

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
DECEMBER 17, 2009, 5:30 P.M.

AGENDA

CALL TO ORDER: DECEMBER 17, 2009 @ 5:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2009.

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON OPERATION OF THE WIMBERLEY COMMUNITY CENTER
- STATUS REPORT ON DEVELOPMENT ACTIVITY IN THE CITY OF WIMBERLEY
- STATUS REPORT ON THE SELECTION OF A CONTRACTOR FOR THE UPCOMING FOURTH OF JULY FIREWORKS DISPLAY

3. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF PROPOSED CHANGES AND ADDITIONS TO THE CITY OF WIMBERLEY TRANSPORTATION MASTER PLAN RELATING TO CONNECTIVITY AND MOBILITY. (*TRANSPORTATION ADVISORY BOARD*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A 0.3327 ACRE TRACT LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-HIGH IMPACT (C-3); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*CLAIM PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE, APPLICANT*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CLAIMS PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE TO PERMIT A BAR/TAVERN ON A PORTION OF APPROXIMATELY 0.3327 ACRE TRACTS LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3), 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. (*CLAIM PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE, APPLICANT*)
- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF A WAIVER OF THE 300-FOOT DISTANCE REQUIREMENT RELATING TO THE SALE OF BEER, WINE AND ALCOHOL AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS. (*CLAIM PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE, APPLICANT*)
- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING ORDINANCE NO. ZA-01-026 WHICH DESIGNATED REAL PROPERTY LOCATED ON A 6.50 ACRE TRACT, ALSO KNOWN AS 501 OLD KYLE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, AS A PLANNED UNIT DEVELOPMENT DISTRICT AND IMPOSED CERTAIN CONDITIONS, IN ORDER TO REVISE PERMITTED USES AND CERTAIN DEVELOPMENT REGULATIONS; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*WIMBERLEY CROSSROADS LLC, APPLICANT*)
- (F) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN APPLICATION TO SUBDIVIDE A 10.039 ACRE TRACT LOCATED AT 880 AND 900 GREEN ACRES DRIVE IN HAYS COUNTY, TEXAS INTO TWO (2) LOTS TO BE KNOWN AS *REPLAT OF LOT 10, GREEN ACRES, SECTION 1, LOTS 10A AND 10B* ALONG WITH A REQUESTED VARIANCE FROM SECTION 154.063 (C) RELATING TO SAME. (*DRIFTWOOD SURVEYING, AGENT FOR WOODIE AND CHRISTIE HALL, TRACEY HILL, JOEL MEANS AND JAMIE FRAZIER, APPLICANTS*)

- (G) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN APPLICATION TO SUBDIVIDE A 5.592 ACRE TRACT LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF FM 3237 AND WINTERS MILL PARKWAY IN HAYS COUNTY, TEXAS INTO TWO (2) LOTS TO BE KNOWN AS *WMT SUBDIVISION LOTS 1 AND 2* ALONG WITH REQUESTED VARIANCES FROM SECTIONS 154.063(C) AND 154.063(D) (3) RELATING TO SAME. (*HAYS COUNTY SUBDIVISION COORDINATOR CLINT GARZA, AGENT FOR PAUL DUNN, APPLICANT*).
- (H) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE IX (GENERAL REGULATIONS) OF THE CODE OF ORDINANCES TO ADD CHAPTER 95 (ON-SITE SEWAGE FACILITIES REGULATIONS) WHICH PROVIDES FOR INSTALLATION, MAINTENANCE AND PERMITTING REQUIREMENTS FOR ON-SITE SEWAGE FACILITIES IN THE CITY OF WIMBERLEY; AND PROVIDING FOR PENALTIES, FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. (*CITY ADMINISTRATOR*)

4. ORDINANCES

- (A) CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE IX (GENERAL REGULATIONS) OF THE CODE OF ORDINANCES TO ADD CHAPTER 94 (FOOD ESTABLISHMENT REGULATIONS) WHICH PROVIDES OPERATING REGULATIONS AND PERMITTING REQUIREMENTS FOR FOOD ESTABLISHMENTS IN THE CITY OF WIMBERLEY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. (*CITY ADMINISTRATOR*)
- (B) 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 ADD SUBSECTIONS G. AND H., TO PROVIDE FOR FEES RELATED TO FOOD ESTABLISHMENT INSPECTIONS AND ON-SITE SEWAGE FACILITIES, RESPECTIVELY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. (*CITY ADMINISTRATOR*)

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION RELATING TO THE SELECTION OF A FIRM TO PREPARE A BOUNDARY SURVEY FOR THE CITY OF WIMBERLEY. (*CITY ADMINISTRATOR*)
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION ON ISSUES RELATING TO THE POSSIBLE SUBMISSION OF AN APPLICATION FOR TIER III FUNDING ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THE DEVELOPMENT OF A CENTRALIZED WASTEWATER SYSTEM FOR THE DOWNTOWN WIMBERLEY AREA. (*CITY ADMINISTRATOR*)
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION RECOMMENDING POSSIBLE ROUTES FOR THE FUTURE DELIVERY OF SUPPLEMENTAL WATER SUPPLIES TO THE WIMBERLEY VALLEY TO BE INCLUDED IN THE TEXAS WATER DEVELOPMENT BOARD REGION I FIVE (5) YEAR WATER PLAN FOR SOUTH CENTRAL TEXAS. (*CITY ADMINISTRATOR*)

- (D) DISCUSS AND CONSIDER POSSIBLE ACTION AUTHORIZING THE SUBMISSION OF A LETTER OF ENDORSEMENT FOR A GRANT APPLICATION TO FUND PHASE 2 OF THE CYPRESS CREEK WATERSHED PROJECT. (JASON PINCHBACK, TEXAS RIVER SYSTEMS INSTITUTE)
- (E) DISCUSS AND CONSIDER ACTION ON ISSUES RELATING TO THE POSSIBLE ACQUISITION OF LOT 80 (0.814 ACRES) IN SOUTH RIVER UNIT ONE, ALSO KNOWN AS 211 STILLWATER, WIMBERLEY, TEXAS. (MAYOR TOM HALEY)

6. CITY COUNCIL REPORTS

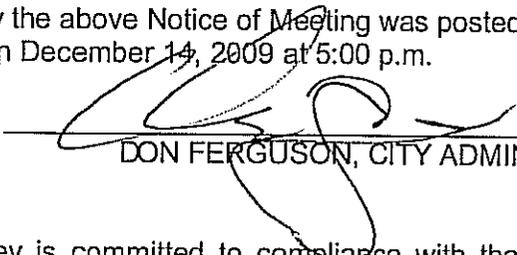
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

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

CERTIFICATION

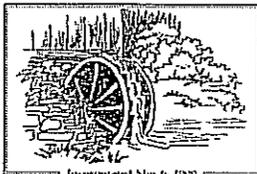
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on December 14, 2009 at 5:00 p.m.



DON FERGUSON, CITY ADMINISTRATOR

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: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: APPROVAL OF
DECEMBER 3, 2009 MINUTES OF REGULAR
CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the December 3, 2009 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
December 3, 2009 at 6:30 p.m.

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

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

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

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

Citizens Communications

Planning and Zoning Commissioner Jean Ross spoke on behalf of Terrie Bursiel, who expressed thanks to the following:

- Mayor Haley, City Administrator Ferguson, and Public Works Assistant Bill Bowers for help in the acquisition/installation/decoration of the Christmas tree located at the "Y" intersection at Ranch Road 12 and FM 2325
- Local realtor Brenda Samford for organizing the lighted Christmas parade
- City Administrator Ferguson for acquiring the plywood for the large Christmas card displays painted by Wimberley students
- Jean Ross and Mark Bursiel for help in installing lights
- Martha Knies and *Keep Wimberley Beautiful* for hanging garland on the Cypress Creek Bridge
- Wimberley merchants for participation in the Creekside Christmas decorating contest

She closed by thanking everyone for their contributions and hoped that Christmas decorations/events will continue to grow in the future. Mayor Haley thanked Commissioner Ross, Terrie Bursiel, and Mark Bursiel for a fantastic job this year.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of November 19, 2009.
- B. Approval of the October 2009 City of Wimberley Financial Statements.
- C. Approval of the revised September 2009 City of Wimberley Financial Statements.

Councilmember Thurber pulled Consent Agenda Item 1B. Councilmember Thurber moved to approve the remaining Consent Agenda items as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

Discussion addressed specific items including a reimbursement made for a withdrawn zoning application, explanation for a negative balance under Public Safety-Personnel, and payment made for road repair/patches.

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

2. Presentation

Presentation of a progress report by *Design Workshop* on the preliminary design phase of the Blue Hole Regional Park Development Project. (*Steven Spears, RLA, Design Workshop*)

Representatives Steven Spears and Rebecca Leonard presented a review of the project phasing and timelines for each phase, as well as information on:

- Processes and scope of the project
- Comprehensive project approach encompassing environment, economics, community, and art
- Community outreach, including a project website
- Focus/stakeholder/public meetings
- Blue Hole Development Task Force meetings
- Critical success factors based on the Blue Hole Master Plan
- Design processes and options, including materials
- Project goals, including economic and artistic goals
- Site/concept plan options
- Signage plan

Discussion addressed upcoming phases, light pollution/landscape irrigation concerns, and *Design Workshop's* emphasis on both short- and long-term economic planning for park construction, operation, management, and maintenance.

Mayor Haley invited comments from former Councilmember Marilee Wood, who thanked the City for allowing her to be part of this project which has been blessed throughout the process of land acquisition and project planning. She expressed confidence in *Design Workshop's* abilities to design an economically and environmentally sound project.

3. City Administrator Report

- Status report on the efforts to secure state and/or federal funding for the development of a centralized wastewater system for downtown Wimberley

City Administrator Ferguson reported on the ninety (90) day loan submission process, upcoming meetings, finalization of the Preliminary Engineering Report (PER), and Guadalupe Blanco River Authority (GBRA) costs analysis. He stated that Texas Commission on Environmental Quality (TCEQ) has notified the City of its fully compliant status since beginning operation of the new plant.

- Status report on the 2009 Wimberley Christmas celebration

City Administrator Ferguson thanked Jean Ross, Terrie Bursiel, and Mark Bursiel for their decorating efforts and noted that the *Winter's Eve* celebration is scheduled for December 5, 2009 in the Square.

- Status report on the selection of a firm to prepare a boundary survey for the City of Wimberley

City Administrator Ferguson reported that five (5) responses were received to the City's Request for Qualifications (RFQs). He stated that interviews with four (4) or the five (5) respondents are scheduled for Monday, December 7, 2009 and anticipated bringing firm name(s) for consideration at Council's December 17, 2009 meeting.

- Status report on development activity in the City of Wimberley

City Administrator Ferguson stated that this report will be presented at Council's next meeting on December 17, 2009.

- Status report on the effort to designate a Wimberley truck route

City Administrator Ferguson reported that the City of Woodcreek is not ready to move forward with a proposal at this time due to concerns related to through truck traffic and noted details of recent discussions, including possible acceptable signage options. He hoped that future discussions can reach a common goal of resolving through truck traffic problems.

City Administrator Ferguson responded affirmatively to Mayor Haley's request to provide Council with more than one (1) option for consideration of respondents to the City's RFQ for firms to prepare a boundary survey.

4. Public Hearing and Possible Action

Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title XV (Land Usage) of the Code of Ordinances to: (1) Amend Subsection 155.005 to delete definitions of "Average Slope"; (2) Amend Subsection 155.078(H) (Steep Slope); (3) Amend portions of Section 155.077 (Development Plan Review); (4) Amend Chapter 151 (Building Regulations; Construction) to create a new Subsection 151.20 entitled "Steep Slope"; (5) Amend Subsection 155.078 (Impervious Cover); and amend a

portion of Sections 155.035-.043, 155.045-.061, and 155.091 (Zoning Districts), in order to clarify the steep slope and impervious cover regulations for the City of Wimberley; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Mayor Pro-tem Charles Roccaforte*)

City Administrator Ferguson reviewed past discussion at Council's first reading and recommended additional clarifying language to be added to the following sections of the draft ordinance:

End of §155.077(D)(6) and end of §151.20(H)(8): “. . .; and failure to obtain written approval specifying that services can be provided by all applicable emergency service entities to the subject property shall result in automatic denial of the application by the City.”

No public comments were heard.

Discussion addressed concerns raised by Councilmember White relating to qualifications of emergency service entities (particularly the fire department) that must determine what effect slope has on safe access. Discussion included the ability of emergency service entities to identify and resolve safety issues and process for designating employee(s) within each entity who will be responsible for making safety determinations.

Councilmember Thurber moved to approve the ordinance with City Administrator Ferguson's previously stated additional language. Councilmember Roccaforte seconded. Councilmember Thurber asked whether the motion should specifically designate personnel at each emergency service entity who would be responsible for determining property slope's impact on safe access. Agreement was reached not to amend the motion. 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 IX (General Regulations) of the Code of Ordinances to add Chapter 95 (On-Site Sewage Facilities Regulations) which provides for installation, maintenance and permitting requirements for on-site sewage facilities in the City of Wimberley; and providing for penalties, findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson compared the draft ordinance to Hays County's environmental health ordinance, noted slight modifications, and anticipated further customization of the ordinance over time as the City's inspection program develops.

Discussion addressed similarities/differences between the City's draft ordinance and Hays County's ordinance relating to annual reporting requirements for aerobic systems. Questions were raised by Councilmember Appleman relating to the necessity for specific language about proximity of aerobic system septic fields to creeks/rivers when effluent is deemed cleaner than tap water. Mr. Ferguson stated that it was recommended by TCEQ that draft ordinance language reflect consistency with the

City's Protected Water Overlay District requirements. Absent evidence of pollution, Councilmember Appleman felt that the draft ordinance language is too restrictive to citizens in its specified minimum required separation distances. Discussion addressed the possibility of amending Protected Water Overlay District requirements.

Councilmember Thurber moved to approve the item as presented on first reading. Councilmember Roccaforte seconded. Councilmember Appleman requested further discussion with staff on amended language for possible inclusion in the draft ordinance's second reading. Motion carried on a vote of 4-1. Councilmember Appleman voted against.

- B. Consider approval of the first reading of an ordinance of the City of Wimberley, Texas, amending Title IX (General Regulations) of the Code or Ordinances to add Chapter 94 (Food Establishment Regulations) which provides operating regulations and permitting requirements for food establishments in the City of Wimberley; 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 highlighted elements of the proposed ordinance. Hearing no further comments, Mayor Haley entertained a motion.

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

- C. 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 add Subsections G. and H., to provide for fees related to food establishment inspections and on-site sewage facilities, respectively; 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 detailed certain fee structures and compared the City's proposed fees to fees charged by Hays County and the City of Dripping Springs. Discussion addressed specific fee amounts and the City's need to recover its costs via pass-through fees. Various scenarios involving citizen complaints were discussed and potential problems associated with prosecuting/defending citizen-generated complaints. Brief discussion ensued on ways to maintain consistency in the inspection process through adequate monitoring by City staff.

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

6. Discussion and Possible Action

- A. Discuss and consider possible action on issues relating to the wastewater rates currently levied on users of the City of Wimberley Wastewater Treatment Plant. *(City Administrator)*

This item was heard after Agenda Item 6B.

Mayor Haley adjourned Open Session and convened into Executive Session at 7:46 p.m. for consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 7:56 p.m. No action was taken on this item.

- B. Discuss and consider action on issues relating to the possible acquisition of Lot 80 (0.814 acres) in South River Unit One, Wimberley, Texas. (*Mayor Tom Haley*)

This item was heard after Agenda Item 5C. Mayor Haley stated that a contract has been tendered and that no action is needed at this time. No action was taken on this item.

7. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Thurber announced the upcoming performance schedule for Starlight Symphony this coming Saturday and Sunday.

As a future agenda item, Councilmember Appleman requested quarterly reports on Wimberley Community Center operations starting in January 2010.

As a future agenda item, Councilmember Flocke requested consideration of fees charged to non-profit organizations for use of the Wimberley Community Center. City Administrator Ferguson advised that the Parks Board is working on recommendations to Council regarding the Community Center's fee structure.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 7:58 p.m.

Adjournment: Council meeting adjourned at 7:58 p.m.

Recorded by:

Cara McPartland

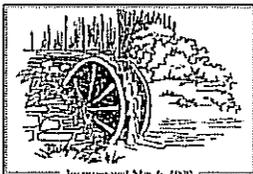
These minutes approved on the _____ of December, 2009.

APPROVED:

Tom Haley, Mayor

DRAFT

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on operation of the Wimberley Community Center
- Status report on development activity in the City of Wimberley
- Status report on the selection of a contractor for the upcoming Fourth of July Fireworks Display

City Council Agenda Form



Date Submitted: December 14, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER ACTION ON ADDITIONS/CHANGES TO THE TRANSPORTATION MASTER PLAN RELATING TO CONNECTIVITY AND MOBILITY

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Earlier this year, the Planning and Zoning Commission took action regarding a proposal from the City's Transportation Advisory Board (TAB) relating to connectivity and emergency access.

Specifically, the Commission recommended the City Council approve, as proposed by TAB, several additions to the *City of Wimberley Transportation Master Plan* relating to the future development of certain emergency access routes in the City. However, the Commission sent back to TAB a proposal relating to future roadway connectivity for further review and public comment. Subsequent public hearings were held by TAB on the connectivity issue. Based on the additional public input received and further Board discussion, the Board recently voted to eliminate the proposed future extension of roadways in the Saddleridge Subdivision and the proposed extension of Leach Lane to Wayside Drive from the Board's original proposed connectivity plan.

On December 10, 2009, the modified connectivity plan along with a proposed city-wide mobility plan were presented by TAB representatives at the Planning and Zoning Commission meeting (See Attachment). After considerable discussion, the Commission voted to recommend inclusion of the following connectivity and mobility proposals in the *City of Wimberley Transportation Master Plan*:

Connectivity

- A connection between Carney Lane and Green Acres Drive
- A connection between Green Acres Drive and Rhodes Lane
- A realignment of Las Flores Drive to align with Texan Boulevard
- New streets in the business area between Cypress Creek and the Blanco River

Mobility

- Sidewalks and hike/bike trails providing access and connection to WISD schools, Katherine Anne Porter School, EmilyAnn Theatre and Market Days
- Sidewalks and hike/bike trails along Ranch Road 12 and FM 2325 north and west of the "Y"
- Sidewalks and parking in the Wimberley Square area

PROPOSED ADDITIONS TO THE
**CITY OF WIMBERLEY
TRANSPORTATION MASTER PLAN**
COMPONENTS D AND E

A PRESENTATION TO THE
CITY OF WIMBERLEY PLANNING & ZONING COMMISSION
DECEMBER 10, 2009

**CITY OF WIMBERLEY
TRANSPORTATION ADVISORY BOARD**

*Replace
this
w/ Bert's
update*

*Corrected
Lac 2 (bike
+
bike)
is in
this
set*

Component D City of Wimberley Connectivity Plan

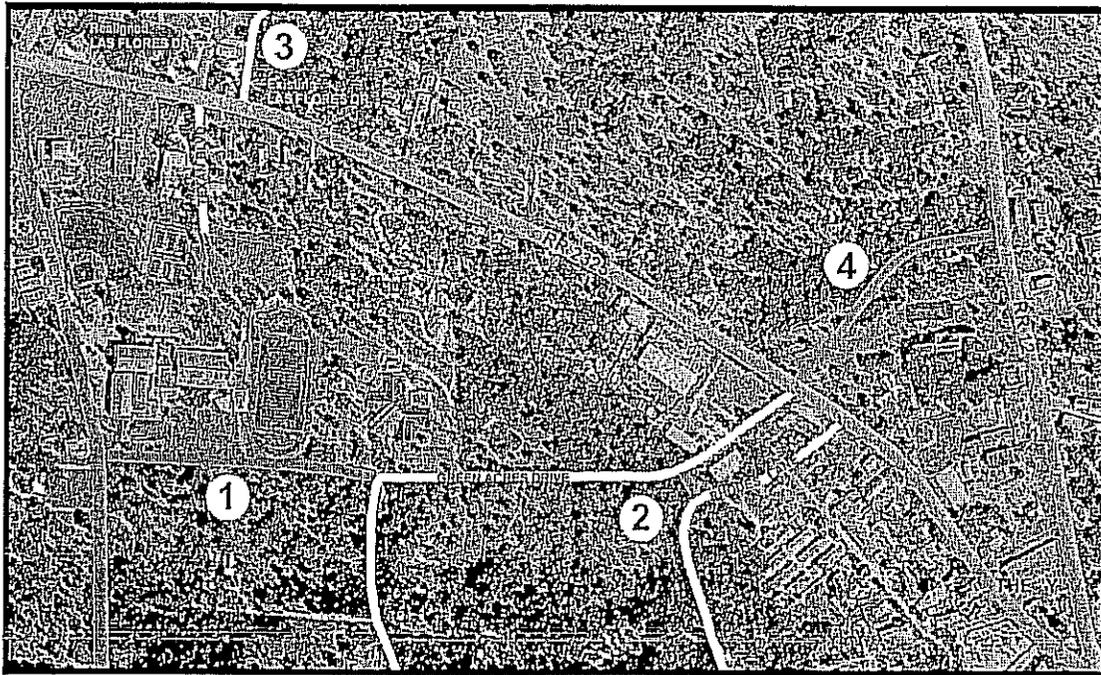
Several locations in the City offer the opportunity for shorter and more convenient vehicular routes without negatively impacting neighborhoods or creating safety issues. In some cases, the creation of a new connecting street may positively affect the adjacent properties. In the central business area, new streets will simplify the access of visitors and shoppers to many existing establishments which are in obscure or hard-to-reach locations, and therefore be a significant asset to the community.

Although this section deals primarily with convenience and traffic reduction, some of the proposed new connecting streets will also provide alternative access routes for emergency vehicles.

The following maps and narratives address locations where the City should acquire the necessary rights-of-way as they become available or essential. They are diagrammatic and, except where existing streets are shown to be upgraded, do not attempt to show precise locations. Determination of the specific engineering and legal issues will be necessary before finalizing any alignments.



Key Map
Connectivity Locations



Connectivity

LOCATIONS 1, 2, 3 & 4

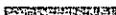
Green Acres Drive Extensions, Rhodes Lane Connection and Las Flores Drive Realignment

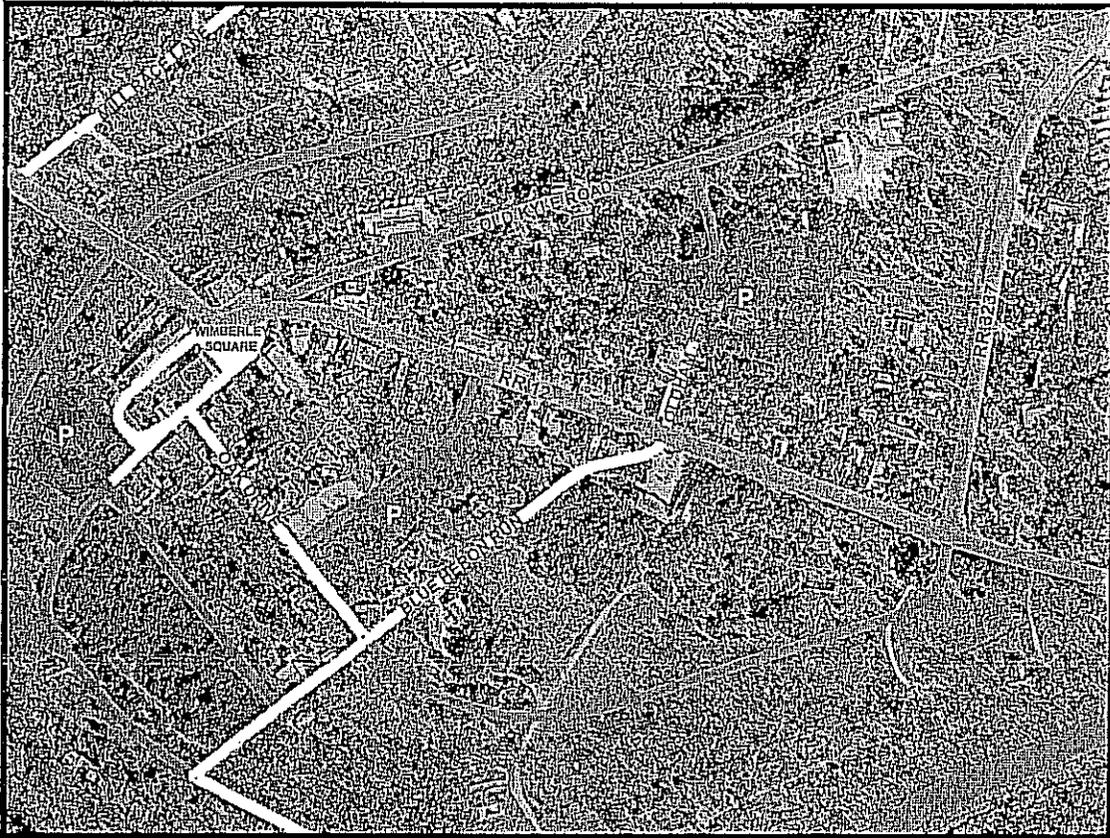
Location 1 - A new street following the existing WISD service drive along the city limit line, connecting Carney Lane and Green Acres Drive and allowing thru-traffic to avoid a long loop by way of RR2325.

Location 2 - A new short link allowing connection between Green Acres Drive and Rhodes Lane without using RR2325. Note that this improvement must be addressed in conjunction with Emergency Access Location 2.

Location 3 - Realignment of the west end of Las Flores Drive to align with the north end of Texan Blvd. where they intersect RR2325. This provides connectivity between the two streets and eliminates the existing dangerous offset at RR2325

Location 4 - A continuation of Green Acres Drive connecting RR 2325 and RR 12. This connection allows east-west traffic to avoid the longer route via Emergency Lane or the "Y", and also provides direct access for emergency vehicles to RR 12.

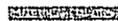
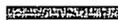
 Subdivision Street	 Collector
 New Street	 State Highway
 Green Area in Within City Limits	 Private Street



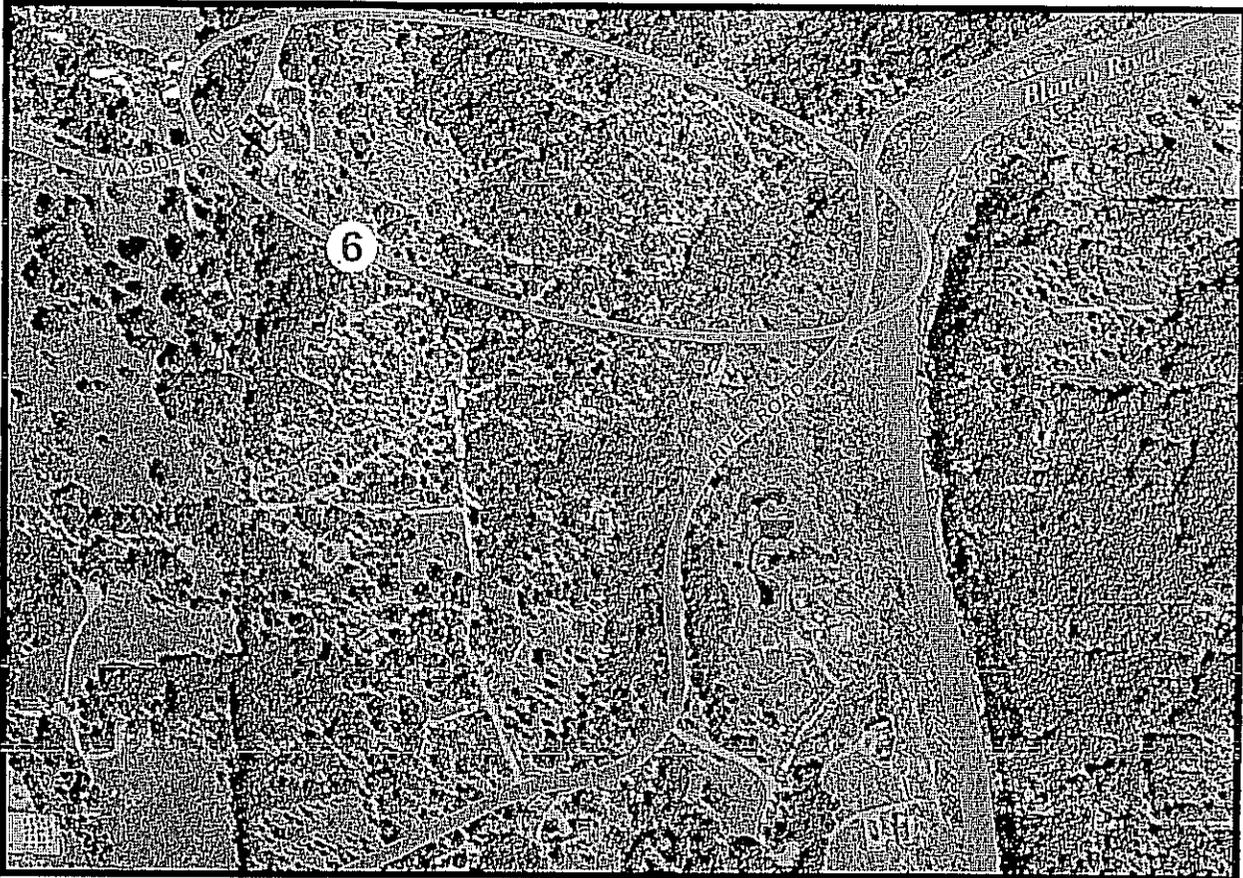
Connectivity
LOCATION 5

Connections in the Wimberley Square Area

New streets in the business area between Cypress Creek and the Blanco River to enhance vehicle and pedestrian circulation. See also sidewalk and parking locations.

-  Collector
-  State Highway
-  How Street
-  Proposed Public Parking
see Mobility Location 1

Green Area is Within City Limits



Connectivity
LOCATION 6

River Road to Wayside Drive

Location 6 - General location of new Collector between River Road and Wayside Drive to allow residents in the vicinity of the River Meadows subdivision to have more convenient access to the north and east. Exact route to be determined as future development occurs.

 Collector
 New Street

Green Area Is Within City Limits

Component E City of Wimberley Pedestrian, Bicycle and Parking Plan

This Component of the Transportation Master Plan addresses the need for Wimberley's citizens to be able to safely and conveniently walk or bicycle between civic or commercial destinations such as schools, parks, shopping areas, entertainment venues, eating establishments or community facilities. It builds on and refines the Wimberley Mobility Plan which was adopted by the City Council on February 9, 2004. That plan laid out a basic bicycle and pedestrian infrastructure to provide accessible paths connecting cultural, civic and environmental destinations in the City.

The City requires the construction of sidewalks in all new or redeveloped residential areas in accordance with City ordinances. Therefore, this Plan Component only addresses residential sidewalks in locations with critical or unusual requirements.

Because many walking or biking excursions also involve an automobile, the locations of public parking facilities are very significant and have also been included in this Plan Component.

Pedestrian Ways

Sidewalks are planned to acknowledge existing or predicted pedestrian patterns (all sidewalks should go somewhere) and, where possible, reflect the character of their specific location. The maps in this Plan Component are diagrammatic, but the actual sidewalk configurations should be less rigid. They should avoid long, straight runs and curve or meander where possible to add interest and charm to the pedestrian's journey. All sidewalks will be designed to meet applicable accessibility requirements.

In the downtown Wimberley business area, visitors enjoy strolling and shopping, and the walkway plan acknowledges this. Not all of the proposed sidewalks parallel a street—some are pathways which connect destinations along the sides or backs of properties, but will be wide enough to allow for landscaping and other amenities.

Considerations for sidewalk planning in the downtown business areas include:

- An identifying pattern or color to add interest and continuity.
- Amenities such as benches and trash receptacles.
- Landscaping, particularly trees or trellises to provide shade.
- Soft, small-scale lighting.
- An esthetically appropriate way-finding system.
- Well-marked crosswalks.

Bicycle Trails and Lanes

Bicycle use is expected to grow in popularity as a healthy and pleasurable recreational and mobility activity for both citizens and visitors.

This Plan Component addresses two methods of accommodating bicycle traffic---specifically designed bicycle trails (hike and bike), and designated bicycle lanes on existing thoroughfares. It does not designate bicycle routes in the most dense and congested areas of downtown Wimberley, but anticipates convenient bicycle parking for cyclists wishing to park their bikes and explore on foot.

A number of the designated bike lanes in this Plan Component are on the major State highways (Arterials) running through Wimberley, and the City will coordinate with TxDOT to ensure that both existing and future highways will accommodate the lanes shown. Proper signage and markings will be essential.

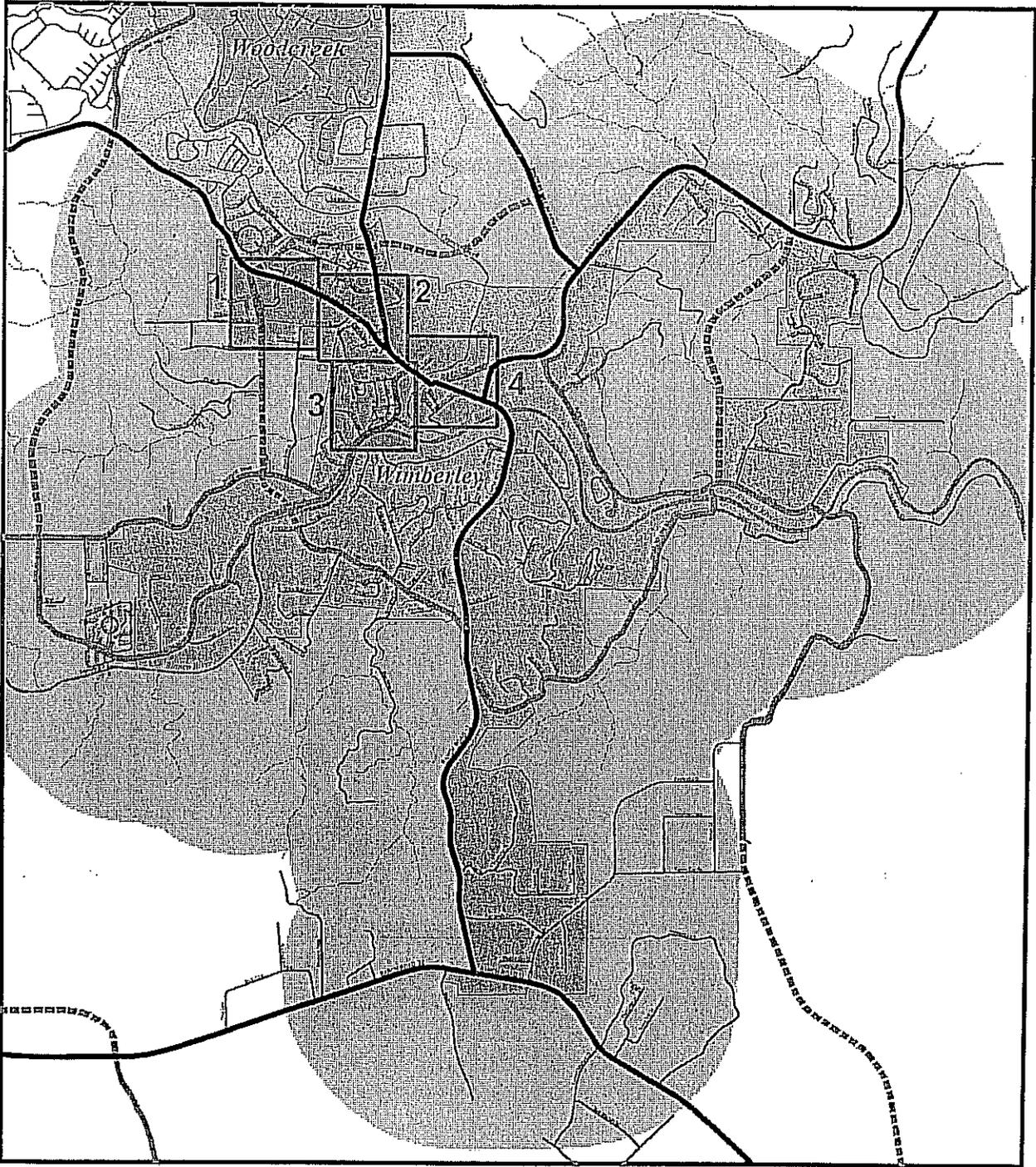
Public Parking

Public parking areas are City facilities which implement the transition between vehicle travel and pedestrian or bicycle mobility. By ordinance and/or tradition, most significant institutions such as churches and civic facilities currently provide ample parking on-site, but many smaller businesses in central Wimberley rely on scattered and inadequate parking for customers or visitors.

Therefore, as the central area grows, it is imperative that additional parking be planned. However, adequate on-site parking for many small properties will either be impossible or chaotic. As an alternative, it is recommended that the City create centralized parking areas where ordinance-required spaces can be accommodated off-site and funded by the affected property owners.

This Plan Component indicates general areas in central Wimberley where these public parking lots are needed, but the locations are schematic and depend on future land availability.

All city parking lots should be landscaped and feature appropriate lighting.



Key Map

Pedestrian, Bicycle and Parking Map Locations



Pedestrian, Bicycle and Parking

LOCATION 1

School-related Sidewalks

New sidewalks provide access and connection to three WISD schools, the Katherine Anne Porter school and the Emilyann Theatre, as well as to the Lions Club Market Day facilities and other businesses along ranch road 2325.

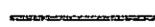
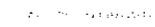
-  2005 TxDOT Sidewalks
-  Sidewalk
-  Existing or Proposed street
-  Bike Lane on Street or Highway



Pedestrian, Bicycle and Parking

LOCATION 2

RR 12 and RR 2325 Area North and West of the "Y"

-  2005 TxDOT Sidewalks
-  Sidewalk
-  Sidewalk - Bike Trail
-  Existing or Proposed street
-  Bike Lane on Street or Highway

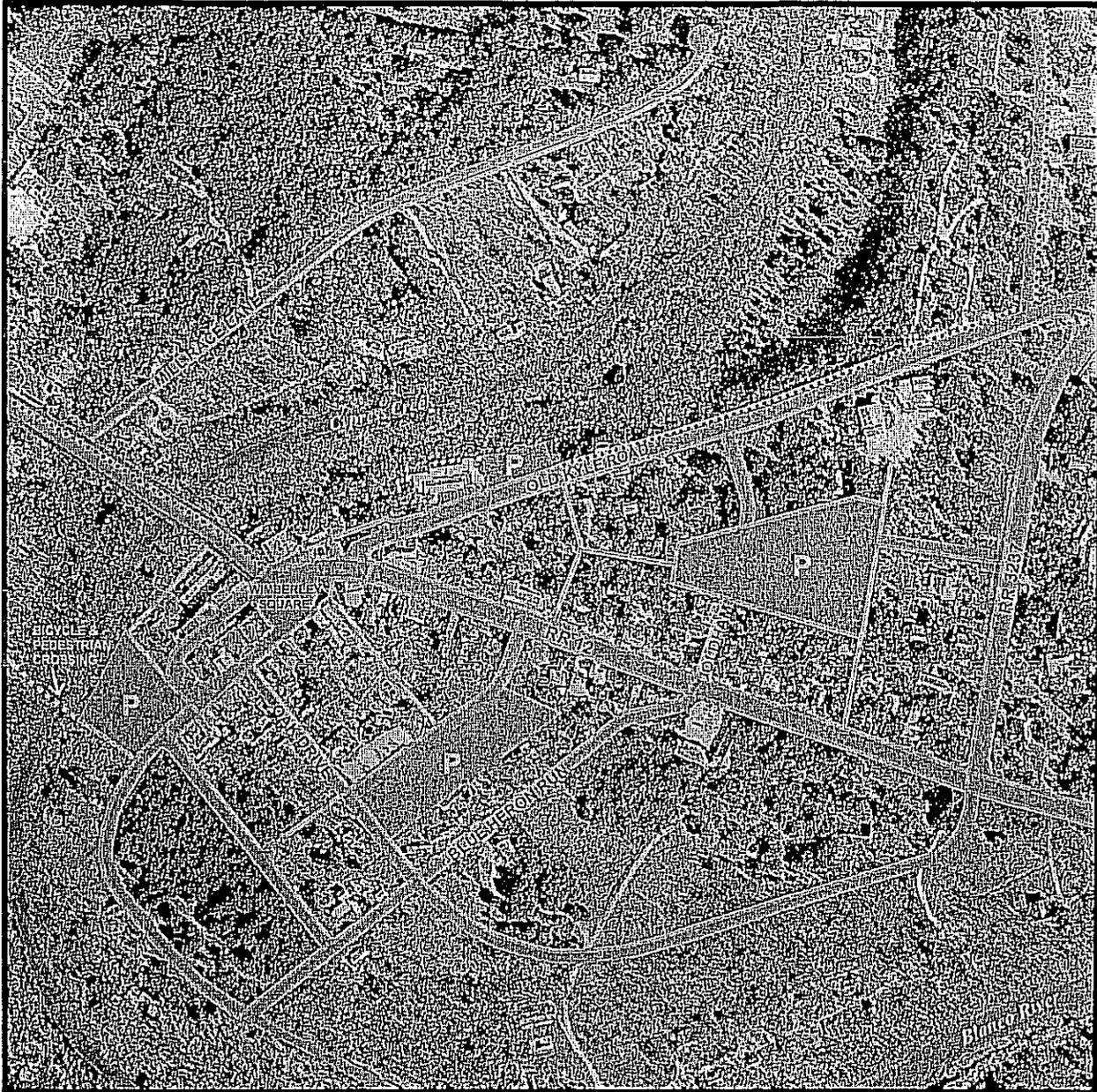


Pedestrian, Bicycle and Parking

LOCATION 3

Sidewalk - Bike Trail Along River Road

- | | | | |
|--|-----------------------|---|--------------------------------|
|  | 2005 TxDOT Sidewalks |  | Existing or Proposed street |
|  | Sidewalk |  | Bike Lane on Street or Highway |
|  | Sidewalk - Bike Trail | | |

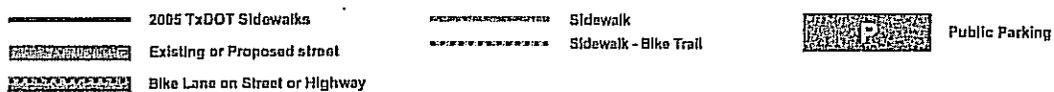


Pedestrian, Bicycle and Parking

LOCATION 4

Sidewalks and Parking in the Wimberley Square Area

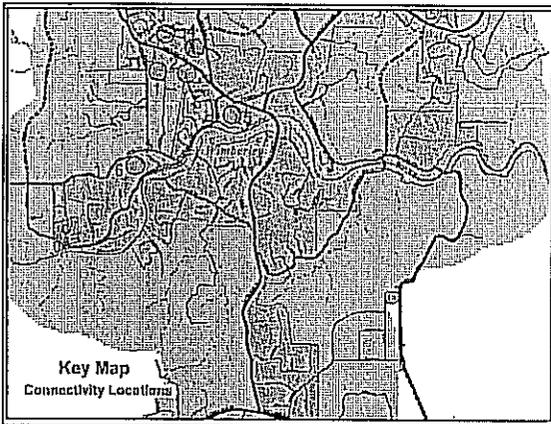
New sidewalks, pedestrian ways, hike & bike trails, and public parking in the business area between Cypress Creek and the Blanco River. See also Connectivity Location 3. This diagram does not differentiate between existing and future streets.

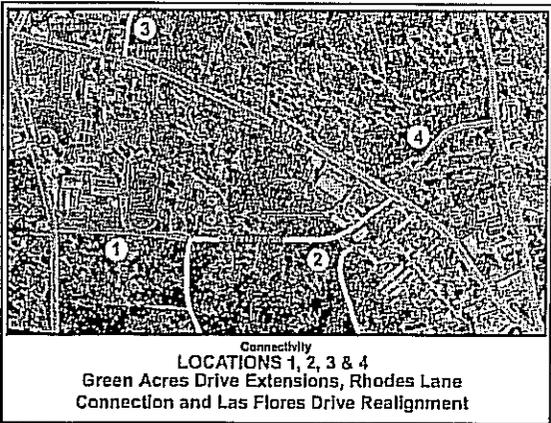


Proposed Additions
to the
**CITY OF WIMBERLEY
TRANSPORTATION MASTER PLAN**

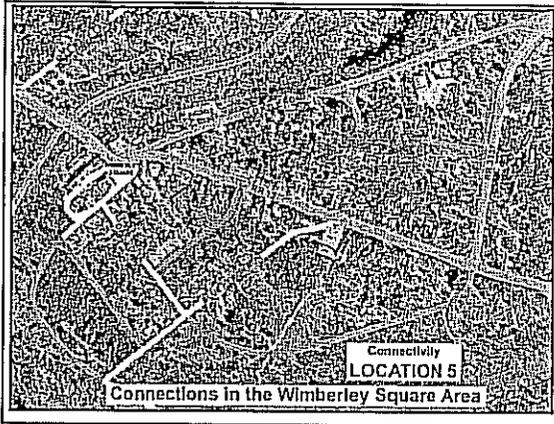
**COMPONENTS
D and E**

CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD
PUBLIC HEARING DECEMBER 10, 2009

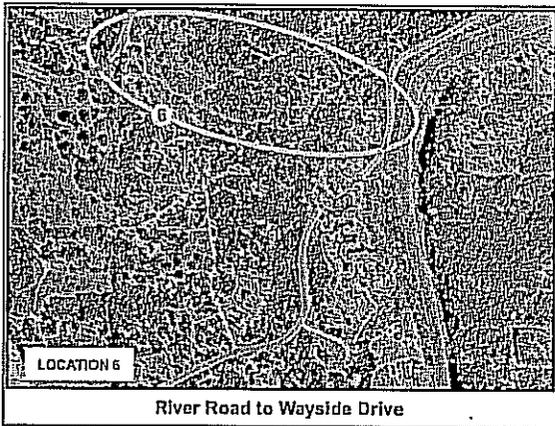




Connectivity
LOCATIONS 1, 2, 3 & 4
Green Acres Drive Extensions, Rhodes Lane
Connection and Las Flores Drive Realignment

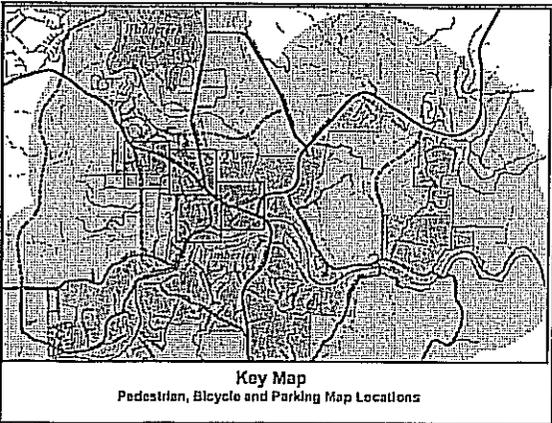


Connectivity
LOCATION 5
Connections in the Wimberley Square Area

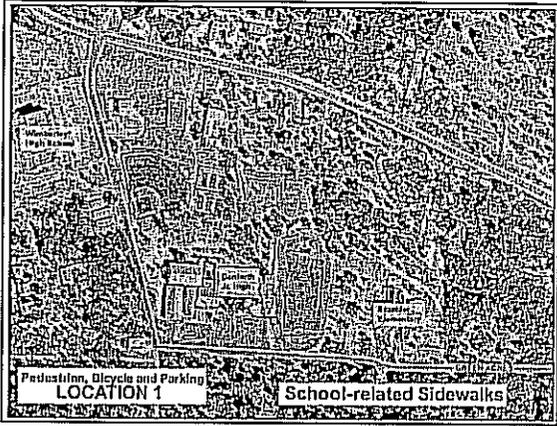


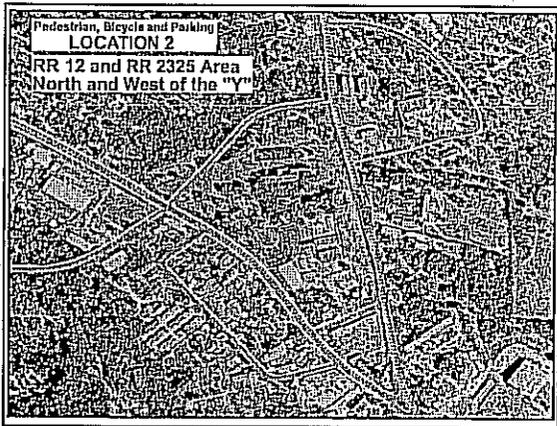
LOCATION 6

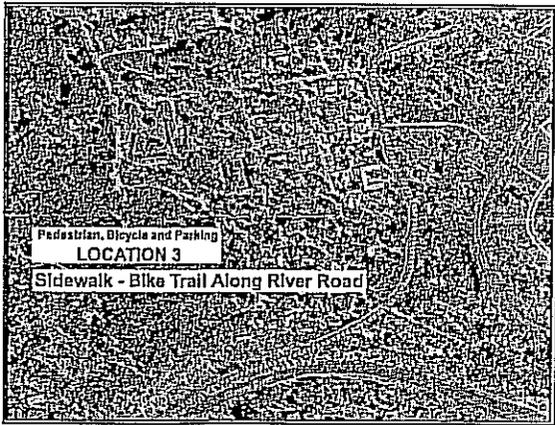
River Road to Wayside Drive

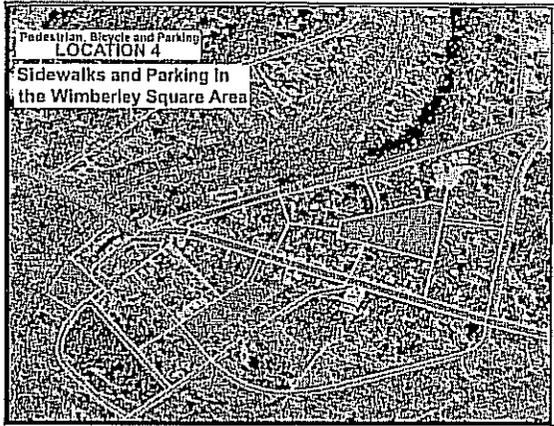


Key Map
Pedestrian, Bicycle and Parking Map Locations



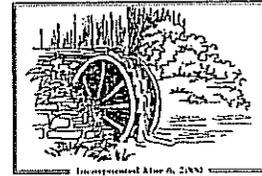








Report for Zoning ZA-09-027



Summary:

A request for Commercial – High Impact (C-3) zoning for two (2) currently un-zoned tracts of land located at 314 Wimberley Square

Applicant Information:

Applicant:

Claim Processing Solutions/DBA: The Old Mill Store
P.O. Box 708
Wimberley, Texas 78676

Property Owner:

Claims Processing Solutions

Subject Property:

Legal Description:

ABS 461 Amasa Turner Survey

Location:

314 Wimberley Square

Existing Use of Property:

Commercial – Retail, Art Gallery, Office

Existing Zoning:

Un-zoned

Proposed Use of Property:

Commercial – Retail, Art Gallery, Office, Music Club, Bar

Proposed Zoning:

C-3

Planning Area

V

Overlay District

Village Center Overlay, VC

Surroundings:

Frontage On:

Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-2	Commercial
S of Property	Un-zoned	Vacant
E of Property	C-3	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters Sent

11/23/09

Published

11/25/09

Sign Placement

11/30/09

Responses

None

Comments:

The applicant has requested *Commercial – High Impact (C-3)* zoning for two (2) currently un-zoned tracts of land located at 314 Wimberley Square. The subject properties are located in the *Village Center Overlay District* and *Planning Area V* where C-3 zoning is permitted.

The two tracts of land consist of a .2327 acre tract that houses *The Old Mill Store* and a .1 acre tract that houses *The Gallery on the Square*. There is a courtyard between these two businesses where the applicant is proposing to add a music venue and bar. The

proposed addition of a bar to the subject properties constitutes a change in use, thus requiring the need for the property to be properly zoned.

It should be noted that the applicant is also requesting a Conditional Use Permit (CUP) to allow for a bar or tavern. This type of conditional use is only allowed in the C-3 zoning district.

On December 10, 2009, the Planning and Zoning Commission held a public hearing on the zoning request. Afterwards, the Commission voted unanimously to recommend approval of the request.

§ 155.049 COMMERCIAL - HIGH IMPACT; C-3.

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

(B) *Permitted uses.*

- (1) Administrative and professional office:
 - (a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - (b) Photography studios, doctors, dentists;
 - (c) Non-profit organizations (with certain restrictions);
 - (d) Civic uses (such as City Halls);
 - (e) Research services: limited; and
 - (f) Office.
- (2) Religious assembly.
- (3) Food and beverage retail sales (such as grocery);
- (4) Medical services: general; large facilities, hospitals;
- (5) Eating establishments: sit-down;
- (6) Eating establishments: sit-down fast foods;
- (7) Agricultural supplies and services;
- (8) Commercial blood centers;
- (9) Commercial off-street parking;
- (10) Parking lot and parking garage, automotive;
- (11) Transportation facilities: surface, limited (such as cross-country truck companies and their distribution centers);
- (12) Transportation facilities: aircraft;
- (13) Commercial/single-family residential;
- (14) Private primary educational services;

(15) Private secondary educational services;

(16) Non-profit civic;

(17) Retail sales and services: general;

(18) Bank and savings and loan;

(19) Personal services: general;

(20) Accessory uses to the main use; and

(21) Single-family residence.

(C) *Conditional uses.*

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

(2) Alcoholic beverage sales;

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

(4) Gasoline sales: truck stops;

(5) Automotive sales, rentals, and repairs;

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

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

(8) Custom manufacturing;

(9) Construction sales and services;

(10) Eating establishments: fast food with drive-through order windows;

(11) Eating establishments: drive-in;

(12) Adult entertainment (such as sexually oriented business) use as may be provided for or restricted by other city ordinances;

(13) Bed and breakfast lodging;

(14) Automotive washing;

(15) Personal storage; and

(16) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) Development regulations.

(1) Minimum lot size: 20,000 square feet.

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

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

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

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

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

(a) Dominant street: 25 feet;

(b) Secondary street: 15 feet; and

(c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 20,000 square feet.

(7) Maximum floor area: 20,000 square feet

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

(F) Special requirements.

(1) Open storage is prohibited in the village center (VC) overlay district.

(2) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.

(G) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 28, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

FOR OFFICIAL USE ONLY

APPLICATION DATE: 11/20/09 FILE NO. ZA-09-027
 TENTATIVE P&Z* HEARING: 12/10 TENTATIVE CC** DATE: 12/17
 CITY INITIATED: YES - NO PLANNING AREA: V ZONING REQUESTED: C3
 ZONING FEES: \$ N/A DATE PAID: _____ RECEIVED BY: _____

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

APPLICATION FOR ZONING

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

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO 314 Wimberley Square HAYS COUNTY CENTRAL APPRAISAL DISTRICT
 BE ZONED: 314 Wimberley Square Wimberley, Texas PROPERTY ID#: R 18526 **
 * New street addresses can be obtained by calling (512) 393-2160
 ** You may obtain this from your property tax statement. R 18384

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

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

1. OWNER'S NAME: Claim Processing Solutions Inc. DBA: THE OLD MILL STORE HOME PHONE: (512) 970 9464
 BUSINESS PHONE: (512) 947 3068
 FAX: (512) 947-0081
 E-MAIL: oldmillstore@austin.tx.com

OWNER'S CURRENT MAILING ADDRESS PO Box 708 CITY W STATE _____ ZIP _____

2. AGENT'S NAME: NA AGENT'S PHONE: ()
 AGENT'S FIRM NAME: _____ FAX: ()
 E-MAIL: _____

AGENT'S FIRM MAILING ADDRESS: NA CITY _____ STATE _____ ZIP _____

PROPERTY INFORMATION

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

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

PROPOSED USE(S): Current uses: RETAIL/ART GALLERY/OFFICE

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): NONE

7. LEGAL DESCRIPTION Future uses: Music Club with SALE OF ~~alcohol~~ alcohol

Street Address: 314/314A Wimberley Square Subdivision: _____

Block(s) _____ Lot(s) _____

Plat Book: ABS 461 AMASA Turno Page Number: _____

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

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) Village Center

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

C. ELECTRIC UTILITY PROVIDER: PSC

WATER UTILITY PROVIDER: Wimberley H₂O

WASTEWATER UTILITY PROVIDER: N/A

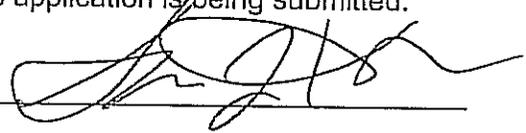
HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): 055F

Related Cases, If Applicable

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

SITE INSPECTION AUTHORIZATION

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

Date: 11/14/9 APPLICANT SIGNATURE 

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: 314 Wimberley Square and more particularly known as Lot _____, Block _____ of the 461 Amasa Turner 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: 11/14/9 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

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

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

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that Village review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.

I hereby waive my right to appear before the Village of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 11/19/09

APPLICANT SIGNATURE 

WHEN APPLICABLE:
Date: _____

AGENT SIGNATURE _____

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.100 acres of land, known as Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at iron rod set on a line of the Amasa Turner Survey No. 1 for the Southernmost corner of a 0.2327 acre tract from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas, also being the Easternmost corner of this 0.100 acre tract.

THENCE: S 55° 35' 24" W – With said line of the Amasa Turner Survey No. 1, a distance of 38.38 feet to an iron rod set on a line of a certain tract from Fred E. Flocke to R. Flock for the Southernmost corner of this 0.100 acre tract.

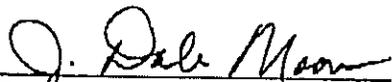
THENCE: N 38° 20' 11" W – 110.25 feet to an iron rod found for the Westernmost corner of this 0.100 acre tract.

THENCE: N 51° 24' 10" E – 39.95 feet to an iron rod found for the Northernmost corner of this 0.100 acre tract, also being a corner of said 0.2327 acre tract.

THENCE: S 37° 29' 44" E – With the Southwestern line of said 0.2327 acre tract, a distance of 113.07 feet to the **PLACE OF BEGINNING** and containing 0.100 acres of land, more or less.



February 3, 1999
WP-3743B


J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.2327 acres of land, from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at an iron pipe found for the North corner of this 0.2327 acre tract, also being a corner of 7-C's Partnership to Calkins Interest, LTD 0.92 acres and 2.26 acres as recorded in Volume 1310, Page 258 of the Deed Records of Hays County, Texas.

THENCE: S 38° 28' 23" E - With a line of said 0.92 and 2.26 acre tract, a distance of 125.78 feet to an iron pipe found for the Easternmost corner of this 0.2327 acre tract, also being a corner of said 0.926 and 2.26 acre tract.

THENCE: S 53° 17' 20" W - With a line of said 0.92 and 2.26 acre tract, a distance of 82.59 feet to an iron rod set for the Southernmost corner of this 0.2327 acre tract also being the East corner of Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas .

THENCE: N 37° 29' 44" W - 113.07 feet to an iron rod found for the North corner of said Sable V, also being a corner of this 0.2327 acre tract.

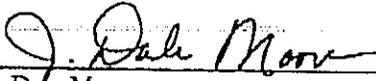
THENCE: N 51° 24' 10" E - 1.78 feet to a point for a corner of this 0.2327 acre tract.

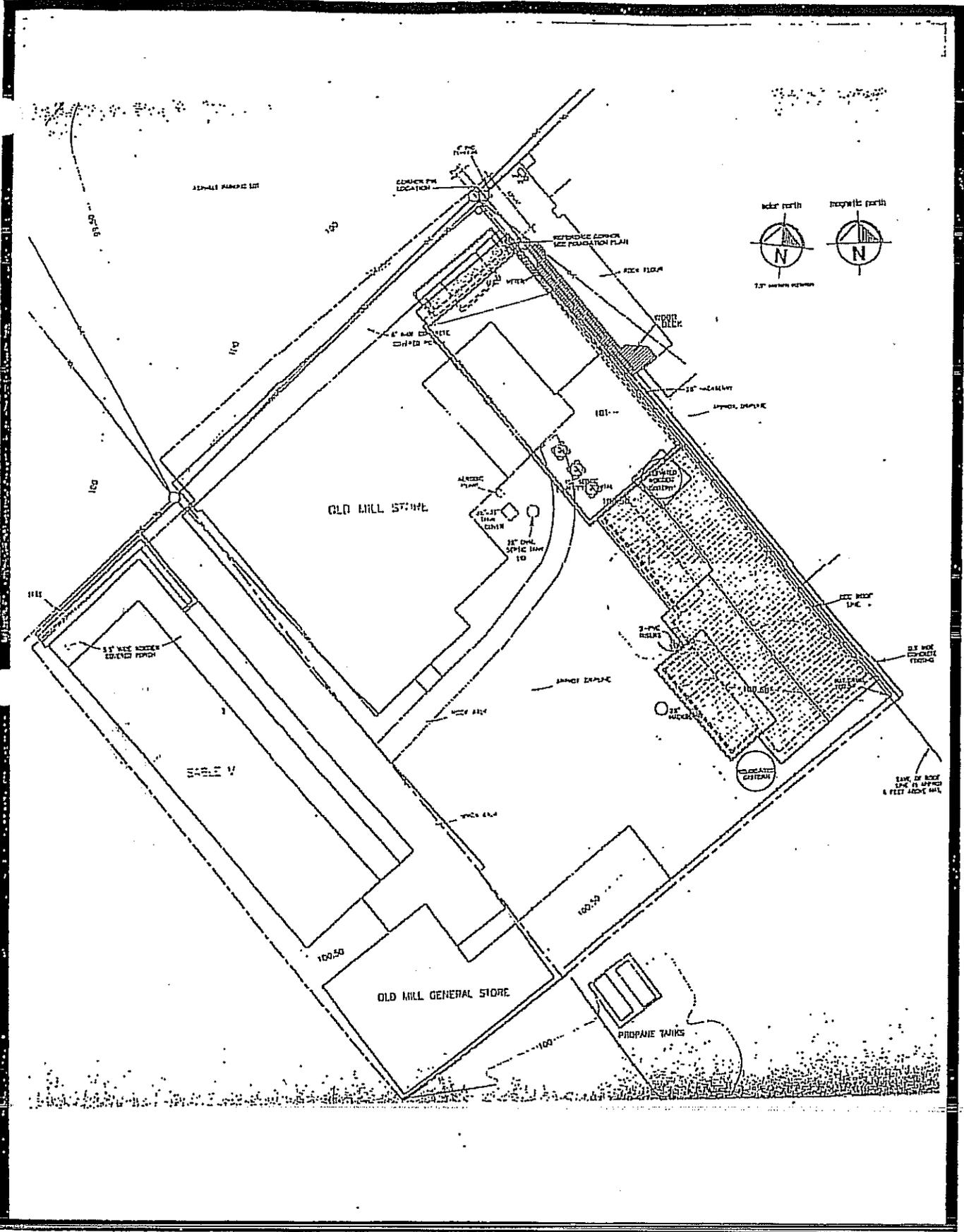
THENCE: N 39° 27' 39" W - 10.33 feet to an iron pipe found for the Westernmost corner of this 0.2327 acre tract.

THENCE: N 51° 38' 00" E - 79.01 feet to the **PLACE OF BEGINNING** and containing 0.2327 acres of land.



February 3, 1999
WP-3743A

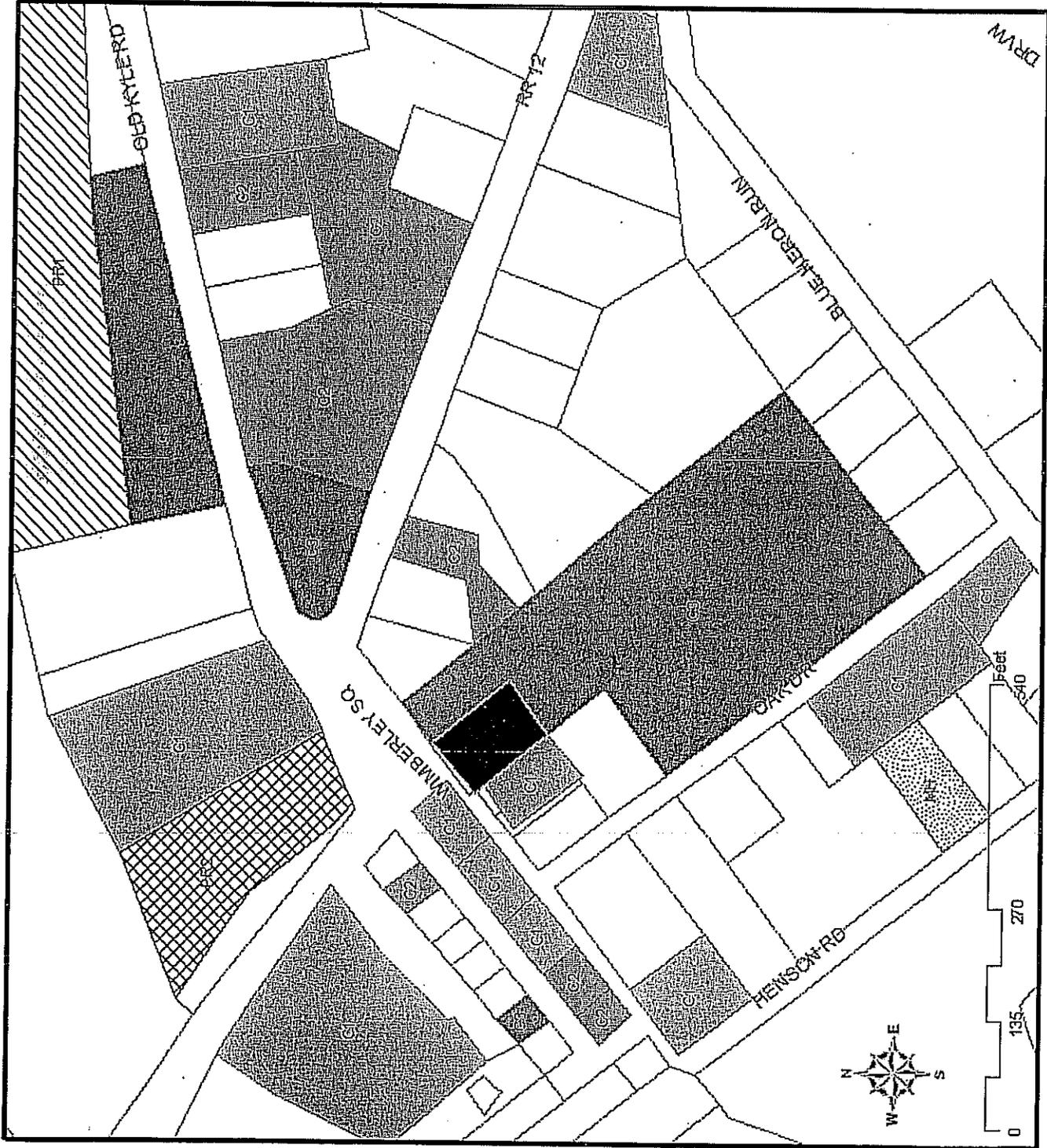

J. Dale Moore
Registered Professional Land Surveyor
License Number 1555



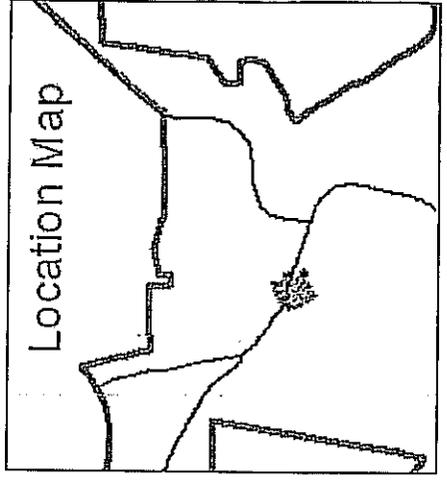
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Site Plan

Zoning Map for ZA-09-027

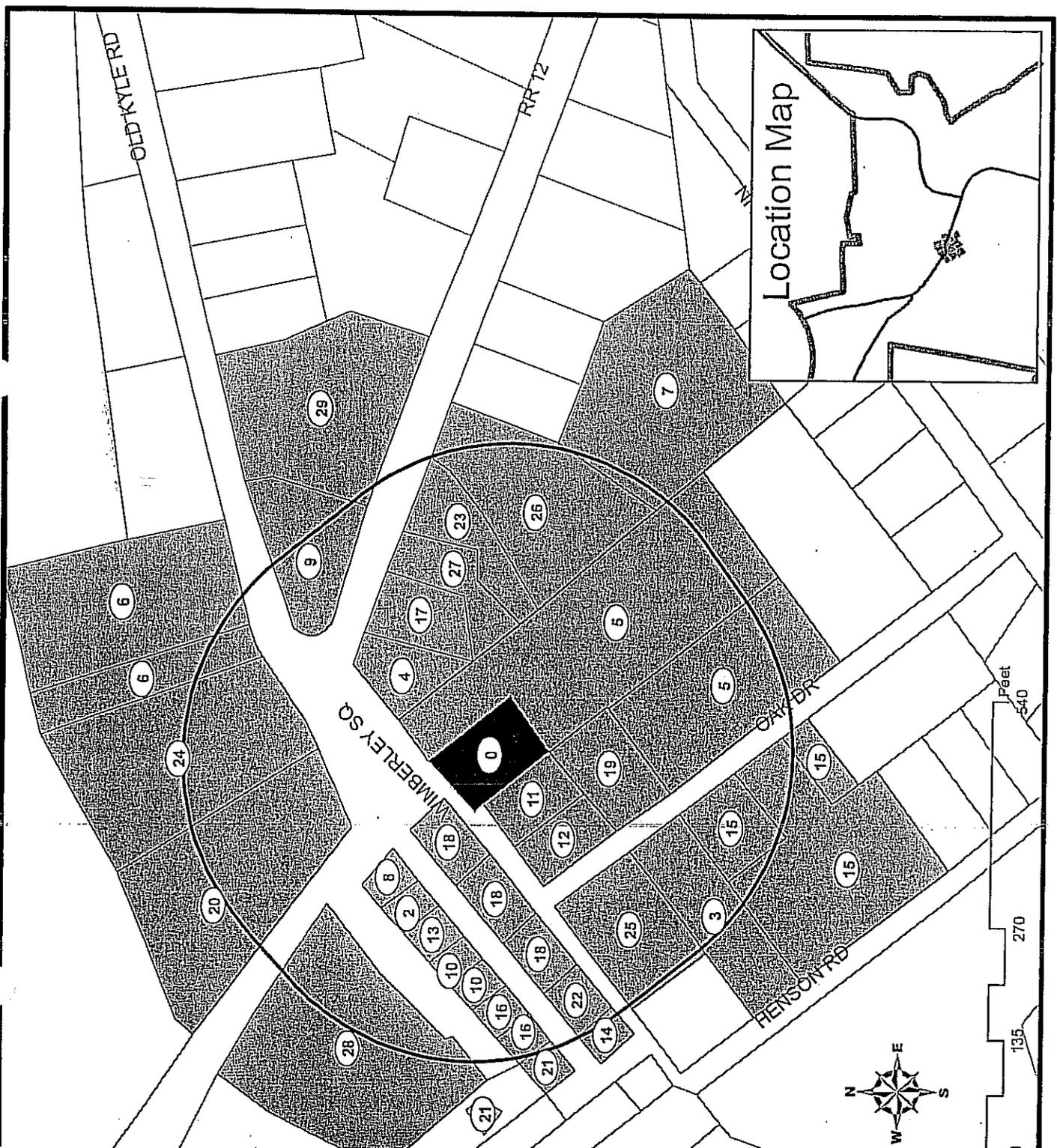


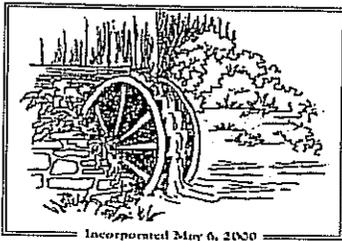
- Subject Property
- Mobile Home (MH)
- Commercial - Low Impact (C-1)
- Commercial - Moderate Impact (C-2)
- Commercial - High Impact (C-3)
- Lodging 2 (L2)
- Participant Recreation - Low Impact (PR-1)
- Participant Recreation - High Impact (PR-2)



DRWN

- 0, CLAIM PROCES. SOLUTIONS INC
- 2, 104 WIMBERLEY SQUARE LTD
- 3, ANDERSON, MARCILIAL
- 4, BARLOW STEPHEN A & SARAH
- 5, CALKINS, INTERESTS LTD
- 6, CRANE, LES
- 7, CRAPPS HELEN LOUISE ESTATE OF
- 8, DIXIE CLEMENTINE MANAGEMENT INC
- 9, DOUBLE LC PARTNERS ONE LTD
- 10, EVERLASTING INC
- 11, FLOCKE, ROBERT
- 12, FRANKLIN SUE M & EST OF JAMES R
- 13, FRAZIER, JODY LEE
- 14, JC & BB LTD
- 15, LANE, JOY
- 15, LANE JOY & BERRY DOT LANE
- 16, LEINWEBER CARL &
- 17, LYLES AMY & CHRIS
- 18, MCCULLOUGH HERSCHEL & ROBINET
- 19, MCQUIGG, MARY KAY
- 20, ROMANO, LAURA
- 21, SENIOR CITIZENS CRAFT SHOP OF
- 22, SHEKARFOROOSH, EFFAT
- 23, SULLIVAN, GAY B
- 24, TATE, JOYCE WEBB
- 25, VAN OSTRAND PHILLIP M & MARY L
- 26, WCP PROPERTIES LLC
- 27, WIMBERLEY PATIO BUILDING LLC
- 28, WIMBERLEY QUARTER LLC





City of Wimberley

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

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

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

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

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

November 20, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-027

314 Wimberley Square

A request for initial zoning of Commercial – High Impact (C-3) for a currently unzoned tract of land

File No. CUP-09-012

314 Wimberley Square

A request for a Conditional Use Permit (CUP) to allow a bar or Tavern

File No. AV-09-005

314 Wimberley Square

A request for a waiver to allow the sale of alcohol for on premise consumption within 300 feet of a church, school, day care center or hospital.

Dear Property Owner:

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

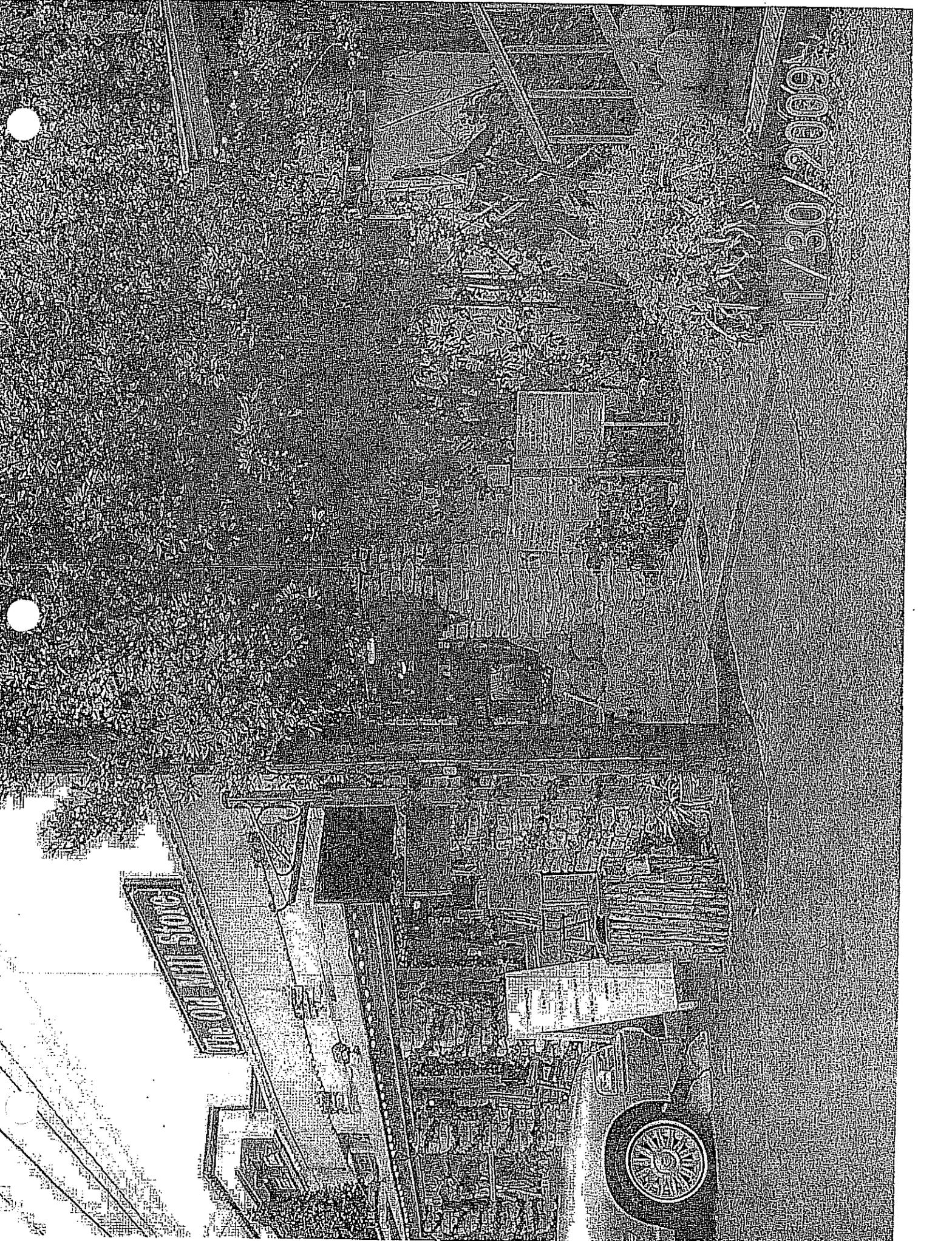
An application for initial zoning of Commercial – High Impact (C-3) zoning has been submitted for a currently unzoned tract of land located at 314 Wimberley Square. In addition, the applicant has requested a Conditional Use Permit (CUP) to allow a bar or tavern at 314 Wimberley Square. The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, December 10, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, December 17, 2009, at 5:30 p.m.**

Associated with the above mentioned applications, the applicant is seeking a waiver from the City requirement prohibiting the sale of alcohol within 300 feet of a church, school, day care center or hospital. The Wimberley City Council will consider this waiver request at a public hearing on **Thursday, December 17, 2009, at 5:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12

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

Additional information regarding the proposed zoning 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



CANTINA

11/30/2009

THE CLASSIFIED

Wednesday, November 25, 2009

Email your ads to: classad@wimberley.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE

Sursuant to the Texas Motor Vehicle Abatement Act, these Abandoned and Junked Vehicles will be sold at auction.

November 20, 2009 10:00 AM
Drippin' Towin Service, Inc.
12015 Bonham Ranch Road
Spring Springs, TX 78620

Make: 02 Mitsubishi
Model: 250GRK (TX)
VIN: JAGA125EG2U070117

Make: 98 Eagle
Model: JLV492 (TX)
VIN: EBAY4N6SE119613

Make: 93 Toyota
Model: 4771 RUB (TX)
VIN: NVAE04E9PZ019901
0553617851

PUBLIC NOTICE

THE STATE OF TEXAS
IN THE COUNTY OF HAYS
TO THOSE HAVING A CLAIM AGAINST THE ESTATE OF BRUCE RAYMOND MERRILL JR. DECEASED
Cause No. 11465-P
I, the undersigned, Independent Executor of the Estate of Bruce

Raymond Merrill Jr., Deceased of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas in a Probate Cause No. 11465-P on the 18th day of November,

2009, hereby notifies all persons indebted to said Estate to make payment (and those having legal claims against said Estate to present them within the time prescribed by law at the address below) dated this 10th day of November,

2009, by Patricia A. Merrill, Independent Executor of the Estate of Bruce Raymond Merrill Jr., Deceased
C/O MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620
(0552817894)

PUBLIC NOTICE

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, December 10, 2009 at 6:30 p.m. to consider the following: CUP-09-012 - an application for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern at 314 Wimberley Square. Upon recommendation of the Planning & Zoning Commission, the City Council will

also hold a public hearing on Thursday, December 17, 2009 at 5:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the

Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas (0552817894)

PUBLIC NOTICE

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, December 10, 2009 at 6:30 p.m. to consider the following: ZA-09-027 - an application for initial base zoning of Commercial High Impact (C-3) at 314 Wimberley Square. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, December 17, 2009 at 5:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall

prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas (0552817894)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(Request for Alcohol Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, December 17, 2009 at 5:30 p.m. to consider the following: AV-09-005 - a request for a waiver to sell alcohol for non-premise consumption less than 300' from a school, church, day care, or hospital at 314 Wimberley Square. Comments from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas (0552817894)

that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, December 10, 2009 at 6:00 p.m. to consider the following: ZA-09-026 - an amendment for Planned Unit Development (PUD Ordinance No. C212-01-026) for property located at 501 Old Ivy Rd. This amendment proposes to change the base zoning on the subject property from Residential Acreage (RA) to Commercial Low Impact (C-1). In addition, the proposed amendment would allow certain Commercial Moderate Impact (C-2) uses as well as certain conditional uses as permitted uses in the planned development and revise certain development regulations. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, December 17, at 5:30 p.m. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall,

12111 Ranch Road 12, Wimberley, Texas (0552817894)

PUBLIC NOTICE

(CREDITORS)

Notice is hereby given that original Letters Testamentary for the Estate of Greg Gilber Deceased, were issued on November 17, 2009, in Cause No. 11392-P pending in the County Court at Law of Hays County, Texas, to Garbie Campbell. All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.
Garrie Campbell
173 FM 3237
Building B
Wimberley, Texas 78676
Dated the 19th day of November 2009.
(0552817894)

PUBLIC NOTICE

(CREDITORS)

Notice is hereby given that original Letters Testamentary for the Estate of ADRIAN CRUZ GONZALEZ, Deceased, were issued on November 16, 2009, in Cause No. 11457-P pending in the County Court at Law of Hays County, Texas, to ADRIAN M. TABORI. All persons having claims against this Estate which is currently being administered are required to present

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR 0.3327 ACRES LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH PROPERTY AS COMMERCIAL-HIGH IMPACT (C-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:

The 0.3327 acres described as part of the ABS 461 Amasa Turner Survey, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference, in Wimberley, Hays County, Texas, commonly known as 314 Wimberley Square, is hereby designated initial zoning of Commercial-High Impact (C-3) designation.

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

ARTICLE II. ZONING DISTRICT MAP

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

ARTICLE III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

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

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

ATTEST:

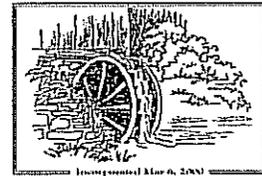
Cara McPartland, City Secretary

APPROVED AS TO FORM:

C. Crosby, City Attorney

DRAFT

Report for Zoning CUP-09-012



Summary: A request for a Conditional Use Permit to operate a bar or tavern on two (2) adjacent properties located at 314 Wimberley Square

Applicant Information:

Applicant: Claim Processing Solutions/DBA: The Old Mill Store
P.O. Box 708
Wimberley, Texas 78676

Property Owner: Claims Processing Solutions

Subject Property:

Legal Description: ABS 461 Amasa Turner Survey
Location: 314 Wimberley Square
Existing Use of Property: Commercial – Retail, Art Gallery, Office
Existing Zoning: Un-zoned
Proposed Use of Property: Commercial – Retail, Art Gallery, Office, Music Club, Bar
Proposed Zoning: C-3 with a CUP for a Bar or Tavern
Planning Area: V
Overlay District: Village Center Overlay, VC

Surroundings:

Frontage On: Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-2	Commercial
S of Property	Un-zoned	Vacant
E of Property	C-3	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters Sent 11/23/09
Published 11/25/09
Sign Placement 11/30/09

Responses None

Comments:

The applicant has requested a Conditional Use Permit (CUP) to operate a bar or tavern on two adjacent properties located at 314 Wimberley Square. The subject properties are located in *Planning Area V* and *Village Center Overlay District* and are proposed to be zoned Commercial-High Impact (C-3) in a companion zoning case.

The two tracts of land consist of a .2327 acre tract that houses *The Old Mill Store* and a .1 acre tract that houses *The Gallery on the Square*. Both business operations will continue. It is the courtyard between these two (2) businesses where the applicant is

proposing to add a music venue and bar. In order to accommodate the additional bar and music venue, the applicant is proposing to close in the rear portion of *The Old Mill Store*. Access to the bar would be limited to the courtyard area.

To date, the City has received no public comment on the requested CUP.

Upon review of the application, City staff recommended approval of this conditional use permit.

It should be noted that if the CUP is approved, the applicant must secure a waiver from the City's buffer requirements relating to the sale of beer, wine and alcohol within 300 feet of a church, daycare, hospital or school.

On December 10, 2009, the Planning and Zoning Commission held a public hearing on the proposed CUP. Afterwards, the Commission voted 5-1 to recommend approval of a CUP for the subject properties which limits the operation of the proposed bar and music venue to the courtyard and structure located behind *The Old Mill Store*.

§ 155.049 COMMERCIAL - HIGH IMPACT; C-3.

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

(B) *Permitted uses.*

- (1) Administrative and professional office:
 - (a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - (b) Photography studios, doctors, dentists;
 - (c) Non-profit organizations (with certain restrictions);
 - (d) Civic uses (such as City Halls);
 - (e) Research services: limited; and
 - (f) Office.
- (2) Religious assembly.
- (3) Food and beverage retail sales (such as grocery);
- (4) Medical services: general; large facilities, hospitals;
- (5) Eating establishments: sit-down;
- (6) Eating establishments: sit-down fast foods;
- (7) Agricultural supplies and services;
- (8) Commercial blood centers;
- (9) Commercial off-street parking;
- (10) Parking lot and parking garage, automotive;
- (11) Transportation facilities: surface, limited (such as cross-country truck companies and their distribution centers);
- (12) Transportation facilities: aircraft;
- (13) Commercial/single-family residential;
- (14) Private primary educational services;

(15) Private secondary educational services;

(16) Non-profit civic;

(17) Retail sales and services: general;

(18) Bank and savings and loan;

(19) Personal services: general;

(20) Accessory uses to the main use; and

(21) Single-family residence.

(C) *Conditional uses.*

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

(2) Alcoholic beverage sales;

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

(4) Gasoline sales: truck stops;

(5) Automotive sales, rentals, and repairs;

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

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

(8) Custom manufacturing;

(9) Construction sales and services;

(10) Eating establishments: fast food with drive-through order windows;

(11) Eating establishments: drive-in;

(12) Adult entertainment (such as sexually oriented business) use as may be provided for or restricted by other city ordinances;

(13) Bed and breakfast lodging;

(14) Automotive washing;

(15) Personal storage; and

(16) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Development regulations.*

(1) Minimum lot size: 20,000 square feet.

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

- (a) Primary buildings: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
- (b) Accessory buildings: not more than 18 feet and not more than 1 story; and
- (c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

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

- (a) Dominant street: 25 feet;
- (b) Secondary street: 15 feet; and
- (c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 20,000 square feet.

(7) Maximum floor area: 20,000 square feet

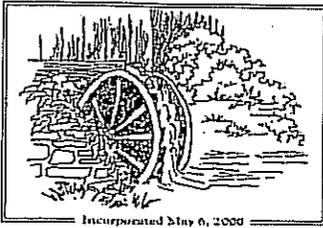
(E) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(F) *Special requirements.*

(1) Open storage is prohibited in the village center (VC) overlay district.

(2) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.

(G) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 28, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP ~~97~~ - 12

FOR OFFICIAL USE ONLY

Application Date: 11/20 Tentative P&Z Hearing: 12/10 Tentative Council Hearing: 12/17

FEES: \$400.00 DATE PAID: 11/20 CHECK NO. 22062 REC'D BY ab

PROJECT SITE ADDRESS: 314 1/2 Wimberley Sq. Wimberley, TX. 78676

OWNER/APPLICANT STEVE KLEPPEN PHONE (72) 847 3008

FAX (72) 847 0081 EMAIL: Oldmillstore @ Austin. tx. ca

Mailing Address: PO Box 708 CITY: W 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: _____ CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

BAR/CUB

Planning Area _____ Zoning C3 Total Acreage or Sq. Ft. .29

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID#: R 18526 E. 18384

Deed Records Hays County: Volume 1055 Page 53

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

Type: Village Center

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Wimb H 70

Wastewater Service Provider or Hays County Septic Permit No: _____

MY REQUEST IS BASED ON THE FOLLOWING:

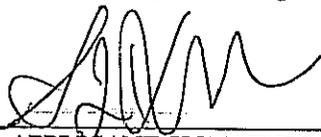
- () The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- () The use requested by the applicant is set forth as a conditional use in the base district;
- () The nature of the use is reasonable;
- () 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

11/19/19



APPLICANT SIGNATURE

WHEN APPLICABLE:

Date

AGENT SIGNATURE

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.100 acres of land, known as Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at iron rod set on a line of the Amasa Turner Survey No. 1 for the Southernmost corner of a 0.2327 acre tract from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas, also being the Easternmost corner of this 0.100 acre tract.

THENCE: S 55° 35' 24" W – With said line of the Amasa Turner Survey No. 1, a distance of 38.38 feet to an iron rod set on a line of a certain tract from Fred E. Flocke to R. Flock for the Southernmost corner of this 0.100 acre tract.

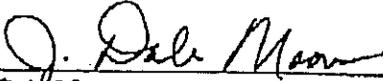
THENCE: N 38° 20' 11" W – 110.25 feet to an iron rod found for the Westernmost corner of this 0.100 acre tract.

THENCE: N 51° 24' 10" E – 39.95 feet to an iron rod found for the Northernmost corner of this 0.100 acre tract, also being a corner of said 0.2327 acre tract.

THENCE: S 37° 29' 44" E – With the Southwestern line of said 0.2327 acre tract, a distance of 113.07 feet to the **PLACE OF BEGINNING** and containing 0.100 acres of land, more or less.



February 3, 1999
WP-3743B


J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.2327 acres of land, from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at an iron pipe found for the North corner of this 0.2327 acre tract, also being a corner of 7-C's Partnership to Calkins Interest, LTD 0.92 acres and 2.26 acres as recorded in Volume 1310, Page 258 of the Deed Records of Hays County, Texas.

THENCE: S 38° 28' 23" E – With a line of said 0.92 and 2.26 acre tract, a distance of 125.78 feet to an iron pipe found for the Easternmost corner of this 0.2327 acre tract, also being a corner of said 0.926 and 2.26 acre tract.

THENCE: S 53° 17' 20" W – With a line of said 0.92 and 2.26-acre tract, a distance of 82.59 feet to an iron rod set for the Southernmost corner of this 0.2327 acre tract also being the East corner of Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas .

THENCE: N 37° 29' 44" W – 113.07 feet to an iron rod found for the North corner of said Sable V, also being a corner of this 0.2327 acre tract.

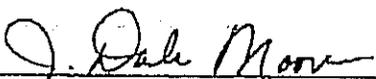
THENCE: N 51° 24' 10" E – 1.78 feet to a point for a corner of this 0.2327 acre tract .

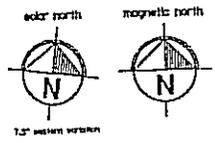
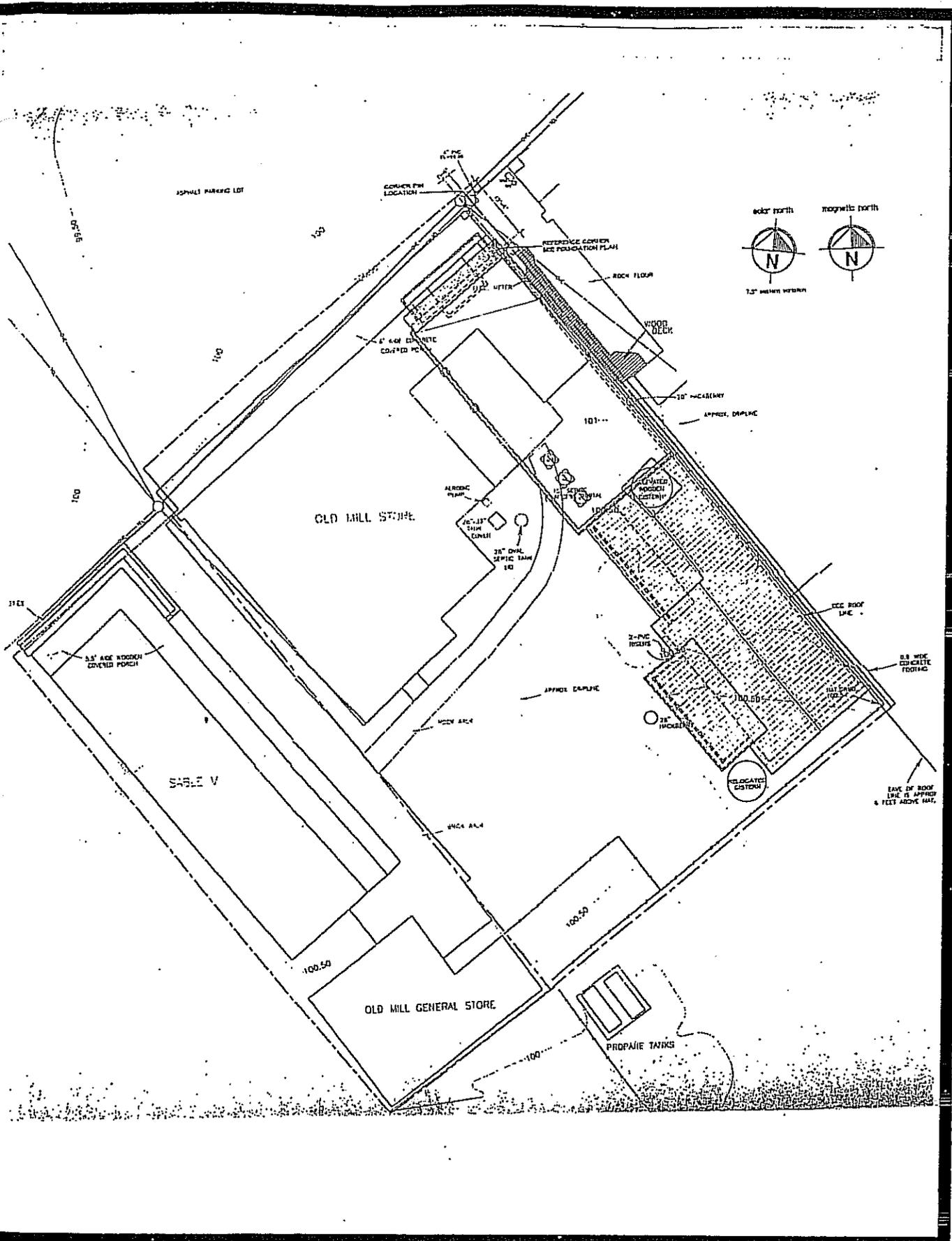
THENCE: N 39° 27' 39" W – 10.33 feet to an iron pipe found for the Westernmost corner of this 0.2327 acre tract.

THENCE: N 51° 38' 00" E – 79.01 feet to the **PLACE OF BEGINNING** and containing 0.2327 acres of land.



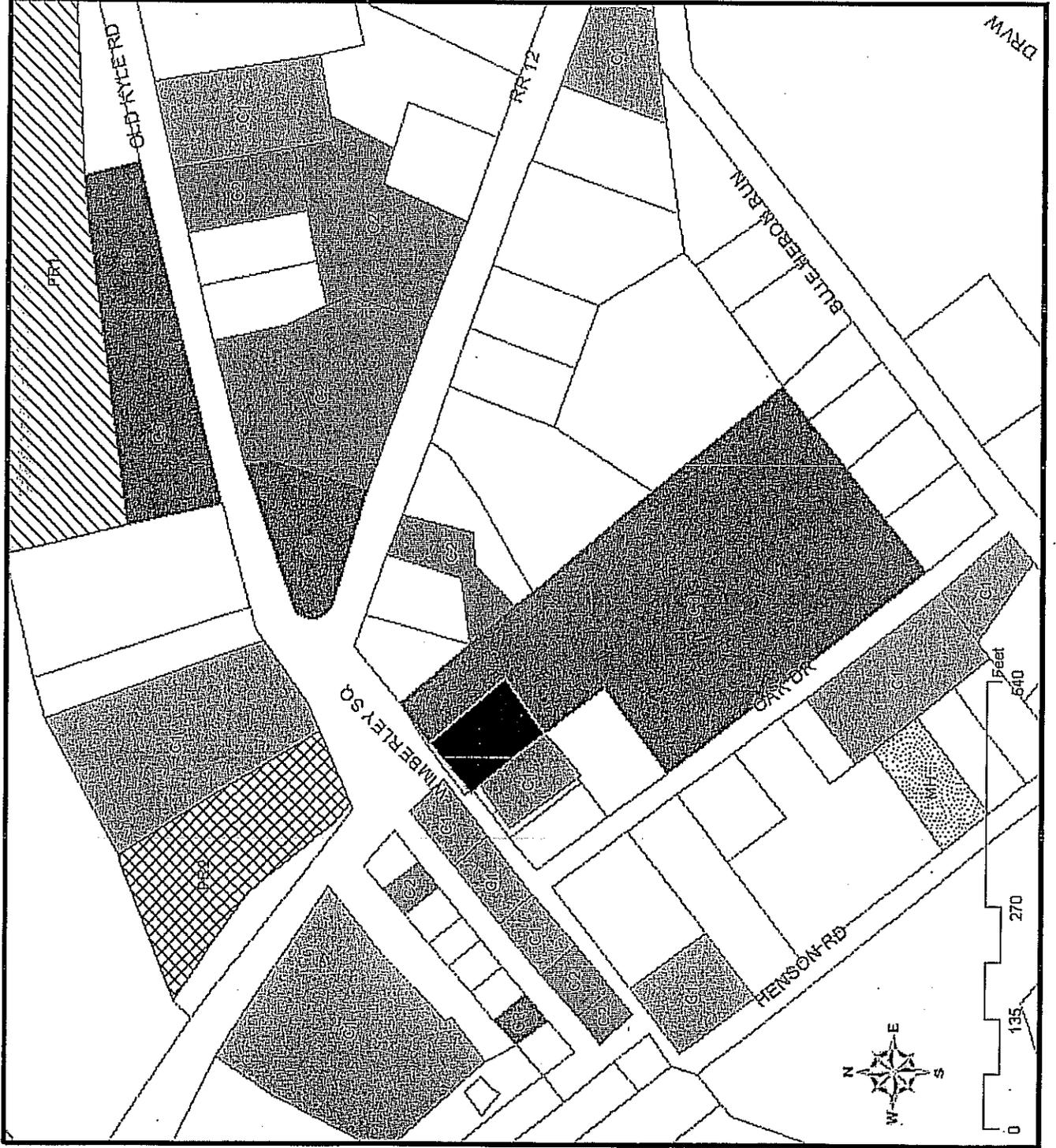
February 3, 1999
WP-3743A


J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

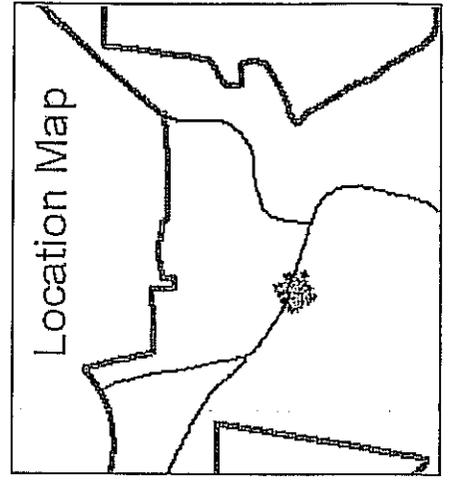


Site Plan

Zoning Map for CUP-09-012

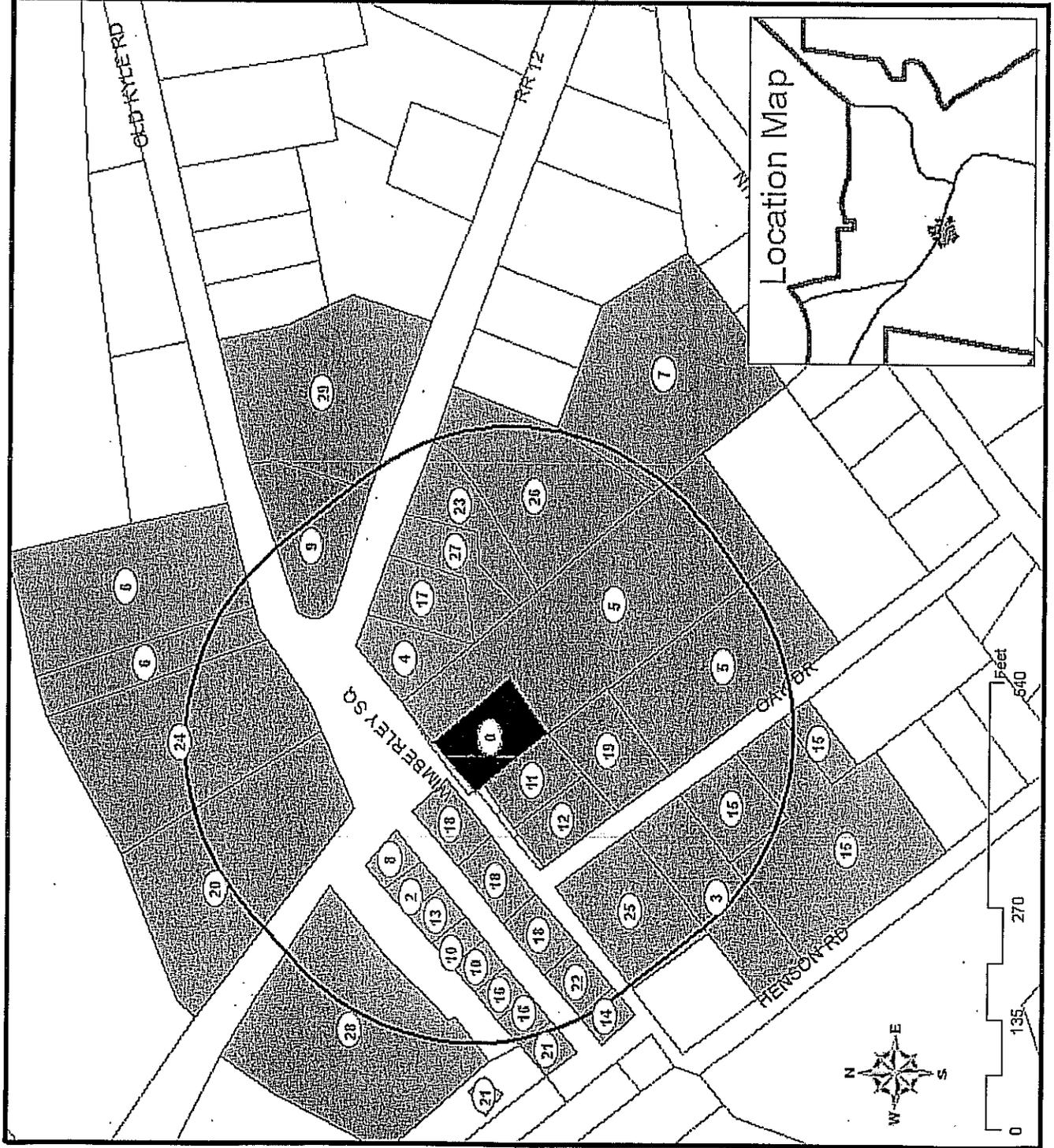


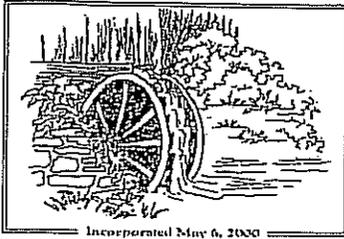
- Subject Property
- Mobile Home (MH)
- Commercial - Low Impact (C-1)
- Commercial - Moderate Impact (C-2)
- Commercial - High Impact (C-3)
- Lodging 2 (L2)
- Participant Recreation - Low Impact (PR-1)
- Participant Recreation - High Impact (PR-2)



Notification Map for CUP-09-012

- 200 Ft Notification Buffer
- 0, CLAIM PROCESSING SOLUTIONS INC
- 1, 104 WIMBERLEY SQUARE LTD
- 2, ANDERSON, MARCIAL A
- 3, BARLOW STEPHEN A & SARAH
- 4, CALKINS, INTERESTS LTD
- 5, CRANE, LES
- 6, CRAPPS HELEN LOUISE ESTATE OF
- 7, DIXIE CLEMENTINE MANAGEMENT INC
- 8, DOUBLE LC PARTNERS ONE LTD
- 9, EVERLASTING INC
- 10, FLOCKE, ROBERT
- 11, FRANKLIN SUE M & EST OF JAMES R
- 12, FRAZIER, JODY LEE
- 13, JC & BB LTD
- 14, LANE, JOY
- 15, LANE JOY & BERRY DOT LANE
- 16, LEINNEWEBER CARL &
- 17, LYLES AMY & CHRIS
- 18, MCCULLOUGH HERSHEL & ROBINETTE
- 19, MCQUIGG, MARY KAY
- 20, ROMANO, LAURA
- 21, SENIOR CITIZENS CRAFT SHOP OF
- 22, SHEKAR FORDOSH, EFFAT
- 23, SULLIVAN, GAY B
- 24, TATE, JOYCE WEBB
- 25, VAN OSTRAND PHILLIP M & MARY L
- 26, WCP PROPERTIES LLC
- 27, WIMBERLEY PATIO BUILDING LLC
- 28, WIMBERLEY QUARTER LLC
- 29, WIMBERLEY QUARTER LLC





City of Wimberley

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

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

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

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

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

November 20, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-027

314 Wimberley Square

A request for initial zoning of Commercial – High Impact (C-3) for a currently unzoned tract of land

File No. CUP-09-012

314 Wimberley Square

A request for a Conditional Use Permit (CUP) to allow a bar or Tavern

File No. AV-09-005

314 Wimberley Square

A request for a waiver to allow the sale of alcohol for on premise consumption within 300 feet of a church, school, day care center or hospital.

Dear Property Owner:

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

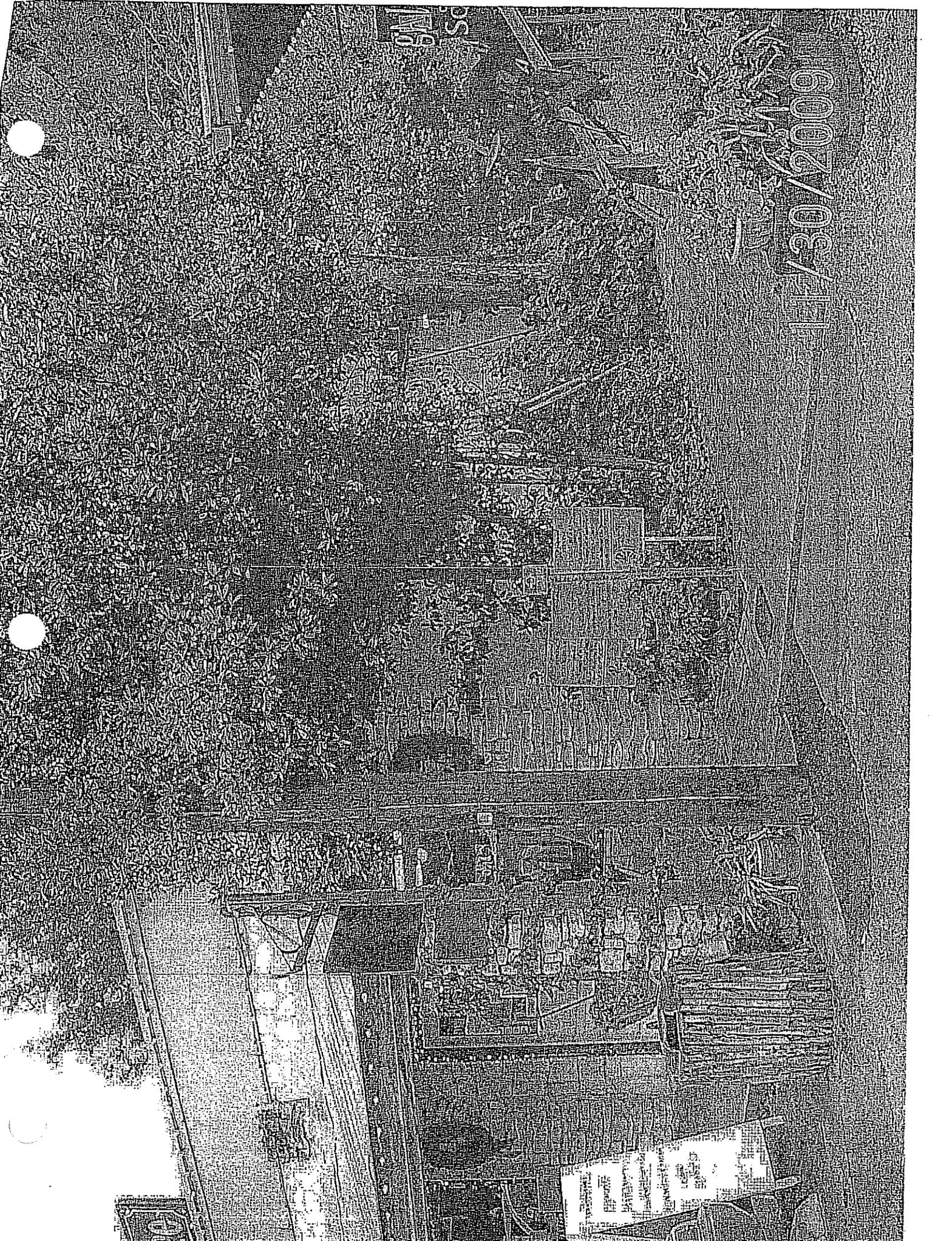
An application for initial zoning of Commercial – High Impact (C-3) zoning has been submitted for a currently unzoned tract of land located at 314 Wimberley Square. In addition, the applicant has requested a Conditional Use Permit (CUP) to allow a bar or tavern at 314 Wimberley Square. The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, December 10, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, December 17, 2009, at 5:30 p.m.**

Associated with the above mentioned applications, the applicant is seeking a waiver from the City requirement prohibiting the sale of alcohol within 300 feet of a church, school, day care center or hospital. The Wimberley City Council will consider this waiver request at a public hearing on **Thursday, December 17, 2009, at 5:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12

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

Additional information regarding the proposed zoning 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



6002/03/111
11/30/2009

11/30/2009

11/30/2009

THE CLASSIFIED

Wednesday, November 25, 2009

Email your ads to: classad@wimberley.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE

Pursuant to the Texas Abandonment Act, these Abandoned and Junked Vehicles will be sold at auction:

November 30, 2009
10:00 a.m.
Dripping Springs Service, Inc.
12015 Bonham Ranch Road
Dripping Springs, TX 78620

Make: 02 Mitsubishi
Year: 2006
VIN: 260GRK (TX)

Make: 95 Eagle Tailor
Year: 1992
VIN: 1LV192 (TX)

Make: 95 Eagle Tailor
Year: 1992
VIN: 1LV192 (TX)

Make: 93 Toyota Corolla
Year: 1993
VIN: 71FJJB (TX)

Make: 93 Toyota Corolla
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Year: 1993
VIN: 71FJJB (TX)

Make: 93 Toyota Corolla
Year: 1993
VIN: 71FJJB (TX)

Raymond Merrill, Jr. Deceased of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause No. 11465-P on the 18th day of November, 2009, hereby notifies all persons indebted to said Estate to make payment and those having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 18th day of November, 2009, by Patricia A. Merrill, Independent Executor of the Estate of Bruce Raymond Merrill, Jr. (Deceased) c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620. (08523/1193)

PUBLIC NOTICE

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, December 10, 2009, at 6:30 p.m. to consider the following: ZA-09-027, an application for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern at 314 Wimberley Square. Upon recommendation of the Planning & Zoning Commission to the City Council will

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(Request for Alcohol Variance)

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, December 17, 2009, at 5:30 p.m. to consider the following: AV-09-005, a request for a variance to sell alcohol for on premise consumption less than 900' from a school or church, day care or hospital, at 14 Wimberley Square. Upon recommendation of the Planning & Zoning Commission to the City Council will

also hold a public hearing on Thursday, December 17, 2009, at 5:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas. (08523/1193)

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NOTICE OF PUBLIC HEARING

(Request for Alcohol Variance)

12111 Ranch Road, 12, Wimberley, Texas (08523/1193)

PUBLIC NOTICE

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Greg Gilber Deceased, were issued on November 17, 2009, in Cause No. 11492-P pending in the County Court Law of Hays County, Texas, to Carrie E. Campbell. All persons having claims against this estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law. Carrie Campbell, 173 FM 3297 Building B, Wimberley, Texas 78676. Dated the 19th day of November, 2009. (08523/1193)

PUBLIC NOTICE

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of ADRIAN CRUZ GONZALEZ, Deceased, were issued on November 16, 2009, in Cause No. 11457-P pending in the County Court Law of Hays County, Texas, to ADRIAN TABORI. All persons having claims against this estate which is currently being administered are required to present

ORDINANCE NO. 2009-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CLAIMS PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE TO PERMIT A BAR/TAVERN ON A PORTION OF APPROXIMATELY 0.3327 ACRE TRACTS LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Claims Processing Solutions, d/b/a: The Old Mill Store ("Applicant") requesting authorization to permit a Bar/Tavern on a portion of real property described as two tracts equaling approximately 0.3327 acres described as part of the ABS 461 Amasa Turner Survey, zoned Commercial-High Impact (C-3); and

WHEREAS, a Bar/Tavern is an authorized use in areas zoned Commercial-High Impact (C-3) upon the granting of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application, site plan, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the additional use of the subject property for the sale of alcoholic beverages for on-premise consumption, 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 Claims Processing Solutions, d/b/a: The Old Mill Store ("Applicant") to permit a Bar/Tavern on a portion of real property described as 0.3327 acres part of the ABS 461 Amasa Turner Page Survey, as more particularly described on the metes and bounds shown on Exhibit "A", attached and incorporated by reference, zoned Commercial-High Impact (C-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The use of the property for a Bar/Tavern shall be limited to the courtyard area located between the two existing buildings and building area, as designated on Exhibit "B", attached and incorporated by reference.
2. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
3. This Ordinance only authorizes the additional use of a Bar/Tavern to the portion of the property depicted on Exhibit "B", as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

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

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

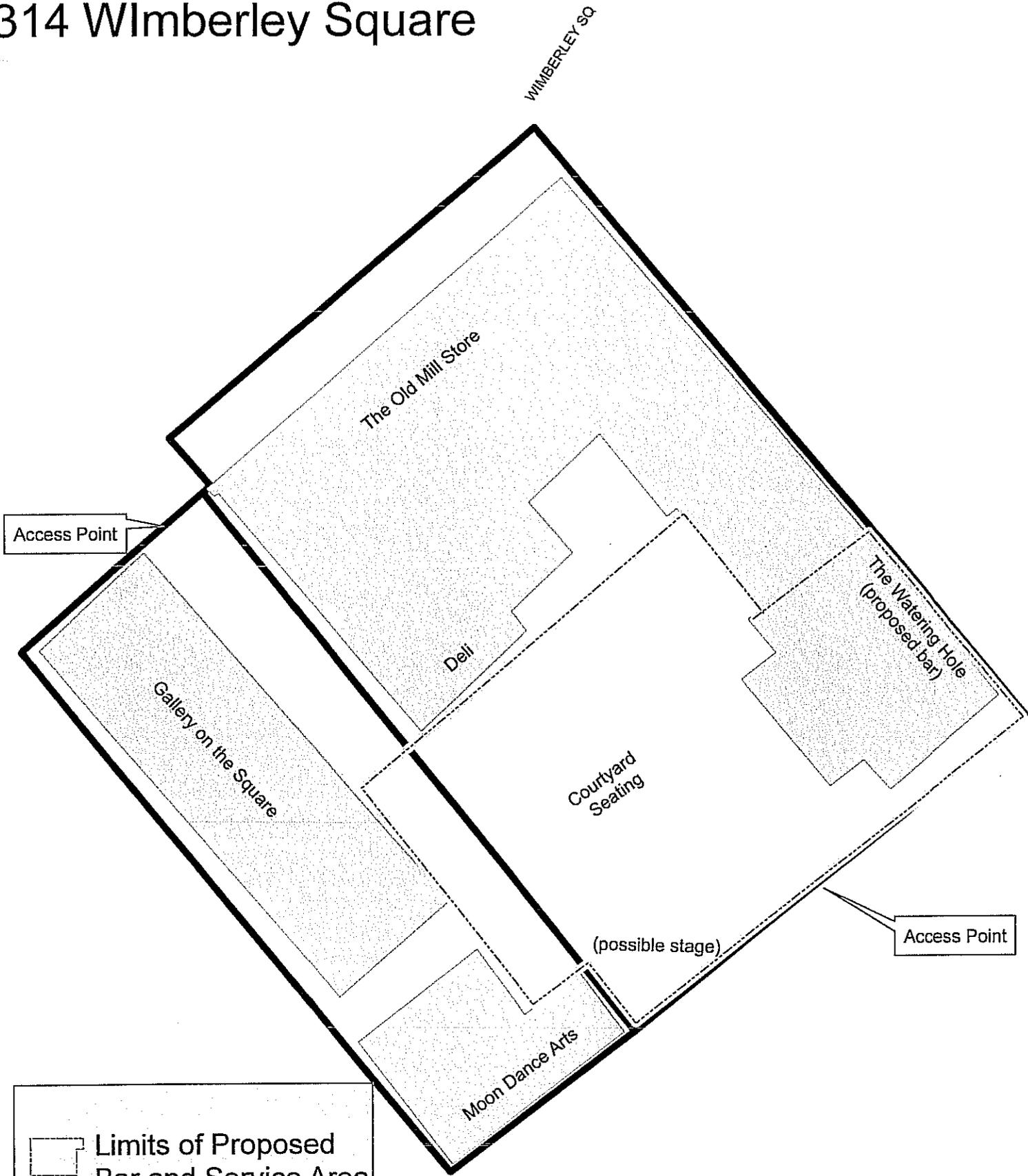
(SEAL)

APPROVED AS TO FORM:

C. Crosby, City Attorney

Site Plan for CUP-09-012

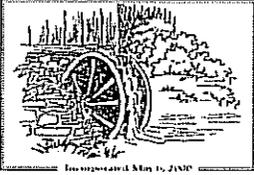
314 Wimberley Square



-  Limits of Proposed Bar and Service Area
-  Existing Buildings

Exhibit "B"

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER ACTION ON A DISTANCE RESTRICTION WAIVER REQUEST TO ALLOW FOR THE SALE OF BEER, WINE AND ALCOHOL AT 314 WIMBERLEY SQUARE

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

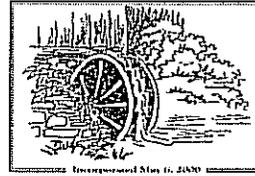
This month, the City of Wimberley received such a waiver request from the owners of *The Old Mill Store* and *The Gallery on the Square* who are proposing to open a bar/tavern and sell beer and wine for on-premise consumption at 314 Wimberley Square. The subject property is located within 300 feet from a day-care facility. In accordance with City ordinance, notice of the requested waiver was mailed to all property owners within 300 feet of the subject property. At the time of production of this agenda packet, no public comments either for or against the requested waiver have been received by the City.

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

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

Report for Zoning Change

ZA-09-026



Summary: An application to amend an existing Planned Unit Development Agreement (PUD) for a property located at 501 Old Kyle Rd

Applicant Information:

Applicant: Wimberley Crossroads LLC
6257 St. Albans
Dallas TX 75214

Property Owner: Wimberley Crossroads LLC

Subject Property:

Legal Description: 6.507 acres of land out of the H. Keiser Survey No. 60 and the Amasa Turner Survey
501 Old Kyle Rd

Location: Vacant

Existing Use of Property: Planned Unit Development (PUD) with base zoning of Residential Acreage (RA)

Existing Zoning: Base Zoning District: C-1 Commercial – Low Impact
Retail Sales and Services: General
Personal Services: General
Plant Nurseries
Funeral and Interment Services: Undertaking
Recreational and Entertainment: high impact
A drive-through or drive-in facility (excluding fast food)
Bank and Savings and Loan (drive-through)
Bed and Breakfast Lodging
Health and Fitness and Exercise Facilities: limited
Eating Establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption

Proposed Use of Property: WPDD with base zoning of Commercial – Low Impact (C1)
III
Entrance Corridor

Surroundings:

Frontage On: Old Kyle Road and Blue Hole Lane

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Un-zoned	Park
S of Property	C-2	Commercial
E of Property	Un-zoned	Park
W of Property	PF	Public Facilities

Legal Notice

200' Letters 11/23/09
Published 11/25/09
Sign Placement 11/30/09
Responses No Responses

Comments:

The applicant, Wimberley Crossroads LLC, is seeking to amend an existing Planned Unit Development (PUD) Agreement for a 6.5 acre tract of land located at 501 Old Kyle Road. The original PUD was approved by City Council in 2001 and contains a base zoning district of Residential Acreage (RA). The subject property is located in the *Entrance Corridor Overlay District and Planning Area III* and, for years, served as the site of the Wimberley First Baptist Church. Recently, the church moved its operations to another location leaving the subject property vacant.

The original PUD contained a list of permitted uses that were related more to church and public recreation activities. With a church no longer in operation on the site, the applicant is proposing to modify the existing list of permitted uses to allow for limited commercial use of the subject property.

To accomplish this, the applicant is proposing to change the proposed base zoning district for the subject property from Residential Acreage (RA) to Commercial-Low Impact (C-1). In addition to those permitted uses in C-1, the applicant is proposing to add the following as permitted uses for the property:

- Retail Sales and Services: General
- Personal Services: General
- Plant Nurseries
- Funeral and Interment Services: Undertaking
- Recreational and Entertainment: high impact (limited to conferences, receptions and entertainment)
- A drive-through or drive-in facility (excluding fast food and fuel service)
- Bank and Savings and Loan (drive-through)
- Bed and Breakfast Lodging
- Health and Fitness and Exercise Facilities: limited
- Eating Establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption

Recognizing the fact that the subject property is located at the gateway to the *Wimberley Square* and adjacent to the *Blue Hole Regional Park* and *Wimberley Cemetery*, the permitted uses proposed by the applicant were selected to minimize the impact of any future commercial use of the property on adjacent properties and maintain the integrity of this important site.

Along those lines, in the proposed amendment, the applicant has agreed to do the following:

- Enhance site beautification through the addition of plant material and trees
- Limit the size of any monument signage to eight (8) feet in height and sixty-four (64) square feet in area. All other signage on the property must comply with the City of Wimberley Sign Ordinance.
- Ensure any outdoor lighting on site complies with the City Code
- Prohibit outdoor music except for that authorized in advance by the City
- Limit the operating hours of any retail stores on the site to between 6 a.m. to 8 p.m., daily

- Limit the operating hours of any eating establishments on the site to between 6 a.m. and 11 p.m., daily
- Limit the operating hours of any recreation and entertainment venue on the site to between 6 a.m. to 12 a.m., daily

Currently, there is more than 30,000 square feet of space under roof on the site and an asphalt parking area with more than 350 parking spaces.

The applicant has indicated that there are no plans to expand parking, the footprint of any of the existing buildings or to add any additional buildings to the subject property. Any development of the property outside of the existing building footprints or a subdivision or condominium division of the property would require an amendment to the development agreement. The applicant has also committed to incorporate rainwater collection into any future structural development on the site to minimize the impact of any additional impervious cover.

Finally, to make the development agreement consistent with the current City Code, the proposed amendment makes the agreement a Wimberley Planned Development District (WPDD) rather than a Planned Unit Development (PUD).

On December 10, 2009, the Planning and Zoning Commission held a public hearing on the proposed amendments to the development agreement. After considerable discussion, the Commission voted unanimously to recommend approval of the amended development agreement.

155.047 COMMERCIAL - LOW IMPACT; C-1.

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

(B) *Permitted uses.*

(1) Administrative and professional office:

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

(b) Photography studios, doctors, dentists;

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

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

(e) Research services: limited; and

(f) Office.

(2) Religious assembly;

(3) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

(7) Eating establishments: sit-down;

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

(12) Adult day care facility;

- (13) Private primary educational services;
- (14) Private secondary educational services;
- (15) Medical services: limited;
- (16) Personal services: limited;
- (17) Bank and savings and loan;
- (18) Accessory uses to the main use; and
- (19) Single-family residence.

(C) *Conditional uses.*

- (1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;
- (2) Bank and savings and loan (drive-through);
- (3) Bed and breakfast lodging;
- (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and
- (5) Eating establishments: fast food with drive-through order windows.

(D) *Development regulations.*

- (1) Minimum lot size: 5,000 square feet.
- (2) Maximum building height (as defined in § 155.005):
 - (a) Primary buildings: not more than 2 stories and not more than 28 feet or 35 feet with gable roof;
 - (b) Accessory buildings: not more than 18 feet and not more than 1 story;
and
 - (c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.
- (3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial

material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 10 feet;

(b) Secondary street: 10 feet; and

(c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 11,500 square feet.

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

(E) *Special requirements.*

(1) Open storage is prohibited.

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

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

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

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

(Ord. 2001-010, § 26, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

legal nonconforming features and structures except as provided under Site Development Regulations.

1. Church Sanctuary, office and education building.
2. Education & Sports Building.
3. North and South Parking Lots.
4. Maintenance Building.

E. NEW DEVELOPMENT:

1. Any expansion of the current building footprints or the addition of new buildings on the site will require an amendment to this WPDD.
2. Rainwater collection facilities will be required for new construction or the expansion of an existing building's square footage.

F. SITE DEVELOPMENT REGULATIONS:

The physical nature of remediation tasks to be conducted on the Property are described below in terms that permit some flexibility in execution of the final designs. In consideration of the flexibility given to the developer of this Property, the property owner understands that the tasks described below will be undertaken in a timely way and with due diligence to substantially achieve the objectives described.

1. **Blue Hole Road Right-of-Way**
The west perimeter of the existing parking lot and other paved surface of the Property shall be altered to separate it from the Blue Hole Road easement. The separation shall consist of vegetative islands of not less than five feet in width, with trees described on the City's approved landscaping list, between the road easement and the parking lot surface. Entries to the parking lot from the road shall be located according to best practices for parking lot design. The parking lot markings and entrance locations shall be studied by the owner to ascertain that the most effective use of the space has been achieved.
2. **Rain Water Collection**
To augment or to reduce the necessary capacity of the drainage filtration and retention, an optional rain water collection system may be employed to collect the rain water. Such system shall be required for all new construction or expansion of existing structures as described in Paragraph F. above.
5. **Landscaping**
Every possibility to add landscape plant material to the Property should be considered. The inclusion of additional vegetative islands in the parking lot areas would be an important aesthetic asset to the site.

To the greatest extent possible existing trees with caliper greater than or equal to eight inches shall be preserved with the necessary adjustment to at-ground and above ground structures. Trees designated for preservation that are destroyed by construction shall be replaced with equal cumulative caliper of smaller trees of not less than three inch caliper. Trees should be protected from vehicles with

curbs and barriers and should be protected during construction from heavy equipment in the sensitive root zone. The Property owner, its contractors and sub contractors shall be held liable for failure to observe requirements for tree protection and for tree replacement.

G. DEVELOPMENT REGULATIONS:

Development regulations for the base district and Ordinances of the City of Wimberley shall apply except as otherwise explicitly provided in this WPDD Agreement.

- a. Subdivision or condominium division of the property shall not be permitted except under terms of an amendment to the WPDD agreement.
- b. Open storage or placement of materials, commodities or equipment and machinery, including inoperative or unlicensed motor vehicles and unlicensed trailers, shall not be within the building setback and shall be fully screened, by fence (as permitted by the City) and/or vegetative screening, from City streets or roads or adjacent or facing residential or un-zoned districts.
- c. No structure or feature shall be created on the Property that impedes the free flow of storm water off the surface of a street or road for a distance exceeding twenty five feet. To alleviate a drainage impediment of this kind the City may order the modification of any such existing structure or feature.
- d. Final plans for construction, drainage features, and for landscaping material shall be submitted to the City for review and approval based on the intent and objectives set forth herein.
- e. All new and replacement outdoor lighting fixtures shall conform to the City Outdoor Lighting Ordinance.
- f. Architectural design standards shall conform to the existing development's design and traditional Hill Country design standards.
- g. All monument signage on the Property shall be less than 8 feet in height and 64 square feet. All other signage on the Property shall comply with the City of Wimberley sign ordinance.
- h. Any new or replacement fence shall comply with the following regulations.
 - A. Any fence that faces a street or road within the incorporated limits of the City of Wimberley and is more than four feet (4 ft) in height:
 - 1. Shall be erected only with a City Building Permit; and
 - 2. Shall have a solid to void ratio no greater than 1:8 (12.5%); and
 - 3. Shall be no higher than eight feet (8 ft); and
 - 4. If the material is chain link fencing, shall be placed only within the street side building setback provided by the zoning district.

EXHIBIT "A"

Wimberley Planned Development District

PROJECT NAME: Wimberley Crossroads
OWNER: Wimberley Crossroads LLC
PROPERTY ADDRESS: 501 Kyle Road, Wimberley Texas (the "Property")

This Planned Unit Development establishes the permitted uses and the conditions upon the construction and future developments on the Property.

A. PURPOSE AND INTENT:

The purpose of this WPDD is to change the permitted uses on the subject Property from church related and public activities to a private commercial use while recognizing the importance of the location of the Property as a gateway to Blue Hole Regional Park and the Wimberley Square. This Planned Development serves as the mechanism to provide the needed flexibility in the use of this Property while maintaining the integrity of this important gateway Property.

B. PERMITTED USES:

1. Base Zoning District: C-1 Commercial – Low Impact
2. Retail Sales and Services: General
3. Personal Services: General
4. Plant Nurseries
5. Funeral and Interment Services: Undertaking
6. Recreational and Entertainment: high impact
7. A drive-through or drive-in facility (excluding fast food) otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit
8. Bank and Savings and Loan (drive-through)
9. Bed and Breakfast Lodging
10. Health and Fitness and Exercise Facilities: limited
11. Eating Establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption

C. SITE REGULATIONS

1. No Outdoor Music
2. Retail operations may only operate between the hours of 6AM and 9PM
3. All other operations shall cease at 11PM
4. Interior illumination of signs is prohibited

D. EXISTING DEVELOPMENT:

The following existing development features and structures that do not comply with the base district provisions and the WPDD development regulations shall be considered

- B. Any fence which faces a street or road within the incorporated limits of the City of Wimberley shall be set back from an existing street or road surface on which motor vehicles travel by a distance of not less than six feet or the distance determined by the City to be necessary for the safety of pedestrians and for drainage improvements.
- C. Any fence which faces a street or road within the incorporated limits of the City of Wimberley and which has been damaged to the extent that the cost of repair exceeds sixty percent of the cost of replacement 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.
- D. The City shall permit or require opaque fencing higher than four feet facing a street or road if the City finds it to be necessary or desirable to:
 - 1. Screen from public view, the outdoor placement or storage of vehicles, equipment or materials; or
 - 2. Screen a residential property from an adjacent or facing commercial activity.
 - 3. Screen a residential property from a primary arterial street.

H. **DEFINITIONS:** All words and phrases used herein shall be defined as currently described in the City's Code of Ordinances.

ORDINANCE NO. ZA-01-026

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 501 OLD KYLE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, CASE NO. C211-01-026, DESIGNATING SUCH TRACT AS AG (PUD); 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 6.50 acres of land, more or less, as described in Attachment "A", and more commonly known as 501 Kyle Road, Wimberley, Hays County, Texas, qualifies for the AG Zoning, with an approved Planned Unit Development designation and that such designation is consistent with established Village policy and in the public interest. A copy of the approved Planned Unit Development Agreement and Conditions is attached hereto (Attachment "B").

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 2001-010 is hereby amended by adding Appendix F, which shall be incorporated into and made part of Ordinance 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:

The 6.50 acres of land, more or less, as described in Attachment "A" attached hereto, and more commonly known as 501 Kyle Road, Wimberley, Hays County, Texas, qualifies for the AG Zoning, with an approved Planned Unit Development, is designated as AG, with an approved Planned United Development, Attachment "B".

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

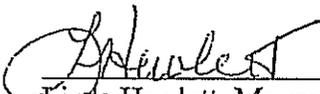
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of 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

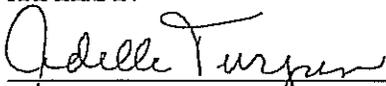
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard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

PASSED AND APPROVED this 27th day of November 2001, by a 5 to 0 vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

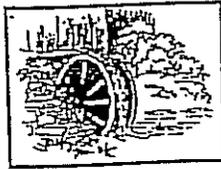
BY: 
Linda Hewlett, Mayor

ATTEST:


Adelle Turpen, City Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney



Village of Wimberley

P.O. Box 2027, Wimberley, Texas, 78676
Phone: 512-847-0025

Planned Unit Development Agreement & Conditions.

Village of Wimberley Zoning Case 211-01-026

Project Name: First Baptist Church of Wimberley
Owner: First Baptist Church of Wimberley,
herein after referred to as "the Church".
Property Address: 501 Kyle Road
Agent: Dr. Bill Jones
Phone Contact: 512-847-9035

This Planned Unit Development Agreement is a zoning agreement between the owner/applicant and the Village of Wimberley wherein the permitted uses and permitted and required kind and extent of future development on the property are defined.

A. Purpose and Intent:

The First Baptist Church is continuing a long process of growth on the property. The principle elements are the building of a new sanctuary and the necessary expansion of the parking facilities. Since the intensity of use on the property exceeds the requirements of defined zones in the Zoning Ordinance and since the Church wishes to comply as closely as possible to the conditions of the ordinance while continuing their long range plan, the Church and the Village have undertaken the zoning of the property as a Planned Unit Development (PUD) based on the AG Single Family Residential Zone. The AG zone, like any zone, permits religious exercise as a use and the AG zone fits the property size. The Agreement specifies a range of added uses which will provide the flexibility necessary for any Church related or public activity that may occur on the property and will reflect the desire of the Church to remediate the problem of excess storm water runoff from the property and the manner in which the west margin of the existing parking lot merges over part of it's extent with the pavement of Blue Hole.

As the Church is an important non-profit entity in the community, that provides public access to their facilities for the benefit of the community, and will perform useful remediation of an existing site, the Village will provide special assistance in the preparation of the PUD documents and development permits that is not usually provided to PUD applicants.

B. Base Zoning District:

AG Single Family Residential.

All uses permitted in the district including Religious Assembly.

C. Additional uses allowed:

1. Moderate Impact Institutional.
2. Non-profit Civic Organizations.
3. Participant Recreation and Entertainment: High Impact.
4. Retail Sales and Services: Flea Market/Market Days.
Limited to sales in support of a non-profit entity.
5. Recreation Building.

D. Conditional Uses:

No conditional uses allowed.

E. Existing Development:

Existing development features and structures that do not comply with the base district provisions and the PUD development regulations shall be considered legal nonconforming features and structures except as provides under Site Remediation.

1. Church Sanctuary, office and education building.
2. Education & Sports Building.
3. South Parking Lot.
4. Maintenance Building.

F. New Development:

1. New sanctuary building with a footprint no larger than 20,070 square feet, and height no greater than 60 feet, represented by the Preliminary Site Plan and the Preliminary Floor Plan. No elevation drawing is available. The footprint of the building will occupy land already covered imperviously. The storm water discharge from the roof shall be ducted by an appropriate combination of closed and open conduits to a filtration and retention facility at the east side of the property.
2. North parking lot (205 parking spaces, 78,588 square feet. Part of the north parking area will replace existing parking space to be occupied by the new sanctuary building.
 - a. The west perimeter of the parking lot shall be separated from the expanded Blue Hole Road right of way. The separation shall consist of vegetative islands of not less than five feet in width, with trees, between the road right of way and the parking lot surface. Entries to the parking lot from the road

shall be located according to best practices for parking lot design as generally indicated by the Preliminary Site Plan. The parking lot marking and entrance locations shall be studied by the Church to ascertain that the most effective use of the space has been achieved.

3. The impervious surface on the property will be increased by the installation of the new parking lot. This will be offset by recovery of permeable surface around the sanctuary building where new landscaped islands will be constructed. The impact of the impervious surface will be mitigated by the filtration and retention facilities to be constructed, with the possibility that it will actually be improved over the existing condition.
4. Drainage from all impervious surfaces shall be directed to the natural water course to the east of the property except where the slope of the land on the west one-third of the property prevents it. The Church shall construct retention and filtration features on the Church property to obtain the best control of water flow and drainage allowable in the space available on the property. The objective is to provide a final engineered design which will allow for the construction of the church auditorium and additional parking while managing the water flow and drainage in the best manner possible given the size and terrain of the Church property. The Church shall submit to the Village the final engineered plans outlining the retention and filtration features to be constructed prior to the commencement of construction for review and approval based upon the intent and objective set forth herein.

G. Site Remediation:

The physical nature of remediation tasks to be conducted on the site are described below in terms that permit some flexibility in execution of the final designs. The parties to this agreement understand the need for flexibility in approaching these remediation tasks but expect that the tasks described will be undertaken in a timely way and with due diligence to substantially achieve the objectives described. A target date for completion of all remedial work shall be one year after the completion of the new sanctuary building.

1. Drainage

- a) Drainage from all impervious surfaces shall be directed to the natural water course to the east of the property except where the slope of the land on the west one-third of the property prevents it. The Church shall construct retention and filtration features on the Church property to obtain the best control of water flow and drainage allowable in the space available on the property. The objective is to provide a final engineered design which will allow for the construction of the church auditorium and additional parking while managing the water flow and drainage in the best manner possible given the size and terrain of the Church property. The Church shall submit to the Village the final engineered plans outlining the retention and filtration features to be constructed prior to the commencement of construction for review and approval based upon the intent and objective set forth herein.

b) If the property along the east boundary, including the natural water course, becomes available to the Church as a gift, the Church shall construct additional retention and filtration features in the course located within such property that are then reasonably necessary due to the fact that retention and filtration features on the existing Church property may not be adequate. The remainder of such property may be developed and built upon in accordance with City ordinances and regulations in effect at the time of such development.

2. Blue Hole Road Right-of-Way

The west perimeter of the existing parking lot and other paved surface of the property shall be altered to separate it from the Blue Hole Road easement. The separation shall consist of vegetative islands of not less than five feet in width, with trees, between the road easement and the parking lot surface. Entries to the parking lot from the road shall be located according to best practices for parking lot design. The parking lot markings and entrance locations shall be studied by the Church to ascertain that the most effective use of the space has been achieved.

3. Impervious Surface.

Unnecessary impervious surface on the property, as determined by the Church, shall be removed where feasible and replaced with permeable surface with the objective of reducing the total impervious surface of the site to or below seventy percent.

4. Rain Water Collection.

To augment or to reduce the necessary capacity of the drainage filtration and retention, an optional rain water collection system may be employed to collect the rain water from the roofs of the proposed sanctuary building and the Education and Sports building roofs.

5. Landscaping

The Church should consider every possibility to add landscape plant material to the property. The inclusion of additional vegetative islands in the parking lot areas would be an important aesthetic asset to the site.

To the greatest extent possible existing trees with caliper greater than or equal to eight inches shall be preserved with the necessary adjustment to at-ground and above ground structures. Trees designated for preservation that are destroyed by construction shall be replaced with equal cumulative caliper of smaller trees of not less than three inch caliper. Trees should be protected from vehicles with curbs and barriers and should be protected during construction from heavy equipment in the sensitive root zone. Contractors and sub contractors should be held liable for failure to observe requirements for tree protection and for tree replacement.

I. Development Regulations:

Development regulations for the base district and Ordinances of the Village of Wimberley shall apply except as otherwise explicitly provided in this PUD Agreement.

- a. Subdivision or condominium division of the property shall not be permitted except under terms of an amendment to the PUD agreement.
- b. Open storage or placement of materials, commodities or equipment and machinery, including inoperative or unlicensed motor vehicles and unlicensed trailers, shall be within the building setback and shall be fully 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 districts.
- c. For any property on which habitable buildings exist, and which has no connection to a State licensed central waste water treatment utility, and there is a requirement or request for zoning, or there is a violation of the provisions of the zoning ordinance, a current Hays County private waste water treatment permit for the current and proposed use and discharge rate shall be required as a condition for zoning or for the resolution of a zoning ordinance violation. A current permit is one that has been issued at a date which is the more recent of i) April 1991; or ii) the date of a permit which permits the most recent expansion of use and/or increase of waste water discharge rate.
- d. No structure or feature shall be created on any property that impedes the free flow of storm water off the surface of a street or road for a distance exceeding twenty five feet. To alleviate a drainage impediment of this kind the Village may order the modification of any such existing structure or feature on a property as a requirement for initial zoning or rezoning.
- e. Final plans for drainage features and for landscaping material shall be submitted to the Village for review and approval based on the intent and objectives set forth herein.
- f. All new and replacement outdoor lighting fixtures shall conform to the Village Outdoor Lighting Ordinance.
- g. Any new or replacement fence shall comply with the following regulations.
 - A. Any fence that faces a street or road within the incorporated limits of the Village of Wimberley and is more than four feet (4 ft) in height:
 1. Shall be erected only with a Village Building Permit; and
 2. Shall have a solid to void ratio no greater than 1:8 (12.5%); and
 3. Shall be no higher than eight feet (8 ft); and
 4. If the material is chain link fencing, shall be placed only within the street side building setback provided by the zoning district.
 - B. Any fence which faces a street or road within the incorporated limits of the Village of Wimberley shall be set back from an existing street or road surface on which motor vehicles travel by a distance of not less than six feet or the distance

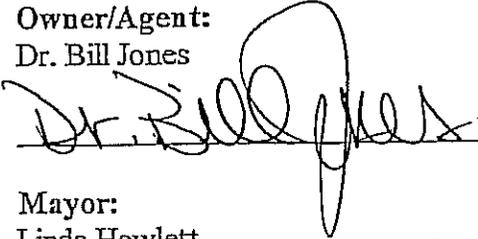
determined by the Village to be necessary for the safety of pedestrians and for drainage improvements.

- C. Any fence which faces a street or road within the incorporated limits of the Village of Wimberley and which has been damaged to the extent that the cost of repair exceeds sixty percent of the cost of replacement 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.
- D. The Village shall permit or require opaque fencing higher than four feet facing a street or road if the Village finds it to be necessary or desirable to:
 - 1. screen from public view, the outdoor placement or storage of vehicles, equipment or materials; or
 - 2. screen a residential property from an adjacent or facing commercial activity.
 - 3. screen a residential property from a primary arterial street.

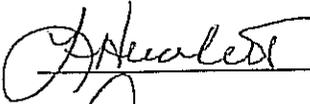
The Village may require such fencing to be set back from the property line up to but not exceeding the building setback for the district, and to have architectural features that add to the aesthetic character of the fence and avoid long uninterrupted expanses of fence, and to be constructed with high quality materials and methods.

H. Signatures

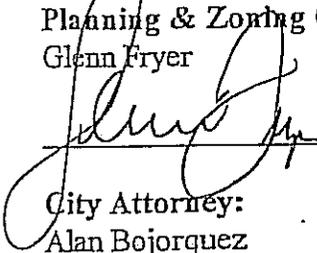
- a. Owner/Agent:
Dr. Bill Jones


_____ Date 12-14-2001

- b. Mayor:
Linda Hewlett


_____ Date 12-3-01

- c. Planning & Zoning Commission Chair:
Glenn Fryer


_____ Date 12-5-01

- d. City Attorney:
Alan Bojorquez

_____ Date _____

I. Definitions (abstract of the Zoning Ordinance as amended 5-19-2001).

Moderate Impact Institutional.

PUD 211-01-026

First Baptist Church of Wimberley

Public and private institutional activities which may have significant impact on surrounding uses. Typical uses include high schools, middle schools, and vocational schools.

Non-profit Civic Organizations.

Lodge and meeting halls, including but not limited to, a Masonic Lodge, V.F.W. Post and Shrine Temple shall also be included in this use unit. Excluded are services which would be classified under Spectator Sports and Entertainment, Participant Recreation and Entertainment, or Transient Accommodation.

Participant Recreation and Entertainment: High Impact.

Those participant recreation and entertainment uses which accommodate more than 100 participants. Typical uses include driving ranges, miniature golf courses, dance halls, skating rinks, drive-in theaters and amusement parks.

Primary Collector.

Streets intended to serve local traffic distribution needs and access to the Arterial system. They provide access and traffic circulation within residential, commercial, or industrial neighborhoods or concentrations. Collect traffic from Secondary Collectors and Local Roadways and distribute it to the Arterial system.

Recreation Building.

Private recreational, social, and multipurpose building within a subdivision that is operated and maintained by a property owners' association for the benefit and enjoyment of its members. These uses are planned as an integral part of the development.

Religious Assembly.

A use customarily associated with a building where persons regularly assemble for religious worship and incidental educational and social activities. It includes churches, rectors, temples and accessory buildings and uses, including the on-site housing of ministers, rabbis, priests, nuns and similar staff personnel, and is maintained and controlled by a religious body organized to sustain public worship.

Retail Sales and Services: Flea Market/Market Days.

The display, exchange, barter or sale of new or used common household items, arts and crafts or office equipment and furnishings, carried out on any open lot. Typical uses include flea markets where clothing, personal effects, household furnishings, and household appliances are sold or otherwise exchanged.

Secondary Collector.

A major roadway within a specific subdivision or business/industrial concentration. This serves to distribute traffic to and from Local Streets. May provide access to abutting properties.

Spectator Sports and Entertainment: High Impact.

Establishments or places engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as providing space for social or fraternal gatherings. These uses are conducted in open facilities or within an enclosed building with a capacity of more than 100 people which may generate significant noise, odor, traffic or other impacts and include retail sales, storage facilities, and other activities incidental to the operation. Typical uses include drag strips; racetracks; fairgrounds; rodeo grounds; large exhibition halls; sports stadiums; and trade expositions.

J. Exhibits:

1. Preliminary Site Plan.
2. Phase I. Site Plan.
3. Tree and Topographic map.
4. Preliminary Floor Plan.
5. Plat of Survey of 151.77 acres.
6. Blue Hole Road Easement.
7. TNRCC Document
Chapter 213 – Edwards Aquifer, Subchapter B. 213.20 – 213.28



EAGLE
LAND
SURVEYING

P.O. Box 2264 Wimberley, Texas 78676 (512) 847-1079 Fax (512) 847-8522

December 30, 2003

LEGAL DESCRIPTION

FIELD NOTES DESCRIBING 6.507 ACRES OF LAND, MORE OR LESS, OUT OF THE H. KEISER SURVEY NUMBER 60 AND THE AMASA TURNER SURVEY, HAYS COUNTY, TEXAS, BEING THAT SAME TRACT OR LAND CALLED 6.50 ACRES AS DESCRIBED AND RECORDED IN VOLUME 313, PAGE 533, HAYS COUNTY DEED RECORDS, SAID 6.507 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a 1/2" iron pin found in the North line of Old Kyle Highway, in the East line of a 30 foot wide road easement as described and recorded in Volume 174, Page 382, Hays County Deed Records, for the Southwest corner of the afore mentioned 6.50 acre tract and being the Southwest corner of the herein described 6.507 acre tract and being the POINT OF BEGINNING for this description;

THENCE N 08°46'44"E, with the East line of the 30 foot wide road easement, a distance of 496.11 feet to a philips head screw found in asphalt pavement for an angle point in said 30 foot wide road easement, being an angle point in the West line of the herein described tract, passing at 269.31 feet a cotton spindle set in asphalt for a point on line;

THENCE N 02°27'49"W, continuing with the East line of the 30 foot road easement, a distance of 436.08 feet to a 1/2" iron pin found for the Northwest corner of the herein described tract;

THENCE N 87°36'00"E, leaving the East line of the 30 foot road easement, a distance of 315.20 feet to a 1/2" iron pin found for the Northeast corner of the herein described tract;

THENCE S 03°41'50"E, a distance of 418.30 feet to a steel fence post found for an angle point on the East line the herein described tract;

THENCE S 08°41'49"W, a distance of 420.10 feet to a 1/2" iron pin set on the Northwest line of F.M. 3237 for the Southeast corner of the herein described tract;

THENCE with the curving line of F.M. 3237, along a curve to the left having an interior angle of 07°38'05", a radius of 622.96 feet (record), an arc length of 83.01 feet, and a chord that bears S 62°36'14"W, a distance of 82.95 feet to a concrete highway monument found at the intersection of F.M. 3237 and Old Kyle Road, for an angle point on the South line of the herein described tract;

THENCE S 75°13'01"W, with the North line of Old Kyle Road, a distance of 231.41 feet to a concrete highway monument found for an angle point on the South line of the herein described tract;

THENCE S 77°38'38"W, a distance of 31.32 feet to the record location of an 8 inch cedar tree (not found) for an angle point on the South line of the herein described tract;

THENCE S 70°47'00"W, a distance of 7.79 feet to the POINT OF BEGINNING, containing 6.507 acres of land, more or less. These field notes accompany a survey plat, job number 30469.



Reference a 30' wide roadway easement as recorded in Volume 174, Page 382, Volume 273, Page 124, and Volume 313, Page 533, Hays County Deed Records.

DEVELOPMENT SURVEY

Basis for Bearing (314.00)
N 87°36'00"E 315.20'

6.507 Acres
(313/533)
(8.50 Ac.)

Reference a 5' wide waterline easement, Volume 313, Page 533, Hays County Deed Records.

Reference a blanket easement granted to Pademotes Electric Cooperative, Inc. as recorded in Volume 767, Page 430, Hays County Real Property Records.

Reference a pipeline easement as recorded in Volume 98, Page 356, Hays County Deed Records, no location given.

This property lies within the corporate limits of the city of Wimberley and is subject to its ordinances and setbacks.

Reference a 25' easement granted to General Telephone Company of the Southwest as recorded in Volume 267, Page 659 and 681, Hays County Deed Records.

LEGEND

- = 1/2" iron pin found unless otherwise noted
- = 1/2" iron pin set
- X- = wire fence
- = chain link fence
- ||- = overhead electric line
- = utility pole
- ▲ = record location
- (XXXX) = recorded date
- (Va/1997) = Hays County Deed Records

CURVE DATA

- C1
- Δ = 07°38'05"
- R = (822.96')
- A = 83.0'
- C = 83.55'
- B = 82°38'14" W

Copyright © 2003 Eagle Land Surveying. All rights reserved.

CLIENT: First Baptist Church of Wimberley
ADDRESS: 501 Old Kyle Road,
Wimberley, Texas 76676

This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.

I hereby certify that this plot represents a survey made upon the ground under my supervision, in December, 2003, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clay Barman



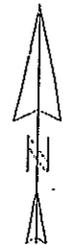
BC/HS

Subject property does not lie within a 100 year flood hazard zone as determined from FIRM Hazard Map, Community Panel No. 460321 0160 E, dated February 18, 1990.

OLD KYLE ROAD

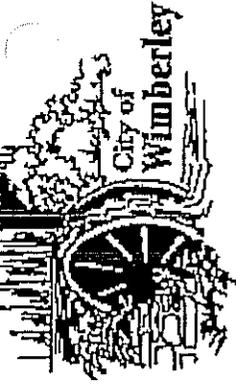
FM 3237 (R.O.W. varies)

edge of pavement



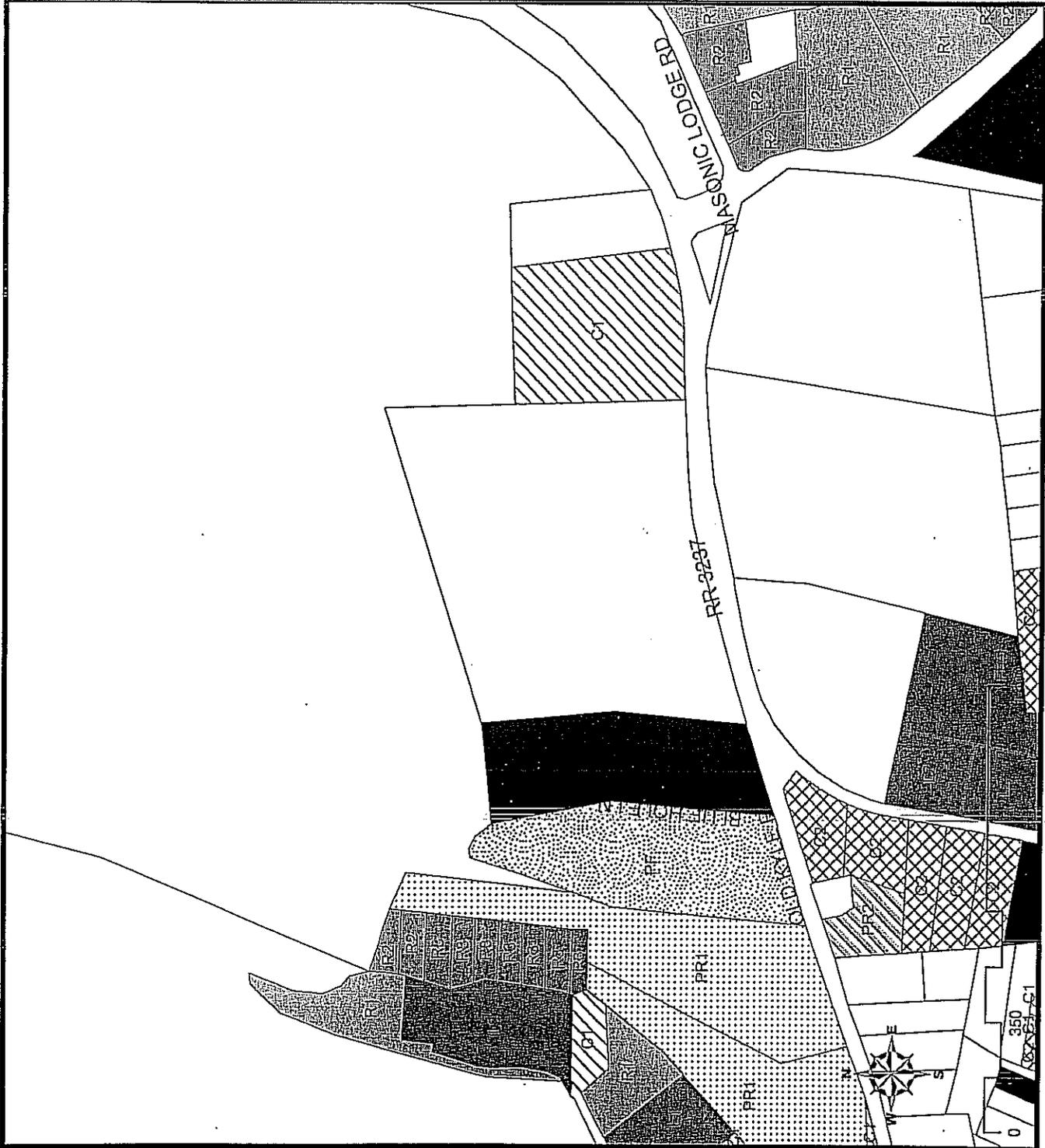
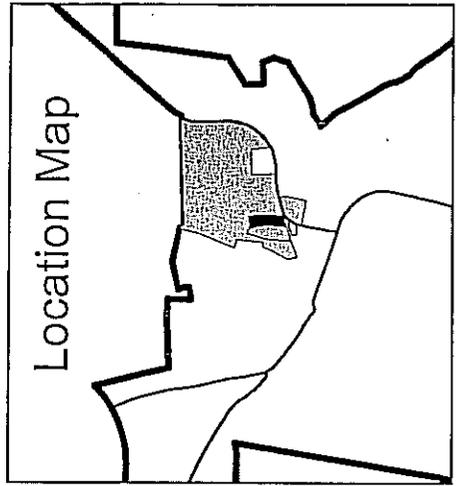
Record location of 6" center line for center easement, not found.

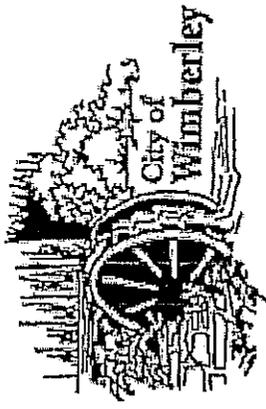
Zoning Map for ZA-05-026



P.O. Box 2027 • Wimberley, Texas 78676

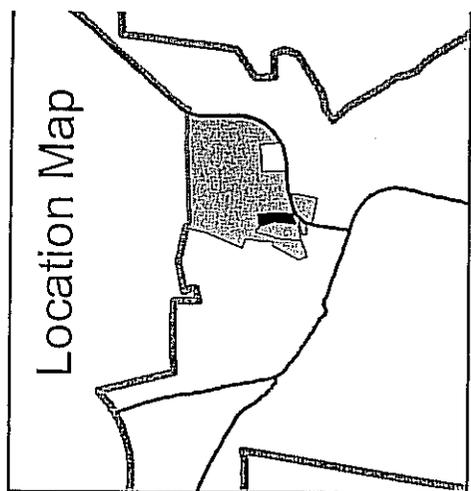
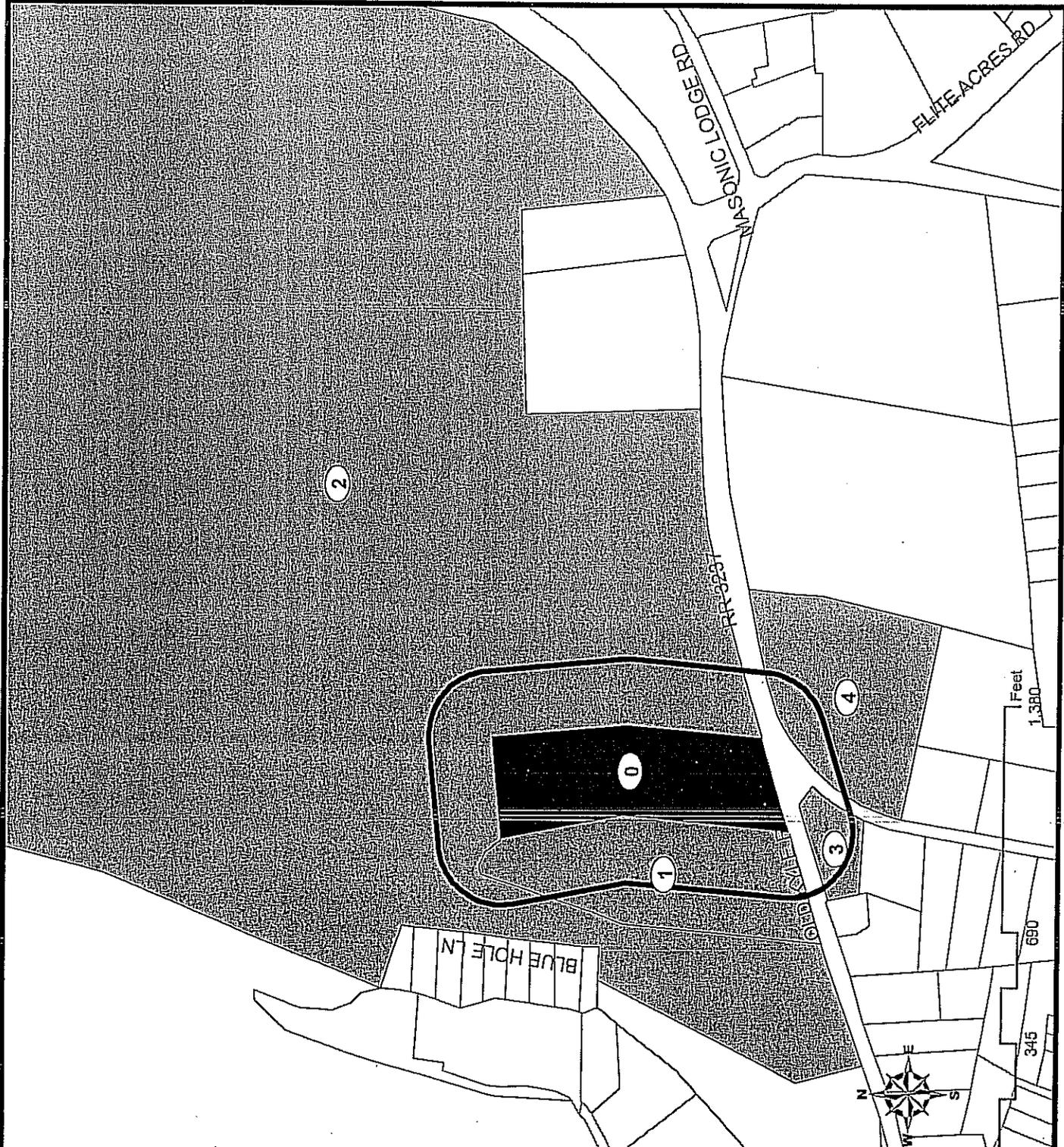
-  Subject Property
-  Rural Residential (R-1)
-  Single Family Residential 2 (R-2)
-  Single Family Residential 3 (R-3)
-  Lodging 1 (L-1)
-  Lodging 2 (L-2)
-  Commercial - Low Impact (C-1)
-  Commercial - Moderate Impact (C-2)
-  Participant Recreation 1 (PR-1)
-  Participant Recreation 2 (PR-2)
-  Public Facilities (PF)

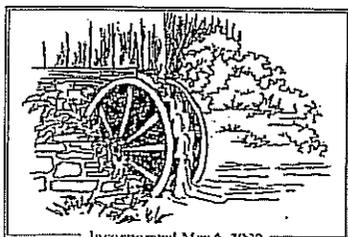




P.O. Box 2027 • Wimberley, Texas 78671

- 0, WIMBERLEY CROSSROADS LLC
- 1, WIMBERLEY CEMETARY ASSN
- 2, CITY OF WIMBERLEY THE
- 3, ANEPH LTD
- 4, WIMBERLEY RV PARK & MINI STORAGE I
- 200 FT Notification Buffer





City of Wimberley

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

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

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

Tom Haley, Mayor - Charles Roccaforte, Mayor Pro-tem

Council Members - Bob Flocke, Bill Appleman, Steve Thurber, John White

Don Ferguson, City Administrator

November 20, 2009

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-09-026**

501 Old Kyle Rd

An application for an amendment to Planned Unit Development (PUD) Ordinance No.C212-01-026 for a property at 501 Old Kyle Rd

Dear Property Owner:

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

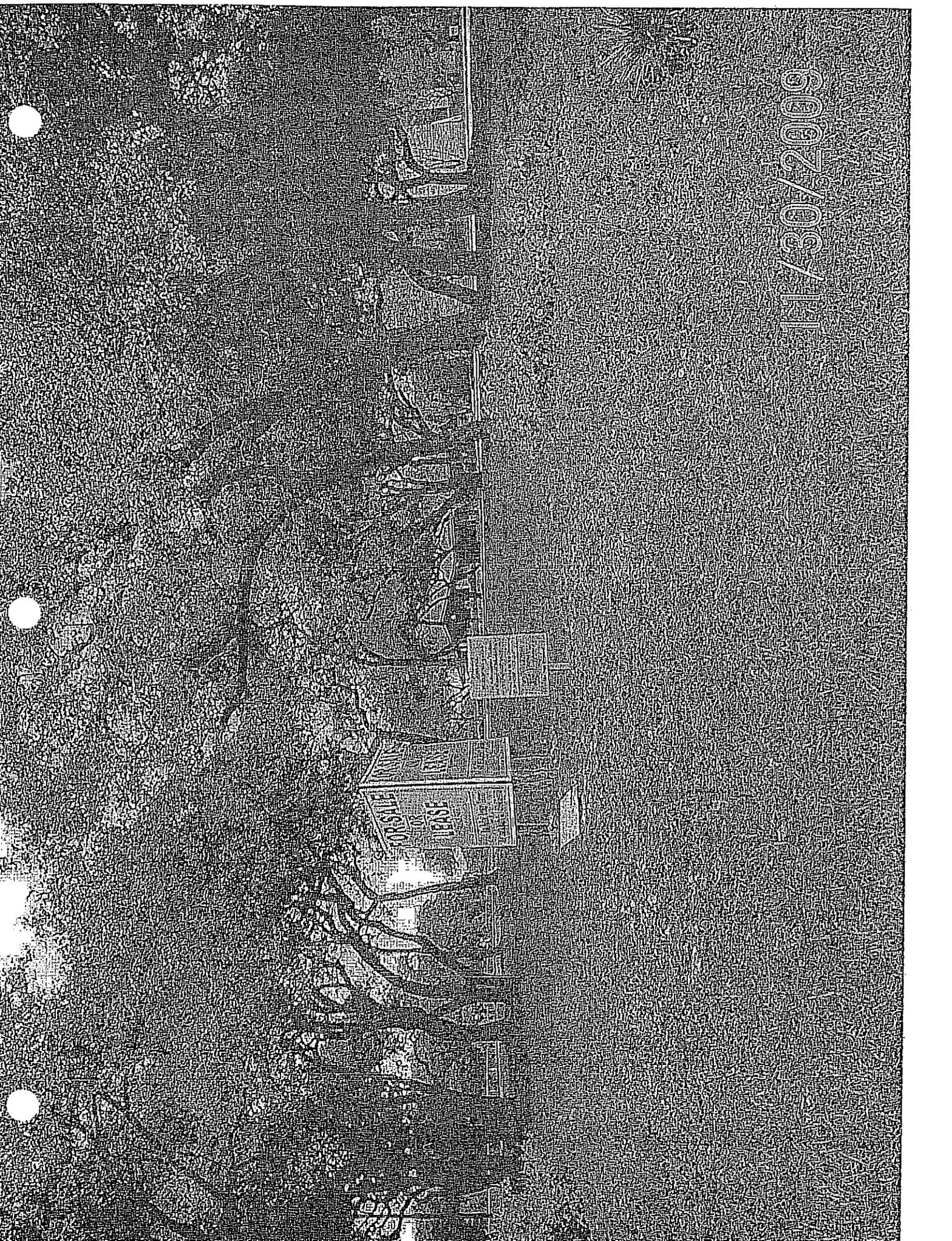
Wimberley Crossroads LLC has applied for an amendment to Planned Unit Development (PUD) Ordinance No.C212-01-026 for a property located at 501 Old Kyle Road. This amendment proposes to change the base zoning on the subject property from Residential Acreage (RA) to Commercial – Low Impact (C-1). In addition, the proposed amendment would allow certain Commercial – Moderate Impact (C-2) uses as well as certain conditional uses as permitted uses in the planned development and revise certain development regulations.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, December 10, 2009 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, December 17, 2009, at 5:30 p.m.** in the Wimberley City Hall.

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

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

CITY OF WIMBERLEY



04/30/2009

THE CLASSIFIED

Wednesday, November 25, 2009

Email your ads to: classad@wimberley.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE

Pursuant to the Texas Motor Vehicle Abandonment Act, these Abandoned and Junked Vehicles will be sold at auction

November 30, 2009

10:00 a.m.
Dripping Springs Service, Inc.
12015 Bonham Ranch Road
Dripping Springs, TX 78620

Make: 02 Mitsubishi
Model: 260CR (TX)

Make: 95 Eagle
Model: JLV (TX)

Make: 99 Toyota
Model: 44Y6SE (TX)

Make: 93 Toyota
Model: 74RJB (TX)

Make: 04 Ford
Model: XA04E9P20 (TX)

Make: 98 Ford
Model: XA04E9P20 (TX)

Raymond Merrill, deceased, of Hays County, Texas, having been granted letters testamentary by the County Court of Hays County, Texas, in Probate Cause No. 11465-P on the 10th day of November, 2009, hereby notifies all persons indebted to said Estate to make payment, and those having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 10th day of November, 2009, by Patricia A. Merrill, Independent Executor of the Estate of BRUCE RAYMOND MERRILL, deceased. **C/O MARILYN C. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.** (085261194)

PUBLIC NOTICE

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, December 10, 2009, at 6:30 p.m. to consider the following: ZA-09-012 - an application for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern at 314 Wimberley Square. Upon recommendation of the Planning & Zoning Commission, the City Council will

also hold a public hearing on Thursday, December 17, 2009, at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 2, Wimberley, Texas. (085261194)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(Request for Almond Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, December 17, 2009, at 6:30 p.m. to consider the following: AV-09-005 - a request for a variance to sell alcohol for on premise consumption less than 300 ft from a school, church, day care or hospital at 314 Wimberley Square. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 2, Wimberley, Texas. (085261194)

prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 2, Wimberley, Texas. (085261194)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(Request for Almond Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, December 17, 2009, at 6:30 p.m. to consider the following: AV-09-005 - a request for a variance to sell alcohol for on premise consumption less than 300 ft from a school, church, day care or hospital at 314 Wimberley Square. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 2, Wimberley, Texas. (085261194)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(RUD 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, December 10, 2009, at 6:00 p.m. to consider the following: ZA-09-026 - an amendment to Planned Unit Development (PUD) Ordinance No. G212-01-026 for property located at 501 Old Kyle Rd. This amendment proposes to change the base zoning on the subject property from Residential Acreage (RA) to Commercial - Moderate Impact (C-2) uses as well as certain conditional uses as permitted uses in the planned development and revise certain development regulations upon recommendation of the Planning & Zoning Commission. The City Council will also hold a public hearing on Thursday, December 17, 2009, at 6:30 p.m. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall,

12111 Ranch Road, 2, Wimberley, Texas. (085261194)

PUBLIC NOTICE

NOTICE TO CREDITORS

Notice is hereby given that original letters testamentary for the Estate of GREG GILBERT, deceased, were issued on November 17, 2009, in Cause No. 11992-P pending in the County Court of Hays County, Texas, to Carrie Campbell. All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and the manner prescribed by law. **Carrie Campbell, 173 FM 3237, Wimberley, Texas, 78676.** Dated the 13th day of November, 2009. (085261194)

PUBLIC NOTICE

NOTICE TO CREDITORS

Notice is hereby given that original letters testamentary for the Estate of ADRIAN CRUZ GONZALEZ, deceased, were issued on November 16, 2009, in Cause No. 11457-P pending in the County Court of Hays County, Texas, to ADRIAN V. TABORI. All persons having claims against this Estate which is currently being administered are required to present

PUBLIC NOTICE

NOTICE TO CREDITORS

Notice is hereby given that original letters testamentary for the Estate of ADRIAN CRUZ GONZALEZ, deceased, were issued on November 16, 2009, in Cause No. 11457-P pending in the County Court of Hays County, Texas, to ADRIAN V. TABORI. All persons having claims against this Estate which is currently being administered are required to present

ORDINANCE NO. 2009-___

AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-01-026 WHICH DESIGNATED REAL PROPERTY LOCATED ON A 6.50 ACRE TRACT, MORE COMMONLY KNOWN AS 501 OLD KYLE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, AS A PLANNED UNIT DEVELOPMENT DISTRICT AND IMPOSED CERTAIN CONDITIONS, IN ORDER TO REVISE PERMITTED USES AND CERTAIN DEVELOPMENT REGULATIONS; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, on November 27, 2001, the City Council approved Ordinance No. ZA-01-026 which designated a certain tract of real property as a Planned Unit Development District (PUD) with a base zoning district of AG; and,

WHEREAS, the property owner wishes to add and delete the permitted uses on the property and revise the development conditions on the property; and,

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, in accordance with section 155.062 of the Code, the Planned Unit Development District (PUD) Zoning is permitted in all Planning Areas of the Comprehensive Plan; 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, the proposed layout of buildings provides the most efficient and practical use of the property due to the proposed change in use; and,

WHEREAS, the property owner proposes to conserve and preserve existing natural resources and landscape features of the property by providing enhancements, including landscaping and utilizing rainwater harvesting techniques on new buildings; and,

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Comprehensive Zoning Ordinance and have concluded that Ordinance No. ZA-01-026, should be amended as described herein, and the real property described as a 6.50 acre tract of land, Wimberley, Hays County, Texas, more commonly known as 501 Old Kyle Road, Wimberley, Hays County, Texas, should be amended as described herein, and such amendments are consistent with established City policy and is in the public interest, subject to the conditions stated herein; 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. 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

A. Zoning. Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding Appendix F, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect, and the property described below is subject to the WPDD Conditions described herein in subsection B., and development and construction on the Property shall be in conformance with this Ordinance and all regulations in effect at the time of submission of an application for a building permit. Appendix F shall read as follows:

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 base zoning of the property described as a 6.50 acre tract land, and more particularly described on the metes and bounds attached to Ordinance No. ZA-01-026, commonly known as 501 Kyle Road, Wimberley, Hays County, Texas, shall be Commercial - Low Impact (C-1). In addition to the uses permitted in the C-1 zoning district, the permitted uses described in Exhibit "A", attached and incorporated by reference for all purposes, shall be allowed on the subject property.

B. Ordinance No. ZA-01-026

Ordinance No. ZA-01-026 is hereby amended as follows:

1. Exhibit "B", attached to Ordinance No. ZA-01-026, shall be replaced in its entirety, with Exhibit "A" (Wimberley Planned Development District) attached to this Ordinance and shall apply to all real property described in Ordinance No. ZA-01-026 (the "Property").

2. A site plan shall be submitted for review and approval by the City of Wimberley prior to construction on any improvements on the Property. A site plan is a detailed engineered development plan consisting of a map or maps and all necessary accompanying narrative and supporting documents to completely define the development to occur on the site or as described in the City's regulations.

Except as expressly as amended herein, Ordinance No. ZA-01-026, shall remain in full force and effect.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE 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.

ARTICLE V. EFFECTIVE DATE

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

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

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

CITY OF WIMBERLEY

BY: _____
Tom A. Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

C. Crosby, City Attorney

EXHIBIT "A"

Wimberley Planned Development District

PROJECT NAME: Wimberley Crossroads
OWNER: Wimberley Crossroads LLC
PROPERTY ADDRESS: 501 Kyle Road, Wimberley Texas (the "Property")

This Planned Unit Development establishes the permitted uses and the conditions upon the construction and future developments on the Property.

A. PURPOSE AND INTENT:

The purpose of this WPDD is to change the permitted uses on the subject Property from church related and public activities to a private commercial use while recognizing the importance of the location of the Property as a gateway to Blue Hole Regional Park and the Wimberley Square. This Planned Development serves as the mechanism to provide the needed flexibility in the use of this Property while maintaining the integrity of this important gateway Property.

B. PERMITTED USES:

1. Base Zoning District: C-1 Commercial – Low Impact
2. Retail Sales and Services: General
3. Personal Services: General
4. Plant Nurseries
5. Funeral and Interment Services: Undertaking
6. Recreational and Entertainment: high impact uses shall be limited to conference, reception and entertainment uses
7. A drive-through or drive-in facility (excluding fast food and fuel service)
8. Bank and Savings and Loan (drive-through)
9. Bed and Breakfast Lodging
10. Health and Fitness and Exercise Facilities: limited
11. Eating Establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption

C. SITE REGULATIONS

1. No Outdoor Music
2. Retail operations may only operate between the hours of 6 a.m. and 8 p.m., daily
3. Eating establishments may operate between the hours of 6 a.m. to 11 p.m., daily
4. Recreation and entertainment uses may operated between the hours of 6 a.m. to 12 a.m., daily
5. Interior illumination of signs is prohibited

D. EXISTING DEVELOPMENT:

The following existing development features and structures that do not comply with the

base district provisions and the WPDD development regulations shall be considered legal nonconforming features and structures except as provided under Site Development Regulations.

1. Church Sanctuary, office and education building.
2. Education & Sports Building.
3. North and South Parking Lots.
4. Maintenance Building.

E. NEW DEVELOPMENT:

1. Any expansion of the current building footprints or the addition of new buildings on the site will require an amendment to this WPDD.
2. Rainwater collection facilities will be required for new construction or the expansion of an existing building's square footage.

F. SITE DEVELOPMENT REGULATIONS:

The physical nature of remediation tasks to be conducted on the Property are described below in terms that permit some flexibility in execution of the final designs. In consideration of the flexibility given to the developer of this Property, the property owner understands that the tasks described below will be undertaken in a timely way and with due diligence to substantially achieve the objectives described.

1. **Blue Hole Road Right-of-Way**
The west perimeter of the existing parking lot and other paved surface of the Property shall be altered to separate it from the Blue Hole Road easement. The separation shall consist of vegetative islands of not less than five feet in width, with trees described on the City's approved landscaping list, between the road easement and the parking lot surface. Entries to the parking lot from the road shall be located according to best practices for parking lot design. The parking lot markings and entrance locations shall be studied by the owner to ascertain that the most effective use of the space has been achieved.
2. **Rain Water Collection**
To augment or to reduce the necessary capacity of the drainage filtration and retention, an optional rain water collection system may be employed to collect the rain water. Such system shall be required for all new construction or expansion of existing structures as described in Paragraph F. above.
3. **Landscaping**
Every possibility to add landscape plant material to the Property should be considered. The inclusion of additional vegetative islands in the parking lot areas would be an important aesthetic asset to the site.

To the greatest extent possible existing trees with caliper greater than or equal to eight inches shall be preserved with the necessary adjustment to at-ground and above ground structures. Trees designated for preservation that are destroyed by construction shall be replaced with equal cumulative caliper of smaller trees of

not less than three inch caliper. Trees should be protected from vehicles with curbs and barriers and should be protected during construction from heavy equipment in the sensitive root zone. The Property owner, its contractors and sub contractors shall be held liable for failure to observe requirements for tree protection and for tree replacement.

G. DEVELOPMENT REGULATIONS:

Development regulations for the base district and Ordinances of the City of Wimberley shall apply except as otherwise explicitly provided in this WPDD Agreement.

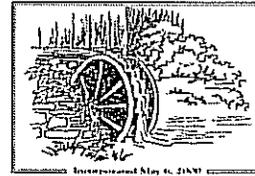
- a. Subdivision or condominium division of the property shall not be permitted except under terms of an amendment to the WPDD agreement.
- b. Open storage or placement of materials, commodities or equipment and machinery, including inoperative or unlicensed motor vehicles and unlicensed trailers, shall not be within the building setback and shall be fully screened, by fence (as permitted by the City) and/or vegetative screening, from City streets or roads or adjacent or facing residential or un-zoned districts.
- c. No structure or feature shall be created on the Property that impedes the free flow of storm water off the surface of a street or road for a distance exceeding twenty five feet. To alleviate a drainage impediment of this kind the City may order the modification of any such existing structure or feature.
- d. Final plans for construction, drainage features, and for landscaping material shall be submitted to the City for review and approval based on the intent and objectives set forth herein.
- e. All new and replacement outdoor lighting fixtures shall conform to the City Outdoor Lighting Ordinance.
- f. Architectural design standards shall conform to the existing development's design and traditional Hill Country design standards.
- g. All monument signage on the Property shall be less than 8 feet in height and 64 square feet. All other signage on the Property shall comply with the City of Wimberley sign ordinance.
- h. Any new or replacement fence shall comply with the following regulations.
 - A. Any fence that faces a street or road within the incorporated limits of the City of Wimberley and is more than four feet (4 ft) in height:
 - 1. Shall be erected only with a City Building Permit; and
 - 2. Shall have a solid to void ratio no greater than 1:8 (12.5%); and
 - 3. Shall be no higher than eight feet (8 ft); and
 - 4. If the material is chain link fencing, shall be placed only within the

street side building setback provided by the zoning district.

- B. Any fence which faces a street or road within the incorporated limits of the City of Wimberley shall be set back from an existing street or road surface on which motor vehicles travel by a distance of not less than six feet or the distance determined by the City to be necessary for the safety of pedestrians and for drainage improvements.
- C. Any fence which faces a street or road within the incorporated limits of the City of Wimberley and which has been damaged to the extent that the cost of repair exceeds sixty percent of the cost of replacement 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.
- D. The City shall permit or require opaque fencing higher than four feet facing a street or road if the City finds it to be necessary or desirable to:
 - 1. Screen from public view, the outdoor placement or storage of vehicles, equipment or materials; or
 - 2. Screen a residential property from an adjacent or facing commercial activity.
 - 3. Screen a residential property from a primary arterial street.

H. **DEFINITIONS:** All words and phrases used herein shall be defined as currently described in the City's Code of Ordinances.

Report for Subdivision Request C212-09-003



Summary:

The applicant has submitted a request for a variance from section 154.063 (C) pertaining to lot shape

Applicant Information:

Applicant:

Driftwood Surveying
PO Box 379
Wimberley Texas 78676

Property Owner:

Woodie and Christie Hall, Tracey Hill and Joel Means, Jamie Frazier

Subject Property:

Legal Description:

Lot 10 Green Acres

Location:

900, 880 Green Acres Drive

Existing Use of Property:

Residential

Existing Zoning:

ETJ

Proposed Use of Property:

Residential

Proposed Zoning:

ETJ

Planning Area

Overlay District

Surroundings:

Frontage On:

Green Acres

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Un-zoned	Residential,
S of Property	Un-zoned	Residential
E of Property	Un-zoned	Residential
W of Property	Un-zoned	Residential

Legal Notice

200' Letters

N/A

Published

N/A

Sign Placement

N/A

Responses

N/A

Comments:

The applicant has submitted a request to subdivide a 10.039 acre tract into two (2) smaller tracts described as the *Replat of Lot 10, Green Acres, Section 1, Lots 10A and 10B*. Specifically, the proposed plat consists of a 4.309 acre tract referred to as Lot 10A and a 5.730 acre tract referred to as Lot 10B. Access to both lots is available from Green Acres Drive. These lots were previously divided by a metes and bounds description. This subdivision proposes to make this division a legal subdivision. There is currently an occupied home on each lot.

The proposed subdivision does not adhere to the City's requirements relating to lot configuration. As such, the applicant is requesting approval of a variance from Section 154.063(C) of the City Code which requires lots be rectangular in size and conform to the average depth to average width ratio. The purpose of these requirements is, in large part, to discourage the creation of flag-shaped lots.

It should be noted that the lot configurations in the proposed subdivision are consistent with those of surrounding properties in the Green Acres Subdivision. That coupled with the previous existence of these lots in a metes and bounds description serve as the basis of a City staff recommendation to approve the requested variance and proposed subdivision.

On December 10, 2009, the Planning and Zoning Commission held a public hearing on the proposed subdivision and requested variance. Afterwards, the Commission voted unanimously to recommend approval of the plat and variance.

§ 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/quadriplex/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.

(H) *Building lines.* Each property line of each lot shall have a building setback line which runs parallel to the property line. The front and rear building setback lines shall run between the side lot lines. The side building setback lines shall extend from the front building setback line to the rear building setback line. The minimum distance from the lot line to its corresponding building setback line for each designated land use shall conform to the table above in this section.

(1) All building setback lines shall be indicated on the subdivision plat. The area between the property line and the building line shall be the required yard area. No structure or impervious construction shall be allowed in the front yard area except for the following:

- (a) Fences and screens in accordance with § 154.067 of this code;
- (b) Driveways and sidewalks as allowed herein;
- (c) Utility distribution lines and appurtenances within dedicated easements and rights-of-way; and
- (d) Drainage structures.

(2) No structures or impervious construction shall be allowed in required side or rear building setback areas except for the following accessory structures on single- or 2-family residential lots:

- (a) Swimming pools, including surrounding decks, located at least 5 feet from the property line, and screened by a 6-foot tall privacy fence;
- (b) Playscapes not taller than 9 feet above mean grade, located at least 5 feet from the property line, and screened by a 6-foot tall privacy fence;
- (c) Stand-alone satellite dishes or telecommunications devices not taller than 6 feet above mean grade, located at least 5 feet from the property line and screened by a 6-foot tall privacy fence;
- (d) Driveways to side entry garages; and
- (e) Open patios located at least 3 feet from the property line.

1. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PATIO. A level surfaced area without walls and a roof.

2. A patio attached to the principal structure cannot be elevated above the first floor level of the principal structure; a free-standing patio cannot be elevated more than 12 inches above grade level.

(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.

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

(I) *Mobile home space.* All of the design requirements for lots listed in divisions (A) - (I) of this section apply to a mobile home park lease space that serves as a lot area for an individual mobile home unit within a park development.

(J) *Access requirements.*

(1) A minimum of 1 all-weather access area (either individually, or common to more than 1 lot) or driveway shall be provided for each buildable lot connecting the buildable area of the lot to an existing or proposed dedicated public street. An exception may be made for lots within a WPDD which may have similar access to a private street.

(2) All driveway approaches shall be constructed to conform with the city standards and

specifications.

(3) Single-, 2-, and 3-family residential drive approaches shall have a 5-foot minimum radius on each side, a minimum width of 10 feet, a maximum width of 24 feet, and shall be constructed as required by the city standards and specifications.

(4) Driveways shall be spaced as required by §§ 154.060(C) and 154.060(D).

(5) No undivided driveway shall exceed 30 feet in width at the property line nor have a street return radius less than 15 feet except as provided for in division (J)(3) above. No divided driveway shall exceed 45 feet in width at the property line nor have a street return radius less than 15 feet except as provided for in division (J)(3).

(6) All driveways shall approach the street at right angles to the pavement centerline.

(K) *Lot numbering.*

(1) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

(2) Any lot(s) being re-subdivided shall be consecutively numbered beginning with the last available number in the existing block or subdivision.

(L) *Lot drainage.* Lot drainage shall be in conformance with the requirements of § 154.057.

(Ord. 2001-014, § 34020, passed 9-20-2001) Penalty, see § 154.999

DRIFTWOOD SURVEYING



October 28, 2009

Don Ferguson
City Administrator
City of Wimberley, Texas

Pursuant to City Code Section 154.063(C); we are requesting a variance for the rectangular configuration and conformance minimum and maximum average depth and width ratio requirement for the proposed "REPLAT OF LOT 10, GREEN ACRES SECTION ONE".

We are requesting this variance based the existing development and structures located on Lot 10. Also this replat is based on the configuration of the prior division of the Lot as set forth by recorded Warranty Deeds and the separate HCAD Property Identification for tax purposes. The reconfiguration of the tracts that were recorded by deed, is designed to prevent the existing main structures from any encroachments and to meet the required minimum setback per City Code.

Respectfully submitted,

R. J. Pata
Driftwood Surveying
512-847-7222



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

Official Use Only
SUBMISSION DATE: 5/14/09 CASE NO. C212-09-003
SUBDIVISION: Replat of Lot 10 Green Acres Hays County Tax I.D. No. R28634, R28635
LOCATION/DIRECTIONS: Fees Paid: 250.00
APPLICATION TYPE: 4 PROJECT TYPE: 1
PROCESS TYPE: 3 APPLICATION REC'D 5/14 By Abby Griffith

1. OWNER(S): Jamie L. Frazier & Woodie L. Hall, III

MAILING ADDRESS: PO Box 139 CITY/STATE/ZIP: Wimberley, Tx 78676-0139
PHONE (512) 567-6783 FAX () E-MAIL: thehallfoundation@yahoo.com

2. PRIMARY CONTACT (Agent) Cindy Price FIRM: Driftwood Surveying

MAILING ADDRESS: PO Box 379 CITY: Wimberley STATE: Tx ZIP: 78676
PHONE (512) 847-7222 FAX (512) 847-7372 E-MAIL: cindy@driftwoodsurveying.com

3. ENGINEERING FIRM CONTACT:

MAILING ADDRESS: CITY: STATE: ZIP:
PHONE () FAX () E-MAIL

4. SURVEYING FIRM: Driftwood Surveying CONTACT: R.J. Pata

MAILING ADDRESS: P.O. Box 379 CITY: Wimberley STATE: Tx ZIP: 78676
PHONE (512) 847-7222 FAX (512) 847-7372 E-MAIL: rjpata@driftwoodsurveying.com

5. PLAT ATTRIBUTES

NAME: Replat of Lot 10, Green Acres, Section 1 LOCATION: Wimberley Hays County, Tx

SUBDIVISION CLASSIFICATION: R JURISDICTION: E

COMPREHENSIVE PLAN AREA: A CURRENT ZONING:

CITY GRID MAP NUMBERS: C2 TAX APPRAISAL NUMBERS: R28634, R28635

WATERSHED(S): Edwards Aquifer Contributing Zone IN RECHARGE ZONE (Y/N) WIMBERLEY

ELECTRICITY: Pedernales Elec. Co-op WATER SOURCE: Private Individual Water Supply WATER

WASTEWATER/SEWAGE DISPOSAL: Private Individual On-Site Sewage SUPPLY

TELEPHONE SERVICE: Verizon SCHOOL DISTRICT: W.I.S.D.

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

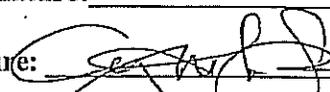
LAND USE (See Table)	NUMBER OF LOTS	NUMBER OF UNITS	ACREAGE
SF	2	2	10.039
TOTALS	2	2	10.039
	LOTS	UNITS	ACRES

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: _____

Applicant's Signature: _____

Date: 4-9-09

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.
- n/a Provide a legal description of the property.
- Sign/date Submittal Verification and/or Waiver of Appearance form.
- n/a Place stake on site with property address so property is easily identifiable.
- n/a 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: _____

APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: 5/12/09

AGENT SIGNATURE _____

FEE SCHEDULE

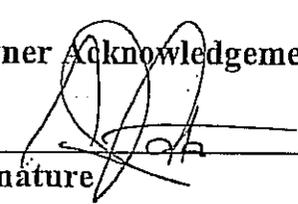
*Residential:	Fee	Additional	Comments
Concept Plan	None		Optional
Preliminary Plat	\$350	+\$25 per lot	
Public Review Final Plat	\$500	+\$10 per lot	
Record Final Plat	\$200	+\$10 per lot	
Amend Plat	\$150		Including Plat Vacation
Short Form Plat	\$250		
*Non-Residential:			
Concept Plan	None		Optional
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/applicant			

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: 5/12/09

Signature 

Replat Lot 10, GREEN ACRES, Section 1

UTILITY SERVICE ACKNOWLEDGMENTS

Utility service codes are to be indicated, as listed below and as applicable, in the space provided in each acknowledgement.

CODES EXPLANATION

- A. Adequate service is currently available to the subject property
- B. Adequate service is currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Electric Service Provider Pedernales Electric Cooperative

Service Code(s) A

Comments/Conditions _____

Electric Company Official Signature [Signature]

Date 4/13/09 Title REPLAT OF WAJ Agent

Telephone Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Telephone Company Official Signature _____

Date _____ Title _____

Gas Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Gas Company Official Signature _____

Date _____ Title _____

W.C.I.S.D. _____

Acknowledgement of Plat _____

Comments/Conditions/Special School Concerns _____

W.C.I.S.D. Official Signature _____

Date _____ Title _____

Water Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Water Company Official Signature _____

Date _____ Title _____

Sewer Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Sewer Company Official Signature _____

Date _____ Title _____

UTILITY SERVICE ACKNOWLEDGMENTS

Utility service codes are to be indicated, as listed below and as applicable, in the space provided in each acknowledgment.

- | CODES | EXPLANATION |
|-------|---|
| A | Adequate service is currently available to the subject property |
| B | Adequate service is currently available, but arrangements <u>have</u> been made to provide it |
| C | Adequate service is not currently available, and arrangements <u>have not</u> been made to provide it |
| D | Need easement(s) within subject property |

Electric Service Provider _____
 Service Code(s) _____
 Comments/Conditions _____
 Electric Company Official Signature _____
 Date _____ Title _____

Telephone Service Provider Verizon
 Service Code(s) _____
 Comments/Conditions 10' PUE AROUND ALL LOT LINES
 Telephone Company Official Signature [Signature]
 Date 4/9/09 Title OP7 - NETWORK ENGINEER

Gas Service Provider _____
 Service Code(s) _____
 Comments/Conditions _____
 Gas Company Official Signature _____
 Date _____ Title _____

W.C.I.S.D. _____
 Acknowledgement of Plat _____
 Comments/Conditions/Special School Concerns _____
 W.C.I.S.D. Official Signature _____
 Date _____ Title _____

Water Service Provider _____
 Service Code(s) _____
 Comments/Conditions _____
 Water Company Official Signature _____
 Date _____ Title _____

Sewer Service Provider _____
 Service Code(s) _____
 Comments/Conditions _____
 Sewer Company Official Signature _____
 Date _____ Title _____



Village of Wimberley

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

Phone: (512) 847-0025 - Fax: (512) 847-0422 Email: wimberley@an-ik.com - Web: www.vil.wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-Tem Council Members - Charles Roccaforte, Jeri Xiques, Terrie Buntel, Dick Larson Don Ferguson, City Administrator

OWNER AGENT DESIGNATION

FORM MUST BE COMPLETED IN FULL PLEASE PRINT OR TYPE

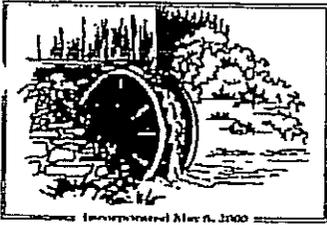
Project Information			
1. Project Name: <u>REPLAT OF LOT 10, GREEN ACRES, SEC. 1</u>		2. Tax ID Number: <u>R2B634/R2B635</u>	
3. Building or Facility Name:			
4. Address: <u>880/900 GREEN ACRES DR.</u>	Suite#:	Village assigned project #	Type of action:

CO-OWNER			
5. Name: <u>Woodie & Christie Hall</u>		6. Company/Firm:	
7. Address: <u>900 Green Acres Dr.</u>		City: <u>Wimberley</u>	State: <u>Tx</u> Zip: <u>78676</u>
8. Phone: <u>847-2524</u>	9. Fax:	10. Email: <u>thchallfoundation@yahoo.com</u>	

AGENT			
11. Name: <u>RJPATA</u>		12. Company/Firm: <u>DRIFTWOOD SURVEYING</u>	
13. Address: <u>P.O. Box 379</u>		City: <u>WIMBERLEY</u>	State: <u>TX</u> Zip: <u>78676</u>
14. Phone: <u>512-847-7228</u>	15. Fax: <u>512-847-7372</u>	16. Email: <u>rjpata@driftwoodsurveying.com</u>	

If the owner chooses to designate an agent to act on the owner's behalf, per §154.028(C)(3)(c) and 155.109(B)(2), the owner must do so in writing. The Owner Agent Designation Form must accompany the Application Form if an agent will be designated. I designate as my agent Owner (Print) Agent (Print) in all responsibilities of ensuring compliance with the provisions of the Code of Wimberley for this project. Owners Signature Date

x Woodie Hall
x Christie Hall



Village of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676
 Phone: (512) 847-0025 - Fax: (512) 847-0422 Email: wimberley@amvil.com Web: www.vil.wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-Tem Council Members - Charles Roccaforte, Jeri Xiques, Terrie Bursiel, Dick Larsson Don Ferguson, City Administrator

OWNER AGENT DESIGNATION

FORM MUST BE COMPLETED IN FULL PLEASE PRINT OR TYPE

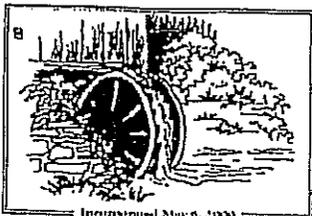
Project Information			
1. Project Name: <u>REPLAT OF LOT 10, GREEN ACRES, SEC. 1</u>		2. Tax ID Number: <u>R28634/R28635</u>	
3. Building or Facility Name:			
4. Address: <u>880900 GREEN ACRES DR.</u>	Sublot:	Village assigned project #	Type of action:

CO-OWNER			
5. Name: <u>TRAVIS HILL & TREL MEANS</u>		6. Company/Firm:	
7. Address: <u>880 GREEN ACRES</u>		City: <u>WIMBERLEY</u>	State: <u>TX</u> Zip: <u>78676</u>
8. Phone: <u>(304) 460-8200</u>	9. Fax:	10. Email: <u>travis@tr77@yahoo.com</u>	

AGENT			
11. Name: <u>RJ PATA</u>		12. Company/Firm: <u>DRIFTWOOD SURVEYING</u>	
13. Address: <u>P.O. Box 379</u>		City: <u>WIMBERLEY</u>	State: <u>TX</u> Zip: <u>78676</u>
14. Phone: <u>512-847-7222</u>	15. Fax: <u>512-847-7312</u>	16. Email: <u>rjpata@driftwoodsurveying.com</u>	

If the owner chooses to designate an agent to act on the owner's behalf, per §154.026(C)(3)(c) and 155.109(B)(2), the owner must do so in writing. The Owner Agent Designation Form must accompany the Application Form if an agent will be designated. I designate as my agent Owner (Print) Agent (Print) in all responsibilities of ensuring compliance with the provisions of the Code of Wimberley for this project. Owners Signature Date

Travis Hill & Trel Means 4/18/09



Village of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676
 Phone: (512) 847-0025 - Fax: (512) 847-0422 E-mail: wimberley@wvill.com - Web: www.vil.wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-Tem Council Members - Charles Roccaforte, Jeri Xiquez, Terric Bursiel, Dick Larson Don Ferguson, City Administrator

OWNER AGENT DESIGNATION

FORM MUST BE COMPLETED IN FULL PLEASE PRINT OR TYPE

Project Information		
1. Project Name: REPLAT OF LOT 10, GREEN ACRES, SEC. 1		2. Tax ID Number: R28634/R28635
3. Building or Facility Name:		
4. Address: 880/900 GREEN ACRES DR.	Suite#:	Village assigned project #
		Type of action:

CO-OWNER			
5. Name: JAMIE L FRAZIER		6. Company/Firm:	
7. Address: 1709 B Matthews Lane		City: Austin	State: TX Zip: 78745
8. Phone: 512-567-6783	9. Fax:	10. Email: TEXASLIBRAGIRL@YAHOO.COM	

AGENT			
11. Name: RJPATA		12. Company/Firm: DRIFTWOOD SURVEYING	
13. Address: P.O. Box 379		City: WIMBERLEY	State: TX Zip: 78676
14. Phone: 512-847-7222	15. Fax: 512-847-7372	16. Email: rjpata@driftwoodsurveying.com	

If the owner chooses to designate an agent to act on the owner's behalf, per §154.026(C)(3)(c) and 155.109(B)(2), the owner must do so in writing. The Owner Agent Designation Form must accompany the Application Form if an agent will be designated. I designate as my agent Owner (Print) Agent (Print) in all responsibilities of ensuring compliance with the provisions of the Code of Wimberley for this project. Owners Signature Date

Jamie L Frazier 6/18/09

REPLAT OF LOT 1, GREEN ACRES, SECTION 1 A SUBDIVISION IN HAYS COUNTY, TEXAS VOLUME 1, PAGE 65, HAYS COUNTY PLAT RECORDS

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that we, James Lee Frasier, and Woodie L. Hall, II, the owners of LOT 1, GREEN ACRES, SECTION 1, HAYS COUNTY, TEXAS, do hereby certify that the REPLAT OF LOT 1, GREEN ACRES, SECTION 1 in accordance with the subdivision plat shown hereon subject to any and all conditions or restrictions hereinafter granted.

WITNESS MY HAND, this _____ day of _____, A.D. 2009

JAMES LEE FRASIER
City Engineer
City of Winkler, Texas 76791-0133

WOODIE L. HALL, II
500 Owen Acres Drive
Winkler, TX 76791-2591

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared, James Lee Frasier and Woodie L. Hall, II, known to me on this occasion, who acknowledged to me the foregoing instrument, and acknowledged to me that they have executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D. 2009

NOTARY PUBLIC in and for Hays County, Texas

I, Udo Filadice, Clerk of Hays County, Texas, do hereby certify foregoing instrument of writing, with its certificate of authentication was filed for record in my office on the _____ day of _____, A.D. 2009 at _____ o'clock _____ M., and duly recorded on the _____ day of _____, A.D. 2009 at _____ o'clock _____ M., in the Plat records of said County and State, in Plat Book No. _____ Page(s) _____

Witness my hand and seal of office of the County Clerk, this the _____ day of _____, A.D. 2009.

Udo Filadice, County Clerk, Hays County, Texas

WINDBLEY WATER SUPPLY CORPORATION
The area of this subdivision is within the water service area of CWIF 10314 in the Windbley Water Supply Corporation (WSC), an approved public water system, Winkler, Texas. The area of this subdivision is within the public water service area of this subdivision in accordance with the policies of Winkler WSC.

Winkler WSC _____ Date _____



STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that I, Rudolf J. Patis, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this replat of LOT 1, GREEN ACRES, SECTION 1, HAYS COUNTY, TEXAS is a true and correct survey of the area shown and that the same conforms to the plat and the survey instruments were found or properly placed under my supervision.

Rudolf J. Patis, Jr.
R.F.L.S. #3330, State of Texas _____ Date _____

I, Don Ferguson, City Administrator of the City of Winkler, Texas, hereby certify that this replat conforms to all requirements of the Subdivision Regulations as to which approval is required.

Don Ferguson, City Administrator
City of Winkler, Texas _____ Date _____

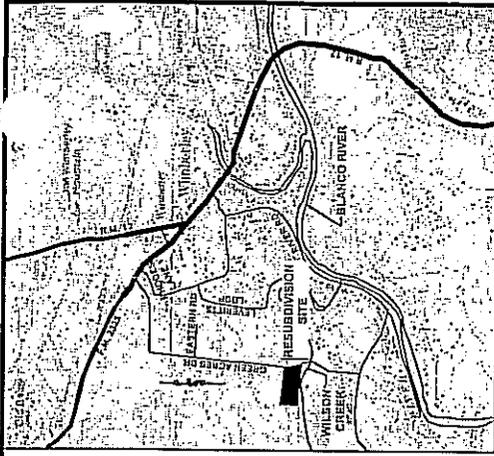
Based upon the representations of the engineer or surveyor whose seal is attached hereto, and after a review of this replat or survey, I, the undersigned, do hereby certify that this replat complies with the requirements of the City of Winkler. This certification is made solely upon the basis of the information furnished to me and I assume no responsibility for any number of errors or omissions which may be contained in the replat or the instrument associated with it.

Don Ferguson, City Administrator
City of Winkler, Texas _____ Date _____

I, Joel D. Whitson, City Engineer of the City of Winkler, Texas, do hereby certify that this replat conforms to all requirements of the Subdivision Regulations to which approval is required.

Joel D. Whitson, City Engineer
City of Winkler, Texas _____ Date _____

LOT SIZE CATEGORIES	
10 ACRES OR LARGER	0 LOTS
LARGER THAN 5.0 ACRES AND SMALLER THAN 10 ACRES	1 LOT
3.00 ACRES OR LARGER UP TO 5.00 ACRES	1 LOT
LARGER THAN 1.00 ACRE AND SMALLER THAN 2.0 ACRES	0 LOTS
SMALLER THAN 1.00 ACRE	0 LOTS



VICINITY MAP
Scale: 1" = 2000'

NOTICE

- This replat lies within the boundaries of the Edwards Contributing Zone of the Edwards Aquifer Recharge Zone.
- A portion of this replat lies within the boundaries of the 100 year floodplain as delineated on Hays County Community Flood #422000 0333 P, dated September 2, 2003.
- This replat lies within the EDI of The City of Winkler.
- This replat lies within the Winkler Independent School District.
- Waste water treatment for this subdivision is to be private, individual septic sewage facilities as approved by Hays County Environmental Health. No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Environmental Health.
- Water mains for this subdivision provided by Winkler Water Supply Corporation.
- Electricity for this replat is provided by Federated Electric Cooperative, Inc.
- Telephone service for this replat is provided by Verizon.
- In order to promote safe use of roadways and preserve the condition of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless (a) a Driveway Permit has been issued by the Road Department of Hays County and (b) the driveway satisfies the minimum spacing required for driveways set forth in Sections 7.4 and 7.5 of the Hays County Subdivision Regulations. An off-street access driveway shall be provided for each lot connecting the lot to dedicated public roadway.
- When required, lots shall have a minimum driveway culvert size of 18".
- No development or construction within the replat may begin until Hays County Development Permit requirements have been satisfied.
- This subdivision replat contains two lots. Lot 10A contains 4,309 acres, and Lot 10B contains 5,700 acres, for a total of 10,033 acres.
- This replat is subject to all general notes and restrictions appearing on the plat of Owen Acres, Section One, recorded in Volume 1, Pages 65-66 of the Plat Records and Volume 234, Pages 419-418 of the Deed Records, both of Hays County, Texas.
- There were no existing structures located within the drainage easement shown on Lot 10B as of the date of this replat.
- No object including buildings, accessory buildings, fences, or landscaping which would interfere with conveyance of storm water shall be placed or erected within the Lot 10B drainage easement.

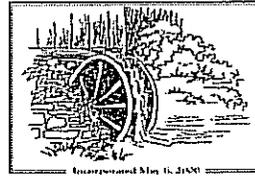
Driftwood Surveying
Professional Land Surveyors - Surveyors for the Hill Country

P.O. Box 370
Winkler, TX 76793
PH (817) 847-7222 FAX (817) 847-1772
Firm No. 0058109

SHEET 1 OF 2

PLATED 10-22-09

Report for Subdivision Request C212-09-005



Summary:

The applicant has submitted a request for a subdivision with variances from Section 154.063 (C) pertaining to lot shape and Section 154.063 (D)(3) pertaining to lot lines

Applicant Information:

Applicant: Clint Garza
1251 Civic Center Loop
San Marcos, TX. 78666

Property Owner: Paul Dunn

Subject Property:

Legal Description: A0277 John W Keeley Survey
Location: FM 3237 and Winters Mill Parkway
Existing Use of Property: Residential
Existing Zoning: ETJ
Proposed Use of Property: Residential; Public Use
Proposed Zoning: ETJ
Planning Area
Overlay District

Surroundings:

Frontage On: FM 3237 and Winters Mill Parkway

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Un-zoned	Residential,
S of Property	Un-zoned	Residential
E of Property	Un-zoned	Residential
W of Property	Un-zoned	Residential

Legal Notice

200' Letters N/A
Published N/A
Sign Placement N/A
Responses N/A

Comments:

The applicant has submitted a request to replat a 5.592 acre tract into two smaller tracts described as WMT Subdivision Lots 1 and 2. Specifically, the proposed plat consists of a 4.122 acre tract referred to as Lot 1 and a 1.470 acre tract referred to as Lot 2. Lot 1 is proposed as a residential lot while Lot 2 will be dedicated to the public as part of the proposed *Blue Hole Regional Park Trail*.

The applicant is requesting a variance from Section 154.063(C) requiring that lots be rectangular in size and conform to the average depth to average width ratio. This requirement serves to discourage the creation of flag-shaped lots. Lot 2 is an irregularly shaped lot with two (2) narrow stems extending to access points at FM 3237 and Winters Mill Parkway. This irregular lot shape is meant to accommodate a walking trail for public use.

The applicant is also requesting a variance from Section 154.063 (D)(3) requiring that the rear lot line be opposite and approximately parallel to the front lot line and that the side lot lines project away from the front lot line at approximately right angles. This requirement serves to discourage the creation of irregularly shaped lots with curved lines. Both lots in this subdivision are proposed to be irregularly shaped in order to accommodate the public use trail.

Due to the proposed accommodation of *The Blue Hole Regional Park Trail*, City staff recommended approval of the proposed subdivision with variances for the Lot Shape and Lot Lines.

On December 10, 2009, the Planning and Zoning Commission held a public hearing on the proposed subdivision and requested variances. Afterwards, the Commission voted unanimously to recommend approval of the subject plat and variances.

§ 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/quadriplex/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.

(H) *Building lines.* Each property line of each lot shall have a building setback line which runs parallel to the property line. The front and rear building setback lines shall run between the side lot lines. The side building setback lines shall extend from the front building setback line to the rear building setback line. The minimum distance from the lot line to its corresponding building setback line for each designated land use shall conform to the table above in this section.

(1) All building setback lines shall be indicated on the subdivision plat. The area between the property line and the building line shall be the required yard area. No structure or impervious construction shall be allowed in the front yard area except for the following:

- (a) Fences and screens in accordance with § 154.067 of this code;
- (b) Driveways and sidewalks as allowed herein;
- (c) Utility distribution lines and appurtenances within dedicated easements and rights-of-way; and
- (d) Drainage structures.

(2) No structures or impervious construction shall be allowed in required side or rear building setback areas except for the following accessory structures on single- or 2-family residential lots:

- (a) Swimming pools, including surrounding decks, located at least 5 feet from the property line, and screened by a 6-foot tall privacy fence;
- (b) Playscapes not taller than 9 feet above mean grade, located at least 5 feet from the property line, and screened by a 6-foot tall privacy fence;
- (c) Stand-alone satellite dishes or telecommunications devices not taller than 6 feet above mean grade, located at least 5 feet from the property line and screened by a 6-foot tall privacy fence;
- (d) Driveways to side entry garages; and
- (e) Open patios located at least 3 feet from the property line.

1. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PATIO. A level surfaced area without walls and a roof.

2. A patio attached to the principal structure cannot be elevated above the first floor level of the principal structure; a free-standing patio cannot be elevated more than 12 inches above grade level.

(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.

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

(I) *Mobile home space.* All of the design requirements for lots listed in divisions (A) - (I) of this section apply to a mobile home park lease space that serves as a lot area for an individual mobile home unit within a park development.

(J) *Access requirements.*

(1) A minimum of 1 all-weather access area (either individually, or common to more than 1 lot) or driveway shall be provided for each buildable lot connecting the buildable area of the lot to an existing or proposed dedicated public street. An exception may be made for lots within a WPDD which may have similar access to a private street.

(2) All driveway approaches shall be constructed to conform with the city standards and

specifications.

(3) Single-, 2-, and 3-family residential drive approaches shall have a 5-foot minimum radius on each side, a minimum width of 10 feet, a maximum width of 24 feet, and shall be constructed as required by the city standards and specifications.

(4) Driveways shall be spaced as required by §§ 154.060(C) and 154.060(D).

(5) No undivided driveway shall exceed 30 feet in width at the property line nor have a street return radius less than 15 feet except as provided for in division (J)(3) above. No divided driveway shall exceed 45 feet in width at the property line nor have a street return radius less than 15 feet except as provided for in division (J)(3).

(6) All driveways shall approach the street at right angles to the pavement centerline.

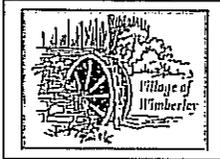
(K) *Lot numbering.*

(1) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

(2) Any lot(s) being resubdivided shall be consecutively numbered beginning with the last available number in the existing block or subdivision.

(L) *Lot drainage.* Lot drainage shall be in conformance with the requirements of § 154.057.

(Ord. 2001-014, § 34020, passed 9-20-2001) Penalty, see § 154.999



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: <u>7/23/09</u>		Official Use Only		CASE NO. <u>1212-09-005</u>	
SUBDIVISION: <u>WMT subdivision</u>		Hays County Tax I.D. No. <u>115938, 215789</u>			
LOCATION/DIRECTIONS: _____			Fees Paid: _____		
APPLICATION TYPE: <u>4</u>		PROJECT TYPE: <u>1</u>			
<small>1= Concept Plan; 2= Preliminary; 3=Public Review Final; 4=Record Final 5=Detailed Development Plans</small>		<small>1=Conventional; 2=WPDD; 3=Small Lot; 4=Townhouse; 5=Rural</small>			
PROCESS TYPE: <u>1</u>		APPLICATION REC'D <u>7/19</u> By <u>ABM</u>		(Does not constitute acceptance)	
<small>1=Conventional; 2=Amend; 3=Short Form; 4=Dedication; 5=Conveyance, 6=Replat/Vacate</small>					

1. OWNER(S): Paul Dunn

MAILING ADDRESS: 6477 Highway 93 S. Box 228 CITY/STATE/ZIP: Whitefish, MN 59937

PHONE () 281-381-1045 FAX () _____ E-MAIL _____

2. PRIMARY CONTACT (Agent) Clint Garza FIRM: Hays County

MAILING ADDRESS: 1251 Civic Center Loop CITY: San Marcos STATE: TX ZIP: 78666

PHONE () 512-393-2150 FAX () 512-393-2190 E-MAIL james.garza@co.hays.tx.us

3. ENGINEERING FIRM _____ CONTACT: _____

MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

PHONE () _____ FAX () _____ E-MAIL _____

4. SURVEYING FIRM: Chaparral Survey CONTACT: Joby Early

MAILING ADDRESS: 3500 McCall Lane CITY: Austin STATE: TX ZIP: 78744

PHONE () 512-443-1724 FAX () _____ E-MAIL joby@chapsurvey.com

5. PLAT ATTRIBUTES

NAME: WMT Subdivision LOCATION: Winters Mill Pkwy and 3237

SUBDIVISION CLASSIFICATION: R JURISDICTION: ETJ

C=Commercial; R=Residential (Based on Land Use & Density) C= City Limits; E=1 mile ETJ;

COMPREHENSIVE PLAN AREA: _____ CURRENT ZONING: _____

CITY GRID MAP NUMBERS: _____ TAX APPRAISAL NUMBERS: _____

WATERSHED(S): _____ IN RECHARGE ZONE (Y) (N)

ELECTRICITY: PEC WATER SOURCE: Well

WASTEWATER/SEWAGE DISPOSAL: OSSF

TELEPHONE SERVICE: Verizon SCHOOL DISTRICT Wimberley ISD

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
SF	1	1	4.122
P	1	1	1.470
TOTALS.....	2	2	5.592
	LOTS	UNITS	ACRES

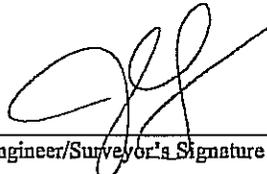
Note: The signature below of an applicant or designated agent authorizes Village of Wimberley Staff to visit and inspect the property for which this application is being submitted. Applicant further understand and agrees that no application shall be considered "filed" and no deadlines shall run against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

Date: _____ Applicant's Signature: _____

Date: 7-23-2009 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.



 7/27/09

 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. *R15789 R115938*
- 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: 7-23-09 APPLICANT SIGNATURE *Paul Dunn*

WHEN APPLICABLE:
Date: 7-28-09 AGENT SIGNATURE *[Signature]*

FEE SCHEDULE

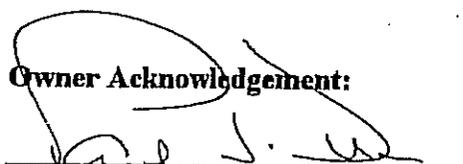
*Residential:	Fee	Additional	Comments
Concept Plan	None		Optional
Preliminary Plat	\$350	+\$25 per lot	
Public Review Final Plat	\$500	+\$10 per lot	
Record Final Plat	\$200	+\$10 per lot	
Amend Plat	\$150		Including Plat Vacation
Short Form Plat	\$250		
*Non-Residential:			
Concept Plan	None		Optional
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/applicant			

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: 7-23-09


Signature

UTILITY SERVICE ACKNOWLEDGMENTS

Utility service codes are to be indicated, as listed below and as applicable, in the space provided in each acknowledgement.

CODES EXPLANATION

- A. Adequate service is currently available to the subject property
- B. Adequate service is currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Electric Service Provider PEDERNALES ELECTRIC COOP
Service Code(s) C

Comments/Conditions _____

Electric Company Official Signature George Engel

Date 7/29/09 Title ENGINEERING SUPERVISOR

Telephone Service Provider VERIZON

Service Code(s) _____

Comments/Conditions AS IS

Telephone Company Official Signature B-V

Date 7/28/2009 Title OPT-NETWORK ENGINEER

Gas Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Gas Company Official Signature _____

Date _____ Title _____

W.C.I.S.D. _____

Acknowledgement of Plat _____

Comments/Conditions/Special School Concerns _____

W.C.I.S.D. Official Signature _____

Date _____ Title _____

Water Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Water Company Official Signature _____

Date _____ Title _____

Sewer Service Provider _____

Service Code(s) _____

Comments/Conditions _____

Sewer Company Official Signature _____

Date _____ Title _____

UTILITY SERVICE ACKNOWLEDGMENTS

Utility service codes are to be indicated, as listed below and as applicable, in the space provided in each acknowledgement.

CODES EXPLANATION

- A. Adequate service is currently available to the subject property
- B. Adequate service is currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Electric Service Provider _____
Service Code(s) _____
Comments/Conditions _____
Electric Company Official Signature _____
Date _____ Title _____

Telephone Service Provider _____
Service Code(s) _____
Comments/Conditions _____
Telephone Company Official Signature _____
Date _____ Title _____

Gas Service Provider _____
Service Code(s) _____
Comments/Conditions _____
Gas Company Official Signature _____
Date _____ Title _____

W.C.I.S.D. Wimberley ISD
Acknowledgement of Plat Yes
Comments/Conditions/Special School Concerns None
W.C.I.S.D. Official Signature [Signature]
Date 7/27/09 Title Superintendent

Water Service Provider _____
Service Code(s) _____
Comments/Conditions _____
Water Company Official Signature _____
Date _____ Title _____

Sewer Service Provider _____
Service Code(s) _____
Comments/Conditions _____
Sewer Company Official Signature _____
Date _____ Title _____

**WMT SUBDIVISION
CITY OF WIMBERLEY, TEXAS**

OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT PAUL DUNN & MARY DUNN, BEING OWNERS OF 5.67 ACRES IN THE J.W. KELLEY SURVEY NO. 6, ABSTRACT NO. 277, IN HAYS COUNTY, TEXAS, CONVEYED BY GENERAL WARRANTY DEED OF RECORD IN VOLUME 3645 PAGE 539 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY SUBDIVIDE 5.532 ACRES IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, TO BE KNOWN AS WMT SUBDIVISION

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF LOT 2, ALL STREETS AND EASEMENTS SHOWN HERETO, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE ____ DAY OF _____, 20__ A.D.

BY: PAUL DUNN

ADDRESS: _____

PHONE: _____

STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PAUL DUNN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEALED IN MY OFFICE, THIS THE ____ DAY OF _____, 20__ A.D.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME _____ MY COMMISSION EXPIRES _____

WITNESS MY HAND THIS THE ____ DAY OF _____, 20__ A.D.

BY: MARY DUNN

ADDRESS: _____

PHONE: _____

STATE OF TEXAS

OF TRAVIS

I, ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARY DUNN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEALED IN MY OFFICE, THIS THE ____ DAY OF _____, 20__ A.D.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME _____ MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATION

THAT I, JOE BEN EARLY, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GRUND ON MAY 19, 2009 AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WIMBERLEY, TEXAS.

Joe Ben Early, Jr. 11/23/09
JOE BEN EARLY, JR., R.P.L.S. 0010



SURVEYING BY:
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3509 McCall Lane
Austin, Texas 78744
(512) 443-1724

PLAT NOTES:

- 1) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE, AND MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT SHOWN HERETO. NO ADDITIONAL EASEMENT RESEARCH WAS DONE FOR THE PURPOSE OF THIS PLAT.
- 2) THE TRACT SHOWN HERETO LIES WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON MAP NO. 48399C002F, DATED SEPTEMBER 2, 2003, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD (HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON) WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
- 3) THIS SUBDIVISION LIES WITHIN THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
- 4) THIS SUBDIVISION LIES WITHIN THE ETJ OF THE CITY OF WIMBERLEY.
- 5) THIS SUBDIVISION LIES WITHIN THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT.
- 6) NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DETERIORATING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED TO QUESTION THE SELLER CONCERNING CROWFOOTER AVAILABILITY. TAPWATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST REUSEABLE WATER RESOURCE.
- 7) WASTEWATER TREATMENT FOR THIS SUBDIVISION IS TO BE PRIVATE, INDIVIDUAL ON-SITE SEWERAGE FACILITIES AS APPROVED BY HAYS COUNTY ENVIRONMENTAL HEALTH. NO STRUCTURE IN THE SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY ENVIRONMENTAL HEALTH.
- 8) TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS (A) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE STATE OF TEXAS OR HAYS COUNTY AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIRED FOR DRIVEWAYS SET FORTH IN THE HAYS COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS. AN ALL-WEATHER ACCESS DRIVE SHALL BE PROVIDED FOR EACH LOT CONNECTING THE LOT TO THE DEDICATED PUBLIC ROADWAY.
- 9) EACH LOT DRIVEWAY SHALL HAVE NOT LESS THAN THE MINIMUM DRIVEWAY CURVEFIT SIZE APPROVED BY THE PERMITTING AGENCY.
- 10) NO DEVELOPMENT OR CONSTRUCTION WITHIN THE SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN SATISFIED.
- 11) LOTS 1 AND 2 ARE EACH CLASSIFIED AS A CORNER LOT AND EACH LOT IS LIMITED TO A SINGLE ACCESS DRIVEWAY UNLESS APPROVED OTHERWISE BY THE CITY OF WIMBERLEY.
- 12) LOT 2 IS DEDICATED, RESERVED AND ACCEPTED AS _____
- 13) THE AREA WITHIN THE DRAINAGE EASEMENT SHALL BE PRESERVED AND RETAINED IN A NATURAL STATE.
- 14) ANY DRAINAGE STRUCTURE CONSTRUCTED WITHIN THE DRAINAGE EASEMENT SHALL BE SIZED TO CARRY THE 25-YEAR STORM FLOW WITH 100-YEAR STORM FLOW DEPTH NOT EXCEEDING A DEPTH OF OVER 6" ABOVE THE DRAINAGE STRUCTURE UNLESS OTHERWISE APPROVED BY THE CITY OF WIMBERLEY.

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

DON FERGUSON, CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

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

DON FERGUSON, ACTING CITY ADMINISTRATOR
CITY OF WIMBERLEY, TEXAS

I, JOEL D. WILKINSON, CITY ENGINEER OF THE CITY OF WIMBERLEY, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

JOEL D. WILKINSON, CITY ENGINEER
CITY OF WIMBERLEY, TEXAS

STATE OF TEXAS:
COUNTY OF HAYS:

I, _____ CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, A.D. 20__ AT ____ O'CLOCK ____ M., AND FULLY RECORDED ON THE ____ DAY OF _____, A.D. 20__ AT ____ O'CLOCK ____ M., IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, BY DOCUMENT NUMBER _____

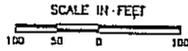
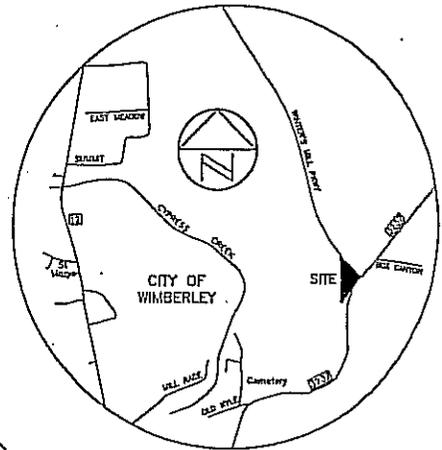
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS ____ DAY OF _____, 20__ A.D.

COUNTY CLERK, HAYS COUNTY, TEXAS

BY _____
DEPUTY

<p>Chaparral Professional Land Surveying, Inc. Surveying and Mapping</p> <p>3500 McCall Lane Austin, Texas 78744 512-443-1724</p>	PROJECT NO.: 501-004
	DRAWING NO.: 501-004-PL1
	PLOT DATE: 11/23/09
	PLOT SCALE: 1" = 100'
	DRAWN BY: JBE
SHEET 02 OF 02	

WMT SUBDIVISION CITY OF WIMBERLEY, TEXAS



No.	BEARING	LENGTH
L30	S73°33'16"W	187.20'
L31	S57°50'58"W	75.92'
L32	S44°07'54"W	178.47'

N.M. WILLIAMS SURVEY
ABSTRACT NO. 482

J.W. KELLEY SURVEY NO. 6
ABSTRACT NO. 277

BENCHMARK: RAIL ROAD SPIRE
SET IN A 1" X 1" LIME DAX WITH
TREE TAG 1231122.
ELEVATION = 933.40'
DATE: MAY 08' (CROSS 09)

THIS IS A SURFACE DRAWING
CONTROL POINT INFO:
CHAPARRAL TRAVERSE POINT P240:
SPINDLE W/WASHER SET
SURFACE COORDINATES:
N 13913910.81
E 2258844.03
TEXAS SOUTH CENTRAL ZONE STATE
PLANE COORDINATES:
N 13912416.93
E 2258600.88
SCALE FACTOR:
SURFACE TO GRID:
0.99999108
GRID TO SURFACE:
1.0001003167
ELEVATION = 801.02'
MAY 08 (CROSS 09)

■	1/2" REBAR FOUND (OR AS NOTED)
●	1/2" REBAR WITH "PROTECTED" ALLIUM CAP FOUND
○	1/2" REBAR WITH CHAPARRAL CAP SET
⊙	COTTON SPINDLE WITH CHAPARRAL WASHER SET
⊞	CONC. BENCHMARK FOUND
●	15" CEDAR TREE FOUND FOR MONUMENT
▲	CALCULATED POINT**
○	FENCE POST FOUND
⊙	CONTROL POINT/BENCHMARK LOCATION
	RECORD INFO FROM [2735/843]
[]	RECORD INFO FROM [990522]
()	GENERAL RECORD INFO
P.L.E.	PUBLIC UTILITY EASEMENT
B.L.	BUILDING SETBACK LINE

No.	BEARING	LENGTH	(RECORD)
L1	S42°16'26"W	135.22'	[542°13'30"W 135.19']
L2	N89°13'08"W	27.56'	[N89°20'20"W 27.56']
L3	N00°26'14"W	214.30'	[N00°37'20"W 214.00']
L4	N00°42'37"E	162.41'	[N00°31'19"E 162.41']
L5	N00°21'46"E	104.55'	[N00°10'28"E 104.55']
L6	N02°35'07"W	177.08'	[N02°46'06"W 177.08']
L7	N01°56'39"W	239.81'	[N01°10'39"W 240.20']
L8	N02°24'13"W	111.59'	[N02°32'32"W 111.07']
L9	S03°41'36"E	39.23'	
L10	S01°21'39"E	91.92'	[S00°33'E 93.28']
L11	S01°21'39"E	53.84'	[S01°32'22"E 53.78']
L12	S01°21'39"E	38.08'	
L13	S89°13'11"W	60.00'	[S89°01'23"W 60.00']
L14	S07°36'20"W	71.68'	[S08°40'W 71.68']

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	(RECORD CHORD)
C1	0°43'31"	3126.00'	19.78'	39.57'	39.57'	S43°56'56"E	
C2	83°12'01"	42.63'	37.84'	61.90'	56.80'	S47°42'58"E	
C3	53°56'15"	134.35'	88.38'	128.47'	121.65'	S60°39'54"E	
C4	51°01'47"	97.94'	48.74'	87.23'	84.37'	S05°23'53"E	
C5	20°28'10"	363.54'	65.53'	129.67'	128.98'	S31°19'41"W	
C6	34°08'54"	273.07'	83.79'	162.59'	160.20'	S27°46'03"W	
C7	7°12'40"	767.84'	48.38'	98.64'	98.58'	S03°11'25"W	
C8	3°44'14"	3126.00'	101.99'	203.90'	203.86'	S46°10'48"E	
C9	28°38'19"	3126.00'	797.93'	1582.50'	1548.28'	N29°16'01"W	
C10	33°06'04"	3126.00'	928.96'	1805.96'	1780.55'	S31°28'53"E	
C11	13°19'24"	1195.92'	139.55'	278.09'	277.47'	S35°15'01"W	[S36°20'46"W 277.26']



JBE
11/23/09

DATE OF SURVEY: MAY 19, 2009
BEARING BASED: GRID AZIMUTH FOR TEXAS SOUTH CENTRAL ZONE STATE PLANE COORDINATES, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

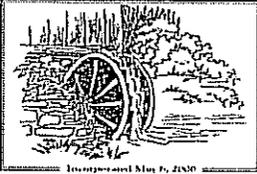
Chaparral

Professional Land Surveying, Inc.
Surveying and Mapping

3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 501-004
DRAWING NO.: 501-004-PL1
PLOT DATE: 11/23/09
PLOT SCALE: 1" = 100'
DRAWN BY: JBE
SHEET 01 OF 02

City Council Agenda Form



Date Submitted: December 14, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER SECOND AND FINAL READING OF OSSF RULES ORDINANCE

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

As the City of Wimberley prepares to assume from Hays County the responsibility for the permitting and inspection of on-site-septic facilities (OSSF) in Wimberley, there is a need for the City to adopt rules for such facilities that are consistent with the requirements of the Texas Commission on Environmental Quality (TCEQ).

To make the regulatory transition as smooth as possible, City staff has drafted a proposed ordinance for consideration that incorporates the OSSF rules that are currently being enforced by Hays County in Wimberley with the exception of certain definitions and rules no longer allowed by TCEQ. Specifically, the state no longer recognizes separate regulations for cluster, type one and conventional septic systems.

The Wimberley Water Wastewater Advisory Board is in agreement with the approach of initially adopting the current Hays County OSSF rules.

On December 3, 2009, the City Council approved the first reading of the proposed OSSF ordinance. The item is on the agenda for City Council to consider adoption of the proposed ordinance on second and final reading following a public hearing.

Please note that the ordinance presented for second reading contains a few minor revisions required by TCEQ. The attached redline copy of the ordinance highlights those changes made following the first reading of the ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE IX (GENERAL REGULATIONS) OF THE CODE OF ORDINANCES TO ADD CHAPTER 95 (ON-SITE SEWAGE FACILITIES REGULATIONS) WHICH PROVIDES FOR INSTALLATION, MAINTENANCE AND PERMITTING REQUIREMENTS FOR ON-SITE SEWAGE FACILITIES IN THE CITY OF WIMBERLEY; AND PROVIDING FOR PENALTIES, FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the City Council of the City of Wimberley, Texas should enact an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Wimberley, Texas; and

WHEREAS, the City Council of the City of Wimberley, Texas finds that the use of on-site sewage facilities in the City of Wimberley, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the City Council of the City of Wimberley, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the City of Wimberley, Texas.

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

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 purposes as findings of fact.

SECTION 2. Amendment. THAT the City of Wimberley Code of Ordinances, Title IX (General Regulations), is hereby amended to add Chapter

95 (On-Site Sewage Facilities Regulations) to read as follows:

"Chapter 95. On-Site Sewage Facilities Regulations

Section 95.01 ENACTMENT PROVISIONS

(A) Popular Name

This Chapter shall be commonly cited as the "On-Site Sewage Facilities Regulations" or "OSSF Regulations."

(B) Purpose

The use of on-site sewage facilities in the City of Wimberley, Texas is causing or may cause pollution or is injuring or may injure the public health; therefore this Chapter provides standards for on-site sewage facilities in order to protect the public health, safety and welfare.

(C) Scope

This Chapter applies to all property within the incorporated municipal boundaries (i.e., "city limits").

Section 95.02 DEFINITIONS

(A) General

Words and phrases used in this Chapter and associated Tables shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(a) Specific

On-site sewage disposal system—One or more systems that:

(A) do not treat or dispose of more than 5,000 gallons of sewage each day; and

(B) are used only for disposal of sewage produced on a site where any part of the system is located.

Septic tank—A watertight covered receptacle constructed to receive, store, and treat sewage by: separating solids from the liquid; digesting organic matter under anaerobic conditions; storing the digested solids through a period of detention; and allowing the clarified liquid to be disposed of by a method approved under this chapter. Under the Rules adopted in Section 95.05 of this ordinance

Contributing Zone of the Barton Springs Segment of the Edwards Aquifer- Any land within the watersheds of Barton, Onion, Slaughter, Williamson, Bear, and Little Bear Creeks. In the event an applicant cannot determine with specificity the location of the boundary of the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer, the Applicant may submit appropriate maps and other evidence as may be requested by the City for assistance in such determination from the City.

City- The City of Wimberley.

Edwards Aquifer Recharge Zone —That area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as a geographic area delineated on official maps located in the TCEQ's central office and in the appropriate regional office, or as amended by Title 30 Texas Administrative Code Chapter 213, (relating to Edwards Aquifer).

Edwards Aquifer Rules- The Regulations promulgated by the TCEQ relating to the Edwards Aquifer, currently set forth in Title 30 Texas Administrative Code Chapter 213, as amended from time to time.

Private Well- Any water well other than a Public Water Well.

Centralized Sewage Collection System- Any public or private sewage system for the collection of sewage that flows into a treatment and disposal system that is regulated pursuant to the rules of the TCEQ and Chapter 26 of the Texas Water Code.

Public Water System – A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which

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Deleted: **Public Sewer System**- Any public or private sewage system for the collection of sewage that flows into a treatment and disposal system that is regulated pursuant to the rules of the TCEQ and Chapter 26 of the Texas Water Code. ¶

Deleted: **Public Water Well**- A water well providing piped water for human consumption with a potential to serve at least 15 service connections on a year-round basis or serving at least 25 individuals on a year-round basis. This definition includes all wells defined as a "Community Water System" or a "Public Water System" under Chapter 290 of the Texas Administrative Code.¶

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includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes: any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. This definition includes Community Water Systems and Public Water Wells.

Rainfall Collection System- An individual potable water supply system approved by the City and having rainwater as its source and having a capacity sufficient to provide all of the domestic water requirements other than irrigation for development on the Lot. The City may approve rainfall collection systems using a well for emergency back-up domestic water requirements on a case by case basis.

Single Family Dwelling-A structure that is either built on or brought to a site, for use as a residence for one family. A single family dwelling includes all detached buildings located on the residential property and routinely used only by members of the household of the single family dwelling.

Site Elevation Materials- The site evaluation materials described in Section 285.30 of the Rules.

Site Specific Materials- The facility planning materials described in Sections 285.4 of the Rules, and, if applicable, Sections 285.5, 285.6, 285.7, and 285.40 of the Rules.

Surface Water- Water from streams, rivers or lakes or other bodies of water above the surface of the ground and obtained without pumping or extracting underground water. Water that is obtained from groundwater or other underground sources through wells, pumps or other means designed to accelerate natural flows from such underground source and which is then stored in a surface reservoir shall not be considered surface water. In the event any water supply system relies primarily on surface water, with reliance upon groundwater only for back-up supplies or a small percentage of the total water supplied, the City Council may, on a case by case basis, approve an application to consider such water supply system as qualifying as a Surface Water system under these rules.

TCEQ- Shall mean and refer to the Texas Commission on Environmental Quality, or its successor agency.

THSC- Shall mean the Texas Health and Safety Code.

Section 95.03 CHAPTER 366

The City of Wimberley, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the THSC and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in this Chapter.

Section 95.04 ON-SITE SEWAGE FACILITY RULES

Any permit issued for an on-site sewage facility within the jurisdictional area of the City of Wimberley, Texas must comply with the Rules adopted in this Chapter.

Section 95.05 ON-SITE SEWAGE FACILITY RULES ADOPTED

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for on-site sewage facilities are hereby adopted, and all officials and employees of the City of Wimberley, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

Section 95.06 INCORPORATION BY REFERENCE

The Rules, 30 TAC Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of this Chapter.

Section 95.07 LOCAL RULES

The City of Wimberley, Texas wishing to adopt more stringent Rules for its OSSF Ordinance understands that the more stringent Local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Local Rules adopted by the City of Wimberley, Texas:

1.1 FACILITY PLANNING

(a) Land Planning and Site Evaluation. All of the terms and provisions of 30 TAC Section 285.4 are incorporated within the Rules of the City of Wimberley except as expressly amended below.

(1) Residential Lot Sizing

(A) Platted or un-platted Lots served by Surface Water or Rainwater Collection Systems. Lots used for single

family residences platted or created after the effective date of these Rules and served by a Surface Water or Rainwater Collection System shall have surface areas of at least the acreage designated in Table 1.1(A).

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(B) *Platted or un-platted Lots served by Public Water Systems.* Lots used for Single Family Residences platted or created after the Effective Date of these Rules and served by a Public Water System, shall have surface areas of at least the acreage designated in Table 1.1(B).

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(C) *Platted or un-platted Lots served by Private Wells or other water systems.* Lots used for Single Family Residences platted or created after the Effective Date of these Rules and served by a Private Well or any other system other than those described in 1.1(A) or 1.1(B) above shall have surface areas of at least the acreage designated in Table 1.1(C).

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(2) Certain Multi-Unit Residential Developments Served by a Central Sewage Collection System for On-Site Disposal.

Non-Single Family residential developments with four or fewer living units, such as duplexes, may utilize lots smaller than stated in paragraphs 1.1(A), 1.1(B) and 1.1(C) of this Section provided:

(A) Site Specific Materials, addressing either a central system or individual systems, and Site Evaluation Materials are submitted to the City and approved by City Council.

(B) There are no more than two living units per each minimum lot acreage that would be applicable under Tables 1.1(A), 1.1(B) or 1.1(C); provided that in no event shall lot acreage be lower than permitted under Chapter 366 of the Texas Health and Safety Code or other applicable State law.

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(3) Apartments, Condominiums, Institutional Uses or Non-Residential (Business, Commercial or Industrial).

Platted or un-platted Lots used for apartment or condominium complexes with more than four (4) units, institutional uses or non-residential uses, including office, commercial or industrial uses producing domestic wastewater shall:

(A) Be sized and designed pursuant to a sewage disposal plan submitted to the City Administrator and approved by the City Council, which shall be based upon approved Site Specific Materials and Site Evaluation Materials; and

(B) Have a surface acreage of at least one (1) acre for each living unit equivalent (LUE) per day. A Living Unit Equivalent is defined as three hundred and fifty (350) gallons of sewage per day.

1.2 MINIMUM REQUIRED SEPARATION DISTANCES FOR ON-SITE SEWAGE FACILITIES

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(a) The minimum separation distances set forth in Table X of the state Rules for soil absorption systems, unlined ET Beds and soil irrigation spray areas for Lots created or platted after the Effective Date of these Rules are supplemented as follows:

- 1. Blanco River (measured from bank at average pool height) 150'
- 2. Cypress Creek and other current creek banks, or to that area defined on the most current FIRM as special flood hazard areas inundated by 100-year flood, which ever is greater (measured from the bank at average pool height) 100'
- 3. Property Lines 20'
- 4. Vegetable gardens or orchards 20'

1.3 WATER WELL SANITARY EASEMENT

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Individual Lots in which a Private Well is to be located shall provide, within the boundary of each Lot, an area with a one hundred (100) foot radius around the well in which no on-site sewage facility may be located. This area shall be designed as a private water well sanitary control easement. Public Water Wells shall comply with the sanitary control easements required under 30 TAC Chapter 290, as amended.

1.4 VARIANCES

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Requests for variances from these Rules shall be considered in accordance with the criteria specified in Section 285.3(h) of the Rules and the following additional criteria:

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(a) Only lots platted in accordance with the City of Wimberley Subdivision Ordinance or legally in existence prior to the Effective Date of

these Rules will be eligible for a variance.

(b) Site Specific Materials and Site Elevation Materials may be substituted with the preliminary plat application for each Lot for which a variance is sought, with a detailed soil profile analysis of the proposed absorption field site demonstrating soil characteristics that meet or exceed the criteria for suitable soils set forth in Section 285.91, Table V of the Rules. In no instance should lots be smaller than allowed Chapter 285 of the state Rules.

Deleted: Table V of the state Rules.

The City Council shall have discretion to approve or deny an application for variance and may approve an application for a variance only upon a finding that (a) development pursuant to the proposed variance will provide equivalent protection of the public health and environment as development in strict accordance with these Rules, including those set forth in Section 95.07 of this Chapter, and (b) that there are special circumstances or conditions affecting the land involved such that strict application of the provisions of these Rules would deprive the applicant the reasonable use of his land and that failure to approve the variance would result in undue hardship on the applicant. Pecuniary hardship, standing alone, shall not be deemed to constitute undue hardship.

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1.5 PUMP TANK SIZING (Amendment to Section 285.34 (b) 2)

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Pump tanks shall be sized for one day of flow above the alarm-on level.

1.6 CRITERIA FOR SEWAGE DISPOSAL SYSTEM EXCAVATIONS (Amendment to Section 285.33(a) (1) (A))

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The bottom of the excavation shall not be less than 18 inches in width and level to within one inch over each 25 feet of excavation but in no event shall there be more than two inches of fall over the entire length of the excavation.

1.7 POROUS MEDIA (Amendment to Section 285.33(a) (1) (B))

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Chipped tires or iron slag are not a permitted medium.

1.8 SURFACE APPLICATION SYSTEMS (Amendment to Section 285.33(d) (2))

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Deleted: IRRIGATION

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The following requirements are imposed in addition to those set forth in Section 285.33(d) (2) for On-Site Sewage Facility utilizing surface irrigation:

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(a) Licenses to operate an On-Site Sewage Facility utilizing surface irrigation shall be valid for two years.

(b) Surface irrigation shall be limited to sprinkler application only.

(c) All On-Site Sewage Facilities utilizing surface irrigation shall be designed to facilitate periodic sampling.

(d) Effluent discharge lines shall be equipped with a 100 mesh or smaller filter

1.9 REQUIRED MAINTENANCE OF ON-SITE SEWAGE SYSTEM USING AEROBIC TREATMENT

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All contracted maintenance of an on-site sewage disposal system using aerobic treatment shall be conducted by a registered/licensed maintenance provider. A copy of the maintenance/inspection report from the registered/licensed maintenance provider shall be provided to the City by said provider no later than 30 days after the completion of the report.

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A homeowner conducting his/her own maintenance prior to the Effective Date of this Order shall be allowed to continue to self maintain his/her on-site sewage disposal system until such time as the system is altered or repaired or is causing a nuisance. The homeowner shall then be subject to the maintenance requirements set forth in this order.

1.10 MISCELLANEOUS

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(a) A permit will be required for all On-Site Sewage Facilities, regardless of the size of the lot or acreage onto which it is installed.

(b) Construction of an On-Site Sewage Facility must be commenced within 12 months and completed within 16 months of the date of the application for a permit.

(c) French drains used to support or protect On-Site Sewage Facilities shall be upgradient of the On-Site Sewage Facility and shall be designed by a registered engineer to prevent stormwater drainage from entering into the On-Site Sewage Facility. An applicant desiring to install a french drain must demonstrate that its use will afford a greater level of public health protection by diverting stormwater away from the On-Site Sewage Facility.

(d) Property owners requesting certification of existing systems will be required to submit a pumping report to the City in a form

acceptable to the City containing at least the following information: (i) verification that the septic tank has been pumped within the previous three years; and (ii) the tank capacity and depth of sludge, provided that pumping reports performed prior to the Effective Date of these Rules will not be required to identify tank capacity and depth of sludge. Upon review of the pumping report, the City, upon approval of the City Council, may require the septic system be upgraded to satisfy the current technical requirements (other than minimum lot acreage) prior to certification.

Section 95.07 DUTIES AND POWERS

The OSSF Designated Representative (DR) (30 TAC § 285.2(17)) of the City of Wimberley, Texas, must be certified by the TCEQ before assuming the duties and responsibilities, and shall be responsible for implementing and enforcing the rules and regulations contained within this Chapter.

Section 95.08 COLLECTION OF FEES

All fees collected for permits and/or inspections shall be made payable to the City of Wimberley, Texas, and in an amount established by City Council. A fee of \$10 will also be collected for each on-site sewage facility permit to be paid to the On-Site Wastewater Treatment Research Council as required by the THSC, Chapter 367.

Section 95.09 APPEALS

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision in writing to the City Council of the City of Wimberley, Texas.

Section 95.10 ENFORCEMENT PLAN

The City of Wimberley, Texas clearly understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSFs.

This Chapter adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285. A violation of this Chapter shall subject violators to the penalties and actions set forth in state law referenced above.

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Section 95.11 RELINQUISHMENT OF ORDINANCE

If the City Council of the City of Wimberley, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the City Council, as the authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d) (1) through (4).

After relinquishing its OSSF authority, the authorized agent understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14 after the date that delegation has been relinquished.

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. Severability. It is hereby declared to be the intention of the City Council of the City of Wimberley, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should 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, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

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, and upon the approval of the TCEQ, whichever shall occur later.

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 _____, 2009, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

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

Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

SEAL

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

TABLE 10.1 (A)

LOTS SERVED BY SURFACE WATER OR RAINWATER COLLECTION SYSTEMS

Wastewater Application Location of Lot Minimum Lot Size

On-Site Sewage Disposal System	a. Within Edwards Aquifer Recharge Zone	2 acres
	b. Within Contributing Zone of Barton Springs Segment of Edwards Aquifer	1.5 acres
	c. All other areas	1 acre

~~Deleted: Public Sewer a. Within Edwards Aquifer . . . None[]
 Recharge Zone . []
 ¶
 b. Within Contributing Zone . . None[]
 Barton Springs Segment[] of
 Edwards Aquifer[] of
 ¶
 c. All other areas None[]
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TABLE 10.1 (B)

LOTS SERVED BY PUBLIC WATER SYSTEM

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<u>Wastewater Application</u>	<u>Location of Lot</u>	<u>Minimum Lot Size</u>
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On-Site Sewage Disposal System	a. Within Edwards Aquifer Recharge Zone	4.5 acres
	b. Within Contributing Zone of Barton Springs Segment of Edwards Aquifer	2.5 acres
	c. All other areas	1.5 acres

Deleted: Public Sewer a. Within Edwards Aquifer . . . 0.75 acres[]
 Recharge Zone . []
 []
 b. Within Contributing Zone . 0.5 acres[]
 Barton Springs Segment[] of
 Edwards Aquifer[] of
 []
 c. All other areas . . . None []

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TABLE 10.1 (C)

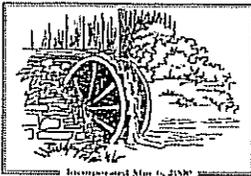
LOTS SERVED BY PRIVATE WELLS OR ANY WATER SYSTEM OTHER THAN A PUBLIC WELL, SURFACE WATER DISTRIBUTION OR RAINWATER COLLECTION

<u>Wastewater Application</u>	<u>Location of Lot</u>	<u>Minimum Lot Size</u>
On-Site Sewage Disposal System	a. Within Edwards Aquifer Recharge Zone	5 acres
	b. Within Contributing Zone of Barton Springs Segment of Edwards Aquifer	3 acres
	c. All other areas	2 acres

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 Within Edwards Aquifer . . . 0.75
 acres[]
 Recharge Zone . []
 []
 b. Within Contributing Zone .
 0.5 acres[]
 Barton Springs Segment[] of
 Edwards Aquifer[] of
 []
 c. All other areas . . . 0.25
 acres[]

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City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER SECOND AND FINAL READING OF FOOD ESTABLISHMENT RULES ORDINANCE

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

As the City of Wimberley prepares to assume from Hays County the responsibility for the permitting and inspection of food establishment facilities in Wimberley, there is a need for the City to adopt rules for such facilities that are consistent with the Texas Food Establishment Regulations of the Texas Board of Health.

In addition to adopting the State requirements, the attached ordinance establishes plan review requirements for proposed food establishments along with permitting requirements for new and existing food establishments such as restaurants, day care centers, bed and breakfast operations and mobile food vendors. The ordinance does not require permits for non-profit food establishments such as school cafeterias and for special event food vendors, however, such operations must still comply with the State food service rules and are subject to inspection by the City.

The ordinance also requires all individuals who are employed by a permitted food establishment to have a valid food handler card.

On December 3, 2009, the City Council adopted the first reading of the proposed ordinance regulating food establishments. The ordinance must be approved on second and final reading in order for the new regulations to go into effect.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE IX (GENERAL REGULATIONS) OF THE CODE OF ORDINANCES TO ADD CHAPTER 94 (FOOD ESTABLISHMENT REGULATIONS) WHICH PROVIDES OPERATING REGULATIONS AND PERMITTING REQUIREMENTS FOR FOOD ESTABLISHMENTS IN THE CITY OF WIMBERLEY; 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 finds that the provision of standards for food establishments operating within the City of Wimberley is needed in order to protect the public health, safety and welfare; and,

WHEREAS, the regulations proposed herein are not designed to deny the right of food establishment operators to operate their establishments, but rather to ensure compliance with the provisions of the Texas Food Establishment Regulations of the Texas Board of Health; and,

WHEREAS, the regulations established have been adopted with reasonable consideration, among other things, its peculiar suitability for the particular uses; 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, 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 purposes as findings of fact.

Section 2. Amendment.

THAT the City of Wimberley Code of Ordinances, Title IX (General Regulations), is hereby amended to add Chapter 94 (Food Establishment Regulations) to read as follows:

Chapter 94. Food Establishment Regulations

Section 94.01 Enactment Provisions

(A) Popular Name

This Ordinance shall be commonly cited as the "Food Establishment Regulations."

(B) Purpose

This Chapter provides standards for food establishments in order to protect the public health, safety and welfare.

(C) Scope

This Chapter applies to all property within the incorporated municipal boundaries (i.e., "city limits").

Section 94.02 DEFINITIONS

(A) General

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(a) Specific

Authorized Agent or Employee: an employee of the City, a representative of the City designated by the City Council. This position may be that of a food establishment inspector.

City: the City of Wimberley, Texas. Any reference herein to the City shall mean the City Council of the City or a person designated by the City Council to perform the duties or exercise the authority provided for in this Chapter.

City Health Inspector: That individual or organization appointed by the City Council to provide Health Inspection Services on behalf of the City.

Food Establishment: a restaurant, cafe, cafeteria or similar establishment, the primary purpose of which is to sell food, beverages or meals to the public, operating either seasonally or year round. For purposes of this Chapter, the term also includes kitchens at child or adult care facilities operating pursuant to a license issued by the State of Texas. This term includes a Mobile Unit. The term excludes a bed and breakfast establishment with seven or fewer rooms for rent that serves only breakfast to its overnight guests.

Mobile Unit: A Food Establishment operated within or in conjunction with an automobile that is not sited in one location for more than twenty-four (24) hours.

Nonprofit: A not-for profit corporation organized pursuant to the laws of the State of Texas, and operating under current Articles of Incorporation on file with the Texas Secretary of State's Office, and in good standing.

Person: A human being, corporation, nonprofit corporation, unincorporated association, government agency, or other entity that is vending food and/or beverages to the public. The term does not include the owner of a vehicle or trailer loaned and/or leased to a nonprofit corporation, school or government agency for purposes of fundraising or charitable activities.

Special Event: a non-profit event for which plans have been reviewed and approved by the City Council of the City of Wimberley.

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State Rules: the Texas Food Establishment Regulations found at Title 25 Texas Administrative Code, Chapter 229, Sections 229.161 through 229.175.

Temporary Food Establishment: a restaurant, cafe, cafeteria or similar establishment, kiosk or stand, the primary purpose of which is to sell food and meals to the public, and that operates in the City three (3) consecutive days or less.

Section 94.03 REGULATIONS

(A) Adoption of Regulations

The City adopts by reference the provisions of the Texas Food Establishment Regulations of the Texas Board of Health which are found in Title 25 Texas Administrative Code, Chapter 229, Sections 229.161 through 229.175 regarding the regulation of food establishments in this jurisdiction, as such rules currently exist, and as they are amended from time to time.

(B) Permits & Exemptions

- (a) **Permits Required:** No person may operate a food establishment without a permit issued by the City. Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this Chapter. A valid permit must be posted in or on every food establishment regulated by this Chapter. This section does not apply to food establishments that operate under a valid permit issued by Hays County.
- (b) **Nonprofits:** A food establishment operated solely by a nonprofit corporation, school or government agency is exempt from the permitting requirements of this Chapter, but is not exempt from compliance with state rules. The City may require any information necessary to determine whether an organization is a nonprofit for purposes of this exemption. The City Health Inspector is authorized to inspect nonprofit food establishments for compliance with City and state rules. Such inspections are for informational and educational purposes only, and shall not result in code enforcement actions, except if the Inspector is required to report any violation to the respective authority or agency.
- (c) **City Approved Special Event(s):** Vendors operating a temporary food establishment at event(s) approved by the City are exempt from the permitting requirements of this Chapter, but are not exempt from compliance with state rules. All food vendors at such events must receive and

abide by packets provided by the City containing health information and safe food preparation techniques. The City Health Inspector is authorized to inspect food establishments at such events for compliance with City and state rules. Such inspections are informational and for educational purposes only, and shall not result in code enforcement actions, except if the Inspector is required to report any violation to the respective authority or agency. This exemption does not apply to corporations (for-profit or nonprofit) operating traveling carnivals.

(C) Application for Permit, Fees & Inspections

- (a) Any person whose previously issued permit has expired, or who seeks to operate a food establishment or temporary food establishment must make a written application for a permit on forms provided by the City. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.
- (b) Except for a food establishment that was in existence and was in operation prior to the effective date of this Chapter, prior to the approval of an initial permit for a food establishment, an Authorized Agent or Employee shall inspect the food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules will be denied a permit or the renewal of a permit.
- (c) The fee for a permit, renewals and inspections shall be set by the City Council, in accordance with the City's Fee Schedule Ordinance.
- (d) By acceptance of a permit, the permittee agrees to permit unannounced annual or periodic inspections for compliance with the State Rules by an Authorized Agent or Employee.

Section 94.04 Certified Food Manager & Certified Food Handler

- (a) Each commercial, permanently located food establishment in the City shall employ at least one Certified Food Manager certified pursuant to an accredited program under the State Rules.
- (b) A bed and breakfast establishment, not exempt from this Chapter, that serves food to its guests must employ at least one Certified Food Manager certified pursuant to an accredited program under the State Rules.
- (c) All individuals who work in or are employed by a Food Establishment shall take a Food Handlers Class and pass a written examination. All employees are required to carry their Food Handlers Certification Card and present it to the Health Inspector upon request.

Section 94.05 Review of Plans

- (a) Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the City for review before work is begun. Extensive remodeling means that twenty percent (20%) or greater of the area of the food establishment is to be remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the City if they meet the requirements of the State Rules or other applicable ordinance of the City. The approved plans and specifications must be followed in construction, remodeling or conversion.
- (b) Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.

Section 94.06 Suspension of Permit

- (a) The City may, without warning, notice, or hearing suspend any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health or if an Authorized Agent or Employee informs

the City that the food establishment is non-compliant with the State Rules and that its permit should be suspended. Suspension is effective upon service of the notice required by this section. When a permit is suspended, food operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within twenty (20) days of receipt of a written request for a hearing.

- (b) Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the City by the holder of the permit within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The City may end the suspension at any time if reasons for the suspension no longer exist.
- (c) The hearing, which shall be administrative in nature, shall be conducted before the Municipal Court Judge. The City may be represented at the hearing by the City Health Inspector, City Attorney, or Municipal Court Prosecutor. The hearing shall not be bound by Texas Rules of Evidence or Texas Code of Criminal Procedure.

Section 94.07 Revocation of Permit

- (a) The City may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the Authorized Agent or Employee conducting in inspection of the food establishment or otherwise performing his or her duties. Prior to revocation, the City shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten day period.
- (b) If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

Section 94.08 Administrative Process

- (a) A notice as required in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the City.
- (b) The hearings provided for in these rules shall be conducted by the City at a time and place designated by it. Based upon the evidence presented at such hearing, the City shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the City.

Section 94.09 Inspector

The City Council is hereby authorized to obtain the services of a trained food establishment inspector. Said inspector shall have those duties and authority established by this Chapter, and those other duties as may be assigned by the City Administrator.

- (a) The City Health Inspector shall have the authority to perform inspections in accordance with state law. Any inspection with a result of thirty (30) or more demerits will require a re-inspection.

Section 94.10 Inspections

- (a) The City Health Inspector shall have the authority to perform inspections in accordance with state law. Any inspection with a result of thirty (30) or more demerits will require a re-inspection.
- (b) As an express condition of receiving a permit from the City, the Applicant consents to entrance to the property and premises by an Authorized Agent or Employee and inspections by the City.

Section 94.11 Violation Notices

- (a) The City Health Inspector has the authority to issue Violation Notices.
- (b) Violation Notices issued under this Chapter may be prosecuted in Municipal Court.

Section 94.12 ENFORCEMENT

(A) Civil & Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Chapter as may be required by governing law. Any person violating any provision of this Chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Chapter is hereby declared to be a nuisance.

(B) Criminal Prosecution

Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Chapter is violated shall constitute a separate offense. An offense under this Chapter is a misdemeanor. The culpable mental state for a criminal offense under this section is criminal negligence.

(C) Civil Remedies

Nothing in this Chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (a) injunctive relief to prevent specific conduct that violates the Chapter or to require specific conduct that is necessary for compliance with the Chapter; and
- (b) a civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Chapter and after receiving notice committed acts in violation of the Chapter or failed to take action necessary for compliance with the Chapter; and other available relief.

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 _____, 2009, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

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

CITY OF WIMBERLEY, TEXAS

Tom Haley, Mayor

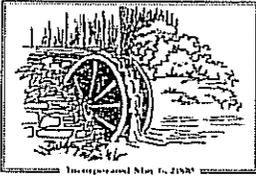
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER SECOND AND FINAL READING OF AN ORDINANCE ESTABLISHING FEES FOR OSSF AND FOOD ESTABLISHMENT PERMITTING AND INSPECTION

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

As the City of Wimberley prepares to assume from Hays County the responsibility for the permitting and inspection of food establishment and on-site-septic facilities (OSSF) in Wimberley, there is a need for the City to establish fees for the permitting and inspection of such facilities.

Attached is a proposed ordinance which amends the *City of Wimberley Fees Ordinance* to include fees for permits, compliance inspections, and plan reviews. It should be noted that the proposed fees are intended to cover the costs incurred by the City for providing OSSF and food establishment permitting and inspection services. City staff recommends approval of the proposed ordinance with the understanding that these fees will be reviewed on a regular basis.

On December 3, 2009, the City Council adopted the proposed fee ordinance on its first reading. The ordinance must be approved on second and final reading in order for the fees to go into effect.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE III (ADMINISTRATION), SECTION 35.01 (FEE SCHEDULE) OF THE CODE OF ORDINANCES TO ADD SUBSECTIONS G. AND H., TO PROVIDE FOR FEES RELATED TO FOOD ESTABLISHMENT INSPECTIONS AND ON-SITE SEWAGE FACILITIES, RESPECTIVELY; 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 food establishments and on-site sewage facilities; and,

WHEREAS, the fees proposed herein are in amounts to cover the City's actual cost to regulate and inspect such establishments and facilities; 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), is hereby amended to add Subsections G. and H., entitled "Food Establishment Fees" and "On-Site Sewage Facilities Fees", respectively, to read as described in the attached Exhibit "A", incorporated by reference for all purposes.

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 _____, 2009, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas.

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

CITY OF WIMBERLEY, TEXAS

Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

EXHIBIT "A"

§ 35.01 (G) FOOD ESTABLISHMENT FEES

1. Annual Food Establishment Permit Fees (Included 2 Inspections)

Number of Employees	Fee
1-15	\$150
16-30	\$250
31+	\$350

2. Food Establishment Compliance Inspection Fee (Inspection triggered by complaint) \$75

3. Food Establishment Compliance Re-inspection Fee \$100
(Fee increases by \$25 per re-inspection and is cumulative)

4. Child/Adult Care, Church and School Establishment Inspection Fees

Licensed # of Children	Fee Without Food Preparation	Fee With Food Preparation
13-40	\$75	\$150
41-100	\$150	\$250
101+	\$250	\$350

5. Child/Adult Care Sanitation Inspection Fee \$75
(Includes facilities with fewer than 13 children/adults custodial care homes/facilities and foster/adoptive homes)

6. Mobile Food Unit Fees

1 st Unit	\$75
Each Additional Unit	\$50

7. Season Permit Fee (Valid for 6 months) \$75

8. Change of Name/Ownership Fee \$75

9. Establishment Plan Review Fees

Actual Plan Review and Two (2) Pre-Opening Inspections	\$350
Each additional pre-opening inspection	\$125

10. Temporary Food Establishment Permit \$25 per unit
per day
11. Establishment Permit and Inspection Late Fee \$20
(Fee for all establishment permit and inspection fees
paid 30 days or more past the due date; \$20 late fee
to be assessed every 30 days past the due date)

§ 35.01 (H) ON-SITE SEWAGE FACILITIES FEES

Permit Application Fee (Includes Three Inspections)

- | | | |
|----|--|-----------------|
| 1. | Single Family Standard System Permit Fee | \$400 |
| 2. | Single Family Engineered System Permit Fee | \$450 |
| 3. | Commercial Engineering System Permit Fee | \$750 |
| 4. | TCEQ On-Site Wastewater Treatment Research Council Fee | \$10 per permit |

Re-inspection Fee \$125 per inspection

On-Site Sewage Facility Certification Fee \$125

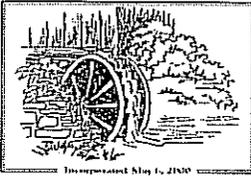
Waiver/Variance Request Fee \$500

Amendment/Engineer Adjustment to On-Site Sewage Facility Permit

- | | | |
|----|----------------------------------|-------|
| 1. | Single Family Residential Permit | \$200 |
| 2. | Commercial Permit | \$400 |

Pre-Application Conference Fee \$50 per hour with a one hour minimum

City Council Agenda Form



Date Submitted: December 14, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER POSSIBLE ACTION REGARDING THE SELECTION OF A FIRM TO PREPARE A BOUNDARY SURVEY FOR THE CITY OF WIMBERLEY

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Recently, the City of Wimberley issued a Request for Qualifications (RFQ) to hire a qualified firm (s) to prepare a boundary survey of the City of Wimberley. Submittals were received from the following firms by the November :

- Baker-Aicklen & Associates/Cedar Park, Texas
- Pro-Tech Engineering/San Marcos, Texas
- The Schultz Group/New Braunfels, Texas
- Vickrey & Associates/Austin, Texas
- Zamora LLC/ Austin, Texas

After reviewing the submittals, City staff narrowed the field of firms to four (4) and interviews were conducted with those firms the week of December 7th. The firms interviewed were Baker-Aicklen & Associates, Pro-Tech Engineering, The Schultz Group and Zamora LLC.

Based on the above mentioned interviews and submittal reviews, City staff is recommending the following two (2) firms for consideration by City Council:

- Baker-Aicklen & Associates
- Pro-Tech Engineering

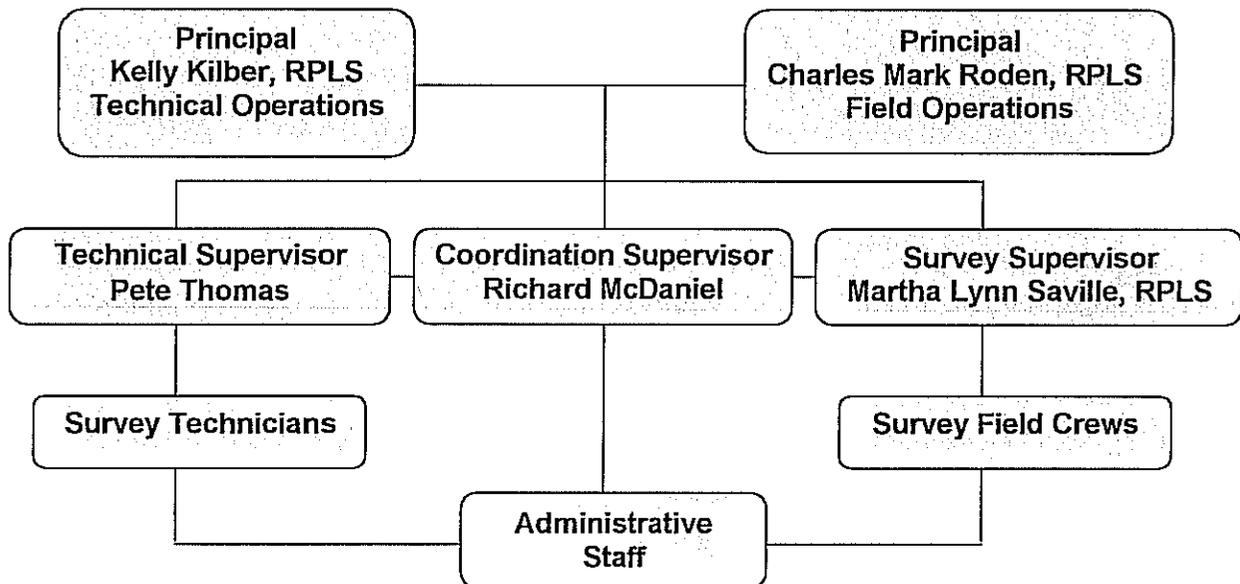
City staff is proposing that City Council conduct public interviews with these two firms in a special meeting that could be held just prior to the Council's regular meeting on January 7, 2010. This would allow City Council the ability to direct staff, at the regular meeting, to negotiate a contract with one of the two firms interviewed or conduct further interviews.

COPY

**STATEMENT OF QUALIFICATIONS
IN RESPONSE TO
CITY OF WIMBERLEY REQUEST FOR QUALIFICATIONS
FOR PROFESSIONAL LAND SURVEYING SERVICES
RFQ NO. 2010-001**

1. FIRM'S HISTORY AND ORGANIZATION

Pro-Tech Engineering Group, Inc., (Pro-Tech) a Texas corporation established in 1974, is teaming with its associate CMR/Pro-Tech Land Surveying Group, Inc., (CMR) a Texas corporation established in 1988, to make this Statement of Qualifications (SOQ) in response to your Request For Qualifications (RFQ) No. 2010-001. Pro-Tech Engineering has maintained its offices in San Marcos since it acquired the surveying business of James R. Hall in 1975. Pro-Tech's offices are currently located at 100 E. San Antonio St., Ste. 100, San Marcos, Tx 78666. CMR's address is P.O. Box 873 Wimberley, Tx 78676. Although CMR is an independent corporation it was created to provide field survey services for Pro-Tech, its primary client. For purposes of this SOQ the two firms will be considered as one with Pro-Tech taking the lead position. Pro-Tech and CMR have worked together for the past 21 years in providing all types of surveys within Hays and surrounding counties. The following Organizational Chart reflects the alliance of the two firms, as it will apply to this project.



2. OVERVIEW OF SERVICES PROVIDED

The surveying services offered to the City of Wimberley by this SOQ shall comply with the specifications for a Category 10, Class A survey as set forth in the Manual of Practice for Land Surveying in the State of Texas, prepared by the Texas Society of Professional Surveyors and adopted June 4, 2005. The survey product shall be a map of the City's boundaries in both hard copy and digital

format, with geodetic control data. Said map shall have an authoritative appearance to the general public as to the actual location of the property boundaries of the City.

Our services shall include the necessary research of the abstract and deed records specified in the "Wimberley Limits" description provided in the RFQ. A primary GPS control network, secondary GPS control and both GPS and conventional survey techniques will be utilized to locate the evidence of these boundaries. We will set or leave as found sufficient, stable and reasonably permanent survey monuments to establish the boundary corners. All survey monuments will be shown and described on the survey map as required by the Professional and Technical Standards promulgated by the Texas Board of Professional Land Surveying and will be included in the metadata accompanying the digital format map as required by a Category 10, Class A survey.

Our survey will meet or exceed the minimal Technical Standards of the Texas Board of Professional Land Surveying in regard to the boundary construction of Wimberley City Limits.

3. TEAM LEADERS

The Principals, Supervisors and other key personnel for this project include:

KELLY KILBER - Principal

RPLS Texas No. 2219

Mr. Kilber, who holds a Bachelor of Science in Civil Engineering, has been a resident of Wimberley for 36 years. Since 1973 he has been providing surveying services to the citizens of Wimberley as well as to Hays County and the surrounding area. He has conducted hundreds if not thousands of surveys during that time.

Mr. Kilber is recognized as a local authority in the field of surveying appearing as an Expert Witness on many occasions. He served as the Hays County Surveyor in 1977-1978, 1987 through 2002, and again from 2007 to date. In 1983, Mr. Kilber teamed with a group of Texas Registered Public Surveyors and T.S. Madson, a surveyor and attorney to produce "MADSON, ON TEXAS REAL PROPERTY BOUNDARY LAW", a 1,100 plus page book on the principals and laws that govern boundary surveys in Texas.

Over the past 20 years, Mr. Kilber has been the principal surveyor for 50 residential communities covering over 180 platted units which encompass more than 51,400 acres of land.

C. MARK RODEN - Principal**RPLS Texas No. 4288**

Mr. Roden earned Bachelors and Masters degrees in Industrial Psychology in 1971 and 1976, respectively. Mr. Roden is a second generation land surveyor who began as a surveyor's helper as a teenager, working with his father. Over the next several years he worked at small and large Texas surveying firms progressing from chainman, to instrument man, to party chief, to survey office technician, and senior party chief. He earned his Texas registration in 1984. Mr. Roden then worked as a director of surveying services and branch office manager. He went into private practice in Wimberley, Texas in 1987 and incorporated CMR/Pro-Tech Land Surveying Group in 1988.

Mr. Roden has extensive experience in large and small boundary surveys, rural and municipal subdivisions, route surveys, engineering design surveys and topographic surveys. He has also completed many continuing education courses, seminars and workshops in such areas as the geology and hydrology of the San Marcos and Barton Springs area of the Edwards Aquifer Recharge Zone, FEMA flood plain training and Geographic Positioning and Geodetic surveying. Mr. Roden has lived in Wimberley and worked in the Central Texas area for more than 20 years.

PRICHARD K. THOMAS - Technical Supervisor

Mr. Thomas came to Pro-Tech 20 years ago after retiring from his Houston based firm, in which he was a principal. Mr. Thomas attended the University of Houston for two years and spent the first 25 years of his professional career in the land development industry in the Harris/Fort Bend County area. He is an astute legal researcher with extensive experience in analysis and the legal aspects of boundary surveying.

RICHARD MCDANIEL - Coordination Supervisor

Mr. McDaniel holds an Associate Degree in Civil Engineering Technology. A "hands on" survey technician with 37 years of experience, he is also adept at project review, coordination and management. Mr. McDaniel has been with Pro-Tech for 26 years, and has represented many of Pro-Tech's clients before review and approval authorities and is highly experienced in the permitting process.

RANDY BURT - GIS Technician

Randy Burt has been working with Pro-Tech as a Civil Engineering GIS Technician since 1998. His education includes an Associate's Degree in Civil and Construction Engineering Technology, courses in Geographic Information Systems, Cartography, and Remote Sensing. He is currently an undergraduate geography student at Texas State University. He has spent the last 11 years as a CAD/GIS Technician responsible for working with associated software and programs to generate and keep information and maps that are used in land survey practices. Mr. Burt is responsible for managing database information

(imagery/geodatabases/shapefiles) and its integration with CAD documents; integration of field-collected GPS data and the use of GIS analysis and GIS peripherals for the map production of geographically referenced information and extensive interactions with Federal, State and Local Planning Departments to obtain various data. He has experience with software systems such as AutoCAD, Land Desktop, Civil 3D (Civil Engineering and Surveying programs), ESRI GIS Software, and ArcView/ArcInfo (GIS, Spatial Analysis, Image Analysis, and 3D Analysis programs).

MARTHA LYNN SAVILLE - Survey Supervisor RPLS Texas No. 5598

Ms. Saville is a seasoned land surveyor with extensive experience both in the field and office. She holds Associates Degrees of Applied Science in Land Surveying Technology and in Drafting and Design Technology. Her 21 years of experience with CMR brought her from a survey crew instrument person to a Registered Professional Land Surveyor responsible for all aspects of her surveys. Her previous three years of experience provided her with a sound basis in survey technology and mapping. Ms. Saville is proficient at records research and automated drafting and with the use of GPS survey equipment as well as conventional survey instruments.

CHRISTOPHER JON ARY - Survey Party Chief RPLS Texas No. 5465

Mr. Ary began his surveying career in 1971 as an entry level rodman. He progressed through the ranks and in 2001 obtained his license as a Registered Professional Land Surveyor. Mr. Ary has worked with CMR as a full time party chief and survey field crew supervisor for the past 18 years. He was the lead "field surveyor" for the Wimberley Village Square survey and has extensive knowledge of the Wimberley area. Mr. Ary is likewise experienced with the use of GPS and conventional survey equipment. He is currently under contract with CMR on an "on-call" basis.

These team members will be assisted by other technical and support staff personnel.

4. EXPERIENCE AND REFERENCES

Pro-Tech and CMR have conducted numerous boundary surveys in their tenure. Many as large or larger than the City's boundary. While serving as the City Engineer for the City of Kyle from 1977 through 1999, Pro-Tech made surveys to locate the original city limits lines on the South and West sides of the City of Kyle, as well as surveys and descriptions of numerous annexation tracts. Pro-Tech also provided surveys and annexation descriptions for the City of San Marcos; prepared the incorporation descriptions for the City of Dripping Springs and Woodcreek and prepared two descriptions for the unsuccessful attempts at the incorporation of the Village of Wimberley. CMR has recently prepared a description of the City of Umland and Mr. Roden, while employed by another firm, prepared the description for the incorporation of the City of Mustang Ridge. It is

important to note that the preparation of these descriptions must be done in such a way as to make them "surveyable". As Registered Professional Land Surveyors we have to prepare these descriptions in such a way as to assure that they can be "surveyed on the ground".

Pro-Tech and CMR have conducted several large boundary surveys in the Central Texas area including the surveys for conveyance and/or subdivision of Eagle Creek Ranch, 2,254 acres; Turner Crest Farms, 3,300 acres; Mountain Springs 1,125 acres; River Chase, 3,687 acres; Mystic Shores, 6,870 acres; River Crossing, 1,900 acres; and Bridlegate, 2,219 acres. The majority of these surveys were conducted for Bluegreen Corporation, a national development company or Southerland Properties, a local developer.

In addition to the references listed in the Vendor Reference Form, please feel free to contact the following, to verify the quality of the service provided by Pro-Tech and CMR.

Name: City of Kyle
Location: Kyle, Hays County, Texas
Contract: J.F. Montague, Director of Public Works (Retired)
Telephone: 512-738-2792
Scope: Numerous Surveys and Engineering Projects
Contact Period: 1977-1999

Name: City of San Marcos
Location: San Marcos, Hays County, Texas
Contract: Ed Theriot, Former Assistant Director of Planning
Telephone: 512-618-2865
Scope: Surveys and Annexation Descriptions
Contact Period: 1993-2006

RFQ FOR PROFESSIONAL LAND SURVEYING SERVICES

VENDOR REFERENCES

Please list five (5) references, **other than the City of Wimberley**, who can verify the quality of service your company provides. The City prefers customers of similar size and scope of work to this RFQ.

REFERENCE ONE

GOVERNMENT/COMPANY NAME: Comal County Engineers Office
LOCATION: Comal County, Texas
CONTACT PERSON AND TITLE: Tom Hornseth, P.E. County Engineer
TELEPHONE NUMBER: 830-608-2090
SCOPE OF SERVICES: Numerous Surveys and Subdivision Developments
CONTRACT PERIOD: 1992-Present

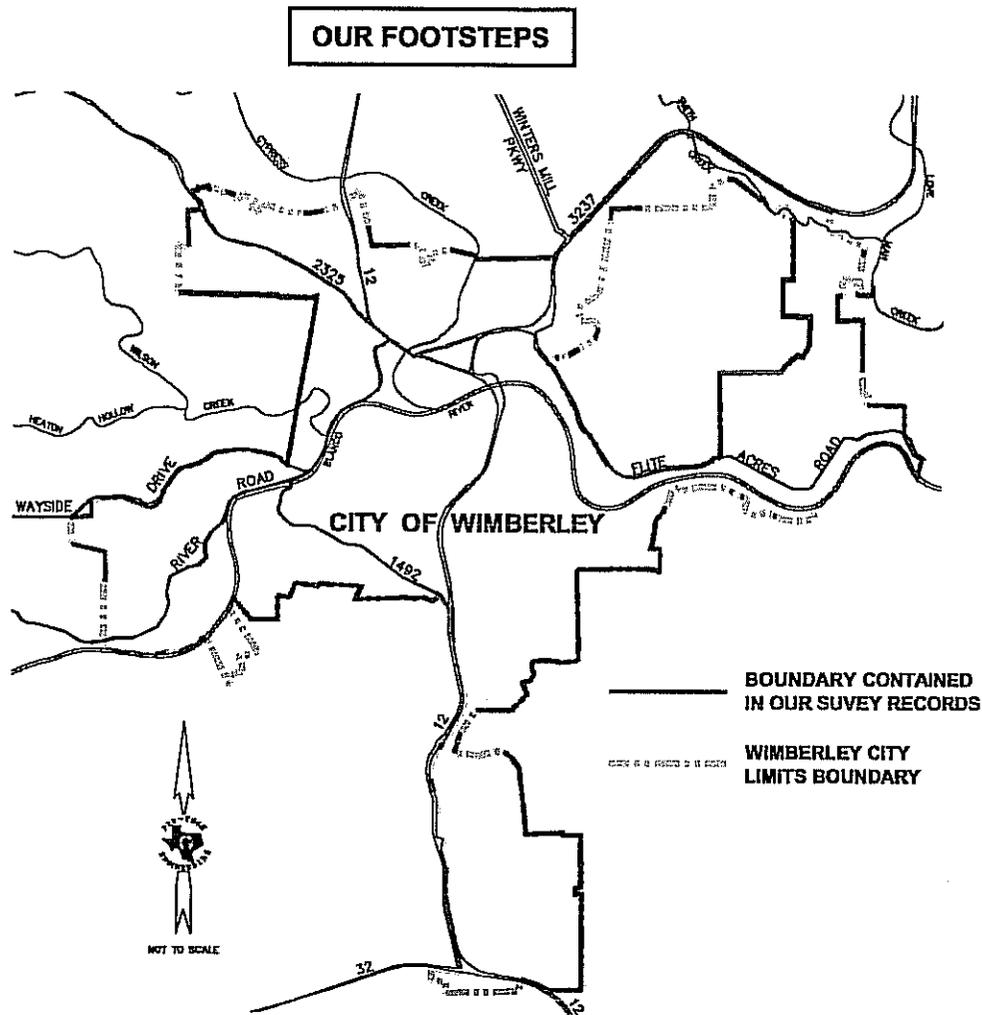
REFERENCE TWO

GOVERNMENT/COMPANY NAME: Bluegreen Southwest One, L.P.
LOCATION: Hays, Comal, Wilson, Dallas, Kendall Counties, Texas
CONTACT PERSON AND TITLE: Jack Dean, Regional President (Retired)
TELEPHONE NUMBER: 512-847-9312, Cell. 512-585-3326
SCOPE OF SERVICES: Numerous Surveys for Subdivision Developments
CONTRACT PERIOD: 1990-2008

REFERENCE THREE

GOVERNMENT/COMPANY NAME: Southerland Properties, Inc.
LOCATION: Hays, Comal, Bandera Counties, Texas
CONTACT PERSON AND TITLE: Charles Patterson, CEO
TELEPHONE NUMBER: 830-228-5263
SCOPE OF SERVICES: Numerous Surveys for Subdivision Developments
CONTRACT PERIOD: 1988-Present

5. UNIQUE QUALIFICATIONS



The Team of Pro-Tech Engineering and CMR/Pro-Tech Surveying are uniquely qualified to do this survey. Not only have they surveyed in this area for the past four decades, but they also have the benefit of the private records of Mr. James Hall, Hays County Surveyor from 1957 to 1977. Mr. Hall surveyed a major portion of the Wimberley area. Pro-Tech and CMR have, "in house", over 50 years of survey data for this area. Not just descriptions and maps which anyone can obtain from the public records, but the original field data, calculations and analysis of the actual physical surveys of the property. We have the historical records in our files. This unique quality will enable us to re-establish lost or obliterated corners quickly and accurately using our previous records and work. In addition, this large volume of previous work has stood the test of time as to its accuracy, relevance and defensibility.

In a re-tracement survey the surveyor is charged, among other things, to "follow the footsteps of the original surveyor". The survey of the city limits boundary of the City of Wimberley is a re-tracement survey and, as you can see on the illustrations above, for the majority of this re-tracement, we will be following our own "FOOTSTEPS".

Prepared for

The City of Wimberley

Response to
Request for Qualifications
For
Professional Surveying Services
RFQ NO. 2010-001

Prepared By



**BAKER-AICKLEN
& ASSOCIATES, INC.**
Engineers • Surveyors • GIS • Planning

405 Brushy Creek Road
Cedar Park, TX 78613
512-260-3700
512-260-3701 (Fax)

Federal Tax ID #74-2241792

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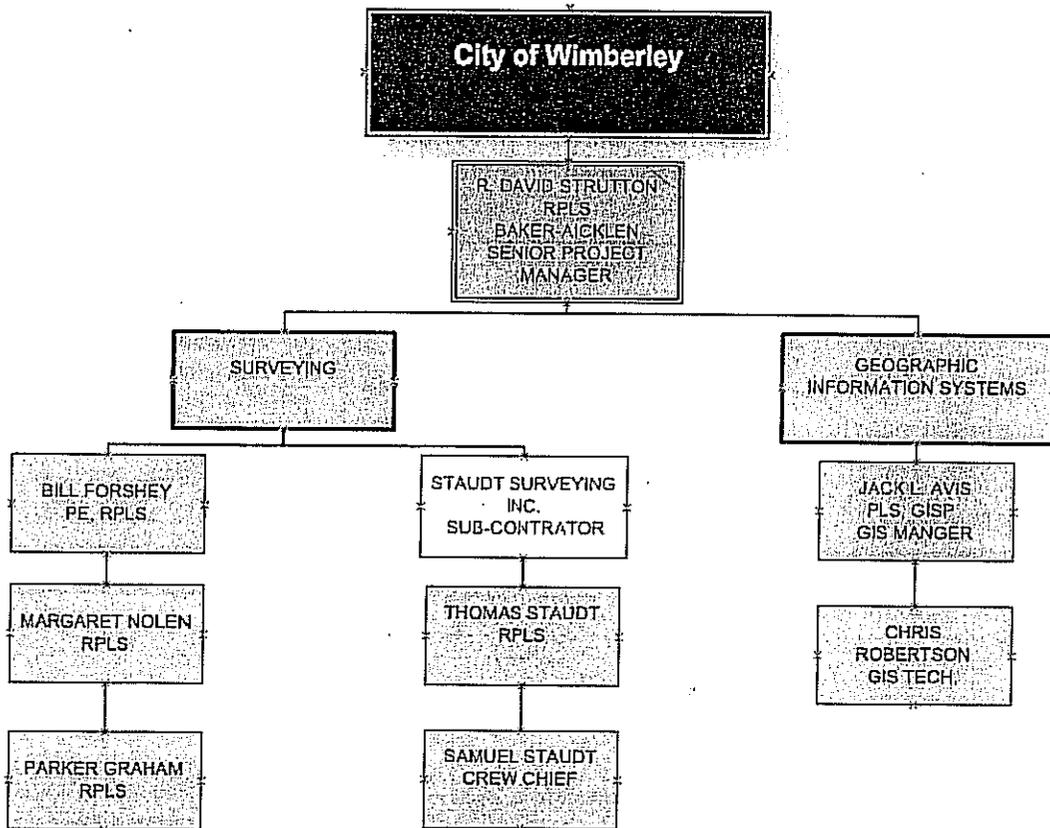
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BAKER-AICKLEN & ASSOCIATES, INC.
PROJECT TEAM ORGANIZATIONAL CHART



INTRODUCTION AND FIRM HISTORY

Baker-Aicklen & Assoc., Inc. is a leading provider of Land Surveying, GIS services and Civil Engineering in the Central Texas area. Since its establishment in 1981, Baker-Aicklen & Assoc., Inc. has developed a reputation for excellence with both private and public sector clients.

Since its formation, Baker-Aicklen & Assoc., Inc. has provided engineering, surveying, GIS and planning services to over 1700 clients, with a high percentage of these assignments being repeat business with the same clients. Though relatively young, the firm has a number of staff members with over 30 years of experience in their respective fields, most of whom serve as senior Project Managers in the firm.

The firm's traditional emphasis on client service and satisfaction is further enhanced by the operation of fully staffed and equipped offices in Cedar Park, Round Rock, and San Marcos. This constellation of offices throughout the region ensures that the company is always close to its most important assets, the client and the project. Baker-Aicklen & Assoc., Inc.'s Survey Department is fully staffed and equipped to handle virtually any type of survey assignment the City of Wimberley might have.

The survey staff at Baker-Aicklen & Assoc., Inc. consists of five Registered Professional Land Surveyors. All are equipped with the very latest in technology in regard to computers and survey and GPS processing software.

Baker-Aicklen & Assoc., Inc. also provides a full range of GIS services to its clients. Digital conversion, boundary and cadastral mapping, automated mapping/facilities management, and field inventory are among the many services the GIS group has to offer.

QUALIFICATIONS FOR PROFESSIONAL LAND SURVEYING AND GIS

Baker-Aicklen & Assoc., Inc. and its subcontractors are staffed and equipped to provide each of the services required by the City of Wimberley and identified in the RFQ. Our approach to providing these types of services, is described and illustrated below.

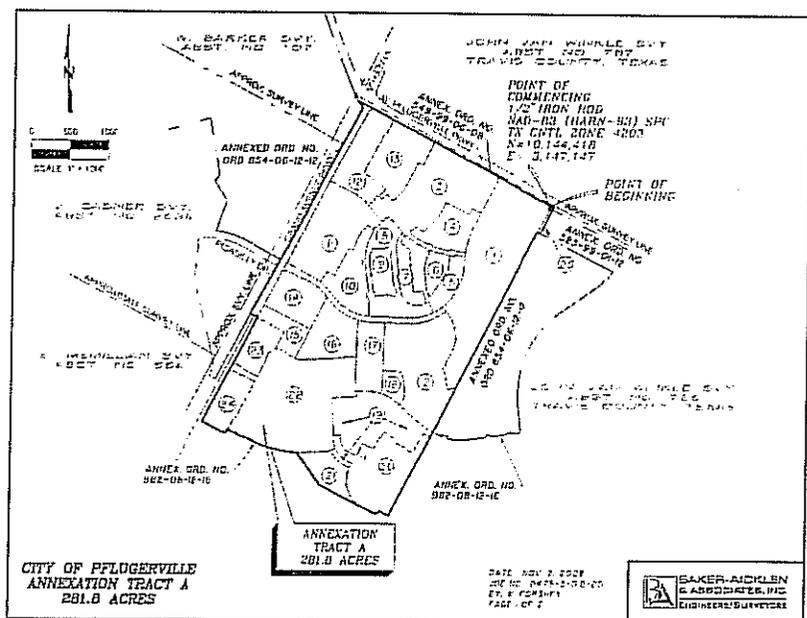
CADASTRAL BOUNDARY AND ANNEXATION SURVEYS

Almost all of Baker-Aicklen & Assoc., Inc.'s surveying activities involve boundary surveying. In some cases the establishment of a boundary and the acreage within that boundary are the primary objective of the survey. In many cases however, the boundary survey is an integral part of an overall project and provides the precise limits within which other operations, such as land title and engineering design surveys, will be completed. Baker-Aicklen is involved in hundreds of surveys yearly that involve the analysis, interpretation, and location of land parcel boundaries. A couple of examples of these surveys are as follows:

City of Pflugerville Annexion Boundary Surveys

Baker-Aicklen has prepared metes and bounds boundary descriptions with sketches for thousands of acres of new city annexations, certificates of convenience and necessity, and other similar political subdivisions.

Areas ranged from individual tracts and portions of roadways to clusters of previously platted county subdivisions



and large raw acreage tracts. Descriptions are typically referenced to a state plane coordinate system to provide for a common basis of bearings and to allow for seamless incorporation into the City's existing GIS.

LAND TITLE RESEARCH

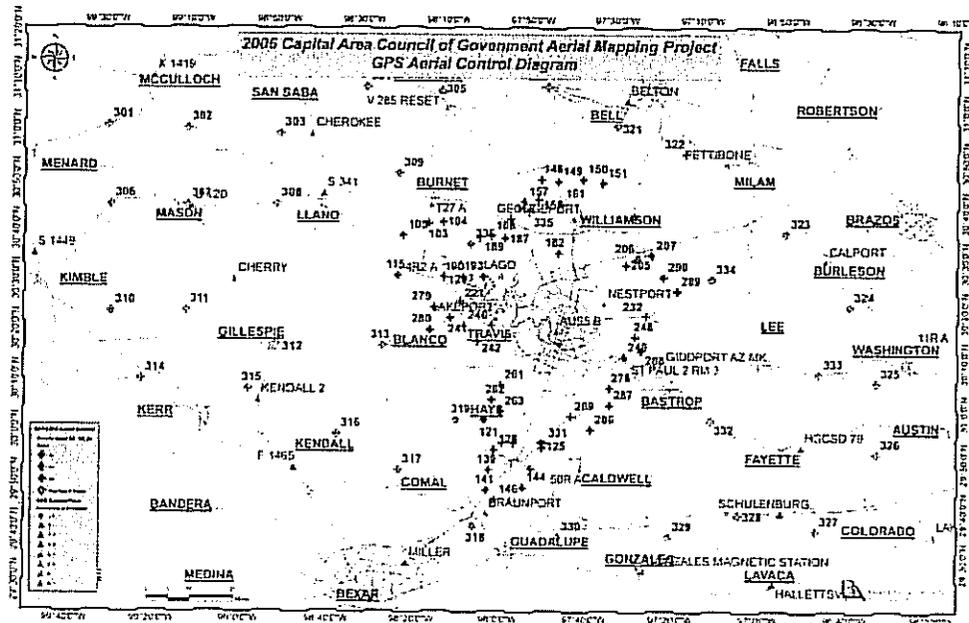
Baker-Aicklen staff and its subcontractors are highly skilled in the collection and research of Appraisal District, County Clerk's Office, General Land Office, and public domain record systems. Our experience includes both manual and online record research systems. We also have many contacts within title companies throughout central Texas which we use for title research assistance. Baker-Aicklen has conducted title research for many roadway right-of-way and parcel acquisition projects. In addition, we have performed numerous annexations for the City of Pflugerville.

GEODETIC CONTROL SURVEYS

Baker-Aicklen is highly experienced at traditional boundary surveying and establishing and maintain geodetic control for municipalities and mutli-governmental projects. Geodetic control projects are referenced to state plane coordinate systems and vertical datums in order to tie projects to a common coordinate system, and sometimes are used to facilitate the use of derived products for GIS and aerial mapping. Global Positioning Systems (GPS) have been used extensively to modernize the horizontal and vertical control networks at the Texas State University at San Marcos.

Aerial Mapping Geodetic Control for (CAPCOG) – This project entailed providing geodetic control surveys for an aerial mapping project throughout 13 counties in Central Texas, with Hays County being one of them.

This project involved establishing Second Order Class II geodetic ground control at 280 panel and photo ID locations covering 11,000 square miles in 13 counties. Control points were observed in the field using four field crews operating Trimble 4000ssi receivers. Field crews prepared GPS occupation sheets and sketches for each survey control point. The post-processing and final adjustments were performed using Trimble Geomatics Office and Star-Net software.



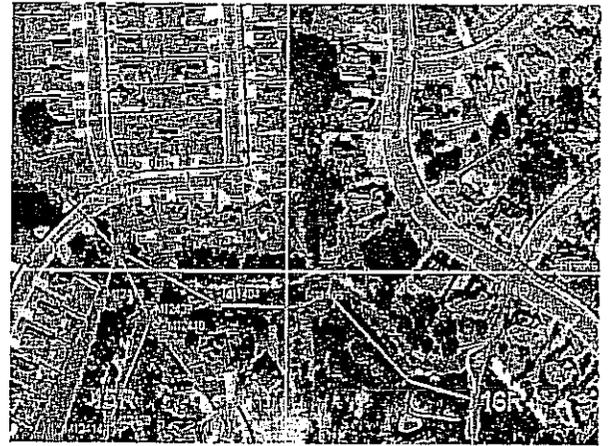
GIS was used to manage the NGS control data sheets, panel configuration, photo ID images, and field logistics through the production of GIS navigational and panel placement map products all of which were an integral part of defining and locating the survey control points.

GEOGRAPHIC INFORMATION SYSTEM SERVICES

Baker-Aicklen maintains a corporate-wide GIS in its three offices. GIS is consistently utilized on engineering and survey proposal and projects. It is also used to inventory survey projects, geodetic control monuments, GIS data conversion, data extraction, utility inventories, map book production, and project management.

City of Round Rock Water and Wastewater GIS\GPS Utility Inventory – Baker-Aicklen's GIS department provided GPS\GIS field inventory for the City's Water and Wastewater (W&WW) systems. This project was a three-year, comprehensive GPS field inventory of water valves, fire hydrants and wastewater manholes. These GIS features were extracted from the W&WW Geodatabase and were transferred to GPS data collectors for the field inventory process. The GIS features were inventoried using virtual reference station GPS technology, and horizontal and vertical accuracies of better than one foot were achieved.

GPS Field Inventory Guidelines were developed to ensure that each field crew was locating the features in the same manner and collecting the required attributes. Final positions and feature attributes were compiled using Trimble's Geomatics Office and formatted as ESRI Shape files for importation back into the W&WW Geodatabase.



PROJECT APPROACH

1. Baker-Aicklen in conjunction with the City will define the specific project goals and end product that will best serve the City of Wimberley's needs to help manage growth. Ultimately, the value of a geographic information system depends on creating a solid survey foundation on which to build additional geospatial information. The TSPS Manual of Practice for Land Surveying in Texas includes a GIS requirements checklist for a Category 10 GIS/LIS survey which will be utilized to determine the controlling elements and deliverables for the City of Wimberley's boundaries.
2. The existing legal description of the Wimberley Limits provided in the RFQ will be reviewed. Additional record data for properties referred to in that description will be collected. Deed plots of those record descriptions will then be prepared showing calls for specific artificial monuments such as iron rods, right-of-ways, and natural monuments such as creeks or rivers.
3. Baker-Aicklen will then compile a list of known geodetic survey control points from different agencies, such as National Geodetic Survey, Lower Colorado River Authority, and Hays County. A field reconnaissance of those monuments will be conducted to verify their existence and viability for use in a geodetic control Global Positioning System (GPS) survey. Additional control monuments in strategic locations around the City boundary will be planned and established to create a horizontal and vertical network and document the geodetic control monuments for future development use.
4. Survey grade GPS equipment and static observation techniques will be utilized to perform the geodetic surveying necessary to establish high accuracy horizontal and vertical positions on these monuments. As called for under Category 10 of the TSPS Manual, the positions will likely be based on the North American Datum of 1983 (NAD-83) with the current High Accuracy Reference Network adjustment of 1993 (HARN-93) as well as the North American Datum of 1988 (NAVD-88) for the vertical component. These are the current standards commonly used and accepted by most municipalities in Central Texas.
5. A sufficient number of the record monuments will be located to reference the Wimberley Limits description to the established geodetic datum. Baker-Aicklen will also review and clarify unique situations to establish a clear definition of the City of Wimberley's limits.
6. Delivery of the Wimberley Limits boundary will be accomplished using CAD and also converted into a Geographic Information System (GIS). We will utilize ESRI ArcGIS shape files as the delivery format. Appropriate meta-data will be included describing the survey methods and controlling monuments and conversion parameters used to establish the City of Wimberley Limits boundary. Documentation of any

established geodetic monuments will also be provided in hard copy and electronic formats for use in GIS and for future annexations or developments.

UNIQUE QUALIFICATIONS

Baker-Aicklen is experienced in all aspects of boundary surveying, geodetic control surveys, and geographic information systems, which are the primary components of this project. Seldom do you find all these skills in a single survey firm. By enlisting the local survey experience and boundary knowledge of Staudt Surveying Inc., we become uniquely qualified to perform the City of Wimberley Boundary survey as local knowledge will be key to this project. Thus we feel that we can provide the City of Wimberley with flawless compilation and delivery of a Boundary Survey according to the specifications for Category 10, Class A Survey, as defined in the Texas Society of Professional Surveyors Manual of Practice.

BAKER-AICKLEN KEY PERSONNEL

R. David Strutton, R.P.L.S. Survey Branch Manager

Bachelor Degree from School of Communications, University of Texas at Austin, 1976
Registered Professional Land Surveyor, TX No. 4312

Projects include Digital Mapping, GPS Geodetic Control surveys, major utility design and construction staking projects, transportation engineering design projects and site civil design surveys. Manages these types of projects for surveying and mapping in the Round Rock, Cedar, Park, and San Marcos, office locations.

William A. Forshey, P.E., R.P.L.S. Assistant Survey Manager

Bachelor of Science Degree in Civil Engineering, Tri-State University, Angola, Indiana, 1984.
P.E., Texas No. 71171 Registered Professional Land Surveyor., TX No. 5097

Project management experience with all aspects of surveying projects include annexation surveys, topographic and boundary surveying for design, preparation of plat and easement documents and construction layout. Site design and platting experience includes commercial, industrial and residential developments as well as public works projects.

Jack L. Avis, PLS, GISP GIS Department Manager

Bachelor of Arts Degree Planning and Regional Development, University of Arizona, 1996
Registered Professional Land Surveyor, Arizona No. 20351
Geographic Information Systems Professional No. 44041
GIS Chairman for the Texas Society of Professional Surveyors.

GIS project management, GIS data development and conversion services, GIS applications development, geodatabase design, SQL server implementations, and asset management integration. GPS utility inventories and geodetic control surveys for aerial mapping projects.

Margaret A. Nolen, R.P.L.S. Staff Surveyor

Exploring Texas Boundary Law, 2006, Aerial LIDAR Mapping, 2004, RTK Surveying, 2003, Learning ArcGIS II, 2003 GPS and the Land Surveyor, 2003 Texas Boundary Law, 1999
Registered Professional Land Surveyor TX No. 5589

Project Surveyor and Project Manager in charge of GPS geodetic control, title, boundary, topographic and engineering design surveys. Assistant Project Manager for GIS projects with Village of the Hills of Lakeway and Hurst Creek MUD GIS projects.

SUBCONTRACTOR EXPERIENCE AND PERSONNEL

STAUDT SURVEYING INC.

State of Texas HUB Certified
Certificate No. 1753092183600

Staudt Surveying first opened its doors Dripping Springs in 1985. Economic conditions caused closure in 1988, but the company reopened in 1997 and has been in business continually since that time. Our company offers a wide variety of surveying services to meet the needs of our clients regardless of the size of the project.

TYPICAL PROJECTS INCLUDE:

Commercial/Residential Title Surveys	Topographic and Tree surveys
Engineering Design Surveys	Right-of-Ways and Easement Descriptions
Commercial/Residential Subdivision Platting	Construction staking

Staudt Surveying is a highly qualified firm that utilizes electronic total stations and survey grade Global Positioning System (GPS) equipment to gather survey data. The firm is a founding member of a Central Texas RTK Virtual Reference Station network and houses one of the reference base stations for that network. That allows them to perform RTK GPS surveys much more efficiently than typical GPS methods. The staff uses design and analysis software that enables them to provide clients with an accurate and reliable finished product that can be shared with other design professionals such as architects and engineers as the need arises. Staudt Surveying is locally based with a great deal of experience working in and around Wimberley.

KEY PERSONNEL

Sally M. Staudt – President Sally received a BS in Forestry from Stephen F. Austin State University in 1977. After college, she worked as a Management Forester for 5 years in East Texas and a Procurement Forester for 7 years in Virginia. She has worked in the surveying profession in East and Central Texas and Central Virginia, as well as in their current business.

Thomas E. Staudt, RPLS 3984 – Vice President Tom received a BS in Forestry from Stephen F. Austin State University in December 1977 and immediately began his surveying career. He became a Licensed Surveyor in Texas in 1981 and in Virginia in 1993. In his 30 years of surveying experience, he has worked for the U.S. Forest Service and for surveying companies in East Texas, Central Texas, and Central Virginia. He, along with his wife Sally, have owned and operated Staudt Surveying, Inc. in Dripping Springs, Texas, for the past 12 years.

STAUDT SURVEYING INC. PROJECT EXPERIENCE

In 1985 Staudt compiled the original map used in creating the Dripping Springs ETJ.
City of Dripping Springs Waste Water Easement Project – GPS surveyed and prepared easement exhibits for this project in 2007-2008.
City of Liberty Hill Wastewater Project - In 2005, provided control for aerial photography and design surveying. Also provided construction staking for the newly designed wastewater lines.

In the past 12 years, Staudt Surveying has provided surveying services all over Central Texas, however, the vast majority of its work has been in Hays County. The Company has a large collection of Hays County documents and information in its office and is proficient at searching Hays County records for property documents and recorded surveys.

RFQ FOR PROFESSIONAL LAND SURVEYING SERVICES

VENDOR REFERENCES

Please list five (5) references, other than the City of Wimberley, who can verify the quality of service your company provides. The City prefers customers of similar size and scope of work of this RFQ.

REFERENCE ONE:

Government/Company Name: City of Pflugerville

Location: Pflugerville, Texas

Contact Person and Title: Trey Fletcher – Development Services Director

Telephone Number: (512) 990-6300

Scope of Work: Prepared Several City Annexation Descriptions

Contact Period: Individual contracts from 2002 to present

REFERENCE TWO:

Government/Company Name: CAPCOG/Sanborn

Location: Central Texas Counties

Contact Person and Title: Karen Adkins, PMP – Project Manager

Telephone Number: (719) 264-5542

Scope of Work: Geodetic Control Survey

Contact Period: 2006-2007

REFERENCE THREE:

Government/Company Name: City of Round Rock

Location: Round Rock, Texas

Contact Person and Title: David Freireich – Senior Utility Engineer

Telephone Number: (512) 671-2756

Scope of Work: GIS/GPS Field Inventory for Water/Wastewater

Contact Period: 2006-2008

REFERENCE FOUR:

Government/Company Name: Texas State University at San Marcos

Location: San Marcos, Texas

Contact Person and Title: Robert Stafford - Facilities

Telephone Number: (512) 245-2134

Scope of Work: TSU Benchmark Survey

Contact Period: 2007-2008

REFERENCE FIVE:

Government/Company Name: City of Cedar Park

Location: Cedar Park, Texas

Contact Person and Title: Duane Smith – Director Planning / Commercial Development

Telephone Number: (512) 401-5060

Scope of Work: Annexation and Boundary Research

Contact Period: 2008

RFQ FOR PROFESSIONAL LAND SURVEYING SERVICES

The undersigned agrees this RFQ becomes the property of the City of Wimberley after the official opening.

The undersigned affirms he has familiarized himself with the local conditions under which the work is to be performed; satisfied himself of the scope of services to be provided and all other matters which may be incidental to the work.

The undersigned agrees, if this RFQ is accepted, the period for acceptance of will be sixty (60) calendar days unless a different period is agreed to.

The undersigned affirms that they are duly authorized to execute this contract, that this RFQ has not been prepared in collusion with any employee of the City of Wimberley, and that the contents of this RFQ have not been communicated to any other firm or to any employee of the City of Wimberley prior to the official opening.

The undersigned affirms that they have read and do understand the specifications and any attachments contained in this RFQ package.

NAME AND ADDRESS OF COMPANY: AUTHORIZED REPRESENTATIVE:

<u>Baker-Aicklen & Assoc</u>	Signature <u><i>R. David Strutton</i></u>
<u>405 Brushy Creek Rd.</u>	Date <u>November 23, 2009</u>
<u>Cedar Park, TX 78613</u>	Name <u>R. David Strutton, RPLS</u>
	Title <u>Vice President Surveying</u>
Tel. No. <u>(512) 260-3700</u>	FAX No. <u>(512) 260-3701</u>

AFTER HOURS EMERGENCY CONTACT:

Name: Bill Forshey, PE RPLS Tel. No. (512) 750-1307 (mbl)

COMPANY IS:

Business included in a Corporate Income Tax Return? YES NO

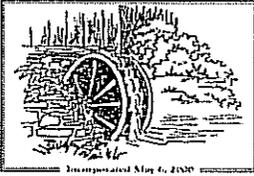
Corporation organized & existing under the laws of the State of Texas

Partnership consisting of Joe & JoAnn Baker, Ken Aicklen

Individual trading as _____

Principal offices are in the city of Round Rock, Texas

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER ISSUES
RELATING TO THE POSSIBLE APPLICATION FOR
TIER III FUNDING FOR CENTRALIZED WASTEWATER

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The planned development of a centralized wastewater system to serve the downtown Wimberley area is one of several priority projects recently identified by the Texas Water Development Board in the State Fiscal Year (SFY) 2010 Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP). As a result, the Guadalupe Blanco River Authority (GBRA), on behalf of the City of Wimberley, has been invited to submit an application for Tier III (federal) financial assistance which is available in the form of a long term loan with a significantly reduced interest rate.

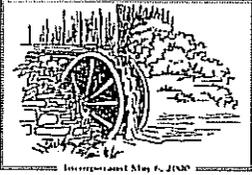
The City and GBRA have until the third week in January to submit an application to secure funding assistance. Applications for Tier III funds will be funded on a first-come, first-served basis until there are no more Tier III funds available. Tier III funding comes in the form of a 20-year loan at an interest rate of 3.4% which is 1.95% below market rate. Longer term loans are available higher interest rates.

The maximum loan available for the Wimberley project under this invitation is \$4.38 million.

Since receipt of the invitation in October, the GBRA and City staff have been working to finalize the Preliminary Engineering Report (PER) on the project, performing a customer cost analysis, and meeting with TWDB staff to complete the application. At the City Council meeting, council members will be briefed on the status of these efforts.

It is anticipated that the GBRA Board of Directors and City Council will be asked to make a final decision on submitting the application for funding assistance in mid-January.

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER ACTION ON POSSIBLE ROUTE FOR MEETING FUTURE WATER SUPPLY NEEDS FOR WIMBERLEY VALLEY

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The Texas Water Development Board's (TWDB) Region L Water Supply Planning Group (RWPG) is nearing the point in the TWDB-mandated planning schedule where specific recommendations must be made on meeting future water supply needs for various water user groups in the region.

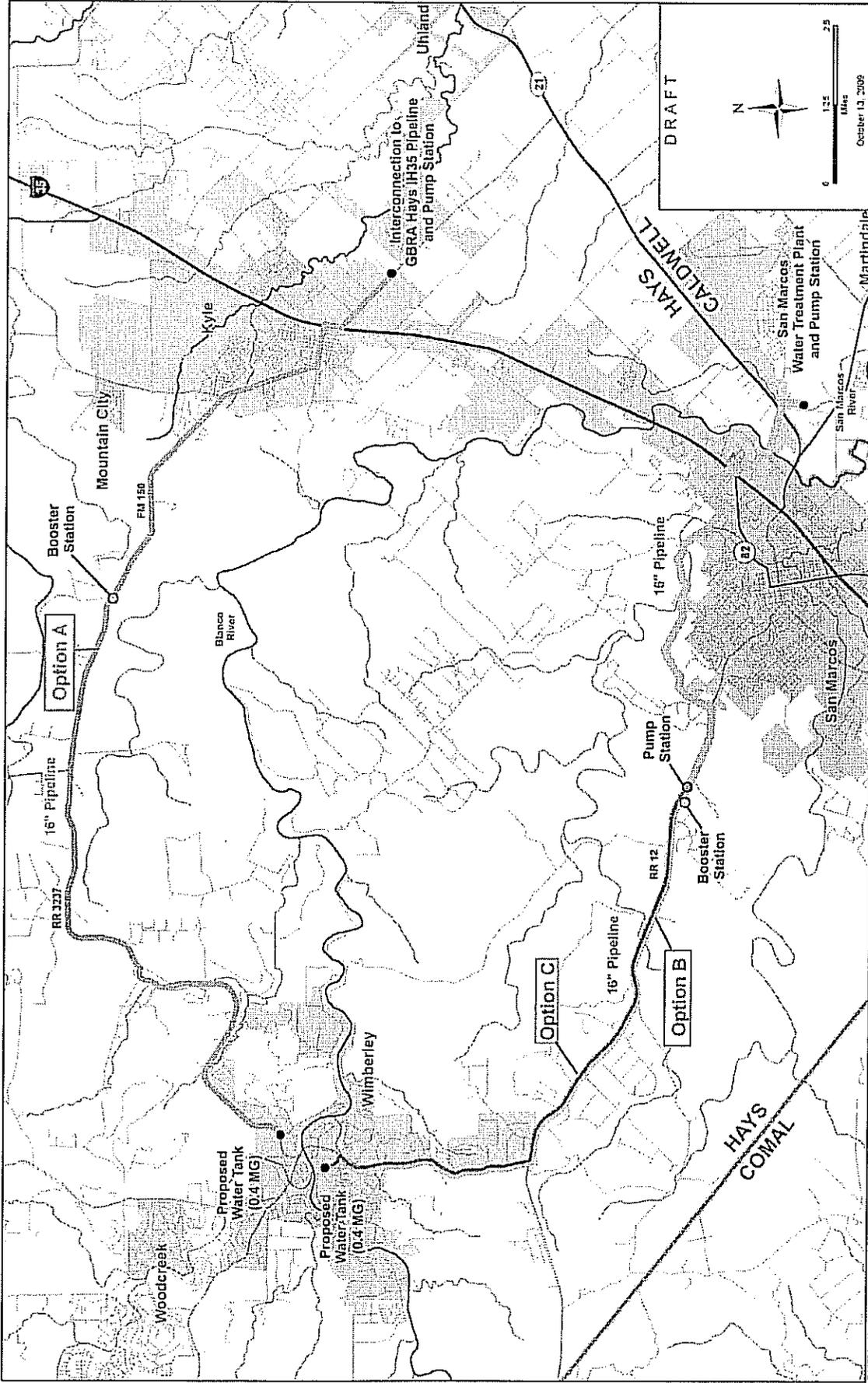
For those entities in need of water, a preferred option will be identified as well as possible alternates. A recommended project will have the support of the regional water plan behind it in any TCEQ or TWDB actions. An alternate can be moved up to recommended status with less red tape.

Attached is a copy of the PowerPoint presentation made to the RWPG at its November 5th meeting where three major options were considered along two routes (Texas 150 to Wimberley; from San Marcos Wastewater Treatment Plant wheeled through the City of San Marcos system to Ranch Road 12 to Wimberley; and from San Marcos Water Treatment Plant around the City of San Marcos system to Ranch Road 12 to Wimberley). Alignments along Ranch Road 12 and cross-country to Wimberley were also considered on the last two options. Options for Wimberley water from Dripping Springs and Canyon Lake have also been examined but were deemed less feasible for several reasons.

The regional planning effort needs the Council's input on a preferred option and alternates. It is important to note that selecting these does not bind any party to proceeding with that option, but merely serves to focus local initiatives and facilitate coordination among water suppliers and State permitting and funding considerations.

At the time of production of this agenda packet, the above mentioned information was being presented to the City's Water Wastewater Advisory Board for review and recommendation. A Board recommendation on the matter will be presented for City Council to consider as it deliberates the issue.

Wimberley and Woodcreek Water Supply Project



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Supply Concepts

- Near-term need (1 MGD, 1,120 acft/yr)
- Long-term need (4 MGD, 4,480 acft/yr)
- Concept:
 - Transmission pipeline from San Marcos WTP or GBRA Hays IH-35 pipeline to Wimberley sized at 4 MGD for Wimberley WSC, Woodcreek and Woodcreek Utilities (Aqua Texas) 2060 need.
- Raw Water Supply
 - Near-term raw water rate = \$105/acft
 - Long-term raw water rate = \$1,000/acft

Options for Pipeline Routes

- Option A : 19 mile pipeline along FM 150 and
RR 3237
- Option B : 18 mile pipeline from San Marcos
WTP along RR 12
- Option C : 10 mile pipeline beyond San
Marcos distribution system

Option A – FM 150 (4 MGD)

- Total Capital Cost: \$23,587,000
- Total Project Cost: \$33,848,000
- Annual Cost: \$11,691,000
- Treated Water Rate: \$5.09/kgal
 - Includes costs associated with raw water, treatment, O&M, pumping, and shared conveyance provided by GBRA.
- Unit Cost: \$2,610/acft (\$8.01/kgal)
- Facilities:
 - Interconnection with GBRA Hays IH35 pipeline
 - Pump Station & Storage Tank
 - 19 mile, 16-inch diameter pipeline
 - Booster Pump Station
 - 4 MGD WTP expansion
 - Terminal Storage Tank (0.4 MG)

Option B – RR 12 Around San Marcos System (4 MGD)

- Total Capital Cost: \$23,548,000
- Total Project Cost: \$33,771,000
- Annual Cost: \$10,882,000
- Treated Water Rate: \$4.45/kgal
 - Includes costs associated with raw water, treatment, O&M, pumping, and shared conveyance provided by GBRA.
- Unit Cost: \$2,429/acft (\$7.45/kgal)
- Facilities:
 - Pump Station & Storage Tank
 - Booster Pump Station
 - 18 mile, 16-inch diameter pipeline
 - 4 MGD WTP expansion
 - Terminal Storage Tank (0.4 MG)

Option C – RR 12

From San Marcos System (4 MGD)

- Total Capital Cost: \$13,865,000
- Total Project Cost: \$19,936,000
- Annual Cost: \$10,991,000
- Treated Water Rate: \$5.69/kgal
 - Includes costs associated with raw water, treatment, O&M, pumping, and shared conveyance provided by San Marcos.
- Unit Cost: \$2,453/acft (\$7.53/kgal)
- Facilities:
 - Pump Station
 - 10 mile, 16-inch diameter pipeline
 - 4 MGD WTP expansion
 - Terminal Storage Tank (0.4 MG)

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER APPROVAL OF A LETTER OF SUPPORT FOR AN UPCOMING GRANT APPLICATION FOR THE CYPRESS CREEK PROJECT

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

In preparation for the upcoming TCEQ 319 grant application to develop a Cypress Creek Watershed Protection Plan, the Texas River Systems Institute (RSI) is seeking support letters for the continuation of this project. This next phase will take the work already completed (watershed characterization, outreach, stakeholder committee development, decision support system development, Jacob's Well source water delineation, and funding) and develop a formal nine element watershed protection plan. The RSI is asking the City Council to approve a letter of support to include in the upcoming grant application which will be submitted December 18, 2009. There is no funding commitment on the part of the City associated with this grant.

Attached are three (3) documents to provide background on this effort. The *Cypress Creek Project Draft* contains the current application and will include a brief description of this project on the first page. Additional project detail is provided in each object and task description in the remaining portion of the document. The Excel file *Cypress Creek WPP Planning Chart* contains a chart that tracks each project objective and provides anticipated number of hours worked on each task along with a timeline. The third attachment is a sample *Letter of Support*.

RSI representatives will be present at the Council meeting to answer questions regarding the grant application and the request for a letter of support.

**Texas Commission On Environmental Quality
CWA §319(h) Nonpoint Source Grant Program FY 2009 Proposal**

**NONPOINT SOURCE SUMMARY PAGE
for the CWA §319(h) Urban Nonpoint Source Grant Program**

Title of Project:	Cypress Creek Watershed Protection Plan		
Project Goals:	TST will engage the Cypress Creek watershed community in developing an informed stakeholder network and watershed protection plan that aims to maintain water quality standards and achieve a clean, clear, and flowing Cypress Creek.		
Project Tasks:	(1) Project Administration; (2) Build Partnerships; (3) Watershed characterization (data inventory); (4) Watershed characterization (data collection and analysis); (5) Watershed characterization (identification of pollution and loading); (6) Estimation of pollutant reductions; (7) Description of management measures; (8) Estimation of technical and financial needs; (9) Information and education component; (10) Schedule for implementation; (11) Description of milestones; (12) Load reduction criteria; (13) Monitoring to evaluate effectiveness; (14) Completion of WPP; and (15) Decision Support System		
Measures of Success:	TST will engage stakeholders and develop a watershed protection plan that exceeds minimum TCEQ and EPA criteria. TST coordination and engagement of project partners, the community, and stakeholders will result in improved water quality and more knowledgeable stakeholders through the WPP development process. The TST program is measured through successful implementation of scope of work and measured delivery of project objectives. Successful completion of the following main objectives will occur on time with high quality in accordance with the scope of work: 1) project administration meets requirements; (2) Build Partnerships through the stakeholder committee processes and community engagement; (3) Watershed characterization (data inventory) meets necessary criteria; (4) Watershed characterization (data collection and analysis) meets necessary criteria; (5) Watershed characterization (identification of pollution and loading) meets necessary criteria; (6) Estimation of pollutant reductions is documented and meets necessary criteria; (7) Description of management measures is documented and meets necessary criteria; (8) Estimation of technical and financial needs is documented and meets necessary criteria; (9) Information and education component is developed and meets necessary criteria (10) Schedule for implementation is developed; (11) Description of milestones is documented; (12) Load reduction criteria is established; (13) Monitoring to evaluate effectiveness program is developed; (14) WPP is completed; and (15) Decision Support System is calibrated, refined, and ready for active use.		
Project Type:	Implementation (<input type="checkbox"/>); Education (<input checked="" type="checkbox"/>); Planning (<input checked="" type="checkbox"/>); Assessment (<input type="checkbox"/>); Groundwater (<input type="checkbox"/>)		
Status of Water Body 2008 Texas Water Quality Inventory and 303(d) List	Segment ID:	Parameter:	Category:
	Cypress Creek (1815_01)	Bacteria (geomean)	FS
		Nutrient Screening Levels	NC
		Dissolved Oxygen (grab)	CS
Project Location (Statewide or Watershed and County)	The Cypress Creek watershed is located in Hays County near Wimberley, Texas. See attached map.		
Key Project Activities:	Hire Staff (<input type="checkbox"/>); Surface Water Quality Monitoring (<input checked="" type="checkbox"/>); Technical Assistance (<input checked="" type="checkbox"/>); Education (<input checked="" type="checkbox"/>); Implementation (<input type="checkbox"/>); BMP Effectiveness Monitoring (<input type="checkbox"/>); Demonstration (<input type="checkbox"/>); Planning (<input checked="" type="checkbox"/>); Modeling (<input checked="" type="checkbox"/>); Bacterial Source Tracking (<input type="checkbox"/>); Other (<input type="checkbox"/>)		
Texas NPS Management Program Elements:	Element One, Element Two, Element Three, Element Four, Element Five, Element Eight		
Project Costs:	Federal:	Non-Federal:	Total:
Project Management:	River Systems Institute, Texas State University		

Project Period: December 1, 2010 – August 30, 2012

Part I – Applicant Information

Applicant							
Project Lead	Jason Pinchback						
Title	Program Director						
Organization	Texas Stream Team, River Systems Institute, Texas State University						
E-mail Address	jp30@txstate.edu						
Street Address	The Landing @ Aquarena Springs, 601 University Drive						
City	San Marcos	County	Hays	State	TX	Zip Code	78666-4616
Telephone Number	512.245.1346, Toll Free 877.506.1401			Fax Number	512.245.2095		

Project Partners	
Names	Roles & Responsibilities
Texas Commission On Environmental Quality (TCEQ)	Provide state oversight and management of all project activities and ensure coordination of activities with related projects and TSSWCB.
River Systems Institute	Event funding assistance, leadership, coordination assistance; in-kind contributions, program management assistance
Texas State University – San Marcos	Provide state oversight of all fiscal and contract management; provide match contributions; provide university technical resources
Wimberley Valley Watershed Association	Community leadership; CRP routine monitoring; in-kind and match funding assistance; technical assistance; participation in stakeholder committee process
City of Woodcreek	Community leadership; in-kind and match funding assistance; technical assistance; participation in stakeholder committee process
City of Wimberley	Community leadership; in-kind and match funding assistance; technical assistance; participation in stakeholder committee process
Hays County	Community leadership; in-kind and match funding assistance; technical assistance; participation in stakeholder committee process
Hays-Trinity Groundwater Conservation District	Groundwater information leadership; in-kind and match funding assistance; technical assistance; participation in stakeholder committee process
Guadalupe-Blanco River Authority	Provide technical assistance and in-kind funds as applicable
Texas Water Development Board	Provide technical assistance and in-kind funds as applicable

The Nature Conservancy	Provide technical assistance and in-kind funds as applicable
Watershed Science Lab	Provide technical assistance
Citizen Action Network	Participate in stakeholder process; assist in meeting facilitation; assist with outreach

Part II – Project Information

Project Type						
Surface Water	<input checked="" type="checkbox"/>	Groundwater	<input checked="" type="checkbox"/>			
Does the project implement recommendations made in a completed Watershed Protection Plan or an adopted TMDL or Implementation Plan?				Yes	No	<input checked="" type="checkbox"/>
If yes, identify the document.		NA				
If yes, identify the agency/group that developed and/or approved the document.		NA		Year Developed		
If yes, identify the document.		NA				
If yes, identify the agency/group that developed and/or approved the document.		NA		Year Developed		

Watershed Information				
Watershed Name(s)	Hydrologic Unit Code (8 Digit)	Segment ID	305 (b) Category	Size (Acres)
Cypress Creek	12100202	1815	FS, CS	24,320

Water Quality Impairment

Describe all known causes (pollutants of concern) of water quality impairments from any of the following sources: 2008 Texas Water Quality Inventory and 303(d) List, Clean Rivers Program Basin Summary, Basin Highlights Reports or Other Documented Sources.

IMPAIRMENTS:
 Segment 1815: Cypress Creek: a fifteen mile perennial stream in Hays County is on the 2008 Texas Water Quality Inventory 303(d) list; 1815_01 is listed concern for screening levels for dissolved oxygen grab samples. Cypress Creek was listed on the 2000 Texas Water Quality Inventory 303(d) list for depressed dissolved oxygen.

Water Quality Impairment

Describe all known causes (pollutants of concern) of water quality impairments from any of the following sources: 2008 Texas Water Quality Inventory and 303(d) List, Clean Rivers Program Basin Summary, Basin Highlights Reports or Other Documented Sources.

Project Narrative

Problem/Need Statement

Land use in the watershed is predominantly rangeland, with the combined residential, commercial, and transportation uses accounting for 13.5% of total area. Continuing urban development in the watershed is associated with increases in impervious surface cover (roads, parking lots, sidewalks, rooftops, and other impermeable surfaces). Impervious surface cover is currently estimated at 9% through orthophotography analysis, and is concentrated in the lower portions of the watershed around Wimberley, Woodcreek and Woodcreek North. Much projected development is expected to occur in these areas as well as along major transportation routes such as RR 12.

Changes in land cover observed between 1996 and 2005 are consistent with an urbanizing watershed. A 3% increase in impervious cover and a decrease in average patch size for other land cover classes indicate a typical pattern of landscape fragmentation as urban development encroaches on previously undeveloped areas. Dense woodlands decreased in relative area while open patches and bare soil increased, indicating a shift in some areas to land that is more susceptible to erosion and compaction.

In ecologically and hydrologically sensitive areas such as urbanizing watersheds located in karst topography, the effects of impervious cover increases can be significant. Assuming similar pollutant concentrations, larger volumes of runoff per unit area associated with impervious surface cover result in larger mass loads of pollutants for urban areas versus rural areas. In addition, the installation of drainage systems and concrete channels can result in pollutant loadings being delivered to the creek faster and in greater concentrations than in undeveloped areas with natural drainage systems. In addition to the hydrologic effects, urbanization has been proven to fragment the landscape, potentially impacting biodiversity.

Water Quality

For these reasons, urban development often creates concerns for nonpoint source (NPS) pollution. NPS pollution is related to land management, geologic, and hydrologic variables which may vary over time. Only the land management factors may be controlled by society. NPS pollutants are generated and transported as part of the hydrologic cycle. Surface runoff transports eroded soil particles from pervious areas, and picks up and transports pollutants deposited on impervious areas. Groundwater transports pollutants from septic tanks and landfills. Urban runoff includes suspended solids, bacteria, metals, oxygen-demanding substances, nutrients, and oil and grease. Non-urban pollutants are often related to agricultural activities. Agricultural pollutants include pesticides, sediments, nutrients, and organic materials.

Likely sources of NPS pollution in the Cypress Creek watershed include on-site septic treatment, residential landscaping, fertilizer and pesticide application, land clearing for new construction, pet and livestock wastes, runoff from roads and parking lots, grazing activities, and recreational use of the creek. On-site septic treatment remains the primary method of wastewater treatment in many areas of the watershed, and an increase in septic systems due to new construction is likely, particularly in unincorporated areas.

Water quality is currently monitored at 5 sites along Cypress Creek, from Jacob's Well to the confluence with the Blanco. Measured Parameters include temperature ($^{\circ}\text{C}$), dissolved oxygen (mg/L), specific conductance (umhos/cm), pH (SU), total nitrogen (mg/L), total phosphorous (mg/L), total suspended solids (mg/L), ammonia (mg/L), E. coli (colonies/100mL), and fecal coliform.

Overall water quality in the Cypress Creek is relatively high, though data reveal spatial and temporal trends that may be due to climate variability, changes in land use, or management. Median temperatures are lowest at Jacob's Well (69.1 $^{\circ}\text{F}$; 20.6 $^{\circ}\text{C}$) and at Blue Hole (68.5 $^{\circ}\text{F}$; 20.3 $^{\circ}\text{C}$), where spring flows provide fresh inflows of groundwater to the creek. Dissolved oxygen varies considerably from site to site, and remains above the 6.0 mg/L standard for exceptional aquatic life use in 98% of samples taken in downtown Wimberley. However, low DO values (below 4.0 mg/L) were recorded at both RR12 and at Blue Hole during the summer of 2006, when flow dropped to less than 0.5 cfs. Dissolved oxygen is particularly sensitive to flow volumes, especially when temperatures are high, and therefore it is critical to maintain flow in the creek in order to maintain a healthy aquatic system.

Nutrient constituents like nitrogen and phosphorous, which are of concern in residential and urbanizing areas, remain below screening levels, though relatively high concentrations have been measured at all sites. More significantly, there is an increasing variability in values measured. This means that data exhibits higher high and lower low values during the last eight years than in the previous record. This increasing variability is not seen in the stream flow record, indicating that land management factors play a role in the observed change.

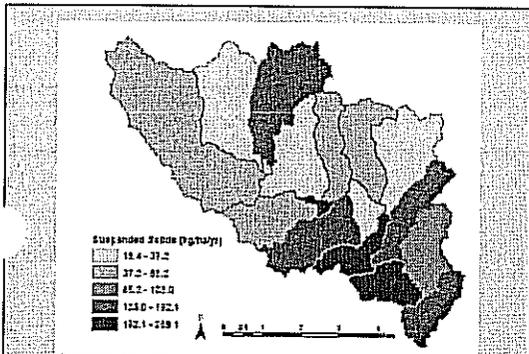
Bacteria levels, both E. coli and fecal coliform, are of concern because they affect contact recreation in the creek, and may be indicative of contamination from septic systems or animal wastes in the watershed. High values (>2400) of E. coli have been recorded at Ranch Road 12 upstream, Blue Hole and at the Blanco confluence, and high values of fecal coliform (>2400) at the downtown square in Wimberley. Even at Jacob's Well, bacteria levels above 1000 colonies/100mL have been recorded.

Problem/Needs statement

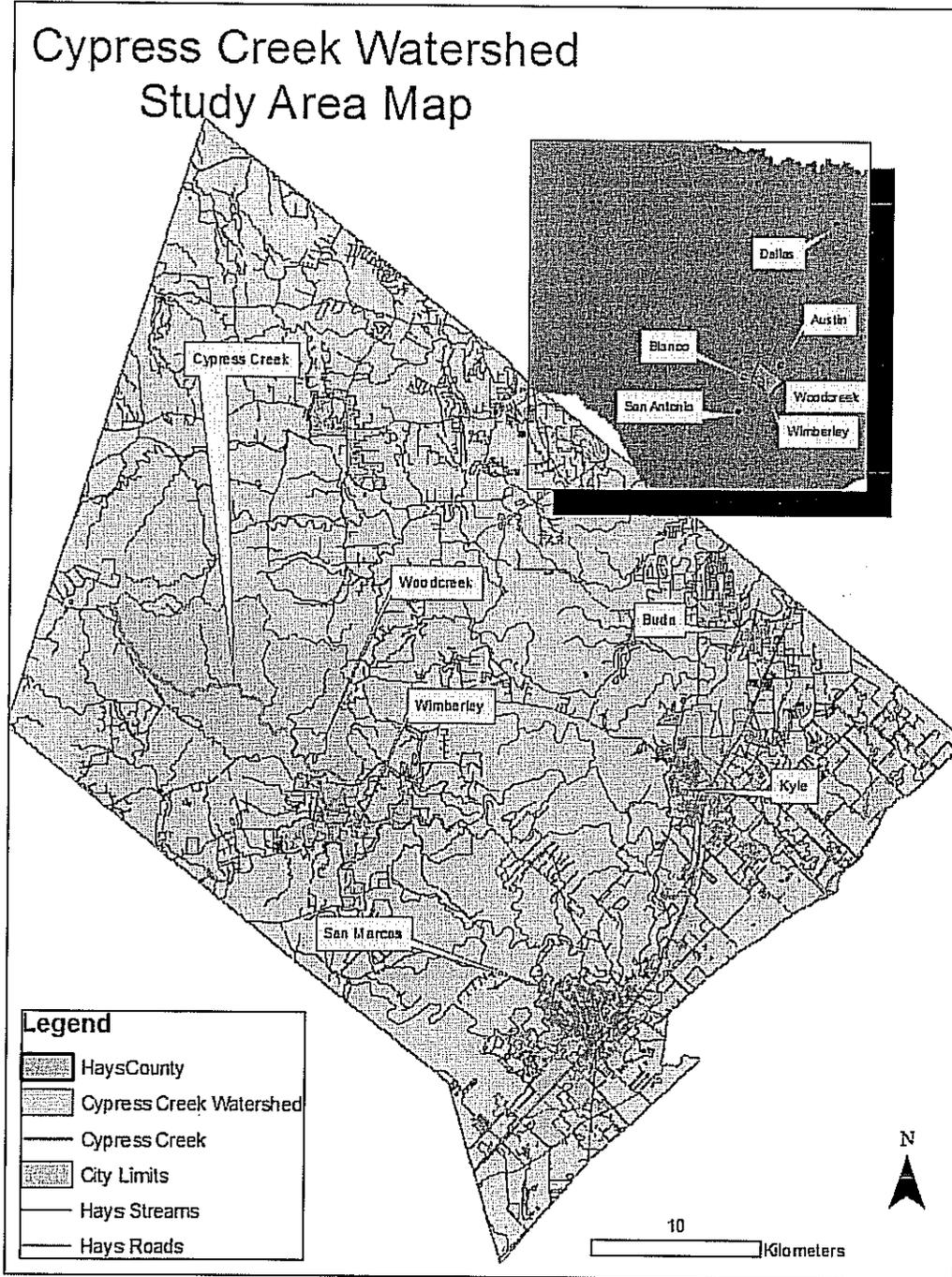
Therefore bacterial pollution poses a potential problem along the length of the perennial Cypress Creek. Unlike low DO, however, the highest E. coli counts have been recorded in spring and fall, coincident with times of higher precipitation and storm flows.

Assessment of water quality data indicates that bacteria loading and excessive erosion are likely to be the primary issues of NPS pollution concern. Although levels of nutrient pollutants (like nitrogen and phosphorous) above screening levels have not been recorded, the increasing variability and occurrence of higher than normal values during periods of low flow indicate that the creek may be experiencing increasing loading of these constituents as urban areas expand. In addition, any NPS pollutant loading to the creek will be exacerbated by low flow rates, resulting in higher pollutant concentrations.

Although water quality remains relatively high in Cypress Creek, there are indications that pollutant loads may be increasing due to changes in land use and land cover, and possibly to an increase in large storm events and associated runoff. However in order to know with more certainty, additional data collection and monitoring is needed to establish runoff and pollutant volumes from the lower watershed, to assess changes in flow as a result of ongoing urbanization, to develop accurate estimations of NPS pollution, and to estimate the assimilative capacity of the creek.



Annual loading of total suspended solids (TSS). TSS interfere with the transmission of light, affecting aquatic vegetation and the overall health of the ecosystem. Suspended solids also provide transport for other pollutants including organics and metals. Suspended solids are often related to the amount of erosion occurring in a watershed. Higher pollutant loadings in the watershed are associated with urban and developed areas in the south.



Tasks, Objectives and Schedules

Task 1:	Project Administration			
Costs:	Federal:		Non-Federal:	Total:
Objective:	To effectively coordinate and monitor all technical and financial activities performed under this contract, prepare regular progress reports, and manage project files and data.			
Subtask 1.1:	Project Oversight – TXSTATE will provide technical and fiscal oversight of TXSTATE project staff and/or subcontractor(s) to ensure Tasks and Deliverables are acceptable and are completed as scheduled and within the budget. With the TCEQ Project Manager's authorization, TXSTATE may secure the services of a subcontractor(s) as necessary for technical support, repairs, and training. Project oversight status will be provided to the TCEQ with the Quarterly Progress Reports.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 1.2:	Quarterly Progress Reports (QPRs) – TXSTATE will submit QPRs to the TCEQ by the 15 th of the month following each state fiscal quarter. Progress reports will contain a level of detail sufficient to document the activities that occurred under each task during the quarter, and will contain a comprehensive tracking of deliverable status under each task. Progress reports will be distributed to all project partners.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 1.3:	Reimbursement Forms – TXSTATE will submit Reimbursement Forms (269a1-4, and HUB PAR form) to the TCEQ by the last day of the month following each state fiscal quarter.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 1.4:	Contract Communication – TXSTATE will maintain regular telephone and/or email communication with the TCEQ Project Manager regarding the status and progress of the project in regard to any matters that require attention between QPRs. This will include a call or meeting each January, April, July, and October. Minutes recording the important items discussed and decisions made during each call will be attached to each QPR. Matters that must be communicated to the TCEQ Project Manager in the interim between QPRs may include: <ul style="list-style-type: none"> • Requests for prior approval of activities or expenditures for which the contract requires advance approval or that are not specifically included in the scope of work • Notification in advance when TXSTATE has scheduled public meetings or events, initiation of construction, or other major task activities under this contract • Information regarding events or circumstances that may require changes to the budget, scope of work, or schedule of deliverables; these events or circumstances must be reported within 48 hours of discovery 			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 1.5:	Contractor Evaluation – TXSTATE will participate in an annual Contractor Evaluation.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 1.6:	Project Fact Sheet – TXSTATE will develop a one page fact sheet for the project using the TCEQ NPS Projects Template. The fact sheet will briefly describe what the project is going to accomplish, give background information on why the project is being conducted, the current status of the project, and lists who is involved in the project. The project fact sheet will be submitted to the TCEQ within 60 days after contract initiation. The fact sheet will be updated annually and submitted with the fourth quarter progress report. The fact sheet will be updated more often as the project status changes. The fact sheet will be published on TXSTATE's website after approval from the TCEQ Project Manager.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 1.7:	Annual Report Article – TXSTATE will provide an article for the Nonpoint Source Annual Report if requested by the TCEQ. This report is produced annually in accordance with Section 319(h) of the Clean Water Act (CWA), and is used to report Texas' progress toward meeting the CWA § 319 goals and objectives, and toward implementing it's strategies as defined in the Texas Nonpoint Source Management Program. The article will include a brief summary of the project and describe the activities of the past fiscal year.			

	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables	<ul style="list-style-type: none"> • Quarterly Progress Reports • Reimbursement Forms • Minutes of Quarterly Contract Conference Calls • Project Fact Sheet • Annual Report Article 			

Tasks, Objectives and Schedules

Task 2: Build Partnerships

Costs:	Federal:	Non-Federal:	Total:
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Objective: To lead the community-based component of the WPP and project by the development of a balanced and diversified Stakeholder Group, enhance public understanding of the project and encourage early and continued public participation in selecting, designing, and implementing appropriate NPS management measures.
The Stakeholder group has been active for 1.5 years. Subcommittees include: Committee Functions; Water Quality; Water Quantity; Education and Outreach; Economics; DSS Input; and Habitat, Parks, and Agriculture. Status: 60% complete

Subtask 2.1: **Public Participation** – TXSTATE will develop a draft public participation plan (PPP) prior to initial Stakeholder Group development. The PPP will establish Stakeholder Group membership and the ground rules for its meetings and activities as well as for public participation in the project beyond the Stakeholder Group. The draft PPP must be approved by the TCEQ Project Manager. The final PPP must be approved by the WPP Stakeholder Group and TCEQ Project Manager.
A PPP is developed. Status: 100% complete.

Start Date:	December 1, 2010	Completion Date:	August 30, 2012
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Subtask 2.2: **Stakeholder Group Development** – TXSTATE will develop a Stakeholder Group, which includes representatives of local, state and federal government; landowners and facility operators in all major land use categories present in the watershed; environmental groups, developers and other special interest groups active in the watershed; and other local residents.
Status: 90% complete.

Start Date:	December 1, 2010	Completion Date:	August 30, 2012
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Subtask 2.3: **Stakeholder Group Activities** - TXSTATE will facilitate the Stakeholder Group's work to:

- Establish how meetings will be conducted and their frequency
- Identify issues of concern and develop WPP goals and objectives.
- Determine guidelines for stakeholder involvement, roles, and responsibilities.
- Gain community acceptance of the project
- Identify a lead organization to manage the WPP at the end of the project.

Status: 60% complete. (ID lead organization to manage WPP).

Start Date:	December 1, 2010	Completion Date:	August 30, 2012
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Subtask 2.4: **Determination of WPP Goals** – TXSTATE will facilitate the Stakeholder Group's work to set goals that will include (at a minimum) meeting the appropriate water quality standards for pollutants that threaten or impair the physical, chemical, or biological integrity and the designated uses of the watershed covered in the plan.
Status: 60% complete.

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 2.5: **Stakeholder Group Meetings** – TXSTATE will facilitate Stakeholder Group meetings to establish priorities and focus work efforts. Meetings will be held on a regular basis to provide status of work progress to the group and obtain input on subsequent steps. Stakeholders will review and approve the PPP prior to finalization.
Status: On-going

Start Date:	December 1, 2010	Completion Date:	August 30, 2012
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Subtask 2.6:	<p>Dissemination of Information on Project Status – TXSTATE will use Stakeholder Group meetings and the project webpage, to disseminate project information in accordance with the PPP.</p> <p>Activities will include:</p> <ul style="list-style-type: none"> • Presentation of all deliverable reports for Objectives 2 through fourteen 14 <ul style="list-style-type: none"> ○ Solicit input from stakeholders upon initiation of Objective activities ○ Present draft reports to stakeholders ○ Solicit input/comments from stakeholders regarding each draft report ○ Track input/comments provided by stakeholders and the responses by TXSTATE to comments. ○ Present final reports to stakeholders. <p>Additional activities may include;</p> <ul style="list-style-type: none"> • Texas Watershed Steward trainings • Texas Stream Team education events and trainings • Community partnerships to develop a group name and logo <p><i>Status: On-going</i></p> <table border="1" data-bbox="196 623 1458 664"> <tr> <td>Start Date:</td> <td>December 1, 2010</td> <td>Completion Date:</td> <td>August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		
Subtask 2.7:	<p>Public Participation Plan Progress Reports – TXSTATE will prepare biannual updates and a final document that will be submitted documenting the status of:</p> <ul style="list-style-type: none"> • The completion of objectives and tasks of the PPP • The strategy for achieving the remaining objectives and goals of the PPP through the completion of the project • Outreach and education activities, • Activities of, and input provided by, the Stakeholder Group. <p><i>Status: On-going</i></p> <table border="1" data-bbox="196 950 1458 991"> <tr> <td>Start Date:</td> <td>December 1, 2010</td> <td>Completion Date:</td> <td>August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		
Deliverables	<ul style="list-style-type: none"> • Draft and Final PPP • Project webpage and updates • Stakeholder Group and Public meeting agendas, minutes, sign in sheets and other available documentation • PPP Progress Reports 				

Tasks, Objectives and Schedules				
Task 3:	ELEMENT A: WATERSHED CHARACTERIZATION – PHASE 1: DATA INVENTORY			
Costs:	Federal:	Non-Federal:	Total:	
Objective:	Gather existing data, create a data inventory, conduct land use surveys, and develop maps			

Subtask 3.1:

Gather existing data and create a Watershed Inventory – TXSTATE will compile available data (See the EPA Handbook *Chapter 5: Gather Existing Data and Create and Inventory, Table 5-1. Data Typically Used for Watershed Characterization*, and *Chapter 12: General Outline of a Watershed Plan*) on physical and natural features, land use and population characteristics, waterbody and watershed conditions and pollutant sources, and waterbody monitoring data into a comprehensive inventory for the watershed. The data summary will be updated during the course of the watershed planning effort so that a complete summary is available to stakeholders. The data inventory will include, though is not limited to, information relevant to the watershed regarding the following topics:

- Physical and Natural Features
 - Watershed Boundaries
 - Hydrology
 - Topography
 - Soils
 - Climate
 - Habitat
 - Wildlife
- Land Use and Population Characteristics
 - Land use and land cover
 - Existing land management practices
- Waterbody and Watershed Conditions
 - Water quality standards
 - 305(b) report
 - 303(d) list
 - Existing TMDL reports
 - Source Water Assessments
- Pollutant Sources
 - Point sources
 - Nonpoint sources
- Waterbody Monitoring Data
 - Water quality and flow
 - Biology
 - Geomorphology

Status: 90% complete (needs storage, management, retrieval of watershed information)

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 3.2:

Geographic Representation – TXSTATE will compile data from Task 3.1 to characterize the watershed to the subwatershed level using GIS software and existing data.

Activities will include:

- The creation of maps for hydrology, soils, and land use data
- The creation of data tables providing statistics and other relevant information including hydrologic data, soils, and land use data.
- The creation of maps that display general locations of point sources and potential nonpoint sources of pollution by groups.
- The creation of tables that detail point sources and potential nonpoint sources of pollution. The tables will provide statistics on sources of pollution and water quality parameters affected.

Status: 90% complete (needs detail point and nonpoint source pollution)

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 3.3:

Watershed Characterization – Phase 1: Data Inventory - TXSTATE will develop a report providing a data inventory, land use surveys, maps, and modeling recommendations for stakeholders. The document will identify spatial, temporal, and other data gaps that need to be filled for modeling to be conducted and the completion of the watershed characterization.

Status: 90 % complete

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Deliverables	<ul style="list-style-type: none"> Draft and Final Watershed Characterization -- Phase 1: Data Inventory Report
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Tasks, Objectives and Schedules

Task 4: ELEMENT A: WATERSHED CHARACTERIZATION – PHASE 2: DATA COLLECTION AND ANALYSIS

Costs:	Federal:		Non-Federal:		Total:	
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Objective: To provide the baseline information for determination of amounts of existing nonpoint sources of pollution and existing point sources of pollution; to provide additional data for incorporation into a model, which will serve to determine the pollutant assimilative capacity of the waterbody, and to determine pollutant load reductions needed to achieve the goals of the WPP. The information collected will also form the baseline for future monitoring to determine if the pollutant load reduction goals are being met.
Status: 60% complete; Based on characterization findings, it is determined that the majority of additional data needs are associated with stormwater pollutant loading.

Subtask 4.1: Data Quality Objectives - TXSTATE will develop data quality objectives which will clarify the purpose of the monitoring and modeling study, define the most appropriate type of data to collect, and help determine the most appropriate methods and conditions under which to collect them. The data quality objectives will incorporate data needs for:

- The development of the WPP, including:
 - General characterization of water quality
 - Determination of pollutant loads
 - Modeling activities
- Measuring the effectiveness of implementation activities

Status: 95% complete

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 4.2: Conduct a Data Review - TXSTATE will conduct a data review to identify data gaps, and to determine the types of data needed to identify causes and sources and acceptability of data.
Status: 85% complete

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 4.3: Develop a Water Quality Monitoring Plan – TXSTATE will summarize the specific objectives of the project's monitoring effort, the data requirements of the model or other data analysis and interpretation to be used in the project, and the preliminary locations, times, and other details of planned monitoring activities. Demonstrate how the planned activities support the data quality objectives.
Status: 95% complete

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 4.4: QAPP Planning Meetings – TXSTATE will schedule Quality Assurance Project Plan (QAPP) planning meetings with the TCEQ Project Manager, Quality Assurance staff, technical staff, management, and contractors, to implement a systematic planning process, based on the elements of the TCEQ NPS QAPP Shell. The information developed during the planning meetings will be incorporated into a QAPP. A planning meeting may also be conducted to determine if any changes need to be made to an existing QAPP.
Status: 90 % complete; on-going

Start Date:	December 1, 2010	Completion Date:	August 30, 2011
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Subtask 4.5:	<p>QAPP for Monitoring – TXSTATE will develop and submit to the TCEQ a QAPP with project specific data quality objectives consistent with the <i>EPA Requirements for Quality Assurance Project Plans (QA/R5)</i> format and the TCEQ NPS QAPP Shell 120 days prior to the initiation of any data collection. All of the monitoring procedures and methods prescribed in the QAPP will be consistent with the guidelines detailed in the TCEQ Surface Water Quality Monitoring Procedures, Volume 1 and 2. The QAPP will be developed by TXSTATE with technical assistance from TCEQ Project Manager, Quality Assurance staff, technical staff, management, and contractors. The QAPP will be approved by the TCEQ. <i>Status: 100% complete; QAPP submitted and approved (amendments necessary)</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2011</p>
Subtask 4.6:	<p>QAPP for Modeling – TXSTATE will develop and submit to the TCEQ a QAPP with project specific data quality objectives consistent with the <i>EPA Requirements for Quality Assurance Project Plans for Modelling QA/G-5M</i> format 120 days prior to the initiation of any modeling activities. The QAPP will be developed by TXSTATE, with technical assistance from TCEQ Project Manager, Quality Assurance staff, technical staff, management, and contractors. The QAPP will be approved by the TCEQ. <i>Status: 10% complete</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2011</p>
Subtask 4.7:	<p>QAPP Update – TXSTATE will provide input to TCEQ 60 days prior to the end of the effective period of the QAPP, and will develop annual QAPP revisions no less than 45 days prior to the end of the effective period of the QAPP. <i>Status: On-going</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2011</p>
Subtask 4.8:	<p>QAPP Amendments – TXSTATE will document changes and reasons for amendments to the QAPP, and revised pages will be forwarded to all persons on the QAPP distribution list by the Quality Assurance Officer. Amendments shall be reviewed, approved, and incorporated into a revised QAPP during the annual revision process or within 120 days of the initial approval in cases of significant changes <i>Status: On-going</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2012</p>
Subtask 4.9:	<p>Data Collection – TXSTATE will develop a monitoring program and conduct monitoring, as outlined in the QAPP, to achieve data quality objectives. <i>Status: On-going</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2012</p>
Subtask 4.10:	<p>Modeling – TXSTATE will incorporate relevant data into a model selected by TXSTATE with the approval of the TCEQ Project Manager and the Stakeholder Group, as outlined in the QAPP, to achieve data quality objectives. Data sources used in the model, including literature values and other assumptions will be presented to the Stakeholder Group and feedback will be solicited by TXSTATE. The model will be calibrated using available water quality data and utilized to assist in the determination of causes and sources of pollution and pollutant loadings. <i>Status: 85% complete</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2012</p>
Subtask 4.11:	<p>Data Submittal – TXSTATE will review, verify, and validate water quality monitoring modeling data before it is submitted to the TCEQ. Data will be submitted to TCEQ twice per year prior to use, or prior to presenting to stakeholders. Data generated through TXSTATE's Clean Rivers ambient water quality monitoring program will be submitted through the Clean Rivers Project Manager at TCEQ for upload to Surface Water Quality Monitoring Information System (SWQMIS). Any data that is not considered ambient data will be submitted to TCEQ in an agreed upon format twice per year. <i>Status: On-going</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2012</p>
Subtask 2:	<p>Watershed Characterization – Phase 2: Data Collection and Analysis – TXSTATE will provide to the TCEQ and stakeholders a report that describes the results of sampling and modeling activities, and recommendations for future monitoring efforts. <i>Status: 90%</i></p> <p>Start Date: December 1, 2010 Completion Date: August 30, 2012</p>

Deliverables	<ul style="list-style-type: none"> • QAPP Planning Meeting minutes • Draft and Final Sampling Plan, including DQOs and data review • Draft and Final QAPP • Draft and Final QAPP Annual Updates • Draft and Final QAPP Amendments • Data Submittals • Water quality monitoring non-conformances will be reported in quarterly progress reports • Draft and Final Watershed Characterization – Phase 2: Data Collection and Analysis Report
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Tasks, Objectives and Schedules

Task 5:	ELEMENT A: WATERSHED CHARACTERIZATION- PHASE 3: IDENTIFICATION OF CAUSES AND SOURCES OF POLLUTION AND ESTIMATION OF POLLUTANT LOADS
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Costs:	Federal:	Non-Federal:	Total:
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Objective:	<p>Identification of the causes and sources, or groups of similar sources, that will need to be controlled to achieve the load reductions estimated in this watershed-based plan (and to achieve any other watershed goals identified in the watershed-based plan), as discussed in item (b) of the EPA Handbook. Sources that need to be controlled should be identified at the significant subcategory level with estimates of the extent to which they are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded streambank needing remediation).</p> <p><i>Status: 50% complete</i></p>
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Subtask 5.1:	<p>Watershed Goals and Targets - TXSTATE will further define watershed goals and refine numeric water quality targets for the pollutants or sources identified in Objective 5. The watershed goals and targets will be used to guide the identification and selection of management practices in Objective 6.</p> <p><i>Status: 60% complete</i></p>
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Start Date:	December 1, 2010	Completion Date:	August 30, 2012
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Subtask 5.2:	<p>Identify Causes and Sources of Pollution - TXSTATE will analyze data to identify the causes and sources of water quality problems in the watershed. The analysis will:</p> <ul style="list-style-type: none"> • Identify pollutant sources and causes of impairments or water quality concerns, including: <ul style="list-style-type: none"> ○ Point sources ○ Nonpoint sources ○ Stakeholders' concerns and observations ○ Effects on water quality and overall watershed functions • Compare available monitoring data to water quality standards, and to the current 303(d) list and 305(b) assessments <p>An evaluation will be done of the relative magnitude of sources, the location of sources, and the timing of source loading. The following will be done:</p> <ul style="list-style-type: none"> • Major sources of pollution will be identified at a significant subcategory and subwatershed level • Minor sources of pollution may be identified by a general characterization <p>The methods for analysis may include mapping, modeling, monitoring, field assessments, and stakeholder surveys.</p> <p><i>Status: 50% complete; on-going</i></p>
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Start Date:	December 1, 2010	Completion Date:	August 30, 2012
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Subtask 5.3:	<p>Estimate Pollutant Loads – TXSTATE will estimate pollutant loads for water quality parameters that:</p> <ul style="list-style-type: none"> • Do not meet standards • Are identified as a concern in the Texas Water Quality Inventory 305(b) Report • That may prohibit the waterbody from meeting designated uses • And in addition, pollutant loads may be also be estimated for water quality parameters identified by stakeholders as a concern. <p>Pollutant loads will be calculated based on the relative magnitude of sources, the location of sources, and the timing of source loading. The loading analysis will be used in subsequent Objectives of this project to plan restoration and/or protection strategies, target load reduction efforts, and project future loads under new conditions.</p> <p><i>Status: 50% complete; on-going</i></p>				
	<table border="1"> <tr> <td data-bbox="196 541 509 562">Start Date:</td> <td data-bbox="509 541 823 562">December 1, 2010</td> <td data-bbox="823 541 1136 562">Completion Date:</td> <td data-bbox="1136 541 1450 562">August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		
Subtask 5.4:	<p>Geographic Representation – TXSTATE will provide maps of the watershed and subwatersheds that identify the major causes and sources of the water quality problems.</p> <p><i>Status: 80% complete; on-going</i></p>				
	<table border="1"> <tr> <td data-bbox="196 684 509 705">Start Date:</td> <td data-bbox="509 684 823 705">December 1, 2010</td> <td data-bbox="823 684 1136 705">Completion Date:</td> <td data-bbox="1136 684 1450 705">August 30, 2011</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2011
Start Date:	December 1, 2010	Completion Date:	August 30, 2011		
Subtask 5.5:	<p>Element A: Watershed Characterization – Phase 3: Identification of Causes and Sources of Pollution and Estimation of Pollutant Loads Report – TXSTATE will develop a report using data developed in this phase to identify causes and sources of pollution that need to be controlled. Pollutant load data and associated maps developed under this Objective will be included in the report. The document will also identify additional gaps in data, and methods to deal with these gaps will be recommended.</p> <p><i>Status: 50% complete; on-going</i></p>				
	<table border="1"> <tr> <td data-bbox="196 940 509 960">Start Date:</td> <td data-bbox="509 940 823 960">December 1, 2010</td> <td data-bbox="823 940 1136 960">Completion Date:</td> <td data-bbox="1136 940 1450 960">August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		
Deliverables	<ul style="list-style-type: none"> • Watershed maps that identify the causes and sources of water quality problems • Draft and Final Watershed Characterization - Phase 3: Identification of Causes and Sources of Pollution and Estimation of Pollutant Loads Report <p><i>Status: 50% complete; Watershed maps with some pollution sourced identified; additional data from stormwater and other sampling needed</i></p>				

Tasks, Objectives and Schedules			
Task 6:	ELEMENT B: ESTIMATE OF POLLUTANT LOAD REDUCTIONS EXPECTED FROM MANAGEMENT MEASURES		
Costs:	Federal:	Non-Federal:	Total:
Objective:	<p>To provide an estimate of the load reductions expected for the management measures described under Element C. Estimates should be provided at the same level as in Element A (e.g., the total load reduction expected for dairy cattle feedlots; row crops; or eroded streambanks) to ensure the water body meets water quality standards and designated uses.</p> <p><i>Status: 50% complete; routine and stormwater monitoring results will aide in pollutant loading benchmark limits.</i></p>		
Subtask 6.1:	<p>Determination of Load Reductions Needed to Achieve WPP Goals - TXSTATE will determine the load reductions that are needed to meet the watershed goals and water quality standards. Load reduction estimates will be calculated at key locations in the watershed in order to depict the major problem areas and sources, and to support efficient and targeted management. The load reductions should be calculated at the same spatial scale and level of detail as the causes and sources and pollutant loads identified in Objective 5. The load reductions identified should be sufficient to ensure that water quality standards and designated uses are met</p> <p><i>Status: 50%; on-going.</i></p>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2012

Subtask 6.2:	Element B: Estimate of Pollutant Load Reductions from Management Measures Report - TXSTATE will provide a report describing the watershed goals, targets, and the load reductions that are needed to meet the watershed goals. <i>Status: 0% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables	<ul style="list-style-type: none"> Draft and Final Element B: Estimate of Pollutant Load Reductions Expected from Management Measures Report 			

Tasks, Objectives and Schedules

Task 7:	ELEMENT C: DESCRIPTION OF MANAGEMENT MEASURES			
Costs:	Federal:		Non-Federal:	
Objective:	Identify and describe the nonpoint source management measures that will need to be implemented to achieve load reductions identified in Element B, and describe the critical areas where those measures will be needed to implement this plan. In addition, management measures may be identified to achieve other goals of the WPP. <i>Status: 60% complete</i>			
Subtask 7.1:	Management Objectives - TXSTATE will develop management objectives targeted at specific pollutants or sources to achieve the goals of the WPP. Management objectives will be determined with the input and approval of the Stakeholder Group. <i>Status: 60% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 7.2:	Identify Existing Management Efforts and Quantify their Effectiveness - TXSTATE will identify the programs, management strategies, and ordinances already being implemented in the watershed and determine the effectiveness of the measures in terms of achieving desired load reductions or meeting other management goals and objectives. <i>Status: 90% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 7.3:	Select an Approach to Identifying, Quantifying the Effectiveness of, and Prioritizing BMPs - TXSTATE will select methodology(ies) and/or model(s) that will be used to identify needed BMPs, to quantify load reductions achieved by each proposed BMP and to prioritize the suite of potential BMPs. Methods and/or models will be determined with the input and approval of the Stakeholder Group. <i>Status: 30% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 7.4:	Identify Critical Areas and New Management Measures Needed - Using the locations of pollutant sources identified in Element B, TXSTATE will identify management practices that can be used to achieve the additional load reductions required. The critical areas and needed management measures will be determined with the input and approval of the Stakeholder Group. <i>Status: 30% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 7.5:	Determine Load Reductions Provided by Each Proposed BMP - TXSTATE will provide estimated pollutant load reductions expected for each management measure proposed. This will be accomplished by using published literature values and other available data, with the recognition of the natural variability of site specific BMPs and the difficulty in precisely predicting the performance of management measures over time. A report detailing this information will be provided for the input and approval of the Stakeholder Group and the TCEQ Project Manager. <i>Status: 60% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012

Subtask 7.6:	Prioritize BMPs – TXSTATE will prioritize potential BMPs, with consideration of water quality benefits, costs, stakeholder support and other factors identified. This Task is related to and is dependent upon Objective 8. The prioritization of management measures will be conducted with the input and approval of the Stakeholder Group. <i>Status: 30% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 7.7:	Select Final Management Strategies - TXSTATE will develop Management Strategies and associated estimates of the total potential pollutant removal. Identify which combinations of management practices can meet the goals for load reductions and cost effectiveness. <i>Status: 10% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 7.8:	Element C: Management Measures Report - TXSTATE will prepare a description and summary list of BMPs. Identify the specific need for each BMP and estimate load reductions that each BMP may provide. The suite of BMPs selected should reflect estimated load reductions needed to achieve water quality standards for the designated uses of the waterbody, and to achieve other goals of the WPP. <i>Status: 10% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables	<ul style="list-style-type: none"> Draft and Final Element C: Management Measures Report 			

Tasks, Objectives and Schedules				
Task 8:	ELEMENT D: ESTIMATE OF TECHNICAL & FINANCIAL ASSISTANCE NEEDED			
Costs	Federal:	Non-Federal:	Total:	
Objective:	Estimate the amount of technical and financial assistance needed with associated costs, and/or the sources and authorities that will be relied upon to implement the plan. <i>Status: 30% complete</i>			
Subtask 8.1:	Estimate BMP Costs - TXSTATE will estimate the costs of implementing BMPs based on the type of management practice/restoration activity, installations, operation and maintenance, and method of cost calculation. Add the costs estimated to the Element C: Description of Management Measures Report. <i>Status: 30% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 8.2:	Identify Financial and Technical Assistance and Relevant Authorities Needed for WPP Implementation - TXSTATE will identify technical assistance needed for different stages of implementing the WPP, including: <ul style="list-style-type: none"> Continuation of watershed coordination and associated administrative costs Implementation, operation, and maintenance of structural and educational BMPs Measuring the effectiveness of implementation measures through monitoring modeling, data analysis, and data management Updating the WPP In addition, identify any relevant authority or legislation that specifically allows, prohibits, or requires action. Shortfalls between needs and available resources should be identified and addressed in the WPP. <i>Status: 20% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 8.3:	Identify Funding Sources and Leverage Existing Resources - TXSTATE will identify opportunities to help fund each BMP listed in the WPP plan, including leveraging existing efforts and seeking in-kind services by using existing data sources, studies, partnerships, and other contributions. Identify federal, state, local, and private funds or resources that are available to assist in implementing the plan. <i>Status: 30% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012

Subtask 8.4:	Communicate with Potential Providers of Technical and Financial Assistance – TXSTATE will communicate with potential sources of technical and financial assistance to inform these entities/individuals about the WPP and the type and level of assistance desired. TXSTATE will request letters of support for the development and implementation of the WPP. <i>Status: On-going</i>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2012
Subtask 8.5:	Element D: Estimate of Technical & Financial Assistance Needed: TXSTATE will prepare a report that estimates BMP costs, identifies financial and technical assistance and relevant authorities needed, identifies funding sources and the existing sources leveraged, and provides the status of efforts to recruit technical and financial assistance needed. <i>Status: 0% complete</i>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2012
Deliverables	<ul style="list-style-type: none"> Draft and Final Element D: Financial and Technical Assistance Report 		

Tasks, Objectives and Schedules			
Task 9:	ELEMENT E: INFORMATION & EDUCATION COMPONENT		
Costs:	Federal:	Non-Federal:	Total:
Objective:	Develop an information and education component used to enhance public understanding of the project and encourage the continued participation in implementation of the WPP. <i>Status: 90% complete; the Stakeholder Education and Outreach Committee has developed a plan.</i>		
Subtask 9.1:	Define Education and Outreach Goals and Objectives – TXSTATE will identify education and outreach goals for WPP implementation. The outreach goals will be specific, measurable, action-oriented, and time-focused. <i>Status: 90% complete</i>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2012
Subtask 9.2:	Identify and Analyze the Target Audience - TXSTATE will identify the audience which needs to be reached in order to meet the goals and objectives identified in Task 9.1 <i>Status: 90% complete</i>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2012
Subtask 9.3:	Design the Education and Outreach Implementation Measures - TXSTATE will create an effective plan to reach the target audiences with specific information and social marketing solutions to inform the public, garner support and change behaviors. Activities may include: <ul style="list-style-type: none"> Partnerships with schools to conduct outreach water quality education Campaigns to distribute water protection brochures and market the outreach plan Urban growth workshops Septic system workshops Campaigns regarding illegal dumping and litter Agricultural waste collection days <i>Status: 90% complete</i>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2011
Subtask 9.4:	Evaluate the Education and Outreach program - TXSTATE will develop an evaluation component into the plan that measures success qualitatively and quantitatively to ensure the needed impact is generated through the education and outreach program and that the education and outreach goals of the WPP are met. <i>Status: 90% complete</i>		
	Start Date:	December 1, 2010	Completion Date: August 30, 2011

Subtask 9.5:	Element E: Information & Education Plan Report - TXSTATE will prepare a report that defines the education and outreach goals and objectives of the WPP, identifies and analyzes the target audience, designs the education and outreach measures to be implemented, and develops an evaluation component that measures success of education and outreach measures throughout implementation. <i>Status: 50% complete</i>			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2011
Deliverables:	Draft and Final Element E: Information & Education Plan Report			

Tasks, Objectives and Schedules				
Task 10:	ELEMENT F: SCHEDULE FOR IMPLEMENTATION OF MANAGEMENT MEASURES			
Costs:	Federal:		Non-Federal:	Total:
Objective:	Create a schedule for implementing the management measures identified in the plan that are reasonably expeditious. <i>Status: 0% complete</i>			
Subtask 10.1:	Element F: Schedule of Implementing Management Measures Report - TXSTATE will develop a plan that will include a schedule of activities with dates for assessing progress in accomplishing the activities. The schedule should reflect the milestones developed in Element G. The schedule will be summarized in a table format.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables:	<ul style="list-style-type: none"> Draft and Final Element F: Schedule for Implementation of Management Measures Report 			

Tasks, Objectives and Schedules				
Task 11:	ELEMENT G: DESCRIPTION OF INTERIM, MEASURABLE MILESTONES			
Costs:	Federal:		Non-Federal:	Total:
Objective:	Develop descriptions of interim measurable milestones for determining whether nonpoint source management measures or other control actions are being implemented. <i>Status: 0% complete</i>			
Subtask 11.1:	Element G: Description of Interim and Long term Measurable Milestones Report - TXSTATE will develop a plan that will include measurable milestones to measure progress in implementing the management measures, and to determine whether they are being implemented on schedule. The milestones should reflect the schedule for implementing the WPP developed in Element F and the criteria for determining effectiveness of implementation measures developed in Element H. The milestones will be summarized in a table format.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables:	<ul style="list-style-type: none"> Draft and Final Element G: Description of Interim, Measurable Milestones Report 			

Tasks, Objectives and Schedules				
Task 12:	ELEMENT H: CRITERIA TO DETERMINE IF LOAD REDUCTIONS ARE ACHIEVED			
Costs:	Federal:	5,	Non-Federal:	Total:
Objective:	Establish a set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made toward attaining water quality standards. In addition, a set of criteria will be established to determine if the other milestone measures and goals of the WPP are being achieved. <i>Status: 0% complete</i>			

Subtask 12.1:	Criteria to Determine Load Reductions - TXSTATE will develop a plan that will measure the effectiveness of the management measures in regard to accomplishments in loading reductions and advances toward attaining water quality standards and other goals of the WPP. The plan will establish assessment criteria for water quality and outreach efforts and will consider other means to quantify the success of BMPs.	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 12.2:	Plan for Adaptive Management – TXSTATE will develop a plan for adaptive management that will provide the basis for determining whether the WPP needs to be revised if interim targets are not met. Possible revisions could include changing management practices, updating the loading analyses, and reassessing the time it takes for pollution concentrations to respond to treatment.	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 12.3:	Final Element H: Criteria to Determine if Load Reductions are Achieved Report - TXSTATE will develop a report that describes a plan to measure the effectiveness of the management measures implemented and a plan for adaptive management based on the effectiveness of implementation efforts.	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables	<ul style="list-style-type: none"> Draft and Final Element H: Criteria to Determine if Load Reductions are Achieved Report 				

Tasks, Objectives and Schedules					
Task 13:	ELEMENT I: MONITORING COMPONENT TO EVALUATE EFFECTIVENESS				
Costs:	Federal:		Non-Federal:		Total:
Objective:	Develop a monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under Element H. <i>Status: 0% complete</i>				
Subtask 13.1:	Element I: Monitoring Component to Evaluate Effectiveness - TXSTATE will develop a monitoring component to evaluate the effectiveness of implementation efforts. The monitoring component will determine whether progress is being made toward attaining or maintaining the applicable water quality standards and other goals of the WPP. The monitoring program should be fully integrated with the established schedule and with the interim milestone criteria identified. The monitoring component should be designed to determine whether loading reductions are being achieved over time and if substantial progress in meeting water quality standards is being made. Watershed-scale monitoring can be used to measure the effects of multiple programs, projects, and trends over time. Instream monitoring does not have to be conducted for individual BMPs.				
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012	
Subtask 13.2:	TXSTATE TST will submit a revised Final Report comments provided by the TCEQ Project Manager on the draft Final Report addressed.				
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012	
Deliverables	<ul style="list-style-type: none"> Draft and Final Element I: Monitoring Component to Evaluate Effectiveness Report 				

Tasks, Objectives and Schedules					
Task 14:	COMPLETION OF THE WATERSHED PROTECTION PLAN				
Costs:	Federal:		Non-Federal:		Total:
Objective:	Compile the WPP and receive approval from the Stakeholder Group. <i>Status: 50% complete</i>				

Subtask 14.1:	Compile the WPP – TXSTATE will compile all approved sections of the WPP (Objectives 2 through 13). The WPP will be assembled using the following format and will include: <ul style="list-style-type: none"> o Title o Table of Contents o Executive Summary (see Task 14.2) o Acknowledgement of the Stakeholder Group and other contributors to the WPP Project o Introduction o Problem Definition o Designated Uses and Water Quality Standards o Description of Watershed o Compilation of the reports produced under Objectives 2 through 13 of this project. o Results and Observations o List of references of data used o Appendices of important documents, including the 9-Key Element Summary Table (TCEQ will provide template) and information needed for further explanation and implementation of the WPP 			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 14.2:	9 Elements of the Watershed Plan Table and Summary - TXSTATE and Stakeholder Group will insert appropriate information into a 9-Key Element Summary Table (see TCEQ Template), and draft an Executive Summary Section of the WPP. The Executive Summary Section is a synopsis of EPA’s nine elements of a watershed plan, how the WPP achieves these elements, and in which sections of the WPP these elements are addressed.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 14.3:	Receive Approval of the Final WPP from the TCEQ - TXSTATE will submit the Draft WPP to the TCEQ NPS Program for review, and will respond to comments provided by the TCEQ.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 14.4:	Receive Approval of the Final WPP from the Stakeholder Group - TXSTATE will present the Draft WPP to the Stakeholder Group for review and approval. TXSTATE will respond to comments provided by the Stakeholder Group.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 14.5:	Present Final WPP to Relevant Officials – TXSTATE will present the Final WPP to local officials and programs which provide potential sources of funding for education and support.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Subtask 14.6:	Present Final WPP to the Public - TXSTATE will present the Final WPP to the public for education and support.			
	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Deliverables	<ul style="list-style-type: none"> • Draft and Final WPP • 9-Key Element Summary Table • Letter of Approval from the Stakeholder Group • Documentation of presentations to relevant officials and the public 			

Tasks, Objectives and Schedules					
Task 15:	Decision Support System				
Costs:	Federal:		Non-Federal:		Total:
Objective:	To calibrate and refine the accuracy of the Decision Support System (DSS) for adaptive use in the community				

Subtask 15.1:	<p>Continue testing and calibration of the watershed models as additional data becomes available. Stormflow monitoring began in the beginning in fall 2009, and will continue for 12 months. Not all of this data will be available for calibrating simulation model outputs from the DSS prior to the end of the Phase I contract cycle. Therefore calibration utilizing new data will continue through Phase II. Watershed models may be highly sensitive to one or more parameters, so calibration of these parameters is important to ensure that the model represents hydrologic processes in the watershed with the greatest possible accuracy. Additional calibration of the DSS's hydrologic models will be performed once monitoring data is available for the full 12-month period. Additional data collected from routine monitoring will also be used to further validate outputs. This objective will comprise the following tasks:</p> <ol style="list-style-type: none"> 1. Calibrate model parameters to generate output most consistent with observed data collected under both routine ambient monitoring and stormflow sampling efforts. <p>[200 hours]</p>				
	<table border="1"> <tr> <td data-bbox="196 511 509 551">Start Date:</td> <td data-bbox="509 511 823 551">December 1, 2010</td> <td data-bbox="823 511 1136 551">Completion Date:</td> <td data-bbox="1136 511 1458 551">August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		
Subtask 15.2:	<p>Conduct a process of scenario development with Stakeholder Steering Committee and evaluate scenarios using the DSS</p> <p>Phase I of the Cypress Creek Project resulted in basic scenarios of economic development and nonpoint source pollution impact generated from meetings held with a subcommittee of stakeholders (DSS Input/Technical Subcommittee), primarily representatives from scientific and regulatory interests. In Phase II of the project, these basic scenarios and their outcomes will be presented to the Stakeholder Steering Committee to demonstrate the capabilities of the DSS as a tool for identifying effective BMPs for inclusion in a Watershed Protection Plan. The Stakeholder Steering Committee will engage in a process of scenario development to identify potential management scenarios that will provide the basis for watershed protection planning. The DSS subcommittee in conjunction with project staff will develop recommendations using the DSS and the Steering Committee's management scenarios and deliver recommendations for the WPP. This objective will comprise the following tasks:</p> <ol style="list-style-type: none"> 1. Present DSS to Stakeholder Steering Committee with basic scenario demonstration 2. Facilitate scenario development process with Stakeholder Steering Committee to identify possible future development patterns that incorporate input from a broad range of stakeholder interests. 3. Utilize DSS to evaluate the outputs of these scenarios and report back to the Steering Committee <p>[100 hours]</p>				
	<table border="1"> <tr> <td data-bbox="196 1165 509 1205">Start Date:</td> <td data-bbox="509 1165 823 1205">December 1, 2010</td> <td data-bbox="823 1165 1136 1205">Completion Date:</td> <td data-bbox="1136 1165 1458 1205">August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		
Subtask 15.3:	<p>Further refine DSS functionality based on stakeholder and technical input from Phase I</p> <p>The DSS documentation delivered at the end of Phase I will include recommendations for additional functionality to be incorporated in the DSS based on input from the DSS Input/Technical Subcommittee. Work under Phase II will include a feasibility assessment of specific additions that may be made to the DSS to address the required functionality. Project staff in consultation with the stakeholder subcommittee will make the requisite changes/additions to the DSS following guidance from USDA-ARS staff (the original developers of the AGWA2 DSS system that provides the framework for the Cypress Creek DSS). This objective will comprise the following tasks:</p> <ol style="list-style-type: none"> 1. Feasibility assessment for incorporating recommended functionality to DSS 2. Incorporate additional functionality into DSS following guidance from USDA-ARS staff and the outcomes of a feasibility analysis 3. Update DSS documentation to include instruction on the use of additional functions <p>[300 hours]</p>				
	<table border="1"> <tr> <td data-bbox="196 1645 509 1692">Start Date:</td> <td data-bbox="509 1645 823 1692">December 1, 2010</td> <td data-bbox="823 1645 1136 1692">Completion Date:</td> <td data-bbox="1136 1645 1458 1692">August 30, 2012</td> </tr> </table>	Start Date:	December 1, 2010	Completion Date:	August 30, 2012
Start Date:	December 1, 2010	Completion Date:	August 30, 2012		

Subtask 15.4:	Continue training and technical liaison activities with stakeholders to evaluate scenarios using the DSS. Project staff will act as a technical liaison to the DSS Input/Technical Subcommittee and the Stakeholder Steering Committee to facilitate the use of the DSS to evaluate potential BMPs for inclusion in the WPP. As additional functions are added to the existing DSS, staff will provide training to the DSS/Technical Subcommittee on the use of those functions. Tasks: <ol style="list-style-type: none"> 1. Provide technical assistance to the DSS Input/Technical Subcommittee and the Stakeholder Steering Committee for evaluating potential BMPs using the DSS 2. Provide training to the DSS Input/Technical subcommittee on the use of new functionality added to the DSS 		
	[150 hours]	Start Date: December 1, 2010	Completion Date: August 30, 2012

Project Goals (Expand from NPS Summary Page)

DRAFT

Measures of Success (Expand from NPS Summary Page)

Schedule of Deliverables				
Task No.	Deliverable	Hrs per event	Total Contract Hrs	Est. # of staff
	Post Award Meeting	5	10	2
1.2	Quarterly Progress Reports	3	84	4
1.3	Quarterly Reimbursement Requests	3	21	1
1.4	Quarterly Conference Calls with TCEQ	3	21	1
1.5	Contractor Self-Evaluation	3	6	2
1.6	Initial Project Fact Sheet	4	8	2
1.6	Project Fact Sheet Update	3	6	2
1.7	Annual Report Article	2	4	1
2.1	Draft PPP	0	0	0
2.1	Final PPP	0	0	0
2.1	Stakeholder Meetings (12)	8	384	4
2.1	Stakeholder support	1	100	1
2	Community engagement	5	75	5
2.6	Project webpage	2	100	1
3	Draft Watershed Characterization – Phase 1: Data Inventory Report	0	0	0
3	Final Watershed Characterization – Phase 1: Data Inventory Report	0	0	0
3	On-line data retrieval system	40	40	1
4.1 - 4.3	Draft Sampling Plan, including DQOs and data review	0	0	0
4.1 - 4.3	Final Sampling Plan, including DQOs and data review	0	0	0
4.5	Draft QAPP for Monitoring submitted to the TCEQ	0	0	0
4.5	Final QAPP for Monitoring submitted to the TCEQ	0	0	0
4.6	Draft QAPP for Modeling submitted to the TCEQ	0	0	0
4.6	Final QAPP for Modeling submitted to the TCEQ	60	60	1
4.7	Draft QAPP Updates submitted to the TCEQ Annually	40	40	1
4.7	Final QAPP Updates submitted to the TCEQ Annually	40	40	1
4.8	Draft QAPP Amendments	8	8	1
4.8	Final QAPP Amendments	8	8	1
4.11	Data Submittals	16	112	1
4.12	Draft Watershed Characterization – Phase 2: Data Collection and Analysis Report	0	0	0

4.12	Final Watershed Characterization – Phase 2: Data Collection and Analysis Report	200	400	2
5.1	Revised/refined watershed goals & targets	60	120	2
5	Watershed maps that identify the causes and sources of water quality problems	60	60	1
5	Draft Watershed Characterization - Phase 3: Identification of Causes and Sources of Pollution and Estimation of Pollutant Loads Report	100	200	2
5	Final Watershed Characterization - Phase 3: Identification of Causes and Sources of Pollution and Estimation of Pollutant Loads Report	100	200	2
6	Draft Element B: Estimate of Pollutant Load Reductions Expected from Management Measures Report	100	200	2
6	Final Element B: Estimate of Pollutant Load Reductions Expected from Management Measures Report	60	120	2
7	Draft Element C: Management Measures Report	60	120	2
7	Final Element C: Management Measures Report	50	100	2
8	Draft Element D: Financial and Technical Assistance Report	60	120	2
8	Final Element D: Financial and Technical Assistance Report	50	100	2
9	Draft Element E: Information & Education Plan Report	0	0	0
9	Final Element E: Information & Education Plan Report	50	100	2
10	Draft Element F: Schedule for Implementation of Management Measures Report	60	120	2
10	Final Element F: Schedule for Implementation of Management Measures Report	50	100	2
11	Draft Element G: Element G: Description of Interim and Long term Measurable Milestones Report	60	120	2
11	Final Element G: Element G: Description of Interim and Long term Measurable Milestones Report	20	40	2
12	Draft Element H: Criteria to Determine if Load Reductions are Achieved Report	40	80	2
12	Final Element H: Criteria to Determine if Load Reductions are Achieved Report	20	40	2
13	Draft Element I: Monitoring Component to Evaluate Effectiveness Report	80	160	2

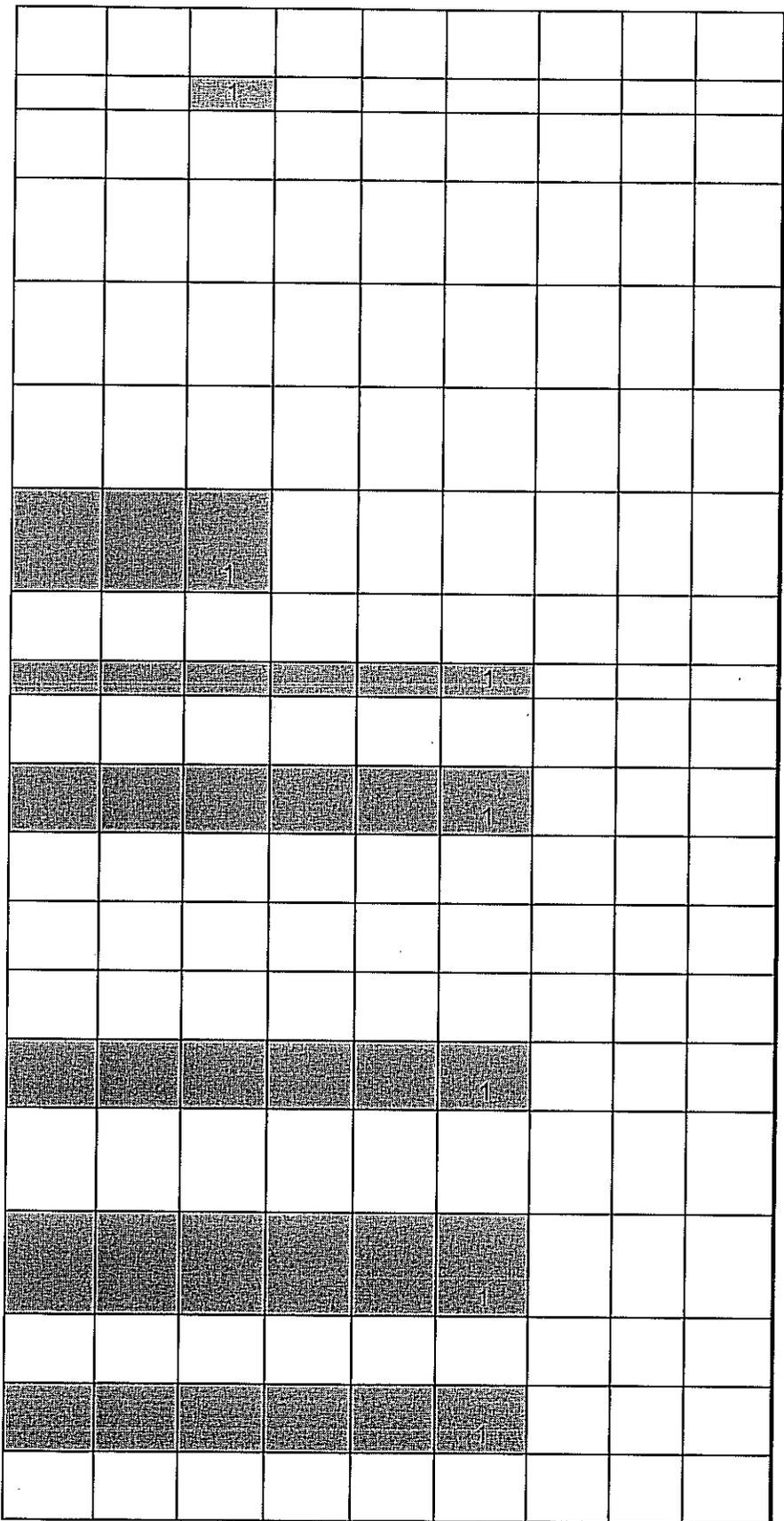
13	Final Element I: Monitoring Component to Evaluate Effectiveness Report	30	60	2
14	Draft WPP	120	240	2
14	Final WPP	60	120	2
15	Decision Support System development			
15	Decision Support System calibration/refinement	750	750	1

Est. total contract hrs	4797
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Green = anticipated time frame for work with completion dates

Yellow = work completed in phase 1

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December 16, 2009

Deborah Burkett Brown
PO Box 13087
- 182
Austin, TX 78711-3087

RE: support letter for River Systems Institute's grant application

Dear Ms. Brown:

I am writing on behalf of the _____ in support of the grant proposal, *Cypress Creek Watershed Protection Plan*, submitted by the River Systems Institute at Texas State University – San Marcos.

The Cypress Creek watershed in Hays County is a unique spring-fed ecosystem under escalating burdens from a variety of sources, including urban growth and increasing demands on groundwater. In fact, Hays County is listed as the 31st fastest growing county in the United States. Furthermore, groundwater withdrawals from the Middle Trinity Aquifer have recently reduced or stopped the flow in Jacob's Well – the main source of water in Cypress Creek. The effects of urban development and groundwater withdrawals on spring flows and surface water quality must seriously be considered when planning for the future of the watershed, the City of Wimberley, and the surrounding communities.

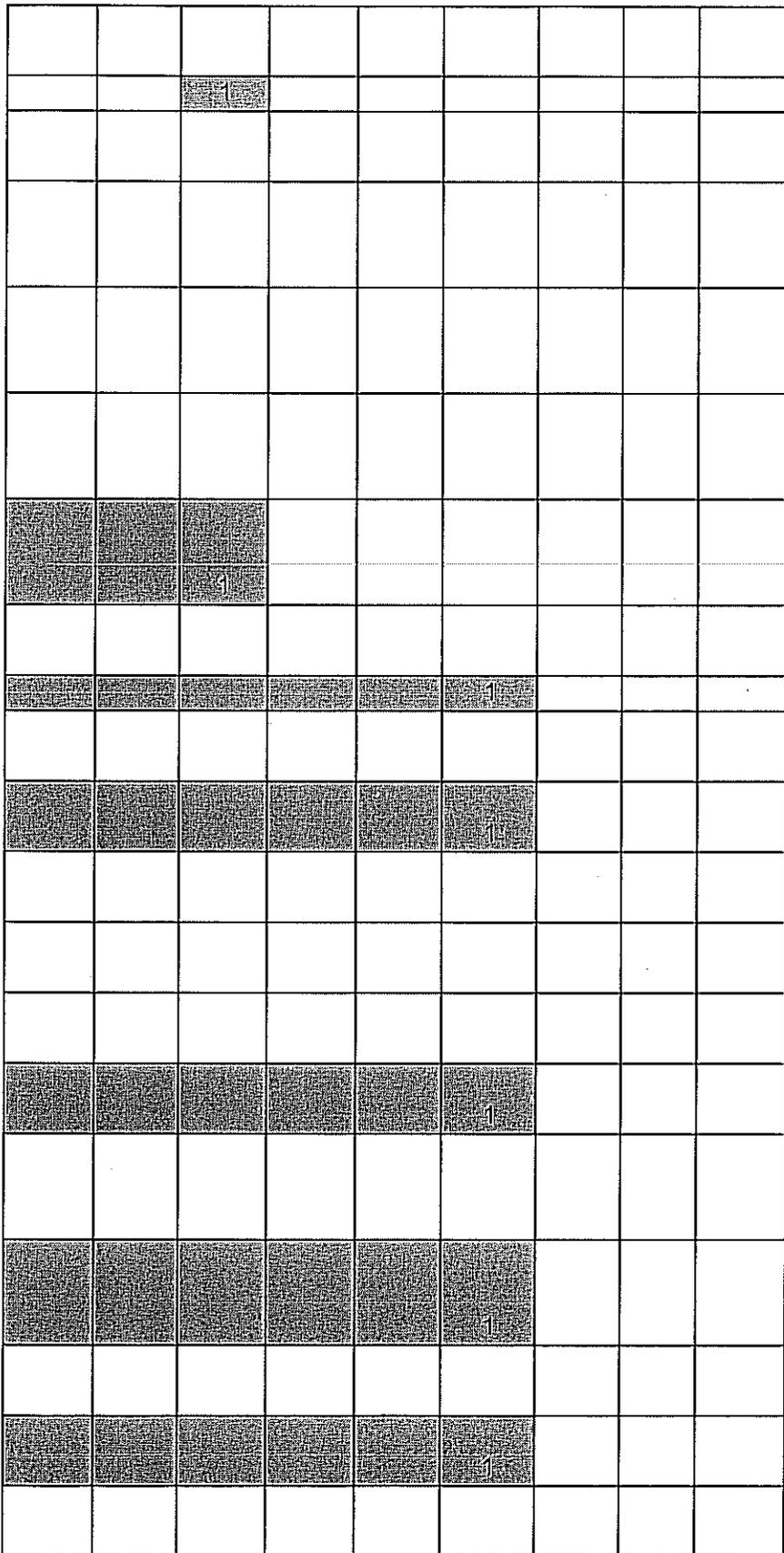
Since water quantity and quality concerns cross multi-agency jurisdictions, they are best managed through a cooperative effort with multiple partnerships. In addition, these efforts are best coordinated through comprehensive watershed management strategies. This is precisely why our organization fully supports the River Systems Institute's efforts in the development of a Cypress Creek Watershed Protection Plan.

When possible, _____ will be able to provide support to the grant through in-kind donations, technical/coordination assistance, meeting space, staff time, and other means available to this organization.

_____ work is invaluable in ensuring the prosperity of the community and we urge you to fully support the grant application.

Sincerely,

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- Deleted: supplies
- Deleted: impacts
- Deleted: is something that
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- Deleted: Hays County is one of the fastest growing areas in the country and is listed as the 31st fastest growing county in the United States. This growth is certain to impact the area and will tax the existing agencies ability to help maintain adequate water quality and quantity.
- Deleted: Because these pollutants and
- Deleted: management issues
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December 16, 2009

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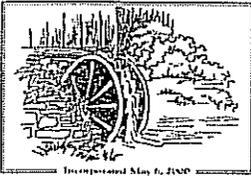
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Sincerely,

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CONSIDER ACTION ON
ISSUES RELATING TO THE POSSIBLE
ACQUISITION OF LOT 80 IN SOUTH RIVER
UNIT ONE, ALSO KNOWN AS 211 STILLWATER
Funds Required:
Funds Available:

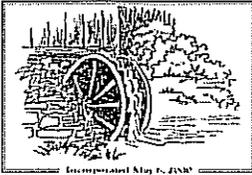
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider action on issues relating to the possible acquisition of Lot 80 in South River Unit One, also known as 211 Stillwater. The subject property is 0.814 acres in size.

City Council Agenda Form



Date Submitted: December 11, 2009

Agenda Date Requested: December 17, 2009

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

Motion

Discussion

Project/Proposal Summary:

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