

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
AUGUST 19, 2010 6:00 P.M.

AGENDA

CALL TO ORDER: AUGUST 19, 2010 @ 6:00 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 AUGUST 5, 2010.
- (B) APPROVAL OF A CONSENSUS APPOINTMENT TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. (NOMINEES FOR THE POSITION ARE BETH MITCHELL AND BARRY TYLER)

2. PRESENTATIONS

- (A) PRESENTATION BY REPRESENTATIVE(S) OF THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT (WISD) ON THE AUGUST 21, 2010 WISD TAX ROLLBACK ELECTION. (DWAIN YORK, WISD SUPERINTENDENT)

- (B) PRESENTATION BY REPRESENTATIVES OF *DESIGN WORKSHOP* ON THE *CONSTRUCTION DOCUMENTATION PHASE* OF THE BLUE HOLE REGIONAL PARK DEVELOPMENT PROJECT. *(STEVEN SPEARS, DESIGN WORKSHOP)*

3. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE EFFORTS UNDERWAY TO SECURE FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON THE RECONSTRUCTION OF LAS FLORES DRIVE, LA PAIS DRIVE AND PALOS VERDES DRIVE
- STATUS REPORT ON THE FEMA FLOOD MAP REVISION PROJECT
- STATUS REPORT ON PREPARATIONS FOR THE UPCOMING SPECIAL ELECTION FOR CITY COUNCIL PLACE TWO ON SEPTEMBER 18, 2010
- STATUS REPORT ON THE OPERATION OF THE BLUE HOLE REGIONAL PARK

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 7 PALOS VERDES, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM SINGLE FAMILY RESIDENTIAL 2 (R-2) TO SINGLE FAMILY RESIDENTIAL 3 (R-3); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(MICHELLE GRACE, APPLICANT)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN APPLICATION FOR AN AMENDING PLAT OF LOTS 2, 3 AND 4, BLOCK 2, WOODCREEK SECTION 3 ON PALOS VERDES DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, AND AN ASSOCIATED VARIANCE FROM SECTION 154.063(C) OF THE CITY SUBDIVISION CODE REQUIRING LOTS TO BE RECTANGULAR IN SIZE AND CONFORM TO THE AVERAGE DEPTH TO AVERAGE WIDTH RATIO. *(GARRETT ALLEN & MICHELLE GRACE, APPLICANTS)*
- (C) HOLD A PUBLIC HEARING AND CONSIDER AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY THOMAS & NANCY PAYTE TO PERMIT THE CONSTRUCTION AND USE OF A SECONDARY RESIDENTIAL STRUCTURE ON A 5.16 ACRE TRACT LOCATED AT 260 PANTHER CROSSING, WIMBERLEY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA); 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. *(THOMAS & NANCY PAYTE, APPLICANTS)*
- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-01-023, WHICH DESIGNATED THE GEOGRAPHIC BOUNDARIES FOR A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT CLASSIFICATION FOR REAL PROPERTY LOCATED AT 100 W. SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO AMEND THE DEVELOPMENT REGULATIONS IMPOSED ON SUCH PROPERTY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(A YELLOW ROSE, APPLICANT)*

- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION AND CREATING A NEW ZONING CLASSIFICATION TO READ AS FOLLOWS: "§ 155.063 RURAL RETREAT 1; RR-1", IN ORDER TO SPECIFY THE PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS RELATED TO SAME; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR)*
- (F) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES, CERTAIN SUBSECTIONS OF SECTION 155.023 (DISTRICTS ESTABLISHED; DESIGNATION AND REVIEW) IN ORDER TO ADD THE "RURAL RETREAT 1; RR-1" AS A BASE ZONING DISTRICT AND REVISE THE PLANNING AREAS ACCORDINGLY; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR)*

5. **ORDINANCES**

CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE III (ADMINISTRATION), SECTION 35.01 (FEE SCHEDULE) OF THE CODE OF ORDINANCES TO AMEND SUBSECTION (D) (ZONING SCHEDULE OF FEES) TO ADD AN APPLICATION FEE TO AMEND APPROVED WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) ZONING ORDINANCES; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. *(CITY ADMINISTRATOR)*

6. **DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER APPROVAL OF THE PLANS AND INFORMATION IN THE *CONSTRUCTION DOCUMENTATION PHASE REPORT* FOR THE BLUE HOLE REGIONAL PARK DEVELOPMENT PROJECT. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER APPROVAL OF A CONTRACT LAW ENFORCEMENT PROGRAM FOR THE CITY OF WIMBERLEY AND AUTHORIZING THE TRANSFER OF AN AMOUNT NOT TO EXCEED \$1,500 FROM THE CITY OF WIMBERLEY FUND BALANCE FOR THE PURPOSE OF FUNDING SUCH A PROGRAM AND AMENDING THE FISCAL YEAR 2010 CITY OF WIMBERLEY GENERAL FUND BUDGET TO REFLECT THE TRANSFER AND EXPENDITURES. *(CITY ADMINISTRATOR)*
- (C) DISCUSS AND CONSIDER APPROVAL OF A PROPOSAL TO EXTEND THE CITY OF WIMBERLEY'S SOLID WASTE/RECYCLING CONTRACT WITH TEXAS DISPOSAL SYSTEMS. *(CITY ADMINISTRATOR)*
- (D) DISCUSS AND CONSIDER APPROVAL OF A PROPOSED FISCAL YEAR 2011 WORK PLAN AND BUDGET FOR THE WIMBERLEY WASTEWATER TREATMENT PLANT SYSTEM SERVING THE DEER CREEK REHABILITATION CENTER. *(CITY ADMINISTRATOR)*

- (E) DISCUSS AND CONSIDER POSSIBLE ACTION ON ISSUES RELATING TO THE DEVELOPMENT OF THE FISCAL YEAR 2011 OPERATING BUDGET FOR THE CITY OF WIMBERLEY. (CITY ADMINISTRATOR; THIS AGENDA ITEM WILL BE DISCUSSED AT 7 P.M.)
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE FUTURE FORMATION OF A BUDGET ADVISORY BOARD AND OTHER METHODS OF ENHANCING PUBLIC INVOLVEMENT IN THE BUDGET PROCESS. (CITY ADMINISTRATOR)
- (G) DISCUSS AND CONSIDER POSSIBLE ACTION ON A PROPOSED SPEED HUMP POLICY FOR THE CITY OF WIMBERLEY, TEXAS. (CITY ADMINISTRATOR)

7. 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.

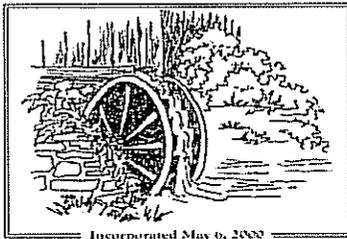
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 11, 2010 at 6:00 p.m.



CARA MCPARTLAND, 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 of Wimberley

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REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
AUGUST 19, 2010 6:00 P.M.

ADDENDUM TO THE REGULAR AGENDA

8. EXECUTIVE SESSION:

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session. After the executive session discussion on any of the following items, any final action or vote taken will be in public:

CONSULTATION WITH ATTORNEY REGARDING COUNCIL MEMBER PLACE TWO, THE EFFECT OF THE ELECTION CONTEST FILED IN THE 207TH DISTRICT COURT, HAYS COUNTY (CAUSE NO. 10-1076) ON SUCH POSITION, AND OTHER MATTERS RELATED TO THE SPECIAL ELECTION TO BE HELD ON SEPTEMBER 18, 2010.

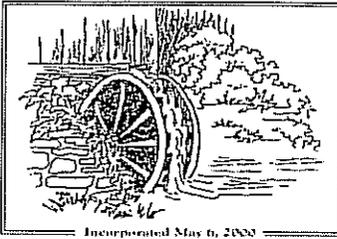
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 12, 2010 at 9:00 p.m.



CARA MCPARTLAND, 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.



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REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
AUGUST 19, 2010 6:00 P.M.

SECOND ADDENDUM TO THE REGULAR AGENDA

1. CONSENT AGENDA

- (B) APPROVAL OF A CONSENSUS APPOINTMENT TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. *(NOMINEES FOR THE POSITION ARE BETH MITCHELL AND RICK BURLESON)*

CERTIFICATION

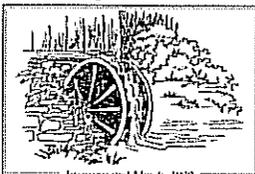
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 16, 2010 at 5:00 p.m.



CARA MCPARTLAND, 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: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: APPROVAL OF AUGUST 5, 2010 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the August 5, 2010 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
August 5, 2010 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Bob Flocke.

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

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

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

Citizens Communications

Jeri Ross made the following statement:

“I’d just like to say that I’m surprised to see Mac McCullough sitting on Council this evening. And, you know, reading the article in the *View*, he seems to be resting on his integrity and caring for the people of Wimberley as the reason that you ceded the lawsuit against you in this election - in the last election. And my feeling is that if you cared about the people of Wimberley, you’d just step down now because you were not duly elected. And until there is another election and you are actually really put into office it doesn’t make sense for you to sit there. And then to run as if you were an incumbent, that’s not right. What happened in this election was not just unethical. There were legal issues and those legal issues didn’t get to be resolved because you ceded the lawsuit and that could be looked at as caring for the people of Wimberley, but it could also be looked at as avoiding the obvious conflict and the possibility of information getting out to the voters about actions that were unethical and possibly illegal. Since the *Wimberley View* wrote all the news so far on this debacle, I think some of the voters are probably still ignorant of what actually took place and I’m hoping I might be able to educate some people here. The lawsuit against you was brought by the people and I’m one of the people. Election law dictates that charges of voter fraud must be addressed in a civil action, plaintiff versus defendant, candidate versus candidate. The court’s not going to accept the People versus McCullough. Although, it seems that it was the people that were defrauded when some voters who did not live in the city voted in the City election. So I’d like to just ask that you forget claiming that you did this to spare the citizens of Wimberley. This . . . what happened in the election was a slap in the face to democracy itself. And our system of government depends on the integrity of elections. And since you were not duly elected, I feel like you should step down. Thank you.”

Mayor Flocke reminded citizens to address the entire Council during Citizens Communications and not individual Council members.

Gail Pigg made the following statement:

“Thank you Mayor and Council. I want to talk about the core values of government ethics. This is just a good summary for everybody to keep in mind, easy to remember bullet points.

- Transparency and impartiality
- Keeping personal interests away from official decision making
- Ensure that your actions are not for sale
- Making sure that government property is used only for the public good
- Ensure fairness in the administration of the government

Ethics applies even when it's inconvenient, even when it might be more expensive or less efficient. It's important . . . it's important to government. And I want to correlate to the re-election as well, and talking to all the Council and the city manager here – in this article it's not appropriate for the position to be used for politics for the political election, the 'by Mac McCullough' and as the councilmember, calling out your place as councilmember - not appropriate - and using the City email - not appropriate. That's in violation of one of the core values of ethics, which is ensuring fairness in the administration of government and making sure that the government property is used only for the public and that's not. So I would like to ask for the city manager and the Council to make sure that that gets retracted and that the voters understand that. It's important to maintain the sanctity of a vote in a democracy and it's not just for inconvenience. That's important, that's important stuff, so thank you very much.”

Dan Sturdivant felt that conditional use permit (CUP) fees are astronomical and asked Council to consider setting up regulations of vacation rentals and bed and breakfasts as two separate entities. He referred to a recent Austin media item relating to the City of Austin's vacation rental regulations. He stated that hearings could be held to allow for public input and suggested imposing license fees as a better alternative, which could eliminate the need for CUP applications.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of July 15, 2010
- B. Approval of the minutes of the special City Council meeting of July 21, 2010
- C. Approval of the June 2010 Financial Statements for the City of Wimberley

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

2. Presentation

Presentation by representative(s) of the City of Wimberley Transportation Advisory Board of a proposed ten (10) year Capital Improvement Program to improve City streets.
(*Transportation Advisory Board*)

This item was heard after Agenda Item 6A.

City Administrator Ferguson presented Transportation Advisory Board's (TAB's) long-term Capital Improvement Program (CIP), including background, methodology for assessment, grading criteria, standards, and ranking. In addition to surfacing, issues such as speed, drainage, street signage, and sight distance were also considered. Grades for specific streets were cited, with City streets receiving an overall grade of C+. Because total costs are estimated at \$2,840,000, TAB recommended extending the plan from five to ten years and projected an approximate allocation of \$270,000 to \$280,000 per year. Given budget constraints, discussion agreed that a ten-year plan is more realistic and Council thanked TAB for its efforts.

3. City Administrator Report

This item was heard after Agenda Item 6H.

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

City Administrator Ferguson reported that presentation of the City's loan application has been delayed by the Texas Water Development Board (TWDB) due to concerns about customer affordability. Meetings addressing those concerns are scheduled with TWDB officials and Council will be updated on future developments.

- Status report on the development of a contract law enforcement plan for the City of Wimberley

City Administrator Ferguson anticipated presentation to Council on August 19, 2010 and noted that a budget amendment will be needed, if a contract is approved.

- Status report on the reconstruction of Las Flores Drive, La Pais Drive and Palos Verdes Drive

City Administrator Ferguson reported on the timeframe for completion of asphalt surfacing, drainage work, "T" intersection construction at Blue Bird/La Pais, and striping.

- Status report on the installation of speed humps on La Buena Vista Drive

City Administrator Ferguson displayed two locations for speed tables that have been identified for placement on La Buena Vista Drive. Discussion addressed reasoning for initial placement, signage, and possible need for additional speed tables at a later date.

- Status report on the development of a proposed extension to the City of Wimberley's solid waste/recycling contract with Texas Disposal Systems

City Administrator Ferguson reported that meetings are ongoing and anticipated presentation to Council on August 19, 2010. He noted discussion of specific issues such as single stream recycling (residential and commercial), mandatory collection, bulk waste curb pick-up, and dumpsters for community collection.

- Status report on the operation of the Blue Hole Regional Park

City Administrator Ferguson reported on season attendance in excess of 10,000 visitors, increased gate receipts, and season pass issuance. Transition to weekend hours will begin as the school year approaches.

- Status report on the implementation of a new process for the posting of City Council meeting agendas and the production of City Council agenda packets

City Administrator Ferguson reported on the modified production schedule and deadlines, which would allow Council and the public one full week to review agenda packets before meetings. He noted that the Planning and Zoning Commission did not elect to change its meeting schedule. Discussion generally favored implementation of the new process.

- Status report on the proposed Fiscal Year 2011 Work Plan and Budget for the Wimberley Wastewater Treatment Plant System serving the Deer Creek Rehabilitation Center

City Administrator Ferguson anticipated presentation to Council at its August 19, 2010, meeting.

4. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Marcilia Anderson to operate a bed and breakfast lodging facility on an approximately 41-acre tract located at 110 Oak Drive, 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. (*Marcilia Anderson, Applicant*)

This item was heard after Consent Agenda Item 1.

City Administrator Ferguson presented staff's report including the subject property's location, current/proposed zoning/uses, acreage, maximum occupancy, number of bedrooms, parking, and septic system. He noted that one nearby business owner expressed concerns over parking, septic capacity, and maximum occupancy. City Administrator Ferguson advised that this case comes to Council without a recommendation from the Planning and Zoning Commission. Planning and Zoning Commissioner Jean Ross was available to answer Council's questions, if needed.

Applicant/property owner Marcilia Anderson stated her plans to renovate the formerly leased building, which she felt will enhance the Square and help support surrounding merchants. Ms. Anderson provided details on her business/educational background and specifics on her business plan, which she felt is in accordance with the highest and best use for the subject property. Ms. Anderson stated that she will be an active daily manager, along with additional professional management services. Detailed explanations were provided on every aspect of the proposed high-end facility, including site plan specifics, building materials/construction that meet and/or exceed Code requirements, Fire Code/ADA compliance, septic system information, and rates. Ms. Anderson stated her objective to be a supportive and cohesive member of the Square. She noted that the number of parking spaces provided is in compliance with City Code.

Ms. Anderson stated that her business model is in keeping with citations from the City of Wimberley's Economic Development Strategy. Her presentation included photos of the furnishings, which are largely purchased and being stored on-site. She noted that building permits have been issued and that work to date has passed inspection. Ms. Anderson presented information on the lounge, business center, and ADA-compliant common restroom. Aspects of each suite were detailed, including furnishings, square footage, and accommodations, with one suite providing ADA-compliant access. Specifics were provided on parking and the wastewater system, which is in compliance with City septic requirements. Ms. Anderson presented a property improvement analysis showing that many improvements exceed standards. She highlighted her professional and educational achievements to allay concerns about her qualifications. Ms. Anderson stated that she will review bed and breakfast regulations with each guest and provide assigned parking in front, with additional rear parking available. Past uses, permitted uses under C-1 zoning, and the proposed conditional use as a bed and breakfast were compared in order to illustrate the amount of environmental impact associated with different types of uses. Ms. Anderson supported approval of her CUP application as beneficial to the subject property and the Square.

Mayor Flocke and Councilmember McCullough recused themselves at this time due to a possible conflict of interest.

Mayor Pro-tem Roccaforte assumed duties as presiding officer.

No public comments were heard.

Discussion between Councilmember Appleman and City Administrator Ferguson established that staff found no significant issues with the application and noted that the applicant was willing to assume a certain amount of risk in proceeding with construction, prior to CUP approval.

Council commended the applicant for her thorough presentation, expressed disappointment regarding Planning and Zoning's lack of a recommendation, and extended best wishes for a successful business that will be of benefit to the Square.

Councilmember Appleman moved to approve the item as presented. Councilmember Thurber seconded. Discussion between City Administrator Ferguson and Councilmember Thurber clarified ordinance exhibits. Motion carried on a vote of 4-0.

Mayor Flocke and Councilmember McCullough rejoined the meeting at this time. Mayor Flocke reassumed duties as presiding officer.

- B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by James and Judy Thompson to operate a bed and breakfast lodging facility on an approximately 1.024 acre tract located at 408 Blue Heron Run, Wimberley, Texas, zoned Single Family Residential 2 (R-2), 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. (*James and Judy Thompson, Applicants*)

This item was heard after Agenda Item 2.

Prior to the Planning and Zoning Commission's hearing on July 22, 2010, the applicants, James and Judy Thompson, withdrew their application. As such, no action is needed by Council.

- C. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Donn and Pamela Lamoureux to operate a bed and breakfast lodging facility on an approximately .50 acre tract located at 444 Blue Heron Run, Wimberley, Texas, zoned Single Family Residential 2 (R-2), 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. (*Donn and Pamela Lamoureux, Applicants*)

Prior to the Planning and Zoning Commission's hearing on July 22, 2010, the applicants, Donn and Pamela Lamoureux, withdrew their application. As such, no action is needed by Council.

- D. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Donn and Pamela Lamoureux to operate a bed and breakfast lodging facility on an approximately .35 acre tract located at 430 Blue Heron Run, Wimberley, Texas, zoned Single Family Residential 2 (R-2), 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. (*Donn and Pamela Lamoureux, Applicants*)

Prior to the Planning and Zoning Commission's hearing on July 22, 2010, the applicants, Donn and Pamela Lamoureux, withdrew their application. As such, no action is needed by Council.

- E. Hold a public hearing and consider approval of the second reading of an ordinance amending Chapter 155 (Zoning) Subsections 155.107(B)(2) and (B)(3) (Planning and Zoning Commission) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the appointment process for Planning and Zoning Commission members; and providing for findings of fact, and effective date; proper notice and meeting, and severability. (*City Administrator*)

City Administrator Ferguson explained the proposed ordinance, which establishes an appointment process where each member of the City Council and Mayor shall nominate one (1) member to the Commission at the first regular meeting in July following their election to office. A seventh member shall be nominated by a consensus of the Council at the first meeting in July following the Mayor's election to office. Each person nominated must be approved by a simple majority vote of the Council before becoming a member of the Commission. Each member's term in office will run concurrent with the term of the City councilmember who made his or her appointment, unless sooner removed or resigned. The term of the consensus member shall run concurrent with the term of the Mayor. The members of the Board shall serve until their successors are appointed. Each Commission member shall be eligible for reappointment.

It was noted that a similar appointment process currently exists for most of the other City boards and commissions and that the proposed ordinance would replace the appointment process that has been in place for several years.

No public comments were heard.

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

5. Ordinances

- A. Consider approval of the first reading of an ordinance of the City of Wimberley, Texas, amending Title III (Administration), Section 35.01 (Fee Schedule) of the Code of Ordinances to amend Subsection (D) (Zoning Schedule of Fees) to add an application fee to amend approved Wimberley Planned Development District (WPDD) zoning ordinances; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. *(City Administrator)*

City Administrator Ferguson explained that currently an applicant is required to pay the same fee for a WPDD amendment, however minor, that is required for an initial WPDD application, which can sometimes exceed \$1,000. In the interest of fairness and affordability, City Administrator Ferguson recommended establishment of a flat \$500 fee for amendments, with the applicant assuming the standard responsibility for paying any pass-through engineering/legal fees. Discussion addressed rationale for the proposed \$500 fee as a reasonable compromise.

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

- B. Consider approval of an ordinance of the City of Wimberley, Texas, ordering a Special Election on September 18, 2010, for the purpose of filling a vacancy on the City Council by electing a City Council member for Place Two of the City of Wimberley City Council; establishing early voting locations and polling places for the election; making other provisions for the conduct of the election; and providing for findings of fact, severability, conflicting provisions, governing law, proper notice and open meeting, and an effective date. *(City Administrator)*

City Administrator Ferguson advised of a recent court order voiding the May 8, 2010 General Election for the office of City Council Place Two and calling for a new election. He reviewed Special Election-related information, including voting/early voting dates/times, polling location, posting/publication, and preclearance procedures.

Councilmember Thurber requested clarification on the language of this agenda item and asked for discussion with legal counsel to be held in Executive Session.

In addition to Councilmember Thurber's requested Executive Session on this agenda item, City Administrator Ferguson recommended including consideration of Agenda Item 7 (Executive Session). It was agreed to discuss both items during Executive Session.

Mayor Flocke adjourned Open Session and convened Executive Session at 8:08 p.m. pursuant to §551.071 of the Government Code for consultation with legal counsel.

Mayor Flocke adjourned Executive Session and reconvened Open Session at 8:18 p.m.

No action was taken in Executive Session.

There was brief discussion of early voting hours.

Councilmember Thurber moved to approve the Agenda Item 5B as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

6. Discussion and Possible Action

- A. Discuss and consider possible action authorizing the County of Hays to resurface that portion of Flite Acres Road located within the Wimberley city limits at no cost to the City of Wimberley. (*City Administrator*)

This item was heard after Agenda Item 4A.

City Administrator Ferguson reviewed the existing interlocal agreement with Hays County and past Council direction on this item. He provided additional background information submitted by Hays County Precinct 3 Commissioner Will Conley relating to surfacing, jurisdiction of portions to be improved, widening, drainage improvements, and striping. No roadway widening is proposed, with only minor drainage work planned in limited areas. The total estimated savings to the City is \$56,129.90. City Administrator Ferguson explained the need for Council approval on the proposed improvements and clarified that no costs would be incurred by the City, should Council authorize the resurfacing.

Commissioner Conley requested Council's consent on the improvements as previously detailed by City Administrator Ferguson. He explained the project's scope, Hays County's "ex-officio" system for roads management, funding mechanisms, budget process, and project prioritization. He stressed that this project, including the portions within Wimberley's city limits, has been identified and budgeted for by Hays County, and requires final authorization by the Commissioners Court before contracts are awarded. Commissioner Conley referred to the existing Hays County/City of Wimberley Interlocal Agreement for Roadway Repair and Maintenance and stated the need for Council's consent. He explained a proposal to be presented to Commissioners Court that would amend references to cities' reimbursements to Hays County for specific costs in all of its interlocal agreements with municipalities.

Discussion among Commissioner Conley, Hays County Transportation Division Director Jerry Borcharding, Council, and City Administrator Ferguson addressed:

- History of repairs/maintenance on Flite Acres Road
- Prioritization of road projects by Hays County
- Long-term, cost-effective road maintenance planning
- Possible City Council/Hays County road improvement workshop
- Clarification on jurisdictions responsible for maintenance on specific portions of Flite Acres Road
- Intent to apply asphalt over preparatory chip-sealing on Flite Acres

Because Commissioner Conley allayed citizen concerns about rumors of possible development on the large O'Quinn estate-owned tract, Beth Mitchell stated her belief that the majority of residents favor the planned improvements.

In response to inquiries by Alice Wightman and an unidentified resident of the Wagon Wheel Subdivision, Mr. Borcharding provided details on previous and planned chip-sealing in order to prepare the road surface for asphalt paving and drainage work.

Relating to recent concerns, Commissioner Conley noted that a few interested parties have expressed the desire to purchase and maintain the O'Quinn estate property in its current state and stressed that no inquiries have been made by foreign developers. Commissioner Conley invited the public to contact him personally to relay any concerns about potential development.

In response to Jim Henderson, Commissioner Conley clarified that the proposed Flite Acres project is to be done entirely at no cost to the City.

Resident Alice Wightman stated that she walks and bikes along Flite Acres and felt that the road is "too dangerous at this point." She reminded of the recent economic meltdown, questioned the need for repaving Flite Acres Road, and felt that taxes would be raised later to pay for other roads that are in more critical need of improvement. She suggested postponement of the project to a later time and stated that repaving would encourage more traffic and speeding.

Resident Cynthia Marion cited problems with speeding vehicles and found the offer to resurface Flite Acres Road disturbing. She asked for clarification on prioritization based on continuity/connectivity, details on acquiring a copy of Hays County's Transportation Master Plan, and CAMPO's role and authority relative to local governments. Commissioner Conley advised that Hays County will be reviewing its Transportation Master Plan in the coming year as part of the regular review/update process. Ms. Marion stated that there does not seem to be a plan for Flite Acres improvements and cited varying accounts of past projects. She felt that Flite Acres is in "pretty good shape," and asked to see the plan and process showing that Flite Acres is an integral part of Hays County's roads system. Ms. Marion was bothered by Commissioner Conley's offer to Council to resurface Flite Acres Road at no charge to the City, which she felt was outside the scope of his authority. She questioned the purpose and intent of existing Hays County interlocal agreements with municipalities and Commissioner Conley's proposed amendment to those interlocal agreements. Ms. Marion closed by questioning what it means to take something for free and what the "payback" is for the City.

Gail Pigg of 2212 & 2214 Flite Acres spoke in support of the resurfacing project. As a taxpayer, she appreciated Hays County's maintenance of its assets in a continuous, planned manner to avoid degradation of the subgrade and costly reconstruction later. In response to Mayor Flocke, Mrs. Pigg replied that she is a civil engineer.

Jim Henderson spoke favorably of Hays County Commissioner Conley and Director Borcharding and felt that resurfacing at no cost to the City is a good deal that will extend the life of Flite Acres for 15-20 years. He directed Council's attention to an informal survey of Flite Acres residents, which reflected that a majority favored asphalt resurfacing. He stated that Commissioner Conley will consider the desires of the neighborhood regarding striping. *Survey*

results are attached to these minutes. Mr. Henderson thought that the project is a great opportunity for both Wimberley and the Flite Acres community.

Council generally favored authorization of the resurfacing project at no cost to the City. Councilmember Thurber expressed concerns regarding the allocation of funds for Flite Acres Road, rather than other roads in greater need of repair. Commissioner Conley welcomed road improvement requests from Wimberley citizens and noted that some roads are entirely within the City of Wimberley's jurisdiction. He explained the intent of interlocal agreements to provide relief in the form of labor and equipment to cities such as Wimberley that are trying to maintain streets on limited budgets. Commissioner Conley stated that an unacceptable "checkered" road system would result if only county-owned portions of roads were maintained, because some cities could not bear the costs of materials under current interlocal agreement terms.

Councilmember Thurber appreciated Commissioner Conley's concerns, but stated his duty to watch budgets affecting those who live in Wimberley, and felt that this project is not the best use of taxpayer money. Discussion between Councilmember Thurber and Commissioner Conley addressed deviation from the existing interlocal agreement and options on how to proceed with authorization, including addition of a possible contingency requiring Commissioners Court approval of Commissioner Conley's proposed interlocal agreement amendment. Mayor Flocke pointed out that inclusion of a contingency relating to an interlocal agreement amendment may go beyond the scope of the agenda item as listed.

Councilmember McCullough moved to approve the item as presented, contingent upon Commissioners Court approval of Commissioner Conley's proposed interlocal agreement amendment. Councilmember Roccaforte seconded.

City Administrator Ferguson cautioned against inclusion of the contingency, which involves Commissioners Court approval of an amendment that has not been formally presented to Council and is not part of tonight's agenda item language. He reminded that Council's action is limited to authorization of the Flite Acres resurfacing project at no cost to the City, which varies from the existing interlocal agreement that requires the City to pay for materials. Because there is a deviation from the interlocal agreement's terms relating to reimbursement of materials costs, City Administrator Ferguson stated that the motion may include language requiring concurrence by the Commissioners Court that the project proceed at no cost to the City.

Councilmember McCullough amended his motion to approve the item as presented. Councilmember Roccaforte seconded. Councilmember Thurber offered a friendly amendment to the motion, which would require Commissioners Court approval of deviation from the existing interlocal agreement. Councilmember McCullough accepted Councilmember Thurber's friendly amendment to the motion. Councilmember Roccaforte seconded.

Mayor Flocke called for a vote as follows: Councilmember Roccaforte, aye; Councilmember McCullough, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 5-0.

Mayor Flocke called a brief recess at 7:40 p.m.

Mayor Flocke reconvened the meeting at 7:47 p.m.

- B. Discuss and consider possible action on a request from the Citizens Alliance for Responsible Development (CARD) for the City of Wimberley to be a co-host of *Eco Fest 2010* on October 16, 2010. (*Jim McMeans, CARD*)

This item was heard after Agenda Item 5B.

Jim McMeans provided details on last year's successful event, anticipated higher attendance this year, and requested support in the way of publicity, which will incur no costs to the City. Mr. McMeans noted that this event is free to the public. Councilmember Thurber spoke favorably of *Eco Fest 2009*. City Administrator Ferguson offered that Texas Disposal Systems expressed interest in participating as an exhibitor to support recycling programs.

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

- C. Discuss and consider possible action on 2010 priorities for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson reviewed the priorities list (*attached to these minutes*) in accordance with Council's workshop discussion held on July 21, 2010.

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

- D. Discuss and consider possible action on issues relating to the development of the Fiscal Year 2011 Operating budget for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson presented the FY 2011 Preliminary Budget, or "staff needs" budget, which is not balanced and designed to serve mainly as a starting point for upcoming budget discussions and preparations (*attached to these minutes*).

Discussion included expenditures related to law enforcement, Community Center operations, public safety, technology/computer, various park improvements, records storage space, dead animal incinerator, specialty projects, sidewalks, additional restroom(s), and parking lot development.

Wimberley Merchants Association member Cecilia Yates highlighted her family's background and expressed concerns related to downtown street lights at specific locations. She stated public parking and additional restroom facilities as pressing needs identified by the Merchants Association. Certain problems with sidewalks and directional signage were cited and discussed. City Administrator Ferguson advised that downtown striping is anticipated in the near-term as part of the TxDOT Ranch Road 12 project.

Dorothea Dare stated that the most dangerous block in Wimberley is the stretch of River Road from Ranch Road 12 to Lange Road, which has very heavy vehicle/pedestrian traffic. She hoped that Council will consider safety improvements in the budget process and noted that approximately fifty (50) signatures have been collected in support of safety improvements.

Discussion addressed the need for sidewalks and more lighting and included various suggestions for safety improvements.

Ron Freeman spoke of his professional background as a Certified Public Accountant and felt that more discussion should be devoted to the revenue side of the operating budget. He recommended the possible formation of a committee with the expertise to develop a long-term operating budget as part of the overall budget process.

City Administrator Ferguson advised that the Mayor's budget will contain fine-tuned revenue estimates, revenue sources, and alternate funding sources. Discussion addressed the decision-making process, public communications relating to budget development/approval, inclusion of a budget committee in next year's process, and alternate revenue sources.

Cecilia Yates noted that a proactive communications program was identified as a "critical-moderate" priority and felt that the community has been divided by what she characterized as "internal combustion." She spoke of the need for better communication and cooperation among merchants, community members, and government to focus efforts toward raising funds through grants, rather than taxes.

Referring to prior comments by Councilmember Appleman and Councilmember McCullough respectively, Mayor Flocke suggested that Council's next agenda allow for discussion of a future budget committee, with careful scheduling of budget item(s) to maximize opportunity for public input. It was agreed to begin Council's regular meeting on August 19, 2010 at 6:00 p.m., then start the budget workshop at 7:00 p.m., with any remaining regular agenda items to be considered after the workshop, if needed.

Ron Freeman acknowledged that it is late in the current budget development process, but stressed that better planning could be achieved during the next budget cycle by utilizing the financial expertise and experience of a budget committee.

- E. Discuss and consider possible action on a proposed Election Services Agreement with the Hays County Elections Division to conduct a Special Election for the City of Wimberley on September 18, 2010. *(City Administrator)*

City Administrator Ferguson explained specific terms of the agreement, including the City's responsibility for costs totaling approximately \$3,000.

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

- F. Discuss and consider possible action on a change order to the City of Wimberley's road construction contract with Chad Springs Construction in an amount not to exceed \$11,325.14 for the installation of a cul-de-sac on Las Flores Drive. *(City Administrator)*

City Administrator Ferguson directed Council's attention to a revised change order in the amount of \$7,232.59, which represents the scope of work relating to the development of a recently approved cul-de-sac at the end of Las Flores Drive. Lower barricade costs account for the revised amount.

Councilmember Thurber moved to approve a change order to the City of Wimberley's road construction contract with Chad Springs Construction in the amount of \$7,232.59. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

- G. Discuss and consider possible action on a change order to the City of Wimberley's road construction contract with Chad Springs Construction in the amount of \$6,601.56 for additional base material and water associated with the reconstruction of Las Flores Drive, La Pais Drive, and Palos Verdes Drive. *(City Administrator)*

City Administrator Ferguson explained the need for this revision and discussion clarified specific budget figures.

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

- H. Discuss and consider possible action on a proposed speed hump policy for the City of Wimberley, Texas. *(City Administrator)*

Councilmember Thurber moved to continue this item until Council's next regular meeting on August 19, 2010. Councilmember White seconded. Motion carried on a vote of 5-0.

7. **Executive Session**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session. After the executive session discussion on any of the following items, any final action or vote taken will be in public:

Consultation with attorney regarding pending litigation in Cause No. 08-1984, Cyndi Brown, individually vs. City of Wimberley, Tom Haley, individually and Don Ferguson, individually in the 428th District Court of Hays County, Texas and the United States District Court for the Western District of Texas

See Agenda Item 5B.

8. **City Council Reports**

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Roccaforte requested discussion and consideration of formation of a budget committee.

Mayor Flocke asked that Council submit consensus nominees for the Planning and Zoning Commission by the end of Monday, August 9.

Hearing no further announcements or future agenda item requests, Mayor Flocke called the meeting adjourned at 9:30 p.m.

Adjournment: Council meeting adjourned at 9:30 p.m.

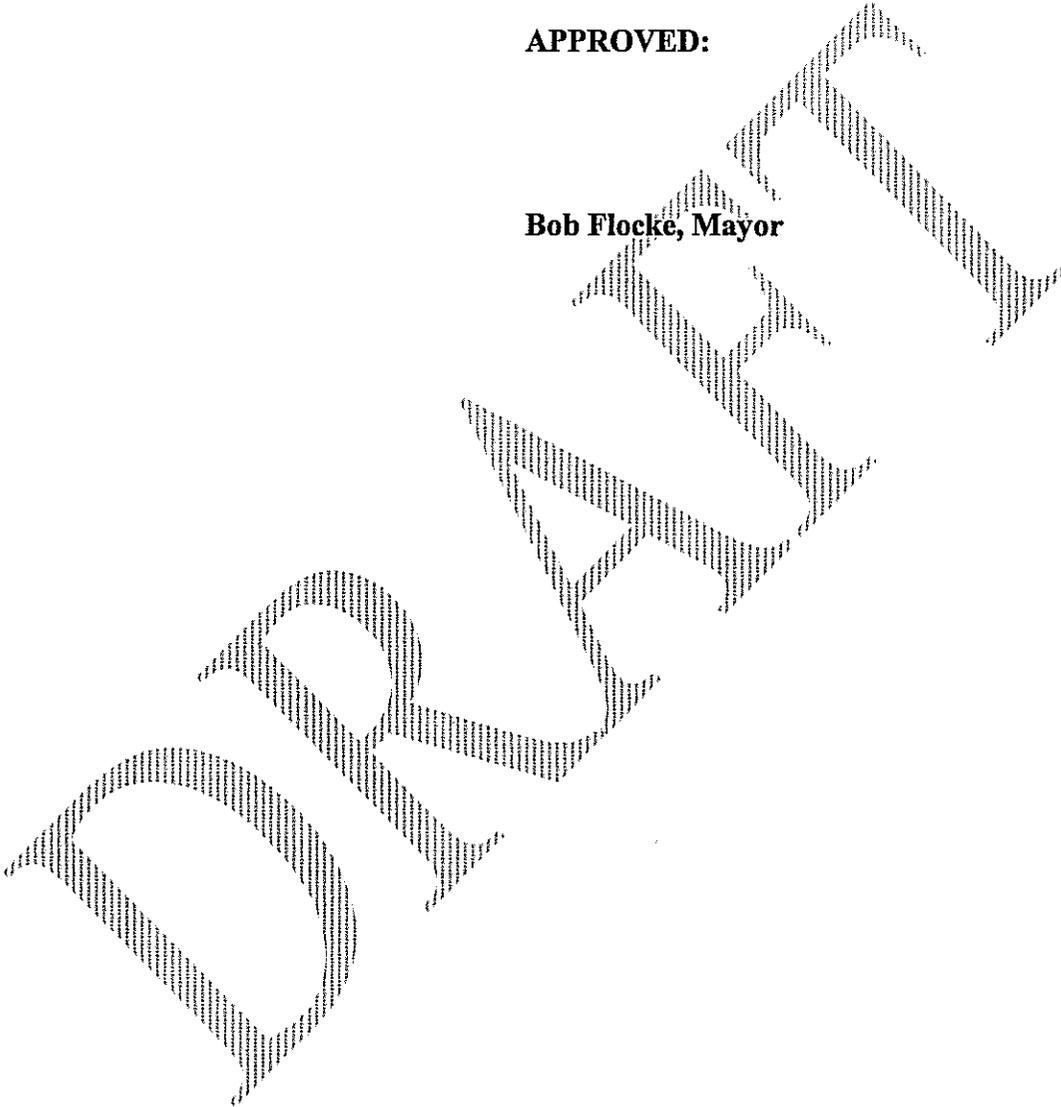
Recorded by:

Cara McPartland

These minutes approved on the ____ of August, 2010.

APPROVED:

Bob Flocke, Mayor



Resurfacing Flite Acres Road

Hays County is considering resurfacing Flite Acres Road from FM 3237 to the University Camp cul-de-sac with asphalt. The plan does not include the expansion of the right of way or a widening of the road way surface. In some locations drainage will be improved within the existing right of way. The plan also includes the striping of the road when complete; however Commissioner Conley has stated that he will consider the desires of the neighborhood regarding striping. Residents who use Flite Acres Road to access their properties may indicate below their preference regarding this proposed road improvement project.

Name	Address	Asphalt Yes/no	Striping yes/no
LYNNE ROCKE	2200 FLITE ACRES	NO	NO
ZAN SLENTZ	2200 FLITE ACRES	NO	YES

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Name	Address	Asphalt Yes/no	Striping yes/no
R. W. [unclear]	803 Little Ranches Rd.	yes	no
V. Morris Henderson	803 Little Ranch Rd	yes	yes
Cindy Taylor	1150 Little Ranches Rd	Yes	No
Wade Wilson	111 Little Ranches	YES	YES
Don Kuhn	2916 Flite Acres Rd	yes	NO
Lemette Kuhn	2916 Flite Acres Rd	yes	NO
[unclear]	306 Summit Loop	YES	YES
[unclear]	306 Summit Loop	yes	yes

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Name	Address	Asphalt	Striping
GENE R. WARD	1844 FLITE ACRES RD WIMBERLEY TEXAS 78676	<input checked="" type="radio"/> Yes/ <input type="radio"/> no	<input checked="" type="radio"/> yes/ <input type="radio"/> no
G. Ward	1844 FLITE ACRES RD WIMBERLEY TEX 78676	YES	YES
Dale Duggan	3206 Flite Acres Rd. Wimberley, Tx 78676	yes	yes
Dale Duggan	3206 Flite Acres Wimberley TX	yes	yes
Wayne K...	710 Flite Acres Rd Wimberley TX	yes	yes
Mary Kochenderfer	710 Flite Acres Rd Wimberley, Tx	yes	yes

Resurfacing Flite Acres Road

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Name	Address	Asphalt Yes/no	Striping yes/no
LEITH + MARY BETH BARDIN	1846 FLITE ACRES	YES	YES

Resurfacing Flite Acres Road

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Name	Address	Asphalt Yes/no	Striping yes/no
Charles Lancaster	1650 Flite Acres Rd	Yes	Yes
Mildred Lancaster	1650 Flite Acres Rd	Yes	No
Robert Tarver	1600 Flite Acres	Yes	Yes

TED Covington

847-2124

Resurfacing Flite Acres Road

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Name	Address	Asphalt Yes/no	Striping yes/no
PC Misty Toomey	1818 Flite Acres	No	No

Resurfacing Flite Acres Road

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Name	Address	Asphalt Yes/no	Striping yes/no
EBA Felscher	211 Rim Rd	yes	yes - in dips only
E Felscher	211 Rim Rd	yes	OK
MARY GOODWIN	1916 Flite Acres Rd	yes	in the dips for safety on
Stephen Goodwin	1916 Flite Acres Rd	Yes	Yes
Dan Richards	1920 Flite Acres Rd	yes	Yes.
Donna Richards	1920 Flite Acres	yes	yes
Betty Dunlap	2100 Flite Acres	yes	yes

CITY OF WIMBERLEY PRIORITIES
(PER WORKSHOP 7.21.10)

Critical Priority

1. Explore and secure additional water supplies for the City of Wimberley, including the possible surface water development.
2. Adopt water quality rules and regulations for the City of Wimberley
3. Develop and implement a street improvement program including curbs
4. Provide wastewater service to the downtown area (short term)
5. Provide citywide wastewater service (long term)
6. Complete the recodification of the City of Wimberley Code of Ordinances.
7. Rewrite the City Sign Ordinance

Critical Moderate Priority

1. Develop and implement a proactive community communication program
 - Revise City Web Site
 - Conduct Regular Public Forums
 - Establish City Newsletter
 - Establish Emergency Communication System
2. Develop and implement drainage improvement plan

Moderate Priority

1. Develop and implement City of Wimberley Ad Valorem Tax
2. Develop and implement downtown sidewalk development program
3. Review and adjust permit fees including but not limited to those relating to Conditional Use Permits for Bed and Breakfasts
4. Develop and implement way-finding signage program
5. Install directional signage for bypass

Low Priority

1. Explore possible consolidation of the City of Wimberley and City of Woodcreek

On Going Priority

1. Review the need for City of Wimberley Standing Committees
2. Develop and implement City Volunteer Recognition Program

3. Establish better relations with other governmental bodies
4. Establish better Council communication with City Boards and Commissions
5. Reduce traffic congestion relating to school and Market Days
6. Improve traffic flow and safety in entry corridors to the City

ELEMENTS OF THE VISION
OF THE CITY OF WIMBRLEY
(*PER WORKSHOP 7.21.10*)

Two Year Vision

- Wastewater Service in Downtown Wimberley
- All Streets With Condition Grade Above C-
- City-Operated Law Enforcement Program
- Enhanced Off-Street Parking in Downtown Wimberley
- Citywide Way Finding Signage Program Implemented
- Regular Public Opinion Surveys Being Conducted
- Business Retention Partnership Program Implemented
- Architectural Standards Adopted
- Alternate Funding Sources for City Operations Explored And In Place

Five Year Vision

- Enhanced Traffic Control in Downtown Wimberley
- Enhanced Pedestrian Safety Citywide
- Community Radio Station in Operation
- On-Going Economic Development Initiatives In Place
- Historic Preservation District Created
- Boundary Protection Program In Place

Ten Year Vision

- All Utilities In Downtown Wimberley Are Buried Underground

Memo

To: Mayor Flocke & Members of City Council
From: Don Ferguson, City Administrator
CC: File
Date: July 29, 2010
Re: FY 2011 Preliminary Budget

Attached is the *Preliminary FY 2011 City of Wimberley Budget* for your review. In addition to including essential operating costs for the City, the spending plan includes funding for a wide range of short and long term needs identified by City staff.

Please note the *Preliminary Budget* is not balanced and is designed to serve mainly as a starting point for the upcoming discussions and preparation of the City budget for the coming year.

This *Preliminary Budget* includes a proposed manpower increase of seven (7) full-time positions. The proposed new positions are one (1) Assistant City Administrator, one (1) full-time City Marshal, one (1) full-time Deputy City Marshal, one (1) full-time Municipal Court Clerk, one (1) full-time public works laborer, one (1) full-time Community Center Director and one (1) full-time Community Center Facility Laborer. In addition to the above mentioned additional personnel, the proposed spending plan includes funding for a four (4) percent pay adjustment for all current employees, with the exception of the City Administrator.

New expenditures are proposed in the area of public safety to fund the reinstatement of the City Marshal's Office which was eliminated in Fiscal Year 2010. In addition, funding has been set aside for computer system security and a computer data back up plan along with the implementation of a telephone notification system to help keep citizens informed on city issues and emergency matters. Funding is also included to allow wireless access for the City Marshal's in-car computer.

The *Preliminary Budget* includes funding for various park improvements including but not limited to the purchase of holiday decorations, new landscaping material for the Cypress Creek Nature Trail Park Playground and the improvements included in the initial phase of the development plan for the so-called "Y" Park.

Capital expenditures include the lease purchase of a one (1) patrol car for the City Marshal's Office, one (1) pick up truck for the Public Works Division, four (4) traffic counters, construction of a records room at the new City Hall, and acquisition of a dead animal incinerator. In addition, funding has been included for construction of sidewalks in Downtown Wimberley and partial funding for an additional public restroom facility on the Square, in a cooperative effort proposed with the downtown merchants association.

The *Preliminary Budget* includes funding for the following three (3) specialty projects – eight (8) downtown street lights, a Fourth of July Fireworks Display and solar powered traffic control signage to slow traffic and enhance pedestrian safety. Regarding the fireworks, city staff is proposing a minimum contribution of \$2,500 with the remaining funds for the display being raised in a fund raised in a separate fund raising effort not coordinated by the City.

Significant funding is set aside in the *Preliminary Budget* for public works improvements. Specifically, \$2.8 million has been budgeted for street improvements citywide. In addition, funding is allocated for the clean out of various low water crossing culverts along with assorted shoulder, ditch and culvert repairs. Also, funding has been set aside for the development of a public parking lot on Oak Drive.

In the area of contracted services, I am proposing a minimal expenditure for the completion of a survey of the City limits – a task that was started late in Fiscal Year 2010. Also, I have included funding for the resolution of property ownership issues on the Square.

In the area of records management, funding is allocated for the re-codification of the *City of Wimberley Code of Ordinances*.

On the revenue front, the *Preliminary Budget* includes what I believe to be some rather conservative revenue estimates. Please note that these estimates do not include any increases in permit fees, or additional revenue sources that may be developed in the upcoming budget process. I felt suggesting certain revenue increases would be premature until City Council has had an opportunity to talk in more detail about a spending plan for the coming year.

Fund balance projections, as well as preliminary budget information on the handful of small special revenue funds maintained by the City, will be presented in the coming weeks.

In conclusion, I look forward to the upcoming budget process and look forward to working with you in the development of a spending plan to better serve our citizens in the interest of public health, safety and welfare.

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED STAFF NEEDS BUDGET
FY 2011

REVENUES

	APPROVED 09 BUDGET	AMENDED 09 BUDGET	APPROVED 10 BUDGET	NEEDS 11 BUDGET	Difference
Sales & Use Tax	\$ 476,400.00	\$ 539,302.00	\$ 522,300.00	\$ 525,000.00	\$ 2,700.00
Mixed Beverage Tax	7,500.00	5,500.00	10,000.00	10,000.00	-
Interest Income	18,000.00	11,500.00	12,000.00	5,000.00	\$ (7,000.00)
Misc. Income	5,000.00	27,708.00	12,500.00	12,500.00	-
Building Permits	22,000.00	13,000.00	15,000.00	16,500.00	\$ 1,500.00
Building Inspections	29,000.00	19,000.00	17,500.00	17,500.00	-
Fire Inspections	-	-	5,000.00	5,000.00	-
Plan Reviews	18,000.00	14,000.00	15,000.00	15,000.00	-
Beer & Wine Permits	-	175.00	3,000.00	3,000.00	-
Sign Permits	7,000.00	2,500.00	3,500.00	2,500.00	\$ (1,000.00)
Zoning	15,000.00	7,500.00	10,000.00	10,000.00	-
Copies/Maps/Misc.	500.00	4,500.00	7,500.00	4,500.00	\$ (3,000.00)
Municipal Court/Costs Fines	43,600.00	8,000.00	5,000.00	30,000.00	\$ 25,000.00
Franchise Fees	180,000.00	205,000.00	230,000.00	235,000.00	\$ 5,000.00
Health Fees	15,000.00	-	17,500.00	15,000.00	\$ (2,500.00)
Grant Revenue	-	-	-	-	-
Parking Lot Revenue	-	-	1,200.00	1,200.00	-
Community Center Rental Fees	-	-	45,000.00	55,000.00	\$ 10,000.00
TOTAL REVENUES	892,000.00	859,185.00	932,500.00	963,200.00	30,700.00

EXPENDITURES

	APPROVED 09 BUDGET	AMENDED 09 BUDGET	APPROVED 10 BUDGET	NEEDS 11 BUDGET	Difference
ADMINISTRATION EXPENDITURES	95,000.00	95,000.00	95,000.00	95,000.00	-
City Administrator	37,000.00	37,000.00	-	45,000.00	\$ 45,000.00
Assistant City Administrator	29,204.00	29,204.00	29,204.00	38,480.00	\$ 1,480.00
City Secretary	4,000.00	-	5,000.00	30,073.00	\$ 859.00
Receptionist/Clerk	-	-	-	5,000.00	-
Fire Marshal (Contract Labor)	-	-	-	-	-
Intern	-	-	-	-	-
Payroll Taxes	13,341.00	13,420.00	12,770.00	16,998.00	\$ 4,228.00
TMRS	8,593.00	4,900.00	5,336.00	6,903.00	\$ 1,567.00
Health Benefits	13,500.00	8,394.00	8,544.00	10,944.00	\$ 2,400.00
Total Personnel	200,638.00	187,918.00	192,854.00	248,398.00	55,544.00

Operating

Dues (TMA & City Mgr Assoc.)	4,000.00	4,000.00	3,000.00	3,000.00	-
Public Notices	4,500.00	4,500.00	4,500.00	4,500.00	-
Printing	500.00	1,100.00	500.00	500.00	-
Telephone	5,700.00	6,250.00	5,187.00	6,240.00	\$ 1,053.00
Restricted for Management's Use Only					

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED STAFF NEEDS BUDGET
FY 2011

	APPROVED	AMENDED	APPROVED	NEEDS	
Copies	750.00	2,500.00	750.00	750.00	\$ -
Rent	55,000.00	52,000.00	55,000.00	6,300.00	\$ (48,700.00)
Cleaning	5,200.00	5,200.00	5,200.00	5,200.00	\$ -
Office Supplies	5,000.00	4,000.00	4,000.00	4,000.00	\$ -
Utilities	5,500.00	7,000.00	6,000.00	9,372.00	\$ 3,372.00
Equipment Leases	4,200.00	5,100.00	4,600.00	5,646.00	\$ 1,046.00
Water Cooler	540.00	640.00	650.00	650.00	\$ -
Postage	5,000.00	2,500.00	2,500.00	2,500.00	\$ -
Insurance	15,000.00	15,000.00	13,750.00	15,000.00	\$ 1,250.00
Records Management	7,500.00	5,000.00	2,500.00	6,708.00	\$ 4,208.00
Office Technology	650.00	650.00	4,200.00	8,465.00	\$ 4,265.00
Security Expense	800.00	800.00	800.00	1,000.00	\$ 200.00
Technology Consultant	535.00	535.00	3,350.00	750.00	\$ (2,600.00)
Pay Comparability Adjustment	1,000.00	1,000.00	1,000.00	1,000.00	\$ -
Capital Outlay - Furnishings	400.00	400.00	500.00	4,461.00	\$ 3,961.00
Capital Outlay - Technology	6,300.00	2,000.00	2,000.00	1,390.00	\$ (610.00)
Capital Outlay - Other	-	52,500.00	-	95,000.00	\$ 95,000.00
Mileage	750.00	750.00	500.00	500.00	\$ -
Training-Travel	2,000.00	2,000.00	1,500.00	1,500.00	\$ -
Contract Labor	-	3,900.00	-	-	\$ -
Repairs & Maintenance	-	-	-	-	\$ -
Signs/Zoning	-	-	-	-	\$ -
<u>Total Operating</u>	<u>130,825.00</u>	<u>179,325.00</u>	<u>121,987.00</u>	<u>184,432.00</u>	<u>\$ 62,445.00</u>
TOTAL ADMINISTRATION EXPENDITURES	331,463.00	367,243.00	314,841.00	432,830.00	\$ 117,989.00
LEGAL EXPENDITUR					
Legal					
Operating Transfer-Out	55,000.00	53,000.00	55,000.00	62,500.00	\$ 7,500.00
TOTAL LEGAL	55,000.00	53,000.00	55,000.00	62,500.00	\$ 7,500.00
COUNCIL-BOARD EX Association Dues	1,000.00	1,000.00	-	-	\$ -
Training	1,500.00	2,500.00	1,000.00	1,000.00	\$ -
Town Hall Meetings	-	-	-	-	\$ -
Election	2,500.00	3,200.00	3,200.00	3,500.00	\$ 300.00
Financial Management Services	12,000.00	12,000.00	12,000.00	12,000.00	\$ -
Audit	10,000.00	13,000.00	13,500.00	13,500.00	\$ -
Public Satisfaction Survey	-	-	2,500.00	2,500.00	\$ -
Planning	-	5,000.00	-	-	\$ -
Recording Secretary	-	-	-	-	\$ -
Economic Development	-	-	-	5,000.00	\$ 5,000.00
Public Relations/Receptions	3,000.00	4,000.00	4,500.00	3,750.00	\$ (750.00)
Public Information	2,500.00	-	-	25,000.00	\$ 25,000.00

Restricted for Management's Use Only

CITY OF WIMBERLEY
 GENERAL FUND
 PROPOSED STAFF NEEDS BUDGET
 FY 2011

	APPROVED	AMENDED	APPROVED	NEEDS		
Visitor Center Support	-	-	-	-	\$	-
Fitness Council Expenditures	-	6,500.00	5,000.00	5,000.00	\$	-
TOTAL COUNCIL -BOARD EXPENDITURES	32,500.00	47,200.00	41,700.00	71,250.00	\$	29,550.00
DEVELOPMENT EXPI Contract Inspector	22,000.00	30,000.00	17,500.00	17,500.00	\$	-
Site Plan Reviews	18,000.00	18,000.00	15,000.00	15,000.00	\$	-
Building Code Books	-	-	-	-	\$	-

	APPROVED	AMENDED	APPROVED	NEEDS		
TOTAL BUILDING DEPARTMENT EXPENDITURES	40,000.00	48,000.00	32,500.00	32,500.00	\$	-
PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES	-	-	-	-	\$	-

	APPROVED	AMENDED	APPROVED	NEEDS		
<u>Public Works</u>	-	-	-	-	\$	-
Salaries-Planning Director	28,121.00	28,121.00	28,121.00	29,246.00	\$	1,125.00
Salaries-Code Enforcement & Permitting	-	-	-	-	\$	-
Salaries-Assst to Planning Director	32,240.00	32,240.00	32,240.00	33,530.00	\$	1,290.00
Salaries-GIS/Permitting Clerk	4,922.00	4,890.00	4,708.00	25,000.00	\$	25,000.00
Salaries-Public Works Laborer	-	1,850.00	1,998.00	7,154.00	\$	2,446.00
Payroll Taxes	9,000.00	4,800.00	4,800.00	2,906.00	\$	908.00
TMRS - Public Works	74,283.00	71,901.00	71,867.00	7,200.00	\$	2,400.00
Health Benefits	-	-	-	-	\$	-
Total Personnel	250.00	-	250.00	105,036.00	\$	33,169.00
Mileage	1,000.00	-	500.00	250.00	\$	-
Training	-	-	-	600.00	\$	-
Certificates	-	50.00	-	-	\$	-
Supplies - Public Works	-	250.00	500.00	815.00	\$	315.00
Fuel	2,000.00	1,000.00	2,000.00	3,975.00	\$	1,975.00
Tools	750.00	750.00	500.00	8,118.00	\$	7,618.00
Capital Outlay - Vehicles	-	-	-	16,000.00	\$	16,000.00
Capital Outlay - Equipment	-	-	-	41,000.00	\$	41,000.00
Vehicle Maintenance	1,000.00	500.00	500.00	500.00	\$	-
Total Operating	5,000.00	2,550.00	4,250.00	71,158.00	\$	66,908.00
Total Public Works	79,283.00	74,451.00	76,117.00	176,194.00	\$	100,077.00

	APPROVED	AMENDED	APPROVED	NEEDS		
<u>Roads</u>	-	-	-	-	\$	-
Road Maintenance	75,000.00	75,000.00	85,000.00	108,379.00	\$	-
Transfer to Road Maintenance Reserve	20,000.00	44,355.00	20,000.00	20,000.00	\$	23,379.00
Capital Outlay Roads	40,000.00	21,000.00	250,000.00	3,446,419.00	\$	-
					\$	3,196,419.00

Restricted for Management's Use Only

CITY OF WIMBERLEY
 GENERAL FUND
 PROPOSED STAFF NEEDS BUDGET
 FY 2011

	APPROVED	AMENDED	APPROVED	NEEDS	
Capital Outlay-Sidewalks	-	-	25,000.00	145,836.00	\$ 120,836.00
Road Engineering	7,000.00	10,000.00	6,000.00	310,000.00	\$ 304,000.00
Road Insurance	-	-	-	-	\$ -
Mowing/Tree Trimming	12,600.00	8,500.00	10,500.00	18,372.00	\$ 7,872.00
Signs/Barricades	5,000.00	6,028.00	3,500.00	16,260.00	\$ 12,760.00
Parking Lot Lease	1,200.00	1,200.00	1,200.00	1,200.00	\$ -
Master Planning Traffic Studies	-	-	-	-	\$ -
Survey Services	-	-	-	-	\$ -
Contract Labor	5,000.00	5,000.00	50,000.00	25,000.00	\$ (25,000.00)
Ranch Road 12 Millgation	-	-	-	1,500.00	\$ 1,500.00
Total Roads	166,700.00	171,083.00	451,200.00	4,092,960.00	\$ 3,641,760.00
<u>Water/Wastewater</u>					
Water Quality Testing	5,000.00	1,500.00	1,500.00	1,500.00	\$ -
Wastewater System Start-up	-	-	-	-	\$ -
Map Services	-	-	-	-	\$ -
Water/Wastewater Purchases	-	-	-	-	\$ -
Capital Outlay	-	-	-	-	\$ -
Public Restroom Wastewater	7,500.00	4,500.00	6,000.00	10,000.00	\$ 10,000.00
Total Water/Wastewater	12,500.00	6,000.00	7,500.00	17,500.00	\$ 10,000.00
TOTAL PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES	257,483.00	251,534.00	534,817.00	4,286,654.00	\$ 3,751,837.00
PUBLIC SAFETY/COURTS EXPENDITURES					
<u>Personnel</u>					
Salaries - City Marshal	37,960.00	37,960.00	-	40,000.00	\$ 40,000.00
Deputy City Marshal	-	-	-	32,500.00	\$ 32,500.00
Municipal Court Clerk	-	-	-	30,000.00	\$ 30,000.00
Payroll Taxes	3,094.00	2,910.00	-	8,354.00	\$ 8,354.00
TWRS City Contribution	-	1,138.00	-	3,393.00	\$ 3,393.00
Health Benefits	4,500.00	2,500.00	-	7,200.00	\$ 7,200.00
<u>Total Personnel</u>	<u>45,554.00</u>	<u>44,508.00</u>	<u>-</u>	<u>121,447.00</u>	<u>\$ 121,447.00</u>
<u>Operating</u>					
Municipal Court Judges	10,000.00	6,500.00	1,200.00	6,000.00	\$ 4,800.00
City Prosecutor	10,000.00	6,000.00	2,610.00	7,500.00	\$ 4,890.00
Emergency Plan	1,000.00	1,000.00	-	-	\$ -
Training	4,500.00	2,000.00	2,500.00	4,500.00	\$ 2,000.00
Animal Control	6,000.00	6,000.00	6,000.00	6,000.00	\$ -
Fuel	6,000.00	3,000.00	-	10,000.00	\$ 10,000.00
Supplies	-	1,500.00	-	3,550.00	\$ 3,550.00
Vehicle Maintenance	-	200.00	-	1,000.00	\$ 1,000.00
Capital Outlay - Vehicles	-	8,000.00	12,552.00	7,000.00	\$ (5,552.00)

Restricted for Management's Use Only

CITY OF WIMBERLEY
 GENERAL FUND
 PROPOSED STAFF NEEDS BUDGET
 FY 2011

	APPROVED	AMENDED	APPROVED	NEEDS	
Capital Outlay - Equipment	12,500.00	-	-	5,000.00	\$ 5,000.00
Capital Outlay - Technology	12,500.00	6,500.00	-	6,500.00	\$ 6,500.00
Sanitarian (Contract Labor)	12,500.00	-	15,000.00	15,000.00	\$ 15,000.00
<u>Total Operating</u>	<u>75,000.00</u>	<u>40,700.00</u>	<u>39,862.00</u>	<u>72,050.00</u>	\$ 72,050.00
TOTAL PUBLIC SAFETY/COURTS EXPENDITURES	120,554.00	85,208.00	39,862.00	193,497.00	\$ 153,635.00

PARKS & RECREATION
 EXPENDITURES

	APPROVED	AMENDED	APPROVED	NEEDS	
Assistant to City Admin	-	-	-	-	\$ -
Health Benefits	-	-	-	-	\$ -
Payroll Taxes	-	-	-	-	\$ -
<u>Total Personnel</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	\$ -

Operating

Mileage	-	-	-	-	\$ -
Public Information	-	-	-	-	\$ -
Parks Research & Development	-	1,000.00	500.00	55,000.00	\$ 54,500.00
Trails Master Plan	-	-	-	-	\$ -
Nature Trail Operations	15,000.00	-	-	-	\$ 1,000.00
<u>Total Operating</u>	<u>15,000.00</u>	<u>5,000.00</u>	<u>5,500.00</u>	<u>61,000.00</u>	\$ 55,500.00
TOTAL PARKS & RECREATION EXPENDITURES	15,000.00	5,000.00	5,500.00	61,000.00	\$ 55,500.00

COMMUNITY CENTER
 EXPENDITURES

	APPROVED	AMENDED	APPROVED	NEEDS	
Salaries-Director	18,231.00	18,231.00	18,231.00	37,500.00	\$ 19,269.00
Salaries-Facilities Manager	35,182.00	35,182.00	35,182.00	36,589.00	\$ 1,407.00
Salaries-Laborer	25,000.00	25,000.00	25,000.00	25,000.00	\$ -
Payroll Taxes	4,177.00	4,177.00	4,177.00	8,076.00	\$ 3,899.00
TMRS	1,165.00	1,165.00	1,165.00	3,279.00	\$ 2,114.00
Health Benefits	2,400.00	2,400.00	2,400.00	7,200.00	\$ 4,800.00
Contract Labor	750.00	750.00	750.00	750.00	\$ -
<u>Total Personnel</u>	<u>61,905.00</u>	<u>61,905.00</u>	<u>61,905.00</u>	<u>118,394.00</u>	\$ 56,489.00

Operating

Maintenance & Repair	2,000.00	2,000.00	2,000.00	3,500.00	\$ 1,500.00
Advertising	5,000.00	5,000.00	5,000.00	20,000.00	\$ 15,000.00
Security Expense	1,100.00	1,100.00	1,100.00	1,100.00	\$ -
Supplies	3,500.00	3,500.00	3,500.00	5,000.00	\$ 1,500.00
Office Supplies	2,500.00	2,500.00	2,500.00	3,000.00	\$ 500.00
Utilities	26,068.00	27,000.00	26,068.00	27,000.00	\$ 932.00
Restricted for Management's Use Only					

CITY OF WIMBERLEY
 GENERAL FUND
 PROPOSED STAFF NEEDS BUDGET
 FY 2011

Total Operating TOTAL COMMUNITY CENTER EXPENDITURES	APPROVED	AMENDED	APPROVED	NEEDS	\$	\$
	40,168.00	59,500.00	19,432.00			
	102,073.00	177,994.00	75,921.00			
TOTAL EXPENDITURES	<u>852,000.00</u>	<u>858,185.00</u>	<u>1,126,293.00</u>	5,318,225.00	\$	-
TRANSFER IN (FUND BALANCE)	-	-	193,793.00	(4,355,025.00)	\$	-
Net Excess (Deficit)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>			<u>4,191,932.00</u>

CITY OF WIMBERLEY GENERAL FUND
 PROPOSED FISCAL YEAR 2011
 BUDGET
 (STAFF NEEDS)

Administration

Salaries-Assistant City Administrator <i>New Employee Cost</i>	\$45,000
Salaries – City Secretary <i>4% Salary Adjustment</i>	\$1,480
Salaries – Receptionist <i>4% Salary Adjustment</i>	\$869
Payroll Taxes <i>Cost associated with new employee & Pay Adjustment</i>	\$4,228
TMRS <i>Cost Associated with new employee & Pay Adjustment</i>	\$1,567
Health Benefits <i>Health stipend for new employee</i>	\$2,400
Telephone <i>Additional phone costs associated with Office of the City Marshal</i>	\$1,053
Utilities <i>Additional costs stemming from water use & downtown street lights program</i>	\$3,372
Equipment Leases <i>Additional costs associated with LCRA radio system lease for City Marshal and oversize copier lease</i>	\$1,046
Insurance <i>Additional cost for law enforcement coverage</i>	\$1,250

Records Management <i>Funding for computer backup and re-codification</i>	\$4,208
Office Technology <i>Additional fees for Roadrunner Service, computer security package & credit card system</i>	\$4,265
Security Expenses <i>Added City Hall alarm station</i>	\$200
Capital Outlay-Furnishings <i>Office equipment & Big Screen TVs for Chambers</i>	\$3,961
Capital Outlay-Technology <i>Laptop computers Chambers</i>	\$610
Capital Outlay-Other <i>Parking lot construction and construction of records storage room at City Hall</i>	\$95,000

Legal

Legal <i>Legal costs for Square property resolution</i>	\$7,500
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Council-Board

Election <i>Anticipated increase in election cost</i>	\$300
Economic Development <i>Cost for business retention consultant</i>	\$5,000
Public Information <i>Cost of emergency notification system & Wayfinding signage program</i>	\$25,000

Public Works

Salaries-Public Works Laborer <i>New employee cost</i>	\$25,000
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Salaries – Code Enforcement <i>4% salary adjustment</i>	\$1,125
Salaries – GIS Planning Tech <i>4% salary adjustment</i>	\$1,290
Payroll Taxes <i>Cost associated with new employee & pay adjustment</i>	\$7,154
TMRS <i>Cost associated with new employee & pay adjustment</i>	\$2,906
Health Benefits <i>Health insurance stipend for new Employee</i>	\$2,400
Supplies <i>Additional cost for uniforms & raincoat</i>	\$315
Fuel <i>Fuel costs for two public works vehicles</i>	\$1,975
Tools <i>Assorted equipment for Volunteer Program (rakes, mowers, trimmers, etc.)</i>	\$7,618
Capital Outlay-Vehicles <i>Lease purchase cost for one pick up</i>	\$16,000
Capital Outlay – Equipment <i>Funding for dead animal incinerator & traffic counters</i>	\$41,000
Road Maintenance <i>Cost for striping</i>	\$23,379
Capital Outlay-Roads <i>Costs associated with various road way improvements, culvert repair, low water crossing improvements along with bollard and guardrail installation</i>	\$3,196,419

Capital Outlay – Sidewalks <i>Funding for the North Wimberley Square Sidewalk Project</i>	\$120,830
Road Engineering <i>Cost associated with roadway improvement, sidewalk engineering and parking lot design</i>	\$304,000
Mowing/Tree Trimming <i>Increase trimming and mowing along ROW</i>	\$7,872
Signs/Barricades <i>Street sign replacement, parade support, solar powered traffic control signs and additional barricades</i>	\$12,760
Survey Services <i>Cost to complete city limit survey</i>	\$25,000
Capital Outlay-Waste Water <i>Construction of new downtown restroom with merchants association</i>	\$10,000

Public Safety

Salaries – City Marshal <i>New employee cost</i>	\$40,000
Salaries-Deputy Marshal <i>New employee cost</i>	\$32,500
Salaries-Municipal Court Clerk <i>New employee cost</i>	\$30,000
Payroll Taxes <i>Cost associated with new employees</i>	\$8,354
TMRS <i>Cost associated with new employee</i>	\$3,393
Health Benefits <i>Employee health care stipends</i>	\$7,200
Municipal Court Judge <i>Cost associated with increased activity in court</i>	\$4,800

City Prosecutor	\$4,890
<i>Cost associated with increase activity in court</i>	
Training	\$2,000
<i>Cost associated with increased manpower and Court operation</i>	
Fuel	\$10,000
<i>Cost of fuel for one patrol vehicles</i>	
Supplies	\$3,550
<i>Cost of body armor, handheld radar, tickets, ammunition,</i>	
Vehicle Maintenance & Repair	\$1,000
<i>Cost associated with repair of one vehicles</i>	
Capital Outlay-Vehicles	\$5,552
<i>Lease purchase cost of one patrol vehicle</i>	
Capital Outlay Equipment	\$5,000
<i>Cost of lights, siren, cage, etc)</i>	
Capital Outlay-Technology	\$1,450
<i>Cost of one laptop & vehicle radio</i>	

Parks & Recreation

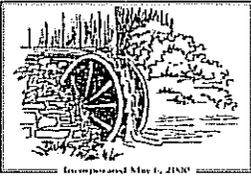
Capital Outlay -- Park Development	\$54,500
<i>Development of 'Y' & Old Kyle Parks</i>	
Nature Trail Operations	\$1,000
<i>Cost associated with rainwater collection system installation, tree trimming, mowing and new playground landing material</i>	

Community Center

Salaries-Director	\$19,269
<i>New full-time employee cost</i>	
Salaries-Maintenance	\$1,407
<i>4% salary adjustment</i>	

Salaries -- Laborer <i>New full-time employee</i>	\$25,000
Payroll Taxes <i>Cost associated with new employee & salary adjustment</i>	\$3,899
TMRS <i>Cost associated with new employee & Salary adjustment</i>	\$2,114
Health Benefits <i>Employee health stipends</i>	\$4,800
Maintenance & Repair <i>Additional cost for facility maintenance</i>	\$1,500
Advertising <i>Additional cost for marketing facility</i>	\$15,000
Supplies <i>Additional cost for operating supplies</i>	\$1,500
Office Supplies <i>Additional cost for office supplies</i>	\$500
Utilities <i>Additional cost for facility utilities</i>	\$932

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

**Project/Proposal Title: APPOINTMENT OF
CONSENSUS MEMBER ON THE PLANNING
AND ZONING COMMISSION**

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

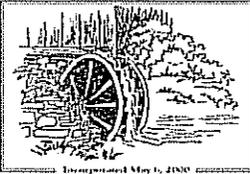
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action appointing a consensus member to the City of Wimberley Planning and Zoning Commission. The following two (2) names have been submitted for consideration:

- Beth Mitchell (Submitted by Mayor Bob Flocke)
- Barry Tyler (Submitted by Place Four Council Member Steve Thurber)

The individual chosen by the City Council will take the place of Mike Jones who recently stepped down from his position on the Commission.

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: PRESENTATION BY WISD SUPERINTENDENT ON THE UPCOMING WISD TAX ROLLBACK ELECTION

Funds Required:

Funds Available:

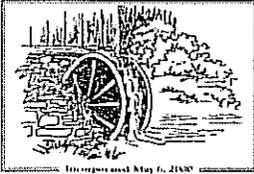
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow Wimberley Independent School District (WISD) Superintendent Dwain York to brief City Council on the upcoming WISD Tax Rollback Election on August 21, 2010.

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: PRESENTATION BY *DESIGN*
WORKSHOP ON CONSTRUCTION DOCUMENTATION
PHASE OF THE BLUE HOLE REGIONAL PARK
DEVELOPMENT PROJECT

Funds Required:

Funds Available:

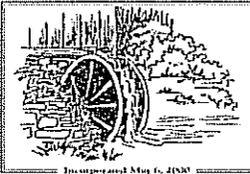
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow Steven Spears with *Design Workshop* to brief City Council on the *Construction Documentation Phase* of the Blue Hole Regional Park Development Project.

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

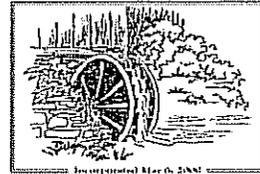
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the efforts underway to secure federal funding for the downtown wastewater project
- Status report on the reconstruction of Las Flores Drive, La Pais Drive and Palos Verdes Drive
- Status report on the operation of the Blue Hole Regional Park
- Status report on the FEMA Flood Map Revision Project
- Status Report on preparations for the upcoming Special Election for City Council Place Two on September 18, 2010

Report for Zoning ZA-10-003



Summary:

A request to change the zoning of a .3533 tract of land located at 7 Palos Verdes Drive from Single-Family Residential 2 (R2) to a zoning of Single-Family Residential 3 (R3)

Applicant Information:

Applicant:

Michelle Grace
P.O. Box 2356
Wimberley, Texas 78676

Property Owner:

Michelle Grace

Subject Property:

Legal Description:

Lot 3, Block 2, Woodcreek Section 3

Location:

7 Palos Verdes

Existing Use of Property:

Residential

Existing Zoning:

Single-Family Residential 2 (R2)

Proposed Use of Property:

Residential

Proposed Zoning:

Single-Family Residential 3 (R3)

Planning Area

III

Overlay District

None

Surroundings:

Frontage On:

Palos Verdes Drive

**Area Zoning and Land Use
Pattern:**

	Current Zoning	Existing Land Use
N of Property	PF	Public, Residential
S of Property	PF	Public
E of Property	R2, C2	Commercial, Residential
W of Property	R2, C1	Commercial, Vacant Residential

Legal Notice

200' Letters Sent

7.23.10

Published

7.28.10

Sign Placement

7.23.10

Responses

None

Comments:

The applicant, Michelle Grace, has submitted an application to change the zoning of 7 Palos Verdes from Single Family Residential 2 (R-2) to Single Family Residential 3 (R-3). The .3533 acre tract of land is located in Planning Area III and its proposed use is residential.

The requested zoning change is being made in conjunction with a proposed Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The proposed plat amends the existing property lines for the lots which are currently zoned Single Family Residential 2

(R-2). While the proposed subdivision will increase the size of Lots 2 and 4, the size of Lot 3 will be reduced from .4860 acres to .3533 acres, making it necessary to change the zoning of the subject property to Single Family Residential 3 (R-3). Lots 2 and 4 will retain their current zoning designation of Single Family Residential 2 (R-2)

To date, no comments, either for or against the requested zoning change, have been received. Upon review of the application, City staff recommends approval of this zoning request.

At the time of production of this agenda packet, the Planning and Zoning Commission had not yet met to consider the case. The Commission is scheduled to meet on August 12, 2010, and the Commission's recommendation on the case will be presented to City Council under separate cover.

§ 155.038 SINGLE-FAMILY RESIDENTIAL 3; R-3.

(A) *General purpose and description.* The R-3 single-family residential-3, district is intended to provide for development of primarily detached, single-family residences on lots of not less than 10,000 square feet.

(B) *Permitted uses.*

(1) One residence, including:

(a) Single-family detached dwellings; or

(b) One mobile or manufactured home installed on a permanent foundation.

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

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

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

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

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

(3) Religious assembly.

(C) *Conditional uses.*

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

(2) Home day care (fewer than 7 children);

(3) Home commercial crafts or hobbies;

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

(5) Two-family residential (duplex).

(D) *Development regulations.*

(1) Lot size: minimum 10,000 square feet, but less than 20,000 square feet.

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

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

(b) 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: 30 feet;

(b) Secondary street: 15 feet;

(c) Interior side yard: 5 feet; and

(d) Rear: 20 feet.

(4) Minimum floor area:

(a) Residential building: 600 square feet.

(5) Maximum impervious cover: 45%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

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

(2) Electrical fencing and barbed wire is prohibited as perimeter fencing.

(3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.

(4) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards.
(Ord. 2001-010, § 17, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999

FOR OFFICIAL USE ONLY

APPLICATION DATE: 7/23/2010 FILE NO. ZA-10-003
TENTATIVE P&Z* HEARING: August 12, 2010 TENTATIVE CC** DATE: August 19, 2010
CITY INITIATED: YES - NO PLANNING AREA: III ZONING REQUESTED: R3
ZONING FEES: \$ 110⁰⁰ DATE PAID: 7/23/2010 RECEIPT NO. _____

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

STREET ADDRESS OF PROPERTY TO BE ZONED: 7 Palos Verdes Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 52697 **

* 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:

CORNER TURN LEFT OFF RR 12 NORTH ONTO PALOS VERDES
THIRD LOT ON LEFT SIDE. HOME ADDRESS IS SECOND
HOUSE ON LEFT

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

1. OWNER'S NAME: MICHELLE GRACE HOME PHONE: (512) 618-9151
BUSINESS PHONE: () _____
FAX: () _____
E-MAIL: _____
OWNER'S CURRENT MAILING ADDRESS P.O. Box 2356 CITY WIMBERLEY STATE TX ZIP 78676

2. HEARING REPRESENTATIVE NAME: _____ PHONE: () _____

REPRESENTATIVE'S MAILING ADDRESS: _____ CITY _____ STATE _____ ZIP _____

3. NAME OF REAL ESTATE COMPANY INVOLVED: _____

PROPERTY INFORMATION

4. TOTAL AREA TO BE ZONED: ACRES .3533 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 1

5. PLANNING AREA(S): III 6. PROPOSED ZONING: R3

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

8. EXISTING STRUCTURES: _____

PROPOSED STRUCTURES/USE: _____

7. LEGAL DESCRIPTION

Subdivision: WOODCREEK Lot(s) 3

Block(s) SEC. 3 BLK 2 Plat Book: VOL 3784 Page Number: 844

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

VOLUME: 3784 PAGE: 844 OF COUNTY PLAT RECORDS

10. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) N/A

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

13. ELECTRIC UTILITY PROVIDER: _____

WATER UTILITY PROVIDER: _____

WASTEWATER UTILITY PROVIDER: _____

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

SITE INSPECTION AUTHORIZATION

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

Date: 7/23/10 APPLICANT SIGNATURE Michelle F. Coane

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: 7 PALOS VERDES, and more particularly known as Lot 3, Block 2 of the WOODCREEK 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: 7/23/10 APPLICANT SIGNATURE Michelle F. Coane

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

- Complete Zoning Application.
- Provide a plat map of the property to be zoned, showing scale.
- Provide a plat map of all properties within 200 feet of any portion of Applicant's property and indicate Applicant's property on such map. Map must clearly indicate scale of map, streets and main arteries leading to property.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the Village of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning (or sign waiver below).
- Sign/date Submittal Verification and/or Waiver of Appearance form.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning.

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

-) My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that Village review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
-) I hereby waive my right to appear before the Village of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 7/23/10

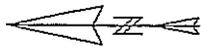
APPLICANT SIGNATURE



WHEN APPLICABLE:

Date: _____

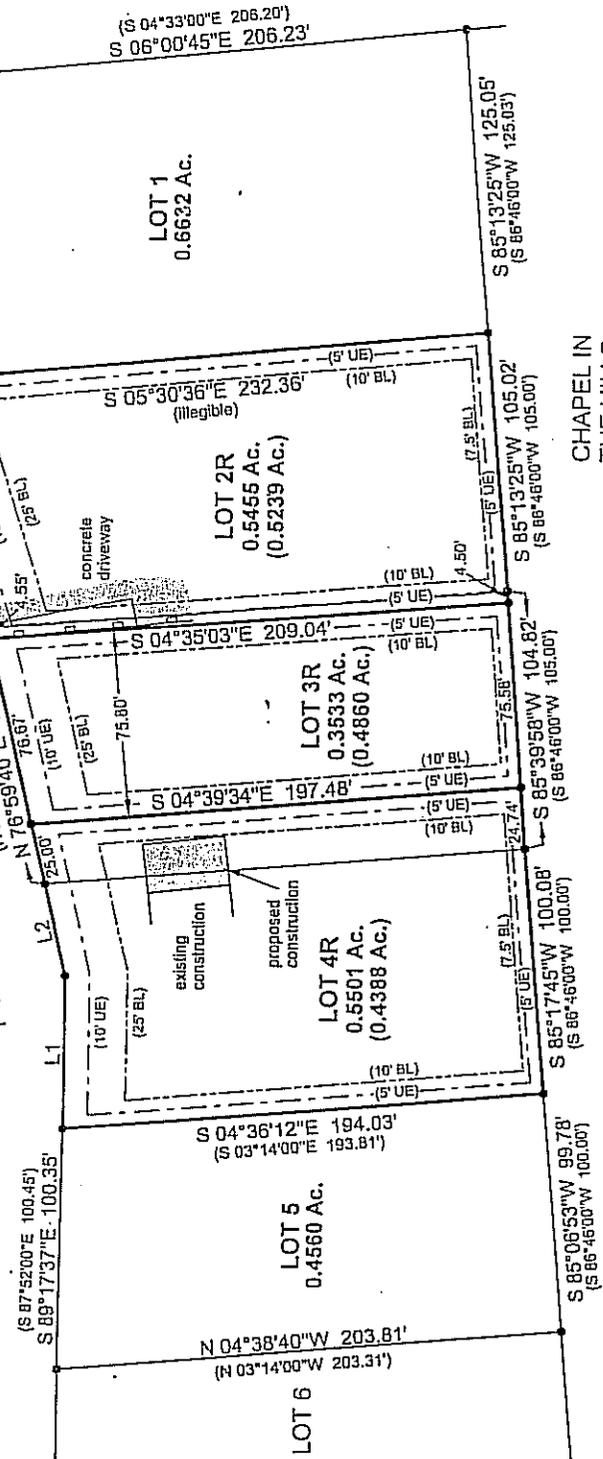
AGENT SIGNATURE: _____



RANCH ROAD 12 (80' R.O.W.)

PALOS VERDES DRIVE (50' R.O.W.)

CHAPEL IN THE HILLS



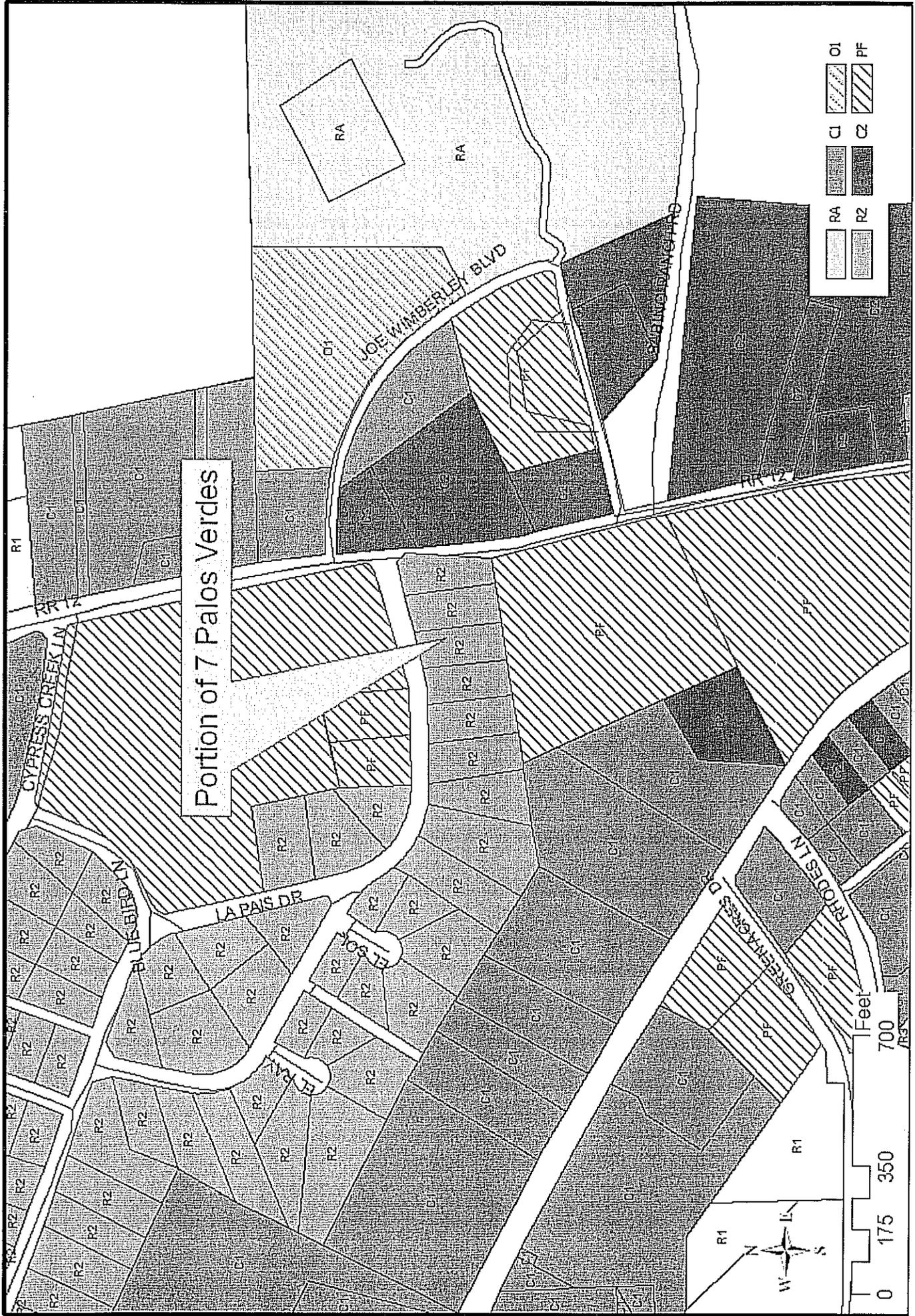
LINE TABLE	
L1 =	S 89°31'47"E 62.28' (S 87°52'00"E 62.30')
L2 =	N 77°19'36"E 38.24' (N 78°45'00"E 38.33')
L3 =	N 75°17'31"E 25.17' (illegible)
L4 =	N 83°32'40"E 66.20' (illegible)
L5 =	S 60°49'18"E 46.69' (S 49°04'00"E 46.77')

Date: April 9, 2010
 Scale: 1" = 60'
 Job No. 10-004 jw
 234WDC2.ZAK

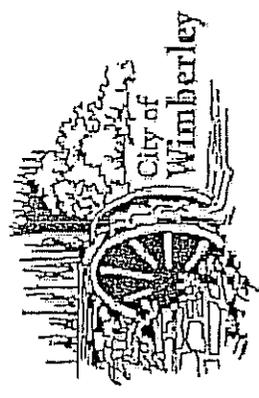
THIS DOCUMENT HAS BEEN PROVIDED FOR GENERAL REFERENCE ONLY AND SHALL NOT BE USED FOR ANY CONVEYANCE OR RECORDED FOR ANY PURPOSE.

EAGLE LAND SURVEYING (512) 847-1079
 P.O. Box 2254 Wimberley, TX. 76676

Zoning Map for ZA-10-003



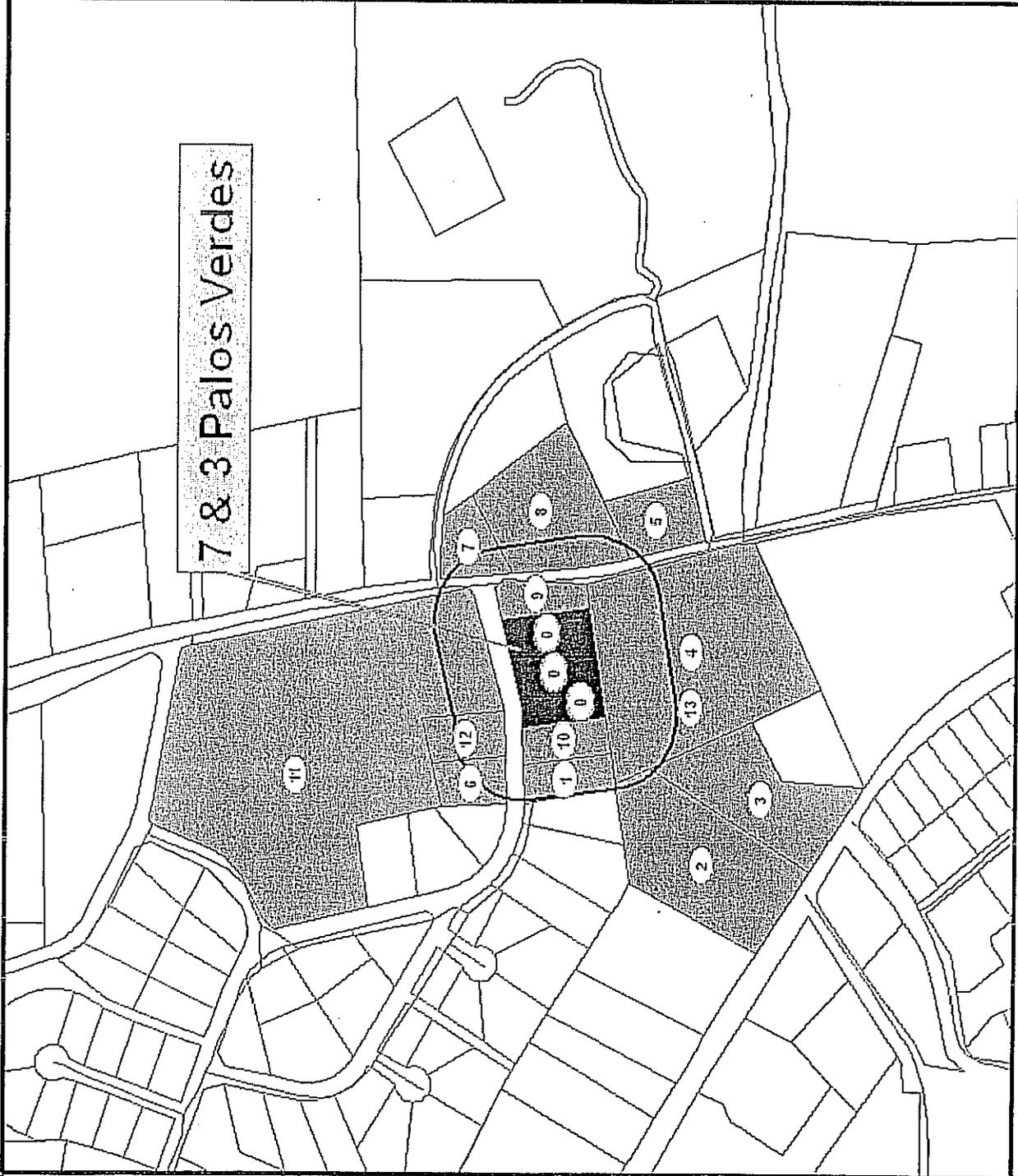
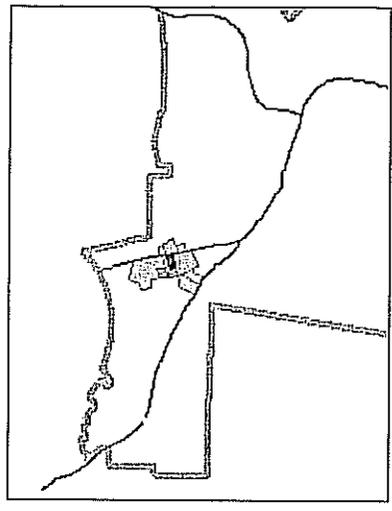
Notification Map for Case ZA-10-003 & Case C212-10-002

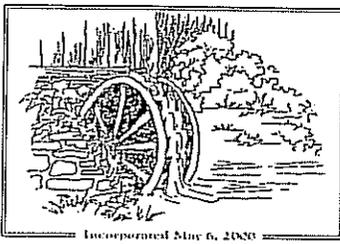


P.O. Box 2027 • Wimberley, Texas 78676

Legend

-  200' Notification Buffer
-  Subject Properties
-  13, CHAPEL IN THE HILLS CHURCH
-  12, AYMOND GREGORY M BISHOP OF THE
-  11, CATHOLIC DIOCESE OF AUSTIN
-  10, HINES BARBARA M
-  9, GRACE, MICHELLE B
-  8, SMITH FAMILY LP #1
-  7, VICTORIA BANK & TRUST
-  6, AYMOND GREGORY M BISHOP OF THE
-  5, SMITH, TERRY O
-  4, CHAPEL IN THE HILLS CHURCH
-  3, JOHNSON, WM PARKS
-  2, WILLET, BOYD
-  1, MCWILLIAMS JEFF & JUDITH
-  0, ALLEN, GARRETT
-  0, GRACE, MICHELLE





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 23, 2010

NOTICE OF PUBLIC HEARING

Re: **File No. C212-10-002 (3 & 7 Palos Verdes)**
A request for an amended plat of Lots 2, 3, and 4, Block 2, Woodcreek, Section 3

File No. ZA-10-003 (7 Palos Verdes)
An application to change the zoning for a .3533 acre portion of property located at 7 Palos Verdes, Wimberley, Texas from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3)

Dear Property Owner:

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

The applicants, Michelle Grace and Garrett Allen, have submitted an application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The proposed plat amends the existing property lines for the subject tracts. As part of their subdivision application, the applicants are seeking a variance from Section 154.063(C) of the City Subdivision Code which requires that lots be rectangular in size and conform to the average depth to average width ratio.

In addition to the proposed subdivision, the applicants have submitted an application to change the current zoning of the subject properties to conform to the City Zoning Code. The current zoning for these properties is Single-Family Residential 2 (R2). The proposed subdivision will place Lot 3 in a new zoning category of Single-Family Residential 3 (R3).

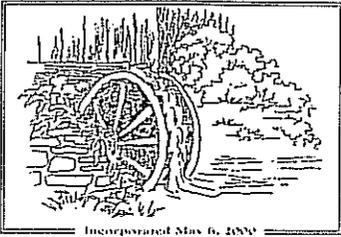
The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, August 12, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same requests on **Thursday, August 19, 2010, at 6:00 p.m.**

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 - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: C 212-10-007
2A-10-007 Owner _____

Date 7/23/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

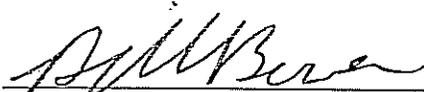
() Project Site Address 3 + 7 Palos Verdes

which is located Palos Verdes

Bill Bowers
Asst. Public Works

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

7/23/10, 2010


Signature

Century-News 858-4163 • Wimberley View 847-2202

★ LEGALS & PUBLIC NOTICES

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, August 12, 2010, at 6:30 p.m. to consider the following: CUP-10-013 - an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 260 Panther Crossing. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 19, 2010, at 6:00 p.m. at City Hall

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, August 12, 2010, at 6:30 p.m. to consider the following: ZA-10-003 - an application

for a zoning change from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3) on a .3533 acre portion of 7 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 19, 2010, at 6:00 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, 221 Stillwater, Wimberley, Texas. (12315/1a/60)

NOTICE OF PUBLIC AND INTRUSION DETECTION SYSTEMS AT NEW DRIPPING SPRINGS HIGH SCHOOL AND NEW MIDDLE SCHOOL RFP # P10-010R

Proposals will be opened publicly and read aloud. All interested parties are invited to attend. Proposals received after this time, whether delivered in person or

mailed, will not be accepted. FAX proposals will not be accepted. Proposal forms and specifications may be obtained from the Dripping Springs Independent School District Business office, by calling (512) 858-3006 between 8:00 A.M. and 4:00 P.M. Monday through Friday, or thru the district website at <http://www.dsisd.txd.net>. A non-mandatory pre-proposal will be held at 2:00 pm on Thursday August 5, 2010 at the Dripping Springs Independent School District at 510 West Mercer Street, Dripping Springs, Texas 78620. All interested parties are encouraged to attend. Dripping Springs Independent School District reserves the right to reject any and all proposals or to waive formalities in case of ambiguity or We buy junk vehicles, any condition, running, wrecked or not. Cash paid. Location: 16380 N. Hwy 123, San Marcos, TX 512-353-4511 or 512-396-1382 (02949/4cc/60+)

★ BUSINESS OPPORTUNITIES

CLEANING BUSINESS FOR SALE
established 30 years, Call 847-2866 (cell) 557-2566 (12262/2cc/60+)

ESTABLISHED CASH FLOWING LOCAL BUSINESS
All assets & lease convey. Low oversight. Owner may carry. \$23,500 Call Deble Hill, Sanford Group 512-801-4280 (09631/1cc-1fn/61+)

★ CHILDCARE

WIMBERLEY UNITED METHODIST CHURCH
Now enrolling for Call Clay at 512-796-3956 ***** (39750/12cc/74+)

THE LUMBERYARD CREEKSIDE/RETAIL SPACE
1 block from the square, \$1.00 per SF per month, 560, 820, & 1800 SF suites, immediate availability 512-474-6025 (12110/1cc-1fn/60+)

★ FURNITURE

FUTON
quality Southwest-style fabric, \$85. China cabinet, 80x32", custom-made painted rustic black, glass doors, \$300; Black laminate bookshelf 89x32", \$50; carpet shampooer, like new, \$50. 512-847-5803 (12304/1cc/61+)

SOFA & LOVE SEAT
Excellent condition \$500. Rustic ranch style entertainment center... up to 52" TV... \$375. Antique Secretary \$300. 2. Antique night stands \$75 for both. 512-722-3641 (12283/2cc/61+)

MATTRESS ON DEMAND
Wholesale to Public All Sizes Call 512-761-1000
Spartan Springs Part-time and full time opportunities. Looking to fill positions for overnight shifts. Candidate must be 21 years of age, have satisfactory driving record, Drug screening and criminal background check required. Pay begins at 9:00; but commensurate with experience and education. May

be eligible for benefit & gas allowance. Please fax your resume to Kerri at (512) 858-5104 or call 894-0701 ext 2 email kalvis@corehealth.com. Visit website at www.corehealth.cc (12277/2cc/61+)

HELP ELDERLY LADY
With focus on pain exercise and fun activities. 847-3755 (07451/1cc/60+)

LG. 2 BR APT.
for rent on horse farm \$400/mo. Must work 40 hrs/wk. Horse/Lawn/Ranch Maint. \$10/hr. Call (512)396-2101 (12250/4cc/63+)

INNKEEPER
Position requires good computer ski and good health for strenuous work many steps. Full time - weekends requires some

TEXAS YOGA
Wimberley's Yoga Studio heartofteasyoga.com 663-4278 (00800/4cc-1fn/61+)

YOGA
Raine St. Claire Licensed Massage Therapist Alexander Technique Teacher Licensed Massage (

ORDINANCE NO. 2010-_____

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 7 PALOS VERDES, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM SINGLE FAMILY RESIDENTIAL 2 (R-2) TO SINGLE FAMILY RESIDENTIAL 3 (R-3); 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 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

THAT the real property consisting of approximately 0.3533 acres in Wimberley, Hays County, Texas, commonly known as 7 Palos Verdes, and more particularly described as Lot 3, Block 2, Woodcreek Subdivision Section 3 (as replatted in 2010 and shown on the attached Exhibit "A", incorporated by reference for all purposes), is hereby designated from Single Family Residential 2 (R-2) to Single Family Residential 3 (R-3) zoning classification.

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 _____, 2010, by ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Bob Flocke, Mayor

ATTEST:

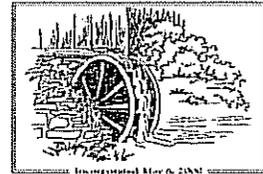
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

DRAFT

Report for Zoning C212-10-002



Summary: An application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3

Applicant Information:

Applicant: Michelle Grace & Garrett Allen
P.O. Box 2356 & 2 Deer Ridge
Wimberley, Texas 78676

Property Owner: Michelle Grace & Garrett Allen

Subject Property:

Legal Description: Lots 2,3 and 4, Block 2, Woodcreek Section 3
Location: 7 & 3 Palos Verdes
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R2)
Proposed Use of Property: Residential
Proposed Zoning: N/A
Planning Area: II & III
Overlay District: None

Surroundings:

Frontage On: Palos Verdes Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PF	Public, Residential
S of Property	PF	Public
E of Property	R2, C2	Commercial, Residential
W of Property	R2, C1	Commercial, Vacant, Residential

Legal Notice

200' Letters Sent 7/23/2010
Published 7/28/2010
Sign Placement 7/23/2010

Responses None

Comments:

The applicants, Michelle Grace and Garrett Allen, have submitted an application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The subject lots are located on Palos Verdes Drive.

The proposed plat adjusts the existing property lines so as to increase the size of Lots 2 and 4 and while reducing the size of Lot 3. Specifically, Lot 2 will increase in size from .5239 acres to .5455 acres while the size of Lot 4 will increase from .4388 acres to .5501 acres. The size of Lot 3 will be reduced from .4860 acres to .3533 acres.

As part of their subdivision application, the applicants are seeking a variance from Section 154.063(C) of the City Subdivision Code which requires that lots be rectangular in size and conform to the average depth to average width ratio. The variance is being sought for Lot 3 in the proposed subdivision. The proposed new lot has an average width of 76.13' and an average depth of 203.26', resulting in a depth-width ratio of 2.67. This ratio exceeds the maximum allowable depth-width ratio of 2.5 set forth in the Code.

To date, no comments, either for or against the proposed plat and requested variance, have been received. Upon review of the application, City staff recommends approval of the Amending Plat with the requested variance.

At the time of production of this agenda packet, the Planning and Zoning Commission had not yet met to consider the case. The Commission is scheduled to meet on August 12, 2010, and the Commission's recommendation on the case will be presented to City Council under separate cover.

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

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

(B) *Permitted uses.*

(1) One residence, including:

(a) Single-family detached dwellings; or

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

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

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

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

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

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

(e) One accessory dwelling unit.

(3) Swimming pool (private);

(4) Utilities (public); and

(5) Religious assembly.

(C) *Conditional uses.*

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

(2) Home day care;

(3) Home commercial crafts or hobbies;

(4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all

applicable city regulations;

- (5) Two-family residential (duplex); and
- (6) One secondary single-family residential building built onsite.

(D) *Development regulations.*

- (1) Lot size: minimum 20,000 square feet but less than 2 acres.
- (2) Maximum building height (as defined in § 155.005):

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

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

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

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

(3) For minimum setback, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 40 feet;

(b) Secondary street: 15 feet;

(c) Interior side yard: 10 feet; and

(d) Rear yard: 20 feet.

(4) Minimum floor area:

(a) Primary residential building: 600 square feet.

(5) Maximum impervious cover: 35%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

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

(2) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.

(3) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 16, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999

(4) Minimize reductions in the capacity of adjacent streets in so far as possible by reducing the number of turning movement conflicts;

(5) Provide an appropriate response to the limitations and opportunities of topography; and

(6) Increase the ability of building sites (lots) to receive or to be protected from solar gain as the season requires in order to improve utility efficiency and increase the livability of each lot.

(B) Residential blocks shall not exceed 1,300 feet nor be less than 500 feet in length, except as otherwise provided for herein.

(C) Blocks along arterial streets shall not be less than 1,300 feet.

(D) The width of blocks shall be sufficient to accommodate 2 tiers of lots with minimum depth as required by § 154.063(E). Exceptions to this width shall be permitted in blocks adjacent to major streets, waterways, or other topographical features prohibiting a second lot tier.

(E) The Commission may, at the preliminary plat phase, require the dedication of an easement or right-of-way not less than 10 feet wide bisecting the center of any block in excess of 800 feet in length to accommodate utilities, drainage facilities, and pedestrian access, upon recordation of the plat.

(F) Blocks shall be identified on each plat by consecutive adjacent numbers within each subdivision and portion thereof. Blocks forming a continuation of a previous subdivision block shall continue the block number.

(Ord. 2001-014, § 34010, passed 9-20-2001) Penalty, see § 154.999

§ 154.063 LOTS.

(A) *Designation.* All land area within the boundaries of the subdivision or resubdivision, except that area specifically dedicated as public right-of-way for any purpose, shall be designated as a lot. Each lot shown on a plat shall be clearly designated by a number located within the boundaries of the lot. The boundaries of each lot shall be shown by bearing and distance in relation to the monuments found or established on the ground in conformance with this chapter.

(B) *Use.* The proposed use for each lot shall be indicated on the plat as 1 of the following:

(1) RA; Residential acreage;

(2) R-1; Rural residential 1 (minimum 2 acre lots);

(3) R-2; Single-family residential 2 (minimum 20,000 square foot lots);

(4) R-3; Single-family residential 3 (minimum 10,000 square foot lots);

(5) R-4; Single-family residential 4 (minimum 6,000 square foot lots);

(6) R-5; Two-family residential (duplex homes);

(7) MF-1; Multi-family residential 1 (triplex/quadruplex/apartments);

(8) MF-2; Multi-family residential 2 (apartments);

- (9) MH; Mobile home;
- (10) Special requirements for mobile home parks
- (11) O-1; Office - low impact;
- (12) O-2; Office - high impact;
- (13) C-1; Commercial - low impact;
- (14) C-2; Commercial - moderate impact;
- (15) C-3; Commercial - high impact;
- (16) HC; Highway commercial;
- (17) I-1; Industrial - low impact;
- (18) I-2; Industrial - high impact;
- (19) AS/S; Animal sales/services;
- (20) L-1; Lodging (1-15 units);
- (21) L-2; Lodging (1-30 units);
- (22) IP; Industrial park;
- (23) PPU; Public protection/utility;
- (24) PR-1; Participant recreation - low impact;
- (25) PR-2; Participant recreation - high impact;
- (26) PF; Public facilities;
- (27) NS; Neighborhood services district;
- (28) WPDD; Planned development district;

(C) *Lot shape.* All lots shall be rectangular except when the street alignment is curved in order to conform with other provisions of this chapter or configuration of the parent tract does not permit. No lot shall have a corner intersection of less than 45 degrees. The ratio of average depth to average width shall not exceed 2.5 to 1 (2.5:1) nor be less than 1.5 to 1 (1.5:1) unless the lot is at least 1.5 times the required lot size, both the depth and width of the lot exceed the minimums required in these regulations, and the Director finds that the proposed lot dimensions are consistent with surrounding development and the Comprehensive Plan.

(D) *Lot orientation.*

(1) *Standard frontage.* All lots shall face and have contiguous frontage on a usable, dedicated public road right-of-way, except lots within a WPDD which may have similar frontage on a

private street under common ownership. The extent of this frontage (front line) shall conform to the minimum lot width requirements set forth herein.

(2) *Lot facing.* Facing lots shall be compatible. Lots arranged so that the rear line of a lot or lots is also the side line of an adjacent lot shall be avoided. When this occurs, 10 feet shall be added to the minimum lot width and the side building line adjacent to the rear yard of another lot.

(3) *Lot lines.* The lot line common to the street right-of-way line shall be the front line. Side lot lines shall project away from the front line at approximately a right angle to street lines and radial to curved street lines. The rear line shall be opposite and approximately parallel to the front line. The length and bearing of all lot lines shall be indicated on the plat.

(4) *Double frontage.*

(a) Residential lots shall not have frontage on 2 non-intersecting local or collector streets.

(b) Residential lots adjacent to an arterial street shall also have frontage on a local street. Vehicular access to these lots shall be from the local street only. Non-residential lots with double frontage shall have offset access points to inhibit cut-through traffic.

(E) *Lot area.* The base minimum lot area for all lots served by a publicly approved sewer system shall conform to Chapter 155 of this code and following requirements in the table below in this section; provided however, the base minimum lot area for all lots utilizing on-site sewage facilities (OSSFs) shall be 1 acre.

(F) *Standards.* Lot width and depth, coverage by structures, and coverage by impervious surfaces shall conform to the requirements as established for the designated land use as set forth in the table below in this section. In addition, all lots shall provide a 10-foot public utility easement adjacent to all public rights-of-way. Public utility easements on side and rear lot lines shall be required as needed to accommodate utilities and drainage.

(G) *Corner lots.* Lots having frontage on 2 or more intersecting streets shall be classified as corner lots.

(1) Corner lots adjacent to streets of equal classification shall have only 1 access driveway on either of the intersecting streets, except as otherwise approved by the Commission.

(2) Corner lots adjacent to streets of unequal classification shall access the lower classification street only, and only 1 drive approach shall be allowed, except as otherwise approved by the Commission.

(3) The building setback line for all corner lots shall conform to the minimum requirements for the land use designated but shall never be less than 25 feet from an existing or proposed street right-of-way, except that on back-to-back corner lots the setback on the common side yard can be reduced to 15 feet when the owners of both properties agree and provided that a garage facing the side street must be set back not less than 20 feet.

(4) Corner residential lots shall be 10 feet wider than the average interior lot on the same block.



Village of Wimberley

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

(512) 847-0025 - Fax: (512) 847-0422 - E-Mail: wimberley@anvilcom.com

Subdivision Application

SUBMISSION DATE: 4/29/2010 Official Use Only CASE NO. C212-10-002
 SUBDIVISION: WOODCREEK Sec. 3 Hays County Tax I.D. No. R52695/R52697
 LOCATION/DIRECTIONS: _____ Fees Paid: \$150⁰⁰
 APPLICATION TYPE: Preliminary PROJECT TYPE: _____
1= Concept Plan; 2= Preliminary; 3=Public Review Final; 4=Record Final 1=Conventional; 2=WPDD; 3=Small Lot; 4=Townhouse; 5=Rural
5=Detailed Development Plans
 PROCESS TYPE: _____ 1=Conventional; 2=Amend; APPLICATION REC'D _____ By _____
3=Short Form; 4=Dedication; 5=Conveyance, 6=Replat/Vacate (Does not constitute acceptance)

1. OWNER(S): MICHELLE GRACE GARRETT ALLEN Lot 2: 3 Palos Verdes
P.O. BOX 2356
 MAILING ADDRESS: 2 DEER RIDGE RD. CITY/STATE/ZIP: WIMBERLEY TX 78676
512-418-9157
 PHONE () 512-677-8118 FAX () _____ E-MAIL _____
2. PRIMARY CONTACT (Agent) GARRETT ALLEN FIRM: OWNER LOTS 1+2
 MAILING ADDRESS: 2 DEER RIDGE CITY: WIMBERLEY STATE: TX ZIP: 78676
 PHONE 512 677-8118 FAX () _____ E-MAIL _____
3. ENGINEERING FIRM _____ CONTACT: _____
 MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
 PHONE () _____ FAX () _____ E-MAIL _____
4. SURVEYING FIRM: EAGLE LAND SURVEYING CONTACT: CLYDE BOROSSO
 MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
 PHONE 512 847-1079 FAX () _____ E-MAIL _____
5. PLAT ATTRIBUTES
 NAME: WOODCREEK SEC. 3 BLOCK 2 LOCATION: LOTS 2,3,4 PALOS VERDES
 SUBDIVISION CLASSIFICATION: R JURISDICTION: C
C=Commercial; R=Residential (Based on Land Use & Density) C= City Limits; E=1 mile ETJ;
 COMPREHENSIVE PLAN AREA: _____ CURRENT ZONING: R2
 CITY GRID MAP NUMBERS: _____ TAX APPRAISAL NUMBERS: R52695 and R52697
 WATERSHED(S): _____ IN RECHARGE ZONE (Y) (N)
 ELECTRICITY: _____ WATER SOURCE: _____
 WASTEWATER/SEWAGE DISPOSAL: _____
 TELEPHONE SERVICE: _____ SCHOOL DISTRICT _____

6. RELATED CASES _____ PROPOSED ZONING: _____
 APPLICATION NO. _____ ZONING ORDINANCE NO. _____
 SITE PLAN CASE NO. _____

7. PROPOSED LAND USE (By Summary)

Single Family	SF
Multi-Family	MF
Duplex	DUP
Public/Quasi-Public	P
Wimberley Planned Development District	WPDD
Right-of-Way	ROW
Commercial/Office	C-O
Commercial/Retail	C-R
Flood Plain	FP
Industrial	IND
Greenbelt/Trails	GRBLT

LAND USE (See Table)	NUMBER OF LOTS	NUMBER OF UNITS	ACREAGE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTALS	_____	_____	_____
	LOTS	UNITS	ACRES

Note: The signature below of an applicant or designated agent authorizes Village of Wimberley Staff to visit and inspect the property for which this application is being submitted. Applicant further understand and agrees that no application shall be considered "filed" and no deadlines shall run against the Village of Wimberley until the Planning & Zoning Commission staff has expressly determined that the application is administratively complete.

Date: 4/29/10

Applicant's Signature: *Michelle Grace*
David All

Date: _____

Agent's Signature: _____

ENGINEER'S/SURVEYOR'S CERTIFICATION

This is to certify that I am authorized to practice the profession of Engineering/Surveying in the State of Texas; that I prepared/reviewed the plan/plat submitted herewith; that all information shown thereon is accurate and correct to the best of my knowledge as related to the engineering/surveying portions thereof; and that said plan/plat complies with Title 25 of the Land Development Code, as amended, and all other applicable codes and ordinances.

 Engineer/Surveyor's Signature

SUBMITTAL CHECKLIST

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

- Complete "Subdivision Application"
- Provide area map of property to be subdivided which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat of the specific property to be subdivided (3 copies for review/10 for approval)
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property if replat.
- Provide a legal description of the property.
- Sign/date Submittal Verification and/or Waiver of Appearance form.
- Place stake on site with property address so property is easily identifiable.
- Approved construction plans (if required)
- Deed restrictions or covenants
- Current Tax Certificate showing that all taxes are paid
- Pay subdivision fee.
- Utility Service Acknowledgement
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed subdivision.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed subdivision or waives his/her rights of appearance.

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 subdivision of my above-referenced property. I understand that my failure to appear allows the Council to consider my subdivision request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 4/29/10

APPLICANT SIGNATURE *David Allen*
Michelle Edwards

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

FEE SCHEDULE

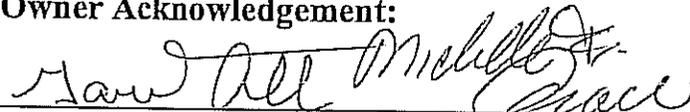
*Residential:	Fee	Additional	Comments
Concept Plan	None		Optional
Preliminary Plat	\$350	+\$25 per lot	
Public Review Final Plat	\$500	+\$10 per lot	
Record Final Plat	\$200	+\$10 per lot	
Amend Plat	\$150		Including Plat Vacation
Short Form Plat	\$250		
*Non-Residential:			
Concept Plan	None		Optional
Preliminary Plat	\$400	+\$40 per acre	
Public Review Final Plat	\$500	+\$20 per acre	
Record Final Plat	\$200	+\$10 per acre	3 sets required
Amend Plat	\$200		Including Plat Vacation
Short Form Plat	\$400		
*Property Owner Notification included in base fee.			
Mylar recording at county	\$56	\$50/page	Tax Receipt \$10/lot
Village ordinance 2007-003 allows additional costs to be passed on to owner/applcant			

ADMINISTRATIVE COMPLETENESS

No development right (if any) shall vest nor deadline run against the Village until a preliminary plan is expressly determined by the Planning Staff to be administratively complete. An application for a preliminary plan shall not be considered "filed" until the application is determined by the Planning Staff to be administratively complete.

Owner Acknowledgement:

Date: 4/29/10

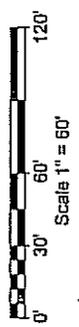
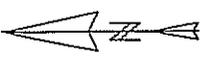


 Signature

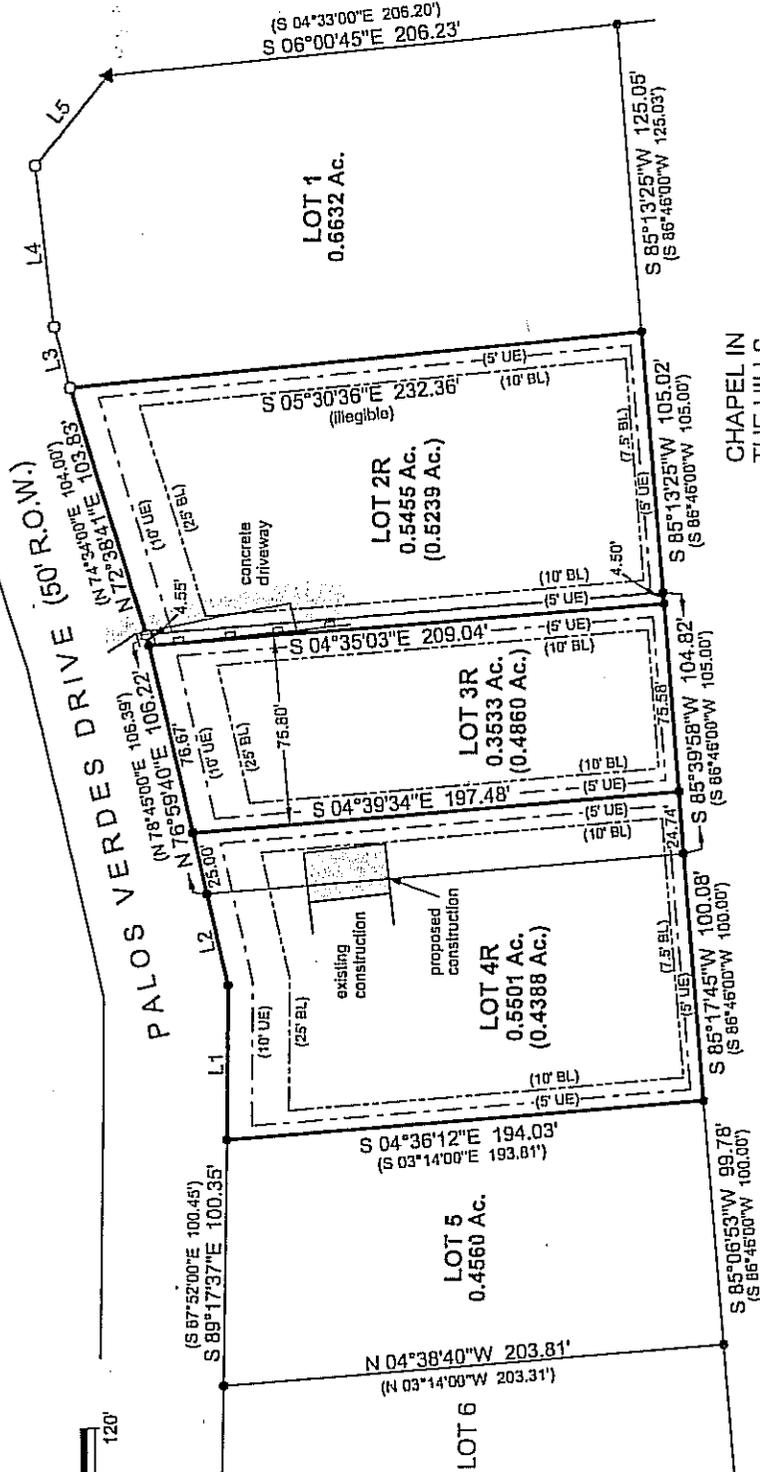
RANCH ROAD 12 (80' R.O.W.)

PALOS VERDES DRIVE (50' R.O.W.)

CHAPEL IN THE HILLS



LINE TABLE	
L1 =	S 69°31'47"E 62.28' (S 87°52'00"E 62.30')
L2 =	N 77°19'36"E 38.24' (N 78°45'00"E 38.33')
L3 =	N 75°17'31"E 25.17' (illegible)
L4 =	N 83°32'40"E 65.20' (illegible)
L5 =	S 50°49'18"E 46.69' (S 49°04'00"E 46.77')

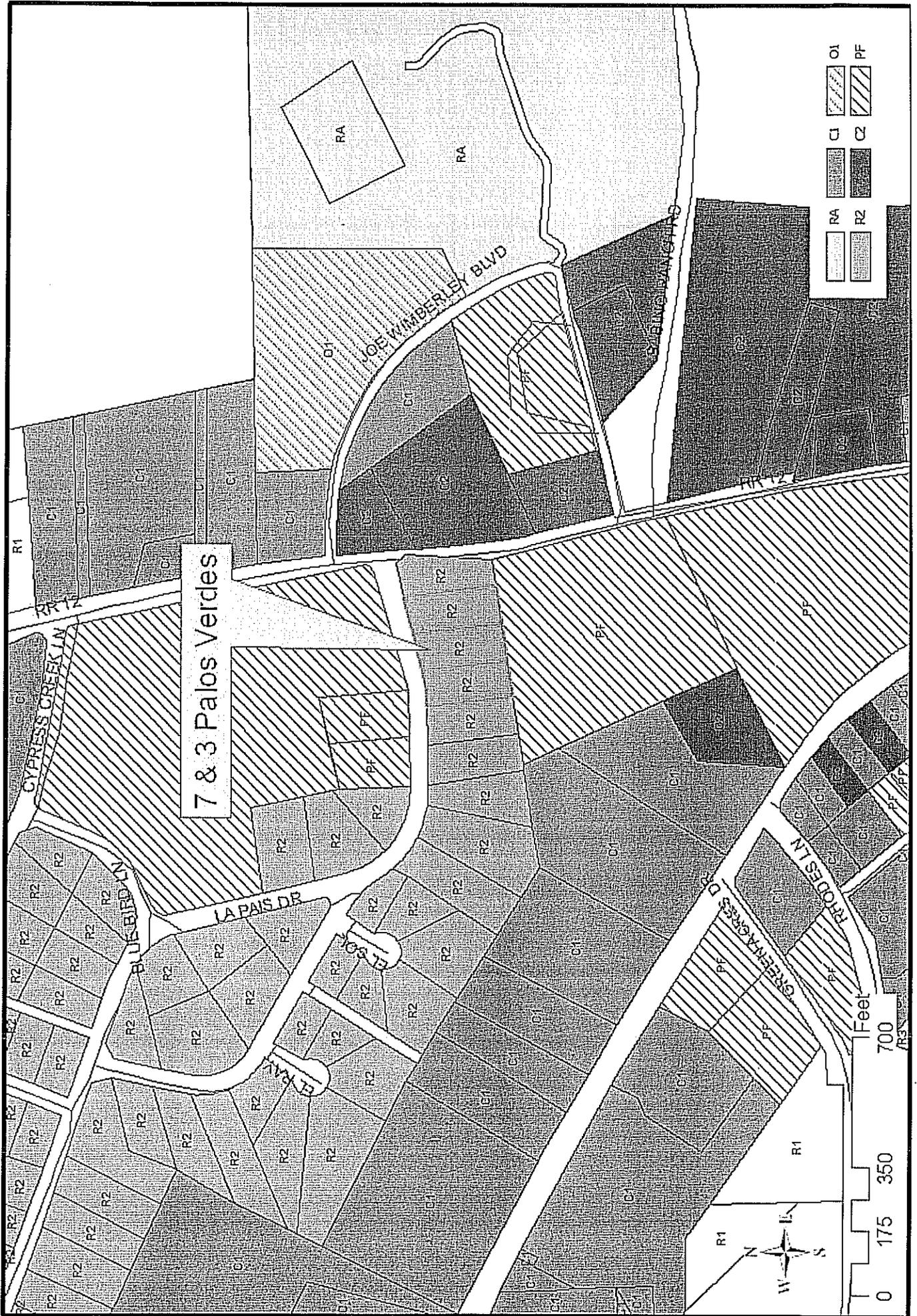


Date:	April 9, 2010
Scale:	1" = 60'
Job No.	10-004 jw
	234WDC2.ZAK

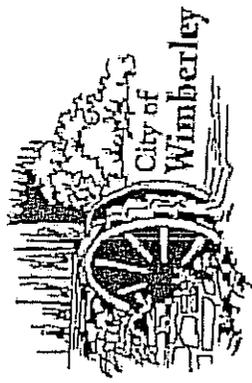
THIS DOCUMENT HAS BEEN PROVIDED FOR GENERAL REFERENCE ONLY AND SHALL NOT BE USED FOR ANY CONVEYANCE OR RECORDED FOR ANY PURPOSE.

EAGLE LAND SURVEYING
(512) 847-1079
P.O. Box 2264 Wimberley, TX. 78676

Zoning Map for C212-10-002



Notification Map for Case ZA-10-003 & Case C212-10-002



P.O. Box 2027 • Wimberley, Texas 78676

Legend

200' Notification Buffer

Subject Properties

13, CHAPEL IN THE HILLS CHURCH

12, AYMOND GREGORY M BISHOP OF THE

11, CATHOLIC DIOCESE OF AUSTIN

10, HINES BARBARA M

9, GRACE, MICHELLE B

8, SMITH FAMILY LP #1

7, VICTORIA BANK & TRUST

6, AYMOND GREGORY M BISHOP OF THE

5, SMITH, TERRY O

4, CHAPEL IN THE HILLS CHURCH

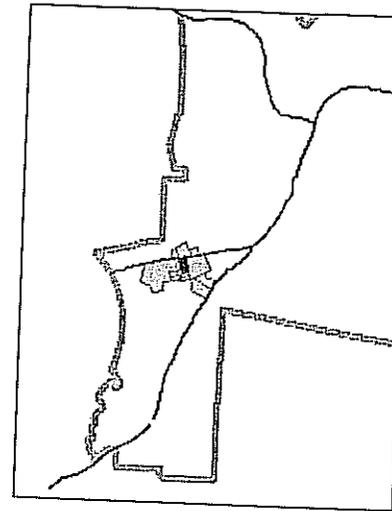
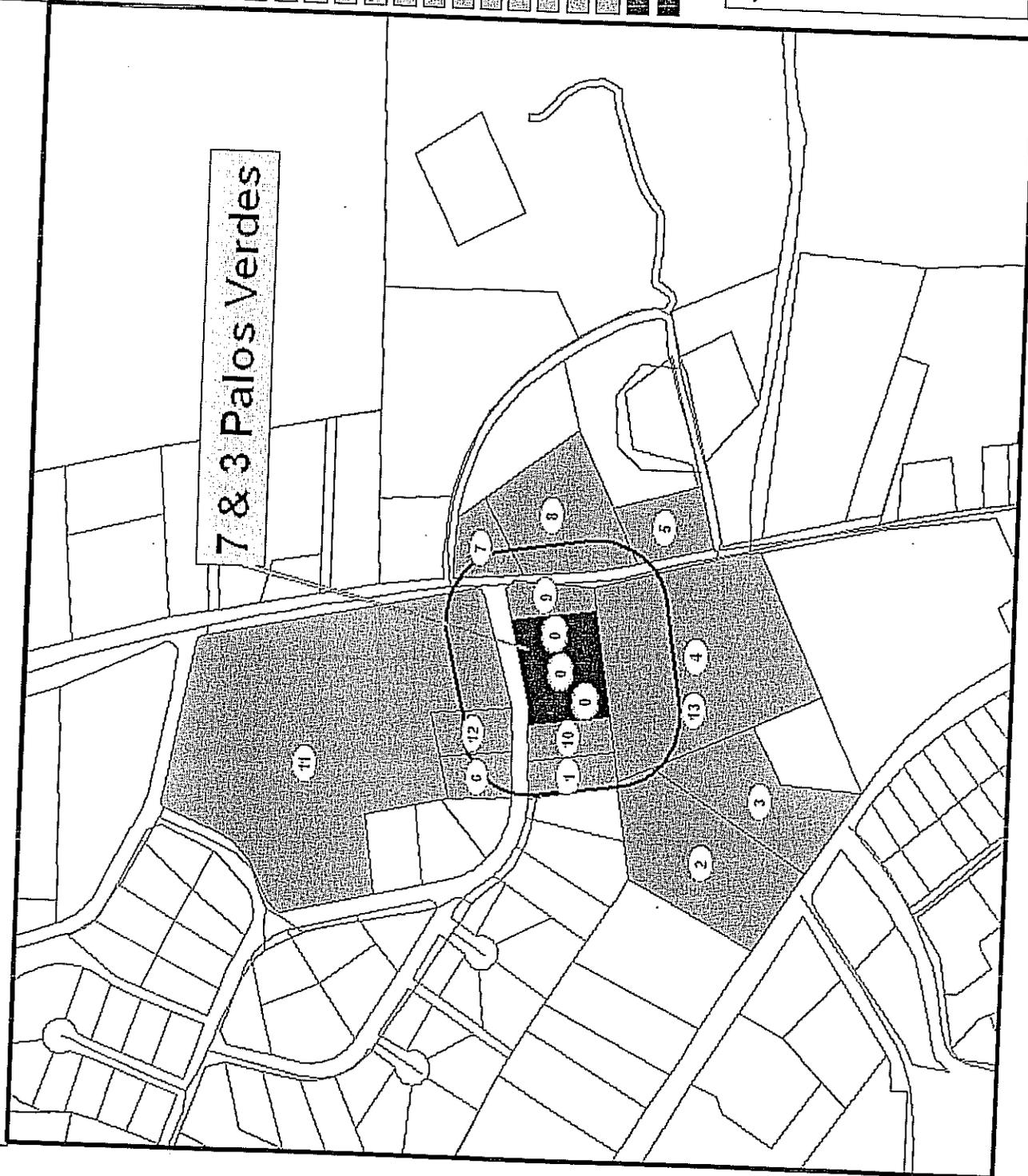
3, JOHNSON, WM PARKS

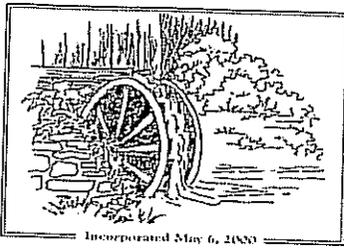
2, WILLETT, BOYD

1, MCWILLIAMS JEFF & JUDITH

0, ALLEN, GARRETT

0, GRACE, MICHELLE





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 23, 2010

NOTICE OF PUBLIC HEARING

Re: **File No. C212-10-002 (3 & 7 Palos Verdes)**

A request for an amended plat of Lots 2, 3, and 4, Block 2, Woodcreek, Section 3

File No. ZA-10-003 (7 Palos Verdes)

An application to change the zoning for a .3533 acre portion of property located at 7 Palos Verdes, Wimberley, Texas from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3)

Dear Property Owner:

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

The applicants, Michelle Grace and Garrett Allen, have submitted an application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The proposed plat amends the existing property lines for the subject tracts. As part of their subdivision application, the applicants are seeking a variance from Section 154.063(C) of the City Subdivision Code which requires that lots be rectangular in size and conform to the average depth to average width ratio.

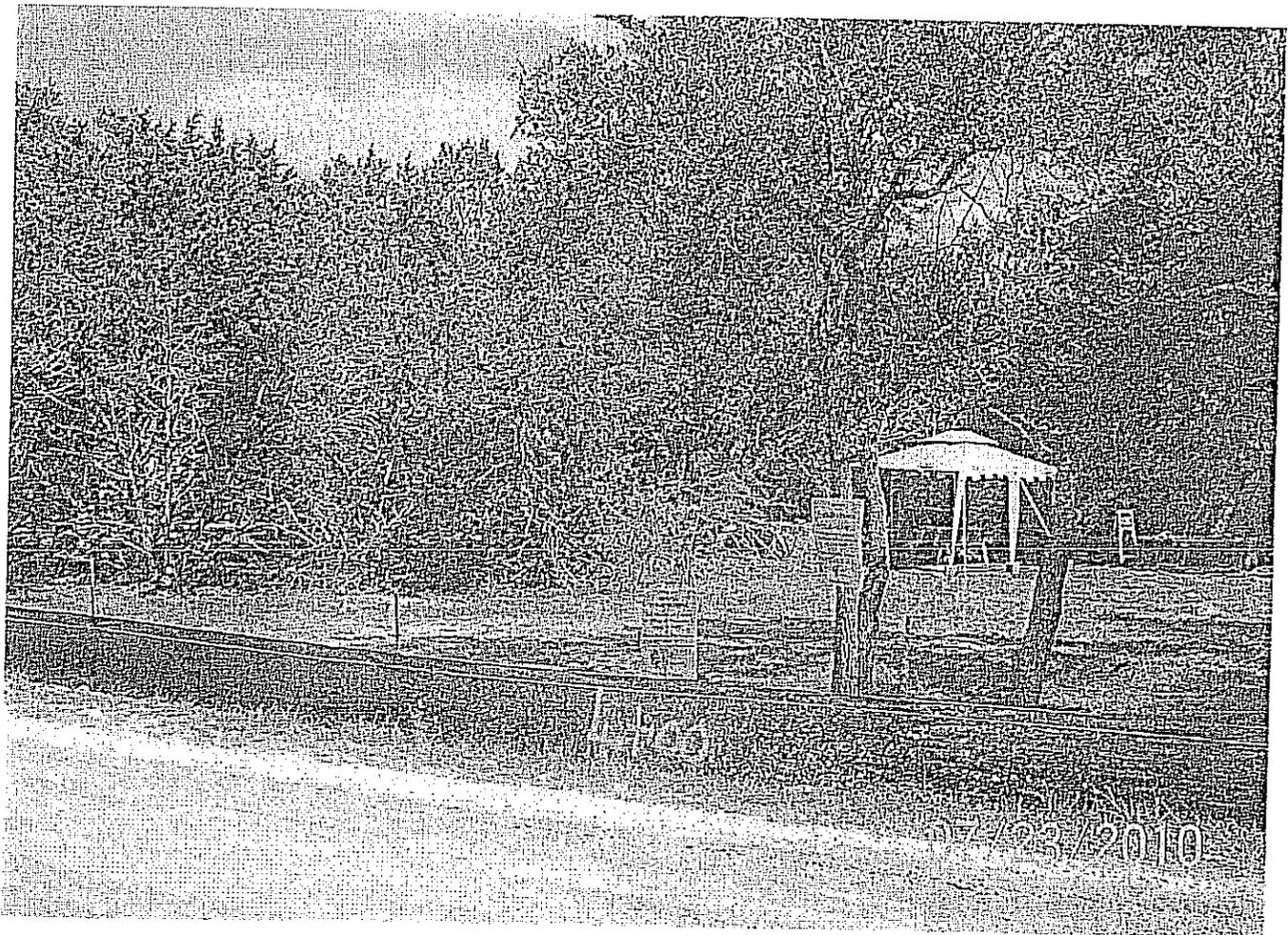
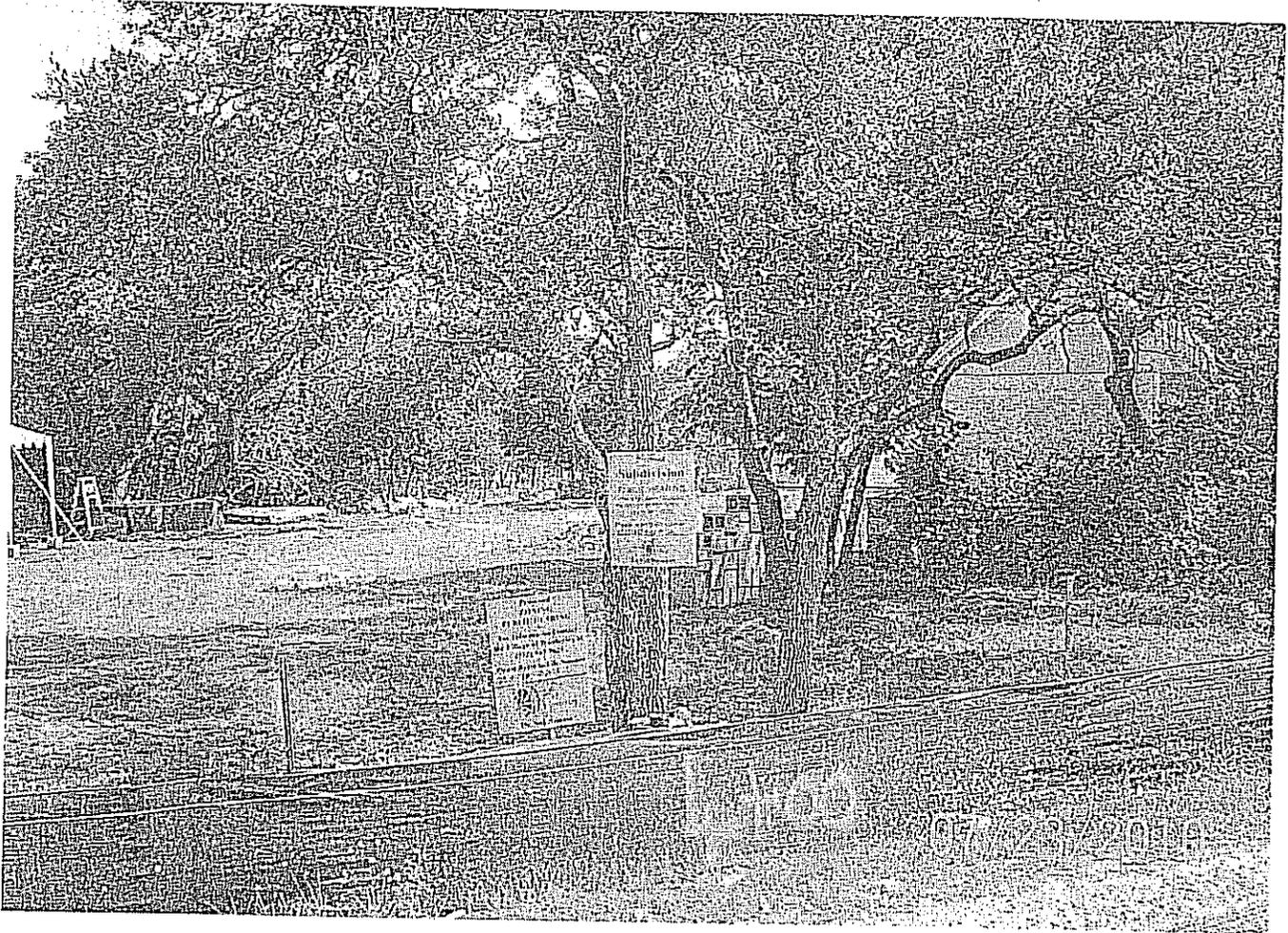
In addition to the proposed subdivision, the applicants have submitted an application to change the current zoning of the subject properties to conform to the City Zoning Code. The current zoning for these properties is Single-Family Residential 2 (R2). The proposed subdivision will place Lot 3 in a new zoning category of Single-Family Residential 3 (R3).

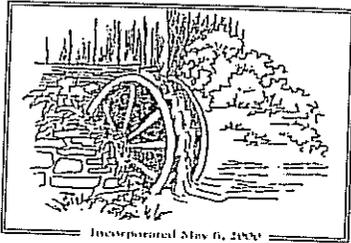
The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, August 12, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same requests on **Thursday, August 19, 2010, at 6:00 p.m.**

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 - Web: www.wil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: C 212-10-007
2A-10-007

Owner _____

Date 7/23/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 3 + 7 Palos Verdes

which is located Palos Verdes

Bill Bowers
Asst. Public Works

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

7/23/10, 2010

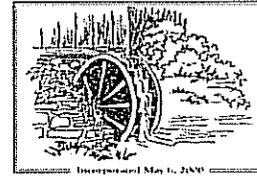

Signature

8 — Wimberley View, Wednesday, July 28, 2010

Century News 858-4163 • Wimberley View 847-2202 •

Contact Tammy | Hence Call A.T.M.

Report for CUP-10-013



Summary:

A request for a Conditional Use Permit (CUP) to allow a secondary residential unit at 260 Panther Crossing.

Applicant Information:

Applicant:

Thomas & Nancy Payte
260 Panther Crossing
Wimberley, TX 78676

Property Owner:

Thomas & Nancy Payte

Subject Property:

Legal Description:

Flite Acres Little Ranches Lot 15, 5.16 Acres GEO#90606067

Location:

260 Panther Crossing

Existing Use of Property:

Residential

Existing Zoning:

Residential Acreage (RA)

Proposed Use of Property:

Residential

Proposed Zoning:

Secondary Residential

Planning Area:

Planning Area I

Overlay District:

Protected Waterway

Surroundings:

Frontage On:

Panther Crossing

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	ETJ	ETJ
S of Property	R2, RA	Residential
E of Property	R1, RA	Residential
W of Property	ETJ	ETJ

Legal Notice

200' Letters

7/21/2010

Published

7/28/2010

Sign Placement

7/23/2010

Responses

None

Comments:

The applicants, Thomas and Nancy Payte, have requested a Conditional Use Permit (CUP) to allow for the construction of a secondary residence on the 5.16 acre tract of land located at 260 Panther Crossing in Planning Area I. The subject property is zoned Residential Acreage (RA) which allows secondary residential structures with a floor area of at least 600 square feet as a conditional use with a CUP.

Currently, there is one (1) single family residence located on the subject property. The applicant is proposing to construct a one-story secondary residence, with a floor area of approximately 3,200 square feet, on the residentially zoned tract. The architectural style of the secondary residence will be consistent with that of the surrounding neighborhood.

Relatives of the applicants are expected to move into the secondary residence, if approved.

To date, City Staff has not received any comments from surrounding property owners regarding the requested CUP. Upon review of the application, City staff recommends approval of the CUP.

At the time of production of this agenda packet, the Planning and Zoning Commission had not yet met to consider the case. The Commission is scheduled to meet on August 12, 2010, and the Commission's recommendation on the case will be presented to City Council under separate cover.

DISTRICT REGULATIONS; USE REQUIREMENTS AND RESTRICTIONS

§ 155.035 RESIDENTIAL ACREAGE; RA.

(A) *General purpose and description.* The RA, residential acreage district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is given the RA classification until it is assigned another more permanent zoning district.

(B) *Permitted uses.*

(1) One residence, including:

(a) One single-family detached dwelling; or

(b) Mobile or manufactured home installed on a permanent foundation.

(2) Farms, barns, nurseries, greenhouses, or gardens on parcels 5 acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation, as defined in § 155.005, and except as may be permitted with a conditional use permit (CUP);

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

(a) The term accessory use shall include customary home occupations as herein defined. See § 155.076 for additional accessory use requirements;

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

(c) Detached garages with living quarters (such as garage/accessory dwelling), detached employee (such as caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached employee quarters without a garage may be permitted only by CUP, and are required to be on a lot 5 acres or larger. Only 1 accessory dwelling unit (such as garage/accessory dwelling, employee quarters, and the like) shall be allowed on any lot within the RA district, and it shall be clearly incidental to the primary use (such as single-family detached residential). These accessory living structures shall not, in any case, be sold separately from the main dwelling.

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

(5) Swimming pool (private);

(6) Commercial row and field crops;

(7) Commercial livestock; and

(8) Religious assembly.

(C) *Conditional uses.*

(1) One secondary single-family residential building built on site;

(2) Bed and breakfast lodging which may be in the primary or secondary residential building or in cottages or cabins;

(3) Home day care;

(4) Home commercial crafts or hobbies;

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

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

(7) Utilities.

(D) *Development regulations.*

(1) Minimum lot size: 5 acres or more.

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

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

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

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

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

(e) Barns, silos, water towers: 45 feet if more than 90 feet from residential buildings or property line, otherwise 28 feet.

(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: 50 feet;
 - (b) Secondary street: 25 feet; and
 - (c) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.
- (4) Minimum floor area:
- (a) Primary residential building: 1,000 square feet;
 - (b) Secondary residential building: 600 square feet; and
 - (c) Bed and breakfast units: 200 square feet.

(5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

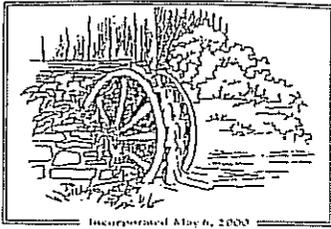
(1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

(2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on 2 or more acres.

(3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, garden materials, and the like.

(4) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 14, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999



City of Wimberley
Conditional Use Permit (CUP)
Application

No. CUP-10 - 013

FOR OFFICIAL USE ONLY

Application Date: 7/2 Tentative P&Z Hearing: 8/12 Tentative Council Hearing: 8/19
FEES: \$400.00 DATE PAID: 7/2 CHECK NO. 011019 REC'D BY SANDY IRVIN

PROJECT SITE ADDRESS: 260 Panther Crossing Wimberley, TX. 78676

OWNER/APPLICANT J. Thomas & Nancy Payte PHONE (512) 722-3619

FAX (512) 722-3617 EMAIL: njpayte@mac.com

Mailing Address: 260 Panther Crossing CITY: Wimberley STATE: TX ZIP: 78676

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

Secondary Residential

Planning Area I Zoning RA Total Acreage or Sq. Ft. _____

Subdivision: Elite Acres Little Run Lot 15 Block _____

Appraisal District Tax ID#: R 27708

Deed Records Hays County: Volume 165 Page 285

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

Type: Protected waterway

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

Utilities:

Electric Provider: Pedernaks Electric

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: _____

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 7/2/10


APPLICANT SIGNATURE

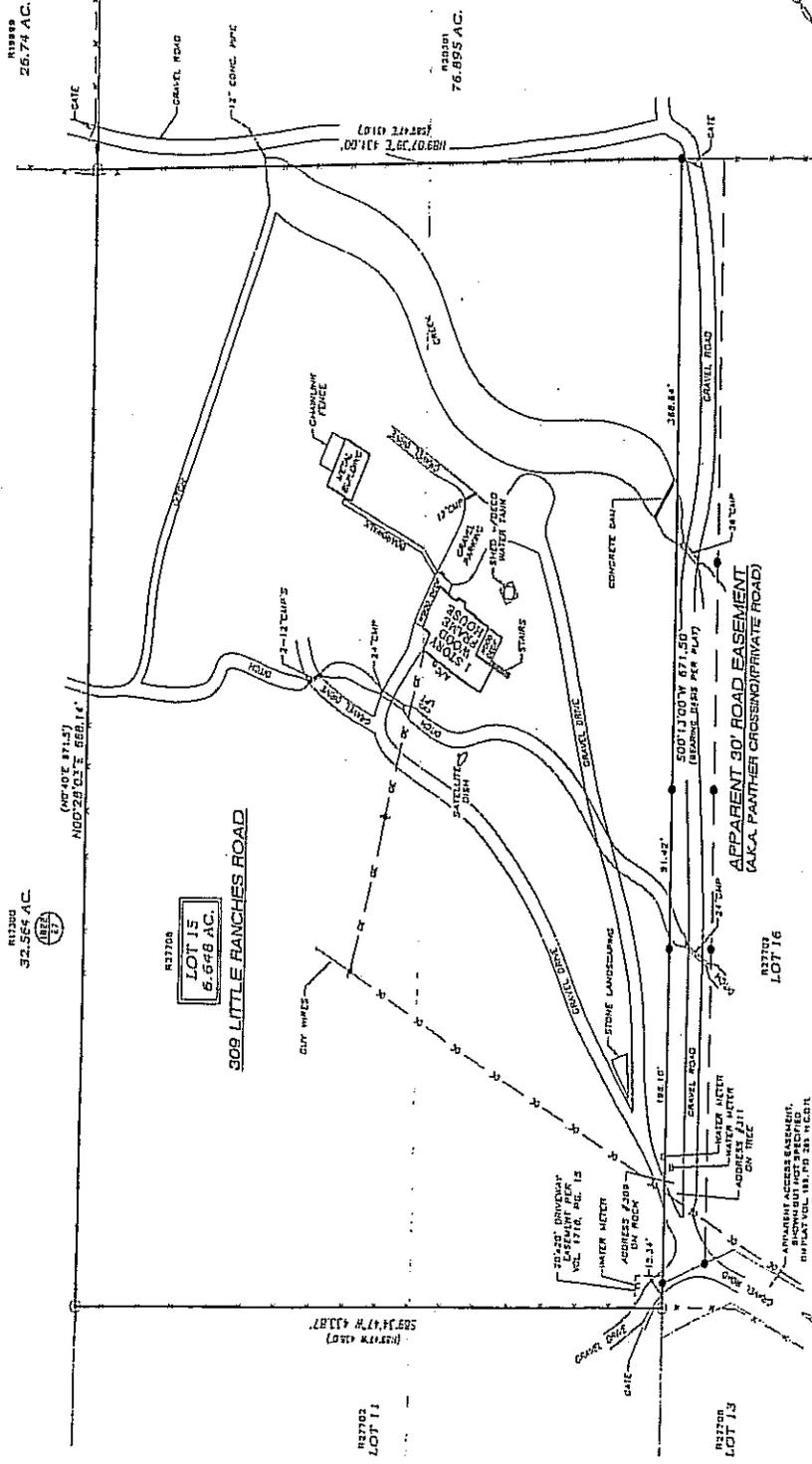
WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

LOT 15, FLITE ACRES LITTLE RANCHES, SECTION 1, A SUBDIVISION IN HAYS COUNTY, TEXAS VOLUME 165, PAGE 285, HAYS COUNTY DEED RECORDS

SCALE: 1" = 50'



NOTES

- THIS SURVEY REFERENCE TITLE COMMITMENT PROVIDED BY INDEPENDENCE TITLE COMPANY.
- LOT 15 BEARS THE SURVEY OF THE 1984 100 YEAR FLOODPLAIN ACCORDING TO FEMA PANEL FLOODING LEGISLATION DATED 9/2/2004 AND IS SUBJECT TO ELEVATION CERTIFICATE.
- A GRANT UNDER CERTAIN TERMS FOR PERMANENT ELEC. COOPERATIVE AND PER VOLUME 116, PAGE 21, H.C.B.R.
- A PIPE AND PILE LINE EASEMENT FOR AGRICULTURAL PURPOSES.
- THIS PROPERTY IS SUBJECT TO A DEED LOT 11 THROUGHOUT VOLUME 116, PAGE 15, H.C.B.R. AND IS SUBJECT TO THE UNDERSIGNED.

LEGEND

- 1/2" IRON ROD FOUND - UNLESS NOTED
- 1/2" IRON ROD SET - DRIFTWOOD SURVEYING
- SERVICE OR UTILITY POLES
- DE
- DITCHHEAD MARKERS
- EASEMENT
- FENCE
- SCRAP
- HAYS COUNTY OFFICIAL PUBLIC RECORDS
- HAYS COUNTY OFFICIAL PUBLIC RECORDS
- HAYS COUNTY OFFICIAL PUBLIC RECORDS

Driftwood Surveying
Professional Land Surveyors
1000 N. 10th St., Suite 100
Hays, TX 77709
PH: (409) 407-2323 FAX: (409) 407-2323

DATE: 5/10/07
DRAWN: 5/10/07
CHECKED: JSP
DATE: 5/10/07
DATE: 5/10/07
DATE: 5/10/07

LOT 15, FLITE ACRES
LITTLE RANCHES, SECTION 1,
A SUBDIVISION IN HAYS COUNTY, TEXAS

CLIENT: IMMEL



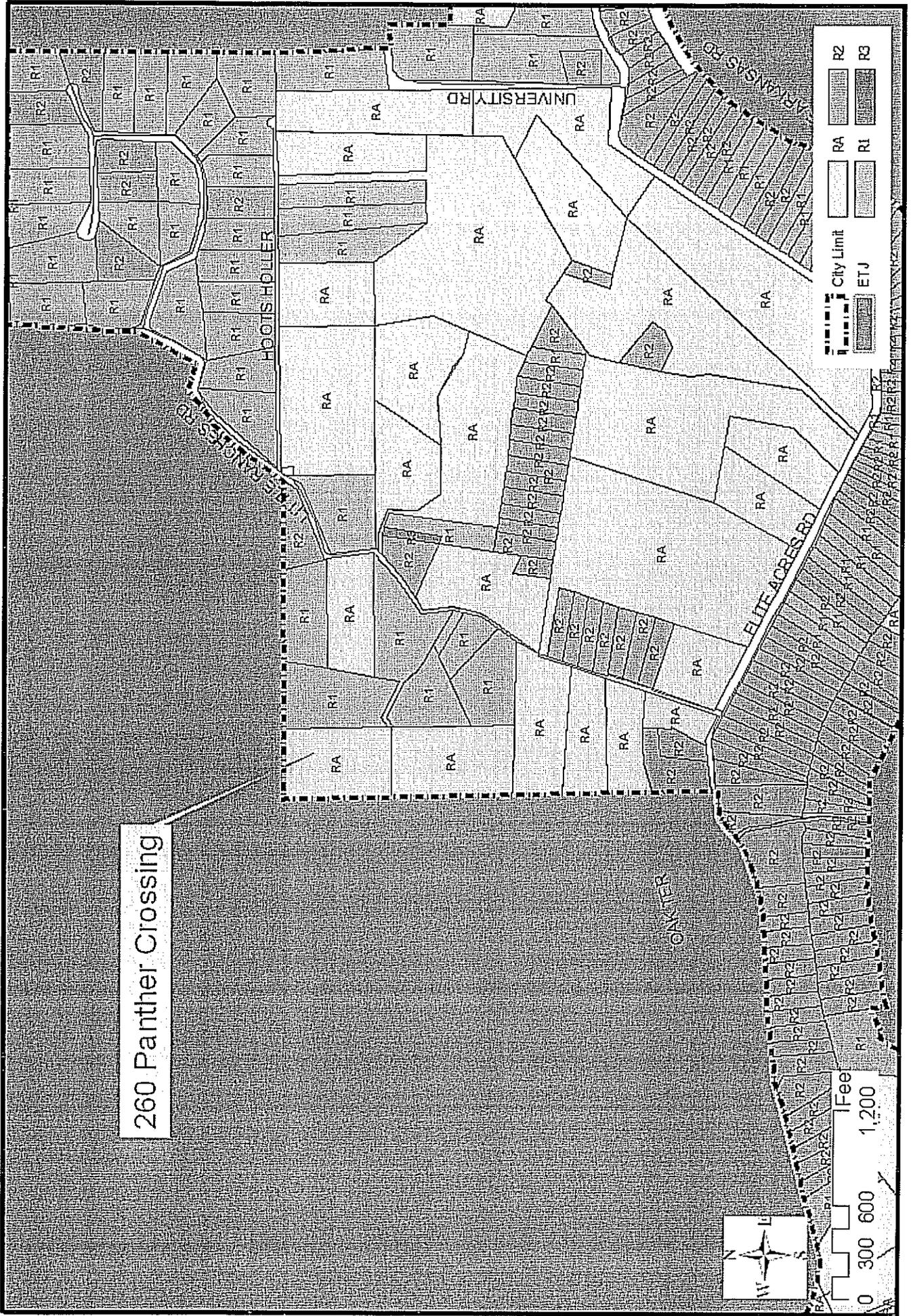
SURVEYOR'S CERTIFICATION

This survey is made for the benefit of Fratello Holdings, Independence Title Company and Robert Jeffrey M. Wynn & Ryan Howard, I hereby certify that a careful and accurate survey was made on this ground, under my supervision, at the present time, and that the same is correct and true, and that I am a duly licensed and qualified Surveyor in the State of Texas, and that I am not a party to any litigation in which the title to the land surveyed is in issue.

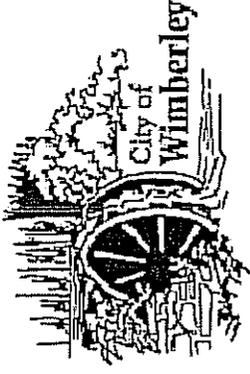
[Signature]
Surveyor

Zoning Map for CUP-10-013

260 Panther Crossing

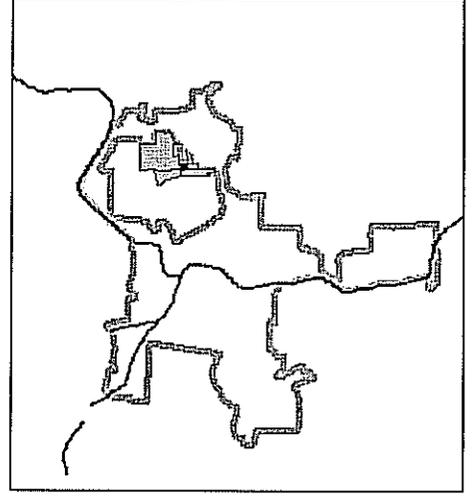
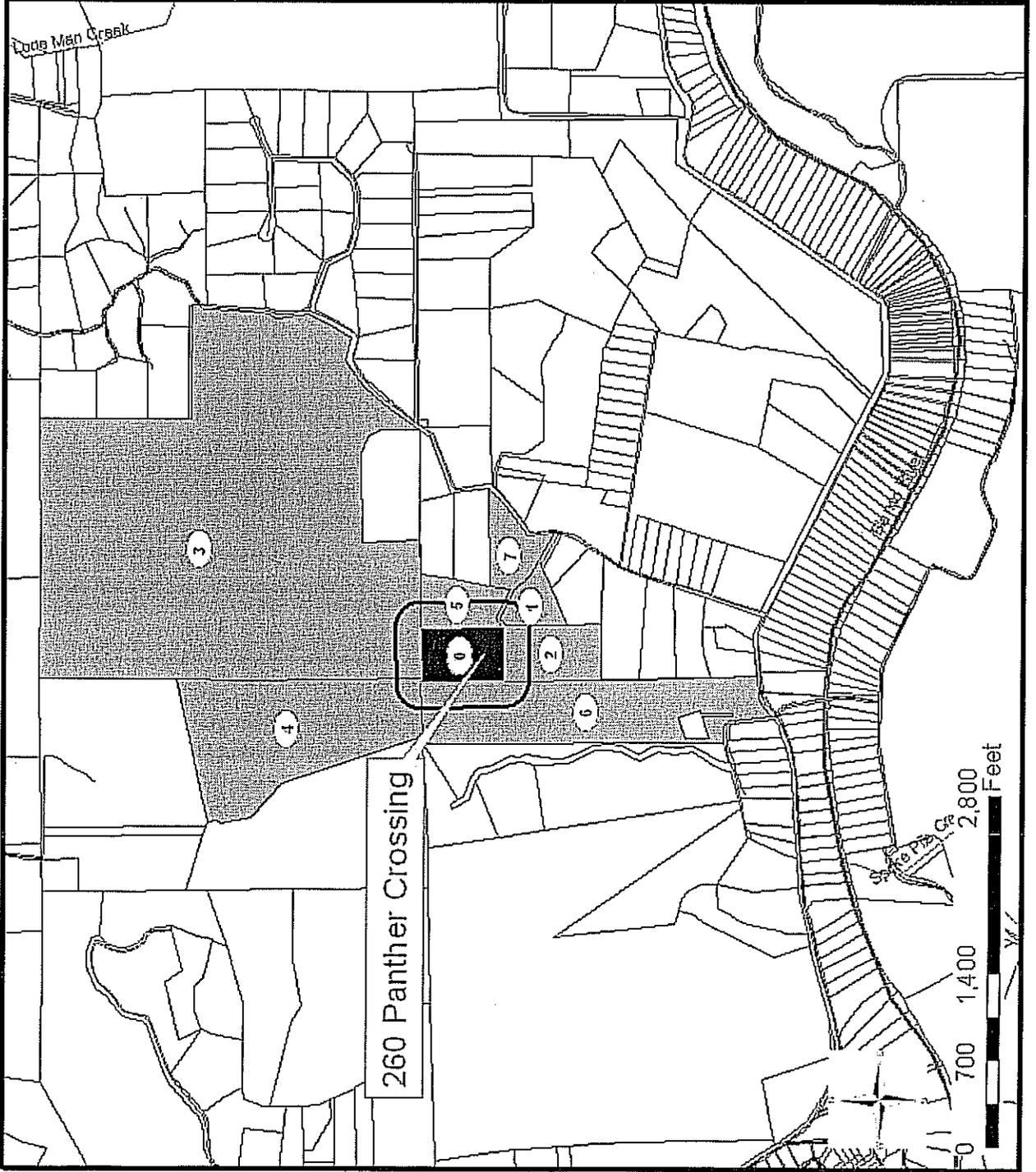


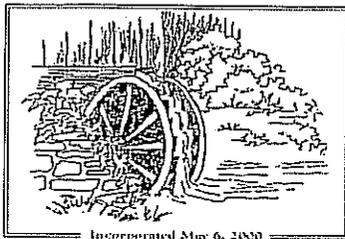
Notification Map for Case CUP-10-013



P.O. Box 2027 • Wimberley, Texas 78676

- 200' Notification Buffer
- Subject Property
- 0, PAYTE JAMES T & NANCY J
- 1, BARRON OTIS & ARDITH ARLENE
- 2, SMITH RANDALL G
- 3,
- 4,
- 5, HENDERSON JIM & THELMA GENE
- 6, DONALDSON, DAVID & SUSAN
- 7, HENDERSON J MORRIS & DOROTHY L





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 21, 2010

NOTICE OF PUBLIC HEARING

Re: File No. CUP-10-013
260 Panther Crossing
A request for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at this location.

Dear Property Owner:

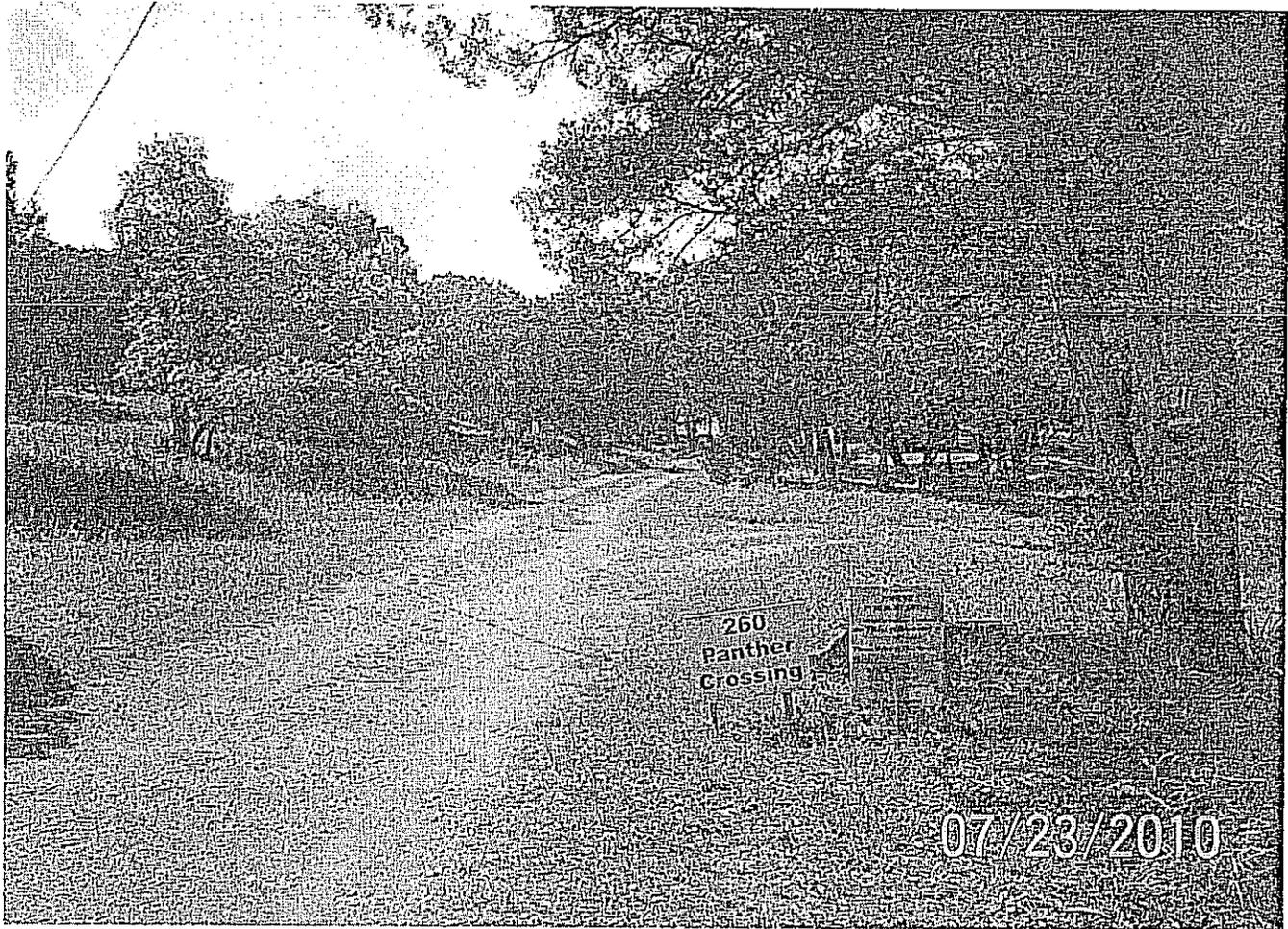
You are receiving this letter because you own property within 200 feet of the above-referenced location.

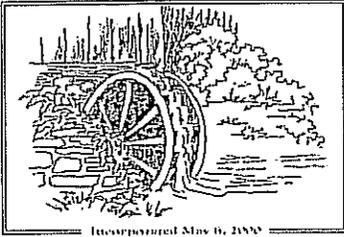
The applicants, Thomas and Nancy Payte, have requested a Conditional Use Permit (CUP) to allow a secondary residential unit at 260 Panther Crossing. The current zoning for this property is Residential Acreage (RA). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 12, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 19, 2010, at 6:00 p.m.**

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 - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: CUP-10-013

Owner _____

Date 7/26/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

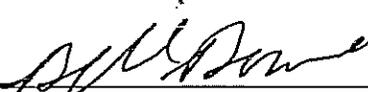
(1) Project Site Address 260 Panther Crossing

which is located Panther Crossing

Bill Bowers
Asst. Public Works

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

7/23/10, 2010



Signature

Century-News 858-4163 • Wimberley View 847-2202 •

★ LEGALS & PUBLIC NOTICES

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, August 12, 2010, at 6:30 p.m.** to consider the following: CUP-10-013 - an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 260 Panther Crossing. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 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, 221 Stillwater, Wimberley, Texas. (12313/1a/60)

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

for a zoning change from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3) on a .3533 acre portion of 7 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 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, 221 Stillwater, Wimberley, Texas. (12315/1a/60)

NOTICE OF PUBLIC HEARING (PUD Amendment)

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, August 12, 2010, at 6:30 p.m.** to consider the following: ZA-10-004 - an amendment to the Planned Unit Development with a base zoning of Lodging 2 (L-2) at 100 Spoke Hill Drive, as more particular set out in a Planned Unit Development Agreement. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and

mailed will not be accepted. FAX proposals will not be accepted. Proposal forms and specifications may be obtained from the Dripping Springs Independent School District Business office, by calling (512) 858-3006 between 8:00 A.M. and 4:00 P.M. Monday through Friday, or thru the district website at <http://www.dsisd.txed.net>.

A non-mandatory pre-proposal will be held at 2:00 pm on Thursday August 5, 2010 at the Dripping Springs Independent School District at 510 West Mercer Street, Dripping Springs, Texas 78620. All interested parties are encouraged to attend. Dripping Springs Independent School District reserves the right to reject any and all proposals or to waive formalities. In case of ambiguity or lack of clarity and state of compliance in the proposal, Dripping Springs Independent School District reserves the right to consider the most advantageous interpretation thereof or to reject the proposal. (12312/2a/60,62)

PUBLIC NOTICE

HTGCD Public Hearing Thursday at City Hall
The Hays Trinity groundwater Conservation District meets at 6:00 p.m. on Thursday, August 19, at Wimberley Community Center, 14068 Ranch Road 12. The Meeting will include: Hearing Agenda Items: Discuss and Possible

★ BUSINESS OPPORTUNITIES

CLEANING BUSINESS FOR SALE
established 30 years, Call 847-2866 (cell) 557-2566 (12262/2cc/60+)

ESTABLISHED CASH FLOWING LOCAL BUSINESS

All assets & lease convey. Low oversight. Owner may carry \$23,500 Call Dable Hill, Samford Group 512-801-4280 (09631/1cc/1fr/61+)

★ CHILOCARE

WIMBERLEY UNITED METHODIST CHURCH

Now enrolling for Mother's Day Out. Ages 1-5 for 2010-2011 year. M-F 8:30-2:30, early drop off 7:30 a.m., late pick up 5:30 p.m. Lead teachers are Early Childhood Certified, low ratio, 2 teacher's per class, licensed center. Contact Matilda Long at 847-7924 or email mdo@wimberleyumc.org (12258/2a/61+)

NEED A SITTER?

Stay at home mom to babysit your little one. Please call 512-212-4620 (06364/1cc/60)

★ COMMERCIAL FOR LEASE

★ FURNITURE

FUTON
quality Southwest-style fabric, \$85. China cabinet, 80x32", custom-made painted rustic black, glass doors, \$300; Black laminate bookshelf 89x32", \$50; carpet shampooer, like new, \$50. 512-847-5803 (12304/1cc/61+)

SOFA & LOVE SEAT

Excellent condition \$500. Rustic ranch style entertainment center, up to 52" TV..\$375. Antique Secretary \$300. 2 Antique night stands \$75 for both 512-722-3641 (12283/2cc/61+)

MATTRESS ON DEMAND

Wholesale to Public All Sizes Call 512-761-1000 Serving Hays County (12204/4cc/67+)

★ HELP WANTED

NEW SALON SEEKING

full/part time stylist and nail tech, booth rent, someone with established clients is a plus. Contact Tammy 512-468-4138 www.sassychairsalon.com (12305/1cc/61+)

NEW SALON

Great Location, needs nail tech, 512-757-2922 or 512-569-7805 (12287/1cc/60+)

der caregiver benefits & gas allowance. Please fax your resume to Kerri at (512) 858-5104 or call 894-0701 ext.219 email kalvis@corehealth.com. Visit our website at www.corehealth.com (12277/2cc/61+)

HELP ELDERLY LADY

With focus on painless exercise and fun activities 847-3755 (07451/4cc/60+)

LG. 2 BR APT.

for rent on horse farm. \$400/mo. Must work 40 hrs/wk. Horse/Lawn/Ranch/Maint. \$10/hr. Call (512)396-2101 (12250/4cc/63+)

INNKEEPER

Position requires good computer skills and good health for strenuous work many steps. Full time week-ends, requires some housekeeping must work Saturday night. Send resume to info@blairhouseinn.com. Good wages. (120681a/60+)

LOCAL A/C COMPANY

Ready to hire qualified technician. Must be registered with TDLR as required by law. Have EPA license, clean driving record. Salary based on experience. Call A.I.M. A/C Services at 512-312-9080 or email office@aim4ac.com. (12165/a-tfn)

DEER CREEK OF WIMBERLEY

is accepting applications for the following positions: RN's (11a - 7p)

ORDINANCE NO. 2010-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY THOMAS & NANCY PAYTE TO PERMIT THE CONSTRUCTION AND USE OF A SECONDARY RESIDENTIAL STRUCTURE ON A 5.16 ACRE TRACT LOCATED AT 260 PANTHER CROSSING, WIMBERLEY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA); 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 Thomas and Nancy Payte ("Applicant") requesting authorization to construct and use of a secondary residential structure on real property consisting of approximately 5.16 acres, zoned Residential Acreage (RA); and

WHEREAS, a residential structure currently exists on the property and a secondary residential structure is an authorized use in areas zoned Residential Acreage (RA) upon the granting of a Conditional Use Permit; and

WHEREAS, approval of the Conditional Use Permit has been recommended by the Planning and Zoning Commission; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibit "A" and incorporated herein, and other necessary information, and has complied with the requirements of the City of 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 adding the construction of a secondary residential structure 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 Thomas and Nancy Payte ("Applicant") requesting authorization to construct and use of a secondary residential structure on real property consisting of approximately 5.16 acres,

located at 260 Panther Crossing, described as Lot 15 out of the Flite Acres Little Ranches Subdivision, Section 1, Wimberley, Hays County, Texas, a primary residential structure currently exists on the tract which is Residential Acreage (RA), 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 City of Wimberley ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use and construction of a secondary residential structure in accordance with the site plan attached hereto as Exhibit "A", attached and incorporated by reference, and in any event shall not exceed 3,200 square feet as well as all applicable regulations in effect at the time of the submission of the building permit application. Other than the current existing uses on the property, no other use of the property is authorized by this Conditional Use Permit.
3. All construction material and architectural style shall imitate the current existing building and compliment the surrounding neighborhood.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the ___ day of _____, 2010 by a vote of ____ (Ayes) and ____ (Nays).

CITY OF WIMBERLEY

By: _____
Bob Flocke, Mayor

ATTEST:

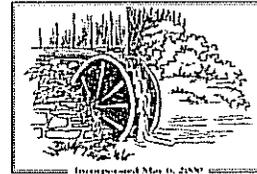
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning Change ZA-10-004



Summary:

An application for an amendment to the existing Planned Unit Development (PUD) Agreement with Base Zoning of Lodging 2 (L-2) at 100 W. Spoke Hill Drive

Applicant Information:

Applicant: A Yellow Rose
A Boutique Hotel Company
100 W. Spoke Hill
Wimberley, TX 78676
A Yellow Rose

Property Owner:
Subject Property:

Legal Description: A0206 Lewis C Gibbs Survey, Acres 21.87, (6.42 AC @ MKT)
Location: 100 W. Spoke Hill Drive
Existing Use of Property: Lodging, Accessory Buildings/Uses & Residential
Existing Zoning: Planned Unit Development (PUD) with Base Zoning of Lodging 2 (L-2)
Proposed Use of Property: Lodging, Accessory Buildings/Uses & Residential
Proposed Zoning: Planned Unit Development Agreement (PUD) with Lodging 2 (L-2) Base Zoning
Planning Area: Planning Areas I & VII
Overlay District: Entrance Corridor

Surroundings:

Frontage On: Ranch Road 12, W. Spoke Hill Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	WPDD with R-1	Commercial/Residential
S of Property	RA	Vacant
E of Property	RA	Vacant
W of Property	RA	Vacant

Legal Notice

200' Letters: 7/23/10
Published: 7/28/10
Sign Placement: 7/23/10
Responses: None

Comments:

The applicant, *A Yellow Rose*, is seeking an amendment to an existing Planned Unit Development (PUD) Agreement for Blair House Inn located at 100 W. Spoke Hill Drive. The original PUD was approved by City Council in September 2001 and has a base zoning district of Lodging 2 (L-2). The 22-acre development is located in the Entrance Corridor Overlay District.

Specifically, the applicant is proposing to amend the *Development Map* in the PUD to add two (2) cabins, each six hundred and eighty (680) square feet in size, and one (1) single family residence, approximately twenty-two hundred (2,200) square feet in size. Additional parking would also be provided for the new cabins.

Currently, the development features six (6) cabins, a barn and one (1) main lodge with a restaurant, art gallery, and guest bedrooms. The development also calls for a yet to be developed tennis court. If approved, plans call for the two (2) new cabins and associated parking to be developed immediately and the single family residence, to be developed at some point in the future.

The proposed cabins would be located near the main lodge in the south east corner of the property. The proposed single family residence would be located away from the lodging area on the east side of the property. Water service for the proposed additions would be provided by Wimberley Water Supply Corporation, while wastewater service would be provided by permitted on-site septic facilities.

The above mentioned improvements will have a minimal impact, if any, on the neighboring properties, most of which are vacant. In addition, no drainage problems are anticipated as a result of the minimal amount of additional impervious cover proposed. It should be noted that the subject property is, in large part, undeveloped open space.

As part of the PUD amendment, City staff is proposing to incorporate into the PUD language which gives City staff the ability to approve minor changes to the PUD development plan. Such language is now standard for development agreements approved by the City.

City staff recommends approval of the amendments as requested,

At the time of production of this agenda packet, the Planning and Zoning Commission had not yet met to consider the case. The Commission is scheduled to meet on August 12, 2010, and the Commission's recommendation on the case will be presented to City Council under separate cover.

§ 155.055 LODGING; L-2.

(A) *General purpose and description.* The L-2, lodging 2 district is intended primarily for the conduct of moderate lodging operations that typically depend upon frequent customer or client visits.

(B) *Permitted uses.*

- (1) Hotel or motel; maximum of 30 dwelling units;
- (2) Detached cabins or cottages; maximum of 30 dwelling units;
- (3) Accessory uses to the main use; and
- (4) Religious assembly.

(C) *Conditional uses.*

- (1) RV park; maximum of 30 sites (dwelling units); and
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Required facilities.*

- (1) All motel and cabin or cottage units shall have private bath.
- (2) Electric, water, and sewer hook-up are required for each RV space.
- (3) Permanent secure building space is required for storm refuge for RV tenants.
- (4) A minimum of 1 bathroom with shower and toilet is required for each 10 RV sites or fraction thereof.
- (5) A laundromat with 1 washer and 1 dryer is required for each 10 dwelling units of all types.

(E) *Development regulations.*

- (1) Minimum lot size: 2 acres.
- (2) Maximum guest bedrooms (all forms) per acre: 10.
- (3) Maximum guest bedrooms (all forms): 60.
- (4) Maximum building height (as defined in § 155.005):

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

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

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

(5) Minimum floor area of the lodging/service buildings:

(a) Six hundred square feet, plus 200 square feet per internal guest bedroom, plus 100 square feet per RV site; or

(b) Six hundred square feet, plus 200 square feet per internal dwelling unit, plus 100 square feet per RV site.

(6) For minimum required 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: 30 feet;

(b) Secondary street: 30 feet;

(c) Interior side yard: 10 feet, 30 feet when adjacent to a residential district, 50 feet if the building is more than 1 story; and

(d) Rear yard: 20 feet, 40 feet when adjacent to a residential district, 60 feet if the building is more than 1 story.

(7) Maximum floor area of the lodging/service building: 15,000 square feet.

(8) Maximum impervious coverage: 60%. 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.

(9) Maximum building coverage, including RV parking sites: 50%. Building coverage shall be calculated as a percentage of the net site area.

(10) Maximum building footprint: 7,500 square feet.

(F) *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.

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

(H) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements. (Ord. 2001-010, § 34, passed 4-1-2001) Penalty, see § 155.999

Proposed Amendments to Ordinance No. ZA-01-023 Planned Unit Development Agreement

1. The following subsection is to be added to Section E (Development Regulations):

8. *Minor Development Plan Modifications*

City staff is authorized to administratively approve minor modifications to the Development Plan so long as the Development Plan is in substantial conformity with the development standards herein and provided such modifications would not otherwise result in a violation of the City's Code of Ordinances. "Minor Modifications" are defined as:

- (A) *adjustments of no more than 100 feet to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, (including plants and trees,) ponds and any other improvements depicted on the Development Plan;*
- (B) *adjustments of no more than five percent (5%) in building square footage of any individual building to be constructed as part of the project as compared to such building's initial square footage shown on the Development Plan; provided no such change may be administratively approved if the change would cause the project to exceed the limitations on impervious cover, height or floor area.*
- (C) *a reduction in size of parking lot areas or structured parking garages;*
- (D) *adjustments of no more than ten percent (10%) of the total square footage of any landscape areas as compared to the square footage shown and approved on the development plan, site plan or landscape plan;*
- (E) *so long as the changes referenced above do not cause an increase in the impervious cover approved for the project*
- (F) *allowance for slight enlargement or shifting of easements*
- (G) *addition or relocation of private or franchise utility easements,*
- (H) *correction of bearings or distances,*
- (I) *correction of minor labeling errors, addition of erroneously omitted informational items and labels,*

- (J) *modification of a plat note that does not amend the covenants and restrictions,*
- (K) *and other similar modifications as determined by the City Administrator. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, and relocation or addition or deletion of any public improvement, including corresponding easement, substantial relocation or reconfiguration of building layout which have the effect of redesigning the project shall necessitate resubmission and re-approval of the Development Plan as a "revised development plan" and shall be considered a new project for the purpose of determining applicable regulations.*

The procedures for such re-approval shall be the same as for a development plan, and such re-approval shall constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

2. The following language is to replace the current "header" language in Section F Blair House Inn Planned Unit Development Map.

F. Blair House Inn Planned Unit Development Map
The PUD Map, as amended, illustrates the following features of the development

3. The following language is to replace the current language set forth in subsection (F)(2) and (F)(3).

F(2) Existing Development and Features

- a. *Main Building with 3 guest bedrooms, restaurant and art gallery*
- b. *Cabin with 2 guest bedrooms*
- c. *Cabin with 3 guest bedrooms*
- d. *Cabin/owner manager residence with bedrooms*
- e. *Cabin with 1 guest bedroom(s)*
- f. *Cabin with 1 guest bedroom(s)*
- g. *Cabin with 1 guest bedroom(s)*
- h. *Barn (no foundation)*
- i. *Roads from entry to the various building and associated parking*

F(3) Proposed Development

- a. *Cabin with 1 guest bedroom (Approximately 680 square feet in size)*
- b. *Cabin with 1 guest bedroom (Approximately 680 square feet in size)*
- c. *Single family residence (approximately 2,200 square feet in size)*

Amended Planned Unit Development (PUD) 100 W Spoke Hill Drive

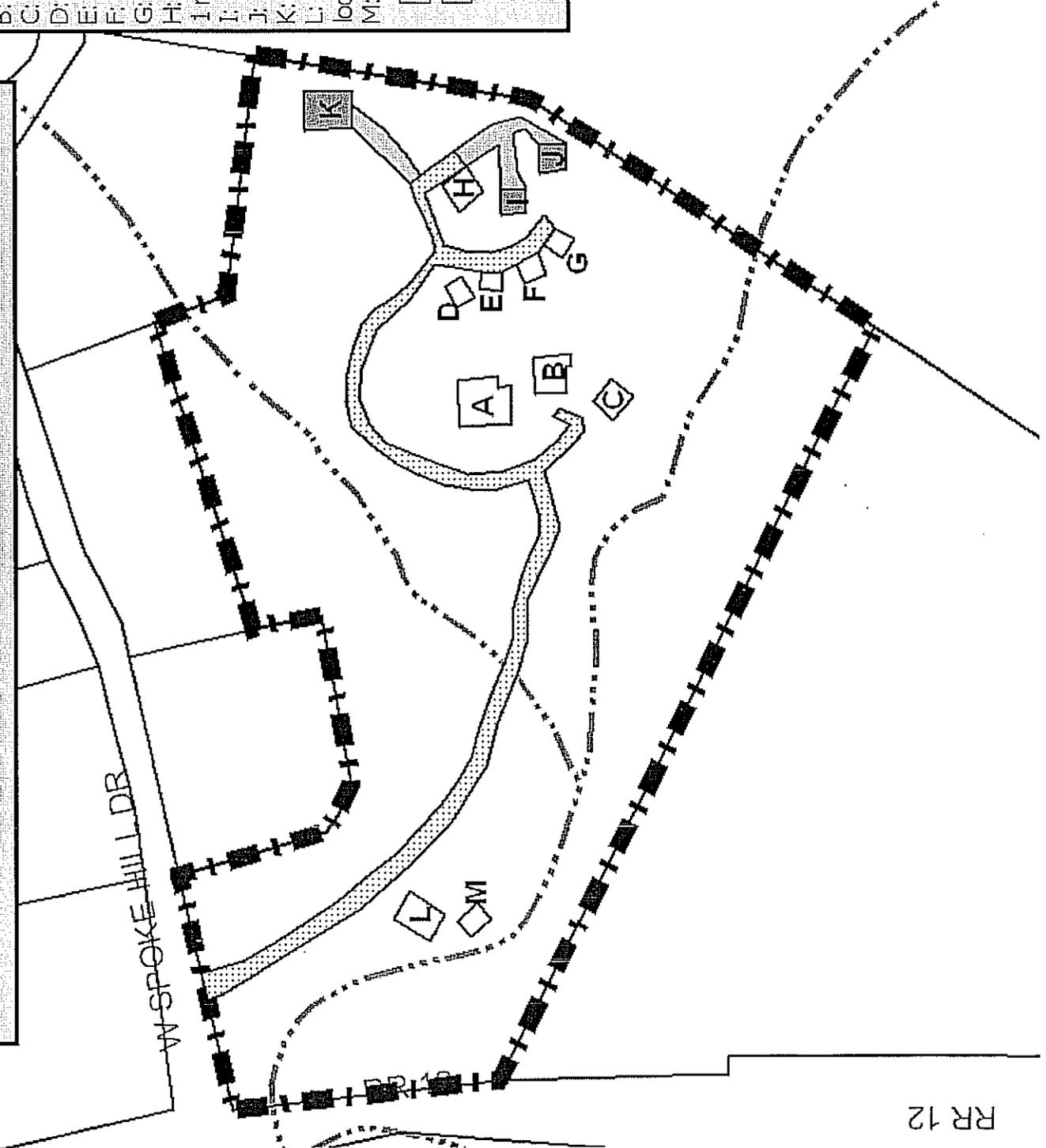
W SPOKE HILL DR

DRIVE

Legend

- A: Main Building: existing, 3 rooms.
- B: Cabin: existing, 2 rooms.
- C: Cabin/Spa: existing, 3 rooms.
- D: Cabin: existing, 1 room.
- E: Swimming pool: existing.
- F: Cabin: existing, 1 room.
- G: Cabin: existing, 1 room.
- H: Cabin/Owner residence: existing, 1 room.
- I: Cabin: proposed, 1 room.
- J: Cabin: proposed, 1 room.
- K: SFR: proposed, 2 or 3 rooms.
- L: Tennis courts: proposed re-location.
- M: Barn (no foundation): existing.

-  Existing Roads
-  Proposed Roads



Amendment to previous approved zoning for the Blair House Inn

The owners of the Blair House Inn wish to provide a more unique and positive experience for their guests. The Inn which presently consists of a spa, an art gallery, restaurant (limited meal service) and cooking school plans to add three more units, enlarge its spa and add a tennis court.

The original presentation to the zoning committee included all of the above but, due to new procedures, only approved three new units, a pool and tennis court with the provision that approval of additional units would be given at a later date. The fee for zoning was very reasonable at that time (under \$400.00) which is acceptable.

Now almost 10 years later we have renovated the majority of our guest rooms and other facilities and look toward taking the next step in moving the guest experience to another level. We plan to add three more units designed for longer stays. They will be almost 680 sq feet with living rooms, wet bars, large bedrooms, spa bathroom, covered porch and decks. One of new units would be the conversion of the owner's cottage to a guest cottage. This would require the owners to build a new house which would be about 2,200 square feet and slightly north of the present unit. This would entail two bedrooms, two baths, a half bath, a living room, kitchen, dining room and deck.

All of the guest units would be built within three and half acres from the existing lodge. There are no neighbors to the south of us, none to the west and none to the east. There are three to the North which are over two hundred yards away from the existing and planned facilities.

Attached is a lay out design of our property and where we plan to build these units and owner's house.

Original

PUD Agreement

Case No. C211-01-023

Approved Sept. 6, 2001

For

100 W. Spoke Hill

ORDINANCE NO. ZA-01-023

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, AMENDING ORDINANCE NO. 2001-010, DESIGNATING GEOGRAPHIC BOUNDARIES FOR PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A PARTICULAR TRACT LOCATED AT 100 SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS; CASE NO. C211-01-023, DESIGNATING SUCH TRACT AS A PLANNED UNIT DEVELOPMENT (PUD) UNDER BASE ZONING DISTRICT LODGING (L-2), AS MORE PARTICULARLY SET OUT IN A PLANNED UNIT DEVELOPMENT AGREEMENT; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; AND PROPER NOTICE AND A HEARING.

WHEREAS, the regulations established by this Ordinance 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 this Ordinance the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the Village, 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 this Ordinance 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 Village; and

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

WHEREAS, the following enactments are a valid exercise of the Village's broad police powers and based upon the Village'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 has carefully reviewed the requirements of the Village's Comprehensive Zoning Ordinance and has concluded that the 21.87 acres of the LOUIS AAAAC. GIBBS SURVEY, Hays County, Texas, more commonly known as 100 Spoke Hill Drive, Wimberley, Hays County, Texas (further described in Attachment A), qualifies for the Planned Unit Development (PUD) designation, under Base Zoning District L-2 and more particularly set out in a Planned Unit Development Agreement attached hereto and made a part hereof for all purposes, and that such designation is consistent with established Village policy and in the public interest;

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

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

ARTICLE I. AMENDMENT

Ordinance No. 2001-010 is hereby amended by adding Appendix F, which shall be incorporated into and made part of Ordinance No. 2001-010, and given full weight and effect. Appendix F shall read as follows:

Appendix F: Zoning District Designations -

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

(1) The 21.87 acres of the LOUIS C. GIBBS SURVEY, Hays County, Texas, more particularly known as 100 Spoke Hill Drive, Wimberley, Hays County, Texas, is designated as a PLANNED UNIT DEVELOPMENT (PUD), under Base Zoning District L-2 and more particularly set out in a Planned Unit Development Agreement attached hereto and made a part hereof for all purposes.

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.

ARTICLE IV. 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.

DESCRIPTION OF 21.87 ACRES, MORE OR LESS, OF LAND AREA IN THE LOUIS C. GIBBS SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 83.28 ACRES IN A DEED FROM FRANK M. AUSTIN, JR. ET UX TO JONNIE STANSBURY DATED JULY 17, 1991 AND RECORDED IN VOLUME 883, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the common east line of R. M. Highway No. 12 and the east line of that tract described as 4.511 acres in a deed from Ike P. Robinson et ux to the State of Texas dated December 23, 1963 and recorded in Volume 198, Page 518 of the Hays County Deed Records for the common northwest corner of the Stansbury 83.28 acre tract and the southwest corner of that tract described as 4.261 acres in a deed from the First Baptist Church of Wimberley, Inc. to Lutheran Church of the Resurrection, Inc. dated December 13, 1991 and recorded in Volume 902, Page 529 of the Hays County Official Public Records at the beginning of West Spoke Hill Drive, A 50 foot roadway easement referred to in Volume 883, Page 104 of the Hays County Official Public Records;

THENCE leaving the east line of R.M. Highway No. 12, the State of Texas 4.511 acre tract and the PLACE OF BEGINNING as shown on that plat numbered 25059-01-d dated May 29, 2001 as prepared for Jonnie Stansbury by Byrn & Associates, Inc. of San Marcos, Texas, with the common north line of the Stansbury 83.28 acre tract, the south line of the Lutheran Church 4.261 acre tract, the south line of A Subdivision of Tract 5, Spoke Hill, Section 1, as recorded in Volume 6, Page 303 of the Hays County Plat Records, and the centerline of the 50 foot roadway easement, N 78° 02' 00" E 360.54 feet to a calculated point for the northwest corner of Lilly's Hill Subdivision as recorded in Volume 9, Page 215 of the Hays County Plat Records;

THENCE leaving the south line of Tract 5, Spoke Hill, Section 1, and the centerline of the 50 foot roadway easement and crossing the Stansbury 83.28 acre tract with the southwest line of Lilly's Hill Subdivision, S 15° 58' 30" E 231.26 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the southwest corner of Lilly's Hill Subdivision, pass at 25.12 feet a ¼" iron rod found with a plastic cap stamped "Byrn Survey" at the south edge of the 50 foot roadway easement;

THENCE with the south line of Lilly's Hill Subdivision, the following seven courses:

1. S 53° 19' 57" E 31.68 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey",
2. S 66° 14' 25" E 48.18 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,

ATTACHMENT "A"

3. N 80° 26' 25" E 246.13 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
4. N 11° 34' 07" W 100.28 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
5. N 72° 46' 00" E (this course being the Bearing Basis for this description) 465.46 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
6. S 20° 02' 55" E 116.37 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point, and
7. S 83° 30' 55" E 347.41 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" in the west line of that tract described as 35.76 acres in a deed from Jonnie Stansbury to Linda O. Crawford dated December 20, 1995 and recorded in Volume 1197, Page 253 of the Hays County Official Public Records for the common northeast corner of this description and the southeast corner of Lilly's Hill Subdivision;

THENCE with the west line of the Crawford 35.76 acre tract, the following two courses:

1. S 09° 52' 44" W 415.62 feet to an iron rod found with an aluminum cap stamped "Pro-Tech" for an angle point, and
2. S 34° 07' 23" W 629.89 feet to a ¼" iron rod set for the southeast corner of this description;

THENCE leaving the west line of the Crawford 35.76 acre tract, N 59° 01' 09" W 1232.35 feet to a ¼" iron rod set in the common curving west line of the Stansbury 83.28 acre tract and the east line of R.M. Highway No. 12 and the State of Texas 4.511 acre tract for the southwest corner of this description;

THENCE with the common west line of the Stansbury 83.28 acre tract and the east line of R.M. Highway No. 12 and the State of Texas 4.511 acre tract, the following two courses:

1. with a left-breaking curve having the following characteristics: central angle = 06° 17' 29", radius = 2914.70 feet, arc length = 320.05 feet and a chord which bears N 08° 50' 29" W 319.89 feet to a TxDot concrete monument,, and
2. N 11° 32' 04" W 38.69 feet to the PLACE OF BEGINNING, pass at 13.69 feet a ¼" iron rod found at the southwest corner of the 50 foot roadway easement.

There are contained within these metes and bounds 21.87 acres, more or less, of land area as prepared from public records and a survey made on the ground on May 29, 2001 by Byrn & Associates, Inc. of San Marcos, Texas. All ¼" iron rods set are capped with a plastic cap stamped "Byrn Survey".

Village of Wimberley
Planned Unit Development Agreement

Case Number: 211-01-023
Project: Blair House Inn
Owner: A Yellow Rose – a boutique hotel company.
Property Address: 100 Spoke Hill Drive, Wimberley, TX. 78667
Agent/Owner: Michael L. Schneider
Phone Contact: 512-847-1111

A. Base Zoning District:

LODGING (L-2)

B. Permitted Uses:

All uses permitted in L-2 as of the date of this application, except the following:

1. 34.2.C. RV Park. Maximum of thirty (30) sites (dwelling units).
2. 34.3. **CONDITIONAL USES.** Telecommunications Towers, Commercial Antennas, and Broadcast Towers, subject to all applicable Village regulations

C. Additional uses allowed:

1. Cultural Exhibits Limited.
2. Retail Sales and Services Limited.
3. Single-family residential. AG district provisions apply.
4. Eating Establishment - Sit Down.
5. Arts and Crafts Sales and/or Instructions.

D. Conditional Uses:

No conditional uses allowed.

E. Development Regulations

1. **Base District:** L-2 zoning district development regulations apply.
2. **Subdivision:** Subdivision or condominium division of the property shall not be permitted except under terms of an amendment to the PUD agreement.
3. **Signage:** A unified signage plan shall be maintained throughout the property. The Planning and Zoning Commission may request drawings representing the signage plan. The signage plan, if requested, shall be subject to final approval by the Planning and Zoning Commission. Signage shall comply with the Village of Wimberley Sign Ordinance.
4. **Architectural Continuity:** Future construction is to follow a building style that is in substantial compliance or harmony with the existing structures. Changes to the overall architectural theme of the structure may be introduced by the Owner, subject to review and approval by the Planning and Zoning Commission.

5. **Open Storage:** Open storage or placement of materials, commodities or equipment and machinery, including inoperative or unlicensed motor vehicles and unlicensed trailers, shall observe all setback requirements and shall be screened, by fence (as permitted by the Village) and/or vegetative screening, from Village streets or roads or adjacent or facing residential or un-zoned properties.
6. **Fences:** Any fence that faces a village street or road and is more than four feet (4 ft) in height:
 - a. Shall be erected only with a Village Building Permit; and
 - b. Shall have a solid to void ratio no greater than 1:8 (12.5%); and
 - c. If the material is chain link fencing, shall be placed only within the building setback provided by the zoning district.
 - d. Any fence which faces a Village street or road and which has been damaged to the extent that the cost of repair exceeds sixty percent of the cost of the replacement cost shall be considered destroyed. The owner shall remove a destroyed fence within 90 days of the date it was found to be in a destroyed condition. A destroyed fence may be replaced only with a fence that conforms to this regulation.
7. **Outdoor Lighting:** Outdoor Lighting shall conform to the following regulations.
 - a. Any outdoor lighting fixture having total electric consumption in excess of 150 watts or total light emission in excess of 1800 lumens, except those illuminating a flag of a state or nation, shall be shielded in a manner that:
 - (i) confines the light so that it falls entirely on a wall or sign, or confines the light entirely below an angle fifteen degrees below a horizontal plane at the level of the lowest point of the fixture at which light is emitted or reflected by a specular reflector; and
 - (ii) prevents a line of sight from any point off the property on which the fixture is situated to a light source or a specular reflector within or incidental to the fixture.
 - b. Fixtures or light sources which do not conform to Section E.7.a of this agreement shall not exceed an aggregate electric consumption of 750 watts or aggregate light emission of 9,000 lumens.
 - c. The illumination on any outdoor surface or object, including signs, at the point of maximum illumination shall not exceed:
 - (i) Eighteen (18) foot candles when the business is open.
 - (ii) Three (3) foot candles after 12:00 AM or the business is closed.

Reduction of illumination, if necessary, shall be accomplished by the disconnection or re-lamping of fixtures or programmed dimming.
 - d. The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is prohibited.

- e. Any existing outdoor lighting fixture which does not conform to Section E.7.a of this agreement and which can be re-aimed shall be re-aimed so that:
 - (i) it conforms with Section E.7.a; or
 - (ii) the optical axis is at an angle not less than 60 degrees below the horizontal; or
 - (iii) the optical axis is at the lowest angle permitted by the nature of the fixture and/or available mounting hardware.
- f. Any existing outdoor lighting fixture which does not conform to Section E.7.a shall be removed or disconnected within ten years from the effective date of this PUD agreement.

F. Blair House Inn Planned Unit Development Map

The PUD Map illustrates the following features of the development.

- 1. Defined development areas:
 - A. Entry Area. No buildings to be erected in this area. No Ranch Road 12 road cut or entry to be created.
 - B. Lodging Area. Development of proposed lodging facilities to be in, but not limited to, this area.
 - C. One Single Family residential building (no map area defined) may be placed anywhere on the property under the provisions of the AG district.
- 2. Existing development and features.
 - a. Main Building with 3 guest bedrooms, Restaurant and Art Gallery.
 - b. Cabin with 2 guest bedrooms.
 - c. Cabin with 3 guest bedrooms.
 - d. Cabin\Owner-manager Residence with x bedrooms.
 - e. Barn (no foundation).

Roads from entry to the various buildings.
- 3. Proposed development – Five year plan.
 - a. Cabin with 1 guest bedroom(s).
 - b. Cabin with 1 guest bedroom(s).
 - c. Cabin with 1 guest bedroom(s).
 - d. Tennis Court.
 - e. Road for proposed buildings.

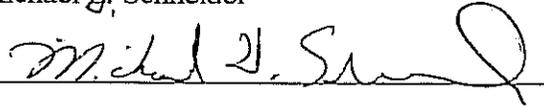
G. Attachments

- 1. Blair House Inn Planned Unit Development Map.
- 2. Blair House Inn Plat Map.
The plat map as attached was derived from a copy of the original plat map.

H. Signatures

Owner/Agent:

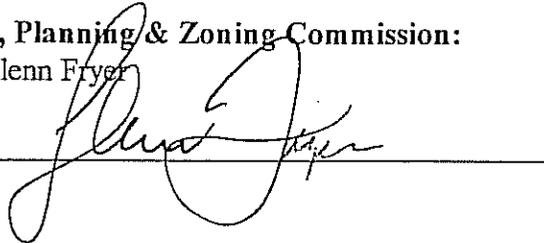
Michael D. Schneider



Date 9-13-01

Chair, Planning & Zoning Commission:

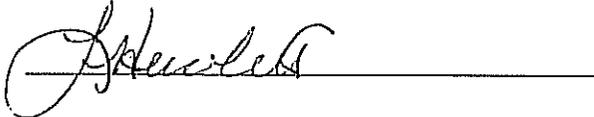
Glenn Fryer



Date 9-10-01

Mayor:

Linda Hewlett



Date 9-13-01

City Attorney:

Alan Bojorquez

Date _____

APPENDIX

A.

Zoning Ordinance Abstracts.

SECTION 34. LODGING (L-2)

34.1. GENERAL PURPOSE AND DESCRIPTION

The L-2 district is intended primarily for the conduct of moderate lodging operations that typically depend upon frequent customer or client visits.

34.2. PERMITTED USES

- A. Hotel/Motel: Maximum of thirty (30) dwelling units
- B. Detached Cabins/Cottages. Maximum of 30 dwelling units.
- C. RV Park. Maximum of thirty (30) sites (dwelling units).
- D. Religious assembly

34.3. CONDITIONAL USES

Telecommunications Towers, Commercial Antennas, and Broadcast Towers, subject to all applicable Village regulations

34.4. REQUIRED FACILITIES

- A. All motel and cabin/cottage units shall have private bath.
- B. Electric, water and sewer hook-up are required for each RV space.
- C. Permanent secure building space is required for storm refuge for RV tenants.
- D. A minimum of one bathroom with shower and toilet is required for each ten RV Sites or fraction thereof.
- E. A laundromat with one washer and one dryer is required for each ten dwelling units of all types.

34.5. DEVELOPMENT REGULATIONS

- A. Minimum Lot Size: Two (2) acres
- B. Maximum guest bedrooms (all forms) per acre: Ten (10)

- C. Maximum guest bedrooms (all forms): Sixty (60)
- D. Maximum Height:
 - 1. Lodging/service building: Not more than two stories and not more than twenty-eight (28) feet or thirty-five (35) feet with gable roof (see definition).
 - 2. Accessory buildings: Eighteen (18) feet and not more than one story.
- E. Minimum floor area of the lodging/service building: Six Hundred square feet plus two hundred (200) square feet per internal guest bedroom plus one hundred (100) square feet per RV site.
- F. Minimum Required 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 Table 47.0.A. or the following:

 - 1. Dominant Street: Thirty (30) feet
 - 2. Secondary Street: Thirty (30) feet
 - 3. Interior Side Yard: Ten (10) feet; Thirty (30) feet when adjacent to a residential district, Fifty (50) feet if the building is more than one story.
 - 4. Rear Yard: Twenty (20) feet, Forty (40) feet when adjacent to a residential district; Sixty (60) feet if the building is more than one story.
- G. Minimum floor area of the lodging/service building: Six Hundred square feet plus two hundred (200) square feet per internal dwelling unit plus one hundred (100) square feet per RV site.
- H. Maximum floor area of the lodging/service building: Fifteen Thousand (15000) Square Feet
- I. Maximum Impervious Coverage: Sixty Percent (60%)

Impervious Coverage shall be calculated as a percentage of the Net Site Area. Impervious cover shall be calculated as a percentage of the lot area inside the setbacks and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in Table 47.9.
- J. Maximum Building Coverage, including RV Parking sites: Fifty percent (50%).

Building Coverage shall be calculated as a percentage of the Net Site Area.
- K. Maximum Building Footprint: Seven Thousand Five Hundred (7,500) square feet.

SECTION 14. AGRICULTURE/GRAZING (AG)

14.4. DEVELOPMENT REGULATIONS

- A. Minimum Lot Size: Five (5) acres
- B. Primary residential building: Thirty-five (35) feet and not more than two (2) stories.
- C. Secondary residential building: Not more than two stories and not more than twenty-eight (28) feet or thirty-five (35) feet with gable roof.
- D. Barns, Silos, Water towers: Forty-five (45) feet if more than ninety (90) ft from residential buildings or property line, otherwise twenty-eight (28) feet.
- E. Other accessory structures: Eighteen (18) feet.
- F. 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 Table 47.0.A or the following:

- 1. Dominant Street: Fifty (50) feet
 - 2. Secondary Street: Twenty-five (25) feet
 - 3. Interior Side and Rear: Fifteen percent (15%) of lot width but need not be greater than twenty-five (25) feet.
- G. Minimum floor area:
 - 1. Primary residential building: One thousand (1,000) square feet
 - 2. Secondary residential building: Six hundred (600) square feet
 - 3. Bed & Breakfast units: Two hundred (200) square feet
 - H. Maximum Impervious Cover: Twenty percent (20%).
Impervious cover shall be calculated as a percentage of the lot area inside the setbacks and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in Table 47.9.
 - I. The Parking and Trash Collection Ordinances will apply.

14.5. SPECIAL REQUIREMENTS

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.

14.6. **OTHER REGULATIONS** - As established in Article V, Development Standards.

Use Definitions

(18) **Arts and Crafts Sales and/or Instructions:**

Establishments or places of business engaged in the large scale manufacture and sales of arts and crafts and/or teaching the production of arts and crafts. This does not include *HomeCrafts* which have noon-site sales outlet. Typical uses include glass blowing, pottery making and metal sculpting.

(52) **Cultural Exhibits: Limited.**

Museum-like preservation and exhibition of objects of artistic, cultural, scientific interest, and gallery exhibition of works of art for study and pleasure which accommodate more than 100 participants. Typical uses include aquariums; art galleries; museums; planetariums; and observatories.

(62) **Eating Establishment: Sit-down.**

Establishments or places of business where customers are seated and served, and that are primarily engaged in the sale of prepared foods and beverages, including alcoholic beverages, for on-premises consumption. They are located at high capacity/high volume sites that are easily accessed by vehicles and pedestrians. Typical uses include restaurants, short-order eating places, cafeterias, and coffee shops.

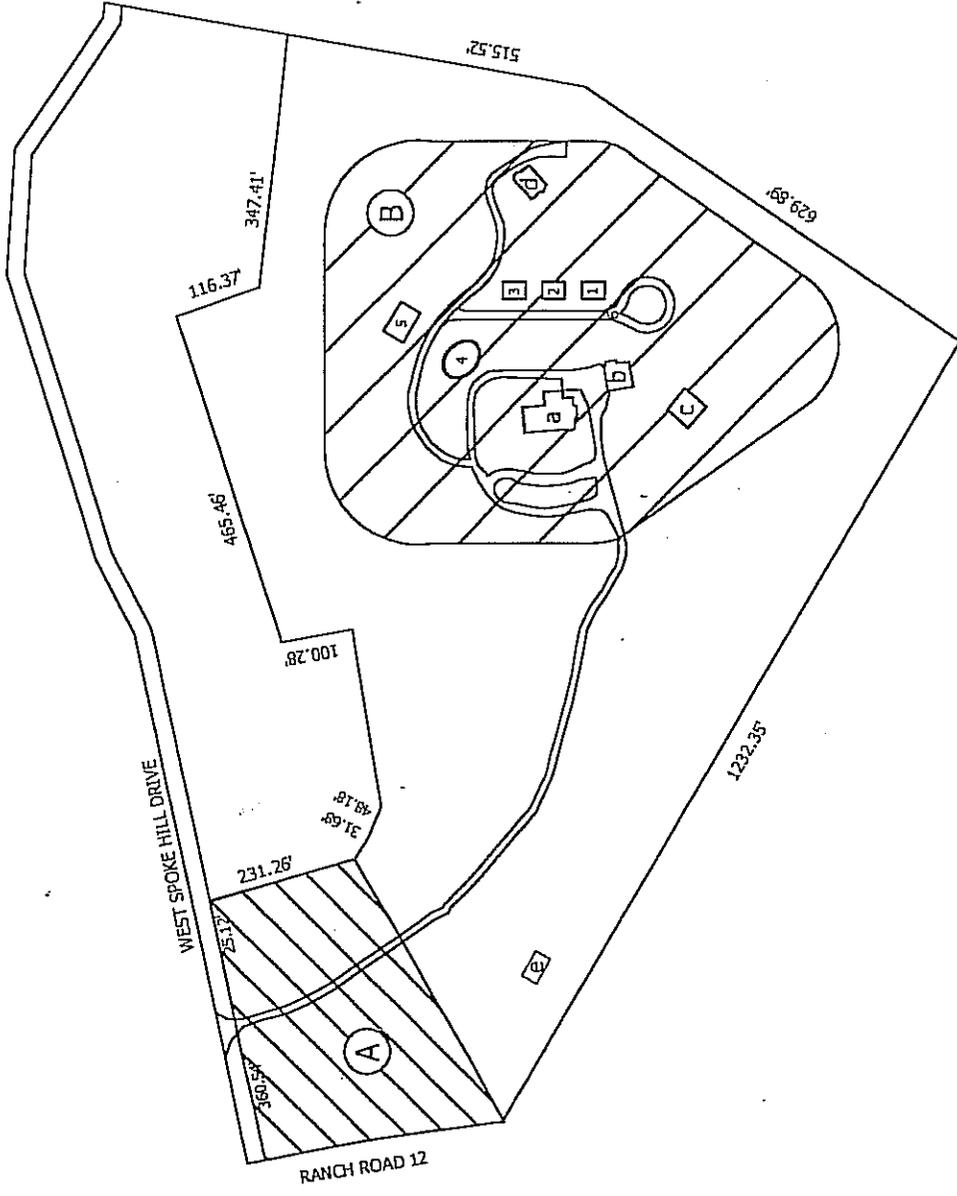
(134) **Retail Sales and Services: Limited.**

Establishments engaged in the sale or rental of commonly used retail goods and services, and serving primarily neighborhood or localized population centers.

(142) **Single-Family Residential.**

One dwelling unit other than a mobile home that is a freestanding and structurally separated building used exclusively for residential purposes. It is located on a lot or building site that is unoccupied by any other dwelling unit or main building. A typical use is a single detached dwelling.

Approx. Scale: 1"=250'



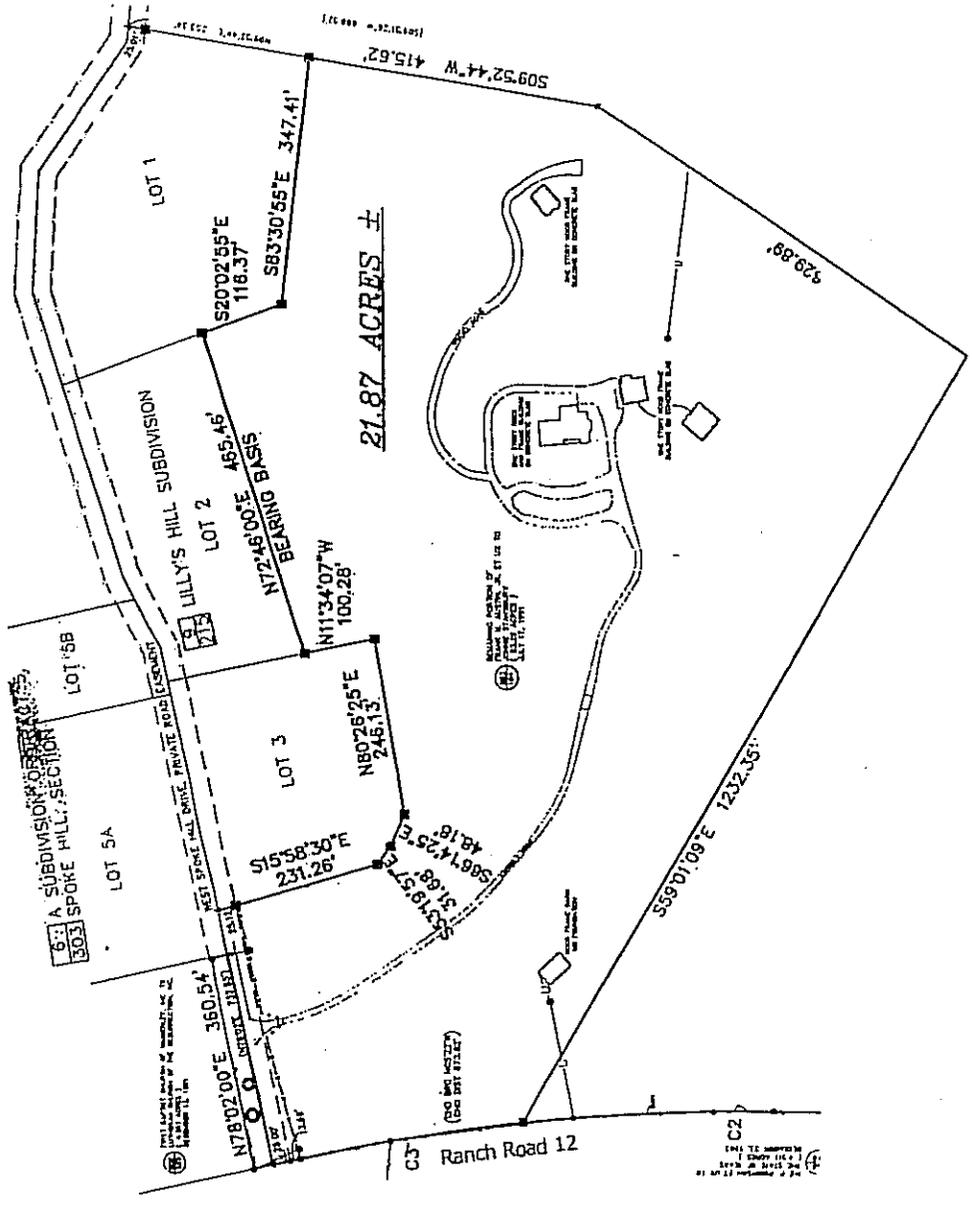
- A. Entry area: no buildings.
- B. Lodging area: Main building, cabins and related features to be located in, but not limited to, this area.
 - a. Main building: existing.
 - b. Cabin: existing.
 - c. Cabin: existing.
 - d. Cabin/Owner residence: existing.
 - e. Barn (no foundation): existing.
- 1. Cabin: proposed.
- 2. Cabin: proposed.
- 3. Cabin: proposed.
- 4. Swimming pool: proposed.
- 5. Tennis court: proposed.
- 6. Cabin access road: proposed.

Signatures:

Owner/Agent: Michael L. Schneider	Date
Chair, Planning & Zoning Commission Glenn Fryer	Date
Mayor: Linda Hewlett	Date
City Attorney: Alan Bojorquez	Date
	Date

Village of Wimberley
 Planned Unit Development
 Case: 211-01-023
 Project: Blair House Inn
 Owner: A Yellow Rose
 - a boutique hotel company.
 Property Address: 100 Spoke Hill Drive
 Agent/Owner: Michael L. Schneider
 Phone Contact: 512-847-1111

Approx. Scale: 1"=250'

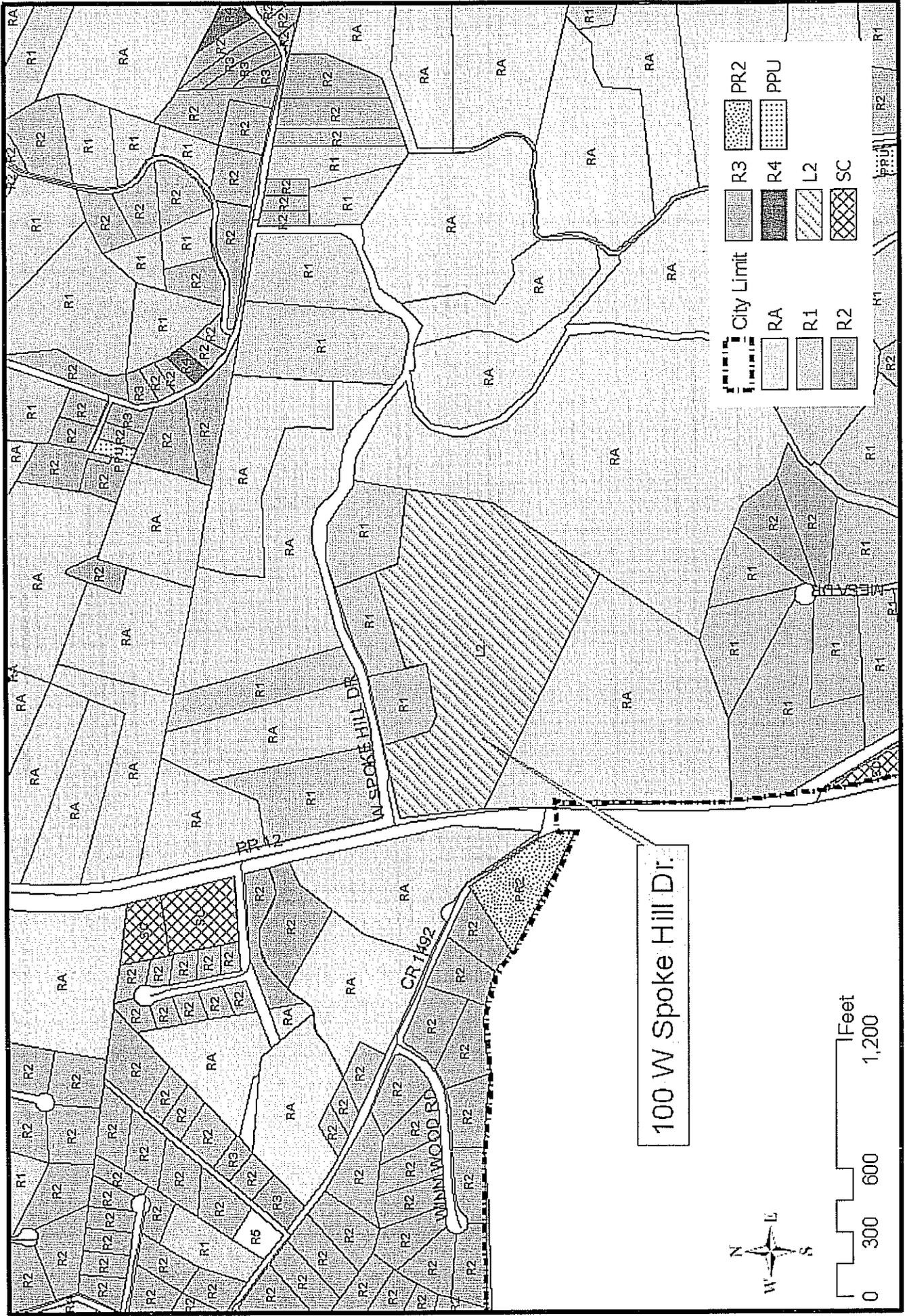


**Blair House Inn
Plat Map Copy**

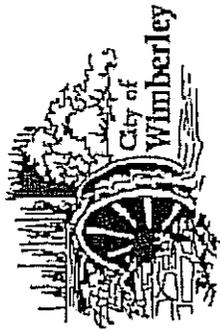
A Yellow Rose - a boutique hotel company.
 Michael L. Schneider
 100 Spoke Hill Drive
 Wimberley, TX, 78676
 512-847-1111

Village of Wimberley Zoning Case 211-01-023

Zoning Map for ZA-10-004

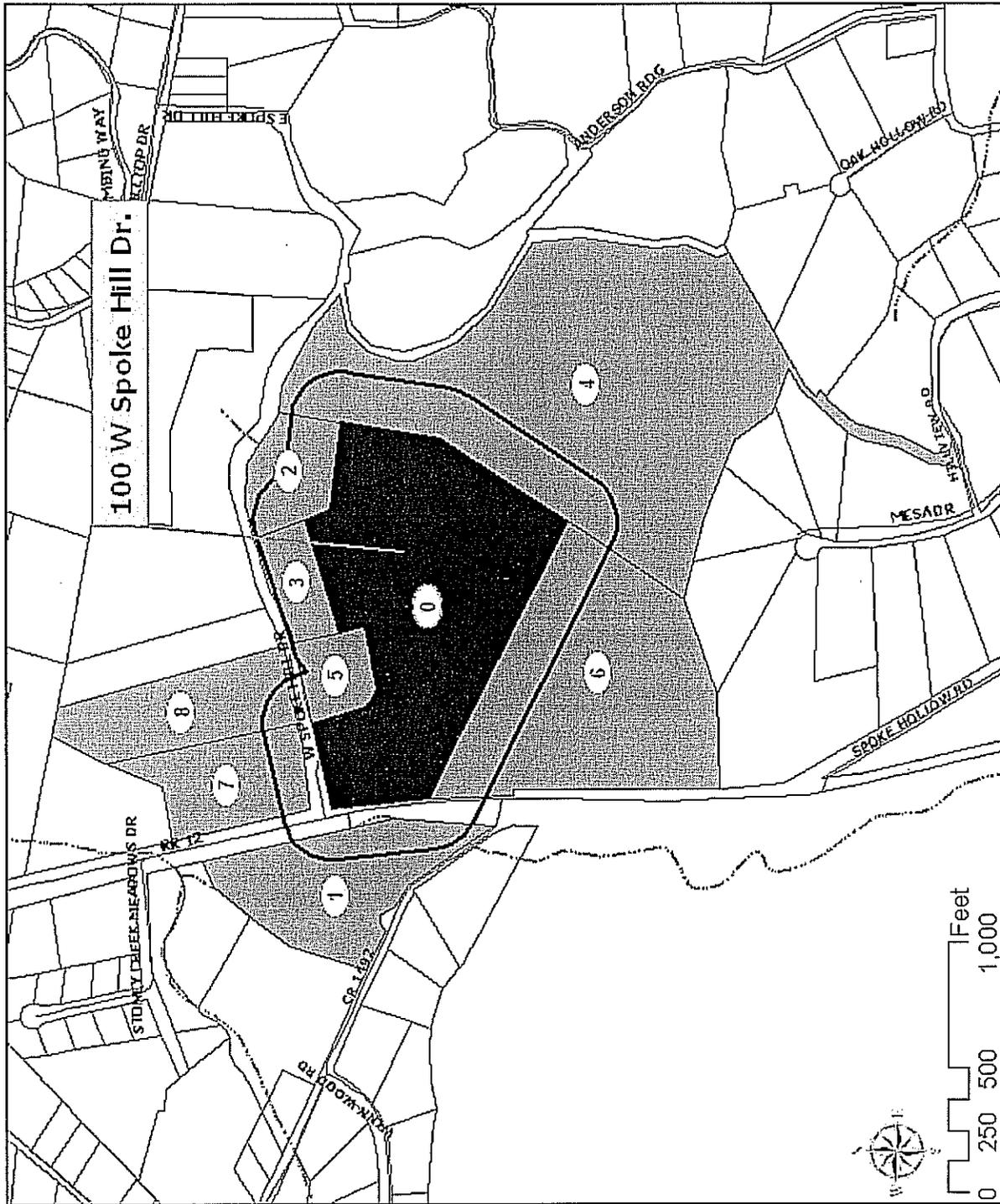


Notification Map for Case ZA-10-004

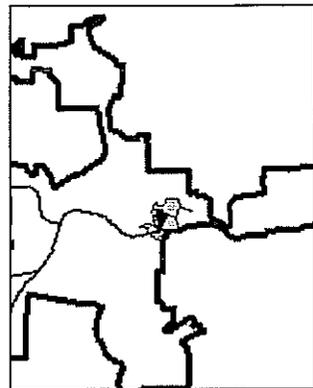


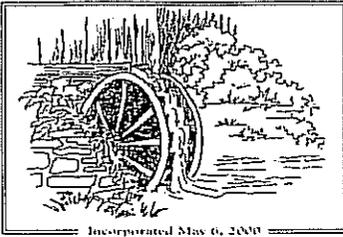
P.O. Box 2027 • Wimberley, Texas 78676

- 200' Identification Buffer
- Subject Property
- D, A YELLO W ROSE
- 1, JACKSON, BILLIE PETE FAMILY TRUST
- 2, CARR JOE P &
- 3, WEEKS, AUSTIN
- 4, CRAMER ORD, LINDAO
- 5, WEEKS GARY & LESLIE
- 6, STANIS BURY, ENTERPRISES LTD
- 7, LUTHERAN CHURCH OF THE RESURRECTION
- 8, DEJONG, TIMOTHY EDWARD



Location Map





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 23, 2010

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-10-004**

An application for an amendment to the Planned Unit Development with a base zoning of Lodging 2 (L-2) at 100 W Spoke Hill Drive

Dear Property Owner:

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

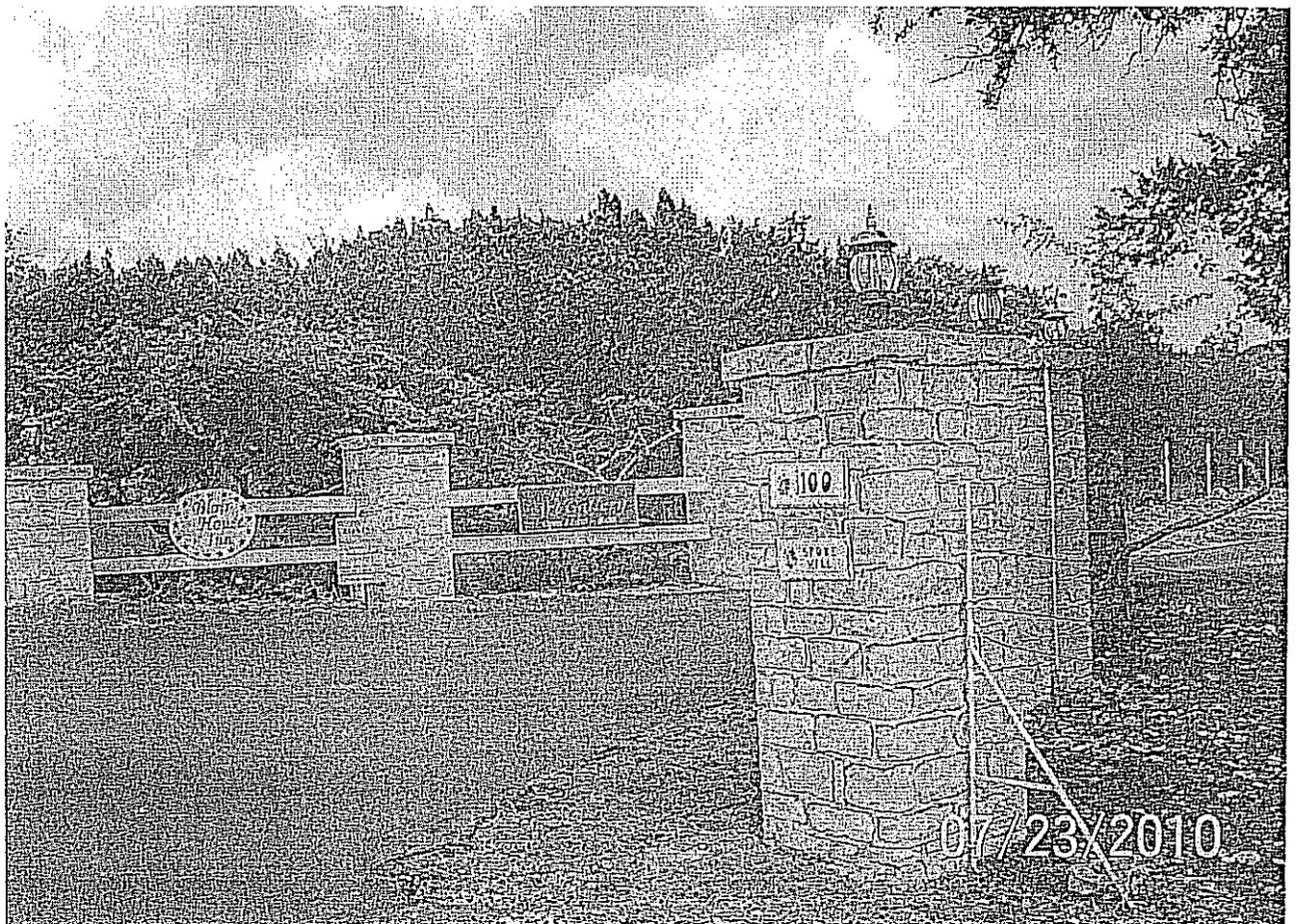
The current property owner, A Yellow Rose, has applied for an amendment to the Planned Unit Development with base zoning of Lodging 2 (L-2) located at 100 W Spoke Hill Drive. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and modifies the phasing of the development.

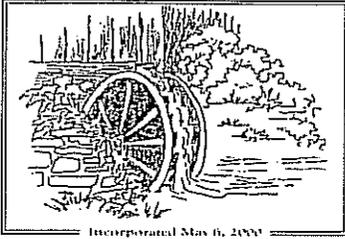
The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 12, 2010 at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 19, 2010, at 6:00 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 - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: 2A-10-004

Owner _____

Date 7/26/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 100 Spoke Hill

which is located Spoke Hill

Bill Bowers
Asst. Public Works

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

7/20/, 2010

Bill Bowers
Signature

Century News 858-4163 • Wimberley View 847-2202

August 19, 2010, at 6:00 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, 221 Stillwater, Wimberley, Texas (12313/1a/60)

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, August 12, 2010, at 6:30 p.m. to consider the following: C212-10-002 - an application for an Amending Plat of Lots 2, 3 and 4, Block 2, Woodcreek Section 3 and an associated variance from section 154.063 (c) of the City Subdivision Code requiring lots to rectangular in size and conform to the average depth to average width ratio. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 19, 2010, at 6:00 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

NOTICE OF PUBLIC HEARING (PUD Amendment)
 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, August 12, 2010, at 6:30 p.m. to consider the following: ZA-10-004 - an amendment to the Planned Unit Development with a base zoning of Lodging 2 (L-2) at 100 Spoke Hill Drive, as more particularly set out in a Planned Unit Development Agreement. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and modifies the phasing of the development. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 19, 2010, at 6:00 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, 221 Stillwater, Wimberley, Texas. (12316/1a/60)

REQUEST FOR PROPOSAL
 Sealed competitive proposals will be

accepted. FAX proposals, waive formalities in case of ambiguity or lack of clarity and state of compliance in the proposal. Dripping Springs Independent School District reserves the right to consider the most advantageous interpretation thereof or to reject the proposal. (12312/2a/60,62)

PUBLIC NOTICE
 HTGCD Public Hearing Thursday at City Hall
 The Hays Trinity Groundwater Conservation District meets at 6:00 p.m. on Thursday, August 19 at Wimberley Community Center, 14058 Ranch Road 12. The Meeting will include Hearing Agenda Items: Discuss and Possible Action on Permit and Quarterly Reporting for Cleo Azul Ranch and Dr. Guy Hodgson. For more information, visit www.haysgroundwater.com or call (512) 858-9253 (12307/1a/60)

★ ANTIQUES

SILO ANTIQUES
 50% off all furniture
 ridiculously low prices
 7990 RR12,
 San Marcos, M-F 1-6,
 Sat 10-5, Sun 12-5.
 (12271/1cc/60+)

★ AUTOS

GOOD OLD BOYS AUTO RECYCLING

★ Church
 Now enrolling for Mother's Day Out. Ages 1-5 for 2010-2011 year. M-F 8:30-2:30, early drop off 7:30 a.m., late pick up 5:30 p.m. Lead teachers are Early Childhood Certified, low ratio, 2:teacher's per class, licensed center. Contact Matilda Long at 847-7924 or email mlo@wimberleyumc.org (12258/2a/61+)

NEED A SITTER?
 Stay at home mom to babysit your little one. Please call 512-212-4620 (06364/1cc/60)

★ COMMERCIAL FOR LEASE

WAREHOUSE / CONTRACTORS / SHOP / LIGHT MANUFACTURING
 1000 - 1500 sf. Insulated w/ half bath. Great cross ventilation. 15 amp service. 801 Carney Ln., 1 mile past High School, from \$450/mo. 512-914-1510 (12199/a/1fn)

WAREHOUSE
 In San Antonio, dock high, on Loop 106, just off Hwy. 87. (Southeast San Antonio) (210)493-8055 (12251/nc/1fn)

OFFICE SPACE FOR LEASE
 In South River Center 1 - 720 Sq.Ft. 512-748-6202 for more information. (05079/a/1fn)

★
 Call 512-761-1000
 Serving Hays County (12204/acc/67+)

★ HELP WANTED

NEW SALON SEEKING
 full/part time stylist and nail tech, booth rent, someone with established clients is a plus. Contact Tammy 512-468-4138 www.sassyhairchairsalon.com (12305/1cc/61+)

NEW SALON
 Great Location, needs nail tech. 512-757-2922 or 512-569-7805 (12287/1cc/60+)

MAKE UP TO \$800
 per month or more - delivering the Austin American Statesman in the Wimberley area. For more information please call 512-353-5814 (12034/1cc/62+)

OFFICE MANAGER
 FT/ Accounting software exp. required, registrations telephone, John Knox Ranch, Fischer TX. Resumes to sngricco@yahoo.com call 512-934-0944 (12290/2cc/62+)

DRIVERS: CRST NEEDS YOU!
 IMMEDIATE opportunities! No CDL, No Problem! CDL Training Available. Great Benefits & Start earning \$750-800/wk. Call Today! 1-866-557-9243 (12263/2cc/60+)

★
 & gas allowance. Please fax your housekeeping work Saturday. Send resume info@blairhouseinn.com. Good wages! (120681a/60-)

LOCAL A/C COMPANY
 Ready to hire quiet technician. Must be registered with EPA as required by law. Have EPA license, clean driving record. Salary based on experience. Call A/C Services at 512-312-9080 or office@aim4ac.com (12165/a/1fn)

DEER CREEK WIMBERLEY
 is accepting applications for the following positions: RN's (1-1a - 7p) LVN's, CNA's (must have license) all shifts available. Fax resume to: 512-847-8819 (07485/a/1fn)

★ INSTRUCTIONAL

KUNDALINI YOGA YOURSELF
 For more energy, flexibility, and wholeness of health with Cecilia. 847-16 www.mylinnerscape.com (12237/2cc/60+)

WIMBERLEY MUSIC STUDIO
 Janet Davis is now accepting new piano students. Call 847-1951. Balanced curriculum that includes technique, music theory and different

ORDINANCE NO. 2010-__

AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-01-023, WHICH DESIGNATED THE GEOGRAPHIC BOUNDARIES FOR A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT CLASSIFICATION FOR REAL PROPERTY LOCATED AT 100 W. SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO AMEND THE DEVELOPMENT REGULATIONS IMPOSED ON SUCH PROPERTY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Chapter 155 (Zoning) of the Wimberley Code of Ordinances, 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 have given 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 and in this Ordinance 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 purpose of the PUD is to permit flexibility and creativity within a project to maximize the unique physical features of a particular site, encourage the efficient use of land and economic arrangement of buildings, as well as encourage the conservation of energy and natural resources; and,

WHEREAS, on September 6, 2001, the City Council approved Ordinance No. ZA-01-023, approving a PUD zoning designation with a base zoning of Lodging (L-2), adopted a PUD Agreement, and set forth in both documents the permitted uses and development regulations for the property described therein; and,

WHEREAS, the property owner has submitted an application requesting amendments to the development regulations; and,

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Comprehensive Zoning Ordinance and has concluded that the real property described in Ordinance No. ZA-01-023, Wimberley, Hays County, Texas (the "Property") qualifies for an amendment to the PUD Zoning, permitting revised development regulations which are consistent with established City policy and is 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, respectively, notice of which was published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

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

ARTICLE I. 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. AMENDMENT

THAT Ordinance No. ZA 01-023, which designated a Planned Unit Development District zoning on real property consisting of approximately 21.8 acres, municipally numbered as 100 W. Spoke Hill, in the City of Wimberley, Hays County, Texas, and more particularly described in Exhibit "A" therein, is hereby amended to amend the Planned Unit Development Agreement to read as follows:

"1. The following subsection is to be added to Section E (Development Regulations):

8. *Minor Development Plan Modifications*

City staff is authorized to administratively approve minor modifications to the Development Plan so long as the Development Plan is in substantial conformity with the development standards herein and provided such modifications would not otherwise result in a violation of the City's Code of Ordinances. "Minor Modifications" are defined as:

- (A) *adjustments of no more than 100 feet to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, (including plants and trees,) ponds and any other improvements depicted on the Development Plan;*

- (B) *adjustments of no more than five percent (5%) in building square footage of any individual building to be constructed as part of the project as compared to such building's initial square footage shown on the Development Plan; provided no such change may be administratively approved if the change would cause the project to exceed the limitations on impervious cover, height or floor area;*
- (C) *a reduction in size of parking lot areas or structured parking garages;*
- (D) *adjustments of no more than ten percent (10%) of the total square footage of any landscape areas as compared to the square footage shown and approved on the development plan, site plan or landscape plan;*
- (E) *so long as the changes referenced above do not cause an increase in the impervious cover approved for the project;*
- (F) *allowance for slight enlargement or shifting of easements;*
- (G) *addition or relocation of private or franchise utility easements;*
- (H) *correction of bearings or distances;*
- (I) *correction of minor labeling errors, addition of erroneously omitted informational items and labels;*
- (J) *modification of a plat note that does not amend the covenants and restrictions; and,*
- (K) *and other similar modifications as determined by the City Administrator. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, and relocation or addition or deletion of any public improvement, including corresponding easement, substantial relocation or reconfiguration of building layout which have the effect of redesigning the project shall necessitate resubmission and re-approval of the Development Plan as a "revised development plan" and shall be considered a new project for the purpose of determining applicable regulations.*

The procedures for such re-approval shall be the same as for a development plan, and such re-approval shall constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

2. The following language is to replace the current “header” language in Section F:

Blair House Inn Planned Unit Development Map.

F. Blair House Inn Planned Unit Development Map

The PUD Map, as amended, illustrates the following features of the development.

3. The following language is to replace the current language set forth in subsection (F)(2) and (F)(3) to read as follows:

F(2) Existing Development and Features

- a. Main Building with 3 guest bedrooms, restaurant and art gallery*
- b. Cabin with 2 guest bedrooms*
- c. Cabin with 3 guest bedrooms*
- d. Cabin/owner manager residence with bedrooms*
- e. Cabin with 1 guest bedroom(s)*
- f. Cabin with 1 guest bedroom(s)*
- g. Cabin with 1 guest bedroom(s)*
- h. Barn (no foundation)*
- i. Roads from entry to the various building and associated parking*

F(3) Proposed Development

- a. Cabin with 1 guest bedroom (Approximately 680 square feet in size)*
- b. Cabin with 1 guest bedroom (Approximately 680 square feet in size)*
- c. Single family residence (approximately 2,200 square feet in size)”*

Except as amended herein Ordinance No. ZA-01-023 shall remain in full force and effect.

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.

ARTICLE 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 _____, 2010, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas

CITY OF WIMBERLEY

BY: _____
Bob Flocke, Mayor

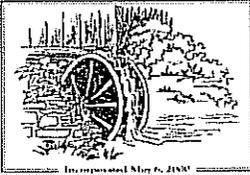
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER ACTION ON
A PROPOSED ORDINANCE CREATING AN RR-1
ZONING DISTRICT

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 possible action on a proposed ordinance creating a *Rural Retreat 1 (RR-1)* zoning district in the City Zoning Code.

During the recent City initiated zoning process, it was discovered there were a handful of large acreage, resort properties in the city for which no appropriate zoning district exists. Two (2) of the three (3) properties were zoned residential as that was most appropriate zoning designation available under the City Code. At the request of the third property owner, the decision was made to hold off from zoning the third property until the City's Planning and Zoning Commission could explore the possible creation of a new zoning district that better recognizes the existing uses of the subject properties.

With no appropriate zoning designation available for the subject properties, the current resort like uses on the properties are classified as pre-existing, non-conforming uses and such uses cannot be expanded. This troubles at least two of the subject property owners.

After several lengthy discussions, the Planning and Zoning Commission developed a proposed zoning district to apply to the above mentioned properties and any future retreat development proposed in the future. That new zoning district is called Rural Retreat 1 (RR-1) and it would allow retreat development with certain conditions. The minimum RR-1 lot size is ten (10) acres and the proposed district contains several regulations designed to limit development density and impervious cover. The proposed district allows limited numbers of RVs in addition to cabins and lodges. No hotels or motels are allowed in the proposed district. The Commission has recommended the RR-1 zoning designation be allowed in City Planning Areas I and II.

Attached is a copy of the proposed RR-1 zoning district. At the time of production of this agenda packet, the Planning and Zoning Commission had not held a scheduled public hearing on the proposed zoning district. That hearing is scheduled for August 12, 2010. Afterwards, the Commission will present a recommendation on the matter to City Council under separate cover.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION AND CREATE A NEW ZONING CLASSIFICATION TO READ AS FOLLOWS: “§ 155.063 RURAL RETREAT 1; RR-1”, IN ORDER TO SPECIFY THE PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS RELATED TO SAME; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have solicited public input and given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning 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 this Ordinance 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 finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare; and,

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 of Wimberley Code of Ordinances, Chapter 155 (Zoning) is hereby amended to add section "155.063 RURAL RETREAT 1; RR-1", to read as follows:

"§ 155.063 RURAL RETREAT 1; RR-1.

(A) *General purpose and description.* The Rural Retreat 1 (RR-1) district is intended to accommodate the needs and desires of visitors, tourists and transient guests. It applies to specific areas where public roads and public utilities are available or where suitable alternate private facilities are assured. It is the intent of the district to provide for tourist retreat development, excluding hotels and motels, in the form of cottages, cabins, lodges and RV sites available for short term rental and accessory uses to serve visitors to such facilities.

(B) *Permitted uses.*

- (1) Lodges;
- (2) Detached cabins or cottages;
- (3) Recreational Vehicle (RV) Sites; One (1) RV site is equal to two (2) guest bedrooms
- (4) Accessory uses to the main use including but not limited to retail sales and service, restaurant and recreation facilities;
- (5) Single family residential; and,
- (6) Religious assembly.

(C) *Conditional uses.*

- (1) Sit down eating establishments with the sale of beer, wine and alcohol for on-premise consumption.
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Required facilities.*

- (1) All lodges, cabins and cottage units shall have electricity and sanitary facilities to include bathing facilities with running hot water and restroom facilities adequate to accommodate the guests residing in the lodge, cabin or cottage.
- (2) Electric, water, and sewer hook-ups are required for each RV space.
- (3) Permanent secure building space is required for storm refuge for RV tenants.

- (4) A minimum of one (1) bathroom with shower and toilet is required for each ten (10) RV sites or fraction thereof.

(E) *Development regulations.*

- (1) Minimum lot size: Ten (10) acres;
- (2) Maximum guest bedrooms (all forms) per individual acre: No more than ten (10) guest bedrooms may be located within the boundaries of any single acre;
- (3) Maximum guest bedrooms (all forms) per total development: Two hundred (200);
- (4) Maximum RV sites per total development site: Ten (10);
- (5) Maximum building height (as defined in § 155.005);
- (6) Primary buildings: not more than two (2) stories and not more than twenty-eight (28) feet with flat roof (see definition) or thirty-five (35) feet with pitched roof;
- (7) Accessory buildings: not more than eighteen (18) feet and not more than one (1) story; and
- (8) Minimum floor area per cottage or cabin: Four hundred (400) square feet;
- (9) Minimum floor area per a lodge: Two thousand five hundred (2,500) square feet;
- (10) Maximum building footprint per lodge: Fifteen thousand (15,000) square feet;
- (11) Maximum floor area of the lodging/service building: Thirty thousand (30,000) square feet;
- (12) For minimum required 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.
 - (a) Dominant street: Fifty (50) feet;
 - (b) Secondary street: Thirty (30) feet;
 - (c) Interior side yard: Twenty (20) feet, thirty (30) feet when adjacent to a residential district or residential use, fifty (50) feet if the building is more than one (1) story;
 - (d) Rear yard: Fifty (50) feet, seventy-five (75) feet when adjacent to a residential district or residential use, one hundred (100) feet if the building is more than one (1) story.
- (13) Maximum impervious coverage: Twenty percent (20%). Impervious coverage shall be calculated as a percentage of the net site area. The maximum impervious cover limits may be increased five (5) percentage points, if more than one-half of roof runoff from combined structures on-site is isolated, treated and used for irrigation.
- (14) Maximum building coverage: Twenty percent (20%). Building coverage shall be calculated as a percentage of the net site area.

(F) *Special requirements.*

- (1) Open storage is prohibited.
- (2) For site plan and development standards requirements, see §155.077 and §155.075.
- (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling for a period greater than thirty (30) consecutive days or for non-residential purposes.
- (4) Outdoor camping, including tents and pop-up trailers, is prohibited

(G) *Other regulations.*

- (1) All site utility installations on the property shall be underground.
- (2) No dumpsters or other trash collection containers shall be visible from any adjacent property or roadway and shall be screened in accordance with provisions in the City code.
- (3) The desired architectural design shall be consistent with the traditional Hill Country style. Designs should acknowledge the traditional Hill Country scale, colors and materials appropriate for the natural beauty of the area and should preserve views and use scale, colors and materials compatible with the nature of the area.
- (4) When a natural vegetative buffer does not already exist, a landscape buffer shall be required and maintained along all lodging property lines abutting property zoned or used for residential purposes so as to visually screen the retreat lodging uses. If required by this section, the buffer shall be installed prior to the issuance of any certificates of occupancy or as required in accordance with this section. Any buffer may be included as part of the required setbacks.
- (5) No lodge, cottage, cabin or RV site shall be located within one hundred (100) feet of Cypress Creek and one-hundred fifty (150) feet of the Blanco River, whichever is greater, or within the floodplain.

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

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

III. REPEALER

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

IV. 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,

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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.

V. EFFECTIVE DATE

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

VI. 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.

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

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

CITY OF WIMBERLEY

By: _____
Bob Flocke, Mayor

ATTEST:

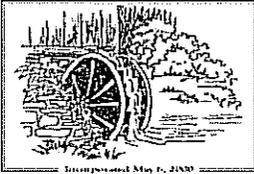
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: August 16, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER ACTION ON A PROPOSED ORDINANCE CREATING AN RR-1 ZONING DISTRICT (*SUPPLEMENTAL SUMMARY*)

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 possible action on a proposed ordinance creating a *Rural Retreat 1 (RR-1)* zoning district in the City Zoning Code.

During the recent City initiated zoning process, it was discovered there were a handful of large acreage, resort properties in the city for which no appropriate zoning district exists. Two (2) of the three (3) properties were zoned residential as that was most appropriate zoning designation available under the City Code. At the request of the third property owner, the decision was made to hold off from zoning the third property until the City's Planning and Zoning Commission could explore the possible creation of a new zoning district that better recognizes the existing uses of the subject properties.

With no appropriate zoning designation available for the subject properties, the current resort like uses on the properties are classified as pre-existing, non-conforming uses and such uses cannot be expanded. This troubles at least two of the subject property owners.

After several lengthy discussions, the Planning and Zoning Commission developed a proposed zoning district to apply to the above mentioned properties and any future retreat development proposed in the future. That new zoning district is called Rural Retreat 1 (RR-1) and it would allow retreat development with certain conditions. The minimum RR-1 lot size is ten (10) acres and the proposed district contains several regulations designed to limit development density and impervious cover. The proposed district allows limited numbers of RVs in addition to cabins and lodges. No hotels or motels are allowed in the proposed district.

On August 12, 2010, the Planning and Zoning Commission held a public hearing on the proposed RR-1 zoning district. Afterwards, the Commission voted unanimously to recommended approval of the new zoning district with a minimum lot size of twenty (20) acres rather than ten (10) acres as originally presented and that such zoning only be allowed on properties in Planning Areas I and II which are not located within the Protected Water Overlay District. Attached is a copy of the revised RR-1 zoning district for review and consideration.

As for the three (3) above mentioned properties, the Commission directed staff to prepare, for consideration by the Commission and City Council, modified Wimberley Planned Development District (WPDD) agreements at no cost to the subject property owners. These agreements would allow for reasonable growth of the existing operations on the subject properties.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION AND CREATE A NEW ZONING CLASSIFICATION TO READ AS FOLLOWS: "§ 155.063 RURAL RETREAT 1; RR-1", IN ORDER TO SPECIFY THE PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS RELATED TO SAME; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley ("City Council") seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have solicited public input and given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City's history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning 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 this Ordinance 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 finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare; and,

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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 of Wimberley Code of Ordinances, Chapter 155 (Zoning) is hereby amended to add section "155.063 RURAL RETREAT 1; RR-1", to read as follows:

"§ 155.063 RURAL RETREAT 1; RR-1.

(A) *General purpose and description.* The Rural Retreat 1 (RR-1) district is intended to accommodate the needs and desires of visitors, tourists and transient guests. It applies to specific areas where public roads and public utilities are available or where suitable alternate private facilities are assured. It is the intent of the district to provide for tourist retreat development, excluding hotels and motels, in the form of cottages, cabins, lodges and RV sites available for short term rental and accessory uses to serve visitors to such facilities.

(B) *Permitted uses.*

- (1) Lodges;
- (2) Detached cabins or cottages;
- (3) Recreational Vehicle (RV) Sites; One (1) RV site is equal to two (2) guest bedrooms
- (4) Accessory uses to the main use including but not limited to retail sales and service, restaurant and recreation facilities;
- (5) Single family residential; and,
- (6) Religious assembly.

(C) *Conditional uses.*

- (1) Sit down eating establishments with the sale of beer, wine and alcohol for on-premise consumption.
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Required facilities.*

- (1) All lodges, cabins and cottage units shall have electricity and sanitary facilities to include bathing facilities with running hot water and restroom facilities adequate to accommodate the guests residing in the lodge, cabin or cottage.
- (2) Electric, water, and sewer hook-ups are required for each RV space.
- (3) Permanent secure building space is required for storm refuge for RV tenants.

- (4) A minimum of one (1) bathroom with shower and toilet is required for each ten (10) RV sites or fraction thereof.

(E) *Development regulations.*

- (1) Minimum lot size: ~~Twenty (20)~~ acres;
- (2) Maximum guest bedrooms (all forms) per individual acre: No more than ten (10) guest bedrooms may be located within the boundaries of any single acre;
- (3) Maximum guest bedrooms (all forms) per total development: Two hundred (200);
- (4) Maximum RV sites per total development site: Ten (10);
- (5) Maximum building height (as defined in § 155.005);
- (6) Primary buildings: not more than two (2) stories and not more than twenty-eight (28) feet with flat roof (see definition) or thirty-five (35) feet with pitched roof;
- (7) Accessory buildings: not more than eighteen (18) feet and not more than one (1) story; and
- (8) Minimum floor area per cottage or cabin: Four hundred (400) square feet;
- (9) Minimum floor area per a lodge: Two thousand five hundred (2,500) square feet;
- (10) Maximum building footprint per lodge: Fifteen thousand (15,000) square feet;
- (11) Maximum floor area of the lodging/service building: Thirty thousand (30,000) square feet;
- (12) For minimum required 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.
 - (a) Dominant street: Fifty (50) feet;
 - (b) Secondary street: Thirty (30) feet;
 - (c) Interior side yard: Twenty (20) feet, thirty (30) feet when adjacent to a residential district or residential use, fifty (50) feet if the building is more than one (1) story;
 - (d) Rear yard: Fifty (50) feet, seventy-five (75) feet when adjacent to a residential district or residential use, one hundred (100) feet if the building is more than one (1) story.
- (13) Maximum impervious coverage: Twenty percent (20%). Impervious coverage shall be calculated as a percentage of the net site area. The maximum impervious cover limits may be increased five (5) percentage points, if more than one-half of roof runoff from combined structures on-site is isolated, treated and used for irrigation.
- (14) Maximum building coverage: Twenty percent (20%). Building coverage shall be calculated as a percentage of the net site area.

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(F) *Special requirements.*

- (1) Open storage is prohibited.
- (2) For site plan and development standards requirements, see §155.077 and §155.075.
- (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling for a period greater than thirty (30) consecutive days or for non-residential purposes.
- (4) Outdoor camping, including tents and pop-up trailers, is prohibited.
- (5) No property shall be zoned RR-1, if any portion of the property lies within the Protected Waterway Overlay District (PW), as defined in section 155.092, or as may be amended from time to time.

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(G) *Other regulations.*

- (1) All site utility installations on the property shall be underground.
- (2) No dumpsters or other trash collection containers shall be visible from any adjacent property or roadway and shall be screened in accordance with provisions in the City code.
- (3) The desired architectural design shall be consistent with the traditional Hill Country style. Designs should acknowledge the traditional Hill Country scale, colors and materials appropriate for the natural beauty of the area and should preserve views and use scale, colors and materials compatible with the nature of the area.
- (4) When a natural vegetative buffer does not already exist, a landscape buffer shall be required and maintained along all lodging property lines abutting property zoned or used for residential purposes so as to visually screen the retreat lodging uses. If required by this section, the buffer shall be installed prior to the issuance of any certificates of occupancy or as required in accordance with this section. Any buffer may be included as part of the required setbacks.
- (5) No lodge, cottage, cabin or RV site shall be located within one hundred (100) feet of Cypress Creek and one-hundred fifty (150) feet of the Blanco River, whichever is greater, or within the floodplain.

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

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

III. REPEALER

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

IV. 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.

V. EFFECTIVE DATE

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

VI. 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.

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

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

CITY OF WIMBERLEY

By: _____
Bob Flocke, Mayor

ATTEST:

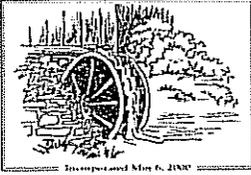
Cara McParland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER ACTION ON A PROPOSED ORDINANCE DESIGNATING THE PLANNING AREAS WHERE RR-1 ZONING WOULD BE ALLOWED

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 possible action on a proposed ordinance amending the City of Wimberley Comprehensive Plan and City Zoning Code to allow a proposed *Rural Retreat 1 (RR-1)* zoning district in Planning Areas I and II.

During the recent City initiated zoning process, it was discovered there were a handful of large acreage, resort properties in the city for which no appropriate zoning district exists. Two (2) of the three (3) properties were zoned residential as that was most appropriate zoning designation available under the City Code. At the request of the third property owner, the decision was made to hold off from zoning the third property until the City's Planning and Zoning Commission could explore the possible creation of a new zoning district that better recognizes the existing uses of the subject properties. After lengthy discussion, the Planning and Zoning Commission has proposed a new zoning district to apply to the above mentioned properties and any future retreat development proposed in the future. That new zoning district is called Rural Retreat 1 (RR-1) and it would allow retreat development with certain conditions.

Attached for review and consideration is a copy of the proposed ordinance designating the planning areas where RR-1 zoning would be allowable.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES, CERTAIN SUBSECTIONS OF SECTION 155.023 (DISTRICTS ESTABLISHED; DESIGNATION AND REVIEW) IN ORDER TO ADD THE “RURAL RETREAT 1; RR-1” AS A BASE ZONING DISTRICT AND REVISE THE PLANNING AREAS ACCORDINGLY; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning 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 this Ordinance 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, 211 and 213; and,

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare, and protect the aesthetic qualities of the City; and,

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

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

A. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), that portions of the following subsections of sections (A), (H) and (I) of Section 155.023 (Districts Established; Designation and Review) are hereby amended in their entirety to read as follows:

“§ 155.023 DISTRICTS ESTABLISHED; DESIGNATION AND REVIEW

(A) *Districts authorized.* The districts authorized herein shall be known as (abbreviated designation, zoning district name):

(a) Base districts:

1. RA, residential acreage;
2. R-1, rural residential 1;
3. R-2, single-family residential 2;
4. R-3, single-family residential 3;
5. R-4, single-family residential 4;
6. R-5, 2-family residential 5;
7. NS, neighborhood services;
8. MH, mobile home;
9. MF-1, multi-family residential 1;
10. MF-2, multi-family residential 2;
11. O-1, office - low impact;
12. O-2, office - high impact;
13. L-1, lodging;
14. L-2, lodging;

15. RR-1, rural retreat;
16. SCD, scenic corridor;
17. C-1, commercial - low impact;
18. C-2, commercial - moderate impact;
19. C-3, commercial - high impact;
20. I-1, industrial - low impact;
21. I-2, industrial - high impact;
22. HC, highway commercial;
23. IP, industrial park;
24. AS/S, animal sales/services;
25. PPU, public protection/utility;
26. PR-1, participant recreation - low impact;
27. PR-2, participant recreation - high impact;
28. PF, public facilities; and
29. WPDD, planned development district.

(H)(1)(e) *Lodging districts (L-1, L-2, RR-1)*. Larger scale facilities (31 or more units) shall be limited to highway commercial (HC) districts.

(H)(1)(g)(2) *Planning area uses*. The Comprehensive Plan of the city notes that it is the responsibility of the City Council, with the assistance of the Planning and Zoning Commission, to develop a system for the general application of zoning districts to the Comprehensive Plan Map planning areas. The following is a listing of the planning areas with the zoning districts that are appropriate for the areas. The boundaries of each planning area are shown in the Comprehensive Plan adopted by Council, and on file with the City. The full district names are as found in division (A)(1) of this section.

<i>Area</i>	Zoning Districts Allowed
I	RA, R-1, R-2, R-3, PPU, PF, WPDD, NS, RR-1
II	RA, R-1, R-2, R-3, R-4, R-5, MF-1, PPU, PF, WPDD, NS, RR-1
III	RA, R-1, R-2, R-3, R-4, R-5, MF-1, MH, O-1, C-1, L-1, PR-1, PPU, PF, WPDD

IV	RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2, MH, O-1, O-2, C-1, C-2, L-1, PR-1, PR-2, PPU, PF, WPDD
V	RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2, O-1, O-2, C-1, C-2, C-3, L-1, L-2, AS/S, PR-1, PR-2, PPU, PF, WPDD
VI	O-1, O-2, C-1, C-2, C-3, L-1, L-2, I-1, I-2, HC, IP, PPU, PF, WPDD
VII	RA, R-1, R-2, NS, O-1, L-1, PPU, PR-1, PF, SCD, WPDD

(I) *Specific review criteria.*

(1) *Land use intensity gradations.* Land use intensity gradation is an expression of external effects on the environment. In reviewing zoning requests, the Planning and Zoning Commission and the City Council shall consider the intensity of the proposed zoning district in relation to the intensities of adjoining or nearby districts. The land use intensity gradation rankings (from lowest to highest) adopted by the city are as follows:

- (a) RA, R-1, R-2, R-3, R-4, NS;
- (b) R-5, MH, MF-1, MF-2, PPU, NS;
- (c) C-1, SCD, O-1, L-1, PR-1;
- (d) C-2, O-2, L-2, RR-1;
- (e) C-3, PR-2, PF, RR-1;
- (f) I-1, AS/S; and
- (g) HC, I-2, IP.

(2) In order to promote reasonable transitions between districts within the city and ensure the compatibility of neighboring uses, zoning district boundaries may not be approved if the difference between the intensity of the requested district and an adjoining district is greater than 2, as determined in the Council's sole discretion. For example, a permitted use in intensity grade d may be adjacent to a permitted use in intensity grade b.

(3) Note that WPDDs, overlays and CUPs are not subject to the land use intensity gradation rankings. Their external effects on the environment are evaluated on a case-by-case basis. These districts may include specific provisions for mitigation and screening."

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

III. REPEALER

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

IV. 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.

V. EFFECTIVE DATE

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

VI. 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.

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

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

CITY OF WIMBERLEY

By: _____
Bob Flocke, Mayor

ATTEST:

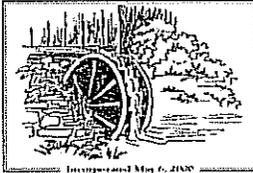
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carloyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER APPROVAL OF AN AMENDMENT TO THE CITY OF WIMBERLEY FEE ORDINANCE RELATING TO WPDD AMENDMENTS

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 the second and final reading of an ordinance amending the City of Wimberley's Fee Ordinance to reduce the fees for amending a Wimberley Planned Development District (WPPD) Agreement.

Currently, an applicant is required to pay the same fee for a WPPD amendment as he/she would pay for a new WPDD agreement. That fee can sometimes be well over \$1,000, depending upon the acreage of the proposed development, even when the amendment may be minor.

City staff is proposing to leave the initial WPDD application fee the same, but establish a flat \$500 fee for WPDD amendments. In addition, the applicant would be responsible for any engineering or legal fees incurred by the City in its review of the proposed WPDD amendment.

Attached is a draft of the proposed amendment to the fee ordinance for review and consideration. On August 5th, the City Council approved the ordinance on its first reading. A second reading of the ordinance must be approved for the fee reduction to take effect.

ORDINANCE NO. 2010_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE III (ADMINISTRATION), SECTION 35.01 (FEE SCHEDULE) OF THE CODE OF ORDINANCES TO AMEND SUBSECTION (D) (ZONING SCHEDULE OF FEES) TO ADD AN APPLICATION FEE TO AMEND APPROVED WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) ZONING ORDINANCES; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley, Texas (the “City”) seeks to provide for the health, safety and welfare of its citizens; and,

WHEREAS, the Council has adopted regulations related to the review and processing of Wimberley Planned Development District (WPDD) zoning applications; and once a WPDD ordinance is approved by the City, the development may change requiring the property owner to request for an amendment to the approved WPDD ordinance,

WHEREAS, the fees proposed herein are in amounts to cover the City’s actual cost to administer and process such amendment requests; and

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

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

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

Section 2. Amendment.

THAT the City of Wimberley Code of Ordinances, Title III (Administration), Section 35.01 (Fee Schedule), subsection (D) (Zoning Schedule of Fees) is hereby amended to add subsection (3) to read as follows:

“35.01 (D)(3) Amendment of Wimberley Planned Development District (WPDD) zoning ordinance. A fee of \$500.00 shall be accompanied by every written request to amend an approved Wimberley Planned Development District (WPDD) zoning ordinance. In addition to the fee stated herein, prior to placement of the amendment request on a City Council agenda, the applicant shall pay any costs incurred by the City in the review and processing of the application to include legal and engineering fees. An additional deposit may be required if it is anticipated additional costs will be incurred by the City after placement of the request on a City Council

agenda but prior to adoption or denial of an application by the City Council.”

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

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

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

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

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov’t. Code.

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

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

CITY OF WIMBERLEY, TEXAS

Bob Flocke, Mayor

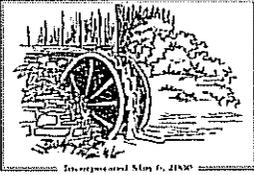
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER APPROVAL OF
THE *CONSTRUCTION DOCUMENTATION PHASE*
REPORT FOR THE BLUE HOLE REGIONAL PARK
DEVELOPMENT PROJECT

Funds Required:

Funds Available:

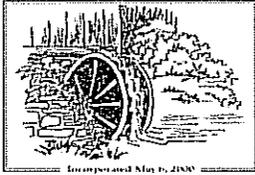
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider possible approval of the *Construction Documentation Phase Report* for the Blue Hole Regional Park Development Project. The report was presented earlier in the City Council meeting by *Design Workshop* – the City's project design firm.

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER APPROVAL OF
A PROPOSED CONTRACT LAW ENFORCEMENT
PROGRAM FOR THE CITY OF WIMBERLEY

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 possible approval of a proposed contract law enforcement program for the City of Wimberley.

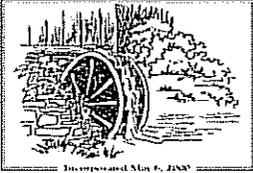
The proposed law enforcement effort involves the use of off-duty Hays County Sheriffs Deputies and off-duty Deputy Constables, from different parts of the county, to patrol the streets of Wimberley, with a primary focus on traffic enforcement. The deputies would work four (4) hour shifts and be under the direction of the City Administrator. Citations issued under the program would be processed in the City's Municipal Court, with the local share of ticket revenue going into the City coffers.

According to the proposal, the contract officers will work twelve (12) hours per week at a cost of \$25 per hour. The days of the week and time periods worked would vary, as would the areas to be patrolled. In addition to traffic enforcement, the deputies would be available enforce certain City ordinances such as the noise and fireworks ordinances.

The estimated cost of the contract law enforcement program for the remainder of the fiscal year is \$1,500. As funding for the program was not included in the *Fiscal Year 2010 City of Wimberley General Fund Budget*, there will be a need to transfer funds from the Fund Balance to cover the cost of the program and amend the City budget to reflect the transfer and expenses.

City staff recommends approval of the program and the associated budget amendment.

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER ACTION ON A PROPOSAL TO EXTEND THE TEXAS DISPOSAL SYSTEMS CONTRACT FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLES

Funds Required:

Funds Available:

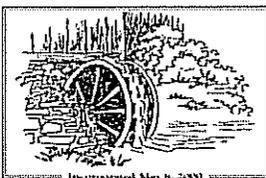
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action on a proposed extension of the City of Wimberley's *Solid Waste/Recycling Collection Contract* with Texas Disposal Systems (T-D-S). At the time of production of this packet, City staff was finalizing the details of a proposal to extend the T-D-S contract for a period of three (3) years that will bring single stream recycling to residential and commercial customers along with bulky waste collection at a reduced rate. Details of the proposal will be presented to City Council under separate cover in advance of the Council meeting.

City Council Agenda Form



Date Submitted: August 16, 2010

Agenda Date Requested: August 19, 2010

In recent months, there has been growing interest in Wimberley in the possible implementation of a single stream recycling program for residential and commercial garbage customers. Single stream (also known as "fully co-mingled") recycling refers to a system in which all paper fibers and containers are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.). Such recycling programs are more cost-effective and allow for an increase in the types of recyclables that can be collected.

Currently, the City of Wimberley offers recycling services only to its residential customers. This service is a curb sort program where the limited stream of recyclables collected are sorted at the curb by crews with Texas Disposal Systems (T-D-S), the City's solid waste collection contractor.

At the direction of City Council, City staff has been working with T-D-S representatives on the development of a three (3) year extension to the current T-D-S contract that would allow for the implementation of a single stream recycling program for both residential and commercial customers. In addition, the contract extension would enhance the current bulk waste collection program available to customers.

The above-mentioned contract negotiations have produced the following two (2) proposals for City Council consideration:

Proposition 1

A. Residential Collection (Voluntary Participation)

- a. One (1) 96-gallon cart would be provided for trash collection once a week.
- b. Two (2) 17-gallon containers would be provided for single stream recycling once every two (2) weeks.
- c. Monthly bill would go down from \$19.92 to \$19.42 in the first year and increase 3% each year thereafter.
- d. A one-half (1/2) percent reduction in the three (3) percent annual increase would be implemented if certain recycling goals are met each year.

Optional Residential Services Available

- a. One (1) curbside bulky waste collection to be provided to residential customers at an additional cost of \$1.59 per month. Additional collections would be available at a cost of \$25 per pick up; the cost would increase 4.35% in years two (2) and three (3).
- b. Two (2) city-wide clean ups with manned drop sites twice a year would be provided at an additional cost of \$0.87 per month for the first year. The cost would increase 4.35 percent in years two (3) and three (3).

* The monthly cost of residential garbage service would decrease \$1 if service was mandated and such a mandate ensured a customer base of 1,000 homes. The monthly charge would decrease \$1.50 if the customer base is 1,200 homes or larger.

B. Commercial Collection

- a. Containers ranging in size from 96-gallons to eight (8) yards would be available for trash with the monthly cost depending size and frequency of collection. *(See attached rates)*
- b. Containers ranging in size from 96-gallons to eight (8) years would be available for commercial single stream recycling to be picked up every two weeks with the monthly cost depending on size and frequency of collection. *(See attached rates)*
- c. Monthly commercial trash and recycling fees would increase three (3) percent in the first year, four (4) percent in years two (2) and three (3).

Proposition 2

A. Residential Collection (Voluntary Participation)

- a. One (1) 96-gallon cart would be provided for trash collection once a week.
- b. One (1) 96-gallon container would be provided for single stream recycling once every two (2) weeks.
- c. Monthly bill would increase from \$19.92 to \$22.50 in the first year and increase 3% each year thereafter.
- d. A one-half (1/2) percent reduction in the three (3) percent annual increase would be implemented if certain recycling goals are met each year.

Optional Residential Services Available

- a. One (1) curbside bulky waste collection to be provided to residential customers at an additional cost of \$1.59 per month. Additional collections would be available at a cost of \$25 per pick up; the cost would increase 4.35% in years two (2) and three (3).
- b. Two (2) city-wide clean ups with manned drop sites twice a year would be provided at an additional cost of \$0.87 per month for the first year. The cost would increase 4.35 percent in years two (2) and three (3)

* The monthly cost of residential garbage service would decrease \$1 if service was mandated and such a mandate ensured a customer base of 1,000 homes. The monthly charge would decrease \$1.50 if the customer base is 1,200 homes or larger.

B. Commercial Collection

- a. Containers ranging in size from 96-gallons to eight (8) yards would be available for trash collection with the monthly cost depending on the size and frequency of collection *(See attached rates)*
- b. Containers ranging in size from 96-gallons to eight (8) yards would be available for commercial single stream recycling to be picked up every two weeks with the monthly cost depending on size and frequency of collection. *(See attached rates)*
- c. Monthly commercial trash and recycling fees would increase three (3) percent in the first year and four (4) percent in years two (2) and three (3).

The primary difference between the two (2) proposals is in the size of the containers to be provided for single stream residential recycling. Both options include the development and implementation of an enhanced community education program to promote participation in both the residential and commercial single stream recycling programs.

It should also be noted that the three (3) percent rate increase guaranteed in each proposal is up just one (1) percent from the two (2) percent increase allowed in the current T-D-S contract.

City staff and representatives of T-D-S will be present at the City Council meeting to brief council members on the contract extension proposals.

Option 3	
3 year contract - residential and commercial Single stream/w/ 18 gallon bins EOW (2nd bin furnished upon request)	
Residential rates	
Year 1	19.42
Year 2-3	3% increase
Year 1-3 - 1000 Homes*	-1.00 /month
Year 1-3 - 1200 Homes*	-1.50 /month
A - Bulky pickup - curbside	
1 time per year per resident	
Call to schedule pickup	
Year 1 - Max 3 cu yds per pickup	1.59 /month
Year 2-3	4.35% increase
B - Bulky pickup - drop off (2 per year)	
City wide cleanup (2 locations) - 1 Rear load truck (3 hours) & 1 40 cubic yard per location	
Year 1	0.87 /month
Year 2-3	4.35% increase
Additional 40 cu yd hauls:	
Year 1 - Delivery	250 each
Haul	415 each
Rent	0 each
Year 2-3	4.35% increase
C - Bulky pickup - on call	
resident paid - 3 cubic yards per pickup	
Year 1	25 each
Year 2-3	4.35% increase
Commercial rates	
Year 1	3% increase
Year 2-3	4% increase

Option 2	
3 year contract - residential and commercial Single stream/w/ 96 gallon recycle cart EOW	
Residential rates	
Year 1	22.50
Year 2-3	3% increase
Year 1-3 - 1000 Homes*	-1.00 /month
Year 1-3 - 1200 Homes*	-1.50 /month
A - Bulky pickup - curbside	
1 time per year per resident	
Call to schedule pickup	
Year 1 - Max 3 cu yds per pickup	1.59 /month
Year 2-3	4.35% increase
B - Bulky pickup - drop off (2 per year)	
City wide cleanup (2 locations) - 1 Rear load truck (3 hours) & 1 40 cubic yard per location	
Year 1	0.87 /month
Year 2-3	4.35% increase
Additional 40 cu yd hauls:	
Year 1 - Delivery	250 each
Haul	415 each
Rent	0 each
Year 2-3	4.35% increase
C - Bulky pickup - on call	
resident paid - 3 cubic yards per pickup	
Year 1	25 each
Year 2-3	4.35% increase
Commercial rates	
Year 1	3% increase
Year 2-3	4% increase

EOW - every-other-week service schedule

* If service is mandatory, the City must have method to require residents to pay for service.

* Rates based on paid residential customers, not billed customers.

Commercial Recycle Rates - Each container size and frequency equals 90% of trash rate.

City Recycle incentive goal - double current residential recycle (Average per month for year 2010). New single stream residential service and commercial recycling. Incentive : If goal is met the rate increase on residential service years 2-5 or 2-3 rate increase will be reduced by .5% (3.0% to 2.5%)

Option 2

Commercial:

- 1) 3 year contract
- 2) Price increase year 1 - 3%
- 3) Price increase year 2-3 - 4%
- 4) Extra service increase year 1-3 - 4.35%

Commercial Containers: Trash

11/1/10	Size		Freq		Extra		Lock	
	Cu/Yds	Cart	1X	2X	3X	Pickup	Casters	Bar
			28	-	-	21	-	-
	2		68	-	-	37	16	16
	3		73	-	-	42	16	16
	4		80	150	-	42	16	16
	6		93	176	255	52	16	16
	8		111	214	316	63	16	16

Commercial Containers - Recycle

Size	Freq		Extra		Lock	
	Cu/Yds	Cart	1X	2X	3X	Bar
			25	-	-	-
2			61	-	-	15
3			66	-	-	15
4			72	135	-	15
6			83	159	230	15
8			100	193	285	15

11/1/11

11/1/11	Size		Freq		Extra		Lock	
	Cu/Yds	Cart	1X	2X	3X	Pickup	Casters	Bar
			29	-	-	22	-	-
	2		71	-	-	38	16	16
	3		76	-	-	44	16	16
	4		84	156	-	44	16	16
	6		96	183	266	54	16	16
	8		116	223	329	65	16	16

Commercial Containers - Recycle

Size	Freq		Extra		Lock	
	Cu/Yds	Cart	1X	2X	3X	Bar
			26	-	-	-
2			64	-	-	16
3			68	-	-	16
4			75	141	-	16
6			87	165	239	16
8			104	201	296	16

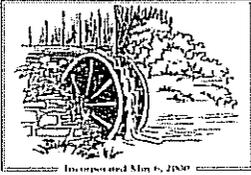
11/1/12

11/1/12	Size		Freq		Extra		Lock	
	Cu/Yds	Cart	1X	2X	3X	Pickup	Casters	Bar
			30	-	-	23	-	-
	2		74	-	-	40	17	17
	3		79	-	-	45	17	17
	4		87	163	-	45	17	17
	6		100	191	276	57	17	17
	8		120	232	342	68	17	17

Commercial Containers - Recycle

Size	Freq		Extra		Lock	
	Cu/Yds	Cart	1X	2X	3X	Bar
			27	-	-	-
2			66	-	-	16
3			71	-	-	16
4			78	146	-	16
6			90	171	249	16
8			108	209	308	16

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER APPROVAL
OF FY 2011 WASTEWATER BUDGET

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 proposed *Wimberley Wastewater Treatment Plant Work Plan and Budget for Fiscal Year 2011*.

The proposed budget reflects the Guadalupe Blanco River Authority's cost of operating the treatment plant located at the Blue Hole Regional Park which serves one customer – the Deer Creek Rehabilitation Facility. The combined capital additions, debt service and operating expenditures proposed for Fiscal Year 2011 amounts to \$111,363 – down one (1) percent from the current year. To recover these costs, the GBRA is proposing a slight decrease in Deer Creek's rates.

It should be noted the proposed budget includes an interfund loan repayment of \$20,004. This amount represents the second in a series of loan repayments to the GBRA's General Division for funds that were advanced to assist with the recent acquisition of a new wastewater treatment plant to replace the troubled *Imhoff Plant* that has served Deer Creek for years. Also, the proposed budget includes the standard administration and general expense charged to all GBRA operating divisions and the budget for this expense is \$11,012.

GBRA representatives will be present at the meeting to brief City Council on the proposed budget.

WIMBERLEY WASTEWATER TREATMENT
PLANT SYSTEM

WORK PLAN AND BUDGET

Fiscal Year Ending August 31, 2011



WIMBERLEY WASTEWATER TREATMENT PLANT SYSTEM

WORK PLAN AND BUDGET

Fiscal Year Ending August 31, 2011

DIRECTORS

T. L. Walker
Chairman
Grace G. Kunde
Vice-Chairman
Oscar H. Fogle
Secretary-Treasurer
Arlene N. Marshall
Myrna P. McLeroy
Frank J. Pagel
James L. Powers
Michael D. Schultz
Clifton L. Thomas, Jr.

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General Manager
James Murphy
Executive Manager of Water Resources & Utility Operations
Alvin Schuerg
Executive Manager of Finance and Administration
Todd Votteler
Executive Manager of Intergovernmental Relations & Policy
Bruce Wasinger
General Counsel
David Welsch
Executive Manager of Business Development & Resource Management

MANAGEMENT STAFF

Gary Asbury
Manager of Project Engineering
Barbara Gunn
Human Resources Manager
Thomas Hill
Chief Engineer
Debbie Magin
Director of Water Quality Services
Tommie S. Rhoad
Customer Representative & Economic Development Manager
Bryan Serold
Operations Manager – Lower Basin
John Smith
Operations Manager – Upper Basin
LaMarriol Smith
Manager of Communication & Education

WIMBERLEY WASTEWATER TREATMENT PLANT SYSTEM
WORK PLAN AND BUDGET
Fiscal Year Ending August 31, 2011

Tentative as submitted by
Guadalupe Blanco River Authority
July 15, 2010

Rural Utilities Division
Wimberley Wastewater Treatment Plant System
Operating Plan for Fiscal Year Ending 8/31/11

BACKGROUND

The following Work Plan and Budget is based on the treatment of an average sewage flow of 4.84 million gallons per year or 0.013 million gallons per day.

GBRA assumed operations of the Wimberley Wastewater Treatment Plant on February 5, 2004 and currently has one customer, the Deer Creek Rehabilitation Facility, a nursing home. Three operators divide their time between the Buda, Shadow Creek, Sunfield and Wimberley plants to operate and maintain the systems. The System is supervised by the Chief Operator of the Shadow Creek Wastewater Reclamation System. In addition, some contract labor and support from other GBRA Divisions are included in the form of electrical, preventive maintenance, supervision, engineering, purchasing, laboratory, and administrative functions. GBRA's budget forecast includes all payroll and benefit expenses. In this work plan, the Wimberley Wastewater Treatment Plant will continue to be managed by existing GBRA professionals located in Seguin.

Prior to the summer of 2009, the waste treatment process consisted of an Imhoff tank. This plant was not capable of complying with the discharge permit limit for biochemical oxygen demand, and following the issuance by TCEQ of an Agreed Order, hydrogen peroxide was injected into the process stream in an attempt to meet compliance. Operators were not able to consistently meet the discharge permit requirements and the Imhoff tank was replaced with a conventional extended air package treatment plant in June 2009. While power costs increased significantly in the new treatment process due to the use of mechanical aeration, treatment chemicals and their costs were eliminated.

REVENUE SOURCES AND TRENDS

After signing an operating agreement with the City of Wimberley in April 2002 GBRA assumed operation of the wastewater plant on February 5, 2004. The plant has a permitted capacity of 0.015 million gallons per day (MGD). The contract between the City of Wimberley and GBRA provides that GBRA operate the plant and associated facilities and bill the customers of the system.

This work plan is based upon a 12-month FY 2011 budget year. The City and GBRA are continuing to study the need to expand the Plant in order to meet the needs of additional customers in the Wimberley area.

The budget is based on the treatment of 4,776,000 gallons, which is an increase in flow based on winter water usage by the customer. The budgeted FY 2011 revenue for the Wimberley Division is \$111,363.

CAPITAL ADDITIONS AND OPERATING EXPENDITURES

The combined capital additions, debt service and operating expenditure budget for FY 2011 amounts to \$111,363.

In addition to personnel costs, other significant operating and maintenance expenses are truck operating expenses of \$5,400, power and utilities expenses of \$9,000, and \$2,400 for laboratory supplies.

The budget also assumes that GBRA will be completely responsible for insurance and risk management, the cost of which is estimated at \$881. The budget includes the standard administration and general expense charged to all operating divisions of GBRA, and the budget for this expense is \$11,012.

The FY 2011 budget includes an interfund loan repayment in the amount of \$20,004. This amount represents a ten-year repayment to GBRA's General Division for the funds that were advanced to assist the Wimberley System in acquiring the new 0.15 mgd treatment plant.

FUND BALANCE

Funds for the above listed capital additions and maintenance projects as well as all of the other operating expenditures that are summarized in the following pages will be provided from revenues from the customer of the system. The net increase in the fund balance that GBRA anticipates in the Wimberley System is \$0.

**GUADALUPE-BLANCO RIVER AUTHORITY
WORKPLAN AND BUDGET
FISCAL YEAR ENDING AUGUST 31, 2011**

036 - WIMBERLEY WWTP

	FY 2010 BUDGET	FY 2011 BUDGET	FY 2010-2011 DIFFERENCE
OPERATING REVENUES			
WASTEWATER SERVICES:			
SERVICE FEES	112,435	111,363	(1,072)
Total WASTEWATER SERVICES	112,435	111,363	(1,072)
<hr/>			
TOTAL OPERATING REVENUES	112,435	111,363	(1,072)
<hr/>			
OPERATING EXPENSES			
STAFF TECHNICAL ASSISTANCE	4,729	3,651	(1,078)
SUPERVISION	7,047	7,196	149
LABOR	15,558	16,264	706
Total OPERATING SALARIES & WAGES	27,334	27,110	(223)
EMPLOYEE EXPENSES & BENEFITS:			
EMPLOYEE BENEFITS	13,445	13,348	(96)
Total EMPLOYEE EXPENSES & BENEFITS	13,445	13,348	(96)
OPERATING SUPPLIES & SERVICES:			
TRUCK OPERATING EXPENSES	5,400	5,400	
PUBLICATIONS AND BOOKS	60	60	
SMALL TOOLS EXPENSE	120	120	
TRACTORS AND EQUIPMENT	360	360	
BIOSOLIDS DISPOSAL COSTS	1,440	1,440	
SAFETY & EMERG. EXPENSES	516	516	
POWER AND UTILITIES	8,000	9,000	1,000
AUXILLARY POWER EXPENSE	420	1,360	940
CHLORINE	240	240	
LAB SUPPLIES & EXPENSES	2,400	2,400	
PROFESSIONAL FEES	1,040	924	(116)
INSPECTION FEES	1,250	1,250	
COMMUNICATIONS	1,920	1,920	
OFFICE SUPPLIES & EXPENSES	60	60	
COMPUTER SUPPLIES & SERVICE	120	120	
INSURANCE EXPENSE	881	881	
MISCELLANEOUS EXPENSES	240	240	

GUADALUPE-BLANCO RIVER AUTHORITY
 WORKPLAN AND BUDGET
 FISCAL YEAR ENDING AUGUST 31, 2011

036 - WIMBERLEY WWTP

	FY 2010 BUDGET	FY 2011 BUDGET	FY 2010-2011 DIFFERENCE
Total OPERATING SUPPLIES & SERVICES	24,467	26,291	1,824
MAINTENANCE & REPAIR			
LABOR	5,458	6,260	802
MATERIAL	3,660	3,660	
SERVICES	3,960	3,820	(140)
Total MAINTENANCE & REPAIR	13,078	13,740	662
TOTAL OPERATING & MAINTENANCE	78,324	80,490	2,167
ADMINISTRATIVE & GENERAL: A & G EXPENSES	10,494	11,012	519
Total ADMINISTRATIVE & GENERAL	10,494	11,012	519
TOTAL OPERATING EXPENSES	88,817	91,503	2,685
NET OPERATING INCOME	23,618	19,860	(3,758)

GUADALUPE-BLANCO RIVER AUTHORITY
 WORKPLAN AND BUDGET
 FISCAL YEAR ENDING AUGUST 31, 2011

036 - WIMBERLEY WWTP

	FY 2010 BUDGET	FY 2011 BUDGET	FY 2010-2011 DIFFERENCE
OPERATING REVENUES	112,435	111,363	(1,072)
OPERATING EXPENSES	(88,817)	(91,503)	(2,685)
NET OPERATING INCOME	23,618	19,860	(3,758)
NON-OPERATING REVENUES (EXPENSES)			
INTEREST INCOME:			
INT ON WIMBERLEY OPR FUND	300	120	(180)
INT ON NOW ACCTS	48	24	(24)
Total INTEREST INCOME	348	144	(204)
TOTAL NON-OPERATING REVENUES (EXPENSES)	348	144	(204)
CHANGE IN NET ASSETS	23,966	20,004	(3,962)
INTERFUND LOANS			
DEBT CAPITAL			
TOTAL FUNDS AVAILABLE	23,966	20,004	(3,962)
PURCHASES OF FIXED ASSETS STRUCTURES & IMPROVEMENTS	3,500		(3,500)
Total PURCHASES OF FIXED ASSETS	3,500		(3,500)
WORK IN PROGRESS			
DEBT SERVICE			
GENERAL LOANS PAID	20,000	20,004	4
Total DEBT SERVICE	20,000	20,004	4
TOTAL FUNDS APPLIED	23,500	20,004	(3,496)
NET CHANGE IN FUND BALANCE	466	0	(466)

GUADALUPE-BLANCO RIVER AUTHORITY
 WORKPLAN AND BUDGET
 FISCAL YEAR ENDING AUGUST 31, 2011

036 - WIMBERLEY WWTP

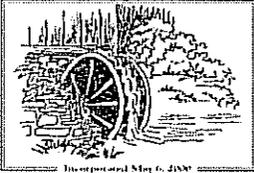
	FY 2010 BUDGET	FY 2011 BUDGET	FY 2010-2011 DIFFERENCE
SALARIES & WAGES DETAIL			
STAFF TECHNICAL ASSISTANCE:			
STA- SUPERVISION	1,357	2,144	786
STA- CLERICAL	3,372	1,507	(1,865)
Total STAFF TECHNICAL ASSISTANCE	4,729	3,651	(1,078)
SUPERVISION:			
SUPERVISION	7,047	7,196	149
Total SUPERVISION	7,047	7,196	149
OPERATING LABOR:			
CLERICAL	529	591	62
REG- OPERATING LABOR	13,924	12,680	(1,244)
OVT- OPERATING LABOR	1,105	2,993	1,887
Total OPERATING LABOR	15,558	16,264	706
MAINTENANCE & REPAIR			
M&R-LABOR:			
REG/LBR- OTHER	5,458	6,260	802
Total M&R-LABOR	5,458	6,260	802
Total MAINTENANCE & REPAIR	5,458	6,260	802
WORK IN PROGRESS			
PROJECT DEVELOPMENT			
TOTAL SALARIES & WAGES	32,792	33,371	579

GUADALUPE-BLANCO RIVER AUTHORITY
 WORKPLAN AND BUDGET
 FISCAL YEAR ENDING AUGUST 31, 2011

036 - WIMBERLEY WWTP

	FY 2010 BUDGET	FY 2011 BUDGET	FY 2010-2011 DIFFERENCE
MAINTENANCE & REPAIR DETAIL			
LABOR:			
REG/LBR- OTHER	5,458	6,260	802
Total LABOR	5,458	6,260	802
MATERIAL:			
M&R/MAT- PUMPS	240	240	
M&R/MAT- LIFT STATION	240	240	
M&R/MAT- COLLECTN/FORCE MAINS	240	240	
M&R/MAT- METERS	120	120	
M&R/MAT- DRAIN FIELD	120	120	
M&R/MAT- INSTRUMNTS/ELECTRICAL	600	600	
M&R/MAT- FENCE/GROUNDS	240	240	
M&R/MAT- NON POTABLE WTR SYS	1,500	1,500	
M&R/MAT- TOOLS/EQUIPMENT	120	120	
M&R/MAT- OTHER	240	240	
Total MATERIAL	3,660	3,660	
SERVICES:			
M&R/SER- PUMPS	1,200	1,200	
M&R/SER- LIFT STATION	480	1,200	720
M&R/SER- METERS	240	380	140
M&R/SER- DRAIN FIELD	120	120	
M&R/SER- INSTRUMNTS/ELECTRICAL	240	240	
M&R/SER- FENCE/GROUNDS	1,200	200	(1,000)
M&R/SER- TOOLS/EQUIPMENT	240	240	
M&R/SER- OTHER	240	240	
Total SERVICES	3,960	3,820	(140)
TOTAL MAINTENANCE & REPAIR	13,078	13,740	662

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER ISSUES
RELATING TO DEVELOPMENT OF FY 2011 BUDGET

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

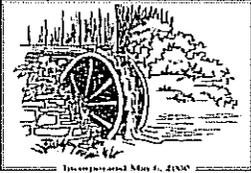
Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for discussion and possible action on issues to be considered relating to the development and adoption of the City of Wimberley FY 2011 Budget beginning October 1, 2010.

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER ACTION REGARDING THE FORMATION OF A BUDGET ADVISORY BOARD AND OTHER METHODS OF ENHACING PUBLIC INVOLVEMENT IN THE CITY BUDGET PROCESS

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 possible action regarding the future formation of a budget advisory board and other methods of enhancing public involvement in future budget processes.

For discussion purposes only, City staff has attached a copy of the scope of responsibility for the City's *Budget Investment & Finance Advisory Committee* – a citizen advisory board that was eliminated by the City Council more than two years ago. City staff will also present several other possible ideas for better engaging the public in the City budget development processes.

§ 33.01 BUDGET, INVESTMENT, AND FINANCE BOARD.

(A) *Purpose.* The purpose of this section is to obtain advice for the City Council with respect to budgetary, investment, and financial matters. This section is adopted so that the Budget, Investment, and Finance Advisory Board (the "Board") created hereby may advise the City Council with respect to these matters.

(B) *Creation and composition of Board.*

(1) The Board is created by this section, shall be an independent advisory board to the City Council, and shall be comprised exclusively of volunteer members appointed by the Council.

(2) The Board shall be comprised of 7 members, at least 4 of whom shall be residents of and registered to vote in the city. Six members are to be chosen, 1 each, by the Mayor and each Member of the City Council, as individual appointments, and the remaining member is to be chosen by a majority vote of the City Council.

(C) *Duties of the Board.* The Board shall advise the Council with respect to:

- (1) A fiscally sound and responsible budget process;
- (2) Long-term budgetary goals;
- (3) Achieving budgetary goals;
- (4) Informing the citizens of the city about the information contained in the annual budget;
- (5) The investment of city funds;
- (6) Monitoring of city investments;
- (7) Appropriate depositories for city funds;
- (8) Financing, including capital items and real property acquisitions;
- (9) Franchise agreements; and
- (10) Other matters as the Council from time to time by resolution may request.

(D) *Vacancies on the Board.* If a vacancy occurs on the Board in a position originally filled by the Mayor or an individual Council Member, then the person who originally appointed the Board member or the successor shall appoint a person to fill that vacancy.

(E) *Terms of Board members.* All members' terms shall be 2 years.

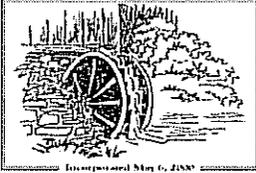
(F) *Removal of Board members.* The City Council may by majority vote remove a Board member for incompetence, corruption, misconduct, malfeasance, or for any other reason stated in the vote. Any Board member who misses 3 consecutive meetings, or 1/3 of all regular meetings within a 12-month time period, shall be deemed to have automatically vacated his or her position on the Board. This provision shall not apply to a Board member who applied for and received an excused absence from the Board chairperson for the meeting (s) at issue. If any member of the Board changes his or her residence or voter registration with the result that fewer than 4 members of the Board are residents of and registered to vote in the city, then that member of the Board is deemed to have automatically vacated his or her position on the Board.

(G) *Board officers.* The Board shall elect officers from among its members. The officers shall be the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of 1 year. The Board chairperson shall preside over all meetings and may vote. If the chairperson is absent, or fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or fail or refuse to act, then any Board member may be appointed by the Board to preside over the meeting. The secretary shall keep the minutes of the meetings of the Board. If the secretary is absent or fails or refuses to act, then any Board member may be appointed by the Board to take the minutes of the meeting. The officers of the Board shall have those other duties as the Board may determine.

(H) *Board meetings and rules of proceedings.* The Board shall conduct regular meetings no less frequently than once a month at a time and place determined by resolution adopted by the Board. Special meetings may be called by the Board chairperson or by 3 Board members. A majority of the Board shall constitute a quorum. The Board may determine the rules of its proceedings.

(Ord. 2003-005, passed 3-20-2003)

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CONSIDER APPROVAL OF A POLICY RELATING TO INSTALLATION OF SPEED HUMPS

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 a policy relating to the installation of speed humps on city streets.

In early July of this year, the Transportation Advisory Board presented a proposed policy which outlined the criteria for when speed humps would be considered for installation by the City. In addition, the proposed policy assigned responsibility for the cost of installing the humps to the citizens requesting the humps. It did not preclude the City from initiating the installation of speed humps, at City cost, at locations the City deems necessary.

After discussing the proposed policy, the City Council directed City staff to develop an alternate policy which included a cost sharing formula to be used when assigning responsibility for the cost of installing speed humps requested by citizens. That policy was presented to City Council at its July 15th meeting. Under the proposed policy, the level of City participation in the funding of speed hump installations varies depending upon the severity of the traffic problem on the subject street. The proposed policy does not preclude the City from initiating the installation of speed humps, at City cost, at locations where the City deems them necessary.

Consideration of the policy was continued until the August 19th City Council meeting to allow council members additional time to review the policy.

SPEED HUMP POLICY

1. GENERAL

The purpose of this policy is to provide guidelines for the application of speed humps. A “speed hump” is a gradual rise and fall of pavement surface across the width of the roadway. Two common designs of speed humps include 1) circular humps – 12 feet long with a maximum height of three to four inches, and 2) flat-topped humps – 22 feet long having a 10-foot long and three to four-inch high plateau with six-foot long circular arc approaches. A speed hump differs from a “speed bump”, which is more abrupt, having a height of three to four inches over a length of one to three feet. Due to gentle vehicle rocking, speed humps cause some driver discomfort and result in most vehicles slowing down at humps and between properly spaced successive humps.

Research has shown that speed humps are effective in safely reducing speeds along a roadway. There is, however, a potential for traffic diversion onto neighboring streets as a result of motorists avoiding the speed hump street.

In order for speed hump installation to be effective, their provision should be in accordance with established transportation engineering criteria and documented facts. As is the case with all traffic control devices, proper installation will encourage compliance and safe driving practices. This policy provides criteria and procedures for installation of safe and effective speed humps.

As this is a new program, the City reserves the right to change any or all of the criteria and procedures in these guidelines if deemed necessary.

2. ELIGIBILITY REQUIREMENTS

All of the following criteria shall be satisfied for a street to be considered eligible for speed hump installation.

A. PETITION

1. A petition from the residents and business owners documenting that at least two-thirds of all households and businesses adjacent to the project street support the installation of speed humps.
2. A verification statement from the contact person confirming that the signatures on the speed hump petition are valid and represent at least two-thirds of the households/businesses adjacent to the project street (refer to attached verification statement).
3. A statement from the neighborhood association endorsing speed hump installation on the project street. In the absence of a neighborhood association, the petition area may be extended to include nearby streets

that may see an increase in traffic as a result of this project. Staff will determine the petition area.

B. OPERATIONAL AND GEOMETRIC CHARACTERISTICS OF THE STREET

1. The street shall provide access (via driveway or on-street parking) to abutting residential and/or commercial properties (residential local or collector streets). Residential properties include single family dwellings, duplexes, apartment complexes, etc.
2. The street shall not have more than one traffic lane in each direction.
3. The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with the State Law.
4. The 85th percentile speed on the street section must be at least 35 mph or 5 mph over the regulatory speed limit.
5. The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on the approaches to these curves.
6. The street should have curb and gutter. Consideration may be given to streets without curb and gutter. In such cases, special care should be used to accommodate drainage and prevent vehicle run-arounds.
7. The street must be approved by the emergency services departments for installation of speed humps.
8. The street must have a 24-hour traffic volume of at least 800 vehicles.

3. PROJECT PRIORITIZATION

Speed hump projects are prioritized on a citywide basis. This would ensure proper allocation of the City's resources. The projects will be ranked according to the criteria developed by the staff.

4. COST RESPONSIBILITY

The cost for speed hump installation (including humps, signs, pavement markings and if necessary, special features) may be shared between the City and the residents according to the cost share criteria.

The residents' cost share is that percentage of the total cost that is not the City's responsibility. One or more residents may pay this share or it may come from other private sources. Of the allocated City funds, seventy percent (70%) will be reserved for projects requiring one hundred percent (100%) City financing. Thirty percent (30%) of the allocated City funds will be reserved for projects that require cost sharing by the residents. City funded participation will proceed in descending order from the top of the priority list until all funds are allocated. Residents may be able to expedite hump installation by voluntarily paying the full installation cost. Alternate sources of funding may be available in certain circumstances.

5. SPEED HUMP LOCATION

A speed hump shall not be located in front of a property if the occupant objects to its placement or, in the case of multiple dwellings if a majority of the households on the property object to its placement. Fulfillment of this requirement is the responsibility of the applicant(s).

6. DESIGN, CONSTRUCTION, AND MAINTENANCE

The City Engineer shall prepare design standards and installation procedures for speed humps and related features such as signs and pavement markings. The City Engineer will administer construction of speed humps. The City will maintain the speed humps and all related features.

7. SPEED HUMP REMOVAL AND ALTERATION

The process for speed hump alteration or removal requested by the residents is the same as the process for installation, except that there will be no City participation in the cost incurred. A petition documenting that at least two-thirds (2/3) of all the households and businesses adjacent to the speed hump street are in favor of speed hump removal, will be required.

SPEED HUMP INSTALLATION PRODECURE

The following items describe the procedure to be followed for speed hump installation. A flowchart of the speed hump installation process is presented.

1. PROJECT REQUEST

Individual residents or neighborhood associations can initiate request for speed hump installation. A request must be made to:

Transportation Advisory Board
City of Wimberley
221 Stillwater
Wimberley, TX 78676

2. PRELIMINARY REVIEW

- A. After a request for speed humps has been received, City staff will conduct an initial investigation and collect data to determine the street's eligibility in regards to the operational and geometric characteristics. This eligibility process includes approval from the emergency services departments.
- B. If the operational and geometric requirements for eligibility are not met, the street will not be considered for speed humps and the requester(s) will be notified.
- C. If after the initial study it is determined that the street qualifies for speed hump installation, a petition packet consisting of the speed hump petition, a verification statement for the contact person, and an endorsement statement for the neighborhood association, if applicable, will be mailed to the requester(s). The project requester(s) will be responsible for circulating the petition in the petition area.
- D. Signatures representing two-thirds of all the households and businesses within the petition area must be in favor of speed hump installation for the study to proceed further. Multi-family dwellings with more than four units will be counted as one household, with the property owner or manager representing the household.
- E. The cut-off date for receiving requests for speed hump projects to be undertaken during a particular fiscal year will be February 1st of the preceding fiscal year. The cut-off date for receiving the approved petition, verification statement, and endorsement statement will be May 1st of the preceding fiscal year.

- F. If the approved petition, completed verification statement, and endorsement statement from the neighborhood association (if applicable) is received by the specified date, the street will be placed on the list of streets eligible for speed hump installation. A priority ranking will be assigned to the street according to the project prioritization criteria.

3. FUNDING

- A. Each year, funds will be allocated for speed humps in the Annual Operating Budget for the City of Wimberley. The allocation of City funding will proceed in descending order from the top of the priority list. Cost sharing criteria will be used to determine the residents' share of the installation cost.
- B. City staff will submit a statement to the requester(s) of each approved project indicating the estimated total speed hump installation cost, City's cost share (if any), residents' cost share (if any), and the project's ranking on the priority list. If the project does not receive high enough priority to receive City funding, residents have the option to voluntarily pay for the full installation cost.
- C. For projects eligible for partial City funding, it will be the responsibility of the requester(s) to ensure the residents' cost share is paid to the City within three months of the statement date. If the City does not receive the residents' cost share within three months, the project will not be considered for that fiscal year.
- D. Once the project is listed on the priority list, it will be considered for funding up to three consecutive years. If, after three years, a project has not received high enough priority to justify City funding, it will no longer be considered eligible. The time limit ensures that the project request has not become obsolete because of changing traffic conditions and/or new residents in the area. The project requester(s) will be notified when the three-year time limit expires. At that time, a new request may be made to re-enter the project in the program and, in such case, the usual procedures will be followed.

4. SPEED HUMP INSTALLATION

Upon receipt of residents' share (if any) and allotment of City's share (if any), speed humps will be installed as scheduling permits. The construction of humps and the placement of signs and marking will conform to the current design standards as established by the City Engineer.

PROJECT PRIORITIZATION CRITERIA

Speed hump projects will be ranked according to the criteria established in this Section. Projects will be assigned points on the basis of existing speeds and volumes, average number of speed related accidents reported to the Hays County Sheriffs Department and presence of schools and/or other special pedestrian generators in the area. The project accumulating the greatest number of points will be considered to have the highest priority. Among projects with the same rank, higher priority will be given to the one with the earliest application date.

1. ACCIDENT CRITERIA

All accidents considered for point assignment must be speed-related accidents within the Hays County Sheriffs Department database and on the project street, either at intersections or at mid-block locations.

TOTAL NUMBER OF REPORTED ACCIDENTS OVER A PERIOD OF 3 CONSECUTIVE YEARS	POINTS ASSIGNED
3	1
4-6	2
7-9	3
10-12	4
13 or more	5

2. SPEED CRITERIA

The speed criteria considers the difference between the 85th percentile speed during the entire 24-hour period and the regulatory speed limit (85th percentile speed is the speed at or below which 85 percent of the drivers are traveling).

SPEED DIFFERENCE BETWEEN 85TH PERCENTILE SPEED AND REGULATORY SPEED LIMIT (MPH)	POINTS ASSIGNED
5 - 7	4
8 - 10	6
GREATER THAN 10	8

3. TRAFFIC VOLUME CRITERIA

Traffic volumes (two-way) during the peak hour are considered.

HOURLY VOLUME (VEH/HOUR)	POINTS ASSIGNED
< 50	0
50 – 225	1
226 – 300	2
301 – 375	3
376 – 450	4
GREATER THAN 450	5

4. TYPE OF NEIGHBORHOOD CRITERIA

Points will be assigned to the project if there are schools and/or special pedestrian generators (such as parks, elderly housing, and community center, shopping areas).

1. Schools within a ½ mile radius of the project street. 1 point
2. Special pedestrian generators within a 1000 ft. radius of the project street. 1 point
3. Absence of sidewalks on the project street. 1 point

COST SHARING CRITERIA

The cost of speed hump installation shall be shared between the City and the residents according to the following criteria. Points considered for cost share are based on points assigned for priority ranking.

POINTS FROM PRIORITY RANKING	CITY'S COST SHARE
GREATER THAN 9	100%
8 – 9	75%
6 – 7	50%
5	25%
4	0%

DESIGN STANDARDS

1. DIMENSION AND CROSS-SECTION

Two types of speed hump designs, circular or flat-topped, may be considered. The circular speed hump will be 12 feet long and have the cross section of a segment of a circle with a maximum height of 3.5 inches at the center. The flat-topped speed hump will be approximately 22 feet long consisting of a 10-foot long plateau with 6-foot long circular arc approaches on either side. This flat-topped speed hump will be 3.5 inches in height.

On streets with barrier curbs, humps should extend fully across the road from curb joint to curb joint. A 12-inch minimum taper may be considered for drainage. For humps installed on non-curbed roadways, special treatment such as delineator posts should be considered to prevent vehicle run-arounds.

2. SPACING AND LOCATION

Speed humps will usually be placed between 200 feet and 600 feet apart. Other spacing may be used based upon engineering judgement. The following guidelines will be considered when determining speed hump spacing.

1. On single short blocks (300 ft. to 500 ft.) a single hump positioned near mid-point is usually sufficient.
2. On single blocks of moderate length (500 ft. to 1000 ft.) a two hump configuration is usually adequate.
3. On very long blocks (1000 ft. to 1600 ft.) three or more humps may be necessary.
4. On lengthy continuous street segments or for humps provided over a series of blocks, interior humps may be placed 400 ft. to 600 ft. apart.

The following points should be considered when locating speed humps:

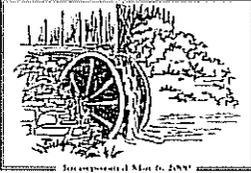
1. A speed hump should not be located in front of a driveway or within an intersection. Speed humps should not be located within 250 feet of a traffic signal or within 50 feet of an intersection.
2. Speed humps should not be located over, or contain manholes, or be located adjacent to fire hydrants.
3. For humps located near drainage inlets the hump should be placed just downstream of the inlet. If this is not feasible, special treatment should be considered for drainage.
4. If possible, humps should be located on property lines rather than directly in front of a residence.
5. The advantage of existing or planned street lighting should be taken into consideration when determining hump location.

3. TRAFFIC CONTROL

Traffic control consisting of signs and markings should be provided to advise roadway users of a speed hump's presence and to guide their subsequent action. Traffic signs and pavement markings should conform to Manual of Uniform Traffic Control and Devices Standards (MUTCD).

DRAFT

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

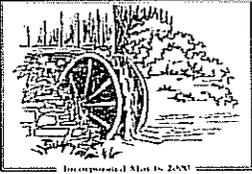
Motion

Discussion

Project/Proposal Summary:

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

City Council Agenda Form



Date Submitted: August 12, 2010

Agenda Date Requested: August 19, 2010

Project/Proposal Title: EXECUTIVE SESSION

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for consultation with attorney regarding Council Member Place Two, the effect of the election contest filed in the 207th District Court, Hays County (Cause No. 10-1076) on such position, and other matters related to the Special Election to be held on September 18, 2010.