

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
SEPTEMBER 3, 2009, 6:30 P.M.

AGENDA

CALL TO ORDER: SEPTEMBER 3, 2009 @ 6:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 20, 2009.
- (B) APPROVAL OF THE JULY 2009 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY.
- (C) APPROVAL OF THE APPOINTMENT OF ROB PITZER TO THE WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION. (PLACE FOUR COUNCIL MEMBER STEVE THURBER'S NOMINEE)

2. **PRESENTATIONS**

PRESENTATION BY HAYS COUNTY SUBDIVISION COORDINATOR ON THE RECENTLY APPROVED *HAYS COUNTY DEVELOPMENT REGULATIONS*. (CLINT GARZA)

3. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE SEARCH FOR A CITY MARSHAL
- STATUS REPORT ON THE OPERATION AND DEVELOPMENT OF THE *BLUE HOLE REGIONAL PARK*
- STATUS REPORT ON ACTIVITIES OF THE WIMBERLEY MUNICIPAL COURT
- STATUS REPORT ON ACTIVITIES OF THE CITY MARSHAL

4. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WIMBERLEY INDEPENDENT SCHOOL DISTRICT TO PERMIT THE CONSTRUCTION AND USE OF ONE WIRELESS COMMUNICATIONS TOWER STRUCTURE ON APPROXIMATELY 32.116 ACRE TRACT OF LAND, KNOWN AS 100 CARNEY LANE, WIMBERLEY, TEXAS ZONED PUBLIC FACILITIES (PF); 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 ISD, APPLICANT*)
- (B) 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 A 1.367 ACRE TRACT LOCATED AT 600 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*KATE BRUNE TILTON, APPLICANT; ITEM CONTINUED FROM AUGUST 20, 2009 CITY COUNCIL MEETING*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KATE BRUNE TILTON TO PERMIT AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON AN APPROXIMATELY 1.367 ACRE TRACT LOCATED AT 600 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. (*KATE BRUNE TILTON, APPLICANT; ITEM CONTINUED FROM AUGUST 20, 2009 CITY COUNCIL MEETING*)
- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF A WAIVER OF THE 300-FOOT DISTANCE REQUIREMENT RELATING TO THE SALE OF BEER, WINE AND ALCOHOL AT 600 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS. (*KATE BRUNE TILTON, APPLICANT; ITEM CONTINUED FROM AUGUST 20, 2009 CITY COUNCIL MEETING*)

- (E) HOLD A PUBLIC HEARING ON THE PROPOSED CITY OF WIMBERLEY FISCAL YEAR 2010 BUDGET. (CITY ADMINISTRATOR)

5. **DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER ISSUES RELATING TO THE DEVELOPMENT OF THE FISCAL YEAR 2010 OPERATING BUDGET FOR THE CITY OF WIMBERLEY. (CITY ADMINISTRATOR)
- (B) DISCUSS AND CONSIDER SCHEDULING A SPECIAL CITY COUNCIL MEETING FOR TUESDAY, SEPTEMBER 22, 2009 TO APPROVE THE FISCAL YEAR 2010 OPERATING BUDGET FOR THE CITY OF WIMBERLEY. (CITY ADMINISTRATOR)
- (C) DISCUSS AND CONSIDER APPROVAL OF AN AGREEMENT WITH OZONA NATIONAL BANK TO SERVE AS A BANK DEPOSITORY FOR THE CITY OF WIMBERLEY. (CITY ADMINISTRATOR)
- (D) DISCUSS AND CONSIDER ISSUES RELATING TO THE EXISTING COMMUNITY CENTER USE AGREEMENTS FOR THE WIMBERLEY LIONS CLUB, MEALS ON WHEELS AND THE WIMBERLEY SENIOR CITIZENS ACTIVITIES INCORPORATED. (PLACE THREE COUNCIL MEMBER BILL APPELMAN)

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

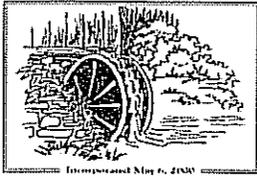
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 31, 2009 at 5:00 p.m.



CARA MC PARTLAND, CITY SECRETARY

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

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3; 2009

Project/Proposal Title: APPROVAL OF AUGUST 20, 2009 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the August 20, 2009 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
August 20, 2009 at 6:30 p.m.

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

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

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

Staff Present: City Administrator Don Ferguson, City Planner Abby Gillfillan, and City Attorney Cindy Crosby.

Citizens Communications

Wimberley Chamber of Commerce Board Chair Jenelle Flocke presented a certificate of appreciation to the City of Wimberley for its support of a successful Fourth of July Parade and Jubilee.

1. Consent Agenda

- A. Approval of minutes of the regular City Council meeting of August 6, 2009.
- B. Approval of the reappointment of Jan Fulkerson to the Wimberley Parks Board (*Place Four Councilmember Steve Thurber's nominee*).
- C. Approval of the appointment of John Estep to the City of Wimberley Water Wastewater Advisory Board (*Place Two Councilmember Bob Flocke's nominee*).

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

2. City Administrator Report

- Status report on the City of Wimberley's application for grant funding from Texas Parks and Wildlife Department (TPWD) for the development of the *Blue Hole Regional Park*

City Administrator Ferguson reported on the City's application status and plans to attend TPWD's award of grant funding next week.

- Status report on the Mayor's Fitness Council grant

City Administrator Ferguson reported on receipt of an additional \$5,000 in state grant funds to be used for mentoring other communities.

- Status report on the PEC Triangle Property Committee

City Administrator Ferguson reported on planning efforts using a model developed by Committee member Bert Ray and anticipated bringing a recommendation to Council in 30-45 days.

- Status report on water quality testing of the Blanco River and Cypress Creek

City Administrator Ferguson reported that certain locations did not have adequate water for testing purposes. Cypress Creek testing yielded acceptable results, but elevated levels were found at the Blanco River/CR 1492 location. He reminded that all natural bodies of water carry an element of risk. In response to Councilmember Thurber's inquiry, discussion established that the two locations without adequate water for testing were Cypress Creek at Ranch Road 12 North and Cypress Creek at Jacob's Well Road.

- Status report on the operation and development of *Blue Hole Regional Park*

This report was presented after the status report on activities of the City Marshal. Due to reduced end of season attendance, City Administrator Ferguson reported that the Park is currently open weekends only through Labor Day. He advised that this season's statistics are under review in order to finalize the Blue Hole budget.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported that preparations are underway for a trial on September 1, 2009.

- Status report on activities of the City Marshal

City Administrator Ferguson reported that City Marshal Bill Robinson is working on National Night Out activities scheduled to be held in the downtown Wimberley Square. He reported on upcoming Council actions related to National Night Out. Mr. Ferguson stated that planning efforts are underway for the Christmas parade.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Tony Saucedo to permit an eating establishment: sit-down, including the sale of beer, wine and alcohol for on-premise consumption on an approximately 0.128 acre tract located at 701 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 (*Tony Saucedo, Applicant*).

Planning and Zoning Commissioner Jean Ross reported that no opposition was received to this application and that assurances were provided by the applicant's attorney that all Texas Alcoholic Beverage Code (TABC) requirements would be met, concluding with the Commission's recommendation for approval.

City Planning Technician Abby Gillfillan detailed the application including location and current/proposed zoning/uses. She noted that the restaurant has both indoor and outdoor seating and that revenue from the sale of alcohol will not surpass fifty percent (50%) of the restaurant's gross revenue. Alcohol sales will not be allowed at the take-out window. With no opposition received to this request, Ms. Gillfillan concluded with staff's recommendation for approval.

Mayor Haley opened the public hearing.

Applicant's attorney Pat Rehmet stated that the applicant will sell beer and wine only and that there are no plans for outside music at the restaurant.

Darenda Mallard expressed concern over parking and felt that there is potential for an accident at the restaurant's location.

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

Discussion addressed existence of adequate parking and the effect of changes in use on the property's pre-existing, non-conforming status.

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

B. Hold a public hearing and consider approval of a waiver of the 300-foot distance requirement relating to the sale of beer, wine and alcohol at 701 FM 2325, Wimberley, Hays County, Texas (*Tony Saucedo, Applicant*).

City Administrator Ferguson reviewed the waiver requested due to the subject property's location within 300 feet of Scudder Primary School. City Council may waive the distance requirements if the Council finds enforcement of the distance provision in a particular case:

- is not in the best interest of the public
- constitutes waste or the inefficient use of land or other resources
- creates an undue hardship on an applicant
- does not serve its intended purpose
- is not effective or necessary

- for any other reason the Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines in the best interest of the community.

Mayor Haley opened the public hearing.

Pat Rehmet stated that Wimberley Independent School District (WISD) has expressed no opposition to the waiver request. Discussion addressed the subject property's boundaries and notification procedures.

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

Based on the above listed findings, Councilmember Flocke moved to approve the waiver as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix E, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a 1.367 acre tract located at 600 FM 2325, Wimberley, Hays County, Texas, designating initial zoning for such tract as Commercial - Low Impact (C-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*Kate Brune Tilton, Applicant*).

Mayor Pro-tem Roccaforte recused himself at this time due to a possible conflict of interest.

Planning and Zoning Commissioner Jean Ross reviewed Commission consideration of opposition expressed at its public hearing on August 13, 2009 by neighboring property owners. She clarified the Commission's position on concerns expressed by Katherine Anne Porter School's (KAPS) Superintendent Yana Bland relating to alcohol sales in proximity to the school's campus.

Because neighboring property owners' expressed concerns regarding potential noise from the outside music venue, Commissioner Ross stated conditions added to the companion conditional use permit (CUP) request, including prohibitions on music amplification and limitations on days/hours of outdoor music. She advised that the Commission voted unanimously to recommend approval of the zoning request. The Commission voted to recommend approval of the companion conditional use permit request (including additional conditions) on a vote of 6-1. Commissioner Alice Wightman voted against.

Commissioner Ross stated major concerns relating to negative impact on neighboring property values, TABC regulations, use as a restaurant (selling beer and wine only), and noted lack of problems with other area restaurants currently serving alcohol. She stated additional conditions related to fencing, landscaping/buffering, ingress/egress, lighting, and the outdoor music venue. The recommended additional conditions are included in the proposed zoning ordinance as follows:

1. Vehicular and pedestrian ingress and egress shall be solely from FM 2325.

2. Outdoor entertainment shall not use amplification devices of any type.
3. All lights shall be shielded from adjacent properties and shall comply with applicable City ordinances and regulations regarding lighting.
4. A landscape buffer of no less than 10 feet wide shall be installed along the entire length of the rear property line, which may be located in the rear setback area. All landscaping shall meet applicable City ordinances.
5. All restaurant uses shall close to the public no later than midnight, and all outdoor music shall cease at 10:30 p.m.
6. Fencing shall be located at the rear property line which shall be no less than 6 feet in height, shall comply with all City regulations regarding fencing, and shall have no access gates at the rear of the property.

City Planning Technician Abby Gillfillan reviewed the application including location, current/proposed uses, existing structures, parking, and access. One neighboring property owner has registered opposition to this zoning request. She concluded with staff's recommendation for approval. City Administrator Ferguson noted that additional opposition has been received related to the companion conditional use permit (CUP) application.

Discussion clarified intended uses of the existing structures, rationale for incorporation of additional conditions into the zoning ordinance, conditional-use permits in general, and uniform application of City regulations.

Mayor Haley opened the public hearing.

Bill Gebhard displayed historical information on Wimberley showing demographic changes over time and supported the Tiltons' efforts to be a positive addition to Wimberley's business/restaurant community.

Attorney Brent Pulley expressed support for the requested zoning as appropriate for the subject property's location/use.

Darenda Mallard pointed out the differences between adjoining properties belonging to Linda Allen and the Tiltons, including differences in landscaping, parking lots, fencing, and buffering. Ms. Mallard noted that the Tilton's residential structure is at the front of the subject property with the restaurant structure located at the back of the property abutting her residential neighborhood. She advised that no problems have resulted from her proximity to Linda Allen's business.

Attorney Joe Malone (representing Mike Dickey and Mary Kuricar) felt it is critical that the Planning and Zoning Commission's recommended CUP conditions are incorporated into the zoning ordinance as protection against any future CUP revocation.

Hearing no further comments, Mayor Haley closed the public hearing. Discussion addressed concerns over consistency and fairness in application of the City's zoning/permitting regulations,

appropriateness of zoning given the subject property's location/use, the case-specific nature of zoning actions, and additional conditions.

Councilmember Appleman moved to approve the item as presented. Councilmember White seconded. Discussion clarified that the motion does not include approval of the proposed ordinance with the additional conditions. Councilmember Thurber requested an amendment to Councilmember Appleman's motion to include the additional conditions as recommended by the Planning and Zoning Commission. Councilmember Appleman declined the friendly amendment.

City Administrator Ferguson restated the original motion to approve the requested C-1 zoning with no conditions attached. Mayor Haley called for a vote as follows: Councilmember Flocke, nay; Councilmember Thurber, nay; Councilmember White, nay; Councilmember Appleman, aye. Motion failed on a vote of 1-3.

Councilmember Thurber moved to approve the requested C-1 zoning with the inclusion of the previously listed conditions. Councilmember White seconded. Mayor Haley called for a vote as follows: Councilmember White, aye; Councilmember Thurber, aye; Councilmember Appleman, aye; Councilmember Flocke, aye. Motion carried on a vote of 4-0.

City Administrator Ferguson clarified the six-month dormancy Code provision pertaining to grandfathering of uses.

- D. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Kate Brune Tilton to permit an eating establishment: sit-down, including the sale of beer, wine and alcohol for on-premise consumption on an approximately 1.367 acre tract located at 600 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 (*Kate Brune Tilton, Applicant*).

As in her previous report, Planning and Zoning Commissioner Ross restated the Commission's votes recorded for the applicant's requested zoning and CUP.

City Planning Technician Abby Gillfillan reviewed the application including subject property location, current/proposed uses, allowed uses, existing structures, and indoor/outdoor seating. As per City ordinance, revenue from the sale of alcohol will not surpass fifty percent (50%) of the restaurant's gross revenue. She stated that opposition has been received from certain adjacent property owners and KAPS Superintendent Yana Bland. Ms. Gillfillan concluded with staff's recommendation for approval.

For the record, City Administrator Ferguson read a petition from neighboring residential property owners objecting to the conditional use permit. The signed petition is attached to these minutes.

Because protests have been received in writing by more than twenty percent (20%) of notified property owners, City Attorney Crosby advised that CUP approval requires a super majority vote.

Mayor Haley opened the public hearing.

Ron Tilton recalled concerns expressed at the Planning and Zoning Commission's meeting relating to alcohol sales, noise, and possible negative effect on surrounding property values. Speaking on behalf of his wife/applicant Kate Tilton, Mr. Tilton recounted her successful background in the restaurant business and as the mother of five children. He informed Council of the vision and mission for "Kate's Place" and of her positive interactions with family, friends, and particularly teenagers. Mr. Tilton noted Kate Tilton's educational background in gardening and assured those present that she plans to create a botanical garden on the property that will enhance the property's value and appearance. He stressed her long-term commitment to the property and stated that work has already begun on restoration of the stone wall along the front of the property, which will become a planter filled with deer-resistant plants. Mr. Tilton also recognized his wife's skills as an interior decorator which will improve the restaurant's appearance.

In response to neighboring property owners' objections voiced at last week's Planning and Zoning meeting, Mr. Tilton assured adherence to all of the additional conditions and felt it important to try to continue the traditional Friday night music venue. In response to opponent Mike Dickey, Mr. Tilton replied affirmatively that the traditional music venue could be limited to Friday nights only, but hoped to let musicians perform after 10:30 p.m., given the low-key, acoustic nature of their performances.

Mr. Tilton assured that there is no possibility that teenagers would be served alcohol in their proposed restaurant. He enumerated to KAPS administrators the following steps to alleviate concerns over alcohol sales:

1. The restaurant will be closed on Mondays and Tuesdays.
2. The restaurant will only be open for lunch and dinner Wednesdays through Fridays and will be closed or have minimal activity during school start and end times.
3. The property is to be used as a fine dining restaurant, not a bar or serve as a package store.
4. No reference to alcohol sales will be displayed on any signage.
5. Past problems with the prior owner will not be allowed to take place under the Tiltons' ownership.

As long-time Wimberley residents, Mr. Tilton stressed his family wants longevity for this proposed business and hopes it will become a Wimberley institution.

Neighboring property owner Mary Kuricar recalled specific problems associated with the subject property relating to music, behavior of restaurant patrons, recent levels of noise, waste from the restaurant's operation, and concerns over possible future ownership. She did not feel that alcohol sales were proper anywhere that is in close proximity to KAPS.

Mike Dickey distributed photos to Council of four residences and other neighboring properties that he felt would be adversely affected by the proposed restaurant. He pointed out specifics related to property lines and fencing. Mr. Dickey advised of recent conversations with the Tiltens and neighbors. He expressed concerns over parking, music until 10:30 p.m. every night, devaluation of property values, and alcohol consumption, which he stated are unfair intrusions on neighboring properties. Mr. Tilton questioned statutory language using terms such as "intent" and "may," and felt that this proposed use was not the "intent" of voters in favor of on-premise alcohol consumption. He quoted the use of the word "may" in relation to Council's authority to determine what uses are harmonious with surrounding uses and appreciated Council's consideration on this matter.

Speaking on behalf of his clients Mike Dickey and Danny and Jeanette Bello, attorney Joe Malone made the following statements:

- His clients are comfortable with the additional condition related to ingress/egress.
- Due to the noise nuisance and location of the music venue at the back of the property, no outdoor entertainment should be permitted unless the back portion of the venue is screened so as to deflect noise toward the front of the property.
- Performance of music only one night per week would be an acceptable compromise for his clients, which is not currently in the draft CUP ordinance language.
- Additional lighting conditions are sufficient to address concerns.
- Preference for increased buffering of at least twenty feet at the rear of the property.
- Suggested revision of the restaurant's closing time to no later than 11:00 p.m.
- There is need for more specific ordinance language regarding minimum height and type of fencing.

Discussion addressed incorporating changes discussed by both the Tiltens and the opposition into the draft CUP ordinance language, clarification of current City regulations, and ability for future CUP amendments. In response to Councilmember Thurber, Mr. Dickey restated his concerns over alcohol sales, noise from the music venue, and adequacy of parking. City Administrator Ferguson noted that the Tiltens must comply with all applicable City and County regulations relating to capacity and on-site parking.

Guest house owner Lynn Gallimore spoke of her clientele's desire for high-quality products/services and felt that adding the convenience of ordering beer or wine with restaurant meals would not detract from Wimberley's ambiance. She noted the Hill Country's rising recognition as a quality wine-producing region and felt that being able to offer Texas wines in area restaurants is a great opportunity for Wimberley. Ms. Gallimore stated the importance of music to the Texas and the Hill Country/Austin area in particular. She stressed that its acoustic nature and lack of amplification should not be objectionable.

Brent Pulley spoke in favor of the Tiltens requested CUP and clarified conditions acceptable to both sides on this issue. He stated that the Tiltens are willing to work out differences with neighboring property owners. Mr. Pulley stressed that the Tiltens are investing in the community, improving the

property, providing tax revenue and employment opportunities, and felt thankful for a business developed by the Tiltos rather than a large corporate entity or franchise. Specific points made by Mr. Pulley included:

- Willingness to limit the traditional music venue to one night per week
- Compliance with all applicable ordinances relating to noise and lighting, with reduction/removal of some existing lighting
- Assurances that KAPS students will not be served alcohol
- A TABC/City-regulated business is preferable to the former practice of "BYOB" when the restaurant was operated by previous owners

Mr. Pulley wished success for the Tiltos in order to keep tourist dollars in Wimberley and stated this is a great project by good folks.

Darenda Mallard commented on Lynn Gallimore's earlier statements regarding restaurants allowing customers the option of "BYOB." Ms. Mallard stated the desire to preserve her property value and quality of life and felt that music until 10:30 p.m. every night would have a negative impact on working people. She noted that she can hear even acoustic music played outside from her property. Ms. Mallard stated that those consuming alcohol will stay past the time that the music venue closes for the evening. She stated that if the focus of the restaurant is fine dining, that it does not need to stay open until midnight and cited that most of Austin's restaurants do not serve food after 10:00 p.m. and that most Austin bars are inside of the restaurant. Ms. Mallard requested that the restaurant's operating hours should be until 10:00 p.m. Sundays through Thursdays and until 11:00 p.m. on Fridays and Saturdays. She requested specifics on the landscaped buffering and requested inclusion of tonight's discussed additions in the draft ordinance, including those related to lighting and fencing. In response to Councilmember Appleman's inquiry about the long-standing music venue, Ms. Mallard stated that she did not object to the music in the past, but felt that the ordinance language needs to be specific, should ownership of the property change in the future. Responding to Councilmember Appleman, Ms. Mallard stated she preferred that the music end around 10:00 p.m. Ms. Mallard recalled prior problems with reports of noise that were not dealt with properly and expressed no objections to music provided it cannot be heard from her property. Discussion addressed past practices of previous owners, application of TABC regulations, and alcohol consumption inside and outside the restaurant.

Joe Malone requested clarification on the ending time for music if allowed only on Friday evenings.

Ron Tilton felt that it is inappropriate to put a restriction on the ending time given that outdoor music will only be on Friday nights. He anticipated the last seating for dining between 10:00 to 10:30 p.m., with all employees out by midnight. Mr. Tilton stated that his son will be living at the house at the front of the property to make sure no one is on the property at night. He expressed the desire to provide employment for local youth, space for local art to be sold for scholarships, and a venue for local musicians. Mr. Tilton noted that those selling alcohol are subject to TABC training and regulations, with more control than under the "BYOB" system.

Mike Dickey stated that he felt the noise would be a problem as in the past and that the property is too small for its intended use.

Darenda Mallard noted that the draft ordinance language does not reflect Mr. Tilton's comment that seating of restaurant customers will cease no later than 10:30 p.m., and would rather see the Tiltons buy the former Cypress Creek Café as a more appropriate location.

Bill Gebhard recounted his experiences growing up in Wimberley and felt that Superintendent Bland's concerns were not valid in light of today's better education about teen drinking and negative consequences. He felt that the CUP will provide regulation for both alcohol consumption and noise that did not previously exist. From his personal observations, Mr. Gebhard stated that parking is adequate for the property's intended use and strongly urged Council to approve this CUP.

Hearing no further comments, Mayor Haley closed the public hearing and called a ten-minute recess at this time.

Discussion addressed postponing action until the involved parties can resolve their differences, basis for arguments presented on specific issues, need for the conditions in the previously approved zoning to match the conditions listed in the proposed CUP, and problems that may arise should such a conflict exist. Other points of discussion included TABC's enforcement of its regulations, clarification on proposed operating hours, prior noise/crowd problems at the subject property, and prospect for negotiations among the parties. Ms. Mallard indicated that she would like to be a part of the negotiations. General agreement was reached to allow for the parties to attempt further negotiations, with the City willing to provide space for such negotiations.

Councilmember Thurber moved to table this item for reconsideration at Council's next regularly scheduled meeting and to instruct staff to work with the neighbors and applicant on notifying interested parties of the time and place of negotiations.

Councilmember Flocke seconded. Councilmember Appleman stated that he felt the Tiltons' vision for the subject property and the continuation of the traditional bluegrass music venue will be positive for Wimberley and hoped that an agreement can be reached. Motion carried on a vote of 5-0.

Councilmember Thurber moved to reopen and reconsider Agenda Item 3C at Council's next regularly scheduled meeting. Councilmember White seconded. Motion carried on a vote of 5-0.

Councilmember Thurber moved to continue Agenda Item 3C until Council's next regularly scheduled meeting. Councilmember White seconded. Motion carried on a vote of 5-0.

- E. 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 600 FM 2325, Wimberley, Hays County, Texas (*Kate Brune Tilton, Applicant*).

Councilmember Thurber moved to continue this item until Council's next regularly scheduled meeting. Councilmember White seconded. Motion carried on a vote of 5-0.

4. Ordinances

Consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Title V (Public Works), Chapter 51 (Water Conservation) of the Code of Ordinances in order to implement supplemental water restrictions in response to the recent drought conditions; providing for a penalty of violations of the ordinance; findings of fact; repealer, severability; effective date; and proper notice and meeting (*Place Four Councilmember Steve Thurber*).

Discussion addressed circumstances dictating the need for recusal. Mayor Haley recused himself at this time. Councilmember Flocke assumed duties as presiding officer.

City Administrator Ferguson reviewed the draft ordinance and discussion addressed the need/rationale for the proposed amendments to the existing water conservation ordinance, implementation of a City drought management plan, specific ordinance language pertaining to water sources, and necessity for uniform rules regardless of how water is supplied.

Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded. Presiding Officer Flocke called for a vote as follows: Councilmember White, nay; Councilmember Thurber, aye; Councilmember Appleman, aye; Councilmember Flocke, nay. Motion failed on a vote of 2-2.

Mayor Haley and Mayor Pro-tem Roccaforte rejoined the meeting at this time.

5. Discussion and Possible Action

- A. Discuss and consider action regarding the selection of a firm to provide professional auditing services for the City of Wimberley for Fiscal Years 2009, 2010 and 2011 and authorizing the Mayor to enter into an agreement with the chosen firm (*City Administrator*).

After discussion of specific services and pricing among Request for Proposal respondents, general agreement was reached to select the auditing firm of Singleton, Moore and Company, LLP. Councilmember Thurber moved to approve the selection of Singleton, Moore and Company, LLP to provide professional auditing services for the City of Wimberley for Fiscal Years 2009, 2010 and 2011 and authorize the Mayor to enter into an agreement with the chosen firm. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider issues relating to the development of the Fiscal Year 2010 Operating Budget for the City of Wimberley (*City Administrator*).

City Administrator Ferguson stated that the proposed Fiscal Year 2010 budget was filed with the City Secretary on August 18, 2009. He reviewed the budget calendar, public notice/hearings schedule, and cited specific expenditures included in the "needs" budget. He reviewed the proposed budget's expenditures, highlighting areas such as street improvements, Community Center operations, first phase of a city limits survey, contract City sanitarian, road maintenance reserves, City website upgrade, street condition study, and community survey.

Departmental expenditures were outlined for staff, contract services, community center personnel, and Council. Comparisons to last year's budget included sales tax revenues, development fees, and municipal court fines. Other revenues discussed included franchise fees, health-related fees (to offset expenditures for contract City Sanitarian), Community Center fees, and zoning fees. Additional possible revenue sources for Council to consider included development fee increases, auditing of sales tax reports, mandated garbage collection to increase return on franchise fees, ad valorem tax, and hotel occupancy tax. Mr. Ferguson stressed that these possible additional sources are items for future Council consideration, and not to be construed as staff recommendations.

Subsequent discussion addressed potential road maintenance expenditures, health of the fund balance, and the need to fulfill the City's legal obligation to survey its boundaries and its associated costs. General agreement was reached to hold a budget workshop meeting on Tuesday, September 1, 2009 at 5:00 p.m. and to provide adequate public notice to ensure the fullest possible public participation.

- C. Discuss and consider approval of an amendment to the City of Wimberley Interlocal Agreement with Hays County for maintenance of certain roadways (*City Administrator*)

Councilmember Flocke moved to approve the item as presented. Discussion established the scope of the amendment to include Little Ranches Road (up to the gate) to the list of those streets located both in the City and County that the County Road Department will help the City maintain when requested to do so.

Councilmember Roccaforte seconded. Discussion clarified details of the interlocal agreement pertaining to the City's and County's responsibilities. Motion carried on a vote of 5-0.

- D. Discuss and consider action on possible modifications to the City of Wimberley Water Conservation Ordinance (*Place Four Councilmember Steve Thurber*).

Councilmember Thurber moved to continue this item until Council's next regularly scheduled meeting. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider action on possible amendments to the City's landscaping requirements for residential and commercial properties (*Place Four Councilmember Steve Thurber*).

Councilmember Thurber moved to continue this item until Council's next regularly scheduled meeting. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

F. Discuss and consider issues relating to the existing Community Center use agreements for the Wimberley Lions Club and the Wimberley Senior Citizens Activities, Incorporated (*Place Three Councilmember Bill Appleman*).

Councilmember Appleman moved to continue this item until Council's next regularly scheduled meeting. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

6. City Council Reports

- Announcements
- Future Agenda Items

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

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

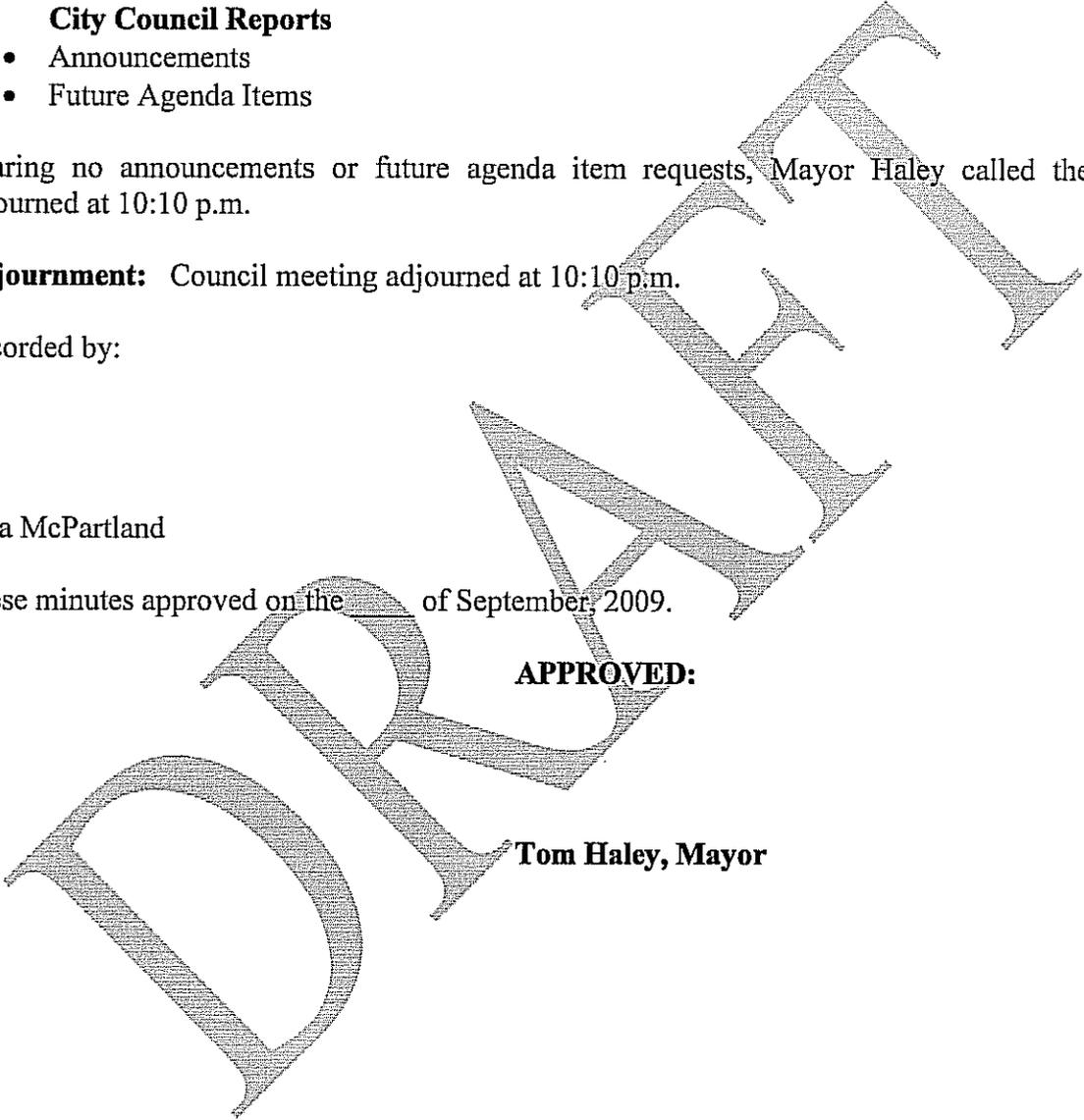
Recorded by:

Cara McPartland

These minutes approved on the _____ of September, 2009.

APPROVED:

Tom Haley, Mayor



**Petition to Object to the Granting of a Conditional Use Permit For "On Premise"
Sale**

Subject Property is located at 600 FM 2325

The property is adjacent to a residential neighborhood of single family homes. The property consists of a older rock house and a small out buildings (extremely rough), that has been used for the sale of food and, it appears for storage.

The property has from time to time been used for playing music, out doors, by local bands, while consuming alcohol. It presents a terrible problem to the residential property owners and their families. Over the years it has been used on and off by local bands to make music and drink beer.

Substantial work is being done to the residence, while the out buildings do not appear to have been improved.

We request that the conditional use permit be denied.

Property owners 2 (two lots): Michael Dickey Michael Dickey G. W. by Michael Dickey

Property owner 3: William Fogleman, by: Marjory Fogleman

Property owner 4: Marjory B. Fogleman Marjory Fogleman

Property owner 6: Katherine Anne Porter School SEE LETTERS

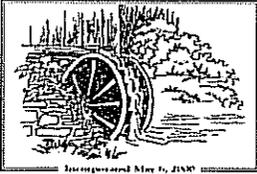
Property owner 7 (two lots): Mary M. Kuricar Mary M. Kuricar

Property owner 8 (two lots): Neal & Darendra Mallard Neal Mallard

~~Property owner 10: Terry Sumter: _____~~

Property owner 11: Trinity Chapel by Debra Aushman, pastor

City Council Agenda Form



Date Submitted: April 27, 2008

Agenda Date Requested: September 3, 2009

Project/Proposal Title: APPROVAL OF JULY 2009
FINANCIAL STATEMENTS

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached is the July 2009 Financial Statements for review and consideration.

Council Package
Financial Statements Village of Wimberley
For the Period Ended 7/31/2009

- Balance Sheet - General Fund
- Revenue/Expenditure - General Fund
- Budget Vs Actual - General Fund
- Balance Sheet - Blue Hole
- Revenue/Expenditure - Blue Hole
- Budget Vs Actual - Blue Hole
- Balance Sheet - Municipal Court
- Revenue/Expenditure - Municipal Court

8-31-09 Faxed to: 512-847-0422 32 pgs

City of Wimberley
General Fund
Balance Sheet - Modified Accrual Basis
July 31, 2009

Assets

Current Assets

101.10 Petty Cash-General	\$	150.00
103.10 Cash - Blanco National Bank - General		328,572.00
105.10 Cash - Blanco National Bank - CD		223,819.31
110.10 Texpool - General		363,390.08
116.10 Due From Municipal Court		1,266.96
120.10 Accounts Receivable		6,087.37
121.10 Sales Tax Receivable		<u>72,634.60</u>

Total Current Assets \$ 995,920.32

Total Assets \$ 995,920.32

Liabilities and Fund Balance

Current Liabilities

301.10 Withholding Tax Payable	\$	2,260.00
302.10 FICA Tax Payable		5,497.85
311.10 TMRS Payable		<u>1,475.43</u>

Total Current Liabilities \$ 9,233.28

Total Liabilities 9,233.28

Fund Balance

467.10 Fund Balance - Undesignated	437,582.18
469.10 Designated Fund Balance - Public Works	300,000.00
470.10 Designated Fund Balance - New City Hall	50,000.00
471.10 Designated Fund Balance - WW on Square	30,000.00
472.10 Designated Fund Balance - Future Grant Match	50,000.00
498.10 Net Excess (Deficit)	<u>119,104.86</u>

Total Fund Balance 986,687.04

Total Liabilities and Fund Balance \$ 995,920.32

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Ten Months Ended
July 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
501.10 Sales & Use Tax	\$ 72,634.60	67.18	\$ 503,372.41	70.07
502.10 Mixed Beverage Tax	1,870.51	1.55	4,257.38	0.59
503.10 Interest Income - General	315.75	0.29	10,456.66	1.46
504.10 Miscellaneous Income	4,001.00	3.70	20,063.66	2.79
505.10 Building Permits	312.00	0.29	10,259.32	1.43
506.10 Building Inspections	510.00	0.47	15,000.44	2.09
509.10 Plan Reviews	195.00	0.18	12,825.78	1.79
511.10 Sign Permits	120.00	0.11	2,000.00	0.28
512.10 Subdivision	0.00	0.00	7,126.20	0.99
513.10 Zoning	52.00	0.05	4,151.00	0.58
516.10 Municipal Court Costs/Fines	1,266.96	1.17	5,452.56	0.76
521.10 Time Warner Cable	7,207.10	6.67	25,374.88	3.53
522.10 Pedernales Electric Cooperative, Inc.	18,239.62	16.87	63,988.83	8.81
523.10 Texas Disposal Systems	0.00	0.00	18,021.51	2.51
524.10 Verizon	0.00	0.00	13,130.27	1.83
525.10 Franchise Fees - Misc	1,593.11	1.47	2,855.29	0.40
	<u>108,117.65</u>	<u>100.00</u>	<u>718,336.19</u>	<u>100.00</u>
Total Revenues				
Expenditures				
Admin - Personnel				
601.10 City Administrator	11,933.55	11.04	80,170.86	11.16
602.10 City Secretary	4,269.24	3.95	30,276.77	4.21
603.10 Receptionist/Clerk	1,944.00	1.80	17,982.00	2.50
606.10 Payroll Taxes	2,094.05	1.94	11,273.81	1.57
607.10 TMRS - Admin	361.72	0.33	3,609.54	0.50
608.10 Health Care	712.00	0.66	7,170.00	1.00
	<u>21,314.56</u>	<u>19.71</u>	<u>150,482.98</u>	<u>20.95</u>
Total Admin - Personnel				
Admin - Operating				
609.10 Dues - TML & City Mgr Assoc	0.00	0.00	2,658.30	0.37
610.10 Public Notices	400.89	0.37	3,411.38	0.47
611.10 Printing	115.00	0.11	882.00	0.12
612.10 Telephone	533.38	0.49	4,611.54	0.64
613.10 Copies	54.00	0.05	2,180.82	0.30
614.10 Rent	4,337.00	4.01	43,217.00	6.02
615.10 Cleaning	400.00	0.37	3,800.00	0.53
616.10 Office Supplies	226.62	0.21	2,670.38	0.37

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Ten Months Ended
July 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
617.10 Utilities	\$ 613.29	0.57	\$ 4,912.43	0.68
618.10 Equipment Leases	443.03	0.41	4,171.35	0.58
619.10 Water Cooler	52.98	0.05	375.71	0.05
620.10 Postage	0.00	0.00	295.65	0.04
621.10 Insurance	1,000.00	0.92	13,804.07	1.89
622.10 Records Management	22.26	0.02	2,459.12	0.34
623.10 Office Technology	49.00	0.05	441.00	0.06
628.10 Security Expense	0.00	0.00	422.83	0.06
628.10 Technology Consultant	0.00	0.00	170.00	0.02
631.10 Capital Outlay - Technology	3,250.00	3.01	4,419.61	0.62
632.10 Capital Outlay - Other	0.00	0.00	52,493.50	7.31
635.10 Mileage	111.00	0.10	442.10	0.06
636.10 Training - Travel	151.42	0.14	1,234.58	0.17
637.10 Contract Labor	0.00	0.00	3,706.10	0.52
638.10 Repairs & Maintenance	295.00	0.27	295.00	0.04
	<u>12,054.87</u>	<u>11.15</u>	<u>152,874.47</u>	<u>21.28</u>
Total Admin - Operating				
Legal				
641.10 Legal	2,843.43	2.63	38,336.27	5.34
	<u>2,843.43</u>	<u>2.63</u>	<u>38,336.27</u>	<u>5.34</u>
Total Legal				
Council - Boards Expenditures				
651.10 Association Dues	225.00	0.21	518.00	0.07
652.10 Training	290.00	0.27	1,525.00	0.21
654.10 Election	0.00	0.00	3,116.30	0.43
655.10 Financial Management Services	2,000.00	1.85	10,000.00	1.39
656.10 Audit	0.00	0.00	13,000.00	1.81
658.10 Planning	0.00	0.00	5,000.00	0.70
661.10 Public Relations / Receptions	1,000.00	0.92	3,931.51	0.55
664.10 Fitness Council Expenses	250.00	0.23	6,362.98	0.89
	<u>3,765.00</u>	<u>3.48</u>	<u>43,453.79</u>	<u>6.05</u>
Total Council - Boards Expenditures				
Building Department Expenditures				
678.10 Contract Inspector	715.00	0.66	19,902.50	2.77
677.10 Site Plan Reviews	571.00	0.53	12,935.31	1.80
	<u>1,286.00</u>	<u>1.19</u>	<u>32,837.81</u>	<u>4.57</u>
Total Building Department Expenditures				

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Ten Months Ended
July 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Public Works - Personnel				
702.10 Salaries-Code Enforcement & Permitting	\$ 3,285.36	3.04	\$ 23,066.16	3.21
704.10 Salaries-GIS/Permitting Clerk	3,696.75	3.42	26,304.80	3.66
706.10 Payroll Taxes	534.12	0.49	4,180.98	0.58
707.10 TMRS - Public Works	138.84	0.13	1,389.39	0.19
708.10 Health Benefits	400.00	0.37	3,800.00	0.53
Total Public Works - Personnel	8,055.07	7.45	58,741.13	8.18
Public Works - Operating				
714.10 Certificates	0.00	0.00	50.00	0.01
715.10 Supplies - Public Works	0.00	0.00	148.56	0.02
720.10 Fuel	238.81	0.22	801.63	0.11
722.10 Vehicle Maint. & Insurance	0.00	0.00	171.02	0.02
Total Public Works - Operating	238.81	0.22	1,171.21	0.16
Roads				
727.10 Road Maintenance	1,445.55	1.34	28,925.95	4.03
729.10 Road Engineering	0.00	0.00	9,173.00	1.28
731.10 Mowing / Tree Trimming	400.00	0.37	3,850.00	0.51
732.10 Signs/Barricades	1,114.90	1.03	4,992.56	0.70
733.10 Parking Lot Lease	100.00	0.09	1,000.00	0.14
736.10 Contract Labor	0.00	0.00	4,032.93	0.56
Total Roads	3,060.45	2.83	51,774.44	7.21
Water/Wastewater				
756.10 Public Restroom Wastewater	316.54	0.29	3,245.88	0.45
Total Water/Wastewater	316.54	0.29	3,245.88	0.45
Public Safety - Personnel				
801.10 Salaries - City Marshall	4,380.00	4.05	31,081.05	4.33
806.10 Payroll Taxes	335.07	0.31	2,452.89	0.34
807.10 TMRS City Contribution-PS	87.31	0.08	875.07	0.12

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Ten Months Ended
July 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
808.10 Health Care - Public Safety	\$ 200.00	0.18	\$ 2,025.00	0.28
Total Public Safety - Personnel	<u>5,002.38</u>	<u>4.63</u>	<u>36,434.01</u>	<u>5.07</u>
 Public Safety - Operating				
820.10 Municipal Court Judge	200.00	0.18	3,477.26	0.48
821.10 City Prosecutor	218.24	0.20	3,913.19	0.54
823.10 Training	0.00	0.00	1,900.00	0.26
824.10 Animal Control	0.00	0.00	6,000.00	0.84
825.10 Fuel-Public Safety	257.53	0.24	1,627.12	0.23
826.10 Supplies - Public Safety	58.90	0.05	834.78	0.12
827.10 Vehicle Maintenance and Repair	42.22	0.04	116.94	0.02
830.10 Capital Outlay - Vehicle	6,695.82	6.19	7,304.77	1.02
832.10 Capital Outlay - Technology	0.00	0.00	2,750.00	0.38
Total Public Safety - Operating	<u>7,472.71</u>	<u>6.91</u>	<u>27,924.06</u>	<u>3.89</u>
 Parks - Operating				
859.10 Nature Trail Operations	<u>669.32</u>	<u>0.62</u>	<u>1,955.28</u>	<u>0.27</u>
Total Parks - Operating	<u>669.32</u>	<u>0.62</u>	<u>1,955.28</u>	<u>0.27</u>
Total Expenditures	<u>66,079.14</u>	<u>61.12</u>	<u>599,231.33</u>	<u>83.42</u>
NET EXCESS (DEFICIT)	\$ <u><u>42,038.51</u></u>	<u><u>38.88</u></u>	\$ <u><u>119,104.86</u></u>	<u><u>16.58</u></u>

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Ten Months Ended July 31, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %	
REVENUES								
501.1	Sales & Use Tax	\$ 72,634.60	\$ 503,372.41	70.07%	\$ 486,500.00	\$ 16,872.41	3.47%	-16.67%
502.1	Mixed Beverage Tax	1,670.51	4,257.38	0.59%	5,000.00	(742.62)	-14.85%	-16.67%
503.1	Interest Income	315.75	10,498.97	1.46%	13,000.00	(2,501.03)	-19.24%	-16.67%
504.1	Misc. Income	4,001.00	19,148.20	2.67%	20,000.00	(851.80)	0.00%	-16.67%
505.1	Building Permits	312.00	10,557.59	1.47%	13,000.00	(2,442.41)	-18.79%	-16.67%
506.1	Building Inspections	510.00	14,124.49	1.97%	19,000.00	(4,875.51)	-25.66%	-16.67%
509.1	Plan Reviews	195.00	12,825.78	1.79%	18,000.00	(5,174.22)	-28.75%	-16.67%
510.1	Bear & Wine Permits	-	-	0.00%	-	-	0.00%	-16.67%
511.1	Sign Permits	120.00	2,000.00	0.28%	3,500.00	(1,500.00)	-42.86%	-16.67%
512.1	Subdivision	-	7,126.20	0.99%	10,000.00	(2,873.80)	-28.74%	-16.67%
513.1	Zoning	52.00	4,151.00	0.58%	7,500.00	(3,349.00)	-44.65%	-16.67%
514.1	Copies/Maps/Misc.	-	-	0.00%	500.00	(500.00)	-100.00%	-16.67%
516.1	Municipal Court/Costs Fines	1,266.96	5,452.56	0.76%	10,000.00	(4,547.44)	-45.47%	-16.67%
525.1	Franchise Fees	27,039.83	123,370.78	17.17%	210,000.00	(86,629.22)	-41.25%	-16.67%
526.1	Health Fees	-	-	0.00%	-	-	0.00%	-16.67%
	TOTAL REVENUES	108,117.65	718,336.19	99.80%	816,000.00	(99,114.64)	-12.15%	-16.67%
EXPENDITURES								
ADMINISTRATION EXPENDITURES								
<i>Personnel</i>								
601.1	City Administrator	11,933.55	80,170.86	13.38%	95,000.00	(14,829.14)	-15.61%	-16.67%
602.1	City Secretary	4,269.24	30,276.77	5.05%	37,000.00	(6,723.23)	-18.17%	-16.67%
603.1	Receptionist/Clerk	1,944.00	17,982.00	3.00%	29,204.00	(11,222.00)	-38.43%	-16.67%
604.1	Fire Marshal (Contract Labor)	-	-	0.00%	-	-	0.00%	-16.67%
605.1	Intern	-	-	0.00%	-	-	0.00%	-16.67%
606.1	Payroll Taxes	2,094.05	11,273.81	1.88%	12,770.00	(1,496.19)	-11.72%	-16.67%
607.1	TMRS	361.72	3,609.54	0.60%	4,900.00	(1,290.46)	-26.34%	-16.67%
608.1	Health Benefits	712.00	7,170.00	1.20%	7,794.00	(624.00)	-8.01%	-16.67%
	<i>Total Personnel</i>	21,314.56	150,482.98	25.11%	186,668.00	(36,185.02)	-19.38%	-16.67%
<i>Operating</i>								
609.1	Dues (TML & City Mgr Assoc.)	-	2,658.30	0.44%	4,000.00	(1,341.70)	-33.54%	-16.67%
610.1	Public Notices	400.89	3,411.38	0.57%	4,500.00	(1,088.62)	-24.19%	-16.67%
611.1	Printing	115.00	882.00	0.15%	1,100.00	(218.00)	-19.82%	-16.67%
612.1	Telephone	533.38	4,611.54	0.77%	5,700.00	(1,088.46)	-19.10%	-16.67%
613.1	Copies	54.00	2,180.82	0.36%	2,500.00	(319.18)	-12.77%	-16.67%

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Ten Months Ended July 31, 2009

	CURRENT	YTD		ANNUAL	OVER		MTD
614.1 Rent	4,337.00	43,217.00	7.21%	52,000.00	(8,783.00)	-16.89%	-16.67%
615.1 Cleaning	400.00	3,800.00	0.63%	5,200.00	(1,400.00)	-26.92%	-16.67%
616.1 Office Supplies	226.62	2,670.38	0.45%	4,000.00	(1,329.62)	-33.24%	-16.67%
617.1 Utilities	613.29	4,912.43	0.82%	6,000.00	(1,087.57)	-18.13%	-16.67%
618.1 Equipment Leases	443.03	4,171.35	0.70%	4,800.00	(628.65)	-13.10%	-16.67%
619.1 Water Cooler	52.98	375.71	0.06%	640.00	(264.29)	-41.30%	-16.67%
620.1 Postage	-	295.65	0.05%	2,500.00	(2,204.35)	-88.17%	-16.67%
621.1 Insurance	1,000.00	13,604.07	2.27%	15,000.00	(1,395.93)	-9.31%	-16.67%
622.1 Records Management	22.26	2,459.12	0.41%	5,000.00	(2,540.88)	-50.82%	-16.67%
623.1 Office Technology	49.00	441.00	0.07%	650.00	(209.00)	-32.15%	-16.67%
626.1 Security Expense	-	422.83	0.07%	800.00	(377.17)	-47.15%	-16.67%
628.1 Technology Consultant	-	170.00	0.03%	535.00	(365.00)	-68.22%	-16.67%
629.1 Pay Comparability Adjustment	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	-16.67%
630.1 Capital Outlay - Furnishings	-	-	0.00%	400.00	(400.00)	-100.00%	-16.67%
631.1 Capital Outlay - Technology	3,250.00	4,419.61	0.74%	2,000.00	2,419.61	120.98%	-16.67%
632.1 Capital Outlay - Other	-	52,493.50	8.76%	52,500.00	(6.50)	-0.01%	-16.67%
635.1 Mileage	111.00	442.10	0.07%	750.00	(307.90)	-41.05%	-16.67%
636.1 Training-Travel	151.42	1,234.58	0.21%	2,000.00	(765.42)	-38.27%	-16.67%
637.1 Contract Labor	-	3,706.10	0.62%	3,710.00	(3.90)	-0.11%	-16.67%
638.1 Repairs & Maintenance	295.00	295.00	0.05%	-	295.00	0.00%	-16.67%
639.1 Signs/Zoning	-	-	0.00%	-	-	0.00%	-16.67%
Total Operating	12,054.87	152,874.47	25.51%	177,285.00	(24,410.53)	-13.77%	-16.67%
TOTAL ADMINISTRATION EXPENDITURES	33,369.43	303,357.45	50.62%	363,953.00	(60,595.55)	-16.65%	-16.67%
LEGAL DEPARTMENT EXPENDITURES							
641.1 Legal	2,843.43	38,336.27	6.40%	50,000.00	(11,663.73)	-23.33%	-16.67%
649.1 Operating Transfer-Out	-	-	0.00%	-	-	0.00%	-16.67%
TOTAL LEGAL	2,843.43	38,336.27	6.40%	50,000.00	(11,663.73)	-23.33%	-16.67%
COUNCIL - BOARD EXPENDITURES							
651.1 Association Dues	225.00	518.00	0.09%	1,000.00	(482.00)	-48.20%	-16.67%
652.1 Training	290.00	1,525.00	0.25%	1,500.00	25.00	1.67%	-16.67%
653.1 Town Hall Meetings	-	-	0.00%	-	-	0.00%	-16.67%
654.1 Election	-	3,116.30	0.52%	2,500.00	616.30	24.65%	-16.67%
655.1 Financial Management Services	2,000.00	10,000.00	1.67%	12,000.00	(2,000.00)	-16.67%	-16.67%
656.1 Audit	-	13,000.00	2.17%	13,000.00	-	0.00%	-16.67%
657.1 Public Satisfaction Survey	-	-	0.00%	-	-	0.00%	-16.67%
658.1 Planning	-	5,000.00	0.83%	5,000.00	-	0.00%	-16.67%

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Ten Months Ended July 31, 2009

	CURRENT	YTD		ANNUAL	OVER		MTD
659.1 Recording Secretary	-	-	0.00%	-	-	0.00%	-16.67%
660.1 Economic Development	-	-	0.00%	-	-	0.00%	-16.67%
661.1 Public Relations/Receptions	1,000.00	3,931.51	0.66%	4,000.00	(68.49)	-1.71%	-16.67%
662.1 Public Information	-	-	0.00%	-	-	0.00%	-16.67%
663.1 Visitor Center Support	-	-	0.00%	-	-	0.00%	-16.67%
664.1 Fitness Council Expenditures	250.00	6,362.98	1.06%	6,500.00	(137.02)	-2.11%	-16.67%
TOTAL COUNCIL -BOARD EXPENDITURES	3,765.00	43,453.79	7.25%	45,500.00	(2,046.21)	-4.50%	-16.67%
BUILDING DEPARTMENT EXPENDITURES							
676.1 Contract Inspector	715.00	19,902.50	3.32%	22,000.00	(2,097.50)	-9.53%	-16.67%
677.1 Site Plan Reviews	571.00	12,935.31	2.16%	18,000.00	(5,064.69)	-28.14%	-16.67%
678.1 Building Code Books	-	-	0.00%	-	-	0.00%	-16.67%
TOTAL BUILDING DEPARTMENT EXPENDITURES	1,286.00	32,837.81	5.48%	40,000.00	(7,162.19)	-17.91%	-16.67%
PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES							
<i>Public Works</i>							
<i>Personnel</i>							
701.1 Salaries-Planning Director	-	-	0.00%	-	-	0.00%	-16.67%
702.1 Salaries-Code Enforcement & Perm	3,285.36	23,066.16	3.85%	28,121.00	(5,054.84)	-17.98%	-16.67%
703.1 Salaries-Assst. to Planning Director	-	-	0.00%	-	-	0.00%	-16.67%
704.1 Salaries-GIS/Permitting Clerk	3,696.75	26,304.60	4.39%	32,240.00	(5,935.40)	-18.41%	-16.67%
706.1 Payroll Taxes	534.12	4,180.98	0.70%	4,650.00	(469.02)	-10.09%	-16.67%
707.1 TMRS - Public Works	138.84	1,389.39	0.23%	1,850.00	(460.61)	-24.90%	-16.67%
708.1 Health Benefits	400.00	3,800.00	0.63%	4,800.00	(1,000.00)	-20.83%	-16.67%
Total Personnel	8,055.07	58,741.13	9.80%	71,661.00	(12,919.87)	-18.03%	-16.67%
<i>Operating</i>							
712.1 Mileage	-	-	0.00%	-	-	0.00%	-16.67%
713.1 Training	-	-	0.00%	-	-	0.00%	-16.67%
714.1 Certificates	-	50.00	0.04%	-	50.00	0.00%	-16.67%
715.1 Supplies - Public Works	-	148.56	0.12%	-	148.56	0.00%	-16.67%
720.1 Fuel	238.81	801.63	0.13%	1,000.00	(198.37)	0.00%	-16.67%
721.1 Tools	-	-	0.00%	750.00	(750.00)	-100.00%	-16.67%
722.1 Vehicle Maintenance & Insurance	-	171.02	0.03%	500.00	(328.98)	0.00%	-16.67%
Total Operating	238.81	1,171.21	0.20%	2,250.00	(1,078.79)	0.00%	-16.67%
Total Public Works	8,293.88	59,912.34	10.00%	73,911.00	(13,998.66)	-18.03%	-16.67%

CITY OF WIMBERLEY
BUDGET VS ACTUAL - GENERAL FUND
For The Ten Months Ended July 31, 2009

	CURRENT	YTD		ANNUAL	OVER		MTD	
<i>Roads</i>								
727.1	Road Maintenance	1,445.55	28,925.95	4.83%	75,000.00	(46,074.05)	-61.43%	-16.67%
	Transfer to Road Maintenance Rese	-	-	0.00%	20,000.00	(20,000.00)	-100.00%	-16.67%
728.1	Capital Outlay Roads	-	-	0.00%	21,000.00	(21,000.00)	-100.00%	-16.67%
729.1	Road Engineering	-	9,173.00	1.53%	9,200.00	(27.00)	-0.29%	-16.67%
730.1	Road Insurance	-	-	0.00%	-	-	0.00%	-16.67%
731.1	Mowing/Tree Trimming	400.00	3,650.00	0.61%	8,500.00	(4,850.00)	-57.06%	-16.67%
732.1	Signs/Barricades	1,114.90	4,992.56	0.83%	6,028.00	(1,035.44)	-17.18%	-16.67%
733.1	Parking Lot Lease	100.00	1,000.00	0.17%	1,200.00	(200.00)	-16.67%	-16.67%
734.1	Master Planning Traffic Studies	-	-	0.00%	-	-	0.00%	-16.67%
735.1	Survey Services	-	-	0.00%	-	-	0.00%	-16.67%
736.1	Contract Labor	-	4,032.93	0.67%	5,000.00	(967.07)	-19.34%	-16.67%
737.1	Ranch Road 12 Mitigation	-	-	0.00%	-	-	0.00%	-16.67%
	Total Roads	3,060.45	51,774.44	8.64%	145,928.00	(94,153.56)	-64.52%	-16.67%
<i>Water/Wastewater</i>								
752.1	Water Quality Testing	-	-	0.00%	1,500.00	(1,500.00)	-100.00%	-16.67%
753.1	Wastewater System Start-up	-	-	0.00%	-	-	0.00%	-16.67%
754.1	Map Services	-	-	0.00%	-	-	0.00%	-16.67%
755.1	Water/Wastewater Purchases	-	-	0.00%	-	-	0.00%	-16.67%
756.1	Public Restroom Wastewater	316.54	3,245.88	0.54%	4,500.00	(1,254.12)	-27.87%	-16.67%
	Total Water/Wastewater	316.54	3,245.88	0.54%	6,000.00	(2,754.12)	-45.90%	-16.67%
	TOTAL PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES	11,670.87	114,932.66	19.18%	225,839.00	(110,906.34)	-49.11%	-16.67%
PUBLIC SAFETY/COURTS EXPENDITURES								
<i>Personnel</i>								
801.1	Salaries - City Marshall	4,380.00	31,081.05	5.19%	37,960.00	(6,878.95)	-18.12%	-16.67%
806.1	Payroll Taxes	335.07	2,452.89	0.41%	2,910.00	(457.11)	-15.71%	-16.67%
807.1	TMRS City Contribution	87.31	875.07	0.15%	1,138.00	(262.93)	-23.10%	-16.67%
808.1	Health Benefits	200.00	2,025.00	0.34%	2,500.00	(475.00)	-19.00%	-16.67%
	Total Personnel	5,002.38	36,434.01	6.08%	44,508.00	(8,073.99)	-18.14%	-16.67%
<i>Operating</i>								
820.1	Municipal Court Judge	200.00	3,477.26	0.58%	6,500.00	(3,022.74)	-46.50%	-16.67%
821.1	City Prosecutor	218.24	3,913.19	0.65%	6,000.00	(2,086.81)	-34.78%	-16.67%
822.1	Emergency Plan	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	-16.67%
823.1	Training	-	1,900.00	0.32%	2,000.00	(100.00)	-5.00%	-16.67%

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Ten Months Ended July 31, 2009

	CURRENT	YTD		ANNUAL	OVER		MTD
824.1 Animal Control	-	6,000.00	1.00%	6,000.00	-	0.00%	-16.67%
825.1 Fuel	257.53	1,627.12	0.27%	3,000.00	(1,372.88)	-45.76%	-16.67%
826.1 Supplies	58.90	834.78	0.14%	1,500.00	(665.22)	-44.35%	-16.67%
827.1 Vehicle Maintenance & Repair	42.22	116.94	0.02%	200.00	(83.06)	-41.53%	-16.67%
830.1 Capital Outlay - Vehicles	6,695.82	7,304.77	1.22%	8,000.00	(695.23)	-8.69%	-16.67%
831.1 Capital Outlay - Equipment	-	-	0.00%	-	-	0.00%	-16.67%
832.1 Capital Outlay - Technology	-	2,750.00	0.46%	6,500.00	(3,750.00)	-57.69%	-16.67%
837.1 Sanitarian (Contract Labor)	-	-	0.00%	-	-	0.00%	-16.67%
Total Operating	7,472.71	27,924.06	4.66%	40,700.00	(12,775.94)	-31.39%	-16.67%
TOTAL PUBLIC SAFETY/COURTS EXPENDITURES	12,475.09	64,358.07	10.74%	85,208.00	(20,849.93)	-24.47%	-16.67%
PARKS & RECREATION EXPENDITURES							
<i>Personnel</i>							
851.1 Assistant to City Admin	-	-	0.00%	-	-	0.00%	-16.67%
852.1 Health Benefits	-	-	0.00%	-	-	0.00%	-16.67%
853.1 Payroll Taxes	-	-	0.00%	-	-	0.00%	-16.67%
Total Personnel	-	-	0.00%	-	-	0.00%	-16.67%
<i>Operating</i>							
854.1 Mileage	-	-	0.00%	-	-	0.00%	-16.67%
855.1 Public Information	-	-	0.00%	-	-	0.00%	-16.67%
856.1 Parks Research & Development	-	-	0.00%	500.00	-	0.00%	-16.67%
857.1 Trails Master Plan	-	-	0.00%	-	-	0.00%	-16.67%
859.1 Nature Trail Operations	669.32	1,955.28	0.33%	5,000.00	1,455.28	29.11%	-16.67%
Total Operating	669.32	1,955.28	0.33%	5,500.00	1,455.28	26.46%	-16.67%
TOTAL PARKS & RECREATION EXPENDITURES	669.32	1,955.28	0.33%	5,500.00	1,455.28	26.46%	-16.67%
TOTAL EXPENDITURES	66,079.14	599,231.33	1.00	816,000.00	(211,768.67)	-25.95%	-16.67%
Net Excess (Deficit)	\$ 42,038.51	\$ 119,104.86	-0.20%	\$ -	\$ 112,654.03	13.81%	-16.67%

Client: City of Wimberley
 Bank: Blanco National Bank #105
 Month: July Year: 2008

<u>Deposits In Transit</u>				<u>Reconciliation to Bank</u>	
<u> </u>	<u> </u>	<u> </u>	<u> </u>	Bank Balance from Statement	<u>223,819.31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	Deposit in Transit	<u>0</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	Total	<u>223,819.31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>		

<u>Check #</u>	<u>Amount</u>	<u>Check #</u>	<u>Amount</u>	<u>Check #</u>	<u>Amount</u>
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Total Outstanding Checks 0
 Reconciled Bank Balance 223,819.31

<u>Adjustments:</u>		<u>Reconciliation to Books</u>	
<u>interest paid</u>	<u>211.36</u>	Previous Book Balance	<u>223,607.95</u>
<u> </u>	<u> </u>	Deposits	<u> </u>
<u> </u>	<u> </u>	Disbursements	<u> </u>
<u> </u>	<u> </u>	Total Adjustments	<u>211.36</u>
<u> </u>	<u> </u>	Present Book Balance	<u>223,819.31</u>
<u> </u>	<u> </u>		

City of Wimberley
Blue Hole Parkland
Balance Sheet - Modified Accrual Basis
July 31, 2009

Assets

Current Assets

101.40 Petty Cash-Blue Hole	\$	200.00
106.40 Cash - Blanco National Bank - BH Development		378,401.11
108.40 Cash - Blanco National Bank - Blue Hole		92,075.58
110.40 Texpool - Blue Hole		<u>163,681.24</u>

Total Current Assets \$ 634,357.91

Total Assets \$ 634,357.91

Liabilities and Fund Balance

Current Liabilities

301.40 Withholding Tax Payable	\$	101.00
302.40 FICA Tax Payable		389.26
340.40 Blue Hole Rental Deposits Payable		<u>675.00</u>

Total Current Liabilities \$ 1,165.26

Total Liabilities 1,165.26

Fund Balance

467.40 Fund Balance - Blue Hole	83,227.58
473.40 Designated Fund Balance Blue Hole - Soccer Fields	146,701.58
498.40 Net Excess (Deficit)	<u>403,263.49</u>

Total Fund Balance 633,192.65

Total Liabilities and Fund Balance \$ 634,357.91

City of Wimberley
Blue Hole Parkland
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Ten Months Ended
July 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
503.40 Interest Income - Blue Hole Parkland	\$ 47.04	0.18	\$ 1,242.20	0.23
520.40 Grant Funds - Blue Hole	0.00	0.00	500,000.00	90.75
541.40 Gate Fees	25,473.50	99.82	49,561.81	9.00
542.40 Rental Fees	0.00	0.00	150.00	0.03
Total Revenues	25,520.54	100.00	550,954.01	100.00
Expenditures				
Parks - Operating				
858.40 Blue Hole Master Plan	0.00	0.00	130.50	0.02
861.40 Contract Labor/Wages	8,990.00	35.23	12,948.14	2.35
862.40 Utilities	95.10	0.37	802.43	0.15
863.40 Mowing	125.00	0.49	975.00	0.18
864.40 Operating Supplies	321.87	1.26	1,788.56	0.32
865.40 Contract Services	4,209.00	16.49	7,679.00	1.39
866.40 Rental	0.00	0.00	353.00	0.06
868.40 Public Restroom Facilities	300.00	1.18	1,415.00	0.26
870.40 Capital Outlay - Development Project	121,598.89	476.47	121,598.89	22.07
Total Parks - Operating	135,639.86	531.49	147,690.52	26.81
Total Expenditures	135,639.86	531.49	147,690.52	26.81
NET EXCESS (DEFICIT)	\$ (110,119.32)	(431.49)	\$ 403,263.49	73.19

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - BLUE HOLE SPECIAL REVENUE FUND
 For The Ten Months Ended July 31, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %	
REVENUES								
508.4	Interest Income	\$ 47.04	\$ 1,242.20	0.23%	\$1,750.00	\$ (507.80)	-29.02%	-16.67%
518.4	Designated Funds		-	0.00%	7,000.00	(7,000.00)	-100.00%	-16.67%
520.4	Grant Funds	-	500,000.00	0.00%	500,000.00	-	0.00%	-16.67%
541.4	Gate Fees	25,473.50	49,561.81	0.00%	35,000.00	14,561.81	41.61%	-16.67%
542.4	Rental Fees	-	150.00	0.00%	2,000.00	(1,850.00)	-92.50%	-16.67%
	TOTAL REVENUES	25,520.54	550,954.01	0.23%	545,750.00	5,204.01	0.95%	-16.67%
EXPENDITURES								
858.4	Blue Hole Master Plan	-	130.50	0.09%	-	(19,869.50)	0.00%	-16.67%
861.4	Contract Labor/Wages	8,990.00	12,870.64	8.71%	20,000.00	11,370.64	758.04%	-16.67%
862.4	Utilities	95.10	802.43	0.00%	1,500.00	(697.57)	-46.50%	-16.67%
863.4	Mowing	125.00	975.00	0.66%	1,500.00	(525.00)	-35.00%	-16.67%
864.4	Operating Supplies	321.87	1,788.59	0.00%	1,500.00	(3,211.41)	-64.23%	-16.67%
865.4	Contract Services	4,209.00	7,679.00	0.00%	5,000.00	6,179.00	411.93%	-16.67%
866.4	Rental	-	353.00	0.00%	1,500.00	(397.00)	-52.93%	-16.67%
867.4	Materials	-	-	0.00%	750.00	(2,000.00)	-100.00%	-16.67%
868.4	Public Restroom Facilities	300.00	1,415.00	0.96%	2,000.00	(148,585.00)	-99.06%	-16.67%
869.4	Capital Outlay - Facilities	121,598.89	121,598.89	0.00%	150,000.00	121,598.89	0.00%	-16.67%
	TOTAL BLUE HOLE PARKLAND EXPENDITURES	135,639.86	147,690.55	10.33%	183,750.00	(36,059.45)	-19.62%	-16.67%
	Net Excess (Deficit)	\$ (110,119.32)	\$ 403,263.46	-10.11%	\$362,000.00	41,263.46	20.58%	-16.67%

City of Wimberley
Municipal Court
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Ten Months Ended
July 31, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
550.50 Court Technology Fees	\$ 52.00	51.49	\$ 404.00	37.58
551.50 Building Security Fees	39.00	38.61	306.00	28.47
552.50 Child Safety Fees	0.00	0.00	350.00	32.56
553.50 Judicial Efficiency Fees	<u>10.00</u>	<u>9.90</u>	<u>15.00</u>	<u>1.40</u>
Total Revenues	<u>101.00</u>	<u>100.00</u>	<u>1,075.00</u>	<u>100.00</u>
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
NET EXCESS (DEFICIT)	<u>\$ 101.00</u>	<u>100.00</u>	<u>\$ 1,075.00</u>	<u>100.00</u>

**City of Wimberley
JOURNAL REPORT**

July 31, 2009

CD - Cash disbursements

Client No: 347

Page 1

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/10/09	870.40	Capital Outlay - Development Project	5,400.00	1001	dream tree homes
7/10/09	870.40	Capital Outlay - Development Project	715.65	1002	land design partners
7/10/09	870.40	Capital Outlay - Development Project	55,660.00	1003	myers concrete
7/10/09	870.40	Capital Outlay - Development Project	7,620.24	1004	park & pool
7/10/09	870.40	Capital Outlay - Development Project	7,124.00	1005	sanders landscape
7/10/09	870.40	Capital Outlay - Development Project	4,693.00	1006	belson outdoors
7/10/09	870.40	Capital Outlay - Development Project	10,386.00	1007	belson outdoors
7/29/09	870.40	Capital Outlay - Development Project	30,000.00	1008	design workshop
7/1/09	304.50	Due to General - Municipal Court	716.60	1254	city of wimberley
7/15/09	350.50	Municipal Court Cost Payable	2,955.00	1255	state comptroller
7/1/09	863.40	Mowing	125.00	2277	affordable lawn service
7/1/09	865.40	Contract Services	3,925.00	2278	land design partners
7/1/09	862.40	Utilities	40.00	2279	pedernales electric
7/1/09	862.40	Utilities	55.10	2290	wimberley water
7/2/09	864.40	Operating Supplies	77.22	2291	ace
7/8/09	301.40	Withholding Tax Payable	96.00	2294	blanco national bank
7/8/09	302.40	FICA Tax Payable	593.70	2294	blanco national bank
			689.70	2294	Reference Total
7/13/09	864.40	Operating Supplies	107.10	2295	lowes
7/24/09	868.40	Public Restroom Facilities	300.00	2305	leinneweber
7/24/09	865.40	Contract Services	284.00	2306	olson electric
7/24/09	864.40	Operating Supplies	9.40	2307	sam's club
7/24/09	864.40	Operating Supplies	76.61	2308	wristband resources
7/28/09	309.40	TWC Payable	19.41	2309	twc
7/1/09	733.10	Parking Lot Lease	100.00	6302	calkins interest
7/1/09	608.10	Health Care	200.00	6303	cara mcpartland
7/1/09	608.10	Health Care	312.00	6304	don ferguson
7/1/09	808.10	Health Care - Public Safety	200.00	6305	garth robinson
7/1/09	608.10	Health Care	200.00	6306	monica alcalá
7/1/09	614.10	Rent	525.00	6307	todd routh
7/1/09	708.10	Health Benefits	200.00	6308	william bowers
7/1/09	708.10	Health Benefits	200.00	6309	abigail gilifilan
7/1/09	614.10	Rent	3,812.00	6310	todd routh

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CD - Cash disbursements

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/1/09	731.10	Mowing / Tree Trimming	100.00	6311	affordable lawn service
7/1/09	651.10	Association Dues	225.00	6312	american planning assoc
7/1/09	623.10	Office Technology	49.00	6313	anvil communications
7/1/09	676.10	Contract Inspector	650.00	6314	ats engineers
7/1/09	827.10	Vehicle Maintenance and Repair	42.22	6315	bob lawson
7/1/09	638.10	Repairs & Maintenance	295.00	6316	david sullivan
7/1/09	613.10	Copies	54.00	6317	federal express
7/1/09	727.10	Road Maintenance	525.00	6318	garrett allen
7/1/09	619.10	Water Cooler	33.49	6319	hill country springs
7/1/09	655.10	Financial Management Services	1,000.00	6320	lori graham
7/1/09	677.10	Site Plan Reviews	571.00	6321	neptune-wilkinson
7/1/09	617.10	Utilities	613.29	6322	pedernales electric
7/1/09	859.10	Nature Trail Operations	89.08	6322	pedernales electric
			702.37	6322	Reference Total
7/1/09	618.10	Equipment Leases	162.00	6323	postage by phone
7/1/09	615.10	Cleaning	400.00	6324	pow wow services
7/1/09	732.10	Signs/Barricades	369.90	6325	safelane traffic
7/1/09	720.10	Fuel	70.88	6326	texas fleet fuel
7/1/09	825.10	Fuel-Public Safety	157.54	6326	texas fleet fuel
			228.42	6326	Reference Total
7/1/09	732.10	Signs/Barricades	745.00	6327	hartmann enterpises
7/1/09	612.10	Telephone	337.66	6328	verizon
7/1/09	859.10	Nature Trail Operations	30.24	6331	wimberley water supply
7/2/09	727.10	Road Maintenance	320.55	6332	ace hardware
7/2/09	616.10	Office Supplies	7.18	6332	ace hardware
			327.73	6332	Reference Total
7/2/09	610.10	Public Notices	277.89	6333	holly media group
7/2/09	825.10	Fuel-Public Safety	49.31	6334	texas fleet fuel
7/2/09	621.10	Insurance	1,000.00	6335	tml intergovernmental risk pool
7/2/09	661.10	Public Relations / Receptions	1,000.00	6336	gryphon enterprises
7/8/09	301.10	Withholding Tax Payable	1,504.00	6337	blanco national bank
7/8/09	607.10	TMRS - Admin	361.72	6338	tmrs
7/8/09	707.10	TMRS - Public Works	138.84	6338	tmrs
7/8/09	807.10	TMRS City Contribution-PS	87.31	6338	tmrs
7/8/09	311.10	TMRS Payable	983.04	6338	tmrs
			1,570.91	6338	Reference Total

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/14/09	305.10	Due to Municipal Court - General	107.00	6341	city of wimberley municipal court
7/17/09	664.10	Fitness Council Expenses	250.00	6342	wimberley four
7/24/09	611.10	Printing	115.00	6343	a studio z
7/24/09	820.10	Municipal Court Judge	200.00	6344	andrew cable
7/24/09	612.10	Telephone	195.72	6345	at&t
7/24/09	676.10	Contract Inspector	65.00	6346	ats engineers
7/24/09	641.10	Legal	2,843.43	6347	bickerstaff heath & pollan
7/24/09	821.10	City Prosecutor	218.24	6347	bickerstaff heath & pollan
			3,061.67	6347	Reference Total
7/24/09	635.10	Mileage	111.00	6348	cara mcpartland
7/24/09	636.10	Training - Travel	151.42	6348	cara mcpartland
7/24/09	652.10	Training	75.00	6348	cara mcpartland
			337.42	6348	Reference Total
7/24/09	727.10	Road Maintenance	600.00	6349	garrett allen
7/24/09	826.10	Supplies - Public Safety	58.90	6350	gt distributors
7/24/09	619.10	Water Cooler	19.49	6351	hill country springs
7/24/09	830.10	Capital Outlay - Vehicle	6,695.82	6352	kansas state bank
7/24/09	618.10	Equipment Leases	281.03	6353	kycoera mita america
7/24/09	731.10	Mowing / Tree Trimming	300.00	6354	lee trees inc.
7/24/09	859.10	Nature Trail Operations	550.00	6354	lee trees inc.
			850.00	6354	Reference Total
7/24/09	756.10	Public Restroom Wastewater	265.00	6355	leinneweber plumbing
7/24/09	655.10	Financial Management Services	1,000.00	6356	lori graham
7/24/09	616.10	Office Supplies	219.44	6357	sam's club
7/24/09	756.10	Public Restroom Wastewater	51.54	6357	sam's club
			270.98	6357	Reference Total
7/24/09	610.10	Public Notices	123.00	6358	san marcos daily record
7/24/09	720.10	Fuel	167.93	6359	texas fleet fuel
7/24/09	825.10	Fuel-Public Safety	50.68	6359	texas fleet fuel
			218.61	6359	Reference Total
7/24/09	652.10	Training	215.00	6360	texas municipal clerks certification pro
7/28/09	631.10	Capital Outlay - Technology	3,250.00	6361	it systems
7/28/09	606.10	Payroll Taxes	19.72	6362	twc
7/31/09	302.10	FICA Tax Payable	3,008.12	6365	blanco national bank

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/31/09	109.50	Cash - Blanco National Bank - Municipal Court	-3,671.60	disb	disb
7/31/09	103.10	Cash - Blanco National Bank - General	-39,206.62	disb	disb
7/31/09	106.40	Cash - Blanco National Bank - BH Development	-121,598.89	disb	disb
7/31/09	108.40	Cash - Blanco National Bank - Blue Hole	-5,708.54	disb	disb
			-170,185.65	disb	Reference Total
		Total for 97 Items	0.00		

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/31/09	111.50	Due from General - MC	107.00	1	due from general - deposit error
7/31/09	550.50	Court Technology Fees	-4.00	1	court tech fee
7/31/09	551.50	Building Security Fees	-3.00	1	bldg sec fees
7/31/09	304.50	Due to General - Municipal Court	-24.70	1	due to general - mc
7/31/09	350.50	Municipal Court Cost Payable	-75.30	1	due to state
			0.00	1	Reference Total
7/31/09	103.10	Cash - Blanco National Bank - General	74,339.11	2	deposits
7/31/09	121.10	Sales Tax Receivable	-38,944.57	2	sales tax receivable
7/31/09	502.10	Mixed Beverage Tax	-1,670.51	2	mixed bev receivable
7/31/09	504.10	Miscellaneous Income	-4,001.00	2	misc income
7/31/09	505.10	Building Permits	-312.00	2	bldg permits
7/31/09	506.10	Building Inspections	-510.00	2	bldg inspections
7/31/09	509.10	Plan Reviews	-195.00	2	plan reviews
7/31/09	511.10	Sign Permits	-120.00	2	sign permits
7/31/09	513.10	Zoning	-52.00	2	zoning
7/31/09	116.10	Due From Municipal Court	-716.60	2	due from mc
7/31/09	521.10	Time Warner Cable	-7,207.10	2	time warner cable
7/31/09	522.10	Pedernales Electric Cooperative, Inc.	-18,239.62	2	pec
7/31/09	525.10	Franchise Fees - Misc	-1,593.11	2	franchise fees - misc
7/31/09	120.10	Accounts Receivable	-670.60	2	a/r
7/31/09	305.10	Due to Municipal Court - General	-107.00	2	due to mc - general
			0.00	2	Reference Total
7/31/09	110.10	Texpool - General	104.39	3	texpool
7/31/09	503.10	Interest Income - General	-104.39	3	interest - general
			0.00	3	Reference Total
7/31/09	110.40	Texpool - Blue Hole	47.04	4	texpool
7/31/09	503.40	Interest Income - Blue Hole Parkland	-47.04	4	interest
			0.00	4	Reference Total
7/31/09	105.10	Cash - Blanco National Bank - CD	211.36	5	cd
7/31/09	503.10	Interest Income - General	-211.36	5	interest
			0.00	5	Reference Total

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/31/09	109.50	Cash - Blanco National Bank - Municipal Court	2,116.32	6	deposits
7/31/09	550.50	Court Technology Fees	-48.00	6	ct fees
7/31/09	551.50	Building Security Fees	-36.00	6	bldg sec fees
7/31/09	553.50	Judicial Efficiency Fees	-10.00	6	judicial eff fees
7/31/09	304.50	Due to General - Municipal Court	-1,242.26	6	due to general mc
7/31/09	350.50	Municipal Court Cost Payable	-673.06	6	municipal court cost
7/31/09	111.50	Due from General - MC	-107.00	6	due from general
			0.00	6	Reference Total
7/31/09	116.10	Due From Municipal Court	1,266.96	7	due from municipal court
7/31/09	516.10	Municipal Court Costs/Fines	-1,266.96	7	mc fines
			0.00	7	Reference Total
7/31/09	121.10	Sales Tax Receivable	72,634.60	8	s/t receivable
7/31/09	501.10	Sales & Use Tax	-72,634.60	8	s/t revenue
			0.00	8	Reference Total
7/31/09	706.10	Payroll Taxes	534.12	9	p/r public works
7/31/09	806.10	Payroll Taxes	335.07	9	p/r public safety
7/31/09	606.10	Payroll Taxes	-869.19	9	p/r admin
			0.00	9	Reference Total
7/31/09	108.40	Cash - Blanco National Bank - Blue Hole	25,763.50	10	deposits
7/31/09	541.40	Gate Fees	-25,763.50	10	gate fees
			0.00	10	Reference Total
7/31/09	864.40	Operating Supplies	51.54	11	check order
7/31/09	541.40	Gate Fees	15.00	11	returned checks
7/31/09	861.40	Contract Labor/Wages	2.00	11	ck#2318 cleared different
7/31/09	496.40	Suspense	275.00	11	suspense
7/31/09	108.40	Cash - Blanco National Bank - Blue Hole	-343.54	11	cash
			0.00	11	Reference Total
7/31/09	541.40	Gate Fees	275.00	12	correct bank error
7/31/09	108.40	Cash - Blarico National Bank - Blue Hole	-275.00	12	correct bank error
			0.00	12	Reference Total

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/31/09	622.10	Records Management	22.26	13	q/b s/c
7/31/09	103.10	Cash - Blanco National Bank - General	-22.26	13	q/b s/c
			0.00	13	Reference Total
7/31/09	309.40	TWC Payable	-19.41	14	twc payable
7/31/09	861.40	Contract Labor/Wages	19.41	14	twc wages
			0.00	14	Reference Total
		Total for 53 Items	0.00		

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PYA - Generated payroll accrual

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/31/09	606.10	Payroll Taxes	2,385.60	CKS	Employer's FICA
7/31/09	302.10	FICA Tax Payable	-2,385.60	CKS	Employer's FICA
7/31/09	606.10	Payroll Taxes	557.92	CKS	Employer's Medicare
7/31/09	302.10	FICA Tax Payable	-557.92	CKS	Employer's Medicare
			0.00	CKS	Reference Total
		Total for 4 Items	0.00		

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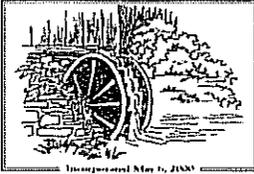
PYR - Generated payroll transaction

Client No: 347

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<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
7/31/09	601.10	City Administrator	11,933.55	CKS	SALARY
7/31/09	301.10	Withholding Tax Payable	-2,260.00	CKS	Federal Withholding
7/31/09	302.10	FICA Tax Payable	-2,257.42	CKS	Fica + Medicare Withholding
7/31/09	311.10	TMRS Payable	-1,475.43	CKS	TMRS Contribution
7/31/09	103.10	Cash - Blanco National Bank - General	-23,516.05	CKS	Net Payroll Checks
7/31/09	602.10	City Secretary	4,269.24	CKS	SALARY
7/31/09	861.40	Contract Labor/Wages	8,968.59	CKS	SALARY
7/31/09	301.40	Withholding Tax Payable	-101.00	CKS	Federal Withholding
7/31/09	302.40	FICA Tax Payable	-686.11	CKS	Fica + Medicare Withholding
7/31/09	108.40	Cash - Blanco National Bank - Blue Hole	-8,181.48	CKS	Net Payroll Checks
7/31/09	704.10	Salaries-GIS/Permitting Clerk	3,696.75	CKS	SALARY
7/31/09	801.10	Salaries - City Marshall	4,380.00	CKS	SALARY
7/31/09	603.10	Receptionist/Clerk	1,944.00	CKS	SALARY
7/31/09	702.10	Salaries-Code Enforcement & Permitting	3,244.80	CKS	SALARY
7/31/09	702.10	Salaries-Code Enforcement & Permitting	40.56	CKS	Overtime
			0.00	CKS	Reference Total
		Total for 15 Items	0.00		

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: APPOINTMENT OF ROB PITZER TO WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION

Funds Required:

Funds Available:

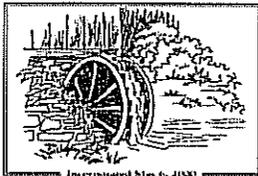
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda at the request of Place Four Council Member Steve Thurber to allow City Council to consider the appointment of Rob Pitzer to the Wimberley Economic Development Commission.

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: PRESENTATION BY HAYS COUNTY SUBDIVISION COORDINATOR ON THE RECENTLY ADOPTED HAYS COUNTY DEVELOPMENT REGULATIONS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

Motion

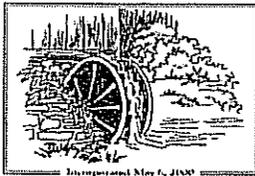
Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow Hays County Subdivision Coordinator Clint Garza to brief City Council on the recently adopted *Hays County Development Regulations*. The 200-plus page document can be viewed on the website homepage for Hays County at www.co.hays.tx.us.

It should be noted that a similar presentation on the new regulations is being planned for members of the City's Planning and Zoning Commission. Also, the City's interlocal agreement with Hays County regarding the platting of subdivisions in the City's extraterritorial jurisdiction will be modified or renegotiated in the coming weeks to include certain provisions of the recently adopted County development regulations.

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CITY ADMINISTRATOR'S
REPORT

Funds Required:
Funds Available:

Council Action Requested:

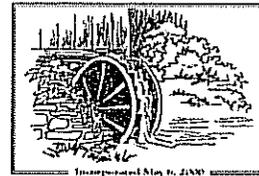
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the search for a new City Marshal
- Status report on the development and operation of the *Blue Hole Regional Park*
- Status report on activities of Wimberley Municipal Court
- Status report on activities of the City Marshal

Report for CUP CUP-09-009



Summary:

A request for a conditional use permit to allow telecommunications towers, commercial antennas, and broadcast towers at 100 Carney Lane

Applicant Information:

Applicant: Wimberley ISD, (512) 847-2414
Property Owner: Wimberley ISD
 14401 Ranch Road 12
 Wimberley, TX 78676

Subject Property:

Legal Description: Wimberley High School Subdivision
Location: 100 Carney Lane
Existing Use of Property: Public High school
Existing Zoning: Public Facilities (PF)
Proposed Use of Property: Site for a Communications Tower
Planning Area: I
Overlay District: NA

Surroundings:

Frontage On: Carney Lane

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Un-zoned	Undeveloped
S of Property	R2	Residential
E of Property	Un-zoned	Undeveloped
W of Property	PF	Public Facilities

Legal Notice

200' Letters Published: 8/7/09
Sign Placement: 8/12/09
Responses: 8/7/09
 none

Comments:

The applicant, Wimberley ISD, is requesting a conditional use permit to allow the construction of one (1) wireless communications tower behind Wimberley High School at 100 Carney Lane. The subject property is currently zoned Public Facilities (PF) and such towers are permitted in the PF zoning district with a conditional use permit.

The proposed communications tower is 90-feet tall and will be used to provide internet and other district communication services to the new Jacob's Well Elementary School. According to documents provided by the applicant, the proposed tower is located 280 feet east of the closest residential property line.

With the start of a new school year and the need for immediate communications services at the new school, WISD asked the City to consider allowing the subject tower to be erected on a temporary basis while the City processes the WISD's application for the required conditional use permit. The City agreed to allow the WISD to construct the tower with the understanding that the tower would be taken down should the requested conditional use permit be denied. It should be noted that the WISD's tower was constructed in accordance with the City's Building Code and Tower Ordinance.

On August 27, 2009, the Planning and Zoning Commission held a public hearing on the proposed conditional use permit. Afterwards, the Commission voted unanimously to recommend approval of the conditional use permit.

§ 155.060 PUBLIC FACILITIES; PF.

(A) *General purpose and description.* The PF, public facilities district is intended to provide for the placing of high to moderate impact uses of governmental services and public services facilities in proximity to various forms of neighborhood land uses, to provide needed public services to the community on a local basis, and to provide for the placing of governmental facilities in areas where they are needed to complement the needs of surrounding land uses.

(B) *Permitted uses.*

- (1) Schools - high school, middle school, vocational school, and elementary school;
- (2) Guidance services;
- (3) Administrative services (example - WISD Administration Building);
- (4) Library services;
- (5) Postal facilities;
- (6) City Hall;
- (7) Public recreational facilities;
- (8) National Guard offices; and
- (9) Religious assembly.

(C) *Conditional uses.*

- (1) Institutional: jails, halfway houses, mental health and drug rehabilitation facilities, and involuntary confinement;
- (2) Probation offices and other criminal justice system facilities;
- (3) Detention facilities;
- (4) Vehicle storage for public service institutions;
- (5) Institutional (hospitals and colleges);
- (6) Military installations; and

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

(D) *Development regulations.*

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

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

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

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

(2) Maximum impervious cover: 60%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(3) Maximum building coverage: 50%. Building coverage shall be calculated as a percentage of the net site area.

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

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

(a) Dominant street: same as most restrictive district adjacent to PF;

(b) Secondary street: same as most restrictive district adjacent to PF; and

(c) Interior side and rear yard: same as most restrictive district adjacent to PF.

(E) *Other regulations.*

(1) As established in the development standards, §§ 155.075 et seq.

(2) Outdoor storage of materials or equipment is prohibited.

(F) *Special requirements.* For site plan requirements, see § 155.077.

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

(Ord. 2001-010, § 39, passed 4-1-2001) Penalty, see § 155.999

ADMINISTRATION AND ENFORCEMENT

§ 155.105 CONDITIONAL USE PERMITS.

(A) *Conditional uses.*

(1) The purpose of the CUP, conditional use permit, process is to allow certain uses which are not specified, permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "conditional uses" within the specific zoning district. Possible conditional uses, if any, are listed in each zoning district.

(2) The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the city, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a CUP. As a zoning action, issuance of a CUP shall only apply to real property (such as shall not be attached to any person, business entity, or the like), shall not be transferred from one property to another (such as shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the CUP (such as change the zoning to remove the CUP, with appropriate public notification, public hearing, and the like).

(3) A zoning application for a CUP shall be accompanied by a metes and bounds description and a survey or scale drawing showing the property for which the CUP is being requested, and by a development plan (see § 155.077) 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 200 feet. The city shall make available application forms specifying drawing requirements. The Director or his or her designee, the Planning and Zoning Commission, or the City Council may require additional information or drawings (such as building floor plans), operating data, and expert evaluation or testimony concerning the location, function, and characteristics of any building or use proposed. The development plan shall be reviewed and approved along with the CUP zoning application, and in accordance with § 155.077 of this code.

(B) *Conditional use permit regulations.*

(1) In recommending that a conditional use permit for the premises under consideration be granted, the city shall determine that the uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys, and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, and open space, heights of structures, and compatibility of buildings. In approving a requested CUP, the

Planning and Zoning Commission and the City Council may consider any or all of the following:

(a) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;

(b) The architecture, facade, and signage designs of the use are traditional hill country designs and are harmonious with those of adjacent uses. In the case of chain establishments, they shall not include or simulate the signature designs of those establishments beyond the absolute minimum necessary to identify the establishment;

(c) The use requested by the applicant is set forth as a conditional use in the base district;

(d) The nature of the use is reasonable;

(e) 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;

(f) 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

(g) Any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

(2) In granting a conditional use permit, the Planning and Zoning Commission and the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his or her designee, for use of the building on that property pursuant to the conditional use permit and the conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the CUP.

(3) No conditional use permit shall be granted unless the applicant, owner, and grantee of the conditional use permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the conditional use permit, as incorporated into the amending ordinance establishing the CUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.

(4) A building permit or certificate of occupancy shall be applied for and secured within 1 year from the time of granting the conditional use permit; provided, however, that the City Council may authorize 1 extension of 1 additional year. After the 1-year period (and the 1-year extension, if it has been granted by the City Council) has elapsed, the Planning and Zoning Commission and the City Council may review the development plan for continued validity and compliance. If the development plan is determined to be invalid or no longer viable, then the applicant and property owner(s) must submit a new or revised development plan for approval prior to any construction or to application for a building permit for the area designated for the conditional use permit. The new development plan must

be resubmitted for review and approval in accordance with § 155.077 of this code. If building construction or use of a CUP has not commenced within a reasonable amount of time after 1 year, then the City Council, at its option, may initiate proceedings to rescind the CUP for lack of use. No development right, if any, shall vest in a CUP that has expired or is no longer valid.

(5) No building, premises, or land used under a conditional use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended conditional use permit is granted for that enlargement, modification, structural alteration, or change. Minor changes or alterations may be approved by the Director or his or her designee.

(6) The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

(7) In residential districts, the Planning and Zoning Commission and the City Council shall have the right to waive the requirements of this section in whole or in part if they find that the proposed use conforms to the criteria of § 155.109(A)(2) and that conforming to the requirements of this section places an undue burden upon the applicant.

(8) When the City Council authorizes granting of a conditional use permit, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and the amendment is to indicate the appropriate zoning district for the approved use and prefixed by a CUP designation.

(C) *Bed and breakfast lodging.* The review for CUP approval of a bed and breakfast lodging facility shall consider the impact of tenant activity on the surrounding residential properties, the neighborhood and environment, and other factors as the Commission deems appropriate. It shall include but not be limited to consideration of the following:

(1) Permitted uses in the applicable zoning district;

(2) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate;

(3) Setbacks and proximity to other dwellings;

(4) Rental regulations (such as no large parties, no extra guests) imposed by the owner and the degree of owner involvement in property management (such as owner in residence or not in residence);

(5) Occupant access to waterways and other environmentally sensitive areas;

(6) Vehicle access and on-site parking and the number of parking spaces available;

(7) Compliance with all state, county, and city ordinances, laws, rules, and regulations,

including the Building Code and Fire Code; and

(8) Adequacy of wastewater treatment systems.

(D) *Special development regulations for telecommunication towers, commercial antennas, and broadcast towers.* In addition to compliance with §§ 151.35 *et seq.*, regarding antenna facilities, a tower and tower site approved as a conditional use under this chapter shall comply with the following site development regulations:

(1) Minimum lot size: 10,000 square feet;

(2) Maximum accessory building height: 18 feet and not more than 1 story;

(3) Minimum setbacks for on-site building(s):

(a) Dominant street: 50 feet;

(b) Secondary street: 25 feet;

(c) Interior side yard: 15 feet, 30 feet when adjacent to a residential district; and

(d) Rear yard: 15 feet, 80 feet when adjacent to a residential district.

(4) Minimum setbacks for towers and antennas: Must conform with §§ 151.35 *et seq.*;

(5) Maximum impervious cover: 30%. Impervious cover shall be calculated as a percentage of the lot net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C;

(6) Maximum building coverage: 25%;

(7) Maximum floor area: 2,000 square feet per building; and

(8) Special requirements include:

(a) Development plan review. Review and approval of a development plan by the Planning and Zoning Commission and City Council, in accordance with § 155.077, shall be required for all lots. No certificate of occupancy shall be issued unless all construction and development conforms to the development plan as approved by City Council;

(b) Building facade (such as elevation) plans shall be submitted for review and approval along with the development plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from any roadway, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Administrator or his or her designee may, as he or she deems appropriate, require submission of additional information and materials, possibly actual samples of materials to be used, during the development plan review process;

(c) Open storage is prohibited;

(d) All buildings and walls shall have at least 80% masonry exterior construction, exclusive of doors and windows. Glass block may be counted as masonry for the purposes of this section; stucco may be allowed with development plan approval (see § 155.077);

(e) Buildings, the base of any tower, and any appurtenances shall be screened with natural materials so that they are not visible from major and minor roads nor adjacent residential districts. Additionally, those areas that are addressed within the city streetscape plan shall meet the standards cited therein;

(f) Signage requirements shall be as set forth in other city ordinances adopted by the City Council.

(Ord. 2001-010, § 42, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999

ORDINANCE NO. 2006-022

ANTENNA FACILITIES ORDINANCE

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS, AMENDING AND SUPPLANTING SECTION NO. 151.35 AND ESTABLISHING REGULATIONS FOR ANTENNA FACILITIES, INCLUDING PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A PURPOSE; DEFINITIONS, DISTRICT REGULATIONS; BUILDING PERMITS; CONDITIONAL USE PERMITS; CONSTRUCTION REQUIREMENTS; DENIAL OF PERMIT APPLICATIONS; COLOCATION REQUIREMENTS; RECEIVE-ONLY ANTENNA FACILITIES; AMATEUR WIRELESS FACILITIES; VARIANCES; ADDITIONAL REQUIREMENTS; AN EFFECTIVE DATE; ENFORCEMENT CLAUSE INCLUDING INJUNCTIVE RELIEF, A FINE NOT TO EXCEED \$2,000, AND A CIVIL PENALTY NOT TO EXCEED \$1,000; A REPEALER; A SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council seeks to provide for the orderly development of land and use of property within its corporate limits; and

WHEREAS, the City Council finds that the improper siting, placement, construction and modification of antenna facilities poses a substantial threat to human health and property, obstructs the line of sight for pedestrians and automobile operators, clutters the rural landscape, adversely affects the naturally scenic views and native environment, and decreases property values; and

WHEREAS, the City Council seeks to promote the health, safety and general welfare of the community by enacting regulations providing for the appropriate siting, placement, construction and modification of antenna facilities so as to avoid interference with police, fire and emergency services communications, minimize adverse visual impacts, avoid potential damage to adjacent properties from tower failure and falling debris, maintain the public rights-of-way, preserve property values, maximize the use of new or existing towers to discourage the undue proliferation of towers and antennas, and preserve human health by ensuring compliance with federal requirements; and

WHEREAS, the City Council has the general authority to regulate land use and development and nuisances pursuant to the Texas Constitution, the Village's police power and the Texas Local Government Code, Chapters 51, 54, 211, and 217; and

WHEREAS, the City Council's authority regarding the placement, construction and modification of antenna facilities has been expressly preserved by federal and state law (*See* 47 U.S.C. § 332(c)(7)), and Texas Local Government Code § 250.002); and

WHEREAS, the City Council seeks to facilitate the provision of wireless communication services and support the maintenance of a national network of capable amateur communications stations especially for the purposes of emergency communications; and

WHEREAS, the City Council finds that the following regulations do not unreasonably discriminate among providers of functionally equivalent services and do not prohibit or have the effect of prohibiting the provision of personal wireless services; and

WHEREAS, the City Council finds that the following regulations reasonably accommodate amateur radio communications and represent the minimal practicable regulation to accomplish the Village's legitimate purpose.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE 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 Village of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. PURPOSE

This Ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the Village through the regulation of antenna facilities. The purpose of this Ordinance is to provide for the orderly siting, placement, construction and modification of antenna facilities within the city limits of the Village. This Ordinance is intended to serve as a comprehensive Ordinance that will adequately and equitably regulate antenna facilities.

III. DEFINITIONS

In this Ordinance, the terms listed below shall be defined as follows:

- (a) **Alternative Tower Structure** means clock towers, bell steeples, light poles, and similar alternative antenna mounting structures, except for residential structures. The Alternative Tower Structure may be either a primary or an accessory use on any tract of land. This term includes buildings or other independent support structures such as water towers, church steeples, and utility poles.
- (b) **Amateur Radio and Amateur (Ham) Radio** mean radio operations in the amateur service and as regulated by the FCC under 47 CFR Part 97.

- (c) **Antenna** means any fixed exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves.
- (d) **Antenna Array** means a single or group of Antennas and their associated mounting hardware, transmission lines, or other appurtenances that share a common attachment device such as a mounting frame, mounting support, or Antenna-supporting Structure.
- (e) **Antenna-supporting Structure** means a vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting Structures do not include any device used to attach Antennas to an existing building, unless the Village of Wimberley Antenna Facilities Ordinance device extends above the highest point of the building by more than ten (10) feet.
- (f) **Antenna Facilities** means any Antenna-supporting Structures, its Antenna, and any Personal Wireless Service Facilities, and Unmanned Equipment Buildings. This term includes Amateur Radio Towers and Receive-only Antennas.
- (g) **City Council** means the governing body of the Village of Wimberley.
- (h) **Commercial Mobile Service** means any mobile service (as defined by 47 U.S.C. § 153) that is provided for profit and makes interconnected service available:
 - (1) to the public; or
 - (2) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the FCC.
- (i) **Emergency** means a declaration of a state of emergency by a public official or other appropriate local, state or federal governmental authority.
- (j) **FAA** means Federal Aviation Administration or successor agency having jurisdiction over Antenna Facilities.
- (k) **FCC** means the Federal Communications Commission or successor agency having jurisdiction over Antenna Facilities.
- (l) **Height** means, when referring to an Antenna Facility, Tower or other structure, the distance measured from the finished grade of the structure to the highest point on the Tower or structure, including the base pad and any

Antenna, and if the Antenna is retractable, its Height is the height when fully extended.

- (m) **Non-Conforming Use** means an Antenna Facility that lawfully predated the adoption of this Ordinance and any accompanying regulations that prohibit or restrict such use or structure. (See Section IV(B)).
- (n) **OSHA** means the federal Occupational Safety and Health Administration or successor agency having jurisdiction.
- (o) **Person** means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (p) **Personal Wireless Services** means Commercial Mobile Services, Unlicensed Wireless Services, and common carrier wireless exchange access services.
- (q) **Personal Wireless Service Facilities** means facilities for the provision of Personal Wireless Services.
- (r) **Receive-only Antenna** means any Tower or Antenna that is used exclusively for reception only, including local television broadcast reception antennas, direct satellite antennas, or multichannel multipoint distribution services.
- (s) **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas, including the following Antenna-supporting Structures:
 - (1) **Monopole Antenna Structure:** a self supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.
 - (2) **Lattice Antenna Structure:** a steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
 - (3) **Guyed Lattice Antenna Structure:** a steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more Antennas and related equipment for wireless communication transmission.

- (t) **Unlicensed Wireless Service** means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in 47 U.S.C. § 303(v)).
- (u) **Unmanned Equipment Building** means an accessory building housing electronic and communication equipment as an associated and permitted part of a Wireless Communication System.
- (v) **Village** means the duly incorporated municipality of the Village of Wimberley, located in the County of Hays, State of Texas.
- (w) **Wireless Communication System** means an Antenna-supporting Structure for mobile and land based telecommunication facilities, including Antennas, whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, commercial mobile radio service and radio or television (commercial only) broadcasting towers and transmitting stations. This definition is inclusive of the placement of the above-referenced equipment on a monopole tower, a lattice antenna structure, Tower, guyed steel lattice tower and any other Tower which does or does not utilize guy wire support in addition to related buildings or other independent support structures. This system shall also allow as one of its components an Unmanned Equipment Building.

IV. APPLICABILITY

- A. **New Towers and Antennas.** All Antenna Facilities constructed or erected after the effective date of this Ordinance within the corporate limits of the Village shall be subject to these regulations, except as provided in Section IV(B) below.
- B. **Pre-existing Towers or Antennas.** Antenna facilities, including co-locations, lawfully constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance unless they become more than fifty percent (50%) damaged or modifications exceed fifty percent (50%) of the value of the antenna or tower. Pre-existing Antenna Facilities that do not comply with this Ordinance shall be regarded as Non-conforming Uses.

V. DISTRICT REGULATIONS

- A. Antenna facilities shall be subject to all restrictions applying to the relevant zoning districts in which the antenna facilities are located.

- B. Antenna facilities shall be conditional uses in all zoning districts except for noncommercial, Amateur (Ham) Radio or citizen's band radio antenna-support structures, antennas or antenna arrays. Antenna Facilities shall be treated as accessory uses requiring a Conditional Use Permit, except as otherwise provided by this Ordinance.

VI. BUILDING PERMITS

- A. **Building Permits Required.** It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any antenna facility without first making application to the Village and securing a Building Permit as provided by Village ordinances.
- B. **Exceptions.** Building Permits are not required for:
 - (1) Adjustment, replacement or repair of the elements of an Antenna Array affixed to an Antenna Facility.
 - (2) Antenna Facilities erected temporarily after an officially declared emergency for emergency communication or for broadcast remote pick-up operations. Antenna Facilities erected under this subsection must be removed within seventy-two (72) hours from the date that the emergency is over.
 - (3) Receive-only Antenna twenty-five (25) feet in height, or less.
 - (4) Non-commercial, Amateur (Ham) Radio or citizen's band radio Antenna-supporting Structures, Antennas or Antenna Arrays twenty-five (25) feet in height, or less.
 - (5) Co-location of additional Antennas on existing Antenna Facilities that have obtained the necessary permits.

VII. CONDITIONAL USE PERMITS

- A. **Conditional Use Permits Required.** It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any Antenna Facility without first making application to the Village and securing a Conditional Use Permit as hereinafter provided.
- B. **Exceptions.** Conditional Use Permits are not required for:
 - (1) Adjustment, replacement or repair of the elements of an Antenna Array affixed to a Tower or Antenna, provided that replacement does not reduce the safety factor.

- (2) Antenna Facilities erected temporarily for emergency communication or for broadcast remote pick-up operations. Antenna Facilities erected under this subsection must be removed within seventy-two (72) hours from the date that the emergency is over.
- (3) Non-commercial, Amateur (Ham) Radio or citizen's band radio Antenna-supporting Structures, Antennas or Antenna Arrays.
- (4) Receive-only Antennas less than twelve (12) feet above the peak of the roof of a building.
- (5) Co-location of additional Antennas on existing Antenna Facilities that have obtained the necessary Village permits or are Non-conforming Uses.

C. Conditional Use Permit Applications. The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the Antenna Facility will not create a safety hazard or damage to the property of other persons. In addition to the information required elsewhere in this Ordinance, Conditional Use Permit applications for Antenna Facilities shall include the following information:

- (1) A report from a qualified and licensed professional engineer which:
 - (a) describes the Antenna Facility height and design including a cross section and elevation;
 - (b) documents the height above grade for all potential mounting positions for co-located Antenna Facilities and the minimum separation distances between Antenna Facilities;
 - (c) describes the Antenna Facility's capacity, including the number and type of Antennas that it can accommodate;
 - (d) includes an engineer's stamp and registration number;
 - (e) includes other information necessary to evaluate the request; and,
 - (f) Prior to the installation of a roof-mounted Antenna, the Village shall be provided with an engineer's certification that the roof will support the proposed Antenna Facility and associated roof-mounted equipment or that adequate modifications will be made to reinforce the roof.

- (2) For all Towers proposed for commercial use, a letter of intent committing the Tower owner and his or her successors to allow the shared use of the Tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use and shared use will not unreasonably interfere with use by the existing user.
- (3) Before the issuance of a Conditional Use Permit, the following supplemental information shall be submitted:
 - (a) Proof that the applicant has obtained the necessary authorization from the FAA and FCC, as applicable.
 - (b) A report from a qualified and licensed professional engineer that demonstrates the Antenna Facility's compliance with the aforementioned structural and electrical standards and Article IX below.
- (4) Documentation of applicant's mitigation plan, which at a minimum shall include proposed landscaping, screening and security measures.
- (5) Lists of other Tower facilities owned or operated by the applicant within the Village.
- (6) Such other information as may be required by the applicable provisions of the Zoning Ordinance.

D. Application, Inspection, and Engineering Fees. The fee to be paid for Conditional Use Permit Applications and Inspections is that prescribed by ordinance of the City Council. In addition to the fee specified above, the applicant shall reimburse the Village for the actual cost to the Village for the services of an engineer should one be required to review the application and provide engineering expertise to the Village, up to a maximum of five thousand dollars (\$5,000).

VIII. DENIAL OF PERMIT APPLICATIONS

In the event that the City Council ultimately denies an application for a building permit and/or a conditional use permit under the provisions of this Ordinance, the Council will provide the applicant with a written record of such denial supported by substantial evidence.

IX. CONSTRUCTION REQUIREMENTS

A. General. Except as provided in sections XI and XII hereof, all Antenna Facilities erected, constructed, placed or sited within the Village, and all wiring therefore, shall comply with the following requirements:

- (1) All applicable provisions of this Ordinance and other applicable ordinances of the Village.
 - (2) Antenna Facilities shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Village's Commercial Building Code.
 - (3) Antenna Facilities shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the Village's Electrical Code.
 - (4) All signal and remote control conductors of low energy extending substantially above the ground, between an Antenna Facility and a structure, or between Towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - (5) Every Tower affixed to the ground shall be protected to discourage climbing of the Antenna Facility by unauthorized persons. Such protection may include but is not limited to security fencing.
 - (6) All Antenna Facilities shall be constructed to conform with requirements of the federal Occupational Health & Safety Act.
- B. Number of Antenna Facilities.** Only one Tower shall exist at any one time on any one lot or parcel located in a residential zoning district, as established by the Village's comprehensive zoning ordinance.
- C. Design Requirements.** Proposed or modified Towers and Antennas shall meet the following design requirements:
- (1) A site plan demonstrating the surrounding topography and existing structures, tree cover, and vegetation. The site plan shall also include proposed landscaping and screening measures designed to minimize the adverse impacts of the Antenna Facility on adjacent properties and scenic views.
 - (2) Design plans explaining the applicant's plans to construct, paint, or architecturally camouflage the Antenna Facility so to minimize the adverse impacts of the Antenna Facility on adjacent properties and scenic views.
- D. Antenna Facility Setbacks.** Antenna Facilities shall conform with each of the following minimum setback requirements:

- (1) Except as allowed pursuant to subsection (4), the required setback for Antenna Facilities not rigidly attached to a building, shall be equal to the cumulative height of the Antenna Facilities.
- (2) No Antenna Facilities shall be in excess of a height equal to the distance from the base of the Antenna Facility to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five (5) feet.
- (3) At a minimum, Antenna Facilities shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where Towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the Tower does not encroach upon any easements.
- (4) Antenna Facilities shall be set back from the planned public rights-of-way as shown on the most recently adopted master street plan of the Village by a minimum distance equal to one half of the height of the Tower including all Antennas and attachments.
- (5) Antenna Facilities shall not be located between a principal structure and a public street, with the following exceptions:
 - (a) In industrial zoning districts, Towers may be placed within a side yard abutting an internal industrial street.
 - (b) On sites adjacent to public streets on all sides, Antenna Facilities may be placed within a side yard abutting a local street.
 - (c) An Antenna Facility's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Village, to allow the integration of a Tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

E. Antenna Facility Height. All proposed Antenna Facilities shall comply with the following height restrictions:

- (1) In all overlay zoning districts, the maximum height of any Antenna Facility shall be twenty-five (25) feet;
- (2) In all residential zoning districts not within an overlay district, the maximum height of any Antenna Facility shall not exceed one (1) foot for each four (4) feet the tower is set back from adjoining residential property up to a maximum height of sixty (60) feet.

- (3) In all other zoning districts, the maximum height of any Antenna Facility, including all Antenna and other attachments, shall not exceed one (1) foot for each two (2) feet the Tower is set back from residential property up to a maximum height of one hundred fifty (150) feet.

F. Tower Illumination. No Antenna Facilities in any residential zoning district shall have affixed or attached in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the FAA, nor shall any Tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

G. Signs and Advertising.

- (1) The use of any portion of an Antenna Facility for signs other than identification, warning or equipment information signs is prohibited.
- (2) All Antenna Facilities must bear a sign identifying the owner of the antenna facility and providing an emergency telephone number. The sign must be no smaller than one (1) square foot and must be located outside the facility in a location clearly visible from adjacent public right-of-way.

H. Accessory Utility Buildings. All utility buildings and structures necessary to an Antenna Facility shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

I. Abandoned or Unused Towers or Portions of Towers. All abandoned or unused Antenna Facilities and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Village. A copy of the relevant portions of a signed lease that requires the applicant to remove the Tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application for a conditional use permit. In the event that a Tower is not removed within twelve (12) months of the cessation of operations at a site, the Tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.

J. Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of wireless telecommunication Antennas or Antenna Facilities on roofs, walls, and

existing Towers may be approved by the Village provided the Antenna Facilities meet the requirements of this Ordinance.

- K. **Inspections.** All Antenna Facilities may be inspected at least once each year by a designated official of the Village to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.

X. CO-LOCATION REQUIREMENTS

- A. An application for a Conditional Use Permit for a new Antenna Facility shall not be approved unless the Village finds that the equipment planned for the proposed Antenna Facility cannot be accommodated on an existing or approved Tower or building within a one mile search radius [one-half mile search radius for Towers under one hundred twenty (120) feet in height, one-quarter mile search radius for Towers under eighty (80) feet in height] of the proposed Tower due to one or more of the following reasons:
- (1) The planned equipment would exceed the structural capacity of the existing or approved Antenna Facility or building, as documented by a qualified and licensed professional engineer, and the existing or approved Antenna Facility cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the Antenna Facility or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved Towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - (4) Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing or approved Tower or building.
- B. Any Tower proposed for commercial use shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's Antennas and comparable Antennas for at least two additional users if the Tower is over one hundred (100) feet in height or for at least one additional user if the Tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of Antennas upon the Tower and to accept Antennas mounted at varying heights.

XI. RECEIVE-ONLY ANTENNA FACILITIES

Receive-only Antennas shall be considered as permissible accessory uses in all zoning districts.

XII. AMATEUR WIRELESS FACILITIES

- A. **Exemption for certain amateur wireless facilities.** All non-commercial, Amateur (Ham) Radio or citizen's band radio Antenna Facilities that are less than forty (40) feet in height in residential, neighborhood service districts and overlay districts and sixty-five (65) feet in height in all other zoning districts are exempt from the provisions of this Ordinance except as provided below, and in Article VI, Building Permits, notwithstanding any other provision(s) contained in zoning codes of the Village of Wimberley; however, any person constructing and/or operating an Antenna-supporting Structure, Antenna or Antenna Arrays less than the heights enumerated above shall, upon request from the village building official, provide evidence of a valid FCC amateur radio license, or other authorization for operation of an Amateur Radio facility. Failure to demonstrate a valid license upon request shall be cause for issuance of a code violation citation in accordance with the provisions of section XVI of this Ordinance, and the person shall either furnish evidence of a valid FCC license or remove the Antenna-supporting Structure, antenna or Antenna Arrays within fifteen (15) days of the issuance of the aforementioned citation. Non-commercial, Amateur (Ham) Radio or citizen's band Antenna-supporting Structures, Antennas or Antenna Arrays with heights greater than as provided above shall be regulated in accordance with section XII(B).
- B. **Requirements for amateur wireless facilities in excess of forty (40) feet in residential and neighborhood service districts or in excess of sixty-five (65) feet in all other zoning districts.** An applicant proposing an amateur wireless facility in excess of forty (40) feet in residential neighborhood service districts and overlay districts or in excess of sixty-five (65) feet in all other zoning districts shall be required to obtain a special permit.
- (1) Application requirements:
- (a) Site plan application in accordance with the site plan requirements, Section 46 of the Village's Comprehensive Zoning Ordinance;
 - (b) Applicant's copy of current, valid FCC Amateur Radio license, or other authorization for operation of an Amateur Radio facility; and
 - (c) Site plan sketch showing all proposed structures (*e.g.*, support structures, anchorage) and setbacks from such structures to property boundaries.

- (2) Approval criteria:
- (a) Said facility shall be accessory to a legal, principal use on site (*e.g.*, a residence);
 - (b) Antenna Facilities shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located, but in all events the setback requirements for (i) fixed Antenna Facilities shall be at least 110% of the Antenna Facilities' height.
 - (c) Applicant shall commit in writing and demonstrate to the Building Inspector that the facility will be erected in accordance with manufacturer's recommendations;
 - (d) If more than two hundred twenty (220) volts are present in the ground grid or in the Tower, the Building Inspector shall require the attachment of a sign to the Tower that shall display in large bold letters the following: "HIGH VOLTAGE--DANGER";
 - (e) Applicant shall comply with the requirements of sections IX(F), IX(G)(l), IX(I), and IX(K);
 - (f) Applicant shall furnish evidence that the proposed facility meets or exceeds FCC Guidelines for radio frequency radiation exposure;
 - (g) All applications for new or expanded amateur wireless facilities must be accompanied by a sworn certification that the proposed facility complies with applicable deed restrictions (*i.e.*, restrictive covenants) if any [NOTE: Council may wish to delete this subparagraph (g) to avoid entanglement with private deed restrictions.];
 - (h) No antenna over 120 feet shall be allowed and any antenna over 60 feet in residential districts or over 75 feet in all other districts shall be constructed unless the antenna is retractable to 60 feet or less in residential districts or 75 feet or less in all other districts. All retractable antennas must be retracted when not in use; and
 - (i) Certification by a qualified and licensed professional engineer that the amateur antenna facility complies with the latest structural standards and wind loading requirements of the Village's Commercial Building Code.

XIII. VARIANCES

- A. **Criteria for variances.** In order to reasonably accommodate new antenna facilities, the Village Board of Adjustment is authorized in specific cases to issue a variance from the strict and literal terms of this Ordinance if the Board finds as follows:
- (1) the variance is not contrary to the public interest;
 - (2) due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship;
 - (3) the spirit of the Ordinance will be observed and substantial justice will be done; and
 - (4) strict application of the regulation would prohibit or have the effect of prohibiting personal wireless services as defined by federal law, or unreasonably fail to accommodate amateur radio communications.
- B. **Procedure for appeals to the Board of Adjustment.** Any entity that desires to erect or use antenna facilities that would be prohibited by this Ordinance or other regulations of the Village dealing with zoning and land use may apply for a variance according to the following procedures:
- (1) **Application and fee.** An application for a variance by the Board of Adjustment shall be made in writing using forms prescribed by the Board and shall be accompanied by an application fee, a site plan and/or additional information as the Board may require in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.
 - (2) **Review and report by the Village.** The Mayor or the Mayor's designee shall visit the site where the proposed variance will apply and the surrounding area and shall report his/her findings to the Board.
 - (3) **Notice and public hearing.** The Board of Adjustment shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the variance request is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing and also published in the official local newspaper at least ten (10) days prior to the public hearing.

- (4) **Action by the Board of Adjustment.** The Board of Adjustment shall not grant a variance unless it finds, based upon compelling evidence, that the applicant has established each of the conditions in section XIII(A). The Board may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

- (5) **Finality of Decisions; Judicial Review.** All decisions of the Board are final and binding. However, any person aggrieved by a decision of the Board may present a verified petition to a court of record that states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the decision is filed with the City Secretary. Subject to the provisions of Section 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Board.

XIV. ADDITIONAL REQUIREMENTS

The provisions of this Ordinance are to be cumulative of all other Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior Ordinances or parts of Ordinances that are inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

XV. EFFECTIVE DATE

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

XVI. ENFORCEMENT

- A. **Civil and Criminal Penalties.** The Village shall have the power to administer and enforce the provisions of this ordinance as provided by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby declared to be a nuisance.

- B. **Criminal Prosecution.** Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

- C. **Civil Remedies.** Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance

and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance;
- (2) a civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of the ordinance and, after receiving notice, committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
- (3) other available relief.

D. Affirmative Defense. It shall be an affirmative defense to prosecution for a violation of this Ordinance that compliance with the provision would prohibit or have the effect of prohibiting the provision of personal wireless services as defined by federal law or failing to reasonably accommodate amateur radio communications.

XVII. REPEALER

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

XVIII. 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.

XIX. PROPER NOTICE AND MEETING

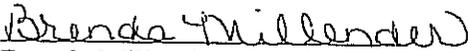
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was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

APPROVED by the Village of Wimberley City Council at its first reading on December 12, 2006; and **PASSED AND APPROVED** by the Village of Wimberley City Council at its second reading on January 18, 2007 by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

VILLAGE OF WIMBERLEY

By: 
Tom Haley, Mayor

ATTEST:


Brenda Millender, City Secretary

APPROVED AS TO FORM:

Patty Akers, City Attorney

Wimberley Independent School District

Empowering Dreams Through Educational Excellence

Superintendent
Dwain York

Asst. Superintendent
Dee Howard

Business Manager
Rafael De Avila, CPA

7/28/2009

Mr. Don Ferguson, City Administrator
City of Wimberley
PO Box 2027
Wimberley TX 78676

RE: Antenna Construction, Wimberley High School

Mr. Ferguson,

Here with we are submitting the Conditional Use Permit application and Building Permit application for the construction of a 90 foot internet antenna tower adjacent to the new Vocational Building at Wimberley High School. This tower is an integral part of our connection for internet to the new Jacob's Well Elementary and it is extremely important that we be allowed to have the tower erected and operational by School start.

We are hereby requesting that we are allowed to continue the tower installation as a temporary solution while the Conditional Use Permit application and Building Permit application are in review process.

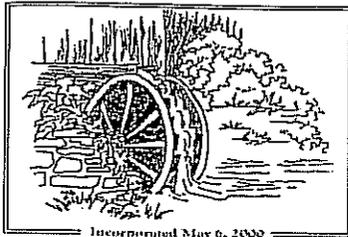
The tower will be constructed in accordance with a codes and ordinances and we believe meets the requirements of the current City of Wimberley Antenna Ordinance 2004-003.

Should the antenna tower prove to be in noncompliance with any applicable code or ordinance, the District will correct or remove the deficiency.

Sincerely,



Dwain York, Superintendent
Wimberley Independent School District



City of Wimberley

12111 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: www.vil.wimberley.tx.us

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

Council Members - Bob Flocke, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 29, 2009

Dwain York
Superintendent
Wimberley Independent School District
14401 Ranch Road 12
Wimberley, TX 78676

Dear Dwain:

I am writing this letter in response to your letter dated July 28, 2009, in which you request permission to proceed with construction of a 90-foot tall wireless communications tower on the site of Wimberley High School in Wimberley, Texas.

As you may be aware, the City of Wimberley directed construction of the subject tower to stop on July 27, 2009 after it was discovered that construction had started without the Wimberley ISD having secured the building and conditional use permits required by the City for such work.

Upon review of your letter and discussions with your project staff, please be advised that the City is willing to agree to the following to meet the District's immediate need for the wireless communications tower. Provided the District first obtains the required building permit for the tower, the City is willing to allow construction of the tower to continue on the subject property while the District's application for the required Conditional Use Permit is being processed and considered by the Planning and Zoning Commission and City Council. Should the District's application for the Conditional Use Permit be ultimately denied, the tower will need to be removed upon formal notification of the denial.

Please be advised that prior to the issuance of a building permit for the subject tower, the City will require the project plans be sealed by a registered professional engineer in the State of Texas.

Per previous City Council action, there will be no building permit or zoning fees levied on the District by the City for the above mentioned permits.

I hope the District finds this plan to be acceptable in addressing the critical need for the wireless tower to be in place by the beginning of the upcoming school year to ensure that adequate communication services exist for the new Jacob's Well Elementary School.

Please let me know if you have any questions or need further information.

Sincerely,

Don Ferguson
City Administrator

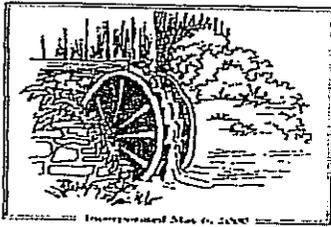
TO: City of Wimberley Planning & Zoning Commission (Meeting Thursday,
August 27, 2009)
City of Wimberley City Council (Meeting Thursday, September 3,
2009)

From: William H. Wilcox and Glenda Wilcox
Property Owner: 100 Donna

We own property at 100 Donna Drive located adjacent to the Wimberley High School, and we approve of a Conditional Use Permit for the construction of a telecommunications tower located at the WISD High School (100 Carney Lane). This tower is a very important piece of equipment for the communication between our schools; therefore, we have no objection to the construction of the tower.

Thank you,

Bill and Glenda Wilcox
112 Overlook Circle
Wimberley, Texas 78676
(512)847-8394



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-09-009

FOR OFFICIAL USE ONLY

Application Date: 8/3 Tentative P&Z Hearing: 8/27 Tentative Council Hearing: 9/3

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

PROJECT SITE ADDRESS: 100 CARNEY LANE Wimberley, TX. 78676

OWNER/APPLICANT WIMBERLEY ISD PHONE (512) 847-2414

FAX (512) 847-2142 EMAIL: DYORK@WIMBERLEY-TX.ED.NET

Mailing Address: 14401 RR 12 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: PF CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

ANTENNA FOR INTERNET

Planning Area A Zoning PF Total Acreage or Sq. Ft. 32.116 AC

Subdivision: WIMBERLEY HS Lot 1 Block _____

Appraisal District Tax ID#: R-14180, R-27480

Deed Records Hays County: Volume _____ Page (IN PROCESS)

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

Type: HIGH SCHOOL

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

Utilities:

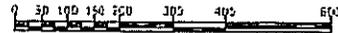
Electric Provider: PEC

Water Provider or Private Well: WIMBERLEY WATER

Wastewater Service Provider or Hays County Septic Permit No: APWA TEXAS

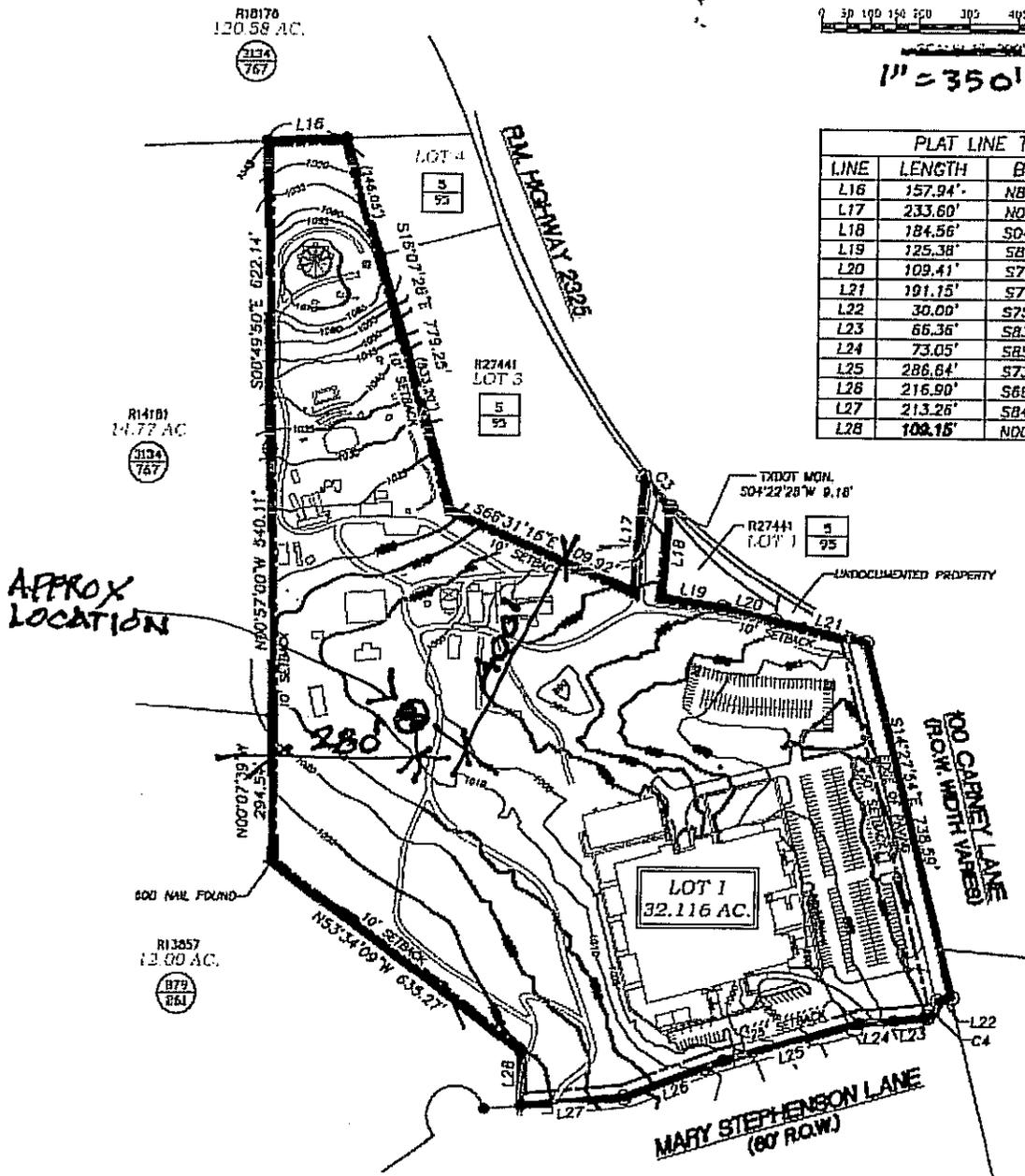
WIMBERLEY HIGH SCHOOL

A SUBDIVISION OF 20,287 ACRES OF LAND
 OUT OF THE JOHN H. DAVIS SURVEY No. 2, ABSTRACT No. 163 AND
 THE J.R. EDWARDS SURVEY, ABSTRACT No. 172,
 TOGETHER WITH LOT 2, FEAGAN'S SUBDIVISION, VOL. 5, PAGE 95, H.C.P.R.
 HAYS COUNTY, TEXAS



1" = 350'

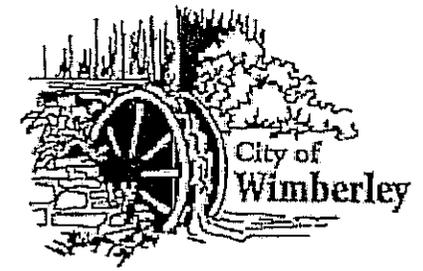
LINE	LENGTH	BEARING
L16	157.94'	N87°47'34"E
L17	233.60'	N04°38'28"E
L18	184.56'	S04°22'28"W
L19	125.38'	S80°36'58"E
L20	109.41'	S77°03'40"E
L21	191.15'	S77°03'40"E
L22	30.00'	S75°32'11"W
L23	66.36'	S83°31'09"W
L24	73.05'	S85°42'42"W
L25	286.64'	S73°51'30"W
L26	216.90'	S68°55'35"W
L27	213.26'	S84°56'39"W
L28	100.16'	N00°25'29"W



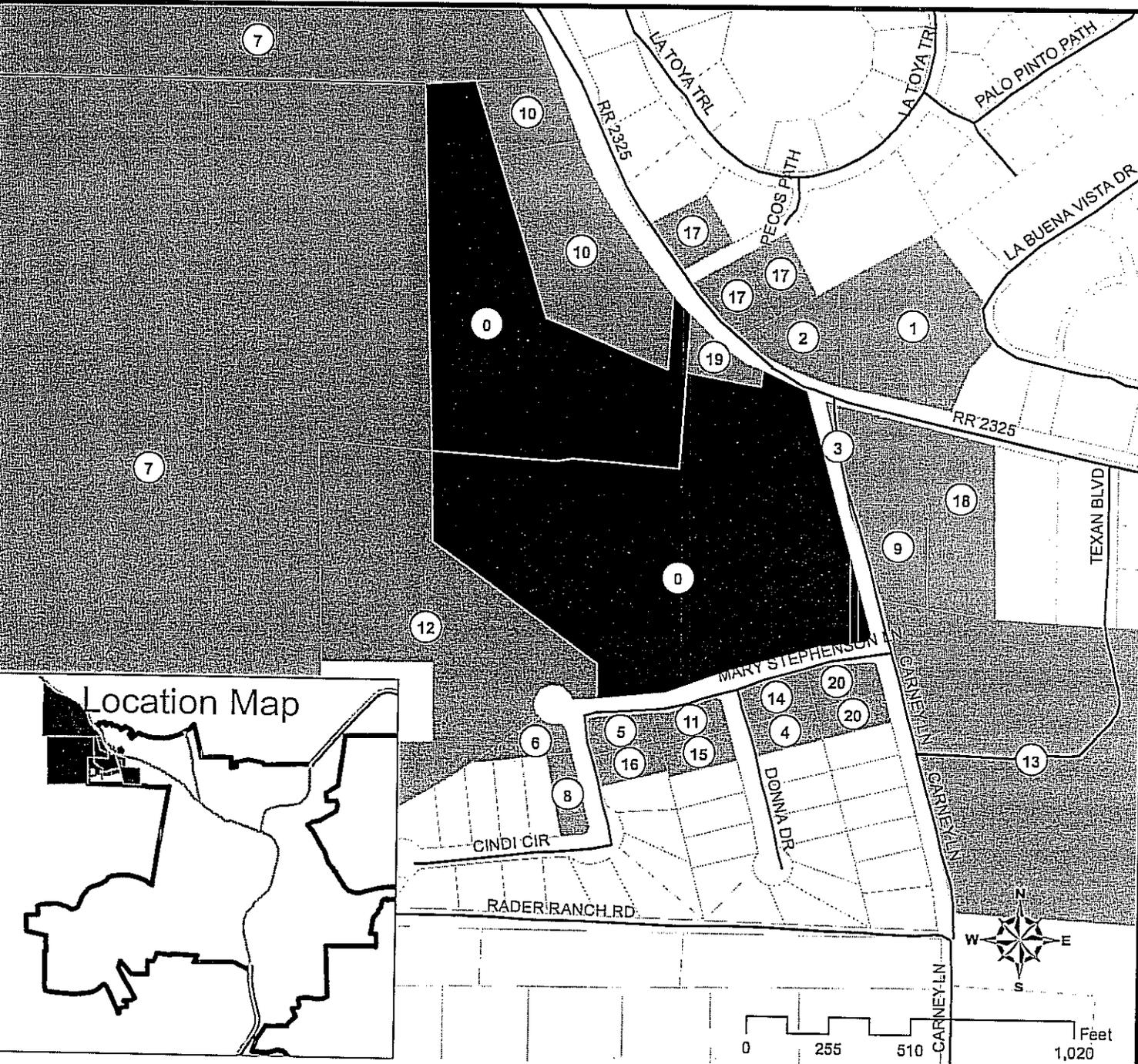
PLAT CONFIGURATION

PLAT BEARINGS REFERENCE GRID NORTH
 OF THE TEXAS STATE PLANE COORDINATE
 SYSTEM, SOUTH CENTRAL ZONE (4204).

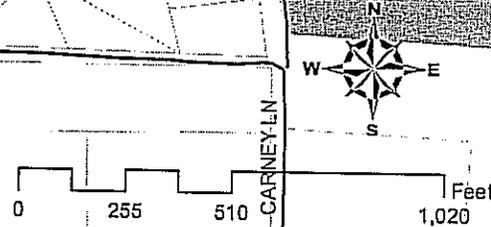
Notified Properties for CUP-09-009



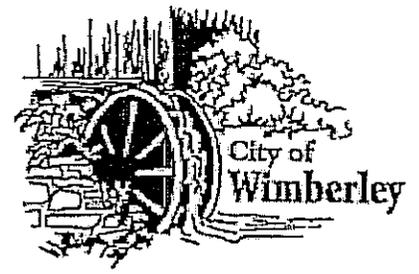
P.O. Box 2027 • Wimberley, Texas 78676



- 0, WIMBERLEY ISD
- 1, SARGENT, JEFFERY N
- 2, IDEALS WELL MANAGED INC
- 3, HAYS COUNTY OF
- 4, SUMERS STEFAN & MARY
- 5, SCHMITTOU, GREGORY S
- 6, HOUSER JERRY D & RUTH L
- 7, KIRCHOFF MARTHA A
- 8, AVILES ARNULFO E & JUANA P
- 9, SANFORD ELIZABETH E
- 10, KRENZIEN STEVEN L & SUSAN L
- 11, WILCOX WILLIAM H & GLENDA
- 12, THOMPSON RICHARD L & JOSEFA A
- 13, WIMBERLEY ISD - TRUST PROPERTY
- 14, BUNTON, SANDRA KUHNS
- 15, NILSON GARY L & MARIAN M
- 16, CATT, CHARLES E
- 17, LATCHFORD WAYNE
- 18, JOHNSON, ROBERT J
- 19, LOWRY CHRISTOPHER & MATT
- 20, HOOVER NICHOLAS L & MILLER IDA I



Zoning for CUP-09-009

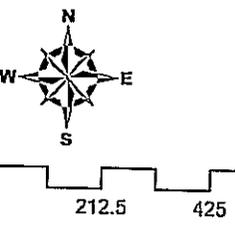
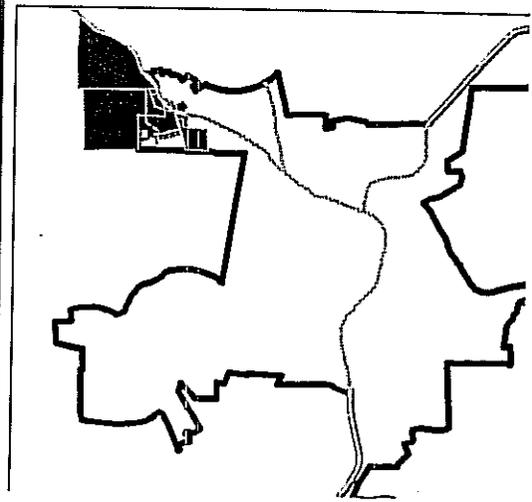


P.O. Box 2027 • Wimberley, Texas 78676

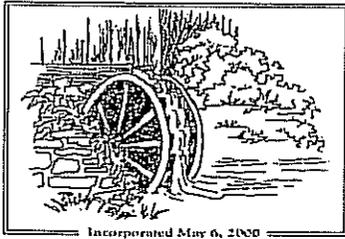


- City Limit
- Subject Property
- Rural Residential 1
- Rural Residential 2
- Low Impact Commercial
- Public Facilities

Location Map



08/24/2009



City of Wimberley

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

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

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

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

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

August 5, 2009

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-09-009**

100 Carney Lane, Wimberley, Texas

A request for a Conditional Use Permit (CUP) to allow the construction of a telecommunications tower

Dear Property Owner:

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

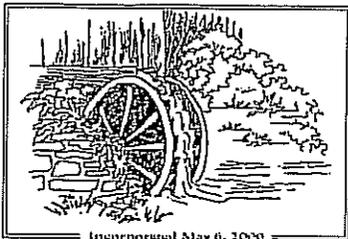
Wimberley ISD has requested a Conditional Use Permit in order to construct a telecommunications tower at 100 Carney Lane. The current zoning for this property is Public Facilities (PF).

The City of Wimberley Planning & Zoning Commission will consider this request during a public hearing on **Thursday, August 27, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, September 3, 2009, at 6:30 p.m.**

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

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

CITY OF WIMBERLEY



City of Wimberley

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

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: CUP-001-009

Owner Wimberley FSD

Date 8/7/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 100 Carney Lane

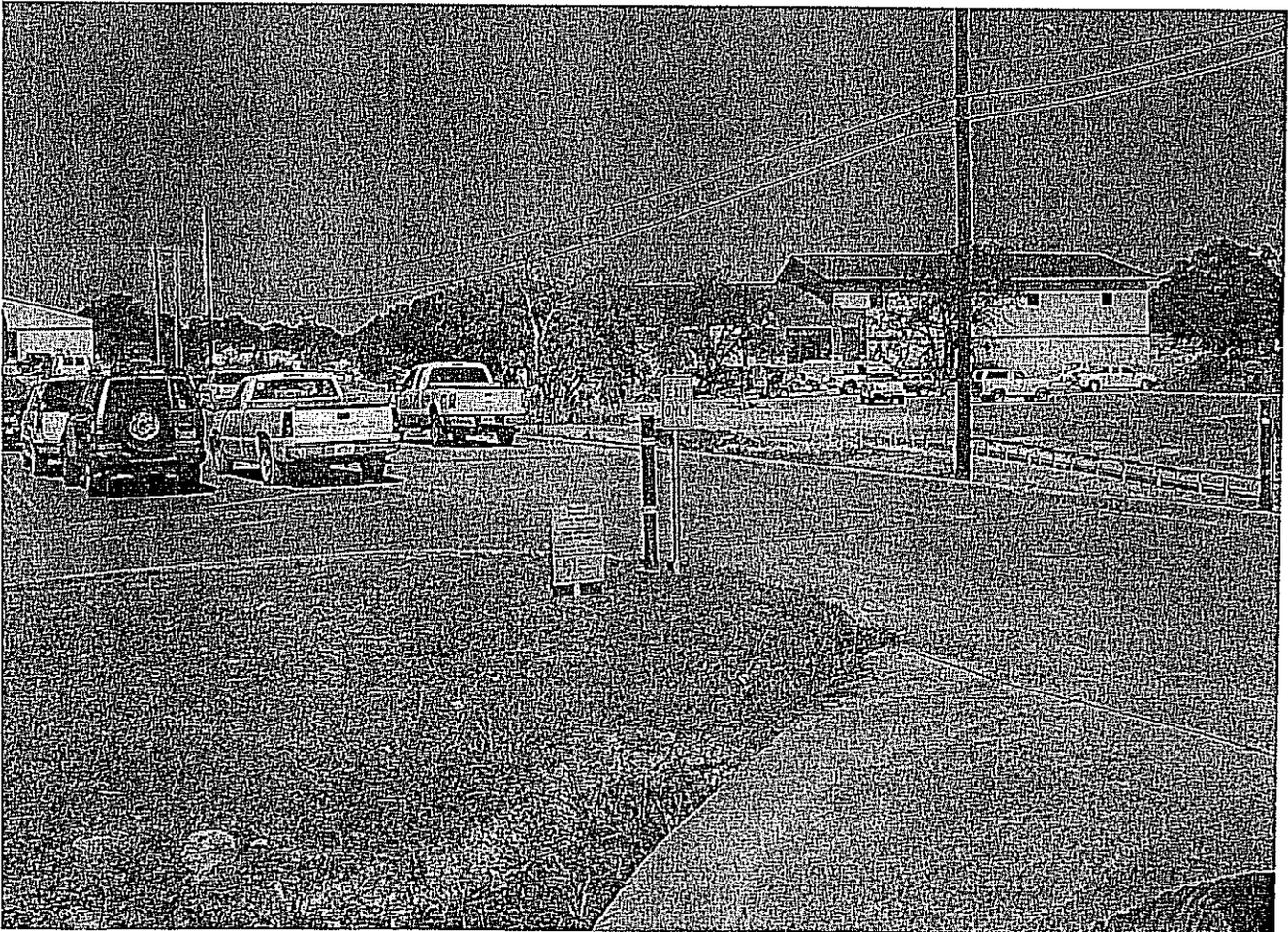
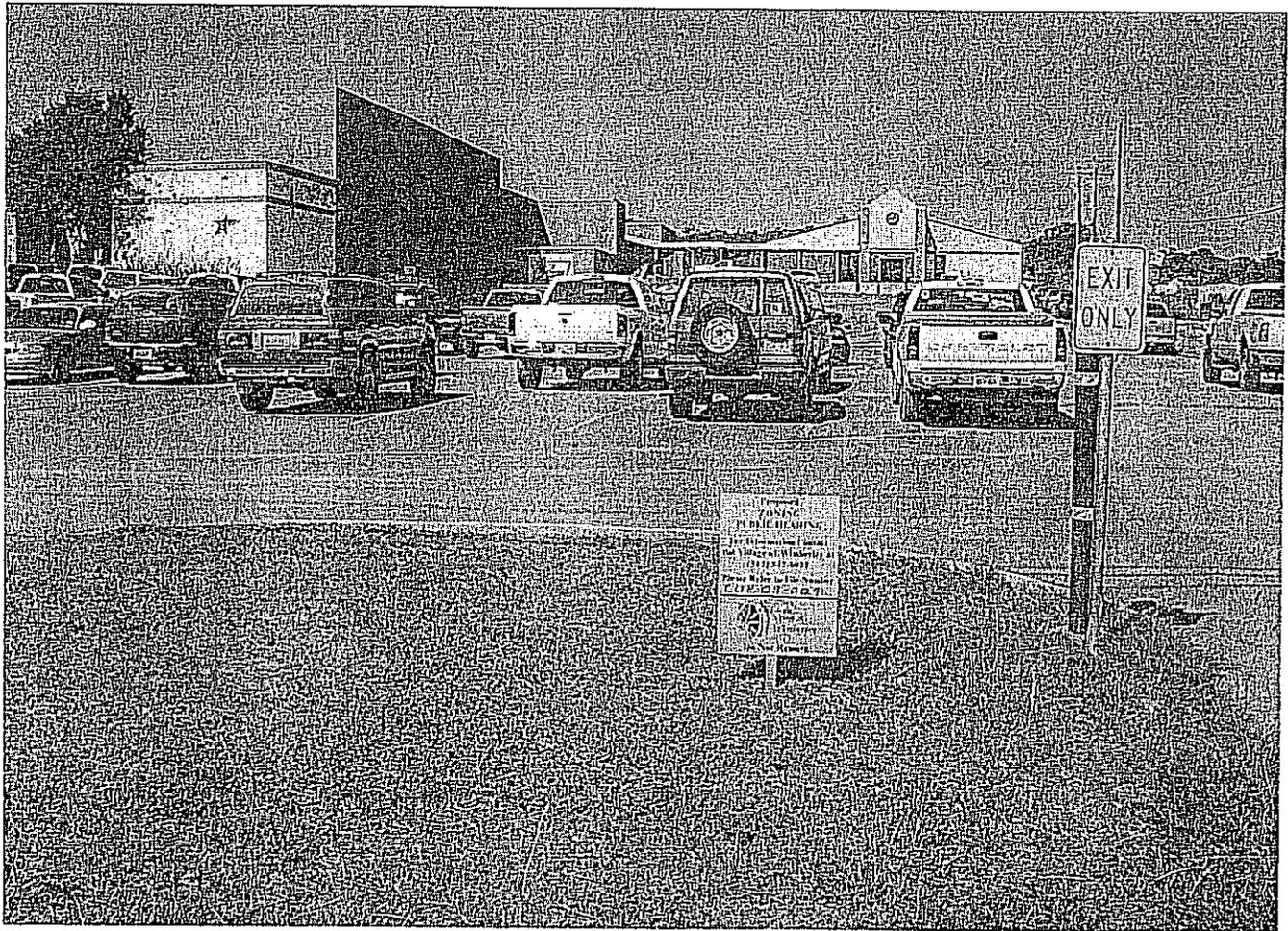
which is located Carney Lane

Bill Bowers
Asst. Public Works

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

8/7, 2009


Signature



THE CLASSIFIED

Wednesday, August 12, 2009

Email your ads to: classifieds@wimberley.com

★ LEGAL & PUBLIC NOTICES

NOTICE OF PUBLIC HEARING CITY OF UHLAND, TEXAS

The City of UHland will hold a public hearing at UHland City Hall, 15 North Old Spanish Trail, UHland, Texas 78640 on Wednesday, September 16, 2009 at 6:30 p.m. to receive comments and input from the public on the following topics:

1. Discussion of the proposed Budget for the fiscal year 2009/2010 for the City of UHland, Texas. Public Comments.
2. Discussion and public input for the proposed ad valorem tax rate of seventeen cents per one hundred valuation of property located within the city limits of UHland, Texas. Public Comments.

Based on the current 2009/2010 budget, the proposed 2009/2010 budget will not raise more total property taxes than last year's original budget, however we anticipate that the current budget will be amended and that the proposed 2009/2010 budget will raise less than total property taxes than last year's budget by \$35,531.01 and of that amount an undetermined amount is tax

revenue to be raised from new property added to the tax roll this year.

Copies of the proposed budget and ad valorem tax rate may be viewed or picked up during normal business hours (Monday-Friday 8:00 a.m. - 5:00 p.m.) at the UHland City Hall, 15 North Old Spanish Trail, UHland, Texas 78640. (512) 398-7399 (05/19/09)

NOTICE OF PUBLIC HEARING (Request for Variance)

Noticalls hereby given that the Zoning Board of Adjustments of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Monday, August 31, 2009 at 6:30 p.m. to consider the following: BA-09-002 - a request for variance from the City zoning requirements relating to the ten-foot side building setback for a property located at 417 Hidden Valley Road, Wimberley, Texas. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (05/15/10/64)

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Noticalls hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 27, 2009 at 6:30 p.m. to consider the following: CUP-09-009 - an application for a Conditional Use Permit (CUP) to allow the construction of a telecommunications tower at 1009 Carnay Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, September 3, 2009 at 6:30 p.m. at the City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (05/15/10/64)

PUBLIC NOTICE

The City of UHland is soliciting proposals from qualified firms to provide Legal Services to the City. Please contact the City at city@uhlandtx.us or 15 N. Old Spanish Trail, UHland, TX 78640 for a bidders' packet. Proposals are due by

08/28/2009 (05/14/10/64)

PUBLIC NOTICE

THE STATE OF TEXAS THE COUNTY OF HAYS TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF EDNA M. ELLIS (DECEASED) CAUSE NO. 11351-P

I, the undersigned Independent Executor of the Estate of Edna M. Ellis, Deceased of Hays County, Texas, having been granted a Letters Testamentary by the County Court of Hays County, Texas in Probate Cause No. 11351-P on the 28th day of July, 2009, hereby notifies all persons indebted to said Estate to make payment and those having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 31st day of July, 2009. DORAH ANDERSON, Independent Executor of the Estate of Edna M. Ellis, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620. (05/29/10/64)

PUBLIC NOTICE

Public hearings will be held at the Planning and Zoning meeting on August 25, 2009 and the City Council meeting on September 8, 2009, to consider a Site Development Permit concerning the

Hays County MUD # Wastewater Treatment Plant Expansion Project. The public meetings were located at the Dripping Springs City Hall at 7:00 pm. If you have any questions, please contact City Hall at 511 Mercer Street, Dripping Springs, Texas or call (512) 858-4725 (05/10/10/64)

NOTICE OF PUBLIC SALE

Of property to satisfy landlord's lien. Sale is 10:00 a.m. August 15, 2009 at 3600 E. HWY 290, Dripping Springs, TX. Property will be sold for highest bidder for cash. Seller reserves right to withdraw property from sale for any reason. Deposit may be required. Property includes contents of spaces of following tenant: Rick Jennings Household furnishings, misc. items. (05/22/09/65)

NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Landlord Lien sale on site September 7, 2009 8am. Misc Goods. Tena L. Ruiz, Rodrigo Rodriguez (05/13/20/66)

★ ANTIQUES

BUY, SELL, TRADE or CONSIGN One item for an entire estate. Campbell's Collectibles 847-6006 (09/06/09/65)

★ AUTOS

GOOD OLD BOYS AUTO RECYCLING (Cash) for your cars and truck. Free pickup! (512) 393-1910 (512) 353-7781 (01/97/10/09/65)

ATTENTION

Road Runner Recycling is now buying all types of scrap metal. We buy junk vehicles in any condition running, wrecked or not. Cash paid. Location: 16980 N. Hwy 123, San Marcos, TX. 512-353-4511 for 512-396-1862 (02/09/09/65/66)

2004 MALIBU 4 DOOR \$3800, 130,000 miles. Good condition. 512-413-2638

Everyone Reads the Classifieds
Reaching 17,500 homes/businesses each week
(Call Leslie Today) 847-2202-858-4163-268-0662

ORDINANCE NO. 2009-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WIMBERLEY INDEPENDENT SCHOOL DISTRICT TO PERMIT THE CONSTRUCTION AND USE OF ONE WIRELESS COMMUNICATIONS TOWER STRUCTURE ON APPROXIMATELY 32.116 ACRE TRACT OF LAND, KNOWN AS 100 CARNEY LANE, WIMBERLEY, TEXAS ZONED PUBLIC FACILITIES (PF); 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 Independent School District (“WISD” or “Applicant”) requesting authorization to construct and use of one (1) wireless communications tower structure on real property zoned Public Facilities (PF); and

WHEREAS, a wireless communications tower is an authorized use in areas zoned Public Facilities (PF) upon the granting of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibit “A” and incorporated herein, and other necessary information, and has complied with the requirements of the City of Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the use of the subject property adding the construction of a secondary residential structure is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Wimberley Independent School District (“Applicant”) requesting authorization to construct and use of one (1) wireless communications tower structure on real property consisting of approximately 32.116 acres, located at 100 Carney Lane, Wimberley, Hays County, Texas, which is zoned Public Facilities (PF), subject to the following terms and conditions:

1. This Ordinance only authorizes the additional use and construction of one (1) wireless communications tower structure in accordance with the site plan attached hereto as Exhibit “A”, attached and incorporated by reference, and is subject to all applicable regulations in effect at the time of the submission of the building permit application. No other use of the property is authorized by this Conditional Use Permit.
2. The tower may not be expanded or increased in height without prior authorization of the City, which shall necessitate the filing of a new application requesting the amendment to this ordinance and accompanying site plan.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

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

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

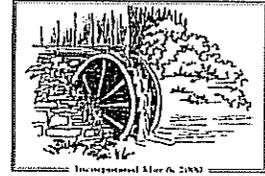
(SEAL)

APPROVED AS TO FORM:

C. Crosby, City Attorney

Report for Zoning Change

ZA-09-018



Summary:

The applicant has requested Commercial-Low Impact (C-1) zoning for a currently un-zoned tract of land at 600 FM 2325

Applicant Information:

Applicant: Kate Brune Tilton
3110 Williams Glen
Sugar Land, TX 77479

Property Owner: Kate Brune Tilton

Subject Property:

Legal Description: 1.367 Acres out of Robert S Rankin Survey No.65 ABS 390 and Benjamin Page Survey No.64 ABS 365

Location: 600 FM 2325

Existing Use of Property: Eating Establishment: Sit-down

Existing Zoning: Un-zoned

Proposed Use of Property: Eating Establishment: Sit-down, including the sale of beer, wine and alcohol for on-premise consumption

Proposed Zoning: C-1

Planning Area: III

Overlay District: Entrance Corridor Overlay, EC

Surroundings:

Frontage On: FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R2	Residential
S of Property	C1	School
E of Property	C1	Commercial
W of Property	Un-zoned	Vacant

Legal Notice

200' Letters Sent: 7/24/09

Published: 7/29/09

Sign Placement: 7/27/09

Comments:

The applicant has requested a base zoning of Commercial – Low Impact (C-1) for a currently un-zoned tract of land located at 600 FM 2325. The subject property is located in Planning Area III, where C-1 zoning is permitted.

The proposed uses for the subject property include a single family residence/office in the front building on the property and a restaurant in the back building. At this time, the applicant plans to utilize the existing structures on the lot and does not anticipate any major construction or development in the near future.

Adequate access and parking are available on the subject property. All parking and signage will comply with applicable City of Wimberley Code requirements.

On August 13, 2009, the Planning and Zoning Commission held a public hearing on the zoning request. Afterwards, the Commission voted unanimously to recommend approval of the request.

It should be noted that there is a companion conditional use permit request pending for the subject property that would allow for a sit-down eating establishment, including the sale of beer, wine and alcohol for on-premise consumption.

On August 20, 2009, the City Council held a public hearing on the zoning request with some proposed conditions recommended by City staff. Afterwards, the Council approved the ordinance and proposed conditions. Following a public hearing on the companion conditional use permit request, the Council approved a motion to reconsider the previous zoning case and then voted to table the case until the September 3, 2009 Council meeting to allow the applicant and concerned neighbors to try to resolve issues relating to the proposed use of the property.

155.047 COMMERCIAL - LOW IMPACT; C-1.

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

(B) *Permitted uses.*

(1) Administrative and professional office:

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

(b) Photography studios, doctors, dentists;

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

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

(e) Research services: limited; and

(f) Office.

(2) Religious assembly;

(3) Retail sales and services: limited;

(4) Business support services;

(5) Child care center;

(6) Repair services: consumer;

(7) Eating establishments: sit-down;

(8) Animal sales and services: grooming;

(9) Convalescent services;

(10) Arts and crafts sales and instruction;

(11) Commercial/single-family residential;

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

(C) *Conditional uses.*

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

(2) Bank and savings and loan (drive-through);

(3) Bed and breakfast lodging;

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

(5) Eating establishments: fast food with drive-through order windows.

(D) *Development regulations.*

(1) Minimum lot size: 5,000 square feet.

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

(a) Primary buildings: not more than 2 stories and not more than 28 feet or 35 feet with gable roof;

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

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

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

(a) Dominant street: 10 feet;

(b) Secondary street: 10 feet; and

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

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

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

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

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

(E) *Special requirements.*

(1) Open storage is prohibited.

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

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

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

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

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

FOR OFFICIAL USE ONLY

APPLICATION DATE: 7/17 FILE NO. ZA-09-018
 TENTATIVE P&Z* HEARING: 8/13 TENTATIVE CC** DATE: 8/20
 CITY INITIATED: YES - NO PLANNING AREA: C ZONING REQUESTED: C1
 ZONING FEES: \$ 352 DATE PAID: 7/17/09 RECEIVED BY: aj

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

APPLICATION FOR ZONING

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

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO BE ZONED: 600 FM 2325 Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 17196 **

* New street addresses can be obtained by calling (512) 393-2160
 ** You may obtain this from your property tax statement.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

NORTH ON 2325 - PAST WIMBERLEY LIBRARY. NEXT TO LINDA'S FINE FOOD. "RESTAURANT" SIGN BY ROAD, THE PROPERTY IS ON RIGHT SIDE OF ROAD, ACROSS FROM K.A.P. SCHOOL

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

1. OWNER'S NAME: KATE BRUNE TILTON HOME PHONE: (281) 265-5956
 BUSINESS PHONE: (281) 705-1291
 FAX: () _____
 E-MAIL: ktilton@utmb.edu

OWNER'S CURRENT MAILING ADDRESS 3110 WILLIAMS GEN CITY SUGAR LAND STATE TX ZIP 77479

2. AGENT'S NAME: KATE TILTON AGENT'S PHONE: (281) 705-1291
 FAX: () _____
 AGENT'S FIRM NAME: BRUNE-TILTON LLC E-MAIL: _____

AGENT'S FIRM MAILING ADDRESS: 551 WINDMILL OAKS DR. CITY WIMBERLEY STATE TX ZIP 78676

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 1.367 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S): C 5. REQUESTED ZONING CLASSIFICATION: C1

PROPOSED USE(S): RESTAURANT AND BAR

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): Unzoned

7. LEGAL DESCRIPTION

Street Address: 600 Fm 2325 Subdivision: _____

Block(s) _____ Lot(s) _____

Plat Book: BENJAMIN PAGE #64 Page Number: ABSTRACT #365

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

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) Entrance Corridor

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): NO

C. ELECTRIC UTILITY PROVIDER: PEDERNALES ELECTRIC

WATER UTILITY PROVIDER: CITY WIMBERLEY

WASTEWATER UTILITY PROVIDER: SEPTIC ON PROPERTY

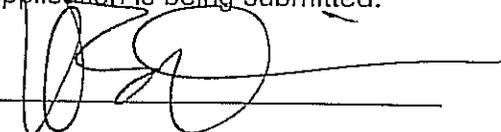
HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

Related Cases, If Applicable

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

SITE INSPECTION AUTHORIZATION

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

Date: 7-16-2009 APPLICANT SIGNATURE 

WHEN APPLICABLE:

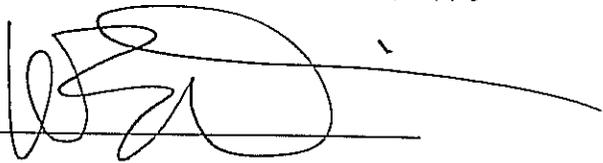
Date: _____ AGENT SIGNATURE _____

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 600 Fm 2325, and more particularly known as Lot _____, Block _____ of the _____ Subdivision.

If a conflict should result with the request I am submitting to the Village of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 7-16-2009 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

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

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

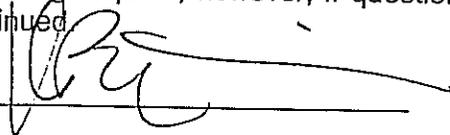
SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

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

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

Date: 1-16-2009

APPLICANT SIGNATURE _____

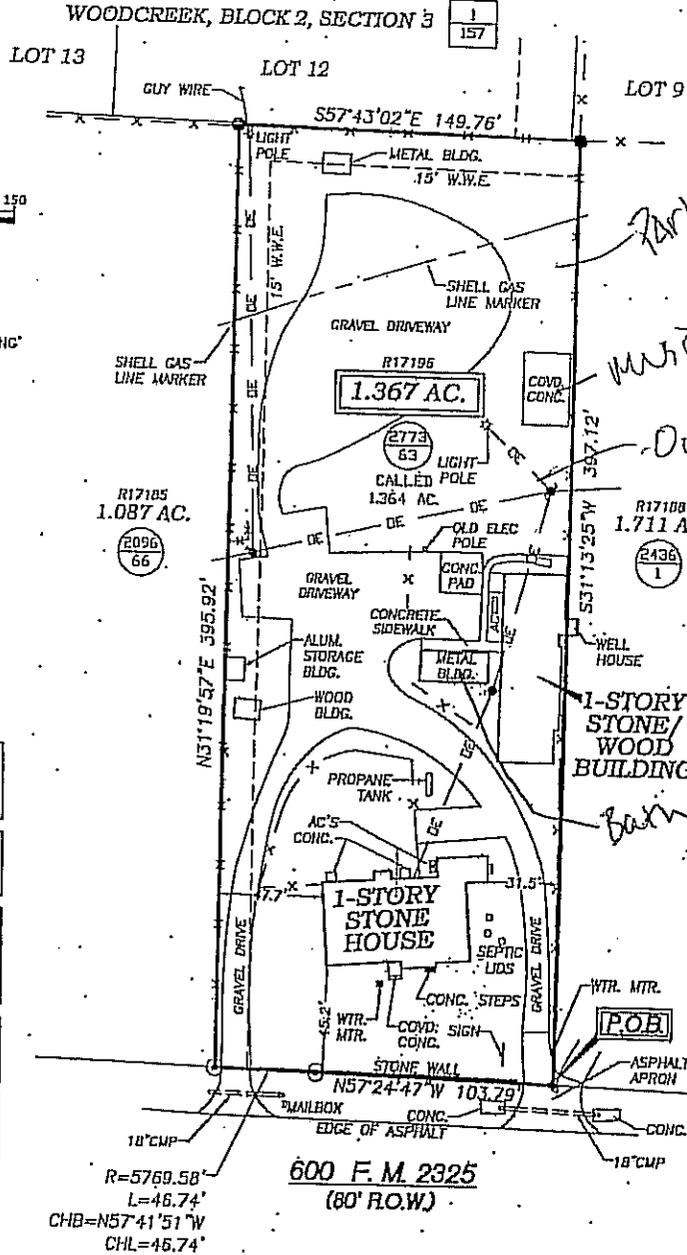


WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

1.367 ACRES OF LAND
OUT OF THE ROBERT S. RANKIN SURVEY No. 65, ABSTRACT No. 390
AND THE BENJAMIN PAGE SURVEY No. 64, ABSTRACT No. 365,
HAYS COUNTY, TEXAS



LEGEND

- 1/2" IRON ROD FOUND—UNLESS NOTED
- ⊙ 1/2" IRON ROD SET—"DRIFTWOOD SURVEYING"
- ⊕ MAG NAIL FOUND
- ⊙ SERVICE OR UTILITY POLES
- DE — OVERHEAD UTILITIES
- EASEMENT
- x - x - FENCE
- - - SETBACK

VOL. HAYS COUNTY PLAT RECORDS
 PG.

VOL. HAYS COUNTY OFFICIAL PUBLIC RECORDS
 PG.

Rxxxxxx HAYS COUNTY PROPERTY IDENTIFICATION NUMBER

NOTES

THIS SURVEY REFERENCES TITLE COMMITMENT No. 1340788-AU42, DATED 05/14/09, PROVIDED BY FIRST AMERICAN TITLE COMPANY.

EASEMENTS AND RIGHTS APPLY PER DEED OF TRUST OF RECORD IN FILE NO. 0707844, H.C.D.R.

THIS TRACT DOES NOT APPEAR TO BE IN THE 100 YEAR FLOODPLAIN ACCORDING TO F.I.R.M. PANEL #4820DC 0238 F, DATED 09/02/05. FLOOD AREAS/ELEVATIONS CAN ONLY BE VERIFIED BY ELEVATION CERTIFICATE.

A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY (SEE PAGE 2).

BEARINGS REFERENCE GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204).

THIS PROPERTY LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF WIMBERLEY AND IS SUBJECT TO ITS ORDINANCES.

A BLANKET UTILITY EASEMENT EXISTS FOR AQUASOURCE UTILITY, INC. AS RECORDED IN VOL. 1667, PG. 518 (OCC No. 00010719) H.C.O.P.R.

SURVEYOR'S CERTIFICATION

This survey is certified to First American Title Company, and buyer, Kathleen Bruna Tilton. I hereby certify to the aforesaid parties, that a careful survey was made on the ground, under my supervision, of the tract of land described herein, and that said survey substantially complies with the current Texas Society of Professional Surveyors Standards & Specifications for a Category 1c, Conditional Land Survey, and that said property abuts a public roadway.



DATE: 06/11/09
 RUDOLF J. PATA, JR. TX. RPLS #5388

Driftwood Surveying Professional Land Surveyors - Serving the ITR Country		DATE: 06/11/09 FIELD CREW: RC DRAWN: CAP CHECKED: ELP PROJ. NO.: HCOB200 DWG. NAME/TITLE: REVISIONS:
P.O. Box 370 Wimberley, TX 78878 PH. (812) 847-7222 FAX (812) 847-7372		DATE: DATE: DATE:
1.367 ACRES OF LAND R. S. RANKIN SURVEY No. 65, A-390 AND B. PAGE SURVEY No. 64, A-365, HAYS COUNTY, TEXAS		
CLIENT:	TILTON	
Page 1 of 2		

1.367 ACRES OF LAND

OUT OF THE ROBERT S. RANKIN SURVEY No. 65, ABSTRACT No. 390,
AND THE BENJAMIN PAGE SURVEY No. 64, ABSTRACT No. 365,
HAYS COUNTY, TEXAS

BEING A TRACT OR PARCEL CONTAINING 1.367 ACRES OF LAND OUT OF THE ROBERT S. RANKIN SURVEY No. 65, ABSTRACT No. 390 AND THE BENJAMIN PAGE SURVEY No. 64, ABSTRACT No. 365 IN HAYS COUNTY, TEXAS; AND BEING ALL OF THAT CALLED 1.364 ACRE TRACT OF LAND (HAYS COUNTY PROPERTY IDENTIFICATION (HCPID) No. R17196) CONVEYED TO CHARLES W. CHRISTIAN BY SPECIAL WARRANTY DEED AS RECORDED IN VOLUME 2773, PAGE 63, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 1.367 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204):

BEGINNING

at a MAG nail found in asphalt on the northeast right-of-way line of Farm-to-Market Road 2325 (FM2325)(80 feet wide) and marking the east corner of that called 1.711 acre tract (HCPID No. R17188) conveyed to Linda Allen as recorded in Volume 2436, Page 1, O.P.R.H.C.T.; said MAG nail also marking the south corner of said 1.364 acre tract and the herein described tract;

THENCE

with said northeast right-of-way line of FM2325, the following two (2) calls:
(1) North 57°24'47" West, a distance of 103.79 feet to a broken concrete highway monument found near a stone wall and marking the beginning of a tangent curve to the left;
(2) along said curve to the left having a radius of 5769.58 feet, an arc length of 46.74 feet, and a chord which bears North 57°41'51" West, 46.74 feet to a 1/2-inch Iron rod with cap stamped 'Driftwood Surveying' set marking the west corner of the herein described tract;

THENCE

North 31°20'05" East, with fence and the southeast line of that called 1.087 acre tract (HCPID No. R17185) conveyed to Terry E. Sumter and Elizabeth A. Sumter, as recorded in Volume 2096, Page 66; O.P.R.H.C.T. and the northwest line of said 1.364 acre tract, a distance of 396.54 feet to a 1/2-inch iron rod found in the southwest line of Lot 12, Block 2, Woodcreek, Section 3, a subdivision of record in Volume 1, Pages 157-158, Hays County Plat Records; said iron rod also marking the east corner of said 1.087 acre tract and the north corner of said 1.364 acre tract and the herein described tract;

THENCE

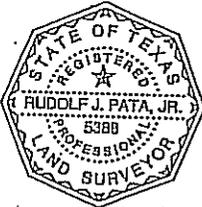
South 57°43'02" East, with fence and the northeast line of said 1.364 acre tract, a distance of 149.76 feet to a 1/2-inch iron rod found in the southwest line of Lot 9, Block 2, Woodcreek, Section 3; said iron rod also marking the east corner of said 1.364 acre tract and the herein described tract;

THENCE

South 31°13'25" West, with the northwest line of said 1.711 acre tract, a distance of 397.12 feet to the POINT OF BEGINNING and containing 1.367 acres of land. A survey map prepared by Driftwood Surveying accompanies this metes and bounds description.

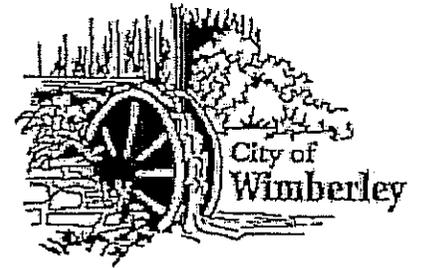
6/11/09
DATE

RUDOLF J. PATA, JR. RPLS #5388



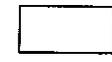
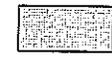
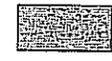
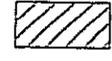
Driftwood Surveying Professional Land Surveyors P.O. Box 379 Wimberley, TX 78676 TEL (512) 847-7222 FAX (512) 847-7372 www.driftwoodsurying.com	METES AND BOUNDS		
	1.367 ACRES OF LAND OUT OF THE R. S. RANKIN SURVEY No. 65, A-390, AND THE B. PAGE SURVEY No. 64, A-365, HAYS COUNTY, TEXAS		
	ADDRESS 600 FM 2325, WIMBERLEY, TEXAS		
	PREPARED FOR: TILTON	TITLE CO. FILE NO. 1340708AU42	DATE 6-11-09
	COMMENT NO. 1340708AU42	PROJECT NO. HCO8209	

Zoning Map for ZA-09-018

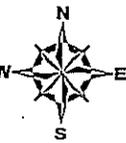
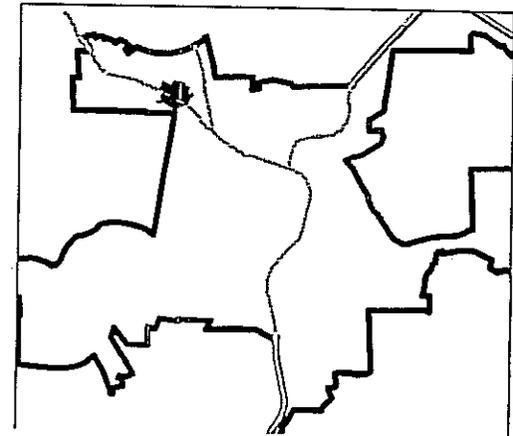


P.O. Box 2027 • Wimberley, Texas 78676



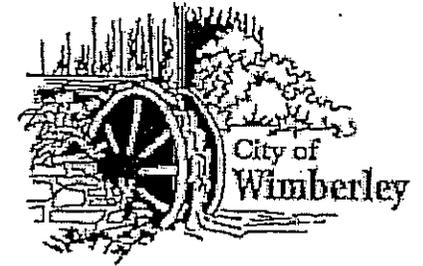
-  300 Foot Buffer
-  Single Family Residential 2 (R2)
-  Lodging 1 (L1)
-  Commercial - Low Impact (C1)
-  Commercial - Moderate Impact (C2)
-  Public Facilities (PF)

Location Map

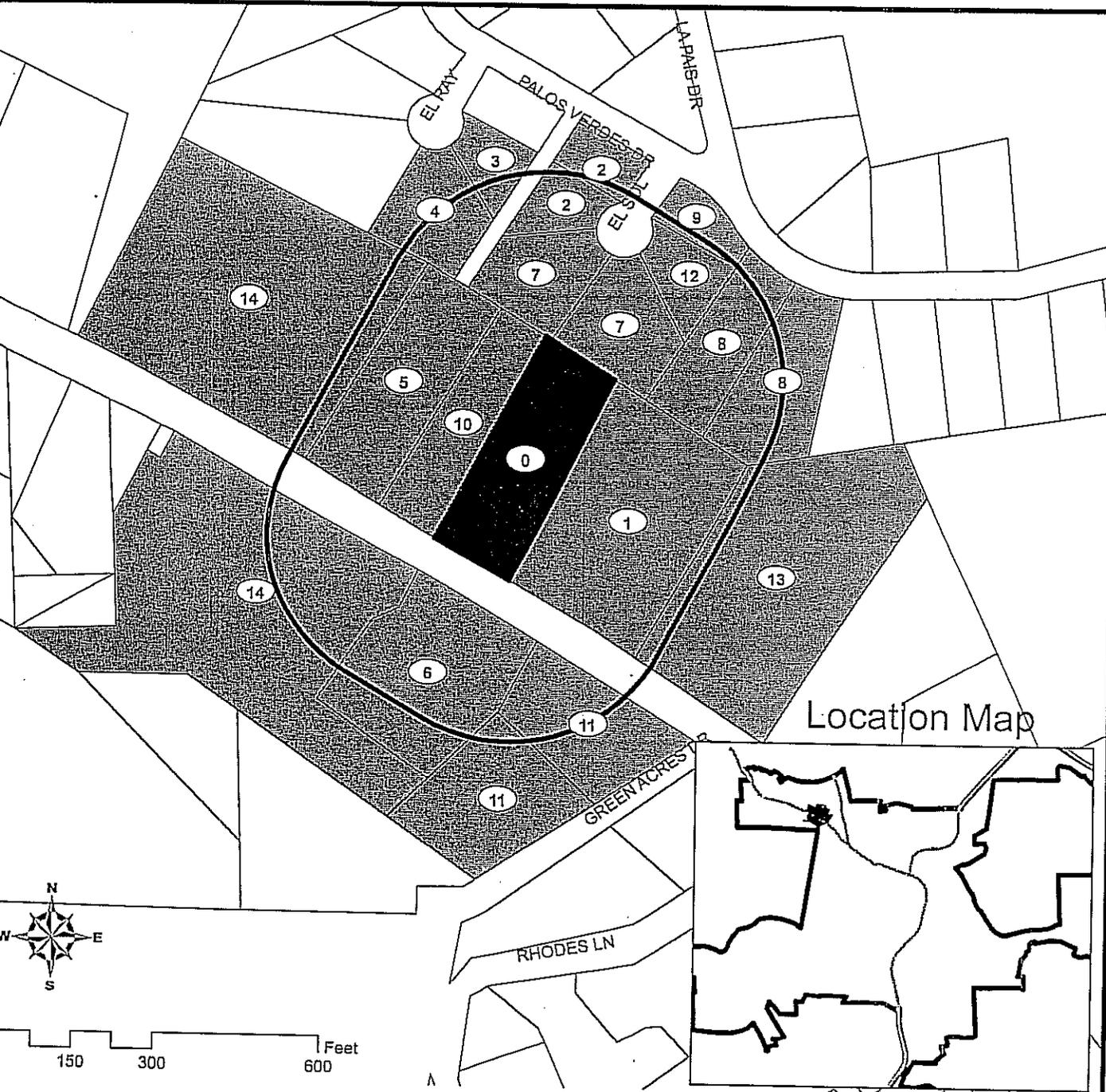


GREEN ACRES DR Feet
 120 240 480

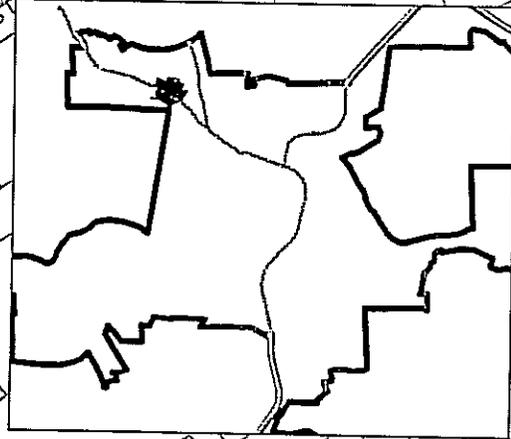
Notification Map for ZA-09-018



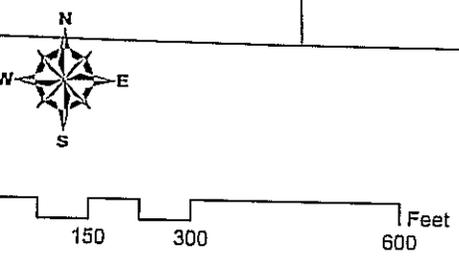
P.O. Box 2027 • Wimberley, Texas 78676

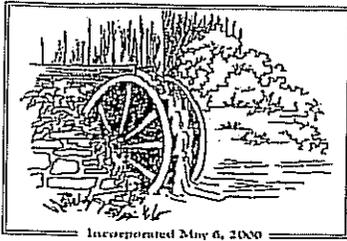


Location Map



-  300parcel
-  SUBJECT PROPERTY
-  1, ALLEN, LINDA
-  2, DICKEY, MADALINE C
-  3, FOGLEMAN WILLIAM & WALKER CLAU
-  4, FOGLEMAN, MARJORY B
-  5, GONZALEZ, EPIFANIA C
-  6, KATHERINE ANNE PORTER SCHOOL
-  7, KURICAR, MARY MAXINE
-  7, BELLO DANNY & JEANETTE B
-  8, MALLARD NEAL & DARENDA W
-  9, BARTON ELSA HERBEL
-  10, SUMTER TERRY E & ELIZABETH A
-  11, TRINITY, CHAPEL
-  12, WERNER, LUETTA
-  13, WILLETT, BOYD
-  14, WIMBERLEY LIONS CLUB





City of Wimberley

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

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

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

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

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

July 24, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-018
600 FM 2325

A request for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land

File No. CUP-09-008
600 FM 2325

A request for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption

File No. AV-09-003
600 FM 2325

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

Dear Property Owner:

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

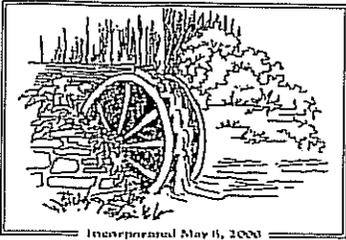
Kate Brune Tilton has submitted an application for initial zoning of Commercial – Low Impact (C1) zoning for a currently unzoned tract of land located at 600 FM 2325. In addition, Ms Tilton has requested a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption at 600 FM 2325. The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, August 13, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 20, 2009, at 6:30 p.m.**

Associated with the above mentioned applications, the applicant is seeking a waiver from the City requirement prohibiting the sale of alcohol within 300 feet of a church, school, day care center or hospital. The Wimberley City Council will consider this waiver request at a public hearing on **Thursday, August 20, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12

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

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

CITY OF WIMBERLEY



City of Wimberley

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

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: ZA-09-018

Owner Kate Brune Tilton

Date 7/27/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

(X) Project Site Address 600 FM-2925

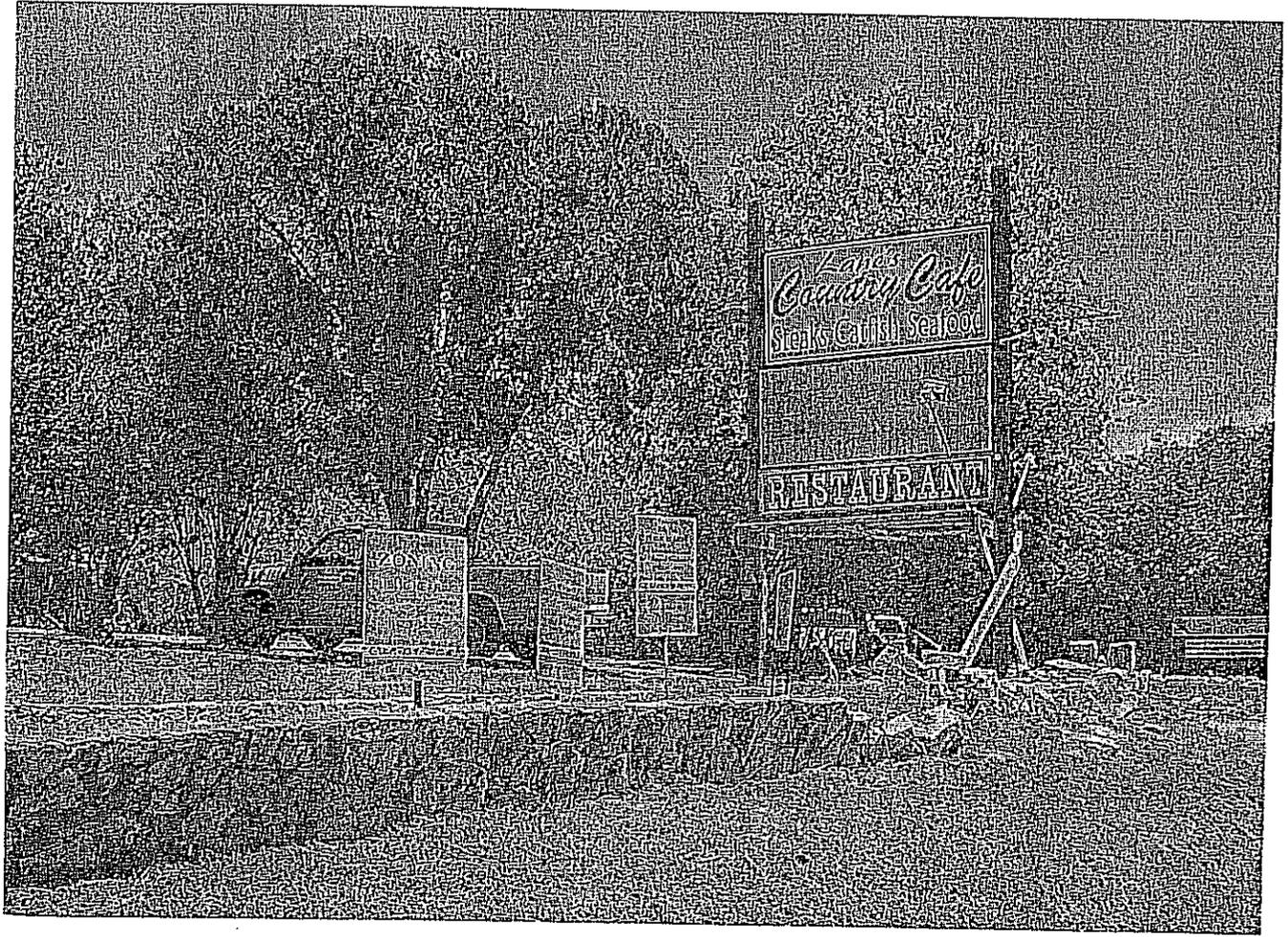
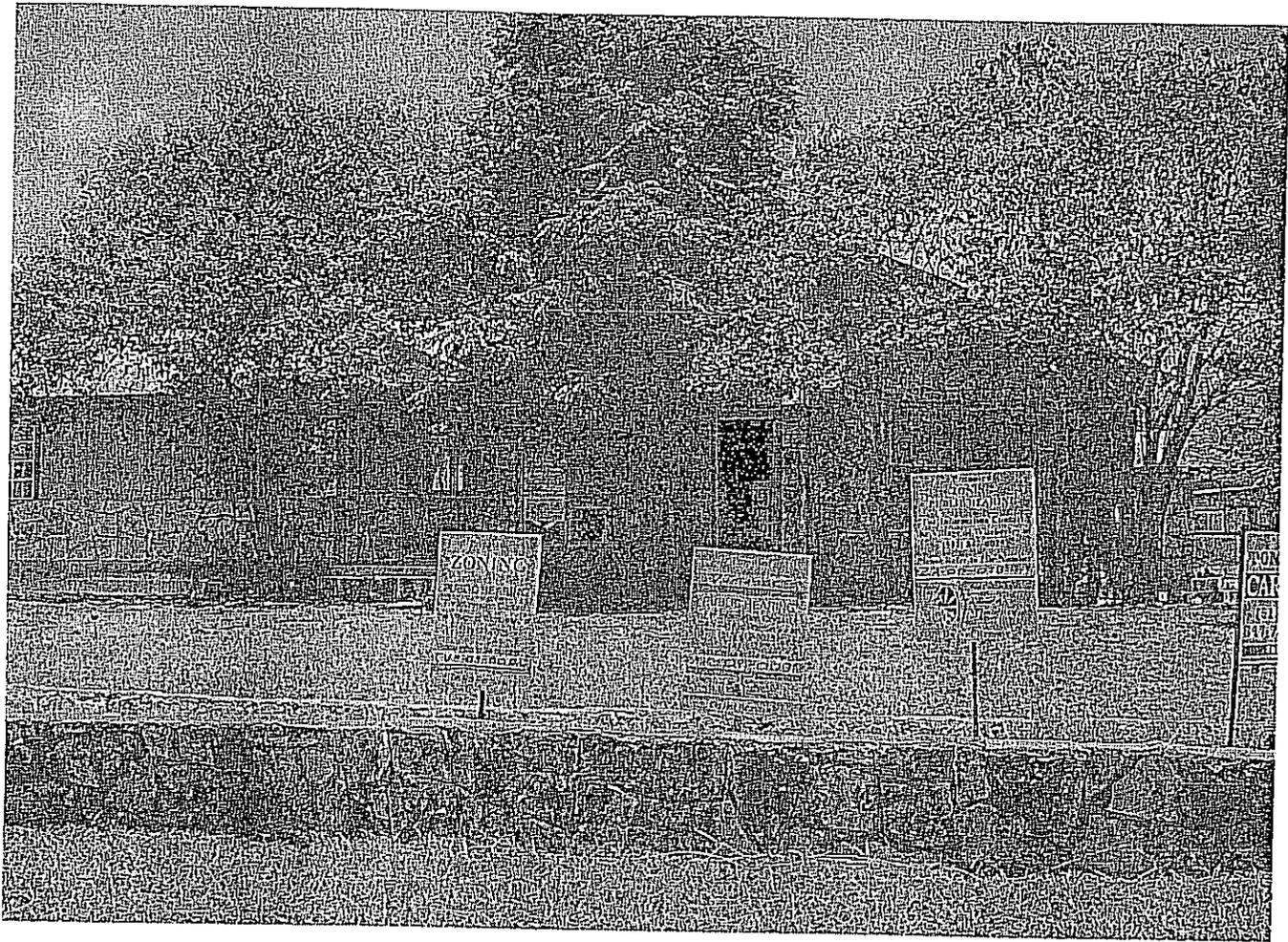
which is located FM-2925

Bill Bowers
Asst. Public Works

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

7/27, 2009


Signature



THE CLASSIFIED

Wednesday, July 29, 2009

Email your ads to: classifieds@wimberley.com

LEGAL & PUBLIC NOTICES

PUBLIC NOTICE

Owners and tenants of various hereby notified that the following vehicles have been taken into custody:

- 2007 Ambulance Bus
- 2007 Make International Model EC 1756
- Year 1978
- ESN 7291000782-5721
- Color Blue
- Wreckers Location

Wreckers Garage and Tires towing LLC, 500 Old Kyle Hwy, S...

Kyle, Texas 78640 (512) 288-0748 (05045) (6660)

NOTICE OF PUBLIC HEARING

Conditional Use Permit

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 13, 2009, at 6:30 p.m. to consider the following CUP 09-008 - an application for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption at 600 FM 2825. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 20, 2009, at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City

Hall, 12111 Ranch Road 112, Wimberley, Texas (05090) (a60) 2025. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 112, Wimberley, Texas (05089) (a60) 2025.

NOTICE OF PUBLIC HEARING

(request for zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 13, 2009, at 6:30 p.m. to consider the following ZA 09-018 - an application for initial base zoning of Commercial, Low Impact (C) at 600 FM 2825. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 20, 2009, at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City

Hall, 12111 Ranch Road 112, Wimberley, Texas (05090) (a60) 2025.

NOTICE OF PUBLIC HEARING

(Request for Alcohol Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, August 20, at 6:30 p.m. to consider the following AV 09-003 - a request for a waiver to sell alcohol for on premise consumption in less than 300' from a school, church, day care, or hospital at 600 FM 2825. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 112, Wimberley, Texas (05090) (a60) 2025.

NOTICE OF PUBLIC HEARING

(Request for Alcohol Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, August 20, at 6:30 p.m. to consider the following AV 09-002 - a request for a waiver to sell alcohol for on premise consumption in less than 300' from a school, church, day care, or hospital at 701 FM

2825. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 112, Wimberley, Texas (05090) (a60) 2025.

NOTICE OF PUBLIC HEARING

(Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 13, 2009, at 6:30 p.m. to consider the following CUP 09-007 - an application for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption at 701 FM 2825. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 20, 2009, at 6:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is

available for review at the Wimberley City Hall, 12111 Ranch Road 112, Wimberley, Texas (05090) (a60) 2025.

PUBLIC NOTICE

The Housing Authority of the City of Kyle is amending its 2008 Agency Plan to comply with the Quality and Work Responsibility Act of 1998. It is available for review at the Authority's office located at 17 West Second Street, Kyle, Texas 78640. The Authority's hours of operation are 9:00 AM to 4:00 PM Monday through Thursday. In addition, a public hearing will be held on August 10, 2009, at the following office: at 2:00 PM (05086) (a60) 2009.

PUBLIC NOTICE

The State of Texas

Notice of Seizure/Sale of Real Property

County of Hays

A First Order of Sale was issued on the 21st day of May, 2009, by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 27th District Court, in and for Hays County, Texas, on the 18th day of March, 2009, in favor of Woodcreek Property Owners Association, Inc. against the Robbins Cause No. 082217. The judgment amount of \$1,650.00 with interest thereon from the date of judgment to the rate of 5.00% per annum in

paid hands, to consist of the foreclosure of one (1) described parcel of land of Sale No. 27th day of May at 3:25 p.m. in the County as the parcel described in the attached map of said parcel.

The property will be sold as is, to Woodcreek Property Owners Association, Inc. on the 27th day of August, 2009, at the first 10:00 a.m. on the 27th day of August, 2009, at the hours to be held at 10:00 p.m. north of Woodcreek County, will be sold and the highest bidder in interest in the property, at 10:30 a.m. Daniel W. Woodcreek, Constable, Precinct 4, County of Hays, Texas, Deputy Constable.

On the property there are granted, to the extent not limited by law, property interests in the property, advised of the property interest, first order of sale.

On the property there are granted, to the extent not limited by law, property interests in the property, advised of the property interest, first order of sale.

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A 1.367 ACRE TRACT LOCATED AT 600 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING INITIAL ZONING FOR SUCH TRACT AS COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Section 155 (Zoning), as amended, (the "Code") are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community's history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the proposed zoning change on the subject property is in accordance with the City's Comprehensive Plan, is compatible with the surrounding zoning uses and classifications and is in furtherance of the public health, safety and welfare; and

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Code of Ordinances and have concluded that the requested zoning designation is consistent with established City policy and in the public interest; and

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

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

The 1.367 acre tract described as part of the Robert S. Rankin Survey No. 65 ABS 390 and Benjamin Page Survey No. 64 ABS 365, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference, in Wimberley, Hays County, Texas, commonly known as 600 FM 2325, is hereby designated with an initial zoning of Commercial-Low Impact (C-1) designation, and is subject to the following conditions:

1. Vehicular and pedestrian ingress and egress shall be solely from FM 2325.
2. Outdoor entertainment shall not use amplification devices of any type.
3. All lights shall be shielded from adjacent properties and shall comply with applicable City ordinances and regulations regarding lighting.
4. A landscape buffer of no less than 10 feet wide shall be installed along the entire length of the rear property line, which may be located in the rear setback area. All landscaping shall meet applicable City ordinances.
5. All restaurant uses shall close to the public no later than midnight, and all outdoor music shall cease at 10:30 pm.
6. Fencing shall be located at the rear property line which shall be no less than 6 feet in height, shall comply with all City regulations regarding fencing, and shall have no access gates at the rear of the property.

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

ARTICLE II. ZONING DISTRICT MAP

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

ARTICLE III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses,

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

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

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

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

ATTEST:

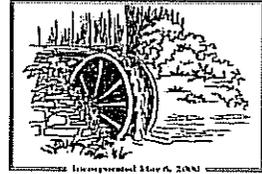
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning Change

CUP-09-008



Summary:

A conditional use permit to allow an eating establishment that includes the sale of beer, wine and alcohol for on-premise consumption at 600 FM 2325

Applicant Information:

Applicant: Kate Brune Tilton
3110 Williams Glen
Sugar Land, TX 77479

Property Owner: Kate Brune Tilton

Subject Property:

Legal Description: 1.367 Acres out of Robert S Rankin Survey No.65 ABS 390 and Benjamin Page Survey No.64 ABS 365

Location: 600 FM 2325

Existing Use of Property: Eating Establishment: Sit-down

Existing Zoning: Un-zoned

Proposed Use of Property: Eating Establishment: Sit-down including the sale of beer, wine and alcohol for on-premise consumption

Proposed Zoning: C-1

Planning Area: III

Overlay District: Entrance Corridor Overlay, EC

Surroundings:

Frontage On: FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-2	Residential
S of Property	C-1	School
E of Property	C-1	Commercial
W of Property	Un-zoned	Vacant

Legal Notice

200' Letters Sent 7/24/09

Published 7/29/09

Sign Placement 7/27/09

Comments:

The applicant has requested a conditional use permit to allow for a sit-down eating establishment which sells beer, wine and alcohol for on-premise consumption at 600 FM 2325. The subject property is located in *Planning Area III*, and is proposed to be zoned Commercial-Low Impact (C-1) in a companion zoning case.

The proposed uses for the subject property include a single family residence/office in the front building on the property and a restaurant in the back building. The proposed restaurant will have both indoor and outdoor seating and a separate bar located outside the restaurant. As per City ordinance, revenue from the sale of alcohol will not surpass fifty percent (50%) of the restaurant's gross revenue. At this time, the applicant plans to utilize the existing structures on the lot and does not anticipate any major construction or development in the near future.

Adequate access and parking is available on the subject property. All parking and signage will comply with applicable City of Wimberley code requirements.

On August 13, 2009, the Planning and Zoning Commission held a public hearing on the conditional use permit request. Opposition was expressed to the proposed conditional use permit by the Superintendent of the Katherine Anne Porter School along with two (2) nearby residential property owners. Afterwards, the Commission voted unanimously to recommend approval of the conditional use permit with the following conditions:

- The 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.
- Vehicular and pedestrian ingress and egress shall be solely from FM 2325.
- Outdoor entertainment shall not use amplification devices of any type.
- All lights shall be shielded from adjacent properties and shall comply with applicable City ordinances and regulations regarding lighting.
- A landscape buffer of no less than 10 feet wide shall be installed along the entire length of the rear property line, which may be located in the rear setback area. All landscaping shall meet applicable City ordinances.
- All restaurant uses shall close to the public no later than midnight, and all outdoor music shall cease at 10:30 pm.
- Fencing shall be located at the rear property line which shall be no less than 6 feet in height, shall be constructed of material which shall screen the uses on the subject property, shall comply with all City regulations regarding fencing, and shall have no access gates at the rear of the property.

On August 20, 2009, the City Council held a public hearing on the proposed conditional use permit and conditions recommended by the Planning and Zoning Commission. After a lengthy hearing and considerable discussion, the Council voted to table the conditional use permit request until the September 3, 2009 Council meeting to allow the applicant to meet with concerned property owners in an attempt to resolve issues raised about the proposed use of the subject property.

ORDINANCE NO. 2009- 031

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES AS FOLLOWS:

1. SECTION 155.005 (DEFINITIONS) TO AMEND, ADD AND DELETE DEFINITIONS RELATED TO ALCOHOL USES;
2. PORTIONS OF SECTION 155.047 (COMMERCIAL - LOW IMPACT (C-1), SECTION 155.048 COMMERCIAL - MODERATE IMPACT (C-2)), AND SECTION 155.049 (COMMERCIAL - HIGH IMPACT (C-3)) TO ALLOW EATING ESTABLISHMENTS: SIT-DOWN, TO SELL BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION AS A CONDITIONAL USE;
3. PORTIONS OF SECTION 155.047 (COMMERCIAL - LOW IMPACT (C-1)), AND SECTION 155.048 (COMMERCIAL - MODERATE IMPACT (C-2)) TO ALLOW PACKAGE STORES OF BEER AND WINE AS A CONDITIONAL USE;
4. PORTIONS OF SECTION 155.049 (COMMERCIAL - HIGH IMPACT (C-3)) TO ALLOW LIQUOR STORES AS A CONDITIONAL USE;
5. PORTIONS OF SECTION 155.049 (COMMERCIAL - HIGH IMPACT (C-3)) TO ALLOW PACKAGE STORES OF BEER AND WINE AS A PERMITTED USE; AND,
6. SECTION 155.091(E) CITY CENTER OVERLAY DISTRICT (CC) ADD LIQUOR STORE AND PACKAGE STORES OF BEER AND WINE AS PROHIBITED USES;

AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

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

WHEREAS, on May 9, 2009, a majority of the voters of Hays County voted to allow the public to purchase alcohol in stores and to purchase and consume alcoholic drinks at restaurants and bars in Justice of the Peace, Precinct Three of Hays County; and,

WHEREAS, amendments to the City's zoning code is necessary to allow certain sales and on-premise consumption of beer, wine and liquor in order to permit such uses in the City's various zoning districts; and,

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

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

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

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and,

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

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

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

I. FINDINGS OF FACT

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

II. AMENDMENTS

A. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Section 155.005 (Definitions) shall be amended as follows:

1. The following definitions shall be amended to read as follows:

"BARS AND TAVERNS. Establishments or places of business where customers are seated and served which are primarily engaged in the sale, mixing, or dispensing of beer, wine and alcoholic beverages for consumption on the premises, and which fifty

percent (50%) or more of gross revenue is derived from the on-premises sale of alcoholic beverages. Typical uses include a tavern, bar or cocktail lounge with minimal or no kitchen facilities and little or no food items served.

EATING ESTABLISHMENTS: SIT-DOWN. Establishments or places of business where customers are seated and served, and that are primarily engaged in the sale of prepared foods and beverages, and may include alcoholic beverages, for on-premises consumption upon approval of a conditional use permit. They are located at high capacity or high volume sites that are easily accessed by vehicles and pedestrians. Typical uses include restaurants, short-order eating places, cafeterias, and coffee shops.

FOOD AND BEVERAGE RETAIL SALES. Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption, including beer and wine beverages. Typical uses include grocery stores and delicatessens, but does not include sale of alcoholic beverages.

RETAIL SALES AND SERVICES: GENERAL. Establishments engaged in the sale or rental of goods and services, both retail and wholesale, of commonly used goods, merchandise, and services, not including the sale of beer, wine, or alcoholic beverages for on or off-premise consumption.

RETAIL SALES AND SERVICES: LIMITED. Establishments engaged in the sale or rental of commonly used retail goods and services, and serving primarily neighborhood or localized population centers, not including the sale of beer, wine, or alcoholic beverages for on or off-premise consumption.

SPECTATOR SPORTS AND ENTERTAINMENT: LOW IMPACT. Establishments or places engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as parking space for social or fraternal gatherings. These uses are conducted in open facilities or within an enclosed building with a capacity of 100 or fewer people and include retail sales, storage facilities, and other activities incidental to the operation. Typical uses include theaters or amusement places, not including the sale of beer, wine, or alcoholic beverages for on or off-premise consumption."

2. The following definition shall be deleted in its entirety:

ALCOHOLIC BEVERAGE SALES

3. The following definitions shall be added alphabetically to read as follows:

"*ALCOHOLIC BEVERAGE* means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

PACKAGE STORE means a store that sells bottled or canned beer and wine beverages for consumption off the premises.

LIQUOR STORE means a store that sells bottled or canned alcoholic beverages for consumption off the premises.”

- B. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.047(B)(7) (Commercial – Low Impact (C-1)), Permitted Uses, is hereby amended to read as follows:

“(B)(7) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”

- C. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.047(C) (Commercial – Low Impact (C-1)), Conditional Uses, is hereby amended to add subsection (6) to read as follows:

“(6) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption.”

- D. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.048(B) (Commercial – Moderate Impact (C-2)), Permitted Uses, is hereby amended to read as follows:

“(8) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”

- E. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.048(C) (Commercial – Moderate Impact (C-2)), Conditional Uses, is hereby amended to add subsection (9) to read as follows:

“(9) Eating establishments: sit-down, including the sale of beer, wine, or alcohol for on-premise consumption.”

- F. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsections 155.049(B)(3) and (5) (Commercial – High Impact (C-3)), Permitted Uses, are hereby amended to read as follows:

“(3) Food and beverage retail sales (such as grocery), not including the sale of beer, wine, or alcohol for on or off premise consumption;

(5) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”

G. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.049(C)(2) (Commercial – High Impact (C-3)), Conditional Uses, is hereby amended to read as follows, and subsection (17) is added to read as follows:

“(2) Liquor and package stores;

(17) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption;”

H. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Section 155.091(E) (City Center Overlay (CC)) is hereby amended to add subsection (11) to read as follows:

“(11) Liquor Stores, excluding establishments that solely serve and sell wine for on and off-premise consumption.”.

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

III. REPEALER

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

VI. PROPER NOTICE AND MEETING

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

FIRST READING PASSED AND APPROVED this 2nd day of July, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND READING PASSED AND APPROVED this 16 th day of July, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: Tom Haley
Tom Haley, Mayor

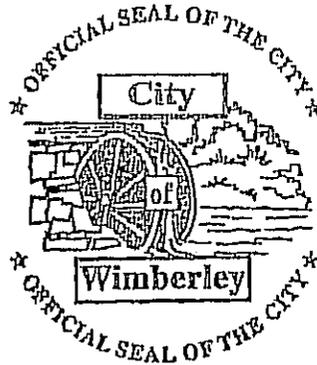
ATTEST:

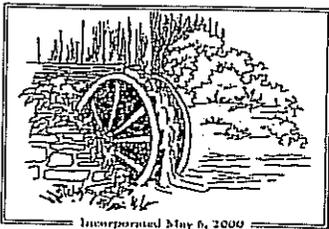
Cara McPartland
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, City Attorney





Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-04-008

FOR OFFICIAL USE ONLY

Application Date: 7-24-09 Tentative P&Z Hearing: 8/13 Tentative Council Hearing: 8/10

FEES: \$400.00 DATE PAID: 7/24 CHECK NO. 4354 REC'D BY Andy

PROJECT SITE ADDRESS: 600 FM 2325 Wimberley, TX. 78676

OWNER/APPLICANT Kate Tilton PHONE (281) 705-1291

FAX() _____ EMAIL: _____

Mailing Address: 3110 Williams Hwy CITY: Sugar Land STATE: TX ZIP: 77479

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: C1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Alcohol Sales

Planning Area C Zoning C1 Total Acreage or Sq. Ft. 1.367 AC.

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID#: R 17196

Deed Records Hays County: Volume _____ Page _____

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

Type: entrance corridor

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

Utilities:

Electric Provider: P.E.C.

Water Provider or Private Well: Wimberley

Wastewater Service Provider or Hays County Septic Permit No: _____

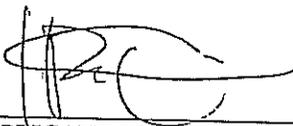
MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$400.00
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the Village zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the Village.
- Applicant understands that Village review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the Village representatives to visit and inspect the subject property.

Date 7-24-09



APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

1.367 ACRES OF LAND

OUT OF THE ROBERT S. RANKIN SURVEY No. 65, ABSTRACT No. 390,
AND THE BENJAMIN PAGE SURVEY No. 64, ABSTRACT No. 365,
HAYS COUNTY, TEXAS

BEING A TRACT OR PARCEL CONTAINING 1.367 ACRES OF LAND OUT OF THE ROBERT S. RANKIN SURVEY No. 65, ABSTRACT No. 390 AND THE BENJAMIN PAGE SURVEY No. 64, ABSTRACT No. 365 IN HAYS COUNTY, TEXAS; AND BEING ALL OF THAT CALLED 1.364 ACRE TRACT OF LAND (HAYS COUNTY PROPERTY IDENTIFICATION (HCPID) No. R17196) CONVEYED TO CHARLES W. CHRISTIAN BY SPECIAL WARRANTY DEED AS RECORDED IN VOLUME 2773, PAGE 63, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 1.367 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204):

BEGINNING

at a MAG nail found in asphalt on the northeast right-of-way line of Farm-to-Market Road 2325 (FM2325) (80 feet wide) and marking the east corner of that called 1.711 acre tract (HCPID No. R17188) conveyed to Linda Allen as recorded in Volume 2436, Page 1, O.P.R.H.C.T.; said MAG nail also marking the south corner of said 1.364 acre tract and the herein described tract;

THENCE

with said northeast right-of-way line of FM2325, the following two (2) calls:
(1) North 57°24'47" West, a distance of 103.79 feet to a broken concrete highway monument found near a stone wall and marking the beginning of a tangent curve to the left;
(2) along said curve to the left having a radius of 5769.58 feet, an arc length of 46.74 feet, and a chord which bears North 57°41'51" West, 46.74 feet to a 1/2-inch iron rod with cap stamped 'Driftwood Surveying' set marking the west corner of the herein described tract;

THENCE

North 31°20'05" East, with fence and the southeast line of that called 1.087 acre tract (HCPID No. R17185) conveyed to Terry E. Sumter and Elizabeth A. Sumter, as recorded in Volume 2096, Page 66, O.P.R.H.C.T. and the northwest line of said 1.364 acre tract, a distance of 396.54 feet to a 1/2-inch iron rod found in the southwest line of Lot 12, Block 2, Woodcreek, Section 3, a subdivision of record in Volume 1, Pages 157-158, Hays County Plat Records; said iron rod also marking the east corner of said 1.087 acre tract and the north corner of said 1.364 acre tract and the herein described tract;

THENCE

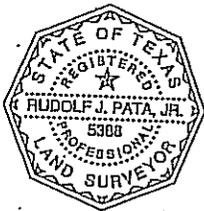
South 57°43'02" East, with fence and the northeast line of said 1.364 acre tract, a distance of 149.76 feet to a 1/2-inch iron rod found in the southwest line of Lot 9, Block 2, Woodcreek, Section 3; said iron rod also marking the east corner of said 1.364 acre tract and the herein described tract;

THENCE

South 31°13'25" West, with the northwest line of said 1.711 acre tract, a distance of 397.12 feet to the POINT OF BEGINNING and containing 1.367 acres of land. A survey map prepared by Driftwood Surveying accompanies this metes and bounds description.

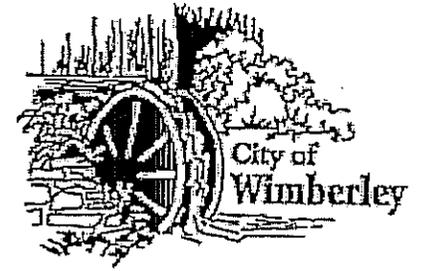
6/11/09
DATE

RUDOLF J. PATA, JR. RPLS #5388



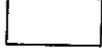
Driftwood Surveying Professional Land Surveyors P.O. Box 379 Wimberley, TX 78676 TEL (512) 847-7222 FAX (512) 847-7372 www.driftwoodsuvrveying.com	METES AND BOUNDS		
	1.367 ACRES OF LAND OUT OF THE R. S. RANKIN SURVEY No. 65, A-390, AND THE B. PAGE SURVEY No. 64, A-365, HAYS COUNTY, TEXAS		
ADDRESS			
600 FM 2325, WIMBERLEY, TEXAS			
PREPARED FOR:	TITLE CO. FILE NO.	DATE	
TILTON	1340708AU42	6-11-09	
	COMMITMENT NO.	PROJECT NO.	
	1340708AU42	HC08209	

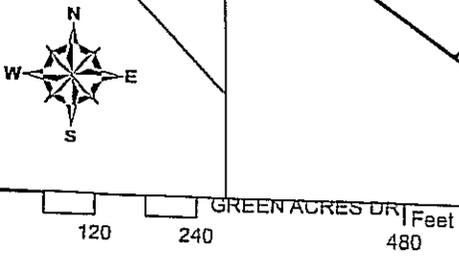
Zoning Map for CUP-09-008



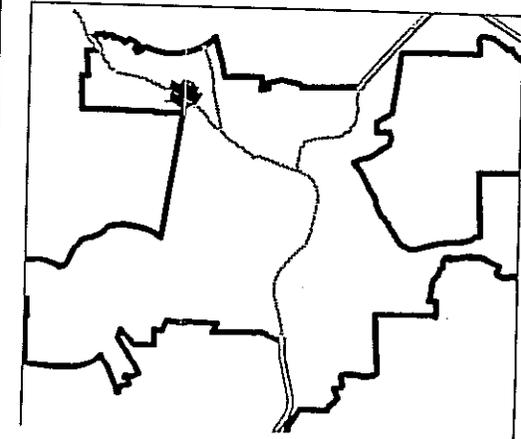
P.O. Box 2027 • Wimberley, Texas 78676



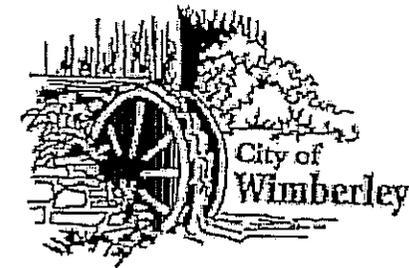
-  300 Foot Buffer
-  Single Family Residential 2 (R2)
-  Lodging 1 (L1)
-  Commercial - Low Impact (C1)
-  Commercial - Moderate Impact (C2)
-  Public Facilities (PF)



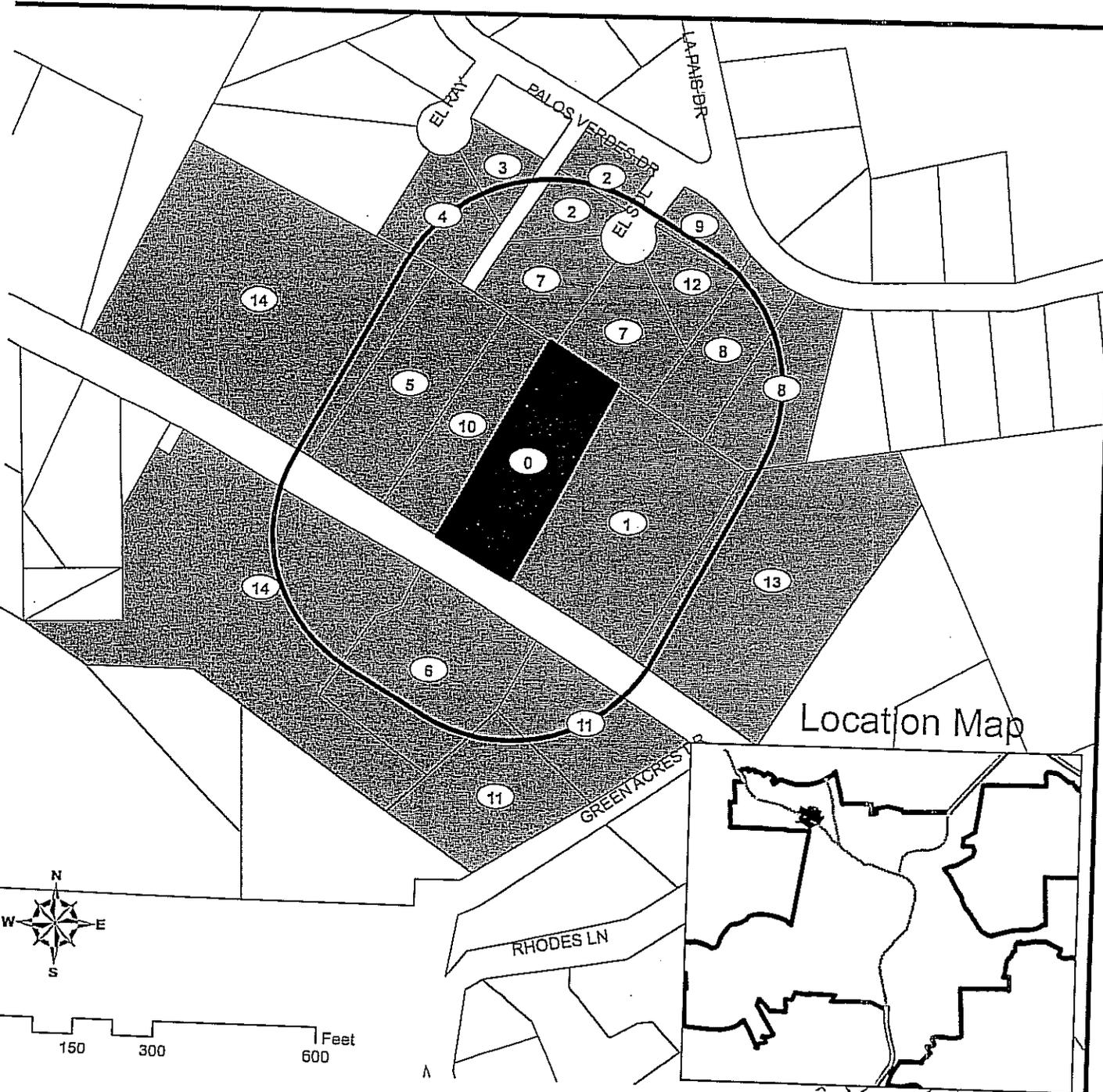
Location Map



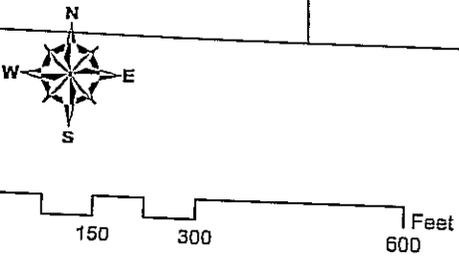
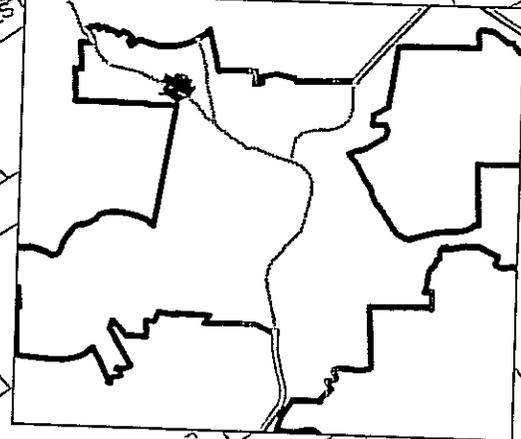
Notification Map for CUP-09-008



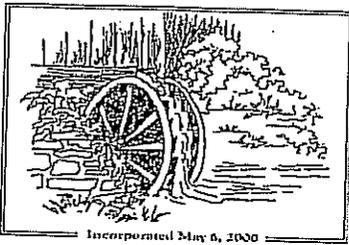
P.O. Box 2027 • Wimberley, Texas 78676



Location Map



-  300parcel
-  SUBJECT PROPERTY
-  1, ALLEN, LINDA
-  2, DICKEY, MADALINE C
-  3, FOGLEMAN WILLIAM & WALKER CLAUDE
-  4, FOGLEMAN, MARJORY B
-  5, GONZALEZ, EPIFANIA C
-  6, KATHERINE ANNE PORTER SCHOOL
-  7, KURICAR, MARY MAXINE
-  7, BELLO DANNY & JEANETTE B
-  8, MALLARD NEAL & DARENDA W
-  9, BARTON ELSA HERBEL
-  10, SUMTER TERRY E & ELIZABETH A
-  11, TRINITY, CHAPEL
-  12, WERNER, LUETTA
-  13, WILLETT, BOYD
-  14, WIMBERLEY LIONS CLUB



City of Wimberley

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

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

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

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

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

July 24, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-018

600 FM 2325

A request for initial zoning of Commercial – Low Impact (C1) for a currently unzoned tract of land

File No. CUP-09-008

600 FM 2325

A request for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption

File No. AV-09-003

600 FM 2325

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

Dear Property Owner:

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

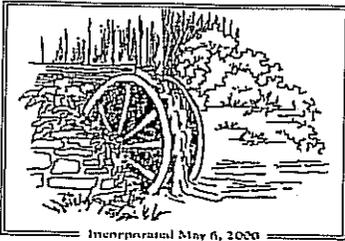
Kate Brune Tilton has submitted an application for initial zoning of Commercial – Low Impact (C1) zoning for a currently unzoned tract of land located at 600 FM 2325. In addition, Ms Tilton has requested a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption at 600 FM 2325. The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, August 13, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 20, 2009, at 6:30 p.m.**

Associated with the above mentioned applications, the applicant is seeking a waiver from the City requirement prohibiting the sale of alcohol within 300 feet of a church, school, day care center or hospital. The Wimberley City Council will consider this waiver request at a public hearing on **Thursday, August 20, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12

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

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

CITY OF WIMBERLEY



City of Wimberley

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

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: CUP-09-008

Owner Kate Brune Tilton

Date 7/27/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

(2) Project Site Address 600 RM-2325

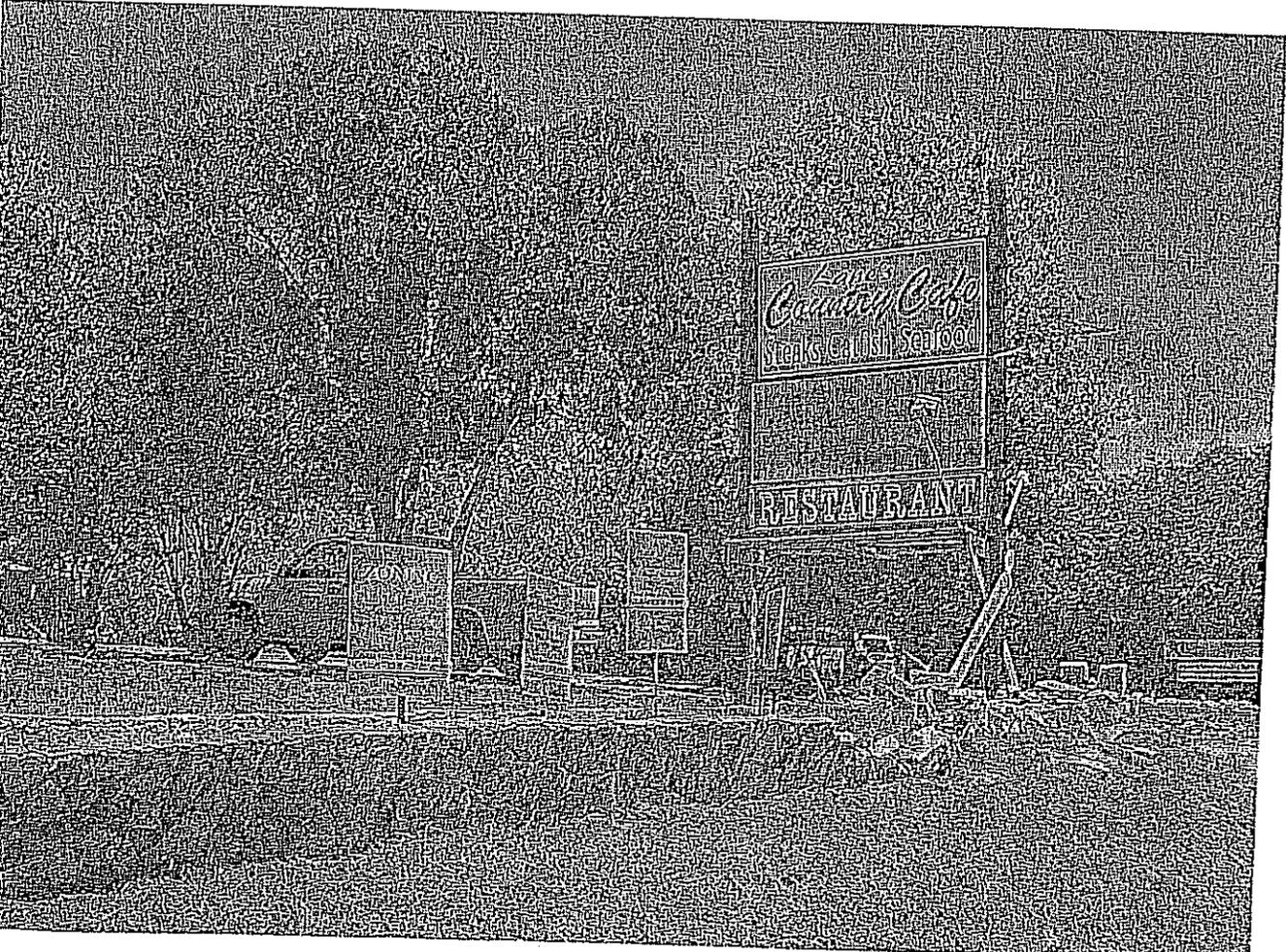
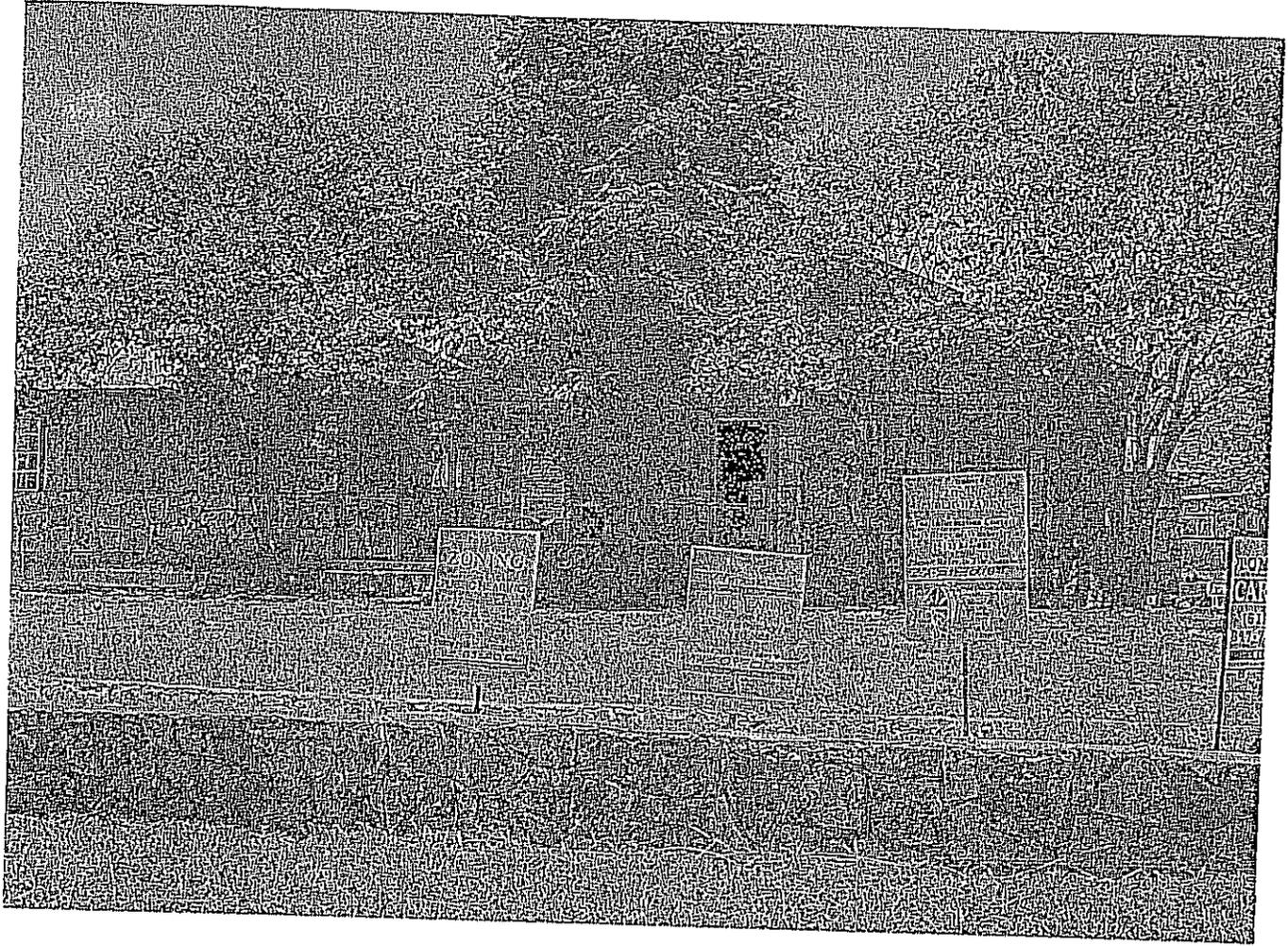
which is located RM-2325

Bill Bowers
Asst. Public Works

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

7/27, 2009


Signature



ORDINANCE NO. 2009-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KATE BRUNE TILTON TO PERMIT AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON AN APPROXIMATELY 1.367 ACRE TRACT LOCATED AT 600 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.

WHEREAS, an application for a Conditional Use Permit has been filed by Kate Brune Tilton ("Applicant") requesting authorization to permit an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as a 1.367 acre tract described as part of the Robert S. Rankin Survey No. 65 ABS 390 and Benjamin Page Survey No. 64 ABS 365, zoned Commercial-Low Impact (C-1); and

WHEREAS, a Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption is an authorized use in areas zoned Commercial-Low Impact (C-1) upon the granting of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application, site plan, and list of conditions on the use of the property, attached hereto as Exhibits "A" and "B", respectively, and incorporated herein, 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 use of the subject property as a Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption, subject to the conditions imposed by this Ordinance, 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 Kate Brune Tilton ("Applicant") to permit an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as a 1.367 acre tract part of the Robert S. Rankin Survey No. 65 ABS 390 and Benjamin Page Survey No. 64 ABS 365, 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 a Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption in accordance with the site plan attached hereto as Exhibit "A", and subject to the conditions described in 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. Vehicular and pedestrian ingress and egress shall be solely from FM 2325.
4. Outdoor entertainment shall not use amplification devices of any type.
5. All lights shall be shielded from adjacent properties and shall comply with applicable City ordinances and regulations regarding lighting.
6. A landscape buffer of no less than 10 feet wide shall be installed along the entire length of the rear property line, which may be located in the rear setback area. All landscaping shall meet applicable City ordinances.
7. All restaurant uses shall close to the public no later than midnight, and all outdoor music shall cease at 10:30 pm.
8. Fencing shall be located at the rear property line which shall be no less than 6 feet in height, shall be constructed of material which shall screen the uses on the subject property, shall comply with all City regulations regarding fencing, and shall have no access gates at the rear of the property.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

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

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

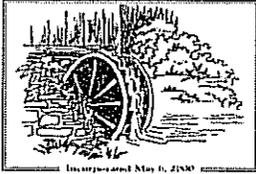
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CONSIDER ACTION ON A DISTANCE RESTRICTION WAIVER REQUEST TO ALLOW FOR THE SALE OF BEER, WINE AND ALCOHOL AT 600 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.

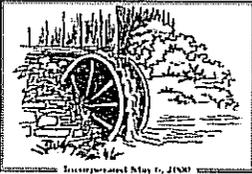
This month, the City of Wimberley received such a waiver request from the owners of a proposed sit-down restaurant who are proposing to sell beer and wine at their sit-down eating establishment located at 600 FM 2325. The subject property is located across the street from the Katherine Anne Porter School. 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, opposition to the waiver request has been received from the school's superintendent along with two (2) adjacent residential property owners.

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.

On August 20, 2009, the City Council voted to delay consideration of the waiver request until September 3, 2009.

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: PUBLIC HEARING ON
PROPOSED FY 2010 BUDGET

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow and receive public comment on the proposed *City of Wimberley FY 2010 Budget* beginning October 1, 2009. A copy of the proposed budget submitted by the Mayor in late August is attached for reference purposes.

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED BUDGET
FY 2010

<u>REVENUES</u>	<u>FISCAL YEAR 2009 BUDGET APPROVED</u>	<u>AMENDED</u>	<u>FISCAL YEAR 2010 BUDGET MAYOR'S PROPOSED</u>
Sales & Use Tax	\$ 476,400.00	\$ 486,500.00	\$ 522,300.00
Mixed Beverage Tax	7,500.00	5,000.00	10,000.00
Interest Income	18,000.00	13,000.00	12,000.00
Misc. Income	5,000.00	20,000.00	12,500.00
Building Permits	22,000.00	13,000.00	15,000.00
Building Inspections	29,000.00	19,000.00	17,500.00
Fire Inspections			5,000.00
Plan Reviews	18,000.00	18,000.00	15,000.00
Beer & Wine Permits	-	-	3,000.00
Sign Permits	7,000.00	3,500.00	3,500.00
Subdivision	15,000.00	10,000.00	10,000.00
Zoning	15,000.00	7,500.00	7,500.00
Copies/Maps/Misc.	500.00	500.00	500.00
Municipal Court/Costs Fines	43,600.00	10,000.00	35,000.00
Franchise Fees	180,000.00	210,000.00	230,000.00
Health Fees	15,000.00	-	17,500.00
Grant Revenue			-
Parking Lot Revenue			1,200.00
Community Center Rental Fees			45,000.00
TOTAL REVENUES	852,000.00	816,000.00	962,500.00

EXPENDITURES

ADMINISTRATION

Personnel

City Administrator	95,000.00	95,000.00	95,000.00
Assistant City Administrator			-
City Secretary	37,000.00	37,000.00	37,000.00
Receptionist/Clerk	29,204.00	29,204.00	29,204.00
Fire Marshal (Contract Labor)	4,000.00	-	5,000.00
Intern	-	-	-
Payroll Taxes	13,341.00	12,770.00	12,770.00
TMRS	8,593.00	4,900.00	5,336.00
Health Benefits	13,500.00	7,794.00	8,544.00
Total Personnel	200,638.00	186,668.00	192,854.00

Restricted for Management's Use Only

RECEIVED
8/18/09
CW

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED BUDGET
FY 2010

ADMINISTRATION (CONT.)	FISCAL YEAR 2009 BUDGET APPROVED	FISCAL YEAR 2009 BUDGET AMENDED	FISCAL YEAR 2010 BUDGET MAYOR'S PROPOSED
<i>Operating</i>			
Dues (TML & City Mgr Assoc.)	4,000.00	4,000.00	3,000.00
Public Notices	4,500.00	4,500.00	4,500.00
Printing	500.00	1,100.00	500.00
Telephone	5,700.00	5,700.00	6,240.00
Copies	750.00	2,500.00	750.00
Rent	55,000.00	52,000.00	55,000.00
Cleaning	5,200.00	5,200.00	5,200.00
Office Supplies	5,000.00	4,000.00	4,000.00
Utilities	5,500.00	6,000.00	6,000.00
Equipment Leases	4,200.00	4,800.00	4,600.00
Water Cooler	540.00	640.00	650.00
Postage	5,000.00	2,500.00	2,500.00
Insurance	15,000.00	15,000.00	15,000.00
Records Management	7,500.00	5,000.00	2,500.00
Office Technology	650.00	650.00	4,200.00
Security Expense	800.00	800.00	800.00
Technology Consultant	535.00	535.00	3,350.00
Pay Comparability Adjustment	1,000.00	1,000.00	1,000.00
Capital Outlay - Furnishings	400.00	400.00	500.00
Capital Outlay - Technology	6,300.00	2,000.00	2,000.00
Capital Outlay - Other	-	52,500.00	-
Mileage	750.00	750.00	500.00
Training-Travel	2,000.00	2,000.00	1,500.00
Contract Labor	-	3,710.00	-
Repairs & Maintenance	-	-	-
Signs/Zoning	-	-	-
<i>Total Operating</i>	<u>130,825.00</u>	<u>177,285.00</u>	<u>124,290.00</u>
TOTAL ADMINISTRATION	<u>331,463.00</u>	<u>363,953.00</u>	<u>317,144.00</u>
LEGAL			
Legal	55,000.00	50,000.00	55,000.00
Operating Transfer-Out	-	-	-
TOTAL LEGAL	<u>55,000.00</u>	<u>50,000.00</u>	<u>55,000.00</u>

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED BUDGET
FY 2010

	<u>FISCAL YEAR 2009 BUDGET APPROVED</u>	<u>FISCAL YEAR 2009 BUDGET AMENDED</u>	<u>FISCAL YEAR 2010 BUDGET MAYOR'S PROPOSED</u>
COUNCIL-BOARD			
Association Dues	1,000.00	1,000.00	-
Training	1,500.00	1,500.00	1,000.00
Town Hall Meetings	-	-	-
Election	2,500.00	2,500.00	3,200.00
Financial Management Services	12,000.00	12,000.00	12,000.00
Audit	10,000.00	13,000.00	13,500.00
Public Satisfaction Survey	-	-	2,500.00
Planning	-	5,000.00	-
Recording Secretary	-	-	-
Economic Development	-	-	-
Public Relations/Receptions	3,000.00	4,000.00	4,500.00
Public Information	2,500.00	-	-
Visitor Center Support	-	-	-
Fitness Council Expenditures	-	6,500.00	5,000.00
TOTAL COUNCIL-BOARD	32,500.00	45,500.00	41,700.00
BUILDING			
Contract Inspector	22,000.00	22,000.00	17,500.00
Site Plan Reviews	18,000.00	18,000.00	15,000.00
Building Code Books	-	-	-
TOTAL BUILDING	40,000.00	40,000.00	32,500.00
PUBLIC WORKS			
<i>Administration</i>			
<i>Personnel</i>			
Salaries-Planning Director	-	-	-
Salaries-Code Enforcement & Permitting	28,121.00	28,121.00	28,121.00
Salaries-Assst. to Planning Director	-	-	-
Salaries-GIS/Permitting Clerk	32,240.00	32,240.00	32,240.00
salaries-Public Works Laborer	-	-	-
Payroll Taxes	4,922.00	4,650.00	4,708.00
TMRS - Public Works	-	1,850.00	1,998.00
Health Benefits	9,000.00	4,800.00	4,800.00
Total Personnel	74,283.00	71,661.00	71,867.00

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CITY OF WIMBERLEY
GENERAL FUND
PROPOSED BUDGET
FY 2010

		FISCAL YEAR 2009 BUDGET APPROVED	AMENDED	FISCAL YEAR 2010 BUDGET MAYOR'S PROPOSED
PUBLIC WORKS (CONT.)				
<u>Operating</u>				
	Mileage	250.00	-	250.00
	Training	1,000.00	-	500.00
	Certificates	-	-	-
	Supplies - Public Works	-	-	500.00
	Fuel	2,000.00	1,000.00	2,000.00
	Tools	750.00	750.00	500.00
	Capital Outlay - Vehicles	-	-	-
	Vehicle Maintenance	1,000.00	500.00	500.00
	<i>Total Operating</i>	5,000.00	2,250.00	4,250.00
	<i>Total Administration</i>	79,283.00	73,911.00	76,117.00
<u>Roads</u>				
	Road Maintenance	75,000.00	75,000.00	85,000.00
	Transfer to Road Maintenance Reserve	20,000.00	20,000.00	20,000.00
	Capital Outlay Roads	40,000.00	21,000.00	50,000.00
	Road Engineering	7,000.00	9,200.00	6,000.00
	Road Insurance	-	-	-
	Mowing/Tree Trimming	12,500.00	8,500.00	10,500.00
	Signs/Barricades	5,000.00	6,028.00	3,500.00
	Parking Lot Lease	1,200.00	1,200.00	1,200.00
	Master Planning Traffic Studies	-	-	-
	Survey Services	-	-	50,000.00
	Contract Labor	5,000.00	5,000.00	-
	Ranch Road 12 Mitigation	-	-	-
	<i>Total Roads</i>	165,700.00	146,928.00	226,200.00
<u>Water/Wastewater</u>				
	Water Quality Testing	5,000.00	1,500.00	1,500.00
	Wastewater System Start-up	-	-	-
	Map Services	-	-	-
	Water/Wastewater Purchases	-	-	-
	Capital Outlay	-	-	-
	Public Restroom Wastewater	7,500.00	4,500.00	6,000.00
	<i>Total Water/Wastewater</i>	12,500.00	6,000.00	7,500.00
TOTAL PUBLIC WORKS		257,483.00	225,839.00	309,817.00

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED BUDGET
FY 2010

		<u>FISCAL YEAR 2009 BUDGET</u>	<u>AMENDED</u>	<u>FISCAL YEAR 2010 BUDGET</u>
		<u>APPROVED</u>		<u>MAYOR'S PROPOSED</u>
PUBLIC SAFETY				
<i><u>Personnel</u></i>				
	Salaries - City Marshal	37,960.00	37,960.00	37,960.00
	Deputy City Marshal			-
	Municipal Court Clerk			-
	Payroll Taxes	3,094.00	2,910.00	2,949.00
	TMRS City Contribution	-	1,138.00	1,257.00
	Health Benefits	4,500.00	2,500.00	2,400.00
	<i>Total Personnel</i>	<u>45,554.00</u>	<u>44,508.00</u>	<u>44,566.00</u>
<i><u>Operating</u></i>				
	Municipal Court Judge	10,000.00	6,500.00	6,000.00
	City Prosecutor	10,000.00	6,000.00	7,500.00
	Emergency Plan	1,000.00	1,000.00	-
	Training	4,500.00	2,000.00	2,500.00
	Animal Control	6,000.00	6,000.00	6,000.00
	Fuel	6,000.00	3,000.00	6,000.00
	Supplies	-	1,500.00	3,500.00
	Vehicle Maintenance	-	200.00	1,000.00
	Capital Outlay - Vehicles	-	8,000.00	6,700.00
	Capital Outlay - Equipment	12,500.00	-	-
	Capital Outlay - Technology	12,500.00	6,500.00	-
	Sanitarian (Contract Labor)	12,500.00	-	15,000.00
	<i>Total Operating</i>	<u>75,000.00</u>	<u>40,700.00</u>	<u>54,200.00</u>
TOTAL PUBLIC SAFETY		<u>120,554.00</u>	<u>85,208.00</u>	<u>98,766.00</u>

PARKS & RECREATION

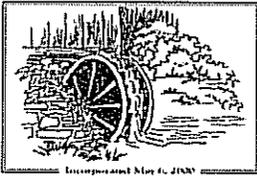
<i><u>Personnel</u></i>				
	Assistant to City Admin	-	-	-
	Health Benefits	-	-	-
	Payroll Taxes	-	-	-
	<i>Total Personnel</i>	<u>-</u>	<u>-</u>	<u>-</u>

CITY OF WIMBERLEY
GENERAL FUND
PROPOSED BUDGET
FY 2010

	FISCAL YEAR 2009 BUDGET APPROVED	FISCAL YEAR 2009 BUDGET AMENDED	FISCAL YEAR 2010 BUDGET MAYOR'S PROPOSED
PARKS & RECREATION (CONT.)			
<i>Operating</i> Mileage	-	-	-
Public Information	-	-	-
Parks Research & Development	-	500.00	500.00
Trails Master Plan	-	-	-
Nature Trail Operations	15,000.00	5,000.00	5,000.00
<i>Total Operating</i>	<u>15,000.00</u>	<u>5,500.00</u>	<u>5,500.00</u>
TOTAL PARKS & RECREATION	<u>15,000.00</u>	<u>5,500.00</u>	<u>5,500.00</u>
COMMUNITY CENTER			
<i>Personnel</i> Salaries-Director			18,231.00
Salaries-Maintenance			35,182.00
Payroll Taxes			4,177.00
TMRS			1,165.00
Health Benefits			2,400.00
Contract Labor			750.00
<i>Total Personnel</i>			<u>61,905.00</u>
<i>Operating</i> Maintenance & Repair			2,000.00
Advertising			5,000.00
Security Expense			1,100.00
Supplies			3,500.00
Office Supplies			2,500.00
Utilities			26,068.00
<i>Total Operating</i>			<u>40,168.00</u>
TOTAL COMMUNITY CENTER			<u>102,073.00</u>
TOTAL EXPENDITURES	<u>852,000.00</u>	<u>816,000.00</u>	<u>962,500.00</u>
Net Excess (Deficit)	\$ -	\$ -	\$ -

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City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CONSIDER ISSUES
RELATING TO DEVELOPMENT OF FY 2010 BUDGET

Funds Required:
Funds Available:

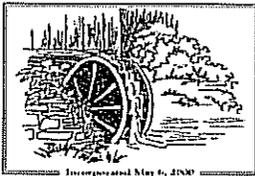
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for discussion of issues to be considered in the upcoming development and adoption of the City of Wimberley FY 2010 Budget beginning October 1, 2009. A workshop on the proposed budget was held on September 1, 2009 while a public hearing on the spending plan preceded this item on this Council agenda. The City Council is scheduled to consider approval of a FY 2010 Budget on September 17, 2009.

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CONSIDER SCHEDULING A SPECIAL CITY COUNCIL MEETING ON SEPTEMBER 22, 2009 TO CONSIDER APPROVAL OF THE FY 2010 BUDGET

Funds Required:

Funds Available:

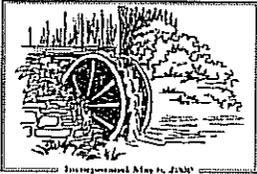
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider scheduling a Special City Council meeting on Tuesday, September 22, 2009 to consider approval of the FY 2010 City Budget. The request for a Special Meeting came from Place Four Council Member Bill Appleman who will not be able to attend the Regular City Council Meeting on September 17, 2009, when the City Council is scheduled to consider approval of FY 2010 City Budget.

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CONSIDER APPROVAL OF A DEPOSITORY AGREEMENT WITH OZONA NATIONAL BANK

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

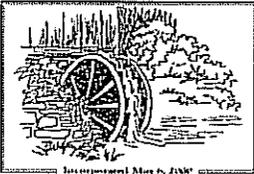
Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approving a three-year depository bank agreement with two (2) successive one (1) year options with Ozona National Bank.

Last month, the City of Wimberley re-advertised for bids from local financial institutions interested in becoming the depository bank for the City after a financial institution awarded a City Depository Bank Agreement earlier in the summer notified the City that it could not meet the terms to which it committed in its bid proposal.

Ozona National Bank (ONB) was the only institution to bid on the depository contract in the latest bidding effort. At the time of production of this agenda packet, City staff was reviewing the ONB proposal. A report on the submittal will be presented to City Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: September 3, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CONSIDER APPROVAL OF A DEPOSITORY AGREEMENT WITH OZONA NATIONAL BANK

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 approving a three-year depository bank agreement with two (2) successive one (1) year options with Ozona National Bank.

Last month, the City of Wimberley re-advertised for bids from local financial institutions interested in becoming the depository bank for the City. This action was taken after a financial institution awarded a City Depository Bank Agreement earlier in the summer notified the City that it could not meet the terms to which it committed in its bid proposal.

Ozona National Bank (ONB) was the only institution to bid on the depository contract in the latest bidding effort. City staff has reviewed the ONB proposal and finds it complies, in large part, with all of the City's terms.

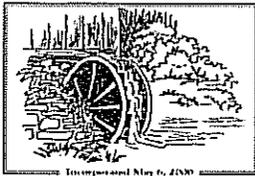
In its proposal, ONB specified that all securities pledged on the City's deposits will either be *Agencies* or *Texas Municipals* which complies with the City's Investment Policy and the Public Funds Collateral Act. In regards to safekeeping, ONB noted that it cannot meet the City's request for a three-party agreement with the safekeeping institution utilized by the City's depository bank. ONB indicated its safekeeping financial institution is Frost National Bank (FNB) which does not provide three-part agreements. However, the City has examined ONB's agreement with FNB and is comfortable that adequate procedures and safeguards exist in the agreement to provide protection for the City's pledged securities, thus avoiding the need for a three-party agreement.

Unlike the City's current depository bank, ONB will offer the City money market checking at a current interest rate of one-half percent ($\frac{1}{2}\%$) and *Certificates of Deposits* at current market rates and terms.

As for fees, most of ONB's banking services will be cost free. Those fees that will be charged for certain services do not appear to be out of line based on current market research.

It should be noted that the proposed ONB depository agreement is not exclusive. As such, the City can have more than one depository bank under contract if it so chooses at any time during the term of the agreement.

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CONSIDER ISSUES RELATING TO EXISTING COMMUNITY CENTER USE AGREEMENTS FOR THE LIONS CLUB, WIMBERLEY SENIOR CITIZENS ACTIVITIES INC. & MEAL ON WHEELS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Bill Appleman to allow City Council to discuss and consider issues relating to the existing Wimberley Community Center agreements for the *Wimberley Lions Club*, *Wimberley Senior Citizens Activities Incorporated* and *Meals on Wheels*.

Attached are copies of those agreements.

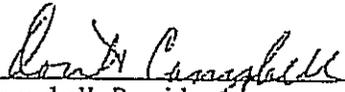
Memorandum of Understanding
between
The Wimberley Lions Club
and
The Village of Wimberley

The Wimberley Lions Club desires to donate \$60,000 toward the construction and furnishing of a commercial kitchen in the proposed Wimberley Community Center.

In recognition of this contribution by the Wimberley Lions Club, the kitchen is to be designated as the "Wimberley Lions Club Kitchen" and the Club will be afforded the use of the Great Hall and the kitchen facility for six consecutive hours on the first and third Tuesday of each month, at a time to be designated by the Club, without charge, for a period of thirty (30) years from the date of the opening of the Great Hall and the kitchen facility. In the event that the Lions Club does not utilize the facilities on the dates and/or times reserved for it, the facilities shall be available to other users.

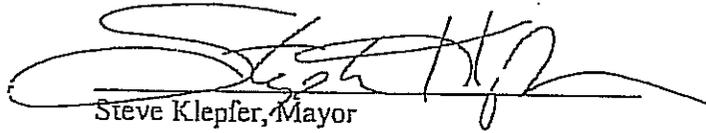
This Agreement is contingent upon the Wimberley Lions Club payment of \$60,000 toward the construction and furnishing of the Community Center and ongoing compliance throughout the term of the Agreement with the Village of Wimberley rules and regulations concerning use and occupancy of the Community Center.

Date: October 17, 2003



Don H. Campbell, President
Wimberley Lions Club

Date: October 26, 2003



Steve Klepfer, Mayor
Village of Wimberley

Memorandum of Understanding
between
Wimberley Senior Citizens Activities, Inc.
and
The Village of Wimberley

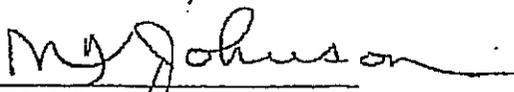
Wimberley Senior Citizens Activities, Inc. ("WSCAI") has led community fundraising efforts to construct a community center for the benefit of the citizens of the Village of Wimberley. These efforts have raised over \$1.5 million dollars in building funds from individual cash donations, numerous successful grant applications that include a \$750,000 matching Texas Parks & Wildlife grant, as well as the WSCAI donation of \$75,500 plus 4.37 acres of land for the community center and the adjoining "Refuge" nature preservation area.

In recognition of these contributions and efforts by WSCAI, the Lounge in the community center is to be designated as the "Wimberley Senior Citizens Activities, Inc. Lounge" and WSCAI will be afforded first use rights to the Lounge in order to carry out the Wimberley Senior Citizen programs and activities, without charge, for a period of thirty (30) years from the date of the opening of the Lounge facility in the Wimberley Community Center. In the event WSCAI does not utilize its right of first use of the lounge, it will be available for other users as requested.

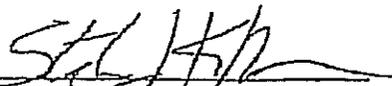
This agreement is contingent upon the construction of the Wimberley Community Center and ongoing compliance throughout the term of the agreement with the Village of Wimberley rules and regulations concerning use and occupancy of the Community Center.

Date: March 3, 2004.

WIMBERLEY SENIOR CITIZENS ACTIVITIES, INC.

By 
M.F. Johnson, President

VILLAGE OF WIMBERLEY

By 
Stephen J. Klepfer, Mayor

CONTRACT FOR SERVICES OR CONTRIBUTIONS

The undersigned **CONTRACTOR** hereby agrees to furnish to the **AGENCY** the services described below under the terms, conditions, and prices stated herein.

Description of services:

To provide space for the operation of the Combined Community Action Senior Nutrition Program and Senior Center Operations for the elderly of the Wimberley area.

Building: Wimberley Senior Citizens Activities, Inc.

Location: P. O. Box 678, Ranch Road 12, Wimberley, TX 78678

Rates:

Space: (1) Dining/activity room, (2) restrooms, (1) kitchen Value - Weekly \$ 90.00

Utilities: Paid by CONTRACTOR

Total inkind contribution: Value - Monthly \$ 390.00 Annually \$4,680.00

Period:

Service to begin June 1, 2005, and end upon 60 days written notice by either party. Such notice to be computed from the date of mailing (postmark).

Special Conditions: The **AGENCY** shall:

(1) Provide general public liability and products liability for CCA.

(2) Partner with Wimberley Senior Citizens Activities, Inc. to provide services to Senior Citizens of the area.

CONTRACTOR

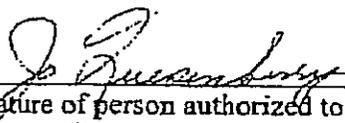
AGENCY

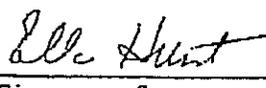
WIMBERLEY SENIOR CITIZENS, INC.

P. O. Box 678
Wimberley, TX 78678

COMBINED COMMUNITY ACTION

165 West Austin
Giddings, Texas 78942

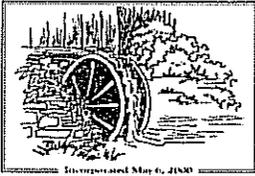

Signature of person authorized to sign


Signature of person authorized to sign

Date: July 6, 2005

Date: June 30, 2005

City Council Agenda Form



Date Submitted: August 31, 2009

Agenda Date Requested: September 3, 2009

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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