

# 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**  
**OCTOBER 1, 2009, 6:30 P.M.**

## **AGENDA**

**CALL TO ORDER:** OCTOBER 1, 2009 @ 6:30 P.M.

**CALL OF ROLL:** CITY SECRETARY

## **INVOCATION**

## **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

## **CITIZENS COMMUNICATIONS:**

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

## **1. CONSENT AGENDA**

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 17, 2009.
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 22, 2009.
- (C) APPROVAL OF THE REAPPOINTMENT OF HORACE WILSON TO THE WIMBERLEY BUILDING CODE BOARD OF REVIEW. (PLACE FOUR COUNCIL MEMBER STEVE THURBER'S NOMINEE)
- (D) APPROVAL OF THE REAPPOINTMENT OF BERT RAY TO THE WIMBERLEY TRANSPORTATION ADVISORY BOARD. (MAYOR TOM HALEY'S NOMINEE)

2. **PRESENTATIONS**

PRESENTATION OF THE PEDERNALES ELECTRIC COOPERATIVE QUARTERLY ACTIVITIES REPORT (*CELE DELEON*)

3. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE OPERATION AND DEVELOPMENT OF THE *BLUE HOLE REGIONAL PARK*
- STATUS REPORT ON POSSIBLE ADDITIONS TO THE *TRANSPORTATION MASTER PLAN* RELATING TO MOBILITY AND CONNECTIVITY
- STATUS REPORT ON THE REVIEW AND APPROVAL PROCESS FOR SUBDIVISIONS IN THE CITY OF WIMBERLEY'S EXTRATERRITORIAL JURISDICTION
- STATUS REPORT ON THE UPCOMING *CHRISTMAS PARADE* IN DOWNTOWN WIMBERLEY
- STATUS REPORT ON ACTIVITIES OF THE WIMBERLEY MUNICIPAL COURT
- STATUS REPORT ON ACTIVITIES OF THE CITY MARSHAL

4. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 317 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*G.K.K. INVESTMENTS, APPLICANT*)
- (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 PROPERTY LOCATED AT 801 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*ROGER GLENN BULLOCK, APPLICANT*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY ROGER GLENN BULLOCK TO PERMIT A DRIVE-THROUGH OR DRIVE-IN FACILITY ON AN APPROXIMATELY 0.890 ACRE TRACT LOCATED AT 801 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), 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. (*ROGER GLENN BULLOCK, APPLICANT*)

- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REMOVE THOSE PROPERTIES WHICH FRONT CARNEY LANE, BETWEEN FM 2325 AND THE CITY LIMITS, FROM PLANNING AREAS I AND II AND INCLUDE THE SUBJECT PROPERTIES IN PLANNING AREA III; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. (*PLANNING AND ZONING COMMISSION*)
- (E) HOLD A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING SUBSECTION 33.02(E) (TRANSPORTATION ADVISORY BOARD), SUBSECTION 33.03(E) (WATER AND WASTEWATER ADVISORY BOARD), SUBSECTION 33.04(E) (PARKS AND RECREATION BOARD), SUBSECTION 150.01(E) (BUILDING CODE BOARD OF REVIEW), SUBSECTION 155.108(B)(2) (BOARD OF ADJUSTMENT) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO REVISE THE TERMS OF OFFICE FOR INDIVIDUALS APPOINTED TO THE ABOVE REFERENCED BOARDS; PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY. (*CITY ADMINISTRATOR*)

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER APPROVAL OF PLANS FOR THE *WINTER'S EVE ON THE SQUARE* ON DECEMBER 5, 2009. (*CITY ADMINISTRATOR*)
- (B) DISCUSS AND CONSIDER ACTION TO CLARIFY THE PROCESS TO BE USED TO MAKE CONSENSUS APPOINTMENTS TO CITY BOARDS AND COMMISSIONS. (*MAYOR TOM HALEY*)

6. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

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

### CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on September 28, 2009 at 5:00 p.m.

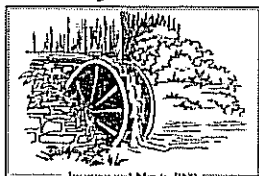


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CARA MC PARTLAND, CITY SECRETARY

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: September 27, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** APPROVAL OF  
SEPTEMBER 17, 2009 MINUTES OF REGULAR  
CITY COUNCIL MEETING

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

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

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## Project/Proposal Summary:

Attached are minutes for the September 17, 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**  
September 17, 2009 at 6:30 p.m.

City Council meeting called to order at 6:32 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, Steve Thurber, and John White. Councilmember Bill Appleman had an excused absence.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland.

**Proclamations**

- A. Proclamation declaring October 6, 2009 as "National Night Out" in Wimberley, Texas
- B. Proclamation declaring September 17<sup>th</sup> through September 23<sup>rd</sup> as "Constitution Week"

Mayor Haley read both proclamations.

**Citizens Communications**

No citizen comments were heard.

**1. Consent Agenda**

- A. Approval of the minutes of the regular City Council meeting of September 3, 2009
- B. Approval of the minutes of the special City Council meeting of September 1, 2009
- C. Approval of the appointment of Dick Larson to the City of Wimberley Board of Adjustment (*Mayor Tom Haley's nominee*).

Councilmember Thurber pulled all Consent Agenda items. After clarification of specific motions/votes, discussion reached agreement on the following changes:

- Minutes of September 3, 2009: Change *amendments* to *conditions* in the second sentence of paragraph 3 on page 6.
- Minutes of September 1, 2009: Add *park maintenance* before *endowment financing* in the last sentence of the first paragraph on page 3.

Councilmember Thurber moved to approve Consent Agenda Item 1A as amended. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

Councilmember Thurber moved to approve Consent Agenda Item 1B as amended. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

In response to Councilmember Thurber's inquiry about Board of Adjustment term lengths, City Administrator Ferguson clarified that membership is for two-year terms, and discussion agreed to address questions regarding other boards/commissions on a future agenda.

Councilmember Thurber moved to approve Consent Agenda Item 1C. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

## **2. City Administrator Report**

- Status report on the recent flooding in Wimberley

City Administrator Ferguson reported on low water crossing/road closures, coordinated clean-up efforts with Hays County, and operational issues with low water crossing warning lights that are currently under repair.

- Status report on Wimberley sales tax collections

Although sales tax collections have declined, City Administrator Ferguson reported that collections were higher than conservatively budgeted revenue figures.

- Status report on development of a Non-Point Source Pollution ordinance

City Administrator Ferguson reported that the draft ordinance is nearing completion pending review by the subcommittee, regional water quality expert Terry Tull, and Betty Lambright of Hays County's Road Department. Mr. Ferguson anticipated a response from the Attorney General on a requested opinion and completion of the draft ordinance for Council consideration in the coming weeks.

- Status report on possible modifications to the slope requirements in the City of Wimberley Code of Ordinances

City Administrator Ferguson reported that Planning and Zoning Commission will be considering modifications requiring amendments to the City's Zoning Ordinance. As requested by Councilmember Roccaforte, direct references to slope will be removed where possible, while ensuring safeguards exist for eased slope requirements.

- Status report on the management transition at the Wimberley Community Center (WCC)

City Administrator Ferguson reported on continued meetings with WCC staff and advised that its maintenance worker will be leaving for another position shortly. He noted that an interim worker

has assumed maintenance duties and interviews for the position will begin soon. Details of the transition relating to financial operations and telephone back-up are being worked out. Mr. Ferguson reported on the Parks Board's advisory role, recent activities, and upcoming meetings regarding WCC management.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson stated that there is no new court activity to report.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on the City Marshal's preparations for *National Night Out* activities scheduled for October 6, 2009 in the Wimberley Square.

In response to Councilmember Thurber's earlier inquiries about boards/commissions, City Administrator Ferguson advised that information will be forwarded to Council relating to needed appointments. Councilmember Flocke thanked City Administrator Ferguson for his *National Night Out* presentation at the Wimberley Chamber of Commerce luncheon on September 17, 2009.

### **3. Discussion and Possible Action**

- A. Discuss and consider issues relating to the development of the Fiscal Year 2010 Operating Budget for the City of Wimberley (*City Administrator*).

City Administrator Ferguson directed Council's attention to handouts detailing various budget options, with some allowing for additional *Capital Outlay Roads* funding. Discussion addressed differences among the versions and associated budget adjustments to affected line items:

- Version No. 1 removes the City Marshal position and vehicle and associated expenditures (net savings of \$31,207; reflecting buy-out of the Marshal's leased vehicle).
- Version No. 2 removes the City Marshal position and associated expenditures (net savings of \$35,559).
- Version No. 3 includes the City Marshal's position and vehicle and associated expenditures and includes \$100,000 additional funding for *Capital Outlay Roads* to be taken from Fund Balance.
- Version No. 4 removes the City Marshal's position and vehicle and includes additional funding for *Capital Outlay Roads* in the amount of \$68,793 to be taken from Fund Balance (\$100,000 proposed road funds less net savings of \$31,207 realized from eliminating City Marshal/vehicle and associated expenditures).
- Version No. 5 removes the City Marshal's position and includes additional funding for *Capital Outlay Roads* in the amount of \$64,441 to be taken from Fund Balance (\$100,000 proposed road funds less net savings of \$35,559 realized from eliminating the City Marshal's position and associated expenditures).

City Administrator Ferguson provided projections on Fund Balance, including final budget amendments. Using the projected Fund Balance amount of approximately \$892,000, City Administrator Ferguson provided information detailing the impact of the above listed budget versions on Fund Balance and emphasized its primary purpose as a reserve fund for unforeseen financial needs that cannot be met through normal revenues (such as a natural disaster).

Because the City of Wimberley does not have a property tax, Council must consider keeping a sufficient amount in Fund Balance to cover such financial needs. He also noted existing and potential commitments related to matching grants that will need to be allocated from the General Fund, should those grant(s) be awarded. Mr. Ferguson advised of the City's share (approximately \$150,000) of costs associated with drainage improvement expenditures approved by voters as part of the Ranch Road 12 widening project in conjunction with Texas Department of Transportation and Hays County.

City Administrator Ferguson reported on projected costs of employee health insurance benefits based on recent quotes, including specifics on employee participation, deductibles, co-pays, and monthly premiums. Mr. Ferguson spoke on limitations of the TexHealth Central Texas plan, employee interest, the City's statutory obligation to pay fifty percent (50%) of employees' premiums, and current stipend costs borne by the City. He suggested leaving the current employee insurance stipend amount in place and authorizing staff to secure quotes for a group health plan contract available for employees who desire to participate. The current stipend amount would be applied to the employee's monthly premium cost, with the employee responsible for the difference. Mr. Ferguson stated that the goal of offering health insurance benefits will help the City hire and retain quality employees.

Discussion addressed the use of a volunteer City Marshal (with the City carrying the law enforcement officer's commission), and potential liability/termination/discipline issues. Subsequent discussion included use of off-duty Hays County Sheriff's deputies, associated enforcement limitations, and use of contract law enforcement under certain circumstances.

Other areas of discussion included extent of insurance coverage on River Road, which is largely limited to bridges, as an alternative to funding road repairs from Fund Balance.

Mayor Haley advised that no action will be taken on this item at this time.

Relating to prior discussion of insurance coverage, City Administrator Ferguson added that significant damage to River Road would likely be subject to Federal Emergency Management Agency (FEMA) reimbursement.

- B. Discuss and consider approval of the route and the placement of public notices for the *Livestrong Challenge* bike event to be held in Wimberley, Texas on October 25, 2009 (*City Administrator*).

City Administrator Ferguson highlighted the route and event details including law enforcement, traffic control measures, and signage.

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

- C. Discuss and consider action regarding possible modifications to the building height requirements in the City of Wimberley Code of Ordinances (*City Administrator*).

City Administrator Ferguson requested Council's input and direction on desired modifications. Discussion addressed current height requirements, grandfathering of existing structures, exceptions for steeples, various methods for measuring heights, role of Board of Adjustment in granting height variances, deck heights, and original reasoning for existing height requirements. General agreement was reached to eliminate height requirements for decks while ensuring safety via adequate engineering review and building inspection.

Councilmember Flocke moved to direct staff to draft an ordinance with appropriate changes that would eliminate height requirements while ensuring structural safety.

Discussion established that Councilmember Flocke's motion only relates to height requirements for decks. Councilmember Flocke reiterated the need for safety precautions. Councilmember White seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider action designating Mayor Tom Haley, Mayor Pro-tem Charles Roccaforte and City Administrator Don Ferguson as authorized signatories on the City of Wimberley depository bank accounts at Ozona National Bank (*Mayor Tom Haley*).

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

- E. Discuss and consider action on a request from the Wimberley Valley Art League to place directional signage on the City's rights-of-way in conjunction with the *Wimberley Valley Art League Artists' Studio Tour* on September 18<sup>th</sup> and 19<sup>th</sup>, 2009 (*City Administrator*).

City Administrator Ferguson explained the request and highlighted sign locations and expected sign removal date. Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider possible action relating to the development of a new City Hall facility for the City of Wimberley, Texas (*Mayor Tom Haley*).

Mayor Haley stated that Texas Parks and Wildlife Department (TPWD) has advised the City cannot use the Wimberley Community Center (WCC) on a regular basis for any meetings. Councilmember Thurber requested to see TPWD's statement regarding the City's use of the WCC in writing. He

also requested that staff pursue the option of developing a portion of the Blue Hole Regional Park property for joint use by the City of Wimberley and Hays County as a governmental facility. City Administrator Ferguson stated that approximately five acres is available from the original property acquisition. Discussion agreed to inquire about the possibility of developing a joint governmental facility for the City of Wimberley and Hays County on Blue Hole property.

Councilmember Thurber moved to authorize staff to present a letter to Hays County officials requesting consideration of joint efforts to build a joint governmental facility on Blue Hole property. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

#### **4. City Council Reports**

- Announcements
- Future Agenda Items

Councilmember Thurber requested a copy of the current City Hall lease agreement and contact information on all board/commission members.

Hearing no more announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 7:38 p.m.

**Adjournment:** Council meeting adjourned at 7:38 p.m.

Recorded by:

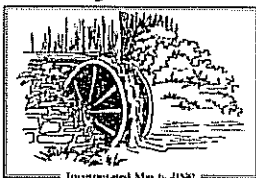
Cara McPartland

These minutes approved on the \_\_\_\_\_ of October, 2009.

**APPROVED:**

**Tom Haley, Mayor**

# City Council Agenda Form



Date Submitted: September 27, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** APPROVAL OF  
SEPTEMBER 22, 2009 MINUTES OF SPECIAL  
CITY COUNCIL MEETING

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

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

## Project/Proposal Summary:

Attached are minutes for the September 22, 2009 Special City Council Meeting for review and consideration.

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Special Meeting of City Council**  
September 22, 2009 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Tom Haley.

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

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland.

**1. Consent Agenda**

- A. Approval of the August 2009 Financial Statements for the City of Wimberley
- B. Approval of the 2009 3<sup>rd</sup> Quarter Investment Report

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

**2. Resolutions for Possible Action**

- A. Consider approval of a resolution of the City Council of Wimberley, Texas adopting the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 (*City Administrator*).

City Administrator Ferguson summarized the budget process to date and noted the addition of certain separate revenue funds related to Municipal Court operations.

Mayor Haley favored keeping the City Marshal's position in the budget, which he felt is needed for traffic/code enforcement and public relations. He suggested that \$100,000 be taken from fund balance for road/street improvements to be determined and prioritized per Transportation Advisory Board (TAB) recommendations.

Councilmember Roccaforte commended City Marshal Bill Robinson, but felt that Hays County Sheriff's Office provides adequate law enforcement at this time. He stated that several constituents reported quick response times from Hays County Sheriff's deputies and favored removing the City Marshal's position and related line items until such time Hays County requires the City of Wimberley to acquire its own law enforcement. Councilmember Roccaforte recommended taking \$200,000 from fund balance for road improvements and agreed with Mayor Haley's suggestion to have TAB prioritize needed street improvements.

Councilmember Flocke commended City Marshal Bill Robinson and supported keeping his position in the budget, but favored proceeding slowly on hiring a replacement, in order to find the right person for the community. He did not object to taking up to \$200,000 from fund balance for roads, provided that funds are used properly and improvements are carefully planned in accordance with TAB recommendations.

Councilmember Appleman felt that road improvements are the City's most glaring need and favored eliminating the City Marshal's position and associated line items as a means of increasing roads funding. He agreed that TAB's impartial recommendations are necessary in order to come up with an effective plan for improvements. Councilmember Appleman noted the need for ongoing roads assessments and the importance of adequate reserve funds for emergencies. He encouraged continued efforts to trim the budget and expressed hope that the Wimberley Community Center may at some point break even on its operating revenues and expenditures. He felt that expenditures for legal services are high and asked whether our City Attorney's resources can be utilized in a more efficient manner, such as reducing attendance at meetings. Because Councilmember Appleman felt that the community does not favor additional taxation, he reiterated his support for cutting costs by eliminating the City Marshal's position and allocating \$200,000 for road improvements to be recommended by TAB.

Councilmember Thurber commented that the City Marshal has made a positive contribution to the community, but noted that some constituents feel the position is too costly and not necessary at this time. Due to current tough economic times, Councilmember Thurber suggested including the position in the budget for half of the year and revisiting the City Marshal issue in six months or so. He advocated allocation of significant funds for roads, but in the interest of public safety, expressed support for additional funding for long overdue sidewalks, particularly along FM 2325.

At Councilmember Thurber's request, City Administrator Ferguson elaborated on possible grants for sidewalk development, including an existing USDA grant application, which if awarded, would require some matching City funds of approximately \$40,000 to \$45,000. Mr. Ferguson informed Council of grant funds available from the State's Safe Routes to School Program, which the City may apply for upon adoption of TAB's mobility plan. He noted that these grant funds for construction of sidewalks in the immediate vicinity of schools is very competitive. Discussion between City Administrator Ferguson and Councilmember Thurber addressed potential matching fund commitments, and the community's interest and participation in sidewalk development.

Acknowledging the need for increased road improvement funding, City Administrator Ferguson reminded Council of existing commitments for matching funds relating to bond/grant funded road/mobility projects and possible future commitments. Given the City's primary reliance on sales tax revenues and overall economic projections, Mr. Ferguson cautioned against depleting the City's fund balance below recommended levels in the interest of safe planning for possible future emergency expenditures.

Discussion between City Administrator Ferguson and Councilmember Thurber addressed projected September 2009 deficits, decline in development fees, and retail sales tax revenues. Favoring a

more conservative approach, Councilmember Thurber cautioned against lowering the fund balance too much, suggested allocating \$75,000 in excess funds plus \$50,000 in the proposed budget (for a total of \$125,000), and requested reconsidering additional road funding mid-year, allowing TAB adequate time to set road priorities. Expressing concern that the full impact of the economic downturn has yet to occur in Wimberley, City Administrator Ferguson reminded that a cautious approach may be taken toward the City's fund balance and acknowledged the Council's ability to amend the budget mid-year in order to increase roads funding. He noted that by mid-year, the City will have had time to gather more information on matching grant commitments and project costs to be determined by engineering studies.

Discussion addressed details of the Safe Routes to School Program, Texas Department of Transportation's role in sidewalk construction/road improvements, general agreement on TAB's prioritization of streets/mobility improvements, specific pedestrian safety needs/issues, and expenditures for a lightning detection system at Blue Hole Regional Park.

Mayor Haley acknowledged Council's views on the City Marshal's position and felt that Hays County may in the near future ask the City to provide its own law enforcement. Mayor Haley suggested allocating up to \$200,000 for street improvements as a top priority, with consideration of sidewalk funding postponed to a later date pending award of possible grant funding.

Discussion addressed cost reductions associated with elimination of the City Marshal's position, various budget scenarios affecting the City's fund balance (including sale of the City Marshal's vehicle), certain accounting procedures, and dedicated line item(s).

Councilmember Appleman moved to approve the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; removing all line items associated with the City Marshal as reflected in Proposed Budget Revision No. 4; and increasing *Capital Outlay Roads* to \$250,000, with a remainder of the balance coming from the Reserve Fund. Councilmember Flocke seconded.

Councilmember Thurber requested a friendly amendment to allocate \$25,000 from the \$250,000 in *Capital Roads Outlay* for sidewalk construction. Councilmember Appleman accepted the friendly amendment and did not object to setting aside sidewalk funding, but felt that TAB should first assess sidewalk needs for Council's consideration and action during the coming year. Councilmember White seconded.

After brief discussion of various options, Councilmember Appleman amended his prior motion to add \$25,000 for sidewalk funding to the \$250,000 allocated for *Capital Outlay Roads* for a total of \$275,000. As a means of protecting sidewalk funds, City Administrator Ferguson suggested creating a separate line item in the budget for *Capital Outlay Sidewalks* in the amount of \$25,000.

Mayor Haley recommended that Councilmember Thurber withdraw his friendly amendment to Councilmember Appleman's motion in order for Council to vote on the original motion. After a vote has been taken on the original motion, Mayor Haley suggested that Councilmember Thurber

make a motion to add \$25,000 as a separate budget line item dedicated for sidewalks. Councilmember Thurber withdrew his friendly amendment to Councilmember Appleman's original motion. Councilmember White withdrew his second to the friendly amendment.

Mayor Haley called for a vote on the original motion to approve the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; removing all line items associated with the City Marshal and vehicle as reflected in Proposed Budget Revision No. 4 and increasing *Capital Outlay Roads* to \$250,000, with a remainder of the balance coming from the Reserve Fund. Motion carried on a vote of 5-0.

Councilmember Thurber moved to add a budget line item in the amount of \$25,000 for sidewalk funding. Discussion clarified that the additional \$25,000 is for sidewalk needs as assessed by TAB, without inclusion of location-specific language in the motion. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

Hearing no further comments, Mayor Haley entertained a motion to approve the resolution adopting the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 as amended. Councilmember Thurber so moved. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- B. Consider approval of a resolution of the City Council of Wimberley, Texas adopting the ICMA Retirement Corporation Deferred Compensation Plan and Trust for employees of the City and authorizing the City Administrator to execute the necessary agreements (*City Administrator*).

City Administrator Ferguson informed Council of certain retirement products/investment options provided by ICMA and noted that Council must approve the resolution in order to make the program available for City employees who wish to participate. Discussion clarified that this program is not related to employee health benefits or paid stipends. Councilmember Thurber moved to approve the resolution as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

### **3. Discussion and Possible Action**

- A. Discuss and consider action amending the Fiscal Year 2009 City of Wimberley General Fund, Municipal Court and Blue Hole Budgets for the purpose of accounting for actual and anticipated expenditures, and declaring the adjustments as a necessity (*City Administrator*).

City Administrator Ferguson highlighted necessary amendments reflecting differences in actual/budgeted revenues/expenditures, including certain development/inspection fees, and municipal court and election operations. He noted necessary amendments to Blue Hole's budget costs and revenues reflecting additional supply/utility costs associated with the increased use of the park this summer, capital improvement costs related to the implementation of the *Blue Hole*

*Regional Park Master Plan*, and receipt of certain grant funds. Mr. Ferguson noted the proposed budget amendments include the creation of four *Special Revenue Funds* as required by State law for accounting/expenditure of certain court fees.

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

- B. Discuss and consider action approving the plans for the 3<sup>rd</sup> Annual *Wimberley Valley Habitat for Humanity Walk for Humanity and Classic Car Show* on October 24, 2009 (City Administrator).

City Administrator Ferguson reviewed the proposed route and request for a brief morning lane closure of the inbound lane of Old Kyle Road from FM 3237 to the Square on Saturday, October 24, 2009. Wimberley Valley Habitat for Humanity Vice-President Brent Pulley briefly highlighted the event, provided details on the *Classic Car Show*, and noted that solicitation of sponsors is underway. In light of the elimination of the City Marshal's position, Mr. Pulley was informed that his request for traffic assistance from the City Marshal could be directed to available Hays County constables.

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

There was brief discussion of appointments needed for boards/commissions and City Administrator Ferguson reminded of the need for completed applications and deadlines for submission.

Hearing no further comments, Mayor Haley called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 6:54 p.m.

Recorded by:

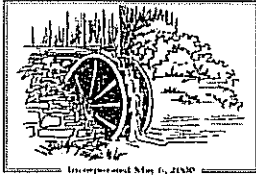
Cara McPartland

These minutes approved on the \_\_\_\_ of October, 2009.

**APPROVED:**

**Tom Haley, Mayor**

# City Council Agenda Form



Date Submitted: September 27, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** REAPPOINTMENT OF  
HORACE WILSON TO THE WIMBERLEY  
BUILDING CODE BOARD OF REVIEW

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

☐ Ordinance

☐ Resolution

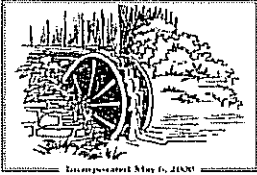
☒ Motion

☐ Discussion

## Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Steve Thurber to allow City Council to consider the reappointment of Horace Wilson to the City of Wimberley Building Code Board of Review.

# City Council Agenda Form



Date Submitted: September 28, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** REAPPOINTMENT OF  
BERT RAY TO THE WIMBERLEY  
TRANSPORTATION ADVISORY BOARD

**Funds Required:**  
**Funds Available:**

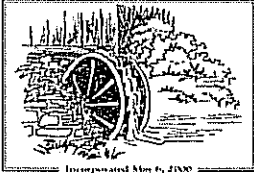
**Council Action Requested:**

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

## Project/Proposal Summary:

This item was placed on the agenda by Mayor Tom Haley to allow City Council to consider the reappointment of Bert Ray to the City of Wimberley Transportation Advisory Board.

# City Council Agenda Form



Date Submitted: September 28, 2009

Agenda Date Requested: October 1, 2009

Project/Proposal Title: PRESENTATION OF  
QUARTERLY REPORT BY PEC

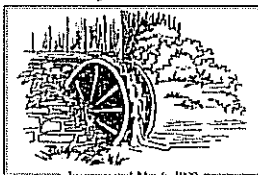
Council Action Requested:

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

## Project/Proposal Summary:

This item was placed on the agenda to allow representative(s) of the Pedernales Electric Cooperative (PEC) to present a quarterly franchise payment to the City along with a status report on PEC activities.

# City Council Agenda Form



Date Submitted: September 28, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** CITY ADMINISTRATOR'S REPORT

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

☐ Ordinance

☐ Resolution

☐ Motion

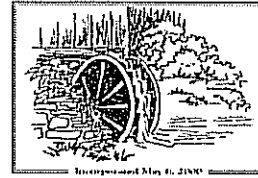
☒ Discussion

## Project/Proposal Summary:

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

- Status report on the operation and development of the *Blue Hole Regional Park*
- Status report on possible additions to the *Transportation Master Plan* relating to mobility and connectivity
- Status report on the review and approval process for subdivisions in the City of Wimberley's Extraterritorial Jurisdiction
- Status report on the *Christmas Parade* on November 27, 2009 in downtown Wimberley
- Status report on activities of the Wimberley Municipal Court
- Status report on activities of the City Marshal

# Report for Zoning Change ZA-09-020



## Summary:

An application for initial base zoning of Commercial - Low Impact (C-1) for a property located at 317 FM 2325.

## Applicant Information:

**Applicant:** G.K.K. Investments  
P.O. Box 204  
Wimberley, TX 78676

**Property Owner:** G.K.K Investments

## Subject Property:

**Legal Description:** Benjamin Page Survey Tract 1  
**Location:** 317 FM 2325  
**Existing Use of Property:** Professional Office  
**Existing Zoning:** None  
**Proposed Use of Property:** Retail  
**Proposed Zoning:** Commercial - Low Impact (C1)  
**Planning Area** IV  
**Overlay District**

## Surroundings:

**Frontage On:** FM 2325

**Area Zoning and Land Use Pattern:**

|                      | Current Zoning             | Existing Land Use |
|----------------------|----------------------------|-------------------|
| <b>N of Property</b> | Public Facilities          | School            |
| <b>S of Property</b> | Un-zoned                   | Auto Repair       |
| <b>E of Property</b> | Commercial-Moderate Impact | Donut Shop        |
| <b>W of Property</b> | Un-zoned                   | Propane Sales     |

## Legal Notice

**200' Letters** 9/4/09  
**Published** 9/9/09  
**Sign Placement** 9/4/09  
**Responses** none

## Comments:

The applicant is seeking to zone a presently un-zoned tract of land located at 317 FM 2325 as Commercial-Low Impact (C1). The subject property is located in Planning Area IV which allows C1 zoning.

The subject property features a vacant building that was previously used for professional offices. The applicant is proposing to operate a retail children's clothing store in the building which would be considered a change in use and require the property to be properly zoned.

On September 24, 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.

§ 155.047 COMMERCIAL - LOW IMPACT; C-1.

(A) *General purpose and description.* The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, free-standing retail structures, and personal service establishments.

(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) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

(7) Eating establishments: sit-down;

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

(12) Adult day care facility;

(13) Private primary educational services;

- (14) Private secondary educational services;
- (15) Medical services: limited;
- (16) Personal services: limited;
- (17) Bank and savings and loan;
- (18) Accessory uses to the main use; and
- (19) 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) Bank and savings and loan (drive-through);
- (3) Bed and breakfast lodging;
- (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and
- (5) Eating establishments: fast food with drive-through order windows.

(D) *Development regulations.*

- (1) Minimum lot size: 5,000 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 or 35 feet with gable 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: 10 feet;

(b) Secondary street: 10 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 cover: 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: 11,500 square feet.

(7) Maximum floor area: 15,000 square feet.

(E) *Special requirements.*

(1) Open storage is prohibited.

(2) For site plan requirements, see § 155.077.

(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

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

(G) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements. (Ord. 2001-010, § 26, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: 9-2-09 FILE NO. ZA-09-020  
 TENTATIVE P&Z\* HEARING: 9/24 TENTATIVE CC\*\* DATE: 10/1  
 CITY INITIATED: YES - ☒ NO ☐ PLANNING AREA: IV ZONING REQUESTED: C1  
 ZONING FEES: \$ \_\_\_\_\_ 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: 317 Fm 2325 Wimberley, Texas HAYS COUNTY CENTRAL  
 APPRAISAL DISTRICT  
 PROPERTY ID#: R 48350 \*\*  
 \* 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:

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

1. OWNER'S NAME: G. K. H. Investments HOME PHONE: ( ) \_\_\_\_\_  
 BUSINESS PHONE: (512) 847-9825  
 FAX: 512 847-1460  
 E-MAIL: \_\_\_\_\_

OWNER'S CURRENT MAILING  
 ADDRESS P.O. Box 204 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 208ac (OR) SQ.FT. \_\_\_\_\_ TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S): IV 5. REQUESTED ZONING CLASSIFICATION: C-1

PROPOSED USE(S): Retail

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

7. LEGAL DESCRIPTION

Street Address: Wimberley Heights Subdivision: \_\_\_\_\_

Block(s) \_\_\_\_\_ Lot(s) IV

Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

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

VOLUME: \_\_\_\_\_ 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) \_\_\_\_\_

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): No

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: \_\_\_\_\_

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): \_\_\_\_\_

Related Cases, If Applicable

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

## 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: 9-2-09 APPLICANT SIGNATURE Michael Pagan X

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: \_\_\_\_\_, and more particularly known as Lot \_\_\_\_\_, Block \_\_\_\_\_ of the \_\_\_\_\_ 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: 9-2-09 APPLICANT SIGNATURE Michael Pagan X

WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT SIGNATURE \_\_\_\_\_

## SUBMITTAL CHECKLIST

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

- ☐ Complete "Application For Zoning"
- ☐ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☐ Provide plat map of the specific property to be zoned.
- ☐ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☐ Provide a legal description of the property to be zoned.
- ☐ Sign/date Submittal Verification form.
- ☐ Sign/date Site Inspection Authorization form.
- ☐ Sign/date Acknowledgement Form.
- ☐ Pay Zoning Fee (this fee is based on the cost of services incurred by the 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: 9-2-09

APPLICANT SIGNATURE Michael Lopez

X

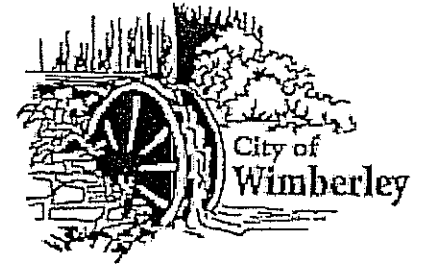
WHEN APPLICABLE:

Date: \_\_\_\_\_

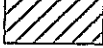
AGENT SIGNATURE \_\_\_\_\_

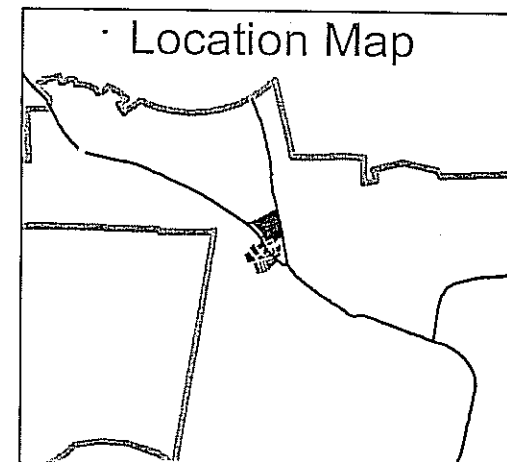


# Zoning Map for ZA-09-020

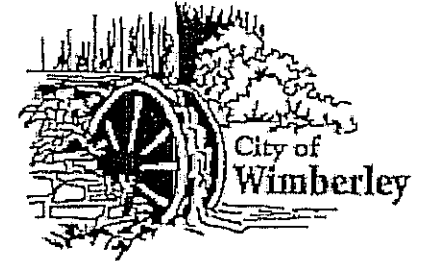
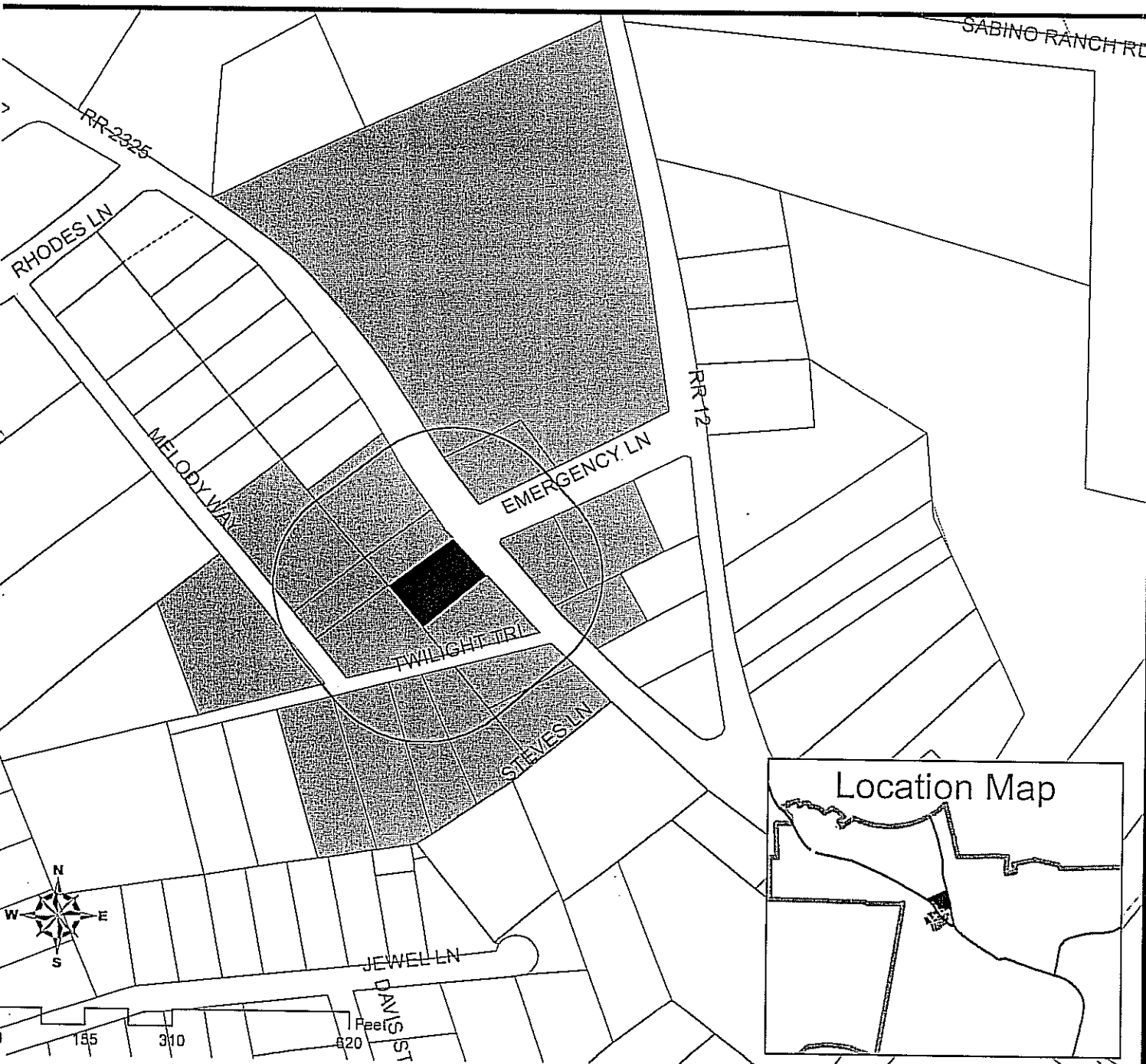


P.O. Box 2027 • Wimberley, Texas 78676

|                                                                                     |                                  |
|-------------------------------------------------------------------------------------|----------------------------------|
|  | SUBJECT PROPERTY                 |
| <b>Zoning</b>                                                                       |                                  |
| <b>Dist</b>                                                                         |                                  |
|  | Single Family Residential 2 (R2) |
|  | single Family Residential 3 (R3) |
|  | Commercial -Low Impact           |
|  | Commercial - Moderate Impact     |
|  | Public Facilities                |

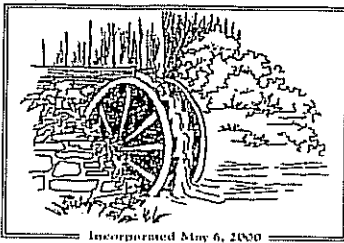


# Notification Map for ZA-09-020



P.O. Box 2027 • Wimberley, Texas 78676

- |  |                             |
|--|-----------------------------|
|  | buffer                      |
|  | SUBJECT PROPERTY            |
|  | 1, GKK, LLC                 |
|  | 2, GREGORCZYK, RUSSELL      |
|  | 3, HNM ENTERPRISES INC      |
|  | 4, ORTIZ JOSE R & MARGARITA |
|  | 5, PEDERNALES ELECTRIC      |
|  | 6, ROACH JACK & JUDY TRUST  |
|  | 7, SMITH JACK & CHERI V     |
|  | 8, STONE, DANNY L           |
|  | 9, WIMBERLEY EMERGENCY MED  |
|  | 10, WIMBERLEY ISD - TRUST   |
|  | 11, WK&K CORP               |
|  | 12, WPA HOLDING             |



# 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](mailto:village@anvilcom.com) Web: [www.vil.Wimberley.tx.us](http://www.vil.Wimberley.tx.us)

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

Council Members - Charles Roccaforte, John White, Steve Thurber, Bill Appleman  
Don Ferguson, City Administrator

September 4, 2009

## NOTICE OF PUBLIC HEARING

Re: **File No. ZA-09-020**  
**317 FM 2325**

A request for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land

Dear Property Owner:

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

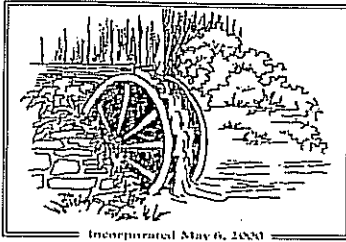
G.K.K. Investments has applied for Commercial –Low Impact (C1) zoning for a currently unzoned tract of land located at 317 FM 2325.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, September 24, 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, October 1, 2009, at 6:30 p.m.** in the Wimberley City Hall.

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

Additional information regarding the proposed zoning 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](mailto:Wimberley@anvilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: ZA-09-20 Owner \_\_\_\_\_

Date 9/4/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

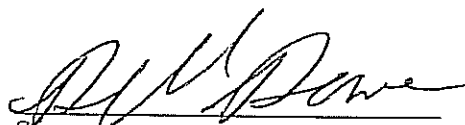
( ) Project Site Address 317 FM-2325

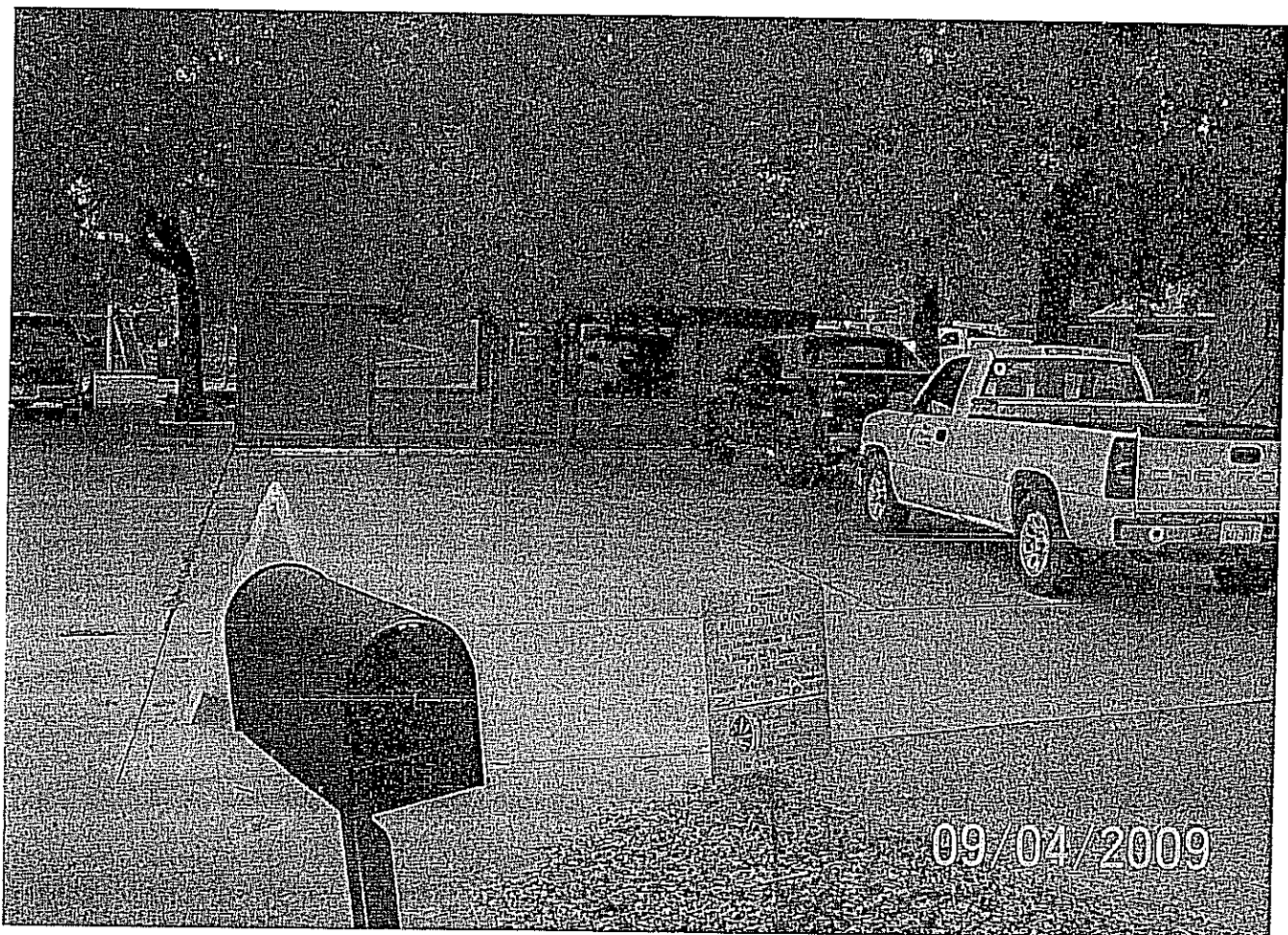
which is located 12111-2325

Bill Bowers  
Asst. Public Works

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

9/4, 2009

  
Signature



48-21311-1

**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 PROPERTY LOCATED AT 317 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-LOW IMPACT (C-1); 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 requested zoning 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 15<sup>th</sup> 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 approximate 0.208 acre tract described as part of the Benjamin Page Survey Tract 1, in Wimberley, Hays County, Texas, commonly known as 317 FM 2325, is hereby designated initial zoning of Commercial-Low Impact (C-1) 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:**

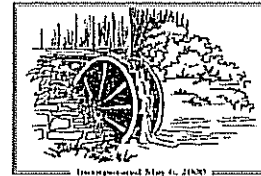
\_\_\_\_\_  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carolyn J. Crosby, City Attorney

DRAFT

# Report for Zoning Change ZA-09-019



## Summary:

An application for initial base zoning of Commercial - Low Impact (C-1) for a property located at 801 FM 2325.

## Applicant Information:

**Applicant:** Roger Glenn Bullock  
801 FM 2325  
Wimberley, Texas 78676

**Property Owner:** Roger Glenn Bullock

## Subject Property:

**Legal Description:** Benjamin Page Survey Tract 1  
**Location:** 801 FM 2325  
**Existing Use of Property:** Health Food Store  
**Existing Zoning:** None  
**Proposed Use of Property:** Health Food Store with drive-up Frozen Yogurt Sales  
**Proposed Zoning:** C-1 Commercial - Low Impact.  
**Planning Area** III  
**Overlay District** Entrance Corridor

## Surroundings:

**Frontage On:** FM 2325

**Area Zoning and Land Use Pattern:**

|                      | Current Zoning        | Existing Land Use |
|----------------------|-----------------------|-------------------|
| <b>N of Property</b> | Un-zoned              | Residential       |
| <b>S of Property</b> | Public Facilities     | School            |
| <b>E of Property</b> | Commercial-Low Impact | Vacant            |
| <b>W of Property</b> | Un-zoned              | Office            |

## Legal Notice

**200' Letters** 9/4/09  
**Published** 9/9/09  
**Sign Placement** 9/4/09  
**Responses** None

## Comments:

The applicant is seeking to zone a presently un-zoned tract of land located at 801 FM 2325 as Commercial – Low Impact (C1). The subject property is located in the Entrance Corridor Overlay District and in Planning Area III which allows C1 zoning.

Currently, Hill Country Natural Foods is located on the subject property. The applicant would like to begin selling frozen yogurt out of a small building adjacent to the food store. The proposed drive-in yogurt business would be considered a change in use for the subject property and require the currently un-zoned tract of land to be properly zoned.

In addition to the above mentioned zoning application, the applicant has filed a companion application for a Conditional Use Permit (CUP) for the proposed yogurt operation. The CUP application appears later on the agenda for this meeting.

On September 24, 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.

§ 155.047 COMMERCIAL - LOW IMPACT; C-1.

(A) *General purpose and description.* The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, free-standing retail structures, and personal service establishments.

(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) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

(7) Eating establishments: sit-down;

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

(12) Adult day care facility;

(13) Private primary educational services;

(14) Private secondary educational services;

(15) Medical services: limited;

(16) Personal services: limited;

(17) Bank and savings and loan;

(18) Accessory uses to the main use; and

(19) 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) Bank and savings and loan (drive-through);

(3) Bed and breakfast lodging;

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

(5) Eating establishments: fast food with drive-through order windows.

(D) *Development regulations.*

(1) Minimum lot size: 5,000 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 or 35 feet with gable 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: 10 feet;

(b) Secondary street: 10 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 cover: 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: 11,500 square feet.

(7) Maximum floor area: 15,000 square feet.

(E) *Special requirements.*

(1) Open storage is prohibited.

(2) For site plan requirements, see § 155.077.

(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

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

(G) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements. (Ord. 2001-010, § 26, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

**FOR OFFICIAL USE ONLY**

APPLICATION DATE: 8/28 FILE NO. ZA-09-019  
 TENTATIVE P&Z\* HEARING: 9/24/09 TENTATIVE CC\*\* DATE: 10/1/09  
 CITY INITIATED: YES - ☒ NO ☐ PLANNING AREA: III ZONING REQUESTED: C1  
 ZONING FEES: \$ \_\_\_\_\_ 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: C-1 Wimberley, Texas  
 HAYS COUNTY CENTRAL APPRAISAL DISTRICT  
 PROPERTY ID#: R 17199 \*\*  
 \* 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:**

RR 12 North to FM 2325 - 6 miles on  
Left.

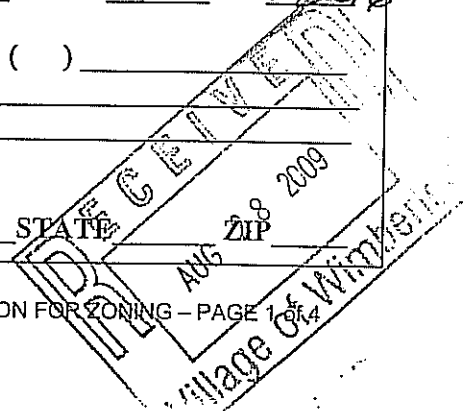
NOTE: Please clearly mark your property so it is easily identifiable.

1. OWNER'S NAME: Roger Glenn Buller HOME PHONE: (512) 847-2324  
 BUSINESS PHONE: (512) 847-3291  
 FAX: ( ) SAME AS BUSINESS  
 E-MAIL: \_\_\_\_\_

OWNER'S CURRENT MAILING ADDRESS 801 FM 2325 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 0.89 (OR) SQ.FT. \_\_\_\_\_ TOTAL NO. of TRACTS: \_\_\_\_\_

4. PLANNING AREA(S) : 3 5. REQUESTED ZONING CLASSIFICATION: C-1

PROPOSED USE(S): HEALTH FOOD STORES

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

7. LEGAL DESCRIPTION

Street Address: 801 FM 2325

Subdivision: \_\_\_\_\_

Block(s) \_\_\_\_\_

Lot(s) \_\_\_\_\_

Plat Book: \_\_\_\_\_

Page Number: BENJAMIN PAGE SURVEY

8. DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER): Tract 1

VOLUME: \_\_\_\_\_ 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) \_\_\_\_\_

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): NO

C. ELECTRIC UTILITY PROVIDER : PEC

WATER UTILITY PROVIDER: WIMBERLEY WATER

WASTEWATER UTILITY PROVIDER: \_\_\_\_\_

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): 9824

Related Cases, If Applicable

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

### 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: 8/28/09 APPLICANT SIGNATURE Roger Alan Bellock

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: \_\_\_\_\_, and more particularly known as Lot \_\_\_\_\_, Block \_\_\_\_\_ of the \_\_\_\_\_ 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: 8/29/09 APPLICANT SIGNATURE Roger Alan Bellock

WHEN APPLICABLE:

Date: \_\_\_\_\_ AGENT SIGNATURE \_\_\_\_\_

## SUBMITTAL CHECKLIST

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

- ☒ Complete "Application For Zoning"
- ☒ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☒ Provide plat map of the specific property to be zoned.
- ☒ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☒ Provide a legal description of the property to be zoned.
- ☒ Sign/date Submittal Verification form.
- ☒ Sign/date Site Inspection Authorization form.
- ☒ Sign/date Acknowledgement Form.
- ☒ Pay Zoning Fee (this fee is based on the cost of services incurred by the 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: 8/28/09

APPLICANT SIGNATURE Roger Blum Bralick

WHEN APPLICABLE:

Date: \_\_\_\_\_

AGENT SIGNATURE \_\_\_\_\_

S. CRAIG HOLLMIG, INC.  
CONSULTING ENGINEERS - SURVEYORS

300 706

410 N. SEGUIN STREET  
NEW BRAUNFELS, TEXAS 78130-3085

TEXAS SOCIETY OF PROFESSIONAL ENGINEERS  
AMERICAN SOCIETY OF CIVIL ENGINEERS

TEXAS SURVEYORS ASSOCIATION  
TELEPHONE (512) 633-8156

WATER SYSTEMS • SEWER SYSTEMS • SUBDIVISIONS • LAND PLANNING • STREETS • DRAINAGE • SURVEYING

EXHIBIT "A" FIELD NOTES  
FOR  
TRACT 1A

Being 0.890 acres of land out of the Benjamin Page Survey and also being out of a tract called 37.43 acres as described in Volume 319, Page 775 of the Deed Records of Hays County, Texas, and being more particularly described as follows:

BEGINNING: At an iron pin found on the arc of a curve to the right in the South line of F.M. Highway No. 2325, for the Northeast corner of this tract, said point also being the Northeast corner of the above referenced 37.43 acre tract;

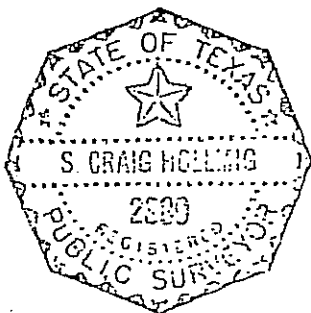
THENCE: Leaving said Highway with the East fenced line of the above referenced 37.43 acre tract, S 00° 50' 00" E 388.96 feet to an iron pin set for the Southeast corner of this tract;

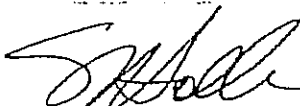
THENCE: N 84° 27' 03" W 100.00 feet to the Southwest corner of this tract;

THENCE: N 00° 05' 38" E 415.47 feet to an iron pin set in the South Right-of-Way line of F. M. Highway No. 2325, for the Northwest corner of this tract;

THENCE: With said Right-of-Way and a curve to the right having a delta angle of 04° 06' 54", a radius of 1392.39 feet, an arc length of 100.00 feet to the Point of Beginning and containing 0.890 acres of land, more or less.

I hereby certify these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct, to the best of my knowledge and belief, November 15, 1982.

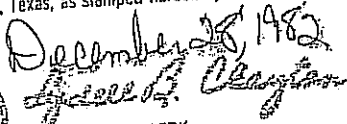


  
S. Craig Hollmig  
Registered Public Surveyor

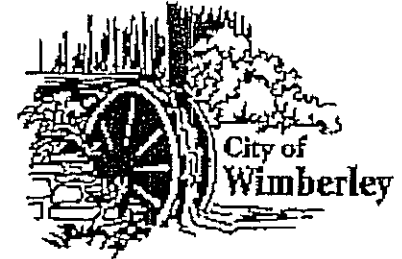
STATE OF TEXAS  
COUNTY OF HAYS

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED, in the Volume and Page of the named RECORDS of Hays County, Texas, as stamped hereon by me

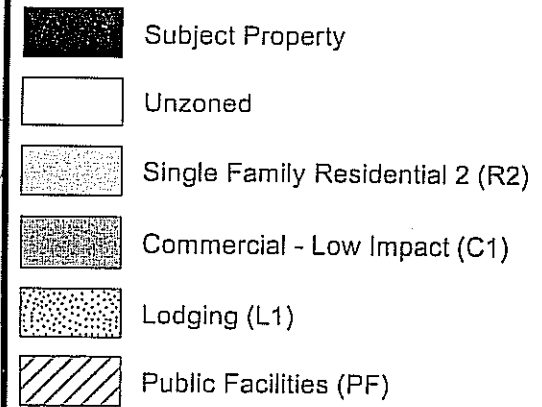
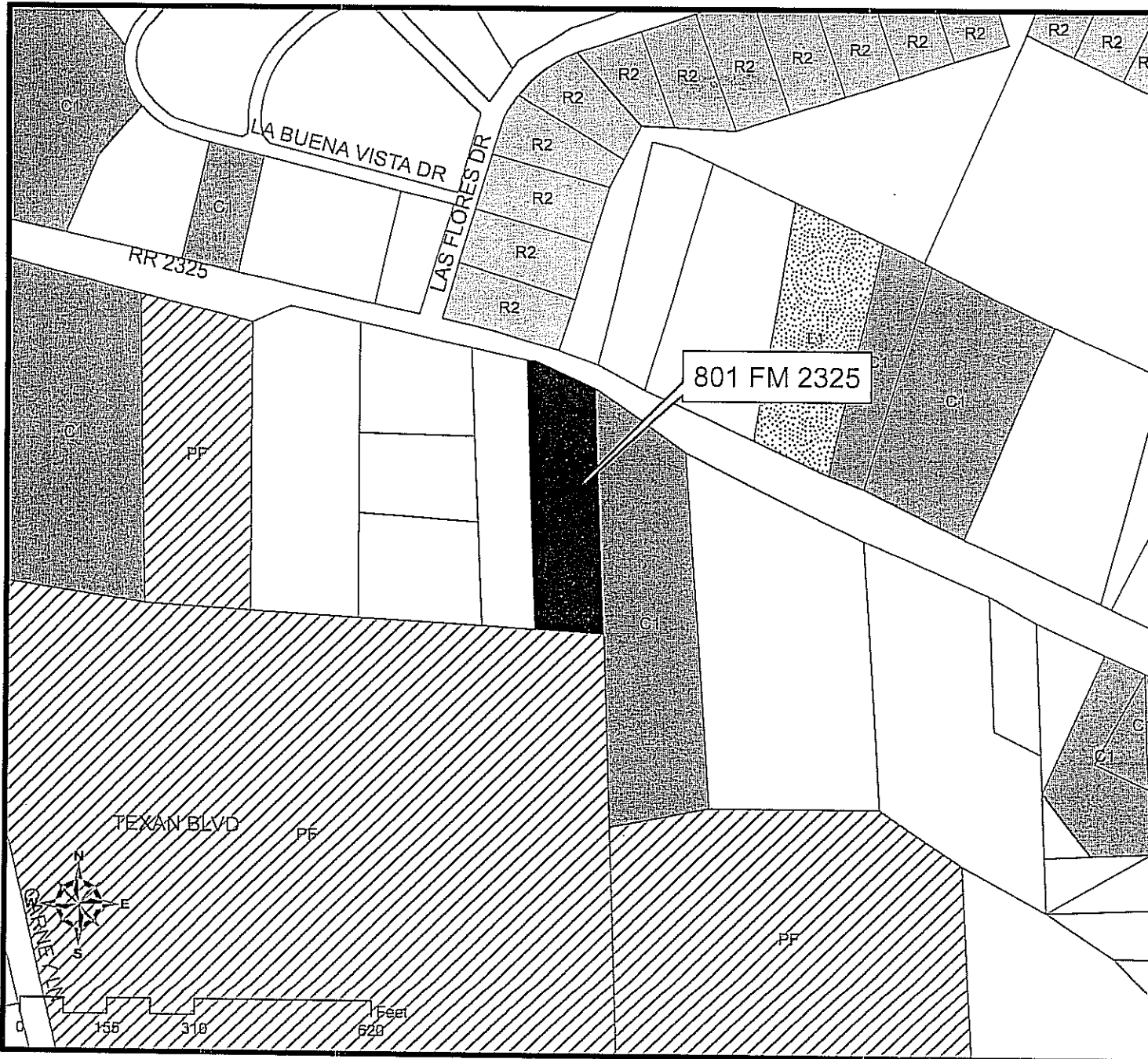


December 18, 1982  
  
COUNTY CLERK  
HAYS COUNTY, TEXAS

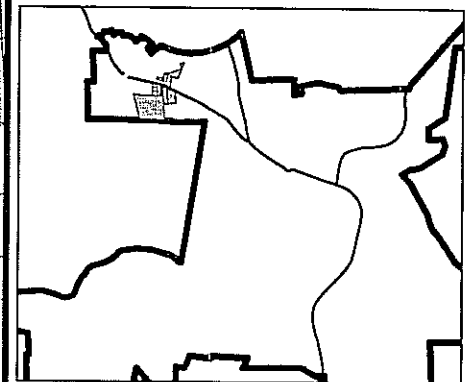
# Zoning Map for ZA-09-019



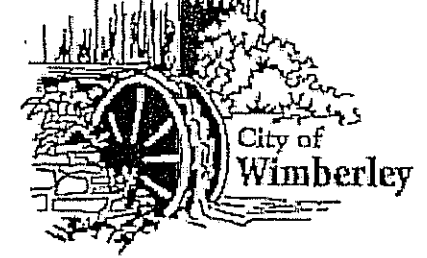
P.O. Box 2027 • Wimberley, Texas 78676



Location Map



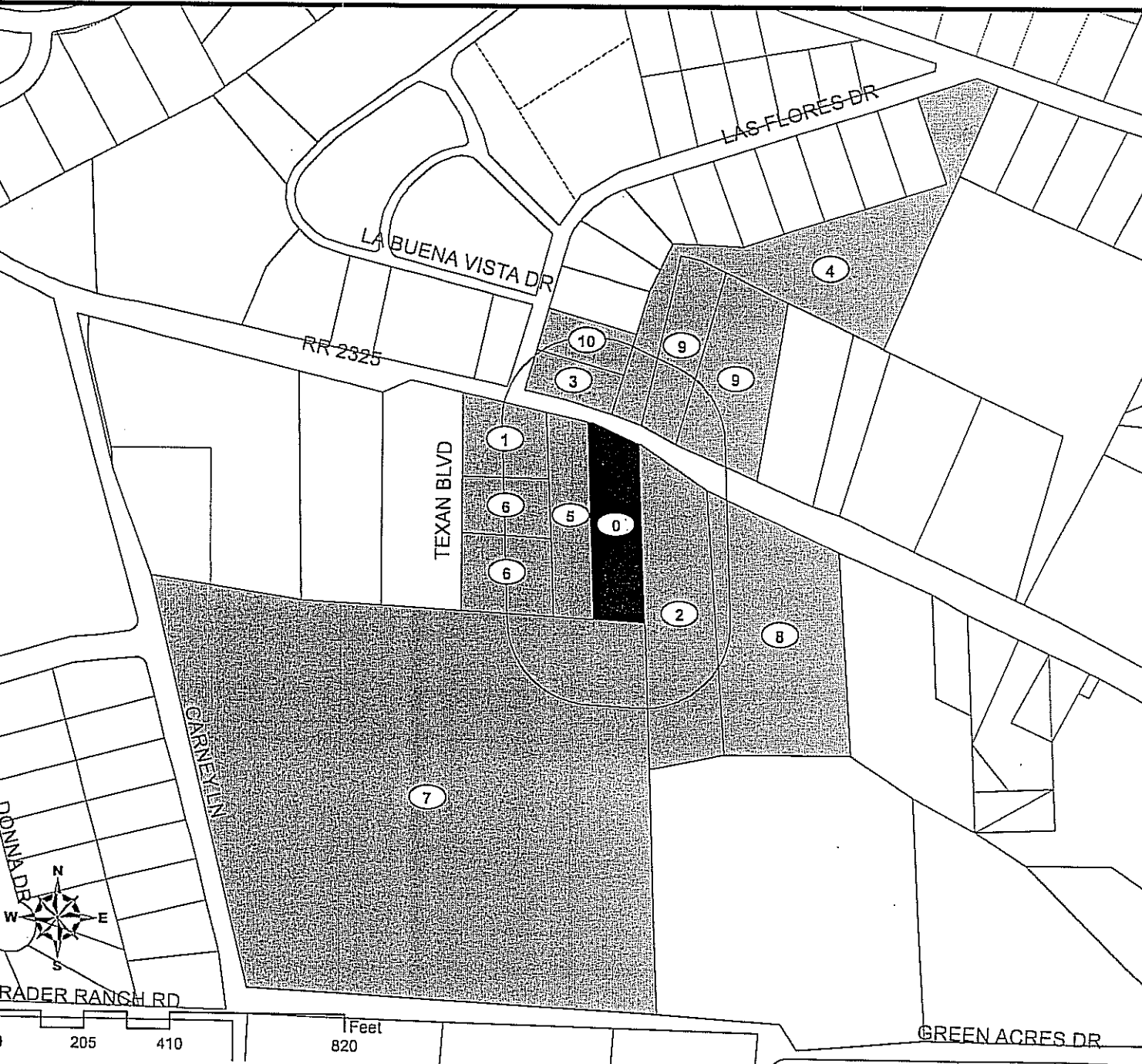
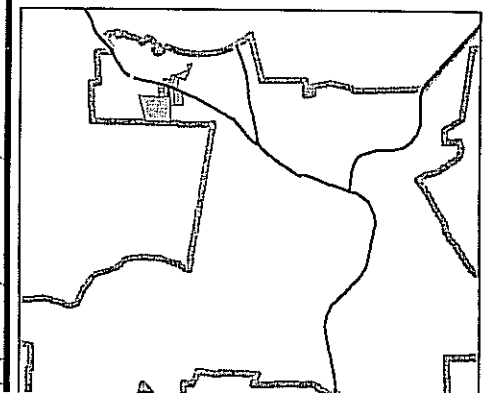
# Notification Map for ZA-09-019

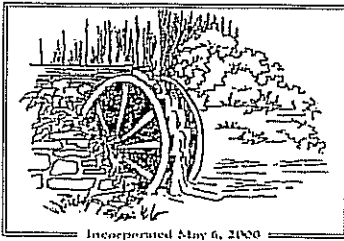


P.O. Box 2027 • Wimberley, Texas 78676

-  200 Foot buffer
-  0, BULLOCK, ROGER GLENN
-  1, FRASER, SHANE M
-  2, GOULAS LISA MARIE
-  3, MIRELES RAYMOND V & MARIA J
-  4, RDMS FAMILY PARTNERS LTD
-  5, SIKES, BRADLEY C
-  6, TEXAS MODULAR HOMES INC
-  7, WIMBERLEY ISD - TRUST PROPEF
-  8, WIMBERLEY LIONS CLUB
-  9, WOLF JOHN C & FRANCES A
-  10, WOOLSEY, BILLY HARLEN, 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](mailto:village@anvilcom.com) Web: [www.vil.Wimberley.tx.us](http://www.vil.Wimberley.tx.us)

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

Council Members – Charles Roccaforte, Bill Appleman, Steve Thurber, John White  
Don Ferguson, City Administrator

September 4, 2009

## NOTICE OF PUBLIC HEARING

**Re: File No. ZA-09-019**

801 FM 2325

A request for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land

**File No. CUP-09-010**

801 FM 2325

A request for a Conditional Use Permit (CUP) to allow a drive-through or drive-in facility for frozen yogurt sales on the subject property

Dear Property Owner:

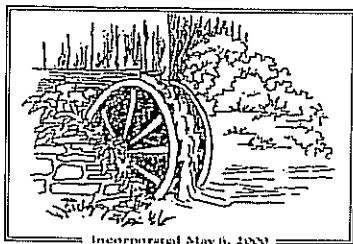
You are receiving this letter because you own property within 300 feet of the above-referenced location.

Roger Glenn Bullock has submitted an application for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land located at 801 FM 2325. In addition, M. Bullock has requested a Conditional Use Permit (CUP) to allow a drive-through or drive-in facility for frozen yogurt on the subject property. The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, September 24, 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, October 1, 2009, at 6:30 p.m.**

Because the granting of these requests may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to 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](mailto:Wimberley@anvilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: ZA-09-019

Owner \_\_\_\_\_

Date 9/4/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 801 FM-2825

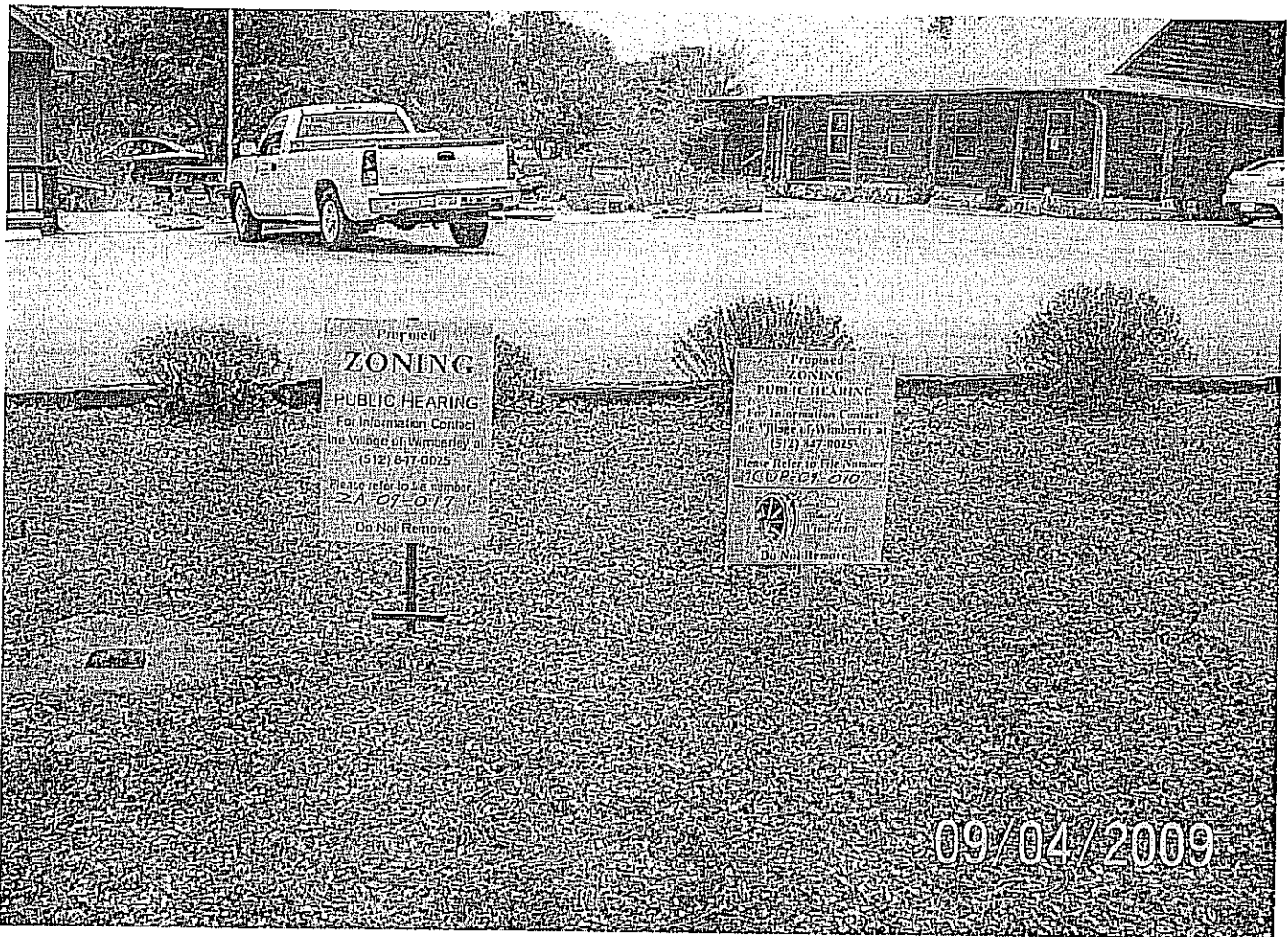
which is located FM-2825

Bill Bowers  
Asst. Public Works

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

9/4, 2009

  
Signature



# CLASSIFIEDS

Wednesday, September 9, 2009

Write to: [classifieds@wimberleyview.com](mailto:classifieds@wimberleyview.com)

proposed tax  
ss. Suite  
on the  
value of all

are concerned that your child seems to be learning or playing differently from others, please call the Special Education Office at 512-847-7567 for more information. We are here to help you meet the learning needs of your child.

## EDUCACION PARA TODOS LOS JOVENES CON INCAPACIDADES

Cada niño(a) aprende a un ritmo diferente, pero a menudo los niños necesitan nuestra ayuda para superar obstáculos que les impiden lograr todo su potencial. El Distrito Independiente de la Escuela en Wimberley ofrece servicios gratis de referencia y de información para ayudar a los niños que tienen dificultades en el aprendizaje que pueden obstaculizar su capacidad de obtener buenos resultados en la escuela. Estas dificultades pueden ser en relación con las interacciones sociales con el juego, el lenguaje, la vista, el oído, la conducta o el movimiento. Este servicio está a la disposición de infantes, niños y jóvenes desde el momento en que nacen hasta los 21 años de edad. Si usted le preocupa que su hijo(a) parezca dar señales de aprender o de jugar en forma diferente de los demás, le rogamos que llame a la Oficina de Educación Especial de Wimberley al 512-

858-3066 para más información. Aquellos que estamos para ayudarle a satisfacer las necesidades de aprendizaje de su hijo(a) al 512-847-7567.

## NOTICE OF PUBLIC HEARING

(Request for Zoning) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, September 24, 2009 at 6:30 p.m. to consider the following: Z-09-019 - an application for initial base zoning of Commercial - Low Impact (C1) at 801 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, October 1, 2009 at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 12 Wimberley, Texas. (05240/1a/72)

## NOTICE OF PUBLIC HEARING

(Conditional Use Permit) Notice is hereby given that the Planning & Zoning Commission of

the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, September 24, 2009 at 6:30 p.m. to consider the following: CUP-09-010 - an application for a Conditional Use Permit (CUP) to allow a drive-through or drive-in facility for frozen yogurt sales at 801 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, October 1, 2009 at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 12 Wimberley, Texas. (05240/1a/72)

## NOTICE OF PUBLIC HEARING

(Request for Zoning) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, September 24, 2009 at 6:30 p.m. to consider the following: Z-09-020 - an application for initial base zoning of Commercial - Low Impact (C1) at 317 FM 2325. Upon recommendation of the

Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, October 1, 2009 at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 12 Wimberley, Texas. (05240/1a/72)

## PUBLIC NOTICE EDUCATION FOR ALL CHILDREN WITH DISABILITIES

Every child learns at a different pace, but often children need our help in removing obstacles that prevent them from reaching their full potential. Dripping Springs Independent School District provides free referral and information services to help children with learning challenges that may interfere with their ability to do well in school. These can include difficulties with social interactions, playing, talking, seeing, hearing, behavior, and movement. This service is available to infants, children, and youth beginning at birth to age 21. If you are concerned that your child seems to be learning or playing differently from others,

**ESTATE AUCTION**  
Sat. 9/12/09 10:00 AM  
850 Jerry's Ln. Buda, TX  
[www.innonlyauctions.biz](http://www.innonlyauctions.biz)  
Complete list & pictures on web: [www.innonlyauctions.biz](http://www.innonlyauctions.biz)  
Call: 1-800-888-8888  
Fax: 1-800-888-8888  
E-mail: [info@innonlyauctions.biz](mailto:info@innonlyauctions.biz)  
Lic. #15091  
512/557-3333

please call the Special Education Office at 512-858-3066 for more information. We are here to help you meet the learning needs of your child.

## EDUCACION PARA TODOS LOS JOVENES CON INCAPACIDADES

Cada niño(a) aprende a un ritmo diferente, pero a menudo los niños necesitan nuestra ayuda para superar obstáculos que les impiden lograr todo su potencial. El Distrito Independiente de la Escuela en Dripping Springs ofrece servicios gratis de referencia y de información para ayudar a los niños que tienen dificultades en el aprendizaje que pueden obstaculizar su capacidad de obtener buenos resultados en la escuela. Estas dificultades pueden ser en relación con las interacciones sociales con el juego, el lenguaje, la vista, el oído, la conducta o el movimiento. Este servicio está a la disposición de infantes, niños y jóvenes desde el momento en que nacen hasta los 21 años de edad. Si usted le preocupa que

**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 PROPERTY LOCATED AT 801 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-LOW IMPACT (C-1); 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 requested zoning 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 15<sup>th</sup> 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 approximate 0.890 acre tract described as part of the Benjamin Page Survey Tract 1, and as more particularly described by metes and bounds in Exhibit "A", attached and incorporated by reference, in Wimberley, Hays County, Texas, commonly known as 801 FM 2325, is hereby designated initial zoning of Commercial-Low Impact (C-1) 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:**

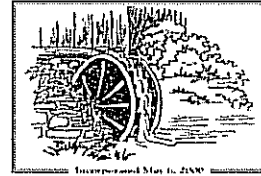
\_\_\_\_\_  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carolyn J. Crosby, City Attorney

# Report for Zoning Change

## CUP-09-010



### Summary:

An application for a Conditional Use Permit (CUP) to allow a drive-through or drive-in facility at 801 FM 2325

### Applicant Information:

**Applicant:** Roger Glenn Bullock  
801 FM 2325  
Wimberley, Texas 78676

**Property Owner:** Roger Glenn Bullock

### Subject Property:

**Legal Description:** Benjamin Page Survey Tract 1  
**Location:** 801 FM 2325  
**Existing Use of Property:** Health Food Store  
**Existing Zoning:** None  
**Proposed Use of Property:** Health Food Store with Drive-In Frozen Yogurt Sales  
**Proposed Zoning:** C-1 Commercial – Low Impact.  
**Planning Area:** III  
**Overlay District:** Entrance Corridor

### Surroundings:

**Frontage On:** FM 2325

**Area Zoning and Land Use Pattern:**

|                      | Current Zoning        | Existing Land Use |
|----------------------|-----------------------|-------------------|
| <b>N of Property</b> | Un-zoned              | Residential       |
| <b>S of Property</b> | Public Facilities     | School            |
| <b>E of Property</b> | Commercial-Low Impact | Vacant            |
| <b>W of Property</b> | Un-zoned              | Office            |

### Legal Notice

**200' Letters** 9/4/09  
**Published** 9/9/09  
**Sign Placement** 9/4/09  
**Responses** none

### Comments:

The applicant is requesting a Conditional Use Permit (CUP) to allow a drive-in facility for the sale of frozen yogurt at 801 FM 2325. The subject property is un-zoned and located within the Entrance Corridor Overlay District. A companion zoning application seeking Commercial -Low Impact (C1) zoning for the subject property preceded this item on the City Council agenda. Drive-in facilities on C1 properties require a Conditional Use Permit.

Currently, Hill Country Natural Foods is located on the subject property. The applicant is proposing to sell frozen yogurt out of a smaller building adjacent to the existing business.

According to the proposal, customers would walk up to a window to purchase frozen yogurt and either sit at the picnic bench located on the property to eat their yogurt or drive away.

On September 24, 2009, the Planning and Zoning Commission held a public hearing on the CUP request. Afterwards, the Commission voted unanimously to recommend approval of the request without conditions.

## § 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.

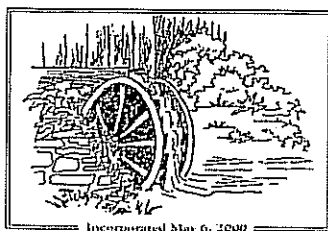
(6) The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

(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.



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-09 - 010

### FOR OFFICIAL USE ONLY

Application Date: 8/28/09 Tentative P&Z Hearing: 9/14/09 Tentative Council Hearing: 10/1/09

FEES: \$400.00 DATE PAID: 8/28 CHECK NO. 4800 REC'D BY Mawea

PROJECT SITE ADDRESS: 801 FM 2325 Wimberley, TX. 78676

OWNER/APPLICANT ROGER GLEN BULLOCK PHONE (512) 847-3291

FAX ( ) SAME EMAIL: \_\_\_\_\_

Mailing Address: SAME CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

ZONING: C1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Dave-In

Planning Area 3 Zoning C-1 Total Acreage or Sq. Ft. ~ 89 ACRES

Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID#: R 17199

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_ BENJAMIN PAGE SURSEY

Is property located in an overlay district? (✓) Yes ( ) No - If Yes,

TRACT 1A

Type: \_\_\_\_\_

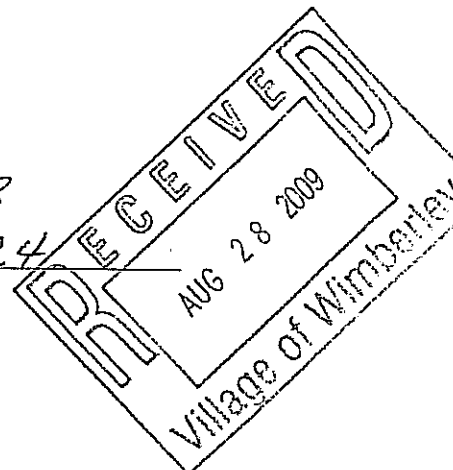
Is property located in flood plain? ( ) Yes (✓) No

Utilities:

Electric Provider: PEC

Water Provider or Private Well: WIMBERLEY WATER

Wastewater Service Provider or Hays County Septic Permit No: 9824



MY REQUEST IS BASED ON THE FOLLOWING:

- ☒ The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- ☒ The use requested by the applicant is set forth as a conditional use in the base district;
- ☐ The nature of the use is reasonable;
- ☒ The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- ☒ The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- ☒ That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- ☒ Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- ☒ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- ☒ List of Special Conditions that Applicant agrees apply to property.
- ☒ List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- ☒ Payment of Application fee \$400.00
- ☒ Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- ☒ Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the Village zoning action does not relieve any obligation of these restrictions.
- ☒ 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 may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- ☒ Applicant hereby authorizes the Village representatives to visit and inspect the subject property.

Date

8/28/09

APPLICANT SIGNATURE

*Roger Glen Burdick*

WHEN APPLICABLE:

Date

AGENT SIGNATURE

S. CRAIG HOLLMIG, INC.  
CONSULTING ENGINEERS • SURVEYORS

300 706

410 N. SEGUIN STREET  
NEW BRAUNFELS TEXAS 78130 5085

TEXAS SOCIETY OF PROFESSIONAL ENGINEERS  
AMERICAN SOCIETY OF CIVIL ENGINEERS

TEXAS SURVEYORS ASSOCIATION  
TELEPHONE (712) 621 8335

WATER SYSTEMS • SEWER SYSTEMS • SUBDIVISIONS • LAND PLANNING • STREETS • DRAINAGE • SURVEYING

EXHIBIT "A" FIELD NOTES  
FOR  
TRACT 1A

Being 0.890 acres of land out of the Benjamin Page Survey and also being out of a tract called 37.43 acres as described in Volume 319, Page 775 of the Deed Records of Hays County, Texas, and being more particularly described as follows:

BEGINNING: At an iron pin found on the arc of a curve to the right in the South line of F.M. Highway No. 2325, for the Northeast corner of this tract, said point also being the Northeast corner of the above referenced 37.43 acre tract;

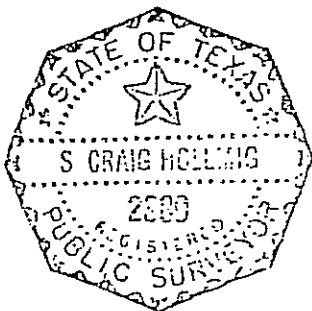
THENCE: Leaving said Highway with the East fenced line of the above referenced 37.43 acre tract, S 00° 50' 00" E 388.96 feet to an iron pin set for the Southeast corner of this tract;

THENCE: N 84° 27' 03" W 100.00 feet to the Southwest corner of this tract;

THENCE: N 00° 05' 38" E 415.47 feet to an iron pin set in the South Right-of-Way line of F. M. Highway No. 2325, for the Northwest corner of this tract;

THENCE: With said Right-of-Way and a curve to the right having a delta angle of 04° 06' 54", a radius of 1392.39 feet, an arc length of 100.00 feet to the Point of Beginning and containing 0.890 acres of land, more or less.

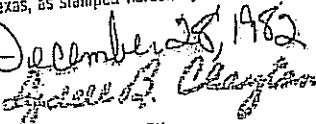
I hereby certify these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct, to the best of my knowledge and belief, November 15, 1982.



  
S. Craig Hollmig  
Registered Public Surveyor

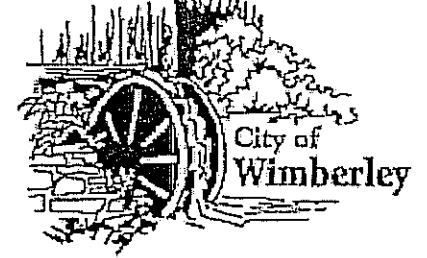
STATE OF TEXAS  
COUNTY OF HAYS

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED, in the Volume and Page of the named RECORDS of Hays County, Texas, as stamped hereon by me

December 28, 1982  
  
COUNTY CLERK  
HAYS COUNTY, TEXAS

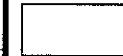


# Zoning Map for CUP-09-010

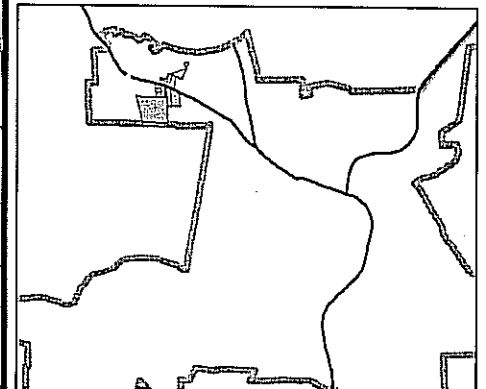


P.O. Box 2027 • Wimberley, Texas 78676

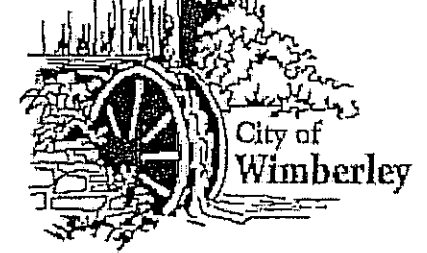


-  Subject Property
-  Unzoned
-  Single Family Residential 2 (R2)
-  Commercial - Low Impact (C1)
-  Lodging (L1)
-  Public Facilities (PF)

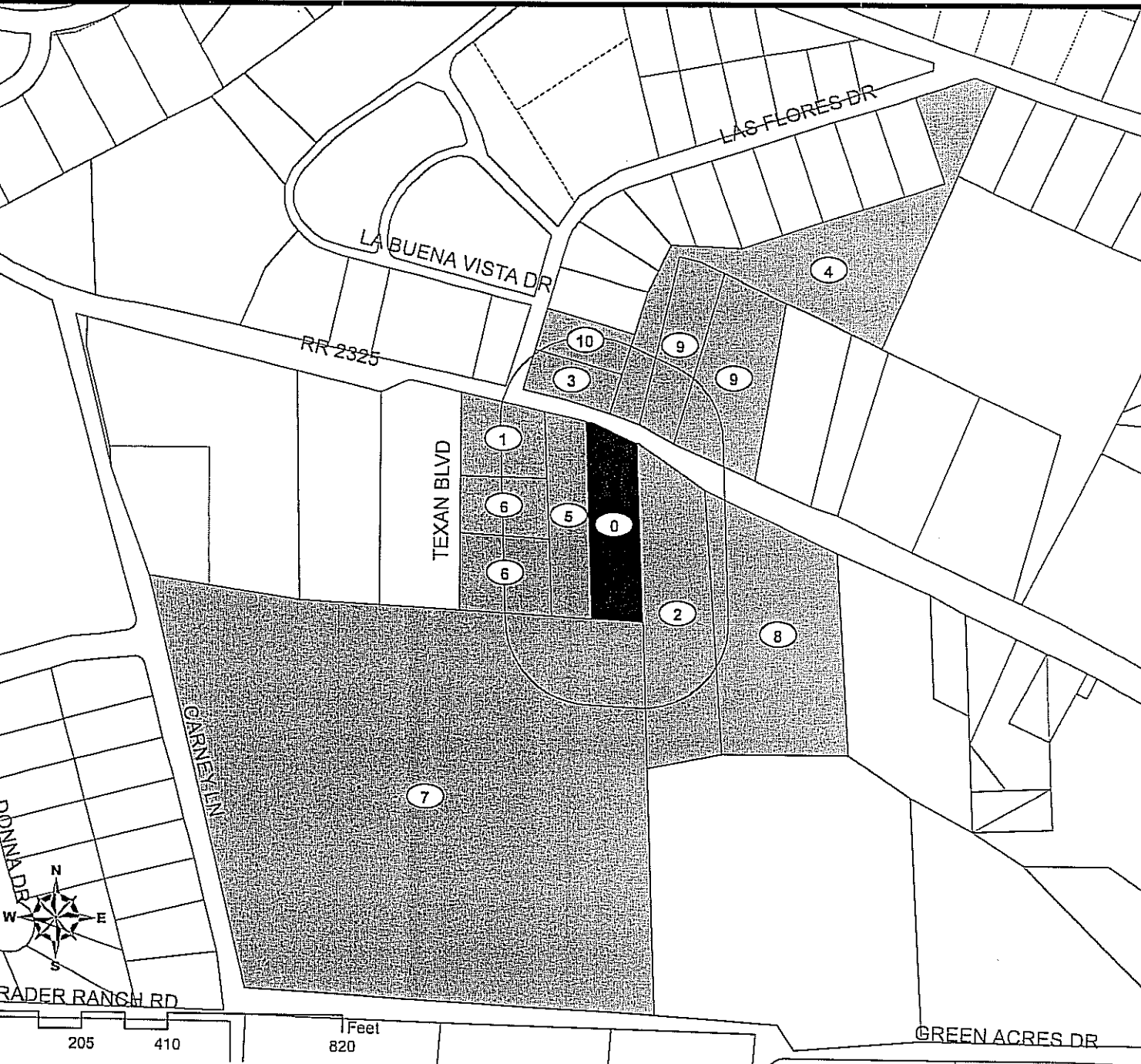
Location Map



# Notification Map for CUP-09-010

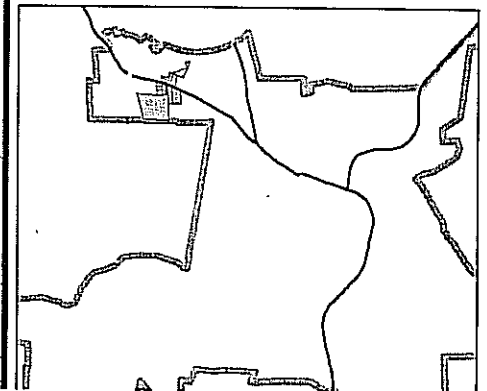


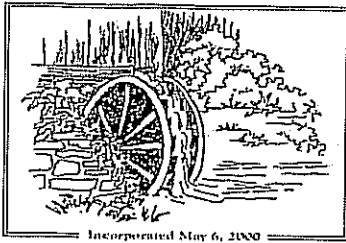
P.O. Box 2027 • Wimberley, Texas 78676



-  200 Foot buffer
-  0, BULLOCK, ROGER GLENN
-  1, FRASER, SHANE M
-  2, GOULAS LISA MARIE
-  3, MIRELES RAYMOND V & MARIA J
-  4, RDMS FAMILY PARTNERS LTD
-  5, SIKES, BRADLEY C
-  6, TEXAS MODULAR HOMES INC
-  7, WIMBERLEY ISD - TRUST PROPEF
-  8, WIMBERLEY LIONS CLUB
-  9, WOLF JOHN C & FRANCES A
-  10, WOOLSEY, BILLY HARLEN, 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](mailto:village@anvilcom.com) Web: [www.vil.Wimberley.tx.us](http://www.vil.Wimberley.tx.us)

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

Council Members – Charles Roccaforte, Bill Appleman, Steve Thurber, John White  
Don Ferguson, City Administrator

September 4, 2009

## NOTICE OF PUBLIC HEARING

**Re: File No. ZA-09-019**

801 FM 2325

A request for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land

**File No. CUP-09-010**

801 FM 2325

A request for a Conditional Use Permit (CUP) to allow a drive-through or drive-in facility for frozen yogurt sales on the subject property

Dear Property Owner:

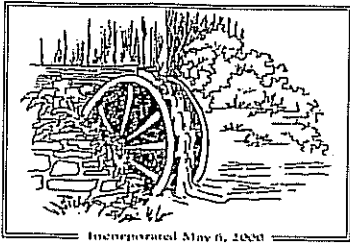
You are receiving this letter because you own property within 300 feet of the above-referenced location.

Roger Glenn Bullock has submitted an application for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land located at 801 FM 2325. In addition, M. Bullock has requested a Conditional Use Permit (CUP) to allow a drive-through or drive-in facility for frozen yogurt on the subject property. The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, September 24, 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, October 1, 2009, at 6:30 p.m.**

Because the granting of these requests may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to 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](mailto:Wimberley@anvilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: CUP-09-010

Owner \_\_\_\_\_

Date 9/4/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 801 Rm-2325

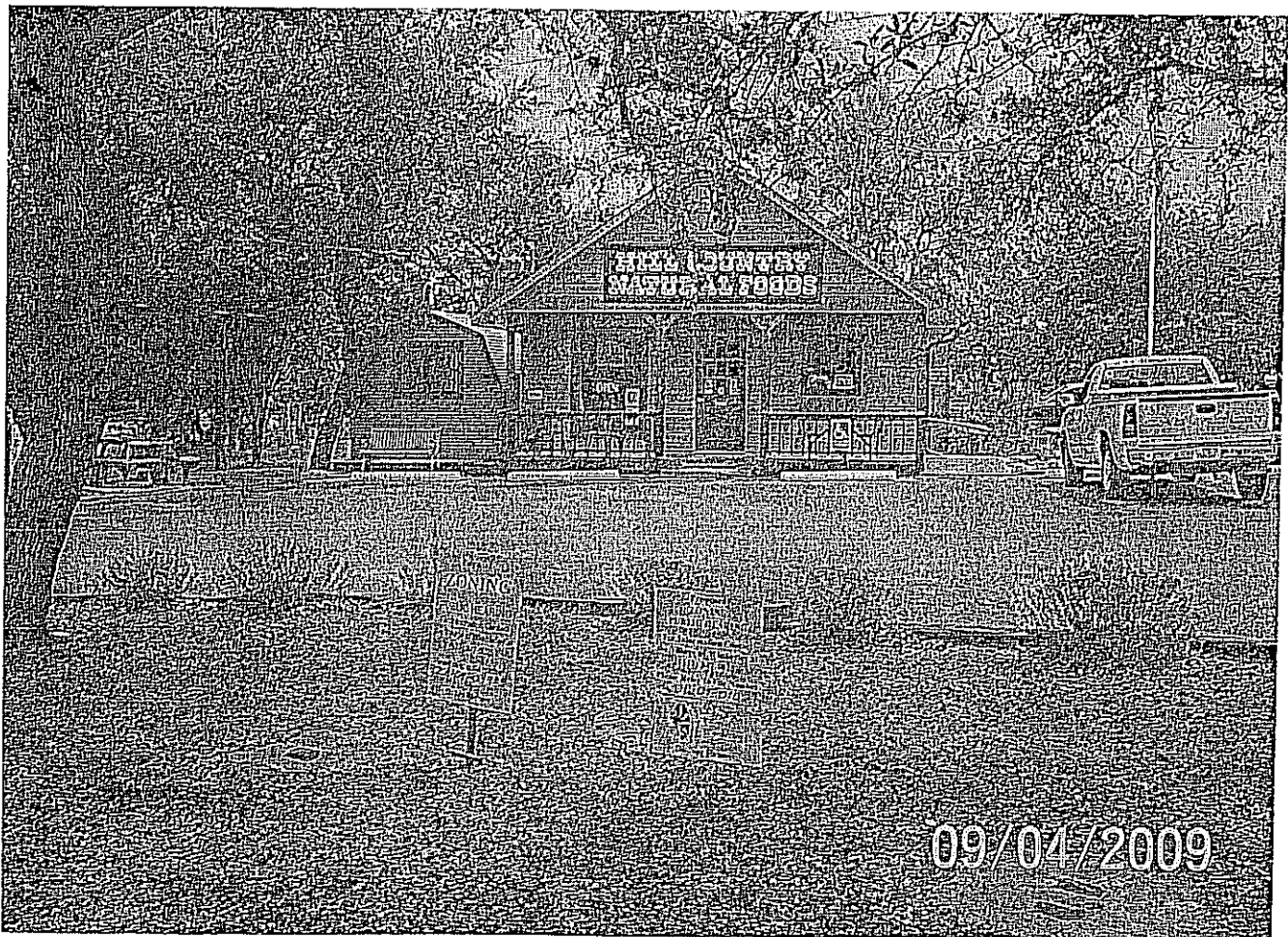
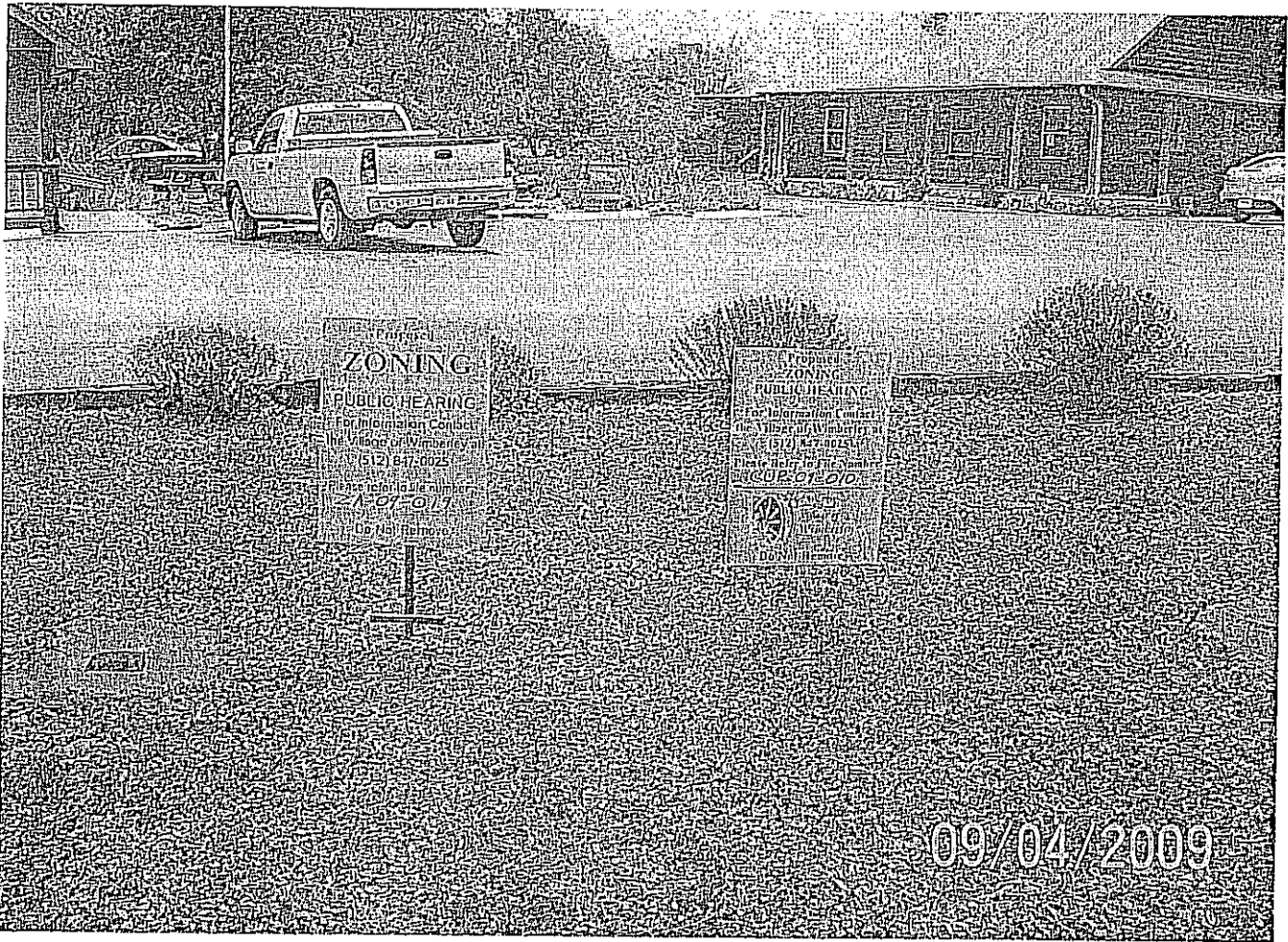
which is located Rm-2328

Bill Bowers  
Asst. Public Works

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

\_\_\_\_\_, 2009

  
Signature



Wednesday, September 9, 2009

s to: [classifieds@wimberleyview.com](mailto:classifieds@wimberleyview.com)

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usted le preocupa que su hijo(a) parezca dar señales de aprender, de jugar, en forma diferente -- de los demás -- le rogamos que llame a la Oficina de Educación Especial de Wimberley al 512

Notice is hereby given  
that the Planning &  
Zoning Commission of

**(Request for Zoning)**  
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, September 24, 2009, at 6:30 p.m. to consider the following: ZA-09-020 – an application for Initial base zoning of Commercial – Low Impact (C1) at 317 FM 2325. Upon recommendation of the

Every child learns at a different pace, but often children need our help in removing obstacles that prevent them from reaching their full potential. Dripping Springs Independent School District provides free referral and information services to help children with learning challenges that may interfere with their ability to do well in school. These can include difficulties with social interactions, playing, talking, seeing, hearing, behavior and movement. This service is available to infants, children and youth beginning at birth to age 21. If you are concerned that your child seems to be learning or playing differently than

Cada niño(a) aprende a un ritmo diferente, pero a medida que los niños necesitan nuevas ayudas para quitar obstáculos que les impiden lograr todo su potencial. Distrito Independiente de Escuelas de Springdale ofrece servicios gratuitos de referencia y de información para ayudar a los niños que tienen dificultades en el aprendizaje que pueden obstaculizar su capacidad de obtener buenos resultados en la escuela. Estas dificultades pueden ser en relación con las interacciones sociales, con el juego, el lenguaje, la vista, el oído, la conducta o el movimiento. Este servicio está a la disposición de los niños y jóvenes desde el momento en que nacen hasta los 2 años de edad. Si

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY ROGER GLENN BULLOCK TO PERMIT A DRIVE-THROUGH OR DRIVE-IN FACILITY ON AN APPROXIMATELY 0.890 ACRE TRACT LOCATED AT 801 FM 2325, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), 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 Roger Glenn Bullock ("Applicant") requesting authorization to permit a Drive-Through or Drive-In Facility on real property described as a 0.890 acre tract part of the Benjamin Page Survey, zoned Commercial-Low Impact (C-1); and

**WHEREAS**, a Drive-Through or Drive-In Facility is an authorized use in areas zoned Commercial-Low Impact (C-1) upon the granting of a Conditional Use Permit ("CUP"); 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 and site plan, 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 Drive-Through or Drive-In 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 Roger Glenn Bullock ("Applicant") to permit a Drive-Through or Drive-In Facility on real property described as a 0.890 acre tract part of the Benjamin Page Survey, known as 801 FM 2325, zoned Commercial-Low Impact (C-1), 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 a Drive Through or Drive-In Facility in accordance with the site plan attached hereto as Exhibit "A", attached and incorporated by reference, as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.

## **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:**

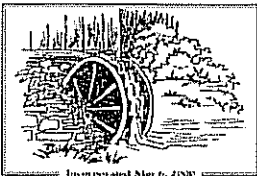
\_\_\_\_\_  
Cara McPartland, City Secretary

(SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carolyn J. Crosby, City Attorney

# City Council Agenda Form



Date Submitted: September 28, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** CONSIDER APPROVAL OF  
AN ORDINANCE PLACING THOSE PROPERTIES  
WHICH FRONT CARNEY LANE IN *PLANNING AREA III*

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

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

## Project/Proposal Summary:

The purpose of this agenda item is to allow City Council to discuss and consider approval of an ordinance which removes from *Planning Areas I* and *II* those properties which front Carney Lane between FM 2325 and the City limits and places the subject properties in *Planning Area III*.

At least two (2) Carney Lane property owners have requested the City consider including the properties which front Carney Lane in *Planning Area III* so as to allow *Commercial-Low Impact (C-1)* zoning along this short stretch of roadway. Currently, the subject properties are located in *Planning Areas I* and *II* where *Neighborhood Services (NS)* is the only form of commercial zoning allowed. *Neighborhood Services (NS)* allows certain limited commercial uses by conditional use permit only.

Currently, there are three (3) existing low to moderate impact businesses and two (2) public schools located on the subject stretch of Carney Lane.

On September 24, 2009, the Planning and Zoning Commercial held a public hearing on the proposed *Planning Area* change. Afterwards, the Commission voted unanimously to recommend approval of the ordinance placing those properties which front Carney Lane between FM 2325 to the City limits in *Planning Area III*.

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REMOVE THOSE PROPERTIES WHICH FRONT CARNEY LANE, BETWEEN FM 2325 AND THE CITY LIMITS, FROM PLANNING AREAS I AND II AND INCLUDE THE SUBJECT PROPERTIES IN PLANNING AREA III; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Wimberley is authorized under Chapter 213 of the Texas Local Government Code to adopt a comprehensive plan for the long-range development of the City; and,

**WHEREAS**, the City Council adopted the City of Wimberley Comprehensive Plan (the "Plan"), and made substantial amendments to the Plan in 2008; and,

**WHEREAS**, some of the property owners which abut Carney Lane between FM 2325 and the City limits have requested that the properties within those limits be moved from Planning Areas I and II to Planning Area III, so that they may request amendments to their zoning classifications that will be in conformance with the Plan; and,

**WHEREAS**, the Planning and Zoning Commission has reviewed the changes, held a public hearing and has made recommendations to the City Council to amend the Plan as described herein, finding that such amendment is compatible with the adjacent existing uses and existing zoning classifications, and is in accord with the current uses on the properties; and,

**WHEREAS**, the City Council has reviewed and considered the report by the Planning and Zoning Commission and has held a public hearing on the proposed Plan amendments at which members of the public had the opportunity to give testimony and present written evidence; and,

**WHEREAS**, the City Council has determined that the City of Wimberley Comprehensive Plan should be amended as provided by this ordinance.

**NOW THEREFORE, BE IT ORDAINED 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. AMENDMENTS**

THAT the City's Comprehensive Plan, and its accompanying maps, described in the report by Planning and Zoning Commission to City Council, attached hereto and incorporated herein as Exhibit "A," shall be hereby amended to remove those properties that abut Carney Lane between FM 2325 and the City limits, from Planning Areas I and II and place those subject properties in Planning Area III; and that the official City Maps be amended accordingly.

## **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 upon 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 and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**READ AND APPROVED** on its First Reading this \_\_\_\_ day of October, 2009, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

**READ AND APPROVED** on its Second Reading this \_\_\_\_ day of October, 2009, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

## **CITY OF WIMBERLEY**

By \_\_\_\_\_  
Tom Haley, Mayor

**ATTEST:**

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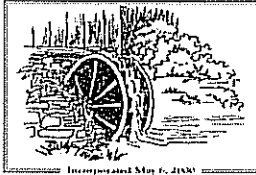
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

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Carolyn J. Crosby, City Attorney

# City Council Agenda Form



Date Submitted: September 28, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** CONSIDER APPROVAL OF AN ORDINANCE RELATING TO THE APPOINTMENT OF CITY BOARD AND COMMISSION MEMBERS AND THEIR TERMS

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

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

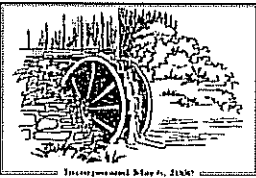
## Project/Proposal Summary:

The purpose of this agenda item is to allow City Council to discuss and consider approval of an ordinance relating to the appointment of City board and commission members and their terms.

Recently, the City Council voted to establish a term of two (2) years for all positions on the City's advisory boards and commissions. In addition, the Council decided that a member's term would expire the November following the election of the council member who nominated them to the board or commission.

In order to enact the above mentioned changes, the City Council must approve an ordinance to creating the changes. At the time of production of this packet, the ordinance was being prepared by the City's legal counsel. A final draft of the proposed ordinance will be delivered to City Council under separate cover in advance of the meeting.

# City Council Agenda Form



Date Submitted: September 19, 2009

Agenda Date Requested: October 1, 2009

Project/Proposal Title: APPROVAL OF PLANS FOR  
*THE WINTERS EVE ON THE SQUARE*

Funds Required:

Funds Available:

Council Action Requested:

☐ Ordinance

☐ Resolution

☒ Motion

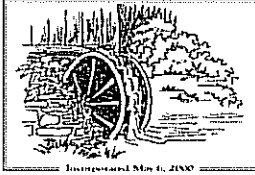
☒ Discussion

## Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the plans for the upcoming *Winter's Eve on the Square* on Saturday, December 5, 2009. The event will take place from 3 p.m. to 11 p.m. and involve the closure of the parking area in front of the Wimberley Square and the south side exit from the Square onto Ranch Road 12 near the *Cedar Chest*. The event will feature music, food and various activities. Organizers of the event will be responsible for providing traffic control, at no cost to the City.

City staff recommends approval of the plans for the above-mentioned special event.

# City Council Agenda Form



Date Submitted: September 28, 2009

Agenda Date Requested: October 1, 2009

**Project/Proposal Title:** CONSIDER POSSIBLE  
ACTION TO CLARIFY THE PROCESS USED TO MAKE  
CONSENSUS APPOINTMENTS TO CITY BOARDS AND  
COMMISSIONS

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

☐ Ordinance

☐ Resolution

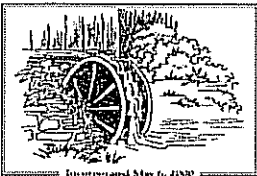
☒ Motion

☒ Discussion

## Project/Proposal Summary:

This item was placed on the agenda by Mayor Tom Haley to discuss and consider possible action to clarify the process used to make consensus appointments to City boards and commissions.

# City Council Agenda Form



Date Submitted: September 27, 2009

Agenda Date Requested: October 1, 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 members of City Council and for future agenda item requests.