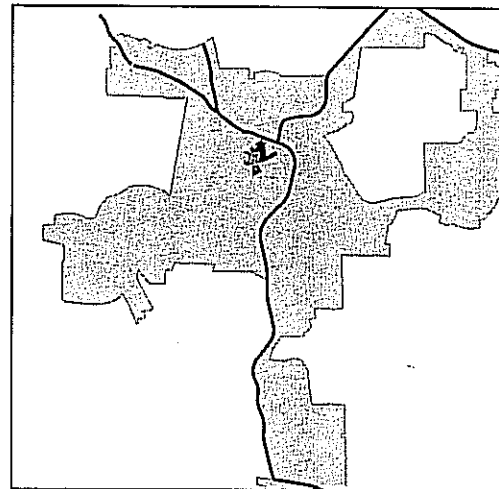
P.O. Box 2027 • Wimberley, Texas 78676

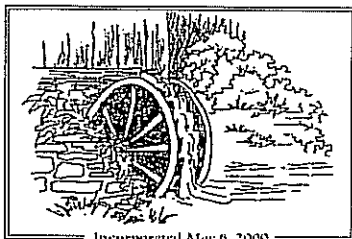
200 ft Property

Zoning

-  Subject Property
-  Rural Residential
-  Unzoned

Location Map





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor – Bob Flocke, Mayor Pro-tem

Council Members – Charles Roccaforte, Jeri Xiques, Terrie Bursiel, Dick Larson
Don Ferguson, City Administrator

February 12, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-001

500 Blue Heron Run

An application for initial base zoning of Single Family Residential 2 (R2)

File No. CUP-09-001

500 Blue Heron Run

A request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at this location.

Dear Property Owner:

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

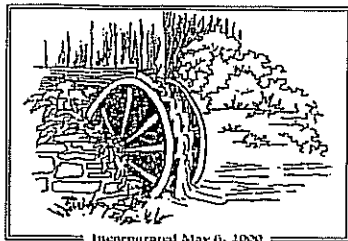
Betty Sue Cooper has submitted a request to initially zone the subject property Single Family Residential 2 (R2). In addition, Ms Cooper has requested a Conditional Use Permit in order to operate a Bed and Breakfast on the subject property.

The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, February 26, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon recommendations from the Commission, City Council will hold a Public Hearing to consider the same requests on **Thursday, March 5, 2009, at 6:30 p.m.**

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

Additional information regarding the proposed zoning and CUP is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY



City of Wimberley

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

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: ZA-01-001

Owner Betty Cooper

Date 1/23/04

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

(') Project Site Address 500 Blue Heron Run

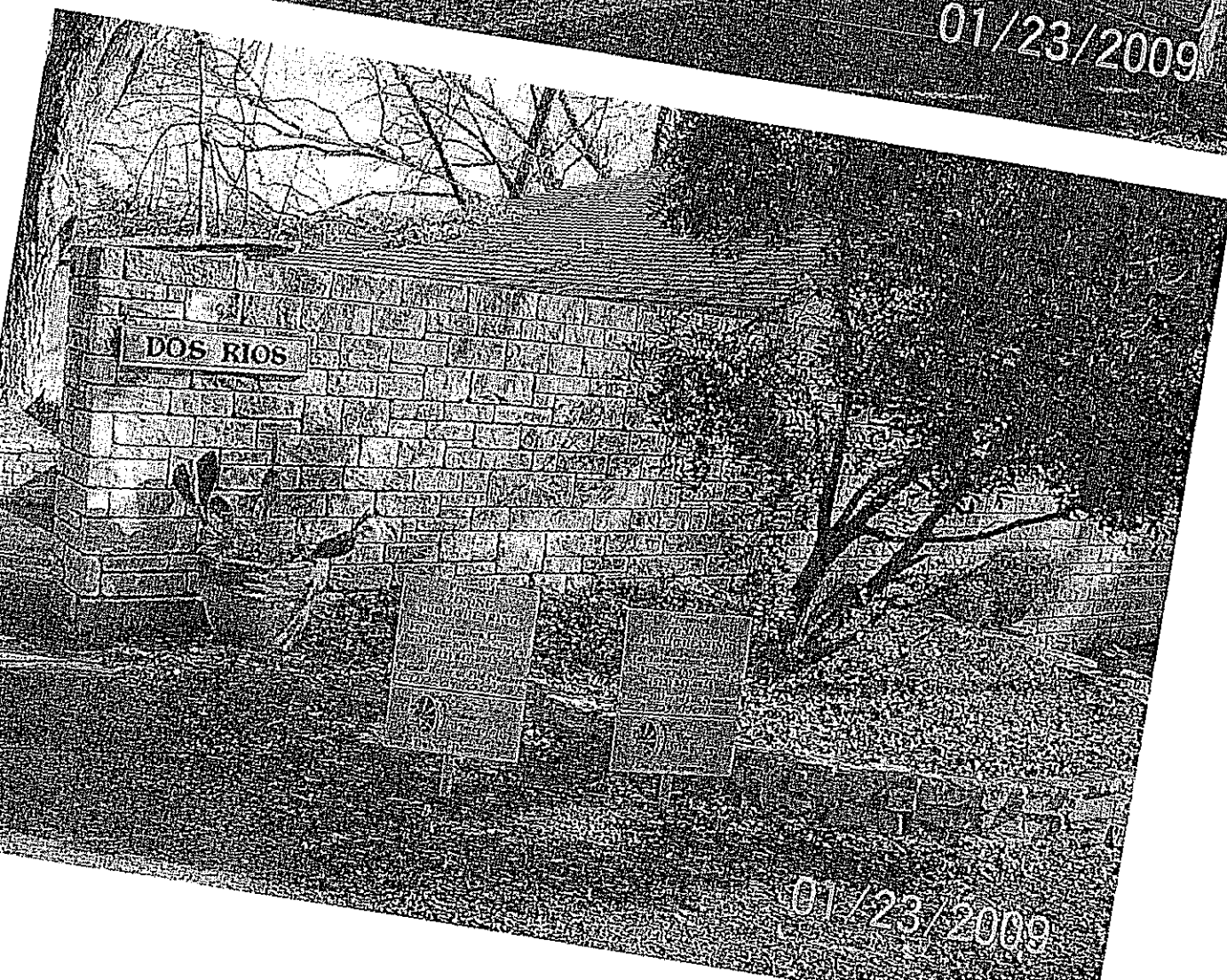
which is located at the end of Blue Heron Run

Bill Bowers
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

1/23/04, 2009

Bill Bowers
Signature





Hays Central Appraisal District

2008 CERTIFIED VALUES



[Home](#)
[General Information](#)
[News](#)

Property Detail Sheet (R29793)



[History](#)



[GIS Map](#)



[Datasheet](#)

[FAQ](#)
[Searches](#)

- [PropertyID Search](#)
- [Account Search](#)
- [Owner Search](#)
- [Address Search](#)
- [Advanced Search](#)

Property Data

- [Detail Sheet](#)
- [Datasheet](#)

Other

- [Taxing Units](#)
- [Neighborhoods](#)
- [Abstracts](#)
- [Subdivisions](#)
- [Directions](#)
- [Hays Tax Office](#)
- [Board of Directors](#)
- [ARB Members](#)
- [Tax Rates](#)

Owner Information

Owner ID: 09134851
 Owner Name: COOPER WILLIAM E & BETTY SUE
 Owner Address: 500 BLUE HERON RUN
 WIMBERLEY, TX 78676-5331
 Property Address: 500 BLUE HERON
 WIMBERLEY, TX 78676

Parcel Information

Legal Description: HARRISON RESORT SEC 2 LOT 17 & 1/2 OF LOT 16 & PT LOT 2 ALL 1 BREEZEWAY
 Acreage:
 Cross Reference: 11-3645-0000-01700-8
 Undivided Interest: 100%
Exemption Codes: OA (Over 65)
 HS (Homestead)
Entity Codes: CWI (Village Of Wimberley)
 EWI (WIMBERLEY HAYS CO ES DIST #3)
 FWI (WIMBERLEY FIRE HAYS CO ES DIST #4)
 GHA (HAYS COUNTY)
 RSP (SPECIAL ROAD)
 SWI (WIMBERLEY ISD)
 Deed Type: Death Certificate
 Deed Book: COPY
 Deed Page: COPY
 Map Page:

- [Low Income Housing](#)
- [Taxpayers Rights \(Engl\)](#)
- [Taxpayers Rights \(Span\)](#)
- [Delinquent Tax Sales](#)
- [Capitalization Rate](#)
- [Forms](#)

Land HS: \$80,800 +
 Land NHS: \$0 +
 Improvement HS: \$277,810 +
 Improvement NHS: \$0 +
 Ag Market: \$0
 Ag Use: \$0 +
 Timber Market: \$0
 Timber Use: \$0 +
 Assessed: \$358,610 =

Other Map Formats

- [Links](#)
- [Subdivision Recorded Pl](#)
- [GIS Maps](#)
- [Employment opportunities](#)

Improvements

ID	Type	SPTB	Segs	Value
<u>Imp1</u>	R (Residential)	A1 (A1-Residential (sf, 5 Ac Or Less)	6	\$ 277,810

Land

ID	Type	SPTB	Acres	Market
<u>Land1</u>	A1 (A1-Residential)	A1 (A1-Residential (sf, 5 Ac Or Less)		\$ 80,800



* Adobe Acrobat Reader 5.0 (minimum) is required to view pdf documents. Acrobat Reader is a free program available [here](#).

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A 0.477 ACRE TRACT LOCATED AT 500 BLUE HERON RUN, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS SINGLE FAMILY RESIDENTIAL 2 (R2); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Section 155 (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, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community's history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

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

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Code of Ordinances and have concluded that the 0.477 acres described as Breezeway Subdivision Lot 1 and a portion of Lot 2, and Harrison Resort Subdivision 2, Lot 17 and a portion of Lot 16, should be designated with an initial zoning of Single Family Residential 2 (R2) designation and that such designation is consistent with established City policy and in the public interest; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to

the respective hearing.

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

ARTICLE I. AMENDMENT

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

Appendix F: Zoning District Designations

The City Council of the City of Wimberley has divided the City into the zoning districts as follows. The applicable use, height, area and development regulations adopted by the City shall apply to each district. The following geographic boundaries of the zoning districts for the properties listed below are hereby established as follows:

The 0.477 acres described as Breezeway Subdivision Lot 1 and a portion of Lot 2, and Harrison Resort Subdivision 2, Lot 17 and a portion of Lot 16, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference, in Wimberley, Hays County, Texas, commonly known as 500 Blue Heron Run, is hereby designated initial zoning of Single Family Residential 2 (R2) designation.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

ARTICLE II. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

ARTICLE III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of

said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this _____ day of _____, 2009, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

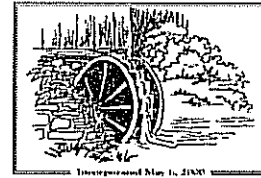
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

Report for Conditional Use Permit CUP-09-001



Summary:

A Request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 500 Blue Heron Run

Applicant Information:

Applicant: Betty Sue Cooper
500 Blue Heron Run
Wimberley, TX 78676

Property Owner: Betty Sue Cooper

Subject Property:

Legal Description: Breezeway Lot 1, and part of lot 2; Harrison Resort 2 Lot 17 and part of lot 16

Location: 500 Blue Heron Run

Existing Use of Property: Residential

Existing Zoning: Unzoned

Proposed Use of Property: Bed and Breakfast

Proposed Zoning: R2

Planning Area: B

Overlay District: Protected Waterway

Surroundings:

Frontage On: Blue Heron Run

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Unzoned	Residential
S of Property	RA	Residential
E of Property	Unzoned	Vacation Rentals
W of Property	Unzoned	Residential

Legal Notice

200' Letters 1/28/09; 2/12/09

Published 1/28/09; 2/14/09

Sign Placement 1/23/09

Responses none

Comments:

The applicant has requested a *Conditional Use Permit (CUP)* to allow for the operation of a bed and breakfast at 500 Blue Heron Run. The subject property is located in close proximity to two other bed and breakfast operations and is compatible with other existing properties in the area.

The residence is located across multiple lots and City staff has determined that due to setbacks and the proximity of the residence to Cypress Creek and the Blanco River, there is not adequate space to expand the footprint of the residence. The proposed bed and breakfast operation will have a maximum occupancy of 10 people and provide 5 off-street parking places.

As the subject property is located at the confluence of the Blanco River and Cypress Creek, guests will have access to the water in the area directly bounding the proposed bed and breakfast facility. Guests will not be able to enter the water upon any property which is not part of the bed and breakfast facility for any reason.

The applicant intends to sell the lot and the new owner is the intended operator of the proposed bed and breakfast. The proposed bed and breakfast will not be owner-occupied but will be managed by a local management company.

The applicant has also submitted a zoning request for *Single Family Residential 2 (R2)*. This *Conditional Use Permit* cannot be granted until the base zoning district is established.

On February 26, 2009, the Planning and Zoning Commission held a public hearing on the *Conditional Use Permit* request. Afterwards, the Commission voted unanimously to recommend approval of the request.

§ 155.105 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), shall not be transferred from one property to another (such as shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the CUP (such as change the zoning to remove the CUP, with appropriate public notification, public hearing, and the like).

(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 § 155.077) 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 § 155.077 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) A building permit or certificate of occupancy shall be applied for and secured within 1 year from the time of granting the conditional use permit; provided, however, that the City Council may authorize 1 extension of 1 additional year. After the 1-year period (and the 1-year extension, if it has been granted by the City Council) has elapsed, the Planning and Zoning Commission and the City Council may review the development plan for continued validity and compliance. If the development plan is determined to be invalid or no longer viable, then the applicant and property owner(s) must submit a new or revised development plan for approval prior to any construction or to application for a building permit for the area designated for the conditional use permit. The new development plan must be resubmitted for review and approval in accordance with § 155.077 of this code. If building construction or use of a CUP has not commenced within a reasonable amount of time after 1 year, then the City Council, at its option, may initiate proceedings to rescind the CUP for lack of use. 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.

(6) The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

(7) In residential districts, the Planning and Zoning Commission and the City Council shall have the right to waive the requirements of this section in whole or in part if they find that the proposed use conforms to the criteria of § 155.109(A)(2) and that conforming to the requirements of this section places an undue burden upon the applicant.

(8) When the City Council authorizes granting of a conditional use permit, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and the amendment is to indicate the appropriate zoning district for the approved use and prefixed by a CUP designation.

(C) *Bed and breakfast lodging.* The review for CUP approval of a bed and breakfast lodging facility shall consider the impact of tenant activity on the surrounding residential properties, the neighborhood and environment, and other factors as the Commission deems appropriate. It shall include but not be limited to consideration of the following:

(1) Permitted uses in the applicable zoning district;

(2) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate;

(3) Setbacks and proximity to other dwellings;

(4) Rental regulations (such as no large parties, no extra guests) imposed by the owner and the degree of owner involvement in property management (such as owner in residence or not in residence);

(5) Occupant access to waterways and other environmentally sensitive areas;

(6) Vehicle access and on-site parking and the number of parking spaces available;

(7) Compliance with all state, county, and city ordinances, laws, rules, and regulations, including the Building Code and Fire Code; and

(8) Adequacy of wastewater treatment systems.

FOR OFFICIAL USE ONLY

APPLICATION DATE: 1/12/09 FILE NO. CUP-09-001
TENTATIVE P&Z* HEARING: 2/12/09 TENTATIVE COUNCIL DATE: 2/19/09
FEES: \$ 400 DATE PAID: 1/12/09 RECEIPT NO. 19139

**APPLICATION
CONDITIONAL USE PERMIT**

Applicant understands that the purpose of a Conditional Use Permit (CUP) 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.

PROJECT SITE ADDRESS 500 Blue Heron Wimberley, Texas 78676

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: Property Tax I.D. No. 29793
RR 12 to Blue Heron - turn at Burger Barn
end of Blue Heron

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

1. OWNER'S NAME: Betty Sue Cooper HOME PHONE: (512) 722-3191
cell BUSINESS PHONE: (512) 751-3253
FAX: (-)
E-MAIL: BSCOOPER39@gmail.com

OWNER'S CURRENT MAILING
ADDRESS 500 Blue Heron CITY Wimberley STATE TX ZIP 78676

2. HEARING REPRESENTATIVE
NAME: Self PHONE: (512) 722-3191

ADDRESS: 500 Blue Heron CITY Wimberley STATE TX ZIP 78676

PROPERTY INFORMATION

NOTE: If you are applying for Zoning at the same time as this application is in process, proceed to page 3.

TOTAL AREA FOR CUP: ACRES _____ (OR) SQ.FT. 22,000 TOTAL NO. OF TRACTS: 1

5. PLANNING AREA(S): B 6. ZONING: Current — Pending R2(R2)alg

6. EXISTING STRUCTURES: ONE Home

PROPOSED STRUCTURES/USE: Residential - Vacation Rental

7. LEGAL DESCRIPTION

Subdivision: Breezeway Lot(s) 16 & 17

Block(s) _____ Plat Book: Vd/138 Page Number: 160

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

VOLUME: 138 PAGE: 160 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

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

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

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: SEPTIC

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

SITE INSPECTION AUTHORIZATION

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

Date: 1-9-09 APPLICANT SIGNATURE Betty Sue Cooper

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: 500 Blue Heron, and more particularly known as Lot 16+17, Block _____ of the BREEZEWAY Subdivision.

If a conflict should result with the request I am submitting to the Village 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: 1-9-09 APPLICANT SIGNATURE Betty Sue Cooper

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

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; *Vacation Rental on both sides of property*
- (+) The use requested by the applicant is set forth as a conditional use in the base district;
- (+) The nature of the use is reasonable;
- (+) The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- (+) The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- (+) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- (+) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- () Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200') feet.
- () List of all property owners, with mailing addresses, within two hundred (200') feet of any point of the subject property.
- (+) Payment of Application fee \$400.00
- (+) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or
- (+) Applicant waives his/her right to appear before the Village of Wimberley City Council at the public hearing to be held concerning the application of the above-referenced property, understanding that failure to appear allows the Council to consider this request; however, if questions are raised that cannot be answered, the matter will be continued.
- (+) Applicant hereby authorizes the Village representatives to visit and inspect the subject property
- (+) Applicant has 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 subject property. Applicant acknowledges and understands the implications of use and/or development restrictions which may apply to this property and agrees that it will be the responsibility of Applicant to resolve any conflict that may result.
- (+) Applicant agrees to provide additional documentation as needed by the Village.
- (+) Applicant understands that Village 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. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.

Date: 1-9-09

APPLICANT SIGNATURE

WHEN APPLICABLE:

AGENT SIGNATURE:

Betty Sue Cooper

CONDITIONAL USE PERMIT

Bed & Breakfast Lodging

Owner: Betty Cooper

LOCATION OF PROPERTY: 500 Blue Heron

LEGAL DESCRIPTION: Lot 1-2 Breezeway Subdivision Vol 138 Pg 160
R-29793

PLANNING AREA: B

PRESENT ZONING: —

EXISTING USE: Residential

USE TO BE GRANTED: Residential/Bed & Breakfast Lodging

NEW CONSTRUCTION: Single family residential structure. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The single family residence to be constructed shall at all times be compatible with properties that currently exist in the area.

OFF-STREET PARKING: All occupant parking will be off-street. 5 bse off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 10 guests. Occupant parking will be in these spaces only.

SIGNAGE: All signage will comply with the City Sign Ordinance. There is currently no signage planned.

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.

MAXIMUM OCCUPANCY: 10 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.

WATERFRONT USAGE: Guest may only use the Blanco Cypress Creek River/Creek in the area directly bounding the bed and breakfast lodging facility. Access to the river shall be

by a stairway to be constructed from the area of the house to the river level. 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 any reason.

PROPERTY MANGEMENT: Owners agree 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.

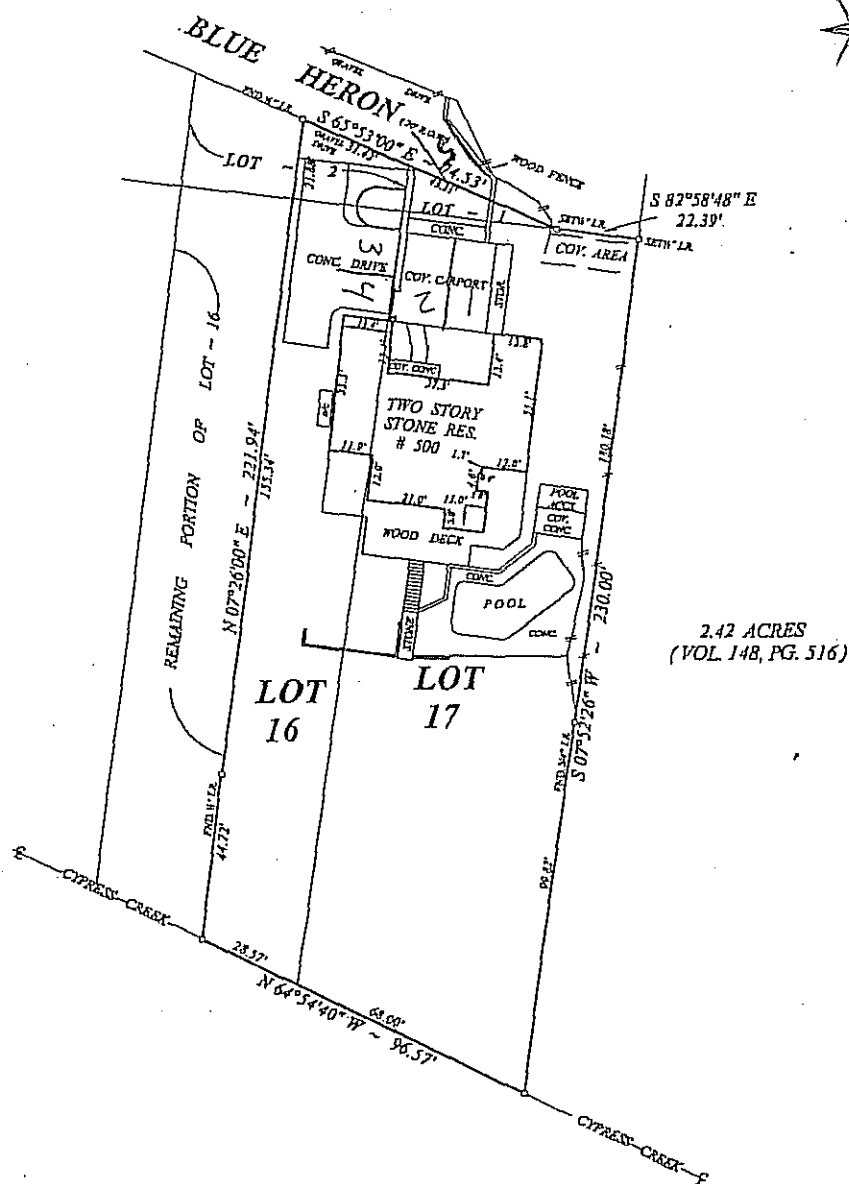
MISCELLANEOUS: Owner agrees to maintain the properties in a manner conducive to the health and safety of the tenants and the community. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. Landscaping, including lawns, will be maintained at all times.

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

Dated: Jan 9, 2009

Accepted and agreed to:

Betty Sue Cooper



PROPERTY SURVEY OF :

ALL OF LOT ONE (1) AND PART OF LOT NO. TWO (2), BREEZEWAY SUBDIVISION, HAYS COUNTY, TEXAS, RECORDED IN VOL. 138, PG. 160, HAYS COUNTY DEED RECORDS, AND ALL OF LOT NO. SEVENTEEN (17) AND PART OF LOT SIXTEEN (16), HARRISON RESORT SECOND SUBDIVISION, HAYS COUNTY, TEXAS, RECORDED IN VOL. 92, PG. 541 HAYS COUNTY DEED RECORDS



PROFESSIONAL
LAND SURVEYORS
12915 JONES MALTSBERGER
SAN ANTONIO, TEXAS 78247
(210) 490-9963, SUITE 401

REFERENCES:

VOL. 138 PG. 160
VOL. 92 PG. 541

500 BLUE HERON

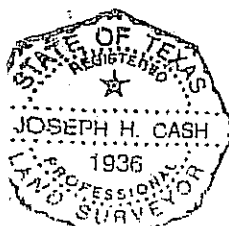
STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

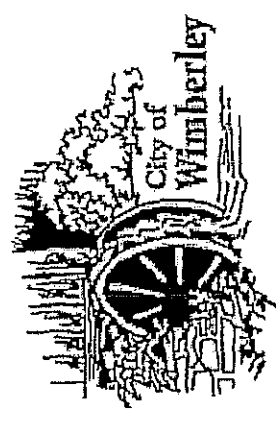
THIS 4 DAY OF JUNE 1998 A.D.
Joseph H. Cash
JOSEPH H. CASH
REGISTERED PROFESSIONAL LAND SURVEYOR

FLOOD INSURANCE STATEMENT:

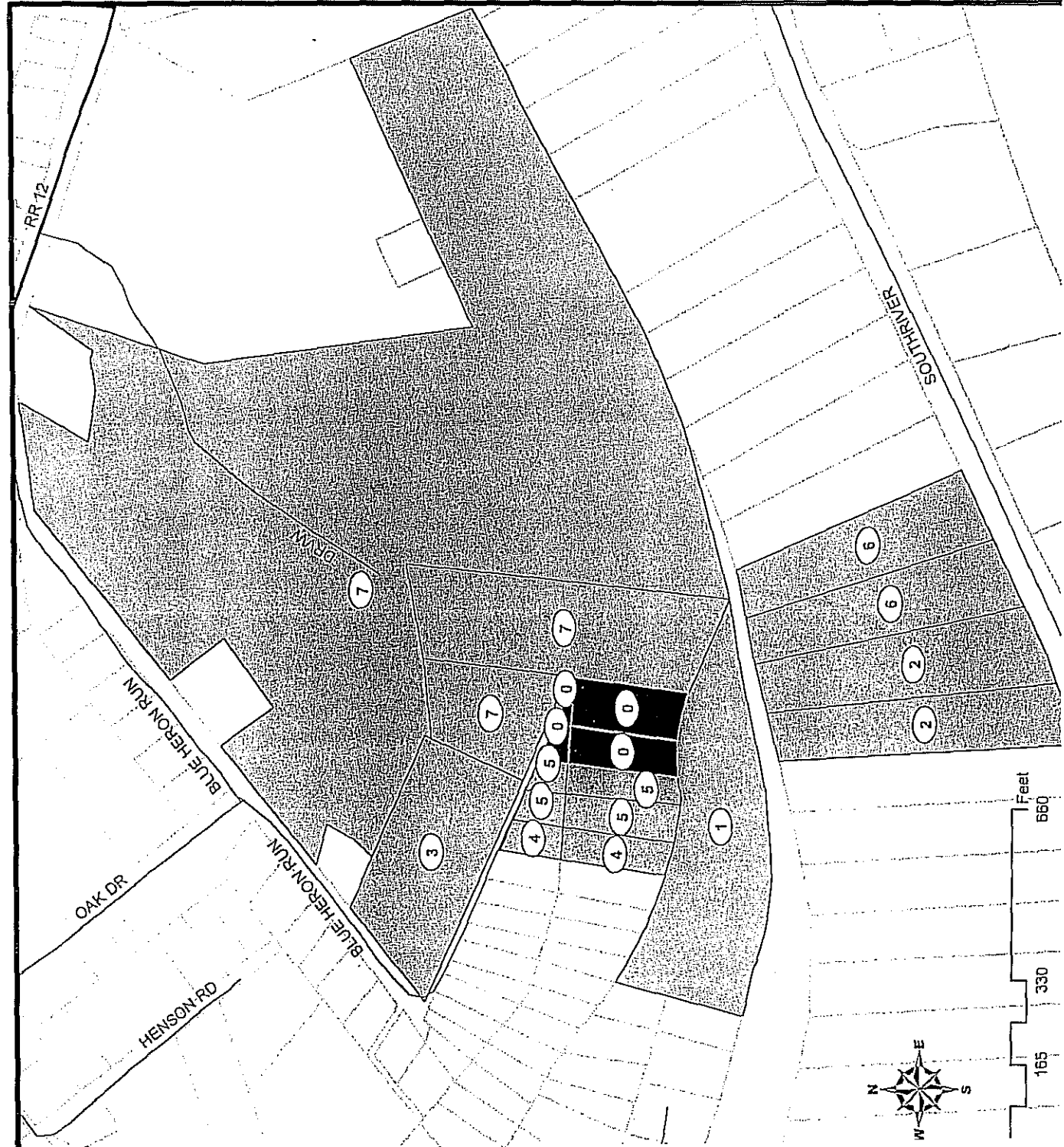
THIS PROPERTY IS SITUATED
WITHIN A SPECIAL FLOOD HAZARD
AREA AS IDENTIFIED BY F.I.R.M.
MAP NO. 480321 0160 B
EFFECTIVE DATE: 8/18/93
ZONE: AE
G. F. NO. 99040193
JOB NO. 99361



Notification Map for CUP-09-001



P.O. Box 2027 • Wimberley, Texas 78676

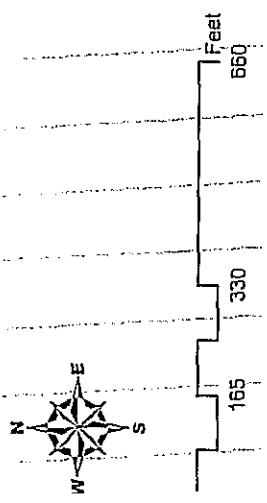
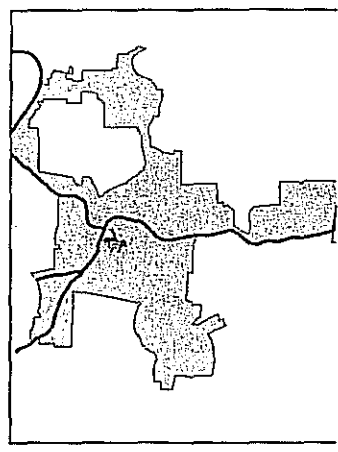


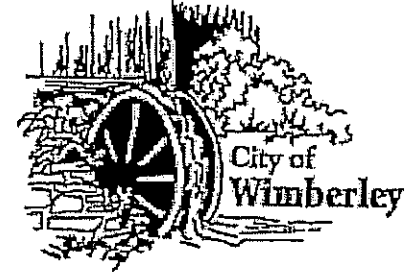
Notified Owners

ID, OwnerName

- 0, SUBJECT PROPERTY
- 1, WIMBERLEY POINT LTD
- 2, BUEHRING WALTER J & SUZANNE
- 3, FRANKLIN, RASJIDAH
- 4, HASSAN, YASSIN A
- 5, LAMOREUX DONN & PAMELA
- 6, REINEY WILLIAM R JR & PATRICIA
- 7, RIO BONITO LLC
- 8, WIMBERLEY POINT LTD

Location Map





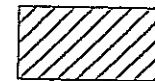
P.O. Box 2027 • Wimberley, Texas 78676

200 ft Property

Zoning



Subject Property

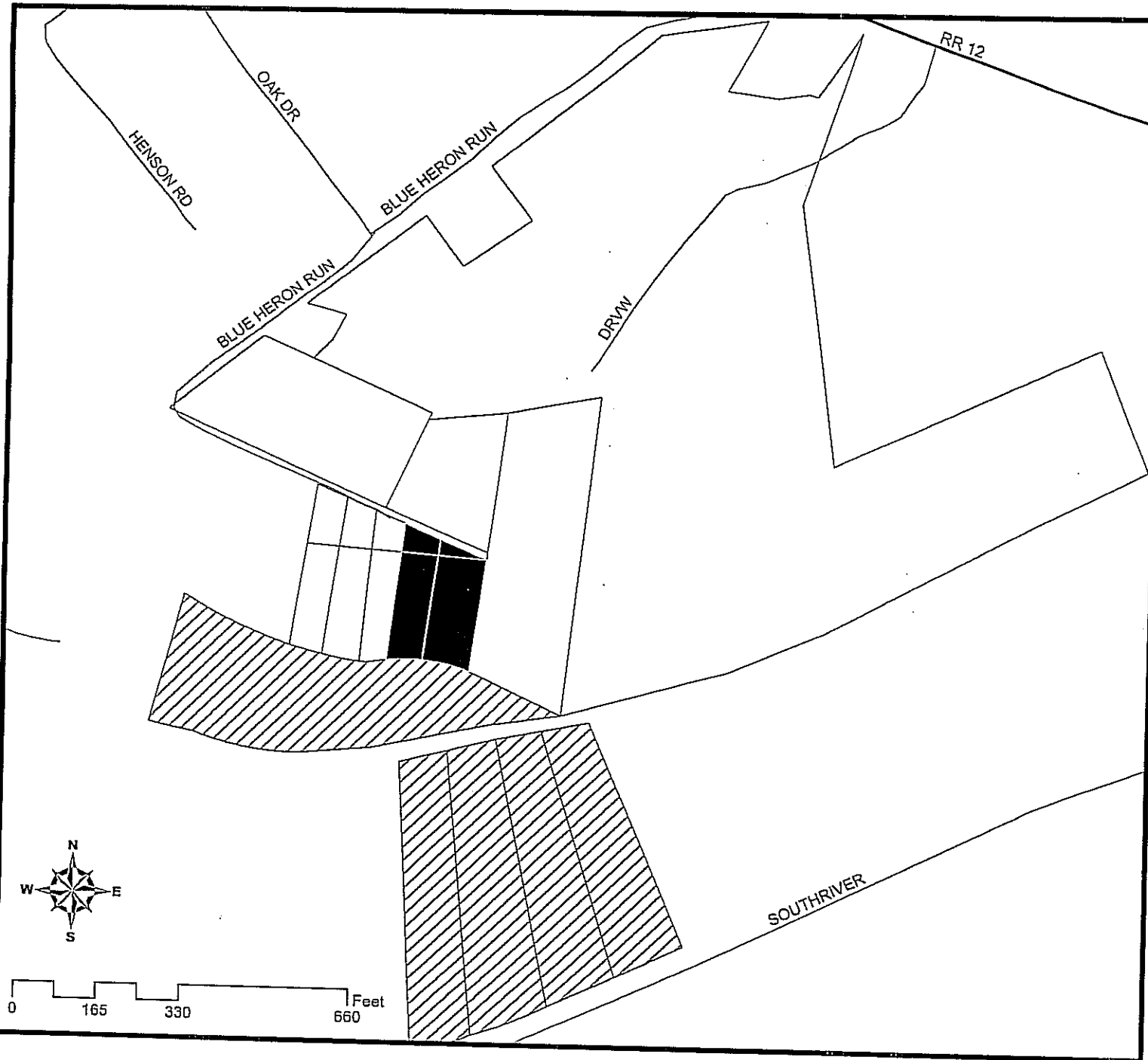
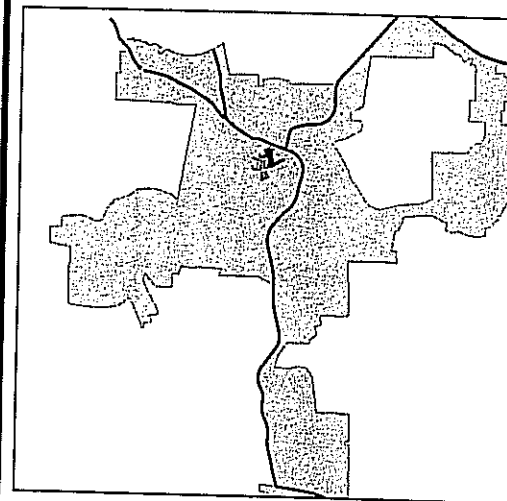


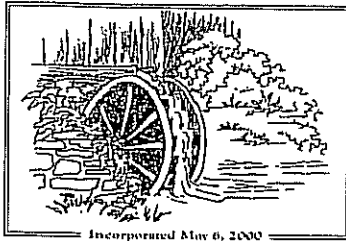
Rural Residential



Unzoned

Location Map





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor – Bob Flocke, Mayor Pro-tem

Council Members – Charles Roccaforte, Jeri Xiques, Terrie Bursiel, Dick Larson
Don Ferguson, City Administrator

February 12, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-001

500 Blue Heron Run

An application for initial base zoning of Single Family Residential 2 (R2)

File No. CUP-09-001

500 Blue Heron Run

A request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at this location.

Dear Property Owner:

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

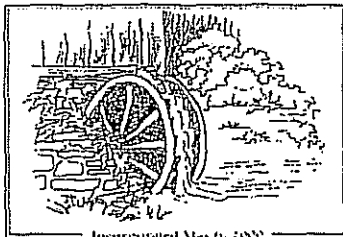
Betty Sue Cooper has submitted a request to initially zone the subject property Single Family Residential 2 (R2). In addition, Ms Cooper has requested a Conditional Use Permit in order to operate a Bed and Breakfast on the subject property.

The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, February 26, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon recommendations from the Commission, City Council will hold a Public Hearing to consider the same requests on **Thursday, March 5, 2009, at 6:30 p.m.**

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

Additional information regarding the proposed zoning and CUP is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY



Village of Wimberley

12111 Ranch Road 12, Ste. 114 (P.O. Box 2027), Wimberley, Texas 78676

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

E-mail: village@wimberley-tx.com Web: vil.Wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning File No.: COP-04-001

Owner: Betty Cooper

Date: 1/23/09

TO: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property:

() Project Site Address 500 Blue Heron Run

which is located at the end of Blue Heron Run

Bill Bowers
Asst. Public Works

Note: The above-referenced zoning sign was placed on the subject property on

1/23, 2009.

Bill Bowers
Signature



ORDINANCE NO. 2009-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY BETTY SUE COOPER TO OPERATE A BED AND BREAKFAST LODGING FACILITY ON AN APPROXIMATELY 0.477 ACRE TRACT LOCATED AT 500 BLUE HERON RUN, WIMBERLEY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Betty Sue Coopert ("Applicant") requesting authorization to operate a bed and breakfast lodging facility on real property described as Breezeway Subdivision Lot 1 and a portion of Lot 2, and Harrison Resort Subdivision 2, Lot 17 and a portion of Lot 16, consisting of approximately 0.477 acres, zoned Single Family Residential 2 (R2); and

WHEREAS, a bed and breakfast lodging facility is an authorized use in areas zoned Single Family Residential 2 (R2) upon the granting of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application, site plan, and list of conditions on the use of the property for the bed and breakfast purposes, attached hereto as Exhibits "A" and "B", respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the use of the subject property as a bed and breakfast lodging 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 Betty Sue Cooper ("Applicant") for use as a bed and breakfast lodging facility on real property described as Breezeway Subdivision Lot 1 and a portion of Lot 2, and Harrison Resort Subdivision 2, Lot 17 and a portion of Lot 16, consisting of approximately 0.477 acres, zoned Single Family Residential 2 (R2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use of the subject property as a bed and breakfast lodging facility in accordance with the site plan attached hereto as Exhibit "A", and subject to the conditions described in Exhibit "B", attached and incorporated by reference, as well as all applicable regulations in effect at the time of the submission of the building permit application. No other use of the property is authorized by this Conditional Use Permit.
3. No commercial signage shall be permitted on the subject property. No more than one (1) sign shall be permitted to provide the property street address and not identify the business. Any signage material, color and dimension shall be compatible with the "Hill Country" theme.

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 Wimberley City Council on the __ day of _____, 2009 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

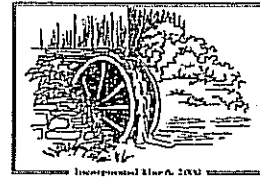
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

Report for Zoning ZA-09-003



Summary:

The applicant has requested initial base zoning of High Impact Commercial (C3) for 114B Wimberley Square

Applicant Information:

Applicant:

Beth Mitchell
13710 RR12 Suite #3
Wimberley, Texas 78676

Jill Frazier
13710 RR12 Suite #3
Wimberley, Texas 78676

Property Owner:

Carl Leinneweber; PO Box 1297; Wimberley TX 78676

Subject Property:

Legal Description: ABS 461 Amasa Turner Survey
Location: 114B Wimberley Square
Existing Use of Property: Commercial
Existing Zoning: Unzoned
Proposed Use of Property: Commercial
Proposed Zoning: C3
Planning Area: E
Overlay District: Village Center Overlay, VC

Surroundings:

Frontage On: Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Unzoned, C1	Commercial
S of Property	Unzoned, C1, C2	Commercial
E of Property	C1, C2	Commercial
W of Property	Unzoned, C1	Commercial

Legal Notice

200' Letters Sent 2/6/09
Published 2/11/09
Sign Placement 2/5/09

Comments:

The applicant has requested initial base zoning of *High Impact Commercial (C3) Zoning* for a property located at 114B Wimberley Square. The subject property is currently being used as a retail business. However, the applicant wishes to change the use for the sale of beer and wine for off-premise consumption. The subject property is currently unzoned and this requested change in use has triggered the need for the property to be zoned.

The City Zoning Code was amended February 2008 to allow, as a permitted use, the sale of beer and wine for off-premise consumption in the C3 zoning district.

The subject property is located in Planning Area E. The *High Impact Commercial (C3) Zoning* is permitted in Planning Area E and is consistent with other commercial zoning in the downtown area.

The property is also located within the Village Center Overlay District and would be required to comply with all applicable Village Center Overlay standards. No building permits have been issued at this time.

It should be noted that the applicant has also applied for a variance to City regulations that prohibit the sale of beer and wine for off-premise consumption within 300 feet from a day-care center or child-care facility.

City staff recommends approval of the zoning request.

§ 155.049 COMMERCIAL - HIGH IMPACT; C-3.

(A) *General purpose and description.* The C-3, commercial 3 district is established to provide areas for more intense and concentrated shopping and service facilities for the retail sales of goods and services. These shopping areas shall utilize established landscape and buffering requirements. The C-3 district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

(B) *Permitted uses.*

(1) Administrative and professional office:

(a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;

(b) Photography studios, doctors, dentists;

(c) Non-profit organizations (with certain restrictions);

(d) Civic uses (such as City Halls);

(e) Research services: limited; and

(f) Office.

(2) Religious assembly.

(3) Food and beverage retail sales (such as grocery);

(4) Medical services: general; large facilities, hospitals;

(5) Eating establishments: sit-down;

(6) Eating establishments: sit-down fast foods;

(7) Agricultural supplies and services;

(8) Commercial blood centers;

(9) Commercial off-street parking;

(10) Parking lot and parking garage, automotive;

(11) Transportation facilities: surface, limited (such as cross-country truck companies and their distribution centers);

(12) Transportation facilities: aircraft;

(13) Commercial/single-family residential;

(14) Private primary educational services;

(15) Private secondary educational services;

(16) Non-profit civic;

(17) Retail sales and services: general;

(18) Bank and savings and loan;

(19) Personal services: general;

(20) Accessory uses to the main use; and

(21) Single-family residence.

(C) *Conditional uses.*

(1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;

(2) Alcoholic beverage sales;

(3) Bars/taverns (50% sales derived from alcohol);

(4) Gasoline sales: truck stops;

(5) Automotive sales, rentals, and repairs;

(6) Automotive and equipment: sales and rentals, farm and heavy equipment;

(7) Automotive and equipment: sales and rentals, light equipment;

(8) Custom manufacturing;

- (9) Construction sales and services;
- (10) Eating establishments: fast food with drive-through order windows;
- (11) Eating establishments: drive-in;
- (12) Adult entertainment (such as sexually oriented business) use as may be provided for or restricted by other city ordinances;
- (13) Bed and breakfast lodging;
- (14) Automotive washing;
- (15) Personal storage; and
- (16) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Development regulations.*

- (1) Minimum lot size: 20,000 square feet.
- (2) Maximum building height (as defined in § 155.005):
 - (a) Primary buildings: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (b) Accessory buildings: not more than 18 feet and not more than 1 story; and
 - (c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.
- (3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:
 - (a) Dominant street: 25 feet;
 - (b) Secondary street: 15 feet; and
 - (c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.
- (4) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.
- (5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.
- (6) Maximum building footprint: 20,000 square feet.
- (7) Maximum floor area: 20,000 square feet

(E) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(F) *Special requirements.*

- (1) Open storage is prohibited in the village center (VC) overlay district.
- (2) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.

(G) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards.

(Ord. 2001-010, § 28, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

§ 155.091 VILLAGE CENTER OVERLAY DISTRICT; VC.

(A) Purpose.

(1) The village center overlay district is intended to protect, perpetuate, and enhance the character, scale, and general appearance of development within and surrounding the historic center of the city known as the Wimberley Square, and its contiguous environs.

(2) Structures of historical significance exist within this area. Whether or not these buildings are zoned historic, or are included in the National Registry of Historic Places, they, and many of the structures adjacent to them or nearby, merit protection under this village center overlay district.

(B) Limits of overlay. Application of this overlay is limited to those properties within the shaded area of the attached map in Figure 6 of Appendix A of this chapter.

(C) Permitted uses. Any use permitted in any residential, office, or commercial zoning district, with the exception of MF-2, L-2, I-1, I-2, and IP uses, and certain commercial uses as defined below.

(D) Conditional uses. A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit.

(E) Prohibited uses and zoning.

- (1) Eating establishment: drive-through;
- (2) Distribution centers of trucking terminals;
- (3) Adult-oriented businesses;
- (4) Automotive repair, painting, or washing facilities;
- (5) Commercial blood centers;
- (6) Funeral and interment facilities (all types);
- (7) Animal interment services;
- (8) General medical facilities (hospitals);
- (9) Agricultural supplies and services; and
- (10) Personal storage.

(F) Building mass restrictions. Building size and construction must conform to the underlying zone as a minimum.

(G) Site development standards.

- (1) Minimum lot size: none.
- (2) Maximum building height (as defined in § 155.005):
 - (a) Primary buildings: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (b) Accessory structures: 18 feet; and
 - (c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.
- (3) Minimum setbacks:
 - (a) Street side: 6 feet;
 - (b) Side lot line: the greater of 3 feet from the property line or 6 feet from the nearest existing structure, except 0 in the case of a party wall agreement; and
 - (c) Rear lot line: 6 feet.
- (4) Maximum impervious cover: NA (Square), 90% - other. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of

the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(H) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(I) *Supplemental development standards.*

(1) *Exterior building finishes.* Exterior finishes of exterior walls visible from any public roadway, alleyway, or pedestrian way shall utilize only the following materials:

- (a) Native stone or rock;
- (b) Brick;
- (c) Stucco or plaster;
- (d) Unpainted or rustic wood;
- (e) Painted wood of other than primary colors;
- (f) Exterior insulating finishing system (EIFS); and
- (g) Glass in combination with any of the above, and according to adopted building codes.

(2) *Pre-engineered metal buildings.* Pre-engineered metal buildings are prohibited within this overlay district, unless all exterior walls visible from any public roadway, alleyway, or pedestrian way are finished or veneered using 1 of the following materials:

- (a) Native stone or rock;
- (b) Brick;
- (c) Stucco or plaster;
- (d) Unpainted or rustic wood;
- (e) Painted wood of other than primary colors;
- (f) EIFS; or
- (g) Glass in combination with any of the above, and according to adopted building codes.

(3) *Signs.*

(a) All signs within this overlay district are subject to the city sign permitting requirements and must be in full compliance with Chapter 152 of this code.

(b) No sign or signs shall be permitted which prohibit, reserve, or limit parking on any public roadway, except as erected by the city for the purpose of compliance with ADA or other emergency regulations.

(Ord. 2001-010, § 49, passed 4-1-2001; Am. Ord. 2004-010, passed 5-6-2004; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

FOR OFFICIAL USE ONLY

APPLICATION DATE: _____ FILE NO. ZA-01-003

TENTATIVE P&Z* HEARING: _____ TENTATIVE CC** DATE: _____

CITY INITIATED: YES - (NO) PLANNING AREA: V ZONING REQUESTED: C3

ZONING FEES: \$ 372 DATE PAID: _____ RECEIVED BY: _____

* P&Z - Planning & Zoning Commission ** CC - Village of Wimberley City Council

APPLICATION FOR ZONING

NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS, CONDITIONAL USE PERMIT APPLICATIONS & WIMBERLEY PLANNED DEVELOPMENT DISTRICTS (WPDD'S)

OWNER, AGENT AND PROJECT DATA

**STREET ADDRESS OF
PROPERTY TO
BE ZONED:**

1148 Wimberley Square Wimberley, Texas

**HAYS COUNTY CENTRAL
APPRAISAL DISTRICT**

PROPERTY ID#: R 18463 **

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

** You may obtain this from your property tax statement.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

going North on RR12 turn Right at the Wimberley Square we are
across from Mainway 1148.

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

1. OWNER'S NAME: Beth Mitchell/Jill Frazier **HOME PHONE:** (512) 847-8010

BUSINESS PHONE: (512) 971-0130

FAX: (512) 366-9344

E-MAIL: mail@hillcountrywine.com

OWNER'S CURRENT MAILING

ADDRESS 13710 RR12 Suite #3 **CITY** Wimberley **STATE** TX **ZIP** 78676

2. AGENT'S NAME: _____ **AGENT'S PHONE:** () _____

FAX: () _____

AGENT'S FIRM NAME: _____ **E-MAIL:** _____

AGENT'S FIRM MAILING

ADDRESS: _____ **CITY** _____ **STATE** _____ **ZIP** _____

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES _____ (OR) SQ.FT. 425 TOTAL NO. of TRACTS: 1

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

PROPOSED USE(S): Wine tasting Room & Wine & beer shop

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): ~~C-2~~, ~~BA~~ UNZONED

7. LEGAL DESCRIPTION

Street Address: 114B Wimberley Square Subdivision: _____

Block(s) _____ Lot(s) _____

Plat Book: _____ Page Number: _____

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

VOLUME: ABS 461 AMASA TUCKER SURVEY PAGE: _____ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) VILLAGE CENTER

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

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: Septic

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): ~~1111~~

Related Cases, If Applicable

Zoning	File No. _____
Building Permit	File No. _____
Subdivision	File No. _____
Sign Permit	File No. _____
Engineered construction	File No. _____

SUBMITTAL CHECKLIST

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

- ☐ Complete "Application For Zoning"
- ☐ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☐ Provide plat map of the specific property to be zoned.
- ☐ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☐ Provide a legal description of the property to be zoned.
- ☐ Sign/date Submittal Verification form.
- ☐ Sign/date Site Inspection Authorization form.
- ☐ Sign/date Acknowledgement Form.
- ☐ Pay Zoning Fee (this fee is based on the cost of services incurred by the Village of Wimberley in reviewing, processing and recording the zoning request).
- ☐ Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- ☐ Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- ☐ Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).
- ☐ Provide detailed Site Plan for WPDD (11x17)

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 Village 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 Village 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: 1/6/09

APPLICANT SIGNATURE Beth Kester

WHEN APPLICABLE:

Date: 1/6/09

CO APPLICANT
AGENT SIGNATURE [Signature]

SITE INSPECTION AUTHORIZATION

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

Date: 1/6/09 APPLICANT SIGNATURE Jill Kraybill

WHEN APPLICABLE:

Date: 1/6/09 AGENT SIGNATURE Beth Petersen

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: 114 B Wimberley Square, and more particularly known as Lot N/A, Block N/A of the N/A Subdivision.

If a conflict should result with the request I am submitting to the Village 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.

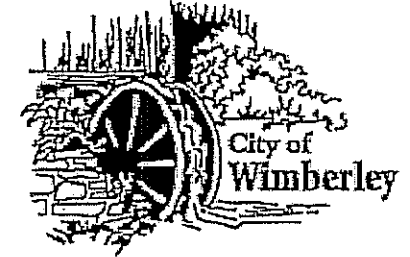
I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 1/6/09 APPLICANT SIGNATURE Jill Kraybill

WHEN APPLICABLE:

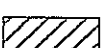
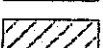
Date: 1/6/09 AGENT SIGNATURE Beth Petersen

Zoning Map for ZA-09-003

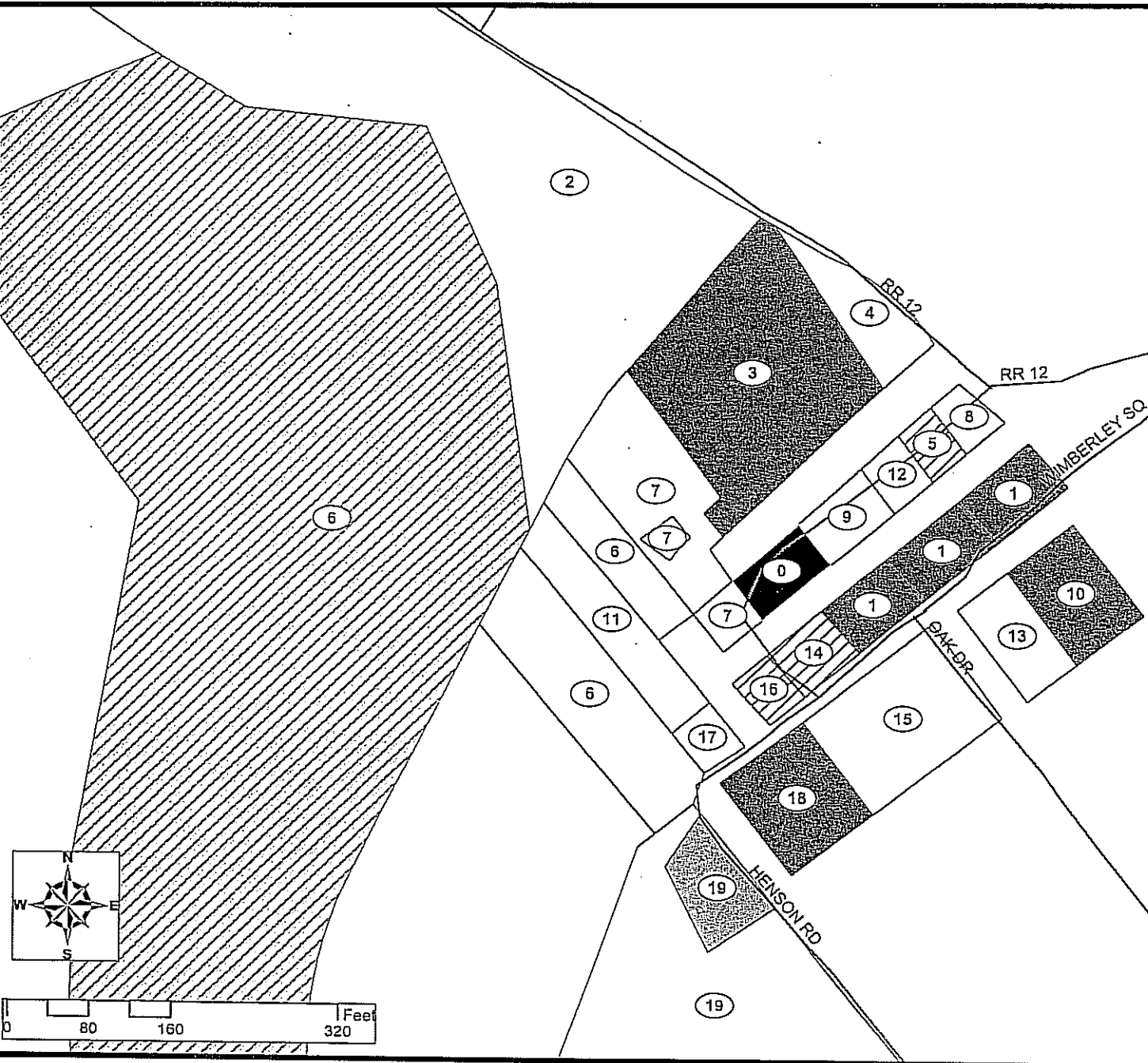
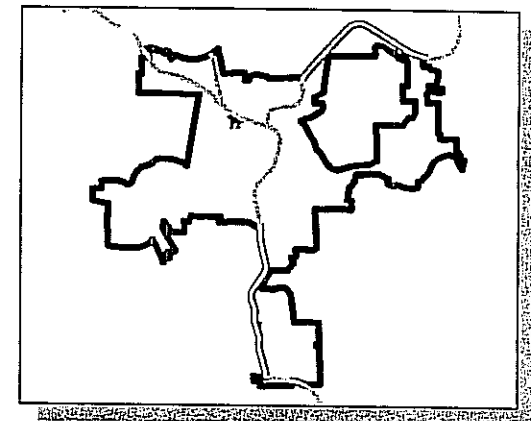


P.O. Box 2027 • Wimberley, Texas 78676

Zoning

-  Subject Property
-  UnZoned
-  Single Family Residential 4
-  Commercial Low Impact
-  Commercial - Moderate Impact
-  Lodging - High Impact

Location Map



Ownership Map for LA-09-003

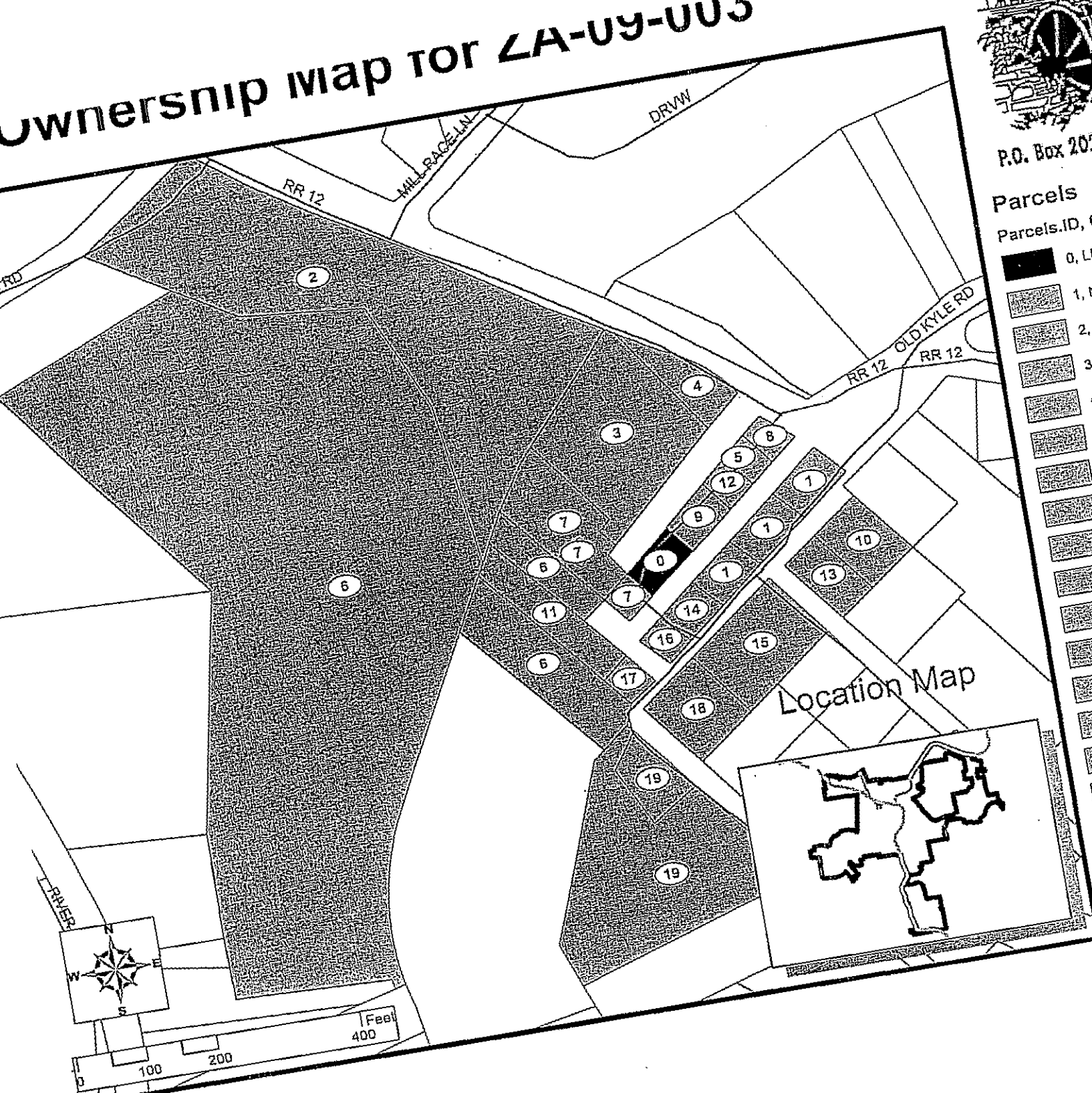


P.O. Box 2027 • Wimberley, Texas 78676

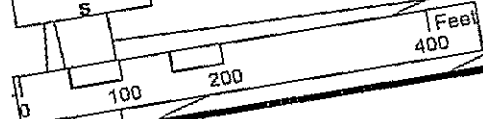
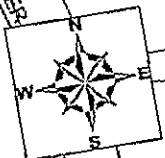
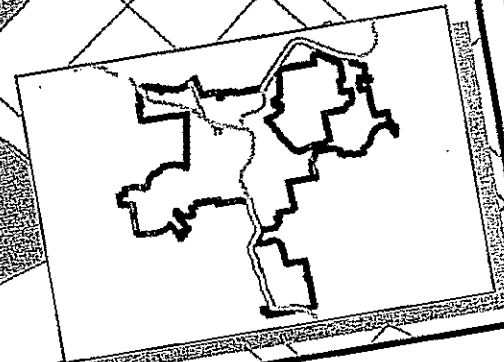
Parcels

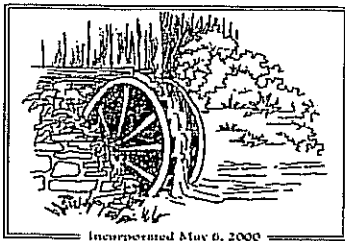
Parcels.ID, OwnerName

-  0, LEINNEWEBER CARL &
-  1, MCCULLOUGH HERSCHEL & ROBINETTE
-  2, OZONA NATIONAL BANK
-  3, RICHARDSON, ANNIE L
-  4, ROMANO, LAURA
-  5, 104 WIMBERLEY SQUARE LTD
-  6, CARSON, W C
-  7, SENIOR CITIZENS CRAFT SHOP OF
-  8, DIXIE CLEMENTINE MANAGEMENT INC
-  9, EVERLASTING INC
-  10, FLOCKE, ROBERT
-  11, SHEFFIELD, JAMES L
-  12, FRAZIER, JODY LEE
-  13, MCQUIGG, MARY KAY
-  14, SHEKARFOROOSH, EFFAT
-  15, VAN OSTRAND PHILLIP M & MARY L
-  16, JC & BB LTD
-  17, ALEXANDRIA LEE LLC
-  18, ANDERSON, MARCILIA L
-  19, CLAYTON, CHARLES E, Jr.



Location Map





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-tem

Council Members - Charles Roccaforte, Jeri Xiques, Terrie Bursiel, Dick Larson

Don Ferguson, City Administrator

February 4, 2009

NOTICE OF PUBLIC HEARINGS

Re: 114B Wimberley Square, Wimberley, Texas 78676

1. **ZA-09-003:** An application for initial base zoning of High Impact Commercial Zoning (C3)
2. **AV-09-001:** Request for Waiver to Allow Sale of Beer and Wine for Off-Premise Consumption within 300 feet of a Church, School, Day Care Center or Hospital.

Dear Property Owner:

You are receiving this letter because your property is located at the above address or is located within 300 feet of the above-referenced location.

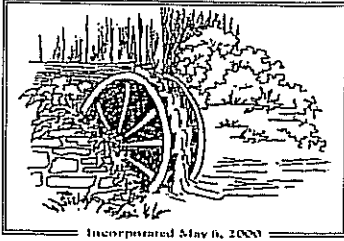
Beth Mitchell, and Jill Frazier have submitted a request to initially zone the subject property High Impact Commercial (C3). The Village of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, February 26, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, March 5, 2009, at 6:30 p.m.**

Associated with the above request, The City has received one (1) request to allow the sale of beer and wine for off-premise consumption. The City does not allow the sale of beer and wine for off-premise consumption within 300 feet of a Church, School, Day Care Center or Hospital without a waiver. The Village of Wimberley City Council will consider this request at a public hearing on **Thursday, March 5, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12.

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

Additional information regarding the proposed zoning and variance is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY



City of Wimberley

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

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: ZA-09-003

Owner Liene weber

Date 2/5/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

(A) Project Site Address 114 Suite D Wimberley Sq

which is located in Wimberley Sq

Bill Bowers
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

2/5, 2009


Signature

02/05/2009







Hays Central Appraisal District

2008 CERTIFIED VALUES


[Home](#)

Property Detail Sheet (R18463)

[General Information](#)

[History](#)

[GIS Map](#)

[Datasheet](#)
[News](#)
[FAQ](#)
[Searches](#)

- [PropertyID Search](#)
- [Account Search](#)
- [Owner Search](#)
- [Address Search](#)
- [Advanced Search](#)

[Property Data](#)

- [Detail Sheet](#)
- [Datasheet](#)

[Other](#)

- [Taxing Units](#)
- [Neighborhoods](#)
- [Abstracts](#)
- [Subdivisions](#)
- [Directions](#)
- [Hays Tax Office](#)
- [Board of Directors](#)
- [ARB Members](#)
- [Tax Rates](#)
- [Low Income Housing](#)
- [Taxpayers Rights \(Engl\)](#)
- [Taxpayers Rights \(Span\)](#)
- [Delinquent Tax Sales](#)
- [Capitalization Rate](#)
- [Forms](#)
- [Other Map Formats](#)
- [Links](#)
- [Subdivision Recorded Pl](#)
- [GIS Maps](#)
- [Employment opportunitie](#)

Owner Information

Owner ID: O45030
 Owner Name: LEINNEWEBER CARL &
 Owner Address: JUANITA MARIE P O BOX 1297
 WIMBERLEY, TX 78676-1297
 Property Address:

Parcel Information

Legal Description: ABS 461 A TURNER SURVEY 0.05 AC 1,820 SQ FT GEO#90603597
 Acreage: 0.05
 Cross Reference: 10-0461-0090-00000-8
 Undivided Interest: 100%

Exemption Codes:

Entity Codes: CWI (Village Of Wimberley)
 EWI (WIMBERLEY HAYS CO ES DIST #3)
 FWI (WIMBERLEY FIRE HAYS CO ES DIST #4)
 GHA (HAYS COUNTY)
 RSP (SPECIAL ROAD)
 SWI (WIMBERLEY ISD)

Deed Type: CVD
 Deed Book: 329
 Deed Page: 173
 Map Page: 12173

Land HS: \$0 +
 Land NHS: \$24,500 +
 Improvement HS: \$0 +
 Improvement NHS: \$36,860 +
 Ag Market: \$0
 Ag Use: \$0 +
 Timber Market: \$0
 Timber Use: \$0 +
 Assessed: \$61,360 =

Improvements

ID	Type	SPTB	Segs	Value
<u>Imp1</u>	C (Commercial)	F1 (F1-Commercial - Real Property1		\$ 36,860

Land

ID	Type	SPTB	Acre	Market
<u>Land1</u>	F1 (Commercial)	F1 (F1-Commercial - Real Property0.05		\$ 24,500



* Adobe Acrobat Reader 5.0 (minimum) is required to view pdf documents. Acrobat Reader is a free program available [here](#).

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A 0.05 ACRE TRACT LOCATED AT 114B WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-HIGH IMPACT (C3); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Section 155 (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, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community's history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

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

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Code of Ordinances and have concluded that the 0.05 acres described as ABS 461 A Amasa Turner Survey, should be designated with an initial zoning of Commercial-High Impact (C3) designation and that such designation is consistent with established City policy and in the public interest; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

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

ARTICLE I. AMENDMENT

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

Appendix F: Zoning District Designations

The City Council of the City of Wimberley has divided the City into the zoning districts as follows. The applicable use, height, area and development regulations adopted by the City shall apply to each district. The following geographic boundaries of the zoning districts for the properties listed below are hereby established as follows:

The 0.05 acres described as ABS 461 A Amasa Turner Survey, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference, in Wimberley, Hays County, Texas, commonly known as 114B Wimberley Square, is hereby designated initial zoning of Commercial-High Impact (C3) designation.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

ARTICLE II. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

ARTICLE III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this _____ day of _____, 2009, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

ATTEST:

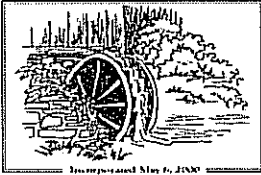
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

DRAFT

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER ACTION ON A
BEER/WINE DISTANCE RESTRICTION WAIVER
REQUEST FOR 114B WIMBERLEY SQUARE

Council Action Requested:

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

Project/Proposal Summary:

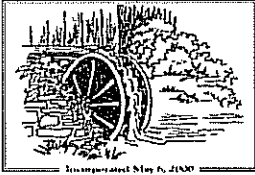
Currently, the sale of beer and wine for off-premise consumption is prohibited within 300 feet of schools, churches, hospitals and day care facilities within the City of Wimberley. The same City ordinance that restricts the sale of beer and wine to certain locations allows business establishments located within so-called "alcohol free zones" to request a waiver from the distance requirement.

In February 2009, the City of Wimberley received such a waiver request from the owners of *Hill Country Wine Shoppe* who are proposing to move from their current location at 13710 Ranch Road 12 to a new location at 114B Wimberley Square. The subject property is located a short distance from a day-care center. In accordance with City ordinance, notice of the requested waiver was mailed to all property owners within 300 feet of the subject property. At the time of production of the agenda packet, no public comments either for or against the requested waiver have been received by the City.

The City's ordinance allows City Council to waive the distance requirements if the Council determines enforcement of the distance provision in a particular case:

- is not in the best interest of the public
- constitutes waste or the inefficient use of land or other resources
- creates an undue hardship on an applicant
- does not serve its intended purpose
- is not effective or necessary
- for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines in the best interest of the community.

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER ACTION ON A
RESOLUTION RELATING TO THE ZONING OF
PROPERTY IN WIMBERLEY

Council Action Requested:

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

Project/Proposal Summary:

On February 19, 2009, the City Council directed City staff to stop further consideration of a proposed City Wide Zoning map drafted by the Planning and Zoning Commission. The action came on the heels of considerable public opposition to the proposed map. At the same time, the City Council directed staff to prepare a resolution for future consideration directing the City's Planning and Zoning Commission to proceed with the process of zoning only those unzoned tracts of property based on their existing use and to provide those zoned property owners, who wish to change their current zoning, a City fee free opportunity to do so.

Attached is a copy of the proposed resolution for consideration.

RESOLUTION

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS ESTABLISHING A TEMPORARY POLICY ON THE INITIAL ZONING AND REZONING OF REAL PROPERTY WITHIN THE CITY LIMITS.

WHEREAS, shortly after incorporation, the City of Wimberley ("City") adopted its first Comprehensive Plan, and the City began the process of zoning the real property located within the city limits in accordance with the Plan; and,

WHEREAS, the City only zoned property for agricultural and residential uses leaving much of the property in the city unzoned; and,

WHEREAS, in January 2008, the City Council identified as one of its critical priorities the need to proceed with a City initiated commercial project and complete the zoning of the Wimberley; and,

WHEREAS, in July 2008, the Comprehensive Plan was updated to further direct future growth of the City; and,

WHEREAS, in September of 2008, the City Planning and Zoning Commission ("P&Z") launched the process of developing a city-wide zoning map to facilitate the proper growth and development of the city; and,

WHEREAS, the P&Z and the City Council have provided members of the public the opportunity to give testimony and present written evidence; and,

WHEREAS, the City Council wishes to adopt the guidelines and direction to the P&Z and staff on how to complete the zoning process initiated in the City; and,

WHEREAS, the City Council finds that having all property zoned in the City and rezoned as requested is essential to establishing a development pattern which complies with the Comprehensive Plan, and that a waiver of application fees for a limited period time is in the public interest in further accomplishing this and other municipal goals regarding development and regulation of land use within the City; and,

WHEREAS, the City Council finds that the direction given herein will provide the public with ample opportunity to provide further comment and is the minimum necessary to promote the public health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS OF FACT

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

II. RESOLUTION

THAT the following is the desire and wish of the City Council regarding the City initiated City wide zoning project and that City staff is hereby directed to take the necessary steps to comply with the Council's direction and return to Council for final action in accordance with the Code of Ordinances:

1. Recommend a zoning classification for all remaining unzoned real property in the City of Wimberley to reflect the current use of the property, notify property owners in accordance with the law, and submit such recommendation to the Planning and Zoning Commission to develop a final report to City Council.
2. The Council wishes to provide an amnesty period of ninety (90) days from (WHAT DATE?) to allow property owners to submit an application to rezone their property in accordance with the provisions of the Comprehensive Plan, and that the City shall waive its application fees strictly during this time period. All other costs shall be the responsibility of the applicant. An application for rezoning shall not guarantee that the property will be rezoned as requested by the applicant and the City Council reserves its discretion in reviewing all applications.
3. Review the City's current zoning regulations regarding the entry corridors (RR 12, FM 3237, FM 2325) to the City to include, but not limited to, permitted and conditional uses, creation or amendment of overlay and zoning districts and development standards regarding height, setback, construction materials, design standards, parking, lighting, landscaping and signage.

PASSED AND APPROVED this _____ day of _____, 2009, by a _____
(Ayes) _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

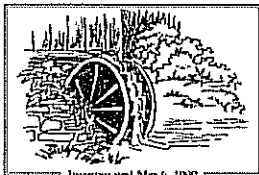
CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER PROPOSED
ORDINANCE PROHIBITING THROUGH TRUCK
TRAFFIC ON CR 1492

Funds Required:
Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider the second reading of a proposed ordinance prohibiting through truck traffic on County Road 1492 (CR 1492).

The proposed ordinance was drafted in an attempt to deal with the growing problem of large tractor trailer rigs becoming stuck while attempting to negotiate the sharp curve on CR 1492 just south of the Blanco River Crossing. In the past twelve months, traffic on the heavily traveled road has been blocked at least twice because of large trucks becoming stuck in the curve.

In addition, there is growing concern about the impact of heavy truck traffic on the CR 1492 Blanco River Crossing.

City staff presented the issue to the City Transportation Advisory Board on February 11, 2009. After considerable discussion, the Board voted unanimously to recommend approval of the proposed regulation of through truck traffic.

According to the proposed ordinance, through truck traffic would be prohibited on CR 1492. The prohibition would not apply to authorized emergency vehicles, light trucks such as pick up trucks or trucks with drivers that are able to produce proof of scheduled delivery on CR 1492 or a public or private street that can be only accessed from CR 1492.

If approved, the appropriate regulatory signage will be placed on CR 1492 and where CR 1492 intersects with River Road and Ranch Road 12.

The first reading of the proposed ordinance was approved on February 19, 2009. The ordinance must be approved on second reading in order for the proposed traffic regulation to take effect.

ORDINANCE NO. 2009-_____

AN ORDINANCE AMENDING CHAPTER 70 (TRAFFIC REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ADD A SUBSECTION ENTITLED "THROUGH-TRUCK TRAFFIC"; PROVIDING FOR A PENALTY, FINDINGS OF FACT, AN EFFECTIVE DATE, PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City of Wimberley ("City") has exclusive control over the highways, streets, and alleys of the municipality pursuant to § 311.002 of the Texas Transportation Code; and,

WHEREAS, use of certain streets and highways by truck traffic as defined herein, can cause severe damage to the infrastructure of streets, impede the flow of traffic and have the potential to cause serious damage to property and human life; and,

WHEREAS, the City Council finds that there are alternate routes throughout the City that provide sufficient connectivity for truck traffic to traverse through the City; and,

WHEREAS, further, that there is no burden on intra- or interstate commerce and any inconvenience is minimal compared to the governmental interest of protecting human life and property, therefore such traffic should be diverted accordingly; and,

WHEREAS, the City Council of the City of Wimberley, Texas finds that the amendments enumerated herein are in the best interest of the public health safety and welfare and will enhance the same for all citizens of Wimberley.

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

I. FINDINGS OF FACT

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

II. AMENDMENT

1. THAT CHAPTER 70: TRAFFIC REGULATIONS be amended to add subsections 71.01 et. seq. entitled "Through-Truck Traffic" to read as follows:

"THROUGH-TRUCK TRAFFIC.

§ 71.01 DEFINITIONS. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases which are not defined in this subchapter but are defined in the Tex. Trans. Code or other ordinances or code provisions of the city shall be given the meanings set forth in those ordinances or in the Tex. Trans. Code.

(1) **AUTHORIZED EMERGENCY TRUCKS.** Fire department trucks, police trucks, public or private ambulances for which permits have been issued by the State Board of Health, emergency trucks of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private trucks operated by volunteer firemen or certified Emergency Medical Services volunteers while answering a fire alarm or responding to a medical emergency, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater services.

(2) **LIGHT TRUCK.** Any truck with a manufacturer's rated carrying capacity of two thousand (2,000) pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

(3) **PROOF OF ROUTE.** A written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill, or any other document which identifies and specifies the date, address, and name of the person requesting or directing the pick-up or delivery and the destination of the pick up or delivery.

(4) **THROUGH TRUCK.** Trucks having no destination, pick-up, or delivery point on County Road 1492 within the corporate limits of the city.

(5) **TRUCK.** A motor vehicle designed, used, or maintained primarily for the transportation of property, including "truck tractors," "road tractors," "trailers," "semitrailers," "pole trailers," and "special mobile equipment," as those terms are defined in Tex. Transp. Code § 541.201.

§ 71.02 THROUGH TRUCK TRAFFIC.

(1) **Regulations.**

(a) County Road 1492, within the corporate limits of the City, is closed to through truck traffic.

(b) The prohibition in this section does not apply to Authorized Emergency Trucks, Light Trucks, or Trucks with drivers that are able to produce proof of route on County Road 1492, or access to a public or private street that can only be accessed from County Road 1492.

(2) Above notwithstanding, it shall not be a defense in a prosecution under this traffic code that there was no sign, or that such sign was not sufficiently legible or in a proper position to be seen by the defendant or by an ordinarily observant person.

§ 71.03 PENALTY.

Except as otherwise provided in this title, any person violating a provision of this title shall be punished as provided in Title I, Chapter 10, § 10.99.

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

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED First Reading this ____ day of _____, 2009, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this ____ day of _____, 2009, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

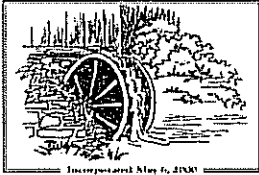
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER PROPOSED
WATER FRANCHISE AGREEMENT FOR WIMBERLEY
WATER SUPPLY CORPORATION

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider an ordinance granting a 10-year non-exclusive franchise to Wimberley Water Supply Corporation for the operation a water system in the Wimberley.

Through the proposed ordinance, the City allows the utility to use the City's right-of-way to maintain and upgrade its existing water system infrastructure, move its facilities to make way for new buildings or developments, excavate and replace streets and alleys, and bury pipe. In return, the City is compensated for the use of its right-of-way by a franchise fee, collected from customers, on whose behalf Wimberley Water Supply Corporation is operating, maintaining and improving its system. In the first three years of the agreement, Wimberley Water Supply Corporation will pay the City an annual fee amounting to two percent (2%) of its gross receipts collected from customers and three percent (3%) for the remaining term of the agreement.

Wimberley Water Supply Corporation has reviewed the terms of the franchise and is in agreement of the terms.

AN ORDINANCE GRANTING WIMBERLEY WATER SUPPLY CERTAIN POWERS, LICENSES, PRIVILEGES AND FRANCHISE TO OPERATE AND MAINTAIN A WATER SYSTEM WITHIN THE CITY OF WIMBERLEY; TO USE THE RIGHTS-OF-WAY IN SAID CITY FOR A PERIOD OF TEN YEARS WITH RENEWAL PROVISIONS; PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS AND CONDITIONS; PROVIDING FOR THE PAYMENT TO THE CITY OF UP TO THREE PERCENT OF GRANTEE'S GROSS RECEIPTS RELATED TO SAID SYSTEM; PROVIDING FOR GRANTEE'S ACCEPTANCE; CONTAINING MISCELLANEOUS PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wimberley Water Supply Corporation ("WWSC" or "Corporation") operates a retail water utility system located partially in the corporate limits of the City of Wimberley ("City") pursuant to Certificate of Convenience and Necessity No. 10314 and wishes to continue to provide such services within the City of Wimberley; and

WHEREAS, the Corporation is a non-profit water supply corporation regulated by state authorities with appropriate jurisdiction, including the Texas Commission on Environmental Quality (the "TCEQ"); and

WHEREAS, the City may adopt an order, act, law or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the City; and

WHEREAS, the City may adopt ordinances, rules or police regulations that are for the good government, peace or order of the City or for the trade and commerce of the City; and

WHEREAS, the City may adopt ordinances, rules or police regulations that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City has exclusive control over the public grounds of the City pursuant to the Texas Local Government Code; and

WHEREAS, the City has exclusive control over the highways, streets and alleys of the City;

WHEREAS, an incorporated city or town may make a reasonable lawful charge for the use of a city street, alley, or public way by a public utility in the course of its business pursuant to the Texas Tax Code; and

WHEREAS, the City Council believes it in the best interest of the City to offer the Corporation a franchise on the following terms and conditions;

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

Section 1. Definitions.

1.1. For the purposes of this Ordinance, when not inconsistent with the context, words, used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined in this Section 1 shall be given their common and ordinary meaning.

1.2. For the purposes of this Ordinance, the following words, terms, phrases and their derivations shall have the meaning given in this Section 1.2.

1.2.1. "City Council" shall mean the governing body of the City of Wimberley.

1.2.2. "City Secretary" shall mean the City Secretary of the City of Wimberley.

1.2.3. "Consumer" shall mean any person or organization receiving and using retail water service from the Grantee for his or her own appliances or equipment, whether or not the retail water service is billed directly to him or her, or to a second party. (As an example, in the case of a rental unit where the cost of utilities is part of the rent, the landlord is a Customer and the tenant is a Consumer.)

1.2.4. "Customer" shall mean any person or organization billed for retail water service by the Grantee whether used by him or her, or by others.

1.2.5. "Effective Date" shall mean, _____, 2009 which is the date this Franchise shall become effective.

1.2.6. "Emergency" shall mean an occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

1.2.7. "Franchise" shall mean this Ordinance, and all rights and obligations established herein or as it may be amended.

1.2.8. "Grantee" shall mean Wimberley Water Supply Corporation, a corporation authorized under Texas Water Code Chapter 67 to transact business in the State of Texas, its successors and assigns.

1.2.9. "Gross Receipts" shall mean the total amount collected by the Grantee for retail water service provided to Consumers by the Grantee within the corporate limits of the City. Gross Receipts shall not include charges for taxes or regulatory charges on services furnished by the Grantee herein that are imposed directly upon any Consumer or Customer by the State, the City or other governmental unit and collected by the Grantee on behalf of

the governmental units (including, without limitation, Texas Limited Sales Tax), nor shall it include any amounts refunded to Customers or Consumers.

1.2.10. "Rights-of-Way" shall mean the area on, below or above all publicly owned, dedicated or maintained streets, avenues, easements, alleys, highways, sidewalks, bridges, and other similar means of public access in the City.

1.2.11. "System" shall mean the system of pipes, distribution and transmission lines, pumps and pump stations, storage facilities, equipment, treatment facilities, land, and other appurtenances used or necessary for the provision of retail water utility service to/for Consumers or Customers in the City, including, without limitation, those owned or used by the Grantee.

1.2.12. "TCEQ" shall mean the Texas Commission on Environmental Quality, or its successor agency.

1.2.13. "Uniform ROW Management Ordinance" shall mean Ordinance No. 2001-015, titled Uniform Right-of-Way Ordinance, passed and approved by the City on May 17, 2001, and as may be subsequently amended.

1.2.14. "City" shall mean the City of Wimberley, Texas, a municipal corporation and a political subdivision of the State of Texas; and any area annexed thereto from time to time. For purposes of this Franchise, any annexation shall become effective within sixty (60) days of the City's written notification to Grantee of the annexation.

Section 2. Grant of Franchise and Term.

2.1. There is hereby granted to the Grantee a non-exclusive franchise to maintain, construct, equip, extend, replace, repair, alter and otherwise establish and operate in the City, as constituted as of the Effective Date, or as may hereafter be constituted, works, systems, plants, collection, distribution and transmission lines, treatment facilities and all related facilities (including those now in service and including all parts and portions of the System) necessary or appropriate to sell, collect, convey or otherwise conduct, serve or furnish the inhabitants of the City, and to the City, retail water service, and the Grantee is hereby granted passage and rights-of-way in, under, along and across the Rights-of-Way of the City and beneath the surface of same, and the right to occupy and use in any lawful way during the term of this Franchise said Rights-of-Way as they now or hereafter may exist, for every and any such service, use, effect, and lawful purpose as herein mentioned; provided that all such work, activity and undertakings by the Grantee shall be subject to the terms and provisions of this Franchise and the Uniform ROW Management Ordinance. Nothing herein shall be construed to require or authorize Grantee to exceed any rights granted herein or by the TCEQ, or its successor agency.

2.2. The construction, maintenance, and operation of the System and property of the Grantee within the City shall be subject to the terms of this Franchise and all other applicable ordinances, rules and regulations adopted by the City, including the police powers of the City to adopt and

enforce ordinances of general applicability necessary to the health, safety and welfare of the public that are not otherwise inconsistent with the terms and conditions of this Franchise.

2.3. In exercising its operations under this Franchise, the Grantee reserves the right to use affiliated entities or third party contractors or subcontractors.

2.4. The Grantee shall be allowed to operate and maintain all lines existing on the Effective Date within City parks, greenbelts, and similar property, or then existing on land hereinafter designated as a City park. Except in an Emergency, the Grantee shall not undertake a replacement of such lines or install new lines within said parks, greenbelts or similar property without the permission of the City Administrator. Such permission shall not be unreasonably withheld or delayed.

2.5. The term of this Franchise shall be for a period of ten (10) years from the Effective Date, unless terminated sooner pursuant to the terms herein; provided that this Franchise shall not be or become effective unless accepted by the Grantee as stated herein. The Franchise may be renewed in accordance with applicable law.

2.6. The Grantee shall have full authority to repair and replace pipes and facilities within any Rights-of-Way existing on the effective date of this Ordinance and to expand and enlarge such facilities for the purpose of providing for growth and expansion both within and outside the City, subject to the terms of this Franchise and the Uniform ROW Management Ordinance.

2.7. This Franchise is non-exclusive, and the City retains the right and power to grant any other person, political subdivision, firm, or corporation a franchise to use its streets, highways, Rights-of-Ways, and City parks, greenbelts, or similar property.

2.8. Grantee shall be subject to applicable City ordinances governing rights-of-way construction permits for conducting land disturbing activities in the public rights-of-way, including but not limited to the Uniform ROW Management Ordinance, prior to the commencement of any construction in the Rights-of-Way. Such permits shall be issued only in compliance with applicable City ordinances.

2.9. As Built Plans. Upon the Effective Date of this Franchise, Grantee shall provide, without cost to the City a hard copy and electronic version of the existing System located within the Rights-of-Way. Within sixty (60) days of completion of each new permitted section of Grantee's facilities, Grantee, shall supply the City with a complete set of "as built" plans of record for the new permitted section in a format used in the ordinary course of business, but excluding customer specific, proprietary or confidential information and as reasonably prescribed by City, and as allowed by law. The City may, at its discretion, accept any reasonable alternative to as built plans of record which provides adequate information as to the location of facilities in the Rights-of-Way.

Section 3. Use of Rights-of-Way.

3.1. The Grantee is hereby authorized, licensed and empowered to do any and all things necessary and proper to be done and performed in executing the powers and utilizing the privileges herein mentioned and granted by this Franchise, provided the same do not conflict with existing water or sewer lines, electric power lines, telephone lines, cable television lines and other authorized installations, and provided that all work done in said Rights-of-Way by the Grantee shall be done with reasonable diligence, without unreasonable interference to the public or individuals, and in compliance with any applicable City ordinances rules or regulations regarding the Rights-of-Way. In the event of unreasonable interference to the public or Rights-of-Way, such facilities shall be moved by Grantee, temporarily or permanently, as determined by the City Administrator or his designee upon reasonable notice. The City shall take commercially reasonable precautions to avoid conflicting with Grantee's facilities in such Rights-of-Way. The City shall include as a requirement in all franchises that are granted or renewed after the Effective Date that all other franchised entities occupying Rights-of-Way shall also take commercially reasonable precautions to avoid conflicting with the Grantee's facilities in such Rights-of-Way. It is not the intention of either the City or the Grantee to create any liability, right or claim for the benefit of third parties and this Franchise is intended and shall be construed for the sole benefit of the City and the Grantee.

3.2. The City reserves the right to lay, and permit to be laid, sewer, cable television, water, telephone, electric, and other lines, cables and conduits, and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over or under any Rights-of-Ways or other public place occupied by the Grantee, subject to the requirements of proper spacing between lines being laid,

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3.3. Grantee shall restore the Rights-of-Way and provide notification of any repairs and Emergency work to the City in accordance with the Uniform ROW Management Ordinance.

Section 4. Modification and Relocation of Facilities.

If, during the period of this Franchise, the City, for a public purpose, use or convenience, reconstructs, improves or changes any Rights-of-Way including, but not limited to, changing the grade or alignment of the Rights-of-Way or any distribution or transmission line, or any overhead or underground structure within the corporate limits of the City, so as to conflict with the distribution or transmission lines, treatment facilities, equipment and appurtenances of the Grantee or the System, the Grantee shall remove or relocate, as necessary, all of its distribution or transmission lines, equipment, and appurtenances at the Grantee's expense. Designated representatives of the Grantee and the City shall develop schedules for this work. If such representatives cannot agree on the schedules, the City, after consultation with the Grantee, shall establish a schedule which shall accommodate the Grantee's statutory obligation to obtain construction plan approval from the TCEQ, if required, prior to commencing any work. Additionally, if the City's plans require the Grantee to relocate its facilities, the City may, to the extent possible, identify Rights-of-Way to accommodate the Grantee's System.

Section 5. Franchise Fee.

5.1. The Rights-of-Way to be used by the Grantee in the operation of the System within the boundaries of the City as such boundaries exist as of the Effective Date, and as hereafter modified from time to time, are public properties acquired and maintained by the City at expense to its taxpayers. The Grantee will receive and obtain material benefits and operating efficiencies from this Franchise and the Grantee's rights to use the City Rights-of-Way. Without this Franchise, the Grantee would be required to invest in right-of-way cost and acquisition. The City will incur significant and material cost and expense in regulating, administering and carrying out actions necessary to give effect to this Franchise and thus, the Grantee shall, commencing on the Effective Date and continuing through the term of this Franchise, pay to the City of the Grantee's Gross Receipts collected from Customers and Consumers within the corporate limits of the City as a franchise fee. Such franchise fee shall be based on the following percentages of the gross receipts collected from Customers and Consumers within the corporate limits of this City for the term of the franchise agreement, and paid as provided herein, as follows, two percent (2%) for the first three years, and three percent (3%) for the remaining term of the franchise agreement.

5.2. The franchise fee shall be payable quarterly to the City and delivered to the City Secretary, or successor in function, together with a statement indicating the derivation and calculation of such payment. Each such quarterly payment shall be due on the fifteenth (15th) day of the month following the end of the quarterly period for which said payment is due and shall be based upon the Gross Receipts during that same calendar year period. The statement shall be presented in the form of generally accepted accounting procedures. At all times, the Grantee shall cause accurate books and records of account to be maintained as are necessary to permit the verification of the amount of such franchise fee. For purposes of verifying the amount of such fee, the books and records of account of the Grantee shall at all reasonable times be subject to inspection by the City and its duly authorized representatives. The Grantee shall file annually with the City Secretary, no later than four (4) months after the end of the Grantee's fiscal year, a statement of revenues attributable to the operations of the Grantee within the City.

5.3. If the franchise fee payment is not paid within seven (7) days after, the due state specified herein, an interest charge shall be assessed at the rate of ten percent (10%) per year for each day that the franchise payment is late, and payment for the interest due shall accompany the late franchise fee payment.

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5.4. The franchise fee shall be in lieu of any and all other City imposed rentals or compensation or franchise, license, privilege, instrument, occupation, excise or revenue taxes or fees and all other exactions or charges (except ad valorem property taxes, special assessments for local improvements, City sales tax, and such other charges for utility services imposed uniformly upon persons, firms or corporations then engaged in business within the City) or permits upon or relating to the business, revenue, franchise, collection lines, installations and systems, fixtures, and other facilities of the Grantee and all other property of the Grantee and its activities, or any part thereof, in the City which relate to the operations of the System.

5.5. No acceptance of any franchise fee shall be construed as an accord and satisfaction that the amount paid is in fact the correct amount, nor shall such acceptance of any payment be construed as a release of any claim that the City may have for further additional sums payable under this Ordinance. All amounts paid shall be subject to audit and recomputation by the City.

5.6. The period of recomputation for recovery of any franchise fee payable hereunder shall be five (5) years from the date on which payment is due from Grantee.

Section 6. Termination of Franchise.

6.1. Either party (provided such party is not then in material breach of this Franchise) may terminate this Franchise upon a material breach thereof by the other party (the "Breaching Party") by giving not less than forty-five (45) days' prior written notice of such termination (containing reasonable detail of the material breach) to the Breaching Party; provided, however, in the event that the Breaching Party shall have cured the specified material breach within the above-referenced forty-five (45) day notice period (or, if the material breach is of a type which is not reasonably capable of being cured within such a period, and the Breaching Party has then commenced action to cure such breach), the above-referenced notice shall be of no further force or effect.

6.2. The Grantee may terminate this Franchise at any time upon written notice to the City in the event the Grantee is then no longer providing service to Customers or Consumers within the corporate limits of the City.

6.3. In the event this Franchise is terminated, easements and real property purchased and acquired by the Grantee, and held in the name of the Grantee, shall be and remain the property of the Grantee, according to the terms, conditions and limitations of the instruments conveying such property and interest in property to the Grantee.

6.4. The City retains the right to terminate this Franchise upon written notification to the Grantee, whenever, the Grantee practices any fraud upon the City, or the Grantee becomes insolvent, unable or unwilling to pay its debts, or, is adjudged bankrupt or a receiver is appointed to it.

Deleted: in its judgment revocation is necessary to secure efficiency of public service at reasonable rates or to assure that the property is maintained in good order throughout the life of the grant,

Deleted: its

Deleted: 6.5. Upon termination of this Franchise for whatever reason, the Grantee shall upon request of the City, at the Grantee's sole expense, remove any or all of the System from the Rights-of-Way, and restore the Rights-of-Way to its original condition or better.

Section 7. Severability.

If any section, paragraph, subdivision, clause, part or provision hereof shall be adjudged invalid, illegal or unconstitutional, the same shall not affect the validity hereof as a whole or any part or provision other than the part or parts held invalid or unconstitutional.

Section 8. Captions and Headings.

The use of captions or headings for the various sections of this Franchise are for convenience of parties only and do not reflect the intent of the parties. The rule of interpretation to resolve ambiguities in a contract against the party drafting such contract shall not apply to this Franchise.

Section 9. Open Meetings.

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

Section 10. Publication.

The full caption of this Ordinance shall be published one (1) time in a weekly newspaper published within or in general circulation within the City and the expense of such publication shall be borne by the City. This Ordinance shall take effect only upon its acceptance by the Grantee within the time and manner herein above provided and publication, as may be required by governing law. In the event this Franchise is not accepted by the Grantee, this Ordinance shall expire and be and become null and void at midnight on the thirtieth (30th) day after date hereof.

Section 11. Endorsements and Records.

The City Secretary is hereby authorized and directed to make appropriate endorsements, for the public records and convenience of the citizens over her official hand and the seal of the City and on the form provided at the conclusion of this Franchise, of the date upon which this Ordinance is finally passed and adopted by the City Council; the date upon which the caption or notice of this Ordinance is published in the local newspaper, the date upon which this Ordinance shall expire if not first accepted by the Grantee and, if the Grantee shall accept this Franchise, the date of such acceptance by the Grantee.

Section 12. Entire Agreement; Amendments.

This Franchise contains the entire agreement between the parties with respect to the subject matter herein and all prior negotiations and agreements are merged herein and hereby superseded. This Franchise may not be amended or revised except upon agreement of both parties, which agreement shall be in writing signed by the parties after approval and formal action of the City.

Section 13. No Waiver.

13.1. The failure of the City or the Grantee, upon one or more occasions, to exercise a right or to require compliance or performance under this Franchise or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance, unless such right has been specifically waived in writing.

13.2. Waiver of a particular breach of this Franchise shall not be construed as a waiver of any other breach. No provision of this Franchise shall operate as a waiver by the City or the Grantee of any right guaranteed by the federal or state constitutions or other applicable law.

Section 14. Assignment; Transfer; Sale or Conveyance by Grantee.

14.1. The Grantee shall not assign or transfer this Franchise or any of its rights and privileges granted hereunder to any person, without the prior written consent of the City expressed by Ordinance.

14.2. Subject to the provisions in Section 15.1, this Franchise shall be binding upon and inure to the benefit of the City and the Grantee and their respective successors and permitted assigns, and nothing express or mentioned in this Franchise is intended or shall be construed to give any other person any legal or equitable right, remedy or claim under or in respect of this Franchise or any provisions of this Franchise, and conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of such persons and for the benefit of no other person.

Section 15. Notices.

15.1. Any notice, request, instruction or other document deemed by any party hereunder to be necessary or desirable to be given to any other party shall be deemed delivered three (3) days after deposit in the U.S. mail if such written notification is sent by registered mail or certified mail, postage prepaid, with return receipt requested, correctly addressed as follows:

If to City: City Administrator, City of Wimberley
 12111 RR12
 PO Box 2027
 Wimberley, Texas 78676

If to Grantee: Wimberley Water Supply Corporation
 P.O. Box 10
 Wimberley, TX 78676

or to the last address for notice, which the sending party has for the receiving party at the time of mailing. Either party may change its address for notice designating the new address in a written notice served upon the other party in the manner provided herein. Notices or other information delivered in any other manner will be deemed delivered if and when actually received.

Section 16. Force Majeure.

Each party shall be excused for failures and delays in performance of its respective obligations under this Franchise due to any cause beyond the control and without the fault of such party, including without limitation, any act of God, war, riot or insurrection, law or regulation, strike, flood, fire, explosion or inability due to any of the aforementioned causes to obtain necessary labor, materials or facilities. This provision shall not, however, release such party from using its best efforts to avoid or remove such cause and such party shall continue performance hereunder

with the utmost dispatch whenever such causes are removed. Upon claiming any such excuse or delay for non-performance, such party shall give prompt written notice thereof to the other party, provided that failure to give such notice shall not in any way limit the operation of this provision.

Section 17. Findings.

All of the Whereas clauses 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 18. Insurance and Bond.

18.1. The Grantee shall maintain throughout the term of the Franchise, and thereafter for a period of not less than twelve (12) months, general liability insurance with limits not less than:

- a. One Million and No/100 Dollars (\$1,000,000) primary; and,
- b. One Million and No/100 Dollars (\$1,000,000) umbrella, or other securities as acceptable to the City Administrator or his designee. Insurance policies and certificates must be issued from an insurance company licensed to do business in the State of Texas and acceptable to the City, insuring against claims for liability and damages for the benefit of the City. The insurance shall include the City as an additional insured; however, the policy must provide that insurers shall have no right of recovery against the City and no recourse against the City for payment of any premiums or assessments.

18.2. The Grantee shall maintain through the term of the Franchise the requisite statutory workers' compensation insurance.

18.3. A copy of the insurance policy, or policies, obtained by the Grantee in compliance with this section shall be provided to the City, and such insurance policy, along with written evidence of payment of required premiums, shall be filed and maintained with the City Secretary during the term of this Franchise, and shall be changed from time to time to reflect changing liability limits, as reasonably required by the City Council. The City shall be entitled, upon request, and without expense, to receive copies of the policies and all endorsements thereto and may make any reasonable requests for deletion or modification of particular terms, conditions, limitations, or exclusions. If the City determines that a certificate of insurance is acceptable evidence for insurance coverage, a copy of the required endorsement shall be attached to the certificate of insurance.

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18.4. The policy shall contain a provision that it may not be canceled, revoked or annulled by the insurer without giving the City ten days' prior written notice. The Grantee shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of this section.

18.5. Neither the City or any officer or employee thereof shall be liable for the financial responsibility of any insurer, or in any manner become liable for any claim, act or omission, relating the Grantee's use of the public right-of-way.

18.6. The Grantee shall immediately advise the City of any significant litigation, actual or potential, that may develop and would affect this insurance.

Should Grantee leave a job site in the Rights-of-Way unfinished, incomplete, unsafe or unreasonably delays the completion of the construction, Grantee shall pay the actual cost of restoring the Rights-of-Way, plus any administrative fee to reimburse the City's cost of overseeing any such restoration.

18.8. The rights reserved to the City with respect to the insurance or bond are in addition to all other rights of the City, whether reserved by this Franchise or authorized by law; and no action, proceeding or exercise of a right with respect to such insurance or bond shall affect any other right the City may have.

Section 19. Indemnification and Hold Harmless.

19.1. The Grantee shall, at its sole cost and expense, indemnify, defend and hold harmless the City, board, its agents, officers and employees, against and from any and all claims, demands, causes of actions, suits, proceedings, damages, liabilities and judgments of every kind by or on behalf of any person, firm, corporation or other entity, arising from or due to the Grantee's construction or operation of the System, or arising from any act of negligence of the Grantee, or any of its agents, contractors, servants, employees or licensees, and from and against all costs, attorneys fees, expenses and liability incurred in or about any such claim or proceeding brought thereon, and from any and all claims arising from any breach or default on the part of the Grantee to be performed pursuant to the terms of this Franchise.

19.2. The Grantee shall, at the sole risk and expense of the Grantee, upon demand of the City, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, or otherwise brought or instituted or had by third persons or duly constituted authorities, against or affecting the City, its officers, board, agents or employees arising out of or due to the Grantee's construction or operation of the System in the City.

19.3. The Grantee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand, rendered made or issued, against the Grantee, the City, its officers, board, agents or employees, for the foregoing; and such indemnity shall exist and continue without reference to or limitation by the amount of any policy of insurance, or other assurance required hereunder or otherwise.

Section 20. Interpretation.

Each of the parties has been represented by legal counsel of their choosing in the negotiation and preparation of this Franchise. Regardless of which party prepared the initial draft of this Franchise, this Franchise shall, in the event of any dispute, however its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against any party.

Deleted: 18.7. Grantee shall annually obtain, maintain and file with the City Secretary, a corporate surety bond with a surety company authorized to do business in the State of Texas, and found acceptable by the City Attorney, in the amount of Seventy-Five Thousand and No/100 Dollars (\$75,000), or of the estimated amount of the value of work anticipated to be completed that year, whichever is greater, to guarantee the restoration of the Rights-of-Way in the event Grantee leaves a job site unfinished, incomplete, unsafe or unreasonably delays the completion of the construction. Grantee shall provide this corporate bond within thirty (30) days of the issuance of a permit under this Franchise but prior to commencement of construction

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Section 21. Governmental Function.

All of the lawful regulations and activities required by this Franchise are hereby declared to be governmental for the health, safety and welfare of the general public.

PASSED AND APPROVED on this the ____ day of _____, 2009 by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

ATTEST:

Don Ferguson, City Administrator
City of Wimberley, Texas

Cara McPartland, City Secretary
City of Wimberley, Texas

[SEAL]

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

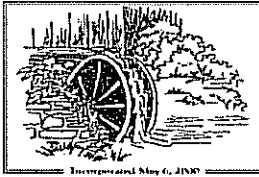
The caption of the foregoing Ordinance was published in the newspaper on the ____ day of _____, 2009.

Cara McPartland, City Secretary

Wimberley Water Supply Corporation accepted the foregoing Franchise by written instrument filed on the ____ day of _____, 2009.

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER PROPOSED
ROAD MAINTENANCE AND CONSTRUCTION
AGREEMENT WITH HAYS COUNTY

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider approval of the attached interlocal agreement with Hays County relating to road maintenance and construction.

The proposed agreement allows the City to utilize County road crews to maintain certain County roads, detailed in the agreement, which are located within the city limits. In such cases, the City would be responsible for covering only the cost of materials needed to maintain the roads while the County would be responsible for all manpower and equipment costs.

In addition, the proposed agreement allows the City to utilize County road crews, if it desires, to maintain city streets and construct new roads for the City provided the costs do not exceed \$50,000. The City would be responsible for all labor and material costs for any work done on City streets.

On Tuesday, February 24, 2009, the Hays County Commissioners adopted the interlocal agreement and forwarded it to the City Council for review and consideration. If approved by the City Council, the proposed agreement provides the City with another option to choose from for road maintenance and construction.

INTERLOCAL AGREEMENT FOR ROADWAY REPAIR AND MAINTENANCE

This Interlocal Agreement for Roadway Repair and Maintenance ("Agreement") is hereby entered into by and between the City of Wimberley, Texas, a Type A general-law municipality, hereinafter referred to as the "City," and the County of Hays, a political subdivision of the State of Texas, hereinafter referred to as the "County".

ARTICLE I. RECITALS

WHEREAS, County and City desire to provide safe and well maintained roads, streets, alleys and rights-of-way for the use and benefit of the public and future generations; and

WHEREAS, the County and the City desire to cooperate in the maintenance and repair of certain roads, streets, alleys and rights-of-way within the County and City; and

WHEREAS, the County and the City desire to allocate by mutual agreement the responsibilities for governmental functions and services which are or may become necessary in providing safe and well maintained roads, streets, alleys and rights-of-way that are of consistent quality of pavement along the whole length of roads that are part of the County or City Road System, even those County Roads that lie within the City limits (See Texas Attorney General Opinions WW-1401, H-1018 and H-1019); and

WHEREAS, the Interlocal Cooperation Act (Chapter 791, Texas Government Code) (the "Act") empowers the Parties to contract with each other in the performance of governmental functions; and

WHEREAS, road and street maintenance are governmental functions within the meaning of the Act; and

WHEREAS, the City and the County are "local governments" within the meaning of the Act; and

WHEREAS, the City and the County each itself has the authority under Texas law to perform such road and street maintenance, as required by the Act; and

WHEREAS, specifically section 791.032 permits, with the approval of the governing body of a municipality, a county to enter into an interlocal contract with the municipality to finance the construction, improvement, maintenance, or repair of streets or alleys in the municipality, including portions of the municipality's streets or alleys that are not an integral part of or a connecting link to other roads or highways; and

WHEREAS, section 251.012 of the Texas Transportation Code expressly allows a commissioners court of a county to spend county money to finance the construction, improvement, maintenance or repair of a street or alley; and further subsection (b)(3) permits that the county work may be done or financed by the county as an independent contractor with the municipality; and

WHEREAS, Hays County has budgeted funds sufficient for general maintenance of roads in the County Road System that lie inside the City limits; and

WHEREAS, the total expenditure of municipal funds under this Agreement is expected to be less than \$50,000, exempting the City from compliance with the competitive bid procedures of chapter 252 of the Local Government Code.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, both the City and the County agree as follows:

ARTICLE II. MAINTENANCE SERVICES

2.1 Definition.

The “Maintenance Services” to be provided by the County to the City hereunder are services, including, the maintenance and repair of asphalt and pavement of the streets and roads and corresponding maintenance and repair to the subsurface and surface of roads and streets as designated herein, as appropriate to Hays County and as specifically agreed by and between the City and the County, namely, those services specified herein.

2.2 Term.

a. Unless terminated as provided herein, the Initial Term of this Agreement will commence on the date of execution by the last party to sign the Agreement (hereinafter the “Effective Date”). The Initial Term shall be for one (1) year, commensurate with the fiscal year of the City. In the event that the City and County execute this Agreement after the beginning of the City’s fiscal year, the Initial Term shall be from the Effective Date until the end of the City’s fiscal year.

b. This Agreement shall automatically renew for succeeding one-year Renewal Terms, commensurate with the City’s corresponding fiscal year, unless terminated by either party as provided for in Article IV.

2.3 Current Funds.

Funding from each party for the performance of this Agreement will be provided from current revenues available to the parties. Further, the City assures the County that funds are available (and, unless written notice is otherwise provided by the City, will continue to be available) to reimburse the County, as the City is obligated to do under the terms of this Agreement. After written notice from the City that no City funds are available or if this Agreement is terminated in a budget year, the City shall not be obligated to reimburse the County for the cost of any labor or materials related to any maintenance or repair of any County Road or City Road incurred by the County after its receipt of the written notice from the City, unless the project was already undertaken at the time of the written notice.

2.4 Maintenance Services.

a. County Road System Roadways. In regard to all roads within the City limits that are identified by the County as roads that are part of or integral to the County Road System (hereinafter “County Roads”), and as more particularly identified on Exhibit “A”, attached and incorporated by reference, the Parties agree as follows:

1. County shall be responsible for providing the labor and equipment required for maintenance and repair of County Roads.
2. City agrees to pay for all actual material costs related to the maintenance and repairs of County Roads.
3. City may request the maintenance and repair of specific County Roads, but County shall, with or without a request by City, (i) identify County Roads that are in need of maintenance and repair, (ii) provide 30 days prior written notice to City of maintenance and repair that County intends to perform on County Roads, and (iii) unless City objects to the maintenance and repair within ten (10) days of receiving notice under this Section, maintain and repair all County Roads in a similar fashion and to a similar quality as is customarily performed on other county roads within Hays County.
4. If City desires that a specific County Road be maintained, repaired, or upgraded to a higher quality or higher standard than is customarily performed by County on other county roads within Hays County, City may, at no expense to County, contract with a third party for the maintenance, repair, and/or upgrade of that specific County Road. In the alternative, the City may request the County to perform the maintenance, repair, and/or upgrade of that specific County Road to the specifications desired by City, if County has the resources available to perform to those specifications.
5. If City requests that County perform the maintenance, repair, and/or upgrade of a specific County Road under subsection 2.4(a).3 of this Agreement, County shall provide an estimate to City for the proposed work, and the parties shall follow the procedures set forth for City Roads, below. County's estimate under this section shall account for the cost of materials it would take to maintain, repair, and/or upgrade that specific County Road to the county standard, plus the reasonable cost of materials, labor, and equipment it would take to maintain, repair, and/or upgrade that specific County Road to a higher quality or higher standard than is customarily performed by County on other county roads within Hays County.

b. City Roadways. In regard to all roads within the City limits that are NOT identified by County as roads that are part of or integral to the County Road System (hereinafter "City Roads"), the parties agree as follows:

1. County shall, at the request of City, provide City with a written estimate and proposed Start Date for the maintenance, repair, and/or upgrade of specific City Roads. The written estimate shall include reasonable compensation for County's labor, equipment, and material costs associated with the maintenance, repair, and/or upgrade of any specific City Road to the standards as specified by the City.
2. City shall, within thirty (30) days' receipt of a written estimate from County, request that County (i) perform the maintenance, repair, and/or upgrade of that specific City Road as estimated by County, or (ii) inform the County that the City desires to wait until a later date upon which the County can provide City with a new estimate and available start date for that specific City Road. City may, at any time, contract with a third party for the maintenance,

repair and/or upgrade of any City Road.

3. If City requests that County perform maintenance, repairs, and/or upgrades under subsection 2.4(a).3, above, County shall commence performance of the maintenance, repair, and/or upgrade within ten (10) days of the proposed Start Date cited in subsection 2.4(b).1, above. If City waits for a period longer than thirty (30) days to respond to County's written estimate, or if City requests that County act in accordance with 2.4(a).3, above, the written estimate provided by County shall be considered expired and void unless otherwise indicated or extended in writing by County.

ARTICLE III. PAYMENT

3.1 Payment.

All invoices related to Maintenance Services for County Roads and City Roads shall be provided by County on a monthly basis for all costs that are the obligation of the City of under this Agreement. The City shall pay said invoices no later than thirty (30) days after receipt.

ARTICLE IV. TERMINATION

4.1 Termination.

This Agreement may be terminated by either party, for any reason whatsoever, by providing sixty (60) days' written notice to the non-terminating party. If, upon providing or receiving notice of termination under this Section, County has begun performance of Maintenance Services or upgrade of any roadway under this Agreement, County shall complete the work on that specific roadway and City shall pay, as may be required by the terms of this Agreement, for the completion of work on that specific roadway before either party is released from the terms and obligations of this Agreement.

ARTICLE V. MISCELLANEOUS

5.1. Notice.

Any notice required or permitted to be given by either party under the terms of this Agreement shall be deemed given, whether or not received, three (3) days after it is deposited in the United States mail, postage prepaid, certified mail with return receipt requested, to the address for notice set forth below, or the last address for notice which the sender has for the recipient at the time the notice is sent, with a copy sent on the same day by facsimile, or on the date the notice is delivered if hand delivered, with a written acknowledgment of receipt obtained.

Addresses for notice are as follows, unless expressly changed by the parties in writing:

- a. Notices sent pursuant to this Agreement may be delivered or sent to the CITY at the following address:

Mr. Don Ferguson, City Administrator (or his successors in office)
City of Wimberley
P.O. Box 2027
Wimberley, TX 78676

- b. Notices sent pursuant to this Agreement may be delivered or sent to the COUNTY at the following address:

Commissioner Will Conley (or his successors in office)
P.O. Box 2085
Wimberley, Texas 78676

- c. To be effective, a copy of any notices sent to the COUNTY shall be sent to the Special Counsel's Office at the following address:

Mark Driscoll Kennedy (or his successors in office)
A.D.A. -- Special Counsel
Hays County, Texas
111 E. San Antonio, Suite 204
San Marcos, TX 78666

- d. To be effective, a copy of any notice sent to the CITY shall be sent to the CITY Attorney at the following address:

Patty L. Akers (or her successors in office)
Bickerstaff Heath Delgado Acosta LLP
816 Congress Ave., Suite 1700
Austin, TX 78701

5.2 Cooperation, Reservation of Rights.

The City and County agree to cooperate with each other, in good faith, at all times during the term hereof in order to achieve the purposes and intent of this Agreement. The Parties agree to do all acts and things and to execute and deliver such further written instruments, as may be from time to time reasonably required to carry out the purposes and the provisions of this Agreement. Nothing in this Agreement shall be construed to interfere with the City's and County's legal right to autonomously maintain and repair roads that have been identified as part of each entity's respective road system, particularly if the condition of said roads, in the Party's opinion, poses a safety or mobility concern.

5.3 Entire Agreement; Amendments.

This Agreement contains the entire agreement between the parties respecting the subject matter hereof, and supersedes all prior understandings and agreements between the parties regarding such matters. This Agreement may not be altered, amended, or modified except in writing signed by all parties to this Agreement. No official, agent, employee, or representative of either the County or the City has the authority to alter, amend, or modify the terms of this Agreement, except in accordance with express authority as may be respectively granted by either the County Commissioners Court or the City Council.

5.4 Interpretation.

The parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act. All terms and provisions hereof are to be construed and interpreted consistently with that Act.

5.5 Severability.

Any clause, sentence, paragraph or article of this Agreement which is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect shall not be deemed to impair, invalidate, or nullify the remainder of this Agreement if the Agreement can be given effect without the invalid portion.

5.6 Applicable Laws.

This Agreement shall be construed in accordance with the laws of the State of Texas.

5.7 Authorization.

Each party hereto acknowledges and represents that this Agreement has been duly authorized by its respective governing body. This Agreement shall not become effective until approved by the City Council of the City and Hays County Commissioners Court and signed by both parties.

5.8 Indemnity.

The City agrees that it will, to the extent permitted by applicable law, save, protect, defend, and hold harmless the County from any and all suits, claims, or causes of action which may arise out of or in any manner be connected with the negligence, recklessness or intentional misconduct of City employees, agents, or servants in performing the City's obligations under the terms of this Agreement.

The County agrees that it will, to the extent permitted by applicable law, save, protect, defend, and hold harmless the City from any and all suits, claims or causes of action, or public liability which may arise out of or in any manner be connected with County operations or programs, and the negligence, recklessness or intentional misconduct of County employees, agents or servants in performing or failing to perform the County's obligations under the terms of this Agreement.

Nothing herein shall be deemed in any manner to constitute a waiver of any immunity or affirmative defense which may be asserted by the County or the City pursuant to law. Nor shall this provision be in any manner construed to create a cause of action for the benefit of any person not a party to this Agreement not otherwise existing at law.

5.10 Duplicate original counterparts; other similar agreements distinct.

This Agreement may be executed in duplicate original copies by the parties. Similar agreements by and between the City or County and other contracting entities may be made; each such separately executed version of this Agreement is and shall constitute a separate and distinct agreement between the City or County and the particular other County, but does not create obligations or rights as between contracting entities.

5.11 Alternative Dispute Resolution.

It shall be a prerequisite to either party seeking legal or equitable relief for any disputes arising under or related to this Agreement or the Maintenance Services that mediation be conducted. If they are unable to agree to a mediator and mediation process, the parties agree to use the Dispute Resolution Center of Austin, Texas, as the provider of mediators for mediation as described in the Texas Civil Practice and Remedies Code, section 154.023. Unless both parties are satisfied with the results of any such mediation, it will not constitute a final and binding resolution of the dispute; provided, however, that any mutually agreed settlement reached in such mediation may be enforced by any court of competent jurisdiction. All communications within the scope of the mediation are and shall be confidential as

provided in said section 154.023 unless both parties agree in writing to waive confidentiality.

5.12 Non-waiver.

Any act of forbearance by either party will not constitute and will not have the effect of an amendment of this Agreement. The failure of either party to exercise any right under this Agreement under certain circumstances does not imply a waiver of such right under like circumstances later occurring.

5.13 Interpretation and Reliance.

No presumption will apply in favor of either Party in the interpretation of this Agreement or in the resolution of any ambiguity of any provisions thereof.

EXECUTED THIS _____ day of _____, 2009.

HAYS COUNTY

By: _____
ELIZABETH SUMTER
HAYS COUNTY JUDGE

ATTEST:

LINDA C. FRITSCHER, HAYS COUNTY CLERK

EXECUTED THIS _____ day of _____, 2009.

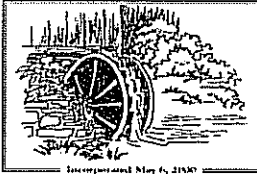
CITY OF WIMBERLEY

By: _____
TOM HALEY, MAYOR

ATTEST:

CARA MCPARTLAND, CITY SECRETARY

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER ESTABLISHING
THE SUMMER 2009 FEES FOR THE BLUE HOLE
REGIONAL PARK

Funds Required:
Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to set fees for the upcoming summer season at the Blue Hole Regional Park.

On February 18, 2009, the Wimberley Parks Advisory Board voted unanimously to recommend raising several of the user fees for the Blue Hole Regional Park. Specifically, the Board is recommending the attached fee structure.

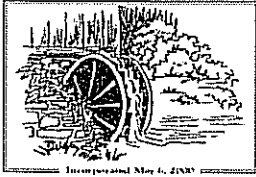
The rate increases are proposed to generate the additional revenue needed to cover projected increases in staffing and maintenance costs for the park.

:

Proposed Blue Hole User Fee Adjustments

	<i>CURRENT</i>	<i>PROPOSED</i>
<u>Daily Admissions</u>		
Children (0-2)	Free	Free
Children (3-12)	\$2.50	\$3.00
Adults (13-59)	\$5.00	\$6.00
Seniors (60+)	\$2.50	\$3.00
Season Pass	\$25.00	\$25.00
<u>Reservations</u>		
Individual		
Valley	\$50 per hr.	\$75 per hr.
Non Valley	\$75 per hr.	\$100 per hr.
Group		
Valley	\$75 per hr.	\$100 per hr.
Non Valley	\$100 per hr.	\$125 per hr.

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER ISSUES
REGARDING FUTURE OPERATION OF THE
COMMUNITY CENTER

Council Action Requested:

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

Project/Proposal Summary:

Currently, the City of Wimberley contracts with Wimberley Senior Citizens Activities, Inc. (WSCAI) to operate the City-owned Wimberley Community Center. That contract, dated June 7, 2001, and later amended, allows WSCAI to terminate the agreement with 90 days notice to the City.

On February 17, 2009, the City received the attached notice of termination effective September 30, 2009. WSCAI has indicated that it has a desire to return to the group's original scope of work which is to improve the quality of life of the seniors in Wimberley. In addition, WSCAI representatives said a secondary reason behind the group's decision to turn operations back over to the City was the uncertainty and inconsistency of the group's cash flow to fund the Center's operating deficit.

This item was placed on the agenda to allow City Council to discuss issues relating to the City eventually assuming control of Community Center operations.

WIMBERLEY SENIOR CITIZENS ACTIVITIES, INC.

WIMBERLEY, TEXAS

February 17, 2009

Mr. Tom Haley
Mayor
City of Wimberley
Via Hand Delivery

Dear Mayor Haley:

As we have discussed in the past, Wimberley Senior Citizens Activities, Inc. (WSCAI) desires to develop an orderly transition of Community Center operating responsibility from WSCAI to the City of Wimberley (City). We have come to this decision, not easily, but after considerable evaluation of our ability to accomplish our stated mission; "to improve the quality of life of Wimberley seniors". We feel it is important for us to return to our original stated purpose. A secondary element of our decision is the uncertainty and inconsistency of our cash flow to fund the Center's deficit.

Therefore, this letter is the written notice of termination of the Community Center Agreement dated June 7, 2001, as amended to provide a 90 day termination notice for either "WSCAI" or "City", and shall be effective on September 30, 2009. We have chosen this date to coincide with the City Fiscal Year as well as provide an appropriate time frame to transition smoothly. This will also provide us time to mutually agree upon other financial and operating issues, such as;

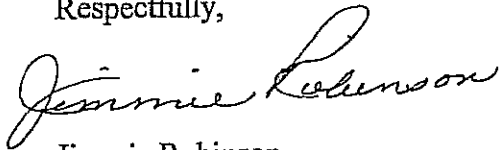
- WSCAI right to use, and times to use, the Senior Lounge
- Financial responsibility for lagging invoices
- Support from the Senior Lounge Director
- Other that may arise

Agreements during this time should be documented as guidance to future Board Members and Council Members.

We appreciate the efforts and support of all Mayors and all Council Members as the vision of this community gathering place has moved from dream to reality. We have every belief that with the broader support of the City government it will become even more vital to the Community.

Please let us know how, with whom, and when you would like to proceed to develop a transition plan.

Respectfully,

A handwritten signature in cursive script that reads "Jimmie Robinson". The signature is written in black ink and is positioned above the printed name and title.

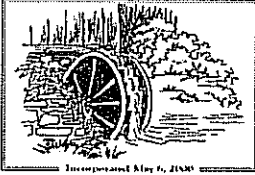
Jimmie Robinson

President

Wimberley Senior Citizens Activities, Inc.

Cc: Don Ferguson, City Administrator, City of Wimberley

City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CONSIDER APPROVAL OF
THE WIMBERLEY EMS DUCK RACE AT BLUE HOLE
REGIONAL PARK

Council Action Requested:

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

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approval of the use of the Blue Hole Regional Park for the Wimberley E-M-S Annual Duck Race on May 23, 2009. The park hosted the event last year with no reported problems. If approved, event organizers will be required to provide insurance and clean up following the event.

Attached is a letter from Wimberley E-M-S requesting use of the facility. Mr. Strange will be present at the City Council meeting to answer any questions from City Council regarding the event.



Wimberley Emergency Medical Service Systems, Inc.

P.O. Box 33 • Wimberley, TX 78676 • 512/847-2526

February 11, 2009

Village of Wimberley
P.O. Box 2027
Wimberley, TX 78676

Attention: Facility Coordinator

Wimberley EMS would like to request the use of the Blue Hole park area on Saturday, May 23rd from the hours of 7:30 am to 1:00 pm in order to have our annual Duck Race.

Last year our Duck Race was a great success. This year Wimberley EMS will use the money raised from the Duck Race to reimburse us for our costs for remodeling the station to accommodate our additionally hired personnel.

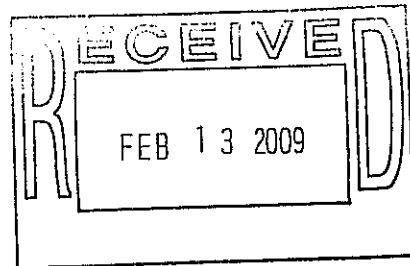
The day of the Duck Race we will set up approximately 5 or 6 children's games, a cookie table and a drink table. There will be about 2000 ducks thrown into the creek upstream to be contained downstream at the finish line.

We expect the attendance to run approximately 75 to 100 people. We would be responsible for supplying all trash containers and for all clean up of the premises after the event.

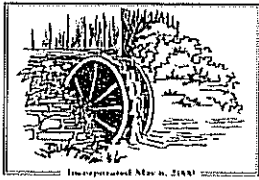
If you have any questions regarding this event please feel free to call me.

Sincerely,

Ken Strange, Director
Wimberley EMS



City Council Agenda Form



Date Submitted: February 27, 2009

Agenda Date Requested: March 5, 2009

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

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

Project/Proposal Summary:

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