

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
OCTOBER 21, 2010 6:00 P.M.

AGENDA

CALL TO ORDER: OCTOBER 21, 2010 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 7, 2010.
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF OCTOBER 7, 2010.

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE EFFORTS UNDERWAY TO SECURE FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON THE BLUE HOLE REGIONAL PARK DEVELOPMENT
- STATUS REPORT ON THE DEVELOPMENT OF AN ORDINANCE TO REGULATE NON-POINT SOURCE POLLUTION WITHIN THE CITY OF WIMBERLEY AND ITS EXTRATERRITORIAL JURISDICTION

- STATUS REPORT ON THE RANCH ROAD 12 BILLBOARD ENFORCEMENT EFFORT
- STATUS REPORT ON THE OPERATION OF THE WIMBERLEY COMMUNITY CENTER

3. PRESENTATIONS

- (A) PRESENTATION OF THE WIMBERLEY PARKS AND RECREATION ADVISORY BOARD QUARTERLY ACTIVITIES REPORT. *(PARKS AND RECREATION ADVISORY BOARD CHAIRMAN THAD NANCE)*
- (B) PRESENTATION OF AN UPDATE ON THE CITY OF WIMBERLEY CITY LIMIT BOUNDARY SURVEY PROJECT. *(BAKER-AICKLEN AND ASSOCIATES)*

4. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REVISE THE BOUNDARIES OF PLANNING AREAS II AND III, IN THE GENERAL AREA BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE, AND AS FURTHER SHOWN ON THE EXHIBIT ATTACHED HERETO; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR; THIS ITEM WAS CONTINUED FROM THE OCTOBER 7, 2010 MEETING)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WIMBERLEY LIONS CLUB TO ALLOW THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON 15.523 ACRES LOCATED AT 601 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(WIMBERLEY LIONS CLUB, APPLICANT)*
- (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 601 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS. *(WIMBERLEY LIONS CLUB, APPLICANT)*

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION ON A REQUEST FROM THE WIMBERLEY COMMUNITY CIVIC CLUB TO PLACE SIGNS IN THE PUBLIC RIGHT OF WAY AND AN OFF-PREMISE SIGN ON THE SITE OF THE WIMBERLEY VISITORS CENTER TO PROMOTE THE *WIMBERLEY HOME TOUR* SCHEDULED FOR NOVEMBER 19TH AND 20TH, 2010. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE DETERMINATION OF THE FUTURE ROLE OF THE WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION. *(MAYOR FLOCKE)*

(C) DISCUSS AND CONSIDER APPROVAL OF THE FISCAL YEAR 2011 HOLIDAY SCHEDULE FOR THE CITY OF WIMBERLEY. (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.

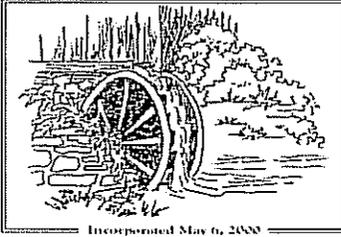
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on October 13, 2010 at 5:00 p.m.



CARA MCPARTLAND, CITY SECRETARY

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



City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
OCTOBER 21, 2010 6:00 P.M.

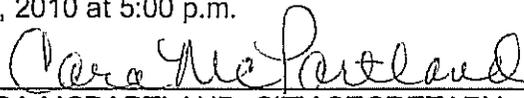
ADDENDUM TO THE REGULAR AGENDA

1. CONSENT AGENDA

- (C) APPROVAL OF THE APPOINTMENT OF RICK BURLESON TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. *(PLACE FOUR COUNCIL MEMBER STEVE THURBER'S NOMINEE)*

CERTIFICATION

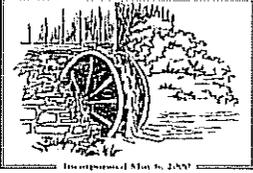
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on October 18, 2010 at 5:00 p.m.



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City Council Agenda Form



Date Submitted: October 18, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: APPROVAL OF OCTOBER 7, 2010 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are the minutes for the October 7, 2010 Regular City Council Meeting for review and consideration.

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 October 7, 2010 at 6:00 p.m.

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

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

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

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

Citizens Communications

Stephanie Reynolds, who resides at the intersection of Las Flores and La Buena Vista, spoke in opposition to the recently installed barricades. She did not feel that the decision was well thought out. Ms. Reynolds spoke of past and present traffic problems and read definitions of *barricade*, *democracy*, and *dictatorship*. She stated that what has transpired with the road closing is not in keeping with freedom and democracy, and that people are rebelling against the closure. She believed that Council made a rash decision in routing all traffic to La Buena Vista and pointed out negative effects of such action. Ms. Reynolds expressed concerns for her property value and asked Council to revisit the installation of barricades, which she felt creates public safety issues.

Connie Rose requested approval of plans for the annual *Habitat for Humanity Walk* scheduled for Saturday, October 23, 2010. She highlighted the event's route, parking, and activities. Pastor Jennifer Fuhr was also present in support of Ms. Rose and the event.

Bill Wilson requested a status report from Texas Department of Transportation (TxDOT) on lowering the speed limit on FM 3237. City Administrator Ferguson advised that a speed study has been ordered by TxDOT. Mr. Wilson requested information on TxDOT's timeframe for expected study results and additional traffic enforcement efforts. City Administrator Ferguson stated that extra enforcement was positioned on Old Kyle Road last week and noted the limited scheduling of contract law enforcement personnel.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of September 16, 2010
- B. Approval of the minutes of the special City Council meeting of September 27, 2010

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

2. City Administrator Report

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

City Administrator Ferguson reported on the Texas Water Development Board's (TWDB) recent Finance Committee meeting, which focused on the need for a revenue pledge from the City of Wimberley and/or Guadalupe Blanco River Authority (GBRA) as backing for the requested loan.

- Status report on the Mill Race Lane road maintenance project

City Administrator Ferguson reported on typical yearly maintenance costs and provided reasoning for overlaying the road base in order to reduce long-term expenditures.

- Status report on the cost of the September 18, 2010 Special Election for City council Place Two

City Administrator Ferguson reported that the City incurred \$9,637.50 in direct and in-kind election-related costs.

- Status report on the Blue Hole Regional Park development

City Administrator Ferguson reported on recent and upcoming bid-related meetings and outlined the timeframe for bid opening/award. He noted that a groundbreaking ceremony is scheduled for Sunday, November 7, 2010, with invitations to be sent in the near future.

- Status report on the La Buena Vista Drive traffic control initiatives

City Administrator Ferguson reported on speed hump installation, traffic enforcement, and specific survey statistics on speeding and traffic volume.

3. Presentations

- A. Presentation of a Quarterly Activities Report by a representative of the Pedernales Electric Cooperative. (*Ronnie Waterman, PEC*)

PEC representative Ronnie Waterman reported on implementation of an improved identification plan that will better protect customers' identities and help increase collections. Specific figures were provided on various fees and deposits. He noted PEC's franchise payment to the City in the amount of slightly over \$26,000. Mayor Flocke welcomed and thanked Mr. Waterman, who replaces the recently retired Cele de Leon.

- B. Presentation of the Wimberley Parks and Recreation Advisory Board Quarterly Activities Report. (*Parks and Recreation Advisory Board Chairman Thad Nance*)

City Administrator Ferguson advised that this item is continued until Council's meeting on October 21, 2010.

4. **Public Hearing and Possible Action**

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending the City's Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas II and III, in the general area between the Blanco River and the Wimberley square, and as further shown on the exhibit attached hereto; and providing for findings of fact; severability; effective date; and proper notice and meeting. (*City Administrator*)

Due to the Planning and Zoning Commission's cancellation of its September 23, 2010 due to lack of a quorum, City Administrator Ferguson requested that Council continue this item until its meeting on October 21, 2010 to allow the Commission to hear the item and make a recommendation at its meeting on October 14, 2010.

Councilmember Thurber moved to continue this item until Council's meeting on October 21, 2010. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

5. **Ordinance**

Discuss and consider approval of an ordinance of the City of Wimberley, Texas, amending Ordinance No. 2005-007 that granted Texas Disposal Systems, Inc., its successors and assigns, certain rights to operate and maintain solid waste collection and disposal routes and services within the City of Wimberley, in order to amend certain terms of such ordinance and attached agreement; and providing for findings of fact, effective dates, severability and other provisions related to the grant of a solid waste franchise. (*City Administrator*)

City Administrator Ferguson presented background information and reviewed past proposals/discussions, including details on residential/commercial recycling, containers, and bulky waste collection. He stressed the associated fiscal impact of specific options.

Discussion among Council, City Administrator Ferguson, and Texas Disposal Systems (TDS) representative Ryan Beard addressed:

- Specifics of proposed bulky waste collection options, including cost and frequency
- Customer needs for recycling/bulky waste collection
- Benefits to the community from recycling and bulky waste collection programs
- Importance of public education on available services
- City-wide clean-ups
- Determining eligibility for certain services
- Commercial versus residential rates
- Recycling goals
- Individual consultations with TDS representatives and commercial customers to determine the most effective trash/recycling options
- Materials accepted for recycling and the sorting process
- Residency/identification requirements for use of city-wide bulky waste collection services

After discussion of each option and its associated cost increase, Council agreed that customers should not pay for non-TDS customers to use city-wide bulky waste collection services, and that identification should be required to use such services.

Councilmember Roccaforte moved to approve the contract extension option that increases the monthly bill by \$5.04 monthly, which includes one annual curbside bulky waste collection and two city-wide clean ups, limited to properly identified TDS customers. Councilmember McCullough seconded.

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

6. Discussion and Possible Action

- A. Discuss and consider possible action designating the Fiscal Year 2011 priority street projects for the City of Wimberley. (*City Administrator*)

Based on the *City of Wimberley Street Evaluation Report*, City Administrator Ferguson requested that Council identify priority street projects for the next twelve (12) months and direct staff to develop probable cost estimates for the subject streets.

Discussion addressed the report and its ranking designations, the prioritization process, road standards, types of improvements, and effects of future wastewater system construction and TxDOT projects on planned street improvements.

After discussion of street conditions, agreement was reached to designate specific streets as priorities and obtain probable cost estimates.

Councilmember Appleman moved to direct staff to get probable costs for Mill Race Lane, Cliffview Drive, Malone Drive, Rockwall Road, and Hoots Holler for the purpose of moving forward with the proposed street projects. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action to provide direction to City staff regarding the request from the Texas Water Development Board (TWDB) for the City of Wimberley and/or the Guadalupe Blanco River Authority (GBRA) to provide an adequate revenue pledge, including but not limited to a pledge of ad valorem tax revenue or revenues from some other source, to secure the TWDB loan being sought for the development of a downtown Wimberley wastewater system. (*City Administrator*)

City Administrator Ferguson reviewed the TWDB Finance Committee's discussion focusing on the need for an adequate revenue pledge to back the requested loan. He provided three (3) options:

1. Request the GBRA Board to vote on pledging its system revenues to back the full loan amount.

2. The City of Wimberley would pledge revenues for the full loan amount and commit to the possible future need for an ad valorem tax.
3. GBRA and the City of Wimberley would each pledge one-half of revenues necessary to back the full loan amount.

He noted that various alternatives have been discussed with state representatives related to meeting the pledge and funding lines.

Discussion addressed LUE fee payment options/timeframe; fairness of ad valorem taxation to provide service to a limited area; direct/indirect benefits of a viable downtown business district to the entire community; negative impact of potential Texas Commission on Environmental Quality (TCEQ) actions on tourism; lack of public support for ad valorem taxation for a downtown wastewater system; enlistment of political powers; respective roles/duties of GBRA and the City of Wimberley to provide for the protection for waterways and public health; and, GBRA's position on pledging its revenues. City Administrator Ferguson noted commitments made by the City to date.

Councilmember Appleman moved to direct staff to proceed with Option No. 1 as stated above, to request that GBRA's Board vote on pledging its system revenues to back the full loan amount. Councilmember Thurber seconded.

Discussion established Council's ability to revisit this issue and consider the viability of other options, should GBRA decline to pledge its own revenues.

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

- C. Discuss and consider possible action to provide direction to City staff regarding future enforcement of the City's ordinances related to the discharge of firearms in the City, to include, but not limited to, seeking an Attorney General opinion or ordinance amendment. *(City Administrator)*

City Administrator Ferguson reviewed the recent Wimberley Municipal Court trial and resulting judgment from the bench finding the defendant not guilty. He displayed a map of the number of 10-acre (or greater) properties within the City limits that would be affected by the ruling.

City Attorney Crosby stated the court's ruling and asked for Council's direction on how to proceed with future enforcement of the City's firearms ordinance. Although the City cannot appeal this ruling, City Attorney Crosby stated that future cases could be filed in municipal court or county/district court. As suggested by the municipal court judge, Ms. Crosby advised that the City could request an opinion from the Texas Attorney General (AG) clarifying the City's authority to regulate the discharge of firearms in the City. She detailed ordinance and state statute language and felt that discharge of firearms within the City is prohibited regardless of the size of the tracts and that state law only applies to property that has been annexed after 1981. Ms. Crosby noted that there is a difference of opinion on the definitions of "annexation" and "incorporation," and whether or not subject properties were considered annexed or part of the original incorporation.

City Administrator Ferguson conveyed the City's concerns about the effect of the ruling on the public's health, safety, and welfare, along with a recommendation to allow continued enforcement of the firearms ordinance. He stated that any future cases may be heard in county or district court, and in the interim, an AG opinion can be requested to guide future rulings.

Discussion addressed the need to protect the public health, safety, and welfare, the timeframe for AG review and response (typically 180 days), and filing of future cases in other courts, rather than municipal court, and specific ordinance definitions.

Councilmember Thurber moved to authorize staff to continue enforcement of the City's firearms ordinance; request an AG opinion the recent municipal court ruling, and file any subsequent violations in other courts, rather than the municipal court. Councilmember Appleman seconded.

Discussion addressed appellate/filing procedures and firearms complaint history.

Motion carried on a vote of 5-0.

- D. Discuss and consider possible action to amend the Wimberley Community Center policies and procedures relating to the placement of temporary signage on the Community center grounds. (*Parks and Recreation Advisory Board*)

City Administrator Ferguson read the following proposed policy amendment:

"For purposes of this Policy, Users are defined as those users that have approved Facility rental agreements with the City or are candidates for political office when the Facility is established as a polling location for election purposes. Users of the Facility may place temporary signage on the grounds, outside the Facility, at locations designated by the City of Wimberley. Designated areas include the landscaped islands in the parking lot and the landscaped area on the south side of the entrance drive. Such signage may be put up no earlier than the midnight of the night before the use and signs must be removed no later than one (1) hour following the conclusion of the use. Signs remaining up after the required time of removal shall be removed by the WCC staff and a sign reclamation charge of \$5 per sign shall be levied by the City. No temporary signage shall be permitted on the entrance island to the WCC or on the rock wall on the north side of the entrance (the Winters-Wimberley House side). Signs may be removed by the City at any time if it determines, in its sole discretion, that the sign is a traffic, safety, or other hazard to the public, or is in violation of this Policy."

He noted that the intent of the proposed policy is to address the "sign clutter" that occurs from time to time at the WCC and to address instances when signs are left on the grounds by users of the Facility.

Brief discussion addressed election signage, reclamation charges, and effect of the proposed policy on the Wimberley Valley Art League sign, which would be allowed to stay in its current location.

Councilmember Appleman moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 4-1. Councilmember McCullough voted nay.

- E. Discuss and consider possible action on plans for the *Winter's Eve* celebration on the Wimberley Square scheduled for Saturday, December 4, 2010. (*City Administrator*)

This item was heard after Agenda Item 6F.

City Administrator Ferguson recommended approval and provided information on the event plans, activities, insurance, and traffic control (at no cost to the City). Temple Wynne provided details of the closure of the parking area in front of the Wimberley Square and the south side exit from the Square onto Ranch Road 12 near the Cedar Chest.

Councilmember Appleman moved to approve the item as presented. Councilmember Thurber seconded and withdrew his second to allow Councilmember McCullough to second the motion. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider possible action on plans for the annual *Habitat for Humanity Walk* scheduled for Saturday, October 23, 2010. (*City Administrator*)

This item was heard after Agenda Item 6D.

City Administrator Ferguson provided information on the walk (confined to city sidewalks), outlined the route, and recommended approval.

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

- G. Discuss and consider possible action on plans for the annual *Wimberley Christmas Parade* scheduled for Friday, November 26, 2010. (*City Administrator*)

City Administrator Ferguson recommended approval, provided details on the event, and stated the need for Council approval, so that parade organizers may proceed with event plans.

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

Addendum to the Regular Agenda

- H. Discuss and consider action amending the Fiscal Year 2010 City of Wimberley General Fund, Municipal Court and Blue Hole Budgets for the purpose of accounting for actual and anticipated expenditures, and declaring the adjustments as a necessity. (*City Administrator*)

City Administrator Ferguson explained the needed budget expenditures amendments related to refund expenditures, utilities costs, operating supplies, building inspections, site plan reviews, clearing of certain park property, and the City limit survey. He explained proposed revenue amendments to miscellaneous revenue, building inspections, and plans review.

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

7. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Thurber requested updates on the City limits survey and water quality ordinance.

Hearing no further announcements or future agenda item requests, Mayor Flocke called the meeting adjourned at 8:10 p.m.

Adjournment: Council meeting adjourned at 8:10 p.m.

Recorded by:

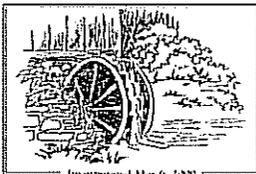
Cara McPartland

These minutes approved on the ____ of October, 2010.

APPROVED:

Bob Flocke, Mayor

City Council Agenda Form



Date Submitted: October 18, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: APPROVAL OF OCTOBER 7, 2010 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

Motion

Discussion

Project/Proposal Summary:

Attached are the minutes for the October 7, 2010 Special City Council Meeting for review and consideration.

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Minutes of Special Joint Meeting of City Council
& the Economic Development Commission
 October 7, 2010 at 5:00 p.m.

City Council meeting called to order at 5:00 p.m. by Mayor Bob Flocke.

Council Members Present: Mayor Bob Flocke and Councilmembers Charles Roccaforte, Mac McCullough, Bill Appleman (arrived at 5:10 p.m.), Steve Thurber, and John White.

Commission Members Present: Chair Gary Weeks, Robert Currie, Terrie Bursiel, and Nancye Britner. Jenelle Flocke, Zack Ezer, and Jeri Ross were absent.

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

Workshop Session

Workshop to review and discuss the activities and priorities of the Wimberley Economic Development Commission.

Mayor Flocke stated the workshop's purpose and Chairman Weeks presented background information on the Commission's work since inception. Discussion included:

- Outline of relevant topics compiled from Texas Municipal League (TML) sources
- Completed projects and ongoing website redesign
- Identification of specific strengths and weaknesses, such as reliance on volunteers and turnover
- Business climate aligned with community values and associated government regulations
- Elimination of "red tape" and evaluation of current ordinances
- Resource development
- Marketing, promotion, and data collection strategies
- Handouts on possible documents (such as mail-outs or pamphlets) for informational purposes and promotion of desired economic development
- Retention and expansion of existing businesses
- Lack of business incentives
- Need for consensus on the type and amount of development that is consistent with Wimberley's goals and values
- Specific points of interest such as Blue Hole and capitalizing on opportunities to publicize other aspects of Wimberley as a tourist destination
- Distilling Wimberley's Economic Development Strategy (EDS) to talking points and building a consensus around those points
- Using collected data to form consensus on what type of regulations are consistent with the EDS

- Primary purpose of economic development to increase revenues versus protection of existing businesses
- Comparison of business incentives in other cities and whether or not such incentives returned benefits to communities

Discussion generally favored focus on development of an informational pamphlet for prospective business owners and retention of existing businesses. Developing and maintaining an updated list of businesses, website links, and possible future Council and EDC actions were also discussed.

Mayor Flocke called the meeting adjourned at 5:55 p.m.

Adjournment: Council meeting adjourned at 5:55 p.m.

Recorded by:

Cara McPartland

These minutes approved on the ____ of October, 2010.

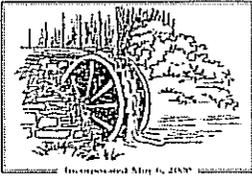
APPROVED:

Bob Flocke, Mayor

Addendum to Consent Agenda Item 1:

- C. Approval of the appointment of Rick Burleson to the City of Wimberley Planning & zoning Commission. (*Place Four Councilmember Steve Thurber's nominee*)**

City Council Agenda Form



Date Submitted: October 18, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: APPOINTMENT OF RICK
BURLESON TO THE PLANNING AND ZONING
COMMISSION

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

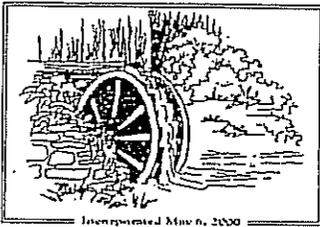
Resolution

Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda at the request of Place Four Council Member Steve Thurber to allow City Council to consider the appointment of Rick Burleson to the City of Wimberley Planning and Zoning Commission. If appointed, Burleson will take the place of Phil Dane who recently resigned from the Commission.



Village of Wimberley

13210 Ranch Road 12 (P.O. Box 2027), Wimberley, Texas 78676
Phone: (512) 847-0025 Fax: 512-847-0422 - E-mail: village@wimberley-tx.com Web: vil.Wimberley.tx.us

Application for Appointment to Commission/Board/Committee

Name of Commission/Board/Committee: PLANNING & ZONING

Name: RICK BURLESON Home: 512-
Phone: 751-2397 E-Mail: burleson.rick@mac.com

Physical Address: 216 SUMMIT LOOP
WIMBERLEY TX 78676

Mailing Address (if other than physical address):

Employer: BURLESON DESIGN GROUP Business: 512-
Phone: 842-1308 Fax:

Position/Occupation: ARCHITECT

I reside: Inside Wimberley's City Limits - () In Wimberley's ETJ - () Outside ETJ

I am a registered voter in Village of Wimberley; () Hays County; () Not registered.

Do you or your employer have any business or other dealings with the Village of Wimberley, which might present a conflict of interest? () Yes; No. If "Yes", explain:

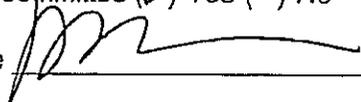
Are you committed to devote the necessary amount of time to service on this Commission/Board/Committee and to attend all regularly scheduled meetings? Yes; () No.

Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Commission/Board/Committee that you would prefer to serve on.

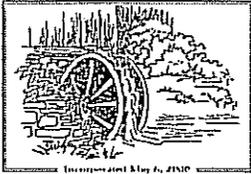
1. I am a registered architect, having practiced since 1981. I am registered in Texas and several other states. Since moving to Wimberley, my firm specializes in the design of country homes throughout Texas.
2. I hold two degrees relating to architecture and planning - Bachelor of Environmental Design and a Master of Architecture.
3. I have many years of experience with planning and zoning issues and processes. Over the years I have been involved in the planning of projects throughout the country.
4. I have lived in Wimberley for 6 years and in the Hill Country for 20 years. I believe that good planning is critical in order to maintain our unique character and our quality of life.

Would you consider serving on a different Commission/Board/Committee Yes () No

Date: 8/18/10

Signature: 

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

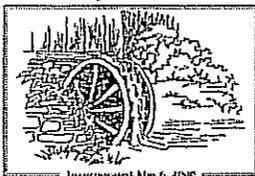
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the efforts underway to secure federal funding for the downtown wastewater project
- Status report on the Blue Hole Regional Park development
- Status report on the development of an ordinance to regulate non-point source pollution within the City of Wimberley and its extraterritorial jurisdiction
- Status report on the Ranch Road 12 billboard enforcement effort
- Status report on the operation of the Wimberley Community Center

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: PRESENTATION OF THE
QUARTERLY ACTIVITIES REPORT BY THE
PARKS AND RECREATION ADVISORY BOARD

Funds Required:

Funds Available:

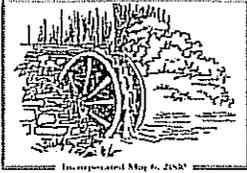
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow representatives of the City of Wimberley Parks and Recreation Advisory Board to present a *Quarterly Activities Report*.

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: PRESENTATION OF AN
UPDATE ON THE CITY LIMIT BOUNDARY
SURVEY PROJECT

Funds Required:
Funds Available:

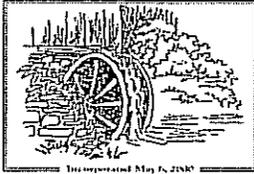
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow representatives with Baker-Aicklen and Associates to present an update on the City of Wimberley City Limit Boundary Survey Project.

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE MODIFYING THE PLANNING AREA BOUNDARIES BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of the first reading of an ordinance modifying the planning area boundaries between the Blanco River and the Wimberley Square. Specifically, the proposed ordinance extends the boundaries of Planning Area III to include the area of land bounded by Blue Heron Road, Blue Heron Run, Ranch Road 12 and the Blanco River. Currently, the subject area, which includes *Rio Bonito* and *The Vineyard*, is located in Planning Area II. Property owners in the subject area, with current pre-existing non-conforming commercial uses, requested the planning area change to allow for the possible expansion of those commercial uses in the future.

The Planning and Zoning Commission is scheduled to meet on October 14, 2010 to consider making a recommendation to City Council on the proposed ordinance. The Commission's recommendation will be presented under separate cover to City Council in advance of the Council meeting.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REVISE THE BOUNDARIES OF PLANNING AREAS II AND III, IN THE GENERAL AREA BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE, AND AS FURTHER SHOWN ON THE EXHIBIT ATTACHED HERETO; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

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

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

WHEREAS, some of the property owners which are located in the general vicinity between the Blanco River and the Wimberley Square have requested that the properties within those limits be moved from Planning Area II to Planning Area III, so that they may request amendments to their zoning classifications that will be in conformance with the Plan; and,

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

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

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

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

I. FINDINGS OF FACT

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

II. AMENDMENTS

THAT the City's Comprehensive Plan, and its accompanying maps, described in the report by Planning and Zoning Commission to City Council, shall be hereby amended to revise the boundaries of Planning Areas II and III, as further shown on such report, attached hereto and incorporated herein as Exhibit "A"; and that the official City Maps be amended accordingly.

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

V. PROPER NOTICE AND MEETING

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

READ AND APPROVED on its First Reading this ____ day of _____, 2010, by a vote of ____ (ayes) to ____ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

READ AND APPROVED on its Second Reading this ____ day of _____, 2010, by a vote of ____ (ayes) to ____ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By _____
Bob Flocke, Mayor

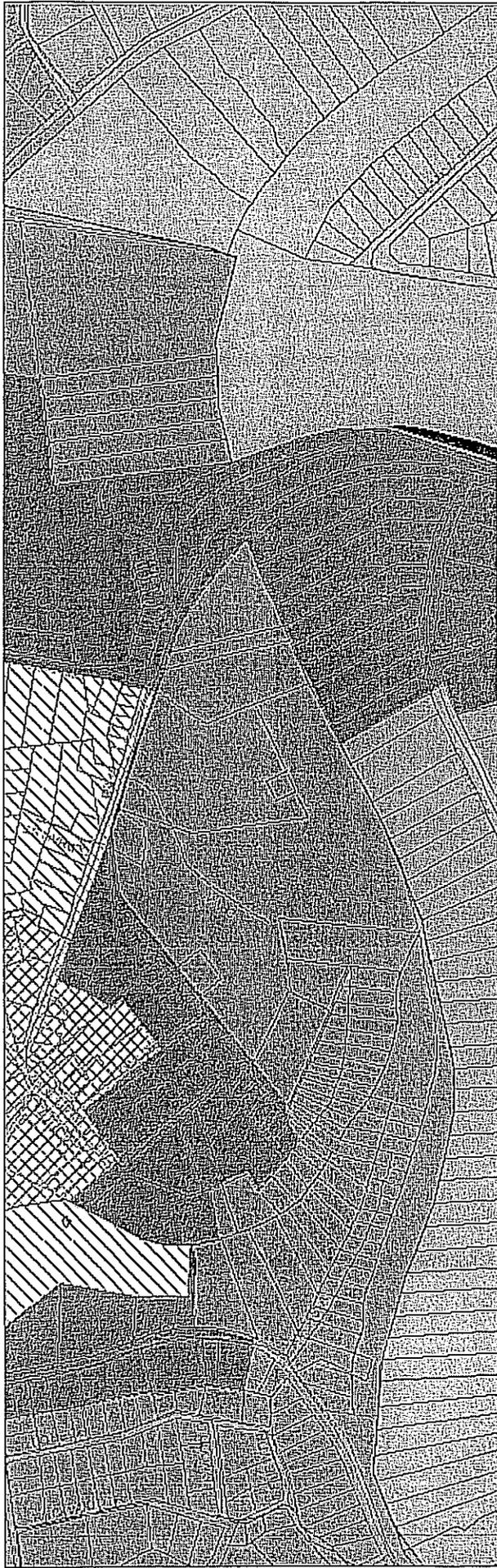
ATTEST:

Cara McPartland, City Secretary

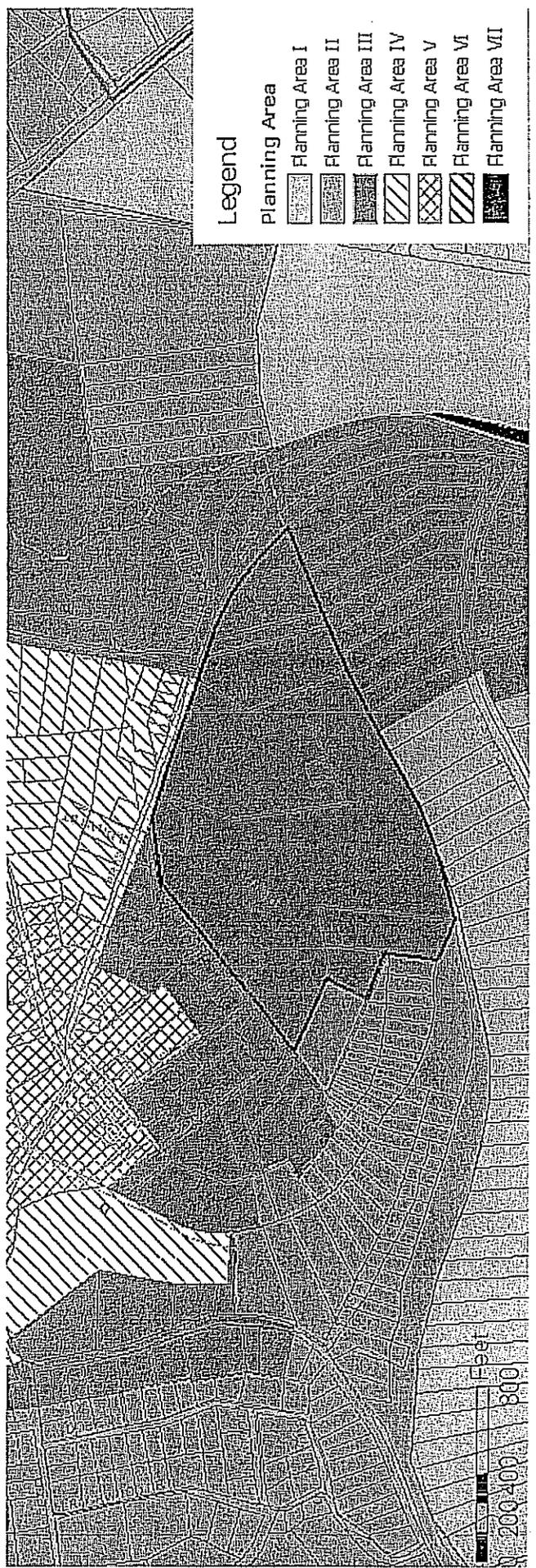
APPROVED AS TO FORM:

C. Crosby, City Attorney

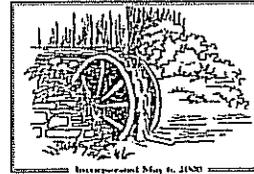
Existing Planning Area



Proposed Planning Area Extension



Report for Zoning Change CUP-10-014



Summary:

A Conditional Use Permit to allow for the sale of beer, wine and alcohol for on-premise consumption at 601 FM 2325.

Applicant Information:

Applicant:

Wimberley Lions Club
601 FM 2325
Wimberley, Texas 78676

Property Owner:

Wimberley Lions Club

Subject Property:

Legal Description:

A0365 BENJAMIN PAGE SURVEY, ACRES 2.25, * EXEMPT % 01/01/2003; A0365 BENJAMIN PAGE SURVEY, ACRES 5.546, * EXEMPT % 01/01/2003; A0365 BENJAMIN PAGE SURVEY, ACRES 3.23, * EXEMPT % 01/01/2003; A0390 ROBERT S RANKIN SURVEY, ACRES 4.30, * EXEMPT % 01/01/2003; A0365 BENJAMIN PAGE SURVEY, ACRES 0.11, * EXEMPT % 01/01/2003

Location:

601 FM 2325

Existing Use of Property:

Market Days

Existing Zoning:

C-1 Commercial - Low Impact

Proposed Use of Property:

Alcohol sales

Proposed Zoning:

Conditional Use Permit

Planning Area

III

Overlay District

Protected Water & Entrance Corridor

Surroundings:

Frontage On:

FM 2325

**Area Zoning and Land Use
Pattern:**

	Current Zoning	Existing Land Use
N of Property	R1, R2, C1, L1	Commercial, Lodging, Vacant
S of Property	PF	Public/Institutional
E of Property	C1	Public/Institutional
W of Property	C1, PF	Public/Institutional, Commercial

Legal Notice

200' Letters

9/24/2010

Published

9/29/2010

Sign Placement

9/27/2010

Responses

None

Comments:

The applicant – the Wimberley Lions Club - has requested a Conditional Use Permit (CUP) to expand the sale of beer, wine and alcohol for on-premise

consumption at Lions Market Days - an outdoor market that occurs on the first Saturday of each month from March through December. The subject property is located at 601 FM 2325 in Planning Area III, and is zoned Commercial-Low Impact (C-1). Beer, wine and alcohol sales for on-premise consumption are allowed in a C-1 zoning district with a CUP.

In May 2010, a CUP was granted by the City to the Lions Club to allow for the sale of beer, wine and alcohol on a 3.25 acre tract of land on the Market Days grounds known as *Hamburger Hill* (see attached). To date, there have been no alcohol-related problems at Market Days.

The applicant is proposing to expand the area where beer, wine and alcohol sales are permitted for on-premise consumption to an additional 15.523 acres to include the entire Market Days grounds.

To date, City staff has not received comments from any notified property owners. Upon review of the application, City staff recommends approval of the requested CUP with the condition that beer, wine and alcohol sales for on-premise consumption be allowed only on Market Days which occur on the first Saturday of each month in the months of March through December. Any change to the dates of Market Days would require an amendment to the CUP, if granted.

The subject property is located within three hundred (300) feet of two schools and a church. As such, the applicant will also need to secure a variance from the three hundred (300) foot buffer requirement prohibiting the sale of beer, wine and alcohol within three hundred (300) feet of churches, schools, day care centers and hospitals.

The Planning and Zoning Commission is scheduled to meet on October 14, 2010 to consider making a recommendation to City Council on the requested CUP. The Commission's recommendation will be presented under separate cover to City Council in advance of the Council meeting.

ORDINANCE NO. 2010- 018

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WIMBERLEY LIONS CLUB TO ALLOW THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A PORTION OF A 3.25 ACRE TRACT LOCATED AT 601 FM 2325, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Wimberley Lions Club ("Applicant") requesting authorization to allow the Sale of Beer, Wine and Alcohol for On-Premise Consumption on a portion of real property described as approximately 3.25 acres described as part of the A0365 Benjamin Page Survey, zoned Commercial-Low Impact (C-1); and

WHEREAS, 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 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, subject to the conditions described herein, 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 Wimberley Lions Club ("Applicant") to allow the Sale of Beer, Wine and Alcohol for On-Premise Consumption on a portion of real property located at 601 FM 2325, described as a 3.25 acre tract part of the A0365 Benjamin 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. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use of the Sale of Beer, Wine and Alcohol for On-Premise Consumption on the portion of the property described as "Hamburger Hill" and as further shown on Exhibit "B", attached and incorporated by reference, as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.
3. The sale of the Sale of Beer, Wine and Alcohol for On-Premise Consumption shall only be permitted on Market Days which occurs on the first Saturday of each month in the months of March through December. Any change to the dates of Market Days will require an amendment to this ordinance.

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 20th day of May, 2010 by a vote of 0 (Abstentions), 4 (Ayes) and 0 (Nays).

WIMBERLEY, TEXAS

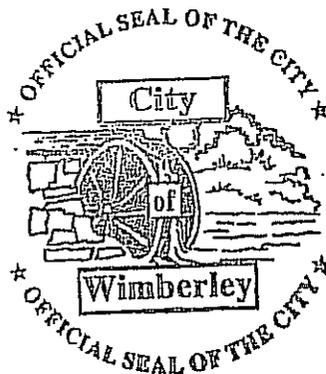
By:

Bob Flocke

Bob Flocke, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary



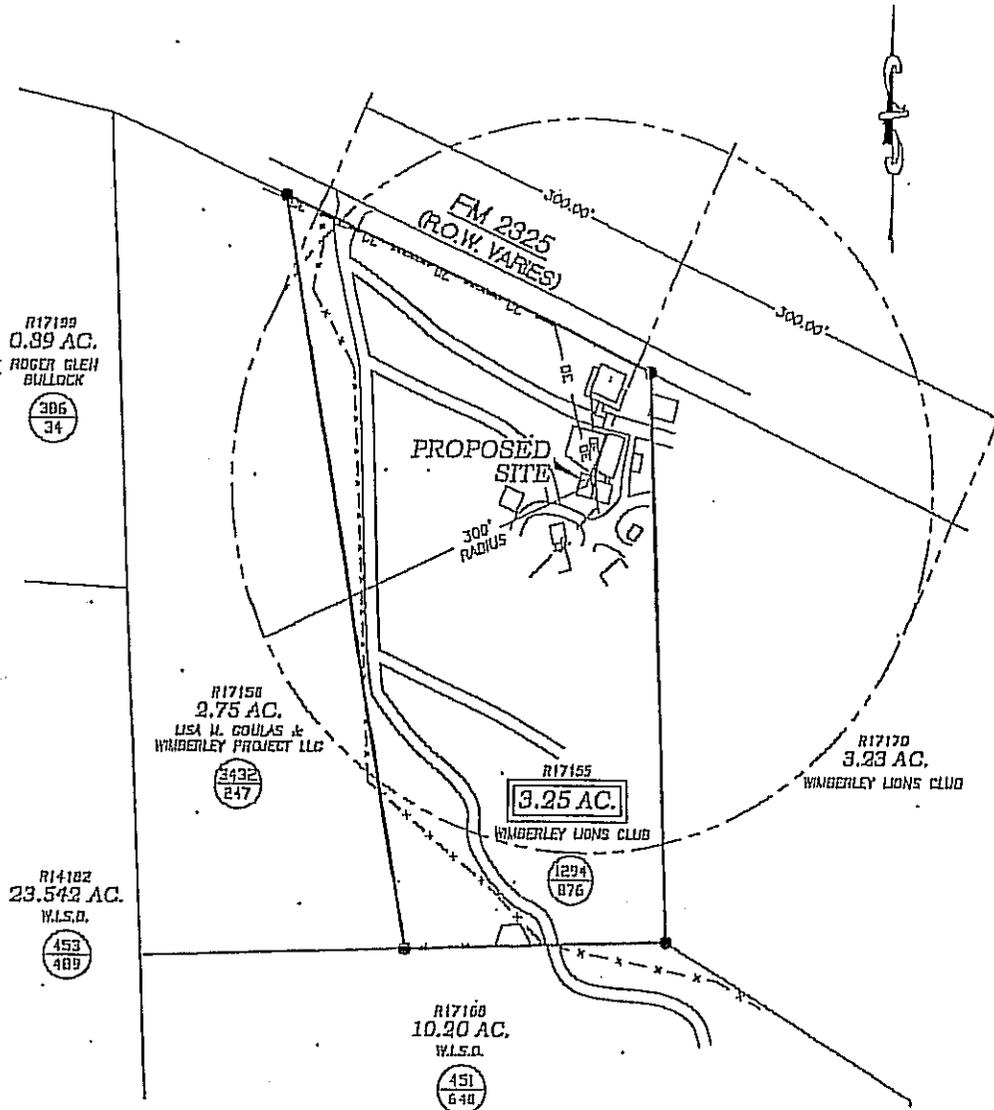
APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, City Attorney

EXHIBIT MAP B

HILL

SHOWING THE LOCATION OF THE 'HAMBURGER HUT' AND PROPOSED SITE OF BUSINESS, SITUATED IN A 3.25 ACRE TRACT OF LAND OUT OF THE BENJAMIN PAGE SURVEY No. 64, A-365, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS.



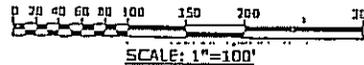
LEGEND

- — 1/2" IRON ROD FOUND—UNLESS NOTED
- ⊙ — 1/2" IRON ROD SET—DRIFTWOOD SURVEYING
- ⊙ — SERVICE OR UTILITY POLES
- — — — — OVERHEAD UTILITIES
- - - - - FENCE

VOL. PG. HAYS COUNTY PLAT RECORDS

VOL. PG. HAYS COUNTY OFFICIAL PUBLIC RECORDS

XXXXXX HAYS COUNTY PROPERTY IDENTIFICATION NUMBER



Driftwood Surveying Professional Land Surveyors - Surveying the 11th Century		DATE: 03/04/2010 FIELD CREW: DG/GP DRAWN: CAP CHECKED: RJP PROJ. NO: HCC02310 CVD: HAYSEXHIBIT
P.O. Box 378 Wimberley, TX 78678 TEL (512) 817-7222 FAX (512) 847-7372		REVISIONS: DATE:
EXHIBIT MAP <i>HILL</i> 'HAMBURGER HUT' AND PROPOSED BUSINESS SITE		
CLIENT: WIMBERLEY LIONS		Page 1 of 1

Mounger & Campbell, L.L.P.
Attorneys and Counselors at Law

173 F.M. 3237, Building B
Wimberley, Texas 78676
Telephone: (512) 847-1308
Facsimile: (512) 847-3590

Don H. Campbell
Carrie E. Campbell
Sara Wells

September 8, 2010

Sandy Irvin
CITY OF WIMBERLEY
Post Office Box 2027
Wimberley, Texas 78676

RE: Wimberley Lions Club

Dear Sandy:

Wimberley Lions Club desires a permit that will have the effect of expanding the Conditional Use Permit which was granted it earlier this year by the City of Wimberley. In support of our request you will find attached the following:

Conditional Use Permit Application with exhibits; and
Application For Variance with exhibits.

The application fee of \$400 is attached.

Your courteous assistance with this matter is appreciated.

Sincerely,



Don H. Campbell

enclosures

Wimberley Lions Club

Application for Expanded Conditional Use Permit and Application For Variance

Table of Contents

1. Conditional Use Permit Application

Exhibit A: Appraisal District Tax ID#s; Volume and Page Locations

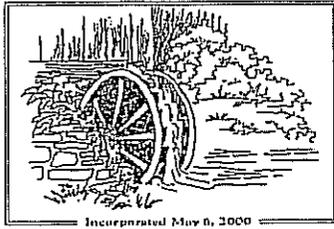
Exhibit B: Plat of Property and Metes and Bounds Descriptions

Exhibit C: List of Adjoining Property Owners Within 200 Feet

2. Application For Variance

Exhibit A: Description of Lions Field Property

Exhibit B: Description of 3.25 Acre Site of CUP



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 014

FOR OFFICIAL USE ONLY

Application Date: 9/9/2016 Tentative P&Z Hearing: 10/14 Tentative Council Hearing: 10/21

FEES: \$400.00 DATE PAID: _____ CHECK NO. 16536 REC'D BY _____

PROJECT SITE ADDRESS: 601 State Highway 2325 Wimberley, TX. 78676

OWNER/APPLICANT Wimberley Lions Club PHONE (512) 847-1308

FAX (512) 847-3590 EMAIL: shopmarketdays.com

Mailing Address: P.O. Box 575 CITY: Wimberley STATE: TX ZIP: 78676

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

ZONING: C-1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Expanded Permit for Sale/Consumption of Beer and Wine on Lions Field

Planning Area 3 Zoning C-1 Total Acreage or Sq. Ft. 18.773 acres

Subdivision: Benjamin Page Survey Lot _____ Block _____

Appraisal District Tax ID#: R See Exhibit A

Deed Records Hays County: Volume _____ Page Sec Exhibit A

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

Type: Waterway and Entrance Corridor

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water Company

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. *See Exhibit B*
- 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. *See Exhibit C*
- 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.

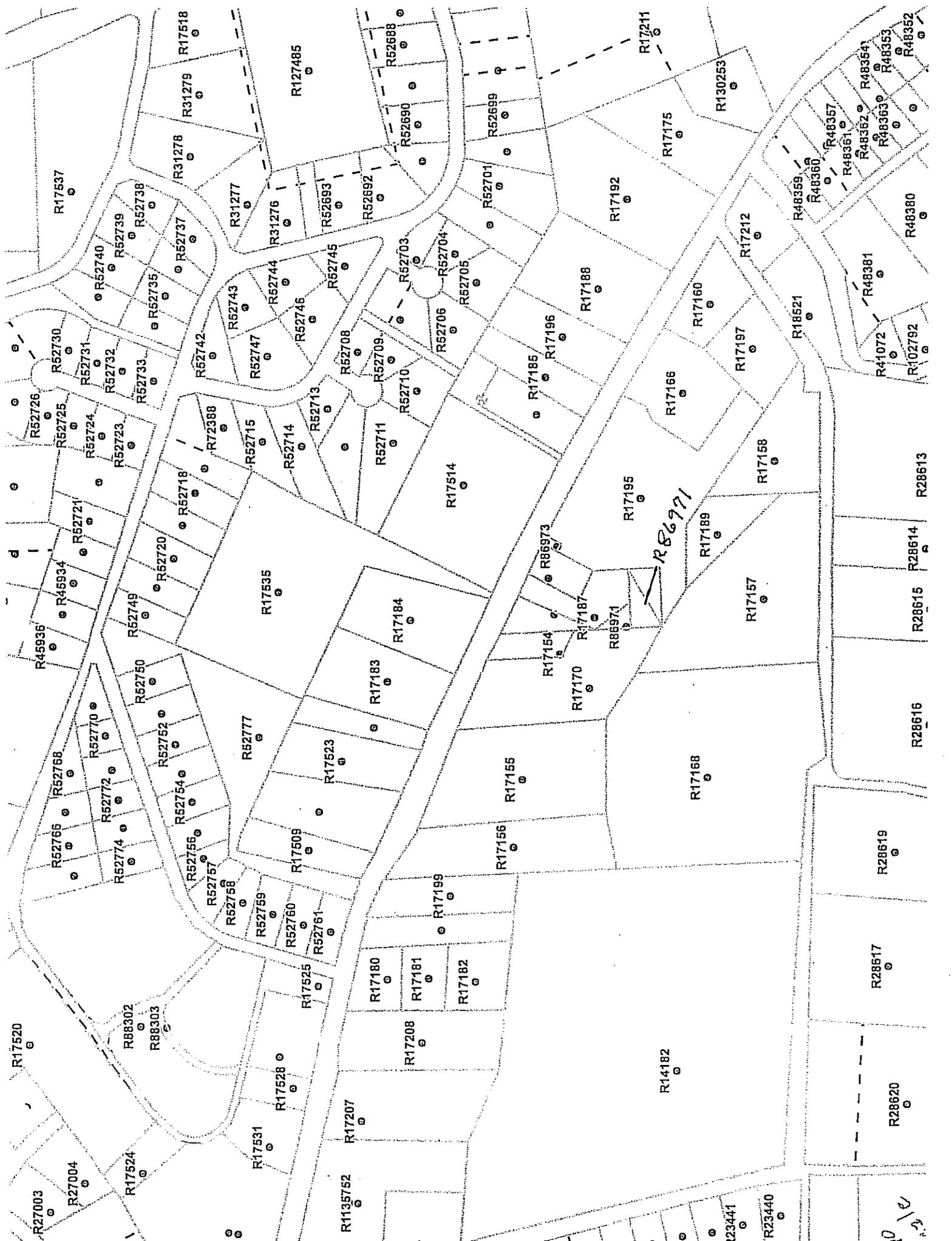
Date September 8, 2010

Windsley Lions Club
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date September 8, 2010

David Campbell, Attorney
AGENT SIGNATURE



R17520

R27003

R27004

R17524

R88302

R88303

R17531

R17528

R1135752

R17207

R17180

R17208

R17181

R17182

R17199

R17156

R17155

R17170

R17187

R86971

R14182

R17168

223441

R23440

R28617

R28620

R28619

R28616

R28615

R28614

R28613

R17157

R17158

R17189

R17195

R17154

R17185

R17196

R17188

R17514

R52711

R52708

R52692

R52703

R52690

R52706

R52705

R52701

R52688

R52699

R52704

R52700

R17192

R17211

R17166

R17160

R17175

R130253

R17197

R17212

R16521

R48359

R48360

R48361

R48357

R48354

R48353

R48352

R48351

R48381

R48380

R41072

R102792

R28620

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R28619

R28616

R28615

R28614

R28613

R28612

R28611

R28610

R28609

R28608

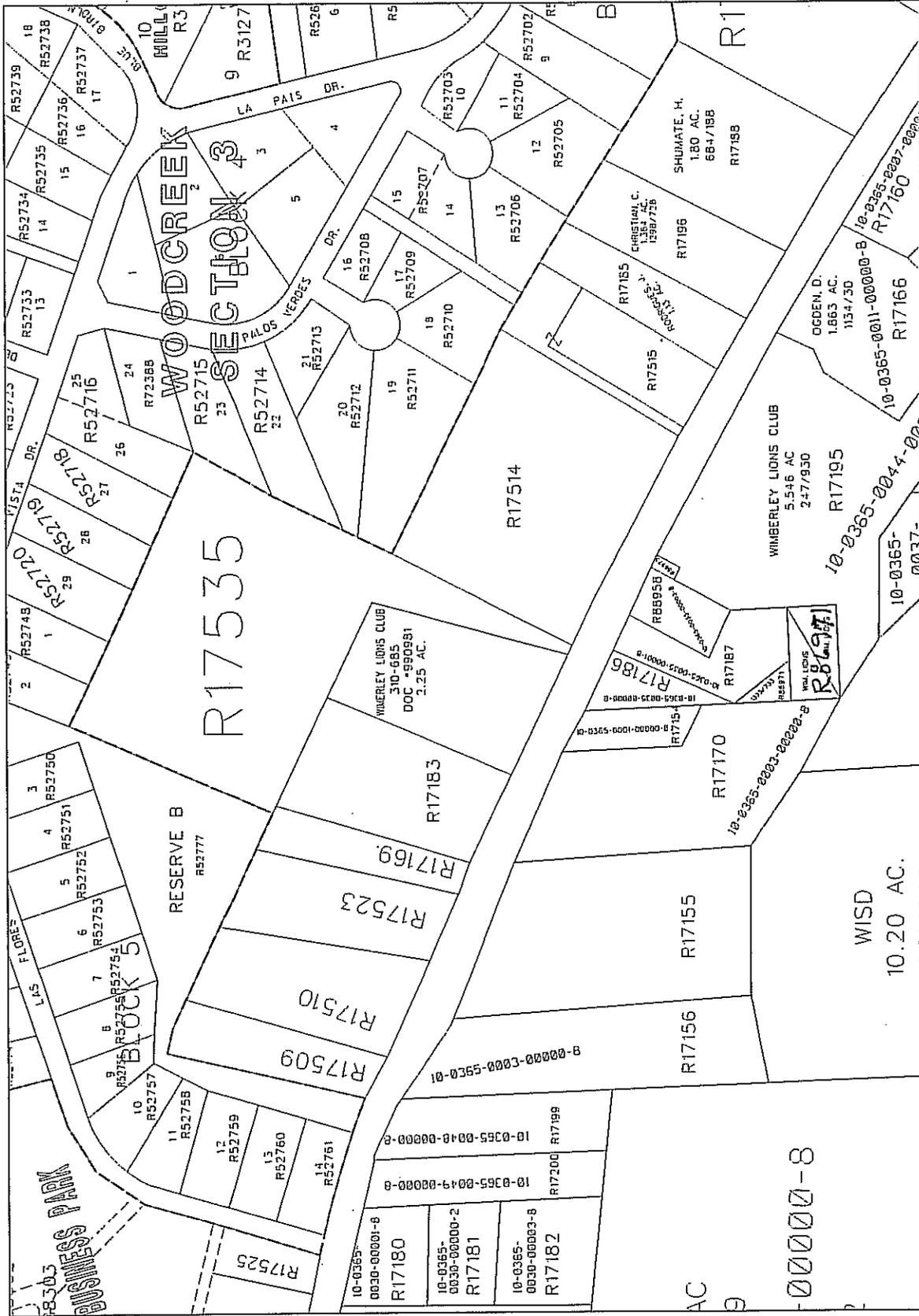
R28607

R28606

R28605

R28604

R28603



3.25 acre

R17155

Volume 1294 Page 880

FIELD NOTE DESCRIPTION
OF
A SURVEY OF
3.25 ACRES OF LAND
OUT OF THE
BENJAMIN PAGE SURVEY
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 4.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED APRIL 13, 1971, AND RECORDED IN VOLUME 242, PAGE 727, HAYS COUNTY DEED RECORDS, AND A PORTION OF THAT 2.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED AUGUST 11, 1970, AND RECORDED IN VOLUME 238, PAGE 402, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake set with aluminum cap in a wire fence for the Northwest corner of the tract herein described, same being the South line of F. M. No. 2325, and the North line of the said 2.00 acre Callaway tract;

THENCE, with the said wire fence, the North line of the said 2.00 acre Callaway tract and the South line of the said F. M. No. 2325, S 64 16' E, at about 151.13 feet passing an iron stake found, same being the Northeast corner of the said 4.00 acre Callaway tract, and continuing on, in all, a distance of 343.31 feet to an iron stake found at a fence corner post for the Northeast corner of the tract herein described, same being the Northeast corner of the said 4.00 acre Callaway tract, the Northwest corner of a tract of land conveyed to Hortense M. Strong by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records;

THENCE, leaving the said F. M. No. 2325, with a wire fence, the East line of the said 4.00 acre Callaway tract and the West line of the said Strong tract, S 00 53' E, 464.93 feet to a fence corner post for the Southeast corner of the tract herein described, same being the Southeast corner of the said 4.00 acre Callaway tract, the Southwest corner of the said Strong tract, and on the North line of a tract of land conveyed to A. J. Farris by deed dated July 17, 1952, and recorded in Volume 153, Page 570, Hays County Deed Records;

THENCE, leaving the said Strong tract, with the South line of the said 4.00 acre Callaway tract and the Northline of the said Farris tract, S 89 08' W at about 171.54 feet passing an iron stake found and continuing on, in all, 226.54 feet to an iron stake set with an aluminum cap for the Southwest corner of the tract herein described;

THENCE, leaving the said Farris tract, N 08 17' W, at about 313.01 feet passing the South line of the aforementioned 2.00 acre Callaway tract and continuing on, in all, 623.90 feet to the POINT OF BEGINNING containing 3.25 acres of land. Surveyed December 8, 1983.

2.25 acre

R17184

Document # 9909801

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING OUT OF AND A PART OF THE BENJAMIN PAGE SURVEY, A-365 & THE ROBERT S. RANKIN SURVEY, A-390, AS RECORDED BY ASSUMPTION DEED TO W. KAREN RAINES AND SHERRI TURNER IN VOLUME 319, PAGE 822, DEE RECORDS, HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING 2.25 ACRES OF LAND, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found for the Southwest corner of the 0.55 acre Payne tract recorded in Volume 310, Page 673, same being in the North right-of-way line of R. M. Highway No. 2325, and being the POINT OF BEGINNING of the herein described tract,

THENCE, along a curve to the left whose radius=5769.58 feet, an arc distance of 10.72 feet and whose chord bears N63°56'15"W, and whose chord distance is 10.72 feet, to a concrete monument found for angle point, same being in the said right-of-way of R. M. Highway No. 2325,

THENCE, N63°23'00"W, 289.44 feet along said right-of-way of R. M. Highway No. 2325 to an iron rod found for the Southwest corner of the herein described tract, same being the Southeast corner of the Hugh H. Harper tract recorded in Volume 158, Page 374, of the Hays County Deed Records,

THENCE, N22°15'31"E, 392.38 feet along the common line of said Harper tract and said Raines and Turner tract to an iron rod found for the Northwest corner of the herein described tract, same being in the most Southerly line of the 5.87 acre Domsch tract recorded in Volume 222, Page 10, of the Hays County Deed Records,

THENCE, S61°18'47"E, 207.60 feet along the common line of said Domsch tract and said Raines and Turner tract to a 4" Pipe Post found for the Northeast corner of the herein described tract, same being the Northwest corner of said Payne tract,

THENCE, S08°53'40"W, 402.47 feet along the common line of said Payne tract and said Raines and Turner tract to the POINT OF BEGINNING, containing 2.25 acres of land.

Note:

1. The initial purchase of the Lions Club was that of a 5.37 acre tract as described on the following metes and bounds;
2. The Lions Club conveyed .03 acre, and .238 acres (a total of .158 acres) out of the 5.37 acre tract to Tony Saucedo as described on the following metes and bounds; and
3. The remainder out of the initial 5.37 acre tract now belonging to the Lions Club is 5.212 acres.

FIELD NOTES

BEGINNING at an iron stake found on the curving Southwest line of F.M. Hwy. 2325 for the Northerly Northwest corner of the tract herein described, same being the Northeast corner of that tract of 2.0 acres of land conveyed to Tony Saucedo, et ux, by A. J. Farris, et ux., by deed dated February 9, 1971, and recorded in Volume 241, Page 694, Hays County Deed Records;

THENCE, with the curving Southwest line of F. M. Hwy #2325, an arc distance of 637.38 feet, said curve having a radius of 5690.31 feet and a chord which bears S. 60° 17' E. 636.69 feet, to an iron stake set for the Northerly Northeast corner of the tract herein described;

THENCE, leaving F. M. Hwy #2325, the following courses numbered (1) through (3):

- (1) S. 26° 12' W. 83.16 feet,
- (2) S. 65° 45' W. 52.01 feet,
- (3) S. 34° 30' W. 178.46 feet to an iron stake set for a re-entrant corner of the tract herein described;

THENCE, S. 53° 21' E. 244.64 feet to an iron stake set for the Southerly Northeast corner of the tract herein described;

THENCE, S. 45° 47' W. 101.59 feet to an iron stake set in top of a rock fence on the Northeast line of that tract of 3.0v acres of land conveyed to Andrew S. Hall, et. ux., by A. J. Farris, et ux., by deed dated April 15, 1971, and recorded in Volume 242, Page 804, Hays County Deed Records for the southeast corner of the tract herein described;

THENCE, with the Northeast line of the said Andrew S. Hall 3.0 acre tract, N. 53° 21' W. 440.67 feet to an iron stake found for a re-entrant corner of the tract herein described, same being the Northeast corner of the said Andrew S. Hall 3.0 acre tract;

THENCE, with the North line of the said Andrew S. Hall 3.0 acre tract, N. 88° 13' W. 200.00 feet to an iron stake found for the Southwest corner of the tract herein described, same being the Northwest corner of the said Andrew S. Hall 3.0 acre tract;

THENCE, leaving the said Andrew S. Hall 3.0 acre tract, N. 54° 53' W. 142.48 feet to an iron stake found for the Southerly Northwest corner of that tract of 3.76 acres of land conveyed to Hortense M. Strong by A. J. Farris, et. Ux., by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records, and the Southwest corner of the said Tony Saucedo 2.0 acre tract;

THENCE, leaving the Hortense M. Strong 3.76 acre tract, with the South line of the said Tony Saucedo 2.0 acre tract N. 89° 07' E. 186.37 feet to an iron stake found for re-entrant corner of the tract herein described, same being the southeast corner of the said Tony Saucedo 2.0 acre tract;

THENCE, with the East line of the said Tony Saucedo 2.0 acre tract, N. 0° 53' W. 420.28 feet to

the PLACE OF BEGINNING, containing 5.37 acres of land.

FIELD NOTE DESCRIPTION
OF A SURVEY OF
0.03 ACRES OF LAND
OUT OF THE
BENJAMIN PAGE SURVEY
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 5.37 ACRE TRACT OF LAND CONVEYED TO WIMBERLEY LIONS CLUB BY J. A. WARHMUND BY DEED DATED JANUARY 21, 1972, AND RECORDED IN VOLUME 247, PAGE 930, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING, at an iron stake found on the arc of a curve to the right on the South line of F. M. Hwy. No. 2325, for the North corner of the tract herein described, same being the East corner of that 0.13 acre tract of land conveyed to Tony Saucedo, Et., Ux., by Wimberley Lions Club, by deed dated August 17, 1981, and recorded in Volume 362, Page 745, Hays County Deed Records, the North line of the said Wimberley Lions Club 5.37 acre tract;

THENCE, with the South line of said F. M. Hwy. No. 2325 and the North line of the said Wimberley Lions Club 5.37 acre tract, 27.02 feet, along the arc of the said curve to the right, having a radius of 5690.31 feet, and a sub-chord which bears S62°40'E, 27.02 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set for the East corner of the tract herein described;

THENCE, leaving said F. M. Hwy. No. 2325, S29°38'28"W, 54.00 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set for the South corner of the tract herein described;

THENCE, N60°32'32"W, 27.00 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set under fence, for the West corner of the tract herein described, same being the Southeast line of the said Saucedo 0.13 acre tract;

THENCE, with fence, and the Southeast line of the said Saucedo 0.13 acre tract, N29°38'28"E, 52.91 feet, to the POINT OF BEGINNING, containing 0.03 acres of land. Surveyed March 7, 1997.

FIELD NOTES
FOR
A 0.128 ACRE TRACT

BEING 0.128 ACRES OF LAND OUT OF THAT 5.37 ACRE TRACT OF LAND CONVEYED TO THE WIMBERLEY LIONS CLUB BY J. A. WARHMUND, BY DEED DATED JANUARY 21, 1972, AND RECORDED IN VOLUME 247, PAGE 930 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At an iron stake found on the arc of a curve to the right in the South line of F. M. Hwy. No. 2325, for the Northwest corner of the tract herein described, said point being S 63° 01' E 40.0 feet from the Northwest corner of the said Wimberley Lions Club 5.37 acre tract, the Northeast corner of that 2 acre tract of land conveyed to Tony Saucedá , et ux, by A. J. Farris by deed dated February 9, 1971, and recorded in Volume 241, Page 694 of the Deed Records of Hays County, Texas;

THENCE: With the South line of said F. M. Hwy No. 2325, 40.0 feet, along the arc of the said curve to the right, having a radius of 5690.31 feet, and a sub-chord which bears S 63° 01' E 40.0 feet, to an iron stake set for the Northeast corner of the tract herein described;

THENCE: Leaving said F. Fm./ Hwy. No. 2325, S 29° 38' 28" W 183.31 feet to an iron stake set for the South corner of the tract herein described, same being on the East line of the said Saucedá 2 acre tract;

THENCE: N 00° 53' W 66.28 feet and N 26° 44' 44" E 124.51 feet to the POINT OF BEGINNING and containing 0.128 acres of land, more or less.

3.23 acres

R17170

Volume 357 Page 545

FIELD NOTES

ALL THAT CERTAIN REAL PROPERTY BEING 3.23 ACRES OF LAND OUT OF THE BENJAMIN PAGE SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF 3.76 ACRES OF LAND CONVEYED TO EARL BELCHER, JR. AND R. J. KELLY, III, BY HORTENSE M. STRONG BY DEED DATED MARCH 23, 1973, AND RECORDED IN VOLUME 257, PAGE 438, HAYS COUNTY DEED RECORDS, AS DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING, at an iron stake under fence on the South line of F. M. Hwy #2325 for the Northwest corner of the tract herein described, same being the northwest corner of the said Belcher and Kelly 3.76 acre tract and the Northeast corner of that tract of 4.0 acres of land conveyed to Joe C. Callaway, et. Ux., by A. J. Farris, et. Ux., by deed dated April 13, 1971, and recorded in Volume 242, Page 727, Hays County Deed Records, and from which beginning corner an iron stake and rock mound found on the South line of F. M. Hwy. #2325 at the Northwest corner of that tract of 2.00 acres of land conveyed to Joe C. Callaway, et. Ux., By A. J. Farris, et. Ux., by deed dated August 11, 1970, and recorded in Volume 238, Page 402, Hays County Deed Records and the Northeast corner of that tract of 640 acres of land conveyed to John E. Bell by C. W. Burdett, et. Ux., by deed dated September 1, 1945, and recorded in Volume 133, Page 111, Hays County Deed Records bears N. 64° 25' W. 504.88 feet;

THENCE, leaving fence and F. M. Hwy #2325, with the East line of the said Joe C. Callaway 4.0 acre tract and the West line of the said Belcher and Kelly 3.76 acre tract, S. 0° 53' E. 465.13 feet to an iron stake for the Southeast corner of the said Joe C. Callaway 4.0 acre tract, same being a Northeast corner of that tract of 10.20 acres of land conveyed to J. A. Warhmund, Trustee, by Hays County Gravel Company, Incorporated by deed dated January 16, 1973, and recorded in Volume 256, Page 793, Hays County Deed Records and the southwest corner of the tract herein described;

THENCE, leaving the line of the said Joe C. Callaway 4.0 acre tract and the West line of the said Belcher and Kelly 3.76 acre tract, with a Northeast line of the said J. A. Warhmund 10.20 acre tract and a South line of the said Belcher and Kelly 3.76 acre tract, S. 57° 56' E., at 247.22 feet passing the Northwest corner of that tract of 4.58 acres of land conveyed to Jewell F. Clayton, et. Ux., by A. J. Farris, et. Ux., by deed dated July 10, 1972, and recorded in Volume 251, Page 619, Hays County Deed Records, and continuing on in all 398.61 feet to an iron stake on a Northeast line of the said Jewell F. Clayton 4.58 acre tract for the most Southerly Southwest corner of that tract of 2.0 acres of land conveyed to Tony Saucedo, et. ux., by A.J. farris, et. Ux., by deed dated February 9, 1971, and recorded in Volume 241, Page 694, Hays County Deed Records, same being also the most Westerly Northwest corner of that tract of 5.37 acres of land conveyed to The Trustees of the Wimberley Lions Club by J. A. Warhmund by deed dated January 21, 1972, and recorded in Volume 247, Page 930, Hays County Deed Records;

THENCE, leaving the Northeast line of the said Jewell F. Clayton 4.58 acre tract, same being the South line of the said Belcher and Kelly 3.76 acre tract and on the Northwest line of the said

Wimberley Lions Club 5.37 acre tract, with the West line of the said Tony Saucedo 2.0 acre tract and the East line of the said Belcher and Kelly 3.76 acre tract, N. 0° 53' W. 264.26 feet to an iron stake for the most Southerly Northeast corner of the tract herein described;

THENCE leaving the West line of the said Tony Saucedo 2.0 acre tract and the East line of the said Belcher and Kelly 3.76 acre tract, N. 64° 16' W. 100.00 feet to an iron stake for a re-entrant corner of the herein described;

THENCE, N. 0° 53' W. 250.00 feet to an iron stake under fence on the South line of F. M. Hwy. #2325, same being the North line of the said Belcher and Kelly 3.76 acre tract for the Northeast corner of the tract herein described;

THENCE, with fence, the South line of F. M. Hwy #2325 and the North line of the said Belcher and Kelly 3.76 acre tract, N. 64° 16' W. 274.17 feet to the PLACE OF BEGINNING, containing 3.23 acres of land. These field notes were prepared from public records by James R. Hall, Registered Public Surveyor #608, in June, 1973.

4.297 acres

R17514

Volume 1053 Page 790

FIELD NOTES
FOR
A 4.297 ACRE TRACT

BEING A 4.297 ACRE TRACT OF LAND OUT OF THE R. S. RANKIN SURVEY NO. 65 AND THE BENJAMIN PAGE SURVEY NO. 64 IN HAYS COUNTY, TEXAS AND BEING OUT OF A TRACT CALLED SECOND TRACT, DESCRIBED IN VOLUME 631, PAGE 602 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND ALL BEARINGS REFERRED TO IN THIS DESCRIPTION ARE ROTATED TO AND REFERENCED TO A BEARING OF S 65° 38' e BETWEEN IRON PIPES FOUND ALONG THE NORTHEAST LINE OF THE ABOVE REFERENCED TRACT, AND ALL BEARINGS AND DISTANCES REFERRED TO IN THIS DESCRIPTION AS RECORDS CALLS ARE TAKEN FROM VOLUME 631, PAGE 602 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, SAID 4.297 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At an iron pipe found at the Northwest corner of the above referenced tract, for the Northwest corner of this tract, said point also being the Southwest corner of Lot 19, Block 2, Woodcreek, Section Three. A subdivision in Hays County, Texas, of record in Volume 1, Page 157 of the Map and Plat Records of Hays County, Texas;

THENCE: Along the Southerly line of Lot 19 and patly along the Southerly line of Lot 18 of said Woodcreek, Section Three, the Northerly line of the above referenced tract, S 65° 38' E 238.52 feet (record 238.40 feet) an iron pipe found, S 60° 12' E 257.50 feet, an iron pin set and S 56° 00' E 7.55 feet to an iron pin set in existing fence line, for the Northeast corner of this tract, an iron pin found at fence corner bears N 34° 00' 0.50 feet;

THENCE: Along the Westerly line of a tract described in Volume 190, Page 517 of the Deed Records of Hays County, Texas, the Easterly line of this tract, S 34° 00' W 403.47 feet to an iron pin found at fence corner in the Northerly line of F. M. No. 2325 for the Southeast corner of this tract;

THENCE: Along the Northerly line of F. M. No. 2325 and a curve to the left, having a central angle of 04° 19' 57", a radius of 5769.58 feet, an arc length of 436.28 feet, and a chord bearing and distance of N 61° 03' 06" W 436.18 feet to an iron pin set in same at the intersection of said Northerly line with the Westerly line of the above referenced tract, for the Southwest corner of this tract, said point being the Southeast corner of a tract called 0.55 acres described in Volume 472, Page 219 of the Deed Records of Hays County, Texas;

THENCE: Along the Easterly line of said 0.55 acre tract, the Westerly line of the above referenced tract, N 24° 22' E 388.59 feet to the POINT OF BEGINNING and containing 4.297 acres of land, more or less.

0.534 acres

R86971

Volume 1325 Page 740

Note:

1. This tract resulted from conveyances from Tony Saucedo to the Lions Club of .21 acre, .214 acre and .11 acre tracts as described below.

FIELD NOTE DESCRIPTION
OF A SURVEY OF
0.21 ACRES OF LAND
BENJAMIN PAGE SURVEY
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 2 ACRE TRACT OF LAND CONVEYED TO TONY SAUCEDA, ET. UX., BY A.J. FARRISET. UX., BY DEED DATED FEBRUARY 9, 1971, AND RECORDED IN VOLUME 241, PAGE 694, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake found at a corner fence post for the West corner of the tract herein described, same being the Southwest corner of the said Saucedo 2 acre tract, the Southeast corner of that 3.76 acre tract of land conveyed to Hortence M. Strong, By A. J. Farris, et. Ux., by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records, the most Westerly corner of that 5.37 acre tract of land conveyed to the Wimberley Lions Club by J. A. Warhmund by deed dated January 21, 1972, and recorded in Volume 247, Page 930, Hays County Deed Records, and being on the Northeast line of that 4.58 acre tract of land conveyed to Jewell F. Clayton et. Ux., by A. J. Farris et. Ux., by deed dated July 10, 1972, and recorded in Volume 251, Page 619, Hays County Deed Records;

THENCE, leaving fence and the said Strong 3.76 acre tract, the said Clayton 4.58 acre tract, and the said Wimberley Lions Club 5.37 acre tract, N. 60° 54' . 211.50 feet, to an iron stake set under fence, for the North corner of the tract herein described, same being on the east line of the said Wimberley Lions Club 5.37 acre tract;

THENCE, with the fence and the East line of the said Wimberley Lions Club 5.37 acre tract, S 00° 53' E, 100.00 feet, to an iron stake found for the Southeast corner of the tract herein described, same being the Southeast corner of the aforementioned Saucedo 2 acre tract, and a re-entrant corner of the said Wimberley Lions Club 5.37 acre tract;

THENCE, with fence, and a North line of the said Wimberley Lions Club 5.37 acre tract, S 89° 07' W, 186.37 feet, to the POINT OF BEGINNING containing 0.21 acres of land. Surveyed October, 1978.

FIELD NOTES
FOR
A 0.214 ACRE TRACT

BEING 0.214 ACRES OUT OF THAT 2 ACRE TRACT OF LAND CONVEYED TO TONY SAUCEDA, ET. UX., BY A. J. FARRIS, ET. UX., BY DEED DATED FEBRUARY 9, 1971, AND RECORDED IN VOLUME 241, PAGE 694, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At an iron stake found at a corner fence post for the Southwest corner of the tract herein described, same being the Southwest corner of the said Sauceda 2 acre tract, the Southeast corner of that 3.76 acre tract of land conveyed to Hortence M. Strong, by A. J. Farris, et. Ux., by deed dated June 24, 1971, and recorded in Volume 244, Page 63, of the Deed records of Hays County, Texas, the most Westerly corner of that 5.37 acre tract of land conveyed to the Wimberley Lions Club by J. A. Wahrmund by deed dated January 21, 1972, and recorded in Volume 247, Page 930, of the Deed Records of Hays County, Texas, and being on the Northeast line of that 4.58 acre tract of land conveyed to Jewell F. Clayton et ux, by deed dated July 10, 1972, and recorded in Volume 251, Page 619 of the Deed Records of Hays County, Texas;

THENCE: N 00° 53' W 100.00 feet along the West line of said 2.0 acre tract to an iron pin set in same for the Northwest corner of this tract;

THENCE:

N 89° 07' E 186.37 feet to an iron pin found in East line of said 2.0 acre tract for the East corner of this tract;

THENCE: S 60° 54' 00" W 211.50 feet to the POINT OF BEGINNING and containing 0.214 acres of land, more or less.

FIELD NOTE DESCRIPTION
OF A SURVEY OF
0.11 ACRES OF LAND
OUT OF THE
BENJAMIN PAGE SURVEY
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 2 ACRE TRACT OF LAND CONVEYED TO TONY SAUCEDA, ET. UX., BY DEED DATED FEBRUARY 9, 1971, AND RECORDED IN VOLUME 241, PAGE 694, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake found at a corner fence post for the Southwest corner of the tract herein described, same being the Northwest corner of that 0.21 acre tract of land conveyed to Wimberley Lions Club, by Tony Saucedo, Et. Ux., by deed dated May 14, 1981, and recorded in Volume 358, Page 20, Hays County Deed Records, same being on the East line of that 3.76 acre tract of land conveyed to Hortense Strong, by A. J. Farris, Et. Ux , by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records, and being on the West line of the said Saucedo 2 acre tract;

THENCE, leaving the said Wimberley Lions Club 0.21 acre tract, with fence, and the East line of the said Strong 3.76 acre tract, and the West line of the said Saucedo 2 acre tract, N 00° 53' 00" W, 115.00 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set for the North corner of the tract herein described;

THENCE, leaving fence and the said Strong 3.76 acre tract, S 36° 02' 32" E, 140.66 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set under fence, for the Southeast corner of the tract herein described, same being on the North line of the aforementioned Wimberley Lions Club 0.21 acre tract;

THENCE, with fence, and the North line of aforementioned Wimberley Lions Club 0.21 acre of land. Surveyed March 7, 1997.

Exhibit C

Marty & Kimberlen Walker
P. O. Box 1824
Wimberley, Texas

Marjory B. Fogelman
4 El Rey
Wimberley, Texas 78676

Kathleen Brune & Ronald Tilton
600 F.M. 2325
Wimberley, Texas 78676

Jon S. Clayton
330 Green Acres Drive
Wimberley, Texas 78676

James L. & Ellen L. Sheffield
Rev. Living Trust
712 F.M. 2325
Wimberley, Texas 78676

Woodcreek Property Owners Assn.
P. O. Box 1026
Wimberley, Texas 78676

Joseph A. Page
3907 Woodhaven Lane
Bowie, MD 20715-1276

William J. Fogelman, Jr. &
Claudia A. Walker
3723 S.E. 10th Ave.
Portland, Texas 97202

Terry & Elizabeth Sumter
610 F.M. 2325
Wimberley, Texas 78676

Texan Car Wash
703 F.M. 2325
Wimberley, Texas 78676

Bernice Domsch
700 F.M. 2325
Wimberley, Texas 78676

John C. & Frances A. Wolf
800 F.M. 2325
Wimberley, Texas 78676

Roger L. & Karen Sosby
25 Palos Verdes
Wimberley, Texas 78676

Phyllis J. & A.L. Bynum
23 Palos Verdes
Wimberley, Texas 78676

Epifania Gonzalez
616 F.M. 2325
Wimberley, Texas 78676

Tony & Helen Saucedo
701 F.M. 2325
Wimberley, Texas 78676

James L. & Patsy D. Ferenz
24 Palos Verdes
Wimberley, Texas 78676

Raymond V. & Maria J. Mireles
11403 Pine Mesa Drive
San Antonio, Texas 78245-2501

Jane Little Botkin
3 El Rey
Wimberley, Texas 78676

Madaline C. Dickey
21 Palos Verdes
Wimberley, Texas 78676

Danny & Jeanette Bello
1510 Hill Road
Houston, Texas 77039

RDMS Family Partners, LTD.
P.O. Box 2236
Dublin, CA 94568-0223

Craig M. & Candace L. Fore
311 La Buena Vista
Wimberley, Texas 78676

Bradley C. Sikes
F.M. 2325
Wimberley, Texas 78676

Rose Mary Tanner
6 El Rey
Wimberley, Texas 78676

Mary Maxine Kuricar
6 El Sol
Wimberley, Texas 78676

Wimberley Rural Fire Prevention
Green Acres Drive
Wimberley, Texas 78676

Latherine Anne Porter School
515 F.M. 2325
Wimberley, Texas 78676

William J. & Janet M. Malcom
301 La Buena Vista
Wimberley, Texas 78676

Roger Glenn Bullock
F.M. 2325
Wimberley, Texas 78676

Ricky & Delores Wright
601 Burnett Ranch Road
Wimberley, Texas 78676

James Sheffield
P. O. Box 736
Wimberley, Texas 78676

Ian & Jennifer Shott
12 Stone Creek Circle
Wimberley, Texas 78676

Dale Smythe
412 Forehand Court
Bel-Air MD. 21015-4821

Joy Spini
401 York Creek Road.
Driftwood, Texas 78619

David & Iris Smith
346 Lea Lane
Wimberley, Texas 78676

Tom & Terry Sones
211 Little Ranches Road
Wimberley, Texas 78676

Todd & Carrie Spencer
#4 Rolling Hills Rd.
Wimberley, Texas 78676

Jimmy Spivey
P. O. Box 1174
Kyle, Texas 78640

Kimberly Stump
301 Stonegate Lane
Dripping Springs, Texas 78620

Ken & Yvette Strange
9 Arrow Point Circle
Wimberley, Texas 78676

Larry & Carol Thomas
P. O. Box 2475
Wimberley, Texas 78676

Thomas Tise c/o Paula Tise
491 Cindi Circle
Wimberley, Texas 78676

Pauline Tom
332 Live Oak Drive
Mountain City, Texas 78610

John Twomey
4701 Monterey Oaks Blvd. #919
Austin, Texas 78749

Mary Lou Jones
6206 Charlottesvile
San Antonio, Texas 78233

Frances Voight
8220 Hwy. 71 W. #305
Austin, Texas 78735

Alan Vosper
1965 Hilltop
Wimberley, Texas 78676

Rusty Wallace
251 Wimberley Oaks Drive
Wimberley, Texas 78676

Frank Watts
301 Lange Rd.
Wimberley, Texas 78676

Laura Williams
5001 Convict Hill Rd. #1104
Austin, Texas 78749

Margie & Paxton Williams
400 Ledgerrock Rd.
Wimberley, Texas 78676

Jesse Williams
310 F. M. 2325
Wimberley, Texas 78676

David Wilson
235 Blanco Drive
Wimberley, Texas 78676

Wimberley EMS
P. O. Box 33
Wimberley, Texas 78676

Wimberley Players Inc.
7 Champions Court
Wimberley, Texas 78676

Dale & Janee Wood
P. O. Box 936
Wimberley, Texas 78676

APPLICATION FOR VARIANCE

This Application for Variance is submitted to the City of Wimberley by Wimberley Lions International, Inc. d/b/a Wimberley Lions Club and its Market Days activities for the following reasons:

1. Wimberley Lions Club operates Market Days on the first Saturday of each month from March through December on approximately 18.773 acres of property in Wimberley commonly known as Lions Field (see property descriptions on "Exhibit A" attached);
2. Market Days is operated for the purpose of generating profits used by Wimberley Lions to make donations to many worthy causes including: Lions Camp for disabled children in Kerrville, Texas, Lions Eyebank of Texas, Lions Mobile Health Unit, optometrist exams and corrective eye-wear for needy children, Habitat for Humanity, scholarships for Wimberley's children to college and trade-school; student-exchange programs, senior-citizens programs, construction of the Wimberley Community Center, Wimberley parks, special programs in Wimberley schools, recognition of outstanding teachers and students, Wimberley Emergency Services, Wimberley Volunteer Fire Department, Emily Ann Theatre, Wimberley Players Theater, Wimberley Food Bank, Wimberley Choral Group, Wimberley Symphony Orchestra, Hays County Women's Center, Wimberley Visitor's Center, CASA, PAWS, etc. Wimberley Lions Club has donated more than 3 million dollars generated from Market Days operations to these causes.
3. For the purposes of its Market Days operation, Wimberley Lions Club requested, and received a *Conditional Use Permit* from the City of Wimberley for the sale and consumption of beer and wine on a 3.25 acre tract (see property description on "Exhibit B" attached,) on Lions Field known as "Hamburger Hill." Wimberley Lions Club was granted license BG 754459 on August 6, 2010 from Texas Alcoholic Beverage Commission that permits it to sell, at all lawful times, beer and wine for on and off premises consumption at any location on all of Lions Field property.
4. Wimberley Lions Club hereby requests that its *Conditional Use Permit* be expanded to include the sale and consumption of beer and wine on all of Lions Field from 3:00 pm until 12:00 am on the first Friday of each month and from 10:00 am through 12:00 am on the first Saturday of each month.
5. Lions Field is located within 1000 feet of property owned or occupied by Wimberley Presbyterian Church, Trinity Chapel, Trinity Chapel, Inc., and Chapel in the Hills.
6. The issuance of a *Conditional Use Permit* to Wimberley Lions Club will necessitate the granting of a variance from certain ordinances or rules regarding

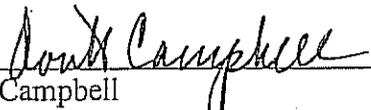
distance requirements between the Wimberley churches listed above and Lions Field.

7. Wimberley Lions Club requests that the City of Wimberley grant it a variance from the distance requirements in question.

WHEREFORE, PREMISES CONSIDERED, Wimberley Lions Club requests that this *Application for Variance* be granted and for such other relief to which it shall show itself entitled for the granting of a *Conditional Use Permit*.

Respectfully submitted,

MOUNGER AND CAMPBELL, L.L.P.



Don H. Campbell
State Bar License #: 03098520
173 F.M. 3237
Building B
Wimberley, Texas 78676
(512) 847-1308
(512) 847-3590 – Fax
ATTORNEY FOR APPLICANT

Exhibit A

Exhibit A

<u>Tract of Land</u>	<u>Vol/Page</u>	<u>County Appraisal District Number</u>
3.25 acres	1294/880	R17155
2.25 acres	Doc. # 9909801	R17184
5.212 acres	1247/931	R17195
3.23 acres	357/545	R17170
4.297 acres	1053/790	R17514
0.534 acres	1325/740	R86971

Exhibit B

3.25 acre

R17155

Volume 1294 Page 880

FIELD NOTE DESCRIPTION
OF
A SURVEY OF
3.25 ACRES OF LAND
OUT OF THE
BENJAMIN PAGE SURVEY
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 4.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED APRIL 13, 1971, AND RECORDED IN VOLUME 242, PAGE 727, HAYS COUNTY DEED RECORDS, AND A PORTION OF THAT 2.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED AUGUST 11, 1970, AND RECORDED IN VOLUME 238, PAGE 402, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

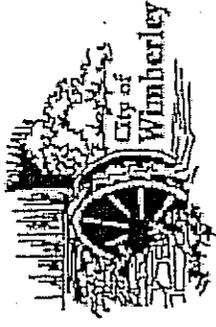
BEGINNING at an iron stake set with aluminum cap in a wire fence for the Northwest corner of the tract herein described, same being the South line of F. M. No. 2325, and the North line of the said 2.00 acre Callaway tract;

THENCE, with the said wire fence, the North line of the said 2.00 acre Callaway tract and the South line of the said F. M. No. 2325, S 64 16' E, at about 151.13 feet passing an iron stake found, same being the Northeast corner of the said 4.00 acre Callaway tract, and continuing on, in all, a distance of 343.31 feet to an iron stake found at a fence corner post for the Northeast corner of the tract herein described, same being the Northeast corner of the said 4.00 acre Callaway tract, the Northwest corner of a tract of land conveyed to Hortense M. Strong by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records;

THENCE, leaving the said F. M. No. 2325, with a wire fence, the East line of the said 4.00 acre Callaway tract and the West line of the said Strong tract, S 00 53' E, 464.93 feet to a fence corner post for the Southeast corner of the tract herein described, same being the Southeast corner of the said 4.00 acre Callaway tract, the Southwest corner of the said Strong tract, and on the North line of a tract of land conveyed to A. J. Farris by deed dated July 17, 1952, and recorded in Volume 153, Page 570, Hays County Deed Records;

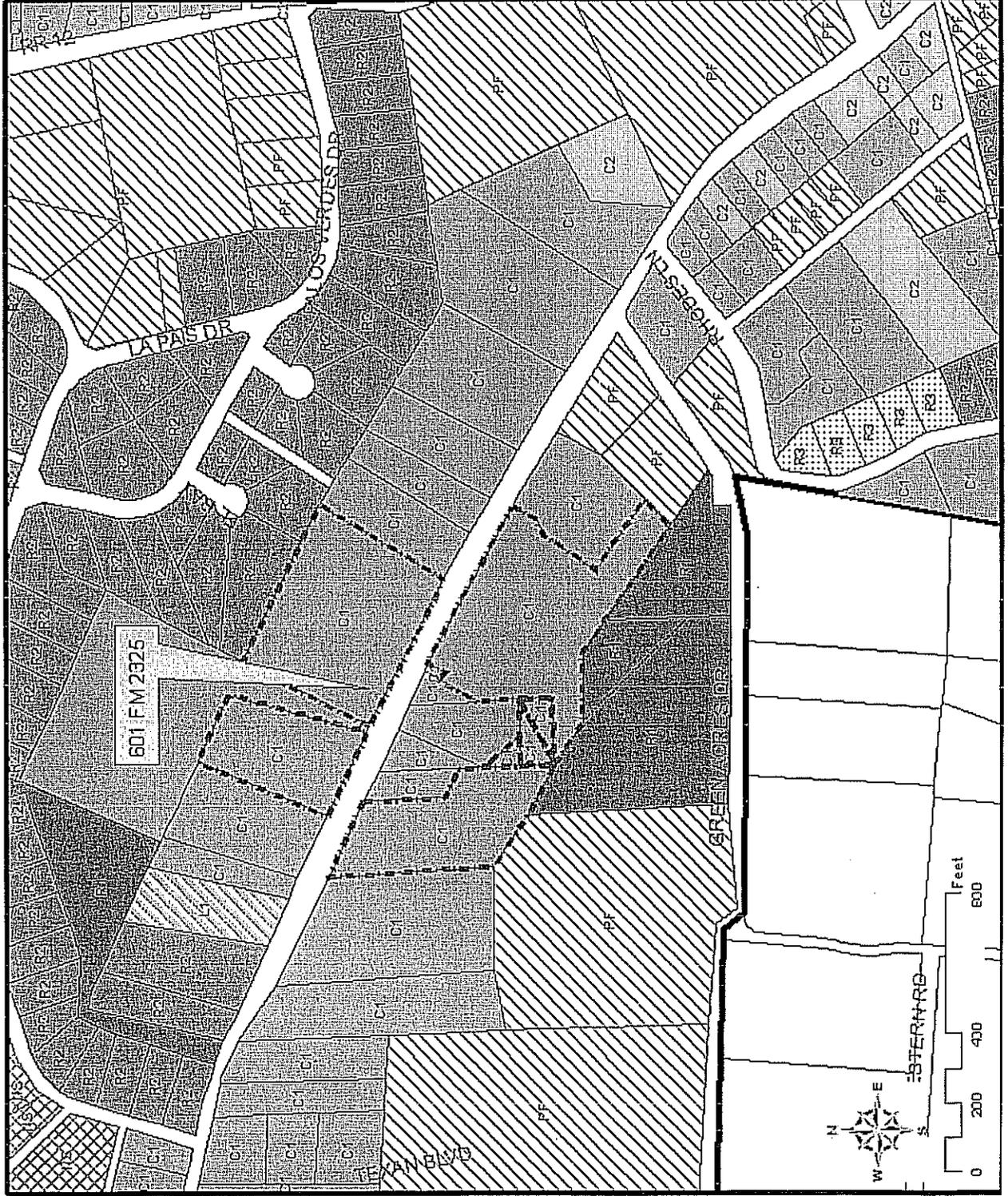
THENCE, leaving the said Strong tract, with the South line of the said 4.00 acre Callaway tract and the Northline of the said Farris tract, S 89 08' W at about 171.54 feet passing an iron stake found and continuing on, in all, 226.54 feet to an iron stake set with an aluminum cap for the Southwest corner of the tract herein described;

THENCE, leaving the said Farris tract, N 08 17' W, at about 313.01 feet passing the South line of the aforementioned 2.00 acre Callaway tract and continuing on, in all, 623.90 feet to the POINT OF BEGINNING containing 3.25 acres of land. Surveyed December 8, 1983.



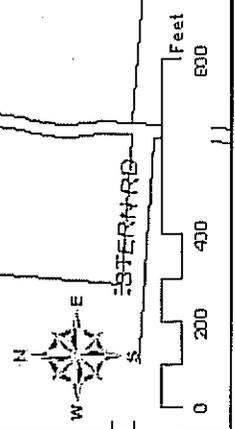
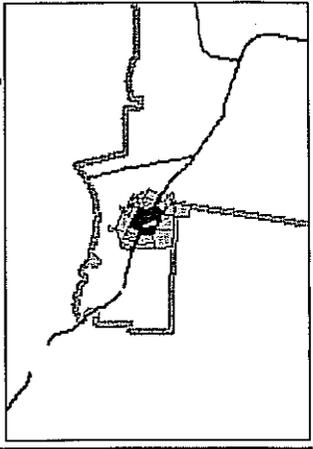
P.O. Box 2027 • Wimberley, Texas 78676

Zoning Map for Case CUP-10-014

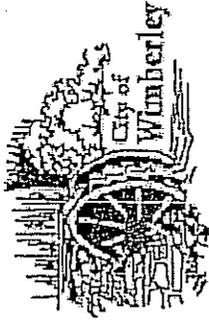


- Subject Tracts**
- R1 (Rural Residential 1)
 - R2 (Single Family Residential 2)
 - R3 (Single Family Residential 3)
 - NS (Neighborhood Services)
 - C1 (Commercial - Low Impact)
 - C2 (Commercial - Moderate Impact)
 - L1 (Lodging 1)
 - PF (Public Facilities)
 - City Limit

Location Map

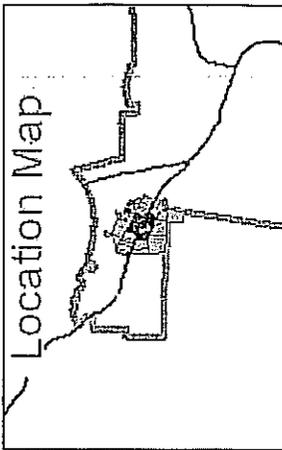


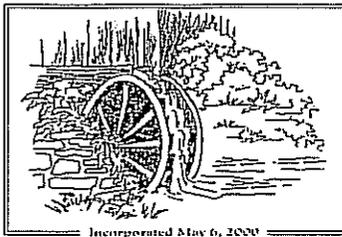
Notification Map for Case CUP-10-014



P.O. Box 2027 • Wimberley, Texas 78676

- 1. 601 FM 2325
- 2. 602 FM 2325
- 3. 603 FM 2325
- 4. 604 FM 2325
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- 47. 647 FM 2325
- 48. 648 FM 2325
- 49. 649 FM 2325
- 50. 650 FM 2325





City of Wimberley

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

September 24, 2010

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-10-014**
601 FM 2325

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

File No. AV-10-005
601 FM 2325

A request for a waiver to allow the sale of alcohol 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.

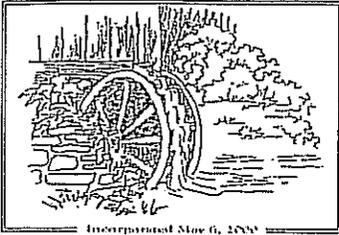
The applicant, Wimberley Lion's Club, has requested a Conditional Use Permit (CUP) to allow the sale of beer, wine or alcohol for on-premise consumption on a property more commonly known as the Market Days Grounds located at 601 FM 2325. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, October 14, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, October 21, 2010, at 6:00 p.m.**

Associated with the above mentioned application, the applicant is seeking a waiver from the City requirement prohibiting the sale of beer, wine or 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, October 21, 2010, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater.

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

NOTICE BY SIGN POSTING

Zoning No: AV-10-005
COP-10-014 Owner Lions Club

Date 9/27/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 601 FM-2325

which is located FM-2325

Bill Bowers
Asst. Public Works

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

9/27/10, 2010


Signature

Century News 858-4163 • Wimberley View 847-2202

NOTICE OF PUBLIC HEARING
(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, October 14, 2010, at 6:30 p.m. to consider the following CUP 10-014 an application for a Conditional Use Permit (CUP) to allow the sale of beer, wine or alcohol for on-premise consumption on a property more commonly known as the Market Days Grounds located at 601 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, October 21, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall or by mail (PO Box 2027) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas 78676 (12550/1a/78).

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, October 12, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County

Conservation District meets at 6:00 p.m. on Thursday, October 21 at the Wimberley Community Center, 14068 Ranch Road 12. The Board of Directors will have a Hearing to vote on the 2011 Budget and the new Management Plan. For more information, visit www.haysgroundwater.com or call (512) 858-9253 or (12536/1a/78).

PUBLIC NOTICE

The Final Plat and Construction Plans for Bush Ranch phase 2 Section 1 have been submitted to Hays County for consideration of approval. Public hearings will be held at the Hays County Commissioners' Court on October 5, 2010 for the approval of the Final Plat. Commissioners' Court meetings are held each Tuesday at the County Courthouse located at 111 East San Antonio St, Suite 300, San Marcos, TX beginning at 9am. Information regarding the application may be obtained from Hays County Subdivision Planning at 312-393-2160, project 10-17-4. (12537/1/79)

PUBLIC NOTICE

APPLICATION HAS BEEN MADE WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR A WINE AND BEER RETAILERS PERMIT AND A BREWPUB LICENSE BY MC3 BREWING LLC DBA THE BARBER SHOP

...that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). For a detailed listing of the proposed BFEs and information on the statutory period provided for appeals, please visit FEMA's website at <http://www.floodmaps.fema.gov/hm/scripts/bfe/main.asp> or call the FEMA Map Information Exchange toll free at 1-877-FEMA-MAP. (12531/2/80)

★ APARTMENTS, DUPLEXES & TOWNHOMES RENTALS

WOODCREEK 2B/2B
Clean, maintained washer/dryer, water & septic paid. Renovated AVA Now \$700/mo. \$500/deposit. 512-858-9999 (1079/3cc/80-1)

DRIPPING SPRINGS 2 Story Duplex 3/2/2
\$900 - 1550/512-914-1510 (12499/3cc/80-1)

FOR RENT 2 bed/1.5 bath duplex
Dripping Springs Dripping Springs ISD. michelle@garnettspropane.com or Garnett Properties @ 512-844-4556 (12499/3cc/80-1)

GARAGE APARTMENT
for rent \$450, utilities included, at personal homestead, locked gates. 847-1960

...available. Make up to \$4000 a month part time. 512-803-4158 (12526/2cc/80-1)

★ COMMERCIAL FOR LEASE

PROFESSIONAL OFFICES
Fall incentives. Info & Map westhillcenter.com 31900 RR 12 Dripping Springs 512-934-1598 (12547/3cc/83)

WAREHOUSE/CONTRACTORS/SHOP/LIGHT MANUFACTURING
1000 - 1500 sq insulated w/half bath. Great cross ventilation. 15 amp service. 801 Carney Ln, 1 mile past High School from \$450/mo. 512-914-1510 (12499/3cc/80-1)

ONE - 2000 SQ. FT. Office/Warehouse \$850 per month
TWO - 1000 SQ. FT. Office/Warehouse \$550/mo each
THREE - 800 SQ. FT. Office/Retail \$775 per month each
Plaza Del Sol Wimberley Call Clay at 512-796-3956 ***** (39750/12cc/98+)

WAREHOUSE
in San Antonio, dock high, on Loop 106, just off Hwy. 87. (Southeast San Antonio) (210)493-8055 (12251/snc)

★ HELP

Dripping Springs Fax (512)894-7113 or email resume to kristi@garnettspropane.com (12459/a/11)

LANDSCAPER NEEDED
Part time in Wimberley \$10/hr start. Call 512-971-8528 (12521/1cc/78)

CAREGIVER
for elderly lady with dementia. Prefer non-smoking. Help with meals, toileting, wheelchair, personal care and companionship. Must be able to properly lift and transfer patient in home, automobile, etc. CNA or home health experience required. Will consider full time live in or 12 hr shift 2 or 3 days per week. choices available. Dependable transportation. Wimberley (512) 694-8554 (12499/1cc/78)

MYSTERY SHOPPERS NEEDED
In Buda and surrounding areas. We pay a labor fee and also reimburse for the meal. Apply on-line: www.consumerimpressions.com Consumer Impressions, Inc. PO Box 866996, Plano, Texas. 75086-6996

**** No fee to apply****
e-mail: dkirby@consumerimpressions.com (12499/1cc/80)

DRIPPING SPRINGS Propane Service
tech RRC and Hazmat a plus. Fax resume @ 894-7113 or email to kristi@garnettspropane.com. Office @ 894-4480 (12518/11m/3/78)

...rental Woodcreek 171 Shady \$905/mo negotiable. 512-847-5061 or 512-470-66 for more info (12340/2p/8)

3B, 2 BATH
Beautiful tile stove, ref, dish, central A/C, pool, lawn. \$935. 512-776-847-2395. Virg (12319/2p/8)

WIMBERLEY BELOW MARKET OWNER FINA
31 bdr/2ba garage, fern, great neighbors \$138.50 Only \$7000/d yours \$990/mo. 210-748-6 (12519/4cc)

VERY NICE
3bdr/2ba vaulted ceiling living room 2 car garage North Wood good credit \$1000/mo. 512-847-3 (12515/1cc)

NEWER 3BDR
FP stove, refr DW, water soft covered privacy fence yard, in Wood Wimberley. \$1 512-847-9 512-657- (12502/1/)

OVERLOOK CREEK
3/2 carport w/ Pet 2 be a w/ deposit report r \$1100/mo deposit. Call 512-395- (12400/2cc)

SPACIOUS
w/replace & fenced back

ORDINANCE NO. 2010-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WIMBERLEY LIONS CLUB TO ALLOW THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A PORTION OF 15.523 ACRES LOCATED AT 601 FM 2325, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Wimberley Lions Club ("Applicant") requesting authorization to allow the Sale of Beer, Wine and Alcohol for On-Premise Consumption on a portion of real property described as approximately 15.523 acres described as part of the Benjamin Page Survey and Robert S. Rankin Survey, zoned Commercial-Low Impact (C-1); and

WHEREAS, 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 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, subject to the conditions described herein, 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 Wimberley Lions Club ("Applicant") to allow the Sale of Beer, Wine and Alcohol for On-Premise Consumption on a portion of real property located at 601 FM 2325, described as 15.523 acres, part of the Benjamin Page Survey and Robert S. Rankin 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. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use of the Sale of Beer, Wine and Alcohol for On-Premise Consumption on the portion of the property shown on Exhibit "B", attached and incorporated by reference, as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.
3. The sale of the Sale of Beer, Wine and Alcohol for On-Premise Consumption shall only be permitted on Market Days which occurs on the first Saturday of each month in the months of March through December. Any change to the dates of Market Days will require an amendment to this ordinance.

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: _____
Bob Flocke, Mayor

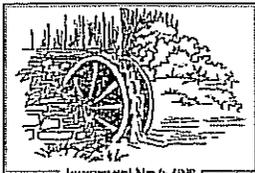
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: CONSIDER ACTION ON A DISTANCE RESTRICTION WAIVER REQUEST TO ALLOW FOR THE SALE OF BEER, WINE AND ALCOHOL AT 601 FM 2325

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

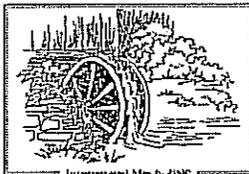
Currently, the sale of beer, wine and alcohol is prohibited within 300 feet of schools, churches, hospitals and day care facilities within the City of Wimberley. The same City ordinance that restricts the sale of beer and wine to certain locations allows business establishments located within so-called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

Last month, the City of Wimberley received such a waiver request from the *Wimberley Lions Club* who is proposing to sell beer, wine and alcohol for on-premise consumption at its monthly *Lions Market Days*. The subject property is located within three hundred (300) feet of the two (2) schools and a church. 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: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF A COMMUNITY CIVIC CLUB REQUEST TO PLACE SIGNS IN THE RIGHT-OF-WAY AND AT THE WIMBERLEY INSTITUTE OF CULTURES

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of a request from the Wimberley Community Civic Club to allow for the placement of directional signage in the right-of-way for the upcoming *Wimberley Home Tour* on November 19th and 20th. In addition, the local non-profit organization is seeking permission to place an off-premise sign, promoting ticket sales for the event, at the Wimberley Visitors Center in advance of the event.

City staff recommends approval of the sign request.

Wimberley Community Civic Club

September 30, 2010

Mr. Don Ferguson and
Members of the City Council

Re: Home Tour Signs

Dear Members of the Council:

Each year the members of the civic club put forth a great deal of effort to earn money for our high school graduates and other nonprofit organizations in our community. Last year these amounts totaled \$35,000.

The home tour will be held on November 19-20. To make the event run smoothly we need to place signs to each of the homes in strategic locations along the routes. These signs direct our local participants as well as out-of-town guests. Sometimes a sign will be placed in the right of way but will not obstruct traffic.

At this time we are requesting an OK to place signs for the Home Tour. We understand that the signs must be 6 feet from the edge of the street in the right-of-way. We also understand that if signs are located on private property we must get permission from the homeowner.

These guidelines apply only to property within Wimberley. If placed in Woodcreek, all signs must be behind the telephone pole lines.

Thank you for your help in this matter. If you have questions, please call me.

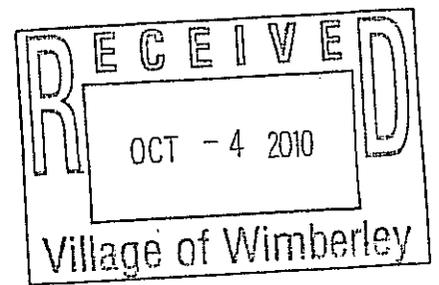
Sincerely,



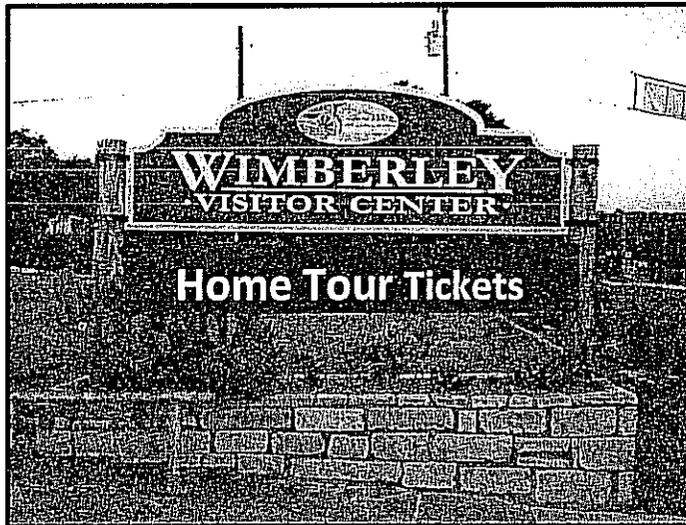
Barbara Pevoto, Home Tour Co-Chair 2010
847-0066

October 4, 2010

To: Wimberley City Council Members
From: *Shirley Schlessmann*
Shirley Schlessmann, Ticket Sales Chair
Wimberley Civic Club Home Tour Committee
Re: Civic Club Home Tour Ticket Sales Banner



In addition to Home Tour Chair Barbara Pevoto's request for approval of directional signage placement, I respectfully submit this request for approval to place a *Home Tour Ticket Sales* banner at the Visitors Center. Details follow. Carrie Harris, Chamber of Commerce Executive Director, approves placement of the banner, contingent upon your approval.



1. The banner would be displayed for three weeks only, from November 1 through November 20.
2. "Home Tour Tickets" would appear on both sides of the banner.
3. It will be tied to the current sign by rope through metal grommets in the corners of the banner.
4. Size is approximately 10 square feet: 10 feet long by 1 foot deep.

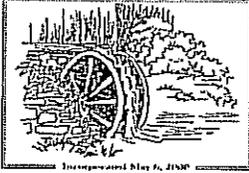
This new banner replaces a small, metal *Home Tour Tickets* sign which was staked into the ground near the road turning into the Visitors Center and gas station. We have decided to try this new approach because of the difficulty we have had with that small sign every year:

1. The sign is hard to stake securely into the rocky ground, has been blown over many times and has needed to be restaked repeatedly.
2. To comply with the city's signage ordinance, it is staked too far in from the road to be effective.

Thank you for considering this request on behalf of an event that has benefitted the community for the past 22 years. If you have questions or need additional information, please contact me at 605-695-3168. If it would be helpful, I would be happy to be present at your meeting on October 7th.

Copies: Barbara Pevoto & Kathleen Jennings, 2010 Home Tour Co-Chairmen
Darlene Kukla, 2010 Civic Club President
Carrie Harris, Chamber of Commerce Executive Director

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: CONSIDER ACTION
REGARDING THE DETERMINATION OF THE
FUTURE OF THE WIMBERLEY ECONOMIC
DEVELOPMENT COMMISSION

Funds Required:

Funds Available:

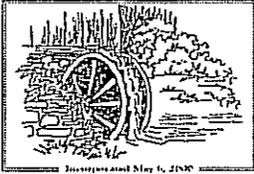
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Bob Flocke to allow City Council to discuss and consider action regarding the determination of the future of the Wimberley Economic Development Commission. No background information was provided for this agenda item.

City Council Agenda Form



Date Submitted: October 14, 2010

Agenda Date Requested: October 21, 2010

Project/Proposal Title: APPROVAL OF FY 2011
HOLIDAY SCHEDULE FOR THE CITY OF WIMBERLEY

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

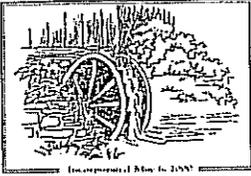
This item was placed on the agenda to allow City Council to discuss and consider approval of an employee holiday schedule for Fiscal Year 2011.

Attached is a proposed 2011 Holiday Schedule, as drafted by the Mayor and City staff, for consideration by City Council.

PROPOSED
FISCAL YEAR 2011
HOLIDAY SCHEDULE

<i>Veteran's Day</i>	<i>Thursday, November 11, 2010</i>
<i>Thanksgiving</i>	<i>Thursday, November 25, 2010</i>
	<i>Friday, November 26, 2010</i>
<i>Christmas</i>	<i>Friday, December 24, 2010</i>
<i>New Year's Day</i>	<i>Friday, December 31, 2010</i>
<i>Martin Luther King Day</i>	<i>Monday, January 17, 2011</i>
<i>Presidents Day</i>	<i>Monday, February 21, 2011</i>
<i>Good Friday</i>	<i>Friday, April 22, 2011</i>
<i>Memorial Day</i>	<i>Monday, May 30, 2011</i>
<i>Independence Day</i>	<i>Monday, July 4, 2011</i>
<i>Labor Day</i>	<i>Monday, September 5, 2011</i>

City Council Agenda Form



Date Submitted: October 13, 2010

Agenda Date Requested: October 21, 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.