

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
JANUARY 21, 2010 6:30 P.M.

AGENDA

CALL TO ORDER: JANUARY 21, 2010 @ 6:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATIONS

- (A) PROCLAMATION RECOGNIZING THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT FITNESS PROGRAM
- (B) PROCLAMATION RECOGNIZING THE VARIOUS INDIVIDUALS AND BUSINESSES WHO ORGANIZED AND IMPLEMENTED THE 2009 CHRISTMAS CELEBRATION IN WIMBERLEY

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 SPECIAL CITY COUNCIL MEETING OF JANUARY 4, 2010

- (B) APPROVAL OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JANUARY 7, 2010.
- (C) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 7, 2010
- (D) APPROVAL OF THE APPOINTMENT OF PHIL DANE TO THE WIMBERLEY PLANNING AND ZONING COMMISSION (*PLACE FOUR COUNCIL MEMBER STEVE THURBER'S NOMINEE*)
- (E) APPROVAL OF THE NOVEMBER 2009 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY
- (F) APPROVAL OF THE DECEMBER 2009 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY

2. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON EFFORTS UNDERWAY TO SECURE FEDERAL FUNDING FOR THE DOWNTOWN WASTEWATER PROJECT
- STATUS REPORT ON SALES TAX COLLECTIONS FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON EFFORTS TO HIRE A PLANNING TECHNICIAN FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON THE DEVELOPMENT OF TRANSPORTATION PRIORITY PROJECTS FOR THE CITY OF WIMBERLEY

3. **PRESENTATION**

PRESENTATION BY REPRESENTATIVES OF *DESIGN WORKSHOP* ON THE SCHEMATIC DESIGN PHASE OF THE BLUE HOLE REGIONAL PARK DEVELOPMENT PROJECT.

4. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) 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 UN-ZONED REAL PROPERTY DESCRIBED AS THE DOWNTOWN WIMBERLEY AREA BOUNDED BY THE CYPRESS CREEK, BLANCO RIVER, OLD KYLE ROAD AND FM 3237 IN WIMBERLEY, HAYS COUNTY, TEXAS, FURTHER DESCRIBED AND SHOWN ON THE EXHIBIT ATTACHED TO THIS ORDINANCE; AND DESIGNATING THE INITIAL ZONING FOR EACH TRACT FROM UN-ZONED TO EITHER RESIDENTIAL ACREAGE (RA), RURAL RESIDENTIAL 1 (R-1), SINGLE FAMILY RESIDENTIAL 2 (R-2), SINGLE FAMILY RESIDENTIAL 3 (R-3), MULTI-FAMILY 1 (MF-1), MULTI-FAMILY 2 (MF-2) NEIGHBORHOOD SERVICES (NS), COMMERCIAL-LOW IMPACT (C-1), COMMERCIAL-MODERATE IMPACT (C-2), LODGING 1 (L-1), AND PUBLIC FACILITIES (PF), AS SHOWN ON THE ATTACHED ZONING MAP, AND IMPOSING CONDITIONS; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*CITY OF WIMBERLEY, 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 PROPERTY LOCATED AT 230 AND 240 CARNEY LANE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM SINGLE-FAMILY RESIDENTIAL 2 (R-2) TO COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(CITY OF WIMBERLEY, APPLICANT)*
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 956 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM PUBLIC FACILITIES (PF) TO COMMERCIAL-LOW IMPACT (C-1); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(CITY OF WIMBERLEY, APPLICANT)*
- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 807 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. *(CITY OF WIMBERLEY, APPLICANT)*
- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 700 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM RESIDENTIAL ACREAGE (RA) TO COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING A CONDITION; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(CITY OF WIMBERLEY, APPLICANT)*

5. **ORDINANCE**

CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, ORDERING A GENERAL ELECTION ON MAY 8, 2010, FOR THE PURPOSE OF ELECTING A MAYOR AND CITY COUNCIL MEMBERS FOR PLACES TWO AND FOUR OF THE CITY OF WIMBERLEY CITY COUNCIL, SUCH ELECTION TO BE HELD JOINTLY WITH THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT AND WIMBERLEY ISD; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; MAKING OTHER PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE. *(CITY ADMINISTRATOR)*

6. **RESOLUTION**

CONSIDER APPROVAL OF A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS, AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS RELATING TO THE PURCHASE OF A CERTAIN TRACT OF REAL PROPERTY DESCRIBED AS LOT 80, SOUTH RIVER UNIT 1, CONSISTING OF APPROXIMATELY 0.814 ACRES, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR)*

7. **DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION ON ISSUES RELATING TO THE SELECTION OF A FIRM TO PREPARE A BOUNDARY SURVEY FOR THE CITY OF WIMBERLEY. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER APPROVAL OF THE PLANS AND INFORMATION DEVELOPMENT IN THE SCHEMATIC DESIGN PHASE REPORT FOR THE BLUE HOLE REGIONAL PARK PROJECT. *(CITY ADMINISTRATOR)*
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED CONTRACT FOR ELECTION SERVICES WITH THE HAYS COUNTY ELECTIONS ADMINISTRATOR FOR THE MAY 8, 2010 GENERAL ELECTION. *(CITY ADMINISTRATOR)*
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED JOINT ELECTION AGREEMENT WITH THE WIMBERLEY ISD FOR THE MAY 8, 2010 GENERAL ELECTION. *(CITY ADMINISTRATOR)*
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED JOINT ELECTION AGREEMENT WITH THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT FOR THE MAY 8, 2010 GENERAL ELECTION. *(CITY ADMINISTRATOR)*
- (F) DISCUSS AND CONSIDER APPROVAL OF THE ROUTES FOR *THE SPRING WALK IN WIMBERLEY* SCHEDULED FOR MARCH 20th AND 21st, 2010. *(CITY ADMINISTRATOR)*
- (G) DISCUSS AND CONSIDER APPROVAL OF A NOMINATION TO SERVE ON THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION BOARD AS THE SMALL CITIES REPRESENTATIVE FOR HAYS COUNTY. *(MAYOR TOM HALEY)*
- (H) DISCUSS AND CONSIDER APPROVAL OF PROPOSED REVISION TO RATES AND RENTAL POLICIES FOR THE WIMBERLEY COMMUNITY CENTER. *(WIMBERLEY PARKS BOARD)*
- (I) DISCUSS AND CONSIDER ACTION ON ISSUES RELATING TO THE DEVELOPMENT OF SIDEWALKS AT CERTAIN LOCATIONS IN THE CITY OF WIMBERLEY. *(PLACE FOUR COUNCIL MEMBER STEVE THURBER)*

8. **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

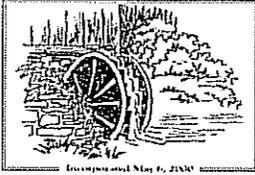
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on January 15, 2010 at 7:15 p.m.



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: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: APPROVAL OF
JANUARY 4, 2010 MINUTES OF SPECIAL CITY
COUNCIL MEETING

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the January 4, 2010 Special City Council Meeting for review and consideration.

City of Wimberley
Wimberley Community Center, 14068 Ranch Road 12
Wimberley, Texas 78676
**Special Joint City Council/Water Wastewater Advisory Board/Economic Development
Commission Meeting**
January 4, 2010 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Tom Haley.

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

Water Wastewater Advisory Board Members Present: John Estep, David Estey, Charles Jennett, Joe Malone, and Mac McCullough. Board members Clint Frankmann and Gail Pigg were not present.

Economic Development Commission Members Present: Nancye Britner, Terrie Bursiel, Jenelle Flocke, Rob Pitzer, Jeri Ross, and Gary Weeks. Commission member Bob Currie was not present.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland (arrived at 7:00 p.m.)

Workshop Session:

Discuss and consider issues relating to the possible submission of an application for Tier III funding assistance from the Texas Water Development Board for the development of a centralized wastewater system for the downtown Wimberley area. (*City Administrator*)

Mayor Haley outlined procedures for tonight's meeting and City Administrator Ferguson presented details on the following:

- Project objectives and deadlines
- Funding specifics, including interest rates, loan terms/amounts, and application criteria/procedures/deadlines
- Key factors to consider, including best options for long-term provision of wastewater service, existence of sufficient customer base affecting option affordability, and mitigation of financial impact on customers
- Review of the options presented in the draft Preliminary Engineering Report (PER), including types of plants, service/operation/costs of plants, water quality, effluent disposal methods, and collection system routing
- Importance of meeting long-term, future needs
- Three-phased approach to providing downtown wastewater service, including possible expansion of existing plant, construction of new plant on existing site along northeast

- corner of the Blue Hole site, or along Winters Mill Parkway to serve Deer Creek Nursing Center, downtown, and possible Winters Mill Parkway residential development
- Statistics were provided for various wastewater options, including gallons per day flow statistics, capacity, service area, effluent disposal
 - Cost comparison of new plants versus expansion of existing facilities
 - Statistics related to specific phases and associated options expanding the service area beyond downtown
 - Tapping into existing Aqua Texas lines as a less costly option
 - Tier II (state) versus Tier III (federal) financing, including certain loan terms/requirements and possibility of converting from Tier III to Tier II financing after application is made
 - Various customer cost estimates based on Living Unit Equivalents (LUEs), including details on connection/tap fees, monthly capital recovery fees, and maintenance/operation costs
 - Voluntary versus mandatory connection to centralized wastewater service and mitigation of customer costs via long-term, interest-free payment plans
 - Enforcement mechanisms for non-payment
 - Possible ways to increase customer base and affordability

City Administrator Ferguson introduced Guadalupe Blanco River Authority (GBRA) Executive Manager David Welsch, who distributed handouts on Financing Scenarios One through Four (attached to these minutes) and provided specifics on the following:

- Objectives such as resource protection
- Challenges such as small customer base and lack of infrastructure
- Importance of sufficient customer base in order to finance debt
- Reasoning for project phasing and LUE calculation
- Loan specifics, including terms/rates, deficit predictions, and calculation of certain fees

Mr. Welsch introduced Alan Plummer and Associates, Inc. Senior Project Manager Keith Pyron and GBRA Operations Manager Darrel Ball. Mayor Haley invited questions/comments from Water Wastewater Advisory Board members and Economic Development Commission members.

In response to Frank Austin's inquiry, City Administrator Ferguson provided detailed information on the immediate downtown area(s) affected in each proposed phase.

Water Wastewater Advisory Board (WWAB) member David Estey spoke in favor submitting the application, with the understanding that further deliberations will take place in order to decide on the best option.

Cheryl Eskridge of Wimberley View Realty at 14015 Ranch Road 12 asked whether development will be allowed on properties connected to a centralized system that were formerly serviced by private septic systems. City Administrator Ferguson replied that development may occur on properties containing deactivated private septic systems.

An audience member, whose name was not given, requested information on the benchmark used for determining the loan's interest rate. City Administrator Ferguson replied that it is a market rate that Texas Water Development Board (TWDB) establishes for its parameters, which is updated every Friday.

An audience member, whose name was not given, asked about efforts to obtain three hundred (300) needed LUEs. WWAB member David Estey stated that a study will have to be done on every affected property owner to get firm figures and to determine whether there will be a need for expansion of the service area. He stated the importance of meeting the application deadline, which allows up to two (2) years to perform necessary studies before loan closing. City Administrator Ferguson stated that with a limited customer base, it will be difficult to achieve the necessary number of LUEs. He noted that with increasingly restrictive septic regulations, it is unlikely that some currently unpermitted systems could continue operation and likely that customers may face more expensive options in the future.

Downtown business owner Temple Wynne asked whether the City could initially exercise the Aqua Texas option as an interim solution, while a municipal system is being established. City Administrator Ferguson stated with the possibility of additional connection/impact fees when customers switch from Aqua Texas service to a potential municipal system, it may put the customer in a position of paying double for fees. Ms. Wynne felt that the City's interests would be best served by a municipal system versus Aqua Texas.

Craig Reitz of 504 Rocky Springs asked about alternative second phase financing sources. GBRA's David Welsch replied that the TWDB has the best financing programs available. Mr. Reitz inquired about monthly connection fees given a specific interest rate (1.8%) for the federal loan. Mr. Welsch replied that he can run that scenario and City Administrator Ferguson reminded that the interest rate changes weekly.

In response to Mr. Reitz' question related to debt retirement's impact on monthly payments, Mr. Welsch replied that Scenario Number Four reflects the updated payment amount. There was discussion among Mr. Reitz, City Administrator Ferguson, and Mr. Welsch relating to amortization, possible future reduction of monthly payments, LUE calculation formulas for various types of establishments, projections on water usage, and potential capacity issues. Mr. Reitz felt that it is critically important for Wimberley to have centralized wastewater service to keep and attract businesses.

A local business owner, whose name was not given, stated that he is currently connected to Aqua Texas on FM 2325, pays no fees, and pays less than one-hundred dollars (\$100) per month for service. He felt that Aqua Texas would be the best deal for the City as the cheapest alternative and preferable to incurring debt. He asked if Aqua Texas would give the City the same deal that he got approximately five (5) years ago. City Administrator Ferguson stated that Aqua Texas would be allowing the City to pump into their lines and would be charged like any other customer. The

speaker restated his belief that the City should opt for the cheapest route and only pay by the gallon, as he does.

An audience member, who did not state her name, said that in her experience working in one of the small downtown retail shops, most businesses do not use close to three hundred (300) gallons per day and inquired about the fairest way to arrive at monthly fees, including looking at current usage for purposes of LUE calculation. Mayor Haley replied that monthly bills will be based on water usage. There was general discussion about daily/monthly water usage in general and for specific property owners.

Downtown business owner Kenny Carleton asked about a best-case scenario for the project's construction timeline. City Administrator Ferguson anticipated close to twenty-four (24) months, allowing three (3) months for TWDB's consideration of loan applications, which if approved, allow up to two (2) years to before loan closing. He stated that it is in the City's best interest to close as soon as possible due to potential rise in interest rates.

Temple Wynne inquired about Texas Department of Transportation (TxDOT) plans to begin work on Ranch Road 12 in the downtown area. City Administrator Ferguson replied that this project to slightly modify the downtown curve has been turned over to the City by Hays County and anticipated six (6) to eight (8) months before the project comes to fruition. Discussion established that the City has considered the need to lay sewer lines as road construction progresses in order to avoid trenching a newly-built road.

WWAB member Charles Jennett spoke of his professional engineering experience and commended an excellent and fair presentation on this issue. He cautioned against property owners gambling that the State of Texas will never shut down their non-compliant septic system. Mr. Jennett spoke in favor of seizing the opportunity to apply for financing at historically low interest and of moving our City into the twenty-first century, with the understanding that there is time for argument on the fine points of each service option.

An audience member, who did not state his name, commented on estimated versus actual water usage statistics for the old post office property for the last five years, stating actual water usage as far less than estimated. City Administrator Ferguson stated that while standards will be applied, he fully recognized that usage may be more or less than projected. He expressed concern regarding the application of an arbitrary formula that may unfairly penalize some people. Mr. Ferguson stated that every effort will be made to apply standards as fairly as possible.

While commending the time and energy spent on planning for future needs, Alice Wightman expressed concerns regarding the ability to foresee future conditions as exemplified by the 2008 banking crisis and economic downturn. Fearing an upcoming "credit crunch," she felt that assumptions about the future based on past conditions are not prudent and advised moving cautiously and carefully. She stated that failed businesses may spur development outside the City of Wimberley. Ms. Wightman stated that a short-term solution may be better and that a "band-aid" interim solution may suffice for the next few years.

Economic Development Commission member Rob Pitzer, speaking as an individual, questioned whether the monthly payment will decrease after the twenty (20) year amortization period ends. Mr. Welsch replied that when the debt is paid off, payments will no longer contain that component of the rate, but added that should a City-approved system improvement incur additional debt, then that component would have to be included in the payment until that debt service is paid off. As clarification, City Administrator Ferguson provided the following example: If the debt is paid at after twenty (20) years, but at that time capital improvements are being made to the system, the payment may decrease considerably, but there may still be a component in that rate to cover those capital improvements.

In response to Mr. Pitzer's question about timing of the loan closing, City Administrator Ferguson clarified that the loan may be closed *up to* two (2) years after the loan is awarded and that there is not a requirement to wait two (2) years for closing. Mr. Ferguson also clarified his twenty-four (24) month timeframe estimate for completing the project from funding approval through design/construction.

Mr. Pitzer expressed concerns relating to disruption of downtown business activity during the construction phase of the project. While acknowledging that some inconvenience will occur, Mr. Ferguson stated that coordinated efforts will be made with merchants to limit the impact as much as possible, especially given the critical importance of keeping downtown businesses successful.

Responding to Mr. Pitzer's inquiry, Mr. Ferguson explained a process known as "decentralization" of wastewater and noted that it has been used in some subdivision and commercial developments. Because such an option would cover new ground for a municipality, Mr. Ferguson stated that Texas Commission on Environmental Quality (TCEQ) would have to thoroughly review the practicality of decentralization as a viable option.

Economic Development Commission Chair Gary Weeks stated that the Commission has not met on this issue, therefore, has not yet formed an opinion, but that individual members may have questions.

Economic Development Commission member Jeri Ross asked why the City cannot procure grant funds for this project. While scores such as water quality rank highly, City Administrator Ferguson replied that the City's socioeconomic status and higher per capita income makes it difficult to qualify for grants, but opportunities still exist for other financial assistance. Ms. Ross commented on eligibility for government assistance and cited recent personal experience replacing a septic system at great expense.

If connections are mandated, Ms. Ross questioned whether property owners already paying for a new/upgraded private septic system would have the added burden of paying the note on that system after it has been deactivated (upon connection to municipal wastewater), plus costs for centralized service. Mr. Ferguson replied affirmatively, if connection is mandatory.

Regarding resource protection, Ms. Ross asked why our waterways are currently contaminated and cited past septic problems at a former downtown restaurant. Mr. Ferguson cited certain locations, bacteria level patterns, and noted improperly functioning septic systems as likely contributors to elevated levels. From the City's recent septic survey, Mr. Ferguson stated that some owners did not know the location of their septic systems and were unaware of problems with existing systems. Regardless of the loan application decision, Ms. Ross asked why regulatory efforts are not being made to address existing problems. Mr. Ferguson replied that the prior complaint-based approach changed as of January 1, 2010, as the City assumed responsibilities (formerly performed by Hays County) for septic permitting and inspection.

Discussion among Ms. Ross, Mr. Ferguson, and Mr. Welsch established that GBRA would be listed as the borrower on the loan and the City would maintain rates sufficient to pay the loan per its agreement with GBRA. Ms. Ross asked what would happen if the loan was closed and the City did not have the minimum number of connections to repay the loan. City Administrator Ferguson replied that if the City cannot obtain the minimum required number of connections the loan will not close and provided details on loan procedures and timeframe.

Ms. Ross asked whether there are any other options to consider. City Administrator Ferguson provided reasoning for the options presented tonight and welcomed any additional suggestions. Encouraging attendance at WWAB meetings, David Estey stated that WWAB will also be looking every available option in order to achieve the greatest number of connections and maximum cost-effectiveness.

Downtown business owner Steve Klepfer expressed appreciation to Council for its courage in making tough decisions, especially the difficulty in deciding whether to make participation mandatory. He stated the importance of keeping customer costs as low as possible and cautioned that businesses could be shut down if payments are unsustainable. He asked for a show of hands of affected property owners and questioned whether it is possible for the City to assume ownership of the wastewater system when the debt is completely paid. Mayor Haley replied that this depends on the City's agreement with GBRA.

Bert Ray spoke on alternate methods and cost savings of effluent disposal methods that were not addressed in the PER, such as using effluent for parkway irrigation rather than disposal on Blue Hole property, which may require the expense of added dirt to accommodate the discharge. He stated that with almost thirty (30) acres of grass in the parkway, this alternate method could be a "win-win" situation for all parties. Mr. Ray asked for engineering review of his suggestion for effluent disposal. Referring to his recent service on a downtown beautification subcommittee, Mr. Ray stated that a more "green" downtown was encouraged through landscaping and cost-effective irrigation, which as he stated could use effluent run through inexpensive PVC pipe.

An audience member who stated her name as Cynthia Marion spoke of the need to promote shopping in Wimberley and expressed concerns about higher septic costs being passed along by merchants to consumers.

Economic Development Commission Chair Gary Weeks felt that the proposed options are contradictory to the Economic Development Plan. He stated concerns over the City entering into an agreement with a controlling third party (GBRA) that is motivated to sell as many hook-ups as possible. He noted the enormous impact of this proposed project and expressed concerns regarding the statutory authority of GBRA's appointed members versus the authority of the City's elected officials. In response to Mr. Weeks, Mr. Welsch stated that the City is obligated to establish rates/fees and arrive at monthly payments sufficient to repay the debt. In response to Mr. Weeks' statements related to water usage projections, discussion ensued about accuracy of gallons per day/month estimates from various sources and the City's need to establish a fair norm for usage. Mr. Estey noted that more detailed discussion will help determine exact figures at a later date.

Mayor Haley stated that the City is in the initial stages of the process to obtain funding and will be in a position to provide more exact numbers on usage pending further study. With many technical questions, Mr. Weeks felt that the City is a long way from knowing what type of system to build and did not think that two (2) to three (3) weeks from issuance of the PER is enough time to decide on loan application submission. Discussion ensued about the importance of taking advantage of this funding opportunity, commitments, if any, placed on the City by submitting a loan application, and reasoning for options presented at tonight's meeting based on the PER.

Mr. Weeks asked if the City is limited to those options presented tonight and felt that a biological plant should be considered as the best option yielding the cleanest product. Mr. Ferguson stated that this more expensive option was discouraged by the amended Comprehensive Plan. In response to Mr. Weeks, City Administrator Ferguson advised that the options presented tonight yield a cleaner product than current septic systems and offered to provide more detailed information on the type of system suggested by Mr. Weeks.

Mayor Haley thanked everyone for participating in tonight's meeting and stated that the City is open to all options. He noted deterioration in water quality based on observations as a long-time resident, and expressed support for moving forward. He assured that the City will make every effort to obtain the most effective wastewater system at the least cost possible.

It was announced that Council will meet on Thursday, January 7, 2010 at 5:00 p.m. in order to vote on this issue.

Hearing no further comments, Mayor Haley called the meeting adjourned.

Adjournment: Joint Council/WWAB/EDC meeting adjourned at 8:09 p.m.

Recorded by:

Cara McPartland

These minutes approved on the ____ of January, 2010.

APPROVED:

Tom Haley, Mayor

DRAFT

Assumption: Fixed (not calculated) Impact Fee \$ 10,000.00
 Assumption: Monthly D/S Fee per LUE \$ 50.00
 Assumption: Annual D/S Fee Indexing 100.00%
 Assumption: Annual Growth in Connections 50
 Assumption: Debt Terms of 3.40% for 20 Years
 Capital Costs \$ 7,900,000

(Payable over 5 Year Period)
 (Excludes Monthly O&M Charges)

(No Inflation of Monthly D/S Fee is presumed over life of Project)

12 Month Interest during construction plus underwriting

	Connections	Impact Fee	UpFront Funds	Annual D/S Fee	Annual D/S Costs	Surplus/(Deficit)	Accum. Difference
Subtotal				250,000			
Less UpFront Funding	0	\$ 10,000.00	\$ -	\$ 8,150,000		\$ 568,266	
							\$ 568,266
	# of Conn.	Impact Fee	Yearly D/S Fee	Annual D/S Costs	Surplus/(Deficit)	Accum. Difference	
Year 1	100	\$ 200,000.00	\$ 60,000	\$ 568,266	\$ (308,266)	\$ (308,266)	
Year 2	150	\$ 300,000.00	\$ 90,000	\$ 568,266	\$ (178,266)	\$ (486,533)	
Year 3	200	\$ 400,000.00	\$ 120,000	\$ 568,266	\$ (48,266)	\$ (534,799)	
Year 4	250	\$ 500,000.00	\$ 150,000	\$ 568,266	\$ 81,734	\$ (453,065)	
Year 5	300	\$ 600,000.00	\$ 180,000	\$ 568,266	\$ 211,734	\$ (241,332)	
Year 6	333	\$ 466,000.00	\$ 199,800	\$ 568,266	\$ 97,534	\$ (143,798)	
Year 7	333	\$ 366,000.00	\$ 199,800	\$ 568,266	\$ (2,466)	\$ (146,264)	
Year 8	333	\$ 266,000.00	\$ 199,800	\$ 568,266	\$ (202,466)	\$ (248,731)	
Year 9	333	\$ 166,000.00	\$ 199,800	\$ 568,266	\$ (302,466)	\$ (451,197)	
Year 10	333	\$ 66,000.00	\$ 199,800	\$ 568,266	\$ (368,466)	\$ (753,663)	
Year 11	333	\$ -	\$ 199,800	\$ 568,266	\$ (1,122,130)	\$ (1,122,130)	
Year 12	333	\$ -	\$ 199,800	\$ 568,266	\$ (1,490,596)	\$ (1,490,596)	
Year 13	333	\$ -	\$ 199,800	\$ 568,266	\$ (1,859,062)	\$ (1,859,062)	
Year 14	333	\$ -	\$ 199,800	\$ 568,266	\$ (2,227,529)	\$ (2,227,529)	
Year 15	333	\$ -	\$ 199,800	\$ 568,266	\$ (2,595,995)	\$ (2,595,995)	
Year 16	333	\$ -	\$ 199,800	\$ 568,266	\$ (2,964,461)	\$ (2,964,461)	
Year 17	333	\$ -	\$ 199,800	\$ 568,266	\$ (3,332,928)	\$ (3,332,928)	
Year 18	333	\$ -	\$ 199,800	\$ 568,266	\$ (3,701,394)	\$ (3,701,394)	
Year 19	333	\$ -	\$ 199,800	\$ 568,266	\$ (4,069,860)	\$ (4,069,860)	
Year 20	333	\$ -	\$ 199,800	\$ 568,266	\$ (4,438,327)	\$ (4,438,327)	
Year 21	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 22	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 23	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 24	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 25	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 26	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 27	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 28	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 29	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
Year 30	333	\$ -	\$ 199,800	\$ 568,266	\$ -	\$ -	
		\$ 3,330,000	\$ 3,597,000	\$ 11,365,327			

Assumption: Fixed (not calculated) Impact Fee \$ 10,000.00
 Assumption: Monthly D/S Fee per LUE \$ 75.00
 Assumption: Annual D/S Fee Indexing 100.00%
 Assumption: Annual Growth in Connections 50
 Assumption: Debt Terms of 3.40% for 20 Years
 Capital Costs \$ 7,900,000

(Payable over 5 Year Period)
 (Excludes Monthly O&M Charges)
 (No inflation of Monthly D/S Fee is presumed over life of Project)

12 Month Interest during construction plus underwriting

Subtotal	Connections	Impact Fee	UpFront Funds	Annual D/S	Annual D/S
	0	\$ 10,000.00	\$ -	\$ 8,150,000	\$ 568,266
Less UpFront Funding				\$ 8,150,000	\$ 568,266
Phase One					
# of Conn.	Impact Fee	Yearly D/S Fee	Annual D/S Costs	Surplus/(Deficit)	Accum. Difference
Year 1	100	\$ 200,000.00	\$ 90,000	\$ 568,266	\$ (278,266)
Year 2	150	\$ 300,000.00	\$ 135,000	\$ 568,266	\$ (411,533)
Year 3	200	\$ 400,000.00	\$ 180,000	\$ 568,266	\$ (399,799)
Year 4	250	\$ 500,000.00	\$ 225,000	\$ 568,266	\$ (243,065)
Year 5	300	\$ 600,000.00	\$ 270,000	\$ 568,266	\$ 58,668
Year 6	333	\$ 466,000.00	\$ 299,700	\$ 568,266	\$ 197,434
Year 7	333	\$ 366,000.00	\$ 299,700	\$ 568,266	\$ 97,434
Year 8	333	\$ 266,000.00	\$ 299,700	\$ 568,266	\$ (2,566)
Year 9	333	\$ 166,000.00	\$ 299,700	\$ 568,266	\$ 350,969
Year 10	333	\$ 66,000.00	\$ 299,700	\$ 568,266	\$ 248,403
Year 11	333	\$ -	\$ 299,700	\$ 568,266	\$ 45,837
Year 12	333	\$ -	\$ 299,700	\$ 568,266	\$ (222,730)
Year 13	333	\$ -	\$ 299,700	\$ 568,266	\$ (491,296)
Year 14	333	\$ -	\$ 299,700	\$ 568,266	\$ (759,862)
Year 15	333	\$ -	\$ 299,700	\$ 568,266	\$ (1,028,429)
Year 16	333	\$ -	\$ 299,700	\$ 568,266	\$ (1,296,995)
Year 17	333	\$ -	\$ 299,700	\$ 568,266	\$ (1,565,561)
Year 18	333	\$ -	\$ 299,700	\$ 568,266	\$ (1,834,128)
Year 19	333	\$ -	\$ 299,700	\$ 568,266	\$ (2,102,694)
Year 20	333	\$ -	\$ 299,700	\$ 568,266	\$ (2,371,260)
Year 21	333	\$ -	\$ 299,700	\$ 568,266	\$ (2,639,827)
Year 22	333	\$ -	\$ 299,700	\$ 568,266	\$ (2,908,393)
Year 23	333	\$ -	\$ 299,700	\$ 568,266	\$ (3,176,959)
Year 24	333	\$ -	\$ 299,700	\$ 568,266	\$ (3,445,525)
Year 25	333	\$ -	\$ 299,700	\$ 568,266	\$ (3,714,091)
Year 26	333	\$ -	\$ 299,700	\$ 568,266	\$ (3,982,657)
Year 27	333	\$ -	\$ 299,700	\$ 568,266	\$ (4,251,223)
Year 28	333	\$ -	\$ 299,700	\$ 568,266	\$ (4,519,789)
Year 29	333	\$ -	\$ 299,700	\$ 568,266	\$ (4,788,355)
Year 30	333	\$ -	\$ 299,700	\$ 568,266	\$ (5,056,921)
	\$ 3,330,000	\$ 5,395,500	\$ 11,365,327		

Wimberley Wastewater Financing

Scenario Three

Assumption: Fixed (not calculated) Impact Fee \$ 10,000.00
 Assumption: Monthly D/S Fee per LUE \$ 100.00
 Assumption: Annual D/S Fee Indexing 100.00%
 Assumption: Annual Growth in Connections 50
 Assumption: Debt Terms of 3.40% for 20 Years
 Capital Costs \$ 7,900,000

(Payable over 5 Year Period)
 (Excludes Monthly O&M Charges)

(No Inflation of Monthly D/S Fee is presumed over life of Project)

12 Month Interest during construction plus underwriting

Subtotal	Connections	Impact Fee	UpFront Funds	Annual D/S Fee	Annual D/S	
	0	\$ 10,000.00	\$ -	\$ 8,150,000	\$ 568,266	
Less UpFront Funding					\$ 568,266	
	# of Conn.	Impact Fee	Yearly D/S Fee	Annual D/S Costs	Surplus/(Deficit)	Accum. Difference
Year 1	100	\$ 200,000.00	\$ 120,000	\$ 568,266	\$ (248,266)	\$ (248,266)
Year 2	150	\$ 300,000.00	\$ 180,000	\$ 568,266	\$ (68,266)	\$ (336,533)
Year 3	200	\$ 400,000.00	\$ 240,000	\$ 568,266	\$ 71,734	\$ (264,799)
Year 4	250	\$ 500,000.00	\$ 300,000	\$ 568,266	\$ 231,734	\$ (33,065)
Year 5	300	\$ 600,000.00	\$ 360,000	\$ 568,266	\$ 391,734	\$ 358,668
Year 6	333	\$ 466,000.00	\$ 399,600	\$ 568,266	\$ 297,334	\$ 656,002
Year 7	333	\$ 366,000.00	\$ 399,600	\$ 568,266	\$ 197,334	\$ 853,336
Year 8	333	\$ 266,000.00	\$ 399,600	\$ 568,266	\$ 97,334	\$ 950,669
Year 9	333	\$ 166,000.00	\$ 399,600	\$ 568,266	\$ (2,666)	\$ 948,003
Year 10	333	\$ 66,000.00	\$ 399,600	\$ 568,266	\$ (102,666)	\$ 845,337
Year 11	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ 676,670
Year 12	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ 508,004
Year 13	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ 339,338
Year 14	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ 170,671
Year 15	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ 2,005
Year 16	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ (166,661)
Year 17	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ (335,328)
Year 18	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ (503,994)
Year 19	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ (672,660)
Year 20	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	\$ (841,327)
Year 21	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 22	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 23	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 24	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 25	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 26	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 27	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 28	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 29	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
Year 30	333	\$ -	\$ 399,600	\$ 568,266	\$ (168,666)	
		\$ 3,330,000	\$ 7,194,000	\$ 11,365,327		

Assumption: Fixed (not calculated) Impact Fee \$ 7,500.00
 Assumption: Monthly D/S Fee per LUE \$ 123.27
 Assumption: Annual D/S Fee Indexing 100.00%
 Assumption: Annual Growth in Connections 50
 Assumption: Debt Terms of 3.40% for 20 Years

(Payable over 5 Year Period)
 (Excludes Monthly O&M Charges)
 (No inflation of Monthly D/S Fee is presumed over life of Project)

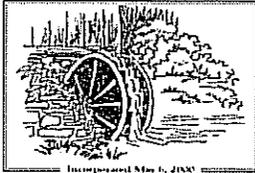
\$ 7,900,000

Capital Costs

12 Month Interest during construction plus underwriting

Subtotal		250,000	Annual D/S		
Connections	Impact Fee	UpFront Funds	\$566,266		
0	\$ 7,500.00	\$	\$566,266		
# of Conn.	Impact Fee	Phase One	Annual D/S Costs		
	Yearly D/S Fee	Yearly D/S Fee	Surplus/(Deficit)		
		Annual D/S Fee	Accum. Difference		
Year 1	100	\$ 150,000.00	\$ 566,266	\$ (270,342)	\$ (270,342)
Year 2	150	\$ 225,000.00	\$ 566,266	\$ 147,924	\$ (121,380)
Year 3	200	\$ 300,000.00	\$ 566,266	\$ 221,866	\$ 27,582
Year 4	250	\$ 375,000.00	\$ 566,266	\$ 295,848	\$ 364,141
Year 5	300	\$ 450,000.00	\$ 566,266	\$ 369,810	\$ 176,544
Year 6	333	\$ 349,500.00	\$ 566,266	\$ 443,772	\$ 329,506
Year 7	333	\$ 274,500.00	\$ 566,266	\$ 492,587	\$ 411,729
Year 8	333	\$ 199,500.00	\$ 566,266	\$ 492,587	\$ 198,821
Year 9	333	\$ 124,500.00	\$ 566,266	\$ 492,587	\$ 123,821
Year 10	333	\$ 49,500.00	\$ 566,266	\$ 492,587	\$ 48,821
Year 11	333	\$ -	\$ 566,266	\$ 492,587	\$ (26,179)
Year 12	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 13	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 14	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 15	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 16	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 17	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 18	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 19	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 20	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 21	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 22	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 23	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 24	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 25	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 26	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 27	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 28	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 29	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
Year 30	333	\$ -	\$ 566,266	\$ 492,587	\$ (75,679)
		\$ 2,497,500	\$ 8,868,044	\$ 11,365,327	\$ 217

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

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

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Special Meeting of City Council
January 7, 2010 at 4:00 p.m.

City Council meeting called to order at 4:00 p.m. by Mayor Tom Haley.

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

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

Workshop (*No action will be taken*)

A workshop to conduct interviews with representatives of the following firms who responded to the City of Wimberley's recent *Request for Qualifications (RFQ)* which was issued to select a firm to prepare a boundary survey of the city limits:

- A. Baker-Aicklen & Associates
- B. Pro-Tech Engineering

Baker Aicklen & Associates, Inc. Vice President of Surveying Operations David Strutton presented information on his firm's location, background, clientele, technical qualifications, and experience, including work on the current Blue Hole Regional Park Project. He introduced GIS Manager Jack Avis and Sally and Tom Staudt of Staudt Surveying, Inc. and highlighted major steps in the survey process such as access control and associated property owner notification procedures, control surveys, establishment of geodetic control points, deed plotting, and georeferencing. He stated that a combination of GPS and conventional survey methods will be used, with end results in both hard copy and electronic format. He provided details on monumentation and completed survey products including boundary plats/maps, acreages, square footages, certified metes and bounds description, and analysis.

Discussion addressed estimated timeframe for completion [six (6) to eight (8) weeks for ground operations; approximately four (4) months for total survey completion]; Wimberley-area experience (including Blue Hole); specifics on property owner notification; municipal survey experience such as boundaries, retracements, and ETJ conflicts; preparation work timeframe; access permission and associated challenges such as traffic and weather; professional memberships; technology advantages that save time/costs; conflict resolution (based on metes and bounds descriptions and property rights/case law); and training in expert witness testimony. In response to City Administrator Ferguson, Mr. Strutton replied that his firm has not been sued related to its survey work. In response to Mayor Haley, Mr. Strutton replied that his organization is not involved in any litigation and added that Baker-Aicklen has a sound reputation, with highly qualified, experienced, and long-term employees.

GIS Manager Jack Avis provided information on his professional credentials and unique qualifications, including specialization in geodetic control and GIS mapping. He pointed out examples of his work from Williamson County, including details on control monuments, establishment of control networks, GPS monument description sheet, boundary research, georeferencing, and list of project deliverables [legal written documents, survey plats, GPS controls, CAD (electronic and hard copy)], and geographical information data layers in GIS format as well.

Mr. Avis stated that this project is exactly suited for the focus of his work at Baker-Aicklen and noted his status as the Geographical Information Chairperson for the Texas Society of Professional Land Surveyors (TSPS). He reminded that Staudt Surveying, Inc. is also a part of his firm's virtual reference GPS network family, chosen because of Staudt's history and local knowledge of this area and its compatible technologies.

Sally Staudt provided general background information on Staudt Surveying, Inc. and her firm's specific experience in Hays County and the Wimberley area.

Hearing no further comments, Mayor Haley thanked Baker-Aicklen and Staudt Surveying representatives for their presentation.

Kelly Kilber and Mark Roden of Pro-Tech Engineering, Inc. distributed maps showing Wimberley areas already surveyed by their firm and provided personal/professional background information on the firm's history. He noted prior survey/engineering experience working in the nearby cities of Kyle and San Marcos, including surveys for annexation. He stated that his firm has performed many boundary surveys and outlined the format for the completion and documentation of the City's survey, which included identification of conflicts, establishment of procedures to deal with conflicts, high-level GPS controls, and monumentation. Mr. Kilber spoke of his staff's unique experience and qualifications such as his firm's extensive existing records of boundaries from prior Wimberley projects that will decrease the amount of needed research time. Because of his firm's previous Wimberley-area experience and records, Mr. Kilber stated that this will help establish/re-establish corners quickly and accurately. He spoke highly of his firm's work which he stated has stood the time of time for accuracy, relevancy, and defensibility.

In response to Mayor Haley, Mr. Kilber stated that the entire project should be completed in approximately nine (9) months. Mr. Kilber outlined certain procedures and timeframes such as property owner notification/access. Discussion addressed details of notification, use of Hays Central Appraisal District tax roll data, property access, GIS system information, and resolution of conflicts between the proposed survey and existing metes and bounds descriptions. Mr. Kilber provided a specific example using Spoke Hollow Road of how to resolve conflicts when retracing boundaries via point-by-point analysis. Mr. Kilber answered questions relating to monumentation, including identification, standard definition, and methods. When asked about use of his firm's existing records in order to reduce costs, Mr. Kilber replied by providing an example using existing records that will avoid the need for re-surveying of the property in question. In response to City Administrator Ferguson, Mr. Kilber replied that his firm has never been sued based on its surveying services and stated that his firm is not a party to any current or pending litigation.

Hearing no further comments, Councilmember Thurber moved to adjourn. Mayor Haley called the meeting adjourned.

Adjournment: Council meeting adjourned at 5:05 p.m.

Recorded by:

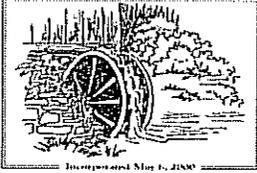
Cara McPartland

APPROVED:

Tom Haley, Mayor

DRAFT

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

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

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
January 7, 2010 at 5:00 p.m.

City Council meeting called to order at 5:10 p.m. by Mayor Tom Haley.

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

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

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

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of December 17, 2009.
- B. Approval of the minutes of the special City Council meeting of December 21, 2009.

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

2. Presentation

Presentation of the quarterly activity report by representative(s) of the Pedernales Electric Cooperative (PEC). (*Cele de Leon*)

Cele de Leon reported on PEC's Christmas tree recycling program, holiday closings, and repair hotline/general contact information, and continued PEC website improvements, including a new link to PEC news on www.twitter.com. Mr. de Leon closed by presenting Mayor Haley with PEC's quarterly franchise payment in the amount of \$18,974.72. There was brief discussion of area drop-off locations for Christmas tree recycling. City Administrator Ferguson thanked Mr. de Leon and PEC for helping with installation of Wimberley's Christmas decorations.

3. City Administrator Report

- Status report on the implementation of the Food Service Establishment and On-site Sewage Facilities (OSSF) Permitting and Inspection Programs

City Administrator Ferguson reported that the City has assumed these responsibilities as of January 1, 2010. He stated that Kyle De Hart is in the process of assuming duties as City Sanitarian and that food permitting/inspection programs are underway as well.

- Status report on the preparation of the *City of Wimberley Fiscal Year 2009 Financial Report*

City Administrator Ferguson stated that auditors have completed their on-site field work and anticipated Council's consideration of the report in early February.

- Status report on the rates levied by Texas Disposal Systems (TDS) for the collection of solid waste in Wimberley

City Administrator Ferguson stated that TDS is increasing its rates by two percent (2%) and cited payment statistics reflecting the increased rate.

- Status report on the efforts to hire a City of Wimberley Planning Technician

City Administrator Ferguson commended outgoing City Planning Technician Abby Gillfillan, who broke new ground by setting up the City's GIS mapping system. He stated that interviews are underway and noted that Ms. Gillfillan has agreed to provide assistance as needed after her departure to the City of San Marcos Planning Department.

In response to Councilmember Thurber, City Administrator Ferguson replied that TDS's rate increase is effective February 1, 2010.

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

City Administrator Ferguson reported that a Request for Proposal (RFP) has been issued, with responses due by the end of January 2010. He noted that a selection committee will include Chamber of Commerce and Wimberley Fire Department representation and that fund raising activities are being planned. Mayor Haley asked for Council's input on delegating the contractor's selection to the selection committee. City Administrator Ferguson stated that the committee will forward a recommendation to Council for action on contract approval. In response to Mayor Haley, City Administrator Ferguson replied that no RFP responses have been received to date.

4. Discussion and Possible Action

- A. Discuss and consider possible action on issues relating to the selection of a firm to prepare a boundary survey for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson reviewed the process to select a firm to date and noted Council's options for action.

Discussion generally agreed to continue this item until Council's next meeting. Councilmember Roccaforte moved to continue this item until Council's next meeting on January 21, 2010. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action on issues relating to the possible submission of an application for Tier III funding assistance from the Texas Water Development Board for the development of a centralized wastewater system for the downtown Wimberley area. (*City Administrator*)

City Administrator Ferguson reviewed the application process to date and explained specifics of Tier III (Federal) funding in the form of a long-term, low-interest loan, including certain terms, timeframes, prior meetings, and options for action. He stated that Council needs to consider whether or not to make connections mandatory as a means to secure a sufficient customer base. He suggested means of mitigating costs to the customer should connections be mandated. He stressed that any action taken tonight is related to *submission* of the loan application, not for *acceptance* of the loan. Should connections be mandated upon loan acceptance, information was provided on necessary amendments to any agreements entered into with GBRA, needed ordinance language, and establishment of fees.

Economic Development Commission (EDC) member Gary Weeks stated that there is a need to improve communication among City boards/commissions and Council as part of the Commission's tasks. He felt that the City's website should be improved and that all board/commission minutes should be distributed electronically among interested parties, including the public and the media. Though it is late in the process, Mr. Weeks expressed the importance of stated Comprehensive Plan goals and economic development strategies related to wastewater service. Because of the widespread impact of wastewater service, he felt that both EDC and Planning and Zoning Commission members need to be involved in working out details of providing wastewater. He stated that EDC did not feel it had enough information at this point to make a recommendation. Referring to costs, water usage charts, and projected LUEs, Mr. Weeks stated that currently undeveloped land would have to be developed to make the project economically feasible. In response to Mr. Weeks' inquiry, City Administrator Ferguson replied that an on-ground survey would have to be conducted. Mr. Weeks expressed concerns over making relevant maps available for public review, as well as controlling authority of GBRA. He spoke in support of Bert Ray's suggestions for effluent disposal provided at Council's joint meeting of January 4, 2010. Based on contact with Wendell Payton, Mr. Weeks questioned cost estimates on SSR/MBR plants and stated that such plants are quieter, with a smaller footprint. Mr. Weeks conveyed Mr. Payton's suggestion that the application does not restrict the City's opportunity to explore all technical options, and asked that such a stipulation be added to any motion made tonight.

No further public comments were heard.

Discussion addressed:

- Differences between Tier II and Tier III funding
- Ability to convert from Tier III to Tier II funding at a later date
- Issues with mandatory connections and need to mitigate customer costs
- Economic feasibility of different types of plants such as Membrane Bioreactor (MBR) and Extended Aeration Activated Sludge Systems (EAAS)
- Need to ensure that all technical options for plants may be explored
- Advantages/disadvantages of proceeding with downtown wastewater service and need for such service
- Need to explore all options, whether or not loan application is submitted and/or subsequently approved and accepted
- Further detailed analysis of all options by Water Wastewater Advisory Board and Economic Development Commission
- Inclusion of language that does not restrict the manner in which effluent is disposed of (such as certain landscaping irrigation purposes)
- Need for application submission as a preliminary step toward realizing downtown wastewater service
- Commitment in loan application that the City is prepared to take steps necessary to ensure sufficient customer base
- Meetings to educate the public and individual property owners about the process to secure wastewater service
- Possible expansion of the service area to increase LUEs and costs involved with such expansion

Mayor Haley felt that wastewater service is essential to protect our waterways as the “lifeblood” of the City and that willingness to consider mandatory connections sends a message that the City is serious in its effort to move forward with this project.

After considerable discussion, Mr. Ferguson’s recommended motion language to approve submission of the application and that if such funding is granted, the City would take steps necessary to mandate connections to the system to ensure adequate customer base and that revenues are collected to pay for the construction and operation of the wastewater system. Subsequent discussion determined that additional language is not needed at this time related to lack of restrictions on specific wastewater service options, which are not referred to in GBRA’s resolution. Mr. Ferguson stated that future meetings will be held to address service options. Councilmember Thurber moved to recommend that GBRA pursue the invitation for stimulus money pursuant to Mr. Ferguson’s recommended wording and proposed motion made for Tier III funding. Councilmember Flocke seconded. Discussion established that the funds are not “stimulus” funds, but Tier III funds. There was brief discussion relating to sufficiency of language used to assure sufficient customer base and the City’s options to pursue alternative Tier II funding. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action on the proposed modification of the site development requirements of the City of Wimberley's Protected Waterway Overlay District. (*Place Three Councilmember Bill Appleman*)

Councilmember Appleman requested that this item be continued to allow for adequate input and review. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible approval of a professional services agreement with Langford Community Management Services to provide grant administration services relating to the Blue Hole Regional Park Project. (*City Administrator*)

City Administrator Ferguson cited prior grant services provided by Langford Community Management Services with successful results. He noted that costs under this service agreement (\$25,000) can be funded with grant dollars for as a grant administration line item. Councilmember Appleman moved to approve the item as presented. He cited other sources of funding donated for various aspects of the development. Councilmember Thurber seconded. Motion carried on a vote of 5-0. City Administrator Ferguson stated that a Schematic Design Phase Report will be presented by Design Workshop at Council's next meeting on January 21, 2010.

- E. Discuss and consider possible action on issues relating to the possible acquisition of Lot 80 (0.814 acres) in South River Unit One, also known as 211 Stillwater, Wimberley, Texas. (*Mayor Tom Haley*)

Mayor Haley adjourned Open Session and convened into Executive Session at 6:01 p.m. for consultation with legal counsel to discuss real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 6:09 p.m. No action was taken during Executive Session.

Councilmember Thurber moved to direct staff to take action as discussed in Executive Session for the acquisition of property located at 211 Stillwater, Wimberley, Texas. Councilmember White seconded. Motion carried on a vote of 5-0.

5. City Council Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 6:09 p.m.

Adjournment: Council meeting adjourned at 6:09 p.m.

Recorded by:

Cara McPartland

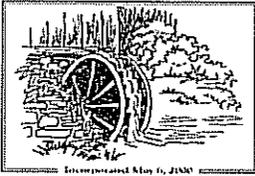
These minutes approved on the _____ of January, 2010.

APPROVED:

Tom Haley, Mayor

DRAFT

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: APPOINTMENT OF PHIL DANE TO THE PLANNING AND ZONING COMMISSION

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

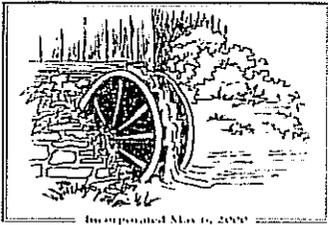
Resolution

Motion

Discussion

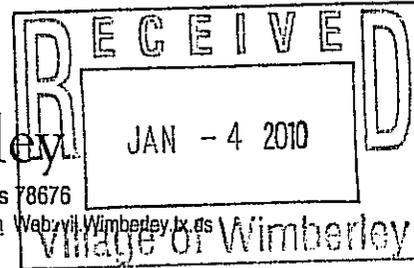
Project/Proposal Summary:

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



Village of Wimberley

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



Application for Appointment to Commission/Board/Committee

Name of Commission/Board/Committee:

PLANNING AND ZONING

Name: K. PHILLIPPS DANE Home Phone: 512.395.7429 E-Mail: thinkerdog@gmail.com

Physical Address: 220 LEACH LANE, WIMBERLEY TX 78676

Mailing Address (if other than physical address):

SAME

Employer: IBM Business Phone: 214.246.8349 Fax:

Position/Occupation SALES DIRECTOR

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

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

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

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

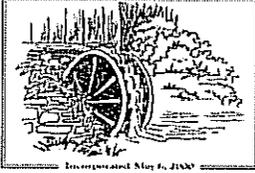
Describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Commission/Board/Committee that you would prefer to serve on.

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

Date: 12/26/09

Signature [Handwritten Signature]

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: APPROVAL OF NOVEMBER
2009 FINANCIAL STATEMENTS

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are the November 2009 Financial Statements for review and consideration.

City of Wimberley
General Fund
Balance Sheet - Modified Accrual Basis
November 30, 2009

Assets

Current Assets

101.10 Petty Cash-General	\$	150.00
102.10 Cash - Ozona National Bank - General		421,822.63
103.10 Cash - Blanco National Bank - General		78.82
105.10 Cash - Ozona National Bank - CD		225,092.47
116.10 Due From Municipal Court		146.16
119.10 Texpool - General		363,706.47
120.10 Accounts Receivable		5,524.13
121.10 Sales Tax Receivable		<u>31,079.74</u>

Total Current Assets \$ 1,047,600.42

Total Assets \$ 1,047,600.42

Liabilities and Fund Balance

Current Liabilities

301.10 Withholding Tax Payable	\$	1,709.00
302.10 FICA Tax Payable		3,215.44
311.10 TMRS Payable		969.04
330.10 Community Center Security Deposits Payable		<u>500.00</u>

Total Current Liabilities \$ 6,393.48

Total Liabilities 6,393.48

Fund Balance

467.10 Fund Balance - Undesignated	588,832.55
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>22,374.39</u>

Total Fund Balance 1,041,206.94

Total Liabilities and Fund Balance \$ 1,047,600.42

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Two Months Ended
November 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
501.10 Sales & Use Tax	\$ 31,079.74	81.05	\$ 96,532.79	82.25
503.10 Interest Income - General	245.18	0.64	514.84	0.44
504.10 Miscellaneous Income	795.03	2.07	1,242.61	1.06
505.10 Building Permits	1,220.19	3.18	3,483.52	2.98
506.10 Building Inspections	1,220.00	3.18	2,935.00	2.50
509.10 Plan Reviews	650.00	1.69	3,217.00	2.74
511.10 Sign Permits	45.00	0.12	235.00	0.20
513.10 Zoning	960.00	2.50	3,383.60	2.88
516.10 Municipal Court Costs/Fines	146.16	0.38	368.47	0.31
525.10 Franchise Fees - Misc	7.16	0.02	7.16	0.01
532.10 Community Center Rental Fees	1,980.00	5.16	5,430.00	4.63
Total Revenues	38,348.46	100.00	117,359.99	100.00
Expenditures				
Admin - Personnel				
601.10 City Administrator	7,307.70	19.06	10,961.55	9.34
602.10 City Secretary	2,846.16	7.42	4,269.24	3.64
603.10 Receptionist/Clerk	1,944.00	5.07	3,110.40	2.65
606.10 Payroll Taxes	925.50	2.41	1,110.60	0.95
607.10 TMRS - Admin	361.72	0.94	723.45	0.62
608.10 Health Care	712.00	1.86	1,424.00	1.21
Total Admin - Personnel	14,097.08	36.76	21,599.24	18.40
Admin - Operating				
609.10 Dues - TML & City Mgr Assoc	85.00	0.22	255.94	0.22
610.10 Public Notices	626.01	1.63	626.01	0.53
611.10 Printing	38.00	0.10	62.00	0.05
612.10 Telephone	485.63	1.27	701.95	0.60
613.10 Copies	2.00	0.01	2.00	0.00
614.10 Rent	4,337.00	11.31	8,674.00	7.39
615.10 Cleaning	400.00	1.04	400.00	0.34
616.10 Office Supplies	118.11	0.31	118.11	0.10
617.10 Utilities	467.09	1.22	467.09	0.40
618.10 Equipment Leases	281.03	0.73	670.43	0.57
619.10 Water Cooler	40.77	0.11	78.26	0.07
622.10 Records Management	7.68	0.02	278.31	0.24
623.10 Office Technology	49.00	0.13	98.00	0.08
626.10 Security Expense	2,981.85	7.78	2,981.85	2.54

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Two Months Ended
November 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
628.10 Technology Consultant	\$ 65.00	0.17	\$ 65.00	0.06
635.10 Mileage	144.10	0.38	144.10	0.12
636.10 Training - Travel	16.22	0.04	16.22	0.01
639.10 Signs/Zoning	0.00	0.00	1,098.00	0.94
Total Admin - Operating	10,144.49	26.45	16,737.27	14.26
Legal				
641.10 Legal	2,618.22	6.83	2,618.22	2.23
Total Legal	2,618.22	6.83	2,618.22	2.23
Council - Boards Expenditures				
651.10 Association Dues	0.00	0.00	100.00	0.09
652.10 Training	0.00	0.00	100.00	0.09
655.10 Financial Management Services	1,000.00	2.61	2,000.00	1.70
661.10 Public Relations / Receptions	178.12	0.46	178.12	0.15
Total Council - Boards Expenditures	1,178.12	3.07	2,378.12	2.03
Building Department Expenditures				
676.10 Contract Inspector	1,660.00	4.33	1,660.00	1.41
677.10 Site Plan Reviews	2,630.00	6.86	2,630.00	2.24
Total Building Department Expenditures	4,290.00	11.19	4,290.00	3.66
Public Works - Personnel				
702.10 Salaries-Code Enforcement & Permitting	2,163.20	5.64	3,461.12	2.95
704.10 Salaries-GIS/Permitting Clerk	2,480.00	6.47	3,968.00	3.38
706.10 Payroll Taxes	355.20	0.93	428.03	0.36
707.10 TMRS - Public Works	138.14	0.36	275.35	0.23
708.10 Health Benefits	400.00	1.04	800.00	0.68
Total Public Works - Personnel	5,536.54	14.44	8,932.50	7.61
Public Works - Operating				
720.10 Fuel	123.64	0.32	172.51	0.15

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Two Months Ended
November 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Total Public Works - Operating	\$ 123.64	0.32	\$ 172.51	0.15
Roads				
727.10 Road Maintenance	15,292.59	39.88	15,592.59	13.29
731.10 Mowing / Tree Trimming	1,735.00	4.52	2,060.00	1.76
732.10 Signs/Barricades	449.75	1.17	449.75	0.38
733.10 Parking Lot Lease	100.00	0.26	200.00	0.17
736.10 Contract Labor	400.00	1.04	400.00	0.34
Total Roads	17,977.34	46.88	18,702.34	15.94
Water/Wastewater				
756.10 Public Restroom Wastewater	275.00	0.72	550.00	0.47
Total Water/Wastewater	275.00	0.72	550.00	0.47
Public Safety - Personnel				
801.10 Salaries - City Marshall	0.00	0.00	(259.70)	(0.22)
806.10 Payroll Taxes	0.00	0.00	(86.88)	(0.07)
807.10 TMRS City Contribution-PS	35.89	0.09	123.20	0.10
Total Public Safety - Personnel	35.89	0.09	(223.38)	(0.19)
Public Safety - Operating				
821.10 City Prosecutor	160.42	0.42	160.42	0.14
824.10 Animal Control	0.00	0.00	6,000.00	5.11
825.10 Fuel-Public Safety	0.00	0.00	41.57	0.04
826.10 Supplies - Public Safety	101.88	0.27	101.88	0.09
Total Public Safety - Operating	262.30	0.68	6,303.87	5.37
Parks - Operating				
859.10 Nature Trail Operations	219.24	0.57	219.24	0.19
Total Parks - Operating	219.24	0.57	219.24	0.19

Restricted for Management's Use Only

City of Wimberley
General Fund
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Two Months Ended
November 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Community Center - Personnel				
901.10 Salaries - Director	\$ 1,540.00	4.02	\$ 2,630.00	2.24
902.10 Salaries - Maintenance	2,640.00	6.88	4,224.00	3.60
906.10 Payroll Taxes - Comm Ctr	319.77	0.83	524.34	0.45
907.10 TMRS - City Contribution Comm Ctr	47.37	0.12	47.37	0.04
908.10 Health Benefits - Comm Ctr	<u>200.00</u>	<u>0.52</u>	<u>400.00</u>	<u>0.34</u>
Total Community Center - Personnel	<u>4,747.14</u>	<u>12.38</u>	<u>7,825.71</u>	<u>6.67</u>
Community Center - Operating				
910.10 Advertising	129.00	0.34	129.00	0.11
915.10 Cleaning - Comm Ctr	420.00	1.10	630.00	0.54
916.10 Office Supplies - Comm Ctr	205.53	0.54	205.53	0.18
917.10 Utilities - Comm Ctr	3,076.97	8.02	3,076.97	2.62
926.10 Security Expense - Comm Ctr	186.90	0.49	186.90	0.16
927.10 Maintenance & Repair - Comm Ctr	414.27	1.08	414.27	0.35
928.10 Supplies - Comm Ctr	<u>237.29</u>	<u>0.62</u>	<u>237.29</u>	<u>0.20</u>
Total Community Center - Operating	<u>4,669.96</u>	<u>12.18</u>	<u>4,879.96</u>	<u>4.16</u>
Total Expenditures	<u>66,174.96</u>	<u>172.56</u>	<u>94,985.60</u>	<u>80.94</u>
NET EXCESS (DEFICIT)	<u>\$ (27,826.50)</u>	<u>(72.56)</u>	<u>\$ 22,374.39</u>	<u>19.06</u>

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES							
501.1 Sales & Use Tax	\$ 31,079.74	\$ 96,532.79	82.25%	\$ 522,300.00	(425,767.21)	-81.52%	-83.33%
502.1 Mixed Beverage Tax	-	-	0.00%	10,000.00	(10,000.00)	-100.00%	-83.33%
503.1 Interest Income	245.18	514.84	0.44%	12,000.00	(11,485.16)	-95.71%	-83.33%
504.1 Misc. Income	795.03	1,242.61	1.06%	12,500.00	(11,257.39)	0.00%	-83.33%
505.1 Building Permits	1,220.19	3,493.52	2.98%	15,000.00	(11,506.48)	-76.71%	-83.33%
506.1 Fire Inspections	1,220.00	2,935.00	2.50%	17,500.00	(14,565.00)	-83.23%	-83.33%
507.1 Plan Reviews	650.00	3,217.00	0.00%	5,000.00	(5,000.00)	-100.00%	-83.33%
509.1 Beer & Wine Permits	-	-	2.74%	15,000.00	(11,783.00)	-78.55%	-83.33%
510.1 Sign Permits	45.00	235.00	0.00%	3,000.00	(3,000.00)	0.00%	-83.33%
511.1 Subdivision	-	-	0.20%	3,500.00	(3,265.00)	-93.29%	-83.33%
512.1 Zoning	960.00	3,383.60	0.00%	10,000.00	(10,000.00)	-100.00%	-83.33%
513.1 Copies/Maps/Misc.	-	-	2.88%	7,500.00	(4,116.40)	-54.89%	-83.33%
514.1 Municipal Court/Costs Fines	146.16	368.47	0.00%	500.00	(500.00)	-100.00%	-83.33%
516.1 Franchise Fees	7.16	7.16	0.31%	5,000.00	(4,631.53)	-92.63%	-83.33%
525.1 Health Fees	-	-	0.01%	230,000.00	(229,992.84)	-100.00%	-83.33%
526.1 Community Center Rental Fees	1,980.00	5,430.00	0.00%	17,500.00	(17,500.00)	-100.00%	-83.33%
533.1 Parking Lot Lease	-	-	4.63%	45,000.00	(39,570.00)	-87.93%	-83.33%
TOTAL REVENUES	38,348.46	117,359.99	100.00%	932,500.00	(815,140.01)	-87.41%	-83.33%
EXPENDITURES							
ADMINISTRATION EXPENDITURES							
<i>Personnel</i>							
601.1 City Administrator	7,307.70	10,951.55	11.54%	95,000.00	(84,038.45)	-88.46%	-83.33%
602.1 City Secretary	2,846.16	4,269.24	4.49%	37,000.00	(32,730.76)	-88.46%	-83.33%
603.1 Receptionist/Clerk	1,944.00	3,110.40	3.27%	29,204.00	(26,093.60)	-89.35%	-83.33%
604.1 Fire Marshal (Contract Labor)	-	-	0.00%	5,000.00	(5,000.00)	0.00%	-83.33%
606.1 Payroll Taxes	925.50	1,110.60	1.17%	12,770.00	(11,659.40)	-91.30%	-83.33%
607.1 TMRS	361.72	723.45	0.76%	5,336.00	(4,612.55)	-86.44%	-83.33%
608.1 Health Benefits	712.00	1,424.00	1.50%	8,544.00	(7,120.00)	-83.33%	-83.33%
<i>Total Personnel</i>	14,097.08	21,599.24	22.74%	192,854.00	(171,254.76)	-88.80%	-83.33%
<i>Operating</i>							
609.1 Dues (TML & City Mgr Assoc.)	85.00	255.94	0.27%	3,000.00	(2,744.06)	-91.47%	-83.33%
610.1 Public Notices	626.01	626.01	0.66%	4,500.00	(3,873.99)	-86.09%	-83.33%
611.1 Printing	38.00	62.00	0.07%	500.00	(438.00)	-87.60%	-83.33%

Restricted for Management's Use Only

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
612.1 Telephone	485.63	701.95	0.74%	5,187.00	(4,485.05)	-86.47%	-83.33%
613.1 Copies	2.00	2.00	0.00%	750.00	(748.00)	-99.73%	-83.33%
614.1 Rent	4,337.00	8,674.00	9.13%	55,000.00	(46,326.00)	-84.23%	-83.33%
615.1 Cleaning	400.00	400.00	0.42%	5,200.00	(4,800.00)	-92.31%	-83.33%
616.1 Office Supplies	118.11	118.11	0.12%	4,000.00	(3,881.89)	-97.05%	-83.33%
617.1 Utilities	467.09	467.09	0.49%	6,000.00	(5,532.91)	-92.22%	-83.33%
618.1 Equipment Leases	281.03	670.43	0.71%	4,600.00	(3,929.57)	-85.43%	-83.33%
619.1 Water Cooler	40.77	78.26	0.08%	650.00	(671.74)	-87.96%	-83.33%
620.1 Postage	-	-	0.00%	2,500.00	(2,500.00)	-100.00%	-83.33%
621.1 Insurance	-	-	0.00%	13,750.00	(13,750.00)	-100.00%	-83.33%
622.1 Records Management	7.68	278.31	0.29%	2,500.00	(2,221.69)	-88.87%	-83.33%
623.1 Office Technology	49.00	98.00	0.10%	4,200.00	(4,102.00)	-97.67%	-83.33%
626.1 Security Expense	2,981.85	2,981.85	3.14%	800.00	2,181.85	272.73%	-83.33%
628.1 Technology Consultant	65.00	65.00	0.07%	3,350.00	(3,285.00)	-98.06%	-83.33%
629.1 Pay Comparability Adjustment	-	-	0.00%	1,000.00	(1,000.00)	-100.00%	-83.33%
630.1 Capital Outlay - Furnishings	-	-	0.00%	500.00	(500.00)	-100.00%	-83.33%
631.1 Capital Outlay - Technology	-	-	0.00%	2,000.00	(2,000.00)	-100.00%	-83.33%
632.1 Capital Outlay - Other	-	-	0.00%	-	-	0.00%	-83.33%
635.1 Mileage	144.10	144.10	0.15%	500.00	(355.90)	-71.18%	-83.33%
636.1 Training-Travel	16.22	16.22	0.02%	1,500.00	(1,483.78)	-98.92%	-83.33%
637.1 Contract Labor	-	-	0.00%	-	-	0.00%	-83.33%
638.1 Repairs & Maintenance	-	-	0.00%	-	-	0.00%	-83.33%
639.1 Signs/Zoning	-	1,098.00	1.16%	-	1,098.00	0.00%	-83.33%
<i>Total Operating</i>	10,144.49	16,737.27	17.62%	121,987.00	(105,249.73)	-86.28%	-83.33%
TOTAL ADMINISTRATION EXPENDITURES	24,241.57	38,336.51	40.36%	314,841.00	(276,504.49)	-87.82%	-83.33%
LEGAL DEPARTMENT EXPENDITURES							
641.1 Legal	2,618.22	2,618.22	2.76%	55,000.00	(52,381.78)	-95.24%	-83.33%
649.1 Operating Transfer-Out	-	-	0.00%	-	-	0.00%	-83.33%
TOTAL LEGAL	2,618.22	2,618.22	2.76%	55,000.00	(52,381.78)	-95.24%	-83.33%
COUNCIL - BOARD EXPENDITURES							
651.1 Association Dues	-	100.00	0.11%	-	100.00	0.00%	-83.33%
652.1 Training	-	100.00	0.11%	1,000.00	(900.00)	-90.00%	-83.33%
653.1 Town Hall Meetings	-	-	0.00%	-	-	0.00%	-83.33%
654.1 Election	-	-	0.00%	3,200.00	(3,200.00)	-100.00%	-83.33%
655.1 Financial Management Services	1,000.00	2,000.00	2.11%	12,000.00	(10,000.00)	-83.33%	-83.33%

Restricted for Management's Use Only

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
656.1	Audit	-	0.00%	13,500.00	(13,500.00)	-100.00%	-83.33%
657.1	Public Satisfaction Survey	-	0.00%	2,500.00	(2,500.00)	0.00%	-83.33%
658.1	Planning	-	0.00%	-	-	0.00%	-83.33%
659.1	Recording Secretary	-	0.00%	-	-	0.00%	-83.33%
660.1	Economic Development	-	0.00%	-	-	0.00%	-83.33%
661.1	Public Relations/Receptions	178.12	0.19%	4,500.00	(4,321.88)	-96.04%	-83.33%
662.1	Public Information	-	0.00%	-	-	0.00%	-83.33%
663.1	Visitor Center Support	-	0.00%	-	-	0.00%	-83.33%
664.1	Fitness Council Expenditures	-	0.00%	5,000.00	(5,000.00)	-100.00%	-83.33%
	TOTAL COUNCIL -BOARD EXPENDITURES	1,178.12	2.50%	41,700.00	(39,321.88)	-94.30%	-83.33%
	BUILDING DEPARTMENT EXPENDITURES						
676.1	Contract Inspector	1,660.00	1.75%	17,500.00	(15,840.00)	-90.51%	-83.33%
677.1	Site Plan Reviews	2,630.00	2.77%	15,000.00	(12,370.00)	-82.47%	-83.33%
678.1	Building Code Books	-	0.00%	-	-	0.00%	-83.33%
	TOTAL BUILDING DEPARTMENT EXPENDITURES	4,290.00	4.52%	32,500.00	(28,210.00)	-86.80%	-83.33%
	PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES						
	<i>Personnel</i>						
701.1	Salaries-Planning Director	2,163.20	3.64%	-	3,461.12	0.00%	-83.33%
702.1	Salaries-Code Enforcement & Permittir	-	0.00%	28,121.00	(28,121.00)	-100.00%	-83.33%
703.1	Salaries-Assst. to Planning Director	-	0.00%	-	-	0.00%	-83.33%
704.1	Salaries-GIS/Permitting Clerk	2,480.00	4.18%	32,240.00	(28,272.00)	-87.69%	-83.33%
706.1	Payroll Taxes	355.20	0.45%	4,708.00	(4,279.97)	-90.91%	-83.33%
707.1	TMRS - Public Works	138.14	0.29%	1,998.00	(1,722.65)	-86.22%	-83.33%
708.1	Health Benefits	400.00	0.84%	4,800.00	(4,000.00)	-83.33%	-83.33%
	Total Personnel	5,536.54	9.40%	71,867.00	(62,934.50)	-87.57%	-83.33%
	<i>Operating</i>						
712.1	Mileage	-	0.00%	250.00	(250.00)	0.00%	-83.33%
713.1	Training	-	0.00%	500.00	(500.00)	0.00%	-83.33%
714.1	Certificates	-	0.00%	-	-	0.00%	-83.33%
715.1	Supplies - Public Works	-	0.00%	500.00	(500.00)	-100.00%	-83.33%
720.1	Fuel	123.64	0.18%	2,000.00	(1,827.49)	-91.37%	-83.33%

Restricted for Management's Use Only

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
721.1 Tools	-	-	0.00%	500.00	(500.00)	-100.00%	-83.33%
722.1 Vehicle Maintenance & Insurance	-	-	0.00%	500.00	(500.00)	-100.00%	-83.33%
Total Operating	123.64	172.51	0.18%	4,250.00	(4,077.49)	-95.94%	-83.33%
Total Public Works	5,660.18	9,105.01	9.59%	76,117.00	(67,011.99)	-88.04%	-83.33%
Roads							
727.1 Road Maintenance	15,292.59	15,592.59	16.42%	85,000.00	(69,407.41)	-81.66%	-83.33%
Transfer to Road Maintenance Reserv	-	-	0.00%	20,000.00	(20,000.00)	-100.00%	-83.33%
729.1 Road Engineering	-	-	0.00%	6,000.00	(6,000.00)	-100.00%	-83.33%
730.1 Road Insurance	-	-	0.00%	-	-	0.00%	-83.33%
731.1 Mowing/Tree Trimming	1,735.00	2,060.00	2.17%	10,500.00	(8,440.00)	-80.38%	-83.33%
732.1 Signs/Barricades	449.75	449.75	0.47%	3,500.00	(3,050.25)	-87.15%	-83.33%
733.1 Parking Lot Lease	100.00	200.00	0.21%	1,200.00	(1,000.00)	-83.33%	-83.33%
734.1 Master Planning Traffic Studies	-	-	0.00%	-	-	0.00%	-83.33%
735.1 Survey Services	-	-	0.00%	50,000.00	(50,000.00)	-100.00%	-83.33%
736.1 Contract Labor	400.00	400.00	0.42%	-	400.00	0.00%	-83.33%
737.1 Ranch Road 12 Mitigation	-	-	0.00%	-	-	0.00%	-83.33%
740.1 Capital Outlay Roads	-	-	0.00%	250,000.00	(250,000.00)	-100.00%	-83.33%
741.1 Capital Outlay Sidewalks	-	-	0.00%	25,000.00	-	0.00%	-83.33%
Total Roads	17,977.34	18,702.34	19.69%	451,200.00	(432,497.66)	-95.85%	-83.33%
Water/Wastewater							
752.1 Water Quality Testing	-	-	0.00%	1,500.00	(1,500.00)	-100.00%	-83.33%
753.1 Wastewater System Start-up	-	-	0.00%	-	-	0.00%	-83.33%
754.1 Map Services	-	-	0.00%	-	-	0.00%	-83.33%
755.1 Water/Wastewater Purchases	-	-	0.00%	-	-	0.00%	-83.33%
756.1 Public Restroom Wastewater	275.00	550.00	0.58%	6,000.00	(5,450.00)	-90.83%	-83.33%
Total Water/Wastewater	275.00	550.00	0.58%	7,500.00	(6,950.00)	-92.67%	-83.33%
TOTAL PUBLIC WORKS/CODE ENFORCEMENT EXPENDITURES	23,912.52	28,357.35	29.85%	534,817.00	(506,459.65)	-94.70%	-83.33%
PUBLIC SAFETY/COURTS EXPENDITURES							
<i>Personnel</i>							
801.1 Salaries - City Marshall	-	(259.70)	-0.27%	-	(259.70)	0.00%	-83.33%
806.1 Payroll Taxes	-	(86.88)	-0.09%	-	(86.88)	0.00%	-83.33%
807.1 TMRS City Contribution	35.89	123.20	0.13%	-	123.20	0.00%	-83.33%

Restricted for Management's Use Only

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
808.1 Health Benefits	35.89	(223.38)	0.00%	-	-	0.00%	-83.33%
<u>Total Personnel</u>			-0.24%		(223.38)	0.00%	-83.33%
<u>Operating</u>							
820.1 Municipal Court Judge			0.00%	1,200.00	(1,200.00)	-100.00%	-83.33%
821.1 City Prosecutor	160.42	160.42	0.17%	2,610.00	(2,449.58)	-93.85%	-83.33%
822.1 Emergency Plan			0.00%	-	-	0.00%	-83.33%
823.1 Training			0.00%	2,500.00	(2,500.00)	-100.00%	-83.33%
824.1 Animal Control		6,000.00	6.32%	6,000.00	-	0.00%	-83.33%
825.1 Fuel		41.57	0.04%	-	41.57	0.00%	-83.33%
826.1 Supplies	101.88	101.88	0.11%	-	101.88	0.00%	-83.33%
827.1 Vehicle Maintenance & Repair			0.00%	-	-	0.00%	-83.33%
830.1 Capital Outlay - Vehicles			0.00%	12,552.00	(12,552.00)	-100.00%	-83.33%
831.1 Capital Outlay - Equipment			0.00%	-	-	0.00%	-83.33%
832.1 Capital Outlay - Technology			0.00%	-	-	0.00%	-83.33%
837.1 Sanitarian (Contract Labor)			0.00%	15,000.00	(15,000.00)	0.00%	-83.33%
<u>Total Operating</u>	262.30	6,303.87	6.64%	39,862.00	(33,558.13)	-84.19%	-83.33%
TOTAL PUBLIC SAFETY/COURTS EXPENDITURES	298.19	6,080.49	5.40%	39,862.00	(33,781.51)	-84.75%	-83.33%
PARKS & RECREATION EXPENDITURES							
<u>Personnel</u>							
851.1 Assistant to City Admin			0.00%	-	-	0.00%	-83.33%
852.1 Health Benefits			0.00%	-	-	0.00%	-83.33%
853.1 Payroll Taxes			0.00%	-	-	0.00%	-83.33%
<u>Total Personnel</u>			0.00%	-	-	0.00%	-83.33%
<u>Operating</u>							
854.1 Mileage			0.00%	-	-	0.00%	-83.33%
855.1 Public Information			0.00%	-	-	0.00%	-83.33%
856.1 Parks Research & Development			0.00%	500.00	(500.00)	-100.00%	-83.33%
857.1 Trails Master Plan			0.00%	-	-	0.00%	-83.33%
859.1 Nature Trail Operations	219.24	219.24	0.23%	5,000.00	(4,780.76)	-95.62%	-83.33%
<u>Total Operating</u>	219.24	219.24	0.23%	5,500.00	(5,280.76)	-96.01%	-83.33%
TOTAL PARKS & RECREATION EXPENDITURES	219.24	219.24	0.23%	5,500.00	(5,280.76)	-96.01%	-83.33%

Restricted for Management's Use Only

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - GENERAL FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
COMMUNITY CENTER EXPENDITURES							
<i>Personnel</i>							
901.1 Salaries - Director	1,540.00	2,630.00	2.77%	18,231.00	(15,601.00)	-85.57%	-83.33%
902.1 Salaries - Maintenance	2,640.00	4,224.00	4.45%	35,182.00	(30,958.00)	-87.99%	-83.33%
906.1 Payroll Taxes	319.77	524.34	0.55%	4,177.00	(3,652.66)	-87.45%	-83.33%
907.1 TMRS	47.37	47.37	0.05%	1,165.00	(1,117.63)	-95.93%	-83.33%
908.1 Health Benefits	200.00	400.00	0.42%	2,400.00	(2,000.00)	-83.33%	-83.33%
909.1 Contract Labor	-	-	0.00%	750.00	(750.00)	-100.00%	-83.33%
<i>Total Personnel</i>	4,747.14	7,825.71	6.24%	61,905.00	(54,079.29)	-87.38%	-83.33%
<i>Operating</i>							
910.1 Advertising	129.00	129.00	0.14%	5,000.00	(4,871.00)	-97.42%	-83.33%
915.1 Cleaning	420.00	630.00	0.66%	-	630.00	0.00%	-83.33%
916.1 Office Supplies	205.53	205.53	0.22%	2,500.00	(2,294.47)	-91.78%	-83.33%
917.1 Utilities	3,076.97	3,076.97	3.24%	26,088.00	(22,991.03)	-88.20%	-83.33%
926.1 Security Expense	186.90	186.90	0.20%	1,100.00	(913.10)	-83.01%	-83.33%
927.1 Maintenance & Repair	414.27	414.27	0.44%	2,000.00	(1,585.73)	-79.29%	-83.33%
928.1 Supplies	237.29	237.29	0.25%	3,500.00	(3,262.71)	-93.22%	-83.33%
<i>Total Operating</i>	4,669.96	4,879.96	5.14%	40,168.00	(35,288.04)	-87.85%	-83.33%
TOTAL COMMUNITY CENTER EXPENDITURES	9,417.10	12,705.67	13.38%	102,073.00	(89,367.33)	-87.55%	-83.33%
TOTAL EXPENDITURES	66,174.96	94,985.60	0.87	1,126,293.00	(941,940.07)	-83.63%	-83.33%
TRANSFER IN (FUND BALANCE)				193,793.00			
Net Excess (Deficit)	\$ (27,826.50)	\$ 22,374.39	13.38%	\$ -	22,374.39	0.00%	-83.33%

Restricted for Management's Use Only

City of Wimberley
Blue Hole Parkland
Balance Sheet - Modified Accrual Basis
 November 30, 2009

Assets

Current Assets

110.40 Cash - Ozona National Bank - BH Operating	\$ 80,680.43
111.40 Cash - Ozona National Bank - BH Development	407,688.73
119.40 Texpool - Blue Hole	<u>163,823.81</u>

Total Current Assets \$ 652,192.97

Total Assets \$ 652,192.97

Liabilities and Fund Balance

Current Liabilities

340.40 Blue Hole Rental Deposits Payable	\$ <u>675.00</u>
--	------------------

Total Current Liabilities \$ 675.00

Total Liabilities 675.00

Fund Balance

467.40 Fund Balance - Blue Hole	540,338.75
473.40 Designated Fund Balance Blue Hole - Soccer Fields	146,701.58
498.40 Net Excess (Deficit)	<u>(35,522.36)</u>

Total Fund Balance 651,517.97

Total Liabilities and Fund Balance \$ 652,192.97

City of Wimberley
Blue Hole Parkland
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Two Months Ended
November 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
503.40 Interest Income - Blue Hole Parkland	\$ 524.14	99.31	\$ 849.82	93.90
504.40 Misc Income - Blue Hole	<u>3.62</u>	<u>0.69</u>	<u>55.16</u>	<u>6.10</u>
Total Revenues	<u>527.76</u>	<u>100.00</u>	<u>904.98</u>	<u>100.00</u>
Expenditures				
Parks - Operating				
861.40 Contract Labor/Wages	0.00	0.00	300.00	33.15
862.40 Utilities	145.10	27.49	145.10	16.03
865.40 Contract Services	13,500.00	2557.98	13,500.00	1491.75
869.40 Capital Outlay - Facilities	850.00	161.06	850.00	93.92
870.40 Capital Outlay - Development Project	<u>21,632.24</u>	<u>4098.88</u>	<u>21,632.24</u>	<u>2390.36</u>
Total Parks - Operating	<u>36,127.34</u>	<u>6845.41</u>	<u>36,427.34</u>	<u>4025.21</u>
Total Expenditures	<u>36,127.34</u>	<u>6845.41</u>	<u>36,427.34</u>	<u>4025.21</u>
NET EXCESS (DEFICIT)	<u>\$ (35,599.58)</u>	<u>(6745.41)</u>	<u>\$ (35,522.36)</u>	<u>(3925.21)</u>

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - BLUE HOLE SPECIAL REVENUE FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES							
504.4 Misc Income	\$ 3.62	\$ 55.16	6.10%	\$0.00	55.16	0.00%	-83.33%
503.4 Interest Income*	524.14	848.82	93.90%	\$5,000.00	(4,150.18)	-83.00%	-83.33%
518.4 Designated Funds	-	-	0.00%	-	-	0.00%	-83.33%
520.4 Grant Funds	-	-	0.00%	1,131,125.00	(1,131,125.00)	-100.00%	-83.33%
541.4 Gate Fees	-	-	0.00%	60,000.00	(60,000.00)	-100.00%	-83.33%
542.4 Rental Fees	-	-	0.00%	2,000.00	(2,000.00)	-100.00%	-83.33%
TOTAL REVENUES	527.76	904.98	100.00%	\$1,198,125.00	(1,197,220.02)	-99.92%	-83.33%
EXPENDITURES							
858.4 Blue Hole Master Plan	-	-	0.00%	-	-	0.00%	-83.33%
861.4 Contract Labor/Wages	-	300.00	0.82%	23,455.00	(23,155.00)	-98.72%	-83.33%
862.4 Utilities	145.10	145.10	0.40%	1,500.00	(1,354.90)	-90.33%	-83.33%
863.4 Mowing	-	-	0.00%	2,500.00	(2,500.00)	-100.00%	-83.33%
864.4 Operating Supplies	-	-	0.00%	2,045.00	(2,045.00)	-100.00%	-83.33%
865.4 Contract Services	13,500.00	13,500.00	37.06%	348,125.00	(334,625.00)	-96.12%	-83.33%
866.4 Rental	-	-	0.00%	1,500.00	(1,500.00)	-100.00%	-83.33%
867.4 Materials	-	-	0.00%	2,000.00	(2,000.00)	-100.00%	-83.33%
868.4 Public Restroom Facilities	850.00	850.00	2.33%	2,500.00	(1,650.00)	-66.00%	-83.33%
869.4 Capital Outlay - Equipment	-	-	0.00%	14,500.00	(14,500.00)	-100.00%	-83.33%
870.4 Capital Outlay - Development	21,632.24	21,632.24	59.38%	800,000.00	(778,367.76)	-97.30%	-83.33%
TOTAL BLUE HOLE PARKLAND EXPENDITURES	36,127.34	36,427.34	100.00%	1,198,125.00	(1,161,697.66)	-96.96%	-83.33%
Net Excess (Deficit)	\$ (35,599.58)	\$ (35,522.36)	0.00%	-	(35,522.36)	-2.96%	-83.33%

City of Wimberley
Municipal Court
Balance Sheet - Modified Accrual Basis
November 30, 2009

Assets

Current Assets

109.50 Cash - Blanco National Bank -Municipal Court	\$	47.00
112.50 Cash - Ozona National Bank - Municipal Court		<u>1,405.68</u>

Total Current Assets	\$	<u>1,452.68</u>
----------------------	----	-----------------

Total Assets	\$	<u><u>1,452.68</u></u>
--------------	----	------------------------

Liabilities and Fund Balance

Current Liabilities

304.50 Due to General - Municipal Court	\$	146.16
350.50 Municipal Court Cost Payable		<u>63.15</u>

Total Current Liabilities	\$	<u>209.31</u>
---------------------------	----	---------------

Total Liabilities		<u>209.31</u>
-------------------	--	---------------

Fund Balance

467.50 Fund Balance - Municipal Court		1,221.52
498.50 Net Excess (Deficit)		<u>21.85</u>

Total Fund Balance		<u>1,243.37</u>
--------------------	--	-----------------

Total Liabilities and Fund Balance	\$	<u><u>1,452.68</u></u>
------------------------------------	----	------------------------

City of Wimberley
Municipal Court
Statement of Revenue and Expenditures - Modified Accrual Basis
For the One Month and Two Months Ended
November 30, 2009

	Current Period		Year To Date	
	Amount	Percent	Amount	Percent
Revenues				
503.50 Interest Income - Municipal Ct	\$ 0.00	0.00	\$ 0.37	1.69
550.50 Court Technology Fees	1.42	7.48	2.73	12.49
551.50 Building Security Fees	1.07	5.63	2.05	9.38
552.50 Child Safety Fees	15.00	78.99	15.00	68.65
553.50 Judicial Efficiency Fees	1.50	7.90	1.70	7.78
	<u>18.99</u>	<u>100.00</u>	<u>21.85</u>	<u>100.00</u>
Total Revenues				
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Expenditures				
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
NET EXCESS (DEFICIT)	\$ <u>18.99</u>	<u>100.00</u>	\$ <u>21.85</u>	<u>100.00</u>

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - MUNICIPAL COURT SPECIAL REVENUE FUND
 For The Two Months Ended November 30, 2009

	CURRENT PERIOD	YTD ACTUAL	%	ANNUAL BUDGET	OVER (UNDER)	%	MTD %
REVENUES							
503.5 Interest Income	-	0.37	1.69%	\$ -	0.37	0.00%	-83.33%
550.5 Court Technology Fees	1.42	2.73	12.49%	425.00	(422.27)	-99.36%	-83.33%
551.5 Building Security Fees	1.07	2.05	9.38%	325.00	(322.95)	-99.37%	-83.33%
552.5 Child Safety Fees	15.00	15.00	68.65%	325.00	(310.00)	-95.38%	-83.33%
553.5 Judicial Efficiency Fees	1.50	1.70	7.78%	20.00	(18.30)	-91.50%	-83.33%
TOTAL REVENUES	18.99	21.85	100.00%	1,095.00	(1,073.15)	-98.00%	-83.33%
EXPENDITURES							
<u>Court Technology</u>							
Office Supplies							-83.33%
Office Technology							-83.33%
Capital Outlay - Technology							-83.33%
<i>Total Court Technology</i>							<i>-83.33%</i>
<u>Building Security</u>							
Office Supplies							-83.33%
Security Expense							-83.33%
Capital Outlay - Furnishings							-83.33%
<i>Total Building Security</i>							<i>-83.33%</i>
<u>Child Safety</u>							
Printing							-83.33%
Contract Labor							-83.33%
Signage							-83.33%
<i>Total Child Safety</i>							<i>-83.33%</i>
<u>Judicial Efficiency</u>							
Office Supplies							-83.33%
Printing							-83.33%
Signage			0.00%	-	-	0.00%	-83.33%
<i>Total Judicial Efficiency</i>							<i>-83.33%</i>
TOTAL MUNICIPAL COURT							

Restricted for Management's Use Only

CITY OF WIMBERLEY
 BUDGET VS ACTUAL - MUNICIPAL COURT SPECIAL REVENUE FUND
 For The Two Months Ended November 30, 2009

	CURRENT	YTD	0.00%	ANNUAL	OVER	0.00%	MTD
EXPENDITURES	-	-		-	-		-83.33%
Net Excess (Deficit)	\$ 18.99	21.85	100.00%	\$ 1,095.00	\$ 1,073.15	-98.00%	-83.33%

**City of Wimberley
JOURNAL REPORT**

November 30, 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>
11/1/09	304.50	Due to General - Municipal Court	218.31	2001	city of wimberley
11/6/09	870.40	Capital Outlay - Development Project	21,632.24	2001	design workshop
			21,850.55	2001	Reference Total
11/6/09	865.40	Contract Services	13,500.00	3005	langford community mgmt
11/6/09	869.40	Capitla Outlay - Facilities	850.00	3006	myers concrete construction
11/6/09	862.40	Utilities	45.00	3007	pec
11/6/09	862.40	Utilities	55.10	3008	wimberley water supply
11/19/09	862.40	Utilities	45.00	3009	pec
11/1/09	708.10	Health Benefits	200.00	7049	abigail gillfillan
11/1/09	733.10	Parking Lot Lease	100.00	7050	calkins interest
11/1/09	608.10	Health Care	200.00	7051	cara mcpartland
11/1/09	608.10	Health Care	312.00	7052	don ferguson
11/1/09	608.10	Health Care	200.00	7053	monica alcalá'
11/1/09	614.10	Rent	525.00	7054	todd routh
11/1/09	708.10	Health Benefits	200.00	7055	william bowers
11/1/09	614.10	Rent	3,812.00	7056	todd routh
11/1/09	908.10	Health Benefits - Comm Ctr	200.00	7067	michael meeks
11/6/09	611.10	Printing	38.00	7068	a studio z
11/6/09	628.10	Technology Consultant	65.00	7069	aaa fire & safety equipment
11/6/09	927.10	Maintenance & Repair - Comm Ctr	80.00	7070	accurate appliance repair
11/6/09	731.10	Mowing / Tree Trimming	200.00	7072	affordable lawn service
11/6/09	859.10	Nature Trail Operations	50.00	7072	affordable lawn service
			250.00	7072	Reference Total
11/6/09	623.10	Office Technology	49.00	7073	anvil communications
11/6/09	917.10	Utilities - Comm Ctr	456.68	7074	aqua texas inc
11/6/09	926.10	Advertising - Comm Ctr	93.45	7075	asg security
11/6/09	676.10	Contract Inspector	1,660.00	7076	ats engineers
11/6/09	641.10	Legal	2,618.22	7077	bickerstaff heath pollan & caroom
11/6/09	821.10	City Prosecutor	160.42	7077	bickerstaff heath pollan & caroom
			2,778.64	7077	Reference Total
11/6/09	635.10	Mileage	144.10	7078	cara mcpartland
11/6/09	636.10	Training - Travel	16.22	7078	cara mcpartland
			160.32	7078	Reference Total
11/6/09	910.10	Advertising	129.00	7079	digimuse services
11/6/09	727.10	Road Maintenance	900.00	7080	garrett allen

**City of Wimberley
JOURNAL REPORT**

November 30, 2009

CD - Cash disbursements

Client No: 347

Page 2

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
11/6/09	619.10	Water Cooler	37.49	7081	hill country springs
11/6/09	610.10	Public Notices	626.01	7082	holly media group
11/6/09	731.10	Mowing / Tree Trimming	1,235.00	7083	master care tree & landscaping
11/6/09	677.10	Site Plan Reviews	2,630.00	7084	neptune-wilkinson associates
11/6/09	927.10	Maintenance & Repair - Comm Ctr	334.27	7085	olson electric
11/6/09	617.10	Utilities	467.09	7086	pec
11/6/09	859.10	Nature Trail Operations	95.58	7086	pec
11/6/09	917.10	Utilities - Comm Ctr	1,321.25	7086	pec
			1,883.92	7086	Reference Total
11/6/09	615.10	Cleaning	400.00	7087	pow-wow services
11/6/09	915.10	Cleaning - Comm Ctr	220.00	7088	ruth frei
11/6/09	732.10	Signs/Barricades	160.75	7089	safelane traffic supply
11/6/09	826.10	Supplies - Public Safety	101.88	7090	sunrise environment
11/6/09	917.10	Utilities - Comm Ctr	177.38	7091	texas disposal systems
11/6/09	720.10	Fuel	52.87	7092	texas fleet fuel
11/6/09	609.10	Dues - TML & City Mgr Assoc	85.00	7093	texas municipal clerks association
11/6/09	727.10	Road Maintenance	6,932.20	7094	texas road repair & patches
11/6/09	612.10	Telephone	310.11	7095	verizon
11/6/09	917.10	Utilities - Comm Ctr	1,000.00	7096	wimberley hydro gas co
11/6/09	859.10	Nature Trail Operations	28.80	7097	wimberley water supply
11/6/09	917.10	Utilities - Comm Ctr	121.66	7097	wimberley water supply
			150.46	7097	Reference Total
11/6/09	727.10	Road Maintenance	25.79	7098	ace hardware
11/6/09	661.10	Public Relations / Receptions	28.12	7098	ace hardware
11/6/09	859.10	Nature Trail Operations	44.86	7098	ace hardware
11/6/09	928.10	Supplies - Comm Ctr	237.29	7098	ace hardware
			336.06	7098	Reference Total
11/12/09	301.10	Withholding Tax Payable	1,676.00	7099	ozona national bank
11/12/09	302.10	FICA Tax Payable	3,150.62	7099	ozona national bank
			4,826.62	7099	Reference Total
11/12/09	607.10	TMRS - Admin	361.72	7100	tmrs
11/12/09	707.10	TMRS - Public Works	138.14	7100	tmrs
11/12/09	807.10	TMRS City Contribution-PS	35.89	7100	tmrs
11/12/09	907.10	TMRS - City Contribution Comm Ctr	47.37	7100	tmrs
11/12/09	311.10	TMRS Payable	975.10	7100	tmrs

**City of Wimberley
JOURNAL REPORT**

November 30, 2009

CD - Cash disbursements

Client No: 347

Page 3

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
			1,558.22	7100	Reference Total
11/19/09	926.10	Advertising - Comm Ctr	93.45	7104	asg security
11/19/09	612.10	Telephone	175.52	7105	at&t
11/19/09	626.10	Security Expense	2,855.00	7106	ats engineers
11/19/09	727.10	Road Maintenance	300.00	7107	garrett allen
11/19/09	756.10	Public Restroom Wastewater	275.00	7108	leinneweber plumbing
11/19/09	655.10	Financial Management Services	1,000.00	7109	lori graham cpa
11/19/09	731.10	Mowing / Tree Trimming	300.00	7110	master care tree & landscaping
11/19/09	915.10	Cleaning - Comm Ctr	200.00	7111	ruth frei
11/19/09	732.10	Signs/Barricades	39.00	7112	safelane traffice supply
11/19/09	720.10	Fuel	70.77	7113	texas fleet fuel
11/19/09	732.10	Signs/Barricades	250.00	7114	hartmann enterprises inc
11/19/09	727.10	Road Maintenance	7,134.60	7115	valerio road repair
11/23/09	661.10	Public Relations / Receptions	150.00	7116	vogel's tannenbaum farms
11/19/09	626.10	Security Expense	126.85	7117	adt security services
11/19/09	613.10	Copies	2.00	7118	department of public safety
11/19/09	618.10	Equipment Leases	281.03	7119	kyocera mita america
11/24/09	616.10	Office Supplies	118.11	7120	sam's club
11/24/09	619.10	Water Cooler	3.28	7120	sam's club
11/24/09	916.10	Office Supplies - Comm Ctr	205.53	7120	sam's club
			326.92	7120	Reference Total
11/24/09	736.10	Contract Labor	100.00	7121	blaine hamilton
11/24/09	736.10	Contract Labor	100.00	7122	darrell w ayers
11/24/09	736.10	Contract Labor	100.00	7123	ray helm
11/24/09	736.10	Contract Labor	100.00	7124	ron hood
11/24/09	102.10	Cash - Ozona National Bank - General	-49,447.47	disb	disb
11/1/09	112.50	Cash - Ozona National Bank - Municipal Court	-218.31	disb	disb
11/19/09	110.40	Cash - Ozona National Bank - BH Operating	-14,495.10	disb	disb
11/6/09	111.40	Cash - Ozona National Bank - BH Development	-21,632.24	disb	disb
			-85,793.12	disb	Reference Total
		Total for 89 Items	0.00		

City of Wimberley
JOURNAL REPORT

November 30, 2009

JE -

Client No: 347

Page 4

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
11/30/09	622.10	Records Management	7.68	1	q/b s/c
11/30/09	102.10	Cash - Ozona National Bank - General	-7.68	1	cash
			0.00	1	Reference Total
11/30/09	102.10	Cash - Ozona National Bank - General	90,879.84	2	deposits
11/30/09	121.10	Sales Tax Receivable	-65,453.05	2	sales tax receivable
11/30/09	116.10	Due From Municipal Court	-218.31	2	due from mc
11/30/09	504.10	Miscellaneous Income	-592.59	2	misc income
11/30/09	505.10	Building Permits	-1,220.19	2	bldg permits
11/30/09	506.10	Building Inspections	-1,220.00	2	inspections
11/30/09	509.10	Plan Reviews	-650.00	2	plan reviews
11/30/09	511.10	Sign Permits	-45.00	2	sign permits
11/30/09	513.10	Zoning	-960.00	2	zoning
11/30/09	120.10	Accounts Receivable	-2,332.58	2	time warner cable
11/30/09	120.10	Accounts Receivable	-9,358.43	2	texas disposal systems
11/30/09	120.10	Accounts Receivable	-6,099.51	2	verizon
11/30/09	120.10	Accounts Receivable	-540.58	2	misc franchise fees
11/30/09	532.10	Community Center Rental Fees	-1,980.00	2	comm ctr rental fees
11/30/09	525.10	Franchise Fees - Misc	-7.16	2	franchise fees
11/30/09	504.10	Miscellaneous Income	-202.44	2	misc income
			0.00	2	Reference Total
11/30/09	119.40	Texpool - Blue Hole	28.46	3	texpool bh
11/30/09	503.40	Interest Income - Blue Hole Parkland	-28.46	3	interest
			0.00	3	Reference Total
11/30/09	119.10	Texpool - General	63.11	4	texpool
11/30/09	503.10	Interest Income - General	-63.11	4	texpool
			0.00	4	Reference Total
11/30/09	112.50	Cash - Ozona National Bank - Municipal Court	199.00	5	cash mc
11/30/09	550.50	Court Technology Fees	-1.42	5	court tech fee
11/30/09	551.50	Building Security Fees	-1.07	5	bldg sec fee
11/30/09	552.50	Child Safety Fees	-15.00	5	child safety fee
11/30/09	553.50	Judicial Efficiency Fees	-1.50	5	judicial
11/30/09	304.50	Due to General - Municipal Court	-146.16	5	due to general

**City of Wimberley
JOURNAL REPORT**

November 30, 2009

JE -

Client No: 347

Page 5

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
11/30/09	350.50	Municipal Court Cost Payable	-33.85	5	due to state
			0.00	5	Reference Total
11/30/09	105.10	Cash - Ozona National Bank - CD	92.47	6	savings
11/30/09	503.10	Interest Income - General	-92.47	6	interest
			0.00	6	Reference Total
11/30/09	110.40	Cash - Ozona National Bank - BH Operating	21.28	7	cash - bh
11/30/09	504.40	Misc Income - Blue Hole	-3.62	7	misc income
11/30/09	503.40	Interest Income - Blue Hole Parkland	-17.66	7	interest
			0.00	7	Reference Total
11/30/09	111.40	Cash - Ozona National Bank - BH Development	478.02	8	bh development
11/30/09	503.40	Interest Income - Blue Hole Parkland	-478.02	8	interest
			0.00	8	Reference Total
11/30/09	121.10	Sales Tax Receivable	31,079.74	9	sales tax receivable
11/30/09	501.10	Sales & Use Tax	-31,079.74	9	sales tax
			0.00	9	Reference Total
11/30/09	706.10	Payroll Taxes	355.20	10	p/r taxes - pw
11/30/09	906.10	Payroll Taxes - Comm Ctr	319.77	10	p[r] taxes comm ctr
11/30/09	606.10	Payroll Taxes	-674.97	10	p/r admin
			0.00	10	Reference Total
11/30/09	102.10	Cash - Ozona National Bank - General	89.60	11	cash
11/30/09	503.10	Interest Income - General	-89.60	11	interest
			0.00	11	Reference Total
11/30/09	116.10	Due From Municipal Court	146.16	12	due from municipal court
11/30/09	516.10	Municipal Court Costs/Fines	-146.16	12	municipal court fees
			0.00	12	Reference Total
		Total for 45 Items	0.00		

City of Wimberley
JOURNAL REPORT

November 30, 2009

PYA - Generated payroll accrual

Client No: 347

Page 6

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
11/30/09	606.10	Payroll Taxes	1,297.11	CKS	Employer's FICA
11/30/09	302.10	FICA Tax Payable	-1,297.11	CKS	Employer's FICA
11/30/09	606.10	Payroll Taxes	303.36	CKS	Employer's Medicare
11/30/09	302.10	FICA Tax Payable	-303.36	CKS	Employer's Medicare
			0.00	CKS	Reference Total
		Total for 4 Items	0.00		

City of Wimberley
JOURNAL REPORT

November 30, 2009

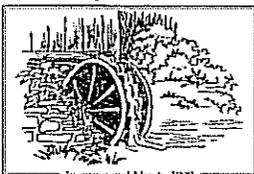
PYR - Generated payroll transaction

Client No: 347

Page 7

<u>Date</u>	<u>Acct</u>	<u>Acct Desc</u>	<u>Amount</u>	<u>Ref</u>	<u>Description</u>
11/30/09	601.10	City Administrator	7,307.70	CKS	SALARY
11/30/09	301.10	Withholding Tax Payable	-1,709.00	CKS	Federal Withholding
11/30/09	302.10	FICA Tax Payable	-1,600.46	CKS	Fica + Medicare Withholding
11/30/09	311.10	TMRS Payable	-969.04	CKS	TMRS Contribution
11/30/09	102.10	Cash - Ozona National Bank - General	-16,642.56	CKS	Net Payroll Checks
11/30/09	602.10	City Secretary	2,846.16	CKS	SALARY
11/30/09	704.10	Salaries-GIS/Permitting Clerk	2,480.00	CKS	SALARY
11/30/09	603.10	Receptionist/Clerk	1,944.00	CKS	SALARY
11/30/09	901.10	Salaries - Director	1,540.00	CKS	SALARY
11/30/09	902.10	Salaries - Maintenance	2,640.00	CKS	SALARY
11/30/09	702.10	Salaries-Code Enforcement & Permitting	2,163.20	CKS	SALARY
			0.00	CKS	Reference Total
		Total for 11 Items	0.00		

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: APPROVAL OF DECEMBER
2009 FINANCIAL STATEMENTS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

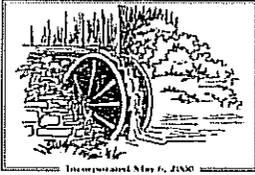
Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approval of the December 2009 Financial Statements. At the time of production of the agenda packet, the Financial Statements were being finalized. Once completed, a copy will be presented under separate cover in advance of the Council meeting for review.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

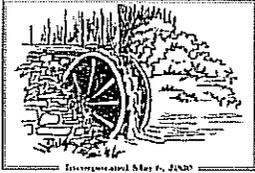
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the efforts underway to secure federal funding for the downtown wastewater project
- Status report on sales tax collections for the City of Wimberley
- Status report on the efforts to hire a City of Wimberley Planning Technician
- Status report on the development of transportation priority projects for the City of Wimberley

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: PRESENTATION BY *DESIGN WORKSHOP* ON THE SCHEMATIC DESIGN PHASE OF THE BLUE HOLE REGIONAL PARK DEVELOPMENT PROJECT

Funds Required:

Funds Available:

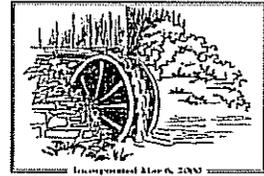
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow Steven Spears with *Design Workshop* to brief City Council on the Schematic Design Phase of the Blue Hole Regional Park Development Project.

Report for City Initiated Zoning ZA-09-009



Summary:

City initiated zoning of certain un-zoned properties located in the downtown Wimberley area bounded by the Cypress Creek, Blanco River, Old Kyle Road and FM 3237.

Subject Property:

Location: Certain un-zoned properties located in the downtown Wimberley area bounded by the Cypress Creek, Blanco River, Old Kyle Road and FM 3237

Existing Use of Property: Vacant, Residential, Commercial, Public, Lodging

Existing Zoning: Unzoned

Proposed Zoning: RA, R-1, R-2, R-3, MF-1, MF-2, NS, C-1, C-2, L-1, PF

Planning Area: I, II, III, IV, V, VII

Overlay District: Protected Water Overlay (PW), City Center Overlay (CC), Entrance Corridor (EC)

Surroundings:

Frontage On: Ranch Road 12, Old Kyle Road, FM 3237, Flite Acres Road, Malone Drive, Oldham Street, Wimberley Square, Oak Drive, Henson Road, Blue Heron Run

Legal Notice

45 Day Property Owner Notification Period: 10/27/2009 – 12/11/2009

200' Letters Sent Published: 12/23/2009
12/30/2009

Comments:

Case ZA-09-009 is the fourth of a series of City-initiated zoning cases that will ultimately zone all un-zoned properties located within the city limits. To accomplish this task, City staff identified each of the un-zoned properties and their current use. Based on the direction of the City Council, City staff developed a recommended zoning designation for each of the un-zoned properties consistent with the *Wimberley Comprehensive Plan*, and compatible with the current use of the property and the planning area where the subject property is located. If a property was vacant, the recommended zoning for the property was residential unless the subject property had adjacent commercial properties which conflicted with a residential use.

Following the development of the zoning recommendations by City staff, the un-zoned property owners were notified in writing of the recommended zoning designation for their property and given forty-five (45) days to either agree with the recommendation or request a different permissible zoning designation for their properties.

To avoid the consideration of more than three-hundred ninety (390) individual zoning cases, City staff grouped the un-zoned properties and their proposed zoning designations into seven (7) separate zoning cases.

The fourth of these cases to be considered by the Planning and Zoning Commission is Case # ZA-09-009. The more than one hundred and thirty (130) un-zoned properties in this zoning case are located along Ranch Road 12, Old Kyle Road, FM 3237, Flite Acres Road, Malone Drive, Oldham Street, Wimberley Square, Oak Drive, Henson Road, and Blue Heron Run. The proposed zoning for the subject properties includes Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2), Neighborhood Services (NS), Commercial – Low Impact (C-1), Commercial – Moderate Impact (C-2), Lodging 1 (L-1), and Public Facilities (PF).

Eleven (11) of the affected property owners requested a zoning designation different from that recommended by the City staff. Below is a list of all the alternate zoning requests that were received within the forty-five (45) day time period.

ID	Property Owner	Proposed Zoning	Requested Zoning
3	WCP PROPERTIES LLC	C-1	C-2
8	WILLIAMS JACK JR & ALICE M TRUST AGREEMENT	R-2	MF-1
49	WIMBERLEY RV PARK & MINI STORAGE LLC	L-1	C-1
55	WILDER CHARLES M JR, JUDITH & WILDER WILLIAM	MF-1	MF-2
70	CARSON, W C	R-1	C-1
77	CLAYTON, CHARLES E, Jr.	R-1	C-1
83	FRANKLIN, RASJIDAH	R-1	R-2
96	SCUDDER, JANET E	R-3	C-1
104	SCUDDER, JANET E	R-3	C-1
127	WILLIAMS ALICE M EST OF	RA	C-1
129	CARSON, W C	R-2	C-1

Attached are the following three maps for review and consideration:

- **Map #1** A map identifying the un-zoned properties in Case # ZA-09-009
- **Map #2** A map showing the zoning designations proposed by City staff in Case #ZA-09-009
- **Map #3** A map showing the zoning designations proposed by City staff along with the alternate zoning requests from property owners in Case # ZA-09-009 ***(This is the official zoning map to be considered for this zoning case)***

On January 14, 2010, the Planning and Zoning Commission held a public hearing on the City-initiated zoning case. Afterwards, the Commission unanimously voted to recommend approval of the zoning case with the added requirement that a fence and vegetative buffer be provided by the owners of those commercially zoned properties that abut residential properties.

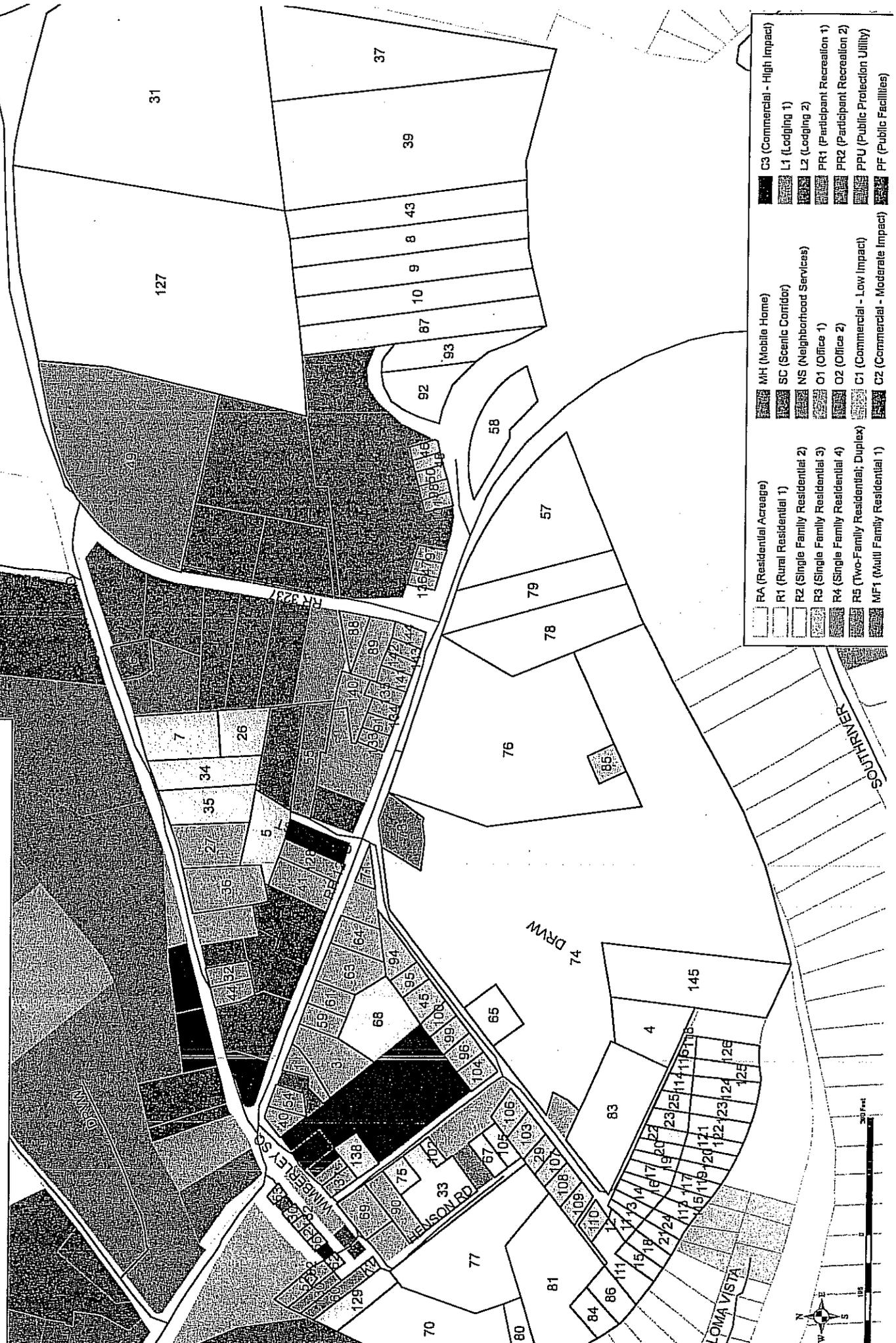
FLITE ACRES RD

37

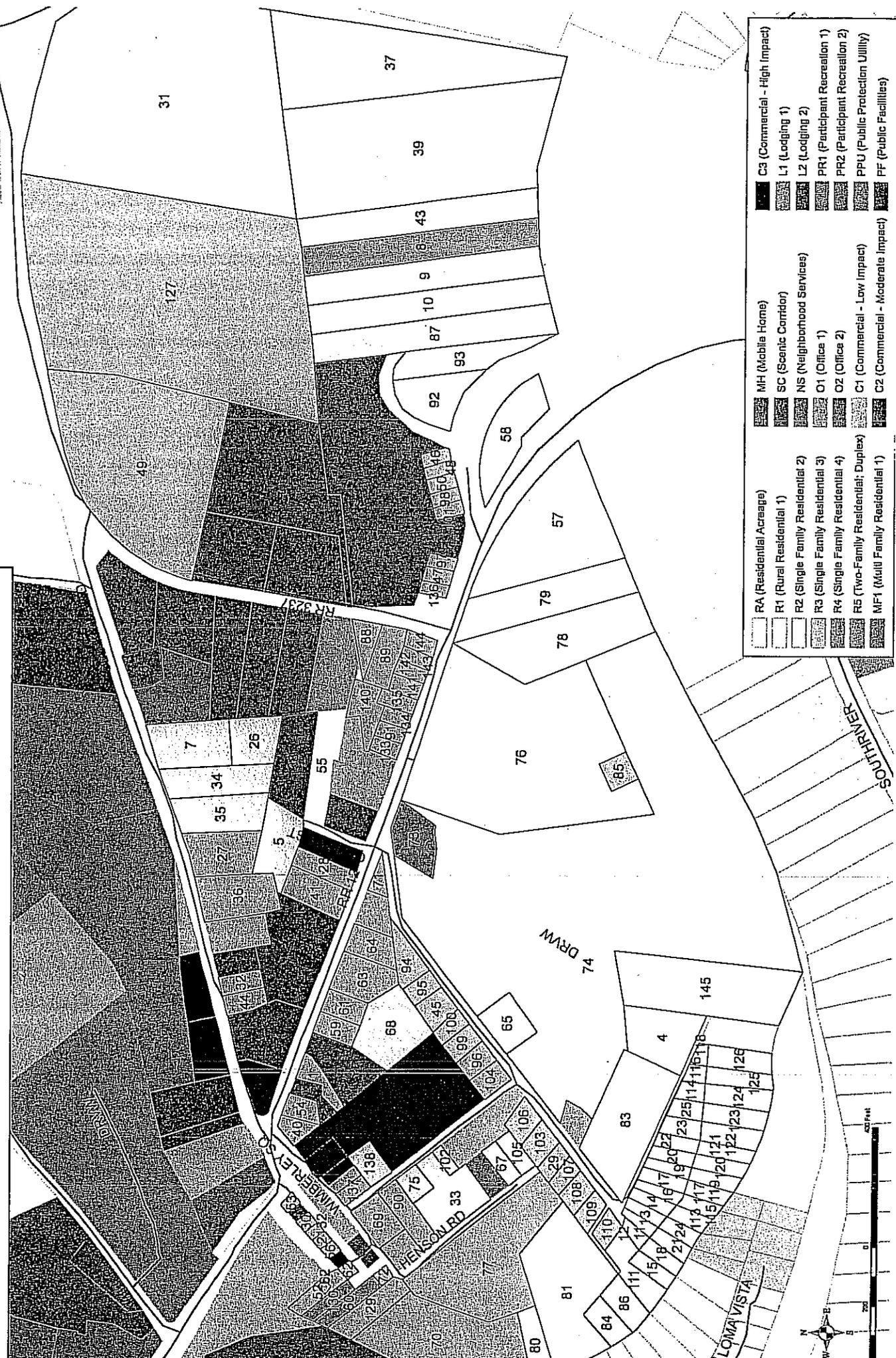
- edging 1)
- edging 2)
- Anticipant Recreation 1)
- Anticipant Recreation 2)
- Public Protection Utility
- Public Facilities

Map #2

A map showing the zoning designations proposed by City staff in Case # ZA-09-009



Map #3
 A map showing the zoning designations requested by
 Property Owners in Case # ZA-09-009



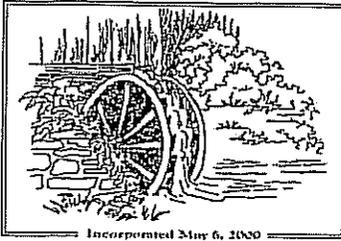
RA (Residential Acreage)	MH (Mobile Home)	C3 (Commercial - High Impact)
R1 (Rural Residential 1)	SC (Scenic Corridor)	L1 (Lodging 1)
R2 (Single Family Residential 2)	NS (Neighborhood Services)	L2 (Lodging 2)
R3 (Single Family Residential 3)	O1 (Office 1)	PR1 (Participant Recreation 1)
R4 (Single Family Residential 4)	O2 (Office 2)	PR2 (Participant Recreation 2)
R5 (Two-Family Residential Duplex)	C1 (Commercial - Low Impact)	PPU (Public Protection Utility)
MFL (Multi Family Residential 1)	C2 (Commercial - Moderate Impact)	PF (Public Facilities)

Property Identification Table Case # ZA-09-009

55	R18474	A0461 AMASA TURNER SURVEY, TRACT PT 3, ACRES 0.52, NO MH INFO	0.52	BLUE HERON RD, WIMBERLEY, TX 76676	IRIO BONITO LLC	II	R2
57	R18533	ABS 461 A TURNER SURVEY 0.48 AC GEO#90603673	0.48	180 HENSON	SCHNAUTZ, NANCY	III	R2
58	R19598	BREEZEWAY LOT 28-29 & PT OF 30 & ABS 461 A TURNER SURVEY GEO#90604777	1.1	110 BLUE HERON RUN	CRAPPS HELEN LOUISE ESTATE OF	III	R2
60	R19331	ABS 461 AMASA TURNER SURVEY 0.35 AC/15.246 SQ FT GEO#90603501	0.35	100 OAK DR, WIMBERLEY, TX 76676	IVAN OSTRAND PHILLIP M & MARY L	III	R2
70	R18095	A0461 AMASA TURNER SURVEY, ACRES 3.04	3.04	Henson Rd	CARSON, W C	III	C1
71	R19436	ABS 461 AMASA TURNER SURVEY 0.12 AC 5, 227 SQ FT GEO#90603557	0.12	13601 RR 12, WIMBERLEY, TX 76676	MCCOLLOUGH, GERALD R	III	C1
72	R18408	A0461 AMASA TURNER SURVEY, ACRES 0.6158	0.6158	HINSON DR, WIMBERLEY, TX 76676	ALEXANDRIA LEE LLC	V	C1
73	R19577	A0461 AMASA TURNER SURVEY, TRACT PT OF 3, ACRES 11.125	11.125	RR 12, WIMBERLEY, TX 76676	MYERS LAND & INVESTMENTS LLC	II	NS
74	R18433	A0461 AMASA TURNER SURVEY, ACRES 1.00	1.00	180 OAK DR, WIMBERLEY, TX 76676	LANE JOY & BERRY DOT LANE	II	RA
75	R19578	A0461 AMASA TURNER SURVEY, TRACT PT OF 1, ACRES 1.00	2.93	13401 S RR 12, WIMBERLEY, TX 76676	RIO BONITO LLC	III	R2
77	R18405	A0461 AMASA TURNER SURVEY, ACRES 2.7	2.7	Hinson Rd	CLAYTON, CHARLES E, JR	III	RA
78	R18394	A0461 AMASA TURNER SURVEY, ACRES 1.19	1.13	13201 RR 12, WIMBERLEY, TX 76676	GILLESPIE, JULIANA P	III	R1
79	R18463	A0461 AMASA TURNER SURVEY, ACRES 1.13	1.13	RR 12 @ BLANCO RIVER, WIMBERLEY, TX 76676	MORGAN KENNETH E & KATHRYN	II	R2
80	R19407	A0461 AMASA TURNER SURVEY, ACRES 1.00	1.00	1336 HENSON RD, WIMBERLEY, TX 76676	CLAYTON, WILLIAM S	II	R2
81	R18380	A0461 AMASA TURNER SURVEY, ACRES 3.334	3.334	Blue Heron Run	CLAYTON, WILLIAM S	III	R1
83	R120456	A0461 AMASA TURNER SURVEY, TRACT PT OF 3, AND 4, ACRES 2	2	BLUE HERON RD, WIMBERLEY, TX 76676	FRANKLIN, RASIDAH	II	R1
84	R18426	A0461 AMASA TURNER SURVEY, ACRES 0.47	.47	302 BLUE HERON, WIMBERLEY, TX 76676	KA, LTD	II	R2
85	R100759	A0461 Amasa Turner Survey, Tract 5	.23	13401 RR 12	KA, LTD	II	R3
86	R18476	A0461 AMASA TURNER SURVEY, ACRES 0.472	.472	304 Blue Heron	KA, LTD	II	R2
87	R19096	HARRISON RESORT SEC 1, LOT PT OF 10		Malone Dr	BDTRIGHT CHARLES & JACQUELINE	II	R2
88	R24846	Cornelstone Condos Unit 5 BLDG B			ESTEY DAVID W & VICKI C	IV	C1
89	R19546	ABS 461 AMASA TURNER SURVEY 0.41 AC/17.860 SF (0.234 AC/1,018 SF HIS)	.41	101 RR2327	SANDER ALBERT & JEAN	IV	C1
90	R19546	HARRISON RESORT SEC 1, LOT 30 GEO#90606168		110 Oak Dr	ANDERSON, MARGOLIA L	III	C1
91	R29772	HARRISON RESORT SEC 1, LOTS 11-12 GEO#90608147		13210 RR 12	MITCHELL, GARY R	IV	C1
92	R29772	HARRISON RESORT SEC 1, LOTS 11-12 GEO#90608147		Malone Dr	BOATRIGHT REV LIVING TRUST	III	R2
93	R29772	HARRISON RESORT SEC 1, LOTS 11-12 GEO#90608147		Malone Dr	BOATRIGHT REV LIVING TRUST	III	R2
94	R21906	BREEZEWAY LOT 28-29 & PT OF 30 & ABS 461 A TURNER SURVEY GEO#90604777	1.10	BLUE HERON RUN	CRAPPS HELEN LOUISE ESTATE OF	III	R3
95	R21906	BREEZEWAY LOT 28-29 & PT OF 30 & ABS 461 A TURNER SURVEY GEO#90604777	1.10	Blue Heron Run	CRAPPS HELEN LOUISE ESTATE OF	III	R3
96	R21905	BREEZEWAY SUBD, LOT 25, MH SERIAL # UNK, TITLE # UNK, LABEL # TEX335562		208 BLUE HERON RUN	SCUDDER, JANET E	III	C1
97	R29778	HARRISON RESORT SEC 1, LOT 21		RR 12	KING, ALVIN BARDINE	III	C1
98	R29774	HARRISON RESORT SEC 1, LOT 16 GEO#90608146		Malone Dr	HENDERSON JIM & ASSOCIATES INC	III	C1
99	R21906	BREEZEWAY SUBD, Lot 26, SERIAL # 15213982		200 BLUE HERON RUN	RAMIREZ, FELIPE	III	R3
100	R21907	BREEZEWAY SUBD, Lot 27, SERIAL # 142613		180 BLUE HERON RUN	RAMIREZ, FELIPE	III	R3
101	R29775	HARRISON RESORT SEC 1, LOT 17 GEO#90606149		Malone Dr	HENDERSON JIM & ASSOCIATES INC	III	C1
102	R18457	A0461 AMASA TURNER SURVEY, SERIAL # 1352, ACRES 0.72	0.72	Malone Dr	LANE, JOY	III	R2
103	R21904	BREEZEWAY LOTS 20-21-22 GEO#90604770		230 Blue Heron Run	SCHNAUTZ, NANCY L	III	R3
104	R21904	BREEZEWAY LOTS 20-21-22 GEO#90604770		100 Blue Heron Run	SCUDDER, JANET E	III	R3
105	R18533	ABS 461 A TURNER SURVEY 0.48 AC GEO#90603673		Henson Dr	SCHNAUTZ, NANCY L	III	R3
106	R21902	BREEZEWAY LOTS 20-21-22 GEO#90604770		Blue Heron Run	SCHNAUTZ, NANCY L	III	R3
107	R21900	BREEZEWAY SEC 1, LOT 19 GEO#90604768		Blue Heron Run	CLAYTON, WILLIAM S	III	R3
108	R21900	BREEZEWAY SEC 1, LOT 18 GEO#90604768		Blue Heron Run	CLAYTON, WILLIAM S	III	R3
109	R21900	BREEZEWAY SEC 1, LOT 17 GEO#90604768		Blue Heron Run	CLAYTON, WILLIAM S	III	R3
110	R21900	BREEZEWAY SEC 1, LOT 16 GEO#90604768		Blue Heron Run	CLAYTON, WILLIAM S	III	R3
111	R29784	HARRISON RESORT SEC 2, LOT 5 1/2 OF 1, ABS 461 AMASA TURNER SURVEY		400 BLUE HERON, WIMBERLEY, TX 76676	ANDERSON, PETER D	III	R3
113	R29787	HARRISON RESORT SEC 2 & BREEZEWAY LOT 5 & 3/4 OF LOT 6 & LOT 13 & PT 12		BLUE HERON, WIMBERLEY, TX 76676	ANDERSON, PETER D	III	R2
114	R29781	HARRISON RESORT SEC 2 & BREEZEWAY SUBD, LOT 4 GEO#90606172		BLUE HERON, WIMBERLEY, TX 76676	DUPREE, DUANE SMITH	III	R2
115	R29788	HARRISON RESORT SEC 2, LOT 14 AND BREEZEWAY SUBD, LOT 4 GEO#90606172		430 BLUE HERON, WIMBERLEY, TX 76676	LAMOUREUX DONN & PAMELA	III	R2
116	R29782	LOT 15 & 1/2 OF 16 HARRISON RESORT SEC 2 & LOT 14 OR 6 ALL OF 7 & 8 PT 12 & ALL 10 GEO#90606168		408 BLUE HERON, WIMBERLEY, TX 76676	THOMPSON JAMES J & JUDY L	III	R2
117	R29788	HARRISON RESORT SEC 2 & LOT 3 & PT OF 2 BREEZEWAY		444 BLUE HERON, WIMBERLEY, TX 76676	LAMOUREUX DONN C & PAMELA D	III	R2
118	R29783	HARRISON RESORT SEC 2, LOT 14 OF 6 ALL OF 7 & 8 PT 12 & ALL 10 GEO#90606168		408 BLUE HERON, WIMBERLEY, TX 76676	THOMPSON JAMES J & JUDY L	III	R2
119	R29789	HARRISON RESORT II, LOT 9-10 & W 10 FT OF 11, AND BREEZEWAY SUBD, LOT 7-8 & PT OF 9		500 Blue Heron Run	COOPER WILLIAM E & BETTY SUE	III	R2
120	R29789	HARRISON RESORT II, LOT 9-10 & W 10 FT OF 11, AND BREEZEWAY SUBD, LOT 7-8 & PT OF 9		412 BLUE HERON RUN, WIMBERLEY, TX 76676	KIBBE, RANGHES LTD	III	R2
121	R29789	HARRISON RESORT II, LOT 9-10 & W 10 FT OF 11, AND BREEZEWAY SUBD, LOT 7-8 & PT OF 9		412 BLUE HERON RUN, WIMBERLEY, TX 76676	KIBBE, RANGHES LTD	III	R2
122	R29780	HARRISON RESORT SEC 2, LOT 9-10 & W 10 FT OF 11, AND BREEZEWAY SUBD, LOTS 5 & 6		422 BLUE HERON, WIMBERLEY, TX 76676	KIBBE, RANGHES LTD	III	R2
123	R29781	HARRISON RESORT SEC 2, LOT 12, PT OF LOT 11, AND BREEZEWAY SUBD, LOTS 5 & 6		422 BLUE HERON, WIMBERLEY, TX 76676	HASSAN, YASSIN A	III	R2
124	R29781	HARRISON RESORT SEC 2, LOT 12, PT OF LOT 11, AND BREEZEWAY SUBD, LOTS 5 & 6		430 BLUE HERON, WIMBERLEY, TX 76676	HASSAN, YASSIN A	III	R2
125	R29782	LOT 15 & 1/2 OF 16 HARRISON RESORT SEC 2, LOT 4 AND BREEZEWAY SUBD, LOT 4 GEO#90606172		444 BLUE HERON, WIMBERLEY, TX 76676	LAMOUREUX DONN & PAMELA A	III	R2
126	R29783	HARRISON RESORT SEC 2, LOT 17 & 1/2 OF LOT 16 & PT OF 2 BREEZEWAY		444 BLUE HERON, WIMBERLEY, TX 76676	LAMOUREUX DONN C & PAMELA D	III	R2
127	R18540	ABS 461 A Turner Survey	14.69	500 Blue Heron Run	COOPER WILLIAM E & BETTY SUE	III	R2
128	R18385	ABS 461 A Turner Survey	14.69	500 Blue Heron Run	COOPER WILLIAM E & BETTY SUE	III	RA
129	R18539	ABS 461 CHARLES OLDHAM SUB A TURNER SURVEY (LT 1 & W 2 OF 6) 0.57 AC/24.929 SF	.57	FM 2327	WILLIAMS ALICE M EST OF	III	C1
130	R18539	ABS 461 A Turner Survey	.514	1320 RR 12, WIMBERLEY, TX 76676	AUSTIN, FRANK	IV	C1
131	R18539	ABS 461 Amasa Turner	.78	150 HENSON	CARSON, W C	IV	C1
132	R18396	ABS 461 AMASA TURNER SURVEY 0.026 AC 1.133 SQ FT GEO#90603507	.026	200 Wimberey Square	SHEFFIELD, JAMES L	V	L1
133	R29783	HARRISON RESORT SEC 1, LOT 31 GEO#90606161		116 WIMBERLEY SQ, WIMBERLEY, TX 76676	EVERLASTING INC	V	C1
				13500 RR 12	MITCHELL, GARY R	IV	C1

Property Identification Table Case # ZA-09-009

134	R29781	HARRISON RESORT SEC 1 LOT 28 GEO#90606159	RR 12		MITCHELL, GARY R	IV	G1	C1
135	R29780	HARRISON RESORT SEC 1 LOT 28 GEO#90606158	RR 12		MITCHELL, GARY R	IV	C1	C1
136	R29779	HARRISON RESORT SEC 1 LOT 22 GEO#90606153			TEXAS STATE OF	III	C1	C1
137	R18499	A0461 AMASA TURNER SURVEY, ACRES 0.18	0.18		FRANKLIN SUE M & EST OF JAMES R	V	C1	C1
138	R18402	A0461 AMASA TURNER SURVEY, ACRES 0.18			MCQUIGG, MARY KAY	V	R2	R2
140	R24847	CORNERSTONE CONDOS UNIT 6 BLDG B			MYNIER CHILDREN TRUST	IV	C1	C1
141	R24842	CORNERSTONE CONDOS BLDG A UNIT 1 & 2		RR 12	ESTEY DAVID W & VICKI C	IV	C1	C1
142	R24848	CORNERSTONE CONDOS UNIT 7 BLDG B		RR 12	MYNIER CHILDREN TRUST	IV	C1	C1
143	R24845	CORNERSTONE CONDOS UNIT 4 BLDG B		RR 12	ESTEY DAVID W & VICKI C	IV	C1	C1
144	R24849	CORNERSTONE CONDOS UNIT 8 BLDG C		RR 12	VOGES LAURA R & DALCHAU KIRK B	IV	C1	C1
145	R18429	A0461 AMASA TURNER SURVEY, TRACT 2, ACRES 2.425	2.425	13401 RR 12	RIO BONITO LLC	II	R1	R1



City of Wimberley

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

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

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

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

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

Don Ferguson, City Administrator

December 18, 2009

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-09-009**
City Initiated Zoning
Certain Un-zoned Properties located in the downtown Wimberley area

Dear Property Owner:

In order to implement the City of Wimberley's Comprehensive Plan amendments of July 2008, the City is undertaking a citywide rezoning project to guide future development throughout the City. For the purposes of this citywide zoning initiative, the City has been divided into seven (7) different regions, each of which will be handled individually. In Case # ZA-09-009, certain real properties located in the downtown Wimberley area that are currently un-zoned will now be zoned under the City's regulations. The identified subject properties will change from un-zoned to Residential Acreage (RA), Rural Residential 1 (R1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Multi-Family Residential 1 (MF-1), Multi-Family Residential 2 (MF-2), Neighborhood Services (NS), Commercial - Low Impact (C1), Commercial - Moderate Impact (C2), Lodging 1 (L-1), or Public Facilities (PF). The specific properties in this area to be zoned and the new proposed zoning classifications are available for viewing on the maps displayed at City Hall, the Wimberley Community Center, and the Wimberley Village Library.

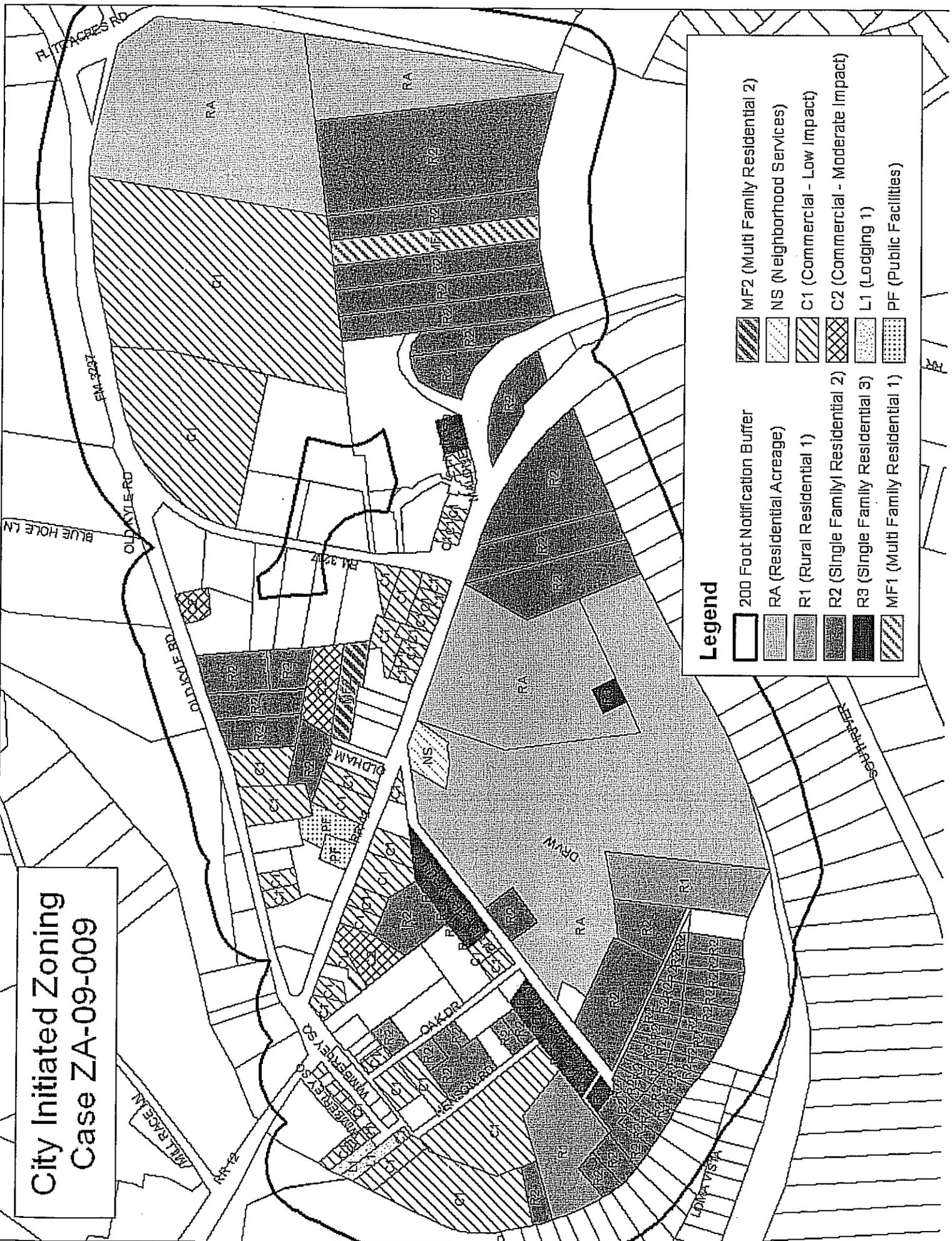
The City of Wimberley Planning & Zoning Commission will consider this zoning action at a public hearing on **Thursday, January 14, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same zoning action on **Thursday, January 21, 2010, at 6:30 p.m.** in the Wimberley City Hall.

Because this zoning may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearings. 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 Initiated Zoning
Case ZA-09-009**



Legend

- 200 Foot Notification Buffer
- RA (Residential Acreage)
- R1 (Rural Residential 1)
- R2 (Single Family Residential 2)
- R3 (Single Family Residential 3)
- MF1 (Multi Family Residential 1)
- MF2 (Multi Family Residential 2)
- NS (Neighborhood Services)
- C1 (Commercial - Low Impact)
- C2 (Commercial - Moderate Impact)
- L1 (Lodging 1)
- PF (Public Facilities)

November 19, 2009

Don Ferguson
City of Wimberley
P.O. Box 2027
Wimberley, TX 78676

RE: City Initiated Zoning: A0461 AMASA TURNER SURVEY, ACRES 2.7

Mr. Ferguson:

I am in receipt of your letter dated October 29, 2009 indicating that the City of Wimberley is proposing zoning the above referenced parcel as Rural Residential 1 (R-1). Please let this letter serve as my formal objection and **request for Commercial-Low Impact (C-1) zoning**, which is in harmony with the designated use specified in the City of Wimberley's Comprehensive Plan – Planning Area Land Use Map, approved by the City Council July 17, 2008.

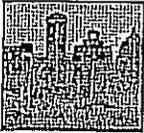
This parcel is currently under option contract to a Buyer whom I have negotiated with relying upon the City's public land use plans for this parcel to have a future use of Mid Impact Commercial (C-2). The City's Comprehensive Plans going back to 2001 identify this parcel's planned use as commercial and the 'blanket' zoning map proposed just prior to this effort designed the property for Mid Impact Commercial. Further, this property is adjacent to other parcels that are currently supporting commercial uses and the parcel is located 100 - 150 feet of Wimberley's high-intensity commercial district. A change in land-use would harm this parcel's value and disrupt my ability to complete this real estate transaction.

It seems clear that this property has long been envisioned for commercial development, and my request only seeks to preserve this intention. I appreciate the City of Wimberley's efforts to zone all property within the City Limits and am confident that the Planning and Zoning Commission and City Council will approve my request for Commercial-Low Impact (C-1).

Sincerely,



Charles E. Clayton
513 Willow Creek Circle
San Marcos, TX 78666



CARSON
Properties

1911 Corporate Dr, Suite 102
San Marcos, Texas 78666
Phone (512) 392 - 3322
Fax (512) 878 - 1900
www.carsonproperties.net

November 11, 2009

Don Ferguson
City of Wimberley
P.O. Box 2027
Wimberley, TX 78676
Also via email; village@anvilcom.com

RE: City Initiated Zoning: ABST 461 A Turner Survey at 1 Black Log Lane (referenced as 120 Henson)

Don:

I am in receipt of your letter dated October 29, 2009 indicating that the City of Wimberley is proposing zoning the above referenced parcel as Single-Family Residential 2 (R-2). Please let this letter serve as my formal objection and request for Commercial-Low Impact (C-1) zoning, which is in harmony with the designated use specified in the City of Wimberley's Comprehensive Plan – Planning Area Land Use Map, approved by the City Council July 17, 2008.

When I purchased this property in 2008, both the investment and purchase price were predicated upon the documented intentions of the City of Wimberley for this property to have a future land use of Mid Impact Commercial (C-2). Specifically, the City's Comprehensive Plans going back to 2001 identify this parcel's planned use as commercial and the 'blanket' zoning map proposed just prior to this effort designed the property for Mid Impact Commercial.

This site is within 100 feet of Wimberley's high-intensity commercial district and already shares a property line with Lodging and Retail stores. This parcel adjoins my 3.04 acre (also requesting C-1) tract to create a contiguous property with great potential to supplement the Wimberley Square's commercial district. My long-term vision and plan for the combined property has always been as a neighborhood marketplace that respects the environmentally sensitive area adjacent to the Wimberley Square. Such development would serve as an extension of the already uniquely Wimberley downtown stores and restaurants.

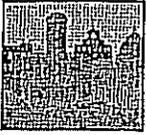
While I was disappointed to learn that the City has removed Mid-Impact Commercial (C-2) zoning as an approved category within the applicable Planning Area (III), I am willing to compromise and accept a revision of the zoning from C-2 to C-1. Unfortunately, for the reasons stated above, I would consider any type of Residential classification a downzoning.

Thank you for working with property owners throughout this process. I appreciate this effort's overarching goals and am hopeful that the end result will be more organized growth to the benefit of all those who live in and visit Wimberley.

Sincerely,

W.C. Carson

Cc: Abby Gillfillan



CARSON
Properties

1911 Corporate Dr, Suite 102
San Marcos, Texas 78666
Phone (512) 392 - 3322
Fax (512) 878 - 1900
www.carsonproperties.net

November 11, 2009

Don Ferguson
City of Wimberley
P.O. Box 2027
Wimberley, TX 78676
Also via email: village@anvilcom.com

RE: City Initiated Zoning: A0461 Amasa Turner Surey, 3.04 Acres at Black Log Lane

Don:

I am in receipt of your letter dated October 29, 2009 indicating that the City of Wimberley is proposing zoning the above referenced parcel as Rural Residential 1 (R-1). **Please let this letter serve as my formal objection and request for Commercial-Low Impact (C-1) zoning**, which is in harmony with the designated use specified in the City of Wimberley's Comprehensive Plan - Planning Area Land Use Map, approved by the City Council July 17, 2008.

When I purchased this parcel in 2005, both the investment and purchase price were predicated upon the documented intentions of the City of Wimberley for this parcel to have a future land use of Mid Impact Commercial (C-2). Specifically, the City's Comprehensive Plans going back to 2001 identify this parcel's planned use as commercial and the 'blanket' zoning map proposed just prior to this effort designed the property for Mid Impact Commercial.

This site is within 150 feet of Wimberley's high-intensity commercial district and adjoins my 0.6+/- acre parcel at 1 Black Log Lane (also requesting C-1), which directly neighbors the Wimberley Square. This combined property is one of the few primarily vacant properties available to supplement the Wimberley Square. My long-term vision and plan for the combined property has always been as a neighborhood marketplace that respects the environmentally sensitive area adjacent to the Wimberley Square. Such development would serve as an extension of the already uniquely Wimberley downtown stores and restaurants.

While I was disappointed to learn that the City has removed Mid-Impact Commercial (C-2) zoning as an approved category within the applicable Planning Area (III), I am willing to compromise and accept a revision of the zoning from C-2 to C-1. Unfortunately, for the reasons stated above, I would consider any type of Residential classification a downzoning.

Thank you for working with property owners throughout this process. I appreciate this effort's overarching goals and am hopeful that the end result will be more organized growth to the benefit of all those who live in and visit Wimberley.

Sincerely,

W.C. Carson

Cc: Abby Gillfillan

BLUE HERON HOMEOWNERS ASSOCIATION

October 28, 2009

Mr. Don Ferguson
City Administrator
City of Wimberley
Via Hand Delivery

Dear Mr. Ferguson:

At the public meeting of February 12, 2009 as well as follow-up written communication, several Blue Heron Run owners expressed their desire that the historic residential character of that country lane be retained and maintained into the future. It was stated by members of Planning and Zoning as well as you, that City initiated residential zoning would be forth coming. Even more owners today would like to see this residential zoning to more clearly reflect their current and desired use.

We are in the process of organizing a "Neighborhood Association" to spear-head this and other activities to preserve and enhance the quality of life of Blue Heron Run residents. Whether it be formal, or informal, is yet to be determined. The commitment of the owners will be the same regardless of format.

We would like to meet with members of the Planning and Zoning Commission to initiate the zoning process and would appreciate any help you and your staff can provide us in this endeavor. Thank you in advance for your assistance in our efforts.

10/28/09
Name

422 Blue Heron
Address
Wimberley

Thanks,

Dr. Mindy Austin

mindy.austin@
suddenlink.net

Please give a copy of this request to: Mayor Haley, City Administrator Ferguson, Members of the City Council and Members of the Planning and Zoning Board. Thank you, Pete Anderson

We strongly object to your taking the home that we have owned since 1971 and turning it into commercial property. This property is located at 400 Blue Heron Run and runs down to Cypress Creek. All of the houses on Blue Heron that face on Cypress Creek are single family residential and should remain so. You must be aware that Cypress Creek is threatened by the high counts of e-coli which are greatly raised by runoff. To propose lining Cypress Creek with the increase in impervious cover that comes with commercial property is irresponsible. The Village of Wimberley Comprehensive Plan adopted 12/19/ 2002 designates the above mentioned properties for land use B which is traditional residential, (see pages 43 and 51). While planning use is not zoning we ask that heed the wisdom of your predecessors and not zone Blue Heron Commercial.

Sincerely, Pete and Rita Anderson

2/12/2009

Petition requesting residential zoning

Having previously requested that our property on Blue Heron Run not be zoned commercial we further request that our property be zoned residential rather than revert to its former unzoned status.

Pete Anderson 2/17/09
Pete and Rita Anderson
400 Blue Heron Run

Rita C. Anderson
2-17-09

Attachment: Previous Request

Patty Dalton
2/17/09
402 Blue Heron

Wanda Cook
404 Blue Heron

Bobby Dupree
406 Blue Heron

Paula Lamoreaux
444 BLUE HERON

Nann Lamoreaux
444 BLUE HERON

Nancy & Kirby Attwell
304 + 302 Blue Heron Run
Wimberley

Betty Sue Cooper
500 Blue Heron

**Century 21 Hill Country Properties
13811 Ranch Road 12, P.O. Box 497
Wimberley, Texas 78676
Phone 512-847-5702
Fax 512-847-3040**

November 10, 2009

City of Wimberley
P.O. Box 2027
Wimberley, TX 78676

RE: Notice of proposed zoning change

Dear City Planners:

I am the owner of the letterhead property under the ownership entity of WCP Properties, LLC. I have been notified of a proposed change in the zoning on this parcel from un-zoned to C-1. I believe that C-2 is a more appropriate zoning for the following reasons:

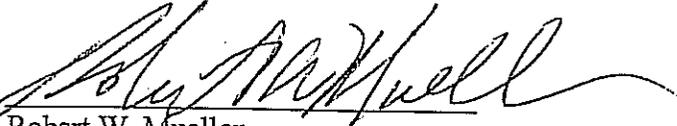
1. The property directly behind my property is zoned C-3.
2. The properties directly across the street from me are zoned C-2 as is the property two parcels to the north.
3. The whole of the downtown area is becoming more intensely commercial and while my present use is as a real estate office, there are no other real estate offices left in the downtown core except mine. At some point I will probably move my real estate office out of downtown and convert the property to a retail use. C-1 zoning only allows limited retail uses, while C-2 allows general retail uses, which is somewhat more permissive and allows greater flexibility.
4. C-2 zoning allows for a larger footprint and maximum floor area which permits my ½ acre lot to be developed in a more creative way in the future.

Thank you for your consideration.

Sincerely,

WCP Properties, LLC

By:


Robert W. Mueller

Abby Gillfillan

From: rasjidah franklin [rasjidahfranklin@yahoo.com]
Sent: Monday, November 23, 2009 6:34 PM
To: Abby Gillfillan
Cc: david junkin
Subject: Re: Zoning Descriptions for the R1 and R2 zoning designations

To: Abby Gillfillan, Planning Technician, City of Wimberley
From: Rasjidah Franklin
RE: Zoning 2 Acres on Blue Heron Run (see letter from City of Wimberley, October 29, 2009)

Thank you for sending me the information on Zoning Requirements I believe, as you suggested, that the lot which we (Franklin-Swain Trust) own should be zoned R2, as it is indeed less than two acres. One portion of the tract (295 Blue Heron) was zoned in 2003 as R4. It is 0.199 of an acre. The remainder of the tract needs to be zoned R2. It is 1.8 ac. in size.

Thank you for making this correction to the proposed zoning. Please let me know that the correction has been made.

Thank you.

Rasjidah Franklin

--- On Mon, 11/23/09, Abby Gillfillan <agillfillan@anvilcom.com> wrote:

From: Abby Gillfillan <agillfillan@anvilcom.com>
Subject: Zoning Descriptions for the R1 and R2 zoning designations
To: rasjidahfranklin@yahoo.com
Date: Monday, November 23, 2009, 10:42 AM

Rasjidah

Thank you again for calling. Please respond to this email with the correct lot size for your lot and the requested correction in the proposed zoning for your lot. . Let me know if you need any further help.

Abby

Abby Gillfillan
Planning Technician
City of Wimberley
Work: (512) 847-0025
Fax: (512) 847-0422
Cell: (512) 644-9628
agillfillan@anvilcom.com
Web: vil.wimberley.txus

11/24/2009

Abby Gillfillan

From: Judy Wilder [judywilder@gmail.com]
Sent: Thursday, December 10, 2009 9:03 PM
To: agillfillan@cityofwimberley.com
Subject: zoning request

Subject property: ABS 461 TURNER SURVEY 0.80 AC 34,
848 lot 2 OLDHAM SUB

We are requesting a zoning designation of MF-2 Multi-family residential for above subject property. We feel as though the MF-2 designation will expand the marketability of this property. Thank you for your consideration.

Best Regards,
Charles and Judith Wilder

--
Judy Wilder
Cell: (512) 921-3820

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.426 / Virus Database: 270.14.103/2558 - Release Date: 12/11/09 10:06:00

Fax Cover Page

To: Don Ferguson, City Manager

Fax Number: 512 847 0422

From: James McCloy, President

JMC Real Estate, Inc

Ph: 978 996-1476

Fax 978 369-9866

Email: jmclcy@aol.com

Re: Don, I have attached a letter I mail in the beginning of December concerning the rezoning of the Wimberley RV Park and Mini Storage. I unfortunately sent the letter to the street address, can't believe they didn't simply put it in the City box, but when I returned from out of town here it was. I will resend the official letter to you and Abby, to the box, but I wanted to get a copy to you asap. Thanks. Jim McCloy

Wimberley RV Park and Mini Storage, LLC
300 FM 3237
Wimberley, TX 78676

City of Wimberley
Attn: Don Ferguson
12111 Ranch Road
Wimberley, TX 78676
December 1, 2009

RE: Zoning

Dear Don;

I am writing regarding your letter dated October 29, 2009 concerning the zoning for the parcel of land described in your letter as A0461 AMASA TURNER SURVEY, ACRES 5.779, at 300 FM 3237, also known as Wimberley RV and Mini Storage, LLC.

I have looked at the zoning bylaws and feel that a classification of C-1 Low Impact Commercial would be more in keeping with the future growth of the Village. I have no plans for expansion or change of use but feel that C-1 will be more in keeping with the expansion of Wimberley's downtown core area.

As you know I live in Massachusetts so if necessary I will have to appoint someone to represent my interests at a hearing. Please let me know if that will be necessary.

I am also quite interested bringing sewer to the Village. I think that sewer is essential to the health of downtown and the water quality which is so much a part of Wimberley. If there is anything someone from this far away can do to further that cause please let me know. Thank you.

Sincerely,



Jim McCloy

Cc: Abby Gillfillan
Joe Malone, Esq.

City of Wimberley
12111 RR12
Wimberley, TX 78676

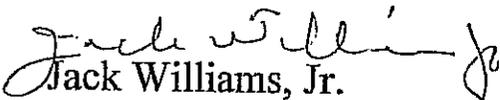
13 December 2009

Subject: Notice of City Initiated Zoning (Oct 29, 2009)
R-29769 Harrison Resort Sec 1 Lot PT of 6-7

Dear City of Wimberley:

If the property is to be zoned, I desire a zoning of Multi Family Residential 1 (MF-1) because of its proximity to adjacent property for which I am responsible.

Sincerely,


Jack Williams, Jr.

2601 River Rd.
Wimberley, TX 78676

City of Wimberley
12111 RR12
Wimberley, TX 78676

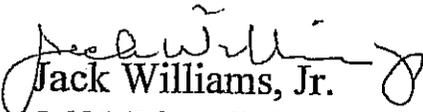
13 December 2009

Subject: Notice of City Initiated Zoning (Oct 29, 2009)
(received at City Hall 2 Nov 2009)
R-18540 ABS A Turner Survey 14.30 AC GEO # 90603687

Dear City of Wimberley:

If the property is to be zoned, I desire a zoning of Commercial-Low Impact (C-1) because of its proximity to adjacent properties now in commercial use, highway and pipeline.

Sincerely,


Jack Williams, Jr.
2601 River Rd.
Wimberley, TX 78676

City of Wimberley
12111 RR12
Wimberley, TX 78676

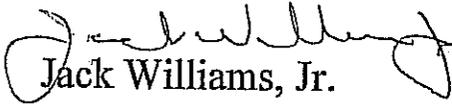
13 December 2009

Subject: Notice of City Initiated Zoning (Oct 29, 2009)
R-18543 AO461 A Turner Survey 1.33 AC

Dear City of Wimberley:

If the property is to be zoned, I desire a zoning of Commercial-Low Impact (~~S-1~~) because of its proximity to properties now in commercial use, highway, PEC powerlines and water pipelines on the property and old low water bridge access road and structure. It is adjacent to other properties for which I am also responsible but were not included in this Notice.

Sincerely,


Jack Williams, Jr.
2601 River Rd.
Wimberley, TX 78676

**Janet Scudder
1 Scudder Lane
Wimberley, TX 78676-9449
512 847 2334**

April 13, 2009

City of Wimberley
P. O. Box 2027
Wimberley, TX 78676

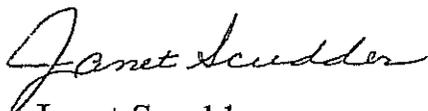
Attn: Mr. Don Ferguson, City Manager

Dear Mr. Ferguson:

In accordance with current city policy, I would like to change zoning on my lots 24 & 25, Breezeway Subdivision to C-1.

Thank you.

Sincerely,


Janet Scudder

Don Ferguson
City Administrator
12111 Ranch Road 12
PO Box 2027
Wimberley, TX 78676

Dear Don,

I want to applaud the city's efforts to zone those currently un-zoned properties. It is a huge undertaking that will no doubt have a positive impact on future development in Wimberley.

In reference to your letter dated 10/29/2009 regarding zoning of the property that I own on Ranch Road 12. The "Vineyard" is a 10,000 square foot shopping center located 150 yards from the city center in Wimberley.

As you are aware, the Comprehensive Plan for Wimberley has my property located in planning area II, which is designated for a low impact traditional residential development. Because of the limitations within this area, the city is proposing to zone my land as (NS) or Neighborhood Services. I oppose this designation, for several reasons. The most important one being that it does not match current or past land use patterns for this area. The existing land use was established about 30 years ago and I do not see this changing in the foreseeable future.

This letter serves as formal notice that I oppose the city's recommendation and respectfully request that this property be included in the adjoining planning area IV. This would allow a C-3 zoning designation that would be more consistent with land use patterns along Ranch Road 12. I appreciate your help and understanding and I look forward to working with you in this regards.

Sincerely,

Greg Myers
Myers Land & Investments LLC

136 Henson Road
Wimberley, Texas 78676

Planning and Zoning Committee
Wimberley, Texas 78676

To the Members of the Committee,

As a property owner in the vicinity of the Wimberley City Square, I am concerned about the current initiative to rezone the area from residential and rural to commercial. The property that I own has been in my family for over 130 years. The council originally sent information asking to zone this currently un-zoned property as residential or rural, I did not respond to that request since it seemed in the interest of the Wimberley lifestyle to maintain the area as it currently has been for the last 100 years.

I have business meetings in the Dallas area on Thursday and I will not be in Wimberley for the meeting. I respectfully request that any decisions on this rezoning be postponed until the next meeting of the committee so that I can personally testify before your group and answer any questions about the property. You should also be made aware of the pending lawsuit on the property that has been active in Hays County for over 4 years. Any decisions need to be made with full disclosure of the circumstances that exist with respect to right away and easements. I urge you to postpone any decisions and/or recommendations on the zoning of this property until I am given the opportunity to present my concerns to your committee in person.

Thank you for your considerations,

Deborah Koeck
136 Henson Road
Wimberley, Texas 78676
512-757-2064

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 UN-ZONED REAL PROPERTY DESCRIBED AS THE DOWNTOWN WIMBERLEY AREA BOUNDED BY THE CYPRESS CREEK, BLANCO RIVER, OLD KYLE ROAD AND FM 3237 IN WIMBERLEY, HAYS COUNTY, TEXAS, FURTHER DESCRIBED AND SHOWN ON THE EXHIBIT ATTACHED TO THIS ORDINANCE; AND DESIGNATING THE INITIAL ZONING FOR EACH TRACT FROM UN-ZONED TO EITHER RESIDENTIAL ACREAGE (RA), RURAL RESIDENTIAL 1 (R-1), SINGLE FAMILY RESIDENTIAL 2 (R-2), SINGLE FAMILY RESIDENTIAL 3 (R-3), MULTI-FAMILY 1 (MF-1), MULTI-FAMILY 2 (MF-2) NEIGHBORHOOD SERVICES (NS), COMMERCIAL-LOW IMPACT (C-1), COMMERCIAL-MODERATE IMPACT (C-2), LODGING 1 (L-1), AND PUBLIC FACILITIES (PF), AS SHOWN ON THE ATTACHED ZONING MAP, AND IMPOSING CONDITIONS; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

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

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

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

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

WHEREAS, the City Council and Planning and Zoning Commission have carefully

reviewed the requirements of the City's Code of Ordinances and have concluded that the unzoned real property described herein located on FM 2325 in Wimberley, Hays County, Texas, is hereby designated with the initial zoning classifications as shown on the attached zoning map, and that such 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 unzoned real property located in the Downtown Wimberley Area bounded by the Cypress Creek, Blanco River, Old Kyle Road and FM 3237 in Wimberley, Hays County, Texas, and further shown and identified on the attached Exhibit "A" incorporated by reference, is hereby designated with the initial zoning classification as either Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2) Neighborhood Services (NS), Commercial-Low Impact (C-1), Commercial-Moderate Impact (C-2), Lodging 1 (L-1), And Public Facilities (PF), and further shown on the attached zoning map labeled Exhibit "A" incorporated by reference for all purposes, subject to the following condition:

Prior to occupancy all property owners of property zoned Commercial-Low Impact (C-1) or Commercial-Moderate Impact (C-2) by this Ordinance, shall install a privacy fence no less than eight feet (8') in height and a vegetative buffer along all property lines that abut a residential zoning district or residential use.

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 _____, 2010, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

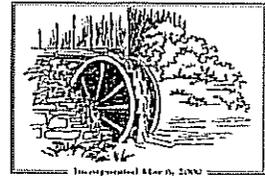
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning ZA-09-028



Summary:

A City-initiated proposal for a change in zoning from Single Family Residential 2 (R-2) to Commercial – Low Impact (C-1) for two (2) properties located at 230 and 240 Carney Lane

Applicant Information:

Applicant: City of Wimberley
Property Owner: 230 Carney Lane: Cynthia P. Brooks
 240 Carney Lane: James W. Godwin

Subject Property:

Legal Description: Cedar Ridge Estates Lots 4 and 5
Location: 230 and 240 Carney Lane
Existing Use of Property: Vacant
Existing Zoning: Single Family Residential 2 (R-2)
Proposed Use of Property: Commercial
Proposed Zoning: C-1
Planning Area: III
Overlay District: N/A

Surroundings:

Frontage On: Carney Lane

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters Sent: 12/18/09
Published: 12/23/09
Sign Placement: 12/23/09

Responses: None

Comments:

The City of Wimberley is proposing to re-zone two (2) properties located at 230 and 240 Carney Lane from Single Family Residential 2 (R-2) to Commercial – Low Impact (C-1). This request follows a recent change in the *City Planning Area Map* which moved the area where the subject properties are located from Planning Area I to Planning Area III where C-1 zoning is allowed.

In October 2009, the tracts of land adjacent to the subject properties were zoned C-1, in a City-initiated zoning case, at the request of the owners of those tracts. At that time, the properties at 230 and 240 Carney Lane were zoned R-2 by the City because they were vacant and property owners failed to request an alternate zoning.

Shortly after the zoning action taken by the City, Mr. James Godwin, the owner of the property located at 240 Carney Lane, notified the City of his desire to have his property zoned C-1. To date, no communication has been received from the owner of the property located at 230 Carney Lane.

On January 14, 2010, the Planning and Zoning Commission held a public hearing on the zoning case. Afterwards, the Commission unanimously voted to recommend approval of C-1 zoning for the two (2) properties.

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

JAMES W. GODWIN, M.D.

Anesthesia Associates

Home 947-696-0020
Office 412-822-6700

Box 8006
Wichita Falls, Texas 76307

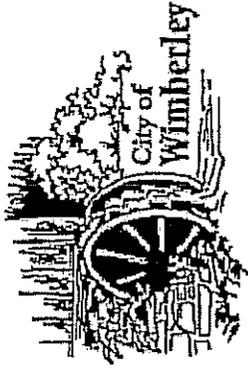
947
Dear Sirs 24 Sep 07

When I bought this property from Dr. Stephenson all these many years ago the original plan was to have the property along the road to be commercial and that behind to be residential. I would appreciate it if the city would make provision for this original intent under which the property was sold.

Thank you

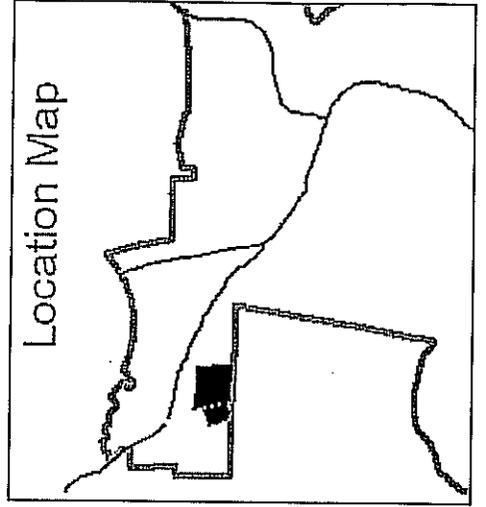
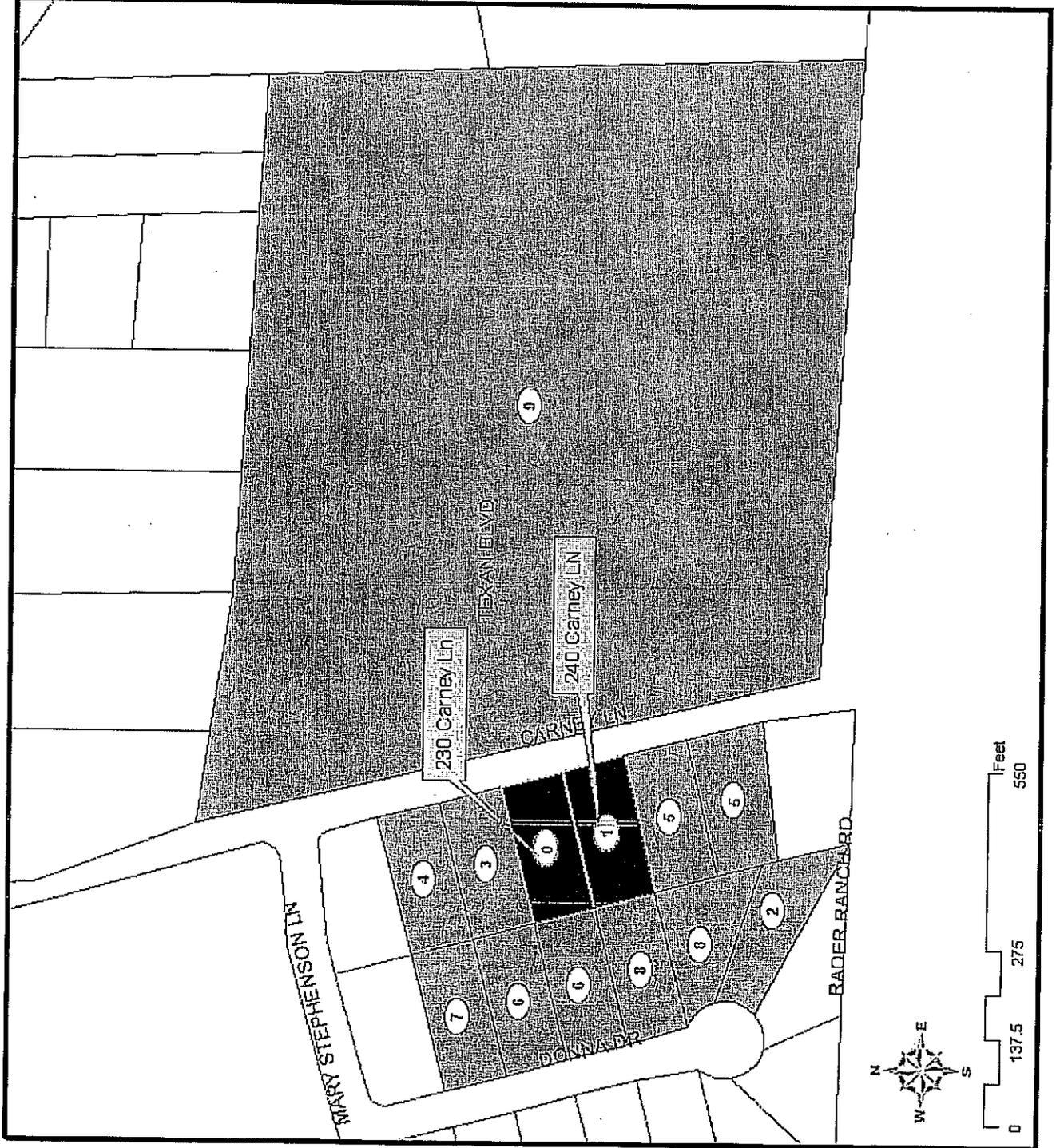


Notification Map for Case ZA-09-028

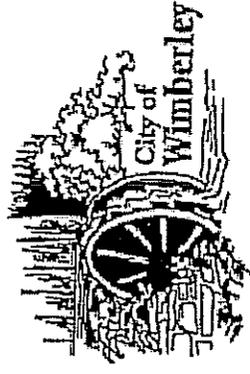


P.O. Box 2027 • Wimberley, Texas 78676

- 0, BROOKS, CYNTHIA P
- 1, GODWIN, JAMES W
- 2, DHARMASIRI MAHA & SUNETHRA
- 3, FRIELING, FREDERICK
- 4, HOOVER NICHOLAS L & MILLER IDA F
- 5, ROMANO AMANDA LAMONT TRUST
- 6, SAYRE VIRGIL N JR
- 7, SUMERS STEFAN & MARY
- 8, VELA MICHAELA & LAURA J
- 9, WIMBERLEY ISD - TRUST PROPERTY



Zoning Map for Case ZA-09-028



P.O. Box 2027 • Wimberley, Texas 78676

Subject Property

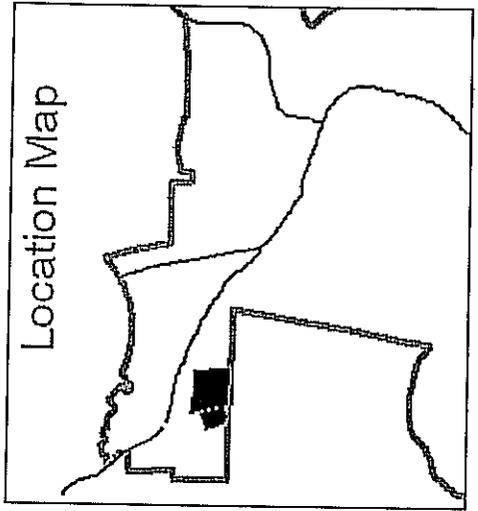
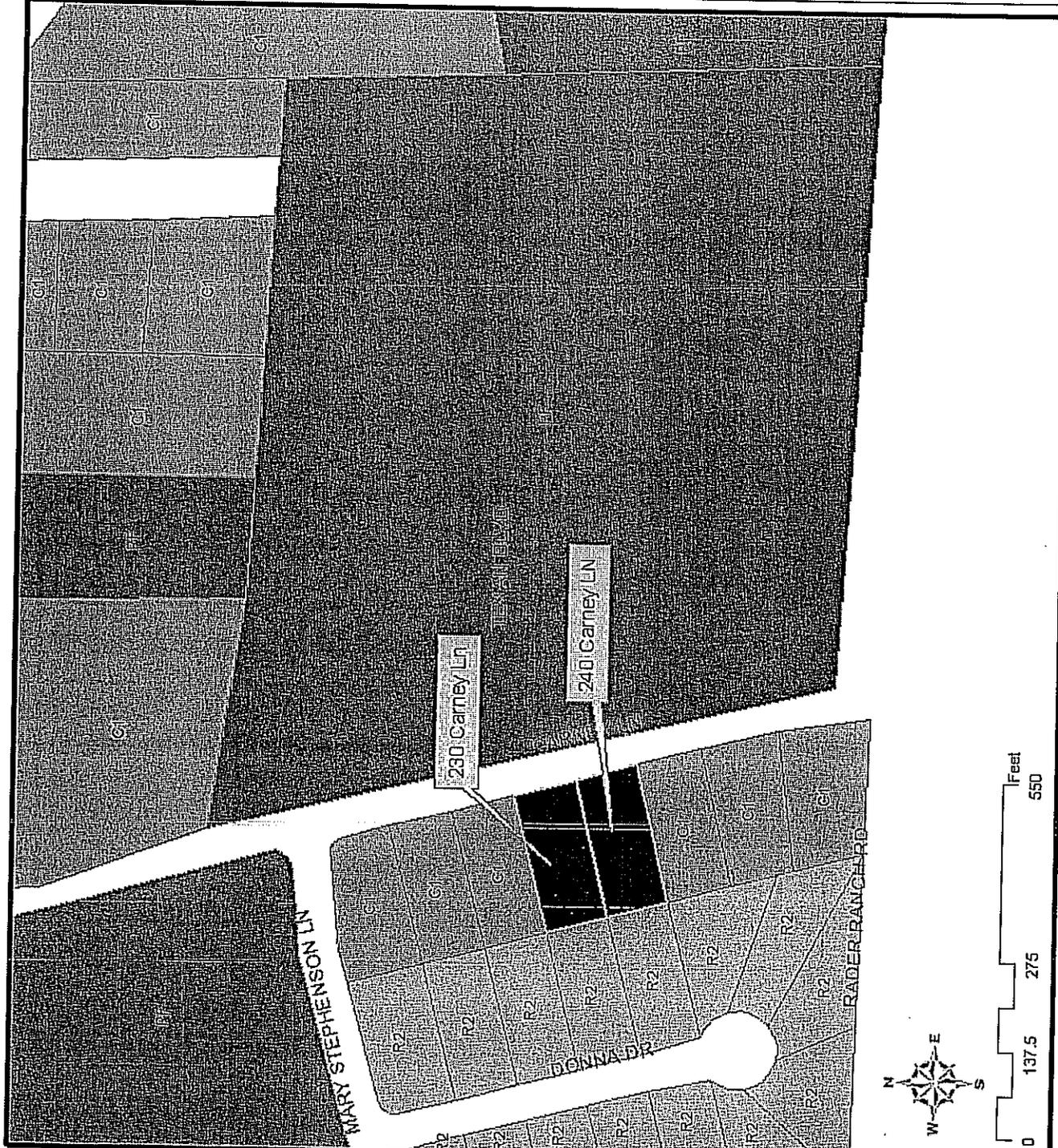
Zoning District

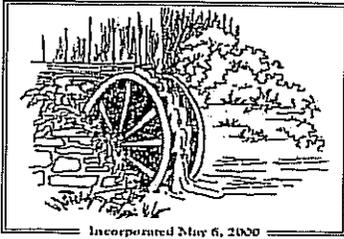
Single Family Residential 2 (R-2)

Commercial - Low Impact (C-1)

Public Facilities (PF)

Location Map





City of Wimberley

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

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

Email: village@anvilcom.com 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

December 22, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-028

230, and 240 Carney Lane

A proposed change in zoning from Single Family Residential 2 (R-2) to Commercial - Low Impact (C-1)

Dear Property Owner:

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

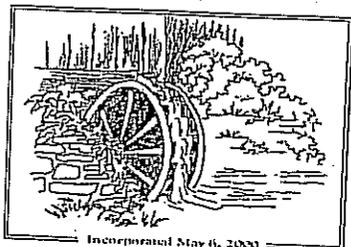
A request has been made to change the zoning from Single Family Residential 2 (R-2) to Commercial - Low Impact (C-1) for two adjacent tracts of land located at 230 and 240 Carney Lane.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, January 14, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, January 21, 2010, at 6:30 p.m.** in the Wimberley City Hall.

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

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

CITY OF WIMBERLEY



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@anvil.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: ZA-09-028

Owner _____

Date 12/23/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 230 + 240 Carney Lane

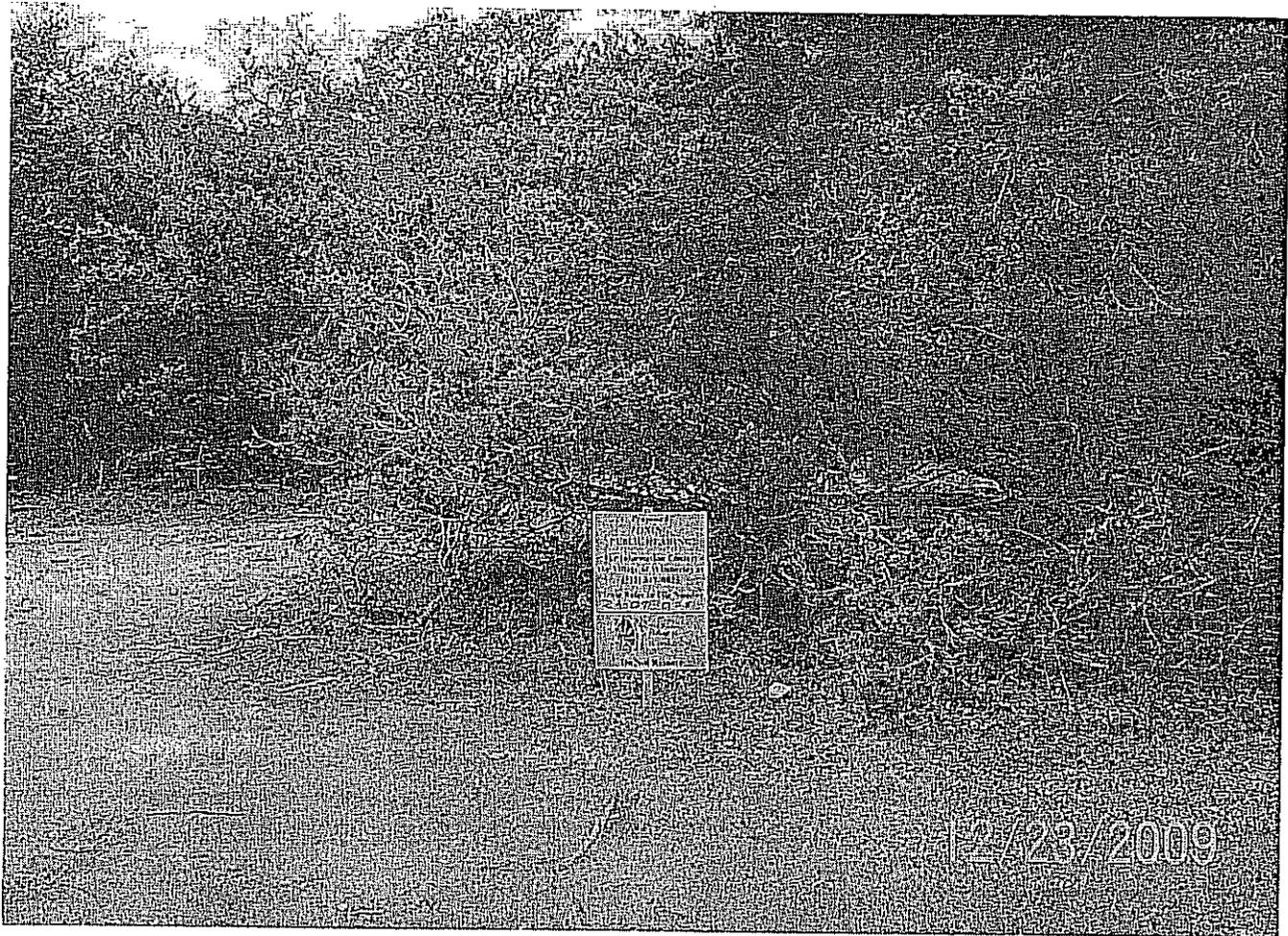
which is located Carney Lane

Bill Bowers
Asst. Public Works

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

12/23, 2009


Signature



THE CLASSIFIED

Wednesday, December 30, 2009

Email your ads to: classad@wimberley.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Citywide Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA-09-009, a citywide zoning proposal to zone all currently unzoned properties located in the downtown Wimberley area bounded by the Cypress Creek Blanco River Old Kyle Road and FM 3237 from un-zoned to Residential Acreage (RA) Rural Residential (R-1) Single Family Residential 2 (R-2) Single Family Residential 3 (R-3) Multi-Family 1 (MF-1) Multi-Family 2 (MF-2) Neighborhood Services (NS) Commercial Low Impact (C-1) Commercial Moderate Impact (C-2) Lodging (L) and Public Facilities (PF) The specific properties in this area to be zoned and the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center

and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. at City Hall.

Comments on the proposed zoning 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 Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (09635/14/103)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA-09-030, a proposed initial base zoning of Commercial Low Impact (C-1) for a property located at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas (09635/14/103)

review at the Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (09637/13/103)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA-09-030, a proposed initial base zoning of Commercial Low Impact (C-1) for a property located at 907 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas (09635/14/103)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA-09-029, a proposed change in zoning from Public Facilities (PF) to Commercial Low Impact (C-1) for a property located at 956 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas (09638/14/103)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA-09-028, a proposed change in zoning from Single Family Residential 2 (R-2) to Commercial Low Impact (C-1) for two adjacent tracts of land located at 230 and 240 Garry Lane.

Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas (09635/14/103)

PUBLIC NOTICE

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

hearing to consider ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION (09628/12/103)

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 27, 2010, at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court will hold a public hearing to consider a subdivision of a 10.13-acre portion of land River Oaks of Wimberley Unit 2, Section 2 (09628/3a/5)

PUBLIC NOTICE

THE STATE OF TEXAS
THE COUNTY OF HAYS
TO THOSE INDEBITED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF VIVIAN ANGELINE SHARP DECEASED CAUSE NO. 11-470-P
The undersigned, Independent Administrator of the Estate of Vivian Angelina Sharp, Deceased of Hays County, Texas, having been granted letters of Independent Administration by the County Court of Hays County, Texas, in Probate Cause 11-470-P on the 14th day of December 2, 2009, hereby notifies all persons indebted to said Estate to make payment and those

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 PROPERTY LOCATED AT 230 AND 240 CARNEY LANE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM SINGLE-FAMILY RESIDENTIAL 2 (R-2) TO 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 regulations established by the Code are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

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

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

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

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

THAT Lots 4 and 5 of Cedar Ridge Estates, in Wimberley, Hays County, Texas, commonly known as 230 and 240 Carney Lane, are hereby designated from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) zoning classification.

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 _____, 2010, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

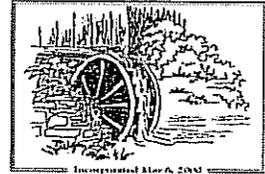
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning ZA-09-029



Summary:

A City-initiated proposal for a change in zoning from Public Facilities (PF) to Commercial – Low Impact (C-1) for a property located at 956 FM 2325

Applicant Information:

Applicant: City of Wimberley
Property Owner: Wimberley Presbyterian Church

Subject Property:

Legal Description: ABS 390 Robert S Rankin Survey .96 Ac.
Location: 956 FM 2325
Existing Use of Property: Church
Existing Zoning: Public Facilities
Proposed Use of Property: Church
Proposed Zoning: Commercial – Low Impact (C-1)
Planning Area: III
Overlay District: Entrance Corridor (EC)

Surroundings:

Frontage On: FM 2325
Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	NS	Light Industrial
S of Property	C-1	Vacant
E of Property	C-1	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters Sent: 12/18/09
Published: 12/23/09
Sign Placement: 12/23/09

Responses: None

Comments:

The City of Wimberley is proposing to change the zoning for a tract of land located at 956 FM 2325 from Public Facilities (PF) to Commercial-Low Impact (C-1). The property is currently the site of the Wimberley Presbyterian Church.

The subject property was zoned Public Facilities (PF) in October 2009 in the first of a series of City-initiated zoning cases. At that time, the City proposed PF zoning for the property based on its current use. The subject property owner was given forty-five (45) days to request a different zoning designation than the one proposed by the City. The Wimberley Presbyterian Church requested to have the zoning of their property delayed until after a meeting of the Church Session. However, the property was not removed from the case due to a mapping error on the part of the City and was zoned PF.

Following the above-mentioned meeting of the Church Session, the City received a letter from the Church requesting the subject properties be zoned Commercial Low-Impact (C-1). Currently, the Church property is surrounded by commercial properties on all sides.

On January 14, 2010, the Planning and Zoning Commission held a public hearing on the proposed zoning change. Afterwards, the Commission unanimously voted to recommend approval of C-1 zoning for the subject 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



WIMBERLEY PRESBYTERIAN CHURCH

P.O. Box 1854 Wimberley, Texas, 78676
(512) 847-5292

September 9, 2009

City of Wimberley Planning & Zoning Commission
c/o Tracey Dean, Chair
P.O. Box 2027
Wimberley, TX 78676

Re: City Initiated Zoning – Wimberley Presbyterian Church

Dear Tracey:

I hope you are doing well. On behalf of Wimberley Presbyterian Church, I received the letter from Don Ferguson dated July 29, 2009 concerning zoning the Wimberley Presbyterian Church ("WPC") property as Public Facilities. That designation seems to fit, but there are also others that may apply, be more flexible for future use, and still allow the site to be used as a church.

WPC operates through its Session. The next Session meeting is set for September 22, 2009 which is after the 45 day limit in the letter. I am respectfully requesting that P&Z extend the time for WPC to comment on the proposed zoning until a reasonable time after September 22. I believe that we could have the comments to you (if there are any) by October 2, 2009 if that is acceptable to you. Please let me know as soon as possible.

Sincerely,

David Junkin
Clerk of Session

cc: Don Ferguson, City Administrator



WIMBERLEY PRESBYTERIAN CHURCH

P.O. Box 1854 Wimberley, Texas, 78676
(512) 847-5292

September 28, 2009

City of Wimberley Planning & Zoning Commission
c/o Tracey Dean, Chair
P.O. Box 2027
Wimberley, TX 78676

Re: City Initiated Zoning – Wimberley Presbyterian Church

Dear Tracey:

Thank you, your committee, and the City of Wimberley for your willingness to delay official action on zoning the Wimberley Presbyterian Church property until after our Session meeting. After discussing the matter, the Session would like to ask the City, if zoning now is necessary, to zone the property Commercial – Low Impact (C-1) rather than Public Facilities (PF). It is my understanding that the neighboring office/professional building is C-1 and that classification seems to fit in with the type of improvements on the property and the properties in front of, behind, and to at least one side of the church property.

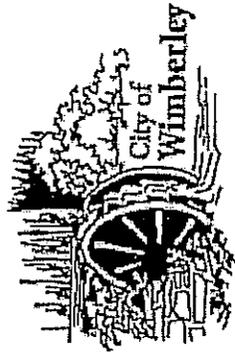
Thank you, your committee, and the City again for seeking our input on this matter. Please feel free to contact me if you have any questions, comments, concerns, etc.

Sincerely,

David Junkin
Clerk of Session

cc: Don Ferguson, City Administrator

Zoning Map for Case ZA-09-029



P.O. Box 2027 • Wimberley, Texas 78676

Subject Property

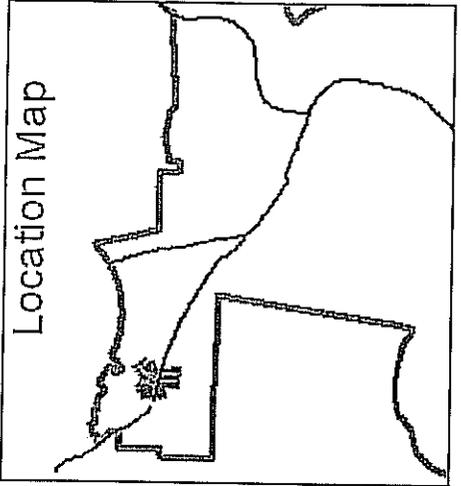
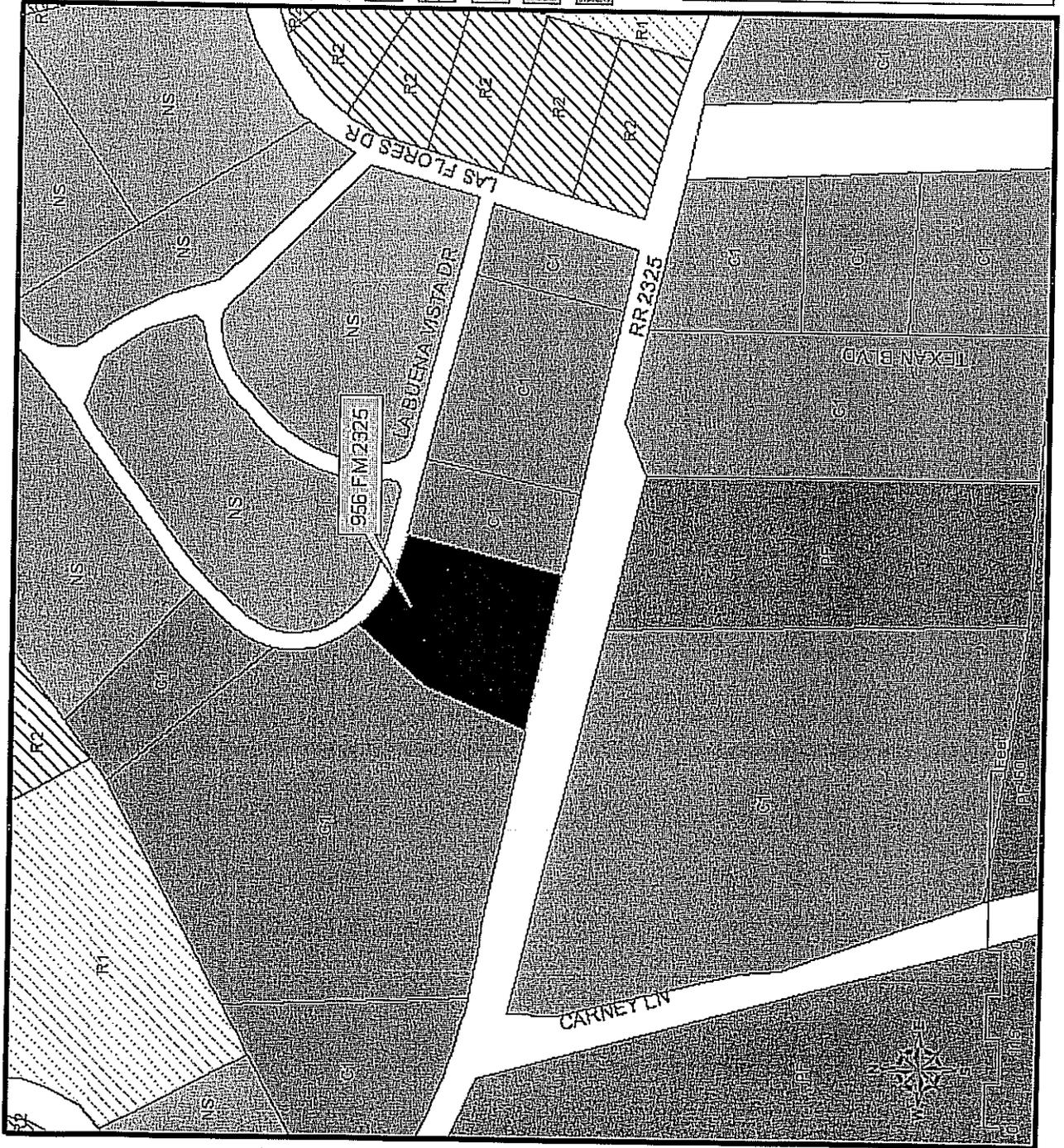
Rural Residential 1 (R-1)

Single Family Residential 2 (R-2)

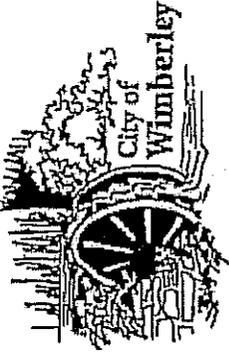
Neighborhood Services (NS)

Commercial - Low Impact (C-1)

Public Facilities (PF)

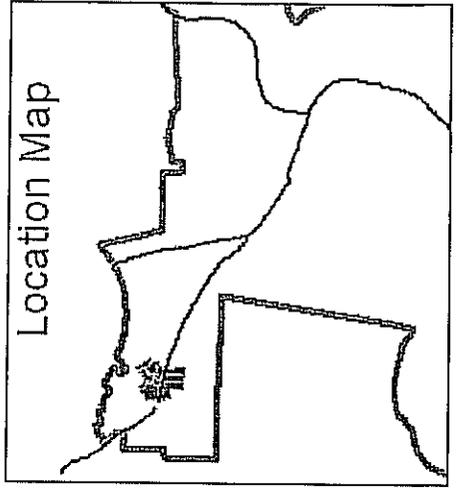
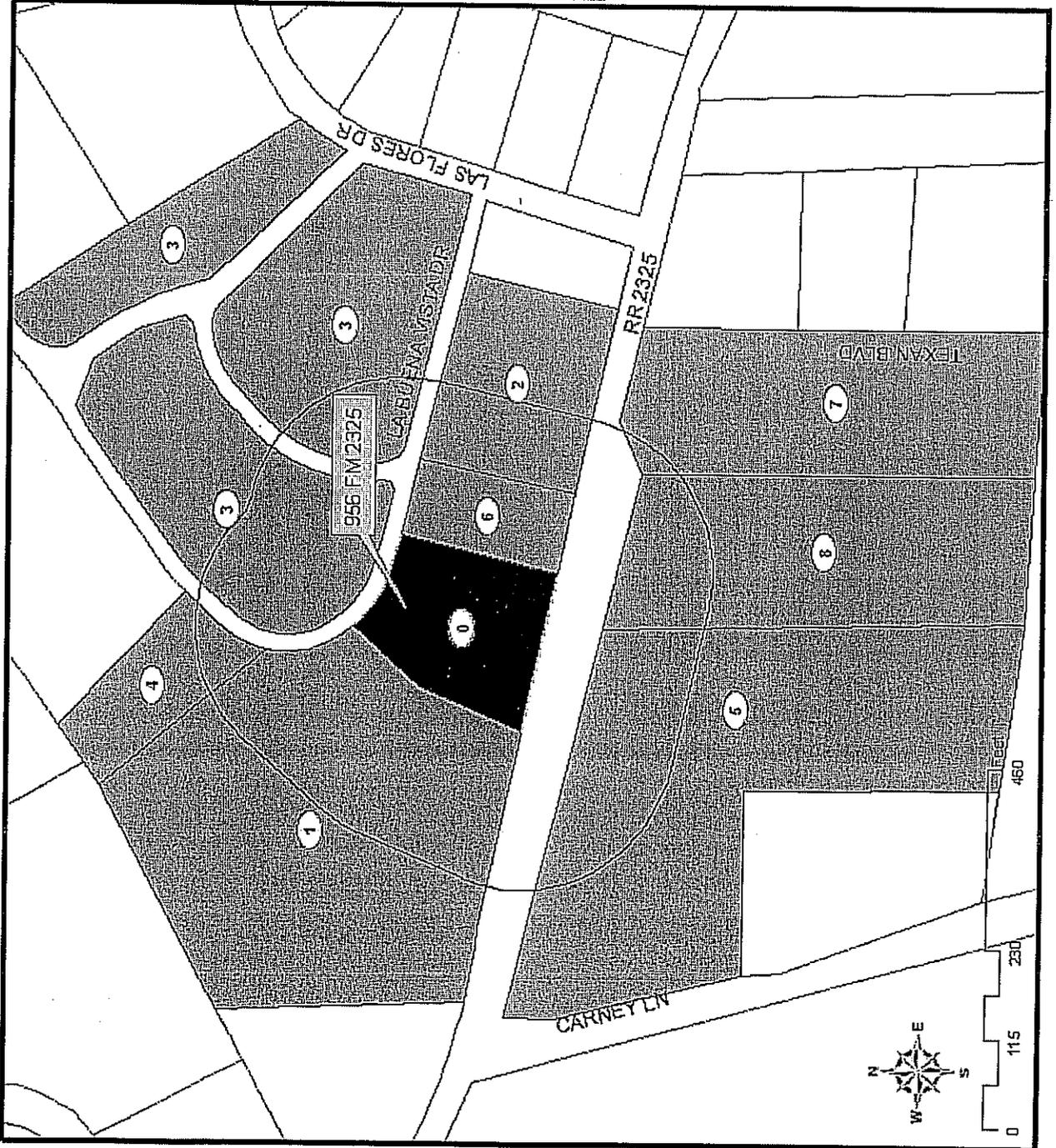


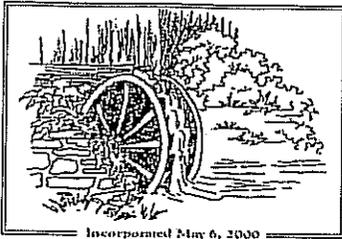
Notification Map for Case ZA-09-029



P.O. Box 2027 • Wimberley, Texas 78676

- 0, WIMBERLEY PRESBYTERIAN CHURCH
- 1, ADKINS JOSEPH SCOTT SR & DARA
- 2, DIENST BEN D JR & EST OF HELEN
- 3, EAGLE INVESTORS LTD
- 4, JENKINS MICHAEL D & GRIMES LYNN M
- 5, JOHNSON, ROBERT J
- 6, MAURER FAMILY LP
- 7, PADGETT, BRUCE E
- 8, WIMBERLEY ISD





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

December 22, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-029

956 FM 2325

A proposed change in zoning from Public Facilities (PF) to Commercial – Low Impact (C-1)

Dear Property Owner:

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

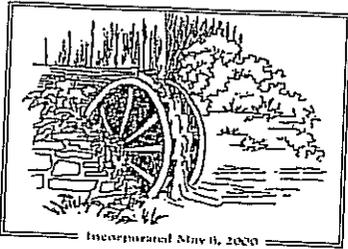
A request has been made to change the zoning from Public Facilities (PF) to Commercial – Low Impact (C-1) for a property located at 956 FM 2325.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, January 14, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, January 21, 2010, at 6:30 p.m.** in the Wimberley City Hall.

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

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

CITY OF WIMBERLEY



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: 2A-09-029 Owner _____

Date 12/23/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 956 FM-2325

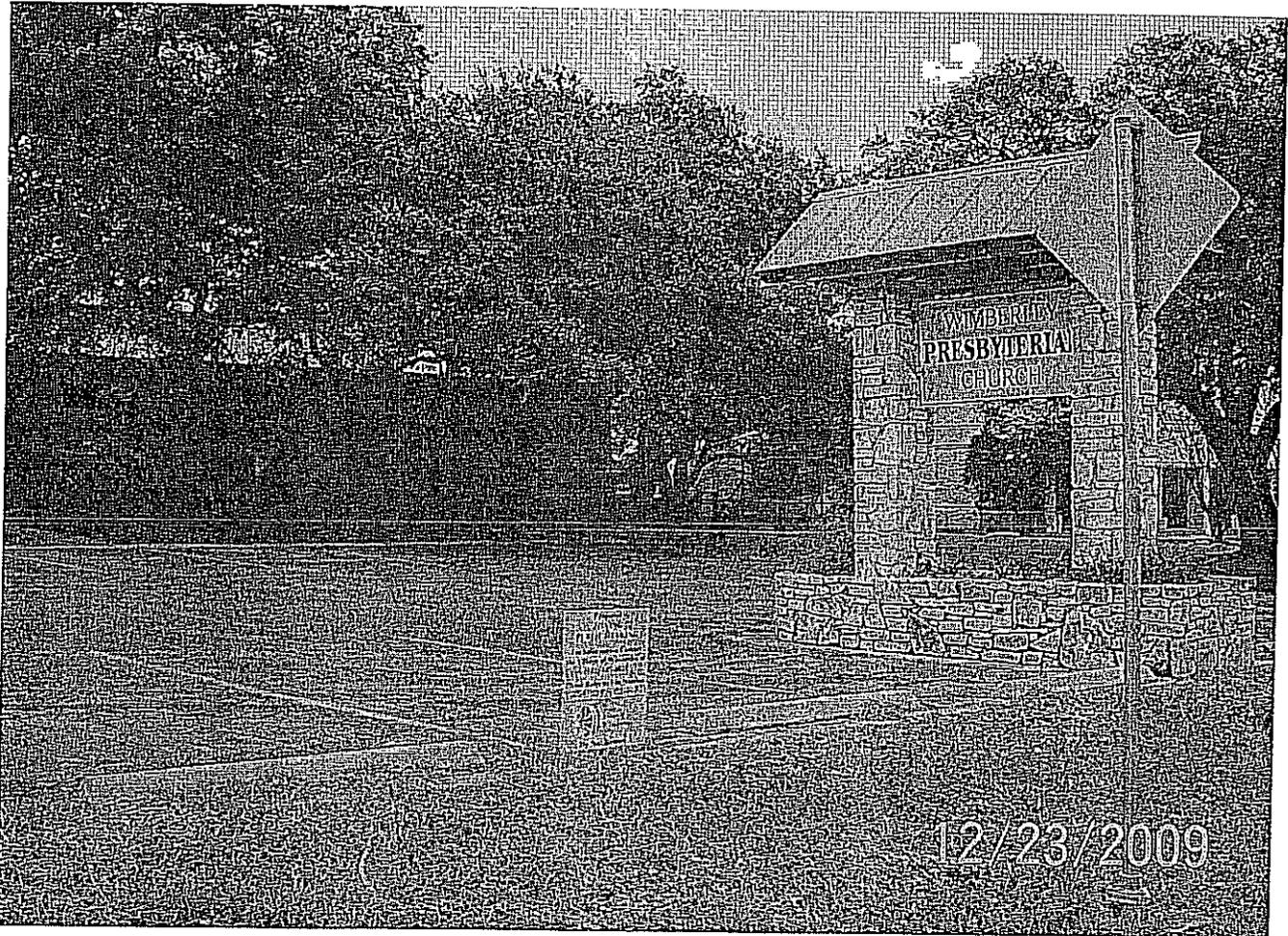
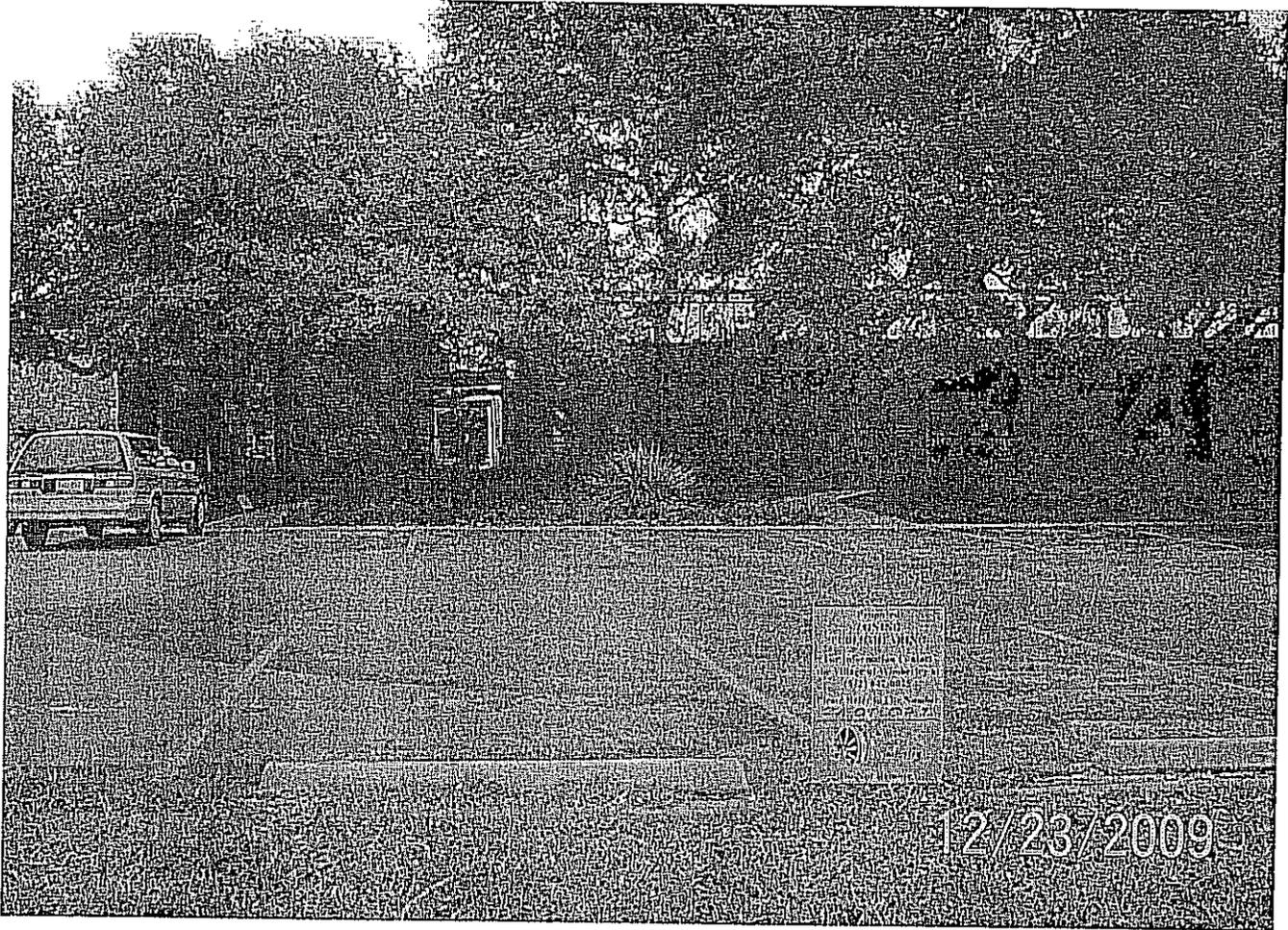
which is located FM-2325

Bill Bowers
Asst. Public Works

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

12/23/, 2009


Signature



THE CLASSIFIED

Wednesday, December 30, 2009

Email your ads to: classad@wimberley.com

★ LEGIS & PUBLIC NOTICES

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Citywide Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following: ZA-09-009, a city initiated proposal to zone all currently unzoned properties located in the downtown Wimberley area bounded by the Cypress Creek, Blanco River, Old Kyle Road and FM 3237 from un zoned to Residential Acreage (RA), Rural Residential (R-1), Single-Family Residential 2 (R-2), Single-Family Residential 3 (R-3), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2), Neighborhood Services (NS), Commercial-Low Impact (C-1), Commercial Moderate Impact (C-2), Lodging 1 (L-1), and Public Facilities (PF). The specific properties in this area to be zoned and the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center

and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. at City Hall. Comments on the proposed zoning 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 zoning action is available for review at Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (09639/1a/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-030, a proposed retail based zoning of Commercial-Low Impact (C-1) for a property located at 7001 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 zoning action is available for

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 zoning action is available for review at Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (09639/1a/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-040, a proposed retail based zoning of Commercial-Low Impact (C-1) for a property located at 807 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010 at 6:30 p.m. 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 zoning action is available for

review at the Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (09639/1a/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-029, a proposed change in zoning from Public Facilities (PF) to Commercial-Low Impact (C-1) for a property located at 9561 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 zoning action is available for review at the Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (09639/1a/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-028, a proposed change in zoning from Single-Family Residential 2 (R-2) to Commercial-Low Impact (C-1) for two adjacent tracts of land located at 2301 and 2401 Carney Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas (09639/1a/103).

PUBLIC NOTICE

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

hearing to consider ESTABLISHING TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION (09620/1a/103).

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 27, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court will hold a public hearing to consider a 10.13 acre portion of land, River Oaks of Wimberley, Unit 1 - Section 2 (09620/3a/5).

PUBLIC NOTICE

THE STATE OF TEXAS, THE COUNTY OF HAYS, TO THOSE INDEBITED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF VIVIAN ANGELINE SHARR, DECEASED, CAUSE NO. 11470-P. The undersigned, Independent Administrator of the Estate of Vivian Angelina Sharp, Deceased of Hays County, Texas, having been granted Letters of Independent Administration by the County Court of Hays County, Texas, in Probate Cause 11470-P on the 14th day of December, 2009, hereby notifies all persons indebted to said estate to make payment, and those

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 PROPERTY LOCATED AT 956 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM PUBLIC FACILITIES (PF) TO 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 regulations established by the Code are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

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

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

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

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

THAT the real property consisting of approximately 0.96 acres out of the ABS 390 Robert S. Rankin Survey, in Wimberley, Hays County, Texas, commonly known as 956 FM 2325, is hereby designated from Public Facilities (PF) to Commercial-Low Impact (C-1) zoning classification.

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 _____, 2010, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

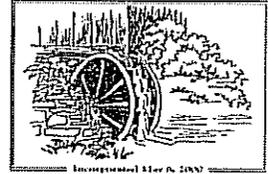
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning ZA-09-030



Summary:

A City-initiated proposal for Commercial – Low Impact (C-1) zoning for a currently un-zoned tract of land located at 807 FM 2325

Applicant Information:

Applicant: City of Wimberley
Property Owner: Bradley C. Sikes

Subject Property:

Legal Description: ABS 365 Tr. 1B Benjamin Page Survey .955 AC
Location: 807 FM 2325
Existing Use of Property: Medical Office
Existing Zoning: Un-zoned
Proposed Use of Property: Medical Office
Proposed Zoning: Commercial – Low Impact (C-1)
Planning Area: III
Overlay District: Entrance Corridor (EC)

Surroundings:

Frontage On: FM 2325

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters Sent: 12/18/09
Published: 12/23/09
Sign Placement: 12/23/09

Responses: None

Comments:

The City of Wimberley is proposing to zone a currently un-zoned tract of land located at 807 FM 2325 from un-zoned to Commercial – Low Impact (C-1). The subject property is located in Planning Area III and within the *Entrance Corridor Overlay District* where C-1 zoning is permitted.

In October 2009, the subject property was left out of the first in a series of City-initiated zoning cases due to a mapping error on the part of the Hays County Appraisal District. The area where the property is located is largely commercial in nature.

The owners of the subject property are in support of the proposed C-1 zoning.

On January 14, 2010, the Planning and Zoning Commission held a public hearing on the zoning case. Afterwards, the Commission unanimously voted to recommend approval of C-1 zoning for the subject 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.

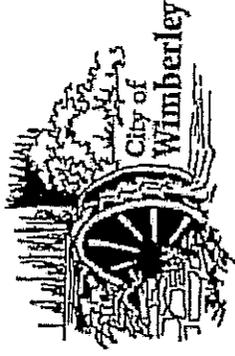
(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

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

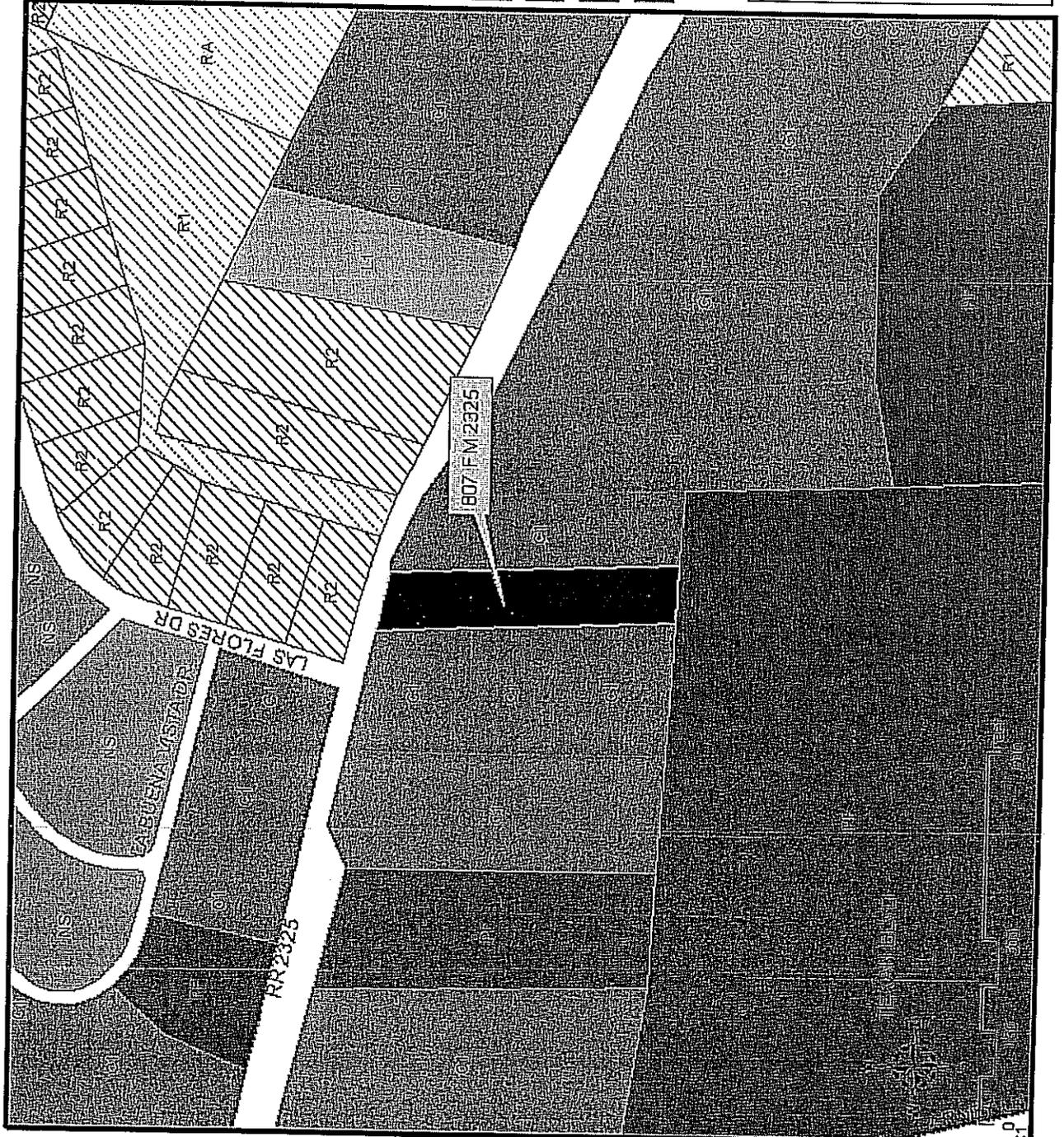
(G) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(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

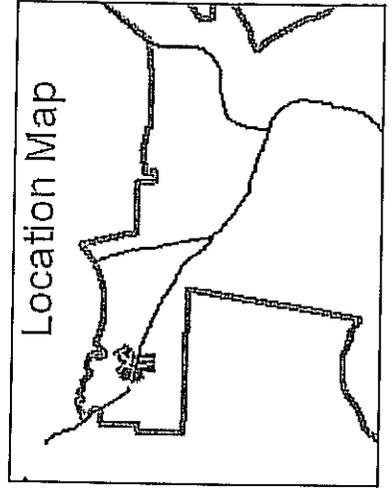
Zoning Map for Case ZA-09-030



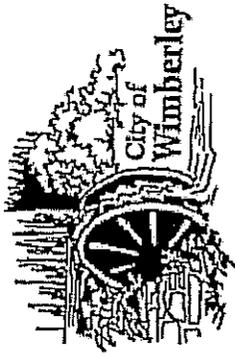
P.O. Box 2027 • Wimberley, Texas 78676



-  Subject Property
-  Residential Acreage (RA)
-  Rural Residential (R-1)
-  Single Family Residential 2 (R-2)
-  Lodging 1 (L-1)
-  Neighborhood Services (NS)
-  Commercial - Low Impact (C-1)
-  Public Facilities (PF)

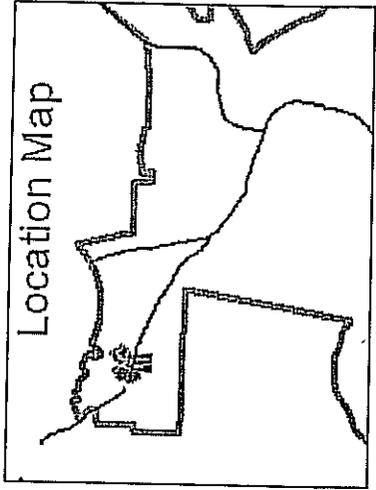
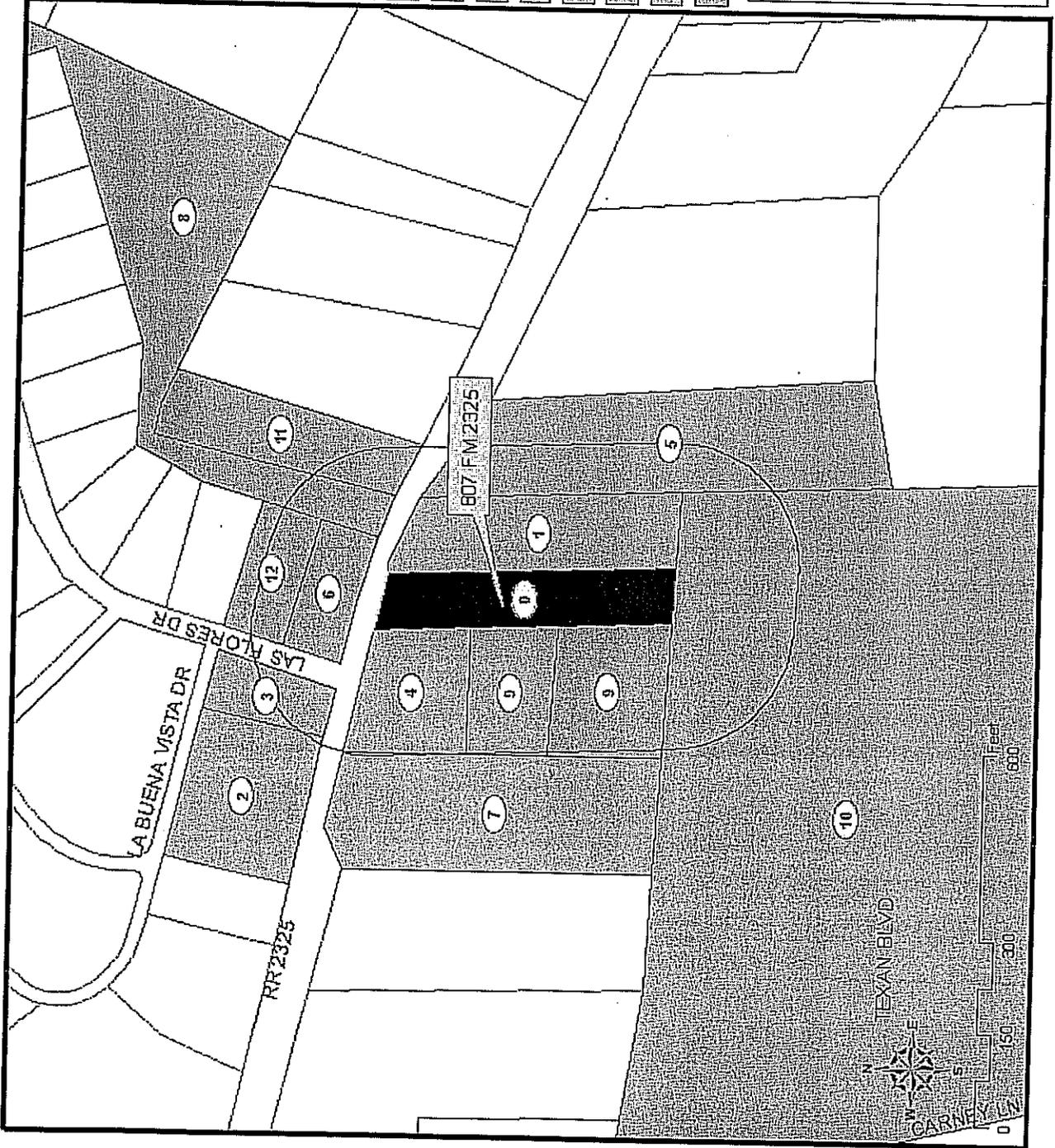


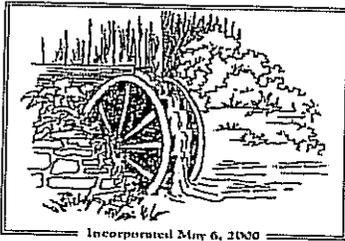
Notification Map for Case ZA-09-030



P.O. Box 2027 • Wimberley, Texas 78676

- 0, SIKES, BRADLEY C
- 1, BULLOCK, ROGER GLENN
- 2, DIENST BEN D JR & EST OF HELEN
- 3, EAGLE INVESTORS LTD
- 4, FRASER, SHANE M
- 5, GOULAS LISA MARIE
- 6, MIRELES RAYMOND V & MARIA J
- 7, PADGETT, BRUCE E
- 8, RDM S FAMILY PARTNERS LTD
- 9, TEXAS MODULAR HOMES INC
- 10, WIMBERLEY ISD - TRUST PROPERTY
- 11, WOLF, JOHNNY C
- 12, WOOLSEY, BILLY HARLEN, JR.





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

December 22, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-030
807 FM 2325

A request for Commercial – Low Impact (C-1) zoning for a currently un-zoned tract of land

Dear Property Owner:

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

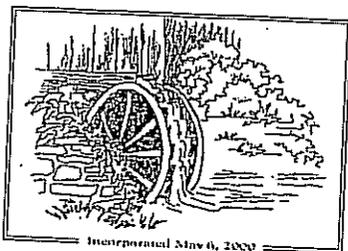
A request has been made for Commercial – Low Impact (C-1) zoning for a currently un-zoned tract of land located at 807 FM 2325.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, January 14, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, January 21, 2010, at 6:30 p.m.** in the Wimberley City Hall.

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

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

CITY OF WIMBERLEY



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-09-030

Owner _____

Date 12/23/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

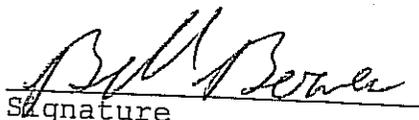
() Project Site Address 807-FM-2325

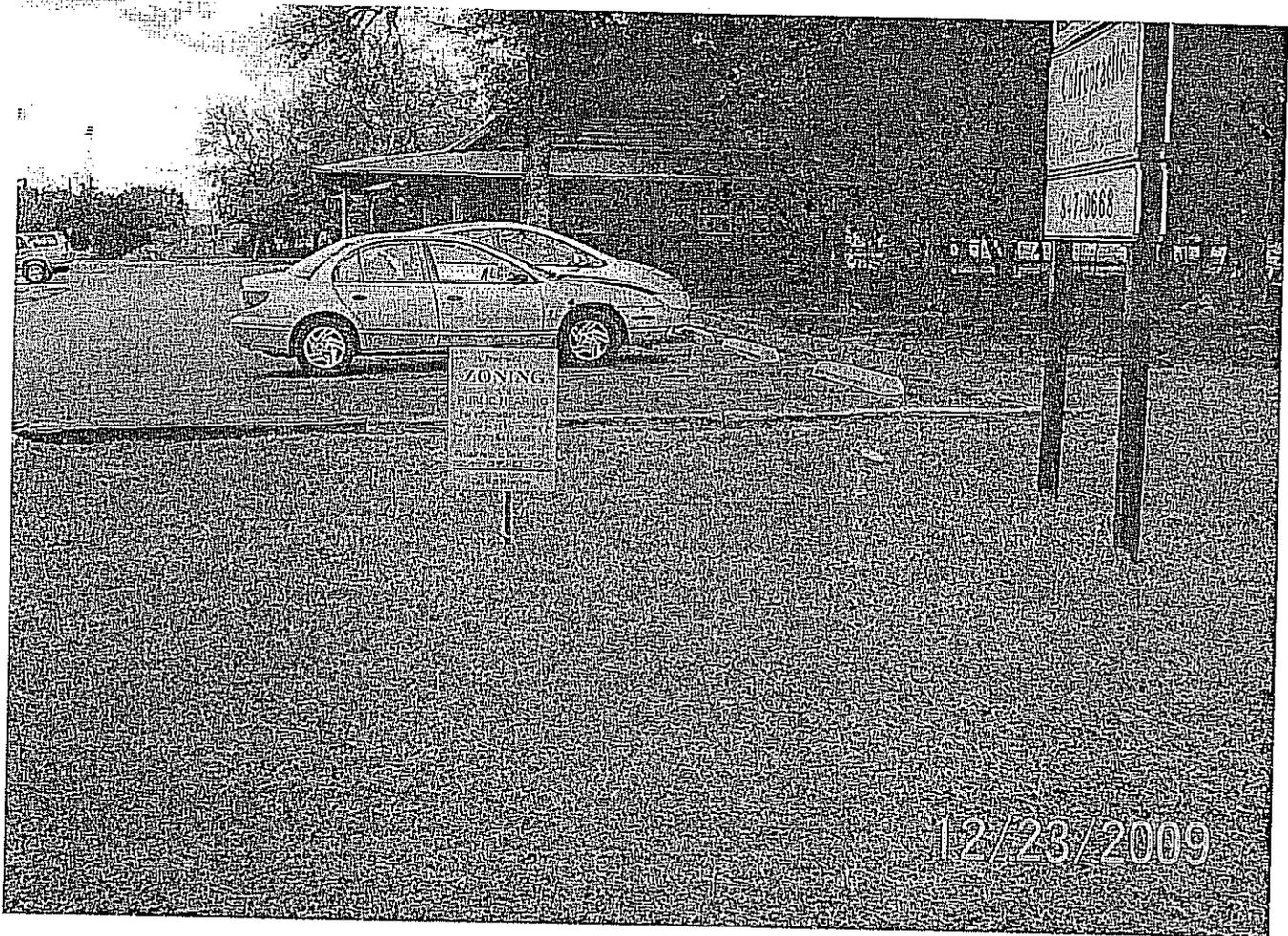
which is located FM-2325

Bill Bowers
Asst. Public Works

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

12/23, 2009


Signature



12/23/2009



12/23/2009

THE CLASSIFIED

Wednesday, December 30, 2009

Email your ads to: classad@wimberley.com



PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Citywide 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, January 14, 2010, at 6:30 p.m. to consider the following ZA 09-009 parcel initiated a proposal to zone all currently unzoned properties located in the downtown Wimberley area bounded by the Cypress Creek, Blanco River, Old KY6 Road and FM 3257 from unzoned to Residential Acreage (RA), Rural Residential (R-1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Multi-Family (MF-1), Multi-Family 2 (MF-2), Neighborhood Services (NS), Commercial Low Impact (C-1), Commercial Moderate Impact (C-2), Lodging (L-1) and Public Facilities (PF). The specific properties in this area to be zoned under the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center

and the library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. at City Hall. Comments on the proposed zoning 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, 12, Wimberley, Texas 78695, 1/1/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA 09-000 parcel initiated a proposal to change zoning from Residential Acreage (RA) to Commercial Low Impact (C-1) for a property located at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas 78695, 1/1/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA 09-000 parcel initiated a proposal to change zoning from Commercial Low Impact (C-1) for a property located at 807 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas 78695, 1/1/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA 09-028 parcel proposed change in zoning from Public Facilities (PF) to Commercial Low Impact (C-1) for a property located at 956 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas 78695, 1/1/09).

review at the Wimberley City Hall (12111 Ranch Road, 12, Wimberley, Texas 78695, 1/1/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following ZA 09-028 parcel proposed change in zoning from Single Family Residential 2 (R-2) to Commercial Low Impact (C-1) for two adjacent tracts of land located at 290 and 210 Carney Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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, 12, Wimberley, Texas 78695, 1/1/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 12, 2010, at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, Hays County, Commissioners' Court will hold a public

hearing to consider **ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION** (09628/16/09)

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 27, 2010, at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, Hays County, Commissioners' Court will hold a public hearing to consider **Resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley, Unit 2, Section 2** (09628/17/09)

PUBLIC NOTICE

**THE STATE OF TEXAS
THE COUNTY OF HAYS
TO THOSE INDEBITED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF MIVAN ANGELINE SHARP, DECEASED, CAUSE NO. 1470-P.**
The undersigned, Independent Administrator of the Estate of Mivan Angelina Sharp, Deceased, of Hays County, Texas, having been granted letters of independent Administration by the County Court of Hays County, Texas, in Probate Cause No. 1470-P on the 4th day of December, 2009, hereby notifies all persons indebted to said estate to make payment and those

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 PROPERTY LOCATED AT 807 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 regulations established by the Code are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

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

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

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

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

The approximate 0.955 acre tract described as part of the ABS 365 Tr. 1B Benjamin Page Survey in Wimberley, Hays County, Texas, commonly known as 807 FM 2325, is hereby designated initial zoning of Commercial-Low Impact (C-1) designation.

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

ARTICLE II. ZONING DISTRICT MAP

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

ARTICLE III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this _____ day of _____, 2010, by ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

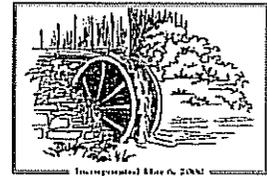
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning ZA-09-031



Summary: A City-initiated proposal for a change in zoning from Residential Acreage (RA) to Commercial – Low Impact (C-1) for a tract located at 700 FM 2325

Applicant Information:

Applicant: City of Wimberley
Property Owner: David Domsch

Subject Property:

Legal Description: A0390 Robert S Rankin and 0365 Benjamin Page Survey 5.87 Ac.
Location: 700 FM 2325
Existing Use of Property: Vacant
Existing Zoning: Residential Acreage (RA)
Proposed Use of Property: Commercial
Proposed Zoning: Commercial – Low Impact (C-1)
Planning Area: II, III
Overlay District: Entrance Corridor (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	Commercial
E of Property	C-1, R-2	Commercial, Residential
W of Property	C-1, R-2	Commercial, Residential

Legal Notice

200' Letters Sent: 12/18/09
Published: 12/23/09
Sign Placement: 12/23/09

Responses: None

Comments:

The City of Wimberley is proposing to re-zone the property located at 700 FM 2325 from Residential Acreage (RA) to Commercial – Low Impact (C-1). The rear portion of the subject property is located in Planning Area II while the portion of the property that fronts FM 2325 is located in Planning Area III.

The subject property was zoned RA in October 2009 in the first of a series of City-initiated zoning cases. City staff proposed the RA zoning designation based on the Planning Areas where the property is located and because the property was vacant. Per procedures, the subject property

owner was given forty-five (45) days to request a zoning designation different from that proposed by the City. While conversations took place with the property owner regarding the possibility of requesting an alternate zoning designation, no written response was received prior to the deadline and the property was zoned RA, as proposed by City staff.

Approximately twelve (12) days after the deadline to respond, the City received a letter from the property owner requesting C-1 zoning for the subject property. If the C-1 zoning request is approved, the property owner has agreed to install a privacy fence along the rear portion of the lot, adjacent to some residential properties, to mitigate the impact of any commercial use of the property.

On January 14, 2010, the Planning and Zoning Commission held a public hearing on the proposed zoning change. Afterwards, the Commission unanimously voted to recommend approval of C-1 zoning for the subject property with the added requirement that a privacy fence and vegetative buffer be installed along the sides of the subject property that abut residential properties.

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

David L Domsch
P. O. Box 165
Poteet, Texas 78065-0165
(210) 771-6218

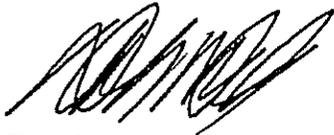
September 23, 2009

Don Ferguson, City Administrator
City of Wimberley
P.O. Box 2027
Wimberley, Texas 78676

This letter is to confirm our meeting and conversation on September 11, 2009 wherein we agreed that my property located on FM 2325 would be zoned C1.

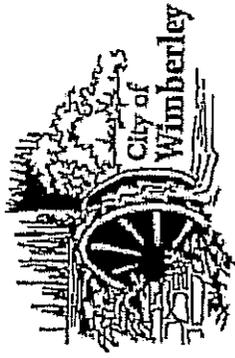
Upon development of this property, a fence will be installed on the sides bordering residential areas.

Should you need something else from me, please let me know.

A handwritten signature in black ink, appearing to read 'D L Domsch', written in a cursive style.

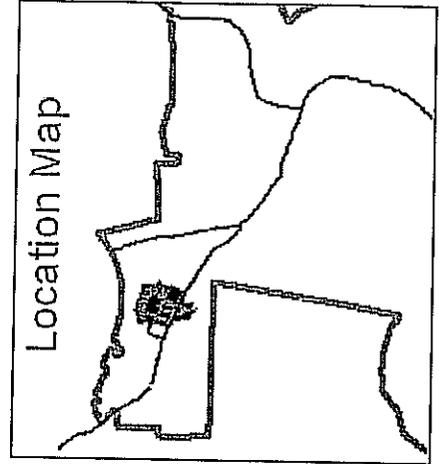
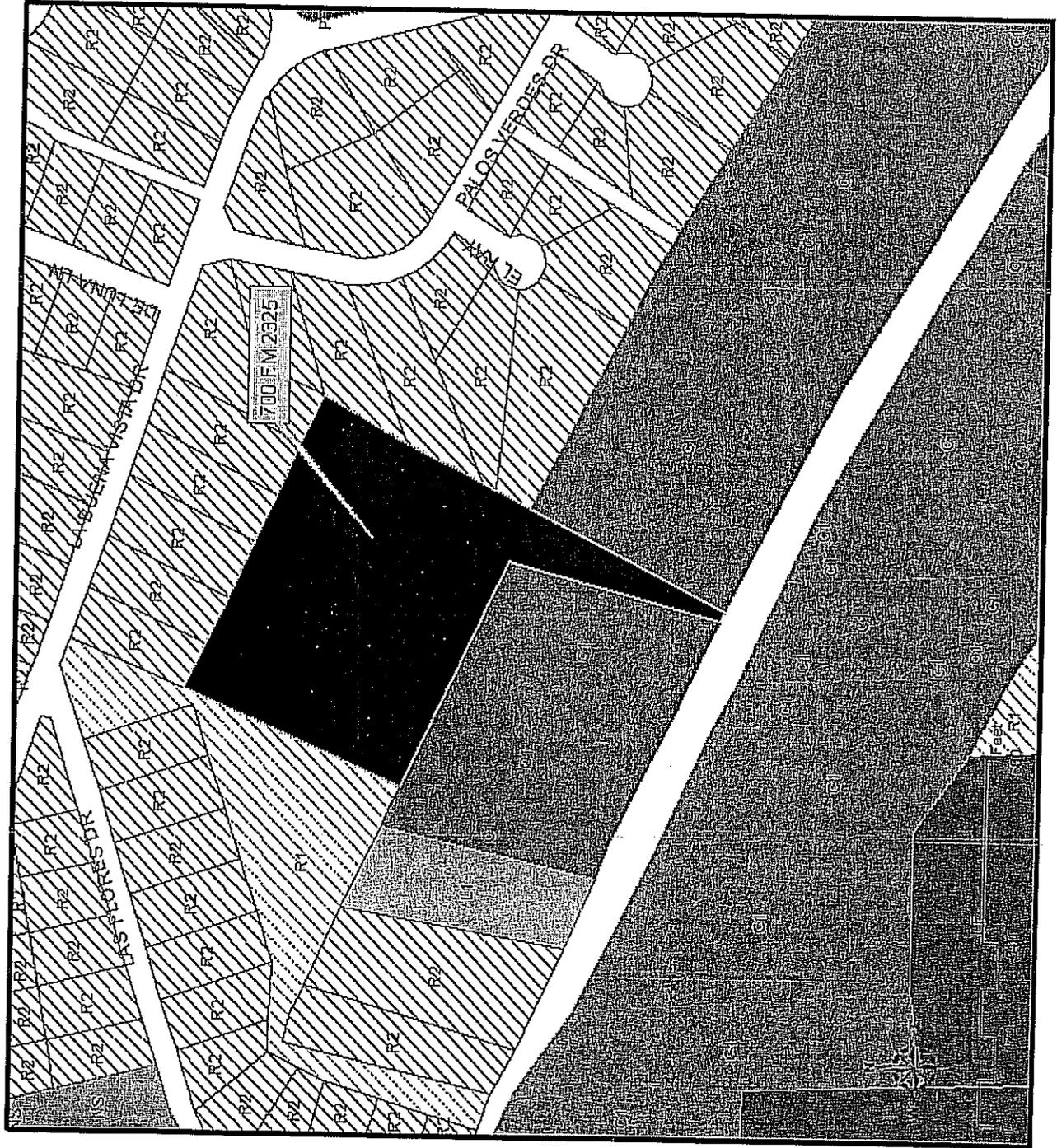
David L. Domsch

Zoning Map for Case ZA-09-031

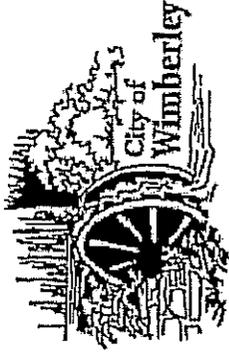


P.O. Box 2027 • Wimberley, Texas 78676

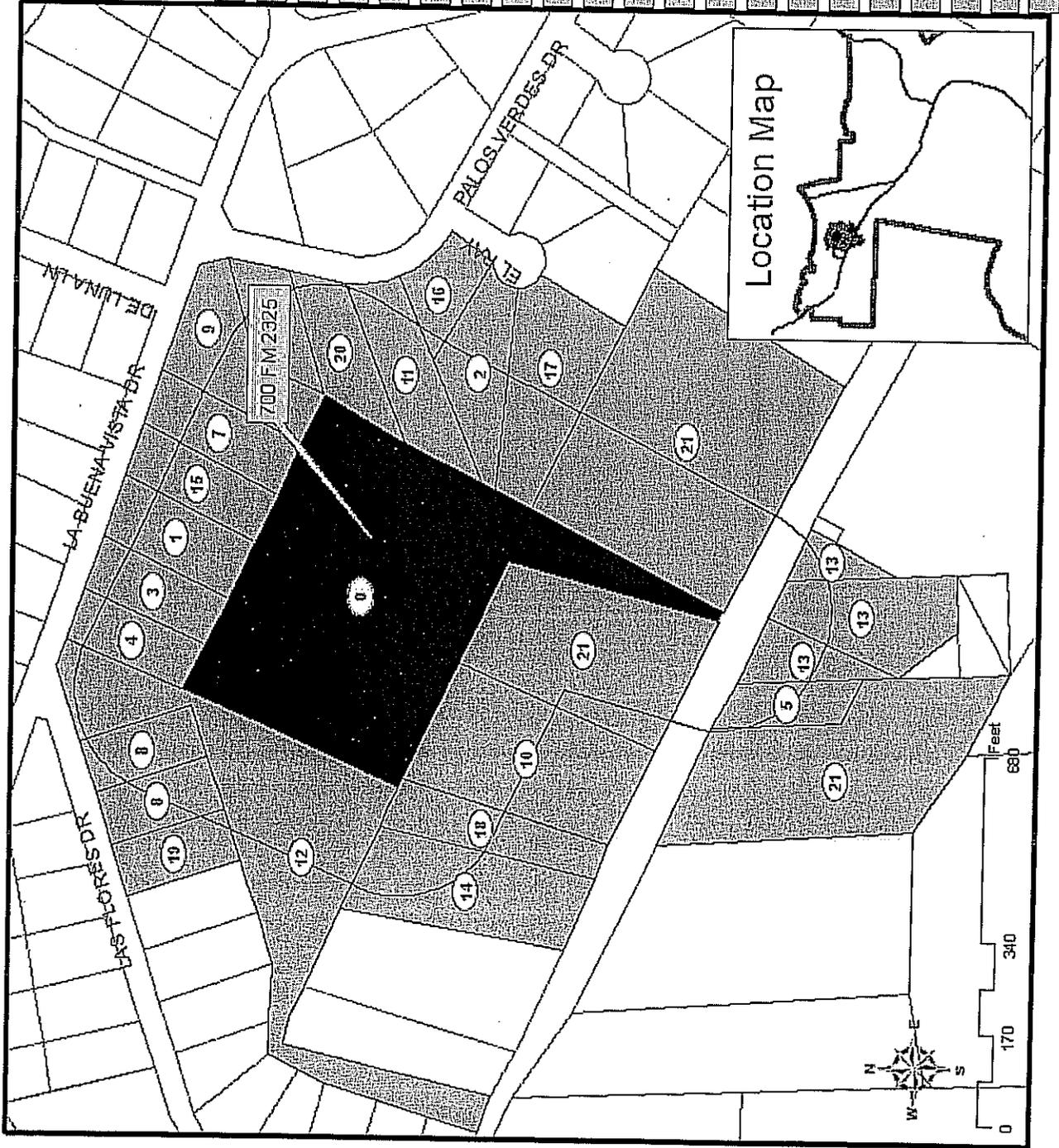
-  Subject Property
-  Residential Acreage (RA)
-  Rural Residential (R-1)
-  Single Family Residential 2 (R-2)
-  Lodging 1 (L-1)
-  Neighborhood Services (NS)
-  Commercial - Low Impact (C-1)
-  Public Facilities (PF)



Notification Map for Case ZA-09-031



P.O. Box 2027 • Wimberley, Texas 78676



0, DOMSCH, BERNICE

1, BANKS G BRUCE & SYLVIA J

2, BOTKIN, JANE LITTLE

3, CLAYTON, BILLY

4, COTTEN, STEVEN C

5, DAVIS BRANDON & JULIE

6, FERENZ, JAMES LARRY & PATSY DELL

7, FORE CRAIG M & CANDACE L

8, LONG MITCHELL & RUBY LU ANN

9, MALCOM WILLIAM J & JANET M

10, OLLE PAT E & CONGER RALPH S

11, PAGE, JOSEPH A

12, ROMS FAMILY PARTNERS LTD

13, SAJUCEDA TONY & HELEN

14, SHEFFIELD, JAMES L

15, SHUTTLESWORTH FRED M & DARLENE C

16, SOSBY ROGER L & KAREN

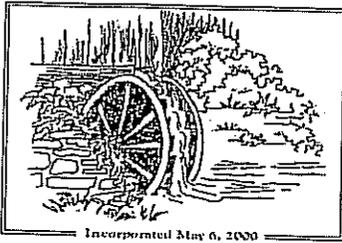
17, TANNER, ROSE MARY

18, THURBER STEPHEN P & SUSAN S

19, VERIATO, JEAN

20, WALKER MARTY & KIMBERLEN G

21, 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

December 22, 2009

NOTICE OF PUBLIC HEARING

Re: File No. ZA-09-031

700 FM 2325

A request for a change in zoning from Residential Acreage (RA) to Commercial – Low Impact (C-1) zoning.

Dear Property Owner:

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

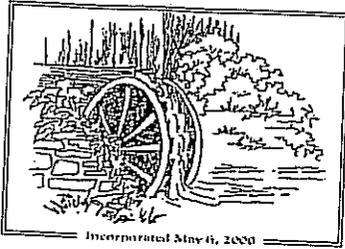
A request has been made to change the zoning from Residential Acreage (RA) to Commercial – Low Impact (C-1) zoning for a tract of land located at 700 FM 2325.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, January 14, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, January 21, 2010, at 6:30 p.m.** in the Wimberley City Hall.

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

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

CITY OF WIMBERLEY



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.vjl.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: ZA-09-031

Owner _____

Date 12/23/09

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 700 FM-2325

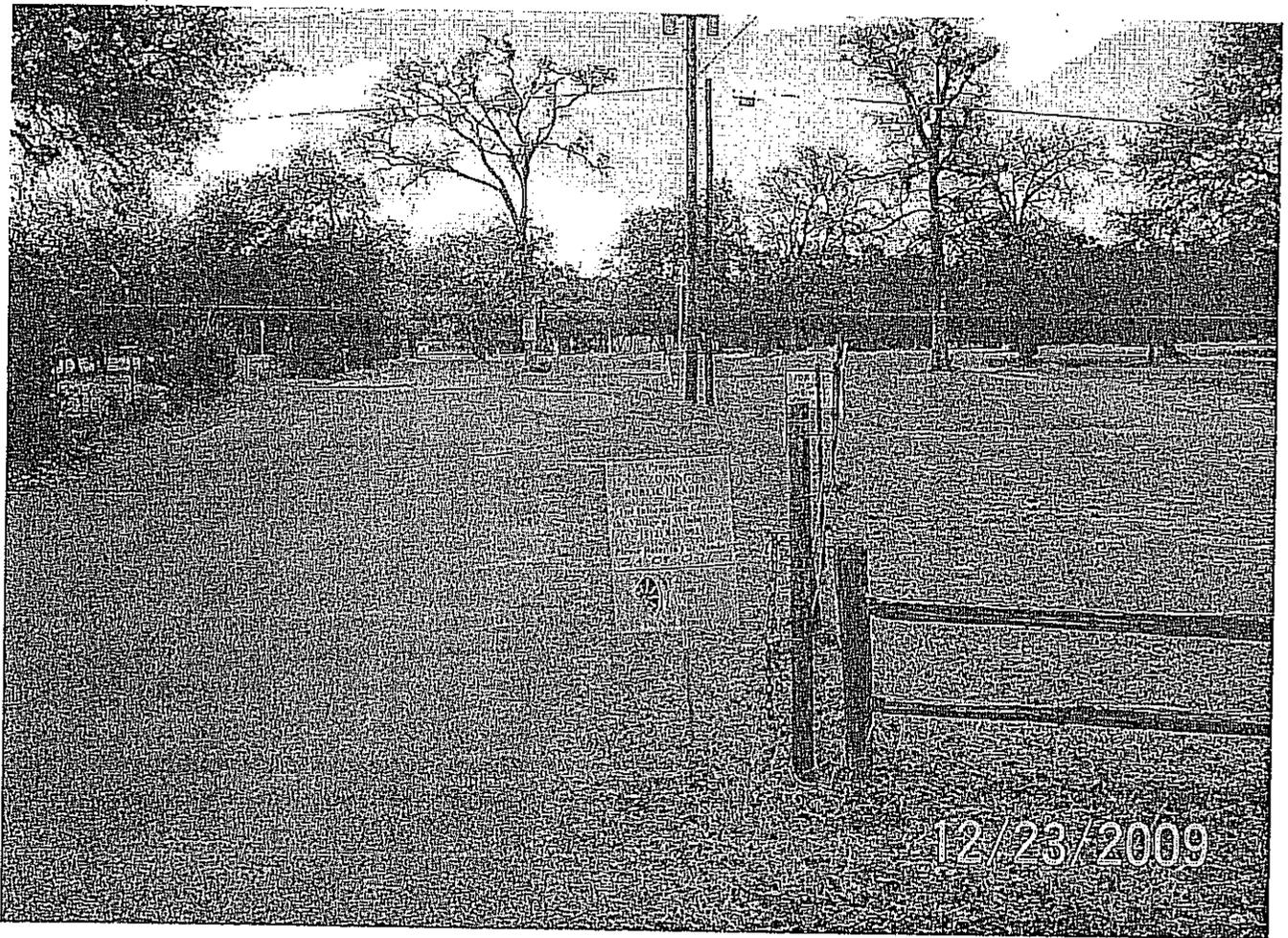
which is located FM-2325

Bill Bowers
Asst. Public Works

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

12/23, 2009


Signature



THE CLASSIFIED

Wednesday, December 30, 2009

Email your ads to: classad@wimberley.com



PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Citywide Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, January 14, 2010, at 6:30 p.m. to consider the following: ZA-09-009 (a) a proposed change in zoning from currently unzoned properties located in the downtown Wimberley area

bounded by the Cypress Creek

Blanco River, Old Kyle Road and FM 3237 from unzoned to Residential A (R-A), Residential (R-1), Single family residential 2 (R-2), Single family residential 3 (R-3), Multi-family (MF-2), Multi-family 2 (MF-2), Neighborhood Services (NS), Commercial Low Impact (C), Commercial, Moderate Impact (C2) Loading (L) and public facilities (PF). The specific properties in this area to be zoned and the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center

and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. at City Hall. Comments on the proposed zoning 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 (89636/14/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-009 (a) a proposed change in zoning from Residential A (R-A) to Commercial Low Impact (C) for a property located at 700 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 (89636/14/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-009 (a) a proposed change in zoning from Public Facilities (PF) to Commercial Low Impact (C) for a property located at 307 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 (89636/14/103).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Request for Zoning)
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-029 (a) a proposed change in zoning from Public Facilities (PF) to Commercial Low Impact (C) for a property located at 956 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 (89636/14/103).

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, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-028 (a) a proposed change in zoning from Single Family Residential 2 (R-2) to Commercial Low Impact (C) for two adjacent tracts of land located at 280 and 240 Gamewell Lane.

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 (89636/14/103).

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, January 14, 2010 at 6:30 p.m. to consider the following: ZA-09-028 (a) a proposed change in zoning from Single Family Residential 2 (R-2) to Commercial Low Impact (C) for two adjacent tracts of land located at 280 and 240 Gamewell Lane.

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, January 21, 2010, at 6:30 p.m. 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 (89636/14/103).

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 27, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court will hold a public hearing to consider a Resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley, Unit 1, Section 2 (89628/30/6).

PUBLIC NOTICE

THE STATE OF TEXAS, THE COUNTY OF HAYS, TO THOSE INDEBITED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF VIVIAN ANGELENE SHARP, DECEASED, CAUSE NO. 11470-P, the undersigned Independent Administrator of the Estate of Vivian Angeline Sharp, deceased, of Hays County, Texas, having been granted Letters of Independent Administration by the County Court of Hays County, Texas, in Probate Cause 11470-P on the 14th day of December 2, 2009, hereby notifies all persons indebted to said Estate to make payment, and those

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 PROPERTY LOCATED AT 700 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM RESIDENTIAL ACREAGE (RA) TO COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING A CONDITION; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

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

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

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

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

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

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

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

ARTICLE I. AMENDMENT

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

Appendix F: Zoning District Designations

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

THAT the real property consisting of approximately 5.87 acres out of the A0390 Robert S. Rankin and 0365 Benjamin Page Survey, in Wimberley, Hays County, Texas, commonly known as 700 FM 2325, is hereby designated from Residential Acreage (RA) to Commercial-Low Impact (C-1) zoning classification, and subject to the following condition:

Prior to occupancy this property owner shall install a privacy fence no less than eight feet (8') in height and a vegetative buffer along all property lines that abut a residential zoning district or residential use.

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 _____, 2010, by ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

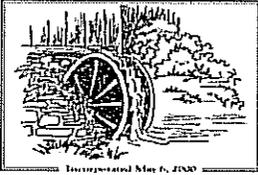
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF AN ORDINANCE CALLING THE MAY 8, 2010 JOINT ELECTION FOR THE CITY OF WIMBERLEY

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The item was placed on the agenda to allow City Council to discuss and consider calling the Joint Election for the City of Wimberley in May 2010. Other entities participating in the election include the Wimberley ISD and Hays Trinity Groundwater Conservation District.

In the City of Wimberley, voters will be electing a Mayor and Council Members for Places Two, and Four. Wimberley ISD voters will be electing several trustees, and voters in the Hays Trinity Groundwater Conservation District will be electing board members.

Election Day will be Saturday, May 8, 2010. The election day polling place will be the Wimberley Community Center where the polls will be open from 7 a.m. to 7 p.m.

Early voting by personal appearance will also be conducted at the Community Center on Monday, April 26, 2010 from 7 a.m. to 7 p.m.; Tuesday, April 27, 2010 through Friday, April 30, 2010 from 8 a.m. to 5 p.m.; Saturday, May 1, 2010 from 10 a.m. to 2 p.m.; Monday, May 3, 2010 from 7 a.m. to 7 p.m. and Tuesday, May 4, 2010 from 8 a.m. to 5 p.m.

All three entities are contracting with the Hays County Elections Division to conduct the election. The County Election Administrator will serve as the early voting clerk.

Approval of the attached ordinance is necessary to proceed with preparations for the election.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, ORDERING A GENERAL ELECTION ON MAY 8, 2010, FOR THE PURPOSE OF ELECTING A MAYOR AND CITY COUNCIL MEMBERS FOR PLACES TWO AND FOUR OF THE CITY OF WIMBERLEY CITY COUNCIL, SUCH ELECTION TO BE HELD JOINTLY WITH THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT AND WIMBERLEY ISD; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; MAKING OTHER PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the City of Wimberley desires to hold a General Election on May 8, 2010 for the purpose of electing a Mayor and Council Members for Places Two and Four; and

WHEREAS, the Wimberley Independent School District desires to hold an election on May 8, 2010 for the purpose of electing trustees; and

WHEREAS, Hays Trinity Groundwater Conservation District desires to hold an election on May 8, 2010 for the purpose of electing board members; and

WHEREAS, the City, the Wimberley Independent School District and Hays Trinity Groundwater Conservation District have or will enter into agreements to agree to hold a Joint Election for the purpose of combining the elections of the three entities and agree that a joint election will lead to efficiency; and

WHEREAS, this ordinance is in furtherance of the public interest, for the good of government, peace and order of the City, and necessary and proper for carrying out the power granted by law to the City.

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

SECTION 1. Call of Election; Date; Eligible Electors; and Hours. A General Election ("election") is ordered to be held, at a polling place and election precincts within the corporate limits of the City of Wimberley, as hereinafter designated, on Saturday, May 8, 2010, from the hours of 7:00 a.m. to 7:00 p.m., at which election there shall be elected one (1) Mayor, One (1) City Councilmember for Place Two, and one (1) City Councilmember for Place Four for the City of Wimberley. The Mayor and Council Members shall be elected to serve a term of two (2) years. All residents, qualified electors of the City shall be entitled to vote in the election.

SECTION 2. Voting Precincts. The boundaries and territory of the respective Hays County Election Precincts that are partially within the territorial boundaries of the City are

hereby designated as the voting precincts of the City for the election. The precinct numbers for the City's election precincts shall be the corresponding Hays County Election Precinct Number of each precinct.

The Council finds that combination of the territory of the three Hays County Election Precincts (election precincts 333, 335 and 337) that are partially within the City into one voting precinct of the City served by a single polling place for the purposes of this election will result in a more convenient voting opportunity for the voters and a more efficient and cost effective administration of this election and such voting precincts are hereby combined and are designated with the corresponding numbers of the three Hays County Election Precinct Numbers of the underlying precincts (Precinct No. 333/335/337).

SECTION 3. Voting Locations. The polling place for the combined election precincts for this election shall be as follows:

City of Wimberley
Community Center
14068 Ranch Road 12
Wimberley, Texas 78676

SECTION 4. Conduct of Election and Election Services Contract. Pursuant to Subchapter D of Chapter 31 of the Texas Election Code and Chapter 791 of the Texas Government Code, the City Council orders that this election be conducted under the terms and conditions of a Contract for Election Services between the City and County of Hays ("County"), attached as "Exhibit A" and incorporated herein for all purposes. Pursuant to Chapter 271 of the Texas Election Code, the City election shall be conducted by Hays County Elections Administrator under the terms and conditions of an Election Services Contract. The election shall be held under, and in accordance with the laws of the State of Texas. Pursuant to Chapter 271 of the Texas Election Code, the Council orders that the election be conducted under the terms and conditions of the joint election agreement between the City, Wimberley Independent School District and Hays Trinity Groundwater Conservation District.

SECTION 5. Appointment of Election Officers. The City Council shall appoint the persons described on Exhibit "B", attached and incorporated by reference, for purposes of presiding judge and alternate presiding judge to serve for this election including early voting, which shall act in accordance with the Texas Election Code and all applicable ordinances. The presiding judge may appoint up to two clerks to serve and assist in conducting the election.

Each presiding and alternate presiding judge shall be given written notice of the appointment in accordance with Texas Election Code Section 32.009. Each presiding judge shall be served with a writ of election (notice of election) in accordance with Texas Election Code Section 4.007.

The Presiding Election Judge shall be compensated at the rate of \$7.00 per hour and election clerks shall be compensated at the rate of \$7.00 per hour. In addition, election judges responsible for delivering the ballots and other election materials and records to the Return

Center shall be paid \$25.00 for such delivery. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended (the "Election Code") and other applicable laws.

SECTION 6. Early Voting. Joyce A. Cowan is appointed joint early voting clerk for early voting for the City.

SECTION 7. Early Voting by Personal Appearance. The polling place for early voting by personal appearance for the City election is:

City of Wimberley
Community Center
14068 Ranch Road 12
Wimberley, Texas 78676

Early voting by personal appearance shall be conducted on Monday, April 26, 2009 from 7 a.m. to 7 p.m.; Tuesday, April 27, 2009 through Friday, April 30, 2010 from 8 a.m. to 5 p.m.; Saturday, May 1, 2010 from 10 a.m. to 2 p.m.; Monday, May 3, 2010 from 7 a.m. to 7 p.m. and Tuesday, May 4, 2010 from 8 a.m. to 5 p.m.

SECTION 8. Early Voting by Mail. Early voting by mail shall be conducted in accordance with applicable provisions of the Texas Election Code. Ballot applications and ballots voted by mail shall be sent to: Hays County Elections Administrator, 401 Broadway Street, San Marcos, Texas, 78666. Applications for ballot by mail must be received no later than the close of business on Friday, April 30, 2010.

SECTION 9. Early Voting Ballot Board. The City Council will appoint the Presiding Judge of the Early Voting Ballot Board at a subsequent meeting. The Presiding Judge shall appoint two or more election clerks, and such judge and clerks shall constitute the Early Voting Ballot Board. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Early Voting Ballot Board at the Hays County Election Administrator's Office, 401-C Broadway Street in the City of San Marcos, Texas in accordance with the Election Code. The Early Voting Ballot Board shall perform its duties in accordance with applicable provisions of the Election Code.

SECTION 10. Ballots and Election Expenditures Authorized. All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The Board hereby adopts for use in early and Election Day the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials, the securing of election services from the Hays County Elections Administrator pursuant to an Election Service Contract and the employment of all election officials is hereby authorized.

SECTION 11. The election shall be held under, and in accordance with the laws of the State of Texas.

SECTION 12. Notice. Notice of the election, including a Spanish translation thereof, shall be published at least once in a newspaper published within the territory of the City of Wimberley on or before April 16, 2010, and shall be posted on the bulletin board at City Hall on or before April, 16, 2010.

SECTION 13. Election Information to be provided in Spanish. Election notices, instructions, orders, ballots and other written material pertaining to the Election shall be translated into and furnished to voters in both the English and the Spanish language.

SECTION 14. Severability. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance and the application of such provision to other persons and circumstances shall remain valid and in full force and effect, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 15. Conflicting Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 16. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 17. Proper Notice and Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was acted upon 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.

SECTION 18. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Board; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

SECTION 19. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED by the City of Wimberley City Council on the 21st day of January, 2010 by a vote of ____ (Ayes) and ____ (Nays).

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

ATTEST:

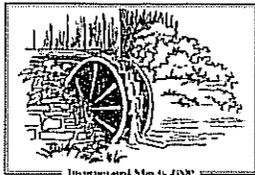
Cara Mc Partland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF A RESOLUTION APPROVING THE ACQUISITION OF A .814 ACRE TRACT OF PROPERTY (211 STILLWATER)

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of a resolution approving the purchase of a .814 acre tract of property at 211 Stillwater for use as City Hall and authorizing the Mayor to sign the purchase contract. If the resolution is approved, action items will be placed on the February 4, 2010 City Council meeting agenda to approve financing for the purchase and to provide notice to terminate the City's current City Hall office space lease.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS, AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS RELATING TO THE PURCHASE A CERTAIN TRACT OF REAL PROPERTY DESCRIBED AS LOT 80, SOUTH RIVER UNIT 1, CONSISTING OF APPROXIMATELY 0.814 ACRES, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley (“City”), has negotiated a purchase agreement with the owner of the real property described as Lot 80, South River Unit 1, consisting of approximately 0.814 acres, City of Wimberley, Hays County, Texas, as shown on the plat recorded in Volume 7, Page 179, Hays County Plat Records (the “Property”); and,

WHEREAS, pursuant to section 51.015 of the Texas Local Government Code, the City is authorized to purchase and hold property in the municipality in order to carry out a municipal purpose; and,

WHEREAS, the Property is necessary for the operation of the City Hall for the City, and all other lawful municipal purposes; and,

WHEREAS, the City has obtained an appraisal of the Property and finds that the purchase price accurately reflects fair market value; and,

WHEREAS, the City Council finds that the action authorized by this Resolution is 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.

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

1. That the City Council hereby approves and authorizes the Mayor to execute a purchase agreement, and all related documents to effectuate the purchase of real property owned by Cypress Creek Church, Inc., known as Lot 80, South River Unit 1, consisting of approximately 0.814 acres, City of Wimberley, Hays County, Texas, as shown on the plat recorded in Volume 7, Page 179, Hays County Plat Records (the “Property”).
2. That the Mayor is further authorized to take whatever further actions he deems appropriate or advisable, including designation of a title company, and other routine matters related to the closing.
3. That all previous acts and proceedings done or initiated by the Mayor, City Manager, the City’s agents, representatives, officers or employees to pursue the negotiation and execution of the purchase agreement, due diligence activities in connection with the

acquisition of the Property, are hereby authorized, ratified, approved, confirmed, and validated.

4. That the City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.
5. That this Resolution shall take effect immediately from and after its passage and publication as may be required by governing law.
6. That this Resolution was passed at a meeting that was open to the public and 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.

PASSED AND APPROVED by the City Council of the City of Wimberley, Texas
this ____ day of _____, 2010.

APPROVED:

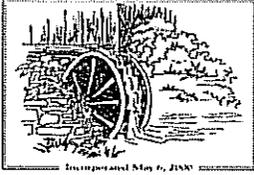
Tom Haley
Mayor, City of Wimberley

ATTEST:

Cara McPartland
City Secretary, City of Wimberley

[seal]

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER POSSIBLE ACTION REGARDING THE SELECTION OF A FIRM TO PREPARE A BOUNDARY SURVEY FOR THE CITY OF WIMBERLEY

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

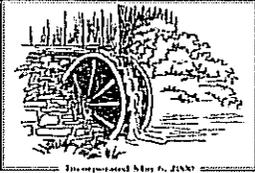
Recently, the City of Wimberley issued a Request for Qualifications (RFQ) to hire a qualified firm(s) to prepare a boundary survey of the City of Wimberley. After reviewing the submittals received, City staff narrowed the field of firms to four (4) and interviews were conducted with those firms the week of December 7th. The firms interviewed were Baker-Aicklen & Associates, Pro-Tech Engineering, The Schultz Group and Zamora LLC.

Based on the above mentioned interviews and submittal reviews, City staff recommended the City Council interview the following two (2) firms for consideration by City Council:

- Baker-Aicklen & Associates
- Pro-Tech Engineering

Public interviews with the two (2) above mentioned firms were held at a Special City Council Meeting on January 7, 2010. This item was placed on the agenda to allow City Council the ability to direct staff to negotiate a contract with one of the two firms interviewed or conduct further interviews.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: APPROVAL OF THE
SCHEMATIC DESIGN PHASE REPORT FOR THE BLUE
HOLE REGIONAL PARK DEVELOPMENT PROJECT

Funds Required:

Funds Available:

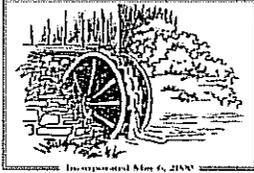
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider possible approval of the *Schematic Design Phase Report* for the Blue Hole Regional Park Development Project. The report was presented earlier in the City Council meeting by *Design Workshop* – the City's project design firm.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF AN ELECTION SERVICES CONTRACT WITH HAYS COUNTY

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

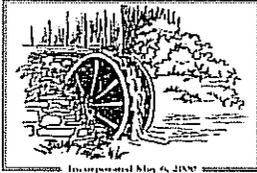
This item was placed on the agenda to allow the City Council to discuss and consider approval of a proposed contract with the Hays County Elections Administrator to conduct the City's May 2010 election. The proposed agreement calls for the City to be responsible for the following:

- Preparing and adopting all orders and resolutions necessary to conduct the election
- Preparing and publishing all required election notices
- Providing the ballot language including the list of candidates, or any measures that are to be printed on the ballot with the exact form, wording and spelling that is to be used
- Providing the services necessary to translate any election documents into Spanish.
- Providing technical assistance requested by the Elections Administrator

The Hays County Elections Administrator would be responsible for providing all equipment, supplies, manpower, and oversight for the election.

As for the cost, the agreement calls for the City to be responsible for all expenses incurred for the Election, or any runoff election that may be required. In addition, the City would be required to pay an administrative fee of 10% of the total cost of the election.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND WIMBERLEY ISD

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City of Wimberley and Wimberley ISD (WISD) will hold elections on May 8, 2010.

Like the City, the WISD will be contracting with the Hays County Elections Administrator to carry out its elections. As such, there is a need for the City and WISD to enter into a joint election agreement for the May election. The proposed agreement will allow the City and WISD to share polling places in the election, and appoint the same election officials to preside over the election. In return, the City and WISD will share equally the election expenses charged by the Hays County Elections Administrator for carrying out the elections.

Attached is the proposed joint election agreement for review and consideration.

**AGREEMENT BY THE CITY OF WIMBERLEY AND
WIMBERLEY INDEPENDENT SCHOOL DISTRICT
TO HOLD A JOINT ELECTION IN VOTING PRECINCTS
ON MAY 8, 2010**

WHEREAS, the Wimberley Independent School District (“DISTRICT”) will hold a general election on May 8, 2010, for trustee positions for the board; and,

WHEREAS, the City of Wimberley (“CITY”) will also hold a general election for City Council positions within the boundaries of the CITY on May 8, 2010; and,

WHEREAS, Texas Election Code, Chapter 271, authorizes political subdivisions of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and,

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested.

NOW, THEREFORE, pursuant to Chapter 791 of the Texas Government Code and Sections 271.001 et. seq. of the Texas Election Code, the Joint Election Agreement set forth below is entered into by and between the Entities acting by and through their respective governing bodies, agree as follows:

1. The District and the City will share polling places during the election on May 8, 2010.
2. The District and the City will appoint the same election officials to preside over the election precinct in which a common election is held.
3. The District and the City will use a HAVA compliant voting system (DREs) in each election precinct in which a common election is held.
4. The expenses of the joint election will be divided equally between the entities having a common election. Expenses will be determined and divided based on each precinct. By way of example, where the entities hold a common election in a precinct, the expenses will be apportioned one-half each. Each entity will bear all expenses for equipment and supplies utilized in its election.
5. It is agreed that all entities will contract with Hays County Elections Administrator to provide all election services needed for these elections.
6. Early voting for District and City shall be conducted jointly per the election services contract with Hays County Elections Administrator in accordance with Title 7 of the Texas Election Code.

7. Each individual signing below represents and warrants the execution of this Agreement has been duly authorized by the respective entity they represent.

DATED this the _____ day of _____, 2010.

CITY OF WIMBERLEY

BY: _____
Tom Haley,
Mayor

ATTEST: _____

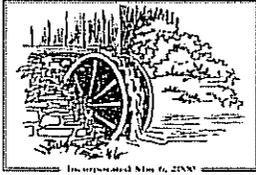
DATED this the _____ day of _____, 2010.

WIMBERLEY INDEPENDENT SCHOOL DISTRICT

BY: _____
Liz Tuttle,
President, Board of Trustees

ATTEST: _____

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City of Wimberley and Hays Trinity Groundwater Conservation District ("District") will hold elections on May 8, 2010.

Like the City, the District will be contracting with the Hays County Elections Administrator to carry out its elections. As such, there is a need for the City and District to enter into a joint election agreement for the May election. The proposed agreement will allow the City and District to share polling places in the election, and appoint the same election officials to preside over the election. In return, the City and District will share equally the election expenses charged by the Hays County Elections Administrator for carrying out the elections.

Attached is the proposed joint election agreement for review and consideration.

**AGREEMENT BY THE CITY OF WIMBERLEY AND
HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT
TO HOLD A JOINT ELECTION IN VOTING PRECINCTS
ON MAY 8, 2010**

WHEREAS, the Hays Trinity Groundwater Conservation District (“DISTRICT”) will hold a general election on May 8, 2010, for positions for the board; and,

WHEREAS, the City of Wimberley (“CITY”) will also hold a general election for City Council positions within the boundaries of the CITY on May 8, 2010; and,

WHEREAS, Texas Election Code, Chapter 271, authorizes political subdivisions of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and,

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested.

NOW, THEREFORE, pursuant to Chapter 791 of the Texas Government Code and Sections 271.001 et. seq. of the Texas Election Code, the Joint Election Agreement set forth below is entered into by and between the Entities acting by and through their respective governing bodies, agree as follows:

1. The District and the City will share polling places during the election on May 8, 2010.
2. The District and the City will appoint the same election officials to preside over the election precinct in which a common election is held.
3. The District and the City will use a HAVA compliant voting system (DREs) in each election precinct in which a common election is held.
4. The expenses of the joint election will be divided equally between the entities having a common election. Expenses will be determined and divided based on each precinct. By way of example, where the entities hold a common election in a precinct, the expenses will be apportioned one-half each. Each entity will bear all expenses for equipment and supplies utilized in its election.
5. It is agreed that all entities will contract with Hays County Elections Administrator to provide all election services needed for these elections.
6. Early voting for District and City shall be conducted jointly per the election services contract with Hays County Elections Administrator in accordance with Title 7 of the Texas Election Code.

7. Each individual signing below represents and warrants the execution of this Agreement has been duly authorized by the respective entity they represent.

DATED this the _____ day of _____, 2010.

CITY OF WIMBERLEY

BY: _____
Tom Haley,
Mayor

ATTEST: _____

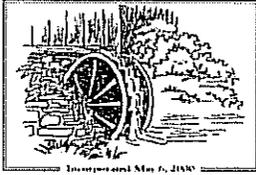
DATED this the _____ day of _____, 2010.

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

BY: _____
President, District Board

ATTEST: _____

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER APPROVAL OF THE ROUTES FOR THE *WIMBERLEY SPRING WALK*

Council Action Requested:

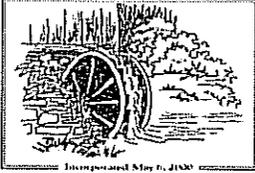
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approval of the routes for the upcoming *Wimberley Spring Walk* sponsored by the New Braunfels Marsch-und Wandergruppe and the Wimberley Mayor's Fitness Council. The two-day leisure walk is scheduled for Saturday, March 20th and Sunday, March 21st. The route for the walk winds through the downtown area and along the Cypress Creek to Blue Hole. As the proposed route involves the potential use of City right-of-way, City Council approval of the route is required.

Approximately 250 people are expected to participate in the event over the course of two days.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER MAKING A NOMINATION TO CAMPO BOARD TO SERVE AS THE SMALL CITIES REPRESENTATIVE FOR HAYS COUNTY.

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

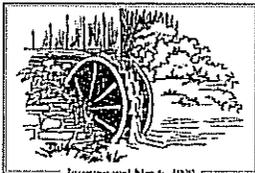
This item was placed on the agenda to allow City Council to discuss and consider submitting a nomination for the "small city" representative appointment for Hays County on the Capital Area Metropolitan Planning Organization Board.

The term of the seat is two years for the representative and the alternate. A new two-year term will begin January 2010. The Hays County Commissioners Court is responsible for making the appointments. The appointment needs to be made by the Commissioners Court in late January.

The CAMPO Board meets the second Monday of every month in the evening. The purpose of CAMPO is to coordinate regional transportation planning with counties, cities, the Capital Metropolitan Transportation Authority (Capital Metro), the Capital Area Rural Transportation System (CARTS), Texas Department of Transportation (TxDOT) and other transportation providers in the region and to approve the use of federal transportation funds within the region.

Mayor Haley has indicated that he will offer up the name of Place Two Council Member Bob Flocke as a possible nominee.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

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

Funds Required:

Funds Available:

Council Action Requested:

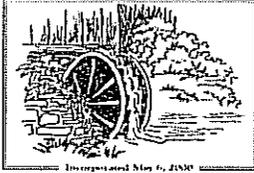
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of proposed revisions to the rental policies and rental fees for the Wimberley Community Center.

Since the City assumed operation of the Community Center in October 2009, the Wimberley Parks Board has been reviewing the policies and fees relating to the Community Center. Members of the Board will be present at the City Council meeting to brief Council on a series of proposed revisions to the Community Center rental fees and rental policies. Those recommendations will be presented to City Council in advance of the Council meeting under separate cover.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CONSIDER ACTION ON THE POSSIBLE DEVELOPMENT OF SIDEWALKS AT CERTAIN LOCATIONS IN THE CITY

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

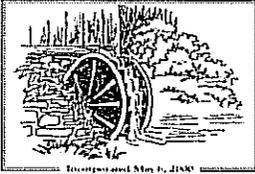
Motion

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 discuss and consider action on the possible development of sidewalks at certain locations in the city.

City Council Agenda Form



Date Submitted: January 15, 2010

Agenda Date Requested: January 21, 2010

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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