



**CITY OF
WIMBERLEY**

**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, April 16, 2020

6:00 p.m.



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING **THURSDAY, APRIL 16, 2020 – 6:00 P.M.**

AGENDA

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a teleconference/video conference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 16, 2020, at 6:00 p.m.**

The public may participate in this meeting via the following toll-free numbers 888-475-4499 or 877-853-5257 and/or using the meeting ID 811 0553 9117 and using the password 012623.

The public will be permitted to offer public comments and participate in any public hearing via teleconference or video conference, as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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1. **CALL TO ORDER** April 16, 2020 at 6:00 p.m.
 2. **CALL OF ROLL** City Secretary, Laura Calcote
 3. **INVOCATION** Wimberley United Methodist Church Reverend, Wes Cain
 4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
 5. **CITIZENS COMMUNICATIONS**
Citizens must sign-in with City Secretary, Laura Calcote, via email at lcalcote@cityofwimberley.com at least two (2) hours before the meeting to address City Council. Limit your comments to three (3) minutes. City Council will listen to the comments but cannot discuss or respond to the comments during the meeting. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council

or City staff. Comments should not be accusatory, derogatory or threatening in nature.

6. PRESENTATIONS

6.1. Presentation by Langford Community Management Services, Inc. regarding an update on HMGP/GLO projects. *(Judy Langford)*

6.2. Presentation by Hays County Precinct 3 Constable, Ray Helm, regarding the COVID-19 virus departmental response in Wimberley. *(Constable Ray Helm)*

7. CONSENT AGENDA

7.1. Approval of minutes from the Regular City Council Meeting held April 2, 2020.

7.2. Approval of minutes from the Special City Council Meeting held April 9, 2020.

7.3. Approval of Peter Lingamfelter’s resignation from the Planning and Zoning Commission.

7.4. Approval of Place Three Christine Byrne’s appointment of Phillip McBride to the Planning and Zoning Commission.

7.5. Approval of the second and final reading of Ordinance No. 2020-05, establishing a new prima facie speed limit of twenty-five (25) miles per hour for all roadways within the City Limits of Wimberley, which are not an officially designated or marked highway or road of the state highway system, with the exception of Spoke Hollow Road, Flite Acres Road and County Road 1492; pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 545.356; and repealing the prima facie speed limit of thirty (30) miles per hour on such roadways; making certain findings; authorizing the placement of speed limit signs along such streets; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability.

8. CITY ADMINISTRATOR REPORT

Updates regarding current and projected sales tax, City facilities, the new City website, potential agreements, projects, communication and the COVID-19 virus *(City Administrator Shawn Cox)*

9. PUBLIC HEARINGS AND POSSIBLE ACTION

9.1 Hold a public hearing and consider approval regarding case CUP-20-002, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 222 Box Canyon, Wimberley, Hays County, Texas. *(Applicant Michael Bachers)*

9.2 Hold a public hearing and consider approval regarding case CUP-20-003, an application for a Conditional Use Permit to allow for the operation of a bar/tavern on property zoned Highway Commercial (HC) located at 9595 Ranch Road 12, Wimberley, Hays County, Texas. *(Applicant Trevor Savage)*

10. DISCUSSION AND POSSIBLE ACTION

- 10.1. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. *(Applicant Brandon Kibby/Paradise Amusements)*
- 10.2. Discuss and consider possible action to approve Resolution No. 02-2020, observing May 9th, 2020 as World Migratory Bird Day (WMBD) at the Patsy Glenn Refuge, and, in the future, to be observed there and at other Wimberley City parks and wildlife sanctuaries on designated dates for World Migratory Bird Day. *(Parks Maintenance and Natural Resource Manager Nathan Glaiser)*
- 10.3. Discuss and consider possible action to approve an expenditure in the amount of \$1,353.00 from The Grass Outlet for the delivery of six pallets of Palisades Zoysia grass to be installed in the Blue Hole Regional Park swim area. *(Parks Maintenance and Natural Resource Manager Nathan Glaiser)*
- 10.4. Discuss and consider possible action regarding a potential oak wilt policy. *(Place Four Council Member Gary Barchfeld)*
- 10.5. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*
- 10.6. Discuss and consider possible action regarding the City of Wimberley's contract with Aqua Texas for the treatment of wastewater. *(City Administrator Shawn Cox)*

11. CITY COUNCIL REPORTS

- 11.1. Announcements
- 11.2. Future agenda items

12. 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 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 Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, April 13, 2020, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Laura J. Calcote

Laura J. Calcote, MPA, TRMC
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 City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	Consent Agenda
SUBMITTED BY:	Laura Calcote, City Secretary
DATE SUBMITTED:	April 13, 2020
MEETING DATE:	April 16, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

- 7.1. Approval of minutes from the Regular City Council Meeting held April 2, 2020.
- 7.2. Approval of minutes from the Special City Council Meeting held April 9, 2020.
- 7.3. Approval of Peter Lingamfelter’s resignation from the Planning and Zoning Commission.
- 7.4. Approval of Place Three Christine Byrne’s appointment of Philip McBride to the Planning and Zoning Commission.
- 7.5. Approval of the second and final reading of Ordinance No. 2020-05, establishing a new prima facie speed limit of twenty-five (25) miles per hour for all roadways within the City Limits of Wimberley, which are not an officially designated or marked highway or road of the state highway system, with the exception of Spoke Hollow Road, Flite Acres Road and County Road 1492; pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 545.356; and repealing the prima facie speed limit of thirty (30) miles per hour on such roadways; making certain findings; authorizing the placement of speed limit signs along such streets; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item

Non-budgeted Item

Not Applicable

Original Estimate/Budget: \$

Current Estimate: \$

Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Approval of meeting minutes (Items 7.1. and 7.2.)

ATTACHMENT/S

- April 2nd City Council Meeting Minutes
- April 9th City Council Meeting Minutes
- Philip McBride's Appointment Application
- Ordinance No. 2020-05



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING **THURSDAY, APRIL 2, 2020 – 6:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 2, 2020, at 6:00 p.m.**

The public may participate in this meeting by dialing in to either of the following toll-free numbers 888-475-4499 or 877-853-5257 and using the password 028725. The meeting ID is 945 748 149.

The public will be permitted to offer public comments and participate in any public hearing telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

Anyone wishing to offer public comments, participate in any public hearing, or offer written questions or comments must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com, at least two hours before the meeting.

A recording of the telephonic meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor Pro Tem, Rebecca Minnick, called the meeting to order on April 2, 2020 at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Rebecca Minnick	Place One <i>(via teleconference)</i>
	Craig Fore	Place Two <i>(via teleconference)</i>
	Christine Byrne	Place Three <i>(via teleconference)</i>
	Gary Barchfeld	Place Four <i>(via teleconference)</i>
	Bo Bowman	Place Five <i>(via teleconference)</i>
Council Members Absent:	Susan Jagers	Mayor
City Staff Present:	Shawn Cox	City Administrator <i>(via teleconference)</i>
	Laura Calcote	City Secretary <i>(via teleconference)</i>
	Sarah Griffin	Deputy City Attorney <i>(via teleconference)</i>

Terri Provost
John Provost

Community Center Director (*via teleconference*)
Public Works Superintendent (*via teleconference*)

INVOCATION

Mayor Pro Tem, Rebecca Minnick, read aloud Chapel in the Hills Reverend, Jim Denham's, prayer, which he had submitted prior to the meeting.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Pro Tem, Rebecca Minnick, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were no citizen's comments.

CONSENT AGENDA

Council Member, Gary Barchfeld, requested the two Consent Agenda items be considered separately.

6.1. Approval of minutes from the Regular City Council Meeting held March 19, 2020.

Motion to approve the minutes from the Regular City Council Meeting held March 19, 2020 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

6.2. Approval of second and final reading of an ordinance amending Chapter 9, Planning and Development Regulations, Article 9.03.141, Zoning, of the City of Wimberley Code of Ordinances Related to Short-term Rental Requirements; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; and effective date; and proper notice and meeting. (*City Administrator Shawn Cox*)

There was discussion regarding the proposed ordinance, including the removal of the annual administrative renewal for short-term rentals.

Motion to approve the second and final reading of an ordinance amending Chapter 9, Planning and Development Regulations, Article 9.03.141, Zoning, of the City of Wimberley Code of Ordinances Related to Short-term Rental Requirements; and providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; and effective date; and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, provided an update regarding the projected sales tax loss for the City, due to the COVID-19 pandemic. Mr. Cox estimated the City would lose around \$200,000 for Fiscal Year (FY) 2020, and the largest revenue reductions would come from building permits, septic permits and plan reviews. There was discussion among Council members and Mr. Cox regarding the largest revenue contributors for the City. The FY 2020 projected budget for Blue Hole Regional Park was also discussed. Council requested to see a more comprehensive outlook on expenditure reductions for FY 2020. Additionally, Mr. Cox spoke pertaining to the City's communication efforts surrounding the COVID-19 virus. There

was lengthy discussion regarding the virus and the federal, state and local governments' responses to the crisis.

PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval regarding case ZA-20-001, an application to change the zoning from Residential Acreage (RA) to Rural Residential 1 (R-1) for a property located at 12322 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Applicant Michael Tessaro)*

City Administrator, Shawn Cox, provided information regarding the rezoning application.

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 7:02 p.m.

Applicant, Michael Tessaro, spoke regarding the request to replat three lots into two lots.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 7:05 p.m.

Motion to approve case ZA-20-001, an application to change the zoning from Residential Acreage (RA) to Rural Residential 1 (R-1) for a property located at 12322 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting, subject to the successful replat of the applicant's property, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).

(Motion to allow Council Member, Gary Barchfeld, to chair the meeting until Mayor Pro Tem, Rebecca Minnick, was able to return was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0)).

DISCUSSION AND POSSIBLE ACTION

9.1. Discuss and consider possible action to approve a bid in the amount of \$7,075.00 from Street Smart Software for two TC-400 battery powered radar signs and software. *(Public Works Superintendent John Provost)*

City Council agreed to discuss Items 9.1. and 9.2. simultaneously. There was discussion regarding the prima facie speed limit set by the State of Texas in relation to proposed Ordinance No. 2020-05, which would reduce the speed limit for most roadways within the Wimberley City Limits, with a few exceptions. Furthermore, there was also discussion on the expense of purchasing radar signs and where to place the additional signs throughout the City.

Motion to approve a bid in the amount of \$7,075.00 from Street Smart Software for two TC-400 battery powered radar signs and software was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (4-1):

Rebecca Minnick	Aye
Craig Fore	Aye
Gary Barchfeld	Aye
Bo Bowman	Aye
Christine Byrne	Nay

9.2. Discuss and consider possible action to approve the first reading of Ordinance No. 2020-05, establishing a new prima facie speed limit of twenty-five (25) miles per hour for all roadways within the City Limits of Wimberley, which are not an officially designated or marked

highway or road of the state highway system, with the exception of Spoke Hollow Road, Flite Acres Road and County Road 1492; pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 545.356; and repealing the prima facie speed limit of thirty (30) miles per hour on such roadways; making certain findings; authorizing the placement of speed limit signs along such streets; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability. *(Place Two Council Member Craig Fore)*

Motion to approve the first reading of Ordinance No. 2020-05, establishing a new prima facie speed limit of twenty-five (25) miles per hour for all roadways within the City Limits of Wimberley, which are not an officially designated or marked highway or road of the state highway system, with the exception of Spoke Hollow Road, Flite Acres Road and County Road 1492; pursuant to City of Wimberley Code of Ordinances Article 11.02 Traffic-Control Devices and Texas Transportation Code Section 545.356; and repealing the prima facie speed limit of thirty (30) miles per hour on such roadways; making certain findings; authorizing the placement of speed limit signs along such streets; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; and providing for severability was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

- 9.3. Discuss and consider possible actions regarding scheduling weekly City Council meetings through the end of May, due to the state of emergency caused by the COVID-19 virus.

(Place One Council Member Rebecca Minnick)

Council Member, Rebecca Minnick, suggested scheduling an additional three City Council meetings during the month of April 2020 to discuss the COVID-19 pandemic. There was discussion among Council relating to the potential meeting dates and times.

Motion to schedule an additional three meetings during April 2020, set for April 9th at 2:00 p.m., April 23rd at 6:00 p.m. and April 30th at 6:00 p.m. was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 9.4. Discuss and consider possible action regarding the cancellation of City Council meetings for June and July to allow for vacation planning of staff and Council members, as well as the December and January meetings over the holiday season. *(Place Four Council Member Gary Barchfeld)*

This item was discussed, but no action was taken.

- 9.5. Discuss and consider possible action regarding training for City of Wimberley boards, commissions and committees by the City Attorney. *(Place Four Council Member Gary Barchfeld)*

This item was discussed, but no action was taken.

- 9.6. Discuss and consider possible action to approve a bid amount of \$15,196.00 from Lone Star Resources for the purchase and installation of new LED lighting for Johnson Hall at the Wimberley Community Center. *(Place Four Council Member Gary Barchfeld)*

There was discussion among Council members and City staff regarding the upgraded lighting bid for Johnson Hall at the Wimberley Community Center. Council and staff both stated they felt conflicted about expending funds during the COVID-19 pandemic.

Motion to approve a bid not to exceed \$14,000.00 from Lone Star Resources for the purchase and installation of new LED lighting for Johnson Hall at the Wimberley Community Center was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-2):

Craig Fore	Aye
Gary Barchfeld	Aye
Bo Bowman	Aye
Rebecca Minnick	Nay
Christine Byrne	Nay

- 9.7. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*City Administrator Shawn Cox*)
City Administrator, Shawn Cox, provided a brief update on the status of the Central Wimberley Wastewater Project. Mr. Cox contended the Project would be completed, at the latest, by the end of 2020.
No action was taken on this item.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 8:58 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose:

Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee: City Administrator Shawn Cox.

OPEN SESSION

Regular Session reconvened at 10:03 p.m.
No action was taken.

CITY COUNCIL REPORTS

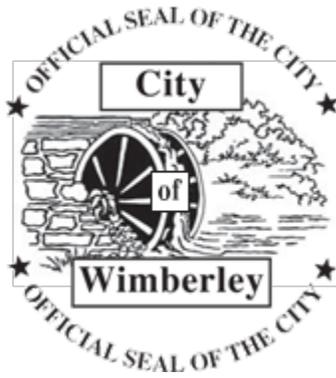
- 12.1. Announcements – None.
- 12.2. Future agenda items – Council Member, Christine Byrne, requested an update on the City parks phased reopening status, and a projected budget update from the Parks Department for Fiscal Year 2020 at the April 16th City Council Meeting.

ADJOURNMENT

Motion to adjourn the meeting at 10:07 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers, Mayor

DRAFT



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING **THURSDAY, APRIL 9, 2020 – 2:00 P.M.**

MINUTES

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Wimberley will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on **Thursday, April 9, 2020, at 2:00 p.m.**

The public may participate in this meeting by dialing in to either of the following toll-free numbers 888-475-4499 or 877-853-5257 and using the password 019947. The meeting ID is 880 812 303.

Anyone wishing to offer public comments on an agenda item(s) as listed, must notify City Secretary, Laura Calcote, at lcalcote@cityofwimberley.com at least two hours before the meeting.

A recording of the telephonic meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

CALL TO ORDER

Mayor Pro Tem, Rebecca Minnick, called the meeting to order on April 9, 2020 at 2:00 p.m.

CALL OF ROLL

Council Members Present:	Rebecca Minnick	Place One <i>(via teleconference)</i>
	Craig Fore	Place Two <i>(via teleconference)</i>
	Christine Byrne	Place Three <i>(via teleconference)</i>
	Gary Barchfeld	Place Four <i>(via teleconference)</i>
	Bo Bowman	Place Five <i>(via teleconference)</i>
Council Members Absent:	Susan Jagers	Mayor
City Staff Present:	Shawn Cox	City Administrator <i>(via teleconference)</i>
	Laura Calcote	City Secretary <i>(via teleconference)</i>
	Sarah Griffin	Deputy City Attorney <i>(via teleconference)</i>
	Terri Provost	Community Center Director <i>(via teleconference)</i>
	Nathan Glaiser	Parks Natural Resource and Maintenance Manager <i>(via teleconference)</i>

Richard Shaver Parks Operations and Programs Manager (via
teleconference)

PRESENTATION

Wimberley EMS Representative, Ken Strange, updated Council regarding COVID-19 emergency management and safety protocols throughout the Wimberley Valley.

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, provided information and statistics regarding the COVID-19 virus within Hays County, along with the City's response to the crisis. City facility closures and phased reopenings were discussed by City staff and Council. Furthermore, Mr. Cox stated the City's April 2020 sales tax collection was down by seven percent in comparison to April 2019.

DISCUSSION AND POSSIBLE ACTION

Discuss and consider possible action regarding guidelines and recommendations by the Centers for Disease Control and Prevention, or any other State or Federal recommendations regarding the COVID-19 pandemic, specifically pertaining to, but not limited to face covering. (Place One Council Member Rebecca Minnick)

Council considered the wearing of face masks in public to limit the potential exposure to COVID-19. Council requested the City formulate its own response to the guidelines and recommendations and circulate a press release pertaining to the wearing of face masks in public.

Motion for City Council to recommend citizens wear face coverings in public, per the advice and direction of Wimberley EMS Representative, Ken Strange, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

ADJOURNMENT

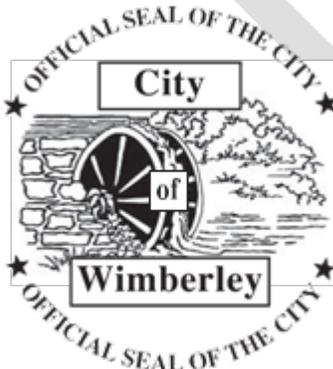
Motion to adjourn the meeting at 2:52 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).

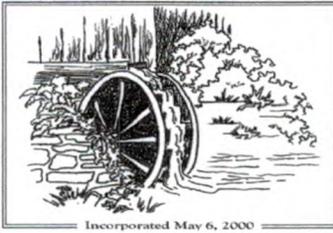
RECORDED BY:

Laura J. Calcote, City Secretary

APPROVED BY:

Susan Jagers, Mayor





City of Wimberley

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

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Board/Commission/ Committee

Name of Board/Commission/Committee: PLANNING & ZONING

Nominated By: CHRISTINE BYRNE

Name: Philip McBride Phone: 303 520-6911 E-mail: PTM@mcbr-co.com

Physical Address: 105 RIVER BEND Rd

Mailing Address
(If different than physical address): _____

Employer: RETIRED Position/Occupation: _____

Business Number: _____ Fax: _____

I reside: Inside Wimberley's City Limits Wimberley's ETJ Outside ETJ

I am a registered voter in: City of Wimberley Hays County Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? Yes No
If "Yes" please 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

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

Please 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 Board/Commission/Committee that you would prefer to serve on. Attach a separate sheet, if necessary.
IN MY BUSINESS LIFE I OWNED A REAL ESTATE DEVELOPMENT COMPANY AS WELL AS A COMMERCIAL REAL ESTATE COMPANY. I DEVELOPED INDUSTRIAL BUILDINGS AND INNER CITY MULTI-FAMILY RESIDENTIAL. AWARD WINNING PROJECTS AND SPOKE AT THE UNITED NATIONS ON DEVELOPING HANDICAPPED ACCESSIBLE HOUSING. HELPED WRITE THE ACCESSIBILITY CODE FOR CITY OF DENVER, CO. SERVED ON NUMEROUS CITY COMMITTEES AND TASK FORCES

Signature: [Handwritten Signature]

Date: 4-13-20

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676.

ORDINANCE NO. 2020-05

AN ORDINANCE ESTABLISHING A NEW PRIMA FACIE SPEED LIMIT OF TWENTY-FIVE (25) MILES PER HOUR FOR ALL ROADWAYS WITHIN THE CITY LIMITS OF WIMBERLEY WHICH ARE NOT AN OFFICIALLY DESIGNATED OR MARKED HIGHWAY OR ROAD OF THE STATE HIGHWAY SYSTEM, WITH THE EXCEPTION OF SPOKE HOLLOW ROAD, FLITE ACRES ROAD AND CR 1492; PURSUANT TO CITY OF WIMBERLEY CODE OF ORDINANCES ARTICLE 11.02 TRAFFIC-CONTROL DEVICES AND TEXAS TRANSPORTATION CODE SECTION 545.356; AND REPEALING THE PRIMA FACIE SPEED LIMIT OF THIRTY (30) MILES PER HOUR ON SUCH ROADWAYS; MAKING CERTAIN FINDINGS; AUTHORIZING THE PLACEMENT OF SPEED LIMIT SIGNS ALONG SUCH STREETS; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Wimberley, Texas, has determined pursuant to its authority under Texas Transportation Code § 545.356, that due to the extremely rural residential nature of the community, the safety and welfare of the citizens of the City and other members of the traveling public require that for all roadways within the City Limits of the City of Wimberley which are not an officially designated or marked highway or road of the State Highway system, the prima facie speed limit be set at twenty-five (25) miles per hour and that speed limit signs should be placed along such roads, with the exception of Spoke Hollow Road, Flite Acres Road, and CR 1492 which shall remain unchanged; and,

WHEREAS, the City Council of the City of Wimberley, Texas, has determined that the safety and welfare of the citizens of the City and other members of the traveling public require that for all roadways within the City Limits of the City of Wimberley which are not an officially designated or marked highway or road of the State Highway system, the current prima facie speed

limit of thirty (30) miles per hour is repealed, with the exception of Spoke Hollow Road, Flite Acres Road, and CR 1492 for which it shall remain in effect to extent applicable.

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City of Wimberley, Texas, hereby establishes a new prima facie speed limit of twenty-five (25) miles per hour for all roadways within the City Limits of the City of Wimberley which are not an officially designated or marked highway or road of the State Highway system, with the exception of Spoke Hollow Road, Flite Acres Road, and CR 1492 which shall remain unchanged.

Section 3. The current prima facie speed limit for all roadways within the City Limits of the City of Wimberley which are not an officially designated or marked highway or road of the State Highway system set at thirty (30) miles per hour is hereby repealed, with the exception of Spoke Hollow Road, Flite Acres Road, and CR 1492 for which roadways it shall remain in effect to the extent applicable.

Section 4. The City Administrator is hereby authorized and directed to cause the placement of speed limit signs as described in Section 2 hereof.

Section 5. Any vehicle traveling at a speed in excess of the maximum prima facie speed limit herein established for the designated roads shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed in excess of that which is reasonable and prudent under the circumstances existing.

Section 6. Any person who shall violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two hundred dollars (\$200.00).

Section 7. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wimberley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. This ordinance shall take effect immediately from and after its passage and publication a may be required by governing law.

PASSED AND APPROVED on this __ day of _____, 2020, by ____ (ayes) to ____ (nays) ____ (abstain) vote of the City Council of the City of Wimberley, Texas.

ATTEST:

APPROVED:

Laura Calcote, City Secretary

Susan Jagers, Mayor

APPROVED AS TO FORM:

City Attorney
Denton Navarro Rocha Bernal & Zech P.C.



AGENDA ITEM:	City Administrator's Report
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	April 13, 2020
MEETING DATE:	April 16, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding current and projected sales tax, City facilities, the New City website, potential agreements, projects, communication and the COVID-19 virus.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$
- Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION

ATTACHMENT/S



AGENDA ITEM:	CUP-20-002 – STR 2 – 222 Box Canyon
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	April 6, 2020
MEETING DATE:	April 9, 2020

REPORT

ITEM

Hold a public hearing and approval regarding case CUP -20-002, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 2(R-2) located at 222 Box Canyon, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s): Michael Bachers
Property Address: 222 Box Canyon, Wimberley TX 78676
Property Owner: Michael Bachers
Legal Description: John W. Keely Survey Abstract 277
Property Size: 2.965 Acres
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R-2)
Proposed Use of Property: Residential
Request: CUP for Operation of an STR2 (Vacation Rental)
Planning Area: I
Overlay District: N/A

Surrounding Property:

Frontage: Box Canyon Road

	Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use		
North of Property	R1	Residential
South of Property	RA	Residential
East of Property	RA	Residential
West of Property	RA	Residential

REQUEST

The applicant is requesting a Conditional Use Permit (CUP) to operate a vacation rental (STR2) on

their property located at 222 Box Canyon. The proposed vacation rental is approximately 1,248 Sq. Ft. with 2 bedrooms. The property is serviced by an on-site sewage facility (OSSF), approved by the City of Wimberley in 2011.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'):	March 27, 2020
Published Legal Notice (Wimberley View):	March 18, 2020
Zoning Application Sign Placed:	March 27, 2020

COMMENTS

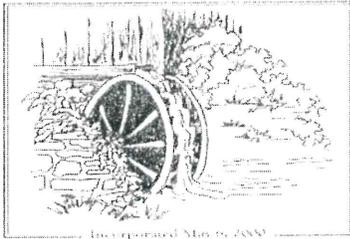
At the time of positing, no comments for or against have been received.

PLANNING ANZ ZONING RECOMENDATION

The Planning and Zoning Commission held a public hearing for case CUP-20-002 at their April 9, 2020, meeting. During the Public Hearing the Applicant (Michael Bachers) spoke in favor of the request. The Planning and Zoning Commission voted 6-0 to recommend approval of the application to the City Council.

ATTACHMENT/S

- CUP-20-002 – Application
- CUP-20-002 – Legal Posting
- CUP-20-002 – Notification Letter w/Map
- CUP-20-002 – Sign Posting Notice
- Ordinance No. 2020-10



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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

www.cityofwimberley.com

RECEIVED
MAR - 9 2020
BY: _____

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 20 - 002 Date: 3/9/10 Staff Review sex
 P&Z Hearing: 4/9/20 Council Hearing: 4/12/20 Fees Paid: CK# 436 MA

Applicant: Michael Bachers
 Mailing address: 222 Box Canyon Rd City: Wimberley State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: (same)
 Mailing address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Project Site Address: 222 Box Canyon Road
 Legal description: A0277 John Keeley Survey
 Total Acreage or Square Footage: 2.965 Deed recorded in: 5/22/2017
 Hays CAD Parcel ID R R15817 Planning Area: 1 Zoning: R2
 Is property located in an overlay district? Yes No If Yes, type: _____
 Specific Conditional Use Requested: vacation rental
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: PEC
 Water provider or Private Well: Wimberley Water
 Wastewater Service or Septic Permit No. 2011-09
 *If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

PAID
MAR - 9 2020
BY: # 436 MA

SUBMITTAL CHECKLIST

- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning action to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 3-6-20

Applicant's Signature: 

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: Michael Bacher

LOCATION OF PROPERTY: 222 Box Canyon Road

LEGAL DESCRIPTION: A0277

PLANNING AREA: 1

PRESENT ZONING: R2

EXISTING USE: residential

USE TO BE GRANTED: *Bed & Breakfast* OR *Vacation Rental*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 2

PROPOSED MAXIMUM OCCUPANCY: n/a guests.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the n/a River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

3-6-20
DATE


OWNER

DATE

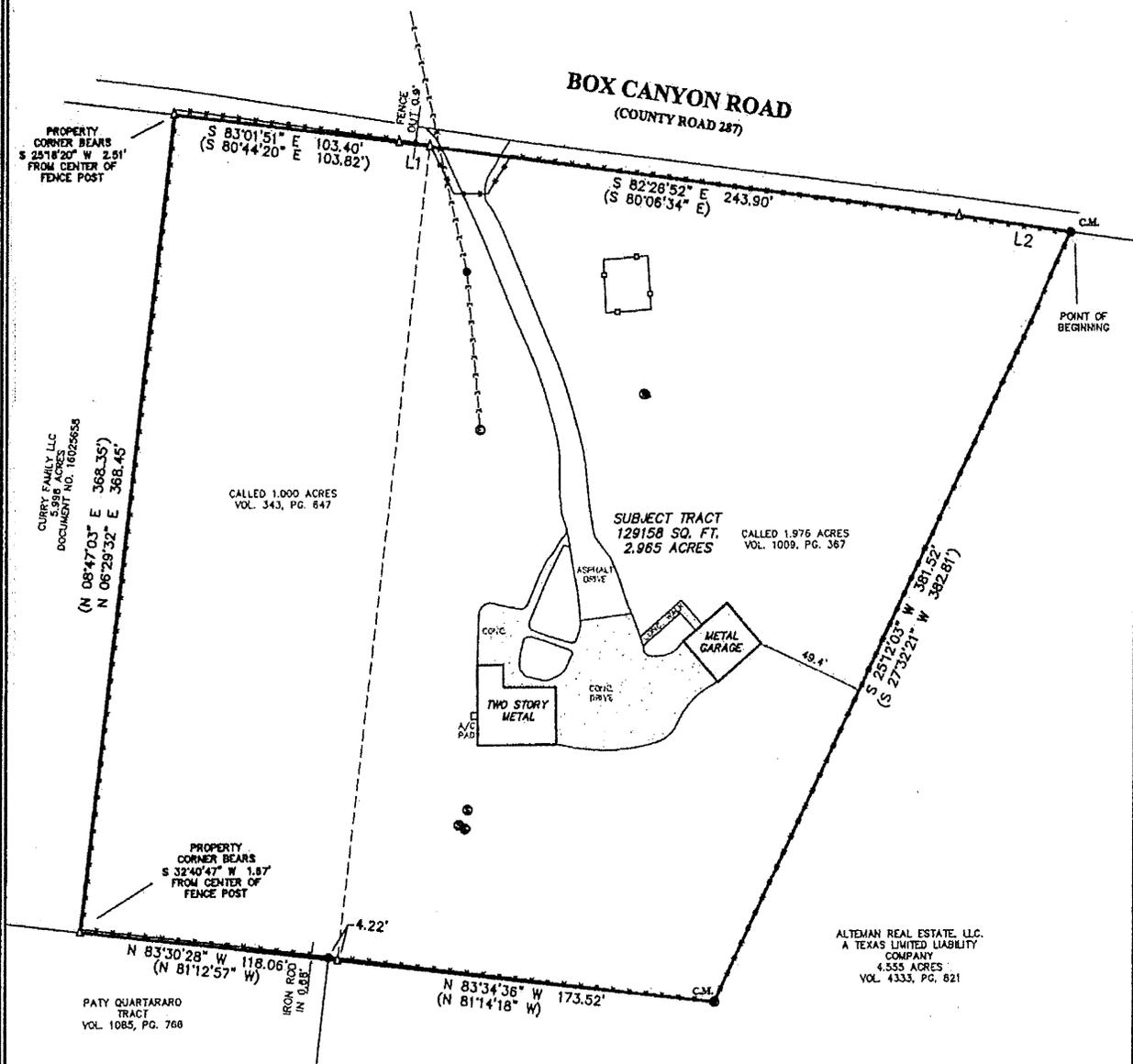
OWNER

LINE	BEARING	DISTANCE
L1	S 82°27'37" E	14.75
L2	(S 80°10'06" E)	
L3	(S 82°08'50" E)	52.47
L4	(S 78°48'32" E)	

NOTE: THIS PROPERTY IS NOT SUBJECT TO 30' WIDE RIGHT OF WAY EASEMENT RECORDED IN VOLUME 333, PAGE 184, DEED RECORDS, HAYS COUNTY, TEXAS.

NOTE: THIS PROPERTY IS NOT SUBJECT TO 30' WIDE EASEMENT RECORDED IN VOLUME 221, PAGE 589, DEED RECORDS, HAYS COUNTY, TEXAS.

SCALE: 1"=50'



THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 343, PAGE 647, AND VOLUME 343, PAGE 652, DEED RECORDS, HAYS COUNTY, TEXAS.

NOTE: Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.

THIS SURVEY IS ACKNOWLEDGED AND IS ACCEPTED:



FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 582094, Panel No. 0233 E, which is Dated 08/02/2005. By so doing from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X-1. Because this is a boundary survey, the surveyor did not take any action to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or State or local officials, and which may not agree with the true's actual conditions here. Information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov>.

Property Address:
222 BOX CANYON ROAD (COUNTY ROAD 287)
Property Description:
Being 2,965 acres of land, more or less, situated in the John W. Keeley Survey, Abstract 277, Hays County, Texas, consisting of a called 1,000 acre tract of land described by Warranty Deed with Vendor's Lien recorded in Volume 343, Page 647, Official Public Records, Hays County, Texas and a called 1,976 acre tract of land described by Warranty Deed recorded in Volume 1009, Page 367, Official Public Records, Hays County, Texas, said 2,965 acres being more particularly described by crosses and bounds attached hereto.
Owner:
ROY C. JAMES AND SARAH JAMES

FIRM REGISTRATION NO. 10111700

LAND SURVEYORS, LLC.
P.O. BOX 1036 HELOTEN, TEXAS 78023-1036
PHONE (210) 372-9600 FAX (210) 372-9999

DRAWN BY: JA

LEGEND

- CHALKED POINT
- 1/2 INCH IRON ROD
- RECORD INFORMATION
- BURIED SETBACK CONTROLLING MONUMENT
- OUTLINED SETBACK CONTROLLING MONUMENT
- METIC AREA
- ELECTRIC METER ON POLE
- POOL PUMP
- POWER POLE
- OVERHEAD ELECTRIC
- WIRE FENCE
- METAL FENCE



MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

METES AND BOUNDS

Being 2.965 acres of land, more or less, situated in the John W. Keeley Survey, Abstract 277, Hays County, Texas, consisting a of called 1.000 acre tract of land described by Warranty Deed with Vendor's Lien recorded in Volume 343, Page 647, Official Public Records, Hays County, Texas and a called 1.976 acre tract of land described by Warranty Deed recorded in Volume 1009, Page 367, Official Public Records, Hays County, Texas, said 2.965 acres being more particularly described by metes and bounds as follows:

BEGINNING at 1/2 inch iron rod found for the northeast corner of this 2.965 acres, same being the northwest corner of the Alteman Real Estate, LLC. A Texas Limited Liability Company 4.555 acres (Volume 4333, Page 821) and on the southwest Right-of-Way line of Box Canyon Road (County Road 287), same also being the **POINT OF BEGINNING**;

THENCE along the lines common to this 2.965 acre and said Alteman 4.555 acres, the following courses and distances:

South 25 degrees 12 minutes 03 seconds West (called South 27 degrees 32 minutes 21 seconds West), a distance of 381.52 feet (called 382.81 feet) to a 1/2 inch iron rod found for the southeast corner of this 2.965 acres

North 83 degrees 34 minutes 36 seconds West (called North 81 degrees 14 minutes 18 seconds West), a distance of 173.52 feet to a point for an angle corner;

North 83 degrees 30 minutes 28 seconds West (called North 81 degrees 12 minutes 57 seconds West), at a distance of 4.22 feet and 0.68 feet to the right pass a 1/2 inch iron found for an angle corner of said Alteman 4.555 acres and the northeast corner of the Patty Quartararo tract (Volume 1085, Page 766) and continuing for a total distance of 118.06 feet to a point for the southwest corner of this 2.965 acres, said point bears South 32 degrees 40 minutes 47 seconds West 1.67 feet from the center of fence post, same being on the northeast line of said Quartararo tract and the southeast corner of Curry Family LLC 5.998 acres (Document Number 16025658);

THENCE along the line common to this 2.965 acres and said Curry Family 5.998 acres, North 06 degrees 29 minutes 32 seconds East (called North 08 degrees 47 minutes 03 seconds East), a distance of 368.45 feet (called 368.35 feet) to a point for the northwest corner of this 2.965 acres, said point being South 25 degrees 18 minutes 20 seconds West 2.51 feet from the center of a fence post, same being the northeast corner of said Curry Family 5.998 acres and on the southwest line of Box Canyon Road;

THENCE along the southwest Right-of-Way line of said Box Canyon Road, the following courses and distances:

South 83 degrees 01 minutes 51 seconds East (called South 80 degrees 44 minutes 20 seconds East), a distance of 103.40 feet (called 103.82 feet) to the a point for an angle corner;

South 82 degrees 27 minutes 37 seconds East (called South 80 degrees 10 minutes 06 seconds East), a distance of 14.25 feet to the a point for an angle corner;

South 82 degrees 26 minutes 52 seconds East (called South 80 degrees 06 minutes 34 seconds East), a distance of 243.90 feet to the a point for an angle corner;

South 82 degrees 08 minutes 50 seconds East (called South 79 degrees 48 minutes 32 seconds East), a distance of 52.47 feet to the **POINT OF BEGINNING**, and containing 2.965 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
October 27, 2017



**T-47 Residential Real Property Affidavit
(May be Modified as Appropriate for Commercial Transactions)**

Date: _____ GF No. _____

Name of Affiant(s): Sarah E. James

Address of Affiant: _____

Description of Property: 222 Box Canyon Rd., Wimberley, TX 78676

County Hays County, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of Hays, personally appeared Affiant(s) who after by me being sworn, stated:

1. We are the owners of the Property. (Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.")
2. We are familiar with the property and the improvements located on the Property.
3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy (ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as Title Company may deem appropriate. We understand that the owner of the property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.
4. To the best of our actual knowledge and belief, since 11-01-17 there have been no:
 - a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
 - b. changes in the location of boundary fences or boundary walls;
 - c. construction projects on immediately adjoining property(ies) which encroach on the Property;
 - d. conveyances, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property.

EXCEPT for the following (If None, Insert "None" Below):

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

6. We understand that we have no liability to Title Company or the title insurance company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

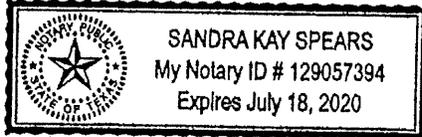
Sarah E. James

SWORN AND SUBSCRIBED this 15th day of April, 2019.

Sandra Kay Spears

Notary Public

(TAR-1907) 5-01-08



Page 1 of 1

Michael Bachers
222 Box Canyon
Wimberley, Texas 78676

March 3, 2020

c/o Shawn Cox
City Administrator
City of Wimberley
221 Stillwater Road
Wimberley, Texas 78676

RE: Appointment of Agent(s) for CUP Property Matters

Dear Commissioners and Councilmembers:

This letter designates Jennifer Ober and/or Gregory Dunham to act as owner's agent at all Planning and Zoning and City Council meetings.

Authority is granted to both Jennifer Ober and Gregory Dunham of Vacation Wimberley as owner's agents on behalf of Michael Bachers in CUP property matters for 222 Box Canyon Road, Wimberley, Texas 78676 with the City of Wimberley.

This designation takes effect when filed with the City of Wimberley as part of the CUP process on 222 Box Canyon Road. Once in effect, this designation will remain until written revocation is filed with the City by the owner or the owner's designated agent.

Please contact me at [REDACTED] or [REDACTED] with any questions. Thank you for your consideration.

Respectfully,


Michael Bachers

30 T-117641MF

GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY
NOTICE OF CONFIDENTIALITY: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

THAT SARAH JAMES (hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations cash in hand paid by MICHAEL D BACHERS, AN UNMARRIED PERSON whose address is 222 BOX CANYON RD, WIMBERLEY, TX 78676 (hereinafter called "GRANTEES" whether one or more). the receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of the advancement and payment in cash of all or part of the purchase price hereof by Beneficiary at the special instance and request of Grantees under that certain note in the principal sum of THREE HUNDRED FORTY THOUSAND AND 00/100 DOLLARS (\$340,000.00) payable to the order of JPMORGAN CHASE BANK N.A. (hereinafter referred to as "BENEFICIARY") of even date herewith, said note bearing interest at the rate therein provided, principal and interest being due and payable in monthly

But it is expressly agreed and stipulated that the Vendor's Lien and the Superior Title are retained and reserved in favor of the payee in said note against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

When this deed is executed by one person, or when the Grantees is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".

Executed to be effective as of the 22nd day of May, 2019.


SARAH JAMES

THE STATE OF TEXAS
COUNTY OF HAYS

This instrument was acknowledged before me on May 22, 2019, by SARAH JAMES.



But it is expressly agreed and stipulated that the Vendor's Lien and the Superior Title are retained and reserved in favor of the payee in said note against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

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Executed to be effective as of the **22nd** day of **May, 2019**.



SARAH JAMES

THE STATE OF TEXAS
COUNTY OF HANS

This instrument was acknowledged before me on May 22, 2019, by SARAH JAMES.

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Executed to be effective as of the **22nd** day of **May, 2019**.



SARAH JAMES

THE STATE OF TEXAS
COUNTY OF HANS

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Exhibit A

METES AND BOUNDS

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BEGINNING at 1/2 inch iron rod found for the northeast corner of this 2.965 acres, same being the northwest corner of the Altman Real Estate, LLC. A Texas Limited Liability Company 4.555 acres (Volume 4333, Page 821) and on the southwest Right-of-Way line of Box Canyon Road (County Road 287), same also being the **POINT OF BEGINNING**;

THENCE along the lines common to this 2.965 acre and said Altman 4.555 acres, the following courses and distances:

South 25 degrees 12 minutes 03 seconds West (called South 27 degrees 32 minutes 21 seconds West), a distance of 381.52 feet (called 382.81 feet) to a 1/2 inch iron rod found for the southeast corner of this 2.965 acres

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METES AND BOUNDS

Being 2.965 acres of land, more or less, situated in the John W. Keeley Survey, Abstract 277, Hays County, Texas, consisting a of called 1.000 acre tract of land described by Warranty Deed with Vendor's Lien recorded in Volume 343, Page 647, Official Public Records, Hays County, Texas and a called 1.976 acre tract of land described by Warranty Deed recorded in Volume 1009, Page 367, Official Public Records, Hays County, Texas, said 2.965 acres being more particularly described by metes and bounds as follows:

BEGINNING at 1/2 inch iron rod found for the northeast corner of this 2.965 acres, same being the northwest corner of the Altman Real Estate, LLC. A Texas Limited Liability Company 4.555 acres (Volume 4333, Page 821) and on the southwest Right-of-Way line of Box Canyon Road (County Road 287), same also being the **POINT OF BEGINNING**;

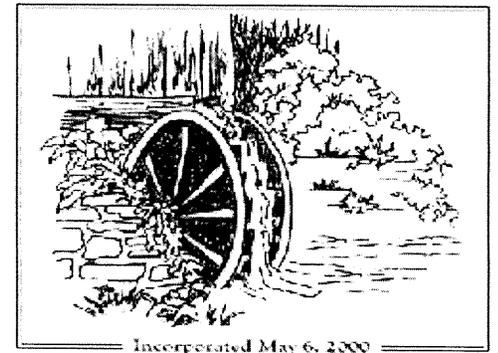
THENCE along the lines common to this 2.965 acre and said Altman 4.555 acres, the following courses and distances:

South 25 degrees 12 minutes 03 seconds West (called South 27 degrees 32 minutes 21 seconds West), a distance of 381.52 feet (called 382.81 feet) to a 1/2 inch iron rod found for the southeast corner of this 2.965 acres

North 83 degrees 34 minutes 36 seconds West (called North 81 degrees 14 minutes 18 seconds West), a distance of 173.52 feet to a point for an angle corner;

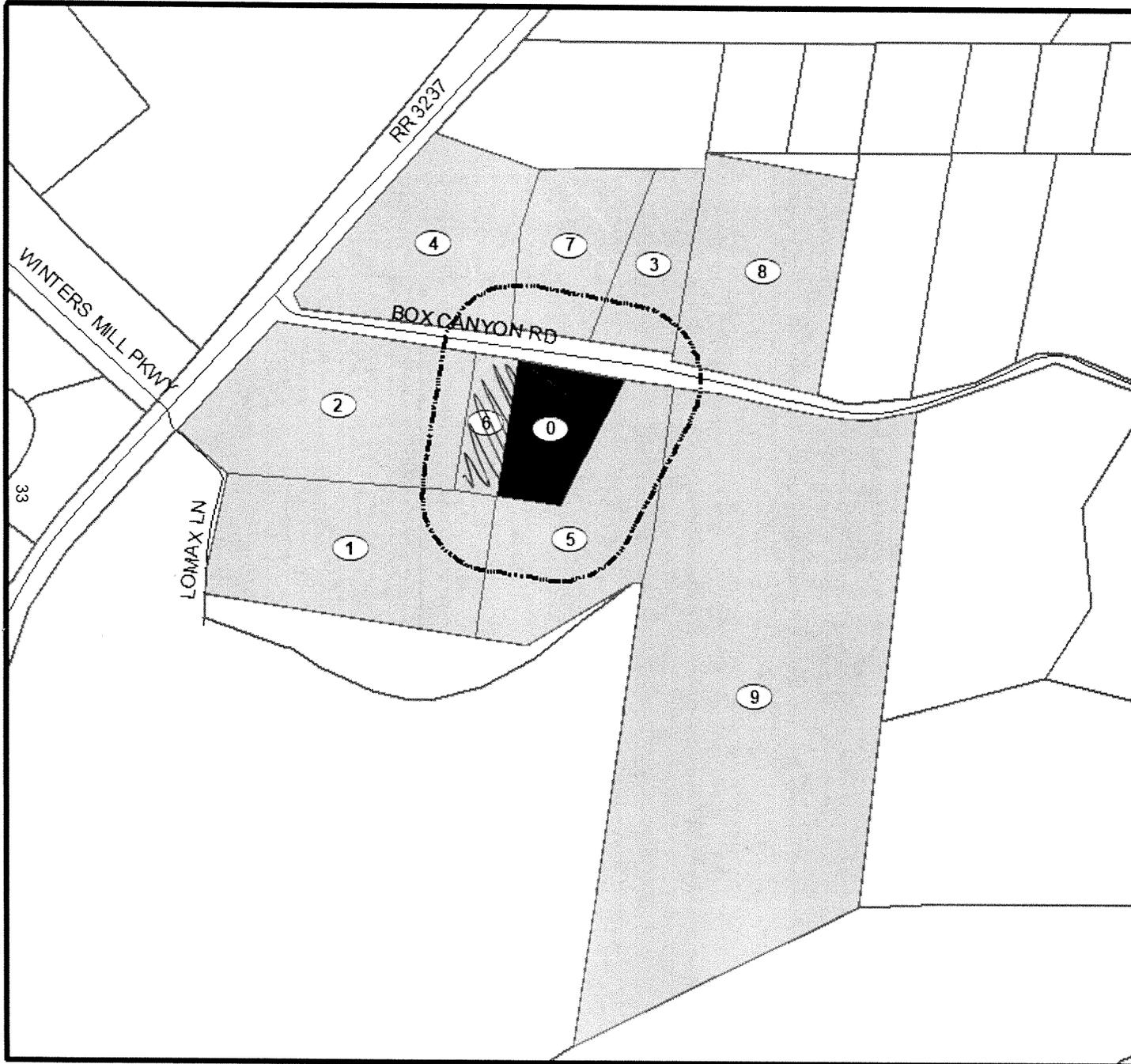
North 83 degrees 30 minutes 28 seconds West (called North 81 degrees 12 minutes 57 seconds West), at a distance of 4.22 feet and 0.68 feet to the right pass a 1/2 inch iron found

222 Box Canyon Rd



Incorporated May 6, 2000

200' NOTIFICATION

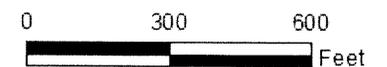


Legend

200' Buffer

ID. OWNER

- 0. SUBJECT TRACT
- 1. QUARTARARO, PATTY
- 2. CURRY FAMILY LLC
- 3. WEST VICKI
- 4. JONES ANDREA KAY & JAMES WARD
- 5. ALTE MATE REAL ESTATE LLC
- 6. NO INFO
- 7. BERRYMAN, ELLIS RICHARD
- 8. LENOCH RITA PROPERTY MGT TRUST
- 9. SHOEMAKER-BEAL ROBERTA J H



PID	Acreage	OWNER
R15808	5.99881864107	QUARTARARO, PATTY
R15819	5.99780315154	CURRY FAMILY LLC
R15817	1.97681734110	SUBJECT
R133615	2.00717193926	WEST VICKI
R119136	5.00060305841	JONES ANDREA KAY & JAMES WARD
R60149	4.55988116668	ALTEMATE REAL ESTATE LLC
R106127	0.96474996552	NO INFO
R133614	2.77200145599	BERRYMAN, ELLIS RICHARD
R70303	5.30382198423	LENOCH RITA SEPERATE PROPERTY MANAGEMENT TRUS
R15786	24.17707962260	SHOEMAKER-BEAL ROBERTA J H

MAIL_ADD	C_S_Z	id
PO BOX 2078	WIMBERLEY, TX 78676	1
54 FINLAY ST	STATEN ISLAND, NY 10307	2
SUBJECT		0
PO BOX 353	WIMBERLEY, TX 78676	3
8523 Wyngate Manor CT	Alexandria, VA 22309	4
2307A RIVERSIDE FARMS RD	AUSTIN, TX 78741	5
		6
P O BOX 738	WIMBERLEY, TX 78676	7
401 BOX CANYON RD	WIMBERLEY, TX 78676	8
PO BOX 2112	WIMBERLEY, TX 78676	9

The Wimberley Vi CLASSIFIED



P.O. Box 49 Wimberley, Texas 78676 512-847-2202

Public Notice

HTGCD Notice of New Operating Permit – Ghost Note Brewing 20-Day Public Notice

This notice is to advise the public of the submission of a new operating permit application to the Hays Trinity Groundwater Conservation District (HTGCD) by Ghost Note Brewing, 23663 Ranch Road 12, Dripping Springs, TX 78620. Ghost Note Brewing is requesting 1.1 acre-feet (357,300 gallons) of annual production. The intended well's non-exempt use listed within the application is "retail water system." The application has been reviewed and is nearing administrative completeness. When the permit becomes administratively complete, District staff will make the recommendation: one-year renewable operating permit for 1.1 acre-feet, quarterly meter production recording of monthly use to HTGCD, and mandatory drought cutback production during declared droughts according to the drought severity and their individual drought cutback chart. The twenty-day deadline date for HTGCD to accept formal contested case letters concerning this application is April 8, 2020. The application is available for review on the HTGCD website, www.haysgroundwater.com under Quick Links > Pending Permit Applications > Newly Submitted Permit Applications. The application is also available for review at the District Office, located at 14101 W Hwy 290, Building 100, Suite 212, Austin, TX 78737, Monday – Friday, 9:00 A.M. to 5:00 P.M. To determine if you have standing in this matter, see HTGCD Rules, Section 5.5 "Contesting Operating Permit and Amendment Applications." HTGCD Rules can be found on our website under Quick Links > Regulatory. Contested case letters must be submitted by mail to P.O. Box 1648, Dripping Springs, TX 78620 before the deadline posted. Contested case letters must contain all of the information listed in Rule 5.5.1(a) to be considered by the HTGCD Board of Directors for standing in a public hearing. Please feel free to call HTGCD at (512) 858-9253 with any questions regarding this or any other District Business.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, April 9, 2020 at 6:00 p.m.** to consider the following: **CUP-20-003** – an application for a Conditional Use Permit (CUP) to allow the operation of a bar/tavern at 9595 Ranch Road 12, Suite 10. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 16, 2020, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Southriver, Wimberley, TX), or by email (scox@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, April 9, 2020 at 6:00 p.m.** to consider the following: **CUP-20-002** – an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 222 Box Canyon Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 16, 2020, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Southriver, Wimberley, TX), or by email (scox@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

PUBLIC NOTICE

Public Notice

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a **Mixed Beverage Permit and Mixed Beverage Late Hours Permit by Savage's, LLC dba Savage's Hometown Bar, to be located at 9595 Ranch Road 12, Suite 10, Wimberley, Hays County, Texas. Officers of said corporation are Trevor Savage-managing member, Kristi Savage-managing member, Robert Savage-member, Joyce Savage-member.**

City of Dripping Springs Public Notice of Approved Ordinance Elections – May 2, 2020 Effective Date: Immediately Ordinance No. 2020-10

AN ORDINANCE CANCELLING THE MAY 5, 2018 GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Alice Louise Oldham, Deceased, were issued on March 9, 2020, in cause No. 20-0046-P, pending in the County Court at Law of Hays County, Texas, to: Terry Ray Oldham.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: **Joseph J. Malone Attorney at Law Stevens & Malone, LLP P.O. Box 727 Wimberley, Texas 78676**

DATED the 9th day of March 2020.

Joseph J. Malone Attorney for Terry Ray Oldham State Bar No.: 24050982 **STEVENS & MALONE, PLLC** P.O. Box 727 Wimberley, Texas 78676 Telephone: (512) 847-9277 Facsimile: (512) 847-5131 E-mail: joe@stevensmalonelaw.com

HTGCD Notice of New Operating Permit – Beerburg Brewery 10-Day Public Notice

This notice is to advise the public of the submission of a new operating permit application to the Hays Trinity Groundwater Conservation District (HTGCD) by Beerburg Brewery. Beerburg Brewery is requesting 2 acre feet (651,702 gallons) of annual production. Permit requirements include: a water conservation plan, a user drought contingency plan, quarterly meter reporting of monthly use, and proof of public notice. At this time, the application is pending and not administratively complete. Trevor Nearburg is listed on the application as the person responsible for the permit concerning Beerburg Brewery. The mailing address is 10107 Ivanhoe Trail, Austin, TX 78748. The well's physical address listed on the application is 13476 Fitzhugh Road, Austin, TX 78736. To contact the applicant, call (512) 461-9748. The public may submit comments to the HTGCD Office by the ten-day deadline date, March 30, 2020. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to the HTGCD staff recommendations. A secondary public notice shall include staff recommendations and a twenty-day deadline date to submit formal contested

Public Notice

Public Notice

Public Notice



Application period for Fiscal Year 2020-2021 Local Hotel Occupancy Tax Grant Funding Program is open beginning Friday, March 20, 2020 through Friday, May 01, 2020.

The City of Dripping Springs is accepting applications for Local Hotel Occupancy Tax Grant Funds for projects that directly enhance and promote tourism and the convention and hotel industry. Projects must increase overnight stays in the area and meet one of eight categories for expenditure: 1) convention and visitor centers; 2) convention registration; 3) advertising the city; 4) promotion of the arts; 5) historical restoration and preservation; and 6) sporting events; 7) transportation systems for tourists; 8) signage directing tourists to sights and attractions; or 9) promotion and preservation of dark skies. The grant guidelines and application are available at City Hall, 511 Mercer Street, on the website at <http://www.cityofdrippingsprings.com>, or at Dripping Springs Ranch Park located at 1024 Event Center Drive. Applications are due by 5:00 pm, May 01, 2020. Please call (512) 858-4725 if you have any questions about this program.

Public Notice

Public Notice

Public Notice

CITY OF DRIPPING SPRINGS, TEXAS *DUE DATE EXTENDED*** REQUEST FOR PROPOSALS FOR "SOLID WASTE COLLECTION AND DISPOSAL SERVICES" CITY OF DRIPPING SPRINGS, TEXAS PUBLIC NOTICE**

The City of Dripping Springs will receive sealed proposals for Solid Waste Collection and Disposal Services. Proposals are due on **Friday, April 17, 2020, 4:00 p.m.** Proposals may be hand delivered at the:

City of Dripping Springs Attention: Deputy City Administrator 511 Mercer Street Dripping Springs, Texas 78620

or mailed to the City at:

City of Dripping Springs Attention: Deputy City Administrator Post Office Box 384 Dripping Springs, Texas 78620

Personal Delivery or U.S. Mail accepted. No submissions by fax or email.

The Solid Waste Collection and Disposal Services will include Residential and Non-Residential waste collection, recycling collection, transport, and disposal of municipal solid waste, including refuse, yard waste, and bulky waste from within the contiguous City Limits and the non-contiguous City Limits (resulting from island annexations) to a disposal or processing site identified by the Applicant. The Request for Proposal may be obtained by emailing gfaught@cityofdrippingsprings.com or on the city's website at www.cityofdrippingsprings.com. The Request for Proposal may also be obtained at City Hall, 511 Mercer Street, Dripping Springs, Texas 78620.

Inquiries regarding this request must only be submitted in writing to Ginger Fought, Deputy City Administrator via e-mail at gfaught@cityofdrippingsprings.com with "Solid Waste RFP" in the subject line. Written requests from interested firms and written responses by the City will be provided to all Applicants. This is the only permissible contact with the City regarding this bid process until the bids are opened and the Applicant is contacted by the City. The deadline for inquiries is **Wednesday, April 8, 2020, 5:00 p.m.**



General Help Wanted

NOW HIRING
The City of Wimberley has immediate openings for Part-Time Facility Maintenance individuals who are able to work with a flexible schedule. Must be able to do some lifting (banquet tables and chairs), detailed bldg. cleaning, outside grounds care, and perform basic buildings repairs. Will also be responsible for assisting groups during special events. More info. available on the City's website: www.cityofwimberley.com <<http://www.cityofwimberley.com>>

PART TIME housekeeper

MasterCard VISA
Discover NOVUS

Call us at (512) 847-2202

Sub

★
★
★
★

Only \$42 per year.



City of Wimberley

221 Stillwater, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

March 27, 2020

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-20-002**
222 Box Canyon

Dear Property Owner:

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

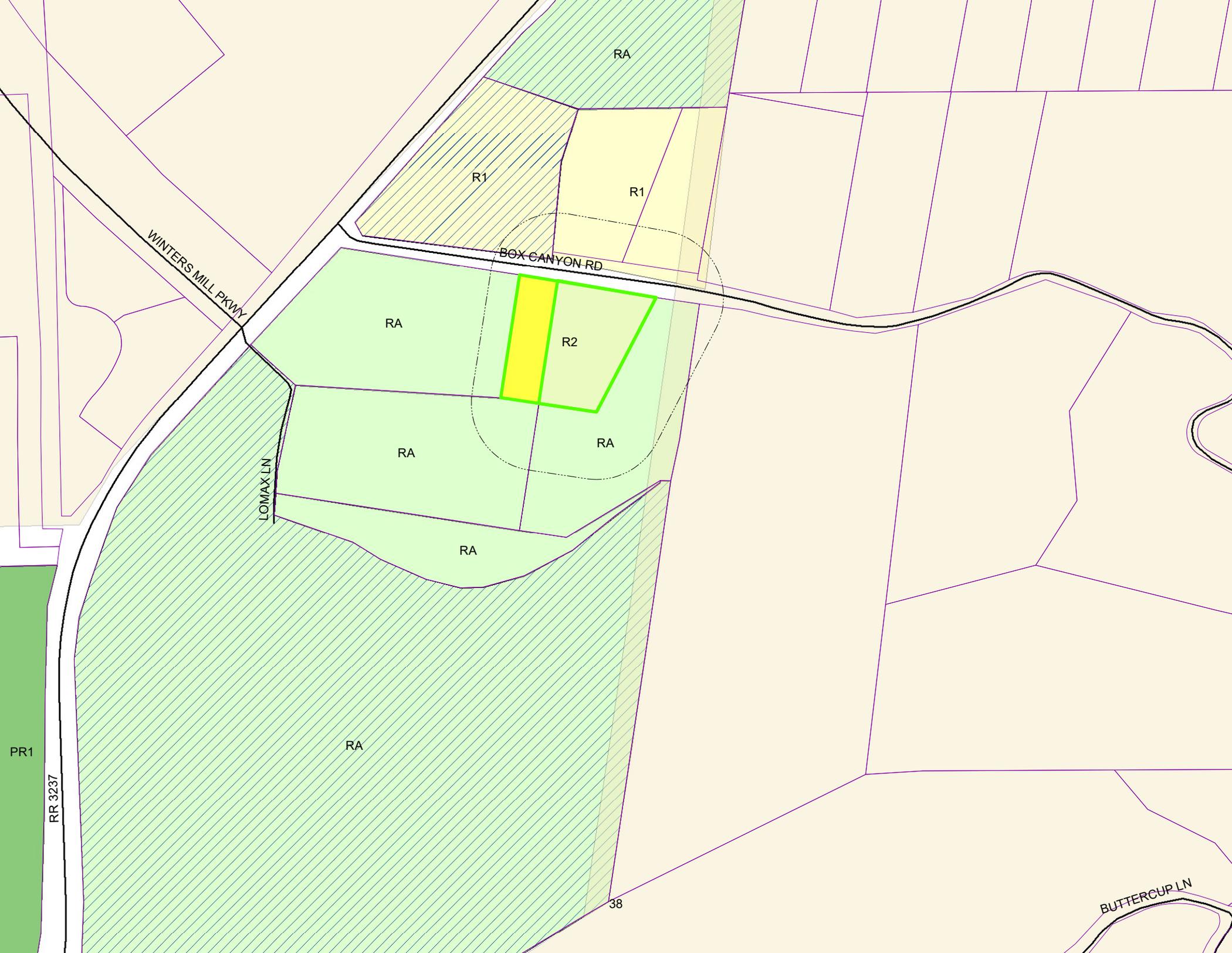
The applicant, Michael Bachers, has requested Conditional Use Permit (CUP) to operate a vacation rental at 222 Box Canyon, further described as 2.965 acres of land, more or less, situated in the John. W. Keeley Survey, Abstract 277. The City of Wimberley Planning and Zoning Commission will consider this request at a public hearing on **Thursday, April 9, 2020, at 6:00 p.m.** Upon recommendation from the Commission, the City Council will hold a public hearing to consider the same request on **Thursday, April 16, 2020, at 6:00 p.m.** Either of these Public Hearings may be held in accordance with Order of the Office of the Governor issued March 16, 2020, whereby the public hearing may be conducted in a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

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 participate, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available on request. Should you have questions, please feel free to email or contact me at 512-847-0025.

Sincerely,

Shawn Cox
City Administrator
scox@cityofwimberley.com



RA

R1

R1

WINTERS MILL PKWY

BOX CANYON RD

RA

R2

RA

RA

RA

LOMAX LN

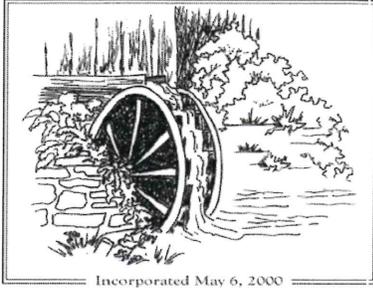
RA

PR1

RR 3237

38

BUTTERCUP LN



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: March 27, 2020

ZONING NO: CUP-20-002

APPLICANT: Michael Bachers

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

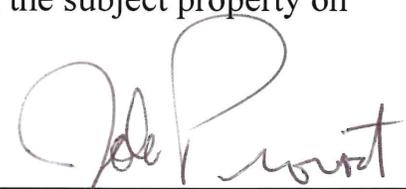
Project Site Address: 222 Box Canyon

John Provost
Public Works/Code Enforcement

City of Wimberley

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

3/27 2020



Signature

ORDINANCE NO. 2020-10

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY MICHAEL BACHERS TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 222 BOX CANYON, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Michael Bachers (“Applicant”) requesting authorization to operate a vacation rental on real property described as 2.965 acers of land, more or less, situated in the John W. Keeley Survey, Abstract 277, zoned Single-Family Residential 2 (R-2); and

WHEREAS, a vacation rental is an authorized use in areas zoned Single-Family Residential 2 (R-2) upon approval of a CUP;

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

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Michael Bachers (“Applicant”) for use as a vacation rental on real property, described as 2.965 acers of land, more or less, situated in the John W. Keeley Survey, Abstract 277, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.

City of Wimberley, Texas

2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire, no later than thirty (30) days of such change.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property: the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives if compliance is in question, with proper notice provided if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part of the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.

13. The owner of the property or the owner's agent, which may be a vacation rental agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 16th day of April 2020 by a vote of _____ (Ayes) and __ (Nays) and __ (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary



APPROVED AS TO FORM:

City Attorney



AGENDA ITEM:	CUP-20-003 - Bar/Tavern - 9595 Ranch Road 12, suite 10
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	April 13, 2020
MEETING DATE:	April 16, 2020

REPORT

ITEM

Hold a public hearing and consider approval regarding case CUP -20-003, an application for a Conditional Use Permit to allow for the operation of a bar/tavern on property zoned Highway Commercial (HC) located at 9595 Ranch Road 12, Wimberley, Hays County, Texas.

PROPERTY INFORMATION

Property Description

Applicant(s): Trevor Savage
Property Address: 9595 Ranch Road 12, Wimberley TX
Property Owner: Collie Investments, LTD
Legal Description: 10.298 Acres Out of the James Alston Survey Number 90
Property Size: 10.298 Acres
Existing Use of Property: Commercial (Restaurant)
Existing Zoning: Highway Commercial (HC)
Proposed Use of Property: Commercial (Bar/Tavern)
Request: CUP for Operation of a Bar/Tavern
Planning Area: VI
Overlay District: Entrance Corridor

Surrounding Property:

Frontage: Box Canyon Road

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	O2	Commercial
	South of Property	N/A (ETJ)	N/A
	East of Property	C2	Commercial
	West of Property	PF	Public Facility

REQUEST

The applicant is requesting a Conditional Use Permit (CUP) to operate a bar/tavern at located at

9595 Ranch Road 12. The request is to place the bar/tavern in Suite 10, which was currently occupied by Brewster’s Pizza. As Brewster’s Pizza, this location previously served alcohol (beer & wine only).

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200’): March 27, 2020
Published Legal Notice (Wimberley View): March 18, 2020
Zoning Application Sign Placed: March 27, 2020

COMMENTS

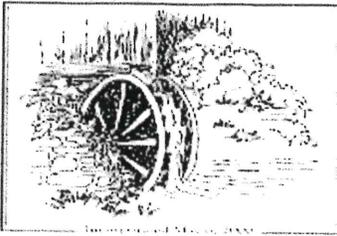
At the time of positing, no comments for or against have been received.

PLANNING ANZ ZONING RECOMENDATION

The Planning and Zoning Commission held a public hearing for case CUP-20-003 at their April 9, 2020, meeting. During the Public Hearing the Applicants (Trevor and Kristi Savage) and property owner (Holly Collie) spoke in favor of the request. The Planning and Zoning Commission voted 6-0 to recommend approval of the application to the City Council.

ATTACHMENT/S

- CUP-20-003 – Application
- CUP-20-003 – Legal Posting
- CUP-20-003 – Notification Letter w/Map
- CUP-20-003 – Sign Posting Notice
- Ordinance No. 2020-11



City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

www.cityofwimberley.com

RECEIVED
MAR - 9 2020
BY: _____

CONDITIONAL USE PERMIT APPLICATION

No. CUP 20 - 03

FOR OFFICIAL USE ONLY

Application Date: 3/9/20 Tentative P&Z Hearing: _____ Tentative Council Hearing: _____

FEES: \$650.00 DATE PAID: 3/9/20 CHECK NO. cc REC'D BY MA

PROJECT SITE ADDRESS: 9595 RR 12 Ste 10 Wimberley, TX 78676

OWNER/APPLICANT Trevor Savage PHONE [REDACTED]

MAILING ADDRESS: PO Box 2725

CITY: Wimberley STATE: TX ZIP: 78676

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

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Bar

Planning Area _____ Zoning _____ Total Acreage or Sq. Ft. _____

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID #: R 12659

Deed Records Hays County: Volume _____ Page _____

Is property located in an overlay district? () Yes () No If Yes, type: _____

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

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: _____

Wastewater Service Provider or Hays County Septic Permit No: _____

PAID
MAR - 9 2020
BY: Wl cc: MA

MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$650.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

3/9/2020
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

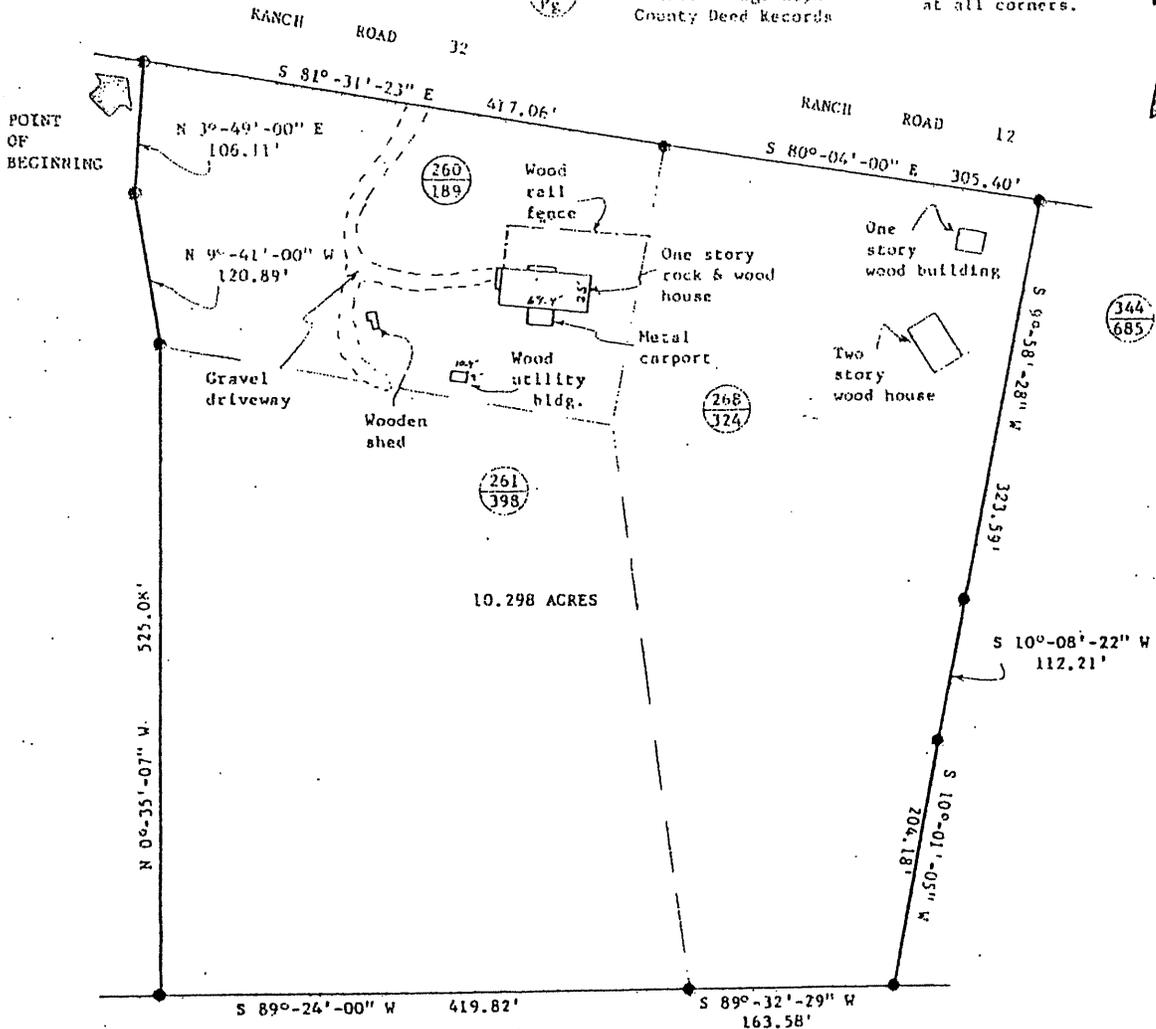
Date _____

AGENT SIGNATURE

Vol. Pg.

= Volume & Page Hays County Deed Records

Iron pins found at all corners.



PURCHASER: Bruce Collier

TITLE COMPANY:
Hays County Abstract Company

GF NUMBER: 97070007

LEGAL DESCRIPTION: Being 10.298 acres of land out of the JAMES ALSTON SURVEY NUMBER 90, Hays County, Texas, and being more particularly described by metes and bounds in the field notes attached hereto.

Subject property does not lie within a flood hazard zone as determined from F.I.S./H.U.D. Flood Hazard Map, Community Panel Number

DATE:
July 28, 1997

SCALE: 1" = 100'

480321 0160 B
dated June 16, 1993

JOB NUMBER:
970720 cb

BEELINE

ENGINEERING & LAND SURVEYING
P.O. BOX 1081
SAN MARCOS, TEXAS 78667-1081
Phone/Fax 512/353-4725



I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, and that there are no encroachments upon this property except as shown hereon. This survey was performed July 22, 1997.

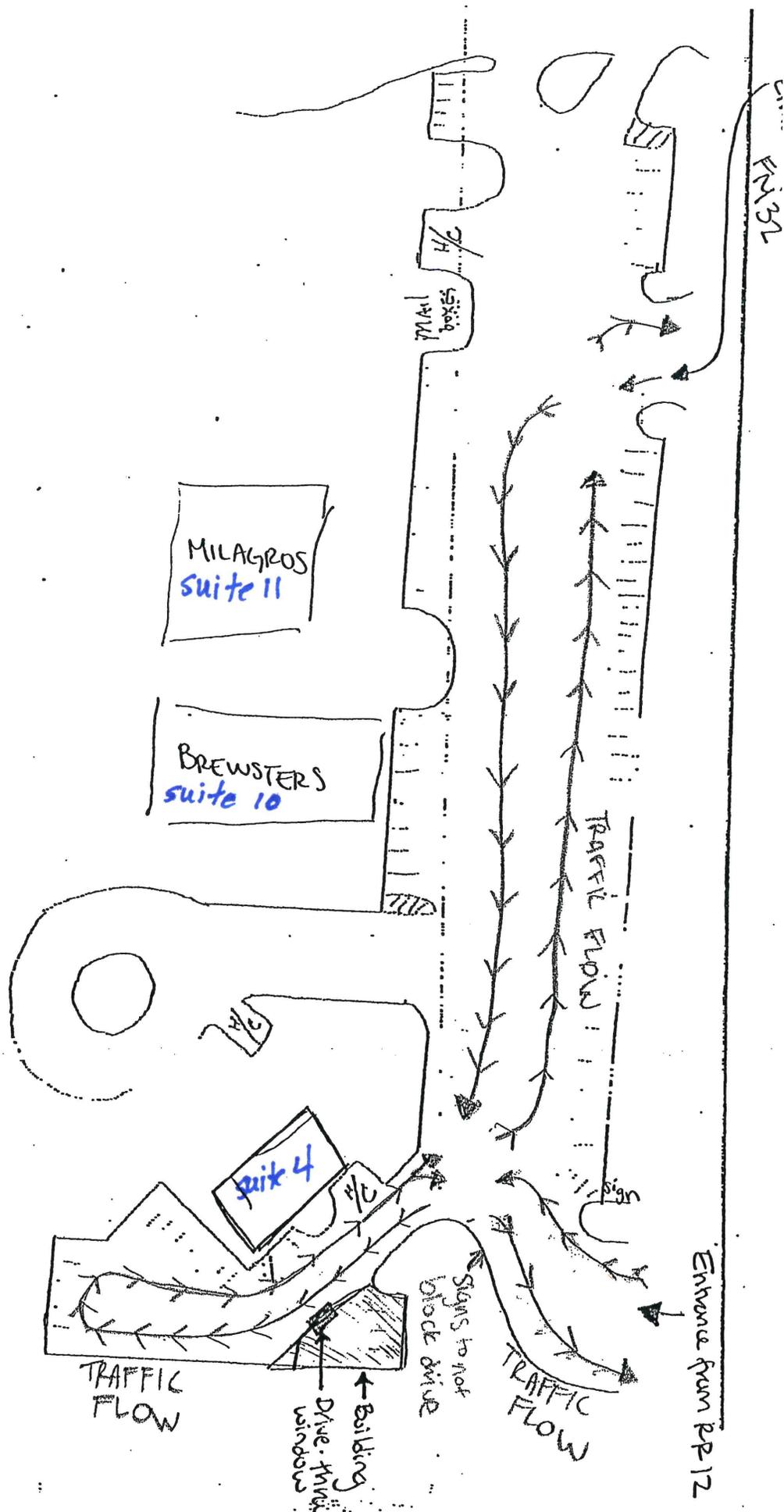
Raymond V. Kotowski



Exhibit "C"

Parking Lot Layout

H/C = HANDICAP



The Wimberley Vi

CLASSIFIED



P.O. Box 49 Wimberley, Texas 78676 512-84

Public Notice

HTGCD Notice of New Operating Permit – Ghost Note Brewing 20-Day Public Notice

This notice is to advise the public of the submission of a new operating permit application to the Hays Trinity Groundwater Conservation District (HTGCD) by Ghost Note Brewing, 23663 Ranch Road 12, Dripping Springs, TX 78620. Ghost Note Brewing is requesting 1.1 acre-feet (357,300 gallons) of annual production. The intended well's non-exempt use listed within the application is "retail water system." The application has been reviewed and is nearing administrative completeness. When the permit becomes administratively complete, District staff will make the recommendation: one-year renewable operating permit for 1.1 acre-feet, quarterly meter production recording of monthly use to HTGCD, and mandatory drought cutback production during declared droughts according to the drought severity and their individual drought cutback chart. The twenty-day deadline date for HTGCD to accept formal contested case letters concerning this application is April 8, 2020. The application is available for review on the HTGCD website, www.haysgroundwater.com under Quick Links > Pending Permit Applications > Newly Submitted Permit Applications. The application is also available for review at the District Office, located at 14101 W Hwy 290, Building 100, Suite 212, Austin, TX 78737, Monday – Friday, 9:00 A.M. to 5:00 P.M. To determine if you have standing in this matter, see HTGCD Rules, Section 5.5 "Contesting Operating Permit and Amendment Applications." HTGCD Rules can be found on our website under Quick Links > Regulatory. Contested case letters must be submitted by mail to P.O. Box 1648, Dripping Springs, TX 78620 before the deadline posted. Contested case letters must contain all of the information listed in Rule 5.5.1(a) to be considered by the HTGCD Board of Directors for standing in a public hearing. Please feel free to call HTGCD at (512) 858-9253 with any questions regarding this or any other District Business.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, April 9, 2020 at 6:00 p.m.** to consider the following: **CUP-20-003** – an application for a Conditional Use Permit (CUP) to allow the operation of a bar/tavern at 9595 Ranch Road 12, Suite 10. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 16, 2020, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Southriver, Wimberley, TX), or by email (scox@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, April 9, 2020 at 6:00 p.m.** to consider the following: **CUP-20-002** – an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 222 Box Canyon Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 16, 2020, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Southriver, Wimberley, TX), or by email (scox@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

PUBLIC NOTICE

Public Notice

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Mixed Beverage Permit and Mixed Beverage Late Hours Permit by Savage's, LLC dba Savage's Hometown Bar, to be located at 9595 Ranch Road 12, Suite 10, Wimberley, Hays County, Texas. Officers of said corporation are Trevor Savage-managing member, Kristi Savage-managing member, Robert Savage-member, Joyce Savage-member.

City of Dripping Springs Public Notice of Approved Ordinance Elections – May 2, 2020 Effective Date: Immediately Ordinance No. 2020-10

AN ORDINANCE CANCELLING THE MAY 5, 2018 GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Alice Louise Oldham, Deceased, were issued on March 9, 2020, in cause No. 20-0046-P, pending in the County Court at Law of Hays County, Texas, to: Terry Ray Oldham.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: **Joseph J. Malone Attorney at Law Stevens & Malone, LLP P.O. Box 727 Wimberley, Texas 78676**

DATED the 9th day of March 2020.

Joseph J. Malone Attorney for Terry Ray Oldham State Bar No.: 24050982 **STEVENS & MALONE, PLLC** P.O. Box 727 Wimberley, Texas 78676 Telephone: (512) 847-9277 Facsimile: (512) 847-5131 E-mail: joe@stevensmalonelaw.com

HTGCD Notice of New Operating Permit – Beerburg Brewery 10-Day Public Notice

This notice is to advise the public of the submission of a new operating permit application to the Hays Trinity Groundwater Conservation District (HTGCD) by Beerburg Brewery. Beerburg Brewery is requesting 2 acre feet (651,702 gallons) of annual production. Permit requirements include: a water conservation plan, a user drought contingency plan, quarterly meter reporting of monthly use, and proof of public notice. At this time, the application is pending and not administratively complete. Trevor Nearburg is listed on the application as the person responsible for the permit concerning Beerburg Brewery. The mailing address is 10107 Ivanhoe Trail, Austin, TX 78748. The well's physical address listed on the application is 13476 Fitzhugh Road, Austin, TX 78736. To contact the applicant, call (512) 461-9748. The public may submit comments to the HTGCD Office by the ten-day deadline date, March 30, 2020. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to the HTGCD staff recommendations. A secondary public notice shall include staff recommendations and a twenty-day deadline date to submit formal contested

Public Notice

Public Notice

Public Notice



Application period for Fiscal Year 2020-2021 Local Hotel Occupancy Tax Grant Funding Program is open beginning Friday, March 20, 2020 through Friday, May 01, 2020.

The City of Dripping Springs is accepting applications for Local Hotel Occupancy Tax Grant Funds for projects that directly enhance and promote tourism and the convention and hotel industry. Projects must increase overnight stays in the area and meet one of eight categories for expenditure: 1) convention and visitor centers; 2) convention registration; 3) advertising the city; 4) promotion of the arts; 5) historical restoration and preservation; and 6) sporting events; 7) transportation systems for tourists; 8) signage directing tourists to sights and attractions; or 9) promotion and preservation of dark skies. The grant guidelines and application are available at City Hall, 511 Mercer Street, on the website at <http://www.cityofdrippingsprings.com>, or at Dripping Springs Ranch Park located at 1024 Event Center Drive. Applications are due by 5:00 pm, May 01, 2020. Please call (512) 858-4725 if you have any questions about this program.

Public Notice

Public Notice

Public Notice

CITY OF DRIPPING SPRINGS, TEXAS *DUE DATE EXTENDED*** REQUEST FOR PROPOSALS FOR "SOLID WASTE COLLECTION AND DISPOSAL SERVICES" CITY OF DRIPPING SPRINGS, TEXAS PUBLIC NOTICE**

The City of Dripping Springs will receive sealed proposals for Solid Waste Collection and Disposal Services. Proposals are due on **Friday, April 17, 2020, 4:00 p.m.** Proposals may be hand delivered at the:

City of Dripping Springs Attention: Deputy City Administrator 511 Mercer Street Dripping Springs, Texas 78620

or mailed to the City at:

City of Dripping Springs Attention: Deputy City Administrator Post Office Box 384 Dripping Springs, Texas 78620

Personal Delivery or U.S. Mail accepted. No submissions by fax or email.

The Solid Waste Collection and Disposal Services will include Residential and Non-Residential waste collection, recycling collection, transport, and disposal of municipal solid waste, including refuse, yard waste, and bulky waste from within the contiguous City Limits and the non-contiguous City Limits (resulting from island annexations) to a disposal or processing site identified by the Applicant. The Request for Proposal may be obtained by emailing gfaught@cityofdrippingsprings.com or on the city's website at www.cityofdrippingsprings.com. The Request for Proposal may also be obtained at City Hall, 511 Mercer Street, Dripping Springs, Texas 78620.

Inquiries regarding this request must only be submitted in writing to Ginger Fought, Deputy City Administrator via e-mail at gfaught@cityofdrippingsprings.com with "Solid Waste RFP" in the subject line. Written requests from interested firms and written responses by the City will be provided to all Applicants. This is the only permissible contact with the City regarding this bid process until the bids are opened and the Applicant is contacted by the City. The deadline for inquiries is **Wednesday, April 8, 2020, 5:00 p.m.**



General Help Wanted

NOW HIRING
The City of Wimberley has immediate openings for Part-Time Facility Maintenance individuals who are able to work with a flexible schedule. Must be able to do some lifting (banquet tables and chairs), detailed bldg. cleaning, outside grounds care, and perform basic buildings repairs. Will also be responsible for assisting groups during special events. More info. available on the City's website: www.cityofwimberley.com <<http://www.cityofwimberley.com>>

PART TIME housekeeper

MasterCard VISA
Discover NOVUS

Call us at (512) 847-2202

Sub

★
★
★
★

Only \$42 per year.



City of Wimberley

221 Stillwater, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

March 27, 2020

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-20-003**
9595 Ranch Road 12, Ste 10

Dear Property Owner:

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

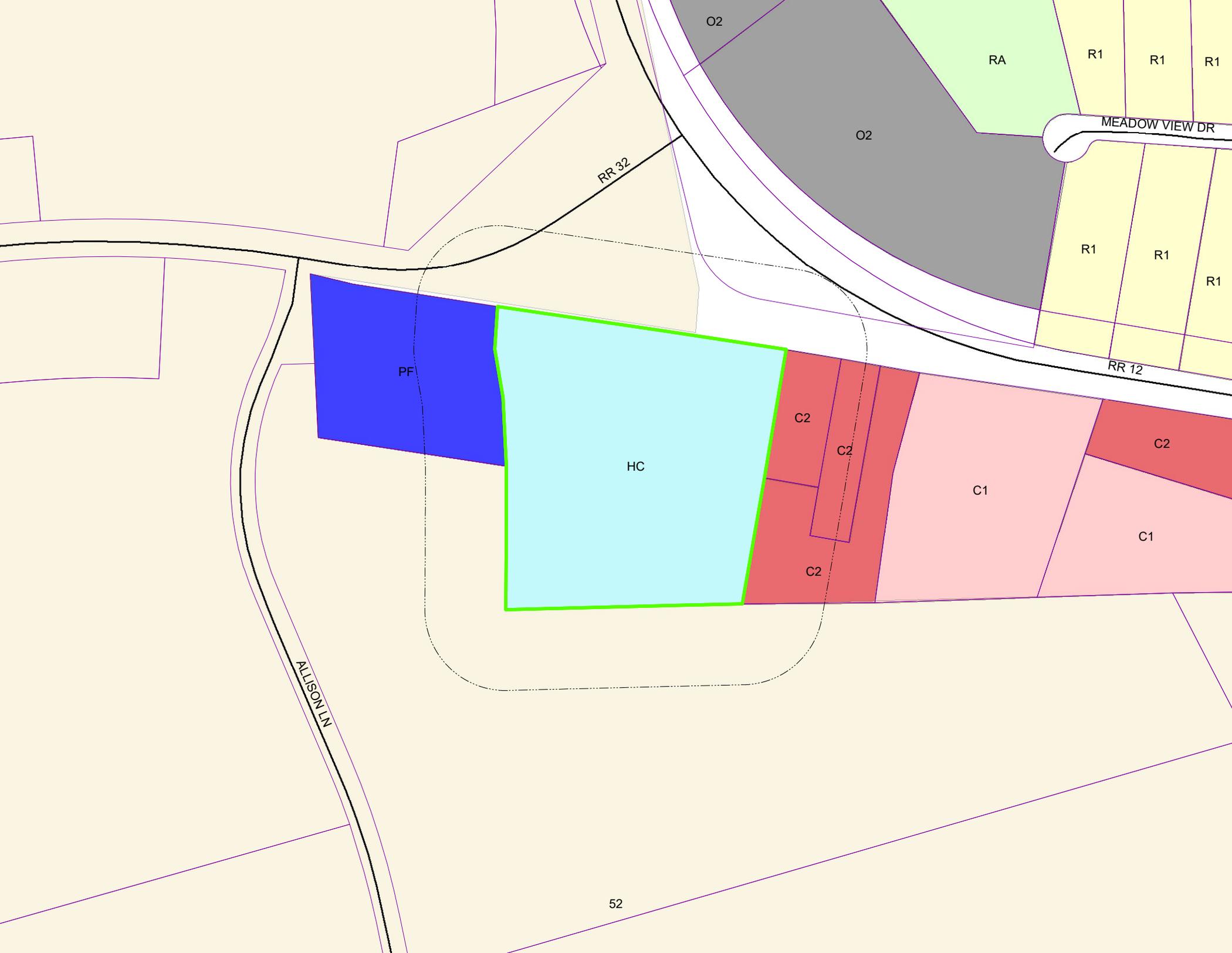
The applicant, Trevor Savage, has requested a Conditional Use Permit (CUP) to operate a bar/tavern at 9595 Ranch Road 12, Ste. 10, further described as 10.298 acres of land out of the James Alston Survey number 90. The City of Wimberley Planning and Zoning Commission will consider this request at a public hearing on **Thursday, April 9, 2020, at 6:00 p.m.** Upon recommendation from the Commission, the City Council will hold a public hearing to consider the same request on **Thursday, April 16, 2020, at 6:00 p.m.** Either of these Public Hearings may be held in accordance with Order of the Office of the Governor issued March 16, 2020, whereby the public hearing may be conducted in a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

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 participate, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available on request. Should you have questions, please feel free to email or contact me at 512-847-0025.

Sincerely,

Shawn Cox
City Administrator
scox@cityofwimberley.com



PF

HC

C2

C2

C1

C2

C1

O2

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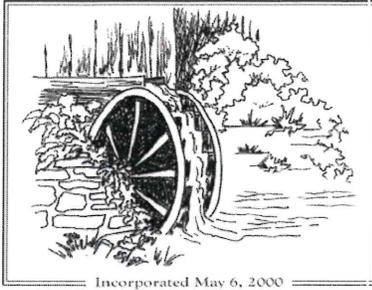
R1

RR 32

MEADOW VIEW DR

RR 12

ALLISON LN



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: March 27, 2020

ZONING NO: CUP-20-003

APPLICANT: Trevor Savage

TO: CODE ENFORCEMENT/PUBLIC WORKS

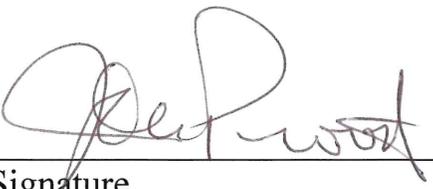
Please place a Proposed Zoning Sign on the following property:

Project Site Address: 9595 Ranch Road 12, Ste. 10

John Provost
Public Works/Code Enforcement

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

3/27 2020



Signature

ORDINANCE NO. 2020-11

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY TREVOR SAVAGE TO PERMIT A BAR/TAVERN ON A PORTION OF APPROXIMATELY 10.298 ACRE TRACTS LOCATED AT 9595 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED HIGHWAY COMMERCIAL (HC), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Trevor Savage ("Applicant") requesting authorization to permit a Bar/Tavern on a portion of real property described as 10.298 acres of land out of the James Alston Survey Number 90, zoned Highway Commercial (HC); and

WHEREAS, a bar/tavern is an authorized use in areas zoned Highway Commercial (HC) upon approval of a CUP;

WHEREAS, the applicant has submitted a Conditional Use Permit Application, site plan, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the additional use of the subject property for the sale of alcoholic beverages for on-premise consumption, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Trevor Savage ("Applicant") for use as a bar/tavern on real property, described as

City of Wimberley, Texas

described as 10.298 acres of land out of the James Alston Survey Number 90, as more particularly described by survey in Exhibit "A", attached and incorporated by reference, zoned Highway Commercial (HC), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The use of the property for a Bar/Tavern shall be limited to Suite 10, which includes the uncovered deck, covered deck, and uncovered patio, as designated on Exhibit "B", attached and incorporated by reference.
2. Applicant shall not commence operation until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
3. This Ordinance only authorizes the additional use of a Bar/Tavern to Suite 10, which includes the uncovered deck, covered deck, and uncovered patio, as depicted on Exhibit "B", as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the City of Wimberley City Council on the 16th day of April 2020 by a vote of _____ (Ayes) and ___ (Nays) and ___ (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary



APPROVED AS TO FORM:

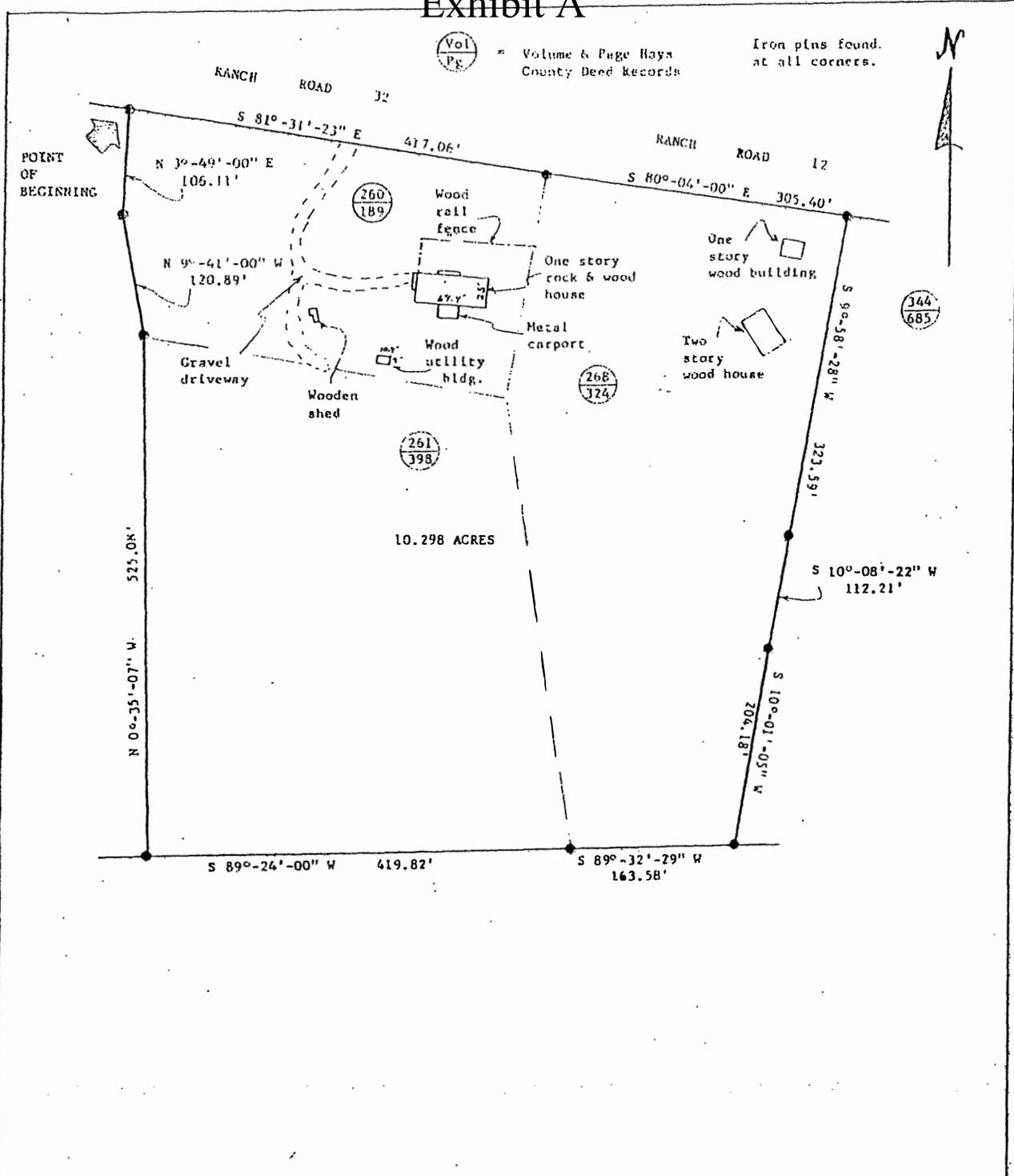
City Attorney

Exhibit A

Vol
Pg

= Volume & Page Hays
County Deed Records

Iron pins found
at all corners.



PURCHASER: Bruce Collier	TITLE COMPANY: Hays County Abstract Company
	GF NUMBER: 97070007

LEGAL DESCRIPTION: Being 10.298 acres of land out of the JAMES ALSTON SURVEY NUMBER 90, Hays County, Texas, and being more particularly described by metes and bounds in the field notes attached hereto.	Subject property does not lie within a flood hazard zone as determined from F.I.S./H.U.D. Flood Hazard Map, Community Panel Number 480321 0160 B dated June 16, 1993	DATE: July 28, 1997
		SCALE: 1" = 100'
		JOB NUMBER: 970720 cb

BEELINE

ENGINEERING & LAND SURVEYING
 P.O. BOX 1081
 SAN MARCOS, TEXAS 78667-1081
 Phone/Fax 512/353-4725

I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, and that there are no encroachments upon this property except as shown hereon. This survey was performed July 22, 1997.

Raymond V. Kotowski

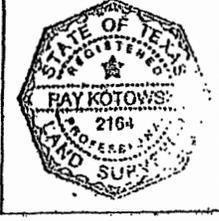
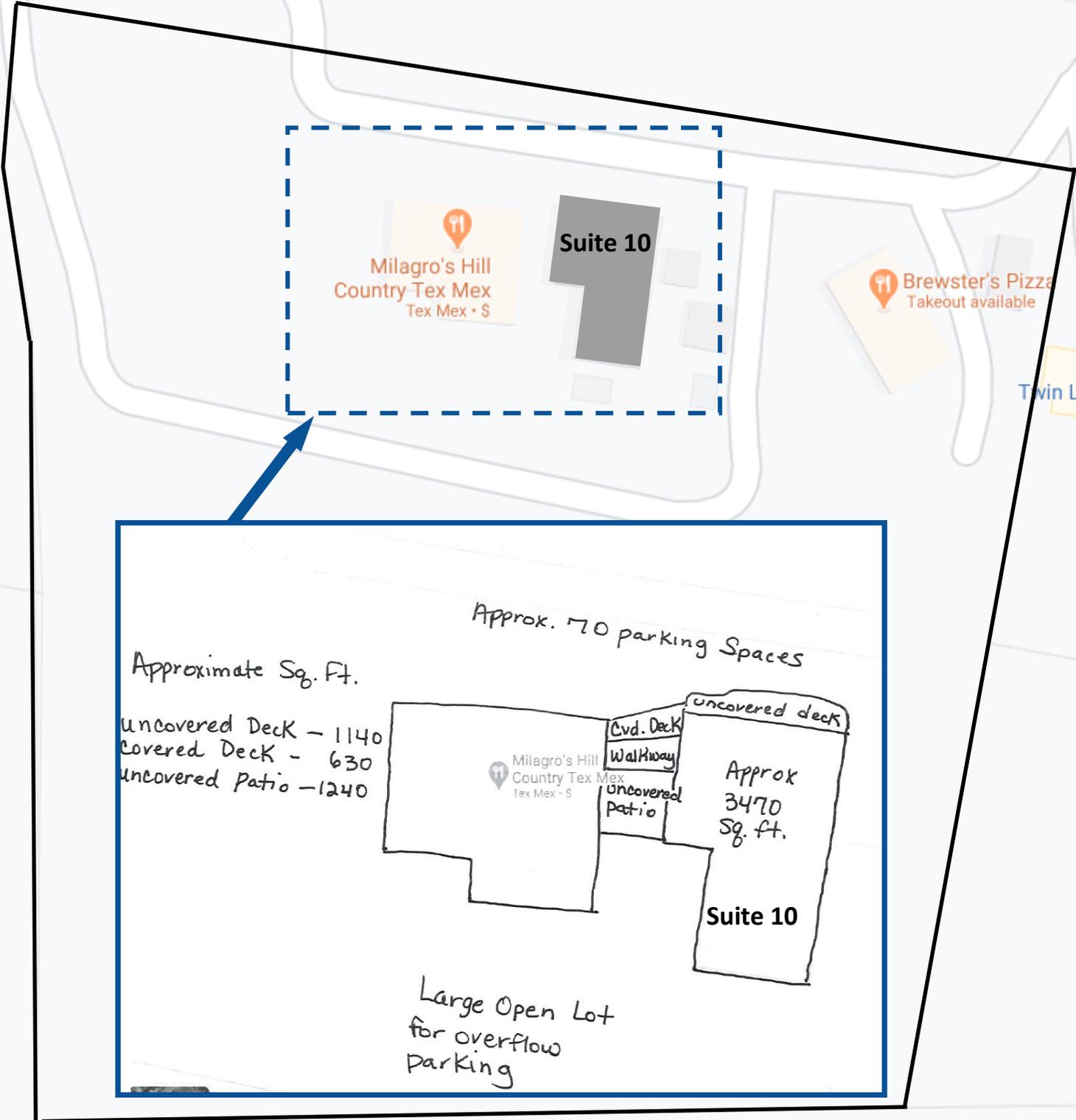


Exhibit "C"

Exhibit B





AGENDA ITEM:	Temporary Structure Application - Paradise Amusements
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	April 13, 2020
MEETING DATE:	April 16, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Brandon Kibby, owner of Paradise Amusements has submitted a Temporary Structure Application to operate a food trailer at 411 Ranch Road 2325.

The proposed location is Odie’s Food Court. This location has onsite restroom facilities and water and electric service.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

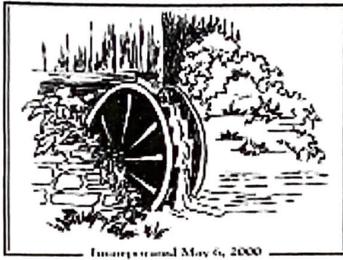
FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$
- Not Applicable Amount Under/Over Budget:

STAFF RECOMMENDATION

ATTACHMENT/S

- Temporary Structure Application - Paradise Amusements



City of Wimberley

221 Stillwater, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
www.cityofwimberley.com

Temporary Structure Planning & Development

Permit No. _____
Date: _____

Applicant: Paradise Amusements

Mailing Address: P.O.B. 3124 City: Wimberley State: TX Zip: 78676

Phone: [REDACTED] Email: [REDACTED]

(If different from above)

Property Owner: The Faigles LLC

Mailing Address: 1521 Deer Lake Rd City: Wimberley State: TX Zip: 78676

Phone: [REDACTED] Email: _____

Subject Property Address: 411 F.M. 2325 Wimberley, TX 78676

Purpose/Use of Structure: Mobil Food Unit

Requested Installation Date: 4/10/2020 Requested Removal Date: 6/30/2020

Will the temporary structure be served by electricity? YES NO

Will the temporary structure be served by water service? YES NO

If "YES" to either then an inspection is required for water and/or electrical service.

If service is provided through another meter attach a letter of permission.

Provide a site plan indicating location of temporary structure in relation to other structures, parking lots, property lines etc.

Permission from property owner is attached. YES NO N/A

Has a Mobile Food Establishment application been submitted? YES NO N/A

Temporary Structure Permit..... \$25.00 each structure
Inspections.....\$65.00 each

I certify that the information contained in this application is true and correct and that if any of the information provided is incomplete or incorrect the permit may not be issued or may be revoked by the City of Wimberley. I understand that all temporary structures or accessory uses shall be removed from the property at the expiration of the time period as defined in the permit unless another Temporary Structure Permit is obtained prior to expiration. I understand that a Certificate of Occupancy may be required and contractor information will be provided if applicable. Adequate parking, restroom, setback and additional requirements per City Ordinance No. 2012-007 & Ordinance No. 2016-007 will be verified by City staff.

Applicant: Barton Kibbey Date: 4-8-2020

City Official: _____ Date: _____ Approved Denied



AGENDA ITEM:	World Migratory Bird Day Resolution
SUBMITTED BY:	Nathan Glaiser, Parks Maintenance Manager
DATE SUBMITTED:	4/9/2020
MEETING DATE:	4/16/2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

World Migratory Bird Day is an annual global celebration and awareness-raising campaign held the second Saturday in May highlighting the need for the conservation of migratory birds and their habitats. It is also a requirement for Wimberley’s acceptance into the Bird City Texas certification program offered through Texas Audubon and Texas Parks and Wildlife Department.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$
- Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Park staff recommends that council approve this resolution declare May 9th 2020, as World Migratory Bird Day to aid our pursuit of the Texas Bird City certification.

ATTACHMENT/S

Resolution No. 02-2020

RESOLUTION NO. 02-2020

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS, TO OBSERVE MAY 9TH, 2020 AS WORLD MIGRATORY BIRD DAY (WMBD) AT THE PATSY GLENN REFUGE, AND, IN THE FUTURE, TO BE OBSERVED THERE AND AT OTHER WIMBERLEY CITY PARKS AND WILDLIFE SANCTUARIES ON DESIGNATED DATES FOR WORLD MIGRATORY BIRD DAY.

WHEREAS, the City of Wimberley is a destination for visitors interested in enjoying the natural environment of the Texas hill country and observing the birds and other wildlife which live here seasonally or year-round, thus making a significant contribution to the local economy. And,

WHEREAS, International Migratory Bird Day is observed at over 600 sites throughout the Americas each year on the second Saturday of May. And,

WHEREAS, by participating in observance of International Migratory Bird Day, Wimberley is satisfying one of Texas Parks and Wildlife Department's requirements for consideration as a "Bird City Texas" community. And,

WHEREAS, over one-hundred and ten species of birds, including migratory visitors, have been observed in Wimberley parks including the Patsy Glenn Refuge. And,

WHEREAS, the arrival of migrant bird species in the spring signals the beginning of nesting season for many species. And,

WHEREAS, birds not only provide their songs and colorful plumage for the enjoyment of birding enthusiasts but play an important role in controlling insect pests. And,

WHEREAS, bird populations surveys show that their numbers have declined by a third due to loss of habitat, food sources and other factors. And,

WHEREAS, it is important that the public be made aware of the need to protect natural resources vital to the survival of birds throughout their migratory range, from Canada to South America and points in between. And,

WHEREAS, The Patsy Glenn refuge was created by the Wimberley Birding Society so that the public would be able to observe and learn about birds and their role in the environment. And,

WHEREAS, the Wimberley Birding Society is celebrating the twentieth anniversary of the Patsy Glenn Refuge on May 9th, 2020.

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

That it declares May 9th, 2020 as World Migratory Bird Day and recognizes the Patsy Glenn Refuge as the primary site of the City’s observance of World Migratory Bird Day (WMBD) for 2020, and to be joined, in future years, by other City parks and preserves for participation on designated WMBD dates.

THE CITY OF WIMBERLEY, TEXAS

By: _____
Susan Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary





AGENDA ITEM:	Sod for Blue Hole Swim Area
SUBMITTED BY:	Nathan Glaiser, Parks Maintenance Manager
DATE SUBMITTED:	4/9/2020
MEETING DATE:	4/16/2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The swim lawn at the Blue Hole Regional Park requires yearly re-sodding to patch bare areas caused by high traffic in the summer. Palisades Zoysia was chosen as it is the most wear tolerant and shade tolerant variety that is available in the area. The Grass Outlet has supplied sod for the Blue Hole for the last two years and was chosen because they offered the lowest quote and can deliver. The amount for six pallets of Palisades Zoysia is \$1,353.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$ 1,353
- Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION

This purchase was originally budgeted for the “Materials” line item 200-52-6613. However, staff recommends this expense be paid for out of the Blue Hole Development Fund 600.

ATTACHMENT/S

- The Grass Outlet, LLC estimate
- Sod Purchase Order

The Grass Outlet, LLC
 PO Box 170579
 Austin, TX 78717
 Info@thegrassoutlet.com



Austin 512-996-8100 Dallas 214-796-4045 San Antonio 210-331-6560 Houston 281-750-5499
 www.thegrassoutlet.com

Estimate

ADDRESS

Nathan Glaiser
 City of Wimberley
 PO Box 2027
 Wimberley, TX 78676

SHIP TO

Nathan Glaiser
 City of Wimberley
 100 Blue Hole Lane
 Wimberley, TX 78676

ESTIMATE # 2906

DATE 03/12/2020

EXPIRATION DATE 04/12/2020

ACTIVITY	QTY	RATE	AMOUNT
Contractor-ZOY-PALISADES 450 sqft Pallet(s) of Palisades Zoysia	6	195.00	1,170.00
Grass Delivery Grass Delivery	1	183.00	183.00

Thank you for considering The Grass Outlet! If you have additional questions, please contact the appropriate regional office or click the following link; <http://www.thegrassoutlet.com/contact> .

TOTAL

\$1,353.00

If you are ready to proceed, please contact our office so that scheduling can be arranged, along with confirmation of the method of payment you wish to put into place. Upon confirmation, any additional materials or labor requested by customer will be invoiced accordingly.

Accepted By

Accepted Date

PURCHASE ORDER

City of Wimberley

221 Stillwater

Wimberley, Texas 78676

Office (512) 847-0025 Fax (512) 847-0422

Tax ID #74-2971396

Date: 3/13/2020

Dept: Parks

Account Code #: 200-52-6613

ALL QUOTES AND SUPPORTING DOCUMENTATION SHALL BE ATTACHED TO THIS REQUEST.

Quotes may be received by mail, email, or fax.

Description and Reason for Purchase (Include Quantity/Unit Price/Extended Price)

The swim lawn at the Blue Hole Regional Park requires yearly re-sodding to patch bare areas caused by high traffic in the summer. Palisades Zoysia was chosen as it is the most wear tolerant and shade tolerant variety that is available in the area. The Grass Outlet has supplied sod for the Blue Hole for the last two years and was chosen because they offered the lowest quote and can deliver. The amount for six pallets of Palisades Zoysia is \$1,343. \$195 per pallet with \$183 for delivery.

Vendor Info:	Total Quote Amount \$ \$1,343		
The Grass Outlet, LLC PO Box 170579	HUB (check one)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Austin, TX 78717	Payment Terms:	Net - 30	
Phone: 512-996-8100	Fax:	Sales Tax:	Tax Exempt
Contact:	Approved by:	Nathan Glaiser	
E-mail: Info@thegrassoutlet.com	E-mail:	nglaiser@cityofwimberley.com	

Quotes	Quote Amount	Vendor	Contact Name	Contact #	Quote Attached?	HUB Y/N
#1	\$1,343	The Grass Outlet		512-996-8100	Yes	N
#2	\$1,500	The Grass Patch		512-259-5188	No(Phone)	N
#3	\$1275(no delivery)	King Ranch Turf		512-892-3636	Yes	N
#4						
#5						

FOR DEPARTMENTAL USE ONLY:

Department Head Signature for Approval: _____ Date: _____

City Administrator Signature for Approval: _____ Date: _____



AGENDA ITEM:	Central Wimberley Wastewater Project Update
SUBMITTED BY:	Shawn Cox, City Administrator
DATE SUBMITTED:	April 13, 2020
MEETING DATE:	April 16, 2020

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding the Central Wimberley Wastewater Project; including updates on easements, construction, contracts and coordination with various State entities.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$
- Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION

ATTACHMENT/S