Incorporated May 6, 2000

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – WIMBERLEY CITY HALL
221 STILLWATER, WIMBERLEY, TEXAS
JULY 7, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER JULY 7, 2016 @ 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 JUNE 16, 2016

(B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JUNE 16, 2016

(C) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JUNE 20, 2016

(D) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JUNE 15, 2016

(E) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JUNE 30, 2016

(F) APPROVAL OF THE MAY 2016 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY

(G) APPROVAL OF THE APPOINTMENT OF LEE ANN BOWER TO THE CITY OF WIMBERLEY ETHICS COMMISSION. *(PLACE TWO COUNCIL MEMBER CRAIG FORE'S NOMINEE)*

(H) APPROVAL OF THE APPOINTMENT OF RUTH MINCE TO THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD. *(PLACE TWO COUNCIL MEMBER CRAIG FORE'S NOMINEE)*

(I) APPROVAL OF THE APPOINTMENT OF GARY CALLON TO THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP'S NOMINEE)*

2. PRESENTATION

PRESENTATION REGARDING THE "STEP" EFFLUENT COLLECTION SYSTEM. *(ORENCO SYSTEMS, INC.)*

3. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON THE DOWNTOWN RESTROOM TRAILER PROJECT
- STATUS REPORT ON 2016 STREET IMPROVEMENT PROGRAM
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON 2015 FLOOD RECOVERY

4. PUBLIC HEARINGS AND CONSIDER ACTION

(A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING AN EXISTING WIMBERLEY PLANNED DEVELOPMENT DISTRICT ("WPDD") WITH A BASE ZONING OF COMMERCIAL-MODERATE IMPACT (C-2) FOR PROPERTY LOCATED AT 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS. THE PROPOSED AMENDMENT REVISES THE CONCEPT PLAN AND CERTAIN DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE RELATING TO PROPERTY ACCESS, IMPERVIOUS COVER, SETBACKS, MAXIMUM BUILDING FOOTPRINT AND PARKING. *(DDC MERRITT STARLIGHT LTD, APPLICANT; THIS CASE WAS WITHDRAWN BY THE APPLICANT)*

(B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN APPLICATION TO REPLAT LOT 9 AND PORTIONS OF LOT 8 AND LOT 10 OF THE *HARRISON RESORT SUBDIVISION,* LOCATED OFF MALONE DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, TO ESTABLISH LOTS 8-A, 9-A, 9-B AND 10-A, AND RELATED VARIANCE REQUESTS FROM THE CITY SUBDIVISION CODE REQUIREMENTS RELATING TO LOT SHAPE, LOT WIDTH AND PUBLIC ROAD FRONTAGE. *(CITY ADMINISTRATOR)*

(C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTER 155.107 (PLANNING AND ZONING COMMISSION), SUBSECTION (B) (CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES PROVIDING FOR A THREE-YEAR TERM FOR COMMISSIONERS AND PROCEDURES FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR)*

5. <u>ORDINANCE</u>

DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE VII (TRAFFIC CODE) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES ADDING CHAPTER 73 ENTITLED "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES"; TO ALLOW THE LIMITED OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CERTAIN PERMITTED STREETS AND LOCATIONS; PROVIDING DEFINITIONS; REQUIRING SAFETY EQUIPMENT; PROVIDING OPERATIONAL REGULATIONS; REQUIRING FINANCIAL RESPONSIBILITY; PROVIDING FOR A PENALTY, A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP)*

6. <u>DISCUSSION AND POSSIBLE ACTION</u>

(A) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED DEVELOPMENT OF AN ORDINANCE CLARIFYING THE DEFINITION OF A SINGLE FAMILY RESIDENCE IN THE CITY ZONING CODE. *(CITY ADMINISTRATOR)*

(B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED FISCAL YEAR 2017 CITY OF WIMBERLEY GOALS AND PRIORITIES. *(MAYOR MAC MCCULLOUGH)*

(C) DISCUSS AND CONSIDER ACTION REGARDING THE PROPOSED FISCAL YEAR 2017 BUDGET PREPARATION CALENDAR. *(CITY ADMINISTRATOR)*

(D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED CREATION OF A CITY OF WIMBERLEY TECHNOLOGY ADVISORY COMMITTEE. *(PLACE THREE COUNCIL MEMBER SALLY*

TRAPP)

7. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on June 30, 2016 at 10:00 p.m.

Cara McPartland

Cara McPartland, Assistant City Administrator/City Secretary

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

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF JUNE 16, 2016 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the June 16, 2016 Regular City Council Meeting.

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City of Wimberley
Wimberley Community Center
14068 Ranch Road 12
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
June 16, 2016 at 6:00 p.m.

City Council meeting called to order at 6:14 p.m. by Mayor Mac McCullough.

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

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfelt, and John White.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Proclamation

Presentation of proclamations recognizing individuals, businesses and organizations for their efforts in response to the floods of 2015 in Wimberley, Texas

Mayor McCullough thanked everyone in attendance for allowing him the opportunity to express deepest appreciation for their flood assistance efforts. He advised that each recipient will receive a proclamation in the mail from the City of Wimberley recognizing their service.

Citizens Communications

Madonna Kimball thanked Council for its support and spoke on the success of the first annual Wimberley Book Festival that featured over forty Texas authors. She noted the Festival benefited the local economy, as at least twenty attendees stayed overnight in the Wimberley area.

1. Consent Agenda

A. Approval of minutes of the Regular City Council meeting of June 2, 2016
B. Approval of minutes of the Special City Council meeting of May 31, 2016
C. Approval of the appointment of Natalie Meeks to the City of Wimberley Planning and Zoning Commission. (*Mayor Mac McCullough's consensus nominee*)
D. Approval of the reappointment of Bert Ray to the City of Wimberley Transportation Advisory Board. (*Place Four Councilmember Gary Barchfeld's nominee*)
E. Approval of the appointment of Gary Pigg to the City of Wimberley Parks Advisory Board. (*Place Three Councilmember Sally Trapp's nominee*)
F. Approval of the appointment of Gail Pigg to the City of Wimberley Planning and Zoning Commission. (*Place Three Councilmember Sally Trapp's nominee*)

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G. Approval of the appointment of Mary Kate Brown to the City of Wimberley Water/Wastewater Advisory Board. (*Place Three Councilmember Sally Trapp's nominee*)

Councilmember Dussler moved to approve Consent Agenda Items 1A - 1G, as presented. Councilmember Barchfeld seconded. Motion carried on a vote 5-0.

2. Presentation

Presentation of a grant from the Friends of Blue Hole and the Wimberley Civic Club to fund nature camp and program equipment for the Blue Hole Regional Park. (*Friends of Blue Hole*)

This item was heard after Consent Agenda Item 1I (*see Addendum*).

Friends of Blue Hole Director Susan Nenney spoke on the success and benefits of Blue Hole Park's summer camp programs and noted that such success brings with it the need for more equipment and materials. She presented a check to Mayor McCullough to help fund these programs and spoke highly of the Park's energetic staff.

Mayor McCullough thanked Ms. Nenney and Friends of Blue Hole for its generous donation.

Former Mayor Steve Thurber spoke on the history of Friends of Blue Hole as a major benefactor dedicated to the purpose of developing and sustaining the Park in accordance with the Parks Master Plan. Councilmember Dussler stated the Park is a great nationally recognized asset for the City. Mayor McCullough recognized the positive reception to the Park and thanked Ms. Nenney and former Mayor Thurber.

3. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the Ad Hoc Wastewater Review Committee has made good progress and is nearing the completion of its 30-day review in order to make a recommendation to Council. He anticipated signing of the City's TCEQ permit by June 22nd. City Administrator Ferguson reported that crews will begin geo-tech drilling in central Wimberley on Friday, June 17th to test ground quality in the area, which is part of the planning and design process for the wastewater project. He advised that crews will try to minimize impact to traffic flows.

- Status report on the River Road Bank Restoration Project

City Administrator Ferguson reported that the proposed gabion basket design was an effective, but not an aesthetic approach to fortify the River bank. He advised that engineers are looking at a pre-cast wall as an alternative design for the project and considering safety issues.

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- Status report on sales tax collection for the City of Wimberley

City Administrator Ferguson reported that June's check, representing April sales tax collections, totaled approximately $654,000, up fifteen percent (15%) from the same period last year, and running well ahead of budget.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported that the swimming area had no weather-related closures this week and expected a good weekend crowd. He noted camps are underway, with only a few vacancies left in late July camps. He advised that applications are being accepted for the recently vacated Parks Manager position. He noted that a recent Travel and Leisure magazine article named Blue Hole as one of America's best swimming holes.

- Status report on 2015 Flood Recovery

City Administrator Ferguson advised that the May 2015 Flood has been closed out with FEMA. He reported on the public meeting held last night to gather input on the City's efforts to develop a written emergency response plan. He noted that residents will receive regular updates on the status of the Hidden Valley low water crossing design and reconstruction. He spoke of a recent visit to the State Surplus store in San Antonio to look for generators to be used in the event of power outages, emergency training, and a State grant for a regional alert system. He reminded Council of a special meeting to be held Monday, June 20, 2015 that will include a training session with the City's legal counsel. Brief discussion addressed Blue Hole Regional Park as an asset to the City and cited attendance statistics from last year.

4. Resolution

Consider approval of a resolution of the City Council of the City of Wimberley, Texas declaring the City of Wimberley's intent to construct a wastewater system to serve the central Wimberley area. (*Mayor Mac McCullough*)

Mayor McCullough explained this resolution is needed for the City's application for an Economic Development Administration (EDA) grant in the amount of $1,000,000 that could be used to spend on any aspect of the City's proposed central sewer system. City Administrator Ferguson noted that the City is currently in the application process for the grant.

Discussion addressed the grant's requirements, which do not specify any particular type of collection system, benefit of grant to reduce overall system cost and associated loan interest, and whether or not to wait on consideration of this resolution until the Ad Hoc Wastewater Review Committee has made its recommendation to Council. City Administrator Ferguson explained that a recent news article caused the EDA to be concerned about the City's commitment to constructing a wastewater system, and although Mayor McCullough sent a letter to EDA stating such a commitment, the EDA has asked for a resolution from the entire Council. He noted that Council must approve any acceptance of this federal grant, which does not specify a particular

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type of wastewater system. Mayor McCullough felt that the time is now to show the community's resolve to get a wastewater system built.

Councilmember Dussler moved to approve the resolution, as presented. Councilmember White seconded.

Mayor McCullough called for a vote as follows: Councilmember Dussler, aye; Councilmember Fore, aye; Councilmember Trapp, aye; Councilmember Barchfeld, aye; and Councilmember White, aye. Motion carried on a vote of 5-0.

Councilmember White spoke of division on this issue and stated there has been no delay on proceeding with the sewer system. He said he wanted to see the Ad Hoc Wastewater Review Committee's recommendations and whether the City could save money by using a vacuum versus a gravity collection system. Mayor McCullough said we have got nothing but good choices.

5. Public Hearings and Consider Action

A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Kelvin and Brenda Adams to permit a secondary single family residential structure on an 8 acre tract located at 406 Hoots Holler Road, Wimberley, Hays County, Texas, zoned Residential Acreage (RA), and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Kelvin and Brenda Adams, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and existing primary and secondary residences, which consist of a 2,785 square-foot main home and 754 square foot guest cabin. He advised that the aforementioned residences were constructed several years ago without obtaining the required conditional use permit (CUP) due to a staff oversight in the permitting process. He noted that CUP approval is needed to bring the subject property into compliance. He stated the applicants intend to use the guest cabin as a short-term rental. No responses were received by staff on the CUP request and the Planning and Zoning unanimously recommended approval at its June 9th meeting.

Discussion addressed the City's CUP condition for a landline telephone for waterfront properties and City Administrator Ferguson explained that condition is required for vacation rental/bed and breakfast CUPs and pointed out that this item is for consideration of a secondary residence CUP.

Councilmember Dussler stated he did not favor establishing commercial businesses in residential neighborhoods, which he felt changes the character of the neighborhood and impacts property values. He said he supported new businesses, but not in residential areas.

Mayor McCullough opened the public hearing.

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Applicant Kelvin Adams provided ownership history and specific features of his large acreage property, including access.

Juniper Schneider spoke on keeping the "spirit of Wimberley," cautioned against approving these types of CUPs for temporary rentals, and felt that they will change the character of Wimberley. He stated that the City should weigh such approvals against increased sales tax revenues and develop criteria for limits.

Kelvin Adams clarified that the guest cabin would only be rented on weekends when his grandchildren are not visiting.

Hearing no further comments, Mayor McCullough closed the public hearing.

Councilmember White moved to approve the ordinance, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Randall Smith to operate a vacation rental facility on property located at 261 Panther Crossing, Wimberley, Hays County, Texas, zoned Residential Acreage (RA), 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. (*Randall Smith, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and existing residential structures, which the applicant is proposing to use as vacation rentals.

Mayor McCullough opened the public hearing.

Applicant's representative, Darrin Anderson of Hill Country Premier Lodging, respected Councilmember Dussler's position on short-term rentals, but felt that well-managed properties are positive for the community. He offered to answer any questions.

Hearing no further comments, Mayor McCullough closed the public hearing.

Discussion addressed the CUP process allowing for public input, Council's ability to revoke CUPs for violation of CUP conditions, Council's recently adopted procedure to allow recourse in the event of complaints, and maximum occupancy for both residences.

Councilmember Trapp moved to approve the ordinance, as presented. Councilmember White seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending Ordinance No. 2009-056, which granted an application for a conditional use permit to allow for the operation of a bar/tavern on property located at 314 Wimberley Square, Wimberley, Hays County, Texas, in order to amend the site plan; and

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providing for the following: findings of fact; severability; effective date; and proper notice and meeting. (*Claims Processing Solutions/dba The old Mill Store, Applicant*)

City Administrator Ferguson explained that the applicant is seeking to amend the site plan for the existing CUP to relocate the bar area near *The Old Mill Store* to *The Gallery on the Square*. He noted that the business would have to comply with all TABC regulations, including provision of adequate restroom facilities. He advised that this CUP has been dormant since its approval in 2009, but noted that State law does not prohibit such dormancy. He said that Council has the ability to impose time limits on future CUPs, if it chooses to do so. It was noted that CUPs for short-term rentals contain a condition requiring continuous use to remain in effect.

Mayor McCullough opened the public hearing. Hearing no comments, Mayor McCullough closed the public hearing.

Discussion addressed the property owner's possible business plans, permitting requirements, and favored future Council action to impose a review procedure and time limitation for dormant CUPs.

Councilmember White moved to approve the ordinance, as presented, including direction to staff to draft an ordinance that would impose the aforementioned review procedure and time limitation on CUPs that are dormant. Councilmember Fore seconded. Motion carried on a vote of 5-0.

D. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 703 FM 2325, Wimberley, Hays County, Texas, designating such property from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson explained that a recent change in planning area boundaries along FM 2325 now allows the property owner, Steve Weldon, to change the zoning to bring the pre-existing, non-conforming business known as Texan Car Wash into compliance with City Code. He noted that rezoning to C-2 will allow the applicant to apply for Conditional Use Permit (CUP) required for car wash facilities (see Agenda Item 5E).

Mayor McCullough opened the public hearing.

Steve Weldon offered to answer any questions and provided information on plans to change one of the wash bays to an automatic drive-through bay that utilizes a soft touch system. He detailed the importance of conserving water and keeping the car wash operation environmentally friendly.

Councilmember Fore moved to approve the ordinance, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

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E. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Texan Car Wash, LLC to allow for the operation of a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Hays County, Texas, zoned Commercial – Moderate Impact (C-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson explained this CUP application is the companion zoning case needed to bring the pre-existing, non-conforming car wash business into compliance.

Mayor McCullough opened the public hearing. Hearing no comments, Mayor McCullough closed the public hearing.

Discussion among Mr. Weldon and Council addressed specific features of the proposed automatic wash bay, vehicle entry/exit, and implementation of water conservation measures, including recycling of water.

Councilmember Trapp moved to approve the ordinance, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

6. Discussion and Possible Action

A. Discuss and consider action regarding the proposed Fiscal Year 2017 Budget Preparation Calendar. (*City Administrator*)

City Administrator Ferguson stated that this item will be continued until Council's next meeting.

B. Discuss and consider possible action regarding the proposed development of regulations relating to the operation of golf carts and neighborhood electric vehicles on City streets. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp stated that there are constituents who would like to drive to the Square in neighborhood electric vehicles (NEVs) and said that Constable Ray Helm has not expressed any safety concerns.

Discussion addressed possible adoption of certain regulations requiring brake/headlights, speed/operator age limitations, identification of specific streets where NEVs would be allowed, and liability insurance requirements. General consensus was reached to direct staff to draft an ordinance for Council consideration that addresses concerns per Council's discussion. No vote was taken.

C. Discuss and consider possible action regarding a proposal to temporarily lease and operate a restroom trailer for a public restroom on the Wimberley Square and authorizing a budget amendment for such. (*Mayor Mac McCullough*)

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Discussion established that the lease would be temporary until central wastewater service is provided to the Square, addressed various possible locations for placement of the trailer, possible shorter leasing periods, and maintenance/pumping responsibilities. City Administrator Ferguson confirmed that if the subject restroom trailer proposal is approved, the portable toilets currently leased for $5,400 per year would no longer be needed and the resulting cost savings could help offset the cost of the temporary trailer. Discussion favored approval of the lease, with a review to be conducted in seven (7) months.

Councilmember White moved to approve temporarily leasing and operating a restroom trailer for a public restroom to be positioned on Oak Drive near the Wimberley Square for a period of one (1) year, with Council to review the restroom trailer lease/operations in seven (7) months. Councilmember Fore seconded. Motion carried on a vote of 5-0.

Addendum to Agenda

1. Consent Agenda

H. Approval of the appointment of Rebecca Minnick to the City of Wimberley Board of Adjustment. (*Place Three Councilmember Sally Trapp's nominee*)
I. Approval of the appointment of Leigh Peterson to the City of Wimberley Parks Advisory Board. (*Place Four Gary Barchfeld's nominee*)

These items were heard after Consent Agenda Items 1A – 1G.

Councilmember Barchfeld moved to approve Consent Agenda Items 1H – 1I, as presented. Councilmember Fore seconded. Motion carried on a vote of 5-0.

7. City Council Reports

- Announcements
- Future Agenda Items

For additions to the Council's upcoming goals workshop meeting, Mayor McCullough requested issues related to transparency; Councilmember Dussler requested issues related to PEC's transmission line upgrade; and Councilmember Barchfeld requested consideration of road improvements. Councilmember Barchfeld expressed support for continuing the City's participation in the prescription drug take-back program.

Hearing no further announcements or future agenda items, Mayor McCullough called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:15 p.m.

Recorded by:

Cara McPartland

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These minutes approved on the ____ of July, 2016.

APPROVED:

Mac McCullough, Mayor

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City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF JUNE 16, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the June 16, 2016 Special City Council Meeting.

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MINUTES
SPECIAL CITY COUNCIL MEETING
WIMBERLEY COMMUNITY CENTER
14068 RANCH ROAD 12, WIMBERLEY, TEXAS
JUNE 16, 2016 – 5:30 P.M.

The City Council of the City of Wimberley, Texas met for the purpose of observing and participating in a public reception to recognize individuals, organizations and businesses for their efforts in response to the floods of 2015, located at the Wimberley Community Center, 14068 Ranch Road 12, Wimberley, Texas on Thursday, June 16, 2016.

Those present were: Mayor Mac McCullough, Mayor Pro-tem/Councilmember Place Five John White, Place One Councilmember Bob Dussler, Place Two Councilmember Craig Fore, Place Three Councilmember Sally Trapp, and Place Four Councilmember Gary Barchfeld.

Members of the City of Wimberley City Council attended the reception for the purpose of observing and participating in a public reception. No action was taken during the meeting that began at 5:30 p.m. and ended at 6:14 p.m.

DATE APPROVED: July __, 2016

_____

Mac McCullough, Mayor

ATTEST:

_____

Cara McPartland, City Secretary

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City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF JUNE 20, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the June 20, 2016 Special City Council Meeting.

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City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas
Minutes of Special Meeting of City Council
June 20, 2016 at 10:00 a.m.

City Council meeting called to order at 10:00 a.m. by City Administrator Don Ferguson

Councilmembers Present: Councilmembers Bob Dussler, Craig Fore, Sally Gibson Trapp, and John White.

Staff Present: City Administrator Don Ferguson and representatives of Bickerstaff Heath Delgado Acosta LLP

Workshop Session

Participate in a workshop to discuss issues relating to the roles and responsibilities of City Council members.

The City's legal counsel, Bickerstaff Heath Delgado Acosta LLP, briefed Council members and provided Open Meetings Act training.

Adjourn

City Administrator Ferguson called the meeting adjourned at 2:00 p.m.

Recorded by:

Cara McPartland

These minutes approved on the ____ of July, 2016.

APPROVED:

Mac McCullough, Mayor

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City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF JUNE 15, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the June 15, 2016 Special City Council Meeting.

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MINUTES
SPECIAL CITY COUNCIL MEETING
WIMBERLEY COMMUNITY CENTER
14068 RANCH ROAD 12, WIMBERLEY, TEXAS
JUNE 15, 2016 – 6:00 P.M.

The City Council of the City of Wimberley, Texas met for the purpose of observing and participating in a public meeting to gather input from citizens regarding ways to improve the City's disaster response in the future, located at the Wimberley Community Center, 14068 Ranch Road 12, Wimberley, Texas on Wednesday, June 15, 2016.

Those present were: Mayor Mac McCullough, Place Two Councilmember Craig Fore, and Place Four Councilmember Gary Barchfeld.

Members of the City of Wimberley City Council attended the public meeting for the purpose of observing and participating in a meeting to gather input from citizens on the City's disaster response in the future. No action was taken during the meeting that began at 6:00 p.m. and ended at 7:00 p.m.

DATE APPROVED: July ___, 2016

_____
Mac McCullough, Mayor

ATTEST:

_____
Cara McPartland, City Secretary

DRAFT

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF JUNE 30, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the June 30, 2016 Special City Council Meeting. The minutes will be presented under separate cover in advance of the meeting.

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City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF MAY 2016 FINANCIAL STATEMENTS OF THE CITY OF WIMBERLEY

Funds Required:
Funds Available:

Council Action Requested:
☐ Ordinance
☐ Resolution
X Motion
☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda for City Council to consider approval of the May 2016 Financial Statements for the City of Wimberley. The statements will be presented to City Council under separate cover in advance of the Council meeting for review and consideration.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF LEE ANN BOWER TO THE CITY OF WIMBERLEY ETHICS COMMISSION

Council Action Requested:

- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Craig Fore to allow City Council to discuss and consider approval of the appointment of Lee Ann Bower to the City of Wimberley Ethics Commission. Ms. Bower is Council Member Fore's nominee to the Commission.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF RUTH MINCE TO THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- ☒ Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Craig Fore to allow City Council to discuss and consider approval of the appointment of Ruth Mince to the City of Wimberley Transportation Advisory Board. Ms. Mince is Council Member Fore's nominee to the Board.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF GARY CALLON TO THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD

Council Action Requested:

- ☐ Ordinance
- ☐ Resolution
- X Motion
- ☐ Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider approval of the appointment of Gary Callon to the City of Wimberley Transportation Advisory Board. Mr. Callon is Council Member Trapp's nominee to the Board.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: PRESENTATION REGARDING THE "STEP" EFFLUENT COLLECTION SYSTEM

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- ☐ Motion
- X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow representatives of Orenco Systems, Inc. to make a presentation to City Council regarding the STEP effluent collection system.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:
☐ Ordinance
☐ Resolution
☐ Motion
X Discussion

Project/Proposal Summary:

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

- Status report on the Central Wimberley Wastewater Project
- Status report on the Downtown Restroom Trailer Project
- Status report on the 2016 Street Improvement Program
- Status report on the operation of the Blue Hole Regional Park
- Status report on 2015 flood recovery

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: June 7, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE AMENDING AN EXISTING WPDD FOR PROPERTY LOCATED AT 14100 RANCH ROAD 12

Council Action Requested:
X Ordinance
☐ Resolution
X Motion
X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to hold a public hearing and consider approval of an ordinance amending an existing Wimberley Planned Development District ("WPDD") with a base zoning of Commercial-Moderate Impact (C-2) for property located at 14100 Ranch Road 12.

The applicant, DDC Merritt Starlight LTD. has withdrawn their request for the WPDD amendment. As such, City staff recommends City Council vote to accept the applicant's request to withdraw.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING THE PROPOSED REPLAT OF LOT 9 AND PORTIONS OF LOT 8 AND LOT 10 OF THE HARRISON RESORT SUBDIVISION

Commission Action Requested:
☐ Ordinance
☐ Resolution
X Motion
X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council hold a public hearing and consider approval of a proposed replat of three (3) lots of the *Harrison Resort Subdivision*.

The applicant is proposing to replat Lot 9 and portions of Lot 8 and Lot 10 to establish Lots 8-A, 9-A, 9-B and 10-A of the Harrison Resort Subdivision. The area of the proposed lots are: Lot 8-A 1.20 acres, Lot 9-A 0.96 acre, Lot 9-B 1.57 acres, and Lot 10-A 0.81 acre for a total of 4.54 acres.

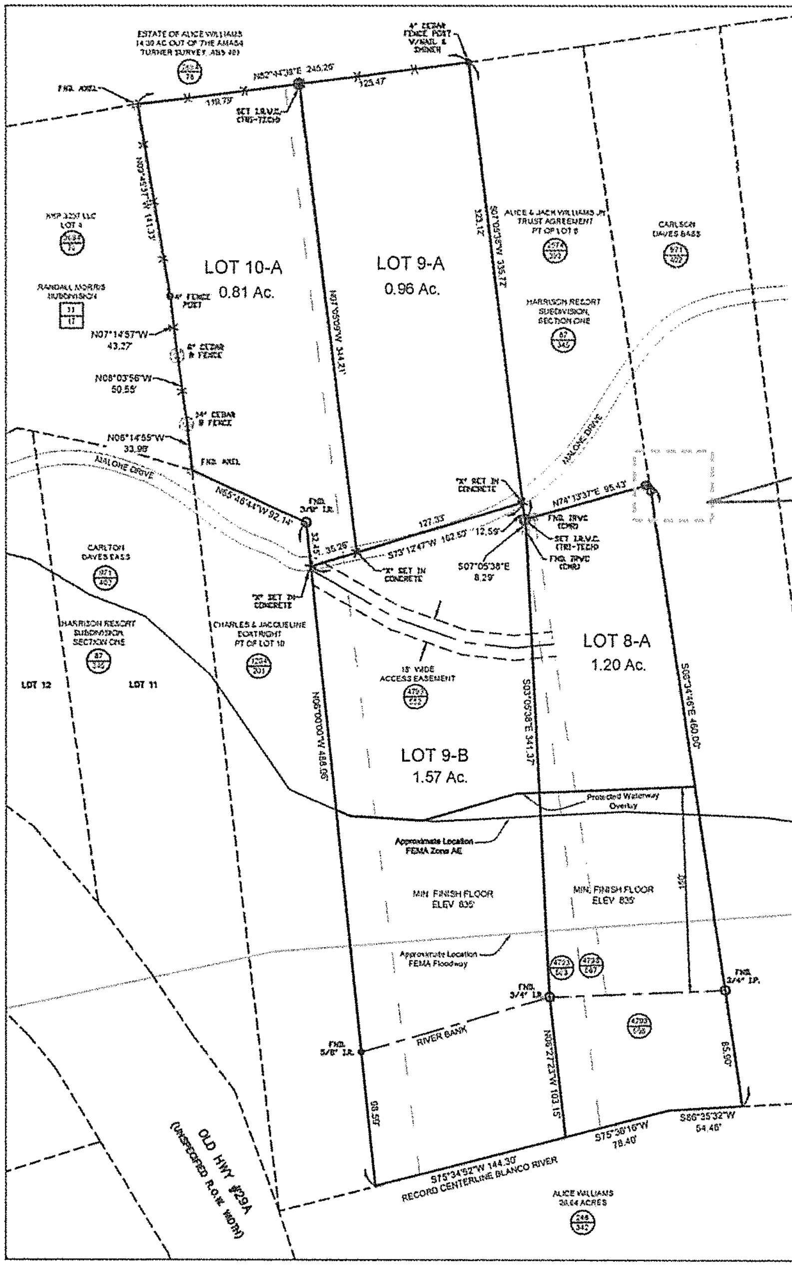
The subject lots are located within the corporate boundaries of the City of Wimberley and currently zoned Single Family Residential 2 (R-2). The proposed use of the lots is residential.

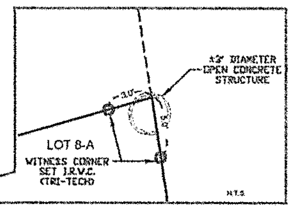
The lots created by the proposed subdivision will obtain water supply from the Wimberley Water Supply Corporation. Wastewater service for the lot will be provided by on-site sewerage facilities.

Lot 10-A has Malone Drive frontage of 35.26 feet requiring a variance from Section 154.063 (C) of the City Code relating to lot shape and Section 154.063 (F) relating to lot width. In addition, Lot 8-A does not have contiguous frontage on a dedicated public road and requires a variance from Section 154.063(D) relating to required public road frontage. The applicant is unable meet the referenced Code requirements because of the existing lot sizes and configurations.

On June 23, 2016, the Planning and Zoning Commission held a public hearing on the proposed replat. Afterwards, the Commission voted unanimously to recommend approval of the replat with the requested variance.

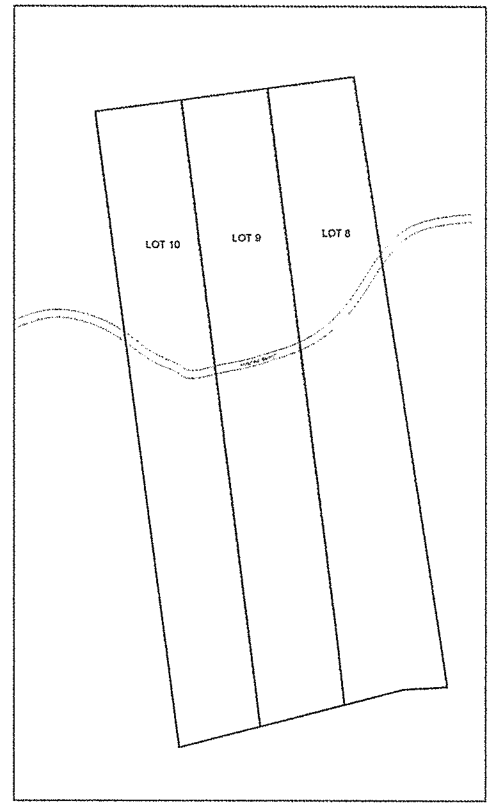
REPLAT OF LOT 9 & PORTIONS OF LOT 8 & LOT 10, HARRISON RESORT, ESTABLISHING LOTS 8-A, 9-A, 9-B & 10-A CITY OF WIMBERLEY HAYS COUNTY, TEXAS





LEGEND

- TREE
- IRON STAKE FOUND
- ALUMINUM CAP IRON STAKE FOUND
- I.R. IRON ROD
- IRWC IRON ROD WITH CAP
- FENCE POST
- 60D FOUND
- HAYS COUNTY DEED RECORDS
- HAYS COUNTY PLAT RECORDS
- FEMA FLOOD ZONE



ORIGINAL LOT CONFIGURATION

SCALE: 1"=100

0 100 200

SCALE: 1"=60'

0 60 120

JUNE 16, 2016

ENGINEER:
BEC-Lin
ENGINEERING, LP
100 E. San Antonio St., Suite 100
San Marcos, Texas 78666
Phone: 512-353-3335 Fax: 512-396-0224
TBPE REG. #F-13056
TBPLS REG. #:10194003

SURVEYOR:
TRI-TECH SURVEYING COMPANY, L.P.
WWW.SURVEYINGCOMPANY.COM

PLAN 5704

BEC-LIN: P-15-1072000
TRI-TECH: PRO-224-15

REPLAT OF LOT 9 & PORTIONS OF LOT 8 & LOT 10, HARRISON RESORT, ESTABLISHING LOTS 8-A, 9-A, 9-B & 10-A CITY OF WIMBERLEY HAYS COUNTY, TEXAS

STATE OF TEXAS*
COUNTY OF HAYS*

KNOW ALL MEN BY THESE PRESENTS

That we, Hoffman River House, LLC, by and through Anne Courtney Hoffman, President, owner of the certain tract of land shown hereon and described in a deed recorded in Volume 5126 Page 294 of the Official Public Records of Hays County, Texas, same being a portion of Lot 8, Harrison Resort Subdivision, and Carlton Daves Bass, owner of the certain tract of land shown hereon and described in a deed recorded in Volume 971 Page 402 of the Official Public Records of Hays County, Texas, same being a portion of Lot 8, Lot 9, and a portion of Lot 10, Harrison Resort Subdivision, recorded in Book 87 Page 345 of the Hays County Plat Records, do hereby subdivide said lots as shown hereon, and do hereby consent to all plat note requirements shown hereon, and do hereby dedicate to the City of Wimberley the easements, excluding Malone Drive public use road easement, and public places shown hereon for such public purposes as the City of Wimberley may deem appropriate. This subdivision is to be known as the REPLAT OF LOT 9 & PORTIONS OF LOT 8 & LOT 10, HARRISON RESORT, ESTABLISHING LOTS 8-A, 9-A, 9-B & 10-A, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS.

TO CERTIFY WHICH, WITNESS by my hand this ____ day of _____ A.D. 20__

By_____
Hoffman River House, LLC
Anne Courtney Hoffman, President
10 Pine Forest Circle
Houston, Texas 77056

By_____
Carlton Daves Bass
P.O. Box 1422
Wimberley, TX 78676

STATE OF TEXAS*
COUNTY OF HAYS*

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Anne Courtney Hoffman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this ____ day of _____ A.D. 20__

_____
NOTARY PUBLIC in and for Hays County, Texas

STATE OF TEXAS*
COUNTY OF HAYS*

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Carlton Daves Bass, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this ____ day of _____ A.D. 20__

_____
NOTARY PUBLIC in and for Hays County, Texas

Wimberley Water Supply, CCN #10314, an approved water supply system, has adequate quantity to supply this subdivision in accordance with the policies of the water supply system.

_____ _____
Wimberley Water Supply Representative Date

STATE OF TEXAS*
COUNTY OF HAYS*

KNOW ALL MEN BY THESE PRESENTS

I, Liz Q. Gonzalez, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record in my office on the ____ day of _____ A.D. 20__ at _____ o'clock, __ M and duly recorded on the ____ day of_____ A.D., 20__ at _____o'clock, __ M., in the Plat Records of Hays County, Texas, in Plat Book No _____, Pages _____.

TO CERTIFY WHICH, WITNESS my hand and seal of the Office of County Clerk, this ____ day of _____ A.D. 20__

_____
Liz Q. Gonzalez, County Clerk
Hays County, Texas

PLAN 5704 P-15-1072000

STATE OF TEXAS*
CITY OF WIMBERLEY*

Based upon the above representations of the engineer or surveyor whose seal is affixed hereto, and after a review of the plat as represented by the said engineer or surveyor, I find that this plat complies with the requirements of the City of Wimberley. This certification is made solely upon such representations and should not be relied upon for verifications of the facts alleged. The City of Wimberley disclaims any responsibility to any member of the public for independent verifications of the representation, factual or otherwise, contained in this plat and the documents associated with it.

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

I, Joel D. Wilkinson, City Engineer of the City of Wimberley, Texas do hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations to which approval is required.

_____ _____
Joel D. Wilkinson, City Engineer Date
City of Wimberley, Texas

I, Don Ferguson, City Administrator of the City of Wimberley, Texas hereby certify that the subdivision plat conforms to all requirements of the Subdivision Regulations to which approval is required.

_____ _____
Don Ferguson Date

Recommended for approval by the City Planning and Zoning Commission of the City of Wimberley, Texas

_____ _____
Chair Date

Approved and authorized for record by the City Council of the City of Wimberley, Texas.

_____ _____
Mayor Date

STATE OF TEXAS*
COUNTY OF HAYS*

KNOW ALL MEN BY THESE PRESENTS

I, Kelly Kilber, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made from an actual survey made on the ground of the property legally described hereon, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that the corner monuments shown thereon were properly placed under my supervision in accordance with the Subdivision Regulations of the City of Wimberley, Texas.

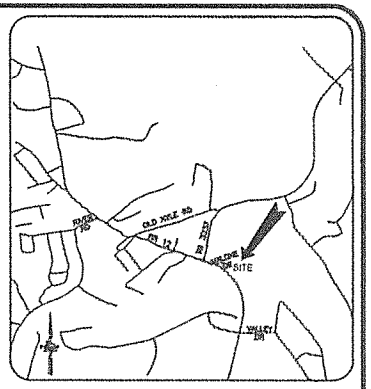
TO CERTIFY WHICH, WITNESS by my hand and seal at Wimberley, Hays County, Texas this ____ day of _____ A.D. 201_

_____ _____
Kelly Kilber Date
R.P.L.S. # 2219, State of Texas

I, Kelly Kilber, Registered Professional Engineer in the State of Texas, do hereby certify that this subdivision is not in the Edwards Aquifer Recharge Zone, nor is it in the Barton Springs Segment of the Edwards Aquifer Recharge Zone; it is however in the Contributing Zone of the Edwards Aquifer and is encroached by a Zone AE flood area, as denoted hereon, and as defined by Federal Emergency Management Administration Flood Hazard Boundary Map, Community Panel Number, 481094 0355 F effective date September 2, 2005; and that each lot conforms to the Wimberley Subdivision Regulations.

TO CERTIFY WHICH, WITNESS by my hand and seal at Wimberley, Hays County, Texas this ____ day of _____ A.D. 201_

_____ _____
Kelly Kilber Date
Registered Professional Engineer, No. 41187
State of Texas



VICINITY MAP
1" = 2000'
ZIP CODE: 78676

PLAT NOTES

1. No portion of this subdivision lies within the boundaries of the Barton Springs Segment of the Edwards Aquifer Contributing Zone.
2. This subdivision lies within the boundaries of the Edwards Aquifer Contributing Zone.
3. This subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County F.I.R.M. Panel #48209C 0355 F, City of Wimberley Community Panel #481094 0355 F, dated September 2, 2005.
4. This subdivision contains 4 residential lots for a total of 4.04 acres.
5. This subdivision lies within the Wimberley Independent School District.
6. Water supply for this subdivision is provided by Wimberley Water Supply Corporation.
7. Rainwater collection is encouraged and in some areas may offer the best renewable water resource.
8. Electricity for this subdivision is provided by Pedernales Electric Cooperative, Inc.
9. Telephone service for this subdivision is provided by Verizon.
10. This subdivision lies within the City Limits of The City of Wimberley and is subject to its ordinances.
11. When required, lots shall have a minimum driveway culvert size of 18".
12. This subdivision has an average slope of less than 15%.
13. There is hereby dedicated a twenty (20) foot Public Utility, Drainage, and Embankment/Backslope Easement adjacent to all street right-of-way lines and a ten (10) foot wide Public Utility, Drainage Easement adjacent to all non-street lot lines; if two or more lots are combined as a single home site, this easement shall be automatically relinquished along the common line or lines of the combined lots so long as no utility lines or drainage improvements are located therein.
14. Construction and use of land within the Protected Waterway Overlay District is limited as set forth in Chapter 155.092 of the City's Code of Ordinances.
15. All construction activity within zone AE 100-year flood hazard must comply with City of Wimberley and FEMA floodplain management regulations as set forth in Chapter 153 of the City's Code of Ordinances.
16. Wastewater treatment for this subdivision is to be private, individual on-site sewerage facilities as approved by the City of Wimberley. No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by the City of Wimberley.
17. Improvements exist on this lot, which is not shown by this Plat.
18. Provisions of the City of Wimberley Comprehensive Plan shall also govern this subdivision.
19. Building setback lines per City of Wimberley Zoning Ordinance.
20. No object, including buildings, fencing or landscaping which would interfere with conveyance of stormwater, shall be placed or erected within a Drainage Easement. The owner(s) of any lot(s) upon which drainage facilities are located, including detention, shall be responsible for maintenance and upkeep of such facilities.
21. Bearing Basis:Texas State Plane Coordinate System-South Central Zone.
22. New construction must obtain a Development Permit from the City of Wimberley in compliance with §153.42 of City Code Chapter 153 Flood Damage Prevention.
23. The road shown on the Plat, locally known as Malone Drive, is a record public road of unspecified width that is not publicly maintained.

JUNE 16, 2016

ENGINEER:
BEC-Ih
ENGINEERING, LP
100 E. San Antonio St., Suite 100
San Marcos, Texas 78666
Phone: 512-353-3335 Fax: 512-393-0224
TBPE REG. #F-13056
TBPLS REG. #:10194003

SURVEYOR:
TRI-TECH SURVEYING COMPANY, L.P.
WWW.SURVEYINGCOMPANY.COM
100 E San Antonio St, Suite 100 Phone: (512) 396-0222
San Marcos, Texas 78666 Fax: (512) 396-0224
Firm Reg. Number 10193723

P&Z Commission Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE INCREASING THE TERM LENGTH FOR PLANNING AND ZONING COMMISSION MEMBERS

Commission Action Requested:
☐ Ordinance
☐ Resolution
X Motion
X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to hold a public hearing and consider approval of the first reading of an ordinance increasing the term length of Planning and Zoning Commission members from two (2) years to three (3) years.

On June 23, 2016, the Planning and Zoning Commission held a public hearing on the proposed ordinance. Afterwards, the Commission voted unanimously to recommend approval of the subject ordinance.

Attached is a copy of the proposed ordinance for review and consideration.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTER 155.107 (PLANNING AND ZONING COMMISSION), SUBSECTION (B) (CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES PROVIDING FOR A THREE-YEAR TERM FOR COMMISSIONERS AND PROCEDURES FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley ("City") is authorized to establish a Planning and Zoning Commission; and,

WHEREAS, the City Council of the City of Wimberley, Texas strives to consider qualified individuals who represent a broad sampling of the community when appointing members to City boards and commissions; and,

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the formal appointment process for the Zoning and Planning Commission and finds that the procedures herein will enhance the membership of the Commission;

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

Section 1. 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.

Section 2. Amendment. Title XV (Land Usage), Chapter 155 (Zoning), Subchapter 155.107 (Planning and Zoning Commission), Subsection (B) (Creation; membership; officers; rules and bylaws) of the City of Wimberley Code of Ordinances is hereby amended as follows:

"(B) *Creation; membership; officers; rules and bylaws.*

(1) There is created, in accordance with Tex. Loc. Gov't Code, Chapter 211, the Planning and Zoning Commission, hereafter sometimes referred to as the "Commission," which shall consist of seven (7) members who are either resident citizens of the city or are residents of the extraterritorial jurisdiction of the city, provided no more than two (2) members shall reside in the extraterritorial jurisdiction of the city. In the event that a vacancy occurs on the Commission that results in the majority of the Commission members being residents that reside outside the city limits, then the commission will not meet or conduct business until such time as the vacancy can be filled by appointment of the City Council so that a majority of the Commission members are residents living within the city limits. For purposes of this section, the member that moved

outside the city limits which caused the Commission to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership of the Commission. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the commission.

(2) **Any member of the City Council may nominate an eligible person to fill a vacant position on the Commission.** ~~**Each Member of City Council and the Mayor shall nominate one (1) member to the Commission no later than forty-five (45) days after taking office. A seventh Commissioner shall be nominated by consensus of the Council no later than forty-five (45) days after the Mayor takes office.**~~ Each person so nominated must be approved by a simple majority vote of the Council before becoming a member of the Commission.

(3) Commissioners shall be appointed to a particular place (such as Planning and Zoning Commissioner, Place No. 1). **Commissioners shall serve three (3)-year staggered terms, or, in the event that a Commissioner is appointed to fill a vacancy, the remainder of the term for which the Commissioner is appointed, unless the Commissioner resigns or is removed prior to the expiration of the term.** ~~**The Commissioner appointed to Place No. 6 shall be the appointee of the Mayor. The Commissioner appointed to Place No. 7 shall be the appointee nominated by consensus of the City Council. Each member's term in office will run concurrent with the term of the City Councilmember who made his or her appointment, unless sooner removed or resigned. The term of the Commissioner appointed to Place No. 7 shall run concurrent with the term of the Mayor.**~~ The members of the commission shall serve until their successors are appointed. Each Commissioner shall be eligible for reappointment.

(4) If a vacancy occurs on the Commission, ~~**the City Council, Mayor or individual City Council Member who originally appointed that member or his or her successor shall appoint a person, with approval of**~~ the City Council~~**, to**~~ **may** fill the unexpired term at the first regular meeting of City Council following notification of vacancy.

(5) *Removal of Commission Members*. The City Council may, by majority vote, remove a Commission member for lack of confidence, incompetence, corruption, misconduct or malfeasance. The Commission shall hold one (1) Regular Meeting per month on the second Thursday of the month. The Commission may hold Special Called Meetings at any other time, when deemed necessary. Any Commission member who misses three (3) Regular Meetings or Special Called Meetings, under the circumstances set forth in this Chapter, within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission. When any Commission member has missed two (2) Regular meetings or Special Called Meetings, under the circumstances set forth in this Chapter, in a twelve (12) month time period, the City Administrator shall notify the subject Commission member and City Council, in writing, about the subject Commission member's absences. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any member who misses a Special Called Meeting that was cancelled due to a lack of quorum because of the subject Commission member's absence. In addition, it shall be considered a missed meeting for any

Commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason other than to avoid a potential conflict of interest. For the purpose of this policy, any Commission member who automatically vacates his or her position on the Commission may be considered for reappointment to the Commission or appointment to another City Board in the future by City Council.

(6) Members of the Commission shall regularly attend meetings and public hearings of the Commission, and shall serve without compensation. Voluntary absences from 3 meetings of the Commission in a calendar year will result in the automatic resignation of the Commissioner. The chairperson may excuse an absence if the Commissioner concerned seeks an excused absence. Once 3 unexcused absences are recorded, the chairperson will refer the Commissioner in question to the City Council to schedule the appointment of a replacement.

(7) From among its members the Commission shall elect its officers, those being the chairperson, vice-chairperson, and parliamentarian. Officers shall be elected for terms of 1 year. The chairperson shall not hold the position for 2 consecutive terms. The Commission, at its second meeting each June, shall select all the positions. New officers shall begin serving during the meeting following their selection and they shall serve until the next election of officers.

(8) The chairperson shall preside over all meetings of the Commission and may vote. The vice- chairperson shall preside in the absence of the chairperson, and the parlimentarian shall preside in the absence of both the chairperson and vice-chairperson. In the absence of the parlimentarian, a parlimentarian pro tem shall be appointed by the chairperson or vice-chairperson as appropriate.

(9) The Commission may appoint consultants, citizen committees, and council to assist in the work of the Commission on the approval of the person(s) and a duly passed motion of the Commission. These groups have standing without vote as advisors in Commission meetings. The entire work product of a consultant, committee, or council relating to an agenda item may become part of the records of the Commission, at the discretion of the chairperson.

(10) The Commission shall take no final action on any matter before it without first obtaining reports from the city departments concerned.

(11) Releases and statements to the public and press in the name of the Commission shall be made only by the chairperson or the chairperson's designated representative. The chairperson shall sign all written recommendations of the Commission."

Section 3. Interim Provisions. Notwithstanding any provision in this Ordinance to the contrary, the Commissioners shall draw straws at the first meeting of the Commission following the passage of this Ordinance in order to establish the length of the initial terms for the current Commissioners. Two (2) members will draw one (1)-year terms (to be succeeded by a normal three (3)-year term), two (2) members will draw two (2)-year terms (to be succeeded by a normal three (3)-year term), and three (3) members will draw three (3)-year terms. This will establish a staggering of future appointments and eliminate creating a situation where the city faces a wholesale change of the Commissioners.

Section 4. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 8. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Government Code.

FIRST READING PASSED AND APPROVED this _____ day of _____, 2016, by a vote of _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING PASSED AND APPROVED this _____ day of _____, 2016, by a vote of _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Hershel "Mac" McCullough, Mayor

ATTEST:

_____
Don Ferguson, City Administrator

APPROVED AS TO FORM:

_____
Catherine Fryer, City Attorney

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSED ORDINANCE REGULATING THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CITY STREETS

Commission Action Requested:
☐ Ordinance
☐ Resolution
X Motion
X Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to discuss and consider possible action regarding a proposed ordinance regulating the operation of operation of golf carts and neighborhood electric vehicles (the "NEV") on city streets.

At the time of production of the agenda packet, City staff was finalizing the draft of the proposed ordinance. Once complete, a copy of the proposed ordinance will be delivered to City Council under separate cover in advance of the Council meeting for review and consideration.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED DEVELOPMENT OF AN ORDINANCE CLARIFYING THE DEFINITION OF A SINGLE-FAMILY RESIDENCE IN THE CITY ZONING CODE

Commission Action Requested:
☐ Ordinance
☐ Resolution
X Motion
X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding the proposed development of an ordinance clarifying the definition of a single-family residence in the City Zoning Code.

In recent months, City staff has received complaints that individual rooms in some single-family homes are being rented out as long-term rentals. City staff has taken the position, in its interpretation of the Code, that the long-term rental of individual rooms in a single-family residence, makes the subject residence a multi-family residence, which is not permitted on property, zoned single-family residential.

There is a need to modify the language in the Code to more clearly define single-family residence so as to avoid any potential confusion on the issue in the future among homeowners interested in the long-term rental of rooms in their home.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED *FISCAL YEAR 2017 CITY OF WIMBERLEY GOALS AND PRIORITIES*

Council Action Requested:
☐ Ordinance
☐ Resolution
X Motion
X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding the proposed *Fiscal Year 2017 City of Wimberley Goals and Priorities* developed at the City Council Workshop on July 6, 2016.

A copy of the proposed goals and priorities will be distributed to City Council for review and consideration following the referenced City Council Workshop.

City Council Agenda Form

Date Submitted: June 9, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED *CITY OF WIMBERLEY FISCAL YEAR 2017 BUDGET PREPARATION CALENDAR*

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- X Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approving the *City of Wimberley Fiscal Year 2017 Budget Preparation Calendar*.

Attached is a copy of the proposed calendar for review and consideration.

Incorporated May 6, 2000

CITY OF WIMBERLEY
FISCAL YEAR 2017 BUDGET
PREPARATION CALENDAR

Thursday, July 21, 2016 *(Regular City Council Meeting)*

- City Council Budget Work Session

Friday, July 22, 2016 *(City Staff)*

- Issuance of Citywide Call for Public Input on FY 2016 Budget

Thursday, August 4, 2016 *(Regular City Council Meeting)*

- City Council Budget work session.
- Set the date for the public hearing on the Proposed FY 2016 Budget

Tuesday, August 9, 2016

- Final Draft of Proposed Budget (Mayor Version) developed by the Mayor, presented to City Council and copy placed with the City Secretary and the Wimberley Village Library.

Thursday, August 11, 2016

- "Notice of Public Hearing on Proposed Budget" published in newspaper

Thursday, August 18, 2016 *(Special Meeting of City Council)*

- Budget work session, **if necessary**

Tuesday, August 23, 2016 *(Regular City Council Meeting)*

- Budget work session, **if necessary**

Thursday, September 1, 2016 *(Regular City Council Meeting)*

- Public Hearing on Proposed Budget
- Budget work session, **if necessary**

Thursday, September 15, 2016 *(Regular City Council Meeting)*

- Budget work session, **if necessary.**
- Adoption of budget and appropriation resolution

Thursday, September 29, 2016 *(Special City Council Meeting)*

- Adoption of budget and appropriation resolution, **if necessary**

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED CREATION OF A CITY OF WIMBERLEY TECHNOLOGY ADVISORY COMMITTEE

Council Action Requested:
- ☐ Ordinance
- ☐ Resolution
- X Motion
- X Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider a proposal to create a City of Wimberley Technology Advisory Committee.

No background information was provided on this agenda item.

City Council Agenda Form

Date Submitted: June 30, 2016

Agenda Date Requested: July 7, 2016

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.