

City of Woodcreek City Council Meeting
March 11, 2015; 6:30 p.m.
Woodcreek, Texas

NOTICE/AGENDA

This notice is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek City Council will hold a Council Meeting March 11, 2015, at 6:30 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas at which time the following items will be considered:

1. Call to Order
2. Invocation
3. Pledge
4. Roll Call
5. **Public Comments:** Members of the Public may sign up at the City Council meeting to address the City Council. Comments will be limited to three (3) minutes per speaker.
6. **Citizen Communications: General:** Members of the Public who have submitted a written request to address the City Council on specific issues. Comments will be limited to five (5) minutes per speaker.
7. **Report Items:**
 - A. DPW Monthly Report of Significant Events (Director Frank Wood)
 - B. Treasurer's Report for January 2015 (City Treasurer Golembiewski)
 - C. City Manager Monthly Report of Significant Events (City Manager Sone)
 - D. P&Z Report to Council on Fences along the Golf Course (Vice Chairperson Greene)
 - E. Report of Roads and Streets Committee (Chairperson John Epley)
 - F. Analysis of Vision 2020 (Deputy Planner Raiford)
8. **Consent Agenda:** All of the following items are considered to be self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be filled out and submitted to the City Manager.
 - A. Approval of the minutes of the Regular Woodcreek City Council meeting of February 11, 2015
 - B. Approval of Treasurer's Report for February 2015
9. **Regular Agenda**
 - A. Action to accept the resignation of Commissioner James Arntson from the Planning and Zoning Commission and to designate a replacement. (Mayor Steinert)

- B. Discussion and action to clarify municipal commitments to the Cypress Creek Watershed Protection Plan/Project. (Mayor Steinert)
- C. Discussion and action to accept the updated Hays County Emergency Plan. (Mayor Steinert)
- D. Discussion and possible action to update the City Procurement Policy to authorize the Director of Public Works to accept budgeted street repair estimates from Hays County submitted under Interlocal Agreement, that do not exceed \$8,000. (Councilmember Marsh)
- E. Discussion and final action to amend the Traffic Code to prohibit parking in public parking spaces for longer than two hours. (Mayor Steinert)

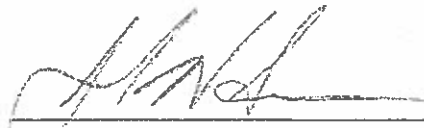
10. Board of Adjustment

- A. Reconsideration of Application for Variance to the Woodcreek Code of Ordinances, § 156.058 (B), by Jack and Mary Kinkel, residing at 75 Woodcreek Drive, to construct a fence on the back property line which is within 25 feet of the Quicksand Golf Course easement.
 - Board Discussion and Action

11. Adjourn

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

I certify that the above notice was posted on the 6th of March, 2015, at 4:00 p.m. By:



John W. Sone, City Manager



Memorandum

To: Mayor and Council
From: John Sone, City Manager
Date: March 11, 2015
Subject: City Manager's Report

1. Planning & Development.

a. Construction of Experiential Learning Center at Camp Young Judea. The City received an application for construction of this building on the same day it conducted a Board of Appeals under the International Fire Code for an alternative to insufficient fire flows. The Board, chaired by Paul de Lara, found the alternative to be reasonable. The municipal engineer has reviewed the plans, which are now in transit to ATS Engineers. Firetruck access will have to be addressed in the construction plans.

b. The municipal engineer concurred that the changes to the Woodcreek Apartments Site Development Plan were administrative. The City communicated its approval of them and is awaiting the submission of construction plans. A final retaining wall design must be included in the construction plans.

c. The P&Z Commission met March 5th. The commission reviewed a presentation offering a preliminary analysis of Vision 2020. It also offered draft amending to the zoning ordinance regarding fences for review by the City staff. The P&Z unanimously voted to replace the official serving as the Floodplain Administrator from the P&Z Chair to the City Manager.

d. The developer of Oak Orchard Enclave is orchestrating a replat joining Lots 18 and 19.

e. PEC notified the City on March 9th that the City application for an LCRA grant for the first city park had been approved. The City will receive more information from PEC and LCRA soon. Once an agreement letter is finalized with LCRA, it coordinate a check presentation event, possibly not before May.

2. Public Safety. The Constable's Report for February is attached.

3. Code Enforcement. There was a violation of construction hours on Brookhollow Drive on February 25th; a notice of violation (NOV) was issued the next day. The city has issued three rubbish notices of violation in the past month. A nonconforming fence has been erected without a permit at 75 Woodcreek Drive. A NOV has not yet been issued based on advice from counsel.

4. Environment.

a. The property owner issued the STOP WORK order for work in Cypress Creek is working with the County to get a permit. The GLO has inspected the site, and declined further action. The owner has applied to TPWD for a permit to move gravel in the creek, with indications that it will be approved.

b. Cypress Creek Watershed Protection Plan. The Meadows Center notified the CCWPP stakeholders on March 9th that the US EPA had approved the plan.

5. Hays County Emergency Management Plan. The City staff reviewed the updated plan and noted no changes affecting the City's own planning or procedures. Staff recommends Council approve the update. Staff continues the mitigation and preparatory actions, such as attending the G-102 course in February.

6. Codification. City ordinances are currently up to date online, and a manual supplement is begin printed.





DARRELL W. AYRES
CONSTABLE, PCT. 3
HAYS COUNTY, TEXAS



Woodcreek Patrol
 February 2015

	<u>Total</u>
Hours:	110
Mileage:	1136
Traffic Contacts:	15
Code Enforcement Contacts:	13
Code Violation Citations:	4
Close Patrol:	85
Criminal:	3
Civil:	2
Other:	0
Agency Assist:	10
Public Assist:	6
Warrants:	0
Jailing:	0

- Please note undocumented civil questions, concerns and other instances will not be included in this report.

Constable Ayres  Deputy Helm 

**City of Woodcreek City Council and Board of Adjustment Meeting
February 11, 2015; 6:30 p.m.
41 Champions Circle
Woodcreek, Texas 78676**

Minutes

- 1.) **Call to Order:** Mayor Steinert called the meeting to order at 6:30 p.m.
- 2.) **Invocation**
- 3.) **Pledge**
- 4.) **Roll Call.** Present: Mayor Michael T. Steinert, Mayor Pro Tem Nancy Britner, Councilmember Kathy Maldonado, Councilmember William Scheel, Councilmember Gordon Marsh, Councilmember Jerry Moore, Director of Public Works Frank Wood, City Manager John Sone, City Attorney Ignacio Perez. **Absent:** City Financial Coordinator Liane Parks, City Treasurer Gene Golembiewski.
- 5.) **Public Comments:** Jack and Mary Kinkel asked to reserve comment for the Board of Adjustment portion of the meeting. Winton Porterfield of Wimberley Springs Partners and Quicksand Golf Course said he came to encourage the Council to grant the Kinkel's request for variance to build a fence on the rear lot line of their property, which borders the golf course. Bill Tarwater and Brent Pulley each said they had comments regarding the agenda item dealing with oak wilt. Rick Bell said he would respond to questions regarding agenda item 9-C regarding the Site Development Plan application by Camp Young Judea. Par View Drive residents Nan Simpson and Carolyn Friant expressed concerns about the new ordinance limiting parking in public parking spaces to two hours; they presented notes, expressing the same views, from their neighbors Stanley Trahan, and Keith and Carolyn Burson.
- 6.) **Citizen Communications:** There were no citizen communications.
- 7.) **Report Items:**
 - A. Public Works Director Wood said that Hays County has begun filling potholes on City streets and will have the work completed by the end of the week. A question was asked about ownership of a small portion of the West end of Woodcreek Drive, beyond the Golf Cottages and up to the low water crossing, and ownership of the crossing, both of which are in substandard condition. The possibility of the City acquiring this portion of the road, either by purchase or by exercising eminent domain, was discussed briefly.
 - B. John Epley, Chairman of the Roads and Streets Committee presented a written report outlining its findings on maintenance, repair and resurfacing over a ten year time line.
 - C. City Manager Sone rendered the Treasurer's report. Councilmember Marsh expressed appreciation to the treasurer for providing a copy of the balance sheet.
 - D. Woodcreek Attorney Ignacio Perez said he thought last week's workshop with the Councilmembers and Planning and Zoning Commission was very productive and provided clarification on a number of items.
 - E. City Manager Sone presented a report of significant events since the last meeting.

8.) Consent Agenda

- A. Approval of the Regular Woodcreek City Council Meeting of January 14, 2015
- B. Approval of the Treasurer's Report for January 2014

Mayor Pro Tem Britner moved to accept the Consent Agenda in its entirety. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.

9.) Regular Agenda

- A. After discussion, Councilmember Scheel moved to approve a resolution supporting legislation to establish the proper local regulation of commercial and non-exempt groundwater production in aquifer areas currently outside of the respective groundwater conservation districts in Hays County. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.
- B. After discussion, Councilmember Maldonado moved to accept the resignation of Suzanne Hill, and the appointment of Judy Brizendine as alternate member to the Planning and Zoning Commission. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.
- C. Public Hearing to consider Site Development Plan amendments for the Camp Young Judea Experiential Center: The Woodcreek Engineer states that the Site Development Plan amendments received on January 23, 2015, have addressed all deficiencies that led to administrative denial of the plan on December 10, 2014. The Fire Marshal concurs. Notice of receipt of the final plan was published in the Wimberley View on January 29, 2015. City Staff recommends favorable consideration of the application. The Planning and Zoning Commission unanimously voted to recommend approval of it at its meeting last week.

Public Hearing Commenced at 7:00 p.m. No public discussion was offered.
The Public Hearing Closed at 7:01 p.m.

Councilmember Marsh moved to approve the Site Development Plan application for Camp Young Judea. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.

- D. After discussion, Councilmember Marsh moved to table action, to update the City Procurement Policy to authorize budgeted street repairs by Interlocal Agreement, pending review and revision of the resolution adopting the policy. The motion was seconded by Councilmember Scheel, which passed with a vote of 5-0-0.
- E. After discussion, no action was taken regarding a resolution dealing with approval of certain purchases and contracts by the Council.
- F. After discussion, no action was taken to ban bus traffic on Doolittle Drive, pending preparation and presentation of draft ordinance by the City Attorney for the next council meeting.
- G. After discussion, and comments from Par View Drive residents Carolyn Friant and Nan Simpson, no action was taken to amend the Traffic Code to prohibit parking in public parking spaces for longer than two hours, pending preparation and presentation of a draft ordinance by the City Attorney for the next council meeting.
- H. After discussion, Councilmember Moore moved to table action to implement the recommendations of the Mayor's Task Force on Off-Street Parking. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.

- I. After discussion, and comments from residents Brent Pulley and Bill Tarwater, Mayor Pro Tem Britner moved to amend the Oak Wilt Ordinance and replace it with the Tree Ordinance. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.

Council Recessed at: 7:15 p.m.

Board of Adjustment Convened at 7:16 p.m.

10.) Board of Adjustment

- A. Application for Variance to the Woodcreek Code of Ordinances, § 50.37 (A) (B) Percheron Custom Homes, LLC, on behalf of Jack and Linda Snow residing at 30 Stonehouse Circle, to complete construction of a driveway that will cause the property to exceed its impervious cover limit by .75%.

1. Staff Report: On January 7, 2015, applicant Percheron Custom Homes, LLC, applied for a variance to § 50.37 Impervious Cover for Lot 14 of Woodcreek Section 2 to exceed the grandfathered level of impervious cover by .75% (from 35% to 35.75%). Notification letters to property owners within 200 feet were posted January 23, 2015.

The applicant states that due to a foundation layout error, the slab was poured too far from the front property line, which caused the driveway and sidewalk sizes to increase before the contractor realized it. Removing the work performed would add a substantial cost to the present owners, Jack and Linda Snow, and the homebuilder. On October 20, 2014, the Mayor and Mayor Pro Tem negotiated a resolution to the problem consisting of a demonstration project of semi-pervious driveway. City Staff recommends favorable consideration of the application. At its meeting of February 2, 2015, the Planning and Zoning Commission voted unanimously recommending approval.

2. Public Hearing: Open: 7: 20 p.m. There were no public comments. Closed: 7:21.
3. Board Discussion and Action: After discussion, Boardmember Maldonado moved to approve the variance to exceed the grandfathered level of impervious cover by .75% (from 35% to 35.75%). The motion was seconded by Boardmember Britner, which passed with a vote of 6-0-0.

- B. Application for Variance to the Woodcreek Code of Ordinances § 156.058 (B) by Jack and Mary Kinkel residing at 75 Woodcreek Drive, to construct a fence on the back property line which is within 25 feet of the Quicksand Golf Course easement.

Board discussion & Action: After discussion, and comments from Jack and Mary Kinkle, Boardmember Britner moved to approve the variance to construct a fence on the back property line which is within 25 feet of the golf course easement. The motion was seconded by Boardmember Marsh, which failed to carry, with a vote of 3-2-1. Opposed: Chairperson Steinert and Boardmember Maldonado. Abstained: Boardmember Moore.

- C. Application for Variance to the Woodcreek Code of Ordinances, § 156.063 (A)(3) and § 156.063 (B)(1)(b)1, by Charles Butler with regard to construction of a residential accessory structure within ten feet (instead of 25') of the rear building setback.

Board discussion & Action: After Discussion, and comments from Charles Butler, Boardmember Scheel moved to approve the variance request. The motion was seconded by Boardmember Britner, which failed to carry, with a vote of 3-1-2. Opposed: Boardmember Maldonado. Abstained: Chairperson Steinert and Boardmember Moore.

Board of Adjustment adjourned at 8:48 p.m.

City Council reconvened at 8:09 p.m.

11.) Adjourn: There being no further business, Mayor Steinert adjourned the meeting at 8:49 p.m.

Michael T. Steinert, Mayor

John W. Sone, City Manager

City Manager

From: Miller, Meredith A <mbmiller@txstate.edu>
Sent: Tuesday, February 10, 2015 4:01 PM
To: 'manager@cityofwoodcreek.com'
Cc: 'Scott Johnson'; Warren, Emily
Subject: RE: quick chat about Coordinator Position

Hi John,

I agree with your interpretation. It is my understanding that the resolution and letter of support indicate only that the City of Woodcreek agrees (not in any binding way) to participate in the implementation of activities outlined in the Watershed Protection Plan. Should Woodcreek choose to implement the best management practices set forth in the most recent draft version of the letter of support sent to the Meadows Center, matched funding of up to 60% would be available to the City (should the proposal be funded).

Your statement: "What I see is the explicit willingness of the City to undertake, at its discretion, certain best management practices which might amount to as much as the level articulated in the plan" is correct.

Obviously, the ultimate goal is to assist the City of Woodcreek with technical and financial assistance to implement best management practices and strengthen the City's ability to protect water quality, but there is no binding commitment to do so.

Please let me know if I can write you a more explicit statement or help in any way.

Thanks,
Meredith

Meredith Miller
Senior Program Coordinator
The Meadows Center for Water and the Environment

No natural resource is more important for our future than water. Water is what we do.

Texas State University
San Marcos, TX

icws.meadowscenter.txstate.edu/

txstreamteam.meadowscenter.txstate.edu/

meadowscenter.txstate.edu/

MBMiller@txstate.edu, Blountmiller@gmail.com

512-245-6697 office 512-213-8793 cell

Blountmiller - Skype



[Explore Spring Lake](#) in a 1-minute video visit.



RESOLUTION NO. 15-031101

**A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS,
AFFIRMING ITS SUPPORT OF THE
CYPRESS CREEK WATERSHED PROTECTION PLAN**

WHEREAS, beginning in 2008, the Meadows Center for Water and the Environment provided technical assistance and facilitation to a group of dedicated Cypress Creek stakeholders, including Hays County and the City of Woodcreek, to create a Watershed Protection Plan; and

WHEREAS, the Watershed Protection Plan developed by the Stakeholder Committee has been approved by the Texas Commission on Environmental Quality and the United States Environmental Protection Agency.

NOW, THEREFORE, BE IT RESOLVED by the City of Woodcreek City Council that:

1. The City extends its appreciation to and congratulates the stakeholder committee and the Meadows Center for their persistence in preparing, submitting, and gaining approval of the Cypress Creek Watershed Protection Plan.
2. Although the City has yet to commit to any level of project funding, it stands ready to initiate action for those projects that it and its strategic partners elect.

PASSED AND APPROVED this the 11th day of March, 2015, by a vote of _ (ayes) to _ (nays) to _ (abstentions) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK, TEXAS

Mayor Michael T. Steinert

ATTEST:

John Sone, City Manager

APPROVED AS TO FORM:
Bojorquez Law Firm, PC

City Manager

From: City Manager <manager@cityofwoodcreek.com>
Sent: Monday, February 16, 2015 12:56 PM
To: 'Kharley Smith'
Cc: Mayor Michael Steinert (mayor@cityofwoodcreek.com)
Subject: RE: Hays County Emergency Plan

Thank you. We'll tee up review and approval by the City Council for its March 11th meeting.
Best,
John

From: Kharley Smith [<mailto:kharley.smith@co.hays.tx.us>]
Sent: Thursday, February 12, 2015 2:14 PM
To: manager@cityofwoodcreek.com
Subject: RE: Hays County Emergency Plan

Here is the document with the tracked changes. The plan follows the State template and the only real changes were due to restructuring departments within the County government.

Kharley

From: City Manager [<mailto:manager@cityofwoodcreek.com>]
Sent: Monday, February 02, 2015 11:55 AM
To: 'Kharley Smith'
Cc: 'Deputy City Planner'
Subject: RE: Hays County Emergency Plan

Kharley, I would like to support the Mayor in this. I believe it will take a Council action to ordain. Is there any kind of record of changes from the 2010 version?

Best,

John

John W. Sone, MPA
City Manager
[City of Woodcreek](http://CityofWoodcreek.com)
O-512.847.9390
manager@cityofwoodcreek.com

From: Kharley Smith [<mailto:kharley.smith@co.hays.tx.us>]
Sent: Wednesday, January 14, 2015 2:56 PM
To: 'Mayor@CityofWoodcreek.com'
Cc: John Sone M.p.a. (manager@cityofwoodcreek.com)
Subject: Hays County Emergency Plan

Mayor Steinert,

As a municipality that falls under the Hays County Emergency Plan, I wanted to provide you with the most recent copy to review and approve for the City of Woodcreek. This document, as well as the annexes that support it, are required to be updated and submitted to the State every five years. I would welcome the opportunity to sit down with you after your review to answer any questions you may have prior to approval. Please let me know when would be a good time and I will make myself available.

City Manager

From: Deputy City Planner <deputy.planner@cityofwoodcreek.com>
Sent: Friday, February 13, 2015 1:53 PM
To: manager@cityofwoodcreek.com
Subject: Hays County Emergency Plan

John,

There are no significant or obvious changes relating to the City of Woodcreek in the updated Hays County Emergency Plan. If you have any further questions, please do not hesitate to contact me.

Regards,

Nate Raiford
Deputy City Planner
City of Woodcreek



RESOLUTION NO. 15-031101

**A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS,
ADOPTING A PROCUREMENT POLICY**

WHEREAS, the City Council originally approved the *Procurement Policy* found at *Exhibit A* at its meeting on March 12, 2014; and

WHEREAS, the City Council of the City of Woodcreek ("City Council") finds the maintenance of financial policy to be in the public interest, and necessary for the efficient and effective administration of City business; and

WHEREAS, the City Council finds the amendment to the policy authorizing the Director of Public Works and City Manager to execute those portions of budgeted Street Maintenance to be performed by Hays County under the City's Interlocal Agreement and enacted by this Resolution to be reasonable and prudent.

NOW, THEREFORE, BE IT RESOLVED by the City of Woodcreek City Council:

1. The document entitled, "City of Woodcreek *Procurement Policy*" is hereby approved and adopted for purposes of conducting City business.
2. The Council directs City staff to implement the *Procurement Policy* to the extent reasonably possible.
3. The City Secretary is instructed to include a copy of this Resolution and the *Procurement Policy* enacted by this Resolution in and among the records of the City.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this, the 11th day of March, 2015, by a vote of
_ (ayes) to _ (nays) to _ (abstentions) of the City Council of Woodcreek, Texas.

City of Woodcreek

by: _____
Mayor Michael T. Steinert

ATTEST:

John Sone, City Manager

APPROVED AS TO FORM:
Borjorquez Law Firm, PC

City of Woodcreek

PROCUREMENT POLICY

I. PURPOSE

This policy establishes guidelines and procedures for procurement for the City of Woodcreek, Texas. In accordance with the public trust placed upon the City of Woodcreek, it is essential that all City officials and employees adhere to the procedures set forth by this policy.

II. PROCEDURE

All expenditures must be in accordance with an annual budget approved by the City Council. Unbudgeted purchases must be approved in advance by the City Council.

A. Contracting

- (1) The City of Woodcreek will not be legally bound by verbal agreements for materials, parts, equipment, supplies or services without a written purchase order.
- (2) The procurement process shall be competitive and the solicitation of **three** proposals is required for all contract work, the value of which is expected to exceed \$750.00. Approval shall be requested for the one received from the lowest and best responsible source-price, quoted delivery, vendor reliability and other factors considered. The intent is to purchase equipment, materials, supplies and services at the lowest total cost to the City of Woodcreek, from the best responsible sources. All quotes should be attached to the purchase order. Faxes, emails or written quotes are acceptable.
- (3) A W-9 is required from all contractors and will be furnished at the time of contracting. Payment may not be processed without one. Other items to be furnished at the time of contracting include proof of liability insurance, professional licensing, and worker's compensation as applicable.
- (4) Employees will coordinate with the City Manager, when appropriate, participation in negotiations with contractors relative to specifications and contractual responsibilities. This will facilitate the thorough understanding and preparation of contract terms and conditions.

- (5) If changes are necessary after the performance of a contract has commenced, the City Manager must approve the change order, except when City Council approval is required by law.
- (6) City Council approval is required on all unbudgeted work orders over **\$750.00**.
- (7) *When estimates are received from Hays County Transportation Services, found to be fair and reasonable by the Director of Public Works, found to be within budgeted amounts by the City Manager, the City's procurement agent may approve the expenditure not to exceed \$8,000.00.*

B. Local Purchases

- (1) There shall be a preference in the City's procurement activities to buy local, to the extent reasonably possible and fiscally prudent, and within the confines of state law.
- (2) With the authorization of the City Manager, authorized employees may make local purchases, not exceeding **\$100.00** without the use of a purchase order. For purposes of this Policy, "local purchases" are those made in the city limits of Woodcreek or Wimberley.
- (3) An invoice or charge slip must be obtained for all purchases and returned to the City Treasurer.
- (4) No payment will be made for this type of purchase without the City Manager's approval.

C. Equipment Purchases

Equipment procurement requires a minimum of **three** quotes for all purchases over **\$750.00**.

D. Other purchases

Purchases for Daily Operations such as Office and Janitorial supplies will be bought in bulk. An exception to this policy for immediate need requires authorization from the City Manager.

E. Purchase Orders

- (1) No Purchase orders will be processed without appropriate approvals. The requisitioner is responsible for verifying that all quotes accurately describe the materials, equipment, supplies or services to be purchased.

(2) Purchase orders will be numbered. The records should indicate the reason for any voided purchase order.

(a) After final approval, the original top copy should be maintained until work is completed and then final invoice attached and turned into the Financial Coordinator for payment.

(b) A copy will be provided to the vendor.

F. Contract Change Orders

While every attempt is to be made to establish an exact expenditure from the initiation of the contract, a need to alter the original contract may arise. Every effort should be made during the work process to limit Change Orders, but if changes are necessary the City Manager must approve.

G. Sales Taxes

As a municipal corporation, the City is exempt from paying sales taxes. Those persons making purchases on behalf of the City are obligated to make stores and vendors aware of this exemption.

H. Means of Purchase

To the extent possible, purchases shall be made utilizing the following hierarchy, with the preferred means listed first below:

(1) Direct bill to the City.

(2) City-issued credit card.

(3) Check drawn on City's bank account.

III. GUIDANCE DOCUMENT

This Policy shall be utilized as a guidance document, only. Failure to comply with the mandates of this Policy shall not be considered illegal, per se, or the violation of law.

However, the City Council reserves the right to consider disregard of this Policy grounds for disciplinary action in employment situations.

IV. STATE LAW

Nothing in this Policy shall be construed as waiving or altering the mandates of state law.

ORDINANCE NO. 15-_____

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 70 OF THE CODE OF ORDINANCES
(TRAFFIC SCHEDULES)

AND

AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES
(ZONING ORDINANCE)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WOODCREEK AT TITLE VII ("TRAFFIC CODE") CHAPTER 70 ("TRAFFIC SCHEDULES") BY ADDING A NEW "SCHEDULE IV" ALLOWING PARKING ON CITY RIGHTS-OF-WAY AS PROVIDED THEREIN, ALLOWING THE PARKING OF VEHICLES ON CITY-LICENSED PARKING SPACES IN CITY RIGHTS-OF-WAY FOR LIMITED DAILY PARKING, THE VIOLATION OF WHICH MAY RESULT IN TOWING OF VEHICLE AT OWNER'S EXPENSE, AND PROVIDING A CRIMINAL FINE NOT TO EXCEED \$500 PER DAY PER VIOLATION; ADDING A PROVISION TO ERECT SIGNS READING "2 HOUR PARKING - VIOLATORS WILL BE TOWED AT VEHICLE OWNER'S EXPENSE" IN THE VICINITY OF THE PUBLIC PARKING SPACES AT DEERFIELD DRIVE AND WOODCREEK DRIVE, AND CHAMPIONS CIRCLE AT WOODCREEK DRIVE; AND ALSO AMENDING THE CODE OF ORDINANCES OF THE CITY OF WOODCREEK AT TITLE XV ("LAND USAGE"), CHAPTER 156 ("ZONING"), TO MODIFY EXISTING DEFINITIONS AND DEFINE NEW TERMS, REQUIRE DRIVEWAYS TO BE PERVIOUS, TO ALLOW CARPORTS WHEN GARAGE REQUIREMENTS ARE MET, TO ALLOW PARKING OF BUSES, COMMERCIAL VEHICLES, TRAILERS, BOATS, AND OTHER SPECIFIED VEHICLES WHEN THEY ARE NOT VISIBLE FROM A PUBLIC PLACE OR ANY RIGHT OF WAY, TO REWORD THE PROVISION PROHIBITING STORAGE OF VEHICLES NOT IN OPERATING CONDITION, PROVIDING A CRIMINAL FINE NOT TO EXCEED \$500 PER DAY PER VIOLATION, AND MAKING FINDINGS OF FACT, PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, at the request of Mayor Michael Steinert a Task Force was formed and convened, charged with reviewing the current Code of Ordinances ("Code") as to the status of provisions

regarding off-street parking and City right-of-way ("ROW") parking, taking into consideration the areas of safety concerns and current needs and desires of the City's residents, and in the context of the latest revision of the City Master Plan (Vision 20-20); and

WHEREAS, the Task Force's review included an evaluation of potential designs of off street parking areas within the City's ROWs, as well as existing and proposed City-owned parking areas at various locations in the City, and also the submission of for any Code revisions deemed necessary to accomplish the goals of the Task Force; and

WHEREAS, the Task Force presented a draft report to the City Council at its October 8, 2014 meeting and then, after the initial report was posted in the City's website and the Task Force elicited and received citizen input, the initial report was finalized and supplemented with an Appendix C, and the full report was then submitted to and considered by the City council at its meeting of November 19, 2014, when the same was received, considered, and accepted by the City Council; and

WHEREAS, the City Council of the City of Woodcreek finds that the Task Force's report is factually based and supported by reasonable findings and considerations, and that its recommendations are appropriate and suitable to address the issues and concerns the review of which was entrusted to it,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 70 ("Traffic Schedules") and Chapter 156 ("Zoning") of the Code of Ordinances of the City of Woodcreek are hereby amended so as to read in accordance with *Attachment A* and *Attachment B*, respectively, which are attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 70 and Chapter 156, as amended by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of its caption

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the _____ day of _____ 2015, by a vote of ___ (ayes) to ___ (nays) and ___ (abstentions) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

by: _____
Mayor Michael T. Steinert

ATTEST:

John Sone, City Manager

APPROVED AS TO FORM:
Bojorquez Law Firm, PC

Attachment "A"**CITY OF WOODCREEK
CODE OF ORDINANCES
TITLE VII: TRAFFIC CODE
CHAPTER 70: TRAFFIC SCHEDULES**

Schedule

I. Truck traffic; oversized vehicles

II. Stop and yield intersections

III. Speed limits

IV. Parking**SCHEDULE IV. PARKING.**

(A) Right-of Way Parking. In order to help alleviate the limited availability of motor vehicle parking in the city, additional parking spaces will be made available within the city's rights-of way, as conditioned and regulated by this Schedule, in the following locations:

(1) Authority. The City Manager may issue permits for the parking of motor vehicles on city rights-of-way in the specified locations, to be used by permittees in compliance with such terms and conditions as the city may in its discretion find reasonable.

(2) Qualification. Any owner of residential property abutting the specified locations qualifies to apply for a right-of-way parking permit for use in connection with the residential property.

(3) Application and Fee. A qualified residential property owner may apply for a right-of-way parking permit by submitting an application on such form as may be required by the city, together with any supplemental information and documentation, which must include a proposed design, sketch, drawing or map, using as a model the design concept appearing in Appendix B of the Task Force Report, a copy of which is posted in the city's website and is on file at the City Manager's office. The property owner must pay such application fee as may be set by the city before the application may be processed.

(4) Permit Processing and Issuance. The City Manager shall review applications for completeness and determine whether the requested permit qualifies for approval. If approved, the City Manager shall issue a permit to the applicant, specifying the property address it is associated with and the location of the right-of-way parking space. The permit will be effective as of the date stated therein and until the same is terminated by the city or cancelled by the property owner.

(5) Conditions and Requirements. It shall be unlawful to violate any of the following conditions or requirements, which violation shall subject the permittee to the penalties in § 10.99 of this code of ordinances, and shall be cause for permit termination.

(a) The permitted right-of-way parking space may only be used for parking and exclusively by the permittee, tenants of the property, and their guests.

(b) Permits are not transferable.

(c) The permit does not grant permittee any property rights to the right-of way beyond the right to use the parking space as provided in this Schedule. Permits shall be subject to all existing easements, and permittee shall allow and not interfere with any use of the right-of-way parking space for utility or other work allowed within such existing easements, which work shall be allowed to proceed without any delay and without any compensation to the permittee by the city or easement holder.

(d) The permittee may begin using the allocated right-of-way parking space as soon as the same is inspected and approved by the city. The installation should follow the design submitted with the application, as approved by the City Manager. The parking space should be bordered with rock, brick, concrete, or metal edging to act as a weed barrier and to prevent migration of pervious fill into the owner's yard or onto the street. The installation should be made in a way that enhance the aesthetics of the property and its vicinity.

(e) Prior to initiation of any installation, the permittee must have the parking space inspected by dialing 811 to have any underground utilities located.

(f) Acceptance of a right-of-way parking permit constitutes acknowledgement and agreement by property owners that any damage caused by their installation and/or the use of the permitted parking space shall be their sole responsibility and not the city's.

(g) It shall be the permittee's responsibility to maintain the allocated space free of weeds and invasive grasses. Any utility work that that may take place within the parking space might

cause damage to the parking space, and the permittee is encouraged to work with the utility contractor to see that the parking space is returned to its original or better condition.

(h) No vehicle or part thereof shall be allowed to park outside of the designated parameters of the allocated space. Maneuvering may take place on the permitted parking space and on the parking and driveway areas on permittee's property that are paved according to required city specifications.

(6) Permit Validity and Expiration. Right-of-way parking permits shall be valid from the date of issuance and until the same is terminated by the City pursuant to any provision of this Schedule or cancelled at the permittee's written request. Permits may be terminated by the city at any time whenever, following a 30 day written notice, a permittee has failed to abate any violation of its terms or of this Schedule. The city reserves the right, in the exercise of its sole discretion, at any time to terminate a permit upon a 90 day written notice. Upon permit cancellation or termination the city may require that the subject right-of-way be fully or partially restored to its original condition.

(7) Records. The city shall maintain a continuing record of all permits issued.

(B) Compliance. It shall be unlawful for any person to park of motor vehicles on city rights-of-way, contrary to any of the regulations contained in this schedule.

(C) Parking on City-Licensed Parking Spaces in City Rights-of-Way. In order to help alleviate the limited availability of motor vehicle parking in the city, additional parking spaces may be constructed by private property owners under the provisions of this Schedule within the city's rights-of-way wherein parking will be allowed for limited periods of time. It is unlawful to park a vehicle or any part thereof in any city-licensed right-of-way parking place between the hours of 2:00 a.m. and 6:00 a.m., or for any amount of time where signage specifically prohibits any parking.

(D) Erection of signs. The city may erect signage of such design, placement, and location as may be required by law, and any other signage as city staff may determine appropriate or necessary, to notify the public that parking in licensed City right-of-way parking spaces is not allowed between the hours of 2:00 a.m. and 6:00 a.m., is not allowed at all, or is otherwise restricted, and that violations may result in the towing of vehicles at owner's expense.

(E) Two Hour Parking Signs. In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive, the city shall erect signs reading "2 Hour Parking – Violators will be towed at vehicle owner's expense".

(F) Penalty. Any person violating any provision of this Schedule shall be subject to the penalties and provisions in § 10.99 of this code of ordinances.

DRAFT

Attachment "B"

CITY OF WOODCREEK CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 156: ZONING

§ 156.009 DEFINITIONS.

[...] **COMPACT PARKING SPACE.** A parking space of not less than 128 square feet exclusive of the driveways connecting said space with the street or alley.

[...] **DRIVEWAY.** A paved hard, impervious surface such as hot mix asphalt or concrete surface connecting a drive approach with a parking space, parking lot, loading dock, or garage.

[...] **GARAGE.** A four-sided structure, fully enclosed on three sides, with a door on the fourth side, with a roof and concrete floor, accessible by a hard surface paved driveway. See § 156.064 of this chapter for **GARAGE** requirements by zoning district.

[...] **OFF-STREET PARKING SPACE.** An area A parking space of not less than ten feet by 20 feet in privately owned land not less than ten feet by 20 feet not on a public street or alley, with an all-weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that, where there are 4 or more parking spaces, not more than 25% of any required off-street parking spaces **them** may be compact parking spaces of not less than 128 square feet exclusive of the driveways connecting said space with the street or alley.

[...] **PARKING SPACE.** An A paved area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than ten feet by 20 feet, exclusive of the driveways connecting said space with a street or alley. Said **PARKING SPACE** and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Compact **PARKING SPACES** shall be 128 square feet exclusive of the driveways connecting said space with the street or alley.

PAVED AREA. An area surfaced with a permeable material or with asphalt, concrete or similar pavement material, meeting the city's standards, ~~providing an all-weather surface. Gravel is not an acceptable~~ **PAVED SURFACE.**

RIGHT-OF-WAY PARKING. Parking of motor vehicles on city right-of-way as allowed under Chapter 70, Schedule IV.

§ 156.028 ~~HARD SURFACE DRIVEWAYS.~~

All buildings shall have a pervious cover driveway but may have a hard-surface driveway to the extent it does not result in the property exceeding the maximum impervious cover limit. Accessory structures not accessed by ~~road~~ motor vehicles are excepted from the requirement of driveways.

§ 156.029 PARKING.

Parking of motor vehicles, including automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned rights-of-way, park or greenbelt is prohibited.

§ 156.037 PARKING AND LOAD REQUIREMENTS.

No structure or building that requires a permit of any kind shall be erected, converted, enlarged, reconstructed or structurally altered unless it shall conform to the off-street parking and loading requirements of this chapter.

§ 156.057 CARPORTS AND GARAGES.

Where garages are required, carports ~~Carports are not permitted unless the garage requirements have been complied with in any zoning district. A fully enclosed garage is required. See § 156.064 of this chapter for garage requirements by zoning district.~~

§ 156.060 PARKING.

(A) All owners, tenants or occupants of any residence ~~used for residential purposes shall be required to park their~~ motor vehicles in garages, carports or driveways. No such vehicle, trailer or recreational vehicle shall be parked on a street or within any property unless same is not visible. Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, except

on a temporary basis, unless same is not visible from a public place or any right of way. **TEMPORARY** shall be defined as not exceed five days in any 30-day period.

(B) It shall be unlawful for anyone to have on any property they own, rent, or occupy, a junked vehicle, as such term is defined in Sec. 683.071 of the Texas Transportation Code, except that as allowed under Sec. Sec. 683.0711 of that same code, a vehicle shall also be considered to be a junked vehicle if it is inoperable and has remained inoperable and visible from a public place or public right of way for more than 7 consecutive days. ~~store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential. Each dwelling unit shall have a hard surface driveway, providing a minimum of three off-street parking areas, each area measuring ten feet by 20 feet.~~

DRAFT



RECEIVED
DEC 11 2016
CITY OF WOODCREEK

City of Woodcreek Application for Variance

Application Information

Date of Application Submission: 12-12-14

Petitioner's Name: JACK AND MARY KINKEL

Mailing Address: 75 WOODCREEK DR WIMBERLEY TX 78676

Telephone Number(s): (512) 619-5540 ; (512) 791-1447

Description and Location of Property Requested for which Variance is requested.

Property Owner's Name: JACK AND MARY KINKEL

Property Owner's Mailing Address: 75 WOODCREEK DR

Section Location & Lot Number: Z - 275

Property Address: 75 WOODCREEK DR

Current Zoning Designation: RESIDENTIAL

State hardship or situation that you feel justifies action by the Board of Adjustment.

FENCE IN BACK YARD TO CONTAIN FAMILY DOG

PLEASE ALLOW A REFUND OF \$500.00 VARIANCE FEE
WAIVER

Variance Requested – Please be specific! [Example: Variance to reduce the required side yard setback for a detached accessory building from 25 feet to 18 feet.]

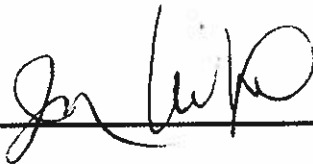
BACK YARD FENCE - VARIANCE TO BUILD OUT
TO BACK PROPERTY LINE

As per § 30.57 of the Woodcreek Code of Ordinances, a variance is defined as “An adjustment or deviation in the application of specific regulations of Ch. 50, 154 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges enjoyed by other owners of similarly situated parcels in the same vicinity and district.”

Fees

The applicant seeking a variance shall pay to the City at the time of submittal a fee to be noted in Chapter 35, (Fee Schedule) of the Woodcreek Code of Ordinances. Payment of this fee may be either delivered in person or mailed to the City of Woodcreek, 41 Champion Circle, Woodcreek, TX 78676.

Applicant Signature:



Date:

12-12-14

For City Use Only:

Application, required information, and fee received:

Date: 12-11-2014 Check # 9069 Initials: HH

Referred to Board of Adjustment:

Date: 1-5-15 Initials: AA

Publication of Public Hearing by Board of Adjustment:

Date: 12-16-14 Initials: AA

Action by Board of Adjustment:

Approved: Denied: 3-1-2
Date: 2-11-15 Initials: AA

Notes:

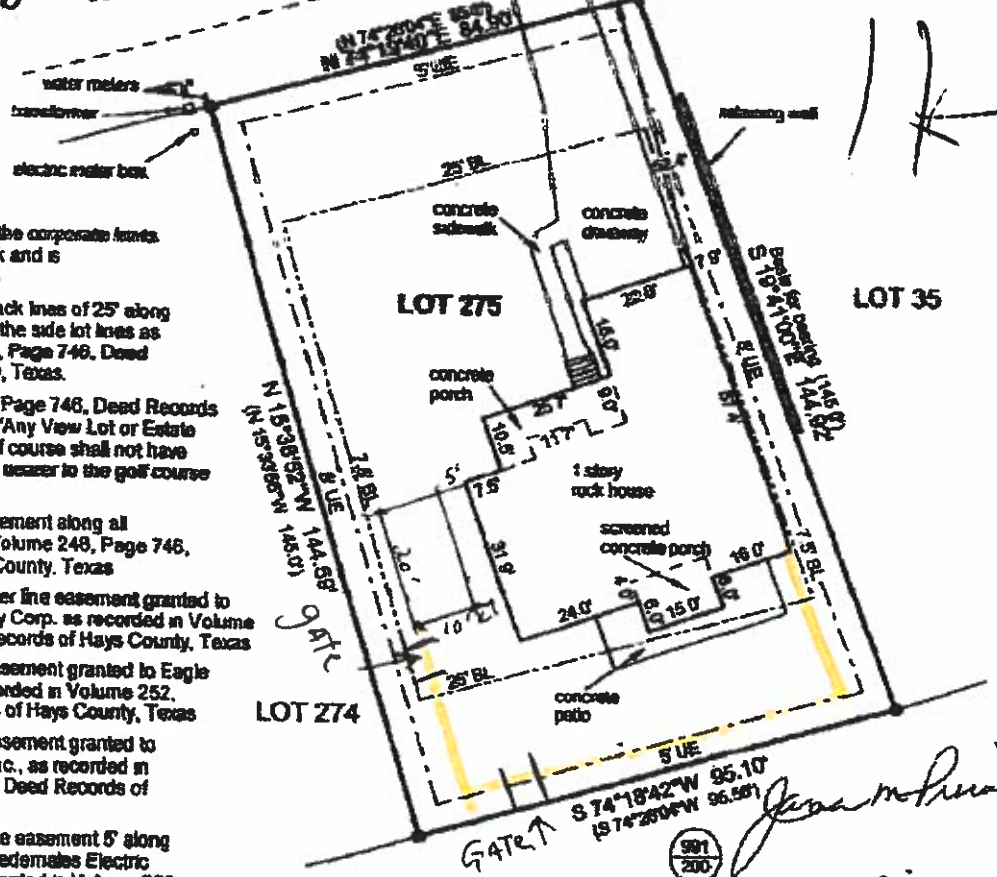
Request for reconsideration filed 2-23-15.

BL = building setback line
(XXXX) = recorded data

Val = Hays County Deed Records

Loan #
323-02-4090

WOODCREEK DRIVE (50' R.O.W.)



This property lies within the corporate limits of the City of Woodcreek and is subject to its ordinances

Reference building setback lines of 25' along the front, and 7.5' along the side lot lines as recorded in Volume 248, Page 746, Deed Records of Hays County, Texas.

Reference Volume 248, Page 746, Deed Records of Hays County, Texas, "Any View Lot or Estate Lot bordering on the golf course shall not have any building or structure nearer to the golf course than 25 feet"

Reference a 5' utility easement along all lot lines as recorded in Volume 248, Page 746, Deed Records of Hays County, Texas

Reference a blanket water line easement granted to Wimberley Water Supply Corp. as recorded in Volume 210, Page 128, Deed Records of Hays County, Texas

Reference a passage easement granted to Eagle Rock Ranch Inc. as recorded in Volume 252, Page 74, Deed Records of Hays County, Texas

Reference a roadway easement granted to Construction Modules Inc., as recorded in Volume 265, Page 318, Deed Records of Hays County, Texas

Reference an electric line easement 5' along all lot lines, granted to Pedernales Electric Cooperative Inc., as recorded in Volume 266, Page 882 and Volume 273, Page 179, Deed Records of Hays County, Texas

James Pierce
Ginger Pierce
"Golf Course"

Copyright © 2002 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a 100 year flood hazard zone as determined from FIRM Hazard Map, Community Panel No. 480321 0083E, dated February 18, 1998.

LEGAL DESCRIPTION: Lot 275, REPLAT AND EXTENSION OF WOODCREEK, SECTION 2, a subdivision in Hays County Texas, according to the map or plat thereof recorded in Volume 1, Pages 151, Plat Records of Hays County, Texas.

PHYSICAL ADDRESS: 75 Woodcreek Drive, Wimberley, Texas 78676

CLIENT: James Pierce and Ginger Pierce

TITLE COMPANY: Fidelity National Title Insurance Company sm
G.F. No.: 02-64019

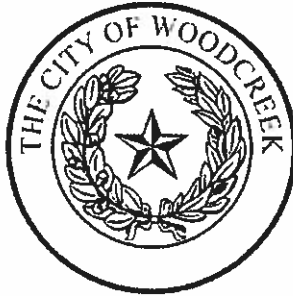
Hereby certify that this plat represents a survey made upon the ground under my supervision, on August 7, 2002, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso
Clyde Barroso, R.P.L.S. #6404, State of Texas.



EAGLE LAND SURVEYING

Scale: 1" = 30'



Public Notice

The City of Woodcreek has received application from Jack and Mary Kinkel, 75 Woodcreek Drive, for a variance to § 156.063 (A) (3) of the Woodcreek Code of Ordinances to permit installation of a fence within twenty-five feet of the Quicksand Golf Course.

On Monday, January 5, 2015 at 6:30 p.m. the Woodcreek Planning and Zoning Commission will conduct a public hearing at Woodcreek City Hall, 41 Champions Circle, of this application. On Wednesday, January 14, 2015, the Woodcreek City Council will conduct a public hearing at City Hall, at its regularly scheduled meeting set to begin at 6:30 p.m.

All interested parties are encouraged to attend.

This notice is issued pursuant to § 156.137 (E) of the Woodcreek Code of Ordinances. Interested parties may contact the City of Woodcreek for more information.

Mailed to
200-ft. notif.
address list.
12/16/2012
JST

Wimberley Springs Partners Ltd.

31 W. Valley Springs Rd.
Wimberley, Texas 78676
winton@wimberleysprings.org
(512) 842-2900
(512) 847-5054 (fax)

December 18, 2014

Mr. and Mrs. Kinkel
75 Woodcreek Drive
Wimberley, TX 78676

Re: Section 2, Lots 275
Woodcreek Subdivision

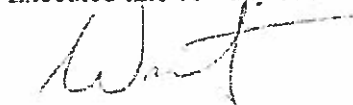
Mr. and Mrs. Kinkel:

I, Winton Porterfield, representing Wimberley Springs Partners, Ltd. (formerly known as Wimberley Quicksand Partners) do hereby grant a variance to allow the construction of a fence on the back property line of the above-referenced property, and within the 25' golf course easement recorded in Volume 1, Page 152, Official Public Records of Hays County, Texas on February 28, 1972 and shown on the attached survey drawing. Said fence will be a black galvanized, steel picket style fence.

This Agreement shall be binding upon the parties hereto and their heirs, successors and assigns, and shall be a covenant running with the above described property.

Wimberley Springs Partners, Ltd. or its assignee, at its sole discretion and to the extent wherein not expressly prohibited, is hereby permitted to approve in writing deviations in the restrictions in instances where, in its judgment, such deviations will result in a more common beneficial use and enhance the overall development plan for the property. The approval of a deviation in the restrictions by Wimberley Springs Partners, Ltd. does not obligate Wimberley Springs Partners, Ltd. to approve a similar deviation at a later time.

Executed this 18th day of December 2014.



Winton Porterfield
Vice President

VARIANCE

STATE OF TEXAS §
 §
COUNTY OF HAYS §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, Wimberley Springs Partners, Ltd., a Texas Limited Partnership, f/k/a Wimberley Quicksand Partners, does hereby grant a variance to allow the construction of an addition onto an existing garage within the golf course setback easement of Woodcreek, Section 6-B, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Pages 231-232, Plat Records, Hays County, Texas, and

WHEREAS, the owner of Lot 80 has requested a variance from the restrictions, which provide for a golf course setback easement, and

WHEREAS, Wimberley Springs, Ltd., or its assignee, at its sole discretion and to the extent wherein not expressly prohibited, is hereby permitted to approve in writing deviations in the restrictions in instances which, in its judgment, such deviations will result in a more common beneficial use and enhance the overall development plan for the property. The approval of a deviation in the restrictions by Wimberley Springs Partners, Ltd. does not obligate Wimberley Springs Partners, Ltd. to approve a similar deviation at a later time.

NOW, THEREFORE, Wimberley Springs Partners, Ltd. hereby grants a variance to allow the construction of an addition onto an existing garage within the golf course setback easement. This variance shall be binding upon the parties hereto and their heirs, successors and assigns, and shall be a covenant running with the above described property.

Effective this 18th day of December, 2014.

Wimberley Springs Partners, Ltd.,
A Texas Limited Partnership
f/k/a Wimberley Quicksand Partners

By: _____

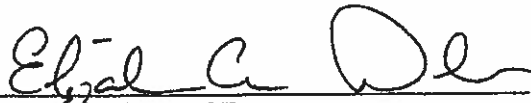
Winton Porterfield, Vice President

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on this 18 day of December, 2014 by Winton Porterfield, Vice-President of the Wimberley Springs Partners, Ltd., a Texas Limited Partnership on behalf of said partnership.



Notary Public, State of Texas

