

# 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**  
**FEBRUARY 18, 2010 6:30 P.M.**

## AGENDA

**CALL TO ORDER:** FEBRUARY 18, 2010 @ 6:30 P.M.

**CALL OF ROLL:** CITY SECRETARY

### INVOCATION

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

### PROCLAMATION

PROCLAMATION RECOGNIZING THE TEXAS STATE UNIVERSITY CANCER AWARENESS GROUP

### CITIZENS COMMUNICATIONS:

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

### **1. CONSENT AGENDA**

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 4, 2010
- (B) APPROVAL OF THE JANUARY 2010 CITY OF WIMBERLEY FINANCIAL STATEMENTS

2. **PRESENTATION**

PRESENTATION BY REPRESENTATIVE(S) OF THE PEC TRIANGLE DEVELOPMENT TASK FORCE ON THE DEVELOPMENT OF A PARK PLAN FOR THE PROPERTY RECENTLY DONATED TO THE CITY OF WIMBERLEY BY THE PEDERNALES ELECTRIC COOPERATIVE

3. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE EFFORTS UNDERWAY TO SECURE FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON PREPARATIONS FOR THE UPCOMING MAY 8, 2010 CITY OF WIMBERLEY GENERAL ELECTION
- STATUS REPORT ON ISSUES RELATING TO THE ACQUISITION OF PROPERTY FOR THE NEW CITY HALL
- STATUS REPORT ON THE CITY OF WIMBERLEY WEBSITE REDESIGN PROJECT
- STATUS REPORT ON SALES TAX COLLECTIONS FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON THE DEVELOPMENT OF THE WINTERS MILL PARKWAY HIKE AND BIKE PROJECT

4. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY HERSCHEL MCCULLOUGH TO PERMIT AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A TRACT LOCATED AT 101A WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(HERSCHEL MCCULLOUGH, APPLICANT)*
- (B) 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 101A WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS. *(HERSCHEL MCCULLOUGH, APPLICANT)*

5. **DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER POSSIBLE APPROVAL OF THE TRANSFER OF AN AMOUNT NOT TO EXCEED \$400,000 FROM THE CITY OF WIMBERLEY FUND BALANCE FOR THE PURPOSE OF FUNDING COSTS ASSOCIATED WITH THE ACQUISITION OF A .814 ACRE TRACT OF LAND LOCATED AT 211 STILLWATER DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, AND AMENDING THE FISCAL YEAR 2010 CITY OF WIMBERLEY GENERAL FUND BUDGET TO REFLECT THE TRANSFER AND EXPENDITURES. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER POSSIBLE APPROVAL OF PROPOSED REVISIONS TO THE RENTAL POLICIES AND FEES FOR THE WIMBERLEY COMMUNITY CENTER. *(WIMBERLEY PARKS BOARD)*

- (C) DISCUSS AND CONSIDER POSSIBLE ACTION ON PRIORITY TRANSPORTATION PROJECTS RECOMMENDED BY THE WIMBERLEY TRANSPORTATION ADVISORY BOARD. (TRANSPORTATION ADVISORY BOARD)
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION ON ISSUES RELATING TO THE POSSIBILITY OF REDUCING THE CORPORATE LIMITS OF THE CITY OF WIMBERLEY. (PLACE FIVE COUNCIL MEMBER JOHN WHITE)
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION DECLARING THE 2007 CHEVROLET TAHOE FORMERLY UTILIZED BY THE CITY MARSHAL AS SURPLUS PROPERTY AND APPROVING THE SALE AND TRANSFER OF THE VEHICLE TO THE OFFICE OF HAYS COUNTY PRECINCT THREE CONSTABLE. (CITY ADMINISTRATOR)
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION ON ISSUES RELATING TO THE NEGOTIATION AND DEVELOPMENT OF A CONTRACT FOR THE PREPARATION OF A BOUNDARY SURVEY OF THE CITY OF WIMBERLEY. (CITY ADMINISTRATOR)
- (G) DISCUSS AND CONSIDER POSSIBLE APPROVAL OF PLANS FOR THE 2010 WIMBERLEY ARTS FEST ON SATURDAY, APRIL 24, 2010. (CITY ADMINISTRATOR)

6. CITY COUNCIL REPORTS

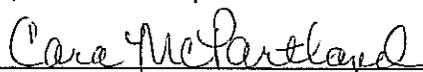
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

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.

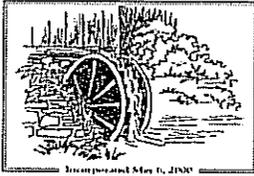
**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on February 12, 2010 at 5:00 p.m.

  
\_\_\_\_\_  
CARA MC PARTLAND, CITY SECRETARY

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

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** APPROVAL OF  
FEBRUARY 4, 2010 MINUTES OF REGULAR  
CITY COUNCIL MEETING

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

Attached are minutes for the February 4, 2010 Regular City Council Meeting for review and consideration.

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
February 4, 2010 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, City Attorney Cindy Crosby, and City Attorney Tom Pollan.

### **Proclamations**

Mayor Haley presented a proclamation to League of Women Voters representatives honoring the League's 90<sup>th</sup> anniversary and proclaiming February 14, 2010 as *League of Women Voters Making Democracy Work Day*.

Mayor Haley presented a proclamation to City Secretary Cara McPartland recognizing her completion of the Texas Municipal Clerks Certification Program to become Texas' 586th certified municipal clerk.

### **Citizens Communications**

Wimberley Valley Watershed Association Executive Director/Hays Trinity Groundwater Conservation District (HTGCD) Vice-President David Baker urged Council to join other entities to consider filing a request for a public hearing on the expansion of Aqua Texas' CCN to a fifty (50) acre area right above Jacob's Well. Concerns were expressed relating to past/present Aqua Texas' water management issues, line losses of up to fifty percent (50%), additional water needed to service the expanded area, and effects of pollution on Wimberley's waterways. He thanked Council for its time and consideration.

In response to Mayor Haley, City Administrator Ferguson replied that Council members may individually contact him to provide input on this issue.

Bent Tree Gallery/Twigs Coffee Shop owner Stan Allen spoke in support of sidewalks in order to improve public safety and benefit downtown area business activities.

## 1. Consent Agenda

Approval of the minutes of the regular City Council meeting of January 21, 2010

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

## 2. City Administrator Report

This item was heard after Agenda Item 6C.

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

City Administrator Ferguson reported on continuing Texas Water Development Board (TWDB) efforts to complete recommendations on treatment/financing options, and consultants' efforts to complete the environmental assessment, which includes holding public hearings.

- Status report on development of a contract for the preparation of a boundary survey for the City of Wimberley

City Administrator Ferguson reported that negotiations are continuing, with updates to be provided to Council.

- Status report on the revision of rental rates and policies for the Wimberley Community Center (WCC)

Due a delay in the Parks Advisory Board meeting schedule, City Administrator Ferguson reported that the Board's recommendation should be included on Council's next regular meeting agenda. In response to Councilmember Thurber, City Administrator Ferguson stated that the WCC staff has been actively involved in all stages of the revision process.

- Status report on the disposition of the City Marshal's patrol vehicle

Due to the recent loss of a Hays County Constable's Office vehicle, City Administrator Ferguson reported that Hays County Precinct Three Constable Darrell Ayres has expressed need for the Wimberley City Marshal's formerly used vehicle. The acquisition of the City Marshal's vehicle will be on the next scheduled Hays County Commissioner's Court meeting agenda for action.

- Status report on the selection of a contractor for the upcoming Fourth of July fireworks display

City Administrator Ferguson reported that no Request for Proposal (RFP) responses have been received as of the designated deadline. He stated that other options are being explored in search of

contractors interested in bidding on a small display to be held on July 4th, which the City hopes to finance through community donations.

### 3. Presentation

Presentation by representatives of the Wimberley Transportation Advisory Board on proposed transportation project priorities

Transportation Advisory Board (TAB) Chairman Corwin Vansant reviewed the prioritization process to date and presented details on nine (9) projects, including cost estimates. Project information for the following nine (9) areas was presented:

- Texan Boulevard/Las Flores Drive/FM 2325 intersection realignment
- Loma Vista Drive
- Palos Verdes Drive
- La Pais Drive
- Las Flores Drive
- Emergency access to Paradise Hills
- New sidewalk in Square area
- Drainage on Green Acres Road
- Drainage on Cypress Creek Lane

The distributed handout detailing TAB's recommended projects is attached to these minutes. Discussion addressed specific costs of certain projects, issues with water runoff/low water crossings, and Paradise Hills emergency access. Council thanked Chairman Vansant and TAB for its work on this project.

### 4. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Herschel McCullough to permit the construction and use of a secondary residential structure on a 3.7 acre tract of land at located at 1415 East Spoke Hill Drive, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R1); 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. (*Herschel McCullough, Applicant*)

City Administrator Ferguson reviewed the conditional use permit (CUP) application including the subject property's location and current/existing zoning, uses, and structures. He noted that the proposed structure will be architecturally consistent with the neighborhood, have a separate septic system from the main residence, and meet all Code requirements. No comments were received from the public either for or against the application. On January 28, 2010, the Planning and Zoning Commission unanimously recommended approval of the proposed CUP as presented. There was brief discussion of the applicant's intended use of the proposed structure.

No public comments were heard.

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

- B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Charles Uselton to permit a bar or tavern and an eating establishment: sit-down, including the sale of beer, wine and alcohol for on-premise consumption on a tract located at 320 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. (*Charles Uselton, Applicant*)

Councilmember Flocke recused himself from the meeting at this time due to a possible conflict of interest.

City Administrator Ferguson reviewed the conditional use permit (CUP) application including the subject property's history (formerly Cypress Creek Café) and reactivation of prior uses, with additional stated uses to allow for a bar/tavern and sit-down eating establishment which sells beer, wine, and alcohol for on-premise consumption. He highlighted the site plan, including the outdoor music venue and restaurant area. He stated that no public comments were received and that the Planning and Zoning Commission unanimously recommended approval with the condition that the applicant install an eight (8) foot privacy fence with a vegetative buffer along both interior side property lines to buffer the impact of the planned outdoor music venue. He noted that should the CUP be approved, the applicant must secure a waiver from the City's distance requirements relating to the sale of beer, wine, and alcohol within three hundred feet (300') of a church, daycare, hospital, or school.

No public comments were heard.

Discussion addressed the location/type of vegetative buffer, parking/access, stage area, existing/proposed fencing, and boundary lines.

Councilmember Appleman moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 4-0 (Councilmember Flocke recused).

After the vote was taken, Councilmember Flocke rejoined the meeting.

- C. 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 320 Wimberley Square, Wimberley, Hays County, Texas. (*Charles Uselton, Applicant*).

City Administrator Ferguson explained the need for this waiver request due to the subject property's location within three hundred feet (300') of a church and daycare facility. He stated that the City's ordinance allows City Council to waive the distance requirements if the Council finds 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.

No public comments were heard.

In response to Councilmember Thurber's inquiry, City Administrator Ferguson replied that no public comments were received either for or against this request. City Administrator Ferguson noted that Planning and Zoning Commissioner Phil Dane commented (as part of the Commission's discussion of the CUP recommendation) on distance waiver requests and whether or not the granting of particular requests might be construed as setting precedent. Planning and Zoning Commission discussion of this issue established that each request is considered on its own merits.

Discussion addressed the need for the waiver due to proximity to a church and daycare facility and that no feedback received on this waiver request.

Councilmember Thurber moved to approve the item as presented, including the findings previously stated by City Administrator Ferguson. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

## **5. Resolution**

Consider approval of a resolution of the City of Wimberley, Texas, authorizing the mayor to sign all documents, including a purchase agreement and financial application and documents related to the purchase of a certain tract of real property described as Lot 80, South River Unit 1, consisting of approximately 0.814 acres, City of Wimberley, Hays County, Texas; providing for an effective date; and proper notice and meeting. (*City Administrator*)

This item was heard after Agenda Item 6A.

Mayor Haley adjourned Open Session and convened into Executive Session at 7:08 p.m. for discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 7:45 p.m. No action was taken during Executive Session.

Councilmember Thurber moved to approve a resolution authorizing Mayor Haley to sign all documents, including a purchase agreement and financial application and documents related to the purchase of a certain tract of real property described as Lot 80, South River Unit 1. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

## 6. Discussion and Possible Action

- A. Discuss and consider possible approval of the Audited Financial Report for the Fiscal Year ended September 30, 2009. (*City Administrator*)

This item was heard after Consent Agenda Item 1.

Preston Singleton of Singleton, Moore & Company, LLP presented the Annual Financial and Compliance Report for the year ended September 30, 2009 and the FY 2008/2009 Audit Reporting Package. He presented details on certain financial statements, including assets, revenues, expenditures, fund balances, reconciliation, budgetary comparisons, internal controls, and compliance.

Discussion addressed fund balances, recommended reserves, advisory comments related to payroll processing and the year-end financial closing process, and new GASB fund balance classifications. There was discussion on assigned/committed fund balance classifications, Council's engagement in potential actions to assign fund balances, Council's authority to commit/uncommit or assign/unassign fund balances, and *adjusting* entries versus *closing* entries.

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

- B. Discuss and consider possible action on options for financing the acquisition of a .814 acre tract of land located at 211 Stillwater Drive, Wimberley, Hays County, Texas. (*City Administrator*)

This item was considered during the above mentioned Executive Session (See Agenda Item 5), for consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code, which was held from 7:08 p.m. to 7:45 p.m. No action was taken in Executive Session.

The following action was taken on this item after action on Agenda Item 5 in Open Session. Councilmember Flocke moved to acquire the .814 acre tract of land located at 211 Stillwater Drive, Wimberley, Hays County, Texas by making a cash payment. Councilmember Thurber seconded. Mayor Haley called for a vote as follows: Councilmember Roccaforte, nay; Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 4-1.

- C. Discuss and consider possible approval of the transfer of an amount not to exceed \$120,000 from the City of Wimberley Fund Balance for purpose of funding costs associated with the acquisition of a .814 acre tract of land located at 211 Stillwater Drive, Wimberley, Hays County, Texas, and amending the Fiscal Year 2010 City of Wimberley General Fund Budget to reflect the transfer and expenditures. *(City Administrator)*

Due to Council's previous action taken on Agenda Item 6B, City Administrator Ferguson advised of the need to re-post this item on Council's next regular meeting agenda to reflect the corrected amount.

Councilmember Flocke moved to re-post this item for Council's February 18, 2010 meeting in order to reflect the corrected amount. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider action authorizing the City Administrator to provide required notice to terminate the current office space lease for the City Hall located at 12111 Ranch Road 12, Suite 114, Wimberley, Texas. *(City Administrator)*

City Administrator Ferguson explained the need for action on this item and recommended approval.

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

- E. Discuss and consider possible action on a request to remove Leach Lane as an emergency access route from the City of Wimberley Transportation Master Plan. *(Place Four Councilmember Steve Thurber)*

Brad Stockman of 200 Leach Lane spoke in favor of removing Leach Lane as an emergency access route from the City of Wimberley Transportation Master Plan (TMP). He directed Council's attention to his letter (attached to these minutes) providing reasoning for the requested removal. He stated that River Meadows Property Owners Association (RMPOA) has formed a subcommittee to study alternate routes and noted various options under consideration.

RMPOA President Dr. Curt Busk thanked Council for hearing residents' concerns and recognized that potential problems exist with Blanco River flooding. He stated that RMPOA voted unanimously to develop a plan to create a flood road and acknowledged that the current flood road needs improvement. He cited rainfall statistics that would cause flooding heavy enough to wash out the road. Because these rain events occur every 500 to 1,000 years, Dr. Busk felt that this issue is not extremely urgent at this time. He noted RMPOA's current subcommittee work on developing alternatives, and asked that Leach Lane be removed from the emergency access plan. He asked that the City treat his area the same as other areas of the City and preferred non-location specific wording.

Discussion addressed current River Meadows access roads, recent improvements made by RMPOA members, and ownership/maintenance of subdivision roads.

Leach Lane resident Gretchen Chapin stressed that every RMPOA member is adamant that Leach Lane is not an available option and stated that property owners are willing to take legal action, if necessary.

Discussion addressed review and documentation of RMPOA's actions, past meeting minutes, stated position, and correspondence.

Councilmember Thurber moved to remove Leach Lane as an emergency access road from the City of Wimberley TMP. Councilmember Flocke seconded.

Discussion on the motion established that the TMP is a fluid planning document that may be changed in the future as Council deems necessary and that Wimberley EMS will take whatever steps needed to obtain access to any area in the event of an emergency.

Motion carried on a vote of 5-0.

- F. Discuss and consider possible action declaring a vehicle camera system belonging to the City of Wimberley as surplus property and approving the transfer of the system to the office of Hays County Precinct Three Constable. (*City Administrator*)

City Administrator Ferguson explained that two camera systems were obtained at no cost to the City from another law enforcement agency several months ago. Hays County Precinct Three Constable Darrell Ayres has expressed interest in one of the systems and with no internal need due to the City Marshal's departure, staff recommends approval of the designation of one system as surplus property to be transferred.

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

- G. Discuss and consider possible action relating to the annual performance review of the city administrator. (*Mayor Tom Haley*)

Mayor Haley adjourned Open Session and convened into Executive Session at 8:39 p.m. for discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code

Mayor Haley adjourned Executive Session and reconvened Open Session at 8:56 p.m. No action was taken during Executive Session.

Mayor Haley entertained a motion to express a vote of confidence for City Administrator Ferguson.

Councilmember Thurber so moved. Councilmember Flocke seconded. Motion carried on a vote of 5-0. Councilmember Thurber also thanked City Secretary McPartland for her efforts in obtaining certification.

## 7. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Thurber requested a joint meeting with TAB to discuss transportation projects. City Administrator Ferguson recommended scheduling a workshop at 5:30 p.m. immediately before Council's next regular meeting on February 18, 2010 at 6:30 p.m.

Councilmember White requested discussion on possible ways to better serve what could be a smaller city due to questions related to Wimberley's population. Councilmember Flocke stated that the approximate figure of 5,000 at the time of incorporation was probably an overestimation.

Councilmember Thurber inquired about the necessity for Council action on the filing of a public hearing request as referred to by HTGCD's David Baker during Citizen Communications earlier in this meeting. It was agreed that members of Council may individually contact City Administrator Ferguson in order to provide direction for administrative action on this matter.

City Administrator Ferguson replied negatively to Councilmember Thurber's inquiry about the need for special meetings related to the City's property acquisition.

Hearing no further announcements or future agenda item requests, Councilmember Thurber moved to adjourn. Mayor Haley called the meeting adjourned at 9:00 p.m.

**Adjournment:** Council meeting adjourned at 9:00 p.m.

Recorded by:

Cara McPartland

These minutes approved on the \_\_\_\_\_ of February, 2010.

**APPROVED:**

**Tom Haley, Mayor**

OPINION OF PROBABLE COST  
 TRANSPORTATION ADVISORY BOARD TRANSPORTATION PROJECTS  
 FOR  
 CITY OF WIMBERLEY  
 January 19, 2010

**PROJECT 1 - TEXAN BOULEVARD / LAS FLORES DRIVE / FM 2325 INTERSECTION REALIGNMENT**  
 (720 LF of 24' Pavement Width, 2' Shoulders in 50' Right-of-Way)

**A. Las Flores Drive**

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00
2	Silt Fencing	200	LF	3.00	600.00
3	Preparation of Right-of-Way	4,000	SY	2.00	8,000.00
4	Subgrade Preparation	2,320	SY	3.50	8,120.00
5	Flexible Base	2,415	SY	9.00	21,735.00
6	Asphaltic Prime Coat	415	GAL	3.25	1,349.00
7	1 1/2" HMAC 2)	2,070	SY	10.00	20,700.00
8	Grade and Shape Ditch Line	910	LF	10.00	9,100.00
9	Culvert Pipe				
	30" RCP	70	LF	85.00	5,950.00
	18" RCP	82	LF	55.00	4,510.00
10	Culvert Headwall				
	30" RCP	2	EA	2,400.00	4,800.00
	18" RCP	6	EA	1,400.00	8,400.00
11	Traffic Signs	3	EA	400.00	1,200.00
12	Street Signs	4	EA	400.00	1,600.00
13	Street Striping	2,704	LF	1.25	3,380.00
14	Rock Berm	24	LF	25.00	600.00
15	Revegetation and Hydromulch	2,000	SY	3.00	6,000.00
16	Stabilized Construction Entrance	1	EA	1,500.00	1,500.00
17	Stop Bar Markings	4	EA	250.00	1,000.00
18	Saw Cut Existing Pavement	150	LF	2.00	300.00
19	Remove Existing Pavement	300	SY	2.00	600.00
	<b>SUBTOTAL CONSTRUCTION</b>				<b>\$ 114,444.00</b>
20	Contingencies				11,444.00
21	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				15,100.00
	<b>SUBTOTAL PROJECT 1A. 1)</b>				<b>\$ 140,988.00</b>

**NOTES:**

- 1) Right-of-way acquisition, land surveying for right-of-way conveyance and legal costs associated with ROW. Acquisition must be budgeted and is not included in above tabulation of opinion of cost.
- 2) Alternate bid will be taken for 2" HMAC.

B. Las Flores Drive in area of realignment for continued access and street frontage.

Item No.	Description	Quantity	Unit	Unit Price	Total
1	Traffic Control	1	LS	2,000.00	2,000.00
2	Silt Fencing	66	LF	3.00	198.00
3	Scarifying and Recompact Existing Pavement	930	SY	4.00	3,720.00
4	Remove Existing Pavment	200	SY	3.00	600.00
5	Remove Culvert and Concrete in FM 2325 Right-of-Way	1	LS	2,400.00	2,400.00
6	Two Course Surface Treatment Pavement	1,427	SY	7.00	9,989.00
7	Revegetation and Hydromulch	1,660	SY	3.00	4,980.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 23,887.00
8	Contingencies				2,389.00
9	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				3,150.00
	<b>SUBTOTAL PROJECT 1B</b>				\$ 29,426.00
	<b>TOTAL PROJECT 1</b>				\$ 170,414.00

PROJECT 2 - LOMA VISTA DRIVE

Subdivision Plat was recorded October 29, 1926 with 36 lots of which 31 front along Loma Vista Drive. Loma Vista Drive has a platted right-of-way width of 20'. Existing pavement width is +/- 15' with length of 1,206'.

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	1,000.00	1,000.00
2	Power Broom, Spot Repair and Single Course Surface Treatment	1,977	SY	6.00	11,862.00
3	1" Compacted HMA Overlay	1,977	SY	7.50	14,828.00
4	Concrete Valley Pavement (1)	300	SF	7.25	2,175.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 29,865.00
5	Contingencies				2,687.00
6	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				3,940.00
	<b>TOTAL PROJECT 2</b>				\$ 36,492.00

**NOTE:**

- 1) Drainage flows across existing pavement in area generally between entry gate in rock wall along north right-of-way and small house painted green on south side of ROW. A 15' wide x 20' length x 5" deep concrete valley is included in construction at finished grade of existing pavement for this drainage. It is not evident where water flows and may simply pond in pavement area.

PROJECT 3 - PALOS VERDES DRIVE

Segment 1 of Palos Verdes Drive is from RR 12 to intersection with Las Pais Drive (1,050 LF). Existing pavement is scarified, base added and recompacted to 22' width with 20' HMA. Segment 2 of Palos Verdes Drive is between Las Pais Drive and La Buena Vista Drive (920 LF) and is overlaid with 1" HMA to 20' width (existing width is 21' to 22').

Segment 1

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Traffic Control	1	LS	2,000.00	2,000.00
2	Scarifying and Recompact Existing Pavement	2,570	SY	4.00	10,280.00
3	6" Crushed Limestone Base	2,570	SY	7.00	17,990.00
4	Asphaltic Prime Coat	515	SY	3.25	1,674.00
5	1 1/2" HMAC	2,335	GAL	10.00	23,350.00
6	Stop Bar Markings	1	EA	250.00	250.00
	SUBTOTAL CONSTRUCTION				\$ 55,544.00
7	Contingencies				5,554.00
8	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				7,330.00
	SUBTOTAL PROJECT 3 SEGMENT 1				\$ 68,428.00

Segment 2

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Power Broom, Spot Repair and Single Course	2,250	LS	3.00	6,750.00
2	1" Compacted HMAC Overlay	2,045	SY	7.50	15,338.00
3	Stop Bar Markings	1	EA	250.00	250.00
	SUBTOTAL CONSTRUCTION				\$ 22,338.00
4	Contingencies				2,234.00
5	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				2,950.00
	SUBTOTAL PROJECT 3 SEGMENT 2				\$ 27,522.00
	TOTAL PROJECT 3 (SEGMENTS 1 AND 2)				\$ 95,950.00

PROJECT 4 - LAS PAIS DRIVE

La Pais Drive from Palos Verdes Drive to La Buena Vista Drive (480') is scarified, base added and recompact to 22' width with 20' HMAC. Intersection with La Buena Vista Drive is reconstructed from wye configuration to single radial alignment intersection.

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Traffic Control	1	LS	1,000.00	1,000.00
2	Subgrade Preparation	215	SY	5.00	1,075.00
3	8" Flexible Base	215	SY	12.00	2,580.00
4	Asphaltic Prime Coat	35	GAL	3.25	114.00
5	1 1/2" HMAC	180	SY	10.00	1,800.00
6	Scarify, Spread and Recompact	1,000	SY	4.00	4,000.00
7	6" Crushed Limestone Base	1,000	SY	7.00	7,000.00
8	Asphaltic Prime Coat	180	GAL	3.25	585.00
9	1 1/2" HMAC	915	SY	10.00	9,150.00
10	Stop Bar Markings	1	EA	250.00	250.00
11	Traffic Signs	1	EA	400.00	400.00
12	Saw Cut Existing Pavement	230	LF	2.00	460.00
	SUBTOTAL CONSTRUCTION				\$ 28,414.00

**PROJECT 4 - LAS PAIS DRIVE - Concluded**

13	Contingencies				2,841.00
14	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				3,750.00
	<b>TOTAL PROJECT 4</b>			<b>\$</b>	<b>35,005.00</b>

**PROJECT 5 - LAS FLORES DRIVE**

Las Flores Drive along present alignment from FM 2325 to La Buena Vista Drive (1,410 LF). Scarified existing pavement, add 6" crushed limestone base and 1 1/2" HMAC pavement (22').

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	2,000.00	2,000.00
2	Subgrade Preparation along Edge of Pavement	630	SY	5.00	3,150.00
3	Scarify, Spread and Recompact	3,760	SY	4.00	15,040.00
4	6" Crushed Limestone Base	3,760	SY	7.00	26,320.00
5	Asphaltic Prime Coat	690	GAL	3.25	2,243.00
6	1 1/2" HMAC 2)	3,450	SY	10.00	34,500.00
7	Remove Existing 18" CMP and Concrete Headwall	1	LS	1,500.00	1,500.00
8	24" RCP Culvert	32	LF	70.00	2,240.00
9	24" Pipe Headwall	2	EA	2,000.00	4,000.00
10	Stop Bar Markings	1	EA	250.00	250.00
11	Saw Cut Existing Pavement	60	LF	2.00	120.00
12	Remove Existing 12" CMP Driveway Culverts	1	LS	800.00	800.00
13	18" Driveway Culverts	40	LF	55.00	2,200.00
14	18" Pipe Sloping Headwall	4	EA	1,400.00	5,600.00
15	Street Striping	5,640	LF	1.00	5,640.00
	<b>SUBTOTAL CONSTRUCTION</b>			<b>\$</b>	<b>105,603.00</b>
16	Contingencies				10,560.00
17	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				13,940.00
	<b>TOTAL PROJECT 5</b>			<b>\$</b>	<b>130,103.00</b>

**NOTE:**

- 1) Reconstruction of driveways within right-of-way is not included.

**PROJECT 6 - EMERGENCY ACCESS TO PARADISE HILLS**

Construct 1,700 LF of 14' width access road along existing trail. No work is proposed for first 1,400 LF of trail off RR 12.

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Cut and Shred Trees/Brush along Trail	1	LS	4,000.00	4,000.00
2	Blade and Shape Trail (18')	3,400	SY	4.00	13,600.00
3	6" Crushed Limestone Base (14')	2,650	SY	7.50	19,875.00
4	Asphaltic Prime Coat (15')	570	GAL	3.50	1,995.00
5	Single Course Surface Treatment	2,840	SY	7.00	19,880.00
6	Rock Berm	500	LF	15.00	7,500.00
	<b>SUBTOTAL CONSTRUCTION</b>			<b>\$</b>	<b>66,850.00</b>

**PROJECT 6 - EMERGENCY ACCESS TO PARADISE HILLS - Concluded**

7	Contingencies	6,685.00
8	Basic Engineering Surveying, Preparation of Plans and Specifications and Public Bidding Process	<u>8,820.00</u>
	<b>TOTAL PROJECT 6</b>	<b>\$ 82,355.00</b>

**NOTES:**

- 1) Easement acquisition cost is not included in above tabulation.
- 2) Grade of existing trail varies from 25 to 30 percent in two areas. Along one 500' segment, the average grade is about 20 percent. Along another 250' segment, the average grade is about 26 percent.

**PROJECT 7 - NEW SIDEWALK IN SQUARE AREA**

Construct sidewalks from the City Parking Lot on Oak Street to The Square and Old Mill Store (Segment 1) and from Oak Street to Garden Gate Area (Segment 2). The following tabulation of cost uses the same unit costs as tabulated in September 2008 with quantities adjusted to reflect construction of sidewalk across frontage of City's new parking area on Oak Street and from Oak Street west 150 LF.

**Segment 1 - Sidewalk**

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Concrete Sidewalk, 6' Width	3,678	SF	5.75	21,149.00
2	Sidewalk Driveway Crossings, 63' @ 6"	738	SF	6.50	4,797.00
3	Sidewalk Curb Ramp with Pavers	1	EA	1,800.00	1,800.00
4	Saw Cut Existing Asphalt Concrete	832	LF	3.00	2,496.00
5	2" HMAC	340	SY	14.00	4,760.00
6	Large Tree Removal	8	ES	700.00	5,600.00
7	Remove and Reconstruct Wood Fence	100	LF	8.00	800.00
8	Removal of Wooden Steps	1	LS	500.00	500.00
9	Stone Walkway Reconstruction	40	SF	6.00	240.00
10	Concrete Planter Boxes	27	EA	500.00	13,500.00
11	1" PVC Electrical Conduit	840	LF	3.50	2,940.00
12	Flare Lane Striping and Signage	575	LF	3.00	1,725.00
	<b>SUBTOTAL CONSTRUCTION</b>				<b>\$ 60,307.00</b>
13	Contingencies				6,031.00
14	Basic Engineering (Credit for previous payment not shown) Surveying, Preparation of Plans and Specifications and Public Bidding Process				<u>8,624.00</u>
	<b>SUBTOTAL PROJECT 7 SEGMENT 1 - SIDEWALK</b>				<b>\$ 74,962.00</b>

**Segment 1 - Water Line**

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	6" PVC C-900, DR-18 Water Line	795	LF	30.00	23,850.00
2	6" Gate Valve	4	EA	750.00	3,000.00
3	2" Gate Valve	1	EA	250.00	250.00
4	6" DI Hydrant Lead	12	LF	45.00	540.00
5	Fire Hydrant Lead	2	EA	3,500.00	7,000.00
6	DI Fittings	0.25	TON	4,000.00	1,000.00
7	6" Wet Connection	1	EA	1,000.00	1,000.00
8	2" Wet Connection with Fittings	1	EA	500.00	500.00

**Segment 1 - Water Line - Concluded**

9	1" PE CI 200 Service Line in 3" PVC Sleeve	210	LF	10.00	2,100.00
10	Reconnect Meter Service Line	7	EA	225.00	1,575.00
11	Relocate Meter Service	1	EA	350.00	350.00
12	New Meter Service	3	EA	425.00	1,275.00
13	1 1/2" PVC SDR-21 Irrigation Line	735	LF	4.00	2,940.00
14	1" PVC Schedule 40 Irrigation Lateral	120	LF	6.00	720.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 46,100.00
15	Contingencies				4,610.00
16	Basic Engineering (Credit for previous payment not shown)				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				6,590.00
	<b>TOTAL PROJECT 7 SEGMENT 1 - WATER LINE</b>				\$ 57,300.00

**Segment 2**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Concrete Sidewalk, 6' Width	900	SF	5.75	5,175.00
2	Pedestrian Crossings Striping	1	SF	400.00	400.00
3	Sidewalk Curb Ramp with Pavers	1	EA	1,800.00	1,800.00
4	Saw Cut Existing Asphalt Concrete	150	LF	3.00	450.00
5	2" HMAc	34	SY	14.00	476.00
6	Concrete Planter Boxes	3	EA	500.00	1,500.00
7	1" PVC Electrical Conduit	190	LF	3.50	665.00
8	Fire Lane Striping and Signage	150	LF	3.00	450.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 10,916.00
9	Contingencies				1,092.00
10	Basic Engineering (Credit for previous payment not shown)				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				1,560.00
	<b>SUBTOTAL PROJECT 7 SEGMENT 2</b>				\$ 13,568.00
	<b>TOTAL PROJECT 7 (SEGMENTS 1 AND 2)</b>				\$ 145,830.00

**PROJECT 8 - DRAINAGE ON GREEN ACRES ROAD**

Reconstruct existing culvert consisting of three 36" CMPs with concrete headwalls. Contributing drainage basin is about 212 acres with 10-year storm frequency flow of about 800 cfs and 25-year storm frequency flow of about 1,000 cfs for current basin conditions. The water surface elevation (WSEL) for various storm frequency is tabulated below for the existing three 36" culverts.

Storm	WSEL	Depth Over Road
10-year	897.28'	2.05'
25-year	897.54'	2.31'
100-year	897.96'	2.73'

The top of the existing road elevation is 895.23'. To reduce depth of flow over road to less than 0.5' for 100-year storm flow requires five 6' span x 5' height box culverts maintaining the current flow line. Five 6' x 5' box culverts will inundate the road to a depth of 0.1' for the 25-year storm and 1' for the 100-year storm. Five 6' x 5' replacement culverts will inundate the road greater than the 0.5' required by City Code but is used for budget planning purposes.

**PROJECT 8 - DRAINAGE ON GREEN ACRES ROAD - Concluded**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	4,000.00	4,000.00
2	Excavate and Remove Existing Culvert Pipe and Headwalls	1	LS	6,000.00	6,000.00
3	Five 6' x 5' Box Culverts and Backfill	34	LF	1,450.00	49,300.00
4	Box Culvert Headwalls	2	EA	18,000.00	36,000.00
5	Road Base	334	SY	15.00	5,010.00
6	Asphaltic Prime Coat	50	GAL	4.00	200.00
7	2" HMAC	244	SY	15.00	3,660.00
8	Pavement Striping	400	LF	2.00	800.00
9	Saw Cut Existing Pavement	44	LF	2.00	88.00
10	Silt Fencing	100	LF	3.00	300.00
11	Revegetation and Hydromulch	600	SY	3.00	1,800.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 107,158.00
13	Contingencies				10,716.00
14	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				14,145.00
	<b>TOTAL PROJECT 8</b>				\$ 132,019.00

**PROJECT 9 - DRAINAGE ON CYPRESS CREEK LANE**

Reconstruct existing 12" CMP culvert near the intersection of Cypress Creek Lane and Bluebird Lane. The contributing drainage area to this culvert is about 27 acres and the 25-year storm flow is about 120 cfs. To reduce depth of flow over the road to less than 0.5' requires two 5' span x 3' height box culverts. Because of the size of the existing culvert and shallow depth of bury, the outlet of the new structure will require cutting a channel on private property and acquisition of easement.

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	4,000.00	4,000.00
2	Excavate and Remove Existing Culvert Pipe and Headwalls	1	LS	1,000.00	1,000.00
3	Two 5' x 3' Box Culverts and Backfill	34	LF	475.00	16,150.00
4	Box Culvert Headwalls	2	EA	8,000.00	16,000.00
5	Outlet Channel Excavation	140	SY	20.00	2,800.00
6	Road Base	250	GAL	15.00	3,750.00
7	Asphaltic Prime Coat	40	SY	4.00	160.00
8	2" HMAC	200	LF	15.00	3,000.00
9	Pavement Striping	160	LF	2.00	320.00
10	Saw Cut Existing Pavement	42	LF	2.00	84.00
11	Silt Fencing	40	SY	3.00	120.00
12	Rock Berm	40	25.00	25.00	1,000.00
13	Revegetation and Hydromulch	400	3.00	3.00	1,200.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 49,584.00
14	Contingencies				4,955.00
15	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				6,545.00
	<b>TOTAL PROJECT 9</b>				\$ 61,084.00

SUMMARY OF TAB TRANSPORTATION PROJECTS COST

Project 1A	\$	140,988.00
Project 1B	\$	29,426.00
Project 2	\$	36,492.00
Project 3 Segment 1	\$	68,428.00
Project 3 Segment 2	\$	27,522.00
Project 4	\$	35,005.00
Project 5	\$	130,103.00
Project 6	\$	82,355.00
Project 7	\$	145,830.00
Project 8	\$	132,019.00
Project 9	\$	61,084.00

The above tabulation of cost is based upon estimated quantities and unit prices and should not be interpreted as actual cost. The actual cost of construction will be determined using bid prices submitted from a qualified contractor.

PREPARED BY: Joel D. Wilkinson 01/19/2010  
Joel D. Wilkinson, P.E. Date  
Neptune-Wilkinson Associates, Inc. TBPE Firm# F-359



January 18, 2010

Councilman Thurber:

My name is Brad Stockman, and I live at 200 Leach Lane. I am writing to ask your help in addressing an issue in the City's Transportation Master Plan, regarding Emergency Access to the River Meadows area of town.

As you're aware, the Transportation Advisory Board (TAB) made recommendations regarding several sections of the Wimberley Transportation Master Plan, including recommendations for Emergency Access and Connectivity. In the area of the River Meadows subdivision, the TAB recommended a Connector Road be established at the terminus of Leach Lane, through to Wayside Drive. Planning and Zoning recommended that this road not be established, and City Council agreed - the road was not included in the Transportation Master Plan.

However, prior to the community attention and opposition to the TAB plan for Connectivity, the TAB recommended - then P&Z and Council approved - that a new Emergency Access road be established at the same location (at the end of Leach Lane). This Emergency Access roadway is now a part of the approved Transportation Master Plan - **and I'm writing to ask your help in removing that roadway from the Master Plan.**

The River Meadows subdivision, as a group of property owners, holds deed to a strip of land between River Road and Wayside Drive. On this strip of land, the subdivision has constructed and maintained a roadway, specifically for the purpose of providing emergency access to and from the River Meadows subdivision, in the event River Road becomes impassible. Our Association dues cover the maintenance of this roadway each year, and a volunteer group of homeowners regularly maintains this roadway, clearing brush and arranging for the regrading and repairs necessary to keep the road in passable condition.

TAB did not designate this roadway as the recommended Emergency Access roadway because there is some concern that in extreme conditions, the road may not be passable by large emergency vehicles. However, in designating the area at the end of Leach Lane as the new Emergency Access location, TAB selected a piece of land that is not owned by the city, the subdivision, or any public source - this land is privately owned by individual property owners. Further, there is no existing roadway at this location - the construction of which will entail a large expense that neither the city nor area homeowners are prepared to bear.

In our most recent annual property owner's association meeting (in October of 2009), our group voted unanimously to create a committee of responsible property owners to study this issue, and make a recommendation to the Property Owners Association and to the City, regarding the Emergency Access to the River Meadows area of Wimberley. This group has met three times, and is in the process of obtaining cost estimates for various options. This group will present its findings to a special session of the River Meadows Club, LLC on April 10th, 2010. Following that meeting, when our group has voted on the most appropriate option for our residents, we plan to bring our recommendation to the TAB, P&Z, and City Council for consideration and possible inclusion in the City's Transportation Master Plan.

Until that recommendation is reached, **I respectfully request that City Council ask the P&Z and/or TAB to remove Leach Lane as a designated Emergency Access roadway in the City's Transportation Master Plan.** In turn, our community group will, in the interim, continue to maintain the existing Emergency Access roadway.

Thank you for your consideration of this matter. I appreciate and respect the difficult work of the TAB, and I appreciate the consideration you've shown to this process.

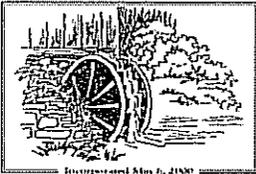
Sincerely...

*Brad Stockman*

*PO Box 27  
Wimberley TX 78676*

*512-922-4316  
jbs83340@yahoo.com*

# City Council Agenda Form



Date Submitted: February 11, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** APPROVAL OF JANUARY  
2010 FINANCIAL STATEMENTS

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

**Council Action Requested:**

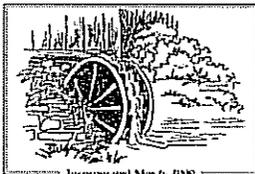
- Ordinance
- Resolution
- Motion
- Discussion

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**Project/Proposal Summary:**

This item was placed on the agenda to allow City Council to consider approval of the January 2010 Financial Statements. At the time of production of the agenda packet, the Financial Statements were being finalized. Once completed, a copy will be presented under separate cover in advance of the Council meeting for review.

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

Project/Proposal Title: PRESENTATION BY PEC  
TRIANGLE DEVELOPMENT TASK FORCE

Council Action Requested:

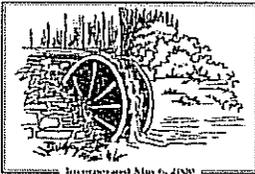
- Ordinance
- Resolution
- Motion
- Discussion

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## Project/Proposal Summary:

This item was placed on the agenda to allow representative(s) of the so-called *PEC Triangle Development Task Force* to brief City Council on its efforts, to date, to develop an acceptable park plan for the small vacant tract of land located at the intersection of Ranch Road 12 and FM 2325. The subject property was recently donated to the City by the PEC.

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

Project/Proposal Title: CITY ADMINISTRATOR'S  
REPORT

Funds Required:  
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

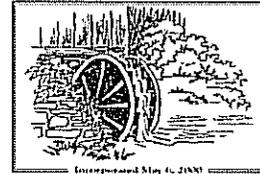
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## Project/Proposal Summary:

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

- Status report on the efforts underway to secure federal funding for the downtown wastewater project
- Status report on preparation for the upcoming City of Wimberley General Election on May 8, 2010
- Status report on issues relating to the acquisition of property for the new City Hall
- Status report on the redesign of the City of Wimberley website
- Status report on sales tax collections for the City of Wimberley
- Status report on the development of the *Winters Mill Parkway Hike and Bike Trail*

# Report for CUP-10-003



## Summary:

A request for a Conditional Use Permit (CUP) to allow for a sit-down eating establishment that sells beer, wine and alcohol for on-premise consumption at 101A Wimberley Square

## Applicant Information:

**Applicant:** Herschel McCullough  
1415 E. Spoke Hill  
Wimberley, TX 78676

**Property Owner:** Herschel McCullough

## Subject Property:

**Legal Description:** ABS 461 A Turner Survey .038 AC  
**Location:** 101A Wimberley Square  
**Existing Use of Property:** Commercial-Restaurant  
**Existing Zoning:** Commercial-Low Impact (C-1)  
**Proposed Use of Property:** Commercial-Restaurant that sells beer, wine and alcohol for on-premise consumption  
**Proposed Zoning:** C-1 with CUP for a sit-down eating establishment which sells beer, wine and alcohol for on-premise consumption  
**Planning Area**  
**Overlay District** V  
Village Center Overlay, VC

## Surroundings:

**Frontage On:** Wimberley Square

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	PR-2	Commercial
<b>S of Property</b>	C-1	Commercial
<b>E of Property</b>	C-3	Commercial
<b>W of Property</b>	C-2	Commercial

## Legal Notice

**200' Letters** 1/22/10  
**Published** 1/27/10  
**Sign Placement** 1/22/10  
**Responses** None

## Comments:

The applicant has requested a Conditional Use Permit (CUP) to allow for a sit-down eating establishment that sells beer, wine, and alcohol for on-premise consumption on a tract of land located at 101A Wimberley Square.

Currently, the subject property is zoned *Commercial-Low Impact (C-1)* and is located in the *Village Center Overlay District* and *Planning Area V*. Eating establishments that sell beer, wine, and alcohol for on-premise consumption are allowed in *C-1* as conditional uses.

The subject property is the current location of the *Wimberley Café* which has operated as a restaurant for years. The applicant is proposing to begin selling beer, wine and alcohol as part of the existing sit-down restaurant operation.

To date, City staff has received no comments from the public on the CUP request.

On February 11, 2010, the Planning and Zoning Commission held a public hearing on the CUP request. Afterwards, the Commission voted unanimously to recommend approval of the CUP with the condition that alcohol would be served and consumed only in those areas on the subject property where food is served.

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.

§ 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.*

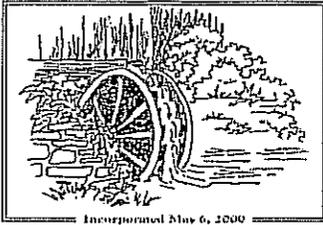
(1) Open storage is prohibited.

(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



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 003

### FOR OFFICIAL USE ONLY

Application Date: 1/13/10 Tentative P&Z Hearing: 2/11 Tentative Council Hearing: 2/18

FEES: \$400.00 DATE PAID: 1/13/10 CHECK NO. 2872 REC'D BY ARJ/Murica

PROJECT SITE ADDRESS: 101A WIMBERLY CO Wimberley, TX. 78676

OWNER/APPLICANT Herschel McCollum (PHONE ( ) 847-3333

FAX ( ) \_\_\_\_\_ EMAIL: W5MC@AUSTON.RR.COM

Mailing Address: 1415 E. Spoke Hill CITY: Wimberly 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: C-1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

EXISTING C-1 ZONED. CUP TO ALLOW SALE OF BEER & WINE

Planning Area \_\_\_\_\_ Zoning C-1 Total Acreage or Sq. Ft. 32400'

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

Appraisal District Tax ID#: R

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_

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

Type: Village Center

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: WWSC

Wastewater Service Provider or Hays County Septic Permit No: \_\_\_\_\_

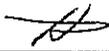
**MY REQUEST IS BASED ON THE FOLLOWING:**

- 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.

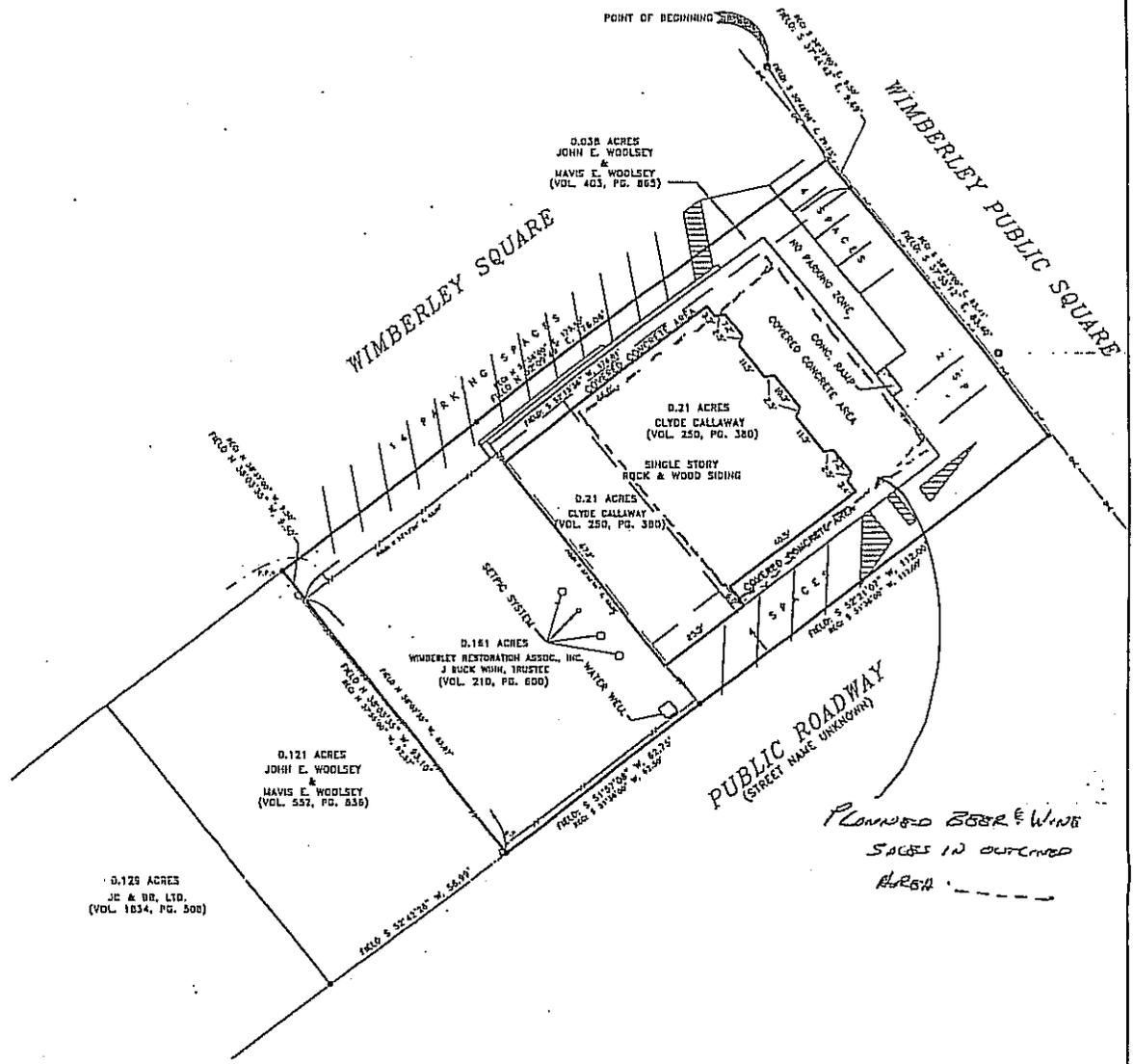
Date 1-12-10

  
\_\_\_\_\_  
APPLICANT SIGNATURE

WHEN APPLICABLE:

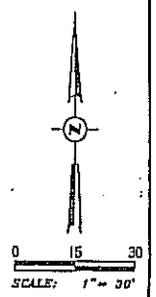
Date \_\_\_\_\_

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



**PLAT LEGEND**

- 1/2" IRON PIN FOUND
- 1/2" IRON PIN SET
- ⊗ "X" FOUND IN CONC.
- DENOTES FENCE POST
- △ DENOTES HWY. R.O.W. MONUMENT
- DENOTES OVER HEAD ELECTRIC LINE
- P.P. DENOTES POWER POLE
- M.P. DENOTES METER POLE
- DENOTES GUY WIRE
- ☐ ELEC. TRANSFORMER BOX
- DENOTES CHAIN-LINK FENCE LINE
- X— DENOTES BARB WIRE FENCE LINE
- W— DENOTES WOOD FENCE LINE
- F— DENOTES FIELD WIRE FENCE LINE
- S— DENOTES STEEL FENCE LINE
- ☐ AIR CONDITION UNIT
- ⊕ TELEPHONE RISER
- ⊕ CABLE TELEVISION RISER
- ⊕ DENOTES FIRE HYDRANT
- ⊕ DENOTES LIGHT POST



\*RESTRICTIVE COVENANTS:

**SURVEY ASSOCIATES**  
Commercial - Residential

2844 BRADENWALK  
SAN ANTONIO, TEXAS 78217  
(214) 828-1185

NOTES:

STATE OF TEXAS  
COUNTY OF HAYS

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible encroachments or encroachments of buildings on adjoining property, and that all buildings are wholly located on this property except as shown above and that all pins have been located as indicated above on the site on this plat. Survey is not for architectural, landscaping or other engineering purposes. Declaration is made to original purchasers of and is not transferable to additional titleholders or subsequent owners. Municipal records not researched. Surveyor has abstracted for boundary lines only. Other matters of record which may affect this plat have not been researched.

This 24th day of   OCT  , 20   07   A.D.

LOT, SEE FIELD NOTES  
SUBDIVISION THE AMASA TURNER SURVEY, ABSTRACT NO. 461  
VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ DEED AND PLAT RECORDS  
CITY OF WIMBERLEY, HAYS COUNTY, TEXAS.  
ADDRESS: 101 WIMBERLEY SQUARE

1	D.B.	F.S.	S.D.	A.O./I.A.
2				
3				
4				

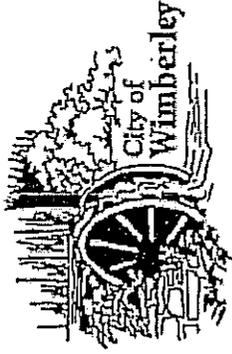
THE REGISTERED PROFESSIONAL LAND SURVEYOR

**RALPH G. RESER**  
6000

RALPH G. RESER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 8500

WORK ORDER No. 07-07-08C

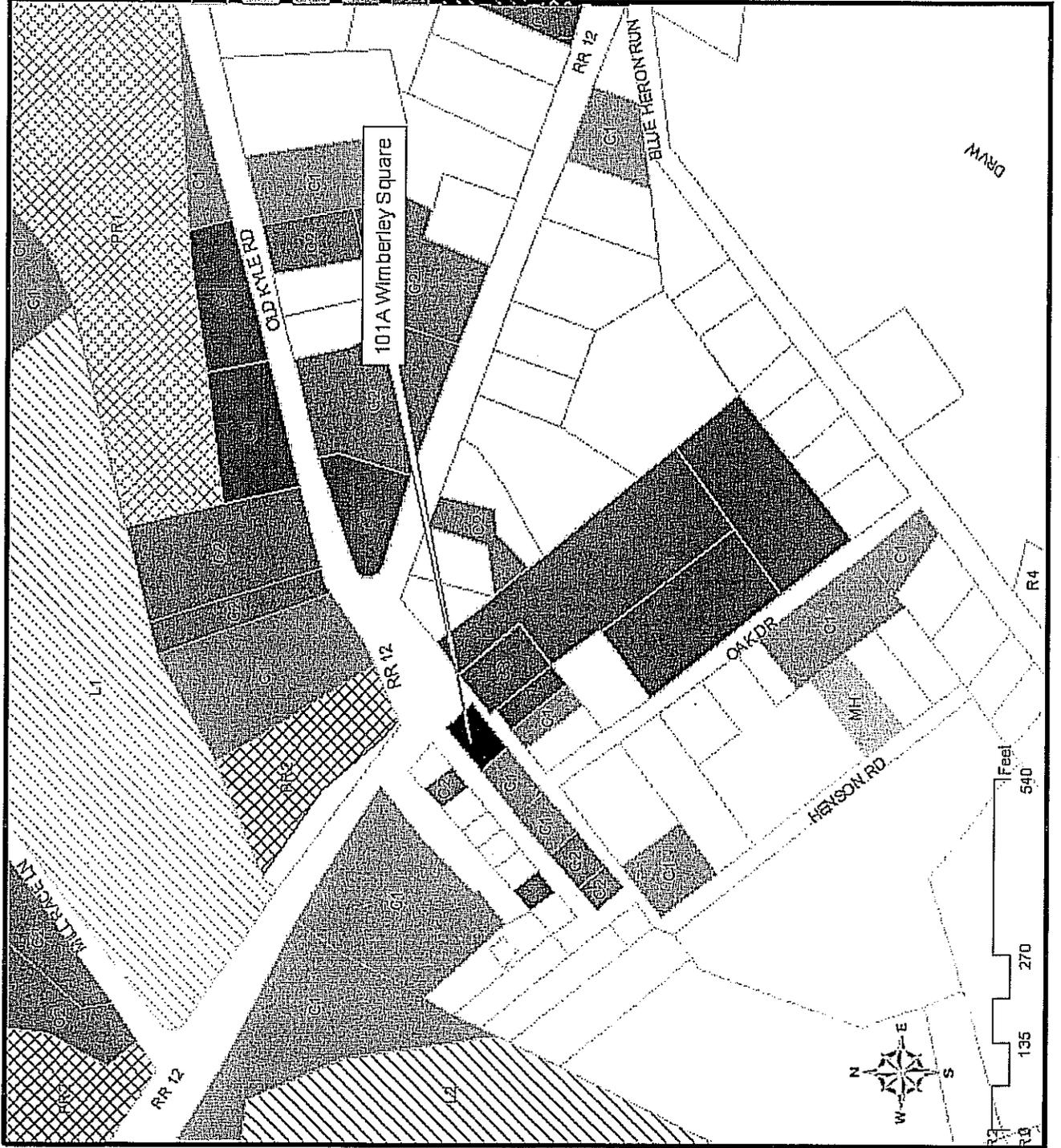
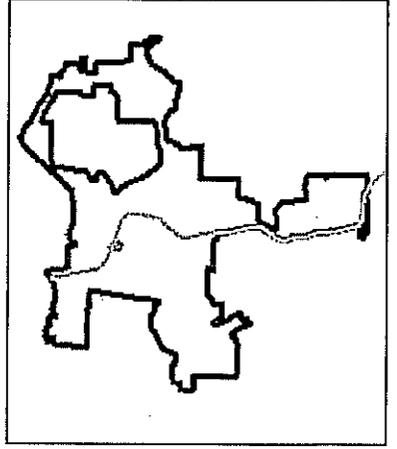
# Zoning Map for CUP-10-003



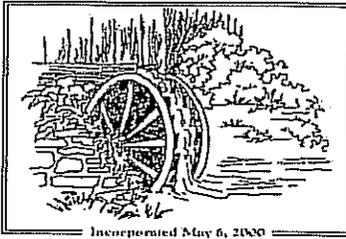
P.O. Box 2027 • Wimberley, Texas 78676

-  Subject Property
-  Mobil Home
-  Commercial-Low Impact (C-1)
-  Commercial-Moderate Impact (C-2)
-  Commercial-High Impact (C-3)
-  Lodging 1 (L-1)
-  Lodging 2 (L-2)
-  Participant Recreation-Low Impact (PR-1)
-  Participant Recreation-High Impact (PR-2)

Location Map







# City of Wimberley

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

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

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

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

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

January 22, 2010

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-10-003**

101A Wimberley Square

A request for a Conditional Use Permit (CUP) to allow a sit-down eating establishment including the sale of beer, wine or alcohol for on-premise consumption.

**File No. AV-10-003**

101A 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.

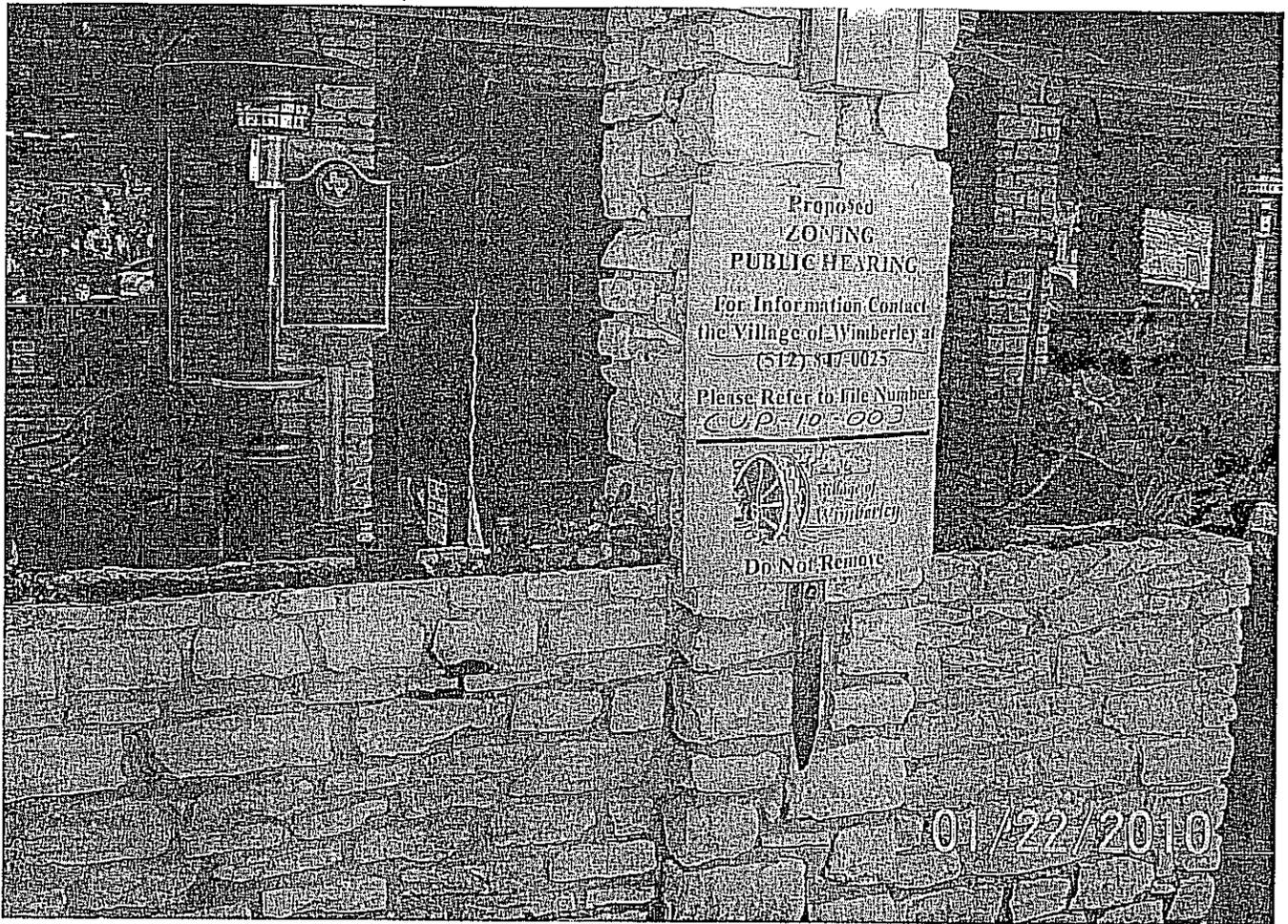
The applicant, Herschel McCullough, has requested a Conditional Use Permit (CUP) to allow a sit-down eating establishment including the sale of beer, wine or alcohol for on-premise consumption at 101A Wimberley Square. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, February 11, 2010, 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, February 18, 2010, at 6:30 p.m.**

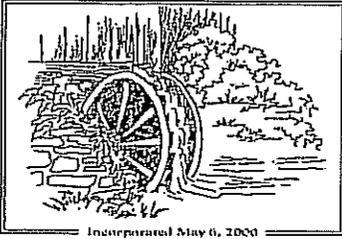
Associated with the above mentioned application, the applicant is seeking a waiver from the City requirement prohibiting the sale of alcohol within 300 feet of a church, school, day care center or hospital. The Wimberley City Council will consider this waiver request at a public hearing on **Thursday, February 18, 2010, at 6:30 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





# City of Wimberley

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

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

E-mail: [Wimberley@anvilcom.com](mailto:Wimberley@anvilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: CUP-10-003

Owner \_\_\_\_\_

Date 1/27/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property.

( ) Project Site Address 101A Wimberley Square

which is located on W Wimberley Square

Bill Bowers  
Asst. Public Works

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

1/27/10, 2010

  
\_\_\_\_\_  
Signature

**Country News 858-4163 Wimberley View 847-2202**

# THE CLASSIFIED

Wednesday, January 27, 2010

Email your ads to: [classad@wimberley.com](mailto:classad@wimberley.com)



## 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, February 18, 2010, at 6:30 p.m. to consider the following: AV 10-0001 request for a waiver to sell alcohol for on-premise consumption within 400' of a school, church, day care or hospital at 1011A Wimberley Square. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas (00712/12/08)

## 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 on Thursday, February 18, 2010, at 6:30 p.m. to consider the following: CUP 10-003, an application for a Conditional Use Permit (CUP) to allow a site down hearing establishment including the sale of beer, wine or alcohol for on-premise consumption at 1011A Wimberley Square. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, February 18, 2010, at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas (00712/12/08)

## Waste Water Treatment Plant Improvements

Proposals will be opened publicly and read aloud. All interested parties are invited to attend.  
 Proposals received after this time, whether delivered in person or mailed, will not be accepted. FAX proposals will not be accepted.  
 Proposal forms and specifications may be obtained from the Dripping Springs Independent School District Business Office, by calling (512) 856-3006 between 8:00 A.M. and 4:00 P.M. Monday through Friday, or on the district website at <http://www.dsisd.net/all/bids.aspx>.  
 All questions pertaining to the specifications of the proposal should be directed to Mr. Doug Tunno and Southwest Engineers at 330-672-7546.  
 Dripping Springs Independent School District reserves the right to reject any and all proposals or to waive formalities. In case of ambiguity or lack of clarity and state of compliance in the proposal, Dripping Springs Independent School District reserves the right to consider the most advantageous interpretation thereof or to reject the proposal. (00710/2/10)

## PUBLIC NOTICE REQUEST FOR PROPOSAL

Sealed competitive proposals will be received at the Business Office of the Dripping Springs Independent School District, 510 West Mercer Street, P.O. Box 479, Dripping Springs, Texas 78620, February 11, 2010, until 2:00 P.M. for the following:

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ORDINANCE NO. 2010-\_\_\_\_\_

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY HERSCHEL MCCULLOUGH TO PERMIT AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON AN APPROXIMATELY 0.038 ACRE TRACT LOCATED AT 101A WIMBERLEY SQUARE, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.**

WHEREAS, an application for a Conditional Use Permit has been filed by Herschel McCullough ("Applicant") requesting authorization to permit an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as approximately 0.038 acres described as part of the ABS 461 Amasa Turner Survey, zoned Commercial-Low Impact (C-1); and

WHEREAS, an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption is an authorized use in areas zoned Commercial-Low Impact (C-1) 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 Herschel McCullough ("Applicant") to permit an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as a 0.038 acre tract 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-Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The use of the property for an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption shall be limited to those areas where food service occurs.
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 an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on the property, 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 \_\_\_\_\_, 2010 by a vote of \_\_\_ (Abstentions), \_\_\_ (Ayes) and \_\_\_ (Nays).

**WIMBERLEY, TEXAS**

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

**ATTEST:**

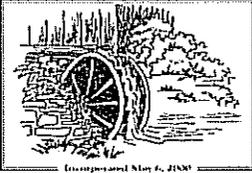
\_\_\_\_\_  
Cara McPartland, City Secretary

(SEAL)

**APPROVED AS TO FORM:**

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

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** CONSIDER ACTION ON A DISTANCE RESTRICTION WAIVER REQUEST TO ALLOW FOR THE SALE OF BEER, WINE AND ALCOHOL AT 101A WIMBERLEY SQUARE

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

---

## Project/Proposal Summary:

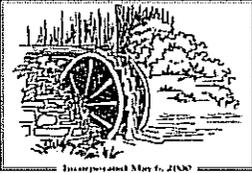
Currently, the sale of beer, wine and alcohol is prohibited within 300 feet of schools, churches, hospitals and day care facilities within the City of Wimberley. The same City ordinance that restricts the sale of beer and wine to certain locations allows business establishments located within so-called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

In January, the City of Wimberley received such a waiver request from the owners of *The Wimberley Café* who are proposing to sell beer and wine for on-premise consumption at part of their restaurant operation located at 101A Wimberley Square. The subject property is located within 300 feet of 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.

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** CONSIDER APPROVAL OF A FUND BALANCE TRANSFER AND BUDGET AMENDMENT RELATING TO THE PURCHASE OF 211 STILLWATER

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

Ordinance

Resolution

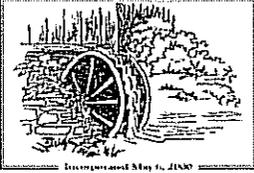
Motion

Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow City Council to discuss and consider approval of the transfer of up to \$400,000 from the *City of Wimberley Fund Balance* to fund the various costs associated with the purchase of property located at 211 Stillwater in Wimberley, Texas. Among the costs to be funded are the payment for the property purchase in the amount of \$380,000 along with the costs of property and environmental surveys and other costs associated with moving into the subject property. If it is the desire of Council to approve the proposed transfer from fund balance, the motion should also reflect an amendment to the *Fiscal Year 2010 City of Wimberley General Fund Budget* to reflect the transfer and expenditures.

# City Council Agenda Form



Date Submitted: February 11, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** CONSIDER APPROVAL OF PROPOSED REVISIONS TO THE RENTAL POLICIES AND FEES FOR THE WIMBERLEY COMMUNITY CENTER

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

Ordinance

Resolution

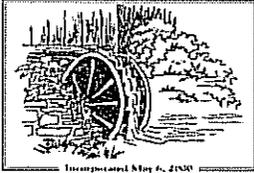
Motion

Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow City Council to discuss and consider approval of proposed revisions to the rental policies and procedures and fees for the Wimberley Community Center. At the time of production of the agenda packet, the Wimberley Parks Board was finalizing its recommendations to City Council. Once completed, the proposed revisions will be presented under separate cover in advance of the Council meeting for review and consideration.

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** DISCUSS AND CONSIDER POSSIBLE ACTION ON PROPOSED PRIORITY TRANSPORTATION PROJECTS RECOMMENDED BY THE TRANSPORTATION ADVISORY BOARD

**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 authorizing City staff to proceed with work on certain priority transportation projects recommended by the City of Wimberley Transportation Advisory Board (TAB). The projects were presented to City Council on February 4, 2010 by the TAB Chairman. City Council is scheduled to meet with TAB in a workshop session to be held prior to the City Council's Regular Meeting on February 18, 2010.

Attached is a probable cost report on the various projects prepared by City staff.

OPINION OF PROBABLE COST  
 TRANSPORTATION ADVISORY BOARD TRANSPORTATION PROJECTS  
 FOR  
 CITY OF WIMBERLEY  
 January 19, 2010

**PROJECT 1 - TEXAN BOULEVARD / LAS FLORES DRIVE / FM 2325 INTERSECTION REALIGNMENT**  
 (720 LF of 24' Pavement Width, 2' Shoulders in 50' Right-of-Way)

**A. Las Flores Drive**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00
2	Silt Fencing	200	LF	3.00	600.00
3	Preparation of Right-of-Way	4,000	SY	2.00	8,000.00
4	Subgrade Preparation	2,320	SY	3.50	8,120.00
5	Flexible Base	2,415	SY	9.00	21,735.00
6	Asphaltic Prime Coat	415	GAL	3.25	1,349.00
7	1 1/2" HMAC 2)	2,070	SY	10.00	20,700.00
8	Grade and Shape Ditch Line	910	LF	10.00	9,100.00
9	Culvert Pipe				
	30" RCP	70	LF	85.00	5,950.00
	18" RCP	82	LF	55.00	4,510.00
10	Culvert Headwall				
	30" RCP	2	EA	2,400.00	4,800.00
	18" RCP	6	EA	1,400.00	8,400.00
11	Traffic Signs	3	EA	400.00	1,200.00
12	Street Signs	4	EA	400.00	1,600.00
13	Street Striping	2,704	LF	1.25	3,380.00
14	Rock Berm	24	LF	25.00	600.00
15	Revegetation and Hydromulch	2,000	SY	3.00	6,000.00
16	Stabilized Construction Entrance	1	EA	1,500.00	1,500.00
17	Stop Bar Markings	4	EA	250.00	1,000.00
18	Saw Cut Existing Pavement	150	LF	2.00	300.00
19	Remove Existing Pavement	300	SY	2.00	600.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 114,444.00
20	Contingencies				11,444.00
21	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				15,100.00
	<b>SUBTOTAL PROJECT 1A. 1)</b>				\$ 140,988.00

**NOTES:**

- 1) Right-of-way acquisition, land surveying for right-of-way conveyance and legal costs associated with ROW. Acquisition must be budgeted and is not included in above tabulation of opinion of cost.
- 2) Alternate bid will be taken for 2" HMAC.

B. Las Flores Drive in area of realignment for continued access and street frontage.

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
1	Traffic Control	1	LS	2,000.00	2,000.00
2	Silt Fencing	66	LF	3.00	198.00
3	Scarifying and Recompact Existing Pavement	930	SY	4.00	3,720.00
4	Remove Existing Pavment	200	SY	3.00	600.00
5	Remove Culvert and Concrete in FM 2325 Right-of-Way	1	LS	2,400.00	2,400.00
6	Two Course Surface Treatment Pavement	1,427	SY	7.00	9,989.00
7	Revegetation and Hydromulch	1,660	SY	3.00	4,980.00
	<b>SUBTOTAL CONSTRUCTION:</b>			\$	<b>23,887.00</b>
8	Contingencies				2,389.00
9	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				3,150.00
	<b>SUBTOTAL PROJECT 1B</b>			\$	<b>29,426.00</b>
	<b>TOTAL PROJECT 1</b>			\$	<b>170,414.00</b>

PROJECT 2 - LOMA VISTA DRIVE

Subdivision Plat was recorded October 29, 1926 with 36 lots of which 31 front along Loma Vista Drive. Loma Vista Drive has a platted right-of-way width of 20'. Existing pavement width is +/- 15' with length of 1,206'.

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Traffic Control	1	LS	1,000.00	1,000.00
2	Power Broom, Spot Repair and Single Course Surface Treatment	1,977	SY	6.00	11,862.00
3	1" Compacted HMAC Overlay	1,977	SY	7.50	14,828.00
4	Concrete Valley Pavement (1)	300	SF	7.25	2,175.00
	<b>SUBTOTAL CONSTRUCTION:</b>			\$	<b>29,865.00</b>
5	Contingencies				2,687.00
6	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				3,940.00
	<b>TOTAL PROJECT 2</b>			\$	<b>36,492.00</b>

NOTE:

- 1) Drainage flows across existing pavement in area generally between entry gate in rock wall along north right-of-way and small house painted green on south side of ROW. A 15' wide x 20' length x 5" deep concrete valley is included in construction at finished grade of existing pavement for this drainage. It is not evident where water flows and may simply pond in pavement area.

PROJECT 3 - PALOS VERDES DRIVE

Segment 1 of Palos Verdes Drive is from RR 12 to intersection with Las Pais Drive (1,050 LF). Existing pavement is scarified, base added and recompacted to 22' width with 20' HMAC. Segment 2 of Palos Verdes Drive is between Las Pais Drive and La Buena Vista Drive (920 LF) and is overlaid with 1" HMAC to 20' width (existing width is 21' to 22').

Segment 1

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Traffic Control	1	LS	2,000.00	2,000.00
2	Scarifying and Recompact Existing Pavement	2,570	SY	4.00	10,280.00
3	6" Crushed Limestone Base	2,570	SY	7.00	17,990.00
4	Asphaltic Prime Coat	515	SY	3.25	1,674.00
5	1 1/2" HMAC	2,335	GAL	10.00	23,350.00
6	Stop Bar Markings	1	EA	250.00	250.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 55,544.00
7	Contingencies				5,554.00
8	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				7,330.00
	<b>SUBTOTAL PROJECT 3 SEGMENT 1</b>				\$ 68,428.00

Segment 2

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Power Broom, Spot Repair and Single Course	2,250	LS	3.00	6,750.00
2	1" Compacted HMAC Overlay	2,045	SY	7.50	15,338.00
3	Stop Bar Markings	1	EA	250.00	250.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 22,338.00
4	Contingencies				2,234.00
5	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				2,950.00
	<b>SUBTOTAL PROJECT 3 SEGMENT 2</b>				\$ 27,522.00
	<b>TOTAL PROJECT 3 (SEGMENTS 1 AND 2)</b>				\$ 95,950.00

PROJECT 4 - LAS PAIS DRIVE

La Pais Drive from Palos Verdes Drive to La Buena Vista Drive (480') is scarified, base added and recompacted to 22' width with 20" HMAC. Intersection with La Buena Vista Drive is reconstructed from wye configuration to single radial alignment intersection.

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
1	Traffic Control	1	LS	1,000.00	1,000.00
2	Subgrade Preparation	215	SY	5.00	1,075.00
3	8" Flexible Base	215	SY	12.00	2,580.00
4	Asphaltic Prime Coat	35	GAL	3.25	114.00
5	1 1/2" HMAC	180	SY	10.00	1,800.00
6	Scarify, Spread and Recompact	1,000	SY	4.00	4,000.00
7	6" Crushed Limestone Base	1,000	SY	7.00	7,000.00
8	Asphaltic Prime Coat	180	GAL	3.25	585.00
9	1 1/2" HMAC	915	SY	10.00	9,150.00
10	Stop Bar Markings	1	EA	250.00	250.00
11	Traffic Signs	1	EA	400.00	400.00
12	Saw Cut Existing Pavement	230	LF	2.00	460.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 28,414.00

**PROJECT 4 - LAS PAIS DRIVE - Concluded**

13	Contingencies				2,841.00
14	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				3,750.00
	<b>TOTAL PROJECT 4</b>			\$	<b>35,005.00</b>

**PROJECT 5 - LAS FLORES DRIVE**

Las Flores Drive along present alignment from FM 2325 to La Buena Vista Drive (1,410 LF). Scarified existing pavement, add 6" crushed limestone base and 1 1/2" HMAc pavement (22').

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	2,000.00	2,000.00
2	Subgrade Preparation along Edge of Pavement	630	SY	5.00	3,150.00
3	Scarify, Spread and Recompact	3,760	SY	4.00	15,040.00
4	6" Crushed Limestone Base	3,760	SY	7.00	26,320.00
5	Asphaltic Prime Coat	690	GAL	3.25	2,243.00
6	1 1/2" HMAc (2)	3,450	SY	10.00	34,500.00
7	Remove Existing 18" CMP and Concrete Headwall	1	LS	1,500.00	1,500.00
8	24" RCP Culvert	32	LF	70.00	2,240.00
9	24" Pipe Headwall	2	EA	2,000.00	4,000.00
10	Stop Bar Markings	1	EA	250.00	250.00
11	Saw Cut Existing Pavement	60	LF	2.00	120.00
12	Remove Existing 12" CMP Driveway Culverts	1	LS	800.00	800.00
13	18" Driveway Culverts	40	LF	55.00	2,200.00
14	18" Pipe Sloping Headwall	4	EA	1,400.00	5,600.00
15	Street Striping	5,640	LF	1.00	5,640.00
	<b>SUBTOTAL CONSTRUCTION:</b>			\$	<b>105,803.00</b>
16	Contingencies				10,560.00
17	Basic Engineering				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				13,940.00
	<b>TOTAL PROJECT 5</b>			\$	<b>130,103.00</b>

**NOTE:**

- 1) Reconstruction of driveways within right-of-way is not included.

**PROJECT 6 - EMERGENCY ACCESS TO PARADISE HILLS**

Construct 1,700 LF of 14' width access road along existing trail. No work is proposed for first 1,400 LF of trail off RR 12.

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Gut and Shred Trees/Brush along Trail	1	LS	4,000.00	4,000.00
2	Blade and Shape Trail (18')	3,400	SY	4.00	13,600.00
3	6" Crushed Limestone Base (14')	2,650	SY	7.50	19,875.00
4	Asphaltic Prime Coat (15')	570	GAL	3.50	1,995.00
5	Single Course Surface Treatment	2,840	SY	7.00	19,880.00
6	Rock Berm	500	LF	15.00	7,500.00
	<b>SUBTOTAL CONSTRUCTION</b>			\$	<b>66,850.00</b>

**PROJECT 6 - EMERGENCY ACCESS TO PARADISE HILLS - Concluded**

7	Contingencies	6,685.00
8	Basic Engineering	
	Surveying, Preparation of Plans and Specifications and Public Bidding Process	<u>8,820.00</u>
	<b>TOTAL PROJECT 6</b>	<b>\$ 82,355.00</b>

**NOTES:**

- 1) Easement acquisition cost is not included in above tabulation.
- 2) Grade of existing trail varies from 25 to 30 percent in two areas. Along one 500' segment, the average grade is about 20 percent. Along another 250' segment, the average grade is about 26 percent.

**PROJECT 7 - NEW SIDEWALK IN SQUARE AREA**

Construct sidewalks from the City Parking Lot on Oak Street to The Square and Old Mill Store (Segment 1) and from Oak Street to Garden Gate Area (Segment 2). The following tabulation of cost uses the same unit costs as tabulated in September 2008 with quantities adjusted to reflect construction of sidewalk across frontage of City's new parking area on Oak Street and from Oak Street west 150 LF.

**Segment 1 - Sidewalk**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Concrete Sidewalk, 6' Width	3,678	SF	5.75	21,149.00
2	Sidewalk Driveway Crossings, 63' @ 6"	738	SF	6.50	4,797.00
3	Sidewalk Curb Ramp with Pavers	1	EA	1,800.00	1,800.00
4	Saw Cut Existing Asphalt Concrete	832	LF	3.00	2,496.00
5	2" HMAC	340	SY	14.00	4,760.00
6	Large Tree Removal	8	ES	700.00	5,600.00
7	Remove and Reconstruct Wood Fence	100	LF	8.00	800.00
8	Removal of Wooden Steps	1	LS	500.00	500.00
9	Stone Walkway Reconstruction	40	SF	6.00	240.00
10	Concrete Planter Boxes	27	EA	500.00	13,500.00
11	1" PVC Electrical Conduit	840	LF	3.50	2,940.00
12	Fire Lane Striping and Signage	575	LF	3.00	1,725.00
	<b>SUBTOTAL CONSTRUCTION</b>				<b>\$ 60,307.00</b>
13	Contingencies				6,031.00
14	Basic Engineering (Credit for previous payment not shown)				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				<u>8,624.00</u>
	<b>SUBTOTAL PROJECT 7 SEGMENT 1 - SIDEWALK</b>				<b>\$ 74,962.00</b>

**Segment 1 - Water Line**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	6" PVC C-900, DR-18 Water Line	795	LF	30.00	23,850.00
2	6" Gate Valve	4	EA	750.00	3,000.00
3	2" Gate Valve	1	EA	250.00	250.00
4	6" DI Hydrant Lead	12	LF	45.00	540.00
5	Fire Hydrant Lead	2	EA	3,500.00	7,000.00
6	DI Fittings	0.25	TON	4,000.00	1,000.00
7	6" Wet Connection	1	EA	1,000.00	1,000.00
8	2" Wet Connection with Fittings	1	EA	500.00	500.00

**Segment 1 - Water Line - Concluded**

9	1" PE GI 200 Service Line in 3" PVC Sleeve	210	LF	10.00	2,100.00
10	Reconnect Meter Service Line	7	EA	225.00	1,575.00
11	Relocate Meter Service	1	EA	350.00	350.00
12	New Meter Service	3	EA	425.00	1,275.00
13	1 1/2" PVC SDR-21 Irrigation Line	735	LF	4.00	2,940.00
14	1" PVC Schedule 40 Irrigation Lateral	120	LF	6.00	720.00
	<b>SUBTOTAL CONSTRUCTION</b>				<b>\$ 46,100.00</b>
15	Contingencies				4,610.00
16	Basic Engineering (Credit for previous payment not shown)				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				6,590.00
	<b>TOTAL PROJECT 7 SEGMENT 1 - WATER LINE</b>				<b>\$ 57,300.00</b>

**Segment 2**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Concrete Sidewalk, 6' Width	900	SF	5.75	5,175.00
2	Pedestrian Crossings Striping	1	SF	400.00	400.00
3	Sidewalk Curb Ramp with Pavers	1	EA	1,800.00	1,800.00
4	Saw Cut Existing Asphalt Concrete	150	LF	3.00	450.00
5	2" HMA	34	SY	14.00	476.00
6	Concrete Planter Boxes	3	EA	500.00	1,500.00
7	1" PVC Electrical Conduit	190	LF	3.50	665.00
8	Fire Lane Striping and Signage	150	LF	3.00	450.00
	<b>SUBTOTAL CONSTRUCTION</b>				<b>\$ 10,916.00</b>
9	Contingencies				1,092.00
10	Basic Engineering (Credit for previous payment not shown)				
	Surveying, Preparation of Plans and Specifications and Public Bidding Process				1,560.00
	<b>SUBTOTAL PROJECT 7 SEGMENT 2</b>				<b>\$ 13,568.00</b>
	<b>TOTAL PROJECT 7 (SEGMENTS 1 AND 2)</b>				<b>\$ 145,830.00</b>

**PROJECT 8 - DRAINAGE ON GREEN ACRES ROAD**

Reconstruct existing culvert consisting of three 36" CMPs with concrete headwalls. Contributing drainage basin is about 212 acres with 10-year storm frequency flow of about 800 cfs and 25-year storm frequency flow of about 1,000 cfs for current basin conditions. The water surface elevation (WSEL) for various storm frequency is tabulated below for the existing three 36" culverts.

Storm	WSEL	Depth Over Road
10-year	897.28'	2.05'
25-year	897.54'	2.31'
100-year	897.96'	2.73'

The top of the existing road elevation is 895.23'. To reduce depth of flow over road to less than 0.5' for 100-year storm flow requires five 6' span x 5' height box culverts maintaining the current flow line. Five 6' x 5' box culverts will inundate the road to a depth of 0.1' for the 25-year storm and 1' for the 100-year storm. Five 6' x 5' replacement culverts will inundate the road greater than the 0.5' required by City Code but is used for budget planning purposes.

**PROJECT 8 - DRAINAGE ON GREEN ACRES ROAD - Concluded**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	4,000.00	4,000.00
2	Excavate and Remove Existing Culvert Pipe and Headwalls	1	LS	6,000.00	6,000.00
3	Five 6' x 5' Box Culverts and Backfill	34	LF	1,450.00	49,300.00
4	Box Culvert Headwalls	2	EA	18,000.00	36,000.00
5	Road Base	334	SY	15.00	5,010.00
6	Asphaltic Prime Coat	50	GAL	4.00	200.00
7	2" HMAc	244	SY	15.00	3,660.00
8	Pavement Striping	400	LF	2.00	800.00
9	Saw Cut Existing Pavement	44	LF	2.00	88.00
10	Silt Fencing	100	LF	3.00	300.00
11	Revegetation and Hydromulch	600	SY	3.00	1,800.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 107,158.00
13	Contingencies				10,716.00
14	Basic Engineering Surveying, Preparation of Plans and Specifications and Public Bidding Process				14,145.00
	<b>TOTAL PROJECT 8</b>				\$ 132,019.00

**PROJECT 9 - DRAINAGE ON CYPRESS CREEK LANE**

Reconstruct existing 12" CMP culvert near the intersection of Cypress Creek Lane and Bluebird Lane. The contributing drainage area to this culvert is about 27 acres and the 25-year storm flow is about 120 cfs. To reduce depth of flow over the road to less than 0.5' requires two 5' span x 3' height box culverts. Because of the size of the existing culvert and shallow depth of bury, the outlet of the new structure will require cutting a channel on private property and acquisition of easement.

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Traffic Control	1	LS	4,000.00	4,000.00
2	Excavate and Remove Existing Culvert Pipe and Headwalls	1	LS	1,000.00	1,000.00
3	Two 5' x 3' Box Culverts and Backfill	34	LF	475.00	16,150.00
4	Box Culvert Headwalls	2	EA	8,000.00	16,000.00
5	Outlet Channel Excavation	140	SY	20.00	2,800.00
6	Road Base	250	GAL	15.00	3,750.00
7	Asphaltic Prime Coat	40	SY	4.00	160.00
8	2" HMAc	200	LF	15.00	3,000.00
9	Pavement Striping	160	LF	2.00	320.00
10	Saw Cut Existing Pavement	42	LF	2.00	84.00
11	Silt Fencing	40	SY	3.00	120.00
12	Rock Berm	40	25.00	25.00	1,000.00
13	Revegetation and Hydromulch	400	3.00	3.00	1,200.00
	<b>SUBTOTAL CONSTRUCTION</b>				\$ 49,584.00
14	Contingencies				4,955.00
15	Basic Engineering Surveying, Preparation of Plans and Specifications and Public Bidding Process				6,545.00
	<b>TOTAL PROJECT 9</b>				\$ 61,084.00

SUMMARY OF TAB TRANSPORTATION PROJECTS' COST

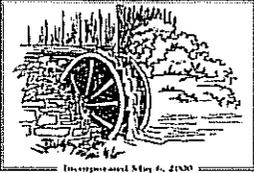
Project 1A	\$	140,988.00
Project 1B	\$	29,426.00
Project 2	\$	36,492.00
Project 3 Segment 1	\$	68,428.00
Project 3 Segment 2	\$	27,522.00
Project 4	\$	35,005.00
Project 5	\$	130,103.00
Project 6	\$	82,355.00
Project 7	\$	145,830.00
Project 8	\$	132,019.00
Project 9	\$	61,084.00

The above tabulation of cost is based upon estimated quantities and unit prices and should not be interpreted as actual cost. The actual cost of construction will be determined using bid prices submitted from a qualified contractor.

PREPARED BY: Joel D. Wilkinson      01/19/2010  
Joel D. Wilkinson, P.E.      Date  
Neptune-Wilkinson Associates, Inc. TBP# F-359



# City Council Agenda Form



Date Submitted: February 11, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** CONSIDER ACTION ON  
ISSUES RELATING TO THE POSSIBILITY OF  
REDUCING THE CORPORATE LIMITS OF THE CITY  
OF WIMBERLEY

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

Ordinance

Resolution

Motion

Discussion

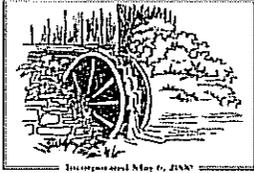
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**Project/Proposal Summary:**

This item was placed on the agenda by Place Five Council Member John White to allow City Council to discuss and consider possible action on issues relating to the possibility of reducing the corporate limits of the City of Wimberley.

No background information was provided for this agenda item.

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** CONSIDER DECLARING A CHEVROLET TAHOE AS SURPLUS PROPERTY AND APPROVING THE SALE AND TRANSFER OF THE VEHICLE TO HAYS COUNTY PRECINCT THREE CONSTABLE

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

Ordinance

Resolution

Motion

Discussion

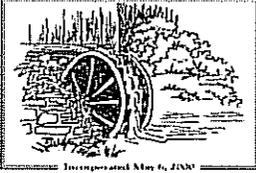
**Project/Proposal Summary:**

With the elimination of the *Office of the City Marshal* in the FY 2010 Budget, there is no longer a need for the 2007 Chevrolet Tahoe acquired as a patrol vehicle for the City Marshal. Initially, the City entered into a lease purchase agreement for the vehicle and recently purchased the vehicle to allow for its eventual disposition.

Earlier this month, Hays County Precinct Three Deputy Constable Tom Wallace was involved in a serious vehicle crash in which his patrol vehicle was totaled. Following the accident, Hays County Precinct Three Constable Darrell Ayres approached the City about acquiring the former Marshal's vehicle for \$19,000 – the City's payoff price for the vehicle, less \$2 – to replace his deputy's damaged patrol vehicle.

As the City no longer has a need for the vehicle, City staff recommends declaring the vehicle as surplus property and authorizing its sale and transfer to Hays County Precinct Three Constable for law enforcement use.

# City Council Agenda Form



Date Submitted: February 11, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** CONSIDER ACTION ON ISSUES RELATING TO THE DEVELOPMENT OF A CONTRACT TO PREPARE A BOUNDARY SURVEY FOR THE CITY OF WIMBERLEY

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

Ordinance

Resolution

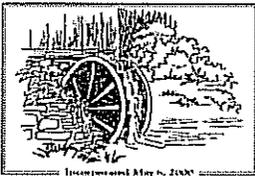
Motion

Discussion

**Project/Proposal Summary:**

Last month, City Council directed City staff to enter into negotiations with San Marcos-based *Pro Tech Engineering* in an attempt to develop a contract with the firm to prepare a boundary survey for the City of Wimberley. City staff has met twice with representatives of the firm and has reached a preliminary agreement on the project's scope and deliverables. However, the preliminary project cost estimate provided by the firm far exceeds the City's budget for the project. This item was placed on the agenda to allow City staff to brief City Council on the matter and discuss the City's options. The item was posted as an action item in the event there is a need for Council to provide further direction to staff regarding the matter.

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

**Project/Proposal Title:** APPROVAL OF PLANS FOR  
THE 2010 WIMBERLEY ARTS FEST

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

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

## Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the plans for the upcoming *2010 Wimberley Arts Fest* on Saturday, April 24, 2010. The event will take place from 10 a.m. to 7 p.m. and involve the closure of the traffic circle and parking areas on the Square on the south side of Ranch Road 12. The event will feature art displays, music, food and various activities. Organizers of the event will be responsible for providing insurance and traffic control, at no cost to the City.

Enclosed are copies the event maps showing the layout, road closures and signage, along with petitions in support of the planned event that are signed by various downtown merchants. Organizers of the planned event will be present at the meeting to answer any questions City Council may have regarding the plan.

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

Arts Fest



Wimberley Valley Art League is sponsoring the Arts Fest on April 24, which will bring many hundreds of people to the Square for the day. Shuttles will be provided from the City parking lot, Wimberley Playhouse parking lot and from the Community Center parking. Golf carts will circle the Square to make shopping easy.

Notice of Permission. This notice is to seek permission from the Downtown Merchants to close off the Square beginning at 6 a.m. on April 24, 2010. The purpose for the closure is to hold the Wimberley Arts Fest 2010. It is the intent of the WVAL to close the parking lot at entrances in front of the Wimberley Café and Cypress Creek Cafe and at the entrance to the square from Oak Drive, beginning just north of the City Parking Lot. The WVAL would handle all traffic diversion. All areas would be be-opened the morning of April 25. Thank you.

Signature	Shop/Restaurant/Business	Date
<i>John McCallough</i>	Wimberley Cafe	4/27/10
<i>Sarah Baneau</i>	The Cedar Chest	1/27/10
<i>Jempe Wynne</i>	River House	1-27-2010
<i>Mary Barton</i>	Under One Roof	1/27/10
<i>Hugo Campuzano</i>	Silver Queen/House of Silver	1-27-10
<i>Daria Holmes</i>	Enchantment	1/27/10
<i>Bren Foyt</i>	Kiss THE Cook	1/27/10
<i>Jaally Flocke</i>	Aunt Jenny's Attic	1/27/10
<i>[Signature]</i>	OLD MILL SCORE	1/27/10
<i>[Signature]</i>	GALLERY ON SQUARE	1/27/10
<i>Mary L. Van Orstrand</i>	COUNTRY FOLK'S	1/27/10
<i>Lynn J. Grisham</i>	The Art Gallery	1/27/10
<i>[Signature]</i>	Best Tree Gall.	1/27/10
<i>Angie Anderson</i>	TWIGS	1/27/10
<i>Dorothy Cook</i>	Susie's and More	1/28/10
<i>Hope Hemstra</i>	chick-a-dee	1/28/2010
<i>Beth Mitchell</i>	Hill Country Live Shop	1/28/2010
<i>[Signature]</i>	Climb On!	1/29/2010

Sharon	Blue Pavilion	1-29-10
Chennee Evans	Bluebird Gallery	1/29/10
Nancy Britner	Goome's N Stuff	1-29-10
Suzee Miguna	Baby Bacon	1-29-10
Becky Sheppard	Wimberley Toy Home	1-30-10
<del>Sharon</del>	<del>Handmade</del>	<del>1-30-10</del>
Virginia Krumm	Craft Shop	2/1/10

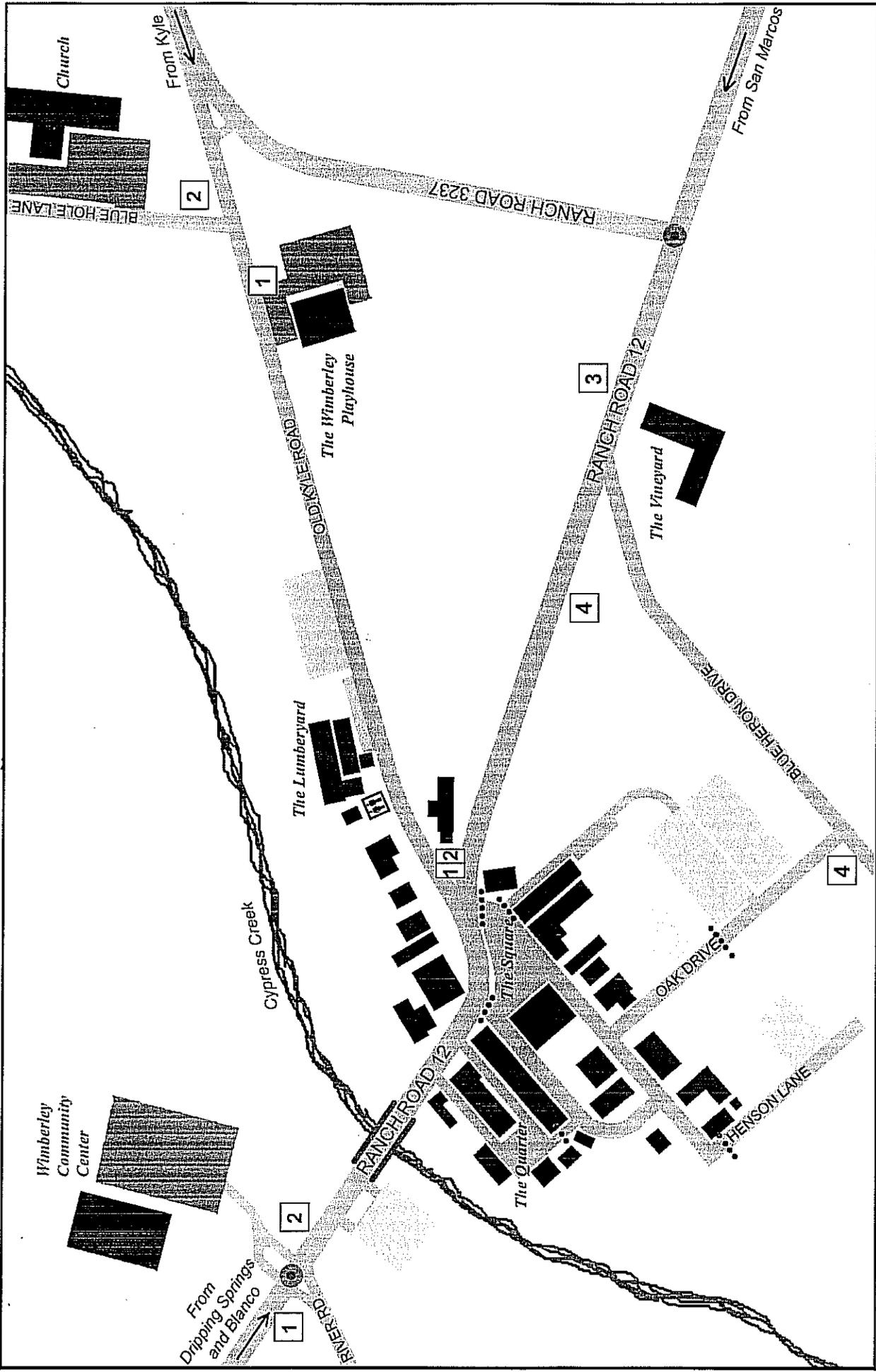
(Permits 6  
guests)

Nancy Cortan Cypress Creek Cafe 2/2/10

Kathy Gillock Everlastings 2-8/10

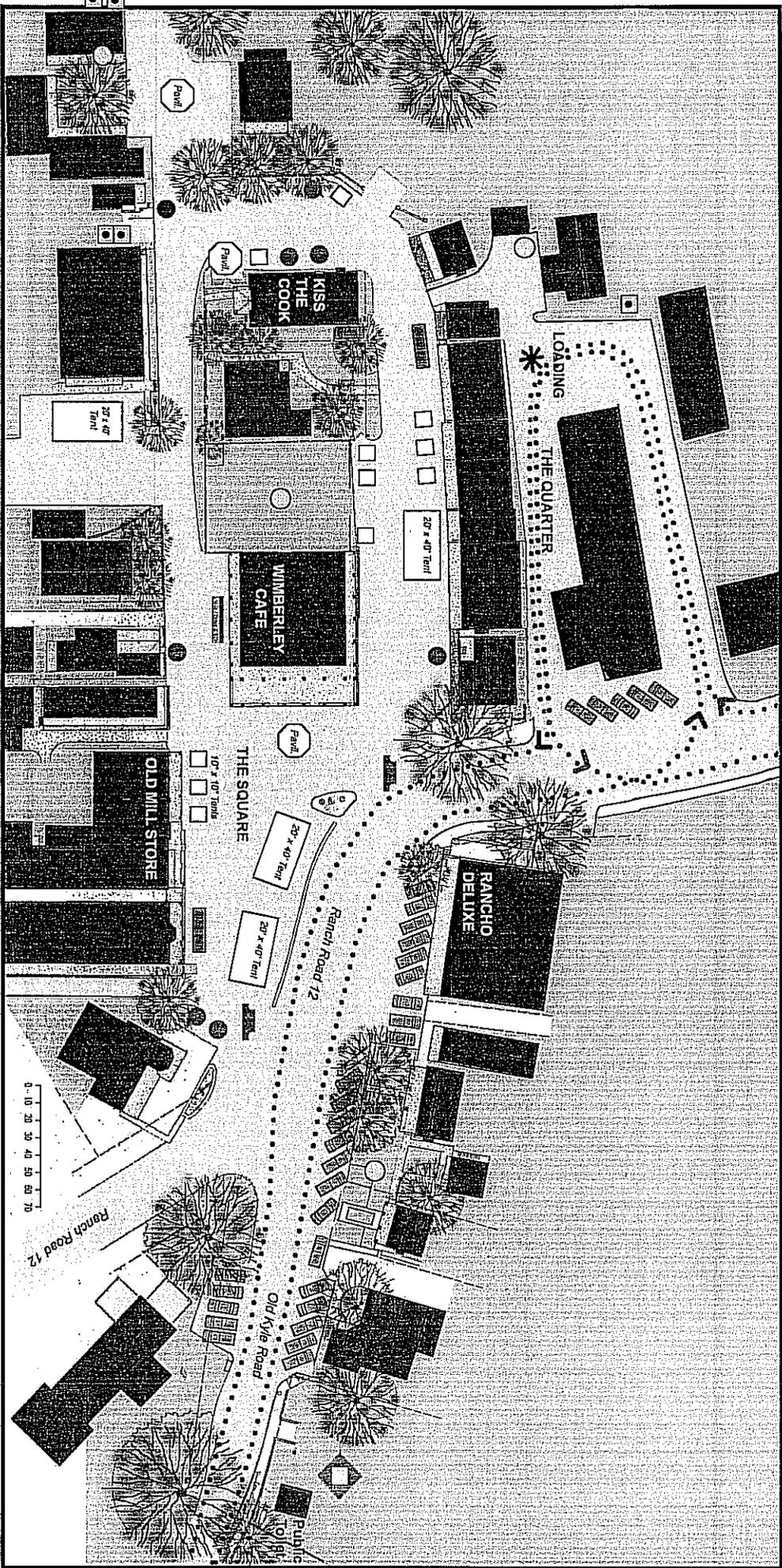
Eva Shkar Marco's Italian Restaurant 2-12-10





	Traffic Signal		Public Parking
	Pedestrians or Permitted Vehicles only		Parking with Shuttle Service
	Parking Pending		Public Parking and Shuttle
			Public Parking

Parking Signage



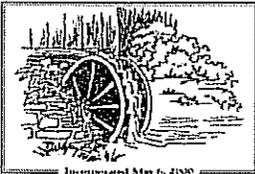
# 2010 WIMBERLEY ARTS FEST PLAN J

2-12-2010

- Food Vendor
- Music
- ◊ Artist Check-in
- ◊ Childrens Art Activity
- Actors
- ◻ Info & Sales
- ◻ Porta-can
- ◻ Security

- ..... Community Center Loop
- ..... Wimberley Players Loop
- ..... SHUTTLE ROUTES

# City Council Agenda Form



Date Submitted: February 12, 2010

Agenda Date Requested: February 18, 2010

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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